DIRECTORATE OF CHILDREN'S SERVICES

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

April 1st 2009 – 31st March 2010

Policy Performance & Resources Division Directorate of Adult, Community and Housing Services



Produced by Quality and Complaints Team June 2010

SECTION 1

1.1 INTRODUCTION

- 1.2 This Report provides information relating to Children's Social Care Complaints Comments & Compliments, during the period 1 April 2009 to 31 March 2010.
- 1.3 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.
- 1.4 Every Local Authority with a responsibility for Children Social Care Services is Regulatory 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.
- 1.5 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.
- 1.6 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. THE COMPLAINTS PROCEDURES

- 2.1 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.
- 2.2 The complaints procedure for Children social care has three 3 stages;
 - Stage One Problem solving and informal resolution.
 - Stage Two Formal Complaint investigation.
 - Stage Three Independently chaired Review Panel

2.3 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.

2.4 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.

2.5 Stage Two

Whilst Stage 1 complaints are responded to by those directly responsible for the service being disputed, at Stage 2 of the procedures 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, the Local Authority has discretion over whom to appoint. Additionally, an Independent Person (not employed

within the Local Authority) in line with legislation & guidance, must be appointed in each case to oversee the investigation from the perspectives of thoroughness, fairness and objectivity. Again in accordance with legislation 25 working days up to a maximum of 65 working days are allowed for the investigation of the matter by the complaint investigator leading to 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.

2.6 Stage Three

If the complainant remains dissatisfied after the Stage two process, then they can 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 they 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; there were no findings of maladministration for Dudley Social Care Services during 2009/10.

2.7 CORPORATE COMPLAINTS: -

2.8 The Children's Directorate also has a duty to comply with general complaints which do not fall within the boundaries of the Statutory Children Social Care complaint process. 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, **six** were recorded in 2009/10 which concerned Children's Specialist Services; an increase of three on the year before.

SECTION 3

3. OVERVIEW OF ACTIVITY 2009/10

3.1 SUMMARY

- i) Children's Services received 111 complaints from 103 different young people or their representatives during 2009/10, this compares to 86 complaints for 2008/09 representing an increase of 29%.
- ii) Many of the complaints received were complex and there appears to be a growing trend within Dudley and across neighbouring Authorities of multi layered, complex complaints being presented as well as complaints which may be classed as informal, but which require careful management and time to prevent them from escalating into complaints about the way in which they have been handled.
- iii) It can be seen from the figures above that some young people may have made more than one complaint this year, this is not unusual; the disparity between the number of complaints received and the number of young people forwarding these can also be caused by complaints which concern more than one service and need to be counted as a separate complaint against each service.
- iiii) The majority i.e. **69** of the complaints relating to services provided to children were made or led by parents or other relatives; **32** complaints were made by children or their advocates.
- v) The guidance provides the opportunity of recording some adverse contacts as informal complaints; this is used for example in instances where a young person may wish to raise an issue without it being regarded as a complaint at that point.
- vi) Informal complaints 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) **42** informal complaints were received in 2009/10. Compared to **50** in 2008/9. The combined number of complaints and informal complaints has totalled **153** this year, last year this figure was **136**.
- viii) **4** Stage 2 Formal complaint investigations conducted within 2009/10, in 2008/09 there were **0** Formal complaint investigations.

- viiii) In **1** case the Quality & Complaints Team carried out a detailed investigation at the request of the Ombudsman due to the complainants dissatisfaction with the outcome to his complaint. This received a very positive response from the Ombudsman for the way that it had been completed by the Service Managers and Officers concerned.
 - x) No Stage 3 Review Panels have been requested this year.
- 3.2 All complaints have either received a response at Stage 1 this year or have progressed to Stage 2 of the procedures. Of these **37%** were dealt with within **10** working days, (compared with **43%** in the previous year) and a further **27%** within **20** working days compared with **26%** in the year before. Therefore **64%** were dealt with within the statutory timetable of **20** working days; this compares with the figure of **68%** in 2008/09

21.6% of complaints took more than **31** working days to complete, compared with **19.5%** in the previous year. Many of those complaints were complex and the time taken was agreed with the complainant, however, it is of concern when complaints take longer than expected to resolve and we will seek to improve on this figure for 2010/11.

