

<b>Title:</b>	<b>Annual Report – Complaints 2014/15</b>
<b>Department / Unit:</b>	Overview of the Social Care work fields (Children and Family Support Department, Adults, Health and Well-being Department)
<b>Date:</b>	May 2015

## 1. Introduction

The purpose of this report is to provide an overview of the statistics and the main matters that have stemmed from complaints during the 2014 - 2015 year.

On 1 August 2014, a new statutory complaints procedure came into force and superseded the national guidelines of 'Listening and Learning'. We responded to the changes by launching a new local policy that reflected the changes, held awareness raising sessions for staff and managers and launched a new information leaflet for users. The main change is that the Service is expected to offer to discuss the complaint face to face or over the phone with the complainant within 10 working days. Then, the expectation is that written confirmation of the outcome of the discussion is sent within five working days of the day of the discussion.

Stage 2 – Independent Investigation remains, namely, appointing an independent investigator to investigate the complaint. There are 25 working days to complete the investigation. In the new procedure, it must be ensured that the investigator is independent of the Council. Previously, there was an option of using an internal investigator.

In addition to the above, another change was removing Stage 3 of the procedure, namely an Independent Panel. This change has been welcomed as the opinion was that the Panels were usually ineffective and had no authority or power to insist upon any action in relation to the complaint in question. After Stage 2, if a complainant remains dissatisfied, he/she may go to the Ombudsman.

Since the introduction of the new procedure, there has been a significant reduction in stage 2 complaints which has resulted in financial savings for the Service. Stage 2 complaints can be very costly (ranging from approximately £2,000 per complaint to as much as £3,000) because an independent investigator needs to be appointed to investigate the complaint. The reduction in stage 2 complaints is a reflection of the success of the Services in resolving matters at the first stage.

## 2. Main matters arising from the year

### 2.1 Performance of Responding to Stage 1 Statutory Complaints

- **Children and Supporting Families Department – 4 of the 30 complaints were late receiving responses, or 13%.**
- **Adults, Health and Well-being Department – 26 of the 101 complaints were late receiving responses, or 26%.**
- The reasons for the late responses varied, but were mainly due to work pressures on the Service Manager (given that the Adults, Health and Well-being Department has lost one Manager post also). The timetable for providing a written response confirming the outcome of the 'discussion' is very tight, namely 5 working days. Responding within the timetable is entirely dependent on the workload of the Service Manager at the time and his presence at work. Nonetheless, the majority of complainants do receive a response within the timetable or have agreed to extend the timetable.

### 2.2 Stage 1 Complaints – Social Services Statutory Procedure

**101 stage 1 complaints** had been made under the Social Services statutory procedure during the year. This is consistent with previous years, namely 101 in 2013-14 and 106 in 2012-13. However, there has been a significant increase in **enquiries and observations, namely 168** compared with 117 last year. **Several matters are dealt with as an enquiry or observation** as the individual has not states either way if he/she is eager to make a 'complaint'. Also, letters from Members of Parliament and Local Members are recorded as an 'enquiry' and there is usually an element of

dissatisfaction; however, in the main they want responses to specific questions on behalf of an individual or family. Officers and Managers spend considerable time on these matters; however, this hard work does pay off as it prevents them from escalating into complaints.

### **2.3 Stage 1 Complaints – Corporate Complaints Procedure**

**13 complaints** had been recorded during the year compared with 11 last year and 17 in 2012-13. These include Housing Service matters and matters which are not eligible under the Social Services procedure e.g. a neighbour complaining about the way a care provider parked their car; an owner complaining about the withdrawal of an Empty Houses Grant. It is important to note that it is the complaints about the Housing Service that have come through the Customer Care and Information Unit that are noted here and they do not include any complaints that have been address directly by the service.

### **2.4 Stage 2 Investigations**

**There were no stage 2 complaints to report on during the year.** This is compared to two stage 2 complaints in 2013-14 and seven in 2012-13. This reflects the success of the Departments in resolving matters locally. Within the new procedure, there is far more emphasis on the 'discussion' and seeking to resolve matters at the first stage, and this seems to be successful.

