

## Children's and Adults' Care and Education Committee

21 March 2019

### Statutory Social Care Complaints Annual Report for 2017/18

Report by the Director of Adult Social Care and the Director of Children's Services

Relevant Portfolio Holders: Councillor Margaret Thompson and Councillor Diane White

#### Purpose

To inform the Committee of the performance and outcomes of statutory complaints for adult and children's social care in 2017/18.

#### Recommendation

To **resolve** that the report (and Annexes) on annual statutory social care complaints for 2017/18 are formally received and that any comments from the Committee are referred to the relevant Directors to consider.

#### Key Points

- A. Complaints regarding services provided by adult and children's social care are subject to statutory complaint procedures initiated by The National Health Service & Community Care Act 1990 and the Children Act 1989. An annual report is submitted to inform this Committee of the operation of this statutory process and this report covers the period 1 April 2017 - 31 March 2018.
- B. Under statutory regulations, we are required to prepare an annual report about the previous year that examines how well we dealt with Adult and Children's social care complaints, including the numbers received and how many we upheld. Our adult social care service is required to operate a statutory complaints procedure in accordance with the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 and the Local Authority Social Services Complaints (Amendment) Regulations 2009. Any complaint, which does not fall under these provisions, we will consider under our corporate complaints procedure instead. This report will be published on the Council's website, and made available to managers and staff, elected members, residents and inspection bodies.
- C. The Adult and Children's Social Complaints Reports for 2017/18 are attached as **Annex 1 and Annex 2** of this report. Production of the annual complaints report is a helpful tool enabling the monitoring of performance and providing an essential overview to complaints concerning social care in Kingston. Complaints relating to Kingston's Adult and Children's social care are managed and monitored by Customer Care who form part of the Customer Experience Team.
- D. During the year a total of 65 complaints were received: 29 enquiries concerning Adult Social care have been logged with customer care, of which 11 were logged as stage 1 complaints this is compared to 42 complaints received in 2016/17. There were 36 enquiries concerning children's social care, 22 of these were logged as complaints.
- E. In this period there were 9 referrals concerning Adult Social Care to the Local Government Ombudsman (LGO) which is the same number of cases logged from the previous year with the LGO. There were 9 referrals concerning Education and Children's Services to the Local Government Ombudsman (LGO) which is an increase of 9 cases as no cases were logged the previous year with the LGO.

- F. AfC (Achieving for Children) is responsible for Children's Services across Kingston and Richmond boroughs. However, complaints relating to Kingston's children's social care continue to be managed and monitored by the Council.
- G. There continues to be a determination on the part of those responsible for responding to complaints to ensure that a full and comprehensive response is sent at the initial stage and this is likely to be part of the reason for the comparatively low number of requests for formal investigations. There have been no Stage 3 Review Panels this year.
- H. The LGO produces a report of all boroughs, with details on the outcome of referred complaints during that reporting year. Further information is included in **Annexes 1 and 2**.

### **Context**

- 1. Complaints made regarding services provided by adult and children's social care are subject to statutory complaint procedures initiated by The National Health Service & Community Care Act 1990 and the Children Act 1989.
- 2. As part of the Regulations, an annual report has to be presented to the relevant local authority committee in order to be kept informed of the operation of the complaints procedure.
- 3. Adult and children's social care are subject to regulatory bodies. These are the Care Quality Commission (CQC) for adult services and for children's services, the Office for Standards in Education, Children's Services and Skills, (Ofsted). The CQC continues to require all local authority adult social care services to produce an annual report concerning complaints. Ofsted make no stipulation. This report however, does contain information on both adult and children's social care complaints. In order to provide a balanced picture, this report also includes information about compliments received.

### **Timescale**

- 4. This report has been produced within the statutory timescale.

### **Legal Implications**

- 5. None arising from the specific recommendation of this cover report. The Council has a number of legal and statutory obligations in relation to Adults and Children's social care complaints.

### **Risk Assessment**

- 6. The Statutory Complaints procedures for both Adults and Children's Social Care are regularly reviewed in accordance with the Council's Risk Management Framework. Poor complaint handling could be a reputational and financial risk to the council, especially with the increase in people using social media to raise awareness of issues.

### **Equalities Analysis**

- 7. It is important all those involved in dealing with complaints are mindful of ensuring a consistent approach with all complainants in line with Equalities principles.

### **Health Implications**

- 8. A robust complaints system supports performance and monitoring of service delivery for the protection, health and wellbeing of our service users including some of the more vulnerable members of our community.

**Background papers** - None. **Author of report** - Rebecca Peck, Head of Service Customer Experience, Tel 020 8770 4456 [Annex 1](#) [Annex 2](#)