

**PORTSMOUTH CITY COUNCIL**

**SOCIAL CARE SERVICES FOR CHILDREN  
ANNUAL REPORT**

**COMPLAINTS AND COMPLIMENTS FOR THE  
YEAR 2010/11**

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# ANNUAL CHILDREN'S SOCIAL CARE COMPLAINTS REPORT

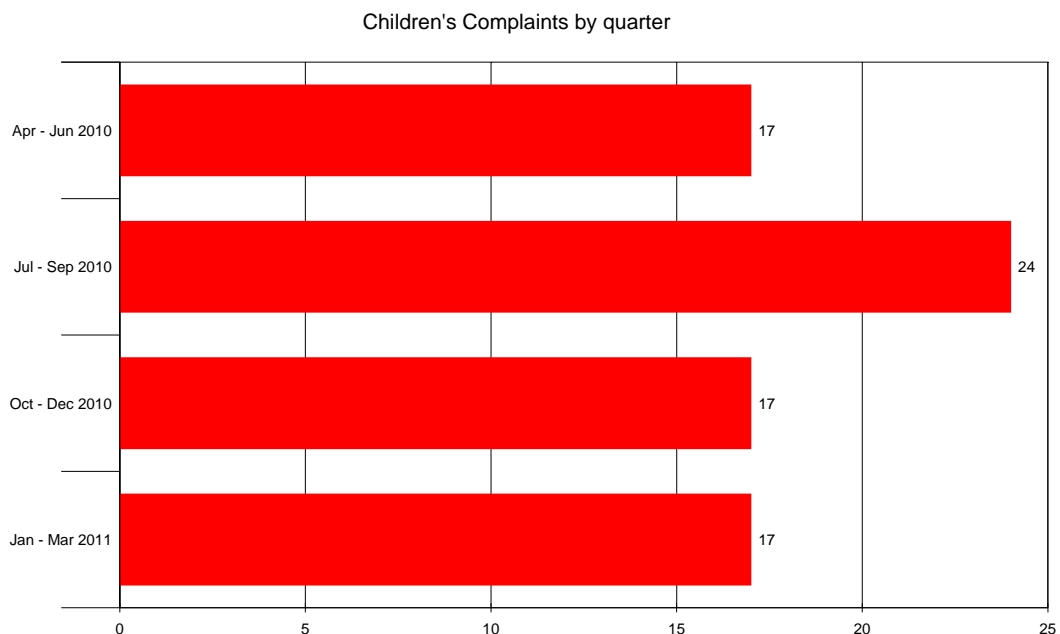
## SUBJECT: COMPLAINTS AND COMPLIMENTS 1 April 2010- 31 March 2011

### 1. PURPOSE

- 1.1 To provide an analysis of all complaints received during the period 1 April 2010 to 31 March 2011 for social care services provided to Children and to report on representations and compliments received.
- 1.2 To compare these to the previous 12 months and to report on complaints investigated at the external investigation stage of the procedure.

### 2. ANALYSIS OF COMPLAINTS

- 2.1 For the financial year 2010/2011, there were 75 complaints made about Children's Social Care, compared to 48 last year and 59 in the year before that. This represents a 56% increase in the number of complaints this year. The following bar graph shows the number of complaints received by quarter over the year from 1 April 2010 and 31 March 2011.

