

**Report of the Complaints Manager to the Chief Social Services Officer
20 July 2015**

**ADULT AND DIRECTORATE SOCIAL SERVICES COMPLAINTS
ANNUAL REPORT 2014-2015**

Purpose:	To report on the operation of the Complaints Team in relation to Adult & Directorate Services for the period 1 April 2014 to 31 March 2015.
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FOR INFORMATION	

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 voice their concerns in relation to the exercise of Social Services functions as defined in the Health and Social Care (Community Health and Standards) Act 2003.
- 1.2 Until 31 July 2014 this procedure had been produced in accordance with the Welsh Assembly Government's 2005 social services complaints guidance "Listening and Learning".
- 1.3 With effect from 1 August 2015 new legislation came into effect, bringing the Social Services complaints procedure into line with other complaints procedures across public services, in particular the process for NHS '*Putting Things Right*'. A new Social Services Complaints Policy has been adopted to accommodate the requirements of the new legislation and full details of the new policy can be viewed online at: www.swansea.gov.uk/complaints . The new legislation requires the reporting of additional information which has been incorporated into this report.
- 1.4 CCS Adult and Directorate Services are committed to ensuring that concerns raised are listened to and resolved quickly and efficiently. Lessons learned from this process are fed back to relevant teams and used wherever possible to improve future service delivery.

- 1.5 Our aim is to resolve complaints at the earliest opportunity and teams are encouraged to be proactive in achieving this goal.
- 1.6 Where someone has been deemed 'not eligible' to utilise the social services complaint procedure in accordance with guidance/legislation, their complaints may be dealt with under the corporate complaint procedure. This ensures that everyone is able to voice their concerns and that a complaints mechanism is accessible to everyone.
- 1.7 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 Social Services with the previous two years' figures for comparison.
- 2.2 The total number of Stage 1 complaints received this year has remained broadly in line with figures for the previous two years, although it is notable that the number of corporate complaints has increased and Social Services policy complaints have fallen.
- 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**. 91% of complaints were acknowledged within 2 working days, and in all cases (where a discussion was required) discussions took place within 10 working days.
- 3.2 Complaints have been broken down by individual service team this year, in order to provide greater clarity on specific areas where complaints are being received. This will help with the identification of systemic issues and trends which can then be scrutinised more closely within those teams affected.
- 3.3 Due to continuing changes in the structure of Adult Social Services it is possible that the teams shown below have since been reorganised and may no longer exist as the teams set out below. Adjustments will be made to the team names year on year as required to reflect any such changes.

4. Stage 2 Complaints

- 4.1 Complaints are considered at Stage 2 of the complaints procedure either where we have not been able to resolve the issues to the complainant's satisfaction at stage 1, or the complainant has requested that the matter be immediately considered at Stage 2.

- 4.2 Both the old and new social services complaint regulations give an eligible complainant a 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 set criteria as to who can raise a complaint under that policy. Where an individual is not eligible to make a complaint under the Social Services complaints policy, their concerns will be handled through the Authority's Corporate Complaints Procedure.
- 4.6 The timeframe for dealing with Stage 2 complaints is 25 working days under the Social Services complaints policy, 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. For complaints made after the implementation of the new regulations, where an extension of time is sought this will normally only be granted with the permission of the Chief Social Services Officer or other delegated officer on their behalf. All investigations this year were subject to extended periods of time.
- 4.7 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.
- 4.8 There have been 12 complaints taken to Stage 2 in this reporting period.

4.9 **Summary of Stage 2 complaints**

4.15 **Case 1: ACMS East: 2 out of 2 complaints upheld**

- 4.15.1 This complaint had two distinct elements; one concern referring to financial errors in the calculation of the weekly cost of residential care, and another concern about advice provided on the possibility of obtaining a retrospective disabled facilities grant (DFG).
- 4.15.2 The Authority accepted the recommendations of the Independent Investigator, resulting in an apology & goodwill payment in redress following a calculation error, together with an apology for the incorrect information that was provided.

