



Luton Borough Council

Children & Learning Department

Complaints and Representations

Annual Report

1 April 2009 to 31 March 2010

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1. Introduction

This report provides details of the complaints and compliments received by Luton Borough Council Children & Learning Department (CL) for the period April 2009 to March 2010.

- The principles of the two complaints procedures adhered to within CL; The Children Social Care Complaints Procedure and the Council's Corporate Complaints Procedure.
- The role of the Customer Support Officer (Equalities & Complaints)
- The number of complaints and compliments received in the period 1 April 2009 to 31 March 2010 and a summary of the various issues which have been raised.
- Acknowledgement and response performance
- 'Lessons learned' – areas for future development to strengthen accessibility to the complaints procedure by service users, the way in which complaints are monitored and the implementation of recommended outcomes.

2. The Children Social Care & Corporate Complaints Procedure

The Children Act 1989 Representations Procedure (England) Regulations 2006 require that children's service departments have complaints procedures. They regulate the procedure which local authorities follow in consideration of representations made to them under the 'Children Act 1989' and the 'Adoption & Children Act 2002'.

These laws emphasise respect for the dignity, choices and involvement of service users. The complaint procedure must reflect this and enable us to respond to customers' anxieties and worries in an efficient, open-minded and helpful fashion.

Service users, prospective service users, carers and all those who can establish that they are a 'significant other' can make a complaint under the social care procedure. Generally this will be the child or parent; however statutory guidance to the children's complaints regulations says (at 2.8.1) that the 1989 Children Act gives the local authority discretion to decide whether the complainant has sufficient interest in the child's welfare to justify the complaint being considered under this procedure.

The procedure complements the Luton Borough Council's Corporate Complaints Procedure, which covers complaints relating to other issues under the responsibility of the council. This means that any complainant falling outside the scope of the Social Care Procedure may still be considered under the Luton Borough Council Corporate Procedure. The Foster Carer and Youth Offending Complaint Procedures also complement the Luton Borough Council Corporate Procedure.

The principles of each of these procedures are combined, although the timescales differ between them.

Luton Borough Council welcomes complaints as an important part of improving service and ensuring quality. Complaints are used in a positive manner to support the development and maintenance of high quality, service-user focused services.

Compliments are recorded for both procedures and are routinely shared with service managers.

School complaints

Complaints about schools are investigated by a separate procedure within in the school itself.

3. The Role of the Customer Support Officer (Equalities & Complaints)

The Customer Support Officer (Equalities & Complaints) ensures compliance with all the procedures operating in C&L and is accountable for the quality and timeliness of these.

The Customer Support Officer (Equalities & Complaints) also:

- Raises the profile of the benefits of receiving complaints within the department as a service improvement tool
- Ensures complaints are properly recorded and that the right individual is tasked to investigate and resolve the complaint.
- Ensures lessons are learned and best practice is disseminated throughout the department with practice and policy changes made as a result of this learning.
- Undertakes staff training to ensure that staff members are aware of the requirements of all the procedures operating in C&L and to ensure a consistent approach is applied across C&L.

The Customer Support Officer (Equalities & Complaints) attends quarterly meetings of the Eastern Regional Complaints Managers Group where information and best practice is shared. The Customer Support Officer (Equalities & Complaints) also attends quarterly meetings attended by other complaint managers/officers from local authorities and NHS partners in the County.

The Customer Support Officer (Equalities & Complaints) also undertakes and prepares monitoring information including equalities data to the Senior Management Team (SMT) and the Departmental Management Team (DMT) by way of quarterly and annual reports.

4. How to Make a Complaint

The department provides general advice and guidance in its leaflet 'Compliment, Comment, Complaint, which includes a feedback section in the shape of a pro forma, which may be detached and returned. Information can also be provided in a range of languages, Braille, large print or audiotape. The C&L Department also provides access to a language line facility for all clients whose first language is not English and who wish to contact the department.

Service users may also submit their comments, compliments or complaints by email, using the Luton Borough Council feedback email address Feedback@luton.gov.uk.