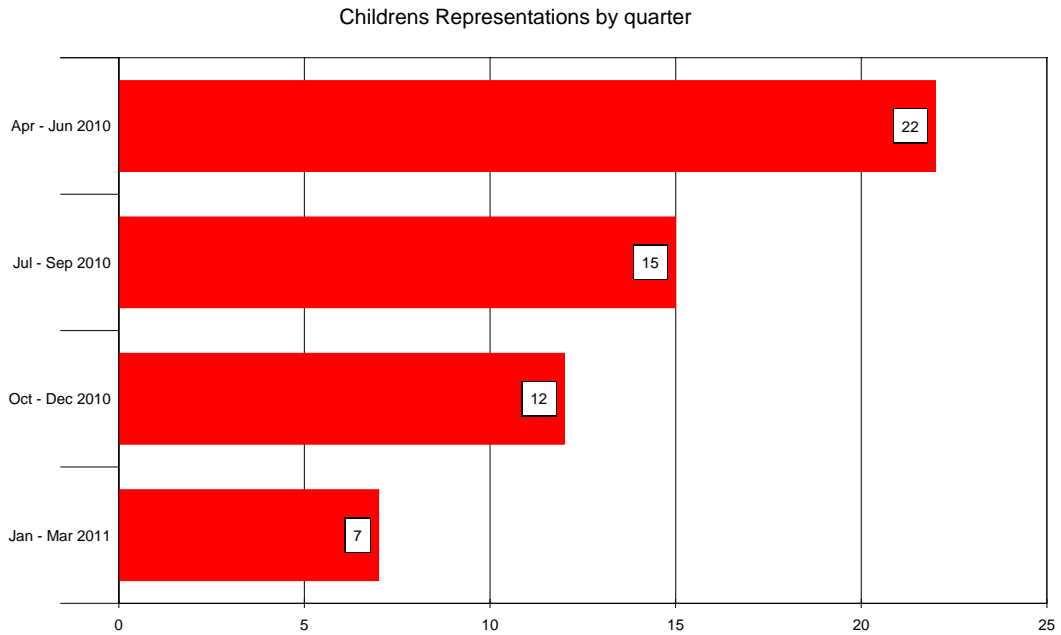


- 2.2 The number of Children's Social Care referrals in the financial year 10/11 was 4220 therefore the 75 complaints represent 1.8% of all the referrals made. Of the 75 complaints, 13% were made by children themselves.
- 2.3 In April 2009, the Department of Health guidance on Adult Social Care complaints handling changed. However, the guidance has not changed for Children's Social Care, therefore we retain a three stage procedure for these cases.

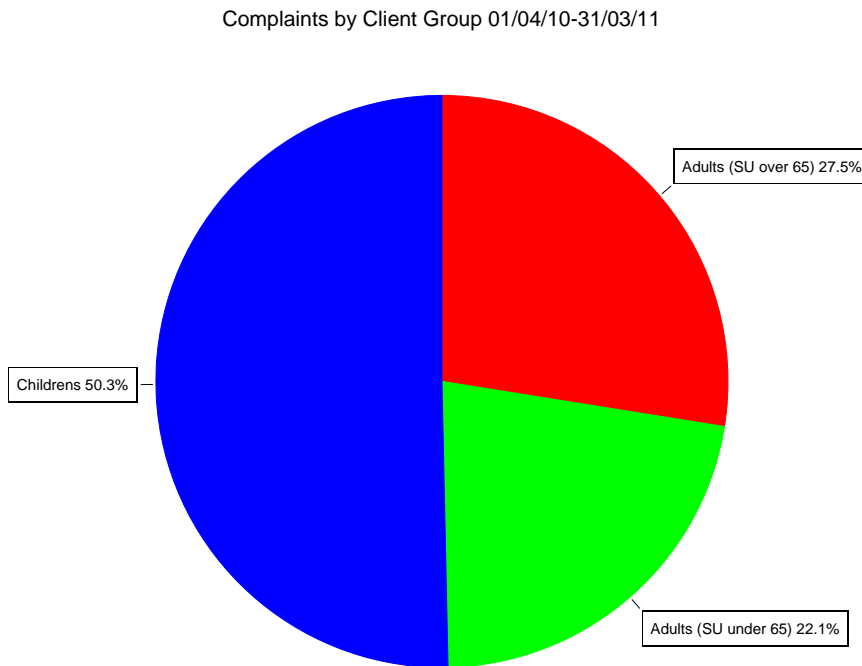
- 2.4 The majority of complaints continue to be resolved at the early stage of the procedure through work by the team manager or senior manager. However, where resolution is not possible in this way, we commission an external investigator and sometimes an Independent Person, to look into complaints at Stage 2 of our procedure.
- 2.5 The number of complaints requiring external investigation, where the start date of the Stage 2 investigation fell within the financial year 2010/2011 was only one, which as a percentage is a decrease to 1.3%. This means that in the majority of cases, managers are successfully resolving complaints themselves. Although we aim to resolve as many complaints without external intervention, there are cases where we are unable to achieve this. Commissioning an external investigator is therefore often a positive move both for the complainant and the council. For the financial year 10/11 the service paid external investigators £17,638.11 compared to £8,629.62 last year. The reason for the figure being high is because we were meeting the cost of investigations started in previous years; for the year 2009/2010 there were four cases totalling £16,878.61 and in one case, 2008/2009.
- 2.6 If the matter remains unresolved after external investigation, then we may hold a Review Panel, which is Stage 3 of our procedure. For cases remaining unresolved, complainants can refer these to the Local Government Ombudsman for consideration.

