

WIRRAL COUNCIL

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE -  
16 NOVEMBER 2010

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

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## **ANNUAL COMPLAINTS REPORT**

### **Executive Summary**

This report provides information on compliments, representations and complaints received by the Social Care Branch of the Children and Young People's Department for the year 1<sup>st</sup> April 2009 to 31<sup>st</sup> March 2010.

The report gives an overview of complaint trends, performance and areas for development.

### **1. Background**

- 1.1 The Children Act 1989 Representations Procedure (England) Regulations 2006 and associated guidance "Getting the Best from Complaints" came into force on 1<sup>st</sup> September 2006 and underpins the Branch's Complaints Procedure.
- 1.2 The Regulations stipulate that an Annual Report is produced and presented to staff and appropriate Local Authority Committees. The report should also be available to the Regulator and the general public.
- 1.3 The Regulations provide a statutory framework for dealing with representations relating to statutory social services functions under Part 3 of the Children Act 1989; and certain functions under the Adoption Support Regulations 2005 and Special Guardianship Support Regulations 2005.
- 1.4 The Regulations stipulate who may make a complaint; this is generally the young person themselves or an adult with either parental responsibility or day to day care of the child. For any other person the Department has the discretion to decide whether they 'qualify' to make a complaint.
- 1.5 For representations regarding functions outside of the Regulations; or for a person who does not qualify to make a statutory complaint the Branch operates within the remit of the Corporate Complaints Policy and Procedure.

### **2. Applying the Regulations**

- 2.1 The Customer Resolution and Information team have ensured that only those complainants who 'qualify' under the Regulations and wishing to make

a complaint regarding statutory services under Part 3 of the Children Act 1989 have been given access to the Children and Young People's Departmental Representations and Complaints Procedure.

- 2.2 During the reporting period 6 complainants wanting to register a formal Stage 2 complaint under the Representations and Complaints Procedure have been given information and advice as to why they do not qualify and were relevant have been signposted to other procedures/processes.

### **3. Resolved at First Contact**

- 3.1 9 complainants had their complaint resolved at first contact by the Customer Resolution and Information Team without the need to formally register a complaint. These cases were generally about difficulties in contacting workers or receiving the outcome of a decision; and the Customer Resolution and Information Team were able to facilitate a response within the same day.

### **4. Alternative Resolution**

- 4.1 Two complainants who initially wanted to register a formal Stage 2 complaint agreed that the proactive involvement of the Complaints Manager via alternative resolution would expedite a more timely resolution. These cases included were the outcome of a previous complaint set a precedent and the issue could be resolved without the need for a formal investigation; and a request for the Complaints Manager to review the response to a Stage 1 complaint and offer an independent view.

### **5. Registered Complaints**

- 5.1 Throughout the 12 month reporting period the following complaints were registered:

78 Stage 1 Complaints - Local Resolution	<i>[compared to 90 in 08/09]</i>
5 Stage 2 complaints - Investigation	<i>[compared to 10 in 08/09]</i>
1 Stage 3 complaint - Independent Review Panel	<i>[compared to 0 in 08/09]</i>

- 5.2 The Local Government Ombudsman undertook complaint investigation into one complaint; the complaint was concluded without publishing a report as the Ombudsman found no maladministration.

The Local Government Ombudsman is undertaking enquiries regarding two further complaints, these enquiries are ongoing.

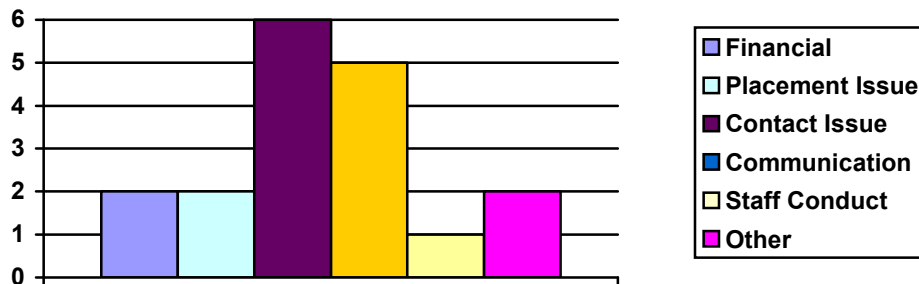
### **6. Stage 1 Complaints**

- 6.1 Of the 78 complaints registered at Stage 1 of the complaints procedure 18 were made by the child/young person . A breakdown of the 18 complaints made by the child/young person is shown below:-