Complaints may also be made in writing, by telephone, or by personal visit to any of our offices. Our contact details are widely publicised by the use of leaflets and on our web site.

All complaints information is available on the internet. Service users can complain in a variety of ways e.g. face to face, telephone, email or by writing to the Council.

All complainants have recourse to the Local Government Ombudsman who provides an external service to consider complaints about local authority services.

Full details concerning the procedures (Corporate and Children Social Care) are available on the Luton Borough Council website.

5. Complaints – Key Statistics

Between 1 April 2009 and 31 March 2010, 83 complaints were recorded. 36 of these were under the Luton Borough Council Social Care Procedure (29 for 08/09).

The following table shows the number of complaints received at each stage for 2009/10 with comparisons to 2008/09 and 2007/08;

Complaint Stage	No 09/10	% Of total 09/10	No 08/09	No 07/08
Stage One	70	84.3%	87	91
Stage Two	10	12.1%	7	5
Stage Three	3	3.6%	1	2

The following shows the numbers of complaints recorded in each complaint category for 2009/10;

Category of Complaint	No.	% Of Total
a) Staff behaviour or attitude	37	44.6%
b) Management decision / Disagreement with decision	15	18.0%
c) Standard/quality of service	16	19.2%
d) Failed to provide a service	15	18.0%
e) Inadequate information	0	0

Whilst the number of stage 1 complaints have reduced from last year, those coming in at stage 2 (7 received for 08/09) and stage 3 (1 received for 08/09) have increased.

The following details the total number of complaints completed within timescale for 2009/10 with comparisons for 2008/09 and 2007/08.

Stage	Within timescale 09/10	% of total for stage 09/10	Within timescale 08/09	% of total for stage 08/09	Within timescale 07/08	% of total for stage 07/08
Stage One	32	45.7%	74	85%	61	67%
Stage Two	4	40.0%	6	86%	4	80%
Stage Three	2	66.7%	1	100%	2	100%

Overall, out of a total of 83 complaints 45.7% of complaints were responded to with inside the recommended timescales.

97.6% of complaints received a written acknowledgement within three working days. This figure is slightly below the figure of 98% for 08/09.

Out of the 83 complaints for 2009/10, 15 were upheld either in full or in part.

Service Areas

The C&L Department is made up of 5 separate service areas.

Integrated Services - North & West (N&W) incorporates operational safeguarding, attendance of children in school, children in care, children with disabilities, fostering and adoption.

Integrated Services – Central, East & South (C, E&S) this area covers integrated youth services, behaviour, family and prevention and integrated processes.

Resources, Performance & Commissioning this division covers performance review, finance, human resources, knowledge and information, commissioning services, safeguarding and quality assurance, school planning and admissions.

Support, Challenge & Intervention incorporates primary and secondary strategy, school improvement advisors, governor support, school catering, 14-19, and campus Luton strategy.

BSF- This is the Building Schools for the Future division.

Performance Assessment

During 2009/2010 a total of 83 complaints were received by the department. 81 of these were acknowledged within the required 3 working days. Out of the 83 complaints received, 38 were responded to within the required time scale.

These statistics are broken down into the specific service areas and stages in the table shown below;

Service	No of complaints	Ack. In timescale	Response in timescale
N&W & CE&S	64	62	27
R P&C	18	18	10
SCI	1	1	1
BSF	0	0	0

Monitoring of complainants

Complaints received directly by the Customer Support Officer (Equalities & Complaints) are all monitored under the following equality categories - gender, age, ethnicity, religion, disability and sexual orientation. The gender and relationship are known for all complainants; in addition all complainants are sent a monitoring form. A number chose not to return the form, some left of the sections uncompleted, and others wished to remain anonymous as such approximately 64% of the monitoring data is 'unspecified'.

The total number of complaints received directly by the Customer Support Officer (Equalities & Complaints) during the year was 83.