<b>Year</b>	<b>Percentage of complaints requiring external investigation</b>	<b>Total number of complaints received</b>
2006/2007	15%	39
2007/2008	11%	46
2008/2009	5%	59
2009/2010	8%	48
2010/2011	1%	75

2.7 We also log comments that we receive, and we call these Representations. The total number of Representations that we received from April 2010 to March 2011 was 56, compared to 48 in the previous year. Representations are issues that can be resolved quickly without needing investigation, or comments that require action but are not complaints. If a Representation cannot be readily resolved then it will become a complaint.



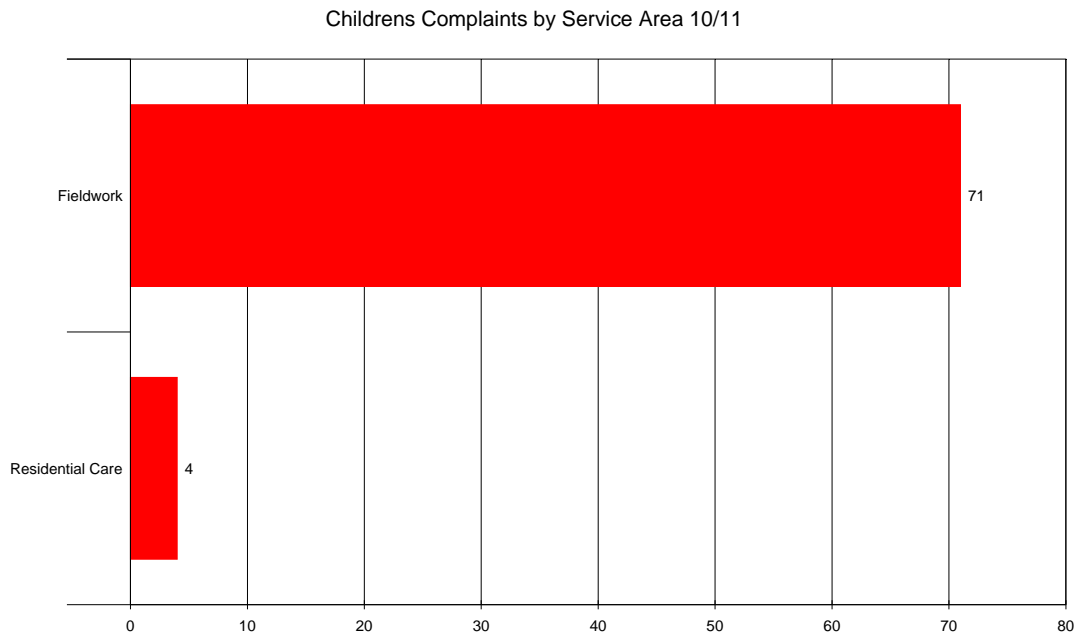
2.8 To set the complaints figures in context, the pie chart below shows the number of complaints received not only by Children’s Social Care, but also by Adult Social Care for the last financial year. These figures also show the proportion of Adult Social Care complaints where the Service User was over 65 and under 65.



