

## Agenda item No. 10

Report to:	<b>Children's Services Scrutiny Committee</b>
Date:	<b>28 November 2006</b>
Title of Report:	<b>Children's Services Social Care Complaints Procedure Annual Review</b>
By:	<b>Director of Children's Services</b>
Purpose of Report:	<b>To report on the functioning and effectiveness of the Complaints Procedure</b>

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### **RECOMMENDATION:**

**The Scrutiny Committee is recommended to note and comment on the Children's Services Social Care Complaints Procedure Annual Review Report for 2005/2006 and forward any relevant issues to the Children's Services Department.**

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### **1. Financial Appraisal**

1.1 The cost of responding to complaints in 2005/2006 was contained within the Department's budget.

### **2. Background and Supporting Information**

2.1 It is a statutory requirement that a report on the operation and effectiveness of the Children's Services Social Care Complaints Procedure is compiled and submitted annually to an appropriate Committee. This report (Annual Review on Complaints, Compliments and Comments) is attached at Appendix 1 and provides information about the complaints and compliments made by adults and **young people** about the social care element of Children's Services.

2.2 The complaints procedure provides a mechanism for identifying problems, resolving issues and improving services. The analysis of complaints information at each stage of the procedure gives the department an opportunity to reflect on the quality of the services it provides.

2.3 Compliments also provide valuable information about the quality of services we provide.

2.4 In the preparation of the report, those who have used the procedure, or have an interest in its functioning were consulted.

### **3. Complaints and Compliments**

3.1 Children's Services received 191 complaints, a 5% increase on the previous year's figures.

3.2 28 complaints were made by **young people** and 163 by adults.

3.3 98% of all complaints were resolved at the first stage of the procedure. Complaints about Children's Services are often complex and sensitive, so this demonstrates our success at resolving complaints.

3.4 The statutory timescales for responding to complaints made by **young people** was 14 calendar days and 21 calendar days for complaints made by adults. 76% being responded to within the timescale for **young people** and 82% were responded to within the timescale for adults. However, there were 6 complaints made by **young people** and 30 complaints made by adults which took excessively longer to reply to. Overall, these timescales need to be improved.

3.5 Of the complaints made by **young people** 25% were upheld and 37% were partially upheld. Of the complaints made by adults, 22% were upheld and 25% were partly upheld.

3.6 5 complaints were not resolved at the first stage and moved to the formal investigation stage. This is an increase of one from the business year 2004-2005. Of these, one complaint raised issues about both children's and adult's services and a joint investigation was carried out.

3.7 1 complainant requested a complaints review panel, which took place in this business year and is reported on in the attached Annual Report.

3.9 The Ombudsman made 1 enquiry this year and accepted the local authority's position.

3.10 104 compliments were recorded, which represents an increase of 66% on the previous year.

#### **4. Themes & Learning from Complaints**

4.1 Information from complaints is an important tool for indicating where services may need adjusting and assists in planning, development and continuous improvement.

4.2 The main complaint themes for young people were issues about race/cultural needs, conflict between peers in residential settings and unwelcome changes of placement.

4.3 The main complaint themes for adults were poor communication, lack of respite care services, lack of clarity about residence order allowances and direct payments and transition arrangements.

4.4 Whilst identifying themes in complaints, the range of complaints issues were wide ranging, indicating that there is no one dominant issue requiring immediate attention.

4.5 The attached Annual Review Report gives further details about themes and learning.

Examples of learning include the following:-

- o Office procedures were reviewed to ensure important documents belonging to young people are dealt with appropriately
- o Recognition that workers need to be more efficient in co-ordinating appointments with other agencies, so as not to overburden service users and their families

#### **5. Change**

5.1 The new Children Act 1989 Representations Procedure (England) Regulations 2006 and guidance produced by the Department of Education and Skills (Getting the Best from Complaints) were implemented on 1 September 2006. These changes are intended to create greater consistency in complaints handling nationally and improve and develop a positive culture of listening to people overall, in terms of complaints, comments and compliments, locally. Changes include alterations to timescales, the range of what can be complained about, who can complain and fully independent complaints review panels. For further information see the Appendix.

#### **6. Conclusion and Reason for Recommendation**

6.1 The Complaints Procedure Directions 1990 states that the Council will monitor the operation of the complaints procedure. The Representations Procedure guidance states that an Annual Report dealing with the operation of the complaints procedure should be compiled and presented to an appropriate committee. This is the Annual Report for the period 1 April 2005 to 31 March 2006.

