

CHILDREN'S SERVICES PORTFOLIO DECISION SCHEDULE



Monday 19th December, 2005

at 11.00 am

in Committee Room "C"

Councillor Hill, Cabinet Member responsible for Children's Services will consider the following items.

1. KEY DECISIONS

1.1 None

2. OTHER ITEMS REQUIRING DECISION

2.1 None

3. ITEMS FOR INFORMATION

3.1 Learning From Complaints 1st April 2005 – 30th September 2005 – *Director of Children's Services*

4. REPORTS FROM OVERVIEW OF SCRUTINY FORUMS

4.1 None

EXEMPT ITEMS

Under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) Act 1985

5. KEY DECISION

5.1 None

6. ITEMS FOR INFORMATION

6.1 Children's Homes: Regulation 33/34 Reports – *Director of Children's Services* (para 6)

7. OTHER ITEMS REQUIRING DECISION

7.1 None

CHILDREN'S SERVICES PORTFOLIO

Report To Portfolio Holder

19th December 2005



Report of: Director of Children's Services

Subject: LEARNING FROM COMPLAINTS
1st APRIL 2005 – 30th SEPTEMBER 2005

SUMMARY

1.0 PURPOSE OF REPORT

To provide an overview of the operation of the complaints and representations procedure for Safeguarding and Specialist Services.

2.0 SUMMARY OF CONTENTS

2.1 The report provides information on representations for the first period of 2005/06 (1st April 2005 to 31st September 2005).

3.0 RELEVANCE TO PORTFOLIO MEMBER

3.1 Portfolio member oversight of the performance of the statutory complaints within Safeguarding and Specialist Services.

4.0 TYPE OF DECISION

4.1 Non - key.

5.0 DECISION MAKING ROUTE

5.1 Portfolio holder for Children's Services.

6.0 DECISION(S) REQUIRED

6.1 To receive the report – no decision required.

Report of: Director of Children's Services

Subject: LEARNING FROM COMPLAINTS
1ST APRIL 2005 – 30TH SEPTEMBER 2005

1. PURPOSE OF REPORT

1.1 The Government expects all local authorities to monitor and report on the operation and effectiveness of their complaints procedures, including how complaints are used to improve services and service delivery. This report provides information on representations for the first period of 2005/06 (1 April 2005 to 31st September 2005).

- Overview of activity within the period
- Summary of complaints, concerns and compliments managed within the period.
- Evidence of learning following complaint closure.

1.2 The report also considers progress on the integration of complaints processes from the former departments into a single system for Children's Services.

2. BACKGROUND

2.1 The Children's Services Department was established in August 2005, bringing together teams from different departments of the Local Authority. Procedures for managing complaints were established in all departments of the Council. Staff in Children's Services work with two distinct types of complaints procedure:

- Staff from all previous departments operate a complaints procedure based on **The Corporate Complaints Procedure**. This is a non-statutory procedure based on good practice guidance as directed by the Local Government Ombudsman.
- Within the Safeguarding and Specialist Services Division an additional requirement is made by **The Children's Social Services Complaints Procedure**. It is a statutory requirement under the Children Act 1989 for the local authority to establish a procedure for considering representations (including complaints) regarding the discharge of their duties under the act. Standards relating to this procedure are given in **Appendix 1**.

- 2.2 Currently, Corporate complaints have been brought together under a single person for reporting. Following the corporate restructure Adult and Community Services have provided transition support to log and record complaints regarding social care services. A full handover will be achieved by the end of 2005.
- 2.3 It is the ultimate intention of the Children's Services Department to operate an integrated procedure for complaints management across all areas of its responsibility. This will allow us to gain the benefits of working together. These might include for example, a common procedure, a single system for recording and reporting complaints, an integrated approach to information and advocacy. The integrated procedure will have to have the flexibility to provide tailored responses depending upon the relevant legislative framework and to meet the specific needs of different sections of our population.
- 2.4 A review of the complaints procedures and management across the department is currently underway. In the initial period reporting on the two aspects of complaints within Children's Services (corporate and statutory social care) will continue separately.
- 2.5 This report provides information on representations regarding social care services for children from 1st April 2005 to 30th September 2005. It therefore spans the transition from the former Social Services Department to the new Children's Services Department. Future reporting arrangements will continue on a six monthly basis.

