

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **SOCIAL AND HEALTH OVERVIEW AND SCRUTINY COMMITTEE**

DATE: **THURSDAY 9TH MAY 2013**

REPORT BY: **DIRECTOR OF COMMUNITY SERVICES**

SUBJECT: **ANNUAL REPORT ON THE SOCIAL SERVICES REPRESENTATIONS AND COMPLAINTS PROCEDURE 2012 - 13**

1.00 PURPOSE OF REPORT

1.01 To report on the compliments, representations and complaints received by Adult and Children Social Services for the year April 2012 to March 2013.

2.00 BACKGROUND

2.01 The NHS and Community Care Act (1990), Children Act (1989 Part III) and the National Minimum Standards and Regulations (2002) for Fostering Services require local authorities to maintain a representations and complaints procedure for social services functions. The Welsh Government (W.G.) expects each local Authority to report annually on its operation of the procedure.

2.02 Feedback in the form of compliments and complaints from service users, their parents or carers can highlight where services are working well or where services need changing. Flintshire County Council wants to learn from this feedback and use the experiences to improve services for everyone who uses them.

2.03 The annual report contains information about the number and type of complaints received and also provides details of the activities undertaken by the Complaints Officer to develop the service.

3.00 CONSIDERATIONS

3.01 Review of Complaints and Compliments – Adult Social Services

3.1.1 Overview of Complaints – Adult Social Services

51 complaints were received in the year, a decrease compared to previous years (89 during 2011-12 and 76 during 2010-11).

4 complaints in the year progressed to Stage 2 of the procedure (independent investigation), a significant fall compared to last year (10 during 2011-12). These statistics should be considered against the number of service users receiving a service: TBC during 2012-13.

1 complaint was considered at a Stage 3 Panel Hearing: the Panel concurred with the Department's actions in the case and did not uphold the complaint.

3.1.2 Services complained about:

Service	2012-13	2011-12	2010-11
Older People - Care Management	9	11	9
Older People – Intake	4	3	4
Financial Assessment	1	3	6
Community Support Service (Previously known as Home Care)	1	24	12
Independent Sector	9	8	15
Learning Disability	12	11	14
Mental Health and Substance Misuse	4	6	1
Occupational Therapy	2	6	3
Physical Disability and Sensory Impairment	2	8	4
Transition	3	0	0
Residential	0	5	4
Other	4	0	3
Total number of complaints	51	89	76
Total number of service users	TBC	5,047	4,561

There has been a significant fall in the number of complaints made regarding Adult Social Services (a reduction of 43%). This may be attributed to the fact that only one complaint regarding Community Support Services was made during the year when last year a total of 24 were received (these were mainly about late visits). This welcome decrease could be attributed to a range of areas including the embedding of the new rota system staff plan; the scheduling of work programmes with a new electronic access for managers at home and all staff now have mobile phones, which have all improved communication.

Following restructuring of the service, e.g. moving to Living Well and Reablement Services, staff and service users have more autonomy to agree when the package of care is delivered.

Also of particular note is the zero complaints received about Residential Services, compared to the several received in recent years.

The Complaints Officer is also proactive with Managers across the Department to resolve issues before they escalate further and the complaints service is continuously promoted with Managers and staff via attendance at team meetings. A series of training workshops has also been developed for Managers and Senior Practitioners (see 3.10).

Older People Care Management

9 complaints made about care management issues were considered in the year. They ranged from disagreements with decisions made, staff not following procedures, a lack of communication and alleged breaches in confidentiality. These were resolved by explaining decisions and subsequent actions, confirming procedures had been followed and apologising where appropriate for lapses in communication.

2 complaints were dealt with at Stage 2 of the procedure. One complaint related to the standard of care provided to a complainant's wife who had dementia – the complaint was not upheld as the investigation found processes had been followed. The second complaint related to the Department's decision to place a complainant's partner in a care home rather than in her own home with direct payments. The complaint was not upheld and found the Department had acted in the individual's best interests and in accordance with the family's wishes. This latter complaint was also considered at Stage 3 – the Panel concurred with the Department's actions in this matter.

