



# **Children's Social Care Complaints, Compliments and Comments Annual Report**

1 April 2010 to 31 March 2011

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## **Introduction**

Darlington Children's Social Care welcomes complaints, compliments and comments as a way of improving service delivery to children, young people and their families. The purpose of this report is to inform the service users, carers, the public, Council Members and Children's Social Care staff of the effectiveness of the Children's Social Care Complaints, Compliments and Comments Procedure (the Procedure). The report identifies topics and trends in relation to complaints information, makes suggestions for service improvements and identifies areas of organisational learning that have taken place in relation to people, policy and process.

## **The Law**

The Council is required by law to have management arrangements in place for considering children's social care representations, including complaints, under the Children Act 1989. National legislative procedures for social care were amended in September 2006 with the introduction of the Children Act 1989 Representation Procedure (England) Regulations 2006 (the Regulations). It is a requirement of the Regulations that the Council publish an annual report. In addition to the Regulations the Department for Education and Skills produced some comprehensive guidance for local authorities on managing complaints, called 'Getting the Best from Complaints'.

Key features of the Regulations include:

- A requirement for local authorities to appoint a Complaints Manager;
- A requirement for review panels to be retained by local authorities but with more robust arrangements for constituting and running them; and
- A 12 month time limit to make complaints.

## **Complaints and Information Governance Team**

The Complaints and Information Governance Manager is appointed as the 'Complaints Manager' in accordance with the requirements of the Regulations. The Complaints Manager is based within the Complaints and Information Governance Team and is independent of Children's Social Care operational line management. The Children's Social Care Complaints Officer works directly to the Complaints Manager ensuring a high degree of independence in the way children's social care complaints are managed within the Council.

## **The Procedure**

The Procedure was revised in January 2011 to ensure a consistent approach to complaints handling across the Council. The Procedure maintains three stages in accordance with the Regulations and aims to:

- (a) Make it as easy and accessible as possible for service users and their carers to raise complaints;
- (b) Foster an organisational culture in which complaints are accepted, owned and resolved as efficiently as possible;

- (c) Resolve complaints at the earliest opportunity;
- (d) Reduce the number of complaints referred to the Ombudsman;
- (e) Ensure high levels of customer satisfaction with complaints handling; and
- (f) Enable the Council to identify topics and trends in relation to Children's Social Care complaints and improve services as result.

## **Public Information**

We are committed to making sure that everyone has equal access to all our services, including the Procedure. To help make the Procedure easily accessible we have produced two leaflets (one for children and young people and one for adults) covering all Council services to reflect the single point of access for complainants within the Council. The leaflets are available in all Council buildings. They have been written in line with the Plain English Campaign standards. The title is written in the most commonly used community languages and it contains details on how to access the information in other formats, for example, large print, audio and Braille. These leaflets replace the Children's Services' '*Something to Say*' leaflet.

The leaflet for children and young people was developed in conjunction with Connexions and young people to try and engage more young people in the process. The leaflet will be distributed during 2011/12.

Information is available on the Council's website which contains an electronic form which people can use to make a complaint, pay someone a compliment or pass comment on Council services. People may make a complaint in any format they wish. This can be in writing, by email, via the web, over the phone, in person or by any other reasonable means.

The Complaints Manager can arrange advocates and interpreters (including British Sign Language interpreters) where appropriate.

## **Children's Services Social Care Complaints Process**

### **Stage 1 – Local Resolution**

This initial stage allows Children's Social Care managers the opportunity to try and resolve complaints locally, usually within the team being complained about.

### **Stage 2 – Investigation**

Stage 2 involves a full and formal investigation. An 'Independent Person' must also be appointed to oversee the investigation and report independently to Children's Social Care Services. Both the Investigating Officer and Independent Person produce reports, which are submitted to the Adjudicating Officer, who writes the final response to the complainant.

### Stage 3 – Review Panel

A review panel is convened when the complainant is dissatisfied with the Stage 2 response. The panel consists of an independent chairperson and two individuals who are independent of the Council.

