

# Walsall Council

## Quality & Performance Management Unit Report

|         |  |
|---------|--|
| Title   | <b>Annual Report 2004-2005</b>                 |
| Subject | Social Services Complaints and Representations |
| Creator | Sue Dalley Customer Care Manager               |
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### 1 **Introduction**

- 1.1 The Local Authority Social Services Act 1970, as amended by the Children Act 1989 and the NHS and Community Care Act 1990, requires the Designated Complaints Officer (DCO) to provide an annual report on statutory complaints and representations procedures.
- 1.2 A key action in the previous report was the purchase and installation of new improved software for recording and monitoring complaints and representations. This report covers the extended reporting period of 16 months as it represents the last report to be reliant on data collected using the old "LIPS" software.
- 1.3 The new system, "Respond", has been fully implemented and will in future establish the practice of reporting annually.

### 2 **Background- Activity and Context**

- 2.1 Listed below are the priorities for the Customer Care Team, as identified in the Annual Report 2004. All the tasks have been achieved and targets for further improvement are identified within this report.

| PRIORITY TASK   | PERFORMANCE  |
|---|--|
| <b>Undertake review of complaints procedure to take into account legislative changes.</b> | Procedures revised into Adults (NHS and Community Care Act) and Children (1989 Children Act).<br><br>Procedures agreed by SMB in October 2005. Awaiting guidance and regulations from DH and DfES. |
| <b>Launch new complaints procedures among all Service Users.</b>                          | Revised procedures launched in October 2005, available on the intranet and in paper format from November 2005.   |
| <b>Develop and deliver training for</b>   | Training programme for managers  |

|   |   |
|---|---|
| <b>staff and managers.</b>  | and staff developed and delivered from September 2005 (Ongoing programme).  |
| <b>Produce complaints literature that enables and promotes access.</b>  | New public information leaflets for adults and for children directorates on the intranet and in paper format from November 2005.  |
| <b>Further development of staff training to be included in staff induction.</b>                                   | Complaints awareness training included in induction for new staff from January 2005.  |
| <b>Integration of complaints from users of supporting housing and the supporting people programme.</b>            | Procedures revised in recognition of different statutory entitlements. Complaints monitored and reported as appropriate, using corporate 'TellUs' system from August 2005.        |
| <b>Monitor the requirement upon independent providers to enable service user access to complaints procedures.</b> | Robust monitoring of complaints regarding independent providers from August 2005.   |
| <b>Procurement of a tailored information system to support management information and reporting.</b>              | Dedicated software purchased and implemented from August 2005.<br><br>Enhanced management information reporting to Adults and Children's Services agreed, ongoing from July 2005. |

2.2 The Social Services complaints and representations procedures differ from the Council's corporate procedures, in their statutory timescales, as well as the requirement for independence and advocacy. Consultations about changed regulations and guidance concerning Social Services complaints, undertaken by the Department of Health (DH Adults), the Department for Education and Skills (DfES Children) and the Commission for Social Care Inspection, have continued throughout the reporting period.

2.3 Both the DfES and the DH are due to publish revised guidance and regulations concerning changes to the Social Services complaints procedures, with a target implementation date for Local Authorities of April 2006. The anticipated changes include:

- a reduction in the statutory timescale for a Stage 1 response to 10 working days;
- an extension of the scope of 1989 Children Act complaints to include new entitlements of adoptive parents under the Adoption and Children Act 2002;
- an extension of the functions which may be complained about under Section 26 of the Children Act ;and
- the imposition of a 12 month time limit on making a complaint or representation.

- 2.4 The previously planned transfer of responsibility for the final stage of the Social Services complaints procedure, from Local Authorities to the Commission for Social Care Inspection, has been withdrawn. This has unexpectedly left Local Authorities with the requirement to determine who holds responsibility for responding to any Stage 3 review panel recommendations.
- 2.5 The revised complaints procedures and associated public information, agreed by the Strategic Management Board, Social Care and Supported Housing, anticipated the new guidance. The procedures are nevertheless likely to require some minor modification once the guidance is available.
- 2.6 This report enables an overview of complaints performance in comparison with previous years, and in the context of other local authorities within our comparator group. It also identifies key targets for achievement and review in the next annual report, which will be presented in September 2006 and cover the period from August 2005 to 31 March 2006.

