



HEALTH, SOCIAL CARE AND WELLBEING SCRUTINY COMMITTEE - 14TH MAY 2013

SUBJECT: 2012/13 ANNUAL REPRESENTATIONS AND COMPLAINTS REPORT

REPORT BY: ACTING CORPORATE DIRECTOR SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To provide the SMT with information and analysis on the operation of the Social Services Directorate's Representations and Complaints procedure from 1st April 2012 to 31st March 2013.

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

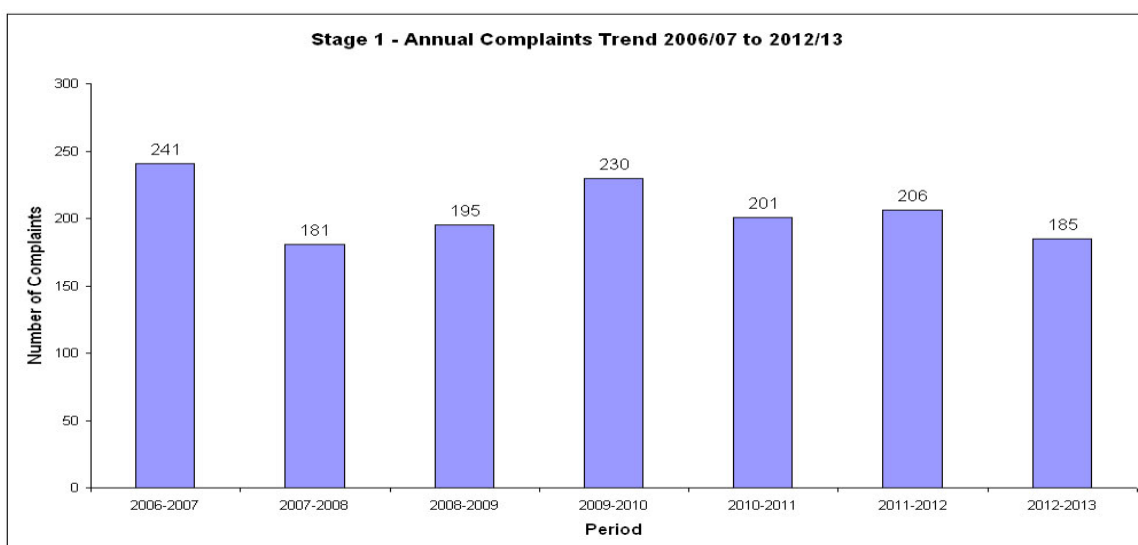
- 4.1 This report provides details of representations and complaints activity for the period April 2012 to March 2013.

4.2 Representations

- 4.2.1 During 2012/13, 80 representations were received, of which 55 (69%) related to Adult Services, 21 (26%) to Children's Services and 4 (5%) to the Directorate's Service Strategy and Business Support service area.

4.3 Complaints – Stage 1

- 4.3.1 During 2012/13 the Directorate received 185 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 185 complaints received at Stage 1, 65 (35%) related to Adult Services, 114 (62%) to Children's Services and 6 (3%) 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 2012/13: -

- Telephone (65)
- Letter (42)
- Elected Members / AM's / MP's (16)
- Email (39)
- Complaints Form (22)
- Visit (1)

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

4.3.6 Of the 185 complaints received at Stage 1 in 2012/13 the following outcomes were noted: -

- 22 complaints were upheld.
- 21 complaints were partially upheld.
- 134 complaints were not upheld.
- 3 complaints were directed via the Protection of Vulnerable Adults (POVA) process.
- 5 complaints received at the year-end have yet to be concluded.

4.3.7 The majority of those cases that were upheld related to poor communication, examples of which include missed calls, miscommunication with service users/family members. Examples of other outcomes included the following:

- 1 instance where staff attitude was referred for consideration under management processes and recorded in management supervision.
- 1 instance where human error resulted in a service user being left without care and this was recorded in management supervision (social work student).
- 4 complaints in February/March 2013 regarding the same Private Provider that were included in the concerns recorded via the Quality Assurance process and that lead to measures being taken against the Agency.

