

Title of Report:	Learning From Complaints - Annual Report on Complaints Activity C & YP (Social Care) 2010-11
Report to be considered by:	Executive
Date of Meeting:	15 December 2011
Forward Plan Ref:	EX2398

Purpose of Report: To report on the statutory complaints process for the year 1st April 2010 to 31st March 2011.

Recommended Action: To receive the report and agree its recommendations in preparation for its public presentation.

Reason for decision to be taken: Local authorities must, each financial year, publish an annual report in order to keep the local authority informed about the operation of its complaints procedure. The report should be 'presented to staff, the relevant local authority committee, and to the regulator and general public.'

Other options considered: None

Key background documentation:

- 'Getting the Best from Complaints' Dcfs - social care complaints and representations for children, Young People and Others.'
- Statutory guidance to accompany the Children Act 1989 Representations Procedure (England) Regulations 2006 (Statutory Instrument 2006/1738)

The proposals will help achieve the following Council Plan Themes:	
<input checked="" type="checkbox"/>	CPT10 - Promoting Independence
<input checked="" type="checkbox"/>	CPT11 - Protecting Vulnerable People
<input checked="" type="checkbox"/>	CPT12 - Including Everyone
<input checked="" type="checkbox"/>	CPT13 - Value for Money
<input checked="" type="checkbox"/>	CPT14 - Effective People
<input checked="" type="checkbox"/>	CPT15 - Putting Customers First
<input checked="" type="checkbox"/>	CPT16 - Excellent Performance Management
The proposals contained in this report will help to achieve the above Council Plan Themes by: Shaping future service delivery to meet the needs of the vulnerable people served.	

Portfolio Member Details	
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Date Portfolio Member agreed report:	14.11.11

Contact Officer Details	
Name:	Yvette Jones
Job Title:	Complaints and Access to Records Manager
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Implications

Policy:	The complaints policy for children & Young People (social care) is compliant with the requirements of the relevant legislation.
Financial:	Non specific to this report.
Personnel:	Non specific to this report.
Legal/Procurement:	This report ensures the council meets its legal duty to report and publish an Annual Report.
Property:	Non specific to this report.
Risk Management:	Non specific to this report.
Equalities Impact Assessment:	No EIA is required for this report, although the complaints procedure is reviewed using an assessment tool each year. A full copy of the Equality Impact Assessment of the complaints process is available on request, but is not required for this report.

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
If not subject to call-in please put a cross in the appropriate box:		
The item is due to be referred to Council for final approval	<input type="checkbox"/>	
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>	
Delays in implementation could compromise the Council's position	<input type="checkbox"/>	
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>	
Item is Urgent Key Decision	<input type="checkbox"/>	

Executive Summary and Report

1. Introduction

- 1.1 Local authorities are required to have a specific complaints process for Children's social care matters, and to have a Complaints Manager specifically appointed to implement the procedure, and to monitor the operation and effectiveness of it as well as how information is being used to improve services and delivery.
- 1.2 The presentation of the report for 2010/11 has been delayed again this year, due to the significant and continuing increase in Access to Records requests received during the year from people formerly Looked After by the council and its predecessor. These requests involve huge amounts of record retrieval and copying, third party correspondence for agreement, and sessions to take the applicant through their file to understand their past. These are an additional role of the Complaints Manager. Both processes have statutory timescales which must be adhered to. Priority is given to dealing with this work and the complaints work, and to ensuring that these processes are managed effectively, so the production of this report has therefore been unavoidably delayed as a result.
- 1.3 Complaints have increased by 48% this year, which reflects the large increase in the number of service interactions in often difficult circumstances, including where there are Child Protection concerns. This is also an upward trend that is reflected nationally.

2. Proposals

- 2.1 The report highlights a number of areas where the service has worked well in responding to complaints, and on the whole has met most of the requirements under the legislation and guidance. For example 97% of complaints were acknowledged within 3 working days, 69% were then dealt with within 10 working days, and of the others there were acceptable reasons for responding later. 13% went over the 20 working day maximum, which is an improvement on the figure of 17% last year. This compares favourably with national practice and maintains last year's significant improvement on previous figures of 60% within timescale.
- 2.2 The numbers of complaints at Stage 1 have increased from 48 to 71, Stage 2 complaints have dropped from 3 to 2, and these both launched in the previous year but completed within this reporting period. No other Stage 2 complaints were received in this reporting year. As in previous years, there were no Stage 3 complaints. Complaints from children have dropped from 9 last year to 7 this year, and this drop is due to the number of issues raised by children being resolved at the front line or within the reviewing process without recourse to the complaints procedure.
- 2.3 As well as complaints the service received a large number of compliments and expressions of gratitude for the services provided. These are collated in the appendix to this report.

