



# **Children's Services**

## **Comments, compliments and complaints**

### **Report**

covering the period

1<sup>st</sup> April 2007 to 31<sup>st</sup> March 2008

## 1. Introduction

This is the first full annual report on comments, compliments and complaints received and managed by Children's Services and has been compiled in accordance with statutory requirements.

There are two separate complaints processes applicable to Children's Services; national statutory procedures for children's social care and the Council's corporate procedures for education related services e.g. Youth Service, libraries. Additionally, Children's Services provides advice and support to parents, students, schools and governors in order to promote resolution of complaints about schools. This report focuses on children's social care complaints, but makes reference to complaints falling outside the scope of the social care procedure.

Children's Services endeavours to make the process for service users to pass on their comments and complaints as easy as possible. Their views will be heard and responded to promptly, in a confidential and sensitive manner. If service users are unhappy with a decision, they can challenge and ask for a review.

### 1.1 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 by the coming to force of the Children Act 1989 Representation Procedure (England) Regulations 2006 (hereafter referred to as 'the Regulations'). Procedures for handling corporate related complaints within Children's Services are currently being reviewed, but it is anticipated that these will be altered to a two stage process.

Key features of the legislation include:

- Introduction of a 12 month time limit to make complaints
- Requirement for local authorities to appoint a Complaints Manager independent of operational line managers and direct service providers<sup>1</sup>
- Review panels to be retained by local authorities but with more robust arrangements for constituting and running them.

The Regulations also closely aligned those in operation within adult social care for complaints submitted under section 50 of the NHS and Community Care Act 1990.

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<sup>1</sup> Under the 'Getting the best from complaints' statutory guidance, Children's Services is required to have a designated Complaints Manager. Since September 2006 this post has been held by Julie Bee, Complaints and Information Governance Manager.

## 1.2 The procedure

The children's social care complaints procedure was completed in September 2007 and approved by the Assistant Director for Children and Families. The procedure has been distributed to the Children's Services Management Team for circulation throughout social care teams and is available to staff via the intranet.

## 1.3 Tracking and monitoring

All compliments and complaints are recorded onto an online system based on MicroSoft SharePoint Server (MOSS). Documents can be scanned and emails added to the system allowing Children's Services to monitor progress and establish a robust audit trail for monitoring and reporting purposes.

## 2. Purpose of the report

The purpose of this report is to inform the public, council members and staff about the effectiveness of the procedure for managing representations (including complaints) and the way it discharges these functions. Children's Services welcomes comments, compliments and complaints, as they are essential to the continuous improvement of service delivery to children, young people and their families.

There is a legal requirement under the Regulations to publish an annual report for consideration by Council members.<sup>2</sup>

## 3. Summary and coverage

In accordance with the requirements laid down in section 13 (4) b) of the Regulations, this report covers the period 1<sup>st</sup> April 2007 to 31<sup>st</sup> March 2008.

### 3.1 Public information

Children's Services social care provides a general leaflet '*Tell us what you think*';<sup>3</sup> which is routinely provided to service users once they become a client of children's social care. Included with the leaflet is a form and pre-paid envelope for users to submit their representations. Information on how to submit a compliment, comment, suggestion or complaint is also available on the Children's Services portal on the Darlington Borough Council website.

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<sup>2</sup> Sec. 13 of the Regulations

<sup>3</sup> To be re-named 'Something to say?'

People are encouraged to submit their views in whatever medium they are most comfortable with. The most obvious are face to face, in writing (form, letter, email, and fax) and telephone. Other media are Minicom, Braille, audio or video cassette or in any community language.

A dedicated email address ([childrensservicesenquiries@darlington.gov.uk](mailto:childrensservicesenquiries@darlington.gov.uk)) has been established for anyone to submit a query, which may be a complaint, direct to the Complaints and Information Governance Manager.

All Children's Services, Town Hall and Central House reception and contact centre staff have been made aware of the name and location of the Complaints Manager.

