

WIRRAL COUNCIL

CHILDREN AND YOUNG PEOPLE'S OVERVIEW AND SCRUTINY COMMITTEE

16 NOVEMBER 2011

SUBJECT:	ANNUAL COMPLAINTS REPORT
WARD/S AFFECTED:	ALL
REPORT OF:	ACTING DIRECTOR OF CHILDREN'S SERVICES
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR ANN MCLACHLAN
KEY DECISION	NO

1.0 EXECUTIVE SUMMARY

1.1 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 1st April 2010 to 31st March 2011.

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

1.2 This report contains no exempt information.

2.0 RECOMMENDATION/S

2.1 Members are asked to note this report.

3.0 REASON/S FOR RECOMMENDATION/S

3.1 The Children Act 1989 Representations Procedure (England) Regulations 2006 stipulate that an Annual Report is produced and presented to appropriate Local Authority Committees.

4.0 BACKGROUND AND KEY ISSUES

4.1 See report at appendix 1.

5.0 RELEVANT RISKS

5.1 There are none arising from this report.

6.0 OTHER OPTIONS CONSIDERED

6.1 Not applicable.

7.0 CONSULTATION

7.1 Consultation has taken place with the Children in Care Council.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

8.1 There are none arising from this report.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

9.1 There are none arising from this report.

10.0 LEGAL IMPLICATIONS

10.1 There are none arising from this report.

11.0 EQUALITIES IMPLICATIONS

11.1 There are none arising from this report.

11.2 Equality Impact Assessment (EIA)

(a) Is an EIA required? No

(b) If 'yes', has one been completed?

12.0 CARBON REDUCTION IMPLICATIONS

12.1 There are none arising from this report.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 There are none arising from this report.

REPORT AUTHOR: Dawn Stanley-Smith
Interim Complaints Manager
telephone: 0151 666 43101
email: dawnstanley-smith@wirral.gov.uk

APPENDICES

Appendix 1 – Annual Complaints Report 2010/2011

REFERENCE MATERIAL

The Children Act 1989 Representations Procedure (England) Regulations 2006

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
------------------------	-------------

Annual Report to Overview and Scrutiny Committee	Last report presented on 16/11/2010
---	--

ANNUAL COMPLAINTS REPORT

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 1st 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 4 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 12 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 2 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.

5. Registered Complaints

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

66 Stage 1 Complaints - Local Resolution	[compared to 78 in 09/10]
5 Stage 2 complaints - Investigation	[compared to 5 in 09/10]
1 Stage 3 complaint - Independent Review Panel	[compared to 1 in 09/10]

- 5.2 The Local Government Ombudsman undertook enquiries into one complaint; the Ombudsman found no injustice or maladministration and closed the complaint without an investigation.

6. Stage 1 Complaints

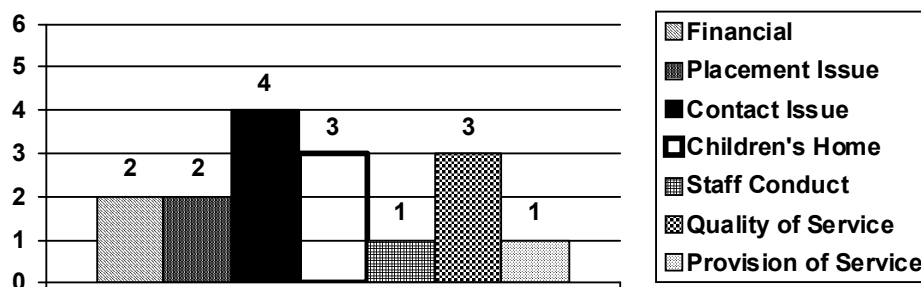
- 6.1 Of the 66 complaints registered at Stage 1 of the complaints procedure 16 were made by a child/young person (*compared to 18 in 09/10*) and 50 by an adult parent/carer (*compared to 60 in 09/10*). A breakdown of the stage 1 complaints is below:

