

## **WIRRAL COUNCIL**

### **CHILDREN AND YOUNG PEOPLE'S OVERVIEW AND SCRUTINY COMMITTEE 17 SEPTEMBER 2009**

#### **REPORT OF THE DIRECTOR OF CHILDRENS 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 2008 to 31<sup>st</sup> March 2009.

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 8 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 14 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 Four 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 a joint review of practice across social care and education; 2 cases where the outcome of a previous complaint set a precedent and the issue could be resolved without the need for a formal investigation; and 1 request for the Complaints Manager to review the response to a Stage 1 complaint to ensure accuracy of information.

### **5. Registered Complaints**

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

90 Stage 1 Complaints - Local Resolution	<i>[compared to 109 in 07/08]</i>
10 Stage 2 complaints - Investigation	<i>[compared to 9 in 07/08]</i>
0 Stage 3 complaints - Independent Review Panel	<i>[compared to 1 in 07/08]</i>

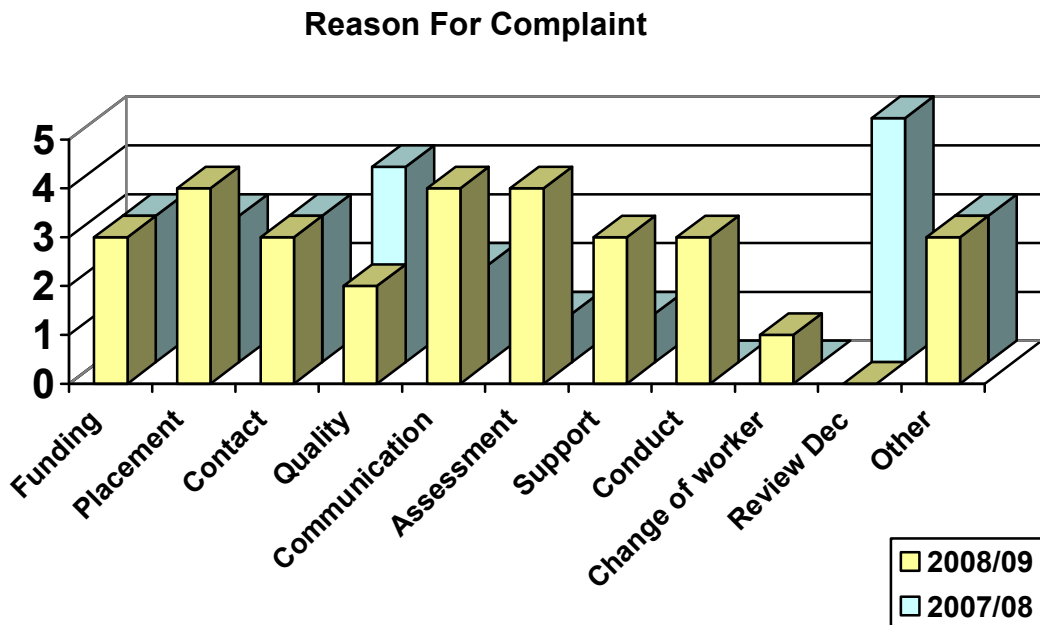
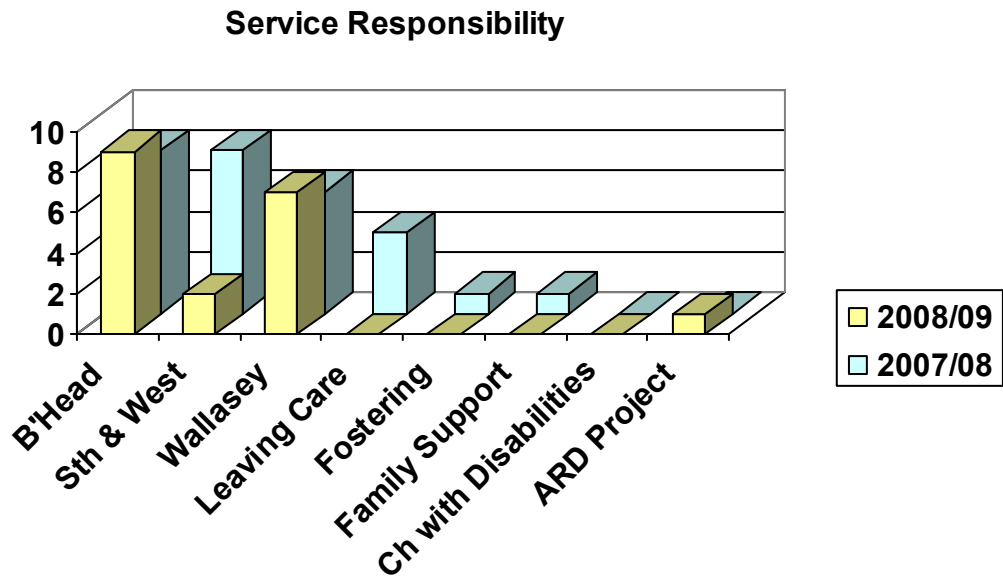
- 5.2 The Local Government Ombudsman concluded one investigation, without publishing a report, recommending a £500 time and trouble payment be made to the complainant. *[Relating to a complaint registered with the Department of Social Services in 2002]*

In addition the Local Government Ombudsman undertook enquiries into two further cases which did not progress to investigation.

