

By: Graham Gibbens, Cabinet Member for Adult Social Care and Public Health

Jenny Whittle, Cabinet Member for Specialist Children's Services.

Andrew Ireland, Corporate Director – Families and Social Care

To: Social Care and Public Health Cabinet Committee

4 October 2013

Subject: **ADULT AND CHILDREN'S SOCIAL CARE ANNUAL COMPLAINTS REPORT (2012-2013)**

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 2012 and 31 March 2013.

### **Recommendation**

Members are asked to NOTE and COMMENT on the contents of this report.

---

### **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 Children Act 1989 Representations Procedure (England) Regulations 2006 introduced changes to the children's complaints procedure. 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. 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 Adult's and Children's social care who is responsible for the operation of the complaints procedure.

(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 three 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 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 generally over the past five years, the figures show a slight reduction in complaints received in 2012-13 compared to the previous year.

<b>Adults</b>	<b>2008/2009</b>	<b>2009/2010</b>	<b>2010/2011</b>	<b>2011/2012</b>	<b>2012/2013</b>
Statutory complaints	298	342	459	425	416
Enquiry	196	213	266	295	297
Non-Statutory complaints/self-funders	63	95	68	5*	2*
Safeguarding**	-	36	64	35	32
Informal Resolution	-	37	34	42	54
Compliment	464	503	598	575	716
<b>Totals</b>	<b>1021</b>	<b>1226</b>	<b>1489</b>	<b>1377</b>	<b>1517</b>

\* 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”. Non-statutory complaints for children’s services are higher because the legislation only applies to certain functions of children’s services.

\*\* This is the number of complaints received by the Adults Customer Care teams that are then diverted to the safeguarding route.

<b>Children’s</b>	<b>2008/2009</b>	<b>2009/2010</b>	<b>2010/2011</b>	<b>2011/2012</b>	<b>2012/2013</b>
Statutory complaints	193	200	267	305	224
Enquiry	98	126	166	151	149
Non-Statutory complaints	73	98	139	198	172
Compliment	71	66	54	59	93
<b>Totals</b>	<b>435</b>	<b>490</b>	<b>626</b>	<b>713</b>	<b>639</b>

## **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 Experience Team for Adult Social Care Services, including complaints handling, is part of the Quality Team 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 reports on complaint management issues are produced for the Divisional Management teams. Quarterly Lessons Learned meetings take place with operational staff to discuss lessons identified and staff are encouraged to take these back to be shared at team meetings to ensure wider organisational learning.

(4) In addition, in Adult Social Care, quarterly Good Practice Groups also take place and complaints and lessons are regularly discussed. Each operational team identifies a representative for the group who are considered “Good Practice Champions” and will take a lead role within their team for good practice and sharing lessons.

(5) In Specialist Children's Services, complaints are now part of the broader quality assurance programme in the service. Quarterly reports – both on themes and lessons learnt as well as progress chasing timetables – are scrutinised by the Corporate Director and other senior managers area by area. The recent move of the children's complaints service into the Safeguarding and Quality Assurance unit has ensured that lessons from complaints are now captured as part of other qualitative information about the work of the service.

(6) 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.

(7) The outcomes from complaints can also lead to training both for individuals or teams.

### **Complaints Training**

5 (1) During 2012-13 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.

### **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. An easy-read version is also available.

(2) All children in Kent are advised how to complain, they have access to advocates and are reminded of their rights at review meetings. Information is 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.