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**Director of Children's Services**

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Local Members: All

BACKGROUND DOCUMENTS: Annual Review on Complaints, Compliments and Comments 2005/06

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

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

**April 2005- March 2006**



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## 1. Introduction

**1.1** The annual report on complaints about Social Services is a statutory requirement. This report gives information about complaints and compliments made by adults and young people about the social care element of Children's Services.

**1.2** Children's Services strives to provide good quality services, but it is recognised that with the number of contacts the department has with service users and those interested in their welfare and the nature of the work undertaken, there will be times when there is unhappiness about the department's actions or where things do go wrong. 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. It is a means for identifying problems, taking action to address these and an opportunity for learning and developing services.

**1.3** Compliments provide information of what has worked well for service users and their families.

**1.4** 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 learning, enquiries made by Councillors and MPs on behalf of their constituents, complaints dealt with by the Local Government Ombudsman and compliments.

The concluding section highlights some key national developments in relation to complaint's handling for Children's Services.

## 2. Overview of Complaint Numbers

To ensure accessibility, the complaints procedure is publicised in a variety of ways:-

- by staff working directly with young people, their families and carers
- separate complaints leaflets for adults and young people
- information being placed in Xpress Advocacy's publication for young people and
- regular letters being sent to young people who are looked after, normally when a review is due.

Complaints can be made in person, by telephone, writing in, text and email. Young people have access to a free phone number and to a freepost letter form and envelope.

Number of complaints received	Stage 1	Stage 2	Stage 3	Ombudsman Enquiries
Young people	28(32)	0 (1)	0 (0)	0 (0)
Adults	163 (149)	5 (3)	1 (1)	1 (4)
<b>Totals</b>	<b>191 (181)</b>	<b>5 (4)</b>	<b>1 (1)</b>	<b>1 (4)</b>

 **Figures in brackets relate to the year 2004/05**

### Headline Information

This year has seen a reduction in complaints from young people and an increase in complaints from adults. There has also been an increase in the number of formal investigations at stage 2 of the process. One of these was a joint investigation about transition issues between adult and children's services. The number of Ombudsman enquiries has reduced.

The above figures, coupled with a 66% increase in compliments indicate a commitment to working professionally with service users and our success at resolving complaints at the first stage of the complaints procedure, with low numbers proceeding to the formal investigation stage and complaints review panels.

## 3. Local Resolution (Stage 1)

**3.1** Some complaints are made directly to the Complaints Team 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 Team 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 Team by local teams about the complaints they receive directly.

### **3.2 Who complained?**

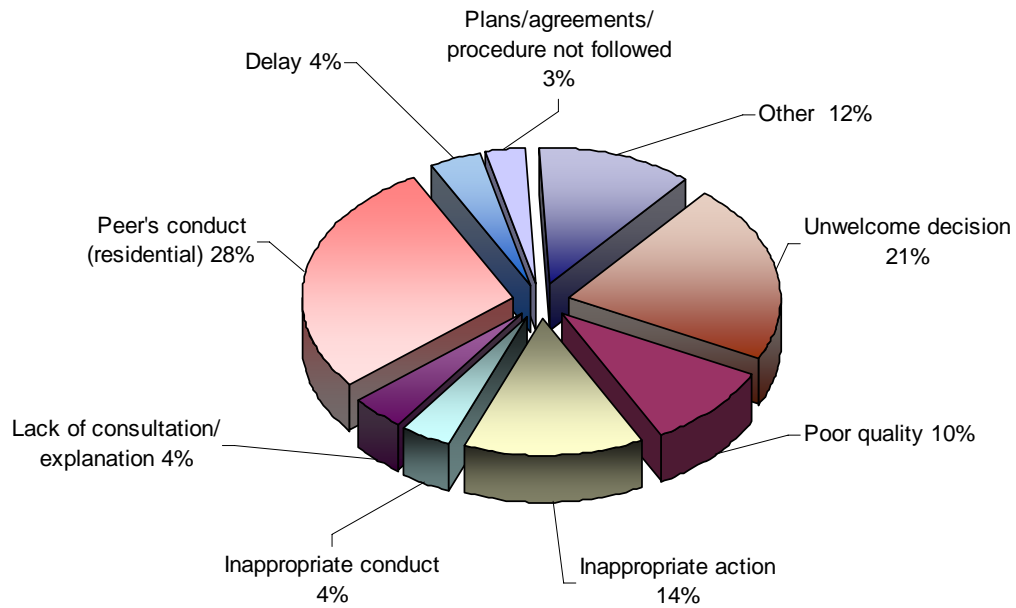
24 **young people** complained directly to the Complaints Team. 4 were assisted to complain by advocates or friends. Of the 28 complaints received from young people, 21% were from BME backgrounds, 74% were from girls, 24% from boys and their ages ranged from 12 to 18 years old.

