

17 November 2015



**Children and Adults Services
Annual Statutory Representations 2014/15**

**Report of Rachael Shimmin, Corporate Director, Children and Adults Services
(CAS)**

Purpose of report

- 1 The purpose of the Annual Statutory Representations Report is to provide Corporate Issues Overview and Scrutiny Committee with a summary of statutory representations relating to children's and adults social care services during the period 1 April 2014 – 31 March 2015.

Background

- 2 The Annual Statutory Representations Report is prepared 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 Non-statutory (corporate) complaints and compliments are reported and approved by Children and Adults Services (CAS) Management Team on a quarterly basis. Neighbourhood Services lead on production of the annual corporate complaints, compliments and suggestions report and the extract relating to CAS is outlined in Appendix 2 for information.

Content

- 4 The Annual Statutory Representations Report brings together statutory representations from service users, families and carers that have been previously reported to CASMT on a quarterly basis and includes information on the management of statutory representations. The full report is attached as Appendix 3.

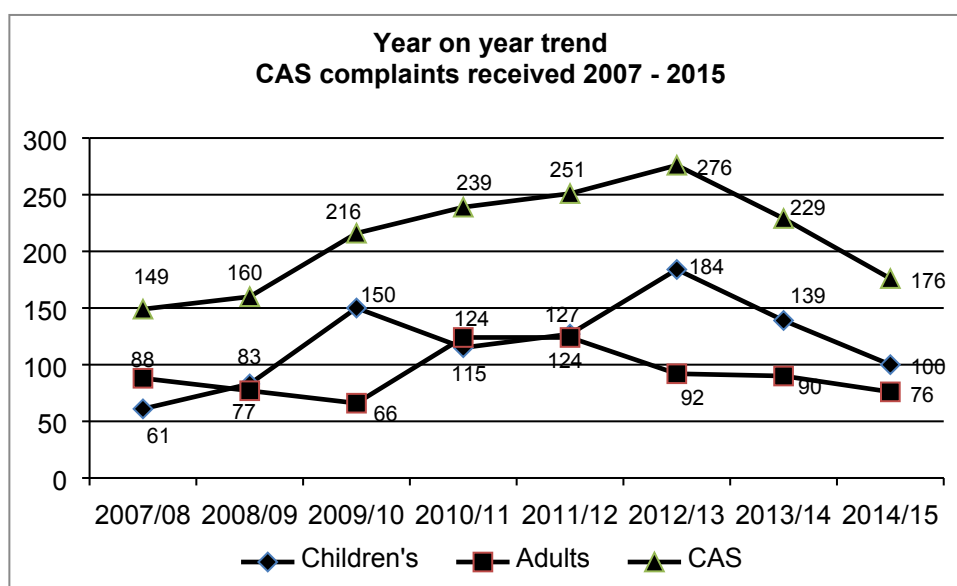
Key messages - statutory complaints

- 5 In 2014/15, a total of 176 statutory complaints were received by CAS:
 - 100 complaints related to children's social care services, of which 5 were subsequently progressed to Stage 2 of the statutory complaints process.
 - 76 complaints related to adult social care services.
 - There has been an overall decrease of 23.1% in CAS complaints when compared with the number of complaints received in 2013/14 (229).

- Children’s social care complaints have decreased by 28.1% in comparison to the previous reporting year.
- Complaints about adult services have decreased by 15.6% over the same period.

6 Graph 1 (below) illustrates a steady overall increase in the number of statutory complaints received over the period 2007 – 2013, attributable to complaints in relation to children’s social care services. However, since 2013/14 the number of statutory complaints has decreased in relation to both children’s and adults social care services. The total figure for 2014/15 is the lowest for 6 years.

Graph 1: Year on year trend 2007-2015 – CAS complaints received



7 It should be noted that in previous years, for statutory complaints about children’s services, when a complaint was progressed to further stages of the process, at each stage the complaint was counted as a *new* complaint. Therefore the comparator information with previous reporting years is not on a like-for-like basis, throughout the report.

8 Of the 100 children’s social care complaints, 70 (70%) were resolved within the 20 working day timescale, an improvement on the previous year when 58.7% were resolved in timescale. Three investigations (3%) were ongoing at the year-end (all at Stage 2) and the other 27 complaints (27%) were resolved outside timescale.

9 For complaints relating to adult social care, 74 complaints were completed at the year-end with 2 ongoing. Of the 74 completed complaints, 100% were completed within the individual timescales agreed in the Complaints Resolution Plan (CRP), compared with 97.5% in 2013/14.

10 Of the total 176 complaints, 37 (21.0%) were upheld and 55 (31.3%) were partially upheld. There were 79 (44.9%) that were not upheld, and 5 (2.8%) that were not completed by the year end.

