

Southend-on-Sea Borough Council

Report of Corporate Director for People

to

Cabinet

on

23rd September 2014

Report prepared by: Carolyn Williams – Complaints Manager

**Compliments and Complaints relating to Children's Social Care Services
People Scrutiny Committee - Executive Councillor Anne Jones
A Part 1 Public Agenda Item**

1 Purpose of Report

- 1.1 To fulfil the local authority's statutory duty to produce an annual report on compliments and complaints received about its children's social care function throughout the year.
- 1.2 To provide statistical and performance information about compliments and complaints received from April 2013 to March 2014 at all three stages of the statutory process.

2 Recommendation

- 2.1 **That the Department's improved performance during 2013/2014 be noted.**

3 Summary

- **An increase in the number of compliments in 2013/14 compared to the previous year**
- **Reduced number of Stage 1 complaints**
- **100% of Stage 1 complaints responded to within 20 working days**
- **Significant improvement in response times:**
 - **The number of stage 1 complaints responded to within 20 working days was 100% compared to 90% in 2012-13.**
 - **The number of stage 2 complaints responded to within 65 working days was 100% for the second year running.**
 - **Responses to the recommendations of a stage 3 complaint review panel within 15 working days was 100% for the second year running.**

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- 3.1 The number of statutory complaints has decreased this year in comparison to 2012/13. Complainants are still encouraged to make formal complaints about the service they have received, however explanations for the Department's actions are now provided to Complainants in the form of verbal information and leaflets that explain the processes and procedures. This has led to fewer Complainants wishing to pursue complaints to the formal stage. The complexity of complaints received at stage 1 has continued to increase as Complainants that wish to pursue a complaint are more likely to have a better understanding of the areas where the service has not met expectations.
- 3.2 2 complaints escalated to stage 2 in 2013/14, the same as in 2012/13.
- 3.3 0 complaints were escalated to the Ombudsman in 2013/14.
- 3.4 No complaints were received about payments to service users following the success of lessons learnt from complaints in previous years and the successful implementation of the action plan.
- 3.5 44 compliments were received in 2013/14, a percentage increase of 7.3% compared with last year.

4 Background

- 4.1 The statutory process has three stages. Stage 1 affords an opportunity to try to find a local resolution usually at team manager level. At stage 2, the Department commissions an independent investigation of the complaint and the response is made by the Head of Service. At the third stage, the complaint is referred to an Independent Review Panel of three independent panel members with one member acting as Chair. At each stage, a more senior officer responds on behalf of the Department, with the Corporate Director responding at the final stage.
- 4.2 Some complainants welcome an independent investigation of their concerns; for others, the process can seem unwieldy. The regulations encourage consideration of alternative dispute resolutions where appropriate and with the complainant's agreement. The Complaints Manager encourages and supports Team Managers to resolve complaints at the earliest stage.
- 4.3 If complainants remain dissatisfied at the end of the three stages, they may refer their complaint to the Local Government Ombudsman.

5 Compliments received in 2013/2014

- 5.1 The Department recorded 44 compliments about Children's Social Care in 2013/2014 compared with 41 in 2012/13. This is a percentage increase of 7.3% compared to last year. Compliments were about staff helping service users to learn new ways of coping with their situation, providing useful information, giving practical advice, offering a flexible service, giving encouragement and support and showing warmth,

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understanding and patience. The increase in recorded compliments may be due to an increased awareness of the process for recording compliments.

The table below shows the number of compliments received in 2013/14 in comparison with previous years.

