

DERBY CITY COUNCIL

Children and Young People's Services

(including Social Care Complaints)

ANNUAL REPORT for period

April 2012 – March 2013

1 - Context

This report provides information about complaints made during the 12 months between 1 April 2012 and 31 March 2013 under the complaints and representatives procedures established through the Local Authority Social Services complaints (England) Regulations, 2006. This is the seventh separate Annual Report since the Council restructured its services.

Social Care is 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.

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 57 complaints at Stage 1 of the Complaints Procedure during 2012 -13, the same number of complaints received in 2011- 2012.

The number of complaints received needs to be compared against the level of activity within the service.

During 2012-13, 4384 children and young people received a social care service and the number of complaints received represents 1.3% of the case load.

In 2011-12, 5394 children and young people received a social care service and the number of complaints received represents 1.05% of the case load.

The reduction in the number of children and young people receiving a service, from the previous year, is again due to the increased number of children supported by the Early Intervention teams,

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 2012-13 relate to:

- Conduct/attitude of Staff 22.2%
- Assessment 22.2%
- Decision 20.4%

- Quality of service 20.4%
- Lack of Communication 9.3%

The number of complaints received relating to Conduct/Attitude of Staff has reduced from 26.3% in 1011-12 to 22.2%. Of the 12 complaints received in this category four related to the same member of staff

The number of complaints relating to Lack of Communication has reduced from 14% received in 2011-12 to 9.3%

Complaints relating to the following areas increased:

- Assessment from 15.8% to 22.2%
- Decision from 14% to 20.4%
- Quality of Service from 5.3% to 20.4%

During 2012-13 there has been an increase in complaints relating to all Locality Services, with the highest number relating to Locality 1&5, which represents 22% of all complaints received.

The number of complaints received relating to the Children in Care Service has halved, which during 2011-12 received the largest number of complaints.

There has been a continuing reduction in the number of complaints relating to Reception, from 41% to 23% to 17.5% this year, of all complaints received.

2.3 Referrer

See Table 5 in Appendix 2.

37 complaints received are from parents, five 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. VOYCE (CSV Children's Rights Service) continue to support young people and provide advocacy for those wanting to make a complaint.

2.4 Outcome of Stage 1 Complaints

Between 1 April 2012 and 31 March 2013, nine of the 57 complaints received were not able to be investigated: six were due to current court proceedings, two complainants had insufficient interest to make a complaint on behalf of the child or young person and one was considered out of time, as it related to something which happened 15 years ago. Of the six complaints that could not be investigated due to current court proceedings, four were withdrawn/issues resolved in court and two were still pending/awaiting completion of proceedings at the end of the year.

Of the 48 that were investigated: 24 were not upheld, 21 partially upheld and 3 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.

68.7% of complaints were responded to within 20 days compared with 61% of complaints in 2010-11. The average response time in 2012-13 was 12.9 days compared with 22.5 days in 2011-12. This represents a vast improvement in the time complainants are receiving a response to the concerns they have raised.

3 - Stage 2 Complaints

3.1 Complaints received

Three complaints were investigated at Stage 2 of the Complaints procedure during 2012-13, including two complaints from 2011-12 which moved to Stage 2 in 2012-13. During 2012-13 6.25% complaints escalated from Stage 1 to Stage 2. In the previous year, no complaints moved to Stage 2.

We continue to use the rota of HoS and DHoS to enable the speedy allocation of Investigating Officers for Stage 2 complaints.

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

Of the three Stage 2 investigations, one was completed and resolved at Stage 2 of the complaints procedure. None of the four areas of the complaint considered were upheld by the investigation.

The completion of another investigation was delayed until July 2013, partly due to two 'pauses' in the investigation at the request of the complainant and the amount of additional information being provided by the complainant during the investigation. This complaint was not resolved at Stage 2 of the complaints procedure.

The third investigation did not commence until April 2013, due to delays in trying to obtain 'desired outcomes' from the complainant prior to the commencement of the investigation.

4 - Stage 3 Complaints

There were no complaints considered at Stage 3 of the Complaints Procedure during 2012-13. This compares with one Stage 3 complaint in 2011-12.

