

Meeting of:	Healthy Living and Social Care Scrutiny Committee
Date of Meeting:	Tuesday, 10 November 2020
Relevant Scrutiny Committee:	Healthy Living and Social Care
Report Title:	Annual Social Services Representations and Complaints Report 2019-2020
Purpose of Report:	To ensure that Scrutiny Committee are provided with an overview of the activity, performance and achievements within this area of work.
Report Owner:	Director of Social Services
Responsible Officer:	Head of Resource Management and Safeguarding
Elected Member and Officer Consultation:	Social Services Senior Management Team
Policy Framework:	This is a matter for Executive decision
<p>Executive Summary:</p> <ul style="list-style-type: none"> This report seeks to ensure effective scrutiny of performance in social services and to provide evidence about the impact upon the lives of individuals and their families. 	

Recommendations

1. That Scrutiny Committee considers the content of this report.
2. That Scrutiny Committee continues to receive an annual report in relation to complaints and compliments received by the Social Services Directorate.

Reasons for Recommendations

1. To ensure effective scrutiny of performance in Social Services and to provide evidence about the effect upon the lives of individual service users and their families/carers.
2. To ensure continued oversight of Social Services complaints and compliance with the regulations and guidance.

1. Background

- 1.1** Handling complaints appropriately is a crucial part of the responsibilities undertaken by Social Services. An effectively managed complaints and compliments system plays a key role in ensuring that users receive the right services for them. It enables the Directorate to:
 - Acknowledge quickly when mistakes have been made;
 - Put them right effectively and apologise, where appropriate;
 - Ensure that we learn lessons from complaints and apply these lessons to improve services and performance.
- 1.2** The Directorate has sought to ensure that its systems for managing complaints are robust. Effective monitoring of complaints acts as a valuable source of feedback, highlighting aspects of service delivery which fall below the standard the Council aims to achieve. Handling complaints promptly, efficiently and responsively enhances the Directorate's reputation with all its stakeholders and citizens.
- 1.3** This is the fifth year since the revised complaints guidance from the Welsh Government – *A guide to handling complaints and representations by local authority social services* – came into effect. The guidance supports implementation of the Social Services Complaints Procedure (Wales) Regulations 2014 and the Representations Procedure (Wales) Regulations 2014.
- 1.4** The complaints procedure is a two-stage procedure as summarised below.
Stage 1 – Local resolution
 - The local authority must offer to discuss (either face-to-face or over the telephone) the complaint or representation with the complainant in an attempt to resolve the matter. This discussion must take place within 10 working days of the date when the complaint was acknowledged. Where this

approach leads to a mutually acceptable resolution of the matter, the local authority must write to the complainant within a further 5 working days.

Stage 2 – Formal Investigation

- A complaint or representation subject to a Formal Investigation must now be investigated by an Independent Investigator from outside the local authority. An Independent Person must also be involved where a representation is considered at the Formal Stage. The Investigating Officer will be required to produce an investigation report, which may include recommendations for the local authority to consider. This stage must be completed within 25 working days of the date the complaint is agreed with the complainant. If the local authority is not able to send a written response to the investigation report within 25 working days due to exceptional circumstances, it must write to the complainant explaining the reasons for the delay and when a response will be provided. The local authority's response must advise complainants that they have the right to complain to the Public Services Ombudsman for Wales if they remain dissatisfied following this stage of the procedure.
- 1.5** This two stage process is in line with the *Model Concerns and Complaints Policy and Guidance* issued by Welsh Government and the NHS Complaints Procedure – *Putting Things Right*.

2. Key Issues for Consideration

- 2.1** The Annual Social Services Representations and Complaints Annual Report 2019-2020 is attached at Appendix 1. It contains a detailed account of the service activity with performance analysis and identifies priorities for 2020-21.
- 2.2** The Complaints Officer takes a proactive approach to preventing and mediating issues that have the potential to escalate into a complaint. The Complaints Officer regularly contributes to the quality assurance processes especially where there is an emerging provider issue and the Escalating Concerns process is engaged. This enables the Complaints Officer to have an involvement at an early stage and to have a good grasp/knowledge of the issues affecting the service/individuals and how this could relate to potential complaints. For some people who contact Social Services, they may be unsure whether or not their concern equates to a formal complaint. In these cases, the Complaints Officer offers to meet with them to try and help clarify the issues and listen to their concerns. This approach has proved to be invaluable and an effective way of reaching an early resolution to many concerns. The Complaints Officer has found a number of ways of engaging with service users by visiting residential and day care settings, schools and advocacy providers. This approach also assists in disseminating information about the Complaints Procedure.
- 2.3** Although the nature of complaints is increasingly becoming more complex, we continue to focus our efforts on improving the timeliness of our response to complaints within the designated timescales that are set out in guidance. Stage 2

investigations are usually complicated, and we are dependent upon independent investigators for their completion.

