

**LEARNING & CHILDREN
CHILDREN & FAMILIES SERVICES**

ANNUAL REPORT ON COMPLAINTS-COMPLIMENTS-REPRESENTATIONS

STATUTORY PROCEDURE

Children (Leaving Care) Act 2000, Adoption and Children Act 2002
Health and Social Care (Community Health & Standards Act) 2003
The Children Act 1989 Representations Procedure (England) Regulations 2006

APRIL 2008 – MARCH 2009

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ANNUAL REPORT ON CHILDREN & FAMILIES SERVICES COMPLAINTS-COMPLIMENTS- REPRESENTATIONS

APRIL 2008 – MARCH 2009

Introduction

This is the third Annual Report to focus specifically on Children & Families Services Complaints and Representations and covers the period from 1 April 2008 – 31 March 2009. The complaints procedure derives from the Children (Leaving Care) Act 2000, The Adoption and Children Act 2002, The Health and Social Care (Community Health & Standards Act) 2003 and The Children Act 1989 Representations Procedure (England) Regulations 2006, which came into force from 1 September 2006. These acts set down the procedures that Local Authorities have a responsibility to follow when a complaint is made

This report focuses primarily on children's statutory complaints, with information on complaint-related queries and compliments received about staff or services.

The Procedure

The Children Act 1989 Representations Procedure (England) Regulations 2006 came into force from 1 September 2006.

This procedure is for all representations received from children and young people, their parents, foster carers or other qualifying adults concerning Gateshead Council's Children & Families Social Care Services.

Key features of the procedure include:

- A 12-month time limit to make complaints
- Requirement for local authorities to appoint a Complaints Manager, independent of operational line managers and of direct service providers.
- Section 26A of The Children Act requires local authorities to make arrangements for the provision of advocacy services to children and young people making or intending to make representations including complaints.
- Where social work information or a social work report has gone to Court, the child or young person can make a complaint about the quality or accuracy of the report.
- Provision of adoption support services (as prescribed in regulation 3 of the Adoption Support Services Regulations 2005) insofar as these enable adoptive children to discuss matters relating to adoption.

There are three stages to the procedure.

Stage 1 - Local Resolution. Invites the complainant to allow operational managers to resolve the complaint at a local level. The procedure requires that Stage 1 complaints are concluded within 10 working days, with an extension of further 10 working days, (with the agreement of the complainant) if necessary. The maximum time for a Stage 1 investigation is 20 working days.

When the matter is not resolved or if the complainant requests it, the complaint can be formally investigated at Stage 2. The complainant has 20 working days to request consideration at Stage 2 following receipt of the Stage 1 outcome letter. All children or young people who make a representation are offered the services of an Independent Advocate to enable their views to be effectively promoted.

Stage 2 – Investigation

This part of the procedure is used when the complainant remains unhappy after a Stage 1 investigation, or the complaint is sufficiently serious enough to warrant a more formal investigation. Investigations are conducted at arms length to the operational service complained about, with full and formal reporting to the complainant by an Adjudicating Officer, (usually at Head of Service level), within 25 working days. However, in certain cases it isn't possible to complete the investigation in these timescales and a further extension can be negotiated with the complainant. The investigation and adjudication process should be concluded within 65 working days.

There is also a requirement to appoint an independent person, external to the Council to oversee the objectivity and fairness of the investigation.

Stage 3 – Review Panel

If there is any residual dissatisfaction with the outcome at Stage 2, the complainant can request that the issues are taken to a Review Panel (Stage 3). The panel consists of 3 independent panel members appointed by the Local Authority. The panel considers the complaint and can make recommendations for the consideration of the Director of Learning and Children's Services. Such consideration forms the end of the statutory requirement.

Management and Operation of the System

The system continues to be managed by the Social Care, (SC), Customer Services Team based within the joint Business Strategy & Support Service. and is therefore at arms length to operational Social Services.

The SC Customer Services Team deal with all Social Care and Corporate representations across Community Based Services and Childrens Social Care Representations across Learning & Children. This includes the operation of the corporate complaints procedure in other CBS Group Services.

Constant monitoring and improved recording procedures have resulted in more rigorous tracking in terms of receiving and responding to complaints, complaint related queries and compliments.

Publicity and Information

Publicity and information continues to be provided routinely in several formats, encouraging and facilitating easy access to the Complaints process.

When young people are admitted into Local Authority care, part of the 28-day review requirements state that they are to be visited by the Council's Children's Rights Officer. The young person also receives a 'welcome' pack, which includes information, leaflets and other guidance on how to make a complaint.

