

Corporate Issues Overview and Scrutiny Committee

25 November 2013



Children and Adults Services Annual Representations Report 2012/13

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Purpose of Report

1. The purpose of this report is to inform Members of the Corporate Issues Overview and Scrutiny Committee (CIOSC) of the key messages in relation to the management and handling of Representations of Children and Adults Social Care Services during the period 1 April 2012 – 31 March 2013.
2. Following changes to the reporting path for Representations within Durham County Council (DCC), the Children and Adults Services (CAS) Annual Representations Report 2012/13 will now be considered by the Corporate Issues Overview and Scrutiny Committee.

Background

3. This Annual Report on statutory complaints is the first combined report for CAS; previously Children's and Adult Services Annual Representations Reports were reported separately. The report is published under the provisions and requirements of the '*Children Act 1989 Representations Procedure (England) Regulations 2006*' and the '*Local Authority Social Services and National Health Service Complaints (England) Regulations 2009*'. The reporting format reflects the requirements detailed in the Regulations.
4. Non-Statutory (Corporate) Complaints and Compliments are reported to and approved by CMT on a quarterly basis. Neighbourhood Services lead on the production of the quarterly and annual corporate complaints, compliments and suggestions report and the extract relating to CAS is outlined in Appendix 2 for information.

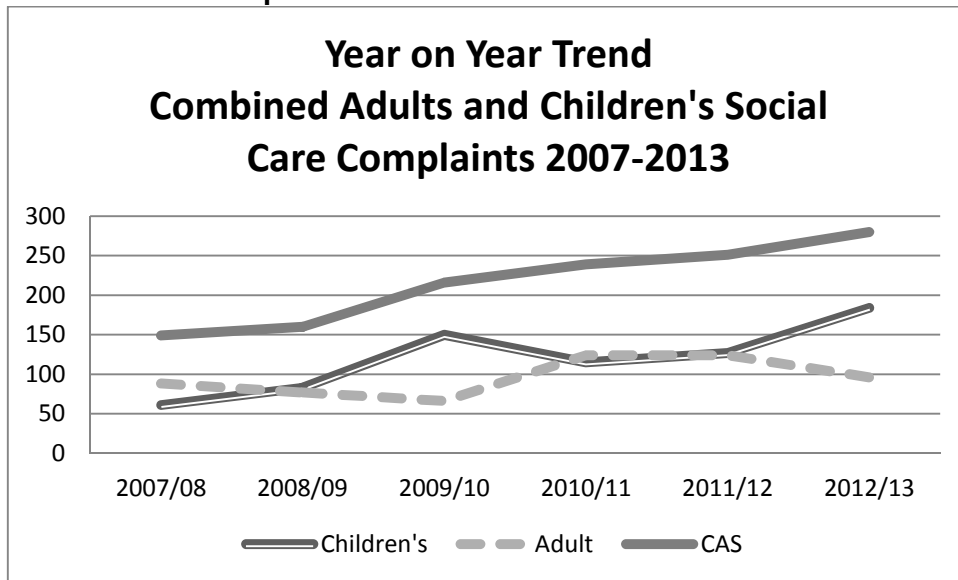
Content

5. The CAS Annual Representations Report 2012/13 (Appendix 3) brings together information previously reported to CAS Management Team (CASMT) on a quarterly basis on the management of statutory representations from service users, their families and carers and includes details of complaints as well as compliments.

Key Messages – Statutory Complaints

6. In 2012/13, a total of 276 statutory complaints were received by CAS.
 - 184 complaints related to children’s social care services.
 - 145 of the 184 children’s social care complaints were managed on an informal basis and 39 children’s social care complaints were managed formally.
 - Within children’s social care complaints, a complaint is noted as informal where it is resolved directly by the team involved, quickly and locally and in collaboration with the complainant. If an informal complaint cannot be resolved within 10 working days, it then is managed as a formal complaint at Stage 1 in alignment with the statutory procedure.
 - 92 complaints related to adult social care services.
 - Children’s social care complaints have increased by 25.2% when compared to the previous reporting year whilst complaints about adult social care services have decreased by 25.8% over the same period. When evaluating the reasons for this increase, there are no immediate causes. The number of complaints received varied across a wide range of themes although poor service and staff conduct were cited in a number of cases.
 - The graph overleaf illustrates a steady overall increase in the number of statutory complaints received over the preceding 7 years. Complaints across CAS as a whole are increasing; however, the increase is attributable to complaints in relation to children’s social care services. Whilst complaints about adult care services are approximately at the same level in 2013 as they were in 2007, there are 3 times as many complaints in 2013 as there were in 2007 in relation to complaints about children’s services.
 - The increase that can be seen from 2009/10 to 2011/12 in relation to adult social care complaints is largely as a result of changes to financial charging for social care services linked to the Medium Term Financial Plan. These changes were unpopular for some service users which led to the increase in complaints over this period. Complaints have decreased in the last reporting year and Durham has the third lowest rate of complaints in comparison to benchmarking neighbours.
 - The increase in complaints about children’s social care over the period 2007/08 to 2009/10 is largely attributable to improvements in the way in which complaints were recorded, reported and monitored by the Complaints Officer within a central team. Complaints decreased between 2009/10 and 2010/11, levelled over the period 2009/10 to 2011/12 and have increased by 25% in the last year. Despite this, Durham continues to have the lowest number of formal complaints in comparison to benchmarking neighbours in the region and one of the lowest numbers of stage 1 complaints that progress to stages 2 and 3 of the statutory complaints procedure.

