

REPORT FOR: OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting:	13 November 2018
Subject:	Adults Services Complaints Annual Report (social care only) 2017/18
Responsible Officer:	Visva Sathasivam, Director of Adult Social Services (Interim)
Lead Members	Councillor Jerry Miles (Lead Member for People) Councillor Janet Mote (Lead Member for People)
Exempt:	No
Enclosures:	Annual Complaints Report for Adults Social Care Services 2017/18

Section 1 – Summary and Recommendations

This report sets out the statutory Adults Services Complaints Annual report (social care only) 2017/18.

Recommendations: None. For Information purposes only.

Section 2 – Report

Financial Implications

There are no specific budget issues associated with this report. All compensation payments are agreed by Service Managers and are funded within existing budgets.

Performance Issues

There are no specific particular performance issues associated with this report.

Environmental Impact

N/A

Risk Management Implications

Risk included on Directorate risk register? No

Separate risk register in place? No

Equalities implications

N/A

Corporate Priorities

The Council's vision:

Working Together to Make a Difference for Harrow

- Build a Better Harrow
- Be More Business-like and Business Friendly
- **Protect the Most Vulnerable and Support Families.**

Section 3 - Statutory Officer Clearance

The Corporate Director determined the report did not require Financial or Legal clearance.

Section 4 - Contact Details and Background Papers

Contact: Peter Singh, Head of Service, Adults Market Management and Internally Provided Services

Background Papers: None

Annual Complaints Report for Adults Social Care Services 2017/18

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1. EXECUTIVE SUMMARY

The overall picture remains very positive and reflects a real commitment from managers and staff to resolve complaints as effectively, and as promptly, as possible. Low levels of escalation to secondary stages or the Local Government Ombudsman (LGO) further reinforces the fact that complainants are satisfied that their concerns are heard and dealt with appropriately and effectively.

There were some 86 “transactions¹” within the statutory complaints process during the year, i.e. representations, formal complaints and referrals to the LGO. Given the nature of some of the work undertaken, such as safeguarding adults and the transition of young people to adult services, it is positive that the numbers of complaints are so minimal. Thousands of service episodes are provided each year.

During 2017/18 Adults Social Care Services:

- Received 7,104 requests for social care support from potential service users
- Provided information and advice (including referrals to other organisations that could assist) to 774 clients
- Ensured a total of 912 clients received home based short term Reablement services
- An additional 1,243 clients received other forms of short term support in response to their request. This included support like mental health counselling
- A total of 3,958 clients received some form of long term support, which includes personal budgets, direct payments, residential and nursing care. 3,028 of those clients were actively in receipt of such services on 31st March 2018
- Assisted 969 carers during the year. This included 322 instances of information and advice, 489 direct payments to the carer and 166 temporary support packages delivered to the cared-for person (e.g. to give the carer a break from their caring responsibilities).

This report contains both positive messages and indications of areas needing more work.

- Of particular note is the high level of representations (52) which are received as potential complaints but resolved informally to the satisfaction of service users. This is significant in showing that the Council is able to listen to concerns expressed and act promptly to resolve them. Whilst this is positive in terms of the service user’s experience, it also endorses that early resolution is more cost effective for the Council by avoiding escalation with associated costs of any investigations

¹ The total of representations, Stage 1, Stage 2 and LGO referrals.

- The number of Stage 1 complaints continues to fall and the proportion of Stage 1 complaint responses sent within timescales remains very high at 89%
- The relative escalation rate of complaints between Stage 1 and Stage 2 has remained relatively low at 14%. This reflects the successful efforts made by officers to understand and address concerns when they arise as complaints and representations
- Better quality resolution work has meant that fewer representations moved on to a Stage 1 complaint. Indeed there were far more representations (52) than Stage 1 complaints (28) in 2017/18. This meant almost twice as many cases were informally resolved ensuring a swift resolution for our citizens
- All of the key actions that were set for 2017/18 have been met.