Young people making complaints are always proactively offered an advocate to support them through this process.

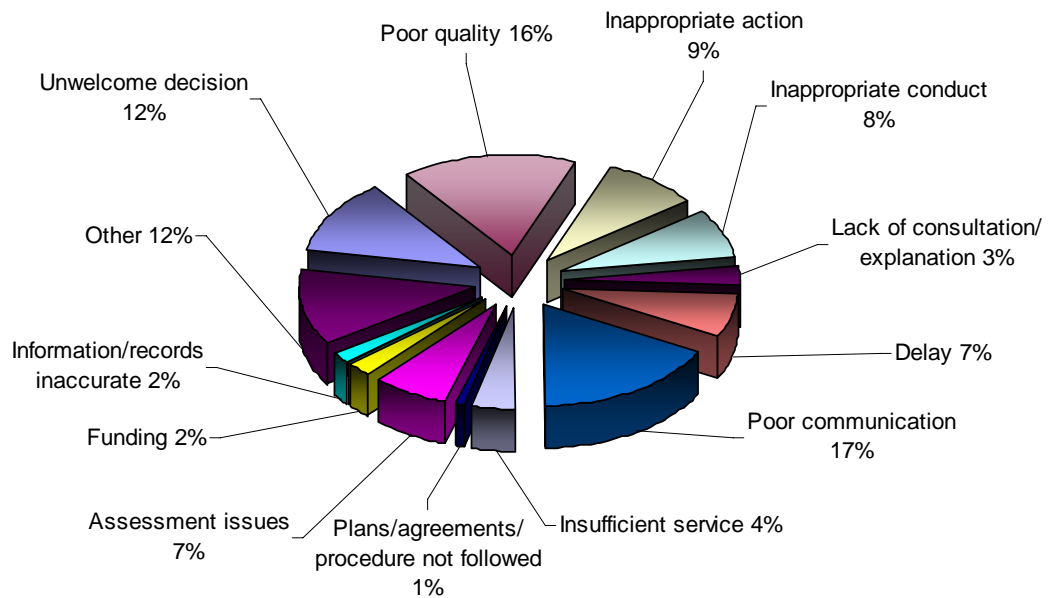
Of the 163 complaints received from adults, 136 were from parents, extended family members, friends, neighbours, 27 complaints were made by foster carers and others and of these 5% were from BME backgrounds.

### 3.3 What were complaints about?

#### Complaints made by Young People



#### Complaints made by Adults





3.3.3 Although key areas of complaint can be identified, overall complaint issues are various, with no one issue excessively dominating the range of concerns raised. These figures indicate the range, sensitivity and complexity of issues complained about.

3.3.4 For **young people**, the key themes were **unwelcome decisions, conduct of peers** and **inappropriate action**. The kinds of complaints made were about:- changes in placement, peer conflict in residential settings leading to closer review of how such situations are managed and raising issues of compatibility in residential settings, lack of understanding of cultural issues, lack of response/contact with social worker, failure to see the benefit of a care order being in force, more support being sought from the department for holidays periods.

3.3.4 For **adults**, the key themes were **unwelcome decisions, poor quality of services** and **poor communication**. The kinds of complaints made were about:- not feeling listened to and phone calls not being returned, dissatisfaction about the level of direct payments granted, respite care provision, disagreement with the outcome of assessment, disagreement about decision to place child on the child protection register, delay in finding a permanent placement for a young person, dissatisfaction with contact arrangements, lack of preparation for case conference.

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

	Statutory timescale	Within timescale	Average days
Young people	14 calendar days	76%	9
Adults	21 calendar days	82%	14

Whilst the timescale for responding to complaints is acceptable, there were 6 complaints from young people which took between 15 and 40 calendar days to respond to and 30 complaints received from adults which took between 22 and 127 days to respond to. Overall, the timescale for responding to complaints needs to be improved and the complaints team will continue to work with operational managers to improve performance in this area.