- 3.3 There were **83** individual registered compliments for 2009/10 compared to **53** for 2008/09, an increase of **30**.
- 3.4 Local **Government Ombudsman:** As referred to previously there has been significant involvement with the Ombudsman on a number of complex cases, however there were **no** reports issued against Children Services, **no** finding of Maladministration involving any of the complaints made.
- 3.5 Advocacy: Government Regulations requires that all young people making a complaint in their own right are offered the assistance of an Advocate. 5 children/young people making a complaint chose to have the assistance and support of an advocate during the complaint process. The National Youth Advocacy Service has ensured that all children making a complaint who request an advocate are provided with one.

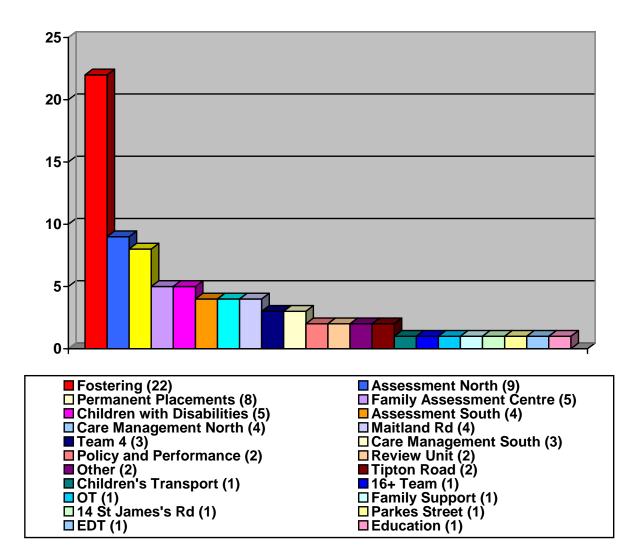
SECTION 4

4. ACTIVITIES OF THE QUALITY & COMPLAINTS TEAM 2009/10

4.1. 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.

- 4.2 The majority **(71)** 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.
- 4.3 Training for Managers, Social Workers and other relevant groups is again being planned for 2010/11 training will include: -
- A half-day course to inform front line staff/newly appointed staff of their responsibilities when a complaint is made.
- A course for managers and other senior team members in responding to complaints at Stage 1 of the procedures.
- A course for Mangers and Senior Managers who may be required to undertake a Stage 2 complaint investigation.
- 4.4 A new complaints leaflet for children has been widely circulated and is well used.
- 4.5 Protocols are in place with Health colleagues, and multi agency teams such as Flipside a specialist multi agency fostering service.
- 4.6 Quarterly monitoring reports are presented to Senior Managers concerning complaints in their areas and across the Directorate.

SECTION 5

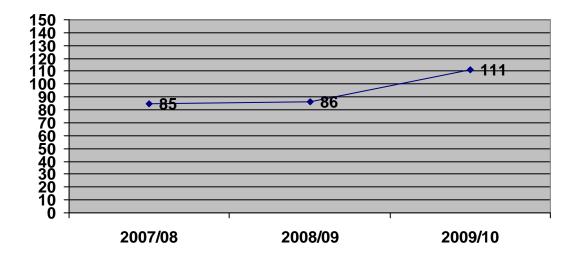


5.1 COMPLIMENTS DATA 2009/10

- 5.2 The table above shows the numbers of compliments received from service users, and other professionals, such as Judges, solicitors and Court Guardians for the Directorate's staff.
- 5.3 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.
- 5.4 The above graph shows an increase in compliments to **83** from last year's figure of **53**; this is the fourth year in succession that registered compliments have risen.
- 5.5 Examples of compliments received: -

- A worker from Assessment South was thanked by a parent for their assistance in a disability benefit application, thanking them for their doggedness and determination, saying that the result had given the parent their life back.
- A Senior Police officer wrote to alert the Local Authority that a social worker from the Disabilities team would be recognised in a presentation for their work in a case that had helped to secure a criminal conviction against an offender.
- A social worker in Assessment South was complimented for her efforts to advocate and challenge on behalf of young person and to ensure that the young person had the opportunity to take as many GCSE's as was possible, in difficult and changing circumstances.
- A parent wrote in respect of the work completed by a social worker in Assessment South "I would like to thank S and N for all their support over the last three months. They have been very supportive and friendly to me and my three children by helping us get back on track. We could not have done it without them"
- Grandparents who had been approved as carers for their grandson wrote to thank the child's social worker (from Care Management North) for being given the opportunity to care for him; adding "she has remained professional and sensitive to everybody's needs, especially those of R".
- A compliment was received from Legal Services concerning arrangements to care for and protect a baby born at a weekend where concerns existed about the care it was likely to receive because of the parents' needs and circumstances. This compliment illustrated the robustness of the Local Authority's out of hours provision in safeguarding vulnerable people in times of crisis.
- A grandmother thanked the staff of the Family assessment Centre for their work with her grand - daughters; the girls also wrote in separately to pass on their thanks.
- Social workers, Independent Reviewing Officers and other staff across the Directorate have received a number of compliments this year from magistrates, judges and children's guardians in the Court process.

