



# **Children's Social Care Complaints, Compliments and Comments Annual Report**

1 April 2009 to 31 March 2010

## Contents

|   |    |
|---|----|
| Introduction  | 1  |
| Purpose of the Report   | 2  |
| Children's Services Social Care Complaints Process  | 3  |
| Complaints, Compliments and Comments received in 2009/10                                      | 5  |
| Timescales  | 7  |
| Performance against the Children's Social Care Complaints, Compliments and Comments Procedure | 10 |

## **Introduction**

Children's Services endeavours to make the process for service users to pass on their comments and complaints as easy as possible. Their views will be heard and responded to promptly, in a confidential and sensitive manner. If service users are unhappy with a decision, they can challenge and ask for a review.

## **The law**

The Council is required by law to have management arrangements in place for considering children's social care representations, including complaints, under the Children Act 1989. National legislative procedures for social care were amended in September 2006 with the introduction of the Children Act 1989 Representation Procedure (England) Regulations 2006 (hereafter referred to as 'the Regulations'). The Department for Education and Skills produced some comprehensive guidance for local authorities managing complaints, called 'Getting the Best from Complaints (hereafter referred to as 'the Guidance')'.

Key features of the legislation include:

- The introduction of a 12 month time limit to make complaints;
- A requirement for local authorities to appoint a Complaints Manager; and
- A requirement for review panels to be retained by local authorities but with more robust arrangements for constituting and running them.

The Corporate Complaints Manager is based within the Corporate Complaints Unit within Corporate Services and is therefore independent of Children's Social Care Service operational line management and direct service providers. This ensures that there is no conflict of interest when considering and managing children's social care complaints. There is also an appointed Children's Social Care Complaints Officer who works directly under the Corporate Complaints Manager.

## **The procedure**

The Children's Social Care Complaints Procedure was completed in September 2007 and approved by the Assistant Director for Children and Families. The procedure has been distributed to the Children's Services Management Team for circulation throughout social care teams and is available to staff via the intranet.

## **Monitoring**

Since October 2009 all representations made have been recorded on a complaints management system, which is used for all the Council's comments, compliments and complaints. Documents can be scanned and emails added to the system allowing the complaints officer to monitor progress and establish a robust audit trail for monitoring and reporting purposes.

## **Purpose of the report**

The purpose of this report is to inform the public, Council Members and staff of the effectiveness of the procedure for managing representations (including complaints). The Children's Social Care Department welcomes comments, compliments and complaints, as they are essential to the continuous improvement of service delivery to children, young people and their families. There is also a legal requirement under the Regulations to publish an annual report for consideration by Council Members.

## **Public information**

There is now a generic leaflet which people using any Council service (including adults and children's social care services) can use. This leaflet replaces the Children's Services' '*Something to Say*' leaflet. The Corporate Complaints Unit is currently working with Connexions and young people across Darlington to produce a young person friendly leaflet. Information on how to submit a compliment, comment or complaint is also available on the Council's website.

People are encouraged to submit their views in whatever medium they are most comfortable with. The most obvious are face to face, in writing (form, letter, email, and fax) and telephone. Other media are Minicom, Braille, audio or video cassette or in any community language. There is a dedicated email address for complaints ([complaints@darlington.gov.uk](mailto:complaints@darlington.gov.uk)), which anyone in the Corporate Complaints Unit can access.

All Children's Services, Town Hall and Central House reception and contact centre staff have been made aware of the name and location of the Corporate Complaints Unit.

## **Children's Services Social Care Complaints Process**

### **Stage 1 – Local Resolution**

This initial stage allows Children's Social Care Services the opportunity to try and resolve issues of dissatisfaction at local level with managers and staff who have responsibility for the case.

### **Stage 2 – Investigation**

This process is invoked where a complaint has not been resolved at Stage 1. It involves a full and formal investigation. An 'Independent Person' must also be appointed to oversee the investigation and report independently to Children's Services. Both the Investigating Officer and Independent Person produce a report, which submitted to the Adjudicating Officer, who writes the final response to the complainant.

