

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

16 JULY 2013

COMPLAINTS AND COMPLIMENTS ANNUAL REPORT APRIL 2012 TO MARCH 2013

Report from: Assistant Director, Communications, Performance and Partnerships

Author: Social Care Complaints Manager

Summary

The annual report provides information on the number and type of social-care complaints, comments and compliments Medway Council have received during the period April 2012 - March 2013. It also highlights some examples of the many positive things people have said about the provision of children's social care in Medway over the same period, and the service improvements we have made as a result. It also describes the improvements the Council has made to how complaints are handled and the plans for further improvement during the next year.

1. Budget and Policy Framework

- 1.1 The Children Act 1989 Representations Procedure (England)
Regulations 2006 gives local authorities a legal framework to use when dealing with social care complaints from children, young people and others. Under the Act, local authorities are required to produce a report on this every year.
- 1.2 Medway's Children and Young People Plan 2011-14 gives a commitment to children and young people that we will listen to children and learn from them and seek to make no decision about children and young people without engaging with them and/or their carers.

2. Background

- 2.1 An important requirement for the Council on behalf of children and young people is to have a complaints and compliments procedure, which focuses on dealing with problems quickly and effectively and learning from them and to report on its effectiveness to Councillors annually. The report is shared with children and young people, for example through the

Children in Care Council, discussed with staff and is available on the Council's website for the public.

- 2.2 It is also important to reflect on the praise and thanks received, frequently remarking on the professionalism and commitment of staff, which can provide an equally valuable insight into the provision of children's social care services. This report therefore further highlights examples of the positive things people have said about the provision of children's social care services.
- 2.3 The Council uses complaints and compliments as important learning opportunities, alongside other feedback from children and young people and their carers'. We use the information from complaints to make improvements to our services.

3. Complaints Procedure

- 3.1 Our statutory complaints procedure has three stages,
- **Stage 1** – Any new complaint is first considered by the care or service provider with the aim of putting right any problem or mistake that may have occurred. Some complaints are complex and an advocate or interpreter may be required to make sure we understand all the aspects and in these cases it may take longer for us to respond. However wherever possible we try to respond within 10 working days. If the person complaining is unhappy with the outcome at this stage they may request a further (Stage 2) consideration of their complaint. We aim to address as far as possible all concerns at this initial stage.
 - **Stage 2** – At this stage an Investigating Officer, who has not previously been involved in the case, and an independent person, who does not work for the council, look again at the complaint and report their findings to the Assistant Director, Children's Social Care, (the Adjudicator), who then writes to the complainant, setting out the results of this further consideration. The overall statutory timescale to reply to Stage 2 complaints is 65 working days but wherever possible our target for replying is 25 working days.
 - **Stage 3** – If the complainant remains unhappy after this independent consideration they may then proceed to Stage 3 of the complaint process. At this stage the complaint is considered by a review panel, consisting of three independent people, who do not work for the council and who have not previously been involved in the complaint. The panel looks at how the complaint was handled and the conclusions reached and presents its findings to the Director of Children and Adults, who then writes to the complainant setting out the panel's findings.

The statutory timescales for the Stage 3 process are: -

- Review Panel is required to meet within 30 working days of a complaint being escalated to Stage 3.
- The panel is required to produce its findings within 5 working days of the meeting, and
- The Director of Children and Adults is required to write to the complainant within 15 working days of receiving the panel's decision.

- **Local Government Ombudsman** - If the complainant is still unhappy after this stage, they can contact the Local Government Ombudsman (LGO). The LGO will look at how we have dealt with the complaint and consider how reasonable and appropriate our decisions were.

4. Complaint Analysis: 1 April 2012 to 31 March 2013

4.1 Number of complaints

- 4.1.1 89 complaints were dealt with over the year, 7 of which were carried over from last year, within those 89 complaints we had 2 complaints that were withdrawn, by the complainants, 1 because of ill health and the second the complainant decided not to pursue the complaint, 1 that the complainant put on hold, and 1 that needed to be dealt with outside of the children's complaint procedures because it was a complaint about a member of staff and was dealt with under Medway's staff conduct process. (In 2011-12 we received 69 complaints). This year 10 complaints were received directly from children or young people, compared to 5 last year, only one child had an advocate to help them. 7 complaints were carried forward to year 2013-2014, because they were received late in March and we could not answer them before the end of March.
- 4.1.2 During the year we looked at 1 complaint at Stage 2, compared to 2 last year, and no Review Panels this year, we convened 1 review panel last year.
- 4.1.3 It is important to ensure children and families know how to complain if they are not happy or satisfied with the services they receive or the way we work with them. Whether an issue or a complaint is dealt with swiftly and easily or takes a little longer it is essential that we capture and record every complaint.
- 4.1.4 We are actively making our children aware of the complaints process by including a leaflet in their pack.