Apr 09 – Mar 10	Apr 10 – Mar 11	Apr 11 – Mar 12	Apr 12 – Mar 13	Apr 13 – Mar 14
17	12	25	41	44

6 Number of complaints received in 2013/2014

6.1 Stage 1

6.1.1 The Department received 38 statutory complaints directly at stage 1 in 2013/14 compared with 60 in 2012/13. This represents a decrease of 36.6%. Complainants are now more likely to have their initial concerns addressed by the Complaints Manager at the first point of contact. This has been made possible by the Complaints Manager being able to provide information on social work policies, practice and procedures either verbally or in the form of a leaflet. This has allowed Complainants to make more informed decisions about whether they still wish to complain. All Complainants that still wish to complain after they have received the information are encouraged to have their complaints responded to formally by the Team Manager. Complaints are always welcomed and viewed as a way to improve practice and Managers are informed of any emerging trends in complaints.

6.1.2 92.7% of complaints were resolved at stage 1 in comparison with 88.33% the previous year. This is a small increase of 4.9% on the number of Complainants that have been satisfied with their Stage 1 response.

6.1.3 The table below shows the number of stage 1 complaints received in 2013/14 in comparison with previous years.

Apr 09 – Mar 10	Apr 10 – Mar 11	Apr 11 – Mar 12	Apr 12 – Mar 13	Apr 13 – Mar 14
110	55	58	60	38

6.2 Stage 2

6.2.1 A total of 2 complaints reached stage 2 of the complaints process in 2013/14, a significant reduction from 2012/13 when 7 complaints were escalated to Stage 2.

6.3 Stage 3

6.3.1 One complainant remained dissatisfied with the outcome of the complaint at stage 2 and asked for the complaint to be progressed to stage 3. This is a reduction from 2 in 2012/13.

7 Complaints by category

7.1 Complaints were categorised by the main issues raised.

The 3 categories with the highest percentage of complaints were:

- Inaccuracies in documents 10.5%
- Quality of service 34.2%
- Communication 31.6%

However, after thorough investigation of complaints at stage 1, 76.3% of complaints were not upheld in comparison to 81.66% in 2012/13.

7.2 Complaints about Social workers/staff have fallen to 7.9% compared to 21.67% in 2012/13. Complaints about a service not being provided have fallen to 5.3% compared to 13.33% in 2012/13.

There has been a marked reduction in the number of complaints received about social workers. Complaints for this category fell to 27.8% last year and this year has seen another large reduction in this category to 7.9%. This can be attributed to the fact that social workers are more conscious of ensuring that explanations about difficult decisions are given in the context of wider policies when discussing and meeting with service users. As a result fewer complaints are being made about individual social workers .

7.3 However complaints in the category for quality of service and communication remain high and this will be an area for improvement during the next reporting year. The Complaints Manager will work closely with social work teams to continue to highlight good practice and provide early identification of emerging trends. Social workers will be reminded of their responsibilities when returning calls and responding to correspondence from Service Users.

7.4 There were 3 complaints about Foster Care in 2013/14 this is an increase from 1 complaint in 2012/13. The Complaints Manager will work closely with the Group Manager for Fostering and Adoption in the next reporting year to ensure that all children in foster care have access to independent advocates so that their concerns can be heard and acted on.

Numbers of complaints in each category are shown in Appendix 3.

7.6 The table below shows the percentage of complaints in each category in 2013-2014 in comparison with the previous year.

Category	2012-13 % of total	2013-14 % of total
1. Staff conduct / employee behaviour	21.67	7.9
2. Service not provided	13.33	5.3
3. Quality of service	30	34.2
4. Communication	13.33	31.6

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5. Incorrect information given	6.67	10.5
6. Council decision making	1.67	5.3
7. Policy or procedure	13.33	5.3
	100%	100%

8 Response times and the Department's performance

8.1 Stage 1

- 8.1.1 Stage 1 statutory response times:
10 working days, with a further 10 days for more complex complaints or additional time if an advocate is required.
- 8.1.2 The appointment of a full time Complaints Manager in 2012/13 has significantly reduced the response times to Stage 1 complaints. Although the complexity of complaints has continued to increase, the response times have considerably improved. In 2013/14, 71% of Stage 1 complaints were responded to within 10 working days compared to 80% in 2012/13 and 13.8% in 2011/12.
- 8.1.3 The percentage of stage 1 complaints responded to within the statutory timescale of 0–20 working days in 2013/14 was 100% compared with 90% in 2012/13 and 39.7% in the previous year.
- 8.1.4 The table below shows response times for stage 1 complaints received in 2013/14 compared with 2012/2013 and 2011/2012

