

Performance and Finance Scrutiny Sub-Committee SUPPLEMENTAL AGENDA

DATE: Thursday 9 October 2014

AGENDA - PART I

8. **ADULTS SERVICES COMPLAINTS ANNUAL REPORT (SOCIAL CARE ONLY) 2013-14** (Pages 1 - 26)

Report of the Corporate Director, Community, Health & Well-Being.

9. **CHILDREN AND FAMILIES SERVICES COMPLAINTS ANNUAL REPORT 2013-14** (Pages 27 - 52)

Report of the Interim Corporate Director, Children and Families

Note: In accordance with the Local Government (Access to Information) Act 1985, the following agenda item has been admitted late to the agenda by virtue of the special circumstances and urgency detailed below:-

Agenda item

Special Circumstances/Grounds for Urgency

8. Adults Services
Complaints Annual Report
(Social Care Only) 2013-14

These reports had not been finalised when the main agenda was printed and circulated. Members are requested to consider these report as a matter of urgency in order to consider the most up to date information.

9. Children And Families
Services Complaints Annual
Report 2013-14

AGENDA - PART II - NIL

**REPORT FOR: PERFORMANCE AND
FINANCE SUB-
COMMITTEE**

Date of Meeting:	9 th October 2014
Subject:	Adults Services complaints Annual report (social care only) 2013-14
Responsible Officer:	Paul Najsarek, Corporate Director, Community, Health & Well-Being
Scrutiny Lead Member area:	Policy Lead Member – Councillor Chris Mote Performance Lead Member – Councillor Kiran Ramchandani
Exempt:	No
Enclosures:	Appendix – Annual Report for Adults Social Care Services Complaints for period 2013-14

Section 1 – Summary and Recommendations

This report sets out the statutory Adults Services Complaints Annual report (social care only) 2013-14.

Recommendations: None. For Information purposes only.

Section 2 – Report

Financial Implications

There are no specific budget issues associated with this report. All compensation payments are agreed by Service Managers and are funded within existing budgets.

Performance Issues

There are no Adults performance indicators in the Department of Health's outcomes framework concerning complaints that has replaced the old CQC framework.

However, survey indicators of satisfaction, control etc. are now a key part of the national measures, and may be impacted if the level of complaints changes significantly.

Environmental Impact

N/A

Risk Management Implications

Risk included on Directorate risk register? No

Separate risk register in place? No

Corporate Priorities

1. **Cleaner:** A borough where our streets are cleaned regularly and our parks and green spaces are places to enjoy.
2. **Safer:** A borough where residents feel safe to live and enjoy their lives. We will work with the police and other partners to make Harrow even safer.
3. **Fairer:** A borough where our hard working residents can bring up their families knowing they will have fair access to opportunity.

Section 3 - Statutory Officer Clearance

The Corporate Director determined the report did not require Financial or Legal clearance.

Section 4 - Contact Details and Background Papers

Contact: Report author: John Broadbent, Service Manager, Adults & Children's Complaints, 020 8424 1927

Background Papers: None

ANNUAL REPORT for Adults Social Care Services Complaints for period 2013-14

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1. EXECUTIVE SUMMARY

The overall picture remains very positive and reflects a real commitment from managers and staff to resolve complaints as effectively, and as promptly, as possible. Low levels of escalation (to secondary stages or the Local Government Ombudsman (LGO) further reinforces the fact that complainants are satisfied that their concerns are heard and dealt with appropriately.

The most notable trend appears to be a direct reversal of the increase in volume last year as a result of the Fairer Charging Policy.

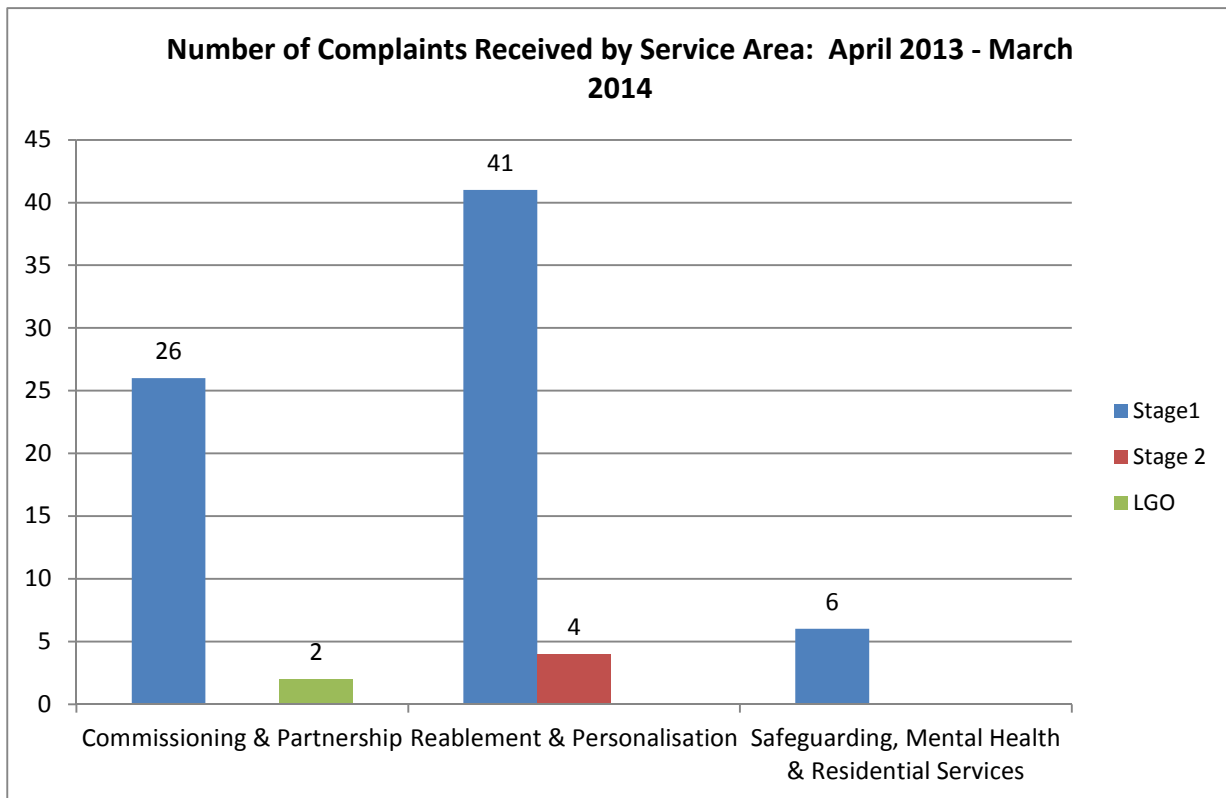
The quick action, efforts and resources dedicated by Adults management in trying to address issues sensitively as they arise during the year has resulted in remarkably few escalations.

2. Summary of Activity

Between 1 April 2013 and 31 March 2014 there was the following activity:-

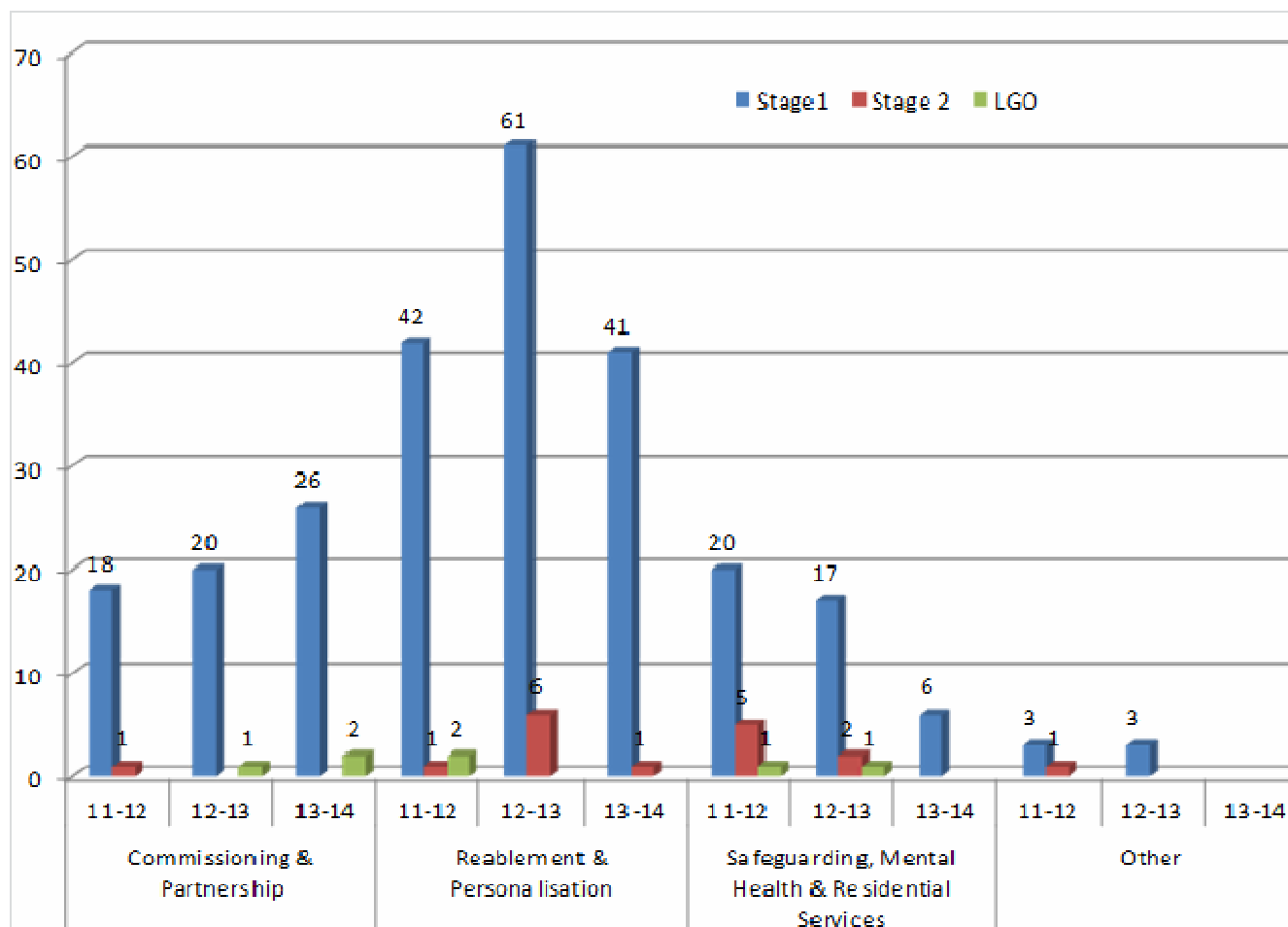
- The Complaints Service dealt with **67** potential complaints that that were addressed without a Stage 1 investigation being necessary.
- The Council received **73** stage 1 complaints.
- **4** complaints progressed to the second stage.
- The Ombudsman reviewed **2** new complaints during this period.

