

**DIRECTORATE OF CHILDREN'S SERVICES**

**COMPLAINTS COMMENTS AND COMPLIMENTS  
CHILDREN'S SOCIAL CARE SERVICES  
ANNUAL REPORT**

**April 1<sup>st</sup> 2007 – 31<sup>st</sup> March 2008**

**Policy Performance & Resources Division**



Produced by Quality and Complaints Team May 2008

# CONTENTS

## **SECTION 1**

- 1.1 Introduction
- 1.2 Quality and Complaints Team

## **SECTION 2**

- 2.1 The Complaints Procedures
- 2.2 Stage One
- 2.3 Stage Two
- 2.4 Stage Three
- 2.5. Corporate Complaints

## **SECTION 3**

- 3.1 Overview

## **SECTION 4**

- 4.1 Outline of the Activities of the Quality & Complaints Team 2007/08

## **SECTION 5**

- 5.1 Compliment Data 2007/08
- 5.2 Examples of Compliments received

## **SECTION 6**

- 6.1 Comparison of complaint numbers over past three years
- 6.2 Complaint issues
- 6.3 Comments
- 6.4 Complaints received across the Directorate
- 6.5 How are complaints received?
- 6.6 Outcomes in Terms of Findings
- 6.7 How are complaints resolved?
- 6.8 Timescales
- 6.9 Ethnicity

6.10 How do we ensure that complaints are genuinely resolved?

## **SECTION 7**

7.1 Areas of development for Quality & Complaints Team 2007/08

## **SECTION 8**

8.1 Elected Members visits to Social Care establishments

## **SECTION 9**

9.1 Examples of learning from complaints.

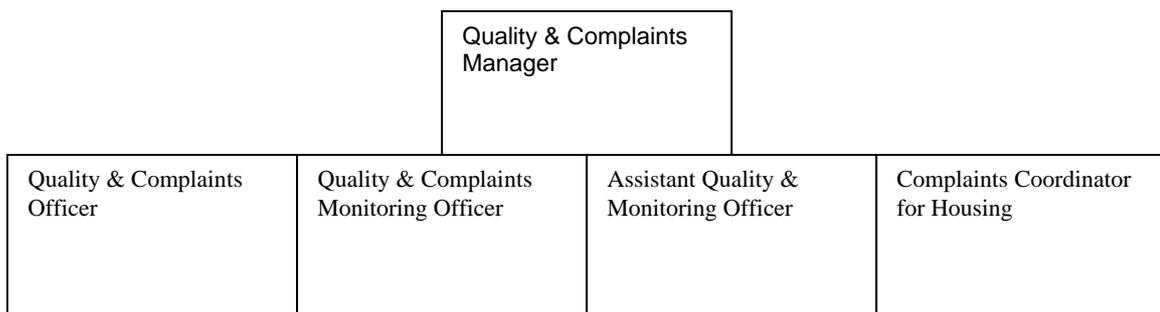
## SECTION 1

### 1.1 INTRODUCTION

- 1.1.1 This Report provides information relating to Children's Social Care Complaints Comments & Compliments, during the period 1 April 2007 to 31 March 2008.
- 1.1.2 The procedures for Children's complaints, are determined by legislation, predominantly involving the: -
- Children Act 1989, Representations Procedure (England) Regulations 2006.
  - The Children & Adoption Act 2002 and Children (Leaving Care) Act 2000.
- 1.1.3 Every Local Authority with a responsibility for Social Care Services is legally obliged to have in post a Complaint Manager, part of whose role it is to provide an Annual Report into the workings of the complaints and representations procedures. This requirement is contained in the Children Act 1989. Representations Procedure (England) Regulations 2006.
- 1.1.3 The complaints procedure cannot operate without effective information; therefore, all service users and people who request a service are provided with information on how to complain, comment or make a compliment. Complaint information is displayed in all public reception areas.
- 1.1.4 During 2007/08 Children's Specialist Services received 2928 referrals for its services, undertaking work on a longer term basis with 2267 children and their families.

### 1.2 THE QUALITY AND COMPLAINTS TEAM: -

- 1.2.1 The Quality & Complaints team is part of the Policy & Performance & Resource Unit within the Directorate of Adult Community and Housing Services [DACHS]. It has a Service Level Agreement with the Directorate of Children's Services to carry out the management and day-to-day running of the social care complaint process for children. The team is comprised of two full time staff and three part time and is responsible for the management of all complaints received for Children's and Adult's Social Care and Housing Services. The team has a number of years experience in handling statutory social care complaints; its aim is to provide a high quality service bringing added value to the Directorate of Children's Services.



1.2.2 The Directorate of Children's Services is committed to a positive and proactive approach to complaints handling; complaints are viewed as a mechanism for ensuring that the Directorate remains receptive to the need to make improvements to the quality of the services that it provides as well as a method of seeking resolutions to the individual's dissatisfaction wherever possible.

## **SECTION 2**

### **2.1 THE COMPLAINTS PROCEDURES**

2.1.1 This is the second annual report since the procedures were changed in line with directives from central government through the Department for Education and Skills (DfES). The new guidance has introduced new concepts and practices to complaints handling which the Complaints Team and the Directorate were swift to incorporate into practice. The new procedures resulted in a number of significant developments and changes in the way that complaints are handled, a reduction in the time available to offer a resolution to a complaint being the most obvious. The new procedures have been in operation for almost twenty months now and have not caused any significant changes in the way that complaints are dealt with in Dudley which like many Local Authority's were able to anticipate the final guidance during the consultation stage.

2.1.2 The Complaints, Comments and Compliments procedures serve four principal purposes:

- Providing a way for a child/young person, or a person acting on their behalf, to tell the Directorate what they think of the service.
- Enabling the Directorate to learn from complaints and compliments, and to change, review or maintain services accordingly.
- Ensuring that complaints are properly recorded and acted upon, and that where necessary things that have gone wrong are put right promptly.
- Ensuring that staff and service users understand their rights, and responsibilities within the complaints process.

2.1.3 The complaints procedure for social care has three 3 stages;

- Stage One. Problem solving and informal resolution.
- Stage Two. Formal Complaint investigation.
- Stage Three Independently chaired Review Panel

#### **2.2. Stage One**

Offers the Team responsible for the relevant service the first opportunity of considering the complaint and responding on behalf of the Directorate as appropriate; most commonly this involves either

apologising for any mistakes made and correcting any resulting disadvantage (upholding the complaint) or finding that the work that was undertaken was correct (not upholding the complaint). Looking into a complaint at Stage 1 should be a relatively short piece of work; however, it is important that the response is informative, accurate, fair and as helpful as it can be. It may also at this stage be helpful to the complainant and in achieving a resolution if there can be direct contact with them by the relevant Team Manager.

### **2.2.1 Important points within Stage 1**

- The timescale at Stage 1 gives 10 working days to respond to children, or their carers who raise a complaint; however, this can be extended by a further 10 days if the complaint is complex or key staff are unavailable.
- Young people who complain on their own behalf are offered the services of an advocate
- A written response is provided by the relevant Manager to the young person or their representative.
- The Directorate has the discretion to refuse to consider a complaint which was not raised within twelve months of the incident/event occurring.

### **2.3. Stage Two**

Stage 1 complaints are responded to by those directly responsible for the service being disputed; Stage 2 complaints are investigated by someone independent of that resource. This can be either a member of the Quality and Complaints Team, another Manager within the Directorate or an externally appointed person. Additionally, an Independent Person, in line with legislation & guidance, is appointed in each case to oversee the investigation from the perspectives of thoroughness, fairness and objectivity. The independence of the Investigating Officer from the service concerned and the presence of the Independent Person ensure that the investigation of the complaint is fair and transparent. Again in accordance with legislation 25 working days are allowed for the investigation of the matter by the complaint investigator and the response by the Assistant Director for Children's Services. If an advocate has not been appointed previously the child/young person is again offered advocacy services at this stage.

### **2.4. Stage Three**

If the complainant remains dissatisfied after the Stage two process, then he/she can, within 20 working days, request that matters move to Stage 3. This process requires the Local Authority to convene a stage 3 Review Panel to hear the complaints within 30 working days of the request. The Review Panel involves three independent people, one of whom is appointed to chair the panel. Also in attendance will be the complainant and advocate, the complaint investigator, the independent person, a Senior Manager from Children's Specialist Services,

Complaints Manager and other officers who support the complaints process. Essentially the Review Panel considers the management of the complaint and the responses made at Stages 1 and 2. The Review Panel after listening to the issues related to the complaint then has 5 working days to provide written recommendations to the Director of Children's Services, copied to the complainant. The Director then has 15 working days to respond to the complainant; this concludes the Local Authority's handling of the complaint.

