

<b>CREATING OPPORTUNITIES AND TACKLING INEQUALITIES SCRUTINY COMMITTEE</b>	<b>Agenda Item No. 7</b>
<b>11 JUNE 2012</b>	<b>Public Report</b>

## **Report of the Interim Director of Children's Services**

**Contact Officer(s) – Belinda Evans, Complaints Manager, Corporate Complaints Service  
Contact Details - 01733 296324**

### **CHILDREN'S (SOCIAL CARE) SERVICES STATUTORY COMPLAINTS PROCESS (CHILDREN ACT 1989) ANNUAL REPORT 2011/12**

#### **1. PURPOSE**

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

#### **2. RECOMMENDATIONS**

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

#### **3. LINKS TO THE SUSTAINABLE COMMUNITY STRATEGY**

- 3.1 The annual complaints report is a fundamental part of the corporate plan, the Sustainable Community Strategy.

#### **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 if a delay is acceptable
  - 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 30 working days.

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 During 2010 a change was made to the complaint monitoring service due to the departure of the complaints manager within Children’s social care who was operating as a stand alone service. A decision was taken for the administration of the Children’ Social Care complaints function to be transferred to the Council’s Corporate complaints team for a trial period of one year initially which has greater resource levels ensuring that the team can respond more quickly to complaints. There is also greater focus on the use of electronic record keeping which has resulted in a more accurate picture of complaints in progress. The team are able to provide performance data on a monthly basis to keep the senior management team within social care more informed of problems which may arise.

## 5. COMPLAINT VOLUMES AND PERFORMANCE

### 5.1 Statutory Complaints concerning Children’s Social Care Services

<b>Total Complaints Received in 2011/12</b>		
Informal Complaint	9	Resolved within 48 hours
Stage 1 complaint	84	Logged as formal complaints
Frozen	5	Not accepted due to Court action
Withdrawn	0	Customer decided to withdraw or Complainant did not meet criteria
<b>TOTAL</b>	<b>98</b>	

- 5.2 There has been a steady increase in complaint numbers over the past 2 years from the low levels being reported previously. The importance of reporting complaints correctly has been cascaded through the management team and this ensures that complaints are being recorded accurately and with due regard to the statutory process.
- 5.3 Occasionally complaints are received that can be resolved very quickly, for example when a child or parent has been waiting to be contacted and a phone call by the team manager will resolve outstanding queries to the complainants satisfaction. Where this has been possible the complaint is recorded as informal. There have been 9 complaints resolved in this way in the past year.
- 5.4 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. 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.
- 5.5 A small number of complaints have had to be frozen due to legal proceedings. The decision to freeze a complaint is not taken lightly but when it is necessary the customer is informed and given the right to resubmit their complaints if the courts do not fully answer the concerns they had. 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.
- 5.6 To use the Children’s (Social Care) Services statutory complaints process the complainant must meet certain criteria. Only those people with sufficient interest in a child who is classified as a ‘children in need’ or ‘looked after’ or the child personally, can make a complaint under the policy. Sometimes complaints are received from interested parties who do not meet the criteria and the complaint has to be withdrawn. Alternatively a complainant may be the one who chooses to

withdraw their complaint, but this is rare. There have been no withdrawn complaints this year.

**Table 2: Stage 1 Complaints Performance**

<b>Table 2: Breakdown of Response times for Stage 1 Complaints by team</b>			
	<b>Complaints Received</b>	<b>Average Days to Respond</b>	
Access to Resources	0	N/A	
Adoption	1	21	
Adoption support & kinship care	0	N/A	
Assessment & Care Planning	33	14	
Children in Need	9	30	
Childs Integrated Disability Service	3	16	
Education Team for Children in Care (ETCIC)	0	N/A	
Family Assessment and Support Team	2	22	
Fostering: Recruitment & Assessment	0	N/A	
Fostering: Support & Supervision	3	15	
Leaving Care	6	25	
Multi Systemic Therapy Team	0	N/A	
New Horizons	0	N/A	
Permanency and In Care	7	11	
Quality & Assurance	0	N/A	
Referral & Assessment	18	44	
Safeguarding	1	13	
The Manor	1	5	
<b>TOTALS</b>	<b>84</b>	<b>23</b>	

- 5.7 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.
- 5.8 Under the statutory regulations Stage 1 complaints must be responded to within 20 working days. Against this target 68% of Stage 1 cases were responded to within 20 working days, this is an improvement over the previous year when only 50% of cases were completed before the 20 day deadline had expired. This has been the result of a more robust escalation process so that cases which are not resolved within 10 days are brought to the attention of the senior management team.
- 5.9 To improve the standards of complaint handling further a new set of guidance has been produced so that the officers responding to complaints know what is required and have an established framework to follow. Team managers must also show that they have contacted the customer to understand the complaint and improve the chances of resolution.
- 5.10 The review of Stage 1 complaint outcomes in table 3 below shows that 27% of customer complaints received were upheld whilst 29% were not. The remaining 41% were partially upheld where some aspects of the complaint had merit.

