

Southend-on-Sea Borough Council

Report of Corporate Director for People

to

Cabinet

on

17th September 2013

Report prepared by: Carolyn Williams – Complaints Manager

**Compliments and Complaints received throughout 2012 – 2013 relating to Children's
Social Care Services**

People Scrutiny Committee - Executive Councillor James Courtenay

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 throughout 2012/2013 at all three stages of the statutory process.

2 Recommendation

- 2.1 **That the Department's improved performance during 2012/2013 be noted.**

3 Summary

- **64% more compliments in 2012/13 than the previous year**
- **Broadly the same number of complaints**
- **Significant improvement in response times:**
 - **The number of stage 1 complaints responded to within 10 working days rose from 13.8% to 80%.**
 - **The number of stage 2 complaints responded to within 65 working days rose from 14.9% to 100%.**
 - **Responses to the recommendations of a stage 3 complaint review panel within 15 working days rose from 50% to 100%.**

- 3.1 Both the number of complaints received in 2012/13 and the number resolved at stage 1 have remained broadly in line with 2011/12. The complexity of complaints received at stage 1 has continued to increase.
- 3.2 7 complaints escalated to stage 2 in 2012/13 this is unchanged from 2011/12.
- 3.3 1 complaint escalated to the Ombudsman. The Ombudsman found that the Council's actions were reasonable and discontinued their investigation.
- 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 The complexity of complaints impacted on response times in 2011/12 compared to 2010/11. An action plan was put in place to address this for 2012/13. This action plan has resulted in response times being greatly reduced in 2012/13 despite complaints continuing to be more complex in nature.
- 3.6 41 compliments were received in 2012/13 this was an increase of 64% compared to 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 2012/2013

- 5.1 The Department recorded 41 compliments about Children's Social Care in 2012/2013 compared with 25 in 2011/12. This is an increase of 64% 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, understanding and

patience. The increase in recorded compliments is due to an increased awareness of the process for recording compliments.

The table below shows the number of compliments received in 2012/13 in comparison with previous years.

Apr 08 – Mar 09	Apr 09 – Mar 10	Apr 10 – Mar 11	Apr 11 – Mar 12	Apr 12 – Mar 13
26	17	12	25	41

6 Number of complaints received in 2012/2013

6.1 Stage 1

6.1.1 The Department received 60 complaints directly at stage 1 in 2012/13 compared with 58 in 2011/12. This represents a small increase of 3.45%. An increase in the number of complaints does not necessarily reflect a change in the standards of service. Complaints are always welcomed and viewed as a way to improve practice. Furthermore the introduction of a full time Complaints Manager in 2012/13 has made it easier for Complainants to register their complaints.

6.1.2 88.33% of complaints were resolved at stage 1 in comparison with 87.93% the previous year. This is broadly in line with last year and the Department continually seeks to ensure that it resolves complaints at the earliest stage.

6.1.3 The table below shows the number of stage 1 complaints received in 2012/13 in comparison with previous years.

Apr 08 – Mar 09	Apr 09 – Mar 10	Apr 10 – Mar 11	Apr 11 – Mar 12	Apr 12 – Mar 13
46	110	55	58	60

6.2 Stage 2

6.2.1 A total of 7 complaints reached stage 2 of the complaints process in 2012/13 this is unchanged from 2011/12.

6.3 Stage 3

6.3.1 Two complainants were not satisfied with the outcome of the complaint at stage 2 and asked for the complaint to be progressed to stage 3. This is unchanged from 2011/12.

7 Complaints by category

7.1 Complaints were categorised by the main issues raised.

The 3 categories with the highest percentage of complaints were:

- Staff conduct / behaviour 21.67%
- Quality of service 30%
- Communication 13.33%

However, after thorough investigation of complaints at stage 1, 81.66% of complaints were not upheld in comparison to 63.8% in 2011/12.

- 7.2 Complaints about communication have fallen to 13.33% compared with 24.14% in 2011/12. Complaints about Social workers/staff have fallen to 21.67% compared to 31.03% in 2011/12. Complaints about a service not being provided have fallen to 13.33% compared to 39.66% in 2011/12.