- 11 *Lack of communication/information* featured as a category in 43 (24.4%) CAS complaints (27 children’s services and 16 adult complaints). *Professional conduct of staff* featured in 34 (19.3%) CAS complaints (22 children’s services and 12 adult services). *Disputed decision* was prevalent in 32 (18.2%) CAS complaints (19 children’s services and 13 adult services).
- 12 *Parents* featured as the largest cohort of complainants in relation to children’s social care services, with 69 (69%) complaints made by parents. In complaints about adult social care services, *relatives (non-parent)* made 32 (42.1%) complaints. These “complainant types” have consistently been the largest cohorts over previous reporting years.
- 13 During the year, CAS declined to consider 9 complaints (5 children’s services and 4 adult services) a decrease on the 14 declined complaints in 2013/14. Declined complaints are not included in the numbers of actioned complaints.

Benchmarking comparisons for statutory complaints

- 14 Although the regulations do not require local authorities (LAs) to publish benchmarking information, it is recognised that comparator information may be of interest. Benchmarking information from neighbouring (North East) authorities for the 2014/15 reporting year is shown in Tables 1 and 2 below and overleaf.

Table 1: Complaints relating to children’s social care services – North East regional authorities 2014/15

Local Authority	Number of Complaints	Rate of Complaints (per 1000 0-19 Population*)	Number of complaints actioned at Stage 2**	Stage 2 Complaints as a % of Stage 1 Complaint Numbers**
A	15	0.488	5	33.3%
Durham	100	0.876	5	5.0%
B	65	0.966	7	10.8%
C	45	1.003	3	6.7%
D	45	1.007	1	2.2%
E	42	1.167	7	16.6%
F	31	1.372	22	71.0%
G	78	1.654	18	23.1%
H	60	1.817	4	6.7%
I	60	2.389	15	25.0%
J	213	3.461	19	8.9%
K	No information	-	No information	-

* ONS Mid-2013 population estimates, Office for National Statistics

** Note: some complaints actioned at Stage 2 in 2013/14 may have been investigated initially at Stage 1 during 2013/14 or 2014/15; and some may have been investigated directly at Stage 2, bypassing Stage 1

- 15 From the information supplied:
- Durham had the second lowest rate of childrens Stage 1 complaints (0.876) per 1000 population aged 0-19 years. This is the same result as in 2013/14.

- Durham had the second lowest percentage (5%) of children’s complaints progressing to Stage 2. This is an improvement on 2013/14 when Durham had the fourth lowest rate.

Table 2: Complaints relating to adult social care services – North East regional authorities 2014/15

Local Authority	Total Number of Complaints	Rate of Complaints (per 1000 18+ Population**)
A	14	0.130
B	33	0.141
C	18	0.168
Durham	76	0.183
D	17	0.235
E	46	0.285
F	24	0.290
G	36	0.302
H	54	0.358
I	64	0.401
J	152	0.686
K	No information	-

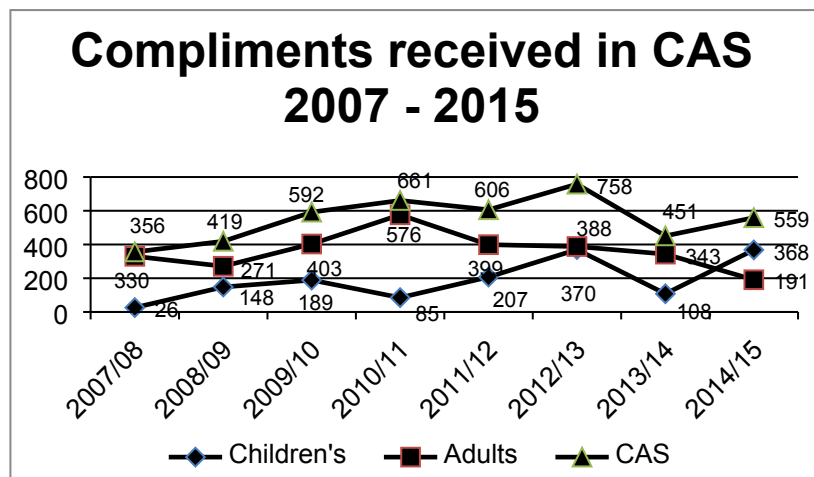
** ONS Mid-2013 estimates, Office for National Statistics

- 16 From the information supplied, Durham had the fourth lowest rate of adult complaints (0.183) per 1000 population aged 18 and over. This is an improvement on 2013/14 when Durham had the fifth lowest rate.

Compliments

- 17 As shown in Graph 2 overleaf, in the reporting year, a total of 559 compliments were received by CAS of which 368 related to children’s social care and 191 to adult social care.
- 18 Overall, there has been an increase of 23.9% in compliments in comparison to the previous year when 451 compliments were received, as shown in Graph 2 below.

Graph 2: Compliments received in CAS 2007-2015



- 19 The ratio of compliments to all complaints received across CAS is 3.2:1. This represents an increase on the previous year when the ratio of compliments to complaints was 2:1.
- 20 In Adult Care the 44.3% decrease in compliments received in 2014/15 is linked to changes in the types of provision provided by CDCS in-house residential care services.
- 21 Examples of compliments and themes are contained within the Annual Statutory Representations Report under parts three and four.

