
Meeting	Special Safeguarding Overview and Scrutiny Committee
Date	23 October 2013
Subject	Adults and Communities Delivery Unit Annual Complaints Report 2012/13
Report of	Cabinet Member for Adults
Summary	The Adult and Communities Delivery Unit (formally Adult Social Care and Health) is required under statutory regulations to report annually to the relevant Council committee on adult social care complaints and to compile an annual report.

Officer Contributors	Karen Jackson, Assistant Director, Adult Social Care Jennifer Watson-Roberts, Complaints and Representations Lead, Adults and Communities
Status (public or exempt)	Public
Wards affected	All
Reason for urgency / exemption from call-in	Not applicable
Function of	Council
Enclosures	Appendix A: Adults and Communities Annual Complaints Report 2012/2013
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1. RECOMMENDATION

- 1.1 That the Safeguarding Overview and Scrutiny Committee make comments and /or recommendations to the Cabinet Member for Adults on the contents of the Annual Complaints Report.

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Safeguarding Overview and Scrutiny Committee, 24 September 2012, Agenda Item 7: Adult Social Care and Health Annual Complaints Report 2011/12

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 Overview and Scrutiny Committees must ensure that the work of Scrutiny is reflective of the council's priorities. For 2013-14, these are to:
- Promote responsible growth, development and success across the borough
 - Support families and individuals that need it promoting independence, learning and well-being
 - Improve the satisfaction of residents and businesses with the London Borough of Barnet as a place to live, work and study.
- 3.2 In order to fulfill these priorities, we will focus our efforts on one of the following outcomes: *"To promote family and community well-being and encourage engaged, cohesive and safe communities"*.

4.0 RISK MANAGEMENT ISSUES

- 4.1 The quality of services are assured by regular monitoring as part of Adults and Communities contract monitoring and practice governance procedures.
- 4.2 Advocacy support is available to complainants to assist them in making their complaint and all staff are advised to promote the use of advocates. All public information booklets also promote the use of advocates. Advocacy services are commissioned through a contract with Barnet Centre for Independent Living, which has sub-contracts with two voluntary sector groups; Advocacy in Barnet and Mind in Barnet, to provide advocacy services.
- 4.3 The complaints process provides the Council with an additional means of monitoring performance and improving service quality and provides an important opportunity to learn from complaints. Key learning with actions taken in 2012/2013 is included in Section 6 of the Annual Complaints Report (Appendix A).
- 4.4 Where complaints are received and highlight any safeguarding issues, they would be dealt with under the agreed Pan-London Multi-Agency Adult Safeguarding Policy and Procedures.
- 4.5 Adults and Communities works closely with the Care Quality Commission (CQC) who are responsible for the inspection and registration of services. With the

permission of the complainant, CQC are informed if the complaint is about any of the services listed below.

- Care homes, including care homes with nursing.
- Home care agencies.
- Independent health care establishments.
- Adult Placement Schemes.

4.6 The power came into force for the Local Government Ombudsman (LGO) on the 1 October 2010, which allowed the LGO to investigate complaints about services that were registered under the Care Quality Commission essential standards, still remains. See Section 10 of the Annual Complaints Report for more details (Appendix A).

4.7 The Council is committed to tackling fraud and other forms of malpractice and treats these issues seriously. It recognises that some concerns may be extremely sensitive and has therefore developed a system under the Whistle Blowing Procedure, which allows for the confidential raising of concerns.

5.0 EQUALITIES AND DIVERSITY ISSUES

5.1 Pursuant to the Equality Act 2010 ("the Act") under Section 149, the Council has a legislative duty to have 'due regard' to eliminating unlawful discrimination, advancing equality and fostering good relations in the contexts of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

5.2 In addition to the Terms of Reference of the Committee, and in so far as relating to matters within its remit, the responsibility of the Committee is to perform the Overview and Scrutiny role in relation to:

- The Council's leadership role in relation to diversity and inclusiveness.
- The fulfilment of the council's duties as employer including recruitment and retention, personnel, pensions and payroll services, staff development, equalities and health and safety.

5.3 The complaints procedure supports the Council in meeting the legislative duties outlined above, and a number of steps have been taken to ensure that it is accessible to all service users and their carers. See Section 3 of the Annual Complaints Report (Appendix A).

5.4 Adults and Communities welcomes complaints from advocacy services such as Disability Action in the borough of Barnet (DabB), Citizens Advice Bureau, Disability Law Service, Mind in Barnet etc. from people who are not able to make representations and complaints in their own right to ensure that they too have a voice and are listened to.

