

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

Date: **9 September 2008**

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 are recommended to note and comment on the Children's Services Complaints Procedure Annual Report for 2007/2008 and forward relevant issues to the Lead Member meeting.

1. Financial Appraisal

1.1 The cost of responding to complaints in 2007/2008 was contained within the Department's budget.

2. Background and Supporting Information

2.1 An annual report on the functioning and effectiveness 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 Complaints Team comprises of a complaints manager and assistant complaints officer, responsible for the complaints service across the whole of Children's Services **(with the exception of schools)**. The information contained in the report (Annual Report on Complaints, Compliments and Comments) is an overview of the complaints team's work and is attached at Appendix 1.

3. Complaints, Representations and Compliments

3.1 The numbers of total complaints received has increased from 222 in the previous year to 245 in this year, representing an increase of 14.9%.

3.2 Representations are made by Councillors and MP's and by individuals themselves. The statutory guidance defines representations as "positive remarks or ideas that require a response". The complaints team assist with gathering information and co-ordinating responses to MP and Councillor representations on behalf of the director and liaise with managers on other representations made. There has been an overall increase of 272% in relation to representations. MP and Councillor enquiries have substantially increased from 18 last year to 46 this year, representing an increase of 155%.

3.3 Compliments have also increased from 123 to 142, representing a 15.4% increase.

3.4 The increased activity can be attributed to the wider scope of the complaints team, improved knowledge of the procedure and improved internal notification systems. Further work is needed to continue this growing awareness through tightening internal processes and through staff briefings.

3.5 Complaints made directly by young people have decreased from 28 in the previous year to 22 in this year. Those received have all been about social care services. The likely reason for the decrease is that the phase of re-organisation taking place in the previous year was completed with less complaints being received from young people about unwelcome decisions.

3.6 There have been overall increases in numbers of complaints, with the numbers of complaints proceeding to the formal investigation stage remaining static over this 2 year period and amounting to 4. This positive focus on resolution at the initial stage of a complaint needs to be maintained.

3.7 There has been considerable negotiation with some complainants following on from formal investigations, with none proceeding to a complaints review panel. This is consistent with the previous year.

3.8 The complaints team is aware of 1 Ombudsman investigation and 2 enquiries. This is not an accurate reflection of the actual numbers of these enquiries received by the department. Internal procedures have been put in place to promote reporting of such enquiries and investigations to the complaints team.

3.9 Following the one investigation undertaken, the Ombudsman found in favour of the complainants and the Local Authority was asked to provide a financial resolution.

4. Issues of Complaint

4.1 Young people complained about standards of care in a foster home, loss of personal belongings in a residential home, lack of consistency in "house rules" in a residential home, delay in accessing personal records and an insufficient level of support.

4.2 Adults complained about the adoption assessment process, lack of respite care, the serving of penalty notices for school non attendance, the provisions made for a child with sensory needs at school, choice of school placements for children with special educational needs.

5. Learning and organisational development

5.1 There was some positive learning from the complaints at both stages 1 and 2 of the procedure. Examples are the need to update the Operational Instructions relating to carer's assessments and direct payments and increasing understanding of chronic fatigue syndrome and myalgic encephalopathy in young people.

6. Overview of the year

6.1 The key developments this year have been the implementation of the new national regulations, the review of operational instructions on comments, compliments and complaints to ensure they are applicable across Children's Services and the completion of a project with young people, resulting in the production of new public information on comments, compliments and complaints which takes the form of a dvd, leaflet and business card.

7. Conclusion and Reason for Recommendation

7.1 The Children Act 1989 Representations Procedure (England) Regulations 2006 requires the County Council to monitor the operation of the complaints procedure and that an annual report should be provided at the end of each business year. This is the Annual Report for the period 1 April 2007 to 31 March 2008.