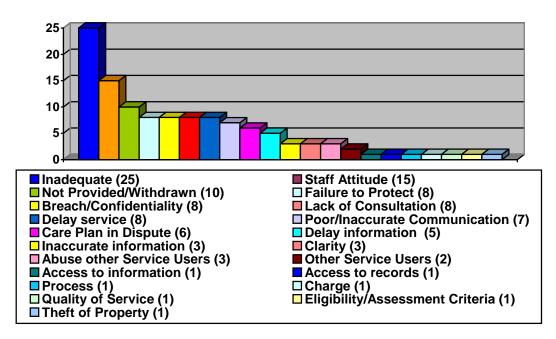
SECTION 6 COMPLAINT DATA 2009/10



Comparison of Complaints Over The Past Three Years.

- 6.1 2009/10 saw an increase in complaints received up from **86** to **111**. Our analysis is that complaint numbers may rise slightly again this year. That this is due to a number of factors such as:-
 - Greater awareness of the complaint process
 - A cultural shift towards greater inclination to complain where situations are not as they could or should be
 - Complexity of the situations facing Children Services and their client groups.
- 6.2 If we combine the **42** informal complaints received with the **111** complaints, the number of adverse contacts rises to **153**, from **136** in the year before.

6.3 COMPLAINT ISSUES:-



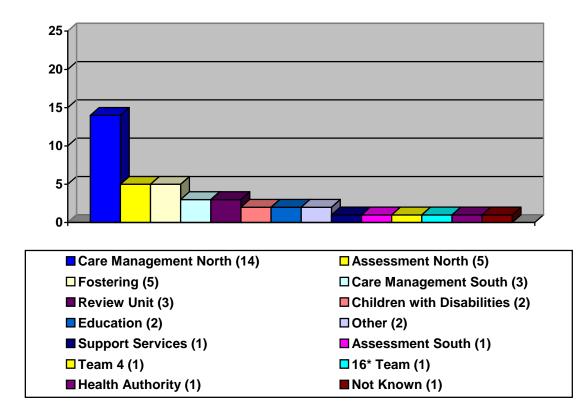
- 6.4 It is possible for a complaint to concern more than one issue. By far the issue most frequently complained about was the adequacy of the service being provided. Each complaint offers opportunities for learning for the service as a whole or the individual worker concerned with the aim that improvements can be made where difficulties have been identified.
- 6.5 The figures above should be viewed in the context of the total number of services being provided, the need to prioritise workloads to ensure that vulnerable children are protected.
- 6.6 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.
- 6.7 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.
- 6.8 Some of the remaining issues complained about involved: -
 - A parent complained that a worker had referred to their child having been on the Child Protection Register, an investigation revealed

that the reasons for registration had been substantial and were relevant to the current circumstances.

- A complaint received about the quality of supervision offered by an agency worker; complaint upheld, the worker no longer used.
- One complaint concerned poor record keeping and communication which resulted in a child not being collected from school to attend contact. This complaint was upheld and improvements have been made to the service concerned.
- A complaint was received by the father of a teenager who has ADHD and is placed with foster carers about his son's appearance during a contact. This complaint was upheld, the carers had not noticed the boy's presentation when he rushed out of the home to attend the placement. The carers now check the boy's presentation before he leaves for contact
- One complaint concerned confusion over the arrangements to enable both parents of a child to attend a child protection case conference when the father had an injunction forbidding him to be near the mother. It was acknowledged that the Local Authority had not made satisfactory arrangements and an apology was provided.
- A young person complained about the activities available to them at a foster carers they attended for respite care; contact arrangements were altered to rectify this situation.
- A young person complained that another young person had stolen her property in a residential establishment. Matters were dealt with directly and appropriately with the young person concerned, the complaint was resolved ensuring that the young person raising the complaint did not suffer financially.
- 6.9 As was the case last year, a number of young people or their advocates 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.

