



Walsall Council

Corporate Performance Management – Customer Care Team

Title Annual Report 2010/2011
Subject Children's Services complaints and representations
Creator Heather Maybury
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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 2010 to 31st March 2011 there have been 140 complaints, 15 comments and 17 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. In this reporting period Walsall had an average of 505 Looked After Children.
- 2.2 Previous targets – From the 10 targets set last year 5 targets have been achieved, 4 targets partly achieved and 1 target not achieved. Below is a list of the targets and explanation of achievements.
- i The use of mediation to achieve customer satisfaction should continue. 100% of complainants, where the complainant 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 6 occasions mediation was used successfully to avoid costly stage 2 investigations.

- 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. Publicity specifically for young people with disabilities is still being developed.

PARTIALLY ACHIEVED

This target has been partially achieved; Printed fliers have been produced using plain English and universal symbols to raise awareness of methods that can be used to make a compliment or complaint. Publicity specifically for young people with disabilities needs to be produced

- 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.

ACHIEVED

Leaflets and letters are still the most popular method of complaints being sent to the customer care team. The use of email as a method of communicating a complaint has more than doubled in the last year.

- 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)

NOT ACHIEVED

In the last year we have received 22 complaints directly from young people. This is only 16% of the total number of complaints received and below the set target of 20%. It is worth noting that some young people have used the advocacy service, staff and cares to assist them to make a complaint.

- v 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 5 working day time scale. Those that are outside this time have been due to complaints not being sent promptly to the Customer care team.

- 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.

ACHIEVED

In the last year 12 training sessions have been delivered. Customer Care staff have also attended a number of team meetings to update staff on how to respond to complaint 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.

PARTIALLY ACHIEVED

Improvements in how learning from complaints .is captured by service managers when reviewing their service needs to be applied across all areas.

- 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 presented.

PARTIALLY ACHIEVED

3% have not been forwarded in timely way to allow the 5 working day time scale to be met.

- Viii 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.

PARTIALLY ACHIEVED

In this period 30% of complaints have taken longer than 20 working days for investigation and response. This is an area that requires more work in the next year.

- 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.

ACHIEVED

The introduction of this improvement in the complaints process has been received well by both complainants and managers. Time will tell is this improves the quality of complaint resolution and customer satisfaction. This improvement has strong links with the council initiative 'working smarter', ensuring complainants outcomes are addressed and limiting the need for further activity.

3. Revision of guidance & regulations

The changes in the regulations for Adult complaints implemented on 1st April 2009 have had a positive effect on increasing the satisfaction of complainant. The differences in the way that the new adult complaints procedure has been implemented was evaluated, and the positive aspects of this integrated for children's complaints.

The following changes were made to the process with the aim of improving the quality of the response letters and increasing complainant satisfaction. Customer Care Team staff to-

1. Speak to all complainants.
2. Bullet point the complaint issues and desired outcomes in a complaints handling plan format to assist responding managers.

3. Quality check the complaint response, and advise on any improvements to meet the desired outcomes.
4. Send covering letter with complaint response explaining options for the complaint if not happy. These are to offer mediation, request an independent stage 2 investigation or refer the issues to the LGO.

After a trial period of 3 months this system was approved by senior managers as a more supportive method of processing complaints. This improved system was implemented in October 2010 by the Customer Care Team. One of the main advantages of this improved process has been discussion with complainants providing them with an opportunity to explain all their complaint issues and desired outcomes. It has been proposed nationally that statutory complaints will join with education complaints, but there is no firm information on any changes to the children's complaints legislation.

4 Training

In this period there have been a total of 12 training events scheduled to address staff needs with regard to complaints and representations. This has included training for foster carers as part of the Children works force development council (CWDC) qualification. Training specifically for staff working in residential care has also been provided.

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 6 occasions where mediation was offered as an alternative to progressing a complaint to stage 2. These were all successful in resolving complaint issues that were not fully addressed at stage 1.

5. Scorecard

The scorecard continues to be used to report on local indicators. Quarterly reports and information are presented to the Children's 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

Particular attention is paid to complaint issues raised directly by young people, and how these are resolved.

Information on learning from complaints is also reported to the Performance Board. This relates 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. By senior managers evaluating the learning gained from making improvements to service delivery complaint issues can be turned into positive outcomes for young people. This learning can provide useful evidence for inspection reports relating to service improvement.

6. Learning From Complaints

Learning from Complaint forms are routinely sent to all managers with complaint details when 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 140 complaints received in the year 2010/2011 only 36 learning from complaints forms were received. (26%) This exercise provides an opportunity for practice to improve based on 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.

