



## Executive – supplementary complaints appendices

**Monday, 18 October 2010 at 7.00 pm**

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

### Membership:

#### Lead Member Councillors:

#### Portfolio

John (Chair)	Leader/Lead Member for Corporate Strategy and Policy Co-ordination
Butt (Vice-Chair)	Deputy Leader/Lead Member for Resources
Arnold	Lead Member for Children and Families
Beswick	Lead Member for Crime Prevention and Public Safety
Crane	Lead Member for Regeneration and Economic Development
Jones	Lead Member for Human Resources and Diversity, Local Democracy and Consultation
J Moher	Lead Member for Highways and Transportation
R Moher	Lead Member for Adults, Health and Social Care
Powney	Lead Member for Environment, Planning and Culture
Thomas	Lead Member for Housing and Customer Services

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**The press and public are welcome to attend this meeting**

# Agenda - supplementary

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

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<i>Full report circulated with main agenda</i>	

**Date of the next meeting: Monday, 15 November 2010**



- Please remember to **SWITCH OFF** your mobile phone during the meeting.
- The meeting room is accessible by lift and seats will be provided for members of the public.
  - Toilets are available on the second floor.
  - Catering facilities can be found on the first floor near The Paul Daisley Hall.
  - A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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COMPLAINTS, INTERNAL AUDIT– ACTION PLAN UPDATE APRIL 2010

Appendix A

1. Service area procedures and review of corporate policies and procedures				Priority 1
Recommendation	Actions	Lead officer	Timescale	Comment
1. It is recommended that all Service Areas implement service-specific complaints and handling procedures based on the overarching corporate policies and procedures, and that the procedures specifically address complaints relating to service areas. The procedures should also include guidance on making compensation payments.	All service areas to introduce written procedures by end of December 2009	Departmental complaint managers	To be re-assessed	Pressure of work has meant that this piece of work has not been completed
2. With regards to guidance on making compensation payments, Service Areas may wish to wait until the Corporate Guidance on Remedies and Compensation Payments is reviewed in line with the new Local Government Ombudsman's Remedies Guidance on Good Practice.	No action needed			No need to await further advice from the LGO – the advice is always to follow the current guidelines from the LGO
3. In addition, it is recommended that all relevant policies and procedures regarding complaints should be formally reviewed on at least an annual basis	Review corporate policy and associated guidance	Corporate complaints manager	By end March 2009	Not completed due to corporate complaints manager leaving. In work plan for 2010/11. Annual review is too frequent for policy review. Triennial review more appropriate

2. iCasework support contract and full migration to iCasework				Priority 1
Recommendation	Actions	Lead officer	Timescale	Comment
4. It is recommended that management should liaise with Tagish in order to agree a support contract for iCasework as a matter of priority.	Meet with Tagish to resolve all issues	ITU and corporate complaints manager	Meeting in October 2009	Meetings have taken place but there are unresolved issues of workflow and reporting relating to the Council's development site which it is not feasible to rectify and there is equally no budget to migrate to iCasework's new version which became available during 2009. Revised project plan received March 2010. At the same time, Respond have introduced a web-based option which should be explored and evaluated.
5. It is also recommended that senior management meet with Tagish as soon as possible to reconcile any differences of opinion in the development of the software, and to use that meeting to agree a definitive date for its satisfactory implementation.				
3. Review of stage 1 complaint responses				Priority 1
Recommendation	Actions	Lead officer	Timescale	Comment
6. It is recommended that management should consider putting in place a review system for stage 1 complaint responses, including monitoring of compensation payments. If it is not deemed practical to review all responses prior to these being sent out, consideration should be given to undertaking checks on a sample basis. This may be considered as an area of responsibility for the	Departmental complaint managers to put in place a system to quality check a sample of Stage 1 complaints	Departmental complaint managers	System in place by end March 2010	Pressure of work has meant that this piece of work has not been completed Departmental complaint teams are not resourced to do this, although it is undeniably necessary

Service Area Complaint Managers.				
7. As part of such a review, management should take account of points raised in the stage 3 reviews undertaken by the Corporate Complaints Team, checking to ensure that feedback from those reviews is being addressed.	Departmental complaints managers and service unit heads to ensure that Stage 3 recommendations are addressed	Departmental complaint managers & service unit heads	By end March 2010	Such a system has been in place for some years and no further action
8. In all cases, records of the review / checking process should be maintained and these should be analysed periodically to determine whether there are any common areas of weakness which require addressing, for example through additional training or guidance. This should be fed back to the Corporate Complaints Forum as a standing agenda item.	Departmental complaints managers to analyse recommendations and feed back to corporate complaints forum on common areas of weakness	Departmental complaint managers	By end March 2010	Feedback from service areas has always been a standing item on the corporate complaints forum agenda and can be used for this purpose
<b>4. Monitoring timeliness of complaint acknowledgement</b>				
<b>Priority 1</b>				
<b>Recommendation</b>	<b>Actions</b>	<b>Lead officer</b>	<b>Timescale</b>	<b>Comment</b>
9. It is recommended that management should consider how best to monitor timeliness of acknowledgment at all stages. Where systems do not generate suitable monitoring information, management should consider undertaking spot checks as a detective control. If delays are identified, as was the case from our sample testing, management should determine an appropriate course of action to address this, for example through the provision of additional training to staff or formal reminders on the importance of meeting the target.	Departmental complaint managers to undertake regular checks to ensure that appropriate and timely acknowledgements are sent to all complaints	Departmental complaint managers for Stages 1 and 2 Corporate complaints manager for Stage 3	With immediate effect	It appears that the major non-compliance is within the Environment and Culture department where initial complaint recording is devolved to service units