- 2.4** Compliments and praise provide a vital means through which we identify what we are doing well and to share this wider learning/experience with others. It is also central to recognising the efforts of our staff who are often delivering services at the front line under increasingly more challenging circumstances. We have put in place appropriate mechanisms to collate compliments that enable us to see areas where we are performing particularly well as well as helping us to further reinforce the positive attitudes and behaviours of our staff to further motivate and engage our workforce.
- 2.5** During the recent Covid-19 pandemic, Social Services has continued to provide statutory complaints services. Face to face meetings have not been taking place, however, we have used virtual platforms to facilitate and promote engagement with complainants and stakeholders. There has been some impact on the ability to meet timescales during this period, this has been mitigated by communicating and publishing our service restrictions associated with lockdown and Welsh Government advice.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** The Complaints Officer takes a proactive role in helping prevent the escalation of concerns raised becoming formal complaints by meeting with service users and their families to try and resolve matters by mediating at the earliest opportunity. The Complaints Officer works collaboratively with service users and their families at this point to ensure any information needed is provided and that individuals are signposted and/or referred for the correct support. This effective approach continues after Stage 1 has been completed to try and prevent escalation to Stage 2 of the process.
- 3.2** Complaints provide an opportunity for the Directorate to learn from the experiences of service users and their families and are a valuable source of information on how to improve/shape services for the future. We have developed processes for embedding the lessons learned into practice. The outcomes from complaints often highlight shortfalls in service delivery and formal action plans are developed from recommendations made following Stage 2 complaints investigation or complaints investigated by the Ombudsman. By looking at these issues collectively we are able to identify key areas of focus going forward. Key lessons learned are summarised in the Annual Report (Appendix 1) and will be shared with staff via a newsletter. Compliments are also a vital means through which we can identify what we are doing well and to share this wider learning/experience with others. We have put in place mechanisms to collate compliments that enables us to see areas where we are performing well.
- 3.3** The Complaints Officer also intends to consult with complainants to help evaluate the effectiveness of the service provided. This is in addition to the information already being gathered by the Policy and Quality Assurance Officer.

4. Resources and Legal Considerations

Financial

- 4.1** Operating the Complaints Policy and Procedure is a statutory responsibility and the work has to comply with the regulations. There are costs which accrue to the Directorate and officers often devote a considerable amount of time to solving an individual complaint. However, the costs have been managed within the budget set for this area of work.

Employment

- 4.2** There are no employment issues as a result of this report.

Legal (Including Equalities)

- 4.3** This report supports implementation of the Social Services Complaints Procedure (Wales) Regulations 2014 and Representation Procedure (Wales) Regulations 2014.

5. Background Papers

None

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SOCIAL SERVICES

Social Services Representations and Complaints

ANNUAL REPORT

2019/2020

DATE:	
AUTHOR:	Amanda Green
HEAD OF SERVICE	Amanda Phillips
APPROVAL DATE	
VERSION:	Draft

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1. Introduction

The purpose of this report is to provide an overview and analysis of the complaints, comments and compliments received by Social Services during the period 1st April 2019 to 31st March 2020.

It covers all three divisions within the Social Services Directorate: Adult Services, Children and Young People Services, and Resources Management and Safeguarding. This is the 9th combined report to be produced since a unified complaints service for the Directorate was introduced in early 2009 and the fifth to be produced following new complaints guidance (A guide to handling complaints and representations by local authority social services) which came into effect on August 1st 2014. The guidance supports the implementation of the *Social Services Complaints Procedure (Wales) Regulations 2014* and the *Representations Procedure (Wales) Regulations 2014*.

The NHS and Community Care Act (1990), The Children Act 1989 (Part III) and the National Minimum Standards and Regulations (2002) for Fostering Services require local authorities to maintain a representations and complaints procedure for social services functions. The Welsh Government (WG) expects each local authority to report annually on its operation of the procedure.

The Social Services Directorate believes strongly that handling complaints appropriately is a crucial part of its responsibilities. An effective complaints handling system is a vital part of ensuring that our service users receive the service to which they are entitled. It enables the Directorate to:

- Acknowledge quickly when mistakes have been made;
- Put them right effectively and to apologise where appropriate;
- Ensure that we learn lessons from complaints.

2. Why Do People complain?

The most common reasons reported for making a complaint include:

- Wanting to be heard;
- Ensuring that concerns are recognised, acknowledged and taken seriously;
- Ensuring that appropriate action is taken to remedy problems and avoid similar incidents in the future; and
- To receive an apology.

3. The Complaints Procedure.

The current complaints procedure came into effect on August 1st 2014. All complaints registered with the complaints officer after this date have been handled in line with the new statutory regulations and guidance. Further information on the Complaints Procedure is attached to this report and included at point 7.3.

4. The Public Services Ombudsman for Wales

The Public Services Ombudsman for Wales provides an external independent service for the purpose of considering complaints made by members of the public in relation to all local authority services, including Social Services. The Public Services

Ombudsman also has jurisdiction to examine and determine complaints of injustice as a result of maladministration on the part of the local authority. During 2019/20 the Ombudsman received 4 cases involving Social Services in the Vale of Glamorgan. The Local Authority fully complied with all the Ombudsman's decisions and agreed to:

- contact two of the complainants as they had not fully utilised the statutory procedure, one of whom subsequently withdrew their complaint and the other received a written response from the department;
- carry out a stage 2 investigation in relation to another case, this has now been done.
- and, make an offer of financial redress in a third case, offer apologies and carry out a stage 2 investigation. All these actions have been completed.

From August 1st 2014 if a complaint or representation is not resolved at the Formal Investigation Stage (Stage 2) the complainant must be advised that they have the right to complain to the Public Services Ombudsman. The Ombudsman's office will aim to complete all investigations within 12 months but most are concluded sooner.

5. Member referrals

The Representations and Complaints Procedure does not preclude the right of an individual to approach their Local Councillor, Assembly Member (AM) or Member of Parliament (MP). On behalf of their constituents, they undertake an important role in handling concerns and queries that individuals may have. These referrals can range from comments and queries, to complaints. If an Elected Member does not consider it to be appropriate for them to deal with a concern, the matter can be dealt with under the Complaints Procedure.

During 2019-2020, Social Services received a total of 36 referrals from MPs and AMs relating to social care services. All the referrals received a response from the Cabinet Member for Social and Care Services.

