



## APPENDIX 1

# Social Care and Learning: Children and Young People's Services

## Annual Report 2011 – 2012 Complaints and Compliments

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## ANNUAL REPORT for 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012

	<b><u>Contents</u></b>	<b><u>Pages</u></b>
1	Introduction	3
2	Corporate Complaints	4
3	Members Correspondence	5
4	Pre Stage 1 Enquiries	5
5	Stage 1	6
5	Outcomes and Recommendation from Stage 1 Complaints – 2011-12	7
6	Stage 2	7
6	Outcomes and Recommendation from Stage 2 Complaints – 2011-12	8
7	Stage 3 Review Panels	8
8	Complaints made to the Local Government Ombudsman and Decision	8
9	Compliments	9
10	Expenditure on Investigation on Complaints	9
11	Compensation payments	9
12	Complaints Action Plan 2011-12	10
13	Table 1 – Complaint Activity	11
14	Table 2 – Outcome of Complaints	11
15	Table 3 – Response Times of Complaints	12
16	Table 4 - Stage 1 - Nature of Complaint against Team	12
17	Table 5 - Stage 2 - Nature of complaint against Team	13
18	Table 6 – Stage 3 Review Panel - Nature of complaint against Team	13
19	Table 7 - Compliments - Nature of compliments against Team	13
20	Table 8 – How Complaints and Compliments were Received	14
21	Table 9 - Ethnicity, Disability and Age for both Complainant and Service User	15

## ANNUAL REPORT for 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012

### 1. Introduction:

This report covers the complaints, representations and compliments received about children and young people services (C&YPS). It covers complaints made by children or young people. It also applies to parents, foster carers and people in which the local authority consider have a sufficient interest in the child or young person's welfare to warrant his/her representations being considered by them, under the complaints and representations procedures established through the Local Authority Social Services Complaints (England) Regulations 2006.

The report sets out the types of complaints/compliments received and the effectiveness of our services in meeting statutory requirements, including timescales, independence and the processes set out in the regulations. However, services are striving towards improvements by using the lessons learnt from complaints to help inform change. The development of the new Customer Relations Management (CRM) system will link actions and recommendations to outcomes and this will assist in evidencing service improvements and having a more joined up service with all data being stored in one place, with integration to other line of business systems.

There are a number of different codes (attributes) which can be used to identify the nature of Children and Young People's Services complaints. Only those that relate to the specific data recorded over the reported year (1 April 2011 – 31 March 2012) are used here. Tables are included at the end of the report.

The requirements are set out in the Children Act 2004 and Every Child Matters guidance that govern the way in which C&YPS social services complaints are recorded and managed. For further information see "**Getting the Best from Complaints**" web link:- <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFES-2055-2006> :

### **Stage 1 - Local Resolution**

The complaints procedure requires complaints at stage 1 to be responded to within 10 working days (with a further 10 days for more complex complaints or additional time if an advocate is required); After this deadline the complainant can request consideration at Stage 2 if he/she so wishes. The Complaints Manager should inform the complainant that they have the right to move on to Stage 2 if the time scale has elapsed for Stage 1 and the complainant has not received an outcome. It may be that the complainant is happy to put this off for the time being (for example, if the reason that resolution is delayed due to a key person being off sick or on leave), so this period can be extended with the complainant's agreement or request. If the matter is resolved, the local authority must write to the complainant confirming the agreed resolution and the Complaints Manager should be informed of the outcome as soon as possible. Otherwise, a letter should be sent by the local authority to the complainant (or a meeting offered, if this is more appropriate) responding to the complaint. Where the matter is not resolved locally, the complainant has the right to request consideration of the complaint at Stage 2. There is no time-limit within which he must request this, but local authorities may wish to recommend that the complainant does this within 20 working days so that momentum in

## ANNUAL REPORT for 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012

resolving the complaint is not lost. The local authority is under a duty to operate expeditiously throughout the complaints handling process.

### **Stage 2 – Formal Investigation**

The formal investigation is undertaken by an Independent Investigating Officer and Independent Person. The Head of Service adjudicates on the findings. The timescale for investigation is 25 working days. Where it is not possible to complete the investigation within 25 working days, Stage 2 may be extended to a maximum of 65 working days. All extensions should be agreed by the Complaints Manager. The important thing is to maintain dialogue with the complainant and where possible reach a mutual agreement as to what is reasonable where a response in 25 working days is not feasible.