### **3 Complaints and Representations Performance**

**See Appendices 1-6**

#### **Number of Complaints at Each Stage**

- 3.1 There has been a small, but insignificant, increase in the number of complaints reported overall, and, when extrapolated, from April to July 2005. (**Appendix 1**) The figures for complaints at all stages remain within the average reported in comparator authorities. The new procedures explicitly require that managers include information about a complainant's statutory Stage 2 entitlements in every Stage 1 response.
- 3.2 Of the sixteen complaints considered at Stage 2, ten were upheld, three partially upheld and three not upheld. This suggests that the initial response to the complaint at Stage 1 was insufficiently thorough and robust. The appointment of the Children and Adult Investigating Officers to the Customer Care Team has already had an impact on the number of Stage 1 complaints progressing to Stage 2. As well as enabling in house investigation of Stage 2 complaints, members of the Customer Care team advise managers regarding best practice in responding at Stage 1, and can provide a mediation, conciliation and problem solving resource to complainants and to managers.
- 3.3 There has been a reduction in the number of Stage 3 Review Panels, from six in the six month period from April to October 2004, to none since that date. This is a very significant improvement, in the context of increased information to service users about their statutory entitlement, and reflects the enhanced problem solving and conflict resolution capacity of the Customer Care team. In the most recent national data for Local Authority complaint performance within England, 2003-2004, only one Authority reported no Stage 3 Review Panels.
- 3.4 The changed reporting of Independent Sector complaints reflects a change in practice. Complaints were previously passed to the Commission for Social Care Inspection for investigation and action, and it was seldom possible to monitor CSCI's findings. Complaints about independent providers are now passed to the provider for investigation and resolution, and then monitored through the Directorate's internal processes. This is consistent with CSCI best practice guidance, and allows information sharing which assists in the monitoring of Walsall's contracts with commissioned services.

- 3.5 There has been a reduction in the number of Stage 1 complaints within Children Services from 2004 to 2005 as a result of a changed response to repeated complaints made by adults about matters which are before the courts, or which have already been considered at all stages of the complaints procedures. These complainants were advised to take their concerns to the Local Government Ombudsman, who has informed them that the Authority has undertaken all the required actions in connection with their complaints. (See Section 4)

3.6 **Targets for Further Improvement 2005-2006**

- a continued reduction in the number of complaints which are not upheld at Stage 1, but then upheld, or partially upheld at Stage 2
- an increase in the proportion of complaints which are resolved through mediation.

**Number of Compliments**

- 3.8 Compliments were recorded and monitored using manual systems until August 2005. (**Appendix 2**) New software will enable an improved analysis of the number, nature and source of compliments which will, in future, be reported alongside complaints data.

The existing general information leaflet, and the revised adults and separate children's leaflets, all encourage comments and compliments as well as complaints. The increased distribution and availability of these leaflets appears to have resulted in an increase in the number of compliments.

3.9 **Targets for Improvement**

- a continued increase in the numbers of compliments received, analysed and reported alongside complaints data.

**Timescales: Acknowledgment and Response**

- 3.10 The target for acknowledgement of complaints is within five working days. (**Appendix 3**) The action is recorded and analysed when undertaken by the Customer Care team, and triggers the request to managers to respond to the complaint. Performance in providing a speedy and courteous acknowledgement is good. The new software will enable an analysis of where, within the Authority, a complaint has been received and acknowledged, thus enabling a different understanding of performance.

- 3.11 The current target for responding to complaints is within twenty working days (twenty eight days in the legislation). (**Appendix 4**) Just under 50% of all stage 1 complaint responses meet this target, within all service areas. The revised procedures require the Customer Care team to inform senior managers where a stage 1 response is overdue, with the intention that this assists in improving performance.

3.12 **Targets for Improvement**

- an increase in the proportion of complaints which are acknowledged and

- resolved within teams delivering services
- an increase in the number of complaints receiving a response within target timescales
- a reduction in the number of complaints taking more than forty working days to receive a response
- an increase in the number of complaints reported to the Customer Care team using the complaints log as identified within the new procedures

