

FLINTSHIRE COUNTY COUNCIL

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

DATE: **1ST MAY 2014**

REPORT BY: **DIRECTOR OF COMMUNITY SERVICES**

SUBJECT: **ANNUAL REPORT ON THE SOCIAL SERVICES REPRESENTATIONS AND COMPLAINTS PROCEDURE 2013-14**

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 2013 to March 2014.

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.

2.3 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 Our assessment is that Social Services has a robust representations and complaints procedure in place. Service users, carers and families are listened to and they receive a timely and open response. All complaints are reviewed to identify any lessons learned to avoid similar issues arising again.

Review of Complaints and Compliments – Adult Social Services

Overview of Complaints

3.02 62 complaints were received in the year, an increase compared to last year's 51. Despite the increase, this small number of should be considered against the number of service users receiving a service: 4,628.

4 complaints in the year progressed to Stage 2 of the procedure (independent investigation), the same number compared to last year. Complainants remained dissatisfied following meetings with a Team Manager and Service Manager, and requested an independent investigation into their complaint.

It is pleasing to report that no (zero) complaints progressed to Stage 3 of the procedure (Independent Panel Hearing convened on behalf of the Welsh Government). One complaint is currently being considered by the Ombudsman.

3.03 Services complained about:

Service	2013-14	2012-13	2011-12
Older People – Care Management	11	9	11
Older People – Intake and Reablement	7	5	32
Financial Assessment	5	1	3
Independent Sector	9	9	8
Learning Disability	15	15	11
Mental Health and Substance Misuse	4	4	6
Occupational Therapy	3	2	6
Physical Disability and Sensory Impairment	5	2	8
Other	3	4	0
Total number of complaints	62	51	89
Total number of service users	4,628	7,722	5,047

- 3.04 The period 2012-13 saw a significant fall in the number of complaints made compared to the previous year. However, this year's increase would appear to be a more consistent average compared to those of previous years.

Please see appendix 1 for a summary of complaints made across each service area.

Methods used to resolve a complaint.

- 3.05 A range of methods 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 (Stage 2 of the procedure).

Timescales

- 3.06 The legislation prescribes a 10 working day timescale for responding to Stage 1 complaints and a 25 working day timescale for Stage 2 complaints. During 2013-14, 92% of Stage 1 complaints were addressed within 10 working days, a further improvement to last year's 86%. 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.

3 of the 4 Stage 2 complaint investigations were completed within the statutory timescale (one was late due to the complexity of the complaint).

Outcomes / Lessons Learned

- 3.07 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:

- We have made it clear who is eligible to use transport we provide to adults with a learning disability.
- We have reviewed our processes for providing support for people discharged from hospital.
- We have improved our information literature to make it clear how we calculate people's charges and the processes for assessments.

Compliments – Adult Social Services

- 3.08 It is pleasing to report that Adult Social Services received 169 compliments in the year 2013-14. Compliments are received in the form of cards, letters or emails from service users or their families when they recognise staff have done “over and above” what is expected. The number of compliments recorded within each area of work is shown in the following table:

Service	2013-14	2012-13	2011-12
Older People – Care Management	12	18	30
Older People – Intake and Reablement	83	53	42
Independent Sector	3	2	3
Learning Disability	16	9	38
Mental Health and Substance Misuse	21	22	24
Occupational Therapy	14	16	38
Physical Disability and Sensory Impairment	4	7	16
Other	16	13	12
Total	169	140	203

Please see appendix 1 for a summary of compliments received across each service area.

Review of Complaints and Compliments – Children’s Social Services

Overview of Complaints – Children’s Social Services

- 3.09 87 complaints were received in the year, an increase compared to previous years (57 in 2012-13 and 54 in 2011-12). This is against a backdrop of 1,220 referrals received during the year.
- 3.10 The increase in the number of complaints received year on year within Children’s Social Services reflects the proactive way in which information about making a complaint is shared with children, young people and their families. The increase can also be partly attributed where the Department is involved in Court proceedings with families at a time when Legal Aid has been withdrawn across England and Wales.
- 3.11 10 young people were supported by the National Youth Advocacy Service (N.Y.A.S.) with their complaints. This included one young person being supported by N.Y.A.S. at Stage 2.

