

**Report of the Cabinet Member for  
Citizen, Community Engagement & Democracy**

**Corporate Briefing – 2 September 2014**

**ADULT AND DIRECTORATE SERVICES COMPLAINTS  
ANNUAL REPORT 2013-2014**

<b>Purpose:</b>	To report on the operation of the Complaints Team in relation to Adult Social & Directorate Services for the period 1 April 2013 to 31 March 2014.
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<b>FOR INFORMATION</b>	

**1.0 Introduction**

- 1.1 The City and County of Swansea (CCS) Social Services Complaints Procedure seeks to empower service users or those eligible to speak on their behalf to express their opinions. This procedure has been produced in accordance with the Welsh Assembly Government's 2005 social services complaints guidance "Listening and Learning".
- 1.2 CCS Adult and Directorate Services are committed to ensuring that views are listened to, and that concerns are resolved quickly and efficiently. Information gleaned from this process is used to inform service development.
- 1.3 Early resolution of complaints is encouraged and the teams are proactive in endeavouring to resolve matters where possible. Lessons learnt from complaints are shared back to the relevant team and where appropriate to other teams.
- 1.4 Where information learned from complaints would apply to Adult Services, this information is shared with the Complaints Team to disseminate to Adult Services.

- 1.5 Where someone has been deemed 'not eligible' to utilise the social services complaint procedure in accordance with Listening and Learning, their complaints may be dealt with under the corporate complaint procedure to ensure that everyone is able to voice their concerns and that complaints are accessible to all.
- 1.6 Local authorities are required to produce an Annual Report by the following Regulations:
- § The Representations Procedure (Children)(Wales) Regulations 2005, Regulation 20
  - § The Social Services Complaints Procedure (Wales) Regulations 2005, regulation 30)
- 1.7 This process will help the authority keep itself informed about the operation of its complaints procedure and the report has been compiled in line with requirements outlined in the "Listening and Learning" guidance document.
- 1.8 Appendix 1 contains all tables referred to in this report.

## **2. Total Complaints received during the reporting period**

- 2.1 **Table 1** shows this year's total complaints received by the Complaint Team in respect of Adult Services with the previous two years' figures for comparison.
- 2.2 There has been an increase in the number of Stage 1 complaints received this year, with the overall number of complaints rising by 22%.
- 2.3 No anonymous complaints have been received this year.

## **3. Analysis of Stage 1 Complaints**

- 3.1. A detailed breakdown of the Stage 1 Complaints received by Service Area is shown in **Table 2**.
- 3.2 There has been a significant rise in the number of complaints in relation to the Health & Care Home Services, which have risen from 10 in 2012/13 to 48 complaints over the course of this year.
- 3.3 Conversely, complaints in relation to Disability Services have fallen from 28 in 2012/13 to 7 this year.
- 3.4 The reasons for complaints are shown in **Table 5**. As the subject of complaints is often complex, for reporting purposes they are categorised under general headings for ease of reference.