Older People – Intake

The four complaints related to breakdowns in communication following discharges from hospital, a family not being involved in an assessment and a service user not being able to attend Croes Atti for personal safety reasons. Resolutions included apologies being made where appropriate; a reassessment is being completed with the family, and agreement to attend half day sessions at Croes Atti whilst OT completed an assessment.

Financial Assessment

A family complained that they had not been informed their mother's case would be transferred to another county when she moved from Flintshire. Information should have been provided at the time of the move and information literature has been revised to reflect this.

Community Support Service

One complaint was received during the year. The complaint related to a package of support not being in place following a hospital discharge. A support package was quickly put in place that afternoon, an apology made and a review on processes is to be completed to avoid a similar incident happening in the future.

Independent Sector

The 9 complaints included: a care package being cancelled, concerns re. the standard and quality of care provided by homes, staff damaging personal property and a family being charged for emergency callouts. These were resolved with an apology where appropriate, POVA procedures being instigated regarding the standard of care provided, a package of care being reviewed, reimbursement for property accidentally damaged and callout bills being cancelled.

Of these 9 complaints, 3 related to issues of dignity and the standards of care and support provided.

Learning Disability

The 12 complaints included an incident between two service users in their workplace, an individual having to attend meetings at a venue where they weren't comfortable, and a service user being taken on a trip out which wasn't deemed suitable by her family.

Responses to these issues included: workplace arrangements being reviewed, reminding an individual that meetings had to be in a safer environment following her assault against staff, and explaining to the family that their daughter had asked to accompany staff and friends on the trip out; there was no risk involved and the individual concerned enjoyed their trip out.

Mental Health and Substance Misuse

The 4 complaints related to a lack of service provision, being turned down for direct payments and professionalism of staff during drop-in sessions.

These were resolved by explaining previous appointments to discuss services had been cancelled by the complainant themselves but they were encouraged to participate in support groups and signposted to their G.P. if counselling needed. Other resolutions included explaining the criteria for direct payments and explaining what other options there were available, and offering mediation where appropriate.

Occupational Therapy

Of the 2 complaints made, one related to having to wait 10 months for a shower to be installed. An apology was made. The other complaint related to a piece of equipment causing injury to a service user. Upon further examination, it was found the equipment concerned was not Council property (and no major fault was found).

Physical Disability and Sensory Impairment

The 2 complaints related to an appeal against a Waiver Panel decision

and live-in carer arrangements, and appealing against arrears accrued for care costs.

These were resolved by clearly explaining Panel's decision and reviewing the service user's personal circumstances and their care arrangements. The other complainant had previously agreed to pay back the arrears but a re-assessment was offered so they could pay back the arrears without undergoing personal financial hardship.

Transition

The 3 complaints included issues about case management and a family moving into Flintshire but not meeting the eligibility criteria.

They were resolved by reviewing the case management arrangements and reconsidering support that could be provided under the Children Act.

Other

Complaints related to Workforce Development, Transport and Appointeeships. The complaint involving Appointeeships was dealt with under Stage 2 and an action plan drawn up to resolve outstanding issues. A complaint, appealing against a decision re. transport was also investigated at Stage 2; the complaint wasn't upheld.

3.1.3 A variety of methods are used to resolve a complaint. Methods include:

A range of outcome examples are reported in the examples above, but in broad terms, complaints are responded by:

- A meeting with the complainant to discuss the concerns
- A written explanation as to the reasons for a decision
- An apology where appropriate
- Action taken to review a decision
- Independent investigation
- Mediation

3.1.4 Timescales

The legislation prescribes a 10 working day timescale for Stage 1 and a 25 working day timescale for Stage 2. During 2012-13, 86% of Stage 1 complaints were addressed within 10 working days, a slight fall compared to last year's 89%. However, the reasons for the majority of late responses were unavoidable, either due to the range and complexity of issues involved, or key staff being on leave. Where it is likely there may be a delay in responding, complainants are always kept informed with an explanation and an apology.

All 4 of the Stage 2 complaint investigations were completed within the statutory timescale.

