

Corporate Issues Overview and Scrutiny Committee

17 October 2014



Children and Adults Services Statutory Annual Representations Report 2013/14

Report of: Rachael Shimmin, Corporate Director for Children and Adults Services

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 statutory representations of Children and Adults Social Care Services during the period 1 April 2013 – 31 March 2014.

Background

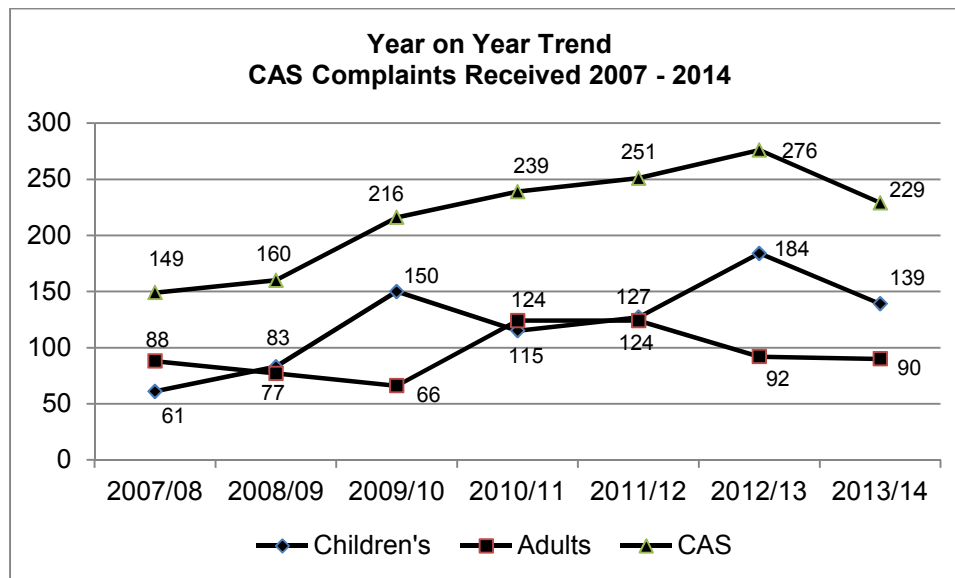
2. The annual report is published under the provisions and requirements of the '*Children Act 1989 Representations Procedure (England) Regulations 2006*' and the '*Local Authority Social Services and National Health Service Complaints (England) Regulations 2009*'. The reporting format reflects the requirements detailed in the Regulations.
3. The annual report provides information on the management and information of statutory representations from service users, their families and carers and includes details of complaints as well as compliments. A copy is attached at Appendix 2.

Key Messages – Statutory Complaints

4. In 2013/14, there were 229 statutory complaints received in CAS.
 - A total of 139 complaints related to children's social care services (60 of which were managed informally and 79 were managed at the formal stages of the complaints procedure) and a total of 90 complaints related to adult social care services.
 - CAS complaints have decreased by 17% in comparison to 2012/13. Children's social care complaints have decreased by 24.5% whilst complaints about adult social care services have decreased by 2.2% over the same period.

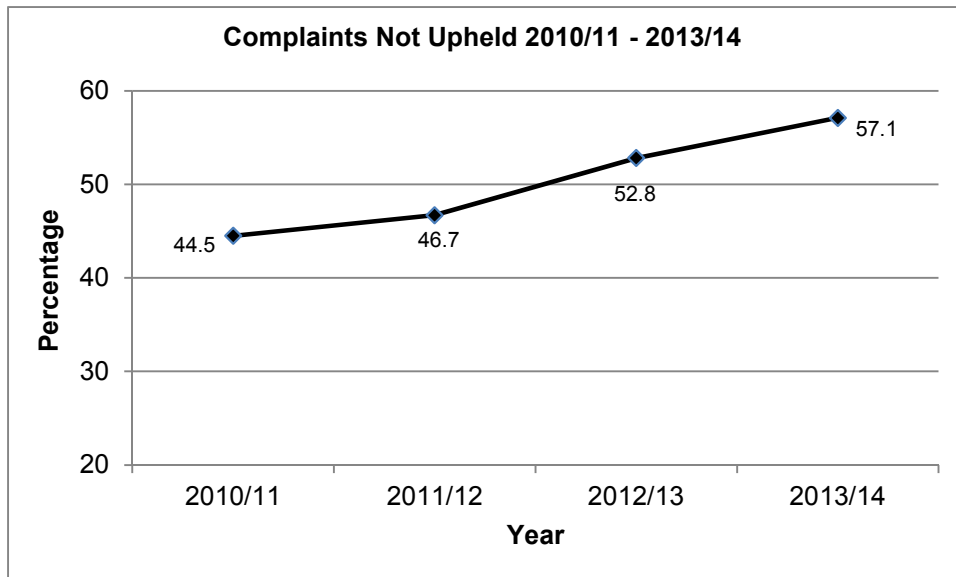
Graph 1 below illustrates the trend during 2007-2014:

