

Report of the Cabinet Member for Service Transformation and Business Operations

Cabinet – 19 October 2017

**ADULT SERVICES COMPLAINTS  
ANNUAL REPORT 2016-2017**

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| <b>Purpose:</b>                    | To report on the operation of the Complaints Team in relation to Adult Services for the period 1 April 2016 to 31 March 2017. |
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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 voice their concerns in relation to the exercise of Social Services functions.
- 1.2 With effect from 1 August 2014 revised 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*'. The Social Services Complaints Policy reflects the requirements of the new legislation and full details of the new policy can be viewed online at: [www.swansea.gov.uk/complaints](http://www.swansea.gov.uk/complaints) . The legislation requires the reporting of additional information which has been incorporated into this report.
- 1.3 CCS Adult 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.
- 1.4 Our aim is to resolve complaints at the earliest opportunity and teams are encouraged to be proactive in achieving this goal.

- 1.5 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.
- 1.6 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 increased by 14% in comparison with figures for the previous two years.
- 2.3 One anonymous complaint was received this year, which raised a safeguarding concern. The matter was therefore referred to the safeguarding team.
- 2.4 Under the Social Services complaints policy, both the old and new legislative framework allow complainants to immediately request a stage 2 investigation. Through efforts to resolve complaints internally wherever possible, the number of stage 2 complaints this year remains relatively low.

## **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**. Complaints need to be acknowledged within 2 working days, and in 94% of cases where complaints proceeded to conclusion, 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. There have been 4 complaints taken to Stage 2 in this reporting period.
- 4.8 **Summary of Stage 2 complaints**
- 4.9 **Case 1: Care Home Quality Team – 0 out of 5 complaints upheld**
- 4.9.1 This complaint had a two distinct elements. Firstly, concerns were raised relating to a safeguarding referral, which is considered under a different procedure (Protection of Vulnerable Adults). Secondly, the family were concerned about a lack of support from social services identifying a way

forward to meet their parents' needs jointly. The investigator did not uphold any of the complaints and made no recommendations.

#### **4.10 Case 2: Community Support Team - 3 out of 7 complaints upheld**

4.10.1 This complaint concerned a family complaining that their son's needs were not properly assessed prior to reducing support needs. The family didn't feel that the local authority gave a satisfactory explanation as to how the decision was made.

4.10.2 Recommendations were made in the investigator's report for a new, holistic assessment involving an OT and Speech and Language Therapist to be carried out as a matter of urgency to ensure that the care package would enable the service user to live independently at home. The Head of Service apologised for failings identified in the report and accepted the recommendations of the Independent Investigator. Officers were instructed to involve the parents in the reassessment process and that their needs were considered before coming to any conclusions.

#### **4.11 Case 3: North Hub - 1 out of 6 complaints upheld**

4.11.1 The complainant had concerns that the Local Authority did not properly explain the funding requirements of her husband's respite care and also expressed concerns that the family were not given copies of assessments / support plans at the outset of their involvement with social services.

4.11.2 Apologies were provided for the failure in providing the complainant and her husband with copies of the assessment or support plan at the time of assessments and reviews.

#### **4.12 Case 4: Community Alarms - 5 out of 7 complaints upheld**

4.12.1 A lifeline user was in receipt of an additional service whereby automated daily telephone reminders were made to the service user to take regular medication. Despite raising concerns regarding the effectiveness of the system, the family felt that the matter was not dealt with via the complaints procedure as quickly as it should have been.

4.12.2 The investigation made recommendations that included:

- a review of equipment testing processes to ensure that all equipment is fully operational upon installation and at subsequent review periods thereafter;
- a review of the stock control system relating to lifeline equipment;
- a review of the contractual arrangements between the Authority and the equipment supplier;
- an apology to be provided for a lack of clarity in the stage 1 complaint response letter;
- an apology for the failure of the service department to notify the complainant of the complaints procedure at the outset.

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

- 5.1 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>
- 5.2 The PSOW has produced his Annual Report for 2016/17, containing details of cases where the Ombudsman has identified failures in service delivery by public bodies across Wales. There have been no findings of maladministration by the Ombudsman in relation to Swansea Adult Services this year. The Ombudsman's report can be seen online at <http://www.ombudsman-wales.org.uk/en/publications/Annual-reports.aspx>

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

- 6.1 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.
- 6.2 Wherever possible, lessons are learned and improvements are made to service delivery when a complaint is upheld. 32% of complaints were justified/partly justified this year, consistent with the equivalent figures for 2015/16 (also 32%).

## **7. Advocacy**

- 7.1 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.
- 7.2 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.

## **8.0 Compliments**

- 8.1 Adult Services have received in excess of 100 compliments over the course of the year. Set out in **Table 5** are examples of some of the 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.
- 8.2 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.
- 8.3 Many complaints are often accompanied by compliments for other elements of service provision.
- 8.4 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.