3. Learning from complaints

- 3.1 Outcomes and findings from complaints provide an essential learning tool and service managers are provided with regular feedback as to the issues emerging. Issues from Stage 2 and complex complaints are drawn into an action plan to

ensure the necessary actions are followed through and monitored to completion. Examples of specific learning and associated change in actions are provided in pages 15-17 of the report.

- 3.2 A number of policies and procedures have been reviewed to ensure they reflected learning from complaints. Sometimes a complaint reveals the need to develop or update public information sheets to reinforce the advice and information given to families during often difficult and crisis situations. Supportive working between teams and staff has been used to counteract times when resources are in short supply. Greater effort is made to resolve matters early to resolve complaints quickly and effectively.

4. Recommendations and Areas for development from the Annual Report

4.1 The Complaints and Access to Records Manager has made a number of recommendations and suggested areas for development which have been embraced by the service as shown on pages 17-18. These include:

- 2010/11 will see further raising of staff awareness as well as continuing briefing sessions at Team Meetings and maintenance of a number of advice sheets for staff involved in the process.
- Surveying of people using the process will be undertaken.
- The information set of handouts for families, which are cheaply and quickly produced, will continue to develop in response to identified need.
- Written procedures for the Complaints & Access to Records Manager function will be updated and consolidated this year to ensure the work can be effectively covered by another in any absence of the current manager.

5. Conclusion

5.1 Data from complaints management will be increasingly used by the regulators to measure client satisfaction and the authority's ability to listen to and respond to clients, and thus proactive complaints management and development will continue to be a high priority as a performance management function.

Appendices

Appendix A – Equality Impact Assessment Stage 1

Appendix B – Learning from Complaints – Annual report for children's social care 1st April 2010 to 31st March 2011

Appendix C - Compliments 1st April 2010 – 31st March 2011

Consultees

Local Stakeholders: NCH Action for children (advocacy service for young people)

Officers Consulted: Managers of the Children & Young People social care service and line managers (in Education) of the complaints & Access to Records Manager.

Trade Union: N/A

Equality Impact Assessment – Stage One

Name of item being assessed:	Complaints & Representations procedure Children's social care
Version and release date of item (if applicable):	September 2006 updated annually
Owner of item being assessed:	Children's Services – Complaints and Access to Records Manager
Name of assessor:	Yvette Jones
Date of assessment:	24 th October 2011

1. What are the main aims of the item?

To give users and their carers access to a fair & transparent complaints process; to provide guidance to staff on providing a consistent customer focussed response to issues raised; to comply with the Children Act 1989 Representations Procedure (England) Regulations 2006 and meet statutory deadlines; to learn from complaints.

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)

Group Affected	What might be the effect?	Information to support this.
Parents and other involved adults, both male and female	The policy may not be accessible to parents/carers of children, male and female. A high proportion of our clients are from single parent families with children predominantly remaining with their mothers.	56% of complainants are female, 20% are from males, with 24% from couples. Engagement with all those with Parental Responsibility when assessment is undertaken ensures both parents and other involved people are given appropriate information about raising issues and complaining.
Race – all minority ethnic groups and those without English as their first language	The process is designed to be accessible to all, with translators provided when English is not the client's first language.	Records evidence translators are provided when needed. At Stage 2 there is the potential for a client to request an Independent Person who reflects/understands their racial needs – and we would engage through a specialist agency if this was required.
Disabled people	.Access may be difficult, and disability may impact on	A Makaton leaflet for learning disabled children is available,

	understanding or ability to progress matters.	and in any case where disability may impact, the Complaints Manager will meet with the complainant and make use of any supportive services necessary, including those of a translator or a BSL signer, and the client's usual specialist support staff.
Age – especially children & young people.	.A lack of knowledge or understanding of the right to raise issues or how it may help may occur.	The process is available to children and young people until they leave care, and they are entitled to advocacy support if they wish it. All Looked After children receive information about the process and support available at a number of stages in their engagement with us, and the Complaints Manager will also meet with them if appropriate.
Ability	A client or representative may not be able to read or write or have sufficient skill to engage with the process.	The Complaints Manager meets with any complainant who needs additional support to make their complaint
Sexual orientation, religion or belief		Should failure to respect any of these aspects be a matter for complaint this would be dealt with using the process.
Further comments relating to the item:		
This is a process which is designed to be available to the widest spectrum of clients, and a number of tools and people are utilised to ensure this is the case.		

3. Result (please tick by double-clicking on relevant box and click on 'checked')
<input type="checkbox"/> High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
x Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/> No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:	
Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	

Stage Two not required:	
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A full Equality Impact Assessment tool, designed by a number of Complaints Managers in the social care field, has been used to assess the West Berkshire children & Young People social care complaints process and is reviewed every year with the publication of the Annual report.

Name: Yvette Jones

Date: 24th October 2011