



AGENDA ITEM NO.

REPORT TO:	SAFEGUARDING, COMMUNITIES & WELLBEING SCRUTINY COMMITTEE
REPORT NO:	HASC0118S
DATE:	20 June 2018
LEAD MEMBER:	Councillor Joan Lowe Councillor William Baldwin
CONTACT OFFICER:	Charlotte Walton, Interim Statutory Director of Social Services (8010) Gareth Jones, Complaints Lead (8913)
SUBJECT:	SOCIAL SERVICES COMPLAINTS & COMPLIMENTS ANNUAL REPORT 2017/18
WARD:	N/A

1. PURPOSE OF THE REPORT

- 1.1 To provide Members with details of the numbers and types of compliments and complaints within Social Services (Adult Social Care Department and the Children's Social Care Department) for the year 2017/18.
- 1.2 To highlight the lessons learned and actions taken to address complaints across the service.

2. EXECUTIVE SUMMARY

- 2.1 This is the fourth annual report since the introduction of a revised Statutory Social Services Complaints Procedure in August 2014, which placed a requirement on all Local Authorities in Wales to produce an Annual Report on Social Services Complaints. Previously, reports have been produced but used within the department as part of a wider Performance Management agenda.
- 2.2 The report highlights that during 2017/18, the number of complaints received has increased slightly for the first time in 5 years with 48 received during 2017/18.

- 2.3 Five complaints were investigated independently at Stage 2. This is an increase on the previous two years (two in both 2016/17 and 2015/16).
- 2.4 One complaint from the previous year was subject to an Ombudsman investigation during the reporting period. This is discussed within the body of the report.
- 2.5 47 compliments were received during 2017/18, highlighting the appreciation from service users and families for the support provided.

3. RECOMMENDATIONS

- 3.1 Members of the Committee formulate their conclusions and recommendations based on the information in the report and the discussion at the meeting.**

REASONS FOR RECOMMENDATIONS

- (i) Ensure the Department learns lessons from complaints to continue to improve service delivery.

4. BACKGROUND INFORMATION

- 4.1 Representation and Complaints procedures in Social Services Departments are a statutory requirement. They were introduced under the Health & Social Care (Community Health and Standards) Act in 2003 and the Children Act 1989. In August 2014 the procedures were revised by Welsh Government resulting in a two stage process.
- 4.2 The management of the complaints is undertaken by the Complaints Team, based within the Corporate & Customer Services Department. The team is responsible for both Corporate & Statutory Complaints. Full details on the complaints procedures can be found on the Council's website and were made available in previous years' reports.
- 4.3 The Social Services Complaints Procedure**
- 4.4 The complaints procedure has two stages – Stage 1 (Local Resolution) and Stage 2 (Formal Investigation). If a complainant remains dissatisfied, they have recourse to the Public Services Ombudsman for Wales. At Stage 1, the manager for the team subject to the complaint is responsible for investigating and responding to the complainant. As part of the investigation, a discussion is required with the complainant to attempt to resolve the issues. This should be completed within a maximum of 15 working days.
- 4.5 At Stage 2, an Independent Investigator is commissioned from an approved list which is shared by all six North Wales Authorities. The Independent Investigator will produce a report for the Director of Social Services stating the findings, conclusions and recommendations of their Investigation. This should be completed within 25 working days, though this can be extended in exceptional circumstances.

4.6 Detail

	2017/18	2016/17	2015/16	2014/15	2013/14
Adult Social Care	24	24	34	31	41
Children's Social Care	24	18	16	35	48
TOTAL	48	42	50	66	89

- 4.7 Whilst the number of complaints is relatively low, much work is done by both the Departments and the Complaints Team to resolve issues quickly and effectively. The procedures state that verbal complaints which can be resolved within 1 working day are not required to be recorded through the statutory procedures.
- 4.8 The Complaints Team receive numerous contacts from service users and families regarding issues outside the jurisdiction of the procedures, such as safeguarding referrals or matters considered by the courts. The Team work closely with senior management within the Departments to ensure each case is addressed appropriately.
- 4.9 Due to restructures within both Departments, historical comparison per service are only possible for the previous year.
- 4.10 Members previously requested more detail on the types of complaints received. Therefore this information is attached within Appendix A, providing details of all the complaints received.

