

NEATH PORT TLBOT COUNTY BOROUGH COUNCIL
SOCIAL CARE, HEALTH & HOUSING CABINET BOARD

20 OCTOBER 2016

**REPORT OF THE HEAD OF COMMISSIONING & SUPPORT
SERVICES - A. Thomas**

Matter for Monitoring

Wards Affected: All

SOCIAL SERVICES COMPLAINTS AND REPRESENTATIONS
ANNUAL REPORT 2015-16

Purpose of Report

To report on the operation of the Directorate's Complaints and Representation procedures from 1st April 2015 – 31st March 2016, including comparisons, where relevant, against activities in previous years.

Executive Summary

Social Services Departments have been required by statute to operate a complaints and representation procedures since 1991. Neath Port Talbot County Borough Council has operates its procedure in line with Welsh Government guidance which supports the Social Services Complaints Procedure (Wales) Regulations 2014.

The Annual Report attached as Appendix 1 provides Members with a summary of the representations and complaint activities during 2015-16.

Consultation Outcome

Not applicable.

Financial Impact

The work delivered is funded by existing revenue budget.

Equality Impact Assessment

Not applicable.

Workforce Impacts

Not applicable.

Legal Impacts

Not applicable.

Risk Management

A Risk Matrix for the Directorate has been prepared which incorporates the risk within this service area.

Recommendation

That the monitoring item be noted.

Reasons for Proposed Decision

Not applicable.

Sustainability Appraisal

Not applicable.

Appendices

Appendix 1 - Social Services Complaints and Representations Annual Report 2015-16.

List of Background Papers

A Guide to Handling Complaints & Representations by Local Authority Social Services – Welsh Government (August 2014).

Officer Contact

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**NEATH PORT TALBOT COUNTY
BOROUGH COUNCIL**

**SOCIAL SERVICES
COMPLAINTS
AND
REPRESENTATIONS**

**ANNUAL REPORT
2015 / 2016**

**SOCIAL SERVICES
COMPLAINTS AND REPRESENTATIONS 2015/16**

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1. INTRODUCTION

This report covers the period 1st April 2015 to 31st March 2016 and relates to the Children and Young People and Adult Social Care Services, within the Directorate of Social Services, Health and Housing, which jointly comprise the social services function within Neath Port Talbot County Borough Council.

Section 7 of the Local Authority Social Services Act 1970 requires social services authorities to maintain a procedure for considering complaints and representations and the purpose of this report is to provide a review and statistical analysis of the complaints, comments and compliments received by Social Services during the reporting period.

Prior to 1st August 2014, complaints were handled, in accordance with Welsh Government Complaint Guidelines "Listening & Learning" which provided for a three stage complaints procedure. New guidelines were subsequently issued to support 2 new sets of regulations i.e. the Social Services Complaints Procedure (Wales) Regulations 2014 and the Representations Procedure (Wales) Regulations 2014. These introduce a new two stage process which has replaced the previous three stage procedure in order to bring the complaints process into line with the NHS Complaints Procedure.

The introduction of the new regulations was an opportunity for Officers to re-visit the Directorate's complaints processes, including new procedures to reflect the changes; the emphasis is more on monitoring processes, improved performance reports and improvements on how lessons are learned. The process is supported by a newly developed complaints database which, in turn, will support the performance and statistical information.

Training has been provided to Senior Officers, Team Managers, as well as front-line social work staff.

2. WHY DO PEOPLE COMPLAIN?

The most common reasons reported for making a complaint include:-

- To be heard;
- That concerns be recognised, acknowledged and taken seriously;
- That appropriate action be taken to remedy problems and avoid similar incidents in the future;
- To receive an apology;

3. SUMMARY OF THE COMPLAINTS PROCEDURE

The Social Services Complaints and Representations Procedure is based upon the good practice guidance issued to support the new regulations stated above.

The procedures are available to ensure that everyone who makes a complaint about social services in Neath Port Talbot has a right to be listened to properly. Their best interests must be safeguarded and promoted. Their views, wishes and feelings must be heard. Their concerns should be resolved quickly and effectively.

