

## **RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

### **CABINET**

**22<sup>ND</sup> SEPTEMBER 2016**

### **REPRESENTATIONS AND COMPLAINTS PROCEDURES ANNUAL REPORT**

#### **REPORT OF COMMUNITY & CHILDREN'S SERVICES IN DISCUSSIONS WITH THE RELEVANT PORTFOLIO HOLDERS, COUNCILLOR M.FOREY AND COUNCILLOR G.HOPKINS**

#### **REPORT OF GROUP DIRECTOR, COMMUNITY & CHILDREN'S SERVICES**

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#### **1. PURPOSE OF REPORT**

- 1.1 This report provides Cabinet with an overview of the operation and effectiveness of the Council's statutory Social Services complaints procedure between April 2015 and March 2016.
- 1.2 The report contains information on the background of the Social Services statutory complaints procedure, information on lessons learnt from complaints and performance data for Adults and Children's Social Services, together with achievements for 2015/16 and future developments.

#### **2. RECOMMENDATIONS**

It is recommended that Members:

- 2.1 Agree the contents of the Social Services Annual Complaints report (attached as Appendix 1).
- 2.2 Note the work undertaken by the Social Services Complaints Team.

#### **3. REASONS FOR RECOMMENDATIONS**

- 3.1 It is a requirement of the Social Services Complaints Procedure (Wales) Regulations Procedure 2014 that the Local Authority produce an annual report and that the report is considered by the appropriate Scrutiny Committee.

## 4. **BACKGROUND**

4.1 Social Services has a statutory requirement to operate a complaints procedure that follows the Wales Government's, "Listening and Learning" guidance. The guidance requires an annual report to be produced relating to the operation of the complaints procedure.

4.2 The Social Services complaints procedure is available to:

- All service users or those wishing to complain on behalf of the service user
- A child looked after or a child in need
- A parent
- Someone with parental responsibility
- A local authority foster parent
- A person who the Authority consider to have sufficient interest in the child's welfare

It is based upon the principle that people have a right to complain; to have the complaint examined and resolved as quickly as possible.

4.3 The complaints process was amended in August 2014 in line with the new Complaints Regulations and Guidance issued by the Welsh Government and became a two stage process:

**Stage One: Local Resolution** – The emphasis at this stage of the process is to resolve the complaint by means of discussion and problem solving, whilst adhering to the 10 working days response time that has been imposed under the Regulations.

**Stage Two: Formal Consideration** – If the complainant remains dissatisfied after completion of stage one, they may request that the complaint proceeds to stage two of the process. This involves a formal investigation of the complaint with a report being produced by the investigating officer appointed to the case. The timescale for dealing with this stage is 25 working days.

If the complainant remains dissatisfied with the outcome of the stage two Investigation, they may progress their complaint to the Public Service Ombudsman for Wales.

## 5. **SOCIAL SERVICES ANNUAL COMPLAINTS REPORT 2015/16**

5.1 When analysing complaints, it is important to remember that an increase or decrease in the number of complaints does not necessarily reflect a change in the standard of service provided. An increase might indicate the positive view we take towards complaints, together with the fact that people are well informed about how to make a complaint. Given the vulnerability of many people accessing services, it would be worrying if people felt unable to complain if they were dissatisfied with the services they received.

- 5.2 During the reporting period a total of 156 complaints were received requiring a response at stage one. This is a decrease of 33 complaints when compared to the previous year. Overall, the number of complaints received remains comparatively low in contrast to the number of people that come into contact with Social Services annually.
- 5.3 Across Social Services 58% of stage one complaint's were responded to within the required timescale, compared with 72.5% reported last year. This has been an area highlighted for improvement and processes have been introduced across both Children's and Adult Services to address both the quality and timeliness of responses to issues raised.
- 5.4 Of the 156 stage one complaints received one progressed to stage two. This clearly indicates that the majority of people are happy for the Council to deal with their complaints at a local level and that managers are effectively dealing with the issues raised.
- 5.5 One complaint was investigated at stage two compared to 2 in the previous year.
- 5.6 In 2015/16, 231 formal compliments were received.
- 5.7 Further details and analysis about the number and causes of complaints and compliments and the service areas where these have been made are provided in Appendix 1. The annual report also outlines some of the achievements and developments undertaken by the Complaints Team during the year.