If the complainant remains dissatisfied following the Stage 3 response he/she can; within twelve months of the panel hearing, approach the Local Government Ombudsman seeking further enquiries or investigation to be carried out into the complaints by that office. If the Ombudsman determines that the complaint has not been looked into fairly and correctly by the Directorate, or that the service user has suffered an injustice in the services he/she has received then the Ombudsman will reach a finding of Maladministration; Dudley has this year received its first finding of maladministration and this will be returned to later in this report.

## **2.5 CORPORATE COMPLAINTS: -**

2.5.1 The Children's Directorate also has a duty to comply with general complaints which do not fall within the boundaries of the National Health Service and Community Care Act (1990) and the Children Act (1989). Complaints in this category are called "Corporate Complaints" and are dealt with under the Council's Complaints and Representations procedure; although Corporate Complaints will be dealt with by many Divisions within the local Authority, **7** were recorded in 2007/8 which concerned Children's Specialist Services.

## **3.1 OVERVIEW OF ACTIVITY 2007/08**

### **3.1.1 SUMMARY**

- i) During **2007/08** Dudley Directorate of Children's Services received 2928 referrals and provided services to 2267 children.
- ii) Children's Services received **85** complaints from **65** young people or their representatives this compares to **123** complaints for **2006/07** and is a significant reduction; see point viii below for possible explanation.
- iii) It can be seen from the figures above that some young people have made more than one complaint this year; the disparity between the number of complaints received and the number of young people forwarding these is also caused by complaints which concern more than one service and need to be counted as a separate complaint against each service.
- iv) The majority i.e. **54** of the complaints relating to services provided to children were made or led by Adults. **24** complaints were made by

children or advocates. The number of complaints made by Foster Carers has been maintained from last year, rising slightly from **10** to **12**.

- v) Although the range of people who can bring a complaint on behalf of a child and the issues that can be complained about have been extended by the new guidance, this has not created an unrestricted arena for disputes to be continually debated; it remains the responsibility of the Quality and Complaints Team to manage these issues according to legislation, assisting in finding a resolution where appropriate and helping to direct the complainant to a more suitable route if using the procedures would not be appropriate.
- vi) The guidance provided in 2006 the option of recording some adverse contacts as comments; this is used in instances where a young person may wish to raise an issue without it being regarded as a complaint. It can also be used where the person raising the issue cannot use the complaints procedure

Comments are not necessarily minor issues, like complaints they need to be considered and responded to, not least because should the person who raises a comment be dissatisfied with the response they may then have the right to take the matter forward as a complaint.

- vii) **62** comments were received in **2007/8**, a significant increase on the **17** that were recorded in **2006/7**, when we were first enabled to draw this distinction under the new guidance. Care is taken to ensure that matters are not inappropriately recorded as comments rather than complaints and an even spread across the four quarters of last year and a similar pattern emerging in the first quarter of this, suggest that an appropriate distinction is being applied, however, this new distinction may well account for the reduction in the numbers of complaints.
- viii) There has been **1** Stage 2 Formal complaint conducted within 2007/08, this was started at Stage 2 following initial discussion between the complainants and Team Manager which suggested that a resolution at Stage 1 would not be found. Comparisons with neighbouring Authorities of comparable size indicate that fewer complaints in Dudley progress to the subsequent stages of the complaints procedures. This is a very satisfactory picture and demonstrates the time and quality of response being provided by Managers dealing with complaints. There were **no** Stage 2 investigations in 2006/7 compared with **3** in 2005/06.
- ix) One complaint begun in 2007/08 has progressed to Stage 2 of the procedures; this happened after 1.4.08 and will be commented on in next years report.
- x) One complaint progressed to a Stage 3 Review Panel this year, this concluded a complaint first raised in 2005/06, the complainant's availability to present her case to Panel had been limited until this point

3.1.2 **78** complaints received a response at Stage 1; this does not include the **2** that remain ongoing, the **3** that were withdrawn, or the **2** complaints which began or progressed to Stage 2. Of these **48.7%** were dealt with within **10** working days, compared with **46.8%** in the previous year, and a further **21.25%** within a further **10** compared with **24.3%** in the year before. Therefore **69.95%** were dealt with within the statutory timetable of **20** working days; this compares with the figure of **71.1%** in 2006/7.

A further **12.5%** of complaints were dealt with between **21** and **25** working days compared with **6.4%** in the previous year; a further **5%** were dealt with between **26** and **30** days.

**12.5%** of complaints took more than **31** working days to complete, compared with **18%** in the previous year; the longest being **90** days.

3.1.3 There were **44** registered compliments compared to **39** for 2005/06, an increase of **5**.

3.1.4 **Local Government Ombudsman:** - There has been **1** finding of Maladministration by the Ombudsman concerning Children's Social Care complaint matters for **2007/08**; we believe that this is the first finding for Dudley Social Care. This concerned payments to people who are approved and paid as foster carers so that they can look after children whom they are related to, or are already known to them. Dudley were not paying all of the elements of the allowance, and the Ombudsman's ruling concerned these. The Ombudsman, and indeed the complainants, was satisfied with the resolution put forward by the Directorate to resolve this matter, however the Ombudsman took the view that this issue had wider implications for Councils and therefore concluded that he should reach and publish this finding.

3.1.5 **Advocacy:** - **6** children/young people making a complaint chose to have the assistance and support of an advocate during the complaint process. Government guidance requires that all young people making a complaint in their own right are provided with an Advocate; the Quality and Complaints Team in conjunction with the National Youth Advocacy Service have ensured that all children making a complaint who request an advocate are provided with one. We are aware that many more young people make use of the provision from the National Youth Advocacy Service (NYAS) on an informal basis.

## **SECTION 4**

### **4.1 Outline OF THE ACTIVITIES OF THE QUALITY & COMPLAINTS TEAM 2007/08**

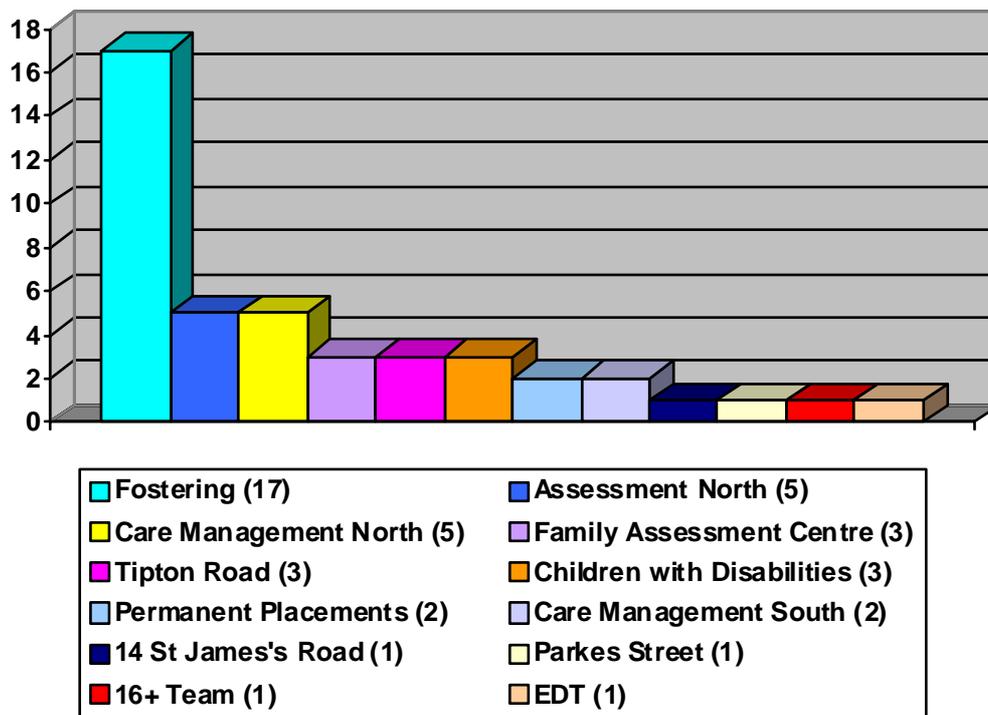
- 4.1.1 The Quality & Complaints Team has continued to oversee the successful introduction of the new complaint legislation and guidance. It has continued to guide, advise and assist staff and service users in the handling of Social Care complaints according to the new procedures.
- 4.1.2 Regular contact is carried out by the Team's Complaints Officer with residential Children's Homes across the Borough in order to monitor and assist access to the complaints procedures. Young People who raise a complaint are offered a visit from the Complaints Officer or Complaints Manager. This provides easy, fast and informal access for young people to the complaint process.
- 4.1.3 The majority (**56**) of all complaints resolved at Stage 1 were acknowledged and concluded within the statutory timescale. The Quality & Complaints Team monitors each complaint and works closely with each Manager responding to a complaint to assist them as and where required.
- 4.1.4 Training for Managers, Social Workers and other relevant groups has continued for **2007/08**; training includes: -
- A half-day course to inform front line staff/newly appointed staff of their responsibilities when a complaint is made.
  - A course training managers and other senior team members in responding to complaints at Stage 1 of the procedures
  - A course for Managers and Senior Managers who may be required to undertake a Stage 2 complaint investigation
- 4.1.5 A new complaints leaflet for children is now available and has been circulated.
- 4.1.6 Links with Dudley Foster Carers Association have continued which enables carers to bring their concerns forward as necessary. This will be increased in the coming year.
- 4.1.7 The Quality and Complaints Team maintains contact with residential establishments and District Teams to assist the process.
- 4.1.8 Protocols are in place with Health colleagues, and multi agency teams such as Flipside – a specialist multi agency fostering service.
- 4.1.9 Monthly summary reports are provided to Heads of Service concerning complaints in their areas. Quarterly monitoring reports are presented to Senior Managers.
- 4.1.10 Questionnaires are sent to complainants at the conclusion of their complaint seeking their views on the workings of the complaints procedures
- 4.1.11 During this year the Quality & Complaints Team maintained its service to the Children's Directorate in the day-to-day operation and management of the complaint process whilst also taking on responsibility for the day-to-day operation and management of Housing

