

## HEALTH SOCIAL CARE AND WELLBEING SCRUTINY COMMITTEE – 13TH MAY 2014

**SUBJECT: 2013/14 ANNUAL REPRESENTATIONS AND COMPLAINTS REPORT**

**REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES**

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### 1. PURPOSE OF REPORT

- 1.1 To provide the HSC&WB Scrutiny Committee with information and analysis on the operation of the Social Services Directorate's Representations and Complaints procedure from 1 April 2013 to 31 March 2014.

### 2. SUMMARY

- 2.1 Representations and complaints relating to Social Services are dealt with by the Directorate's Customer Services Team.

#### 2.2 Representations

- 2.2.1 A representation is a request for information or a referral for a service made by a third party (including Elected Members) on behalf of another person.

#### 2.3 Complaints

- 2.3.1 The Social Services complaints procedure follows the Welsh Government 'Listening & Learning Guidance' introduced in April 2006, which has three stages: -

**Stage 1 (Local Resolution)** - The majority of complaints are dealt with in this way and most are concluded without the need for a formal investigation. Staff are required to observe established procedures, timescales and best practice at all times.

**Stage 2 (Formal Investigation)** - Investigations at this stage are undertaken by an externally commissioned Investigating Officer and there are statutory time limits for completion of the investigation. The complainant receives a full response detailing findings, conclusions and recommendations. The Listening & Learning Guidance allows for complainants to progress their concerns directly to formal Stage 2 investigation if they so wish.

**Stage 3 (Welsh Government Panel Hearing)** - If a complainant is not satisfied with the outcome of a formal investigation at Stage 2 they can request that their complaint progresses to Stage 3 of the complaints process. The matter is then referred to the Welsh Government who will direct a Panel to oversee the process.

- 2.3.2 Where a complainant remains dissatisfied at the end of the complaints process, they can refer the matter to the Local Public Services Ombudsman who provides an external independent service to consider complaints about all Local Authority services, including Social Services. This results in a report to the Local Authority in which the Ombudsman may make

recommendations. In cases where the Ombudsman concludes that maladministration has taken place the report is made public and the Directorate's Customer Services Manager and relevant Operational Managers will attend the Local Authority Standards Committee to offer a full explanation.

2.3.3 The Welsh Government has been consulting with Local Authorities, Health Boards and other interested bodies, on a review of the current arrangements that govern the way that complaints are handled by Social Service Departments across Wales. It is expected that the new complaints guidance will be operational from June 2014. There are two significant changes to the current guidance, these being:

- the cessation of the Stage 3 Panels, with complainants being advised that they can progress to the Ombudsman's office following a Stage 2 investigation.
- the Ombudsman will have that authority to investigate complaints regarding Private Provider services including Domiciliary and Residential Care.

### **3. LINKS TO STRATEGY**

3.1 Annual Council Reporting Framework (ACRF) – The Director's Annual Report on the Effectiveness of Social Services.

3.2 Caerphilly County Borough Council's Public Engagement, Participation and Consultation Strategy 2011 – 2014.

### **4. THE REPORT**

4.1 This report provides details of representations and complaints activity for the period April 2013 to March 2014.

#### **4.2 Representations**

4.2.1 During 2013/14, 120 representations were received. The majority of these were from elected members, MP's and AM's, on behalf of their constituents, of which 99 (82.5%) related to Adult Services, 21 (17.5%) to Children's Services and 0 (0%) to the Directorate's Service Strategy and Business Support service area.