4.16 Case 2: Care Home & Quality Team: 3 out of 5 complaints upheld

4.16.1 This complaint concerned charges made to the service user for the cost of residential care, poor safeguarding of a service user's finances and failure to provide physiotherapy to the service user whilst they resided at a care home.

4.16.2 The Authority accepted the recommendations of the Independent Investigator and has now reviewed its administrative procedures, introducing more robust monitoring of financial management plans to ensure that service user's finances are properly managed on their behalf when a service user lacks capacity.

4.17 Case 3: Community Mental Health Team 2: Ongoing

4.17.1 Whilst this complaint was initially received during the reporting period, the solicitors acting on behalf of the complainant have not yet agreed the detail of the complaint.

4.18 Case 4: Community Support Team: Upheld

4.18.1 This complaint concerned unreasonable levels of noise coming from a Community Support House. The complaint was dealt with under the Corporate Complaint Policy. A meeting was arranged with the residents of the community house and the issue was resolved.

4.19 Case 5: Financial Assessments: 3 out of 3 complaints upheld

4.19.1 This complaint was concerning an incorrect bill for respite, unauthorised sharing of personal information and failure to respond to enquiries.

4.19.2 The Authority accepted the findings of the Independent Investigator and provided apologies for the failings identified. Steps have now been taken to ensure that the inadvertent sharing of personal information does not happen again, and staff have been reminded of the importance of providing timely responses to enquiries.

4.20 Case 6: Financial Assessments: Partly Upheld

4.20.1 This complaint related to the issuing of incorrect invoices due to poor communication between internal departments. Confusion had been caused as two invoices, correctly issued by two different departments, had similar reference numbers

4.20.2 The investigator recommended that in future, invoices should be given a prefix to distinguish between departments and this recommendation was accepted.

4.21 Case 7: Long Term Home Care: Resolved by Mediation

4.21.1 This was a complaint concerning the cessation of weekly emails being sent to the family of a service user, containing details of the care rota for the following week. The complaint was dealt with under the Corporate Complaint Policy.

4.21.2 The complaints team provided mediation between the complainant and the service team, resulting in the mutually acceptable arrangement to provide details of the rota by telephone.

4.22 Case 8: Management Team: Partly Upheld

4.22.1 A complaint was received that a senior manager within Social Services had failed to properly follow up a policy matter with Welsh Government despite giving an undertaking to do so.

4.22.2 The investigation found that although steps had been taken to follow the policy matter up, this action should have been done in a more timely fashion. A personal apology was issued to the complainant from the senior manager concerned.

4.23 Case 9: Sensory Team: 2 out of 2 complaints upheld

4.23.1 This was a complaint about poor communication between different teams in Social Services and dissatisfaction with the content of a carers assessment.

4.23.2 As a result of this complaint, arrangements were made for the service user and the complainant to have one point of contact to avoid further breakdowns in communication. Arrangements were also made for a phased stepping up of the provision of respite to meet the needs of the service user and carer.

4.24 Case 10: Younger Adult Team:

4.24.1 This case was referred to Stage 3 and details of the complaint and subsequent outcome of the Stage 3 Panel are set out in paragraph 5.4 below.

4.25 Case 11: Younger Adult Team: 2 out of 12 complaints upheld

4.25.1 This complaint was concerning failures in the assessment process, leading to an inadequate level of direct payments being awarded to fund care provision and a lack of support for young carers.

4.25.2 As a result of this complaint, the care package was reassessed and the care package increased. Young carers assessments were undertaken and apologies were provided for the failures identified in the investigator's report.

4.26 Case 12: Younger Adult Team: 1 out of 9 complaints upheld

4.26.1 This was a complaint about a number of weaknesses in the assessment process leading to an incorrect outcome in terms of care provision.

