



Havering
LONDON BOROUGH

PEOPLE OVERVIEW & SCRUTINY COMMITTEE

Subject Heading:

Adult Social Care Annual Complaints & Compliments Report

SLT Lead:

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Policy context:

An annual report is required as part of the remit of 'The Local Authority Social Services & NHS Complaints (England) Regulations 2009 and Health and Social Care (Community Health and Standards) Act 2003.

Financial summary:

There are no financial implications as this report is for information purposes and is required as part of the statutory complaints regulations

The subject matter of this report deals with the following Council Objectives

Communities making Havering	<input checked="" type="checkbox"/>
Places making Havering	<input type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

SUMMARY

The Adult Social Care Annual Complaints Report 2023-24 is attached as Appendix 1. The report outlines the complaints, enquiries, compliments and Member correspondence received during the period April 2023 – March 2024.

Adult Social Care Annual Complaints fall within the remit of the 'The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009' with a requirement to publish the annual report.

RECOMMENDATIONS

1. That Members note the contents of the report with the particular challenges faced by the service during 2023-24 with the added pressures resulting from the cost of living crisis and the continued efforts in resolving and learning from complaints.
2. That Members note:
 - (a) the continued use of complaints as a learning tool to identify actions to improve services.
 - (b) the continued monitoring by the Service and the Complaints & Information Team to ensure actions are implemented to evidence the service improvements with a view to reduce similar complaints.
3. That Members note the increase in the positive feedback received by staff, during a particularly difficult period, by way of compliments received and highlighting examples of good practice.

REPORT DETAIL

1. In 2023-24, Adult Social Care received 124 statutory complaints, representing a 7.8% increase from 2022-23(115). The small increase in the number of complaints over the last year could be attributed to the decommissioning of CM2000 as we have seen a high volume of complaints relating to invoicing.
2. Ombudsman enquiries in 2023-24 saw a total of 16 complaints being made regarding Adult Social Care decisions, this is a significant increase on the 7 cases referred to them in 2022-23. However, of the 16 cases referred to the LGSCO, 9 were discontinued and not investigated following initial enquiries, this is a testament to the accurate case recording of Havering staff members. There have been 5 decisions for maladministration (injustice with penalty) and 2 cases remain ongoing. All of the decisions returned for maladministration were regarding the level and quality of care provided by home care agencies along with poor record keeping and short visits.
3. Financial Issues' was the highest reason for complaints during 2023-24 followed by 'Standard of Service' (linked predominately to home care provision) which is the same as in 2022-23. As above, where financial issues were given as the primary reason this is around invoicing and charging, these are usually coupled with a secondary complaint point

around the quality of care by home care providers. 'Dispute Decision' was the third highest relating to the discharge pathways (and the associated financial contributions) however the majority of these complaints were not upheld, a testament to the robust processes put in place throughout the year.

4. Of the 124 complaints received in 2023-24, 13% were upheld that is reduction on the 24 upheld in 2022-23. 15.3% were partially upheld another reduction from 18.2% on last year and 51% were not upheld compared to 45.2% in 2022-23. The number of complaints being withdrawn also went up from 12% to 21%. There was a significant increase in the number of complaints 'not upheld'. A number around financial charging were able to be rejected due to evidence that discussions had taken place with the client or family members around the charging processes in advance.
5. Learning from complaints continues to be a focus within Adult Social Care. During 2023-24, with rising financial demands on residents the priority and focus for Adult Social Care was on vulnerable residents within Havering and ensuring appropriate support was provided. It is noted that there was still a need for workers to ensure that service users and family members received appropriate, relevant and accurate information.
6. Response times improved for complaints responded to within 20 working days in 2023-24, 75% compared to 58.2% in 2022-23. Responses over 20 working days showed another improvement in 2023-24 at 26% compared to 41.6% in 2022-23, this is also encouraging given that many of the complaints received in 2023-24 have seen more complexities and often involve care providers and require more thorough investigation.
7. During 2023-24 complaints across all age ranges showed an increase, the most significant increase by far was for those aged 85 years and over with a 107% increase from 40 to 83. It is also noticeable that the number of complaints received that are in respect of those aged between 18 years and 24 years increased from one in 2022-23 to 22 in 2023-24. It is noted that during 2023-24 complaints relating to females were 29% higher than those for males.
8. As reflected in the population of Havering, 'White British' is the highest ethnicity and there was a 78% representation in this category for 2023-24 as against 83% recorded for 2022-23. There were no significant changes in the data collated for the other groups such as Asian/Asian British – Any other Asian background', 'Asian/Asian British – Pakistani' and 'Mixed White & Asian', 'Black/Black British – African' and 'Black/Black British – Caribbean'. Whilst underrepresented groups have not changed significantly over the years, we continue to monitor our resident involvement in view of Havering's changing demographics. 9% of service users that have made a complaint on 2023-24 have no ethnicity recorded.
9. There has been a significant increase in the number of service users who have no religion recorded, this has increased from 88 in 2022-23 to 160 in 2023-24 up 81%, and greater emphasis will be placed on case file auditing