Graph 1: Year on Year Trend 2007-2013



- Of the CAS formal complaints, 99.2% were acknowledged within the timescale of 2 working days. This represents an improvement from 2011/12 where 98.7% of formal complaints across Children's and Adult's services were acknowledged within timescale.
- Of the 184 complaints received in relation to children's social care, 145 were concluded informally and within 10 working days of receipt and 39 children's social care complaints were managed formally. Of these 39 complaints, 2 were received and subsequently withdrawn. Of the remaining complaints 33 were addressed at Stage 1, 14 (39.4%) were resolved within the 20 working day timescale for Stage 1 complaints with 19 complaints (57.6%) resolved outside of the timescale. There were 4 Stage 2 complaints, 1 was resolved within timescale (25%) with 3 exceeding the timescale (75%).
- For complaints relating to adult social care, 88 complaints were concluded at the year end, with 4 ongoing. Of the 88 completed complaints, 100% were completed within the individual timescales agreed in the Complaints Resolution Plan.
- Over half of all complaints concluded at the end of the reporting year in CAS were not upheld (52.8%). A further 26.9% complaints were partially upheld and 20.3% were upheld. In comparison to previous years, the number of complaints not upheld is increasing; in 2011/12 the figure for CAS was 46.7% of all complaints not upheld and in 2010/11 the figure was 44.5% of all complaints not upheld.
- *'Professional Conduct of Staff'* constituted the category with the highest number of complaints in relation to children's social care, being recorded in 17 (43.6%) of the formal complaints received. In relation to adult social care

complaints, *'Disputed Decisions'* constituted the category with the highest number of complaints relating to 23 complaints (25%).

- *Parents* constituted the largest cohort of complainants in complaints about children's services (60%). In complaints about adult social care, *Relatives (non-parent)* constituted the highest cohort of complainants at 48.9%. These complainant types have consistently constituted the largest cohorts over previous reporting years.
- Based on age profiles 16 (41%) of the 39 formal children's complaints were made on behalf of boys aged 2-18, and 23 (59%) were made on behalf of girls aged 1-15. In relation to adult's complaints, twice as many complaints were made on behalf of males aged 18-64 than females (66% as opposed to 33%).
- Four complaints were received during the year that involved both adult social care and health services. One case involved the Tees, Esk & Wear Valley NHS Foundation Trust and three cases involved the former NHS County Durham and Darlington – Commissioning Support.
- During the year, CAS declined to consider 8 complaints – 1 involving children's social care services and 7 involving adults social care services. The children's case and 5 of the adult cases were declined on the grounds that they were significantly outside of the time limitation period of 12 months. In the remaining 2 cases the complaints were declined on the grounds that they did not fall within the jurisdiction of DCC.

Key Messages – Benchmarking Comparisons for Statutory Complaints

7. A benchmarking exercise was undertaken with other Local Authorities (LAs) in the North East region and the tables below summarise the information received.

Complaints relating to Children's Social Care Services

Local Authority	Total Number of Formal Complaints	Rate of complaints per 1000 0-19 population	% of Stage 1 complaints progressed to Stage 2 and 3 of the complaints procedure
Durham	37	0.32	10.8%
A	87	2.39	16%
B	37	0.83	0%
C	21	0.92	16.6%
D	17	0.55	29.4%
E	129	2.09	9.3%
F	36	0.79	12.8%

The benchmarking information shows that:

- Durham has the lowest rate of formal complaints per 1000 0-19 population.
- Durham has the 3rd lowest percentage of Stage 1 complaints progressing to Stages 2 and 3 of the formal complaints procedure.

