

<b>MAYOR AND CABINET</b>		
<b>Report Title</b>	Annual Reports of the Statutory Complaints Procedures	
<b>Key Decision</b>	No	Item No. 10
<b>Ward</b>	All	
<b>Contributors</b>	Executive Director for Children & Young People/Executive Director for Community Services	
<b>Class</b>	Part 1	Date: 13 February 2008

## **1. Purpose**

- 1.1 The purpose of the report is to inform the Mayor and Cabinet of the operation and effectiveness of the statutory social care complaints procedure for 2006/07. The report highlights some key issues arising from complaints and their outcomes to demonstrate lessons learned as well as presenting statistical data on performance.

## **2. Recommendations**

- 2.1 That the Mayor notes the reports.

## **3. Introduction and Background**

- 3.1 New guidance and regulations regarding social care complaints came into effect on 1 September 2006. The Children Act 1989 Representations Procedure (England) Regulations 2006, and the Social Services Complaints (England) Regulations 2006 revoked and replaced earlier versions.
- 3.2 The guidance covers representations, including complaints, made by children and adults. In particular it builds on messages from the report of the Waterhouse inquiry, Lost in Care (2000) and the White Paper of 2005 'Your health, your care, your say'.
- 3.3 The Regulations stipulate "The (annual complaints) report should be presented to staff, the relevant local authority committee and should be made available to the regulator and the general public".
- 3.4 The requirement to publish an annual report covering the council year is stated in both children's and adults social care complaint procedures. The reports, although serving a similar purpose, require different information. For this reason, two reports have been produced and are attached as appendices 1 and 2.

#### **4. Analysis of statutory complaints in 2006/07**

- 4.1 The Children and Young People Directorate received 61 stage one complaints about children's social care in this reporting year. A total of 8 complaints were formally investigated at stage two. There were no stage three review panels held during this reporting period.
- 4.2 An average of 68% of stage one complaints were responded to within the statutory 10 working days, a slight decrease from 70% achieved in 2005/6. None of the 8 stage two complaints were investigated within timescales. As with previous years, complaints about the 'quality / appropriateness of service' remains the most common reason for stage one complaints. The second highest category of complaint was 'service decisions'. Formal stage two complaints often cover a wide range of different issues and as such are difficult to categorise in the same way as stage one complaints.
- 4.3 During this reporting period there were 4 Ombudsman enquiries and 2 investigations were conducted. In both cases the Ombudsman concluded 'no or insufficient evidence of maladministration'. The remaining 2 enquiries were resolved through local settlement with the relevant service.
- 4.4 The Community Services Directorate received 69 stage one complaints about adult social care. Out of those, 6 complaints were escalated to stage two of the process. No complaints were entered by the team at stage two, an option for when complaints are very complex; and there were no escalations from stage two to stage three. One stage two complaint was referred to the Local Government Ombudsman for early consideration.
- 4.5 An average of 54% of stage one complaints were responded to within 10 working days, a decrease from 80% achieved in 2005/6. Complaints about commissioned providers were the most common cause of stage one complaints. Services received direct from LBL were the second most common reason for complaint. Of the 6 stage two complaints, 2 were investigated within timescales. Although stage two complaints often involve many different concerns, those recorded in this reporting period referred primarily to services received directly from LBL or issues of communication.
- 4.6 In the early part of the reporting period, the complaints team (then a single complaints team for social care across the council) suffered major staffing issues and for some time, were without a complaints manager. In line with new guidance that came into force in September 2006, Lewisham divided the team into two dedicated teams one for children's social care complaints and one for adult social care complaints. Staffing issues as a result of these changes were resolved by July 2007.
- 4.7 The two annual complaints reports, one for children and young people and the other for adult social care, are attached as appendices 1 and 2. In compliance with national guidance both will be made available to the public through their inclusion on the Council's Internet site.

## **5. Financial Implications**

- 5.1 The development of the Complaints Team for Children's Social Care in 2008-09, as set out in paragraph 13 of Appendix 1, will be achieved within the available resources of the CYP Directorate through a reorganization of team responsibilities.

## **6. Legal Implications**

- 6.1 The Children Act 1989 Representations Procedure (England) Regulations 2006 and the Social Services Complaints (England) Regulations 2006 require the production of Annual Reports setting out the performance of the statutory complaints procedure.

## **7. Crime and Disorder Implications**

- 7.1 There are no crime and disorder implications arising directly from this report

## **8.0 Equalities Implications**

- 8.1 The equalities monitoring data for this reporting year in relation to social care complainants is incomplete. It is a priority to improve the collection of such data in the current year.

## **9 Environmental Implications**

- 9.1 None

## **10 Conclusion**

- 10.1 This report is being presented in accordance with The Children Act 1989 Representations Procedure (England) Regulations 2006 and the Social Services Complaints (England) Regulations 2006.

## **11 Background Documents**

- 11.1 'Talk2us' – Tell us what you think, children's and young people's social care complaints leaflet (attached).
- 11.2 'Comments, complaints, compliments' – Your guide to social care comment, complaints and compliments procedure (attached).