#### **4. Stage 2 Complaints**

- 4.1 The progression to Stage 2 of the complaints procedure usually means that we have not been able to resolve the issues to the complainant's satisfaction at stage 1.
- 4.2 The complaint regulations give an eligible complainant the statutory right to request Stage 2 of the process. Complainants are able to request that their complaint is dealt with directly at Stage 2 should they wish, and is not dependent on having been investigated at stage 1 or the outcome at stage 1.
- 4.3 An independent person is commissioned for a Stage 2 investigation. A formal report is produced which presents the facts and considers the feelings around the difficulties to suggest ways to move forward. Resolution and applying lessons learned is the prime objective of the complaints procedure.
- 4.4 **Table 3** provides a summary of the complaints handled at Stage 2 of the complaints process.
- 4.5 The Social Services Complaints Procedure has criteria for who can raise a complaint. Outside this criteria, complaints made which relate to social services are handled through the Authority's Corporate Complaints Procedure. No complaints were received in respect of Adult organisational issues this year.
- 4.6 The timeframe for Stage 2 of the complaints procedure is 25 working days, or within a reasonable time agreed with the complainant due to the complexity of a case or where enquiries could be extensive to provide a comprehensive review. This year all investigations were subject to extended periods of time.
- 4.7 In the absence of an alternative reporting platform, as the responsibility for co-ordinating this safeguarding function rest with the local authority, procedural Protection of Vulnerable Adults ("POVA") investigations are included within this report for information purposes.
- 4.11 On occasions a complaint may be a difference of opinion rather than evidence of an actual wrongdoing.
- 4.12 Whether the complaint is upheld or not, staff need to reinstate confidence in a good working relationship with the service user or their representatives, to move forward following the formal Stage 2 Process.
- 4.13 There have been 4 complaints taken to Stage 2 in this reporting period.
- 4.14 Summary of Stage 2 complaints**
- 4.15 Case 1: Health & Care Home Services: 4 out of 6 complainants upheld**
- 4.15.1 The husband of a service user complained that correct processes were not followed in relation to the financial assessment and residential care choice

procedures for his wife. He was also unhappy with the time that was taken to deal with his initial complaint.

4.15.2 The case highlighted a failure by the Authority to provide the complainant with a list of Residential Care Homes to consider, limiting his choice of accommodation for his wife.

4.15.3 Lessons from this complaint resulted in a new procedure being developed to ensure that persons placed in respite care cannot be placed with a view to permanency without access to choice.

#### **4.16 Case 2: Learning Disability Care Management: 0 out of 4 complaints upheld (1 impasse)**

4.16.1 A service user of a day services centre suffered a seizure whilst being transported from respite. Concerns were expressed by the service user's family that the level of care provided was below standard and medication was not properly administered.

4.16.2 One of the complaint issues could not be determined because there were conflicting accounts as to what had actually happened. In this case, without further evidence in support of either party, the outcome was recorded as an impasse.

4.16.3 As a result of the complaint, additional measures have been put in place to further safeguard the service user and others whilst being transported.

#### **4.17 Case 3: Learning Disability Care Management: Not pursued**

4.17.1 A complaint was received in relation to the care plan for a service user from family members, however this complaint was not pursued by the complainant.

#### **4.18 Case 4: Mental Health & Adult Protection: 2 out of 2 complaints upheld**

4.18.1 A service user complained about the lack of consultation regarding changes to service provision at Llanfair House, and a failure by the Authority to provide adequate respite services.

4.18.2 As a result of this complaint, the Authority has noted the need to revisit its consultation processes and make appropriate provision for respite care for the service user concerned.

### **5. Stage 3 Panel Reviews**

5.1 Within the formal complaints procedure, when dissatisfaction remains after Stage 2, or if the Authority has failed to respond to a complaint within three months of it being raised, the complainant may progress the issues for an independent panel hearing (Stage 3).

5.2 Stage 3 is part of the internal social services complaints procedure but is administered by an external body, the Independent Complaints Secretariat (ICS) for the Welsh Government (WG). The Panel consists of three people appointed from a pool of people retained by the ICS for this purpose, a layman, lay chairman and expert member.

5.3 There were no Stage 3 complaints this year.

## **6.0. Complaints made to the Public Services Ombudsman for Wales (PSOW)**

6.1 The remit of the Public Services Ombudsman for Wales is to identify whether a member of the public has suffered hardship or injustice through maladministration, or identify where services have fallen below a reasonable standard. There is an obligation for a report to be produced on any investigation the office accepts. The reports produced are defined under two separate headings. Section 16 (Public Interest) Reports, for which there is a requirement for the Authority to publish details and Section 21 Investigation Reports which do not need to be published. Further details of the role of the Ombudsman's office can be found at <http://www.ombudsman-wales.org.uk>

6.2 **Table 4** shows a breakdown by service area of complaints made to the PSOW. During this year, the Authority was notified of 2 complaints to the PSOW. This is a reduction from the 7 referrals to the Ombudsman last year.