### **Stage 3 – Review Panel**

A Review Panel is managed independently of Children and Young People's Services and conducted by Havering's Democratic Services. The panel consists of an independent Chairperson and two independent members. The Panel will review the complaint within 30 working days of the complainants request to go to Stage 3. The complainant will receive a letter of finding and recommendations from the chairperson of the panel within 5 working days. The Group Director must consider the recommendations together with the Independent Person and formulate the Authority's response within 15 working days.

Complaints that relate to Children and Young People's Services that do not fall within the statutory requirements are recorded on the Council's Corporate CRM system.

## **2. Corporate Complaints:**

The Corporate Complaints Procedure has been in existence since September 2008. All service areas complaints/compliments are recorded on the Corporate Customer Relations Management System (CRM) and responded within 10 working days. All complaints outstanding for more than 10 working days are reviewed by the Head of Service. All complaints outstanding for more than 20 working days are reviewed by the Group Director and Chief Executive.

Due to the Statutory Complaints Procedure, Children and Young People's Services would normally be exempt from the corporate procedures. In 2011/12 there were 8 complaints logged under the Corporate Complaints Procedure and dealt with as a Corporate Complaint. In the previous year 2010/11 we received 17 and 5 of these complaints were dealt with as a Corporate Complaint. These complainants were not technically eligible to make a complaint under the Statutory Complaints Procedure, but could do so in relation to a service received by Children and Young People's Services e.g. a complaint against the Youth Service.

## ANNUAL REPORT for 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012

### 3. Members Correspondence:

Procedures for members correspondence from MP's and Councillors has been in effect since February 2010. These procedures ensure managers are directly accountable for Members enquiries in their area and set a challenging timetable for responding and dealing with correspondence effectively, 10 working days. All correspondence not dealt with within 20 days is referred to the appropriate Assistant / Group Director and the Chief Executive.

The number of Members correspondence items in 2011/12 was 36 as compared to the previous year 2010/11 when there were 46.

### 4. Pre Stage 1 Enquiries:

Since 2005 Children and Young People's Services have continued to be successful with the Pre Stage 1 Enquiry system. They deal with complainant's issues at an early stage, enabling the services to achieve a quick resolution. Although it is not a statutory requirement to resolve dissatisfaction at Pre Stage 1 this process has been found to be very effective in reaching a speedy resolution to concerns and avoid matters escalating into formal complaints.

The number of enquiries received at Pre Stage 1 in 2011/12 was 29 in comparison with the previous year 2010/11 where there were 49.

Up until 1 January 2012 all enquiries in relation to Special Education Needs Section (SEN) were recorded under C&YPS now, however since the restructure the data is now captured within the Service Area Learning & Achievement.

The majority of Pre Stage 1 enquiries were about the quality of service and dispute decision.

- Out of the 29 Pre Stage 1 complaints there were 9 enquiries recorded against the quality of service. An example of a complaint against quality of service was unhappy with the lateness of the transport provided to a special needs school.
- 5 enquiries were against dispute decision. An example of a complaint against dispute decision was where a complainant was disappointed that LBH had decided not to provide a drop kerb.

## ANNUAL REPORT for 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012

### 5. Stage 1 Complaints:

From 1 April 2011 to 31 March 2012 the Complaints Section recorded 48 Stage 1 complaints, compared to 63 in the previous year. The reason for the decrease is in 2010/11 there were numerous of complaints in relation to service user's packages of care being reduced.

The majority of Stage 1 complaints were about quality of service, the alleged behaviour of staff and dispute decision.

- Out of the 48 Stage 1 complaints there were 12 complaints recorded against the quality of service – 1 was upheld (either fully or partially). It is evident that many complaints of this type arise because of the nature of the service interventions rather than the way issues are handled.

The complaint that was upheld was where a complainant had been given mix messages and therefore was confused about what was happening.

- 8 complaints were against behaviour of staff - 0 were upheld (either fully or partially).

An example of a complaint against behaviour of staff was where a complainant felt they were being harassed by member of staff.

- 8 complaints were against dispute decision – 1 was upheld (either fully or partially).

In this instance the complainant was not happy with respite care hours provided.

