



**Children and Families  
Overview and Scrutiny Committee**  
11<sup>th</sup> December 2007

**Report from the Director of Children  
and Families**

For Information

Wards Affected:  
ALL

**Children and Families Complaints – Annual Report 2006/07**

1.0 SUMMARY

1.1 The annual report for 2006/07 on complaints about Children and Families services is attached.

1.2 The report provides information about the context and operation of the complaints procedure, the number and type of complaints made during the year and how these were dealt with.

1.3 Figures indicate:

- Stage 1 - 161 complaints recorded.
- 48% of stage 1 complaints were responded to within timescales.
- Stage 2 – 26 complaints registered.
- Stage 2 timescales were met in only nine cases. There were particular difficulties in meeting the social care statutory timescale because of the complexity and multiplicity of some complaints raised. In addition the use of external investigating officers and Independent Persons raises availability issues in scheduling interviews with staff in order to complete a full and thorough investigation.
- Stage 3 – two complaints received.
- Of complaints closed during the year 36% of Stage 1s and 50% of Stage 2s were not upheld.
- The escalation rate from stage 1 to stage 2 (16%) was outside of the Council target of 10%. The escalation rate from stage 2 to stage 3 (8%) was well within the Council target of 20%, indicating that most complaints were resolved by the department at stage 2.
- A key performance indicator is the provision of a timely response. Compliance with time targets at both stages 1 and 2 of the procedure remains below requirements, and work needs to be done to improve this. However the quality of responses and level of satisfaction / resolution, as reflected in escalation rates, is also a significant element of complaint handling and will also feature in staff training.
- There were no formal Ombudsman reports or findings of maladministration.

1.4 One of the most important parts of complaint handling is making sure that lessons are learnt and appropriate procedural and practice changes are made if things have gone wrong. Complaints in 2006/07 continued to provide some important learning points and service improvements have been made as a result of these. Some key improvements are shown in section 13.

## 2.0 RECOMMENDATIONS

2.1 Members may wish to identify areas that require further investigation

## 3.0 FINANCIAL IMPLICATIONS

3.1 There are no specific implications. However, Ombudsman complaints are expensive and time consuming for the Council to deal with, and keeping these at a low level will continue to produce significant financial savings. Better handling of complaints at stage 1 of the complaints procedure, and reducing rates of escalation, also produces savings as stage 2 complaint investigations and stage 3 Complaints Review Panels incur additional costs, particularly as the social care statutory procedure requires the use of Independent Persons. Complaints also provide an important window on the Council's services, and so good complaint handling helps the Council score well in assessments, audits and inspections.

## 4.0 STAFFING IMPLICATIONS

4.1 None

## 5.0 LEGAL IMPLICATIONS

5.1 The main statutory social care complaints procedure is governed by Children Act 1989, The Children Act Representations Procedure (England) Regulations 2003, and Getting the Best from Complaints [guidance issued under Section 7 of the Local Authority social Services Act 1970]. The regulations require this annual report to be presented to Committee.

## 6.0 DIVERSITY IMPLICATIONS

6.1 The Council's commitment to equalities and diversity is reflected in the complaints procedure and the way that service users' dissatisfaction is handled. Leaflets and responses will be provided in any language or format on request, and young people and their families and carers encouraged to use interpretation and advocacy support as required.

## Children and Families

### 2006/2007 Annual Report on Complaints

in accordance with the Representations Procedure (Children) Regulations 2006 and the Council's corporate complaints procedure.

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#### 1. Context

This report is made in accordance with requirements in the Representations Procedure (Children) Regulations 2006 [regulation 13 (3)] and related guidance.

The Children & Families department is required to deal with complaints about specified social services functions for children in accordance with the above statutory regulation. Other complaints about non-statutory social service functions and education responsibilities are handled in accordance with the Council's own corporate complaints procedure. This report provides information about all complaints recorded by the Complaints Service during the twelve months between 1 April 2006 and 31 March 2007.

**Annex A** contains information about the definition of a complaint, who can complain and the stages of the complaints procedure and timescales.

It needs to be noted that some complaints, such as special educational needs assessments and school admissions offers, have separate appeals procedures and are not dealt with under the complaints procedures. Schools also have their own complaints procedures.