**Table 3**

<b>OUTCOME OF STAGE 1 COMPLAINTS 2011/12</b>		
<b>Upheld</b>	<b>23</b>	<b>All aspects of complaint upheld</b>
<b>Partially Upheld</b>	<b>35</b>	<b>Some aspects of complaint upheld</b>
<b>Not Upheld</b>	<b>25</b>	<b>None of the complaint was justified</b>
<b>Outstanding a Response</b>	<b>1</b>	<b>No response yet been sent</b>
<b>Total Stage 1 complaints</b>	<b>84</b>	

5.11 In order that we learn from complaints a quarterly report to the senior management team details actions agreed from complaints. This ensures that improvements are monitored and implemented within reasonable time frames. Table 4 below gives an indication of the type of service improvements which have been identified and implemented.

**Table 4**

<b>LESSONS LEARNT</b>		
<b>PROBLEM IDENTIFIED</b>	<b>RESOLUTION</b>	<b>ACTIONED</b>
Assessment sent to incorrect Address	Review of Administration Process	Yes
Calls not returned to carers	New procedure to be developed to improve message taking	Yes
Failure by EDT operated by Cambs CC to pass on urgent requests for contact	Cambs CC confirmed a new call logging system to be introduced	Yes

5.12 Complaints progressing beyond stage 1 of the process show a slight decrease as a percentage of Stage 1 cases over the previous year. As an alternative to progressing to Stage 2 of the process a new Conciliation process has recently been introduced to the process post Stage 1 which is being offered to clients who are unhappy with the response they have received at Stage 1. The process involves a meeting hosted by the Complaint manager where the client and the team manager from the service are brought together to discuss any remaining issues. This is not compulsory for the customer but it is hoped this will lead to earlier resolution of complex cases and fewer cases where customers opt for an independent investigation. This was introduced in the last quarter and it is hoped that this will have the effect of reducing the number of complaints where the customer is unhappy at Stage 1 and wishes to escalate issues to Stage 2.

5.13 During the year seven cases were escalated to Stage 2. Three of these have been concluded – two were fully upheld and one was partially upheld. The remaining four have only escalated recently and are currently undergoing investigation.

5.14 During 2011/12 only one complaint was escalated to Stage 3 of the process. However the complainant failed to attend the panel which was held in February 2012 and the client was subsequently told to appeal to the Ombudsman if they wanted to pursue the matter. To date this has not happened.

5.15 A small but experienced pool of (self-employed) Independent Persons required to meet the

requirements of Stages 2 & 3 of the procedure is in place and the quality of their work continues to stand up to scrutiny from the department at the adjudication stage of the process. The complaint manager has been seeking additional persons to join this pool to ensure that a complaint can be allocated without delay. A process of seeking recommendations from other Local Authorities to ensure that suitably experienced persons are employed has resulted in use of some new people in this area.

## 6. ACCESSIBILITY

TOTAL	Children	Parents/ Guardians	Carers	Foster Carers	Professionals	LAC (now Adult)	Friend (with sufficient interest)	Relatives
98	9	68	1	7	1	0	1	11

- 6.1 All Council complaints and appeals procedures are documented in a complaints booklet which is displayed in the Council's main offices. Table 5 (above) shows adults are more likely to use the formal process than children and young people themselves, although a slightly higher percentage of complaints were received from children this year than previously. Over the past year two new booklets have been published to help explain the complaints process one aimed at young children and one at older children. Both the leaflets were designed with the help of local children and young people so that they would appeal to both these age groups. It is hoped that with the addition of this literature the complaints process becomes increasingly accessible by young people.
- 6.2 Independent Advocacy support is available for those meetings or for any young person considering a complaint. This service is currently provided by National Youth Advocacy Service (NYAS). In the past year two young people have used NYAS to raise complaints and a further two young people were offered this service by the complaints team but were happy to proceed with their complaint without the support of an advocate.

## 7. KEY THEMES

**Table 6: Complaint Categories**

Nature of Complaint	2010/11
About Policy	3
Breach of Confidentiality	4
Broken Promise/Appointment	3
Delay/Failed Service	40
Denial/Withdrawal/Change Service	5
Lack of /Incorrect Information	10
Not to Standard	10
Staff Attitude/Conduct	22
Other	1
<b>Total</b>	<b>98</b>

- 7.1 Staff attitude/conduct complaints have dropped by 30% compared to the previous year. The complaints about staff attitude were evenly spread across the teams and only a small percentage were upheld suggesting this is more an issue of customer perception than anything else. Where complaints were upheld no formal disciplinary action has been necessary.

## **8. IMPLICATIONS**

- 8.1 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

## **9. EXPECTED OUTCOMES**

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

## **10. BACKGROUND DOCUMENTS**

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

- 10.1
- 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/>;

## **11. APPENDICES**

- 11.1 There are no appendices.