

**DATE: 4 November 2010**

**8**

**Children's Services complaints and representations**

**Ward(s)** All

**Portfolios:** Cllr R Andrew

**Summary of report:**

This report meets the legal requirement to report annually on council procedures for complaints and representations relating to the Children & Young People directorate, in accordance with the Children Act 1989 and as amended by subsequent legislation including statutory instrument 1738 / 2006.

**Background papers:**

N/A

**Reason for scrutiny:**

To ensure that members are aware of how the council is meeting expectations of previously mentioned regulations and how complaints received are assisting with improvements to the delivery of services, increased customer satisfaction and better value for money for service users.

**Resource and legal considerations:**

To ensure that the council's procedures for complaints and representations, including the preparation of an annual report, meet statutory requirements.

**Citizen impact:**

Complaint, comments and compliments provide useful information about the services provided by the council and can inform decision making about the future commissioning of services.



# Walsall Council

## Corporate Performance Management – Customer Care Team

Title	Annual Report 2009/2010
Subject	Children's Services complaints and representations
Creator	Heather Maybury
Version	7.0
Date	July 2010
Status	final

## CONTENTS

- 1 Introduction
- 2 Background Information
- 3 Revision of guidance and regulations
- 4 Training
- 5 Mediation
- 6 Scorecard
- 7 Learning from complaints
- 8 revised targets for 2009/2010
- 9 recommendations

## Appendix

1. Complaints received by services area
2. Complaints acknowledged in time scale
3. Time taken to respond at stage 1
4. Status of complainant
5. How was the complaint received?
6. Reason for complaint issues
7. Proportional analysis by directorate
8. Complaints by stages
9. Complaint findings based on stage 1 investigation

## **1 Introduction**

- 1.1 The Local Authority Social Services Act 1970 (as amended by the Children Act 1989) requires the provision of an annual report on the statutory complaints and representations procedures. This was updated by the introduction of Statutory Instrument 1738 in September 2006. This includes complaints relating to the specific functions of the Children Act listed in sections 31, 33, 35, 43, 44, and under the Adoption and Children Act regulation 3 and 4.
- 1.2 The previous annual report was presented to Children's Performance Board and to Scrutiny Panel and made available via the council website. In this period 1<sup>st</sup> April 2009 to 31<sup>st</sup> March 2010 there have been 130 complaints, 8 comments and 2 compliments.

## **2 Background information**

- 2.1 The 2001 census concluded that Walsall had a population of 253,499, and 67,746 of this number were children and young people under the age of 18. Last year Walsall had an average of 496 Looked After Children.
- 2.2.1 Previous targets – From the 10 targets set last year 4 targets have been achieved, 4 targets partly achieved and 2 targets not achieved. Below is a list of the targets and explanation of achievements.
  - a) The use of mediation to achieve customer satisfaction should continue. 100% of complainants, where the complaint is not satisfied with the outcome at stage 1 and it is appropriate, will be offered mediation as an Alternative Dispute Resolution.

### **ACHIEVED**

*This target has been achieved. Mediation was offered to a number of complainants who were not satisfied with their response at stage 1. Many declined this offer, but on 4 occasions mediation was used successfully to avoid costly stage 2 investigations.*

- b) A review of publicity and awareness raising should be facilitated by the Customer Care Team. This will include consideration of alternative methods of making a complaint (e.g. text messaging) and a review of materials used to publicise access and awareness. This exercise should include the development of publicity specifically for children and young people, and publicity suitable for young people who have a learning disability. Young people will need to be part of the consultation.

### **PARTLY ACHIEVED**

*This target has been partly achieved. The standard children's leaflet has been update and distributed. Flyers have been sent out informing*

*young people how to make a complaint by text messaging. Publicity specifically for young people with a disability is still to be developed.*

- c) The number of complaints received using formats other than letter and leaflet should be increased, reflecting improved awareness by staff and service users. The use of complaints received by email and text could improve the speed that complaints are received and processed.