Graph 1: Year on Year Trend 2007-2014 – CAS Complaints Received



- Of the 79 complaints relating to children’s social care services which were managed formally, 44 complaints (58.7%) were resolved within the 20 working day timescale for Stage 1 complaints. This is an improvement on the 39.4% resolved in timescale in 2012/13. There were 3 Stage 2 complaints, none of which were resolved within timescale. Attempts to improve performance around resolution timescales have included developing a tighter project management approach to investigations and building in escalation processes to Senior Managers when deadlines are due. It is anticipated that performance in this area will improve in 2014/15.
- In respect of complaints relating to adult social care, 79 of the 90 complaints were concluded at the year end, with 11 ongoing. Of the 79 completed complaints, 97.7% 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 (57.1%). A further 18.5% of complaints were partially upheld and 24.4 % were upheld.
- In comparison to previous years, the number of complaints not upheld across CAS as a whole is increasing. In 2012/13 the figure was 52.8%, in 2011/12 it was 46.7% and in 2010/11 it was 44.5% as Graph 2 overleaf illustrates.

Graph 2: Complaints Not Upheld in CAS 2010-2014



- *'Lack of Communications/information'* constituted the category with the highest number of complaints, being recorded in 32%. This was followed by *'Professional Conduct of Staff'* which featured as an element in 26%, and *'Disputed Decision'* which was mentioned in 22% of complaints.
- *'Parents'* constituted the largest percentage of complainants in complaints for children's services (49.1%). In complaints about adult social care, *'Relatives (non-parent)'* constituted the highest percentage of complainants at 54.4%.
- Based on gender profiles, 42 (53.2%) of the 79 formal children's complaints were made on behalf of girls and 37 (46.8%) were made on behalf of boys. In relation to adult's complaints, over twice as many complaints were made on behalf of females than males (69.3% as opposed to 25.3%). This is a reversal of the previous year, when twice as many complaints were made by (or on behalf of) adult males.
- During the year, CAS declined to consider 14 complaints – 5 involving children's social care services and 9 involving adults social care services. Declined complaints are not included in the numbers of actioned complaints.

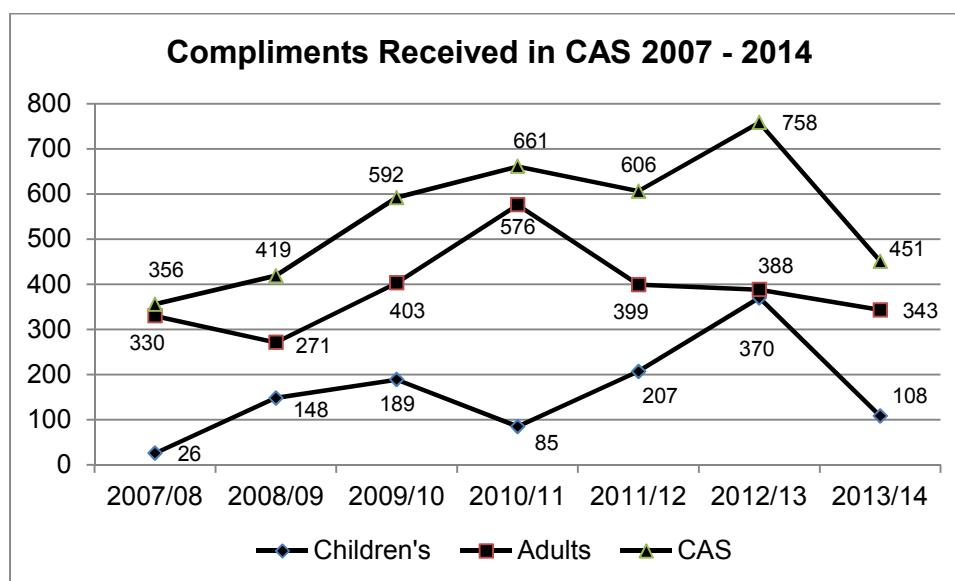
Key Messages – Benchmarking Comparisons for Statutory Complaints