# **Children & Young People Directorate**

**Annual report of the statutory complaint procedure**

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# Social Care Complaints and Representations to the Children & Young Peoples Directorate

## 1.0 Introduction

The production of this report is a statutory requirement. Statistics have been broken down into two periods, 1 April 2006 to 31 August 2006 and 1 September 2006 to 31 March 2007, to reflect performance before and after the introduction of the new complaints procedure on 1 September 2006. The complaints and representations procedure is open to any child or young person receiving or requesting a service, their representative, parent or any person deemed to be an interested party. The three stage complaints procedure can only proceed once we have spoken, listened to and understood the complainant's issues and concerns. It is important that the nature and detail of the complaint and the complainant's desired outcome is ascertained, prior to seeking a resolution.

## 2.0 Policy Context

The Children Act 1989 Representations Procedure Regulations 2006 implemented on 1 September 2006 and the Getting the Best from Complaints guidance 2006, provides guidance for local authorities on implementing the new complaints procedures for children and young people.

The key changes to the children's social care complaints procedure are:

- The introduction of a 12 month time limit to make complaints.
- Local Resolution (Stage One) complaints still need to be responded to within 10 working days, but this can be extended to a further 10 days, provided the complainant is informed, where the issues are complex or the appointment of an advocate is required.
- The complainant has a right to automatically progress their complaint to stage two if the stage one timescale has elapsed and they have not received a response. The complainant has 20 working days from the date of the response or the expiry of the stage one time-limit to request a stage two investigation.
- Stage two investigations should now be resolved within 25 working days, with a maximum extension to 65 working days. Previously the timescale was a maximum of 28 days.
- The stage three Review Panel must now be made up of 3 independent people, instead of 1 independent person, Councillor and a Service Manager.

## 3.0 Recorded representations 2006/7

The following tables show representations received by the complaints unit over the last 3 years.

Volume of Representations over 3 years

	2004/5	2005/6	2006/7
<b>Total representations</b>	8	13	36

Representations by service area 01 April 2006 to 31 March 2007

Service Area	No. of compliments	No. of enquiries
<b>Referral &amp; Assessment</b>	-	6
<b>Family Support &amp; Intervention</b>	7	6
<b>Fostering &amp; Adoption</b>	1	1
<b>Looked After Children</b>	-	8

<b>Disabled Children Services</b>	5	2
<b>Total</b>	13	23

Of the 36 representations received during this reporting period, 13 were compliments and the remaining 23 were enquiries/service requests.

#### 4.0 Benchmarking complaints

The following tables provide comparison for complaints.

##### Neighbouring borough complaints for children's services 2006/7

Local Authority	Stage 1	Stage 2	Stage 3
<b>Bexley</b>	30	1	0
<b>Bromley</b>	109	8	2
<b>Greenwich</b>	64	3	0
<b>Lambeth</b>	128	4	1
<b>Lewisham</b>	61	8	0
<b>Total (5 Councils)</b>	392	24	3

\*Table only shows details for neighbouring boroughs who responded to request for details

##### Volume of Complaints over 3 years

	2004/5	2005/6	2006/7
<b>Total complaints</b>	76	92	69

During this reporting year, the complaints unit has restructured and therefore needs to carry out staff training and briefings to highlight the importance of services notifying the unit of complaints that they receive directly and to raise awareness of the new team structure and new complaint procedure.

#### 5.0 Analysis of stage one complaints 2006/7

Stage one of the complaints procedure consists of a local response/resolution from the Team Manager providing the service, within 10 working days of receiving that complaint.

##### 5.1 Meeting Statutory Timescales

The following tables show complaint performance.

##### Stage 1 complaint performance 01 April 2006 to 31 August 2006

Service Area	No. of complaints	No. within 10 work days	% within 10 work days
<b>Referral &amp; Assessment</b>	8	7	88%
<b>Family Support &amp; Intervention</b>	9	3	33%
<b>Looked After Children</b>	7	5	71%
<b>Children In Need</b>	2	2	100%
<b>Total</b>	26	17	65%

Percentage figures rounded up to nearest decimal point.

##### Stage 1 complaints performance 01 September 2006 to 31 March 2007

Service Area	No. of complaints	No. within 10 work days	% within 10 work days	No. within 20 work days	% within 20 work days
<b>Referral &amp; Assessment</b>	12	9	75%	2	17%
<b>Family Support &amp; Intervention</b>	10	9	90%	-	-
<b>Emergency Duty Team</b>	1	-	-	1	100%

<b>Fostering &amp; Adoption</b>	2	1	50%	1	50%
<b>Looked After Children</b>	6	2	33%	4	67%
<b>Children In Need</b>	4	4	100%	-	-
<b>Total</b>	35	25	71%	8	23%

Percentage figures rounded up to nearest decimal point.

Overall, 68% of stage one complaints were responded to within the 10 day timescale, this unfortunately is a 2% decrease in performance in comparison to the previous reporting year.

