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To: Children Families and Education Policy Overview Committee
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Subject: CFE ANNUAL COMPLAINTS AND REPRESENTATION REPORT
2007

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Summary: This report provides members of Children, Families and Education POC with information about the operation of the CFE complaints procedures for 2006/07

Introduction

1. (1) The purpose of this report is to inform Members of the operation of the complaints and representation procedures for 2006/07. The annual report is a requirement of the Children Act 1989 Representations Procedure (England) Regulations 2006. Although the statutory requirement is to provide a report on complaints made to Children's Social Services; this report also includes information about complaints received in the wider Children, Families and Education Directorate.

(2) The report contains information about the number and type of complaints received. It provides examples how information from complaints is used for service recovery and to shape and inform service delivery. The report also highlights some of the key changes to the operation of complaint procedures during the past year.

Changes to the Children's Social Services Complaints Procedure

2. (1) In 2006/07, there were significant changes to the Children's Social Services complaint procedure. The reasons for the changes were twofold:

- (a) The new Complaints Regulations issued in September 2007 along with DfES guidance entitled "Getting the Best from Complaints – Social Care Complaints and Representations for Children, Young People and Others". The key changes were reported to the CFE Policy Overview Committee in November 2006.
- (b) The restructuring of KCC Directorates that took place in 2006 impacted on the complaint handling arrangements. Following the reorganisation, the former Social Services customer care teams were disaggregated between the Adult Social Services Directorate and the Children, Families and Education Directorate.

(2) A number of actions have been taken to ensure the Directorate is complying fully with the new regulations and continues to provide an accessible and responsive complaint and representation procedure:

- (a) A public complaints booklet explaining the procedures has been revised and reissued, as has the leaflet for children and young people. The information has also been made available on the Kent.gov website.
- (b) The changes to the procedure, including the tighter time scales have been brought to the attention of staff.
- (c) The "Respond" complaint database has been amended and updated to reflect the organisational and procedural changes.
- (d) Training has been provided for some staff groups and more training is planned for 2007/08.
- (e) More "Independent People" from outside KCC have been recruited to sit on the Complaint Review Panels which are the third stage of the complaints procedure. The new Regulations require that the 3 members on panels relating to children social services need to be independent of the local authority. Training was provided for the new Complaints Review Panel Members.

(3) Notwithstanding the various changes that have taken place over the past year, Children's Social Services continue to operate a robust and effective complaint procedure within the statutory requirements. In addition to the legal requirement to have a procedure in place, the approach taken is to be receptive to complaints and compliments. Complaints are useful customer feedback; they are not used to apportion blame where the service may not have been up to the standard expected but to develop a learning and customer responsive culture. Within this approach to complaints handling, every effort is made to ensure service users and carers are aware of their right to make a complaint if they are not satisfied with the service provided.

Report on 2006/07

3. (1) In 2006/07, there were 239 complaints relating to Children's Social Services. Of these, 189 were logged as Children Act complaints and 50 were non-statutory complaints from people who were "non-qualifying individuals" or were complaining about issues outside the scope of the legislation.

(2) There were 36 merits (or letters of compliment) and 69 enquiries (these are 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
Enquiry	98	94	69
Merit	42	46	36

Type of Record	2004/05	2005/06	2006/07
Non-statutory complaint	30	49	50
Statutory complaint	188	179	189
Total complaints	218	228	239

(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 services 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) In addition, the changes to the Regulations in September extended the complaints procedure to include a wider range of services and the use of some new categories on the database impacts on the numbers.

(5) 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, the number of existing service users and the number of contacts with service everyday, the proportion of complaints is relatively small.

(6) The children's social services complaints procedure has three stages:

- (a) Stage One -Local Resolution
- (b) Stage Two- Investigative Stage
- (c) Stage Three – Complaints Review Panels

(7) The emphasis is on trying to resolve each complaint at the local resolution stage. In 2006/07, 184 complaints were logged at Stage One, 32 at Stage Two and no complaints went to a Complaints Review Panel.

(8) Details about the number of complaints and representations received are provided in Appendix 1, attached to this report.

(9) In 2006/07, 13 people contacted the Local Government Ombudsman about Kent Children's Social Services. Most of these related to contentious areas of services such as care proceedings and child protection. One person complained about the lack of support for a disabled child and two others had complaints relating to fostering.

(10) Of the 13 complaints, two were considered to be non mal-administration, three premature, four outside the jurisdiction of the Ombudsman, three were considered but not taken up under "Ombudsman's Discretion" and one resolved through a local settlement.

Key Themes Arising from the Complaints, Enquiries and Merits

4. (1) The often-contentious nature of social work at times inevitably gives rise to dissatisfaction. Even if a social worker does an exemplary piece of work a parent might still not be happy with the actions being taken. This is particularly relevant in services such as child protection, care proceedings, adoption, and court reports produced for custody hearings.

(2) Nevertheless there are still lessons that can be learned from complaints – whether it is from individual complainants raising specific issues or through an analysis of a number of complaints.

