

DERBYSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

5th October 2016

Report of the Director of Legal Services

**COMPLIMENTS, COMPLAINTS AND REPRESENTATIONS TO THE
CHILDREN'S SERVICES DEPARTMENT 2015/2016**

1. Purpose of the Report

To inform the Committee about compliments, complaints and representations received by the Children's Services Department during the financial year 2015/2016 and to present the Compliments, Complaints and Representations Annual Report 2015/16 for Children's Services.

2. Information and Analysis

The terms of reference of the Standards Committee provide that the Committee has an overview of the complaints procedure. In order to inform Members of the procedure for complaints in Children's Services, the Committee is invited to receive the report entitled 'Compliments, Complaints and Representations Annual Report April 2015 to March 2016' and which is attached at Appendix 1. Mandy Stafford-Wood, Head of Service (Quality, Performance and Participation) for Children's Services, has been invited to attend the meeting to present the report.

3. Other Considerations

In preparing this report the relevance of the following factors have also been considered: financial, legal and human rights, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

4. Background Papers

The file held on behalf of the Strategic Director of Children's Services.

5. Officer's Recommendation

To note the report.

**John McElvaney
Director of Legal Services**



PUBLIC



Derbyshire County Council
Children's Services Department
Compliments, Complaints and Representations
Annual Report
April 2015 to March 2016

Author: Children's Services

Introduction

This report provides information about compliments, complaints and representations received during the 12 months from 1st April 2015 to 31st March 2016.

Compliments, complaints and representations provide valuable feedback from children and families about the services that we provide. Our objective is to address individual concerns about the delivery, quality and appropriateness of services.

Derbyshire County Council Children's Services Department has a duty to meet the requirements outlined in the following regulations and procedures in respect of services to children:

- The Local Authority Social Services Complaints (England) Regulations, 2006
- The Representations Procedure (Children) Regulations, 2006
- DCC Corporate Complaints Procedure

Those wishing to make complaints in relation to a Child in Care can at any time refer their complaints to the Regulatory Authority.

This report does not include any information relating to complaints of significant harm which are dealt with under the Derbyshire Safeguarding Children Board Procedures.

The Children's Services Department actively encourages feedback, both positive and negative, to allow us to continually improve the service we provide. We do not necessarily equate negative feedback with poor practice or blame. Children and young people and their families should not feel that providing honest feedback will have a negative impact on the support they receive. Instead we use it to accept responsibility where that is appropriate and learn from our mistakes. In addition to access to the formal complaints procedure, children and young people and their families are also encouraged to raise any issues with those directly providing support or their managers.

The Children's Services Department's approach has an initial focus on supporting local staff to resolve issues directly both flexibly and quickly. The process emphasises the need to agree with the complainant what is to be looked into, a plan of how this will be done, how long it will reasonably take and what outcomes are reasonable to expect.

Complaints to the Department fall within two broad categories:

- Those relating to Children's Social Care which are dealt with under the Statutory Complaints procedures and;
- Those relating to wider Children's Services which are dealt with under the Council's Corporate Complaints procedures.

The Council has a very limited role in complaints relating to schools and would only become involved in serious matters such as the non-delivery of the National Curriculum, serious safeguarding matters or where the Local Authority has named

the school provision in a child or young person's Statement or Education, Health and Care Plan.

Context

The majority of Children's Services feedback relates to direct services as they are the services which have the most frequent and prolonged contact with Children and Young People and their families.

Between 1 April 2015 and 31 March 2016, a total of 29,008 initial contacts were received in Safeguarding and Specialist Services. Compared to the previous year, this was an increase of 10.7% (2655 contacts). This resulted in a total of 8911 referrals (8.8% decrease compared to the previous year) of which 5326 resulted in an initial assessment taking place.

- 886 Children in Care were looked after and received regular visits and reviews during the year (0.9 increase compared to the previous year).
- 1,460 Children and Young people were subject to a child protection plan receiving regular visits and reviews during the year (5.6% decrease compared to the previous year).
- 13,414 Children and Young People received services under Section 17 of Children's Act (5.6% increase compared to the previous year).
- 32,072 children aged from birth to 5 were registered with one of the Authority's Children's Centres. This compares with 32,400 during the previous year.
- 13,557 Children and Young People received services from our locality-based Multi Agency Teams.
- Approximately 107,000 Children and Young People attended Derbyshire Schools – based on the January 2016 census figures.
- 17,283 3 and 4 year olds benefitted from some free early education funding (compared with 16,990 in the previous year). In addition, 1,985 2 year olds have benefitted from some funded early education.

Compliments

The Council is facing unprecedented budget pressures and potential threats to services. It is pleasing to see that a number of compliments have been received over the last 12 months but the number has declined.

