

# Children's Services Department

## Annual report on social care complaints and representations

**2009/10**

<b>Issue date</b>	<b>Date of last review</b>	<b>Date of next review</b>
June 2010		June 2011



**Hampshire**  
County Council

## **1. Introduction**

The Children's Act 1989 *Representation Procedure (England) Regulations 2006* requires Children's Services Departments to operate and maintain a complaints procedure for social care complaints from children, young people or their representatives.

The statutory guidance, *Getting the Best from Complaints, DfES 2006* outlines the required procedures, which the Complaints Manager has responsibility for overseeing.

The Annual Report is a public document, providing a mechanism by which the Department can be kept informed about the operation and effectiveness of its complaints procedure and support learning from complaints.

To provide an overall picture of Children's Services complaints, some information about non-social care complaints has been included in the report.

## **2. The procedure**

Social care complaints from, or relating to, children and young people are managed through the three-stage statutory process. Complaints about Special Educational Needs (SEN) services are included in this group.

Non-social care complaints are responded to under the three-stage corporate complaints process. An explanation of both processes is provided in Appendix 1.

School complaints are managed through each individual schools' complaints process. The complaints team will advise on the general principles and processes if contacted by parents, carers, schools or governors.

## **3. Publicity and information**

A new complaints leaflet was produced in April 2009 and circulated to social care teams and offices. The same information has been adapted and published on the Children's Services Hantsweb pages, along with an online form to submit complaints.

The complaints pages on Hantsweb have been updated to provide a comprehensive guide to making a complaint, comment or compliment about the Children's Services Department. The layout has been improved, to easily guide visitors to the correct process for the service they wish to make a representation about.

A communications strategy for complaints will be developed and implemented during 2010, which will address communicating and publicising the complaints and representations process to children and young people, through age appropriate publicity materials and channels. Children and young people will be involved in this process.

#### 4. Data and analysis

A new and improved version of the database used to record complaints and other representations (CSC Respond) was introduced in October 2009. Due to the incompatibility with the previous version and revised reporting categories, it is not possible to include a full year-on-year comparison. In addition, some data can only be extracted for the six-month period from October 2009 – March 2010.

##### 4.1 Number of complaints

**Table 1 – number of complaints received within reporting period**

Complaints received within period	2009/10			2008/09
	Children's social care	Non-social care	Total	Total social care and non-social care
<b>Stage 1</b>				
Received and managed by the Complaints Team	170	0	170	147
Managed locally	71	14	85	84
<b>Total Stage 1</b>	241	14	255	231
<b>Stage 2</b>	2	11	13	7 (all social care)
<b>Stage 3</b>	2	3	5	3 (all social care)
<b>Complaints as a % of children referred to Children's Services (Children in Need cohort)</b>	<b>2.5%</b>			

**Table 2 – number of complaints completed within reporting period**

Complaints completed within period	2009/10		
	Children's social care	Non-social care	Total
Stage 1 - completed & managed by the Complaints Team (managed locally data not available)	171	0	171
<b>Total - Stage 1 complaints (completed)</b>	171	0	171
Stage 2	2	10	12
Stage 3	2	3	5

Notes:

- All Stage 2 and 3 complaints are handled by the Complaints Team
- All Stage 2 complaints will already have received a response under Stage 1 of the process and all Stage 3 complaints will have received a response under both Stage 1 and Stage 2.
- The Complaints Team are involved in the majority of Stage 1 complaints. The remainder are managed locally and teams are asked to report details.
- Any representations that identify a safeguarding issue are immediately referred to the Referral and Assessment team or the Local Authority Designated Officer (LADO) for allegations.
- Stage 1 of the corporate procedure (followed for non-social care complaints) is not directly compatible with the social care procedure. Please see Appendix 1 for an explanation of the social care and corporate complaints procedures.

**4.1.1 Total number of complaints**

During 2009/10, there has been a 10% increase in the total number of complaints received at Stage 1 (both social care and non-social care). This is based on figures for Stage 1 complaints managed by the Complaints Team and reported figures for locally managed Stage 1 complaints.

**4.1.2 Stage 2 and 3 social care complaints**

During the reporting period, less than 1% of complaints (two complaints) progressed to Stage 2. Both of these progressed to Stage 3. Overall, there has been a 72% decrease in Stage 2 and 33% decrease in Stage 3 complaints from the 2008/09 reporting period.

The reduction in progression can be attributed to the visits carried out by the Complaints Team. If a complainant remains dissatisfied and asks for their complaint to be escalated to the next stage, they are offered a visit from the Complaints Manager and Complaints Officer. 19 visits were undertaken during the reporting period and 16 of these complainants subsequently decided not to pursue their complaint to the next stage.

This demonstrates the effectiveness of this approach and the value of face-to-face contact with complainants, from trained complaints staff. Resolving the complaint at an early stage has clear benefits for both the complainant and the Department. It provides the complainant with a resolution and avoids additional resource for the Department, in terms of both staff time and money.

#### 4.2 Other representations

Table 3 shows activity for other types of representations. Definitions for each are shown in Appendix 1.

**Table 3 – other representations received**

Representations	2009/10	2008/09
<ul style="list-style-type: none"> <li>• Compliments (available 30/09/09 – 31/03/10)</li> </ul>	2	-
<ul style="list-style-type: none"> <li>• School complaints</li> </ul>	160	199
<ul style="list-style-type: none"> <li>• Concerns</li> </ul>	21	21
<ul style="list-style-type: none"> <li>• Pre-complaints</li> </ul>	59	26
<ul style="list-style-type: none"> <li>• Miscellaneous (available 30/09/09 – 31/03/10)</li> </ul>	21	-
<b>Total</b>	<b>263</b>	<b>246</b>

Overall, there is a slight increase in the number of other representations, with the number of concerns remaining consistent. The most common concerns were about financial support (often delay in receiving) and service users being unable to contact their case holder.