3. COMPLAINTS

- 3.1 Fourteen complaints were active during the reporting period. A brief overview of these is given in **Appendix 2**.

Number of complaints

- 6 complaints were on-going from the previous monitoring period
- 8 new complaints were received (all before 1st August)

Stages of the complaints

- 1 complaint was at stage 3, 3 complaints at stage 2 and ten at stage 1 (local resolution)

Actions and continuation into the next period

- 12 complaints were responded to in the period
- 2 complaints were withdrawn from the framework
- No complaints continued into the next monitoring period (subject to respondents choosing not to progress to a higher stage.)

- 3.2 A more detailed summary of the complaints is provided at **Appendix 3**.

Area of Dissatisfaction

Three broad areas of dissatisfaction emerge across the complaints. These are quality of service provided, attitude and actions of staff and communication.

Elements

Most of the complaints involved a number of individual elements of dissatisfaction to be investigated.

Teams involved

The complaints were evenly spread between the two Business Units, seven each.

The Complainants

Only one complaint was made by a young person receiving a service themselves. Eight complaints were made by the parent of a service user. Ten of the 14 complaints were made by women, with just 3 by men and one by a man and woman jointly.

3.3 Provision of advocacy

All complainants were made aware of advocacy and assistance to access advocacy in the acknowledgement of their complaint. Under the Adoption and Children Act 2002 local authorities have further duties to ensure young people are assisted to access advocacy. One young person made a complaint in this period and advocacy was discussed with her. The young person was currently accessing advocacy for other purposes. It was made clear this advocate would be welcome to be involved in the complaint process. The young person did not choose to bring the advocate to any meetings with the investigating officer.

3.4 Comparison with previous year

In the first half of 2004/05 the equivalent services in Social Services received 16 complaints and in the second half of the year 7 complaints. The 8 complaints received this period (1st part 05/06) are therefore comparable with the last reporting period but just half of the number received in the same period last year.

4. COMPLAINTS CLOSED IN THE PERIOD

- 4.1 Of the twelve complaints closed in the reporting period, eight were closed at stage 1. This shows a high proportion of complaints resolved through local resolution as indicated by good practice standards.

4.2 Timescales for Closure

Appendix 4 shows the time taken to respond to complaints. Times range from 14 to 150 days. Statutory timescales are set for the time taken to look into a complaint and report back to the complainant. However, these timescales were not met.

4.3 This situation is the same as in the previous reporting period (October 2004/March 2005). Here two formal complaints were investigated and responded to, and the timescales were exceeded in both cases.

4.4 The nature and complexity of a complaint, the availability of people to provide information (staff, complainant and others involved) for example will all influence how much time needs to be taken for a particular complaint. If the complainant is informed of progress, and understands the reasons for the time being taken, a longer timescale in itself does not necessarily constitute a practice issue.

4.5 Outcomes and Learning from the complaints

A summary of the outcome and learning issues raised by the complaint are provided by stage of complaint in **Appendices 5, 6 and 7**.

4.5 Overall, for the 11 complaints closed at stage one and two; 6 were not upheld, 3 were partially upheld and 2 were upheld.

4.6 One complaint went to a stage 3 review panel, this considers the process of investigation and findings at stage 2, rather than considering the validity of the complaint itself. The investigating officers findings were upheld in 2 areas but were found not to be logical in one area.

4.6 Staff identified a number of areas of learning from the complaints. The main categories of learning were; adhering to practice, information sharing between agencies, information sharing with service users/families, communication with service users/families and staff training on a particular medical condition.

5. **CONCERNS AND COMPLIMENTS**

5.1 Sometimes service users or their representatives wish to raise issues of dissatisfaction but do not wish to make a formal complaint. Some people raise issues of dissatisfaction that do not fall within the formal complaints procedure. Two concerns were received during the period (**Appendix 8**).