**NOT ACHIEVED**

*Leaflets and letters are still the most popular method of complaints being sent to the Customer Care Team. In the next year we need to consider how we advertise the use of email and text messaging as methods of making a complaint.*

- d) The number of complaints received directly from children and young people should be maintained in excess of 20% of all complaints regarding children's services (CH13)

**NOT ACHIEVED**

*In the last year we have received 22 complaints directly from young people. This is only 17% of the total complaints received and below the target of 20%. It is worth noting that some young people have used the advocacy service, staff or carers to assist them to make a complaint.*

- e) The number of complaints acknowledged within timescales (5 working days) should be maintained in excess of 95%

**ACHIEVED**

*All complaints received directly by the Customer Care Team have been acknowledged in the time scale. Those that are outside the time scale are due to complaints not being sent promptly to the Customer Care Team.*

- f) That the Customer Care Team continues to work with Family Placements to develop the training package delivered to foster carers to include complaint specific training linked to the CWDC Induction standards.

**ACHIEVED**

*Three Training sessions have been delivered to foster carers in the last year. The content of these sessions has been linked to the CWDC standards for foster carers. This is a course that has to be completed by all foster carers.*

- g) The 'Learning From Complaints' process should be firmly embedded in practice and as part of the statutory complaints procedure. Reporting on this at performance board may raise the profile of Learning from Complaints, and the related action. The Customer Care Team to continue to remind and support managers to complete the learning from complaints form.

**PARTLY ACHIEVED**

*The Customer Care Team will continue to send the learning from Complaints form to managers with the complaint as a reminder that this must be completed. Only 17% of complaints have had related learning from complaints forms returned.*

h)

That the Customer Care Team offers a weekly surgery service that is available for all staff to attend when they require assistance with any matter relating to handling complaints.

**ACHIEVED**

*Use of the surgery time was not as popular as expected. Due to the restriction on meeting space we have now dispensed with this service. Staff are welcome to contact the team for advice and support.*

i)

That all complaints are forwarded to the Customer Care Team as soon as they are received in order to respond promptly the complainant with an acknowledgement, and there after a timely response letter after investigation has been completed. The Customer Care Team are there to offer support to managers and can only do this with those complaints we know about.

**PARTLY ACHIEVED**

*There are still a few complaints that take some time to reach the Customer Care Team. This is an area that needs to improve.*

j)

That all managers adhere to the statutory time scales for the investigation and response of complaints at stage 1 which is 10 working days, with the option of extending this by a further 10 working days if the complaint is complex.

**PARTLY ACHIEVED**

*It is encouraging that there has been an increase in managers responding to complaints within 10 working days. Attention now needs to be applied to responding to all complaints within the statutory 20 working days.*

**3. Revision of guidance & regulations**

There is still no clear information on when changes will be made to the regulations for Children's complaints, but it is thought that there will be an amalgamation with Education complaints procedures at some point in the next few years. The legislation for Adult complaints which was introduced in April 2009 has been implemented and has been received well. Joint procedures with Social care complaints and Health has had some benefits. These include an improvement in the quality of information provided to the complaint in their response letter due to the involvement of Heads of service checking and signing off the response

letters. Learning from complaints has been taken as an integral part of the response thus informing the complainant what learning has taken place relating to their complaint.

#### **4. Training**

During the period there has been a total of nine training sessions. Three of these have been training for foster carers, four for staff working in Children's residential and two with other teams in Children's Services. The content of the sessions for foster carers has been linked to the Fostering Children's work force development council (CWDC) standards to support foster carers in gathering evidence towards this award. The training specifically for staff working in Children's residential services has been closely linked to the Care standards. Feedback from all staff attending training has been good and it is hoped that this will enable staff to support young people to make a complaint if required.

#### **5. Mediation**

Mediation has been developed as a means of assisting complainants to achieve satisfactory outcomes to their complaints without the need to progress to stage 2. It is clear that problem solving is more effective than complaint investigation in terms of the expenditure of money and time. Complainants who have used mediation as a means of resolution have reported feeling valued through the process and the customer has received a positive outcome to a negative experience.

In the last year there were 4 occasions where mediation was offered as an alternative to the progression of a complaint to stage 2. On all four occasions these were successful.

#### **6. Scorecard**

The scorecard has been developed and local indicators have been introduced. Quarterly reports and information are presented to the performance board concerning the issues complained about, linked with complaint resolution and performance in terms of timescales. The three indicators in use are: -

- CH7 – Number of complaints received in period
- CH8 – Number of complaints responded to within timescales
- CH13 – Number of complaints received from a child or young person

Learning from complaints returns are also reported back to the performance board. This is an area where Managers have not always provided the relevant information. We have had some discussion about this and made some plan to improve the systems used in an attempt to improve this important area of the complaints process.

