

EAST SUSSEX SOCIAL SERVICES

COMPLAINTS PROCEDURE

ANNUAL REVIEW 2003/04

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Introduction

The Social Services complaints procedure has three stages:

- Local resolution – stage one
- Formal investigation – stage two
- Complaints review panel – stage three

The majority of complaints are resolved locally at stage one of the procedure. In 2003/04 588 complaints were recorded and alongside these were 904 compliments to staff for a job well done.

This report gives information about the number and types of complaints, and compliments received by Social Services during 2003/04. The main themes of complaints during 2003/04 were about communication, resource availability, delay and user involvement.

Local Authorities are required by statute to have a complaints procedure which relates to the arrangements for social services for children, their families and for adults. The Social Services complaints procedure came into being in 1991 and gives a framework for handling and considering complaints.

The procedure is under national review and notification of the changes to the regulations and guidance is expected shortly. This is timely and change and improvement is welcomed. It is likely there will be a focus on swifter handling and response to complaints, particularly those from children; additional independent oversight and the promotion of the use of feedback from complaints to improve services.

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Complaints, comments and compliments are an important and a valuable source of information for Social Services as this report will show. Services provided by Social Services will relate to the personal and confidential circumstances of individuals and their families. Emotions can run high if the help and support that is wanted and expected is not immediately forthcoming, or does not meet an anticipated standard. Complaints will be made if resources are not immediately available, or that there is delay in dealing with referrals for assistance. Poor communication can also be at the root of the dissatisfaction.

Good communication is essential and where there is clarity and regular contact between a service user, their carer/family or advocate and the Department, there is confidence and partnership. The large number of compliments received by staff during the year is a clear demonstration of this.

Learning from Complaints in 2003/04

It is important to have an effective complaints procedure and for it not to be seen as just a bureaucratic process, although realistically in some circumstances, this can sometimes be hard to achieve. Complaints should not be viewed in a negative way, although it is obviously a matter of regret when things do go wrong or there has been misunderstanding.

Complaints and comments from those who use services provide useful insight about the health of an organisation and in turn the outcomes of complaints help in the development and improvement of services.

When asked what outcome from a complaint is wanted, the majority will say: an apology and to know that as a result of making this complaint what happened to me will not now happen to others. There is a strong expectation that Social Services will be a listening and learning organisation.

There have been a very few occasions in 2003/04, when the Department has repetitive complaints which are persistently pursued despite all efforts to reach a satisfactory conclusion. Although few in number a disproportionate amount of resources is needed to deal with them.

Information from complaints is confidential and is only given to those who need to be involved in enquiries and resolution. Anonymised complaints information is analysed and reported quarterly by the Complaints Unit to senior managers and in turn to all operational managers. In addition monthly information about the

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numbers and content of complaints are sent individually and confidentially by the Complaints Unit, to operations managers to assist in their handling of complaints, to help them monitor timescales and to give attention to what can be learned from complaints to avoid similar events occurring.

Once a complaint is resolved, managers feedback to the Complaints Unit what action they have taken and whether the complaint was upheld.

What were the main themes in 2003/04?

- Delay – mainly about the wait for assessment and also about delay in funding services.
- Communication
- More emphasis wanted on service user involvement

For Adults Services, comments and complaints highlighted dissatisfaction and frustration with the delays in getting services in place. Service users and their carers also wanted to see improvements in communication. If there is delay they want to know for how long and more information was wanted about eligibility, allocation and choice. Single assessment and care management is being introduced during 2004/05 so a robust review of service delivery will be taking place.

For Children & Families Services the main theme was about communication and keeping service users and families informed, with an emphasis on working in partnership with trust and respect demonstrated by all parties.

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Through listening to children and their parents/carers and learning from complaints, the Children & Families Division focused on developing a stronger culture of service user involvement. Put simply, this is again about improving communication and consultation. This work continues into 2004/05 and is included in the business planning processes and training plan. Emphasis has been put on aggregating feedback from complaints at a local level and effecting changes to everyday practice.

What action and learning came from complaints and comments?

Communicating in a timely and clear fashion is crucial and a number of initiatives have come out of complaints and comments from service users.

