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To: Social Care and Public Health Cabinet Committee – 14 September 2012

Subject: **ADULT AND CHILDREN'S SOCIAL CARE ANNUAL COMPLAINTS REPORT (2011-2012)**

Classification: Unrestricted

Summary: This report provides Members with information about the operation of the Families and Social Care complaints and representations procedure between 1 April 2011 and 31 March 2012.

Introduction – Adults and Children's Social Care

1 (1) Local Authorities have a statutory duty to have in place a complaints and representations procedure for Adult and Children's services. Furthermore, each local authority that has a responsibility to provide social services is required to publish an annual report relating to the operation of its complaints and representations procedure.

(2) The report is presented to Members on an annual basis and gives details of complaints' and representations' activity across the Families and Social Care Directorate.

(3) This report provides an overview of the operation of the complaints procedure for children and adult social care services. It includes summary data on complaints and enquiries received during the year. It also provides Members with examples of the lessons learned from complaints which are used to inform and improve future service delivery.

Policy Context and Procedures.

2 (1) The NHS and Community Care Act 1990 and the Children Act 1989 placed statutory requirements on local authority social service departments to have a complaints procedure in place. The legislation and associated statutory guidance was prescriptive about how the procedures should operate in practice. The procedures for children and adults were broadly similar but subsequent Regulations led to changes.

The Local Authority Social Services and NHS Complaints (England) Regulations 2009 introduced a single approach to dealing with complaints for both the NHS and Adult Social Care. Also for children's services, the Children Act 1989 Representations Procedure (England) Regulations 2006 introduced changes to the children's complaints procedure. Whilst there are some important differences in the operation of the complaints procedure to meet statutory requirements, the overarching approach and ethos is consistent across the Directorate.

(2) Local authorities are required to appoint a complaints manager, for both Adult's and Children's social care who is responsible for the operation of the complaints procedure. This includes all aspects of activity.

(3) For the children's social care complaints there are three stages to the procedure:

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

(4) Where a complaint is not resolved at Stage One, or a 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 off line Investigating Officer and an Independent Person. Complainants have the right for the complaints to progress to a Complaints Review Panel if they remain dissatisfied and the main issues are not upheld at Stage Two.

(5) Complainants may contact the Local Government Ombudsman at any time but the Ombudsman will usually refer them back to the Local Authority as premature if it has not had the opportunity to consider the complaints under its own procedure. Sometimes the Local Government Ombudsman will decide to investigate a complaint prematurely on the grounds of urgency or because of the serious nature of the complaint.

(6) For adult social care there was a significant change to the complaints procedure in 2009 with the introduction of Regulations with the objective of delivering a consistent approach to complaints handling for both health and social care.

(7) The key principles of the procedure are **Listening** – establishing the facts and the required outcome; **Responding** – investigate and make a reasoned decision based on the facts/information and **Improving** – using complaints data to improve services and influence/inform the commissioning and business planning process.

(8) Wherever possible complaints that involve health and social care are dealt with via a single co-ordinated response. To facilitate this, a joint protocol was developed by the Complaints Managers in Kent and Medway and is working well.

(9) For adult social care the complaint response needs to be proportionate to the issues raised. The only timescale in the process relates to the acknowledgment of the complaint which is within 3 days from receipt. Thereafter the response time is agreed with the complainant and reflects the circumstances and complexity of the complaint. When appropriate an independent investigator will complete an investigation into the complaint.

(10) A consequence of the changes to the adult social care procedure is that with the fewer stages within the Local Authority then more complainants are likely to contact the Local Government Ombudsman if dissatisfied on receiving a response.

(11) All complaints received, along with enquiries and compliments, are recorded on a complaints database. The database provides a formal record, enables monitoring of workflow, and is used to produce data on the numbers and types of complaints received.

Total Representations received by the Council – Adults and Children’s Social Care.

3 (1) The total volume of complaints and enquiries received are summarised below. Although there has been a rise in complaints received over the past four years, for Adult’s social care of 33% and for Children’s social care of 42%, the level of activity for the year 2011-12, compared to the previous year, in Adults has decreased by 1.2%, and Children’s has increased by 12%.

Type of Record	2007/08		2008/9		2009/10		2010/11		2011/12	
	Adults	Childrens	Adults	Childrens	Adults	Childrens	Adults	Childrens	Adults	Children
Statutory complaints	285	178	298	193	342	200	459	267	425	305
Enquiry	257	94	196	98	213	126	266	166	295	151
Non-statutory complaints / Self Funders	47	89	63	73	95	98	68	139	5*	198
Safeguarding**	-	-	-	-	36	-	64	-	35	-
Informal resolution	-	-	-	-	37	-	34	-	42	-
Compliment	455	36	464	71	503	66	598	54	575	59
TOTALS	1044	397	1021	435	1226	490	1489	626	1372	713

* The reduction in Non Statutory complaints within Adult social care is the result of a categorisation change. All complaints from people who affected by the actions of the Council are now categorised as Statutory complaints. The Council is required to log complaints from those people that are funding their own care which are classed as “Self Funders”.