## **Operation of the Adult Social Care Complaints Procedure**

**This section refers to the Adult social care complaints procedure.**

### **Statistical Data on the Adult Social Care Complaints**

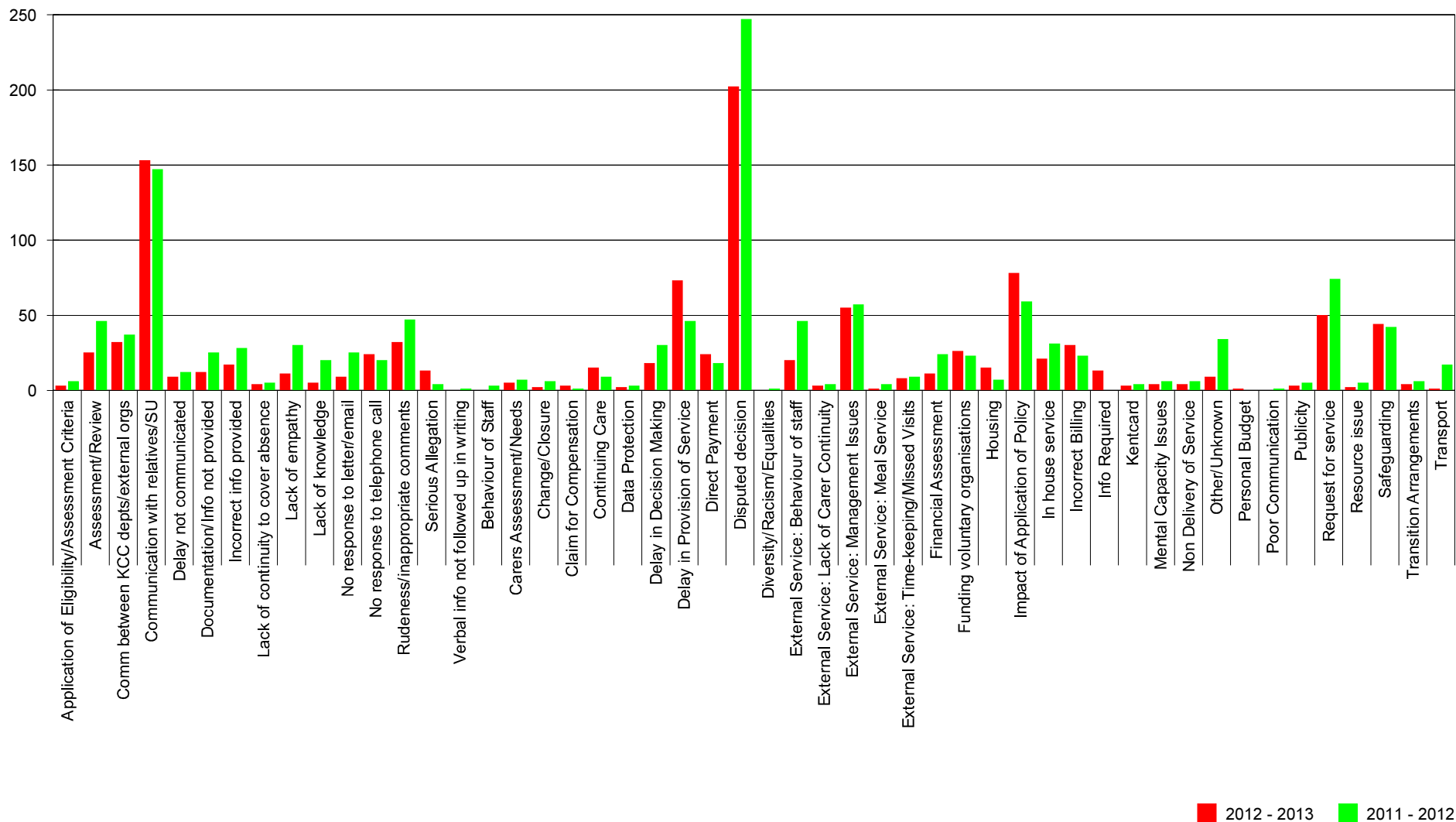
8 (1) During 2012-13, 416 statutory complaints and 297 enquiries were received about Adult Social Care Services. The total number of representations received for 2012-13 therefore is 713 which is seven less than the figure reported for 2011-12, 720. 52% of the enquiries received were from MPs raising concerns on behalf of their constituents.

(2) During 2012-13 the number of people who were referred to Adult Social Care Services was 33,071 and 31,338 people in receipt of services as at 31 of March 2013. This compares with 2011-12 where the number of referrals was 32,045 and there were 25,432 people receiving a service as at the 31 March 2012. 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.

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

## Subject of issue(s) raised

### Complaint, enquiry and informal resolution analysis



Please note that the number of compliments (thank you letters) received during these periods are: 575 in 2011-2012 compared with 716 in 2012-2013. These are not represented in the above graph due to the high numbers which would skew the presentation of the data.

(4) Analysis of statutory complaints for 2012-13 shows the following breakdown by main service and main subject:

	Disputed Decision			Poor Communication			External Agency			Staff Behaviour			Value of money/money		
	2010-11	2011-12	2012-13	2010-11	2011-12	2012-13	2010-11	2011-12	2012-13	2010-11	2011-12	2012-13	2010-11	2011-12	2012-13
Older People	103	110	114	48	59	91	100	38	22	39	46	19	-	-	1
Learning Disability	35	44	36	25	13	19	9	11	9	9	7	10	-	-	-
Physical Disability	16	34	29	20	11	17	6	2	2	13	6	6	-	-	-
Finance	8	17	11	20	6	14	-	-	-	2	2	2	-	-	3
Mental Health	2	1	2	-	-	-	-	-	-	-	-	-	-	-	-
Other	-	2	1	1	6	1	1	6	7	2	4	-	-	-	-
<b>Total</b>	<b>164</b>	<b>208</b>	<b>193</b>	<b>114</b>	<b>95</b>	<b>142</b>	<b>116</b>	<b>57</b>	<b>40</b>	<b>65</b>	<b>65</b>	<b>37</b>	<b>-</b>	<b>-</b>	<b>4</b>

(5) The figures above illustrate the number of complaints received; these complaints are not all upheld, this information is provided in paragraph (8) of this section.

(6) 319 of the total number of issues raised in statutory complaints, informal complaints and enquiries were about behaviour and communication, these are further broken down as:-

- 48% Poor communication with relatives or clients
- 10% Rudeness / inappropriate comments
- 10% Poor communication between KCC departments or with external organisations
- 8% No response to telephone call
- 5% Incorrect information provided
- 4% Documentation or information not provided
- 4% Serious Allegation (a Safeguarding concern about a member of staff)
- 3% Lack of empathy
- 3% No response to letter / email
- 3% Delay not communicated
- 2% Lack of knowledge
- 1% Lack of continuity to cover staff absence

(7) In respect of the main subject of each statutory complaint, 46% (193) of complaints were about a disputed decision, 34% (142) were about communication with a further 9% (37) about behaviour of staff and the final 10% (40) were regarding concerns about external agencies.