Services complaints, such complaints fall under the Corporate complaint process.

## SECTION 5

### 5.1 COMPLIMENTS DATA 2007/08

TABLE 1



5.1.1 Although we have a statutory responsibility to register complaints and ensure that they receive a response, we also believe that there is much to be learnt by the way of good practice by proactively gathering and reporting on compliments received across the Directorate.

5.1.2 The above graph shows an increase in compliments to **44** from last year's figure of **39**; this is the second year in succession that registered compliments have risen.

### 5.2 EXAMPLES OF COMPLIMENTS RECEIVED: -

- From a Reviewing Officer to a Team Manager "I'm writing to you professionally. I chaired an Initial review on 13th on (a child). I would like to say how encouraged I was by the social worker's high standard of practice. I was particularly impressed with her skilled approach in engaging birth parents, particularly mom in this case, in what is always a difficult process for them regardless of history, etc. The social worker's passion and

commitment to getting the right outcomes for this baby is to be applauded.

- From foster carers who had worked with a social worker towards adoption for a child in their care “the social worker kept us informed throughout the process, we felt we were treated as equals, working in partnership with her. She was very sensitive to our needs and those of the child”
- To the staff at the Family Assessment Centre from a parent who had completed a residential assessment “We would like to say thanks to everyone who has helped us in our six weeks here. We would like to say thank you for making us feel at home.”
- Also for the Family assessment Centre “I would not be here at home with the children if it had not been for you all”
- A social worker thanked foster carers for their work at a time of crisis for a young person “with your unconditional support for R this traumatic time was managed very positively and I am truly thankful for your work in helping R understand what was happening to him”.
- From the Manager of the Family and Adolescent Support Team to a foster carer “we saw here how much your care and attention gave to D and how much you were prepared to help and support her”.
- From a social worker concerning foster carers “the children's foster carers have also been extremely supportive in caring for the children as they have blossomed since being placed with them. In addition to this, they have been very supportive of promoting contacting with the children extended family. The carers have been working with the children's family to enable them to care for these children and have agreed to stay involved with them post placement.
- To a worker in the Adoptions Team from Adoptive parents “there are no words to express our thanks to you for your part in bringing our precious E to us.
- Other Adopters wrote, “ this is a very big thank you to everyone in Dudley Social Services who has been dealing with us. We are now a complete family at last after all the ups and downs”. This compliment recognizes that often work is undertaken by a number of different teams working together with a family.
- A young person in one of the Directorate’s residential homes wrote to her key worker “thank you for getting me back into school”.
- One young person wrote to all of the staff on leaving her residential home, here is an example “take care both of you thanks for your work I am grateful although I rarely show it”.

- A relative of a young person wrote to a residential unit “thank you so much for looking after my special cousin S! You really did a fantastic job. I know how many happy memories he has had with you all”.
- A parent of a young person wrote to the 16 plus Team “I thought that I would take the time to say many thanks for the support that you have given me with S”. The letter goes on to detail the progress that the young person is making, “S is doing very well at college and will probably go on to Uni next year”.
- From a link worker in the Fostering Team who had attended a meeting with some Foster Carers who had asked that their comments be passed on about the input of a social worker during a difficult period “ although he is not the allocated Social Worker he became proactive in the case and was able to help and support the Carers in terms of clarifying the current situation and the way forward...Could you please pass on to the social worker the Carers thanks for the level of support he has afforded them , as now they are a lot more comfortable with the situation knowing what is happening, and feel that they can now see the placement(s) of the children through to a positive conclusion.
- A foster carer who needed the support of the Emergency Duty Team outside of core working hours wrote “I thought I would drop you a few lines just to say a big thank you for your help last night with R.

Until then, I had not had to utilise the Out of Hours service. I am glad now I know that yourself and your colleagues are there when needed. I had the `fear of dread` when I found myself in that predicament last night. I would like to say how reassuring it was to speak with you and receive the advice and support that you provided to me and R.

- A reviewing officer passed on the thoughts of a young person in the Directorate’s care towards their social worker “just want to pass on the lovely comments made about M in a LAC review I chaired today.

The young man (12 years) said he would miss M when she goes on Maternity Leave and he hopes he will have her back when she returns.

The foster carers also commented at the wonderful support that M has given them and the lad both in good times and difficult times. This was also endorsed by the Fostering Social worker.

I have to say I agree with the views shared and hope M can return to this case some time in the future,

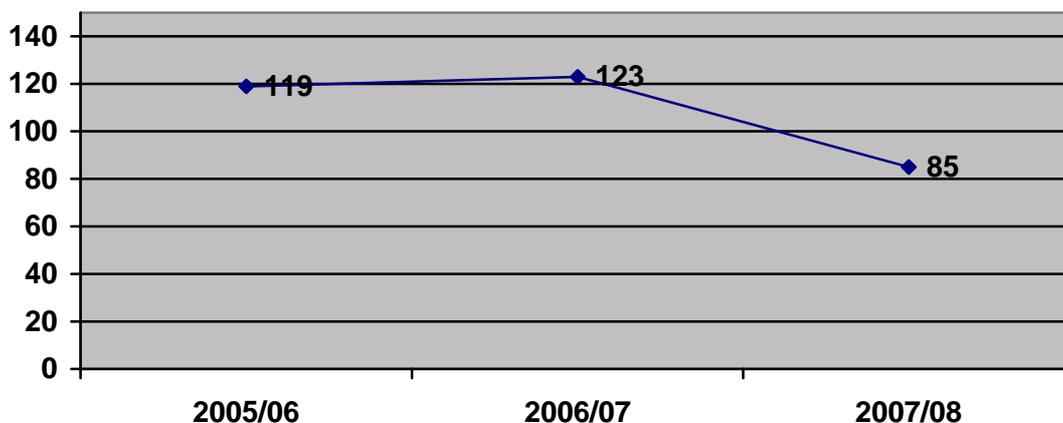
- One foster carer wrote of a social worker in the Children’s Disability Team, “I would like to express my thanks to ... for all

her hard work in supporting myself and foster child, her dedication and professionalism is profound and of twenty years of fostering I am pleased I have the privilege to have worked with her”.