Complaints referred to the Local Government Ombudsman (LGO)

- 22 During 2014/15, CAS statutory services received 5 LGO enquires (2 children's and 3 adult cases) which were not taken to investigation. A further 19 enquiries (9 children's and 10 adults cases) were answered, against which draft and final decisions were subsequently received.
- In 7 cases (6 children's and 1 adult) the LGO decided not to investigate
 - In 7 cases (1 children's and 6 adult) the LGO investigated and no fault was found
 - In 3 adult cases maladministration and injustice were identified
 - In 1 children's case the LGO decided there had been injustice to the complainants
 - In 1 children's case a draft decision did not conclude there had been maladministration or injustice but suggested a remedy to resolve the complaint.

Remedies and learning outcomes

- 23 Remedies and learning outcomes are continually identified and acted upon by CAS.
- 24 Examples of learning in relation to children's social care complaints includes:
- Staff being reminded to ensure that parents are informed of dates, times and venues of meetings and contact sessions (including any changes) in a timely way.
 - The need for good communication between colleagues in different teams, or when handing over cases, to ensure that no unnecessary delays are experienced by service users.
 - Reviewing and amending the procedures relating to the Public Law Outline (PLO) process to ensure that it is clear to parents whose children are at potential risk of being removed from their care.
- 25 Examples of learning in relation to adult social care complaints includes:
- Ensuring staff inform service users if they no longer have an allocated worker and the reasons for this. Information about any duty system and appropriate contact details should be provided.

- Team managers and staff were reminded that they must clarify to care providers why respite care is required for individual service users.
- Ensuring that letters sent to families, in the event of a service user death whilst subject to a Deprivation of Liberties (DOLs) authorisation, should mention that a coroner might *routinely* become involved.

Summary

- 26 During the period 2007-2012, there was an overall upward trend for complaints, followed by a reduction from the 2012 level in 2013/14. In 2014/15, the reduction in complaints continued. Compliments relating to children's services, and total compliments, increased in 2014/15. Although the number of compliments about adult services has decreased in 2014/15, for every complaint received by CAS, over three times as many compliments were received.
- 27 The highest number of complaints relate to a lack of communication/ information, staff conduct and disputed decisions. Whilst recognising that complaints are often about perception, the service continues to closely monitor these areas.
- 28 CAS continues to develop a collaborative approach with complainants to seek to reach appropriate resolution. An approach based on local resolution, where the complainant is central to the discussion and resolution, is proactively encouraged.

Recommendations

- 29 It is recommended that Committee:
- Note the CAS Annual Statutory Representations Report (Appendix 3).

Contact: Peter Appleton, Head of Planning and Service Strategy, CAS

Tel: 03000 267381

Email: peter.appleton@durham.gov.uk

Appendix 1: Implications

Finance	Complaints can lead to financial claims for compensation in some cases.
Staffing	N/A.
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 2014/15

- 1 From 1 April 2014 to 31 March 2015, a total of 32 corporate complaints were received in CAS as shown in the table below:

Q1 14/15 Total	Q2 14/15 Total	Q3 14/15 Total	Q4 14/15 Total	Total of Corporate Complaints Received in 2014/15
6	8	7	11	32

Acknowledgement within 2 working days 2014/15

- 2 Of these 32 complaints, 31 (96.9%) were acknowledged within 2 working days during the period 2014/15.

Corporate Complaints responded to within 10 working days 2014/15

- 3 Of the 32 corporate complaints received, 18 (56.3%) were responded to within 10 working days. The 14 (43.7%) not responded to within timescale were particularly complex cases.

Service Breakdown of Corporate Complaints received 2014/15

- 4 The breakdown of the 32 corporate complaints is as shown in the table below.

	Q1	Q2	Q3	Q4	Totals
Adult Care	0	0	0	0	0
Children's Services	2	1	1	9	13
Commissioning	0	1	0	0	1
Education	4	6	4	2	16
Planning & Service Strategy	0	0	2	0	2
Public Health	0	0	0	0	0
Totals	6	8	7	11	32

Compliments received 2014/15

- 5 The table below shows a breakdown by service area of the 262 compliments received by CAS between 1st April 2014 and 31st March 2015:

	Q1	Q2	Q3	Q4	Totals

Children's Services	23	29	39	98	189
Education	32	20	6	13	71
Planning & Service Strategy	0	2	0	0	2
Totals	55	51	45	111	262

Learning Outcomes

6 Some actions as a result of learning from corporate complaints are shown below:

- Members of staff within the One Point service being reminded of good practice in relation to managing sensitive issues linked to safeguarding.
- Members of staff who work directly with families who need financial information reminded about signposting to the Council's Welfare Rights service which specialises in providing such information for service users.