The procedures are a positive response by the Directorate to create an atmosphere of partnership and participation with users of services. They are also established to protect the rights of the service users.

It is the Directorate's policy that all complaints must be resolved as quickly as possible and as close to the point of delivery as is possible. The aim is to resolve complaints, informally at a local level, with speed, fairness and understanding.

There are two stages to the procedure which covers both adult and children's complaints.

Stage 1: Local Resolution

The policy and procedure aims to ensure that people who complain have their concerns resolved swiftly and, wherever possible, by the people who provide the service locally.

The complainant/service user is provided with the opportunity to discuss their concerns with local staff and management. A written response must be provided by the manager within 10 working days of the date of receipt of the complaint. The timescale can be extended for a further 10 working days with the agreement of the complainant.

Stage 2: Formal Consideration

Where a complaint cannot be resolved at Stage 1, it will automatically be referred to Stage 2. An Investigating Officer (who is independent of the service complained about) is appointed by the Director (or their representative) to investigate the matter. In the case of children's complaints, an Independent Person (not employed by the Authority) is also appointed to oversee the investigation process in accordance with statutory requirements (Children Act 1989).

The Investigating Officer produces an investigation report. A formal written response (which will include reference to any recommended action(s)) is then provided to the complainant by the appropriate Head of Service.

Completion of the investigation, the investigation report and the response should be achieved within the timescale of 25 working days. Again, an extension can be made with the agreement of the complainant but must not exceed a period of 3 months.

4. THE PUBLIC SERVICES OMBUDSMAN FOR WALES

The Public Services Ombudsman for Wales provides an external independent service for the purpose of considering complaints made by members of the public in relation to all local authority services, including social services. The Public Services Ombudsman also has jurisdiction to examine and determine complaints of injustice as a result of maladministration on the part of the local authority.

The Ombudsman will normally require complainants to have sought redress, in the first instance, via the local authority's complaints procedure prior to accepting and investigating a complaint of maladministration on the part of the local authority.

5. MEMBER REFERRALS

The Complaints and Representations Procedure does not preclude the right of an individual to approach their Local Councillor, Assembly Member or Member of Parliament. They undertake an important role in handling concerns and queries that individual constituents may have. Collectively, these are called Member referrals and they can range from comments and queries to complaints.

If an elected Member does not consider it to be appropriate to deal with a concern, the matter can be referred to be dealt with under the Complaints Procedure.

6. SAFEGUARDING OF CHILDREN AND ADULT PROTECTION

Protecting children and vulnerable adults from abuse has to be the paramount consideration. Child abuse or the abuse of vulnerable adults will include in this context physical abuse, sexual abuse, psychological or emotional abuse, financial or material abuse, and neglect. Appropriate guidance is available relating to both adult and child protection.

Any complaint or representation that raises concerns about child protection should be referred immediately to the Safeguarding of Children Coordinator or, where a criminal act is known or suspected, the police. There should be no complaints

investigation while there is any chance of compromising the Child Protection investigation. This does not rule out aspects of the complaint being pursued at a later date where and when this is right.

Similarly, any complaint that raises concerns about the protection of a vulnerable adult should be referred immediately to the Vulnerable Adult Coordinator. It is for the vulnerable adult protection staff to determine whether the adult protection process should be triggered. There should be no complaints investigation while there is any chance of compromising the adult protection investigation. Again, this does not rule out aspects of the complaint being pursued at a later date, where and when this is right.

