

DIRECTORATE OF SOCIAL SERVICES

Annual Report April 2004 – 31st March 2005

COMPLIMENTS AND COMPLAINTS

CHILDREN SERVICES

C O N T E N T S

SECTION 1

- 1.1 Introduction
- 1.2 Complaints Team

SECTION 2

- 2.1 The Procedures
- 2.2 Stage One
- 2.3 Stage Two
- 2.4 Stage Three

SECTION 3

- 3.1 Overview

SECTION 4

- 4.1 Developments and achievements 2004/05

SECTION 5

- 5.1 Compliment Data 2004/05
- 5.2 Examples of Compliments received

SECTION 6

- 6.1 Complaint Issues
- 6.2 Complaints received across the Directorate
- 6.2 How are complaints received?
- 6.3 How are complaints resolved?
- 6.4 Outcomes in Terms of Findings
- 6.5 Timescales
- 6.6 Ethnicity
- 6.7 How do we ensure that complaints are genuinely resolved?

SECTION 7

- 7.1 Areas of development for Quality & Complaints Team 05/06

SECTION 1

1.1 INTRODUCTION

- 1.1.1 This Report provides information relating to Dudley Social Services Complaints, Comments and Compliments Procedure, during the period 1 April 2004 to 31 March 2005.
- 1.1.2 The Social Services procedures for Children's complaints, are determined by legislation, predominantly involving the:-
- Children Act 1989, Part iii, Sections 24, 26, 59, Schedules 6 and 7
 - Regulations and Guidance Volume 3.
 - The Children & Adoption Act 2002 and Children (Leaving Care) Act 2000.
- 1.1.3 Every Local Authority with a responsibility for Social Services must provide an Annual Report into the workings of the Social Services complaints and representations procedures. This requirement is contained in the Children Act 1989.
- 1.1.4 The complaints procedure cannot operate without effective information. Therefore, all service users and people who request a service are provided with information on how to complain or make a compliment. Complaint information is displayed in all public reception areas. It is also given out at different stages in the core process to all service users.

1.2 THE QUALITY AND COMPLAINTS TEAM

1.2.1 The Quality & Complaints team is part of the Policy & Performance Unit. A new appointment of Quality & Complaints Manager was made in April 2005. The following structure chart shows the Quality & Complaints Team



1.2.2 Our key objective in the management of all complaints is to achieve appropriate and effective resolutions within the shortest possible timescales. Every effort is made to ensure that each complaint is dealt with close to the point of service delivery. We are committed to a positive and proactive approach to complaints handling. We view complaints as a mechanism for ensuring that we continually improve the quality of the services we provide.

SECTION 2

2.1 THE PROCEDURES

2.1.1 The purpose of the Complaints, Comments and Compliments procedures is to:

- Provide a way for service users, or a person acting on their behalf, to tell the Directorate what they think of the service.
- Enable the Directorate to learn from complaints and compliments, and to change, review or maintain services accordingly.
- Ensure that complaints are properly recorded and acted upon, and that where necessary things that have gone wrong are put right promptly.
- Ensure that staff and service users understand their rights, and responsibilities within the complaints process.

The complaints procedure for social services currently has 3 stages,

- Stage One. Problem solving and informal resolution.
- Stage Two. Formal Complaint investigation.
- Stage Three. Independently chaired Review Panel

2.1.2 Stage One

Timescales to resolve Stage One complaints about children's services are:

- 28 days to respond to children looked after by Dudley Social Services.
- Since 2001, the Children (Leaving Care) Act 2000 has placed a duty upon local authorities; to provide a response at the first stage within 14 days to any young complainant receiving a 'leaving care' service, who is looked after or was formally looked after.
- Young people are offered the services of an advocate
- A written response is provided by the relevant manager to the young person or their representative.

2.1.3 Stage Two

Children's services complaints allow 28 days for the investigation of the matter by the complaint investigator and the response by the Head of Children Services. Additionally, an Independent Person is appointed in each case to oversee the investigation from the perspectives of thoroughness, fairness and objectivity. If an advocate has not been appointed hitherto the child/young person is again offered advocacy services at this stage.

2.1.4 Stage Three

If the complainant remains dissatisfied after the Stage two process, then he/she can request that matters move to Stage 3. This process requires the local authority to establish a stage 3 Review Panel to hear the complaints. The Review Panel involves one elected Council member, and two independent people, one of whom must chair the panel. Also in attendance will be the complainant and advocate, the complaint investigator, the independent person, a senior manager from Social Services, complaints manager and other officers who support the complaints process. Essentially the Review Panel considers the management of the complaint and the responses made at stages 1 and 2. The Review Panel after listening to the issues related to the complaints then provides written recommendations to the Director of Social Services and copied to the complainant in relation to what the Panel considers should be the outcome.

The Director then provides a final written response to the complainant within 28 days following the Review Panel.

If the complainant remains dissatisfied following the stage 3 response He/She can; within twelve months of the panel hearing, approach the Local Government Ombudsman seeking further enquiries or investigation to be carried out into the complaints by that office.

