



HEALTH, SOCIAL CARE & WELLBEING SCRUTINY COMMITTEE – 20TH MARCH 2018

SUBJECT: 2017/18 ANNUAL COMPLAINTS & COMPLIMENTS REPORT

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To provide the Health, Social Care & Wellbeing Scrutiny Committee (the Committee) with information and analysis on the operation of the Social Services Directorate's Representations and Complaints procedure from 1 April 2017 to 12 March 2018. The Report will include an oversight of the compliments received in the period.

2. SUMMARY

- 2.1 Representations and complaints relating to Social Services are dealt with by the Directorate's Customer Services Team, who also log compliments from Customers.

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.
- 2.2.2 During the period 2017/18, the Customer Services team have made every effort to ensure compliance with the Protocol that governs the sharing of information with Councillors/MP's/AM's.
- 2.2.3 To minimise the opportunity for information to be shared inappropriately, the advice to staff in training sessions is that they should refer all enquiries for information to the Customer Services team or Data Protection Officers.

2.3 Complaints

- 2.3.1 In 2014, the Welsh Government undertook a review of the "*Listening & Learning*" complaints guidance which resulted in the introduction in August 2015 of the "*guide to handling complaints and representations by local authority social services*" (the guidance). The revised complaints process adopts a three stage approach to complaints:

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 from the Corporate Director, Social Services, detailing findings, conclusions and recommendations. The guidance allows for complainants to progress their concerns directly to the formal Stage 2 investigation without stage 1 consideration if they so wish.

Ombudsman - if a complainant remains dissatisfied with the outcome of a stage 2 investigation, they can request that the Public Services Ombudsman for Wales (PSOW) considers their complaint.

2.3.2 To ensure that all staff are acting in line with legislation, the Customer Services Team is currently delivering awareness raising sessions to all teams and this programme commenced in February 2018.

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 – 2017.

4. THE REPORT

4.1 This report provides details of representations and complaints activity for the period 1st April 2017 to 12th March 2018.

4.2 Representations

4.2.1 During 2016/17, 79 representations were received, a 44% decrease on the previous year’s figure of 141. Of these, 52 (66%) related to Adult Services, 22 (28%) to Children’s Services and 5 (6%) to the Directorate’s Service Strategy and Business Support service area. In respect of the decrease in representations, it should be noted that 44 of those received in 2016/2017 were in respect of one service user who is a persistent and vexatious complainant. The Authority developed a strategy to manage this person’s representations and elected members, AM’s and MP’s have, on the whole, followed the communication plan which Social Services and Health operate to manage this individual’s contacts.

4.2.2 The Customer Services Team receives representations from a number of sources and these are detailed below for 2017/18: -

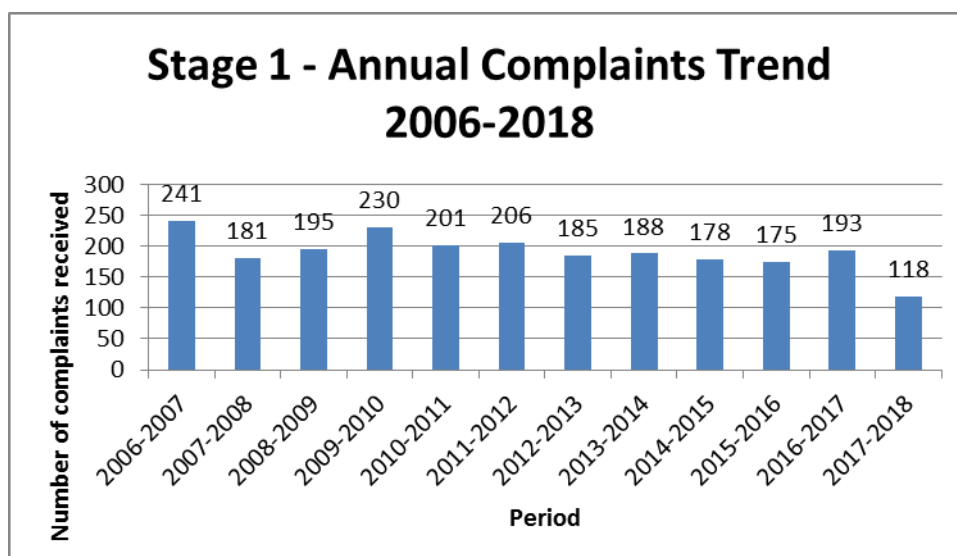
- Telephone (7)
- Letter (13)
- E-mail (8)
- Elected Members (49) these being Cllrs 10, MP 24, AM 15
- Advocate (2)