## **6. EQUALITY AND DIVERSITY IMPLICATIONS**

- 6.1 There are no equality and/or diversity implications from this report.

## **7. CONSULTATION**

- 7.1 No consultation has been undertaken in relation to this report as it provides information on the operation of the Representation and Complaints Unit and direct feedback from service users in relation to how well services are delivered through the monitoring of complaints and compliments.

## **8. FINANCIAL IMPLICATIONS**

- 8.1 There are no financial implications aligned to this report and the Work of The Representation and Complaints Unit services is managed within the existing allocated budget.

## **9. LEGAL IMPLICATIONS OR LEGISLATION CONSIDERED**

- 9.1 The work of the Complaints and Representation Unit is underpinned by the requirements of the Social Services Complaints Procedure (Wales) Regulations 2014 and the Representations Procedure (Wales) Regulations

2014. This report has been produced in line with the legislative requirements contained within with in those procedures.

## **10. LINKS TO COUNCIL'S CORPORATE PLAN/OTHER CORPORATE PRIORITIES/SIP**

10.1 The function of the Complaints and Representations Team and the collation of service user feedback through both complaints and compliments provides a quality assurance mechanism by which Adults and Children's Services can measure their performance against the corporate priorities to:

- Provide essential services well, and;
- Ensuring increased levels of satisfaction with people who have contact with Council Services.

## **11. CONCLUSION**

11.1 Social Services continue to provide a robust and effective complaints procedure in line with the statutory requirements. Complaints are seen as providing valuable customer feedback, with the information from complaints providing valuable lessons learnt when planning and improving services to meet the needs of our customers.

**LOCAL GOVERNMENT ACT 1972**  
**AS AMENDED BY**  
**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

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**REPRESENTATIONS AND COMPLAINTS PROCEDURES  
ANNUAL REPORT**

**Background Paper**

Social Services Complaints Procedure (Wales) Regulations Procedure 2014

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**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**SOCIAL SERVICES**

**REPRESENTATIONS AND COMPLAINTS PROCEDURES**

**ANNUAL REPORT**

**2015/2016**

## **1. INTRODUCTION**

It is a statutory requirement for local authorities to have in place a representations and complaints procedure for Social Services.

Each local authority is required to produce an annual report concerning the operation of its representation and complaints procedure.

This annual report provides information about the operation of the Social Services representation and complaints procedure between 1 April 2015 and 31 March 2016. The report contains information about the number and type of complaints received and also provides details of the activities undertaken by the Social Services Representation and Complaints Team during that period to develop the representation and complaints service.

## **2. BACKGROUND**

Social Services in Rhondda Cynon Taf adopts a positive attitude towards complaints and views them as a valuable form of feedback, which assists in the development and improvement of services. Complaints also provide an opportunity to learn lessons where a service has fallen short of an expected standard.

The representation and complaints procedure is widely publicised generally and specifically to people who use our services and provides them with an opportunity to:

- Voice their concerns when they are dissatisfied in order that the issue can be rectified to their satisfaction, wherever possible
- Make compliments
- Suggest improvements
- Challenge decisions

The aim is for our representation and complaints procedure to secure a better service for all the people using social care services and is underpinned by the following key principles:

- Commitment to providing quality services
- Accessible and supportive to those with particular needs
- Prompt and responsive with resolution at the earliest possible opportunity  
Strong problem solving element
- Operated without prejudice or discrimination
- Adheres to the principle of equal opportunity

The representation and complaints procedure also provides an opportunity for service users to address concerns in relation to independent sector providers where they remain dissatisfied following implementation of the agencies own internal complaints procedures.

The Social Services complaints process has two stages:

**Stage One: Local Resolution** – The emphasis at this stage of the process is to resolve the complaint by means of discussion and problem solving. The complainant will be offered a discussion about the issues they have raised and this can either be done by telephone or face to face in an attempt to resolve the issues. This must be done within 10 working days of the receipt of the complaint. Following this discussion and any further investigation that is necessary, a written response will be provided within 5 working days.