6.2 Stage One complaints made by a child or young person:

District/Service with case responsibility

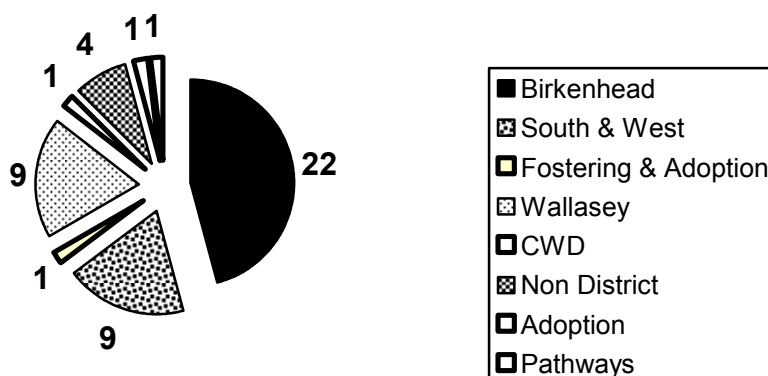


Reason for Complaint

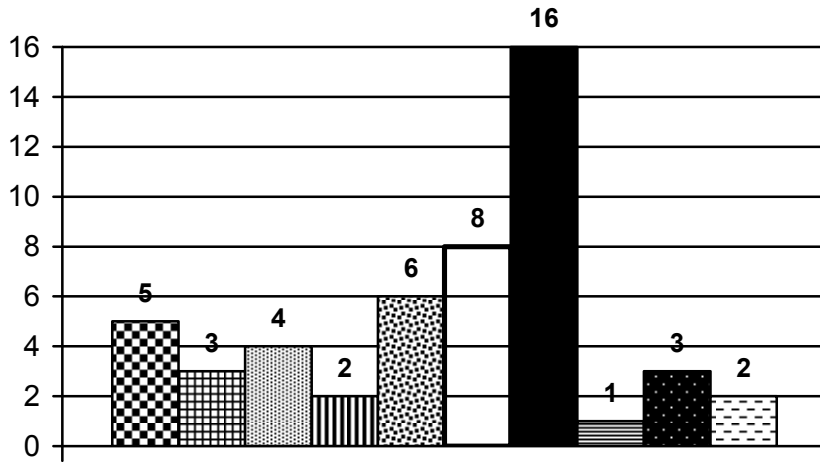
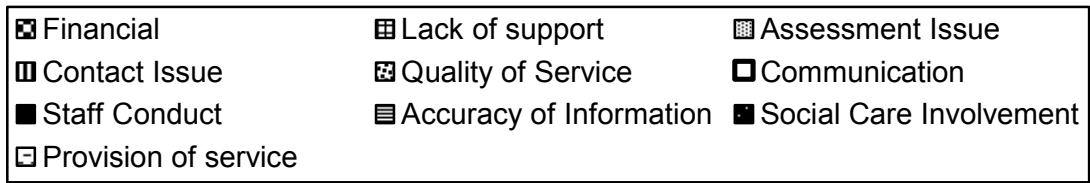


- 6.3 Stage 1 complaints made by the child/young person are handled by the Children's Complaints Officer with a focus on achieving resolution by working with the child/young person and the relevant manager.
- 6.4 Independent Advocacy Services are available to all children/young people who make a complaint via the Department's contracts with Wired and Safeguarding Children.
- 6.5 The average time taken to complete/resolve the 16 complaints made by the child/young person was 10.3 working days (*compared to 14.6 working days in 09/10*).
- 6.6 **Stage One complaints made by an adult parent/carer:**

District/Service with case Responsibility



Reason for Complaint



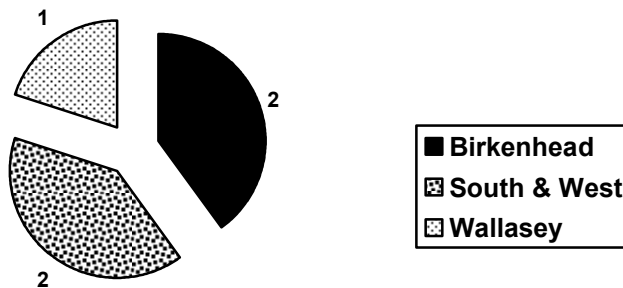
6.6 Stage 1 complaints registered by an adult are dealt with by an appropriate manager within the District with case responsibility. The average time taken to complete/resolve these complaints was 14 working days (*compared to 15 working days in 09/10*).

