

LONDON BOROUGH OF HAMMERSMITH & FULHAM



**CHILDREN'S SOCIAL CARE COMPLAINTS  
ANNUAL REPORT**

**APRIL 2010 - MARCH 2011**

## 1.0 INTRODUCTION

The Children's Social Care Statutory complaints procedure stipulates that an annual report must be produced for complaints made under the Children's Act 1989 *Representation Procedure (England) Regulations 2006*. The procedure further requires that the report should provide a mechanism by which the local authority can be kept informed about the operation of its complaints and representations procedure; should be presented to staff, the relevant management committee and be made available to the regulator and the general public.

To this end, this report provides information about complaints made during the twelve months between 1 April 2010 and 31 March 2011. It highlights how the Department has performed against statutory timescales and key principles; learning and service improvements that have been made as a result of listening and responding to complaints and plans for further developments.

## 2.0 STATUTORY COMPLAINTS PROCEDURE

The Children's Act 1989 Representations Procedure (England) Regulations 2006, Children (Leaving Care) Act 2000, Adoption and Children Act 2002 and the Health and Social Care Acts 2003 require the local authority to have a procedure for resolving complaints and representations received by, on behalf of, or relating to children and young people.

The procedure dictates that the local authority should provide children and young people with information about advocacy services and offer them help to obtain an advocate. The local authority has therefore established a Children's Rights Service to provide advocacy and support for children and young people who wish to access the complaints procedure. In addition, advocacy can be provided by friends, relatives, advocacy groups or legal representatives.

The fundamental principles that underpin Hammersmith and Fulham's Children's Social Care complaints procedure are, having clear and straightforward systems in place to capture complaints and that these are readily accessible to users; ensuring that complaints are managed effectively at all stages of the procedure; taking decisions as quickly as possible and where necessary lessons are learnt which are then fed back into service improvements across the Department.

Staff are encouraged to attempt to resolve problems at the first point of contact in line with good practice highlighted by the Local Government Ombudsman, but are equally advised to direct service users towards the Customer Care and Complaints Team to access the procedure where an instant resolution is not possible or appropriate, or where the service user remains dissatisfied.

It is essential that all teams delivering services (including the Department's contractors) formally capture and record complaints. It is only by doing so that complaints can be tracked and where things have gone wrong managers can ensure that matters are put right. Senior management therefore regularly encourages teams to recognise and record complaints and report these to the Complaints Team.

The complaints procedure has three stages with a strong emphasis on resolving complaints at the first stage.

## **2.2 Stage 1 - Local Resolution**

This is the most important stage of the complaints procedure. Service Managers provide a written response to the complainants within 10 working days. This can be extended up to 20 workings if the complaint involves complex matters or to allow time for appointing an advocate where a vulnerable person is involved. The Department's teams and external contractors providing services on the Council's behalf are expected to resolve as many complaints as possible at this initial point. The Customer Care and Complaints Team continue to work in partnership with managers to ensure that quality responses are made within the stipulated timescales.

## **2.3 Stage 2 - Investigation**

This stage is usually implemented where the complainant is dissatisfied with the findings of Stage 1, they have not received a response within the timescales or due to the Department agreeing with them that Stage 1 is not appropriate. Stage 2 is an investigation conducted by an external Investigating Officer together with an Independent Person who oversees the fairness and transparency of the investigation process. Investigators are drawn from the joint Children's Services and Adult Social Care Complaints Team pool of consultants. These individuals are appointed according to their experience and expertise. Following an investigation the findings and any recommendations are set out in a report to the Assistant Director who would then provide a written response on behalf of the Council. Subsequently, the response and a copy of the report are sent to the complainant and relevant individuals within the Department. The Customer Care and Complaints Team monitor any recommendations that is agreed to ensure that they are implemented.

The timescales for responding to a complaint at this stage is 25 working days, with an extension of up to 65 working days for complex cases.

## **2.4 Stage 3 - Independent Review Panel**

Where complainants wish to proceed with complaints about statutory social services functions, the Council is required to establish a complaints Review Panel. Complaints Review Panels are made up of three independent panellists (external individuals selected from the said pool of consultants) who are appointed by the Customer Care and Complaints Manager. The panel makes recommendations to the Director of Children's Services who then reach a decision on the matter and any actions to be taken.

