



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

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

21st October 2021

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

Matter for Information

Wards Affected: All

SOCIAL SERVICES COMPLAINTS AND REPRESENTATIONS ANNUAL REPORT 2020-21

Purpose of Report

To report on the operation of the Directorate's Complaints and Representation procedures from 1st April 2020 - 31st March 2021, 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 2020-21.

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 2020-21.

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
2020 / 2021**

**SOCIAL SERVICES
COMPLAINTS AND REPRESENTATIONS 2020-21**

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1. INTRODUCTION

This report covers the period 1st April 2020 to 31st March 2021 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 2020/2021

Number of Representations Received

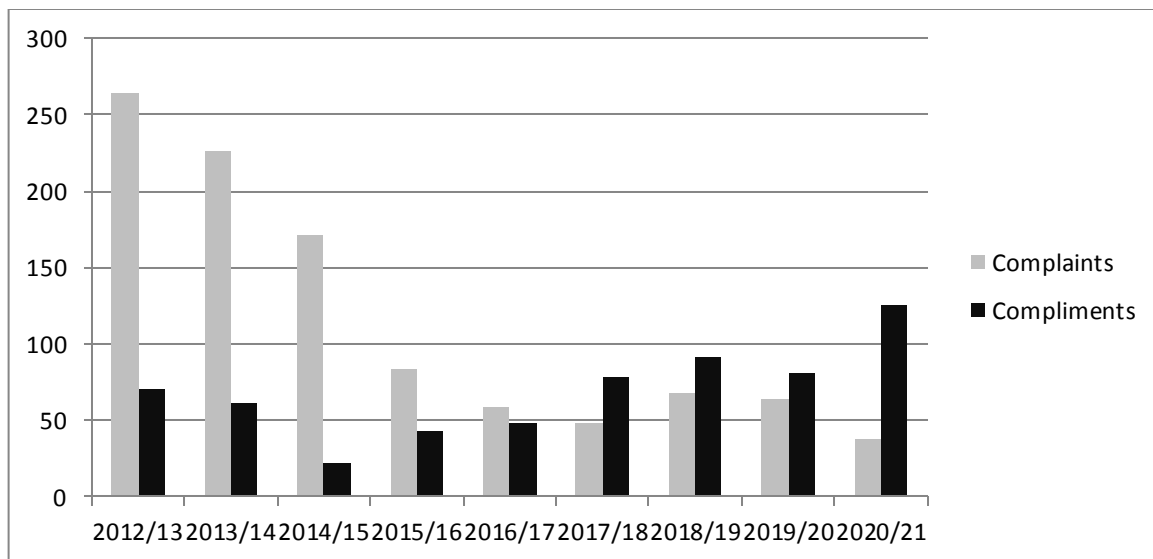
The following information provides details of the number of representations (complaints and compliments), received in relation to the delivery of social services during the reporting period:

Table 1 – Number of Representations Received 2020/2021

	Complaints	Compliments	Total
Adult Services	15	67	82
Children's Services	21	55	76
Business Strategy	2	3	5

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 2020/21

	Adult Services	Children's Services	Business Strategy
Stage 1	15	20	2
Stage 2	0	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.

Table 4 - Timescales for Completion of Stage 1 Complaints

	Response within (working days)	
	2020/21 10 days *	2020/21 10+ days *
Adult Services	10	5
Children's Services	10	10
Business Strategy	2	0
Total	22	15

** a further 5 days is permitted for a written response*

As can be seen from Table 4, 60% of formal Stage 1 complaints during 2020/21 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.

Clearly 2020/21 has brought its own challenges due to the COVID pandemic, which has also impacted on the response times; that said, performance has significantly improved on the previous year, 2019/20 (43%).

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 2020/21

	Adult Services	Children's Services	Business Strategy
Not Upheld	7	13	1
Partially Upheld	3	2	0
Upheld	2	2	1

Other	3	4	0
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A total of 5 complaints were upheld in 2020/21 which equates to 13% of complaints received. A further 5 (13%) 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*
- *lack of / poor communication*
- *disagreement with assessment / care plan / reports / statements*
- *unacceptable delays*
- *missed / late appointments /times of visits*

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 2020/21 are set out below:

Adult Services
<i>"Just a quick message to inform you how much my family and I value and appreciate the exceptional service we have received from X (CIS) who shops for my chair bound cousin.</i>
<i>X has been exceptionally accommodating, changing her busy shopping schedule to accommodate X's hospital appointments in order that she has food upon being discharged (to name but one example).</i>

Nothing is too much for this wonderful girl! Her boundless, positive energy shines through and has made my (all too difficult) task of looking after this family member so much easier. Not only does she do an extremely conscientious, intuitive shop every time, she has been such a support for me and has taken time to listen to my concerns about my cousin and has offered excellent emotional and practical advice.