The Review Panel process at Stage 3 was due be replaced by a process of external review by the Commission for Social Care Inspection, during 2005. However, this has been postponed until at least January 2006.

2.2 CORPORATE COMPLAINTS:-

2.2.1 We also have a duty to comply with general complaints which do not fall within the boundaries of the National Health Service and Community Care Act (1990) and the Children Act (1989). Complaints in this category are called "Corporate complaints" and are dealt with under the Council's Complaints and Representations procedure.

SECTION 3

3.1 OVERVIEW

3.1.1. SUMMARY OF COMPLAINTS AND COMPLIMENT ACTIVITY 2004/05

During 2004/05 Dudley Social Services Department provided a service to 2,367 Children and their families.

The total number of Children complaints received for Social Services 2004/05 is **117** this compares to **94** for 2003/04 - an increase of **23**.

The **117** complaints are individual areas of complaint. They were made by **93** separate young people or their representatives.

The majority i.e. **73** of the complaints relating to services provided to children were made or led by Adults. **43** complaints were made by children, this figure includes complaints made by advocates at the direct request of a child.

There have been **NO** stage 2 complaints for 2004/05. This compares to **2** for 2003/04

1 complaint in 2004/05 proceeded to stage 3 of the complaint process. However, that particular complaint was actually registered in 2003/04.

56% of all complaints were dealt with within the current statutory timetable of 28 days [20 working days]

22% of complaints were dealt with between 28 days and 40 days

22% of complaints took over 40 working days – the longest being **116** days.

There were **26** registered compliments compared to **14** for 2003/04, an increase of 8.

- 3.1.2 **Local Government Ombudsman:-** There have been no findings of Maladministration by the Ombudsman concerning Dudley Social Services complaint matters for 2004/05.

- 3.1.3 **Advocacy:-** 19 children/young people making a complaint chose to have the assistance and support of an advocate during the complaint process. S26 of the Children Act 1989, requires that children who are looked after by the local authority are supported in making any complaints or representations, by providing access to an advocate. Therefore, the Quality and Complaints Team in conjunction with the NCH Black Country Children's Rights Service ensure that all children who want an advocate are provided with one.

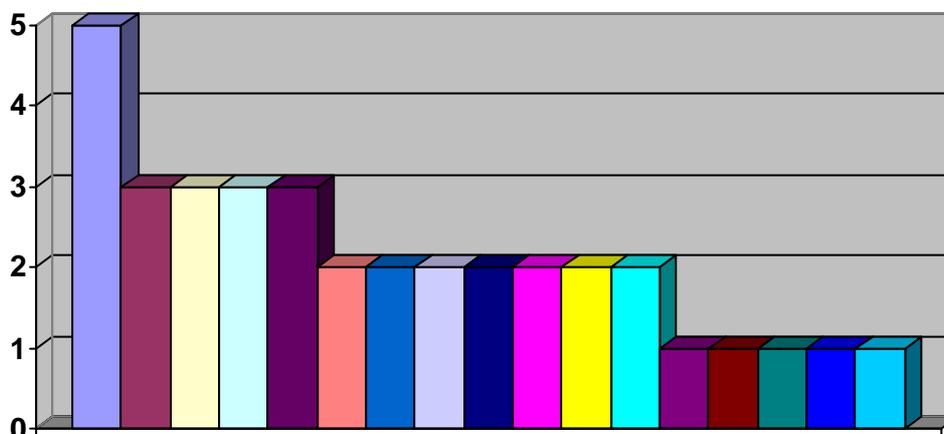
SECTION 4

4.1 EXAMPLES OF DEVELOPMENTS AND ACHIEVEMENTS 2004/05

- 4.1.1 The Quality & Complaints Team saw returned to full complement in April 2005 which has meant increased support and assistance being offered to operational managers.
- 4.1.2 A programme of regular contact with residential Children Homes has been established, co-ordinated with the Black Country Children's Rights Advocacy Project, to monitor and assist access to complaints
- 4.1.3 The majority 56% of all complaints were acknowledged and concluded within the statutory timescale.
- 4.1.4 Training for Managers, Social Workers and other relevant groups has continued. The aim for 2005/06 will be to increase the training opportunities for staff in terms of awareness training and formally responding to complaints.
- 4.1.5 Diversity:- Quality & Complaints Team participated in a working party to develop ways of reaching people whose first language is not English. This led to a Radio broadcast on Community radio facility – Radio Ramadan. This project was put forward for an award with the Department of Health "Health and Social Care Awards" in 2005.
- 4.1.6 Revision of complaint and compliment public information provided to people with a learning disability.
- 4.1.7 A presentation by Quality & Complaints Team to 'Total Respect'. Total Respect training concerns an approach towards working with young people in partnership, involving them in the decisions which effect their lives, treating them as individuals with a voice
- 4.1.8 The Quality & Complaints Team participated with a working party to ensure delivery of on-line children procedures

SECTION 5

5.1 COMPLIMENTS DATA 2004/05



5.1.1 It is clear that some areas of service are highly valued. Many of the compliments received comment on the kind and caring attitude of staff, as well as the positive difference that the service has made.