There are various timescales relating to stage 3 complaints. These include:

- Organising the panel within 30 working days of the complainant's request.
- producing the panel's report within 5 working days detailing its recommendations, and
- sending the local authority's response to the complainant within 15 working days of the Panel's report.

## 2.5 Local Government Ombudsman

If the complainant is not satisfied with the outcome of the Independent Review Panel they have the right to take their complaint to the Local Government Ombudsman. Complainants, however, can refer their complaint to the LGO at any time, although the Ombudsman normally refers the complaint back to the Council if it has not been considered under the relevant procedure in the first instance.

## 3.0 ACTIVITY

### 3.1 Number of complaints

From April 2010 to March 2011 the Complaints Team recorded 57 complaints compared with 62 during the previous year. This represents a decrease of about 8% and reverses the 38% increase in complaints recorded in 2009/10.

It is important to note that there is a total of 1416 service users in children's social care. This means that only 4% of service users accessed the complaints procedures. In this context, the Department received only a small number of complaints.

### 3.2 Historical trends in complaints

Year	Stage 1	Stage 2	Stage 3	Total
2010/11	51	6	0	57
2009/10	51	11	0	62
2008/09	44	1	0	45

As can be seen from the figures above, the majority of complaints, the equivalent of 89% were received and resolved at Stage 1 of the procedures. 11% of complainants requested further consideration of their complaints at stage 2 of the procedures. This resulted in the full investigation of 6 complaints.

### 3.3 Complaints by Service Area and Comparison with the Preceding Year

Service	10/11
Adoption	1
Contact and Assessment (CAS)	11
Dalling Road Children's Home	1
Disabled Children Team (DCT)	2
Family Assist	2
Family Support & Child Protection (FSCP)	15
Fostering Service	3
Looked After Children	16
Review and Quality Assurance (RQA)	0
Asylum Seekers (UASC)	0
<b>Total</b>	<b>51</b>

A new electronic system for recording and managing complaints was introduced across the Council from 1 April 2010. This system has resulted in changes to the recording of complaints. Therefore a historical comparison and analysis cannot be provided.

### 3.4 Nature of complaint

Description	10/11	%	09/10	%	08/09	%
Standard of Service Delivery	11	21%	15	24%	16	36%
Child Protection Issues	5	10%	10	16%	3	7%
SW attitude/Officer Behaviour	13	25%	12	19%	11	24%
Financial issues	0	0	3	5%	3	7%
Accommodation/ Placement Issues	8	16%	4	7%	5	11%
Adoption	1	2%	0	0	0	0
Against Foster Carer	2	4%	2	3%	0	0
Communication Issues/Lack of Response	5	10%	10	16%	5	11%
Eligibility for Service	1	2%	0	0	1	2%
Miscellaneous	1	2%	3	5%	0	0
Equal Opportunities	0	0	1	2%	0	0
Data Protection Issues	4	8%	2	3%	1	2%
<b>Total</b>	<b>51</b>	<b>100%</b>	<b>62</b>	<b>100%</b>	<b>45</b>	<b>100</b>

### 3.5 Outcomes

A key principle of the complaints procedure is to inform service users of the outcome of their complaints.

#### Stage 1 outcomes and comparison with previous year

Year	Upheld	Partly Upheld	Not Upheld	Total
2010/11	3	11	37	51
2009/10	7	15	33	55
2008/09	2	12	29	43

The number of complaints relating to service delivery and staff behaviour/attitude remain consistent with the figures reported in 2009/10 and 2008/09. However, only 4/11, the equivalent of 36% of complaints relating to service delivery were upheld either fully or partly. Similarly, only 2/11 or 15% of complaints regarding staff attitude/behaviour were upheld either fully or partly. 1 of the 5 complaints relating to child protection issues were upheld either fully or partly.

The above figures also highlight a decrease in the number of complaints relating to communication issues. 5 complaints (the equivalent of 10%) relating to communication issues were recorded in 2010/11 compared to 10 complaints (16%) in 2009/10. 1 of the 5 complaints relating to communication issues were upheld. This represents a significant improvement in the department's performance over the last financial year. In 2009/10 6 of the 10 complaints relating to communication issues were upheld either fully or partly.