### **Reasons for Complaining**

- 3.13 The figures indicate the nature of the complaints that have been made. **(Appendices 5 & 6)** The majority, within all areas of service, concern a range of comments about the quality of service, sometimes expressed as “the handling of the case”. Complaints within Children Services about delay or disputed decisions tend to have been made by adults rather than by the children and young people themselves. There is no significant variation within the matters complained about from 2004-2005 to July 2005.
- 3.14 The manner in which complaints are resolved is important. Within Children’s Services, in the period April 2004 to 31 July 2005, of the 84 complaints that were received, 17 (slightly more than 20%) were upheld. The remainder, nearly 80%, were not upheld, partially upheld, or inconclusive. Within Adult Services, in the same period, of the 219 complaints received, 55, (25%) were upheld, 66 (almost 30%) were not upheld, with the remainder, (45%) being partially upheld or undecided.
- 3.15 The new software will enable reporting on complaint resolution, linked with each specific aspect of the complaint. It will also enable managers to identify who is the complainant, thus enabling staff to prioritise complaints made by children or to target and promote information about the procedures within under represented areas.
- 3.16 **Targets for Improvement**
- the provision of accurate information to managers and performance boards concerning the issues complained about, linked with complaint resolution and performance in terms of timescales
  - the further development of processes which enable learning from complaints, and complaint resolution.

## **4 Referrals to the Local Government Ombudsman**

- 4.1 The strategy of referring serial or “vexatious” complainants to the Local Government Ombudsman, to enable termination of contact, is mentioned above (3.5) Nine such complainants were referred to the LGO by the Customer Care Manager; each complainant was advised that no further action was required of the Authority.

4.2 Ten other complainants have approached the Ombudsman either independently, or with the assistance of a Councillor or Member of Parliament. Nine of these complaints have been resolved locally, to the satisfaction of the complainant, without further Ombudsman investigation or report. It is clear that, in some of these complaints, managers could have avoided the intervention of the Ombudsman by paying greater attention to the provision of evidence for statements, when reaching a conclusion about a complaint.

#### 4.3 **Targets for Improvement**

- training in complaint resolution for managers who may be required to respond to recommendations at Stage 2, Stage 3, or from the Ombudsman.

### 5 **Priority Actions for 2005-2006**

5.1 The following actions are required in order to achieve the targets identified throughout this report:

- A timely response to the guidance from DH and DfES, updating the procedures and public information as necessary
- An offer of mediation wherever a complainant seeks to progress their complaint from Stage 1 to Stage 2
- Enhanced publicity about compliments and complaints, with monitoring information about uptake linked with analysis of trends
- Robust tracking of complaints and monitoring of response times regularly provided to relevant managers
- Detailed analysis of the source and purpose of compliments received
- Additional training in revised complaints procedures for staff and managers

5.2 The Customer Care team has been fully staffed for just over six months. There has already been a considerable reduction in the number of complaints progressing through the various stages, and evidence of the success of mediation and problem solving with service users and managers. The team is well positioned to act on the identified priorities, and to report on progress in September 2006.

### 6 **Contact Details**

#### 6.1 **Customer Care Manager**

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## **Appendix 1**

### **Number of Complaints Received. Stage 1**

| Service Area          | 2003 to 2004 | 2004 to 2005 | 1 Apr 05 to<br>31 Jul 05                          |
|-----------------------|--------------|--------------|---|
| Admin Finance         | 4            | 0            | 3   |
| Adult Services        | 77           | 113          | 34  |
| Mental Health         | 18           | 11           | 3   |
| Physical Disabilities | 27           | 6            | 1   |
| Learning Disabilities | 9            | 7            | 3   |
| Independent Sector    | —            | 11           | 7   |
| Children Services     | 75           | 60           | 24  |
| <b>TOTALS</b>         | <b>210</b>   | <b>228</b>   | <b>75</b><br>[ projected annual<br>figure = 225 ] |

### **Number of complaints progressing to Stage 2.**

| Service Area          | 2003 to 2004 | 2004 to 2005 | 1 Apr 05 to<br>31 Jul 05                       |
|-----------------------|--------------|--------------|--|
| Admin Finance         | 0            | 0            | 0  |
| Adult Services        | 5            | 6            | 2  |
| Mental Health         | 0            | 0            | 0  |
| Physical Disabilities | 1            | 1            | 0  |
| Learning Disabilities | 0            | 2            | 0  |
| Independent Sector    | 0            | 0            | 0  |
| Children Services     | 10           | 7            | 2  |
| <b>TOTALS</b>         | <b>16</b>    | <b>16</b>    | <b>4</b><br>[projected annual<br>figure = 12 ] |