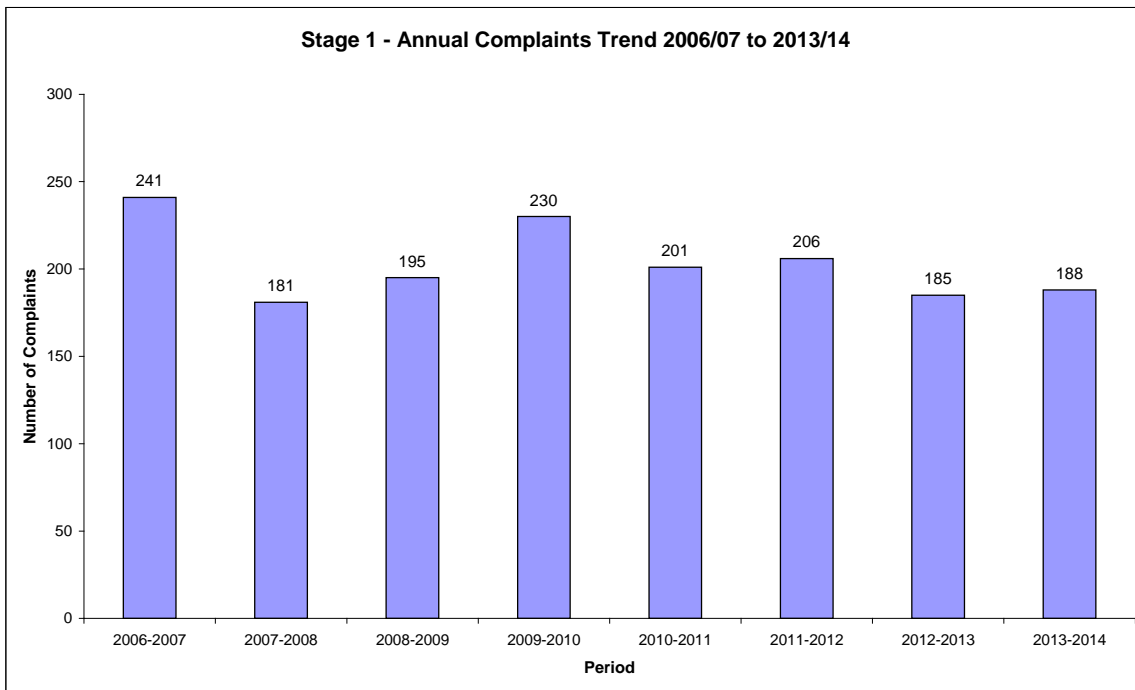
4.2.2 The number of representations received by Adult Services during 2013/14 has increased from 80 in the previous year (2012/13) to 120. Of the 120 representations received in the period 2013/14, 44 related to the withdrawal of the cleaning service funded by Supporting People.

#### **4.3 Complaints – Stage 1**

4.3.1 During 2013/14 the Directorate received 188 Stage 1 complaints and 6 complaints that customers wished to progress directly to Stage 2. The majority of the complaints were resolved to the customer's satisfaction at Stage 1.

4.3.2 Of the 188 complaints received at Stage 1, 107 (57%) to Children's Services, 79 (42%) related to Adult Services and 2 (1%) to Service Strategy and Business Support.

4.3.3 The following graph illustrates the trend of Stage 1 complaints received and responded to by the Directorate since the implementation of the Listening and Learning Guidance in April 2006.



4.3.4 The Customer Services Team receives complaints from a range of sources and these are detailed below for 2012/13: - (the figures include the 6 complaints that progressed directly to Stage 2 of the process).

- Telephone (93)
- Letter (36)
- Elected Members / AM's / MP's (5)
- E-mail (31)
- Complaints form (21)
- Visit (8)

4.3.5 The above information demonstrates the Directorate's commitment to improving communication with its customers by accepting and responding to complaints in the customer's chosen media.

4.3.6 The Customer Services team record whether complaints are upheld, partially upheld or not upheld. This enables the Directorate to note themes and trends from the findings of complaints and to act on isolated incidents of poor practice that need immediate attention.

4.3.7 Of the 188 complaints received at Stage 1 in 2013/14 the following outcomes were noted: -

- 13 closed
- 15 complaints were upheld.
- 9 complaints were partially upheld.
- 149 complaints were not upheld.
- 2 ongoing

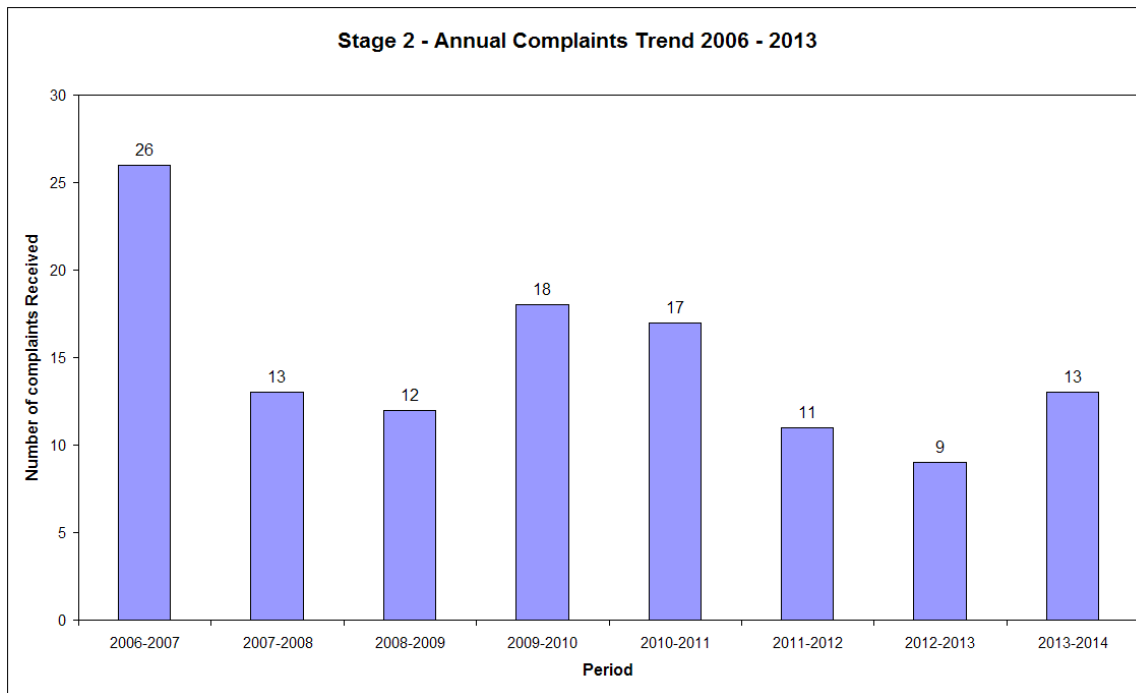
4.3.8 Of the 13 complaints that were closed:

- 2 were resolved with the customer receiving financial redress for lost/damaged items
- 4 were withdrawn by the customer as the matters were resolved during the process
- 1 progressed to a Foster Panel hearing
- 2 were closed when the customer failed to continue contact
- 4 were closed as the complainant was a family member and the service user did not agree to the Directorate sharing their personal information.

- 4.3.9 The majority of those cases that were upheld related to poor communication linked to human error, examples of which included not returning calls, miscommunication with service users/family members.
- 4.3.10 Examples of changes that have been made in response to other more significant findings from Stage 1 complaints included the following:
- The Directorate Finance team are working with Adult Services to standardise the paperwork in the Authority's Respite and Residential establishments relating to the checking in and out of services users property.
  - 2 staff members (1 in Children's and 1 in Adult Services) were referred via the management supervision process regarding poor practice identified in the course of investigations into Stage 1 complaints.
- 4.3.11 To ensure the appropriate identification of risk to vulnerable adults, the Customer Services Team and POVA Team continue to operate their joint working protocol, which is reviewed annually. In the period April 2013 to March 2014, 6 complaints received by the Customer Services Team were referred to the POVA team for consideration under that process. Of these, 3 cases were found to meet the POVA criteria with full POVA investigations being undertaken on each case.
- 4.3.12 A Task and Finish Group, led by the author of POVA procedures, has been working to review the complaints section within the POVA process, as it was considered by Local Authorities across Wales to be no longer 'fit for purpose'. This will clarify for the Directorate the role of the Customer Services team in respect of complaints relating to POVA decisions.

#### 4.4 **Complaints – Stage 2**

- 4.4.1 During 2013/14 the Directorate received 13 requests to progress complaints to Stage 2. Of these, 11 (85%) related to Children's Services and 2 (15%) related to Adult Services.
- 4.4.2 Of the 13 requests for a Stage 2 investigation, 6 were progressed directly to stage 2 formal investigation, without the Directorate having the opportunity to attempt local resolution. This was at the request of the complainant and this is permitted under the Listening & Learning complaints guidance.
- 4.4.3 1 stage 2 complaint relating to Adult Services was a joint investigation, led and investigated by Health.
- 4.4.4 Of the 11 Stage 2 investigation requests relating to Children's Services, 2 investigations were closed before completion, due to the complainant's lack of engagement with the Independent Investigating Officer.
- 4.4.5 The following graph shows the trend for complaints progressing to the formal Stage 2 process for independent investigation since the implementation of the Listening and Learning Guidance in April 2006 and shows an increase in the year 2013/14.