With regards to those complaints that were upheld the Department offered apologies and advised the service users of any actions that would be taken to prevent the incident that lead to their complaint from recurring. Further commentary regarding practical measures that were implemented will be stated under the 'Learning from complaints' section of this report.

### 3.6 Representations

In addition to formal complaints, the Department is required to collect figures on representations. Representations may not always be complaints; they might also be positive remarks or ideas that require a response from the local authority. Thus, enquiries or comments about the availability, delivery or nature of a service which are not criticisms are dealt with as representations. The Complaints Team recorded **16** representations that were made and successfully resolved during the year without the need to record them as formal complaints.

The Complaints Team is presently working with Service Managers to ensure that concerns which are resolved and not progressed through the complaints procedures are recorded.

### 3.7 Response times

The Department responded to 78% of Stage 1 complaints within the statutory timescales. This response rate is slightly down from the 84% performance recorded in 2009/10. However, some of these delays were not within the control of the service areas. Some difficulties surrounding training and the uses of the new management system for complaints introduced across the council from 1 April 2010 resulted in some delays in responding to complaints.

However, the response rate for stage 2 complaints has improved over the last year. 67% of stage 2 complaints were completed within the statutory timescales, compared to the reported figure of 25% in 2009/10.

The following charts give a breakdown of the responses that met the statutory timescales, at each stage of the procedures and comparison with the pervious year.

#### Stage 1

	<b>2010/11</b>	<b>2009/10</b>	<b>2008/9</b>
Within 10 days	19	26	34
Within 20 days	21	17	7
Outside of timescale	11	8	1
<b>Total</b>	<b>51</b>	<b>51</b>	<b>42</b>
<b>Overall response rate</b>	<b>78%</b>	<b>84%</b>	<b>98%</b>

#### Stage 2

	<b>2010/11</b>	<b>2009/10</b>	<b>2008/09</b>
Within 25 days	0	0	0
Within 65 days	4	1	1
Outside of timescale	2	3	0
<b>Total</b>	<b>6</b>	<b>4</b>	<b>1</b>
<b>Overall response rate</b>	<b>67%</b>	<b>25%</b>	<b>100%</b>

### 3.8 Local Government Ombudsman

One case was referred to the Local Government Ombudsman during the year. The Ombudsman ruled in favour of the Council and found no maladministration.

## 4.0 COMPLIMENTS

The Department welcome compliments from its users. Compliments help to highlight good quality service and give staff encouragement to continue delivering service of the highest standard. During the year, **22** compliments were received and passed to the Customer Care and Complaints Team.

<b>Service</b>	<b>No of Compliments</b>
Adoption	<b>7</b>
Contact and Assessment (CAS)	<b>1</b>
Dalling Road Children's Home	<b>0</b>
Disabled Children Team (DCT)	<b>0</b>
Family Assist	<b>0</b>
Family Support & Child Protection (FSCP)	<b>1</b>
Fostering Service	<b>1</b>
Looked After Children	<b>10</b>
Review and Quality Assurance (RQA)	<b>1</b>
Asylum Seekers (UASC)	<b>1</b>
<b>Total</b>	<b>22</b>

To give a few examples:

"Thank your for the big efforts you made to secure a tutor for me which had a direct effect on my improved GCSE results. I also want to acknowledge the excellent work you did to negotiate a plan for me to stay on at this placement beyond my 18th birthday."

Asylum Seekers (UASC)

"Having been involved with the Hammersmith & Fulham adoption team since late 2005, we wanted to take this opportunity to express our gratitude for the support we have received and admiration of the professionals we worked with."

Adoption Team

"I just want to also say thank you for all that you have done for both my girls. Hammersmith and Fulham would do well to keep you as you are a hardworking and caring social worker. All the best for the future and thanks again."

Contact and Assessment

"I would like to thank you for always being available to help with my daughter. It has been the best ever interaction I have ever had working with Social Care. My daughter is in school today, she came to see me with her carer and she was laughing and smiling."