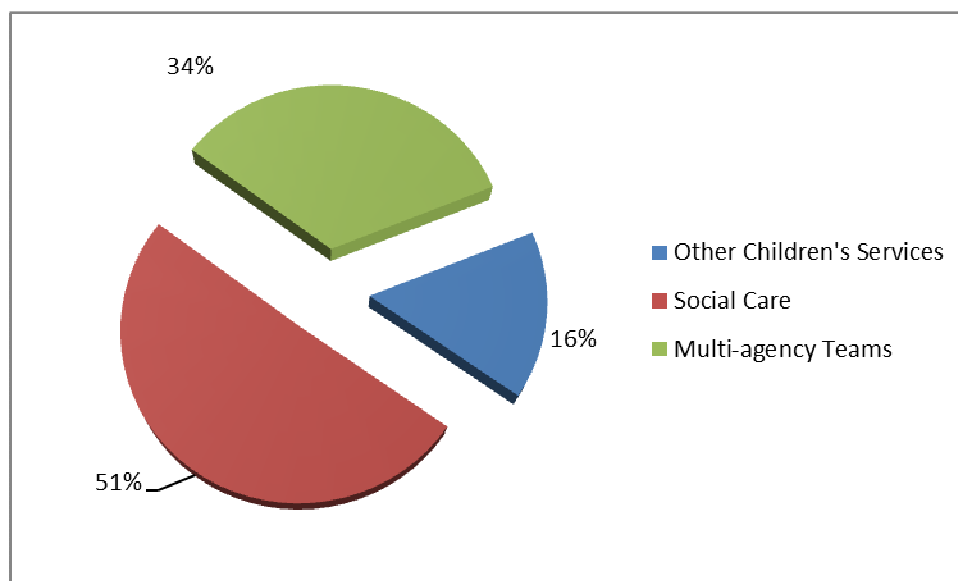
During the 12 months 1 April 2015 to 31 March 2016, the Children's Services Department received 128 compliments. This represents a decrease of 50 compliments (39%) on those received for the previous 12 month period when 178 compliments were received.

We received:

- 65 compliments in relation to safeguarding and specialist services (51% of the total compliments received)
- 43 compliments in relation to multi-agency teams (33% of the total compliments received)

- 20 compliments in relation to other Children's services (16% of the total compliments received)

% Compliments by Service Area



The breakdown of compliments received by service area and team is shown below:

Compliments broken down by Service Area.

Data Source	Service Area	TOTAL	% In Year
Social care	Adoption	21	32.31
	Social Work	20	30.77
	Support Services	7	10.77
	Residential Care	5	7.69
	Disability Services - Adaptations	2	3.08
	Foster Care	2	3.08
	HQ Services	2	3.08
	Adoption Recruitment	2	3.08
	Community Care Work	1	1.54
	Occupational Therapy	1	1.54
	General i.e. District/Other Agency	1	1.54
	Family Support (Parenting)	1	1.54
	Total In Year	65	
Other Children's Service	Childcare Improvement Service	2	10.00
	Inclusion Service	2	10.00
	School Improvement Service	2	10.00
	Schools / Education service	2	10.00

	Virtual Schools	2	10.00
	SEN	1	5.00
	SEN / LDD	1	5.00
	Music Partnership	1	5.00
	Participation Team	1	5.00
	School	1	5.00
	Children's Rights Team	1	5.00
	Early Years	1	5.00
	Education Improvement	1	5.00
	Educational Psychology	1	5.00
	Advocacy Service	1	5.00
	Total In Year	20	
Multi Agency Teams	Support Services	22	51.16
	Family Support (Outreach)	19	44.19
	Family Support (Parenting)	2	4.65
	Total In Year	43	

Compliments remain an area under reported by front line staff. Further promotion of the importance of flagging and recording positive comments received about a service or intervention has been identified as an area requiring improvement.

Some examples of compliments we have received about our services within the last 12 months are:

Childcare Improvement Service

".... I am having to forge ahead with making prompt and effective actions on the back of the Ofsted outcome, as well as dealing with the parent's concerns. Once again thank you both for putting my mind at ease and I know where to find you if I need further help. As always your kind support is very much welcomed and appreciated."
(Early years setting)

"Just a short note of thanks to you both for your swift help and assistance with the childcare problems at our school. It has been a stressful and difficult week for all parties involved and I am glad that an agreement has been reached between the school and Y for the short term." (School)

Education Improvement Service (Early Years)

"Just wanted to email to follow up on my verbal thanks for today. Your insights into best practice and the Ofsted perspective were very helpful. I am well aware of the pressure on Local Authorities currently, which makes your commitment to us even more impressive. We are very grateful." (Private day nursery)

Inclusion Service

We put a transition package into place for X so he started a few days after his brother. Y had a good start too so a positive message went home, which in turn mean X was looking forward to starting. X then started for mornings during his first week, but by the third day was in full time as he wanted to join the class for swimming.....

.... X has joined in with everything and none of his peers realise he has a diagnosis of anything. He participates in all aspects of the curriculum, so we haven't needed to have any additional measures in place. Many thanks for all your advice/info. It certainly helped us put an informed transition package in place which is the key to the success of it all." (Head teacher)

"Firstly a huge Thank you for securing a place for A at X school. Myself and all of the family cannot thank you enough, you have done some outstanding work for A... ... again, thank you so much for everything you have achieved for A." (Parent)

Social Care and Multi-agency Teams

"I have been reflecting on our experience with the Derbyshire Multi-Agency Teams and the wonderful Incredible Years course...

...The wonderful caring and compassionate help we had from both you and K put us back on the right path to be effective and competent parents again." (Parent)

"I just wanted to thank you for all of the help and support you've given to X and myself. When everyone else let us down, the Multi Agency Team were there...