Of the 48 complaints:

6 were upheld (either fully or partially)

38 were not upheld

3 Withdrew

1 Ongoing

During 2011/12 48 complaints were received, 33 complaints were responded to within the 10 working days timescale, 5 complaints were responded to within 20 working days, 6 outside the timescale. 3 complaints withdrew and 1 is ongoing and rolled over to 2012-13.

## ANNUAL REPORT for 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012

Those complaints that were dealt with within 20 working days, or went outside of timescale the complaints team sent 3 holding letters, 1 whereby we maintained dialogue and 1 complaint pending due to the young person/mothers consent. 1 had a pre meeting with the service area to gain clarification before a final response.

The majority of complaints were made by parents and only 2 were made by children/young people directly. The Children Advocacy Service made 8 complaints on behalf of young people.

Social work staff and the Action for Children Advocacy Service continue to work, to ensure that children and young people have access to the processes that result in their complaints being heard. Action for Children work closely with individual service area to aim to achieve an early resolution before taking the complaint issues through the Statutory Complaints Process.

### 5. Outcomes and Recommendation from Stage 1 Complaints – 2011-12

Below is a list of outcomes and recommendations which have come from the Stage 1 complaints. In all cases the complainant would receive an explanation and majority of cases would receive an apology. The apology may not be for the failure of the service but for how they felt the service was received.

Explanation Given	Placement Extended	Meeting offered
Apology Given	Amend Report	Assessment to be carried out
Financial Assistance Awarded	Assistance to find alternative services	Change of social worker

### 6. Stage 2 Complaints:

From 1 April 2011 to 31 March 2012 there were 5 Stage 2 complaints that fell within the Statutory Complaints Process. 2 of these complaints withdrew. This being a decrease of 2 in comparison to the previous year (2010/11) when there were 7 Stage 2 complaints.

Within 2011-12 the Complaints Section received 9 requests to go to a Stage 2 but they were all dealt with locally.

One Stage 2 has rolled over into the next financial year 2012/13 due to the complexity of the complaints, and remains on going.

## ANNUAL REPORT for 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012

### 6. Outcomes and Recommendation from Stage 2 Complaints – 2011-12

Below is a list of outcomes, recommendations and lessons learnt which have come from the Stage 2 complaints. In all cases the complainant would receive an adjudication letter from the Heads of Service along with the Independent Investigators Officers and Independent Persons reports. In the adjudication letter it would address each individual complaint points and suggested outcomes or recommendations.

Outcomes are arranged from apologies and explanation's given and in one case financial assistance was awarded along with policy/procedures put in place

### 7. Stage 3 Review Panels:

One Stage 3 Review Panel was held in 2011-12. The outcomes from the Stage 3 Review Panel were:

- The complainant received a formal apology for the failings in the Service.
- Procedures on managing allegations are tightened up through the Local Authority Designated Officer.
- Ex gratia payments were made for time and trouble, for all the complaint points which were fully or partially upheld and stress and anxiety caused.

### 8. Local Government Ombudsman complaints, enquiries and decision:

There were 10 complaints submitted, compared to 7 in 2010/11. Please see the table below which sets out the details/outcomes:

Service Area	Ombudsman Discretion - no or insufficient Injustice	Premature Complaint	Outside Jurisdiction	Investigation Discontinued	No Maladministration after Investigation	Informal Enquiry
Children with Disabilities Team			2			
Family Placement Team		1	1			
Duty and Assessment Team				1		1
Occupational Therapist				1		
Psychology Service	1			1	1	
<b>TOTAL</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>1</b>



## ANNUAL REPORT for 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012

### 9. Compliments:

In 2011/12 34 compliments were received, compared to 7 in 2010/11. The increase is due to children centres implementing an evaluation /feedback form to be completed by parents for each activity/event held attended.

### 10. Expenditure on Investigation of Complaints:

There are ongoing costs attached to the delivery of an effective complaints service in line with government regulation. The major part of the costs are associated with the staff resource time spent receiving, handling and resolving complaints which include the hidden cost of social work staff. There are thus service and budgetary benefits from reducing complaints. A small budget is held separately to commission Independent People to carry out investigations and determine outcomes at the later stages. Expenditure in 2011/12 for that element was £14,491.92 against a budget £14,460. The reason for the overspend is that Children and Young People's Services had to commission two independent people to carry out a very complex Stage 2 complaint. The Complaints Section also incurred further costs whereby we commissioned 3 panel members to undertake a Stage 3 Review Panel, which required Child Protection expertise.

