

Select Committee on Children's Services – 18 June 2009

Report of the Director of Children's Services

Annual Report 2008 – 09 Children's Statutory Social Care Complaints and Compliments

Purpose of Report

1. To meet the statutory requirement to provide an annual report on the workings of the Representations and Complaints procedures.
2. To provide information about the performance of the Directorate of Children's Specialist Services in receiving, monitoring and responding to Social Care complaints and compliments.
3. Subject to approval by the Select Committee the annual report will need to be made available as a public document.

Background

4. There is a statutory responsibility placed upon Local Authorities to produce an Annual Report to Senior Managers and subsequently to Elected Members on the workings of the Social Care complaints and representations procedures.
 - 4.1 The Annual Report for the period 1 April 2008 – 31 March 2009 is attached. It contains detailed information about Children's 'Social Care' complaints and compliments received.
 - 4.2 This report has been compiled by the Policy, Performance and Resources Division, within the Directorate of Adult Community and Housing. The Quality & Complaints Team is responsible by service level agreement for the management and day to day operation of the statutory social care complaints procedure.
 - 4.3 Attached to this report is a brief summary of complaint activity for 2008/09. The main 'Annual Report' is attached as appendix 1 and is a detailed account of complaint activity for this period.

Finance

5. Financial: There are no extra financial demands placed upon the Directorate from this report

Law

6. The requirement to provide an annual complaint monitoring report is contained in the Local Authorities Social Services Complaints (England) Regulations, 2006.

Equality Impact

7. All Service users who believe that they have a complaint are entitled to access to the Quality & Complaint Service. The Quality & Complaints Team offers a service to the whole community who are requesting or receiving a social care service from Dudley M.B.C. Leaflets explaining our role are widely available and are circulated each year to local people. The information obtained from complaints activity assists in the development of genuinely diverse services.

Recommendations

8. It is recommended that:-
 - The information contained in the Annual Report 2008 – 2009 is noted and commented on.
 - That subject to any amendments, and the approval of the report by Select Committee the report be made a public document as required by legislation and guidance. This would lead to the report being made available on Dudley MBCs Intranet/Internet site.



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Director of Children's Services

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DIRECTORATE OF CHILDREN'S SERVICES

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

April 1st 2008 – 31st March 2009

Policy Performance & Resources Division



Produced by Quality and Complaints Team May 2009

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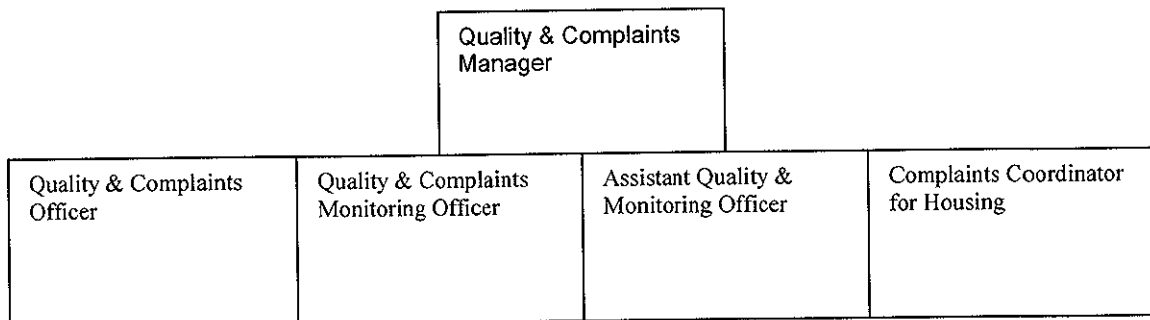
SECTION 1

1.1 INTRODUCTION

- 1.1.1 This Report provides information relating to Children's Social Care Complaints Comments & Compliments, during the period 1 April 2008 to 31 March 2009.
- 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 2008/09 Children's Specialist Services received **3357** referrals for its services, undertaking work on a longer term basis with **2066** children and their families, receiving **4596** services.

1.2 THE QUALITY AND COMPLAINTS TEAM: -

- 1.2.1 The Quality & Complaints team is part of the Policy & Performance & Resource Division 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 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.

2.1.2 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

2.2. 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

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, 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 up to a maximum of 65 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 they 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 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 this year as has been the case during most years.

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, **three** were recorded in 2008/9 which concerned Children's Specialist Services.

3.1 OVERVIEW OF ACTIVITY 2008/09

3.1.1 SUMMARY

- i) During **2008/09** Dudley Directorate of Children's Services received 3935 referrals and provided services to 2066 children this constitutes a marked increase (1007) in the numbers of referrals from the year before.
- ii) Children's Services received **86** complaints from 71 young people or their representatives this compares to **85** complaints for 2007/08 and is a minor increase.
- iii) It can be seen from the figures above that more than one complaint has been received in respect of some young people this year, this is not unusual; 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. **40** of the complaints relating to services provided to children were made or led by parents or other relatives; **33** complaints were made by children or advocates. The ratio for these figures last year was 54/24 and it is encouraging that more young people are using the complaints procedures in their own right.
- 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) **50** comments were received in **2008/9**, **62** had been recorded in **2007/8**.

viii) There has been **no** Stage 2 Formal complaint investigations conducted within 2007/08, although two complaints forwarded by solicitors were the subject of independent scrutiny. **One** Stage 2 investigation was completed this year having been started prior to April 2008. Stage 2 complaints give good opportunities for learning from and the Directorate endeavours to make necessary changes where these are identified. 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.

- x) **No** Stage 3 Review Panels have been requested this year.

3.1.2 Apart from the three complaints that remain ongoing and the three which were withdrawn, all complaints received a response at Stage 1 this year. Of these **43%** were dealt with within **10** working days, (compared with **49%** in the previous year) and a further **26%** within a further **10** working days compared with **21%** in the year before. Therefore **68 %** were dealt with within the statutory timetable of **20** working days; this compares with the figure of **69%** in 2007/8.