The Children's Rights Officer, The Children's Rights Assistant and Independent Reviewing Officers are important links between the child and the Complaints Manager and ensure that any issues of dissatisfaction are resolved at the earliest opportunity.

All young people receiving a service can access the complaints procedure in a number of other ways, including;

- The Internet – Council and One Voice websites
- Leaflets and posters in all residential units
- Talking / telephoning / writing to the Complaints Manager
- Speaking to their Social or Link worker
- Speaking to the Children's Rights Officer – text, telephone, email and face-to-face

The SC Customer Services Team has direct contact with the majority of complainants, their carers, representatives or advocates and provides additional or more detailed advice and support as requested.

Advocacy and Special Needs

The purpose of advocacy in complaints procedures is to ensure that children and young people are given assistance when making or intending to make a complaint. Of course, the role of advocacy is not limited to assisting children or young people when they wish to make a complaint. We know that children's interests can be promoted more effectively by having a personal champion in the form of an advocate who can help children and young people ensure their views and wishes are heard at all times. Advocacy in its broader sense is about empowering children and young people to make sure that their rights are respected and that their views and wishes are fully considered and reflected in decision-making about their own lives. Any child or young person wishing to make a complaint will always be offered the services of an advocate.

During 2008/09, an advocate was provided by Action for Children for one Stage 1 complaint received directly from a looked after child, (LAC). This complaint progressed to Stage 2 of the complaints procedure, but was then withdrawn. All costs for advocacy were paid from the general Complaints budget. Another advocate was provided for a looked after child, but the issues were resolved without having to access the formal complaints procedure.

The Independent Element

Under the complaints procedure, there is a requirement to provide Independent Persons for all Stage 2 complaints. There is a consortium arrangement with South Tyneside Metropolitan Borough Council and Sunderland City Council, which provides Independent People for Children Act 1989 complaints. There is also a requirement to ensure that Stage 3 Review Panels consist of three members fully independent of the Council.

Local Government Ombudsman

The Local Government Ombudsman, (LGO), provides complaint information specifically for children and young people via their website including an online form that can be completed and submitted directly to the LGO. There is also general advice for carers and advocates who wish to complain on behalf of a child. Complainants are aware that if they wish to have their complaint considered by the LGO, they are required to have exhausted the Statutory Complaints Procedure first.

Northern Regional Complaints Officers Group

Gateshead Council is a member of the Northern Regional Complaints Officers Group. The aim of the regional groups, which meet quarterly, is to provide a forum in which peer professionals can discuss and learn about regional and national issues. Here there are opportunities to develop local practice standards, discuss performance and problem solve. The group also discuss proposed changes to legislation and procedures and prepare consultation responses where necessary.

Training and Employee Development

Training for Investigative Officers is undertaken on an annual basis. A representative from the Local Government Ombudsman will run another session in early 2010. This training will ensure that investigating officers are equipped with investigation and resolution skills. It will also inform on the roles of the investigating officer, the independent person and the adjudicating officer within the complaints procedure.

SC Customer Services are always available for individual advice to employees around complaints management and resolution.

Statistical Analysis

The Respond software package has proved invaluable and very responsive in recording, tracking and providing analysis to Heads of Service and senior managers, as well as information for performance measurement requirements.

Information regarding the volume and type of complaints, queries and compliments for the period April 2008 – March 2009 is attached as Appendix 1 to this report, from which the following points of interest arise.

General Issues

There has been a 44% decrease in the number of children & families services complaints received in 2008/09, (18 in 2008/09 and 32 in 2007/08). Front-line employees are very proficient in using their own resolution skills and solving issues at a lower level. However, as complaints continue to become more complex, employees understand the need to pass difficult issues across to the Complaints Section allowing the complainant to access the formal statutory procedure.

It is important that any dissatisfaction that requires an explanatory letter is processed at Stage 1 of the procedure.

The number of complaints, (18), is a very small proportion of social care activity, bearing in mind there were over 1721 initial contacts recorded for Children & Families social care services during 2008/09. Gateshead currently has 316 looked after children who are placed either in residential facilities or with foster carers. In 2008/09 only one complaint was received from a looked after child. Residential homes all have their own "in-house" process that resolves complaints at a very low level. Residential staff work with the young person and allow them to identify themselves how their issues can be resolved.

No complaints were dealt with under the Council's Corporate Complaint Procedure. However, this procedure remains a useful mechanism for members of the public whose complaints are not eligible under the statutory procedure.

