

DATE: 26 October 2009

Children's Complaints Annual Report

Ward(s) All

Portfolio: Councillor Walker

Summary of report:

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.

The report contains details of number of statutory complaints received, issues of complaint, status of complainant, how the complaint was received and time taken to respond to the complaint. It also informs on outcome of targets set last year and targets agreed for the present year.

Background papers:

N/A

Reason for scrutiny:

To ensure that members are aware of how the council is meeting and exceeding 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:

The Customer Care Team is resourced by 3 full-time members of staff: Customer Care Manager, Complaints Investigations Officer (Adult Services) and Complaints Investigations Officer (Children's Services).

The team is responsible for the effective handling of complaints, development of procedures and protocols, training, learning from complaints procedure, reporting on performance, representation on local, regional and national boards and partnership working

Citizen impact:

Complaints, comments and compliments provide useful information about the services provided by the council and can inform decision making about the future commissioning of services. Working closely with the children's safeguarding teams, the needs and safety of the children and young people are of prime consideration in all complaints received.

Environmental impact:

N/A

Performance management:

The Joint Area review has a complaint handling focus with regular monitoring and reporting of progress against agreed targets.


Equality Implications:

Has an Equality Impact Assessment been carried out? **No**
If yes, summarise the key findings here.

Consultation:

The Annual Report was presented to CPB on 19 August 2009

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1. Report

Please note:

In this section of the report, you should take note of the following points:-

- There is no need to reproduce the title of the report at the top of the page
- Avoid the use of title “background”.
- Use relevant headings to explain the issues
- Number paragraphs in each section e.g. 1.1
1.2
1.3
- Keep it short and to the point
- Avoid jargon
- Use diagrams, flow charts, etc, where appropriate, to break up the text
- Use bullet points where you can
- Would a presentation support the report?
- Use Arial font, point size 12



Walsall Council

Corporate Performance Management – Customer Care Team

Title	Annual Report 2008-09
Subject	Children's Services complaints and representations
Creator	Heather Maybury
Version	7.0
Date	July 2009
Status	final

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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 1st April 2008 to 31st March 2009 there have been 86 complaints, 12 comments and 8 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 466 Looked After Children.
- 2.2 Previous targets - the following targets were established in the annual report of 2006 / 2007.
 - i. Consideration should be given by Children's Services and the Customer Care Team as to how the future of statutory complaints will look, with a particular focus on the possibility of an alignment of process between the present statutory procedure and arrangements for the education service
 - ii. 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
 - iii. 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.
 - iv. The number of complaints received using formats other than letter and leaflet should be increased, reflecting improved awareness by staff and service users

- v. 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)
- vi. The number of complaints acknowledged within timescales (5 working days) should be maintained in excess of 95%
- vii. That the Customer care team works with Family Placements to develop the training package delivered to foster carers to include complaint specific training. This will build on the initial event held in September 2007
- viii. The Learning From Complaints process should be firmly embedded in practice and as part of the statutory complaints procedure

All of these targets have been achieved, apart from targets iii and IV which have only partly been achieved. These targets will be a priority for the next year.

3. Revision of guidance & regulations

There have been some changes in the regulations for Adult complaints. On 1st April 2009 new regulations were implemented which are joint procedures between health and social care services. It is not known when changes will occur in the regulations for Children's complaints. However, it is known that changes are being made to complaints in education and this may have an impact on how children's social care complaints are managed in the future.

- 3.1 All service users both young people and those able to advocate on their behalf, should have access to the complaints and representations procedures. In order to achieve this, information is included in LAC packs and, more recently, in Foster Carer recruitment and training materials. NYAS workers are supportive in promoting the rights of young people they engage with to make a complaint when necessary. Independent Reviewing Officers distribute information leaflets to children and young people, and family members at statutory reviews.

4. Training

- 4.1 In this period there have been a total of 5 training events scheduled to address staff needs with regard to complaints and representations. Following discussion, it was agreed that there needed to be a separate programme for residential staff only. Four such events were held with good attendance. The introduction of a complaints game has been an asset to this training and provided a means of testing the knowledge learned in the session. One training session has been held for newly approved Foster carers in this period. The content of this training session has been linked to the Fostering Children's work force

development council (CWDC) standards to support foster carers in gathering evidence towards this award. Short awareness sessions have also been delivered at 4 team meetings. It is planned to promote this method of regularly updating staff on how to handle complaint.