## SECTION 6 COMPLAINT DATA 2007/08

### 6.1.1 COMPARISON OF TOTAL COMPLAINTS OVER PAST THREE YEARS

TABLE 2

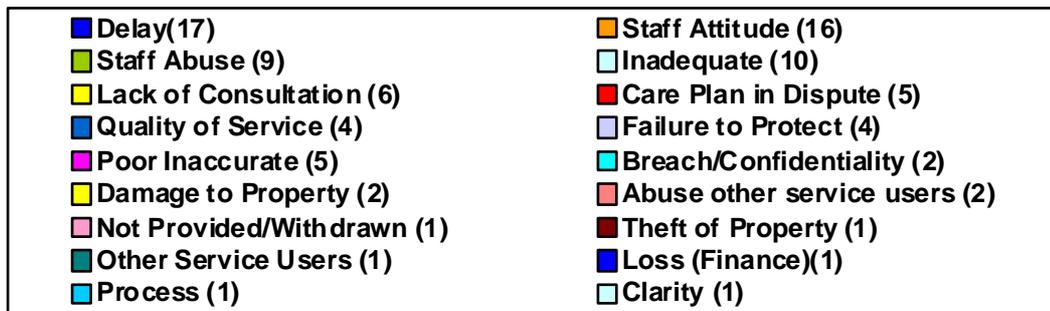
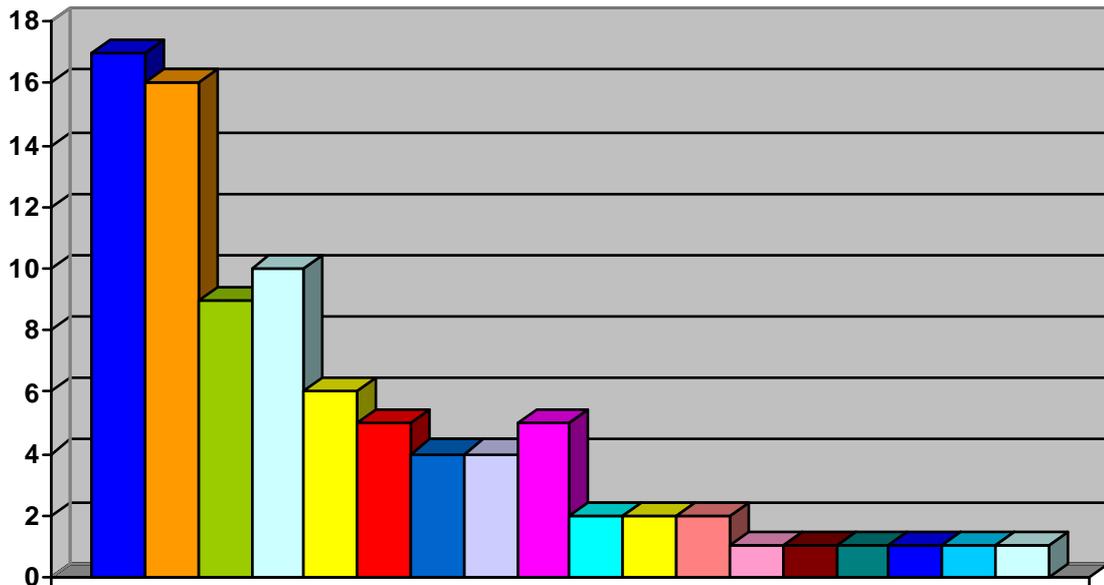


6.1.2 **2007/08** saw a significant decrease from **123** to **85** of complaints received. As has been said before, this reduction may be due to the distinction that can be made between complaints and comments; however, it has to be noted that comments are mostly critical remarks about a service being provided. If we combine the **63** comments received with the **85** complaints, the number of adverse contacts rises to **148**, from **140** in the year before. This number remains a modest percentage of the total number of service users (**3.7%**); however the continued increase in the total numbers is seen as positive and is believed to reflect: -

- Increased awareness of, and access to the complaint procedure
- Greater awareness and use of advocacy services.
- Increased complaint training for staff.
- Continued contact between members of the complaints team and young people/advocacy services and also with Social Services teams and establishments.

## 6.2. COMPLAINT ISSUES

TABLE 3



6.2.1 There is a broad range of issues complained about; staff conduct of some description figures highly again. It should be noted that any allegation of abuse by staff is referred to the relevant District team for them to consider whether to take the matter through the child protection procedures. Delay and inadequate service also a feature within the remaining categories.

6.2.2 Complaints which were placed within the 'inadequate Service' category include concerns about frequent changes of worker resulting in a lack of consistency and progress, the level of contact and quality of work from an allocated worker, punctuality of support workers and complaints about the quality of contact arrangements.

6.2.3 Complaints about 'staff attitude' concerned comments made by staff and the attitudes presented in their work; these concerns are addressed and challenged when they arise.

6.2.4 Some of the remaining issues complained about involved: -

- A young person who was due to move to an external placement, but was informed that they would have a short term interim placement in an, as yet, unidentified resource; a successful request was made to freeze the decision.
- Failure to obtain a passport for a young person in time to go on holiday; this resulted in a new policy for young people looked after on a long term basis which requires that a passport will be obtained for them as soon as it has been decided that the Local Authority's Care Plan is not for an immediate return home.
- Failure to allocate a new social worker for looked after children when the previous worker retired; this was remedied by a new worker being allocated.
- Failure to pay the correct allowances to a caring relative; this was remedied by the appropriate amount and arrears being calculated.
- Complaint from a young person who is looked after by the Local Authority that contact with her siblings, who are also looked after, had not been arranged. This was swiftly addressed once it had been raised.
- Complaint regarding the recommendation that a care package should be cut because of lengthy travelling time; this was later revised when further information was considered.
- Complaint from a young person who did not wish to change placements; this decision was frozen and the young person remained where they were.
- Complaint from a young person, who is looked after, that he has missed a number of contacts because the taxi company was unreliable this was addressed by the Manager of the Transport Team.
- Complaint about delay in undertaking a parenting assessment.

6.2.5 As was the case last year, a number of young people have sought to use the section within the complaints procedures which allows for a decision to be frozen, until the complaint about it has been responded to.

6.2.6 Learning from complaints will be focussed on in Section 8 below.

### **6.3 Comments**

6.3.1 In last year's report we predicted that the number of people either electing to use the new facility of making a comment rather than a complaint, or being directed in that way because of the nature of their grievance (see 3.1.1 (vii) above) would rise; the figure for 2007/8 is **62**,

compared with **17** for last year. Although we are a relatively short way into the current year, we are not anticipating such a large difference for 2008/9. Comments received across the Directorate are shown in the chart below.