19.5% of complaints took more than **31** working days to complete, compared with **12.5%** in the previous year; the longest being **80** days (this resulted in lost property being found and returned to the young person).

It is of concern when complaints take longer than the expected timescale to resolve; however complaints are issues that are important to people and which could prove costly to Dudley's Council Tax payers if handled wrongly, whilst we will attempt with Team managers to resolve complaints quickly we are also conscious of the risks of concentrating too hard on timescales.

3.1.3 There were **53** registered compliments for 2008/9 compared to **44** for 2007/08, an increase of **9**.

3.1.4 **Local Government Ombudsman:** - There has been occasional contact with the Ombudsman this year. Complaints are sometimes directed immediately to the LGO's office and in turn forwarded to ourselves for a response. The Ombudsman has assisted with other complaints enabling these to be closed where otherwise they may have continued to run.

3.1.5 **Advocacy:** - **5** 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.

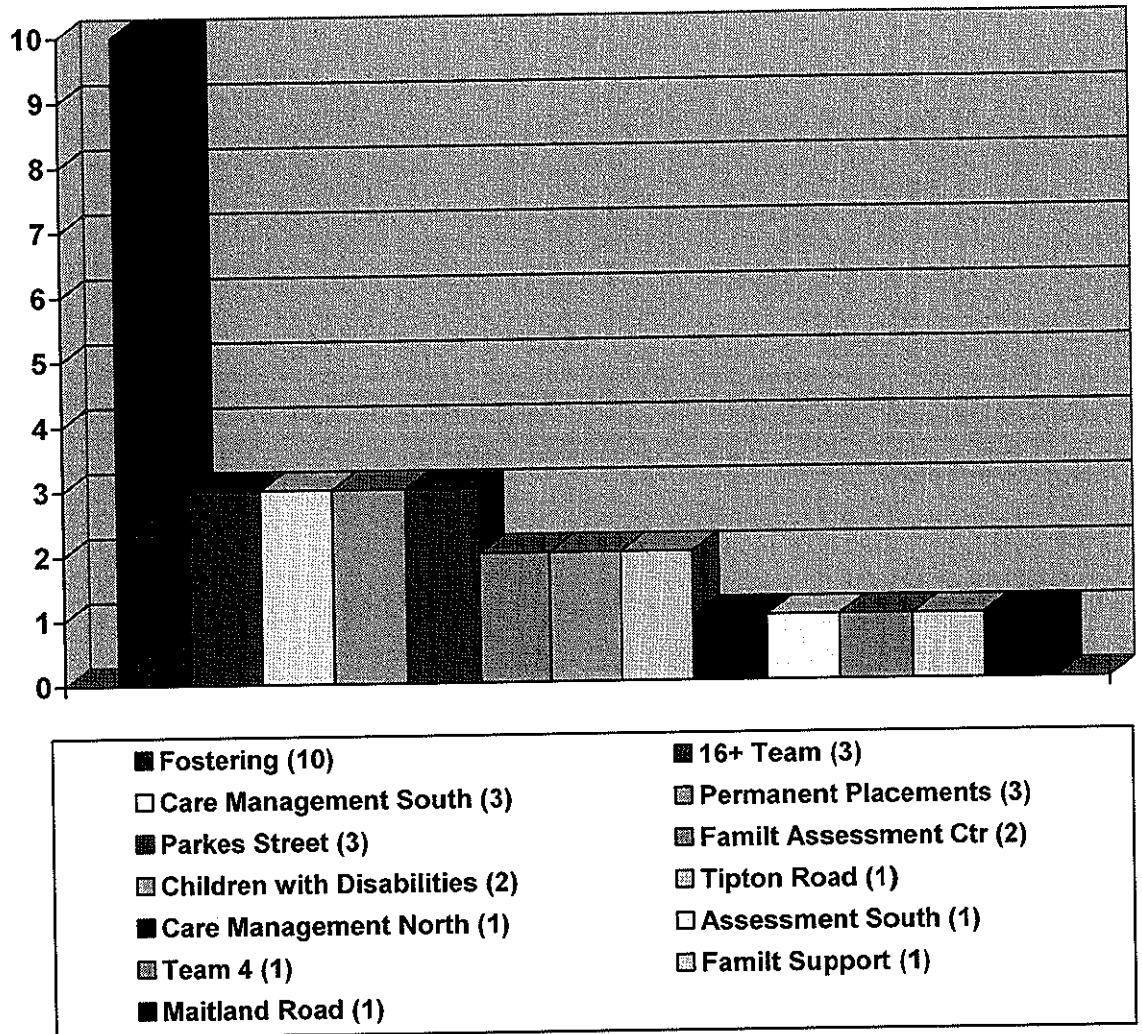
4.1.2 Regular contact is carried out by the Team's Complaints Officer with residential Children's Homes across the Borough in order to monitor and assist access to the complaints procedures. Young People who raise a complaint are offered a visit from the Complaints Officer or Complaints Manager. This 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 **2008/09**; 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 The new complaints leaflet for children has been widely circulated and is well used.
- 4.1.6 The Quality and Complaints Team maintains contact with residential establishments and District Teams to assist the process.
- 4.1.7 Protocols are in place with Health colleagues, and multi agency teams such as Flipside – a specialist multi agency fostering service.
- 4.1.8 Monthly summary reports are provided to Heads of Service concerning complaints in their areas. Quarterly monitoring reports are presented to Senior Managers.

SECTION 5

5.1 COMPLIMENTS DATA 2008/09

TABLE 1



5.1.1 The table above shows the numbers of compliments received from service users, a further 21 compliments for the Directorate's staff were received from other professionals, such as Judges, solicitors and Court Guardians; these were spread evenly across the directorate.