### 11. Compensation Payments:

The Council can provide compensation if, after a complaint has been investigated, or as an outcome of a Local Government Ombudsman's investigation (LGO), it is concluded that:

- the Ombudsman finds that there has been maladministration by the Council causing injustice to the complainant; and
- he would recommend that compensation should therefore be paid to the complainant.

Within 2011/12 Children and Young People's Services incurred compensation totalling £1,180.00 compared to £300.00 in the previous financial year 2010/11.

## ANNUAL REPORT for 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012

### 12. Complaints Action Plan – 2011/2012 - As a result of the annual review of complaints and compliments:

Issues Identified	Lessons Learnt	Action to be taken	Timescale	Review
Information provided to service users inconsistent	<ul style="list-style-type: none"> <li>Clarity of service provision to be given in a consistent manner at outset</li> </ul>	<ul style="list-style-type: none"> <li>To continue training &amp; supporting new and existing staff through various processes, which could lead to a complaint i.e. DPA</li> </ul>	Ongoing	Once training has been undertaken to review feedback forms to look at any gaps.
Communication	<ul style="list-style-type: none"> <li>Recommendations made at Stage 1, 2 &amp; 3.</li> <li>Lack of complaints received from children/young people.</li> <li>Quality of response letters</li> <li>Adjudication meetings</li> </ul>	<ul style="list-style-type: none"> <li>The Complaints Section will continue to work with Service teams by monitoring and reviewing the implementation of all recommendations made at Stage 1 &amp; 2.</li> <li>Continued joint working with the Action for Children Advocacy Service, as the organisation supports being the voice of young people and to work more closely with the Independent Reviewing Officers.</li> <li>The Complaints Section will continue to work with Team Managers and Service Managers to ensure complaint points &amp; suggested outcomes are addressed.</li> <li>The Head of Service will continue to monitor the effectiveness of the adjudication meetings with the Independent People on their investigation findings.</li> </ul>	<p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p> <p>Ongoing</p>	<p>This information will feed into the Head of Service Internal Service Improvement pack identify any themes, trends and gaps, which may highlight specific areas that need to be improved.</p> <p>To identify any gaps in service and future needs.</p>
Information not being sent appropriately	<ul style="list-style-type: none"> <li>Documents to be sent securely</li> <li>Information to be sent to appropriate contact</li> </ul>	<ul style="list-style-type: none"> <li>All confidential documents to be sent via Egress.</li> </ul>	Immediate	Staff are all using Egress for sending external e-mail.
Consultation	<ul style="list-style-type: none"> <li>Feedback from complaints</li> </ul>	<ul style="list-style-type: none"> <li>Continuation of Satisfaction' survey forms will be distributed to complainants at the closure date of Stage 1. Analysis of the data will be filtered into suggested outcome/s to improve processes</li> </ul>	Ongoing	This information will feed into the Internal Service Improvement pack

## ANNUAL REPORT for 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012

### TABLES RELATING TO 2011/12 COMPLAINTS AND COMPLIMENTS

#### 13. Table 1 – Complaint Activity:

<b>Complaint Stage</b>	<b>2010/11</b>	<b>2011/12</b>
Corporate Complaints	18	4
Members Correspondence (from MP's & Cllrs)	46	36
Pre-Stage 1 Enquiries	49	29
Direct Stage 1 Complaints	63	48
Stage 1 escalated to Stage 2	6	2
Direct Stage 2 Complaints	1	1
Stage 2 Withdrawn	-	1
Stage 2 rolled over from 2011/12 into the financial year of 2012/13	-	1
Stage 2 escalated to Stage 3	2	-
Stage 3 Review Panel	-	1
Local Government Ombudsman	7	10
Compliments	7	34

#### 14. Table 2 – Outcome of Complaints

<b>Stages</b>	<b>Upheld (either fully or partially)</b>	<b>Not upheld</b>	<b>Withdrawn</b>
<b>Pre Stage 1</b>	As this is not a statutory requirement this is not recorded.		
<b>*Stage 1</b>	6	38	3
<b>**Stage 2</b>	2	-	2
<b>Stage 3</b>	1	-	-

\*A Stage 1 complaint is outstanding as this was not received until late March 2012.