7. INFORMAL COMPLAINTS

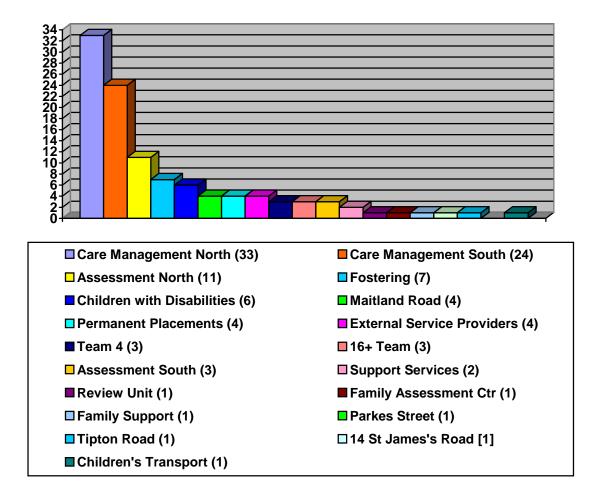
7.1 The number of informal complaints received has fallen from **50** last year, to **42** in this. Comments received across the Directorate are shown in the chart below.



7.2 Examples of informal complaints received

- Concerns of a child protection nature are sometimes received by the Complaints Team, these are referred directly to the relevant social work team for their immediate attention.
 - Parents asking the Local Authority to take action in particular circumstances.
 - Some informal complaints are received from parents or other interested adults who wish to raise complaints, but further investigation indicates that this is not supported by the young person concerned. Wherever possible we will contact the young person, inviting them to confirm they know about the complaint and are in agreement with it; if the young person advises that they do wish to make a complaint we will change the category at that point.

• Some concern the level and frequency of contact when this has already been determined by the Court or left to the local Authority's discretion by the Court.

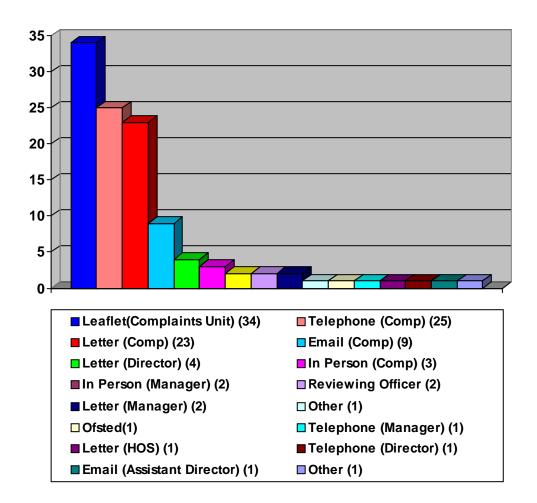


8. COMPLAINTS RECEIVED ACROSS THE DIRECTORATE.

- 8.1 The highest number of complaints received was in respect of the Care Management Teams and these have risen in line with the increase in the total number of complaints. The four 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; not all complaints are upheld, but all require careful consideration to ensure that they have been responded to appropriately and any lessons that can be learnt are taken forward.
- 8.2 Complaints for the Children's homes have risen slightly this year by one.
- 8.3 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.

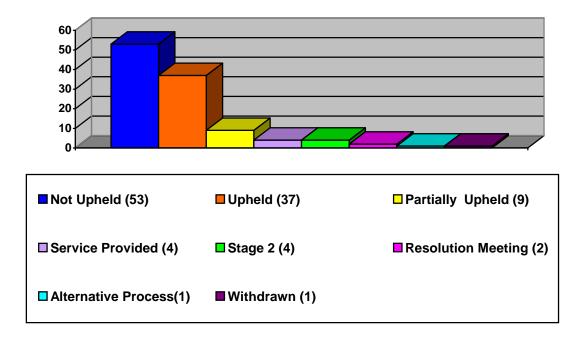
8.4 Four complaints were received in respect of externally commissioned agencies; the Local Authority remains responsible for complaints received concerning these and for ensuring that a response is offered to the complainant. It is reassuring that these complaints are being forwarded whilst the young person is in placement, indicating that they feel confident in forwarding issues even when they are in an unfamiliar place.



