

ISLE OF ANGLESEY COUNTY COUNCIL

REPORT TO :	Partnership and Regeneration Scrutiny Committee
DATE:	27 November 2014
SUBJECT :	Annual Report – ‘Listening and Learning from Complaints’
PORTFOLIO HOLDER(S):	Kenneth P. Hughes
REPORT AUTHOR: Tel: E-mail:	Sophie Shanahan / Gareth Llwyd 01248 752717 / 01248 752708 slsss@anglesey.gov.uk / gllss@anglesey.gov.uk

1.0 RECOMMENDATIONS

R1- To note the nature of the complaints received during 2013/14 regarding the services provided by the Social Services Department.

R2- To note the performance of the Social Services Department in implementing the Representations and Complaints Procedure and dealing with complaints.

R3- To note the Action Plan for developing the arrangements for dealing effectively with representations and complaints received from service users and their representatives.

2.0 REASONS

2.1 Social Services operate a statutory Representations and Complaints Procedure in Wales. Until August 2014, this was in accordance with the ‘Listening and Learning’ regulations and guidance issued by the Welsh Assembly Government in 2006 (from 01/08/2014, these have been superseded by new regulations and guidance from Welsh Government, ‘Making things better’). There is an obligation to produce an Annual Report on the operation of the Representations and Complaints Procedure and present it to the Local Authority Social Services Committee for scrutiny and to monitor the arrangements for dealing effectively with complaints received from service users and their representatives.

2.2 It is considered vital that a record is kept of comments and complaints in order for the Social Services Department to learn lessons from them, as part of improving service delivery. It is considered good practice to share the annual complaints report with council members to ensure transparency.

Author: Sophie Shanahan
Job Title: Interim Customer Care Development and Complaints Officer, Social Services Department
Date: 14.10.2014

APPENDIX 1- Annual Report: 'Listening and Learning from Complaints'

APPENDIX 2- Action Plan 2014/15

APPENDIX 3- Briefing Paper: 'Making Things Better' - New Social Services Complaints Process

Annual Report 2013/14: 'Listening and Learning from Complaints'

1. Introduction

- 1.1 This report refers to the way the Social Services Representations and Complaints Procedure was implemented within the Adults' and Children's Services during the period from April 2013 until the end of March 2014.
- 1.2 The Complaints & Customer Care Officer located within Community Support Services of the Community Department was responsible for the Representations and Complaints Procedure during this reporting period. In order to manage the Complaints Procedure, the Complaints Officer is accountable to the Director of Community and is managed and supervised on a daily basis by the Business Support Unit Manager.

2. Positive and Negative Comments

2.1 Positive Comments

- 2.1.1 A total of 34 positive comments from service users were recorded during the year, which is lower than the previous year's total of 44. It is possible that this has been due to positive comments received not being forwarded for recording. Staff have recently been reminded of the importance of forwarding positive and negative comments to the Complaints Officer. 25 of the positive comments received in 2013/14 were from service users and their representatives; 9 were from professional sources. The 34 positive comments were categorised as follows:

POSITIVE COMMENTS			
Children's Services		Adults' Services	
LAC & After Care Team	2	Residential Care	5
Child Placement Team	3	Home Care	2
Family Intervention Team	2	Mon Community Transport	1
Duty Team	1	Mental Health Team	1
Children's Services – other	4	Learning Disabilities Team	1
		Canolfan Byron	2
		Client Finance	1

		Client Finance / Residential Care	1
		POVA	1
		Adults Team North	2
		Adults Team South	1
		Adult Services – other	4
	Total	12	Total
			22

2.1.2 Examples of positive comments received from service users are as follows:

“Her quick reaction and positive attitude helped in getting the necessary help required... myself and my family would like to say a massive thank you for the home carer’s service and support during this difficult time” – Home Care Service

“You have been a joy to work with and so open, honest and supportive to me, the school and to our young people” – Family Intervention Team

“He always had time to talk through my own worries and his advice has been invaluable during the most stressful of times” – Family Intervention Team

“The staff often go over and above their job role, as well as providing dignity in their care, compassion and taking time to socialise with the residents. They are a credit to social care, and their example could do with being emulated further afield’ – Residential Care

“The social worker was extremely helpful and accommodating – she listened to the numerous concerns we had, suggesting various solutions” – Adults North Team

