



**CHILDREN'S SERVICES  
(Social Care)**

**ANNUAL REPORT ON COMPLAINTS,  
COMPLIMENTS & COMMENTS**

**2004-2005**

1. Introduction	3
2. Overview of Complaint Numbers	4
3. Local Resolution (Stage 1)	4
4. Formal Investigation (Stage 2)	8
5. Complaints Review Panel (Stage 3)	9
6. Local Government Ombudsman	10
7. Councillor & MP enquiries	10
8. Compliments	11
9. Review of the operation of the complaints procedure (Consultation)	11
10. Commission for Social Care Inspection's view of the procedure	12
11. National Developments	12
12. Future areas for development	13

## **1. Introduction**




**1.1** The annual report on complaints about Social Services is a statutory requirement. To date the annual report has included information about both children and adult services. As these services separated on 1 April 2005, with the setting up of Children's Services and Adult Social Care departments respectively, separate annual reports will be provided. This report gives information about complaints made by adults and young people about the social care element of Children's Services.

**1.2** The complaints procedure provides a means for identifying problems, taking action to address these and so improving services. The purpose of the statutory "Social Services" complaints procedure is to provide a fair and equitable procedure for responding to expressions of dissatisfaction made by those receiving services or others acting on their behalf.

**1.3** Complaints are often regarded as "bad" and services receiving no complaints are perceived to be "good". This is not always the case. Services receiving higher numbers of complaints may often be more responsive to listening to their service users and taking action to resolve expressions of dissatisfaction. Whilst those services receiving no complaints may simply reflect users' anxiety that the service provided to them may be affected adversely if they complain and, therefore, they decide not to.

**1.4** Complaints should be regarded as important in obtaining information about services from those who have experience of them, correcting services where things have gone wrong and learning from the complaints, in order to ensure service improvement.

**1.5** This report is structured around the 3 internal stages of the complaints procedure:-

-  Local Resolution (Stage 1)
-  Formal Investigation (Stage 2)
-  Complaints Review Panel (Stage 3)

It also gives information about complaints dealt with by the Local Government Ombudsman and enquiries made by Councillors and MPs on behalf of their constituents and compliments.

The concluding section highlights some key national changes to be made to complaints procedures and identifies areas of future work within Children's Services.

## 2. Overview of Complaint Numbers

Number of complaints received	Stage 1	Stage 2	Stage 3	Ombudsman Enquiries
Young people	32 (31)	1 (0)	0 (0)	0 (0)
Adults	149 (185)	3 (6)	1 (2)	4 (1)
<b>Totals</b>	<b>181 (216)</b>	<b>4 (6)</b>	<b>1 (2)</b>	<b>4 (1)</b>

## 3. Local Resolution (Stage 1)

**3.1** Some complaints are made directly to the Complaints Unit and others to local staff and managers. Where complaints are dealt with directly by local staff and managers, information about those complaints should be passed to the Complaints Unit for the details to be recorded. The information on numbers of complaints received at this first stage is, therefore, only as accurate as the information provided to the Complaints Unit by local teams about the complaints they receive directly.

### 3.2 Who complained?

**3.2.1** Complaints are made by those receiving services themselves, their wider families, parents, neighbours, friends and other agencies. Not all these groups of people are considered to be qualifying individuals under the statutory Social Services complaints procedure. However, as the Council's procedure mirrors the Social Services one, complaints about Social Services, made by those who are not considered to be qualifying individuals, are dealt with in the same way. This is in

line with the Unit’s ethos of not “passing the person” and seeking early resolution wherever possible.

**3.2.2** New guidance requires that all **young people** making complaints must be offered an advocate at the point of complaining. Xpress Advocacy provides an advocacy service for local children. Out of the 32 complaints received from **young people**, 24 were offered advocates, 2 were already in touch with advocates, 1 had an advocate from outside the local area and the remaining 5 were not offered advocates for reasons such as being in hospital, the complaint being resolved very quickly or because they already had advocates. 12 young people made the decision not to have a local advocate and 12 young people were referred to Xpress Advocacy.

**3.2.3** Of complaints about issues **young people** wished to raise, 93% were received directly from young people.

**3.2.4** Of complaints made by **adults**, 92% were made by parents, extended family members, friends, neighbours. Foster carers and other agencies comprised 5% and 3% respectively.

**3.2.5** 70% of adult service users were White British. Whilst 68% of **young people** accessing the complaints procedure were White British.

### 3.3 What were complaints about?

Complaint Issues	Young People	Adults
Unwelcome decision	34%	18%
Poor communication	0%	16%
Insufficient service	18%	14%
Inappropriate action	7%	12%
Staff conduct	9%	10%
Peers’ conduct (residential)	13%	0%
Other	19%	30%

**3.3.2** Examples of issues that came up in relation to **unwelcome decisions** were issues about changes of placements for young people in need of residential care, and the decision to stop outreach services.

**3.3.3** Examples of issues that came up in relation to **inappropriate action** were issues about feelings that Children's Services had not taken concerns about the care of a child seriously.

