

(ITEM)

TO: PORTFOLIO HOLDERS FOR CHILDREN'S SERVICES AND FOR SOCIAL SERVICES & HOUSING
Date: DECEMBER 2005

**SOCIAL SERVICES STATUTORY COMPLAINTS PROCEDURES ANNUAL REPORT
2004-2005
(Customer Response Officer)**

1 PURPOSE OF REPORT

- 1.1 To inform the Portfolio Holders of the results of implementing the statutory complaints procedures within Social Services including identifying areas for future actions. The production of the annual report is a statutory requirement as is its presentation to the Portfolio Holders.
- 1.2 The report also contains information about complaints and other representations received about Sustainable Communities reflecting the responsibilities of the Social Services and Housing Department.

2 RECOMMENDATIONS

- 2.1 **The Portfolio Holders approve the attached annual report.**

3 REASONS FOR RECOMMENDATIONS

- 3.1 All Local Authorities in England and Wales are required to produce an annual report dealing with the operation of the social services statutory complaints procedure and present this to the Social Services Committee or equivalent. It is recommended to the Portfolio Holders that the attached report fulfils that obligation.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 None

5 SUPPORTING INFORMATION

- 5.1 The social services statutory complaints procedures annual report 2004-2005 can be found attached.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Borough Solicitor

- 6.1 The relevant legal provisions are contained within the main body of the report

Borough Finance Officer

- 6.2 The Borough Finance Officer is satisfied that no significant financial implications arise from this report that cannot be met from within existing resources.

Impact Assessment

- 6.3 The complaints process should always monitor whether it readily encompasses an individual's particular needs in terms of accessible information, e.g. is information readily available and advertised in accessible formats such as large print; providing translators; having meetings in rooms with induction loops if required. It is important that there is a procedure for these services to be efficiently available and well advertised to residents and clients.

7 CONSULTATION

Principal Groups Consulted

- 7.1 The content of the Social Services Statutory Complaints Procedures Annual Report 2004-2005 has been discussed with the Social Services and Housing Departmental Management Team.

Method of Consultation

- 7.2 Discussion with management teams and interested parties.

Representations Received

7.3

Background Papers

Community Care in the next decade and beyond 1991, Policy and Guidance

The Children Act - Guidance and Regulations

The Complaints Procedures - NHS and Community Care Act 1990

Children Act 1989 - Complaint and Representation Procedures

NHS Complaints Procedure September 2001

Health & Social Care Bill Children and Adoption Act 2002

The Freedom of Information Act 2000

Children and Young People, England - The Representations Procedure
(Children) Regulations 2005 (Draft)

The Social Services Complaints Regulations - 2005 (Draft)

Getting the best from Complaints DfES 2004 (Consultation)

Learning from Complaints DH 2004 (Consultation)

An Independent Voice - Proposals for the independent review stage of the new social services complaints procedure 2004 Commission for Social Care Inspection
(Consultation)

Contact for further information

Patricia Morris, Customer Response Officer, Social Services & Housing Department

Tel: 01344 351588

Email: patricia.morris@bracknell-forest.gov.uk

Social Services Statutory Complaints Procedures Annual Report 2004-2005 (Director of Social Services and Housing)

1. Introduction

- 1.1 The Local Authority Social Services Act (1970) Section 7B, the National Health Service and Community Care Act 1990, and the Children Act S26 1989, require all Local Authorities in England and Wales to set up a Statutory Complaints Procedure within their Social Services Department. For the year in question complaints in respect of Children's Services were the responsibility of the Director of Social Services and Housing.
- 1.2 This report presents the results of implementing the statutory complaints procedures within Social Services including identifying areas for future actions. The production of the annual report is a statutory requirement as is its presentation to the Portfolio Holder.
- 1.3 The report also contains information about complaints and other representations received about Sustainable Communities reflecting the responsibilities of the Social Services and Housing Department.

2. The Procedures

- 2.1 The Department follows the advice that it should not be too prescriptive about what constitutes a complaint and responds to all expressions of concern. Where a complaint is not eligible for the statutory procedure individuals are advised about the corporate procedures.