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Local member: All

BACKGROUND DOCUMENTS: Annual Review on Complaints, Compliments and Comments 2007/08

CHILDREN'S SERVICES

ANNUAL REPORT ON COMPLAINTS, REPRESENTATIONS & COMPLIMENTS

April 2007- March 2008



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1. Scope & Context of Report

1.1 This report provides information about complaints received by Children's Services (with the exception of schools) between April 2007 to March 2008 as required under the Children Act 1989 Representations Procedure (England) Regulations 2006.

1.2 Information will also be provided about compliments and representations received during this period.

1.3 Although the procedure laid out in statute applies to social care complaints, Children's Services made the decision to apply this procedure across the whole of Children's Services.

1.4 The definition of a complaint, the stages within the complaints procedure and the operational instructions on Comments, compliments and complaints are defined by the above statute and also guidance issued by the Department of Education and Skills as set out in "Getting the Best from Complaints" and "Get it Sorted".

1.5 A **complaint** is **defined** as "an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response".

1.6 Representations may be **defined** as "positive remarks or ideas that require a response".

1.7 The statute and guidance define who can complain and what can be complained about in relation to social care services. Generally however, where dissatisfaction is expressed, this is heard and responded to, without rigidly adhering to the guidance.

2. The complaints procedure has 3 internal stages:-

Stage 1 – Local Resolution – Local teams and contracted external providers are expected to respond to and resolve complaints as soon as possible within 10 working days. This can be extended to 20 working days in certain circumstances ie the complexity of the complaint.

Stage 2 – Formal Investigation – This stage is instigated by the complainant if they remain dissatisfied with the response to their complaint at stage 1. The formal investigation may be conducted by an off line manager or an external investigating officer. For social care complaints, an independent person is also always appointed. An independent person is external to the Local Authority and quality assures the conduct of the investigation. Although independent persons are not generally used for complaints across Children's Services, there may be occasions when it is appropriate to appoint one. At the end of an investigation, the Head of Service adjudicates on the findings of the investigation and responds to the complainant. The statutory timescale for the investigation is 25 to 65 working days.

Stage 3 – Complaints Review Panel – This stage is instigated by the complainant if they remain dissatisfied with the response to their complaint at stage 2. The complaints review panel is made up of 1 independent chair and 2 independent panellists. The panel considers the documentation to date and also hears from both the complainant and department before forming a view and making recommendations to the Director of Children’s Services. The statutory timescale for setting up a Complaints Review Panel is 30 working days, with the Director sending a response to the complainant within 20 working days of the date of the panel meeting.

Local Government Ombudsman – A complainant may refer their complaint to the Local Government Ombudsman at any time, although the advice they are likely to be given is that they should exhaust the local authority procedure first.

The Local Government Ombudsman will either make enquiries to satisfy themselves that the complaint has been appropriately dealt with or make a decision to investigate the actions of the Local Authority.

2. Overview of Complaints

Year	2007-08	2006-07
Stage 1	223 (22)	194 (28)
Stage 2	4	4
Stage 3	0	0

*Figures in brackets denote complaints made by young people.

3. Overview of Compliments, Complaints & Representations

By Team & Numbers				
Team	Compliments	Complaints made by Adults	Complaints made by Young People	MP/Councillor Enquiries & Representations
Admissions and Transport Team	0	4	0	3
Adoption and Permanence Team	4	8	0	1
Anti-Bullying Team	2	0	0	1
Children with Disability Teams	11	21	0	
Children with Disability residential teams	9	10	0	0
Community Family Workers Team	2	0	0	0
Data Protection Team	0	1	0	0
Duty and Assessment Teams	3	34	1	6

