



DERBY CITY COUNCIL

CHILDREN AND YOUNG PEOPLE COMMISSION 22 January 2008

Report of the Director of Children and Young People's Services

Annual Children and Young People's Social Care Services Complaints 2006/07

RECOMMENDATION

1. Consider and comment on the Annual Children and Young People's Social Care Services complaints during 2006/07.

SUPPORTING INFORMATION

- 2.1 Complaints and compliments from the service users provide valuable information to organisations and help them to deliver effective services. Local authorities with social services are required to submit annual reports to the Commission for Social Care Inspection on the procedure and performance of social services complaints. The Children and Young People's Social Care Complaints Procedure is separate from, but complementary to, the Council's Corporate Complaints Procedures.
- 2.2 This statutory annual report looks at Children and Young People's Social Care Services complaints during 2006/07.

For more information contact: Sian Hoyle 01332 716934 e-mail sian.hoyle@derby.gov.uk

Background papers: None

List of appendices: Appendix 1 – Implications

Appendix 2 – Complaints and Representations Procedure Annual report

IMPLICATIONS

Financial

1. None arising from this report.

Legal

2. The Children Act 1989 and the Local Authority Social Services Act 1970 (as amended by the National Health Service and Community Care Act 1990) requires social services authorities to set up representations or complaints procedures.

Personnel

3. None arising from this report.

Equalities impact

4. Effective complaints procedures assist in ensuring equality of access to services across communities and for individuals.

Corporate Priorities

5. The proposal comes under the Council's Objectives of supporting everyone in learning and achieving and in building healthy and independent communities through improving the standard of social care for children and young people.

DERBY CITY COUNCIL
Children and Young People's Department
(Social Care complaints)
ANNUAL REPORT for period April 2006 – March 2007

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1. Context

This report provides information about complaints made during the twelve months between 1 April 2006 and 31 March 2007 under the complaints and representations procedures established through the Local Authority Social Services Complaints (England) Regulations, 2006.

This is the first separate Annual Report since the Council restructured its services. Social Care is now divided between the Children and Young People's Department (which comprises the former Education Service and staff dealing with children and young people from the former Social Services department) and the Adult and Social Care Department.

Children and Young People's Services are monitored and inspected by Ofsted. We are also part of the regional care services improvement partnership with other social care and NHS organisations across the East Midlands.

A total of 2,200 children and young people are in receipt of our services at any one time. Some of these require services for only a short period of time and others who are likely to require lifelong 24/7 services.

Complaints and compliments provide valuable feedback from our service users about the services we provide. By analysing these we can obtain insight into parts of our service where we perform well and those parts that may need attention. The department aims to minimise complaints but values the learning we can derive from them. We want to encourage users to feel confident about raising concerns, and staff to proactively deal with customer issues and strive for quality improvement. Consequently, fluctuations in the numbers of complainants are not, themselves, a measure of performance. Nonetheless, it is important that complaints are acknowledged and responded to promptly.

All timescales contained within this report are in working days.

1.1 What is a Complaint?

We use the following definition as a guide “A complaint is an expressed dissatisfaction or disquiet for an individual child or young person, which requires a response”.

If it is possible to resolve the matter immediately (within 24 hours), there is no need to engage the complaints procedure.

If there is any question about whether a matter is an actual complaint, the Complaints Manager will seek legal advice.

1.2 Who can make a Complaint?

- Any child, young person, their parent or person with parental responsibility for them who is being looked after by the local authority or is in need.
- Any local authority foster carer, including those caring for children placed by independent fostering agencies.
- Any child, young person, their parent or person with parental responsibility for them who is being looked after by the local authority or is in need.
- Children leaving care.
- Special Guardians
- A child or young person (or their parent) with a Special Guardianship Order.
- Anyone who has applied for an assessment under section 14F (3) or (4).
- Any child or young person who may be adopted, their parents and guardians.
- Anyone wanting to adopt a child.
- Anyone else the adoption services covers
- People adopted, their parents, natural parents and former guardians.
- Anyone the local authority considers has sufficient interest in the child or young person's welfare.
- An adult representing a child or young person, where the young person is happy for this to happen and the representative reflects their views. The local authority – Complaints Manager and operational manager - can decide whether the representative is suitable.