5.5 The report includes data which outlines the number of complaints recorded in Adults and Communities from 1 April 2012 to 31 March 2013 by ethnicity. See Sections 9p, 9q and 9r of the Annual Complaints Report (Appendix A).

5.6 In 2012/2013, data shows that fewer than 30% of the complaints were from ethnic backgrounds, figures from actual information provided.

6.0 USE OF RESOURCES IMPLICATIONS (FINANCE, PROCUREMENT, PERFORMANCE & VALUE FOR MONEY, STAFFING, IT, PROPERTY, SUSTAINABILITY)

6.1 As Adult Social Care continues to make changes to how services are managed and delivered in line with the current financial climate for the public sector, it is possible that more complaints could be received from our customers. It is anticipated that any work carried out in responding to these complaints will be contained within the current staffing establishment and budget.

6.2 To reduce the number of complaints we may receive, we will continue to fully consult with service users and carers on any planned service changes to ensure they feel engaged in the process.

7.0 LEGAL ISSUES

7.1 Adults and Communities is required to operate a statutory complaints procedure under the Local Authority Social Services and National Health Services Complaints (England) Regulations 2009 and the Local Authority Social Services and National Health Service Complaints (England) (Amendment) Regulations 2009.

8.0 CONSTITUTIONAL POWERS

8.1 The scope of Overview and Scrutiny committees is contained within Part 2, Article 6 of the Constitution.

8.2 The Terms of Reference of the Overview and Scrutiny Committees are in the Overview and Scrutiny Procedure Rules (Part 4 of the Constitution).

8.3 The Safeguarding Overview and Scrutiny Committee has within its terms of reference responsibility:

“To scrutinise the provision of Adult Social Care services (including those who have physical disabilities, sensory impairment, learning disabilities, mental health needs or other special needs) to ensure that residents are safeguarded and supported to lead as independent lives as possible in their own homes.”

9.0 BACKGROUND INFORMATION

9.1 In discharging their responsibility to scrutinise the provision of adult social care services, the Committee are requested to consider the Annual Complaints Report 2012/2013 for Adults and Communities, as attached as Appendix A to this report, and make appropriate comments to the Cabinet Member for Adults.

9.2 The report includes information on the statutory social care complaints procedure, statistical information over a 3-year period for compliments and complaints (including corporate complaints), the Local Government Ombudsman (LGO) role in

social care, LGO complaints and enquiries, complaints managed by contractors, learning from complaints and embedding the learning, and the outcome of the complaint user survey.

- 9.3 Compared to 2011-12 figures, compliments received increased by over 50% and complaints dropped more than 10%, indicating a positive trend in terms of how service users view the quality of the service they receive.
- 9.4 The highest proportion of complaints received was at 21% relating to 'Conduct of staff', followed by 16% to 'Quality of service' (which dropped by 9% compared to last years' figures). See Section 9 of the Annual Complaints Report (Appendix A), which outlines specific examples. Issues raised in both these categories have been reviewed in detail. This shows that whilst the issues raised do not represent a systemic problem; it has highlighted some issues for individual members of staff. In these cases, actions are taken to put right the matter; and where necessary, the worker is supported through advice, supervision meetings and training.
- 9.5 As it is a requirement by the Department of Health for health and social care organisations to better understand the benefits of using information from complaints to improve services Adults and Communities has introduced measures to ensure this happens in a systematic way. Following the investigation of each complaint managers are required and routinely asked to outline in writing exactly what lessons have been learnt, together with what actions have been taken as a result of the complaint. Key learning with actions taken in 2012/2013 is included in Section 6 of the Annual Complaints Report (Appendix A). The benefits of this include higher levels of satisfaction, more opportunities to improve services for everyone and an increase in our reputation with the people we serve.
- 9.6 In 2012/2013, we received 5 corporate complaints and followed the corporate complaints procedure to investigate and respond to them. Four were resolved at Stage 1 and one resolved at Stage 4.
- 9.7 In 2012/2013 a complaint user survey was conducted to elicit feedback from our complainants on how they found the complaints process and how Adults and Communities could improve the complaints process in the future. The key issues from this are covered in section 13 of Annual Complaints Report (Appendix A).

10. LIST OF BACKGROUND PAPERS

10.1 None.

Cleared by Finance (Officer's initials)	JH
Cleared by Legal (Officer's initials)	LC