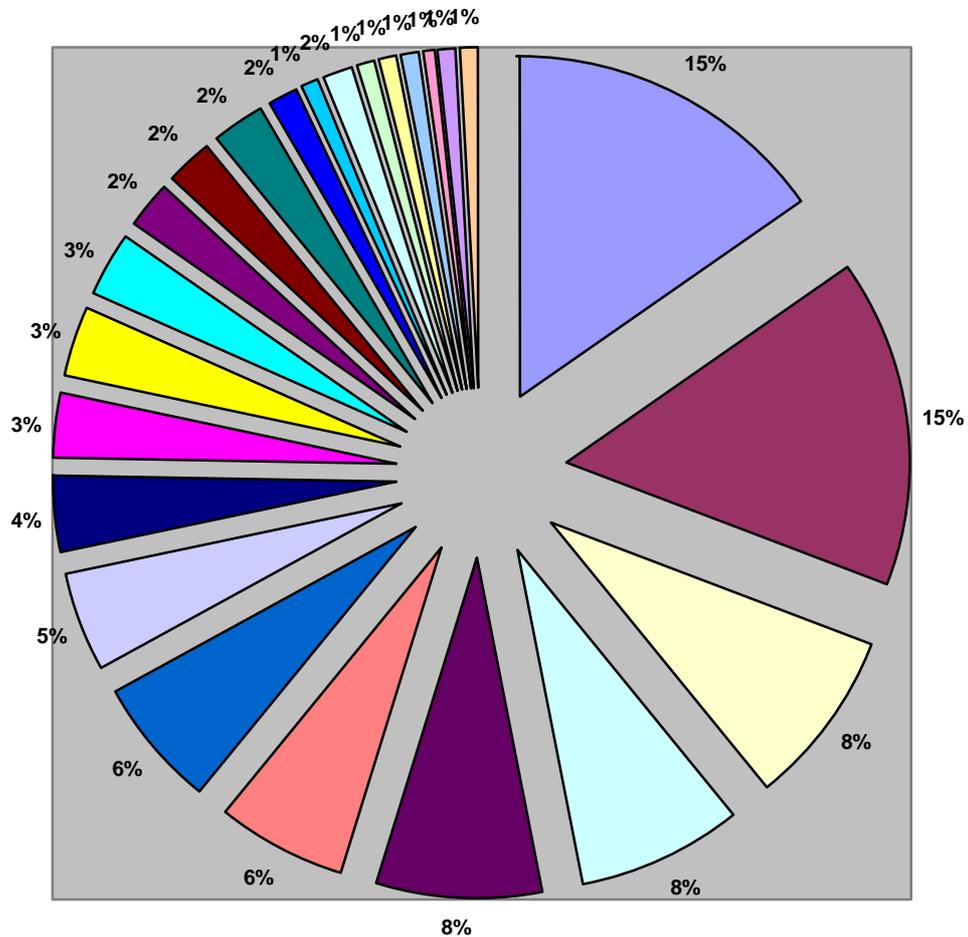
5.1.2 The nature of some of the statutory work carried out by Children and Families may not lend itself to receipt of compliments, however there is no evidence to suggest that Children Services should not be receiving an increased number of compliments. This issue will be monitored during 2005/06.

5.2 EXAMPLES OF COMPLIMENTS RECEIVED:-

- 5.2.1 Thank you from a foster carer on behalf of a disabled young person for the support, practical help and advice from the Social Worker.
- 5.2.2 Thank you from a parent of a child with special needs for the help their son received with counselling, provision of a play scheme, transport and consistent support and advice.
- 5.2.3 Thank you from a Foster Carer to a Social Worker for the prompt and sensitive way she dealt with a situation which led to a placement being sustained.
- 5.2.4 A member of the Quality and complaints team was complimented by a Parent on behalf of their child for the support provided to him, and for the fairness and thoroughness of the enquiries carried out into the complaint matters.

SECTION 6 COMPLAINT DATA 2004/05

6.1 COMPLAINT ISSUES



Staff Attitude (20)	Inadequate Service (20)
Staff Behaviour (11)	Other Service Users (10)
Lack of Consultation (10)	Service Not Provided (8)
Failure to protect (8)	Breach/Confidentiality (6)
Poor Communication (5)	Clarity (Information) (4)
Theft or Protection (4)	Delay Service Issues (4)
Process Child Protection (3)	Care Plan in dispute (3)
Delay (Information) (3)	Access (Information) (2)
Abuse other Service Users (1)	Assessment (Finance) (2)
Racial (1)	Case Conference (1)
Contractual Agreement (1)	Contractual Agreement (1)
Other (1)	Suitability of Location (1)

6.1.1 2004/05 saw an increase in complaints, up from **94** in the previous year to **117**, i.e. **23** more complaints over the year. There are a number of reasons for this such as:-

- Greater awareness of, and access to the complaint procedure
- Increased awareness and use of advocacy services.
- Increased complaint training for staff.
- Greater contact between members of the complaints team and young people/advocacy services and also with Social Services teams and establishments.

