

By: Marilyn Hodges, Director Strategy, Policy and Performance

To: Children, Families and Education Policy Overview Committee –  
19 September 2008

Subject: Annual Complaints Report 2007/08

Classification: Unrestricted

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Summary: This report provides Members with information about the operation of the Children's Social Services Complaints Procedure for 2007/08.

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## **Introduction**

1. (1) This report is the Annual Complaints Report for Children's Social Services, which is required by the "Children Act 1989 Representations Procedure (England) Regulations 2006". In Kent the report is extended to include supplementary information regarding the complaints and enquiries received in the wider CFE Directorate.

(2) The report contains information about the number and type of complaints received. It also highlights key issues affecting the operation of the complaint procedures during the past year.

## **Operation of the Children's Social Services Complaints Procedure in 2007/08**

2. (1) Children's Social Services continues to operate a robust and effective complaint procedure in accordance with statutory requirements. The new complaint regulations and associated guidance issued in September 2006 has impacted on the complaint procedure in terms of extending the scope of the procedures. Although the number of statutory complaints at Stage One has not increased, it is noticeable that there are more Stage Two complaints, possibly reflecting the greater complexity of some issues raised in the complaints received. With the extended scope of the regulations more child protection and legal issues are dealt with in the complaints procedure often raising issues that are not easily resolved at an early stage.

(2) In addition to the legal requirement to have a procedure in place, the approach taken is to be receptive to complaints and compliments. Complaints provide useful customer feedback; they are not used to apportion blame where the services may not have been up to the standard expected but to develop a learning and customer responsive culture. Within this approach to complaint handling, every effort is made to ensure service users and cares are aware of their right to make a complaint if they are not satisfied with the service provided. All Looked After Children in Kent are advised how to complain. Information is also provided in leaflets, cards, on the website and via partner organisations, so that all children in receipt of services and the adults in their lives are aware of their right to complain.

(3) It had been anticipated that there might be further changes to the procedure to reflect greater integration with the health economy complaint procedures. The White Paper "Our Health, Our Care, Our Say: A New Direction for Community Services" (2006) stated that "We will develop by 2009 a comprehensive single complaints system across

health and social care". The Department of Health issued a consultation document entitled "Making Experiences Count"; however one of the outcomes of the consultation was that children's services complaints procedures would **not** be part of the single integrated process at this stage. (Kent is an "Early Adopter" for new integrated adult health and social care complaint procedures). Nevertheless, in Kent close working relationships are developing with complaint managers in health services to ensure there is clear co-ordination where a complaint spans organisational boundaries.

(4) In addition to closer working on complaint processes with health colleagues, there is also a move to provide greater consistency in complaints handling across KCC.

(5) There are three stages to the current Children's Social Services complaints procedure. These are:

- Stage One - Local Resolution,
- Stage Two - Investigation Stage
- Stage Three - Complaints Review Panel.

(6) More emphasis is being placed on resolving complaints at the first stage of the procedure, usually this will involve a manager contacting the complainant to try to problem solve. However, where a complaint is not resolved at Stage One, or if the response to Stage One is unreasonably lengthy; the complainant has the right for the complaint to be considered at Stage Two (Investigation Stage). This involves a thorough investigation into the issues and consideration of the complaint by an Internal Investigating Officer and an Independent Person. Complainants have the right for their complaints to progress to a Complaints Review Panel if they remain dissatisfied and the main issues are not upheld at Stage Two.

(7) During 2007/08 there have been training sessions for staff regarding conducting investigations into complaints and writing responses to complaints. The Local Government Ombudsman's Office assisted with the delivery of complaint investigation training and the Customer Care team has provided training for social work teams, newly qualified social workers and administrative staff in complaints handling.

(8) It is a requirement for the Local Authority to offer an advocate to a child or young person making or wishing to make a complaint. It is also a requirement to provide an "Independent Person" to consider complaints at the Stage Two "Investigation" Stage. In Kent this service is provided by NCH (shortly to change its name to Action for Children) and the Upfront advocacy service is available for Looked After Children who require advocacy.

### **Number of Children Social Services Complaints Received in 2007/2008**

3. (1) In 2007/08, there were 267 complaints relating to Children's Social Services. Of these 178 were statutory complaints logged under the Children Act procedures. The other 89 were non-statutory complaints –complaints that were outside the scope of the legislation. The total number of complaints has increased over previous years however this was the first full year in which the new regulations were in operation and the figures are not, therefore directly comparable.

(2) There were 36 "merits" (or letters of compliment). These included instances where others, for example courts, teachers, service users, police officers and foster

carers, complimented social workers on the quality of their work. There were also 94 enquiries (these include letters from MPs or Members to senior managers about an individual or about the service in general).