There are still a high number of representations made to the Department relating to a school complaints. Residents wishing to complain about a school are directed to the relevant school's complaints process.

Only two compliments were registered during this period, which were about Hampshire Music Service and school provision.

Children's social care services tend to register quite low numbers of direct customer compliments. One of the reasons for this could be the large number of

interventions which are unsought and often unwelcome by families. In addition, many compliments are delivered verbally and often not captured.

As compliments are useful to identify areas which are valued by service users, a new process will be introduced during 2010/11 to encourage improved capturing and reporting of comments and compliments.

#### 4.3 Local Government Ombudsman (LGO) complaints

**Table 4 - Local Government Ombudsman (LGO) complaints**

Local Government Ombudsman (LGO) complaints	2009/10			2008/09		
	Children's social care	Non-social care	Total	Children's social care	Non-social care	Total
Referred to the LGO	16	3	19	5	2	7
Considered by the LGO	9	2	11	2	2	4
Number of LGO complaints that by-passed 'Council First'	3	2	5	n/a	n/a	n/a
<b>Outcome</b>						
• No or insufficient evidence of maladministration	2	1	3	-	2	2
• Local settlement	1	-	1	1	-	1
• Ombudsman's discretion	1	-	1	-	-	-
• Outside of jurisdiction	1	-	1	1	-	1
• Awaiting decision	4	1	5	n/a	n/a	n/a
<b>There have been no findings of maladministration against the County Council</b>						

The above table identifies a significant increase in the number of complaints referred to, and considered by, the LGO. During the reporting period, the LGO has introduced a contact centre and new publicity materials have been produced which further promote a complainants right to access the LGO. Both are considered to be contributing factors to the increase.

Of the complaints investigated by the LGO, only two were from complainants who had exhausted the Department's statutory complaints process. Both of these were social care complaints.

#### 4.4 Complaints received from priority groups

**Table 5: (only available for 30/09/09 – 31/03/10)**

Complaints received from:	2009/10		
	Children's social care	Non-social care	Total
ethnic minorities (all ages)	1	0	1
children and young people	8	1	9
• from young people in care	7	0	7
• from care leavers	1	0	1

During 2009/10, the majority of complainants did not provide details of their ethnicity (74%). There are two reasons for this; they either declined to provide it on the form, or it was not considered appropriate to ask for this information over the telephone when discussing the complaint.

The complaints form requests ethnicity information, however, over half of complaints are received via email, letter or telephone. The collection of this information will be improved during 2010/11 by including a monitoring form with the standard acknowledgement letter.

Of the 26% who did state their ethnicity, one complainant was of white and black Caribbean background and the rest were white or white British.

A relatively low proportion of complaints were received directly from children and young people themselves, even though the process is primarily designed for them. The complaints communications strategy will address improved access to the complaints and representation process for children and young people.

#### 4.5 Timescale compliance

**Table 6: Timescale compliance against statutory guidance for social care complaints**

Due to the limitations outlined earlier in the report, information on timescale compliance for Stage 1 complaints can only be provided for those completed in the six month period from 1 October 2009 to 31 March 2010.

Stage	Number/ %
<b>Stage 1</b> (completed by complaints team between 1/10/09 – 31/03/10)  - in 10 working days - within 20 working days - over 20 days - Average time to complete	76 complaints  50 (65.8%) 21 (27.6%) 5 (6.6%) 11 working days
<b>Stage 2</b>  - in 25 working days - within 65 working days - average time to complete	2 complaints  0 2 (100%) 58 working days
<b>Stage 3</b>  - review panel within 30 days - findings issued within 5 days - response within 15 days - average time to complete	2 complaints  2 (100%) 2 (100%) 2 (100%) 92 working days