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

- 6.1 Of the 90 complaints registered at Stage 1 of the complaints procedure 26 were made by the child/young person *[compared to 28 in 2007/08]*. A

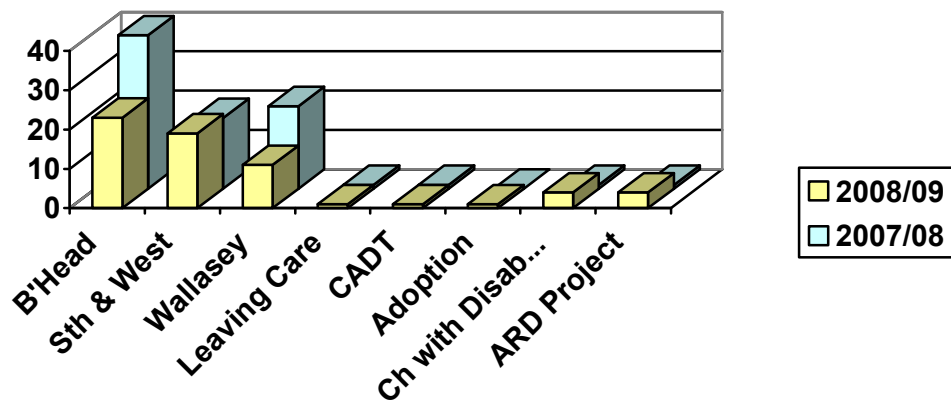
breakdown of the 26 complaints made by the child/young person is shown below:-



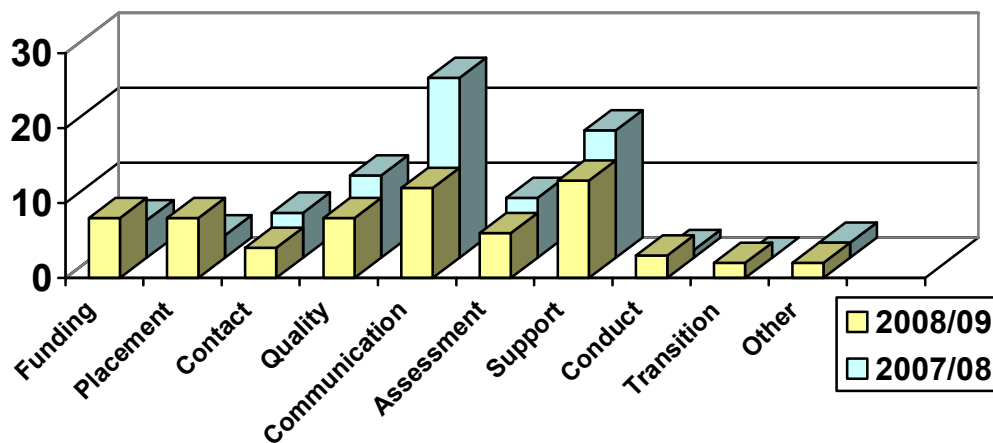
6.2 Stage 1 complaints made by the child/young person are handled by the Children's Complaints Officer with a focus on achieving resolution by working with the child/young person and the relevant manager.

- 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 26 complaints made by the child/young person was 17.6 working days *[compared to 57.5 in 2007/08]*.
- 6.5 Of the 90 complaints made at Stage 1 of the complaints procedure 64 were made by adults with either parental responsibility or day to day care of the child *[compared to 81 in 2007/08]*. A breakdown of the 64 Stage 1 complaints made by an adult are shown below:-

**Service 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 12.5 working days *[compared with 19.8 working days in 2007/08]*.