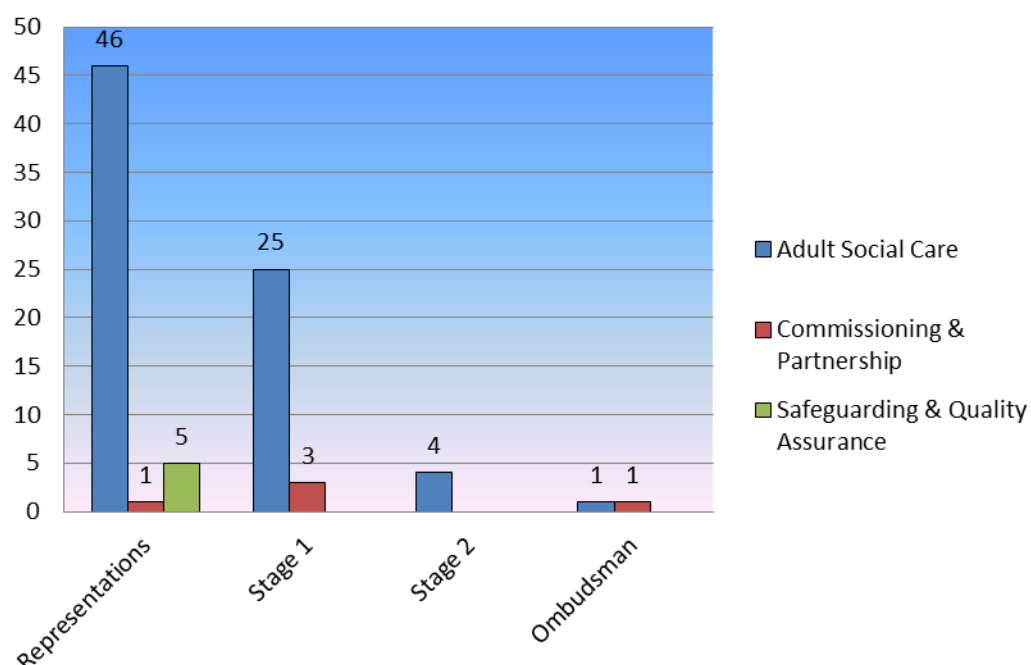
2. Summary of Activity

Between 1 April 2017 and 31 March 2018 there was the following activity:-

- The Complaints Service dealt with 52 representations i.e. potential complaints that did not lead to a formal complaint investigation
- The Council received 28 Stage 1 complaints
- Four complaints progressed to the second stage
- The Ombudsman reviewed two complaints during this period.

Additionally there were 60 MP and Councillor enquiries managed by the Complaints Team.

Chart 1: Number of Complaints by Service area: April 2017 to March 2018



Number of Complaint Transactions by Service area: April 2017 - March 2018

Service Area	Representations	Stage 1	Stage 2	Ombudsman	Total
Adult Social Care	46	25	4	1	76
Commissioning & Partnerships	1	3	0	1	5
Safeguarding & Quality Assurance	5	0	0	0	5
Total	52	28	4	2	86

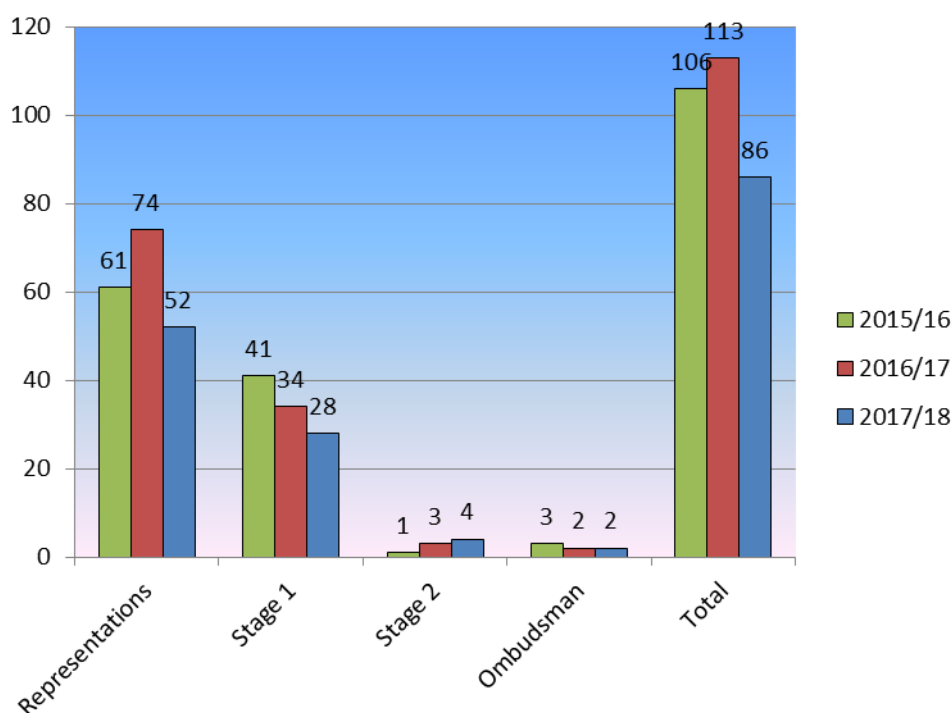
Key message: Overall the picture suggests a continuation of high quality investigative and governance standards.