Response Performance	2011/12 % of total	2012/13 % of total	2013/14 % of total
Within 10 working days	13.8	80.00	71.00
10 – 20 days	25.9	10.00	29.00
Over 20 days	60.3	10.00	0
Withdrawn	0	0	0

8.2 Stage 2

- 8.2.1 Stage 2 statutory response times:
A stage 2 complaint should be investigated and responded to within 25 working days, with a maximum extension to 65 working days.

Two complaints were pursued to stage 2 in 2013/14.

All stage 2 complaint investigations were completed within 65 working days in 2013/14.

Stage 2 complaints are subject to independent investigations involving interviews with the complainant and relevant members of staff, and the submission of a report to be responded to by the Head of Service.

Complaints at this stage are likely to involve an independent investigating officer, an independent person and an advocate.

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The stage 2 process starts as soon as a complainant decides to pursue their complaint to stage 2.

- 8.2.2 The table below shows response times for stage 2 complaints received in 2013/14 compared with 2012/2013 and 2011/2012

Response Performance	2011/12 % of total	2012/13 % of total	2013/14 % of total
Within 25 days	0	0	0
Between 25 and 65 days	14.29	100	100
After 65 days or outstanding	85.71	0	0

8.3 Stage 3

- 8.3.1 Stage 3 statutory response times:

The recommendations from a Stage 3 Review Panel should be responded to within 15 working days of the date of the meeting.

One complaint was escalated to stage 3 during 2013/14 this is in comparison to 2 complaints in 2012/13. The recommendations for this complaint were responded to within the statutory timescales.

- 8.3.2 The table below shows response times for stage 3 complaints received in 2013/14 compared with 2012/2013 and 2011/2012.

Response Performance	2011/12 % of total	2012/13 % of total	2013/14 % of total
Within 15 working days	50.0	100	100
After 15 working days	50.0	0	0

9 Outcome status of complaints at stage 2 and 3

There are often several points in a complaint and these are addressed separately in a single response. The complaint may be upheld; not upheld; partially upheld, or inconclusive/no finding. The outcome status of the issues addressed within complaints in 2013/2014 is shown in Appendix 2.

10 Local Government Ombudsman

- 10.1 0 complaints were referred to the Ombudsman in 2013/14.

11 Developments in the complaints process

- 11.1 Senior Managers receive regular reports from the Complaints Manager which serve to highlight trends. There is also a facility available for managers to print Covalent reports at any time therefore ensuring that information is immediately available.

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- 11.2 The Complaints Manager now reports to DMT on Learning from Complaints and provides Departmental Action Plans devised from complaint outcomes and adjudications. This serves to improve operational practice and ensures that policies and procedures are updated in line with recommendations.
- 11.3 The Complaints Manager has delivered training to Children's Social Care Staff to explain the complaints process and the role that the teams play in resolving complaints at the earliest possible stage.
- 11.4 The Complaints Manager offers ongoing support and advice to Team Managers on how to appropriately respond to complaints.

12 Areas for improvement

- 12.1 A number of complaints have resulted from assessments and social work reports not being shared with parents before they were finalised (communication). This has now been addressed with a reminder of the standards required being issued to all Teams and Team Managers closely monitoring that assessments and reports have been shared appropriately.
- 12.2 One of these complaints about an assessment also highlighted the need for greater supervision and support for a student social worker and the need to avoid delay in completing the assessment (quality of service). This has also now been addressed following senior management issuing guidance on case management expectations and the supervision of student social workers.
- 12.3 Complaints about the quality of service reflect the high expectations that Service Users continue to have on the service that is provided. Sometimes these expectations are unrealistic in that they do not fall into the remit of the social work teams. Further information is being developed by Team Managers for Service Users, it is anticipated that this will provide Service Users with a greater understanding of the role that Children's Services fulfils and the support that can be provided.
- 12.4 Work has continued this year on improving knowledge and understanding of the complaints process amongst staff this has involved the Complaints Manager in delivering training during Team Meetings.

