

CREATING OPPORTUNITIES AND TACKLING INEQUALITIES SCRUTINY COMMITTEE	Agenda Item No. 5
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Report of the Service Director Children's Services and Safeguarding

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CHILDREN'S (SOCIAL CARE) SERVICES STATUTORY COMPLAINTS PROCESS (CHILDREN ACT 1989) ANNUAL REPORT 2014/15

1. PURPOSE

This is the annual report submitted to Scrutiny Committee about Children's (Social Care) Services statutory complaints process.

2. RECOMMENDATIONS

Scrutiny Committee are requested to consider the report and make recommendations for further scrutiny if deemed appropriate.

3. LINKS TO CORPORATE PLAN, SUSTAINABLE COMMUNITY STRATEGY AND LOCAL AREA AGREEMENT

The annual complaints report is a fundamental part of the corporate plan, the Sustainable Community Strategy and the Local Area Agreement.

4. BACKGROUND

4.1 The statutory complaints process covered by this report applies to complaints presented by or on behalf of 'children in need' or 'looked after' (meaning in the council's care) as defined by the Children Act 1989. Effectively this means those children in receipt of social care services.

4.2 The complaints process aims to provide additional safeguards for children and young people and to empower them to express their views about services they receive. A young person may make a complaint directly or an adult (parent, carer, relative or advocate) may act on their behalf. The city council provides an independent advocacy service, as required by law, and therefore a number of children are supported by that means.

4.3 There has been recent debate about whether this statutory process is still fit for purpose and whether it should be revised. The Local Government

Ombudsman recently published a focus report about this and this is attached as Appendix 1. The LGO do not have the jurisdiction to make a decision on this issue and the statutory process needs to continue to be followed until any changes are made.

- 4.4 Complaints data contributes evidence to the Annual Performance Assessment and Ofsted inspections of services. This information demonstrates how far the concerns of service users are reflected in changes to services which improve outcomes for children and young people. Evidence that children and families know how to complain and do make complaints is seen as positive evidence of their empowerment. Complaints therefore must always be investigated in a spirit of openness and learning, although of course not all complaints will be justified and upheld.
- 4.5 The Central Complaints Office has been responsible for the statutory complaints process for Children’s Social Care since 2010. The team are able to provide performance data on a weekly basis to the senior management team within social care to ensure overdue complaint responses are prioritised. Their role involves talking with service users who want to complain to provide guidance and support, making sure the complaint is passed through to the relevant manager to respond to and that timescales are monitored. If the customer is not happy at any part of the complaints process the complaints team continue to provide help and support until the issue is finally resolved or referral to the Local Government Ombudsman is made.

5. COMPLAINT VOLUMES AND PERFORMANCE

5.1 Statutory Complaints recorded for Children’s Social Care Services:

Total Complaints Received in 2013/14			
	12/13	13/14	14/15
Informal Complaint – Resolved within 72 hours	15	10	5
Stage 1 complaint – Logged as formal complaints	75	98	105
Frozen Not accepted due to court action	4	0	0
Withdrawn	0	6	4
Straight to Stage 2	0	1	2
Only reviewed at LGO	0	1	0
TOTAL	94	116	116

- 5.2 There has been no increase in complaints for Childrens Social Care this year. There had been increases in volumes each year since 2010 when Customer Services started to provide the complaint monitoring function of Children's Social Care. Before this the complaints were processed by a member of staff who worked for Children's Social Care. Now that the complaint function is separate to the department there is now much more confidence that complainants are able to contact the complaints team direct and complaint numbers reflect a true picture of the level of dissatisfaction with the service.
- 5.3 A low percentage of complaints have been resolved informally this year with only 5 complaints resolved in this way. It is not always possible to resolve complaints within a few days where matters are complex or workloads do not allow the matter to be given immediate focus. Complaints where early resolution is not possible will be recorded and sent to the appropriate team manager on the day of receipt. The team manager will be given a deadline for response and the complainant will be sent a written acknowledgement from the complaints team by Day 3. Whilst waiting for response from the team manager the complainant will continue to have access to the complaints team if they are concerned or need to bring other matters to the attention of the department before the manager has contacted them.
- 5.4 Sometimes complaints are made and then withdrawn before a response is made and this can be for a variety of reasons. This year four complaints were withdrawn. Sometimes complaints cannot be investigated due to conflicting legal or criminal proceedings. In such cases the Complaints Manager confirms to the complainant that the complaint is withdrawn and where appropriate gives them a right to resubmit complaints when the Judicial or Police action is completed. One such case occurred this year. Sometimes it is possible to look at some aspects of a complaint whilst legal proceedings are in progress if the issues fall outside of the court's remit. Two of these complaints were withdrawn by the complainants themselves as they had decided not to proceed. The remaining complaint was withdrawn after a young person withdrew their authority for their mother to make a complaint on their behalf.

