

Royal Borough Windsor & Maidenhead

Adults and Children's Services Social Care Compliments and Complaints Annual Report

1 April 2015 – March 2016

“The Royal Borough of Windsor & Maidenhead is a great place to live, work, play and do business supported by a modern, dynamic and successful Council”

Our vision is underpinned by four principles:

Putting residents first

Delivering value for money

Delivering together with our partners

Equipping ourselves for the future

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Frequently used acronyms

LGO	Local Government Ombudsman
RBWM	Royal Borough of Windsor and Maidenhead

NATIONAL, LOCAL AND LEGISLATIVE CONTEXT

Children's services

The legislation requires all local authorities to produce and publish an annual report.

The statutory Children's Services complaints process changed in September 2006 following new regulations and guidance, 'Getting the Best from Complaints'; the changes were designed to place a strong emphasis on learning from complaints and representations. The guidance emphasis is that "vulnerable children and young people must get the help they need, when they need it, however large or small their complaint". The scope of what can be complained about was also expanded and prospective adopters and foster carers are included as 'qualifying individuals' who can complain under the social care process. Qualifying individuals are defined in national guidance as the child or young person, their parent, carer or foster carer or 'anyone who could be seen to be acting in the best interests of the child.'

The Council's complaints procedures reflect national guidance on best practice. The statutory social care complaints procedure for children and young people seeks to ensure that they have their concerns resolved swiftly, and to support a culture where feedback received drives service improvement. The complaints process is, therefore, an integral part of a quality assurance framework.

Adult services

Local Authorities have a statutory duty to have in place a complaints and representations procedure for Adult Social Care services. Furthermore, each local authority that has a responsibility to provide social care services is required to publish an annual report relating to the operations of its complaints and representations procedures.

The NHS and Community Care Act 1990 and the Children Act 1989 placed a statutory requirement on local authority social care departments to have a complaints procedure in place. The legislation and associated guidance was prescriptive about how the procedure should operate in practice. The procedures for children and adults were broadly similar but subsequent Regulations led to changes.

The Local Authority Social Services and NHS Complaints (England) Regulations 2009 introduced a single approach for dealing with complaints for both the NHS and Adult Social Care. Whilst there are some important differences in the operation of the complaints procedure to meet statutory requirements, the overarching approach and ethos is consistent across the Directorates.

The legislation requires Local Authorities to appoint a Complaints Manager, for Adult's and Children's Social Care who is responsible for the operation of the Complaints Procedure. This includes all aspects of activity:

- Managing, developing and administering the complaints procedure

- Providing assistance and advice to those who wish to complain
- Overseeing the investigating of complaints that cannot be managed at source
- Supporting and training existing and new members of staff
- Monitoring and report on complaints activity.

For Adult Social Care there was a significant change to the complaints procedure in 2009 with the introduction of Regulations with the objective of delivering a consistent approach to complaints handling for both health and social care.

The key principles of the existing procedure are:

- **Listening** establishing the facts and the required outcome
- **Responding** investigate and make a reasoned decision based on the facts/information
- **Improving** using complaints data to improve services and influence/inform the commissioning and business planning process.

1. INTRODUCTION

- 1.1 This annual report covers the period of 1 April 2015 – 31 March 2016 and reports on the complaints and compliments made by or on behalf of adults, children, young people and other customers using the Council's social care services¹. It is a statutory requirement to produce an annual report and publish this on the local authority's website.
- 1.2 The report details the number of complaints, representations and compliments received, the Council's performance in responding and handling these and how services have been changed/improved as a result.
- 1.3 The report has been organised across a number of sections. Section two of the paper provides an overview of the complaints process as it currently operates followed by an overview of the national policy and legislative context that governs how local authorities manage this area of work. The final sections provide details of the number of complaints, representations and compliments received and the Council's performance in respect of handling, responding and resolving these. This section also covers how the Council has used customer feedback as a mechanism to drive forward service improvement.

