

EDUCATION AND SOCIAL SERVICES SCRUTINY COMMITTEE – 16TH JULY 2024

**SUBJECT: ANNUAL REVIEW OF COMPLAINTS RECEIVED UNDER THE
SOCIAL SERVICES COMPLAINTS POLICY 1ST APRIL 2023 TO 31ST
MARCH 2024**

REPORT BY: INTERIM STATUTORY DIRECTOR OF SOCIAL SERVICES

1. PURPOSE OF REPORT

1.1 To provide Scrutiny Committee with information and analysis on the operation of the Social Services Directorate's Representations and Complaints procedure from 1st April 2023 to 31st March 2024. The report also includes a summary of the compliments received in the same period.

2. SUMMARY

2.1 Representations and complaints relating to Social Services are dealt with by the Directorate's Complaints and Information Team, who also record compliments received.

3. RECOMMENDATIONS

3.1 For Scrutiny Committee to note the content of the report.

4. REASONS FOR THE RECOMMENDATIONS

4.1 To monitor the complaints process to ensure effective delivery of Social Services.

5. THE REPORT

5.1 This report provides details of representations, complaints and compliments for the period 1st April 2023 to 31st March 2024. The report describes the activity carried out during the period and is contained within section 5 of the report.

REPRESENTATIONS

5.2 A representation is a request for information or a referral for a service made by a third party (including Elected Members) on behalf of another person.

- 5.3 During the period 2023/24, the Complaints and Information Team have made every effort to ensure compliance with the Protocol that governs the sharing of information with Councillors (Cllr)/Member of Parliament (MP)/Member of the Senedd (MS), ensuring that relevant consent is obtained where necessary. Discussions have been held with individual representatives regarding this process.

COMPLAINTS PROCESS

- 5.4 In 2014, Welsh Government undertook a review of the “Listening & Learning” complaints guidance which resulted in the introduction in August 2015 of the “guide to handling complaints and representations by local authority social services” (the guidance). The complaints process adopts a three-stage approach to complaints:

Stage 1: Local Resolution

All complaints received are considered at Stage 1 of the process to determine the most appropriate course of action resolve the issues raised. The majority of complaints are able to be concluded without the need for a formal investigation. Staff are required to observe established procedures, timescales and best practice at all times.

Stage 2: Formal Investigation

Investigations at this stage are undertaken by an externally commissioned independent Investigating Officer and there are statutory time limits for completion of the investigation. The complainant receives a full response from the Interim Statutory Director for Social Services detailing the findings, conclusions and recommendations. The guidance allows for complainants to progress their concerns directly to the formal Stage 2 investigation without Stage 1 consideration if they so wish. However, the Team will always work with the complainant to understand the issues and offer opportunities for local resolution wherever possible.

Stage 3: referral to the Public Services Ombudsman for Wales

If a complainant is dissatisfied with the outcome of a Stage 2 investigation, they can request that the Public Services Ombudsman for Wales (PSOW) considers their complaint.

For Scrutiny Committee to be aware, there is a national call across Local Authorities in Wales for the “*guide to handling complaints and representations by local authority social services*” to be reviewed and updated. This has been raised with Welsh Government and we await further discussions.

AWARENESS RAISING

- 5.5 To ensure that all staff are acting in line with legislation, the Complaints and Information Team delivers mandatory annual awareness raising sessions to all Social Services teams, which covers the complaints process and Data Protection, with emphasis on the General Data Protection Regulations (GDPR). This compliments the new Corporate GDPR eLearning modules and Cyber Ninja Training that is now mandatory for all staff to complete.

During the period 1st April 2023 and 31st March 2024, 10 online Microsoft Team sessions were delivered, reaching 133 members of staff (70 for Adults Services, 63 for Children’s Services).

In addition, we have developed a Padlet which details the key themes of the complaint process and Data Protection requirements, we have attended team meetings to share the Padlet and continue to raise awareness.

In total, 29 sessions were delivered, reaching 374 members of staff.

