

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
SOCIAL CARE HEALTH & WELL-BEING CABINET BOARD
8th November 2018**

**REPORT OF THE HEAD OF COMMISSIONING, SUPPORT and
DIRECT SERVICES – Angela Thomas**

Matter for Information

Wards Affected: All Wards

**SOCIAL SERVICES COMPLAINTS AND REPRESENTATIONS
ANNUAL REPORT 2017-18**

Purpose of Report

To report on the operation of the Directorate's Complaints and Representation procedures from 1st April 2017-31st March 2018, 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 procedure since 1991. Neath Port Talbot County Borough Council operates its procedure in line with Welsh Government guidance.

The Annual Report, attached as Appendix 1, provides Members with a summary of the complaint and representation activities during 2017-18.

A further report will be presented to Members at a future Scrutiny Cabinet Board highlighting case studies of complaints received by the Social Services, Health and Housing Directorate. This report will be presented in private.

Financial Impact

The work delivered is funded by existing revenue budget.

Equality Impact Assessment

Not Applicable

Workforce Impacts

There are no workforce impacts associated with this report.

Legal Impacts

There are no legal impacts associated with this report.

Risk Management

There are no known risks associated with this item.

Consultation Outcome

Not applicable.

Sustainability Appraisal

Not applicable.

Recommendation

This item is for monitoring purposes.

Reasons for Proposed Decision

Not applicable.

Implementation of Decision

Not applicable.

Appendices

Appendix 1 - Social Services Complaints and Representations Annual Report 2017-18.

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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BOROUGH COUNCIL**

**SOCIAL SERVICES
COMPLAINTS
AND
REPRESENTATIONS**

**ANNUAL REPORT
2017 / 2018**

**SOCIAL SERVICES
COMPLAINTS AND REPRESENTATIONS 2017/18**

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1. INTRODUCTION

This report covers the period 1st April 2017 to 31st March 2018 and relates to the Children's Services and Adult Services, within the Directorate of Social Services, Health and Housing, which jointly comprise the social services function within Neath Port Talbot County Borough Council.

Legislation 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.

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 alongside the Social Services Complaints Procedure (Wales) Regulations 2014 and the Representation Procedure (Wales) Regulations 2014.

The procedure is 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 procedure is 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 formal 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 response must be provided by the manager within 10 working days of the date of receipt of the complaint. The timescale can be extended with the agreement of the complainant (usually a further 10 working days).

Stage 2: Formal Consideration

Where a complaint cannot be resolved at Stage 1, it will be referred to Stage 2. An Independent Investigating Officer (I.I.O.) is appointed by the Director (or their representative) to investigate the matter. In the case of children's complaints, an Independent Person (I.P.) is also appointed to oversee the investigation process in accordance with statutory requirements. Both individuals are not permitted to be employees of the local authority.

The I.I.O. 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 Director of Social Services.

Completion of the investigation and the accompanying report should be achieved within the statutory timescale of 25 working days; again, an extension can be made with the agreement of the complainant.

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 the protection of a vulnerable adult should be referred immediately to the appropriate safeguarding officer 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 or adult protection investigations. This does not rule out aspects of the complaint being pursued at a later date where and when this is right.

7. STATISTICAL INFORMATION 2017/2018

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:

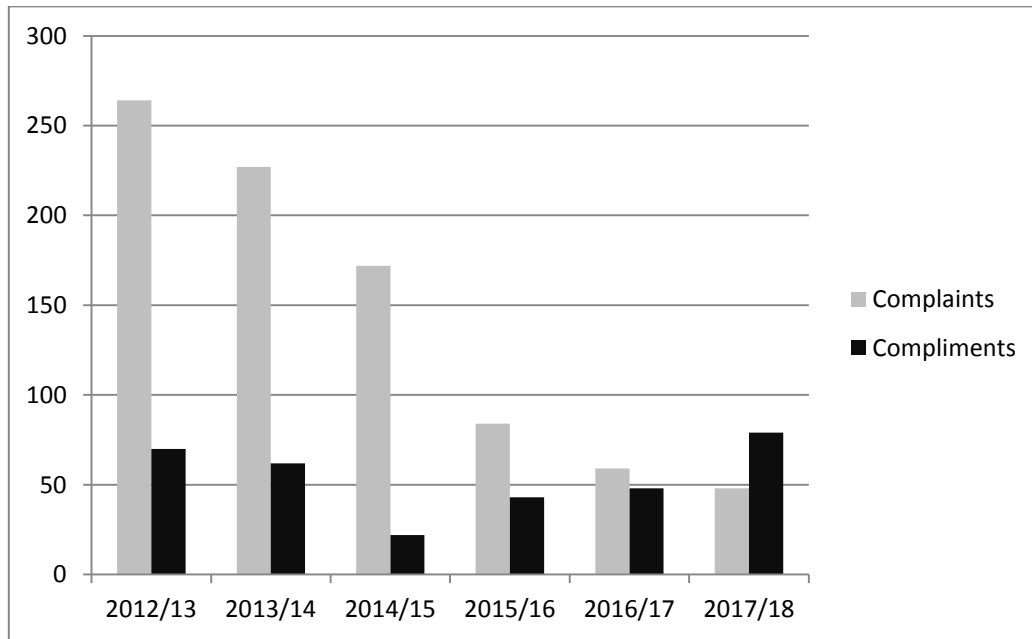
Table 1 – Number of Representations Received 2017/2018