...The services you provided for X were excellent, his meetings with you and his work at the gym to build his confidence. If it wasn't for your help, I don't know where we would be right now. He was never judged and came home so much better each time." (Parent)

"To all the wonderful people who have looked after my son and myself over the years – a huge thank you. You've made a massive difference in my life and helped create and turn my son into the young man he is today." (Parent about residential care)

"We called for help which we as a family received within a short space of time. I can't fault the service and would just like to say it turned our lives back around." (Parent)

Support Services for Special Educational Needs

"We are very happy with the support our child gets from SSEN. We feel that his progress has accelerated as a result." (Parent/Carer)

"I feel that SSEN provides an excellent service and has helped and supported my child fantastically. Their input has made a real difference to our child's progress and development. (Parent/Carer)

"We share skills, information and ideas and discuss issues around suitable software and IT and feel all the children have benefitted greatly. Work with children with PMLD has been particularly successful; progress no-one expected has been made." (Multi-Agency Professional)

Complaints and Representations

A complaint is an expression of dissatisfaction or disquiet by a service user or their representative which requires a response in writing. This may be received from them directly or from a representative such as an MP, friend or advocate. Those received from a representative are classed as a representation. Representations can also be received asking for information and/or clarification on matters relevant to the person they are representing.

The Children's Services Department received a total of 283 complaints and representations during the 12 months from 1st April 2015 to 31st March 2016. This compares with 291 during the same period the previous year and overall represents a decrease of 3%. This includes an overall decrease in the number of complaints from 201 to 170 (15%) and an overall increase in the number of representations from 80 to 113 (41%).

Year on year numbers of complaints and representations are as follows:

Communication Type	2012/13	2013/14	2014/15	2015/16	% change on previous year
Complaint	171	234	201	170	-15%
Representation	85	128	80	113	41%

Of the 170 complaints received during 2015/16:

- 118 were in relation to safeguarding and specialist services
- 18 were in relation to early help services
- 34 were in relation to other children's services

Of the 113 representations received during 2015/16:

- 43 were in relation to safeguarding and specialist services
- 6 were in relation to early help services
- 64 were in relation to other children's services

Reasons Highlighted in Complaints

Complaints	Nature Of Communication	Total	% Complaints
Social Care & MAT	Communication Issues	40	29.63
	Attitude of Staff	31	22.96
	Insufficient Service	19	14.07
	Breach of Confidentiality	15	11.11
	Decision	12	8.89
	Non-Provision of Service	5	3.7

	Delay in Service	4	2.96
	Conduct of Staff	4	2.96
	Quality of Care - Personal	3	2.22
	Policy	1	0.74
	Eligibility of Service	1	0.74
	Total	135	
Other Children's Services	Decision	14	40
	Delay in service	8	22.86
	Insufficient Service	5	14.29
	Attitude of staff	4	11.43
	Non-provision of service	2	5.71
	Communication Issues	2	5.71
	Total	35	

The highest number of complaints received related to issues with communication. This accounted for 40 (30%) of the 135 complaints received by safeguarding and specialist services and multi-agency teams during 2015-16. Of these 40, 9 (23%) were fully or partially upheld.

The second highest number of complaints received related to the attitude of staff. This accounted for 31 complaints (23%) of all the complaints about this area. This is an increase of 5 on the previous year. Of these 31 complaints, 12 (39%) were fully or partially upheld.

Complaints citing insufficient service was the third highest reason for complaints about these services. This accounted for 19 complaints i.e. 14% of the total complaints received by the area. Of these 19 complaints, 7 (37%) were fully or partially upheld. In the previous year complaints about decisions were the third highest reason for complaints about this area.

Improving communication across the department and particularly in front line services continues to be a focus for work in 2015/16. Further embedding of systemic practice across safeguarding and specialist services along with improved quality assurance processes are aimed at reducing the overall number of complaints and improving communication with children and young people and their families. Systemic practice is a strength based approach to working with families which focuses on building on the strengths within a family to address areas requiring improvement and it is anticipated that this will improve overall communication between operational staff and service users.

The majority of the complaints received by other children's services have been the result of queries regarding decisions.

This has accounted for 14 of the 35 total complaints received by other children's services (40% of all complaints received) and 36 of the 70 total representations received (51% of the total).

Reasons Given for Representations

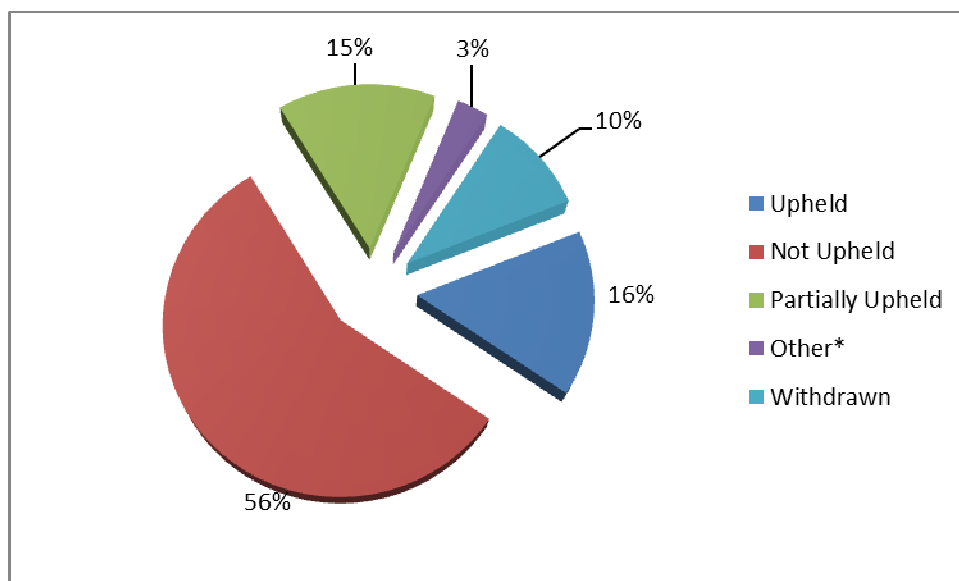
Reasons for representations show decisions and insufficient service jointly the most common reasons (each forming 22% of all representations in this area) followed by communication issues (20% of all representations in this area).