(8) The percentage of statutory complaints that were found to be partially or completely upheld was 65% across the County, this is a 9% increase on the previous year and accounts for more than half of the complaints received being justified. Further analysis of this by main subject and main service is shown below:

	Disputed Decision		Poor Communication		Service Delivery (External Org)		Staff		Value for Money	
	Upheld	Partially Upheld	Upheld	Partially Upheld	Upheld	Partially Upheld	Upheld	Partially Upheld	Upheld	Partially Upheld
<b>Learning Disability</b>	10	8	7	7	2	1	4	2	0	0
<b>Mental Health</b>	0	2	0	0	0	0	0	0	0	0
<b>Older People</b>	32	25	37	23	8	5	4	8	1	0
<b>Physical Disability</b>	3	13	7	7	0	1	2	3	0	0
<b>Provision &amp; Modernisation</b>	1	3	1	0	0	0	2	1	0	0
<b>Strategic Commissioning Unit</b>	0	1	0	0	5	0	0	0	0	0
<b>Finance</b>	5	3	6	5	0	0	2	0	2	0
<b>TOTAL</b>	<b>51</b>	<b>55</b>	<b>58</b>	<b>42</b>	<b>15</b>	<b>7</b>	<b>14</b>	<b>14</b>	<b>3</b>	<b>0</b>

(9) 47 joint complaints and enquiries were processed this compares to 31 last year and represents a increase in joint cases. 36 of these were joint complaints with Health colleagues, four were with KMPT, six were joint with Children's Services and one was joint with CQC. It is worth noting that joint complaints are often more complex and take longer to resolve due to the involvement of multiple organisations. These complaints are usually given a 30 day response time deadline.

### Performance against timeframes

9 (1) The average response time for statutory complaints set with a complaint plan timeframe of 20 working days is 19 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 21.5 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) 70% of complaints were responded to within the timescale agreed with the complainant which is 3% more than the previous year when the Council achieved 67%. 95% of these complaints were acknowledged within the statutory timescale of three working days, this is an improvement against 86% last year.

**Themes identified arising from complaints.** (Please note that some complaints raise more than one issue).

10 (1) **Behaviour and Poor Communication** - 39% of all of the issues raised in or behaviour of staff. 19% of these complaints were about communication with service users or their relatives. This is a consistent pattern each year with a slight increase on the previous year when 37% of complaints were recorded. An action that has been taken within Adult Social Care to remedy this is that staff were reminded to ensure that their contact details are available on KNet and on their email addresses so that they are more easily contactable. The introduction of Unified Communications should also bring further improvements in communication with our customers.

(2) **Disputed Decision** - 22% of all of the issues raised in statutory complaints received were 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. Although this is significantly lower than the 48% of complaint issued raised in the previous year.

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

- Ensuring service users are provided with information and a clear explanation about charges; charging booklets to be provided
- Providing information in alternative formats where required
- Carers' assessments to be offered in a timely manner
- Communication to be improved with families during the assessment process.
- Views of relatives to be taken into account during the assessment process
- Communication to be polite, professional and empathetic
- Improve recording, contact sheets to be up-to-date and documentation to be shared, dated and signed by clients and staff
- Regular audits to be carried out on direct payments to prevent misuse of funds
- Timescale for a safeguarding investigation to be provided to families.
- The outcome of a safeguarding investigation should be formulated quicker and people involved informed sooner

### **Off-line and external investigations**

11 (1) There were eight external investigations carried out during the year. Five were carried out by external Investigating Officers. 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 three complaints were investigated by internal staff with no line management responsibility for the service being complained about.

## **Financial**

12 (1) A total of £47,823.73 has been paid out to complainants; this figure includes financial adjustments and settlements; this is less than the amount during 2011-12 when £56,647.45 was paid out to complainants. A financial adjustment is made when an error has occurred with the charging process and it is then resolved as part of the complaint remedy. A financial settlement is when an amount of money is offered as a gesture of goodwill to recognise the anxiety and time and trouble to pursue a complaint.

## **Complaints via the Local Government Ombudsman (LGO)**

13 (1) In 2012-2013, there were a total of 30 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 a decrease from the previous year when 38 new referrals were made.

(2) Of those 30 complaints, the LGO has yet to confirm a view on 1 case. Of the 29 cases where the LGO's final decision has been received the outcomes were:-

- 16 cases where the LGO investigated the complaint and was satisfied with the Councils course of action.
- 5 cases where the LGO discontinued their investigation (lack of evidence of fault by the Council to continue to investigate)
- 3 cases where the LGO decision was NOT in relation to KCC
- 3 cases where the complaint was outside the jurisdiction of the LGO
- 1 premature complaint
- 1 public report issued against the Council

(3) In most cases 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 during 2012-2013 the LGO published three public reports against the Council which relate to Learning Disabilities and Older People's services. Two of these reports were published in July 2012, and the complaint cases that they related to arose 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 and make the necessary practice changes to ensure that the same issues are not repeated for other clients.