Chart 1:



Analysis: Across all service areas only six complaints were escalated to secondary stages; this represents an escalation rate of 8% against all formal complaints received. Although adult complaint regulations no longer include a statutory right to escalation, it is practice within Harrow to allow escalation when so requested by a complainant: this factor is significant in demonstrating a high level of complaint resolution in all service areas.

2.1 Comparison with previous years



Analysis: Overall numbers for the current year represent a 27% fall on the previous year. Last year saw Reablement/Personalisation numbers rise by 20 on the previous year – this increase was attributed to the introduction of the Fairer Charging Policy. There has been a mirroring of the previous increase by a fall of 20 on last year, which appears to confirm that the rise in Reablement/Personalisation complaints in 2012/13 had been due to a specific policy change which has now bedded down and presents fewer challenges from complainants.

2.2 Numbers of complaints over time

	Potential	Stage 1	Stage 2	Ombudsman
2013-14	67	73	4	2
2012-13	73	101	8	2
2011-12	88	84	8	0

Analysis: Escalation levels remain impressively low with only 5.4% escalating to stage 2 this year. The low rate of escalation suggests sound practice in resolving complaints effectively, especially when linked to the fact that 67 potential complaints failed to materialise, further demonstrating that service users' concerns are being heard and resolutions found at the earliest point in the complaints process, in line with best practice

3. Outcomes for key targets in 2013-14

- To maintain timescale compliance exceeding 75%:
 - This target has been achieved with target timescales being met comfortably.
 - It should be noted that target timescales are a local target and not set put in any statutory guidance for adult complaints.
- To confirm in the next annual report, that the finance systems to implement the Fairer Charges policy are fully embedded and service users are happy with the financial information they are given:
 - Complaint levels in commissioning and partnership have returned to the level of 2011/12 suggesting that the Fairer Charging policy is now established and “bedded in”.
- Heads of Service to reflect over the cases that escalated to stage 2 and consider if they would change future strategies in light of these cases (given the success of the current approach they may be happy with no changes):
 - Only four cases were escalated to Stage 2 and none would indicate a need to change future strategies, in summary the cases related to:-
 - § Complaint related mainly to health service actions.
 - § Complainant not accepting of service criteria and could be considered as vexatious.
 - § Complainants happy with service but wanted a change in policy which has been considered and found to be unnecessary.

§ Complainant not accepting of clear service criteria, ie that his relative was not eligible for service as she was not a Harrow resident.

- All residential care home service users or next of kin are written to explaining their right of complaint to the Council. Timescale extended to 30 September 2013:
 - This has been achieved through the service providers

4. Focus for 2014/15:

- To maintain timescale compliance exceeding 75%.
- To offer awareness/refresher training to front line staff on complaint handling and resolution.
- To develop a rolling programme of liaison meetings with voluntary agencies to develop complaints awareness.
- To review recording and reporting systems for adult complaints.
- To develop feedback mechanisms for complainants about the actual process

5. Stage 1 Complaints

	Commissioning & Partnerships	Reablement, Personalisation	Safeguarding, Mental Health & Residential	Transformation	Other	Total
Complaints 13/14	26	41	6	N/A	0	73
Complaints 12/13	20	61	17	0	3	101
Complaints 11/12	18	42	20	1	3	84

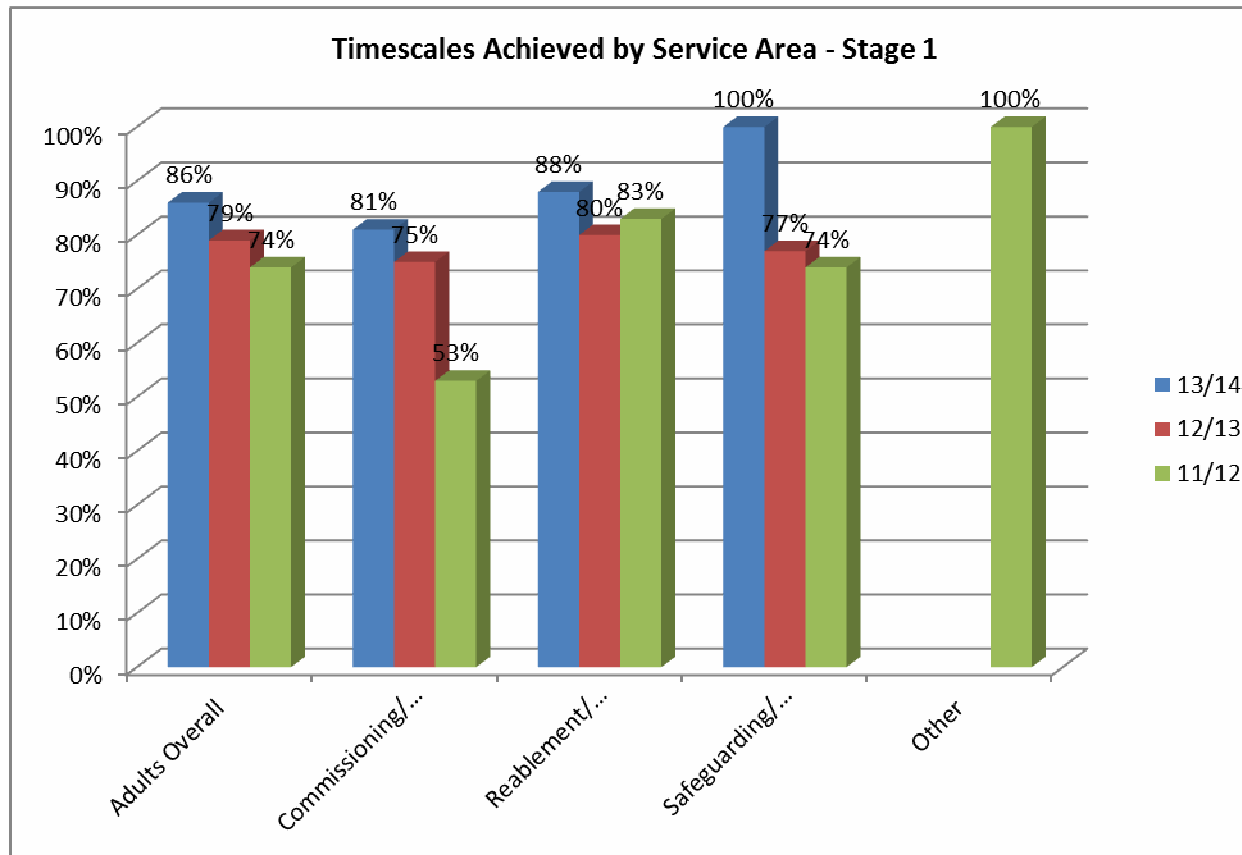
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Key message: Previous research (White & Carney 2007) suggested that councils with “high” levels of complaints tended to score highly when rated on the previous local authority star system. Although stars are no longer used to grade local authority performance the principle remains the same and as it suggests that councils capturing high levels of complaints demonstrate a willingness to hear concerns, address them and improve services as a result of them.

Analysis: Complaint numbers have remained healthy across all areas, which reflects a culture across the Directorate that is open to hearing from service users and learning from feedback. Although the volume is described in previous years as “healthy” it is important to place them in the context of service delivery levels for Adult Social Services. As at March 2014 Adult Social Services had approximately 4500 adult service users which mean that the level of complaint received represents 1.6% of the overall volume of work within the department.

Reablement and Personalisation, by the nature of the work, will always receive the largest share of complaints (this area manages all new referrals and approximately 4000 community based clients).

5.1 Stage 1 response times



Analysis: All services areas exceeded the corporate target of 75%, with an overall level of 86% of complaints being dealt with to timescale.

Key action: To maintain timescale compliance exceeding 75%.

5.2 Nature of complaints 2012/13

Type of Complaint	Safeguarding, Mental Health & Residential Services	Commissioning & Partnership	Other	Reablement & Personalisation	Adults overall 2013-14	Adults overall 2012-13	Adults overall 2011-12
Breach of confidentiality						1	1
Delay / failure in taking action or replying	2	5		17	24	21	25
Loss or damage to property						0	2
Policy / legal / financial decision		3		5	8	29	23
Quality of Service delivery (standards)	2	11		9	22	24	14
Level of Service (e.g. opening times)						1	0
Refusal to provide a service		1		1	2	4	6
Staff conduct * attitude / behaviour		2		5	7	5	3
Failure to follow policy or procedures	2	1		1	4	2	3
Change to an individual's service - withdrawal/reduction				1	1	4	3
Communication - Failure to keep informed / consult		2		1	3	9	4
Discrimination by a Service		1			1	1	0
Total	6	26		41	73	101	84

Analysis:

The overall pattern of complaint reasons remains largely unchanged for the past three years, with delay and quality the two main reasons for complaints. In many ways these areas can lead to challenges from service users as perceptions of service quality is often subjective, and complainants may experience some process time as delay as opposed to the necessary time for service specification and delivery. It is re-assuring that more objective areas for complaint are extremely low, e.g. breach of confidentiality, failure to follow

procedure, staff conduct and discrimination. So, whilst not wishing to be complacent the department can derive re-assurance that complaints have been lodged in areas where they might be most expected given the population served.

