

DECISION-MAKER	STANDARDS AND GOVERNANCE COMMITTEE		
SUBJECT	ANNUAL REPORT ON CHILDREN'S SERVICES AND LEARNING/ HEALTH AND ADULT SOCIAL CARE COMPLAINTS 2009-10		
REPORT OF:	CUSTOMER CARE AND COMPLAINTS MANAGER		
DATE OF DECISION	23 SEPTEMBER 2010		
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STATEMENT OF CONFIDENTIALITY

N/A

SUMMARY

This report provides an analysis of the comments, concerns, compliments, enquiries from Councillors and MPs, informal complaints (representations), formal complaints – including requests for access to personal social care files (Data Protection Act requests) 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 to set up and maintain a complaints procedure. Southampton City Council operates one complaints and comments system – covering Adult Social Care Services and Children's Services and Learning. The guidance requires the production of an annual report, see Appendix 1.

Note: The statutory complaints and comments system is separate from the corporate complaints process.

RECOMMENDATION:

- (i) That the report be noted.

REASONS FOR REPORT RECOMMENDATIONS

1. To update Members on 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 2009-10. And provide information on actions taken in response to complaints to improve performance.

CONSULTATION

2. This report is presented 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. 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 Complaints Manager uses information from the National complaints Managers Group and the Local Ombudsman to inform best practice.

Contacts - during the period 1 April 2009 – 31 March 2010

- 7.
- Children's Services and Learning: 441 contacts were received of which 181 were formal complaints.
 - Health & Adult Social Care Directorate: 384 contacts were received by the Directorate, of which 222 were formal complaints. This is a slight decrease on last year.

Compliments - during the period 1 April 2009 – 31 March 2010

- 8.
- Children's Services and Learning Directorate: 35 compliments were recorded in total for 23 were for Social Care, 10 for Capital Assets & Infrastructure, 1 for Safeguarding Inclusion services and 1 for School Standards
 - Health & Adult Social Care: 43 compliments were received for and these were mainly regarding the hard work and caring attitude of staff

Complaints - during the period 1 April 2009 – 31 March 2010:

9. Children's Services & Learning: A total of 181 complaints were received, complaining about 258 issues. The distribution of complaints was:

• Safeguarding: social care	201
• Safeguarding: inclusion	14
• School Standards	19
• Young People and community Support	3
• Commissioning Policy and Performance	0
• Schools	16
• Local Government Ombudsman	4
• Assets and Infrastructure	1

Health & Adult Social Care: A total of 222 formal complaints were received complaining about 276 issues. The distribution of complaints was:

• Adult Safeguarding	6
• Contact Centre	3
• Disabled Parking Badge	31
• Hospitals (social care)	5
• Learning Disability	8
• Locality Support Teams + Rehab Teams	59
• Mental Health	10
• Provider Services (including dom.care changes)	47
• Sensory Services	4
• Supporting People	1
• 1Finance	102

10. The number of complaints received for children's social care increased by 42.72% against 2008/2009. In Health and Adult Social Care the number of complaints remained largely the same for the previous period.

11. There is no evidence that the increase in complaints is related to the specific service changes or developments within Children's Services and Learning. Officers will be working with the complaints team to further explore any patterns in the increased number of complaints relating to changes in service performance, or whether the increase may relate to having improved users' accessibility to and awareness of the complaints process.

12. Whilst complaints in Health and Adult Service have largely remain the same there have been a larger number of complaints directed at financial services. These are specifically related to problems experienced in the billing computer systems.

Stage 1 complaints

13. Of the 181 complaints in Children's Services and Learning: :

- 43 were upheld, 39 were partially upheld and 70 were not upheld, 14 outcomes were recorded as ongoing and 2 were withdrawn.

Note: *No complaints were received from a child or young person in 2009/10.*

Of the 222 complaints in Health and Adult Social Care:

- 82 were upheld, 33 were partially upheld and 69 were not upheld, 27 were ongoing and 6 were withdrawn by complainant. Many of the complaints were about information regarding residential care, the Charging Policy and direct payments. We do not have outcomes for three complaints.