3. Operating the Complaints Procedures at Bracknell Forest Borough Council

- 3.1 The procedures adopted by Bracknell Forest Borough Council encompass both the statutory complaint procedures for Social Services and the corporate procedures for Housing. The complaint manual, which contains both procedures, is distributed to all service managers and establishments. The IT database tracks matters in respect of nature, teams concerned, outcomes and time scales.
- 3.2 Six weekly reports are produced for Service Managers and these form the basis of discussion with individual managers on a six weekly basis, informing both management practice and learning. In addition the quarterly operations report contains a quarterly analysis of representations and complaints received. This report is shared with Elected Members and scrutinised by the Social Services and Housing Departmental Management Team.
- 3.3 For the period April 2004 - end March 2005 The Department had 92.36 fte (full time equivalent) staff in Children's Services, 178.77 fte staff in Adult Services and 134.36 fte staff in Housing (including benefits). Adult Services employs a higher percentage of part-time workers through its delivery of home care services. The volume of recorded complaints about delivery of service across the department reflects its overall composition.

3.4

2004-2005 for Adult Services			
Stage 1 Recorded Complaints	Recorded Concerns	Recorded Queries	Recorded Compliments
25	10	18 Member of Parliament 0 Member	12
2003-2004 for Adult Services			
56	12	18 Member of Parliament 1 Member	9
Decrease of 55%	Decrease of 16%	Stays the same	Increase of 33%

2004-2005 for Children's Services			
Stage 1 Recorded Complaints	Recorded Concerns	Recorded Queries	Recorded Compliments
5	4	11 Member of Parliament 0 Member	3
2003-2004 for Children's Services			
9	9	5 Member of Parliament 0 Member	6
Decrease of 44%	Decrease of 55%	Increase of 120%	Decrease of 50%

3.5

2004-2005 for Sustainable Communities			
Stage 1 Recorded Complaints	Recorded Concerns	Recorded Queries	Recorded Compliments
10	18	171 Member of Parliament 15 Member	14
2003-2004 for Sustainable Communities			
27	8	194 Member of Parliament 9 Member	0
Decrease of 62%	Increase of 120%	Decrease of 12% (MP) Increase of 66% (Member)	New data

3.6

2004-2005 for Benefits Services			
Stage 1 Recorded Complaints	Recorded Concerns	Recorded Queries	Recorded Compliments
7	0	9 Member of Parliament 1 Member	0
2003-2004 for Benefits Services			
7	0	14 Member of Parliament 0 Member	0
Stays the same	Stays the same	Decrease of 35% (MP) new data	Stays the same

3.7 The data presents a representative view of matters brought to the attention of the Department. However, the statistical data needs to be treated with caution, as information brought to the attention of the Customer Response Officer may not be comprehensive. The department has improved the centralisation of MP and member enquiries and their routing into the Respond recording system.

3.8 Within **Adult Services** there were 25 stage 1 complaints in 2004-2005 covering 11 issues. Service reliability, standard of service and support from staff were the key themes of complaints received. Data in respect of private residential homes and care providers is not recorded in this report since these providers operate their own complaint processes and retain their own complaint information (see 18.1.2).

Of the 25 complaints at stage 1 received in Adult Services the following conclusions were recorded:

Not Upheld	12	48%
Upheld	7	28%
Partially Upheld	5	20%
Not yet known	1	4%

Appendix A identifies the themes of the complaints made about Adult Services.

3.9 Within **Children's Services** 5 complaints were received at stage 1 covering 5 diverse issues. The concerns received were primarily concerned with communication between the department and the service user. Of the 5 complaints at stage 1 received in Children's Services the following conclusions were recorded:

Not Upheld	4	80%
Partially Upheld	1	20%

Appendix B identifies the themes of the complaints made about Childrens Services.

- 4.0 Within **Sustainable Communities** there were 10 stage 1 complaints in 2004-2005 covering 5 issues. Support from staff was the predominant issue raised by complainants. There was a marked increase in concerns raised and the key theme was anti-social behaviour and neighbourhood nuisance.

Of the 10 complaints received in Housing the following conclusions were recorded:

Not Upheld	7	70%
Partially Upheld	2	20%
Not yet known	1	10%

Appendix C identifies the themes of the complaints made about Sustainable Communities

- 4.1 Within **Benefits Services** there were 7 stage 1 complaints in 2003-2004 covering 4 issues. Service response time was the predominant issue raised

Of the 7 complaints received in Housing Benefits, the following conclusions were recorded:

Upheld	3	42%
Partially Upheld	3	42%
Not Upheld	1	16%

Appendix D identifies the themes of the complaints made about Benefits Services.

Analysis of the data often identifies a simple item of complaint such as punctuality and appointments not kept as the main complaint issue. These simple items can escalate to a complaint where a complaint response is delayed or not responded to fully. Misunderstandings and unrealistic expectations of the service available to clients is a recurrent sub theme in the complaint data. Such complaints are often attributable to IT system issues and are of a temporary nature owing to the change of system. It is expected that they will decrease once the new system is more fully embedded.