## 2. Numbers of Complaints Received

The Complaints Service recorded 161 Stage 1 complaints during the year, compared with 106 last year. Twenty-six complaints were recorded at Stage 2 and two at Stage 3.

	Stage 1		Stage 2		Stage 3	
	2006-07	2005-06	2006-07	2005-06	2006-07	2005-06
<b>Total</b>	161	106	26	14	2	
<b>Of which</b>						
<b>Statutory</b>	129	84	12	11	-	1
<b>Corporate</b>	32	22	14	3	2	3

One Stage 2 complaint related to Occupational Therapy Services [based within Community Care] for a disabled child.

The figures indicate an over 50% increase in the number of complaints registered by the Complaints Service in 2006/07 at Stage 1 and almost double the number of Stage 2s compared with the preceding year. The increases are not thought to be an indication of greater dissatisfaction by our clients and their families, but rather a reflection of the greater emphasis this year in ensuring that complaints received directly by team / services are notified to the Complaints Service.

However we know that increased pressures on social care services, including the limited resources for disabled children and the greater wishes by their families to have direct payments rather than in-house service provision, has led to more complaints and expressions of dissatisfaction this year.

## 3. Number [and Percentage] of Complaints Responded to within Timescales

**Stage 1 Corporate 15 working days : Statutory 10 working days**

**Stage 2 Corporate 20 working days : Statutory 25 working days**

**Stage 3 Corporate 30 working days : Statutory 30 working days to set up, 5 working days to produce report, and 15 working days for response**

Division	Stage 1		Stage 2	
	2006-07	2005-06	2006-07	2005-06
<b>Social Care</b>	45 [40%]	34 [48%]	4 [22%]	1 [13%]
<b>Achievement &amp; Inclusion</b>	8 [80%]	22 [100%]	2 [100%]	2 [100%]
<b>Finance &amp; Performance</b>	16 [73%]		3 [60%]	
<b>Total</b>	69 [48%]	56 [61%]	9 [35%]	3 [33%]

The percentage response rates shown above vary from those shown in the Quarterly Vital Signs as they are calculated on a different basis.

### Stage 1

The Department responded to 69 complaints [48%] at Stage 1 within the appropriate timescale. This compares with 61% in the previous year. It should be noted that from September 2006, in accordance with the new statutory complaints procedure for children's social care, the Social Care division is required to respond to Stage 1 complaints within 10 working days [although there is the possibility of extending this to 20 working days for complex complaints]. This is a considerably shorter timescale that the corporate 15 working days, and many local authorities are finding it difficult to meet this new standard. Officers are asked to keep complainants informed of any delays.

## Stage 2

The Department responded to 9 complaints [35%] at Stage 2 within the appropriate timescale. This compares with 33 % respectively in the previous year. As with Stage 1, there were particular difficulties in meeting the statutory timescale because of the complexity of some complaints and the multiple issues raised. Three statutory complaints necessitated a review of papers over the past four or five years, one of which was a joint investigation with the London Borough of Hillingdon.

The department uses mainly external Investigating Officers for statutory complaints. It is also required to appoint an Independent Person to provide oversight of the process of the investigation and the complaint, with specific reference to the needs of the child or young person. The use of two contracted persons, whilst providing a reassuring element of independence for the complainant, does sometimes raise availability issues and delays in scheduling interviews with staff in order to complete the investigation. There is a possibility of extending the statutory timescale to 65 working days for complex complaints, and Investigating Officers do discuss and agree timescales with complainants. For those Stage 2 complaint not completed within 25 working days, the average time taken was 66 working days.

## Stage 3

Two corporate complaints were reviewed at stage 3. No statutory Stage 3 Review Panels were held.

### 4. Early Referral to the Ombudsman

One complaint investigated in 2006-07 is subject to Early Referral and we are awaiting the decision of the Ombudsman.

### 5. Local Government Ombudsman's complaints

The Ombudsman received 6 complaints about Children & Families during 2006-07. Three were confirmed as no-maladministration [two about the admission process and one about a service for a disabled child], two as outside jurisdiction [both about education issues], and one [about social care services for a young person] returned as premature for the department to investigate. This compares with two complaints [one Ombudsman's Discretion and one premature] for 2005-06.