6.1.2 There is a broad range of issues complained about; however the highest and most consistent areas of complaint throughout the year involve 'inadequate service', together with 'staff attitude/behaviour'. Concerns around behaviour or poor attitude must quite rightly be addressed and challenged. Some of the attitudes/behaviours complained about involved:-

- The personal interaction by individual workers with a young person or relatives. Members of staff being described as overly serious, or unsmiling.
- Lack of clarity by members of staff in explaining decisions and plans.
- Lack of interest in the young persons views. Cancellation of planned visits by the worker to a young person.
- Complaints arising from young people in children's homes have focussed upon the behaviour of fellow residents, the attitude of some staff members, problems related to care planning and lack of consistency in social work input. It needs to be noted that not all such complaints are upheld, however it is acknowledged that in each case the young person or relative felt dissatisfied and therefore explanations were rightly provided in response to all aspects of complaints.

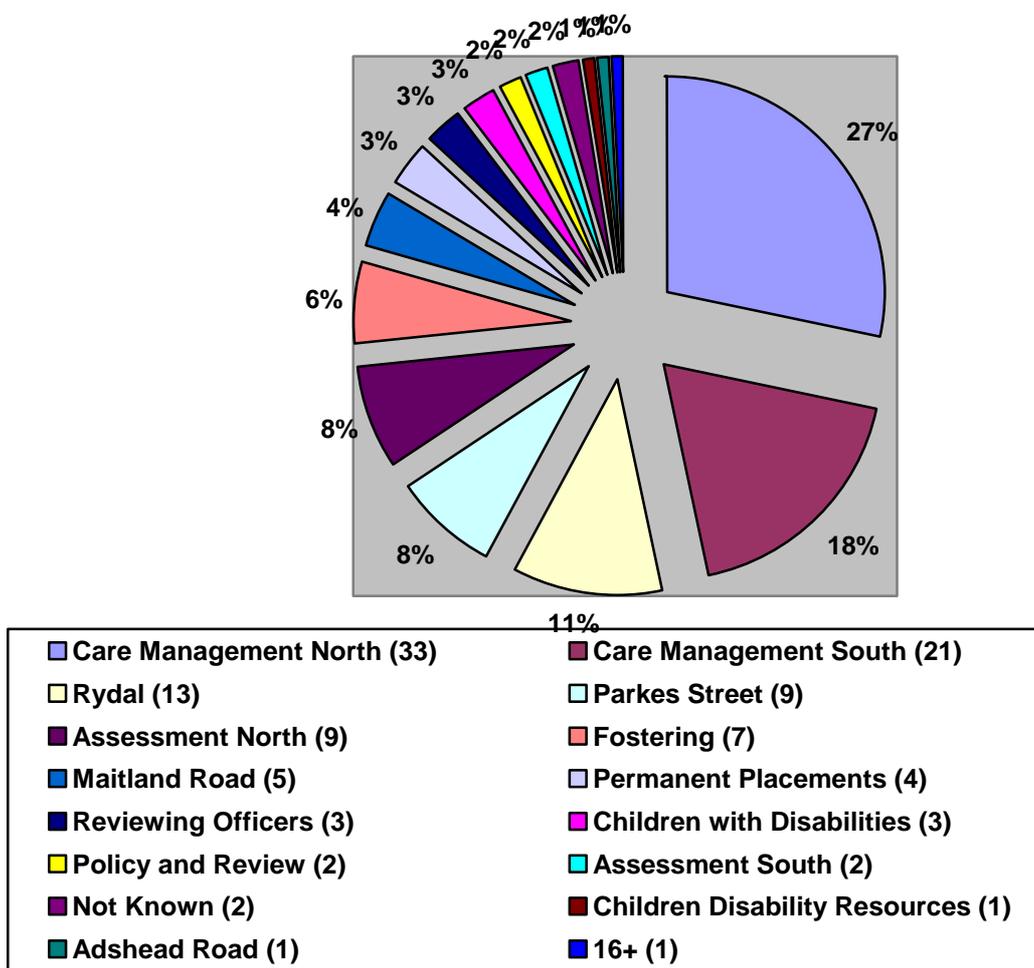
6.1.3 Training forms just one aspect of what is required to address issues and themes arising out of complaints, therefore opportunities will continue to be provided for all staff and managers in attending training and or 'raising awareness' sessions; looking at the type of complaint issues brought to our attention.

6.1.4 The issue concerning 'failure to protect' were all raised by adults on behalf of or in the interests of their child. The adults voiced concern regarding the friendships their children had with other young people and or activities of their children in and around the community.

6.1.5 All complaints are important in their own right; however, it is relevant to note that there does not appear to have been a particular event or incident during 04/05, which resulted in multiple complaints. The complaints received refer to matters affecting the individual, rather than several young people complaining about the same issue or a specific service at the same time.

