

## **FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **SOCIAL & HEALTH CARE OVERVIEW & SCRUTINY COMMITTEE**

**DATE:** **THURSDAY, 18 JUNE 2015**

**REPORT BY:** **CHIEF OFFICER (SOCIAL SERVICES)**

**SUBJECT:** **ANNUAL REPORT ON THE SOCIAL SERVICES REPRESENTATIONS AND COMPLAINTS PROCEDURE 2014 -15**

### **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 1 April 2014 to 31 March 2015.

### **2.00 BACKGROUND**

2.01 The Health and Social Care (Community Health and Standards) Act 2014, the Children Act (1989) and Adoption and Children Act (2002) requires Local Authorities to maintain a representations and complaints procedure for social services functions (referred to as the “procedure” from now on). The Welsh Government expects each Local Authority to report annually on its operation of the procedure.

2.02 Regulations underpinning the representations and complaints procedure were revised in August 2014 by the Welsh Government, removing the requirement for Stage 3 (Welsh Government appointed Independent Panel). Once the procedure has been exhausted, the complainant has the right to approach the Public Service Ombudsman for Wales’ Office. It is intended these Regulations will be revised again by Welsh Government following the enactment of the Social Services and Well-being (Wales) Act 2014.

2.03 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.

### **3.00 CONSIDERATIONS**

3.01 As part of our day to day business staff deal with questions, concerns, problems, dissatisfaction, and general feedback which frequently includes praise. We encourage staff to listen to people, to explain

decisions, to clarify where misunderstandings have arisen and to take action to put things right where they can. This approach enables us to provide a responsive and effective service. However, we recognise that there will also be complaints that we need to listen to, address and learn from.

- 3.02 Our assessment is that Social Services has a robust complaints procedure in place. We welcome complaints and want to ensure service users, carers and families are listened to, their views acted upon, and that receive a timely and open response. Staff and Managers work hard to resolve problems as soon as they arise. As part of our wider approach to quality assurance all complaints are reviewed to bring together information about the overall quality of services, to identify trends, and action required including any lessons learned to avoid similar issues arising again.

**Review of Complaints and Compliments –  
ADULT SOCIAL SERVICES**  
**Overview of Complaints**

- 3.03 56 complaints were received in the year, a slight reduction in the number received during 2013-14 (62), and slightly up from 2012-13 (51). This small number of complaints should be considered in the context of the 4,182 supported in 2014/15.
- 3.04 3 complaints in the year progressed to Stage 2 of the procedure (independent investigation), compared to last year's 4. These complaints were responded to at Stage 1, but the complainants remained dissatisfied with the responses provided and requested independent oversight (see appendix 3 for further details).
- 3.05 It is pleasing to report that prior to the new Regulations being implemented in August 2014, no (zero) complaints progressed to Stage 3 of the procedure (Independent Panel Hearing convened on behalf of the Welsh Government). In addition, no (zero) complaints were investigated by the Public Services Ombudsman for Wales during the year.
- 3.06 Looking back further to when the Welsh Government guidance regarding Social Services complaints was revised in 2006, generally the Service has seen a gradual fall in the number of complaints being made which reflects the efforts social work staff and Managers put into resolving issues/concerns quickly with service users and families.
- 3.07 3 complaints related to dignity (2 involving registered providers and 1 involving Adult Social Services).

Services complained about:

<b>Service</b>	<b>2014-15</b>	<b>2013-14</b>	<b>2012-13</b>
Older People – Localities	3	11	9
Older People – Intake and Reablement	3	7	5
Private care homes	8*	5	9
Private domiciliary providers	6	4	
Learning Disability	21	15	15
Mental Health and Substance Misuse	3	4	4
Occupational Therapy	3	3	2
Physical Disability and Sensory Impairment	4	5	2
Other (inc. Business Support Services etc.)	5	8	5
<b>Total number of complaints</b>	<b>56</b>	<b>62</b>	<b>51</b>
<b>Total number of service users</b>	<b>4,182</b>	<b>4,628</b>	<b>7,722</b>