### **3.2 Children's Services social care complaints process**

#### **Stage 1 – Local Resolution**

This initial stage allows Children's Services the opportunity to try and resolve issues of dissatisfaction at local level with managers and staff who have responsibility for the case. 15 of the 17 complaints received between April 2007 and March 2008 were resolved at this stage<sup>4</sup>; this reflects the commitment of staff to sorting problems out quickly. As well as being in the best interest of the child, young person or the person complaining on their behalf, it is the most cost effective option for the Council as it does not involve procuring the services of an Independent Person (see stage 2 below).

#### **Stage 2 – Investigation**

This process is invoked where a complaint has not been resolved at stage 1 or where a complainant requests a formal investigation involving an independent manager; an 'Independent Person' must also be appointed to oversee the investigation and report independently to Children's Services. There were no stage 2 investigations during the period September 2006 to March 2007.

#### **Stage 3 – Review Panel (independent)**

A review panel is convened for statutory complaints where a complainant is either dissatisfied with a stage 2 investigation or the response from Children's Services. The panel consists of an independent chairperson and two individuals who are independent of the Council i.e. are not members, officers or partners of such people. There were no requests for stage 3 review panels for September 2006 to March 2007.

The Chief Executive carries out reviews for corporate complaints; no reviews were

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<sup>4</sup> Two complaints have progressed to stage 2 and will be included in the 2008 -2009 annual report  
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carried out on 'corporate' Children's Services complaints for the period September 2006 to March 2007.

### **3.3 The Local Government Ombudsman**

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

There were no referrals to the LGO for the period April 2007 to March 2008.

### **3.4 External support to the complaints process**

#### **3.4.1 National Youth Advocacy Service**

Advocacy for children and young people is funded by Children's Services and provided by the National Youth Advocacy Service (NYAS). This scheme provides the service to a number of north east local authorities. Children who wish to have an independent advocate can access the NYAS and if they make direct contact with the Complaints Manager, an information leaflet and advice about the advocacy service is provided. The DfES '*Get it Sorted*' guidance states that more robust procedures are put in place to ensure children and young people are aware of the advocacy service and that it is easy to access; Children's Services is committed to these principles.

#### **3.4.2 Elsi Hampton Consultancy**

Children's Services commissions an Independent Persons service from an external provider, Elsi Hampton Consultancy. This service provides for an Independent Person to ensure that the Council carries out any complaint under stage 2 of the children's social care procedure in a thorough, fair and impartial manner. This service also provides independent visiting to children held in secure accommodation.

This service has been developed in partnership with Durham County Council and the Tees Valley local authorities.

#### **3.4.3 Stockton Borough Council**

Children's Services also buys in to an independent panellist service which is administered by Stockton Borough Council. These panellists would be provided in the case of stage 3 review panel hearings.

#### **3.4.4 Northern Region Complaints Manager Group (NRCMG)**

The Complaints Manager regularly attends a regional group which meets four times a year to share best

practice and ideas. Joint initiatives are discussed with a view to agreeing a consistent approach in complaints handling across the patch whilst acknowledging individual local authority requirements.

### 3.5 Summary of representations April 2007 to March 2008

- There were 17 complaints dealt with under the statutory children's social care procedure.
- There were eight compliments in total.
- 89% of those complaints were resolved at stage 1.
- An online tracking system has been developed to assist with the management of compliments, comments and complaints.
- The Complaints Manager has visited each residential home to talk to children and young people to encourage them to engage in the complaints process.

### 3.6 Summary of achievements April 2007 to March 2008

- 'Tell us what you think' leaflets are being revised and young people are to be engaged in designing a leaflet specifically aimed at them.
- A dedicated email address has been established for people to submit any feedback direct to the Complaints Manager.
- A pool of stage 2 Investigating Officers has been agreed and training has been provided.
- A mediation service has been introduced for schools related complaints for those schools, parents or carers that wish to take advantage of it

## 4. Analysis

Feedback submissions from the public numbered 36.