This year complaints about services have been reported on separately to provide a more accurate picture of trends. The 3 categories which have the most complaints remained the same as in the previous year although for the second year running there has been a marked reduction in the number of complaints received about social workers. Complaints for this category have fallen by 27.8% from the previous year. 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. This has led to a greater understanding that a decision made is not something personal against the family and as a result fewer complaints are being made about social workers themselves.

- 7.3 However complaints in the category for quality of service 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. An improved reporting system with new categories added will be implemented within the next year to ensure that reports more accurately reflect the nature of complaints.
- 7.4 There were no complaints made about payments in 2012/13, this is the second year running that this category has seen nil returns.
- 7.5 There were 2 complaints about inaccuracies in documents or reports in 2012/13. This reflects the continued sustained progress made by having and effectively using structured guidance on producing reports and checking documents.
- 7.6 There was 1 complaint about Foster Care in 2012/13 this is as a result of work by the Complaints Manager highlighting best practice and lessons learned to the operational team which has improved service.

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

- 7.7 The table below shows the percentage of complaints in each category in 2012-2013 in comparison with the previous year.

Category	2011-12	2012-13
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	% of total	% of total
1. Staff conduct / employee behaviour	31.03	21.67
2. Service not provided	39.66	13.33
3. Quality of service	Not recorded	30
4. Communication	24.14	13.33
5. Incorrect information given	Not recorded	6.67
6. Council decision making	1.72	1.67
7. Policy or procedure	3.45	13.33
	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 2012/13, 80% of Stage 1 complaints were responded to within 10 working days compared to 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 2012/13 was 90% compared with 39.7% in the previous year.

8.1.4 The table below shows response times for stage 1 complaints received in 2012/2013 compared with 2011/2012

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

8.2 Stage 2

8.2.1 Stage 2 statutory response times:

Response within 25 working days, with a maximum extension to 65 working days.

Seven complaints were pursued to stage 2 in 2012/13; three of these were escalated from stage 1 complaints received in 2011/12.

All stage 2 complaint investigations were completed within 65 working days in 2012/13.

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.

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 2012/2013 compared with 2011/2012

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

Two complaints were escalated to stage 3 during 2012/13 this represents no change from 2011/12. The recommendations for both of these complaints were responded to within the statutory timescales.

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

Response Performance	2011/12 % of total	2012/13 % of total
Within 15 working days	50.0	100
After 15 working days	50.0	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 2012/2013 is shown in Appendix 2.

10 Local Government Ombudsman

- 10.1 One complaint was referred to the Ombudsman in 2012/13. The Ombudsman found that the Council's actions were reasonable and discontinued their investigation.

11 Developments in the complaints process

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

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.

The Complaints Manager has delivered training to Specialist Services staff to explain the complaints process and the role that the teams play in resolving complaints at the earliest possible stage.

The Complaints Manager offers ongoing support and advice to Team Managers on how to appropriately respond to complaints.

11.1 Areas for improvement

To further improve Stage 1 and Stage 2 response times by:

- Continuing to provide a monthly complaint progress summary reporting to the Head of Specialist Services and including year end forecasts.
- The Complaints Manager working closely with Specialist Services staff to identify if complex complaints at stage 1 can be further broken down into more manageable components in order to improve response times.
- The Complaints Manager developing improved systems of working with Investigating Officers to ensure that the process is efficient and delays are avoided.
- Reporting to DMT any major problems or barriers to success.

11.2 Other initiatives

The Department is working to implement more efficient systems to ensure outcomes are used to improve operational practice including:

- Further enhanced monitoring of complaint recommendations, action plans and outcomes, and regular liaison with Specialist Services staff.
- Further work to encourage young people to report issues directly is planned including:

- Engagement with the Youth Council and Looked After Children's Council.

11.3 Work has already begun on improving knowledge and understanding of the complaints process amongst Specialist Services staff this has involved the Complaints Manager in delivering training during Team Meetings.

11.4 The Council website has been updated and now offers downloadable leaflets that explain social care practice.

12 Corporate Implications

12.1 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.

12.2 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 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.

12.3 Legal Implications - The complaints process complies with statutory requirements.

12.4 People Implications
None.

12.5 Property Implications
None.

12.6 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 2012/13 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.