5.1.2 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.

5.1.3 The above graph shows an increase in compliments to **53** from last year's figure of **44**; this is the third year in succession that registered compliments have risen.

5.2 EXAMPLES OF COMPLIMENTS RECEIVED: -

- Concerning foster carers in a pre adoptive placement; "I found the care they provided to K to be of a very high standard, the environment that K was exposed to was both stimulating and appropriate for a child of his age, this was so evident to the extent that when K was eventually placed with his adoptive parents they found it relatively easy going to settle him and quickly carried on with the routine that the carers had provided for K".
- A worker from the Children's Disabilities Team was thanked by the parent of a child who had a life limiting condition for their hard work and compassion.
- A service user wrote to the Team Manager of a young person's advisor to say that "they had worked with me positively and allowed me to achieve things for myself which is very important for me and my independence. I have achieved so much I am looking forward to my future with great optimism".
- One service user wrote to a member of staff who was leaving, thanking them for their support and guidance in a domestic violence situation. The letter made clear that this working relationship had not been without its disagreements, but thanked the worker for maintaining their position.

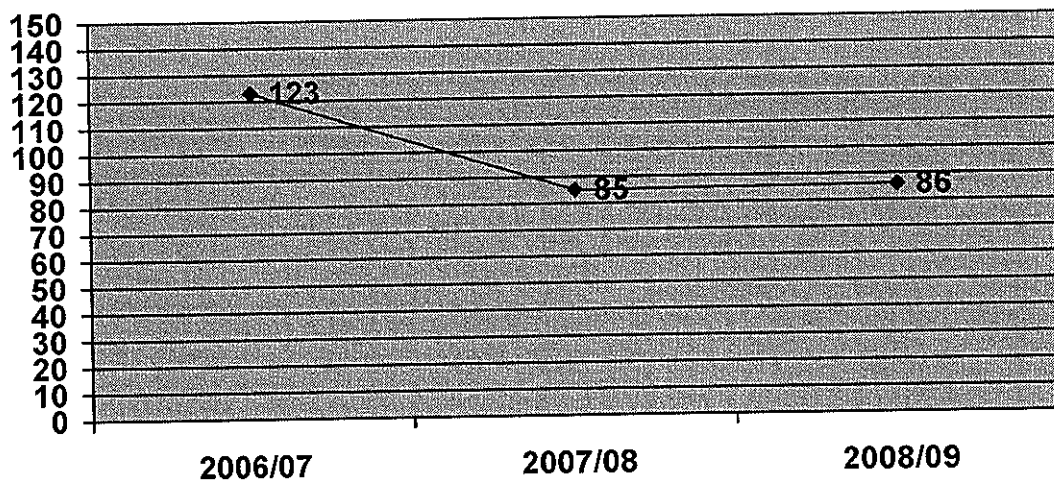
A social worker wrote to a fostering link worker that carers "provided excellent behaviour management strategies and routines that were critical for (the child) in order for him to foster some positive changes in his young life. They have been pivotal in the transition plan and sharing their knowledge of the child with his family, working together ensured a smooth as possible transition for him".

- Parents wrote to one of the children's residential homes "we would like thank you all for all the help you have given (our daughter). At times I know it has been hard. She has improved under your care. We just hope things go well for her".
- A mother who had gone through a residential assessment wrote "just wanted to say thank you for all the help and support you have all given to both myself and us as a family and the kindness you have all shown us during our stay there with you and while we have been in the community."
- A young person, recognizing the difficulties he had previously experienced and presented, thanked his 16+ worker over and above previous workers for the support that he had been given.