### The Local Government Ombudsman

Although complainants can refer complaints at any stage to the Local Government Ombudsman (LGO), the LGO will not normally investigate until the Council has conducted its own investigation and provided a response.

### External Support to the Complaints Process

#### National Youth Advocacy Service (NYAS)

Children and young people who would like an advocate can contact NYAS directly. If they complain to the Council the Complaints Manager will provide them with information and advice about the advocacy service provided by NYAS. The DfES 'Get it Sorted' guidance states that more robust procedures should be put in place to ensure children and young people are aware of the advocacy service and that it should be easy to access; Children's Social Care is committed to these principles.

#### NYAS (North East Consortium)

Children's Social Care commission an Independent Persons service from NYAS in conjunction with other local authorities in the North East for Stage 2 complaints investigations.

#### Stockton Borough Council

Children's Social Care also buys into an independent panellist service which is administered by Stockton Borough Council for Stage 3 complaints.

### Complaints, Compliments and Comments received in 2010/11

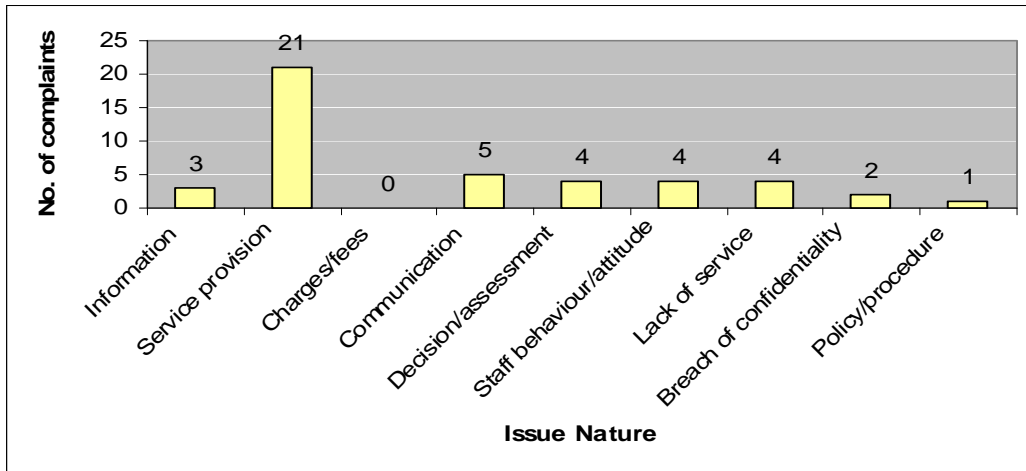
There has been a significant increase in the total feedback received from the public in relation to Children's Social Care services - 52 representations in 2010/11 compared to 26 in 2009/10. There were 44 complaints received during 2010/11 (84.6% of all feedback), a significant increase from 25 in 2009/10. Six compliments were received (11.5% of all feedback), an increase from one in 2009/10 and two comments were received (3.8% of all feedback) an increase from zero in 2009/10.