**Stage Two: Formal Consideration** – If the complainant remains dissatisfied after completion of stage one, they may request that the complaint proceeds to stage two of the process. This involves a formal investigation of the complaint with a report being produced by the investigating officer appointed to the case. The timescale for dealing with this stage is 25 working days.

If the complainant remains dissatisfied with the outcome of the stage two investigation, they may progress their complaint to the Public Service Ombudsman for Wales.

### **3. STAGE 1 'INFORMAL' COMPLAINTS**

In 2015/16, there were 156 recorded complaints during the year, compared with 189 in the previous year. There was a decrease in Stage 1 complaints about Adult Services with 96 received in 2014/15 compared to 68 this year. There was a small decrease in Stage 1 complaints about Children's Services with 93 received in 2014/15 compared to 88 this year.

Out of the 156 Stage 1 complaints received 1 progressed to Stage 2. The new complaints regulations and guidance sets an expectation that complainant's will be offered a face to face meeting wherever deemed appropriate as a means to resolving their complaint. This has continued to be effective in resolving complaints at a local level and has resulted in more positive outcomes for complainants and their ongoing relationship with the service.

Of the Stage 1 complaints that were received, 58% were responded to within statutory timescales which is a significant decrease on 72.5% in 2014/15. As a result of this a process for the escalation of complaints considered to have reached a 'critical' stage has been developed and will be introduced to all service areas and will be reinforced through managers training and awareness raising sessions.

Arrangements for the auditing of the quality of Stage 1 complaints has also been implemented in Children's Services and will be supported by ongoing training undertaken by the complaints team in 2016/17.



No complaints were received directly at Stage 2 of the process.

## Adult Services

68 complaints were received for Adult Services during the year. This represents a 29% decrease on the total amount received at Stage 1 for last year (96) which is exceptionally low.

Of the complaints made about Adult Services, 25% (17) were made by the service users themselves and 75% (51) were made by their representatives e.g. carers, family members and advocates.

Details of complaints received recorded by Service Area are summarised in Table 1 and compares them with the previous year.

**Table 1: Summary of complaints by service area**

<b>Service Area</b>	<b>2014/15</b>	<b>2015/16</b>
Assessment Care Management Locality Teams	26	18
Safeguarding Team	1	1
Reablement / Intermediate Care Team	0	2
Emergency Duty Team	1	0
Day Services (Frail Elderly)	0	1
Homecare	11	5
Residential Care	12	3
Reviewing Team	2	0
Adaptations and Community Equipment Team	1	3
Mental Health	6	6
Substance Misuse Team	0	1
Clients Financial Assessment Team	0	0
Business Support	1	2
Independent Sector Residential Care	9	7
Independent Sector Domiciliary Care	2	7
Learning Disability	16	8
Short Term Intervention	4	2
Vision Products	1	0
No specific team	1	0
Welfare Benefits	0	1
First Response	0	1
<b>Total</b>	<b>96</b>	<b>68</b>

As in previous years, the highest number of complaints was received for Assessment and Care Management Locality Teams. There has been a significant decrease in numbers of complaints from in-house Residential and Homecare Services and an increase in complaints brought to our attention that relate to Independent Domicillary Care Providers.

In other service areas complaints were fairly consistent with previous years and remain comparatively low in contrast to the number of people that access services.

Table 2 sets out in more detail what the complaints were about and compares them with the previous year.

**Table 2: Summary of what complaints were about**

<b>Nature of Complaint</b>	<b>2014/14</b>	<b>2015/16</b>
Change in call times (Homecare)	1	4
Change in staff team (Homecare)	0	0
Missed calls (Homecare)	0	0
Failure to provide a service	16	19
Financial issues	7	1
Issues around service standards/quality	7	2
Lack of information/communication	10	3
Medication issues	1	0
Occupational Therapy issues	1	0
Staff issues	38	20
Waiting for assessment	0	1
Quality of care	15	14
Quality of service	0	4
<b>Total</b>	<b>96</b>	<b>68</b>

Complaints relating to issues around staff and quality of care remain the highest categories of complaint, whilst the figures for complaints around financial issues and lack of information/communication have decreased.