Team	Compliments	Complaints made by Adults	Complaints made by Young People	MP/Councillor Enquiries & Representations
Early Years Team	15	3	0	1
East Sussex Music School	0	1	0	0
Education Welfare Team	0	9	0	1
Emergency Duty Team	0	1	0	0
Family Resource Centre	0	1	0	0
Family Support Team	25	58	0	18
Flexible Learning Educational Support Service	0	0	0	1
Fostering Team	13	12	2	5
Foster Carers	2	0	0	0
Freedom of Information	0	0	0	1
Looked after Children Teams	28	18	3	0
Looked after Children- Residential	3		9	
Parentlink	9	0	0	0
Policy-Education	0	1	0	0
Reintegration and Secondary Behaviour Support Service	0	0	0	1
Safeguarding	1	4	0	1
Special Educational Needs	1	23	0	20
Substance Misuse Team	4	0	0	0
The Education Support Team	0	1	1	1
Youth Offending Team	7	3	1	0
Youth Support Team	3	10	5	4
Not assigned	0	0	0	2*
TOTALS	142 (123)	223 (194)	22 (28)	67 (18)
* These were re-directed to a Parish Council and a District Council				
* Figures in brackets denote previous years figures				

3.1 Compliments have increased by 15.4 % and are always welcome given the difficult discussions and decisions staff at the point of service delivery often have to impart to young people and their families, the stretched resources in terms of services and staff time and the fact that much of Children's Services work has a statutory basis, which is not always welcomed.

3.2 Complaints made by adults about Children's Services have increased by 14.9% this year. The likely reasons for this are growing knowledge of the widened remit of the

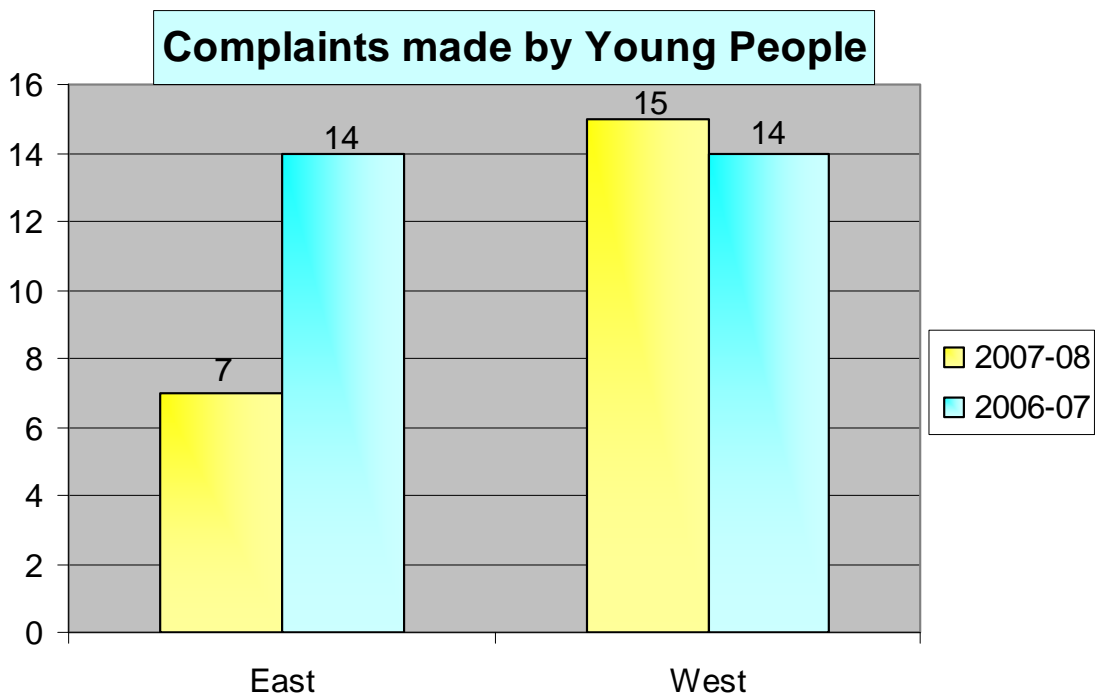
Complaints Team, improved public knowledge of how to access the procedure, as well as improved reporting across Children's Services.