**3.3.4** Examples relating to **insufficient services** included feeling that the support provided from Social Services was insufficient to meet the needs of families who were facing extreme challenges from troubled children, more respite care being needed, and too little support available to young people aged 15 upwards.

**3.3.5** Examples of **poor communication** included not receiving responses to letters, phone calls and feelings of not being listened to, not being taken seriously or being ignored.

**3.3.6** Examples of **staff conduct** related to breaches of confidentiality, and incorrect information being written in reports.

**3.3.7 Young people** complained about a range of issues. The most complaints were made about **unwelcome decisions** and **insufficient services**.

(a) The kinds of **unwelcome decisions young people** complained about related to frequency of changes in social workers, decisions about choice of placements, moves to other placements and the way in which these were carried out.

(b) Other issues were about **insufficient** services, which left some **young people** feeling they were less well supported from the age of 15 and others wanting to see more of their social workers.

### 3.4. How long did it take to reply to complaints?

	Statutory timescale	Within timescale	Average days
Young people	14 calendar days	91%	7
Adults	21 calendar days	76%	15

The timescale for responding to complaints from adults is in need of improvement. Although the timescale for responding to complaints from young people is good, the feedback received from Xpress Advocacy is that young people often feel that the statutory timescale is still too long.

### 3.5 What was the result of the complaints?

Complaints	Upheld	Partly Upheld	Not Upheld
Young people	40%	40%	20%
Adults	22%	24%	54%

### 3.6 What did the department learn from complaints?

**3.6.1** Learning from complaints ensures that service delivery is improved, wherever possible. Not all complaints lead to learning, but when they do, managers are asked to identify learning under 3 broad headings: learning for the organisation, for the team and for an individual. Data is collected on this basis.

**3.6.2** Areas identified through complaints from which organisational learning can take place is around developing staff knowledge of carers' assessments and direct payments, as well as providing useful public information about access to personal records.

**3.6.3** Learning for teams has included improving communication with service users and the need to ensure parents are informed of events affecting their child who is being accommodated by the department.

**3.6.4** Where complaints indicate areas of concern for individual staff members, these are normally addressed through management supervision processes.

**3.6.5** In addition to learning, complaints can identify “trouble spots” for the department, but these must be seen in context as the numbers of complaints received is small, as compared with the total number of referrals and ongoing work carried out. Examples of trouble spots are the lack of respite care placements for children with disabilities and playschemes for children with attention deficit hyperactivity disorder.

**3.6.6** The efforts made to respond to complaints fully at the first stage of the procedure is reflected in the low numbers of complaints proceeding to the second and third stage of the procedure.

## **4. Formal Investigation (Stage 2)**

**4.1** There were 4 formal investigations in 2004-2005, a decrease of 2 from the previous year’s figures. Three of these related to complaints made by adults and one to a complaint made by a young person.

**4.2** External investigating officers were engaged for all these investigations and all the investigations had independent people appointed to them. Independent people are not Elected Members or officers of the local authority. Their role in an investigation is to monitor that it is being conducted fairly and is comprehensive. The investigating officer reports in writing on the detail and findings of the complaints issues and the independent person writes a separate and shorter report giving his/her view of the conduct of the investigation.

**4.3** Complaints when they reach this stage normally cover more than one element and the investigating officer’s findings will relate to each element. Of the 4 complaints that went to this stage of the procedure, one was fully upheld, whilst the other 3 were a combination of upheld, partly upheld or not upheld.

**4.4** In all cases, recommendations were made for the department to action. These recommendations are indicators of learning. The learning from formal investigations was around ensuring core assessments are accurate, that information is gathered

from a variety of sources if the assessment is to be holistic, that parents are informed when information is shared with other departments, that staff are reminded of their responsibilities for ongoing support/work once child protection investigations are completed and that parents are kept informed of and involved in the department's actions in relation to their child unless there is good reason not to do so.

**4.5** The statutory timescale for completing an investigation and sending a response to the complainant is 28 working days. This has proved to be generally unrealistic, as it fails to take account of the complexity of complaints, the extent of documentation needed to be looked at, the legislation, guidance and procedures needing to be referred to and the numbers of staff to be interviewed. As a result, the statutory timescale is seldom met and it has taken an average of 31 days to undertake an investigation and give a response. Although an improvement on the previous year's figures, the statutory timescale is still not being met.

## **5. Complaints Review Panels (Stage 3)**

**5.1** Review panels are chaired by an independent chairperson and consist of two other wing members: an Elected Member and an Assistant Director who is not from Children's Services. Complainants and the responsible senior manager have an opportunity to give verbal and written presentations. The panel then deliberate on the discussion and form their conclusions. A report detailing recommendations and actions, if any have been made, is provided to the director, the complainant and other panel participants. The director makes a decision about what action can be taken to resolve the matters under review.

**5.2** One review panel was held. The issues under review related to the way in which an application for adoption was dealt with by Locality Services. The director accepted the panel's recommendations.

## **6. Local Government Ombudsman**

**6.1** The Ombudsman received 4 enquiries, where complainants had not been satisfied with the initial responses to their complaints. In 2 cases, the Ombudsman considered the authority's stated position to be reasonable, a further case was referred to the insurers and the final case was referred back to the authority for further investigation.