13 Corporate Implications

- 13.1 Contribution to Council's Vision & Corporate Priorities.
Complaints management is relevant to the Council's corporate priority of continuing to improve the outcomes for vulnerable children.
- 13.2 Financial Implications

The commissioning of independent people to deal with stage two complaints incurs additional cost. The Department seeks to provide efficient resolution to complaints at the earliest stage possible, as well as

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securing value for money from Investigating Officers. The decrease in stage 2 complaints has reduced the costs of investigations through a reduction in the need for Investigating Officers. Costs are met from the existing base budget.

13.3 Legal Implications –

The complaints process complies with statutory requirements.

13.4 People Implications

None.

13.5 Property Implications

None.

13.6 Consultation

The Advocacy Services and Representations procedure (Children) (Amendment) Regulations 2004 confer a duty on local authorities to provide information about advocacy services and offer help to obtain an advocate to a child or young person wishing to make a complaint. The Authority has a contract with the National Youth Advocacy Service. All children and young people wishing to make a complaint in 2013/14 were offered the services of an advocate.

The Complaints Manager meets regularly with a representative of the National Youth Advocacy Service to discuss ongoing complaints and to foster a good working relationship.

13.7 Equalities and Diversity Implications

13.7.1 Customer Groups

Customer groups making complaints included parents, carers, advocates, family members and young person's themselves. The numbers of complainants by customer group is shown in Appendix 3.

1 complainant stated that they had a disability.

13.7.2 Gender

The high percentage of females making complaints reflects the nature of the service that the primary parent dealing with children's care issues is generally the mother. However the proportion of complaints made by males increased by 5.85% in 2012/13 and has increased by a further 3.1% in 2013/14.

This is as a result of the Department actively seeking to engage with more male service users. The percentage of complaints which were made jointly or with an advocate in 2013/14 was 7.9% in comparison to 13.3% in 2012/13. The gender of complainants is shown in Appendix 4.

13.7.3 Ethnicity

A chart showing how complainants described their ethnicity is shown in Appendix 4. The majority of complainants preferred not to state their ethnicity.

13.8 Value for Money

The complaint process continues to be implemented by 1fte post. By reducing the use of Investigating Officers money saved can be reinvested in new complaints literature.

Improving systems in relation to managing compliments and complaints is a factor in a trend toward improving value for money and improving operational practice from lessons learned.

13.9 Community Safety Implications

None

13.10 Environmental Impact

None

14 Background papers

None

15 **Appendices**

- 15.1 Appendix 1: Learning from complaints
- 15.2 Appendix 2: Outcome status of complaints
- 15.3 Appendix 3: Number of complaints by category
Complaints by customer group
- 15.4 Appendix 4: Gender of complainants
Ethnicity of complainants