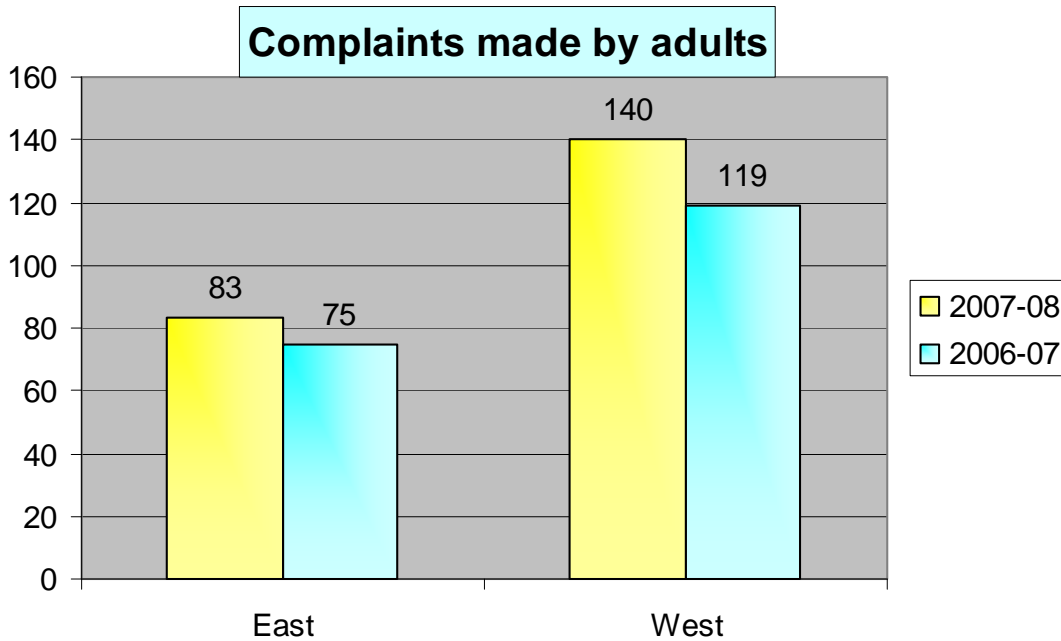
3.3 Complaints made by young people have decreased. The explanation for this decrease is the phase of re organisation which took place in the previous year, which resulted in a disproportionate number of complaints about unwelcome decisions relating to change of social worker.

3.4 Representations which are made up of Councillor/MP enquiries and other issues that do not fit the category of a complaint, but do require considerable input have increased by 272%. Whilst this is an enormous increase in workloads, the comparative figures are not like for like, as we were unable to capture all representations in the previous years statistics.

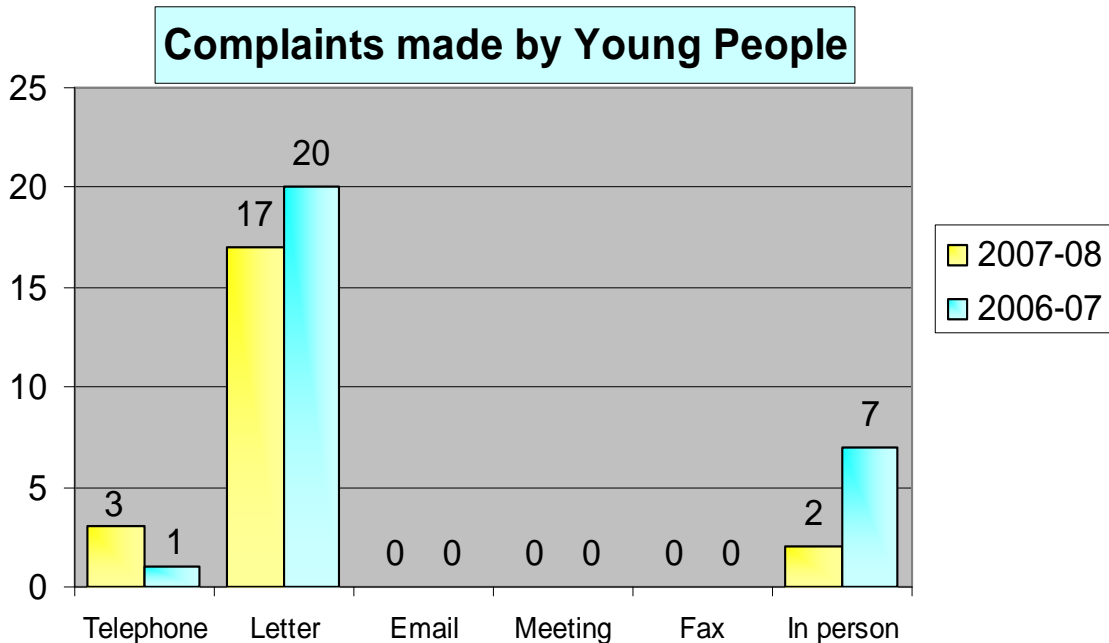
3.5 Councillor/MP enquiries have increased by 155%.

