

## SOCIAL AND HEALTH CARE OVERVIEW AND SCRUTINY COMMITTEE

<b>Date of Meeting</b>	Thursday, 10 <sup>th</sup> May 2018
<b>Report Subject</b>	Annual report on the Social Services Complaints and Compliments Procedure 2017-18
<b>Cabinet Member</b>	Cabinet Member for Social Services
<b>Report Author</b>	Chief Officer for Social Services
<b>Type of Report</b>	

### **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 4,099 adults who received care and support during 2017-18 from Social Services for Adults, 80 individuals complained about the service they received, 2% compared to 2.4% in 2016/17. Of the 1,926 children and families who received care and support from Social Services for Children, 49 individuals complained about the service they received (2.5%), compared to 2.5% in 2016/17.

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.
---	---

### **REPORT DETAILS**

1.00	<b><u>EXPLAINING THE NUMBER OF COMPLAINTS RECEIVED, THE ISSUES RAISED AND THEIR OUTCOMES</u></b>
------	--

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	<b><u>Overview of complaints: Social Services for Adults</u></b>
1.05	80 complaints were received in the year, a higher number compared to previous years, but in percentage terms a smaller proportion of the 4,099 adults who received care and support from the Service during the year. There was an increase in complaints relating to Older People Locality Teams. A review of these complaints can partly be attributed to the implementation of the new Act and families challenging our decision making and the services we offer. We need to work with families to manage their expectations
1.06	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: broadly speaking 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.
1.07	This year saw an increase 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 Inspectorate for Wales (C.I.W.) where complaints information is shared and considered together with other information collated by agencies.

1.08 Four complaints related to dignity issues. See appendix 1 for further details.

Service	2017-18	2016-17	2015-16
Older People – Localities	21	14	11
Older People – Provider	7	4	4
Learning Disability Community Team	8	* 10	** 58
Learning Disability Provider	10		
Mental Health and Substance Misuse	7	1	0
Physical Disability and Sensory Impairment	4	5	7
Safeguarding	3	3	0
Emergency Duty Team	0	2	0
Other (inc. Business Support etc.)	3	3	3
Private Care Homes	10	5	5
Private Domiciliary Providers	7	8	11
<b>Total number of complaints</b>	<b>80</b>	<b>55</b>	<b>99</b>

*\* Note the Learning Disability Services' Community Team and Provider element were combined in previous years.*

	<p><b><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></b></p>
1.09	<p>The parts of Social Services for Adults that saw a modest increase in complaints, their themes broadly speaking were:</p> <ul style="list-style-type: none"> <li>• Older People Locality Teams saw an increase in terms of challenging our decision making around assessments and care packages, and lack of advice or support.</li> <li>• Older People Provider Services saw an increase in terms of timeliness of actions and issues with the home or support being provided.</li> <li>• Learning Disability Community Team also saw an increase in terms of challenging our decision making around assessments and care packages.</li> <li>• Learning Disability Provider Services saw an increase in complaints but no general theme emerging.</li> <li>• Mental Health and Substance Misuse saw an increase in terms of communication.</li> <li>• Private care homes saw an increase in terms the quality of care provided, processes and their communication with families. It should be borne in mind that with the increase in final levels, in proportion terms, there was a decrease in the percentage of complaints in Adult Services.</li> </ul>
1.10	<p>A range of methods are used to resolve complaints including:</p> <ol style="list-style-type: none"> <li>a. A meeting or conversation with the complainant to discuss their concerns</li> <li>b. Involving Advocates and self-advocacy groups</li> <li>c. A written explanation as to the reasons for a decision</li> <li>d. An apology where appropriate</li> <li>e. Action taken to review a decision</li> <li>f. Independent investigation (Stage 2 of the procedure)</li> </ol>