Three Children & Families Services complaints progressed to Stage 2. All three were partially upheld.

There was only one independent review panel held during 2008/09.

Complaint related queries, (table 1(i), p12), decreased by 45% in 2008/09, (from 40 to 22), whereas compliments have increased by 59%, (from 17 to 27). There was a 26% decrease in all representations, (from 91 to 67).

Equalities Monitoring

A system is now in place to ensure monitoring against ethnicity, disability, age and sexual orientations. Information about the process is available in key languages and formats. Requests for interpretation and translation into ethnic minority languages are provided through the regional consortium arrangement with Health by Newcastle Interpretation Service. Requests for information from customers with sight or hearing impairment is provided via the Council's in-house AIRS, (Access to Information and Reading Service). There are also specialist leaflets and complaint information available to children with special communication needs.

Gateshead Council recognise that equality monitoring of service delivery is crucial for effective planning and scrutiny of the services that it provides. This monitoring can identify which groups are using the services and to gauge their level of satisfaction. This information can then be used to highlight possible inequalities, investigate their underlying causes and remove any unfairness or disadvantage.

Gateshead Council actively consider new ways of reaching under-represented groups to make sure that our services are provided fairly and are relevant to assessed needs.

During 2008/09, SC Customer Services carried out equalities monitoring of service users or their representative who had accessed the Social Care Complaints Procedure. Analysis has found:

- 23% of complainants had a recognised disability
- 11% of complainants had mental health issues
- 6% of complainants were under 16
- 6% of complainants were between 16 and 19
- 6% of complainants were between 20 and 24
- 55% of complainants were between 25 and 35
- 21% of complainants were between 35 and 59
- 6% of complainants of 60 and over
- 94% were of white, British origin
- 6% were of Asian British origin
- 83% of complainants were female
- 11% were male
- 6% were couples

The majority of complaints were received from birth mothers or other female family members of children receiving a service. It is also encouraging that parents of children from the BME communities are starting to use the complaints procedure.

Specific Issues - Stage 1 Complaints

This section looks at the trends over the last three years, from 2006/07 to 2008/09. Complaints in Children & Families Services have reduced by 44% (18 in 2008/09, 32 in 2007/08, and 22 in 2006/07. (table 1(ii)), p12).

Care Planning accounted for 66% of all complaints received, (table 2(i), p13). Referral & Assessment attracted 22% of complaints. Fostering and Adoption Services, 6%, and 6% of complaints received related to services provided by the Children with Disabilities Team.

In terms of referral source (table 3(i) p13) relatives made 82% of all complaint referrals, up from 79% in 2007/08. Letters were the main method of complaint referral accounting for 33% of contact, up from 28% in 2007/08 and from 18% in 2006/07, (table 3(ii), p14). As complaint issues are increasing in complexity, it is felt that complainants prefer to correspond in writing.

22% of all complaint referrals were by telephone, down from 25% in 2007/08 and from 37% in 2006/07. Contact by e-mail went from 0% in 2006/07, up to 3% in 2007/08 and up again to 6% in 2008/09. A Social Care Complaint online form is available on the Council's website, but it is felt that complainants prefer to communicate by telephone, letter or personal visit due to the confidential nature of their complaints. 6% of all representations are made using the tear-off slip on the freepost Social Care explanatory leaflet. 6% of complaints were made using the "Dear Director" letters available in residential units and in all packs received by looked after children.

Quality of service remains the greatest cause for complaint, (77%), a 5% decrease from 2007/08, (table 4, p14). This often involves failure of service delivery, for example contact visits changed or cancelled at the last minute or missed appointments. Communication issues accounted for the majority of complaints around quality of service, this includes late or missed social work visits, non-return of phone calls or unanswered letters.

72% of Stage 1 complaints were resolved within the 20 working day timescale, which is an increase of 34%. Children & Families Services complaints are often very complex and involve very emotional issues some of which cannot be resolved immediately.

In 2006/07, 41% of complaints made were fully or partly upheld in favour of the complainant, increasing to 59% in 2007/08. This year 39% of all complaints were fully or partially upheld, a 20% decrease. The number of complaints not upheld increased to 50% in 2008/09, (38% for 2007/08 and 50% for 2006/07).

In terms of outcomes, every complainant received a full explanation about the alleged action or inaction in both a policy and procedural context. Where complaints were fully or partially upheld, the complainant received a full written apology.