2. Stages of the Complaints Procedure

The complaints procedure has three stages:

- Stage 1 – Local Resolution
- Stage 2 – Investigation
- Stage 3 – Review Panel

Details of the timescales and process involved at each stage is outlined in Appendix 1.

3. Stage 1 Complaints - Statistics

The Complaints Manager recorded 24 complaints at stage 1 of the complaints procedure, during 2006-07, compared with 36 in 2005-06 and 24 in 2004-05. This figure is the total number of complaints that the Complaints Manager handled. As some of these complaints are still live (having entered our monitoring system before 31 March 2007 and not yet concluded) they will be included in the next business year's set of figures as well. Similarly 3 out of the 36 in 2005-06 were concluded in 2006-07.

Total complaints made:

Between 1 April 2006 and 31 March 2007, we received 24 complaints with 23 closed (at Stage 1).

Date Received	Complainant Name	Referrer Code	Young Person /CIC	Complaint Type/Reason	Service Code	Resolved
06-Apr-06	Mrs McC	Relative		Lack of Communication	Assessment & Care Planning	Yes
16-Apr-06	Mr J W	Relative		Lack of Information	Assessment & Care Planning	Yes
09-May-06	S J	Service User	Young Person/ CIC	Conduct/Attitude of Staff	Assessment & Care Planning	Yes
31-May-06	Mrs K	Relative		Lack of Communication	Assessment & Care Planning	Yes
26-Jun-06	Ms A B	Neighbour		Quality of Service provided	Fostering & Adoption	Yes
04-Jul-06	Ms L R	Parent		Assessment – Children's	Assessment & Care Planning	Partially
11-Aug-06	Mrs S H	Parent		Conduct Attitude of Staff	Family Support	Yes
31-Aug-06	Ms M R	Relative		Quality of Service provided	Assessment & Care Planning	Partially
08-Sep-06	Mrs L A	Parent		Delay in Service	Assessment & Care Planning	Yes
20-Sep-06	Mr D A	Parent		Assessment – Children's	Assessment & Care Planning	Partially
17-Oct-06	Mrs D	Relative		Delay in Service	Assessment & Care Planning	Yes
08-Nov-06	Mr & Mrs M	Relative		Decision	Family Support	No
14-Nov-06	Mr D A	Parent		Assessment - Childrens	Family Support	Yes
23-Nov-06	Mrs J A	Relative		Assessment - Childrens	Joint Complaint with Derbyshire CC.	No
31-Jan-07	Ms C C	Foster Carer	CIC	Delay in Service	Assessment & Care Planning	Partially
12-Feb-07	Mrs H	Other		Quality of Service provided	Assessment & Care Planning	Yes
21-Feb-07	A K & W S	Foster Carer		Conduct Attitude of Staff	Fostering & Adoption	Yes
28-Feb-07	Mr C G	Parent		Conduct Attitude of Staff	Assessment & Care Planning	Partially
13-Mar-07	Mr P G	Relative		Conduct Attitude of Staff	Integrated Disabled Children's Service	No
15-Mar-07	Mr B D	Relative		Conduct Attitude of Staff	Reception & Hospital Services	No
26-Mar-07	Mr J S	Relative		Assessment - Childrens	Family Support	Withdrawn
27-Mar-07	Miss M T	Parent		Assessment - Childrens	Reception & Hospital Services	Withdrawn
28-Mar-07	Ms J A	Parent		Reduction of service provided	Family Support	No
30-Mar-07	Ms M D	Parent		Conduct/Attitude of Staff	Reception & Hospital Services	Partially

Of these, 1 progressed to Stage 2. A further complaint, which had been in the system since June 2005, also progressed to Stage 2.