5 - Ombudsman complaints and enquiries

For the year 2012-13 the LGO only presented the total number of complaints received by each authority. They were unable to provide the detailed information offered in previous years, due to a change in their business processes during the course of 2012-13 which resulted in them not being able to provide a consistent set of data for the entire year.

From complaints information available four complaints were presented to the LGO during 2012-13:

one was considered to be a 'premature complaint'

one resulted in a decision 'not to investigate'

one investigation found 'No fault' with the council's actions

and one investigation was 'discontinued' following the council providing a satisfactory remedy of £675 compensation for the delay in providing support identified following an assessment.

This compares with seven complaints and enquires received by the LGO during 2011-12, which resulted in two compensation payments of £500 and £350 respectively.

6 - Conclusions/Learning Lessons/Practice Improvements

6.1 Conclusions

Throughout 2012-13, there have been six monthly meetings between the Complaints Officer and HoS Quality Assurance, and between the Complaints Officer and the Advocacy service. This has enabled improvements in the support to young people wishing to complain and has enabled learning from complaints to be linked to other quality assurance activity. It would also allow easier resolution of any difficulties in responding to complaints, although there have not been any situations in 2012-13 where this was necessary.

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.

The number of complaints received directly from children and young people has remained the same. We commend the work of VOYCE in Derby who provide an advocacy service to children in care and who we have worked closely with over the year.

The overall numbers of complaints has remained the same, although there have been an increased number of complaints that were unable to be investigated for various reasons. 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.

Changes have been made to the information collected in relation to complaints and the format of this report, allowing clearer identification of which areas complaints received relate to, and the outcomes of complaints.

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.

The One Derby One Council programme, which looks to standardise, simplify and centralise customer management, presents us with an opportunity to review and further improve the management of the complaints process.

During 2012-13 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.

However, the central recording system has been poorly used by staff in CYP and therefore the statistics derived from the system are inaccurate and inadequate. This process is currently being reviewed and further training is planned.

6.2 Practice Improvements in 2012-13 associated with complaints

Recommendations and actions from complaints in 2012-13 include:

- written confirmation to be sent to parents confirming 'case closed' – this is commonly undertaken although not in all cases; some confirmation is given verbally.
- Adoption Service to ensure that the 'feelings of pet-owning families be explored more fully' during the adoption vetting process, should a family pet have to leave the family home – this is taken into consideration in adoption assessments
- ensure there is a prompt response to complaints received – timescales have improved this year
- the need for Core Groups to check 'legalities' – legal advice is available to staff and to conference chairs; such issues are also checked at conferences.
- records to be secured as confidential where relating to allegations against staff – processes around this are now in place
- 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

- review Stage 1 processes and issue guidance to ensure a certain minimum standard is consistently undertaken in respect of completing Stage 1 complaint responses – advice has been passed on to investigating managers but further follow up is needed
- ensure consistency and legality of payments to carers – a Friends and Family Policy and agreements around payments is under development
- ensure records are accurate and make any factual corrections in a timely fashion – individual examples addressed but this is a recurrent issue.

Where complaints relate 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

- a) HoS QA continue to meet six-monthly with the Complaints Officer with a view to producing an interim report in January for April-Sept figures, and annual report in July for the full year. These will be reported to the Performance Improvement Board. Complaints information will be linked to other quality assurance information where applicable.
- b) The Council reporting system needs to be used systematically, to record the nature of the complaint and recommendations; this can then be followed up to check implementation of agreed actions.
- c) Review information around CYP processes which can be made available to children, parents and carers in paper copy or on the Council website, and ensure it is used consistently.
- d) Highlight the importance of maintaining accurate records and monitor the correcting of mistakes.
- e) Complete the work around payments to carers and ensure information is available on the website or as needed.
- f) Review guidance/training for managers around stage 1 complaints to promote a positive, learning approach which will support better resolution at Stage 1.
- g) Promote reflection on team or service culture and individual behaviour, and consider how to improve user perception of staff conduct and attitudes.

Christine Gibbs Complaints Officer
Nina Martin HoS QA
14 October 2013

Appendix 1

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 cover.
- People who are 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.

1.3 Stages of the Complaints Procedure

The complaints procedure has three stages:

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

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 independent people from either the Standards Committee or the panel of Independent Persons, one of which 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.