## 5.2 Complaints by type

There were a total of 61 stage one complaints received by the complaints unit in this reporting year. The following tables show the complaints received by type and service.

Stage 1 complaints by type 01 April 2006 to 31 August 2006

	Referral & Assessment	Family Support & Intervention	Looked After Children	Children In Need	Total
Poor / lack of communication	3	-	2	-	5
Staff conduct	1	3	-	-	4
Quality / appropriateness of service	3	4	3	1	11
Service decision	1	1	2	1	5
Delay in decision / provision of service	-	1	-	-	1
<b>Total</b>	8	9	7	2	26

Stage 1 complaints by type 01 September 2006 to 31 March 2007

	Referral & Assessment	Family Support & Intervention	Fostering & Adoption	Looked After Children	Children In Need	Total
Poor / lack of communication	2	-	-	-	-	2
Staff conduct	1	1	-	-	1	3
Quality / appropriateness of service	8	3	2	1	3	17
Service decision	2	6	-	5	-	13
<b>Total</b>	13	10	2	6	4	35

As with previous years' reports, complaints about the "Quality / appropriateness of Service" remain the most common reason for stage one complaints accounting for 46% of all complaints. The second most common reason for complaint was "service decision", accounting for 30%.

Referral & Assessment Team received the highest number of complaints during this reporting period, totalling 34% of all complaints. Family Support & Intervention Team followed closely behind receiving a total of 31% of all complaints. The very nature of the investigations and assessments undertaken by these two teams can be considered intrusive. Therefore it is not surprising that these teams continue to receive the majority of complaints.

## 5.3 Lessons learnt from complaints

The complaints unit recognises that more work is required to improve performance in responding to complaints. The complaints unit will continue to work closely with managers and colleagues in a concerted effort to improve response times at all stages of the complaints procedure. The following tables show a breakdown of stage one complaint outcomes.

Stage 1 complaints by outcome 01 April 2006 to 31 August 2006

Service Area	Decision unchanged	Explanation	Apology	Meeting	Change of worker	No further action	Total
Referral & Assessment	1	2	4	-	-	1	8

<b>Family Support &amp; Intervention</b>	2	2	4	-	1	-	9
<b>Looked After Children</b>	2	3	-	2	-	-	7
<b>Children In Need</b>	-	-	2	-	-	-	2
<b>Total</b>	5	7	10	2	1	1	26

**Stage 1 complaints by outcome 01 September 2006 to 31 March 2007**

Service Area	Decision unchanged	Explanation	Apology	Meeting	Change of worker	No further action	Total
<b>Referral &amp; Assessment</b>	2	7	2	1	-	-	12
<b>Family Support &amp; Intervention</b>	-	4	1	1	2	2	10
<b>Emergency Duty Team</b>	-	1	-	-	-	-	1
<b>Fostering &amp; Adoption</b>	-	2	-	-	-	-	2
<b>Looked After Children</b>	-	4	1	-	1	-	6
<b>Children In Need</b>	-	2	1	1	-	-	4
<b>Total</b>	2	20	5	3	3	2	35

The most common method of resolving stage one complaints was by providing further explanation, which was followed by giving an apology. This can be linked to lack of communication, which whilst may not be the main issue of complaint, quite often is a peripheral issue at stage one. Other methods include a reassessment, holding a face to face meeting or a change of worker.

## **6.0 Analysis of stage two complaints 2006/7**

The stage two process involves formal investigation by an Investigating Officer and Independent Person with a report to the complainant within 25 working days of their signed complaint.

### **6.1 Meeting statutory timescales**

There were a total of 16 requests for formal stage two investigations; however only 9 complaints were formally investigated and 1 of these has not yet concluded. Of the remaining requests, 3 were resolved through mediation/conciliation, 3 were suspended due to active court proceedings and 2 were withdrawn. Unfortunately, none of the 6 stage two complaints was completed within timescales and the one ongoing complex investigation is already outside the given timescales for completion. The complaints unit experienced difficulties with staff levels in this reporting year which directly impacted on stage two complaint performance; however the unit is now fully resourced.

### **6.2 Complaints by type**

Formal stage two complaints often cover a wide range of different issues, as such these complaints are difficult to categorise in the same way as stage one complaints. The table below, therefore shows the number of stage two complaints for each service area.

**Stage 2 complaints by service area 01 April 2006 to 31 August 2006**

Service Area	Number of complaints
<b>Referral &amp; Assessment</b>	1
<b>Family Support &amp; Intervention</b>	2
<b>Looked After Children</b>	1
<b>Children In Need</b>	2
<b>Total</b>	6

## Stage 2 complaints by service area 01 September 2006 to 31 March 2007

Service Area	Number of complaints
Looked After Children	1
Children In Need	1
<b>Total</b>	<b>2</b>

### **6.3 Lessons learnt from complaints**

Generally stage two complaints cannot be broken down in the same way as stage one complaints as there will be several issues of complaint. Appendix 1 & 2 detail the outcomes of stage two complaints. The complaints unit is responsible for ensuring that lessons learnt from complaints are recorded and fed back to the people providing the service so that improvements can be made. The complaints unit has been working closely with operational managers to build strong links and identify practical ways in which it can provide support.

