

Overview and Scrutiny Management Board

25 October 2021

AHS Annual Statutory Representations Report 2020/21

Ordinary Decision



Report of Corporate Management Team

Jane Robinson, Corporate Director- Adult and Health Services

Purpose of the Report

- 1 To provide an overview of statutory representations relating to adult social care services for the period 1 April 2020 – 31 March 2021.

Executive summary

- 2 The Annual Statutory Representations Report is prepared under the provisions and requirements of the '*Local Authority Social Services and National Health Service Complaints (England) Regulations 2009*'. The report content reflects the requirements detailed in the regulations.
- 3 Analysis of performance has identified the following are the key messages for 2020/21:
 - a) There has been a decrease in the number of complaints investigated from 81 in 2019/20 to 75 in 2020/21.
 - b) There was also a reduction in the number of complaints that the Council declined during 2020/21; 10 compared to 16 in the previous performance year.
 - c) DCC AHS received 4 complaints where the contribution of colleagues from Health were needed to inform upon the Council's response, leading in these investigations and responding on behalf of all involved organisations in line with joint protocols. This was a reduction from 11 in the previous performance year. The Council also contributed to a further 6 investigations led by Health, one more than the previous performance year.

- d) Older People/Physical Disabilities/Sensory Impairment received 31% of the overall complaints about adult social care services, down from 47% in 2019/20. In contrast, complaints relating to Finance more than doubled from 9% in 2019/20 to 20% in 2020/21.
- e) The new category of ***Covid-19 related***, which was added in March 2020, was the highest reason (21) for making a complaint in 2020/21.
- f) The LGSCO raised 22 adult social care complaints with the Council during 2020/21, compared to 17 in 2019/20, taking action and/or reaching a decision on 10 of these cases with 12 still being investigated at the time of writing this report.
- g) The service received 66 compliments about adult social care services during 2020/21, a significant decrease from 130 in 2019/20 with compliments for County Durham Care and Support totalling only 10, representing a significant reduction when compared to the previous performance year (82).

Recommendation(s)

- 4 Overview and Scrutiny Management board are requested
 - a) to note the contents of the report and approve the AHS Annual Statutory Representations Report;
 - b) to agree to the publication of the AHS Annual Statutory Representations Report as required in line with the regulations.

Background

- 5 Complaints handling and the production of the annual report are managed under the provisions and requirements of the '*Local Authority Social Services and National Health Service Complaints (England) Regulations 2009*'. This is a single joint complaints process for both social care and health services where there are no fixed timescales for managing a complaint with a greater focus on local resolution. If all proportionate resolution mechanisms have been exhausted and if the complaint remains unresolved, the complainant can refer outstanding issues to the Local Government and Social Care Ombudsman (LGSCO). The regulations also introduced a duty for health and social care services to cooperate, should this be required, in complaints investigations.
- 6 The report aims to identify the topics and trends from the compliments and complaints received, as well as illustrating where this feedback has been used to improve services.

Main Implications

- 7 Information contained within the Annual Statutory Representation Report was considered by Corporate Management Team (CMT) on 23 June 2021.

Conclusion

- 8 The complaints function is a statutory requirement for social care services, and it plays a vital role in contributing to quality improvement across adult social care as it provides an understanding of the service users' experiences. Acting upon the learning arising from complaints provides the opportunity to change practice and improve service delivery with transparency and accountability.
- 9 A collaborative approach is continually promoted during the management of complaints, where the complainant is central to the process and resolution is proactively sought and encouraged.

Background papers

- AHS Annual Statutory Representations Report 2020/21

Other useful documents

- None

Author(s)

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Appendix 1: Implications

Legal Implications

The report has been developed in line with the 'Local Authority Social Services and National Health Service Complaints (England) Regulations 2009'. Day to day management of complaints is supported by Legal Services when appropriate.

Finance

Complaints can lead to financial claims for remedy, in 2020/21 this equated to £1,600.

Consultation

None.

Equality and Diversity / Public Sector Equality Duty

Consistent with national and local requirements, with the representations procedure taking into account equality and diversity whilst ensuring accessibility.

Climate Change

None.

Human Rights

Compatible with Human Rights Act – able to record and respond to complaints about alleged breaches.

Crime and Disorder

None.

Staffing

Staff are made aware of compliments and feedback given, any areas of underperformance highlighted as a consequence of staff actions within a complaint are acted upon with the individuals/teams concerned.

Accommodation

None.

Risk

Upheld complaints can lead to reputational risk for the Local Authority.

Procurement

None.