There was a request for a Stage 2 investigation following a complaint about the Children and Supporting Families Service. The Service had already undertaken a very thorough investigation at Stage 1; however, the complainant remained dissatisfied. An independent investigator was appointed; however, his initial opinion was that it would not be suitable to undertake a full Stage 2 investigation. Therefore, it was decided that he would review the Service's responses to the complainant's complaint and prepare a short report. He reached the following conclusions:

*"I formed the view there was nothing new for an investigation to consider and that, even if I were to pursue a formal investigation, I would not succeed in finding anything that had not already been addressed through the comprehensive Stage 1 process..."*

*Following this, from our review of the very considerable volume of paperwork, having had sight of the Department's records and met / discussed with Senior Officers, both the Independent Person and I agreed that the comprehensive and thorough nature of the Stage 1 investigations were exemplary. It is my opinion that the investigations undertaken thus far at Stage 1 have been very thorough; indeed amongst the most thorough I have encountered in my eleven years of similar investigations."*

The Service must be praised for its attempt to undertake such a thorough investigation; it involved a substantial amount of work for Managers and Officers.

### **2.5 Stage 3 Complaint**

During the year, one Stage 3 complaint was received. The original complaint had been made back in 2013-14; it went through stage 1 and stage 2 of the procedure and the Stage 3 panel met in July 2014. This was prior to the new procedure coming into effect on 1 August in which Stage 3 of the procedure was removed.

The complaint was about the Derwen Service and jointly with Health. It was mainly to do with the shortage of support workers in South Meirionnydd, and consequently the fact that it was impossible to ensure staffing levels when staff were on holiday/sick leave etc. Following the Panel, the Chair provided a report with recommendations to be implemented. The Service is already aware of the recruitment problems in South Meirionnydd and is doing everything possible to respond to the situation.

### **2.6 Ombudsman Investigation**

**There was 1 Ombudsman investigation during the year.** During quarter 3, the Ombudsman informed us that he would be investigating the complaint. At this stage, the Ombudsman's findings have not been shared. Internal meetings were held to agree on our response to the complaints and evidence was provided to them. The case involves POVA and mental capacity Act matters. There were concerns about a husband's behaviour towards his wife who has a neurological condition. Staff had reported the concerns and following acting on the safeguarding concerns, the wife was removed from the home without undertaking an assessment of her capacity.

## 2.7 Gratitude

As well as complaint and observations, it is also important to record gratitude. A total of **225** expressions of gratitude were logged during the year. See section 3.3 for examples.

## 2.8 Complaints Trends - Adults, Health and Well-being Department

- **Financial Matter** – This remains a trend stemming from complaints and observations since last year and the trend has continued throughout this year. The main trend was that some users and their families were unwilling to pay for their care. This involves managing the expectations of users and their families and ensuring that there is clear communication and sharing information regarding paying for care from the beginning. Keeping a record of the discussion is essential and staff need to be reminded of this. In several cases, we have failed to prove that the discussion regarding paying for care has taken place as it had not been recorded. Another matter that has been raised during the year is that people do not understand the financial cap and therefore expect to pay less if they receive fewer hours. This also highlights the need to ensure clear communication with users regarding the arrangements for paying for care.  
**Example** – A son claimed that his mother should not have to pay for her stay in a care home after a period of intermediate care because the financial implications had not been discussed with them. He also felt that workers had persuaded his mother to stay there.
- **Changes in the methods of providing services** was the theme of several complaints and enquiries, particularly in the Learning Disabilities Service. This was mainly due to changes in transport arrangements, particularly providers charging for transport. Also, complaints and observations were received as a result of changing care packages from providing one-to-one support to group provision. It is natural that some discontent will arise from changes to services; however, it must be ensured that users and their families are prepared for the changes well in advance, that they understand the reason for the change and that the communication and engagements are adequate.
- **Prolific Complainants / Contactors** – Though not noted in the 'complaints' figures a large number of matters are dealt with as 'enquiries'. These matters take up a considerable amount of officers' time and continue from one quarter to the next as individuals continue to correspond on the same topics.  
**Example** – A matter involving transport for learning disabilities clients; a large number of letters from individuals on behalf of many families. These matters have not been logged under the statutory complaints procedure as the individuals are not eager to make a 'complaint' but they have meant a considerable amount of work for Officers and Managers.
- **Lack of home care provision and calls being missed** – There was a pattern of complaints during quarter 1 stemming from a shortage of home carers in Dwyfor and Meirionnydd. This mainly arose following one specific company ceasing to trade suddenly which left an unexpected gap in the provision. The Department took urgent steps to respond to the situation. Only one complaint was received about missed home care calls; however the Unit received numerous phone calls from people enquiring about this matter. It was usually possible for these to be resolved immediately.  
**Example** – Mrs W had contacted because she was unable to leave hospital due to private providers having withdrawn from the contract on the day. Brokerage Team had resolved the matter within two days.