### **7.0 Analysis of stage three complaints 2006/7**

Stage three of the complaints procedure consists of a panel review of the stage 2 investigation. During this reporting period, there were no review panels; however, there were 3 requests where early referrals were made to the Local Government Ombudsman with the complainant's agreement, as it was felt that further consideration by a review panel would not produce a demonstrably different outcome.

### **8.0 The Local Government Ombudsman**

The Ombudsman provides an external independent service to consider complaints about all Local Authority services. The Ombudsman is concerned with maladministration causing injustice and will normally require complainants to have used their local council's complaints procedure before accepting a complaint for his investigation. The Ombudsman will consider early referrals where further consideration of the complaint by the authority is unlikely to produce a different outcome.

During this reporting period there were a total of 4 Ombudsman enquiries. 2 were resolved through local settlement and 2 were investigated by the Ombudsman, in both cases 'no or insufficient evidence of maladministration' was found.

### **9.0 Compensation payments**

During this reporting period there has been 4 claims for compensation. One claim for storage costs was rejected as the complaint was not upheld. Another claim is currently being considered by the Council's insurers, the parent alleges that his child suffered emotional and physical harm as social care failed to take his repeated child protection referrals seriously. In another claim the Council's Insurers offered £5000 as full and final settlement of a historic complaint, this offer has been rejected and is now being pursued in Court. Following a Ombudsman enquiry into a complaint, the Ombudsman found that the Council failed to explain to the complainant and carers that the move from foster to kinship care would result in lower allowances. The Council paid £1,426.24 to the complainant and £250 to her carer in a local settlement. In another complaint no claim for compensation was made, however a goodwill payment of £1000 was made to the young person who complained about the lack of leaving care planning.

The Directorate needs to consider implementing a compensation policy to ensure consistency across similar cases, in line with the Local Government Ombudsman remedies guidance. Currently where the complainant alleges that an injury (including psychological), damage to property or direct financial loss has been suffered, the claim is passed to the Local Authority Insurers, who look at the documentation provided by the department. If the claimant is requesting compensation for inconvenience or general dissatisfaction the Insurers will not consider these claims. Such claims

are forwarded to the relevant Service Manager for their consideration; the Service Manager seeks legal advice where necessary.

## **10.0 Mediation/conciliation services**

The Getting the Best from Complaints guidance 2006 provides that complaints should be resolved locally with the relevant service whenever possible. As such the complaints unit is now working hard to ensure that even if a complainant remains dissatisfied following a stage one response further consideration is given by the service as to whether an early satisfactory resolution can be reached which is acceptable to all parties concerned. The complaints unit may also offer the complainant an opportunity to attend a mediation/conciliation meeting and will arrange, chair and minute the meeting between the complainant and the relevant Team Manager.

During this reporting period 88% of all complaints were resolved locally with the service at stage one. Mediation/conciliation services were successfully used in 38% of all stage two requests to achieve resolutions without proceeding with full investigations which is an improvement to 31% achieved in the previous year.

## **11.0 Advocacy services**

The Advocacy Services and Representations Procedure Regulation 2004 placed a duty on Local Authorities to provide advocacy services to all children and young people making or intending to make a complaint under the Children Act 1989. During this reporting period a total of 7 children and young people have received advocacy services from LCRS Advocacy project under this arrangement. A further 2 children and young people have used other Independent Advocacy services. The complaints team aims to encourage children and young people to access the LCRS Advocacy service by offering them an advocate if they would like one to support them and by ensuring that they are given the details of LCRS when they make a complaint so that they can contact them directly for help.

## **12.0 Statistical data of complainants**

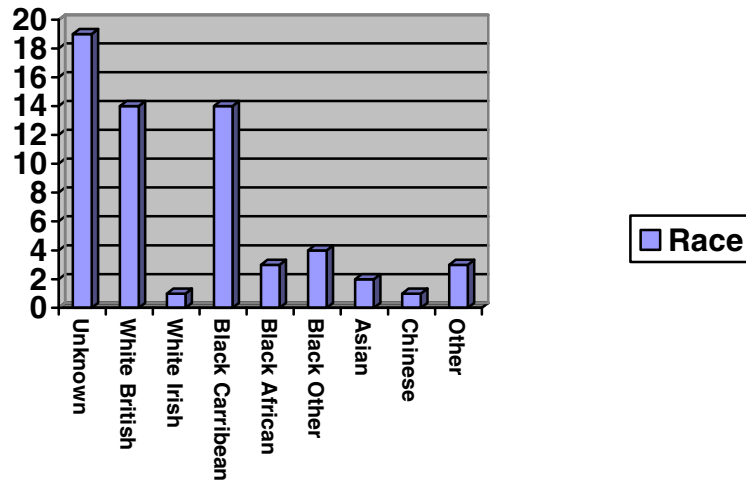
The complaints unit is required to monitor service users in relation to equality and diversity to ensure that services are provided fairly. The aim of the complaints unit is to ensure that all service users and/or their representatives with different backgrounds; languages, religion, disabilities, etc feel able to make a complaint, comment or compliments about services.

