

## APPENDIX 1

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

## Annual Report 2010 – 2011 Complaints and Compliments

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## ANNUAL REPORT for 1<sup>st</sup> April 2010 to 31<sup>st</sup> March 2011

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### 1. Introduction:

There has been a major restructure within Social Care & Learning Directorate, whereby Children's and Adult complaints have now merged. This will ensure complaints are streamlined and monitored more effectively ensuring prompt responses are met within timescale. This infrastructure has brought together Information Governance and Communications under one team and ensure consistency in every day practice is maintained. It is envisaged that the annual report of 2011/12 will include combined data and more effective comparisons about performance in managing and dealing with complaints across all services. Proposals are being considered to bring complaints services within Social Care and Learning (Learning and Achievement, Adult Social Care and Children and Young People's Services) together in the future and as part of that change consideration will be given to how a wider service report can be provided.

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 has an 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.

The requirements (as set out in the Children's Act 2004 and Every Child Matters guidance) that govern the way in which C&YPS social services complaints are recorded and managed mean that they have to be separately recorded from the Council's CRM – Customer Relations Management System. (For further information see "**Getting the Best from Complaints**" web link:-

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFES-2055-2006>

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.

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 2010 – 31 March 2011) are used here. Tables are included at the end of the report.

### 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.

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Due to the Statutory Complaints Procedure, Children and Young People's Services would normally be exempt from the corporate procedures. In 2010/11 there were 18 complaints logged under the Corporate Complaints Procedure, out of them 18 complaints 11 were dealt with as a Corporate Complaint. In the previous year 2009/10 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.

### 3. Members Correspondence:

Since February 2010 the Council set up new procedures for dealing with correspondence from MP's and Councillors. These procedures now 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 2010/11 was 46 as compared to the previous year 2009/10 when there were 37.

### 4. Pre Stage 1 Enquiries:

Children and Young People's Services introduced a Pre Stage 1 Enquiry system in 2005 which continues to be a success. Pre Stage 1 Enquiries 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 from an eligible person in 2010/11 was 49 in comparison with the previous year 2009/10 where there were 45.

The majority of Pre Stage 1 complaints were about the quality of service and level of service.

### 5. Stage 1 Complaints:

<b>Stage 1</b>	Local Resolution	The complaints procedure requires complaints at stage 1 to be responded to within 10 working days (with an automatic extension to a further ten days where agreed with the complainants).
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From 1 April 2010 to 31 March 2011 the Complaints Section recorded 63 Stage 1 complaints, compared to 31 in the previous year, this is an increase of 100%. The reason being the Children with Disability Team have reviewed service user's packages of care which have led to numerous complaints from parents. There has been an increase in complaints made by the Children's Advocacy Service.

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

- Out of the 63 Stage 1 complaints there were 14 complaints recorded against the behaviour of staff – 7 were upheld (fully or partially). An example of a complaint

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against behaviour of staff was where a complainant claimed they were dissatisfied with the treatment by the social worker and in particular how the social worker had spoken to them.

- 29 complaints were against quality of service - 15 were upheld (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.

Of the 63 complaints:

28 were upheld (either fully or partially)

35 were not upheld

During 2010/11 63 complaints were received, 51 complaints were responded to within the 10 working days timescale, 12 complaints were responded to within 20 working days.

The majority of complaints were made by parents. There are a low number of complaints made by children or young people directly. The Children Advocacy Service made 7 complaints on behalf of these young people and 4 complaints were made by young people under the age of 25.

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.

### 6. Stage 2 Complaints:

<b>Stage 2</b>	Formal Investigation (by an Independent Investigating Officer and Independent Person)	The Head of Service adjudicates on the findings. The timescale for investigation is 25 working days, although in certain cases this can be extended to 65 days.
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From 1 April 2010 to 31 March 2011 there were 7 Stage 2 complaints that fell within the Statutory Complaints Process. This being an increase of 6 in comparison to the previous year (2009/10) when there were 1 Stage 2 complaints. Two complaints rolled over into the next financial year 2011/12. These complaints were unable to be resolved at a local level and due to the complexity of the complaints, these remain on going.

### 7. Stage 3 Review Panels:

<b>Stage 3</b>	Review Panel (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 complainant will then be given a copy of the minutes and receive a final response from the Group Director within 15 working days.
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- In 2010/11 there were two Stage 2 complainants that requested to go to a Stage 3. One of the Stage 3 Review Panels took place within timescale.
- The other Review Panel requested to go to Stage 3 and rolled over into the next financial year 2011/12.

The outcomes from these Stage 3 Review Panels were:

- The complainant received a formal apology.

### 8. Local Government Ombudsman complaints and enquiries.

#### Complaints made to the Local Government Ombudsman and Decision

There were 7 complaints submitted. Please see the table below which sets out the details/outcomes:

Service Area	Ombudsman Discretion - no or insufficient Injustice	Premature Complaint	Local Settlement with a Penalty	No Investigation	No Maladministration after Investigation	Still Ongoing
Children with Disabilities Team	1	3	0	0	0	0
Looked After Children Team	0	1	0	0	0	0
Psychology Service	0	0	0	0	1	1
<b>TOTAL</b>	<b>1</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>

### 9. Compliments:

In 2010/11 7 compliments were received, compared to 22 in 2009/10.