- 5.2 A total of 6 compliments were received during the six month period (**Appendix 9**). This is 2 more than in the previous period.

6. CONCLUSIONS

- 6.1 Work to identify the different approaches to complaints within the Children's Services Department and identify a way towards an integrated approach has begun.
- 6.2 Transfer of the management of complaints made under the social services legislation from Adult and Community Services is nearing completion.
- 6.3 For complaints relating to Safeguarding and Specialist Services, the numbers of complaints are comparable with the previous half year. In line with good practice, most complaints are resolved at stage 1, the informal resolution level. However, the complexity of complaints and time taken to find mutually agreeable meeting times has caused difficulties in meeting statutory timescales.
- 6.4 Representations by people who use our services are feeding into improvements in practice as evidenced by the areas for identified from the closed complaints.

SOCIAL SERVICES STATUTORY COMPLAINTS PROCEDURE

INSPECTORATE (SSI) STANDARDS

1. Local authority social services departments (SSD's) assist individual service users by providing information about the availability of services and eligibility for them.
2. The complaints procedures are organised and publicised so that service users or their representatives are able to complain about the quality or nature of the delivery of services by the social services departments.
3. Social services departments' complaints procedures show adherence to the principles of equal opportunities legislation and the policies adopted by the Local Authority social services committee.
4. The SSD manages and resources its complaints procedures in recognition of their importance in responding to user concerns and in contributing to service improvement.
5. Members of the social services committee and all SSD staff are informed about the working of the complaints procedures and the requirements it places on staff.
6. Clear procedures and guidelines exist for recording and registering complaints.
7. Clear procedures and management arrangements exist for investigating formal complaints.
8. The SSD has set up a review system for complaints that have not been settled at the formal stage and the complainant is not satisfied with the outcome or the way in which it was dealt with.
9. The Local Authority has an effective system for appointing independent people in terms of the Children Act 1989 who have the ability to make their views known and provide an objective element in the SSD's considerations.
10. The complaints procedures can be accessed by anyone who might want to make representations including complaints.
11. Complaints are resolved as close as possible to the point of service delivery where they arise.
12. The SSD resolves complaints within the appropriate timescales.
13. All SSD staff and other authorised people operating the complaints procedure have due regard for confidentiality of information.
14. The outcome of complaints investigations is communicated to those in the SSD with a legitimate need to know.

15. Systems have been developed to monitor the handling of complaints received and evaluate the implications for the development of the system and the delivery of services.
16. An annual report on the quantity of complaints and the adequacy of the procedures is presented to the SS committee.

(Social Services Inspectorate, 1996)

Appendix 2. Overview of Children's Statutory Social Care Complaints Managed 1 April – 30 September 2005.

Count	Ref.		Date received to current stage	Unit	Stage	Status at end of period	
1	SO168	New this period	17/03/05	Young Persons	3	Closed	Panel meeting held 06/06/05
2	SO201		14/02/05	Young Persons/CAMHS	2	Closed	LA responded 14/07/05
3	SO200		09/03/05	Young Persons	2	Closed	LA responded 25/05/05
4	SO206		18/03/05	Young Persons	2	Closed	LA responded 07/06/05
5	SO203		16/03/05	Family Support	1	Closed	LA responded 10/05/05
6	SO204		18/03/05	Young Persons	1	Closed	LA responded 01/04/05
7	SO208		18/04/05	Young Persons	1	Closed	LA responded 17/06/05
8	SO209		03/05/05	Family Support	1	Withdrawn	Complaint withdrawn from framework
9	SO210		13/05/05	Family Support	1	Withdrawn	Complaint withdrawn from framework
10	SO212		19/05/05	Young Persons	1	Closed	LA responded 20/07/05
11	SO214		25/05/05	Family Support	1	Closed	LA responded 15/06/05
12	SO217		10/06/05	Family Support	1	Closed	LA responded 18/07/05
13	SO218		04/07/05	Family Support	1	Closed	LA responded 05/08/05
14	SO220		22/07/05	Family Support	1	Closed	LA responded 30/09/05

Appendix 3. Summary of Children's Statutory Social Care Complaints active during period 1st April – 30th September 2005.