7. Revised targets for 2010/11

- 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. This offer is detailed in the covering letter sent with the complaint response letter.
- ii. The number of complaints received using formats other than letter and leaflet should be increased. Complaints received by email and text could improve the speed that complaints are acknowledged and processed. These methods are also linked strongly to

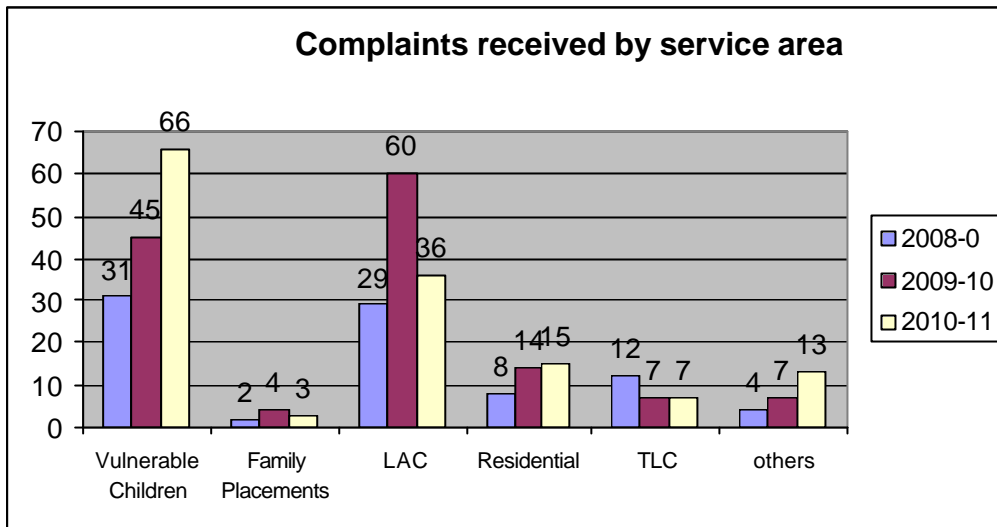
'working smarter' in saving resources and providing a prompt response to issues raised.

- iii. The Learning From Complaints process needs to be an integral part of the complaints process for all managers. The aim should be that all complaints are analysed for learning opportunities which can be implemented to improve service delivery to customers and reduce future complaints.
- iv. Managers need to adhere more closely to the 20 working days time scale to investigate and respond to complaint issues. This will improve customer satisfaction for young people and their advocates.
- v. Leaflets designed specifically for young people with disabilities need to be produced to assist in promoting the complaints process in an inclusive manner.

Recommendations

- That Senior Managers in Childrens Services endorse the contents of this annual report and the targets contained within, noting that the report will be forwarded to the CYP Scrutiny Panel.

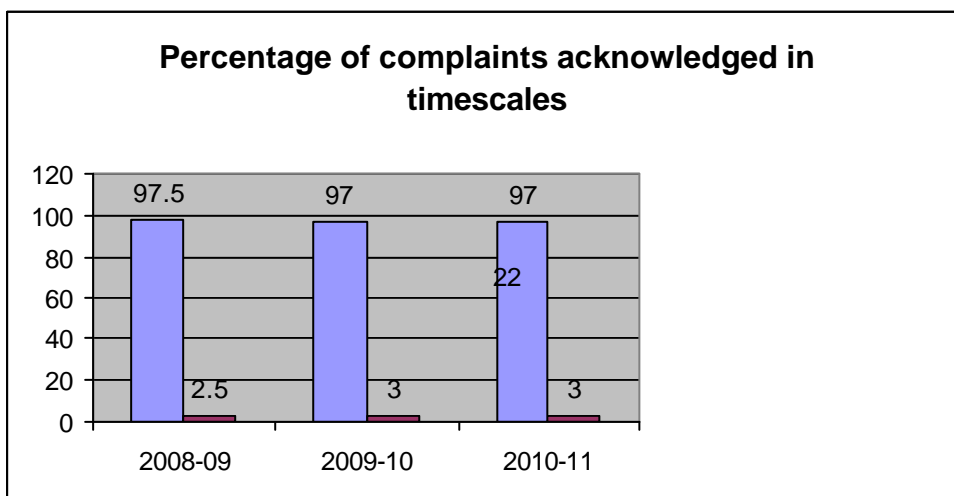
Appendix 1
Complaints received by service area



The total number of complaints received relating to Children’s services has increased slightly over the last year. In 2009/10 a total of 130 complaints were received compared to 140 in 2010/11.