The majority of 'quality of care' complaints relate to concerns raised about both Council run homes and those managed by the Independent Sector. All these complaints were resolved satisfactorily at Stage 1 of the complaints process and the information was shared as part of the Multi Agency Operational Group that monitors the standard of care homes across the Local Authority. Other categories of complaints remain fairly consistent with previous years.

Of the complaints received all were resolved locally with none progressing to Stage 2. This reflects the commitment of managers to deal with concerns both quickly and effectively and demonstrates a positive relationship between the complaints unit and the Independent sector.

### **Children's Services**

88 Stage 1 complaints about Children's Services were received during the year. This represents a 5% decrease compared to the previous year when 93 complaints were received. The highest number of complaints remain for assessment and care planning services which is consistent with previous years and a reflection of the difficult nature of the work that the service undertakes.

3 complainants were considered to be Unreasonably Persistent in 2015/16 and were made subject of the Unreasonably Persistent Policy. There is a growing number of complainants who make repeated complaints and use a variety of external avenues in which to pursue their complaint outside of the formal process. This is consistent with trends seen across Wales.

The numbers overall still remain low in comparison to the number of cases being managed by the Service. Table 3 sets out the number of complaints recorded by service area and compares them with the previous year.

**Table 3: Summary of complaints by service area**

<b>Service area</b>	<b>2014/15</b>	<b>2015/16</b>
Assessment and Care Planning Service	89	73
Looked After Children Services	4	8
Disabled Children's Team	0	6
Business Support	0	1
<b>Total</b>	<b>93</b>	<b>88</b>

1 of the 88 complaints received progressed to Stage 2. This reflects the desire to achieve resolution as quickly and as close to service delivery as possible. Of the complaints where an outcome was determined, over 95% were deemed to be effectively concluded by the complaints process.

Of the 88 complaints made about Children's Services, 9 complaints were made by children and young people or advocates, 79 complaints were made by parents/relatives and carers and 1 was made by another professional.

Table 4 sets out in more detail what the complaints from children and young people or advocates were about and compares them with the previous year.

**Table 4: Summary of what the complaints were about**

<b>Nature of complaint</b>	<b>2014/15</b>	<b>2015/16</b>
Failure to provide a service	0	2
Staff issues	1	5
Care planning	3	2
Quality of care	0	0
Quality of service	1	0
Lack of information/communication	1	0
<b>Total</b>	<b>6</b>	<b>9</b>

Of the 9 complaints received, 3 related to children and young people who are looked after by the Council. 4 complaints were made by children themselves and the remaining 5 made by advocates. All were resolved at Stage 1.

Whilst complaints from children remain low there are a number of factors that may contribute to this. As well as having a designated children's complaints officer the Local Authority has an embedded advocacy service for children

which has seen the number of referrals steadily rise over the past 3 years. In 2015/16 the advocacy service assisted 97 children and young people in raising their concern directly with the service area with most issues being effectively dealt with outside of the statutory complaints process. These issues are monitored through a quarterly reporting process and the need for any service improvements are captured and reported both to senior management teams and to the Corporate Parenting Board.

The Independent reviewing Officers also have a mechanism for escalating concerns in relation to Looked After Children and as with advocacy this information is collated, monitored and reported.

The number of Stage 1 complaints received from parents and carers decreased from 87 in 2013/14 to 79 in 2014/15, as shown in Table 5 below.

**Table 5: Summary of what the complaints were about**

<b>Nature of complaint</b>	<b>2014/15</b>	<b>2015/16</b>
Contact issues	11	7
Failure to provide a service	17	10
Financial issues	1	0
Lack of information/communication	7	10
Quality of care/service	13	9
Staff issues	38	43
<b>Total</b>	<b>87</b>	<b>79</b>

Following initial contact to discuss the complaint, 5 of the 79 complaints needed no further action.

Complaints about staff have slightly increased with other areas of complaints remaining consistent with previous years.

Of the complaints received 78 were resolved locally with 1 complaint progressing to Stage 2.