Of those, 0 proceeded to Stage 3. However we had an on-going complaint from 2005/06 from Ms C which resulted in a Stage 3 hearing in December 2006. The outcome was that, of the 3 parts of the complaint, 2 parts were partially upheld and 1 part was not upheld.

It is clear from discussions with managers that there is a lack of clarity about when a concern becomes a Stage 1 complaint and this is an area for further development in 2007/08.

From 1 July 2007 a new Complaints database will be operational and the aim is to ensure a more robust processing and recording of Stage 1 complaints.

3.1 Comparison with the preceding year

	2005-06	2006-07
Stage 1: Local Resolution	36	24
Stage 2: Investigation	4	2
Stage 3: Review	*1	*1
Ombudsman	0	2

* All these complaints are the same on-going complaint (Ms C) that started in 2005 and concluded in 2006.

This indicates a 33% decrease in complaints from last year within the Department (from 36 in 2006/7 to 24 in 2005/6).

This also sits within the wider context of complaints activity in the Council as a whole. Across the Council there was a 16% increase in the number of complaints recorded in the same period.

We believe that the reasons for a decrease in the level of complaints are as a result of issues being better handled and concerns being resolved before they become a formal complaint. There was training for all staff in Children's Homes in 2006 in how to handle complaints from Children Looked After, which we hope has contributed to a decrease. We also believe there has been improved service delivery. There is a greater determination by Heads of Service to resolve issues quickly. However we feel there is further work that can be done to improve communications and explanations of actions so service users are better prepared and have a greater understanding of what will happen. Work relating to this will be progressed in 2007/8.

It should be noted that a complaint is reborn when it passes to the next stage in the process, thus Stage 3 complaints are also recorded at Stage 2 and Stage 2 complaints are also recorded at Stage 1.

3.2 Nature of complaints during 2006/07

Complaint Type	Number	%
Assessment	6	25%
Decision*	1	4.2%
Conduct/Attitude	6	25%
Refusal of Service	1	4.2%
Delay in Service	3	12.5%

Lack of Information	1	4.2%
Lack of Communication	2	8.4%
Quality of Services	3	12.5%
Reduction of Service	1	4.2%
Total	24	

*this related to a decision about a payment

The highest number of complaints received during this year, were about Assessment, 25% and Conduct and Attitude of Staff, 25%.

Complaints about Assessment have increased from 5.5% to 25%. This is very often linked to a complainant being unhappy about the outcome, such as the removal of children for their safety.

Complaints about Conduct and Attitude have decreased from 33.33% to 25%
 Complaints about Quality of Service have decreased from 30.5% to 12.5%
 Complaints about Communication have decreased from 13.88% to 8.33%

3.3 Outcomes of complaints

11 were resolved, 6 were partially resolved, 5 were not resolved and 2 were withdrawn by the complainant.

A key requirement of the reform of our complaints procedures has been the importance of informing our service users of the outcome of their complaints.

3.4 Response times

The Department responded to 7 complaints within 10 working days, 29.16% of all complaints received.

The average response time for 2006-07 is 17 days, compared with 10 days in 2005-06 and 26 days in 2004-05

This figure should be seen against the Council's objective of responding to 85% within its target time of 10 working days.

In other Council departments, the percentage of corporate Stage 1 complaints responded to within 10 working days was 88%. We believe the complexity of social care complaints is the principal reason why our performance is different.

It is essential that all teams delivering services (including the Department's contractors) formally capture and record complaints. It is only by doing so that complaints can be tracked and where things have gone wrong managers can ensure that matters are put right. Senior management therefore regularly encourage teams to recognise and record complaints and report these to the Complaints Officer.

3.5 Referrer

Following the guidance produced by the Department of Health and the Department for Education and Skills, we are identifying who is making the complaint to get a greater understanding of our complainants.