(3) Perhaps not surprisingly one of the main reasons for complaint relates to disagreements over decisions made as part of the on going work with a child, young person or family. Examples include where a young person is in a foster placement but has to move to different placement. Another example is when an Occupational Therapist has made a recommendation about an adaptation but the family wants an alternative solution found. A further example is when a family disagrees with a social work assessment regarding the amount of support provided.

(4) Criticisms of the behaviour or attitude of social workers also give rise to complaints. An example is a father, wanting custody of his daughter, who complained that the social worker was biased towards the mother and asked for a change of social worker. Problems with communication are another source of complaint such as where a telephone call or letter has not been responded to or a visit cancelled at the last minute without prior notice.

(5) Other reasons for complaints included a lack of sufficient support, a lack of respite care, delays and an alleged breach of confidentiality.

(6) Although the statutory aspects of the service can be contentious in nature, there are times when people are very complimentary of the social workers and the service in general. Many of the letters of compliment are received from members of the public who have found the intervention of a social worker to be very helpful – describing the social workers as “making life more bearable” or helping someone to “look at life afresh with more confidence and self belief”. Letters of praise and commendation are also received from other professionals such as from the police, GPs, District Councils and Judges.

Learning the Lessons from Complaints

5. (1) Where there are issues arising from individual complaints these are passed on to managers so that action can be taken to make service improvements. Complaint information is logged on to the complaint database so that it is possible to analyse general trends and themes and these are reported to the management team, to training managers and to policy staff.

(2) One example in 2006/07 is where a complaint investigation found that the case recording in a few files could be improved so this was brought to the attention of the District Managers. The purpose is not to apportion blame but rather to learn lessons from the complaint.

(3) Also, in a separate case, a teacher had been unclear how to make a referral where they had concerns for a child. (They did contact the service but not through the expected procedures). This has been brought to the attention of the relevant policy staff so that they can reinforce the procedures with schools.

(4) A third example is a young man with Tourette's Syndrome who complained that staff did not fully understand his disability. As a result he has met with a trainer and he is to assist with a training session for staff.

Advocacy and Independence

6. (1) Advocacy in children's services is about empowering children and young people to make sure that their rights are respected and that their views and wishes are fully considered and reflected in decision making about their lives. The purpose of advocacy in the complaint procedure is to ensure children and young people are given assistance when making or intending to make a complaint. For many children and young people the prospect of making a complaint can be extremely daunting especially if the person they want to complain about is a key person in their life. In such circumstances the role of the advocate is crucial.

(2) If a child or young person wishes to make a complaint, local authorities are required to provide him or her with information about advocacy services and offer help to obtain an advocate.

(3) Local authorities also have to involve an Independent Person in the investigation of complaints about children social services at Stage 2 of the procedure (the "Investigation" Stage). KCC has an agreement with NCH, the Children's Charity to provide advocacy and when required, an Independent Person for Stage 2 complaints.

Future Development

7. (1) Although there has been a significant amount of change in relation to the complaints procedure over the past year, it is possible there will be further change in due course. The White Paper "Our Health, Our care, Our Say: A New Direction for Community Services" (2006) states: "We will develop by 2009 a comprehensive single complaints system across health and social care".

(2) To date it is uncertain whether or not this will include complaints relating to children's social services or just adult care services. A consultation document entitled "Making Experiences Count" has just been issued by the Department of Health, it raises the question as to whether or not complaints about children's social care services should be part of a single complaints system across health and social care.

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

8. (1) There are not the same statutory requirements for complaints about education services, nevertheless it is still important to have a responsive and robust complaint procedure in place to resolve any dissatisfaction and to learn the lessons where services have not been to a standard that might be expected. Increasingly there are expectations on local authorities, for example through the Comprehensive Performance Assessment, for councils to not only have an accessible and user friendly complaints procedures in place but also to use information from complaints and other customer feedback to drive service improvement.

(2) The number of complaints relating to education services is still relatively small, with only 36 complaints being logged about education services in 2006/07. Complaints received about schools are passed direct to the school to be dealt with in the statutory school complaint procedure. Another factor when considering the number of complaints within the Directorate is that there are other mechanisms by which people can challenge decisions that they are not satisfied with. This includes the appeals processes for school admissions, transport and “statementing”. Consequently not all “dissatisfaction” is handled through the complaints procedure.

(3) In addition to the complaints, there were 148 letters from MPs between 1 April 2006 and 31 March 2007. The type of issues raised included: schools admissions and transport, commissioning services, school closures, the rebuilding of the Lympe School following a fire, and Early Years services.

(4) A table with information about the number of education complaints recorded is included in the Appendix.

(5) 64 people contacted the Local Government Ombudsman regarding “Education” services. Approximately half of these were from people challenging a school admissions decision; for example people unhappy at not being offered a Grammar School place for their child. There were also complaints relating to school transport or children with Special Educational Needs. Other complaints related to issues such as school closures, the amalgamation of schools or school exclusions or lack of provision.

Local Settlement	9
Non-maladministration	17
Ombudsman Discretion	22
Outside Jurisdiction	12
Premature	2
Still under consideration	2
Total	64

(6) Work is currently underway to develop use of the Respond complaint database across the Directorate. This should provide greater facility for logging, administering and analysing the complaints received.