7. Stage 2 Complaints

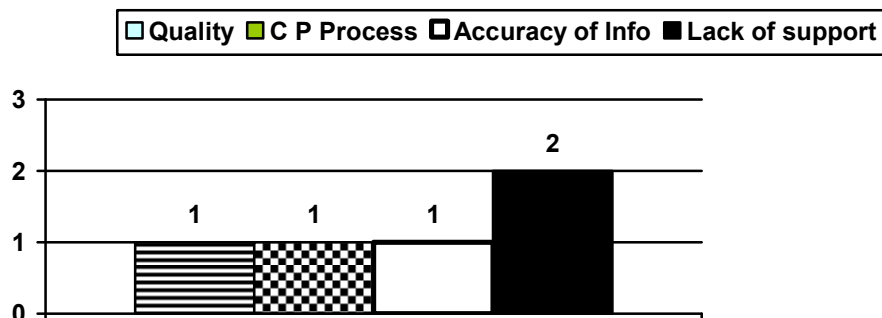
All of the 5 Stage 2 complaints registered were made by adults with parental responsibility or day to day care of a child/young person receiving a service.

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 British, European, Irish or white other.
- 7.2 One of the complainants at Stage 2 of the complaints procedure was registered disabled.
- 7.3 The average time taken to complete the Stage 2 complaint investigations and provide a Departmental response was 97 working days (*compared to 87 in 2009/10*).
- 7.4 One of the 5 Stage 2 complaint investigations is ongoing. Of the four completed investigations two were completed within the expected timescale of 65 working days.
- 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.
- 8.3 The Director responded to the Panel's findings within the expected timescale.

9. Learning from Complaints

- 9.1 Within the 4 completed Stage Two investigations, there were 16 individual complaints, outcomes of these complaints were:-
 - 4 were upheld (25%%)
 - 8 were not upheld (50%)
 - 2 were partially upheld (12.5%%)
 - 2 were undeterminable (12.5%)

9.2 The majority of recommendations made following these Stage 2 investigations were individual to the complaint, recommendations for Departmental action have included:-

Providing complaints training for all managers responsible for responding to complaints – *to be included in 2011/12 training plan*

Staff to be reminded of the importance of communicating effectively with families regarding the procedures they are subject to – *incorporated into Safeguarding Training*

10. Review of Effectiveness

The number of complaints received by children and young people themselves has remained lower than I would expect given the number of children in the care of the Council. The Complaints Manager has worked with the Children in Care Council to examine this issue; the Children in Care Council undertook a consultation exercise and offered the following recommendations to the Department:

- A redesign of the children's complaints leaflet – *new leaflet produced in consultation with children and young people to be circulated 1 November 2011.*
- A freephone telephone number for children and young people to use if they want to make a complaint - *Freephone number set up which will be publicised to children and young people in care in a mail shot on 1 November 2011.*
- More proactive role for the Children's Complaint Officer making sure that every child who makes a complaint is offered a one to one visit – *to be incorporated into the restructure of the children and adult social care complaints team.*

The timescales for Stage 2 investigations are below the high standard we have come to expect, this is due to staffing issues within the complaints team with both investigating officers currently absent from work. External investigation officers are currently being commissioned to undertake stage 2 investigations and it is hoped that this will improve timescales.

11. Compliments

The Customer Resolution and Information Team received 36 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.

David Armstrong
Acting Director of Children's Services