

**Derby Social Services**

**COMPLAINTS AND REPRESENTATIONS PROCEDURE**

**ANNUAL REPORT**

**APRIL 2004 – MARCH 2005**

## **1. Introduction:**

This is the 7<sup>th</sup> Annual Report produced by Derby Social Services. The report is a statutory requirement, and monitors the operation of the Complaints and Representations Procedure.

This report looks at the complaints received by Social Services during 2004/05. Complaints and compliments provide valuable feedback from our 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 be in need of some attention.

The Social Services Complaints Procedure is prescribed by the Children Act 1989 and the NHS and Community Care Act 1990

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 do this by way of reports to our Departmental Management Team (Performance) 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 services. In general the data should not be relied upon to provide a sole indicator on the quality of the service, 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 also give important information, and allows the individual service user 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 77 customers felt the need to complain during 2004-05, this is a decrease of 50% on 2003-04 and is in the context of a Social Services Department which received 6477 referrals (1835 in Children's Services and 4642 in Adult Services) and provided a service to 16670 people (3579 in Children's Services and 13091 in Adult Services) during the year.

## **2. The Complaints Procedure**

The Complaints Procedures currently consists of three stages. These procedures are being reviewed and revised in light of the introduction of new Department of Health, Department for Education and Skills, and Commission for Social Care Inspection regulations, which are scheduled to be implemented in October 2005.

### **2.1 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 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 both Adults and Children's Services have been resolved at Stage 1 and generally, complaints are responded to within timescales at this stage of the procedure. This is good practice.

## **2.2 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. If the complaint involves children, young people, or vulnerable adults an Independent Person accompanies the Investigating Officer. This stage of the procedure should be completed in 28 days, although up to three months is available for more complex cases. The Investigating Officer presents the draft report to the complainant seeking agreement of facts, and then presents the report to the Assistant Director responsible for the service who responds to the complainant.

Difficulties persist in meeting timescales at Stage 2 and 3 of the procedure, partly due to the complexity of complaints proceeding to Stages 2 and 3, and partly because senior operational managers and Stage 3 Panel members experience difficulty in reconciling their availability with competing workload pressures.

## **2.3 Stage 3 – Review Panel**

If the complainant remains dissatisfied when attempts at resolution have proved unsuccessful, the complainant can choose to put matters before a Complaint Review Panel. The Panel consists of one Elected Member from the Standards Committee and two Independent Members, one also from the Standards Committee and the other from the Panel. None of the Panel members have had any involvement with the case. The Panel will make recommendations to the Director of Social Services.

## **2.4 Local Government Ombudsman**

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

## **2.5 Independent Persons**

The Department uses Independent Persons in all cases of complaints involving children and vulnerable adults. The Independent Persons' Panel is jointly administered by the City and Derbyshire County Councils, including joint recruitment and training.

## **3. 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 Directorate's Complaints Section, together with copies of 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 2005 all complaints registered at Stage 1 will have equalities information recorded.

**Derby Social Services**  
**Complaints & Representations Procedure – Annual Report April 2004 – March 2005**

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### **3.1 Improved Access to the Complaints Procedure**

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.

A new set of publicity information is being produced aimed specifically at children and young people to inform them of their right to complain. Four different leaflets are to be launched ('Make Yourself Heard', which contains general information about complaints, advocacy, complaints forms, and Commission for Social Care Inspection (CSCI), and 'What Happens Now?', which explains the complaints stages and the Ombudsman, and will be automatically sent to any child or young person registering a formal complaint), both aimed at children aged up to 10 years, and young people aged 11 years plus.

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

	<b>2003/04</b>	<b>2004/05</b>
<b>Stage one complaints</b>	<b>114</b>	<b>81<sup>1</sup></b>
<b>Stage two complaints</b>	<b>10</b>	<b>6</b>
<b>Stage three complaints</b>	<b>1</b>	<b>3</b>

Whilst the number of Stage 1 complaints during 2003-04 in Children's Services remained the same as in 2003-04 at 24, the reduction in overall numbers is the result of a significant reduction in Stage 1 complaints being received about Adult Services, down from 90 to 55.

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.

The average time from receipt of Stage 1 complaints to resolution during 2004-05 was 26 working days, compared with 18 days in 2003-04. This is still within the 28 day limit

There has been a significant reduction in the number of Stage 1 complaints received by the Department. Together with average times from receipt to resolution within prescribed limits, it paints a positive picture of an improving department.

### **3.3 Stage 1 (Adult Services)**

#### **Source of Complaint**

Of the 55 complaints received (90 in 2003-04), the majority were received from the service user themselves (15), and relatives (29). This compares with 33 and 27 respectively for 2003-04.

#### **Types of Complaint**

In 2004-05 the majority of complaints (27) in adult services were received about the quality of the service, and to a lesser extent about decision made (14) and the conduct or attitude of staff (6). These are the same types of complaints, in the same order, as in 2003-04.

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<sup>1</sup> This includes 2 complaints registered with the Fostering Services. These have not been captured in this report in previous years.

**Derby Social Services**  
**Complaints & Representations Procedure – Annual Report April 2004 – March 2005**

**Service Area**

As in 2003-04 the largest number of complaints during 2004-05 were about domiciliary services (21), followed by learning disability services (11) with finance and social work in equal third place (7).