- **Adaptations to the home** – Many enquiries and complaints were received which stemmed from dissatisfaction regarding the adaptations for washing e.g. user wanting a shower fitted in the home; however there is no responsibility on the Council to fit a shower if the user is able to wash in another way. Again, this involves managing the users’ expectations, ensuring clear communication and that they understand the reasons behind decisions.

## 2.9 Complaints Trends - Children and Supporting Families Department

- **Complaints from Advocates** – There has been an increase in complaints from Advocates on behalf of young people during the year. Complaints from Advocates are to be welcomed of course; however a concern has been expressed by the Service and the Customer Care Officer that young people are sometimes encouraged to make formal complaints immediately, despite the Service’s attempts to address and offer an informal resolution to the issues. There was also concern that the complaints were not a genuine reflection of the voice of the young person but rather it was the Advocate’s complaint. Interestingly, several other counties across North Wales have reported the same concerns.

**Example** – Advocate making a complaint on behalf of a looked-after young person. The young person had to move placement but complained that he did not want to be moved. There were many issues behind this decision and there had been many discussions with the young person. Advocate had written on his behalf noting that they would support him to submit a stage 2 formal complaint, but did so without giving the Service an opportunity to try to resolve and respond informally.

- **Parents’ Expectations** – The pattern of previous years has continued, namely complaints stemming from the difference between parents’ expectations and what the Service delivers within its responsibilities. This is mainly in the child protection field where there is dissatisfaction regarding an action and decision by the Service in terms of their children's cases. This then leads to complaints aimed at individual staff representing the Service. Often, these complaints also include a complaint regarding the attitude of the worker but the investigations into the complaints usually discover that the Worker and the Service had acted appropriately in accordance with legislation.

**Example** - Father had contacted wanting to make a complaint; he is not currently having contact with his child. The father believes that this decision should be reviewed every six months. He also sends letters to his child but does not receive any letters in return. The father blames the service for this. He feels that the service is not fulfilling its responsibilities on purpose in order to prevent him from having any contact with his child in the future.

- **Contact between parents and children** – Many complaints have stemmed from family members’ wishes to have contact with looked-after children. This is particularly true with fathers and a pattern has emerged during the year. The dissatisfaction usually stems from a lack of communication and understanding of what the arrangement are alleging that they have not received an explanation.

**Example** – Father contacting wanting to make a complaint that he only has 2 hours a month of contact with his children but that the mother has weekly contact. He also wanted to complain about not being invited to any meetings held regarding his children.

## 3. Complaints Statistics

3.1 Table 1 notes the complaints statistics for the year

TABLE 1 Complaints								
	Adults	Provider	Children and Families	Business	Housing	External Provider	Cross-service	Total
<b>1.1 Social Services Statutory Complaints Procedure</b>								
Informal, pre-stage 1	3	6	0	4	0	0	0	13

<b>TABLE 1 Complaints</b>								
	Adults	Provider	Children and Families	Business	Housing	External Provider	Cross-service	Total
Stage 1	43	8	30	15	0	5	0	<b>101</b>
Stage 2	0	0	0	0	0	0	0	0
Stage 3	0	0	1	0	0	0	0	1
Ombudsman	1	0	0	0	0	0	0	1
<b>Total</b>	<b>46</b>	<b>14</b>	<b>31</b>	<b>19</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>115</b>
<b>1.2 Corporate Complaints Procedure</b>								
Informal, pre-stage 1	0	0	0	0	0	0	0	0
Stage 1	7	2	0	0	2	1	0	<b>12</b>
Stage 2	0	0	0	0	0	0	0	0
Ombudsman	0	0	0	0	0	0	0	0
<b>Total</b>	<b>7</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>12</b>

### 3.2 Enquiries and Observations Statistics

The following table reports on the number of enquiries and observations. Several matters are dealt with as an 'enquiry' rather than a complaint under the statutory procedure. This is mainly because the individual has noted that they do not want to make a 'complaint' or that the matters are operational ones which could be resolved easily without having to go through the complaints procedure. Officers work hard to prevent enquiries turning into complaints. These matters take up a considerable amount of officers' time and can continue for months e.g. correspondence on matters involving transport for learning disabilities users for months.

