

## SOCIAL AND HEALTH CARE OVERVIEW AND SCRUTINY COMMITTEE

<b>Date of Meeting</b>	Thursday, 3 <sup>rd</sup> December 2020
<b>Report Subject</b>	Annual report on the Social Services Complaints and Compliments Procedure 2019-20
<b>Cabinet Member</b>	Cabinet Member for Social Services
<b>Report Author</b>	Chief Officer for Social Services
<b>Type of Report</b>	Operational

### EXECUTIVE SUMMARY

The Social Services and Wellbeing Act (Wales) 2014 and Social Services Complaints Procedure Regulations 2014, requires Local Authorities to maintain a representations and complaints procedure for social services functions (referred to as the “procedure” from now on). The Welsh Government expects each Local Authority to report annually on its operation of the procedure.

There was a slight increase in complaints made about Adult Social Care this year. Of the 4,020 adults who received care and support during 2019-20 from Adult Social Care, 60 individuals complained about the service they received (1.4%). This compares to 51 complaints last year (2018-19) and 80 complaints during 2017-18. There was an increase in the number of compliments recorded this year.

30 complaints were received during the year regarding Children’s Social Services from the total of 2,346 children and families who received care and support (1%).

This compares to 55 complaints received last year (2018-19) and 49 complaints during 2017-18. The number of complaints received in Children’s Social Services has previously been comparable year on year so this year’s decrease is significant and again highlights the work staff do to avoid complaints being made.

All complaints are scrutinised and used to improve both services as part of a ‘lessons learned’ process.

### RECOMMENDATIONS

1	That Members scrutinise the effectiveness of the complaints procedure with lessons being learnt to improve service provision.
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## REPORT DETAILS

<b>1.00</b>	<b><u>EXPLAINING THE NUMBER OF COMPLAINTS RECEIVED, THE ISSUES RAISED AND THEIR OUTCOMES</u></b>
1.01	Feedback in the form of compliments and complaints from service users, their family or carers can highlight where services are working well or where services need changing. Flintshire County Council wants to learn from this feedback and use the experiences to improve services for everyone who uses them.
1.02	As part of our day to day business staff deal with questions, concerns, problems, dissatisfaction, and general feedback which frequently includes praise. We encourage staff to listen to people, to explain decisions, to clarify where misunderstandings have arisen and to take action to put things right where they can. This approach enables us to provide a responsive and effective service. However, we recognise that there will also be complaints that we need to listen to, address and learn from.
1.03	Our assessment is that Social Services has a robust complaints procedure in place. We welcome complaints and want to ensure service users, carers and families are listened to, their views acted upon, and that receive a timely and open response. Staff and Managers work hard to resolve problems as soon as they arise, and advocacy is actively promoted. As part of our wider approach to quality assurance all complaints are reviewed to bring together information about the overall quality of services, to identify trends, and action required including any lessons learned to avoid similar issues arising again.
1.04	<b><u>Overview of complaints: Adult Social Care</u></b>
1.05	60 complaints were received in the year, a small increase to last year's 51 complaints that were received and a comparable drop compared to 2017-18 when 80 complaints were received. This number of 60 complaints should also be considered against the context that 4,020 adults who received care and support from the Service during the year. The Act is now firmly embedded in practice and the decrease can partly be attributed to improving our advice and communication with service users and their families, and managing their expectations.
1.06	All complaints received across the Service are scrutinised to see if anything further could have been done to alleviate a complaint being made in the first place: broadly speaking there were no such instances where a complaint could have been avoided. Every effort is made by social work staff and Managers to resolve issues/concerns quickly with service users and families. See Appendix 1 for a summary of complaints grouped into themes.
1.07	The number of complaints in relation to Older People Localities is higher than other areas as it is the largest part of the Service, but numbers are comparative year on year. This year did see an increase in complaints made about Older People Provider Services. Complaints about Local Authority and privately registered providers are shared with the Contracts Monitoring Team who visit on a regular basis to ensure their contractual

obligations are being fulfilled. A multi-agency information sharing meeting takes place between the Department, Health and the Care Inspectorate for Wales (C.I.W.) where complaints information is shared and considered together with other information collated by agencies.

1.08

<b>Service</b>	<b>2019-20</b>	<b>2018-19</b>	<b>2017-18</b>
<b>Older People – Localities</b>	17	19	21
<b>Older People – Provider</b>	12	2	7
<b>Learning Disability Community Team</b>	3	6	8
<b>Learning Disability Provider</b>	0	2	10
<b>Mental Health and Substance Misuse</b>	3	4	7
<b>Disability Service inc. Transition</b>	4	5	4
<b>Safeguarding</b>	2	0	3
<b>Other (inc. Business Support etc.)</b>	7	2	3
<b>Registered Residential Provider</b>	7	6	10
<b>Registered Domiciliary Providers</b>	4	4	7
<b>*Integrated Autism Svc.</b>	1	1	n/a
<b>Total number of complaints</b>	<b>60</b>	<b>51</b>	<b>80</b>

\* The Integrated Autism Service was formed in July 2018.