### 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 2010/11 for that element was £5,706.00 against a budget £14,460. Compared to the cost in 2009/10 where the cost was £14,000.94 and this amount was due to the quantity of Stage 2 complaint invoices that had rolled over from 2008/09

For 2010/11 the Complaints Section had introduced a new system, whereby we only commission one External Investigating Person and use an Internal Independent Person, who is independent of the service area to investigate Stage 2 complaints.

### 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

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- he would recommend that compensation should therefore be paid to the complainant.

Within 2010/11 Children and Young People's Services incurred one compensation payout following a Local Government Ombudsman investigation about a Special Education Needs case. This was recorded in the Complaints Annual Report for 1 April 2009 to 31 March 2010, as this case was still open as at 31 March 2010. The final decision from this investigation was made in April 2010 which resulted in a Local Settlement with a penalty and a payment of £15,000.00 plus £300.00 compensation was paid.

### 12. Future Actions to Learn and Improve from Complaints:

As a result of the annual review of complaints and compliments:

- There will be continued training/support to new and existing staff.
- The complaints section will continue to work with service teams by monitoring and reviewing the implementation of all recommendations made at Stage 1 and 2.
- 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.
- Continuation of the internal Service Improvement Report which will examine more closely data in detail around themes, trends and gaps. This report will assist the service and highlight specific areas that need to be improved.
- The Head of Service will continue to monitor the effectiveness of the adjudication meetings with the Independent People on their investigation findings to identify any gaps in service and future needs.
- There will be continued joint working with the Action for Children Advocacy Service, as the organisation supports being the voice of young people.

### TABLES RELATING TO 2009/10 COMPLAINTS AND COMPLIMENTS

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

<b>Complaint Stage</b>	<b>2009/10</b>	<b>2010/11</b>
Corporate Complaints	5	18
Members Correspondence (from MP's & Cllrs)	37	46
Pre-Stage 1	45	49
Pre Stage 1 to Stage 1	-	-
Direct Stage 1 Complaints	31	63
Stage 1 escalated to Stage 2	1	6
Direct Stage 2 Complaints	-	1
Stage 2 Withdrawn	-	-
Stage 2 rolled over from 2009/10 into the financial year of 2010/11	-	-
Stage 2 escalated to Stage 3	-	2
Stage 3 Review Panels rolled over from 2009/10	-	-
Local Government Ombudsman	4	7
Compliments	22	7

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### 14. Table 2 – Outcome of Complaints

Stages	Upheld (either fully or partially)	Not upheld	Withdrawn
<b>Pre Stage 1</b>	As this is not a statutory requirement this is not recorded.		
<b>Stage 1</b>	28	38	-
<b>*Stage 2</b>	6	-	-
<b>**Stage 3</b>	1	-	-

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

\*\*A Stage 3 review panel is still pending this is due to the complexity.

44% Stage 1 Complaints were upheld (either fully or partially)

56% Stage 1 Complaints were not upheld

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

	Stage 1	Stage 2	Stage 3
Within 10 Working Days	51	-	-
Within 20 Working Days	12	-	-
Within 25 Working Days	-	-	-
Within 30 Working Days	-	4	
Within 65 Working Days	-	-	-
Outside of Timescale	-	2	1
Withdrawn	-	-	-
Ongoing	-	1	1

### 16. Table 4 – Stage 1 Complaints – Local Resolution

Stage 1 – How complaints were received:

	TOTAL
<b>Complaint Form</b>	<b>14</b>
<b>E-Mail</b>	<b>17</b>
<b>In Person</b>	<b>3</b>
<b>Letter</b>	<b>20</b>
<b>Telephone</b>	<b>8</b>
<b>Online</b>	<b>1</b>
<b>TOTAL</b>	<b>63</b>

Stage 1 – Nature of complaint:

	TOTAL
<b>Behaviour of Staff</b>	<b>14</b>
<b>Data protection</b>	<b>2</b>
<b>Dispute Decision</b>	<b>8</b>
<b>Incorrect Information</b>	<b>2</b>
<b>Level of Service</b>	<b>5</b>
<b>Quality of Service</b>	<b>29</b>
<b>Lack of Communication</b>	<b>2</b>
<b>Non Delivery of a Service</b>	<b>1</b>
<b>TOTAL</b>	<b>63</b>



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17. Table 5 – Stage 2 Complaints – Formal Investigation:

Stage 2 - How complaints were received:

	TOTAL
E-mail	3
Letter	3
Telephone	1
TOTAL	7

Stage 2 - Nature of Complaint:

	TOTAL
Quality of Service	7
Totals	7

18. Table 6 – Stage 3 – Review Panels:

Stage 3 – How Review Panels were received:

	TOTAL
E-mail	2
TOTAL	2

Stage 3 - Nature of Complaint:

	TOTAL
Quality of Service	2
TOTAL	2

19. Table 7 – Compliments:

Compliments – How Compliments were received:

	TOTAL
Complaint Form	3
E-Mail	3
Letter	1
TOTAL	7

Compliments – Nature of Compliment:

	TOTAL
Help and Support	2
Professional Staff	1
Level of Service	3
Attitude of Staff	1
TOTAL	7