



SOCIAL SERVICES SCRUTINY COMMITTEE – 20TH OCTOBER 2020 INFORMATION ITEM

**SUBJECT: ANNUAL REVIEW OF COMPLAINTS RECEIVED UNDER THE
SOCIAL SERVICES COMPLAINTS POLICY 1ST APRIL 2019 TO
31ST MARCH 2020**

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES AND HOUSING

1. PURPOSE OF REPORT

1.1 To provide the Social Services Scrutiny Committee with information and analysis on the operation of the Social Services Directorate's Representations and Complaints procedure from 1 April 2019 to 31 March 2020. The Report will also include a summary of the compliments received in the same 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.

3. RECOMMENDATIONS

3.1 For Scrutiny Committee members to note the content of the report.

4. REASONS FOR THE RECOMMENDATIONS

4.1 To monitor the complaints process to ensure effective delivery of Social Services.

5. THE REPORT

5.1 This report provides details of representations, complaints and compliments activity for the period 1st April 2019 to 31st March 2020.

REPRESENTATIONS

5.2 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.

5.3 During the period 2019/20, 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, ensuring that relevant consent is obtained where necessary.

5.4 The Complaints and Information Team deliver awareness sessions on the complaints process and Data Protection, with emphasis on General Data Protection Regulations (GDPR). To

minimise the opportunity for information to be shared inappropriately, advice given to staff is that they should refer all enquiries for information to the Complaints and Information Team or the Corporate Data Protection Officer.

COMPLAINTS

- 5.5 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.

AWARENESS RAISING

- 5.6 To ensure that all staff are acting in line with legislation, the Complaints and Information Team delivers annual awareness raising sessions to all teams. During the period 1 April 2019 to 31 March 2020, a total of 57 sessions were carried out for 528 members of staff (33 sessions in Adult Services for 343 staff and 24 sessions in Children’s Services for 185 staff) this is an increase of 381 staff receiving the sessions this year.

6. Representations

- 6.1 During 2019/20, 74 representations were received, of these, 44 (59%) related to Adult Services and 30 (41%) to Children’s Services. This is a greater number than the previous year when 60 representations were received.

- 6.2 The Complaints and Information Team receives representations from a number of sources and these are detailed below for 2019/20:

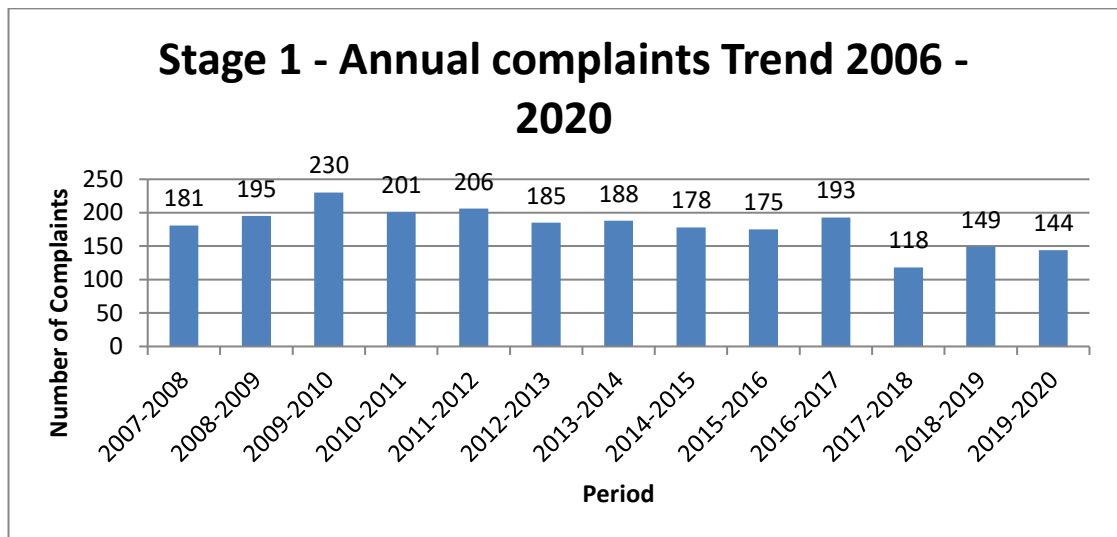
- Members of the Senedd (18)
- Elected Members (23)
- Members of Parliament (26)
- Advocates (5)
- Charity (1)
- Family member (1)