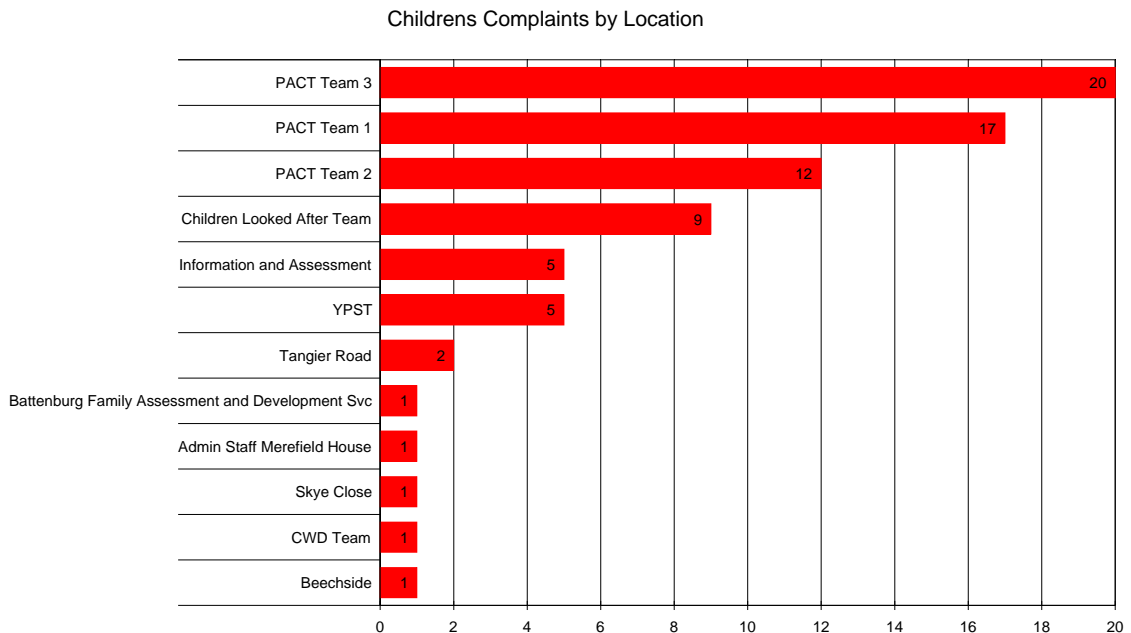
2.9 The proportions have stayed broadly the same this year, compared to last year:

- 50% of complaints this year were about Children’s Social Care which is slightly higher than 48% last year.
- 28% of complaints were about Adult Social Care (where the Service User was over 65) compared to 30% last year.
- 22% of complaints were about Adult Social Care (where the Service User was under 65) which is the same as last year.

2.10 It is interesting to review how many complaints relate to the different service areas.



2.11 As in previous years, the greatest number of complaints received relate to fieldwork. By fieldwork we mean issues about social work and complaints for this service area clearly account for the vast majority of complaints. The graph below shows how these complaints were split across the teams and units (Tangier Road, Skye Close and Beechside are the Residential Care complaints).