4.3 Complaints – Stage 1

4.3.1 During 2017/18 the Directorate received 118 Stage 1 complaints and 1 complaint which progressed directly to Stage 2. The majority of the complaints were resolved to the customer’s satisfaction at stage 1 and this is due to the efforts that are placed on resolution at stage 1 of the process.

4.3.2 Of the 118 complaints received at Stage 1, 39 (33%) related to Adult Services, 76 (64%) to Children’s Services and 3 (3%) to Service Strategy and Business Support. This is contrary to the trend from previous years, where there has always been a fairly even distribution of complaints between Adult and Children’s Services.

4.3.3 The graph below illustrates the number of Stage 1 complaints received and responded to by the Directorate since the implementation of the Statutory Welsh Government Complaints Guidance in April 2006, with this year experiencing the lowest number of complaints received since the statutory guidance was implemented..



4.3.4 The Customer Services Team receives complaints from a number of sources and these are detailed below for 2017/18: -

- Telephone (74)
- Letter (13)
- E-mail (10).
- Complaints form (7)
- Visit to Council offices (2)
- On line (12)

4.3.5 The above information demonstrates the Directorate's continued commitment to ensuring that customers have access to the complaints process in their chosen media. It also confirms the public's continued preference to direct contact with an Officer with whom they can discuss their complaint.

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, to improve future practice and to identify isolated incidents of poor practice that need immediate attention.

4.3.7 Of the 118 complaints received at Stage 1 in 2017/18, the following outcomes were noted:

- 11 were closed, as the matters were resolved early or signposted to other processes, e.g. Legal process
- 5 complaints were upheld
- 4 complaint was partially upheld
- 95 complaints were not upheld
- 3 complaints ongoing at the time of this report

4.3.8 Of the 4 matters that were upheld:

- 3 related to Adult Services
- 1 related to Children's Services

4.3.9 In relation to the 3 Adult Services matters that were upheld at stage 1, the following changes were made to improve future practice:

- A company with a contract with the LA to service equipment for customers, delayed the repair of a hoist. An apology was given and the process was strengthened to avoid a future recurrence.

- A Private Provider left a gentleman financially exploited when they failed to turn up to take him to the bank. On a further occasion, carers took him to incorrect bank and he withdrew money that could have left him in financial difficulty. An apology was given to the gentleman and the Provider has evidenced that they dealt with matter in accordance with their internal management procedure and appropriate action was taken.

4.3.10 In relation to the 1 matter upheld for Children’s Services, the changes that were made to improve future practice were:

- An apology was given to parents who received a letter by post regarding their child’s adoption that would usually be hand delivered due to the sensitivity of the information and the need to discuss this with the parents. Staff were reminded of the process to ensure this error would not be repeated in the future.