*\*2 complaints withdrawn but were still looked into*

- 3.08 For most service areas the number of complaints has remained relatively consistent. Over the last year there has been a reduction in complaints made in Older People’s Services. Interestingly in this service area we have been introducing a new approach to our assessments and conversations which focus on ‘what matters’ to the individual person, with a strong focus on delivering personal outcomes. Complaints relating to the Learning Disability Service and Registered Providers have seen relatively modest increases. Within the Learning Disability Service, this increase is attributed to the number of complaints/appeals made against the Service’s re-allocation of respite nights for families, some of whom received a decrease following a reassessment of their individual needs (see Appendix 1 for a summary of the appeal outcomes).
- 3.09 There are no specific emerging trends arising from complaints made in relation to Registered Providers. The complaints are shared with the Contracts Monitoring Team who visit Registered Providers on a regular basis to ensure their contractual obligations are being fulfilled.

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

### 3.10 Methods used to resolve a complaint.

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

- a. A meeting or conversation with the complainant to discuss their concerns
- b. Involving Advocates and self-advocacy groups
- c. A written explanation as to the reasons for a decision
- d. An apology where appropriate
- e. Action taken to review a decision
- f. Independent investigation (Stage 2 of the procedure)

### Timescales

- 3.11 The new Regulations place a duty to discuss and resolve any complaint within 10 working days and write formally to the complainant confirming the outcomes. There is a 25 working day timescale for Stage 2 complaints.

<b>Adult Social Services</b>	<b>2014-15</b>	<b>2013-14</b>	<b>2012-13</b>
<b>Within timescale for Stage 1</b>	95%	92%	86%

- 3.12 It is pleasing to see Adult Social Services continue to improve their timeliness of responding to complaints. Where timescales need to be extended and complainants are kept informed during the course of their complaint.

- 3.13 2 Stage 2 complaint investigations were completed within the statutory timescale. The timescale for the other Stage 2 complaint investigation was extended to accommodate family members who wished to be part of the investigation.

### Outcomes / Lessons Learned

- 3.14 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:

- a. A lean review of the direct payment process now ensures all involved in such arrangements are aware of any Health funding.
- b. A checklist has been drawn up for every direct payment application and any application not completed within 2 months is reviewed by the Team/Service Manager.
- c. The short term care toolkit has been reviewed.
- d. Information leaflets revised following new Regulations.

## Compliments – Adult Social Services

- 3.15 It is pleasing to report that Adult Social Services received 194 compliments during the year, an increase in previous years. 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:

<b>Service</b>	<b>2014-15</b>	<b>2013-14</b>	<b>2012-13</b>
Older People – Localities	27	12	18
Older People – Intake and Reablement	95	83	53
Independent Sector	2	3	2
Learning Disability	4	16	9
Mental Health and Substance Misuse	31	21	22
Occupational Therapy	16	14	16
Physical Disability and Sensory Impairment	2	4	7
Other	17	16	13
<b>Total</b>	<b>194</b>	<b>169</b>	<b>140</b>

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**

- 3.16 48 complaints were received during the year compared to 87 in 2013-14 and 57 during 2012-13. It is the case that the previous period of 2013-14 saw a significant increase in complaints which was partly attributed to the Department being involved in Court proceedings with families at a time when Legal Aid was withdrawn across England and Wales. It would appear this trend is now being managed through.
- 3.17 5 young people made a complaint during the year and all issues were responded to and resolved without the need for Stage 2 (Independent Investigation).

### 3.18 **Stage 2 Independent Investigation**

3 complaints progressed to Stage 2 (Independent Investigation):

- 2 complaints came from parents and
- 1 complaint was made by foster carers.

2 of these complaints were responded to at Stage 1 but the complainants remained dissatisfied.

1 complaint made by foster carers progressed straight to Stage 2 due to its complexity. Complaints for this Service have greatly reduced as there were 7 complaints during 2013-14 and 5 in 2012-13.

Appendix 3 provides details of stage 2 complaints.

### **Stage 3: Panel Consideration**

3.19 Prior to the new Regulations, 1 complaint was considered at Stage 3 (Independent Panel). The Panel did not uphold the complaint.

#### **Ombudsman**

3.20 No (zero) complaints were considered by the Ombudsman during the year.

#### **Advocacy Support**

3.21 4 of the 5 young people who complained were supported by an Advocate from the National Youth Advocacy Service (N.Y.A.S.). The 1 not supported was referred but chose not to take up.