### 6.3.2 The following are examples of comments received

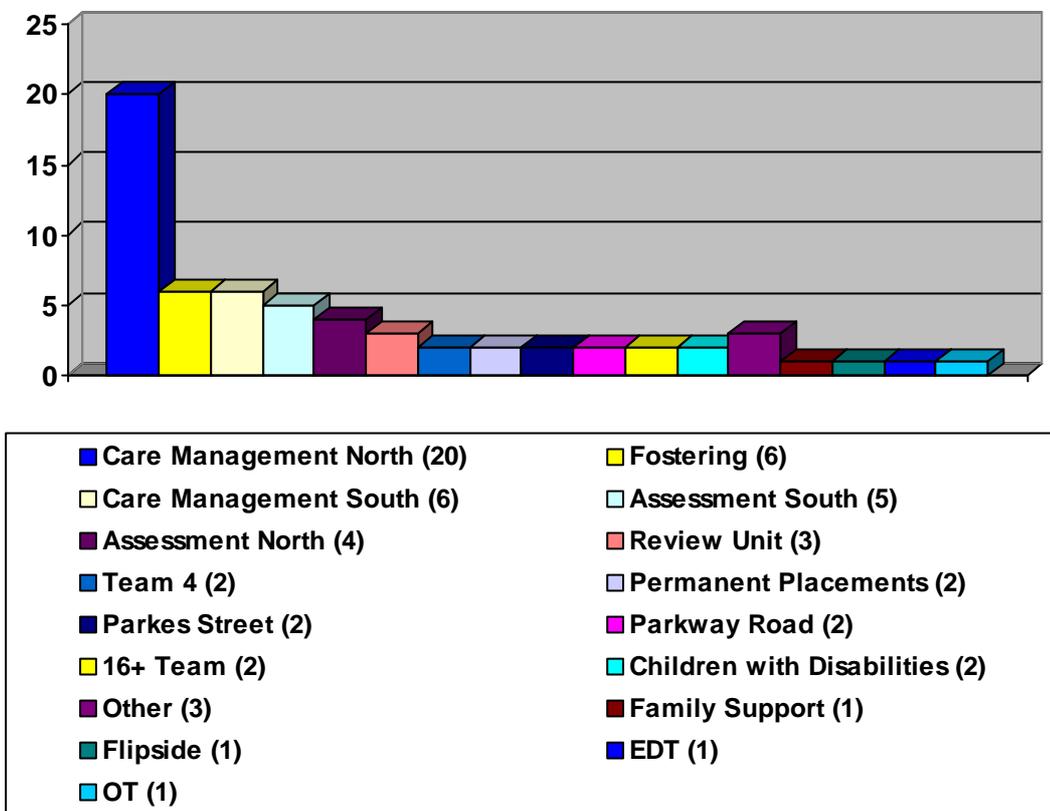
- We received a complaint from a grandparent who was caring for her grandson that she had not been assessed properly as his carer. We established with her that a worker from Dudley was supporting the placement and that she was very pleased with his work. Also that this child had been placed with his grandmother by another Local Authority and therefore the responsibility for approving, assessing and financing the placement rested with them. We liaised with the complaints team for this borough who took a complaint from the grandmother.
- A parent wrote in to say that they were not making a complaint, but were unhappy with the level of support they were receiving. An appointment for an office visit was made but they did not attend. The relevant Managers for the services involved were informed.
- A father who did not like the recommendations of a report to the Family Court contacted this team; as we are unable to intervene in matters where there is a higher authority, the father was advised that his grievance should be discussed in Court.
- We occasionally receive contacts from people expressing concern about the welfare of specific children in the community; in order to ensure that this information is recorded by the Directorate, therefore enabling the District teams to determine how they wish to respond, we take the appropriate referral details and pass these on.
- We also receive contacts from people where the Courts have already placed responsibility for a child's welfare with the Local Authority, but the parent wishes to continue to dispute this with the Directorate. These contacts need to be managed in the best way possible and a record needs to be kept.
- We received a contact from a parent who objected to a passport being obtained for her seventeen year old son; as the social worker was assisting him to do something he was legally entitled to this was not registered as a complaint.
- Some contacts are requests from people for explanations why decisions have been made, such as exclusions from reviews following disruptive or abusive behaviour.
- A few parents will seek to generate a grievance for their child, however, when this is checked with the young person it becomes

apparent that they are happy with the situation and the Local Authority's actions in respect of them.

- We have received contacts around accessing records under the Data protection Act, recording of meetings (where it is said that the information provided by another agency is incorrect)
- One young person who would make regular contact with this team alleged that his residential unit did not have basic amenities like a vacuum cleaner. This allegation was untrue and in an attempt to stop his inappropriate use of the procedures he was advised that this had been recorded as a comment.

### 6.3.3 Comments Received Across the Directorate

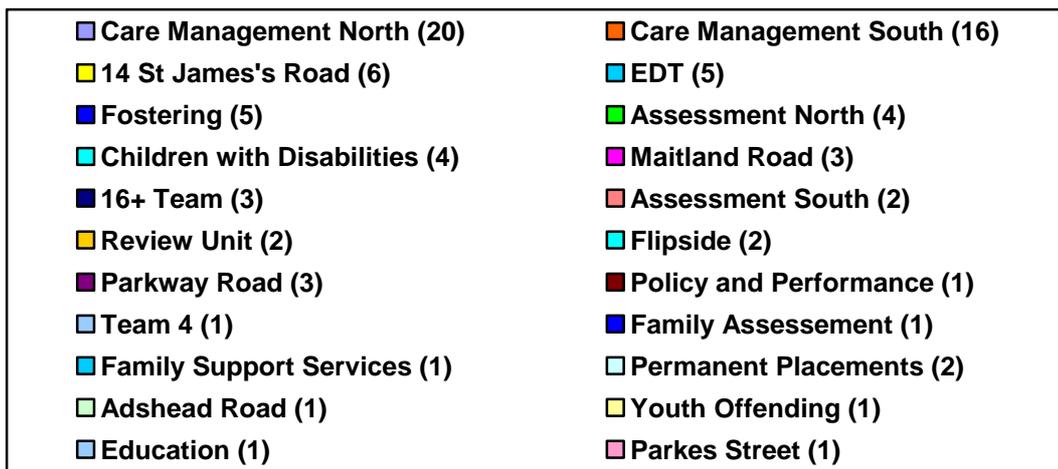
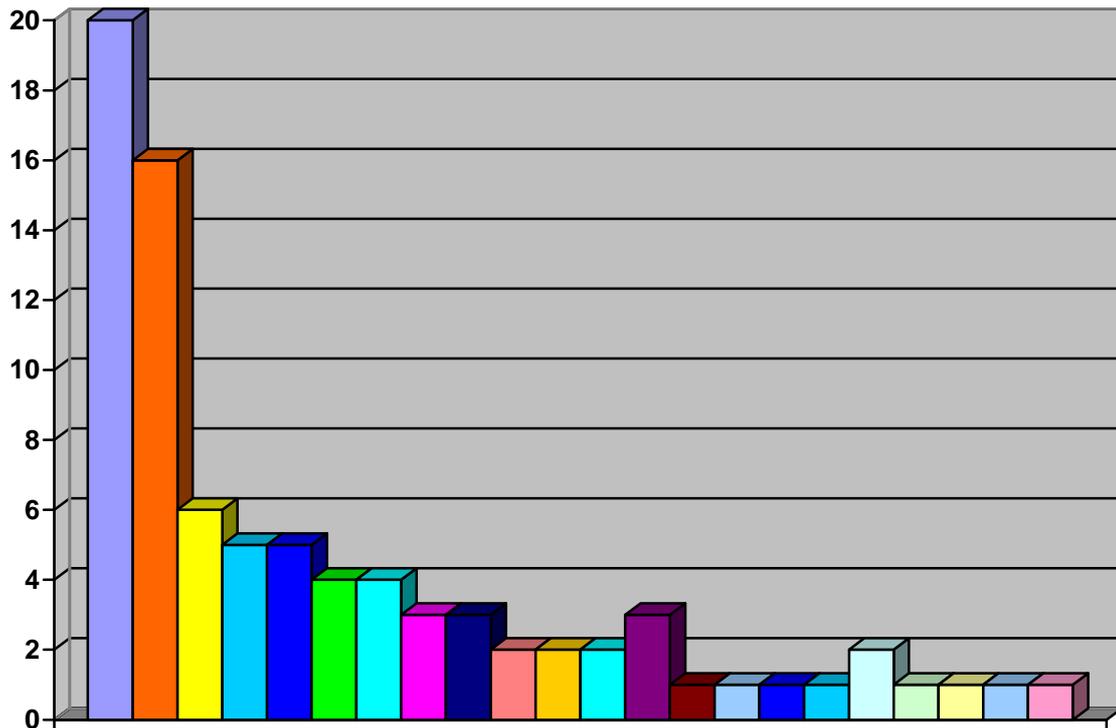
TABLE 4



6.3.3 We can compare these figures with those for complaints received across the Directorate in the chart below.

### 6.4 COMPLAINTS RECEIVED ACROSS THE DIRECTORATE.

TABLE 5



6.4.1 As noted earlier in this report Children's Specialist Services provided services to 2,267 children and their families; from this we can calculate that 96.3% of all service users either felt satisfied with the service they are receiving or did not for whatever reason choose to put forward a complaint. This statistic in no way diminishes the importance of each complaint or the impact incidents of poor practice or inadequate services had on each of the people who complained.

