

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

14 DECEMBER 2021

REPORT OF THE CORPORATE DIRECTOR SOCIAL SERVICES AND WELLEING SOCIAL SERVICES REPRESENTATIONS AND COMPLAINTS ANNUAL REPORT 2020/21

1. Purpose of report

- 1.1 The purpose of this report is to present to Cabinet the 2020/21 Annual Report on social services representations and complaints as required by Welsh Government guidance. The Annual Report is attached at **Appendix 1**.

2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:
- **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
 - **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

3. Background

- 3.1 Members will be aware that there is a requirement for local authorities to have in place procedures for considering any representations or complaints made in relation to the discharge of their Social Services functions. This Annual Report relates to social services representations and complaints received that have been handled in accordance with the revised Welsh Government Complaint Guidelines "A Guide to Handling Complaints and Representations by Local Authority Social Services" which came into effect on 1st August 2014. The guidance supports the implementation of the Social Services Complaints Procedure (Wales) Regulations 2014 and the Representations Procedure (Wales) Regulations 2014. The Regulations introduced a new two stage process which replaced the previous three stages and also brings the process for social services into line with the NHS Complaints Procedure.

3.2 The key elements of the Social Services Representations and Complaints Procedure are:-

- Stage 1 complaints to be responded to within 5 working days of the date of resolution (10 working days permitted to achieve resolution).
- The timescale permitted to complete Stage 2 independent complaint investigations is 25 working days.
- To make links with other Directorates of the Authority, the NHS and the Care Inspectorate Wales to provide a 'seamless' complaints service.
- Monitor performance of complaints handling, learning from complaints and using this learning to improve services for everyone who uses them.

Where complainants have exhausted the complaints procedure, the complainant has the right to refer their concern for consideration by the Public Services Ombudsman for Wales.

3.3 Members will note from the Annual Report that strong emphasis is placed not just upon complaints, but also on the comments and compliments received from service users which gives a balanced view. The services are keen to learn from the information gathered and use this to inform future service developments and any service improvements.

3.4 The Annual Report also contains statistics relating to complaints addressed in accordance with the Authority's Corporate Complaints Procedure, together with information relating to the fact that the majority of complaints are addressed and resolved informally (prior to reaching Stage 1 of the complaints procedure). This important and significant work ensures that concerns are resolved quickly and prevents complainants from being subjected to using the formal complaints procedure unnecessarily.

3.5 Statistical information relating to the processing of Member referrals is provided in the Annual Report. The Representations and Complaints Procedure does not preclude the right of an individual to approach their local Councillor, Assembly Member or Member of Parliament who all undertake an important role in handling concerns and queries that individual constituents may have. Member referrals can range from comments and queries to complaints.

3.6 The Annual Report also includes information arising from a cross-section of the feedback generated from user/carer engagement exercises undertaken by a range of service areas across both Adult Social Care and Children's Social Care.

4. Current situation/proposal

4.1 The 2020/2021 report contains statistical information in relation to the representations and complaints received during the year for both Adult Social Care and Children's Social Care.

4.2 The number of representations (complaints, comments and compliments) received during the reporting period is broken down as follows:

25	statutory complaints
16	corporate complaints
98	concerns resolved pre-complaints procedure
206	compliments/comments

This is a significant reduction in the overall number of complaints received; 123 in 2020/21 compared to 233 in 2019/20 and 275 in 2018/19. The report also shows an increase in the number of compliments received when compared to the previous reporting periods; 206 compliments received, compared to 96 in 2019/20, and 183 in 2018/19. Complaints staff continue to encourage all staff across the Directorate to record and log all compliments received.