\*\* A Stage 2 investigation is still ongoing due to the nature of the complaint.

## ANNUAL REPORT for 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012

### 15. Table 3 – Response Times of Complaints

	Stage 1	Stage 2	Stage 3
Within 10 Working Days	33	-	-
Within 20 Working Days	5	-	-
Within 25 Working Days	-	-	-
Within 30 Working Days	-	-	-
Within 65 Working Days	-	1	-
Outside of Timescale	6	1	1
Withdrawn	3	3	-
Ongoing	1	-	-

### 16. Table 4 – Stage 1 Complaint's – Nature of Complaint against the Team:

	Children in Need	Leaving Care	Duty and Assessment Team	Ingrebourne Children Centre	Looked After Children Team	Intensive Family Intervention Team	Collier Row Children Centre	Hilldene Children Centre	Adoption	Children with Disabilities Team	Total
Behaviour of Staff	3	2	1		2						8
Closure of Service			1								1
Dispute decision		3	1		1					3	8
Incorrect Assessment			2			2				1	5
Incorrect Information			2			1	1				4
Lack of Communication					2				1		3
Level of Service	2	1	1		1						5
Quality of Service		1	3		4				2	1	11
Data Protection Breach			1	1				1			3
<b>Total</b>	<b>5</b>	<b>7</b>	<b>12</b>	<b>1</b>	<b>10</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>5</b>	<b>48</b>

## ANNUAL REPORT for 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012

### 17. Table 5 – Stage 2 Complaints – Nature of Complaint against the Team:

	Looked After Children	Leaving Care	Children with Disabilities Team	Adoption	Duty and Assessment Team	Total
Quality of Service	1	1		1	1	4
Dispute Decision			1			1
Total	1	1	1		1	4

### 18. Table 6 – Stage 3 Review Panels - Nature of Complaint against the Team:

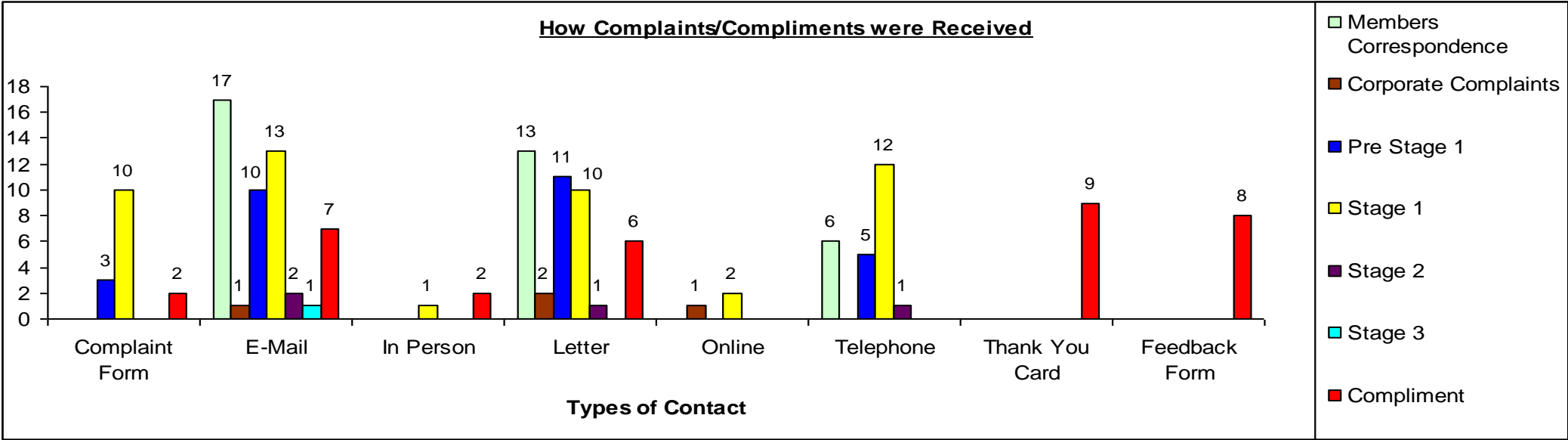
	Looked After Children Team
Quality of Service	1
Total	1