6. Mediation

Some people who contact Social Services are unclear if they want to make a formal complaint. In these cases, the Complaints Officer offers to discuss and help clarify the issues and listen to their concerns. This approach has proved to be valuable and effective in terms of reaching an early resolution of concerns. This initiative is in keeping with the spirit of 'Listening and Learning' and acknowledges the extended duty placed on local authorities by the guidance to safeguard and promote the welfare of service users.

It involves the Complaints Officer using a variety of approaches, including discussion, supplying information and, in many cases, listening to the concerns raised and ensuring the relevant service area is notified. The Complaints Officer has also found ways of engaging with service users by visiting residential and day care settings, schools and advocacy providers. This approach assists in disseminating information about the Complaints Procedure.

The Complaints Officer made 72 visits to service users/families of service users during the reporting period. In the majority of cases, the Complaints Officer was able to alleviate the anxieties of individuals and signpost them onto other services where appropriate. As a consequence of these efforts, fewer issues escalate into formal investigation stages. During 2019/20 of the 72 issues raised, 58 were logged as enquiries requiring a more formal response and 12 went on to become a complaint.

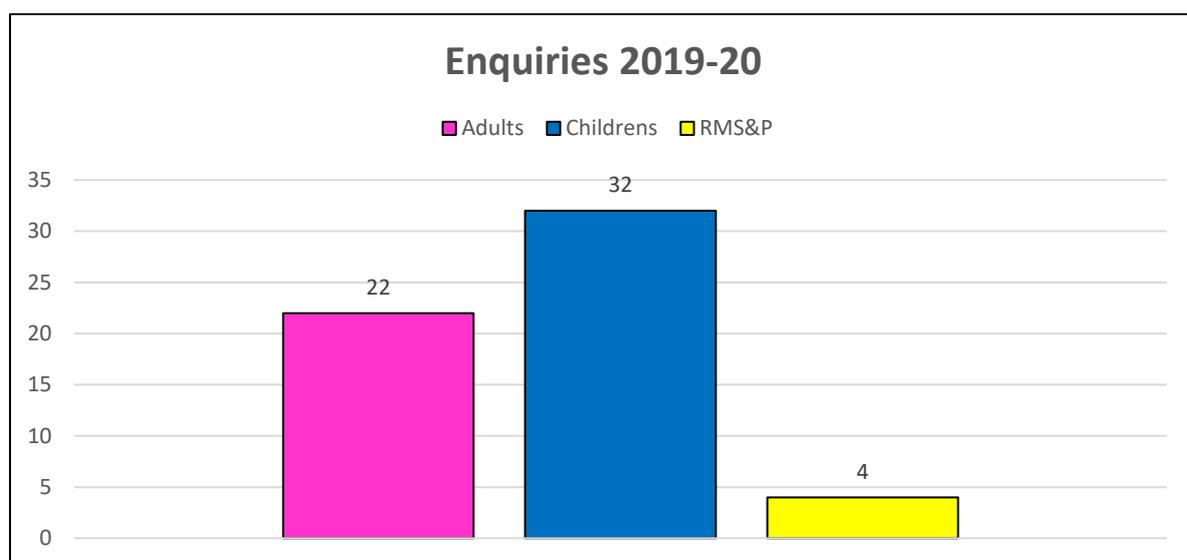
Complainants are entitled to request a Stage 2 investigation if they are not happy with the response at Stage 1. As a positive means of resolution, Senior Managers in the Vale of Glamorgan offer to meet with the complainant for further discussion before progressing to Stage 2. This practice has continued in 2019/20.

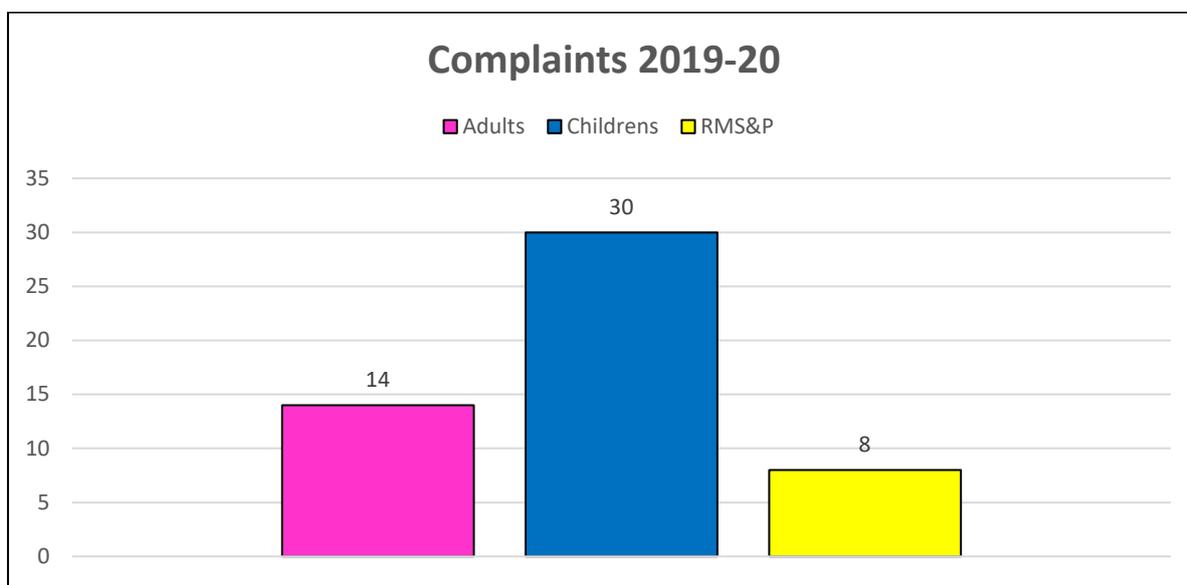
7. Statistical Information

7.1 Number of complaints and representations received by the Directorate

	Enquiries*	Complaints
Adult Services	22	14
Children and Young People Services	32	30
Resources Management, Safeguarding & Performance	4	8
Totals	58	52

*Enquiries are issues of concern to the service user, dealt with by the team, without escalation to a complaint.