	Complaints	Compliments	Total
Adult Services	15	44	59
Children's Services	30	19	49

Business Strategy	3	16	19
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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 2017/18

	Adult Services	Children’s Services	Business Strategy
Stage 1	13	28	3
Stage 2	2	2	0

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, 91% of formal Stage 1 complaints during 2017/18 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.

Table 4 - Timescales for Completion of Stage 1 Complaints

	Response within (working days):	
	2017/18 10 days	2017/18 10+ days
Adult Services	6	7
Children's Services	7	17
Business Strategy	2	1
Total	15	25

The Complaints Team continues to work closely with managers to improve response times and 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.

Outcomes

The Directorate records outcomes to complaints, therefore, each complaint outcome is generally 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 2017/18 as follows:

Table 5 – Complaint Outcomes 2017/18

	Adult Services	Children's Services	Business Strategy
Not Upheld	4	10	2
Partially Upheld	1	6	1
Upheld	6	5	0
Other	4	9	0

A total of 11 complaints were upheld in 2017/18 which equates to 23% of complaints received. A further 8 (17%) were partially upheld.

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 include:

- liaison by complaints officers with senior managers to identify/agree immediate resolution;
- 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, where appropriate.

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
- 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 Team 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 1. This involves Complaints Team 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 2017/18 are set out below:

Adult Services
“Staff are a credit and go the extra mile” – Homecare Rapid Response Team service user
“With much appreciation for all you’ve done, our lives have changed for the better” – Service user with the Afan Network Team
Children’s Services
Ms X commented that she found FAST’s intervention very helpful and their support life changing
Mum commented that she had learnt a lot from her Social Worker (LAC Team) who had really boosted her self-confidence in being able to work with Social Workers again.
Business Strategy
“You are a very bright light at the end of a very dark tunnel; I could have not done it without you. Very lucky to have this service.” – Welfare Rights Unit service user

8. 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, where necessary, are formulated to reflect the actions agreed as part of the resolution process. Monitoring of the action plans is undertaken by each service to ensure that actions are implemented.

9. ACHIEVEMENTS IN 2017/2018

Achievements during 2017/18 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 2016/17;
- increase in number of compliments received in comparison to 2016/17;
- review and upgrade of the complaints database;
- improved performance information / data.

10. OBJECTIVES FOR 2018/2019

Plans for 2018/19 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;
- Build upon relationships with key service stakeholders;
- Ensure the complaints service continues to meet the requirements of the Social Services & Wellbeing (Wales) Act 2014;
- Raise profile of the Complaints Team;
- Strengthen arrangements surrounding independent investigators.

11. 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 Inspectorate Wales,
Welsh Government Office
Rhydycar Business Park,
Merthyr Tydfil CF48 1UZ,

Tel: 0300 7900126
email: ciw@gov.wales

Children's Commissioner for Wales,
Oystermouth House,
Phoenix Way, Llansamlet,
Swansea, SA7 9FS.
Tel: 01792 765600
email: post@childcomwales.org.uk

Older Person's Commissioner for Wales
Cambrian Buildings,
Mount Stuart Square, Butetown,
Cardiff, CF10 5FL
Tel: 03442 640670
email: ask@olderpeoplewales.com

Public Services Ombudsman for Wales
1 Ffordd Y Hen Gae,
Pencoed, Bridgend, CF35 5LJ
Tel: 03007 900203
website: www.ombudsman.wales

Leighton Jones
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July 2018