## **7. Learning from Complaints**

A 'Learning from Complaints' pilot scheme was introduced in September 2007, following lengthy consultation with managers across children's services and adult social care. The pilot ran for 6 months and the overarching aim was to ensure that the learning opportunities presented by each complaint were captured and actioned accordingly.

Learning from Complaint forms are routinely sent to all managers investigating complaints. It is expected that the procedure of returning this form to the Customer Care Team within 5 days of the response being completed is followed, even if this is a nil return. It was requested that learning from Complaints was a standards item on all staff supervisions and team meeting agendas. Of the 130 complaints received in the year 2009/2010 only 22 learning from complaints forms were received. (17%) This exercise provides an opportunity for practise to improve based to the learning from complaints and creates accessible evidence for managers when completing external audits and inspections. It is also useful to note that by making improvements to service delivery this should avoid the reoccurrence of the same type of complaint, thus reducing the number of complaints received. Of the Learning from complaints forms returned for stage 1 complaints there were no clear examples of learning.

## **8. Revised targets for 2009/10**

- i. The use of mediation to achieve customer satisfaction should continue. 100% of complainants, where the complaint is not satisfied with the outcome at stage 1 and it is appropriate, will be offered mediation as an Alternative Dispute Resolution
- ii. Development of publicity specifically for young people who have a learning disability. It is planned that young people will be part of this consultation. Analysis shows that we receive very few complaints comments and compliments from young people with disabilities. It is hoped that use of specific publicity will improve inclusion and access.
- iii. The number of complaints received using formats other than letter and leaflet should be increased, reflecting improved awareness by staff and service users. The use of complaints received by email and text could improve the speed that complaints are received and processed.
- iv. The number of complaints received directly from children and young people should be in excess of 20% of all complaints regarding children's services (CH13)

- v. The number of complaints acknowledged within timescales (5 working days) should be maintained in excess of 95%
- vi. That the Customer Care Team continues to work with all staff employed in Children's services providing training and support on how to respond to complaints made by young people and their advocates.
- vii. The Learning From Complaints process should be firmly embedded in practice and as part of the statutory complaints procedure. Reporting on this at performance board may raise the profile of Learning from Complaints, and the related action.
- viii. That all complaints are forwarded to the Customer Care Team as soon as they are received in order to respond promptly to the complainant with an acknowledgement, and there after a timely response letter once the investigation has been completed. The Customer Care Team is there to offer support to managers and can only do this with those complaints we know about.
- ix. That all managers adhere to the statutory time scales for the investigation and response of complaints at stage 1 which is 10 working days, with the option of extending this by a further 10 working days if the complaint is complex.
- x. That improvements are made to the present process used to progress complaints. Introduction of a complaints handling plan will focus the response on meeting the desired outcomes of the complainant. Response letters will be returned to the Customer Care Team for quality assurance checking and sign off by a Senior Manager of the service the complaint relates to. This will enable senior managers to monitor learning from complaints and how this relates to improvements in their service.

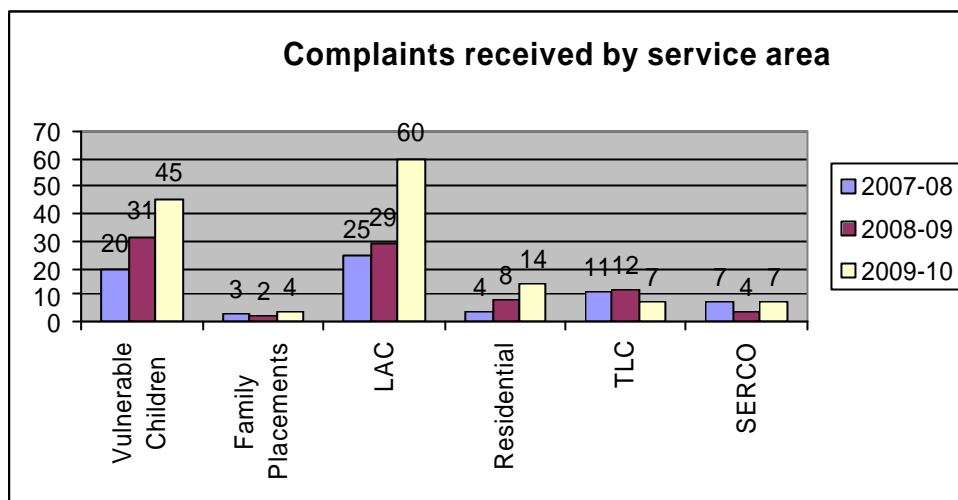
## **9. Recommendations**

- That CSMT endorse the contents of this annual report and the targets contained within, noting that the report will be forwarded to the CYP Scrutiny Panel.
- That CSMT endorse the proposals for the 'learning from complaints' process to be a compulsory part of the complaints procedure.
- That managers investigating complaints at stage 1 adhere to the statutory time scale of 10 working days, or 20 when the complaint is more complex.