Information collated shows an increase in the number of enquiries recorded from 42 in 2018/19 to 58 but a decrease in the number of complaints from 63 in 2018-19 to 52 during the reporting period.

As mentioned above, discussions are undertaken with the complainant in many cases before escalating to a complaint. These are recorded as enquiries.

7.2 Stages at which complaints were resolved

The table and charts below provide details regarding the stage at which complaints were resolved.

Stage at which complaints were resolved	Adult Services	Children and Young People Services	Resources Management, Safeguarding & Performance	Total
Stage 1 Local Resolution	13	23	7	43
Stage 2 Formal Consideration	1	7	1	9

The number of complaints resolved at Stage 1 is due, in the main, to the commitment of team managers to resolve issues in respect of their service and the positive involvement of senior managers before escalation to Stage 2.

Complainants who remain dissatisfied following stage 2 of the complaints procedure can ask the Public Service Ombudsman for Wales to consider their complaint.

7.3 Timescales for completion of complaints

The timescale for completion of Stage 1 complaints is 10 working days (from the date of acknowledgement) for the authority to contact the complainant to discuss the complaint and a further 5 working days to confirm the outcome of the discussion in writing. It should be noted that often there are genuine reasons for not being able to meet the prescribed timescales. For example, some cases can take longer due to the complexity of the issues raised and the need to ensure that cases are thoroughly investigated.

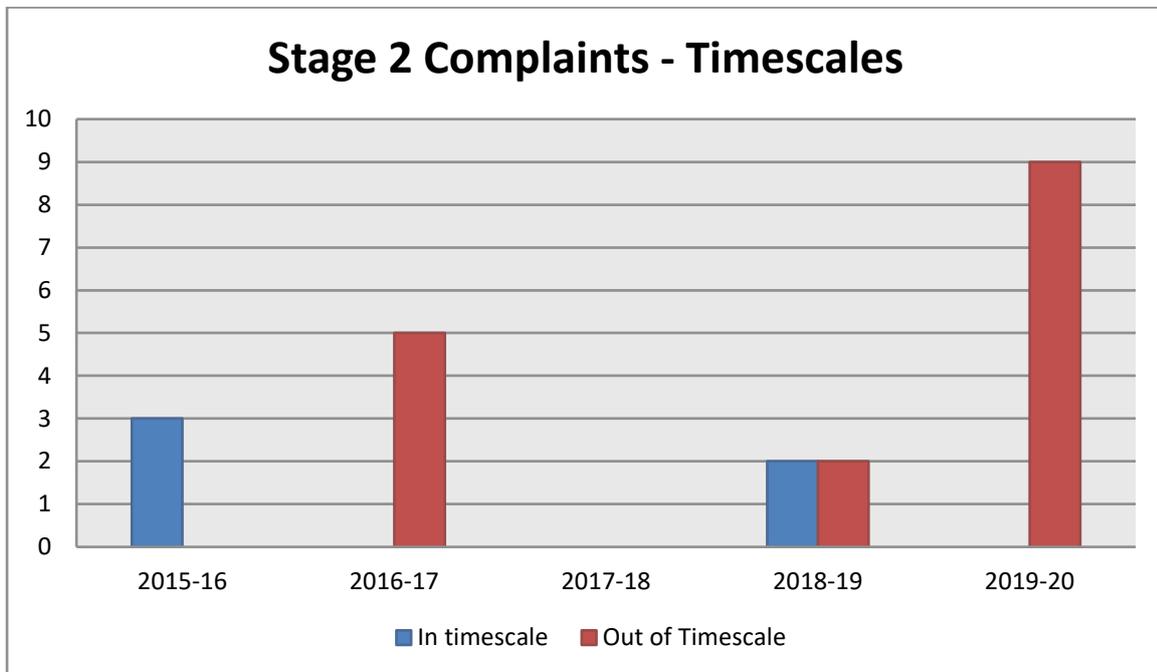
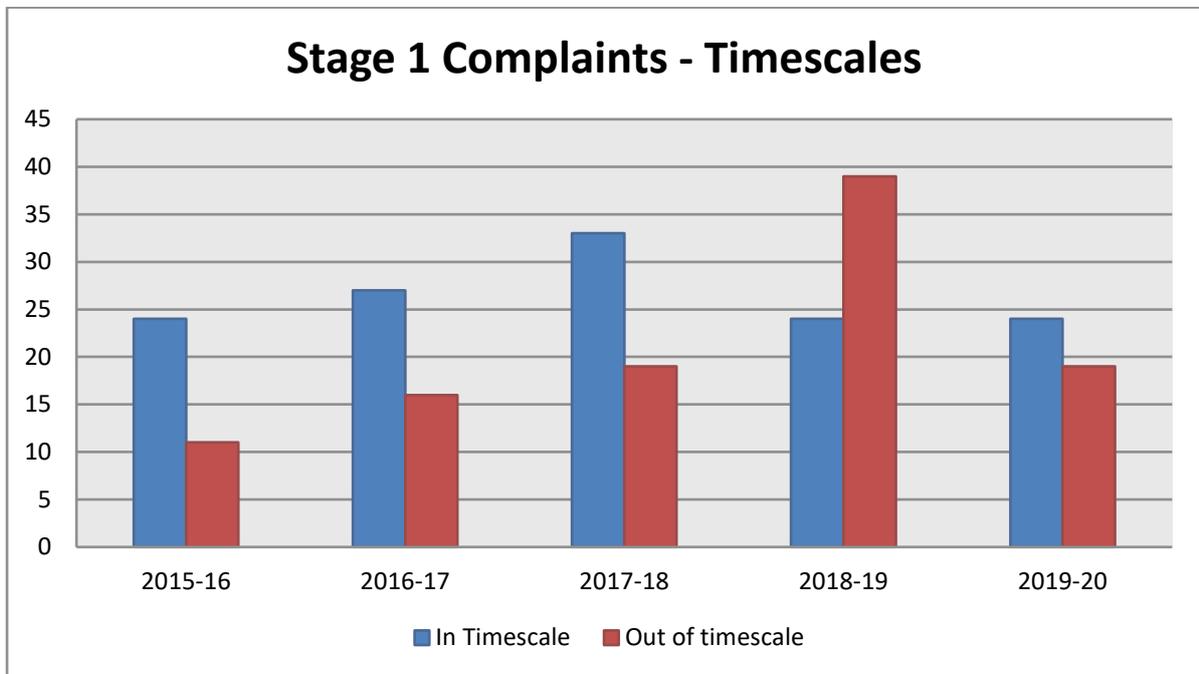
In these cases, an extension to the timescale (of a further 10 working days) is normally agreed with the complainant, however this still takes the complaint out of the prescribed timeframe for the purposes of reporting.

