



**Luton Borough Council**

**Children & Learning Department**

**Complaints and Representations**

**Annual Report**

**1 April 2010 to 31 March 2011**

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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 2010 to March 2011.

- 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 Complaints & Representations Manager
- The number of complaints and compliments received in the period 1 April 2010 to 31 March 2011 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 Complaints & Representations Manager

The Complaints & Representations Manager ensures compliance with all the procedures operating in C&L and is accountable for the quality and timeliness of these.

The Complaints & Representations Manager 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 Complaints & Representations Manager attends quarterly meetings of the Eastern Regional Complaints Managers Group where information and best practice is shared. The Complaints & Representations Manager also attends quarterly meetings which are attended by other complaint managers/officers from local authorities and NHS partners in the County.

The Complaints & Representations Manager also undertakes and prepares monitoring information including equalities data to the Senior Management Team (SMT) and the Departmental Management Team (DMT) by way of weekly, quarterly and annual reports.

### 4. How to Make a Complaint

The Council has a corporate 'Compliment, Comment, Complaint, which explains how a service user can make a complaint, compliment or provide feedback.

The Council's website [www.luton.gov.uk](http://www.luton.gov.uk). This provides a hyperlink to an online form.

By writing to the Council at Freepost, Feedback Luton Borough Council

Telephoning 01582 546000 (minicom 01582 414367)

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.

Information can also be provided in a range of languages, Braille, large print or audiotape. The Children & Learning 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.

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.

Full details concerning how to make a corporate or social care complaint are available on the Children & Learning section of the website. The contact address for the Complaints & Representations Manager is provided as is the dedicated telephone contact line (01582 546747). The social care procedure is also available to service users on the same website page.

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

## 5. Complaints – Key Statistics

Between 1 April 2010 and 31 March 2011, 97 complaints were recorded. 53 of these were under the Luton Borough Council Social Care Procedure (36 for 09/10).

The following table shows the number of complaints received at each stage for 2010/11 with comparisons to 2009/10 and 2008/09;

Complaint Stage	No 10/11	% Of total 10/11	No 09/10	% Of total 09/10	No 08/09
Stage One	89	91.75%	70	84.3%	87
Stage Two	5	5.15%	10	12.1%	7
Stage Three	3	3.10%	3	3.6%	1

The following shows the numbers of complaints recorded in each complaint category for 2010/11;

Category of Complaint	No.	% Of Total
a) Staff behaviour or attitude	21	21.65%
b) Management decision / Disagreement with decision	34	35.050%
c) Standard/quality of service	12	12.37%
d) Failed to provide a service	30	30.93%
e) Inadequate information	0	0

Whilst the number of stage 1 complaints have increased from last year, those coming in at stage 2 (10 received for 09/10) have decreased. There has been no change in the number of Stage 3 complaints (3 received for 09/10). It should be noted that all 3 stage complaints were corporate complaint investigations.

The following details the total number of complaints completed within timescale for 2010/11 with comparisons for 2009/10.

Stage	Within timescale 10/11	% of total for stage 10/11	Within timescale 09/10	% of total for stage 09/10
Stage One	45	50.56%	32	45.7%
Stage Two	3	60.00%	4	40.0%
Stage Three	2	66.66%	2	66.7%

Overall, out of a total of 97 complaints 51.55% of complaints were responded to within the recommended timescales.

96.00% of complaints received a written acknowledgement within three working days. All those not acknowledged in three working days were because either the team or another department held up passing the complaint to the Complaints & Representations Manager.

Out of the 97 complaints for 2010/11, the findings are as follows;

Upheld	22
Not Upheld	45
Partially Upheld	17
Unable to investigate/Clarify/Court Arena	7
Withdrawn	4
Investigated under Disciplinary Procedure	1

## Service Areas

The C&L Department is made up of 4 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.

## Performance Assessment

During 2010/2011 a total of 97 complaints were received by the department. 94 of these were acknowledged within the required 3 working days. Out of the 97 complaints received, 50 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	40	38	20
C,E,S	39	38	16
R P&C	14	13	10
SCI	4	4	3

## Monitoring of complainants

Complaints received directly by the Complaints & Representations Manager 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 some of the sections uncompleted, and others wished to remain anonymous. Some of the data was also extracted from the social care system. As such out of the 97 complaints received, with 46 of these the Council has obtained full data and for 5 complaints the data has been partially provided.

The total number of complaints received directly by the Complaints & Representations Manager during the year was 97.

<b>Person making complaint</b>	<b>No.</b>	<b>% of Total</b>
Parent	58	59.8%
Grandparent	5	5.2%
Child	11	11.3%
Foster Parent	9	9.4%
Other	14	14.3%

<b>Age of complainant</b>	<b>No</b>	<b>% of Total</b>
0 - 15	4	4.1%
16 - 24	7	7.3%
25 - 34	11	11.3%
35 - 44	20	20.7%
45 - 54	8	8.3%
55 - 64	2	2.0%
65+	1	1.0%
Unknown	37	44.6%

<b>Ethnicity of Complainant</b>	<b>No.</b>	<b>% of Total</b>
White British	27	27.8%
Mixed White and Black Caribbean	1	1.0%
Pakistani	10	10.3%
Black Caribbean	5	5.2%
Black African	1	1.0%
Any other Black background	0	0.00%
Indian	1	1.00%
Any Other Ethnic Group	0	0.00%
Mixed White and Black and African	0	1.2%
Mixed White and Asian	0	1.2%
Unknown	47	48.5%

<b>Religion of Complainant</b>	<b>No.</b>	<b>% of Total</b>
Christian	20	20.6%
Roman Catholic	3	3.1%
Muslim	14	14.4%
None	1	1.0%
Declined	1	1.0%
Unknown	58	59.8%

## **Additional Data on Equality & Diversity of Complaints**

### **Age**

4 Children and 6 Young people made their own complaints. 4 used the advocate service that then sent the complaint in by letter. 2 young people telephoned the Complaints & Representations Manager with their complaints. 2 young people wrote in using the complaint leaflet. 1 child made her complaints to her reviewing officer and another directly to the social worker

The complaints affecting children and young people related to; children unhappy with the support regarding transition into 16+; dissatisfaction with their social workers and their communication styles; not being consulted and informed about changes to foster care placements; personal items not being returned with regards to placement changes.