** This is the number of complaints received by the Customer Care teams that are then diverted to the safeguarding route, not the total number of safeguarding alerts received for the County.

Learning the Lessons

4. (1) Receiving a complaint provides an opportunity to resolve an issue where the service might not have been to the standard required or expected. In addition complaints, along with other customer feedback provides valuable insights that can be used to improve service performance.

(2) The customer care function including complaints handling is part of the quality function within the FSC Operational Support Unit. This enables the review of practice against service standards and the sharing of information to ensure wider lessons are learned.

(3) In adult social care services, quarterly meetings take place with operational staff to discuss lessons identified and these are then taken back to be shared at team meetings to ensure wider organisational learning. There are also themed Divisional Management Team Meetings to consider complaint management as part of the wider quality agenda.

(4) Similarly in children's services complaints monitoring information is provided to the Divisional Management Team and to Heads of Service and District Managers in Specialist Children's Services.

(5) The practice of using investigating Officers provides a useful way of sharing practice and lessons learned across the county. Investigators take back learning points to their own areas of service and, following investigations, there are adjudication meetings where actions are agreed and outcomes and lessons are shared more widely as appropriate.

(6) The outcomes from complaints can also lead to training. Two training sessions were delivered in 2011/12 to assist staff with techniques in the delivery of difficult messages to families.

Complaints Training

5 (1) During 2011-12 training was provided by the Local Government Ombudsman on investigating complaints. Training was also provided on writing letters of response to complainants and customer care staff provided training for teams on the operation of the complaints procedures. Further training is planned for 2012-13.

Publicising the Complaints Process

6 (1) The regulations require the complaints procedures to be publicised and the leaflet, "Comments, Complaints and Compliments", is readily available in hard copy at public access points and on the website. It is also available in alternative formats upon request.

(2) 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 encouraged to exercise their right to complain.

Reporting Requirements

7 (1) There are different complaints reporting requirements placed on adult social care and children's social care services. This reflects the different statutory reporting requirements but also reflects the type of information requested by Members in previous annual reports.

(2) The following section of this report includes information about the operation of the adult social care complaints procedure in 2011/12 and this will be followed by information on the operation of the children's complaints procedure.

Operation of the Adult Social Care Complaints Procedure

Statistical Data on the Adult Social Care Complaints

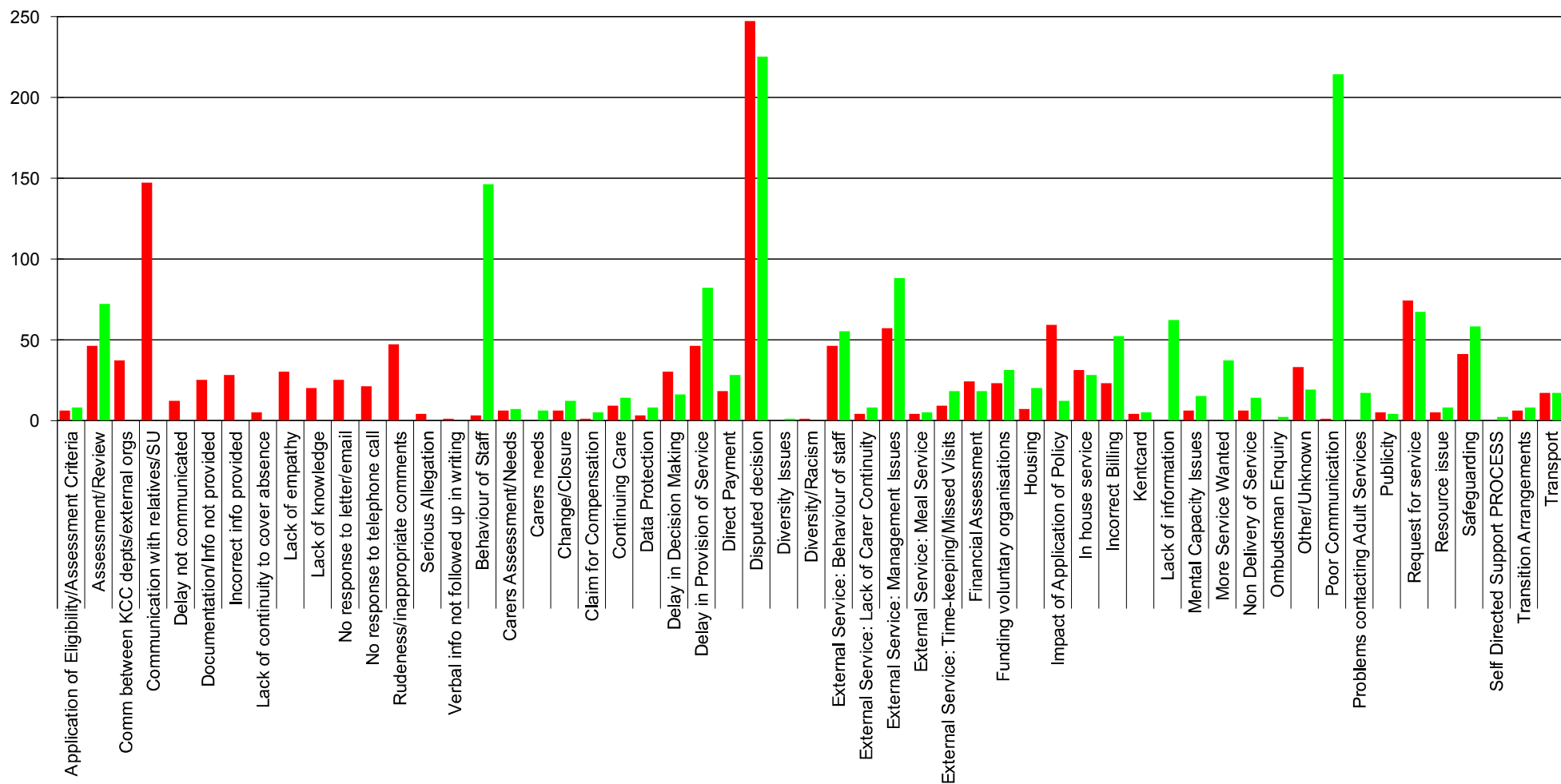
8 (1) In 2011-12, 425 statutory complaints and 295 enquiries were received about Adult Social Care Services. The total number of representations received for 2011-12 therefore is 720 which is five less than the figure reported for 2010/11, 725. 59% of the enquiries received were from MPs raising concerns on behalf of their constituents.

