

<b>DECISION-MAKER</b>	STANDARDS AND GOVERNANCE COMMITTEE		
<b>SUBJECT</b>	ANNUAL REPORT ON CHILDREN'S SERVICES AND LEARNING/ HEALTH AND ADULT SOCIAL CARE COMPLAINTS 2010-11		
<b>REPORT OF:</b>	CUSTOMER CARE AND QUALITY MANAGER		
<b>DATE OF DECISION</b>	8 SEPTEMBER 2011		
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## STATEMENT OF CONFIDENTIALITY

N/A

## SUMMARY

This report provides an overview and analysis of the comments, concerns, compliments, and enquiries from Councillors and MPs, informal complaints (representations) and formal complaints.

It also provides an overview of performance in relation to timely responses to requests for access to personal social care files (Data Protection Act requests) from former clients and other named individuals, and Freedom of Information Requests across Children's Services and Learning and Health and Adult Social Care Directorates.

The NHS and Community Care Act 1990, the Children Act 2004 and Department of Health Guidance and Regulations require social care services within local authorities to set up and maintain a complaints procedure. Southampton City Council operates a single complaints and comments system – covering all statutory complaints about Adult Social Care Services and Children's Services and Learning. At present this statutory complaints and comments system is separate from the corporate complaints process. The guidance requires the production of an annual report, see Appendix 1.

## RECOMMENDATION:

- (i) That the report be noted.

## REASONS FOR REPORT RECOMMENDATIONS

1. To provide Council Members with an overview of the issues arising out of complaints made by the public to Children's Services and Learning and the Health and Adult Social Care Directorate during 2010-11, and provide information on actions taken following on from complaints to demonstrate how we learn as an organisation and improve future performance.

## CONSULTATION

2. This report is presented annually to the Standards and Governance Committee for consultation purposes.

## ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

3. N/A

## DETAIL

### Rationale and background

4. The new OfSTED inspection framework stipulates that account must be taken of the extent to which service providers have sought and acted upon the views of children, young people and carers. Children's Services and Learning Directorate encourage users to make comment, complaint and compliments about the service in accordance with this. The OfSTED framework describes:
  - An outstanding service, as one in which: *'there is a well-established complaints and representations service, which is valued by children and young people. The outcome of complaints and concerns raised about services are systematically used to inform service development.'*
  - An inadequate service, as one in which: *'too few children and young people are aware of how to complain or make representations. Children and young people are not informed about their access to advocacy services to support them in making complaints and representations or express a lack of confidence in the complaints system.'*
5. The NHS and Community Care Act 1990 and Department of Health Guidance and Regulations require Social Services to set up and maintain a complaints procedure and to operate that procedure according to specified timescales and methods of investigation and review. The Adult Health and Social Care Directorate encourages service users to comment on the service.
6. The Customer Care and Complaints Manager for Health and Adult Social Care and Children's Services and Learning uses information from the National complaints Managers Group and the Local Ombudsman to inform best practice. Ordinarily this report to the Standards and Governance Committee would be accompanied by an Annual Report covering complaints to both Health and Adult Social Care and Children's Services and Learning. Changes in the structure of both departments during the year have led to some problems and delays in full analysis of these complaints, which has delayed the presentation of the Annual Report to the respective Directorate Management Teams. A copy of the annual report can be submitted if needed to the Standards and Governance Committee at a later meeting.

**Contacts - during the period 1 April 2010 – 31 March 2011**
7.
  - Children's Services and Learning: 395 contacts were received of which 176 were formal complaints.
  - Health & Adult Social Care Directorate: 354 contacts were received by the Directorate, of which 194 were formal complaints. This is a slight decrease on last year.