### District/Service with case responsibility

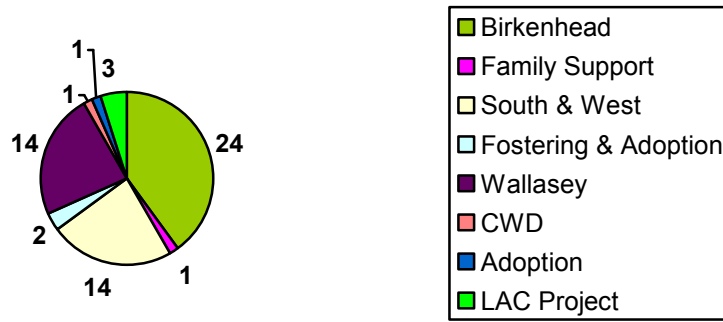


### Reason for Complaint

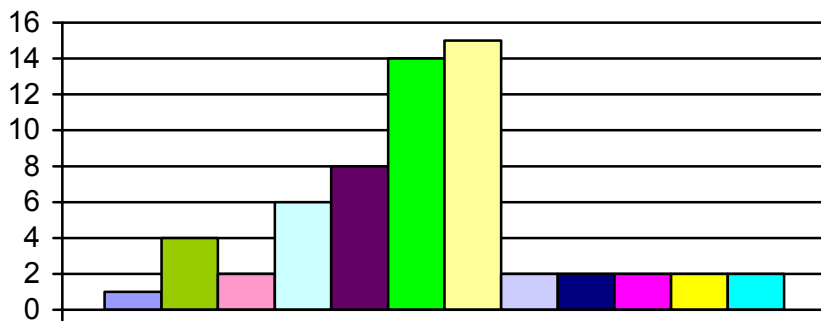
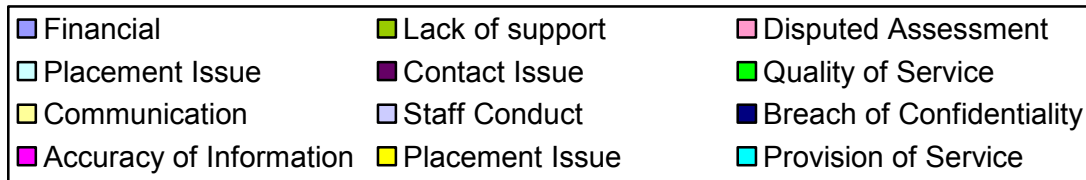


- 6.2 Stage 1 complaints made by the child/young person are handled by the Children's Complaints Officer with a focus on achieving resolution by working with the child/young person and the relevant manager.
- 6.3 Independent Advocacy Services are available to all children/young people who make a complaint via the Department's contracts with Wired and Safeguarding Children.
- 6.4 The average time taken to complete/resolve the 18 complaints made by the child/young person was 14.6 working days.
- 6.5 Of the 78 complaints made at Stage 1 of the complaints procedure 60 were made by adults with either parental responsibility or day to day care of the child. A breakdown of the 60 Stage 1 complaints made by an adult are shown below:-

### District/Service with case Responsibility



### Reason for Complaint



6.6 Stage 1 complaints registered by an adult are dealt with by an appropriate manager within the District with case responsibility. The average time taken to complete/resolve these complaints was 15 working days.

### 7. Stage 2 Complaints

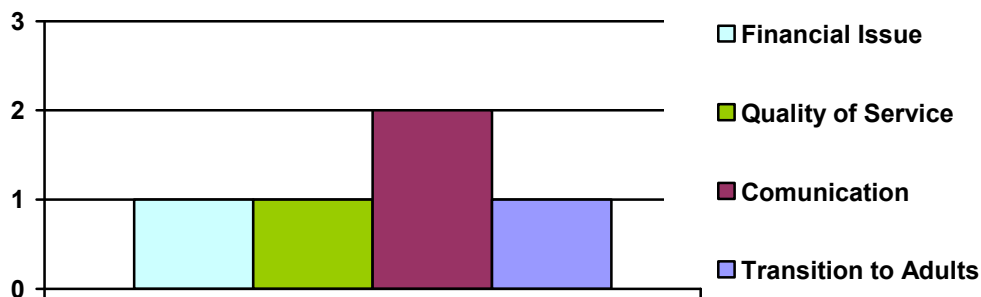
All of the 5 Stage 2 complaints registered were made by adults with parental responsibility or day to day care of a child/young person receiving a service.