### 19. Table 7 – Compliments - Nature of Compliment against the Team:

	Leaving Care Team	Youth Inclusion Support Programme (YISP)	Children with Disability Team	Adoption	Looked After Children Team	Children in Need Team	Pyrgo Children Centre	Elm Park Children Centre	St Kilda's Children's Centre	Collier Row Children Centre	Safeguarding & Service Standards Unit	TOTAL
Level of Service		1	1	1				1	1	1	1	7
Help and Support	1	5	3	1	2		1		7	1	1	22
Attitude of Staff		1	1									2
Professional Staff		1				1						2
Response Time	1											1
TOTAL	2	8	5	2	2	1	1	1	8	2	2	34

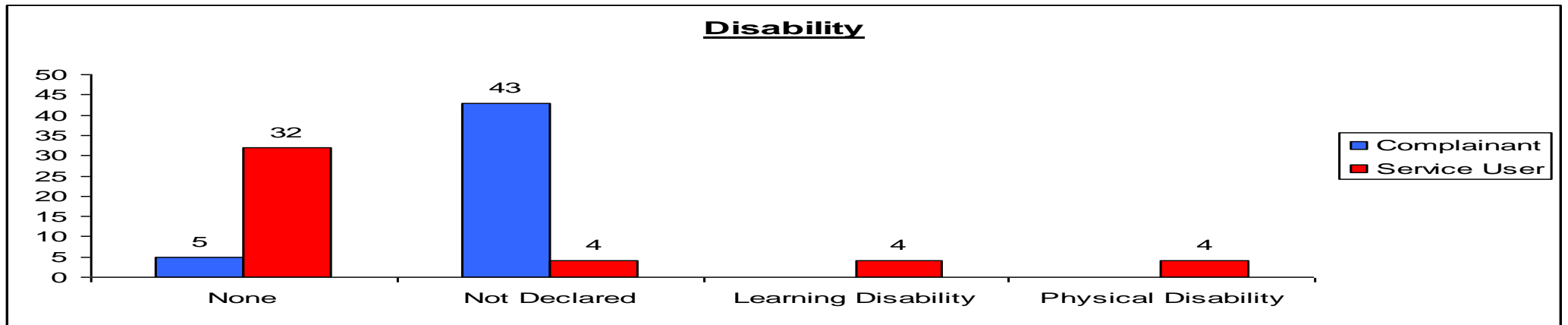
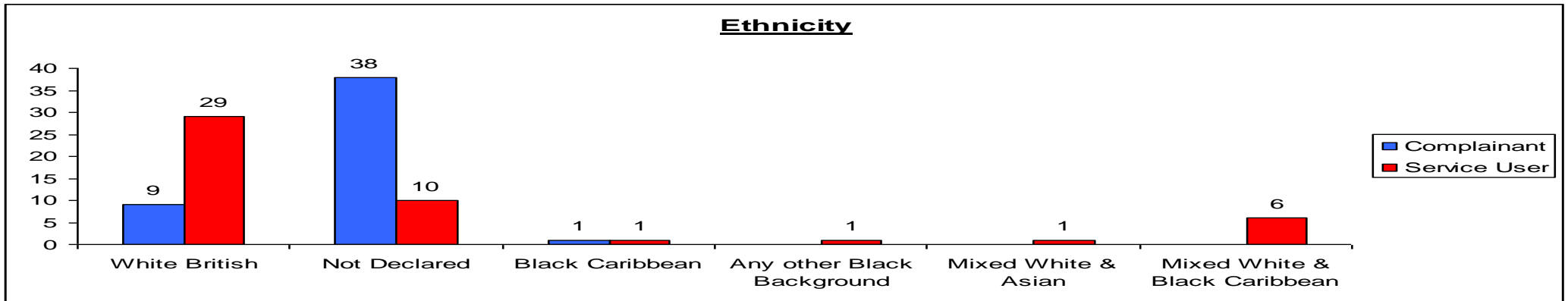
ANNUAL REPORT for 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012

20. Table 8 – How Complaints & Compliments were Received



ANNUAL REPORT for 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012

21. **Table 9 – Ethnicity, Disability and Age for both Complainant and Service User for Stage 1 Complaints**



ANNUAL REPORT for 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012

