



## APPENDIX 2

### ADULT SERVICES COMPLAINTS ANNUAL REPORT 2019-2020

<b>Purpose:</b>	To report on the operation of the Complaints Team in relation to Adult's Services for the period 1 April 2019 to 31 March 2020
<b>Policy Framework:</b>	Transformation & Future Council
<b>Consultation:</b>	Access to Services, Legal and Finance
<b>Report Author:</b>	Sarah Lackenby
<b>Finance Officer:</b>	Janet Morgan
<b>Legal Officer:</b>	Debbie Smith
<b>Access to Services Officer:</b>	Rhian Millar

#### FOR INFORMATION

#### 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: <https://www.swansea.gov.uk/article/6520/Making-a-Comment-Complaint-or-Compliment-about-Swansea-Social-Services>.  
The legislation requires the reporting of additional information which has been incorporated into this report.

- 1.3 Swansea Council Adult Services is 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 A 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. The total number of Stage 1 complaints received this year has increased by 7% in comparison with figures for the previous year.
- 2.2 Under the Social Services complaints policy, the legislative framework allows complainants to immediately request a stage 2 investigation. Though efforts to resolve complaints internally are made wherever possible, the number of stage 2 complaints this year has increased from four to six.

## **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. In 89% of cases where complaints proceeded to conclusion, discussions took place within 10 working days, this is lower than the previous year at 78%
- 3.2 Complaints have been broken down by individual service teams 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.

## **4. Stage 2 Complaints**

- 4.1 Complaints are considered at Stage 2 of the complaints procedure either where the Council has 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
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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 complaint's 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 with the Director's consent.
- 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 6 complaints taken to Stage 2 in this reporting period compared to the 4 last year.

#### 4.8 **Summary of Stage 2 complaints**

##### 4.9 Case 1: Community Support Team.

There were 5 complaints about the transition planning from Child and Family Services to Adult Services which included complaints about the hourly rate of Direct Payments. None of the complaints were upheld.

##### 4.10 Case 2: Direct Payment Team

There were 14 complaints about the level of service regarding the administering of the Direct Payments, 7 of which were upheld. As a review of the Direct Payments' process was already taking place the findings of this investigation were also considered as part of that review.

##### 4.11 Case 3: Community Support Team.

The service user was unhappy with the outcome of an assessment and had 4 complaints relating to that assessment, which did not offer him the allocation of a social worker. None of the complaints were upheld and the service user

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was signposted to organisations in the community which could provide the required support.

#### 4.12 Case 4: CMHT 3

There was a significant event appertaining to this service user, however, the information regarding that incident was not shared and recorded in a timely manner. This meant that when the support worker next visited her client she was not aware of this incident. There were 4 complaints around poor communication between the teams and between the client which were upheld. Systems are in place to ensure that this does not happen again.

#### 4.13 Case 5 CMHT 1

This complaint was in relation to a deceased service user and whether social services should have involved the family and parents. At that time the service user did not want any information shared with the family. There were five complaints, none of which were upheld. This case was used to raise discussion about whether a more proactive approach could be adopted with the service user in such cases where a family member wishes to be involved. However, this would need to be agreed with the service user.

#### 4.14 Case 6 West Hub

In this case, the service user was living independently at home with input from social services. The family moved the service user to be closer to them in another area and placed the service user in a residential care home without reference to the social work team or an identified need of residential care for the service user and asked the council to fund the care home costs. Following this, 4 complaints were made in respect of the assessment and care home funding. None of the complaints were upheld. Should the service user move back to Swansea the council offered to carry out another assessment.

### **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 their Annual Letter for 2019/20 which can be seen online at:  
<http://www.ombudsman.wales/wp-content/uploads/2021/02/Swansea-Council.pdf>

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The council received 14 queries from the Ombudsman in relation to social services, none of which were investigated. Two of which were referred back into the complaint process to be investigated via stage 2 of the complaint process and one was referred back for a new assessment.

## **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. 19% of complaints were justified/partly justified this year, a reduction compared to last year at 27%.

## **7. Advocacy**

- 7.1 Advocacy services exist to represent service recipients' 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 63 compliments over the course of the year. At the point of service delivery, service users, relatives or friends can convey their appreciation more formally through the Comment or Compliment process. 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 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 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
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- Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment (EIA) process ensures that we have paid due regard to the above.

- 9.2 An EIA Screening Form has been completed with the agreed outcome that a full EIA report was not required as this is a retrospective report on complaints already handled and closed. The screening form is attached at Appendix 7.

## **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 2019/20 for Adult & Directorate Services was **£7028.75** (down £666.25 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 A – Statistical Data Tables

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## **Appendix A – Statistical data in Tables**

<b>Table 1 - Total number of complaints received by Complaint Stages</b>				
	<b>Year</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
Service Requests		27	27	48
Corporate		18	25	21
Stage 1		138	135	150
Stage 2		7	4	6
Ombudsman		7	13	14
<b>Totals</b>		<b>197</b>	<b>204</b>	<b>239</b>