- 4.3 Statistics reflect that the Directorate has continued to achieve an early resolution for complainants. The number of complaints resolved by this approach in 2020/21 was 98. In comparison to previous years, this was 201 in 2019/20 and 234 in 2018/19. Therefore, although there has been a reduction in the number of complaints in 2020/21 the early resolution figures continue to represent a high percentage; 80% of the total number of complaints received in the reporting period. The emphasis continues to be to focus on swift and effective complaints handling in a local citizen centred way.
- 4.4 During 2020/2021, 9 complaints were received by the Public Services Ombudsman's Office; 7 related to Children's Social Care and 2 in Adult Social Care. None of these cases proceeded to investigation. In comparison to previous years, 9 in 2019/20, and 4 in 2018/19.
- 4.5 During 2020/21 16 cases were were addressed by the Corporate Complaints procedure; 5 relating to Adult Social Care and 11 to Children's Social Care, with no complaints relating to Business/Finance support services.
- 4.6 During 2020/21 a total of 25 complaints were addressed in accordance with the Statutory Complaints Procedure by Social Services equating to 20% of all complaints received. 16 were dealt with at stage 1, and 9 progressed through to stage 2. Stage 2 is the formal investigation stage requiring the appointment of an independent investigator, therefore the figures suggest that there may be a higher level of complexity of those cases that proceed through the formal process.
- 4.7 There is an emphasis on taking forward lessons learned from complaints within service areas. In this reporting period this included developing and rolling out guidance for staff, improving documentation, and reviewing systems and processes.
- 4.8 The number of Member Referrals received for both adult and children's social care during the reporting period was 219, broken down as follows:
- Adult Social Care and Wellbeing – 166
 - Children's Social Care - 53
- 4.9 As referred to in paragraph 3.6, there is a wide range of feedback from people who use social care services which is used to inform service development. The Annual Report details various examples of responses and feedback received for a range of services across the Directorate.

- 4.10 Independent advocacy support services across children's and adult social care continues to be a priority, and the Annual Report provides details of advocacy activity across both service areas, together with some comments and detail of some outcomes achieved.
- 4.11 The majority of the work carried out within the Social Services Representations and Complaints Procedure is undertaken in consultation with either the Monitoring Officer and/or Legal Services and there is a strong working relationship between the social services complaints staff and the legal services staff team.

5. Effect upon policy framework and procedure rules

- 5.1 There is no impact on the Policy Framework and Procedure Rules.

6. Equality Act 2010 implications

- 6.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh language. It is therefore not necessary to carry out a full EIA on this policy or proposal.
- 6.2 Complainants are welcome to submit complaints in the Welsh language; complaints leaflets are bilingual. The complaint forms are bilingual and are available for use by complainants.
- 6.3 There have been no complaints received in relation to equality issues during the reporting period.

7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The implementation of the duties and responsibilities under the Social Services and Wellbeing (Wales) Act 2014 (SSWBA), in turn, supports the promotion of two of the seven goals of the Well-Being of Future Generations (Wales) Act 2015 within the County Borough of Bridgend. By promoting an environment that maximises people's physical and mental well-being and by supporting children, young people, adults and their carers and families to fulfil their potential no matter what their circumstances, the well-being goals of a Healthier and more equal Bridgend and Wales are supported.
- 7.2 The Well-being of Future Generations (Wales) Act 2015 provides the basis for driving a different kind of public service in Wales. Promoting the right of an individual to be involved in the development and provision of support and services, to encourage feedback and to enable a person to make a complaint about the support or services they receive contributes to ensuring the Authority works to deliver well-being outcomes for people. The following is a summary to show how the five ways of working to achieve the well-being goals have been considered in this report:
- **Long Term** – the SSWBA focuses on sustainable prevention and well-being outcomes for the future, and a focus on early intervention, prevention of complaints escalation, and a lessons learned approach, continues to be a priority.

- **Prevention** – there is a focus on early intervention and response to complaints received in order to avoid escalation and ensure as far as possible that an early preventative resolution is achieved.
- **Integration** - the implementation of the SSWBA requires local authorities to work with partners. In addition, one of the key elements to the Social Services Complaints Procedure would be to ensure links are made with other Directorates of the Authority, the NHS, and the Care Inspectorate Wales in order to provide a ‘seamless’ complaints service.
- **Collaboration** – there is a focus on linking in with other parts of the organisation and relevant partners, in terms of providing a consistent and thorough response to complaints made, and to ensure responses are responded to in a consistent way.
- **Involvement** - the key stakeholders are the people who use social care. There is considerable engagement with key stakeholders which includes focus groups, surveys, feedback forms, member referrals, as well as the complaints process.

8. Financial implications

8.1 There are no financial implications associated with this report.

9. Recommendation

9.1 It is recommended that Cabinet approve the Annual Report on social services representations and complaints procedures for 2020/21 in **Appendix 1**.

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Background documents:

None