

Learning from our Customers

A review of comments and complaints made in

1st April 2011 – 31st March 2012



Southampton City Council
Children's Services and Learning

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1 PURPOSE

- 1.1 This report provides analysis of comments/concerns, compliments, enquiries from Councillors and MPs, informal complaints (representations) formal complaints as well as Access to Personal Social Care files (Data Protection Act requests) and Freedom of Information Requests for the Children's Services and Learning Directorate for the year 2011-12
- 1.2 The report compares these to the previous year (2010-11) and reports on complaints investigated at the external investigation stage of the procedure
- 1.3 The management of complaints forms part of a broader approach to the way the Directorate delivers customer care. The complaints function is a vital source of information, which assists in the development and delivery of future services.
- 1.4 This report encompasses statistics for all divisions within the Children's Services and Learning Directorate between 1 April 2011 and 31 March 2012.
- 1.5 An announced inspection by Ofsted of safeguarding and Children Looked After services identified areas for improvement in relation to the formal learning from the outcomes of complaints, and the communication with children and young people to increase their awareness of how to complain or seek help with accessing advocacy. The report summarises how the service intends to work across the directorate to achieve this and other learning from complaints.

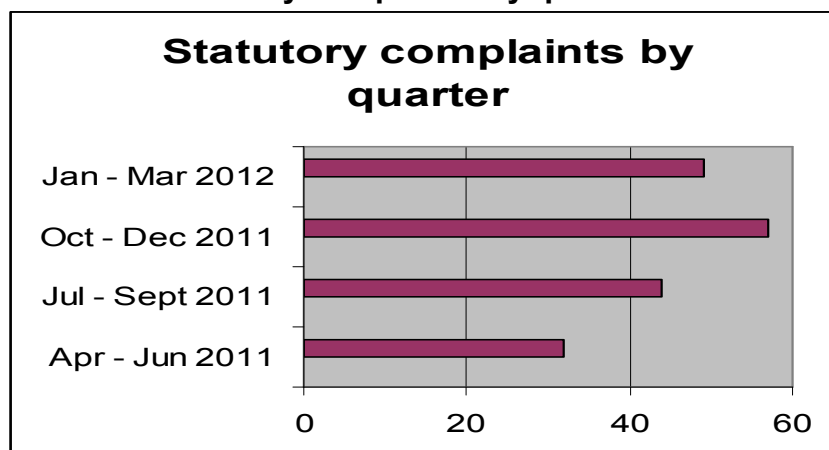
2 BACKGROUND

- 2.1 The Children Act 1989 Representations Procedure (England) Regulations 2006 require local authorities with social care services to set up and maintain a complaints procedure. This procedure must operate according to specified timescales and methods of investigation and review. The guidance requires that a report be published annually. The published report should provide an overview to staff, the general public as well as the Council's Standards and Governance's committee.

3 ANALYSIS OF COMPLAINTS

- 3.1 During the financial year 2011-2012, there were 182 statutory complaints made about Children's Social Care. This compared to 138 on 2010-11 and 131 in 2009-10, a 31.9% increase in the number of complaints this year.
- 3.2 Table 1 indicates the number of statutory complaints made in relation to Children's Services and Learning. These indicate a significant increase in complaints which started to increase during Quarter 2, rose further in Quarter 3 to a peak before falling back a little towards the end of the year. Further analysis of this is set out in Table 5.