- The Adoption & Permanence Panel guidelines have been reviewed and there is also now an information leaflet to assist prospective adopters should they be invited or request to attend a Panel meeting.
- It was agreed that if a complaint is made by a young person regarding a placement move, consideration will be given whether to freeze the decision to move and wait for the outcome of the complaints enquiries or investigation.
- In several complaints it was noted that relatives/carers wanted more written guidance, and practical help, to help find suitable residential/nursing homes and to know about the charges likely to be made. There is a new leaflet about Choosing a Care Home and this also provides information about financial assessment and contributions.

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- Improved guidance is being drafted about applications for funding and to include information about how and when decisions are relayed.
- Early in 2003/04, the use of an appeals process about the availability and allocation of funding for services for adults was discontinued. (Appeals were logged under the local resolution stage of the complaints procedure but the appeals process was used in place of the formal stages of the complaints procedure). The full use of the complaints procedure is now available, if required, for expressing concerns about policy decisions such as the allocation of resources.
- Improved and more detailed guidance has been issued to staff about Fairer Charging for Services so that there is equality in the application of financial assessment criteria.
- The standard letter sent by finance staff regarding the outcome of a financial assessment has been amended to include a full breakdown of calculations and also invites further contact for discussion, clarification and negotiation.
- Improvements were made in how referrals for assistance were dealt with by a learning disability team during a period when there was staff shortage. This was in response to complaints about delay and timescales.
- As one of the outcomes of a formal complaint, instructions have been issued to staff on the completion of contracts and contract variations so that it is clear that a financial contribution has still to be assessed.

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- New standards were set to ensure that service users, relatives and carers are involved in putting together care plans and participate in reviews.
- Multi-agency panels are now available with the aim of providing an integrated approach to service delivery for the benefit of children and their families.

Now for some numbers.

Complaints and Compliments for 2003/04

The table shows the number of recorded complaints and compliments over the past five years.

Year	Local Resolution (Stage 1)	Formal Investigation (Stage 2)	Complaints Review Panel (Stage 3)	Compliments
1999/2000	341	6	2	824
2000/01	591	7	2	307
2001/02	736	15	4	459
2002/03	576	15	3	519
2003/04	588	14	4	904

Local Resolution (Stage One) Complaints 2003/04

Adult	334 (376)
Children & Families	216 (165)
Finance and Support Services	38 (35)
Total Number of Complaints	588 (576)

**The figures in brackets are for 2002/03*

Number of compliments 2003/04

Adult	660
Children & Families	78
Finance and Support Services	166
Total Number of compliments	904

Who complained and who assisted?

- 80% of complaints are made on behalf of service users, e.g. by carers, parents, other family members, advocates, neighbours.

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- Independent advocacy providers were recorded as assisting 14 service users to make a complaint. Advocacy services are not necessarily in direct contact with the Department about complaints but they provide information, guidance and advice to service users to assist them to exercise their right to comment to or complain about local authority services.

How long did it take to sort out a complaint?

The target time for responding to complaints at the Local Resolution stage is 15 working days (21 calendar days) and 14 calendar days if the complaint is made by a child/young person.

In 2003/04 the average time for responding to complaints from adults was 17 calendar days, and 16 calendar days for children and young people's complaints.

Managers are expected to promptly respond and resolve complaints from children, within 14 days wherever possible, however in a few cases, circumstances did not allow this to happen. Out of the 31 complaints made directly by a child or young person, 22 were responded to within the 14 day timescale.

For the Formal Investigation stage (Stage 2) there is a 28 day timescale and working days are counted. The average time taken for an investigation in 2003/04 was 52 days. The time taken ranged from 24 days to 116 days.

Timescales are negotiated and agreed with service users and their advocates at the start of the investigations. There are circumstances which can prevent a timely response. Complaints that move to the formal investigation are more likely to have many

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separate elements and can be very complex and time-consuming to properly investigate.

The Director formally writes to the complainants following Complaints Review Panels and this was achieved in every case within the 28 day timescale.

Local Resolution (Stage 1) complaints - Children & Families Division

How many complaints were received by Children and Families Services and what were they about?

Overall 216 complaints were made about Children & Families Services. The number of complaints, compared to 2002/03, has risen by 51. Thirty-one complaints were made directly by a child/young person.