(2) Since 2007/08 complaints for Adult Social Care have risen by 33% when 285 complaints were received.

(3) During 2011-12 the number of people who were referred to Adult Social Care Services was 32,045 and there were 25,432 people in receipt of services as at 31 of March 2012. This compares with 2010/11 where 32,007 referrals were made and 25,883 people received a service as at the 31 March 2011. The complaints received for this period represent less than 2% of those people who have contact with our services; this is consistent with the figure reported for the previous year.

(4) Further details of the number of complaints and representations are shown in the following paragraphs, with relevant analysis.

Complaint, enquiry and informal resolution analysis



The categories of “Behaviour of staff” and “Poor communication” which were used in 2010-2011 year were no longer used as they were broken down in 2011-2012 year to provide better analysis. Please see further details in the analysis section of this report.

Please note that the number of compliments (thank you letters) received during these periods are: 575 in 2010-2011 compared with 598 in 2010-2011. These are not represented in the above graph due to the high numbers which would skew the presentation of the data.

■ 2011 - 2012 ■ 2010 - 2011

ADULT SOCIAL CARE

(5) Analysis of statutory complaints for 2011-12 shows the following breakdown by main service:

SERVICE	2009/10	2010/11	2011/12
Older People	223	290	253 (60%)
Learning Disability	52	78	75 (18%)
Physical Disability	33	55	53 (12%)
Finance	32	30	25 (5.6%)
Mental Health	1	2	1 (0.2%)
Other	1	4	18 (4.2%)
Total	342	459	425

(6) Many of the total number of issues raised in complaints were about behaviour and communication these are further broken down as:-

- 37% Poor communication with relatives or clients
- 12% Rudeness / inappropriate comments
- 9% Poor communication between KCC departments or with external organisations
- 7% Incorrect information provided
- 7% Lack of empathy
- 6% Documentation or information not provided
- 6% No response to letter / email
- 5% Lack of knowledge
- 5% No response to telephone call
- 3% Delay not communicated
- 1% Lack of continuity to cover staff absence
- 1% Serious Allegation (a Safeguarding concern about a member of staff)
- 1% Verbal information not followed up in writing

ADULT SOCIAL CARE

(7) In respect of the main subject of each statutory complaint, 49% (208) of complaints were about a disputed decision, 22% (95) were about communication with a further 15% (65) about behaviour of staff and the final 14% (57) were regarding concerns about external agencies. A further analysis of complaints by service and subject is shown in the following tables:

SUBJECT	2009/10	2010/11	2011/12	% of total 11/12
Disputed Decision	156	164	208	49%
Poor Communication	97	114	95	22%
Staff Behaviour	39	65	65	15%
External Agency	48	116	57	14%
TOTAL	340	459	425	

Main subject by service	Disputed Decision			Poor Communication			External Agency			Staff Behaviour		
	09/10	10/11	11/12	09/10	10/11	11/12	09/10	10/11	11/12	09/10	10/11	11/12
Older People	101	103	110	60	48	59	41	100	38	21	39	46
Learning Disability	25	35	44	17	25	13	3	9	11	7	9	7
Physical Disability	12	16	34	8	20	11	4	6	2	9	13	6
Finance	18	8	17	12	20	6	-	-	-	2	2	2
Mental Health	1	2	1	-	-	-	-	-	-	-	-	-
Other	1	-	2	-	1	6	-	1	6	-	2	4
Total	158	164	208	97	114	95	48	116	57	39	65	65