Type of Record	2004/05	2005/06	2006/07	2007/08
Enquiry	98	94	69	94
Merit	42	46	36	36

Type of record	2004/05	2005/06	2006/07	2007/08
Non –statutory	30	49	50	89
Statutory complaints	188	179	189	178
Total complaints	218	228	239	267

(3) A cautious approach is needed to the analysis of complaints as an increase or decrease in the numbers can not be assumed to reflect a change in the standard of service provided. An increase might indicate that the organisation is more receptive to complaints and may reflect how well informed people are about the complaint process.

(4) The number of complaints and merits needs to be seen in the context of the number of people accessing the services. When taking into account the number of new referrals to the service (10,222), the number of existing service users and the number of contacts with the service everyday, the proportion of complaints is relatively small. Statutory complaints received in 2007/08 represent only 2.5% of latest caseload figures.

(5) When a statutory complaint is received, in the majority of cases it will be logged at the first stage of Local Resolution. At this stage a local manager will endeavour to address the issues and resolve the complaint. In 2007/08, 177 complaints were logged at Stage One. Where the complaint is not resolved then the complainant might decide to take the complaint to the next Stage of Formal Investigation. In 2007/08, 42 complaints were logged at Stage Two (compared to 32 in 2006/07); four of these were subsequently withdrawn. There were also 6 complaints that went to the Complaints Review Panel Stage in 2007/08. The Panels were constituted under the new regulations with 3 Independent Panel Members considering the complaints and making recommendations to the Local Authority.

(6) In 2007/08 most statutory complaints were received by letter (116) but increasing numbers of people are using e-mail (19). Other complaints were made by direct contact with customer care by telephone or in person. Half of the 19 complaints from children and young people were via the Upfront children’s advocacy service for Looked After Children.

(7) The time scales for Stage One complaints are 10 working days for most complaints and 20 working days for complex complaints (for example complaints that involve another agency). The majority of Stage One complaints were responded to within the statutory time scales with 67.1% responded to within 10 working days and 78.6% of the complex complaints responded to within 20 working days. In 2007/08 there were difficulties in meeting time scales on Stage Two complaints – there were a number of reasons for this – the complexity of the complaints, the increased number of Stage 2 complaints and the independent provider of the Independent Person experienced problems meeting the increased demand. This has now been addressed and time scales are improving.

(8) Children's Social Services collates diversity and equalities information as required by the statutory guidance. A form is issued to people who have made complaints to seek information on ethnicity, gender and age of the complainants. Not everyone completes and returns the form so the details are not known for all complaints.

(9) In 2007/08, 21 complainants also contacted the Local Government Ombudsman with their complaints. The issues raised reflected the range of services, for example complaints relating to the decision to place a child for adoption, requests for more support, the decision to end a service and challenging the information presented in a legal case. The Ombudsman's office considered that of the 21 cases, 5 were premature, 3 were non maladministration, 4 were outside the Ombudsman's jurisdiction, 4 were not investigated under "Ombudsman's discretion", in 1 case there was a local settlement and in another 4 cases the complaints are still under consideration.

### **Key Themes Arising from the Complaints, Enquiries and Merits**

4. (1) Some people accessing Children's Social Services might not be "willing" customers as the reasons for the contact could be due to a statutory intervention as a result of concerns for the welfare of a child. Not surprisingly many of the complaints received reflected the contentious nature of aspects of the service. Approximately 30% of complaints related to the attitude or behaviour of staff. This might include for example instances where service users considered social workers were not taking their views sufficiently into account or where a comment was made that the service user didn't agree with, or where there was a perception that the social worker had not acted fairly regarding a dispute between family members. Some people complained that their social workers did not keep them sufficiently informed of developments and considered the social workers were not communicating frequently enough or responding quickly enough to issues raised.

(2) Disputed decisions also accounted for approximately 30% of complaints. This covers a range of issues including for example decisions about changes of placement or decisions about the provision of a particular service such as Direct Payments.

(3) Another issue that gives rise to complaints is where people want more support than is being offered (19%). An example is where someone has left a family home and wants social services to intervene in the family but the assessment indicates the family does not need social work help. Another example is where people are requesting more financial support such, as where a relative or friend is caring for a child in need. Other examples include where parents of disabled children are requesting more support such as day care or respite care for their child.

### **Learning the Lessons from Complaints**

5. (1) By providing an accessible complaint procedure, it gives Children's Social Services an opportunity to put things right for the service user and it serves as a safeguard for children and young people who might be in vulnerable situations. It can also be useful in providing customer feedback on the service provided.