### 6. Escalation Rates – percentages based on the number of complaints received at Stage 2 (3) divided by the number of complaints received at Stage 1 (2)

**Council target**                      **Stage 1 - Stage 2 = 10%**    **Stage 2 - Stage 3 = 20%**

Division	Stage 1 to Stage 2		Stage 2 to Stage 3	
	2006-07	2005-06	2006-07	2005-06
Social Care	14.7%	13%	7.6%	9%
Achievement & Inclusion	20.0%	13.6%	-	100%
Finance & Performance	22.7%		-	
<b>Total</b>	16.1%	13.2%	7.6%	29%

The percentage response rates shown above vary from those shown in the Quarterly Vital Signs as they are calculated on a different basis.

The department is working to the new corporate targets introduced for escalation rates in 2007-08 and to ensure appropriate responses and remedies at all stages. Training for staff will focus on these points.

## 7. Analysis of Complaints by Teams

	Stage 1		Stage 2		Stage 3	
	2006-07	2005-06	2006-07	2005-06	2006-07	2005-06
<b>Social Care</b>	(80%)		(73%)		(100%)	
Referral & Assessment and Children in Need	61 (38%)	52	5 (19%)	6		
Leaving Care and Unaccompanied Minors	20 (12%)		1 (4%)			
Disabled Children & Young People	30 (19%)	22	6 (23%)	2		1
Occupational Therapy	3 (2%)		1 (4%)			
Placements	15 (9%)	8	6 (23%)	3	2 (100%)	
Other		2				
<b>Achievement &amp; Inclusion</b>	(6%)		(8%)			
Special Educational Needs	2 (1%)	n/a	1 (4%)	1		
Education Psychology	1 (0.5%)					
Transport Service	3 (2%)		1 (4%)			
Education Welfare Service	1 (0.5%)					
Governor Services					1	1
Asset Management					1	1
Play Services	2 (1%)					
Connexions	1 (0.5%)					
<b>Finance &amp; Performance</b>	(14%)		(19%)			
School Admissions	13 (8%)	n/a	5 (19%)			1
Casual Admissions and Student Support	7 (4%)					
Other support services	2 (1%)					

It has not been possible to give some comparison figures for 2005-06, due to the different recording practices prior to the establishment of the Children and Families department in May 2005.

## 8. Nature of Complaints at Stage 2

The complaints received in 2006-07 which progressed to Stage 2 were mainly about the non-provision or level of services [38%] or failure to communicate or carry out other required action [38%]. They reflect the high demand for, and pressures on staff in delivering, social care services for young people in need or disabled and the high expectations by parents of the co-ordinated admissions process.

It has not been possible to give comparison figures for the previous year, due to the different recording practices prior to the establishment of the Children and Families department in May 2005.

It is hoped to provide a more comprehensive analysis of the nature of complaints at all stages for the next report.

<b>Nature of Complaints at Stage 2</b>	<b>Numbers</b>
Non-Provision of service	6
Level of service	8
Quality of service	1
Delay in service provision	2
Withdrawal, reduction or change in service	1
Failure to appropriately consult or involve	1
Other failure to communicate effectively	6
Failure to carry out other required action	8
Inappropriate conduct or attitude of staff	5

These figures do not equate to the number of complaints at Stage 2, as some complaints cover multiple issues.

### 9. Outcomes of Closed Complaints

Some complaints registered in 2006/07 are still live (having entered our monitoring system before 31 March and not yet concluded) they will be included in the next business year's set of figures).

<b>Outcome</b>	<b>Stage 1</b>		<b>Stage 2</b>		<b>Stage 3</b>	
	<b>2006-07</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2005-06</b>	<b>2006-07</b>	<b>2005-06</b>
<b>Not Upheld</b>	53	39	13	3	2	2
<b>Partially Upheld</b>	35	31	4	6	1	1
<b>Fully Upheld</b>	44	21	8	2		
<b>Withdrawn *</b>	13	12	1	5		

\* includes some complaints resolved by action of Senior Manager / progressed straight to Stage 2

### 10. Compensation paid at Stages 1, 2 and 3 and as a result of Ombudsman recommendations

The Council has a compensation policy that is applied if, after a complaint has been investigated or as part of an Ombudsman's investigation, it is concluded that the Ombudsman would:

- find that there has been maladministration by the Council causing injustice to the complainant; and
- recommend that compensation should therefore be paid to the complainant.