Ref.	Date received to stage	Stage Status at end period	Complaint Summary	Number elements	Child/ young person	Gender
YOUNG PERSONS SERVICE (INC PLACEMENT)						
168	17/03/05	3 Panel meeting held 06/06/05	Ms C is the aunt of a service user. She has responsibility for the young person under a residence order. She has a number of concerns arising from changes to the agreement to care for her nephew made nine years ago. These include implementation of a financial assessment processes with no discussion or explanation. She is also unhappy about the lack of checks or monitoring of her nephew's welfare. Ms C has not received promised photos/story book about her sisters adopted baby.	6 at stage 1 3 at stage 3	-	F
200	09/03/05	2 Response 25/05/05	Ms DC is the mother of a service user. She is unhappy with the Social Worker and Foster Carers allocated to her son.	1	-	F
201	14/02/05	2 Response 14/07/05	Ms AA is the mother is a service user. She is unhappy with events surrounding a strategy meeting held in relation to her son and does not know why such a meeting was held.	3	-	F
204	18/03/05	1 Response 01/04/05	Ms CJ is a service user. She is unhappy with the way the team treats her and that she cannot go to Pony World for an overnight stay at the moment.	3	Yes	F
206	18/03/05	2 Response 07/06/05	Ms LJ is the mother of a service user. She is unhappy with meeting arrangements and alleged misinterpretation of information by the Social Worker.	1	-	F
208	18/04/05	1 Response 17/06/05	Ms CJ is the mother of a service user. She alleges that the social worker has spoken to other family members advising that her partner is a sex offender.	1	-	F
212	19/05/05	1 Response 20/07/05	Mr NR is the father of a service user. He is unhappy that Social Workers have contacted the Benefits Agency to advise them that his children are in the care of Local Authority, this resulting in child benefit not being paid to the complainant.	3	-	M

FAMILY SUPPORT SERVICE (INC DISABILITY TEAM)						
203	16/03/05	1 Response 10/05/05	Ms JL is the mother of a service user. She is represented by a solicitor. She is unhappy with the professional manner of a Social Worker and alleges she is deliberately obstructive.	2	-	F
210	13/05/05	1 Complaint withdrawn from framework	Mr KM alleges false allegations are contained in reports prepared by social workers. Mr KM also alleges that he has not has the opportunity to express his views.	NA	-	M
217	10/06/05	1 Response 18/07/05	J&CB allege that the Social Worker has passed on false information. They allege they did not share this information with the Social Worker.	2	-	M&F
209	03/05/05	1 Complaint withdrawn from framework	Mr PJM is the father of a service user. He is not happy that child protection meetings have been postponed. He alleges this has happened on two occasions.	NA	-	M
214	25/05/05	1 Response 15/06/05	Ms PD is the mother of a service user. She feels that the department has failed to provide a smooth transition from children's to adult services for her daughter.	1	-	F
218	04/07/05	1 Response 05/08/05	Ms J is the grandmother of a service user. She is unhappy with the care arrangements for her grandchildren.	2	-	F
220	22/07/05	1 Response 30/09/05	Mrs SS is the grandmother of service users. She is unhappy with the attitude of a social worker and contact arrangements made.	5	-	F

This table contains details of all complaints active in the reporting period.

All complaints are included as this is the first complaints monitoring report to Children's Portfolio. Subsequent reports will contain only details of new complaints within the period to avoid duplicate reporting.