Note: *Adult Social care complaints procedures changed from 1 April 2009. This has resulted in a faster single stage complaints procedure for these areas. The change removes the three stage process and instead gives the opportunity to use a variety of different methods to resolve complaints. If complainants remain dissatisfied with the response to their complaint they can then ask the Local Government Ombudsman to investigate their complaint.*

Note relevant to Children's Services and Learning and Health and Adult Social Care: *Changes are due to come into force in 2011 which will extend the Ombudsman's jurisdiction to cover complaints about schools and the management of schools and complaints about individuals who self-fund private social care needs. This could have an impact on the number and type of complaints we receive.*

14. There has been an overall decrease in response rates to complaints in Children's Services and Learning. One reason for this is the recent changes in service management which has resulted in complaints not initially being directed at the correct team.

15. The response rate within Health and Adult Social Care 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 is different. In the low category 63.7% of complaints were responded to within timescale (10 days), Medium 70.8% within timescale (20 days) and High 87.5% (30 days).

16 **Complaints not resolved at Stage 1**

Of the 181 complaints received for Children's Services and Learning, 7 progressed to Stage 2 and 0 progressed to Stage 3. The Local Government Ombudsman investigated four complaints for School Standards and Inclusion. These were regarding unsuccessful admissions. 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 222 complaints for Health & Adult Social Care, no complaints were received via the Local Government Ombudsman.

17 **Learning from complaints.** The feedback from divisions on learning points has been patchy and is identified as an area for further development next year. Performance in this area has now improved and this is demonstrated in the attached reports.

- 18 The following issues have been identified for action following complaints:
- Issue: lack of, and insufficient, communication between social workers and service users about children's safeguarding procedures. Action: communication issues will now be raised as a standing agenda item at Supervision and Team Meetings.
 - Issue: lack of information or incorrect information being provided to families involved in Child Protection Conferences. Action: information for those involved in the child protection process has been reviewed by the CP Team.
 - Issue: change of procedure so that recorded delivery is now no longer used for personal information. Action: information should be hand delivered or sent via Special Delivery.
 - Issue: Direct payments. Action: information regarding Direct Payments has been reviewed.
 - Issue: Concerns of inappropriate charging. Action: system checks for incorrect accounts resulted in many service users being credited amounts of money on their accounts.
 - Issue: lack of partnership working. Action: better working practice between agencies is crucial to the co-ordination of care for adults and older persons and processes continue to be developed to achieve this.

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. 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. Key statistics are set out in the table below.

Authority	Total Stage 1 Complaints	Responded to within 10 days
Brighton & Hove	Childrens 81 Adults Not available	51%
Bristol	Childrens 37 Adults 122	76% (within 15 days) 60%
Plymouth	Not available	
P'mouth	Childrens 48 Adults 52	39% Low 82% Medium to High 18%
So'ton	Childrens 181 Adults 222	Safeguarding Social Care 63% Safeguarding Inclusion 78.3% Low 63.7% Medium 70.8% High 87.5%

Note: Some authorities eg Bristol do not have a target of 10 days.

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

- a) The total number of complaints received in Southampton are higher than those for the comparator authorities used. 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 in responding to complaints promptly.

21 **Areas for development:** There is a 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 need to ensure 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, quality of responses.
- Learning from complaints will be built into business plans

The Complaints Manager will liaise with the Children's participation team to try to raise the profile of the complaints service for children and young people.

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 67% increase in requests received for access to records, from 39 to 65.
- Health & Adult Social Care: there was a 18.18% increase in requests received for access to records from 11 to 13

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_ - there was an increase of 39% in FOI requests from 99 to 137
- Adult Social Care - there was an increase of 154% in FOI requests from 22 to 56

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

1	Children's Services and Learning Annual Report 2009 – 2010
2	Health and Adult Social Care (formerly Communities, Health and Care) Annual Report 2009 - 2010

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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FORWARD PLAN No N/A

KEY DECISION No

WARDS/COMMUNITIES AFFECTED: N/A