	Children's social care		Children's Services 'corporate'	
<b>Compliments</b>	<b>7</b>		<b>1</b>	
<b>Comments</b>	<b>0</b>		<b>0</b>	
<b>Complaints</b>	<b>17</b>		<b>11</b>	

<b>Suggestions</b>	<b>0</b>		<b>0</b>	
<b>TOTALS</b>	<b>24</b>		<b>12</b>	

#### 4.1 Compliments received by service area

For the period April 2007 to March 2008 eight compliments were recorded on the tracking system. Seven were related to children's social care and one related to the education arm of Children's Services.

Only externally generated compliments are included in the above statistics. Internally generated compliments are noted, but are not included for annual reporting purposes.

#### 4.2 Complaints received by service area and nature

<b>Children and family services</b>	<b>Nature of complaint</b>
Assessment processes	1 fostering related
Children with Disabilities	1 staff behaviour/attitude
Fostering/Adoption	3 service provision 1 treatment of children
Looked After Children	2 parental access 1 breach of confidentiality
Care planning	3 staff behaviour/attitude 1 treatment of parents
Residential homes	3 behaviour of children/young people
Child Care Duty team	1 staff behaviour/attitude
<b>Total number of social care complaints</b>	<b>17</b>
<b>Local authority (i.e. 'corporate') complaints</b>	
School closures	2
Educational settings	2
Residential settings	1
Data protection issues	1
'Skills +' programme	2

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Connexions service	1
Youth Service	1
Educational Psychology Service	1
<b>Total number of LA complaints</b>	<b>11</b>

**4.3 Outcome of social care complaints**

<b>Outcome</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>
<b>Not upheld</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>Partially upheld</b>	<b>10</b>	<b>N/A</b>	<b>N/A</b>
<b>Upheld</b>	<b>5</b>	<b>N/A</b>	<b>N/A</b>
<b>Withdrawn</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>Outstanding</b>	<b>2</b>	<b>N/A</b>	<b>N/A</b>

**4.4 Responses to social care complaints upheld or partially upheld**

<b>Response</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>
<b>Apology and explanation</b>	<b>10</b>	<b>N/A</b>	<b>N/A</b>
<b>Apology</b>	<b>3</b>	<b>N/A</b>	<b>N/A</b>
<b>Explanation</b>	<b>8</b>	<b>N/A</b>	<b>N/A</b>
<b>Policy/procedure reviewed or staff reminded</b>	<b>2</b>	<b>N/A</b>	<b>N/A</b>
<b>Provision of service</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>
<b>Alteration in service</b>	<b>4</b>	<b>N/A</b>	<b>N/A</b>
<b>Financial resolution</b>	<b>0</b>	<b>N/A</b>	<b>N/A</b>

\* Please note the above figures do not total 17 as more than one response may have provided in resolving the complaint.

**5. Timescales**

**5.1 Stage 1**

The standard for responding to a complaints at stage 1 is 10 working days with a possible extension to 20 working days if the complaint is particularly complex.

**5.2 Stage 2**

The standard for stage 2 is 25



working days extendable to a maximum of 65 working days.

### 5.3 Stage 3

At stage 3 (Review Panel hearing) this should be heard within 30 days of request. The Panel's findings should be sent within 5 working days of the hearing and a response sent by Children's Services to the complainant within 15 working days.

There is therefore the potential for a complaint to take 175 working days (35 weeks) from start to finish to be dealt with in accordance with the prescribed time period.

As part of the enhancement to the reporting mechanism, timescales for acknowledging and responding to complaints will be included in next year's annual report and will be measured against agreed performance indicators.

## 6. Learning from complaints

Complaints provide a valuable indication of areas where services may need to be reviewed or improved. Some complaints highlight an error or concern that is specific to one individual or family. In other cases, complaints can highlight issues that impact many families across the service. These issues can be identified through detailed case reviews prompted by complaints, or identification of patterns and trends from a number of complaints.