#### **Total Complaints Compliments and Comments by Service Area**

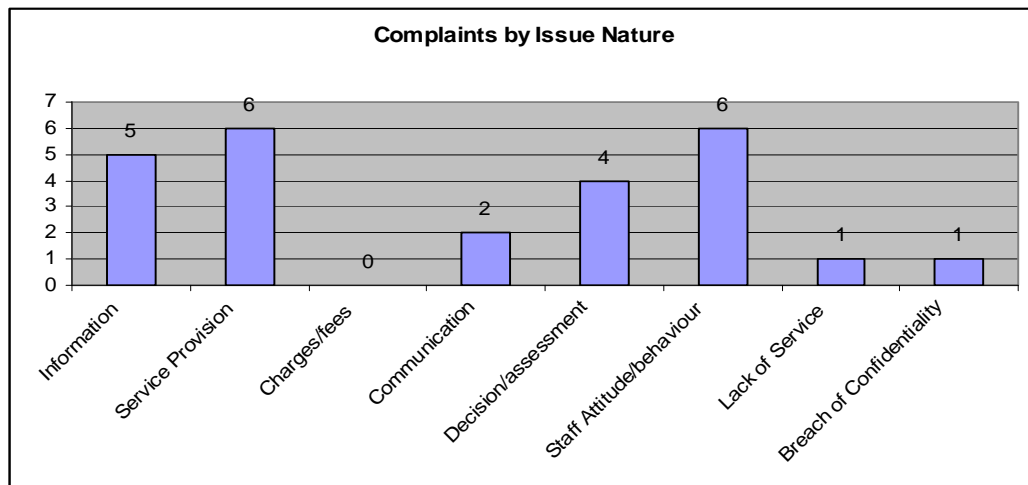
|                          | Complaints* | Compliments | Comments |
|--------------------------|-------------|-------------|----------|
| Children's Commissioning | 42          | 4           | 1        |
| Children's Accommodation | 2           | 2           | 1        |
| <b>TOTAL</b>             | <b>44</b>   | <b>6</b>    | <b>2</b> |

\*Does not include complaints received which did not qualify to be investigated.