During the year a total of £4560 compensation was paid as follows:

<b>Division</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>	<b>Ombudsman</b>
Social Care – Children in Need		<b>£4,500</b>		
Achievement & Inclusion – Transport Service	<b>£50</b>			
Finance & Performance - Admissions	<b>£10</b>			
Total	<b>£60</b>	<b>£4,500</b>	<b>£200</b>	<b>nil</b>

Compensation was also agreed for two other statutory social care complaints but the complainants decided to pursue their statutory complaints to Stage 3 and to Early Referral to the Ombudsman prior to accepting the amounts proposed.

### 11. Mediation and Alternative Dispute Resolution

The Guidance on statutory complaints supports the use of alternative ways of resolving complaints. Meeting the complainant to discuss their concerns is often a useful way forward when considering Stage 1 complaints and is also offered following the Stage 2 response.

Mediation or ADR has not been used during 2006-07, but further consideration will be given to this in the light of the current Department of Health consultation of changes to statutory complaint process 'Making Experiences Count'.

### 12. Advocacy for Children and Young People

Children and young people requesting or receiving social care services are entitled to independent and confidential advocacy support, in accordance with guidance in 'Get It Sorted: Providing Effective Advocacy Services for Children and Young People making a Complaint under the Children Act 1989'. The Complaints Service explains about advocacy to all young people who approach them for assistance with their complaint, and sends them a short explanatory leaflet.

Twelve young people were supported by advocates. Nine advocates were provided by Aidhour – the agency contracted by Brent to provide a service, and a further three young people arranged advocacy independently. The direct cost of the service was £3,500. All but one of these complaints were resolved at Stage 1.

### 13. Key Service Improvements from Complaints

- Review of Transport Policy to update and ensure fair and equal access.
- Review procedures re child protection and fostering reviews including a new leaflet for foster carers and a new monitoring system set up.
- To consider practice where there is a requirement to share information relating to child protection / fostering issues with other agencies in the light of DPA and HRA responsibilities.
- Two statutory Stage 2 complaint scenarios to be used as a case study to improve practice working.
- Corporate discussion on dealing with cross departmental complaints relating to the provision of adaptations for disabled children.
- Disabled Children Team and Occupational Therapy Team to resolve issues re joint assessment processes.

### 14. Analysis of Persons Making Complaints

#### Complaints made by:

<b>Child / young person</b>	29	(18%)
<b>Parent / person with parental responsibility</b>	105	(65%)
<b>Foster carer</b>	4	(2%)
<b>Special Guardian</b>	2	(1%)
<b>Person with sufficient interest in the child's welfare</b>	6	(4%)
<b>Others</b>	15	(9%)

The proportion of complaints made directly by young people represents 18% of all complaints made in Children and Families, and 22% of all social care complaints. It is reassuring to know that young people seem to be aware of the complaints procedure and feel able to make complaints about services provided.



## Equalities Information

It has not been possible for 2006-07 to provide equalities monitoring information for all complainants, but details for children and young people who made complaints are given below. Discussions are taking place, in the context of the introduction of a Council-wide specialised complaint recording and monitoring system – Non Stop Gov, to agree recording practice for equalities information in relation to complaints in future.

<b>Ethnicity of Child or Young Person</b>	<b>Percentage</b>
Asian or Asian British	14%
Black or Black British	48%
Mixed / Black and White or Mixed / Other	14%
White / British or White / Other	5%

## 15. Where complaints received

	<b>Complaints Team</b>	<b>Director / Assistant Director</b>	<b>Team / Unit</b>	<b>Chief Executive's office</b>	<b>One Stop Service</b>
<b>Stage 1</b>	66%	7%	18%	1%	8%
<b>Stage 2</b>	73%	12%	15%		

It is clear that most complaints are received by the Complaints Team, but work continues with teams to make sure that any complaints made directly to staff are recorded and processed in accordance with the complaints procedures.