- 6.3 Representations have been made through the following routes:

- Email (60)
- Letter (12)
- Telephone (2)

7. Complaints – Stage 1

- 7.1 During 2019/20 the Directorate received 144 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.
- 7.2 Of the 144 complaints received at Stage 1, 21 (15%) related to Adult Services, 85 (5%) to Children's Services and 38 (26%) to Corporate matters, strategy and business Support. This year's figures are slightly lower than those for 2018/19 when we received 149 Stage 1 complaints. There has been an increase in corporate, strategy and business support complaints from 7 to 38. This is due to more complaints being made on behalf of family members in relation to payments, including the impact of the fairer charging policy.
- 7.3 During 2019/20 the Complaints and Information Team have recorded the number of complaints which were able to be resolved prior to being logged as a formal Stage 1 complaint, examples of which are; not being able to get hold of a team, a new referral required, matters concerning a third party provider. The number of concerns resolved under this category is 56.
- 7.4 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.



- 7.5 The Complaints and Information Team receives complaints from a number of sources, and these are detailed below for 2019/20:
- Telephone (67)
 - Letter (15)
 - E-mail (48)
 - Complaints form (2)
 - Online (7)
 - In person (5)
- 7.6 The above information demonstrates the Directorate's continued commitment to ensuring that customers have access to the complaints process in their chosen format. It also confirms the public's continued preference for direct contact with an officer with whom they can discuss their complaint.
- 7.7 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.

7.8 Of the 144 complaints received at Stage 1 in 2019/20, the following outcomes were noted:

- 16 were closed, as the matters were resolved early or signposted to other processes, e.g. legal process
- 9 complaints were upheld
- 14 complaints were partially upheld
- 101 complaints were not upheld
- 4 complaints were ongoing at the year end

7.9 Of the 9 complaints that were upheld:

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

7.10 In relation to the 4 matters upheld for Adult's Services, below is a summary of the concerns and changes made to improve future practice:

- Concerns were raised regarding the care being providing to a resident of a Caerphilly County Borough Council managed residential home, photographs were provided showing that she had not been appropriately dressed nor settled into a chair. The service user's dementia had been advancing and management recognised that a change in support needs was required. A meeting was held with staff of the home and the family. An apology was given and reassurances made that the matter would be addressed and appropriate action taken.
- Following a request to Information, Advice and Assistance (IAA) for an Occupational Therapy (OT) assessment, a member of the public was not informed that the referral was not progressed, and the case closed. The complainant had been awaiting a response for 16 weeks and was not aware of its closure. IAA investigated and advised this had been an oversight, and was addressed with the member of staff involved, a subsequent OT assessment was requested, and a full apology provided.
- A complaint from a family member of a resident receiving a package of care from an independent domiciliary care provider. Concerns included not turning up for calls, attitude of office staff and not being informed of a change in telephone number. New Start confirmed that visits had been missed due to staff sickness, there was a delay in informing users of a change in telephone number and they have apologised for the standards provided, the care package was moved to another provider at the family's request.
- Following a review of services a parent was informed that their child was not eligible for the sitting service, provided via the Children with Disabilities Team. The parent had two children receiving the service and was informed that one child was eligible however the other child was not. It was an error that this service had been provided for both children. It was explained that this had been an oversight and not able to be continued. The team are working with the family to find alternative solutions to the sitting service for the child.

7.11 In relation to the 2 matters upheld for Children's Services, below is a summary of the concerns and changes made to improve future practice:

- A complaint was received from the owner of a local business who was unhappy in the manner which Social Workers had entered her property and discussed matters in front of clients. The workers were reminded of their remit, and the Assistant Director for Children's Services held a meeting with the staff and manager to discuss the incident and investigate the concerns raised. The workers involved acknowledged that their actions were inappropriate, and an apology was provided.