Representations	Nature Of Communication	Total	% In Year
Social care & MAT	Insufficient Service	11	22.45
	Decision	11	22.45
	Communication Issues	10	20.41
	Delay in Service	3	6.12
	Non-Provision of Service	3	6.12
	Attitude of Staff	3	6.12
	Quality of Care - Personal	3	6.12
	Eligibility of Service	2	4.08
	Conduct of Staff	1	2.04
	Breach of Confidentiality	1	2.04
	Withdrawal of Service	1	2.04
	Total	49	
Other Children's Services	Decision	32	50
	Non-provision of service	11	17.19
	Delay in service	10	15.63
	Insufficient Service	9	14.06
	Communication Issues	2	3.13
	Total	64	

Complaint outcomes

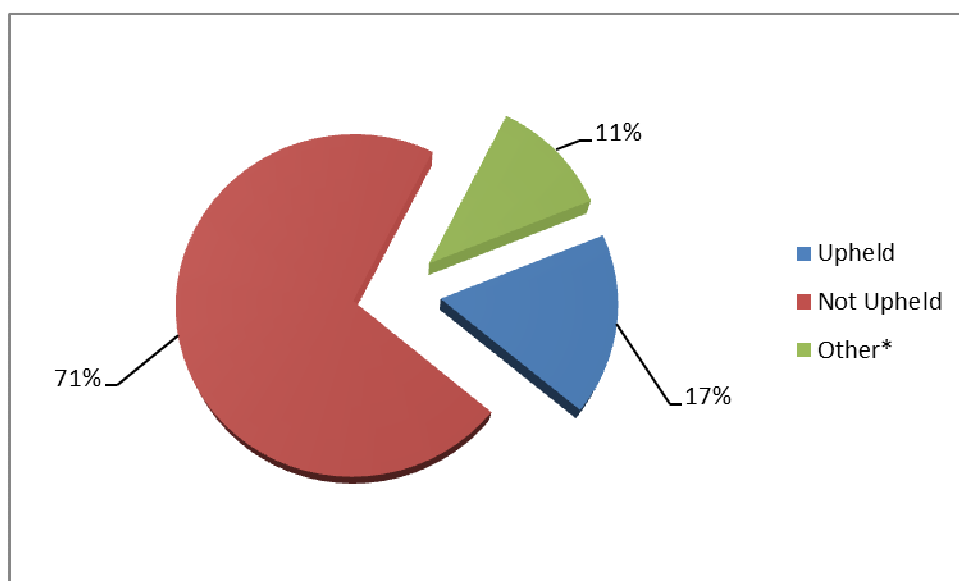
The charts below show the outcomes of all complaints made between 1st April 2015 and 31 March 2016 broken down by complaints received by safeguarding and specialist services and multi-agency teams and those received by other Children's services.

Complaint Outcomes (Social Care and Multi-agency Teams) 2015-16



*Other - Complaints referred to other agencies or departments

Complaint Outcomes (Other Children's Services) 2015-16



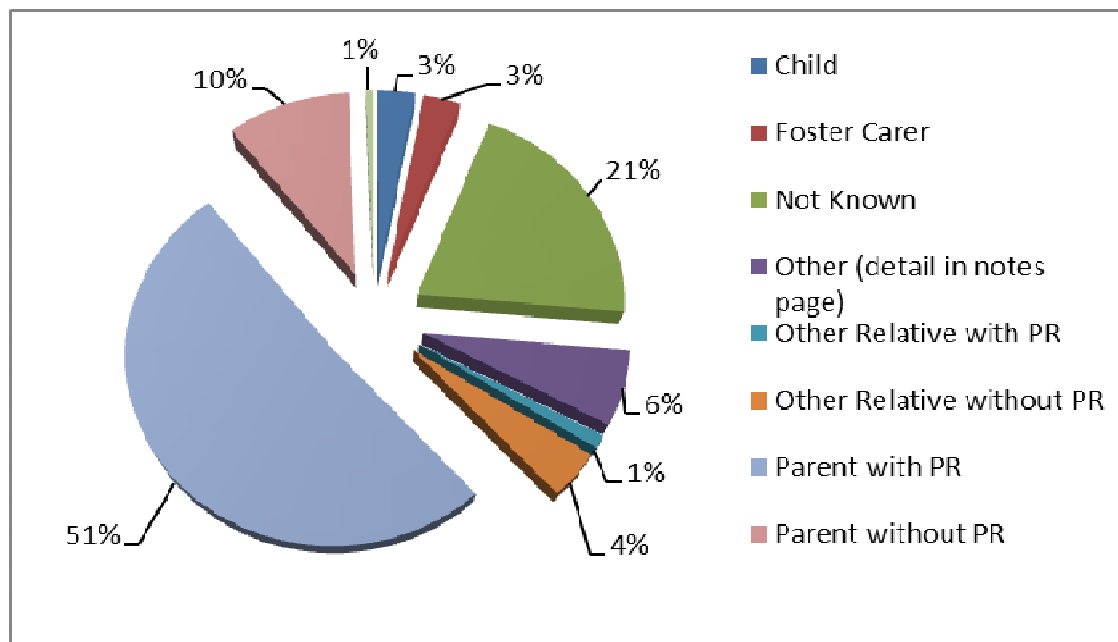
The Local Authority recognises that whilst it may be unable to uphold the complaints received from some of its service users, it can and should recognise the feelings of service users. Wherever possible the Local Authority encourages complainants to meet with service staff to resolve issues locally and offer the provision of an advocate and/or mediation to facilitate effective dispute resolution if necessary.