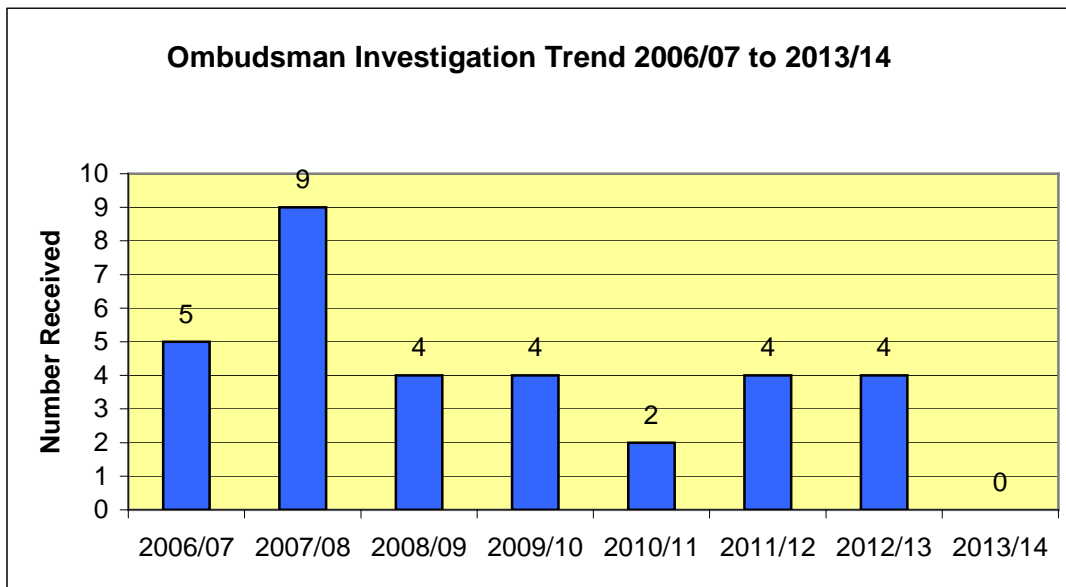
- 4.4.6 The increase in respect of Stage 2 investigations relating to Children’s Services has been fully considered to identify any common themes and trends, with none being found.
- 4.4.7 The Directorate, in particular Children’s Services, is experiencing an increase in the number of complainants who appear unwilling or unable to accept the responses they are given at stage 1, even when the response is supported by the evidence on file.
- 4.4.8 Of the 11 Stage 2 investigations that progressed through the process, there were 103 individual issues listed by complainants, which they wished to be considered. One complaint listed 30 issues.
- 4.4.9 Of the 103 matters listed, 15 matters were found to be partially or fully upheld. Of these, there were no matters that had to be referred for management supervision, with the majority being matters of poor communication caused by human error.
- 4.4.10 In 4 of the Stage 2 complaint reports, there were no matters that were found to be upheld, including one complaint that listed 16 individual issues.
- 4.4.11 The following changes have been made in response to recommendations that have been made as a result of Stage 2 investigation:
- The contract between Providers and Children’s Services in relation to commissioned services has been amended to ensure that the responsibility for consulting with carers/family when a service changes or ends lies with the Directorate.
  - The Commissioning team in Adult Services are closely monitoring the quality of daily notes made by carers in respect of their calls to service users to ensure they offer a clear indication into the well being of the service user at each call.

#### 4.5 Complaints – Stage 3

- 4.5.1 There were no Stage 3 investigations undertaken in 2013/14 and this is a reflection of the standard of the Stage 2 investigation reports, that provided complainants with clear findings and outcomes into their complaints. Complainants report that they are more likely to accept the findings of a Stage 2 investigation if, as is the case in this Directorate, the Investigation Officer is not employed by the Council.

## 4.6 Ombudsman's investigations

4.6.1 The following graph illustrates the number of Ombudsman's Investigations that have been undertaken in respect of this Directorate's complaints from 2006 to the present.



4.6.2 The Ombudsman's Office advised us that for the period 2013/14 they received 2 requests from complainants who had been through our complaints process. In both instances, the Ombudsman advised the complainant of their decision not to investigate the complaints further due to the comprehensive investigation that had already been undertaken by the Directorate.

## 5. EQUALITIES IMPLICATIONS

5.1 The Customer Services Team continues to respond to issues of equality by ensuring that all complaints are dealt with in a consistent manner and by responding to complainants in accessible formats to suit their individual needs.

## 6. FINANCIAL IMPLICATIONS

6.1 There are no financial implications arising from this report

## 7. PERSONNEL IMPLICATIONS

7.1 There are no personnel implications arising from this report.

## 8. CONSULTATIONS

8.1 There are no consultation responses that have not been reflected in the report.

## 9. RECOMMENDATIONS

9.1 HSC&WB Scrutiny Committee members are asked to note the content of this report.

## **10. REASONS FOR THE RECOMMENDATIONS**

- 10.1 To ensure that the HSC&WB Scrutiny Committee is kept informed of complaints activity in the Social Services Directorate.

## **11. STATUTORY POWER**

- 11.1 Welsh Assembly Government's "Learning the Lessons" guidance 2005.
- 11.2 Health and Social Care (Community Health and Standards) Act 2003.
- 11.3 Fostering Services (Wales) Regulations 2003.
- 11.4 Children Act 1989 Guidance and Regulations.

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