- A complaint was received from a parent awaiting a response from the SPACE-Wellbeing Panel for her daughter. This was reviewed by CCBC and ABUHB and apologies were given for the delay between the recommendations being made and being discussed by the SPACE-Wellbeing panel, apologies were also given for the distress that this has caused to the family.

7.12 In relation to the 3 matters upheld for Service Strategy and Business Support, below is a summary of the concerns and actions taken:

- A complaint was received to report carers attending the wrong property. Following investigation, it was confirmed that the regular carers were aware of the correct address, actions agreed were for any new carers to be informed that property is difficult to locate and to be given directions before visiting. An explanation of human error and an apology was given to the complainant.
- This relates to a finance matter, a daughter of a recipient of care notified the finance team that payments had been made but not deducted from the statement of her father's care. This matter was investigated and found that the payments has been miscoded on the system, the issue was rectified, and assurances given that this should not happen again, an apology was provided from the Directorate.
- A complaint was submitted via the finance team from a customer who was unhappy with Special Guardianship Order payments being suspended and subsequently being left in hardship as he did not receive a reminder regarding returning the acceptance letter. This was reviewed by the finance team and whilst practices will not be amended, it was recognised that the payments were required, and an urgent payment was made to prevent further hardship and delay.

7.13 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.

7.14 During this year, no complaints have been referred to POVA, however, 1 investigation was ongoing from 2018/19, this is now closed following Public Service Ombudsman for Wales (PSOW) recommendations see 9.1 (3).

8. Complaints – Stage 2

8.1 During 2019/20 the Directorate received 5 requests to progress complaints to a Stage 2 formal investigation, a slight decrease from the previous year when 6 Stage 2 investigation requests were received.

8.2 Of the 4 completed Stage 2 investigations that have been completed:

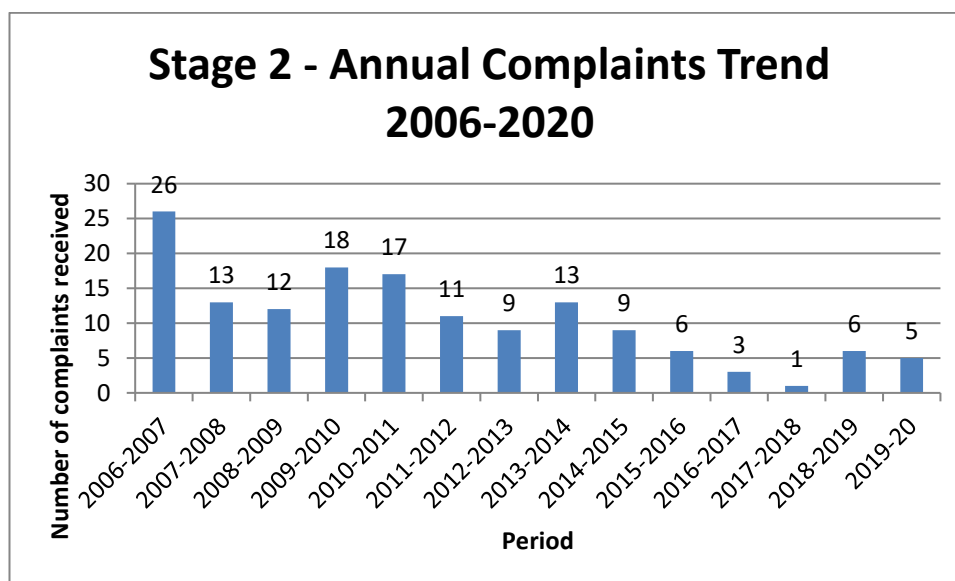
- The investigation that went straight to a Stage 2 for Adult Services was from a parent who was not happy with the assessment process for support and the respite provisions for her children with disabilities. Of the 10 complaint elements submitted the report concluded that 7 points were not upheld, 2 were partially upheld and 1 point upheld. The point that was upheld was in relation to the assessment not being carried out within the required 42 days; the other 2 partially upheld points were also in relation to delays being assessed and delay in being allocated a Social Worker.
- 1 Children's Services Stage 2 investigation was in relation to a parent not being happy with YOS involvement with her son and felt judgements were being made regarding parenting. Of the 10 complaint elements submitted the report concluded that 4 points were not upheld, 2 points were inconclusive, and no findings made, 3 points were partially upheld and 1 point was upheld. The points that were upheld and partially upheld were in reference to a full response not being provided to all concerns raised, awareness of appropriate language