(5) A report was issued against the Council in October 2012, relating to a complaint that commenced in April 2011. The LGO criticised the way the Council investigated a serious incident between two residents in an independent care home. The Council has accepted the LGO recommendations to waive the outstanding care

charges and pay the complainant compensation for time and trouble in raising her complaint.

(6) A fourth public report was published in May 2013 (this will be reported in the 2013-14 year) and related to the application of a policy to make a provisional charge for care prior to a financial assessment being undertaken. The Council has accepted the LGO's recommendations and the policy has been withdrawn. A financial remedy was provided.

(7) The LGO service has undergone some significant changes in respect of Adult Social Care complaints, and it now operates an initial assessment process and often issues decisions on complaints without having previously contacted the Council for background information. The LGO also has an open publication scheme, which will ensure that all final decision statements are published on their website for all complaints considered by the service. Managers are encouraged to consider cases from other authorities to share the learning.

### **Organisational Issues**

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

- a) Work is underway 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 Experience Team.
- b) Following the review of the FSC Customer Care function, an Adults Customer Experience Team and a Children's Customer Experience Team have been created and became effective from 1<sup>st</sup> August 2013. The new post of Quality Assurance Officer – within the Adults Customer Experience Team, will have a key role in ensuring that the operational teams receive appropriate training and ongoing support to continually improve the quality of complaint and enquiry responses.
- c) The complaints' arrangements for Adult Social Care 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.

### **Representations received about Specialist Children's Services**

**This section refers to Specialist Children's Services.**

15 (1) Specialist Children's Services work with the most vulnerable children and families in Kent. Much of the work is focussed on intervening in family life and is governed by complex legislation, guidance and policy. Included in the legislation is a requirement to operate a robust complaints procedure for children and those closely involved with them. The procedure provides people with the right to be heard, the opportunity to resolve issues and to take matters further if they are not resolved, an

additional safeguard for vulnerable people, and information which contributes towards quality assurance and service development.

(2) Representations via elected representatives

(3) The issues or representations raised via MPs and County Councillors are usually handled as enquiries.

(4) The largest group (one third) of the enquiries originated from parents disputing a decision. Almost half of those were disputing a decision taken in a court of law or a multi-agency decision on child protection.

(5) Approximately one quarter of enquiries were from families of children in need wanting more support. Two thirds of those were families with disabled children.

(6) 10% were about finance-related issues.

### **Non-statutory complaints**

16 (1) Non-statutory complaints are representations which, by definition, are either not from service-users or people directly affected by the service, or are about functions such as child protection investigations or court action where there are other routes for challenging the Local Authority which would make an independent investigation inappropriate. Complainants received a response from a senior manager and were advised of their right to challenge the decision via the Local Government Ombudsman.

(2) The largest group of non-statutory complaints were from family relatives 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.

(3) In addition to recorded complaints, the customer care team received 269 other representations in 2012/13. Many of these were directed along alternative routes including child protection, fostering panels, legal action, HR and the police. 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 before making a formal complaint.

### **Contact method**

Type of Record	Card / Gift	Email	Letter	Other	Telephone	Text	Website	Total
Children Act	0	78	82	1	60	1	2	225
Non-statutory Complaint	0	53	77	0	39	0	3	172
Enquiry	0	34	120	0	0	0	0	154
Compliment	11	48	14	18	2	0	0	93

17 (1) The proportion of letters received has decreased slightly and more complaints were received via email than in previous years. Complainants are often distressed when making contact. As in previous years, it remains unusual for complainants to use the website to make a complaint.

### Compliments

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

<b>service</b>	<b>compliments</b>
Adoption	11
Child Protection	10
Children in Need	19
Children with Disability	36
Children in Care	14
Post Adoption	1
preventative services / early intervention	2
<b>Total</b>	<b>93</b>

(2) There was a 68% increase in recorded compliments last year. The increase in the compliments about the Disabled Children's Service is attributable to the 29 compliments received about respite care. Significant increases were also recorded in compliments about Child Protection, Adoption and services to Children in Care.

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

19 (1) It is a legal requirement to handle complaints from clients and closely associated people complaining about services for Looked After Children, Children in Need and certain other specified functions, according to the three stage 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 were 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.

	2008/9	2009/10	2010/11	2011/12	2012/13
Stage One – Local Resolution	187	198	267	305	223
Stage Two – Formal Investigation	30	25	26	26	27
Stage Three – Complaints Review Panel	5	0	2	1	0
Local Government Ombudsman referral *	16	20	11	18	23

\*includes non-statutory complaints and enquiries about new complaints

(2) 12% of statutory complaints received were handled at stage 2. This is an increase over the previous two years when the resolution rate was improving (10% in 2010/11, 8.5% in 2011/12).

(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. Areas of the service that adopt this approach have the lowest proportion of stage 2 investigations.

