

SOCIAL AND HEALTH CARE OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	18 th July 2019
Report Subject	Annual report on the Social Services Complaints and Compliments Procedure 2019-20
Cabinet Member	Cabinet Member for Social Services
Report Author	Chief Officer for Social Services
Type of Report	Strategic

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.

Complaints made about Adult Social Care are down compared to previous years and there has been a positive increase with the number of complaints responded to within timescale. Of the 3,965 adults who receive care and support during 2018-19 from Adult Social Care, 51 individuals complained about the service they received (1%). This compares to 80 individuals who complained during 2017-18. There was also an increase in the number of compliments received.

Of the 2,188 children and families who received care and support from Children’s Social Services, 55 individuals complained about the service they received (2.5%), compared to 49 individuals complaining during 2017-18. The number of complaints received in Children’s Social Services is comparable year on year.

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	<u>Overview of complaints: Adult Social Care</u>
1.05	51 complaints were received in the year, a significant decrease compared to last year's 80 complaints that were received. This number should also be considered against the context that 3,965 adults who received care and support from the Service during the year. The Act is now firmly embedded in practice and the decrease can partly be attributed to improving our advice and communication with service users and their families, and managing 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 grouped into themes.
1.07	This year also saw a decrease in the number of complaints received about both registered residential and domiciliary 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

Service	2018-19	2017-18	2016-17
Older People – Localities	19	21	14
Older People – Provider	2	7	4
Learning Disability Community Team	6	8	10
Learning Disability Provider	2	10	
Mental Health and Substance Misuse	4	7	1
Disability Service inc. Transition	5	4	5
Safeguarding	0	3	3
Other (inc. Business Support etc.)	2	3	5
Registered Residential Provider	6	10	5
Registered Domiciliary Providers	4	7	8
*Integrated Autism Svc.	1	n/a	n/a
Total number of complaints	51	80	55

* The Integrated Autism Service was formed in July 2018.

1.09	<p>Broadly speaking the complaint themes are broken down into the following areas with the number received in brackets).</p> <ul style="list-style-type: none"> • Dignity (2 complaints) • Communication (14 complaints) • Timeliness of our decisions or actions (10 complaints) • Disagreements with our decisions or actions (10 complaints) • Quality of care from a home or carer (23 complaints) • Charges applied or financial issues (4 complaints) • Hospital discharges (2 complaints) • Process issues (14 complaints) • Staff issues (6 complaints) 								
1.10	<p>A range of methods are used to resolve complaints including:</p> <ol 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) 								
1.11	<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> <table border="1" data-bbox="304 1402 1369 1648"> <thead> <tr> <th data-bbox="304 1402 584 1503">Adult Social Care</th> <th data-bbox="584 1402 844 1503">2018-19</th> <th data-bbox="844 1402 1106 1503">2017-18</th> <th data-bbox="1106 1402 1369 1503">2016-17</th> </tr> </thead> <tbody> <tr> <td data-bbox="304 1503 584 1648">Within timescale at Stage 1</td> <td data-bbox="584 1503 844 1648">98%</td> <td data-bbox="844 1503 1106 1648">86%</td> <td data-bbox="1106 1503 1369 1648">95%</td> </tr> </tbody> </table>	Adult Social Care	2018-19	2017-18	2016-17	Within timescale at Stage 1	98%	86%	95%
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1.12	<p>In previous years, the Service has seen a consistent and high number of responses to complaints made within the statutory timescale. This year saw a further improvement with only one complaint responded to outside timescale. Even this one late complaint involved Managers meeting with the complainant in a timely manner to ensure the important issues were resolved quickly (it was the overall response that took time to resolve). This is against the backdrop of busy workloads and competing demands.</p>								

1.13	<u>Stage 2 (Independent Investigation)</u>
1.14	<p>3 complaints were investigated at Stage 2 of the complaints procedure (Independent Investigation), the same as last year (2017-18) and lower than the 7 complaints investigated independently during 2016-17. 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. This relatively small number 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	<u>Ombudsman</u>
1.16	<p>One new complaint opened by the Ombudsman's office this year partly involved the new Integrated Autism Service. The Service agreed to settle the complaint without the need to escalate into a formal Ombudsman investigation and we completed an assessment with the complainant and their children.</p>
1.17	<p>A complaint opened by the Ombudsman during 2017-18 remains open at the time of this report's publication. The Department completed a retrospective review of a safeguarding case that subsequently raised questions about the Ombudsman's own investigation.</p>
1.18	<p>A complaint opened by the Ombudsman during 2016-17 was finally closed this year. The complaint was "upheld to a limited extent" as there had been a failure by Officers to consider the complainant's needs for a reasonable adjustment at a meeting the complainant attended with her husband. The recommendations have been implemented and signed off by the Ombudsman.</p>
1.19	<u>Lessons Learned</u>
1.20	<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 Care include:</p> <ul style="list-style-type: none"> • The Service Provider Due Diligence Questionnaire was revised to include whether members of a commissioned organisation's management team required assistance under the Equality Act 2010 when communicating with Local Authority Officers. • Reviewing and updating the existing recording policy for the Service.