7. STATISTICAL INFORMATION 2015/2016

Number of Representations Received

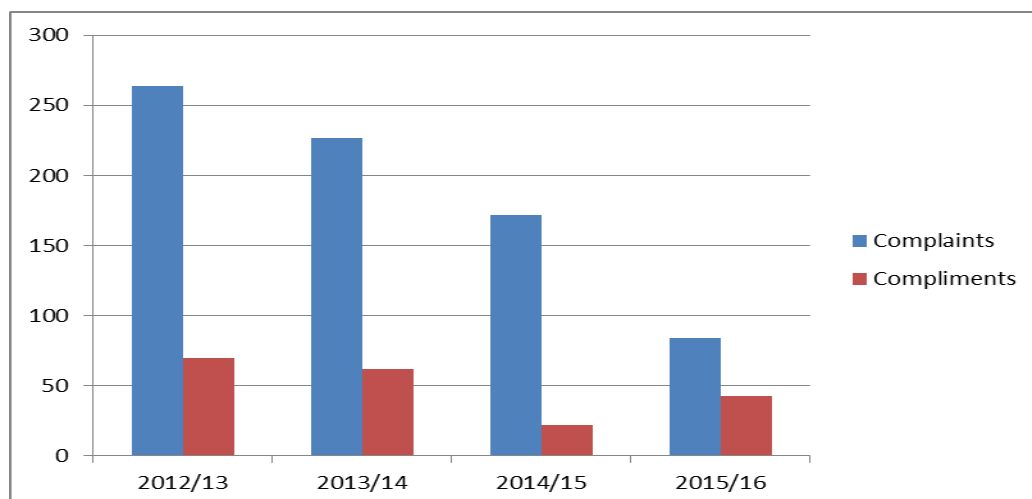
The following information provides details of the number of representations (complaints and compliments), received in relation to the delivery of social services during the reporting period:

Table 1 – Number of Representations Received 2015/2016

| | Complaints | Compliments | Total |
|-----------------------------|-------------------|--------------------|--------------|
| Adult Services | 23 | 11 | 34 |
| Children’s Services | 27 | 25 | 52 |
| Hillside Secure Unit | 27 | 0 | 27 |
| Business Strategy | 7 | 7 | 14 |

The following table provides a comparison with previous reporting periods.

Table 2 - Number of Representations Received - Year-on-Year Comparison



Stages at which complaints were resolved

Table 3 - Statutory Complaints Procedure 2015/16

| | Adult Services | Children’s Services | Hillside Secure Unit | Business Strategy |
|----------------|----------------|---------------------|----------------------|-------------------|
| Stage 1 | 23 | 27 | 27 | 7 |
| Stage 2 | 1 | 1 | 0 | 3 |

Timescales for Completion of Complaints (Stage 1)

As mentioned earlier in the report, the timescale for completion of Stage 1 complaints is 10 working days.

As can be seen from Table 4, during 2015/16, 54% of formal Stage 1 complaints were responded to within the agreed extension time.

It should be noted that there are genuine reasons for being unable to meet the prescribed timescales, for example, some cases can take longer due to the complexity of the issues raised and the need to ensure that cases are thoroughly investigated. In these cases, an extension to the timescale (of a further 10 working days) is normally agreed with the complainant. In the case of more complex complaints, the Directorate aims to provide a response within 6 months.

Table 4 - Timescales for Completion of Stage 1 Complaints

| | Response within (working days): | |
|-----------------------------|------------------------------------|---------------------|
| | 2015/16 10 days | 2015/16 10+ days |
| Adult Services | 6 | 15 |
| Children's Services | 8 | 16 |
| Hillside Secure Unit | 27 | 0 |
| Business Strategy | 6 | 1 |
| Total | 37 | 32 |

On-going training delivered to managers and their teams encourage staff to give high priority to achieving swift and effective resolution whilst also linking an understanding of the procedure to quality and service improvement. The Complaints Team continues to work closely with managers to improve response times, where required.

Outcomes

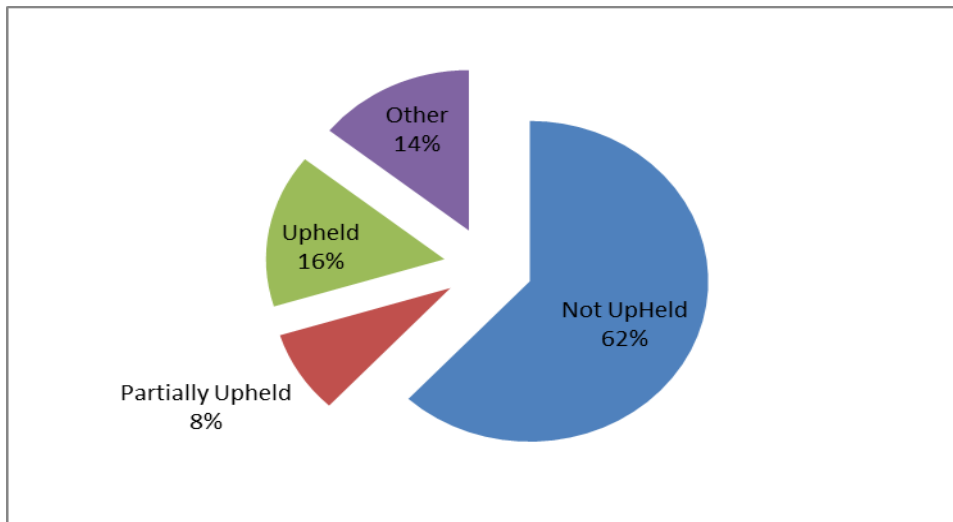
The Directorate records outcomes to complaints, therefore, each complaint outcome is identified within one of the following categories:-