2 COMPLAINTS PROCEDURES

- 2.1 Overall responsibility for services delivered through the Adult Services and Children's Services Directorates rests with the Strategic Director who works closely with the Lead Members.
- 2.2 An important facet of the statutory complaints process within RBWM is the independence of the post of complaints coordinator. Whilst working to the Adults and Children's Directorates, the complaints coordinator post sits within the Operations Directorate and has an arms length relationship with adults and children's services colleagues. This ensures there are no conflicts of interest and enables independent and impartial challenges to be made.

Children's services complaints

- 2.3 RBWM's complaints process for children's social care comprises three stages:

Stage one: local resolution

- 2.4 This initial stage allows the opportunity to try and resolve issues of dissatisfaction by meeting with managers and staff who have responsibility for the case. Alternative Dispute Resolution meetings (ADR) are offered to complainants at stage one to promote agreed local resolution at the earliest

¹ Please note that this report does not cover corporate complaints or complaints about the other services offered through the Adults and Children's Services Directorates.

possible stage. ADR meetings are also used at other points of the complaints process.

Stage two: independent investigation

- 2.5 When a complaint has not been resolved to the satisfaction of the complainant at the conclusion of Stage 1, it moves to stage 2. This involves a full and formal investigation by an independent external investigator. The external investigator produces a report, which is submitted to the Director for his/her consideration.
- 2.6 An 'Independent Person' may also be appointed to oversee the investigation and report independently to Children's Services.
- 2.7 The final decision rests with the Director regarding the outcome of the complaint. The Director will write to the complainant including a copy of the findings of the investigation report and the recommendations made.

Stage three: review panel

- 2.8 A review panel is convened when the complainant is either dissatisfied with a Stage 2 investigation or the response from the Director. The Panel comprises three independent people.

Adult services complaints

- 2.9 The NHS and Community Care Act 1990 and the Children Act 1989 placed a statutory requirement on local authority social care departments to have a complaints procedure in place. The legislation and associated guidance was prescriptive about how the procedure should operate in practice. The procedures for children and adults were broadly similar but subsequent Regulations led to changes.
- 2.10 There are some important differences in the operation of the complaints procedure between children's services and adults' services to meet statutory requirements.
- 2.11 The legislation requires Local Authorities to appoint a Complaints Manager, for Adult's and Children's Social Care who is responsible for the operation of the Complaints Procedure. This includes all aspects of activity:
- Managing, developing and administering the complaints procedure
 - Providing assistance and advice to those who wish to complain
 - Overseeing the investigating of complaints that cannot be managed at source
 - Supporting and training existing and new members of staff
 - Monitoring and report on complaints activity.

- 2.12 For Adult Social Care there was a significant change to the complaints procedure in 2009 with the introduction of Regulations with the objective of

delivering a consistent approach to complaints handling for both health and social care.

- 2.13 The key principles of the existing procedure are:
- **Listening** establishing the facts and the required outcome
 - **Responding** investigate and make a reasoned decision based on the facts/information and
 - **Improving** using complaints data to improve services and influence/inform the commissioning and business planning process.

The Local Government Ombudsman

- 2.14 Although complainants can refer complaints onto the Local Government Ombudsman (LGO) at any stage, the LGO will not normally investigate until the local authority have exhausted the complaint procedure including, in the case of children's services, holding a Stage 3 Review Panel.

Improvements

- 2.16 The council will continue to commit, adhere to and support the statutory complaints process, therefore putting service users first. The organisation will continue to improve the transparency and efficacy of the complaints process, increasing the current growing confidence on the part of service users to submit complaints with the understanding that the Council will take these seriously and respond. It will also continue to increase confidence amongst professionals through the use of 'good practice' from the statutory complaints process both internally and externally.
- 2.17 Robust relationship building, better understanding, recording, monitoring, evaluation, reporting and training will continue to contribute to raising awareness of the statutory complaints process, and identifying key themes and learning outcomes, which will assist the council to promote best practice throughout the directorates.
- 2.18 RBWM does not currently request demographic information from complainants; however, for equality monitoring purposes and in particular to identify whether all sections of the community are accessing the process, further work will be undertaken to improve the gathering and use of demographic data (race, gender and disability). This will, however, remain voluntary with service users not being obligated to provide this should they choose not to.
- 2.19 Adult Care Complaints responses are required to be proportionate to the issues raised. The only timescale in the process relates to the acknowledgement of the complaint, which is within three working days from receipt. Although the regulations do not stipulate a time frame for further response, the Royal Borough of Windsor & Maidenhead aims to respond within 10-20 working days. This fits with the Local Authority's Corporate

Complaint response time frame and the previous social care complaints regulations, and promotes good practice.