(4) Staff are also encouraged to continue to seek to resolve complaints at a local level when they escalate to Stage Two or beyond. Five stage 2 complaints were withdrawn following meetings to resolve them with local managers. Stage Two investigations involve valuable, in-depth examination of cases which frequently influences practice at a county-wide level.

(5) Of the 22 referrals to the Local Government Ombudsman, six related to statutory complaints and 15 to non-statutory complaints. One LGO enquiry was about a decision made in court and the other about the decision of a child protection conference, both outside the LGO's jurisdiction.

### **Which Customer Groups made the complaints**

20 (1) Statutory complaints

<b>Originator</b>	<b>2008/9</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>
Child or young person	29	26	36	29	36
Parent	116	149	191	230	149
Close relative	31	8	17	20	12
Carer	5	5	3	8	9
Foster carer	5	4	10	11	13
Other	0	1	3	0	0
Legal representative	4	4	4	6	1
Prospective adopter	2	1	0	0	4
Special Guardian	1	0	3	0	1
<i>Total</i>	<i>193</i>	<i>200</i>	<i>267</i>	<i>305</i>	<i>225</i>

(2) The original intention of the procedure was to provide a route for children and young people to raise concerns. The increase in the proportion of complaints received from children and young persons is therefore to be welcomed.

### **The types of complaints made**

Assessment	5
Attitude or behaviour of staff	70
Breach of confidentiality	10
Contact with staff	7
Delay	7
Direct payments	5
Discrimination	1
Disputed decision	51
Failure to provide education	1
Financial assessment	3
Foster carers	5
Funding	4
Housing/accommodation	8
Incorrect information / advice given	1
Lack of information	13
Lack of provision	4
Lack of support	18
Needs not met	5
Other	3
Respite care for disabled children	1
Transport	1
Written communication	2
<i>Total</i>	225

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.

(2) The proportion of complaints about each subject is broadly similar to the previous year's complaints. The subjects showing an increase in 2012/13 are housing/accommodation issues, breaches of confidentiality, direct payments, other kinds of financial support and lack of information.

- **Attitude and behaviour of staff**

(3) Almost all of the complaints were from parents. The complaints included allegations that social workers threatened, lied, were negative about parent's ability to care for children or were biased in favour of another family member.

(4) 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. Several complainants described the social worker as "acting like god". 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.

(5) Thirty complaints were in relation to children in care and connected with issues about contact and information parents received about their children. Twenty-five were about children in need: many complaining that social workers were



negative about their parenting skills, “judgemental”, not acting in the interests of the parent or biased in favour of the other parent. Eleven complaints were from parents of disabled children. Six were from parents complaining that the concerns they had raised about ex-partners had not been taken seriously.

- **Disputed decision**

(6) Five people complained of a failure to act on concerns they had reported, four complained of the Council’s decision to act on a referral received.

(7) Three complained that their or other family members’ views were insufficiently taken into account before decisions were made. Nine complaints were about the content of reports, the way that information had been recorded or the decision to designate a child as being in need. Seven complaints were about decisions relating to contact with children in care. Eight complaints were from parents of disabled children disagreeing with the level of support offered. Four complaints were about financial assessments.

- **Complaints from children and young people**

(8) Eleven of the complaints disputing a decision and seven of the complaints about housing or accommodation were from children and young people however, unlike previous years, only two complaints were about proposed placement moves from one foster carer to another. Neither complainant alleged that the decision had been taken for financial reasons. In previous years this has been the most common cause of complaint from children and young people.

(9) One young person who had been placed in short-term foster care complained that she feared being moved to another foster carer; it was agreed that she could remain with the carers with whom she had built up a good relationship. Another complained but subsequently agreed to move following a meeting to discuss her concerns.

(10) Two complaints were from young people not wanting to leave foster care to return to their families.

(11) One disabled young man did not want to move from supported living into an supported living scheme for adults. Another young person in a mother and baby placement complained that she was not ready to move to independent living accommodation.

(12) One young person complained about belongings being lost following a placement breakdown and another complained that the Council would not pay for the repair of her laptop.

(13) One young person complained about the way she had been treated by her former foster carers.

(14) One young person complained that his legal status was unclear and that the Council should have applied for a full care order to reduce his father's influence. The complaint is currently under investigation at stage Two.

(15) Four young people complained that they had not been properly supported resulting in their homelessness. One was investigated by the Local Government Ombudsman and another at stage 2.

(16) An asylum-seeking young person complained that his case had been closed when he was 21 years old and that he had subsequently become homeless. Another asylum-seeking young person also said that he had become homeless since running away from foster care and moving in with his cousin.

(17) Seven asylum-seeking young people complained about their accommodation. One did not wish to stay in foster care and another did not want to stay in supported living accommodation. Most wanted help to move to London. Two complained that they could not adequately heat their accommodation.

(18) Three asylum-seeking young people challenged the decision to cease support to continue further education.

(19) Three other children/young people in care complained about a failure to support their education.

(20) Children in care also complained about contact with siblings and support for contact with siblings. Some were concerned and wanted more information about their siblings.

