

**Corporate Overview and Scrutiny  
Management Board**

**28 October 2024**

**Adult and Health Services (AHS) Annual  
Statutory Representations Report  
2023/24**



**Ordinary Decision**

---

**Report of Michael Laing, Interim Corporate Director of Adult and Health Services**

**Electoral division(s) affected:**

Countywide

**Purpose of the Report**

- 1 To present the Annual Statutory Representations Report for Adult Social Care Services 2023/24 for approval prior to publication in line with regulatory requirements.

**Executive summary**

- 2 The Annual Statutory Representations Report for Adult Social Care Services is prepared under the provisions of the '*Local Authority Social Services and National Health Service Complaints (England) Regulations 2009*'. The report content reflects the requirements as set out in the regulations.
- 3 The annual report provides a detailed analysis of performance for the period 1 April 2023 to 31 March 2024, with the following identified as the key messages:
  - a) There has been a 21% increase in the number of complaints investigated from 95 in 2022/23 to 115 in 2023/24;
  - b) Whilst complaints have increased, 50.5% were not upheld compared with 42.5% in the previous performance year;
  - c) The number of complaints declined during 2023/24 also increased to 12 compared to 9 in 2022/23;

- d) All complaints, with the exception of one, have been investigated through to a finding at the time of writing the report;
  - e) AHS led on 2 complaints in line with joint protocols where a contribution was required from health colleagues, a decrease from 4 in the previous performance year. The service also contributed to a further 5 investigations that are not included in the reported figures that were led by health, a decrease from 9 in the previous year;
  - f) In relation to service areas, Older People, Physical Disabilities and Sensory Support received 45.5% (52) of the overall complaints about adult social care services, an increase from 36% (34) in 2022/23. However, although complaints increased there was not a corresponding increase in complaints being upheld, with 60% not upheld;
  - g) The most common reason for making a complaint in 2023/24 was 'Finance – Charging Policy', which was also the main reason in 2022/23;
  - h) Complaints escalated to the Local Government and Social Care Ombudsman (LGSCO) by the complainant following the council's response increased from 14 in 2022/23 to 21, with the Ombudsman taking action and/or reaching a decision on 19 cases at the time of writing the report;
  - i) The service received 75 compliments about adult social care services during 2023/24, a decrease from 93 in 2022/23, with Older People, Physical Disability and Sensory Support receiving the most compliments (55).
- 4 Complaints provide invaluable information to learn and improve. Acting upon the learning from complaints provides the opportunity to change practice and strengthen service delivery, with transparency and accountability.

### **Recommendation(s)**

- 5 Corporate Overview and Scrutiny Management Board is recommended to:
- (a) approve the AHS Annual Statutory Representations Report for Adult Social Care Services 2023/24;
  - (b) agree to the publication of the report in line with the regulations.

## **Background**

- 6 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*'.
- 7 This is a single joint complaints process for both social care and health services where there are no fixed timescales for managing a complaint and a greater focus on local resolution. If all proportionate resolution mechanisms have been exhausted, and the complaint remains unresolved, the complainant can refer outstanding issues to the LGSCO. The regulations also include a duty for health and social care services to co-operate, should this be required, in complaints investigations.

## **Analysis of Performance**

- 8 The annual report provides a detailed analysis of performance in relation to adult social care complaints. The report is attached at Appendix 2.
- 9 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**

- 10 The complaint function is a statutory requirement for social care services, playing a vital role in contributing to quality improvement across adult social care – providing an understanding of the experience of service users. Acting upon the learning from complaints provides the opportunity to change practice and improve service delivery with transparency and accountability.
- 11 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

- None

**Other useful documents**

- None

**Author(s)**

Lee Alexander

Tel: 03000 268180

---

## **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 2023/24, at the time of writing the annual report, this equated to £1,250 as a result of recommendations made by the LGSCO.

### **Consultation**

None.

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

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

### **Climate Change**

None.

### **Human Rights**

Alleged breaches of the Human Rights Act will be recorded and responded to accordingly.

### **Crime and Disorder**

None.

### **Staffing**

Staff are made aware of feedback from compliments, as well as learning and improvements identified from complaints. Any individual matters are managed appropriately in line with relevant procedures.

### **Accommodation**

None.

### **Risk**

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

### **Procurement**

None.

---

## **Appendix 2: AHS Annual Representations Report 2023/24**

---

See attached PDF