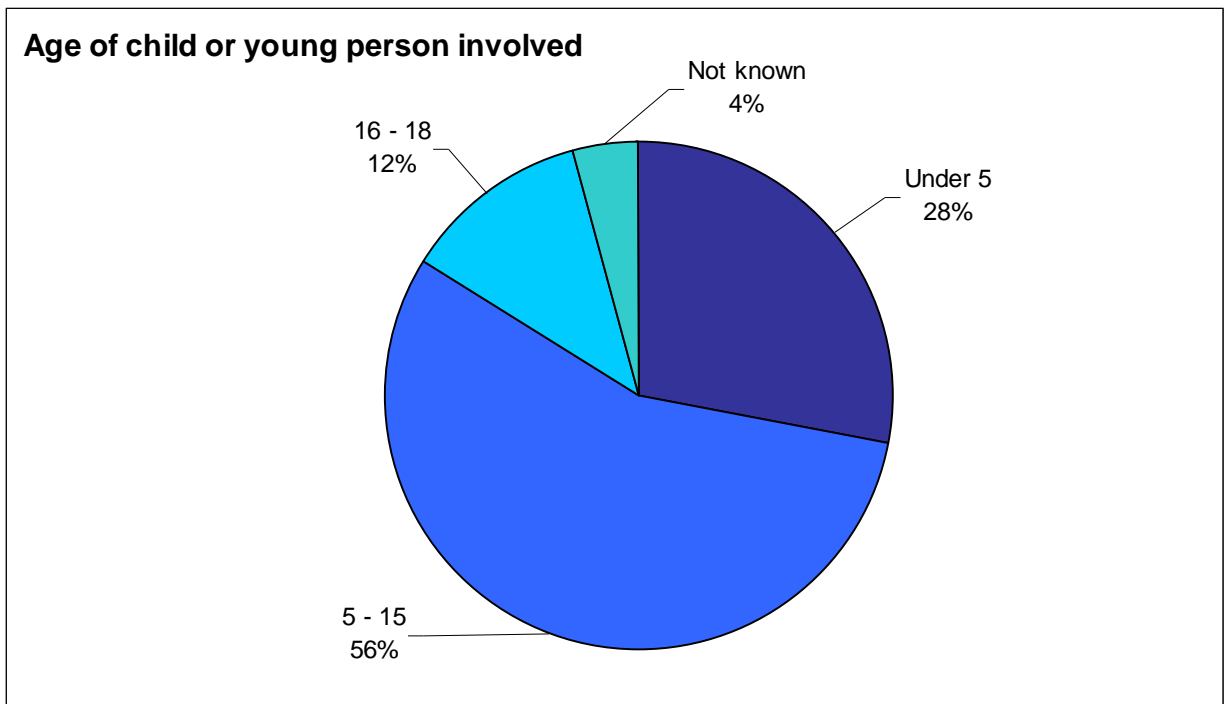
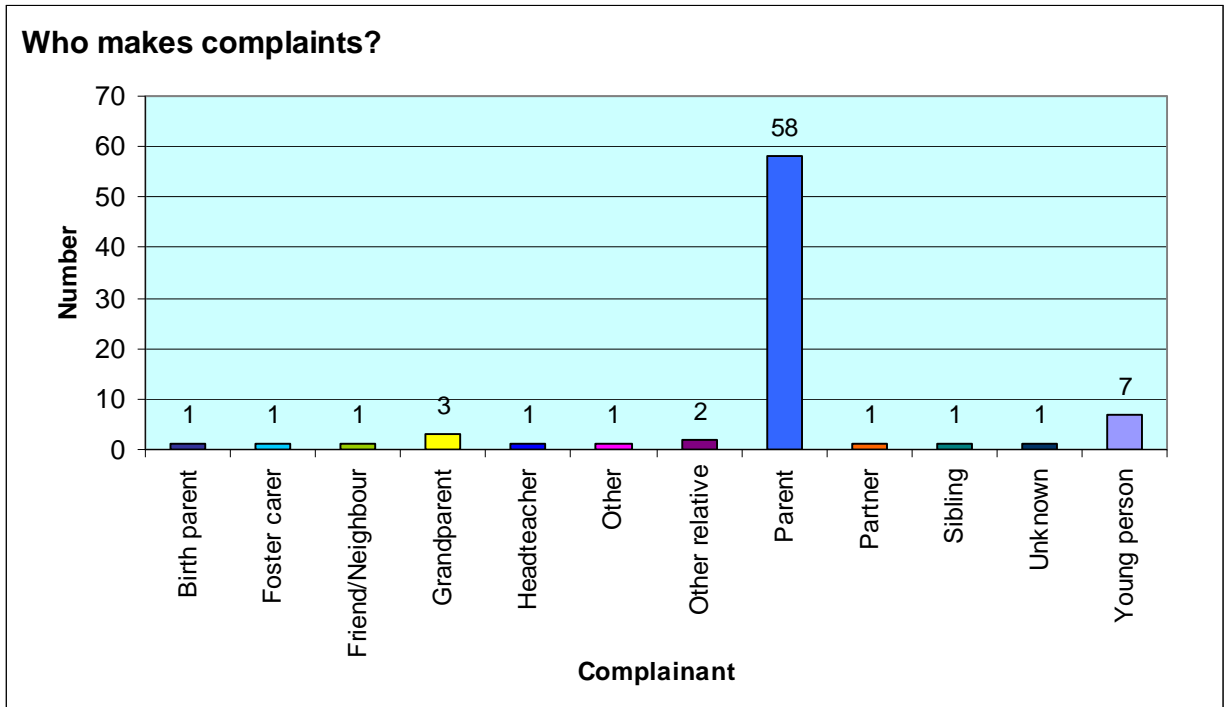
During the period, 93.4% of Stage 1 complaints were responded to within the statutory timescales (10 working days or a possible extension to 20 working days). Seven complaints were not responded to within the timescales. One was suspended by the Complaints Manager due to the health of the complainant. Three were delayed due to the unavailability of an officer and one was delayed due to court proceedings. A reason was not provided from the area for the delay of the remaining two complaints.