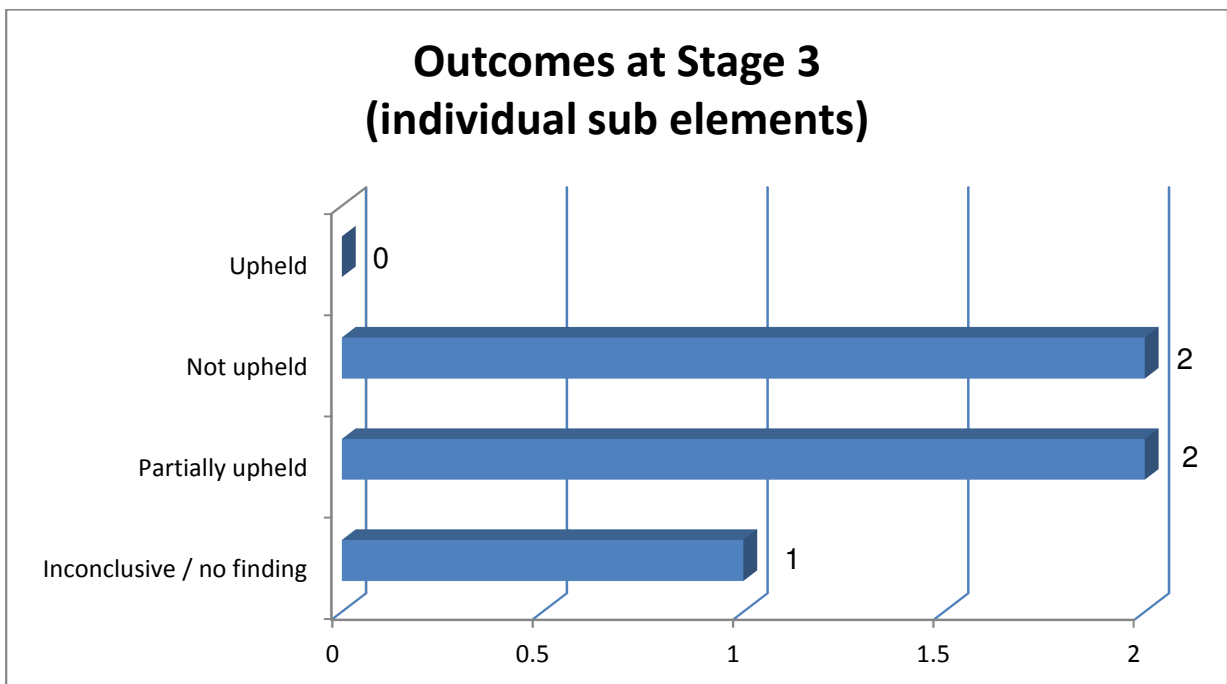
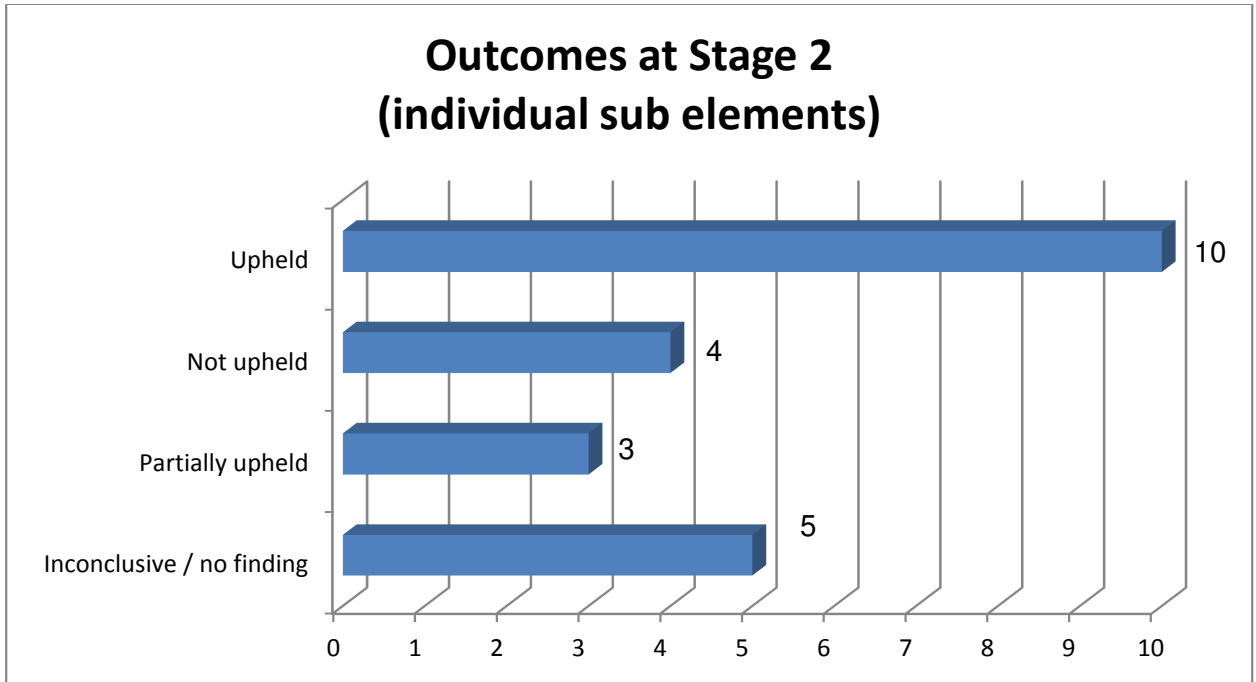
Appendix 1