Complainants

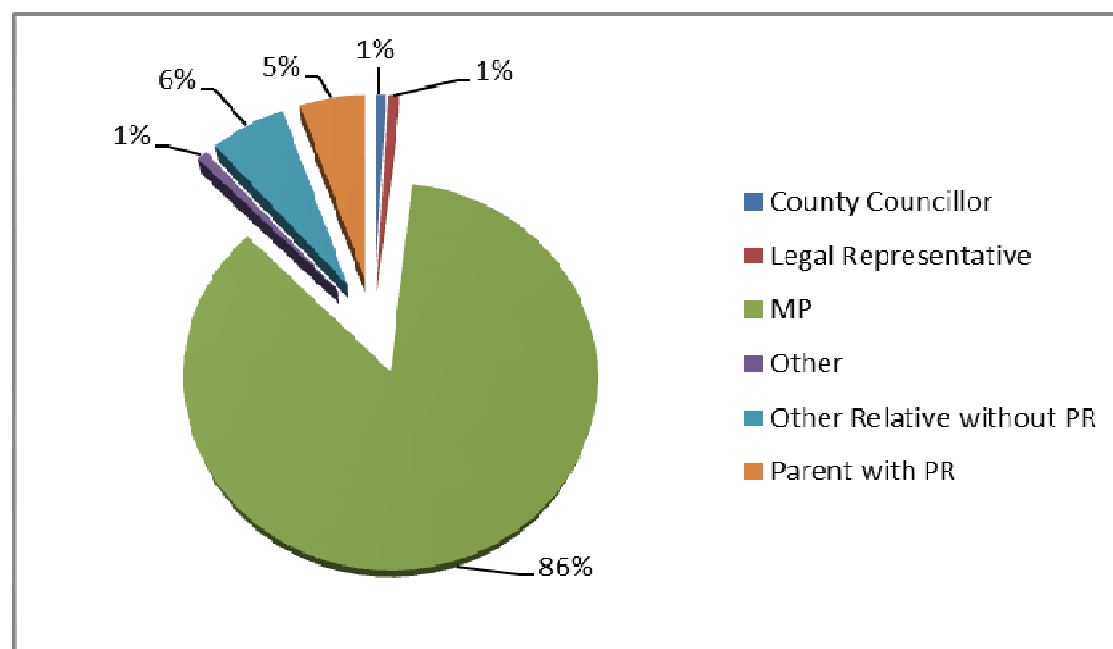
The majority of complaints are received from families receiving a direct service from the Department. As expected, the majority of complaints were received from a parent with parental responsibility. The majority of representations were made by

MP's. The overall breakdown of complaints and representations is shown in the diagrams below:

Breakdown by Complainant Relationship for all Complaints Received during 2015-2016



Breakdown by Relationship for all Representations Received during 2015 – 2016



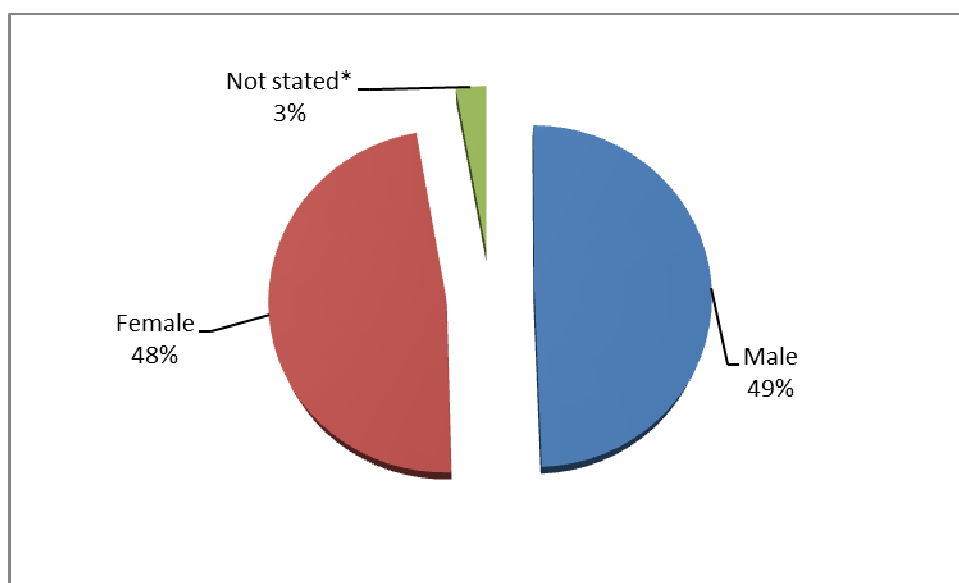
Method of Complaint

The preferred method of complaints is by letter (35%) and Putting People First leaflets (25%). Letter is also the preferred method for representations (53%). Email is the second most preferred method of contact for complaints (30%) and representations (43%)

Complainant Characteristics

Gender: 47% of complaints were made by females. This compares with 46% by males.

