



DERBY CITY COUNCIL

## CHILDREN AND YOUNG PEOPLE COMMISSION 19 September 2006

Report of the Director of Corporate and Adult Social Services

### Annual Children and Young People's Social Care Services Complaints 2005/06

#### RECOMMENDATION

1. Consider and comment on the Annual Children and Young People's Social Care Services complaints during 2005-06.

#### 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 Adult Social Services Complaints Procedure is separate from, but complementary to, the Council's Corporate Complaints Procedures.
- 2.2 This statutory annual report looks Children and Young People's Social Care Services complaints during 2005-06.

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<b>Background papers:</b>	None
<b>List of appendices:</b>	Appendix 1 – Implications Appendix 2 – Complaints and Representations Procedure Annual report

<b>IMPLICATIONS</b>
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**Financial**

1. None arising from this report.

**Legal**

2. The Adults Social Services Complaints Procedure is prescribed by the NHS and Community Care Act 1990 and the Local Authority Social Services (Complaints Procedure) Order 1990.

**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 Objective of building healthy and independent communities through improving the standard of social care for vulnerable adults and older people

**Derby City Council  
Children and Young People's Services Department  
(Social Care Services)**

**COMPLAINTS AND REPRESENTATIONS PROCEDURE**

**ANNUAL REPORT**

**APRIL 2005 – MARCH 2006**

## **Introduction**

This is the 8<sup>th</sup> and last Annual Report for Derby Social Services and the first specifically focused on Children and Young People's Services. The report is a statutory requirement, which monitors the operation of the Complaints and Representations Procedure.

This report looks at the complaints received by Children and Young People's Services during 2005-06. 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 some attention.

The Children and Young People's Services Complaints and Representation Procedures are prescribed by Regulation laid down under the Children Act 1989.

When things go wrong it is important that we learn from our mistakes and make the necessary changes that ensure the same mistakes are not repeated. We have done this by way of our reports to the Social Services (Performance) Departmental Management Team meetings, and by analysing upheld complaints and actions for Assistant Directors to take forward. In this way we can improve the quality of services provided. The objective of the procedure is to address individual concerns about the delivery, quality and appropriateness of the services we provide. In general the data should not be relied upon to provide a sole indicator on the quality of services, but it can highlight specific concerns at particular times and give a guide to remedial action.

Complaints also provide important information for the continual improvement of services based upon the expectations of service users. The increasing customer focus of services is also demonstrated by the increase in customer satisfaction surveys, which give important information and allow individual service users to participate in the improvement of services.

Whilst acknowledging that complaints data provides important information about customer opinion, it is important to recognise that whilst 36 customers felt the need to complain during 2005-06, this is in the context of a service that received 2285 referrals and provided services to 3492 open cases during the year.

## **The Complaints Procedure**

The Complaints Procedure consists of three stages. These procedures are being reviewed and revised in light of the introduction of new Department for Education and Skills Regulations in September 2006. The current procedure consists of:

### **Stage 1 – Problem Solving**

The emphasis is to resolve a complaint as effectively as possible at the local level involving those people who know most about the complaint. At the first

stage of the procedure the local managers will normally handle it. The procedure requires the complaint to be formally acknowledged within 5 working days. The objective of the Local Manager is to resolve the complaint, if possible through discussion, taking appropriate remedial action. This stage of the procedure should be completed within 28 working days. However, more complex complaints may take longer.

There is rightly a very heavy investment of staff and management time in resolving issues at the first stage. The vast majority of complaints in Children and Young People's Services have been resolved at Stage 1 and complaints are responded to within timescales at this stage of the procedure. This is good practice.

### **Stage 2 – Formal Investigation**

If the complainant remains dissatisfied with the outcome of the first stage they can request formal investigation of their complaint. Under this stage, an officer from outside the originating service of the complaint carries out a detailed investigation. An Independent Person accompanies the Investigating Officer in all complaints. This stage of the procedure should be completed within 28 days, although up to three months is available for more complex matters. The Investigating Officer presents the draft report to the complainant seeking agreement of facts, and then presents the final report to the Assistant Director responsible for the service who responds to the complainant.

### **Stage 3 – Review Panel**

If the complainant remains dissatisfied when attempts at resolution have proved unsuccessful, the complainant has the right to put matters before a Complaint Review Panel. The Panel consists of one Elected Member of the Standards Committee and two Independent Members one also from the Standards Committee and the other from the panel of Independent Persons, who chairs the hearing. The Panel will make recommendations to the Director of Children and Young People's Services.

Difficulties persist in meeting timescales at Stages 2 and 3 of the procedure, partly due to the complexity of complaints proceeding to Stages 2 and 3, and partly due to competing workload pressures.

### **Local Government Ombudsman**

The complainant has recourse to the Local Government Commissioner for Administration (the Ombudsman) to seek redress at any stage. However, the Ombudsman would normally expect this to occur after the complainant has given the Department an opportunity to address concerns or complaints via its three-stage process.

### **Independent Persons**

The Department uses Independent Persons in all cases of Stage 2 complaints involving Children's Services. The Independent Persons' Panel is jointly administered by Derby City and Derbyshire County Councils, including joint recruitment and training.

### **Advocacy**

The Complaints Section has worked closely with the newly established young people's advocacy service (VOYCE) to ensure that young people using the complaints procedure have access to an advocate to support them at any stage in the procedure.

