

**ANNUAL REPORT FOR COMPLAINTS RECEIVED WITHIN THE**  
**DEPARTMENT FOR CHILDREN AND EDUCATION 2005-2006**

**1 INTRODUCTION**

- 1.1** This report has been produced to provide information on the complaints process and an analysis of complaints received, as required by the Children Act (1989) Regulations.

**2 BACKGROUND**

- 2.1** Complaints received by the Department for Children and Education are dealt with under one of two procedures, either the statutory social services complaints procedure required by section 26 of the Children Act, or the corporate complaints procedure.
- 2.2** Both procedures comprise three stages. The response timescales for each stage of each procedure are shown below. A detailed description of each stage can be found in Appendix 1.

Procedure	Stage One	Stage Two	Stage Three
Children Act	21 days	28 days	28 days
Corporate	5 days	28 days	28 days

**3 ANALYSIS OF COMPLAINTS**

**3.1 Numbers of complaints received and dealt with**

Between 1 April 2005 and 31 March 2006 a total of 66 new complaints were registered, 19 under the Children Act complaints procedure and 47 under the corporate complaints procedure. All began at Stage 1 of the process, apart from one complaint which went straight to Stage 2. In addition, 7 ongoing complaints were brought forward from the previous year. Accordingly a total of 73 separate complaints were dealt with during the year.

Many informal complaints will have been dealt with successfully thereby avoiding the need for complaints to invoke the formal procedure. Of those that did, most were resolved at Stage 1; very few went on to stages 2 and 3.

<b>2004-05</b>	New complaints received	Carried forward from previous year	Total number of complaints worked on
Children Act	50	9	59
Corporate	25	4	29
<b>Totals</b>	<b>75</b>	<b>13</b>	<b>88</b>
<b>2005-06</b>			
Children Act	19	5	24
Corporate	47	2	49
<b>Totals</b>	<b>66</b>	<b>7</b>	<b>73</b>

- 3.2 Overall, the figures for 2005-06 show a decrease in the number of complaints logged compared to the previous year. However there has been a significant shift within both Children Act and corporate complaints. Children Act complaints have fallen by 38%, whereas corporate complaints have risen by 88%.

### 3.3 Number of complaints worked on at each stage of the procedure

<b>2004-05</b>	Stage 1	Stage 2	Stage 3	Total
Children Act	51	5	3	59
Corporate	21	1	0	22
<b>Totals</b>	<b>72</b>	<b>6</b>	<b>3</b>	<b>81</b>
<b>2005-06</b>				
Children Act	20	3	1	24
Corporate	45	4	0	50
<b>Totals</b>	<b>65</b>	<b>7</b>	<b>1</b>	<b>74</b>

- 3.4 A complaint is logged when a member of staff sends it to the Designated Complaints Officer (DCO) or when a service user contacts the DCO direct. It is acknowledged that not all complaints received and resolved by staff are logged.

### 3.5 Nature of Complaints

Some complaints had several aspects to them. The totals shown in the table below reflect this, and therefore are greater than the total number of complaints.

The 'nature of complaints' is recorded under five categories. Most complaints logged fell into just two of the categories, action/attitude of staff and lack of service or support. The proportion of corporate complaints that fell in these two categories is similar to 2004 – 05. However, the proportion of Children Act complaints has changed with more complaints about the action or attitude of staff than lack of or inadequate service.

Matters Complained About	Number of Complaints					
	Stage 1		Stage 2		Stage 3	
	CA	Corp	CA	Corp	CA	Corp
Action / attitude of staff	17	25	2		1	
Lack of or inadequate service / support	9	21	2	4	1	
Action of foster carer	1					
Contact arrangements			1			
Other		1				
<b>Total</b>	<b>27</b>	<b>47</b>	<b>5</b>	<b>4</b>	<b>2</b>	

### 3.6 Source of Complaints

Proportions are broadly similar to 2004 – 05, with a slight increase in the number of complaints from both parents and ‘other/family member’ under Stage 1 Children Act complaints.

Complainant	Number of Complaints					
	Stage 1		Stage 2		Stage 3	
	CA	Corp	CA	Corp	CA	Corp
Child/young person	4	-	1	-	1	-
Parent	19	28	1	1	-	-
Other/ family member	3	17	1	3	-	-
Foster carer	-		-	-	-	-
<b>Total</b>	<b>26</b>	<b>45</b>	<b>3</b>	<b>4</b>	<b>1</b>	<b>0</b>

### 3.7 Adjudication

Complaints investigated at Stage 2 of the Children Act complaints procedure are subject to a formal adjudication by the Assistant Director (Children and Families). Each element of the complaint (and there are often several elements in any one complaint) is subject to an adjudication. In making his adjudication the Assistant Director will have regard to, but is not bound by, the findings of the Investigating Officer and the Independent Person (who may have reached different conclusions in respect of some elements of the complaint).