Stage 1 Complaints Performance

- 5.5 As you can see in Table 2 there has been an improvement this year in the average number of days to respond to a complaint at Stage 1. Performance is monitored weekly against this target by the senior management team. The regulations say that the majority of complaints at Stage 1 of the process should be responded to within 10 days and the aim is to bring the average down to this level.

Table 2: Stage 1 Responses Sent within 20 working days		
	2013/14	2014/15
Responses sent within 20 working days	65%	70%
Average Days to Respond	20	17

5.6 For the past three years a Conciliation process has been in place which is optional for complainants and allows them to request a meeting with a senior manager and the complaint manager if unhappy with the initial response to their complaint. The aim is to try to reach a resolution as early as possible without the need to progress to Stage 2 independent investigation. This process is being increasingly used to resolve complaints. Thirteen cases had conciliation meetings this year, almost double the rate from last year and of these only one case was not resolved and was escalated to Stage 2. This success rate shows that the conciliation process is a very useful addition to the process.

5.7 During the year there were seven cases where a Stage 2 independent investigation began. However only three of these cases were for complaints which were made in 2014/15 which is the same percentage as the previous year. Two of the remaining complaints were made in the previous year and the other two cases were revisited by the complainants from complaints made two years previously. Although under the statutory process it is possible to refuse complaints that are made more than 12 months after the issue complained about happened this facility has to be used with caution. The regulations state that as this complaints process is designed for children to use we should take into account that young people may not have the ability or the confidence to raise issues at the time they are happening.

6. COMPLAINT OUTCOMES

Table 3

OUTCOME OF STAGE 1 & INFORMAL COMPLAINTS				
OUTCOME	Complaints	Not Upheld	Partially Upheld	Upheld
Adoption	2	2	0	0
Children with Disabilities	4	0	2	2
Conferencing and Review	2	1	0	1
Family Support	54	20	25	8
First Response	16	5	7	4
Fostering	1	1	0	0
Leaving Care	11	2	5	4
Looked After Children	22	4	14	4
TOTALS	112	36 (32.5%)	53 (47%)	23 (20.5%)

- 6.1 Comparing the upheld rate with 2013/14 there has been a decrease in complaints being fully upheld from 31% to 20.5%. The partially upheld category has increased from 28.5% to 47%. There has been a slight fall in the number of complaints being recorded as not upheld.

Table 4

OUTCOME OF STAGE 2 COMPLAINTS COMPARISON			
YEAR	2012/13	2013/14	2014/15
Upheld	1	1	1
Partially Upheld	6	0	3
Not Upheld	0	0	2
Under Investigation	0	2	1

- 6.2 Over the past 3 years complaints at Stage 2 have been either upheld or partially upheld. In table 4 we can see that this year we have seen two Stage 2 complaints which have been Not Upheld following independent investigation. Stage 2 complaints are time consuming and expensive but under the current regulations we are not permitted to refuse to proceed with a complaint where we consider there is no merit to the complaint or if the complaint is clearly not in the best interests of the child. This highlights why many complaint managers for Children Social Care are raising questions about the validity of the current statutory process as highlighted in the LGO report attached as Appendix 1.
- 6.3 There was only one case which had a Stage 3 panel this year – the decision on this case did not change from the Stage 2 outcome which was to Partially Uphold the case. The customer remained dissatisfied and referred the matter to the Local Government Ombudsman who declined to investigate further.
- 6.4 When a complainant is not happy with the outcome of their complaint at the end of the complaints process they have the right to approach the Local Government Ombudsman (LGO) with their concerns. The LGO are independent and can make various decisions in regards to complaints they receive. The LGO decided to investigate only 3 cases about Childrens Social Care at Peterborough City Council in 2014-15 and there were no findings against the Council from any of these three cases.