### **Performance**

The department values the learning we can derive from complaints. We both 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 of itself a measure of performance, nonetheless, it is important that complaints are acknowledged and responded to promptly.

It is essential for reporting purposes that all complaints received within the department are copied to the Department's Complaints Section, together with copies of all Stage 1 response letters, to enable accurate reporting figures to be compiled.

In order to comply with equalities legislation, and to ensure complete reporting, from April 1 2006 all complaints registered at Stage 1 will have equalities information recorded.

## **Numbers of Complaints Received – Departmental Total**

<b>2004/05</b>		<b>2005/06</b>
<b>24</b>	<b>Stage one complaints</b>	<b>36</b>
<b>8</b>	<b>Stage two complaints</b>	<b>4</b>
<b>3</b>	<b>Stage three complaints</b>	<b>0</b>

It is important to note that a complaint is reborn when it passes to a new stage. For example Stage 3's are also recorded in Stage 2 and Stage 2's are also recorded in Stage 1.

Some of the increase in Stage 1 is the result of improvements to processes and data collection.

The average time from receipt of Stage 1 complaints to resolution has reduced by three-fifths, from 26 days during 2004-05 to 10 days in 2005-06. This reflects significant improvements in processing complaints.

Although there has been an increase in the number of Stage 1 complaints received by the Department in 2005-06, the number of those progressing to

Stage 2 has halved, with none of these progressing to Stage 3. Together with average times from receipt to resolution coming well within prescribed limits, it paints a positive picture of an actively listening department. The department responds quickly and with more service user satisfaction. This satisfies the key requirements of national guidance.

### Source of Complaint

Of the 36 complaints received in 2005-06 (24 in 2004-05), the majority were received from the service user (18) and relatives (6), whereas in 2004-05 the largest group were from relatives (7), closely followed by the service user (6).

### Types of Complaint

In 2005-06 the largest number of complaints received were about the conduct and attitude of staff (12), the quality of service provided (11) and lack of communication (5) whereas in all other categories there are only one or two.

### Service Area

During 2005-06 the largest number of complaints were about Social Work services (22) and Foster Care (6), again with all other categories attracting only one or two.

## Stage 1 Complaints

<b>Complaint Type</b>	Month												Total
	A	M	J	J	A	S	O	N	D	J	F	M	
Assessment						2							2
Decision									1				1
Contact								1		1			2
Conduct/Attitude		1		1	2		2		1	1	2	2	12
Refusal of Service													
Delay in Service						1							1
Withdrawal of Service													
Lack of Information						1						1	2
Lack of Communication				1	2						1	1	5
Quality of Services	1		2		1	2	3				1	1	11
Reduction of Service													
Service not Available													
Policy Issue													
Social Services Unrelated													
<b>Total</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>5</b>	<b>6</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>5</b>	<b>36</b>

Month													
<b>Referrer Type</b>	A	M	J	J	A	S	O	N	D	J	F	M	Total
MP				1	1				1				3
Councillor													
Employee													
Doctor													
School	1		1		1								3
Service User		1	1	1	3	6	2	1			2	1	18
Relative									1	2	1	2	6
Friend													
Legal Rep											1		1
Partner													
Neighbour													
Foster Carer												1	1
Other							3					1	4
<b>Total</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>5</b>	<b>6</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>5</b>	<b>36</b>



## Stage 1 Complaints

Service Area	Month												Total
	A	M	J	J	A	S	O	N	D	J	F	M	
Social Work		1	2	2	5	3	5	1			2	1	22
Day Care						1							1
Foster Care						1			1		1	3	6
Adoption						1							1
Equipment/Adaptations													
Finance													
Accommodation													
Local Authority	1									1			2
Private													
Voluntary													
Agency													
School													
Welfare Rights													
Under 8 / Family Support													
Child Protection												1	1
Disability											1		1
After Care													
Adolescent / YP													
Mental Health													
Careline													
Not Recorded									1	1			2
Total	1	1	2	2	5	6	5	1	2	2	4	5	36

## Stage 2 Complaints

Of the four Stage 2 complaints, one did not proceed, two service users withdrew and one was resolved by re-assessment. None went through to Stage 3.

## Developmental Issues for the Complaints and Representation Service

The 2006 Regulations drafted under the Children Act 1989 presents both the Department and the Complaints Procedure with several challenges in relation to the way we deal with complaints. These proposals were originally due to come into effect in October 2004; were initially deferred to April 2005, then to October 2005, again to July 2006, and are now confirmed for September 2006. The most significant changes are:

- the informal resolution stage of the Complaints Procedure will be no more than 10 working days, after which, if a complainant has not received a response, they have an automatic right to move to Stage 2. The 10 days can be extended but this must be either at the complainant's request, or with the complainant's agreement where matters are complex or where an advocate is sought.

- Stage 2 complaints will have a timescale of 25 working days, although this can be extended up to 65 working days (13 weeks) where matters are very complex or there are multi-agency issues involved
- the Stage 3 Review Panel is the independent review of the investigation and outcomes, and we have 30 working days within which to convene it
- Redress and alternative dispute resolution applies to all three stages and includes conciliation and mediation.

These changes present the Department with a challenge and it is important that all managers responsible for investigating complaints at Stages 1 and Stage 2 ensure that the early resolution of complaints continues to be afforded a high priority.