## **9. Equality and Engagement Implications**

- 9.1 There are no direct equality and engagement implications arising from this report.

## **10. Financial Implications**

- 10.1 All costs incurred in dealing with complaints have to be covered within existing Budgets in Corporate Services.
- 10.2 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 2016/17 for Adult & Directorate Services was £18,540

## **11. Legal Implications**

- 11.1 Complaints should be administered in accordance with the regulations outlined in paragraph 1.2 above.

**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>2014/15</b> | <b>2015/16</b> | <b>2016/17</b> |
| Service Requests   | 5              | 6              | 29             |
| Corporate  | 15             | 18             | 19             |
| Stage 1  | 88             | 89             | 100            |
| Stage 2  | 12             | 4              | 4              |
| Stage 3  | 1              | -              | -              |
| Ombudsman  | 3              | 4              | 5              |
| <b>Totals</b>  | <b>124</b>     | <b>121</b>     | <b>157</b>     |

| <b>Table 2 – Stage 1 Social Services complaints by Service Area</b> | <b>Total</b> |
|---|--------------|
| Bonymaen Residential Home   | 1            |
| Care Home & Quality Team  | 2            |
| Central Hub   | 8            |
| Commissioning   | 1            |
| CMHT1   | 3            |
| CMHT2   | 1            |
| Community Services Hub  | 8            |
| Community Support Team  | 3            |
| Contracting   | 3            |
| DCAS Central Hub  | 4            |
| DCAS North Hub  | 8            |
| DCAS West Hub   | 3            |
| Financial Assessments   | 11           |
| Gorseinon Community Service   | 1            |
| Intake Team   | 2            |
| Integrated Support / Care Planning                                  | 1            |
| Mental Health & Adult Protection                                    | 7            |
| Morrison Hospital SW Team   | 1            |
| North Hub   | 11           |
| Occupational Therapy Service  | 4            |
| Safeguarding  | 4            |
| Singleton Hospital SW Team  | 1            |
| Townhill Team   | 1            |
| Transition Team   | 2            |
| The Hollies Residential Home  | 1            |
| West Hub  | 6            |
| Adult Services General  | 2            |
| <b>Total number of Stage 1 SS complaints</b>                        | <b>100</b>   |

| <b>Table 3 – Stage 2 Social Services complaints by Service Area</b> |                              | <b>Total</b> |
|---|------------------------------|--------------|
| <b>Service</b>  | <b>Outcome</b>               | <b>ID</b>    |
| Care Home Quality Team  | 0 out of 5 complaints upheld | Case 1       |
| Community Support Team  | 3 out of 7 complaints upheld | Case 2       |
| North Hub   | 1 out of 6 complaints upheld | Case 3       |
| Community Alarms  | 5 out of 7 complaints upheld | Case 4       |