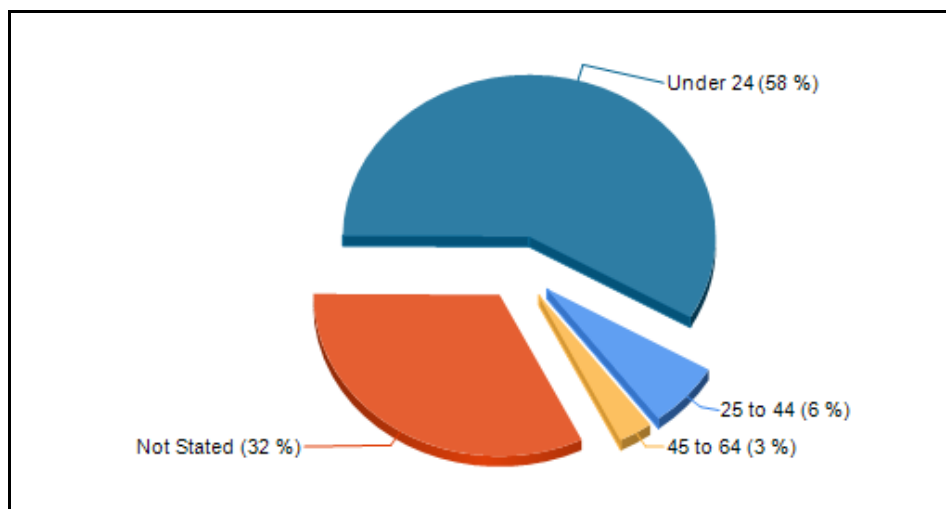
Gender Breakdown of Complainants 2015 - 2016



*This relates to complaints made anonymously

Age: The most common age of complainants is under 24 (58%). This is followed by complainants aged 25 to 44 (6%) and those aged 45 to 64 (3%).

Age Breakdown of all Complainants 2015 - 2016



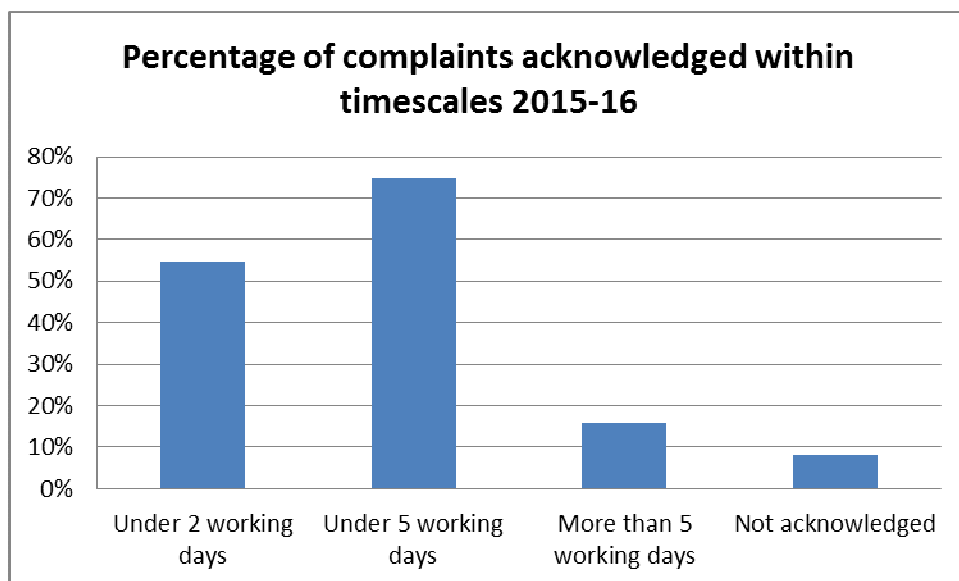
Acknowledgement and Response times

This year 55% of complaints were acknowledged within the departmental standard of within 2 working days of receipt with 75% being acknowledged within the statutory timescale of 5 working days.