12.7 Equalities and Diversity Implications

12.7.1 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. 6 complainants stated that they had a disability.

12.7.2 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 in 2012/13 has increased by 5.85% in comparison with 2011/12.

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 has increased to 13.3% in comparison to 10.34% in 2011/12. The gender of complainants is shown in Appendix 4.

12.7.3 Ethnicity

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

12.8 Value for Money

The complaint process continues to be implemented by 1fte. 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.

12.9 Community Safety Implications

Some complaints may have elements where improvements may be made to ensure community safety.

12.10 Environmental Impact

Some complaints may have elements where improvements may be made to service users' environments.

13 Background papers

None

14 **Appendices**

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|------|-------------|--|
| 14.1 | Appendix 1: | Learning from complaints |
| 14.2 | Appendix 2: | Outcome status of complaints |
| 14.3 | Appendix 3: | Number of complaints by category
Complaints by customer group |
| 14.4 | Appendix 4: | Gender of complainants
Ethnicity of complainants |

Appendix 1

Learning from complaints

Procedure improvements as result of complaints in 2012/13

- New procedures for Resource Allocation Panels and new guidance produced for parents.
- A new self assessment form for parents has been produced.
- A system put in place to write and remind all Social Work staff of the need to ensure CiN plans/reviews are appropriately completed within the correct timescales.
- All Team Managers were reminded of the need to ensure Core Assessments are accurately and fully completed in a timely manner by staff at the appropriate level, and to monitor this in supervision of cases.
- New policy document for assessments developed and produced.
- Changes made to the website so that information is available about assessments and linked to downloadable forms.
- Robust guidance for all practitioners in relation to case recording has been developed and shared with practitioners.
- Team Managers have been reminded that all case management advice must be recorded.
- New social workers are now provided with a Complaints Induction Pack which includes information on The Complaints process, Dealing with Complaints and Different Types of Complaints.

Process improvements as a result of complaints in 2012/13

- A new Resource Allocation Panel template has been produced to ensure parents are informed of outcomes.
- Audit tools have been developed to quality assess social work assessments.
- Social Workers are now required to be in the office and available should Resource Allocation Panels wish to clarify anything with them.

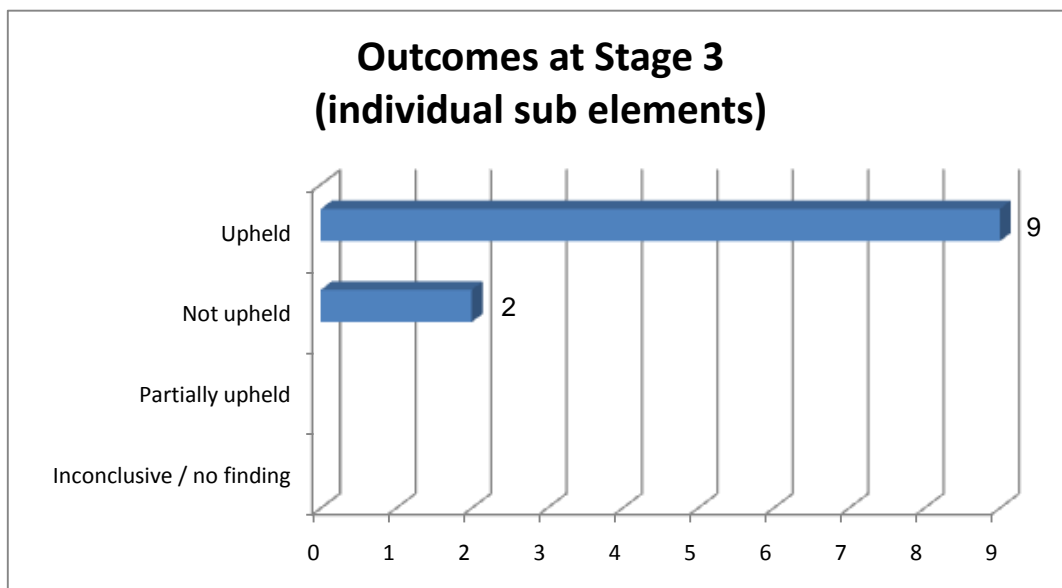
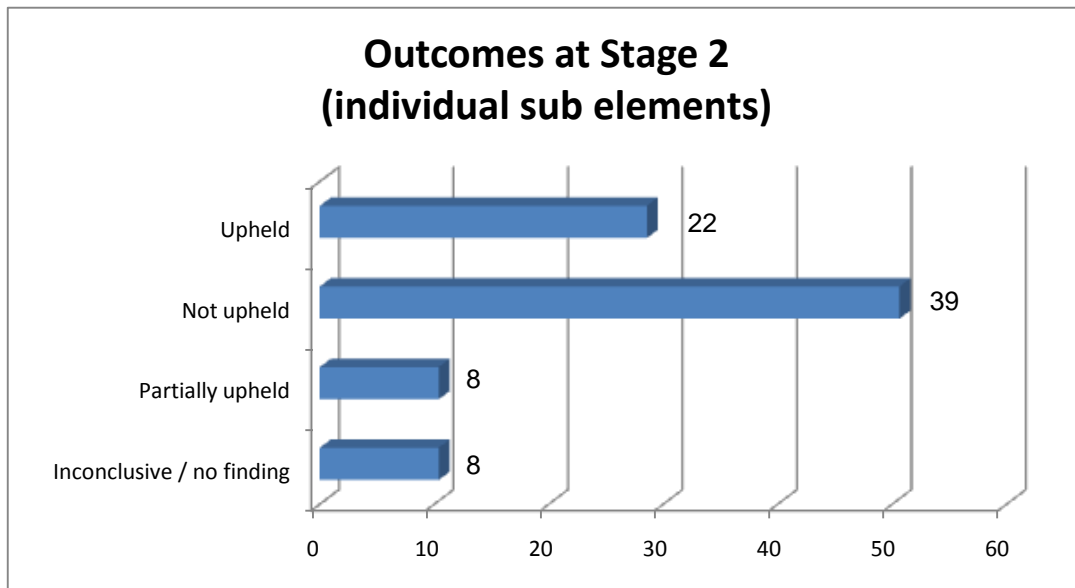
The complaints process