### **Stage 3 – Review Panel**

A review panel is convened when the complainant is either dissatisfied with a Stage 2 investigation or the response from the Adjudicating Officer. The panel consists of an independent chairperson and two individuals who are independent of the Council i.e. are not Members, officers or partners of such people.

### **The Local Government Ombudsman**

Although complainants can refer complaints at any stage to the Local Government Ombudsman (LGO), the LGO will not normally investigate until Children's Social Care has conducted its own investigation and provided a response.

### **External Support to the Complaints Process**

#### **National Youth Advocacy Service**

Advocacy for children and young people is funded by Children's Services and provided by the National Youth Advocacy Service (NYAS). This scheme provides the service to a number of north east local authorities. Children who wish to have an independent advocate can access NYAS and if they make direct contact with the Complaints Manager an information leaflet and advice about the advocacy service is provided. NYAS leaflets are available within all children's residential homes and the Complaints Manager meets regularly with the regional NYAS representative. The DfES '*Get it Sorted*' guidance states that more robust procedures are put in place to ensure children and young people are aware of the advocacy service and that it is easy to access; Children's Services is committed to these principles.

**North East Consortium (NYAS)**

Children's Services commission an Independent Persons service from NYAS, it is a service especially for authorities in the North East, called the 'North East Consortium'. This service provides an Independent Person to ensure that the Council carries out Stage 2 investigations in a thorough, fair and impartial manner.

**Stockton Borough Council**

Children's Services also buys into an independent panellist service which is administered by Stockton Borough Council. Stockton Borough Council carries out the appropriate checks on panellists and provides authorities with their details and background information. These panellists are provided in the case of Stage 3 review panel hearings.

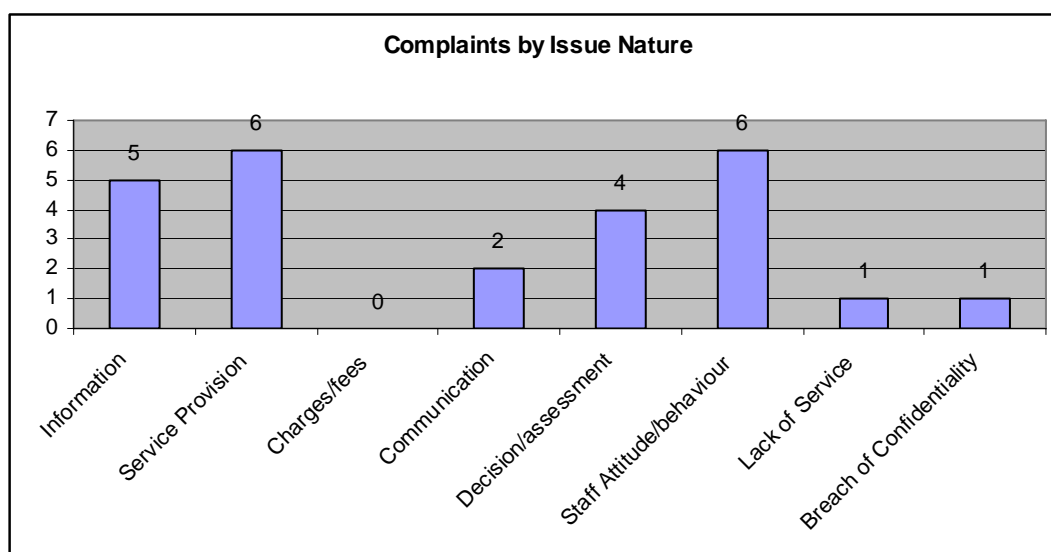
## Complaints, Compliments and Comments received in 2009/10

### Total Complaints Compliments and Comments by Service Area

|                          | Complaints* | Compliments | Comments |
|--------------------------|-------------|-------------|----------|
| Children's Commissioning | 24          | 1           | 0        |
| Children's Accommodation | 1           | 0           | 0        |
| <b>Total</b>             | <b>25</b>   | <b>1</b>    | <b>0</b> |

\*Does not include complaints received which did not qualify to be investigated.