5.3 Complaints upheld

Service	Not Upheld	Partially Upheld	Upheld	Withdrawn/ In Process	Total
Safeguarding, Mental Health & Residential Services	2	3	1		6
Commissioning & Partnership	7	7	11	1	26
Other					
Reablement & Personalisation	20	12	9		41
Total 2013-14	29 (40%)	22 (30%)	21 (29%)	1 (1%)	73
Total 2012-13	33 (32%)	30 (29%)	38 (37%)	2 (2%)	103
Total 2011-12	25 (30.5%)	18 (22%)	36 (44%)	3 (3.5%)	82

Analysis:

All services make mistakes and it is the mark of a healthy complaints system that a proportion of complaints are upheld at stage 1.

The nature of commissioning complaints (delay and quality of service) means that it is inevitable that some complaints will be upheld where a delay has occurred, although there may be mitigating circumstances to explain the delays.

6. Stage 2 complaints

There were four Stage 2 complaints in 2013-14 compared to eight in 2012-13, a decrease of 50%

6.1 Stage 2 complaint numbers and escalation rates

Service	Stage 1	Stage 2	% escalating to formal complaints
Reablement & Personalisation	41	4	9.7%
Total 2013-14	73	4	5.4%
Total 2012-13	101	8	8%
Total 2011-12	84	8	10%

Analysis: In previous annual report it has been accepted that, as a rough indicator, services that get regular escalation levels of less than 10% are performing well and handling complaints effectively.. Over 15% is seen as indicating a need for more work. Therefore these figures indicate a very positive position for the Directorate, at almost half the standard level of escalations. It should also be noted that regardless of the resolution at Stage 1, some complainants will decide to pursue their complaint through escalation as they see it as their right to do so.

Key message: Low escalation levels combined with a lack of repeat trends in stage 2 complaints indicate high service standards.

Key Action: To maintain escalation levels at 15% or less.

6.2 Stage 2 Complaints and outcomes

Service	Not Upheld	Partially Upheld	Upheld	Withdrawn	Awaiting Outcome	Total
Total 2013-14	1	1			2	4
2012-13 comparison	2	3	3			8
2011-12 comparison	2	2	4			8

Analysis:

Whilst there is no obligation on the Council to appoint independent investigators, all four complaints at Stage 2 were investigated by experienced professionals independent of the Council. This has a number of positive effects, e.g.:

- complainants see that the Council is not defensive about practice
- that the investigation is independent and is seen as a fairer approach
- investigations are completed promptly and with expertise
- it reduces pressure on council managers to investigate complex cases
- it minimises referrals to the LGO as complainants perceive their concerns as being heard and acted upon

Key message: Managers have continued to drive up front-line resolution standards resulting in low escalation rates. The Council invests in fair and through second stage investigations by acting beyond statutory obligations.

6.3 Stage 2 Response Times

Service	Adults overall		
	13/14	12/13	11/12
Year			
Within time	1	6	5
In Process			
Over timescale	1	2	3
Total	4	8	8

Context: The investigation which was not completed to timescales related to a complex case where most issues of complaint were in relation to health care services but where the complainant was reluctant to accept that fact. It was necessary to liaise with various health agencies before providing an adequate response which pushed the investigation beyond the deadline. Delays occurred in the two cases still in process but these were in large part due to the actions of the complainant in each case, e.g. delay in agreeing statement of complaint, addition of extra factors, failure to agree the nature of the complaints.

6.4 Nature of complaint

	Adults Total		
Year	13/14	12/13	11/12
Breach of confidentiality			1
Delay / failure in taking action or replying			1
Policy / legal / financial decision	2	5	2
Quality of Service delivery (standards)	2		2
Quality of Facilities / Health and Safety			1
Refusal to provide a service			
Level of Service (e.g. opening times)		1	
Change to Service - withdrawal/reduction		1	1
Loss or Damage to property			
Failure to follow Policy or Procedure			1
Total	4	8	7

Analysis: In terms of escalated complaints the four in question are somewhat unusual and do not reflect lack of investigation at previous stages.

One related to a policy issue which had been addressed at Stage 1 but which the complainants nevertheless wished to pursue, this was also within the context of the complainants praising the professional approach of all Harrow Officers encountered.

Two complaints related to areas which were either wholly or partly outside of Harrow's remit but which complainants insisted on pursuing, eg impact on social services of health decisions, an issue.

The final complaint was from a complainant who may be deemed vexatious in future; she was difficult to engage with, insistent on adding numerous other issues of complaint and refused to accept mediation.

7. Commissioned Services

7.1 Residential complaints

The Council was made aware of 18 complaints against residential homes during the year, 7 regarding physical or learning disability and 11 regarding older people.

Analysis: It remains an issue that residential homes are not supplying complaint data systematically.

Key Action: To work with care homes to increase feedback on complaint issues and resolutions.

7.2 Home Care Complaints

Only 260 service users still received a directly funded service, provided by any of six local agencies. Due to changes in service provision this report provides figures from Quarter 3 of 2013/14 to demonstrate activity:-

Total Number of Notifications:	23	These are in respect of service failures and/or complaints. In some instances notifications will fall into both category.
Responses from agencies to timeframe:	16 (69%)	
Reported service failures:	12	
Reported complaints:	15	
Number of complaints upheld:	9 (60%)	
Total number of visits:	67,270	Estimated figure which will be revised upwards once all invoice are processed by the agencies

Analysis: Clearly the level of dissatisfaction is extremely low when expressed as a fraction of overall provision. The Number of complaints/service failures reported during the period represent 0.03% of visits completed which reflects an excellent level of satisfaction with service delivery.

8. Stage 3 Complaints

There is no statutory stage 3 complaint stage. The 2009 regulations do not expect them. There were no corporate stage 3 complaints this year.

Context: The removal of review panels makes it more likely complaints will escalate to the Ombudsman, meaning it becomes even more imperative that errors are identified at an early stage and robust remedial action is taken.

9. Ombudsman complaints and enquiries

The Ombudsman considered two referrals this year – one was a re-referral which the LGO declined to investigate. In part this decision was due to a very thorough investigation previously by Adult Services which highlighted that the issues were beyond the control of the council.

The second referral investigated by the LGO but there no finding of fault against the Council's actions.

10. Escalation comparisons over time

Year	Average % escalation rate Stage 1- Stage 2	Ombudsman local settlements	Ombudsman public report
2013-14	5%	0	0
2012-13	8%	0 (Unknown)	0
2011-12	11.5%	2 (21)	0

Analysis: The rate of escalation is consistently falling but it may be unrealistic to expect any future reductions. The low rate however does reflect a commitment to finding resolutions and listening to service users and their families when concerns are raised.

11. Mediation

Mediation was offered on at least three occasions. Only one complainant took up the offer when a successful resolution was achieved. In addition to formal mediation meetings there were numerous informal meetings with complainants as a way to assist them with the process or engage with them to discuss specific issues. One example was a complaint against Adult Safeguarding – whilst the complaint was unfounded it was helpful to discuss the issues informally with the complainants who felt listened to, understood the process and decided not to pursue the complaint on the basis of the discussion.

12. Complaints dealt with by the local authority and NHS Bodies

There were no joint investigations between harrow Council and NHS bodies during the year.

13. Learning Lessons/Practice Improvements

One of the strengths of the adults complaints model is all learning is centrally captured and completion monitored.

Problem Identified	Lesson Learnt - Action required
Duplication of case recording which could lead to information missed during an intervention	Access Harrow staff to be reminded to check Framework I before creating new identifications
Perception of staff attitude	Individual officer advised of the need to be courteous at all times.
Delay in response to urgent situation	OT duty to be reminded that urgent situations should be dealt with in a timely manner.
Concerns regarding assessment process	Social worker provided with support and training to be more open and transparent when assessing and how the information gathered is to be used.
Officers not providing clear ID on home visits	Remind all workers in the team to ensure that they provide Identification when visiting people at home.

Concerns regarding care provision in a private care home	Catalogue of necessary changes in procedures to ensure better service provision in future

14. Compliments

There have been 44 compliments this year passed on for formal recording (compared to 27 in 2011-12). Examples include:

- “She has been a pillar of strength for both of us and we shall always be grateful for all she has done.”
- “Your input was invaluable and we appreciated your humane and sympathetic approach towards my mother’s healthcare needs. It was largely down to this that we arrived at a positive result for my mother. Thank you also for your kind words about how the case for my mother continuing to be eligible for continuous healthcare was presented.”
- “He understood all in a most competent and helpful fashion.”
- “Thank you so much for your help, you are a diamond.”
- “Carer was a breath of fresh air, who set to work & explained everything, got everything in place. Could not have wished for a better service.”
- “You are doing a great job.”
- “Everyone enjoyed your talk and said how informative it was, so hope you will come back again.”
- “Thinks you are brilliant! The family have been really happy with the support they received from you.”
- “Thank you very much for all your support and effort, Mum and I are truly grateful and I’m not sure where we would be without all of your help.”
- “Thank you for your invaluable help in contacting the medical profession, advice and general support.”