The current complaint forms specifically ask questions about age, gender and ethnic origin. It is service users' choice as to whether or not they complete this section on the form, unfortunately a high percentage of complaint forms are returned without the equalities section being completed, and sometimes this information has not been recorded on the social care database, so it is very difficult to provide an accurate reflection of the different groups. The complaints unit will be exploring ways to improve equality and diversity monitoring. The following information is based on data from complaint forms and from the social care information system and is not complete.

Of those complaints where data is available the majority of complaints during this reporting period were made by females (35). Ten complaints were made by males and in sixteen cases the complaint was jointly made by a mixed gender couple such as mother and son.

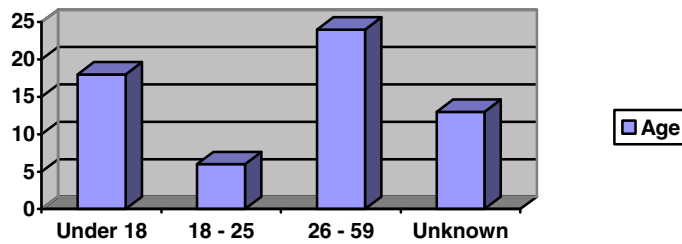
The majority of complaints were from service users classified as Black Caribbean, followed closely by complaints from those categorised as White British. The chart below indicates where the complaints unit were able to obtain information about service users ethnicity. However ethnicity was unknown for a high proportion of service users, where the information was not on the complaints form or recorded on the computer database.

**Complaints by Ethnicity**



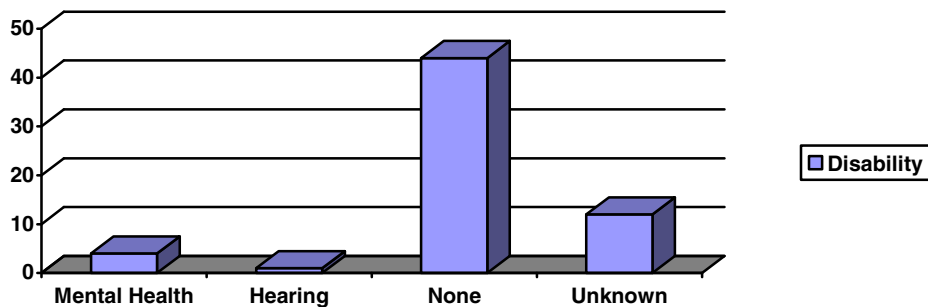
The chart below shows that the majority of complaints received by the complaints service were from adults aged 26 – 59. The complaints unit aims to encourage more children and young people to use its service through promotion and increasing awareness.

**Complaints by Age**



The majority of service users for the complaints service did not have a disability; however, there was almost ¼ of records unknown. Please refer to chart below.

**Complaints by Disability**



The current complaints form does not include a question in relation to the complainant's disability. Therefore we cannot provide accurate information about complainant's disabilities during this reporting period. This however, will be addressed through the new complaint leaflets re-written for the coming year and through the complaints team's implementation of obtaining equalities information through courtesy calls and feedback forms. In addition, team briefings will highlight the importance of data recording by front line staff onto the database which the complaints team also rely on for obtaining information.

### **13.0 Goals and priorities for 2007/8**

The role of the complaints team is to be expanded. As well as maintaining the statutory complaints process for children's social care, the team will be taking on the following duties in relation to the directorate as a whole;

- Recording and tracking of non-statutory education complaints.
- Recording and tracking of the directorate's MP and Member enquiries.
- Recording and tracking of the directorate's Freedom of Information requests.

### **13.0 Conclusion**

This reporting year's overall performance in resolving complaints within the statutory timescales has seen a decrease in comparison to the improvements achieved in 2005/6. The complaints unit aims to improve compliance with timescales at all stages of the complaints process in the forthcoming year. The complaints unit has successfully used conciliation to reach early resolution of complaints during this reporting period and will continue to work towards improving the performance and service delivery for Lewisham's service users. This reporting year's overall performance in resolving complaints within the statutory timescales is disappointing in comparison to the improvements achieved in 2005/6. In particular, there were difficulties in this reporting year in completing stage two investigations within the statutory timescale, due to staffing levels. With the increase in staffing levels, the complaints unit aims to improve compliance with timescales at all stages of the complaints process in the forthcoming year. Our goal is to ensure the delivery of a consistent high quality complaints and representations service across all services of the Directorate.