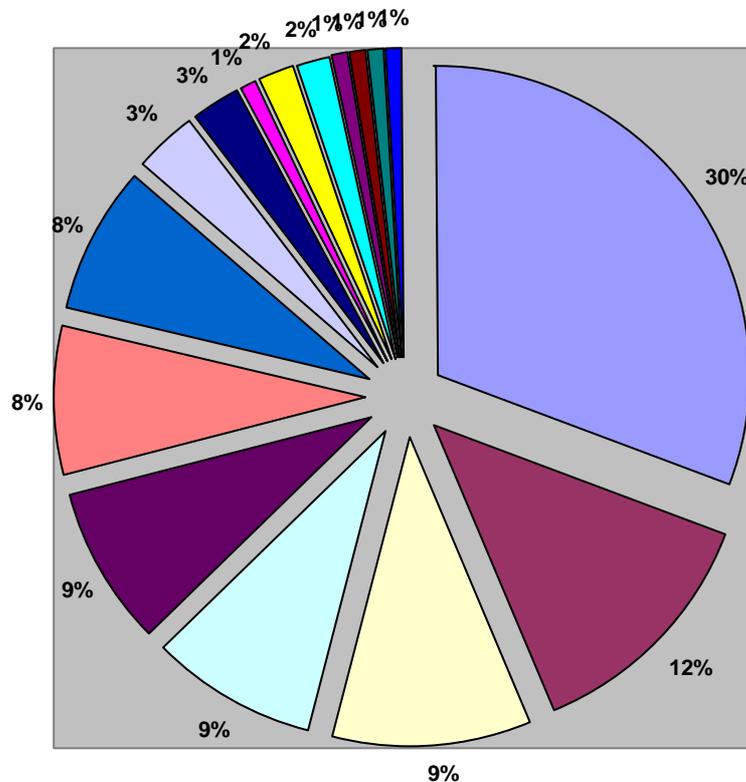
6.1.6 There needs to be balance when looking at the complaint figures in that we can consider that members of staff often have to make difficult decisions and as the messenger of those decisions they are sometimes in a position where complaints are perhaps not unexpected.

6.2 COMPLAINTS RECEIVED ACROSS THE DIRECTORATE



- 6.2.1 As noted earlier in this report Dudley Social Services provided services to 2,367 children and their families during 2004/05. In percentage terms 96% of all service users either felt satisfied with the service they are receiving or they did not for whatever reason chose to put forward a complaint. This statistic in no way diminishes the importance of each complaint or the impact incidents of poor practice or inadequate services had on each of the people who complained.
- 6.2.2 The Care Management Teams are the main recipient of complaints. The majority of referrals for services are made to the Care Management Teams who also have significant responsibility for the assessment and delivery of those services.
- 6.2.3 Complaints activity is monitored throughout the year, not least to detect where a specific service area might be struggling in its delivery of services. However, an increase in complaint numbers must not necessarily be seen as a negative; it can be an indicator that people have been given greater awareness and access to the complaint process, and particularly for young people this is crucial in that they need to feel secure and confident in being able to complain.