### Complaints by Issue Nature 2010/11

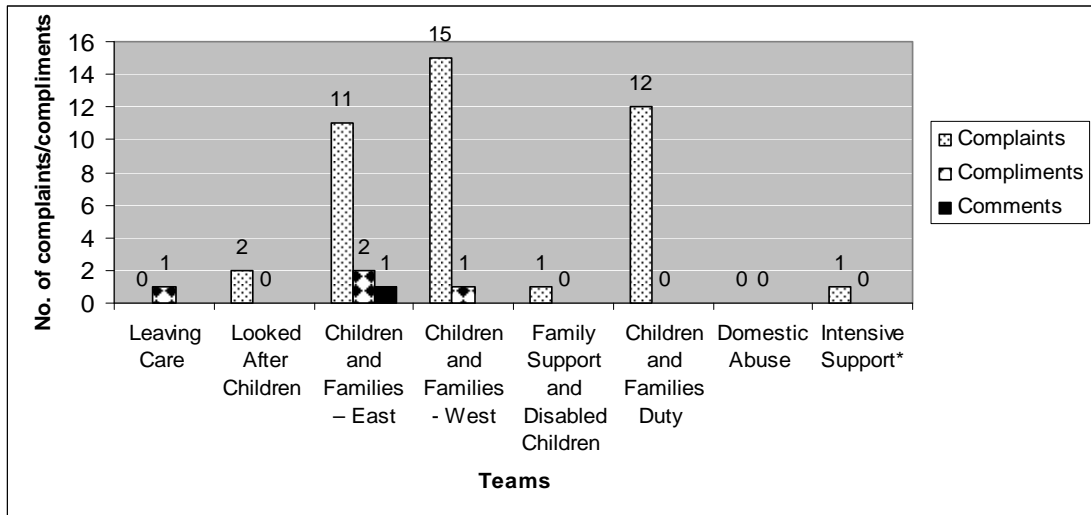


### Complaints by Issue Nature 2009/10



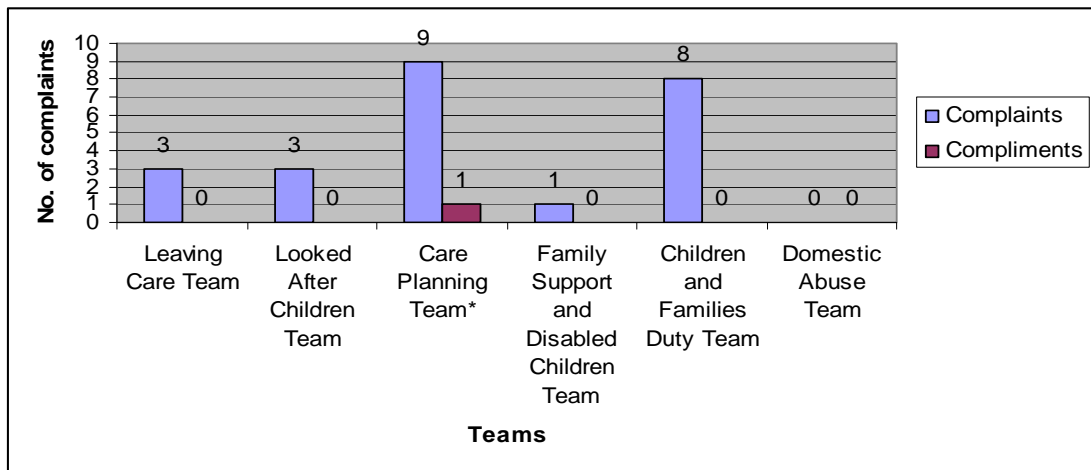
## Breakdown of complaints, compliments and Comments by Service Area/Team

### Children's Commissioning – Complaints, Compliments and Comments - 2010/11



\*The Intensive Support Team was located in Children's Accommodation during 2009/10, it was moved into the Children's Commissioning in 2010/11 to have a more preventative focus.

### Children's Commissioning - Complaints and Compliments – 2009/10



\*Before December 2009 Children and Families East and West teams were one Care Planning Team

There is a continuing trend in that the majority of complaints are about the Children and Families Teams (formerly the Care Planning Team) and the Children and Families Duty Team.

It is significant that in 2009/10 the Care Planning Team received only nine complaints whereas in 2010/11 Children and Families West alone received 15. This is almost certainly due to a difficult period during which there was a shortage of permanent staff. The use of agency staff during this time led to a lack of consistency and a number of complaints in the first and second quarters related directly to this problem. The staffing situation in this team has now been

addressed and in the third and fourth quarters there were no complaints specifically relating to staffing issues.

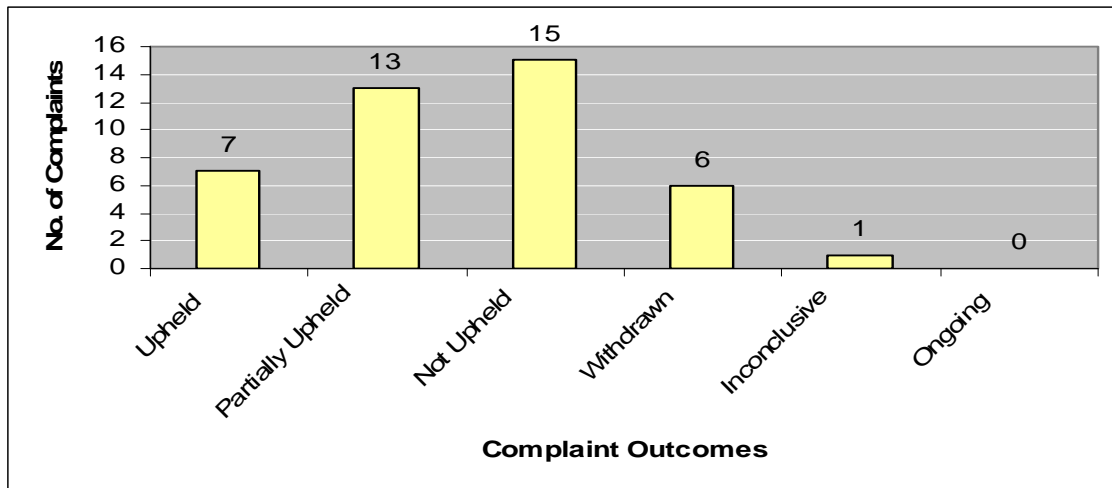
It is also significant that Children and Families East received more complaints than both teams combined in the previous year, however, it is not possible to identify any topics or trends in relation to the nature of these complaints.