| <b>Table 4</b><br><b>Reason for Complaints and their outcome</b> | No. of Complaints | Justified | Not Justified | Partially Justified | Not Pursued | Withdrawn | Not Eligible | Referred to NHS | Impasse  | Local Resolution | Directed to another Forum | Referred to another Agency | For Information Only | Referred to POVA | Referred for New Assessment | Policy Matter | Department to action / monitor |
|--|-------------------|-----------|---------------|---------------------|-------------|-----------|--------------|-----------------|----------|------------------|---------------------------|----------------------------|----------------------|------------------|-----------------------------|---------------|--------------------------------|
| Delay in assessment  | 1                 |           |               |                     | 1           |           |              |                 |          |                  |                           |                            |                      |                  |                             |               |                                |
| Delay in service after assessment                                | 1                 |           |               |                     |             |           |              |                 |          |                  |                           | 1                          |                      |                  |                             |               |                                |
| Delayed hospital discharge                                       | 1                 |           |               |                     | 1           |           |              |                 |          |                  |                           |                            |                      |                  |                             |               |                                |
| Financial Errors   | 4                 | 1         |               | 2                   | 1           |           |              |                 |          |                  |                           |                            |                      |                  |                             |               |                                |
| Historical Matters   | 2                 |           |               |                     |             |           | 1            |                 |          |                  |                           |                            |                      | 1                |                             |               |                                |
| Issues with direct payments                                      | 2                 |           | 1             | 1                   |             |           |              |                 |          |                  |                           |                            |                      |                  |                             |               |                                |
| Lack of carers   | 1                 |           |               |                     |             |           |              |                 |          |                  |                           |                            | 1                    |                  |                             |               |                                |
| Lack of resources  | 1                 |           | 1             |                     |             |           |              |                 |          |                  |                           |                            |                      |                  |                             |               |                                |
| Lack of support  | 4                 | 1         | 2             |                     |             |           |              |                 |          |                  |                           |                            | 1                    |                  |                             |               |                                |
| Not following procedure/policy                                   | 2                 |           |               |                     |             |           |              | 1               | 1        |                  |                           |                            |                      |                  |                             |               |                                |
| Poor standard of care  | 1                 |           |               |                     |             |           |              |                 |          |                  |                           |                            |                      | 1                |                             |               |                                |
| Request for information  | 3                 |           |               |                     |             |           | 1            |                 |          |                  |                           |                            | 2                    |                  |                             |               |                                |
| Safeguarding concerns  | 5                 |           |               |                     |             |           |              |                 |          |                  |                           |                            |                      | 5                |                             |               |                                |
| Staff attitude   | 7                 | 2         | 1             | 1                   |             |           |              |                 |          | 1                |                           |                            |                      | 2                |                             |               |                                |
| Unhappy with action taken  | 21                | 4         | 4             | 4                   | 1           |           |              |                 |          |                  | 1                         |                            |                      | 6                |                             | 1             |                                |
| Unhappy with charges levied                                      | 9                 | 2         | 3             |                     | 2           |           | 1            |                 |          |                  |                           |                            |                      |                  |                             | 1             |                                |
| Unhappy with decision  | 6                 |           | 5             |                     |             |           |              |                 |          |                  |                           | 1                          |                      |                  |                             |               |                                |
| Unhappy with level of service                                    | 27                | 10        | 6             | 3                   | 3           |           |              | 1               |          | 2                |                           |                            | 1                    | 1                |                             |               |                                |
| Unhappy with response  | 1                 |           |               |                     | 1           |           |              |                 |          |                  |                           |                            |                      |                  |                             |               |                                |
| Withdrawal of service  | 1                 |           |               |                     | 1           |           |              |                 |          |                  |                           |                            |                      |                  |                             |               |                                |
| <b>TOTALS</b>  | <b>100</b>        | <b>20</b> | <b>23</b>     | <b>11</b>           | <b>11</b>   | <b>0</b>  | <b>3</b>     | <b>2</b>        | <b>1</b> | <b>3</b>         | <b>1</b>                  | <b>2</b>                   | <b>5</b>             | <b>16</b>        | <b>0</b>                    | <b>2</b>      | <b>0</b>                       |

**Table 5 – Examples of Compliments Received**

| <b>Teams</b>              | <b>Compliments Received</b>  |
|---------------------------|--|
| Central Integrated Hub    | Email from relative<br>'I would like to express my thanks and gratitude to both social workers for their speedy response to my request for assistance and for the professional way they both dealt with the situation. This has meant that Mr & Mrs X are now able to remain at home with the support arranged by the SW from the DCAS assessment team (who also provide an excellent service) from your department's Occupational Therapy service who has also provided an equally professional response, please extend my thanks to them also. One sometimes hears of negative stories about your Department, it's a pity that the public do not hear more about the tremendous work you all do in supporting Older People in Swansea to remain in their homes.' |
| Hospital Social Work Team | Thank you email from a relative:<br>'You have been such an amazing support. Thank you. You have gone above and beyond to help him, and I'm so grateful. It has given him a huge amount of confidence knowing that you believe him too. Thanks again for all your help. '   |
| Occupational Therapy      | Thank you, thank you, thank you. By suggesting the changes in my home you have given me my life back. Here's to you helping many more people who feel trapped in their homes. There was definitely someone looking down on you when you chose your career!   |
| DCAS West Hub             | A letter from a service user and his wife who initially completed 10 days care and support from the Dom care team. They were deeply impressed with the quality of support, the care received and the staff showed real understating of their situation. The staff were skilled, helpful and courteous at all times, which made a huge difference to their lives allowing them to get back on their feet.   |
| Bonymaen House            | A very big thank you to all the staff at Bonymaen House for the care and attention received during my stay. A relaxing and friendly atmosphere and encouragement from everyone who helped me recover.  |
| Intake Team               | Call to Intake to thank them for their assistance with family member   |
| Senior Management Team    | Thank you letter to Head of Adult Services in response to a complaint. My wife and I are completely satisfied with your commendable, thorough investigation into this matter and wish to thank you for the compassionate manner with which you have worded your response to my initial enquiry.  |

|                           |   |
|---------------------------|---|
| Hospital Social Work team | Email from relative: I am writing now just to thank you for all the help you gave to us (and especially to me) during my mother's last weeks. I am immensely grateful to you for keeping me so well informed about what was going on in Swansea, and also for your great kindness, concern, and assistance in arranging practical matters. You really did help to make a very difficult time easier, and I am deeply grateful to you. Thank you very much indeed. |
| Ty Waunarlywydd           | Thank you for your care and consideration given to our mother over the years she has lived at Ty Waunarlywdd. She was always happy and content.   |
| North Hub                 | Thank you card from family members to the team thanking the team for their help, understanding and management of care of their mother.  |