(8) The percentage of statutory complaints that were found to be partially or completely upheld was 61% across the County, this an 11% reduction on the previous year, but still accounts for more than half of the complaints received being justified. Further analysis of this is shown below:

	Disputed Decision or Policy	Poor Communication	Service Delivery (Ext Org)	Staff	Total
Partially Upheld	56	28	28	30	142
Upheld	54	35	15	13	117

ADULT SOCIAL CARE

Upheld / Partially upheld statutory complaints by Main Service area:

	Finance	Learning Disability	Mental Health	Older People	Physical Disability	Prov & Modernisation	Strat Com Unit	Total
Partially Upheld	9	26	-	82	13	7	5	142
Upheld	9	22	-	72	12	0	2	117

(9) 31 joint complaints and enquiries were processed with health colleagues, three with mental health colleagues and two with district councils over the reporting period.

Performance against timeframes

9 (1) The average response time for statutory complaints set with a complaint plan timeframe of 20 working days is 17 working days. Complex cases that require either an off-line/external investigation or a joint response with health colleagues are identified at the beginning of the complaint and a longer timeframe is negotiated. When these complex lengthy cases are included in the performance figure, it rises to an average of 21 days across the County. Within Adult Social Care there is no statutory response timeframe to be measured against as the legislation allows for the response timescales to be agreed with the complainant.

(2) 67% of complaints were responded to within the timescale agreed with the complainant which is 6% less than the previous year when the Council achieved 73%. 86% of these complaints were acknowledged within the statutory timescale of three working days.

Themes identified arising from complaints.

10 (1) **Behaviour and Poor Communication** - 37% of the complaints received during the period were attributed to poor communication or behaviour of staff. This is a consistent pattern each year with a slight increase on the previous year when 25% of complaints were recorded. See above for a further breakdown.

(2) In addition to the training on the communication of difficult messages, a detailed breakdown of these issues is provided to service managers to allow the issue of communication to be addressed via team meetings and supervision sessions.

(3) **Disputed Decision** - 48% of the complaints received was attributed to a disagreement about a decision. Set against the backdrop of wider economic challenges and organisational change, it is understandable that there are a high number of complaints citing the issue of "disputed decision". Often these are around funding decisions or the level of support plans.

ADULT SOCIAL CARE

(4) The complaints received reflect the diversity of services provided and specific complaints will lead to specific responses for the individual case but where possible the lessons from the complaints are still shared. Examples include:

- Ensuring service users are provided with information about charges.
- Providing information in alternative formats where required
- Ensuring application of the choice directive in relation to residential care.
- Providing the option of Direct Payments where appropriate.
- Completing up to date assessments prior to a service user's admission to residential or respite care.
- Ensuring plans are in place to cover cases if a member of staff is off sick.

Off-line and external investigations

11. (1) There were nine off-line/external investigations carried out during the year. Four were commissioned externally and the direct financial cost of these was £9,936.90. One of these cases was a transition complaint and was handled jointly with children's services. An external investigator is usually appointed, when the complaint issues are particularly complex, where communication has broken down or confidence in the organisation has been lost. In these cases, the complainant has felt their complaints have been taken seriously and an independent view has been offered.

(2) The remaining five complaints were investigated by internal staff with no line management responsibility for the service being complained about.

Financial

12. (1) A total of £56,647.45 has been paid out to complainants, this is a 43% increase on the amounts paid out in 2010-2011. £24,212.49 of this was as part of the local resolution process and £32,434.96 was offered once the Local Government Ombudsman became involved in the complaint. This figure does not include adjustment to charges made as a result of errors in the billing process.

Complaints via the Local Government Ombudsman (LGO)

13. (1) There were a total of 38 new referrals made to the LGO during the year. Additional cases were carried forward from the previous year and settled during the reporting year (these are not included in the figures). This is an increase on the previous year when 35 new referrals were made.

(2) Of those complaints, where a final decision was received the outcome was:-

ADULT SOCIAL CARE

- 26 discontinued investigation
- 2 upheld
- 1 partially upheld
- 3 not upheld
- 3 premature

(3) In most case the investigation was discontinued. This can be for a number of reasons for example if the LGO investigator was satisfied by the action taken to either put the error right or acknowledge fault and provide an appropriate remedy, including financial or in some cases the investigator felt there was not sufficient grounds to pursue the complaint.

(4) Members will be aware that the LGO has recently published two reports against the Council which relate to Learning Disabilities and Older People's services. Although these reports are published in July 2012, the complaint cases that they relate to were in 2010-2011 and 2011-2012. The LGO has noted in both cases that the Council has agreed to provide financial remedy for the complainants (which will be reported in 2012-2013 year) and make the necessary practice changes to ensure that the same issues are not repeated for other clients.