## Appendix1

### Complaints received by service area



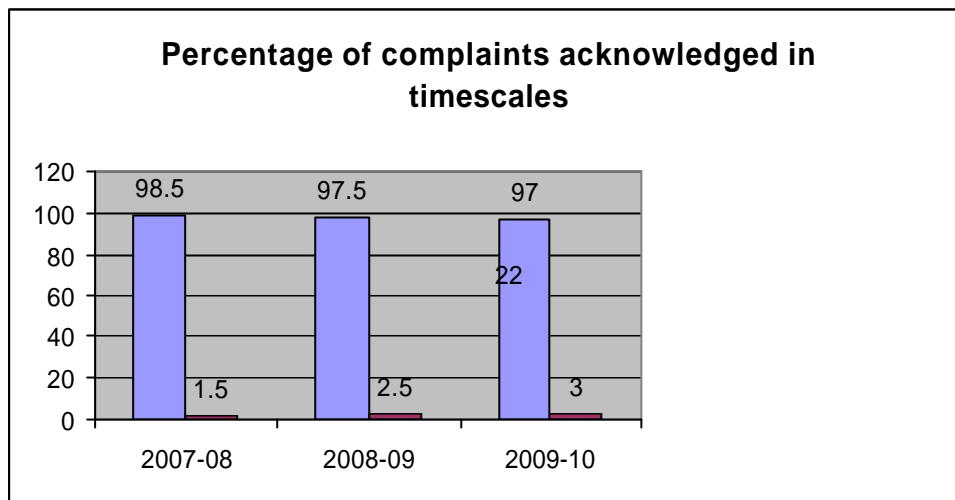
The total number of complaints received relating to Children's services has increased significantly the last year. In 2008/9 a total of 86 complaints were received compared to 130 in 2009/10

The greatest number of complaints received continues to relate to vulnerable children's service and Looked after Children's service. There has been a reduction in the number of complaints relating to Vulnerable Children's Service, and a large increase in the number of complaints received relating to Looked after Children.

The LAC Team have reported that there has been a high level of sickness in these teams which is likely to have contributed to an increase in complaints. This factor could also have contributed to complaint response times. The common themes continue to be problems relating to family contact, and young people having problems making contact with their social worker.

## Appendix 2

### Complaint acknowledged in time scales



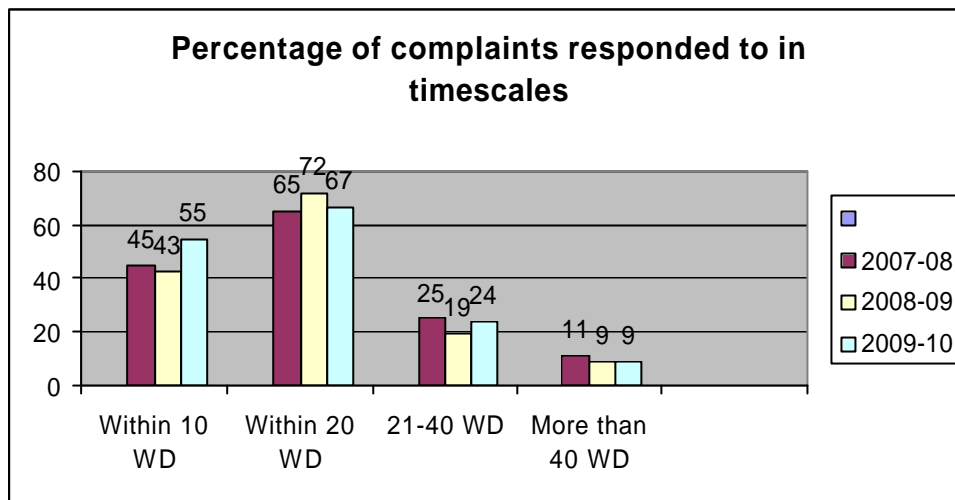
Statutory Instrument 1738 (2006) requires that complaints are acknowledged within 5 working days.