4.3.8 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 2012 to March 2013, 3 complaints received by the Customer Services Team were referred to the POVA team for consideration under that process. All 3 cases were found to meet the POVA criteria with full POVA investigations being undertaken on each case.

4.4 **Complaints – Stage 2**

4.4.1 During 2012/13 the Directorate received 9 requests to progress complaints to Stage 2. Of these, 2 (22%) related to Adult Services and 7 (78%) to Children's Services.

4.4.2 2 stage 2 formal investigations relating to Adult Services were undertaken.

4.4.3 Of the 7 stage 2 investigation requests relating to Children's Services, only 3 completed the stage 2 process. The reasons for the cases not being completed were:

- 1 young person suffered the death of a close relative and did not wish to continue with their complaint
- 1 complainant repeatedly failed to meet with Investigating Officers who subsequently closed the investigation
- 1 complainant fled the country to avoid Child Protection investigation
- In 2 cases, Officers were able to resolve matters for the complainants during the stage 2 process and they were satisfied that resolution could be achieved without continuing their complaint

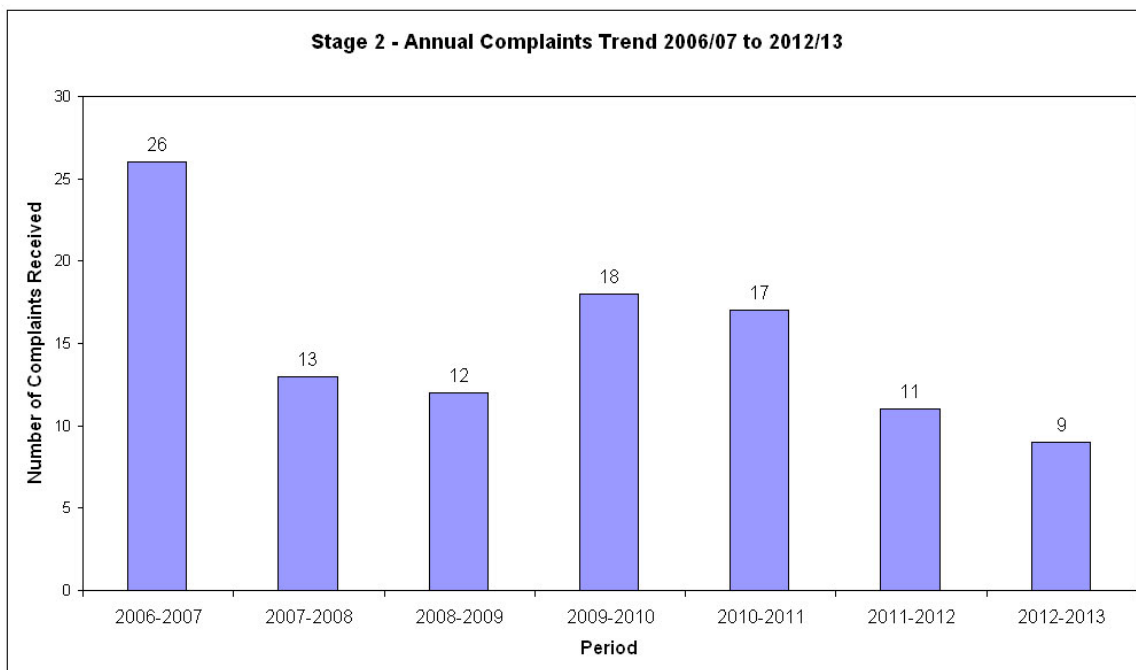
4.4.4 Of the 3 stage 2 investigations relating to Children's Services, which were completed the outcomes in each case were as follows:

- Of the 28 issues included in the complaint investigation, 25 matters were not upheld with 3 matters upheld in relation to inaccurate information being recorded within a Core Assessment.
- Of the 6 issues included in the complaint investigation, 5 matters were not upheld with 1 matter being upheld in relation to inaccurate information being recorded within an Initial Assessment.
- Of the 2 issues included in the complaint investigation, 1 matter was not upheld with 1 matter being partially upheld, due to no evidence being available to confirm that the Social Worker had discussed a decision with the family.