(5) The LGO service is planning to launch an open publication scheme, which will ensure that all final decision statements are published on their website for all complaints considered by the service. The aim of this publication scheme is to increase openness, transparency and enhance accountability. It will also inform the public about local services and create a new source of information which could lead to an increase in complaints received by encouraging others to raise similar complaints.

(6) The latest Annual Review letter received from the LGO reflects a good working relationship between the Council and the LGO's office.

Organisational Issues

14. (1) The organisation needs to consider the following issues:-

- a) It is proposed to establish a single point of access for complaints received into KCC, this should make it clearer for the public who to contact in the first instance if they have a complaint. However, within the new arrangement there will need to be robust processes and systems to ensure the complaints are communicated efficiently to the appropriate customer care/quality team.
- b) The FSC complaints arrangements will need to be responsive to and inform the Transformation agenda, this is particularly so with the move towards greater integration of health and social care services.

ADULT SOCIAL CARE

- c) With the inception of the Families and Social Care Directorate, the customer care teams are working more closely to ensure best use of resources and where possible adopt consistent practices. This will be enhanced as the teams are located in the wider Quality Team to ensure information on complaint trends and issues continues to inform service improvements.
- d) Complex complaint cases require significant involvement from the Customer Care Managers to support the operational staff in responding and managing the complaints. It is important to ensure that the quality of complaint and enquiry responses remains high and continues to improve. This is key in bringing about local resolution to the complaints and reducing the need for people to go to the next stage (Local Government Ombudsman).

Operation of the Children's Social Care Complaints Procedure

The reporting requirements for children's services are different to adult social care services. The Children Act Representation Procedure (England) Regulations 2006 requires local authorities to compile an annual report on the operation of the children's complaints procedures. This is covered in the following section of the report

Contact method of representations made to the authority

15 (1) The contact methods used were similar to the previous year. Most complainants still preferred to write a letter or speak to someone in 2011-12. Complainants are often distressed when making contact. As in previous years, it remains highly unusual for complainants to use the website to make a complaint.

Type of Record	Card/ Gift	Email	Fax	Letter	Other	Telephone	Visit	Website	Total
Children Act	0	72	1	130	2	99	0	1	305
Non-statutory Complaint	0	56	2	90	1	47	1	1	198
Enquiry	0	23	0	126	1	1	0	0	151
Compliment	10	23	0	18	1	5	0	1	59

(2) Representations via elected representatives: Issues raised via MPs and County Councillors are usually registered and responded to as enquiries but if the constituent is eligible the elected representative is also advised of their right to make a statutory complaint.

(3) Non-statutory complaints are generally the complaints received from people who are not service-users or they may be about services such as child protection investigations or court action where there are other routes for challenging the Local Authority which would make a separate independent complaints investigation inappropriate.

(4) In addition to the above, the customer care team received 267 representations. Many of these were directed along alternative routes including child protection referrals, insurance claims, fostering panels, legal action and conference appeals. In a number of cases advice was given about the complaints procedure and a record of the issues made but the complainant decided to take it no further or decided to try to resolve the issue informally with the social worker or team leader rather than make a formal complaint.

CHILDREN'S SOCIAL CARE.

Compliments

16 (1) Unsolicited representations made to the local authority from external sources and which provide positive feedback about services, are registered as compliments.

(2) The majority of the compliments recorded in 2011-12, and all the compliments from families, were about preventative services or services to Children In Need (35). Eight were in connection with services to disabled children. Five compliments were about Looked After Children services and three about adoption. One compliment was about the quality of support to foster carers and two about child protection work.

(3) The compliments were made by the following groups

Carer	1
Central Government Department	1
Client (Child/Young Person)	1
Close Relative	4
Foster Carer	6
Headteacher/Governor	4
Health Representative	2
Legal professionals	4
Other Local Authority	1
Parent	25
Prospective Adopter	1
School staff member	2
Service Provider	4
Special Guardian	2
Voluntary Organisation	1
Total	59

Statutory complaints

17 (1) It is a legal requirement to handle complaints from clients and closely associated people complaining about services for Looked After Children and Children in Need according to the procedure. This requirement applies irrespective of where in the Local Authority the complaint is received. Clients and certain other people have the right to access the procedure and the Local Authority would be at risk of legal challenge if complaints are not handled according to the requirements. The requirements are detailed and prescriptive in terms of the eligibility of complainants and which complaints must be handled under the procedure, as well as the process and timescales.

CHILDREN'S SOCIAL CARE.

The number of statutory complaints at each stage and those considered by the Local Government Ombudsman:

	2008/9	2009/10	2010/11	2011/12
Stage One – Local Resolution	187	198	267	305
Stage Two – Formal Investigation	30	25	26	26
Stage Three – Complaints Review Panel	5	0	2	1
Local Government Ombudsman referral *	16	20	11	18

*includes non-statutory complaints

(2) Despite the increase in the number of complaints, efforts to resolve complaints early have continued and this is reflected in the data which shows a continuation in the trend of a reduction in the proportion of complaints escalating beyond the first stage. The number of Stage Two investigations carried out in 2010/11 represents 8.5% of the total number of statutory complaints received (cf 24% in 2007/8).

