



HEALTH, SOCIAL CARE AND WELLBEING SCRUTINY COMMITTEE - 5TH MAY 2015

SUBJECT: 2014/15 ANNUAL REPRESENTATIONS AND COMPLAINTS REPORT

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES

1. PURPOSE OF REPORT

1.1 To provide Members with information and analysis on the operation of the Social Services Directorate's Representations and Complaints procedure from 1 April 2014 to 31 March 2015.

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.

2.2.2 During the period 2014/15, 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. This was a response to the increasing numbers of people who contact teams directly for information seeking information on individual service users. This is time consuming for Officers and could lead to a breach of the Data Protection Act 1989.

2.2.3 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 2014 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 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 Ombudsman's office consider investigating their complaint.

2.3.2 To ensure that all staff are acting in line with the revised guidance, the Customer Services Team have delivered a complaints workshop to every team within Adult and Children's Services. In addition, during 2014/15 the Customer Services Manager has presented on the revised guidance to the Directorate's Management Briefing, the Health & Well Being Scrutiny Committee, the Authority's Audit Committee and the Standards Committee.

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 2014 to March 2015.

4.2 Representations

4.2.1 During 2014/15, 103 representations were received, of which 76 (74%) related to Adult Services, 25 (24%) to Children's Services and 2 (2%) to the Directorate's Service Strategy and Business Support service area.

4.2.2 The Customer Services Team receives representations from a number of sources and these are detailed below for 2014/15: -

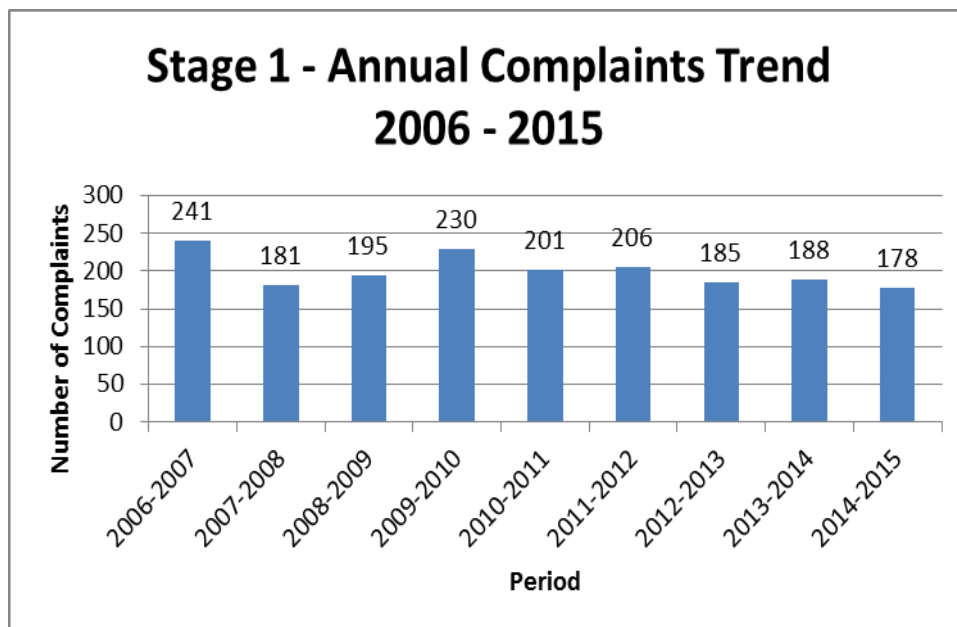
- Telephone (12)
- Letter (13)
- E-mail (7)
- Complaints form (2)
- Councillor (19)
- MP (28)
- AM (22)

4.3 Complaints – Stage 1

4.3.1 During 2014/15 the Directorate received 178 Stage 1 complaints and 1 complainant requested to progress directly to Stage 2. The majority of the complaints were resolved to the customer's satisfaction at stage 1.

4.3.2 Of the 178 complaints received at Stage 1, 73 (41%) related to Adult Services, 97 (54%) to Children's Services and 8 (5%) to Service Strategy and Business Support.

4.3.3 The following graph illustrates the number 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 2014/15: -

- Telephone (85)
- Letter (32)
- E-mail (33)
- Complaints form (24)
- Visit to Council offices (4)

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 can act on isolated incidents of poor practice that need immediate attention.

4.3.7 Of the 178 complaints received at Stage 1 in 2014/15 the following outcomes were noted: -

- 12 closed
- 17 complaints were upheld.
- 16 complaints were partially upheld.
- 120 complaints were not upheld.
- 12 ongoing at the time of this report

4.3.8 Of the 12 complaints that were closed:

- 1 was resolved by matters being reviewed via children's services
- 3 closed due to non-engagement from complainants
- 1 complaint withdrawn from young person whose complaint was resolved by the team
- 1 complaint was referred to another agency for their appropriate attention/response
- 1 customer refused consent to progress with a complaint raised by a relative
- 1 complaint progressed via the POVA process and the customer was satisfied that all matters had been fully addressed
- In 4 cases consent was sought from the customer but no response was received.

4.3.9 Of the 17 matters that were upheld:

- 10 related to Adult Services, 50% of which related to private domiciliary providers and the findings in those instances were addressed by the Directorate's Commissioning team.
- 5 related to Children's Services and included a range of matters, none relating to staff conduct. Of these, 1 resulted in financial redress being made for loss of earnings due to a delay in the adoption process.
- 2 related to the Business Support Services, 1 being a complaint of staff attitude which was upheld, there being a witness to the conversation between the Officer and the customer. This was addressed via formal management processes and training was recommended to address the Officer's future practice.

4.3.10 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.

