

AGENDA MANAGEMENT SHEET

Name of Committee Children, Young People And Families
Overview And Scrutiny Committee

Date of Committee 23rd January 2008

Report Title Report of the Complaints Task and Finish Group

Summary This report contains the views and recommendations of the Complaints Task and Finish Group.

For further information please contact: Michelle McHugh
 Overview and Scrutiny Officer
 Tel: 01926 412144
 michellemchugh@warwickshire.gov.uk

Would the recommended decision be contrary to the Budget and Policy Framework? No.

Background papers None

CONSULTATION ALREADY UNDERTAKEN:-

Details to be specified

- Other Committees
- Local Member(s) Not applicable
- Other Elected Members Cllr Dill-Russell, Cllr Grant – *Thanks to the Task Group for their work. It is now for the Committee to consider the findings.* Cllr Timms, Cllr Wells, Cllr Whitehouse,
- Cabinet Member Cllr Burton, Cllr Seccombe
- Chief Executive
- Legal Victoria Gould
- Finance
- Other Chief Officers David Carter - Strategic Director for Performance and Development, Marion Davis - Strategic Director for Children, Young People and Families
- District Councils

Health Authority

Police

Other Bodies/Individuals

FINAL DECISION NO

SUGGESTED NEXT STEPS:

Details to be specified

Further consideration by this Committee

To Council

To Cabinet

To an O & S Committee

To an Area Committee

Further Consultation

Agenda No

Children, Young People and Families Overview and Scrutiny Committee - 23rd January 2008.

Report of the Complaints Task and Finish Group

Report of the Chair of the Complaints Task and Finish Group

Recommendation

The Committee is recommended to agree the recommendations of the Complaints Task and Finish Group contained in this report.

At the meeting of the Children, Young People and Families Overview and Scrutiny Committee on 14th September 2006 the Committee resolved to establish a working group of Councillors to identify a way of involving Councillors in the complaints process. Councillors Dill-Russell, Ross and Wells formed the Complaints Working Group as requested by the Committee. Following their initial meetings, the Working Group reported back to the Children, Young People and Families Overview and Scrutiny Committee on 14th December 2006. It was the view of the Complaints Working Group that the focus should not be placed on Member involvement in the process, but upon Councillor awareness of the trends of complaints, the effectiveness of the mechanisms employed to deal with complaints and the ability of these mechanisms to lead to service improvements. The Complaints Working Group recommended that a Task and Finish Group be established under the Children, Young People and Families Overview and Scrutiny Committee to address these issues. The Committee agreed with this recommendation and Councillors Dill-Russell, Ross and Wells formed the Task and Finish group to undertake this new remit. This report contains the views and recommendations of the Complaints Task and Finish Group.

CLLR JOHN ROSS
Chair of the Complaints Task
and Finish Group

Shire Hall
Warwick

14 January 2008

Report of the Complaints Task and Finish Group

January 2008

1. Background

- 1.1 At the meeting of the Children, Young People and Families Overview and Scrutiny Committee on 14th September 2006, the Customer Relations Manager, outlined the social care complaints and representations policy and procedure for children, young people and families. The Committee were informed that guidance from the DfES (as was) outlined the requirement for an independent Panel at stage three of the complaints procedure. Previously, these panels had been chaired by an independent person, with one or two Councillors representing the Council. The Committee noted their regret that Councillors would no longer serve on the Panels and resolved to establish a working group of Councillors to identify a way of involving Councillors in the process.

2. Members of the Panel



Cllr Dill Russell



Cllr Ross
Chair of the Task and
Finish Group



Cllr Wells

- 2.1 Councillors Dill-Russell, Ross and Wells formed the Complaints Working Group as requested by the Committee. Following their initial meetings, the Working Group reported back to the Children, Young People and Families Overview and Scrutiny Committee on 14th December 2006.
- 2.2 It was the view of the Complaints Working Group that whilst the inclusion of Councillors on the independent panel at stage three of the social care complaints process would be missed, this would only affect a small number of Councillors who had experienced such panels. Therefore the Working Group felt the focus should not be placed on Member involvement in the process, but upon Councillor awareness of the trends of complaints, the effectiveness of the mechanisms employed to deal with complaints and the ability of these mechanisms to lead to service improvements. The Complaints Working Group recommended that a Task and Finish Group should be established under the

Children, Young People and Families Overview and Scrutiny Committee to address these issues. The Children, Young People and Families Overview and Scrutiny Committee agreed with this recommendation.