- “Acted in a professional, courteous and compassionate manner. You must be very proud of her.”
- “Amazing level of care that she offered, she has been an integral part of our support network working in a highly professional manner whilst also being immensely sympathetic to our own personal emotions. She has truly been our “Rock within the System”. My company have Hero Awards on a quarterly basis and she is definitely on our rating for Super Hero recognition!”
- “Thank you personally for all your efforts & the help that you have provided in our quest to improve our mum’s wellbeing. Both my sister & I are extremely grateful & are most pleased that you are working with us. You should be proud of what you do & of the comfort that you bring to people like us, I am certain that we are not the only relatives of your care patients that feel this way.”
- “He was very efficient and very nice to deal with, and if you rang him with a query he would get back to you either with an answer or his assurance that he was on the case. If he said he'd help he actually did. That's not always the case these days in large organisations.”
- “The team was very professional, people who really did care, I felt they were not just words. Their approach was caring in a very stressful time. They were superb.”

15. Equalities Information – Service Users

15.1 Stage 1

Gender of Service User

	13-14	12-13	11-12	10-11	09-10	08-09	07-08
MALE	30	62	35	29	33	28	28
FEMALE	43	37	49	39	42	37	41
UNKNOWN	0	2	0	2	0	1	4

Analysis: No concerns identified.

Ethnic Origin of Service User

Ethnic Origin 2013-14	Total
African	1
Any other Asian Background	1
Black or Black British	6
Asian or Asian British*	9
Caribbean	1
English	11
Indian	2
Irish	2
Mixed*	
Not known	3
Pakistani	1
White or White British*	30
White Other*	1
Grand Total	73

Complaints relating to service users with disabilities

Disability	Total 13/14	Total 12/13	Total 11/12
Yes	69	92	82
No	3	1	
Not known	1	8	2
Total	73	101	84

Stage 1 Complaint made by

	13-14	12-13	11-12
Service User	15	23	24
Relative/Partner (often informal carer)	55	73	56
Advocate –(instigated by either carer or service user)	3	4	3
Solicitors		0	0
Other	73	1	1

15.2 Stage 2 complaints

Gender of Service User

	13-14	12-13	11-12
MALE	1	2	2
FEMALE	3	4	6
UNKNOWN	4	2	0

Analysis: No concerns noted.

Ethnic Origin of Service User

	13-14	12-13	11-12
White/British	1	1	3
Black British		0	3
Asian or Asian British	1	3	1
White Other		1	0
English	1	1	N/A
Other		0	1
Unknown	1	2	0

Analysis: No concerns are apparent.

Complaints relating to service users with disabilities

Disability	13/14	12/13	11/12
Yes	3	7	8
No	1		
Unknown	1	1	1

Analysis: No concerns are apparent.

Stage 2 Complaints made by

	13/14	12/13	11/12
Service User		4	2
Relative/Partner (often informal carer)	4	3	6
Advocate –(instigated by either carer or service user)		1	0
Solicitors		0	0
Other		0	0

Analysis: It remains positive that service users have someone supporting them in making their complaint and this remains constant over time.

16. The Complaints Process explained

This report provides information about complaints made during the twelve months between 1 April 2012 and 31 March 2013 under the complaints and representations procedures established under the Health and Social Care (Community Health and Standards) Act 2003 and through the Local Authority Social Services and National Health Service Complaints (England) Regulations, 2009 and the Council's corporate complaints procedure relating to Adults Community Care Services.

All timescales contained within this report are in working days.

16.1 What is a Complaint?

An expression of dissatisfaction or disquiet about the actions, decisions or apparent failings of a local authority's adult's social services provision which requires a response.

16.2 Who can make a Complaint?

- (a) a person who receives or has received services from the Council; or
- (b) a person who is affected, or likely to be affected, by the action, omission or decision of the Council.

16.3 Stages of the Complaints Procedure

From April 2009, regulations removed the traditional 3 stage complaints procedure for statutory complaints, replacing it with a duty to provide a senior manager organisational sign-off to every complaint response. The Council is expected to negotiate with the complainant how their complaint should be managed, including agreeing a timescale. If a verbal issue can be resolved by the end of the next working day, the regulations state this does not need to be recorded as a complaint.

Many complainants prefer a defined process and prefer to rely on the Council to identify a process to manage their complaint. To assist such complainants the Council produced a model procedure which complainants can use if they prefer. It is also used where complainants cannot be contacted to discuss how they want their complaint managed. Complainants are always advised in writing of their right to agree a different process if they prefer.

The stages of the Model procedure:

1) Local resolution

Timescale: 10 working days. 20 working days for complex

Organisational sign-off: Director of Adult Social Services

2) Mediation

Organisational sign-off: Director of Adult Social Services

3) Formal investigation

Timescale: 25 working days. 65 working days if complex e.g. requiring independent investigation.

Organisational sign-off: Corporate Director

For ease of understanding, the report uses a traditional stages reporting format. Local resolution being a Stage 1 and formal investigation a Stage 2. It is important to emphasise that these stages are very fluid so it is not uncommon to go immediately now to mediation or independent investigation.

Corporate complaints

A traditional 3 stage complaints process still applies.

Local Government Ombudsman

The Ombudsman is an independent body empowered to investigate where a Council's own investigations have not resolved the complaint.

The person making the complaint retains the right to approach the Local Government Ombudsman at any time. However, the Ombudsman's policy is to allow the local authority to consider the complaint and will refer the complaint back to the Council unless exceptional criteria are met.

16.4 What the complaints team do

- Letter-vetting
- Liaising with services to try resolve the issue informally
- Mediation
- Training
- Surgeries/raising awareness
- Learning identification and agreed actions monitoring
- Advocacy identification
- Chasing complaint responses

The introduction of letter-vetting in September 2006 by the Complaints Service has ensured that all complainants are informed in their written response of the right to go to the next stage if they are unhappy.

**REPORT FOR: PERFORMANCE &
FINANCE SCRUTINY SUB-
COMMITTEE**

Date of Meeting:	9 October 2014
Subject:	Children and Families Services' Complaints Annual Report 2013-14
Responsible Officer:	Chris Spencer, Corporate Director, Children and Families Services
Scrutiny Lead Member area:	Policy Lead Member – Councillor Lynda Seymour Performance Lead Member – Councillor Janet Mote
Exempt:	No
Enclosures:	Appendix – Annual Report for Children and Families Services Complaints for period 2013/14

Section 1 – Summary and Recommendations

This report sets out the statutory Children and Families Services' Complaints Annual Report for 2013-14.

Recommendations:

None. For Information purposes only.

Section 2 – Report

Financial Implications

There are no specific budget issues associated with this report. All compensation payments are agreed by Service Managers and are funded within existing budgets.

Performance Issues

No PAF or BVPI indicators. However, complaints have a significant impact on the customer satisfaction KPI.

Environmental Impact

N/A

Risk Management Implications

Risk included on Directorate risk register? No

Separate risk register in place? No

Council Priorities

1. **Cleaner:** A borough where our streets are cleaned regularly and our parks and green spaces are places to enjoy.

2. **Safer:** A borough where residents feel safe to live and enjoy their lives. We will work with the police and other partners to make Harrow even safer.

3. **Fairer:** A borough where our hard working residents can bring up their families knowing they will have fair access to opportunity.

Section 3 - Statutory Officer Clearance

The Corporate Director determined the report did not require Financial or Legal clearance.

Section 4 - Contact Details and Background Papers

Contact: John Broadbent, Interim Service Manager, Adults & Children's Complaints, 020 8424 1927

Background Papers: None

Appendix

ANNUAL REPORT for Children and Families Services Complaints for period 2013/14

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1	Executive Summary: There were some 152 “transactions ¹ ” within the statutory complaints process during the year, i.e. representations, formal complaints and referrals to the Local Government Ombudsman. The volume of complaints only acquires some meaning when placed in context; in this instance it is estimated that some 2,000 families were seen by Harrow Children’s Services during the year, meaning that the volume of complaints received equates to 7.6% of those families receiving a social care service. Given the nature of some of the work undertaken, e.g. child protection and looked after children, it is positive that numbers of complaints are so minimal. Targeted Services Division continues to attract the most complaints but again this reflects the nature of the work undertaken by that service, where difficult
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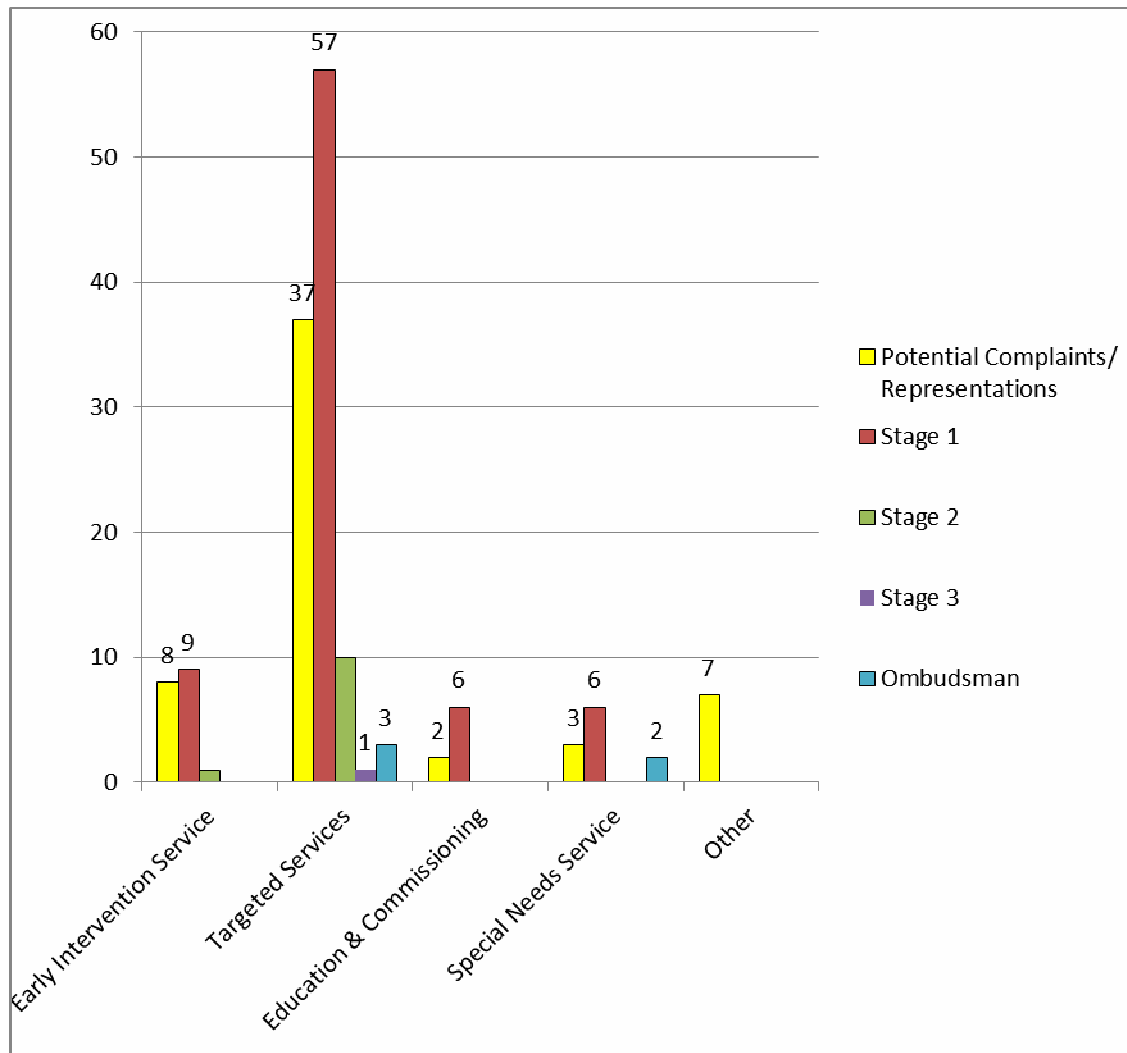
¹ The total of representations, Stage 1, Stage 2, Stage 3 & LG Ombudsman referrals within Children and Families Services.