Looked After Children

"Thank you for being my Social Worker."

Looked After Children

## **5.0 COMPLAINTS SURVEY**

A customer feedback survey was carried out towards the end of the period covered by this report. The aim was to ascertain the views of those who made complaints during the year. Due to the low number of responses, it is difficult to form a definitive view. However, the feedback shows a low level of dissatisfaction with the outcome and handling of complaints. The number who considered the process as fair, easily accessible and delivering timely responses were evenly balanced. It was clear, though, that the majority reported that someone listened to them straightaway.

The Customer Care and Complaints Manager will continue to evaluate the effectiveness of the service, including working with managers within the operational teams to improve outcomes for customers.

## **6.0 ACTION TAKEN/ LEARNING FROM COMPLAINTS**

The statutory procedure requires that the annual report should demonstrate learning and service improvement, including changes to services that have been implemented and details of any that have not been implemented. 'Learning from complaints' is an increasingly important part of the Department's philosophy and managers responding to complaints/representations are encouraged to identify any shortcomings within the service and to inform the service user of any actions which will be taken to prevent a recurrence of the event which lead to the complaint.

A number of processes have been put in place to ensure that the Department learn from the complaints received. On completion of Stage 2 investigations, the Customer Care and Complaints Team liaise with relevant managers to ensure that recommendations resulting from the investigation are actioned and that learning is recorded. The same process is followed for any recommendations that arise from Stage 3 Review Panels and accepted by the Department.

Monthly monitoring reports on complaints, covering statistical data and lessons learned, are circulated to managers. In addition, the Quality Assurance Manager includes relevant practice issues in his reports to the Departments Quarterly Audit meetings for discussion and inclusion in any action plans as appropriate.

There are some examples of learning this year:

An investigation of a complaint at stage 2 of the procedures highlighted the need for the department to take a more balanced approach in working with parents. In particular ensuring the views and concerns of both parents are given equal weight. Following this complaint the importance of engaging fathers appropriately was brought to the attention of staff.

A number of complaints have highlighted the failure to provide parents with sufficient time to review reports and enable preparation for case conferences. This was brought to the attention of staff and is presently being monitored through quarterly audits.

The investigation of a complaint highlighted the need for periodic reviews of case files that are flagged indicating potential risk to social workers and staff. In particular, this need was highlighted with respect to cases that have been closed.

A joint investigation with Adult Social Care highlighted a lack of effective planning in the transition process to Adult Social Care. Following this investigation, a review of the arrangements for cases that are in transition from Disabled Children’s Service to Adult Social Care was conducted. A transition panel of professionals from Children’s Service and Adult Social Care was introduced. A transition subgroup of professionals from Children’s Service and Adult Social Care was also created. This group meets quarterly to discuss the process and professional practice around transition and working with young people with disabilities. This ensures that best practice is shared.

The Complaints Team recorded a number of other instances of learning but most of them are specific to the case and there are no general learning points that would influence policy or procedure.

The Customer Care and Complaints Manager is a member of the London Complaints Managers Group, the Central London sub committee and strategic planning working group which meets regularly to discuss casework and best practice in complaints management across the London region.

## 7.0 PROFILE OF USERS

In this section an analysis of data in relation to complainants has been collated. This information is provided voluntarily by the complainant, therefore not all individuals choosing to make a complaint have provided full information. Most of the data supplied has come from people who have used the prescribed complaints form which has a section requesting this. Only a very small proportion of this information has been provided by complainants using the telephone, fax, email or by letter. The complaints unit will continue to review how it records this data in line with the Data Protection Act.

### 7.1 Ethnicity

Complainants			All service users	
	Numbers	%	Numbers	%
White/ White British	21	41%	463	33%
Asian or Asian British	0	0%	64	5%
Black/Black British	14	28%	414	29%
Mixed Race	0	0%	273	19%
Other	1	2%	116	8%
Unknown	15	29%	86	6%
<b>Total</b>	<b>51</b>	<b>100%</b>	<b>1416</b>	<b>100%</b>

In general, the number of people complaining is proportionate to the number of service users from minority ethnic groups. This indicates that there is no significant relationship between ethnicity and dissatisfaction with service provision. Its also indicates that there are no significant barriers to service users from minority ethnic groups accessing the complaints procedure.

