

SOCIAL AND HEALTH OVERVIEW AND SCRUTINY

Date of Meeting	Thursday, 20 th July 2017
Report Subject	Annual report on the Social Services Complaints and Compliments Procedure 2016-17
Cabinet Member	Cabinet Member for Social Services
Report Author	Chief Officer for Social Services

EXECUTIVE SUMMARY

The Social Services and Wellbeing Act (Wales) 2014 and Social Services Complaints Procedure Regulations 2014, 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.

Of the 2,302 adults who received advice or assistance from Adult Social Services during the year, 55 individuals complained about the service they received (2.4%). Of the 1,789 children and families who received information, advice and/or assistance from Children’s Social Services, 46 individuals complained about the service they received (2.6%). The number of complaints received across both Service areas are consistent with previous years and are low considering the significant changes to service delivery over the past 12 months.

All complaints are scrutinised and used to improve both services as part of a ‘lessons learned’ process.

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	<u>EXPLAINING THE NUMBER OF COMPLAINTS RECEIVED, THE ISSUES RAISED AND THEIR OUTCOMES</u>
1.01	Feedback in the form of compliments and complaints from service users, their family 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.
1.02	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.
1.03	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.
1.04	<p><u>Overview of complaints: Adult Social Services</u></p> <p>55 complaints were received in the year, which is comparable to previous years. This number should be considered against the context that 2,302 adults received advice or assistance from Adult Social Services during the year. There were incremental increases and decreases across service areas. 2 complaints were made concerning the North East Wales Emergency Duty Team, the first complaints received about the service in several years. All complaints received across the Service are scrutinised to see if anything further could have been done to alleviate a complaint being made in the first place; there were no such instances where a complaint could have been avoided. Every effort is made by social work staff and Managers to resolve issues/concerns quickly with service users and families. See appendix 1 for a summary of complaints made across each service area.</p>
1.05	This year saw a small drop in the number of complaints received about registered providers. 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.
1.06	One complaint related to a dignity issue (see appendix 1).

1.07	Service	2016-17	2015-16	2014-15	
	Older People – Localities	14	11	6	
	Older People – Provider	4	4	3	
	Learning Disability	10	* 58	21	
	Mental Health and Substance Misuse	1	0	3	
	Physical Disability and Sensory Impairment	5	7	4	
	Other (inc. Business Support Services etc.)	3	3	5	
	Safeguarding	3	0	0	
	Emergency Duty Team	2	0	0	
	Private care homes	5	5	8	
	Private domiciliary providers	8	11	6	
	Total number of complaints	55	99	56	
	<p><i>*43 of 58 complaints made about the Learning Disability Service in 2015-16 related to the planned changes to the allocation of respite care nights, the changes to supported living arrangements and the planned cessation of the day opportunities payment.</i></p>				
1.08	<p>A range of methods are used to resolve complaints including:</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) 				
1.09	<p>The 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>				
	Adult Social Services	2016-17	2015-16	2014-15	
	Within timescale at Stage 1	95%	97%	95%	

1.10	Adult Social Services resolve complaints within timescale on a consistent basis. Three complaints were resolved just outside of the timescale.
1.11	<p><u>Stage 2 (Independent Investigation)</u></p> <p>7 complaints were investigated independently at Stage 2 of the complaints procedure (independent investigation). This compares to 4 complaints investigated independently last year and 3 complaints investigated independently during 2014-15. All complaints that progress to Stage 2 are scrutinised to see if anything further could have been done to resolve the complaint formally at Stage 1: there was no option but to progress these 7 complaints to Stage 2 due to their nature or complexity. All 7 complaints investigated independently at Stage 2 were done so within timescale.</p> <p>See appendix 3 for a summary of the Stage 2 investigations and their outcomes.</p>
1.12	<p><u>Ombudsman</u></p> <p>3 complaints were opened by the Public Services Ombudsman for Wales' office during this year (see appendix 4 for further details).</p> <p>1 complaint opened by the Ombudsman's office during the previous year of 2015-16, and carried forward into this year was upheld. At the time of writing this report, a draft policy to meet the final recommendation has been drafted and is awaiting to be signed off by all six North Wales Local Authorities and Health.</p>
1.13	<p><u>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 'lessons learned' process). Examples of action taken on issues raised as a result of complaints to Adult Social Services include:</p>
1.14	<ul style="list-style-type: none"> • Reminding both social care staff and registered providers of procedures and expectations in relation to accompanying individuals in ambulances in emergency situations. • Introducing a new 'Family Contact Plan', which instructs both social work staff and registered providers which family member should be contacted on a particular day and time of day (including who to contact during family holidays). • Adopting a procedure setting out how to record and deal with allegations of inappropriate behaviour by service users against staff working in Social Services, Health and registered providers. • Reviewing our existing waiver panel procedure in line with the new Act and Code of Practice. A new application form that includes a checklist of weekly/monthly spends) together with guidance notes for service users and carers etc. Challenges/appeals to waiver panel decisions are now reviewed by the Senior Manager for Safeguarding and Commissioning for a further layer of independent oversight and scrutiny. • Revising the direct payment procedures so they are explicitly clear as