### **6.4 Ombudsman Case 1: Mental Health & Adult Protection: Not Investigated**

6.4.1 The Ombudsman determined that the complaint, which related to safeguarding matters, fell outside the remit of the Social Services complaints procedure and directed the complainant to pursue their complaint through an alternative process.

### **6.5 Ombudsman Case 2: Health & Care Home Services: Not Investigated**

6.5.1 A number of complaints concerning both health matters and social care issues were referred by the Ombudsman's office to the NHS and the Authority respectively, as the complaints had not been through the internal complaints process of each public body.

## **7. Reasons for complaints and their outcome**

7.1 Further analysis of the reasons for complaints is shown in **Table 5**. Whilst service users have circumstances that are both unique and complex, complaints have been grouped under 'best fit' generic headings for reporting purposes.

7.2 Wherever possible, lessons are learned and improvements are made to service delivery when a complaint is upheld. The total number of complaints that were justified / partly justified this year (29 in total) has reduced on the equivalent figures for 2012/13 (34 in total).

## **8. Advocacy**

- 8.1 Advocacy services exist to represent service recipient's views and feelings when dealing with organisations. Social Services engage in statutory arrangements to ensure the welfare of clients with mental health and learning disability needs where capacity is compromised and provide signposting to other organisations providing such services for all clients.
- 8.2 The Complaints Officer will work with groups and organisations providing advocacy services, to address issues and promote the provision of assistance to service-users through the complaints process. Effective engagement with advocacy services empowers more individuals and groups to make use of the complaints process at the earliest opportunity.

## **9.0 Compliments**

- 9.1 Set out in **Table 6** below are examples of the many compliments which have been passed to the complaints team. The individual staff members have been made aware of the compliments concerning them as has the Head of Service.
- 9.2 As well as substantial acknowledgements of thanks from service users that are given to staff at the point of service delivery, service users, relatives or friends can convey their appreciation more formally through the Comment or Compliment process.
- 9.3 Many complaints are often accompanied by compliments for other elements of service provision.
- 9.4 Compliments received are an equal reflection of individual and team efforts and Adult Services teams should be encouraged by their successes having regard to compliments received.

## **10. Equality and Engagement Implications**

- 10.1 There are no equality and engagement implications

## **11. Financial Implications**

- 11.1 All costs incurred in dealing with complaints have to be covered within existing Budgets in Legal Services.
- 11.2 External Independent Investigators and Independent Persons may be appointed to deal with some complaints in accordance with legislation. The cost to the Authority of providing this service in 2013/14 for Adult & Directorate Services was £11,216.38

## **12. Legal Implications**

12.1 None

**Background papers:** None

**Appendices:** Appendix 1 – Statistical Data Tables

## Appendix 1 – Statistical data in Tables

<b>Table 1 - Total number of complaints received by Complaint Team</b>				
	<b>Year</b>	<b>2011/12</b>	<b>2012/13</b>	<b>2013/14</b>
<b>Information Purposes</b>		-	-	1
<b>Adult Protection</b>		-	-	-
<b>Corporate</b>		-	1	2
<b>Stage 1</b>		97	103	126
<b>Stage 2</b>		7	7	4
<b>Stage 3</b>		2	1	-
<b>Ombudsman</b>		5	7	2
<b>Total No of Complaints</b>		<b>111</b>	<b>119</b>	<b>135</b>

<b>Table 2 – Total Stage 1 complaints by Service Area</b>	
Administration and Support Services	<b>9</b>
Community & Intermediate Care	<b>5</b>
Disability Services	<b>7</b>
External Service Providers	<b>1</b>
Health Services & Care Home Team	<b>48</b>
Learning Disability Assessment and Care Management	<b>29</b>
Mental Health & Adult Protection	<b>18</b>
Residential & Day Care Services	<b>8</b>
Supporting People	<b>1</b>
<b>Total number of Stage 1 complaints</b>	<b>126</b>