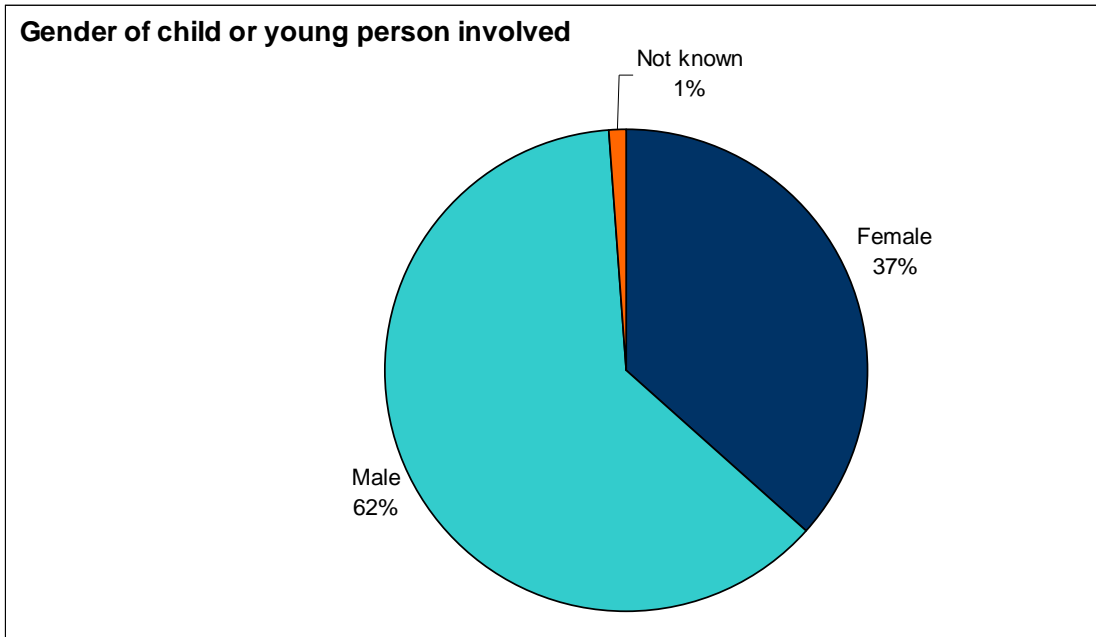
28% of Stage 1 complaints were responded to within the upper time limit, but outside of the standard deadline of 10 working days. This is permissible within the guidance, though it is important that the ten day extension is viewed as an exception rather than standard practice.

All Stage 2 and Stage 3 complaints were responded to within the statutory timescales.

#### 4.6 Profile of complainants

The data provided is for social care complaints only and covers those received during the period 1 October 2009 to 31 March 2010.

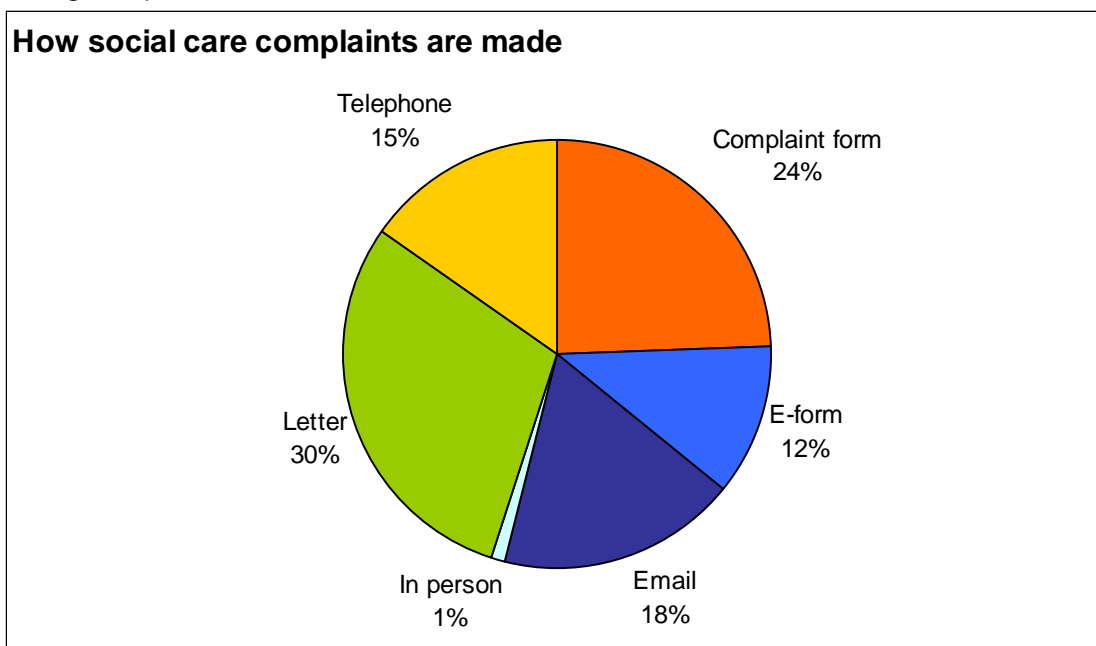




Most complaints are received from family members, with the highest proportion received from parents. Over half of all complaints received are about children in the 5 – 15 age group. Improved reporting categories will allow for further breakdown of ages in future years.

#### 4.7 How complaints are made

The data provided is for social care complaints only and covers those received during the period 1 October 2009 to 31 March 2010.