5. Appraisals				Priority 2
Recommendation	Actions	Lead officer	Timescale	Comment
10. It is recommended that management should consider determining which staff have a significant responsibility for dealing with complaints and have complaint performance monitored as part of their one-to-one meetings and annual appraisals.	Ensure that all staff having significant responsibility for dealing with complaints should have complaint performance included in 1:1s and appraisals	CMT	With immediate effect	Staff working in complaint teams are already have complaint performance included in their appraisals. CMT need to accept that managers responding to complaints on a regular basis also need this fed into their appraisal process.
6. Retaining correspondence from				Priority 2
Recommendation	Actions	Lead officer	Timescale	Comment
11. It is recommended that management should formally remind all relevant staff of the importance of scanning all correspondence and relevant supporting documentation in relation to each complaint.  In addition, checks should be introduced to monitor compliance with this. In the event that documentation continues to not be consistently scanned in full, management should determine an appropriate course of action to address this.	Corporate complaint manager to seek advice about retaining case records on a complaint database. Departmental complaint managers to ensure that all complaint-related correspondence, as a minimum the complaint and the response, is attached to the electronic record  Revise complaints documentation retention policy	Corporate complaints manager	By end March 2009 in course of policy review	Advice was sought which was to the effect that service users' case records should not routinely be attached to complaint databases, as they are not secure. Documentation retention policy and process to be included in review of policy and procedures
		Departmental complaint managers	Within immediate effect	
		Corporate complaints manager	During 2010/11 review of policy	
7. Recording compensation cases and retaining approval documents				Priority 2
Recommendation	Actions	Lead officer	Timescale	Comment



12. Staff should be reminded of the need to record all compensation payments on the Respond / iCasework system.	Instructions to be included in departmental procedures	Departmental complaints officers for Stages 1 and 2 Corporate complaint manager for Stage 3 and LGO	Same as for production of procedures	As above, pressure of work has meant that this piece of work has not been completed
13. It is recommended that staff members are reminded of the need to maintain copies of the compensation approval forms in all cases. It is suggested that these should be scanned on to system so as to form part of the electronic audit trail.				This is not considered necessary as the council 's financial management system already requires and retains this documentation
<b>8. Quarterly reports</b>				<b>Priority 2</b>
<b>Recommendation</b>	<b>Actions</b>	<b>Lead officer</b>	<b>Timescale</b>	<b>Comment</b>
14. It is recommended that management should determine an approach to enforcing the submission of quarterly complaint return statistics from Service Areas to the Corporate Complaints Team. One option for consideration may be to link appraisal criteria for Service Area Complaints Managers to this requirement. Consideration should also be given to escalating the issue within the Service Areas.		Departmental complaint managers and corporate complaint manager		This has been resolved through the appointment of a complaints performance officer within the corporate complaints team who is responsible for collecting and collating the complaint management information from departments. Of greater importance now is the need for departmental complaint managers to have the ability to report directly and regularly to DMTs/SMTs.
<b>9. Corporate complaints forum to discuss compensation issues</b>				<b>Priority 2</b>
<b>Recommendation</b>	<b>Actions</b>	<b>Lead officer</b>	<b>Timescale</b>	<b>Comment</b>
15. It is recommended that a	Standing item on	Corporate complaints	With immediate	This can be addressed

discussion of compensation payments is made a standard item on the Complaints Forum agenda.	Corporate complaints forum	manager	effect	by the CCF considering the quarterly complaints performance digest, particularly with reference to target for paying 60% minimum of all compensation at Stage 1.
<b>10. Survey of customers</b>				<b>Priority 2</b>
<b>Recommendation</b>	<b>Actions</b>	<b>Lead officer</b>	<b>Timescale</b>	<b>Comment</b>
16. It is recommended that the Council should consider the need for ongoing surveys of complainants who have been through the complaints process.	Establish system of regular surveys of Stage 1 complainants	Corporate complaints manager	To begin in year 2010/11	This has been resolved through the appointment of a complaints performance officer within the corporate complaints team who is responsible for devising a questionnaire and then carrying out systematic surveys

## CHILDREN AND FAMILIES COMPLAINTS - ANNUAL REPORT 2009/10

### 1.0 SUMMARY

- 1.1 The annual report for 2009/10 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 Key points are:

#### **Numbers of complaints received**

- Stage 1 complaints received in 2009/10 increased by 13% - from 150 to 169, with increases in complaints about children in need/care planning and adult education.
- Stage 2 and stage 3 complaints both fell significantly compared to the previous year. Stage 2s fell from 22 to 10 and stage 3s from six to three.

#### **Timescales**

- The percentage of stage 1 complaints responded to within timescales this year remained steady at 61%. There were however positive signs of improvement during the last quarter of the year and it is hoped this improvement can be continued.
- Stage 2 timescales were met in four cases - 29%. There were a number of unfortunate delays in the investigation of statutory social care complaints carried forward from the previous year. This was mainly due to the unexpected unavailability of the external investigating officer and/or staff which delayed the completion of the investigation. Complainants were kept informed of progress during the investigation.
- Stage 3 timescales were met in two cases - 50%. The two complaints not reviewed within the timescales were both complex and from the same complainant.

#### **Escalation Rates**

- The escalation rate for stage 1 to stage 2 was 6%, compared to 15% and 18% in previous years, and well within of the Council target of 15%.
- The rate for stage 2 to stage 3 was 30% [Council target 20%] – but it should be noted that this is based on low actual numbers.

#### **% Complaints Upheld**

- The percentage of complaints fully or partly upheld remained steady at 57% for stage 1 and 71% for stage 2. At stage 3 the percentage was 50% compared to 33% last year.
- Work continues to improve the quality of complaint investigations at stage 1 which should lead to the identification and correction of any service failures at the earliest stage. It should however be noted that additional complaint issues are often raised at later stages.

- 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 2009/10 continued to

provide some important learning points and some key issues are shown in section 13.