4. Breakdown of complaints by Integrated Services East and West





5. Stage 1 – Accessing the Complaints Procedure

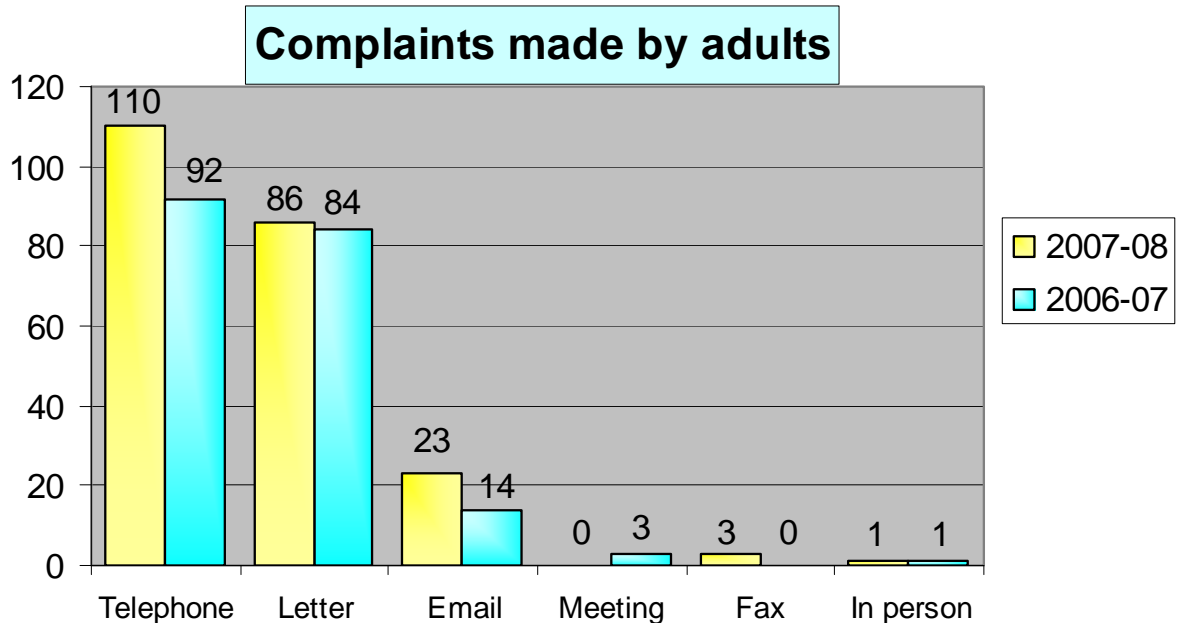


5.1 Included in our public information on complaints, comments and compliments is a letter format and freepost envelope which has consistently been the principal way in which young people access the complaints procedure.

5.2 All the complaints made by young people were about social care services. Of the 22 complaints received from young people, 3(6) young people were from BME

backgrounds, 11(16) were from girls and 11 (12) from boys. Ages ranged from 12 (11) to 19 (21) years old.*

5.3 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.



5.4 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 unless they are also the service user and this is recorded on the Carefirst Database. Of the information we do have 50 complainants were white British, 1 black British,1 Asian British and 3 were of mixed ethnicity.

