

Report to: **Scrutiny Committee for Children's Services**

Date: **19 September 2007**

Title of Report: **Children's Services Complaints Procedure Annual Report**

By: **Director of Children's Services**

Purpose of Report: **To report on the functioning and effectiveness of the Complaints Procedure**

RECOMMENDATION:

The Scrutiny Committee is recommended to consider and comment on the Children's Services Complaints Procedure Annual Report for 2006/2007 and forward any relevant issues to the next Lead Member meeting.

1. Financial Appraisal

1.1 The cost of responding to complaints in 2006/2007 was contained within the Department's budget.

2. Supporting Information

2.1 An annual report on the operation of the complaints procedure is a requirement for social care services, as is submitting the report annually to an appropriate Committee. The Children's Services Department has created a Complaints Team to cover the department as a whole. This report, therefore, contains information about complaints, compliments and comments across the department (excluding schools), although it must be noted that systems are in the process of development to ensure that the collection of data is consistent across all parts of Children's Services. Detailed comparative data from the last business year has not been provided, as it would not compare like with like. However, some information from the previous year is included to give an indication of variance. It is reasonable to assume that complaints and compliments activity is greater than reported here. The report (Annual Report on Complaints, Compliments and Comments) is attached at Appendix 1.

2.2 The complaints procedure is a means of identifying problems, resolving issues and learning in order to improve services. Compliments also provide valuable information about the quality of services provided.

3. Complaints and Compliments

3.1 Children's Services received 222 complaints in total.

3.2 As in the previous year, 28 complaints were made by **young people**. This figure has remained level since last year. 194 complaints were made by adults. This represents an **increase** of 18 for social care complaints made by **adults**.

3.3 All the complaints made by **young people** were about **social care** services. 4 complaints made by adults were about special educational needs and 8 were about education welfare services. The remainder were about social care services.

3.4 4 complaints proceeded to the second stage of the procedure. This represents a **decrease** of 2 complaints in relation to social care and continues to be an indication of the effort and commitment given to resolving complaints at the first stage. Staff are to be congratulated on this achievement, particularly in the context of the sensitive, complex and difficult nature of the work they do.

3.5 There were no complaints review panels to report in this business year. This is a **decrease** on last year's figure of 1 for social care.

3.6 There was 1 Ombudsman enquiry, in relation to an issue about special educational needs. The Ombudsman finding was that there was no injustice.

3.7 The statutory timescales for responding to complaints altered in October 2006, when new statutory guidance and regulations were implemented. As these timescales altered mid year, this report reflects performance applying at the time a complaint was made.

3.8 Of the 28 complaints made by **young people**, 23 were responded to within the statutory timescale. Of complaints made by adults, 129 were responded to within the statutory timescale. There continues to be room for improvement in this area.

3.9 13 complaints from **young people** were upheld, 7 were partly upheld and 7 were not upheld. 34 complaints from adults were upheld, 75 were partly upheld and 83 were not upheld. Complaints are many faceted so, although the number of upheld complaints appears low, when added to the partly upheld complaints this seems reasonable.

3.10 Compliments are a welcome mark of appreciation, particularly in the context of carrying out statutory duties, which are complex and not always positively received. This year the department received 123 compliments. At the present time, all of these were recorded by social care services. Further development of reporting and recording systems within other operational teams in Children's Services will provide more accurate data for next year.

4. The issues of complaints

4.1 Examples of **young people's** complaints were changes of social worker as a result of the reorganisation of Children's Services social care teams, change of foster care placement, the care provided in a respite care placement, and delays in receiving a service.

4.2 Examples of adults' complaints were the tone and style of letters sent in response to reports received from the police following their involvement with a family, inaccurate information in assessment reports, correspondence and reports for court, the suitability of school provision for a child with special educational needs and a view that the Local Authority did not consider the child's individual needs in decision making, and the lack of support provided in securing good attendance at school.

5. Learning and organisational development

5.1 Examples of learning were the need to ensure message taking was accurate, informing complainants when statutory timescales for responding to complaints could not be met, communicating clearly and without jargon, and reviewing information provided about direct payments to ensure it is clear.

6. Overview of the year

6.1 The change in statutory regulations and guidance, the disaggregation of the social care complaints team, the extension of responsibilities for complaints across Children's Services and the use of new databases for the collection and reporting of complaints information have all presented challenges. There are further challenges ahead in promoting accessibility of the procedure, achieving consistency across Children's Services in complaints handling and improving organisational learning and performance through complaints, compliments and comments.