## 2.0 RECOMMENDATIONS

2.1 Report is for information.

## 3.0 FINANCIAL IMPLICATIONS

3.1 There are no specific financial implications. However better handling of complaints at stage 1 of the complaints procedure, and reducing rates of escalation produces savings as stage 2 complaint investigations and stage 3 reviews incur additional costs, particularly as the social care statutory procedure requires the use of Independent Persons.

## 4.0 STAFFING IMPLICATIONS

4.1 None

## 5.0 LEGAL IMPLICATIONS

5.1 Complaints about children's social care are governed by Children Act 1989, The Children Act 1989 Representations Procedure (England) Regulations 2006, and Getting the Best from Complaints [guidance issued under Section 7 of the Local Authority Social Services Act 1970]. The regulations require an 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.

Ref :	Contents
1	Context
2	Numbers of Complaints Received
3	Number [and %] of Complaints Responded to within Timescales
4	Early Referral to the Ombudsman
5	Local Government Ombudsman's complaints
6	Escalation Rates
7	Analysis of Complaints by Teams
8	Nature of Complaints
9	Outcomes of Closed Complaints
10	Compensation paid
11	Mediation and Alternative Dispute Resolution
12	Advocacy for Children and Young People
13	Key Service Improvements from Complaints
14	Analysis of Persons Making Complaints
15	How complaints received
16	Payments for Statutory Stage 2 Investigations and Stage 3 Review Panels
17	Training for Staff
18	Information for Children, Young People and their Families

## 1. Context

This report is made in accordance with requirements in the Children Act 1989, 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 about education responsibilities are handled in accordance with the Council's corporate complaints procedure. This report provides information about all complaints recorded by the Complaints Team during the twelve months between 1 April 2009 and 31 March 2010.

It needs to be noted that some complaints, e.g. about special educational needs assessments and school admissions, have separate appeals procedures and are not dealt with under the complaints procedures. Each school is also required to have its own complaints procedure.

## 2. Numbers of Complaints Received

There were 169 Stage 1 complaints recorded during the year, compared with 150 in 2008/09. Numbers of stage 2 complaints and stage 3 complaints both fell significantly.

Stage 1				Stage 2				Stage 3			
09 10	08 09	07 08	06 07	09 10	08 09	07 08	06 07	09 10	08 09	07 08	06 07
169	150	120	161	10	22	22	26	3	6	7	2

There has been some fluctuation in the level of stage 1 complaints over the past four years, but it is difficult to identify why this should be. Staff training continues to emphasise the importance of all officers being pro-active in dealing with queries and concerns and that if issues progress to a complaint they should be addressed in timely and comprehensive way in accordance with procedures. The fall in both stage 2 and stage 3 is a result of the increased commitment in social care teams to try and resolve complaints at local level

## 3. 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 50 working days

Division	Stage 1				Stage 2			
	09/10	08/09	07/08	06/07	09/10	08/09	07/08	06/07
Achievnt & Inclusion	68%	75%	73%	80%	17%	100%	100%	100%
Finance & Perf	80%	81%	76%	73%	100%	80%	50%	60%
Social Care	50%	33%	47%	40%	17%	67%	47%	22%
Strategy & Partnership	25%	80%	100%					
Total	61%	62%	54%	48%	29%	75%	55%	35%

### Stage 1

Overall the department's % response rate at stage 1 remained steady at 61%. There are often difficulties in meeting timescales for social care

complaints, where the statutory complaints procedure specifies 10 working days for standard [non-complex] complaints, compared to the corporate timescale of 15 working days. In view of the nature of complaints within social care, managers are encouraged to hold meetings with complainants before responding in writing which inevitably has an impact on percentage responses within timescales. There was however positive signs of improvement during the last quarter of the year and it is hoped this improvement can be continued.

## **Stage 2**

There were a number of unfortunate delays in the investigation of statutory social care complaints carried forward from the previous year, resulting in a departmental figure of only 29% of stage 2 complaints within timescale. This was mainly due to the unexpected unavailability of the external investigating officer and/or staff which delayed the completion of the investigation. Complainants were kept informed of progress during the investigation.

Most stage 2 statutory social care complaints raise multiple and sometimes long-standing issues and the department uses external Investigating Officers. Regulations also require an Independent Person to work alongside the Investigating Officer and to provide oversight of the process of the investigation. The use of two contracted persons, whilst providing a reassuring element of independence for the complainant, does cause some availability issues and delays in scheduling interviews with staff in order to complete the investigation.

## **Stage 3**

Four stage 3 were concluded during the year - 2 under the corporate procedure and 2 under the statutory procedure. Timescales were met in two cases - 50%. The two complaints not reviewed within the timescales were both complex and from the same complainant.

## **5. Local Government Ombudsman's complaints**

The Ombudsman dealt with seven complaints about Children & Families during 2009/10, compared to three in 2008-09 and nine in 2007-08. Five were closed under the category 'No or insufficient evidence of maladministration' and two without further enquiry as 'Ombudsman discretion'.

## **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 = 20%**

Division	Stage 1 to Stage 2				Stage 2 to Stage 3			
	09/10	08/09	07/08	06/07	09/10	08/09	07/08	06/07
Achievement & Inclusion	19%	15%	36%	20%	25%		25%	
Finance & Perf	4%	11%	12%	23%	50%	40%		
Social Care	5%	18%	17%	15%	33%	33%	40%	8%
Strategy & Partnership			50%					
Total	6%	15%	18%	16%	30%	27%	32%	8%

The overall escalation rate for Stage 1 to Stage 2 at 6% remains within the corporate target of 20% and although the Stage 2 to Stage 3 rate has been higher than the corporate target in recent years actual numbers remain small and outcomes generally are not a cause for concern.

