



Derby City Council

**CHILDREN AND YOUNG PEOPLE  
OVERVIEW AND SCRUTINY BOARD  
28 October 2014**

# ITEM 13

Report of the Strategic Director of Children and Young People

## Annual Complaints Report

### SUMMARY

- 1.1 Attached is the annual report of complaints received in relation to Children's Social Care. This report provides information about complaints made during the 12 months between 1 April 2013 and 31 March 2014 under the complaints and representatives procedures established through the Local Authority Social Services complaints (England) Regulations, 2006.
- 1.2 Despite an increase in numbers of children and families receiving a service, there has been a reduction in the number of complaints, currently representing 0.87% of the total. The majority are resolved at stage 1, only one (2.3%) from 2013/14 going on to appeal/stage 2 of the procedure. 65% were resolved within timescales, reflecting the complexity of some issues and the activity addressed to resolving at stage 1.
- 1.3 Most complaints (24%) relate to conduct and attitude of staff, followed by quality of service (15%), lack of communication (15%) and decisions (13%). The report identifies learning and action which has taken place during the year and makes recommendations.

### RECOMMENDATION

- 2.1 To receive the report and endorse publication on the Council's website.
- 2.2 To make any appropriate comments or recommendations with regards to the content and publication of the annual report.

### REASONS FOR RECOMMENDATION

- 3.1 There is a statutory requirement to produce and publish this report.
- 3.2 There are opportunities to improve services by reflecting on the nature of complaints, and to improve response times to complaints.

### SUPPORTING INFORMATION

- 4.1 Please see attached report

## OTHER OPTIONS CONSIDERED

5.1 None applicable.

This report has been approved by the following officers:

<b>Legal officer</b> <b>Financial officer</b> <b>Human Resources officer</b> <b>Estates/Property officer</b> <b>Service Director(s)</b> <b>Other(s)</b>	Alison Parkin Liz Moore  Hazel Lymberry Signed off at CYP DMT 18/9/14
<b>For more information contact:</b> <b>Background papers:</b> <b>List of appendices:</b>	Nina Martin 01332 717809 <a href="mailto:nina.martin@derby.gov.uk">nina.martin@derby.gov.uk</a> Christine Gibb 01332 643789 <a href="mailto:christine.gibbs@derby.gov.uk">christine.gibbs@derby.gov.uk</a> Appendix 1 – Implications Appendix 2 - Annual Report

<b>IMPLICATIONS</b>
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**Financial and Value for Money**

- 1.1 There are no costs associated with this report

**Legal**

- 2.1 This report fulfils the Council's statutory requirements

**Personnel**

- 3.1 There is a need to resolve local processes around recording of complaints. Time spent responding to complaints should be proportionate to the complaint and current service demands

**IT**

- 4.1 Progress has been made with the use of Lagan.

**Equalities Impact**

- 5.1 Equalities data is collected manually, at present this is not held on Lagan.

**Health and Safety**

- 6.1 n/a

**Environmental Sustainability**

- 7.1 n/a

**Property and Asset Management**

- 8.1 n/a

**Risk Management**

- 9.1 There are reputational and financial risks if the Council does not deal adequately with complaints and if the Council fails to learn from complaints. This includes awards and penalties which may be imposed by the Local Government Ombudsman.

**Corporate objectives and priorities for change**

- 10.1 This relates to service improvements.

**DERBY CITY COUNCIL**

**Complaints relating to**

**Children and Young People's Services**

**(including Social Care)**

**ANNUAL REPORT April 2013 – March 2014**

## **1 - Context**

This report provides information about complaints made during the 12 months between 1 April 2013 and 31 March 2014 under the complaints and representatives procedures established through the Local Authority Social Services complaints (England) Regulations, 2006.

The Council produced a new Customer Feedback Policy at the end of 2013-14 which incorporated the above regulations, and progress has been made with Lagan, the electronic recording system for complaints. In future this will allow standardised reporting of the handling of complaints and capturing learning for the Department. However, use of the system has been inconsistent throughout this last year and whilst accurate performance data is available, information with regard to learning and outcomes is more limited.