<b>Table 2 – Stage 1 Social Services complaints by Service Area</b>	<b>Total</b>
Adult – Learning Disability Service Provision	1
Adult Transition	1
Bonymaen	1
Care Home & Quality Team	4
CAP MDT	6
Central Hub	3
CLDT1	1
Client Property and Finance	1
CMHT 1	2
CMHT 3	5
Community Alarms	1
Community Services Hub	4
Community Support Team	9
Contracting	14
Direct Payments	4
Deprivation of Liberty (DoLs)	2
Disabled Facilities Grants	2
Financial Assessments	9
Hospital social work team	1
Intake team	6
Joint Equipment Store	1
Local Area Co-ordinator	1
Long term care and complex team	6
North Hub	23
Occupational Therapy	1
Referred to Other Agency	2
Referred to Health	4
Residential Facs Panel	1
Safeguarding	8
SCIFT	8
St John's Day Centre	1
The Hollies	1
Transition	1

<b>Table 2 – Stage 1 Social Services complaints by Service Area</b>	<b>Total</b>
Adult – Learning Disability Service Provision	1
Adult Transition	1
Bonymaen	1
Care Home & Quality Team	4
CAP MDT	6
Ty Einon	1
Suresprung	3
Unknown	16
West Hub	8
Western Bay Adult Safeguarding	8
<b>Total number of Stage 1 SS complaints</b>	<b>171</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 Support Team	Not Upheld	Case 1
Direct Payments	Partially Upheld	Case 2
Community Support Team	Not Upheld	Case 3
CMHT 3	Upheld	Case 4
CHMT 1	Not Upheld	Case 5
West Hub	Not Upheld	Case 6





Safeguarding concerns				1											14					
Staff attitude														1						
Unhappy with action taken	6	5		7			1	1	2	4	3	1		2	6	1			2	
Unhappy with charges levied		4	1	2					1											
Unhappy with decision	2			1		1		1		1	1				1		1			
Unhappy with level of service	5	6	2	6	2		1		1					1		1	1	1		
Unhappy with response		1							1											1
Unknown				8				1												
Withdrawal of service																				
Totals	22	30	11	28	8	3	2	3	5	10	7	2	3	5	22	3	3	1	2	1

**Table 5 – Examples of Compliments Received**

<b>Teams</b>	<b>Compliments Received</b>
CAP AND Morriston Hospital social work team	I want you to know how amazingly responsive and supportive both the CAP team and the Morriston Hospital Social Work Team was today in response to my 90 year old Mum's recent, but thankfully short, stay in A &E. I was concerned to get a multidisciplinary assessment before discharge. Morriston wanted to discharge her at 10.30 last night but I dug my heels in. Both teams liaised brilliantly and I want to commend both social workers and managers. As ever first class.
Bonymaen House	To All the staff of Bonymaen House, we would like to thank you from the bottom of our hearts for the wonderful care you showed to our mother.
Care Home Team	Even though you have only known my mum for a relatively short period, your assessment of her needs has been so accurate and your written evidence submitted to the local health board described mum so sensitively yet, at the same time, provided a clear account of her highly complex needs. Mum also speaks highly of your involvement in a positive way. She definitely felt listened to during your meeting with her and valued your sincerity. I can't thank you enough.
Central Hub	I write to advise you that I am extremely grateful for the help and support that was provided to me the social worker. She went above and beyond to ensure I had a sense of dignity and has vastly improved my quality of life. Support was arranged for me when I needed it the most and she has a true passion for helping people that is evident in her manner. I can't thank her enough because for someone like me, this is like winning the lottery and her support was out of this world. Often she would end up counselling me and I truly feel she deserves recognition for how amazing she is.
Dom Care/Central Hub	I want thank you and all the carers who have been absolutely fantastic, so supportive, how quickly you had arranged the emergency care I needed to look after X and how amazing the carers and nurse's had cared for X, which I never thought she would be happy to have but they made her feel so comfortable and at ease, that even within the 2 weeks they had all built up such a good relationship with her, that she loved every single staff member and I know X, myself and my family cannot thank you all enough.
Homecare	Thank you to you and your team. I honestly don't know how I would have coped without you. That's honest.
LAC	I'm really impressed with the response of the Sketty community to the corona outbreak. There are so many kind people who are willing to help others, and X the LAC is doing a brilliant job of coordinating everything.
North Hub	We would like to thank you for your excellent professional social work. We feel that you listened with compassion, clarified areas of confusion and acted quickly and effectively. It's been a very difficult time

	for us and we felt well supported by your warm professionalism that demonstrated a depth of experience.
Occupational Therapy	Thank you Card - X entered our lives in March when we were struggling. She was wonderful and from day one her professionalism, expertise and problem solving helped us get back on track. She gave us confidence and support in a delightful way - caring and understanding and with a lovely sense of humour that my husband responded to.
Positive Steps	Thank you for everything that you are doing for me, without your support, I don't know what I would do.
Sensory Services	I wish to THANK YOU for the visit and the gentleman for his kindness, understanding and for the equipment he gave me. I was pleasantly surprised when most of the issues were addressed there and then.
Suresprung	Two of your chaps from Community Alarms came to install a Lifeline for my Dad. I would be really grateful if you could pass on my sincere thanks to them - they were so pleasant, courteous and helpful and a real credit to your service for their caring and professional attitude. The installation was very quick and simple, everything was explained and made very easy to understand and they were just lovely in dealing with my Dad and reassuring him.
St Johns House	Thanks for all the care and love that you have shown mum and I'm happy she has access to such a caring place. You all do a wonderful job. Very seldom do we hear of the good things that happen in aged care so give yourselves a 'well done' for a good job done. You deserve it. I have been made welcome when visiting mum and she has nothing but praise for you all, thank you!