## 7. Complaints Received - Analysis by Teams

	Stage 1				Stage 2				Stage 3			
	09/10	08/09	07/08	06/07	09/10	08/09	07/08	06/07	09/10	08/09	07/08	06/07
Achievement & Inclusion	(12%)	(19%)	(9%)	(6%)		(23%)	(18%)	(8%)			(14%)	
Disabled Children [previously Social Care]	10	18	[18]	[30]	3	3	[3]	[6]	1		[1]	
Occupational Therapy provided by team in Community Care		2	[1]	[3]		1		[1]				
Special Educational Needs	3	3		2		1		1				
Other Education & Youth Services	8	7	4	5	1							
Total	21	30	11 +19 -7	10 +33 -3	4	5	4 +3 -4	2 +7 -7	1		1 +1 -1	

Finance & Performance	(33%)	(31%)	(14%)	(14%)		(23%)	(9%)	(19%)		(33%)		
School Admissions	10	6	12	13	1		1	4				
Casual Admissions & Support Services	4	5	5	9		1		1		1		
Asset Management + Finance	2	4				1	1			1		
Brent Transport Service [prev Achievement & Inclusion]	9	7	[7]	[3]			[4]	[1]			[1]	
Brent Adult & Community Education [transferred to C&F 1/10/08]	30	24	[28]	[31]	1	[2]	[4]	[0]	1	[0]		
Total	55	46	17 +7	22 +3	2	5	2 +4	5 +7	1	2	+1	

Social Care	(51%)	(45%)	(75%)	(80%)	(54%)	(68%)	(73%)		(67%)	(86%)		(100%)
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Localities	32	61	62	81	3	10	11	6	1	2	4	
Care Planning / CIN	36				1							
Child Protection	6											
Placements	8	4	7	15		1	1	6		2	1	2
Youth Offending	2	1	2									
Commissioning / LAC Reviews	2	1				1						
Total	86	67	90 -19	129 -33	4	12	15 -3	19 -7	1	4	6 -1	2

Strategy Partnership &	(4%)	(5%)	(2%)				(5%)					
Early Years	4	4	2				1					
Children's Centres	1	3										
Integrated Services	2											
Total	7	7	2				1					

Total C&F	169	150	120	161	10	22	22	26	3	6	7	2
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During 2009/10 there was an increase in stage 1 complaints about child protection and services for children in need / looked after children reflecting not only the current higher number of referrals to these services but the inevitable concerns and dissatisfaction such statutory requirements generate for parents. There was a fall however in the number of stage 1 complaints about services for disabled children,

Numbers of complaints about education services remained overall fairly consistent.

## 8. Nature of Stage 2 complaints received

Nature of Complaints at Stage 2	09/10	08/09	07/08	06/07
Non-Provision of service	1	5	0	6
Level of service	1	1	4	8
Quality of service	1	6	11	1
Delay in service provision	3	4	2	2
Withdrawal, reduction or change in service			1	1
Failure to appropriately consult or involve	1	3	6	1
Other failure to communicate effectively	4	3	6	6
Failure to carry out other required action	1	4	5	8
Inappropriate conduct or attitude of staff	2	5	7	5

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

Delay in service provision and communication issues continue to be key concerns particularly for complaints about social care services, but the above table reflects that fewer complaints were escalated to stage 2 in 2009/10.

## 9. Outcomes of Closed Complaints

Some complaints registered in 2009/10 are still live (having entered our monitoring system before 31 March 2010 and not yet concluded) they will be included in the next business year's set of figures).

	Stage 1				Stage 2				Stage 3			
Outcome	09/10	08/09	07/08	06/07	09/10	08/09	07/08	06/07	09/10	08/09	07/08	06/07
Not Upheld	71	57	50	53	4	4	11	13	2	4	4	3
Partially Upheld	43	28	27	35	6	8	7	4	2	1	1	1
Fully Upheld	50	46	45	44	4	4	4	8		1	1	
Not Pursued*	2	13	7	13	1	1		1				
Total closed	166	131	129	145	15	17	22	26	4	6	6	4

\* 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 the investigation concludes 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.

Division	Stage 1 £	Stage 2 £	Stage 3 £	Ombudsman £
Achievement & Inclusion		5972		
Finance & Performance	175			
Social Care	22838	14500		
Strategy & Partnership				
Total = £43485	23013	20472		

The total figure for 2009-10 includes approx £39K for services / financial support that should have been provided to children in need or disabled and their families. £4K was paid as compensation for distress / time and trouble.

All compensation was paid at stages 1 and 2.

These figures compare to totals of £2K - £6K in previous years, when there were no financial payments for services not provided.

**11. Mediation and Alternative Dispute Resolution**

The Guidance on statutory complaints supports the use of alternative ways of resolving complaints. Formal mediation or ADR has not been used but the Complaints Manager participates in meetings between complainants and service managers to clarify areas of dissatisfaction, to work towards resolution, and to promote better working relationships.

**12. Advocacy for Children and Young People**

Children and young people receiving or requesting 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 Team explains about advocacy to all young people wishing to make complaints.

During 2009/10 nine young people were supported by advocates under a contracted service. The direct cost of the service was £ 1,800 approximately. All the young persons' complaints were resolved at stage 1. In the previous year advocates assisted five young people at a cost of £2,500 approximately, and one complaint was escalated to stage 2.

**13. Key Service Improvements from Complaints**

- A number of improvements to processes following child protection conferences, including a letter for parents sent immediately after the conference by the Chair to provide clear information about conference decisions, random quality assurance checks on conference minutes, and regular feedback between Chairs and managers sharing practice issues or concerns raised, including those by service users.
- Inter-service discussions on how young people with disabilities, who do not meet adult community care service criteria, can be provided with on-going leaving care support.
- A new Equalities Impact Assessment for the co-ordination of school admissions and clear instructions to schools to verbally pass on to prospective applicants the details of support available to them.