The target for 2008/09 was to maintain the number acknowledged within this timescale at 95% or more. The above chart demonstrates that this was achieved with 97% of complainants receiving an acknowledgement within 5 working days.

The 3% of complaints not acknowledged within 5 working days was due to the complaints not being forwarded to the Customer Care Team at an early enough point. The date of receipt that is used for this calculation is the date of receipt within the council, not within the Customer Care Team. It is therefore imperative that complaints are forwarded at the earliest opportunity to ensure compliance with legislation. All staff working in children's services have a duty to follow this process.

## Appendix 3

### Time taken to respond at stage 1



Statutory Instrument 1738 (2006) requires that complaints should be responded to, at stage 1, within 10 working days unless it is determined as complex, in which case the response time is increased to 20 working days.

It is encouraging to see an increase in the number of complaints responded to within 10 working days.

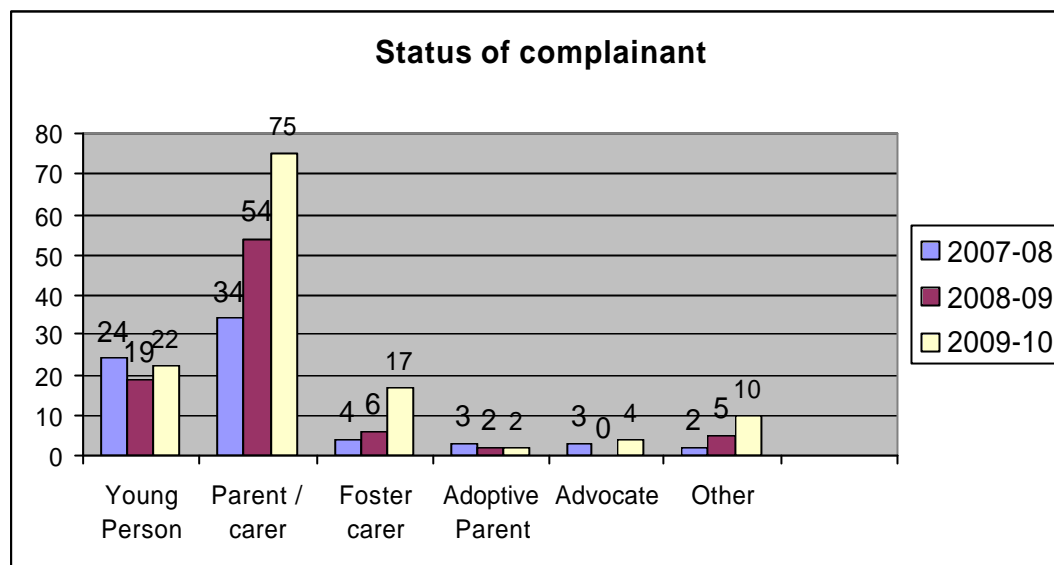
The above chart shows that 67% of complaints were investigated and responded to within 20 working days. This does not meet the target of 80%. Some urgency needs to be given to investigating and responding to all complaints within the statutory time scale of 20 working days. Legislation makes it quite clear that, if a complainant does not receive their written response in 20 working days, they have an entitlement to request that the complaint is considered at stage 2.

The Customer Care Team have introduced a system of sending out reminders to managers before day 10 and day 20 if a response has not been received, to assist with meeting this target.

33% of complaints were not responded to within the statutory time frame of 20 working days. This matters needs to be addressed urgently to reduce this unacceptable number. It should be noted that 9% of these were over 40 working days. A reason given by managers for these delays was lack of capacity and sickness.

## Appendix 4

### Status of complainant



In the last annual report, a target was established to maintain the number of complaints received directly from children and young people in excess of 20% of statutory complaints regarding children's services. Only 17% of the total complaints came directly from young people.

However, it should be noted that some young people have reported their complaint to a staff member, advocate or family member, who has sent in their complaint to the Customer care team.