The practice of meeting with the complainant to outline the complaint, and share the outcome of the investigation and service improvement where appropriate, is now widespread, and this underpins good customer service.

Specific Issues (Stages 2/3)

There were 3 complaints that progressed to Stage 2 in 2008/09 (3 in 2007/08 and 3 in 2006/07).

All concerned the quality of service provided.

- Two complaints centred on the services provided by the Referral and Assessment Team.
- One complaint was around services provided by the Care Planning Team.

There was one request from a looked after child who wished to move to Stage 2 of the procedure, however this complaint was later withdrawn.

Learning from Complaints: Examples of Service Improvements

At the end of every investigation the Investigating Officer completes a recommendation form that is forwarded to SC Customer Services to facilitate monitoring. It outlines the necessary changes to prevent recurrence of the cause(s) of the original complaint. Changes can include policy, procedure or staff development. Examples of changes that resulted are:

- Birth parents should be advised of the need for a respite foster placement as soon as the Child's social worker is aware of the need.
- The Fostering Team will always alert the child's social worker as soon as possible when a need for a respite placement becomes apparent.
- Relationships with parents can sometimes be difficult but ensuring effective, appropriate and non-confrontational communication needs to be reinforced through training and supervision of staff
- Social Workers should be regularly made aware of procedures in place to ensure compliance with the Data Protection Act when requesting confidential information.

The majority of complaints were around very low-level issues, which did not require any major changes. What is evident, however, is that social workers have to balance their responsibilities to the child or children for whom they have a legal duty to protect, and to maintain a good working relationship with their families. This is sometimes very difficult and conflict often arises which inevitably results in complaints.

Achievements 2008/09

- New complaints leaflets and publicity have been developed.
- Complaints awareness training was carried out for all employees working in residential facilities
- Attendance at regular management meetings to discuss complaints, resolutions and timescales.

- A full day Investigative Skills training course for Independent Persons was provided in 2008/09. A representative from the Local Government Ombudsman's Office facilitated this session.
- An increase in Children's Services compliments. The importance of this was highlighted during Complaints Awareness sessions held during 2008/09.
- Changes to Respond, the Online Complaint Logging & Tracking System to reflect the review within Children's Services.

Future Objectives

Objectives for 2009/2010 are to:

- Maintain and develop complaints awareness in all Children & Families Services staff. Ensure that they are always aware of their own personal responsibilities when dealing with dissatisfaction.
- Meet regularly with Senior Managers from Children & Families Services to consider what further action needs to be taken to;
 - Resolve complaints at the earliest opportunity.
 - Improve the number of complaints being dealt with in the 10 working day timescale.
 - Ensure that the number of complaints progressing to Stage 2 and 3 remain very low.
- Deliver Local Government Stage 2 Investigating Skills training early in 2010.
- Ensure that services receiving compliments continue to pass the details on to the SC Customer Services Team to ensure their teams get the recognition they deserve.
- To develop an Investigating / Adjudicating Officers list for Stage 2 complaints. This will ensure fairness in the allocation of complex complaints.

Independent Person Training

Regular training for new and existing Independent Persons will be facilitated and jointly funded by members of the Independent Persons Consortium. This will ensure that all Officers acting as Independent Persons for Stage 2 complaints are aware of the regulations, guidelines and the extent of their responsibility when taking on this role.

Satisfaction of Complaints Procedure

The Council continues to actively promote access to the complaints procedure along with other rights of users and carers, and to raise their awareness of the role of advocates. Also to work closely with partner agencies to ensure that multi-agency complaints are dealt with in a seamless manner.

The outcomes to complaints continue to provide opportunities for change and improvements, which are acted upon wherever possible, with beneficial effects for carers and service users.

Satisfaction Surveys are sent out after complaint resolution to determine whether the procedure and its administration are operating effectively and to ask for comments on how we can improve our service.

In 2008/09, 95% of complainants who completed the Satisfaction Survey confirmed that they were happy with the Complaints Procedure and its administration.

Compliments

As in previous years, we have continued to record compliments received. Some compliments are about individual members of staff or whole teams and services. What they all do, however, is show the high regard in which staff are held by our customers and the immense value placed on the services we provide. Information is always fed into operational service teams to highlight good practice and possible improvements to services. There was an increase in compliments across all service areas.

Examples of compliments received during 2008/09

Care Planning

"I know your job is really difficult so I'm really grateful for all of your support. Love C x"

'The efforts you have made as part of their lives has been profound. For us it is so nice and comforting to have had you with us on this journey of emotions and I am sure as the lads grow into mature men they will look back in fondness of yourself, and right so. Grateful thanks for your support and wishing you so much success and happiness in the future.'