A breakdown of the 5 complaints registered is below:-

### District/Service with case responsibility



### Reason for Complaint



- 7.1 The ethnicity of all complainants who registered a complaint at stage 2 of the complaints procedure was white.
- 7.2 One of the complainants at Stage 2 of the complaints procedure were regarding young people with a disability.
- 7.3 The average time taken to complete the Stage 2 complaint investigations and provide a Departmental response was 82 working days.
- 7.4 Two of the Stage 2 complaints were completed within the expected timescale of 65 working days; one complaint was delayed in agreement with the complainant; one complaint was affected by staff availability; one complaint was very complex and required a joint adjudication by both Heads of Branch for CYPD and DASS.
- 7.5 All recommendations from Stage 2 investigations are action-planned by the Principal Managers Group to ensure the Department learns from complaints and to effect service improvement.
- 8. Stage 3 Complaints (Independent Review Panel)**
- 8.1 One Independent Review Panel has been held during the reporting period.

8.2 The Panel upheld the Investigating Officer's findings but made two recommendations regarding communication and planning for future contact at Christmas time.

8.3 The Director responded to the Panel's recommendations within the expected timescale.

## 9. Learning from Complaints

9.1 Within the 5 Stage Two investigations, there were 23 individual complaints, outcomes of these complaints were:-

- 7 were upheld (30%)
- 11 were not upheld (48%)
- 2 were partially upheld (8%)
- 2 were undeterminable (8%)
- 1 was determined as no grounds for complaint (4%)

9.2 Recommendations made following Stage 2 investigations have included:-

- Producing a protocol with Merseyside Police regarding the sharing of information with a parent who is subject to a criminal investigation – **work ongoing**
- Producing information leaflets for parents/carers regarding child protection investigations and assessments etc. – **work ongoing**
- Transition checklist to be drawn up with named person who holds responsibility for completing the task. Application for and follow up of CICA, DLA & EMA to be placed on the checklist – **work completed**.

## 10. Review of Effectiveness

In order to continue to strive to offer a good service to our users the Customer and Resolution Team will in the coming year:-

- Continue to monitor the effectiveness of the adjudication system and its impact on timescales.
- Continue to monitor action planning to ensure recommendations from Stage 2 complaints are completed.
- Undertake a user survey and consultation exercise to ensure users views are heard and have an impact on how the complaints system is operated.

## **11. Compliments**

The Customer Resolution and Information Team received 20 compliments during the reporting period about a cross section of staff within the Department. Those compliments have been forwarded to the managers of the individuals concerned.

## **12. Access To Records**

The Customer Resolution and Information Team are also responsible for overseeing Subject Access Requests under the Data Protection Act 1998.

During the reporting period 90 Subject Access Requests were completed.

76% of requests were completed within the statutory timescale of 40 working days.

## **13. Freedom of Information**

The Customer Resolution and Information Team are also responsible for co-ordinating the Social Care Branch's response to Freedom of Information Requests.

During the reporting period 34 Freedom of Information Requests were dealt with; 85% of requests were completed within the statutory timescale of 20 working days.

## **14. FINANCIAL AND STAFFING IMPLICATIONS**

There are no direct financial and staffing implications arising from this report.

## **15. EQUAL OPPORTUNITIES IMPLICATIONS**

None arising directly from this report.

## **16. HUMAN RIGHTS IMPLICATIONS**

None arising directly from this report.

## **17. LOCAL AGENDA 21 IMPLICATIONS**

None arising directly from this report.

## **18. COMMUNITY SAFETY IMPLICATIONS**

None arising directly from this report.

## **19. PLANNING IMPLICATIONS**

None arising directly from this report.

**20. LOCAL MEMBER SUPPORT IMPLICATIONS**

None arising directly from this report.

**21. BACKGROUND PAPERS**

The Children Act 1989 Representations Procedure (England) Regulations 2006  
Getting the Best from Complaints 2006

**22. RECOMMENDATIONS**

Members are asked to note this report.

**Howard Cooper**  
**Director of Children's Services**