



HEALTH, SOCIAL CARE AND WELLBEING SCRUTINY COMMITTEE - 10TH JULY 2012

SUBJECT: 2011/12 ANNUAL REPRESENTATIONS AND COMPLAINTS REPORT

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To provide the Scrutiny Committee with information and analysis on the operation of the Social Services Directorate's Representations and Complaints procedure from 1 April 2011 to 31 March 2012.

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.

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 2011 to March 2012.

4.2 Representations

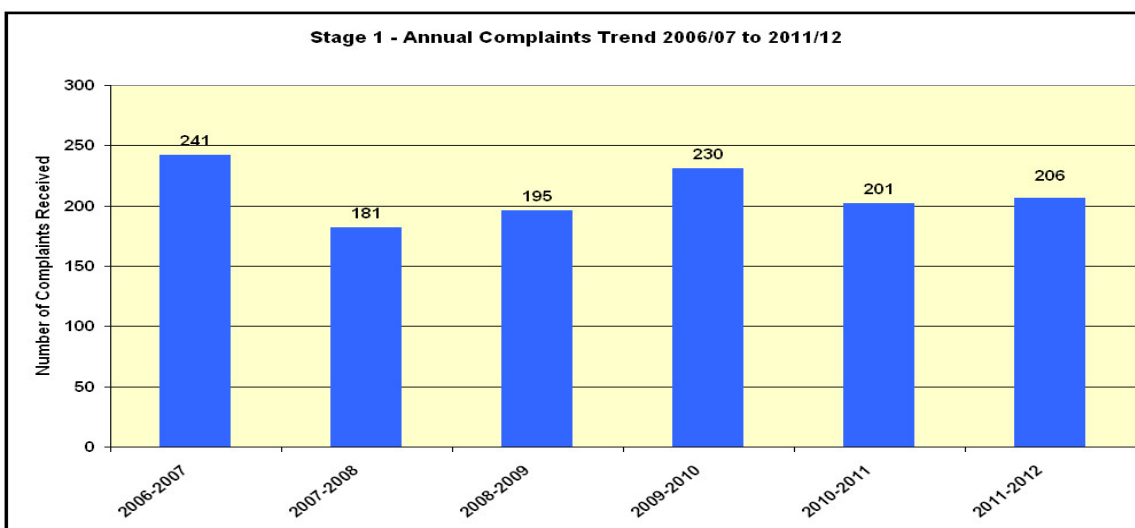
4.2.1 During 2011/12, 46 representations were received, of which 30 (65%) related to Adult Services, 15 (33%) to Children’s Services and 1 (2%) to the Directorate’s Service Strategy and Business Support service area.

4.3 Complaints – Stage 1

4.3.1 During 2011/12 the Directorate received 206 Stage 1 complaints and 5 complaints that customers wished to progress directly to Stage 2. The majority of the complaints were resolved satisfactorily at Stage 1.

4.3.2 Of the 206 complaints received at Stage 1, 68 (33%) related to Adult Services, 133 (65%) to Children’s Services and 5 (2%) 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 number of sources and these are detailed below for 2011/12: -

- Telephone (88)
- Letter (54)
- Elected Members / AM's / MP's (20)
- E-mail (20)
- Complaints form (19)
- Advocacy Services (5)

4.3.5 The above demonstrates the Directorate's commitment to improving communication with its customers in their chosen media.

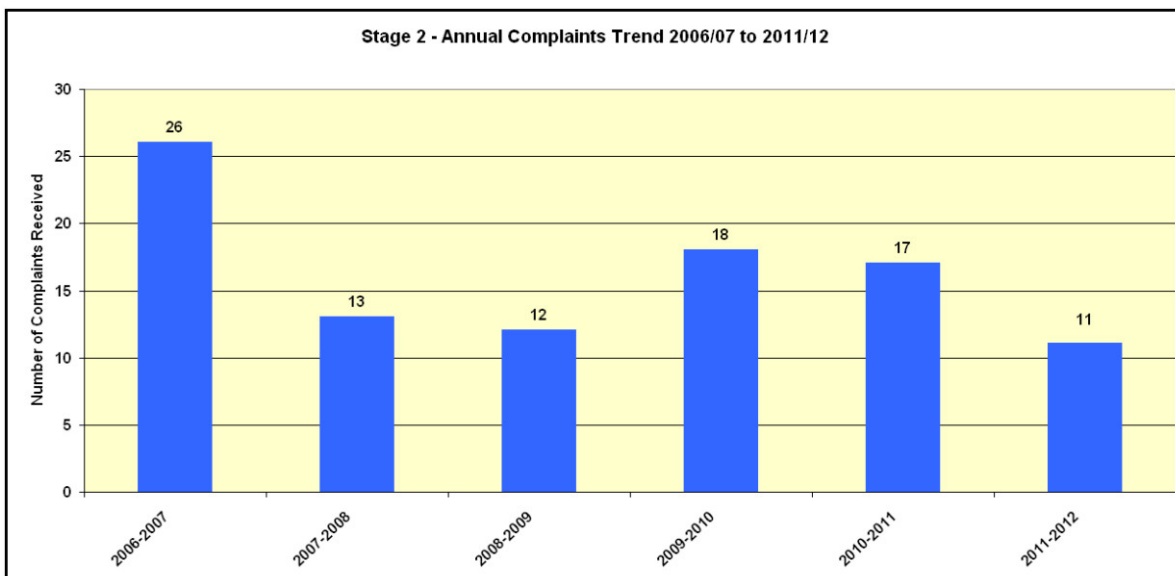
4.3.6 Of the 206 complaints received at Stage 1 in 2011/12 the following outcomes were noted: -

- 13 complaints were upheld.
- 16 complaints were partially upheld.
- 177 complaints were not upheld.