### Children’s Commissioning - Complaint Outcomes

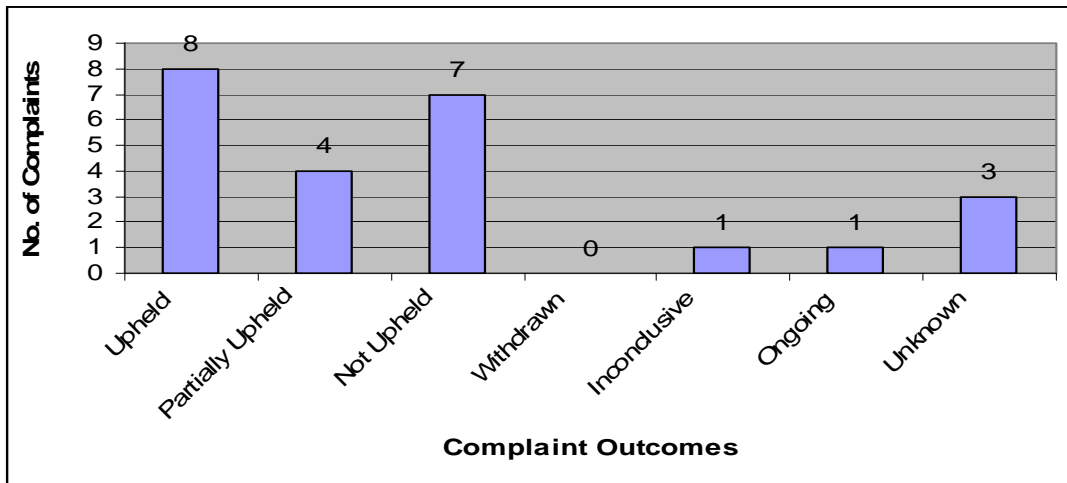
#### Stage 1

There were 42 Stage 1 complaints received during 2010/11 and the outcome of these complaints is set out in the graph below. A comparison is provided with the outcomes of complaints received during 2009/10.

#### Stage 1 Complaint Outcomes 2010/11



#### Stage 1 Complaint Outcomes 2009/10





## **Stage 2**

Six complaints were escalated to Stage 2 during 2010/11 a decrease from eight in 2009/10. The detail and outcome of these complaints are as follows:

- Two of these complaints were from the same person concerning different issues and teams. One was for the Duty Team and concerned staff attitude/behaviour and one was for the Children and Families - West Team and concerned a lack of information provided to the complainant. At Stage 2 they were investigated at the same time by one Investigating Officer and one Independent Person. The outcome of both complaints was partially upheld.
- One of the complaints investigated at Stage 2 was done so following a recommendation of a Stage 3 Review Panel (see below) after an unsatisfactory investigation by an external investigator. The complaint concerned a number of different teams. The complaint was about a disagreement over an assessment/decision and was partially upheld. The complaint was subsequently escalated to the LGO.
- Two of the Stage 2 complaints were for Children and Families West Team. One complaint concerned poor communication and was upheld. The other concerned an assessment and was partially upheld.
- One Stage 2 complaint concerned the Emergency Duty Team, this also concerned an assessment and was partially upheld.

## **Stage 3**

Two complaints were escalated to Stage 3 during 2010/11, an increase from one in 2009/10. The outcome of these complaints was as follows:

- One of these complaints (referred to above) concerned a number of different teams. The complaint was about a disagreement over an assessment/decision. As a result of the poor quality of the Stage 2 investigation, undertaken by an external investigator, the Stage 3 Review Panel recommended the matter be re-investigated at Stage 2.
- \*The other was for the Children and Families – East Team and concerned the attitude/behaviour of a Social Worker. This complaint was subsequently escalated to the LGO.