	<p>decisions regarding children and their families sometimes leads to actions which are unpopular with service users though necessary.</p> <p>The report which follows contains both positive messages and indications of areas needing more work. Of particular note is the high level of representations which are received as potential complaints but are resolved informally, to the satisfaction of service users: 42% of initial contacts (135 total representations & Stage 1s) were resolved without recourse to the formal complaints process. This is significant in showing that the Council is able to listen to concerns expressed and act promptly to resolve them. Whilst this is positive in terms of the service user's experience it also endorses that early resolution is more cost effective for the Council by avoiding escalation with associated costs of any investigations.</p> <p>There is a paradox in that early resolution of some complaints contrasts markedly with an increased level of complaints not receiving a response within timescales. There may be mitigating circumstances in respect of missed deadlines, e.g. increasing workloads of critical child care cases, complex complaints, etc., but this is an area which needs to be improved over the coming year. Senior officers are monitoring response times and acting to ensure that more timely responses are achieved.</p> <p>The relative escalation rate of complaints between stages of the process is low and reflects the successful efforts made by officers to understand and address concerns when they arise as complaints and representations.</p>
<p>2</p>	<p>Summary of Activity:</p>
<p>2.1</p>	<p>Overall Complaint Activity:</p> <p>Between 1 April 2013 and 31 March 2014 the Council received:</p> <ul style="list-style-type: none"> • 57 representations i.e. potential statutory complaints that did not lead to a formal Stage 1 complaint; • 78 statutory Stage 1 complaints; • 11 Stage 2 complaints; • 1 Stage 3 complaint (panel hearing); • 5 complaint referrals to the Local Government Ombudsman (LGO); • 3 complaints relating to school admission procedures (not included in overall figures); • It is estimated that during the year approximately 2,000 children and young people received a statutory service from the council, in which

context the volume of complaints is very slight, at 3.9%;

- Timeliness of complaints response at an early stage typically prevents/minimises subsequent cost to Council in time and resources
- During the year, there has been an area of concern in terms of target timescales being missed which will form an action point for next year.

Table 1: Number of Complaints by Service area:
April 2013 to March 2014



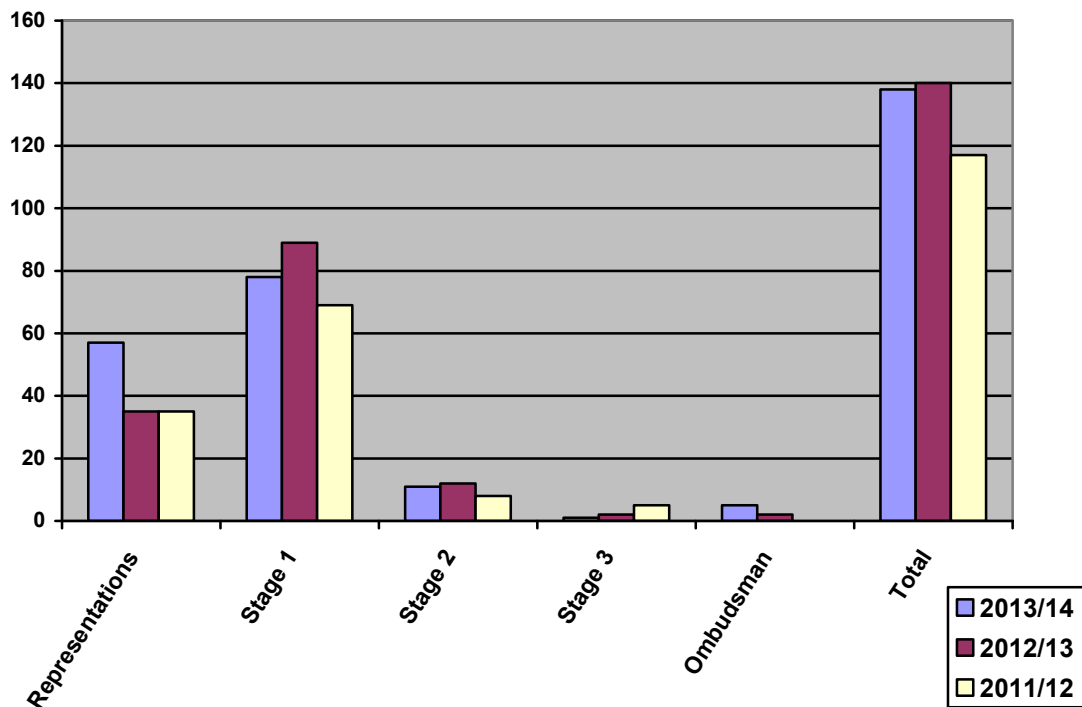
Number of Complaints by Service Division: April 2013 - March 2014							
	Representations	Stage 1	Stage 2	Stage 3	Ombudsman	Total	
Early Intervention Service	8	9	1	0	0	15	
Targeted Services	37	57	10	1	3	108	
Education ² & Commissioning	2	6	0	0	0	8	
Special Needs Service	3	6	0	0	2	11	
Other	7						
Total	57	78	11	1	5	152	
<p>NB: Additionally there were three potential Stage 3 requests which did not materialise but are included in the total number of transaction reported in Section 1 (Total =152)</p>							
<p>Key message: Of the 5 LGO referrals, 3 were not upheld by the Ombudsman, 1 was upheld in respect of an officer not logging a complaint appropriately, and 1 remains in process as the complainant has lodged multiple complaints with 2 separate Ombudsmen about related issues. Overall therefore the picture suggests a continuation of high quality investigative and governance standards.</p> <p>Analysis: Eleven Stage 2 complaints represents 14% of all Stage 1 complaints and as such is a reasonable level of escalation, but part of an upward trend that requires monitoring (see section 6). Only one Stage 2 complaint progressed to a Stage 3 panel hearing, which again is a positive indicator of sound resolution in the earlier stages of the process. Informal bench marking with several other local authorities indicates a general increase in complaints escalating to Stage 2 of the process.</p> <p>This year, there has been a reduction in the number of Stage 1 complaints, down by 11 on last year, representing a 12% fall. However, the number of</p>							

² Following consultation, in the "Child's Journey" 2013 Children & Families restructured Quality Assurance, Commissioning and Schools, moving QA into Targeted Services and creating Education & Commissioning Division. For ease of reporting the revised structure is used throughout this report. In addition, the work flow of teams was restructured to reduce the changes of Social Worker experience by families.

potential Stage 1 complaints increased by 16 (to 57), a 54% rise which seems to suggest that overall volume has risen by 12.5% (up from 120 up to 135), while early resolution has changed the balance between potential and actual complaints.

Key action: Monitor trends in cases and escalations. Targeted Services to reduce Stage 2 complaint numbers.

Table 2: Comparison of Complaints last 3 years



	Representations	Stage 1	Stage 2	Stage 3	Ombudsman	Total
2013/14	57	78	11	1	5	138
2012/13	35	89	12	2	2	140
2011/12	35	69	8	5	0	117

Analysis: Overall the volume of complaints at Stage 2, Stage 3 remained fairly static over the 3 years. There was some variation in Stage 1 complaints: the volume of Stage 1 complaints to the Early Intervention Service doubled but in terms of actual numbers this represents only 5 additional referrals over the previous year. In Targeted Services, 9 less referrals represents a 14% decrease but again it is difficult to attach any significance to this change in terms of actual numbers. Harrow continues to have a healthy level of Stage 1 complaints (welcoming customer feedback).

A significant and increasing number of issues continue to be resolved informally meaning the complainant chooses not to proceed with a complaint.