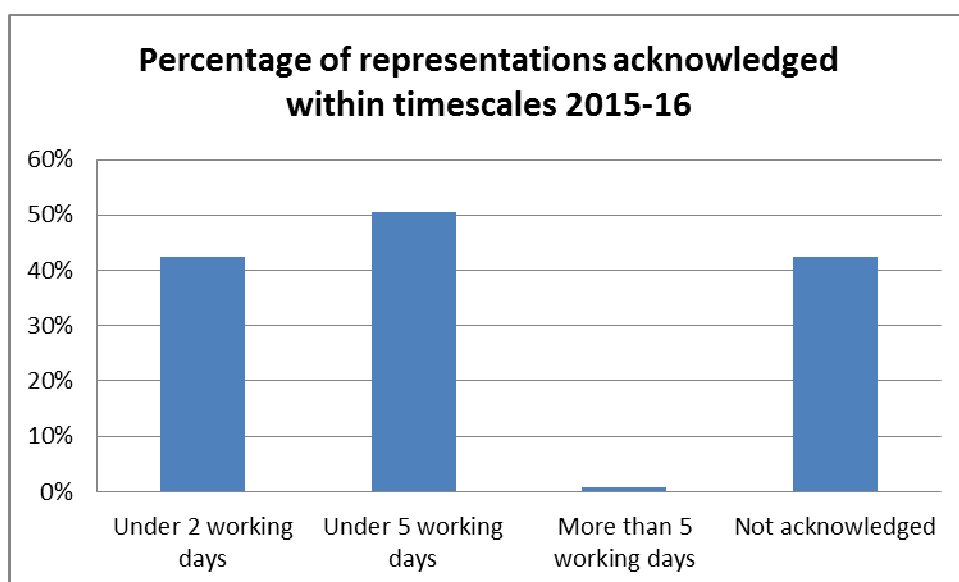
The statutory timescale for the acknowledgement of complaints is 5 days but locally this has been set at 2 working days. This has proved a challenging target for a number of reasons. Complaints can be received into the Department from numerous locations – via Call Derbyshire; via email, web form or telephone to the Children's Services Complaints Administrator at HQ, via localities or directly to a specific service. Delays can occur when communications are transferred between services.

To improve acknowledgement timescales, all email communication to the Children's Services Complaints Administrator now receives an automatic acknowledgement on receipt, followed up by letter. A corporate web form to submit any compliment, complaint or concern is being developed by the Digital Communications team and will greatly assist in providing a single access point and reduce response times.

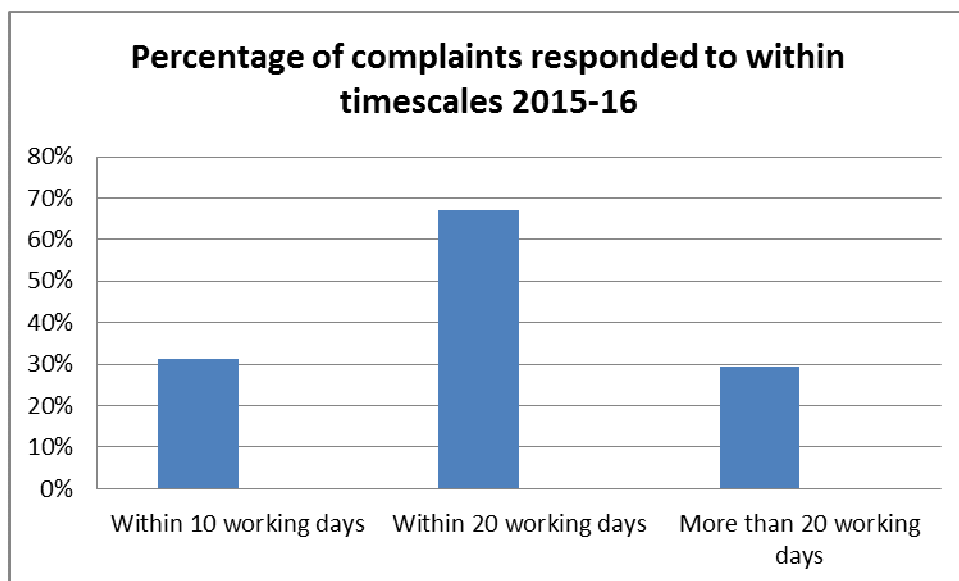
Measures are being put in place to improve acknowledgement and response times but targets will continue to prove challenging give a reduced business services resource.



The percentage rate for acknowledging representations also dropped from 75% to 42% within 2 working days of receipt, rising to 50% within 5 working days.

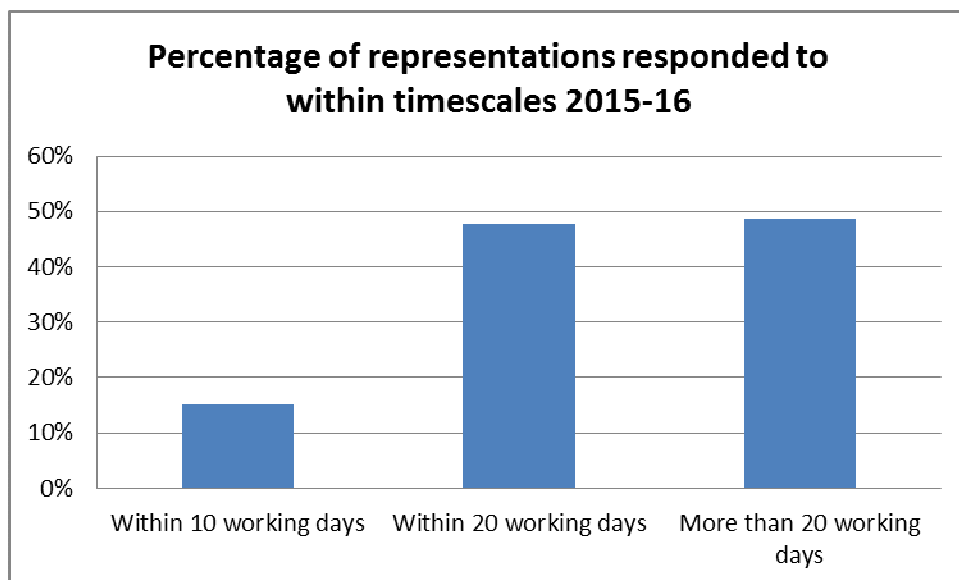


Our departmental standard is to respond to complaints within 10 working days of receipt. In some cases, a detailed investigation or liaison with other agencies will result in the need for a lengthier response time. In these cases we aim to provide a response within 20 working days in-line with the national standard.