- 2.20 The One Stage response approach means staff must gauge how serious and what potential risks are involved with the complaint, and based on this carry out an appropriate investigation in to the complaint. This may be at Team Manager, Service Manager, Head of Service or Director-level. Depending on the complaint/complainant it may also be necessary to work with an independent investigating officer.
- 2.21 All complaints received, along with comments and compliments, are recorded on a complaints database. The database provides a formal record enabling monitoring of workflow, and is used to produce data on the number and types of complaints received by the directorate.

3. SUMMARY OF COMPLAINTS ACTIVITY, QUALITY ASSURANCE & LEARNING

- 3.1 It is important to stress that there could be many factors that affect the level or number of complaints, such as satisfaction, access to and awareness of the complaints process; the extent of promotional activity to raise awareness; outreach work and so on. Therefore a high level of complaints cannot be simply interpreted as negative, nor conversely does a low level of complaints necessarily reflect a strong service area and high satisfaction. The following should not be read as a commentary on the 'quality' of the Children's services social care function. Rather this report is intended to provide an overview on complaints activity captured during the period covering April 2015 – March 2016, how the Council responded to the complaints received and what learning has been adopted to improve practice and services.

Overview: Children's services

- 3.2 During the period 2015-16, 88 complaints were referred to Children's Social Care Services for investigation. This is more than in 2014-15 when 61 complaints were received.
- 3.3 Of the 88 complaints received during 2015-16:
- 12 (14%) related to the Child Protection service
 - 11 (13%) related to the Children in Need service
 - 5 (6%) related to the Children in Care service
 - 19 (22%) related to Children and Young People Disability services
 - 9 (10%) related to the Referral and Assessment service
 - 7 (8%) related to the Family Placements service
 - 3 (3%) related to Early Help services
 - 22 (24%) related to complaints about education

- Four complaints were withdrawn by the complainant after the investigation had commenced.
 - 81 (92%) of the complaints were investigated and responded to at stage 1.
 - 5 (6%) of the complaints were investigated and responded to at stage 2.
 - 2 (2%) of the complaints were investigated and responded to at stage 3.
 - There were 49 contacts recorded that were not complaints, of which 28 were from MPs or Councillors.
- 3.4 92% of all complaints recorded were resolved at Stage 1. The resolution of such a high percentage of complaints at Stage 1 is very positive and demonstrates that Social Care staff and the Complaints Co-ordinator are ensuring that the complainant's views and the outcomes they require are listened to and documented.
- 3.5 The timescale for dealing with Stage 1 statutory Children's Services Social Care complaints is 10 working days. However, this can be extended to 20 working days for more complex complaints or if additional time is required. Of the 88 that were received during 2015-16, 42% were responded to within timescales.
- 3.6 Complaints that were responded to outside of timescales were complex issues requiring further investigations. Where there is a delay in the process, the Complaints Co-ordinator will continue to liaise with the complainant, providing the reasons for the delay and negotiating new timeframes.
- 3.7 The Local Government Ombudsman (LGO) referred eight statutory complaints in 2015-16, which compares to three in 2014-15. Of the eight complaints referred, one was upheld.

Overview: Adults services

- 3.8 During the period 2015-16, 49 statutory complaints were referred to Adults Social Care Services for investigation. This is less than in 2014-15 when 78 complaints were received.
- 3.9 Of the 49 complaints received during 2015-16:
- 1 (2%) related to the Community Mental Health Team.
 - 3 (6%) related to the Community Team for People with Learning Disabilities.
 - 27 (55%) related to the Older People Team.
 - 6 (13%) related to the Safeguarding Team
 - 12 (24%) of complaints received were spread across the remaining service areas.
 - Two complaints were withdrawn by the complainants after the investigations had commenced.
 - 44 (90%) of the complaints were investigated and responded to at stage 1.

