

SOCIAL AND HEALTH CARE OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Thursday, 21st July 2016
Report Subject	Annual Report on the Social Services Representations and Complaints Procedure 2015-16
Cabinet Member	Cabinet Member for Social Services
Report Author	Chief Officer for Social Services
Type of Report	Operational

EXECUTIVE SUMMARY

To report on the compliments, representations and complaints received by Adult and Children Social Services for the year 1 April 2015 to 31 March 2016.

RECOMMENDATIONS

1	That Members scrutinise the effectiveness of the complaints procedure with lessons being learnt to improve service provision.
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REPORT DETAILS

1.00	EXPLAINING THE NUMBER OF COMPLAINTS RECEIVED, THE ISSUES RAISED AND THEIR OUTCOMES
1.01	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 “procedure” from now on). The Welsh government expects each Local Authority to report annually on its operation of the procedure.
1.02	Regulations underpinning the representations and complaints procedure were revised in August 2014 in preparation for the enactment of the Social

	Services and Well-being (Wales) Act 2014 in April this year,
1.03	Feedback in the form of compliments 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.
1.04	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.
1.05	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, and advocacy is actively promoted. 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.
1.06	<u>Overview of Complaints: Adult Social Services</u> 99 complaints were received in the year, an increase in the number compared to previous years. Previously and during 2014-15, 56 complaints were received and during 2013-14, 62 complaints were received.
1.07	The increase in the number of complaints received can be largely attributed to the planned changes in the way in which services are to be delivered. It is important that where service users and their families disagree with any proposed changes, their views are listened to. The Department held a series of consultation workshops last year with regard to proposed changes within the Learning Disability Service. In cases where service users and families remained dissatisfied, they were encouraged to challenge the planned changes via the complaints procedure.
1.08	Of the 99 complaints received, 43 related to the planned changes within the Learning Disability Service.
1.09	In preparation for the challenges envisaged to the level of respite care received and supported living arrangements, the Department considered all such challenges at Stage 2 of the complaints procedure. A series of appeal panel meetings were convened and chaired by an independent person who was also joined by two independent 'lay people' from the New East Wales Carers Information Service (N.E.W.C.I.S.) and Advocacy Services North East Wales (A.S.N.E.W.). These independent appeal panels concurred the Department was following due process and therefore the planned changes to service delivery continued, but the panels made