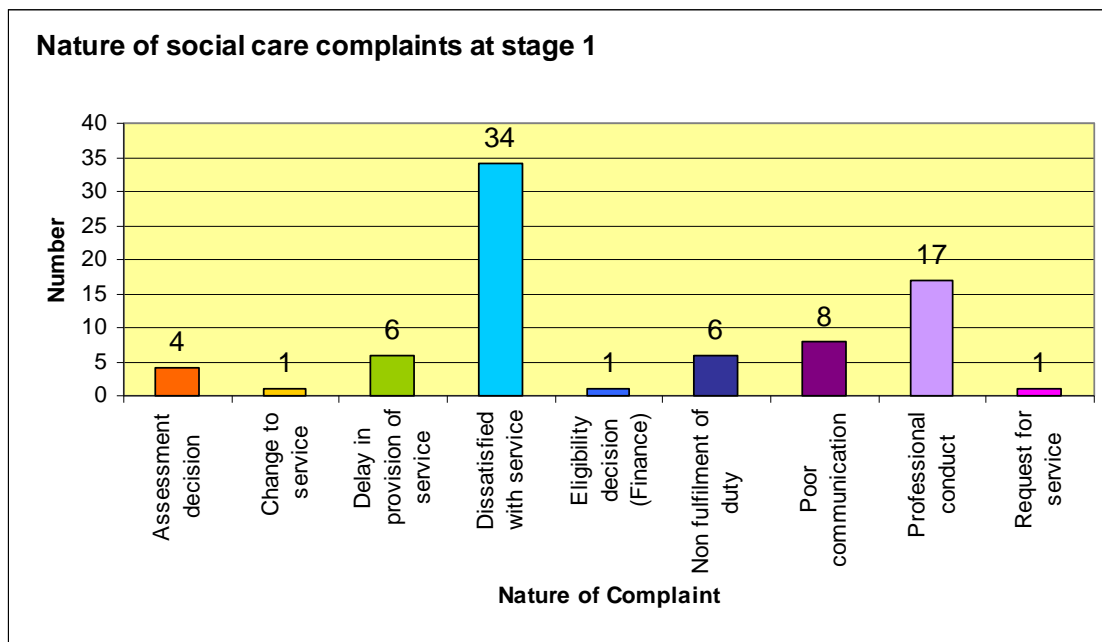
There remains a high proportion of complainants who use letter correspondence to make their complaint, which can be attributed to the formality of complaints and the often long and complex explanation required.

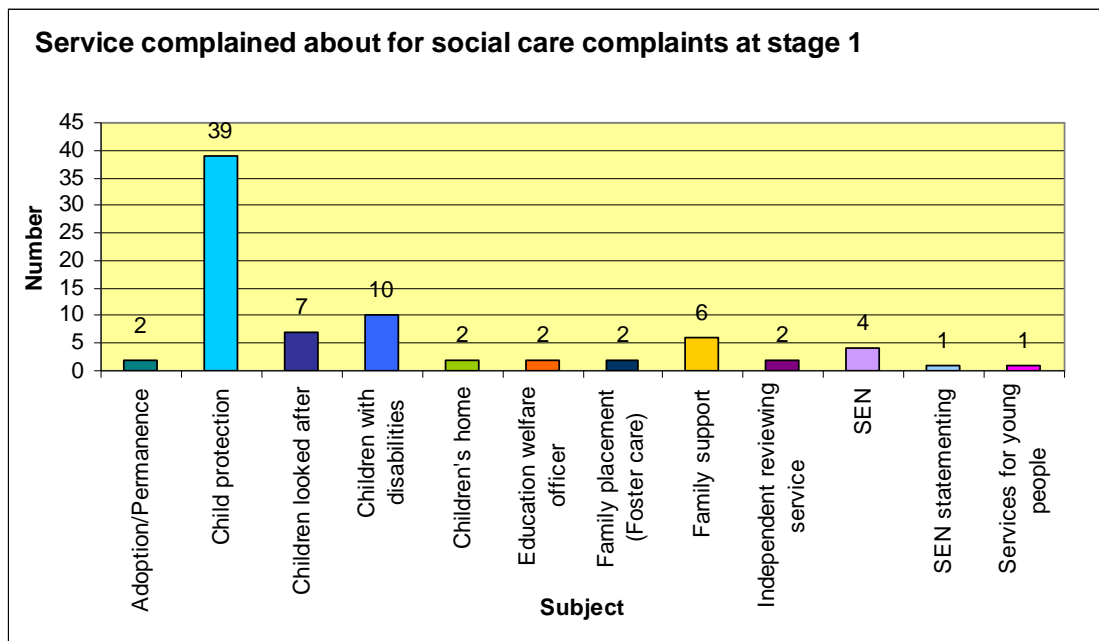
The recently developed complaints form (part of the complaints leaflet) is proving a popular mechanism for complainants to make their initial representation, though online methods of correspondence (email and online form) are slightly more common.

Complainants who make initial contact by phone are encouraged to put their complaint in writing. Often, complaints received electronically require further communication with the complainant by telephone to check the details.

#### 4.8 Subject of complaints

The data provided is for social care complaints only and covers those received during the period 1 October 2009 to 31 March 2010





Half of all complaints received in this period related to child protection cases. This is to be expected due to the highly sensitive nature of these cases and the fact that a large number of interventions are often unsought and unwelcome by the family.

The nature of these complaints fell into three areas:

- the decision to make a child the subject of a child protection plan
- the frequency, or lack of, statutory visits
- the decision by Children's Services that no further action was required. (in this case the complainant is often a non resident parent)

The second most common area of Children's Services to be complained about was 'children with disabilities' (12%), followed closely by 'children looked after'.