*\*This Stage 3 complaint was also reported in the 2009/10 annual report in error.*

## **Local Government Ombudsman**

Four complaints were escalated to the LGO during 2010/11. The outcome of these complaints was as follows:

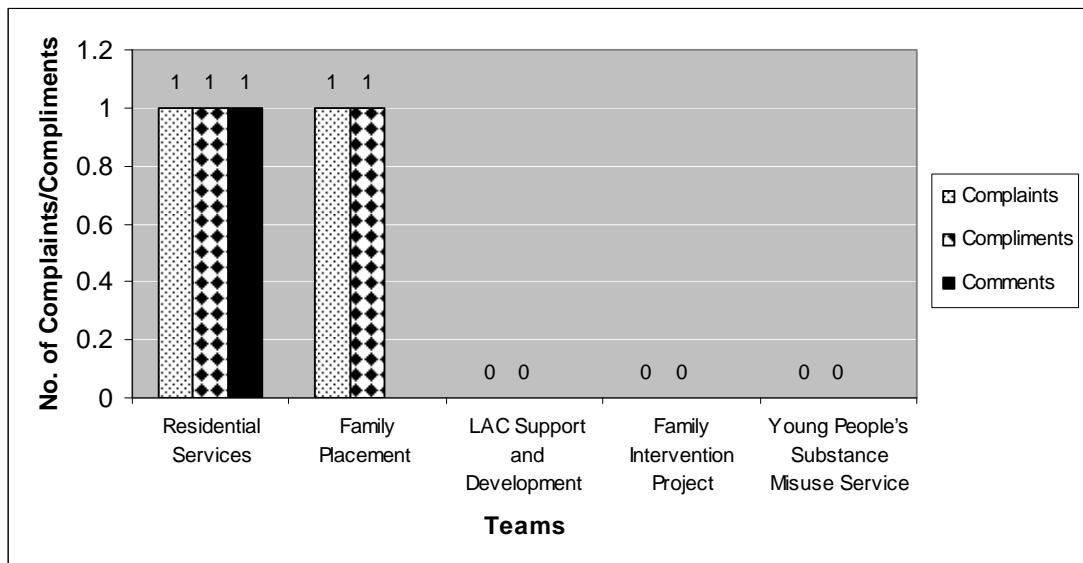
- One of these complaints (referred to above) concerned a number of different teams. The complaint was about a disagreement over an

assessment/decision. The Council offered to pay the complainants £500 for the time and trouble they had gone to in pursuing the complaint given that the matter had been investigated twice at Stage 2. The LGO felt that the Council’s proposed remedy was entirely reasonable and asked the Council to make the payment to the complainant. The LGO considered this to be a **‘Local Settlement’**.

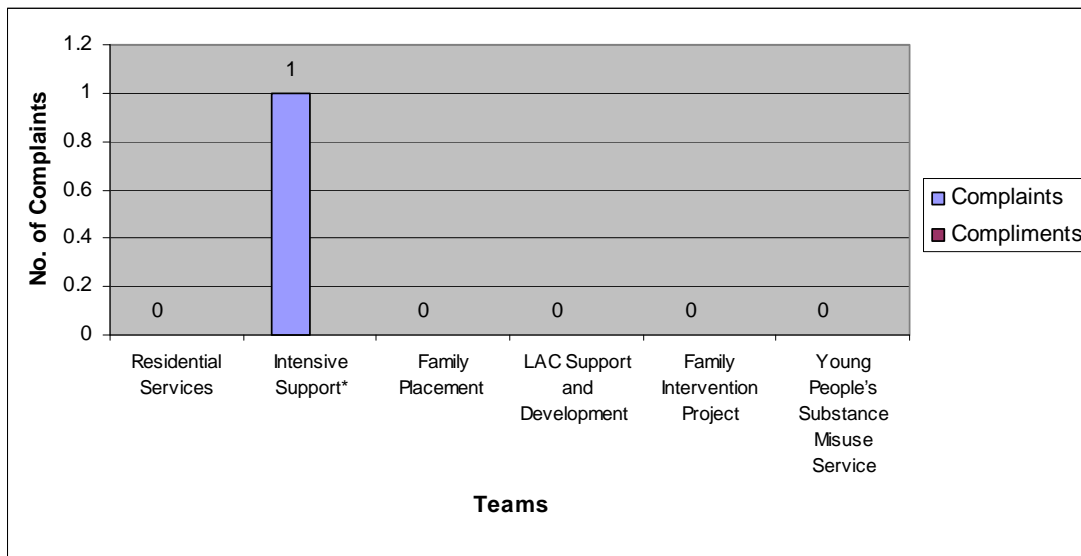
- Another complaint for the Children and Families – East Team concerned the attitude/behaviour of a Social Worker. The LGO did not make any recommendations as they felt the Council had already taken a number of reasonable steps to remedy the matter, such as implement a new support group and provide specialist training for staff. This was also deemed to be a **‘Local Settlement’**.
- The LGO considered another complaint about the Care Planning Team to be **‘Outside of Jurisdiction’** as it was a matter for the Court.
- One complaint for the Children and Families Duty Team concerned a decision/assessment. The LGO felt that the Council had addressed any maladministration following the Stage 2 investigation and as such did not pursue the matter further. The LGO classified this complaint as **‘No or insufficient evidence of maladministration’**.

