



## Report of the Cabinet Member for Business Transformation & Performance

### Adult Services Scrutiny Performance Panel – 19 February 2019

#### Adult Services Complaints

<b>Purpose</b>	To provide an overview of the social services complaints procedure and the work of the complaints team in this regard
<b>Content</b>	This report includes a summary of the complaints received in respect of Adult Services during the financial year 2017/18
<b>Councillors are being asked to</b>	Consider the report as part of their review of Adult Services
<b>Lead Councillor(s)</b>	Cllr Clive Lloyd, Cabinet Member for Business Transformation and Performance
<b>Lead Officer(s)</b>	Tracey Meredith, Head of Legal Democratic Services and Business Intelligence
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#### 1.0 Introduction

- 1.1 Swansea Council's 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 SC 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 28% in comparison with figures for the previous year.
- 2.3 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 91% of cases where complaints proceeded to conclusion, discussions took place within 10 working days, this was slightly down on the previous year at 94%.
- 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 7 complaints taken to Stage 2 in this reporting period.
- 4.8 **Summary of Stage 2 complaints**
- 4.9 **Case 1: Adult- Community & Intermediate Care Services**

Unhappy with activities in supported lodging activities – Not upheld

#### **4.10 Case 2: Community Services Hub**

Dissatisfaction with the assessment process. 5 of 6 complaints not upheld  
1 partially upheld Client was not told that he could have a service or what any service secured would look like. However there was an implication that any service provided depended upon him not complaining any further.

#### **4.11 Case 3: Financial Assessments**

Dissatisfaction with financial assessment which deemed that mother still had notional assets – Not upheld

#### **4.12 Case 4: Community Services Hub**

Dissatisfaction regarding accuracy re Direct Payment information. 7 of 9 complaints upheld, 1 of 9 partially upheld 1 of 9 not upheld

#### **4.13 Case 5: Community Support Team**

Adult services failed to provide a service which reflected the service user's assessment and carer's assessment  
5 of 8 complaints upheld, 1 of 8 partially upheld 1 of 8 not upheld and 1 of 8 unable to make a finding

#### **4.14 Case 6: Community Support Team**

Issues over assessment and direct payments 4 of 6 complaint upheld,

2 not upheld, financial compensation was paid as did not receive direct payments in lieu of service

### **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 2017/18, containing details of cases where the Ombudsman has identified failures in service delivery by public bodies across Wales. Of the 7 cases reported to the Ombudsman there was only 1 case upheld with a finding 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. 34.5% of complaints were justified/partly justified this year, slightly up on last year (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 60 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 2017/18 for Adult & Directorate Services was **£14,860.00** (down £3,680 on the previous year)

## **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 inTables**

Table 1 - Total number of complaints received by Complaint Team				
	Year	2015/16	2016/17	2017/18
Service Requests		6	29	27
Corporate		18	19	18
Stage 1		89	100	138
Stage 2		4	4	7
Stage 3		-	-	-
Ombudsman		4	5	7
Totals		121	157	197

<b>Table 2 – Stage 1 Social Services complaints by Service Area</b>	<b>Total</b>
Adult- Commissioning & Partnership	1
Adult- Community & Intermediate Care Services	2
Adult- Health & Home Care	1
Adult Safeguarding	1
Alexandra Road Respite Service	1
Care Home and Quality Team	8
Central Hub	9
Client Property and Finance	1
CMHT 1	2
CMHT 3	3
CMHT 4	1
Community Alarms	2
Community Services Hub	13
Community Support Team	6
Contracting	7
Cwmbwrla Day Service	2
Dcas Central Hub	10
Dcas North Hub	2
Dcas West Hub	2
Direct Payments	4
Financial Assessments	7
Financial Issues	5
Hospital social work team	2
Intake Team-CAP	2
Long Term Home Care Team	2
Long term care and complex team	2
Morrison Hospital	1
North Hub	22
Older People Community mental health	4
Older people, residential & day services	1
Parkway SNDS	1
Safeguarding	2
Singleton Hospital	2
Supported Care planning and learning disabilities	1
Ty Waunarlwydd Residential Home	1