### **Numbers of complaints reviewed at Stage 3.**

| 2003 to 2004 | 2004 to 2005 | 1 Apr 05 to 31 Jul 05 |
|--------------|--------------|-----------------------|
| 4            | 6            | 0                     |



## Appendix 2

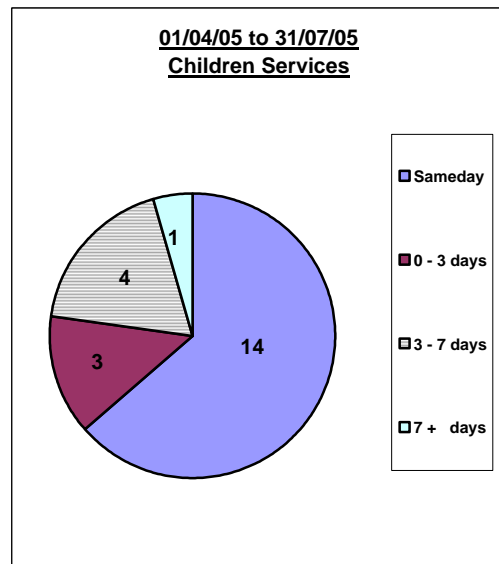
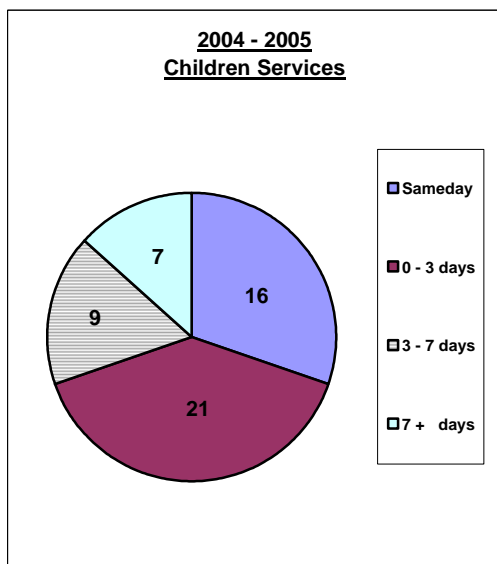
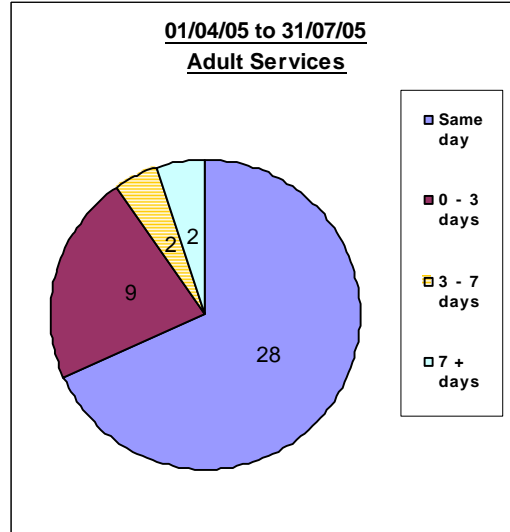
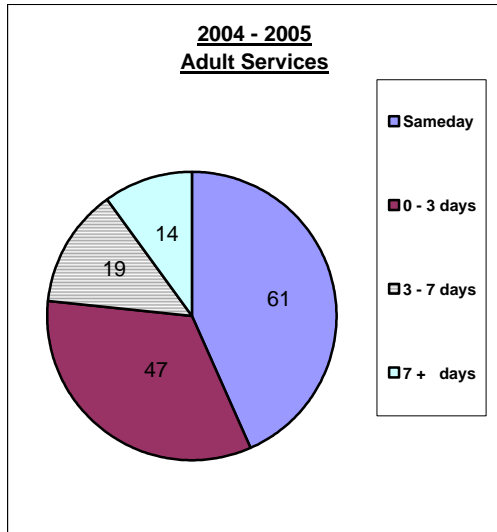
### Compliments received by year and service areas

| Service Area          | 2004 to 2005 | 1 Apr 05 to 31 Jul 05           |
|-----------------------|--------------|---------------------------------|
| Homecare              | 27           | 7                               |
| O.T.                  | 1            | 1                               |
| Social Work           | 6            | 7                               |
| Residential Adults    | 17           | 3                               |
| Meals on Wheels       | 0            | 0                               |
| Specialist Adults     | 0            | 0                               |
| Day Centre Adults     | 5            | 2                               |
| Miscellaneous         | 3            | 7                               |
| <b>Total Adults</b>   | <b>59</b>    | <b>27</b>                       |
|                       |              | (projected annual figure<br>81) |
| Children Social Work  | 12           | 7                               |
| Children Residential  | 0            | 0                               |
| <b>Children Total</b> | <b>12</b>    | <b>7</b>                        |
|                       |              | (projected annual figure<br>21) |