#### **4. STAGE 2 'FORMAL' COMPLAINTS**

Overall, there was just 1 Stage 2 complaint made during 2015/16 compared with 2 in 2014/15.

All Stage 2 complaints result in an action plan being developed to ensure improvements for both the service user and the service area. (See learning the lessons).

##### **Adult Services**

During 2015/16, no Stage 2 complaints were received compared to 1 received in 2014/15.

##### **Children's Services**

There was 1 Stage 2 complaint received relating to Children's Services.

**Table 7: Summary of complaints made at Stage 2**

<b>Nature of complaint</b>	<b>2014/15</b>	<b>2015/16</b>
Quality of Service	1	1
<b>Total</b>	<b>1</b>	<b>1</b>

The complaint was responded to within the agreed statutory timescales. The complaint was partially upheld and effectively concluded.

## **5. OMBUDSMAN COMPLAINTS**

In 2015/16, 1 Adult Services complaint was made to the Public Services Ombudsman. The Ombudsman referred complainant back to RCT complaints process, however, the issues raised were concerning staff of an Independent organisation and needed to be investigated directly by this organisation.

There were 2 complaints relating to Children's Services considered by the Public Services Ombudsman. These related to:

- Claims that Children's Services commissioned a report on complainant which was factually incorrect. He also claimed that this report was shared inappropriately.
- Complainant unhappy that she is not invited to Core Groups, does not receive minutes of meetings and is not being kept informed of her son's progress. Also unhappy that meetings are held at ex-partner's home.

In both cases the Ombudsman decided not to investigate and referred the matters back to the Local Authority for further consideration.

## **LEARNING THE LESSONS**

It is crucial that there is learning from complaints at all stages of the procedure, resulting in improved services and delivery, wherever possible. Complaints provide useful information in respect of the way that services are delivered. Some examples of action points arising from the investigation of complaints in both Adult and Children's Services are summarised below.

## **Adult Services**

- An equality statement being added to the introductory statement for adult protection meetings to comply with the Equality Act 2010 in relation to protected characteristics.
- The identification of the need for training in relation to the Equality Act 2010.
- The need to address the gap in residential provision that provide high level support to young adults with a physical disability.
- The development of ensuring that adults choices and views are considered as part of the allocation of resources and commissioning arrangements.

## **Children's Services**

- Improved arrangements for support of foster carers where they are subject to investigation.
- Systems to be developed for checking e-mails of managers where they are absent from work.
- Managers in the Disabled Children's Teams to ensure that where Social Workers leave their post that families are advised through a 'face to face' meeting wherever possible.
- Decisions and arrangements regarding financial support for foster carers to purchase 'additional items' to be clarified.
- A review of methods of communication and a clear policy on the use of e-mail.

## **6. CONCERNS**

*Concerns are issues raised by a service user, whether adult or young person, where they are clear that they do not wish to make a complaint but want their comments noted and responded to.*

A total of 19 concerns were made to Social Services in 2015/16, 13 of these related to Adult Services and 6 to Children's Services.

NB: From April 2015 Representations have been recorded as Concerns in line with the Welsh Governments definition of 'representations' and reporting requirements.

## **7. COMPLIMENTS**

Compliments provide valuable information regarding the quality of services that are provided and identify where they are working well. The number of compliments recorded in 2015/16 was 242 which represents an increase compared to the 231 received in 2014/15.

## Adult Services

In 2015/16 there were 156 compliments made within Adult Services.

Table 8 sets out the number of compliments recorded by Service Area.

**Table 8: Summary of compliments received**

Service areas	Number	Percentage
Adaptations and Community Equipment	15	9.65%
Business Support	2	1.3%
Complaints Unit	3	1.9%
Locality Teams	27	17.3%
First Response	2	1.3%
Clients' Finance	2	1.3%
Homecare	27	17.3%
Intermediate Care/Reablement	13	8.3%
Learning Disability Services	8	5.1%
Carers Support Project	13	8.3%
Mental Health	10	6.4%
Residential Care	29	18.6%
Safeguarding	1	0.65%
Short Term Care	1	0.65%
Sensory Impairment	1	0.65%
Substance Misuse	1	0.65%
Strategy Team	1	0.65%