During 2013-14 the complaints process has continued to be managed by Customer Management using the resources within the Council's contact centre to manage the initial contact, use business rules to allocate complaints to investigating officers and to ensure prompt contact is made with the complainant via an acknowledgement letter. This has enabled officers within the Children and Young People's service to focus on the investigation of the complaint. Discussions are on-going around improving this process.

Throughout 2013-14, monthly meetings have been held between the Director responsible for complaints management and the Complaints Officer where complaints and responses are reviewed and any operational actions considered.

Additionally there have been meetings between Customer Services, Business Support and HoS Quality Assurance to improve responses to customer feedback, and between the Complaints Officer and the Advocacy service.

All timescales contained within this report are in working days.

## **2 - Stage 1 Complaints**

### **2.1 Complaints received**

*See Table 1 in Appendix 2 for a comparison of the volume of complaints by stage for each year from 2010-11.*

The Complaints Manager received 46 complaints at Stage 1 of the Complaints Procedure during 2013-14, a reduction in the number received in the previous two years. One complainant made two separate complaints about two different issues and another made three separate complaints, each about different issues.

Of the 46 complaints received 41 were investigated and responded to before year end at Stage 1 of the complaints procedure: one was withdrawn, one complainant had insufficient interest to make a complaint on behalf of the children concerned and one was

considered out of time. The investigation of two complex complaints ran into the following year.

The number of complaints received needs to be compared against the level of activity within the service. The numbers of children receiving services for 2013-14 across Derby City was 5,241, an increase from 4,384 receiving a service during the previous year. The number of complaints received represents 0.87% of the case load. (1.3% in the previous year)

## **2.2 Nature of complaints**

*Table 2 in Appendix 2 analyses the nature of complaints by complaint type since 2010-11.*

The highest number of complaints received in 2013-14 relate to:

- Conduct/attitude of Staff 24%
- Quality of service 15%
- Lack of Communication 15%
- Decision 13%

The following areas of complaint have seen a reduction in the number of complaints received:

- Decision have reduced from 20.4% to 13%
- Quality of Service has reduced from 20.4% to 15%.

There has been an increase of complaints received in the following areas:

- Lack of Communication has increased from 9.3% to 15%
- Conduct/Attitude of Staff has increased slightly from 22.2% to 24%.

Overall during 2013-14 there has been a reduction in complaints relating to Reception and Locality Services:

- Reception services from 17.5% to 13%
- Locality 2 from 15.8% to 13%
- Localities 1 & 5 from 22.8% to 20%
- Localities 3 & 4 from 12.3% to 11%

There has been a rise in the number of complaints relating to Disabled Children's Services, which have risen from 7% to 16% and complaints relating to the Children in Care Service, which have risen from 14% to 18%.

## **2.3 Referrer**

*See Table 5 in Appendix 2.*

28 complaints received were from parents, six complaints were received from young people.

It is seen as positive that young people feel able to make complaints about services that they are receiving that they are dissatisfied with. The Children's Rights Service continue to support young people and provide advocacy for those wanting to make a complaint or to check that young people are happy for others to make a complaint on their behalf.

## **2.4 Outcome of Stage 1 Complaints**

Between 1 April 2013 and 31 March 2014, two of the 46 complaints received were not able to be investigated: one complainant had insufficient interest to make a complaint on behalf of the children concerned and one was considered out of time.

Of the 41 that were investigated before year end: 22 were not upheld, 16 partially upheld and 3 upheld. Of the two complaints where the investigation was completed after year end, one was upheld, the other partially upheld.

## **2.5 Response Times**

*See Table 3 in Appendix 2 for a breakdown of complaints dealt with within timescales.*

Stage 1 complaints to the Children and Young People service must be dealt with within the statutory deadline of 20 days. 65% of complaints were responded to within 20 days compared with 68.7% of complaints in 2012-13. The average response time in 2013-14 is 12.8 days compared with 12.9 days in 2012-13.