<b>Table 3 - Total No. of Stage 2 by Service Provision</b>			
<b>Service</b>	<b>Origin</b>	<b>Outcome</b>	<b>ID</b>
Health & Care Home Services	Stage 1	Partly Justified	<b>1</b>
Learning Disability Care Management	Stage 1	Not Justified	<b>2</b>
Learning Disability Care Management	Stage 1	Not Pursued	<b>3</b>
Mental Health & Adult Protection	Stage 1	Justified	<b>4</b>
<b>Total number of Stage 2 complaints</b>			<b>4</b>

<b>Table 4 – Total No. of PSOW complaints by service area</b>		
<b>Service</b>	<b>Outcome</b>	<b>ID</b>
Mental Health & Adult Protection	Not Investigated	<b>1</b>
Health & Care Home Services	Not Investigated	<b>2</b>
<b>Total No. of PSOW complaints</b>		<b>2</b>



<b>Table 5</b> <b>Reason for Complaints and their outcome</b>	No. of Complaints	Justified	Not Justified	Partially Justified	Not Pursued	Not Eligible	Withdrawn	Refer to Safeguarding	Dept to Respond	Contact Resolved	Impasse	Deferred	Dept to Action/Monitor	Circs beyond our control	Directed to another Forum	Referred to another Agency	For Information Only	Findings Inconclusive	Escalated to Stage 2	Referred to legal	Ombudsman not Investigated	Ombudsman ongoing	Ombudsman Partly Justified
Breach of confidentiality	1															1							
Changes to service	5		2	2															1				
Changes to social worker	1																1						
Delay in providing homecare	2	1		1																			
Delayed hospital discharge	3	2		1																			
Delay in providing support	4		3													1							
Discrimination	1					1																	
Failure to action information	1		1																				
Financial issues	5	2	2	1																			
General	2								2														
Gross misconduct & neglect	1														1								
Lack of support	15		11	1		2	1																
Poor Communication	2	1				1																	
Poor Standard of Care	7	2			1			4															
Request for service	2								1		1												
Staff Attitude	6		2					2	1						1								
Unhappy with action taken	22	5	8	2	2			2				1				2							
Unhappy with assessment	1		1																				
Unhappy with decision	16	3	6		2	1									1	3							
Unhappy with level of service	16	2	7		2	2	2																1
Unhappy with level of support	9		3		2	1	1																2
Unhappy with charges levied	1		1																				
Withdrawal of service	3	1			1						1												
<b>TOTALS</b>	<b>126</b>	<b>19</b>	<b>47</b>	<b>8</b>	<b>10</b>	<b>8</b>	<b>4</b>	<b>8</b>	<b>4</b>		<b>2</b>	<b>1</b>			<b>3</b>	<b>7</b>	<b>1</b>						<b>4</b>

**TABLE 6 - Compliments received by Adult Services**

<b>Team</b>	<b>Nature of Compliment</b>
ACMS West	Thanks for work done to achieve a suitable outcome for relative
ACMS West	Thanks to Intake Team for support provided
Bonymaen House	Thanks for special care and attention provided
Bonymaen House	Thanks for care provided to parent
DCAS 1&2 West	Wonderful service provided by carers
DCAS Gower Intake Team Pilot Scheme	Thanks for highly professional and caring service
Bonymaen House	Thanks for care provided to father
Health Services & Care Home Team (PO)	Thanks for 'lovely' letter of response
Adult People Service (OT)	OT who visited was friendly, caring and polite
Garngoch Hospital	Thanks for care of relative
Garngoch Hospital	Thanks to SW for help and support
Grounds For Action	Letter of thanks for gardening work carried out
Homecare North Assessment Team	Thanks for support, advice and kindness shown to parent
Intake Team	Help given by Team when advice sought
Rose Cross	Thanks for care given to parent
Rose Cross	Thanks for exceptional care provided
Ty Waunarlwydd	Wonderful care given to parent