Complaints relating to Adult Social Care Services

Local Authority	Total Number of Complaints	Rate of complaints per 1000 18+ population
Durham	92	0.22
A	31	0.29
B	30	0.19
C	14	0.19
D	33	0.30
E	176	0.79
F	69	0.43
G	32	0.27
H	71	0.28

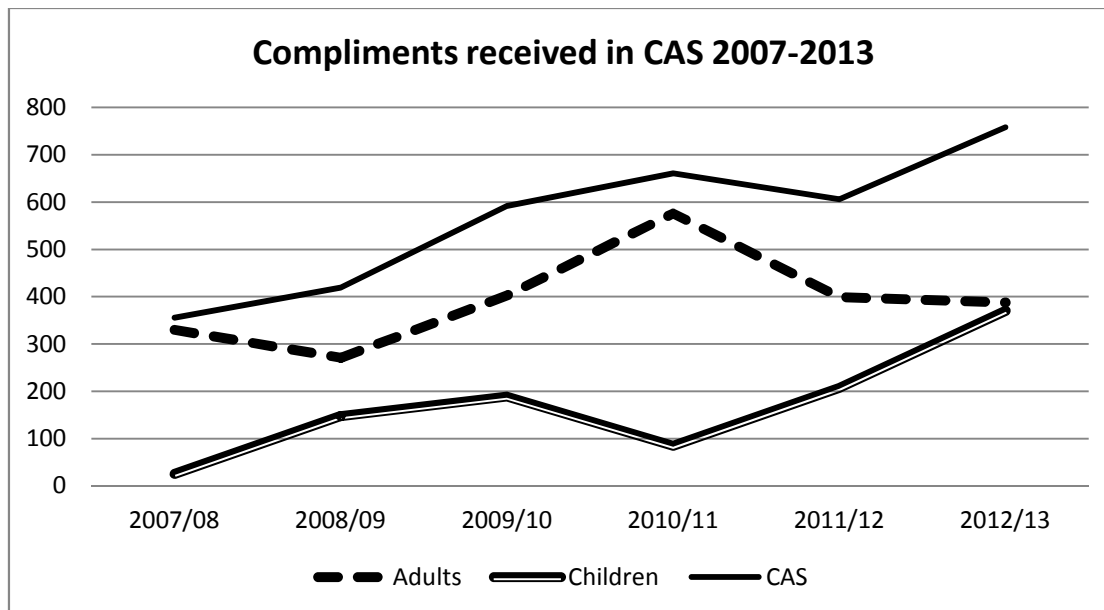
The benchmarking information shows that:

- County Durham has the 3rd lowest rate of complaints per 1000 18+ years population.

Key Messages – Compliments in Statutory Services

8. In the reporting year a total of 758 compliments were received by CAS.
 - Of the 758 compliments about statutory services, 370 related to children's social care and 388 to adult social care.
 - Overall, there has been an increase in compliments of 25.1% in comparison to the previous year (when 606 compliments were received across children's and adult services).
 - CAS has seen a steady increase in compliments in the preceding 7 years with compliments regarding children's social care and compliments regarding adult social care reaching similar levels for the first time as the graph overleaf shows. Partly attributable for this increase is due to improvements in the way compliments are captured and recorded in Children's services and the awareness of sending compliments to the Complaints Officer for reporting.

Graph 2: Compliments received in CAS 2007-2013



- In CAS, the ratio of compliments to all complaints received is 2.8:1. This represents an increase on the previous year when the ratio of compliments to complaints was 2.2:1.
- For compliments relating to children's social care services, the intervention service- Copelaw Activities received 96 (25.9%) of the total compliments, followed by the Community Support Team (13.2%) and Aycliffe Secure Services (10.8%).
- For compliments relating to adult social care services, County Durham Care and Support (CDCS) received 245 (63%) of the total number of compliments, with Older People's/Older People's Mental Health/Physical Disabilities/Sensory Support service receiving 135 (34.8%) compliments.
- Examples of compliments and themes are contained within the report under Parts Three and Four.

Local Government Ombudsman (LGO)

9. During 2012/13 the LGO issued 8 Final Decisions in adult social care cases and 4 in children's social care cases.
 - In 5 of the 8 adult cases the LGO declined to have further involvement on the grounds that public expense could not be justified as maladministration had not occurred. In the remaining 3 cases the complainants were significantly outside of the limitation period of 12 months and the LGO discontinued their involvement on those grounds.
 - In 3 of the 4 children's cases the LGO declined to fully investigate on the grounds that public expense could not be justified as maladministration had not occurred. In the 4th case the complaint was not progressed as the

Ombudsman determined the complaint to be outside of their jurisdiction and discontinued involvement on those grounds.

Remedies and Learning Outcomes

10. Learning outcomes extracted and acted upon in the reporting year have been broken down into 4 main categories: Policies and Procedures, Communications, Reports and Social Work Practice. These are detailed within the report in Part Five.
11. Examples include staff being reminded that they must ensure:
 - a. that standards within policies and procedures are adhered to;
 - b. that consistent and accurate terminology is used within communications;
 - c. that reports and case records are accurate, up-to-date and comprehensive.