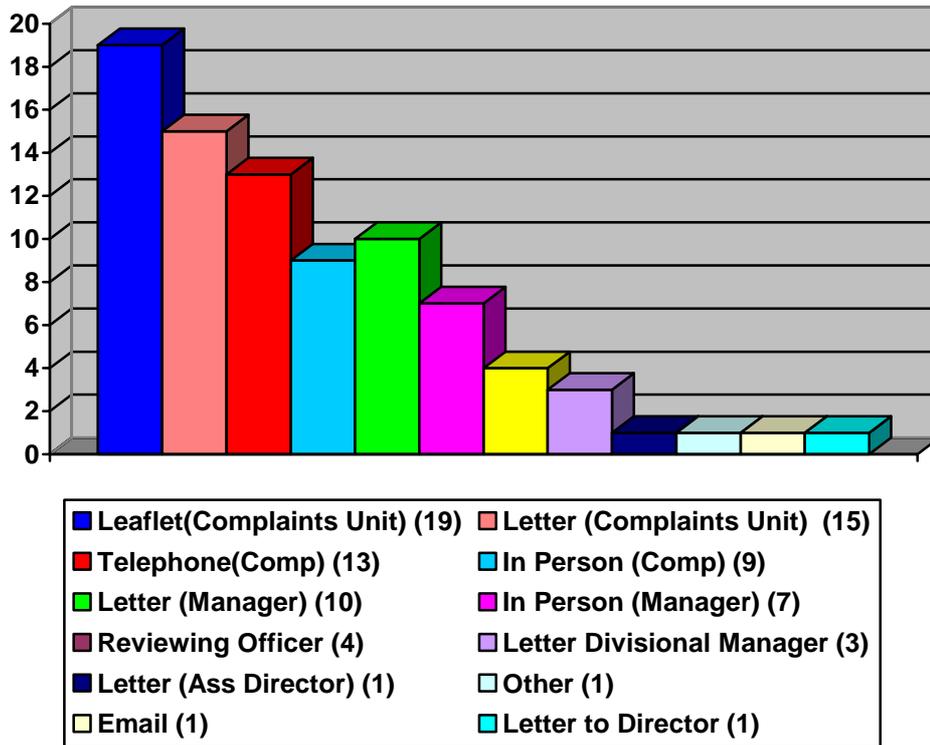
6.4.2 The highest number of complaints received was in respect of the Care Management Teams; Complaints for Care Management North have fallen by over half this year compared to the previous year. Care Management Teams will hold cases for the greatest lengths of time and will deal with many people who are going through extremely difficult and painful transitions, as has been said before, not all complaints are upheld, but they do require careful consideration to ensure that they have been responded to appropriately and any

lessons that can be learnt, either for that case or in general, have been taken forward.

- 6.4.3 It was commented in 2005/6 that complaints for the Fostering Team had risen sharply and the number of complaints received for that service maintained that level in 2006/7; this year we have seen complaints regarding the Fostering Service fall by more than half.
- 6.4.4 Complaints for the Children's homes together stand at **14** for the six homes run by the Local Authority; last year's total was **19**.
- 6.4.5 Complaints activity is monitored throughout the year, not least to detect where a specific service area might be struggling in the manner in which the service is delivered. However, an increase in the combined complaint and comment numbers should not necessarily be seen as negative; it can be an indicator that people have been given greater awareness and access to the complaint process, and particularly for young people this is crucial in that they need to feel secure and confident in being able to complain.

## **6.5 HOW COMPLAINTS WERE RECEIVED**

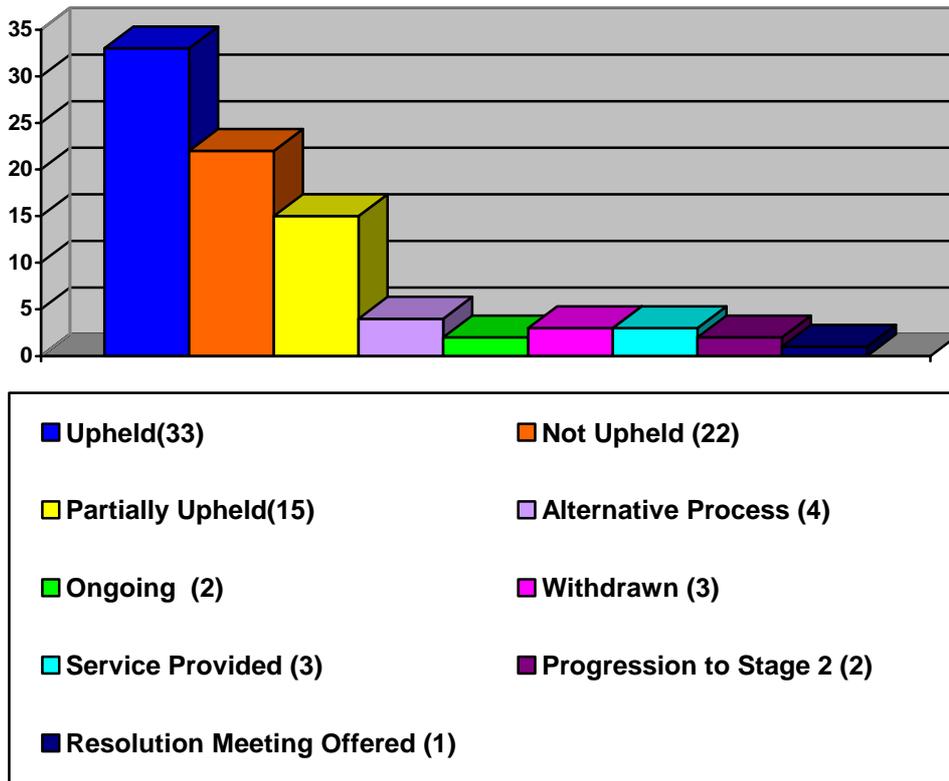
### **TABLE 6**



6.5.1 Complaint leaflets remain the most common way of communicating complaints, followed by telephone calls and letters either to the Quality and Complaints Team or Team manager of the service concerned. It was commented last year that the number of complaints received by e-mail had doubled (14); this year we have received only 1. We now have distributed a new and improved Children's complaint leaflet. The Quality and Complaints Team has the facility to receive complaints by text in line with statutory requirements.

## 6.6 Outcomes in Terms of Findings

TABLE 7



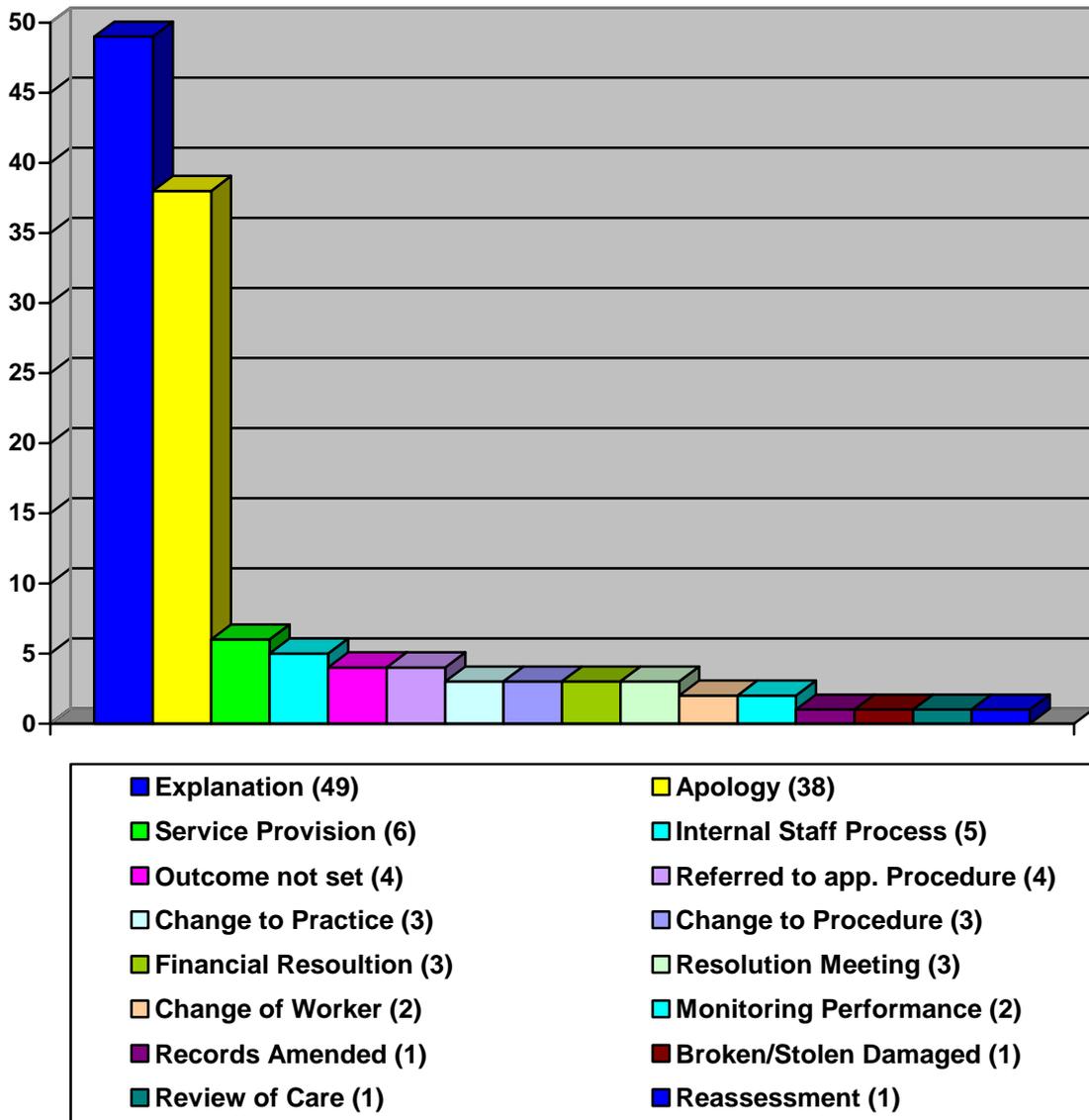
6.6.1 The majority of complaints result in a finding, this might for example be a finding of 'Upheld' and therefore the view is that the complaint is justified. However, to those must be added the number which are partially upheld and where the complaint is resolved by providing a service, this then gives a true reflection of cases where the Local Authority accepts that something has gone wrong or could have been done better and wishes to remedy this.