4.3.11 In the period April 2014 to March 2015, 18 complaints received by the Customer Services Team were referred to the POVA team for advice from that team. Of these, 1 case were found to meet the POVA criteria with full a POVA investigation undertaken, the outcome of that investigation was "inconclusive".

4.3.12 As a learning outcome from a stage 1 complaint, the Fostering agreement between the Authority and foster carers has been reviewed in consultation with the Corporate Information Officers and Legal Services, to ensure compliance with the Data Protection Act 1998. This will enhance the protection of personal information relating to Looked After Children.

4.4 **Complaints – Stage 2**

4.4.1 During 2014/15 the Directorate received 9 requests to progress complaints to Stage 2. Of these, 3 (33%) related to Adult Services and 6 (67%) to Children's Services.

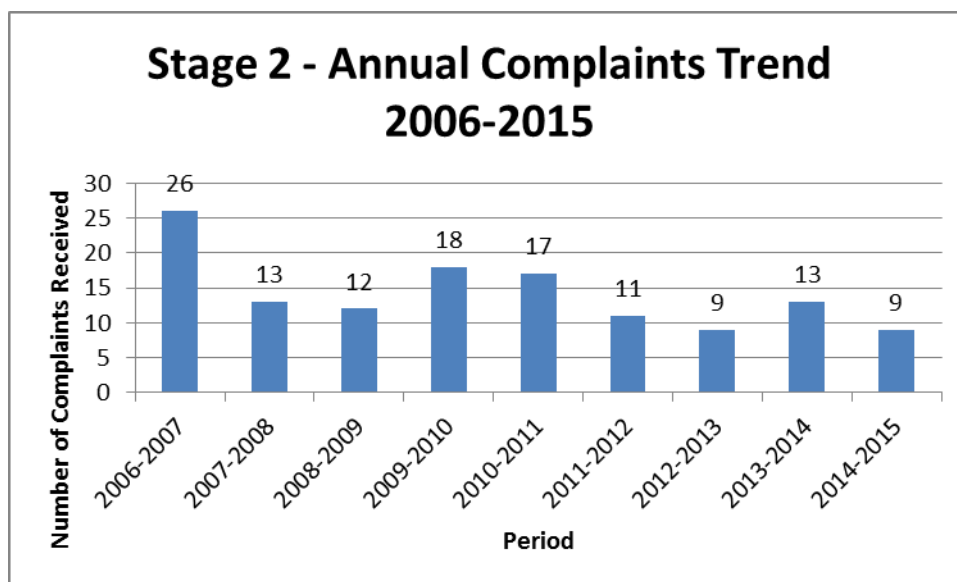
4.4.2 Of the 3 that progressed via Adult Services:

- 2 were not upheld, one being deemed by the Directorate to be a vexatious complaint.
- 1 was closed, as it is a matter that may be progressing via the Court process.

4.4.3 Of the 6 that progressed via Children's Services:

- 3 were not upheld
- 1 was partially upheld, the element that was upheld related to the lack of information on the Children's database
- 2 were closed, 1 due to lack of engagement by the complainant and 1 at the complainants' request

4.4.4 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.



4.4.5 The reduction in the number of stage 2 requests being made is deemed to be due to the continued commitment to ensuring that all stage 1 matters are fully considered, with responses identifying the evidence to support the findings.

4.5 **Complaints – Stage 3**

4.5.1 There was 1 complaint that progressed to the Stage 3 Panel process, due to the complainant's continued dissatisfaction with the actions of the Private Provider. The Stage 3 panel concluded that the Authority had dealt with the complaints at stage 1 and 2 in line with due process and could find no further action that the Authority could take to resolve the matter.

4.5.2 As noted in 2.3.1, the Stage 3 panel process is not included in the revised complaints process and ceased operating in August 2015.

4.6 **Ombudsman's investigations**

4.6.1 There were 2 Ombudsman investigations undertaken in this period.

4.6.2 1 report was received from the Ombudsman's office in April 2015, regarding a case that is held by Newport Council's Adult Social Services department. Within the complaint, there was reference to the service a family had received from the South East Wales Emergency Duty Team (SEWEDT) which is managed by CCBC and commissioned to provide an out of hours service to 5 Councils. The draft report from the Ombudsman noted a finding of failing on the part of SEWEDT, however, until CCBC received the draft report, they had been unaware of the complaint and this Authority was therefore not given the usual opportunity to offer an account of their actions. The Customer Services Manager subsequently presented a response to the Ombudsman that challenged the findings and offered a full account of SEWEDT's actions. The Directorate is currently awaiting the outcome of that challenge.

4.6.3 At the May 2015 SEWEDT Board meeting attended by the 5 Local Authorities involved, discussion will be held on this matter.

4.6.4 The recommendation by CCBC to the Board will be that a clause should be added to the Service Level Agreement, to advise on the responsibility of the individual Authorities to ensure that if they receive a complaint at any stage of the complaints process, or any request from the Ombudsman that includes the actions of SEWEDT, this will be referred in the first instance to this Directorate's Customer Services team.

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.

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 across the Directorate.

11. STATUTORY POWER

- 11.1 Welsh Assembly Government's "Learning the Lessons" guidance 2005.
- 11.2 Welsh Assembly Government's A Guide to Handling Complaints 2014.
- 11.3 Health and Social Care (Community Health and Standards) Act 2003.
- 11.4 Fostering Services (Wales) Regulations 2003.
- 11.5 Children Act 1989 Guidance and Regulations.

Author: Judith Morgans, Customer Services Manager,
E-mail: morgaj5@caerphilly.gov.uk Tel: 01443 864555

Consultees: Social Services Senior Management Team
Cllr. R. Woodyatt, Cabinet Member for Social Services