Complaint made by:

Children's Services – person making the complaint	
MP	0
Councillor	0
Employee	0
Doctor	0
School	1
Service User	1
Parent	9
Relative	10
Friend	0
Legal Rep	0
Partner	0
Neighbour	1
Foster Carer	2
Other	0

3.6 Services complained about

During 2006-07 the largest number of complaints received, 12, were about Assessment and Care Planning, 5 complaints were received about Family Support, 3 regarding Fostering and Adoption, 2 about Reception and Hospital Services, 1 concerning Integrated Disabled Children's Services and 1 complaint was investigated jointly with Derbyshire County Council.

During 2005-06, 22 of the 36 complaints received were about Social Work services and 6 were about Foster Care.

4. Equalities Information – Service Users

Service	TOTAL
Number of complainants	24

Gender of Service User

Male	15
Female	11

These figures include the details of all the children in a family, when the complaint made was on behalf of the whole family, but do not include all complaints, as equalities information was not recorded for every complaint.

Ethnic Origin of Service User

White British	9
White Irish	0
Other White background	0
Mixed White & Black Caribbean	5
Mixed White & Black African	0
Mixed White & Asian	0
Other mixed background	0
Asian British	1
Other Asian background	0
Black British	3
Other Black background	0
Chinese	0
Other ethnic group	0
Not stated	0
Total	18

This table does not include the ethnic origin of all service users involved in complaints made as this information is not recorded.

Disability (including mental health problems)

Of the information recorded, one service user has both hearing and visual impairment and one service user has a physical disability.

Age of Service User

Under 5 years	5
5-10 years	6
11-18 years	7

This information does not include all children of families involved in complaints.

5. Stage 2 Complaints

There were 3 Stage 2 complaints during the year, compared to 4 in 2005-06. 0 complaints were subsequently withdrawn following further action and communication at the local level.

0 Stage 2 complaints required investigations undertaken by external independent investigating officers.

3 of the complaints came under the Local Authority Social Services Act complaints procedure.

0 came under the Children Act procedure.

There were varied issues referred to in the complaints that were made.

Of the 3 complaints that were considered, 1 was dealt with in the required time period, 1 took over six months and 1 complaint is still being investigated.

Reasons for delay include: one complainant raising a further stage 1 complaint in response to the final Stage 2 report.

The complaint still pending is complicated by various issues, particularly as it includes the Health Authority and Social care services in Norwich.

Of the 3 complaints, 1 was resolved, 1 complainant said he would not proceed to stage 3 despite his dissatisfaction and 1 complaint is still pending.

Response Times:

Within 25 days	1
Within 65 days	
Over timescale	2
Withdrawn	1*
Pending	1*

* The complaint which was withdrawn and the complaint that is still pending are both included in the figure for complaints that were over the timescale.

Outcomes:

Resolved	1
Withdrawn	1
Pending	1

Nature of Complaint:

Legal requirement not met	
Conduct or Attitude of staff	
Non-provision of requested Service	
Level of service	
Quality of service	2
Service Delay	
Withdrawal, reduction or change in service	
Failure to communicate	
Failure to carry out other required action	
Other Reason	1
Total	3

The nature of the Stage 2 complaint recorded as 'other reason' was about a child held in Derby whilst an investigation was carried out without the consent of the parent (the complainant), and there are several issues raised within the complaint.

6. Stage 3 Complaints

There was one Stage 3 complaint this year which had been ongoing since 2005. This compares with 0 Stage 3 complaints in 2005-06.

The solicitor who was acting as the supporter for the complainant requested an extension to the time period to prepare the case and we agreed to this. The Complaints Review Panel was held in December 2006. This was well in excess of the statutory timescales relating to social services Stage 3 complaints. However it was in the interests of the complainant that this was allowed in order for the complainant to be well supported.