6.6.2 Of those complaints which reached a conclusion at Stage 1, **52** or **68%** were upheld to some extent, compared to the **22** that were not upheld. In the previous two years this figure has risen from **56%** and **52%** respectively. Whilst it may appear to be problematic that upheld complaints are rising, it can be contended that this is no bad thing and early acknowledgement of fault and consequent action to correct this may be one reason why Stage 2 investigations are so low, compared with neighbouring Authorities.

6.6.3 It will be noted that there is a category of "Resolution Meeting Offered" in the graph above; this concerns a young person who was unhappy with the response received at Stage 1 and who had been offered a meeting with the Manager of the Complaints Team. Due to circumstances beyond anyone's control, the young person has decided to defer this meeting until they are ready.

## 6.7 HOW COMPLAINTS WERE RESOLVED

**TABLE 8**



6.7.1 It will be noted that the chart above shows more resolutions (**126**) than complaints (**85**); some complaints require more that one action if they are to be satisfactorily resolved and all upheld complaints should receive an apology.

6.7.2 As was the case in 2006-2007, the majority of complaints were resolved by providing an explanation; quite often this will be detailed following a thorough examination of records and discussions with relevant members of staff. Explanations are provided even where it is felt that the complaint is not upheld. A number of complainants receive several outcomes for example an explanation together with an apology and, where required, new service provision.

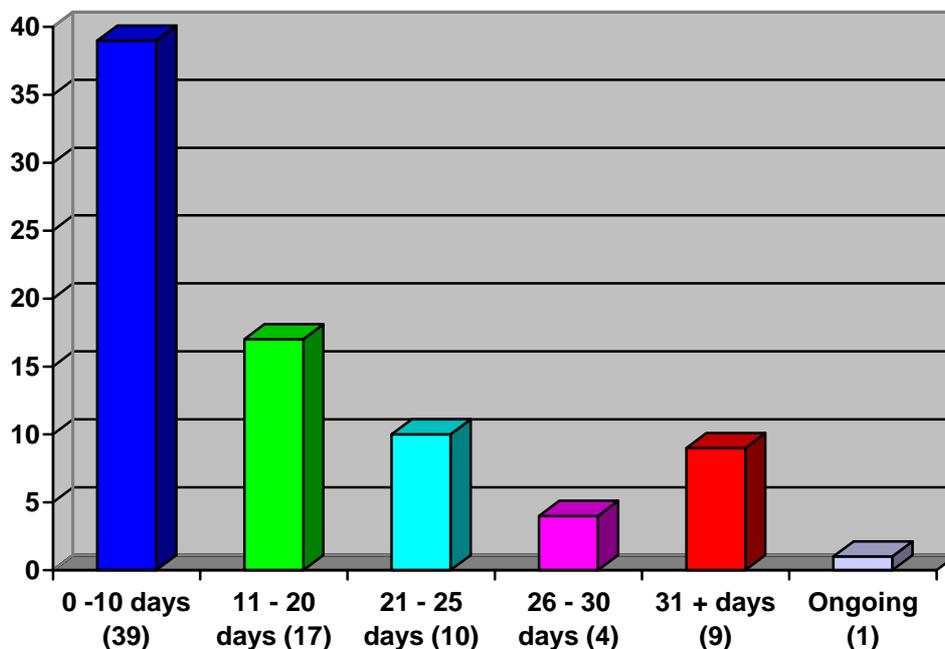
6.7.3 It will be noted that there are **4** complaints where the outcome has not been set, these include the 1 which is currently ongoing and 3 that were withdrawn; Any complaint that is withdrawn will result in the Complaints Team contacting the Young Person or their representative to clarify the reason for that decision and ensure that it is indeed the

informed choice of the complainant rather than dissatisfaction with the process, or fear of continuing for other reasons.

6.7.4 There are a number of remedies above which indicate that the Directorate will do something more significant to address a problem that has been identified, sometimes this concerns the work of individual workers, but sometimes complaints result in changes to procedures or to practice; this happened in 2007/8 in complaints concerning adoptions, the time taken to produce review minutes, youth justice, and obtaining passports for young people. Whilst every complaint is important to the person raising it and the Directorate is committed to resolving these promptly and correctly, complaints which result in significant changes to the way the Directorate operates show the true value of the complaints procedures.

## 6.8 TIMESCALES

TABLE 9



6.8.1 The figures above do not include the 3 complaints that were withdrawn or the 2 complaints that have progressed to Stage 2 of the procedures. However the principal conclusions to be drawn in respect of timescales of the **80** complaints which have or are due a response at Stage 1 are:

- **48.7%** were resolved within **10** working days and
- **21.25%** within 20 working days.
- **12.5%** of complaints were dealt with between **21** and **25** working days
- **5%** of complaints took between **26** and **30** working days.
- **12.5%** of complaints took more than **31** working days to complete; this includes the complaint which is ongoing.

6.8.2 We have not been able to maintain the rate of improved timescale compliance as shown in 2005/06, nor have we matched last years performance in terms of responding to complaints within 10 and 20 days and this is disappointing. We have noted a significant reduction in the number of complaints taking longer than 31 days; however; complaints should be completed within the statutory timescales and it is this area where the Directorate needs to improve. Despite this it is also important to add that great efforts are made to attempt to resolve complaints to the satisfaction of the child/young person at the beginning of the complaint process wherever this is possible and appropriate. We aim to achieve a good outcome rather than unnecessarily enter into a Stage 2 Formal Investigation of a complaint which can be lengthy and overly formal for the child/young person; we have largely succeeded in this with all but 2 complaints being resolved/concluded at the first complaint Stage.

6.8.3 It does need to be added that **10** of the complaints which have extended past the 20 day timescale did so because the Directorate entered into discussions with the complainant, were waiting on additional information or action from an external body, or the complainant had requested that a decision be frozen and were therefore not disadvantaged by the delay. In some of these instances it would be reasonable to “stop the clock”.

6.8.4 It is acknowledged that delay must be avoided where possible, however where it is unavoidable and where the complainant is in agreement then a degree of delay can be viewed as reasonable if it enables a thorough consideration of the complaint and an appropriate response to be found.