7. Conclusion and Reason for Recommendation

7.1 The Complaints Procedure Directions 1990 state 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 2006 to 31 March 2007.

MATT DUNKLEY

Director of Children's Services

Contact Officer: Caryl Sequeira, Children's Services Complaints Manager, Tel: 01273 482304

Local Members: All

BACKGROUND DOCUMENTS: None

CHILDREN'S SERVICES

ANNUAL REPORT ON COMPLAINTS, COMPLIMENTS & COMMENTS

April 2006- March 2007



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1. Introduction

1.1 The annual report on complaints about Social Services is a statutory requirement. As the Children's Services Department has now been created and responsibility for complaints handling across Children's Services has transferred to the Children's Services Complaints Team, this report will endeavour to reflect complaints across Children's Services as a whole (with the exception of schools) and not just social care complaints. The Complaints Team consists of 1 Complaints Manager and 1 Assistant Complaints Officer.








1.2 The information in this report will, however, not give a complete picture of activity across Children's Services, as systems for teams reporting complaints and compliments received directly by them have not been in place, as has been the case for social care. It is reasonable to assume that the activity in terms of both compliments and complaints is higher than reported. It is for this reason that I have not given details of the previous business year's statistical figures as comparators, as it would not be comparing like with like. However, key figures have been included, to give an indication of the previous year's activity.

1.3 In October 2006, new regulations (the Children Act 1989 Representations Procedure (England) Regulations 2006) and guidance (Getting the Best from Complaints) were implemented. These introduced further differences between Adult Social Care services and Children's Services and other key changes relating to timescales, the membership of complaints review panels (now required to be completely independent for Children's social care services), with an emphasis on complaints being seen as a positive contribution to organisational development and listening to customer feedback in its entirety, not only through complaints, but through positive remarks (compliments) and through hearing customers' ideas on how services can be improved (comments).

1.4 Given the range and size of the services provided, it is inevitable that not all interactions, in the carrying out of statutory duties and provision of services, will be positive and so the purpose of the representations procedure is to provide a fair and equitable approach to responding to expressions of dissatisfaction made by those receiving services or others acting on their behalf. The procedure is a means through which problems may be identified, appropriate action taken to address these and where opportunities for learning and organisational development may present themselves.

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

1.6 This report gives information about:-

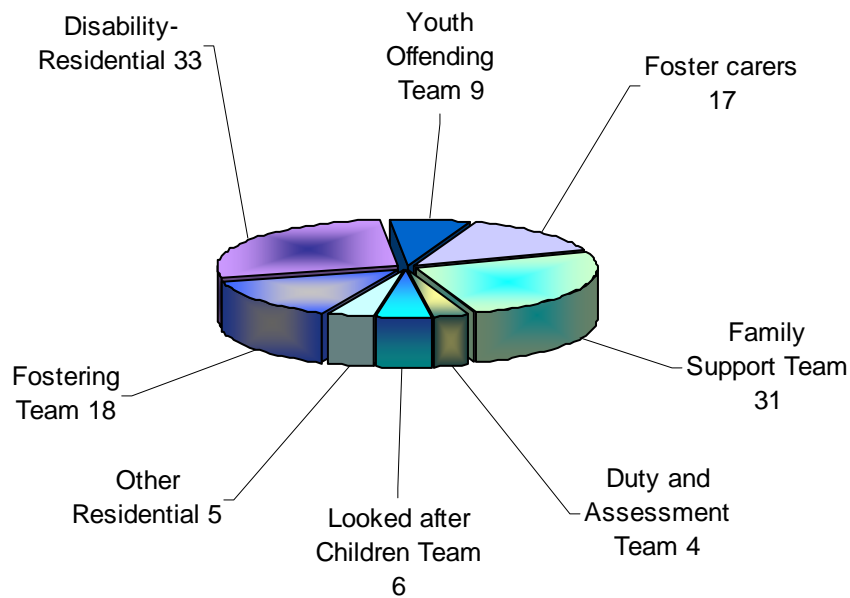
-  Compliments
-  Local Resolution (Stage 1)
-  Formal Investigation (Stage 2)
-  Complaints Review Panel (Stage 3)
-  Councillor and MP enquiries
-  The Local Government Ombudsman's involvement in complaints
-  Information about learning and organisational developments resulting from complaints

2. Compliments

2.1 Compliments are a welcome mark of appreciation, particularly when the statutory duties undertaken are complex and not always seen positively by recipients of Children's Services. The data on compliments is reliant on operational teams reporting the compliments they receive to the Complaints Team so that they can be recorded. The data on compliments is, therefore, only as good as the information provided by the teams. Additionally, there will be parts of Children's Services where this information has not been regularly recorded, so the numbers of compliments are likely to be higher than reported here.