COMPLAINT REPRESENTATIONS

- 5.6 During 2023/24, 38 representations were received. Of these, 24 (63%) related to Adult Social Services, 8 (21%) to Children's Services users and 6 (16%) related to matters dealt with through the Corporate Complaints Procedure. Last year we received 35 representations, which is slightly lower however, over the last few years we have seen a steady decrease in complaint representations.
- 5.7 Complaint representations tend to be made on behalf of individuals already engaging with Social Services who may be unhappy with the services offered or received. The majority of these relate to Adult Services and are requests for an increase in a care package or changes to domiciliary care call times. The representations on behalf of Children's Services have related to families involved in child protection processes. The Corporate representations have related to direct payments and financial allowances.
- 5.8 The Complaints and Information Team receive representations from a number of sources, and these are detailed below for 2023/24:
- Members of the Senedd, Members of Parliament (17)
 - Elected Members/Councillors (6)
 - Advocates (7)
 - Family Member/ Friend (8)
- 5.9 Representations have been made through the following routes:
- Email (36)
 - Letter (2)

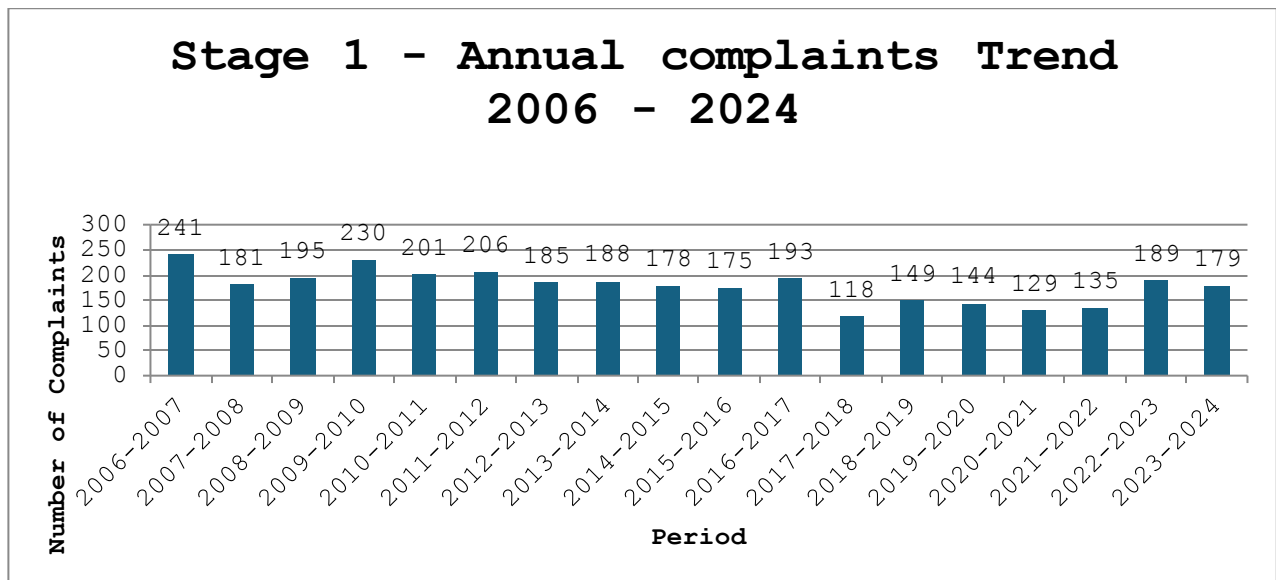
This continues the pattern of previous years whereby email is the primary form of communication for representations.

The Complaints and Information Team continues to ensure that the correct level of consent and authorisation is in place to ensure that representations are appropriately being made on behalf of a complainant.

COMPLAINTS – STAGE 1

- 5.10 During 2023/24 the Directorate received 179 complaints, of these 11 were progressed to a Stage 2 complaint investigation following the complainant remaining unhappy with the Stage 1 response. Only 1 complaint progressed directly to Stage 2 as the complainant refused to accept the offer for local resolution. It is positive that the vast majority of complaints continue to be resolved to the customer's satisfaction at Stage 1 and this is due to the direct engagement of the Team with the complainants.
- 5.11 Of the 179 complaints received at Stage 1, 57 (32%) related to Adult Services, 66 (37%) to Children's Services and 56 (31%) to Corporate matters. This year's figures are slightly lower than those for 2022/23 when we received 189 Stage 1 complaints. However, the proportionate split between the service areas continues to be in line with previous years.
- 5.12 We continue to put an emphasis on resolving complaints at the earliest opportunity and the Complaints and Information Team have recorded the number of potential complaints which were able to be resolved prior to being logged as a formal Stage 1 complaint. Examples of these are resolving issues such as awaiting a call back, not being able to speak with a manager, explaining the pressures of securing care packages, arranging a meeting with the relevant team, and signposting to other agencies where appropriate. During 2023/24 we have recorded 129 potential complaints, this is slightly lower than last year's figure of 155.

