

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

19TH SEPTEMBER 2017

REPRESENTATIONS AND COMPLAINTS PROCEDURES ANNUAL REPORT

REPORT OF THE GROUP DIRECTOR, COMMUNITY & CHILDREN'S SERVICES IN DISCUSSION WITH THE RELEVANT PORTFOLIO HOLDERS, COUNCILLOR G HOPKINS AND COUNCILLOR C LEYSHON

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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 1st 2016 and March 31st 2017.
- 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 2016/17 and future developments.

2. RECOMMENDATIONS

It is recommended that Cabinet:

- 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 legislative requirements of the regulations specified

above. 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 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.

4.4 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 2016/17**

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 184 complaints were received. This is an increase of 28 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 59.5% of stage one complaint's were responded to within the required timescale, compared with 58% reported last year. This continues to be 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 182 Stage one complaints received, 6 progressed to stage two and 2 complaints were received directly at Stage 2 of the process. Whilst an increase on last year the number remains low in contrast to the number of people receiving services and demonstrates 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 8 complaints were investigated at stage two compared to 1 in the previous year.
- 5.6 In 2016/17, 164 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

10.1 The function of the Complaints and Representations Team and the collation of service user feedback through both complaints and compliments provide 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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G HOPKINS AND COUNCILLOR C LEYSHON**

Background Papers

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

2016/2017

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 2016 and 31 March 2017. 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 2016/17, there were 184 recorded complaints during the year, compared with 156 in the previous year. There was an increase in Stage 1 complaints about Adult Services with 68 received in 2015/16 compared to 81 this year. There was an increase in Stage 1 complaints about Children's Services with 88 received in 2015/16 compared to 101 this year.

Out of the 182 Stage 1 complaints received 6 progressed to Stage 2 and 2 complaints were received directly at 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 most 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, 59.5% were responded to within statutory timescales which is a slight increase on 58% in 2015/16. This is an area where we would wish to see continued improvement and as well as monitoring systems that are currently in place the need to respond to deal with complaints in a timely manner will be reinforced through training and manager briefings.

Arrangements for the auditing of the quality of Stage 1 complaints has also been implemented in Children's Services and this arrangement will be strengthened in 2017/18.

Adult Services

82 complaints were received for Adult Services during the year. This represents a 20.5% increase on the total amount received in 2016. (68).

Of the complaints made about Adult Services, 8.9% (7) were made by the service users themselves and 89.9% (72) 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	2015/16	2016/17
Assessment Care Management Locality Teams	18	24
Safeguarding Team	1	2
Reablement / Intermediate Care Team	2	0
Day Services (Frail Elderly)	1	1
Homecare	5	1
Residential Care	3	9
Adaptations and Community Equipment Team	3	5
Mental Health	6	2
Substance Misuse Team	1	0
Finance	0	3
Business Support	2	0
Independent Sector Residential Care	7	4
Independent Sector Domiciliary Care	7	18
Learning Disability	8	10
Short Term Intervention	2	1
Welfare Benefits	1	0
First Response	1	0
Community Review Team	0	1
Sensory Impairment	0	1
Total	68	82

As in previous years, the highest number of complaints were received for Assessment and Care Management Locality Teams. There has been a decrease in numbers of complaints from in-house Homecare Services and an increase in complaints brought to our attention that relate to Independent Domicillary Care Providers. These complaints are passed to and monitored by the Council's Purchasing and Commissioning Team and are not a true reflection of the total number of complaints that independent providers receive as they do not include complaints that are made directly through the providers own complaints process. 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	2015/16	2016/17
Change in call times (Homecare)	4	3
Failure to provide a service	19	14
Failure to comply with policies	0	2
Financial issues	1	4
Issues around service standards/quality	2	0
Lack of information/communication	3	15
Medication issues	0	4
Issues around adaptations	0	2
Staff issues	20	17
Waiting for assessment	1	0
Quality of care	14	15
Quality of service	4	5
Transport (Learning Disability)	0	1
Total	68	82

Complaints relating to issues around staff and quality of care remain the highest category of complaint. Numbers of complaints around lack of information/communication have significantly increased but remain low in relation to the number of overall cases. Positively, complaints relating to delays in assessment have gradually decreased over the years with no complaints being received in the period 2016/17.