4.4 Complaints – Stage 2

4.4.1 During 2011/12 the Directorate received 11 Stage 2 complaints of which 3 (27%) related to Adult Services and 8 (73%) to Children's Services.

4.4.2 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.



4.4.3 A review of all Stage 2 cases was undertaken in 2011/12 to consider whether the matters could have been resolved more effectively at Stage 1. This review concluded that it was unlikely that any of the matters could have been resolved at Stage 1 as the complainants were unable to accept attempts at resolution or would not accept the information that was offered to them.

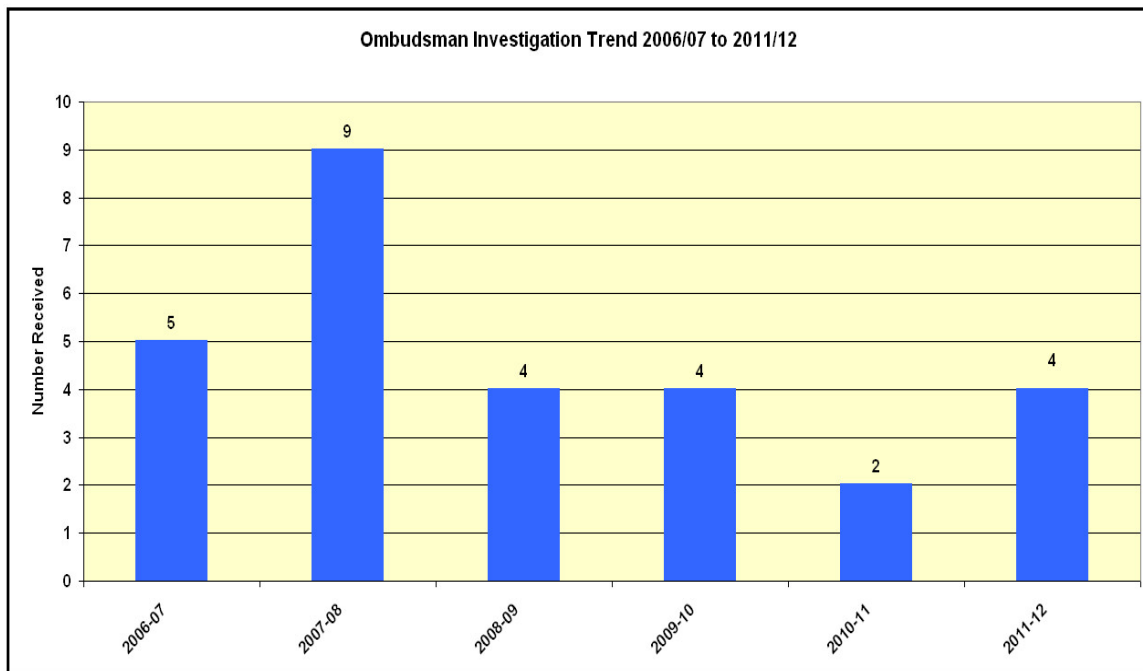
4.4.4 The high level of co-operation from the Directorate's Team Managers and Divisional Management Teams is reflected in the improved responses at Stage 1 and the decrease in Stage 2 investigations during 2011/12.

4.5 Complaints – Stage 3

4.5.1 Of the 11 formal Stage 2 investigations undertaken in 2011/12, 1 complaint in Children’s Services progressed to a formal Stage 3 Panel Hearing with the outcome being that the complaint was upheld.

4.6 Public Services Ombudsman

4.6.1 The following graph shows the number of complaints investigated by the Ombudsman since the implementation of the Listening and Learning Guidance in April 2006.



4.6.2 There are no set timescales for the Ombudsman to investigate and report on a complaint and in some instances the process has taken in excess of eighteen months. Of the 4 complaints investigated by the Ombudsman’s Office in 2011/12, only two reports have been received to date, with two yet to be concluded. Of the two that were concluded there were no findings against the Authority and no compensation was awarded.

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 direct 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 Members are asked to note the content of this report.

10. REASONS FOR THE RECOMMENDATIONS

10.1 To ensure that Members are 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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Cllr. R. Woodyatt, Cabinet Member for Social Services
Cllr. L. Ackerman, Chair of HSC&WB Scrutiny Committee
Cllr. B. Jones, Vice-Chair of HSC&WB Scrutiny Committee