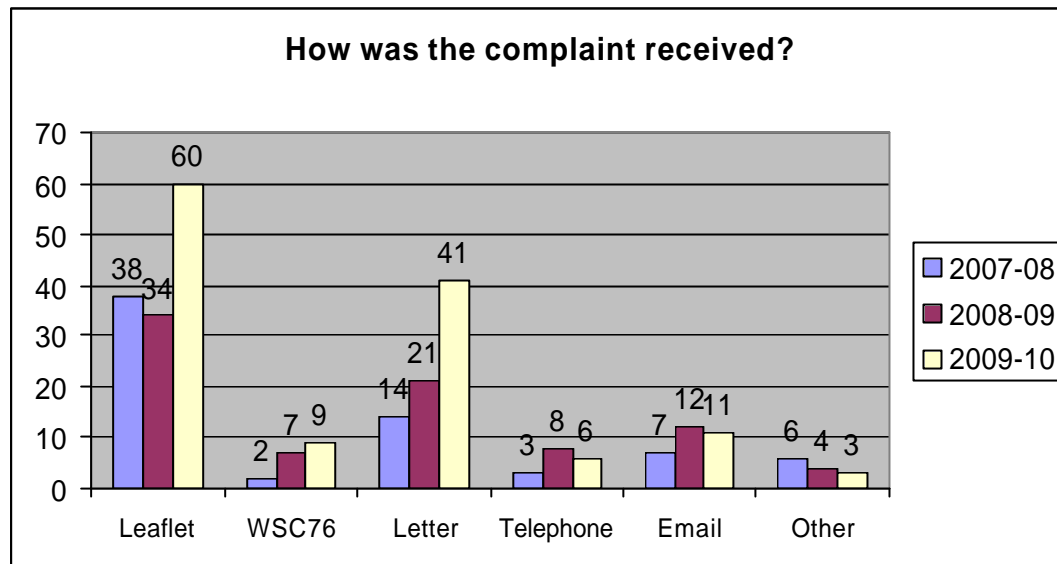
Parents and relatives continue to be the largest group of complainants. The number of complaints in this section has increased from 54 to 75. There is no known reason for this large increase. Recent media publicity on serious child protection cases could have contributed to this increase. The present economic climate may also have contributed towards families feeling more negative about life issues and thus more inclined to complain.

Four complaints were received directly from the advocacy services National Youth Advocacy Service workers who have been supporting young people to exercise their right to complain when necessary. The positive working relationship that the CCT has with NYAS has also resulted in some issues being resolved before they become a formal complaint. This should be viewed as positive for young people with issues.

The increase in the number of foster carers making complaints on behalf of young people could relate to the increased number of foster carers attending training on complaints.

## Appendix 5

### How complaints were received



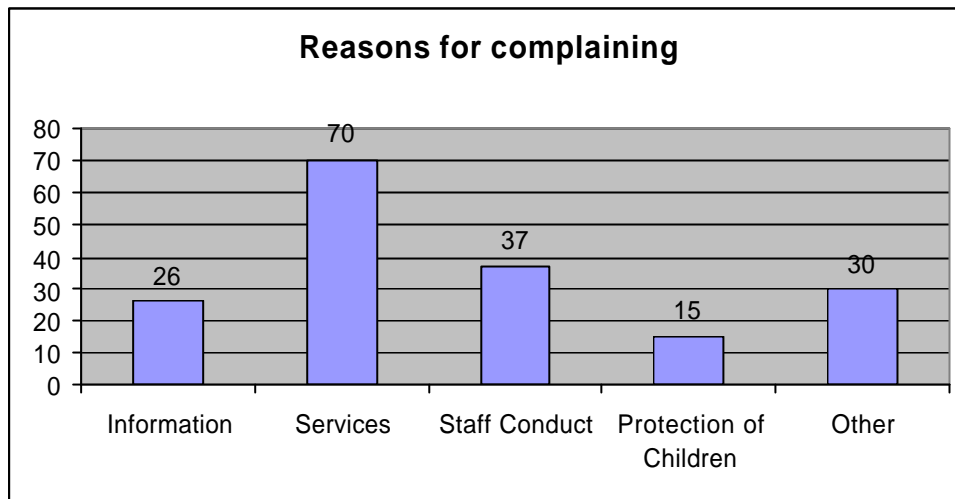
There is a range of methods that people can use to make a statutory complaint about Children's Services to Walsall Council.

Leaflet and letter continue to be the most popular method of people sending complaint to the Council. The use of emails as a form of sending complaints has not increased over the last year. This is an area that will be advertised to encourage this method of sending complaints. This would be good as complaints sent by email reach the Customer Care Team faster than complaints sent by post, and we are able to acknowledge these complaints more quickly.

This data shows that young people and their families are aware of different methods that can be used to make a complaint.