Of the Stage 1 complaints received for Adults Services, 78 were resolved locally and only 3 progressed to Stage 2 with 1 complaint being received directly at Stage 2 of the process.

Children's Services

102 complaints about Children's Services were received during the year. This represents a 15.9% increase compared to the previous year when 88 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 remain subject to the council's Unreasonably Persistent Policy.

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	2015/16	2016/17
Assessment and Care Planning Service	73	0
Looked After Children Services	8	0
Disabled Children's Team	6	0
Business Support	1	0
Early Intervention	0	11
Safeguarding and Support	0	5
Intensive Intervention	0	86
Total	88	102

3 of the 102 complaints received progressed to Stage 2. 1 complaint was received directly at Stage 2 of the complaints process.

Of the 102 complaints made about Children's Services, 2 complaints were made by children and young people or advocates, 100 complaints were made by parents/relatives and carers.

Following the restructure of Children's Services the Assessment and Care Planning Service now combines the intensive Intervention and Early Intervention Services and so for comparative purposes there were 97 complaints received in 2016/17 in comparison to 73 in 2015/16 representing a 32.9% increase.

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	2015/16	2016/17
Failure to provide a service	2	0
Staff issues	5	2
Care planning	2	0
Total	9	2

Both complaints received related to children and young people who are looked after by the Council and were successfully 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 2016/17 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 Children Looked After and as with advocacy this information is collated, monitored and reported.

The number of complaints received from parents and carers increased from 79 in 15/16 to 102 in 2016/17, as shown in Table 5 below.

Table 5: Summary of what the complaints were about

Nature of complaint	2015/16	2016/17
Contact issues	7	5
Failure to provide a service	10	7
Financial issues	0	2
Lack of information/communication	10	22
Quality of care/service	9	5
Staff issues	43	55
OT Appeals	0	2
Care Planning	0	2
Information Governance	0	2
Total	79	102

Following initial contact to discuss the complaint, 12 of the 102 complaints needed no further action.

Complaints relating to staff issues have increased, as have complaints around lack of information/communication, with other areas of complaints remaining consistent with previous years. 2 complaints have been received this year that relate to the management of personal data and as well as planned training events a staff guide to managing personal data is currently being produced.

4. STAGE 2 'FORMAL' COMPLAINTS

Overall, there was 1 Stage 2 complaint made during 2015/16 compared with 8 in 2016/17, with 6 of Informal Complaints progressing to Stage 2 and 2 being received directly at Stage 2 of the process.

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

There were 4 stage 2 complaints received for Adult Services - 3 of these progressed from stage 1 with 1 being received directly at Stage 2 of the process.

Table 7: Summary of complaints made at Stage 2

Nature of complaint	2015/16	2015/16
Quality of Service	0	2
Failure to Provide a Service	0	1
Finance	0	1
Total	0	4

Children's Services

There were 4 Stage 2 complaints received relating to Children's Services – 3 of these progressed from Stage 1 with 1 being received directly at Stage 2 of the process.

Table 8: Summary of complaints made at Stage 2

Nature of complaint	2015/16	2016/17
Quality of Service	1	1
Lack of Communication/Information	0	2
Staff Issues	0	1
Total	1	4

5. OMBUDSMAN COMPLAINTS

In 2016/17, 2 Children's Services complaints was made to the Public Services Ombudsman:

- Complaining about the level of support provided to a child in their care & also unhappy with adaptations to their property which they state are substandard.
- Stating that Children's Services failed to take action regarding concerns she has raised about her grandson's welfare and claims he is being neglected.

