



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL Social Care, Health & Well-Being Cabinet Committee**

**30<sup>th</sup> January 2020**

**Report of the Director of Social Services, Health & Housing -  
Andrew Jarrett**

**Matter for Information**

**Wards Affected: All**

### **SOCIAL SERVICES COMPLAINTS AND REPRESENTATIONS ANNUAL REPORT 2018-19**

#### **Purpose of Report**

To report on the operation of the Directorate's Complaints and Representation procedures from 1<sup>st</sup> April 2018 - 31<sup>st</sup> March 2019, 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 2018-19.

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 Impacts:**

No Implications.

**Integrated Impact Assessment:**

There is no requirement to undertake an Integrated Impact Assessment as this report is for monitoring / information purposes.

**Valleys Communities Impacts:**

No Implications.

**Workforce Impacts:**

There are no workforce impacts associated with this report.

**Legal Impacts:**

There are no legal impacts associated with this report.

**Risk Management Impacts:**

There are no known risks associated with this item.

**Crime and Disorder Impacts:**

Section 17 of the Crime and Disorder Act 1998 places a duty on the Council in the exercise of its functions to have "due regard to the likely effect of the exercise of those functions on and the need to do all that it reasonably can to prevent:

- a) Crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment);

- b) The misuse of drugs, alcohol and other substances in its area; and
- c) Re-offending the area”.

There is no impact under the Section 17 of the Crime and Disorder Act 1998.

**Counter Terrorism Impacts:**

There is no impact on the duty to prevent people from being drawn into terrorism.

**Violence Against Women, Domestic Abuse and Sexual Violence Impacts:**

Section 2(1) of the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 introduced a general duty where a person exercising relevant functions must have regard (along with all other relevant matters) to the need to remove or minimise any factors which:

- (a) increase the risk of violence against women and girls, or
- (b) exacerbate the impact of such violence on victims.

There is no impact on the above duty.

**Consultation:**

There is no requirement for external consultation on this item.

**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 2018-19.

## **List of Background Papers**

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

## **Officer Contact**

Leighton Jones, P.O. Governance & Policy Support (Designated  
Complaints Officer) Tel. No. 01639 763394 email: [l.jones@npt.gov.uk](mailto:l.jones@npt.gov.uk)

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**NEATH PORT TALBOT COUNTY  
BOROUGH COUNCIL**

**SOCIAL SERVICES  
COMPLAINTS  
AND  
REPRESENTATIONS**

**ANNUAL REPORT  
2018 / 2019**

**SOCIAL SERVICES  
COMPLAINTS AND REPRESENTATIONS 2018/19**

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## **1. INTRODUCTION**

This report covers the period 1<sup>st</sup> April 2018 to 31<sup>st</sup> March 2019 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 2018/2019

### Number of Representations Received

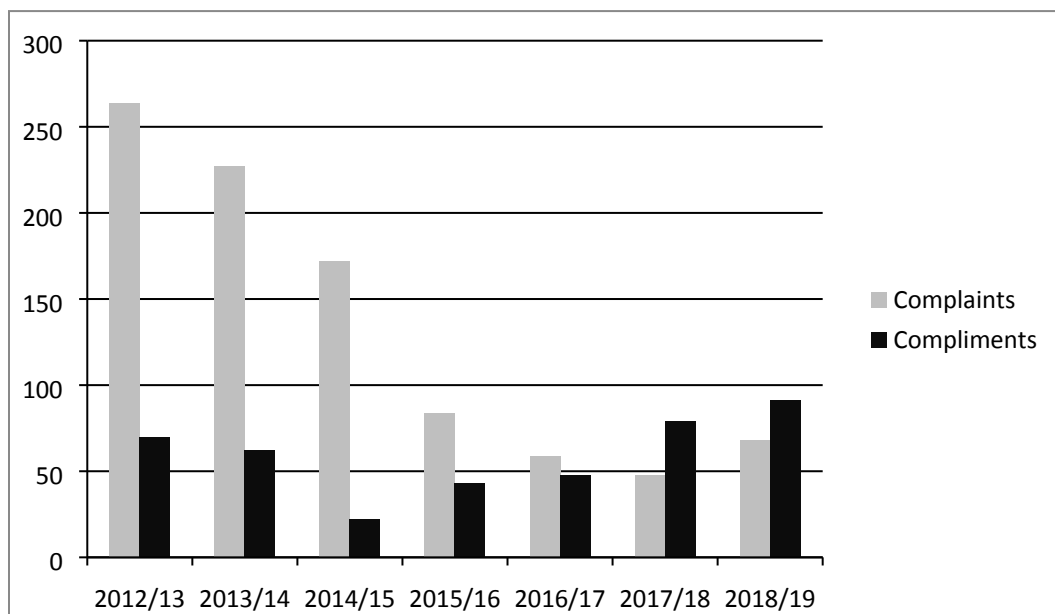
The following information provides details of the number of representations (complaints and compliments), received in relation to the delivery of social services during the reporting period:

**Table 1 – Number of Representations Received 2018/2019**

	Complaints	Compliments	Total
<b>Adult Services</b>	30	48	<b>78</b>
<b>Children’s Services</b>	32	33	<b>65</b>
<b>Business Services</b>	6	10	<b>16</b>

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 2018/19**

	<b>Adult Services</b>	<b>Children's Services</b>	<b>Business Services</b>
<b>Stage 1</b>	28	31	6
<b>Stage 2</b>	2	1	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, 25% of formal Stage 1 complaints during 2018/19 were responded to within 10 working days.