As this was the only Stage 3 case, there is no average time for all Stage 3s however the case was exceptional and it is highly unusual for a Stage 3 to take so long. The complainant has subsequently taken the case to the LGO.

7. Ombudsman complaints and enquiries

During the year, 2 complaints were considered by the Local Government Ombudsman, both of these originated in 2005-06. One resulted in a compensation payment of £500, the other resulted in a compensation payment of £350.

Another complaint was initially sent to the Local Government Ombudsman, but the complainant was informed that the local authority had not had the opportunity to investigate and respond to the complaint and this is now in our system.

8. Percentage escalation

The following table indicates how many complaints have escalated from Stage 1 to Stage 2 and how many have progressed from Stage 2 to Stage 3. By measuring these figures as a percentage we are able to gauge customer satisfaction with our responses to their complaints.

	<i>Service Area:</i>
Stage 1 to Stage 2	12.5%
Stage 2 to Stage 3	0%

The Stage 3 complaint escalated in 2005-06 was resolved in 2006-07.

The escalation rate for complaints from Stage 2 to Stage 3 is 0 in 2006-07.

9. Expenditure

There are on-going costs attached to delivering an effective complaints service for the Department. These costs should be seen against the inherent costs of not providing this service (users will continue to be dissatisfied if there was no complaints procedure or team, but the Department would not have a strategic approach and there would be less opportunities for resolution).

9.1 Cost of delivering stages:

The Department does not employ Independent Investigators from outside the Department, thus there has been no expenditure on this.

During 2006-07 there were three Stage 2 investigations where an Independent Person was appointed.

There was one Stage 3 Review Panel during the year.

Training costs for shared Derby and Derbyshire Independent Persons Panel are shared with Derbyshire County Council.

During 2006-07 we incurred £135 costs. Other costs were paid by Derbyshire County Council.

There was no expenditure on independent investigations.

	£
Investigating Officers	0
Independent Persons	570.13
Review Panellists	£45
Advocates	0
Training	0
Other	£55
Total	670.13

9.2 Compensation Payments

The Council provides compensation if, after a complaint has been investigated or as part of an Ombudsman's investigation, it is concluded that:

- the Ombudsman would find 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.

During the year compensation totalling £850 was paid following consideration of complaints at Stage 2 of the Corporate Complaints procedure.

Payments related to the following service areas.

Service	Stage	Amount
Fostering & Adoption		£500
Fostering & Adoption		£350

10. Alternative Dispute Resolution

During the year there was no requirement for local initiatives to implement ADR and its success in meeting customer satisfaction thus remains untested.

11 Complaints dealt with by the local authority and NHS Bodies

Sometimes a complaint crosses over boundaries between the Local Authority and the NHS. Where this happens, people who use the services should not have to worry about who to approach with complaints about different aspects of the service they receive. Instead, the complaint can be made in its entirety to any one of the bodies involved. The regulations place a duty on local authorities and NHS bodies to co-operate with each other and to agree which of the two bodies takes the lead in handling complaints against them, to ensure a co-ordinated response.

Ideally, both responses should be completed simultaneously and reports delivered to the complainant together. To facilitate this, the two bodies should aim to work to the shorter of their respective complaints procedure timescales.

During the year there was one complaint, at Stage 2, that required investigation by both the Local Authority and the NHS..

12. Learning Lessons/Practice Improvements

Complaints provide senior managers with useful information about the way that services are delivered. The consideration of complaints has resulted in lessons learned as follows:

Stage 1:

- Ensure all appropriate staff understand that issues raised by service users must be dealt with quickly and not ignored
- Improve communications with service users when changes are made to processes and services so they have an understanding of what will happen
- Ensure all letters sent to carers/service users about respite arrangements are clear about what the carer/service user are expected to do in response. Make it explicit.
- Ensure staff understand what constitutes a complaint and try to prevent a comment becoming a complaint
- Ensure staff know what process they need to follow in handling complaints at Stage 1.