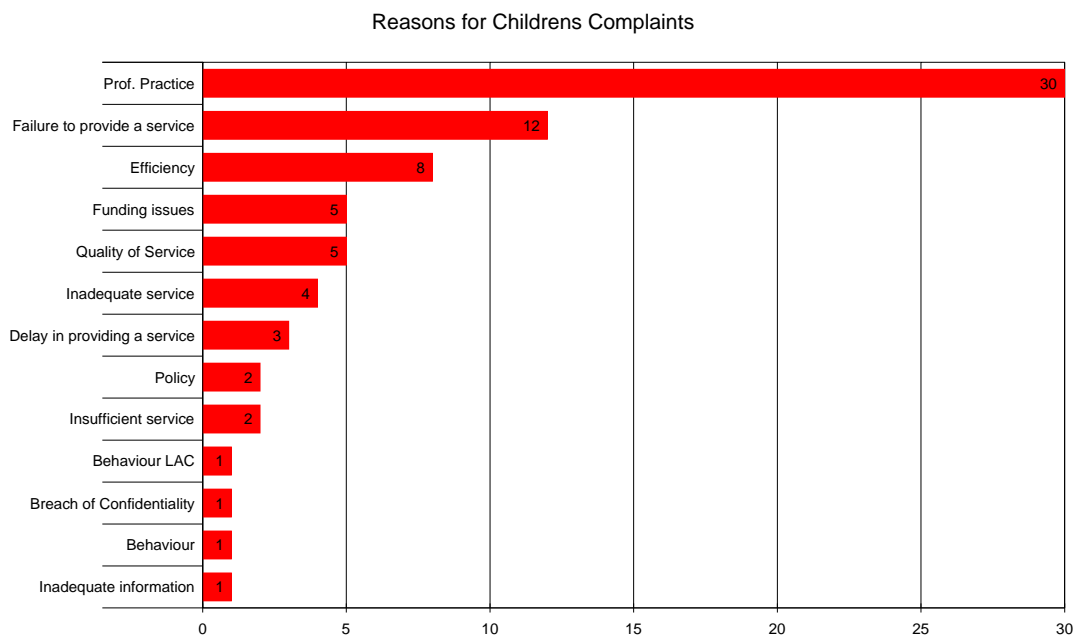


Notes: PACT is Protection and Court Team

PACT 3 received the most complaints, followed by PACT 1 and PACT 2. There could be various reasons why one team receives more than another. It could be that some teams are more receptive to complaints than others and therefore receive a greater volume of complaints. Also there could be an issue of some teams making sure that the complaints they do receive are identified as such and forwarded to the complaints team. It is possible that some complaints do not reach the complaints team and therefore would not be logged or appear in this report. In terms of themes or trends emerging in PACT 3, there were six complaints about aspects of social work practice, eg unhappy with what social worker said to son, wants more contact with child, unhappy with practice around child protection. Three complaints mentioned difficulties with transport to contact and two alleged a failure to plan sufficiently in advance for a newborn.

Of the 20 complaints received by PACT 3, the manager responding decided that 68% of them were upheld to some degree. Of the 17 complaints received by PACT 1, the manager upheld 60% to some degree. For PACT 2 64% were upheld to some degree.

2.13 It is also important to consider the reasons why complaints were made.



note: "Prof Practice" is an abbreviation for Professional Practice  
 "LAC" is an abbreviation for Looked After Child

2.14 As often occurs, the most common reason for Children's complaints was Professional Practice. Examples of the complaints about Professional Practice are:

- Parent complaining about how contact supervisor treats her during contact

- Parent alleging that social worker disclosed confidential information to the grandparents
- Father unhappy at what was said at Child Protection Conference
- Parents felt they had not been given a chance to care for their daughter
- Complainant alleged delay in social care deciding about a risk assessment on her partner
- Complainant felt that social worker led her to believe all decisions were down to him/her.

### 3. PERFORMANCE

3.1 Under the complaints procedure, we aim to send complainants a full reply within 10 working days if possible, or if the matter is more complicated, the target timescale is 20 working days. We encourage staff to ensure their responses are proportionate to the time they have taken to investigate the matter and write the letter. The extent to which we have met the timescales can be seen here:

#### 3.2 Children's Social Care

<b>Full Reply Performance</b> (working days)	<b>Financial Year 2009/2010</b>	<b>Financial Year 2010/2011</b>
0-20 days	76% (of which 39% within 10 days)	81% (of which 42% within 10 days)
20 + days	24%	19%

3.3 Performance has improved this year for Children's Social Care. We have replied to 81% of complaints within 20 working days, and of those, 42% received their reply within 10 working days. We are really pleased to see this and will continue to work towards our target of achieving 45% of responses within 10 working days.

We ask that the time taken to respond to a complaint is proportionate to the work required to provide the response. For example if staff need to be interviewed and a number of files examined, then we would expect this to take longer than if the matter is straight forward. We believe that the target of replying to 50% of complaints within 10 working days is reasonable and we will continue to work towards this in the next year.

The Complaints Managers are running regular training sessions for staff to encourage a positive attitude to complaints, to explain about the assistance that can be provided in complaints handling and to look at the benefits of timely responses for all involved. A Complaints Manager has also attended the quarterly management team meetings, and this ensures that the importance of complaints is highlighted throughout the year.

#### 4. COMPLAINTS REQUIRING EXTERNAL INVESTIGATION

- 4.1 If we have been unable to resolve a complaint in-house, we can commission an external investigator, plus Independent Person if necessary, to investigate the complaint. The investigators have full access to all the files and to any staff who need to be interviewed.
- 4.2 During the period, as we saw earlier, the number of Stage 2 investigations decreased this year as a proportion of all complaints received. We feel that Stage 2 investigations are a positive move in certain cases where the department feels they have done everything they can to resolve a complaint but the complainant remains dissatisfied.
- 4.3 Whilst complainants retain the option in Children's Social Care to take unresolved complaints to a Stage 3 Review Panel, we have not held any Review Panels in the past year.
- 4.4 One complainant referred their case to the Local Government Ombudsman this year and the decision was that, no or insufficient evidence of maladministration was found.