	<p>Key message: Previous research (e.g. Jerry White, Local Government Ombudsman & Steve Carney, Head of Complaints, CQC) has as suggested that Councils with high levels of Stage 1 complaints tended to receive good performance ratings and that demonstrated a willingness to hear concerns, address them and improve services as a result of them.</p> <p>Key action: To attempt to maintain the current balance of potential against actual complaints, as this demonstrates good early resolution for service users.</p>
3	<p>Outcomes for key targets in 2013/14</p>
	<p>In the last annual report the following were identified as key focus areas.</p> <ul style="list-style-type: none"> • Targeted Services to reduce Stage 2 complaint numbers and particularly, the number of upheld or partially upheld Stage 2 complaints. <ul style="list-style-type: none"> • Outcome achieved: Stage 2 numbers have been reduced by 10 (14%). • Partially upheld complaints fell from 4 to 2. • Nil complaints upheld at stage 2, i.e. 100% reduction from 2 upheld last year. • Targeted Services to identify a strategy to reduce the number of concerns escalating to stage 1 (including proactive early attempts at resolution). <ul style="list-style-type: none"> • Outcome not achieved: 14% of potential or actual complaints escalated to Stage 2 in Targeted Services. However, this was actually 1 additional case above the 2012-13 level. • Overall Children and Families Directorate escalations rose to 15% during 2013/14. Some teams are more successful than others in early resolution and this learning needs to be shared. • Business Support to provide to embed the agreed strategy of the timescale reminders to Targeted Services Divisional Director's PA providing reminders to Targeted Services managers on timescales. <ul style="list-style-type: none"> • Outcome achieved in part: Information on the importance of meeting timescales was delivered during the 2013/14 business cycle. However overall performance fell in meeting timescales. • A separate communication, tone, customer service strategy to be included in the Children & Families' Improvement Plan.

- **Outcome achieved:** These issues are included in complaints training for front line staff and managers; 2 sessions have recently occurred and with more are planned for 2014/15
- Targeted training to improve quality, accuracy and balance of social worker reports.
 - **Outcome achieved:** Training has been delivered to implement single assessment formats in Targeted Services.
- Priority to be given for Targeted Services staff to access relevant customer service training.
 - **Outcome achieved:** Two complaints workshops on complaints and customer care have been provided, taken up mainly by officers in Targeted Services.
- All Children and Families Directorate to surpass the 75% timescale target.
 - **Outcome achieved in part only:** Not consistently achieved across the directorate, only in Education & Commissioning.
- Targeted Services staff to recognise the importance of robustly identifying and acknowledging errors or poor practice at Stage 1 and ensuring this is addressed and learnt from, including more strategic input to the resolution strategy earlier in the process.
 - **Outcome achieved in part only:** Informal and formal training has been delivered to address these issues; however, more work is required.
- To review how complainants can be encouraged to engage with learning meetings post Stage 2.
 - **Outcome achieved:** Reviewed but this proved a difficult area to engage with the 11 Stage 2 complaints during 2013/14.
- To address the number of upheld Targeted Services Stage 2 complaints relating to quality of social worker reports.
 - **Outcome achieved:** The single assessment process has now been embedded in all services and during the year no complaints related to the quality of social work reports.
- To address the number of upheld Targeted Services Stage 2 complaints relating to lack of information and leaflets.

	<ul style="list-style-type: none"> • Outcome achieved: No Stage 2 complaints were upheld during the year • For the Complaints Manager to raise how mediation can be used most effectively, within the context of less mediation capacity.
4	Priorities for 2014/15:
	<ul style="list-style-type: none"> • To agree a strategy for managers to consistently meet complaint deadlines more effectively. • To produce clearer guidance on inaccurate case recording. • To continue the core offer of training for front line staff and managers on complaint handling. • To ensure that significant information from complaint investigation is recorded on Framework-i; to be achieved via a complaints team sample audit of Framework-i. • To further develop a culture and expectation of debriefing and learning after major complaint investigations.
5	Stage 1 Complaints:

5.1 Overall Activity:

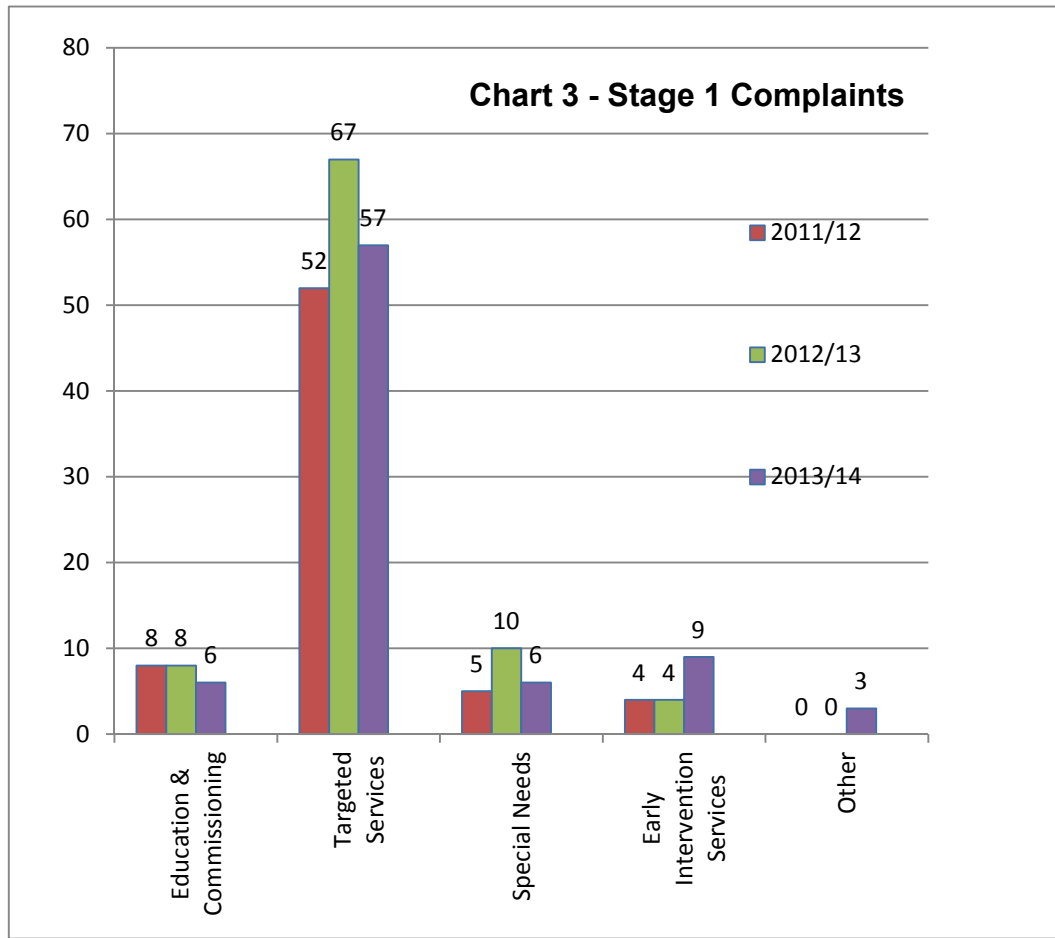


Table 3 – Stage 1 Complaints

	2011/12	2012/13	2013/14
Education/Commissioning			
Targeted Services	8	8	6
Special Needs	52	67	57
Early Intervention	5	10	6
Other*	4	4	9
Total	69	89	81

Key Message:

It has already been noted that Councils with high levels of Stage 1 complaints tended to receive good performance ratings and that demonstrated a willingness to hear concerns, address them and improve services as a result of them.

Analysis:

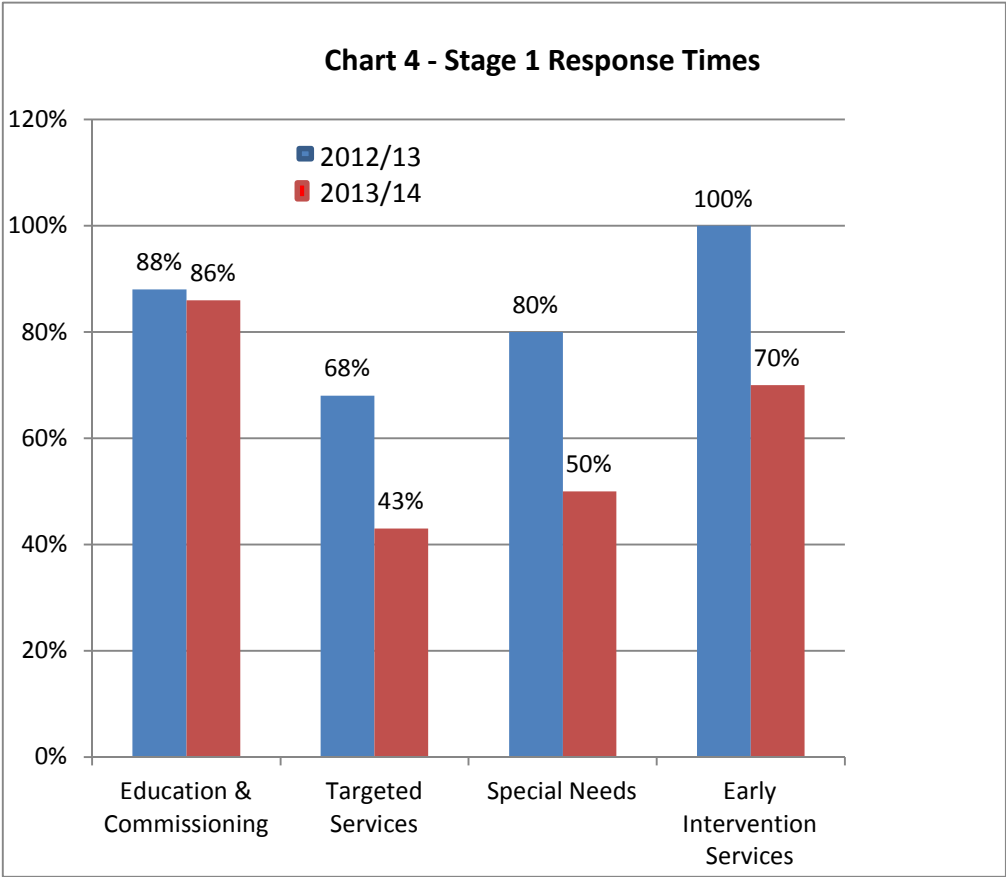
Targeted Services returns a consistent level of Stage 1 complaints, this year the total was 57 which is close to the mean for the past three years (54).