4.11 Adult Social Care Complaint Overview

Service	2017/18	2016/17
Disability	7	9
Safeguarding & Mental Health	8	3
Older People	7	8
Other*	2	4
TOTAL	24	24

*This relates to the Income Maximisation Unit, which incorporates Welfare Rights, and provides services to Adult Social Care clients but is based within the Finance Department. Therefore complaints against these teams are addressed through the social services complaints procedure.

- 4.12 The Department received the same number of complaints (24) as the previous year. Of these, 22 were received at Stage 1 and two bypassed the first stage to have an Independent Investigation at Stage 2. Another two complaints were then escalated to Stage 2, meaning 4 were independently investigated in total (an increase from one in 2016/17).
- 4.13 At Stage 1, only five of the complaints were 'upheld' or 'partially upheld'.
- 4.14 The details of the four Stage 2 complaints are as follows:

Financial Assessment – The complainant disagreed with the Council’s decision not to fund the social care based on an alleged depletion of assets. The independent investigation found in favour of the complainant and the Council has now put funding in place. It should be noted that the funding dispute has no impact on the care provided, which remained ongoing throughout.

Team for Older People – The complaint concerned alleged actions of staff members within the team as well as general poor management of the case. The investigation did not uphold the majority of the complaints and no recommendations were made.

Disability Service – The complaint was made by the parent of the supported person, who refuted the accusation that his behaviour contributed to a poor meeting to address the needs of the supported person. The complaint was partially upheld, identifying the service were partially to blame for the way the meeting was conducted. The Department agreed with the recommendation for a new social worker to be allocated for the benefit of all parties and implement a process to undertake ahead of further meetings.

Occupational Therapy – The complaint concerned a disagreement with the team’s assessment over the use of a piece of equipment, leading to the supported person disengaging with the service. The investigation found in favour of the Council, though recommendations were made to ensure the case could progress productively.

4.15 One complaint from 2016/17 was subject to an Ombudsman investigation during the reporting period. The complaint concerned the way the Department had managed a safeguarding adult case. The Ombudsman upheld the complaint and in his report made a number of recommendations, all of which were accepted and implemented. These are referenced in section 4.16 below.

4.16 Children’s Social Care Complaints Overview

Service	2017/18	2016/17
Corporate Parenting	6	5
Prevention	16	10
Safeguarding	0	1
Disability*	2	2
TOTAL	24	18

*The Disability Service is managed by Adult Social Care but supports both Adults and Children. Therefore for reporting purposes, the complaints relating to children have been included within this Department.

4.17 The Department received 24 complaints, a slight increase on the previous year. All of the complaints were initially investigated at Stage 1, with only one escalating to Stage 2 for an independent investigation. Of the 24 complaints, only 6 were ‘upheld/partially upheld’. Again, details of the outcome can be found in Appendix A.

4.18 The Stage 2 complaint was against the Family Support Team and alleged poor practice by the social worker in addition to not following policies and procedures. This

was in relation to the contact between the estranged parent and their child and safeguarding concerns. The complaint was partially upheld, noting some areas for improvement, however overall the investigation found the safeguarding concerns have been appropriately considered.

4.19 Overview of Lessons Learned and actions taken

4.20 Where action has needed to be taken to address the complaint, the Department consider if this has an impact across all the services as opposed to just the team involved in a complaint. During 2017/18, other than actions that were specific to the individual complainant, the following action was taken as a direct result of a complaint:

- Review of adult safeguarding processes which included procedures for dealing with how challenges are effectively managed.
- New safeguarding operating desktop instructions to be developed.
- Regular safeguarding case reviews to evaluate quality and lessons learnt.
- An e-mail circulated to all staff reminding them of the importance of timely communication with service users/families.