Analysis: This year, there has been a reduction in the number of Stage 1 complaints, down by six (12%) from 2016/17. The reasons for this are considered in detail in section 5.1.

There were just four Stage 2 complaints. This represents an escalation rate of 14% in 2017/18 of all Stage 1 complaints and as such is a relatively low level of escalation.

The two LGO referrals are further discussed in the LGO section.

2.1 Comparison of complaints over the last 3 years



	Representations	Stage 1	Stage 2	Ombudsman	Total
2017/18	52 (60%)	28 (33%)	4 (5%)	2 (2%)	86
2016/17	74 (65%)	34 (30%)	3 (3%)	2 (2%)	113
2015/16	61 (57%)	41 (39%)	1 (1%)	3 (3%)	106

Key message: Overall the picture suggests a continuation of high quality investigative and governance standards.

Analysis: There was a decrease in the number of total complaints or 'transactions' in 2016/17 (86) compared to 2016/17 (113). This was mainly due to a drop in the general number of representations (decrease of 22 from the previous year). This likely reflects an increased ability for front line staff to resolve any issues before having to involve the complaints service. The other areas have stayed within similar parameters as last year.

With representations still forming the majority of the transactions received within the service from these areas, it continues to show an approach of early and informal resolution both for individuals and the Council.

3. Outcomes for key targets in 2016/17

In the previous annual report the following were identified as key focus areas.

- To ensure that on time Stage 1 complaint response rates continue to exceed the target of 85%
- To continue the core offer of training for front line staff and managers on complaint handling
- To update the complaints database to reflect the new teams within the People Directorate
- To review and update complaints literature and communications.

All of these outcomes have been met. For example, 89% of Stage 1 complaints were responded to on time. The Complaints team also offered more one to one training sessions for staff members in handling complaints and reflective discussions with care managers who were involved in complaints received to manage future situations where complaints may arise.

4. Focus for 2018/19:

- To update the complaints database to reflect the new teams within the total transformation and new operating model since September 2018. To improve satisfaction in line with the Adults Social Care Vision
- To review and update complaints literature and communications and work with the new Adult Social Care teams in ensuring citizens continue to be aware of the complaints and compliments process
- To ensure that on time Stage 1 complaint response rates continue to exceed the target of 85%
- To continue the core offer of training for front line staff and managers on complaint handling.

5. Stage 1 Complaints

5.1 Overall Activity

	Commissioning & Partnership	Adult Social Care	Safeguarding, & Quality Assurance	Total
2017/18	3	25	0	28
2016/17	0	34	0	34
2015/16	1	37	3	41

Analysis:

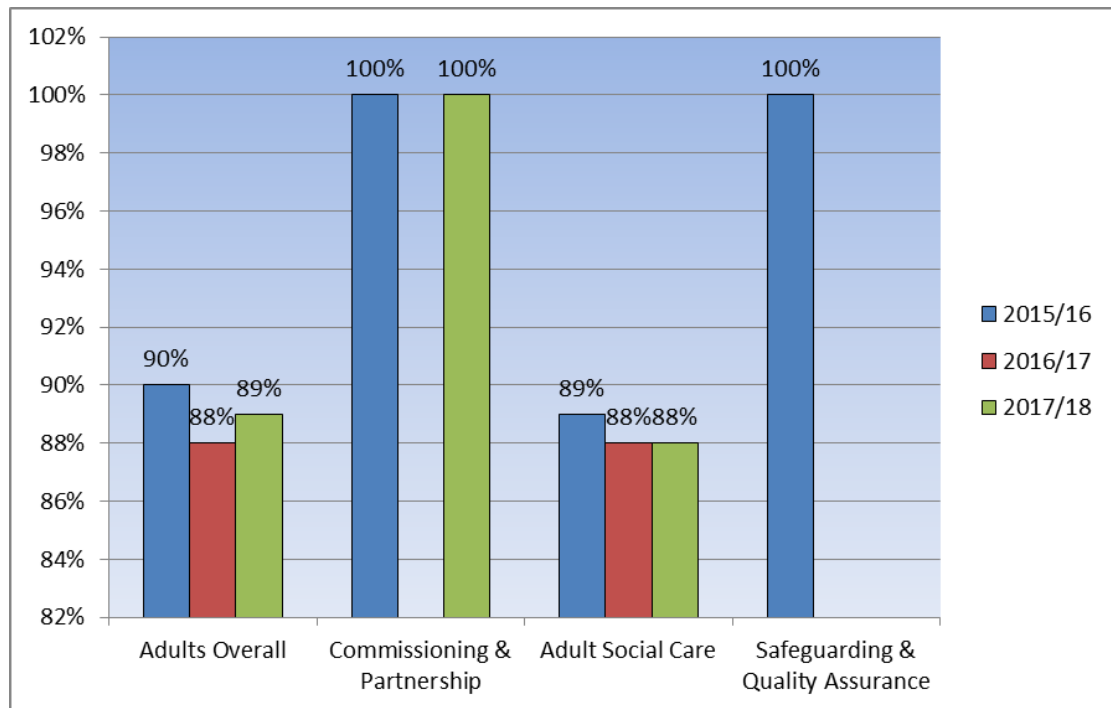
The number of Stage 1 complaints have continued to decrease over the past three years. The reasons for this include:

- Better quality resolution work has meant that few representations moved on to Stage 1 complaints. As discussed in the Nature of Complaints section below, Adult Social Care complaints tend to be of a practical or decision based nature so these can often be addressed without formal process work
- Training for front line staff to offer choice and control has resulted in a positive culture change throughout Adult Services, leading to higher levels of satisfaction
- In addition, the Complaints Service often meets with managers when progressing a complaint to feedback throughout the process. This ensures an active format of feedback, improvement and informal ongoing training with reference to complaints handling which assists staff in resolving issues independently.

Commissioning and Partnership complaints increased from zero to three in 2017/18 compared to 2016/17. Two of these were from the same individual who had lost/misplaced items in a neighbourhood resource centre. The third complaint was in reference to certain parts of a facility not having consistent hot water.

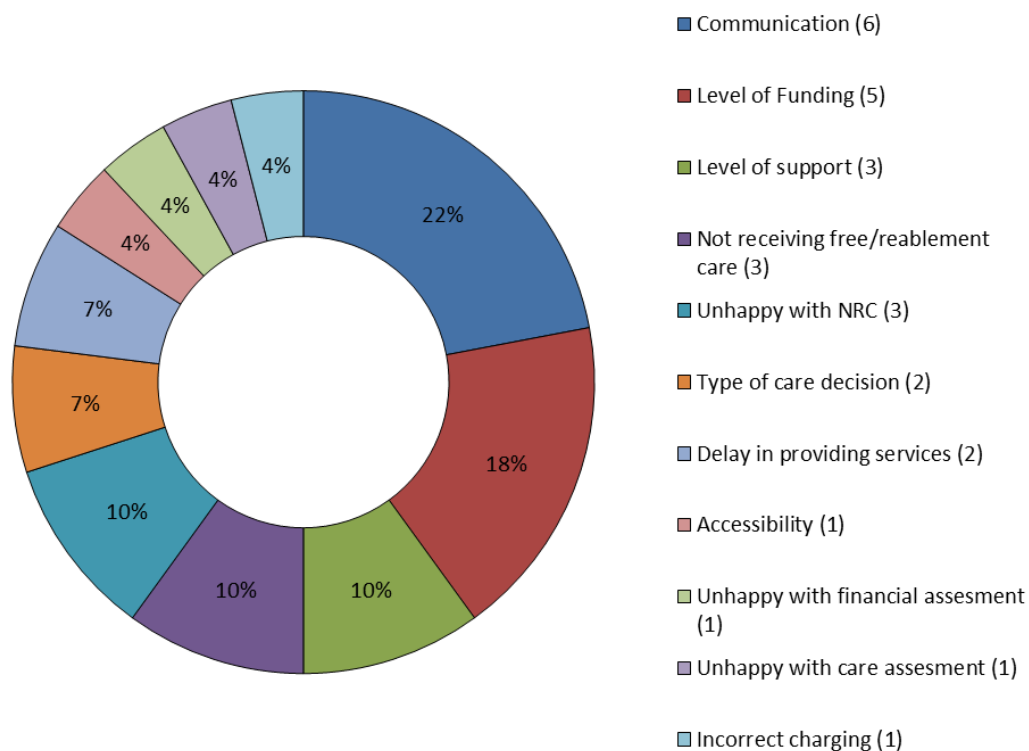
Adult Social Care, which manages all referrals for statutory services and contains the majority of the social work teams within Adults by the nature of the work will always receive the largest share of complaints.

