

CREATING OPPORTUNITIES AND TACKLING INEQUALITIES SCRUTINY COMMITTEE	Agenda Item No. 8
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Report of the Director of Children's Services

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CHILDREN'S (SOCIAL CARE) SERVICES STATUTORY COMPLAINTS PROCESS (CHILDREN ACT 1989) ANNUAL REPORT 2009

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 are three stages to the statutory complaints process:

- Stage 1, requiring a response within 10 working days and a maximum of 20 in exceptional circumstances
- Stage 2, requiring independent investigation within 25 working days and a maximum of 65 in exceptional circumstances
- Stage 3, requiring presentation to an independent complaint review panel within 50 working days.

The aim is for complaints to be resolved at the lowest possible level and only to be escalated if not resolved in earlier stages or if investigations in earlier stages are unacceptably protracted. Complaints at stage 1 are investigated by the manager responsible for the team or service and in all cases, the manager is expected to engage with the complainant to clarify the nature of their complaint and seek resolution as swiftly as possible, making a formal adjudication on the

complaint. Where a complaint is not resolved at Stage 3, the complainant may appeal to the local government ombudsman who may choose to investigate and overturn the local authority's response.

- 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 Most complaints are resolved at Stage 1. However, not all complaints will be resolved within the reporting year, particularly if they progress to stage 2 and 3. Annual figures therefore represent a snapshot of complaint activity at the end of the reporting period.

5. KEY ISSUES

Statutory Complaints concerning Children's Social Care Services 2009

Table 1: Complaints and complainants in 2009

From	No.	No. Upheld	No. resolved in 10 or 20 working days	No. ongoing
Children	2	1	0	0
Carers	6	3	1	1
Other	16	4	7	1
Professionals	2	0	1	1
Parents	26	8	9	1
Totals	52	16	18	4

Note: While most complainants are parents or carers, some children do use the process themselves. Carers' complaints are not eligible for the Children Act 1989 procedure unless they complain on behalf of a named child – this number includes foster carers.

- 5.1 The process is publicised through leaflets and information provided to children and young people who are 'looked after', similar information is also available to any council service-user, parent carer relative or their representative. Table 1 (above) shows adults are more likely to use the formal process than children and young people themselves, so they are reminded of their right to questions, challenge or complain at each statutory child care review (for looked after children and young people) and/or Child Protection Conferences.
- 5.2 Independent Advocacy support is available for those meetings or for any young person considering a complaint. Where such support is not required (e.g. a foster carer might present a child's complaint), the complaint may still go ahead and in the past year the figures show all such complaints were resolved at Stage 1. Where delay is unacceptable to the complainant, the complaint may be escalated to Stage 2, stressing the need for agreement and negotiation at all points in the process. The process thus encourages self-assertion and rewards patience. During 2009, independent advocacy was used in presenting 8 statutory complaints, 7 of which were successfully resolved.
- 5.3 During 2009, one complaint was escalated to Stage 3 of the process, where the Independent Complaint Review Panel upheld additional elements of the complaint, which concerned the way in which an allegation made by a child was investigated in 2008 and the way the outcome of the investigation was explained to the child's mother. Sadly the mother had since become estranged from her child. The authority had offered £600 at Stage 2 in an attempt to resolve the complaint and then offered an additional £600 to reflect its acceptance of the Independent Panel's findings at Stage 3. The complainant then appealed to the Ombudsman, who accepted the authority's reasons for offering both payments and made no additional recommendations.

- 5.4 An additional number were not pursued to resolution through the formal process e.g. the complainant would not agree the terms of the complaint or the outcomes they were seeking to resolve the matter from their view. A significant number of complainants were grandparents, involved either as carers or through their support for family members, reflecting the services' close involvement with the extended family that may surround a vulnerable child and so take an active interest in decisions affecting the child's welfare.
- 5.5 In comparison to 2008, when 38 complaints were received, the 2009 figures (52) show a significant increase but are at the 2007 levels. The majority (35) were resolved at stage 1 of the process, and where conciliation meetings were offered (5) these proved successful. Two complaints remain subject to independent investigations which are ongoing at the time of writing.
- 5.6 The pool of (self-employed) Independent Persons required to meet the requirements of Stages 2 & 3 of the procedure will be kept under review and it is hoped that new appointments will be made during the coming year to ensure the pool can respond to future complaints quickly and effectively.
- 5.7 The Complaints Manager role has been located within the Quality Assurance team since September 2007 and the best location for the role is being considered as part of the transformative plans for Children's Services.