(3) The emphasis in the legislation and guidance is on early resolution at a local level. Kent's policy is that local managers should usually meet, or at least speak with, complainants, unless there is a good reason not to, to attempt to resolve issues before writing. This approach is reinforced in guidance and support provided by the Customer Care Team.

(4) Staff are encouraged to continue to seek to resolve complaints at a local level when they escalate to Stage Two or beyond.

(5) KCC has a contract with Action for Children to fulfil the statutory requirement for an Independent Person to be involved in Stage Two investigations. As local staff succeed in resolving complaints at an early stage, those that do escalate tend to be complaints which are more complex and difficult to resolve quickly.

(6) Stage 2 completions 2011-12

Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar
2	4	2	1	1	4	1	3	1	2	4	1

(7) Of the investigations completed in 2011-12, seven complaints were fully upheld, six were partially upheld and one was not upheld. Six complaints were withdrawn after the process began.

(8) Stage Two investigations involve valuable, in-depth examination of cases which frequently influences practice at a county-wide level.

CHILDREN'S SOCIAL CARE.

(9) One complaint went on to be considered by a Complaints Review Panel at Stage Three.

Outcome of complaints considered by the Local Government Ombudsman

18 (1) Complainants may contact the Local Government Ombudsman at any time but the Ombudsman will usually refer them back to the Local Authority as premature if it has not had the opportunity to consider the complaints under its own procedures. Sometimes the Local Government Ombudsman will decide to investigate a complaint prematurely on the grounds of urgency or because of the serious nature of the complaint. Some people complain to the Ombudsman if they are refused access to the statutory complaints procedure on the grounds of ineligibility. The outcomes were as follows.

Maladministration causing injustice	none
Local settlement	One complaint from a landlord of an asylum seeking young person. An additional month's rent was paid in lieu of notice owed.
No maladministration	3
Discretion not to pursue	3
Premature	1
Decision pending	4
Outside Jurisdiction	2
Investigation discontinued	5

Non-statutory complaints

19 (1) 198 complaints were received which fell outside the legislation. These complainants receive a response but in most cases it is inappropriate to carry out an independent investigation. Complainants wishing to take their complaints further have the right to contact the Local Government Ombudsman. The largest group of non-statutory complaints were from relatives who were not directly affected by the service and with whom information could not be shared. Non-statutory complaints from parents were about processes such as child protection investigations or were disputing decisions taken by, or the role of the Local Authority in, a court of law.

Which Customer Groups made the complaints:-

20 (1) Statutory complaints

Originator	2008/9	2009/10	2010/11	2011/12
Child or young person	29	26	36	29
Parent	116	149	191	230
Close relative	31	8	17	20
Carer	5	5	3	8
Foster carer	5	4	10	11
Other	0	1	3	0
Legal representative	4	4	4	6
Prospective adopter	2	1	0	0
Special Guardian	1	0	3	0
<i>Total</i>	<i>193</i>	<i>200</i>	<i>267</i>	<i>305</i>

(2) The number of complaints received from children or young persons has decreased as a proportion of total complaints received which is disappointing.

The types of complaints made

21 (1) This section sets out the issues raised by complainants: what the complaints were about. Most complaints were not upheld but nevertheless provide insight into how people directly affected by services experience them.

CHILDREN'S SOCIAL CARE

Assessment	3
Attitude of staff	32
Behaviour of staff	80
Breach of confidentiality	8
Contact with staff	12
Delay	8
Direct payments	2
Disputed decision	84
Financial assessment	1
Foster carers	9
Housing/accommodation	4
Incorrect information / advice given	2
Incorrect personal information held	4
Lack of information	11
Lack of provision	3
Lack of support	29
Needs not met	4
Other	3
Resource issue	1
Respite care for disabled children	1
<i>Total</i>	<i>305</i>

Attitude and behaviour of staff

(2) These complaints include allegations that social workers have shouted, threatened, lied, fabricated evidence, displayed aggression or were biased towards another family member. All complaints are taken seriously and complainants have a right to an independent investigation under the statutory requirements however none was upheld in 2011-12.

(3) It is common for complainants to personalise their disagreement with decisions made or to focus their distress about the situation they find themselves in onto the worker with whom they have most contact. A large number of these complainants requested a change of social worker as the outcome. The complaints reflect a public perception that decisions are taken by individual social workers in isolation and that a change of social worker could result in a different decision. Many of the complaints are in connection with cases in care proceedings or child protection and most linked to decisions to open or close a case, to supervise contact or visit the children.

Delay

(4) The number of complaints about delays remains low for the second year running and shows an improvement over previous years.