## Appendix 6

### Reasons for complaint issues



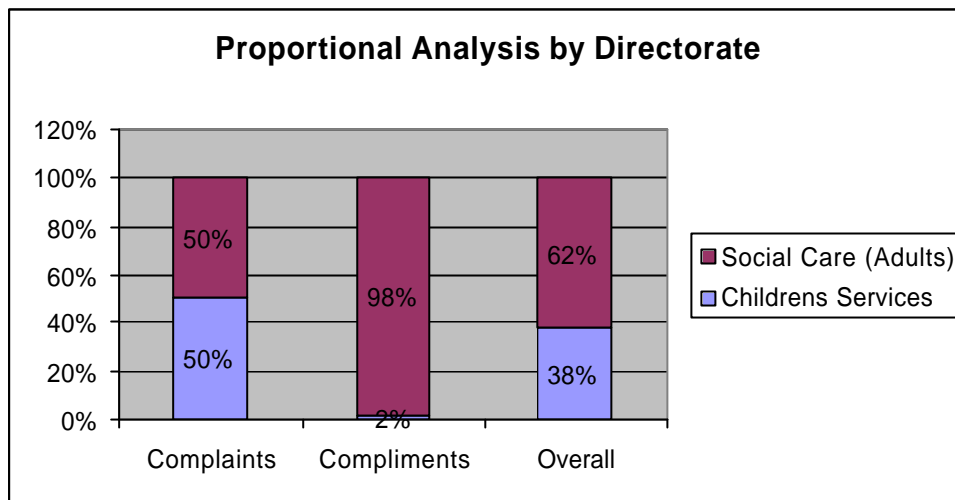
A total of 178 issues were raised in the 130 statutory complaints made. Some complaints are made up of just one issue. Others contain more than one issue.

Similarly to last year 'Service' continues to be the most common reason for complaints to be made. This can include the quality of services provided, problems with access to services or disagreeing with a decision made about a service provided. Within this section problems relating to arrangements around family contact are the common theme.

The second largest reason for complaints is staff conduct and the common theme is complaints that staff have not returned phone calls.

## Appendix 7

### Proportional analysis by directorate

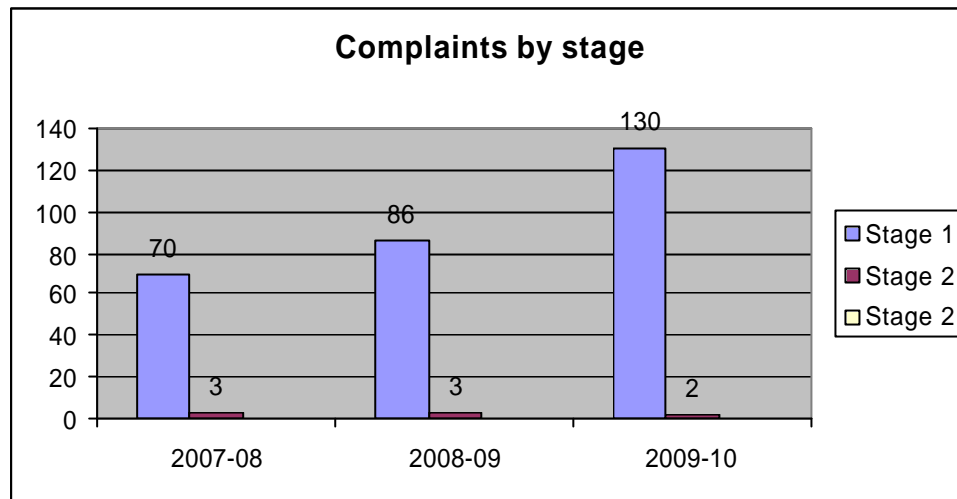


Adult social care continues to receive more complaints and compliments combined than Children's social care. This is in part related to the number of services users and the type of services received. However it is interesting to note that the number of complaints received for both directorates was split equally, a shift on previous years where the majority was with adult social care.

It would be encouraging if there was an increase in the number of compliments received from Children's services in future years. It may be that compliments received by staff are not being passed to the Customer Care Team to record.

## Appendix 8

### Complaints by stages



This year there have been two stage 2 investigations. There have been over 14 requests for stage 2 investigations. These have been addressed by successful mediation, or explaining the reasons why a stage 2 investigation would not achieve a different outcome.

#### RH-

This complaint was made by a young man who wanted to remain in his foster placement after his 18<sup>th</sup> birthday. He was not happy that no plans appeared to have been made to support his wishes and feelings relating to where he wanted to live. A lack of statutory visits linked to this.