### Complaints by Issue Nature



### Breakdown by Team

A breakdown of the complaints, compliments and comments received by each team and complaint outcomes is provided below.

#### Children's Commissioning

#### Complaints, Compliments and Comments

|   | Complaints | Compliments | Comments |
|---|------------|-------------|----------|
| Leaving Care Team                         | 3          | 0           | 0        |
| Looked After Children Team                | 3          | 0           | 0        |
| Care Planning Team*                       | 9          | 1           | 0        |
| Family Support and Disabled Children Team | 1          | 0           | 0        |
| Children and Families Duty Team           | 8          | 0           | 0        |
| Domestic Abuse Team                       | 0          | 0           | 0        |

\*Since December 09 Care Planning has been split into two teams, East and West with separate managers. Future reports will demonstrate the two separate teams.

## Complaint Outcomes

|   | Upheld | Partially Upheld | Not Upheld | Withdrawn | Inconclusive | Ongoing | Unknown |
|---|--------|------------------|------------|-----------|--------------|---------|---------|
| Looked After Children Team                | 1      | 1                | 1          | 0         | 0            | 0       |         |
| Care Planning Team*                       | 5      | 1                | 1          | 0         | 0            | 1       | 1       |
| Children and Families Duty Team           | 1      | 1                | 4          | 0         | 1            | 0       | 1       |
| Leaving Care Team                         | 1      | 1                | 1          | 0         | 0            | 0       |         |
| Family Support and Disabled Children Team | 0      | 0                | 0          | 0         | 0            | 0       | 1       |

\*Since December 09 Care Planning has been split into two teams, East and West with separate managers. Future reports will demonstrate the two separate teams.

### Number of complaints handled at Stage 2: 8 (33.3%)

- Seven complaints initially investigated at stage 1 were subsequently escalated to stage two.
- One complaint was dealt with initially at Stage 2 and resolved at that stage.

### Number of complaints escalated from Stage 2 to Stage 3: 2 (25%)

- These review hearings took place in March and May 2010. At this time there is no indication that the complaints have been taken any further.

### Local Government Ombudsman

- One complaint initially dealt with at Stage 1 is currently being considered for investigation by the LGO.



## **Children's Accommodation**

### **Complaints, Compliments and Comments**

|   | <b>Complaints</b> | <b>Compliments</b> | <b>Comments</b> |
|---|-------------------|--------------------|-----------------|
| Residential Services                    | 0                 | 0                  | 0               |
| Intensive Support Team                  | 1                 | 0                  | 0               |
| Family Placement Team                   | 0                 | 0                  | 0               |
| LAC Support and Development Team        | 0                 | 0                  | 0               |
| Family Intervention Project             | 0                 | 0                  | 0               |
| Young People's Substance Misuse Service | 0                 | 0                  | 0               |

### **Complaint Outcomes**

- The outcome of the complaint received for the Intensive Support Team was 'Inconclusive'.

## **Timescales**

### **Stage 1**

The target for responding to a complaint at Stage 1 is 10 working days with a possible extension to 20 working days if the complaint is particularly complex.

- In 2009/10 eight complaints (33.3%) are recorded as being responded to within 10 working days.
- During the period 2009/10 nine complaints (37.5%) are recorded as being responded to in over 10 working days. Of these complaints four were dealt with within 20 working days, two in under 25 working days, one took 30 working days and two took over 50 working days.
- 5 complaint response dates were not recorded; and
- 1 complaint was dealt with jointly with Adult Social Care on a 20 working day timescale.
- Most of the unknown and late complaint responses are from the earlier quarters, by the 4<sup>th</sup> quarter complaint response times had improved dramatically with five out of six complaints responded to within 10 working days and the other complaint responded to in 24 working days. The delay in this particular complaint was entirely due to the complainant's availability.
- One of the complaint responses recorded as dealt with in under 25 working days was not received by the complainant and according to their records they did not receive a response until nine months after making a further complaint. This experience has contributed to a plan to introduce of an 'investigation checklist' for responding managers, which will include

contacting the complainant following a response to check that they have received and understood the response.