The greatest number of complaints received continues to relate to vulnerable children’s service and Looked after Children’s service. The number of complaints for Vulnerable Children’s Team has increased so nearly half of all the complaints relate to this team. There is no common themes presented, but the nature of this type of work is likely to result in complaints being made.

Appendix 2
Complaint acknowledged in time scales

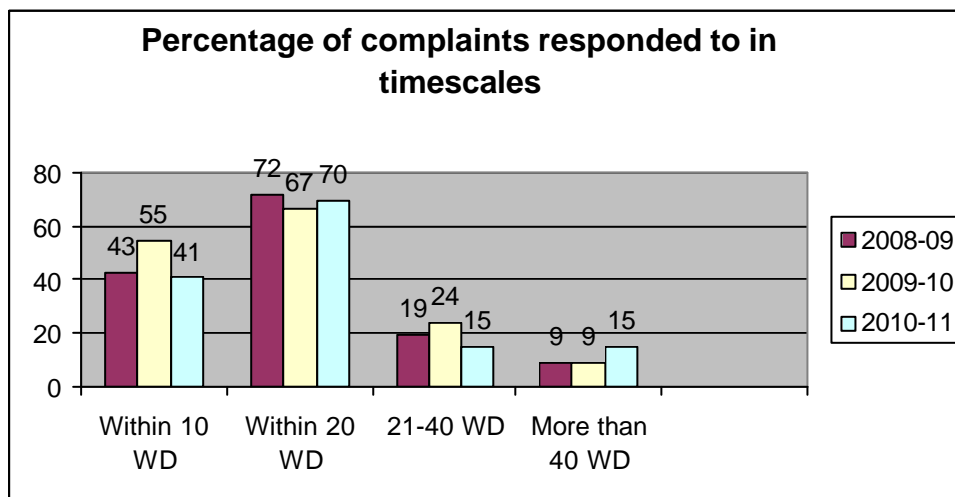


Statutory Instrument 1738 (2006) requires that complaints are acknowledged within 5 working days. The target for 2009/10 was to maintain the number

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.

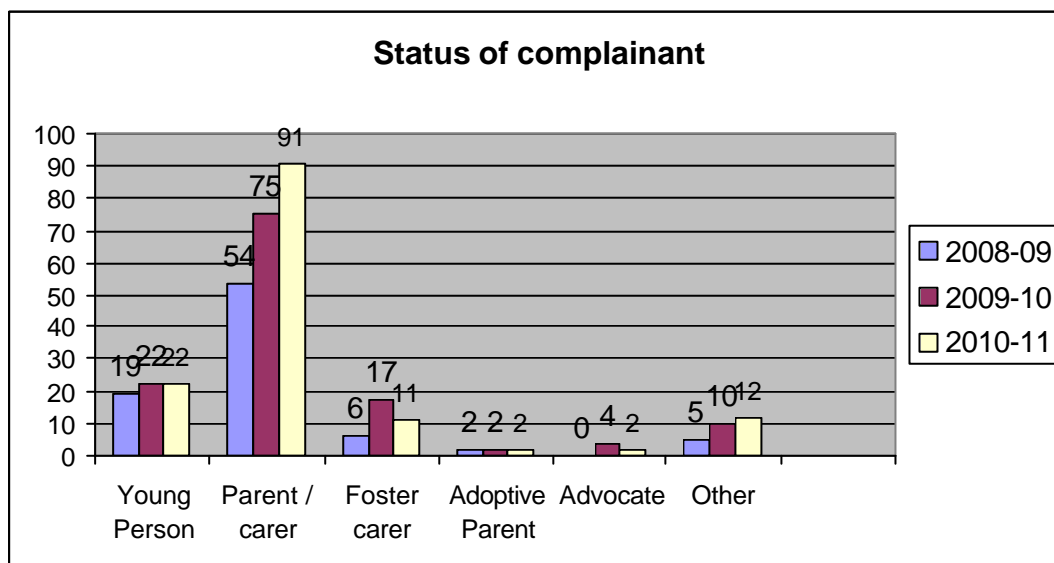
The above chart shows that 69% of complaints were investigated and responded to within 20 working days. This does not meet the target of 80%. Some urgency needs to be given to investigating and responding to all complaints within the statutory time scale of 20 working days. Legislation makes it quite 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.

It should be acknowledged that the issues contained in complaints have become more complex which makes investigations more complex for responding managers and issues that relate to more than one team.

30% of complaints were not responded to within the statutory time frame of 20 working days. This matters needs to be addressed urgently to assure legislative requirements are met and avoid where possible resource intensive stage 2's, and increase customer satisfaction.