- 4 (8%) of the complaints were investigated and responded to at stage 2.
 - 1 (2%) of the complaints were investigated and responded to at stage 3.
 - There were 23 contacts recorded that were not complaints, of which 19 were from MPs or Councillors.
- 3.10 90% of all complaints recorded were resolved at Stage 1. The resolution of such a high percentage of complaints at Stage 1 is very positive and demonstrates that Social Care staff and the Complaints Co-ordinator are ensuring that the complainant's views and the outcomes they require are listened to and documented.
- 3.11 The Royal Borough of Windsor and Maidenhead's timescale for dealing with Stage 1 Adults Services Social Care complaints is 10 working days. However, this can be extended to 20 working days for more complex complaints or if additional time is required. Of the 44 that were received during 2015-16, 55% were responded to within timescales.
- 3.12 Complaints that were responded to outside of timescales were complex issues requiring further investigations. Where there is a delay in the process, the Complaints Co-ordinator will continue to liaise with the complainant, providing the reasons for the delay and negotiating new timeframes.
- 3.13 The Local Government Ombudsman (LGO) referred five statutory complaints in 2015-16, which compares with one in 2014-15. Of the five complaints referred, one was upheld.

4. COMPLIMENTS

- 4.1 In addition to logging complaints, the Council also logs compliments received by clients.

Children's compliments

- 4.2 For 2015-16 there were 19 compliments recorded. Almost 50% (9) of these related to events run by the Youth Service. Compliments received are fed back to the relevant service areas to ensure due recognition is given to staff. Positive practice is also flagged up at the monthly performance meeting to ensure that learning is shared and disseminated across the directorate.
- 4.3 Although higher than the 10 compliments noted in 2014-15, the number of compliments recorded for Children's Services remains low. It is likely that this constitutes an under-reporting of compliments. Improving this remains a priority and more is being done to raise awareness and improve practice in this area.

Adult compliments

- 4.4 For 2015-16 there were 44 compliments recorded, which is a decrease on 2014-15 figures of 61 compliments. 41 of these related to the exemplary practice, support and interventions by the short term team. Compliments received are fed back to the relevant service areas to ensure due recognition is given to staff. Positive practice is also flagged up at the monthly performance meeting to ensure that learning is shared and disseminated across the directorate.
- 4.5 It is likely that the decrease in compliments constitutes an under-reporting from most areas of Adults Services. Improving this remains a priority and more will be done to raise awareness and improve practice in this area.

5. REPRESENTATIONS

- 5.1 10 representations were made by children in care through their review process. This is a drop in the number of representations made in 2014-15 (58).
- 5.2 The representations from young people were reported separately from the 88 statutory complaints received through Children's services social care. Representations are logged according to eight generic categories; these were identified by the types of key themes being recorded during 2015/2016 (Complaints Analysis, page 11).
- 5.3 Where representations have been raised and upheld the young person's care plan has been amended accordingly. In addition the issues raised through representations form an integral part of case supervision and learning outcomes for the team and service area.

6. QUALITY ASSURANCE

- 6.1 The Complaint Co-ordinator carries out ad-hoc quality assurance checks of Stage 1 complaint responses to ensure the language and terminology used is made easy for the complainant to understand, particularly if the complaint is from a child, young person or a service user with specific needs. The findings including key themes and recommendations are shared with senior managers at quarterly meetings and reports.

7 LEARNING FROM COMPLAINTS

- 7.1 The number of complaints for Children's Services and Adult Services social care dropped in the last year. This will be further explored in future annual reports.

7.2 Complaints and concerns provide essential and valuable feedback from our clients and customers. Listening to customers and reflecting on examples of where we have not got it right can reveal or highlight opportunities for improvement (for example, a deficiency in practice, communication or service delivery). Even if a complaint is not upheld there can be learning from that complaint with improvements arising as a result. The complaints process and the feedback gained is an integral part of the quality assurance process, which feeds into the development and monitoring of services. Learning from complaints should be reviewed by Social Care teams regularly at their team meetings and form part of one to one supervision.