Appendix 4: Closed Complaints – Timescales For Response

Ref.	Stage	Date received to current stage	Response /Panel Date	Response Time (Calendar Days)	Statutory Timescales
SO168	3	17/03/05 06/06/05	06/06/05 24/06/05	81 (hold panel) 18 (respond after panel)	28
SO201	2	14/02/05	14/07/05	150	28
SO200	2	09/03/05	25/05/05	77	28
SO206	2	18/03/05	07/06/05	81	28
SO203	1	16/03/05	10/05/05	55	
SO204*	1	18/03/05	01/04/05	14	
SO208	1	18/04/05	17/06/05	60	
SO212	1	19/05/05	20/07/05	62	
SO214	1	25/05/05	15/06/05	21	
SO217	1	10/06/05	18/07/05	38	
SO218	1	04/07/05	05/08/05	32	
SO220	1	22/07/05	30/09/05	72	

*NB complaint made by young person

Appendix 5: Closed Complaints – Learning From Complaints at Stage 1

Ref	Complaint Summary	Outcome	Learning Points
YOUNG PERSONS SERVICE			
SO204	The complainant (Ms CJ) is a service user. She is unhappy with the way the team treats her and that she cannot go to Pony World for an overnight stay at the moment.	Not Upheld	-
SO208	The complainant (Ms CJ) is the parent of a service user. She alleges that a social worker has spoken to other family members advising that the complainant's partner is a sex offender.	Upheld	Social workers should adhere to practice guidance relating to confidentiality when sharing information with others including family members. Social Workers should ensure that information is not shared without agreement of those to which it relates.
FAMILY SUPPORT SERVICE			
SO203	The complainant (Ms JL) is the parent of a service user. She is unhappy with the professional manner of a social worker and alleges she is deliberately obstructive.	Not Upheld	-
SO212	The complainant (Mr NR) is unhappy that SSD has contacted the Benefits Agency to advise them that the complainant's children are in the care of the Local Authority thus resulting in child benefit not being paid to the complainant.	Not Upheld	<ol style="list-style-type: none"> 1. Social Workers should use the appropriate form to notify the Benefits Agency if a child has been in care for 5 weeks or more. When children come into care parents should be informed that Social Workers have a duty to do this. 2. Social Workers should ensure that parents (i.e. anyone with 'parental responsibility') are informed and asked their views prior to a child, who is on either an Interim or Full Care Order, being spoken to by police and Social Workers as part of a child protection enquiry.
SO214	The complainant (Ms PD) is the mother of a service user. She feels the department has failed to provide a smooth transition of services from Children and Families to Adult Services for her daughter.	Upheld	-
SO217	The complainants (J&CB) allege that the Social Worker has passed on information which is false. The complainants allege they did not share this information with the Social Worker.	Not Upheld	-
SO218	Ms J is the grandmother of a service user. She is unhappy with the care arrangements for her grandchildren.	Not upheld	-
SO220	Mrs SS is the grandmother of service users. She is unhappy with the attitude of a Social Worker and contact arrangements made.	Partially upheld	Staff to be aware of the need for effective communication of any changes to contact arrangements regarding venue, duration or participants.

Appendix 6: Closed Complaints – Learning From Complaints at Stage 2

Ref.	Complaint Summary	Outcome	Learning Points	S2 External Recommendation
YOUNG PERSONS SERVICE				
SO200	The complainant (Ms DC) is the mother of a service user. She is unhappy with the Social Worker and Foster Carer allocated to her son's case.	Partially Upheld (stage1)	Reinforce the procedures we have for managing children's behaviour within foster care, i.e. not using the withdrawal of parental contact as a punishment, with all foster carers. Ensure that the transfer arrangements and introductions of new social workers are carried out properly. Improve training for social workers and foster carers on issues around Asperger's Syndrome. Address the particular concerns raised with the social worker and foster carer to ensure that lessons are learned and that similar difficulties do not arise in the future.	Complainant decided not to proceed after receiving a letter from the Assistant Director (Children & Families) on 25.5.05.
SO206	The complainant (Ms LJ), the mother of a service user, is unhappy with meeting arrangements and alleged misinterpretation of information by Social Worker. (Complainant requested complaint to enter framework at Stage 2)	Not Upheld	-	With complainant clearly stating that she wants no contact with the Social Worker, it may be timely to consider the closing of this case. No further recommendations to make.
SO201	The complainant, (Ms AA), the mother of a service user, is unhappy with the events surrounding a strategy meeting held in relation to her son and does not know why a Strategy Meeting was held.	Not upheld at stage 1. Stage 2. E1. Not upheld E2. Not upheld E3. Upheld E4. Upheld	CAMHS and Social Services need to look at improving joint response to complaints. Issues relating to sharing health records needs to be addressed. Issues relating to police sharing strategy meeting information with mother need to be addressed.	<ol style="list-style-type: none"> 1. A combination of circumstances which cannot be attributed to a single individual resulted in Mrs A's confusion during child protection enquiries. This is unacceptable and Mrs A should receive and apology for the manner in which information was provided/shared with her during child protection enquiries following her elder son T repeating allegations against his father. 2. There is a pilot scheme due to commence which will offer families involved in child protection enquiries an opportunity to receive feedback via a home visit prior to case closure. Hopefully this will eliminate some of the difficulties faced by Mrs A in the future. 3. It is important that T is able to continue with his individual work and to this end every attempt should be made: a) to re-engage him by whatever means possible and b) to ensure he has an opportunity to discuss his views about both the recent enquiries and also the allegations he made. I understand that the work commenced by CAMHS could recommence.