being used and recommendations for staff to be more aware of how words can impact on judgement, feelings and assumptions, also making clear to families staff job titles and their role when working with families.

- 1 Children's Services Stage 2 investigation was from a parent who was unhappy with being told he had to have supervised contact with his children, despite having a court order to say contact could be unsupervised. The 2 complaint elements were found to be not upheld and the report is clear that the Local Authority acted in line with the statutory child protection procedures and acted appropriately to safeguard the children whilst a risk assessment was ongoing.
- 1 Children's Services Stage 2 investigation was from a parent who was unhappy with the level of contact and supervision of contact he has with his daughter who is subject to a Care Order. Of the 7 complaint elements submitted the report concluded all 7 were found to be not upheld.

8.3 The one ongoing investigation is in relation to a parent's dissatisfaction with a Social Worker and reports submitted to court. The complaint consists of 16 points and the complainant is seeking for the Social Worker to be held accountable and is also seeking compensation. The Independent Officers appointed to carry out the investigation have had great difficulty in communicating with the complainant and he is not responding to letters or telephone calls. This investigation is currently on hold until he contacts the Independent Officers to resume the investigation.

8.4 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.



9. Ombudsman's investigations

9.1 There were 11 contacts by our customers during this year to the Public Services Ombudsman for Wales (PSOW). This is a decrease on the previous year when 15 customers approached the PSOW for support. The 11 contacts resulted in:

1. PSOW was unable to consider the complaint which related to decisions made by the South East Wales Safeguarding Board and Court, the PSOW does not have the legal authority to investigate these decisions.
2. Supplied PSOW with information for stage 1 complaint response, this is now the stage 2 complaint which is on hold for reasons stated in point 9.3 of this report.

3. Recommendation from PSOW to meet with complainant to discuss issues, previously POVA investigation. Complainant unable to attend meeting, did not wish to continue with complaint, now closed.
4. Recommendation from PSOW to conduct a stage 2 investigation, this has now been concluded and contained in the figures in point 8.2 of this report
5. Supplied PSOW with information for stage 1 complaint response, awaiting decision from PSOW
6. PSOW refused to investigate further as out of complaint timescales
7. PSOW recommended early resolution of compensation payment to value of £1,796.56 (difference of payment amount between foster carer and kinship carer) – this was accepted, and payment made.
8. Supplied PSOW with information for stage 1 complaint response, PSOW has responded to complainant to recommend a Stage 2 investigation. Complainant has not confirmed if they wish to continue to this stage, meeting arranged with Complaints and Information Team Manager, complainant did not attend.
9. PSOW closed investigation after no response received from complainant.
10. Supplied PSOW with information for stage 1 complaint response, awaiting decision from PSOW
11. Complainant went directly to the PSOW, awaiting response from PSOW, case currently in legal proceedings, unable to be dealt with under Social Services complaints procedure.