8.5 HOW COMPLAINTS WERE RECEIVED

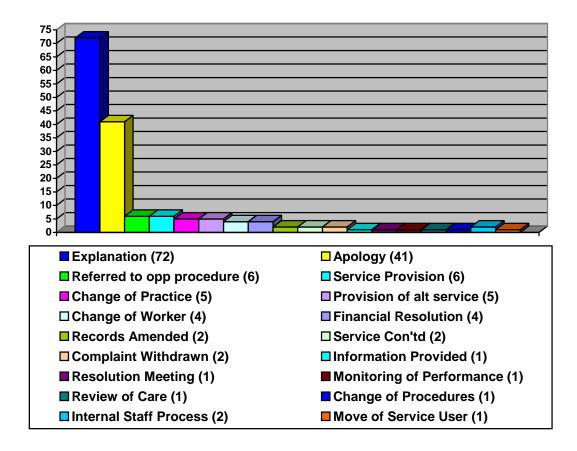
8.6 Completing a complaints leaflet remains the most common way of communicating complaints, followed by telephone calls and letters to the Quality and Complaints Team; contacting the Complaints team directly accounted for **91** of the **111** complaints received this year.



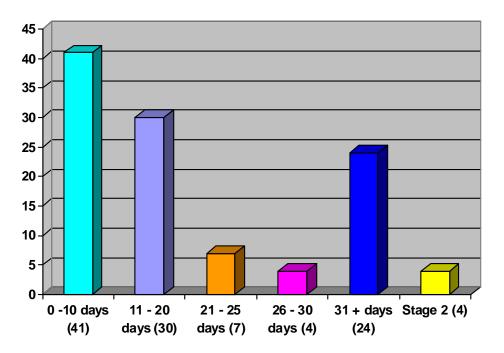


- 9.1 The majority of complaints result in a finding, whether this be a finding of 'Upheld', 'Partially Upheld' or 'Service Provided' where the view would be that the complaint is justified to a greater or lesser extent, or 'Not Upheld' where the case for the complaint cannot be found
- 9.2 Of those complaints which reached a conclusion at Stage 1, **50** were upheld to some extent, compared to the **53** that were not upheld.
- 9.3 It will be noted that there is a category of "Resolution Meeting Offered" in the table above; this can assist in resolving complaints where a direct meeting can assist complainants to explain their concerns and help team managers explain the context of their Teams actions.
- 9.4 **One** of the **four** complaints investigated at Stage 2 has been completed and was not upheld, it was resolved via an explanation of the Local Authority's actions.

9.5 HOW COMPLAINTS WERE RESOLVED IN 2009/10



- 9.6 It will be noted that the chart above shows more resolutions (157) than complaints (111); some complaints require more that one action if they are to be satisfactorily resolved illustrating the complexity of many of the complaints received and all upheld complaints should receive an apology.
- 9.7 As was the case in 2008-2009, 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.



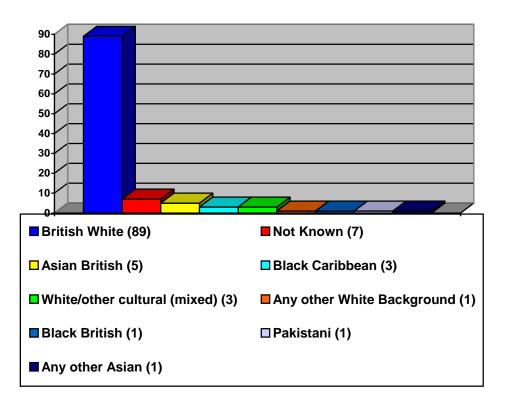
10.1 The figures above do not include the complaint that was withdrawn; excluding this

- **37%** were resolved within **10** working days and
- **27%** within 20 working days.
- 6.3% of complaints were dealt with between 21 and 25 working days
- **3.6%** of complaints took between **26** and **30** working days.
- **21.6%** of complaints took more than **31** working days to complete.
- 10.2 There has been a reduction in the proportion of complaints being resolved within ten days and twenty days (overall) and this is disappointing, as is the increase in the percentage of complaints which have exceeded the 31 working days limit. This can in part be explained by the complexity of a number of complaints that we have received and the aim of working towards resolving complaints without unnecessary recourse to Formal complaint investigation.
- 10.3 **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 2009/10 involved: -
 - Complex issues concerning more than one team which require careful coordination

- Initial complaints which contain few details, requiring requests to be made for further information. Additional complaints being presented on the same issues whilst the original was being enquired into.
- Arranging appropriate redress for a young person.
- Complaints that have been raised in relation to matters that may have occurred many years ago; requiring careful and detailed analysis to establish whether there are issues that can be responded to.
- Ensuring that the service user supports the complaint that is made on their behalf (this applies to older children and parents of children).
- Other procedures needing to be completed before the Complaints procedure can become involved.