3.1.5 Outcomes / Lessons Learned

Learning from complaints is important and we use the findings and outcomes to inform policy and practice in delivering services (known as the 'lessons learned' process). Examples of action taken on issues raised as a result of complaints to Adult Social Services include:

- Review completed of P.O.V.A. procedures and training for staff revised to reflect changes
- A reminder issued to staff to be mindful of how they record their own views or perceptions in minutes or case notes. Reflective practices in training also revised to take account of this.
- That future policy decisions take into account the impact of implementing new policies across locality areas (rather than implementing on a county-wide basis). The Equality Impact Assessment process now takes this into account.
- 40 plus recommendations were implemented or met following two separate Stage 2 investigations to improve service delivery in a range of areas including the Learning Disability Service and Appointeeships.

3.1.6 **Compliments - Social Services for Adults**

Social Services for Adults received 140 compliments in the year 2012-13. One of the reasons for this decrease compared to previous years is the way in which compliments are now recorded. Only compliments where it is recognised staff have done "over and above" what is expected are now logged and reported upon.

This figure, when compared with 51 received complaints, shows that the service received 174% more compliments than complaints. The number of compliments recorded within each area of work is shown in the following table:

Team	Compliments 2012-13	Compliments 2011-12	Compliments 2010-11
Older People Care Management	18	30	18
Older People - Intake	18	17	15
Community Support (Homecare)	11	13	13
Independent Sector	2	3	2

Learning Disability	9	38	30
Mental Health and Substance Misuse	22	24	15
Occupational Therapy	16	38	14
Physical Disability and Sensory Impairment	7	16	11
Residential	24	12	11
Other	13	12	1
Total	140	203	130

Older People Care Management

18 compliments were received for the work of Older People Care Management Teams. Service users and their families also expressed their appreciation of the high quality care provision through schemes such as Living Well and Direct Payments.

Older People – Intake

Service users and their families expressed 18 compliments about the quality of service provided at day centres, and by the Hospital Social Work Team and Reablement.

Independent Sector

2 compliments were received praising the contributions of independent service providers from Aston Hall Residential Home and Everycare Domiciliary Care Providers.

Learning Disability

Service users and their families expressed 9 compliments for the Learning Disability Teams. These related to care management and provision of other services such as Supported Living, Day Opportunities and Work Options etc. Others praised Rowley's Pantry and Castle Connections.

Mental Health and Substance Misuse

22 compliments related to Mental Health and Substance Misuse care as well as the services provided by Next Steps and Social Links projects.

Physical Disability and Sensory Impairment

7 compliments were received for work with service users with Physical Disabilities and Sensory Impairment and the Blue Badge Scheme.

Other

13 other compliments were received regarding NEWCES stores, Appointeeship, Financial Assessment Team, Flintshire Sounds and Wrap training programme.

3.2 **Review of Complaints and Compliments – Children’s Social Services**

3.2.1 **Overview of Complaints – Children’s Social Services**

57 complaints were received in the year, a slight increase compared to previous years (42 in 2010 -11 and 54 in 2011-12). This is against a backdrop of TBC referrals received during the year.

Despite the small increase in the number of complaints received year on year within Children’s Social Services (5% increase), it is a consistent pattern and reflects the proactive way in which information about making a complaint is shared with children, young people and their families.

5 complaints progressed to Stage 2 of the complaints procedure (compared to 3 during 2011-12). The Service did what it could to resolve the issues at Stage 1 at both a Team Manager and Service Manager level, but the complainants remained dissatisfied and requested their respective issues progress further.

No (zero) Stage 3 Panel Hearings were held re. Children’s Social Services during the year.

The Public Services Ombudsman for Wales published a report following their investigation into a complaint. The complaint related to the failure to deal appropriately with a referral from a Health professional in October 2009. The report highlighted a number of shortcomings in the management of the case and made 8 recommendations in total, which the Department has agreed to implement.

3.3 **Services complained about:**

Team	Complaints 2012-13	Complaints 2011-12	Complaints 2010-11
Childcare Fieldwork	36	38	25
Resources (Family Placement and Family Adolescent Support Team)	9	4	5
Children’s Integrated Disability Service (C.I.D.S.)	9	7	10
Commissioned Provider	1	2	0
Child Care Panel	0	2	0
Safeguarding Unit	1	1	2
Emergency Duty Team	1	0	0
Total number of complaints	57	54	42
Total number of referrals	TBC	821	606

Childcare Fieldwork

36 complaints were considered in the year. The themes included: issues around communication, disputes between parents, breaches in confidentiality, procedures not being followed and disagreements with decisions/courses of action taken by the Service.