## 7.2 Disability

Complainants			All service users	
Complainants	Numbers	%	Numbers	%
Disabled	7	14%	91	6%

## 7.3 Age of Complainants

Complainants			All service users	
	Numbers	%	Numbers	%
0-16	3	6%	1150	81%
17-24	5	10%	266	19%
25-29	3	6%	0	0
30+	35	68%	0	0
Unknown	5	10%	0	0
Total	51	100%	1416	100%

Approximately 10 percent of complaints were made directly by the service users. The majority of complaints came from parents, guardians and people with sufficient interest in the welfare of the child/young person (service user). The Complaints Team will continue to work with the Children's Rights Service to ensure that children and young people are aware of their right to complain and empowered to utilize it if required.

## 7.4 Gender

Complainants			All service users	
	Numbers	%	Numbers	%
Female	35	69%	609	43%
Male	16	31%	796	56%
Not specified	0	0	11	1%
Total	51	100%	1416	100%

The figures show a disparity between the gender of complainants as a proportion of all service users. However, it should be noted that the majority of complaints were made by or on behalf of the actual service users.

## 8.0 CATEGORY OF COMPLAINANTS

Statutory guidance requires that information about complainants is also reported in the following format:

<b>Person making the complaint</b>	
Child/young person being looked after/in need or a parent/ someone with parental responsibility of such a child	<b>34</b>
Local authority foster carer	<b>1</b>
Child leaving care	<b>2</b>
Special guardian or child to whom a Special Guardian order is in force	<b>0</b>
Person who have applied for assessment under section 14F(3) or (4)	<b>0</b>
Child or young person who may be adopted, their parents/guardian	<b>2</b>
Persons wishing to adopt or any other persons whom arrangements for the provision of adoption services extend	<b>0</b>
Adopted persons, their parents, natural parents and former guardians	<b>1</b>
Persons with sufficient interest in the child's welfare	<b>11</b>

Whilst the majority of complainants contacted the Complaints Unit directly, a small number were made through advocacy services (e.g. Children's Rights Service or Law Firms). This shows that the procedures are generally accessible and straightforward to service users and their families.

## **9.0 PLANNED DEVELOPMENTS FOR 2010/11**

The main priorities for the complaints team during the next twelve months are as follow:

1. Continue to promote the complaints service across the department, ensuring that staffs are familiar with the complaints procedures.
2. Provide staff with training on the effective management of complaints.
3. Continue to work on improving the statutory complaints process on the Council's electronic system for managing complaints
4. Provide managers and staff with training on the use of electronic complaints management system.
5. Continue to work in partnership with the Children's Rights Service in ensuring that children and young people are aware of their right to complain and know how to access the complaints procedure.
6. Review the complaints leaflet tailored for children and young people with the assistance of the Children's Rights Service.
7. Work with the Children's Rights Service on improving young people access to the complaints procedures with the development of a joint Children's Rights and Complaints text service.
8. Continue to strengthen the links with the Safeguarding and Quality Assurance Unit ensuring that complaints regarding vulnerable children and young people are recorded and dealt with timely and appropriately.
9. Continued liaison with the Contract Monitoring Officer to ensure that practice issues arising from complaints regarding foster placements and other external agencies are communicated to case managers, service providers and commissioners.

## **10.0 SUMMARY**

The majority of complaints (89%) were effectively managed and resolved at stage 1 of the procedures. Six complaints were dealt with at stage 2 of the procedures. There were no stage 3 complaints. This evidences the effectiveness of the systems (formally and informally) that are in place for resolving complainants, thus avoiding individuals the time and trouble of having to go through a long and protracted procedure. Approximately 27% of complaints made during the year were upheld (partly or fully). This report has shown, based on the actions taken following the consideration of complaints that the department has listened to feedback from its users and is determined to improve and develop the quality of its services. The department recognises that there is some dissatisfaction with the manner of service delivery and complaints handling process and are committed to addressing them.

**Customer Care and Complaints Manager: Daryle Mathurin**  
**June 2011**