5.2 Stage 1 Response Times



Analysis: All services areas exceeded the target of 85%, with an overall level of 89% of complaints being dealt within timescale. This is a slight increase from 88% for 2016/17.

5.3 Nature of complaints



Examples of complaints by category:	2017/18 examples
Communications	<p><i>Not being informed of change in appointment at an external agency</i></p> <p><i>Felt misled by information on 12 week disregard</i></p>
Level of Funding	<p><i>Not having sufficient funding for extra hours at home</i></p> <p><i>Unhappy with charging rates for respite at new agency</i></p>
Level of support	<p><i>Not received handyman service</i></p>
Unhappy with NRC	<p><i>Towel has gone missing</i></p>
Not receiving free/Reablement care	<p><i>Charged for care package after discharge</i></p>
Delay in providing services	<p><i>Delay in requesting respite services</i></p>

Type of care decision	<i>Wanting 24 hour care rather supported living</i>
Incorrect charging	<i>Charged for care not received</i>

Analysis: As the above shows, the nature of complaints are diverse but are often centred on the level of financing or support available to the individual.

There can sometimes be a distance in the expectation of the level of care or financial support a family may receive under national guidelines – which also feeds in to why communications has a relatively high number of complaints as a reason.

For example, because older people have often had a lifetime of free care under the NHS, it can sometimes be disarming for families to understand the means charging for social care and the different levels of preferential service available depending on expense of provider. The complexities of assessing finances can also be a challenge for individuals. However given that around 3,958 individuals received some sort of long term service which would often include charging and personal budgets, the low level of complaints received overall shows that Adult Social Care staff have a good ability to provide support and understanding around the complexities and choices around this area.

5.4 Complaints outcomes

Service	Not Upheld	Partially Upheld	Upheld	Total
Commissioning & Partnership	1	2		3
Adult Social Care	15	5	5	25
2017/18	16 (57%)	7 (25%)	5 (18%)	28
2016/17	17 (50%)	12 (35%)	5 (15%)	34
2015/16	17 (41%)	15 (37%)	9 (22%)	41

Key message: A continued balanced and fair approach to considering outcomes in Stage 1 complaints was employed during 2017/18. As discussed above, the formal complaints received tend to be based around decisions about the level/type/financing of care and either a complaint may raise additional information or circumstances that may allow re-consideration of these decisions by management or it may repeat the same points which were originally and correctly considered by management.

Some 57% of complaints were found to have no points upheld. A quarter being partially upheld would sometimes only have one part of the complaint being upheld. In 18% of complaints, the complaints overall were upheld. In total 43% complaints had some element of the complaint upheld.

Some examples of upheld points were:

- *A review not taking place within the usual timeframe (was due to the allocated member of staff being on sick leave)*
- *An individual being charged for care not received due to an issue with updating the system*
- *The time taken for the case to go to panel led to a delay in arranging funding which was then backdated appropriately*

Managers, social care staff and the complaints team continue to work towards a more balanced and open approach to complaints, where concerns are recognised and receive appropriate responses. This includes the need to listen to complainants and adopt a less defensive approach when reflecting on practices and making decisions on the outcomes of each complaint.

6. Stage 2 complaints

6.1 Stage 2 complaint numbers and escalation rates

Service	Stage 1	Stage 2	% escalating to formal complaints
2017/18	28	4	14%
2016/17	34	3	9%
2015/16	41	1	2.4%

Analysis: There were four Stage 2 complaints in 2017/18, compared to three during 2016/17 and one also during 2015/16. Despite the increase the escalation rate is still very low. Every Stage 1 response has clear referral information for Stage 2. Keeping in mind that despite 57% of Stage 1 complaints being non-upholds and the ease for individuals to request a Stage 2, the escalation rate is low which evidences a high quality level of responses regardless of the outcome of the response.

The information and context behind these four complaints are discussed in 6.4.

Two potential Stage 2 complaints were also informally resolved.