Breach of confidentiality

(5) This was a serious cause for concern in 2010/11 however the number of complaints in 2011-12 reduced by more than half. The mistakes made in 2011-12 that gave rise to the complaints did not carry such serious consequences as the breaches identified in the previous year. The complaints received did indicate some failure to carry out thorough checks before sending out sensitive documents. Examples are of information sent to the wrong address, a letter to a parent containing information about another family and information wrongly sent to a parent's ex-partner.

Disputed decision

(6) Once again this is the most common subject of complaints from children and young people. As in previous years, more than half of the complaints from children and young people were about proposed placement moves. In a number of cases the young person felt that the proposed move was being made for financial reasons rather than to meet their needs.

(7) Three complaints were from homeless or former homeless young people. This is a reduction from the previous year when we were receiving complaints about young people who were made homeless before revised Government Guidance was issued in 2010. Two of the complaints in 2011-12 were resolved at stage one of the complaints procedure. The third is under investigation by the Local Government Ombudsman.

(8) Three complaints from asylum seeking young people were about the standard or location of their accommodation and one was about the standard of care provided by former foster carers. Others were about insufficient support, particularly financial support.

(9) Only one complaint was received from a child embarrassed by being interviewed at school. This is an improvement on previous years when insensitive venues for meetings with children have been a cause of a number of complaints.

(10) Most disputed decisions were from parents.

(11) The majority of complaints from parents were about issues relating to children in care and reflect their unhappiness with the situation. Others did not want social work involvement with the family and were disputing the need for intervention. The increase reported last year in complaints from fathers disputing the need to consider the risk to their children once the police have dropped charges or a jury has found them not guilty, continued into 2011-12.

(12) A number of fathers complained that concerns they were trying to raise about their children were not taken seriously and disputed the decision to close the case. A number of estranged parents complained that the social worker was biased in favour of their ex-partners.

Lack of support

(13) Parents, particularly fathers, often complained about a failure to keep them informed and reported feeling ignored. Most complaints about contact with the social worker were also from fathers.

(14) Most of the complaints about lack of support were from parents of disabled children. However there was a reduction in the number complaining that their child did not meet the criteria for a service. There was a marked reduction in the complaints about Occupational Therapy services for disabled children.

The outcome of complaints

22 (1) Some complaints have more than one outcome. For example an upheld complaint will receive an apology and may also lead to practice and policy issues being addressed. It should be noted that "Apology" is recorded only when fault has been identified. Explanation remains the most common outcome of a complaint. "Issue resolved" is recorded when the complainant has agreed resolution, usually in a meeting, before the written reply is sent.

Overall Outcome statutory complaints	Number	%
Advice	4	1.3%
Apology	56	17.8%
Complaint withdrawn	6	1.9%
Court	3	1.0%
Decision Changed	3	1.0%
Explanation	206	65.4%
Financial Settlement	2	0.6%
Issue Resolved	6	1.9%
Meeting Offered	11	3.5%
No Reply Sent	5	1.6%
Other	1	0.3%
Other Agency Issue	3	1.0%
Other SSD procedural Issue	2	0.6%
Policy Issue Raised	1	0.3%
Practice Issues	6	1.9%
Total	315	100.0%

(2) The two financial settlements were agreed at a local level. Neither was a complaint referred to the Local Government Ombudsman. Although most complaints resulted in an explanation and were not upheld, most were resolved at stage one of the complaints procedure. 26 were the subject of a stage two investigation.

CHILDREN'S SOCIAL CARE

Details about advocacy services provided under these arrangements

23 (1) It is a requirement for the Local Authority to offer an advocate to a child or young person wishing to make a complaint. In 2011-12 advocacy for Looked After Children was provided by Upfront. Kent has changed the provider in 2012; advocacy for Looked After Children is now provided by Voice. Advocacy for other children wishing to make complaints was provided by Action for Children. Action for Children also operates an independent help-line for children and associated adults to use when they want help in resolving issues at an early stage.

(2) Complaints were received from 31 children and young people. 26 children and young people had the help of an advocate. 21 used the Upfront service, one Shelter, one the National Youth Advocacy Service, one Voice and two used Action for Children. Four children and young people were offered an advocacy service but declined and one complaint was resolved before the letter was sent to the young person.

Compliance with timescales, and complaints resolved within extended timescale

Statutory timescales

24 (1) The Local Authority must consider and try to resolve Stage One complaints within 10 working days of the start date. This can be extended by a further 10 working days where the complaint is considered to be complex.

(2) Timescales have been extended for particularly difficult or complex cases, for example when more than one agency or service is involved or when cases are involved in other processes such as court proceedings and safeguarding procedures. Performance against timescales deteriorated very slightly since the previous year when 80% of statutory complaints were completed within 20 working days.

- 71% of stage 1 acknowledgements were sent out within three working days.
- 44% of stage 1 responses met the 10 day timescale.
- 53% of stage 1 responses met the 20 day (extended) timescale.
- Overall 65% of stage 1 complaints were completed within 20 working days.