### **Compliments\_- during the period 1 April 2010 – 31 March 2011**

8.
  - Children's Services and Learning Directorate: 76 compliments were recorded in total for 45 were for Social Care, 10 for Safeguarding Inclusion services and 21 for School Standards
  - Health & Adult Social Care: 78 compliments were received for and these were mainly regarding the hard work and caring attitude of staff

This is an increase on the previous year and is in part due to greater staff awareness of the need to send all compliments to the Customer Care & Complaints Team for recording.

### **Complaints - during the period 1 April 2010 – 31 March 2011:**

9. Children's Services & Learning: A total of 176 complaints were received, complaining about 283 issues. :

Health & Adult Social Care: A total of 194 formal complaints were received complaining about 440 issues.

The difference between the numbers of complaints and the number of issues is explained by the fact that some complaints relate to a complainant being unhappy about several issues. A more detailed evaluation of these will be undertaken in the Annual Complaints Report.

10. The number of complaints received for children's services decreased slightly. However the categories used for recording this information changed in 2010-11 and it is therefore not possible to give an accurate comparison with earlier years on these factors. In Health and Adult Social Care the number of complaints recorded decreased by 12.6%.
11. Officers and managers in both Directorates continue to work with the complaints team to further explore any patterns in the number of complaints relating to changes in service performance. More recently some work has started to evaluate how we might improve collaboration corporately and with other complaints services to improve our understanding and effectiveness.
12. Complaints in the Health and Adult Service have decreased. However, the Finance Department have dealt with some complaints directly and these have not been recorded by the Customer Care and Complaints Team. These are specifically related to problems experienced in the billing computer systems.

13. **Formal complaints**

Of the 176 complaints in Children's Services and Learning:

<b>Outcome</b>	<b>Statutory Complaint</b>
Complaint withdrawn	0
Not Upheld	89
Ongoing	1
Partially Upheld	29
Stopped	1
Upheld	47
<b>Total</b>	<b>167</b>

9 complaints do not have an outcome recorded.

Note: The Local Government Ombudsman was due to take responsibility for complaints about schools in 2011. However, this has not taken place and it is still unclear who will ultimately take responsibility for this function.

Of the 194 complaints in Health and Adult Social Care:

<b>Outcome</b>	<b>Statutory Complaint</b>
Complaint withdrawn	4
Not Upheld	30
Not upheld following appeal	36
Ongoing	11
Partially Upheld	34
Stopped	4
Upheld	74
<b>TOTAL</b>	<b>194</b>

14. There has been an overall increase in response rates to complaints in Children's Services and Learning. One reason for this is the recent changes in service management which have resulted in complaints being dealt with more promptly and by the correct team.

- 15 The response rate within Health and Adult Social Care also shows an improvement. This is as a result of the changes in the Adult statutory complaints procedure which means complaints are now categorised as low, medium and high risk and the timescales for responses are different. In the low category 73.9% of complaints were responded to within timescale (10 days), Medium 94.1% within timescale (20 days) and High 25% (30 days).
- 16 **Complaints not resolved at Stage 1**  
Of the 176 complaints received for Children’s Services and Learning, 4 progressed to Stage 2 and 1 progressed to Stage 3. The Local Government Ombudsman investigated 6 complaints for School Standards and Inclusion. These were regarding unsuccessful admissions and a Special Education Needs Statement. A further two premature complaints were received from the Local Government Ombudsman which had not previously gone through the Children’s Services and Learning Complaints process. Of the 194 complaints for Health & Adult Social Care, 3 complaints were received via the Local Government Ombudsman, 1 of which was classed as premature and was dealt with through the Adult statutory complaints procedure.
- 17 **Learning from complaints.** The feedback from divisions on learning points was patchy and was identified as an area for further development this year. Performance in this area has now improved.
- 18 An action/improvement plan has been developed to systematically capture outcomes and learning from complaints (appendix A). These were adopted by Children’s and Adults services and they are proving to be invaluable in demonstrating areas for improvement, lessons learned and actions to be taken. This information is monitored and it is followed up to ensure that agreed actions have been completed
- 19 The Standards and Governance Committee requested a breakdown of how performance in number and response to complaints measured against the Council’s statistical neighbours, It has only been possible to obtain information from three other authorities. The Ombudsman does not publish direct comparisons as the nature of Authorities and the services they deliver varies considerably... This comparison compares performance across our statistical neighbours (Audit Commission Comparator Authorities list - Bristol, Brighton & Hove, Plymouth and Portsmouth.