## 14. Analysis of Persons Making Complaints

Complaints made by:	2009-10	2008-09 %	2007-08 %	2006-07 %
Child / young person	16 (10%)	12 (8%)	19 (16%)	29 (18%)
Parent / person with parental responsibility	100 (59%)	119 (79%)	81 (68%)	105 (65%)
Foster carer	7 (4%)	7 (5%)	3 (2%)	4 (2%)
Special Guardian				2 (1%)
Person with sufficient interest in the child's welfare	12 (7%)	5 (3%)	4 (3%)	6 (4%)
Others	34 (20%)	7 (5%)	13 (11%)	15 (9%)

The proportion of complaints made directly by young people increased slightly to 10% compared to 2008-09, but remains lower than in earlier years. The Complaints Manager recently met with Brent Community Friends to talk to the young people about how they could raise any concerns or complaints about social care services and to reassure them of the help available to them. Interdepartmental discussion is also continuing with the aim of improving information about and access to the complaints process for young people in respect of all Council services.

The higher proportion of complaints this year made by 'Others' is a reflection of a full years' complaint figures for Brent Adult & Community Education Services, most of whose users are within this category.

## Equalities Information

It has not been possible to provide equalities monitoring information for all complainants, but details for the fairly small numbers of children and young people who made complaints themselves about their services are given below.

Ethnicity of Child or Young Person	2009-10 %	2008-09 %	2007-08 %	2006-07 %
Asian or Asian British	6%		5%	14%
Black or Black British	69%	75%	53%	48%
Black African	6%		10%	
Mixed / Black and White or Mixed / Other	13%			14%
White / British	6%	8%	16%	} 5% }
White / Irish		8%		
White / Other		8%	16%	

## 15. Method of receipt of complaints at Stage 1 and Stage 2

	Letter/fax		Phone		email		YP/Form		In person	
	Stg 1	Stg 2	Stg 1	Stg 2	Stg 1	Stg 2	Stg 1	Stg 2	Stg 1	Stg 2
09/10	35%	20%	28%	40%	25%	40%	8%	-	4%	-
08/09	44%	18%	21%	18%	27%	64%	5%	-	3%	-
07/08	33%	54%	39%	18%	19%	23%	7%	5%	2%	-

**16. Payments for Statutory Stage 2 Investigations and Stage 3 Review Panels £k**

	2009-10	2008-09	2007-08	2006-07
External Investigating Officers	19	12	22	19
Independent Persons	7	2	6	6
Review Panellists	5	2		
Total	£31K	£16K	£28K	£25K

Expenditure on Stage 2 investigations was significantly higher in 2009-10, because there were a number of cases that began towards the end of 2008-09 and were carried over to the next year. The higher expenditure for Stage 3 complaints reflects one unusually complex case for which the panel had to re-convene.

**17. Training for Staff**

Briefing on the basic requirements of the complaints procedure is provided as part of Children & Families Induction for all new staff and a more detailed one-day course on resolving complaints for managers offered as part of the corporate complaints training programme. The Complaints Manager also delivered a number of complaint sessions to various teams and groups to clarify and promote good complaint handling and learning from complaints – including groups of foster carers and school governors.

**18. Information for Children, Young People and their Families**

Complaint leaflets and posters are available for display in all reception areas and information is also on the Brent Council website. Complainants raising concerns about social care services for children and young people in need are also sent information about the statutory social care complaints procedure and young persons' advocacy.

Gillian Burrows  
C&F Complaints Manager  
June 2010

## HOUSING AND COMMUNITY CARE DEPARTMENT COMMUNITY CARE COMPLAINTS ANNUAL REPORT 2009/2010

### 1.0 Summary

This report provides information on complaints made about Adult Social Care Services during the period 1 April 2009 – 31 March 2010 as required under

- the Health and Social Care (Community Health and Standards) Act 2003, Local Authority Social Services Complaints (England) Regulations 2006
- Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

It also contains information about complaints considered under the Council's corporate complaints procedure.

### 2.0 The new statutory complaints procedure

2.1 New regulations were introduced on 1 April 2009 which has significantly changed the way that statutory complaints about adult social care complaints are dealt with. The previous three stage procedure of local resolution, investigation (frequently by an Independent Investigator), and formal independent review panel has been replaced by a simplified one stage process which applies to all social care and NHS complaints. The emphasis is very much on resolving matters at the first possible opportunity and adopting a flexible approach, appropriate and proportionate to the complaint under consideration.

2.2 The new regulations require that councils put arrangements in place to ensure that:

- a. complaints are dealt with efficiently;
- b. complaints are properly investigated;
- c. complainants are treated with respect and courtesy
- d. complaints receive, so far as is reasonably practical – assistance to enable them to understand the procedure in relation to complaints, or advice on where they may obtain such assistance;
- e. complaints receive a timely and appropriate response
- f. complainants are told the outcome of the investigation of their complaint and
- g. Action is taken if necessary in the light of the outcome of the complaint.

2.3 Within this framework, the new regulations encourage the quick resolution of grievances wherever possible to stop these becoming complaints. So, if a verbal complaint can be resolved satisfactorily directly between a council manager and the complainant within one working day, then it does not need to be recorded as a complaint.

2.4 All written complaints, and those verbal complaints which cannot be resolved immediately, are assessed in order to decide the nature of investigation that

is appropriate. The complainant is at the heart of this process and the regulations require the council to offer the complainant a meeting to discuss the complaint in order to obtain his or her views about what they think has gone wrong, what they think should be done to put matters right, how the complaint will be investigated and what would be a reasonable time scale for responses in the new regulations.