	to when a direct payment commences.				
1.15	<u>Compliments</u> <p>It is pleasing to report that Adult Social Services received 168 compliments during the year, an increase in last 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. See appendix 5 for a summary of some of the compliments received. The number of compliments recorded within each area of work is shown in the following table:</p>				
	Service	2016-17	2015-16	2014-15	
	Older People – Localities	50	36	27	
	Older People – Provider	72	71	95	
	Learning Disability	7	13	4	
	Mental Health and Substance Misuse	21	13	31	
	Physical Disability and Sensory Impairment	5	2	2	
	Other (inc. Safeguarding, Business Support Services etc.)	10	8	17	
	Registered Providers – Residential and Domicil.	3	3	2	
	Total number of compliments	168	146	178	
1.16	<u>Overview of Complaints: Children’s Social Services</u> <p>46 complaints were received during the year when 1,789 children and families received information, advice and/or assistance from the Service. Similar to complaints in Adult Social Services, the number of complaints relating to Children’s Social Services are consistent with previous years. Again, all complaints received are scrutinised to see if anything further could have been done to alleviate a complaint being made in the first place. Every effort is made by social work staff and Managers to resolve issues/concerns quickly with service users and families.</p>				
1.17	<p>4 children/young people complained during the year; one was supported by an Advocate, the other three did not want the services of an Advocate. In terms of resolving these complaints, we:</p>				
	<ul style="list-style-type: none"> Confirmed all personal possessions had been returned to the young person concerned. Apologised for the difficulty in arranging contact between siblings but arrangements were now in place. Quickly resolved problems with a maintenance allowance that hadn’t 				

	been paid. <ul style="list-style-type: none">Discussed issues with a young person that they had raised about their previous foster placement.			
1.18	3 of the young people had their complaints resolved to their satisfaction. One young person remains dissatisfied about missing personal possessions going missing from over two years ago; at the time of writing this report a resolution remains in progress.			
1.19	See appendix 2 for a summary of complaints made across each service area.			
	Service	2016-17	2015-16	2014-15
	Childcare Fieldwork and Resources	42	43	41
	C.I.D.S. (Children's Integrated Disability Service)	3	2	3
	Other (Includes Safeguarding Unit etc.)	1	4	4
	Total number of complaints	46	49	48
1.20	As explained earlier, a range of methods are used to resolve complaints. These include: <ul style="list-style-type: none">a. A meeting or conversation with the complainant to discuss their concernsb. Involving Advocates and self-advocacy groupsc. A written explanation as to the reasons for a decisiond. An apology where appropriatee. Action taken to review a decisionf. Independent investigation (Stage 2 of the procedure)			
1.21	42 out of the 46 complaints received at Stage 1 were responded to within timescale (91%). The 4 late complaints were responded shortly outside timescale, 1 of these complaints was late whilst we awaited legal advice. The Service continues to improve in meeting the statutory timescale to resolve complaints.			
	Children's Social Services	2016-17	2015-16	2014-15
	Within timescale at Stage 1	91%	88%	79%

1.22	<u>Stage 2 (Independent Investigation)</u> 2 independent investigations were completed at Stage 2 during the year: neither could be resolved at Stage 1 due to their complexity. This is the lowest number of Stage 2 investigations since the Regulations were revised in 2006, reflecting the effort Managers and Senior Practitioners put into resolving complaints. A summary of these investigations is described in appendix 3.			
1.23	<u>Ombudsman</u> No complaints were opened by the Ombudsman during this year, but they did complete an investigation they opened during the previous year of 2015-16. The complaint was upheld (see appendix 4).			
1.24	<u>Lessons Learned</u> Recommendations following Stage 2 investigations often inform our lessons learned process. Given there were only 2 investigations this year, the few lessons learned include: <ul style="list-style-type: none"> • Reminding staff of the importance of the timely transfer between the Children's Integrated Disability Service (C.I.D.S.) to Fieldwork if children don't meet the C.I.D.S. eligibility criteria. • Reviewing the Council's webpage regarding the fostering allowance to ensure there is no misunderstanding as to the fees carers are entitled to. 			
1.25	<u>Compliments</u> Children's Social Services recorded 53 complaints during the year from families and the Courts. They were in the form of cards, emails, texts or letters. See appendix 5 for a summary of some of the messages received.			
	Service	2016-17	2015-16	2014-15
	Children's Social Services	53	61	77

2.00	RESOURCE IMPLICATIONS
2.01	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). The cost for Stage 2 complaints for the period was £8,671.50 (the previous year amounted to £8,956.08).

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None undertaken.

4.00	RISK MANAGEMENT
4.01	No risks 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 Social Services)</p> <p>Appendix 3: Summary of Stage 2 independent complaint investigations and their outcomes (both Children and Adult Social Services)</p> <p>Appendix 4: Summary of complaints investigated by the Public Services Ombudsman for Wales and their outcomes (both Children and Adult Social Services).</p> <p>Appendix 5: Summary of compliments received across service areas (both Children and Adult Social Services).</p>

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 for Social Services Telephone: 01352 702623 E-mail: ian.maclaren@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	(1) Stage 2 complaint: the Regulations stipulate that where a complainant remains dissatisfied with their response from the Council, consideration must be given to progressing the complaint further in the statutory procedure, i.e. to Stage 2. An independent investigation is commissioned using a shared North Wales 'pool' of retired social care Officers.