1.09	<p>Broadly speaking the complaint themes are broken down into the following areas (with the number received in brackets).</p> <ul style="list-style-type: none"> <li>• Dignity (3 complaints)</li> <li>• Communication (16 complaints)</li> <li>• Timeliness of our decisions or actions (8 complaints)</li> <li>• Disagreements with our decisions or actions (8 complaints)</li> <li>• Quality of care from a home or carer (12 complaints)</li> <li>• Charges applied or financial issues (14 complaints)</li> <li>• Hospital discharges (3 complaints)</li> <li>• Process issues (13 complaints)</li> <li>• Lack of advice/assistance (6 complaints)</li> <li>• Staff issues (7 complaints)</li> </ul> <p><i>* Note that often one complaint contains more than one theme</i></p>								
1.10	<p>A range of methods are used to resolve complaints including:</p> <ol style="list-style-type: none"> <li>a. A meeting or conversation with the complainant to discuss their concerns</li> <li>b. Involving Advocates and self-advocacy groups</li> <li>c. A written explanation as to the reasons for a decision</li> <li>d. An apology where appropriate</li> <li>e. Action taken to review a decision</li> <li>f. Independent investigation (Stage 2 of the procedure)</li> </ol>								
1.11	<p>The Regulations place a duty to discuss and resolve any complaint within 10 working days and write formally to the complainant confirming the outcomes. There is a 25 working day timescale for Stage 2 complaints.</p> <table border="1" data-bbox="304 1491 1369 1733"> <thead> <tr> <th data-bbox="304 1491 584 1592"><b>Adult Social Care</b></th> <th data-bbox="584 1491 844 1592"><b>2019-20</b></th> <th data-bbox="844 1491 1104 1592"><b>2018-19</b></th> <th data-bbox="1104 1491 1369 1592"><b>2017-18</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="304 1592 584 1733"><b>Within timescale at Stage 1</b></td> <td data-bbox="584 1592 844 1733">87%</td> <td data-bbox="844 1592 1104 1733">98%</td> <td data-bbox="1104 1592 1369 1733">86%</td> </tr> </tbody> </table>	<b>Adult Social Care</b>	<b>2019-20</b>	<b>2018-19</b>	<b>2017-18</b>	<b>Within timescale at Stage 1</b>	87%	98%	86%
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<b>Within timescale at Stage 1</b>	87%	98%	86%						
1.12	<p>The Service has seen a consistent and high number of responses to complaints made within the statutory timescale. The cause of the drop in timescales this period is largely attributed to their complexity but complainants were kept informed. This is against the backdrop of busy workloads and competing demands.</p>								

1.13	<b><u>Stage 2 (Independent Investigation)</u></b>
1.14	<p>3 complaints were investigated at Stage 2 of the complaints procedure (Independent Investigation), the same as the last two years (2018-19 and 2017-18). All complaints that progress to Stage 2 are scrutinised to see if anything further could have been done to resolve the complaint formally at Stage 1: there was no option but to progress these 3 complaints to Stage 2 due to their nature or complexity. This relatively small number reflects the time and effort that Managers put into reviewing what has happened and effectively responding.</p> <p>See appendix 3 for a summary of the Stage 2 investigations and their outcomes.</p>
1.15	<b><u>Ombudsman</u></b>
1.16	Two complaints were opened for investigation this year. One complaint regarding the Older People Localities and Contract and Commissioning Service was not upheld. One complaint regarding a Privately Registered Residential Provider remains outstanding at this point in time. The Ombudsman has no statutory timescales to adhere to in terms of investigating complaints.
1.17	<b><u>Lessons Learned</u></b>
1.18	<p>Learning from complaints is important and we use the findings and outcomes to inform policy and practice in delivering services (known as the 'lessons learned' process). Examples of action taken on issues raised as a result of complaints to Adult Social Care include:</p> <ul style="list-style-type: none"> <li>• Older People Locality Teams were reminded that when arranging any residential or respite placement, they must advise family of charges, share the relevant information booklet with them and record on PARIS they have informed family of such charges and family have understood.</li> </ul>
1.19	<b><u>Compliments</u></b>
1.20	It is pleasing to report that Adult Social Care received 280 compliments during the year (285 received last year and 204 received during 2017-18). Compliments are received in the form of cards, letters or emails from service users or their families when they recognise staff have done "over and above" what is expected. See Appendix 4 for a summary of some of the compliments received across service areas.
1.21	<b><u>Overview of Complaints: Children's Social Services</u></b>
1.22	30 complaints were received during the course of the year, a significant drop compared to last year's 55 complaints that were received and 49 during 2017-18. Again this number should be considered against the number of 2,346 (1%) children and families who received care and support from the Service. The number of complaints relating to Children's Social Services has been consistent over a number of years so this decrease

illustrates the effort made by social work staff and Managers to resolve issues/concerns quickly with service users and families. See appendix 2 for further details about these complaints.

1.23

2 young people complained during the year. 1 young person was supported by their Advocate, the other was offered but did not want the services of an Advocate.