Table 1 – 2011/12 statutory complaints by quarter



- 3.3 The number of Children's Social Care referrals in the financial year 11-12 was 3672. The 182 complaints represent 5 % of all referrals made.
- 3.4 The majority of complaints continue to be resolved at the first stage of the procedure through work by managers and staff in the service, consistent with good customer care. Where resolution is not possible in this way, the Council commissions an independent external investigator and an Independent Person, to look into complaints at Stage 2 of our procedure. This can be a positive action for both complainant and Southampton City Council, and provide opportunities to identify and learn from our mistakes and other issues that result in complaints from service users.
- 3.5 Only 4 complaints (2.2%) require independent investigation. One complaint proceeded to Stage 3, two were completed and one was discontinued. For the financial year 2011/12 the cost of independent investigations was £10,146, compared to £11,515 in 2010-11.
- 3.6 Table 2 sets out the number of complaints which progress to stage 2, and shows how this has changed since 2006-07 to 2011-12. From a peak in 2008/09 there has been a fall in the number and percentages of complaints not resolved at stage 1.
- 3.7 If the complaint is unresolved at Stage 2 the complaint may be reviewed by an Independent Panel (Stage 3 of our procedure). Complaints unresolved after Stage 3 can be referred to the Local Government Ombudsman. The LGO will consider the complaint, what the Council did, and how well it fulfilled its obligations to the service user both in its original service, and in its subsequent management of their complaint.
- 3.8 Table 3 sets out the very low number of complaints which require stage 3 resolution via an Independent Panel. Together Tables 2 and 3 indicate that services, supported by the Customer Care and Complaints Team, have been generally effective in resolving complaints closer to the point at which they occur.

Table 2 External Investigation of Complaints (Stage 2)		
Year	No of Stage 1 Complaints	Percentage (and number) progressing to stage 2
2006/2007	86	1.16% (1)
2007/2008	101	1.98% (2)
2008/2009	90	12.2.% (11)
2009/2010	131	5.34% (7)
2010/2011	138	2.89% (4)
2011/2012	182	2.19% (4)

Table 3 Independent Review Panel (Stage 3)	
Year	Number of complaints progressing to stage 3 (Panel)
2006/2007	0
2007/2008	2
2008/2009	6
2009/2010	0
2010/2011	2
2011/2012	1

Issues and themes

- 3.9 There were no recurring themes. Only one complaint resulted in compensation for the complainant. £1,500 was paid to a child for lack of education for a term and a half . £150 was paid to his mother for time and trouble in making the complaint.
- 3.10 In addition to statutory complaints, all complaints relating to Education Services are investigated under the Corporate Complaints Procedure.

Corporate Complaints

- 3.11 For the financial year 2011-2012, there were 43 corporate complaints made about Education Services compared to 34 in 2010-11 and 40 in 2009-10. This represents a 26.5% increase in the number of complaints this year. 25 complaints were also received which related to Southampton schools and complainants were supported in accessing schools own complaints procedure.
- 3.12 The Children's Services and Learning Customer Care and Complaints Team also log comments and representations. Representations are issues that can be resolved quickly without needing investigation. Comments suggest a need for action but which are not offered as complaints. If a representation cannot be readily resolved within 24 hours then it will become a complaint). The service also deals with and records MP enquiries and compliments. The table below sets out the different types of contacts that the Customer Care and Complaints Team received during 2011-12.

3.13 Contacts Received by Record Type

Table 4 Number of contacts received by Record Type				
Record Type	2010/11		2011/12	
	Number	%	Number	%
Stage 1 complaints (social care)	138	34.93%	182	45.5%
Inclusion and other	34	8.6%	43	10.75%
Schools/LA	23	5.82%	25	6.25%
LGO	6	1.51%	0	0
Comments	6	1.51%	12	3.0%
Referrals	3	0.75%	8	2.0%
Representations	52	13.16%	23	5.75%
MP/Cllr enquiries	57	14.43%	75	18.75%
Compliments	76	19.24%	32	8.0%
Total	395	100%	400	100%

3.11 Table 4 shows a slight increase in the number of contacts received in 2011-12 compared to 2010-11 by 1.5% from 395 to 400. There has been a minimal increase in complaints about schools but a reduction in representations of 55.76%. There was a 31.57% increase in MP/Cllr enquiries. There has been a decrease in compliments from 76 to 32. This is unlikely to be a true reflection of the number of compliments received by staff but recording is historically an issue. All staff should be encouraged to send copies of compliments and letters they receive to the Customer Care and Complaints Team in order that they can be recorded and passed to the Executive Director. It is often very much appreciated by staff when they do receive recognition for good service, but it proves hard for services to remember to do this.