4.2 Timeliness of Response

- 4.2.1 The Statutory timescales in working days for the procedures are:
- 10 days at Stage 1 (with a further 10 days for more complex complaints or additional time if an advocate is required).
 - 25 days at Stage 2 (with maximum extension to 65 days in more complex cases to make sure we look at all available information).
 - 20 days for the complainant to request a Review Panel.
 - 30 days to convene and hold the Review Panel at Stage 3.
 - 5 days for the Panel to issue its findings, and
 - 15 days for the local authority to respond to those findings.
- 4.2.2 We aim to deal with complaints as quickly and as comprehensively as possible. Sometimes we are not able to issue our response to the complainant as quickly as we would like because the complaint is complicated or we may need to speak with several people. Service users tell us that the most important thing is to understand what is happening

so we always make contact, usually in writing, to explain the reason for the delay and confirm when we will be able to respond. Our response performance last year is set out below:

Reply sent	Within 10 days	11 to 25 days	26 to 65 days	More than 65 days	Unanswered in current year & carried forward to 2013-14
Stage 1	42	25	10	1	7
Stage 2	0	0	1	0	0
Stage 3	0	0	0	0	0

4.3 Types of Complaint and Outcomes

4.3.1 The table below sets out the types of complaints we received and the outcomes. The totals in the table differ from the number of complaints received because complainants may have more than one issue of complaint. We accepted fault in 16, of the complaints received, compared to 5 last year and we accepted some aspect of the complaint in a further 19 of cases, compared to 9 last year. Importantly we aim to learn from all complaints and the feedback we receive.

Stage 1 Complaint type	Not upheld	Upheld	Partially upheld
Behaviour or attitude of staff	23	2	7
Lack of support	8	6	6
Contact arrangements	11	1	1
Delays in providing a service	1	6	
Work practices or procedures	13	4	3
Delays when making decisions	1	1	1
Disagreeing with a decision	22	5	10
Lack of communication	10	5	9
Lack of information	5	4	5
Not having a social worker	1		
-----	-----	-----	-----
Totals:	95	34	42

4.3.2 The Stage 2 complaint was not upheld.

4.4 Local Government Ombudsman (LGO) Decisions

4.4.1 During the year 2012 - 2013 the LGO received 2 complaints, 1 related to children in care, and 1 to contact issues. In both cases the LGO judged them as premature which means the LGO asked the complainant to follow the Council's complaint procedures before they would further consider the complaint, both then followed the stage complaint procedure.

5 Learning from Complaints

5.1 Children, young people and their families tell us that they want

- To tell their story once;
- Us to listen and take seriously what they say;
- Understanding that it's not easy to speak out;
- To be kept in touch with what's happening;
- Their issues to be dealt with quickly but thoroughly.

5.2 Complaints upheld over the last year have primarily highlighted individual rather than systemic failures, with some being highlighted below:

- Complainant A (18) was worried because, following an overpayment of monies to him, that were not due to him but that he did not repay, he would be financially penalised when setting up home. With support from the MILAC team, the complainant had made good progress since the incident, and was trying to improve himself, the MILAC team admitted that mistakes were made on both sides, they used the situation as a learning point, the complainant was not penalised and the team reviewed their process to avoid a repetition.
- Complainant B complained that he was not being allowed to attend his children's reviews but that Mum was. Despite many letters and telephone calls the complainant could not understand the reason why he was excluded. Redvers team arranged to meet with him and explained to him the reasons behind the decision, being able to speak to someone face to face made the complainant feel that he was being listened to and accepted the decision. The team now ensures that decisions are fully explained to service users.
- Complainant C's advocate complained on his behalf that his educational placement was not challenging enough and was unlikely to maximise his academic opportunities. The SEN team had worked hard to place the complainant in a suitable education facility since he came into Medway's care, the current placement was only until a suitable placement became available, and the complainant did not understand this. The team are to review the future process of advising all service users of the reason behind the decision, to ensure understanding.
- Complainant D complained that the student Mental Health worker had misunderstood what she was told and as a result her parenting skills were questioned, and that because of that she was very anxious. A member of the team visited the complainant and listened to what she had to say, she was advised that the written record could not be amended but that a note could be attached expressing her views, once she was assured that her parenting skills were not in question, the complainant's anxiety was relieved.