West Hub	7
<b>Total number of Stage 1 SS complaints</b>	<b>138</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>
Community & Intermediate Care Services	Not Upheld	Case 1
Community Services Hub	5 out of 6 complaints not upheld, 1 partially upheld	Case 2
Financial Assessments	0 out of 2 complaints upheld	Case 3
Community Services Hub	7 out of 9 complaints upheld, 1 partially upheld, 1 not upheld	Case 4
Community Support Team	5 out of 8 complaints upheld, 1 partially upheld, 1 not upheld, 1 unable to make finding	Case 5
Community Support Team	4 out of 6 complaints upheld, 2 not upheld	Case 6





**Table 5 – Examples of Compliments Received**

<b>Teams</b>	<b>Compliments Received</b>
<b>CAP</b>	<ul style="list-style-type: none"><li>• You were very kind to us all, answering a barrage of difficult questions with utmost professionalism but more importantly compassion. You guided us through the system and process and took an enormous weight off our shoulders at a difficult and worrying time. We are all enormously grateful.</li><li>• Thank you so much for the information, you and your department have been very helpful and it's greatly appreciated.</li><li>• Thank you again for help. I really appreciate everything you have done so far for us. You have a really lovely manner about you and are definitely an asset to your team and the community you help to support.</li></ul>
<b>Area 4</b>	Thank you for all you did for my grandparents earlier in the year. I will never forget it and will always be grateful.
<b>Community Alarms</b>	Would like to thank the marvellous team at community alarms - lifeline. Ian in the office who was so helpful and pleasant when we phoned about a problem with my alarm and Steve Davies who has been so efficient, reassuring and kind in dealing with the fault and getting the alarm working properly . What an excellent service altogether
<b>Community Equipment</b>	X phoned wishing to compliment one of our drivers for the service he provided when delivering equipment to her mother. She mentioned that the same driver has been there on two occasions this week and, on both occasions, went "above & beyond the call of duty". She was absolutely delighted with the promptness of our deliveries but, more important, with the courtesy and demeanour of the driver and assistant and the way they acted towards her mother-in-law.
<b>CREST</b>	I cannot thank you enough for all your help and support with my dad this year. It is such a difficult decision to make and you were so empathetic and professional throughout and also so kind to dad and myself.
<b>Cwmbwrla OPMHT</b>	We are both very grateful to you....it is so refreshing to meet a professional who understands the importance of not just person centred care but also relationship centred care. You captured the essence of mum as a person from a few occasions of meeting her when clinical staff had 7 weeks and still could

	not see what we were saying. A huge thank you from the bottom of our hearts.
<b>West Cross Day Centre</b>	The staff and clients just threw themselves into it – the staff were constantly encouraging their guys throughout. I saw other staff from other organisations just sitting around chatting and not doing very much with their service users but your team were great.
<b>Home Care &amp; OT's</b>	I wouldn't have the confidence to do what I intend to do so thank you my wonderful rehab team I'm going to miss the morning giggles and all your words of encouragement but I think you gave me enough to last me a life time it's your care and encouragement that brought that shell that you said I was like, back to life
<b>Hospital Social Work Team</b>	<ul style="list-style-type: none"> <li>• As X's previous residential home is no longer best placed to provide for her on-going needs, Sue has been heavily involved. Her personal and most approachable manner, her obvious treating of X's case as if it was the only one she currently has to think about (!) and her "will do" attitude have all been so refreshing and reassuring to each of us at what continues to be a very difficult and emotional time for X and her family.</li> <li>• Anna has been brilliant during this time. She has been so professional, patient and kind. She has been available on a daily basis constantly updating me either via email or phone. My cousin is not what you would describe an easy man to deal with and Anna has been calm and stoic with handling his behaviour. She has managed the situation with a great sense of humour and firmness. Anna has now secured a wonderful placement so that he can continue to convalesce and I am hoping he will continue to progress after his discharge today</li> <li>• I would like to thank you for your care and professionalism in looking out for Dad and for giving me terrific guidance in what has been a fast learning curve. The repercussions of your expert care have a positive impact further than you realise- much appreciated.</li> </ul>
<b>Bonymaen House</b>	<ul style="list-style-type: none"> <li>• You and your staff have given us our life back, and for that we are grateful to a degree that we can't put into words. Your service is outstanding, and the standards to which you work are superior to any we had encountered in previous months. We sincerely hope that you all will continue with the work that you do with passion, and with all your heart - and that is, probably, what makes the greatest difference of all!</li> <li>• In the letter he also said how wonderful the staff were to her, and that they thought it was like a 5* hotel. He said he can't believe we offer a service like that in Swansea and refers to it as "a credit to Council homes".</li> </ul>