

AGENDA ITEM 6**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL****CABINET****24TH SEPTEMBER 2015****REPRESENTATIONS AND COMPLAINTS PROCEDURES
ANNUAL REPORT****REPORT OF GROUP DIRECTOR, COMMUNITY & CHILDREN'S SERVICES****Author: Jayne Thomas, Complaints and Quality Assurance Manager
Tel. No. 01443 425449****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 2014 and March 2015.
- 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 & Children's Social Services, together with achievements for 2014/15 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. BACKGROUND

- 3.1 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.
- 3.2 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.

- 3.3 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 15 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.

4. SOCIAL SERVICES ANNUAL COMPLAINTS REPORT 2014/15

- 4.1 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.
- 4.2 During the reporting period a total of 189 complaints were received requiring a response at stage one. This is an increase of 9 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.
- 4.3 Across Social Services 72.5% of stage one complaints were responded to within the required timescale, compared with 63.9% reported last year. Of those complaints not concluded within the statutory timescale, extensions were negotiated with the complainants. Feedback received from complainants suggests they were not dissatisfied with the timescales taken to reach a resolution to the issues raised.
- 4.4 Of the 189 stage one complaints received none progressed to stage two (2 went directly 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.

- 4.5 A total of 2 complaints were investigated at stage two compared to 8 in the previous year. Adult Services had 1 complaint investigated at stage two and Children's Service also had 1 complaints. There were no stage three independent panel investigations up to August 2014 when the process changed.
- 4.6 In 2014/15, 231 formal compliments were received.
- 4.7 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.

5. LEARNING THE LESSONS FROM COMPLAINTS

- 5.1 Within Social Services we strive to improve the quality of the services that we provide and aim to meet our customers' needs and expectations. There are occasions when things go wrong and in Social Services we aim to develop a listening and learning culture where feedback is given from the people who use our services and in turn is fed into the system for driving improvement.
- 5.2 It is crucial that there is learning from complaints at all stages of the procedure, resulting in improved services and delivery, wherever possible and where a service user has not received a service of an acceptable standard. However, complaints are also used to provide valuable feedback on services. Aggregated information drawn from complaints is provided to operational managers, so that themes and issues can be identified and lessons learned. Many complaints result in changes to services locally.
- 5.3 The annual report outlines some of the lessons learned as a result of stage one complaints and the practice recommendations arising from stage two complaints. Implementation of the recommendations is monitored by the Complaints Team.

6. CONCLUSION

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.

Appendix 1

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

SOCIAL SERVICES

REPRESENTATIONS AND COMPLAINTS PROCEDURES

ANNUAL REPORT

2014/2015

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 that provides social services 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 2014 and 31 March 2015. 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.

Prior to August 2014 when new complaints regulations and guidance was introduced the complaints process was a three stage process. To avoid confusion and as there were no complaints dealt with at Stage Three of the process during 2014/15 this information has been omitted from the report.

3. STAGE 1 'INFORMAL' COMPLAINTS

In 2014/15, there were 189 recorded complaints during the year, compared with 180 in the previous year. There was an increase in Stage 1 complaints about Adult Services with 70 received in 2013/14 compared to 96 this year. There was a small decrease in Stage 1 complaints about Children's Services with 110 received in 2013/14 compared to 93 this year.

Out of the 189 Stage 1 complaints received none 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 proved effective in resolving complaints effectively 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, 72.5% were responded to within statutory timescales which is an increase on 63.9% in 2013/14. It is an area which still needs to be improved on and will be a priority in the coming year. It should be noted that often there are genuine reasons for not being able to meet the prescribed timescales. Some cases can take longer due to the complexity of complaint and the need to ensure that the issues raised are

thoroughly investigated. In these cases, an extension to the timescale (of a further 10 working days) is normally agreed with the complainant.

2 complaints were received directly at Stage 2 of the process and were investigated independently.

Adult Services

96 complaints were received for Adult Services during the year. This represents a 37% increase on the total amount received at Stage 1 for last year (70) which was exceptionally low, but is consistent with previous years.