## Children’s Accommodation

### Children’s Accommodation –Complaints, Compliments and Comments 2010/11



## Children's Accommodation – Complaints and Compliments 2009/10



\*The Intensive Support Team was moved into the Children's Commissioning in 2010/11 to have a more preventative focus.

## Children's Accommodation - Complaint Outcomes

### Stage 1

Two Stage 1 complaints were received during 2010/11, an increase from one in 2009/10. The outcomes are as follows:

- The complaint received for Residential Services was withdrawn.
- The complaint for the Family Placement Team was partially upheld.

### Stage 2

There were no complaints escalated to Stage 2 during 2010/11 for Children's Accommodation.

### Stage 3

There were no complaints escalated to Stage 3 during 2010/11 for Children's Accommodation.

## Local Government Ombudsman

There were no complaints escalated to the Local Government Ombudsman during 2010/11.

## Organisational Learning

In the majority of cases the resolution actions identified were specific to resolving the complainant's individual issues. However, the following actions taken by

Children's Social Care as a result of complaints considered in this period will benefit the service as a whole.

- The importance of ensuring contacts take place in venues that are suitable for individuals who have a particular assessed need was highlighted with staff.
- A Disability Equality Impact Assessment is to be carried out in relation to a contact venue.
- A review of the process for sending out copies of assessments to service users has been undertaken.

## **Performance against the Children's Social Care Complaints, Compliments and Comments Procedure**

### **Timescales**

#### **Stage 1**

The target for responding to a complaint at Stage 1 is 10 working days with a possible extension up to 20 working days if the complaint is particularly complex.

- 55.6% of those Stage 1 complaint responses sent out were sent out within 10 working days. This was an improvement from 33.3% in 2009/10.
- 25.9% of those Stage 1 complaint responses sent out were sent out within 11 - 20 working days.
- 18.5% of those Stage 1 complaint responses sent out took over 20 working days.
- The average Stage 1 response time of those complaints responded to in 2010/11 was 14 working days.
- Of those Stage 1 complaint responses which took over 20 working days, four were responded to in less than 30 working days.
- One Stage 1 complaint took 38 working days. This was a complex case due to ongoing child protection enquiries.

#### **Stage 2**

The target for responding to a complaint at Stage 2 is 25 working days, extendable up to a maximum of 65 working days.

- In 2010/11 no Stage 2 responses were sent out within 25 working days. This was also the case in 2009/10.