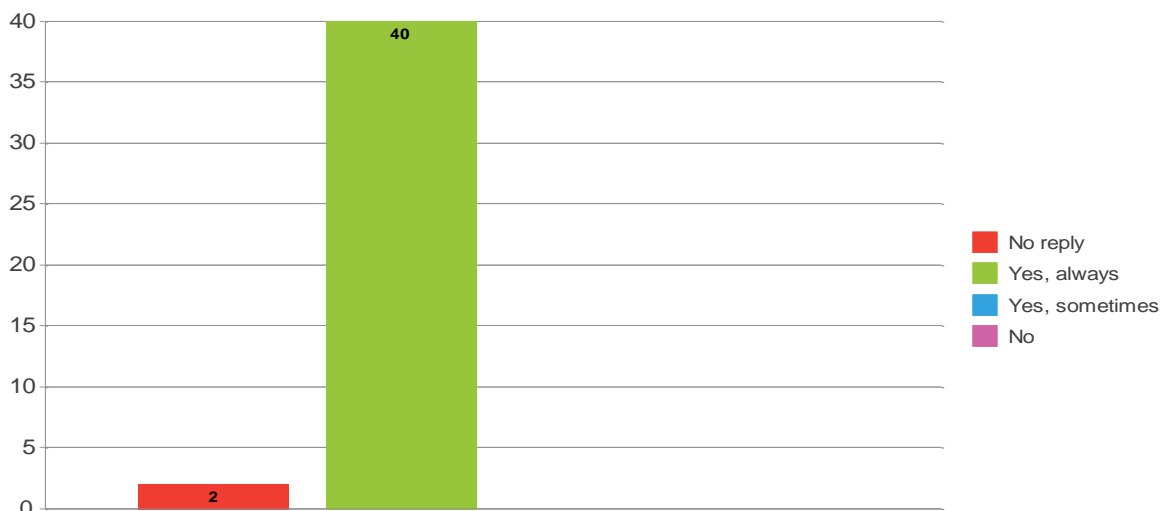
The Complaints and Information Team continue to have a positive relationship with the PSOW and continue to discuss persistent complainants and provide consistent advice.

- 9.2 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.

10. Compliments

- 10.1 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.
- 10.2 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, 281 compliments have been logged during the year, this is a vast increase from 93 compliments being recorded last year. Of the 281 compliments, 228 (81%) relate to Adult Services and 53 (19%) relate to Children's Services.
- 10.3 During the year 17 surveys were sent out, 3 (18%) of these were for Adult Services and 14 (82%) were for Children's Services. At the time of this report 10 surveys are ongoing, 1 Adult Services, 9 Children's Services.
- 10.4 An example of positive feedback in Adult Services is, a quality satisfaction survey was undertaken to gain client feedback in order to evaluate the effectiveness of the home care service, below are the responses given in a survey that asked "Do your carers treat you with respect and dignity?"

Q9 - Do your carers treat you with respect and dignity?



Q10 – Please comment:

- They look after me with a lot of carer
- They are very good
- They are excellent, and provide an excellent quality service
- I am very slow going to the toilet sometimes and feel I'm under pressure and carers always understand my illness makes me slow
- Very friendly, helpful when entering my home and leaving my home
- Every carer that has come here has been good people
- I have no problem with any of my carers. They are all a credit to their profession.
- The carers have wonderful respect for me. They are lovely girls. I couldn't do without them.
- My care is carried out respectfully at all times.
- The carers are always polite and caring. I could not wish for better girls.
- Carers are lovely and professional at all times, so helpful.