44% of complainants were dissatisfied with the service that had been provided for them or their child. A significant reason for a complaint were the actions of staff, which can be broken down into:

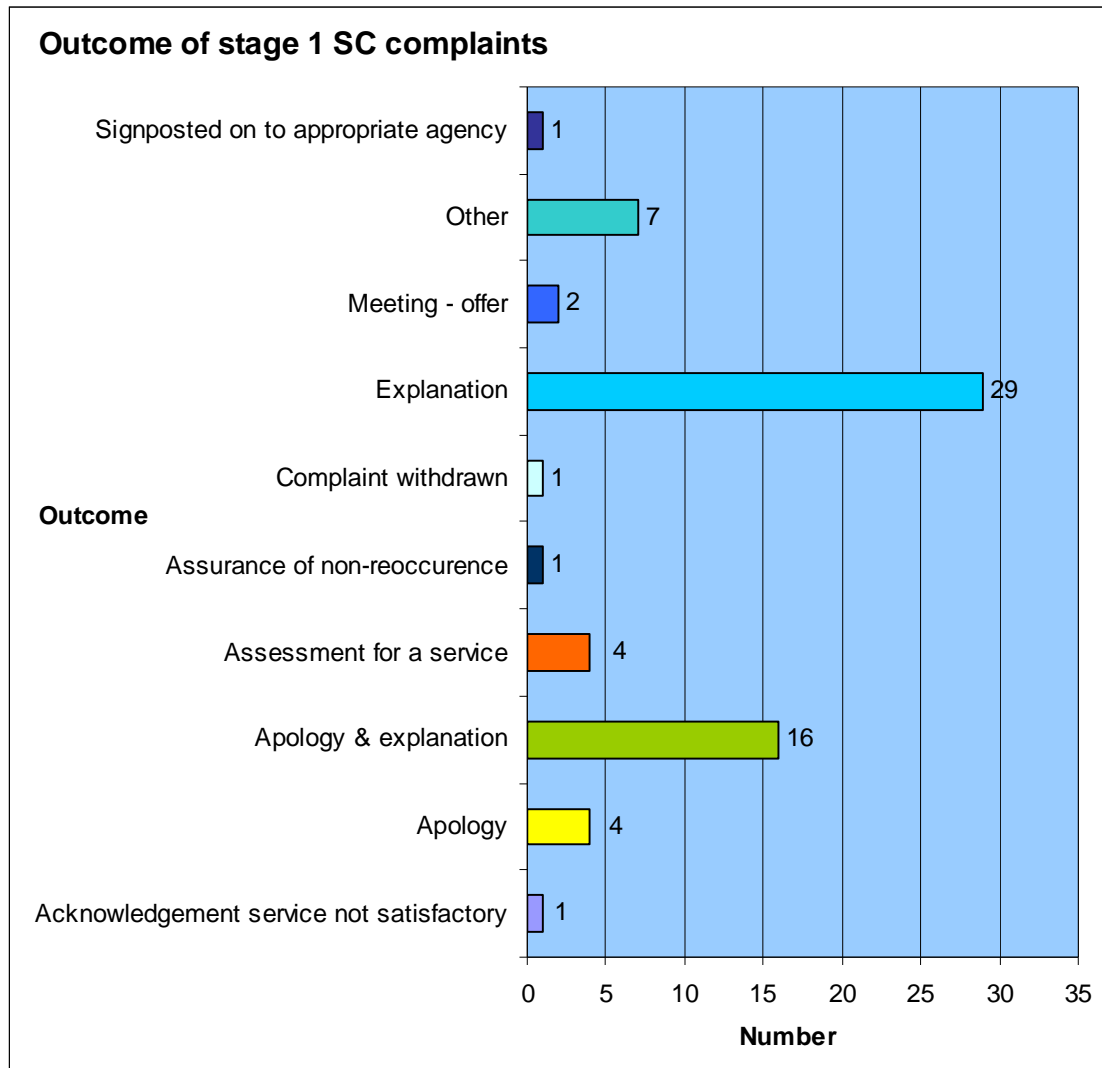
- professional conduct: 22%
- poor communication: 10%
- non-fulfilment of duty: 8%

A number of the complaints about the actions of staff focus on standard Children's Services processes which have been correctly followed, e.g. unannounced visits and questioning. The complexity of social care complaints appear to be increasing.