Procedures have been put in place to ensure that:

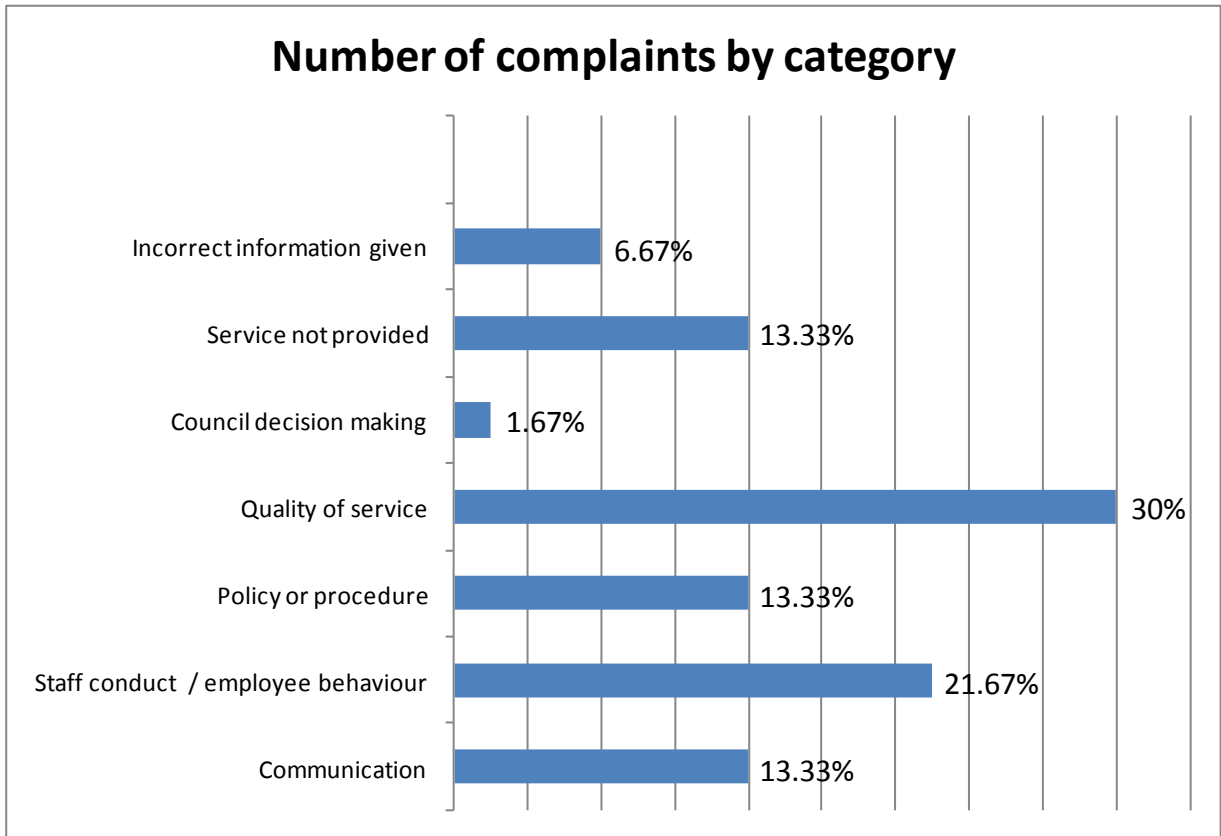
- Progression through the Complaints Process is encouraged and facilitated.