The full range of timescales associated with Stage 1 complaints are:

- Acknowledgement of complaint within 2 working days of receipt.
- Complainant contacted and offered a meeting or discussion within 10 working days of acknowledgement date.
- Written outcome of discussion provided to complainant within 5 working days of meeting/ discussion.

The nature of complaints is increasingly becoming more complex, we will continue to focus our efforts on improving the timeliness of our response which has decreased during this reporting period. As at 31st March 2020, 55% of Stage 1 complaints were resolved within the designated timescales compared to 38% in 2018-19.

Meeting the designated timescales for complaints is increasingly more challenging because the complexity and multi-faceted nature complaints which can impact on our timeliness of response, particularly where legal advice is required. Over a half of the complaints received were resolved within designated timescales and it should be noted that in all instances the complainants were made aware of the reason for the extension to the timescales and mutually agreed to an extension. Although this is not taken into account as part of the statutory guidance, we pursue robust monitoring of our complaints on a weekly basis the Complaints Officer circulates a report to all Senior Management to flag any potential complaints that require follow up.



The information above demonstrates that all of our Stage 2 complaints went out of the 25 working day timescale during 2019/20. This has been noted and efforts are being made to provide a robust monitoring of the independent investigators' management of these investigations and the reasons delays are being experienced.

7.4 How complaints were resolved

A variety of methods were used to resolve complaints. Each complaint was considered individually and the most appropriate method of resolution applied.

Methods included:

- provision of explanation (written) as to reasons for decisions;

- provision of an apology (written), where appropriate;
- mediation;
- senior managers meeting with complainants to discuss their concerns;
- independent investigation;
- action taken to change a decision.

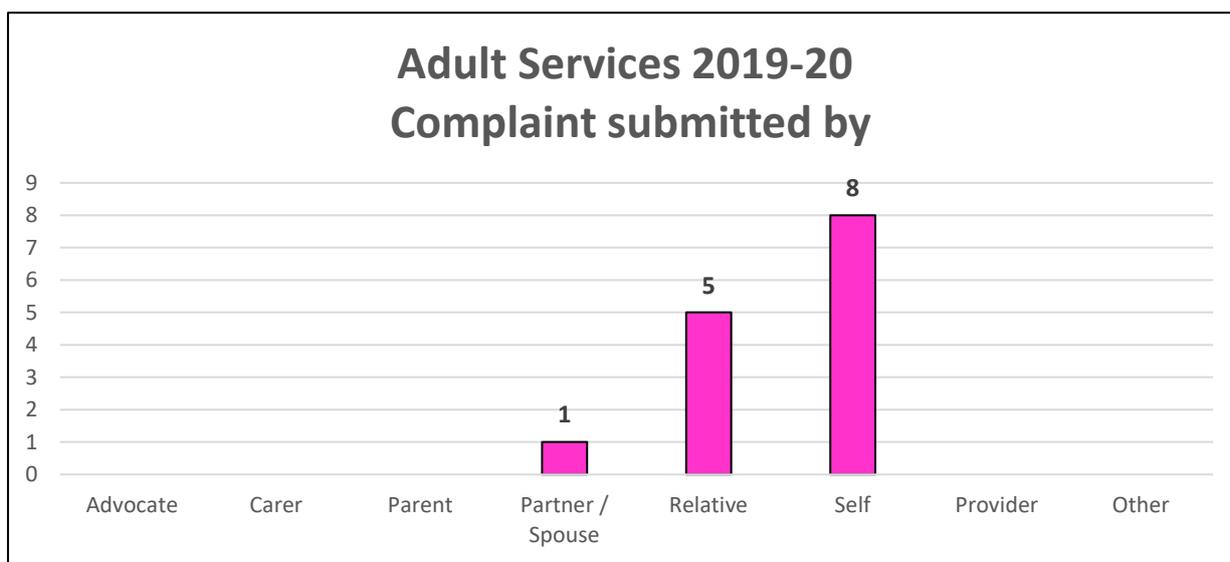
All complainants received a written response offering an explanation, outlining recommendations and/or identifying corrective action.