**Appendix 1, Stage Two Complaints by Outcomes and Actions 01 April 2006 to 31 August 2006.**

<b>MCS Ref</b>	<b>Complaint Summary</b>	<b>Outcome</b>	<b>Action / Recommendation</b>	<b>Service</b>
43488	Unwelcome decision re: storage payments	Not Upheld – position made clear at the time but not confirmed in writing	Record to be made of reason for s17 payments and duration should be recorded.  Arrangements for payments should be made in writing to service users and placed on file for future reference.	Disabled Children's Services
32823	Unhappy with failure to take repeated referrals seriously and with level of support provided.	Partly Upheld – concerns with the way some of the referrals were dealt with	Consideration to be given to meeting with referrers who have difficulty clarifying their concerns about the welfare of a child.  Training to be provided on handling cases of repetitive referrals into existing child protection training programme.	Family Support and Intervention and Referral & Assessments
39337	Delay in decision making and provision of services	Partly Upheld – confusion about Direct Payments process	Complainant offered carer's assessment and reassessment of child's needs.  Review of policies and procedures in respect of Direct Payments and all relevant staff trained in those procedures. CRB process should be made absolutely clear and cases referred to service manager when queries arise.	Disabled Children's Services
44364	Attitude / behaviour of staff	Partly upheld – miscommunication and lack of consultation	All staff who are required to undertake the role of appropriate adult should be trained properly for the role. If YOT workers are not always available, then there should be particular staff in FSI who are trained in that role and can be called upon to undertake that role if necessary	Family Support and Intervention
41776	Lack of information and support from allocated worker.	Upheld –	£1000 goodwill gesture paid. Review systems to ensure that Independent Reviewing Officers bring any concerns to the attention of managers about lack of statutory visits, allocated tasks which are not completed to timescales and incomplete Pathway Plans  Review to be undertaken to ensure that supervision by managers is conducted to ensure that any failures to comply with statutory guidance are identified and action taken to rectify them as soon as possible.	Leaving Care
40073	Unhappy with how service dealt with an allegation made.	Not upheld – correct procedures followed; but not within timescales	Staff reminded of good recording practice.	Referral and Assessment

**Appendix 2, Stage Two Complaints by Outcomes and Actions 01 September 2006 to 31 March 2007.**

<b>MCS Ref</b>	<b>Complaint Summary</b>	<b>Outcome</b>	<b>Action / Recommendation</b>	<b>Service</b>
42655	Unhappy with placement and quality / appropriateness of educational service	N/A – Currently awaiting adjudication decision	N/A – Pending Outcome	Leaving Care
38868	Unhappy with lack of support and provision of services. 36 items of complaint	N/A – Currently awaiting investigation reports	N/A – Pending Outcome	Disabled Children's Services

# **Community Services Directorate**

## **Annual Report of the Statutory Complaints Procedure**

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## **1.0 Purpose of the report**

This report provides an overview of the operation and effectiveness of the statutory complaints procedure for adult social care followed by the Community Services Directorate between 1 April 2006 and 31 March 2007.

Information is provided on the complaints that were made, the lessons learnt from those complaints and how the Directorate performed when responding.

The production of this report fulfils a statutory requirement and complements quarterly performance and trend analysis presented to the management team of the Community Services Directorate.

## **2.0 Policy Context**

Since 1991, the National Health Service and Community Care Act 1990 has charged each local authority with maintaining a statutory complaints process for social care. The current Local Authority Social Services Complaints (England) Regulations 2006 came into force on 01 September 2006.

The regulations are supported by the Department of Health's publication 'Learning from Complaints: Social Services Complaints Procedure for Adults'. Complaints managers and officers use this publication to guide them when using the statutory procedure.

The regulations and guidance can be viewed using the following links:

<http://www.opsi.gov.uk/si/si2006/20061681.htm> (regulations)

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4137785](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4137785) (guidance and procedures).

The adult social care complaints process is a three-stage procedure:

Stage 1 Local response/ resolution; a response provided from the team providing the service.

Stage 2 Investigation; an independent review of the complaint which produces an investigative report.

Stage 3 Review by panel; a review of the stage 2 investigation by an expert panel, including an elected member of Lewisham Council.

The focus of the current set of regulations is early resolution. There is provision to spend longer on stage 1 responses where cases are complex (with the agreement of the complainant), minimising the need for escalation to stage 2 which requires a formal investigation and therefore takes time and incurs an element of cost.

There is also a greater emphasis on learning from complaints. The new regulations charge each local authority with the responsibility of employing a Complaints Manager. As well as maintaining the complaints procedure, the Complaints Manager has the responsibility of ensuring that lessons learnt from complaints are recorded and fed back to the people providing the service so that improvements can be made.

## **3.0 The Local Government Ombudsman**

The Ombudsman provides an external independent service that looks at complaints about all local authority services (including social services). The Ombudsman is concerned with maladministration by local authorities which causes injustice to residents / service users. The

Ombudsman normally requires complainants to have used their local council's complaints procedure before accepting a complaint for his or her own investigation. However, complainants have the right to refer their concerns to the Ombudsman at any time and a complaint can be referred to the Ombudsman by the local authority before completing its own complaints procedure if the complainant is in agreement.

#### 4.0 Analysis of Complaints 2006/7 – Stage One

The total number of complaints received in 2006/7 was 69. The following table shows complaints received by type and service.

