

CREATING OPPORTUNITIES AND TACKLING INEQUALITIES SCRUTINY COMMITTEE	Agenda Item No. 6
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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 2012/13

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 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.

The Central Complaints Office has been responsible for the statutory complaints process for Children's Social Care since 2010. The use of bespoke complaints monitoring software ensures an accurate picture of complaints in progress. 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

5. COMPLAINT VOLUMES AND PERFORMANCE

5.1 Statutory Complaints recorded for Children's Social Care Services

Total Complaints Received in 2011/12		
	11/12	12/13
Informal Complaint – Resolved within 48 hours	9 (9.18%)	15 (15.96%)
Stage 1 complaint – Logged as formal complaints	84 (85.71%)	75 (79.78%)
Frozen Not accepted due to court action	5 (5.10%)	4 (4.26%)
Withdrawn	0	0
TOTAL	98	94

- 5.2 The complaint numbers are similar to last year. A higher percentage of the complaints have been resolved informally this year with 15 complaints resolved in this way. This shows an increasing drive to resolve the more straight forward as well as urgent matters expediently. 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 get 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.

- 5.3 A small number of complaints have had to be postponed due to legal proceedings or criminal investigations. The decision not to proceed with an investigation is taken by the Complaints Manager and the complainant is informed of their right to resubmit their complaints when the Judicial or Police action is completed. 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.
- 5.4 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 'child 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

Table 2: Stage 1 Responses Sent within 20 working days		
	2011/12	2012/13
Responses sent within 20 working days	68%	81.6%
Average Days to Respond	23	16

- 5.5 There has been a significant improvement in the response times experienced by complainants at Stage 1 of the process. There has been consistent focus on complaints outstanding each week and a drive by the Senior Management team to ensure that team managers prioritise complaints they are investigating.
- 5.6 The outcome of complaints this year is broadly similar to the previous year and is in line with what is seen nationally. See Table 3 below.

5.7 **Table 3**

OUTCOME OF STAGE 1 COMPLAINTS 2011/12		
OUTCOME	2011/12	2012/13
Upheld	23 (27%)	22 (29%)
Partially Upheld	35 (42%)	27 (35.5%)
Not Upheld	25 (30%)	24 (31.5%)
Outstanding a Response	1 (1%)	0
No finding	0	3 (4%)
TOTALS	84	76

5.8 In March 2013 a process of Conciliation meetings was introduced so that when clients were unhappy with a response at Stage 1 they could be offered a meeting with a service manager and the Complaints manager to attempt resolution of the complaint before escalation to Stage 2 of the complaints process. The aim of this process is to ensure we continue to focus on early resolution and that the complainant has the opportunity to explain their concerns more fully to the department. These meetings are optional to the complainant and may not be advisable in all cases. The process is designed to offer resolution at the meeting. Eight cases were suitable for the conciliation process during the year and of those held four were successful. Those that were successful have primarily been contributable to the service manager in each case having thoroughly reviewed the case before the meeting and being willing to listen and seek resolution with the client. Of the remaining four cases, three were unsuccessful and in the remaining case the complainant failed to attend the meeting and the complaint was closed.

5.9 During the year there were 7 Stage 2 investigations held which was the same number as the previous year. Without the conciliation process there would have been 11 cases at Stage 2 which would be an increase on the previous year. The table below confirms that all the complaints at Stage 2 were either upheld in full or partially upheld. This illustrates that there are issues which are not being resolved satisfactorily at Stage 1 of the process. The need to make early contact with the complainant by the team manager at Stage 1 will be reemphasised to ensure an improvement in the number of complaints satisfactorily resolved at Stage 1.

5.10

OUTCOME OF STAGE 2 COMPLAINTS COMPARISON		
YEAR	2011/12	2012/13
Upheld	2	1
Partially Upheld	5	6
Not Upheld	0	0

5.11 During 2012/13 Four complaints were escalated to Stage 3 of the process. This is a high number but none of these cases led to a different decision than was reached by the Stage 2 investigation. Some customers will exercise their right to proceed through the process as their communication with Children's Social Care has completely broken down. However it is worth noting that none of the Stage 3 cases had had conciliation and this may have helped restore dialogue between the department and the complainant and prevented this escalation.

6. ACCESSIBILITY

Table 5. Who is making Complaints?	2011/12	2012/13
Children	9	13
Parents/Guardians	68	62
Carers	1	0
Foster Carers	7	6
Professionals	1	0
LAC (now Adult)	0	3
Friend (with sufficient interest	1	0
Relatives	11	10
Total	98	94

- 6.1 There has been a further increase in the percentage of complaints made by young people themselves. This indicates that young people are aware of their rights to complain and are exercising that right. Complaints from Looked After Children are monitored throughout the year by Corporate Parenting Group and work by the Children in Care Council who attend this group has highlighted the need to publicise the right to complain to children who are in the care of the Local Authority. Child friendly complaint leaflets are distributed to children in receipt of Children Social Care services and the Children in Care Council Participation officer worked with the Complaints manager during the year to introduce a texting option for children in care wanting to complain. This is now in place and child friendly complaint leaflets is in the process of being updated with the text information to ensure this service is available to all young people in receipt of a service from Children's Social Care.
- 6.2 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 five young people were supported by NYAS in raising their complaints which is a significant increase from the previous year. This illustrates that young people are made aware of the advocacy service and are supported in making contact with this service. A meeting between NYAS representatives and the Complaints team has recently taken place to ensure NYAS understand the complaints process and how complaints sent to the Council will be dealt with.

7 KEY THEMES

Table 6: Complaint Categories

Nature of Complaint	2011/12	2012/13
About Legislation	0	5
About Policy	3	2
Breach of Confidentiality	4	1
Broken Promise/Appointment	3	2
Delay/Failed Service	40	46
Denial/Withdrawal/Change Service	5	5
Lack of /Incorrect Information	10	3
Not to Standard	10	6
Staff Attitude/Conduct	22	24
Other	1	0
Total	98	94

- 7.1 The reasons for complaint are broadly similar to last year. Delay/failed service continues to be the most common category of complaint. The service needs to ensure that social workers comply with statutory timescales for visits, assessments, etc and that customers are advised of timescales. A third of complaints about delays were not upheld suggesting that in some cases it is perception or miscommunication which has led to the Client believing that there have been delays.

8 SERVICE IMPROVEMENTS

- 8.1 A process has been put in place to ensure that Service Improvements are identified, reviewed and implemented on a rolling quarterly basis. A report each quarter is taken to the Directors management meeting to discuss case outcomes. This leads to discussion on recurring themes and action plans are then formulated to deliver improvements.
- 8.2 Appendix 1 details all the Children's Social Care complaint cases where Service Improvements were identified in the past year and what actions have been taken.

9 **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

10 **EXPECTED OUTCOMES**

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

11 **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/;](http://www.everychildmatters.gov.uk/resources-and-practice/IG00152/)

12 **APPENDICES**

Appendix 1 – Service Improvements 2012-13

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