- 4.2 The Customer Care Team is involved in the delivery of part of the induction training to new members of staff. This is an opportunity to ensure that new staff are aware of their responsibilities and the rights of our customers within the compliments and complaints procedures.
- 4.3 At the end of June 2006, the contract for the provision of advocacy was awarded to NYAS (National Youth Advocacy Service), having previously been delivered by NCH. The Customer Care Team is represented at quarterly forum meetings regarding the delivery of advocacy through the work of Black Country NYAS. Effective working relationships have been developed between NYAS and the Customer Care Team, and this is enabling improved reporting.

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 3 occasions where mediation was offered as an alternative to progressing a complaint to stage 2. One of these was successful and the other two were declined and stage 2 investigations were commenced.

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

It has been proposed that an additional score care indicator will be added with the approval of Performance Board. This will relate to the return of learning from complaints forms, and the information this

contains relating to improvements of practice resulting from learning gained through investigating complaints. This is a subject that is presently reported to the performance board, but it is not part of the score card. It is anticipated that, by including 'Learning From Complaints' as a scorecard indicator, evidence for the JAR and other assessment processes will be readily available.

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 86 complaints received in the year 2008/2009 only 21 learning from complaints forms were received. (24%) 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.

8. Revised targets for 2008/09

- 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. 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.
- 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 maintained 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 Family Placements to develop the training package delivered to foster carers to include complaint specific training linked to the CWDC Induction standards.
- 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. The Customer Care Team to continue to remind and support managers to complete the learning from complaints form.
- viii. 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.
- ix. 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 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.
- x. 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.

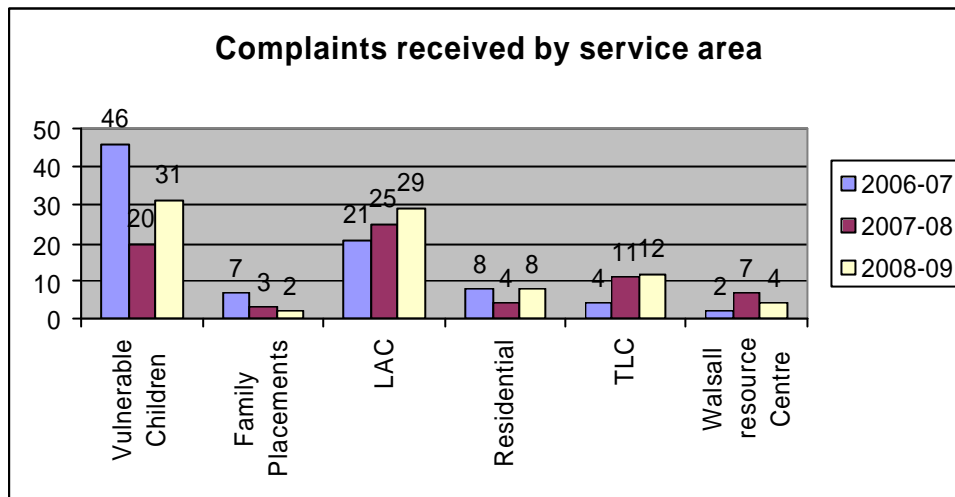
Recommendations

- 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 on 29th October.
- That CSMT endorse the proposals for the 'learning from complaints' process to be a compulsory part of the complaints procedure.
- That urgent attention is given by all managers investigating complaints at stage 1 of the statutory procedures, to the completion of 'Learning from complaints' forms in relation to improvements in practise.

- That managers investigating complaints at stage 1 adhere to the statutory time scale of 10 working days.