A number of the issues raised in the complaint were upheld and points of learning for Children's services were raised as a result of this investigation. As a result I have been informed that Children's services have increased the number of personal advisors ensuring that all care leavers have a PA allocated. They have also introduced a traffic light system to ensure that all statutory visits take place in timescale.

#### ZH-

This complaint was made by a parent who felt that his child had not been kept safe by staff working with the family. He questioned the content of some of the assessments and reports.

The independent investigation did not uphold any of the complaints, but as a result of the investigation some learning was identified for Children's Services. This includes the Head of Vulnerable Children's service requesting to be informed of all complaints relating to the service she manages so she is able to monitor responses to complaints.

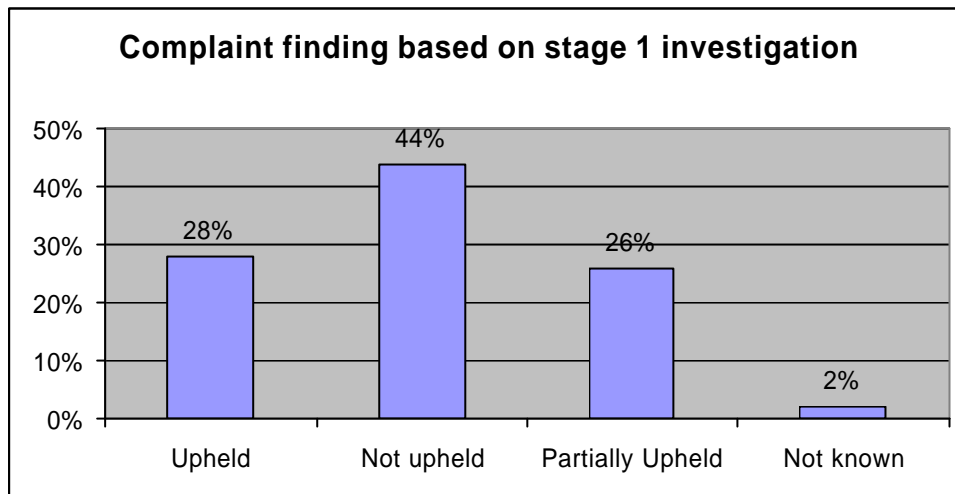
Another point of learning relates to reported incidents being left for staff who are on leave until they return. Incidents will now be reported to Team managers who will consider if the incident should be investigated before the worker returns from leave. It has also been highlighted that court reports that



are written by support workers should be signed by qualified social workers who are overseeing the work, as well as the support worker.

## Appendix 9

### Complaint findings based on stage 1 investigation



Many of the complaints received relate to more than one issue, and the investigation may conclude that the findings of these issues may be different for each issue.

This chart shows the percentage of complaint issues upheld, partially upheld and not upheld. Nearly half the complaints were not upheld (44%) Of the remainder a similar number were upheld (28%) and partially upheld (26%) With such a large number being upheld service areas need to consider what can be learned from the issues that were upheld, and how services can be improved to prevent future complaints.

#### **Contact details**

Heather Maybury  
Investigating officer  
Customer Care Team  
Resources  
[mayburyh@walsall.gov.uk](mailto:mayburyh@walsall.gov.uk)  
01922 650490

Paul Cooper  
Customer Care Manager  
Customer Care Team  
Resources  
[cooperpaul@walsall.gov.uk](mailto:cooperpaul@walsall.gov.uk)  
01922 650486

**Environmental impact:**

There is no specific environmental impact arising from the service, or from issues raised in this report.

**Performance management:**

As noted above, the service reports to performance boards on a regular basis. Complaints and representations from service users are a valuable source of customer feedback about our services, and steps have been taken to review arrangements for learning from complaints.

**Equality Implications:**

Arrangements for the receipt of complaints and representations from service users, and for learning from complaints received, link across to arrangements to reduce and eliminate inequality in service provision and in the community.

**Consultation:**

The Annual Report has previously been presented to senior manager's in children's services

**Contact Officer:**

Heather Maybury  
Investigating officer  
[mayburyh@walsall.gov.uk](mailto:mayburyh@walsall.gov.uk)  
01922 650490

Paul Cooper  
Customer Care Manager  
 . 01922 650486  
[cooperpaul@walsall.gov.uk](mailto:cooperpaul@walsall.gov.uk)