2.2 Negative Comments

2.2.1 A total of 13 negative comments were recorded during the year, compared to 7 the previous year. The 13 negative comments were categorised as follows:

NEGATIVE COMMENTS			
Children’s Services		Adults’ Services	
Duty Team	5	Provider Unit	2
		Learning Disability	1
		Residential Care	1
		Adults North Team	1

		Canolfan Byron	1
		Management	2
	Total	5	Total
			8

3. Stage 1 Complaints – Local Resolution

- 3.1 Table 1a below summarises the number of complaints received over the last six years concerning the Adult and Children's Services under Stage 1, Stage 2 and Stage 3 of the Representations and Complaints Procedure. To put these figures into perspective, Table 1b shows statistics relating to services provided by Children's Services, and Table 1c shows statistics for the services provided by Adult Services in 2013-14.

Table 1a

Year	Stage 1 Adults	Stage 1 Children	Stage 1 Total	Stage 2 Adults	Stage 2 Children	Stage 2 Total	Stage 3 Adults	Stage 3 Children	Stage 3 Total
2008/09	45	13	58	2	0	2	1	0	1
2009/10	29	23	52	4	1	5	1	0	1
2010/11	37	20	57	1	2	3	0	0	0
2011/12	25	40	65	3	4	7	0	0	0
2012/13	32	24	56	2	4	6	2	3	5
2013/14	24	26	50	5	6	11	0	0	0

Table 1b

Children's Services	
No. of Children in Need on 31 March	224
No. of Looked After Children on 31 March	78
No. of children placed on the Register during the year	83
Contacts received during the year	3230
Of the above contacts, number which became Referrals	1464
Total number of Police Contacts/Referrals	1765
Initial Assessments completed	514
Core Assessments completed	110

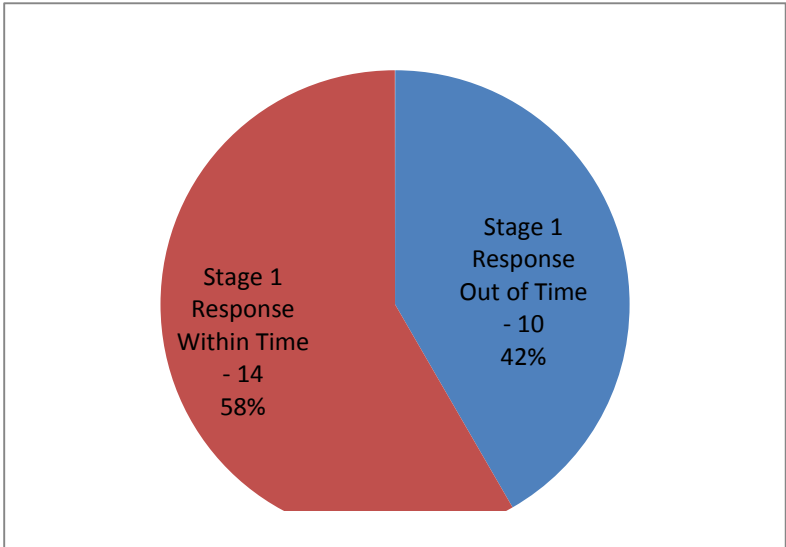
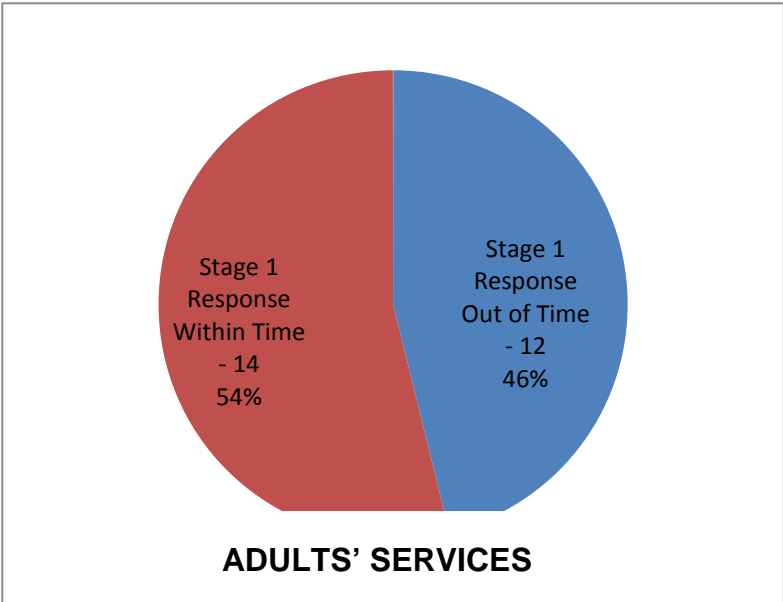
Table 1c