## 16. Payments for Statutory Stage 2 Investigations and Stage 3 Review Panels

	<b>£ K</b>
<b>External Investigating Officers</b>	19
<b>Independent Persons</b>	6
<b>Review Panellists</b>	-
<b>Total</b>	£25

## 17. Training for Staff

Training on complaints is provided as part of Children & Families Induction for all new staff and during 2005-06 two courses for managers were organised, in addition to a number of complaint sessions delivered to various team meetings. Some of the team sessions were specifically about the new statutory social care complaints procedures which came into force in September 2006. Training sessions will continue during 2006-07, with particular emphasis on timescales and the quality of response letters, and in addition two courses specifically on stage 2 investigations are scheduled.

## 18. Complaint Recording and Monitoring

The Children & Families department did not have a specialised complaint recording system in use during 2005-06, and this has impacted on the quality and quantity of statistical information and analyses. Following the decision to roll out the use of Non Stop Gov for complaint recording across all council departments, its implementation in Children & Families has now begun, and should facilitate improved recording and monitoring.

## 19. Information for Children, Young People and their Families

New corporate complaint leaflets and posters, plus information sheets about the statutory social care complaints procedure, were produced. An information sheet about advocacy is also available for children and young people in need and receiving social care services. A meeting with the Youth Forum to talk about complaints took place in April and it is hoped to undertake further consultation with young people and other service user support group in the future to ensure that complaints information is meeting their needs.

### Definition of a Complaint

#### Corporate

An expression of dissatisfaction, not resolved immediately to the customer's satisfaction, about the level quality or nature of a service which the customer feels should have been provided.

#### Statutory

An expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response – and which is about specified services under the Children Act 1989 and the Adoption and Children Act 2002.

Both definitions include services provided by people or organisations acting on the Council's behalf.

### Who can make a Complaint?

#### Corporate

Anyone who uses or is affected by our services can make a complaint. This includes residents, people who work in or visit the borough, local businesses and community groups.

#### Statutory

As defined by the Children Act 1989 and related legislation and guidance, a 'Qualifying Person' including a child or young person looked after by the authority or in need, or leaving care; his parent or a person having parental responsibility; a Special Guardian; a foster carer; adopted persons, their natural and adoptive parents and former guardians.

### Stages of the Complaints Procedure

The complaints procedure has three stages.

**Stage 1 – Local Resolution** This is the most important stage of the complaints procedure. The Department's teams and external contractors providing services on our behalf are expected to resolve as many complaints as possible at this initial point.

Timescales are:

- corporate procedure - 15 working days
- statutory procedure -10 working days with a possible extension to 20 working days for complex complaints.

**Stage 2 – Formal Investigation** The complainant may request a Stage 2 investigation if s/he is dissatisfied with the findings of Stage 1. The investigation is conducted by either an internal manager or an external Investigating Officer. For complaints falling within the Children Act 1989 statutory complaints procedures an Independent Person is also appointed to oversee the investigation. An Assistant Director adjudicates on the findings.

Timescales are:

- corporate procedure - 20 working days
- statutory procedure - 25 working days with a possible extension to 65 working days for complex complaints.

**Stage 3 – Review** The third stage of the complaints process is a review of the complaint and the response is sent by the Chief Executive. Corporate complaints are reviewed by the Corporate Complaints Team, but for statutory complaints, the Council is required to establish a Review Panel composed of three independent persons. The Panel writes a report and makes recommendations to the Council. There are various timescales relating to statutory Review Panels. These include:

Timescales are:

- corporate procedure - 30 working days
- statutory procedure - 30 working days to set up the panel, 5 working days to produce the report, and 15 working days to send out the Council's response.

A further option for complainants is the **Local Government Ombudsman (LGO)** who is empowered to investigate where it appears that a Council's own investigations have not resolved the complaint. Complainants can refer their complaint to the LGO at any time, although the Ombudsman normally refers the complaint back to the Council if it has not been considered under our procedure first.

The new statutory complaints procedure, which was introduced from September 2006, provides for **Early Referral to Ombudsman** - an alternative option to a Stage 3 review panel for complaints meeting specified criteria. The criteria are that the Stage 2 investigation has resulted in a very robust report, a complete adjudication and an outcome where all complaints [or all significant complaints relating to service delivery] were upheld. In these cases if the complainant and the local authority agree, an approach can be made to the Local Government Ombudsman to ask him to consider the complaint without first going through a Stage 3 review panel.

Gillian Burrows  
Complaints Manager  
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