6. Compliments

- 6.1 We are proud that we receive compliments and thanks from people who are satisfied with our services and happy about the way in which we work with them. Much of our feedback is verbal and can be a challenge to properly record. Listed below are a few of the compliments received:
- “The social worker has worked tirelessly and in a positive assiduous manner throughout the case, with the children’s interest uppermost in her mind and actions”. (received from a Cafcass worker).
 - “M has done so much to help me turn my life around, I am painting my flat and cannot wait to show her how well I have done.”
 - An IRO said “I wanted to pass on my comments regarding the high standard of work L has done for these 2 boys with their later life letters and life story books.”
 - “S has gone out of her way to help me”.
 - “I am very happy with the support and advice J has given me and taught me some useful things”
 - “I can’t thank you enough for the support you have given me, thank you for helping me build my confidence”
 - “Really don’t know what we would have done without you, you are a star”
 - “I feel happy in my family now”
 - “J was brill and I enjoy every sess with er”
 - “she is excellent on listening and understanding critical issues involved”
 - “she was excellent. She took time to get all the facts and understood us completely”
 - “S is a very lovely lady who makes you feel at ease she sits and listens to things said”
 - “just wanted to say thank you for all your help, means a lot”

7. Improving Complaints Management

- 7.1 It is vital that whenever a child or their family or carer is unhappy with any part of our children’s services, they tell us about it. Our complaints systems are now easier for clients to access and use. Key improvements implemented over the year include:
- We continue to liaise with our colleagues, children and young people, including Medway Young Inspectors, to help us to present complaints information. They confirm that the attached children’s version of this report continues to be a good way to get the information to the Children and Young people of Medway.
 - We are looking to improve The Council’s website to enable ease of access, and the children’s version of this report will be published on it.
 - We continue to increase the number of suitably experienced and qualified people who can be available to us as independent persons,

in addition to those provided by 'Action for Children' a charity that helps children and young people break through injustice.

- Our complaints management administrative processes and procedures continue to be reviewed. In Summer 2013 we will be going live with a new complaints management process.

Key aims under the management process are:

- Getting it right first time - effectively and efficiently, thereby reducing the number of complaints.
- Champion effective complaint development and management across the organisation, utilising complaints as creating a culture of learning and improvement and disseminating best practice
- To be the point of professional advice for directors and senior managers across the organisation on the handling of complex or difficult complaints
- To support the Single View of Customer interactions by undertaking complaint and Freedom Of Information case management via the Customer Management Relationship software system.

8. Risk management

- 8.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.

Risk	Not handling complaints properly, and more importantly not learning from complaints could put a child at risk.
Description	Good complaint handling, including the identification of improvement opportunities from complaints received, helps ensure that services are provided in a complete and timely way, minimising the possibility of a vulnerable child being put at risk.
Action to avoid or mitigate risk	Improved management and control of complaint procedures, learning from complaint analysis, helps to identify and minimise potential risk or impact of risk to children.

9. Equalities Data

- 9.1 We know that our service users come from many different ethnic groups and backgrounds. What we've recognised is that a number of our equality questionnaires are not completed so this is a priority for this year. We will therefore actively look at ways of improving equality and diversity monitoring to ensure we are providing services fairly to service users who come from different ethnic groups and religious backgrounds, and to understand which groups may need more help to be able to tell us their views and concerns.

10 Financial and Legal issues

- 10.1 Under the Children Act 1989 Representation Procedure (England) Regulations 2006, we must produce an annual report on how we deal with social care complaints.
- 10.2 There are no financial issues arising directly from this report. However, good practice is always more cost effective than poor performance.
- 10.3 When financial settlements are given these are met within existing budgets.

11. Recommendations

- 11.1 This report is presented for Members' information and comment.

Background papers: None

Contact:

Michelle Arney
Social Care Complaints Manager
Business Administration Support Service
Phone: 01634 333036

Children's Social Care Compliments and Complaints

"We promise to listen to what you tell us, to take action to make things better and to learn from any mistakes that we have made"



Annual Report April 2012 to March 2013

Foreword from the Director Barbara Peacock and Councillor Mike O'Brien for Children's Social Services

Listening and acting on children's views and experiences is very important to us. It is especially important to hear about what could be better from children who are living away from home or who are receiving social care support.

If you are worried about something, getting it sorted out quickly is essential. When children don't feel that they are being treated properly they should talk to someone they can trust to see whether they can help get it sorted. When young people feel that things are not going as well as they should be they have the right to complain or make a suggestion or comment about how things might be done better.

We want to make sure that we provide all Medway children and young people and their parents and carers with the best possible care and support services. Sometimes, despite our best efforts we get things wrong and when this happens it's very important that we say sorry and put arrangements in place to sort things out as quickly as possible.