6. Stage 1 – Complaint Issues

Young People		
	2007-08	2006-07
Poor quality of service	3	1
Poor communication	0	2
Contact arrangements	1	0
Inappropriate action	3	2
Unwelcome decision	3	13
Placement changes	1	2

* Figures in brackets denote previous years figures

	2007-08	2006-07
Quality of service from carer	1	0
Lack of support	1	0
Staff action and conduct	5	6
Service users conduct to each other	2	1
Foster carers standard of care and conduct	2	1

6.1 Some of the issues complained about were standards of care in a foster home, loss of personal possessions in a residential home, lack of consistency in “house rules” in a residential home, delay in accessing personal records and an insufficient level of support.

Adults		
	2007-08	2006-07
Assessment	4	9
Breach of confidentiality	7	0
Carer's Assessment	2	0
Contact arrangements	3	0
Poor Quality Service	81	60
Direct Payments	1	0
Equalities	2	1
Foster carers	5	7
Inappropriate action	25	29
Lack of consultation	5	1
Lack of free school transport	1	0
Lack of respite care	1	0
Lack of support	7	2
LAC Review	1	0
Policy	1	0
Placement changes	1	0
Placement choice	2	2
Poor communication	21	17
SEN statutory assessment	1	0
Child's safety in residential accommodation	1	0
School attendance & exclusion	3	0
Staff action & conduct	16	29
Unwelcome decision	32	26
Funding	0	5
Other	0	6

6.2 Some examples of complaints made are concerns about the adoption assessment process, lack of respite care, the serving of a penalty notice for school non attendance, the school provision for a child who has sensory needs, choice of school placement for children with special educational needs.

6.3 Some key themes that have arisen are dissatisfaction with school placements for families whose children have special educational needs, delay or lack of response to phone calls and letters and a lack of respect shown when talking with families, delays in assessments being carried out and funding being agreed for a range of services.

7. Stage 1 – Response Times

Young People					
Total no of complaints		Responded to between 0-10 working days		Responded to between 11-20 working days	
2007-8	2006-07	2007-08	2006-07	2007-08	2006-07
22	28	14 (63.6%)	22 (78.6%)	6 (27.3%)	3 (10.7%)

Adults					
Total no of complaints		Responded to between 0-10 working days		Responded to between 11-20 working days	
2007-08	2006-07	2007-08	2006-07	2007-08	2006-07
223	194	138 (61.9%)	129 (66.5%)	62 (27.8%)	26 (13.4%)

7.1 Complaints should be responded to within 10 working days and this timescale should only be extended for the reason cited earlier in this report. Complaints taking between 11 to 20 working days to respond to have not always been for the specific reason cited.

7.2 2 (3) complaints made by young people and 23 (39) complaints made by adults took longer than 20 working days to respond to.

7.3 The reasons given for delay in responding relate to staff absence, managers not having sufficient time and having other priorities and also the greater complexity of complaints, as there are times when 1 complaint will involve a number of teams within Children's Services and sometimes a school also. In these cases, wherever possible, one response is sent to the complainant, but liaison between managers and gathering information can cause delay. It is therefore, difficult to know how these timescales can be improved, without putting disproportionate pressure on managers who do have to balance competing priorities.

* Figures in brackets denote previous years figures

8. Stage 1 – Outcomes

Young People						
Complaint Type	Upheld		Partly Upheld		Not Upheld	
	2007-08	2006-07	2007-08	2006-07	2007-08	2006-07
Totals	6	13	4	7	12	8

Adults						
Complaint Type	Upheld		Partly Upheld		Not Upheld	
	2007-08	2006-07	2007-08	2006-07	2007-08	2006-07
Totals	40	35	57	75	125	84

9. Stage 2- Formal Investigation – Numbers & Response Times

Service Area	Number of formal investigations	Time taken to respond
Fostering & Looked After Children	1	42 working days
Safeguarding & Duty Assessment & Family Support Team	1	43 working days
Duty & Assessment, Education Welfare & Flexible Learning Education Support Teams	1	68 working days
Workforce Planning & Training	1	41 working days

9.1 The number of formal investigations in this business year and the previous year remain static and it is a credit to staff, managers and the work of the complaints team that the majority of complaints are dealt with at stage 1, few proceed to stage 2 and although the remit of Children's Services has widened and there has been an increase in numbers of complaints, this has not resulted in an increase in formal investigations.