Of the complaints made about Adult Services, 24% (23) were made by the service users themselves and 76% (73) 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

Service Area	2013/14	2014/15
Assessment Care Management Locality Teams	31	26
Safeguarding1 Team	1	1
Reablement / Intermediate Care Team	2	0
Emergency Duty Team	2	1
Day Services (Frail Elderly)	1	0
Homecare	8	11
Residential Care	6	12
Reviewing Team	0	2
Adaptations and Community Equipment Team	6	1
Mental Health	0	6
Substance Misuse Team	2	0
Clients Financial Assessment Team	2	2
Business Support	0	1
Independent Sector Residential Care	6	9
Independent Sector Domiciliary Care	3	2
Learning Disability	0	16
Short Term Intervention	0	4
Vision Products	0	1
No specific team	0	1
Total	70	96

As in previous years, the highest number of complaints was received for Assessment and Care Management Locality Teams. There has been an increase in the number of complaints from Adults with learning Disabilities and this has been positively welcomed. The complaints unit prioritized the promotion of the complaints process to this group of service users in 2013/14 having identified that they were a group of service users whose concerns

were 'seldom heard'. Both teams and team managers have proactively promoted the rights of adults with learning disabilities to complain and work in this area will continue with plans to extend the use of the children's complaints freephone line to groups of vulnerable adults. 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

Nature of Complaint	2013/14	2014/15
Change in call times (Homecare)	0	1
Change in staff team (Homecare)	3	0
Missed calls (Homecare)	1	0
Failure to provide a service	16	16
Failure to comply with policy/procedures	1	0
Financial issues	3	7
Issues around service standards/quality	6	7
Lack of information/communication	6	10
Medication issues	1	1
Occupational Therapy issues	1	1
Staff issues	30	38
Waiting for assessment	2	0
Quality of care	0	15
Total	70	96

Complaints relating to issues around staff remain the highest category of complaint and there has been an increase in the number of complaints around quality of care. Whilst the figure is higher than those received in the previous year it remains consistent with years prior to 2013/14.

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

93 Stage 1 complaints about Children's Services were received during the year. This represents a 15.5% decrease compared to the previous year when 110 complaints were received. The highest number of complaints was 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.

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

Service area	2013/14	2014/15
Assessment and Care Planning Service	100	89
Looked After Children Services	8	4
Disabled Children's Team	2	0
Total	110	93

None of the 93 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.

Managers in Children's Services have historically used the offer of face to face meetings with complainants as a means to resolving issues, leading to better outcomes for both the complainant and the service. This is now considered 'best practice' and has become a compulsory element of the new complaints regulations and guidance which came into force on 1st August 2014.

Of the 93 complaints made about Children's Services, 6 complaints were made by children and young people or advocates, 86 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

Nature of complaint	2013/14	2014/15
Failure to provide a service	2	0
Staff issues	4	1
Care planning	1	3
Quality of care	1	0
Quality of service	1	1
Lack of information/communication	0	1
Total	9	6

All of the 6 complaints received related to children and young people who are looked after by the Council - 3 complaints were made by children themselves and the remaining 3 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 2 years. In 2014/15 the advocacy service assisted 100 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 101 in 2013/14 to 97 in 2014/15, as shown in Table 5 below.

Table 5: Summary of what the complaints were about

Nature of complaint	2013/14	2014/15
Care planning / assessment	4	0
Contact issues	7	11
Failure to provide a service	13	17
Financial issues	0	1
Information governance issues	1	0
Lack of information/communication	6	7
Quality of care/service	16	13
Staff issues	53	38
Transport issues	1	0
Total	101	87

Following initial contact to discuss the complaint, 4 of the 87 complaints were withdrawn.

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

Of the complaints received all were resolved locally with no complaints progressing to Stage 2.

4. STAGE 2 'FORMAL' COMPLAINTS

Overall, there were just 2 Stage 2 complaints made during 2014/15 compared with 8 in 2013/14.

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 2014/15, 1 Stage 2 complaint was received compared to 6 received in 2013/14. The complaint was made by a Service User's son in relation to an Independent Domiciliary Care agency. A summary of the complaints made is provided in Table 6.