(2) Given the nature of the service, complaints are often very specific to the circumstances of the person making the complaint. In considering and investigating the complaints, where it is thought the service has not been to the expected standard, then recommendations are made for changes and to provide redress. Following the investigation of complaints at Stage Two an "adjudication meeting" is convened to

consider the complaint and what actions are required. These meetings are chaired by a Head of Service who examines the reports in detail and identifies any lessons to be shared at a local level, with the Children's Services Management Team or referred to the policy section. A number of practice issues were addressed in this way in 2007-8.

(3) In 2007-8 there were occasions where lessons were learned more widely from complaints. One example is where a parent complained that his views had not been properly considered at a case conference – clear advice on this and on the right to complain is now included in the new safeguarding procedures and in leaflets for people being invited to case conferences. Other complainants questioned the difficulty of complying with written agreements, the policy section is now drawing up good practice guidance for social workers to advise on the use and status of written agreements.

(4) Complaint reports are provided to the children's social services management team and complaint information is provided in regular performance monitoring reports with details about trends and issues raised. Information from complaints is also used in local training so that common issues raised can be addressed.

### **Next Steps**

6. There are a number of developments taking place in 2008/09, which are intended to further improve the Children Social Services complaint procedure. This includes: making the procedure more accessible to children and young people (as the number of complaints from this group is relatively low), provide more training for staff on aspects of the complaint procedures, and continue to develop links with colleagues in health to ensure a co-ordinated response to joint complaints. A list of proposed actions is included in Appendix 2.

### **Complaints Relating to the "Education" part of Children, Families, and Education.**

7. (1) There are not the same statutory requirements for complaints about education services, nevertheless it is still important to have a responsive and robust complaints procedure in place to resolve any dissatisfaction and to learn the lessons where services have not been to a standard that might be expected. It is planned to review complaint processes to ensure consistent arrangements and compatibility with corporate procedures. It is also intended to identify ways in which complaints information can be used to inform performance monitoring and planning.

(2) Complaints about schools are passed direct to the schools to be dealt with in the schools complaints procedure. Also, appeals processes exist for people to challenge decisions they are not satisfied with, for example appeals processes for school admissions, transport and statementing. Consequently not all "dissatisfaction" is handled through the complaints procedure.

(3) In September 2007, a Respond database, based on the one used in Children's Social Services, has been developed to log complaints and enquiries. There is not a full year set of data to analyse yet and there are still areas for development, nevertheless it is a useful tool for logging and tracking complaints and should in due course be a useful source of data.

(4) Between 1 September 2007 and 31 March 2008, 218 complaints and "expressions of discontent" have been logged. This is an increase on the previous year but this is probably due to a more systematic approach to logging issues rather than any

reflection on the services delivered. There were also 110 enquiries logged, 55 school issues, and 110 contacts requesting or providing information.

(5) The majority of complaints received were through written correspondence – either by letter or by e-mail. Most were initiated by parents or close relatives of children and young people.

(6) In 2007/08, there were 75 cases where people contacted the Local Government Ombudsman with complaints relating to “education” services. The majority of these related to decisions on school placements (54), SEN appeals (7), and home to school transport (4). Other examples of issues raised include home schooling, school mergers and closures, and school discipline.

## **Conclusion**

8. (1) In 2007/08 Children Social Services continued to provide a robust and effective complaints procedure in line with new statutory regulations and guidance. Lessons are learned from complaints and used to improve service delivery.

(2) In the “Education” part of the Directorate, there are appeals processes in place for people wanting to challenge decisions. Where complaints are received that do not fall within the remit of appeals and are not for school complaints procedures, then the complaints are being logged on the Respond database.

## **Recommendations**

9. Members of the Policy Overview are asked to note the contents of this report.

Anthony Mort  
Policy Manager – Customer Care  
01622 696363  
[Anthony.mort@kent.gov.uk](mailto:Anthony.mort@kent.gov.uk)

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*Background Documents:* None  
*Other useful information:* None

## Children Social Services Complaints

### Type of Record

Type of Record	2004/05	2005/06	2006/07	2007/08
Enquiry	98	94	69	94
Merit	42	46	36	36
Non –statutory	30	49	50	89
Statutory complaints	188	179	189	178

### Complaints at Each Stage of the Procedure

Stage One – Local Resolution	177
Stage Two – Formal Investigation	42
Stage Three – Complaints Review Panel	6

(1 complaint went straight to Stage Two and was not considered at Stage One).