## Appendix 3

### Time taken for a complaint to receive a written acknowledgement

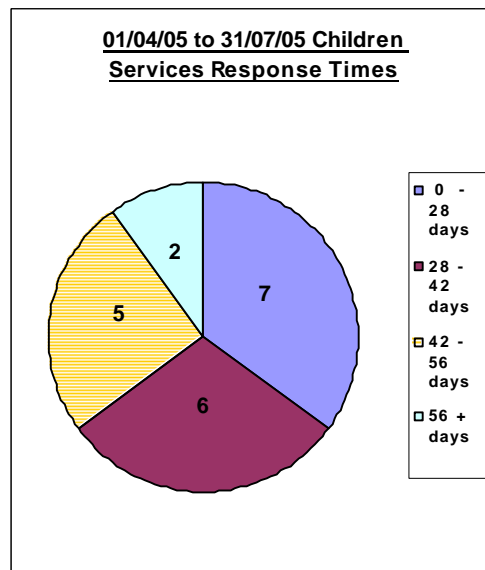
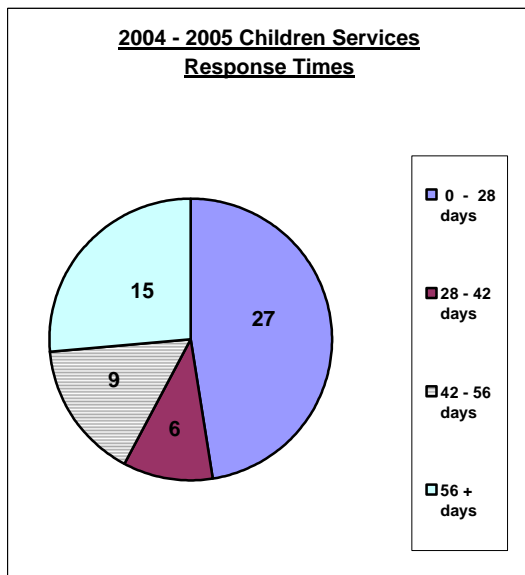
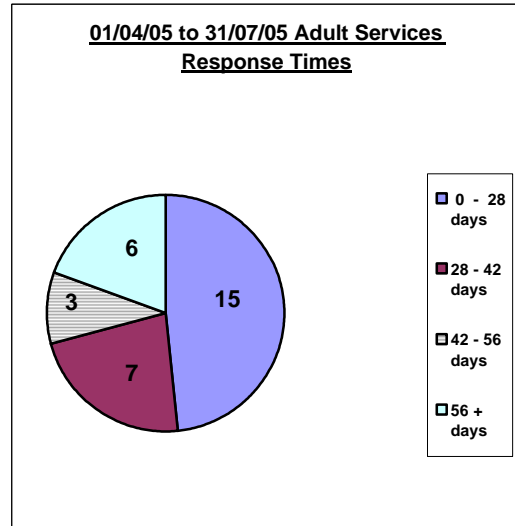
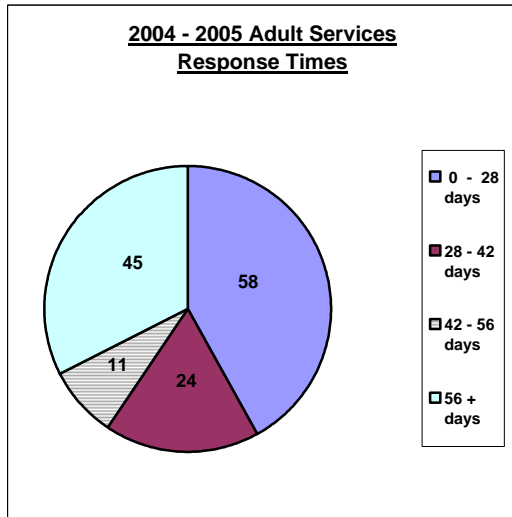
The target for acknowledgement is within five working days. These charts show the numbers within a range of timescales. Note that the charts record calendar days rather than working days, so that up to 7 days may be within the target for acknowledgment.