6.8.5 **Reasons for Delays:** - The following are not put forward as justification for delay instead they are presented as part and parcel of the difficulties in concluding all complaints in good time. Complaints where delay occurred during 2007/08 involved: -

- Complex issues concerning more than one team which require careful coordination
- Arranging meetings with complainants, some of which need to be rearranged because the complainant does not make themselves available
- A parent making a complaint which contains few details, requiring a number of requests to be made to explain their complaint fully.
- Additional complaints being presented on the same issues whilst the original was being investigated
- Arranging appropriate financial redress for a young person

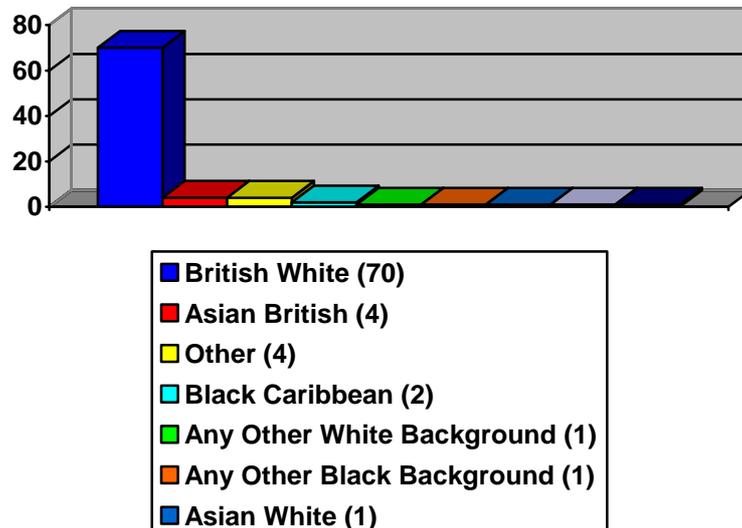
- Other procedures needing to be completed before the Complaints procedure can become involved

## 6.9 ETHNICITY

6.9.1 every effort is made to record a complainant's ethnicity. However, it needs to be noted that on a number of occasions the complaint is being raised on behalf of a child and therefore the description provided as to the child's ethnicity might not be totally accurate.

6.9.2 It is also the case that a number of people prefer not to describe their ethnicity or it is simply not known to the complainant. The recorded figures for 2007/08 are as follows: -

**TABLE 10**



6.9.3 As can be seen the majority of children/young people who currently access the complaint process are White/British. The Quality and Complaints Team have agreed a series of visits with the Directorate's racial Equality and Communication Service to a number of groups to ensure that the procedures and the right to access these are better known. Quality and Complaints also participated in the last Radio Ramadhan project and hopes to be involved in future projects.

## 6.10 HOW WE ENSURE THAT COMPLAINTS ARE GENUINELY RESOLVED?

6.10.1 Responses that are offered at Stage 1 of the procedures should invite complainants to seek further assistance from the Quality and Complaints team if they are still dissatisfied.

6.10.2 The early acknowledgement of complaints by the team is believed to promote a level of confidence which will encourage complainants to raise any issues that they are unhappy with.

6.10.3 All complainants should receive a customer satisfaction questionnaire six weeks after the complaint is concluded. The complainant is invited to comment on their satisfaction with the complaint process and how they felt their complaint matters were handled. The responses form part of the information/feedback held in monitoring reports provided to Senior Managers/Managers.

## **SECTION 7**

### **7.1 AREAS OF DEVELOPMENT FOR THE COMPLAINT & COMPLIMENT PROCESS 2007/08**

A significant aspect of work for 2008/09 will be assessing and responding to the impact of the proposed joint Social Care and Health complaint process, proposed by Government to be in place for 2009. In recent months Government decided that the proposed process would not include complaints relating to children/young people. However, the Quality & Complaints Team will need to address how the current children complaint procedures may need to be amended as a result of the joint process.

#### EVIDENCING LEARNING

7.1.1 Establishing a clear process to evidence and report on the wider learning for the Directorate arising out of complaints.

7.1.2 Quarterly meetings now take place between the team and the Assistant Director for Children's Specialist Services; this ensures good communication and enables this team to ensure that learning is taken from specific complaints as appropriate.

7.1.3 Provision of increasingly informative analysis of performance to Divisional Managers through monthly reports of activity, timescales and matters outstanding.

7.1.4 Continued monitoring and improvement of timescales and response by Managers

#### TRAINING AND RAISING AWARENESS

7.1.5 Further awareness training for front line staff. Continued training for Managers/Seniors in responding to stage 1 complaints.

7.1.6 Continuation of training for Managers and Senior Managers in addressing stage 2 and 3 complaints.

- 7.1.7 Promotion of the new leaflets amongst teams and service users.
- 7.1.8 In addition to the new leaflets, an information sheet will be provided to all complainants informing them further of the procedures and their rights within these.
- 7.1.9 Clear guidance to staff about how to respond positively and helpfully to comments made by service users and carers will continue to be provided.
- 7.1.10 Increased efforts to raise awareness of the complaint process to people from an ethnic minority.

### SERVICE IMPROVEMENT

- 7.1.11 Continued presentation and delivery of complaint reports to children & young people.
- 7.1.12 Creation of further protocols for all multidisciplinary team working with young people.
- 7.1.13 There will be a continued emphasis on the need to record all compliments that are made in respect of the Directorate and individual staff.
- 7.1.14 Carry out an audit across all establishments/reception areas to ascertain availability of publicity material for the public and staff, once new material has been circulated.

## **SECTION 8**

### **8.1 ELECTED MEMBERS VISITS TO SOCIAL CARE ESTABLISHMENTS**

- 8.1.1 Each year Elected Members are nominated by their Area Committees to carry out required visits to Dudley MBC Social Care establishments.

Members are provided with a schedule of visits covering all social care establishments, together with feedback forms to complete during their visits.

8.1.2 Service users and staff are provided with the opportunity to put forward any thoughts or comments to Members who then clearly take full and proper account of this in their feedback.

8.1.3 The feedback forms, once completed are sent to the relevant Assistant Director. This provides the opportunity for Members to put forward immediate and valuable information, observations and comments regarding their visits, together with specific requests for action or a response to any issues arising out of the visit. Any action taken as a result of the feedback from Members is monitored to ensure it takes place. Clearly, this is a valuable and vital tool in our ongoing aim of continually learning and developing our services for all people using services.

## **SECTION 9**

### **9.1 EXAMPLES OF LEARNING FROM COMPLAINTS: 2007/08**

9.1.1 Local Authorities have complaints procedures for a number of reasons; they are the means by which service users can challenge any inadequacy in the services to which they are entitled; they are a means by which the local Authority can routinely satisfy itself that standards are maintained and for this a healthy number of complaints is essential. Complaints are also an invaluable source of customer feedback for the Local Authority which will sometimes give cause for the organisation to reflect on whether policies and procedures are having the desired impact.

9.1.2 Outcomes to many complaints are implemented at a local level, all should result in an apology where appropriate, but it can be difficult from these to establish the wider learning for the Directorate. Some complaints, however, have a wider relevance to the Directorate identifying the need for procedures to be changed or clarified, or the creation of new training or services. As can be seen below Children's Services have been able to learn in this manner from a number of complaints over the last year:

- Last year we commented that a number of complaints relating to obtaining passports for looked after children had led to decision by the Directorate to have a single proactive approach in obtaining passports for all looked after young people to prevent disappointment and last minute difficulties in travel arrangements. This was considered to be necessary because of a complaint which had been received in the latter part of 2006/7; further complaints on this issue in 2007/8 confirmed a need for a change to practice. Since the policy has been changed we are not aware of any child missing out on the opportunity of accompanying their carers on holiday because of the lack of a passport.
- Some complaints have led to the decision to move young people being frozen and even revised.
- Again last year we commented on a number of complaints about the reliability of the provision of transport to schools etc for children in care; the arrangements were completely overhauled and in 2007/8 only one such complaint was received.
- In a number of individual complaints new or reviewed Services were provided where this was appropriate.
- As a result of a complaint the need was identified to clarify current protocols in relation to sharing information between Internal and External Agencies, Other Authorities and Internal Departments, as a result - Training across children services has and is taking place to provide information and advice to all managers/Staff/reviewing officers, etc
- A 'Transition Protocol' is currently being put together relating to young people placed out of the borough intending to return to Dudley
- A revised procedure for Appropriate Adults. A training programme is to be put together to include services such as EDT, 16+, S/Workers, Police, and Mental Health.
- All children's residential establishments now have a revised medication system relating to administering medication. All staff are being trained in administering medication and how this is recorded
- Staff have training in understanding and effectively managing autistic spectrum disorders. Training in Autistic Spectrum for residential staff began in April 2008 and will be repeated each year.

9.1.3 The aim for 2007/08 is to provide outcomes from complaints to policy makers and to Senior Managers planning services, to inform and assist

in the planning and delivery of services, thus evidencing the importance and value of people raising complaints.

**Quality & Complaints Team June 08.**