Resolutions included face to face meetings with the relevant Team Managers and Service Manager, and reminding staff that service users should be fully aware of progress with their particular case, that they understood the courses of action taken and rationale, and were clear as to the outcome. Apologies were made where the quality or level of service fell below expectation.

Three complaints progressed to Stage 2. One looked after young person appealed against a decision to move her from a placement out of county where she had settled. She had been informed the placement was only temporary whilst other more suitable options were explored, and the foster carers concerned were only approved for short term placements (as per their personal wishes).

One child in need complained that her concerns about her brothers' wellbeing weren't taken seriously. The investigation found her concerns had been taken seriously but work with the family was over a period of months which may have felt to the child concerned that little or no action was being taken. The Children and Family Court Advisory and Support Service (C.A.F.C.A.S.S.) were involved whilst her parents' case was heard in Court.

A Stage 2 complaint from a parent regarding the management of a case whilst her children were removed from her care was mostly upheld. An action plan to improve practice with regard to children placed voluntarily in the care of the Local Authority is in the process of being implemented.

Resources Service

The 9 complaints included decisions taken around foster placements, issues regarding staff or foster carers, or recording issues.

These complaints were resolved by meeting with complainants and explaining the reasons behind decisions taken, records being revised and apologies made where appropriate.

Part of the Stage 2 made by the parent regarding Fieldwork also related to Resources Services.

Children's Integrated Disability Service (C.I.D.S.)

The 9 complaints ranged from issues around adaptations, direct payments, case management decisions and advice provided to parents.

These were again resolved by meeting with complainants and explaining the reasons behind decisions taken or advice given.

Two complaints progressed to Stage 2 around the Service's overall management of individual cases: neither complaint's were upheld.

Commissioned Service Provider

One complaint was made concerning Action for Children which related to an assessment completed by their Family Project. They met with the complainant and explained all assessments were undertaken as sensitively as possible but issues may arise which cause can upset. Counselling was also offered.

Safeguarding Unit

The complaint related to the possible impartiality of a case conference Chair following a conversation the complainant had with them prior to the conference being held. They were reassured their conversation did not influence the situation and that any conclusion reached was a multi-agency decision.

3.4 Methods Used to Resolve Complaints

As explained earlier, a variety of methods are used to resolve complaints. These include:

- Meeting with the complainant to discuss their concerns and resolve them there and then, face to face.
- Providing a written explanation as to the reasons for a decision taken.
- Taking action in light of any decision reached.
- Commissioning an independent file audit in appropriate cases.
- Referring the complainant for an independent Stage 2 investigation.

All complainants receive an apology where the quality or level of service has fallen below expectation.

3.5 Outcomes / Lessons Learned

Learning from complaints is important and we use the findings and outcomes to inform policy and practice in delivering services. Examples of action taken on issues raised as a result of complaints to Children's Social Services include:

- Fieldwork, Resources and IRO's met to agree ways how they can improve communication between services
- A new mediation process is to be trialled for parents in dispute with each other so childcare arrangements can continue with minimal

disruption (e.g. weekend arrangements, collections to and from school etc.).

- Existing training for staff was strengthened to assist staff in situations where service users are distressed (empathy)
- A comprehensive action plan is in the process of being implemented following a report by the Ombudsman into the failure to deal appropriately with a referral from a Health professional in 2009.

3.6 Timescales

During 2012-13, 80% of Stage 1 complaints were addressed within 10 working days, an improvement on previous years (70% in 2011-12 and 57% in 2010-11). It was also encouraging to note that the last two quarters of the year saw the number increase to 90% within timescale. Again, some delays are unavoidable because of key staff being on leave etc.

4 out of the 5 Stage 2 complaint investigations were completed within the statutory timescale. One was late as it related to several parts of Children’s Social Services and was a complex investigation.