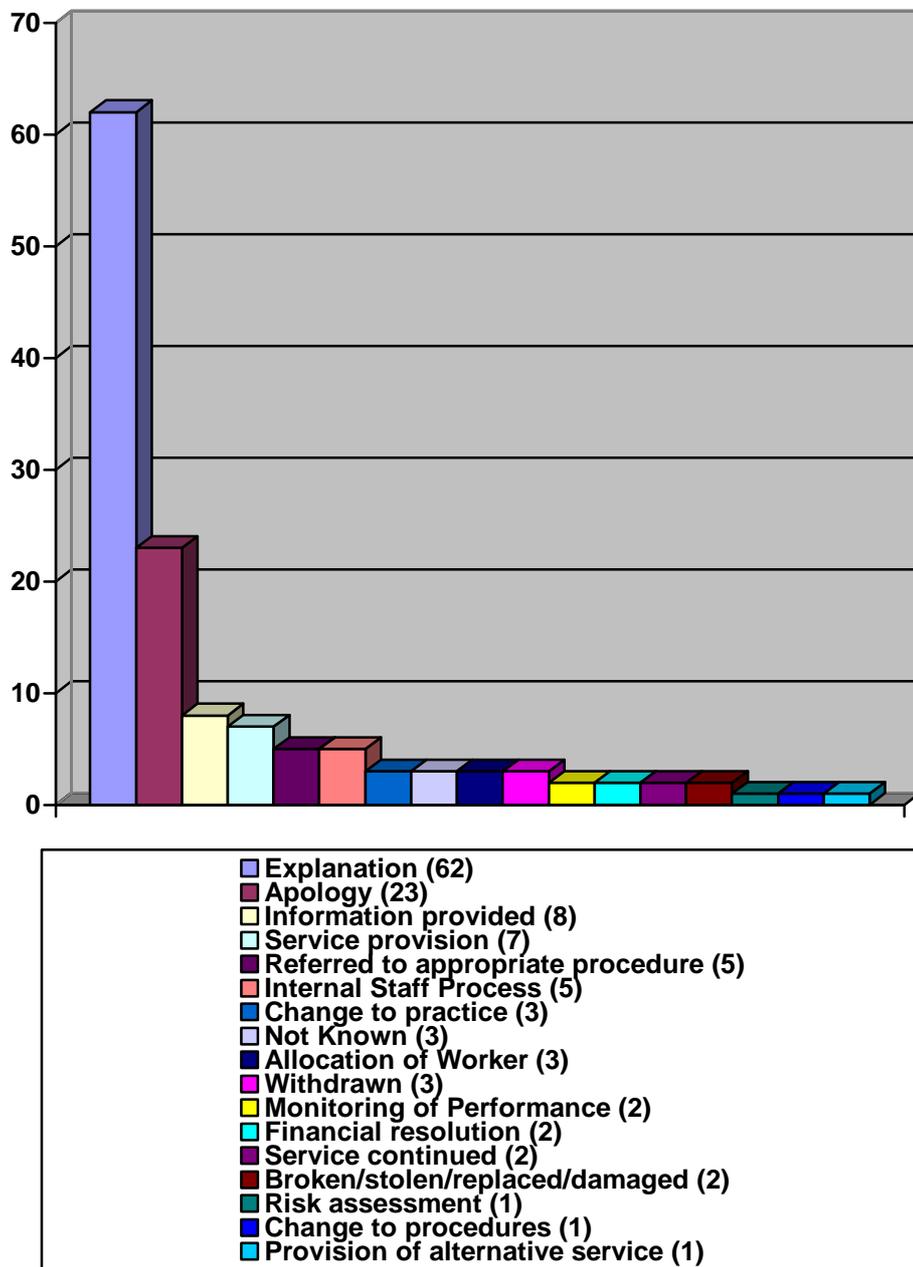
6.3 HOW ARE COMPLAINTS RECEIVED



Complaints Unit - Leaflet (36)	Complaints Unit - Letter (15)
Complaints Unit - Telephone (12)	Complaints Unit - In Person (10)
Director - Letter (10)	Complaints Unit - E mail (9)
Team Manager - Letter (9)	Team Manager - In Person (4)
Assistant Director - Letter (3)	Other (1)
Heads of Service - Letter (2)	Team Manager - Leaflet (2)
Director - E Mail (1)	Heads of Service - E Mail (1)
Heads of Service - Leaflet (1)	Heads of Service - Telephone (1)

6.3.1 A complaint leaflet or letter of complaint directed to the Complaints Unit are the most popular way of sending in complaints. Of note is the growing number of complaints received by e mail i.e. **9** this year, compared to **1** for the previous year. It is likely that this trend will increase in the coming months and years. The complaint received under the heading 'Other' was via a Solicitor. All complaints are acknowledged before a Manager is allocated to carry out the response to the complaint matters.

6.4 HOW ARE COMPLAINTS RESOLVED?

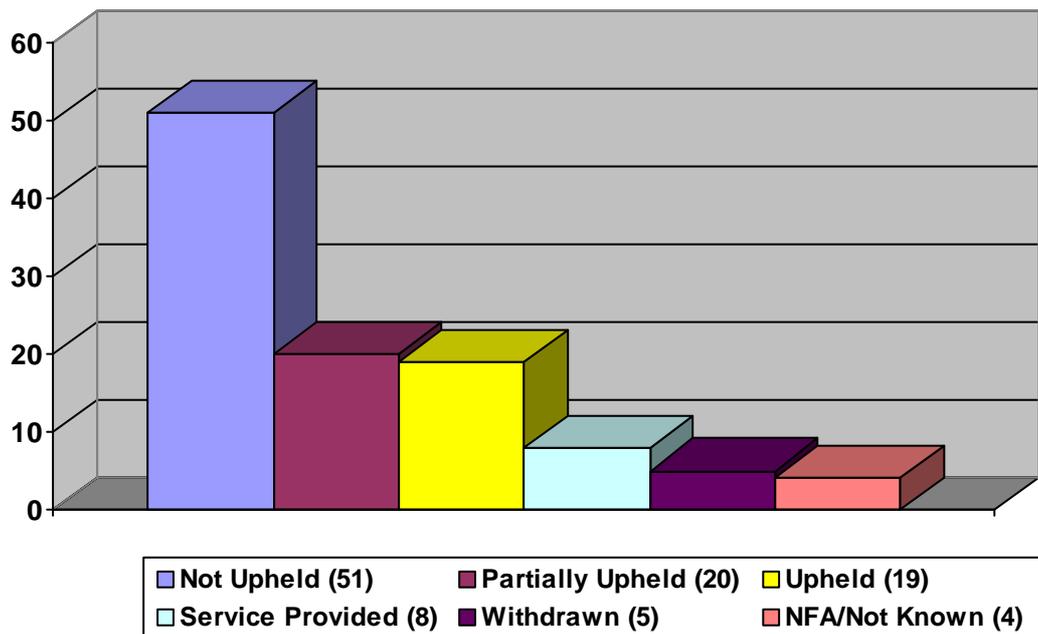


6.4.1 The majority of complaints were resolved by providing an explanation; often this explanation will be detailed and will have required a thorough examination of records and discussions with relevant members of staff. Explanations are provided even where it is felt that the complaint is not upheld. A number of complainants receive several outcomes for

example an explanation together with an apology and where required new service provision.

- 6.4.2 Where a complaint is withdrawn the complaints Team will contact the Young Person or their representative to clarify the reason for that decision and ensure that it is indeed the informed choice of the complainant rather than dissatisfaction with the process, or fear of continuing or other reasons.