- Upheld
- Partially Upheld
- Not Upheld

The focus upon outcomes is seen as an important aspect and is utilised in measuring performance, learning from complaints and continuously improving services. Outcomes for each service area have been recorded during 2015/16 as follows:

Table 5 – Complaint Outcomes 2015/16

| | Adult Services | Children's Services | Hillside Secure Unit | Business Strategy |
|------------------|-----------------------|----------------------------|-----------------------------|--------------------------|
| Not Upheld | 11 | 13 | 26 | 2 |
| Partially Upheld | 4 | 3 | 0 | 0 |
| Upheld | 5 | 5 | 1 | 2 |
| Other | 3 | 6 | 0 | 3 |



How Complaints were resolved

A variety of methods were used to resolve complaints. Each complaint was considered separately and the most appropriate method of resolution applied.

Methods included:-

- Liaison by complaints officers with senior managers to identify/agree immediate resolution;
- Senior managers meeting with complainants to discuss their concerns;
- Provision of explanation (written) as to reasons for decisions;
- Provision of an apology (written), where appropriate;
- Action taken to change a decision;
- Independent investigation; and
- Mediation.

All statutory complaints received a written response offering an explanation, outlining recommendations and/or identifying corrective action. Those complaints found to have been upheld or partially upheld received a written apology.

Complaints found to have been not upheld did not normally involve provision of a written apology, although, in some cases, it was appropriate to apologise for a particular aspect if there was a need to focus upon individual learning issues highlighted as a result of the complaint.

Nature/Range of Complaints

Examples of the most common complaints received were as follows:

- Quality/Level of Service/Standard of Care
- Staff Attitude/Conduct
- Missed/Late Appointments/Times of Visits
- Lack of/poor communication
- Unacceptable delays
- Disagreement with Assessment/Care Plan

- Poor advice/misinformation
- Disagreement with policy/procedure
- Inaccuracies in Social Work Reports/Statements

Corporate Complaints Procedure

There are instances whereby aspects of a complaint do not fall within the remit of the social services statutory complaints procedure and, in such cases, the Authority's Corporate Complaints Procedure is utilised.

Complaints Resolved at the pre-Complaints Procedure stage

The Complaints Office also carries out a significant amount of work in dealing with and resolving concerns at source, for example, in cases whereby the issues raised are able to be immediately resolved and do not require being formally addressed at Stage One. This involves Complaints Office staff ensuring that they liaise quickly with appropriate Team Managers to identify and agree swift actions to be taken so as to resolve concerns immediately.

This is an area where significant improvements have been made by the individual service areas to ensure these complaints are dealt with appropriately and effectively.

Welsh Language

There have been **NO complaints** received during this reporting period that have been communicated via the medium of Welsh, nor has there been any complaints in relation to the Welsh language/Welsh Standards.

Compliments

Compliments are also regarded as important information that can be used to identify good practice. Compliments are therefore reported centrally and the statistics included in management reports.