Appendix1

Complaints received by service area

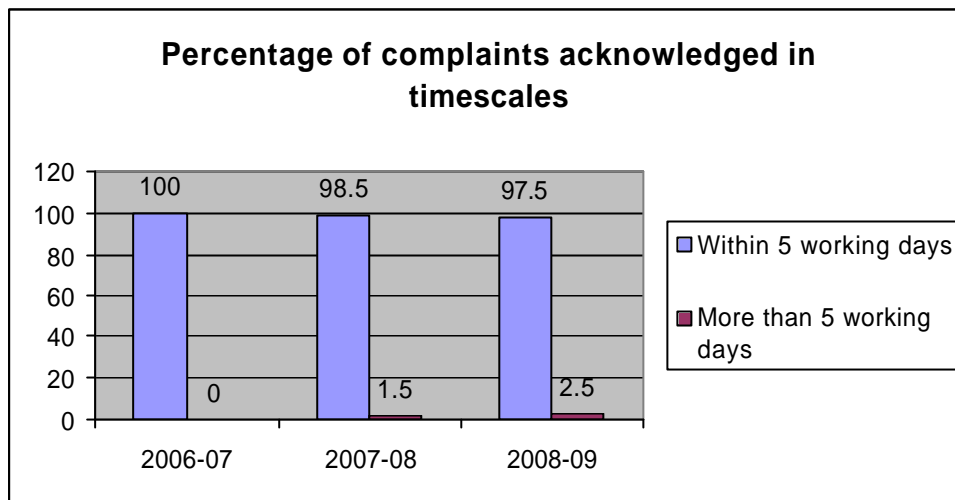


The total number of complaints received in Children's services increased from 70 in 2007/8 to 86. One of the reasons for this may be that the post of Children's investigating officer was vacant for most of last year, and was filled in June 2008. The publicity of the baby P case may have raised awareness with the public and caused more people to make complaints relating to children and young people.

Most Children's service areas have seen an increase in the number of complaints compared to last year. There is no identifiable explanation for this. The economic climate and associated negative factors may have caused people to complain more. Work has been done with residential services and foster carers which have raised awareness of the complaints procedure thus resulting in use of the process. Vulnerable children and Looked after children continue to generate the largest number of complaints which is probably due to the nature of this work.

Appendix 2

Complaint acknowledged in time scales



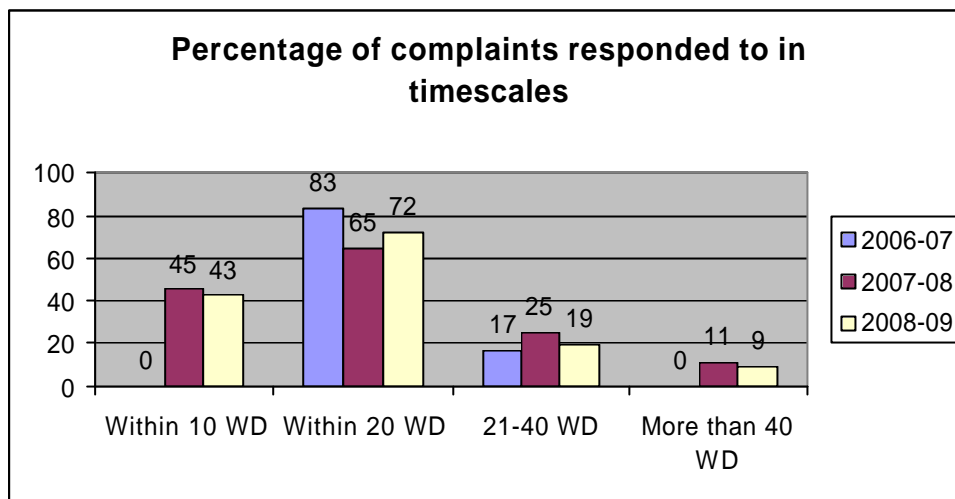
Statutory Instrument 1738 (2006) requires that complaints are acknowledged within 5 working days.

The target for 2007/08 was to maintain the number acknowledged within this timescale at 95% or more. The above chart demonstrates that this was achieved with 97.5% of complainants receiving an acknowledgement within 5 working days.

