

DERBYSHIRE COUNTY COUNCIL

CABINET

4 SEPTEMBER 2012

REPORT OF THE STRATEGIC DIRECTOR – ADULT CARE

**Independent Complaints Advocacy Service (ICAS) – NHS
Complaints**

ADULT CARE

1. Purpose of the Report

- 1.1 To note the transfer of responsibility for the provision of Independent Complaints Advisory Service (ICAS) from Department of Health (DH) to the County Council from 1 April 2013.
- 1.2 To seek Cabinet approval for the engagement of Derbyshire County Council in a regional procurement exercise for an ICAS.

2. Information and Analysis

As part of the health service reforms the Health and Social Care Act 2012 transfers the duty to provide ICAS to local authorities, effective from 1 April 2013.

The role of ICAS is to support people who want to make a complaint about their NHS-funded treatment or care. It is a free, confidential and independent service designed to help people understand their rights and make informed choices. The support ICAS offers ranges from helping the client with initial preparation of their complaint through to attendance at resolution meetings and helping people with correspondence. The service is funded nationally. Ultimately complaints about the NHS may be referred to the Health Service Ombudsman if local resolution has failed.

The current ICAS for England is commissioned directly by the DH via three national contracts split on a geographical basis between three different suppliers. The current DH contract for provision of ICAS ends

on the 31 March 2013, at which point responsibility transfers to local authorities.

Regional ICAS Provision

The East Midlands region ICAS is operated by the Carers Federation Ltd. The Carers Federation has significant experience of providing this service on a national basis over a number of years. The Carers Federation also currently provide ICAS for North East England, North West England and Yorkshire and Humberside

The Carers Federation cover the East Midlands via three regional offices based in Nottingham, Leicester and Lincoln. There are also a number of outreach bases and touch down points from which advocates operate to have a local presence. The Nottingham office covers Derby City, Derbyshire County, Nottingham City and Nottinghamshire County.

East Midlands' local authority commissioners are in the process of understanding the shape and detail of the current service and how it may or may not link with other commissioned advocacy services. Discussions are underway with the regional provider to understand volumes, timeframes, complexity of complaints, duration of processes, referral routes, input resources, outcomes etc.

At a meeting of East Midlands Commissioners it was proposed to explore undertaking a regional procurement for an ICAS arrangement to cover the East Midlands. Commissioner interest has been expressed by Derby City, Nottingham City, Leicester City, Lincolnshire, Derbyshire, Nottinghamshire, Northamptonshire, Rutland and Milton Keynes. There would appear to be sufficient critical mass at this point in time to consider a regional arrangement. Other authorities in the East Midlands are still to make a decision whether to join this regional approach.

Some preliminary information received from the Carers Federation indicates that during the nine month period to the end of December 2011, 90 new complaints were received from Derbyshire residents about health services.

Referrals received by ICAS for period 1st April 2011 to 31st December 2011

Service Area /Trust	No of Complaints
Derby Royal	24
Derby City Hospital	9
Chesterfield Royal	8
Queens Hospital Nottingham	2
Ilkeston Community Hospital	5

Burton Hospital	3
HMP Foston Hall	1
NHS Dentists	8
GP Surgeries	18
Derbyshire County NHS	4
Derbyshire County PCT	5
Derbyshire County Mental Health	3
Total	90

This table does not show referrals from within the Tameside and Glossop PCT boundary as this area is currently supported by a different ICAS service. Similar preliminary information is available for other areas of the East Midlands. In total over the nine month period the Carers Federation received 2,100 new health complaint referrals in the East Midlands.

There is a genuine expectation from commissioners that the figures shown in the table above will increase as a consequence of other changes that are taking place as part of the Health and Social Care reforms, such as better public understanding of ICAS following it being commissioned and promoted by local authorities and promoted locally through HealthWatch.

Indicative funding for each local authority has been communicated by the DH for the provision of ICAS. The basis for the financial allocation to individual authorities is the adult social care relative needs formulae. The national allocation of funding for ICAS has been set at £14.2m in 2013/14 and an identical figure for 2014/15. The allocation for Derbyshire on this basis is indicated at £219,472 per annum. However, this sum of money will not be confirmed until later in the year when the Learning Disability and Health Reform Grant details are announced. Commissioners are seeking some early reassurance from the DH about the level of confidence in the indicative figures, to inform commissioning processes. Indicative funding details for East Midlands authorities expressing an interest in a regional procurement of ICAS are detailed at Appendix 1.

The new service has to be in place by April 2013. This leaves insufficient time for us to obtain a deep insight into the requirements of ICAS and dovetailing those with other existing local advocacy arrangements.

It is therefore recommended that we participate in a regional procurement exercise to be undertaken at an East Midlands level to put in place arrangements for ICAS from April 2013. This will promote the

integrity of the existing ICAS system and ensure that the authorities involved gain economies of scale by tendering the service together. It is recommended that a short term contract is developed (1 year plus the option to extend for a further year), as this will allow authorities time to analyse in greater detail the ICAS requirements and outcomes for each locality. Consideration will then be made about whether to continue with a regional response and to consider potential links to other local advocacy services and the potential for future integration. Derby City Council has offered to run the regional procurement exercise with representation for Adult Care on the tender panel, providing enough Council's agree to participate.

3. Financial Considerations

A regional procurement exercise would ensure value for money and provide opportunity to retain some economies of scale within the system. The national allocation for ICAS has been indicated as £14.2m in 2013/14. Derbyshire County Council's indicative share of that allocation is £219,472 per annum. East Midlands Authorities indicative allocations are detailed in Appendix 1.

4. Legal Considerations

Local authorities have a duty under section 185 of the Health and Social Care Act 2012 to make arrangements for an Independent Complaints Advocacy Service for health complaints.

5. Human Resource Considerations

DH has expressed a view that Transfer of Undertakings Protection of Employment Regulations may not apply in relation to staff currently employed by the Carers Federation to undertake the ICAS on behalf of DH. However, as part of any procurement exercise commissioners would seek further local legal advice on this matter.

6. Equality and Diversity Considerations

The ICAS would provide support to all of the population including minority and protected groups of the population. Historically there has been under representation of minority groups accessing ICAS.

7. Health Considerations

The ICAS arrangements will support the Council objective of good health and wellbeing for all.

8. Other Considerations

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, environmental, health, property and transport considerations.

9. Background Papers

None.

10. Key Decision

No

11. OFFICER'S RECOMMENDATION/S

11.1 To note the transfer of responsibility for the provision of an ICAS service to the local authority from 1 April 2013.

11.2 That Cabinet approves the engagement of Derbyshire County Council in a regional procurement exercise for an ICAS.

Bill Robertson
Strategic Director – Adult Care

County Hall
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Appendix 1

East Midlands Local Authority Indicative Funding Allocations for ICAS

Local Authority Name	Annual Funding 2013/14
Derby City	£69,864
Derbyshire County	£219,472
Leicester City	£92,873
Lincolnshire County	£199,465
Milton Keynes	£53,195
Northamptonshire County	£160,623
Nottingham City	£93,011
Nottinghamshire County	£211,440
Rutland County	£7,895
Total	£1,107,838