Our promise to you is that we will listen to what you tell us, deal with your concerns and let you know what is going to change, we will make sure you know what we plan to change, learn from any mistakes we've made and take action to make things better.

Making sure we hear and act on what you are telling us is a very important way to help every child in Medway to be safe, happy, and healthy, with a bright future.

Barbara Peacock
Director of Children and Adults
Services

Councillor Mike O'Brien
Portfolio Holder for Children's Services

Content	Pages
What some of the words mean	4
Introduction	5
How we deal with complaints	5
How we did from April 2012 to March 2013	8
How we've taken your complaints and turned them into something good	8
What you told us was good	9
Who you can tell when things go wrong or things are good	10

What some of the words mean

Local Government Ombudsman - this is a team of people who can look at your complaint if the council do not do it properly or fairly, the council usually do what the Local Government Ombudsman tells them to do

Advocacy Service - this is a team of people who are there to help you make a complaint and lots of other things too, they help you if you have no one else who can help you.

Advocate - this is a person who is there to help you and maybe answer for you if you feel you cannot do it yourself, this person will help you make suggestions, offer ideas, complain and do lots of other things. This person may be someone you know, a friend perhaps or could be someone you've never met before.

Equalities - this word means making sure that everyone is treated the same and gets the same chance to talk to us.

Commissioning - is when we have asked someone to do something special for us.

Strategy - this means the way we decide to do things.

Director - the Director is the person who is responsible for making things better if they have gone wrong or need improving.

Assistant Director - this person helps the Director and makes lots of the day-to-day decisions.

Portfolio Holders - these are the councillors with an important responsibility. The Portfolio Holder for Children's Services has responsibility for Services relating to children and young people across the Council. The Portfolio Holder for Children's Social Care has responsibility for social care services for children and young people. The Director works with the Portfolio Holders to make sure children are safe and cared for.

Introduction

This report is about how we deal with things when they go wrong, what we have learnt from them and what we will do to help make it right. It also looks at the good things you have told us over the year.

The report also responds to suggestions we receive about how we could provide our services better.

This report is being shared by children and young people, parents and carers, our staff and councillors. It is also available on the council's website.

How we deal with complaints

Your complaint is important to us:

- We will make it easy, and provide you with all the information you need, to make a complaint.
- We will listen to your views and if we get something wrong we will take action to put things right as quickly as possible.
- We will tell you what actions we are going to take and what you can do if you are still unhappy.
- We will always try and learn from your complaints to make our services better.

Who can complain:

- Any child or young person who is being looked after by the local authority, or is not looked after by them but is in need.
- A parent or someone who has parental responsibility.
- Children leaving care.
- Any child in foster care or their foster carer.
- Special guardians or any child or young person (or parent) who has a special guardian order in place.
- Anyone who has applied for an assessment.
- Any child or young person who may or has been adopted or anyone who has applied to adopt a child or wishes to adopt a child.
- Anyone who the council feels has enough interest in the child or young person's well-being.

If you are not sure if you can make a complaint, we have someone here to help you.

Dealing with your complaint and helping you:

- Our complaints manager is here to help you, and will make sure that your complaint is handled properly, fairly and privately. Our complaints manager will help you throughout your complaint.
- We have leaflets that explain what to do if you want to make a complaint. You can ask your social worker or the complaints manager for one, or collect one from any Medway Council office.
- It is easy to get in touch with us, you can come in and see us or we'll come and see you, you can write, telephone, text, or email us.
- If you are a child or young person you might like to have some help and support, we know people who can do that and we will help you to contact them, they will help you to:
 - tell us when things go wrong;
 - understand what happens when you complain;
 - speak for you if you would like them to;
 - give you help and support throughout the process.
- The people who will help you are called advocates and work for an advocacy service.
- The Medway Children's Rights and Advocacy Service provides this help and support.
- The service is free.

The complaints process:

Stage 1. - Sorting things out

This is the most important part. We ask the people who give you your care and services to look into the complaint and try to solve the problem. The reason for this is that the people that made it bad for you should get the chance to sort it out and make it right. If you are still unhappy you can ask for your complaint to go to Stage 2

Stage 2 - Investigation

A manager, who does not know about your case, and a person who does not work for the council, will investigate your complaint. They will speak to all the people involved and write a report and give it to the Assistant Director, who is in charge of Children's Care, who will let you know what the result of your complaint is. If you are still unhappy you can ask for your complaint to go to Stage 3.

