



## HEALTH, SOCIAL CARE & WELLBEING SCRUTINY COMMITTEE – 5TH FEBRUARY 2019

**SUBJECT: 2018/19 ANNUAL COMPLAINTS & COMPLIMENTS REPORT**

**REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES**

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### 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 2018 to 11 January 2019. The Report will also 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 Complaints and Information Team, who also record 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 2018/19, the Complaints and Information 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 Complaints and Information Team or the Corporate Data Protection Officer.

#### 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 Complaints and Information Team delivers awareness raising sessions to all teams. During the period 1 April 2018 to 11 January 2019, 28 sessions have been carried out for 147 members of staff.

### **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, complaints and compliments activity for the period 1<sup>st</sup> April 2018 to 11<sup>th</sup> January 201.

#### **4.2 Representations**

4.2.1 During 2018/19, 45 representations were received, a 43% decrease on the previous year’s figure of 79. Of these, 28 (62%) related to Adult Services, 17 (38%) to Children’s Services. During 2018/19 in readiness for the introduction of the General Data Protection Regulations, the Authority provided training sessions for elected members, AM’s and MP’s which highlighted the importance of receiving consent to share individual’s details when making representations.

4.2.2 The Complaints and Information Team receives representations from a number of sources and these are detailed below for 2018/19: -

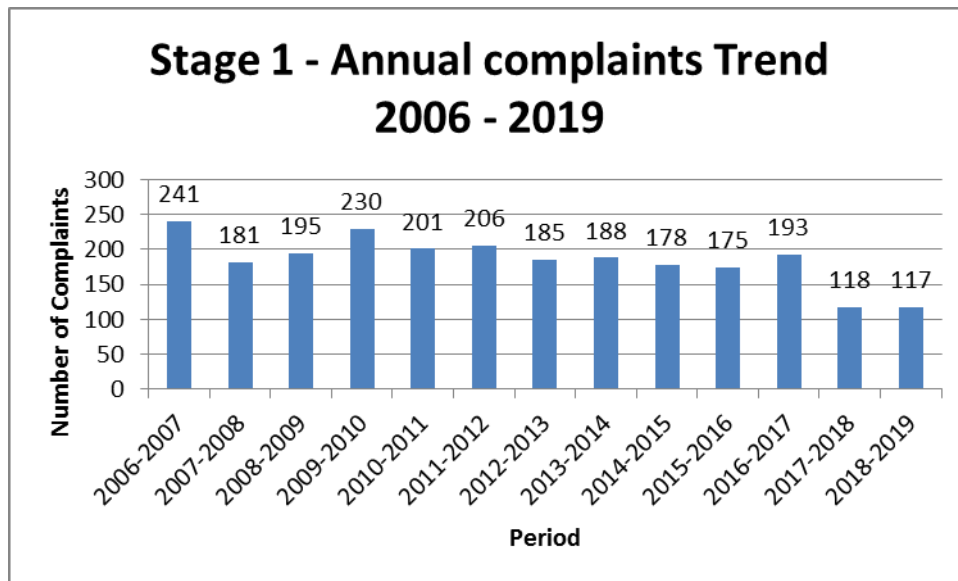
- Telephone (3)
- Online (3)
- E-mail (6)
- Elected Members (31) these being Cllrs 16, MP 12, AM 3.
- Advocate (2)

#### **4.3 Complaints – Stage 1**

4.3.1 During 2018/19 the Directorate received 117 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 117 complaints received at Stage 1, 27 (23%) related to Adult Services, 84 (72%) to Children’s Services and 6 (5%) to Service Strategy and Business Support. This is consistent with the previous year’s figures (118), where the number of complaints regarding Children’s Services has been the higher figure. Previous years have shown more of 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 just slightly lower than last year's figures, with this year experiencing the lowest number of complaints received since the statutory guidance was implemented.



4.3.4 The Complaints and Information Team receives complaints from a number of sources and these are detailed below for 2018/19: -

- Telephone (60)
- Letter (15)
- E-mail (18)
- Complaints form (3)
- On line (21)

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 for direct contact with an officer with whom they can discuss their complaint.