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**

	<b>Response within (working days):</b>	
	<b>2018/19 10 days</b>	<b>2018/19 10+ days</b>
<b>Adult Services</b>	6	22
<b>Children's Services</b>	8	21
<b>Business Strategy</b>	2	4
<b>Total</b>	<b>16</b>	<b>47</b>

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 as follows:

**Table 5 – Complaint Outcomes 2018/19**

	<b>Adult Services</b>	<b>Children's Services</b>	<b>Business Services</b>
Not Upheld	8	14	4
Partially Upheld	7	5	0
Upheld	9	8	1
Other	6	5	1

A total of 18 complaints were upheld in 2018/19 which equates to 26% of complaints received. A further 12 (18%) 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
- 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 2018/19 are set out below:

<b>Adult Services</b>
<p><i>“We as a family thank you for a smooth transition from home to Trem-Y-Glyn. My mother-in-law has settled in well at the residential home. Your kindness and consideration to her needs were very much appreciated, as well as your patience. Thank you again.”</i> - service user’s family regarding a social worker, Neath Network Team</p>
<p><i>“Just a short note to say thank you. A has been at (xxx) for just over 6 months now and I am thrilled at how much he likes being there. I have just picked up him up for the weekend and he is so happy and settled. The staff are obviously very fond of him and he is joining in with lots of activities. I was so worried about the move and must have seemed a bit unreasonable at times so thanks for your patience”</i> - service user’s parent to Complex Disability Team</p>
<b>Children’s Services</b>
<p><i>“I was incredibly impressed by Miss L and her practice manager, Miss S. They carried out a comprehensive and thoughtful piece of work. They were sensitive</i></p>

*and hopeful and have managed to their credit to form a proper and professional relationship with the parents.*

*They could very easily have written off these parents and they did not. Both, were in evidence impressive, intelligent and thoughtful. That combination of skills and professionalism in my view is unusual in these cases.” - a QC in Children’s Services case*

*“Thank you for being there for us whenever we needed you and I am happy for whatever child/children have the pleasure of having you. Thank you soooo much for your support.*

*Thank you so much, I will miss you and I already do! Lots of love” - a child in need regarding her Practice Support Worker, Sandfields CCT*

#### **Business Services**

*“It was lovely to talk to you this morning and thank you for the kind things you said about J. We appreciate all the help and support you give J as we are well aware of how challenging he can be. Many thanks. Kind regards.” - complainant to Complaints Team*

*“I cannot thank you enough for the service that you provided, it was outstanding. It is such a brilliant service that you provide and just wanted to say a big thank you for all the support you gave yesterday. Thanks again” - service user to Welfare Rights Unit*

## **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 2018/2019**

Achievements during 2018/19 include:-

- Strengthened arrangements surrounding independent investigators;
- Maintained management oversight of Directorate wide compliments and complaints and specific adherence with statutory guidelines;
- Reviewed performance information/data extracted from the database;
- Built upon relationships with key service stakeholders, including raising the profile of the Complaints Team;
- Ensured the complaints service continues to meet the requirements of the Social Services & Wellbeing (Wales) Act 2014;
- Increased the number of compliments received in comparison to 2017/18;

## **10. OBJECTIVES FOR 2019/2020**

Plans for 2019/20 include:

- Review the Social Services, Health & Housing Policy & Procedure;
- Explore the use of submitting electronic complaints via the Council's website, in line with the Digital Strategy;
- Review our process and documentation in relation to the Welsh Language Standards;
- Review our 'customer contact policy';
- Explore and develop staff training for senior managers regarding the handling & investigation of complaints.

## **11. CONTACTS**

### **Designated Complaints Officer,**

Social Services, Health and Housing Directorate,  
Neath Civic Centre, Neath, SA11 3QZ

Tel: 01639 763445 email: [complaints@npt.gov.uk](mailto:complaints@npt.gov.uk).

### **Care Inspectorate Wales,**

Welsh Government Office

Rhydycar Business Park, Merthyr Tydfil CF48 1UZ,

Tel: 0300 7900126 email: [ciw@gov.wales](mailto:ciw@gov.wales)



**Children's Commissioner for Wales,**

Oystermouth House,  
Phoenix Way, Llansamlet,  
Swansea, SA7 9FS.

Tel: 01792 765600 email: [post@childcomwales.org.uk](mailto: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](mailto:ask@olderpeoplewales.com)

**Public Services Ombudsman for Wales**

1 Ffordd Y Hen Gae,  
Pencoed, Bridgend, CF35 5LJ

Tel: 03007 900203 website: [www.ombudsman.wales](http://www.ombudsman.wales)

**Leighton Jones, Designated Complaints Officer**  
**July 2019**