#### 4.9 Resolution of complaints

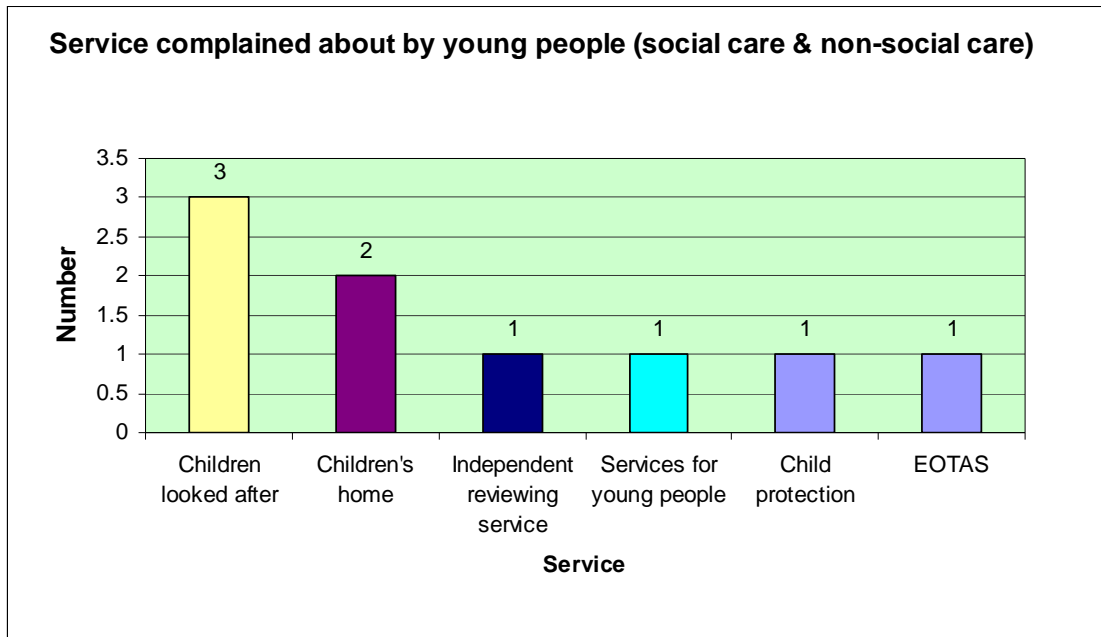
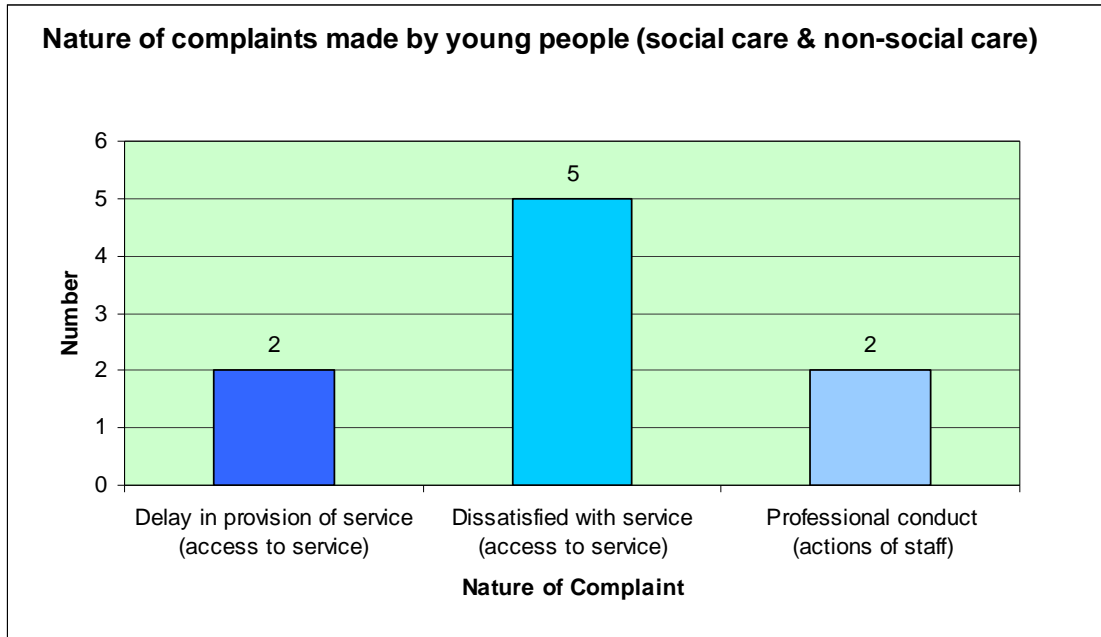
99% of social care complaints were resolved at Stage 1 during the reporting period.

The visits carried out by the Complaints Team (see 4.1.11) have had a positive impact on the resolution of complaints at an early stage.



A significant proportion of complaints are resolved at Stage 1 by way of an explanation, or/and an apology where appropriate. This highlights the importance of answering questions and providing information to assist the complainant in understanding the actions and decisions taken by the Department.

#### 4.10 Representations from children and young people



Nine complaints were received directly from children and young people between 1 October 2009 and 31 March 31. Eight of the complaints were about social care services and received from children in care or care leavers. The remaining complaint was about Elective Home Education.

Seven of the social care complaints were from children in care. Of those, three were from young people living in a residential home and related to their experience there. One complaint was about the Independent Reviewing Service and another focused on the Department's response to a historical abuse case. The remaining two were about a delay in the provision of a laptop and the conduct of staff.

One complaints was received from a care leaver, who was unhappy about a delay in the provision of support.

As indicated by the children and young people who made complaints, the majority of complaints focused on services provided for children in care.

Half of the children and young people who complained were dissatisfied with a service. A quarter complained about the delay in provision and another quarter about the conduct of staff. All complaints received from children and young people were resolved at Stage 1.

As mentioned earlier in the report, a communications strategy will be developed and implemented during 2010, to improve awareness and access to complaints procedure for children and young people.

## **5. Advocacy services**

Advocacy support for children and young people is arranged through the Department's own advocacy service. The opportunity to have an advocate is explained to all children and young people when they make a complaint.

The advocacy service supported two young people in making their complaints during the reporting period.

## **6. Learning from complaints and service improvements**

An adjudication report is produced for all Stage 2 and 3 complaints, which identifies learning outcomes from the complaint and the required service improvements. The relevant team manager is responsible for carrying these actions out.

Key learning points and services improvements implemented during 2009/10 included:

- training for Children's Services social workers in adult mental health
- changes to enable emergency information recorded by the Out of Hours Service to be more accessible to the case holder.
- a file audit, specifically in relation to recording, when assessments are shared with parents
- the ongoing need for improvement in the quality of recording, especially keeping a record of when key information is shared with service users

The last learning point is a ongoing theme in complaints at all stages. Improved recording of significant decisions and discussions on SWIFT is required.

A revised process has been developed for Children's Services teams to record and report complaints. It has been expanded to encourage improved identification of opportunities for learning and improvements at Stage 1 of a complaint.

The new database has been configured to provide improved recording and reporting of learning from complaints and service improvements that have been implemented.

## **7. Effectiveness of the complaints procedure**

Promoting a positive model of complaints handling helps to ameliorate some of the negativity naturally generated by complaints. The current procedure, whilst operating within the constraints of the guidance, is flexible and allows an individual response to each complaint. Areas for improvement have been identified and are identified in Section 8.