4.3.6 The Complaints and Information 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 117 complaints received at Stage 1 in 2018/19, the following outcomes were noted:

- 17 were closed, as the matters were resolved early or signposted to other processes, e.g. legal process
- 6 complaints were upheld
- 9 complaints were partially upheld
- 77 complaints were not upheld
- 1 complaint was not given an outcome as it proceeded to a stage 2 before stage 1 process completed
- 7 complaints ongoing at the time of this report

#### 4.3.8 Of the 6 complaints that were upheld:

- 1 related to Adult Services
- 4 related to Children's Services
- 1 related to Service Strategy and Business Support

#### 4.3.9 In relation to the 1 matter upheld for Adult's Services, the following changes were made to improve future practice:

- The family of a service user with learning disabilities who is residing at a home was not consulted prior to introducing another resident to the home which caused upset and triggered aggressive behaviour. An apology was given and reassurances made that should another individual be moved in to the home the family would be made aware.

#### 4.3.10 In relation to the 4 Children's Services matters that were upheld at Stage 1, the following changes were made to improve future practice:

- Further to a delay in an assessment for contact arrangements a child complained about Children's Services, informing them that she would see her mother whenever she liked and not when Social Service's told her she could. The Directorate explained that ultimately decisions would be made by court however apologised for the delay and signposted to advocacy services.
- An apology was given to a parent whose address details were shared with an ex-partner against her wishes, the Social Worker accepted the error, which was an unfortunate oversight whilst compiling reports. The Directorate detailed that it was updating its policies and staff training in line with recent data protection legislation, particularly around protecting information and mitigating risks. Contact details were provided for the Information Commissioners Office.
- An apology and subsequent meeting was offered to a parent that was dissatisfied with the timeliness of communication from Children's Services. Staff were reminded of the expectation regarding acknowledging receipt of communication within 48 hours and the service user tested this process to ensure learning had been embedded.
- An apology and subsequent meeting was offered to a complainant that had experienced significant delays for a referral to be made to the South East Wales Adoption Service. In addition there was confusion over meeting attendance and poor communication, this matter was compounded by the team being understaffed and the summer months with officers taking annual leave. However the Directorate agrees the complainant did not receive the level of service that the Directorate strives to offer.

#### 4.3.11 In relation to the 1 complaint upheld for Service Strategy and Business Support, the following changes were made to improve future practice:

- Invoices for care packages were delayed and this has had an impact on financial forecasting for a service user to budget payments. In this instance there was a change between temporary and full care packages and whilst under normal circumstances invoices would be raised on a 4 week cycle, due to 2 full time equivalent posts being vacant (out of a total complement of 2.5 full time equivalent posts) and the summer holidays, capacity issues were delaying invoices. An apology and the offer of a direct debit plan arrangement was given.

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

#### 4.3.13 In the period April 2018 to January 2019, 6 of the complaints received by the Complaints and Information Team were referred to the POVA team for their advice. Of these, 3 were found to meet the POVA criteria for a full POVA investigation and 3 were progressed via the complaints process.

## 4.4 Complaints – Stage 2

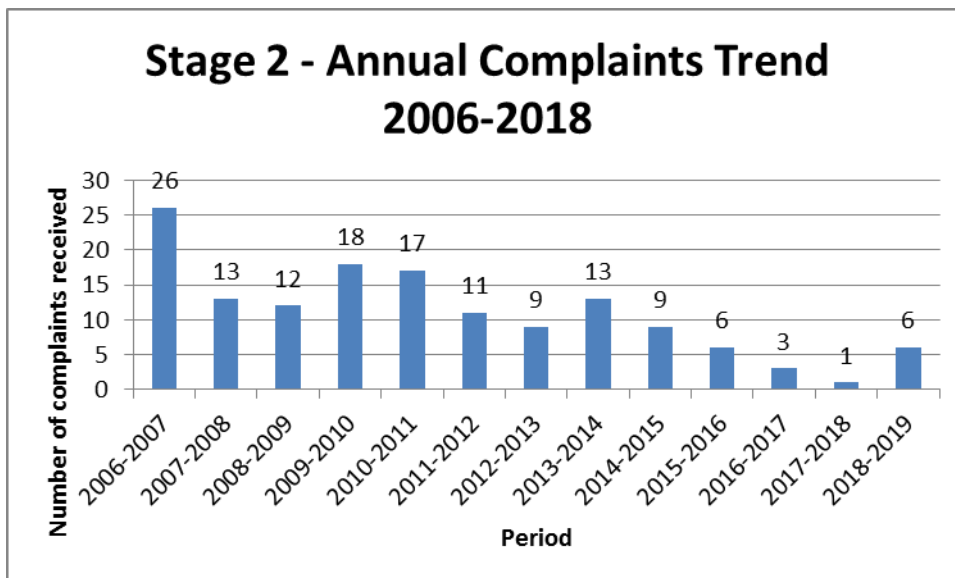
4.4.1 During 2018/19 the Directorate received 6 requests to progress complaints to a Stage 2 formal investigation, an 83% increase from the previous year when there was 1 Stage 2 investigation. The 6 (100%) of the Stage 2 investigations related to Children’s Services. Two of the Stage 2 investigations have been completed and at the time of this report 4 Stage 2 investigations are on-going.