- 2.3 The remainder of this report outlines the subsequent work of the Complaints Task and Finish Group in relation to the changed remit:
1. To identify how elected members can increase their awareness regarding the trends in complaints
 2. To establish whether mechanisms employed to deal with complaints are effective
 3. To establish the ability of mechanisms employed to lead to service improvements
- 2.4 This report includes the Task and Finish Group's key findings and recommendations for improvement.

3. Process

- 3.1 The members of the Task and Finish Group agreed that in order to be able to carry out the task they would require some in-depth training. Each member of the Task and Finish Group was offered a one-to-one session with the Customer Relations Manager and a member of the Customer Relations Team or Pupil and Student Services Team. The Task and Finish Group then invited a representative from the Local Government Ombudsman's Office to provide a detailed training workshop on complaints procedures aimed specifically at members and senior officers.
- 3.2 Rob Stay, Assistant Local Government Ombudsman delivered a training session on 23rd February 2006.
- 3.3 From the training given, the Task and Finish Group were able to establish the essential qualities of a good complaints system, key elements of a complaints process and things that are likely to go wrong with complaints procedures. These are outlined below:

3.4 Essential qualities of a good complaints system:

Well publicised	Easy to use	Helpful and receptive
Non-adversarial	Fair and objective	Clear procedures
Timely responsiveness	Thorough	Rigorous
Decisive	Consistent	Comprehensive
Sensitive	Resourced	Monitored and analysed
Fully supported by Councillors and officers		

3.5 Five key elements of a complaints process

1. Identifying the complaint properly – identify areas that do not warrant investigations and condense complaint into a manageable summary
2. Investigate – planning, gathering evidence, review and analyse, evaluate

3. Making the decision – often a judgement call on the level of probability
4. Communication – decisions and processes properly communicated
5. Resolving – in an appropriate manner

3.6 Things that could go wrong with complaints procedures

Timeliness	Lack of appropriate remedy	Inappropriate identification of complaint
Lack of information	Lack of clarity and decision making	Inadequate investigation
Insensitive	Not covering all the issues	Not following complaints procedures

3.7 The Task and Finish group decided to use the information gained from the training to review the relevant complaints procedures for Children Social Care Complaints and Education Complaints. The Task and Finish Group then analysed a selected sample of anonymised stage one, two and three cases of children social care and education complaints.

Education Complaints

3.8 The County Council has a statutory duty to ensure all school have a complaints procedure. There are 4 stages for an Education complaint:

Stage 1 – The informal Stage which falls inside the Schools Complaints Procedures, where complainants are encouraged to discuss their concerns with Headteachers or another senior member of staff

Stage 2 – The Formal Stage which falls inside the Schools Complaints Procedures, where complainants submit a formal complaint to the governing body. Most education complaints are resolved at this stage of the process.

Stage 3 - If the Schools Complaints Procedure has completed and the complainants are not satisfied with the outcome, they can submit their complaint to the Children, Young People and Families Directorate. This will then fall into stage 2 of the corporate complaints procedure (see below). At this stage the Directorate would consider whether the school had followed the correct procedure.

Stage 4 – If the complainant is not satisfied with the outcome of stage 3 they can submit their complaint to the Secretary of State and/or the Local Government Ombudsman.

3.9 It is important to note that the Directorate does not have an overall picture of education complaints, as the vast majority of education complaints are dealt with directly by schools. Therefore it is difficult to identify trends in stage 1 and 2 of education complaints.