Learning from complaints

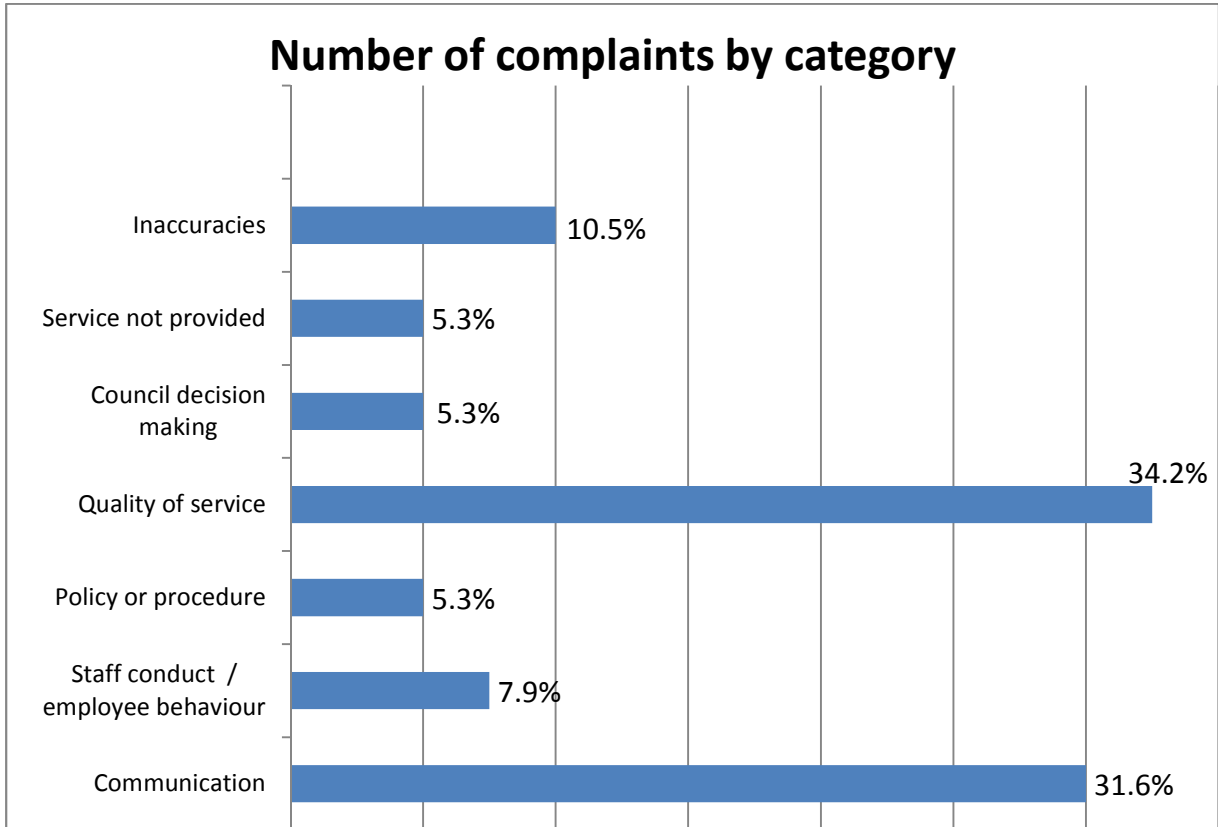
Procedure and process improvements as result of complaints in 2013/14