The following are examples of some of the compliments received for Adult Services during 2015/16:

- I'd like to thank you very much for the care I had from all the girls that came to see me, their care was excellent and nothing was too much trouble.
- I cannot thank the staff at Garth Olwg Residential Care enough for the care and attention that mother received while she was with you.
- The thoughtfulness of the staff when they cared for his needs, which was given with kindness and always emphasis on self respect and dignity.
- Thank you for the intermediate care my mother NAME has received for the last 6 weeks. The benefits have been enormous and we are so grateful.
- Sheree was so professional and helpful it was a pleasure to speak to her'. 'It has made all the difference to my outlook on things.

- Many thanks Joanne and Helen for all your help in connecting the sensory appliance.
- the care and help we received from Social Services Care for the Elderly Team and especially Valmai Collins was second to none.
- Jo the OT was absolutely brilliant....Jo deserves a medal, nothing was too much trouble.
- I recently benefited from your team who helped me enormously during my rehabilitation.
- She was really well looked after and cared for. The family couldn't have asked for a better place for her to live.

### **Children's Services**

In 2015/16 there were 86 compliments made within Children's Services.

Table 9 sets out the number of compliments recorded by Service Area.

**Table 9: Summary of compliments received**

<b>Service areas</b>	<b>Number</b>	<b>Percentage</b>
Assessment and Care Planning Teams	3	3.5%
Early Years	9	10.5%
Miskin Project	42	49%
Disabled Childrens' Team	15	17.4%
Foster Care Team	8	9%
Emergency Duty Team	1	1.2%
Enquiry & Assessment Teams	1	1.2%
On Track	6	7%
Residential Care	1	1.2%

The following are examples of some of the compliments received for Children's Services during 2014/15:

- He is an outstanding social worker...His compassion, dedication and hard work really deserves to be rewarded.
- A huge personal thank you from NAME. Without your personal efforts this scenario may have ended very differently.
- Her (Young Person's) adopters and workers were effervescent about her skills in preparation for NAME to move on from placement where she has lived for just over a year before moving on.



- I realised that my behaviour needed to improve thanks to Gemma and now I'm much happier and positive.
- The service we have received in the last 18 years has been excellent. Staff professional and caring.
- I have recently received an overwhelming amount of really positive comments about Growing Together Crèche in Ynysboeth, from parents and prospective parents. Compliments have been concerning the friendliness of staff, staff ratio, daily routines, support given to the parents and the overall running of the crèche . Furthermore, I would like also to say there is fantastic communication between the staff and the health team.
- you turned NAME right round and totally changed the way I deal with difficult situations, for that I will be forever grateful.
- Lynnette has been a pillar of support to us all during this difficult time...each and every member of our family will be eternally grateful for this.
- mother has been through this process twice with Cardiff's Children's Services and her solicitor told me that you were the first social worker mother had believed was listening to her and, whilst acknowledging the child's needs had to come first, enabled her to feel she had been able to play a real part in the decisionmaking process for NAME both pre and post birth.
- Comments following the Parents Group included, 'We like coming to Miskin as you treat us like human beings', and 'You listen to us'.

## **8. WORK PROGRAMME PROGRESS AND ACHIEVEMENTS**

### **In 2015/16 the Representation and Complaints Unit has;**

- Supported the implementation of the Social Services and Well Being Act (Wales) 2014 taking the lead on ensuring the Council meets the requirements of the Act in relation to the provision of advocacy.
- Continued to develop reciprocal arrangements with Merthyr CBC in relation to appeals.
- Liaised with Welsh Government on the review of Complaints Guidance as part of the SSWB Act 2014.
- Developed the use of a National Complaints Page on the SSIA website to enable good practice across Wales to be shared in relation to complaints handling.
- Developed a new Children's Complaints leaflet in line with the development and promotion of the Council's Webpage for Looked After Children '2Sides'.

- Supported the attendance of the young people, as part of the Blueprint Forum at Corporate Parenting Board and developed the Blueprint Newsletter in partnership with Voices from Care.
- Supported the evaluation of the 4C's commissioned services ensuring that adequate arrangements were in place for both complaints handling and service user engagement.