4.4.2 Of the 2 completed Stage 2 investigations that progressed via Children’s Services:

- 1 investigation concluded that no matters were found to be upheld, with further recommendations to ensure safeguards are in place for children transferring out of the Authority.
- 1 investigation made up of 15 complaints relating to Children’s Services involvement with a family concerning contact with the father who had been in prison for significant offences. Nine of the points were not upheld, 3 were inconclusive and the remaining 3 points were upheld. Recommendations for Children’s Services from this investigation were to improve communication, improve timeliness of paperwork and to ensure documentation used is complete and up to date.

4.4.3 Of the 4 ongoing investigations, 1 is relating to a care and support plan for a child with disabilities, 1 is from a parent of a looked after child who is unhappy with the length of time taken for a placement with parent report to be completed, 1 is from an advocate on behalf of a young person regarding Children’s Services involvement in obtaining a diagnosis and 1 is from a surrogate mother who is unhappy with Children’s Services involvement regarding placing the child with another family member.

4.4.4 The following graph shows the number of complaints progressing to the formal Stage 2 process for independent investigation since the implementation of the statutory complaints Guidance in April 2006. This year has shown an increase on the previous 2 years figures for Stage 2 investigations, however the number is still relevantly low (6).



## 4.5 Ombudsman’s investigations

4.5.1 There were 15 contacts by our customers during this year to the Public Services Ombudsman for Wales (PSOW). This is an increase of 88% on the previous year when 8 customers approached the PSOW for support. Of the 15 contacts:

- 1 closed after the PSOW reviewed information, the complainant had previously been managed by the vexatious/persistent complaints procedure

- 1 closed at the local enquiry stage, as the PSOW could find no reason to investigate
- 3 closed after the PSOW was satisfied that the Directorate could evidence it had dealt with the complaint in line with due process
- 4 recommendations from PSOW to fully investigate, Stage 2 investigations are currently ongoing
- 6 cases that have contacted the PSOW remain open at the time of this report

The Complaints and Information Team continue to have a positive relationship with the PSOW and continues to discuss persistent complainants and provide consistent advice.

The PSOW wrote to the Local Authority to remind them of the complainant’s right to a Stage 2 investigation, as such 4 of the current Stage 2 investigations have arisen from contact with the PSOW.

4.5.2 The high standard of evidence available to the Complaints and Information 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.

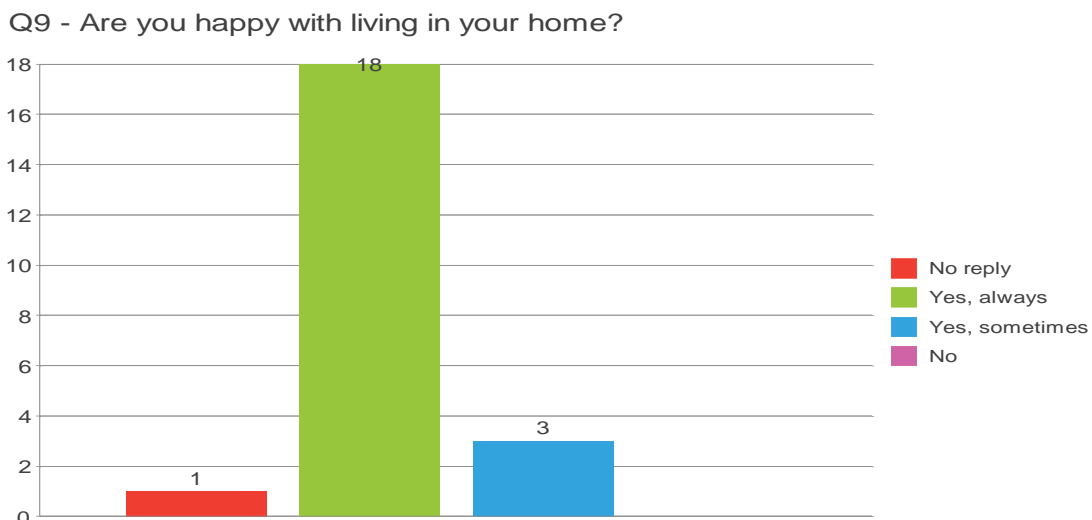
## 4.6 Compliments

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.