## Appendix 4

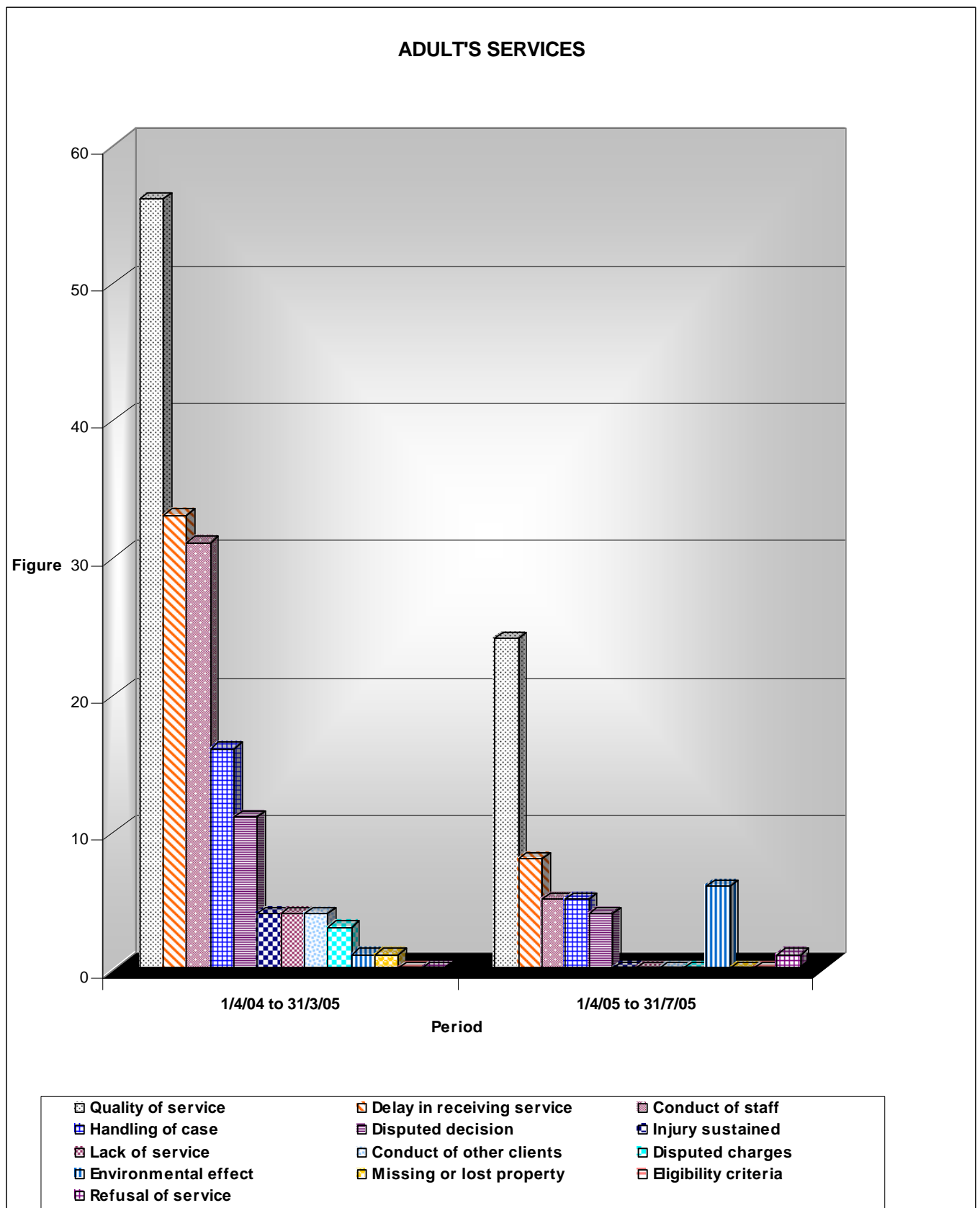
### Time taken for a complaint to receive a response at Stage 1

The target for responding to a Stage 1 complaint is 28 days. These charts show the numbers within a range of timescales.



## Appendix 5

### Reasons for Complaining 01.04.04 - 31.03.05 and 01.04.05 - 31.07.05



## Appendix 6

### Reasons for Complaining 01.04.04 - 31.03.05 and 01.04.05 - 31.07.05