SECTION 6 COMPLAINT DATA 2008/09

6.1.1 COMPARISON OF TOTAL COMPLAINTS OVER PAST THREE YEARS

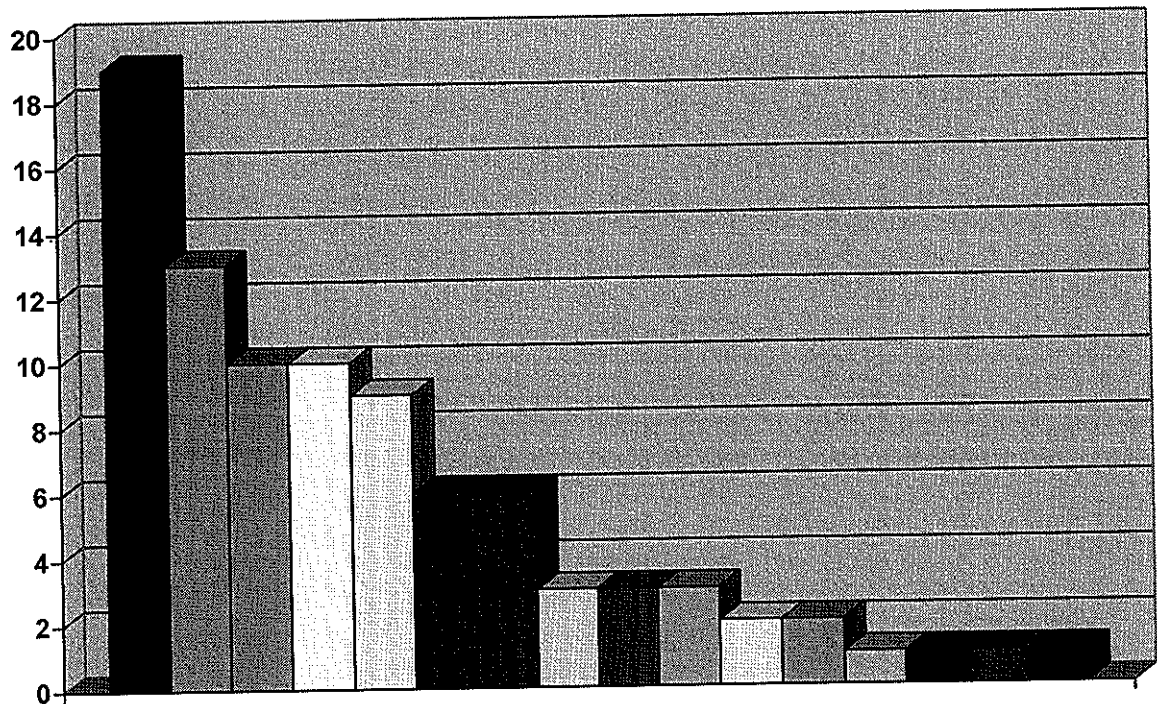
TABLE 2



- 6.1.2 **2008/09** saw a slight increase from **85** to **86** of complaints received. It is apparent from our quarterly figures that significantly more complaints were received in the second half of 2008/9 than in the first. This has also been observed to be the case for the advocacy service NYAS and has already been seen there has been an increase in the number of referrals to Children's Specialist Services. Our experience shows that comments are most usually adverse remarks about a service being reported. If we combine the **50** comments received with the **86** complaints, the number of adverse contacts falls to **136**, from **148** in the year before. This number remains a modest percentage of the total number of service users (**2%**).

COMPLAINT ISSUES

TABLE 3



■ Inadequate (19)	■ Staff Attitude (13)
■ Poor/Inaccurate Communication (10)	□ Not Provided/Withdrawn (10)
□ Delay(9)	■ Failure to Protect (6)
■ Care Plan in Dispute (6)	□ Lack of Consultation (3)
■ Quality of Service (3)	■ Other Service Users (3)
□ Breach of Confidentiality (2)	■ Damage of Property (2)
■ Inaccurate Information (1)	■ Suitability of Location (1)
■ Access (1)	■ Process (Complaint) (1)

- 6.2.1 There is a broad range of issues complained about, although as can be seen some issues feature more prominently than others. Whilst we have seen in the details of the compliments received, many service users are happy with the service being provided and wish us to know this, others are unhappy that the Directorate is involved, often in a statutory manner.

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 another placement, asked for the move to be cancelled; the decision to move was frozen whilst the complaint was looked into
- We have received a number of complaints this year, on a number of different issues, about matters which happened many years ago. The quality of the case recording has helped in responding to these.
- Two young people complained that they were being bullied by another in their children's home, staff assessed that this was happening despite their best efforts but that it had already been decided that the person causing the bullying should move to a resource better able to meet his needs.
- Failure to obtain a passport for a young person in time to go on holiday.
- 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.

6.2.5 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.

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

6.3 Comments

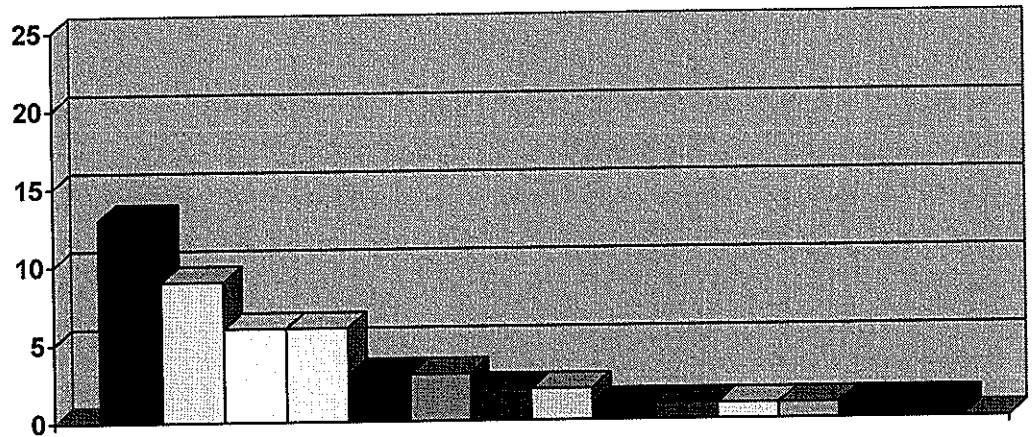
6.3.1 The number of comments received has dropped from **62** last year, to **50** in this. Comments received across the Directorate are shown in the chart below.

6.3.2 The following are examples of comments received

- Concerns of a child protection nature are sometimes received by this team, these are passed to the relevant social work team for their attention.
- We were contacted by a person who was caring for two children on a private fostering basis; they complained that a worker had visited to complete an assessment and were unhappy with their observations. We advised that the Local Authority has a statutory responsibility to satisfy themselves that private fostering arrangements meet a child's best interests and that workers are required to make observations within these.
- The Directorate receives a number of calls each year from parents involved in custody disputes who wish the Directorate to comment that the other parent is not caring for the child properly. These parents will approach this team if their views are not shared by the team concerned. We cannot involve ourselves in these disputes, believing that they are best resolved by the parties concerned or through the Courts.
- A young person advised us that she wanted to stay in her residential placement, even though there were no plans to move her. We passed these comments to the team manager.
- We received a call from a woman who had been told by an acquaintance that a worker had given her confidential information. This lady later declared that she now understood that this was not the case and that her source was not reliable.
- Foster carers from a private agency requested that the Local Authority purchase a car to meet the needs of the children that they were caring for; they were told that the Local Authority was not empowered to do this.