- 2.5 A key element of the new procedure is the preparation of a written complaint plan which is based on an assessment of the seriousness of the complaint, and the risk of its recurrence and the complainant's views.
- 2.6 In most cases the head of service provides a written provisional response to the complaint, although the new arrangements provide the flexibility to appoint an independent investigator or, exceptionally, to convene a review panel in serious and/or complex cases.
- 2.7 The provisional response seeks the complainant's comments. When comments are received, a review is made as to what, if any, further action is called for. This could be further written clarification by the head of service, a meeting, or the appointment of a more senior manager, the corporate complaints team, or an independent investigator, to make a more thorough investigation. The Director of Housing and Community Care sends the final response to the complainant, informing him or her of their right to approach the Local Government Ombudsman if they remain dissatisfied.
- 2.8 The regulations also impose a duty on all partner health and social care agencies who might be involved in a complaint to cooperate in the investigation so as to provide a prompt and comprehensive response.
- 2.9 Complaints which were made before 31 March 2009 under the old regulations continue to be dealt with under the old procedure, so for a while the two very different procedures will operate in parallel.

### **3.0 Complaint handling arrangements**

- 3.1 The Council's Chief Executive has delegated responsibility for ensuring compliance with the regulations to the Director of Housing and Community Care, and in particular for ensuring that action is taken as necessary in the light of the outcome of a complaint. The Housing and Community Care Complaints Manager is responsible for managing the day to day handling of complaints in accordance with the regulations.
- 3.2 In preparation for the new arrangements, the Director of Housing and Community Care, the former Community Care Complaints Manager and the Council's Corporate Complaints Manager attended a number of briefing sessions organised by the Department of Health and the Local Government Ombudsman.
- 3.3 Four in-house well-attended briefing sessions for Housing and Community Care Managers were held in April 2009. The Local Government Ombudsman also provided two training events for the department on Effective Complaint Handling in Adult Social Care Complaints, which were attended by a number of independent investigators in the North West London pool. In addition, the Corporate Complaints Team delivered a number of training workshops on

generic effective complaint handling techniques which were available to all council staff.

- 3.4 The North West London Complaints Managers Group arranged an introductory training session on mediation for the independent investigators in the joint pool.
- 3.5 The Council's Corporate Complaints Manager also attended a workshop organised by the Local Government Ombudsman in March 2010 to review the first year's operation of the new arrangements.
- 3.6 There have been significant changes in the Housing and Community Care Complaints team during the year. Ken Scott, who had been the Community Care Complaints manager since 1992, retired in January 2009, after 43 years service with Brent Council. I would like to pay tribute to Mr Scott, a highly experienced and well-regarded Social Care Complaints manager who was appointed to serve on a number of Department of Health working parties. He worked tirelessly to assist complainants, many of whom he had known since the service was put in place.
- 3.7 In January 2009 the Housing and Community Care complaints teams were brought together into one team which provides an integrated complaints service to the department. The new team has not been able to operate as effectively as we had hoped due to being unable to fill a vacant post. In addition, two staff have been on maternity leave during the year and their posts have been covered by seconded and temporary staff.
- 3.8 After the first year's operation, the new arrangements have bedded in well on the whole. The key advantage is the ability to apply a flexible and proportionate approach to complaints, rather than have to follow the rigid and overly bureaucratic system which was in place previously. This has the added advantage of achieving significant cost savings through not having always to appoint external investigators or convene complaint review panels. Each external investigation will cost £1k and a review panel will cost up to £3k depending on the complexity of the complaint. The two stage 3 panels cost approximately £5k last year.
- 3.9 The ability to resolve some matters informally within a working day and without recording a formal complaint is also welcome. However, it does mean that it is very difficult to check whether a customer has raised a particular issue previously (which would probably indicate that the informal approach would not be suitable a second time) and there is currently no capacity within the departmental complaints team to contact the customer to ensure that he or she is indeed satisfied with the manager's intervention. It also means that some recurring grievances which might indicate a systemic service failure could go unrecognised. Consideration will be given during 2010/11 to ways of recording these 'informal' complaints and of providing some follow-up.

#### **4.0 Performance on complaints**

- 4.1 The new complaint arrangements with informal resolved complaints not being recorded at all, no fixed timescales, and one stage as opposed to the previous three make comparisons with previous years' performance virtually impossible. Therefore, this year's report contains statistical information solely on complaints received on 2009/10.



### *Number of complaints received*

4.2 The number of new complaints recorded in the year was 89, including 5 that were dealt with under the Council's corporate complaints procedure. The corresponding figure for 2008/09 was 177. It is reasonable to suppose that this apparent halving of the complaints received is the result of perhaps 80 – 90 grievances being resolved promptly within one working day. However, without any record being made of such matters it is impossible to be certain. As stated above, consideration will be given to ways of capturing this information.

4.3 Two complaints progressed to Stage 2 of the old procedure during the year and two stage 3 complaint review panels were convened, again under the old statutory regulations.

### *Complaints received by service unit*

4.4 The following table shows the distribution of the complaints received across departmental units. The stage 2 and 3 complaints relate to complaints made under the old procedure before the end of March 2009 and which have escalated through the process during the current year.

<b>Service Unit</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>
<i>Care Management review/ Access and Assessment</i>	43	2	
<i>Brent Mental Health Service (BMHS)</i>	11		1
<i>Brent learning &amp; Disability partnership (BLDP)</i>	14		1
<i>Finance</i>	12	1	
<i>Contractor (CC)</i>	6		
<i>Supporting People</i>	1		
<i>Voluntary Sector</i>	2		
<b>TOTAL</b>	89	3	2

### *Complaints responded to within agreed timescales*

4.5 The Council has a target of responding to 85% of all complaints within the relevant timescale. It is very difficult to measure the timeliness of replies under the new complaint arrangements as there are no prescribed timescales and each complaint is planned on a bespoke basis, including the length of time the investigation will take.

4.6 The following table shows the numbers and percentages of complaints responded to *within the timescale agreed for individual complaints*.