	<p>recommendations with some individual's cases to ensure their best interests were promoted. These appeal panels considered 9 separate cases at Stage 2 of the complaints procedure. Although this may appear to 'skew' the number of complaints considered at Stage 2 this year compared to previous years, the Department considers this an effective and resourceful way in considering such matters and will continue to use this model of appeal during future planned changes.</p>																																								
1.10	<p>In addition to the 9 cases considered above at appeal panels, 4 complaints were investigated independently at Stage 2 of the procedure (independent investigation). In previous years, 3 complaints progressed to Stage 2 during 2014-15, and 4 complaints during 2013-14. The 4 Stage 2 complaints not relating to the planned changes would therefore appear to be consistent with previous years, reflecting the efforts social work staff and Managers put into resolving issues/concerns quickly with service users and families.</p>																																								
1.11	<p>Three complaints were opened by the Public Services Ombudsman for Wales during the year. One complaint was upheld overall regarding the Physical Disability and Sensory Impairment Service: the Department has broadly accepted the findings and at the time of writing the Department is in the process of implementing the recommendations made. Two investigations remain ongoing and are subject to the Ombudsman's own timescales.</p>																																								
1.12	<p>6 complaints related to dignity. All 6 complaints were looked into thoroughly, none met the thresholds for safeguarding and none were progressed further to independent investigation.</p>																																								
1.13	<p>Services Complained About:</p> <table border="1"> <thead> <tr> <th>Service</th> <th>2015-16</th> <th>2014-15</th> <th>2013-14</th> </tr> </thead> <tbody> <tr> <td>Older People – Localities</td> <td>11</td> <td>3</td> <td>11</td> </tr> <tr> <td>Older People – Intake and Reablement</td> <td>4</td> <td>3</td> <td>7</td> </tr> <tr> <td>Private care homes</td> <td>5</td> <td>8*</td> <td>5</td> </tr> <tr> <td>Private domiciliary providers</td> <td>11</td> <td>6</td> <td>4</td> </tr> <tr> <td>Learning Disability</td> <td>* 58</td> <td>21</td> <td>15</td> </tr> <tr> <td>Mental Health and Substance Misuse</td> <td>0</td> <td>3</td> <td>4</td> </tr> <tr> <td>Physical Disability and Sensory Impairment</td> <td>7</td> <td>4</td> <td>5</td> </tr> <tr> <td>Other (inc. Business Support Services etc.)</td> <td>3</td> <td>5</td> <td>8</td> </tr> <tr> <td>Total number of complaints</td> <td>99</td> <td>56</td> <td>62</td> </tr> </tbody> </table> <p>* 43 of 58 complaints made about the Learning Disability Service related to the planned changes to the allocation of respite care nights (2), supported living arrangements (7) and the cessation of the £3 Day Opportunities</p>	Service	2015-16	2014-15	2013-14	Older People – Localities	11	3	11	Older People – Intake and Reablement	4	3	7	Private care homes	5	8*	5	Private domiciliary providers	11	6	4	Learning Disability	* 58	21	15	Mental Health and Substance Misuse	0	3	4	Physical Disability and Sensory Impairment	7	4	5	Other (inc. Business Support Services etc.)	3	5	8	Total number of complaints	99	56	62
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	<p>payment (34). If allowances are made for the proposed cessation of the payment which never materialised, this brings the overall number of complaints about the Department down to 65, which is consistent with previous years. (Aside from complaints about planned changes, the Learning Disability Service received 15 complaints about other matters which were responded to effectively at Stage 1).</p>											
1.14	<p>There was an increase in complaints about private domiciliary providers. Generally they related to families complaining about the timeliness of rota visits and standard of care provided. Complaints about registered providers are shared with the Contracts Monitoring Team who visit on a regular basis to ensure their contractual obligations are being fulfilled. A multi-agency information sharing meeting takes place between the Department, Health and the Care and Social Services Inspectorate for Wales (C.S.S.I.W.) where complaints information is shared and considered together with other information collated by agencies.</p>											
1.15	<p>Please see Appendix 1 for a summarised pen picture of complaints made across each service area.</p>											
1.16	<p>A range of methods are reported in the examples above, but in broad terms, complaints are responded by:</p> <ul style="list-style-type: none"> 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) 											
1.17	<p>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.</p>											
1.18	<table border="1"> <thead> <tr> <th>Adult Social Services</th> <th>2015-16</th> <th>2014-15</th> <th>2013-14</th> </tr> </thead> <tbody> <tr> <td>Within timescale for Stage 1</td> <td>97%</td> <td>95%</td> <td>92%</td> </tr> </tbody> </table>	Adult Social Services	2015-16	2014-15	2013-14	Within timescale for Stage 1	97%	95%	92%			
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1.19	<p>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.</p> <p>All 13 of the complaints considered at Stage 2 were completed within the statutory timescale.</p>											
1.20	<p><u>Outcomes / Lessons Learned:</u></p> <p>Learning from complaints is important and we use the findings and outcomes to inform policy and practice in delivering services (known as the</p>											

'lessons learned' process). Examples of action taken on issues raised as a result of complaints to Adult Social Services include:

- We will review our processes whereby allegations of inappropriate behaviour shown toward care staff, including those working for a private provider, are formally looked into and an outcome recorded.
- Action sheets are now drawn up at the end of each learning disability review so the service user goes away with the three most important outcomes they want to achieve, with a copy to the provider. This will further ensure an individual's planned actions are followed up with service providers in preparation for their next review.
- Contracts with privately registered homes have been revised stating the Council will now pay the host Local Authority rate, including cross border placements in England.