7.3 Effective recording, monitoring and evaluating of complaints enables the local authority to also celebrate good practice, and commend positive service delivery and implementation. Learning from best practice, is embraced by the local authority and disseminated to other service areas through Action Learning Sets. Detailed below are some examples of learning outcomes and service improvements made as a result of complaints received during the period 2015-16:

7.4 **Children's services**

- Explanations to be clarified for when SAR files are sent.
- Delay and drift around convening conference and lack of paperwork shared with parents in advance of the ICPC.
- Better communication needed.
- RBWM children's social care to ensure that communications happen in a timely manner.

7.5 **Adults**

- Implementing training and systems to try and ensure issues with delays are not repeated.
- TM discussed with SW who reflected on how she may have been perceived.
- Internal communication to be improved around letters/complaints received.
- Ensure staff respond to queries as they arise.

Appendix 1

CHILDREN'S AND ADULT'S SOCIAL CARE SERVICES – COMPLAINTS ANALYSIS 2014 – 15

1. METHODS USED TO MAKE A STATUTORY COMPLAINT

1.1 The most popular method of making a complaint (at Stage 1) was via email, 55 (40%) followed by letter 31 (22%) then online forms 27 (20%), with phone calls, face to face and those complaints where this was not recorded making up the final 23 (18%). All complainants are offered either a telephone discussion or a face-to-face meeting with the Complaints Co-ordinator or Investigating Officer at all Stages of the statutory complaints process.

2. DEMOGRAPHIC INFORMATION

2.1 RBWM does not currently request this information from complainants however for equality monitoring purposes and in particular to identify whether all sections of the community are accessing the process, further work will be undertaken to improve the gathering and use of demographic data (race, gender and disability). This will however remain voluntary with service users not being obligated to provide this should they choose not to.

2.2 The council will continue to commit, adhere to and support the statutory complaints process therefore putting service users first. The organisation will continue to improve the transparency and efficacy of the complaints process, increasing the current growing confidence on the part of the service users to submit complaints with the understanding that the Council will take these seriously and response. It will also continue to increase the confidence amongst professionals through the use of 'good practice' through the statutory complaints process both internally and externally.

2.3 Robust relationship building, better understanding, recording, monitoring, evaluation, reporting and training will continue to contribute to raising the awareness of the statutory complaints process, and identifying key themes and learning outcomes, which will assist the council to promote best practice throughout the directorate.

3. COMPLAINTS ABOUT CHILDREN'S SOCIAL CARE SERVICES

3.1 The following is an analysis of the complaints received relating to Children's Social Care Services during the year 2014-2015.

Figure 1: Total number of complaints received from 2008 onwards (including those resolved by ADR and eventually withdrawn)

Children's Services	2008	2009	2010	2011	2012	2013	2014	2015
	–	–	–	–	–	–	–	–
	2009	2010	2011	2012	2013	2014	2015	2016
Stage 1	47	31	22	18	43	90	61	81
Stage 2	1	2	1	1	1	2	0	5
Stage 3	1	1	1	0	0	0	0	2

Figure 2: Complaints received by Children's Services Teams

Teams	Number of Complaints	Percentage
Children in Need Service	11	13%
Children & Young People Disability Service	19	22%
Child Protection	12	14%
Permanency & Placement Service	7	8%
Referral & Assessment Team	9	10%
Safeguarding and Children in Care Service	5	6%
Early Help	3	3%
Education	22	24%
Total	88	100%

- 3.2 There were 17 complaint themes monitored. This is an increase on the number of themes monitored in previous years (9).
- 3.3 For 2015-16 the highest complaints received was around the theme 'unhappy with the decision made', which is one of the new themes. This is followed by 'attitude or behaviour of staff'. In 2014-15 the highest grouping of complaints was around service provision followed by conduct or poor practice of officers. Emerging trends will be analysed going forward.