to address this recording. There have been marginal increases in those recorded as Christian and Church of England.

10. Email continues to be the favoured method of contact during 2023-24 at 50%, with telephone being the second highest method of contact at 27%, which remains consistent with 2022-23.
11. Expenditure on complaints totalled £6535.63 in 2023-24 a reduction of £3965.63 compared to 2022-23. This is made up of payment of £4250.00 following Ombudsman investigations and £2585.63 in invoices being waived.
12. The number of compliments received during 2023-24 increased significantly to 90 from 48 in 2022-23. The number of compliments is encouraging and is testimony to the professional and proficient service staff across Adult Social Care provide to the residents of Havering who are in need of support.
13. The number of MP/Councillor enquiries received in 2023-24 was 87, an 81% increase from 2022-23 (48). 78 of those enquiries (90%) were responded to within the timeframe in 2023-24, an improvement on the 86% in 2022-23.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no specific financial implications to this report, which is for information only. Costs incurred through complaints will be contained within Adult Social Care allocated budgets. With the increase in the number of complaints highlighted in the report, there is still a risk of consequential compensation payments, which is being managed in the service by ensuring lessons are learned and procedures reviewed to minimise the risk of compensation arising from future complaints.

Legal implications and risks:

The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 require the Local Authority to have a complaints process for adult social care complaints. These Regulations set out the types of complaint that can be made, by whom and how they are to be processed.

Regulation 18 requires as follows:

- (1) Each responsible body must prepare an annual report for each year which must—
 - (a) specify the number of complaints which the responsible body received;
 - (b) specify the number of complaints which the responsible body decided were well-founded;
 - (c) specify the number of complaints which the responsible body has been informed have been referred to—
 - (i) the Health Service Commissioner to consider under the 1993 Act; or

- (ii) the Local Commissioner to consider under the Local Government Act 1974; and
- (d) summarise—
 - (i) the subject matter of complaints that the responsible body received;
 - (ii) any matters of general importance arising out of those complaints, or the way in which the complaints were handled;
 - (iii) any matters where action has been or is to be taken to improve services as a consequence of those complaints.

The Annual Report appears to comply with these Regulations and therefore there are no apparent legal implications from noting of this report.

Human Resources implications and risks:

There are no HR implications.

Equalities implications and risks:

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants. We are regularly monitoring the equalities profile of our customers and it is encouraging that disclosure is improving year on year.

The most recent monitoring information has evidenced that the number of ethnic minorities accessing the complaints process is reflective of the population within Havering and therefore accessing information about our Complaints, Comments and Compliments Policy and Procedure or the facilities available to make a complaint/compliment is available to these groups. Monitoring data shows that there has been a significant increase in complaints made by service users with physical disabilities and this has been linked to the increase in disabled freedom pass complaints, however this will need continued monitoring.

We will continue to ensure that our communication is clear, accessible and written in plain English, and that translation and interpreting services or reasonable adjustments are provided upon request or where appropriate. We will need to ensure accurate and comprehensive monitoring data is maintained to cross-tabulate complaints data against protected characteristics. This will provide us with more detailed information on gaps/issues in service provision and barriers facing

people with different protected characteristics, and will enable us to take targeted actions and make informed decisions on service improvement and future service provision.