During 2003/04 the role of the teams in Locality Services changed. Duty & Assessment Teams take all new referrals and undertake initial child in need and child protection assessments. Where Social Services continue to be involved, cases will transfer to a Family Support Team or a Looked After Children Team. The new Looked After Children Teams take responsibility for all children looked after whose care plan is for permanency, including adoption.

Challenges by parents, carers or children about how a child protection case conference has been chaired are dealt with in a separate way and come under the ACPC (Area Child Protection Committee) procedure.

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This table shows the number of complaints and compliments received by each service.

Service Area	No. of complaints	Compliments
<i>Looked After Children Services:</i>		
Residential Care	29 [22]	11
Fostering	6 [24]	22
Adoption & Permanence	4 [3]	0
<i>Specialist Services:</i>		
Disability services	32 [21]	6
Child & Adolescent Mental Health	1 [0]	0
Leaving Care	2 [4]	3
Emergency duty service	2 [2]	4
<i>Youth Offending</i>	1 [0]	6
<i>Locality Services</i>		
Looked After Children	3 [0]	4
Family support	73 [51]	6
Duty & assessment	59 [35]	6
Family Centres	1 [0]	9
<i>Child Protection</i>	3 [3]	1
TOTAL	216 (165)	78

**figures for 2002/03 shown in brackets*

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This table shows how many complaints were received, by geographical area, for Children & Families Services.

	Eastbourne Downs and Sussex Downs & Weald	Hastings & St Leonard's and Bexhill & Rother
Looked After Children	33	6
Specialist Services	30	8
Locality Services	96	40
Child Protection	0	3
Total	159	57

Locality Services are the front door for Children & Families services and it is to these teams that new referrals and ongoing case responsibility is held. Specialist Services are responsible for services for children with disabilities; child and adolescent mental health services; teenage pregnancy project; leaving care team and the emergency duty service. The Looked After Children Services includes adoption and permanence; fostering and the Council's residential children's homes.

What are the complaints about?

Complaints are logged under these headings:

- Service Provision
- Service Delivery
- Staff Response
- Conduct of Others
- Equalities

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There were 65 complaints about Service Provision. These were about response to referrals, assessments, eligibility and the amount of service offered. Those in most need and at most risk will get priority but it is appreciated that this can be difficult and frustrating for those wanting help to prevent a situation from worsening or to maintain the status quo.

100 complaints were about the way a service was delivered and this is in the main about the quality of, or the delay in getting, a service, and how Social Services communicates with, and involves service users.

Complaints specifically about staff totalled 27. Social workers have a duty to protect children first and foremost and there are occasions when the strong, clear messages about how Social Services will be involved or about the action that is being taken, is sometimes not well received and complaints are then made.

How many Children & Families Services complaints were upheld or partially upheld?

Out of the 216:

- 103 complaints were upheld or partially upheld
- 84 were not upheld and 25 have no outcome recorded as yet
- 2 were suspended pending the outcome of care proceedings
- 2 were not pursued

How many complaints were made by children/young people?

Out of the 216 complaints, 31 (14%) were made directly by a child/young person. They were about:

- having a change of social worker
- seven complaints received about not being accommodated (three from the same complainant)
- bullying – the behaviour of other young people
- lack of support
- six complaints about placements issues
- being promised something and then it not happening

During 2003/04 seven complaints were made by young people (age 14/15 yrs) about not being accommodated or being inappropriately accommodated. In addition there were three complaints recorded from parents about Social Services refusal to accommodate young people on demand.

Each case had individual circumstances that needed to be considered. It was a difficult time for all concerned, the young people, their families and also the social workers and managers trying to deal with situations that were not easily and quickly resolvable. Foster placements are a scarce resource and priority is given to those children who are at risk of immediate and significant harm.

As a result of these complaints and the concerns expressed by the young people, parents, advocacy services, social workers and managers, a multi-agency group, initiated and chaired by the Assistant Director (Children & Families) is working on developing a range of options to support and assist families and their children so

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that it is not necessary for 14/15 year olds to be taken into the care system.