During 2015-16, 31% of complaints were responded to within 10 working days which is a small increase from the 27% achieved during 2014-15. However, 67% of complaints were responded to within 20 working days of receipt.

In terms of representations, 15% were responded to within 10 working days during 2015-16 which is a slight increase from the 13% achieved during 2014-15. This figure rose to 48% of representations being responded to within 20 working days of receipt.



Learning and Improving

The following section gives some examples where lessons learnt from complaints have led to service improvements:

One service has reviewed their processes around the raising, recording and monitoring of Spot Purchase contracts and revised the format of their documentation to improve clarity for both service users and staff.

The procedure for Subject Access Requests is to respond in strict order of receipt, however, in exceptional circumstances where there is a specific deadline, for example a SEND panel, they will deal with the request out of sequence.

The complaints and representations received are helping to inform the Special Educational Needs service restructuring that is underway. In addition extra capacity has been sourced to seek to address the timeliness of completion of Education Health and Care plans.

Representations

There has been a change in the procedure for responding to representations and enquiries from MP's and Elected Members. If an MP letter is sent direct to the Department, the response is now sent from the Department. If the letter is sent direct to a Member then the response will be sent from the Member. All responses are overseen by the relevant linked district Quality Assurance Manager and sent to the appropriate Senior Manager prior to the reply being sent. A full breakdown on representations received during 2015-16 has been provided earlier in this report.

Complaints about services commissioned by the Local Authority

All services commissioned by the local authority are required to have their own complaints procedure within the terms of their contract with DCC. Ofsted regulate many of these services and set out how they manage complaints regarding these services on their website. All services provided under Ofsted regulation must have an internal complaints procedure, however, where complainants remain dissatisfied with the response provided by the commissioned service, they may use the Authority's procedures if they so choose.

When Derbyshire County Council investigates complaints about commissioned services they will routinely inform Ofsted of their investigation and outcomes where the service is regulated.

The scheduled development of information relating to complaints regarding commissioned services was not possible during 2015-16 due to limited resources but will be undertaken as a priority for 2016-17.

Stage 2 Complaints

The Department received 12 requests for their complaint to be taken to Stage 2 of the Complaints procedure this is an increase of 7 on the previous year. Of these 2 requests were rejected, 2 were withdrawn and 2 did not proceed.

Of the remaining requests, one was upheld, 3 partially upheld and 2 are still being investigated. The Department apologised and offered compensation to the complainant whose complaint was upheld.

Nine of the requests related to social care; one to the Special Educational Needs Service and one related to Human Resources. The attitude of staff (4) accounted for the most reasons for the original complaint.

The complaint upheld at Stage 2 was about a delay in service; of the complaints that were partially upheld, 2 related to decisions made and one to the attitude of a member of staff.

Local Government Ombudsman Complaints and Enquiries

Complainants who approach the Local Government Ombudsman (LGO) are asked to raise their complaint with the Council before the LGO will consider it. Once we have investigated the matter following our complaints procedures, if the complainant is not satisfied with our response, the Ombudsman will look into how we handled the complaint and comment on our findings.

27 complaints were considered by the LGO during the year. Of these:

- The LGO found fault in 3 (11%) cases but were content with the Council's approach to resolving the issue.
- The LGO investigated and did not find fault in 4 (15%) cases.
- The LGO did not continue to investigate in 19 (70%) cases. The reasons for this were either that the complainant had not yet made a complaint to the Local Authority or completed all stages of the process, or where the complaint was out of scope for the LGO to investigate.

One case remains open. A compensation payment was made to 2 complainants, in both case timelines of the response was a factor.

For further information regarding the Local Government Ombudsman, information is available on the LGO website, please visit www.lgo.org.uk

Recommendations

The most frequent reasons cited by complainants continue to be 'communication issues' and 'attitude of staff'. The Quality Assurance (QA) team is currently reviewing the mechanisms used to gather feedback from customers but will also contribute to the following programme of work:

- Operational leads will remind all staff about the need for communicating effectively with our service users and meeting the Council's standards set out in the Putting People First [Customer Care Charter](#)
- Operational leads will review the processes in place to respond to service users when staff are away from base in court or on leave to ensure timely response.
- The QA team in collaboration with operational leads will develop a programme of training for managers and frontline staff on how to respond effectively to dissatisfaction and complaints.

- The QA team in collaboration with operational leads will review the information provided to both service users and the public about its services and what they can expect to happen.
- The QA team in collaboration with operational leads will review information that is given to complainants detailing what they can expect from us and what we expect from them.