1.21

It is pleasing to report that Adult Social Services received 146 compliments during the year. 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	2015-16	2014-15	2013-14
Older People – Localities	36	27	12
Older People – Provider	71	95	83
Independent Sector	3	2	3
Learning Disability	13	4	16
Mental Health and Substance Misuse	13	31	21
Physical Disability and Sensory Impairment	2	2	4
Other	8	17	16
Total	146	194	169

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

1.22

Overview of Complaints: Children Social Services

49 complaints were received during the year compared to 48 in 2014-15 and 87 in 2013-14. The number of complaints received about Children's Social Services is consistent year on year since the procedures were revised in 2006 (with the exception of 2013-14).

1.23	<p><u>Services Complained About:</u></p> <table border="1" data-bbox="304 230 1316 790"> <thead> <tr> <th data-bbox="304 230 692 304">Service</th> <th data-bbox="692 230 900 304">2015-16</th> <th data-bbox="900 230 1107 304">2014-15</th> <th data-bbox="1107 230 1316 304">2013-14</th> </tr> </thead> <tbody> <tr> <td data-bbox="304 304 692 378">Childcare Fieldwork</td> <td data-bbox="692 304 900 378">37</td> <td data-bbox="900 304 1107 378">36</td> <td data-bbox="1107 304 1316 378">67</td> </tr> <tr> <td data-bbox="304 378 692 452">Resources</td> <td data-bbox="692 378 900 452">6</td> <td data-bbox="900 378 1107 452">8</td> <td data-bbox="1107 378 1316 452">8</td> </tr> <tr> <td data-bbox="304 452 692 602">C.I.D.S. (Children's Integrated Disability Service)</td> <td data-bbox="692 452 900 602">2</td> <td data-bbox="900 452 1107 602">3</td> <td data-bbox="1107 452 1316 602">5</td> </tr> <tr> <td data-bbox="304 602 692 714">Other (Includes Safeguarding Unit etc.)</td> <td data-bbox="692 602 900 714">4</td> <td data-bbox="900 602 1107 714">4</td> <td data-bbox="1107 602 1316 714">12</td> </tr> <tr> <td data-bbox="304 714 692 790">Total number of complaints</td> <td data-bbox="692 714 900 790">49</td> <td data-bbox="900 714 1107 790">48</td> <td data-bbox="1107 714 1316 790">87</td> </tr> </tbody> </table>	Service	2015-16	2014-15	2013-14	Childcare Fieldwork	37	36	67	Resources	6	8	8	C.I.D.S. (Children's Integrated Disability Service)	2	3	5	Other (Includes Safeguarding Unit etc.)	4	4	12	Total number of complaints	49	48	87
Service	2015-16	2014-15	2013-14																						
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Total number of complaints	49	48	87																						
1.24	<p>Complaints about Childcare Fieldwork appear to be consistent over the years with the exception of 2013-14.</p> <p>Complaints involving Resources saw a small fall but again their numbers are consistent year on year. The management of C.I.D.S. falls under the remit of Adult Social Services.</p> <p>Please see Appendix 2 for a summary of complaints made across each service area.</p> <p>8 young people made a complaint during the year and all issues were responded to and resolved without the need for Stage 2 (Independent Investigation).</p>																								
1.25	<p>5 of the 8 young people who complained were supported by an Advocate from North Wales Advocacy). 3 young people chose not to be supported but their complaints were resolved to their satisfaction.</p>																								
1.26	<p>4 complaints progressed to Stage 2 (Independent Investigation): 3 complainants were parents and 1 complainant was a prospective adoptive parent.</p>																								
1.27	<p>3 of these 4 complaints were responded at Stage 1, but the complainants remained dissatisfied so they progressed to Stage 2. 1 complaint made by parents progressed straight to Stage 2 due to its complexity. Stage 2 complaints about the Service are again consistent year on year (3 complaints during 2014-15 and 7 complaints during 2013-14). 3 of the 4 Stage 2 complaints were not upheld overall. 1 Stage 2 complaint that was upheld in part overall. Appendix 3 provides details of stage 2 complaints.</p>																								
1.28	<p>Two complaints were considered by the Ombudsman during the year. One complaint regarding the management of Allowances in relation to a Special Guardian was upheld. An apology was made to the Guardian and a review of all such Allowances is currently underway as recommended by</p>																								