6.3.3 Comments Received Across the Directorate

TABLE 4

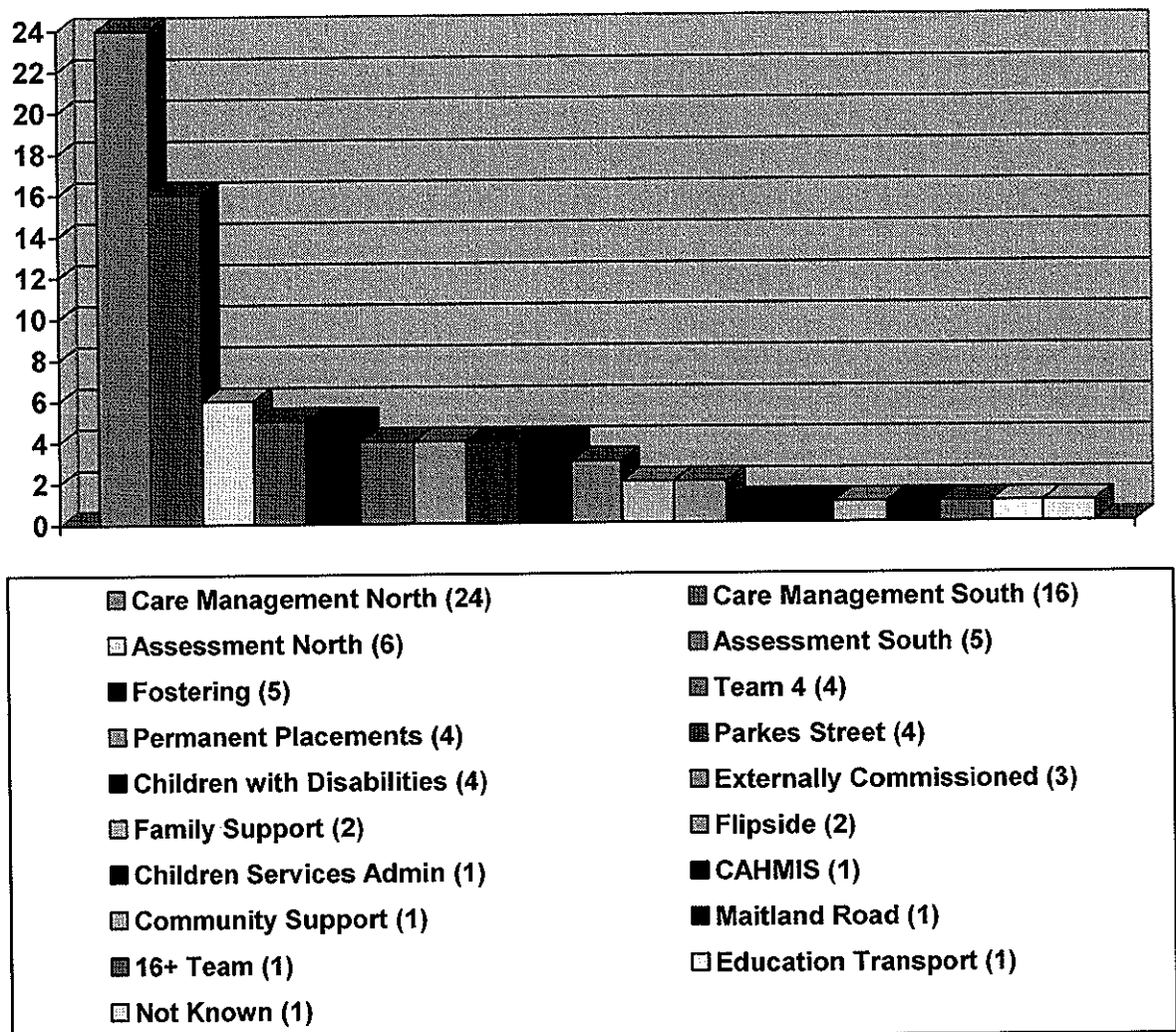


■ Care Management North (13)	▨ Fostering (9)
□ Care Management South (6)	□ Assessment South (6)
■ Assessment North (3)	▨ Not Known (3)
■ Team 4 (2)	▨ Other (2)
■ Commissioning (1)	■ Permanent Placements (1)
▨ 16+ Team (1)	▨ Children with Disabilities (1)
■ Externally Commissioned (1)	■ EDT (1)

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 3935 children and their families; from this we can calculate that 98.% 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.

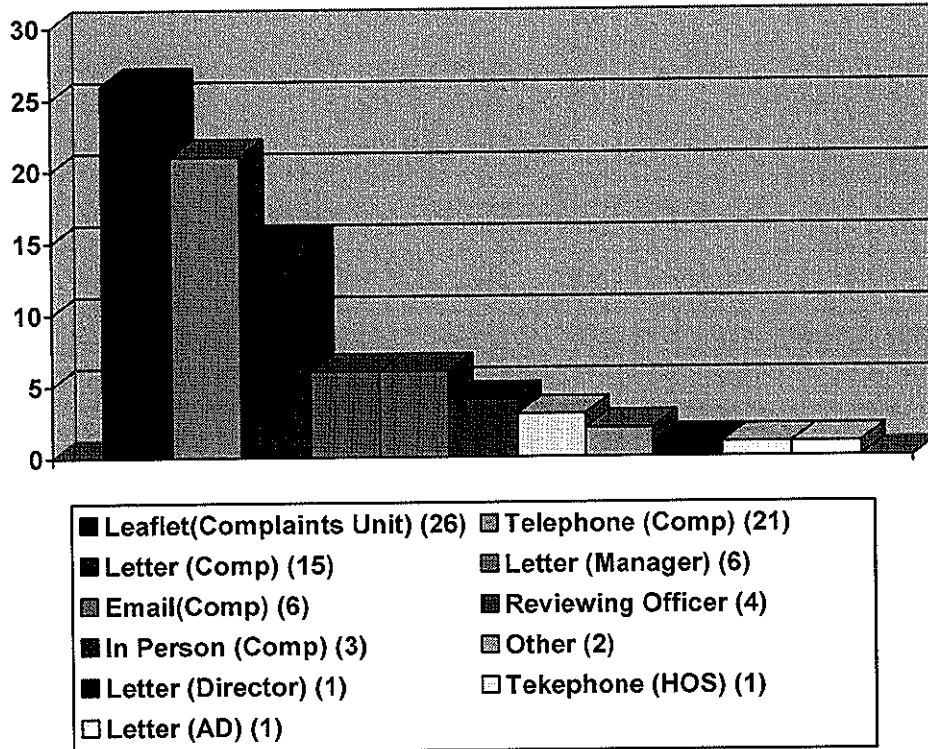
6.4.2 The highest number of complaints received was in respect of the Care Management Teams; Complaints for Care Management North have risen slightly (by 4) this year whilst complaints for Care Management South have remained the same. The four Care Management Teams will hold cases for the greatest lengths of time and will deal with many people who are going through extremely difficult and painful transitions, 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 Complaints for the Children's homes together stand at **5** for the six homes run by the Local Authority; last year's total was **14**.
- 6.4.4 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.
- 6.4.5 Three 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.
- 6.4.6 One complaint, marked above as relating to an unknown service came from someone who had reason to believe that their confidentiality had been compromised by someone within the Directorate, although they could not say by whom. Their concerns were investigated as far as the information would allow and no evidence to support their belief could be found.
- 6.4.7 The complaint against Education Transport concerned taxis arriving late to take a young person to see a therapist after school.