# **3 - Stage 2 Complaints**

## **3.1 Complaints received**

One complaint was investigated at Stage 2 of the Complaints procedure during 2013-14, representing 2.3% of all complaints responded to.

There were three additional requests for Stage 2 investigations, one is pending, one was refused because it was considered that the desired outcome of the complainants could not be achieved and one was considered to be out of time.

In the previous year, three complaints moved to Stage 2 and these were completed during 2013-14.

We continue to use the rota of HoS and DHoS to enable the speedy allocation of Investigating Officers for Stage 2 complaints, although the need for a professional specialism, or to avoid a connection to the case in question, has resulted in a need to change the allocation at times. Stage 2 investigations are often very time consuming and represent a significant pressure on senior manager's time.

## **3.2 Outcome of Stage 2 Complaints**

*Table 9 in Appendix 2 analyses the response times for Stage 2 Investigations  
Table 10 in Appendix 2 analyses the outcome of Stage 2 Investigations since 2010-11  
Table 11 in Appendix 2 the nature of the Stage 2 Investigation since 2010-11*

The outcome of the Stage 2 investigation undertaken during 2013-14 was partially upheld. Of the three carried forward from the previous year, one was not up-held, two were partially up-held.

# **4 - Stage 3 Complaints**

There were two complaints considered at Stage 3 of the Complaints Procedure during 2013-14. Both had progressed from Stage 2 investigations during 2012-13. Both were partially upheld.

This compares with no complaints considered at Stage 3 the previous year.

## **5 - Ombudsman complaints and enquiries**

During 2013-14 four complaints were presented to the LGO, the same number as in the year 2012-13.

The outcomes were:

- a decision was made not to investigate two complaints
- one investigation found 'no fault with the council's actions' and could not achieve the outcome sought by the complainant
- one investigation is still on-going.

There were no compensation payments during 2013-14.

## **6 - Conclusions/Learning Lessons/Practice Improvements**

### **6.1 Conclusions**

The overall numbers of complaints has reduced this year. Further, the number of complaints received is low compared to the number of service users we have and by comparison with increases in other parts of the Council. Whilst this is reassuring, it is important that we are not complacent.

The number of complaints received directly from children and young people has increased slightly from five received during 2012-13 to six received this year. We commend the work of CSV in Derby who provide the advocacy service to children in care and whom we have worked closely with over the year.

The low number of complaints which move from Stage 1 to Stage 2 suggests that complaints are dealt with efficiently and satisfactorily at Stage 1, and the majority within timescales.

Investigation of complaints and responding to complainants is potentially time consuming. Whilst a thorough, sensitive and detailed response is good practice, it is important that it is proportionate both to the nature of the complaint and to other priorities. There are examples this year of complaints taking significant amounts of time, but with no resolution. There are also examples of matters being dealt with through the complaints procedure which have already been subject to a judicial process, and at a higher level in the Department than is required procedurally. The new Customer Feedback Policy identifies a distinction between comments and complaints, prompt informal resolution wherever possible and guidance for responding to persistent or vexatious complaints; it is important that this policy is applied by CYP staff.

### **6.2 Learning and practice Improvements in 2013-14 associated with complaints**



Learning and action taken during 2013-14 include:

- Many key decisions are reported verbally to service users, who are often unable to understand or remember what they are told, the Department has agreed to provide written confirmation in such cases and this needs to be developed.
- A need for Reception staff to have a fuller understanding of care proceedings processes, not just the early elements they would be directly involved in – training is available and options are being explored to allow observation & practice
- A need for some staff to improve how they work with service users who may have unrealistic expectations, are hostile towards staff or are “difficult” in some way; individual situations should be discussed between worker and manager and an approach agreed, and staff could receive training and be supported in this
- Several complaints related to the quality and accuracy in records and reports, although sometimes this was disputed; this included Children’s care plans and risk assessments not being up to date
- Being wrongly subject to child protection investigations was behind some complaints; in one case it was agreed that Adult Learning tutors need to receive training, induction & guidance around children and safeguarding when working in children’s settings
- One child in care with significant learning difficulties did not receive the support he needed; it was agreed the SEN dept should be made aware when looked after children with special needs move into an area
- Two complaints related to sensitivities around managing and investigating allegations against staff who were Derby residents, it was agreed to review this procedure
- Where complaints related to quality of service and especially conduct of staff, these have been monitored and followed up as a staff development or conduct issue, especially where there has been more than one complaint about an individual.