4.2 During 2004-2005, 7 new matters at stage 2 have been investigated. 5 applied to Social Services and 2 to Housing.

Service Area and detail	Status	Detail	Conclusion
1 complaint -3 conjoined complainants CMHT- Social Services Statutory Procedure	Completed Completion time 5 months Then progressed to stage 3 October 2005	Lack of consultation by department with parents of service user and lack of appropriate support to service user	Not upheld
1 complaint Learning Disability Social Services Statutory Procedure	Completed Completion time 4 months	Inconsistent communication with service user whilst detained under Mental Health Act	Upheld
1 complaint Children's Services Statutory Procedure	Completed Completion time 3 months	Lack of support for the parents of child receiving service from Family and Adolescent Support Team	Not Upheld
1 complaint Children's Services Statutory Procedure	Completed Completion time 2 months	Lack of consultation with father in respect of care decisions	Not Upheld
1 complaint Childrens Services & Housing Corporate Procedure	Completed Completion time 3 months Now progressed into statutory procedures	Lack of appropriate support to service user in respect of tenancy and care issues	Partially upheld
1 complaint Housing Management-applicant services Corporate Procedure	Completed Completion time 1 month	Request for ramp for electric scooter refused	Not upheld
1 complaint Housing Management-sheltered schemes Corporate Procedure	Complaint Completion time 3 months	Request for installation of individual Sky TV dishes refused	Not upheld

4.3 At stage 3, 1 matter went to panel during the period 2004-2005. This was a Childrens Services issue in respect of lack of support for the parents of child receiving service from Family and Adolescent Support Team. The matter was not upheld. This compares to 0 panel held during 2003-2004.

4. Ombudsman

4.1 In Social Services and Housing 3 matters went to the Ombudsman during this period.

4.2 One matter in respect of Housing Estates in respect of anti social behaviour was not pursued by the Ombudsman. Another matter in respect of Housing Benefits was not pursued by the Ombudsman. 1 matter in respect of Housing Estates and repairs required was resolved by the department. These were valid successful outcomes for the department and were achieved through extensive enquiry by Officers and the Customer Response Officer. This process is time and resource intensive and the administrative time required for this function needs to be formally acknowledged.

5. Complaint Response Times

5.1 In accordance with the Complaints Procedure Directions 1990 a written response to a registered complaint under National Health Service and Community Care Act 1990 requires that a substantive response be given to the complainant within 28 calendar days of the registration of the complaint. Where there is delay the complainant should be informed about the reasons and there should be a full written response within three months of the complaint being registered.

5.2 Of the 7 stage 2 investigations, which proceeded in Bracknell Forest during this period 4 were completed within the period allowed. 3 were subject to delay. The complainants were updated as to delay. Delay in completion of stage 2 investigations is not uncommon throughout all local authorities as they are necessarily complaints which are more complex or where complainants are more intractable in the department's attempt to resolve matters at stage 1.

6. Compliments

6.1 The number of compliments recorded and gathered centrally remains low. However, there is good informal evidence of a much larger number being received by individual staff which are not passed on for imputting onto the Respond database.

7. Emerging Issues

It is intended that CSCI and the Health Commission will have merged by 2008 and there will be a single regulatory and inspection function. The role of the new body in respect of complaint review is to be further considered. The new body may be involved operationally in complaint panel review or indirectly through the imposition of national standards for independent review panels

In January 2006 reforms in the NHS complaint procedure following the Shipman enquiry recommendations are to be implemented. It is anticipated that these reforms will inform development of the statutory procedure under the NHS and Community Care Act 1989.

- 7.1 Some CSCI functions in respect of Children's Services will migrate to OFSTED by 2008. It is anticipated that the role of OFSTED in respect of inspections will enlarge to include Social Services inspections. Current thinking seems to be that complaints made under the Children Act 1989 will remain within the local authority.
- 7.2 Additionally the responsibility of the department to publicise its complaint arrangements to children in an age appropriate way and the use of advocacy arrangements for children wishing to make representations are reinforced. Importantly there is a significant shortening of the timescales for resolution of complaints made by children to between 10 and 25 working days.
- 7.3 The Local Government Ombudsman Office published guidance to Local Authorities (March 2003) in respect of remedies for complaints which are upheld. It clearly states that where a time lapse has occurred and it is not possible to remedy a situation financial compensation may be the only remedy available. This guidance was particularly helpful in the resolution of the stage 2 complaint in respect of Learning Disability above and was a more cost effective resolution than progression to a stage 3 panel.