Stage 3 - Review Panel

A review panel, is made up of three people, who do not work for the council and who have not been involved in your complaint before now. They will get together with you and some other people from the council. The panel will look at how the complaint has been handled and discuss the result. They will tell the Director of Children and Adults Services what they think should happen, and the Director will write to you with the result of this meeting.

If you are still unhappy you can contact the Local Government Ombudsman who will look at what we did, to make sure we did it right or tell us if we did it wrong.

How long can we take to sort out your complaint:

Stage 1 - We aim to reply to you within 10 working days (2 weeks), but if the complaint is complicated or an advocate is needed it may take up to 20 working days (4 weeks), but we will talk to you and explain if we need the extra time.

Stage 2 - We aim to reply to you within 25 working days (5 weeks), but it could take up to a maximum of 65 working days (13 weeks) if you agree and if the extra time is needed.

Stage 3 - The Review Panel will meet within 30 working days (6 weeks) of receiving your request. The panel will tell the council what they think within 5 working days (1 week) of meeting. The Director of Children and Adults Services will write to you within 15 working days (3 weeks) of getting the panel decision.

How did we do in the year April 2012 to March 2013?

We received 82 complaints in the year, and we had 7 from last year to finish, so a total of 89. We managed to sort out 83 of those, we are still looking at the others. 82 of these were sorted out at stage 1, and for 42 of those we sorted, we did them in 10 working days or less, the complicated ones took longer.

We did have 1 new stage 2 complaint that we were able to sort out.

How we've taken your complaints and turned them into something good

We have received 10 complaints more than last year, we know we don't receive as many complaints as other councils and we want to make sure that when a child, their family or carer is unhappy they tell us about it. We will continue to encourage people to tell us when they are unhappy, by making it as easy as possible for them to do so and to help we have:

- Given our staff extra training so they can talk to you about it
- We are changing the way the team deal with complaints
- We are designing a new leaflet to encourage you to get in touch, to complain if you are unhappy or tell us when we have done something well
- Going to update our web pages to allow for easy access to our web complaint form.
- We are looking at creating an "app" for our looked after children to use.

Some things we make sure we do because you complained:

- - we asked staff to make sure they have the right information before making decisions;
- - we have spoken to staff about how important it is to speak to parents and children to keep them informed about what is happening;
- - we have improved the way we work so that we deal with paperwork as quickly as possible;
- - we have asked staff to make sure that you have had your say before decisions are made.

Compliments we've received:

It's always nice to hear from you when we've done something well, lots of children tell us how well we have done but not many write to us, these are some we received last year.

- "The social worker has worked tirelessly and in a positive assiduous manner throughout the case, with the children's interest uppermost in her mind and actions". (received from a CafCass worker).
- "M has done so much to help me turn my life around, I am painting my flat and cannot wait to show her how well I have done."
- An IRO said "I wanted to pass on my comments regarding the high standard of work L has done for these 2 boys with their later life letters and life story books."
- "S has gone out of her way to help me".
- "I am very happy with the support and advice J has given me and taught me some useful things"
- "I can't thank you enough for the support you have given me, thank you for helping me build my confidence"
- "Really don't know what we would have done without you, you are a star"
- "just wanted to say thank you for all your help, means a lot"
- "I feel happy in my family now"
- "J was brill and I enjoy every sess with er"
- "she is excellent on listening and understanding critical issues involved"
- "she was excellent. She took time to get all the facts and understood us completely"
- "S is a very lovely lady who makes you feel at ease she sits and listens to things said"

We always promise to listen to what you tell us, to take action to make things better and to learn from any mistakes that we have made.

Equalities Information

The children we care for come from many different backgrounds, but we don't know how many from each group complain to us, so we are going to try and improve this, by asking more questions.

USEFUL TELEPHONE NUMBERS. These are telephone numbers for people who are able to help you to tell us how bad we are or to tell us how good we are.

Social Care Complaints Manager	01634-333036
sccm@medway.gov.uk	
Medway Children's Rights & Advocacy Service	01622 683815
Childline - Freephone	0800 1111
NSPCC - Freephone	0808 8005000
Director of Children and Adults Services Barbara Peacock	01634 331011
barbara.peacock@medway.gov.uk	
Assistant Director, Children's Social Care Phil Watson	01634 3341320
phil.watson@medway.gov.uk	
Assistant Director Inclusion and Improvement Juliet Sevier	01634 331013
juliet.sevier@medway.gov.uk	
Assistant Director, Joint Commissioning and Partnerships Helen Jones	01634 334049
Helen.jones@medway.gov.uk (from 1 August 2013)	
Local Government Ombudsman text 'call back' to	0300 061 0614 0762 480 3014
advice@lgo.org.uk	