

CORPORATE COMMITTEE 25 NOVEMBER 2020

Report title: Adult Social Care Complaints Annual Report 2019/20

Wards: All

Portfolio: Cabinet Members for Adult Social Care: Councillor Jim Dickson & Councillor Danny Adilypour

Report Authorised by: Fiona Connolly: Executive Director for Adults and Health

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Report summary

This report outlines the number of complaints that Adult Social Care received during 2019-20 and gives a picture of what these were about and how Adult Social Care has responded. The report highlights this as being an area of development and identifies the work underway to continue to make improvements.

The report also captures a section on the number of compliments the department received.

Finance summary

There are no financial implications arising from this report. However, complaints costs, such as compensation payments to complainants, have been met through existing service revenue budgets.

Recommendations

1. To note the contents of the Adult Social Care Complaints Annual Report 2019-20.

1. CONTEXT

- 1.1 Adult Social Care arranges and supports the provision of a wide range of services to support people to remain living independently in their own homes with increasing levels of choice and control over the support they receive. It also arranges and supports care home placements when it is no longer possible for someone to remain in their own home. Adult Social care also has lead responsibility for multiagency safeguarding adults work, responding to concerns where vulnerable adults may be at risk of abuse or neglect.
- 1.2 Local authorities are required to have a complaints process for adult social care and to produce an annual report each year on the complaints received and the response to them. This requirement is in the statutory guidance Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (“the Regulations”).
- 1.3 The complaints process is a mechanism to identify problems and resolve issues. If things go wrong or fall below expectation, we try to sort things out quickly and fairly. We also want to learn from our mistakes or concerns that arise.
- 1.4 Lambeth Council has a process in place for handling enquiries to Council Officers from Council Members, Members of Parliament and Members of the Greater London Assembly. These processes are described in full in the London Borough of Lambeth Members’ Enquiry Protocol.

2. PROPOSAL AND REASONS

- 2.1 It is proposed that the Committee note the contents of the Adult Social Care Complaints and Members Enquiry Annual Report, which is at Appendix A.
- 2.2 The Adult Social Care Complaints and Members Enquiry Annual Report gives an opportunity for the Committee, and Lambeth citizens, to have assurance that we take complaints seriously, treat them fairly, and where we have got things wrong we work to put them right and to avoid similar things happening again.

3. FINANCE

- 3.1 There are no financial implications arising from this report.

4. LEGAL AND DEMOCRACY

- 4.1 As part of the regulatory requirement for the establishment of complaints procedures, an annual report must be published on the operation of complaints systems. The report is required to contain statistical information on complaints, information on complaints considered by the Ombudsman, and what lessons have been learnt by the local authority.
- 4.2 Under the terms of the regulations the Council is required to acknowledge complaints within three working days and to complete an investigation and provide a full response within six months or as soon as possible thereafter.

4.3 The Health and Social Care (Community Health and Standards) Act 2003 conferred powers on the Secretary of State to issue regulations to amend the existing duties placed on local authorities to deal with complaints and also gave the Secretary of State powers to assign responsibility for dealing with social care complaints to anybody or agency.

4.4 There were no further comments from Democratic Services.

5. CONSULTATION AND CO-PRODUCTION

5.1 Not applicable.

6. RISK MANAGEMENT

6.1 Complaints can involve significant financial, legal, service, and reputational risks for the Council in terms of potential legal costs, compensation payments or adverse publicity. Judicial review is intended to be the last resort in resolving disputes and the complaints procedure is often used as an alternative remedy to litigation and, indeed, the use of the procedure sometimes forms part of the consent order to settle an application that has already been made to the court. A failure to resolve a complaint through the complaint's procedure could lead to the expensive and time-consuming alternative of either judicial review or other forms of legal action against the Council.

6.2 The Council has a compensation policy, linked to the complaints procedure, which requires managers dealing with complaints to consider making compensation payments where a complaint is upheld and where it is judged that the Local Government Ombudsman would recommend an ex-gratia payment were they to consider the complaint.

6.3 Similarly, a failure to resolve a complaint could lead to a referral to the Local Government Ombudsman which, in turn, could have financial implications for the Council and could also result in adverse publicity should the Ombudsman decide to publish a report on a complaint.

7. EQUALITIES IMPACT ASSESSMENT

7.1 Not applicable.

8. COMMUNITY SAFETY

8.1 Lambeth uses the London Safeguarding Adults Policy and Procedures. The safeguarding adults arrangements set out in those are the primary mechanism to safeguard the welfare of adults with social care needs at risk of abuse and neglect. People can use the complaints procedure to seek remedy if they believe that our safeguarding adults work has failed to protect them. The police and the Crown Prosecution Service are, however, responsible for the investigation of criminal offence and the prosecution of offenders.

9. ORGANISATIONAL IMPLICATIONS

Environmental

9.1 None

Staffing and accommodation

9.2 None.

Procurement

9.3 None.

Health

9.4 None.

10. TIMETABLE FOR IMPLEMENTATION

10.1 Not applicable.

AUDIT TRAIL

Name/Position	Lambeth directorate	Date Sent	Date Received	Comments in para:
Councillor Jim Dickson	Cabinet Member for Adult Social Care (job-share)	13/10/20	13/10/20	
Councillor Danny Adilypour	Cabinet Member for Adult Social Care (job-share)	13/10/20	13/10/20	
Richard Outram, Deputy Director for Adults and Health	Adults and Health	30/9/20	30/9/20	Throughout
Fiona Connolly, Executive Director, Adults and Health	Adults and Health	30/9/20	30/9/20	Throughout
Peter Hesketh, Assistant Director Finance (Adults and Health)	Legal and Governance	5/10/20	5/10/20	None
Amrita Seehra Senior Lawyer, Legal Services	Legal and Governance	5/10/20	5/10/20	None
David Rose, Democratic Services	Legal and Governance	14.10.20	23.10.20	

REPORT HISTORY

Original discussion with Cabinet Member	N/A
Report deadline	30.10.20
Date final report sent	30.10.20
Part II Exempt from Disclosure/confidential accompanying report?	No
Key decision report	No
Date first appeared on forward plan	N/A
Key decision reasons	Not applicable.
Background information	Health and Social Care (Community Health and Standards) Act 2003
Appendices	Appendix A – Adult Social Care Complaints Annual Report