Young people are encouraged to express their views about the services they receive, to social workers, foster carers, residential care workers and managers. Advocates are available to help them do this. There are information leaflets for children/young people; there is a freephone number to contact the children's complaints officer and arrangements are in hand so that mobile phone texts can be sent directly to the complaints officer. Information is also on the Council's website.

From 1 April 2004, Local Authorities have a duty to provide advocacy support for all children who in are need, including looked after children and young people leaving care. In East Sussex the Xpress Advocacy Service for children and young people has been available, actively advertised and promoted by Social Services, for several years. Xpress advocates regularly visit the Council's children's homes to talk with children and offer help and support, and not just about complaints about Social Services.

Local Resolution (Stage 1) complaints – Adults Division

How many complaints were received about services for adults (18+) and how many were about services for older people (65+)?

- In 2003/04 there were 334 complaints
(in 2002/03 there were 376)
- In 2003/04, 228 (68%) related to services for older people
(in 2002/03 there were 255 (68%) about services for older people).

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The table below sets out the number of complaints recorded for each service within the geographical areas in East Sussex.

Local Resolution – Stage 1

	Eastbourne Downs		Hastings & St Leonard's & Bexhill & Rother		Sussex Downs & Weald	
	All	+65	All	+65	All	+65
Independent Living Teams, Hospital & Contact Teams	62	57	68	58	35	30
Learning Disability Services (day care; respite, reviewing and transition)	16	0	20	0	14	1
Mental Health	18	10	25	18	11	5
Physical Disability (Occupational therapy assessments; adaptations; daily living equipment)	5	4	7	7	16	12
Sensory Impairment	4	1	1	0	0	0
Older Peoples Services (excluding assessment but including respite, living at home programme, day care)	13	13	1	1	0	0
Home Care (in house)	8	7	6	2	1	0
Emergency Duty Service	0	0	1	1	1	1
Employment Services	0	0	0	0	1	0
	126	92	129	87	79	49

- There was a significant reduction of 63, compared to 2002/03, in the number of complaints received by Older Peoples Services. Alongside this, as will be seen by the Compliments Table below, the number of compliments was highest for this service.
- Some complaints were received about an unwelcome change in home care providers. Where services have been transferred to the independent sector staff and managers have done their best to facilitate a smooth and co-ordinated transfer.

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- There was an increase of 24 in the number of complaints received by Independent Living Teams, Hospital and Contacts Team compared to 2002/03.
- Complaints about delay in getting occupational therapy services have decreased by nearly 50%, compared to 2002/03.
- 68% of all complaints recorded about Adults services were about services for older people. Primarily these concerned the availability and allocation of funds and the lack of contact, explanation and information when there was delay.

Early in 2003/04 complaints centred on the lack of resources holding up patients discharge from acute hospital wards. This became less of a problem as the year went by. In fact, in the third quarter there was a reduction in the number of complaints about allocation of, and the delay in providing funding for services.

In the latter part of 2003/04 the complaints were not so much about the delay in discharge from hospital but about the time spent by service users waiting in residential respite units or community hospitals for a care package or a move to a permanent residential/nursing home placement. Regrettably the demand for funding and also for placements is on occasions greater than available resources.

How many Adults Services complaints were upheld?

Out of 334 complaints about all Adults Services:

- 165 were upheld
- 71 were partially upheld
- 85 were not upheld
- 13 outcome for not known yet

Of the 334, 113 related to delay in funding and 90 were upheld.

This table shows the types and numbers of complaints about services from the Adults Division:

Types of Complaints	No. of complaints
Service Provision (response to referral; eligibility; assessment and outcome;	222 (203)
Service Delivery (quality and communication)	70 (104)
Staff Response	25 (30)
Behaviour of others (Service user to service user)	6 (6)
Independent sector complaints (e.g. home care)	9 (22)
Equalities	1 (0)
Policy (general)	1 (11)
TOTAL	334 (376)

**Figures for 2002/03 shown in brackets*

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This table shows the number of compliments received by adult services staff and teams.

	No. of compliments
Independent Living Teams, Hospital & Contact Teams	131
Learning Disability Services	53
Mental Health	67
Physical Disability	45
Sensory Impairment	44
Older People Services	286
Home Care	34
Total	660

Local Resolution (Stage 1) - Finance & Support Services

How many complaints and compliments were received during 2003/04?