She consistently goes above and beyond. She is a wonderful, lovely and genuinely caring girl and I am sure you and the CIS team value her greatly. Treasure her”.

(received by the Community Intervention Service from a relative)

“I am writing to express my gratitude for the support given to me by X during the last few weeks when I was looking after my Mam.

X supported me in being able to keep Mam home with me for as long as possible whilst I came to terms with the fact that residential care was the right option for all of us.

At all times X was kind, caring, professional, empathic and a huge support to me. X could see that we were reaching a crisis point as I tried to juggle my own condition, my son’s challenges and look after my Mam. X worked very hard with other agencies to get Mam a place in X care home. I will forever be grateful.

X is a credit to her profession and your organisation.

Once again thank you X for your support during such a difficult time for us as a family.

(received by the Neath Network Team from a relative)

“I just wanted to drop you both a couple of lines to say a huge thank you for all your support and help over this past few months

I don’t think it’s an exaggeration to say that this period has been the most stressful of my life, having to deal with difficult situations for not one but both of my parents at the same time

The both of you have been fantastic and I cannot thank you enough for all that you've done for us all as a family through what has been at times a very traumatic experience

Looking after my concerns and those of your other clients must be difficult enough under normal circumstances but to do so in the current climate can only have magnified your stresses and I am extremely grateful to you both for the care and support you've shown".

(received by the Afan Network Team from a relative)

"Hope you are safe and well.

I just wanted to express my gratitude for the regular phone calls during lockdown from X's Social worker X.

X's contact has really made a difference to us as a family. I think that it is reassuring to know that if we had encountered a problem that she was only a phone call away. She is a very nice person and is respectful. She has always been polite and it's been a pleasure talking to her. I know that Social services don't get the positive recognition that they deserve so I felt that it is important to express my gratitude on behalf of X and our family.

Many thanks for your kindness and attention. During lockdown it has been comforting to hear a kind voice at the end of the phone. X is a real asset to your department".

(received by the Complex Disability Team from a relative)

Children's Services

"I can't thank you enough for your immense support over lockdown. You listened and supported us in a way that is hard to put in words, you were a massive part in holding us together as a family. We are so grateful.

We did Survive! We got there and are once again in a place of being able to see past the end of the week!

Lockdown! Impossible for us! Thank you for knowing us as a family"

<i>(email received from a service user to their Social Worker–Child Disability Team)</i>
<p><i>“Happy Father’s X. I know you ain’t my old man but you do more for me than anyone so I hope you have a good day. “</i></p> <p><i>(message received from a young person (age 25) to their advisor– Route 16 Team)</i></p>
<p><i>Mum commented that since the FAST workers have been working with her, they are her “rocks” and described them both as stars. She is gaining & learning from the freedom programme and the parenting support. She commented that the support she’s had from them has been incredible, and she has been able to talk to them about issues she has experienced and they allow her to feel safe, despite still remaining highly fearful.</i></p> <p><i>(compliments received from a mum at a LAC Review in relation to the FAST Team)</i></p>
<i>Business Strategy</i>
<p><i>“I have now managed to speak to my client who would like me pass on that she is now happy with the plan X has updated. She has also asked me to share with you that she can now draw a line under this, which has had a positive impact on her mental health and she would like me to thank you personally for looking into this too.</i></p> <p><i>From a professional perspective I would also like to thank you for your patience and for getting back to me during what has been a difficult time for everyone. It has made my job easier to have my e mails acknowledged and responded to, which has not been the case for a lot of my clients, subsequently causing more anxiety and other issues to escalate.</i></p> <p><i>(compliments received by the Complaints Team for the advocate of a service user)</i></p>

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 2020/2021

Achievements during 2020/21 include:

- maintaining a responsive service throughout the COVID Pandemic;
- good management oversight of Directorate wide compliments and complaints and specific adherence with statutory guidelines;
- continued 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 2019/20;
- continual review and upgrade of the complaints database;

10. OBJECTIVES FOR 2021/2022

Plans for 2021/22 include:

- Ensure the complaints service continues to meet the requirements of the Social Services & Wellbeing (Wales) Act 2014;
- Continue to raise the profile of the Complaints Team both internally and nationally;
- Continuous improvement of information provided to Management Teams;
- Strengthen arrangements surrounding independent investigators, including developing a wider pool of resources.

11. CONTACTS

Designated Complaints Officer,

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email: ciw@gov.wales

Children's Commissioner for Wales,
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Swansea, SA7 9FS.
Tel: 01792 765600
email: post@childcom.wales.org.uk

Older Person's Commissioner for Wales
Cambrian Buildings,
Mount Stuart Square, Butetown,
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email: ask@olderpeoplewales.com

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1 Ffordd Y Hen Gae,
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Leighton Jones
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July 2021