Children's Social Care Complaints

- 3.10 The four stages of Children's Social Care Complaints is outlined below:
- 3.11 **Stage 1 Local Resolution:** This will normally be conducted by the local team manager who will attempt to resolve the complaint within 10 working days.
- 3.12 **Stage 2 Independent Investigation:** If the complainant is not satisfied with the outcome of the complaint at Stage 1 they can ask for their complaint to be formally investigated. The Council will normally commission an external investigator to review the complaint. The investigation will be co-ordinated and performance-managed through the Customer Relations Team. The Customer Relations Team aim to send a report of the investigation to the complainant within 25 working days, in some circumstances it will be necessary to amend this timescale in consultation with the complainant. All investigations aim to be completed within 65 working days.
- 3.13 **Stage 3 Review Panel:** If the complainant is not satisfied with the outcome and recommendations at Stage 2, an independent review panel will be established. This panel will consist of three independent people. The panel will consider the complaint, whether it has been properly investigated and why the complainant is dissatisfied with the outcome. The panel will make recommendations for resolution to the Strategic Director for Children, Young People and Families. The Strategic Director will then be responsible for responding to the complainant. This is the end of Warwickshire County Council's Children's Social Care Complaints Procedure.
- 3.14 **Stage 4 Local Government Ombudsman:** If the complainant is not satisfied with the outcome and recommendations made by the Council's Children's Social Care Complaints Procedure, the complainant is able to refer the complaint to the Local Government Ombudsman.
- 3.15 To encourage learning and to identify trends in complaints the Customer Relations Team record and monitor all social care complaints received detailing the complaint, the decisions made, the action taken and any consequential issues that arise during the complaints process.
- 3.16 **Case Studies** – The Task and Finish Group then reviewed a sample of stage 1, 2 and 3 education and child social care complaints to analyse:
- Whether the procedures were being appropriately employed,
 - Whether the procedures are effective for dealing with complaints and,
 - Whether opportunities for learning were being fully realised.

4. Key Findings and Recommendations

Effectiveness of mechanisms employed to deal with complaints

- 4.1 The Task and Finish Group conclude that the procedures and processes used to deal with complaints are effective. However, concern was raised regarding

the ability to meet national service standards in relation to the time taken to deal with complaints, particularly relating to social care complaints. Whilst it is acknowledged that it is preferable to undertake complaints processes slowly and correctly, as opposed to quickly and incorrectly, it is important to try to establish why the County Council is unable to meet the national service standards. **Therefore, it is recommended that the Customer Relations Manager undertakes a comparative analysis on the performance of similar authorities to identify whether this is a national pattern and report back to the Children, Young People and Families Committee within 6 months.**

Ability of mechanisms to lead to service improvements

- 4.2 During the review concern was raised regarding the ability of the Customer Relations team to access meetings within the Children, Young People and Families Directorate to discuss general issues surrounding complaints. Inevitably this has an impact upon the Directorate's ability to learn from complaints and consequently improve services. In respect to Children's Social Complaints, there had been many changes made by the Directorate with changes to responsibilities, including the move to the Performance and Development Directorate of the Customer Relations Team. Whilst work is being done to improve co-ordination, the Task and Finish Group are strongly of the view that this needs to be given high priority. **Therefore it is recommended that the Strategic Director for Children, Young People and Families and the Customer Relations Manager be asked to investigate how the profile of complaints can be raised within the Directorate as a mechanism to lead to service improvement, and report back to the Children, Young People and Families Overview and Scrutiny Committee in 6 months time.**

Member awareness of complaints trends

- 4.3 The Task and Finish Group welcomed the opportunity to take an in-depth look at the complaints procedures. As the procedures are demonstrably effective, it is recommended that Annual Complaints Reports continue to be sent to the Children, Young People and Families Overview and Scrutiny Committee via email, with the Committee then scrutinising any issues which members may identify. However, to enable members to become fully aware of the trends in complaints, **the Task and Finish Group recommend that more detail is provided regarding the trend in actual numbers of complaints regarding specific issues, as opposed to percentages.** This will allow a clear direction of travel to be identified as percentages can be misleading. For example, if complaints regarding a particular issue were 10% of 100 complaints one year and amounted to 9% of 200 complaints the following year, this may give the impression that complaints have reduced in this area, when in reality they have increased.

5. Final Comments

- 5.1 The Task and Finish Group would like to take this opportunity to acknowledge the work that is being undertaken by the Customer Relations Team and the

Student and Pupil Services Team and extend our thanks and appreciation to the officers who contributed to this review.

6. Summary of Recommendations

- A. The Customer Relations Manager undertakes a comparative analysis on the performance of similar authorities to identify whether this is a national pattern and report back to the Children, Young People and Families Committee within 6 months.
- B. The Strategic Director for Children, Young People and Families and the Customer Relations Manager be asked to investigate how the profile of complaints can be raised within the Directorate as a mechanism to lead to service improvement, and report back to the Children, Young People and Families Overview and Scrutiny Committee in 6 months time.
- C. More detail is provided regarding the trend in actual numbers of complaints regarding specific issues, as opposed to percentages.