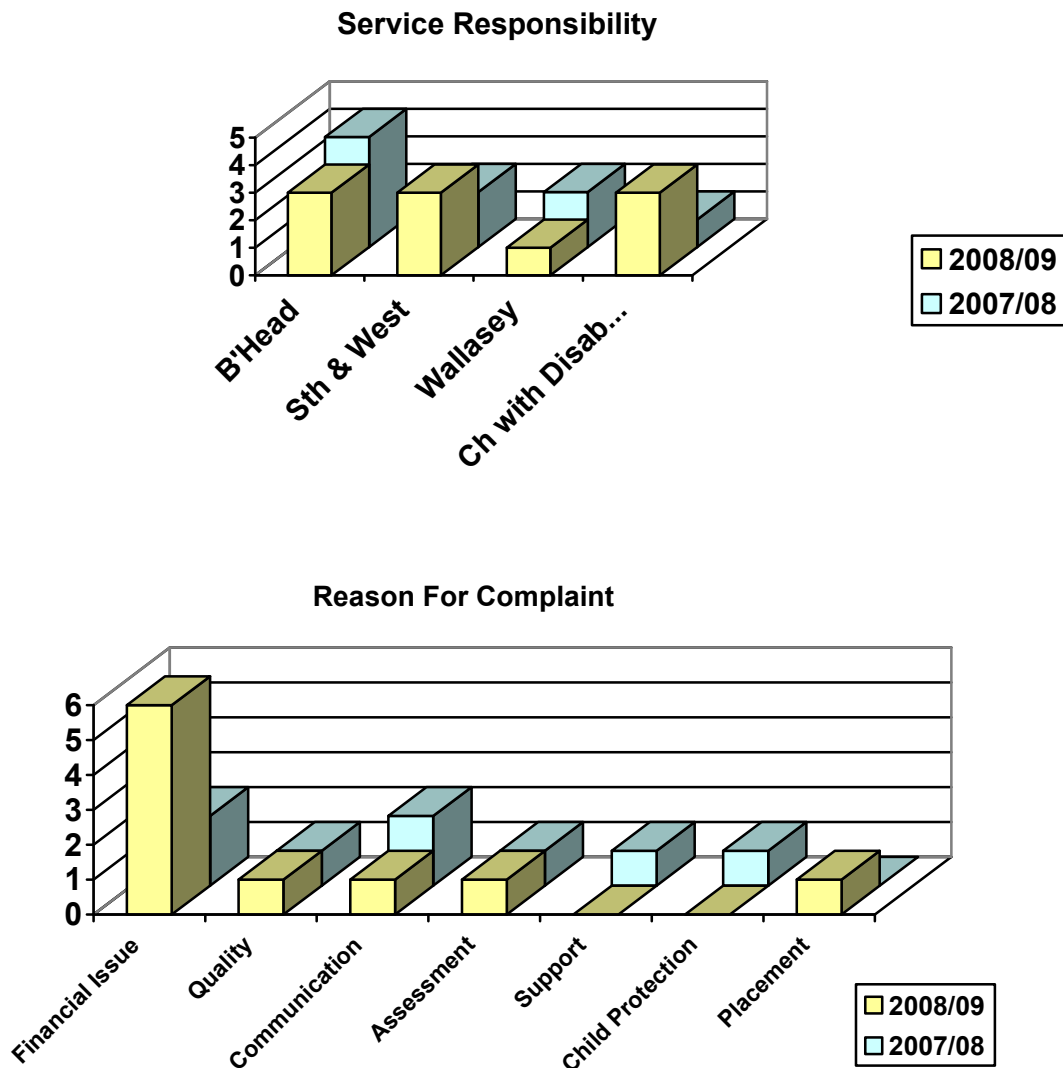
## 7. Stage 2 Complaints

10 Stage 2 complaints were made by adults with parental responsibility or day to day care of a child/young person receiving a service [compared to 9 in 2007/08].

At the time of reporting two of the Stage 2 complaints have been suspended at the request of the complainant.

At the time of reporting one Stage 2 investigation is ongoing.

A breakdown of the 10 complaints registered is below:-



7.1 The ethnicity of all complainants who registered a complaint at stage 2 of the complaints procedure was White British.

7.2 Three of the complainants at Stage 2 of the complaints procedure were regarding young people with a disability.

- 7.3 Of the seven completed Stage 2 complaint investigations the average time to undertake the investigation was 30.8 working days *[compared to 44 working days in 2007/08]*.
- 7.4 Of the seven completed Stage 2 complaints the average time taken to provide a Departmental response to the investigation was 21.8 working days *[compared to 20.4 working days in 2007/08]*.
- 7.5 All recommendations from Stage 2 investigations are action-planned by the Strategic Managers Group to ensure the Department learns from complaints and to effect service improvement.

## **8. Stage 3 Complaints (Independent Review Panel)**

- 8.1 No requests have been received during the reporting period to progress a complaint to Stage 3 of the complaints procedure.
- 8.2 No Independent Review Panels have been held during the reporting period.

## **9. Learning from Complaints**

- 9.1 Within the 7 completed Stage Two investigations, there were 20 individual complaints, outcomes of these complaints were:-

- 5 were upheld (25%)
- 5 were not upheld (25%)
- 10 were partially upheld (50%)
- 0 were undeterminable

- 9.2 Recommendations made following Stage 2 investigations have included:-

- Introducing a protocol for investigations and/or assessments in respect of employees' children.
- A viability review regarding an integrated transition team for Children With Disabilities.
- Agreeing a protocol for the management of complaints across Department of Adult Social Services and Children and Young People's Department regarding transition cases.

## **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.
- Financial Remedies: On 3 November 2008 the scheme of delegation was amended meaning that Chief Officers can agree sums of compensation to settle complaints of maladministration, in consultation with the Directors of Finance & Law and Human Resources & Asset Management up to a maximum of £1000; and up to £5000 in consultation with the above Directors and the Chair of the Standards Committee.

## **11. Compliments**

The Customer Resolution and Information Team received 13 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 managing Subject Access Requests under the Data Protection Act 1998.

During the reporting period 142 Subject Access Requests were completed.

58.5% of requests were completed within the statutory timescale of 40 working days; of those not completed within timescale requesters were receiving a service and support from the Data Compliance Officer.

The volume of data to be processed, particularly in the case of care leavers, has an impact on the Data Compliance Officer's ability to complete within timescales.

## **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; 70% 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**