- All student social workers to be given appropriate and defined direction on how to complete assessments.
- All reports to be read and checked for accuracy by the Team Manager before finalisation.
- All reports and assessments to be shared with families before finalisation, the family's comments and the date that the report was shared with the family must be recorded within the report.
- Effective case management arrangements to be put in place when a social worker is absent from work for long periods of time.
- Families to be kept informed of any likely delays in completing a report or assessment.
- All conversations with family members that are used to inform an assessment must be recorded in the child's file with clear indication as to when and by whom the comments were made.
- The views of all individuals that provide support to the family must be sought and recorded.

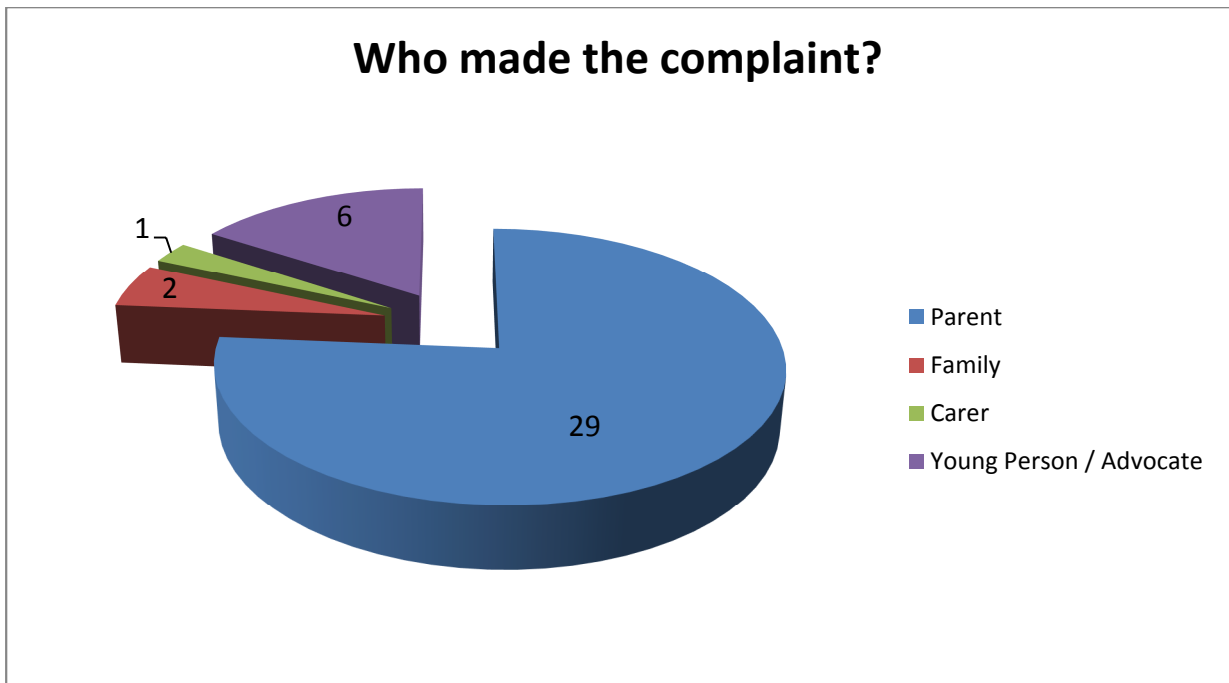
Appendix 2



Appendix 3



All complaints about social workers and staff are investigated by their line manager, discussed in supervision and by management and any necessary actions taken.



Appendix 4