The 2.5 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



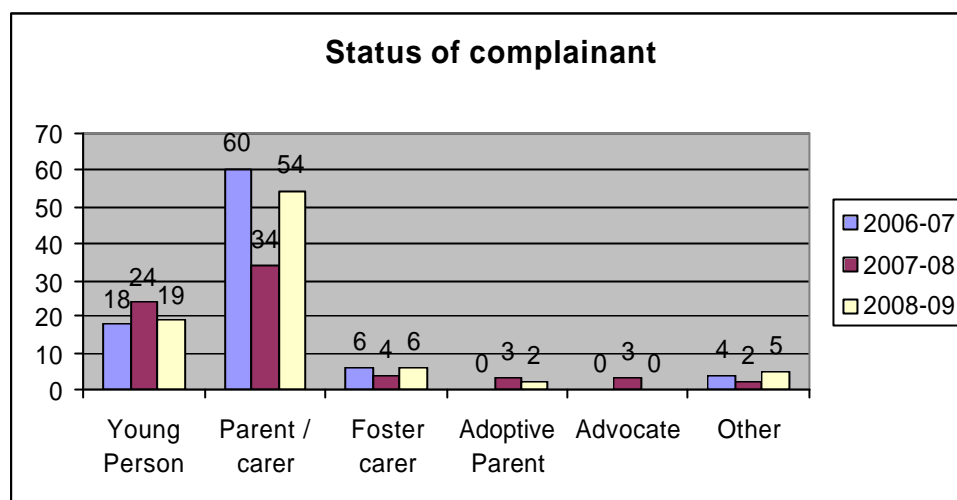
Statutory Instrument 1738 (2006) requires that complaints should be responded to, at stage 1, within 10 working days unless it is determined as complex, in which case the response time is increased to 20 working days.

The above chart shows that 72% of complaints were investigated and responded to within 20 working days. This is an improvement on last year when only 65% of complaints were addressed within 20 working days, but 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 20 if a response has not been received, to assist with meeting this target.

28% 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. Reasons given by managers for the 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 in excess of 20% of statutory complaints regarding children's services. Of the 86 complaints received, 19 of these were from children and young people. This is proportionately less than the number received last year.

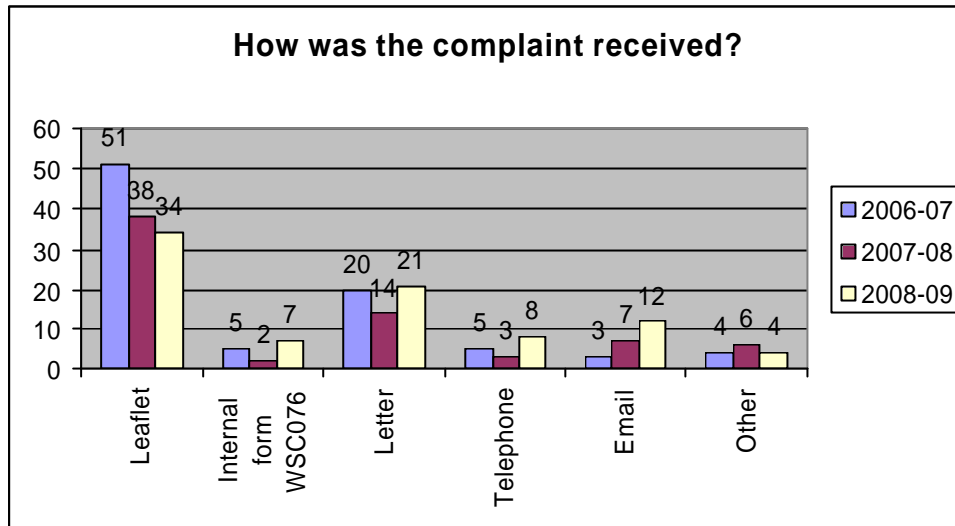
There has been an encouraging increase in complaints received from young people who have a learning disability. This would appear to be due to training provided to staff in residential services causing a rise in awareness of how to support young people to make a complaint.

Parents and relative continue to be the largest group of complainants. The number of complaint in this section has increased from 34 to 54. There is no known reason for this.

No complaints were received directly from the advocacy services but it is known that NYAS workers 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.