	Complaints	Compliments
Contracts & Purchasing	10	0
Finance	27	150
Support Services	1	16
Total	38(35)	166

**figure for 2002/03 shown in brackets*

What were the complaints about?

- There were 12 recorded complaints about delay in responding to requests for financial assessments or review. Seventeen complaints were about service delivery.
- 26 of the 38 complaints (68%) related to services provided to older people.
- As will be seen from the number of compliments recorded, the manner in which staff handle calls and visits is appreciated by service users and their carers.
- In addition to the above the Contracts & Purchasing Unit responded to 77 concerns raised about services provided by the Independent Sector on behalf of Social Services. They worked with the Independent Providers to resolve complaints and concerns.

Complaints Procedure Formal Investigation (Stage 2)

There were 14 formal complaints investigations in 2003/04;

- Six regarding Children & Families services
- Seven about services for Adults
- One concerning Finance and Business Support

All of the above complaints had more than one element to be investigated and three complaints had up to 20 separate elements to investigate. Not all complaints were fully upheld. They concerned poor communication, staff response, service delivery and service provision.

Out of the 14 complaints, in 10 cases the Investigating Officer was accompanied, throughout the investigation by an external independent person (IP). IPs are not elected members or officers of the local authority. They have a specific role and responsibility within the complaints procedure and at the end of an investigation write a separate report to the Head of Service commenting on the way the investigation was conducted and whether they considered it to be fair and thorough.

An IP is always appointed for Children & Families complaints and in 2003/04, an IP was appointed for four of the seven complaints about Adult Services.

During 2003/04 there were six IPs available to carry out the specific IP role in relation to complaint investigations. East Sussex County Council and Brighton & Hove City Council jointly recruited the current independent persons two years ago. IPs are keen to

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demonstrate their independence and therefore ensure transparency and fairness to all parties whilst dealing with complex, confidential and sensitive information.

Formal investigations are undertaken by external investigating officers or by off-line managers who have had no previous knowledge or involvement in the matters complained about. In 2003/04 three investigations were carried out by external investigating officers, and, 11 by off-line managers.

The average cost of a formal complaints investigation in 2003/4 was £2,575. This is a minimum figure and does not take account the cost of the time to the Authority of the interviews with staff and the senior manager's consideration of the investigation's findings and their formal response.

It is crucial that there is learning from complaints at all stages and there are examples quoted under the Learning from Complaints Section (page 7).

Complaints Procedure Complaints Review Panels (Stage 3)

There were four Panels held during 2003/04, one more than in 2002/03.

Two complaints were about Children & Families Services and two about Adult Services.

The Panels reviewed the investigation of complaints about:

- Mental Health Services and the arrangements made to carry out a Mental Health Act assessment.
- Social Care Services and the arrangements for the care of an older person and the provision of information for her carer.
- Adoption Services and an application for assessment to be prospective adoptive parents.
- Locality Services (Children & Families) and the complaint from a parent that Social Services would not assist him in his wish to have contact with his teenage son.

Review panels are chaired by an Independent Chairperson who is joined by an Elected Member and an Assistant Director.

Complainants and the Department's representatives are invited to make both written and verbal presentations to the Panel members and there is the opportunity for an airing of the issues still in dispute. The Panel listens, reaches conclusions and makes recommendations, where appropriate, for action and remedies to the Director of Social Services. A copy of the confidential Panel report is sent to the complainant and other participants. The Director considers the Panel's report and recommendations and then responds to the complainant within 28 days of the Panel

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meeting. The Director agreed all the recommendations made by Panels in 2003/04. If a complainant remains dissatisfied they may refer their complaint to the Local Government Ombudsman, who will consider whether to investigate, or not.

Consultation and Customer Surveys

During 2003/04 the Complaints Unit wrote to those who have used the complaints procedure and in preparation for this Annual Review, to those who have participated in and/or have an interest in the functioning of the complaints procedure.

300 surveys about local resolution (stage 1) complaints were sent out and 134 (45%) were returned about local resolution complaints and four surveys were returned from those who had been through the formal stages of the complaints procedure.

Not all survey questions were answered but out of 115, 56% said they were satisfied with the outcome of their complaint.