Appendix 2 - Tables

Table One

Volume of complaints by stage for each year from 2010-11.

	2010 - 11	2011 – 12	2012 - 13
Stage 1: Local Resolution	45	57	54
Stage 2: Investigation	1	0	3
Stage 3: Review	1	0	0
Ombudsman	6	7	4

Table Two

Table 2 below analyses the nature of complaints by complaint type since 2010-11.

Complaint Type	2010-11		2011-12		2012-13	
	No	%	No	%	No	%
Assessment – Children’s	8	17.8%	9	15.8%	12	22.2%
Conduct/Attitude of Staff	10	22.2%	15	26.3%	12	22.2%
Contact	0	0.0%	6	10.5%	0	0%
Decision – Children’s	13	28.9%	8	14.0%	11	20.4%
Delay in Service	4	8.7%	4	7.0%	0	0%
Lack of Communication	4	8.9%	8	14%	5	9.3%*
Lack of Information	1	2.2%	0	0.0%	0	0%
Policy Issue	0	0.0%	1	1.75%	1	1.8%
Quality of Service	3	6.66%	3	5.3%	11	20.4%
Refusal of Service	0	0.0%	1	1.75%	0	0%
Reduction in Service	1	2.2%	0	0%	0	0%
Withdrawal of Service	0	0.0%	0	0%	1	1.8%
Other	1	2.2%	2	3.5%	1	1.8%
TOTAL	45		57		54	

Table Three

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

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

Table Four

Table 4 below details the distribution of complaints by service

Complaint Type	2011-12		2012-13	
	No	%	No	%
Reception	14	23.3%	10	17.5%
Localities 1 & 5	9	15%	13	22.8%
Locality 2	7	11.7%	9	15.8%
Localities 3 & 4	4	6.7%	7	12.3%
Children In Care	16	26.7%	8	14%
Fostering and Adoption	4	6.7%	3	5.3%
Disabled Children	1	1.7%	4	7%
Safeguarding	1	1.7%	0	0%
Leaving Care	1	1.7%	0	0%
Quality Assurance	2	3.3%	2	3.5%
Chesapeake	1	1.7%	1	1.8%

Table Five

Analysis of person making the complaint

Person making the complaint	2010-11	2011-12	2012-13
Child	5	5	5
Parent	25	35	37
Relative	10	6	10
Foster Carer	2	6	1
Doctor	0	0	0
School	0	0	0
Friend	2	0	0
Legal Representative	3	1	0
Partner	0	0	0
Neighbour	0	0	0
Advocate	0	0	0
Employee	0	0	0
MP	1	0	0
Councillor	1	0	0
Other	0	4	4

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

AGE	
Under 5 years	26
5-10 years	26
11-18 years	29
19-21 years	0
Unknown	2

Table Seven

Gender	
Male	39
Female	43
Unknown	5

Table Eight

Ethnic Origin	
White British	39
White Irish	0
Other White Background	2
Dual Heritage/White	0
Mixed White & Black Caribbean	0
Mixed White & Black African	3
Mixed White & Asian	7
Other Mixed Background	0
Asian/Asian British	12
Other Asian Background	0
Black British	0
Black/Black British Caribbean	0
Other Black Background	0
Chinese	0
Other ethnic group	0
Unknown	22

Disability

Of the information recorded, four children and young people are recorded as having a disability. One complainant is recorded as having a disability themselves.

Appendix 3 - Stage 2 Investigations

Table Nine

Response Times	2010-11	2011-12	2012-13
Within 25 days			
Within 65 days			
Over timescale	1		2
Withdrawn			
Pending			1

Table Ten

OUTCOME	2010-11	2011-12	2012-13
Resolved	0		1
Withdrawn	0		
Pending	1		1
Unresolved	0		1

Table Eleven

Nature of Complaint	2010-11	2011-12	2012-13
Assessment – Children’s			
Conduct/Attitude of Staff			1
Contact			
Decision – Children’s			1
Quality of Service	1		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			
TOTAL	1	0	3

Table Twelve

Escalation	Number	Percent
Stage 1 to Stage 2	3	6.25%
Stage 2 to Stage 3	0	0%