- **Breach of confidentiality**

(21) One of the complaints was from a grandparent and the rest from parents alleging the inappropriate sharing of information with other family members.

(22) Two complaints were from mothers complaining that their addresses (and those of the children) had been shared with violent ex-partners.

- **Financial issues**

(23) Half of the complaints were about direct payments: parents wanting to appeal the level of payment, disputing a decision to cease payments on the basis that they were being used inappropriately, and about the timing of payments made.

(24) One complaint was about cutbacks to deaf services and one about post-adoption support. The remainder were disputing decisions about payments to family carers.

- **Lack of information**

(25) 77% of the complaints were from families of children in care not feeling adequately informed about plans for their children, some also wanting more contact. One complaint was from an adoptive family who had not received their daughter's life story book. Others complained about not receiving key documents such as core assessments.

### The outcome of complaints

Overall Outcome statutory complaints	Number	%
Advice	4	1.7%
Apology	40	16.8%
Complaint withdrawn	4	1.7%
Court	1	0.4%
Dealt with by Ombudsman	1	0.4%
Decision Changed	4	1.7%
Explanation	126	52.9%
Financial Settlement	3	1.3%
Issue Resolved	19	8.0%
Meeting Offered	25	10.5%
No Reply Sent	4	1.7%
Other	1	0.4%
Other Agency Issue	1	0.4%
Practice Issues	5	2.1%
<b>Total</b>	<b>238</b>	<b>100.0%</b>

22 (1) Some complaints had 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.

(2) Ten investigations were completed in 2012/13. Two complaints were fully upheld, five were partially upheld and three were not upheld. Concerns and themes identified by upheld complaints are set out in Section 8 on Lessons learned.

(3) Outcome of complaints considered by the Local Government Ombudsman

Maladministration causing injustice	1	Complaint from homeless young person in Dover. The complaint was about events in 2010 and the decision followed a three-year investigation by the LGO.
Local settlement	2	(3) Historical complaint from former homeless young person. LGO satisfied with the Council's apology and action proposed. (4) Complaint from carer about incorrect information held about her on the child's records. Council agreed to add note to the records as a remedy.
Discretion not to pursue	5	<ul style="list-style-type: none"> <li>The LGO was satisfied with the actions that had been taken by the Local Authority.</li> </ul>
Decision pending	1	Complaint from IFA foster carer about report written.
Outside Jurisdiction	1	Court issue
Investigation discontinued	7	<ul style="list-style-type: none"> <li>Parental complaint that school was wrongly advised to make a CP referral. The LGO disagreed but asked the Council to reopen the case and carry out a new Initial Assessment because of concerns raised.</li> <li>Parent complained that his referrals about his child were not handled appropriately. The Council had already made changes to duty systems.</li> <li>Grandparent complained that referrals were not taken seriously. LGO found the Council had taken appropriate action and although had not informed the complainant, no injustice was caused.</li> <li>Prospective adopters complained about social work report but withdrew complaint when approved to adopt child.</li> <li>Complaint re safeguarding procedures – LGO found no evidence of fault</li> <li>Complaint about contact with adopted child. Court decision but Council agreed to explore indirect contact via adoption support.</li> <li>LGO decided not to continue as the complainant repeatedly declined opportunities presented by the Council to resolve.</li> </ul>

### Details about advocacy services provided under these arrangements

23 (1) It is a statutory requirement for the Local Authority to offer an advocate to a child or young person wishing to make a complaint. Kent changed the provider in July 2012; from April to June advocacy for children in care was provided by the Upfront Service run by the Young Lives Foundation but since July has been provided by Voice. Advocacy for children in need wishing to make complaints was provided by Action for Children.

(2) Complaints were received from 39 children and young people. 29 children and young people used an advocate. Twenty-five used the Voice service, three used Upfront and one Shelter. Eight children and young people were offered an advocate but declined the service. One young person was advised to contact a solicitor. One complaint was investigated prematurely by the LGO.

## **Compliance with timescales, and complaints resolved within extended timescale**

24 (1) Performance against timescales has significantly improved since last year and continues to show a steady improvement. *(2011/12 performance shown in brackets.)*

(2) Statutory timescales; 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.

(3) 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

- 95% of stage 1 acknowledgements were sent out within three working days. *(71%)*
- 59% of stage 1 responses met the 10 day timescale. *(44%)*
- 60% of stage 1 responses met the 20 day (extended) timescale. *(53%)*
- 63% of all stage 1 responses were completed within 20 days. *(65%)*

(4) 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 complaint was fully completed within 65 working days.

(5) It is also a statutory requirement to try to resolve complaints and care must be taken not to jeopardise resolution or quality when seeking to improve performance against timescales.

(6) Corporate timescales

- 96% of non-statutory complaints were acknowledged in three working days *(67%)*
- 57% of non-statutory complaints met the 20 day timescale. *(49%)*
- 93% of enquiries were acknowledged within three working days. *(86%)*
- 51% of enquiries were completed within 20 working days. *(49%)*

## **Learning the Lessons from Complaints**

25 (1) Complaints often result in actions on particular cases. The lessons summarised in this section are those with wider implications which have needed to be shared across the county 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 necessarily the main issues that complainants themselves had raised.