Figure 3: Themes of stage 1 complaints received during 2015-16

Type of Complaint	Number	Percentage
Unhappy with the decision made	18	21%
Attitude or behaviour of staff	17	19%
Unhappy with how a situation/incident was handled	10	12%
Services being delivered at lower standard than is set out in our policy	6	7%
Inaccurate and wrong information was recorded or is on file, passed on	4	5%
Failed to respond at all	4	5%
Lack of action - did not do what we said we would do	4	5%
Safeguarding/LADO	4	5%

Breach of data protection	3	3%
Did not follow Policy, Rules, process or the law	3	3%
Failed to follow timescales	3	3%
Gave the wrong information	3	3%
Multiple reasons	3	3%
Objecting/disagreeing against an actual agreed policy	3	3%
Did not answer all questions asked	1	1%
Failed to take all information into account	1	1%
Not known	1	1%
Total	88	100%

Figure 4: The table below provides a breakdown on who made the complaint:

Who Made the Complaint	Number	Percentage
Parent/Step parent	71	81%
Extended Family	5	6%
Advocate	3	3%
Young Person	2	2%
Professional Officer	2	2%
Adoptive Parent	1	1%
Carer	1	1%
Ex partner of parent	1	1%
Legal	1	1%
Resident	1	1%
Total	88	100%

3.4 As in previous years the majority of complaints have been received from Parents followed by Extended Family members (at 71% and 6% respectively).

3.5 REPRESENTATIONS MADE BY CHILDREN IN CARE THROUGH THEIR REVIEW PROCESS

Figure 5: Types of CIC Representations received during 2015-16

Type of Representation	Number	Percentage
Contact Issues	0	0%
Financial Assistance	0	0%
Independent Living	0	0%
Locality of Placement	0	0%
Placement Issues (Generic)	1	10%
Return to Parental Care Issues	1	10%
Education Issues	1	10%
Social Worker Practice/Conduct	4	40%
Conduct of foster carers	2	20%
Other/Inadequate Care	1	10%
Total	10	100%

4. COMPLAINTS ABOUT ADULT'S SOCIAL CARE SERVICES

4.1 The following is an analysis of the complaints received relating to Children's Social Care Services during the year 2014-15.

Figure 1: Total number of complaints received from 2008 onwards

Adult Services	2008 –	2009 –	2010 –	2011 –	2012 –	2013 –	2014 –	2015 –
	2009	2010	2011	2012	2013	2014	2015	2016
Stage 1	43	34	19	16	49	78	21	44
Stage 2	2	2	1	0	0	3	0	4
Stage 3	1	1	1	0	0	0	0	1

Figure 2: Complaints received by Adult Services Teams

Teams	Number of Complaints	Percentage
CMHT	1	2%
CTPLD	3	6%
Safeguarding	6	13%
Older people	27	55%
Adult disability	3	6%
Drugs and Alcohol team	1	2%
Housing options	8	16%
Total	49	100

4.2 There were 17 complaint themes monitored. This is an increase on the number of themes monitored in previous years (9).

Figure 3: Themes of stage 1 complaints received during 2015-16:

Type of Complaint	Number	Percentage
Attitude or behaviour of staff	8	16%
Unhappy with how a situation/incident was handled	7	15%
Unhappy with the decision made	6	12%
Lack of action - did not do what we said we would do	6	13%
Failed to follow timescales	4	8%
Failed to respond at all	4	8%
Services being delivered at lower standard than is set out in our policy	4	8%
Multiple reasons	3	6%
Safeguarding/LADO	3	6%
Objecting/disagreeing against an actual agreed policy	2	4%
Failed to advise correctly on appeal or next steps	1	2%
Inaccurate and wrong information was recorded or is on file, passed on	1	2%
Breach of data protection	0	0%

Did not answer all questions asked	0	0%
Did not follow Policy, Rules, process or the law	0	0%
Failed to take all information into account	0	0%
Gave the wrong information	0	0%
Total	49	100

Figure 4: The table below provides a breakdown on who made the complaint:

Who Made the Complaint	Number	Percentage
Service user	19	39%
Child of service user	12	24%
MP	7	14%
Parent of service user	3	6%
Extended Family	2	4%
Legal representative	2	4%
Spouse or partner	2	4%
Professional	1	2%
Advocate	1	2%
Total	49	100%

- 4.3 The majority of complaints have been received from service users, followed by children of service users (at 39% and 24% respectively).

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