1.11	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.			
	<b>Social Services for Adults</b>	<b>2017-18</b>	<b>2016-17</b>	<b>2015-16</b>
	<b>Within timescale at Stage 1</b>	86%	95%	97%
1.12	There was a drop in response times by the Service, but overall the Service responds on a consistent basis. Against the backdrop of busy workloads and competing demands, Team Managers have been reminded of the importance to respond to complaints in a timely manner. Complainants are kept informed during the course of any complaint. Eleven complaints were resolved just outside of the timescale.			
1.13	<b><u>Stage 2 (Independent Investigation)</u></b>			
1.14	<p>Three complaints were investigated at Stage 2 of the complaints procedure (independent investigation). This compares to 7 complaints investigated independently last year (2016-17) and 4 complaints investigated independently during 2015-16. 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 3 complaints to Stage 2 due to their nature or complexity. The significant drop in the number of Stage 2 complaints reflects the time and effort that Managers put into reviewing what has happened and effectively responding.</p> <p>See appendix 3 for a summary of the Stage 2 investigations and their outcomes.</p>			
1.15	<b><u>Ombudsman</u></b>			
1.16	No (zero) new complaints were opened by the Ombudsman's office about the Service during the year.			
1.17	Two complaints opened and upheld by the Ombudsman last year (2016-17) were closed this year after the recommendations were met. They both related to how we had decided that the supported living home where their loved ones lived was transferred from the Council to being run by an independent provider. The Ombudsman upheld both complaints on the basis that the criteria it used to underpin the process was flawed. Upon reflection we acknowledged the 'Move On' criteria used was not 'perfect' but having researched and sourced a range of information, we maintained our belief that it was robust and fit for purpose. We accepted the recommendations made and have apologised formally to both complainants.			

1.18	A further complaint opened by the Ombudsman last year (2016-17), about how a registered domiciliary provider believed they had been targeted by us in terms of the standard of care they were providing, remains open. The Ombudsman has produced two draft reports during this time.												
1.19	One complaint opened by the Ombudsman’s office during 2015-16 and upheld, was closed this year with all recommendations met. The complaint, which involved both the Council and Betsi Cadwaladr University Health Board, has seen both agencies adopt 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.												
1.20	<b><u>Lessons Learned</u></b>												
1.21	<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> <ul style="list-style-type: none"><li>• We have adopted a joint policy between the Council and Betsi Cadwaladr University Health Board 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.</li><li>• We have reviewed the accommodation waiting list procedure to ensure families are written to if service users, for whatever reason, are under consideration for removal from the list.</li><li>• We have revamped inventory processes within the Learning Disability Provider Service so that staff are empowered and now take ownership of the problem if service users’ personal possessions (e.g. clothing) go missing and they maintain regular contact with family.</li></ul>												
1.22	<b><u>Compliments</u></b>												
1.23	<p>It is pleasing to report that Adult Social Services received 204 compliments during the year, an increase in last year. The increase in overall final activity should also be borne in mind with compliments. 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 4 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> <table><tr><th>Service</th><th>2017 - 18</th><th>2016 - 17</th><th>2015 - 16</th></tr><tr><td>Older People Localities</td><td>78</td><td>50</td><td>36</td></tr><tr><td>Older People Provider</td><td>46</td><td>72</td><td>71</td></tr></table>	Service	2017 - 18	2016 - 17	2015 - 16	Older People Localities	78	50	36	Older People Provider	46	72	71
Service	2017 - 18	2016 - 17	2015 - 16										
Older People Localities	78	50	36										
Older People Provider	46	72	71										

		Learning Disability Community Team	12	*7	13
		Learning Disability Provider	15		
		Mental Health and Substance Misuse	28	21	13
		Physical Disability and Sensory Impairment	11	5	2
		Safeguarding and others (inc. Business Support etc.)	11	10	8
		Private Care Homes and Domiciliary Providers	3	3	3
		<b>Total Number of Compliments</b>	<b>204</b>	<b>168</b>	<b>146</b>
	<i>* Note the Learning Disability Services' Community Team and Provider element were combined in previous years.</i>				
1.24	<b><u>Overview of Complaints: Social Services for Children</u></b>				
1.25	During 2017-18, 49 complaints were received and 1,926 children and families received care and support from the Service. The number of complaints relating to Social Services for Children is 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.				
1.26	Five young people complained during the year. Two were supported by their Advocate, the other three were offered but did not want the services of an Advocate. See appendix 2 for further details about these complaints.				
		<b>Service</b>	<b>2017-18</b>	<b>2016-17</b>	<b>2015-16</b>
		First Contact, FIT, PACT and TAF	39	42	42