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

- Homeless young people

In more than one case a young person's decision not to be accommodated was accepted without ensuring that their decision had been an informed one. In some cases young people declined to be accommodated wrongly believing that it meant foster care. Some staff wrongly believed that if a young person refused foster carer the young person could only have the status of a child in need, even if no-one had parental responsibility for him. 16 year olds coming into care were not being offered the same range of accommodation, such as supported living accommodation, as those transferred to Catch 22. Joint assessments with housing staff were not always carried out according to the protocols. There has been a good deal of work on this subject in partnership with the district councils to ensure that the service to homeless young people improves.

- Frequent changes of social worker linked with the use of locum staff and the quality of social work practice was a contributory factor in upheld complaints. Issues arising included: core assessment completed as a paper exercise only in order to clear backlog, no contact made with the family, statutory visits not carried out, lack of communication in general with families,
- Poor recording and failure to pick up issues in supervision

Particular issues highlighted in stage 2 investigations were a lack of clarity around decisions and plans, and the voice of the child not always evident in the records.

- Lack of planning for placement moves

Arrangements made for the move itself were not always robust. In one case a child was taken to his new placement by the social worker but had to wait outside the house for a long time because the foster carer was not at home. (This is a different issue to the decision and rationale for the move which is no longer highlighted as a problem via complaints.)

- Advice to parents to take legal advice

In one case parents used very expensive solicitors. They complained when the Council refused to reimburse costs. The complaint was upheld as no boundaries had been set. This highlighted the need for a framework and guidance for staff.

- Breaches of confidentiality

This has been a theme since 2010 and remains a concern. Some of the problems may be resolved by the replacement client system but complaints continue to suggest some continued failure to carry out thorough checks before sharing information between family members and estranged parents.

- Quality of reports and assessments

Issues highlighted in some complaints were a failure to include the views of parents, a lack of clarity in decisions and plans, and factual mistakes including the spelling of names of members of the family.

- Financial issues

Complaints about late payments of foster carers' expenses and issues around financial support for special guardians and connected persons were also upheld.

- Communication issues

In previous years most complaints were about difficulties in contacting staff. In 2012/13 almost all of the upheld complaints were about the late cancellation of contact sessions and visits, and social workers arriving late for meetings.

### Summary of statistical data about complainants

26 (1) Diversity information is gleaned from the client system in respect of Children and Young People but a form is sent with every complaint acknowledgement seeking information on the ethnicity, gender and age of complainants because for most complainants this information is not already held by the Local Authority.

<b>Gender</b>	<b>Number</b>
Couple	29
Female	112
Male	84
Not Known	0
<b>Total</b>	<b>225</b>

<b>Disability</b>	<b>Number</b>
No	73
Not Known	143
Yes	9
<b>Total</b>	<b>225</b>

<b>Ethnicity</b>	<b>Number</b>
African	6

Any other ethnic group	8
Asian Other	2
Information not obtained	13
Mixed Other	2
Not Known	132
White and Black Caribbean	1
White British	55
White Irish	1
White Other	5
<b>Total</b>	<b>225</b>

(2) One of the main purposes of the introduction of the complaints procedure was to provide a voice for children and young people. While closely associated adults also have the right to complain about how they are affected by services, it is important that the Council continues to seek ways to make the procedure more accessible to children.

<b>Age</b>	<b>Number</b>
16 - 19	20
20 - 24	17
25 - 59	29
65 +	2
Not Known	151
Under 16	6
<b>Total</b>	<b>225</b>

### **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.

(2) The Customer Care Team monitors complaints by service unit and area. 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) 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 Assistant Directors or the Director and outcomes shared more widely as appropriate.

(4) The Customer Care Team responded to a number of team/unit requests for information about complaints relating to their services in 2012/13. Information was also made available for Ofsted inspections.

(5) Regular reports about complaints and representations include fortnightly management reports, quarterly monitoring via MIU and the Customer &



Communities Directorate for CMT, and quarterly reports to the Adoption Improvement Board.

(6) A Review of the Customer Care Function resulted in the team being situated in the Safeguarding and Quality Assurance unit where it is better placed to contribute to performance monitoring and service improvement. The subject of complaints and performance against standards now form part of the quarterly Deep Dives.

(7) Themes identified in previous years not repeated in the year's complaints are also an indication that lessons have been learned and that system and practice changes have had an effect. The main themes identified in 2011/12 which show a significant reduction in 2012/13 are:

- **Children and young people in care complaining about placement moves**

(8) The reduction of complaints from children and young people about moves from one foster carer to another is a significant change suggesting that lessons have been learned and that systems and structures now in place better support the needs of clients.

- **Delay**

(9) The number of complaints about delay remained low for the third year running and continued to show an improvement over previous years.

(10) There was a reduction in complaints about reports and minutes not being shared in a timely manner.