6.2 Stage 2 Complaints and outcomes

Service	Not Upheld	Partially Upheld	Upheld	Total
2017/18	4			4
2016/17	2	1		3
2015/16		1		1

Analysis:

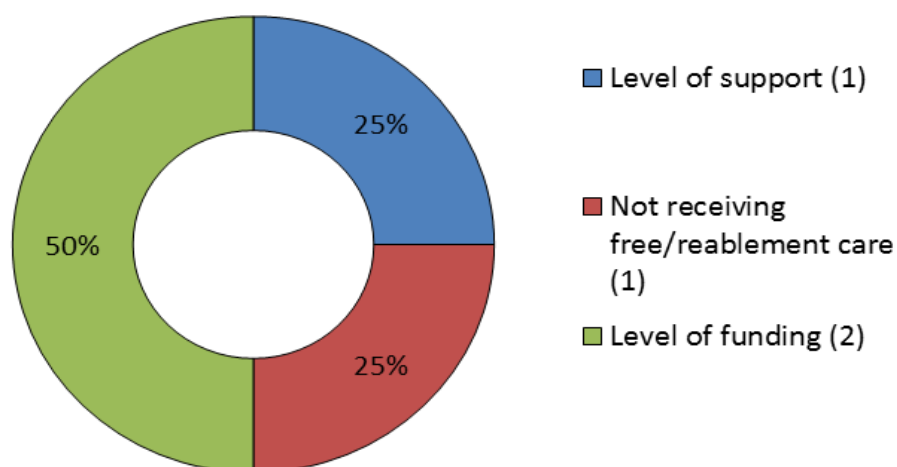
None of the four Stage 2 complaints were upheld. These complainants did not offer any new pertinent or relevant information/evidence that would have led to a different outcome.

6.3 Stage 2 Response Times

Year	Within time	Over timescale	Total
2017/18	4		4
2016/17	2	1	3
2015/16	1		1

All Stage 2 complaints were completed on time.

6.4 Nature of complaints



Analysis: The nature of Stage 2 complaints stayed true to the general trend of individuals who disagree or are unhappy with the social care resourcing provided to them.

Details of these four complaints were

- *Remaining unhappy with receiving a chargeable care package upon discharge from hospital. This individual has been informed by social care staff that it was a means tested service and they had agreed to pay and asked Council to commission service. However as they had then spoken to friends who had received reablement for free, they had an expectation they should have received free care.*
- *Remaining unhappy with the explanation that the level of care provided was in line with the assessed level of needs they had received. The individual had complained about the assessment and staff involved, but upon review, the correct approach had been taken and this individual wished to have more domestic services than actual social care addressing eligible needs under the Care Act.*
- *Remaining unhappy with how the individual had been charged as they had capital below £23,250 but did not appear to account for how income impacts the individuals ability to afford care services.*
- *Remaining unhappy with the level of funding assessed and granted. No new financial or care evidence/circumstances have been presented to allow a reconsideration that would have led to a different outcome.*

7. Stage 3 Complaints

There is no statutory Stage 3 complaint stage.

8. Ombudsman complaints and enquiries

Analysis: Only one referral was received from the LGO during 2017/18. This complaint was in reference to services provided by Central North West London NHS Foundation Trust (CNWL). CNWL provide mental health services, however Adult Social Care has a statutory responsibility for these services under s75 of the Mental Health Act.

The Council managed and had oversight of the complaint. The LGO found that there was a failure with the Trust to clearly record its decisions regarding the entitlement and personal budget of the complainant.

Service	No finding against Council	Finding against Council	Total
Commissioning and Partnership	0	1	1

Year	No finding against Council	Finding against Council	Total
2017-18	0	1	1
2016-17	3	0	3
2015-16	2	1	3

9. Escalation comparisons over time

Year	Average % escalation rate Stage 1- Stage 2	Number of LGO complaints
2017-18	14%	1
2016-17	9%	3
2015-16	2%	3

Analysis: The rate of escalation between Stage 1 and Stage 2 has remained low over the past three years and the number of LGO complaints concluded has further reduced. The relatively low figures reflects the commitment to finding resolutions and listening to service users and their families when concerns are raised during representations.

10. Compensation Payments

There were no compensation payments made during 2017/18.

11. Mediation

The Complaints Service often offers mediation meetings and uses mediation as a strategy to help resolve matters effectively by bringing parties and viewpoints together as well as proposing solutions. Three mediation meetings took place which are detailed below:

- The Complaints Service prevented an escalation to legal action and held meetings with the family to hear their views and propose solutions with a Service Manager which lead to the successful resolution of a very complex and difficult case
- A care agency manager was upset with the level of financial information being asked of his organisation to ensure the correct charging. A teleconference meeting was set up with the Service Manager, Business Manager and Complaints Service which resolved the situation by explaining in detail why this information was required

- A family were unsure if their late mother received the right level of finance contribution from the local authority shortly before her death. The Complaints Service arranged for a financial review and meeting. As a result, a readjusted contribution was made and the situation resolved without escalating to a formal complaint.

12. Joint NHS and Social Care Complaints

There was no (zero) joint NHS and Social Care complaints.