- 3.8** In his adjudication the Assistant Director states whether each element of the complaint is “upheld”, “partly upheld”, “not upheld”, or (where there is conflicting or insufficient evidence) “no finding”. The table below shows the outcomes of the Assistant Director’s adjudications on Stage 2 complaints for the last two years.

<b>Adjudication</b>	<b>Elements</b>	
	<b>2004-05</b>	<b>2005-06</b>
Element of complaint upheld	3	4
Element of complaint partly upheld	4	3
Element of complaint not upheld	8	6
Element of complaint where no finding made	0	1

It should be noted that an adjudication of “not upheld” does not mean that the complainant was not justified in raising the matter, but rather that the Department was found not to be at fault. Equally, a finding of “upheld” does not necessarily mean that staff were not acting in the best interests of a child. Communication issues were often at the root of complaints.

### **3.9 Time taken to resolve complaints**

The figures below include all complaints completed during the year at each of the 3 stages.

<b>Children Act complaints</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>
Procedure timescale (days)	21	28	28
Average actual timescale (days)	27	90	32
Number completed in period	26	2	1
Number completed within timescale	11	0	1
Range (days)	4 - 96	90	32

<b>Corporate complaints</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>
Procedure timescale (days)	5	28	28
Average actual timescale (days)	27	101	
Number completed in period	45	4	0
Number completed within timescale	5	1	
Range (days)	4 - 137	21 - 263	0

**3.10** The average time taken to complete both Children Act and corporate complaints has improved significantly. The average times for Stage 1 have fallen to 27 days from 37 and 36 respectively. Although the numbers of complaints dealt with at Stage 2 are smaller they have also shown an improvement with the average time taken for Children Act complaints falling from 189 days to 90, and corporate complaints falling from 124 days to 101. However, these are still outside the procedural timescales and the proportion of complaints dealt with within the procedural timescales remains the same. Whilst acknowledging the huge improvements made in response time, serious concerns remain about the time taken to resolve both Children Act and corporate complaints. Currently only 42% of Stage 1 Children Act complaints and

11% of corporate complaints are resolved within the procedural timescales. All remaining complaints are resolved outside the procedural timescales.

It is important to note though, that very few Stage 1 complaints progress to further stages, suggesting that clients are happy with the response they receive to their complaint. Whilst it may be possible to complete investigations in less time, we must be wary that if they are less comprehensive than at present, this could lead to clients being less happy with the response and more complaints going to Stages 2 and 3.

- 3.11** The delays in completing Stage 2 Children Act reflect the difficulties Investigating Officers have in fitting this additional and often complex piece of work into their already busy schedules. Both of the Stage 2 investigations completed in 2005 – 06 were completed in 90 days, three times longer than the statutory timescale. There are also often delays in allocating Investigating Officers to cases. Whilst additional training and support would undoubtedly assist Investigating Officers, it remains the case that this can be a substantial piece of additional work.
- 3.12** The delays highlighted above are particularly worrying in the light of the new proposals for the social services complaints procedure, to be introduced in September 2006, where it is proposed that the statutory timescales be reduced by approximately a half.
- 3.13** The new timescales have been imposed to ensure that issues raised by or on behalf of children and young people are addressed quickly. To ensure that we are responding quickly, staff will need to place a high priority on complaints. Close liaison will need to be maintained between the complaints department, the teams and complainant to ensure that the complainant is kept informed of the progress of their complaint and to discuss and agree any necessary extensions to timescales.

#### **4. SCHOOL COMPLAINTS**

- 4.1** As all schools are locally managed, school complaints fall outside the remit of the complaints procedures, however, a large number of school complaints are received in the department annually.

	School complaints received
2004-05	170
2005-06	118

- 4.2** Although 2005 – 06 shows a decrease over 2004 – 05, there has been an increase in the complexity of some school complaints, demanding significant amounts of officer time. Some complaints do raise issues which need to be flagged up to teams within the department, eg child

protection, health and safety, EWOs, governor support, personnel, which takes additional time.

Following revision of the 'school complaints script' used by the Customer Care Unit (CCU), there has been a reduction in calls from complainants put through by the CCU.

## **5 COMPLIMENTS**

- 5.1** Overall, the number of compliments logged in 2005 – 06 has fallen, although the schools branch has remained at about the same level as in 2004 – 05. Teams are often reluctant to log compliments and it needs to be an ongoing exercise to encourage them to do so.

<b>Compliments 2005/06</b>	
Action of staff	22
Service delivery	10
Standard of service	12
Support from staff/team	16
<b>Total</b>	<b>60</b>

## **6 CHILDREN'S RIGHTS OFFICER**

- 6.1** Section 26A of the Children Act 1989 imposes a duty on local authorities to make arrangements for the provision of advocacy services for children and young people making or intending to make representations (including complaints). To comply with this requirement the Council employs a full time Children's Rights Officer (CRO) to work with and support children and young people. Any child or young person making a representation is informed of the services of the CRO, who will only become involved with the consent of the child or young person concerned.

## **7 DEVELOPMENT WORK**

### **7.1 Training**

Three half-day training sessions for staff on the complaints procedures and dealing effectively with complaints at Stage 1 were delivered. All three were well supported.