Stage 2:

- Ensure that service users and carers have all the necessary policies and procedures to understand why certain decisions are made
- Ensure procedures are followed rigorously where services are to be withdrawn
- Ensure that service users and their parents/carers are kept informed of all decisions made affecting them
- Ensure service users are given an explanation of what is to happen and why it will happen before it happens not after
- Ensure all staff are aware of the advocacy services and how to access them for service users

Complaints Manager: Sian Hoyle
Date: 19 December 2007

APPENDIX 1

STAGES OF THE COMPLAINTS PROCEDURE

Stage 1. This is the most important stage of the complaints procedure. The Department's teams and external contractors providing services on our behalf are expected to resolve as many complaints as possible at this initial point. At the first stage the local managers will normally handle it.

The Council's complaints procedure requires complaints at stage 1 to be responded to within 10 working days (with an automatic extension to a further 10 days where necessary).

Stage 2. This stage is usually implemented where the matter is not resolved locally or the complainant is dissatisfied with the findings of Stage 1. The complainant has 20 working days from the expiry of the Stage 1 time limit, or the date the Council sent its response, to request consideration at Stage 2. The complainant has the right to move to Stage 2 if the timescale has elapsed for Stage 1 and the complainant has not received an outcome, although this timescale can be extended with the complainant's agreement.

Stage 2 is a detailed investigation conducted by a manager from outside the originating service of the complaint. The Complaints Manager will appoint an Independent Person (from a Panel of Independent People held by the department for both Adult and Children and Young People's services in both Derby City and Derbyshire) accompanies the Investigating Officer in all complaints. An Assistant Director adjudicates on the findings.

Since September 2006, Stage 2 complaints falling within the Children and Young People's statutory complaints procedures should be dealt with in 25 working days, although in certain cases this can be extended to 65 working days.

Stage 3. The third stage of the complaints process is the Review Panel.

Where complainants wish to proceed with complaints about statutory Children and Young People's Services functions, the Council is required to establish a complaints Review Panel.

Where Stage 2 of the complaints procedure has been concluded and the complainant is still dissatisfied, s/he is eligible to request further consideration of the complaint by a Review Panel. As it is not possible to review a complaint that has not yet been fully considered at Stage 2, including providing the report(s) and adjudication to the complainant, it is essential there is no unnecessary delay in concluding Stage 2.

Review Panels are designed to consider whether the Council adequately dealt with the complaint in the Stage 2 investigation. They do this by:

- listening to all parties
- obtaining any further information and advice that may help resolve the complaint to all parties' satisfaction
- focusing on achieving resolution for the complainant by addressing the clearly defined complaints and desired outcomes
- reaching findings on each of the matters being reviewed
- making recommendations that provide practical remedies and creative solutions to complex situations

- supporting local solutions where the opportunity for resolution between the complainant and the Council exists
- identifying any consequent injustice to the complainant, where complaints are upheld, and to recommend appropriate redress and
- recommend any service improvements for action by the Council.

The Review Panel must be alert to the importance of providing a demonstrably fair and accessible process for all participants. Many complainants find this stage to be a stressful experience and it is important that the Panel is customer-focused in its approach to considering the complaint.

Complaints Review Panels are made up of three people:

- one Elected Member of the Standards Committee
- and two Independent Members (one from the Standards Committee and the other from the panel of Independent Persons, who chairs the hearing).

There are various timescales relating to stage 3 complaints. These include:

- setting up the Panel within 30 working days of the receipt of a request for a Review
- producing the Panel's report within a further 5 working days; and
- producing the local authority's response from the relevant Director within 15 working days of receiving the Review Panel's report.

A further option for complainants is the Local Government Ombudsman (LGO) who is empowered to investigate where it appears that a Council's own investigations have not resolved the complaint. Complainants can refer their complaint to the LGO at any time, although the Ombudsman normally refers the complaint back to the Council if it has not been considered under our procedure first.