2.2 123 compliments were received this year, which is an **increase** of 14 on the previous year's figures relating to social care. Staff are to be congratulated on this achievement given the often difficult, sensitive and stressful situations with which they work.

2.3 Compliments by team:-



3. Overview of Complaint Numbers

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

- by provision of training to staff working directly with young people, their families and carers, so they are able to advise and give information about the procedure
- through training of Xpress Advocates and Foster Carers, so enabling them to advise, give information and support young people to use the procedure
- through regular letters being sent to young people who are looked after, normally when a review is due, reminding them of how to make a complaint, give a compliment or make a comment

- through information sharing with reviewing officers and child protection advisers, who are also in a position to assist and inform young people, their families and carers of the procedure

3.2 Normally, public information leaflets are also available. However, since the new regulations and guidance were introduced, these have been withdrawn as they were not compatible with the new regulations and, therefore, they have been substituted with fact sheets, pending the development of new public information. In developing new public information, the Participation Unit has assisted the Complaints Team in gaining young people's views about the format for future information on complaints. New public information will be produced in the autumn of this year.

3.3 Complaints are made through a variety of methods: - 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.

Complaints Procedure Stages	<u>Social Care</u>	<u>Social Care and Special Educational Needs</u>	<u>SEN</u>	<u>EWO</u>	<u>Other</u>	<u>Total</u>
Stage 1 (Local Resolution)	181(163) (A) 28 (28)(YP)	0	4(A)	8(A)	1(A)	194 (A) 28 (YP)
Stage 2 (Formal Investigation)	2 (5) (A)	1(A)	1(A)	0	0	4 (A)
Stage 3 (Review Panel)	0 (1)	0	0	0	0	0
Ombudsman Enquiries	0 (1)	0	1(A)	0	0	1(A)

A = complaints made directly by adults

YP = complaints made directly by young people

SEN= Special Educational Needs

EWO= Education Welfare

Numbers in brackets denote the figures for last year

4. Local Resolution (Stage 1)

4.1 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. This system of reporting is known within social care services and forms part of ongoing development for other sections within Children's Services. The information on the numbers of complaints received at this first stage is, therefore, only as accurate as the information provided to the Complaints Team by operational teams about the complaints they receive directly, and in this business year it will not reflect the extent of activity across Children's Services as a whole.

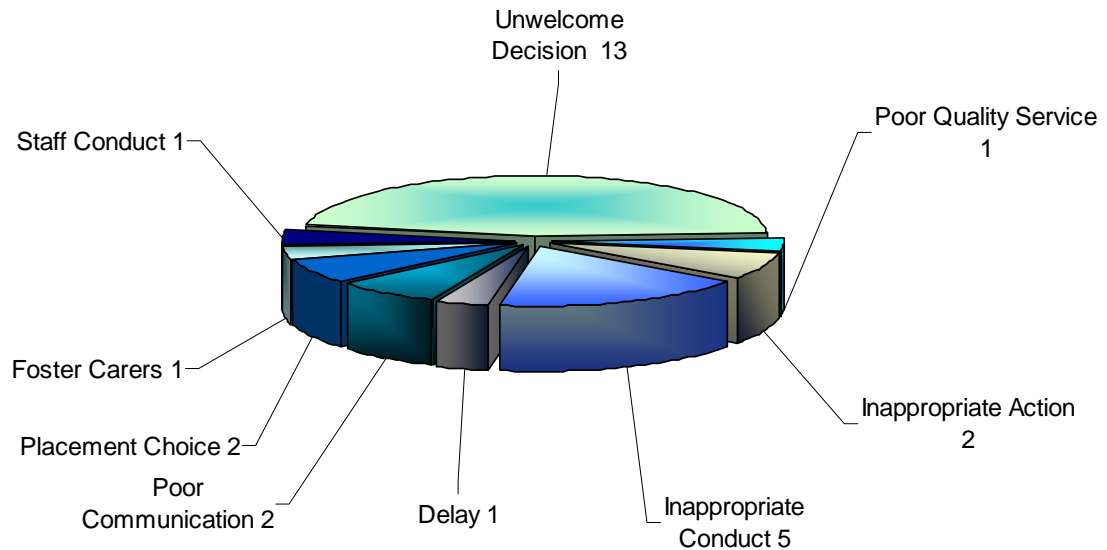
4.2 Who complained?