Adult Services	
No of adults receiving a service on 31 March	1,609
New care plans completed (Both Domiciliary and Residential Care)	739
New carers' assessments undertaken	403
People provided with a Direct Payment	44
People provided with residential/nursing home care	690
Reviews undertaken	941
People provided with assistive technology	469
People provided with equipment to assist with activities of daily living	579
People provided with equipment to assist with major or minor housing adaptations	125
People provided with a re-ablement service	438

3.2.1 Table 1a shows that the number of complaints recorded under Stage 1 of the Procedure has decreased slightly compared with the previous year, however the number of complaints escalated to Stage 2 of the Procedure has increased. We continue to put emphasis on improving our arrangements for recording comments and complaints under Stage 1 of the Guidance and every attempt is made to deal with complaints and respond to them earlier in order to resolve problems and avoid escalating concerns. For instance, meetings are offered to complainants who are unhappy with the Stage 1 responses they receive in order to attempt to resolve issues without escalation to Stage 2.

3.2.2 The Pie Charts below illustrate the performance in relation to responding to Stage 1 Complaints within the statutory timescale of 10 working days:

CHILDREN’S SERVICES



3.2.3 The above figures show that a significant number of complaints did not receive a response within the statutory timescale of 10 working days; the proportion of

complaints receiving responses outside the timescale has increased for Children's Services compared to in 2012/13, but has decreased for Adult Services (53% out of time for Adult Services and 33% out of time for Children's Services in 2012/13). Managers will need to place greater emphasis on prioritising complaints in order to improve performance in this area. However, it is acknowledged that factors such as staffing and the scope of investigation required can sometimes impact on the ability to complete a response within the timescale.

- 3.2.4 Table 2 illustrates a 4 year comparison of the service areas where comments and complaints were received under Stage 1 of the Guidelines in Children and Adults' Services.

Table 2

4 YEAR COMPARISON												
SERVICE	Positive Comments	Stage 1 Complaints and Negative Comments	Total	Positive Comments	Stage 1 Complaints and Negative Comments	Total	Positive Comments	Stage 1 Complaints and Negative Comments	Total	Positive Comments	Stage 1 Complaints and Negative Comments	Total
	2013/14	2013/14	2013/14	2012/13	2012/13	2012/13	2011/12	2011/12	2011/12	2010/11	2010/11	2010/11
Children	12	31	43	7	25	32	10	41	50	6	21	27
Older People	4	3	7	5	13	18	3	7	15	1	20	21
Physical Disabilities	0	3	3	3	6	9	4	6	6	5	4	9
Learning Disabilities	1	2	3	0	3	3	0	2	2	3	4	7
Mental Health	1	0	1	0	1	1	0	1	1	2	3	5
Community Support Services	11	21	32	27	13	40	30	13	42	78	32	110
Hospital Social Work Service	0	0	0	0	1	1	0	0	0	3	2	2
Management & Administration	5	3	7	2	1	3	1	2	4	2	0	2
TOTALS	34	63	97	44	63	107	48	72	120	100	86	186

3.3 An analysis of the nature of the Stage 1 complaints in the Children's Services shows that complaints were mainly concerning:

- Inadequate communication with families receiving a service;
- Insufficient intra-agency communication;
- Dissatisfaction in relation to incorrect information being recorded;
- Dissatisfaction with the actions or attitude of Social Work staff, including perceived bias;
- Delay in providing service users or their parents with information requested under Section 7 of the Data Protection Act 1998.

3.4 Within Adult Services, the Stage 1 complaints were mainly concerning:

- Lack of effective communication in responding to messages and reporting back to service users and/or relatives/carers;
- Dissatisfaction in relation to the cessation or reduction of services;
- Dissatisfaction with the actions of Home Care staff;
- Dissatisfaction with service users being placed in accommodation perceived as inappropriate.