Extracts from the comments on the returned survey forms are listed on page 32.

Conclusion

This year's report has emphasised how comments, complaints and compliments can influence service development and improve services.

Regrettably things can and do go wrong and with resources stretched and prioritised to meet the needs of the most vulnerable, complaints will be made. However it is important to have in place effective and accessible means for service users' comments and complaints to be heard and responses to be made and the complaints procedure provides this opportunity.

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Appendix 1 (i) Consultation & Customer Surveys

The following are quotes about the complaints procedure from surveys returned by service users.

"The Social Services staff were very helpful and professional – it is the system I found very stressful, at a very difficult time. The system has been explained to me but this did not help me at the time"

"I would prefer not to have had to use complaints procedure, but e-mails previously had produced no change"

"You have a statutory duty to care for my daughter and because I am suffering from a mental illness surely a duty of care to me. I need help for my family; my partner is unable to do everything Social Services are making my illness worse"

"I Understand from your staff that you are short of staff and have financial difficulties, which accounts for the delay. I am most sympathetic to them but we need help soon"

"Service very good and reassuring"

"Initially we were left for 13 months (from May 2002 – 30 June 2003) with no information or contact at all. I think I should have been informed by Social Worker about the problems they had – not just left in the dark"

"I think more liason between the client/carer than there is. I didn't know the system and we felt as though we had to keep asking questions regarding 'what happens next'. There is now a successful outcome for my daughter and we are satisfied"

"The matter was dealt with in a competent and efficient manor without losing the 'Individual' approach"

"We had no complaint about the team – they have been very good – getting us the room at our chosen rest home. Our complaint is against the dealing with funding for people going into care homes. We are still waiting to hear when my mum can leave All Saints"

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"Make sure staff pass things onto parents ASAP. Make sure you are fully staffed and they always say it is because they are short staffed"

"Communicate more. Updates. Follow ups"

"We had no problem with the complaints service. But in the past we have had to phone to find out what is going on. We feel there was a lack of communication from higher up people not telling mum's social worker what was happening"

"Still waiting for equipment that was assessed as needed 6 months ago and have had to make three phone calls to chase it up. Why should I have to keep chasing your department, you are supposed to be providing a service, not the other way round"

"If people do not know the necessary jargon it would help if it was explained in plain English. I was saying to everyone 'it is the only place in the county' instead of saying 'specialist provision' once these words were used the office/service I was complaining about decided to do an assessment of my son. The Complaints Officer was very helpful even when my speech and tone were not good, thank you"

"I would like to say I have been into respite since for a week and I was greeted very warmly and felt very at home. All staff were most kind and helpful. Food varied and was very good. I enjoyed my weeks stay there very much. So I do not think one could ask for any more"

Appendix 1 (ii) Compliments

The following are quotes from service users.

C&F OT with Children with Disabilities – from parent of a young person

"I was pleased with the service received. As a result of the assessment we know where we are going and what is available. The OT was easy to talk to and understood our needs"

Mental Health Services

"Thank you for your support. I intend to go somewhere in life and you have taught me that life is worth living"

Community Learning Disability Team

"The social worker has worked tirelessly and with great fortitude and patience and as a result the whole family are benefiting. We are very grateful"

Independent Living Team – Adult Services

"Thank you for all the work you have done on our behalf, your kindness and understanding. We were on the point of giving up and if it hadn't been for you would have"

Sensory Impairment

"Exceptional Service"

"Positive visit – confidence built"

Finance and Business Support

"Thank you for the efficient way the staff member dealt with my concerns. I cannot praise him highly enough for his efficiency, his kindness and caring attitude came over strongly and I felt reassured"

Adoption & Permanence Team

"I would like to comment on the support I received after my application to adopt was approved. The social worker was committed to a successful outcome. She was kind and understanding and smoothed the path for my first meeting with my child and her foster parents right up until the Court hearing"

Physical Disability Team

"I want to say a huge thank you for all your help. It is absolute heaven to get into the bath and feel warm water over my joints. The perching stool is also great and helps to make the tasks I can tackle much easier"

Living at Home Programme, Older Peoples Services

"Thanks to everyone Mum has now returned home and has everything in place to give her the best chance of making a success of it. I am sure the whole team contributed to this"