5.13 The graph below illustrates the number of Stage 1 complaints received and responded to by the Directorate since the implementation of the statutory Welsh Government complaints guidance in April 2006:



5.14 The Complaints and Information Team receives complaints through a number of mediums and these are detailed below for 2023/24:

- Email (121)
- Telephone (40)
- Letter (4)
- Website online form (14)

5.15 The above information demonstrates the Directorate’s continued commitment to ensuring that customers have access to the complaints process in their chosen format. It also confirms the public’s continued preference for direct contact with an officer with email and telephone contact continuing to be the preferred method of contact.

5.16 The Complaints and Information Team record whether complaints are upheld, partially upheld or not upheld. This enables the Directorate to note themes and trends from the findings of complaints, to improve future practice.

5.17 Of the 179 complaints received at Stage 1 in 2023/24, the following outcomes were recorded:

- 142 complaints were not upheld
- 4 complaints were partially upheld
- 19 complaints were upheld
- 6 complaints were closed due to more appropriate concurrent alternative investigations
- 7 complaints were closed due to no contact with the complainant or being withdrawn by the complainant
- 1 complaint was ongoing at the year end (the direct Stage 2 complaint)

5.18 Of the 19 complaints that were upheld:

- 7 related to Adult Social Services
- 7 related to Children’s Social Services
- 5 related to the corporate complaint procedure (3 were from neighbours concerned about the behaviour of young residents in a CCBC children’s home, 1 was from a family member dissatisfied with care home communication and handling of a complaint and 1 related to a

Foster Carers concerns about the professionalism of a trainer delivering mandatory courses).

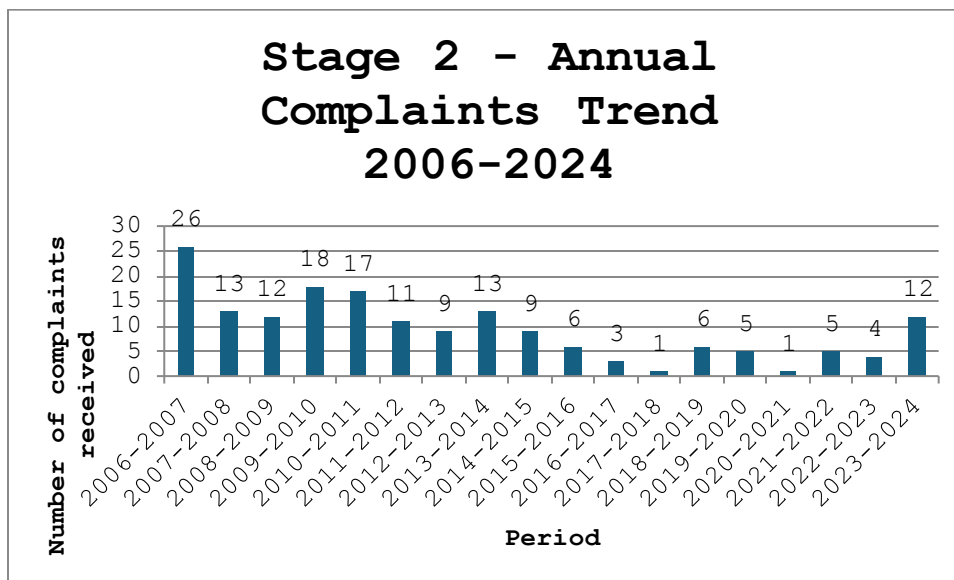
- 5.19 Whilst, each complaint is unique to the individual concerned, the following general themes have been collated from the outcomes of the upheld complaints:
- Delays in communication or perceived miscommunication
 - Delays in provision of packages of care
 - The consistency of carers calling to deliver care
 - Requests for financial support
 - Concerns in relation to the behaviour of Children Looked After
- 5.20 To ensure the appropriate identification of risk to vulnerable adults, the Complaints and Information Team and Protection of Vulnerable Adults (POVA) Team continue to operate their joint working protocol, which is regularly reviewed.
- 5.21 During this year, 1 complaint was referred to POVA, this complaint did not warrant an investigation from the safeguarding team however, their professional contribution was incorporated into the response which was subsequently closed and not upheld.

COMPLAINTS – STAGE 2

- 5.22 During 2023/24, the Directorate agreed to progress 12 requests to a Stage 2 investigation, 11 of these were following a Stage 1 response and 1 progressed directly to a Stage 2. Of these requests 6 have been completed under the Corporate Stage 2 complaint procedure and 6 proceeded with an Independent formal Stage 2 Investigation under the Social Services Complaints Procedure.

These numbers remain similar to last year, during 2022/23 there were 11 Stage 2 investigations, 7 of which were carried out under the Corporate procedure and 4 under the Independent Social Services complaints procedure.