#### 5. ADVOCACY

- 5.1 In our complaints leaflet we tell people that they can get help if they need it to make a complaint. This can be an informal arrangement with a friend or family member or more formally through an advocacy organisation.
- 5.2 In practice, four children or young people making complaints about Children's Social Care were made by an advocate on behalf of a service user. However, the department does have a continuing contract with the National Youth Advocacy Service (NYAS), and we advise all young people who complain that they can contact NYAS if they need support. Some complaints continue to be made by relatives on behalf of service users or by service users' friends or carers. Councillors and MPs also sometimes make complaints on behalf of their constituents.

#### 6. PROPORTION OF COMPLAINTS UPHELD

- 6.1 It is interesting to review the percentage of complaints that were upheld at the first stage i.e. the proportion that were considered to be justified to some degree by the manager who responded and investigated.

Category	Childrens 09/10	Childrens 10/11
Not upheld	56%	35%
Partially upheld	21%	21%
Upheld	15%	35%
Other (withdrawn, straight to external investigation, etc.)	8%	9%

6.2 This shows that just over one third of the complaints made were judged as not upheld by the manager dealing with them. This means that 56% of complaints for Children's Social Care this year were considered to be justified in some way, which is a significantly higher than last year's 36%. We therefore accepted that a significant proportion of Children's complaints had some foundation, and in some of these cases, actions will have been proposed to improve the situation for the future.

**6.3 Examples of the types of improvements made or actions taken as a result of Social Care complaints are:**

- Social workers should be aware of the type of advice on state benefits their role permits, and not go beyond this. Senior Manager to cascade this to all staff through training and supervision
- Better communication between social workers and foster carers, specifically being more open and honest with foster care agencies and their foster carers when a plan is known for a child, for example where it is known that the child will be moving on shortly.
- Children's homes providing a better choice of drinks, for example hot chocolate was only available at weekends, but now will be available through the week.
- There were three complaints about transport relating to children's transport being late. This was flagged with the transport manager who will ensure that where possible transport turns up in a timely way and how he can eliminate any possibility of problems occurring.

**Actions taken following Stage 2 complaints**

- To recruit a more diverse pool of foster carers. There is an ongoing commitment to achieving this, through radio adverts and media releases, all containing standard information to make it clear we welcome all carers. An event is organised for September advertising all the different types of fostering opportunities, including targeting carers for unaccompanied asylum seeking children and children with disabilities
- To remind the fostering team the importance of reporting incidents to family members if appropriate when they happen
- A contact in the racial awareness team was sought to assist social workers in the future
- Managers to ensure all management decisions are recorded clearly on case files
- A policy to be produced governing retention, storage and destruction of supervision notes. Our Caldicott Guardian is looking at this.
- Changes have already made to the way agency staff are recruited, corporately rather than on an ad hoc basis
- Information from any complaints to be fed into Foster Carer's review
- Communication is a theme that is often mentioned when people make a complaint. The Complaints Team offer ongoing training to all staff on the complaints process. During the session we run, we show how poor

communication can result in complaints and non productive working and counterproductive relationships with service users and their families. During the training session several games/tasks, show staff how hard it is to make a complaint and how poor communication or prejudging a situation can make our service users feel. We feel this provides a good insight into how we treat people ourselves and how we can make working with the public better for us all.

- Finally we have agreed to hold a meeting with the senior manager and staff involved in a Stage 2 complaint, once the process is completed. This will be an opportunity to clarify the action points and learning from the complaint and ensure we have clear target dates for completion and named people responsible for carrying them out.

## **7.COMPLIMENTS**

We also receive compliments and thanks for services we have provided. For the period 1 April 2010 to 31 March 2011, we received 11 compliments for Children's Social Care Services, which is significantly up compared to four last year.

## **8. PERSISTENT COMPLAINANTS' POLICY**

The council published its Persistent Complainants' Policy in October 2008, which provides guidance on dealing with the small number of complainants who take up an unwarranted amount of council resources or impede the investigation of their complaint. In Children's Social Care this year we have warned and continued to manage one persistent complainant using the policy.

