

NAME OF SCRUTINY COMMITTEE	Services Scrutiny Committee
DATE OF MEETING	27 September,2016
TITLE OF ITEM	Annual Report on the handling of complaints by Adult, Health and Well-being Department and the Children and Family Support Department for 2015-2016
PURPOSE	To present an overview of the complaints received during 2015-2016
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1. Introduction

- 1.1 In accordance with the Social Services Complaints Procedure (Wales) Regulations 2014 and the Representation Procedure (Wales) Regulations 2014 which came to force on the 1 August ,2014 it is a requirement on the Director of Social Services to produce an annual report on the performance of the handling and investigation of complaints within the service. The report is produced by the Customer Care Officers on behalf of the Director of Social Services.
- 1.2 The purpose of this report is to provide information on the numbers and reasons for the complaints received during the year and to include their resolution by the two Departments – Adult, Health and Well-being Department and the Children and Family Support Department. Also it includes a summary of the lessons learned and actions taken in relation to the complaints it received.

2. Context

- 2.1 Throughout the year all complaints are handled by the Customer Care Officers within the Customer Care and Information Unit.

3. Access to the Complaints Procedure

- 3.1 When a person contacts the Customer Care Officer they invariably have an issue concerning the Departments' service and usually the making of a complaint is their last resort. Therefore the team's focus is on ensuring easy access to the Complaints Procedure so that they are aware of their right to be heard. To this end information regarding the complaint process is well publicised and accessible in a variety of formats e.g. leaflets, online and Easy Read. All information is available in Welsh and English so that the complainant can choose their preferred language. Other arrangements such as braille or other languages can be provided. Advocacy or other support is available to the complainant in their preferred language to assist during the progress through the Complaints Procedure. Information leaflets are continually being revised and updated by the Customer Care and Information Unit.

Language of choice by Complainant to make an enquiry/complaint during 2015-2016			
	Welsh	English	Total Complaint
Enquiries and Informal Complaint	53	94	147
Stage 1	22	27	49
Stage 2	0	0	0
Ombudsman	0	1	1
Corporate Complaint	4	2	6

4. Matters recorded as Enquiries

- 4.1 The aim is to respond to each complaint with fairness, impartiality and respect so that the individual has confidence that their complaint will be dealt with professionally and also in a positive rather than a negative manner. Matters are often dealt with as enquiries or informal complaints when the individual chooses not to follow a Complaints Procedure. An example of this would be a letter from a Member of Parliament or local Councillor who wishes to express dissatisfaction or needs a specific answer to a question.
- 4.2 By responding positively at this early stage of a complaint/enquiry some issues can be resolved effectively without implementing the Complaints Procedure since there is an option to clear up any misunderstanding or respond to enquiries. This is clearly the best outcome for all involved.

TABLE 1. Enquiries and Informal Complaints received 2015-2016								
	<i>Adults</i>	<i>Provider</i>	<i>Children and Families</i>	<i>Business</i>	<i>Housing</i>	<i>External Provider</i>	<i>Cross-service</i>	Total
<i>Solicitors</i>	6		5	2			1	14
<i>Ombudsman</i>			1					1
<i>Local members</i>	7	1		1				9
<i>Members of Parliament or Assembly Members</i>	12	2	7	2	1	1		25
<i>Users</i>	7		3			1		11
<i>Relative</i>	26	8	19	4		1		58
<i>The Public</i>	9	1	5	1		2	1	19
<i>Foster Carer</i>			1					
<i>Other Agent</i>	7							7
<i>Disabled Parking Spaces Applicants</i>	1							1
<i>Other counties</i>								
<i>Social Worker</i>								
<i>Older People's Commissioner</i>								
<i>Welsh Language</i>								

<i>Commissioner</i>								
<i>Information Commissioner</i>								
<i>Provider</i>								
Total	76	12	41	10	1	5	2	147

5. Stage 1 – Social Services Statutory Complaints Procedure – Local Resolution

- 5.1 Every effort is made to resolve the complaint to the satisfaction of the complainant and the Service. Obviously a resolution is the best outcome for all involved and this can be achieved by investing time and effort at an early stage. However if the complainant makes the decision to make a formal complaint then the usual approach is to arrange a telephone or face-to-face contact with the complainant or with a representative of the complainant in an attempt to resolve the matter. Over the years, the Customer Care Officers have successfully managed to establish close working links with the teams, managers and the legal section as a means of discussing and resolving issues and this is reflected in the low number of complaints reaching Stage 2 of the Complaints Procedure.

6. Stage 2 – Social Services Statutory Complaints Procedure – Formal Investigation

- 6.1 By successfully following the ethos of focusing on early and local resolution and on tackling issues quickly and effectively it has reduced the need to reach Stage 2 – formal investigation of the Complaints Procedure in order to resolve issues. It is understood that Gwynedd is in the forefront in this regard across North Wales and this reflects the dedication of the Customer Care Officers in this matter.