Table 6: Summary of complaints made at Stage 2

Nature of complaint	2013/14	2014/15
Lack of information/communication	1	0
Quality of care	2	1
Staff issues	2	0
Financial issues	0	0
Care Management issues	1	0
Issues around adaptations	0	0
Total	6	1

This complaint was partially upheld, the complainant remained dissatisfied and was advised to contact the Public Service Ombudsman for Wales who is now able to investigate matters relating to the Private Sector Care providers.

This Stage 2 complaint was responded to within the agreed statutory timescale, although the timescale was extended due to family commitments on behalf of the complainant.

Children's Services

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

Table 7: Summary of complaints made at Stage 2

Nature of complaint	2013/14	2014/15
Quality of Care	0	0
Staff issues	1	0
Quality of Service	1	1
Total	2	1

Unfortunately the complaint was not responded to within the agreed statutory timescales however the complainants were fully informed of the reasons for the delay. The complaint was partially upheld and effectively concluded.

5. OMBUDSMAN COMPLAINTS

In 2014/15, 2 Adult Services complaints were considered by the Public Services Ombudsman. These related to:

- failure to provide a service
- quality of service provided

The Ombudsman decided not to investigate both of these cases.

There was 1 complaint relating to Children's Services considered by the Public Services Ombudsman. This related to:

- quality of service provided

Again, the Ombudsman decided not to investigate this case.

6. 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

Learning has resulted in:

- A review of the Homecare agreement document to make clearer the responsibilities of the Council with regard to accidental damage to property.
- A review of the escalating concerns process for the monitoring of both in house and Independent Sector care homes resulting in recommendations to ensure a more timely and responsive approach is taken where concerns are identified.
- Managers, cooks and residents working together to improve menu choice within a residential setting.
- The identified need for advocacy services to be utilized where there is a Adult Protection/Disciplinary investigation.

Children's Services

Learning has resulted in:

- Further training for foster carers on preparing children for adoption.
- An identified need for training for foster carers in relation to managing social networking. To be included in the new training calendar.
- A review of the adoption process with particular emphasis on managing disruption.
- A planned review of the policy in relation to communicating with service users by e-mail, ensuring there is a consistent approach across the service.
- An action plan to ensure that the process followed when foster carers are subject to allegations is clearly explained to them and that the respective roles and responsibilities of staff during a professional abuse allegation are articulated, understood and adhered to.
- The need for consideration to be given to training for foster carers extended family in recognition of the support that they provide.

7. REPRESENTATIONS

Representations 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 9 representations were made to Social Services in 2014/15, 7 of these related to Adult Services and 2 to Children's Services.

NB: From April 2015 Representations are recorded as Concerns

Adult Services

The representations received included:

- Unhappy with the process for applying for a Disabled Parking Bay, specifically that the scheme is only open for a limited period of time each year.
- Unhappy that H/C staff did not inform her that her mother was not at home, also that there was no lunchtime entry made to H/C record. Feels that policies and procedures were not followed and that lessons need to be learned.
- Unhappy with her father's care manager, unable to get hold of her, also unhappy with the tone of her reply. States her father is also unhappy.

- Lack of communication re: professionals meeting at hospital and not including Sevacare in these discussions. Also unhappy with info provided re: appropriate use of DLA & AA money and other staff issues.
- Unhappy with care provided by Cartrefi Cymru when his brother's regular carer is unavailable for work. Has tried to address this through the Team Manager, but problems have continued.
- Unhappy that the DPB Scheme has been suspended for 2014 even though he had been told to contact Community Care in September to make an application. He wants an explanation as to why this has happened.

Children's Services

Both representations were made by adults.

The representations received included:

- Requesting a written apology for upset caused by S.W. regarding a misunderstanding around her son and an incident which was flagged up by a police a check.
- Complaining that they have not been judged fairly in their request to be considered to Foster/Adopt their grandson.

8. 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 2014/15 was 231 which represents an increase compared to the 218 received in 2013/14.

