

CHILDREN AND YOUNG PEOPLE

OVERVIEW AND SCRUTINY COMMITTEE

COMPLAINTS AND COMPLIMENTS ANNUAL REPORT

APRIL 2010 TO MARCH 2011

Report from: Rose Collinson, Director of Children and Adults

Author: Lynne Bush, Social Care Complaints Manager

Summary

The annual report provides information on the number and type of social-care complaints and compliments Medway Council have received during the period April 2010 to March 2011.

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.

2. Background

2.1 An important requirement for the Council on behalf of children and young people is to have a complaints procedure, which focuses on dealing with problems quickly and effectively and learning from them and reports on its effectiveness to Councillor's annually. The report is also disseminated via the Council's web pages, with children and young people, staff, the public and the regulator.

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. If the person complaining is unhappy with the outcome at this stage they may request a further (Stage 2) consideration of their complaint. A number of our complaints are complex and an advocate or interpreter maybe required therefore it may take longer to respond. However wherever possible we try to respond within 10 working days.
- **Stage 2** – At Stage 2 a service manager, 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 Care, who then writes to the complainant, setting out the results of this further consideration. Our target for replying to a Stage 2 complaint is 25 working days, if at all possible, but this time can be increased up to a maximum of 65 working days if needed. If the complainant remains unhappy after this independent consideration they may then proceed to Stage 3 of the complaint process: a review panel.

- **Stage 3**— 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, learning and caring, who then writes to the complainant setting out the panel's findings.

The 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 Services 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 2010 to 31 March 2011

4.1 Number of complaints

- 4.1.1 70 complaints were received over the year, although 3 were withdrawn before being fully considered. This compares against 29 complaints received last year. Last year an important priority was to improve access to the complaints process, together with a concerted effort to formally record all complaints received, including those that are quickly and simply resolved. All of the complaints received were from an adult relative or carer complaining on behalf of a child with 12 of the complaints received involving looked after children.
- 4.1.2 During the year we looked at 4 complaints at Stage two, compared to 9 last year and 2 Review Panels were convened, although one of these did not proceed after the complainant repeatedly failed to respond to all correspondence and other attempted contact on the matter. 1 review panel was convened last year.

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);
 - 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 the findings.

4.2.2 We aim to deal with complaints as quickly and 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 talk to several people. If this happens, we always write to the complainant and 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	10 to 25 days	25 to 65 days	More than 65 days	Unanswered in current year and carried forward to 2011/12
Stage 1	30	21	6	1	9
Stage 2	0	0	1	3	1
Stage 3	0	0	0	1	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 9% of the complaints received and we accepted some aspect of the complaint in a further 14% of cases.

Stage 1 Complaint type	Not upheld	Upheld	Partially upheld
Behaviour or attitude of staff	16	2	1
Lack of support	9	2	1
Contact arrangements	3	0	0
Delays in providing a service	0	0	2
Work practices or procedures	7	1	3
Delays when making decisions	1	0	1
Disagreeing with a decision	5	0	3
Lack of communication	7	0	2
Lack of information	2	0	2
Standard of service	6	0	0
Not having a social worker	0	0	0

4.3.2 Two of the Stage 2 complaints were further partially upheld.

4.4 Local Government Ombudsman (LGO) Decisions

4.4.1 During 2010/11 the LGO settled one complaint that had been carried forward from 2009/10. The LGO dealt with the complaint as 'local settlement without report'. This means that on consideration of the LGO's preliminary view a remedy was proposed that the LGO considered fair and reasonable. In this case a compensation payment of £750 was agreed for the delay and distress caused to the complainant when several errors were made in an initial care assessment and internal paperwork temporarily went missing.

4.4.1 The LGO further received a further two representations during the year about Medway's children's services but passed both back to the Council as premature, considering the council had not been given the opportunity to first properly consider the issues raised.

4.5 Improving Complaints Management

4.5.1 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. We worked harder over 2010 / 2011 to make our complaints systems easier for clients to access and use. Key improvements implemented over the year include:

- Our complaints management administrative processes and procedures were accredited against the international quality standard ISO9001.
- The Social Care Complaints Manager and other key complaints staff have undertaken a course accredited by the University of Strathclyde in ' Health and Social Care Complaints Management'
- The Council's new website provides improved access to information on how to complain.
- An increased number of suitably experienced and qualified people are available for us to call on to provide independent advice through work with 'Action for Children' a charity that helps children and young people break through injustice.
- Work with children and young people, including Medway Young Inspectors, to help us decide how to present complaints information. This has resulted in a children's version of this report, which is attached as Appendix A.

5 Learning from Complaints

5.1 There are a number of key lessons learned from previous complaints, in particular, the need to listen to people when they query information received from other authorities, or the Health sector. We have also learnt that it is vital that we clarify and confirm, in writing, decisions that we make, advice or information that we give to service users, or their families. We acknowledge the importance of ensuring that our teams have up to date information, on our policy and procedures, and we use supervision times to confirm the importance of this. We also realise that changing meeting dates at short notice can cause families problems, so we try to ensure this only happens if there is no other alternative.