11. ETHNICITY

11.1 Every effort is made to record a complainant's ethnicity. However, it needs to be noted that a number of people prefer not to describe their ethnicity or it is simply not known to the complainant. The recorded figures for 2009/10 are as follows: -



11.2 As in previous years the majority of people who used the complaint process are British/White. During 2009/10 the Quality & Complaints Team carried out visits to community groups to develop and circulate new publicity material, and to raise awareness of the complaint process. The Quality & Complaints Team will continue to try to raise awareness and improve accessibility to the complaint process for all children in receipt of a service during 2010 /11.

Section 7

12. HOW WE ENSURE THAT COMPLAINTS ARE GENUINELY RESOLVED?

- 12.1 Responses that are offered at Stage 1 of the procedures must contain details about how the complainant can pursue matters further if they remain dissatisfied.
- 12.2 The early acknowledgement of complaints by the team is believed to promote a level of confidence that will encourage complainants to raise any issues that they are unhappy with.
- 12.3 We keep monitoring the complaint to its conclusion together with the actions needed to resolve it.
- 12.4 We send a questionnaire out to all complainants after the case is closed, allowing the complainant this further opportunity to comment on whether matters are concluded for them.

Examples of Areas of Work for the Complaints Service 2010/11

- Organisational Learning Establishing. Putting in place an agreed, clear process to evidence and report on the wider learning for the Directorate arising out of complaints sharing the learning across the Organisation.
- Maintain Quarterly meetings between the complaints service and the Assistant Director for Children's Specialist Services; this ensures good communication and to pursue learning from complaints as appropriate.
- Continued monitoring and improvement of timescales and response by Managers.

TRAINING AND RAISING AWARENESS

- Awareness training for front line staff, to be complemented by training for Managers/Seniors in responding to Stage 1 complaints.
- Continuation of training for Managers and Senior Managers in addressing stage 2 and 3 complaints.
- Promotion of the Complaint Comments and Compliments leaflets amongst teams and service users.
- Refreshed guidance to staff about how to respond positively and helpfully to comments made by service users and carers.

• Maintain contact with Independent Reviewing Officers to ensure that they are aware of complaints made by young people; this also assists Reviewing Officers in bringing concerns to our attention.

Increased efforts to raise awareness of young people and their families of their right to use this process even where the service is being provided by an external agency on behalf of the Directorate.

- Increased efforts to raise awareness of the complaint process to people from an ethnic minority.
- Continued close liaison with the advocacy service NYAS to share learning and knowledge.
- Creation of further protocols for all multidisciplinary team working with young people.

SECTION 8

13 ELECTED MEMBERS VISITS TO SOCIAL CARE ESTABLISHMENTS

- 13.1 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.
- 13.2 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.
- 13.3 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

14. EXAMPLES OF LEARNING FROM COMPLAINTS: 2009/10

• We have over recent years received a number of complaints relating to obtaining passports for looked after children. These

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; we are pleased to report that no complaints on this matter were received in 2009/10.

- We have previously 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 can report that no complaints of this nature were received in 2009/10.
- In a number of individual complaints new or reviewed Services were provided where this was appropriate, for example where contact for a child with their family has been missed, this has been addressed by enabling the contact at another time.
- In other instances occasional workers with a young person, undertaking specific tasks have been changed to protect all concerned.
- Where professional visits have been late or have not taken place, use of the complaints procedures has helped to identify difficulties for management to correct.
- A review of when reports for case conference should be shared with parents, this review ensured that parents had sufficient time to study and fully understand what was being presented.
- 14.1 Close Liaison will continue to take place with Teams and Divisional Managers and with the Assistant Director to enable increased learning from complaints.

Quality & Complaints Team June 2010.