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

- **Review of the dispute procedure between health and Social Services in relation to hospital discharge.**
- **Identification of the need for guidance and training for managers on subject access requests.**
- **The requirement that providers of supported living placements provide clear information on the management of client finances at the onset of the placement and that they source the most competitive tariffs on utility bills wherever possible. This should be included as part of existing contract monitoring processes.**
- **The development of an information pack for parents of adults making the transition to supported living.**

Children's Services

- **Review of the Special Guardianship Order Financial Policy.**
- **Identification of the need for guidance and training for managers on subject access requests.**
- **The need for health information provided as part of a assessment to be substantiated as far as is possible particularly in cases where there is dispute between the parents of caregivers.**
- **The need to assess the ability of recipients to maintain the confidentiality of sensitive reports linked to Child Protection Case Conferences.**
- **The need for better recording of significant decisions relating to information sharing.**

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 10 concerns were made to Social Services in 2016/17, 6 of these related to Adult Services and 4 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 2016/17 was 164 which represents a decrease compared to the 242 received in 2015/16.

Adult Services

In 2016/17 there were 102 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	17	16.66%
Complaints Unit	3	2.94%
Locality Teams	17	16.66%
Homecare	14	13.72%
Intermediate Care/Reablement	22	21.5%
Carers Support Project	3	2.94%
Mental Health	1	0.98%
Residential Care	22	21.5%
Safeguarding	1	0.98%
Short Term Intervention	1	0.98%
Sensory Impairment	1	0.98%

The following are examples of some of the compliments received for Adult Services during 2016/7:

- I would like to pass in my sincere thanks for making my grandmothers quality of life better and thank you for all your support in providing her with a wet room
- We cant thank you enough for the kindness and understanding you showed us
- Thank you for all the support we have received. Don't know where we would be without you all
- Daughter wanted to pass on how helpful and caring the staff were to her mother over the years, she would like her gratitude passed to them
- Rang to pass on her thanks advising that the equipment has 'changed her life' and that she feels priveleged to have received such a wonderful service.

- I felt the need to express my gratitude and admiration for all involved in my mother's care.... Prior to her hospitalisation they enhanced her life and made the few months she had left much, much more bearable. A big thank you again to all involved
- 'I cannot speak highly enough of the professionalism, care, dedication and support that was provided by all the staff with whom my mother had contact.'

Children's Services

In 2016/17 there were 62 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
TAF	1	1.6%
Early Years	5	8.06%
Miskin Project	35	56.45%
Disabled Childrens' Team	4	6.45%
Foster Care Team	5	8.06%
On Track	1	1.6%
YOS	1	1.6%
16+ Team	1	1.6%
Business Support	1	1.6%
Complaints	1	1.6%
Independent Reviewing Team	1	1.6%
Intensive Intervention	6	9.67%

The following are examples of some of the compliments received for Children's Services during 2016/17:

- I would like to take this opportunity to thank your team for all the excellent work that you have done towards NAME's development....you have been on hand to answer questions, reassure and support at all times, which is a massive boost for me and my wife
- The inspector wanted me to know that the standard of care she was giving to the children she was looking after during her visits was excellent. Both of these children were referred via our Holiday Fun Time scheme and have additional needs. She went on to say that there were many areas of her service that were of an excellent standard and felt that she needed to let us know.
- Thank you for what we have achieved. I was lucky to have you as my worker because you're very nice and funny.

- Stated that the Miskin Project 'exceeded my expectations' and 'I don't see how any improvements need to be made because NAME's issues were dealt with by Jemma brilliantly
- You are the best thanks for everything we have all tried our best and its been great having you around.

8. WORK PROGRAMME PROGRESS AND ACHIEVEMENTS

In 2016/17 the Representation and Complaints Unit has;

- 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 (Part 10).
- 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.
- In partnership with the Information Management Team reviewed the Guidance on the management of Subject Access Requests.
- Continued to provide induction training to all staff and attend staff briefings and team meetings as required.
- Monitored the provision of advocacy across both adults and children's service and supported the implementation of the Welsh Government's National Advocacy Approach and the 'active offer'.
- Managed the Social Services survey required as part of the SSWB Act and produced a report of the findings.