7. Complaint referred to the Public Services Ombudsman

- 7.1 If a complaint is not resolved at Stage 2 then the complainant has the right to complain to the Public Services Ombudsman for Wales or the Welsh Language Commissioner or the Equality and Human Rights Commission depending on the nature of the complaint.
- 7.2 There were 2 Ombudsman enquiries during the year. The first enquiry was received during the second quarter of the year for the Children and Family Support Department. The Ombudsman had discussions with several relevant Managers within the Department over the phone; following this he decided that he would not be investigating the complaint. The second enquiry related to the Adults, Health and Wellbeing Department. Following the provision to the Ombudsman of further evidence surrounding the complaint, the Ombudsman has decided to investigate certain elements of the complaint. The result of the Ombudsman's investigation has not yet been received.

TABLE 2 Social Services Statutory Complaints Procedure 2015-2016								
	<i>Adults</i>	<i>Provider</i>	<i>Children and Families</i>	<i>Business</i>	<i>Housing</i>	<i>External Provider</i>	<i>Cross-service</i>	Total
<i>Stage 1</i>	18	9	14	4		1	3	49
<i>Stage 2</i>								
<i>Ombudsman</i>	1							1
Total	19	9	14	4		1	3	50

8. Adherence to the Statutory Complaints Procedure Response Time-scale

- 8.1 The Local Authority is obliged to provide information on its performance in the handling and investigation of complaints within the timetable stated in the Regulations and Guidance.

TABLE 3 Social Services Statutory Complaints Procedure Response Performance 2015-2016						
Stage 1						
<i>Complaints received within 12 months of the incident</i>	<i>Complaints received 12 months after the incident</i>	<i>Acknowledged within 2 days</i>	<i>Discussion to reach resolution within 10 days</i>	<i>Informed of Resolution within 5 days</i>	<i>Respond time is extended</i>	<i>Average days extended</i>
49	0	49	38	42	11	10
Stage 2						
<i>No. acknowledged in 5 days</i>	<i>No. Response received in 25 working days</i>		<i>No. delayed in exceptional circumstances</i>			<i>No. Completed within 6 months</i>
0	0		0			0

9. Gwynedd Council Complaints Procedure

- 9.1 Complaints regarding matters that are outside the remit of the Social Services Complaints Procedure are dealt with under the Gwynedd Corporate Complaints Policy. These complaints will involve other duties of the Departments e.g. Housing. Not all the complaints will be directed to the Customer Care Officers as some might be addressed directly to the service.
- 9.2 Examples of general complaints are:- a neighbour complaining about the way a care provider parked their car; a member of the public complaining about the Housing Service's decision that they were ineligible for social housing; a private home owner asking for advice on central heating and boiler repairs.

TABLE 4 Corporate Complaints Procedure - Complaint received 2015-2016								
	<i>Adults</i>	<i>Provider</i>	<i>Children and Families</i>	<i>Business</i>	<i>Housing</i>	<i>External Provider</i>	<i>Cross-service</i>	Total
<i>Stage 1</i>	2		1	2	1			6
<i>Stage 2</i>								
<i>Ombudsman</i>								
Total	2		1	2	1			6

10. Learning Lessons and Trends Identified - see Appendix 1

- 10.1 A quarterly report to present the complaints performance is presented to the Management Team of the Adult, Health and Well-being Department and the Head of Children and Family Support Department. This presents an opportunity to analyse each complaint and to discuss and learn from them so as to improve the service they offer.
- 10.2 Both Management Teams include the lessons learnt in their revised work plans and any training needs are identified.
- 10.3 **Complaints Trends - Children and Supporting Families Department**
- 10.3A **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 contacted by letter, not happy that his daughter had received a Social Worker visit without his consent. He also noted that the Service had labelled him in a letter as a dangerous person to his daughter. The father wanted this information changed and deleted immediately. The Service responded explaining the situation fully to the father, that they did have the right to visit his daughter without his knowledge if needed to be able to make an unbiased assessment. The Service also checked the system and could not find any information recorded that the father was a dangerous person to his daughter. Following this full explanation the father was happy and understood the reasons behind the visit. The complaint was closed.
- 10.3b **Complainants** – During this year we have received numerous complaints from the same individuals. The individuals in questions will receive a response and will return within a couple of weeks with a slightly different issue they would like to be addressed. They will also contact through different channels, for example

Solicitor or the Local Member of Parliament.

Example – A parent has been in contact herself regarding the hours of support work her son receives. As she is unhappy with the response, she contacted her Solicitor and her Local MP. In this case, as the Service had only recently received Access to the child in question they had not been able to produce a comprehensive assessment of needs and therefore the hours agreed during the summer period was based on the information provided by the parent directly. The Service are in the process of working with the family to complete a comprehensive assessment of the child's needs in order to ascertain the amount of support needed. This has been closed as a complaint, and is now an operational matter being monitored by Senior Managers.

10.3c **Service Provision** – During the year we have received quite a few complaints regarding Service Provision. Parents unhappy that they are not receiving any support from the Department.