"I want to thank you for helping me with my troubles and my problems an sending me somewhere safe. Thank you."

Looked after Children & Corporate Parenting

"Thanks to staff at Lyndhurst for everything that you have done for, who has spent so many years with you. You will all stay in his heart forever and no word in the dictionary is suitable to express our feelings of love and thankfulness for you. I hope the future is bright for all of you.'

Children with Disabilities

'I think Susan does a good job, she is very helpful, understanding and friendly.'

Childrens Centres - Triple P Programme

"It is quite nice to see a change in them (the children) - I never thought I'd see a change just through praising them in the right way, but I did.'

'People told me before that I haven't got a bond with him, but what I think helped me with the programme is that we went through it step by step and did it as we went along, which really worked.'

Statistical Information

Overall Activity Levels (Statutory Complaints)

Table 1(i)
All Representations Received

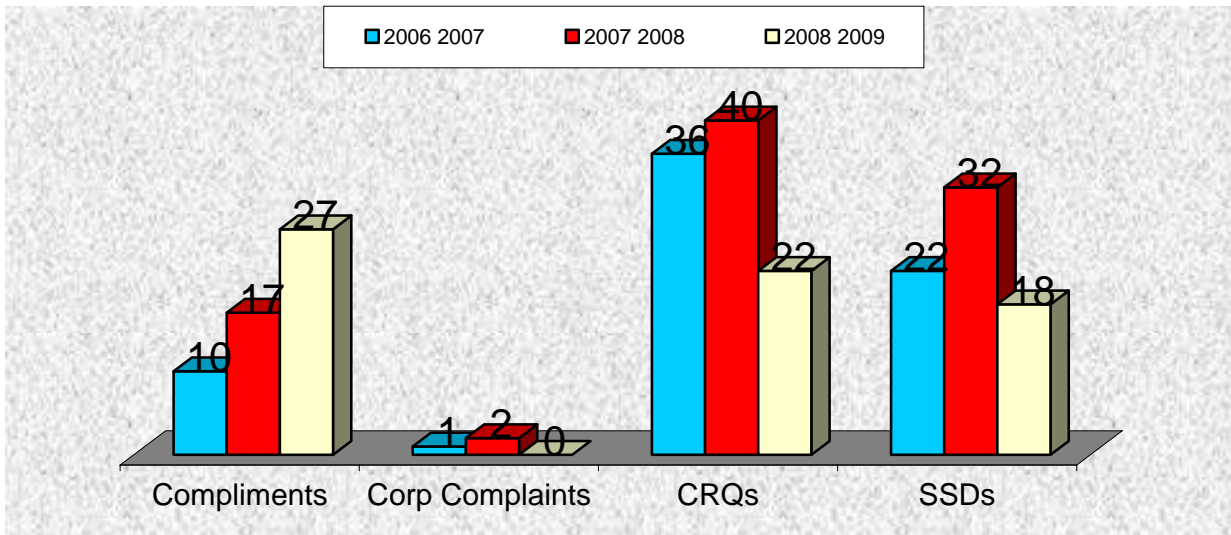
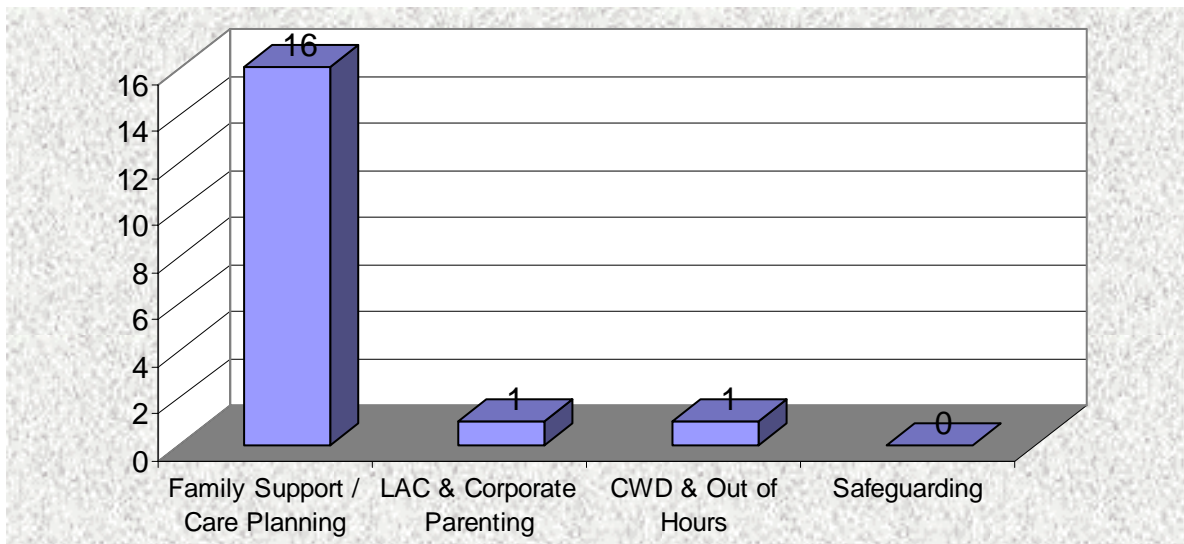