Appendix 5

How complaints were received

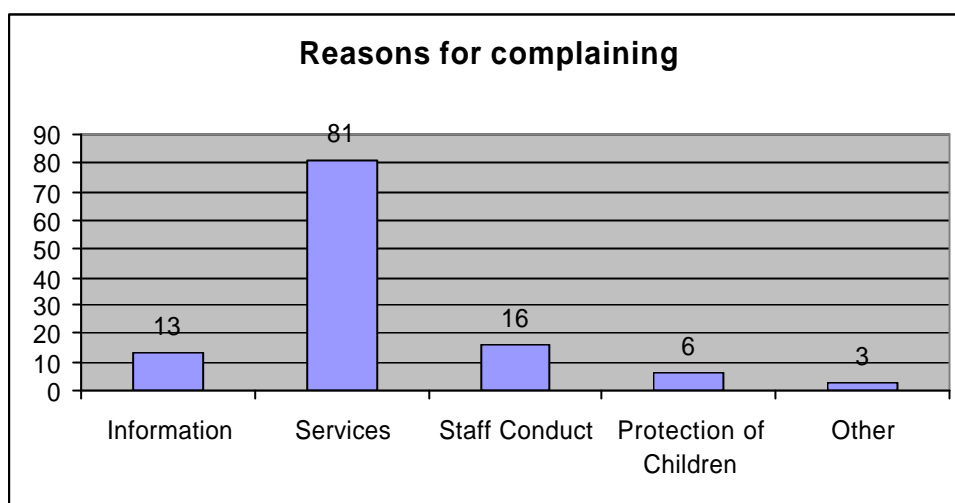


There is a range of methods that people can use to make a statutory complaint about Children's Services to Walsall Council.

Leaflet and letter continue to be the most popular method of people sending complaint to the Council. There has been a notable increase in the number of complaints sent via email likely to be due to increased access to computers. Staff in Children's residential services continue to be the only staff using the internal form WSC0076 to report complaints to the Customer care Team. This form is likely to have been used more due to its promotion in residential staff training.

Appendix 6

Reasons for complaint issues

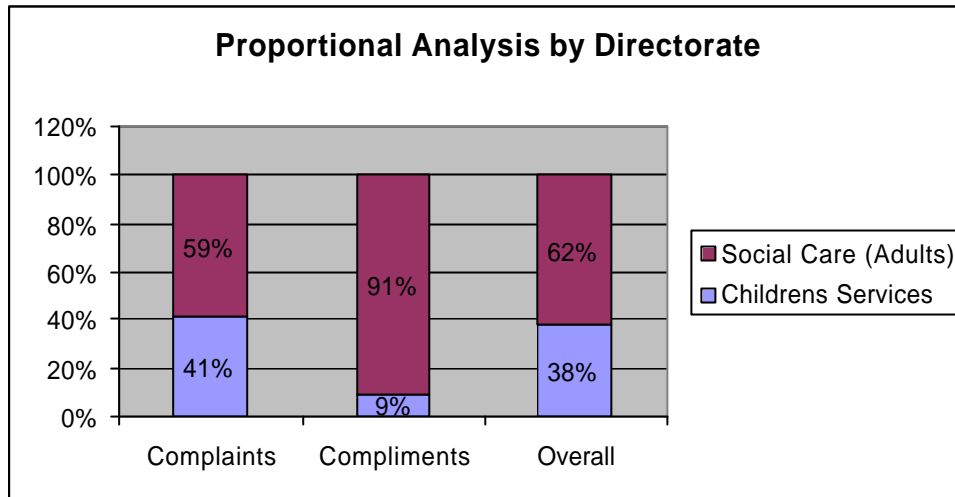


It is not easy to report on the reasons for complaints as many of the complaints received pertain to several issues. For the purposes of this exercise complaints have been logged under the Customer Care Team view of the main complaint issues. Likewise when a complainant raises several issues some of these issues may be the interpretation of the team.

A total of 111 issues were raised in the 86 statutory complaints. This chart shows that the most common complaint issues were relating to services. This can include the quality of service, access to services, information sharing or disagreeing with a decision made about a service.