4. Formal Complaints (Stage 2) Overview

4.1.1 During the year, emphasis was placed on trying to resolve problems as soon as possible. Managers were encouraged to investigate thoroughly and present responses to the complainant within 10 working days in order to resolve issues at an early stage. This helps to avoid escalation to Stage 2 of the Procedure, which requires an investigation by an Independent Investigating Officer. Meetings were offered to various complainants to attempt to resolve issues.

4.1.2 During the year, a total of 11 complaints were registered under Stage 2, which is an increase compared to 6 during the previous year. Although every effort is made to resolve complaints at Stage 1, there are occasions where this cannot be achieved, especially with the more complex cases or where the complainant has insisted on going forward to Stage 2. It is also important to remember that complainants have the right to bypass Stage 1 and request formal consideration under Stage 2 should they so wish. 6 of the complaints investigated under Stage 2 had been dealt with under Stage 1. The other complaints went straight to Stage 2, either because the complainant requested to go straight to Stage 2 or because of the seriousness of the complaint, though in most cases other correspondence had already taken place. Escalating a complaint to Stage 2 is often a positive move both for the complainant and the Council.

4.1.3 None of the Stage 2 complaints investigated during the year was concluded within the statutory 25 working day timescale. The longest time taken to complete the process was 77 working days from when the Stage 2 complaint letter was received (or 56 working days from when the complainant signed off

the confirmed list of complaints with the Independent Investigating Officer) and the least time was 35 working days (or 28 from when the list of complaints was signed off). This reflects the fact that many of the Stage 2 complaints received during 2013/14 were complex, involving multiple points of complaint, necessitating interviews with numerous staff. In certain cases, delays were also caused by the need to seek legal advice before releasing the Independent Investigating Officer's report to the complainant, or by the availability of investigators, particularly over the summer months.

4.2 Children and Families Services

4.2.1 During 2013/14, six complaints to Children's Services were registered under Stage 2 of the Procedure. Investigations by Independent Investigating Officers were arranged with an Independent Person supervising the fairness and equity of the inquiry, except in one case where the complaint concerned Service actions taken in relation to an adult, rather than children.

4.2.2 These are the lessons learnt from these complaints:

- Improve efforts to inform family regarding details of investigation processes
- Exemptions under the Data Protection Act to be recognised and communicated to the requestor
- Clients to be informed of changes to meeting agenda topics
- Service users or their carers/parents to be informed of protocols if they are excluded from participating in meetings, but not necessarily the reasons governing the decision
- Meeting minutes should be provided within a reasonable timescale
- Regular contact to be maintained when there are concerns about the wellbeing of a child
- Circumstances under which a risk assessment is completed to be made clear in Procedures
- Reasons for not sending copies of Initial Assessments to parents should be clear, explicit and recorded
- Chronologies of Significant Events should be created in cases of long term involvement
- Co-ordination and co-working by the Mental Health Service, Children Service and CAMHS to be improved
- Transition pathway between services to be developed
- Communication with and support for parents to be improved
- Clarity of responsibility required in cases involving different agencies
- Performance management framework and systems need to ensure assessments are completed within timescale
- Ensure deregistration process is clearly explained to foster carers
- More resources needed to respond to Subject Access Requests under the Data Protection Act within timescale
- Discuss and agree contact arrangements with those affected
- Continue to allocate advocates to all LAC children who consent to receive such support

- Specialist support and counselling for children requiring it to be addressed by assessment and Care Plans, and provided

4.3 Adults' Services

4.3.1 During 2013/14, five complaints were received under Stage 2 of the Procedure.

4.3.2 These are the lessons learnt from these complaints:

- Continue to do everything possible to prevent undue delays regarding decisions about financial assistance
- Continue to promote co-ordination of service responses by BCUHB and IOACC to facilitate effective and timely discharge
- Protocol in relation to sharing key information about risks associated with service users with relevant staff to be reviewed

5. Independent Review Panel – Stage 3

During 2013/14, no requests were made to hold independent reviews by the Independent Complaints Secretariat.