### **6.3 Recommended Actions and proposals for 2013/14**

In relation to the handling of complaints:

- a) The Council complaints reporting system Lagan needs to be used systematically, to record the nature of the complaint, the investigation and response, and any learning or recommendations; this can then be followed up to check implementation of agreed actions. Options are being explored to ensure effective usage but this needs to be resolved as soon as possible.
- b) Lagan to be used for quarterly reporting to Performance Improvement Board, to monitor both handling and outcomes of complaints, and also use of the system.
- c) Guidance to be agreed and produced for Business Support, Customer Services and CYP staff to ensure CYP complaints are kept confidential and service users are not expected to give personal or confidential details inappropriately.
- d) Leaflets for service users including children to be produced and made available at service delivery points and to all children in care.
- e) All complaints and their resolution, including stage 2 and stage 3, should be recorded on the child’s file as well as confidentially in Lagan.

- f) CYP staff note and follow the corporate Customer Feedback Policy, ensuring complaints are dealt with appropriately and proportionately.

In relation to CYP services:

Most complaints are specific to individual circumstances, and are single examples, so it is not necessarily appropriate to generalise from these examples to the whole service. However the following issues are repeated and/or may be useful for the service to consider.

Recommendations outstanding from complaints in 2012-13:

- g) develop and use a range of comprehensive, user friendly, literature that clearly outlines the process and expectations for service users engaged with Children's Services – Family Rights Group and other literature is available for staff to use, however implementation is not consistent and there is little on the website. Further action is needed.
- h) ensure consistency and legality of payments to carers – a Friends and Family Policy and agreements around payments has been completed and procedures are available for staff. Further work is needed to ensure consistency and ensure information around payments to family carers is available on the website or as needed.

Recommendations from complaints in 2013-14:

- i) Provide written confirmation of key decisions to service users (standard template letters could be developed)
- j) Review staff training in relation to care proceedings, working constructively with challenging service users and adult services staff in children's settings.
- k) Ensure records, plans and risk assessments are kept up to date and corrected where inaccuracies are known
- l) SEN dept to be informed when looked after children with special needs move into an area
- m) Review arrangements for managing and investigating sensitive cases, in particular where there are allegations against a member of staff who is a Derby resident

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September 2014

## **Appendix 2 - Tables**

**Table One**

Volume of complaints by stage for each year from 2011-12.

	2011 – 12	2012 - 13	2013-14
<b>Stage 1:</b> Local Resolution	57	54	46
<b>Stage 2:</b> Investigation	0	3	1
<b>Stage 3:</b> Review	0	0	2
Ombudsman	7	4	4

**Table Two**

Table 2 below analyses the nature of complaints by complaint type since 2011-12.

Complaint Type	2011-12		2012-13		2013 – 14	
	No	%	No	%	No	%
Assessment – Children’s	9	15.8%	12	22.2%	3	7%
Conduct/Attitude of Staff	15	26.3%	12	22.2%	11	24%
Contact	6	10.5%	0	0%	3	7%
Decision – Children’s	8	14.0%	11	20.4%	6	13%
Delay in Service	4	7.0%	0	0%	2	4%
Lack of Communication	8	14%	5	9.3%*	7	15%
Lack of Information	0	0.0%	0	0%	0	0%
Policy Issue	1	1.75%	1	1.8%	1	2%
Quality of Service	3	5.3%	11	20.4%	7	15%
Refusal of Service	1	1.75%	0	0%	0	0%
Reduction in Service	0	0%	0	0%	0	0%
Withdrawal of Service	0	0%	1	1.8%	1	2%
Other	2	3.5%	1	1.8%	5	11%
<b>TOTAL</b>	<b>57</b>		<b>54</b>		<b>46</b>	