Example – Parent complaining that they are not receiving any support from the Department, the parent had a meeting with the Service Manager and the Clinical Psychologist to discuss the complaint. Unfortunately in this case the child did not reach the criteria for Service, and the complaint is closed. Another example is a father complaining that the Service had not provided his daughter with a suitable placement. The parent in question had a meeting with the Senior Operational Manager – Resources, the Social Worker and a representative from the Education Department. During this meeting, the parent was able to discuss all his concerns and the Service was able to provide him with face to face response. It had been difficult to identify a suitable foster placement who could meet his daughter's needs fully. During the meeting the Service was able to inform the father that a suitable placement had been identified. Following the meeting, the parent was happy with the conclusion and the complaint was closed.

10.4 **Complaints Trends - Adults, Health and Well-being Department**

10.4a **Lack of Home Care provision in the South Meirionnydd area** – During the year, especially in quarters 1 to 3, we received several complaints and enquiries from Service Users, Relatives and Local Members/Members of Parliament about the difficulties experienced by some service users in obtaining Home Care provision in the South Meirionnydd area. The Tywyn area was especially problematic and included reported difficulties with delayed discharge of patients from Tywyn Hospital due to lack of available Home Care.

Example – At the end of quarter 3, the enquiries and complaints received about this issue were escalated to the Senior Business Manager during a meeting of the Senior Management Team. Since the end of quarter 3, we have had no further complaints or enquiries about this issue.

10.4b **Communication and Engagement issues within the Department** – Several enquiries and complaints were received by families of service users and the

Local Member of Parliament who attend the Manton Workshop. They complained about the way that the decision to cease using the current premises was communicated to them and about a lack of consultation with the Service Users and their families. Several complaints were also received in connection with changes implemented to individual care packages assessed by the Learning Disability Team, and about poor communication in explaining how these decisions had been arrived at. The complaints were mainly concerned with reductions in the weekly hours provided to individual service users and the way that these changes had been assessed. A major review, and subsequent implementation, of the way that the Department consults stakeholders about major changes in service provision commenced and is currently ongoing.

- 10.4c **Concerns about care in Care Homes being run by the Provider Unit –** Several concerns and complaints were received, from mainly relatives of Service Users, about the some aspects of care provided in establishments under the management of the Provider Unit. The number of complaints in this area increased during 2015/16, with 9 complaints received compared to 4 during 2014/15.

Example – A relative complained that a Service User had not been given her correct medication whilst receiving respite care at a Council-run care home. This was not noticed until the Service User had returned home and the relative had checked her medication. An internal investigation of the incident by Senior Managers commenced immediately. This resulted in procedures for the recording and administering medication at the home to be reviewed and the staff involved were warned as to their future conduct. The relative received a written reply to their complaint, which included a full apology and explanation of the circumstances surrounding the incident. The letter also included details of the investigation that followed, and reassured the complainant that steps have been taken to reduce the probability of such an incident happening again.

11. Training and Awareness for Staff

- 11.1 An important part of Customer Care duty is to provide training for staff regarding the Complaints Procedure so that staff are fully aware of the procedure and are confident of their role within it. To ensure that training reaches all staff the training delivery will move away from the traditional workshop session to a e-Learning Module. This should improve accessibility and reduce the associated costs of holding traditional sessions. Hopefully this will be introduced during the summer months.

12. Other duties

- 12.1 The Customer Care and Information Unit not only deals with complaints and enquiries but also with requests for information in response to the Freedom of Information Act 2000 and the Data Protection Act 1998. These requests can be from the Police, Solicitors, Local Authorities as well as from individuals. In

accordance with these Acts there are definite timetables to adhere to. In many cases the circumstances of these requests involve information regarding children's work which is very time consuming. The decision on what information is appropriate for release is skilful work and at times emotionally challenging. The Unit's role in dealing with requests for information, as outlined above, involves staff being required to spend large amounts of time on some of the more complex requests that we receive. This means that significant numbers of staff hours are used to ensure that the requests for information are answered within time.

TABLE 5. Application for information during 2015-2016	
Freedom of Information Act 200 Request	184
Data Protection Act 1998 Request	171

13. Expressions of Gratitude - see Appendix 2

- 13.1 It is also important to acknowledge and record the expressions of gratitude that have been received from our service users and their families.

TABLE 6. Expressions of Gratitude during 2015-2016							
<i>Adults</i>	<i>Provider</i>	<i>Children and Families</i>	<i>Business</i>	<i>Housing</i>	<i>External Provider</i>	<i>Cross-service</i>	Total
25	46	94	2	0	1	0	168

14. Work Plan for 2016-2017

- 14.1 Create and introduce an introductory course on the Complaints Procedure for all level of staff by using the e-Learning Module whilst continuing to offer training by conventional means to those that do not have access to IT. Liaise and update the private sector via the Joint Partnership Forum regarding this development.
- 14.2 Review all information leaflets and Policy to ensure compliance with the new Social Services and Well-being Act 2014 and More than Words Strategy and continue to develop Easy Read versions.
- 14.3 Develop a Facebook page for the Fostering Service and Foster Parents to improve communication.
- 14.4 Develop and improve the Social Services information on the Council's web site.
- 14.5 Develop the IT system RESPOND to improve the monitoring and implementation of lessons learnt following a complaint.

- 14.6 Continue to improve the Department's Newsletter to staff and start including updates on the Complaints Procedure, Data Protection and Freedom of Information.