4.26.2 As a result of this complaint, arrangements have been put in place to ensure that care plans are reviewed in a timely fashion and updated as appropriate to reflect changes in circumstances. It has also been acknowledged that the children's needs must be properly considered as part of the assessment process. Apologies have also been provided for the failures in service identified in the investigators report.

5. Stage 3 Complaints (Independent Panel Reviews)

5.1 Until 31 July 2014, where a complainant remained dissatisfied after Stage 2, the complainant could progress the issues for an independent panel hearing (Stage 3).

5.2 Stage 3 was 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). Panels consisted 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 Following the introduction of new legislation with effect from 1 August 2014, Stage 3 has been removed from the complaints procedure in order to streamline the complaint process. Only one complaint was dealt with by the independent panel this year.

5.4 Summary of Stage 3 complaint - Younger Adult Team: Upheld

5.4.1 The complainant, who had been in receipt of a care package for a number of years, was informed that her care package was being reduced following a review and a reduced package of care was subsequently implemented in January 2014

5.4.2 The complainant maintained that the care package should not have been reduced as there had been no change to her circumstances and needs. She also complained that the decision to reduce her care package was made without taking objections she had made into account and without proper explanation.

5.4.3 The Independent Panel upheld the complaints and recommended that the Authority:

- a) Apologise to the complainant
- b) Undertake a comprehensive unified assessment
- c) Consider re-instating the original care package until such assessment has been made, and
- d) Send a copy of the revised care plan to the complainant

5.4.4 The Authority subsequently wrote a letter of apology to the complainant confirming that all of the above recommendations were accepted and have been implemented.

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 PSOW can be found at <http://www.ombudsman-wales.org.uk>

6.2 The PSOW has produced his Annual Report for 2014/15, containing details of cases where the Ombudsman has identified failures in service delivery by public bodies across Wales. The Ombudsman's report can be seen online at <http://www.ombudsman-wales.org.uk/en/publications/Annual-reports.aspx>. There were no failures identified by the Ombudsman in relation to Swansea this year.

7. Reasons for complaints and their outcome

7.1 Further analysis of the reasons for complaints is shown in **Table 4**. Whilst service users have unique and complex individual circumstances, 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. 23% of complaints were justified/partly justified this year, slightly higher than the equivalent figures for 2013/14 (21%).

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 5** are examples of the many compliments which have been passed to the complaints team in relation to Adult Services. 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 direct equality and engagement implications arising from this report.

11. Financial Implications

- 11.1 All costs incurred in dealing with complaints have to be covered within existing Budgets in Corporate 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 2014/15 for Adult & Directorate Services was £16,140

12. Legal Implications

- 12.1 Complaints should be administered in accordance with the regulations outlined in paragraph 1.2 above for all complaints received until 31 July 2014 and paragraph 1.3 above for complaints received thereafter.

Background papers: None

Appendices: Appendix 1 – Statistical Data Tables

Appendix 1 – Statistical data in Tables

Table 1 - Total number of complaints received by Complaint Team			
Year	2012/13	2013/14	2014/15
Information Purposes	-	1	5
Corporate	1	2	15
Stage 1	103	126	88
Stage 2	7	4	12
Stage 3	1	-	1
Ombudsman	7	2	3
Totals	119	135	124

Table 2 – Stage 1 complaints by Service Area	Total
ACMS East	11
ACMS West	13
Care Home & Quality Team	5
Client Property & Finance Team	4
CMHT1	5
CMHT2	1
CMHT3	2
Community Alarms	6
Community Support Team	2
Contracting	2
Residential Homes / Care Provider	3
Financial Assessments	13
Intake Team	2
Long Term Home Care Team	10
Morrison Hospital Social Work Team	9
Parkway Residential Home	1
Sensory Team	2
Toronto Place Community Service	1
Transition Team	1
Transport	2
Younger Adult Team	6
Other Public Body / Authority	3
Total number of Stage 1 complaints	103