6.5 HOW COMPLAINTS WERE RECEIVED

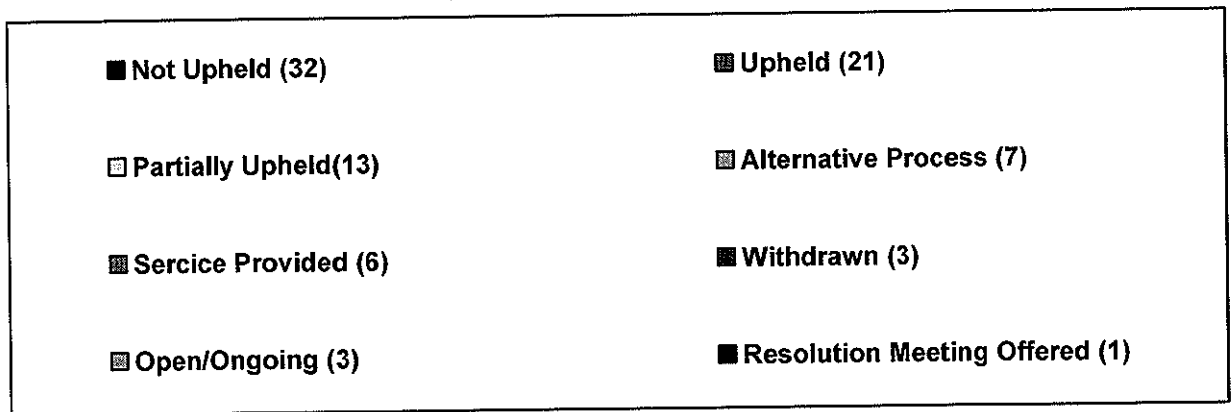
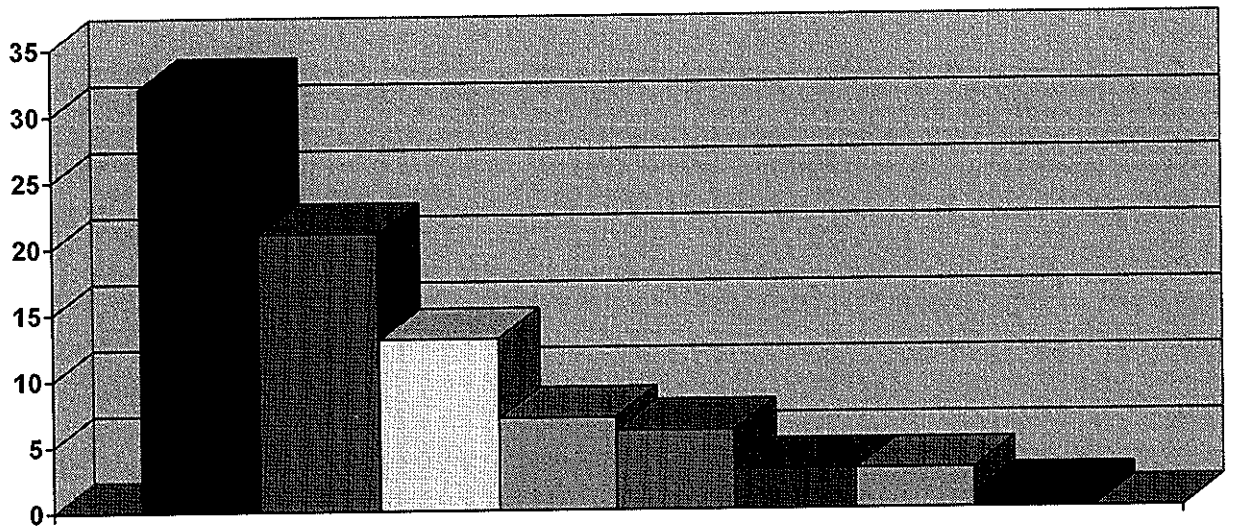
TABLE 6



6.5.1 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 62 of the 86 complaints received this year.