Adult Services

In 2014/15 there were 177 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	9	5%
No specific team	2	1%
Emergency Duty Team	1	0.5%
Day Services	2	1%
Locality Teams	25	14%
First Response	1	0.5%
Clients' Finance	5	3%
Homecare	44	25%
Intermediate Care/Reablement	38	21.5%
Learning Disability Services	3	1.5%
Carers Support Project	13	7.5%
Mental Health	12	7%
Residential Care	19	5%
Short Term Care	1	0.5%
Sensory Impairment	2	1%

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

- Rang to say that you have given her "her life back" as she didn't want to live before she met you... She said that she can't thank you and all of the team that you work in for everything you have done for her.
- Son of service user rang wanting to thank the member of staff who kindly stayed with his mother and looked after her until Family/ Ambulance arrived.
- "I would like to say they all treated me with the utmost respect and helped me to retain my dignity at all times as I know this could not have been an easy task".
- "it's a testament to the quality of the care of the home care staff that my mother was able to have her wish and remain in her own home."
- "So much appreciation for all your professional guidance & support especially throughout this very emotional & traumatic period."
- "I would like to thank you and your team...This has rebuilt my confidence and made me realise I am human and unable to do and be all things in our situation."
- "you have helped me to have my confidence back....each and everyone of the team have been great, in a few words flawless, they were so kind and helpful".

- “a HUGE thank you to you all once again for making NAME's 92nd birthday such a wonderfully happy occasion....Your kindness and thoughtfulness, your care and concern are humbling to behold”
- “I know it’s their job, but it’s the way you do your job that matters. From the bottom of my heart, I can’t thank you and your staff enough for the way I was treated, from the first phone call on, I am overwhelmed.”
- “Wonderful workshop today on carer handling of a patient - learnt such a lot. Thank you for inviting us.”

Children’s Services

In 2014/15 there were 54 compliments made within Children’s Services.

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

Table 9: Summary of compliments received

Service areas	Number	Percentage
Assessment and Care Planning Teams	7	13%
Early Years	18	33%
Miskin Project	2	3.5%
Disabled Childrens’ Team	22	41%
Foster Care Team	3	5.5%
Youth Offending Service	1	2%
Business Support	1	2%

The following are examples of some of the compliments received for Children’s Services during 2013/14:

- “the response I had off the parents was excellent. They all thoroughly enjoyed it and said it was better than they expected. They said it was nice to go to a place where u didn't have to spend any money and that you could see it was all based on the children having a good time.”
- “Although Laura has only been working with NAME for a short period of time the positive impact that her work has had on his emotional wellbeing and behaviour both in placement and in school was recognised in his LAC review. NAME’s understanding of his situation has improved greatly and the chances of him transferring to an adoptive placement successfully have greatly increased.”
- “Since the day you came into our lives we have thoroughly enjoyed and we are grateful for the support and kindness you have provided.”
- “so thank you so so much for making a difference to the young man who has needed you and the family who totally appreciate this.”

- “The job you are doing is great, I will always remember how you helped my little girl so much when she needed it.”
- “Her professionalism, efficiency, compassion and commitment to helping resolve many difficult, distressing and frustrating issues we have encountered in recent weeks has been incomparable. Additionally, she has been an invaluable source of reassurance and moral support to us as parents.”
- “thank you for your support help and guidance working with u I got to know u your caring understanding and dedicated and your strait talking and hands on approach was outstanding you’re a true role model to myself.”

9. WORK PROGRAMME PROGRESS AND ACHIEVEMENTS

During 2014/15:

- New arrangements for handling social services complaints came into force on 1 August 2014 and the complaints unit’s work has focused primarily on embedding the new procedures and ensuring that staff and partners are aware of the changes.
- The Complaint’s Unit has undertaken sessions with all teams across both Adult and Children’s Service as well as independent sector providers. introducing the new complaints regulations and guidance.
- The Complaints Officer for Adult’s Services has undertaken complaints awareness raising sessions for service users of the core day centres.
- The Complaints Manager has explored opportunities for collaborative working with Merthyr CBC resulting in new arrangements for the management of the independent element of complaints investigations across some service areas.