<b><i>Service Unit</i></b>	<b><i>Stage 1 responses sent in agreed time</i></b>	<b><i>% sent in timescale</i></b>	<b><i>Stage 2 responses sent in agreed time</i></b>	<b><i>% sent in timescale</i></b>
<i>Care Management review/ Access and Assessment</i>	<i>14/30</i>	<i>47%</i>	<i>2/2</i>	<i>100%</i>
<i>BMHS</i>	<i>6/11</i>	<i>55%</i>	<i>1/1</i>	<i>100%</i>
<i>BLDP</i>	<i>4/6</i>	<i>67%</i>		
<i>Finance</i>	<i>6/11</i>	<i>55%</i>		
<i>Contracts</i>	<i>4/6</i>	<i>67%</i>		
<i>BLDP</i>	<i>3/11</i>	<i>27%</i>		
<i>BMHS</i>	<i>3/8</i>	<i>44%</i>		
<i>Voluntary Sector</i>	<i>1 /2</i>	<i>50%</i>		
<i>Supporting People</i>	<i>1/1</i>	<i>100%</i>		

Across all service units an average of only 46% of Stage 1 complaints were responded to within the agreed timescale. This is unacceptably poor performance and the Complaints Manager will be working with the Heads of Service over the coming months to improve the timeliness of responses.

#### *Outcomes of complaints*

4.7 Of the 69 complaints responded to under the new procedure, 52% were upheld either fully or in part. The following table shows the distribution across service units.

<b><i>Service Unit</i></b>	<b><i>Fully Upheld</i></b>	<b><i>Partially Upheld</i></b>	<b><i>Not Upheld</i></b>	<b><i>Withdrawn</i></b>
<i>Care Management review/ Access and Assessment</i>	5	10	15	4
<i>Finance</i>	2	2	7	
<i>BMHS</i>	0	2	6	
<i>BLDP</i>	4	6	1	2
<i>Voluntary Sector</i>			2	
<i>Contractor</i>	2	3	1	
<i>Supporting People</i>			1	
<b><i>TOTAL</i></b>	<b>13</b>	<b>23</b>	<b>33</b>	<b>6</b>

A very few complaints continued to be considered under the old regulations. None of the three complaints considered at stage 2 was upheld (2 concerned the Access and Assessment teams and 1 the Finance team).

Two stage 3 complaint review panels were held under the old regulations during the year. One of these complaints (involving BMHS) was partially upheld. The other (about BLDP) was not.

#### *Compensation payments*

- 4.8 The Council's general policy is to provide remedies, including paying compensation, in accordance with the guidelines issued by the Local Government Ombudsman. The complaints procedure provides a relatively quick and cheap way of resolving customers' complaints without the attendant delays and high costs of legal proceedings, or the amount of officer time which has necessarily to be devoted to dealing with formal investigations by the Local Government Ombudsman. It is in everybody's interests, therefore, that complaints are resolved and appropriate compensation paid at the earliest opportunity. To underpin and measure that general aim, the Council had adopted a target of paying 60% of all compensation at the first stage of the complaints procedure.

- 4.9 The following table shows the compensation paid at all stages of the complaints procedure in 2009/10 under both the statutory and corporate procedures.

Stage 1	31943
Stage 2	9459
Stage 3	5250
LGO	500
Total	£47152

- 4.10 Just less than 68% of the total compensation awarded was paid at Stage 1. However, this figure includes one large payment in recognition of a service that had not been provided as should have.

#### *Complaints made to the Local Government Ombudsman*

- 4.11 In total, the Local Government Ombudsman (LGO) received 147 complaints and enquiries about Brent Council during the year. Of those, ten related to adult social care matters. The LGO's Advice Team gave advice in five cases. The LGO does not provide details of these cases to councils, so we have no means of knowing whether the customers pursued their grievance through the Council's own process.
- 4.12 The other five complaints were passed to the LGO's investigative team for consideration. The LGO issued two decisions of adult social care complaints during the year. One of these resulted in a local settlement – this is a decision by letter discontinuing an investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant.
- 4.13 The circumstances of the complaint were as follows. The complainant was going through a severe crisis and the Brent Mental Health Service agreed, exceptionally, to store his possessions at a council office. However, there was no proper procedure in place and no inventory was taken. It appears that the articles were lost and the Council awarded the complainant £500 compensation. He refused to accept the cheque. A year later the complainant approached the LGO who asked the Council to offer the complainant the £500 compensation again. The Council's willingness to do this resulted in the local settlement decision.
- 4.14 Coincidentally, a separate complaint, again about Brent Mental Health Service, about similar issues was investigated under the Council's procedure by the corporate complaints team. The investigation report highlighted the inadequate procedures which were in place to store and protect customers' property and recommended that the Director of Housing and Community Care should review the arrangements. The Brent Mental Health Service has adopted procedures used in other areas of community care.

## **5.0 Extension of the Local Government Ombudsman's jurisdiction**

- 5.1 The Health Act 2009 extended the Local Government Ombudsman's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.
- 5.2 Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. The LGO expects that many complaints from people who have arranged and funded their own care will involve the actions of both the local authority and the private or not-for-profit care provider. The LGO is currently developing information-sharing agreements with the Care Quality Commission and with councils in their role as adult safeguarding leads and service commissioners.
- 5.3 This extension of the LGO's powers is likely to have major implications for the Council and work will be need to ensure that we are equipped to deal with this new challenge.
- 5.4 The Council's Corporate Complaints Manager has already attended an initial briefing session arranged by the Local Government Ombudsman, from which it was clear that the LGO will have expectations that all contracts for commissioned services must contain adequate provisions for complaint handling.
- 5.5 The Ombudsmen's special report *Local partnerships and citizen redress*, issued in July 2007, made it clear that the LGO expects there to be clear protocols in place for complaint handling in commissioned services, or in situations where functions of the local authority are exercised by another body.
- 5.6 The Council's Corporate Complaints Manager and the Council's Legal Services have been working on developing a suite of model clauses on complaint handling which can be used in all contracts for procured services. Once completed, this will provide robust and consistent requirements which will underpin and support effective contract monitoring.