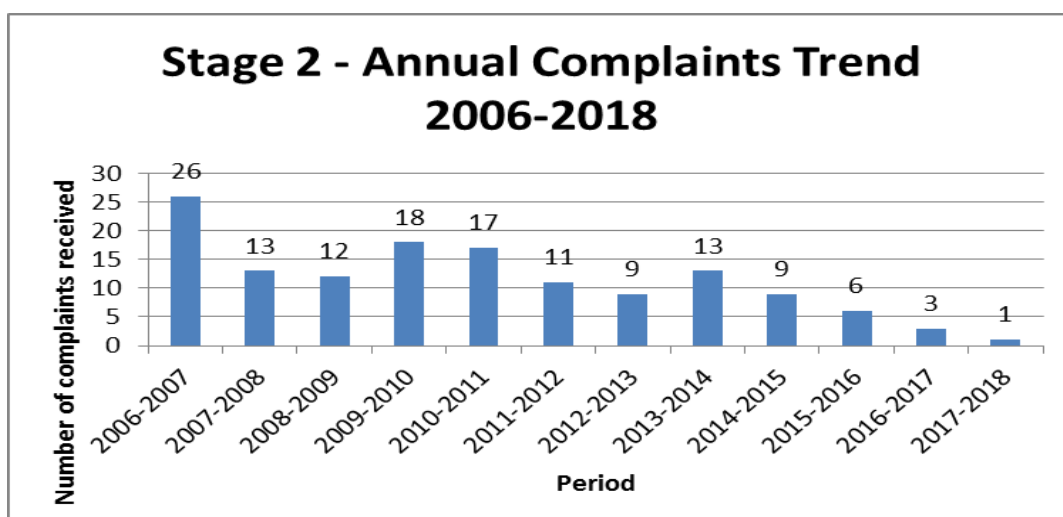
4.3.11 To ensure the appropriate identification of risk to vulnerable adults, the Customer Services Team and Protection of Vulnerable Adults (POVA) Team continue to operate their joint working protocol, which is reviewed annually.

4.3.12 In the period April 2017 to March 2018, 5 of the complaints received by the Customer Services Team were referred to the POVA team for their advice. Of these, none were found to meet the POVA criteria for a full POVA investigation and were progressed via the complaints process.

4.4 Complaints – Stage 2

4.4.1 During 2017/18 the Directorate received 1 request to progress complaints to a Stage 2 formal investigation, a 66% reduction from the previous year when there were 3 stage 2 investigations. This request related to Children’s Services and the investigation is on-going at the time of this Report.

4.4.2 The following graph shows number of complaints progressing to the formal Stage 2 Process for independent investigation since the implementation of the statutory complaints Guidance in April 2006 and shows a steady decrease in the number of matters progressing to Stage 2 over the past 5 years.



4.5 Ombudsman’s investigations

4.5.1 There were 8 contacts by our customers during this year to the Public Services Ombudsman for Wales (PSOW). This is a decrease of 43% on the previous year when 14 customers approached the PSOW for support. Of the 8 that progressed:

- 1 closed at the local enquiry stage, as the PSOW could find no reason to investigate
- 4 closed after the PSOW was satisfied that the Directorate could evidence it had dealt with the complaint in line with due process
- 2 progressed via the full investigation process, the findings were as follows:
 - The PSOW upheld the parent's complaint that the Local Authority did not act in line with child protection process. The matter related to a historic case from 2011, with none of the original staff remaining in employment in this Council at the time of the finding.
 - The PSOW did not uphold a son's complaint that his mother had not received appropriate care in a Local Authority Home.
- 1 case remains to be concluded at the time of this Report

4.5.2 The high standard of evidence available to the Customer Services Team in the form of case recordings, copies of correspondence and assessments has supported the quality of the responses to the PSOW office and this has resulted in positive outcomes from that office.