9.2 Complaints reaching this stage of the complaints procedure are generally more complex, detailed or the result of a breakdown in the relationship between the complainants and Children's Services.

10. Stage 2 – Formal Investigation – Complaints Issues

10.1 In essence, the range of issues across these investigations related to the quality of social work practice in relation to a fostered child, the support provided to same sex foster carers, social work practice in relation to child protection proceedings, the conduct of a child protection conference, the child protection process involving 3 teams within the department and concerns about the even handedness of commissioning training from a training provider.

10.2 The majority of complaint elements were not upheld. However, some were either partly upheld or upheld and were then subject to recommendations and learning, which will be reported on later in the report.

11. Stage 3 - Complaints Review Panels

11.1 Following the formal investigations, there was further discussion between the department and complainants in relation to 3 of the formal investigations. Whilst it wasn't always possible to fully satisfy complainants, no formal investigations proceeded to stage 3 of the procedure.

12. Councillor and MP Enquiries – Numbers & Themes

Team	No of Enquiries	Themes
Attendance	1	Concern about parent's health and the action being taken in relation to non-attendance
Re-integration & Behaviour Support	1	Concerns regarding loss of education
Children with Disabilities Care Management	6	Concerns about adaptations to property, transition issues, access to continuing care funding
Duty and Assessment Teams	4	Concerns about lack of respite care available to children and families where the child's disability does not meet the children with disabilities service criteria
Family Support Teams	10	Concerns about contact arrangements, services provided to children living with ex partner, issues about services provided to parent where the Local Authority is intending to issue care proceedings
Flexible Learning Education Support	1	Request for home educated child to receive funding for specific educational activity
Policy	1	Concern about closure of contact centre
Looked after Children Teams	3	Concerns about contact arrangements and actions in relation to instigating care proceedings

Team	No of Enquiries	Themes
Special Educational Needs	16	Concerns about decisions and content of statutory special educational needs assessments, school placements, failure to take into account the effects of bullying in relation to a school placement
Transport	2	Dissatisfaction at transport to school not being agreed
Youth Support Team	1	Request for information for a constituent

12.1 The complaints team helps co-ordinate the Director's responses to these representations, when they involve young people and their families. Internal procedures have been reviewed to facilitate improved notification of such enquiries, as they are also a valuable source of information and customer feedback. The above figures by no means represent all the enquiries made, only the ones known to the complaints team. They amounted to 46.

12.2 Additional information indicates there were 30 enquiries about schools admissions and transport which the complaints team were not aware of and 20 other enquiries concerning special educational needs.

13. Other Representations

13.1 The complaints team also received 21 further enquiries, which could not be classified as complaints or MP/Councillor Enquiries. Nevertheless many of these involve a considerable amount of work to either provide the information being sought or to resolve. Examples are people ringing in for advice about situations they are not happy with, for services or information they require and who following discussion and our intervention the enquiries have been resolved. Additionally we advise teams about a range of issues including complaints from provider services about contractual issues.

14. Local Government Ombudsman

Teams	Enquiries	Investigation
Joint investigation - Education Welfare, Special Educational Needs, Flexible Learning and Support Services	0	1
Disability Services	1	0
Special Educational Needs	1	0

14.1 The above number is not representative of all enquiries and investigations made by the Ombudsman. They represent only those known to the complaints team. Internal procedures to improve the knowledge and involvement of the complaints team have now been put in place, so reporting of this area next year should be more accurate. Again this is because the information gained from these enquiries and investigations is

important in terms of understanding the issues of service users and increasing learning for the organisation.