### 3.5 What was the result of complaints?

Complaints	Upheld	Partly Upheld	Not Upheld
Young people	25%	37%	25%
Adults	22%	25%	41%

The above percentages do not total 100% because there are instances when complaints are not concluded for a variety of reasons, such as the complainant does not wish to pursue their complaint.

## 4. Formal Investigation (Stage 2)

**4.1** Investigations reach the formal stage either because of the complexity of the issues under scrutiny and/or because there has been a breakdown in the relationship between the complainants and the department. There were 5 formal investigations, one of which was a joint investigation with adult services about transition issues.

Service Area	Number of formal investigations
Locality Services	4
Disability Services	1

Some of the issues raised within the complaints involving locality services also needed input from the fostering and adoption service.

**4.2.** A statutory requirement for Children's Services complaints is the appointment of an independent person in addition to the investigating officer at the formal investigation stage. 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, objectively and comprehensively. External investigating officers and an independent person were engaged for all these investigations

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** The complaints issues across these investigations included:-

- the feeling that undue pressure was being placed on prospective adopters to adopt
- being excluded from important discussions about the child
- not sharing information
- not working in partnership with carers
- not responding to phone calls and other communications
- not appointing a replacement supervisor
- not exploring the child's health needs fully
- poor quality written documentation
- breach of confidentiality
- the transition process being unsatisfactory.

**4.4** 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, the numbers of staff to be interviewed and the range and extent of the complaint itself. As a result, the statutory timescale has not been met and it has taken an average of 63 days to undertake an investigation and give a response.

**4.5** Across all 5 formal investigations, a total of 25 complaints issues were raised. Investigating officers upheld 12, 8 were partly upheld and 5 were not upheld.

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

**5.1** Review panels are chaired by an independent chairperson and consist of two other panel members: an elected member and an assistant director, not from Children's Services. Complainants and the responsible senior manager have an opportunity to give verbal and written presentations to the panel.

**5.2** In this year, one complaints review panel was requested, but actually took place in the following business year. Nevertheless, the outcome is included in this report.

**5.3** The issues under review related to a separated parent's concerns that issues about the welfare of their child were not being responded to appropriately by Children's Services. Due to the nature of this case, the panel also considered 2 more recent complaints, which were not subject to the initial investigation. The panel upheld the original findings of the investigating officer on all counts. In relation to the 2 more recent complaints, one was upheld and the other was not upheld.

The director accepted the panel's recommendations.

## **6. Councillor and MP Enquiries**

**6.1** 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. These enquiries are not recorded as complaints, but the complaints team co-ordinate responses for the director and data is maintained about these enquiries, which are also an important source of information about the provision of services.

**6.2** There were 20 councillor and MP enquiries this year. This is a reduction on figures for last year when there were 43 councillor/MP enquiries.

Service provision	11
Service delivery	8
Other	1

- Service provision included issues about delays in funding or the service being insufficient, such as respite care.
- Service delivery included issues about lack of support and poor quality services.

## **7. Local Government Ombudsman**

**7.1** The Ombudsman received 1 enquiry, where the complainant was not satisfied with the initial response to their complaint and also unhappy that their request for a formal investigation was not agreed. The Ombudsman considered the authority's stated position to be reasonable and no further action was taken.

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

**7.3** 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 is generally positive about the Council's handling of complaints and the response made to their enquiries.

## **8. Learning**

**8.1** Information about learning is recorded as learning for the individual involved, learning for the team or learning for the organisation. Only team and organisational is reported here. Individual learning is normally addressed through management supervision.

**8.2** Examples of learning at **stage one** from complaints made by **young people** are:-

- A family centre reviewed expectations that parents check the garden's safety, before taking children into the garden
- More awareness needed of young people's individual dislikes in residential settings
- A need to ensure all staff in residential settings are aware of a young person's special needs, so they can respond appropriately
- A recognition that faster and earlier attempts could have been made to respond to a young person's concerns

**8.3** Examples of learning at **stage one** from complaints made by **adults** are:-

- Recognition of the need to be continuously mindful of racial, linguistic, cultural and religious needs
- Recognition of the need to retain objectivity about each complaint issue even when there is a pattern of regular complaints
- Workers should be more efficient about co-ordinating appointments with other agencies so as not to overburden service users and their families
- Office procedures were reviewed to ensure that important documents belonging to young people are dealt with appropriately
- The standard letter following an alert of concern about a child's safety and welfare was reviewed to allow for individual circumstances and sensitivities