Appendix 4

Status of complainant



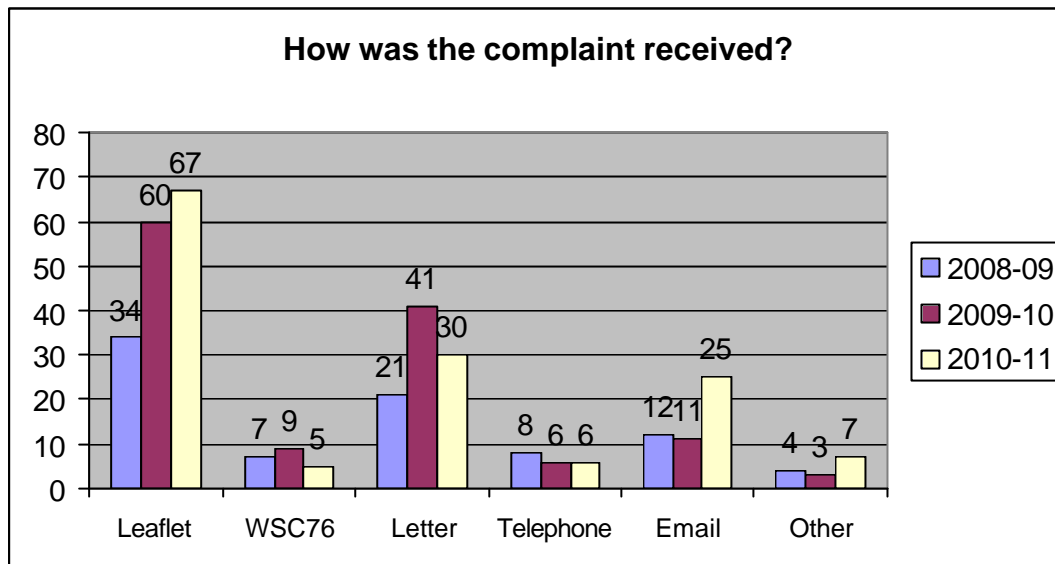
Parents and relatives continue to be the largest group of complainants. The present economic climate may also have contributed towards families feeling more negative about life issues and thus more inclined to complain.

The number of complaint received directly from young people is slightly less proportionately than the number of young people making complaints last year. This demonstrates that young people are aware of their rights to submit complaints and know how to use the process. Limited staff capacity in The

Customer Care Team has resulted in less time being spent promoting the complaints system with children and young people.

Appendix 5

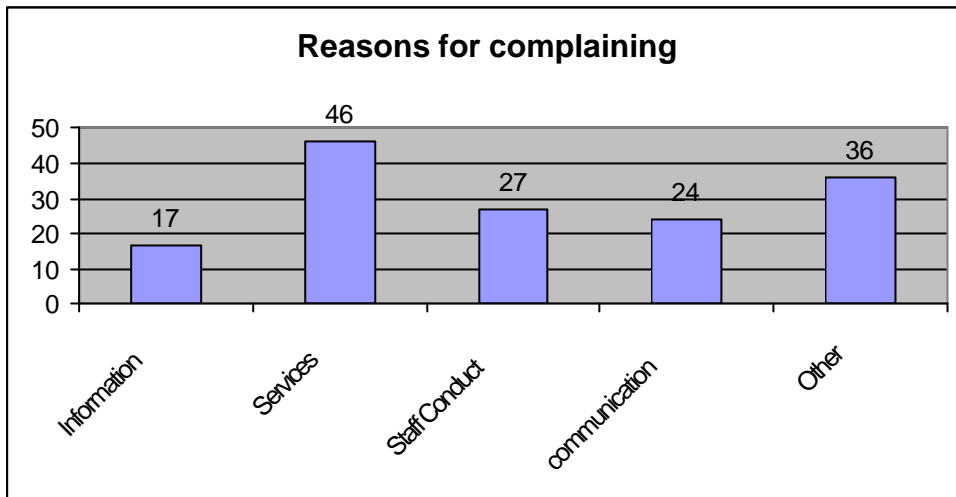
How complaints were received



Leaflet and letter continue to be the most popular method of people sending complaints to the Council. The 'other' section includes complaints made by fax or in person. The use of emails as a form of sending complaints has increased over the last year. This is an area that will continue to be promoted to encourage this method of sending complaints to the council. This method is favoured as complaints sent by email reach the customer care team faster than those sent by post allowing the issues to be processed more quickly. This data shows that young people and their families are aware of different methods that can be used to make a complaint. We are pleased to offer young people and their families a range of methods to choose from when they wish to make a complaint.