1.22	<u>Compliments</u>																																
1.23	It is pleasing to report that Adult Social Care received 285 compliments during the year, an increase in last year's number of 204 compliments received. 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 across service areas.																																
1.24	<u>Overview of Complaints: Children's Social Services</u>																																
1.25	During 2018-19, 55 complaints were received and 2,188 (2.5%) children and families received care and support from the Service. The number of complaints relating to Children's Social Services 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. See appendix 2 for further details about these complaints.																																
1.26	<p>7 young people complained during the year. 1 young person was supported by their Advocate, the other 6 were offered but did not want the services of an Advocate.</p> <table border="1"> <thead> <tr> <th>Service</th> <th>2018-19</th> <th>2017-18</th> <th>2016-17</th> </tr> </thead> <tbody> <tr> <td>First Contact, FIT, PACT and TAF</td> <td>43</td> <td>39</td> <td>42</td> </tr> <tr> <td>Fostering Service</td> <td>4</td> <td>3</td> <td>7</td> </tr> <tr> <td>C.I.D.S. (Children's Integrated Disability Service)</td> <td>3</td> <td>2</td> <td>3</td> </tr> <tr> <td>Safeguarding Unit</td> <td>1</td> <td>2</td> <td>1</td> </tr> <tr> <td>Flying Start</td> <td>1</td> <td>0</td> <td>0</td> </tr> <tr> <td>Other (including commissioned providers)</td> <td>3</td> <td>3</td> <td>0</td> </tr> <tr> <td>Total Number of Complaints</td> <td>55</td> <td>49</td> <td>46</td> </tr> </tbody> </table>	Service	2018-19	2017-18	2016-17	First Contact, FIT, PACT and TAF	43	39	42	Fostering Service	4	3	7	C.I.D.S. (Children's Integrated Disability Service)	3	2	3	Safeguarding Unit	1	2	1	Flying Start	1	0	0	Other (including commissioned providers)	3	3	0	Total Number of Complaints	55	49	46
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	<p>As explained earlier, a range of methods are used to resolve complaints. These include:</p> <ol style="list-style-type: none"> A meeting or conversation with the complainant to discuss their concerns Involving Advocates and self-advocacy groups 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) 								
1.27	<p>Of the 55 Stage 1 complaints received, 51 out of the 55 complaints were responded to within timescale (93%). The 4 late complaints were responded shortly outside timescale.</p> <table border="1"> <thead> <tr> <th>Social Services for Children</th> <th>2018-19</th> <th>2017-18</th> <th>2016-17</th> </tr> </thead> <tbody> <tr> <td>Within timescale at Stage 1</td> <td>93%</td> <td>80%</td> <td>91%</td> </tr> </tbody> </table>	Social Services for Children	2018-19	2017-18	2016-17	Within timescale at Stage 1	93%	80%	91%
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1.28	<u>Stage 2 (Independent Investigation)</u>								
1.29	<p>Five complaints proceeded to Stage 2 and independent investigation during the year. This is an increase compared to previous years (1 during 2017-18 and 2 during 2016-17). Close scrutiny of these Stage 2 complaints shows these were complex cases involving difficult family or personal dynamics. A summary of these Stage 2 complaints is described in Appendix 3.</p>								
1.30	<u>Ombudsman</u>								
1.31	<p>1 complaint about failing to properly deal with a request for financial assistance under Special Guardianship Regulations was investigated by the Ombudsman and upheld this year. We apologised for the failings identified in terms of not following process and paid financial redress in recognition of this. The Local Authority settled 2 other complaints without the need for formal investigation.</p>								
1.32	<u>Lessons Learned</u>								
1.33	<p>The lessons learned and discussed at team meetings as 'practice developments' including:</p> <ul style="list-style-type: none"> Reminding staff they visit children as part of every Section 47 investigation at their current placement address. This applies to children who may be subject to a private arrangement made between families and must take place whether there is parental engagement or not. Reviewing current practice about informing a third party that a P.N.C. check is to be undertaken on them and its outcome recorded on our files. 								

	<ul style="list-style-type: none"> • Reminding staff of the process to follow in terms of Special Guardianship applications. • Drawing up an adoption checklist for a casefile which will assist staff if the caseholder is on leave, sickness absence etc. 								
1.34	<u>Compliments</u>								
1.35	<p>Children's Social Services recorded x compliments during the year from families, the Courts and other public bodies. 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 border="1"> <thead> <tr> <th></th> <th>2018-19</th> <th>2017-18</th> <th>2016-17</th> </tr> </thead> <tbody> <tr> <td>Social Services for Children</td> <td>75</td> <td>82</td> <td>61</td> </tr> </tbody> </table>		2018-19	2017-18	2016-17	Social Services for Children	75	82	61
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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 2018-19 was £11,031.02 (the cost for the previous year amounted to £4,148.75).

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	None undertaken.

4.00	RISK MANAGEMENT
4.01	No risks identified.

5.00	APPENDICES
5.01	Appendix 1: Summary of complaints categorised into themes (Adult Social Care)
5.02	Appendix 2: Summary of complaints categorised into themes (Children's Social Services)
5.03	Appendix 3: Summary of Stage 2 independent complaint investigations and their outcomes (both Children and Adult Social Services)

5.01	Appendix 4: Summary of compliments received across service areas (both Children and Adult Social Services).
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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 for Social Services</p> <p>Telephone: 01352 702623</p> <p>E-mail: ian.maclaren@flintshire.gov.uk</p>

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