Table 1(ii) - SSD COMPLAINTS
Number of Complaints dealt with at the three stages of the procedure

C&F Services	2006/2007	2007/2008	2008/2009
Stage 1	22	32	18
Stage 2	3	3	3
Stage 1	0	1	1

Table 1(iii) - SSDs by Service Area



Stage 1 Complaints

SERVICE SECTOR

Table 2(i) shows the distribution of complaints by Service Area in 2008/2009

Distribution by Service Area	2008/09
Care Planning	66%
Referral & Assessment	22%
Fostering	0%
Adoption	6%
Children with Disabilities & Out of Hours	6%
Out of Hours Service	0%
Safeguarding Children	0%

REFERRAL SOURCE

Table 3(i) Shows the Referral Source

Referral Source	2006 / 2007 %	2007 / 08 %	2008 / 2009 %
Relative	91%	79%	82%
Self	9%	6%	6%
Advocate	0%	0%	6%
Carer	0%	6%	0%
Other	0%	9%	6%
Total	100%	100%	100%

Table 3(ii) Method of Complaint

Method of Complaint	2006 / 07 %	2007 / 08 %	2008 / 09 %
Telephone	37%	25%	22%
Letter	18%	28%	33%
Personal Visit	18%	35%	22%
Other	0%	3%	0%
Social Care Form	18%	3%	6%
Dear Director Letter	9%	3%	0%
E - mail	0%	3%	6%
Total	100%	100%	100%

ISSUES

Table 4: Shows the issues complained about compared with previous years

Service Activity	2006 / 07 %	2007 / 08 %	2008 / 09 %
Quality	67%	82%	77%
Staff Conduct	3%	9%	17%
Delay	10%	0%	0%
Refusal of Service	7%	3%	0%
Lack of Service	3%	6%	6%
Conduct of other Service User	7%	0%	0%
Other	3%	0%	0%
Total	100%	100%	100%

TIME TAKEN TO RESOLVE

Table 5(i): Shows the average number of working days taken by division

Time taken to Resolve	Average number of working days to resolve Complaint
	2008/09
Care Planning	16
Referral & Assessment	13
Fostering	14
Adoption	14
Young Peoples Support	7
Out of Hours Service	N/A
Children with Disabilities	68
Safeguarding Children / Reviewing Unit	N/A

TIME TAKEN TO RESOLVE

Table 5 (ii): Shows the percentage of complaints resolved within 3 timescales compared with previous years

Time taken to resolve complaints	2006/07	2007/08	2008/09
Resolved within 10 working days	18%	16%	28%
Resolved within 20 working days	73%	38%	72%

OUTCOME

Table 6: Shows the outcome of Stage 1 Complaints

Outcomes of complaints	2006/07	2007/08	2008/09
Other – Closed or withdrawn	9%	3%	11%
Not upheld	50%	38%	50%
Partially upheld	27%	43%	28%
Upheld	14%	16%	11%

ADDITIONAL INFORMATION

Table 7 (i) - Compliments by Division

Compliments	
	2008/09
Family Support & Care Planning	35%
Looked after Children & Corporate Parenting	26%
Children with Disabilities	19%
Safeguarding Children / Reviewing Unit	7%

Table 7 (ii): Stage 2 Complaints

STAGE 2 Complaints		
September 2008	Referral & Assessment Team	Partially upheld
September 2008	Referral & Assessment Team	Partially upheld
September 2008	Care Planning Team	Partially upheld

There was one Stage 3 Review Panel in 2008/2009. This was around quality of services provided by the Care Planning Team. This complaint was considered by an Independent Review and was partially upheld.