4.2.1 **28 young people** made complaints this year about social care services. This figure has remained the same since last year. No complaints were received from young people about other Children's Services. Of the 28 complaints received from young people, 6 young people were from BME backgrounds, 16 were from girls and 12 from boys. Ages ranged from 11 to 21 years old. The majority of complaints were made directly to the Complaints Team. Young people are always offered an advocate to support them through the process of making a complaint and those living within East Sussex residential homes have regular access to advocacy.

4.2.2 There were a total of 194 complaints made by **adults**. For social care, this is an **increase** of 18 complaints on the previous year's figures. Complaints made by adults about Children's Services come from a range of people:-parents, carers, extended family members, foster carers, solicitors. The ethnicity of complainants is not always known. This year 98 complainants were white British, 8 were of mixed ethnicity and 4 were of non British white backgrounds.

4.3 What were complaints about?

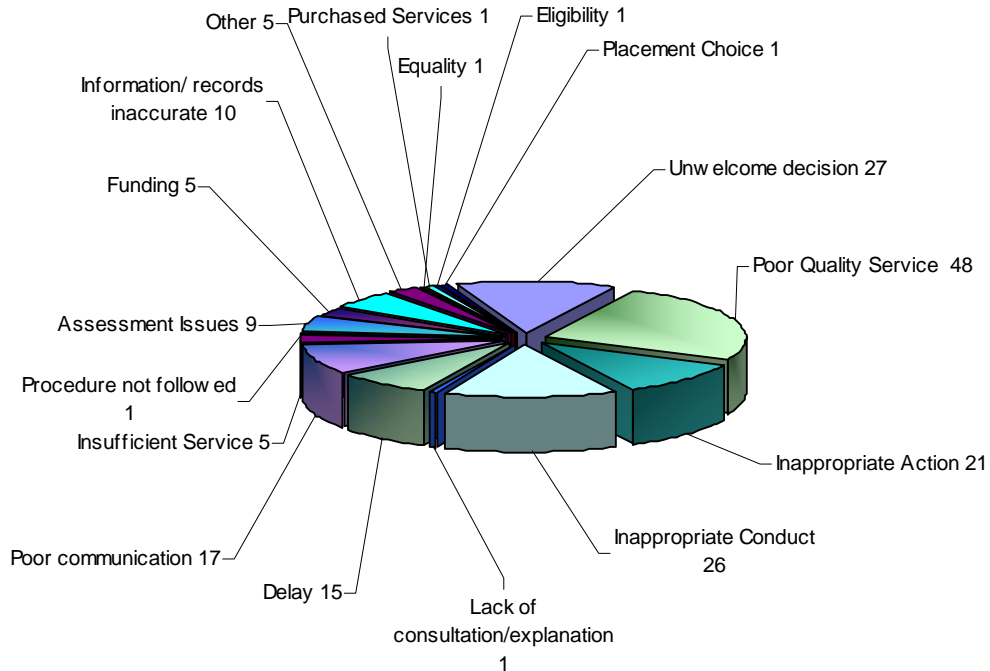
Young People's Complaints



4.3.1 Examples of complaints received from young people were about:-

- changes of social worker as a result of the reorganisation of social care services
- change of foster care placement
- the quality of care provided in a respite care placement
- staff referring to the young person's past too frequently
- delays in receiving a service

Adults' Complaints



4.3.2 Examples of complaints received from adults about social care services were about:-

- the tone and style of letters sent in response to reports received from the police following their involvement with a family
- inaccurate information in assessment reports, correspondence, reports for court
- people feeling they were not being listened to and treated fairly

4.3.3 Examples of complaints received from adults about special educational needs services were about:-

- the suitability of school provision for a child with special educational needs and a view that the Local Authority did not consider the child's individual needs, when making decisions about educational placement
- delay in agreeing the parents' original choice of school placement
- the decision not to carry out a statutory assessment

4.3.4 Examples of complaints received from adults about educational welfare services were about:-

- lack of support provided to achieve good attendance at school
- poor communication
- challenging the decision to issue legal proceedings on the grounds of poor school attendance

4.4 How long did it take to reply to complaints?

	Total no of complaints	Responded to within statutory timescale
Young people	28	23
Adults	194	129

4.4.1 The statutory timescale for responding to complaints was 15 working days for adults and 14 calendar days for young people. This altered in October 2006, when the new regulations were implemented and the timescale then changed to 10 working days for all, with the facility to extend to 20 working days, for specific reasons. An extension to 20 working days should only be considered in exceptional circumstances. The above figures, therefore, reflect the statutory timescales of 15 working days, 14 calendar days and 10 working days that applied at the time the complaint was made.