Conclusion

9. (1) During the past year there have been changes to the operation of the children’s social services complaints procedure due to the new national regulations and guidance and to the restructuring of KCC Directorates. Actions have been taken to ensure the service continues to meet statutory requirements and provide an accessible and responsive complaint procedure.

(2) There are not the same statutory requirements in relation to complaints about “Education” services. However it is intended to extend the use of the Respond database for the logging and analysis of complaints and enquiries received. Being receptive to complaints and other customer feedback provides an opportunity to resolve dissatisfaction but also provides useful information that can be used for organisational learning.

Recommendations

10. Members of the Children Families and Education Directorate are asked to note

the contents of this report.

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Background Documents:

None

Children Social Services Complaints

Type of Record

	1.04.06 to 31.8.06	1.09.06 to 31.03.07	Total
Children Act complaint.	62	127	189
Non- statutory complaint.	17	33	50
Enquiry	23	46	69
Merit	15	21	36

Complaints at Each Stage of the Procedure

	1.04.06 to 31.8.06	1.09.06 to 31.03.07	Total
Stage One	61	123	184
Stage Two	15	17	32
Stage Three	0	0	0

(5 Stage Two complaints went straight to Stage Two and were not considered at StageOne)

Originator of the Complaint

Originator	1.04.06 to 31.8.06	1.09.06 to 31.03.07	Total
Advocate	3	3	6
Central Government Dept.	0	1	1
Client (child/young person)	10	15	25
Close relative/parent.	55	106	161
Foster Carer	2	8	10
Health representative	0	1	1
Legal representative	1	1	2
M.P	3	10	13
Other	0	1	1
School	0	1	1
Total	74	147	221

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

Contact Method

Contact method	1.04.06 to 31.8.06	1.09.06 to 31.03.07	Total
e-mail	4	14	18
Fax	0	2	2
Letter	50	81	131
Other	0	1	1
Telephone	8	28	36
Text	0	0	0
Visit	0	0	0
Website	0	0	0
Total	62	126	188

Service

Service	1.04.06 to 31.8.06	1.09.06 to 31.03.07	Total
16+	2	3	5
Unaccompanied minor service/asylum	2	2	4
Child Protection	6	29	35
Children in Need	33	61	94
Children with disability	10	13	23
Duty service	0	1	1
Family Support Centre	0	4	4
Fostering/Adoption	7	6	13
O.T and Sensory Disability	0	6	6
Other	2	2	4
Total	62	127	189

Subject of complaint

Subject	1.04.06 to 31.8.06	1.09.06 to 31.03.07	Total
Attitude of staff	0	14	14
Behaviour of staff	11	28	39
Child Protection	1	4	5
Compensation	0	1	1
Confidentiality	0	1	1
Contact with staff	0	5	5
Delay	5	5	10
Direct Payment	1	1	2
Disputed decision	32	44	76
Financial assessment	1	2	3
In house service	1	1	2
Incorrect billing	0	1	1
Kinship payments	0	1	1
Lack of information	8	3	11
Lack of respite care	0	4	4
Lack of support	0	26	26
Other/unknown	0	1	1
Personal information	2	7	9
Problems contacting social services	5	2	7
Request for service	11	2	13
Written communication	0	1	1
Total.	78	154	232

(Some people complained about more than one subject).

Ethnicity

Ethnicity of originator – (person making the complaint)	Number for 1.09.06 to 31.03.07	Percentage
African	2	1.4
Any other user group	1	0.7
Asian Other	2	1.4
Bangladeshi	0	0
Black Other	0	0
Caribbean	0	0
Chinese	0	0
Indian	0	0
Mixed Other	0	0
Not known	85	57.8%
Pakistani	0	0
White and Asian	0	0
White and Black African	0	0
White and Black Caribbean	0	0
White British	56	38.1%
White Irish	1	0.7%
White Other	0	0
Total	147	100%

Gender of originators (person making complaint).	%
Female	55%
Male	42%
Not known	3%

Disability (originators)	%
No	47%
Not known	49%
Yes	4%

Age of originator.	%
16-19	5%
20-24	3%
25-59	27%
60-64	1%
65+	1%
Not known.	59%
Under 16	5%

Timescales for dealing with complaints and enquiries

Task	Standard Required – working days	Percentage achieved within standard.
Enquiry Acknowledgement	3	82.4%
Enquiry Response	10	82.2%
Stage 1 Acknowledgement	3	87.4%
Stage 1 Response	10	79.2%
Stage 1 Response	20 (with consent of complainant or complex issue)	80.0%
Stage 2 Acknowledgement	3	100%
Stage 2 Response	25	40%
Stage 2 Response	65 (with consent of complainant or complex issue).	100%
Non- Statutory acknowledgement.	3	79.5%
Non Statutory response	10	88.9%

Number of Education complaints.

Attendance and behaviour	10
Psychology Service	2
Additional Educational Needs and Resources	5
Capital Strategy	2
Communication and information Governance	2
Student Awards	4
Admissions and Transport	5
School Organisation	6
Total	36