Person making complaint	No.	% of Total
Parent	44	53.0%
Grandparent	8	9.6%
Child	3	3.6%
Foster Parent	2	2.4%
Adult – previously a Luton Child in Care	8	9.6%
Carer	5	6.0%
Other	13	15.7%

Age of complainant	No	% of Total
0 - 15	0	0
16 - 24	6	7.2%
25 - 34	13	15.7%
35 - 44	11	13.3%

45 - 54	14	16.9%
55 - 64	1	1.2%
Unknown	37	44.6%

Ethnicity of Complainant	No.	% of Total
White British	17	20.5%
Mixed White and Black Caribbean	3	3.6%
Pakistani	4	4.8%
Black Caribbean	3	3.6%
Black African	2	2.4%
Any other Black background	1	1.2%
Indian	3	3.6%
Any Other Ethnic Group	4	4.8%
Mixed White and Black and African	1	1.2%
Mixed White and Asian	1	1.2%
Unknown	44	53.0%

Religion of Complainant	No.	% of Total
Christian	8	9.6%
Roman Catholic	4	4.8%
Muslim	7	8.4%
Church of 7 th Day Adventist	1	1.2%
None	1	1.2%
Declined	3	3.6%
Unknown	59	71.1%

60.24% of the complaints made were by females. 3.6% of complainants declared they had some form of disability. The majority of complainants did not respond to the sexual orientation section of the form (92.6%) and it was not asked of the children and young people (3.6%) who complained as it was not seen as appropriate. 9.6% responded as heterosexual.

6. Stage 2 and Stage 3 Complaints

There were a total of 10 complaints subject to a Stage 2 formal investigation in C&L, 7 were resolved without recourse to stage 3.

For social care complaints, the Council are required to appoint an independent person for Stage 2 investigations. Three independent persons are then required for any subsequent Stage 3, Panel Hearing - the Independent person who conducted the Stage 2 complaint is also required to attend this stage. The cost of this service has to be met by the Council. The cost for 2009/2010 amounts to £4755.02- this figure relates to the date the complaint is received and not to the actual date the investigation or hearing took place or the date that the invoice was received or paid.

7. Advocacy Service

Under the Adoptions & Children Act 2002 the Council has a duty and obligation to provide all children who make a complaint with an advocate. This service is currently provided by

Reconstruct. The contract also incorporates a visitor service for children who reside in residential care. The visitor provides support to the children with visits to cinema, bowling etc. The 3 year contract costing £70,000 a year commenced in July 2009.

8. Referrals to the Ombudsman

The department received decisions from the Local Ombudsman on 9 complaints in total; 6 for Children & Family Services and 3 for Education.

A total of £8365.54 was paid as a local settlement for 3 separate cases, and actions have been taken to ensure that lessons are learned.

The other 6 complaints were either, premature, not upheld or discontinued.

9. Compliments and Service Satisfaction

To date the department has not been pro-active in encouraging service users to inform them of any positive comments or feedback however those compliments that are received are recorded and shared with the appropriate managers and staff.

10. Lessons Learned

The following summarises some of the complaints received from customers during the year;

- Staff are slow to deal with communications and customer call backs
- Poor communication between teams/departments
- Staff rudeness/behaviour
- Poor communication and preparation with regards to care plans
- Poor or delayed arrangements for contact visits
- Delays with appointing a dedicated social worker to children
- Foster carers not having awareness of ethnic differences
- Children's issues not being identified in foster placements.
- Children not being given the opportunity to speak to social workers without foster carer being present
- Delays and poor organising of social care, case review meetings
- Care plans not being carried out within required time frames and to standards within the appropriate guidance

- Lack of planning and preparation for children moving into 16+
- Lack of support or clarity for parents/children where there are issues concerning school attendance.
- Parents not satisfied with the school allocated under the school admissions procedure/ lack of awareness of the appropriate application forms to complete within the required time scales.
- The Council failed to appoint an advocate to a child within an acceptable time frame.

Whilst not all the above complaints have been upheld, the department does recognise the concerns made by service users and the need to continually work on improving better outcomes for customers.