	Older Adults	Younger Adults	Independence Therapy & Rehabilitation	Sheltered Housing & Care	Resources	Adults with Learning disabilities	Contracts, Commissioning & Procurement	Community Mental Health	Totals
Failure to assess			5						5
Financial irregularities					1	1	1		3
Poor service from a commissioned provider	3			1			11	1	16
Poor service from LBL	6	3			1	1	1	2	14
Poor communications	1	2	2		1				6
Delay in assessment	1		3			1			5
Decision following assessment	1	4	7			1	1		14
Data protection issues		1	1						2
Staff issues	3			1					4
<b>TOTALS</b>	<b>15</b>	<b>10</b>	<b>18</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>14</b>	<b>3</b>	<b>69</b>

#### 4.1 Meeting Statutory Timescales

At stage 1 of the complaints process, the service is required to send a response to the complainant within ten working days from when the complaint was received. Adult social care teams met response timescales for stage 1 complaints as follows:

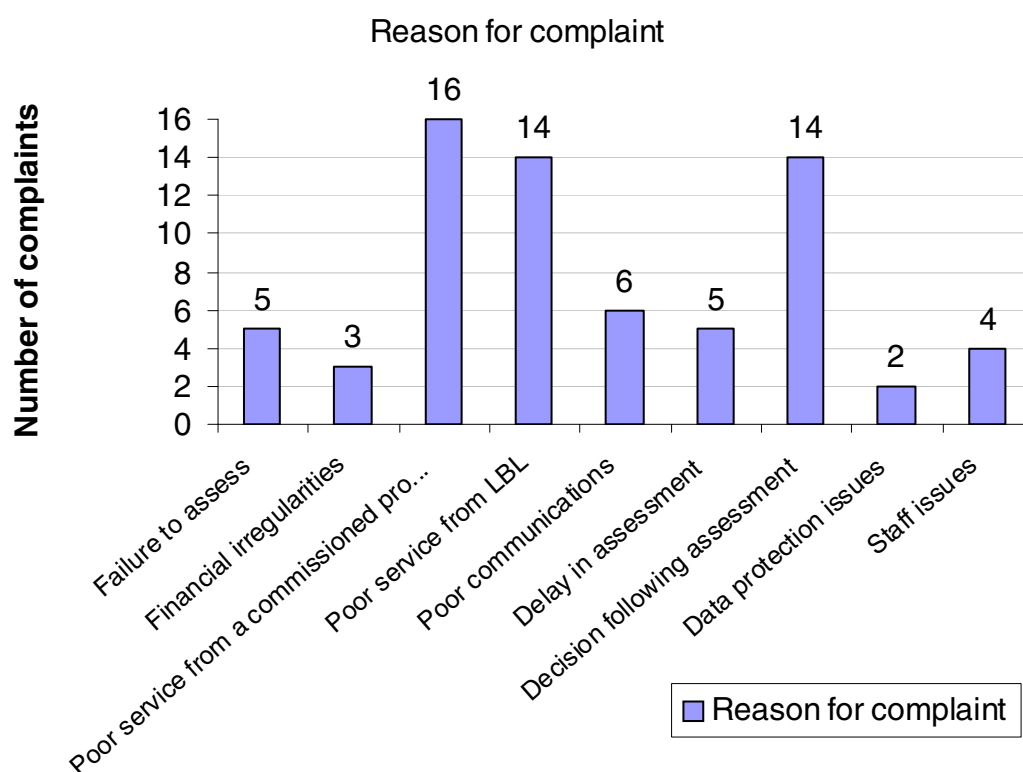
1st quarter	(April / May / June)	35% within timescale
2nd quarter	(July / Aug / Sept)	72% within timescale
3rd quarter	(Oct / Nov / Dec)	31% within timescale
4 <sup>th</sup> Quarter	(Jan / Feb / Mar)	78% within timescale

During the course of this reporting year, the Complaints Team carried staffing vacancies and, for a time, was without any permanent members of staff. As a result, complaint management and performance suffered. However, a fully staffed team is now in place and returned an improved performance in the latter part of the reporting period.

The Complaints Team has been working closely with Operational Managers to build strong links and identify practical ways in which it can provide support. These measures have helped a great deal in finding early resolution through comprehensive stage 1 responses that meet complainants needs.

## 4.2 Complaints by type

The following table shows complaints received by type.



The top three trends registered are: poor quality of service from a Lewisham provider; poor quality of service received directly from Lewisham; and dissatisfaction with a decision made following assessment.

## 4.3 Lessons learnt from complaints

The Complaints Team has analysed the top three trends mentioned above. The first - poor quality of service from one of our providers – showed there were very specific complaints about the quality of service individual customers were receiving. Most of these concerns were referred to the Commissioning, Contracts and Brokerage unit (the team responsible for procuring services from the Directorate's external providers). The Complaints Team will continue to provide detailed feedback on the nature of complaints in order to aid service improvement.