## **Stage 2**

The target for responding to a complaint at stage 2 is 25 working days extendable up to a maximum of 65 working days.

In 2009/10 no Stage 2 responses have been provided within 25 working days, five (62.5%) have been provided in under 65 working days.

One complaint took 70 working days and one has not yet been completed which has so far taken five months. The reasons for the delay in this particular case include the complex and sensitive nature of the complaint, the use of an external investigator, difficulties accessing information and the availability of interviewees.

In all except one case complainants were kept fully informed of progress and extensions to timescales were agreed.

## **Stage 3**

At Stage 3 a Review Panel hearing should take place within 30 days of request. The Panel's findings should be sent to the complainant within five working days of the hearing and the Director of Children's Social Care's response should be sent within 15 working days.

There have been two Stage 3 Review Panels held in 2009/10. Although both Review Panels were convened within 30 days of the request, in one case the complainant cancelled and therefore the hearing was rearranged for a later date. In both cases the panel's findings were sent out within 5 working days of the hearing. In relation to one hearing the Director's response was sent out within 15 working days, in relation to the other the matter is still ongoing at the time of writing this report.

## **Organisational Learning**

In the majority of cases resolution actions identified are specific to resolving the complainant's individual issues. However, the following actions taken by the Department as a result of complaints considered in this period will benefit the service as a whole.

- The reinforcement of the appropriate process for alerting people with children to people of concern.
- Improved clarity and consistency in contact arrangements.
- A review in relation to the process of audit and review of case files.
- Introduction of letters to be sent out to referrers of child protection concerns.
- The development of a parents' support group.
- The introduction of joint training with Adults Social Care.
- Training around complaints handling for reception staff.

- A review of the process for sending out copies of assessments to service users.
- The introduction of an investigation 'checklist' to improve complaint handling.

### **Ombudsman complaints**

One complaint was accepted by the Ombudsman for investigation without referring it back to the Council, this complaint concerned both Housing and Children's Social Care Services, although it was recorded as a Housing complaint by the Ombudsman. The outcome of this complaint was Local Settlement.

The Ombudsman also received a complaint which was only investigated by Darlington Borough Council at Stage 1. The Ombudsman sent an enquiry letter to the Council, which was responded to. There is no indication at this time whether or not the matter will be formally investigated by the Ombudsman.

## **Performance against the Children's Social Care Complaints, Compliments and Comments Procedure**

### **Equal opportunities monitoring**

No equal opportunities monitoring data received in this period.

### **Performance against local performance indicators**

*LI 1767: 100% of complaints resolved at Stage 1*

In this period only 64% of complaints were resolved at Stage 1. One complaint entered the procedure at Stage 2 in recognition of its complexity and a number of other factors.

The Complaints Manager will provide training for team managers on complaint handling during 2010/11 and will continue to raise awareness of the procedure to ensure all complaints are forwarded to the complaints unit on the day of receipt and dealt with appropriately. It is also anticipated that the Local Government Ombudsman's 'Effective Complaints Handling' training will be commissioned in 2010/11.

To enable the Council to effectively measure performance against the Children's Social Care Complaints Procedure and tackle areas of underperformance the Complaints Manager has introduced the following Local Performance Indicators to replace LI 1767.

- Percentage of those making a complaint satisfied with the handling of these complaints.
- Percentage of Stage 1 complaints escalated to Stage 2.
- Percentage of Stage 2 complaints escalated to Stage 3.
- Number of all complaints received referred to the Ombudsman following investigation through the Children's Social Care complaints procedure.
- Number of complaints submitted to the Ombudsman without consideration through the Children's Social Care complaints procedure.