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

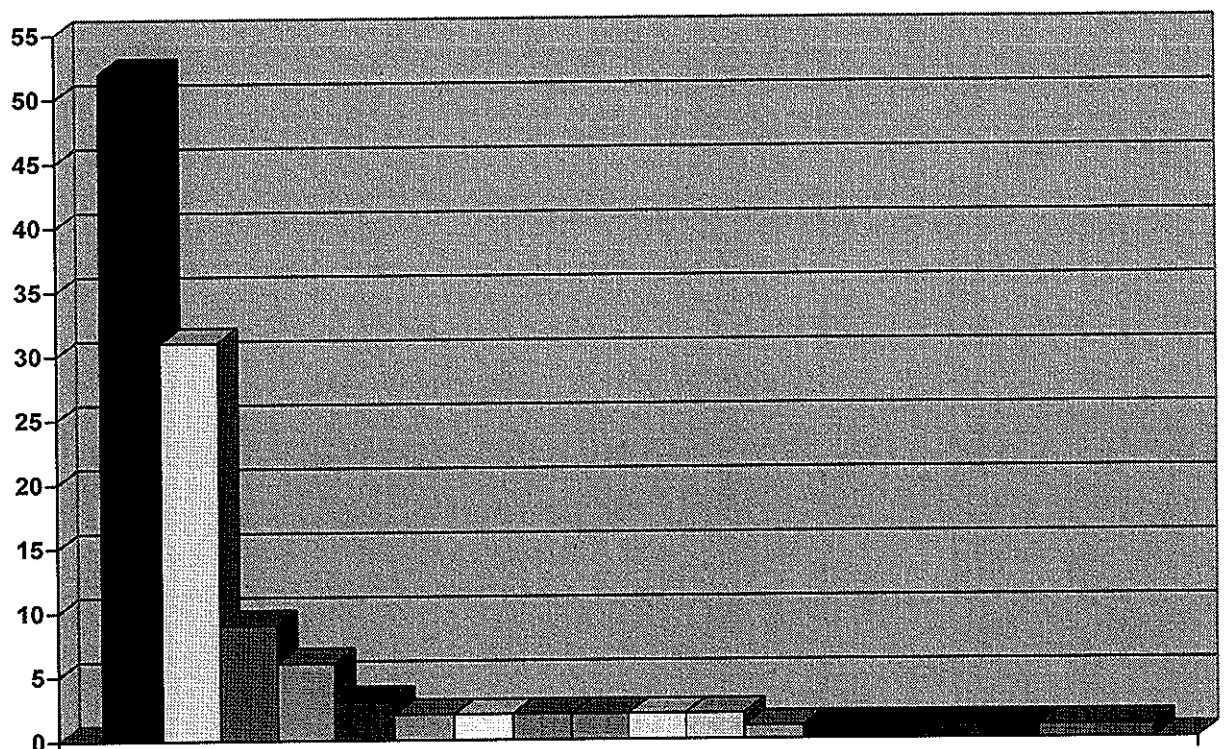
Authority accepts that something has gone wrong or could have been done better and wishes to remedy this.

6.6.2 Of those complaints which reached a conclusion at Stage 1, 40 or were upheld to some extent, compared to the 32 that were not upheld.

6.6.3 It will be noted that there is a category of "Resolution Meeting Offered" in the graph above; this concerns difficulties in ensuring that risk assessments were adhered to by the family of a young person with a learning disability whilst Directorate staff were working with him.

6.7 HOW COMPLAINTS WERE RESOLVED

TABLE 8



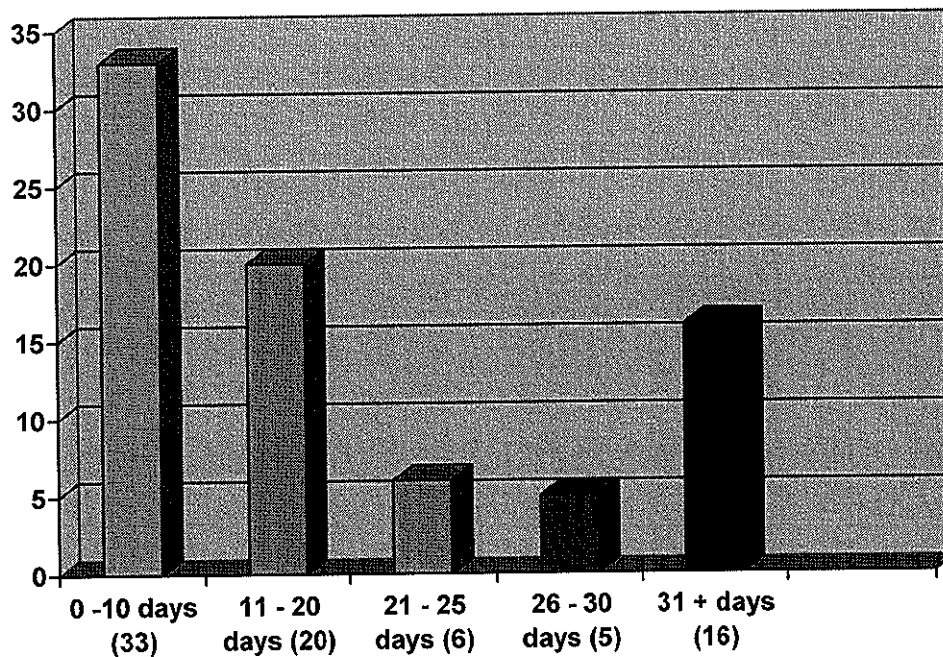
■ Explanation (52)	□ Apology (31)
■ Referred to app. Procedure(9)	■ Service Provision (6)
■ Move of Alleged Perpetrator (3)	■ Broken Stolen/damaged (2)
□ Move of Service User (2)	■ Mediation (2)
■ Provision of Alt Service (2)	□ Complaint Withdrawn (2)
■ Service Con'td (2)	■ Resolution Meeting (1)
■ Change of Worker (1)	■ Internal Staff Process (1)
■ Monitoring of Performance (1)	■ Change of Practice (1)
■ Information Provided (1)	■ Provision of Expert Service (1)

6.7.1 It will be noted that the chart above shows more resolutions (**120**) than complaints (**86**); some complaints require more than 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 2007-2008, 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.