Findings from several stage 2 and 3 complaint investigations have confirmed some of the following issues;

- Complaint issues not being identified and investigated fully
- Poor and inadequate stage 2 report writing
- Poor, stage 1, complaint response letters.
- Length of time taken to deal with communications and complaints
- Unsatisfactorily care planning for children in care
- Case records not up to date
- Poor supervision of social workers
- Supervision decisions not being applied on case records.
- Inadequate reviews of foster carers being undertaken.
- Advocacy agency failing to provide an adequate service
- Unsatisfactory contact arrangements for children
- Unsatisfactory and negative relationships between social care professionals and service users
- Social workers neglect to notify parents of their intention to conduct an interview with a child in the school setting.

An action plan is normally produced for each stage 2 and 3 decisions. Meetings are scheduled to ensure that there are adequate reviews being conducted with the appropriate managers, Head of Integrated Service, Customer Service Officer (Equalities & Complaints). In addition some of these findings have been, or intend to be addressed in areas of development undertaken or for future development.

11. Areas of Development Undertaken

Steps have been taken to ensure that all complaints, compliments and comments are passed immediately to the Customer Support Officer (Equalities & Complaints) in order to record and monitor progress and that the progress of investigations is routinely reported back.

Complaint acknowledgement and response stencils have been issued to all administration managers with guidance on the response time frames for the complaint process. This is to ensure that all complaints are acknowledged and responded to, within the statutory time frames, in the absence of the Customer Support Officer (Equalities & Complaints).

In May 2010 the Customer Support Officer (Equalities & Complaints) provided training on effective complaint investigations. This training incorporated full briefings on the complaint procedures, writing complaint responses, good customer care handling, and Freedom of Information and Data Protection Acts legislation. A section on lessons learned was also covered. The training session was also facilitated by one of the integrated Heads of Service so as to enforce the message that 'complaints matter to us'.

The Customer Support Officer (Equalities & Complaints) routinely checks all complaint responses and reports before they are issued to the customer. Feedback is given back to managers where appropriate. Improvements have also been made to response templates to ensure a consistent approach to complaint letters is provided by the department.

Steps have been taken to improve the quality of feedback concerning outstanding complaints, which is provided on a weekly basis to Integrated, Service Managers, Heads of Service and Administration Managers.

12. Areas of Further Development

Further complaints training course will be available to all staff required to conduct complaint investigations. Intensive one - to- one training will also be provided to all newly appointed managers. Review of guidance notes for staff, which accompany the complaints procedures.

Stage 2 and 3 complaint investigation training is to be scheduled. This will incorporate legislative and procedural advice with an emphasis on good report writing.

Protocol for dealing with complaints concerning joint matters connected to health partners and neighbouring local authorities.

County Complaints Managers Group to be more focused in working closer together. The group will be looking at sharing learning from complaints, joint leaflets and annual reports.

Review on how the department shares 'lessons learned'. The department routinely produces action plans for improvements on an individual complaint basis however there needs to more focus on prevention by producing action plans at team and service area level.

Review on improving the recording of compliments and applying this to 'lessons learned'.

Team managers to consider where appropriate, customer care training so as to enable staff to deal with conflict from distressed clients.

Managers at team and service area level, who have limited social care knowledge / experience, should receive adequate support and training to enable them to conduct social care investigations. This will allow them to conduct a fair and thorough investigation and will also provide them with sufficient knowledge to allow them to evaluate any subsequent recommendations for clients.

Customer Support Officer (Equalities & Complaints) to attend basic, legislative social care training. This will provide the officer with sufficient skills to support and assist complaint investigation officers with complaint responses and with monitoring and reviewing complaint recommendations.

Review of the Independent Persons used by the Council, including enhancing the quality and quantity of officers placed on the database.

The Customer Support Officer (Equalities & Complaints) will work with the Commissioning Manager to monitor the advocacy service contract with regards to the contractor providing value for money and the service being provided.

Provide the Safeguarding, Quality & Assurance Manager details of all social care complaints on a monthly basis.

Review with other, departmental, complaint coordinators the corporate 'compliment, comment, complaint leaflet'.