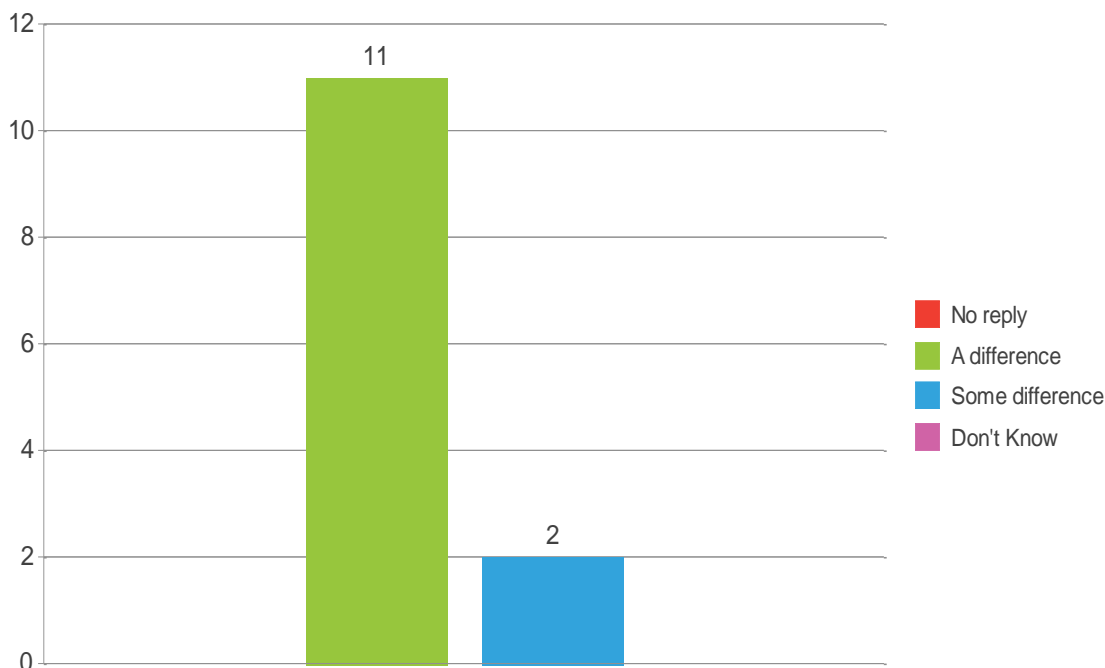
10.5 In relation to Children's Services, children/young people completed a survey in 2019 which sought their feedback on their experience of the Supporting Family Change (SFC) team.

13 surveys were completed, some comments included:

- The project has really helped me and my family
- I feel like I've gone happier by having support and getting my feelings out. Has helped me a lot and made me feel more confident
- Thank you for supporting me. I am so thankful

The graph below shows the response to what difference Supporting Family Change Project has made:

Q3 - What difference has the Supporting Family Change Project made to your family?



10.6 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.

11. Links to relevant Council Policies

11.1 Monitoring of the Social Services complaints and successful resolution of those complaints contributes to the following wellbeing goals within the Well-being of Future Generations Act (Wales) 2015 as listed below, as it supports the provision of higher quality and more effective services to the public across all service areas. In addition, monitoring provides information on the level of satisfaction of the services provided corporately by the Directorate. The result of the monitoring enables both Adults and Children's Services to focus on areas of concern, to improve services and to monitor performance, ensure that any trends or issues raised are identified and dealt with so as to be avoided in the future and to ensure that complaints are dealt with consistently and fairly across all service areas.

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities and thriving Welsh language
- A globally responsible Wales

12. WELL-BEING OF FUTURE GENERATIONS

12.1 This report contributes to the wellbeing goals as set out in the policies section above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that the monitoring of the Social Services complaints handling process across its service areas and enables the Directorate to focus on areas of concern, to improve services and

to monitor performance to ensure that any issues raised are identified and dealt with so as to be avoided in the future.

13. EQUALITIES IMPLICATIONS

13.1 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 conversing through the medium of Welsh is made to every complainant.

An Equality Impact Assessment (EIA) is not needed because the issues covered are for information purposes only, therefore the Council's full EIA process does not need to be applied.

14. FINANCIAL IMPLICATIONS

14.1 There are no financial implications arising from this report.

15. PERSONNEL IMPLICATIONS

15.1 There are no personnel implications arising from this report.

16. CONSULTATIONS

16.1 All responses from consultees have been incorporated within the report.

17. RECOMMENDATIONS

17.1 Scrutiny Committee is asked to note the content of this report.

18. REASONS FOR THE RECOMMENDATIONS

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

19. STATUTORY POWER

19.1 Welsh Assembly Government's "A Guide to Handling Complaints 2014".

19.2 Social Services and Well Being (Wales) Act 2014

19.3 Fostering Services (Wales) Regulations 2003.

19.4 General Data Protection Regulations 2018.

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Consultees: Social Services Senior Management Team
Joanne Jones, Corporate Information Governance Manager