<b>Name of Authority</b>	<b>No of Formal complaints</b>
Hull	65 Childrens
Bristol	98 Adults
Portsmouth	75 Childrens
	75 Adults
Southampton	111 Adults
	137 Childrens

20 Whilst there is not yet sufficient data to carry out a comprehensive analysis of Southampton's performance against others for 2010-11, the data does indicate two conclusions:

- a) The total number of complaints received in Southampton are higher than those for Hull, Bristol and Portsmouth. It is not clear whether this relates to service performance issues, or the accessibility of the complaints process. The consistency of the high level of complaints, with the relatively high proportion successfully resolved at Stage 1 might suggest that there are higher levels of awareness in Southampton about how to complain.
- b) Despite higher levels of complaints, Southampton performs well in responding to complaints promptly.

21 **Areas for development:** There is an ongoing need, in the coming year to use our established processes to demonstrate the impact of complaints and representations in improving the way services are provided. Equally, we are committed to ensuring that adults, vulnerable adults, children, young people, as well as their parents and carers, are aware of the complaints process and have confidence in it. Heads of service have agreed the following actions in order to improve our responsiveness to complaints:

- Regular meetings between the Head of Service and Complaints Manager and Divisional Management Teams to review timeliness and quality of responses.
- Learning from complaints will continue to be incorporated into working practices

We have begun to ensure that children and young people and those who work with them are more aware of the complaints process through a greater use of advocacy. This has also been highlighted through the Young People in Care Council and we are also working with the Adult and Children's divisional management teams. A recent Adoption inspection by OfSTED commended the high quality of complaints handling/process in Children's Services & Learning as being a strength of the service in the City.

22 **Access to records:** There were significant increases in requests by current and former service users in relation to access to care records across both Children's Services and Learning and Health and Adult Social Care. This again is indicative of more service users being aware of the right of access to information about their care.

- Children's Services & Learning: there was a 70.8% increase in requests received for access to records, from 65 to 111
- Health & Adult Social Care: there was a 53% increase in requests received for access to records from 13 to 20

23 **Freedom of Information requests:** There were significant increases in freedom of information requests across both Children's Services and Learning and Health and Adult Social Care. This is indicative of more service users being aware of the right of access to information about council services.

- Children's Services & Learning\_ - this figure was the same as in 2009/10
- Adult Social Care - there was an increase of 16% in FOI requests from 56 to 65

## **FINANCIAL/RESOURCE IMPLICATIONS**

### **Capital**

24 N/A

### **Revenue**

25 N/A

### **Property**

26 N/A

### **Other**

27 N/A

## **LEGAL IMPLICATIONS**

### **Statutory power to undertake proposals in the report:**

28 Local authority complaints mechanisms are operated under Section 11 Local Government Act 1972 and complaints in relation to Children's and Adult Services in accordance with corresponding primary legislation, regulations and evidence.

### **Other Legal Implications:**

29 N/A

## **POLICY FRAMEWORK IMPLICATIONS**

30 The matters set out in this report are consistent with the Council's Constitution and Policy Framework.

**SUPPORTING DOCUMENTATION**

**Appendices**

A	Action Improvement Plan
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**Documents In Members' Rooms**

1.	None
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**Background Documents**

Title of Background Paper(s)

Relevant Paragraph of the  
Access to Information  
Procedure Rules / Schedule  
12A allowing document to be  
Exempt/Confidential (if  
applicable)

1.	None	
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**Background documents available for inspection at:** N/A