### Originator of the Complaint

Originator	Number
Child or young person	19
Parent	122
Close relative	15
Carer	2
Foster Carer	8
Health representative	1
Legal representative	1
M.P	5
School	5
Total	178

### Subject

Subject of complaint	Number.
Attitude of staff	21
Behaviour of staff	30
Child Protection	2
Confidentiality	2
Contact with staff	4
Delay	11
Disputed decision	52
Financial assessment	2
In House Service	1
Kinship Payments	2
Lack of information	6
Lack of respite care	5
Lack of support	32
Other/unknown	3
Personal information	3
Request for service	1
Total	177

## Outcomes

Explanation	127
Apology	55
Advice Given	9
Issue Resolved	7
Practice issues addressed	7
Complaint withdrawn	3
Other procedural issue	3
Change of decision	1
Service Change	1
Financial settlement	1
<b>Total</b>	<b>214</b>

It should be noted that complaints can have more than one outcome and that an apology is only recorded when fault has been identified.

## Ethnicity of complainants

African	1	0.5%
Any other ethnic group	2	1.0%
Asian	1	0.5%
Black Other	2	1.0%
Indian	1	0.5%
Not known.	88	49.5%
White British	81	46%
White Other	2	1.0%
Total	178	100%

## Age

Age	Number	Percentage
Under 16	11	6%
16-19	9	5%
20-24	12	7%
25-59	64	36%
60-64	2	1.0%
65+	2	1.0%
Not known	78	44%
Total	178	100%

## Gender

8 complaints were jointly received from both parents, 75 complaints were from males and 95 from females.

## Disability

88 complainants said they were not disabled, two were disabled and 87 not known.

## Sexual Orientation

This information is not currently recorded but it is planned to do so in the future to meet new statutory requirements.

## **Education Complaints**

### **Type of records logged relating to Education (1.09.07 to 31.03.08).**

Type of record	Number	Percentage
Complaint/discontent	218	43.2%
Enquiry	110	21.8%
Information (action required)	61	12.1%
Information (no action required)	49	9.7%
Merit /Compliment	2	0.4%
School issue	55	10.9%
Other	9	1.8%
Total	504	100%

### **Originator of complaints re Education (1.09.07 to 31.03.08)**

Parent/Guardian/relative	124	54.6%
M.P	38	16.7%
Other	25	11%
Legal Representative	12	5.3%
School	8	3.5%
School Governor	6	2.6%
County Councillor	4	1.8%
Contractor	3	1.3%
Anonymous	2	0.9%
Neighbour	2	0.9%
Advocate	1	0.4%
Child /young person	1	0.4%
Service Provider	1	0.4%
Total	227	100%

(There are more “originators” than complaints as each complaint might have more than one person contacting KCC about the complaint).

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## Appendix 2

### Actions for Children's Social Services in 2008/09

Issue	Action Taken	Lead	Time scale	Progress
Number of complaints from C & YP relatively low.	Improve accessibility for C & YP. <ul style="list-style-type: none"> <li>• Text service</li> <li>• New Leaflet</li> <li>• Improve website</li> </ul>	Customer Care  Policy Manager	December 2008	In progress
Advocacy available if an increase in C&YP making complaints.	Through contracts with NCH and Upfront.	Contracting, Customer Care, Policy Manager		In progress
Support for teams and units with high proportion of stage 2 complaints and high % of complaints against caseload.	Training and targeted work with teams	Customer Care	On –going	In progress
Support for Investigating Officers	Formal Training from LGO and guidance from Customer Care	Customer Care. Training.	September 2008	Date set
Training for staff in letter writing at Stage One.	Courses arranged for staff	Customer Care. Training.	September 2008	1 course held.
Improve recording of ethnicity of complainants	<ul style="list-style-type: none"> <li>• Complainants asked when they telephone.</li> <li>• Use of ICS.</li> </ul>	Customer Care managers	April 2008	On-going
Improve resolution at early stage.	Continue to meet complainants early in the process.	Team Leaders. Managers.		On-going
Training for support staff	Training in handling difficult situations.	Customer Care. Training.	November 2008	Dates set
Information on complaints for case conference attendees.	Leaflet produced on right to complain and to submit written views to conference.	Policy Manager – child protection.		Done.

Teams to learn from complaints locally	Teams and Districts to look at subject of complaints on a regular basis	Teams Customer Care	On-going	In progress in some Districts
Regular reports to Childrens Social Services Management Team on learning from complaints.	<ul style="list-style-type: none"> <li>• Detailed reports quarterly to management team on outcomes, lessons and issues arising from complaints.</li> <li>• Complaint information included in Performance Monitoring Report.</li> <li>•</li> </ul>	Customer Care	On -going	In progress and on going.
Co-ordination of complaints involving health sector.	Liase with health complaints managers through complaints network	Customer Care /Policy Manager	On-going	In progress.