



Adults and Safeguarding Committee

November 2019

Title	Adult Social Care Annual Complaints Report – 2018/19
Report of	Chairman of the Adults and Safeguarding Committee
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	Appendix: Adult Social Care Annual Complaints Report 2018-2019
Officer Contact Details	Appy Reddy, Head of Performance & Improvement, appy.reddy@barnet.gov.uk, 020 8359 3127

Summary

The production of an annual complaints report is a statutory requirement for Councils with adult social care responsibilities. The report provides an overview of the management of and performance in responding to adult social care complaints.

Effective complaints management is an important element in maintaining the Council's reputation. Complaints are a valuable tool in helping to understand resident expectations of the services they receive. As well as providing a meaningful response to all complainants, the outcomes of investigations are used by the council to improve services and resident experience.

Officers Recommendations

1. That the Adults and Safeguarding Committee notes the Annual Complaints Report 2018-2019 and approves the report for publication.

1. WHY THIS REPORT IS NEEDED

1.1 This report is produced in accordance with the requirements of the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (hereby referred to as 'the Regulations'). Under those regulations, Barnet Council is required to report annually to the relevant Council committee on adult social care complaints.

1.2 The Council is required to operate a separate statutory complaints and representations procedure for adult social care under these regulations. Any complaint which does not fall under these requirements is considered under the Council's corporate complaints procedure.

1.3 Learning from complaints is a valuable tool in helping to understand residents' and customers' expectations of service delivery and plays a key part in identifying service improvements in adult social care.

1.4 The report provides information on complaints and compliments for Barnet Council's adult social care services for the period 1 April 2018 to 31 March 2019. The report considers complaints dealt with through both the Statutory Adult Social Care and Corporate Complaints procedures.

1.5 Between 1 April 2018 and 31 March 2019, the following were received from Individuals, carers and/or their representatives:

- 114 compliments
- 83 statutory complaints
- 3 corporate complaints
- 10 Local Government Ombudsman enquiries

1.6 The main themes from the complaints were:

- Decision – disagreement with the outcome of a care assessment; or with the outcome of a financial assessment under the charging policy; or a decision made because of a statutory duty or national policy.
- Conduct – behaviour, communication, or conduct of staff employed by care providers or by the council.

- Quality - relates to the quality of services from care homes, home care agencies or care assessments.

1.7 Of the 83 statutory complaints, 77 resulted in an outcome and 6 were withdrawn:

- 37 (48%) were not upheld
- 25 (32%) were upheld
- 15 (20%) were partially upheld

1.8 Three complaints were dealt with under the council's complaints procedure as they were financial complaints received from companies not related to individuals. All three complaints were upheld.

1.9 Customers expect their interaction with the department to be professional and positive, and in most instances, this is the case. When service is not as expected, customers would want a swift action to be taken to resolve the matters causing concern. Lessons have been learnt from the complaints received in 2018-2019 and appropriately fed back to individuals and teams to ensure opportunities for improvement are realised.

2. REASONS FOR RECOMMENDATIONS

2.1 The publication of this report is a statutory duty.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 None. It is a statutory requirement to publish a Complaints Report for adult social care.

4. POST DECISION IMPLEMENTATION

4.1 The Annual Complaints Report 2018-2019 is a public document and will be made available through the Council website and the staff intranet.

4.2 The Annual Complaints Report includes examples of 'lessons learnt'. These are actions for improvement identified as the result of complaints investigations. Implementation of these actions will continue during 2019/20.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Council's corporate plan sets out that one of the Council's core purposes is to work together to ensure quality services. The corporate plan also includes a focus on ensuring services are delivered efficiently to get value for money for the taxpayer. Efficiently managing, and learning from, complaints supports service improvement in terms of both quality and value for money for the taxpayer.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 The work carried out in responding to comments, compliments and complaints is contained within the current staffing establishment and budget.

5.3 Social Value

5.3.1 This paper does not relate to a procurement exercise.

5.4 Legal and Constitutional References

5.4.1 The Annual Complaints Report 2018-2019 complies with the statutory requirement to produce an annual report of Adult Social Care complaints in accordance with 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 (the Regulations).

5.4.2 The Regulations identified in 5.4.1 above also require the Council to operate a statutory complaints procedure which complies with the provisions.

5.4.3 The Council Constitution, Article 7 states that the Adults and Safeguarding Committee is responsible for those powers, duties and functions of the Council in relation to adult social care including the following specific functions:

- Responsibility for all matters relating to vulnerable adults, adult social care and leisure services
- To receive reports on relevant performance information and risk on the services under the remit of the Committee.

5.5 Risk Management

5.5.1 The publication of the report is a statutory requirement, the impact of not publishing it would be a breach of the regulations.

5.5.2 Complaints are an essential means by which the Council assures the quality of Adult Social Care provision, and compliance with statutory duties. By listening to complaints and taking improvement action, the Council minimises the risk of non-compliance and ensures improvements to customer satisfaction.

5.5.3 Where complaints are received and highlight any safeguarding issues, these are dealt with under the agreed Pan-London Multi-Agency Adult Safeguarding Policy and Procedures.

5.6 Equalities and Diversity

5.6.1 The Complaints Report supports the Council's duty under the Equality Act 2010, under which the Council and all other organisations exercising public functions on its behalf must have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act; advance equality of opportunity between those with a protected characteristic and those without; promote good relations between those with a protected characteristic and those without. The relevant protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. It also covers marriage and civil partnership with regards to eliminating discrimination.

5.6.2 Adult social care helps people who are not able to make representations and complaints in their own right to do so through the use of advocacy services such as Citizens Advice Bureau, Disability Law Service, and Mind in Barnet.

5.6.3 Learning from complaints also assists the Council in fulfilling its statutory duty under s149 of the Equality Act.

5.7 Corporate Parenting

5.7.1 In line with the Children and Social Work Act 2017, the Council has a duty to consider Corporate Parenting Principles in all decision making. Young people who have received care and support as children may go on to receive support from Adult Social Care Services. Efficient management of complaints, and service improvements identified as a result will benefit this group of residents.

5.8 Consultation and Engagement

5.8.1 Learning from complaints can assist the Council in identifying changes to services, local policy and procedure. Any changes will be subject to appropriate consultation with relevant groups.

5.9 Insight

5.9.1 Learning from complaints provides insight into service improvement opportunities, complementing quantitative and statistical data on service performance.

6. BACKGROUND PAPERS

6.1 None.