Not all the complaints were upheld however recommendations from those that were have resulted in social workers being reminded of the importance of communicating and consulting with children and young people where ever possible and to use a communication style the child feels comfortable with; introduction of an inventory to record personal belonging to a child taken into care. There have also been significant improvements in the service for transition into 16+.

### **Gender**

52.58% of the complaints made were by females therefore almost an equal number of female and male service users made complaints and similar complaint issues were raised by both genders however complaints made by male service user are connected to poor communication and contact with their children; lack of support and alleged discrimination in decision making; poor communication with the social worker.

### **Disability**

5.1% of complainants declared they had some form of disability. This related to 4 complainants; one concerned taxi transport required by a child to visit her disabled mother being withdrawn- the contract had expired however was reinstated following the complaint investigation. The remaining complaints were regarding communication from the service and social worker however these do not appear to be linked to the disability itself.

### **Sexual Orientation**

47.2% of complainants did not respond to the sexual orientation section of the form and it was not asked of the children and young people who complained as it was not seen as appropriate

For 51 out of the 97 total complaints received the data is as follows;

Heterosexual - 48

LGB- 1

Declined- 2

There was 1 complaint from a service user who declared his sexual orientation as Lesbian, Gay; Bisexual concerns allegations that his application to be an adoptive parent had being declined because of his sexuality. The complaint was not upheld. Luton is a member of the LGB adoption network. But more importantly, the Adoption Service has a record of working with and supporting a diverse range of individuals and couples through the adoption process. Indeed, the service actively pursues a diversity policy to try to reflect the make up of the community. The service is proud of the range of people who have been approved as adopters, which includes gay couples.

## 6. Stage 2 and Stage 3 Complaints

There were a total of 5 complaints subject to a Stage 2 formal investigation in C&L, 2 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 at this stage. The cost of this service has to be met by the Council. The cost for 2010/2011 amounts to £2695.41 (£4755.02 for 2009/10) - 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. The figures apply to stage 2 complaints only. There were no stage 3 social care complaints undertaken for 2010/11.

## 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

5 complaints in total went to the Local Ombudsman for 2010/11- 3 for Children & Family Services and 2 for Education. All of these were either premature or discontinued

No monies were paid in local settlements- this compares to £8365.54 for 2009/10.

## 9. Compliments and Service Satisfaction

Previously 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. However for 2010/11, a total of 33 compliments were received. The following table shows the numbers received in each month fro each department;

<b>Month</b>	<b>Received</b>	<b>Dept</b>				
		<b>Director</b>	<b>N&amp;W</b>	<b>CE&amp;S</b>	<b>SCI</b>	<b>RPC</b>
<b>Apr-10</b>	0					
<b>May-10</b>	1		1	1		
<b>Jun-10</b>	1			1		
<b>Jul-10</b>	3	1		2		
<b>Aug-10</b>	0					
<b>Sep-10</b>	0					
<b>Oct-10</b>	2		1	1		
<b>Nov-10</b>	0					
<b>Dec-10</b>	0					
<b>Jan-11</b>	17		9	4		4
<b>Feb-11</b>	4		3	1		
<b>Mar-11</b>	5			1	2	2
<b>Total</b>	<b>33</b>	<b>1</b>	<b>14</b>	<b>11</b>	<b>2</b>	<b>6</b>

The comments relate the standard of high professionalism and thanks for helpful, supportive, efficient, caring service, foster carers and staff. The highest volume of these was from the Fostering, 16+ teams and the Children's Family Information Service.

## **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 and communication for contact visits
- Delays with appointing a dedicated social worker to children
- 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+
- Failure to provide adequate life Story Book & Later Life Letter for adopted children
- Transport failing to arrive for contact visits
- Delays in issuing payments
- Delays in arranging respite care
- Poor consultation and communication with parents of children in care, regarding significant changes
- Lack of information provided to parents regarding their rights and responsibilities when a child is in care.

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.

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 the findings from these complaints 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 Complaints & Representations Manager in order to record and monitor progress and that the progress of investigations is routinely reported back.

Complaint response and report templates continue to be issued by the Complaints & Representations Manager as soon as the complaint is allocated to the appropriate investigation officer together with guidance on the response time frames for the complaint process. This is to ensure that all complaints are adequately responded to, within the statutory time frames

In May 2010 the Complaints & Representations Manager 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 Complaints & Representations Manager 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 continue 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.

In July 2010 the Complaints & Representations Manager attended a basic, legislative social care training course so as to gain sufficient skills to support and assist complaint investigation officers with complaint responses and with monitoring and reviewing complaint recommendations.

Improvements have also been made to the recording of departmental compliments. This has seen an increase in complaints being recorded.

The Complaints & Representations Manager has worked more closely with the Commissioning Manager to monitor the advocacy service contract with regards to the contractor providing value for money and the service being provided.

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

## **12. Areas of Further Development**

Further complaints training course will continue to 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.

To continue the review on how the department shares 'lessons learned'. The department routinely continues to produce 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. The

Complaints & Representations Manager will be working closely with the Children's Participation Officer to develop and implement a robust system for learning from complaints.

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

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