5.2 Complaints over the last year have primarily highlighted individual rather than systemic failures, with the most significant being highlighted below:-

- Complainant A complained about a decision made in respect of her child, which on investigation was upheld when it was found that the wrong case file had been consulted. This was addressed as a training need with the member of staff concerned receiving additional supervision.
- Complainant B complained that the Social Care Team had failed to keep him informed of meeting dates, and other relevant details. This was again addressed as a training need with the member of staff concerned receiving additional supervision.
- Complainant C complained that cultural differences had not been fully taken into account when Social Care became involved with his family. This was partly accepted and the incident used as a case study to examine the issue of cultural sensitivity when language didn't appear to be a barrier to communication.
- Complainant D complained that a Pathway Plan had not been put in place and that he had been given no assistance to find accommodation on leaving foster care. This was again addressed as a training and supervisory issue.

6 Compliments

6.1 We continually receive compliments and thanks from people who are happy with our services. However, one of our priorities for the year ahead is to collect compliments and make sure we get a balanced view of our services. We are able to learn from what we are doing well, as well as the areas where we can improve. Highlights from some of the compliments we have received are below:

- “The Social Worker has provided support and input to the highest calibre.”
- “I have learnt so much from you and now believe in myself and my own abilities. Thank you so much for caring.”
- “The local authority has to be highly commended for its plan which showed that they were going the extra mile for the child involved.”
- “Thank you for all your work, things are going well at college and the club I go to.”
- “Thank you for your help and support that you gave and are still giving me.”
- “The assistance of Medway Social Services, was much appreciated, the professionalism of your staff ensured that the welfare of the children remained paramount.”
- “A big thank you for such good insight into what you do and how you support and protect children and families.”
- “I would like to say thank you for the help you gave during a difficult time and the support you gave me, I’m not sure how I would have got through. The children of Medway are lucky to have someone like you”.

7 Equalities Data

7.1 Our service users come from many different ethnic groups and backgrounds. However, many of the equalities questionnaires sent or made available to complainants are not completed. 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.

8 Financial and Legal issues

8.1 Under the Children Act 1989 Representation Procedure (England) Regulations 2006, we must produce an annual report on how we deal with social care complaints.

8.2 There are no financial issues arising from this report.

9 Recommendations

9.1 This report is presented for Members' information and comment.

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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 we have made"



Picture drawn by Perri Estelle
Young Inspector for Medway Council

Annual Report April 2010 to March 2011

Foreword from the Director Rose Collinson and Portfolio holder Les Wicks for Children's Services

We want children's voices to be heard and for what they say to make a difference.

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 they are being treated and the services they are receiving. Doing this can sometimes improve things for themselves and other young people.

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, we will deal with your concerns, we will 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, healthy, and have a bright future.

Rose Collinson
Director of Children and Adults
learning and caring

Councillor Les Wicks
Portfolio holder for
Children's Services

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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 to, 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 complain and do lots of things. This person may be someone you know, a friend perhaps or could be someone you've never met before.

Equalities - this word means when something is the same or 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 boss or chief of children's services, the director makes things happen.

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

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.

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. 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, this 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), we will talk to you 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 2010 to March 2011?

We received 70 complaints in the year. We only managed to sort out 61 of those, we are still looking at the others. 58 of these were sorted out at stage 1, and for 30 of those we sorted them in 10 workings days or less, the complicated ones took longer.

We did have 4 stage 2 complaints, and 1 that will be listened to by a Review Panel (stage 3).

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

We have received 51 complaints more than last year, we know we don't receive as many complaints as other councils and we need to be sure that when a child, their family or carer is unhappy they tell us about it. We will continue to encourage people to say 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 talk to you about it
- Spoken to other councils to see if we can learn something from them
- 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
- Updated web pages to allow for easy access to our web complaint form.

Some things we have done 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 dealt with issues relating to finding a home when a young adult was leaving the foster home and made sure that in future we give the support and care children of all ages need.

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, this is one we received last year.

- "Just to say thank you for all you did for me I really am grateful".
- "Thank you to my Social Worker for sorting things out quickly for me".
- "I want to say thank you for all you have done for me, you made me laugh when I was sad, and helped to make me see I am a stronger person, and a good person".
- "Just so glad to have got to know you all and to have had this experience, thanks very much".

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.

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

Lynne Bush Social Care Complaints Manager sccm@medway.gov.uk	01634 333036
Medway Children's Rights & Advocacy Service	01622 683815
Childline - Freephone	0800 1111
NSPCC - Freephone	0808 8005000
Director of Children and Adults Services Rose Collinson rose.collinson@medway.gov.uk	01634 331011
Assistant Director Children's Care Helen Gulvin helen.gulvin@medway.gov.uk	01634 331320
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