3.22 3 parent complainants were also supported by either N.Y.A.S. or the Flintshire Advocacy Service with their complaints. 2 parent complainants were supported by Advocates at Stage 2.

Services complained about:

<b>Service</b>	<b>2014-15</b>	<b>2013-14</b>	<b>2012-13</b>
Childcare Fieldwork	36	67	36
Resources	8	8	9
*Other	4	12	12
<b>Total number of complaints</b>	<b>48</b>	<b>87</b>	<b>57</b>
<b>Total number of referrals</b>	<b>1,825</b>	<b>1,220</b>	<b>709</b>

\* Other includes: Safeguarding Unit, Emergency Duty Team etc.

3.23 Last year saw a significant spike in the number of complaints involving Fieldwork, so it is pleasing to see some similarity with previous years. Complaints involving Resources are consistent year on year.

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

### 3.24 Methods used to resolve a complaint

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

1. A meeting or conversation with the complainant to discuss their concerns
2. Involving an Advocate to support an individual.
3. Taking action in light of any decision reached.
4. Referring the complainant for an independent Stage 2 investigation.
5. Complainants receive a formal written letter confirming the outcome of their complaint.

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

### 3.25 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:

1. Reviewing the timeliness of holding Disruption Meetings so the issues to be discussed are fresh in people's minds, and the process itself is more meaningful and effective for all involved.
2. Arrangements are now in place to use Action for Children premises at set times for contact as they are more child friendly.
3. Guidance published regarding decision making in respect of Child Protection and the convening of Section 4 Meetings.
4. Information booklets for services being revised.

### 3.26 Timescales

<b>Children's Social Services</b>	<b>2014-15</b>	<b>2013-14</b>	<b>2012-13</b>
<b>Within timescale for Stage 1</b>	79%	75%	80%

There was a slight improvement during the year compared to last years, but this area continues to be the focus for improvement. Of the 10 complaints that were late, their reasons included:

1. Complications due to forthcoming child protection investigation.
2. A complex legal matter with possible financial implications.
3. Key staff being on leave.
4. Late due to other completing work demands.

The Complaints Officer is proactive with Managers in resolving complaints within the timescale.

2 of the 3 Stage 2 complaints were investigated within timescale. 1 was late and an apology was made.

### 3.27 **Compliments – Children’s Social Services**

Children’s Social Services recorded 77 compliments during the year 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:

<b>Service</b>	<b>2014-15</b>	<b>2013-14</b>	<b>2012-13</b>
Childcare Fieldwork	14	40	22
Resources	17	9	29
Other	46	25	16
<b>Total number of compliments</b>	<b>77</b>	<b>74</b>	<b>67</b>

### 3.28 **Other Developments Across Adult and Children’s Social Services**

1. Procedures for staff and public information literature has been revised following the new Regulations.
2. Training for Managers and Senior Practitioners has also been revised.
3. A new Participation Officer has been appointed to take forward the work of the valued participation groups.

The Complaints Officer continues to be a member of the participation groups for Children’s Social Services and the advocacy group for adults with a learning disability.

## 4.00 **RECOMMENDATIONS**

- 4.01 That Members scrutinise the effectiveness of the complaints procedure with lessons being learnt to improve service provision.



## **5.00 FINANCIAL IMPLICATIONS**

- 5.01 The revised Regulations state all Stage 2 complaints involving both Adult and Children's Social Services are commissioned to Independent Investigators (and an Independent Person for Children's Social Services as set out in the Children Act, 1989).
- 5.02 The total cost of the 3 Stage 2 investigations for the year for Adult Social Services was £2,655.40. The cost for 2013-14 was £2,870.75 and the cost for 2012-13 was £3,969.20.
- 5.03 The total cost of the 3 Stage 2 investigations for Children's Social Services was lower than previous years at £4,328.95. The cost for 2013-14 was £9,642.74 and the cost for 2012-13 was £8,964.45.

## **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**

- 10.01 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)
- 12.02 Appendix 2: Summary of complaints across service areas (Children's Social Services)
- 12.03 Appendix 3: Summary of all Stage 2 Independent Investigations and their outcomes

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

Background Documents:

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

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