8. Learning from Complaints

- 8.1 One of the outcomes of the Customer Response Review being carried out by the department is to recommend how to improve the use of customer response information to inform organisational learning and business planning. The department intends in this year to introduce a formal learning procedure from complaints for dissemination throughout the department and for service users.
- 8.2 The Customer Response Officer meets with management teams on a quarterly basis to consider themes across the Department and those pertinent to particular teams.
- 8.3 Complaints data, and data about other representations, provides good thematic learning for the Department on the experience of people accessing and using Council services.
- 8.4 An analysis of justified complaints received by the department identifies the following issues as impacting on service delivery:
- Poor communication and consultation within department
 - Clear explanations about assessment decisions
 - Delays in communicating with and responding to service users
 - Inconsistent messages given to service users.

9. The Designated Customer Response Officer

- 9.1 The role of the Customer Response Officer is to act as 'guardian' of the procedures in Social Services. This officer also has to establish a single confidential system with the Housing section and monitor that procedure. The Assistant Director, Strategy and Commissioning, oversees the complaints procedure and is a member of Social Services and Housing Departmental Management Team.

10. Customer Response Training

10.1 112 staff in Social Services and Housing have attended complaints handling workshops; the majority have attended as a mandatory part of their induction into the Department. Additionally, 5 managers have attended training designed around their role in progressing complaints. 2 courses for managers were cancelled due to lack of response. The understanding of managers of the complaint process is critical to resolving matters early and this lack of response is disappointing. Additionally, the Customer Response Officer has attended team meetings to address general topics of interest regarding customer response.

11. Investigators

11.1 Bracknell Forest uses external investigators for complaints at stage 2. The Customer Response Officer works with other local authorities and agencies in the Southern Region to identify suitably experienced investigators.

11.2 The use of external investigators assists in the resolution of complex complaints, within Social Services. Many local authorities ask senior members of staff to carry out stage 2 investigations. The Department has used senior officers in 2 of the stage 2 investigations detailed above.

11.3 It is anticipated that following the proposed merger of the Commission for Social Inspection (CSCI) with the Healthcare Commission national standards will be introduced for investigators and panel members, requiring both to be trained and accredited.

12. Independent Persons

12.1 Bracknell Forest appointed 2 Independent Persons to stage 2 investigations during this period.

13. Review Panels

13.1 Bracknell Forest held 1 review panel in respect of Children's Services during this period. Panels consist of 3 independent people with no member representation. This was following the advice of the Assistant Borough Solicitor following the judgement in respect of the High Court judgement *Beeson v Dorset County Council* (November 2001). This judgement is still with the House of Lords. The cost of the panel was £1095.

14. Complaint Investigation Expenditure

14.1 The cost of new and ongoing complaint investigations at stage 2 of the statutory procedures was £7,235 for investigators.

15. Access to Complaints

15.1 Complaint information is on show in all establishments. Additionally all key administrative staff have supplies of this information. All staff receive a booklet on how to handle complaints at induction training. Information about how to complain is now incorporated into other pamphlets produced by the Department. There is a free 24 hour telephone line. For the period 2004-2005 11 % of matters raised were by e-mail, 60% by letter, 9% in person and 20% by telephone. There was a substantial increase in the number of matters put in writing which may reflect users' increasing confidence in describing concerns in written form.

15.2 The department is to review its literature pending changes to the procedures.

16. Complaints from Children

16.1 The regulations from Health & Social Care Bill Children and Adoption Act 2002 will require councils to provide advocacy to persons who make or intend to make representations. Bracknell Forest Borough Council is pro-active in ensuring that children know how to make a complaint and have access to advocacy and support in the process. A service level agreement established between Bracknell Forest and Voice for the Child in Care in May 2001 made advocacy available to young people looked after by the authority, who wish to make a complaint, disabled children receiving a service from the department, and care leavers. In addition VCC provide a 'duty advocate' service, whereby young people can phone a free phone number and speak to an advocate on the duty team for advice. If the issue can be resolved by discussion then it is not necessary to appoint an advocate, and such calls are not recorded for statistical purposes.

16.2 Children and Young People making a representation to the Department at whatever stage of the complaints procedures are automatically offered the use of an advocate. 3 young people who raised matters via the Customer Response Officer used an advocate to help resolve matters.