**8.4** The recommendations made in **stage two** investigations have led to the following organisational developments/learning:-

- Staff were reminded that changes in a plan for adoption must be agreed by the Adoption and Permanence Panel, following reassessment of the child and provisional agreement at the child's review
- Managers were reminded that professional planning meetings need to be properly constituted with agreed agenda's and note taking arrangements in place
- Senior managers were charged with providing staff with further guidance about adoption allowances
- Staff were reminded to bring new information about a child's health to the medical adviser's attention, when a child is placed for adoption
- An Information leaflet about the transition process for carers should be developed
- Decisions about a young person's move to a new residential or day care setting when they leave college should be made in sufficient time to allow college staff and others to help with preparing the young person for change

**8.5** The recommendations made as a result of the **stage 3** complaints review panel held is that staff should forward correspondence by first class post if it is important or there has been delay, that core assessments should be signed and dated and that checks with other agencies should be carried before closing a case.

**8.6** In addition to identifying learning, complaints and councillor/MP enquiries can highlight **themes** for the department. Due to the small numbers of complaints, caution should be exercised, but the following are recurring themes in complaints made by **young people**:-

- Issues about race/cultural needs
- Conflict between peers in residential settings, raising questions about compatibility
- Placement changes

The following are recurring **themes** in complaints made by **adults** about Children's Services:-

- Poor communication both in the way service users/family feel they have been spoken to and delays in responding to phone calls and other communications
- Implied judgements about parenting capacity made in some letters, without discussion and clarification with parents/carers
- Transition arrangements for young people with disabilities transferring from children's services to adult services
- Lack of respite services
- Lack of clarity about residence order allowances/eligibility for direct payments

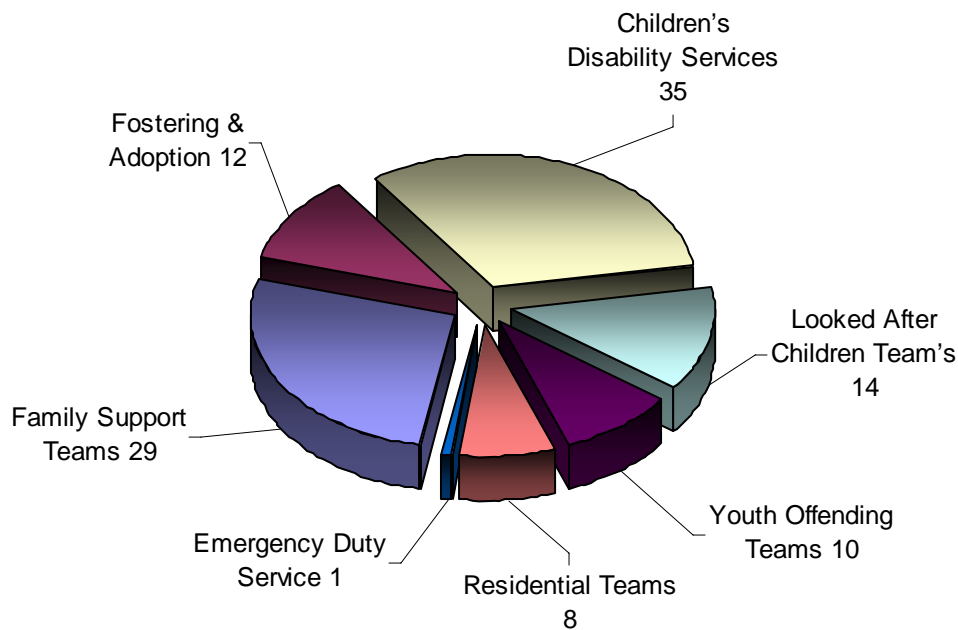
## **9. Compliments**

**9.1** 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. The data on compliments is reliant on the teams reporting compliments to the complaints team so that they can be recorded. The information on compliments is, therefore, only as good as the information provided by the teams.

**9.2** This year has seen an increase in reported compliments, resulting in 104 compliments being received: an increase of 62% since last year.



### 9.3 Compliments by team:-



### 9.4 Here are some quotes from those using Children's Services:-

#### **Family Support Team**

"The best social worker anyone could have."

#### **Children with Disability**

"I like the staff – they are brilliant with the children."