- 42.8% of those Stage 2 responses sent out were sent out within 65 working days. This is a decrease in performance compared to 2009/10 when 62.5% were sent out within 65 working days.
- The longest time taken to respond to a Stage 2 complaint in this period was 120 working days. This was due to a number of different delays and complications, such as an external investigator being appointed who struggled to arrange interviews with staff. The complainants had also moved to another authority which made it difficult to access information held by that authority which was relevant to the case. The external investigator also made a child protection referral during the investigation so the process was put on hold. Following the response this complaint was escalated to Stage 3 where the panel found that the report produced was inadequate and asked the authority to re-investigate (see [page 8](#)).
- The second longest Stage 2 response time in this period was 104 working days. This was partly due to a delay in receiving communication from the advocate but more significantly as a result of the difficulties encountered in arranging an interpreter to be present at meetings and the need for the Investigating Officer's and the Independent Person's reports to be translated. This complaint was successfully resolved at Stage 2.

In all cases where timescales were exceeded extensions were agreed with the complainant and they were kept fully informed of progress.

### Stage 3

A Stage 3 Review Panel hearing should take place within 30 days of the request being received. The panel's findings should be sent to the complainant within five working days of the hearing and the Director of Children's Social Care's response should be sent to the complainant within 15 working days.

There were two Stage 3 Review Panels held in 2010/11 and both were convened in under 30 working days. In both cases the panel's findings were sent to the complainant within 5 working days of the hearing. One Director's response was sent out within 15 working days and the other in 16 working days.

### Equal opportunities monitoring

Only two people returned Equal Opportunities Monitoring forms during 2010/11, not all of the questions were answered. The information provided is set out below:

- *Ethnic group*  
**British (white): 1 Any other white background: 1**
- *Do you consider yourself to be a disabled person?*  
**No: 1 Yes: 1 (wheelchair user)**
- *Age*  
**25 – 44: 2**
- *Gender*  
**Male: 0 Female: 1**
- *Religion* **No answers**

As referenced on the previous page the Council are aware that one complaint was received from a member of the BME (Black and Minority Ethnic) Community.

The Council are aware that children and young people are under represented within the complaints procedure. In addition to the work undertaken in relation to public information ([page 3](#)) the Complaints Manager has visited services provided for young people to raise awareness of the Council's complaints, compliments and comments procedures.

## Performance against local performance indicators

- Percentage of those making a complaint satisfied with the handling of these complaints.

**Target:** 67.5% - Not achieved **X** (66.6% satisfied)

In 2010/11 only four completed satisfaction surveys were returned and only three people answered the question regarding satisfaction with complaints handling. Of those three one was 'Very Satisfied', one was 'Fairly Satisfied' and one was 'Very Dissatisfied'.

Given the low return rate while the information gathered does provide an indication of satisfaction it is not possible to draw any meaningful conclusions from the data. The Complaints Manager has reviewed the timing of surveys being sent in order to improve the response rate.

- Number of Stage 1 complaints escalated to Stage 2.

**Target:** 10 or less – Achieved ✓

Six complaints were escalated to Stage 2 of the Procedure during 2010/11.

In order to increase the number of complaints resolved at Stage 1 and reduce the costs associated with complaints handling the Council commissioned the LGO training on 'Effective Complaints Handling' during 2010/11.

- Number of Stage 2 complaints escalated to Stage 3.

**Target:** 5 or less – Achieved ✓

Two complaints were escalated to Stage 3 during 2010/11.

- Number of all complaints received referred to the Ombudsman following investigation through the Children's Social Care Complaints Procedure.

**Target:** 2 or less – Not achieved **X**

Four complaints were escalated to the LGO during 2010/11.

While individuals do have the right to escalate their complaint to the LGO it is worth noting that in all of the cases accepted by the LGO they considered the actions proposed by the Council, via the Procedure, to be entirely reasonable in terms of resolving the matter.

- Number of complaints submitted to the Ombudsman without consideration through the Children's Social Care Complaints Procedure.  
**Target:** 2 or less – Achieved ✓

There were no complaints submitted to the Local Government Ombudsman without consideration through the Children's Social Care Complaints Procedure.