The next trend- poor service received directly from Lewisham – showed complaints relating to a number of services. Further analysis showed that there were more complaints referred to those services including a 'social work' function. For each of these complaints, a stage 1 response offering further information on how decisions were made and why, together with an apology, satisfied the complainants who chose not to escalate their concerns. As a result, the Complaints Team have provided feedback to social work teams about the supply and accuracy of the information given to service users.

The third major trend - dissatisfaction with a decision taken following assessment - is a recurring theme. The majority of these complaints highlight a significant difference between the expectation of our service users (and potential service users), and the services & support available. The

Complaints Team has worked with service areas to ensure that the learning available from those complaints has been taken up by service managers and that clients are given accurate information on the services for which they are likely to be eligible.

The remainder of complaints, when further analysed, reflect individual concerns rather than trends or repeated situations.

## 5.0 Analysis of complaints 2006/7 – Stage Two

During the course of the reporting period, the Complaints Team recorded 6 stage two complaints, all of which were escalated from stage one.

As stage two complaints are generally complex, involving more than one issue, it is more difficult to categorise them according to trend. However, taking the major issue, the table below shows how the complaints have been attributed.

	Older Adults (1)	Younger Adults (2)	Adults with learning disabilities (2)	Resources (1)
Poor social work service from LBL	1	1	2	
Poor/ lack of communication				1
Decision following assessment		1		

The Complaints Team will be continuing to work with Operational Managers to ensure that they provide satisfactory responses at stage 1, and that they learn from those complaints, thus reducing the need for escalation.

### 5.1 Meeting statutory timescales

The Complaints Team failed to secure responses for the stage 2 complaints within the required timescale. For the most part, this was due to the lack of permanent staff to keep track and indeed chase investigators and staff for responses and/ or further information.

The stage 2 complaint registered in January was escalated from a stage 1 complaint originally made in June 2006 which was not brought to a satisfactory conclusion. The newly appointed Complaints Manager re-activated the case in October. Having tried to aid local resolution, the complaint was finally recorded as stage 2 in January 2007.

The Complaints Team has not escalated a complaint from stage 1 to stage 2 since then.

### 5.2 Complaints by type

As the table above shows, all 6 complaints refer to services received directly from Lewisham. Each was a complex case with more than one concern.

### Lessons learnt from complaints

On further analysis, a common theme running through each complaint, although not always the main concern, was poor communication from the service to the service user. This links with the earlier point made in stage 1 analysis, highlighting a need for services to provide accurate and high quality information. The Complaints Team has, therefore, ensured that this message has been fed

back to service managers and incorporated into their service plans. The Complaints team will continue to make a concerted effort with all complaints/ complainants to ensure that every point of concern is acknowledged and receives a response.

## **6.0 Analysis of Complaints 2006/7 – Stage 3**

The team did not record a stage three complaint during the reporting period.

## **7.0 Achievements by the Complaints Team - 2006/7**

During the reporting period the team has:

- Re-written and re-issued the Complaints Procedure for adult social care ;
- Produced new public literature explaining the above procedure;
- Facilitated complaints training for 45 operational / senior managers across the Directorate;
- Continued the borough's representation on the London Complaints Officers Group;
- Successfully been involved in the South London / Pan London / National consultative groups for a joint health & social care complaints procedure; and
- Successfully filled the vacant Complaints Officer position (commenced 16 July 2007);

## **8.0 Aims and Objectives**

The aim of the team is to deliver a high quality complaints and representations service for service users, staff and the Directorate and to provide detailed feedback to services on areas for improvement.

Every service user has the right to complain or make representations. The service objectives are:

### **8.1 For service users**

- To regularly monitor comments and views on the complaints process / team from service users and staff; and
- To maintain a procedure based on the promotion of learning and improvement.
- To provide an accessible, responsive and efficient complaints process;
- To ensure that all users have a knowledge and understanding of the complaints procedure and that they feel able to use the procedure if they have a need;
- To encourage service users or their representative to express their feelings about services whether good or bad;
- To handle representations in an appropriate manner, ensuring confidentiality and sensitivity;

### **8.2 For staff**

- To ensure staff learn from complaints and use the information to improve services accordingly;
- To ensure that the contribution of staff is acknowledged and valued;
- To ensure staff understand the complaints procedure and their role in its operation;
- To assist staff to become more proactive about handling complaints and representations; and
- To maintain the Complaints Team's accessibility to all staff for advice and information on handling complaints and other representations.

### **8.3 For the Directorate**

- To provide management information that contributes to the development and improvement of services;
- To implement recommendations arising from all stages of the procedure and monitor the outcomes of these; and
- To provide on going training for the Directorate.

### **9.0 Conclusion**

The training provided during the reporting period has encouraged operational/ service managers to use complaints and other representations positively to improve their services. Support from the Complaints Team has improved confidence in the complaints process; something the team has recreated in 2007/08 for non adult social care complaints.

The team continues to focus on ensuring customer complaints are dealt with appropriately and effectively, and seeking resolution at the earliest possible stage. The team will continue to work towards improving performance and service delivery for Lewisham's service users.