<b>TABLE 2. Enquiries and Observations</b>								
	Adults	Provider	Children and Families	Business	Housing	External Provider	Cross-service	Total
Solicitors	14		2	2	1			19
Ombudsman	3		3					6
Local members	7							7
Members of Parliament or Assembly Members	21		9		1			31
Users	6							6
Relative	25	2	12	7				46
The Public	8	1	4	2	1	1	1	18
Foster Carer	1		1					2
Other Agent	3		4			1	1	9
Disabled Parking Spaces Applicants	21							21
Other counties								
Social Worker	1							1
Older People's Commissioner	2							1
Welsh Language Commissioner								
Information Commissioner			1					1
Provider								
<b>Total</b>	<b>112</b>	<b>3</b>	<b>36</b>	<b>11</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>168</b>

### 3.3 Expressions of Gratitude and Greetings

Adults	Provider	Children and Families	Business	Housing	External Provider	Cross-service	Total
49	154	17	4	0	1	0	225

#### Examples

*"I have been involved in private 'child arrangement' proceedings, I attended Court with the family despite not being ordered to attend by the Court. Both the solicitors and guardian thanked me for my attendance stating that my presence had been most helpful and appreciated my time. The Judge on the day made a point speaking to me once the court room was clear, he said he was grateful for my attendance in Court and that the department had been very helpful in this case."*

*"A huge thank-you to you for all your assistance to us as a family and of course to XX. Thank you for opening our eyes to different/new possibilities for XX. Over the last two years, XX has grown into a confident girl who enjoys life! Thank-you for your part in this... The word 'thank-you' doesn't really convey our gratitude ... I've just read XX's side of the card (this thank-you card) and it brings a smile to my face! Thank-you!!" (A thank-you message to a Social Worker from the parents of the Derwen Service user)*

*"Just a short note to say thank-you for your assistance over the years! You're a star! Thanks for changing my perspective of these big scary meeting and for making them fun for me! Finally and most importantly! Thanks for the chats we've had over the years ... and there've been many of them, thanks again." (A thank-you message from a Derwen Service service user – written on the same card as the above thank-you message from the parents)*

*"It was thanks to you and your team that Mum was able to lead her life independently at home for as long as she did - and all done with the best of humour and care. You were always responsive to any requests we made and always ensured a very high quality of care delivery through the excellent services of your team" (Internal Provider)*

*"Thanks for everything that social services have done for mum" Adults Service*

#### 4. Other matters and Action for 2015-16

- a. In response to the trends that have emerged, it will need to be ensured that the Management Teams take ownership of the matters and respond by introducing changes which will improve services and experiences for users.
- b. Ensure that lessons from complaints feed into the Departmental quality assurance procedure, as part of the work of monitoring the quality of services.
- c. Appointing an officer to the post of Adults Customer Care Officer – the post is empty since the current Officer's secondment to another post.
- d. Work is underway to develop an e-learning module for frontline staff in order to continue to raise awareness of the procedure and their responsibilities.
- e. Training sessions for Managers on the complaints procedure will be held in October, specifically their role and responsibilities, tips on how to investigate a complaint, resolving complaints, learning lessons and improving services.
- f. Two days of work with CDC Respond have been arranged at the beginning of June in order to improve the electronic system of recording complaints and observations, managing and monitoring workload and creating reports.
- g. The Unit will continue to visit user groups and forums to raise awareness of the complaints procedure.
- h. A special complaints leaflet for children and young people is to be launched. It is being developed jointly with a group of users.
- i. Strengthen the relationship with the Corporate Service Improvement Officer ensuring consistency in arrangements (where possible) and sharing good practice.
- j. Developing a protocol to respond to Complaints jointly with the Health Board (regional work).

- k. Continue to contribute to the North Wales Social Services Complaints Officers' Group and hold a recruitment day for independent investigators in order to attract more Welsh-speakers.
- l. Collaborate with the Adults, Health and Well-being Department to establish an Appeals Panel where there is disagreement regarding paying for care, changes to a care package or services being refused. This would prevent 'appeal' matters from having to go through the complaints procedure.