- 5.23 Of the 12 requests for a Stage 2 investigation:
- 6 relating to Adult Services were undertaken through the Corporate Procedure
 - 3 relating to Adult Services were completed under the Social Services Stage 2 process
 - 3 Social Services Stage 2 investigations relating to Children's Services are ongoing at the time of writing this report.
- 5.24 The following graph shows the number of complaints progressing to the formal Social Services Stage 2 process for independent investigation since the implementation of the statutory complaint's guidance in April 2006.



OMBUDSMAN INVESTIGATIONS

5.25 There were 17 contacts by our customers during this year to the Ombudsman, this is more than the previous year of 9 contacts.

The outcomes of the 17 contacts as follows:

- CCBC were selected alongside 3 other Local Authorities in Wales to take part in the Ombudsman's Own Initiative Investigation regarding carers assessments. Caerphilly has provided a large volume of information and are awaiting the draft report.
- In 6 cases, initial enquiries undertaken by the Ombudsman confirmed that Caerphilly had followed due processes, were satisfied with the investigations carried out and were therefore closed.
- 1 case was withdrawn after further clarification requested by the Ombudsman from the complainant was not received.
- 4 cases were referred back to Caerphilly to either commence or continue with the Stage 1 process.
- In 2 cases, the Ombudsman recommended that Caerphilly CBC should conduct a Stage 2 investigation. These recommendations were accepted and details are included in the Stage 2 figures in point 5.23 of this report.
- 2 cases are currently pending an outcome from the Ombudsman and are therefore ongoing.
- 1 case related to the Ombudsman requesting information from Caerphilly to assist with and investigation their office was completing in the Health Board.

5.26 The Complaints and Information Team continue to have a positive relationship with the Ombudsman and staff attend regular training events. The team have an open and transparent dialogue with the Ombudsman and continue to discuss persistent complainants and provide consistent advice.

5.27 The high standard of evidence available to the Complaints and Information Team in the form of case recordings, copies of correspondence and assessments has supported the quality of the responses provided to the Ombudsman's Office, and this has resulted in positive outcomes.

5.28 The Directorate appreciates the importance of learning from complaints, and it is recognised that

equal emphasis needs to be placed on learning from positive outcomes.

COMPLIMENTS

- 5.29 Compliments are received by teams in the form of thank you cards, letters and emails and these are sent to the Complaints and Information Team to be logged and reported. During the year 193 compliments have been logged, 122 (63%) relate to Adult's Services and 71 (37%) relate to Children's Services. This has slightly decreased on the overall number of compliments received compared to the previous year (233) but is not a concern. We continue to report compliments data to the operational Divisional Management Teams.
- 5.30 Many of the letters and cards received from service users and their families include examples of the positive impact that staff can have on a person's life. Some of these comments are included in Appendix 1, attached to the report.

CONSULTATIONS

- 5.31 We now use MS forms for our consultations and to obtain feedback from our customers, which has replaced the previous SNAP package. This allows us to create surveys which are user friendly, share them with our customers online, via email or paper copies can be provided and we are able to analyse the results which assists in any service improvement.
- 5.32 Examples of surveys created this year include, '*Foster Carers – Out of Hours Service Feedback*' which was sent out online via the team and 26 responses were received. 4 surveys were created that could be sent out every 3 months to each of the 5 children's residential homes. These surveys were: *Staff Survey*, *The Quality of your Child's Care at our Children's Home (for parents/family)*, *The Quality of your Care When Living with Us (for children)* and *Quality of Care Questionnaire Survey for Professionals*.
- 5.33 in addition, there is an ongoing survey to gain feedback from parents 3 months following the support they receive from the Supporting Family Change Team to check on progress.

6 ASSUMPTIONS

- 6.1 No assumptions have been made in this report.

7 INTEGRATED IMPACT ASSESSMENT

- 7.1 This report is for information only, so the completion of an Integrated Impact Assessment is not required.

8 FINANCIAL IMPLICATIONS

- 8.1 There are no financial implications arising from this report.

9 PERSONNEL IMPLICATIONS

- 9.1 There are no personnel implications arising from this report.

10 CONSULTATIONS

- 10.1 All responses from consultees have been incorporated within the report.