## **9. COMPENSATION PAID**

Sometimes it is appropriate to pay compensation to a complainant to resolve their complaint, or to acknowledge the time and trouble taken in making their complaint. As a result of complaints originally received prior to 1 April 2010, we have made the following payments of compensation:

- £150 to a complainant towards the cost of them pursuing their complaint
- £500 to a complainant, comprising £350 for delay in investigating their complaint and £150 for time and trouble in making their complaint

## **10. TRAINING**

The Complaints Managers had been running half day training sessions called Positive Complaints Handling. Due to the good feedback received for these courses and the amount of material we aim to cover, from July 2010 we have made this a full day course, which is available for all Social Care staff. Since September 2009, we have used a training tool which is in a board game format, called "Complaints Made Easy". This makes covering the subject of complaints handling more appealing and retains the participants' interest throughout the day. We provide a refresher on complaints handling, outlining any changes in

complaints legislation and generally encourage a positive attitude to complaints with avoidance of a blame culture. We run three or four sessions per year depending on demand. We have noticed a positive impact on staff who have attended, with improved practice in the workplace of complaints handling.

Most recently we are extending the invitation for training to the Domiciliary Care and Residential Care providers who are registered with the city council. From October 2010, the Local Government Ombudsman has had new powers to investigate complaints from people who arrange their own care. For the first time these "self funders" have been able to complain to an independent and impartial Ombudsman. The city council's Contracts Team has therefore notified all providers that they should update their procedures and they will be checking to see adjusted procedures when they visit as part of ongoing quality monitoring.

## **11. COUNCILLOR ENQUIRIES**

Another way in which service users may contact us is through their Councillor. If a complaint is made by a Councillor it will be included in the complaints figures shown earlier in this report. However, if it is an enquiry it is not included in these. In total for this period we recorded 13 Councillor Enquiries for Children's Social Care, which is a similar level to last year when we received 12. The responses provided in respect of these may have meant that for some people their issues were resolved and did not need to move on to become complaints.

## **12. SATISFACTION SURVEYS**

We usually send a survey form to complainants once their complaint has been closed. In the past year we have sent out 72 surveys. Of the 72 surveys sent, we received 8 back, so as a proportion this is a return of 11%.

We updated the questions in the survey recently, so the most recent survey (one) received was in the new format, where the questions asked have been changed. The previous 7 can be summarised as follows:

Three out of seven responses indicated that staff made them feel it was ok to complain, two felt the opposite and 2 said the question was not applicable.

Six out of seven replies did not feel the investigation into their complaint was thorough; one did not answer the question.

Four out of seven felt that we were below average in the way we kept them informed about the progress of their complaint. Two said that we were above average and one did not answer the question.

In five cases, complainants said that we had not promised to take any action to improve things as a result of their complaint. One complainant said we had promised actions but did not go on to say whether they felt these had been fulfilled. One complainant did not answer the question.

We have also introduced an online electronic version of the survey in a bid to encourage people to give us their feedback by using an easily accessible and useable facility.

## **SUMMARY**

- Complaint levels have increased by 56% since last year but despite this,
- Performance on 20 day responses for Children's Social Care has improved this year at 81%
- Performance on 10 day responses for Children's Social Care has also improved this year at 42% of responses being sent within 10 working days
- One investigation was carried out at Stage 2 of the procedure this year
- 1.3% of complaints reached Stage 2 of the procedure, which is a lower level than last year's 5%
- In terms of complaints about different client groups, we continue to see a return to the original pattern of approximately half complaints being for Adult Social Care and half for Children's Social Care
- The top Service Area for Children's Services was: Fieldwork which was the same as last year
- The reason stated this year for the greatest number of complaints was Professional Practice
- One complaint was referred to the Local Government Ombudsman
- 56% of Children's complaints this year were upheld to some degree, compared to 36% last year.
- Children's Social Care received 11 compliments this year which is more than last year's four
- Social Care complaints team has found the new corporate policy on Persistent Complainants very useful and has continued to use it
- We have paid compensation to two complainants this year for time and trouble in making their complaint and also to one for delay
- Complaints Managers have continued to run the complaint training sessions for Social Care staff which are being very well received

The Complaints Managers will continue to support operational staff and managers in handling and responding to complaints in the future. We aim to continue to increase our learning from complaints, to disseminate good practice and to achieve more service improvements as a result.

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### **Complaints Managers for Social Care**

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