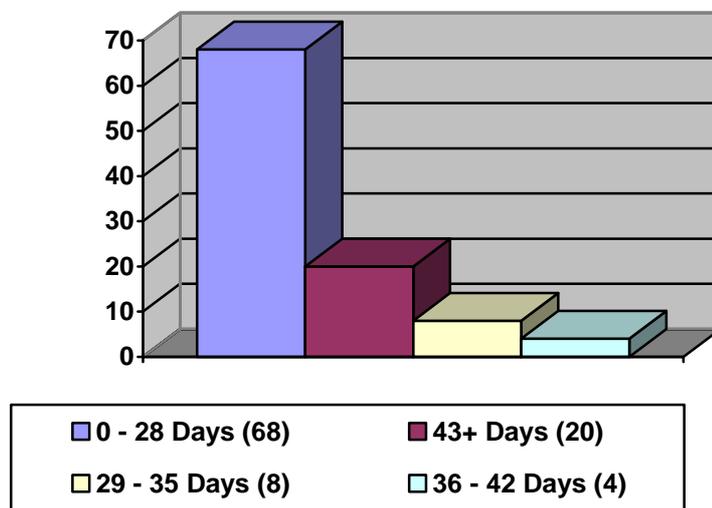
6.5 OUTCOMES IN TERMS OF FINDINGS



- 6.5.1 The majority of complaints result in a finding, this might for example be a finding of 'Upheld' and therefore the view is that the complaint is justified. There are occasions where a complaint is resolved at a very early point through discussion and agreement; in those situations a finding is not always possible or practicable.

- 6.5.2 Service users have the right to raise several areas of complaint at one time; this can result in several different findings.

6.6 TIMESCALES



6.6.1 **56%** of all complaints received were addressed and resolved within the statutory timescale of 28 days. A further **22%** of complaints were dealt with between 28 days and 40 days. The remaining **22%** of complaints took over 40 working days – the longest being **116** days.

Timescales for responding to children complaints are statutory; at present Social Services are allowed up to 28 days to acknowledge and address complaints to a conclusion. It is widely expected that the proposed new Government guidance dealing with complaints, now expected in January to April 06, will reduce this statutory timescale to 14 days. This would be in line with the timescale allowed for dealing with leaving care complaints. This change will provide a significant challenge to all those responding to complaints. Every effort will be continue to be made during 05/06 to work with staff responsible for responding to complaints in order to ensure a timely and effective response.

6.6.2 It is acknowledged that delay must be avoided where possible, however where it is unavoidable and where the complainant is in agreement then a degree of delay can be viewed as reasonable

6.6.3 **Reasons for Delays:-** The following are not put forward as justification or delay instead they are presented as part and parcel of the difficulties in concluding all complaints in good time. Complaints where delay occurred during 2004/05 involved:-

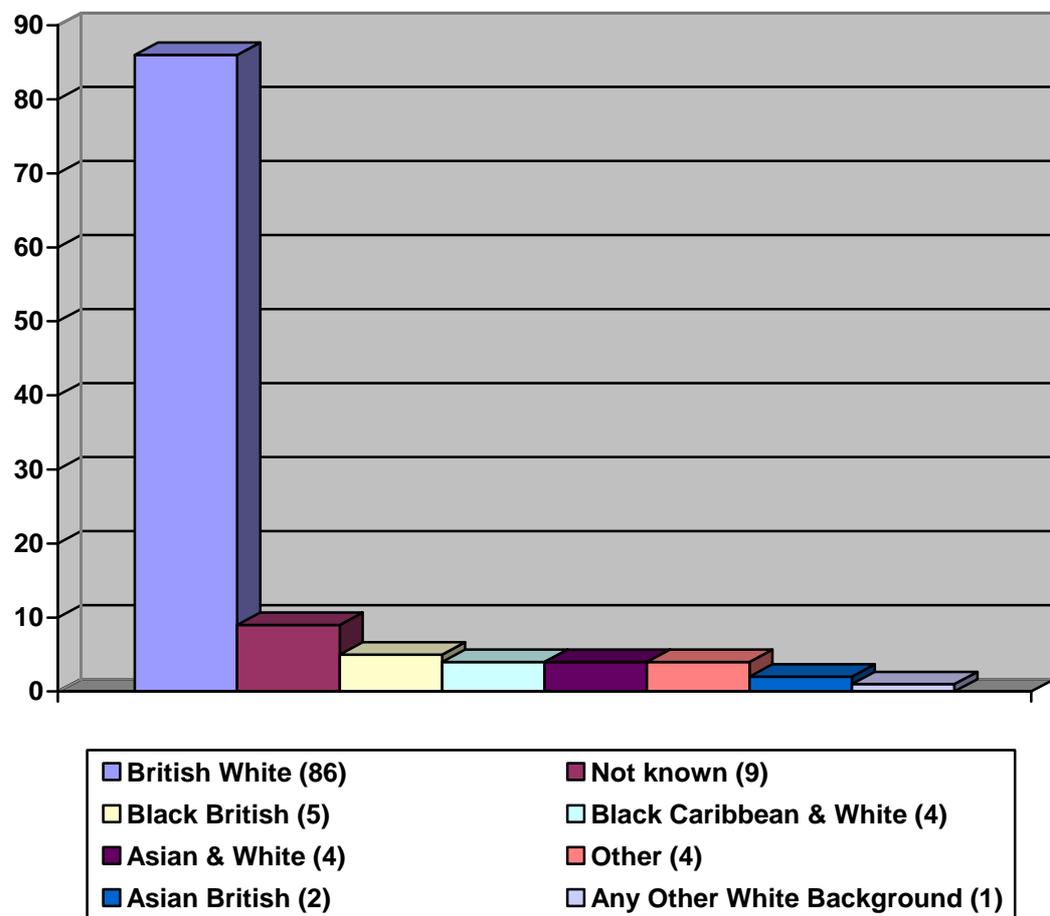
- Seeking appropriate compensation for a Young Person