3.12 Monthly Trend by Record Type

Table 5 Children's monthly trend by Record Type													
Type of Record	Apr 2011	May 2011	Jun 2011	Jul 2011	Aug 2011	Sep 2011	Oct 2011	Nov 2011	Dec 2011	Jan 2012	Feb 2012	Mar 2012	Total
Comment	0	1	5	1	0	1	0	0	0	2	1	1	12
Compliment	0	3	1	3	2	3	3	3	3	2	6	3	32
Corporate complaint	2	4	4	3	4	13	1	1	1	3	1	6	43
LGO Complaint	0	0	0	0	0	0	0	0	0	0	0	0	0
MP/Cllr Enquiry	6	7	13	4	8	3	9	4	3	6	5	7	75
Referral	0	0	0	1	1	0	2	1	0	1	0	2	8
Representation	2	3	0	6	3	7	1	1	0	0	0	0	23
School complaint	2	2	0	1	0	3	2	3	3	1	1	7	25
Statutory Complaint	9	10	13	17	13	14	19	23	15	16	16	17	182
Total	21	30	36	36	31	44	37	36	25	31	30	43	400

- 3.13 Table 5 breaks down the numbers of complaints each month during 2011-12. The number of complaints started quite low in April and May, but rose from June, remaining about 13 per month for the rest of the year. The greatest number of complaints (23) were received in November 2011 and the lowest (9) in April 2011. A comparison of 2011/12 against 2010-11 shows no discernable pattern though complaints were higher generally in 2011-12.
- 3.14 Children’s Services and Learning complaints are classified according to the following definitions;
- Social care complaints are those investigated under the statutory regulations
 - All other Children’s Services complaints are investigated using the Council’s corporate complaint procedure
 - Referrals are requests for help which are passed to the relevant council directorate and partner services
 - Representations are enquiries, concerns or comments which can be dealt with and resolved within 24 hours. Any social care comments that cannot be resolved within this time automatically become statutory complaints.
 - MP/Cllr enquiries are progressed by MPs on behalf of a constituent or request for information which need investigation and response by the Directorate.

Complaints by Service Area

- 3.15 Table 6 provides a breakdown of complaints by service area. Many complainants have complained about more than one service area as part of their complaint.

Stage 1 complaints by specific service area

Table 6 Stage 1 complaints by specific service area	
Received between 01/04/2011 and 31/03/2012	
Specific Service Area	Number
Safeguarding: Social Care	182
Commissioning, Education and Inclusion	35
Infrastructure	6
Schools (under Corporate Procedure)	2
LGO Complaints (not premature)	0
Total number of formal complaints	225

- 3.16 Table 7 provides a breakdown of complaints by complaint issue and highlights some of the major themes and issues contained within the contacts and complaints we receive (excluding schools and academies). The issues raised can be classified in 8 specific ways, and the 225 complaints received raised 315 specific issues in total. As most complaints relate to more than one issue, this way of breaking down our complaints allows us to maximise our learning from them. For example, 80.3% of complaints relate to either complaints about staff or complaints about access to services. Many of these relate to the period of generally higher complaints from June 2012 in respect of children’s social care and

are consistent with the period of high staff turnover that impacted upon the wider consistency and quality of service.

Issues

3.17 Breakdown of complaints by complaint issue Statutory & Corporate

Table 7 Complaint Issue	Number	Percentage
Access to Service	76	24.12%
Actions of Staff	177	56.19%
Finance	2	0.63%
Education Complaints	24	7.61%
Environment	2	0.63%
Breach of Confidentiality	9	2.85%
Information related	21	6.66%
Resourcing	2	0.63%
Total	315	

3.18 Many complaints contain more than one issue and at the present time complaints can only be recorded against the specific service as an issue. This database has now been changed to enable us to record the number of complaints by specific service and will be reported in this way from April 2012. Arrangements have been made for complaints to be reported at Divisional Management teams for 2012-13, particularly on Safeguarding which is covered by statutory process.

