

# Corporate Overview and Scrutiny Management Board

23 October 2023

## AHS Annual Statutory Representations Report 2022/23



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### Report of Jane Robinson, Corporate Director Adult & Health Services

#### Electoral division(s) affected:

Countywide

#### Purpose of the Report

- 1 The purpose of the report is to provide an overview of statutory representations relating to adult social care services for the period 1 April 2022 – 31 March 2023.

#### 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 2022/23:
  - a) There has been a 20% increase in the number of complaints investigated from 79 in 2021/22 to 95 in 2022/23.
  - b) There was also an increase in the number of adult social care complaints the Council declined during 2022/23; nine compared to four in the previous performance year.
  - c) Durham County Council (DCC) Adult and Health Services (AHS) received four 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 an increase from three in the previous performance year. The Council also

contributed to a further nine investigations that are not included in the reported figures as these were led by Health, an increase from two in the previous performance year.

- d) In relation to service areas, Older People / Physical Disabilities / Sensory Impairment received 36% (34) of the overall complaints about adult social care services, an increase from 34.25% (27) in 2021/22. Complaints relating to Finance increased in number from 26 complaints in 2021/22 to 32 in 2022/23, representing on average a third of all complaints received in these two performance years.
- e) The most common reason for making a complaint in 2022/23 was **Finance – Charging Policy**, identified as a factor in 33.5% (32) of complaints. This was also the most common reasons for making a complaint in 2021/22 linked to 24 (30% of) complaints.
- f) Adult social care complaints escalated to the Local Government and Social Care Ombudsman (LGSCO) by the complainant after receipt of the Council's complaints response totaled 14 during 2022/23, compared to 15 in 2021/22, with the Ombudsman taking action and/or reaching a decision on 11 of these cases with 3 still being investigated at the time of writing this report.
- g) The service received 93 compliments about adult social care services during 2022/23, an increase of 94% from 48 in 2021/22 with compliments for Older People/Physical Disability/Sensory Support doubling from 31 to 62.
- h) All complaints made in 2022/23 have been investigated through to a finding at the time of writing this report and 42.5% were not upheld, compared with 32% in the previous performance year, with 57.5% having some or all aspects of the complaint upheld in 2022/23 compared to 68% in 2021/22. The overall number of complaints upheld in their entirety has decreased from 26 to 22 over the two reporting years, despite the increase in the numbers of complaints received.

## Recommendations

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 (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.

## **Conclusion**

- 7 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.
- 8 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 2022/23.

## **Authors**

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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 2022/23 at the time of writing this report, this equated to £11,666.19 as a result of recommendations made by the Local Government and Social Care Ombudsman.

### **Consultation**

Not applicable.

### **Equality and Diversity / Public Sector Equality Duty**

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

### **Human Rights**

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

### **Climate Change**

Not applicable.

### **Crime and Disorder**

Not applicable.

### **Staffing**

Not applicable.

### **Accommodation**

Not applicable.

### **Risk**

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

### **Procurement**

Not applicable.