Key Themes and action arising from Complaints

Table 2: Nature of Complaints

Nature of Complaint	2009	07/08	06/7
About Legislation		0	0
About Other Service Users		0	0
Action Taken	9	18	15
Breach of Confidentiality	4	3	2
Broken Promises/Appointments	6	3	2
Carer/Staff Conduct/Attitude	11	17	8
Communication	3	14	13
Council/Department Policy	0	1	0
Delay/Failed Service	7	23	11
Denial/Withdrawal/Change Service	2	12	8
Discrimination	1	1	1
Failure-Specified Service Standards	10	2	4
Financial Assessment	6	0	1
Ill-Treatment	0	0	1
Inaccurate/Misleading Info	4	2	8
Inadequate Facilities	0	0	0
Lack of Information/Communication	6	3	12
Lack of Service	1	2	7
Level of Resource Allocation	1	1	1
Other	0	0	0
Policy Decision	0	0	2
Poor/Inadequate Facilities	0	0	0
Quality/Failure of Specified Service Standards	0	9	7
Racial Discrimination	0	0	0
Staff Inefficient/Ineffective	7	0	1
Time/Failure of Specified Service Standards	0	0	2
Total	78	111	106

Table 2: Complaints concerning 'broken promises'/missed appointments have increased markedly, alongside failed service standards & 'staff inefficiency'.

- 5.8 The themes highlighted in table 2 show a rise in complaints about service standards not being met e.g. an appointment for a visit or meeting being changed at short notice (Lack of Information/Communication), support visits not being provided (Failure of a Specified Service

Standard), delay in processing a payment to support the hobby/activity of a child with special needs (Staff Inefficient/Ineffective).

- 5.9 Complaint resolutions have remained high, with no increase in the numbers of complaints progressing beyond stage one (see table 3).

Table 3: Complaints at different stages

Brackets indicates Advocate involved	2009	07/08	06/07
Stage 1	52 (8)	38 (4)	54 (12)
Stage 2	3	3 (1)	7 (3)
Stage 3	1	1 (0)	2 (0)
LGO Appeal	3	1	1
Appeal Upheld	0	1	0

Complaints progressing beyond stage 1 of the process show no increase, which is consistent with more effective handling by managers at stage 1. One complaint was suspended at Stage 2 due to a conflict with (private) family law proceedings. Two appeals to the Ombudsman await the Ombudsman's decision.

- 5.10 Successful complaint resolutions demonstrate social care services remain the subject of often close, complex and sensitive negotiations with children and families. Resolving complaints helps managers clear up misunderstandings as well as taking the chance to explain clearly and formally what the service intends for a child, what the service can offer to support that contention and what it cannot. A complaint about 'Lack of Information/Communication' has also prompted a manager, through individual staff supervision, to discuss in more detail, how they might best lead a multi-agency discussion of alternative plans and provision for a vulnerable child, so that different professionals can perform as an effective 'team' around that child.

- 5.11 Importantly for children and young people going through the complaints process is impact and outcomes. Three examples below will demonstrate impact/outcomes for one complex case, one unusual case and one routine case:

The family of a young disabled person living in rented accommodation complained about an occupational health assessment and lack of suitable equipment in their rented accommodation. As a result of the complaint:

- in the short term, appropriate aids and equipment were provided
- for the longer term, an assessment is being undertaken for the family to move to more suitable accommodation
- the advocate is remaining involved with the young person

A teenage young woman was living with her deceased parents' best friends who were caring for her. Children's Social Care had recommended a course of action that would have reduced the financial contribution to her care and lead to placement instability. It was agreed, following an examination of the complaint that finances would continue as they were currently until the age of eighteen. The impact was stability and good educational outcomes.

A complaint was made about travel arrangements for supervision contact. As a result of the complaint, incurred travel costs were reimbursed and more satisfactory travel arrangements put in place.

- 5.12 The Complaints Manager has joined Team and Service Manager 'Away Day' meetings, for example, to point out this year that delayed responses can only be more effective if the complainant has been persuaded that their complaint has not been forgotten. 'Conciliation meetings' have been used to good effect on five occasions to compliment the formal written response from the service.

6. IMPLICATIONS

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.

7. EXPECTED OUTCOMES

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

8. BACKGROUND DOCUMENTS

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

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

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/>;

9. APPENDICES

None

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