**Table Three**

Table 3 below analyses the breakdown of complaints dealt with within timescales

	2011-12	2012-13	2013 – 14
Number dealt with within 20 days (MAX)	33	38	28
Number dealt with within 10 days (MIN)	21	25	8
Number OUT OF TIME	21	8	13
Number which are still outstanding	6	8	5
Average response time	22.5 days	12.9 days	12.8 days

**Table Four**

Table 4 below details the distribution of complaints by service

Complaint Type	2011-12		2012-13		2013 – 14	
	No	%	No	%	No	%
Reception	14	23.3%	10	17.5%	6	13%
Localities 1 & 5	9	15%	13	22.8%	9	20%
Locality 2	7	11.7%	9	15.8%	6	13%
Localities 3 & 4	4	6.7%	7	12.3%	5	11%
Children In Care	16	26.7%	8	14%	8	18%
Fostering and Adoption	4	6.7%	3	5.3%	1	2%
Disabled Children	1	1.7%	4	7%	7	16%
Safeguarding	1	1.7%	0	0%	0	0%
Leaving Care	1	1.7%	0	0%	1	2%
Quality Assurance	2	3.3%	2	3.5%	0	0%
Chesapeake	1	1.7%	1	1.8%	0	0%
Child not in Care					1	2%

**Table Five**

Analysis of person making the complaint

Person making the complaint	2011-12	2012-13	2013-14
Child	5	5	6
Parent	35	37	28
Relative	6	10	8
Foster Carer	6	1	2
Doctor	0	0	0
School	0	0	0
Friend	0	0	0
Legal Representative	1	0	1
Partner	0	0	0
Neighbour	0	0	0
Advocate	0	0	0
Employee	0	0	0
MP	0	0	0
Councillor	0	0	1
Other	4	4	0

## **Appendix 4 - Equalities Information**

Complaints often involve all family members. These figures include the equalities information for all the children in a family when the complaint made was on behalf of the whole family. However not all complaints are about the existing service users, but are about the complainant's belief that there is a need for services. We would not therefore hold equalities information about these children and young people if they are not service users.

**Table Six**

<b>AGE</b>	
Under 5 years	13
5-10 years	17
11-18 years	23
19-21 years	
Unknown	15

**Table Seven**

<b>Gender</b>	
Male	41
Female	27
Unknown	0

**Table Eight**

<b>Ethnic Origin</b>	
White British	38
White Irish	
Other White Background	
Dual Heritage/White	2
Mixed White & Black Caribbean	
Mixed White & Black African	1
Mixed White & Asian	
Other Mixed Background	3
Asian/Asian British	
Other Asian Background	
Black British	
Black/Black British Caribbean	
Other Black Background	
Chinese	
Other ethnic group	
Unknown	24

### **Disability**

Of the information recorded, eight children and young people are recorded as having a disability.

## **Appendix 3 - Stage 2 Investigations**

**Table Nine**

<b>Response Times</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
Within 25 days			
Within 65 days			
Over timescale		2	
Withdrawn			
Pending		1	1

**Table Ten**

<b>OUTCOME</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
Resolved		1	
Withdrawn			
Pending		1	
Unresolved		1	1

**Table Eleven**

<b>Nature of Complaint</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
Assessment – Children’s			
Conduct/Attitude of Staff		1	
Contact			
Decision – Children’s		1	1
Quality of Service		1	
Delay in Service			
Reduction in Service			
Refusal of Service			
Lack of Communication			
Lack of Information			
Policy Issue			
Failure to carry out other action			
Other reason			
<b>TOTAL</b>	<b>0</b>	<b>3</b>	<b>1</b>

### **Appendix 3 - Stage 3 Complaint Panels**

**Table Thirteen**

<b>Nature of Complaint</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>
Assessment – Children’s			
Conduct/Attitude of Staff			
Contact			
Decision – Children’s			1
Quality of Service			1
Delay in Service			
Reduction in Service			
Refusal of Service			
Lack of Communication			
Lack of Information			
Policy Issue			
Failure to carry out other action			
Other reason			
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>2</b>