6. Public Services Ombudsman for Wales

6.1 One new case was presented to the Ombudsman during the year to conduct an inquiry into a case of maladministration by Social Services. This complaint was in relation to a complaint that had already been investigated under Stage 2 of the Complaints Procedure. The Ombudsman decided not to investigate this complaint on the basis that some of the concerns dated back further than a year, and that all recent concerns had been addressed under Stage 2 of the Social Services Complaints Procedure and a further investigation would not achieve anything. The Ombudsman also concluded that the Action Plan provided evidence that the Authority continued to action the improvement recommendations made at Stage 2.

6.2 A decision was reached on one case which was presented to the Ombudsman in 2012/13. The Ombudsman decided not to investigate this complaint, which had been investigated under Stage 1 of the Complaints Procedure, because the complainant had not taken advantage of opportunities to present sufficient reasons for disagreeing with documents and decisions, and had not given Social Services sufficient opportunity to respond to the complaint.

7. Welsh Government Consultation – “Making Things Better”

Consideration and discussion of the Welsh Government consultation “Making Things Better” took place through AWCOG (All Wales Complaints Officers’

Group) and NASH (North Wales Heads of Adult Services). The consultation document 'A Guide to Handling Complaints and Representations in Local Authority Social Services' was issued by Welsh Government in November 2013. The main changes in the new guidance, due to be implemented from August 2014, are the abolition of the Stage 3 Independent Review Panels, and an emphasis on offering to meet with complainants as part of Stage 1 of the complaints process. Please see Appendix 3 of this report for a summary of the new procedure.

**Sophie Shanahan,
Interim Customer Care Development and Complaints Officer**

**Gareth Llwyd,
Business Support Unit Manager.** **Date: May 2014**

N.B. This is a short version of the full report.

Action Plan 2014/15

Area	Action	Steps by Whom	By when
1. Strengthen the operation of the Representations and Complaints Procedure	i) We need to continuously ensure that all Departmental staff – within all services follow the Guidance and record positive and negative comments and complaints so that the Complaints Officer can keep accurate statistics.	Heads of Service and Team Managers	Ongoing
2. Deal with complaints in an effective and timely manner under Stage 1 and Stage 2 of the Procedure	i) Conduct a thorough investigation of complaints at Stage 1 of the Procedure to ensure a comprehensive response in an effort to allay dissatisfaction and avoid escalation to Stage 2	Heads of Service / Service Managers	Ongoing
	ii) Ensure timely responses to complaints within the set timescale of 10 working days under Stage 1 of the Procedure. (This timescale will change to 10 working days to meet with the complainant and 15 working days for the written response when the new guidelines are	Heads of Service / Service Managers	Ongoing

	<p>implemented.)</p> <p>iii) Ensure timely responses to complaints within the set timescale of 25 working days under Stage 2 of the Procedure.</p>	Designated Complaints Officer	
3. Learn lessons from investigations into complaints	Form action plans in response to recommendations in investigation reports into complaints	Heads of Service / Service Managers	Within 20 working days of providing the complainant with a formal written response and a copy of the investigation report.
4. Provide information regarding the operation of the Representations and Complaints Procedure	i) Ensure that the information booklet on the Complaints Procedure is circulated widely to every child in need who receives a service from the Department	Team Leaders	Ongoing
	ii) Distribute complaint leaflets to every user / carer who receives an assessment of needs and support services from the Department.	Team Leaders	Ongoing
	iii) Ensure that Service Managers and Team Managers are fully aware of the new Social Services Complaints and Representations Procedure, due to be implemented from August 2014.	Designated Complaints Officer	July 2014
5. Provide training on the operation of the Representations and Complaints Procedure	Provide annual training sessions on the effective handling of complaints and the use of mediation skills.	Workforce Development Unit	October 2014

Briefing Paper: 'Making Things Better' - New Social Services Complaints Process

Context

The post consultation draft 'A guide to handling complaints and representations by local authority social services' was issued on the 14th May 2014. The implementation date for the new Regulations and guidance is the **1st August 2014**.

The new guidance replaces 'Listening and Learning' and supports the implementation of the Social Services Complaints Procedure (Wales) Regulations 2014 and Representations Procedure (Wales) Regulations 2014.

It brings the process for social services in line with the Model Concerns and Complaints Policy and Guidance and the NHS Complaints Procedure Putting Things Right.