13. Learning Lessons/Practice Improvements

Examples of lessons learnt/practice improvements include the following

- Better communication and management of expectations with regard to the financial charging of care upon discharge of hospital. The Social Care team at Northwick Park Hospital would often explain this to families when they would need a care package that would be chargeable. However, individuals would sometimes speak to health, care agency employees or even friends who would provide incorrect information. The Complaints Service as a result worked with the Reablement Team in updating their literature which further clarifies this area
- The journey of moving between different Adult Social Care services was still confusing and lengthy for some individuals. With a new operating model now in place which is more streamlined, this will promote an improved experience for citizens
- All teams within Adult Social Care should be made aware when communicating with clients with visual impairment of the need to ensure that communication is user friendly. An individual was invoiced from a finance service (outside of social care) which was incompatible with required software for those with visual impairments. This was feedback appropriately to prevent this inconvenience from continuing and to ensure the Council as a whole was adapting its services for the many diverse needs of citizens.

14. Compliments

The majority of service users that compliment staff and the Council provide their feedback through verbal communication in care meetings or by phone. 22 compliments were received about Adult Social Care in 17/18. Examples of some of the written compliments forwarded to the complaints team by staff include:

- *“Ever so often we don’t have the opportunity to say thank you to staff who have been of great support to providers like us.*

I have decided to write on behalf of this agency to say thank you to two staff in your team for their contributions to our agency with their, work ethic, and communications with us which has added great value to the way we work. They both possess the ultimate "can do" attitude and positive energy every time we communicate with them.

Their engaging personalities have enabled us to interact effectively with them, our clients and staff.”

- *“I am writing to commend a Care Manager from Adult Services.*

J has recently been an invaluable source of help and support to both myself and my mother who suffers from Dementia.

Not only has she been, at all times, professional and knowledgeable, but she has also been caring and empathetic. This has been an incalculable in helping me to help my mother. I say unreservedly that J is a credit to the department that she represents and I hope that she realises how important her work is in changing and improving the lives of others, and that she derives some pride in that .

I very much hope that my comments are received by her managers and that her valuable commitment to her profession is acknowledged, as she deserve.

- *“I know that this was not necessarily an easy case to deal with at times. Please be assured from my perspective and understanding, and on behalf of the family we truly appreciate all your efforts and words of wisdom, as an individual and professional. May you be blessed in the continuance of your career.*

- *“I have just had a one to one meeting with L. We discussed Y and I am so happy that Loris understands my point.*

L is amazing she is full of knowledge and understands Y’s disability needs and genuinely wants the best for Y.

- *“Thank you for your email, I am incredibly relieved and grateful that dad will now be cared for permanently. I has been fantastic through this process and I’m delighted she had the opportunity to present the case yesterday as she knows our situation best.”*

- *“We provide residential respite services for Harrow Council. Some of our services have been complicated to invoice for payment due to the fact that some clients have no allocated social workers. I was impressed that individuals in the team picked up some of these cases and helped to resolve these on behalf of the duty team.”*

- *“I just wanted to say thank you for the added lights. The ones in the wardrobe are brilliant. I can actually see my clothes.*

The desk light is so bright and easy to use. I am managing to paint my ceramics now. Something I had had to give up, having got to hand movement only. Yes, I did the mould and drew the design. Look how my cataract op has improved my eyes, even though I am sadly still registered blind due to my condition. I had good vision then it went again but hey, I can still see so I am delighted. So thank you for your aids. I just wish I had more sight then you could be rid of me but you never know with stem cell research that I am now on.....My work is attached with your light. One happy bunny and yes, put it on your records!”

- *“I wanted to thank you so much for looking after gran so well. You really made a big difference in our lives. The funeral ceremony will be followed by a lunch at her house to celebrate her wonderful life. You are welcome to attend any or all of the days proceedings - please do RSVP so we can organise catering.”*
- *“When everything was looking very negative until M from SOCIAL SERVICES who took my call and the response i had was just amazing, she not only got the ball moving , she did it at such fast pace , to ensure my dad had the new commode as early as possible to fix a problem previous social workers couldn't fix. She was very informative, very detailed orientated, organised and extremely effective in getting my father the commode at the earliest possible time. She exceeded all the expectations, truly a wonderfully kind at heart always putting clients needs first and exceptionally talented young lady who gets the job done with high level of skill and knowledge, i couldn't do anything else but do my efforts to show her employer my gratitude. On behalf of my father , would like to thank you all.”*
- *“YOU are a lovely person - kind, caring and always striving to do your best. It was characteristic of you that you should tell Usman that you plan to come into work tomorrow to resolve my Mother's transfer from PayPal to NatWest. That is a superb sentiment and very much appreciated. BUT, please, you are NOT to do this. Tomorrow is the first day of a 4-day weekend and you are to leave the cares and woes of your job behind you when you go home tonight. So, sincerely, thank you very much and truthfully, very much appreciated, but you are not to go into the office tomorrow. I know it was genuinely meant, but you are not to do it.*