- Working alongside Police investigation –
- Delay whilst establishing facts
- Seeking response from managers
- Difficulties in obtaining contact from service user
- Seeking outcome from other agencies

6.7 ETHNICITY

6.7.1 Every effort is made to record a complainant's ethnicity. However, it needs to be noted that on a number of occasions the complaint is being raised on behalf of a child and therefore the description provided as to the child's ethnicity might not be totally accurate.

6.7.2 It is also the case that a number of people prefer not to describe their ethnicity or it is simply not known to the complainant. The recorded figures for 2004/05 are as follows:-



6.7.3 As can be seen the majority of children/young people who currently access the complaint process are a British/ White. The figures do however indicate a growing awareness and use of the complaint process from children/young people from an ethnic minority background. Interpreters and publicity material can and is provided wherever required or requested in order to assist young people and or their carers. Further work will be carried out in the coming year to raise awareness and improve accessibility to the complaint process for all looked after children.

6.8 HOW DO WE ENSURE THAT COMPLAINTS ARE GENUINELY RESOLVED?

6.7.1 The Stage 1 response letter invites complainants to seek further assistance from the Quality and Complaints team, if they are still dissatisfied.

6.7.2 In addition, the Quality and Complaints team is able to undertake a monitoring role with regard to complainant satisfaction. This involves direct communication with the complainant on occasion, to ensure that they are, indeed, satisfied with the response that they have received.

6.7.3 The Quality & Complaints Team has designed a customer satisfaction questionnaire to be introduced in the second quarter of 05/06. This questionnaire will go out to complainants six weeks after the complaint is concluded. Alternatively the complainant will receive a phone call from a member of the Quality & Complaints Team in order to go through the questionnaire. The complainant will be invited to comment on their satisfaction with the complaint process and how they felt their complaint matters were handled. The responses received will form part of the information/feedback held in monitoring reports provided to Senior Managers/Managers

SECTION 7

7.1.1 AREAS OF DEVELOPMENT FOR THE COMPLAINT & COMPLIMENT PROCESS 05/06

- 7.1.1 Increased monitoring of timescales/response by Managers
- 7.1.2 Increased awareness training for front line staff. Training for Managers/Seniors in responding to stage 1 complaints.
- 7.1.3 Training for Managers and Senior Managers in addressing stage 2 and 3 complaints.
- 7.1.4 Training for Elected Members
- 7.1.5 Revise complaint leaflets and other publicity material in light of new legislation and Guidance. Ensure accessibility of this material to young people, including those with communication difficulties in a readily available variety of formats.
- 7.1.6 Put in place a robust system to audit-trail the implementation of recommendations arising out of complaints.
- 7.1.7 Develop the structure, presentation and delivery of complaint reports to children & young people. It is recognised that reports provided to children/young people need to have a balance between providing all relevant facts and information whilst at the same time being child centred and appropriately easy to understand.
- 7.1.8 To provide increasingly informative analysis of performance to management teams.
- 7.1.9 Review and revise the current procedures, ensuring that they are then made widely available to staff and service users.
- 7.1.10 Clear guidance to staff about how to respond positively and helpfully to comments made by service users and carers will continue to be provided.
- 7.1.11 Develop and implement a staff survey in order to gather views and reflections from staff concerning their experience of the process.
- 7.1.12 To undertake consultation with independent groups and partner agencies about levels of satisfaction with the complaint and compliment service.
- 7.1.13 To improve performance specifically with regard to time scales for the resolution of complaints.

- 7.1.14 Review the criteria and referral form for the allocation of independent persons
- 7.1.15 Carry out an audit across all establishments/reception areas to ascertain availability of publicity material for the public and staff.
- 7.1.16 Mediation:- Greater emphasis will be placed on mediation. This could be an effective tool in resolving complaints early or indeed at any point in the complaint process at Stage 1, 2 or 3. It is intended that the Quality & Complaints Team will lead on mediation with the opportunity to recruit the skills of a trained independent mediator to assist if required.
- 7.1.17 Raise awareness of the importance of gathering in compliments about children services. A small part of this will involve the implementation of 'compliment certificates to all establishments/members of staff who receive a compliment.