(3) The Local Authority should consider Stage Two complaints within 25 working days of the start date (the date upon which a written record of the complaints to be investigated has been agreed) but this can be extended to 65 working days where this is not possible. The complexity of the complaints made a 25 day target unachievable, all were extended and only one Stage Two process was fully completed within 65 working days.

Non-statutory timescales

- 67% of non-statutory complaints were acknowledged within three working days
- 49% of non-statutory complaints met the 20 day timescale.
- 86% of enquiries were acknowledged within three working days.
- 49% of enquiries were completed within 20 working days.

(4) The Local Government Ombudsman has written to say that she has no concerns about Kent's response times to her written enquiries.

Issues Arising from Complaints and Learning the Lessons from Complaints

25 (1) It is frequently the case that a complaint leads to specific actions on a particular case. The lessons summarised in this section are those which should be shared more widely to improve the service to children and their families. They are mainly taken from complaints which were upheld in full or partially, and resulted in an apology, change of decision, change of policy or some other action taken as the direct consequence of a complaint. Some lessons learned came out of stage two investigations and were not always the main issues that complainants themselves had raised.

(2) Most lessons learned were practice issues. The main issues arising were as follows.

- Case recording continues to be a problem and a contributory factor in complaints that are upheld. Some complaints have been upheld because of a lack of evidence on the child's file. Concerns have been raised in a number of cases about the failure to be able to explain a child's story to them should they wish to see their files in future in order to understand, for example, how they came into care or why a placement broke down. The lack of clarity in recording was highlighted as a problem in some stage 2 investigations for example statements made in assessments which were ambiguous or included without sufficient explanation or analysis. Stage 2 investigators often cited ICS as a contributory factor.
- The quality of written work in general appears to be an issue and there were some complaints about wrong standard letters being used.
- Communication also continues to be an issue arising from complaints. While not always the issue raised by the complainant, the failure to explain clearly or to use appropriate words often led to misunderstandings which gave rise to complaints. The number of complaints which are resolved with an explanation suggests that clearer information for families at an earlier stage would be helpful.
- A number of complaints included problems caused by reports and minutes not shared appropriately with sufficient explanation and in a timely manner.

CHILDREN'S SOCIAL CARE

- A few complaints raised the issue about adequate planning for interviews and in one complaint the need for training for social workers in interviewing very young children was highlighted.

Review of the effectiveness of the complaints procedure

27 (1) Kent continues to operate a robust service for people making complaints about children's social services with a strong focus on resolution. The continuing reduction in the proportion of complaints escalating to Stage Two is a positive indication that the emphasis on resolution continued throughout 2011-12. However, the level of training provided for front-line staff and monitoring reports for the management team reduced in the year because of increased demands on the service.

(2) The Customer Care Team monitors complaints by service unit and district. Specific problems were brought to the attention of local managers. Complaints highlighting issues with policies, widespread practice across the county, or serious failings were brought to the attention of the Divisional Management Team.

(3) The practice of using in-house Investigating Officers at Stage Two provides a useful way of sharing practice and lessons learned across the county. However it can be difficult to identify staff able to carry out investigations because of the pressures on staff associated with organisational change. Increasingly qualified staff away from the front line or employed on a sessional basis are acting as Investigating Officers.

(4) Actions needed and practice issues to be disseminated are discussed and agreed at each adjudication meeting held to decide the outcome of a stage 2 investigation. Adjudication meetings were chaired by Head of Service and outcomes shared more widely as appropriate.

(5) The Customer Care Team responded to a number of team/unit requests for information about complaints relating to their services in 2011-12. Information was also made available for the inspection of the Fostering service and for the annual report on the Adoption Service.

(6) A review of the timeliness of written responses to complaints and enquires was carried out in early 2012 and has resulted in improvements in acknowledgment rates. It also identified some areas for improvement, particularly in the route for sign-off and accountability, which are being addressed in the new structure.

Report Conclusion - ADULTS AND CHILDRENS SOCIAL CARE

28 (1) During the reporting period, the Directorate has continued to operate a robust and effective complaints procedure to meet its obligations under the statutory regulations.

(2) The data from complaints is one mechanism available to influence, inform and improve services. People who lodge a complaint should feel assured that the Directorate uses this feedback to implement service developments, as necessary, to benefit both current and future service users.

(3) As changes occur within the Directorate, for example with the significant transformation agenda and with the work on health and social care integration, the complaints monitoring will need to adapt accordingly to ensure customer feedback and insights are used to inform developments.

(4) The Families and social Care Directorate is working with other directorates on a proposal for a single point of access to our customers and their representatives and to have a single complaints process for the Council. This will make it easier and clearer for people to raise concerns with the Council. Within this process it is proposed to retain a specialist FSC quality management team to ensure that complaints about all social care issues are appropriately handled by staff with relevant skills and experience. This will also ensure complaints management continues to be part of the Directorate business and that complaints continue to inform service standards, performance monitoring and service developments.

Recommendations

29. (1) Members are asked to NOTE and COMMENT on the contents of this report.

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Background documents: None