There are significant changes in the new social services complaints procedure which will be implemented on 1 September 2006. Once the final regulations and guidance have been published, training will be developed and delivered locally to all fieldwork teams.

## **7.2 Publications**

The leaflet planned for children and young people has been completed and distributed. This will enable both complaints and compliments to be registered. A new feature included on the leaflet is the option to submit complaints and compliments by text, using a dedicated phone number.

The social services complaints leaflet will need to be amended and reprinted once the final guidance for the new procedures has been published.

It had been hoped to produce a leaflet for school complaints but, due to budgetary constraints this has not been pursued. However, information is available on the Council's website.

## **7.3 Learning from complaints**

A system has been developed to record and track all actions arising from individual complaints. This will assist in identifying and flagging up emerging themes from complaints for the Departmental Leadership Team. One area for development and improvement is the need to track whether identified actions have been carried out.

## **8 CHANGES TO THE STATUTORY COMPLAINTS PROCEDURE**

- 8.1** It was widely anticipated that the Commission for Social Care Inspection (CSCI) would take on the review stage of the complaints procedure from local authorities. Following changes to the budget in Spring 2006, it was decided that this function would remain with the local authorities. Implementation of the new procedures has been delayed again as the final regulations and guidance are still being finalised. Pending ministerial approval, implementation will be 1 September 2006.
- 8.2** The proposed new timescales are likely to have the greatest impact. The Stage 1 timescale reduces from 21 calendar days to 10 working days. In addition, if the 10 day deadline is reached and the Stage 1 investigation is not complete, the complainant can ask that their complaint moves directly to Stage 2, without waiting for the Stage 1 investigation to be completed. Given that currently only 42% of Stage 1 Children Act complaints are dealt with within the present timescale, this represents a major challenge for the coming year. It is also likely to increase costs as an external 'Independent Person' has to be appointed for each Stage 2 complaint undertaken.
- 8.3** The new procedures require equality and diversity information to be presented within the Annual Report. This is not currently required therefore staff will need to be trained in the collection of this and a new system devised to collect and record the information.

- 8.4** Review Panels must demonstrate their independence. All three of the panel members will need to be independent members. Strict criteria have been proposed for panel members and the local authority is expected to be rigorous in their selection and appointment of panel members. New procedures will need to be set up to ensure the local authority complies with the stricter requirements.

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**Statutory Complaints Procedure (Children Act 1989)**

**Stage 1**

At this stage we try to seek a local resolution of the complaint. This involves the relevant Team Manager or Team Leader investigating the issues raised by the complainant. This should be completed within 21 calendar days of receipt of the complaint.

**Stage 2**

If the complainant is not satisfied with the response at Stage 1, they can ask for their complaint to move to Stage 2. This corresponds to the first stage of the process required by the Children Act Regulations.

The Assistant Director (Children and Families) appoints an Investigating Officer (IO). This will be a manager who has not had previous contact with the complainant or the family. An Independent Person (IP) will also be appointed at this stage. The role of the IP is to ensure that the investigation is carried out fairly and properly. WCC has a contract with Voice for the Child in Care for provision of this function. The IO and the IP each write a report. Both reports are sent to the Assistant Director who then responds to the complainant, indicating whether or not their complaint is upheld. This should be completed within 28 calendar days of the receipt of the request to move to Stage 2.

**Stage 3**

If the complainant is not satisfied with the response at Stage 2 they have 28 days to request, in writing, that a Review Panel hears the case. The County Secretary & Solicitor will convene a Review Panel to hear the complaint. This should take place within 28 calendar days of the receipt of the written request for a Review Panel by the complainant. The Review Panel consists of two County Councillors and an Independent Chairperson.

At least 10 days notice of the meeting and invitation to attend will be given to all parties unless all agree a shorter notice period; this is included within the 28 day period. All summaries, reports, documents and written submissions must be circulated by the Clerk, at least 7 days before the date of the meeting. The Panel must make recommendations within 24 hours.

Within 28 calendar days of being notified of the Panel's recommendations, the Director of the Department for Children and Education is required to consider what action to take and inform all those concerned of the outcome. If the complainant is still not satisfied they may ask the Local Government Ombudsman to investigate.

## **Corporate Complaints Procedure**

### **Stage 1**

At this stage we try to find a local resolution to the complaint. The line manager will investigate the issues raised by the complainant. This should be completed within 5 working days of receipt of the complaint.

### **Stage 2**

If the complainant is not satisfied with the response at Stage 1, they have the right to ask for the complaint to be investigated at stage 2 of the process. The team manager must carry out an investigation (co-ordinated by the Complaints Officer) to enable a full response to be sent to the complainant by the Complaints Officer within 28 working days.

### **Stage 3 – panel**

If the complainant is still not satisfied with the response, they have a right to ask for a Panel to be convened to consider their complaint. This stage of the process is dealt with by the Corporate Complaints Officer, and any complaint reaching this stage is immediately passed on to her.