Appendix 6

Reasons for complaint issues



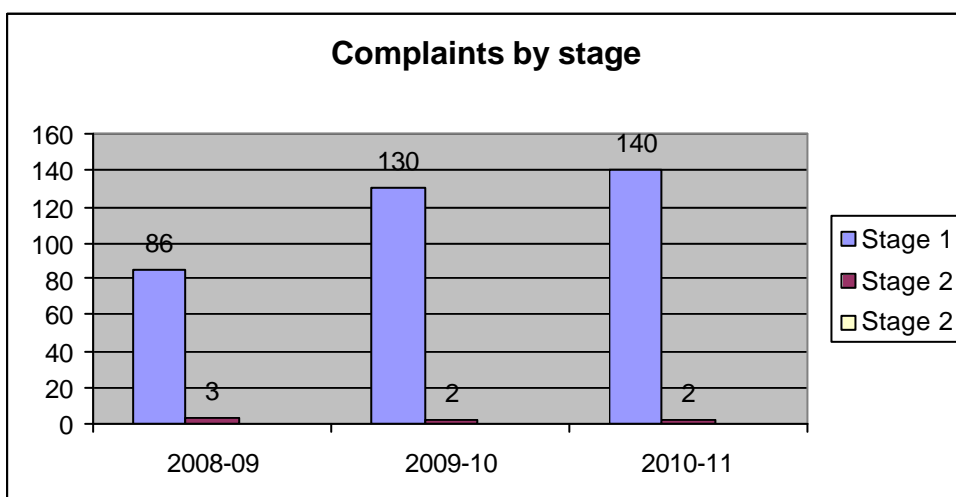
A total of 150 issues were raised in the 140 statutory complaints made. Some complaints are made up of just one type of issue. Others contain more than one issue type. The most common issue types are shown on the chart above.

Poor service quality continues to be the most common reason for complaints. This can include dissatisfaction with services provided, problems with access to services or disagreement with a decision made about a service provided.

The second largest reason for complaints is staff conduct which includes complainants perceiving that staff have been rude or not delivered what has been agreed.

Appendix 7

Complaints by stages



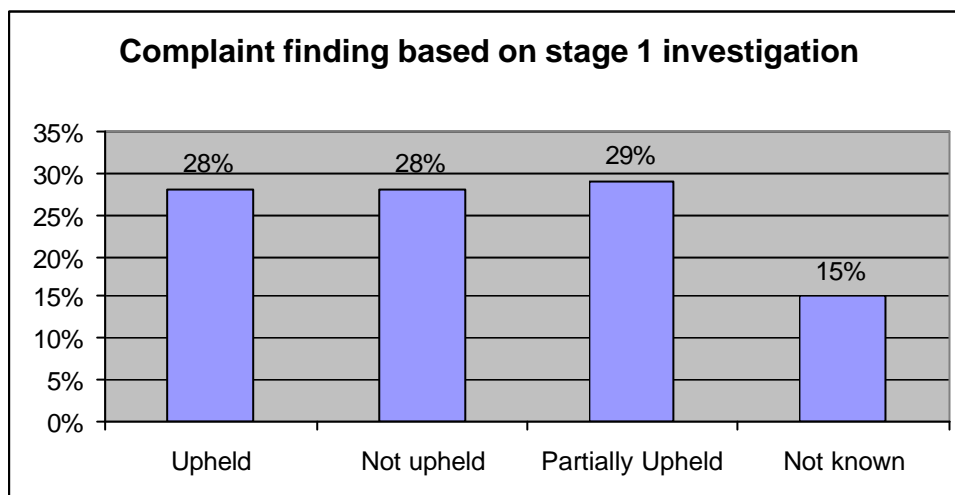
This year there has been two stage 2 investigations. There have been over 16 requests for independent stage 2 investigations. These have been addressed by offering mediation, or an explanation of the reasons why a stage 2

investigation would not achieve a different outcome. 6 mediation meetings were held and these successfully resolved the outstanding complaint issues.

A total of 9 complainants have referred their complaints to the Local Government Ombudsman, but none of these have resulted in a stage 2 investigation for the council.

Appendix 8

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. It is interesting to note that the total for these 3 sections is almost equal. 28% of complaints were upheld, 28% were not upheld and 29% were partially upheld. Of the complaint outcomes categorised as 'not known' most of these were where there was a difference in views and there was no clear evidence to prove either way.

Contact details

Heather Maybury
Principal Customer Liaison Officer (Complaints)
Customer Care Team
Resources
mayburyh@walsall.gov.uk
01922 650490