- Complaints are responded to in full.
- Further training is provided to staff to ensure that only qualifying complaints are considered under the Statutory Social Care Complaints Process.
- Training has been provided to social work teams to ensure that complaints are responded to appropriately.
- An action plan developed to monitor the implementation of lessons learned.

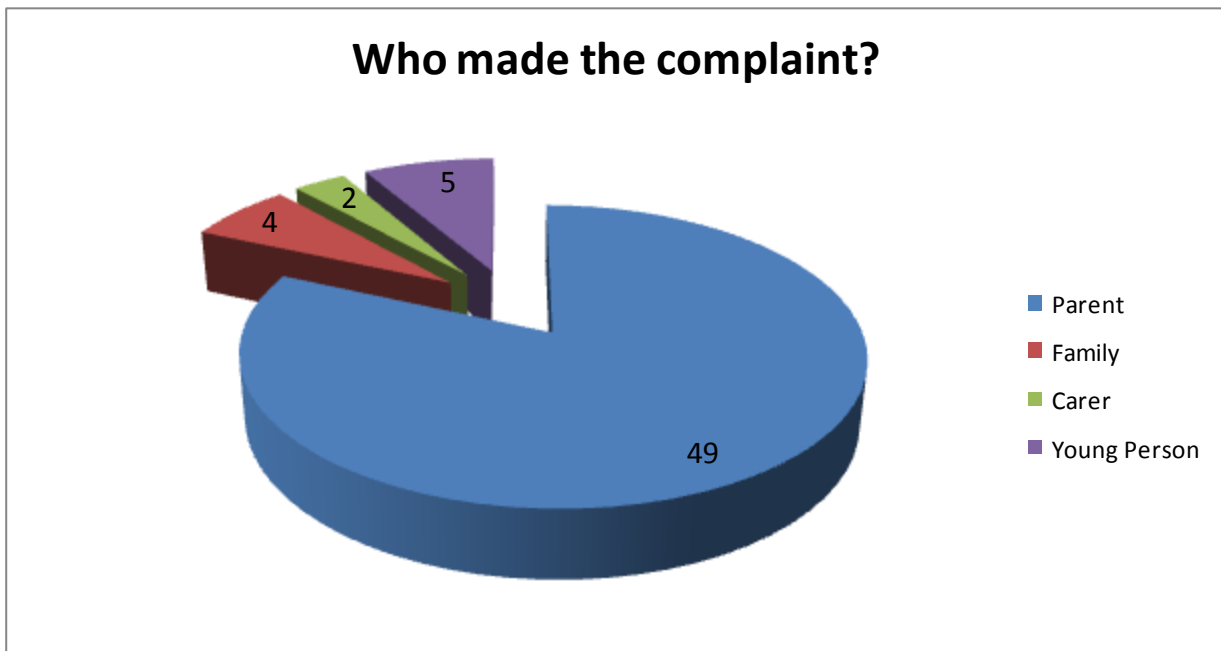
Appendix 2



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