**Stage 1 Complaints – Adult Services**

<b>Complaint Type</b>	Month												Total
	A	M	J	J	A	S	O	N	D	J	F	M	
Assessment		1											1
Decision	5		4	1			1			2	1		14
Conduct/Attitude	1				1		1	1			1	1	6
Refusal of Service													
Delay in Service													
Withdrawal of Service													
Lack of Information			1										1
Lack of Communication						1	1				1		3
Quality of Services	3	1	2		3	3	5	5	2	2		1	27
Reduction of Service		1											1
Service not Available													
Policy Issue									1				1
Social Services Unrelated									1				1
<b>Total</b>	<b>9</b>	<b>3</b>	<b>7</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>8</b>	<b>6</b>	<b>4</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>55</b>

<b>Referrer Type</b>	Month												Total
	A	M	J	J	A	S	O	N	D	J	F	M	
MP	1	1		1			2		2	1			8
Councillor													
Employee													
Doctor													
Service User	5	1	2		2	1		3		1			15
Relative	4	1	4		1	3	6	3	2	2	2	1	29
Friend													
Legal Rep													
Partner													
Neighbour			1									1	2
Other					1								1
<b>Total</b>	<b>10</b>	<b>3</b>	<b>7</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>8</b>	<b>6</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>55</b>

**Derby Social Services**  
**Complaints & Representations Procedure – Annual Report April 2004 – March 2005**

Service Area	Month												Total
	A	M	J	J	A	S	O	N	D	J	F	M	
Social Work	2	1	1		1			1				1	7
Domiciliary	4		3		2	2	1	4	3	1	1		21
Day Care							1						1
Occupational Therapy													
Equipment/Adaptations													
Finance	1		2	1			2			1			7
Accommodation													
Local Authority		1											1
Private	1						3						4
Voluntary													
Residential Care													
Local Authority													
Private													
Voluntary													
Agency Placement													
Welfare Rights													
After Care													
Mental Health													
Elderly													
Learning Disability	2	1			1	2	1	1		1	2		11
Physical & Sensory Disability												1	1
Domiciliary Services Agency													
Contracting													
Careline										1			1
Private Day Care													
<b>Total</b>	<b>10</b>	<b>3</b>	<b>6</b>	<b>1</b>	<b>4</b>	<b>4</b>	<b>8</b>	<b>6</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>55</b>

### 3.3 Stage 1 (Children's Services)

#### Source of Complaint

Of the 24 complaints received during 2004-05, (the same number as in 2003-04) 7 were received from service users and 6 from relatives. This compares with 2003-04 when the number of complaints received from service users, by far the majority, was 14.

#### Type of Complaint

In 2004-05 the highest number of complaints were about the conduct or attitude of staff, and the quality of services (7). This reflects the position in 2003-04 when the highest number of complaints received was also about the conduct or attitude of staff and the quality of service (8 and 6 respectively)

**Derby Social Services**  
**Complaints & Representations Procedure – Annual Report April 2004 – March 2005**

**Service Area**

During 2004-05, by far the most complaints were received about social work services (13). This is a similar picture as in 2003-04, when social work services also received by far the most complaints (11)

**Stage 1 Complaint – Children’s Services**

<b>Complaint type</b>	Month												Total
	A	M	J	J	A	S	O	N	D	J	F	M	
Assessment											1		1
Decision		1							1				2
Contact								2					2
Conduct/Attitude	2	2						2				1	7
Refusal of Service													
Delay in Service													
Withdrawal of Service							1						1
Lack of Information													
Lack of Communication			1		1		1						3
Quality of Service	1		1			1			2	2			7
Service not Available													
Policy Issues													
Social Services Unrelated													
Not Recorded													
<b>Total</b>	<b>3</b>	<b>3</b>	<b>2</b>		<b>1</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>24</b>

<b>Referrer Type</b>	Month												Total
	A	M	J	J	A	S	O	N	D	J	F	M	
MP							1	1	1	1			4
Councillor													
Employee													
Doctor													
School									1				1
Service User	1	1	1		1			2	1				6
Relative	1	2				1		1		1	1		7
Friend													
Legal Representative									1			1	2
Partner													
Neighbour													
Foster Carer	2												2
Other													
Not Recorded							1						
<b>Total</b>	<b>4</b>	<b>3</b>	<b>1</b>		<b>1</b>	<b>1</b>	<b>2</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>24</b>

**Derby Social Services**  
**Complaints & Representations Procedure – Annual Report April 2004 – March 2005**

Service Area	Month												Total
	A	M	J	J	A	S	O	N	D	J	F	M	
Social Work	1	3	1			1		3	1	1	1	1	13
Day Care			1										1
Foster Care	2						2		2				6
Adoption					1			1					2
Equipment/Adaptation													
Finance													
Accommodation													
Local Authority										1			1
Private													
Voluntary													
Agency Placement													
School													
Welfare Rights													
Under 8s/Family Support													
Child Protection													
Disability													
Young Offenders													
After Care													
Adolescent/YP						1							1
Mental Health													
EDT													
Not Recorded													
<b>Total</b>	<b>3</b>	<b>3</b>	<b>2</b>		<b>1</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>3</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>24</b>

#### 4. Developmental Issues for the Complaints Service

The Health and Social Care Act 2003 presents both the Directorate and the Complaints Procedure with several challenges in relation to the way it deal with complaints. The most significant proposals, which will have fundamental impacts, are:

- CSCI will oversee local authority handling of complaints in relation to the provision of Social Services
- the informal resolution stage of the Complaints Procedure will be no more than 10 working days, after which, if a complaint is not resolved, the complainant has an automatic right to Stage 2
- Stage 2 complaints will have a timescale of 25 working days
- Members and the Director of Social Services will no longer own or manage the Stage 3 Review, all of which will be dealt with by CSCI.

These proposals were originally due to come into effect in October 2004 but were then deferred until April 2005, and have now been further deferred until October 2005.

These changes present the Directorate with a challenge and it is important that all managers responsible for investigating complaints at stages 1 and 2 ensure that the early resolution of complaints is afforded a high priority.