6.8 TIMESCALES

TABLE 9



6.8.1 The figures above do not include the 3 complaints that were withdrawn excluding these and the three which remain ongoing **80** complaints which have or are due a response at Stage 1:

- **41%** were resolved within **10** working days and
- **25%** within 20 working days.
- **7.5%** of complaints were dealt with between **21** and **25** working days
- **6.25%** of complaints took between **26** and **30** working days.
- **20%** of complaints took more than **31** working days to complete.

6.8.2 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. Last year we noted a significant reduction in the number of complaints taking longer than 31 days so it is disappointing that this has not been maintained. Analysis of these particular complaints show that they were complex matters which would not have achieved the same quality of outcome had they been completed sooner. The efforts made in respect of these complaints prevented unnecessary progression to Stage 2 of the complaints procedures, which is both costly to the Directorate and unsettling and troublesome to the majority of complainants.

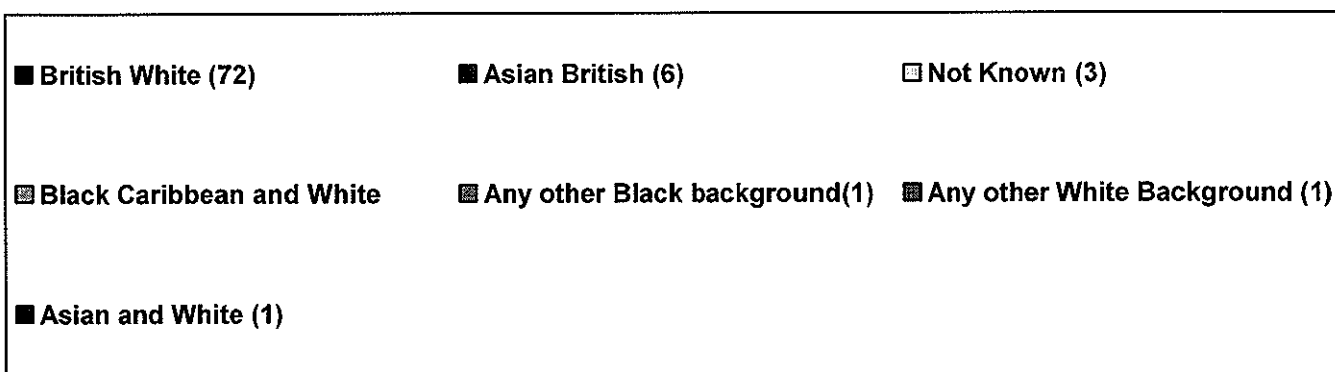
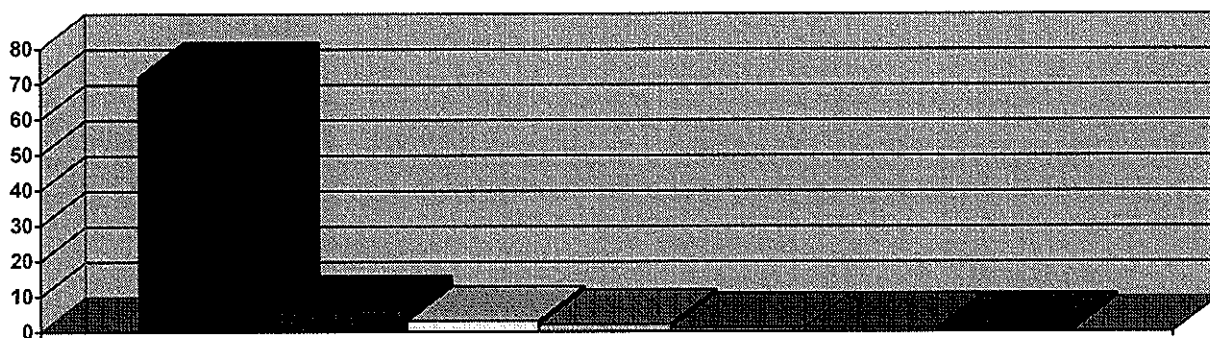
6.8.5 **Reasons for Delays:** - The following are not put forward as justification for delay instead they are presented as part and parcel of the difficulties in concluding all complaints in good time. Complaints where delay occurred during 2008/09 involved: -

- 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 investigated
- Arranging appropriate financial redress for a young person
- Ensuring that lost property is returned
- 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

6.9 ETHNICITY

6.9.2 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 2008/09 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 are in close liaison with the Directorates Equalities and Interpreting sections to ensure that the team is available to all who would wish to contact it.

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.

SECTION 7

7.1 AREAS OF DEVELOPMENT FOR THE COMPLAINT & COMPLIMENT PROCESS 2008/09

The Quality and Complaints Team has in 2008/09 worked to implement the joint Social Care and Health complaint process. Although Central Government has decided that this process would not include complaints relating to children and young people, the Quality & Complaints Team will still need to address whether 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 Complaint Comments and Compliments 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.
- 7.1.11 Continued liaison with the advocacy service NYAS to share learning and knowledge.

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: 2008/09

- We have over the past few 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; this has reduced the number of these complaints significantly.
- Some complaints have led to the decision to move young people being frozen and even revised.
- 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 over the past two years only two such complaints were received.
- In a number of individual complaints new or reviewed Services were provided where this was appropriate.
- A 'Transition Protocol' is currently being put in place concerning young people placed out of the borough intending to return to Dudley
- A revised procedure for Appropriate Adults including training has been 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
- An ongoing programme of training for staff to assist them in understanding and effectively managing autistic spectrum disorders. Training in Autistic Spectrum for residential staff began in April 2008 and is repeated each year.

9.1.3 Close Liaison with Team and Divisional Managers and with the Assistant Director enable the team to maximise the potential for learning from complaints.