17. Publicity

17.1.1 Leaflets, posters and prepaid confidential postcards advertising the Statutory Complaints Procedures are distributed in Bracknell Forest on a monthly basis to all teams and establishments.

18. Further comments

18.1.1 Currently the Customer Response Officer is responsible for the statutory complaint procedure for both Adult Services and Children's Services. This arrangement will require greater clarification for the year 2005-6.

- 18.1.2 The range of complaint information presented in this report has declined especially in respect of support services provided by private domiciliary and residential providers. These providers retain their own complaint information. The department needs to review whether to collate this information to inform its strategic learning and planning and to work with CSCI on this.
- 18.1.3 Given that compensation payments and financial write off are considered by the Ombudsman as reasonable actions to resolve complaints and other matters, the department would benefit from having a comprehensive picture of all write offs and compensation payments made for the year to inform departmental learning.

The Statutory Complaints Procedure

- The Local Authority Social Services Act (1970) Section B, the National Health Service Act 1990, and the Children Act 1989, require all Local Authorities in England and Wales to set up a Statutory Complaints Procedure within their Social Services Department.
- The key features of these procedures are:
 - a) They are statutory giving all clients and their representatives of the Social Services the legal right to use them.
 - b) They have three stages, two of which have a series of legally prescribed time scales.
 - c) The Local Authority has a legal duty to publicise these procedures in order to make them easily accessible to everyone.
 - d) The complainant decides at which stage they enter the procedure.
 - e) An Independent Person must be appointed at the formal investigative stage (Stage Two) if the complaint is being considered under the Children Act 1989.
 - f) At Stage Two an Investigating Officer is appointed. They must be impartial i.e. they should not have nor had any contact with any issues relating to the complaints being considered.
 - g) Stage Three involves a Review Panel Hearing. This is made up of three panel members. One of these must be independent of the Local Authority. This person must chair the panel. These panels have legally prescribed timescales, i.e. once a panel is requested the Authority have 28 calendar days to set up and run the panel. The Panel members have 24 hours to reach their conclusions following the panel hearing and make recommendations to the Director of Social Services and Housing. The Director then has 28 calendar days to reply to the complainant.
 - h) The Local Authority has a legal duty to liaise with another agency to set up an advocacy scheme to support complainants, i.e. set up a Client's Friend scheme.
 - i) The three stages of each procedure are characterised by an increasing independent element. This independent element must be protected to promote public confidence in the procedures.
 - j) The Local Authority is legally required to appoint a 'designated Complaints Officer'. This person co-ordinates complaints and acts as a guardian of the procedures. This person has specific responsibilities to all that qualify to enter these procedures.
 - k) Authorities should monitor the operation and effectiveness of their complaint procedure and provide the Social Services & Housing Committee with regular and anonymised information about the types of complaint received, the time taken to deal with them and their outcome.
 - l) An annual report dealing with the operation of the complaints procedure should be presented to the Social Services & Housing Committee. As part of the preparation for this report authorities should invite comments from those consulted during the setting up of the procedures.

**Appendix A – Adult Services Complaints Stage 1
2003-2004**

Quality Standards	
<i>Communication with service user</i>	1
<i>Consultation with service user</i>	1
<i>Standard of service</i>	6
Quality Procedures	
<i>Department procedures</i>	1
Access to Services	
<i>Request for a service</i>	1
<i>Withdrawn service</i>	1
Service Delivery	
<i>Service delay</i>	1
<i>Service reliability</i>	7
Staff behaviour and conduct	
<i>Staff behaviour</i>	2
<i>Support from staff</i>	4

Appendix B – Childrens Services Complaints Stage 12003-2004

Quality Standards	
<i>Standard of service</i>	1
<i>Communication with service users</i>	1
Cost and Efficiency	
<i>Service response time</i>	1
Quality Procedures	
<i>Department Procedures</i>	1
Staff Attitude/Conduct	
<i>Support from Staff</i>	1

**Appendix C – Sustainable Communities Complaints Stage
12004-2005**

Access to Services	
<i>Assessment decision</i>	1
<i>Housing Application Process</i>	2
<i>Other</i>	1

Quality-Standards <i>Communication with Service User</i>	1
Staff Attitude/Conduct <i>Staff behaviour</i> <i>Support from staff</i>	2 2
Service Delivery <i>Complaint process</i>	1

Appendix D – Benefits Services Complaints Stage1 2004-2005

Cost & Efficiency <i>Financial assessment</i> <i>Service response time</i>	1 2
Staff Attitude/Conduct <i>Staff behaviour</i>	2
Access to Services <i>Assessment decision</i>	2