Appendices:
Appendix 1 Comments from customers and families

Adults:

- **Feedback from ambulance crew visiting Beatrice Webb Home:**

“What an amazing place, all residents happy, and lovely smiley faces on the staff”

- **Feedback from resident of Broadawel Care Home:**

"I have made this my home now, which is a sensible thing to do. I am very happy here. I like the people and the surroundings. The peace, the friendliness, the feeling at home. The other people who live here are all friendly. It is like we are all a family. There is no feeling of 'you and us' [between residents and staff] and that is a lovely way. I am very happy here and I could not be any happier anywhere else."

- **Correspondence from a family member to Castle View Care Home:**

I would like to take this opportunity to thank you so much for the effort you and your dedicated staff have made to make all your residents feel special this Christmas.

I visited my mother at the residence this week and was absolutely delighted to see the Christmas decorations and how festive the place looked. My mum couldn't stop talking about all the events that had been taking place and that she was really looking forward to the Christmas Party.

- **Compliments to HART/CRT Team:**

“I would like to commend all staff for their helpfulness and professionalism. Without exception, they have all been outstanding.

I would also like to make a special mention to both xxx and xxxx. Both of them had been absolutely wonderful. They are both extremely caring, but at the same time have shown the best ways to enable me to assist with my own dressing etc.”

- **Compliments for the Learning Disabilities Team:**

“I'm so grateful for all your support with both me and xxxx, thank you for listening and caring, for all the help and support you've given us. You've been great through the tough times too, for making the provision we need for me to go away to get the help I needed to get well.”

- **Feedback for Carers Team**

“Thank you very much for an enjoyable evening. More to the point, it was a pleasure to meet you after reading what you and your team do for all the carers in the Caerphilly borough.”

- **Compliments to Shared Lives**

“I am overwhelmed and honoured to be able to comment on the dedicated and exemplary work that I have experienced from xxxxx.”

Childrens:

- **Feedback for 16+ Team**

“It's been a pleasure working with you and your team. You show energy and commitment to your young people and this shines”

- **Blackwood Childcare Team**

“We wanted to thank you for the kind and sensitive way we were treated yesterday, in what could have been a far more stressful situation. We understand that you have a job to do and some very difficult decisions to make and that every report has to be investigated, as no child should be allowed to ‘slip through the cracks’ “

- **Compliments to Caerphilly Town East Child Care Team**

“On my assessment visit to xxxx, his parents, xxx and xxx were very complementary of social worker, XX who had gone out with police on the initial joint visit. They felt XX and the officer had been very professional but also approachable.

They praised Caerphilly Children’s Services in general for the speed of handling the issue and the level of support offered and made available during a time that was distressing for them. “

- **Compliments to Caerphilly West Child Care Team**

“I just wanted to drop you a quick note to bring to your attention the view of myself and indeed the Court with regard to the high standard of work produced by K. Social workers are often criticized and rarely receive the praise that they deserve. K has been child focused throughout her involvement and has balanced this with working in partnership with the family and extended family members. I observed K with the maternal grandfather at the previous hearing and despite his complaints and hostility towards the local authority K was calm, focused and measured in her responses. I have no doubt that K’s approach when completing the risk assessment assisted in allowing grandfather to reflect and take a pragmatic approach. I would also add that this was a thorough and balanced assessment completed in a remarkably short space of time which allowed the Court to consider the contact options for the children.

- **Praise received at Rhymney Child Care Team**

Extract from Guardian: “The local authority social worker has worked hard to set out clear, child-focused plans that balance parental strengths and the continued risk factors. I am grateful for her diligence in communicating all important matters in respect of the children and her collaborative approach.”

- **Feedback received by IAA**

The gentleman expressed how grateful he was to “just be listened to” and felt that I had “really taken the time to understand” what his needs were, and what was important to him. He thinks the service is fantastic and that I approached the situation with sensitivity to his mental health that made him feel relaxed to discuss his worries and concerns.