## **6.0 Learning from complaints**

- 6.1 Complaints provide valuable insights into services which need improving or procedures that need revision. Service managers are expected to consider whether a complaint – even if it is not upheld – highlights a need to review working practices.
- 6.2 Equally important is the need to ensure that identified service improvements are seen through to implementation. We have introduced a more rigorous process of accountability and monitoring to ensure that improvements which have been highlighted and promised to complainants are translated into action with the minimum delay. These will be regularly reported to the Assistant Director of Community Care. Complaints are a standing item on the CCMT agenda and all complaints are reviewed and service improvements actioned as a result.
- 6.3 The following are some of the service improvements identified from complaints considered during the year.

- 6.4 The need was identified for all assessments to be high-quality and, subject to the effective exercise of the Council's safeguarding responsibilities, agreed where possible with relatives and carers. In circumstances where it is not possible to engage relatives/carers in the assessment process, independent advocacy will be provided. An independent advocacy service is currently being procured.
- 6.5 We have recognised that previous consultation has not been as effective as it should have been and future consultation will be meaningful and outcome focused. Adult Social Care will work closely with the Corporate Consultation Team to ensure this.

*Access and assessment*

- 6.6 A complaint revealed the need for regular reviews of people in residential care, and the need to work with service users and their families to promote a higher quality of care.

*Older people's services*

- 6.7 A complaint revealed the need for regular reviews of people in residential care, and the need to work with service users and their families to promote a higher quality of care. Review performance was scrutinised and action put in place to improve performance.
- 6.8 Another complaint highlighted some practice issues around dealing with allegations of abuse, in particular the need for the alleged perpetrator to be spoken to following an initial strategy meeting. The Principal Manager, Safeguarding, has raised the need for guidance on this issue in the context of the Pan London review of the Safeguarding Adults procedures.
- 6.9 The same complainant led to an instruction that the care needs of a person who has been subject to abuse must be reviewed once a Safeguarding Alert has been made. In addition, the Safeguarding investigation needs to be kept separate from ongoing case management

*Physical disabilities services*

- 6.10 As a result of a complaint where a service user waited for more than a year for an occupational therapy assessment despite being a priority case, a more robust IT management system has been identified as necessary so that all urgent referrals can be captured in a specific folder on the database.
- 6.11 The need for appropriate cover in the event of unforeseen staff absences led to a service user's placement not being arranged as it should have been.
- 6.12 An investigation of a complaint involving both Housing and Community Care services recommended a review of the social services nomination procedure to ensure that it is as streamlined as possible. A review of the nomination procedure has been carried out and a new procedure has been issued to all staff.

- 6.13 A complaint about the delay in registering a service user as disabled led to the agreement in principle that an occupational therapist should be able to complete the process, rather than having to refer the request to another team. This has led to changes in the organisational structure as well as increasing the range of officers who will be able to initiate and process basic generic service requests through an electronic system.

#### *Brent Mental Health Services*

- 6.14 I have already referred to the review of the procedure for storing clients' property in paragraphs 4.13 and 4.14 above.
- 6.15 Other identified service improvements included the need for mental health practitioners to be clear about the Council's responsibility to pay service charges when a client is placed in supported accommodation under section 117 of the Mental Health Act.
- 6.16 A training need was identified for staff to receive additional training on personalisation, including Direct Payments, Individual Budgets and Self-directed Support. A comprehensive training program was put in place.

#### *Finance team*

- 6.17 A complaint identified the need for improvement in the standard of letters sent to customers about their financial contributions, and another highlighted communication issues that need addressing
- 6.18 A third complaint revealed the need for clarity about interest charges to be levied when a charge is placed on a property. In both these points we are reviewing our correspondence we send to customers and communication between departments.

#### *Contracted services*

- 6.19 One high profile complaint, investigated by an independent investigator, led to a wide-ranging review of the standard care provided by one home care service provider. The Head of Service was to oversee the development of an action plan to monitor the progress in improving services including a defined target for the agency to have a registered manager in place in order to meet Care Quality Commission recommendations. The home care provider now has a manager in place and has achieved a two star rating.
- 6.20 Other issues arising from this complaint were:
- the need for improvement in the agency's complaint handling
  - the need for contract monitoring officers to be fully aware of the need to consider potential Safeguarding issues when concerns were reported about a vulnerable client's needs not being met
  - the need for a review of the policies of contracted home care providers relating to the administration of medicines to ensure that systems and arrangements are compatible with advice from the regulator and the Council.

#### *General customer care issues*

6.21 A number of complaints revealed failures to observe the Council's customer care policies and standards. For example:

- The importance of following up on service requests made by clients or their representatives
- Training needs in handling difficult situations, dealing with customers' dissatisfaction and complaints
- The need to communicate major decisions in writing to avoid misunderstandings
- Staff and agency workers' attitude and behaviour towards customers
- The need to deal with correspondence in an appropriate and timely way

6.22 The Council's customer care standards and expectations will be reinforced by a mandatory training programme during 2010/11.

## **7. Priorities for 2010/11**

7.01 Our departmental priorities for the year are:

- To ensure all complaints are captured, wherever and however they are received
- To put in place a system of effective follow up to all complainants whose concerns have been passed to a Head of Service to resolve with one working day, and all complainants who have been sent a provisional response
- The Complaint Manager to work with Heads of Service to improve complaint handling in the department and compliance with the Council's targets and standards for complaint handling
- To monitor and review the mechanism for ensuring that recommendations for service improvement are seen through to implementation
- To ensure effective complaint handling protocols and requirements are built into to all contracted services and service level agreements
- To ensure that the department is equipped to respond to the new challenge of the Local Government Ombudsman's extended jurisdiction.

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**Background papers** available on the Local Government Ombudsman's website  
[www.lgo.org.uk](http://www.lgo.org.uk):

Local Government Ombudsman Annual Review for the year ended 31 March 2010  
Local Government Ombudsman Special Report *Local partnerships and citizen redress*