	Fostering Service	3	7	6								
	C.I.D.S. (Children's Integrated Disability Service)	2	3	2								
	Safeguarding Unit	2	1	4								
	Emergency Duty Team	3	0	0								
	<b>Total Number of Complaints</b>	<b>49</b>	<b>46</b>	<b>49</b>								
	<p>See appendix 2 for a summary of complaints made across each service area.</p> <p>As explained earlier, a range of methods are used to resolve complaints. These include:</p> <ul style="list-style-type: none"><li>a. A meeting or conversation with the complainant to discuss their concerns</li><li>b. Involving Advocates and self-advocacy groups</li><li>c. A written explanation as to the reasons for a decision</li><li>d. An apology where appropriate</li><li>e. Action taken to review a decision</li><li>f. Independent investigation (Stage 2 of the procedure)</li></ul>											
1.27	<p>Of the Stage1 complaints received, 39 out of the 49 complaints were responded to within timescale (80%). The 10 late complaints were responded shortly outside timescale. However, Managers within the Service have been reminded again of the importance of responding in a timely manner.</p> <table><tr><td><b>Social Services for Children</b></td><td><b>2017-18</b></td><td><b>2016-17</b></td><td><b>2015-16</b></td></tr><tr><td><b>Within timescale at Stage 1</b></td><td>80%</td><td>91%</td><td>85%</td></tr></table>				<b>Social Services for Children</b>	<b>2017-18</b>	<b>2016-17</b>	<b>2015-16</b>	<b>Within timescale at Stage 1</b>	80%	91%	85%
<b>Social Services for Children</b>	<b>2017-18</b>	<b>2016-17</b>	<b>2015-16</b>									
<b>Within timescale at Stage 1</b>	80%	91%	85%									
1.28	<b><u>Stage 2 (Independent Investigation)</u></b>											



1.29	One complaint proceeded to Stage 2 and independent investigation during the year. The number of Stage 2 complaints continues to fall in the Service and this is the lowest number since the Regulations were first revised in 2006, reflecting the effort Managers and Senior Practitioners put into resolving complaints. A summary of this Stage 2 complaint is described in appendix 3.								
1.30	<b><u>Ombudsman</u></b>								
1.31	It is pleasing to note that no (zero) complaints were opened by the Ombudsman during this year.								
1.32	<b><u>Lessons Learned</u></b>								
1.33	<p>Given the low number of complaints and there being only 1 independent investigation completed in the year, the few lessons learned and discussed at team meetings as ‘practice developments’ included:</p> <ul style="list-style-type: none"><li>• Reminder to adhere to the All Wales Child Protection Procedures and that all children must be seen in their current placement regardless of whether it is a private family arrangement and regardless whether there is parental engagement or not.</li><li>• Revisions made to the schedule of expectations families are expected to adhere to in relation to the care of their children and what they can expect from us in return to support them.</li><li>• Reminder to ensure access by young people to their foster placements in terms of owning house keys are discussed with both foster carers and young people as part of their plan toward independence.</li></ul>								
1.34	<b><u>Compliments</u></b>								
1.35	<p>Children’s Social Services recorded 82 compliments during the year from families and the Courts. They were in the form of cards, emails, texts or letters. See appendix 4 for a summary of some of the messages received.</p> <table><tr><td></td><td><b>2017-18</b></td><td><b>2016-17</b></td><td><b>2015-16</b></td></tr><tr><td><b>Social Services for Children</b></td><td><b>82</b></td><td><b>61</b></td><td><b>77</b></td></tr></table>		<b>2017-18</b>	<b>2016-17</b>	<b>2015-16</b>	<b>Social Services for Children</b>	<b>82</b>	<b>61</b>	<b>77</b>
	<b>2017-18</b>	<b>2016-17</b>	<b>2015-16</b>						
<b>Social Services for Children</b>	<b>82</b>	<b>61</b>	<b>77</b>						

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
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 2017-18 was £4,148.75 (the previous year amounted to £8,671.50).

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
-------------	---

3.01	None undertaken.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	No risks identified.

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1: Summary of complaints across service areas (Adult Social Services)
5.02	Appendix 2: Summary of complaints across service areas (Children's Social Services)
5.03	Appendix 3: Summary of Stage 2 independent complaint investigations and their outcomes (both Children and Adult Social Services)
5.04	Appendix 4: Summary of compliments received across service areas (both Children and Adult Social Services).

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>'A guide to handling complaints and representations by Local Authority Social Services', August 2014 (Welsh Government).</p> <p><b>Contact Officer:</b> Ian Maclaren, Complaints Officer for Social Services</p> <p><b>Telephone:</b> 01352 702623</p> <p><b>E-mail:</b> <a href="mailto:ian.maclaren@flintshire.gov.uk">ian.maclaren@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	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.