- 3.12 7 complaints progressed to Stage 2 of the complaints procedure (compared to 5 in 2012-13). 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.
- 3.13 3 Stage 3 Panel Hearings were held re. Children's Social Services during the year. The overall decision for two Panel Hearings was not upheld. One complaint was upheld following a third Panel Hearing and a package of care at an out of county residential school put in place as per recommendation. No (zero) complaints were considered by the Ombudsman.

Services complained about:

Service	2013-14	2012-13	2011-12
Childcare Fieldwork	67	36	38
Resources	8	9	4
Children's Integrated Disability Service (CIDS)	9	9	7
Commissioned Provider	0	1	2
Child Care Panel	2	0	2
Safeguarding Unit	1	1	1
Emergency Duty Team	0	1	0
Total number of complaints	87	57	54
Total number of referral	1,220	709	821

Please see appendix 2 for a summary of complaints made across each service area.

Stage 2 Investigations

- 3.14 Most of the 7 Stage 2 investigations included more than one part of the Service. 4 of the Stage 2 investigations were not upheld, but 3 were upheld. Of those 3 complaints upheld, one resulted in exploring different options for a young person to move in with their sister. Another upheld complaint resulted in a college placement being funded. A third upheld complaint resulted in the comprehensive review of a case and the Department reviewing its recording practices.

Methods Used to Resolve Complaints

- 3.15 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.

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

3.17 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:

- Processes relating to voluntary accommodation, direct payments and children's safeguarding reviewed and further strengthened.
- Developing an appeals panel process for residential placement requests that are turned down. This may also assist in reducing the numbers of complaints regarding Children's Social Services.
- Training commissioned for staff in relation to obtaining children and young people's wishes and feelings.

Timescales

3.18 During 2013-14, 75% of Stage 1 complaints were addressed within the ten working day timescale, a slight fall compared to last year's 80%. Delays were a result of key staff being on leave or the level of complexity in some issues.

3.19 6 out of 7 of the Stage 2 complaint investigations were completed within the statutory timescale. One was late as a key member of staff was on leave.

Compliments – Children's Social Services

3.20 Children's Social Services recorded 74 compliments in the year 2013-14 from families and the Courts. They were in the form of cards and letters or praise expressed during Court proceedings. The number of compliments recorded within each area of work is shown in the table below:

Service	2013-14	2012-13	2011-12
Childcare Fieldwork	40	22	31
Resources	9	29	30
Children's Integrated Disability Service (CIDS)	5	5	6
Safeguarding Unit	2	1	2
Youth Justice Service	18	10	-
Total number of compliments	74	67	69

Other Developments

- 3.21 Up until December 2013, the Complaints Officer was Chair of the All Wales Complaints Officers Group; he also 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.
- 3.22 The Welsh Government is in the process of revising the Regulations for the Social Services complaints procedure. Key changes include the removal of Stage 3 Panel Hearings, mandatory advocacy for adults and exploring reciprocal investigation arrangements with neighbouring Local Authorities. These changes also link with the new Social Services Bill.
- 3.23 The Complaints Officer runs a series of half day training workshop aimed at Managers, Senior Practitioners 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 quarter and feedback from participants indicate they value its content and the information given should help them respond effectively to complaints in future.

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 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).
- 5.02 The total cost of the 4 Stage 2 investigations for the year for Adult Social Services was £2,870.75 (one investigation was conducted internally therefore there was no cost). The cost for 2012-13 was £3,969.20 (a total of four Stage 2 investigations).
- 5.03 The total cost of the 7 Stage two investigations for Children's Social Services was £9,642.74 (a small increase compared to last year's £8,964.45 when there were five Stage 2 investigations).
- 5.04 The revised Regulations (see 3.8) propose that all Stage 2 investigations are conducted independently in the future which could see a rise in the cost of future complaints investigations.

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 No direct impact.

9.00 PERSONNEL IMPLICATIONS

- 9.01 No direct impact.

10.00 CONSULTATION REQUIRED

- 10.1 None required.

11.00 CONSULTATION UNDERTAKEN

- 11.01 None required.

12.00 APPENDICES

- 12.01 Appendix 1: Summary of complaints across service areas (Adult Social Services)
- 12.2 Appendix 2: Summary of complaints across service areas (Children's Social Services)

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS

Background Documents:

'Listening and Learning', Welsh Assembly Government, April 2006

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