7. ACCESSIBILITY

Table 5. Who is making Complaints?	2012/13	2013/14	2014/15
Children	13	14	18
Parents/Guardians	62	85	84
Carers	0	0	1
Foster Carers	6	8	1
Prospective Adopters	0	0	1
LAC (now Adult)	3	0	2
Friend (with sufficient interest)	0	1	0
Relatives	10	8	9
Total	94	116	116

- 7.1 We continue to see an increase in the percentage of complaints being made by young people. Although this complaints process is designed for the use of children and young people in reality it is generally parents who complain about the involvement of Children's Social Care with their family. Some councils report that they receive very few complaints from young people and perceive this as an issue because they are not sure young people in their area find the complaints process accessible. In Peterborough we have seen a steady increase in complaints from children. At the very least this indicates that young people are aware of their rights to complain and have access to the process. Complaints from Looked After Children are monitored throughout the year by Corporate Parenting Panel and the Children in Care Council provide feedback to ensure that the message about how to complain gets out to those young people who are in the care of the Local Authority.
- 7.2 Independent Advocacy support is available for any young person considering a complaint. This service is currently provided by National Youth Advocacy Service (NYAS). In the past year eight young people were supported by NYAS in raising their complaints which is a lower percentage than the previous year. Whilst young people are clearly made aware of the advocacy service and are being supported in making contact with the complaints process these numbers clearly illustrate that young people also feel able to complain without an advocate.

8.0 Complaint Categories

Table 6: Complaint Categories

Nature of Complaint	2012/13	2013/14	2014/15
About Legislation	5	0	0
About Policy	2	6	3
Breach of Confidentiality	1	1	4
Broken Promise/Appointment	2	0	1
Delay/Failed Service	46	47	64
Denial/Withdrawal/Change Service	5	5	6
Lack of /Incorrect Information	3	3	3
Not to Standard	6	14	16
Staff Attitude/Conduct	24	39	19
Other	0	1	0
Total	94	116	116

8.1 Until last year the annual report only looked generally at the categories of complaint made against Children’s Social Care not individual teams within the service. Last year it was requested that further detail was provided about which teams in the service were receiving complaints and if there were any common themes. So a further report was produced providing this further detail. As requested I have provided this type of analysis in this annual report and will ensure this level of data is available in future reports to aid the scrutiny process.

8.2 Further Category Analysis

Complaints are categorised into 10 nationally recognised categories by complaint services to help identify why complaints occur and to allow focus on the main areas of contention. Our complaints software allows analysis of these categories further by team and in terms of the outcome of the complaint. By focusing on the main complaint reasons and then the main teams where complaints occur we hope to reduce the need for clients to complain by looking to improve the service they receive.

From the table above it is clear that most of the complaints are being received about three main categories:

- Delayed Failed Service
- Staff Attitude/Conduct
- Not to Standard

These are the same top 3 categories as the previous year.

8.3 Delayed/Failed Service Complaints

The most common cause of complaint was Delayed/Failed Service.

Sixty four complaints were received where the customer believed that there had been a delay or a failure in the service they were expecting. Although there has been no increase in the complaint numbers this year more of the complaints have been about this issue.

Children Social Care teams are challenged by high work volumes and conflicting priorities and have a series of controls and checks in place to constantly monitor performance against these deadlines many of which are statutory timescales that govern the work that they do with families. They aim for a high level of compliance with these statutory timescales and there are daily and monthly scorecards which are reviewed by the senior management team which allow them to identify where the stress points are and how these can be managed. It should be taken into account that many families do not want the intervention of Social Care and are keen to bring matters to a conclusion quickly making their expectations of the service unrealistic. However, where delays have been unreasonable, managers are accepting of this, they offer an apology to the family and sometimes a change of social worker if the workload needs to be re-balanced.

8.4 Illustrated in Table 7 are the 3 teams within Childrens Social Care that receive the majority of these complaints.

Table 7.

Delayed/Failed Service Complaints					
Team	Complaints Received	Complaint Upheld	Complaint Partially Upheld	Complaint Not Upheld	No Finding
Family Support	29	5	8	13	3
Looked After Children	15	4	9	1	1
Leaving Care	9	3	5	0	1

8.4.1 Family Support Teams

Nearly half of the complaints were not upheld which is a higher percentage than last year. Although the Family Support team saw a large volume of complaints in this category they have the largest case load and the highest volume of workers.

Where complaints have been upheld, fully or partially there were a variety of issues.

Examples of some upheld cases:

- Apology offered that minutes of a meeting were not received by the parent in a timely manner.
- Apology offered when a meeting was cancelled but the parent was not advised and they attended and no one else did.
- Apology offered that family was not kept adequately informed by the social worker and did not return calls.

8.4.2 Looked After Children Teams

A high percentage of the complaints for this team were either Upheld or Partially Upheld.

However, when analysing the data it is clear that the complaints upheld under this category for Looked After children were not for the failure to adhere to statutory timescales.

Examples of the complaints upheld are:

- Apology offered for lack of returned calls and getting through to the service by telephone.
- Acknowledgement that communication could have been better and that contact sessions did not take place as planned.
- Agreement that a weekend respite placement should be funded to support the family.