## 7. Future developments

### 7.1 Health related complaints

In the White Paper '*Our health, our care, our say*', the Department of Health set out its commitment to develop a single system across health and social care by 2009 that will '*focus on resolving complaints locally with a more personal and comprehensive approach to handling complaints*'. Whilst the proposals<sup>5</sup> do not specifically include Children's Services, a question in the consultation asked '*do you think that children's social care services should be included as well as adult social care under these new complaints arrangements?*' Children's Services need

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<sup>5</sup> 'Making experiences count; the proposed new arrangements for handling health and social care complaints' DH, June 2007

to be mindful of the potential implications on the management of complaints if they are eventually included.

## **8. Achievements against performance targets**

In accordance with the timescales laid down in the Regulations the following performance was achieved:

- There were 15 children's social care complaints dealt with at stage 1
- There were two social care complaints which progressed to stage 2<sup>6</sup>
- No complaints progressed to stage 3

## **9. Objectives and developments for 2008 - 2009**

### **9.1 Performance indicators**

The following local performance indicators have been agreed for 2008 – 2009:

- Timescale for acknowledging **all** complaints – within 2 days of receipt
- Resolving social care complaints at stage 1 – 100%<sup>7</sup>
- Responding to complaints within maximum timescale allowed– 100%

### **9.2 Objectives**

- To monitor the source of complaint
- To monitor the cost of employing external persons (Independent Persons at stage 2 and Independent Panellists at stage 3)
- Equality and diversity monitoring
- Compile a user satisfaction survey to canvas the opinion of complainants as to the effectiveness of the complaints' procedure and process

### **9.3 Action points**

- Include a comparison table to indicate meaningful comparison with previous years' statistics
- Include an anonymised summary of stage 2 and stage 3 complaints
- Consider with the Assistant Director for Children and Families any learning that needs to be disseminated to social care staff
- Consider with service Team Managers

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<sup>6</sup> These will be carried over to and included in the 2008/2009 annual report.

<sup>7</sup> Complainants determine whether their complaints have been resolved and not Children's Services  
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Objective	Action	Monitoring and performance indicators	Target	Responsible officer
Encourage engagement with children and young people around the complaints process	Promote the email service  Review the children/young people leaflets to ensure user friendly	Monitor the number of complaints received via this method  Work with children/young people to review the leaflet	Ongoing  September 2008	Complaints Manager  Complaints Manager/Information Governance Assistant
Provide staff guidance in light of new legislation.	Develop procedures and practice guidance  Produce dedicated pages on the intranet	Procedures in place  Monitor intranet 'hits'	September 2007  Ongoing	Complaints Manager  Information Governance Assistant
Ensure staff are aware of new procedures	Provide awareness raising for staff via face to face and intranet	Number of staff trained	September 2008	Complaints Manager

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Ensure the public are made aware of the new procedures.	Leaflets to be updated and renamed 'Something to Say?'	Review and update leaflets in line with new legislation and JAR inspection	March 2008	Information Governance Assistant
	Develop an e-form available via the Children's Services portal	Number of e-forms completed	December 2008	Complaints Manager
Develop diversity monitoring mechanisms.	Introduce equality monitoring forms	Number of forms returned	September 2008	Complaints Manager
Strengthen the internal procedure for allocating complaints.	Review the process	Protocols agreed	June 2008	Complaints Manager
Develop robust monitoring mechanisms for complaint timescales.	Enhance existing tracking system	Monitoring system developed	December 2008	Complaints Manager
	Assisting Team Managers to meet timescales	Briefings at team and CSMT meetings	Ongoing	Complaints Manager

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Produce a quarterly report for managers regarding all complaints and compliments received for Children Services with response timescales and action taken.	Produce report	Reports produced and distributed	Ongoing	Complaints Manager
	Quarterly report to CSSMT	Report produced and distributed	Ongoing	Complaints Manager