11 STATUTORY POWER

- Welsh Assembly Government's "A Guide to Handling Complaints 2014"
- Social Services and Well Being (Wales) Act 2014
- Fostering Services (Wales) Regulations 2003
- General Data Protection Regulations 2018

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Consultees: Social Services Senior Management Team
Councillor Elaine Forehead, Cabinet Member for Social Care
Councillor Teresa Parry, Chair of Education and Social Services Scrutiny Committee
Councillor Brenda Miles, Vice Chair of Education and Social Services Scrutiny Committee
Carl Evans, Corporate Information Governance Manager

Adults:

- **Card received from a family member of a resident at Ty Clyd**

"We always knew mam was safe in your care and I am very reassured to know that there are people like you to look after our loved ones in times of need. Thank you for looking after mam for those 14 years and for the work you do every day."

- **Letter received from a family member commending the work of a Social Worker in the North Older Persons Team:**

" We would like to commend him for the consummately professional way in which he carried out his responsibilities as a reviewing officer, with the same degree of serious attention as would have been generated by a letter of complaint."

- **Email from a Doctor referring to Social Worker in Physical Disabilities and Sensory Impairment Team**

"I was struck by the unanimous feelings across the team of what an excellent social worker X is, with her dedication, caring nature and work ethic all being mentioned by various members of the team."

- **Message from family member of a 103yr old resident at Min Y Mynydd**

"I have been reflecting on her life, the last few years of which she spent with you at Min Y Mynydd. We want you and all your staff to know how very grateful we are for the excellent care you gave to our mother, she was treated with great kindness and consideration, always looking fresh and clean and well dressed, indeed we both witnessed your care staff showing loving care to other residents. We were always given a friendly welcome when we visited and I am very thankful to you and your management team for the time you gave me always polite and friendly, thank you for all you did for Mum and for creating a warm and welcoming home from home".

- **Message from a family in relation to their parents and the Telecare service**

"We wanted to express our gratitude for how wonderful you have all been with our parents over the past few years. You are all truly amazing and the service has been a big comfort, they always knew they were in good hands if ever they needed help or support from you."

- **Email from the Police following an urgent welfare visit**

"Just wanted to say thank you for such a fast reaction today. I did believe it was necessary and hopefully the family are willing to take the support and help that is given".

- **Email of thanks from a family member who had contact with the Assessment Service**

"Just a short message to say thank you for the care that you have shown my mother since her fall in February. At 92 we didn't think that she would ever get back home and we have been amazed at her progress. Just wanted to take this opportunity to thank you and your staff for all the care and attention shown to her and us as a family."

Childrens:

- **Statement from Guardian**

"I am grateful to the allocated Social Worker, for the level of communication I have received during these proceedings. I am of the view that Social Worker and the Local Authority have managed this case extremely well given the level of hostility shown to them by Dad in particular."

- **Statement from magistrate**

"Report was very informative and well written; they felt that there was no aspect of the family's circumstances that they needed further information on. They described it as analytical with very clear decision making. They commented that social workers are very rarely praised for their hard work but they felt they needed to share feedback given the work that had clearly been put in on this case. Stating that they don't often see reports of this quality!

- **Email from Foster Carer to Key Worker**

"JUST to let you know that we really appreciate you as well, and we don't know what we do without you You're a real, real help for us and we think the world of YOU!

- **Email from Children's Guardian for Social Worker in Bargoed Children's services**

"I have been particularly impressed by the social worker's approach towards this as she has taken the time to build a positive trusting relationship with X, has prioritised his emotional wellbeing and supported his progression in this matter with care, sensitivity, and tact. The social worker has been careful not to give false promises, to be honest with X whilst cautiously helping him with the transition from a family placement to foster care placement. I observe the social worker to be very much in tune with X's character and needs and is able to discuss issues and manage his behaviours well."

- **Feedback from IRO for Social Worker in Family and Friends Team**

"I am so impressed by all individuals who has been involved in these children's lives. It is not often you see such positive outcomes and practice, but it evidences when the time is taken it can provide children with positive outcomes."

- **The view of the young person recorded in closure summary to Caerphilly East Childrens Services Team**

'Honestly everyone I worked with helped me out loads and I don't think I would be where I am without the support and encouragement from everyone. I think it would be fine to close it now because I'm where I want to be right now.'

- **Email from Children's Guardian for Social Worker in Rhymney Children's services**

"This social worker professionalism, management of this case and commitment has been exemplary"

- **Letter from a parent of a young person receiving support from the Youth Offending Service**

"She has praised the YOS in the letter as being the only service she feels has provided appropriate support not only for his behaviours but for 'going the extra mile' in regards to liaising with ALN panel, education, CAMHS, SALT and providing support at court which was a distressing time for her son. She also said that if it wasn't for the YOS no progress would have been made and they would still be in the same place, they were in prior to YOS involvement.