Almost inevitably Targeted Services attract a higher level of complaint as the service area it represents an area where families are most likely to be in conflict with, or challenge the Council about child care issues, e.g. child protection.

The three complaints listed under 'Other', were School organisation and Admissions complaints.

Previous concerns about the low level of complaints received directly from young people remain. The Complaints Manager has recently met with the Children's Participation Co-ordinator to agree future action to improve young people's awareness of the complaints process.

5.2 Stage 1 Response Times



Previous Years by former service groupings:

Key message: Consistently achieving 75% local target timescales needs to be agreed as high priority over the next year.

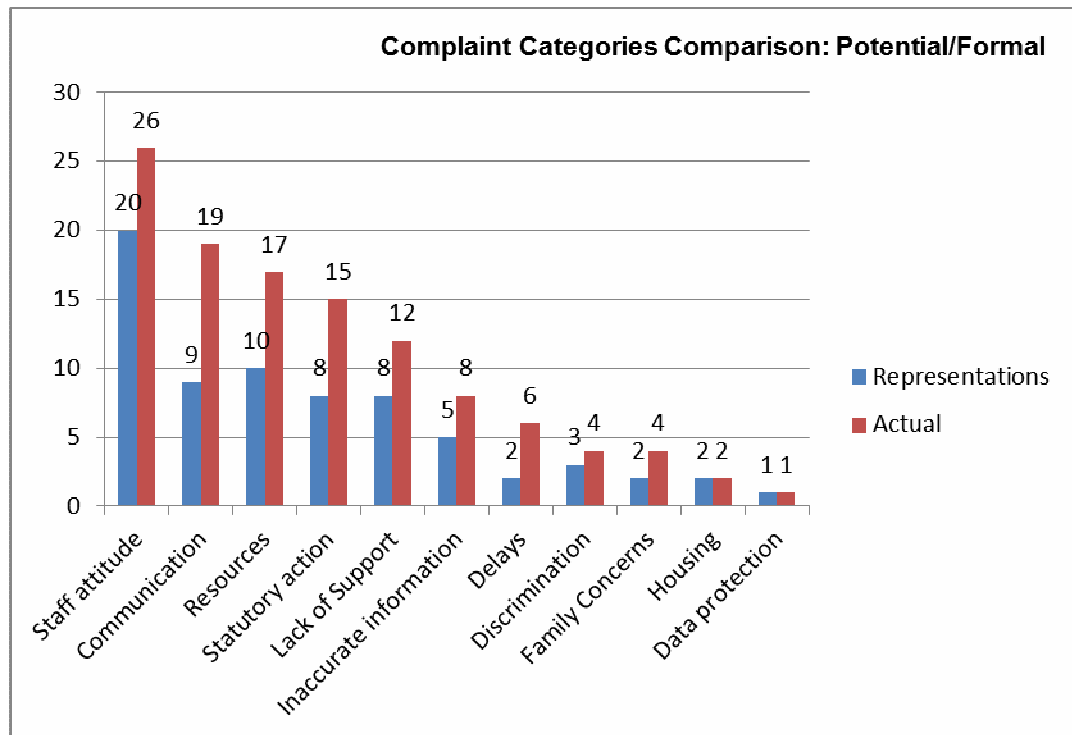
Analysis: There has been a disappointing fall in targets being met. In some ways this reflects the heavy workload and conflicting priorities of managers in Targeted Services.

	Key action 1: To flag to the Divisional Directors if any timescales are not met.					
5.3	Stage 1: Nature of Complaints					
	Table 4					
		Early Intervention Service	Targeted Services	Education & Commissioning	Special Needs Service	Total
	Allocation of Keyworker					
	Breach of Confidentiality		1			1
	Change To Service - Withdrawal/Reduction					
	Communications - Failure to Keep Informed/Consult		11			11
	Freedom of Information Act					
	Delay/Failure in Taking Action/Replying	2	8	3	1	14
	Discrimination by an Individual		2			2
	Discrimination By a Service		1			1
	Failure To Follow Policy or Procedure		2			2
	Level of Service (E.g. Opening Times)					
	Loss or Damage to property					
	Policy/Legal/Financial Decision	1	8	2		11
	Quality of facilities/Health Safety		1			1
	Quality of Service Delivery (Standards)	3	10	1	2	16
	Refusal To Provide A Service	1	3			4
	Staff Conduct - Attitude/Behaviour	2	10		3	15
	Total	9	57	6	6	78
	RAG Rating:	Up to 10%	Up to 20%	20% +		
	Examples of complaints by category:	2013/14 examples				
	Breach of confidentiality	Personal information disclosed to ex-husband				
	Communications etc	Not being invited to meetings				
	Delay, etc	Delay in allocating social worker				

Discrimination by an individual	Allegation of racism against social worker
Failure to follow policy/procedure	Lack of support to child looked after
Policy/Legal/Financial decision	Leaving care rights
Qualities of facilities	Hot water in placement
Quality of service delivery	Inaccuracies in assessments
Refusal to provide service	Wants travel warrant reinstating
Staff attitude	Lack of respect from staff, not being listened to.

Analysis: Overall there has been little change in the distribution of complaints across categories. Given the nature of the work undertaken by child care teams the categories with the highest levels seem entirely predictable.

NB: The pattern of distribution across complaint categories is similar in both representations and all formal complaints.



5.4 Stage 1: Complaints Outcomes

Table 5:													
		Not Upheld			Partially Upheld			Upheld			Total		
		13/14	12/13	11/12	13/14	12/13	11/12	13/14	12/13	11/12	13/14	12/13	11/12
	Education & Commissioning	5	7	4	0	1	2	6	-	2	11	8	8
	Targeted Services	24	36	30	16	17	10	17	14	11	57	67	51
	Special Needs	4	6	3	1	2	1	6	2	1	11	10	5
	Early Intervention	4	2	2	4	1	1	6	1	1	14	4	4
	Total	37	51	39	21	21	14	23	17	15	81	89	68
	Total of overall Stage 1 outcomes, by percentage	46%	57%	57%	26%	24%	21%	28%	19%	22%			
<p>Analysis: Although the percentage of complaints which were not upheld fell compared to the previous year (46%). This reflects the work of the previous complaints manager, Stuart Dalton, who encouraged managers to reflect on their responses to complaints and the outcomes. The overall ratio of conclusions suggests a balanced and open approach to complaints, where concerns from service users are recognised and receive appropriate responses. However additional learning remains to be achieved.</p>													

<p>5.5</p>	<p>Stage 1: Learning from partially upheld complaints:</p> <p>Learning points specific to individual cases were documented after complaints were closed; more wide ranging learning points included:</p> <ul style="list-style-type: none"> • A need for improved communication with families. • To attempt to minimise changes in social work allocations to families, which has already been addressed by structure changes outlined above.³ • Setting up of a sub-group to consider concerns about a complaint made about an ABE interview. ABE interviews are Achieve Best Evidence interviews, where a child is interviewed by the Police and a qualified social worker. • Divisional Directors to require audits of recording standards. 			
<p>6</p>	<p>Stage 2 Complaints</p>			
<p>6.1</p>	<p>Percentage of Complaints escalating to Stage 2 (2013/14) Table 9</p>			
	<p>Service</p> <p>Education & Commissioning Targeted Services</p> <p>Special needs</p> <p>Early Intervention</p> <p>Total</p>	<p>Stage 1</p> <p>6</p> <p>57</p> <p>6</p> <p>9</p> <p>78</p>	<p>Stage 2</p> <p>0</p> <p>10</p> <p>1</p> <p>1</p> <p>12</p>	<p>% escalation</p> <p>0%</p> <p>17%</p> <p>16%</p> <p>11%</p> <p>15%</p>
	<p>Analysis: In general, escalation rates are at a reasonable level. It should always be remembered that the Council has a duty to inform complainants of their right to escalate their complaint if dissatisfied and some will chose to do so regardless of the merits of their case. The fact that none were upheld at Stage 2 this year reflects that position.</p> <p>It is also noteworthy that several cases represented very complex situations. Some complainants also chose to exhaust the complaints system without sound grounds for doing so, with the result that it may be necessary to consider whether further contact from those complainants should be deemed vexatious.</p>			

³ *Ibid.*

6.2 Escalations trend over time Table 10					
Service		Escalations to Stage 2			
		2013/14	2013/13	2011/12	
Education & Commissioning		0%	13%	50%	
Targeted Services		17%	13.5%	11.5%	
Special Needs		16%	10%	20%	
Early Intervention		11%	25%	0%	
Total		15%	13%	11.6%	
<p>Analysis: Targeted Services and Special Needs Divisions are areas always prone to escalated complaints due to the nature of their work.</p> <p>It has not been possible to provide concrete figures to benchmark against other local authorities but general comments from other authorities in the North West London Complaints pool (including Harrow) indicate that a similar trend exists across the pool.</p> <p>In terms of Harrow the escalation level has been rising for the past three years and needs to be reviewed over the coming year to move towards lower levels, with actions identified to reverse this trend.</p>					
6.3 Stage 2 Outcomes 2013-14 Table 11					
Service		Upheld	Partially Upheld	Not Upheld	Awaiting Outcome
Education & Commissioning		0	0	0	0
Targeted Services		0	2	3	5
Special Needs		0	0	1	0
Early Intervention		0	1	0	0
Total		0	3	4	5
[Grand Total = 7]					
<p>Analysis: It is significant that of the 7 outcomes known to date only 3 (42%) of Stage 2 complaints were partially upheld, and that none were full upheld. It should also be borne in mind that all Stage 2 investigations in Harrow are conducted by an Independent Investigating Officer, shadowed by an Independent Person - so that the level of partially upheld complaints remain low after double scrutiny from independent investigators.</p>					
6.4 Stage 2 Response Times of known outcomes Table 12					
Service			Within Timescale 2013/14	Over Timescale 2013/14	

		(2012/13)	(2012/13)
Education & Commissioning		N/A	N/A
Targeted Services		2 (5)	3 (4)
Special Needs		1 (1)	0 (0)
Early Intervention		1 (1)	0 (0)
Total		4 (8)	3 (4)
[Grand Total completed = 7] NB: Five investigations were still in process at the time of this report			

Context: At Stage 2, there is more emphasis on thoroughness than speed.