4.21 Timescales

4.22 Of the 42 complaints received, each one was acknowledged by the Complaints Team within the 2 working day timescale.

4.23 Of the 40 complaints initially addressed at Stage 1, the discussion with the complainant took place within timescale in 78% of cases (down from 93% in 2016/17) and the letter of response was within timescale in 80% of cases (an increase from 67% in 2016/17). Managers are reminded of the importance of adhering to the statutory timescale.

4.24 Each of the Stage 2 complaints was outside the 25 working day timescale due to the complexity of the complaint and facilitating an independent investigation. Feedback from complainants is that they would prefer the investigation to be comprehensive rather than rushed to meet the deadline. This is a similar theme across all welsh authorities.

4.25 Compliments

4.26 There were 47 compliments received during the year from service users and their families, a slight decrease from the previous year (61 in 2016/17). Of these, 34 were for Adult Social Care and 13 for Children's Social Care.

4.27 Sample of quotes from the Adult Social Care Department:

Occupational Therapy: *"My wife and I just had a visit from X. What a pleasant surprise to have somebody who just puts you at ease immediately. He was informative, knows his subject and was helpful. The visit has done my wife the world of good."*

Initial Response Team: "X has been his rock and helped so much to set a foundation for his life and gain back normality to my life. She is fantastic and an amazing social worker and if I could pin a medal on her I would. She has supported me over the past few weeks more than anyone ever has and supported me with. I would like everybody to know how amazing X is."

4.28 Sample of quotes from the Children's Social Care Department:

North Wales Adoption Service: "We were greeted warmly by X, what an inspirational lady she is. She is so passionate about her work and her enthusiasm transpired immediately."

Prevention: "The Judge was very complimentary towards the local authority in his Judgment. He acknowledged that this had been a very difficult case and that the local authority had obtained very positive outcomes for the children. He wished on behalf of the Court to thank the foster carers for their commitment and support to the children and I have suggested that a letter should be sent to the carers indicating this. He also thanked the social workers for their hard work".

Fostering Service: "Our social worker has been a massive support to us and making sure that X continues to thrive."

5.0 IMPLICATIONS

5.1 Policy Framework – This report is based on the requirements of the Welsh Government Model Concerns and Complaints Policy and Guidance (Corporate Complaints Procedure) and both the Social Services Complaints Procedure Wales Regulations 2014 and the Representations Procedure Wales Regulations 2014.

5.2 Budget – There are no budget implications within this report

5.3 Legal – The preparation of this report complies with the requirement under regulation 21 of the Social Services Complaints Procedure (Wales) Regulations 2014 that the Council produce an annual report. The annual report must include details of the records on its performance in the handling and investigation of complaints for the purposes of monitoring compliance with the Regulations and improving the handling and consideration of complaints.

5.3 Staffing – There are no staffing implications with this report

5.4 Equality/Human Rights – Members are advised of their duty to consider the full Equality Impact Assessment of the policy in which this report is based, which is available at <http://vmwinqld/equalityisalive/Menu.aspx> report number CCS/EIA00074/2015. Members of the public can request a copy of the full Equality Impact Assessment from the Contact Officer named in the header box of this report.

5.5 Risks – Failure to adhere to the statutory procedure could result in a reprimand by the Welsh Government and Public Services Ombudsman for Wales.

6. CONSULTATION

- 6.1 The details of this report have been shared with both Departments, including Lead Members. The report will be made available to the public via the website and available for inspections.

7. EVALUATION OF OPTIONS

- 7.1 **Option 1** - Information only, no proposals to consider

BACKGROUND PAPERS	LOCATION	WEBSITE INFO.
Social Services Complaints Procedures & Policies	Website	www.wrexham.gov.uk/complaints