4.0 Key Findings – Complaints

Whilst not to undermine their legitimacy, it is important to place the level of statutory complaints into the context of the complex, personally distressing nature of children’s safeguarding social work upon both parents and children, and the large number of cases that progress without complaint. The number of formal Stage 1 statutory complaints received for children’s social care services for this year shows an increase of 31.9% on those received in 2010-11. This means that statutory complaints were received in relation to 3.3% of cases supported, roughly 1 case in 30.

4.1 Social Care Activity

Table 8 Children’s Social Care Activity vs Complaints 2011-12			
Referrals	3642	Formal complaints	182
IAs	2742	Representations	43
Total number of Children Looked After at any point	460	Complaints by children (of all formal complaints)	1
Total	6844	Total	225

5.0 Managing Complaints

5.1 All complaints received directly by the Customer Care and Complaints Team are acknowledged within the statutory three days. Complaints were not always received promptly from service areas, and in some cases, were

not reported until the response was sent to the complainant. This is not consistent with the Directorate's policy for managing statutory complaints, and may also relate to turnover in staff. It is being addressed through training and induction materials for new staff.

5.2 Table 9 shows an overall decrease in response rates to complaints in Children's Services and Learning in 2010-11. This may reflect, in part, the organisational and terms and conditions changes and their effects upon staff within the council. The Customer Care and Complaints team has also noted an increase in member queries going directly to staff. This has also contributed to poorer response times as front line staff are not trained in the timescales, and there is no process for chasing up.

5.3 Responses made within timescales

Table 9 Overall Performance Report				
01 April 2010 to 31 March 2011				
Record Type	Acknowledgement		Full Response	
	2010/2011	2011/2012	2010/2011	2011/2012
Safeguarding: Social Care				
Cllr/MP Enquiry	94.60%	91.90%	73.68%	57.30%
Statutory Stage 1	100.0%	96.2%	77.78%	62.70%
Learning Services:				
Corporate Stage 1	100%	97.7%	78.30%	88.1%

5.4 Complaints regarding schools are recorded by the Customer Care and Complaints Team, but complainants are advised that they should complain directly to the school concerned using the complaints process for the school in question.

5.5 Of the 225 Stage 1 complaints received 18.2% were upheld, 23.1% were partially upheld, 54.6% were not upheld

5.6 Proportion of Complaints Upheld 2011-12

Table 10 Children's Services & Learning Directorate 2011 / 2012			
Stage 1			
	Statutory	Corporate	Total
Upheld	31 (17%)	10 (24%)	41 (18%)
Not Upheld	107 (59%)	16 (38%)	123 (55%)
Partially Upheld	37 (20%)	15 (36%)	52 (23%)
Stopped	2 (1%)	0	2 (1%)
Withdrawn	0	0	0
Ongoing	5 (3%)	0	5 (2%)
Not known	0	2 (5%)	2 (1%)
TOTALS	182	43	225

Children's Services & Learning Directorate 2011/12 Stage 2	
Partially Upheld (proceeded to Stage 3) Cross over service with Adults.	1
Not Upheld	2
Withdrawn	1
Total	4

6.0 Action taken to capture learning from complaints and customer feedback

6.1 There are well established systems in place to capture and record details of customer feedback and complaints but, they are not consistently applied. This is being addressed through staff training and managers are asked to complete the Manager's Action Plan, which is included with the complaint notification. The Manager's Action Plan is being redesigned to try to encourage managers to complete them. Failure to complete this is one of the reasons it was not possible to demonstrate learning from complaints in the Ofsted inspections of Safeguarding and Children Looked After complaints. Responses to complaints should contain the following information:

- An acknowledgement of the issues raised by the complaint
- An apology if appropriate or an acknowledgement of the complainant's feelings
- An explanation of the actions to be taken
- What we should have done differently
- What we will do now (actions)
- What we have learned
- What the complainant should do if they remain dissatisfied