7.5 Who made complaints?

Legislation requires the authority to establish a procedure for considering representations, including complaints, made to it by a range of people.

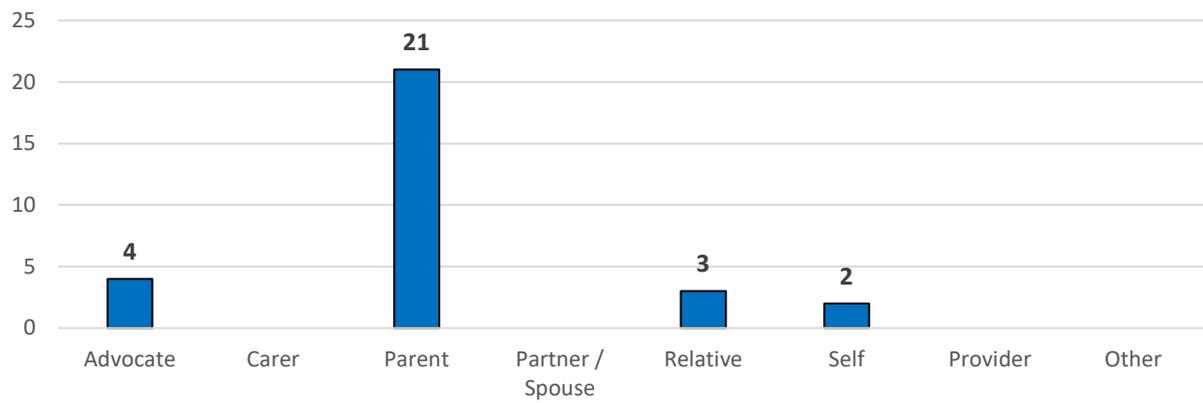
The information below outlines the source of those which were dealt with within the formal complaints process and not enquiries.

Complaint by:	Adult Services	Children & Young People Services	Resources Management, Safeguarding & Performance
Advocate		4	
Carer			
Parent		21	
Partner / Spouse	1		
Relative	5	3	6
Self	8	2	2
Provider			
Other			
Total	14	30	8



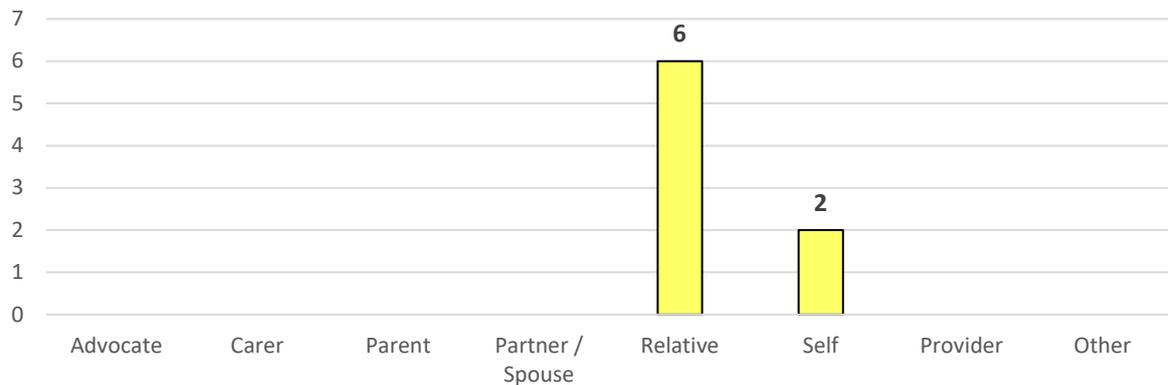
Children & Young People Service 2019-20

Complaint submitted by:



RMS&P 2019-20

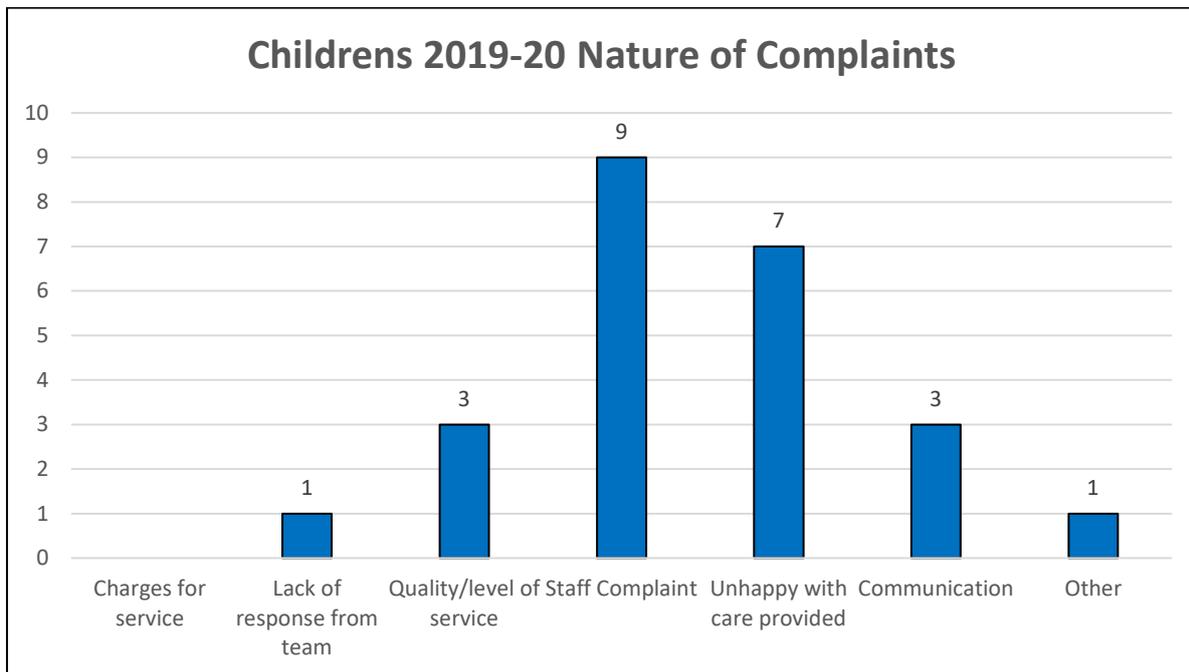
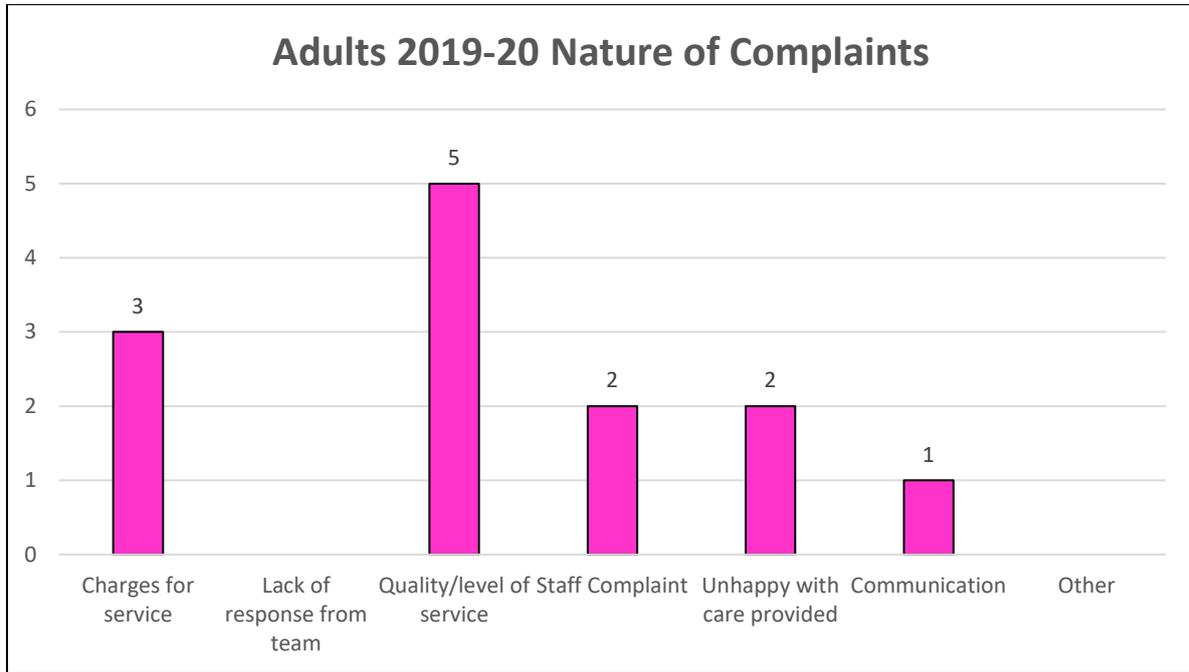
Complaint submitted by:

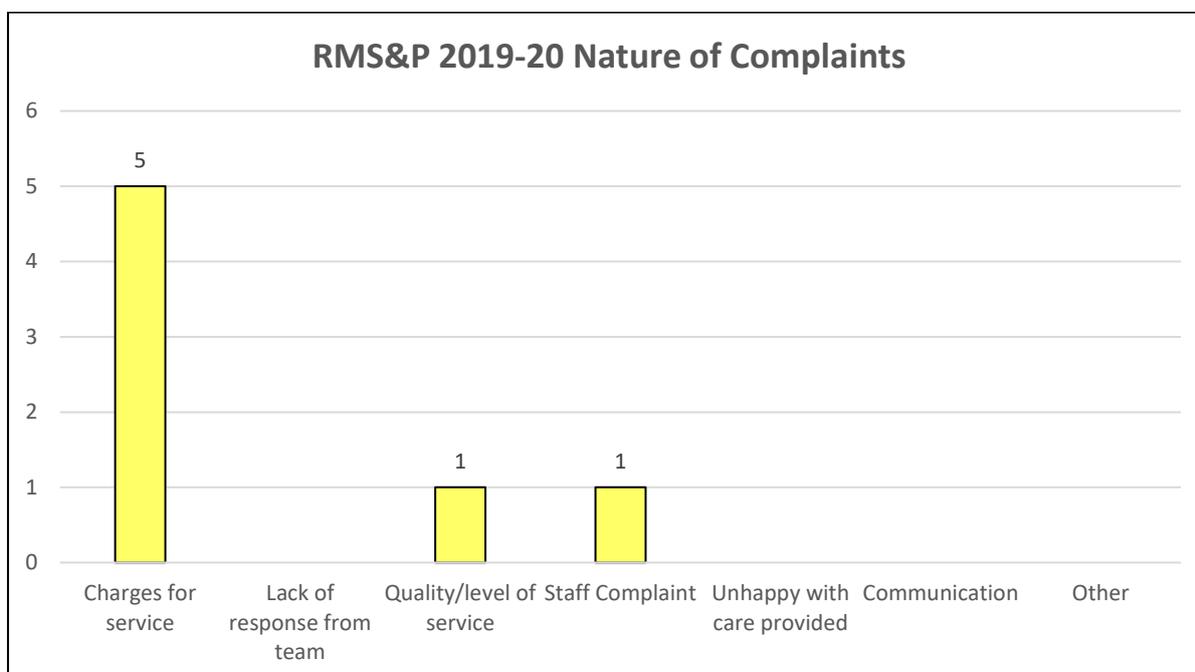


7.6 Themes

The most common reasons for complaints* received during 2019/20 were as follows:

- **Complaints are those which were not resolved at enquiry stage ***





- Complaints regarding the quality or level of service were the most common during this reporting period in Adult Services, while in Resource Management and Safeguarding complaints regarding charges were the most common. In Children’s Services complaints relating to members of staff were the most common. This is typical of previous years, partly because of the sensitive and sometimes contested nature of the work which staff undertake but also because the statutory basis for Social Services is very complex. A number of complaints arise in circumstances where staff have acted appropriately in delivering the Council’s policies and priorities but this is not acceptable to families.
- It is often possible to demonstrate that staff have made reasonable decisions, based on all relevant considerations, and acted fairly. Where staff have acted inappropriately or without sufficient sensitivity, managers remain committed to taking effective action in response and to insist on the highest standards of practice in all cases, especially in treating people with respect for their dignity. Similarly, where the Directorate has not kept to its commitments or failed to meet service standards, we are quick to apologise and to rectify matters. In seeking continuous improvement, complaints are used to ascertain the need for reviewing policies and procedures.

7.7 Compliments

Compliments are also regarded as important information that can be used to identify good practice. Compliments are recorded and reported monthly to managers.

During 2019/20, 28 compliments were received across Adult, Children and Young People Services and Resource Management and Safeguarding Divisions.

All of the compliments were about the excellent service or support the service user had received and often named specific staff that the individual felt had provided over and above the expected service. It is acknowledged that certain service areas may be

better placed than others to receive compliments and some teams are more effective at recording/reporting compliments than others.

Outlined below is a snapshot of some of the compliments received from service users.



8. Customer Feedback Their Experience Of The Complaints Procedure

Historically customer feedback has been collated and reported corporately. Following discussions with the Corporate Complaints Officer regarding customer feedback it was decided that Social Services would no longer be part of the survey as it has been found that complaints feedback is subjective and influenced by the outcome of the complaint, i.e. if the complainant was happy with the outcome of their complaint they were happy with the way their complaint had been dealt with and vice versa. For this reason some local authorities do not specifically survey complainants. Current departmental questionnaires contain a section specifically on complaints and compliments, the Policy and Quality Assurance Officer reports on this feedback in their annual report.

9. Lessons Learned

Complaints from service users provide the Directorate with valuable information on how to improve its services. Formal action plans are usually only developed from recommendations at Stage 2 or by the Ombudsman. The outcomes from a Stage 1 investigation often highlight shortfalls in service delivery which can be dealt with at team, departmental or corporate level. By looking at these issues collectively we are able to identify key areas of focus going forward. A quarterly newsletter to staff is being developed and will include a section on Lessons Learned.

During 2019/20 a summary of these key lessons learnt include:

- The importance of effective communication with families and service users.
- Ensure service users and families understand the charging process in relation to residential placements.
- Ensure any commitment to respond to calls/letters/emails is followed up.
- The importance of clearly explaining rationale for making decisions and checking it has been understood.
- The importance of responding to concerns/enquiries promptly to avoid escalation.
- The importance of staff acting professionally at all times.
- Ensure service users/families understand the limitations of our resources and services e.g. in relation to waiting times for assessments.
- Ensure hours spent on independent investigations are reported regularly and consider requiring monthly invoices to more closely monitor costs.

10. Achievements In 2019-2020

Continued support provided to service users and their families has continued to prevent many issues of concern escalating to formal complaints.

Mediation with service users and their families has continued to prevent complaints from escalating to Stage 2 of the process.

Effective liaison with the FOI unit providing all information requested within timescales. Briefings provided to staff, internal process for Children and Young People Services reviewed.

The number of Independent investigators and Independent Persons has been increased so that when a stage 2 investigation is agreed we have a growing pool of suitably qualified and experienced investigators to call upon. This can reduce delays and provides greater choice.

Continued sharing of information with the Quality Assurance Provider Performance Group provides an opportunity to increase awareness of the standard of service provided and gives different perspectives on the provider.

Continued contribution to Corporate Complaints Reports and quarterly reports to the PSOW.

A weekly meeting with a CYPs team manager was piloted in early 2020 to improve communication between departments and to improve response times to complaints. This was proving to be a success but had to be suspended due to the onset of the pandemic.

A newsletter has been developed for circulation to staff to raise awareness of complaints/compliments received and to provide feedback on Lessons Learned.

11. Key Aims and Objectives For 2019/2020

Continue working with independent investigators to make an improvement in the time taken to complete Stage 2 investigations by reviewing the support offered and the management of the investigation.

Set up a process requiring investigators to submit regular invoices showing hours spent on an investigation.

Continue working with managers and staff to make an improvement in the time taken to complete Stage 1 complaints. The weekly complaints monitoring reports will continue to red flag complaints to the Heads of Service that have or are unlikely to meet the designated timescale for response. The Complaints Officer will contact investigating officers to ensure they are on track and are clear regarding the process.

To develop and circulate a quarterly newsletter to staff to raise awareness of the complaints role, highlighting good practice and lessons learned.

References: (If applicable)

Name of report author: Amanda Green

Name of Operational Manager: Natasha James