	<p>the Ombudsman. One complaint remains ongoing and is subject to the Ombudsman's own timescales.</p>
1.29	<p>As explained earlier, a variety of methods are used to resolve complaints. These include:</p> <ol style="list-style-type: none"> 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. <p>All complainants receive an apology where the quality or level of service has fallen below expectation.</p>
1.30	<p><u>Outcomes / Lessons Learned:</u></p> <p>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:</p> <ul style="list-style-type: none"> • Holding separate meetings between parents/partners if one parent/partner does not engage effectively and removes themselves from the situation if the other is present. • In core group meetings where parents are distressed and may not be fully taking in what is happening, Chairs will summarise outcomes to ensure parents fully understand what will happen next. • Fostering processes strengthened regarding expectations at the time of a bereavement in a looked after child's life and the timeliness of foster carers receiving a thorough and comprehensive induction following their approval. • Service information booklets for services are to be updated and revised.
1.31	<p>The timeliness of responding to complaints in Children's Social Services has previously been highlighted by the C.S.S.I.W. as an area requiring improvement. 6 complaints out of the 49 complaints received were responded to outside of timescale, which is an encouraging increase compared to previous years. Indeed, the second half of the year saw 93% of complaints being responded to within timescale. The Complaints Officer is proactive with Managers in resolving complaints within the timescale.</p> <p>The 6 complaints responded to late were narrowly outside their respective timescales and were mainly late due to their complexity.</p> <p>The 4 Stage 2 complaints were investigated within timescale or within the timescale agreed by the complainants (2 complaints were lengthy and complex in their nature).</p>

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1.33	<p>Children's Social Services recorded 61 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:</p> <table border="1"> <thead> <tr> <th>Service</th> <th>2015-16</th> <th>2014-15</th> <th>2013-14</th> </tr> </thead> <tbody> <tr> <td>Childcare Fieldwork</td> <td>12</td> <td>14</td> <td>40</td> </tr> <tr> <td>Resources</td> <td>10</td> <td>17</td> <td>9</td> </tr> <tr> <td>Other</td> <td>33</td> <td>46</td> <td>25</td> </tr> <tr> <td>Total number of compliments</td> <td>61</td> <td>77</td> <td>74</td> </tr> </tbody> </table>	Service	2015-16	2014-15	2013-14	Childcare Fieldwork	12	14	40	Resources	10	17	9	Other	33	46	25	Total number of compliments	61	77	74
Service	2015-16	2014-15	2013-14																		
Childcare Fieldwork	12	14	40																		
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Other	33	46	25																		
Total number of compliments	61	77	74																		

2.00	RESOURCE IMPLICATIONS
2.01	<p>The 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).</p> <p>The cost for Stage 2 complaints for the period was £8,956.08.</p>

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None taken.

4.00	RISK MANAGEMENT
4.01	None identified.

5.00	APPENDICES
5.01	<p>Appendix 1: Summary of complaints across service areas (Adult Social Services)</p> <p>Appendix 2: Summary of complaints across service areas (Children's</p>

	<p>Social Services).</p> <p>Appendix 3: Summary of all Stage 2 Independent Investigations and their outcomes.</p>
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6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>'A guide to handling complaints and representations by Local Authority Social Services', August 2014 (Welsh Government).</p> <p>Contact Officer: Ian Maclaren, Complaints Officer Telephone: 01352 702623 E-mail: ian.maclaren@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	None.