6. A benchmarking exercise was undertaken to gather information from neighbouring Local Authorities (LAs) relating to Children’s Social Care and Adult Social Care services.
7. The benchmarking information showed for Children’s Social Care:
 - Durham had the second lowest rate of Stage 1 complaints per 1000 population aged 0-19 years.
 - Durham had the fourth lowest percentage of Stage 1 complaints progressing to Stage 2 of the formal complaints procedure.
8. In the benchmarking data for complaints relating to Adult Social Care Services:
 - Durham had the fourth lowest rate of complaints per 1000 population aged 18+ years.

Key Messages – Compliments

8. In the reporting year, a total of 451 compliments were received by CAS, of which 108 related to children’s social care and 343 to adult social care.
 - Overall, there has been a decrease of 41% in compliments in comparison to the previous year when 758 compliments were received.
 - CAS had 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 in 2012/13 as the graph below shows. Reasons for this increase were attributed to improved collection and reporting of compliments. Managers have been reminded to report any compliments received from service users and their families, which may take the form of emails, letters, and cards directly and through staff communications.

Graph 2: Compliments Year on Year Trend 2007-2014



- The ratio of compliments to all complaints received in 2013/14 was 2:1. This represents a decrease on the previous year when the ratio of compliments to complaints was 2.8:1.
- In respect of compliments relating to children's social care services, the Community Support Team received 51.9% of reported compliments, followed by Aycliffe Secure Services and the Safeguarding Children teams, with 10.3% each.
- In respect of compliments relating to adult social care services, County Durham Care and Support (CDCS), the in-house provider, received 67.9% of total compliments about adults services, with Older People's/Older People's Mental Health/Physical Disabilities/Sensory Support service receiving 28.9%.

Complaints Referred to the Local Government Ombudsman (LGO)

9. During the reporting year, the LGO issued 20 Final Decisions in relation to children and adults social care cases:
 - In 5 cases (2 children's and 3 adults) the LGO decided not to investigate.
 - Two cases (1 children's, 1 adults) were outside the LGO's jurisdiction.
 - Five cases (2 children's, 3 adults) were investigated and no fault was found.
 - Two adult's cases were investigated and the LGO found no maladministration or injustice.
 - In 2 children's cases the Ombudsman recommended the Local Authority pay compensation to the complainants.
 - One complaint in relation to an adult's case was deemed premature.
 - Three cases were referred to Children's Services for further investigation; 1 was reviewed and upheld, 2 are being independently investigated at Stage 2.

Remedies and Learning Outcomes

10. Learning outcomes extracted and acted upon in the reporting year are detailed within the report in Part Five.
11. Examples include staff being reminded that they must ensure:
 - that where service users ask to remain anonymous in referrals, this will be noted and adhered to;
 - that great care should be taken in regard to recording case notes to capture all incidents and ensure entries are complete and accurate; and
 - that no service provision can be ended without consultation and discussion with the service user (and their relatives if appropriate).

Conclusions

12. In 2013/14, both complaints and compliments have decreased. It is reassuring to note that for every complaint received, nearly twice as many compliments are received. However, the service must continue to learn from the complaints received whilst improving the reporting of compliments.
13. The rate of complaints received in comparison to population size shows positive performance. In comparison to other Local Authorities in the region, County Durham

has the second lowest number of children's social care complaints and the fourth lowest for Adult Care complaints.

14. The greatest number of complaints received relates to lack of communication and professional conduct of staff.
15. A collaborative approach with the complainant to reach complaint resolution continues to develop. An approach based on swift resolution at the earliest opportunity 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.

Recommendations

18. It is recommended that the Committee:
 - Note the key messages of the Annual Report.

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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.