#### **Looked after Children Team**

"I am extremely grateful for their contribution."

#### **Residential Team**

"Thank you for all you hard work and commitment."

#### **Family Support Team**

"Thank you and your team for all you have done for me and 'K'."

#### **Fostering Team**

"'J' feels valued, listened to and respected by her foster carers. Her social worker has been very helpful to her and her foster carers."

#### **Duty & Assessment Team**

"I am extremely happy with the service provided and care given"

#### **Children with Disability**

"Thank you for what you have done for me"

### **Residential Team**

“A big thank you for taking such good care of ...”

### **Youth Offending Team**

“I would like to commend the excellent staff. Our relationship with them is very good.”

## **10. Consultation**

**10.1** People using the complaints procedure are routinely asked to give their views about the procedure.

**10.2** 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. This included complainants, voluntary organisations, independent people, investigating officers, those involved in complaints review panels and internal managers.

**10.3** In total 48 responses were received. It was clear from these responses that the complaints procedure was known. **Young people** surveyed generally felt that their issues were responded to positively. Positive remarks were received about the first stage of the procedure, the formal investigation process and about the management of the complaints review panel. There were some remarks from people using the procedure which indicated that they did not feel Children’s Services were open to challenge.

## **11. New Developments**

**11.1** Long awaited statutory guidance and legislation was produced in August 2006 for implementation from September 2006. The focus of work for the coming year will be in implementing this guidance, which also means that progress can now be made on aspects of the procedure which have needed attention, but have been put on hold because of impending changes. For key changes, refer to appendix one.

**11.2** Next year’s report will include complaints about Children’s Services as a whole, excluding complaints about schools, as they have their own procedure.

### **Appendix 1**

#### **The Reform Agenda - Key Objectives and Changes**

1. The **objectives** of the reform are to:
  - ensure the service user is central to the process, promoting and safeguarding their welfare

- ensure young people are able to make their views known about services, without framing their comments as complaints
- ensure greater consistency across local authorities
- ensure commitment to resolve concerns swiftly and locally through clearer timescales
- promote a listening and learning culture; developing partnership working with service users, where complaints are part of a systematic quality assurance system that influences and improves services

2. The key **changes** to the procedure are as follows:

#### **Stage 1 – local resolution**

- Introduction of a 12 month time limit in which to make complaints from the time the person is aware there is an issue
- An expectation that most complaints are responded to and concluded within 10 working days (formerly 15 working days)
- This can be extended to a further 10 days if the complaint is complex or an advocate needs to be appointed
- The maximum amount of time that stage 1 should take is 20 working days
- The complaints manager should inform the complainant of their right to move to stage 2 of the procedure if the timescale for stage 1 has elapsed and they have not received a response

#### **Stage 2 – formal investigation**

- The investigation to be completed and a response sent by the adjudicating officer (usually the Head of Service) within 25 working days (formerly 28 working days)
- If this is not possible the investigation may be extended by a further 40 days (maximum of 65 working days)
- Further consideration of the complaint after stage 2 can include, in a limited number of cases, an early referral to the Local Government Ombudsman and/or proposals for alternative dispute resolution
- The complainant has 20 working days in which to request a Review of their complaint (formerly 28 days).

#### **Stage 3 – Review Panel**

- Increased independence of the Review Panel, as all three panel members must be independent, with one being elected as the Chairman.
- The Panel must be arranged within 30 working days of receiving the request
- The Panel must record their findings and recommendations and notify the complainant and the Council in writing within 5 working days (formerly 24 hours)
- The Director must send the Council's response to the Panel recommendations to the complainant within 15 working days from receipt of the Panel's recommendations (formerly 28 days)

3 There has been an extension of the people who can complain and what can be complained about.

4 There is an emphasis in the guidance for children's services that representations, i.e. comments and ideas requiring a response, are considered in a similar way to complaints at the first stage of the procedure.

- 5 The regulations require local authorities to designate an officer, known as a Complaints Manager. This role replaces the role of Designated Complaints Officer as set out in previous guidance.
- 6 The guidance provides clarification of relationships with other procedures including health, cross boundary issues and complaints involving regulated services.
- 7 The guidance recommends links are built within the local authority's other complaints procedures, in order to develop the overall corporate obligation of the local authority to provide a high quality service.
- 8 The monitoring and reporting arrangements on complaints activity remain as previously, with the annual report now being used as part the annual Performance Assessment Framework.