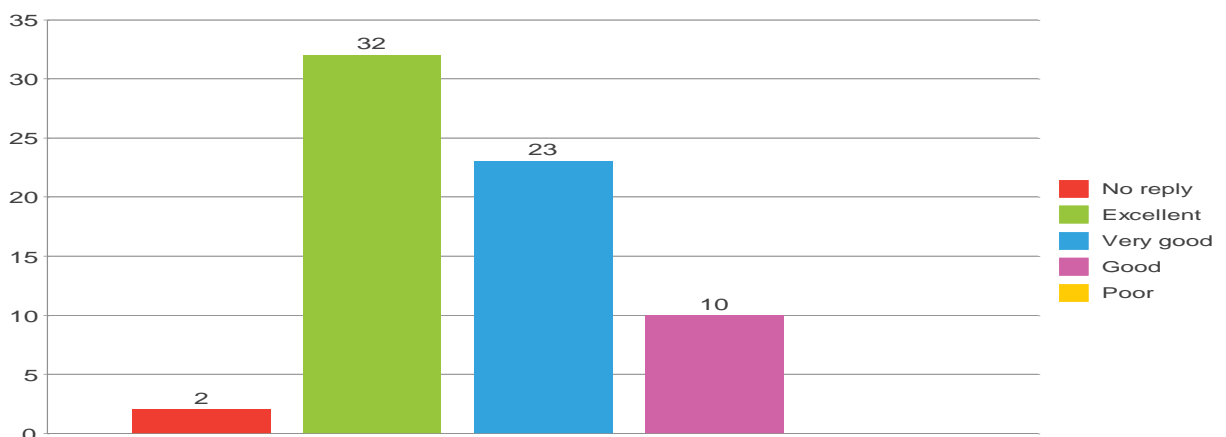
4.6 Compliments

4.6.1 The Directorate appreciates the importance of learning from complaints and it is recognised that equal emphasis needs to be placed on learning from positive outcomes.

4.6.2 Praise is received by teams in the form of thank you cards, letters and emails and these are sent to the Customer Services team for them to log. In addition, annual survey responses by some service areas results in positive feedback that can be used to measure the success of the Directorate in those areas.

4.6.3 An example of positive feedback in Adult Services is the response given to one question in a survey that asked how residents of the Local Authority's Homes would describe their home. The graph below illustrates the outcome:

In your opinion would you describe your home as:



4.6.4 In relation to Children's Services, children/young people completed a survey in 2017 which sought their feedback on their experience of the Supporting Family Change (SFC) team. Of the 139 who took part in the survey, 93% reporting that they found the team had been helpful in improving their family life. Of the 68 parents who offered feedback, 100% said that they are more positive for the future, following them receiving support from SFC.

4.6.5 Many of the letters and cards received from Customers and their families include examples of the positive impact that staff can have on a person's life. Some of these comments are included in Appendix A, attached to the Report.

5. WELL-BEING OF FUTURE GENERATIONS

5.1 This *report* contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that:

- Long Term – having a robust understanding of the outcomes from complaints allows the Directorate to learn valuable lessons that will contribute to the continuous improvement of services
- Prevention – understanding the nature of complaints and putting in place preventative measures from “Learning the Lessons” ensures that unacceptable practice is addressed
- Integration – often from listening to a service users complaints the Authority can understand how different departments can work together more effectively for the benefit of the customer
- Collaboration – forging stronger links with other public bodies (in particular, Health) will ensure that customers benefit from an improved way of working
- Involvement – customer complaints will continue to be dealt with under the principles of “Listening and Learning” so that the Directorate is open and transparent and are able to recognise when things go wrong and improve as a result of the learning

6. EQUALITIES IMPLICATIONS

6.1 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 stated communication requirements. In the period covered by the Report, there were no instances of Customers requesting a service in any language other than English. An active offer of being dealt with in the medium of Welsh is made to every complainant.

7. FINANCIAL IMPLICATIONS

7.1 There are no financial implications arising from this report.

8. PERSONNEL IMPLICATIONS

8.1 There are no personnel implications arising from this report.

9. CONSULTATIONS

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

10. RECOMMENDATIONS

10.1 The Committee are asked to note the content of this report.

11. REASONS FOR THE RECOMMENDATIONS

11.1 To ensure that the Committee is kept informed of complaints activity in the Social Services Directorate.

12. STATUTORY POWER

- 12.1 Welsh Assembly Government's "A Guide to Handling Complaints 2014".
- 12.2 Health and Social Care (Community Health and Standards) Act 2003.
- 12.3 Fostering Services (Wales) Regulations 2003.
- 12.4 Children Act 1989 Guidance and Regulations.
- 12.5 Data Protection Act 1998.

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Cllr. C Cuss, Cabinet Member for Social Services
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Appendices:

Appendix 1 - Qualitative examples from positive feedback from Customers