Table 3 – Stage 2 complaints by Service Area		Total
Service	Outcome	ID
ACMS East	Upheld	1
Care Home & Quality Team	Partially Upheld	2
CMHT2	Ongoing	3
Community Support Team	Upheld	4
Financial Assessments	Upheld & Partially Upheld	5 & 6
Long Term Home Care Team	Resolved by Mediation	7
Management Team	Partially Upheld	8
Sensory Team	Upheld	9
Younger Adult Team	Stage 3, Partially Upheld & Partially Upheld	10, 11 & 12

Table 4																					
Reason for Complaints and their outcome	No. of Complaints	Justified	Not Justified	Partially Justified	Not Pursued	Not Eligible	Withdrawn	Dept to Respond	Impasse	Dept to Action/Monitor	Cirrs beyond our control	Directed to another Forum	Referred to another Agency	For Information Only	Referred to POVA	Escalated to Stage 2	Referred for New Assessment	Policy Matter	Ongoing	Ombudsman Not Investigated	Out of Remit
Breach of confidentiality	1					1															
Changes to care plan	2	1														1					
Cost of service	1															1					
Delayed hospital discharge	3	2				1															
Dissatisfaction with assessment	2				1	1															
Eligibility criteria	1															1					
Failure to respond to correspondence	1													1							
Financial issues	19	5	4		3						1	1	1				1	3			
Issues with Direct Payments	1							1													
Misconduct of staff	2	1												1							
Lack of consultation	1													1							
Lack of support	9		5	2	1											1					
Not following proper procedure	2				1					1											
Poor Communication	6	3	2												1						
Poor Standard of Care	3					1								1	1						
Request for service	1												1								
Staff Attitude	1			1																	
Unhappy with action taken	13	2	4	1							2			1			1		1	1	
Unhappy with charges levied	5		3								1						1				
Unhappy with decision	3		1					1									1				
Unhappy with level of service	19	3	2	3			1		1	1	1	1	3	2				1			
Unhappy with response	1		1																		
Withdrawal of service	5		3													2					
Unknown	1										1										
TOTALS	103	17	25	7	6	4	1	1	1	1	2	6	2	5	7	2	6	4	4	1	1

TABLE 5 – Examples of compliments received by Adult Services

Team	Nature of Compliment
Younger Adult Team	'The family would like to thank their Social Worker from the younger adult team for her professionalism and kind support in every aspect when dealing with her.'
Younger Adult Team	'He wanted to thank the officer for changing the battery on his doorbell earlier today and to say that he did a marvellous job and was very helpful.'
Younger Adult Team	'I have today, received the Card you kindly sent me along with two large envelopes with information about services. Thank you for your time, help and assistance. Should I need assistance I now know where to go and who to ask. Many thanks again.'
Bonymaen House	'The high calibre of staff at Bonymaen House helped ease a difficult situation for my wife and I.... you and your staff have excelled and we wanted to record our sincere appreciation for your help and support'
Bonymaen House	'Thank you so much for all your superb care over the month!'
Bonymaen House	'Thank you for the care and compassion given to our mum...if only we could clone you all and get more like you out in the community...life would be so much less stressful for clients and their families'
Bonymaen House	'Thanks for taking care of our father during his recent stay with you. It's a wonderful place and we cannot thank you enough'
Rosecross House	'I would be grateful if you would pass on the following message to the head of care homes. My mum is a resident at Rosecross house. I would like to thank all the staff for the care and compassion they give to my mother. Without Rosecross I dread to think what we would have done as a family. The staff there provide care which is second to none. As a family we couldn't wish for better care.... It's such a homely environment.'
Swansea East Team	'I would like to express my sincere thanks and gratitude for the help and support that the team has afforded us as a family... Working in the public sector is never easy and people are always quick to criticise, but I feel it would be totally remiss of me not to pass on my compliments you'
Swansea East Team & Older People's Mental Health Team	'... You have consistently shown how social work is so critical to the carers/family as well as, of course, the service user. You are a true professional ... and thank God you and others like you are still around to help the likes of us!'