These are the type of complaints that are being upheld where the team recognise the delay or failure to provide the service was their responsibility.

8.4.3 Leaving Care Team

There has been an increase in complaints made about the Leaving Care team this year who received a total of 12 complaints against 5 the previous year.

All of the leaving care complaints about Delayed or Failed service were upheld or partially upheld.

Examples of these are:

- Complaint that a pathway plan was not followed – Passport and Driving Licence now been offered.
- Unhappy with level of support provided.
- Young person unhappy they do not have a named leaving care worker – Apology given – named worker allocated to young person.

8.5 **Staff Conduct/Attitude Complaints**

The second highest complaint category was still Staff Conduct/Attitude but this has fallen substantially this year with 19 complaints in this category

against 39 the previous year.

There were only 3 teams who received complaints of this type in the department in 2014-15. These are shown in Table 8 below:

Table 8

Staff Conduct/Attitude					
Team	Complaints Received	Complaint Upheld	Complaint Partially Upheld	Complaint Not Upheld	No Finding
Looked After Children	2	0	1	1	0
Family Support	13	0	4	9	0
First Response	4	0	3	1	0

It should also be noted that none of these complaints were categorised as Upheld and the majority were not Upheld with 8 Partially Upheld. This is a substantial improvement from last year.

Whilst the Family Support team saw the majority of these complaints these have decreased by over 50% for this team compared to the previous year. There are no concerns which highlight any particular team.

Examples of the type of complaint partially upheld in this category are:

- Social worker should have asked the parent's permission when taking pictures of the child's home – apology issued that she did not.
- Social worker did not keep in regular contact with young person and should have informed him about a panel decision which affected him – Apology issued.
- Parent felt social worker was judgemental and team manager agreed to attend next meeting to observe the interaction between parent and social worker.

8.6 It is due to the nature of the work that social care must undertake with families that family members will sometimes become angry and difficult to engage with and may seek to retaliate at the intrusion of Childrens Social Care staff in their lives by making complaints about individual workers. This year there are no Upheld cases which indicates that many of these accusations were unsubstantiated. Where a complaint is partially upheld the team manager will speak to the individual worker and give them feedback about how they can improve their approach to ensure they can engage more effectively with their client group to minimise distrust and uncertainty.

8.7 **'Not to Standard' Complaints**

The third most common category of complaint was Not to Standard for the 2nd year. This is where the customer is generally dissatisfied with the service provided and does not think it is acceptable. There were 16

complaints in this category and they were predominantly about two teams.

Table 9

Not to Standard					
Team	Complaints Received	Complaint Upheld	Complaint Partially Upheld	Complaint Not Upheld	No Finding
Family Support	8	2	4	2	0
First Response	4	1	2	1	0

Example of complaints upheld in this category:

- Customer received a report with the wrong names of family members. Apology was offered and information corrected.
- Unhappy worker did not turn up to meeting. Apology was offered.
- Contact sessions cancelled without due notice. Apology offered and extra contact sessions organised to compensate.

9.0 SERVICE IMPROVEMENTS

9.1 Where a complaint results in a recommendation which could lead to a change in the service delivery or a procedure this is followed through to ensure the learning from this is spread across the service. There were 13 cases where a service improvement was identified and delivered in 2014/15 and these are detailed in Appendix 2.

9.2 By analysing the main complaint categories where complaints have been justified it is clear that there are several reoccurring issues which happen across the department:

- Telephone Calls not being returned.
- Meetings cancelled by Social workers with little or no notice.
- Contact sessions not being organised or cancelled at short notice.
- Minutes of meetings not sent out promptly in advance of next meeting.
- Reports including spelling mistakes or inaccurate information.

9.3 The department need to develop an improvement plan around these common areas of complaint.

10.0 IMPLICATIONS

10.1 Implications arise for the continuous improvement of children's social care services and the annual performance assessment whereby it will be demonstrated that complaints are received and responded to in accordance with the statutory process and lessons learnt from complaints are fed into service improvements.

11.0 EXPECTED OUTCOMES

- 11.1 It is expected that the panel will consider this report and the potential for further areas of scrutiny.

12.0 BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 12.1 Statutory Instrument 2006 No.1738 The Children Act Representations Procedure (England) Regulations 2006
<http://www.opsi.gov.uk/SI/si2006/20061738.htm>

- 12.2 Getting the Best from Complaints – Social Care Complaints and Representations for Children, Young People and Others
<http://www.everychildmatters.gov.uk/resources-and-practice/IG00152/>

13.0 APPENDICES

- 13.1 Appendix 1 – Childrens Social Care complaints process – LGO report
13.2 Appendix 2 - Service Improvements 2014-15

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