<b>Service</b>	<b>2019-20</b>	<b>2018-19</b>	<b>2017-18</b>
First Contact, FIT, PACT and TAF	24	43	39
Fostering Service	1	4	3
Child to Adult Team (also formerly C.I.D.S.)	2	3	2
Safeguarding Unit	1	1	2
Flying Start	0	1	0
Other (including commissioned providers)	2	3	3
<b>Total Number of Complaints</b>	<b>30</b>	<b>55</b>	<b>49</b>

As explained earlier, a range of methods are used to resolve complaints. These include:

- a. A meeting or conversation with the complainant to discuss their concerns
- b. Involving Advocates and self-advocacy groups
- c. A written explanation as to the reasons for a decision
- d. An apology where appropriate
- e. Action taken to review a decision
- f. Independent investigation (Stage 2 of the procedure)

1.24	<p>Of the 30 Stage 1 complaints received, 27 out of 30 complaints were responded to within timescale (90%). The 3 late complaints were responded shortly outside timescale.</p> <table border="1" data-bbox="304 271 1369 472"> <thead> <tr> <th data-bbox="304 271 679 371"><b>Social Services for Children</b></th> <th data-bbox="679 271 922 371"><b>2019-20</b></th> <th data-bbox="922 271 1145 371"><b>2018-19</b></th> <th data-bbox="1145 271 1369 371"><b>2017-18</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="304 371 679 472"><b>Within timescale at Stage 1</b></td> <td data-bbox="679 371 922 472">90%</td> <td data-bbox="922 371 1145 472">93%</td> <td data-bbox="1145 371 1369 472">80%</td> </tr> </tbody> </table>	<b>Social Services for Children</b>	<b>2019-20</b>	<b>2018-19</b>	<b>2017-18</b>	<b>Within timescale at Stage 1</b>	90%	93%	80%
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<b>Within timescale at Stage 1</b>	90%	93%	80%						
1.25	<b><u>Stage 2 (Independent Investigation)</u></b>								
1.26	2 complaints proceeded to Stage 2 and independent investigation during the year, a decrease compared to last year's 5 complaints. These were complex cases involving difficult family or personal dynamics. A summary of these Stage 2 complaints is described in Appendix 3.								
1.27	<b><u>Ombudsman</u></b>								
1.28	It is pleasing to note that no investigations were opened by the Ombudsman's office this year.								
1.29	<b><u>Lessons Learned</u></b>								
1.30	<p>Given the low number (2) of Stage 2 investigations during the year, there were few lessons learned to be gleaned from complaints, but included:</p> <ul style="list-style-type: none"> <li>• Practice directive issued setting out expectations re. following up enquiries with individuals or agencies when an allegation is made to them and that the outcome of such enquiries are recorded. The practice directive reminded staff of the recording policy and that casenotes should be recorded as soon as possible but no longer than five working days after an event of observation.</li> <li>• Review that we ensure referrers are informed of the associated outcome in addition to the automated acknowledged email response. We also need to review the term "No Further Action" which is misleading to referrers and implies we have done nothing with the information.</li> <li>• Drawing up an adoption checklist for a casefile which will assist staff if the caseholder is on leave, sickness absence etc.</li> </ul>								

1.31	<b><u>Compliments</u></b>		
1.32	Children's Social Services recorded 121 compliments during the year from families, the Courts and other public bodies. They were in the form of cards, emails, texts or letters. See appendix 4 for a summary of some of the messages received.		
		<b>2019-21</b>	<b>2018-19</b>
	<b>Social Services for Children</b>	<b>121</b>	<b>75</b>
			<b>2017-18</b>
			<b>82</b>

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	The Regulations state all Stage 2 complaints involving both Adult and Children's Social Services are commissioned to Independent Investigators (and an Independent Person for Children's Social Services as set out in the Children Act, 1989). The cost for Stage 2 complaints for the period 2019-2020 was £12,5552.25. The cost for last year was £11,031.02.

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	None undertaken.

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	No risks identified.

<b>5.00</b>	<b>APPENDICES</b>
5.01	<p>Appendix 1: Summary of complaints categorised into themes (Adult Social Care)</p> <p>Appendix 2: Summary of complaints categorised into themes (Children's Social Services)</p> <p>Appendix 3: Summary of Stage 2 independent complaint investigations and their outcomes (both Children and Adult Social Services)</p> <p>Appendix 4: Summary of compliments received across service areas (both Children and Adult Social Services).</p>

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>'A guide to handling complaints and representations by Local Authority Social Services', August 2014 (Welsh Government).</p> <p><b>Contact Officer:</b> Ian Maclaren, Complaints Officer for Social Services</p> <p><b>Telephone:</b> 01352 702623</p> <p><b>E-mail:</b> <a href="mailto:ian.maclaren@flintshire.gov.uk">ian.maclaren@flintshire.gov.uk</a></p>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	<p>Stage 2 complaint: the Regulations stipulate that where a complainant remains dissatisfied with their response from the Council, consideration must be given to progressing the complaint further in the statutory procedure, i.e. to Stage 2. An independent investigation is commissioned using a shared North Wales 'pool' of retired social care Officers.</p>