3.7 Compliments – Social Services for Children

Social Services for Children recorded 57 compliments in the year 2012-13 from families and the Courts and additional 10 compliments relating to the work of the Youth Justice Service. They were in the form of cards and letters or praise expressed during Court proceedings. This figure, when compared with 42 received complaints, shows that the service received 59% more compliments than complaints. The number of compliments recorded within each area of work is shown in the table below:

Team	Compliments 2012-13	Compliments 2011-12	Compliments 2010-11
Childcare Fieldwork	22	31	30
Resources (Family Placement and Family Adolescent Support Team)	29	30	28
Children’s Integrated Disability Service (C.I.D.S.)	5	6	8
Safeguarding Unit	1	2	0
Youth Justice Team	10		
Total	67	69	64

3.8 Other Developments

The Complaints Officer is Chair of the All Wales Complaints Officers Group and represents the Local Authority on the North Wales Complaints Officers Group. The All Wales Group discusses new or revised policies, guidance and initiatives whilst the North Wales Group focuses more on developing the complaints process at a regional level. This includes the development of a shared framework to streamline processes across the region and ensure better consistency, e.g. recruiting independent people, negotiating a single hourly rate for investigations and maintaining a central database to hold independent people's records.

In early 2012, the Welsh Government produced a consultation paper: 'Making Things Better'. The paper explored proposed changes to managing complaints about Social Services in Wales, including the removal of the Stage 3 process (Independent Review Panel) and the role of the Care and Social Services Inspectorate for Wales (C.S.S.I.W.) in dealing with complaints about residential homes and people who self-fund. The consultation paper was responded to and the Welsh Government produced a summary which outlined respondents' views on their proposals. At the time of writing this annual report, further consultation is expected from the Welsh Government and a further paper for Scrutiny will be produced once it is confirmed by Welsh Government what these changes will be and its impact in Flintshire. The changes will form part of the Social Services and Well Being Wales Bill)

Following a service review in early 2012, the changes made to the management of complaints in Social Services has seen more direct advice and support being provided to Managers in responding to and resolving complaints about their respective Services. Feedback received indicates this has been well received.

In late 2012, the Complaints Officer has started running a half day training workshop aimed at Managers and other key staff. The workshop goes through the complaints process and what is expected from them as Managers, as well as discussing different approaches to resolving complaints as quickly and effectively as possible at Stage 1. The workshop runs every other month and feedback from participants indicate they valued its content and the information given should help them respond effectively to complaints in future.

Categorisation of Complaints

Below is a breakdown using the Annual Council Reporting Framework (A.C.R.F.) model to categorise complaints. As from April 2012, the All Wales Complaints Officers' Group has reached a common approach as to what complaint themes fall under which A.C.R.F. domain/category and this will help CSSIW to compare across Wales.

ACRF Domain (Category) 2012-13	Adult SS	Children SS
Access to services	3	1
Care Management and Review	20	18
Range of services	9	-
Quality of Service	8	19
Safeguarding	3	6
Assessment	8	7

4.00 RECOMMENDATIONS

4.01 That Members accept this report as an overview of the Administration and outcomes of the Social Services representations and complaints procedure.

5.00 FINANCIAL IMPLICATIONS

5.01 The total cost of the 4 Stage 2 investigations for the year for Adult Social Services was £3,969.20 (1 investigation was conducted internally therefore there was no cost). The cost for 2011-12 was £12,602 (a total of 10 complaints).

5.02 The total cost of the 5 Stage two investigations for Children's Social Services was £8,964.45 (an increase compared to last year's £6,451 when there were 3 Stage 2 investigations).

Complaints involving both Adult and Children's Social Services are Commissioned to independent Investigating Officers (and an Independent Person for Children's Social Services as set out in the Children Act, 1989).

6.00 ANTI POVERTY IMPACT

6.01 No direct impact.

7.00 ENVIRONMENTAL IMPACT

7.01 No direct impact.

8.00 EQUALITIES IMPACT

8.01 The Directorate uses complaints to inform its ongoing programme of equality impact assessments.

9.00 PERSONNEL IMPLICATIONS

9.01 No direct impact

10.00 CONSULTATION REQUIRED

10.01 None required.

11.00 CONSULTATION UNDERTAKEN

11.01 None required.

12.00 APPENDICES

12.01 None

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

‘Listening and Learning’ Welsh Assembly Government April 2006

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