4.4.5 Of the 2 stage 2 investigations relating to Adult Services, which were completed the outcomes in each case were as follows:

- Of the 5 issues included in the complaint investigation, 4 were not upheld with 1 being upheld in relation to a completed assessment not being sent to the customer for 8 weeks.
- Of the 13 issues included in the complaint investigation, 13 were not upheld.

4.4.6 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 a positive downward trend.



4.4.7 The downward trend in respect of Stage 2 investigations from 2006 to the present, is the result of:-

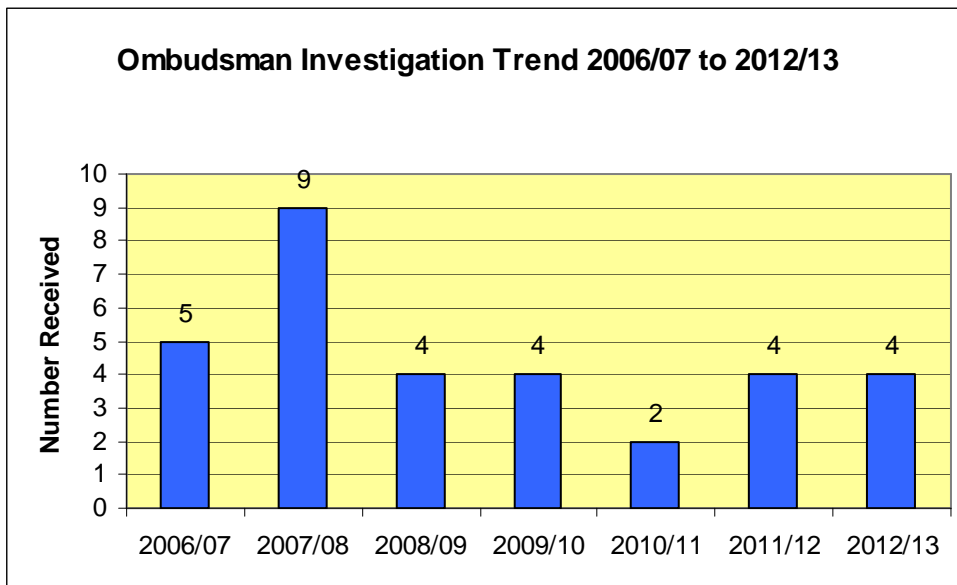
- effective tracking of complaints and sourcing guidance
- the continued high level of commitment from the Directorate's Customer Services Team & Service Managers to work with a model of resolution.

4.5 Complaints – Stage 3

4.5.1 Of the 5 formal Stage 2 investigations undertaken in 2012/13, 1 complaint in Adult Services progressed to a formal Stage 3 Welsh Government Panel Hearing, with the outcome being that the complaint was not upheld.

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 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 to complete. The above graph therefore reflects the year in which the final report is received and, as such, it is difficult to show any trend in respect of this activity. Of the 4 reports from the Ombudsman's Office in 2012/13, the Authority has accepted 3 the findings in three of the reports, with 1 remaining in draft whilst the Authority challenges some of the recommendations.

4.6.3 Of the 3 reports that have been concluded, 2 complaints were partially upheld and 1 was not upheld. The Customer Services Manager presented 2 reports to the Standards Committee to explain the partially upheld findings and the Committee were satisfied with the information provided by that Officer.

4.6.4 The 3 of completed reports issued during 2012/13 did not recommended the payment of compensation to complainants. The remaining report that is yet to be concluded does recommend a payment of compensation, the amount is currently being challenged by the Directorate as the Ombudsman's Investigating Officer found that the Police and Multi Agency Public Protection Arrangements process contributed to the failings in this case. The Directorate, with advice from the Legal department, is stating its case that it can only be held liable for a third of the quoted amount of compensation.

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 other than those referred to in 4.6.4.

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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