6.2 Learning from complaints can be put into three categories, Individual Learning, Team/Service Learning and Organisational learning. During the past year complaints have resulted in the following actions to improve future service. These include:

- Review of the school admission systems
- Review of adoption information sharing processes
- Review of administration message taking procedures in Safeguarding
- A requirement that all Playworkers receive training on Accident procedures

6.3 The Customer Care and Complaints Team will continue to remind and prompt staff and managers of the importance of reporting all compliments received so that a true representation of the views of our customers can be evidenced for service improvement, and senior managers have the opportunity to acknowledge and recognise good service. The Customer Care and Complaints manager will also be reporting on complaints on a quarterly basis to divisional management teams from 2012-13.

7.0 Access to Records (social care only)

7.1 This is an important statutory entitlement under the Data Protection Act that allows anyone who requests access to their Social Care records from a time in care either currently or from an earlier period in their life. The Access to Records facilitation (preparation of files) is now under the management of the Customer Care and Complaints Team for any service user who is not currently receiving a service, this includes information requested by the Police for historical abuse cases. This is a complex task that requires not only copying of records but also the redaction of information that identifies third parties in an individual's record.

7.2 Access to Records requests received

Table 9 Access to Records Requests		
2009/10	2010/11	2011/12
65	111	162

7.3 Table 9 shows that during 2012-13 there was a 45.9% increase in the requests received (from 111 in 2010/11 and a 149% increase since 2009/10 (65)). 12 of these requested information from both Adult Services and Children's Services.

7.4 In 2011-12 due to the large increase in requests we were not able to complete all requests within the statutory 40 days timescale. Where this occurred consent for a longer timescale was sought a new technological tool (Rapid Redact) was tested to help address the rise in demand which has now been adopted.

8.0 Information provided under the Freedom of Information Act.

Table 10: Number of Freedom of Information requests received

Table 10 Freedom of Information Requests		
2009/10	2010/11	2011/12
137	137	207

8.1 Table 10 shows that the number of Freedom of Information requests increased by 51.0% since 2010-11. Demand for FOI requests was stable between 2009-10 and 2010-11.

8.2 47 of these requested information from both Adult Services and Children's Services and Learning Directorate.

8.3 All FOI requests were responded to within the statutory timescale of 20 days this year.

8.4 The largest number of requests were regarding Staff & Employment (44), Children's Financial Spend (38), Safeguarding (36), Service Outcome for CY&P (31). A breakdown of the information requested and who requested it is set out in Tables 11 and 12.

8.5 Both the Access to Records and Freedom of Information databases will

continue to be reviewed and updated to ensure that we continue to improve the service we provide. The service has also started recording estimates of the cost incurred by services in meeting FOI requests. This will be reported in future as these are typically uncontrollable costs in that the Council cannot opt out of providing information due to resources and can only charge for finding and preparing responses to FOI requests that exceed 18 hours. There is no limit on the number of FOI requests that people can make on the Council so there are significant cost risks associated with a rise in these requests.

Table 11 – Breakdown of FOI Requests by type of query

FOI Request classification 2011 - 2012		
	No. of Requests.	%
Accessibility of Provision	7	3.4%
Adult Financial Spend	11	5.3%
Availability of Provision	9	4.3%
Children's Financial Spend	38	18.4%
Deceased Records	0	0.0%
IT Systems/Communications	9	4.3%
Service Outcome for C&YP	31	15.0%
Staff and Employment	44	21.3%
Health and Safety	10	4.8%
Legal / Insurance	9	4.3%
Religion related	3	1.4%
Safeguarding	36	17.4%
TOTAL	207	100.0%

Table 12 – Breakdown of FOI requests by requestor

Requester	Number	%
General	9	4.4%
Councillor	4	2.0%
Independent Agency	52	25.1%
Media	53	26.0%
Member of Public	47	23.0%
Member of Parliament	36	17.3%
Student	3	1.4%
TOTAL	207	100%

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