- **There was a significant reduction in complaints about Occupational Therapy**

## **Report Conclusion - ADULT'S AND CHILDREN'S SOCIAL CARE**

**This section concludes the Adults and Children's Social Care report.**

28 (1) During the reporting period, the Directorate has continued to operate a robust and effective complaint's 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 make 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) Work will continue during 2013-14 to ensure that there is a robust and effective link between the contact centre receiving incoming contact and the FSC teams who manage the specialist Directorate responses in line the statutory requirements.

(5) Appendix A details the process for Member enquiries. It is important that this process is followed to ensure that enquiries are passed to the relevant Customer Experience Team as soon as possible to enable a swift draft response to be produced for the Member to send out.

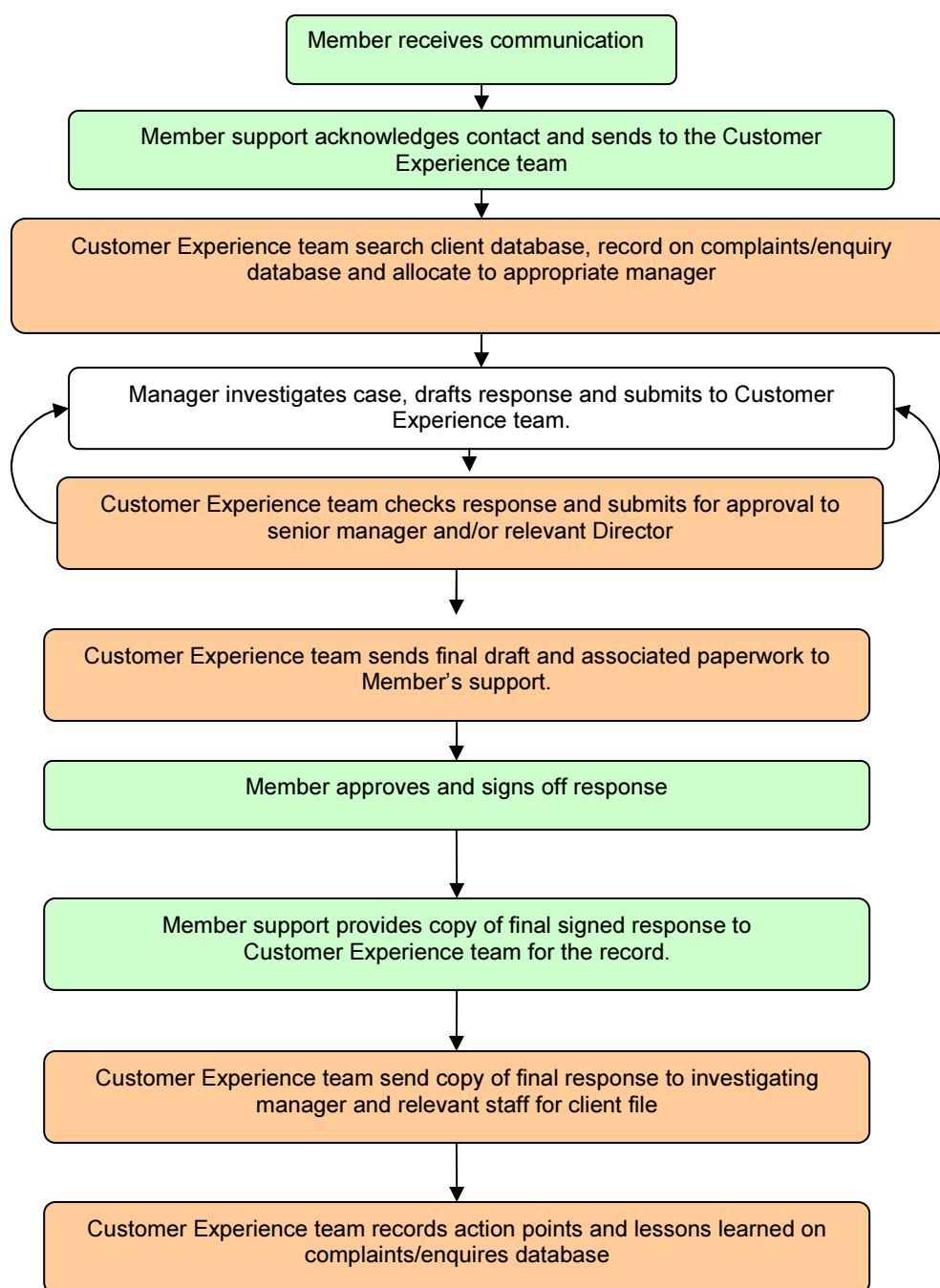
### **Recommendations**

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

Ann Kitto, Children's Customer Experience Manager  
01233 652144

Debra Davidson, Adult's Customer Experience Manager  
0300 333 5928

*Background documents:* None

Member Enquiry communication process

The Council's policy sets the timeframe for providing a response to a Member enquiry at a maximum of 20 working days from receipt by FSC.

Children's Complaints: [CSCComplaints@kent.gov.uk](mailto:CSCComplaints@kent.gov.uk)  
Adult Services: [Customercareadults-fsc@kent.gov.uk](mailto:Customercareadults-fsc@kent.gov.uk)