Main Changes from 1st August 2014:

Issues	Listening and Learning (April 2006)	Making things better (01/08/14)
1. Complaint definition	<p>No exact definition, but states a complaint may arise due:-</p> <ul style="list-style-type: none"> - refusal of a service, - quantity, frequency, cost of service, - disputed decision, quality of service, - service delay, - delivery/Non-delivery of service, - case handling, - staff attitude and behaviour, - application of assessment and eligibility criteria. 	<p>Covers all complaints to a LA. A complaint is:-</p> <ul style="list-style-type: none"> - An expression of dissatisfaction or concern - Written, spoken, or made by any other communication method, - Made by one or more members of public, - About a public service provider's action or lack of action, - Or about service standard. <p>A complaint is not:-</p> <ul style="list-style-type: none"> - Initial request for service, - appeal against a proper

		<p>decision,</p> <ul style="list-style-type: none"> - seeking to change a legislation or policy 'properly made', - Lobbying to promote a cause.
2. Time limit on complaint	No Timescale limit	One year to make a complaint from date of incident.
3. Who can complain?	Outlines clearly for children and adults services eligibility to complain.	<ul style="list-style-type: none"> -Persons SSD have a statutory duty to provide services, -a person who LA has failed to provide services for, a representative of a child receiving a service
4. Concurrent investigations	<p>Must consider whether complaint would prejudice proceedings- legal or disciplinary proceedings, Police or Care Council investigation, civil proceedings and also includes inter-agency meeting around CP and POVA matters.</p> <p>Much more explicit discussion on children and adult safeguarding process within this guidance. And also discussion on multi LA complaints, health/SSD complaints, education and CSSIW regulated complaints.</p>	<p>Must consider whether complaint would prejudice proceedings- legal or disciplinary proceedings, Police or Care Council investigation and civil proceedings. Does not explicitly say that consideration needs to be given to CP or POVA matters.</p>
5. Key principles	15 key principles established	<p>Some are similar to L&L key principles. Focuses on:-</p> <p>Citizen centred service, focus on complaints and not the process, easy access, treated with dignity & respect, well trained complaints staff, provision of complaints leaflet at initial contact, focus much more on Welsh language and 'More than words', overarching principle to safeguard and promote welfare of complainant.</p>

		<p>Guidance on how to create and accessible and simple process, fair and impartial, timely, effective and consistent, accountable and delivers continuous improvement.</p> <p>Section 39 explicitly outlines the role of the Director of SSD as:-</p> <ul style="list-style-type: none"> -taking ownership of the complaint process, - Regularly reviews and scrutinises its effectiveness, - receives regular complaint monitoring reports, -Lessons learnt from complaints, - regular reports to Cabinet, -Annual complaint report.
6. Roles	<p>Requires a senior officer with overall responsibility. Outlines key responsibilities.</p> <p>Role of Complaints Officer outlined.</p>	<p>Requires a senior officer with overall responsibility. Very minor changes to L&L.</p> <p>Complaints Officer-role the same as L&L.</p> <p>Outlines the role of Independent Investigating Officer and Impendent Person- this is new and much more stringent as role has to be independent. This has been the practice historically in Gwynedd and Ynys Mon.</p>
7. Local Resolution stage	<p>Discusses local resolution rather than 'informal' resolution. Offers guidance on approaches to stage 1 e.g. action, apology, mediation etc</p> <p>Timescale: 10 working days, with possibility to extend a further 10 working days with complainant agreement.</p>	<p>Main change is that service must offer to discuss complaint with complainant.</p> <p>If complaint resolved, must then write to complainant with terms of resolution with 5 working days.</p> <p>Ensure advice and training for staff.</p> <p>Timescale- Must acknowledge receipt within 2 working days. 10 working days, extension only in 'exceptional' circumstances and in agreement with</p>

		complainant.
8. Stage 2	<p>Independent Investigation. Investigator can be internal as long as not part of the line management of the service in question.</p> <p>Timescale – 25 days from when the complainant indicates they want to make a complaint</p>	<p>Similar but with the requirement for the Investigator to be external. Idea of reciprocal arrangement with other Councils.</p> <p>Timescale – similar but start date can be agreed – similar to present common practice as current timescale is impossible. All instances of delay due to exceptional circumstances must be agreed by the Director.</p>
9. Stage 3	Independent Stage 3 Panel	No panel. Ombudsman.