4.4.2 The Complaints Team works hard to support managers with their responses, sometimes helping them with the detail of drafting letters, as well as quality checking responses that managers wish to send within very short timescales. However, there continues to be room for improvement in terms of performance in this area.

4.5 What was the result of complaints?

Complaint Type	Upheld		Partly Upheld		Not Upheld	
	Adults	Young People	Adults	Young People	Adults	Young People
Service Delivery	27	11	52	4	57	4
Service Provision	5	0	10	2	8	0
Staff Conduct	2	2	13	1	18	3
Totals	34	13	75	7	83	7

4.5.1 Out of 222 complaints across both young people and adults, 47 were upheld, 82 were partly upheld and 90 were not upheld. The high number of not upheld complaints may be a cause of concern, as it could be an indication that managers are not exploring complaints in an open and facilitative manner. However, it is fair to say that complaints are variable and many faceted, often making a clear cut finding difficult to establish. In this context, the fact that 82 complaints were partly upheld is reassuring.

4.5.2 Three complaints were not concluded. This can be for a variety of reasons, such as legal proceedings being initiated, child protection concerns taking precedence or the complainant making a decision not to pursue the complaint at this time.

5. Formal Investigation (Stage 2)

5.1 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 4 formal investigations, one of which was an investigation involving both social care and special educational needs issues. For social care complaints, this represents a **decrease** of 2, on the previous year's figures.

Service Area	Number of formal investigations
Social Care	2
Social Care and SEN	1
SEN	1

5.2 The low number of formal investigations is an indication of the positive resolutions achieved at the first stage of the procedure.

5.3 A statutory requirement for Children's Services social care 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, with the exception of the one investigation relating to the Special Educational Needs team. This is because it is not a statutory requirement to appoint an independent person in these circumstances.

5.4 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 a view of the conduct of the investigation.

5.5 Examples of the complaints issues raised through these investigations are as follows:-

- that the parent's views were not taken seriously until child protection concerns were raised
- the delay in diagnosing and assessing a child's educational needs resulted in inappropriate education being provided
- unclear information being given about family support services and direct payments
- parent informed of outcome of the educational assessment before it was concluded
- medical information was not filed for an education tribunal hearing
- delays in providing suitable seating for a child with special needs

5.6 The statutory timescale for completing an investigation and sending a response to the complainant is now 25 working days with the facility to extend this to 65 working days in specific circumstances. At the time of these investigations the timescale was 28 working days. This timescale was not met.

5.7 Across all 4 formal investigations, a total of 26 complaints issues were raised. Investigating officers upheld 5, partly upheld 3 and 5 were not upheld. There were a number of complaints issues raised where findings were inconclusive, due to the lapse of time that had occurred or the issues not being entirely the responsibility of the Local Authority.

6. Complaints Review Panels (Stage 3)

6.1 Review panels will in future be made up of 3 independent panel members, one being the nominated chair. No panels have been held in this business year, which again represents a decrease on the previous year's figure of 1.

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. These enquiries are not recorded as complaints. However, the Complaints Team co-ordinates responses for the Director and data is maintained about these enquiries, which are also an important source of information about the provision of services. Systems for dealing with these have previously varied across Children's Services, so the information provided is predominantly related to social care. Systems have been reviewed and new systems implemented to ensure a unified approach.

7.2 There were 18 Councillor and MP enquiries this year. This is a **decrease** of 2 on the previous year's figures, relating to social care only. Examples of the issues raised are as follows:-

- concerns about the quality of an assessment
- concerns about the level of support provided to a young person
- the detrimental effect of information sharing on a person's relationship with their family
- concerns about the department's actions in relation to pre birth decisions

8. Local Government Ombudsman

8.1 The Ombudsman received 1 enquiry about Special Educational Needs Services and formed the view that there was no injustice.

9. Learning and Organisational Development

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

9.2 Examples of learning across all stages of the procedure are as follows:-

- there is a need to ensure that message taking is accurate
- complainants must be informed when statutory timescales for responding to complaints are not met
- communication should be jargon free
- information provided about direct payments needed to be reviewed

10. Overview of the Year

10.1 The change in statutory regulations and guidance, the disaggregation of the social care complaints team, the extension of responsibilities for complaints across Children's Services and the use of new databases for recording complaints information (Customer Relationship Management) and for reporting on this information (Business Intelligence) have all presented different challenges. There are further challenges ahead in relation to promoting accessibility to the procedure for all, achieving consistency across Children's Services in complaints handling, improving the time taken to respond to complaints and improving organisational learning and performance through complaints, comments and compliments.