Appendix 7

Proportional analysis by directorate

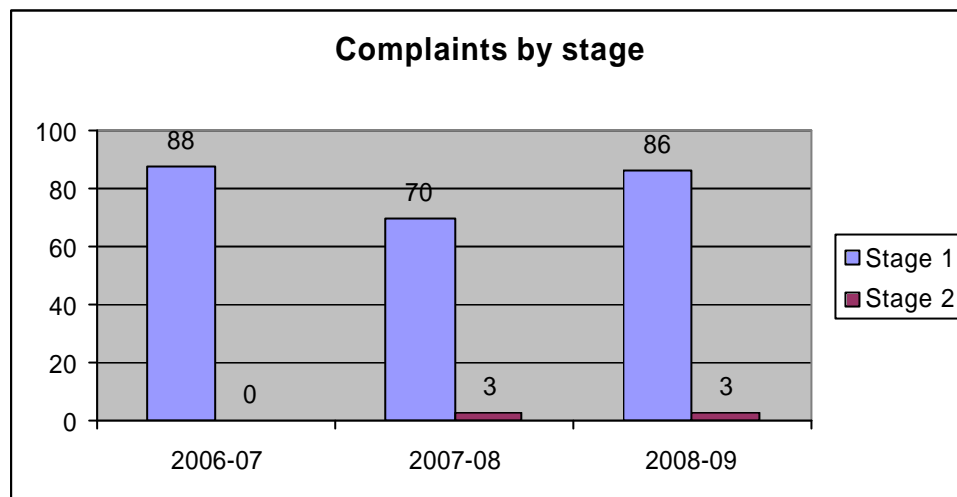


Adult social care continues to receive more complaints and compliments than Children's social care. This is in part related to the number of services users and the type of services received.

It would be encouraging if there was an increase in the number of compliments received from Children's services in future years.

Appendix 8

Complaints by stages



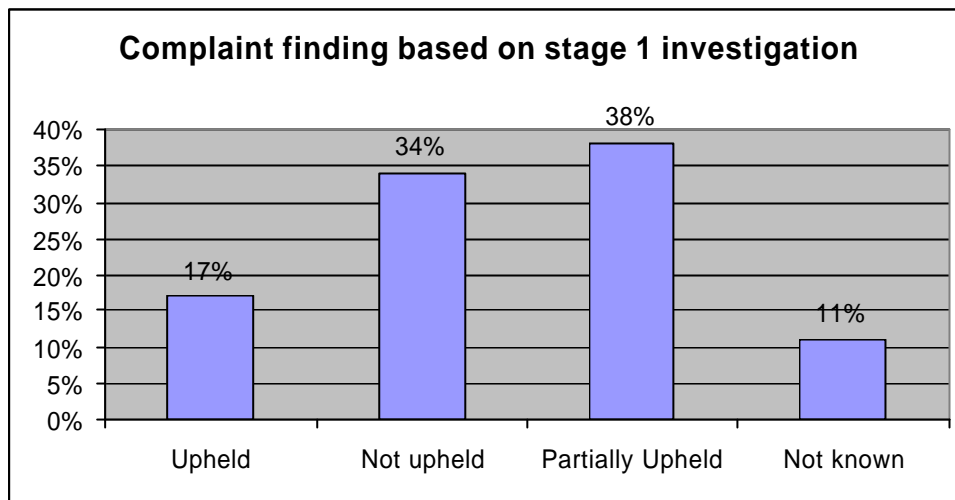
In this year 3 complaints have progressed to a stage 2 investigation under the statutory complaints procedures for children's services.

1. LH – This complaint was investigated by an independent investigating officer and a substantial report produced. The complaint was originally made by a young person who later withdrew and the complaint was taken on by a solicitor. This report concluded with a number of points of learning for Children's services.
2. IH – This complaint was made by a young person relating to dissatisfaction of the services received for a sibling. After the investigation changes were made to services that met the requirements of the complainant and young person concerned.
3. GB- This complaint progressed to a stage 2 after dissatisfaction with the stage 1 investigation. The investigation found that services had not been provided in line with statutory procedures and learning was identified for improving future service delivery.

The chart shows that 3 complaints have progressed to stage 2 investigations this year, which is the same number as last year. There have been no complaints progressing to a stage 3 review.

Appendix 9

Complaint findings based on stage 1 investigation



Most complaints received relate to more than one issue, and within the response to these issues the findings may be different.

This chart shows the percentage of complaints that were upheld, not upheld or partially upheld from the 111 issues raised. Around a third were not upheld and around a third were partially upheld. Only 17% of the 86 complaints are upheld. The chart also shows that 11% of investigations did not state the response to the complaint.

It would be useful if all managers investigating and responding to complaints stated clearly the outcome of their findings. It is useful for complainant to know not only the conclusions of the investigation but the overall outcome. This matter needs to be addressed in the future.

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