Conclusions

12. Over the preceding 7 years, there has been a general upward trend for complaints and compliments. It is reassuring to note that for every complaint received, nearly 3 times as many compliments are received; however, the service must continue to learn from the complaints received and take action to improve.
13. The rate of complaints received in comparison to population size also shows positive performance. In comparison to other Local Authorities in the region, County Durham has the lowest number of children's social care complaints and one of the lowest for Adult Care complaints. County Durham also has one of the lowest numbers of Stage 1 complaints progressing to Stages 2 and 3 of the statutory children's social care complaints procedure.
14. The greatest number of complaints received relates to disputed decisions and poor service. This is an area that must continue to be monitored as financial constraints on the Local Authority continue to tighten.
15. A collaborative approach with the complainant to reach complaint resolution continues to develop. An approach based on local resolution and one where the complainant is central to the discussion and resolution of the complaint is proactively encouraged.
16. It is positive to note that over half of the complaints received were not upheld.

Next Steps

17. The key messages from the Representations Annual Report 2012/13 contribute to the CAS approach to quality and improvement. A strategic action plan will be developed in quarter 4 and key messages from the Representations Annual Report will assist in shaping the content of this. The actions taken as a result of learning outcomes from complaints demonstrate that CAS is continuously striving to learn from clients' experiences and avoid

recurrences of situations that have given rise to complaint and to ensure continuous professional and service improvements.

Recommendations

18. It is recommended that Members:

- Note the key messages of the CAS Representations Annual Report 2012/13.

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Appendix 1: Implications

Finance	Complaints can lead to financial claims for compensation in extreme cases.
Staffing	None.
Risk	Upheld complaints can lead to reputational risk for the local authority.
Equality and diversity/ /Public Sector Equality Duty	Consistent with national and local requirements. Representations Procedure takes into account equality and diversity and ensures accessibility. The profile of complainants in relation to equality and diversity is consistent with the equality and diversity profile of County Durham.
Accommodation	None
Crime and disorder	Any complaint made in relation to hate crime will be redirected to the appropriate officer to progress under the relevant policy and procedure.
Human rights	Compatible with Human Rights Act – able to record and respond to complaints about alleged breaches.
Consultation	None.
Procurement	None.
Disability Issues	Taken into consideration within the procedure.
Legal Implications	Complaints Team work closely with Legal Services when appropriate.

Appendix 2: Summary of CAS Corporate Complaints, Compliments and Suggestions 2012/13

1. From 1 April 2012 to 31 March 2013, a total of 33 corporate complaints were received in CAS; 4 in quarter one, 15 in quarter two, 4 in quarter three and 10 in quarter four. See the table below.

Q1 12/13 Total	Q2 12/13 Total	Q3 12/13 Total	Q4 12/13 Total	Total of Corporate Complaints Received in 2012-2013
4	15	4	10	33

Acknowledgement within 2 working days 2012/13

2. Of these complaints 100% were acknowledged within 2 working days during the period 2012/13.

Corporate Complaints responded to within 10 working days 2012/13

3. Of the 33 corporate complaints received in 2012/13, 73% (24) were responded to within 10 working days. The 9 (27%) not responded to within timescale were complex cases, 1 of which progressed to Stage 2.

Service Breakdown of Corporate Complaints received 2012/13

4. The breakdown of the 33 corporate complaints is as shown in the table below.

Service Area	Q1 12/13	Q2 12/13	Q3 12/13	Q4 12/13	Total
Commissioning	1	0	0	6	7
Adult Care	0	2	0	0	2
Planning & Service Strategy	0	0	0	2	2
Early Intervention & Involvement	2**	5	2	1	8
Education	0	5	1	1*	7
Children's Care	1	3	1	0	4
Totals	4	15	4	10	33

* This complaint also involved Commissioning

** This includes Social Inclusion which was previously part of the former AW&H Service and no longer exists

Outcome of Corporate Complaints Completed 2012/13

5. The following table shows the outcome of complaints completed during 2012/13 by Service Area:

Service Area	Justified	Partly Justified	Not justified	Resolved at first point of contact	Ongoing	Total
Commissioning	0	1	6	0	0	7
Adult Care	1	0	1	0	0	2
Planning & Service Strategy	0	0	2	0	0	2
Early Intervention & Involvement	2**	2	7	0	0	10
Education	3	1	2*	0	0	6
Children's Care	0	2	4	0	0	6
Total	5	6	22	0	0	33

* This complaint also involved Commissioning

** This includes Social Inclusion which was previously part of the former AW&H Service and no longer exists

6. Issues raised in corporate complaints have been reported in quarterly reports throughout 2012/13.

Compliments and Suggestions 2012/13

7. Between 1 April 2012 and 31 March 2013, a total of 398 compliments and 11 suggestions were received by CAS.

Learning Outcomes

8. There were no learning outcomes identified.