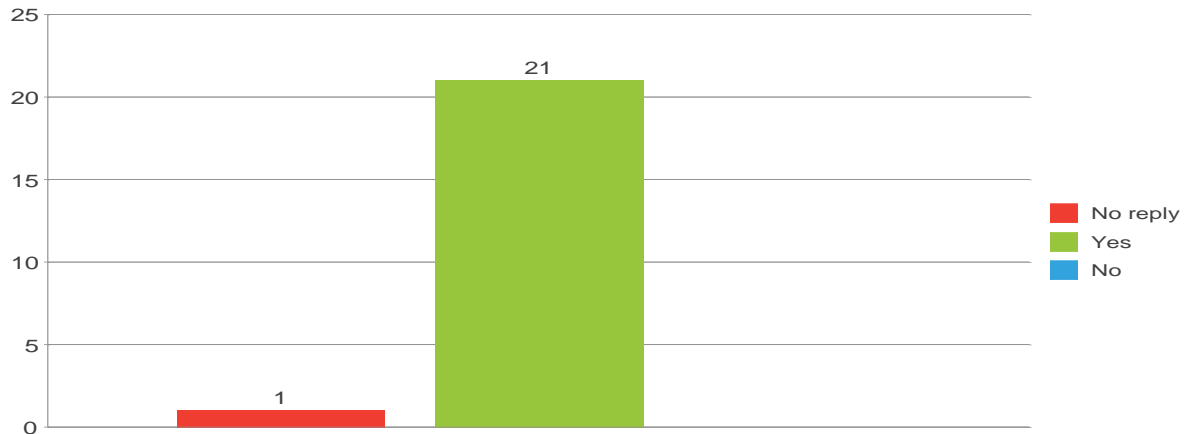
4.6.2 Praise is received by teams in the form of thank you cards, letters and emails and these are sent to the Complaints and Information Team for them to record, 74 compliments have been logged during the year, of which 72 (97%) relate to Adult Services and 2 (3%) relate to Children’s Services. In addition, 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 During the year 19 surveys were sent out, 5 (26%) of these were for Adult Services and 14 (74%) were for Children’s Services. At the time of this report 6 surveys are ongoing, 2 Adult Services, 4 Children’s Services.

4.6.4 An example of positive feedback in Adult Services is the responses given in a survey that asked how residents of the Local Authority’s Homes would describe their home. The graph’s below illustrate the outcome:



Q10 - The Home provides for everyone's interests and hobbies, do you agree?



In relation to Children's Services, children/young people completed a survey in 2018 which sought their feedback on their experience of the Supporting Family Change (SFC) team. Of the 45 children and young people who took part in the survey, 80% reported that they found the service made "a difference" to their family and 20% reported it made "some difference". Of the 157 parents who offered feedback, 94% said that they found Supporting Family Change helpful.

- 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 1, attached to the Report.

## 5. EQUALITIES IMPLICATIONS

- 5.1 The Complaints and Information 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.

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

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

- 10.1 To ensure that the Committee is kept informed of representations, complaints and compliments activity in the Social Services Directorate.

## **11. STATUTORY POWER**

- 11.1 Welsh Assembly Government's "A Guide to Handling Complaints 2014".
- 11.2 Health and Social Care (Community Health and Standards) Act 2003.
- 11.3 Fostering Services (Wales) Regulations 2003.
- 11.4 General Data Protection Regulations 2018.

Author: Nicola Broom, Complaints and Information Team Manager  
E-mail: [broomn@caerphilly.gov.uk](mailto:broomn@caerphilly.gov.uk) Tel: 01443 864626

Consultees: Social Services Senior Management Team  
Cllr. C Cuss, Cabinet Member for Social Services  
Joanne Jones, Corporate Information Governance Manager

Appendices:  
Appendix 1 Comments from customers and families