Appendix 7: Closed Complaints – Learning From Complaints at Stage 3

Ref.	Dates	Complaint Summary
SO168	Panel requested: 17/03/2005 Panel date: 06/06/05 S3 reply date: 24/06/05	<p>Ms C is the aunt of a service user. She has responsibility for the young person under a residence order. She has a number of concerns arising from changes to the agreement to care for her nephew made nine years ago. These include implementation of a financial assessment processes with no discussion or explanation. She is also unhappy about the lack of checks or monitoring of her nephew's welfare. Ms C has not received promised photos/story book about her sisters adopted baby.</p> <p>The Independent Investigating Officer at Stage 2 identified 3 elements to the complaints and investigated and reported on each element in turn.</p>

Ref.	Findings of the Panel	Panel Recommendations	Actions and Learning Points
SO168	<p>The Panel decided that:</p> <p>The investigation at stage 2 of the complaints procedure was thorough in relation to all of the 3 of the complaints considered at stage 2.</p> <p>Conclusions for complaints 2 and 3 were logical and fair.</p> <p>Regarding complaint 1. <i>That Hartlepool Social Services have broken the contract they made with Mrs C none years ago, and are now imposing an assessment process on the family without form of written or informative verbal discussion or explanation.</i></p> <p>The panel agreed with the claimant and the independent person that the decision to partly uphold element 1 was not logical.</p>	<p>The Panel noted the recommendations of the Investigating Officer and the Independent Officer and were pleased to see that the Department had written to the Complainant in a letter dated 9th December 2004 responding to the Stage 2 Complaint and acting upon the recommendations made by the Investigating Officer.</p> <p>The Panel also noted the apology offered to the Complainant by the Designated Complaints Officer in relation to the errors made and distress and uncertainty suffered by the Complainant.</p> <p>After consideration of the investigation of Complaint 1 and the conclusions of the reports submitted in evidence and the Complainant's desired outcomes, and having decided that the decision to partially uphold Complaint 1 was illogical, the Panel further recommended that payments should be reinstated until nephew's eighteenth birthday.</p>	<p>The Director agreed and implemented the Panel recommendations.</p> <p>The process for undertaking and reviewing financial arrangements was insufficiently robust and the way in which this was communicated to the complainant was inappropriate. Processes and procedures are to be amended to ensure that this does not happen again.</p>

Appendix 8: Concerns

Service Area	Nature of Concern	Response
FS	Friend of service user is unhappy about refusal of request for travel expenses to facilitate contact arrangement	Travel expenses reimbursed by BU
YP	Member of the public raising concerns regarding actions and suitability of a foster carer.	Concerns investigated. Person with concern informed this taken place & assured issues considered & anything needed been done.

Appendix 9: Compliments

Nature of compliment	Number Previous period 1 Oct 04 / 31 march 2005	Number Current period
Gesture of thanks (flowers, cards etc)	1	2
Professional compliment	2	1
Quality of care / support		2
Standard of service	1	1
TOTAL	4	6