Analysis: Of the seven completed, three went over time limit (ie 42%). Perusal of the investigations however demonstrates that there were sometimes mitigating circumstances, e.g. one complainant asked for the investigation to be delayed due to her own ill health. Given the complexity of most stage two investigations it is not surprising that a small number will overrun the timescale target.

6.5 Stage 2: Nature of Complaints Table 13

	Early Intervention Service	Targeted Services	Education & Commissioning	Special Needs Service	Total
Allocation of Keyworker					
Breach of Confidentiality					
Change To Service - Withdrawal/Reduction					
Communications - Failure to Keep Informed/Consult		1			1
Freedom of Information Act					
Delay/Failure in Taking Action/Replying		2			2
Discrimination by an Individual					
Discrimination By a Service					

	Failure To Follow Policy or Procedure					
	Level of Service (E.g. Opening Times)					
	Loss or Damage to property					
	Policy/Legal/Financial Decision	1	4			5
	Quality of facilities/Health Safety				1	1
	Quality of Service Delivery (Standards)		2			2
	Refusal To Provide A Service					
	Staff Conduct - Attitude/Behaviour		1			1
	Total					12
7	Stage 3 Complaints:					
	<p>Only one complaint escalated to Stage 3 during the year. In terms of management the complaint was:</p> <ul style="list-style-type: none"> • A statutory complaint. • The panel was held within timescale. • The panel report was produced and circulated to timescale. • The council response was sent out within timescale. • The outcome was partially upheld. <p>Analysis: Whilst there were several potential escalations to Stage 3, only one actually materialised. This demonstrates that complex complaints are being fielded positively.</p>					
8	Ombudsman (LGO) Complaints:					
8.1	Complaints made to the LGO: Table 14					
	Service	No finding against Council	Partial finding	Awaiting outcome	Total	
	Targeted Services	2	1		3	
	Special Needs	1		1	2	
	<p>Analysis: The LGO decided in 2 cases that there was no reason to suggest the Council had acted inappropriately. One case in particular related to a person who may be deemed vexatious in future and who had been prevented from taking forward his complaint due to his own behaviour and a conflict of interest arising from his actions.</p>					

9	Escalation comparison: Table 15				
		Stage 1	Stage 2	Stage 3	LGO
	2013/14	78	11	1	5
	2012/13	89	12	2	2
	<p>Analysis: The escalation rate between stage 1 and 2 is at 14% this year which compares favourably with an average of 13% per annum since 2003.</p> <p>Overall 6% of complaints were referred to the LGO. One was referred at the request of the Council given the fact the complainant was unlikely to accept any finding of a Stage 3 panel. 6% represents a small referral rate; the fact that some referrals were made early i.e. prior to the complaints process being exhausted, are reflected in the figures above.</p>				
10	Compensation/Reimbursement Payments:				
	Four compensation awards were made during the year, all of modest amounts between £250 and £1000; this indicates that this has been a low year for significant errors being identified.				
11	Mediation and Alternative Dispute Resolution:				
	<p>Analysis: There were four examples of formal mediation and at least four informal mediation/resolution meetings.</p> <p>Key message: The introduction of mediation in 2005/06 significantly reduced and continues to significantly reduce the number of complaints that escalate.</p>				
12	Complaints dealt with by the local authority and NHS Bodies				
	There were no joint investigations during the year.				
13	Learning derived from complaints:				
	<p>Examples of learning derived from complaints include:</p> <ul style="list-style-type: none"> • Officers to be made aware through training of the need to be mindful of fresh allegations arising within existing cases • A need to minimise changes of social workers for families • Better communication with families be promoted, e.g. ensuring reports are shared promptly • A need to ensure accuracy in case recording • Individual learning targets for identified officers 				

14	Compliments		
	There have been 16 compliments this year passed on to the Complaints Service (compared to 15 the year before).		
15	Equalities Information		
15.1	Equalities Information – Stage 1 Complaints		
	Table 16	2013/14	2012/13
	Gender of Service User:		
	Male:	43 (55%)	43 (48%)
	Female:	30 (38%)	43 (48%)
	Unknown/Not Recorded:	5 (6%)	3 (3%)
	Analysis: No concerns noted		
	Table 17	2013/14	2012/13
	Ethnic Origin of Service User:		
	Afghani	1	2
	African	2	2
	Any other Asian Background	1	5
	Any other Black Background	1	4
	Any other White Background	1	1
	Any other Ethnic Group	2	2
	Asian or Asian British	4	4
	Black or Black British Caribbean		1
	Black or Black British	10	7
	English	2	
	Caribbean	1	6
	Indian	1	2
	Mixed	9	1
	Not Known	31	31
	Pakistani	3	3
	Romanian		1
	White & Black African		1
	White & Black Caribbean	3	5
	White or White British	9	10
	White Other		1
	Grand Total	81	89
	Table 18 Origin of Complaints	2013/14	2012/13
	Service User	10	19

	Parent/relative	59	60
	Advocate	3	6
	Solicitor	2	2
	Friend/other	4	1
	<p>Analysis: It is to be expected that most complaints are made on behalf of a child or young person. Direct complaints from young people are relatively low suggesting that more work is needed in facilitating such complaints and representations: the Complaints Manager has recently met with the Children's Participation Officer and further work will take place to encourage direct contact from young people.</p>		
15.2 Equalities Information – Stage 2 Complaints			
	Table 19 Gender of Service User:	2013/14	2012/13
	Male:	6 (54%)	6 (54%)
	Female:	5 (46%)	5 (46%)
	Unknown/Not Recorded:		
	Analysis: No concerns noted		
	Table 20 Ethnic Origin of Service User:	2013/14	
	Black or Black British	1	
	Caribbean	1	
	Not Known	8	
	White & Black Caribbean	1	
	Grand Total	11	
	Table 21 Origin of Complaints	2013/14	2012/13
	Service User	2	3
	Parent/relative	8	5
	Advocate	1	1
	Solicitor		3

16. The Complaints Process explained:

This report provides information about complaints made during the twelve months between 1 April 2012 and 31 March 2013 under the complaints and representations procedures established through the Representations Procedure (Children) Regulations 2006, and the Council's corporate complaints procedure.

All timescales contained within this report are in working days.

Text in quotation marks indicate direct quotations from the 2006 Regulations or Guidance unless otherwise specified.

16.1 What is a Complaint?

“An expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response.”

However,

“The Children Act 1989 defines the representations procedure as being for ‘representations (including complaints)’.”

Therefore both representations and complaints should be managed under the complaints procedure (unlike for Adult social services, where only complaints need be captured).

16.2 Who can make a Complaint?

The child or young person receiving or eligible to receive services from the Council or their representative e.g. parent, relative, advocate, special guardian, foster carer, etc:

“The local authority has the discretion to decide whether or not the representative is suitable to act in this capacity or has sufficient interest in the child's welfare.”

16.3 What the complaints team do:

- Letter-vetting
- Liaising with services to try resolve the issue informally
- Mediation
- Training
- Raising awareness / staff surgeries
- Learning facilitation and agreed actions monitoring

- Deliver a unique complaints support SLA to schools
- Advocacy commissioning and support

16.4 Stages of the Complaints Procedure

The complaints procedure has three stages:

Stage 1: This is the most important stage of the complaints procedure. The Service teams and external contractors providing services on our behalf are expected to resolve as many complaints as possible at this initial point.

The Council's complaints procedure requires complaints at stage 1 to be responded to within ten working days (with an automatic extension to a further ten days where necessary).

Stage 2: This stage is implemented where the complainant is dissatisfied with the findings of Stage 1. Stage 2 is an investigation conducted by an independent external Investigating Officer for all statutory complaints and an internal senior manager for corporate complaints. A senior manager adjudicates on the findings.

Under the Regulations, the aim is for Stage 2 complaints falling within the social services statutory complaints procedures to be dealt within 25 days, although this can be extended to 65 days if complex.

Stage 3: The third stage of the complaints process is the Review Panel under the statutory procedure. Under the corporate complaints process, the Chief Executive reviews the complaint.

Where complainants wish to proceed with complaints about statutory Children's Services functions, the Council is required to establish a complaints Review Panel. The panel makes recommendations to the Corporate Director who then makes a decision on the complaint and any action to be taken. Complaints Review Panels are made up of three independent panellists. There are various timescales relating to stage 3 complaints. These include:

- setting up the Panel within 30 working days;
- producing the Panel's report within a further 5 working days; and
- producing the local authority's response within 15 working days.

Local Government Ombudsman

The Ombudsman is an independent body empowered to investigate where a Council's own investigations have not resolved the complaint.

The person making the complaint retains the right to approach the Local Government Ombudsman at any time. However, the Ombudsman's policy is to allow the local authority to consider the complaint and will refer the complaint back to the Council unless exceptional criteria are met.