**6.2** There were no Ombudsman investigations during this period.

**6.3** The Ombudsman now writes an annual letter to the Chief Executive of the Council. This letter covers complaints received across the Council departments. The Ombudsman concluded that there are no general lessons to be drawn about the operation of the Council's complaints procedure and commented that there has been positive feedback about the way in which the Council as a whole responds to enquiries and suggestions for local settlements.

## **7. Councillor and MP Enquiries**

**7.1** Councillors and MPs normally write to the director on their constituents' behalf, as some constituents choose to approach their local Councillors or MPs about matters of concern relating to Children's Services. The Complaints Unit maintains data about these enquiries, co-ordinates the follow-up and response to Councillors and MPs on behalf of the director. These enquiries are also an important source of information.

**7.2** There were 43 Councillor and MP enquiries this year. 40 of these were about service provision being unsatisfactory, either because it was insufficient or delays were being experienced. Examples of the issues raised through Councillors and MPs included lack of respite care provision for young people with disabilities, issues around adaptations and obtaining equipment for young people with disabilities, direct payments and delays in assessments.

## 8. Compliments

**8.1** Compliments are also important in identifying where services are working positively. Given the nature of the service provided by Children's Services and the difficult circumstances in which staff often work, compliments are a welcome mark of appreciation.

**8.2** The data on compliments is reliant on the teams reporting compliments to the Complaints Unit so that they can be recorded. The information on compliments is, therefore, only as good as the information provided by the teams. 69 compliments about Children's Services have been recorded. Whilst in the previous year, 79 compliments were recorded, this year's reduction complements the reduction in complaints.

**8.3** Examples of compliments received are listed below:

"They are great (foster) carers. I can talk about anything with them and they help me sort out my problems"

"My social worker does what he says he's going to do"

"We were impressed by the high standard of care shown by all the staff and feel you all do a marvellous job"

"You have been such a good social worker, helpful and supportive, always keeping us informed of what is happening"

## 9. Consultation

**9.1** Service users are routinely asked to comment about the complaints procedure and comments received indicate that they are well informed of the procedure and find staff helpful, polite and courteous, even if they do not always achieve the outcome they want. Some less favourable comments made by service users have been about not feeling they have been listened to.

**9.2** As part of preparing for the annual review, a range of people were surveyed who have an interest in the complaints procedure and may be involved in supporting service users to access it. These included 67 voluntary organisations, all 6 independent people, 7 investigating officers, 3 independent chairs, 3 Councillors

who had participated in Complaints Review Panels and 2 trade unions. Views were also sought from 12 operations managers, 7 heads of service and the assistant director.

**9.3** In total 51 responses were received. It was clear from these responses that the complaints procedure was well known. Positive comments were received about how the process worked, about the management of complaints review panels and about the assistance provided to staff in trying to resolve complaints.

**9.4** Areas for further development were identified. One of the key areas to take forward was in relation to developing relationships with organisations supporting people from black and ethnic minority communities and discussing how the complaints procedure can be made more accessible. Another area for continued development was to ensure that young people continue to access the procedure and to experience it in a positive light.

## 10. Commission for Social Care Inspection

**10.1** Children's Services were inspected this year by the Commission for Social Care Inspection. As part of that process, complaints were considered. The Commission concluded that "Complaints procedures were robust and supported by training and a dedicated complaints officer for children's social care". The complaints system was identified as a strength within Children's Services that "appeared to lead to the pursuit of satisfactory outcomes for service users and was linked to mechanisms that supported continuous improvement".

## 11. National Developments

**11.1** There has been a review of complaints procedures which resulted in 3 consultation documents being produced:

- ✚ An Independent Voice (CSCI) (September 2004)
- ✚ Learning from Complaints – Consultation on Changes to the Social Services Complaints Procedure for Adults (DoH) (October 2004)
- ✚ Getting the Best from Complaints (DfES) (2004)

Overall, these documents are about making complaints procedures more robust, strengthening the role of complaints personnel within local authorities and developing a positive culture of listening to service users, which includes the right to complain. A key change identified in An Independent Voice was for the review panel stage (stage 3) of the complaints procedure to be transferred to CSCI in April 2005. CSCI has not been able to assume this responsibility and with the further indication from Central Government that it intends to reduce the number of inspectorates and to amalgamate the Commission for Social Care Inspection with

the Health Commission, the likelihood is that there will be further delays in implementing all changes.

**11.2** Unfortunately, the constant suggestion that these changes are impending has resulted in a number of developments planned for this year being put on hold.

## **Future Developments**

**12.1** In addition to the day to day management of complaints, the following is the planned work schedule for this year:

- ✚ Discuss with organisations offering support to black and ethnic minority groups how best we can work with them to ensure the complaints procedure is accessed as needed
- ✚ Continue to support positive use of the complaints procedure by young people
- ✚ Progress the development of publicity information about complaints for children under 8 and children with special communication needs
- ✚ Continue staff training in complaints and build on this to include specific training for managers
- ✚ Review all procedures/policies/guidance relating to complaints to ensure it is in line with the new Children's Services department