14.2 The Ombudsman investigated in one case and found maladministration with injustice. The findings were:-

1. that the education welfare service ended their involvement in a particular case inappropriately
2. that the home tuition service did not arrange home tuition promptly or increase the level provided despite agreeing to do so
3. that the special educational needs service delayed before issuing a final statement of special educational needs

14.3 The authority was asked to provide financial redress to be used for the purpose of the child’s education/training and to make a payment for the complainant’s time and trouble in making the complaint.

14.4 The other two cases were enquiries.

One relates to a parent whose child has a disability. The nature of the child’s disability does not meet the access criteria for the children with disabilities service. The parent was requesting respite care and wanted to receive a service specifically from the children with disabilities team. Additionally, the parent’s request for a stage 2 investigation had not been accepted on the grounds that there were no exceptional circumstances for the disability service’s access criteria to be varied on this occasion, that a service was being provided albeit not from the team the parent wished for and that the outcome of a stage 2 investigation would not change the access criteria for the children with disability service.

The Ombudsman accepted this view on the basis that an assessment would be carried out by the Family Support Team.

The other enquiry related to a child with special educational needs. The complaint was that the council had failed to make provision for the special educational needs of the child, as minimal home tuition had been provided and this did not fulfil the requirements of the statement. At the year end, there was no conclusion on this matter.

15. Identified Future Development
a need for Operational Instructions to be updated with reference to Carer’s Assessment and Direct Payments
a need to review how contact details of parents/carers are shared by the County Council to ensure that particular consideration is given to parents/carers who have provided information to schools which is normally ex directory
a need to increase staff awareness and sensitivity regarding information they share about family members with other family members
core assessment reports should contain details of the professionals who have contributed to the report
managers should emphasise the importance of sharing reports with parents prior to child protection conferences and in line with child protection and safeguarding procedures

high priority should be given to increasing relevant staff members understanding of chronic fatigue syndrome and myalgic encephalopathy in young people
staff should be reminded to carry out Criminal Records Bureau checks on members of a household when a young person in the care of the local authority is being placed back in the family home
policy on accessing education for young people who are out of school should be amended for those with medical/health needs, paying particular attention to post 16 young people

16. Compliments

Family Support Team

“I would like to say a big thank you to East Sussex Social Services. They have been a great help and support to my children and I. Due to the help received we are able to look to the future with hope “

Early Years

“ X and Y were incredibly friendly and child focussed and were able to achieve small miracles with two children who were struggling to trust adults and indeed where their own sibling relationship had suffered”.

Special Educational Needs

Parent of child with SEN thanked the SEN Team member for the ‘wonderful amended statement’. She said her son’s results proved what a fantastic school X is

Adoption

“I would like to say how positive we found the experience and how reassuring it was to see at first hand how much thought goes into trying to find the best outcome for any looked after child (in East Sussex at least!)”

Youth Support Team

“Thank you so much for all the help you have given us over the past few months. You have provided us with many new tools to aid us on the journey that is our new life together.”

Duty and Assessment Team

“ x said she had received an excellent serviceher experience previously in dealing with Duty Teams(not in East Sussex) was such that she hadn’t expected to be able to resolve her issues with a duty worker.....but in fact she had been pleasantly surprised at the response.”

17. Conclusion

17.1 In compiling this annual report, the views of complainants and others involved in the process have been taken into account, where responses have been received. On a general level, complainants are positive about the procedure being reasonably easy to access, the manner in which their complaints were handled and the information provided about the procedure. There were some comments which indicated that people did not feel listened to and were disappointed they had not achieved the outcome they wanted.

17.2 The local advocacy service has been complimentary about the speed, flexibility and young person centred approach demonstrated by the complaints team to complaints received from young people.

17.3 In reviewing this year's activity, key areas for development in the new business year have been identified:-

- a. reviewing the surveys we send out to complainants with a view to improving the rate of return
- b. improving data collection relating to minority groups and access to the procedure by minority groups
- c. increasing consistency and a customer focused approach to responding to complaints across Children's Services through team training for non social care teams.