A potential issue that may arise in the coming year is the difficulty in accessing suitable independent providers to fulfil the Investigating Officer, Independent Person and Panel Members roles required for Stage 2 and 3 of the statutory social care complaints process.

In addition, there appears to be an increase in the number of financial settlements awarded by the LGO.

## **8. Next steps**

1. Establish a six-monthly reporting cycle to Children's Services Department Management Team (CSDMT), Branch Management Teams (BMTs) and the Communications and Engagement Steering Group.
2. Develop and implement a standard complaints reporting process for teams and establish a quarterly return schedule.
3. Develop and implement communications plan for complaints
4. Develop a staff training programme for handling complaints.
5. Design and implement a compliments, comments and feedback process for service users
6. Review guidelines on complaints information recorded on SWIFT
7. Introduce monitoring form for those complainants who submit their complaints by telephone, letter or face-to-face, to obtain improved information on the ethnicity and age of complainants

## **Appendix 1 - Glossary**

### **Complaint**

*Getting the Best from Complaints, DfES 2006* defines a complaint as:

‘an expression of dissatisfaction or disquiet, in relation to an individual child or young person, which requires a response’.

Within Hampshire Children’s Services, both the statutory and non statutory complaints processes use this definition.

### **Concern**

The definition of a concern, as developed by the Complaints Team, is:

‘An operational / case issue which is current, has a ‘here and now’ impact and requires a ‘same day’ intervention.’

This is in contrast to complaints which will nearly always have a historical element and, whilst significant, do not require immediate intervention. Correctly identifying representations as concerns enables them to be passed swiftly to the appropriate team for action. The option to have their concern dealt with as a complaint is explained and remains an option at any point.

### **Pre-complaints**

Representations received by the complaints team that could become a formal complaint in the future, or where further clarification is needed from the originator before the matter can be responded to, are recorded as pre-complaints.

### **Enquiries**

The complaints team is also involved with enquiries received by the Director’s Office, from MPs, Councillors and the Department for Education (DoE).

### **Miscellaneous**

Representations received by the team that do not fall within its remit are recorded on Respond under ‘miscellaneous’. These include disciplinary issues, non Children’s Services complaints, complaints about other agencies and local authorities.

## **Appendix 2 – The complaints process**

### **Social care complaints process**

Social care complaints are managed under a three- stage process. The full statutory process is contained within the guidance '*Getting the best from complaints*' <http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00152/>

### **Stage 1 – Local Resolution**

The Department aims to resolve as many complaints as possible at Stage 1. Local teams are responsible for responding to these complaints, with support from the Complaints Team as required. Responses are from, or signed off by a senior member of staff at District Manager level.

The Complaints Team will receive and clarify complaints and encourage local teams to respond within the 10 day timescale (with a possible extension to 20 days).

Complaints need to be made within 12 months of the problem occurring.

### **Stage 2 – Investigation**

If the complainant remains dissatisfied with the response they receive at Stage 1, they can ask for their complaint to be investigated at Stage 2. The complaint is then investigated by officers independent to the County Council (the Investigating Officer (IO) and Independent Person (IP)).

The IO, accompanied by the IP, conducts an investigation through meeting with the complainant, key officers and other relevant individuals. They produce a report of their findings to the Department. The Adjudicating Officer (normally the relevant Area Director) will send a response to the complainant within 25 working days, or if that is not possible agree to send the response within 65 working days.

The Complaints Team will commission the IO and IP and liaise with officers. They will act as a point of contact for all involved and advise on specific issues as they arise, ensuring adherence to the guidance.

Before a complaint is escalated to Stage 2, the complaints team offer a face to face meeting with any complainant who is dissatisfied at the conclusion of Stage 1.

### **Stage 3 - Review Panel**

If the complainant is dissatisfied at the conclusion of Stage 2 they can have their complaint heard by an Independent Review Panel. This is the final stage of the statutory complaints process.

The Review Panel consists of three independent providers, commissioned by the complaints team, who consider the handling of the complaint by the Department and adherence to the statutory complaints procedures. The panel convenes and hears directly, or indirectly from the complainant. The Adjudicating Officer for Stage 2 and other key staff attend, along with the IO and IP. The Complaints Manager also has a defined role in the panel process. After sitting, the Panel Chair produces a report which is responded to by the Director of Children's Services.

This is the end of the Department's complaints process

### **Non-social care complaints**

Non-social care complaints are managed under the corporate process, which also has three stages. Stage 1 is local resolution. Complaints received by the Complaints Team have often already received a response under Stage 1. The Team then manage the complaint through Stage 2, which is roughly equivalent to Stage 1 for social care (response by senior manager). Any complaint that progresses to Stage 3 is independently investigated by a member of the Corporate Compliance team.

### **Local Government Ombudsman (LGO)**

When the complaints process has been exhausted, people may ask for their complaint to be looked at by the Local Government Ombudsman (LGO). They need to do this within 12 months of receiving the final response from the Department.

The LGO looks at complaints about councils (all departments) and some other authorities. In April 2009 they introduced 'Council First'. This required all complaints to be taken through all stages of the Council's own complaints procedures before the LGO will consider the complaint, providing the Council with opportunities to resolve the complaint at an earlier stage.

However, there are exceptions. These include:

- complaints directly relating to education (except home to school transport)
- where the LGO or the Council consider that applying the Council's own procedures would be detrimental to the complainant
- where the complainant indicates the need for urgency, or where vulnerability is a factor
- complaints from children and young people

**Children's Services  
Central Government + MP + Cllr Letters (Enquiries)**