15. Equalities Information

15.1 Stage 1 - equalities information of the service user

Gender of Service User	2016/17	2017/18
Male	11	10
Female	23	18

Ethnic Origin of Service User:	2016/17	2017/18
ASIAN OR ASIAN BRITISH		
Afghani		
Bangladeshi		
Indian	7	5
Pakistani	1	
Sri Lankan	2	
Sri Lankan Tamil		
Other Asian	2	
BLACK/BLACK BRITISH		
African		1
Caribbean	1	1
Somali		
Other Black	1	
OTHER ETHNIC GROUP		
Arab		
Chinese		
Iranian	1	
Iraqi		
Kurdish		
Lebanese		
Other Ethnic Group		
MIXED		
White & African		
White & Caribbean		
White & Asian		
Other Mixed		
WHITE		
Albanian		
British	16	16
Irish		
Gypsy/Roma Traveller		
Irish Traveller		
Polish		
Romanian	1	
Serbian		
Other White		
PREFER NOT TO SAY/NOT KNOWN	2	5

Disability	2016/17	2017/18
Yes	32	24
No	2	4
Unknown	0	0

Complaint made by:	2016/17	2017/18
Service User	9	10
Relative/Partner (often informal carer)	24	16
Advocate – (instigated by either carer or service user)	1	1
Solicitors	0	1

15.2 Stage 2 - equalities information of the service user

Gender	2016/17	2017/18
Male	0	1
Female	3	3
Unknown	0	0

Ethnic Origin	2016/17	2017/18
British White	1	2
Indian	1	2
Pakistani	1	0
Unknown	0	0

Disability	2016/17	2017/18
Yes	3	4
No	0	0
Unknown	0	0

Complaints made by	2016/17	2017/18
Service User	0	2
Relative/Partner (often informal carer)	3	2
Advocate – (instigated by either carer or service user)	0	0
Solicitors	0	0

16. The Complaints Process explained

All timescales contained within this report are in working days.

16.1 What is a Complaint?

An expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a local authority's adult's social services provision which requires a response.

16.2 Who can make a Complaint?

- (a) a person who receives or has received services from the Council; or
- (b) a person who is affected, or likely to be affected, by the action, omission or decision of the Council.

16.3 Stages of the Complaints Procedure

From April 2009, regulations removed the traditional 3 Stage complaints procedure for statutory complaints, replacing it with a duty to provide a senior manager organisational sign-off to every complaint response. The Council is expected to negotiate with the complainant how their complaint should be managed, including agreeing a timescale. If a verbal issue can be resolved by the end of the next working day, the regulations state this does not need to be recorded as a complaint.

Many complainants prefer a defined process and prefer to rely on the Council to identify a process to manage their complaint. To assist such complainants the Council produced a model procedure which complainants can use if they prefer. It is also used where complainants cannot be contacted to discuss how they want their complaint managed. Complainants are always advised in writing of their right to agree a different process if they prefer.

The stages of the Model procedure:

1) Local resolution

Timescale: 10 working days. 20 working days for complex

2) Mediation

3) Formal investigation

Timescale: 25 working days. 65 working days if complex e.g. requiring independent investigation.

For ease of understanding, the report uses a traditional stages reporting format. Local resolution being a Stage 1 and formal investigation a Stage 2. It is important to emphasise that these stages are very fluid so it is not uncommon to go immediately now to mediation or independent investigation.

Local Government Ombudsman

The Ombudsman is an independent body empowered to investigate where a Council's own investigations have not resolved the complaint.

The person making the complaint retains the right to approach the Local Government Ombudsman at any time. However, the Ombudsman's policy is to allow the local authority to consider the complaint and will refer the complaint back to the Council unless exceptional criteria are met.

16.4 What the complaints team do

- Letter-vetting
- Liaising with services to try resolve the issue informally
- Mediation
- Training
- Surgeries/raising awareness
- Learning identification and agreed actions monitoring
- Advocacy identification
- Chasing and assisting with drafting complaint responses