

# Overview and Scrutiny Management Board

24 October 2022

## AHS Annual Statutory Representations Report 2020/21

### Ordinary Decision



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## 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 2021 – 31 March 2022.

### 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 2021/22:
  - a) There has been an increase in the number of complaints investigated from 75 in 2020/21 to 79 in 2021/22.
  - b) There was also a reduction in the number of complaints that the Council declined during 2021/22; 4 compared to 10 in the previous performance year.
  - c) Durham County Council (DCC) Adult and Health Services (AHS) received 3 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 4 in the previous performance year. The Council also contributed to a further 2 investigations led by Health, a reduction from 6 in the previous performance year.

- d) Older People/Physical Disabilities/Sensory Impairment received 34.25% of the overall complaints about adult social care services, an increase from 31% in 2020/21. Complaints relating to Finance increased significantly in number from 15 complaints in 2020/21 to 26 in 2021/22, representing an overall percentage increase from 20% to 33%.
- e) The most common reason for making a complaint in 2021/22 was **Finance – Charging Policy** (24). This replaced the category of **Covid-19 related** about which 21 complaints were received in 2020/21 but only 1 complaint in 2021/22.
- f) The Local Government and Social Care Ombudsman (LGSCO) raised 15 adult social care complaints with the Council during 2021/22, compared to 22 in 2020/21, taking action and/or reaching a decision on 11 of these cases with 4 still being investigated at the time of writing this report.
- g) The service received 48 compliments about adult social care services during 2021/22, a decrease from 66 in 2020/21 with compliments for County Durham Care and Support totalling 11, representing a plateauing of compliments for this service when compared to the previous performance year (10) after previous highs.
- h) Nearly 32% of complaints investigated through to a finding were not upheld, compared with 52% not upheld in the 2020/21 performance year (5.4% of complaints were still under investigation with an outcome pending at the time of writing the 2020/21 annual report). All complaints had been investigated through to a finding in 2021/22 with 68.5% having some or all aspects of the complaint upheld.

## **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 31 August 2022.

## **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**

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### **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 2021/22 this equated to £1,200 as a result of recommendations made by the Local Government and Social Care Ombudsman.

### **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.