Table 6 – Compliment Examples

A selection of the compliments received during 2015/16 are set out below:

| Adult Services |
|---|
| The Team have been treating me over the last two weeks and I am confident that they saved my life. I felt so ill I prayed to die and now I feel so much better. You have a wonderful team, everyone concerned and helpful. H, Y, S, M, J and all concerned, you are angels and I cannot praise the whole set up enough, thanks over and over. |
| My father passed away earlier today, fulfilling my prediction of what was bound to unfold. May I thank you so much for our brief correspondence, your obvious charm and undoubted professionalism in dealing with situations at times difficult for those concerned. It was a real pleasure to meet you. |

Children's Services

Mother expressed her gratitude and thanks for everything that all the social workers she has had dealings with in Cwrt Sart.

AP who I believe is fairly new to Children's Services and even more so to your team presented the reports at this morning's ICPC. Whilst I was there as an observer only I was really impressed by the quality of her report (x 2) that she presented. The report was really well prepared, identified actual and potential risk and presented as child focussed.

Business Strategy

Thanks for Service - Appreciation and gratitude for all you have done in respect of benefits.

Conference Team - In respect of first class Strategy Meeting minutes by conference staff.

8. CUSTOMER FEEDBACK – THEIR EXPERIENCE OF THE COMPLAINTS PROCEDURE

The Directorate recognises the need to obtain customer feedback and questionnaires will be developed and forwarded to all complainants during 2016/2017; the questions posed will be based on those recommended in the Welsh Government Complaints Guidelines for all formal Stage 1 Complaints.

A draft questionnaire has been developed and will be consulted upon early in 2016/17 before formal adoption.

9. LESSONS LEARNED

Evaluation of the information generated from complaints has highlighted a range of actions to be taken to improve services for clients. Action plans are formulated to reflect the actions agreed as part of the resolution process. Monitoring of the action plans is undertaken to ensure that actions are implemented.

10. ACHIEVEMENTS IN 2015/2016

Achievements during 2015/16 include:-

- Improved relationship with Senior Officers, Team Managers and front-line social work teams resulting in quicker resolution at a 'local' level;
- Decrease in number of Stage 1 complaints compared to 2014/15;

- Increase in number of compliments received in comparison to 2014/15;
- Review and upgrade of the complaints database;
- Improved performance information / data;

11. OBJECTIVES FOR 2016/2017

Plans for 2016/17 include:

- To maintain management oversight of Directorate wide compliments and complaints and specific adherence with statutory guidelines.
 - To review the performance information/data to be extracted from the database.
 - Introduction of customer feedback – liaise with Corporate Communications Team to develop customer feedback forms.
 - Build upon relationships with key service stakeholders e.g. Children’s Complaints Officer.
- Ensure complaints service is prepared for the implementation of the Act.
 - Ensure information, advice and assistance is appropriate; literature is available in readily accessible format.
 - Recognise the importance of Advocacy.
- Raise profile of the Complaints Team.

12. EQUALITIES

A screening for equality impact has been carried out in relation to the representation and complaints procedure. There is no negative impact on the protected equality characteristics.

There have been no complaints received during the reporting period in relation to the Social Services Complaints and Representations Procedure.

Complainants are now requested to provide information in relation to the Equality Act 2010. This data includes information relating to ethnicity, gender, marital status and disability. The feedback is currently low, but we will continue to pursue this.

13. CONTACTS

Designated Complaints Officer,
 Neath Port Talbot County Borough Council,
 Social Services, Health and Housing Directorate,
 Neath Civic Centre, Neath, SA11 3QZ
 Tel: 01639 763445 email: complaints@npt.gov.uk.

Care & Social Services Inspectorate for Wales,
Government Buildings
Picton Terrace,
Carmarthen SA31 3BT,
Tel: 01267 245160
email: cssiw.southwest@wales.gsi.gov.uk.

Children's Commissioner for Wales,
Oystermouth House, Charter Court,
Phoenix Way, Llansamlet,
Swansea, SA7 9FS.
Tel: 01792 765600 Fax: 01792 765601

Commissioner for Older People
Cambrain Buildings,
Mount Stuart Square, Butetown,
Cardiff, CF10 5FL
Tel: 02920 445030 Fax: 08442 640680
email: ask@OlderPeopleWales.com

Public Services Ombudsman for Wales
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Tel: 03007 900203 Fax: 01656 641199
website: www.ombudsman-wales.org.uk

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June 2016