

<b>CORPORATE PARENTING COMMITTEE</b>	AGENDA ITEM No. 7
<b>9 NOVEMBER 2016</b>	PUBLIC REPORT

## **Report of the Corporate Director People and Communities**

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### **CHILDREN’S (SOCIAL CARE) SERVICES STATUTORY COMPLAINTS PROCESS (CHILDREN ACT 1989) ANNUAL REPORT 2015/16**

#### **1. PURPOSE**

- 1.1 This is the annual report submitted to Corporate Parenting Committee about Children’s (Social Care) Services statutory complaints process.
- 1.2 This report is being presented under the Corporate Parenting Committee’s Terms of Reference:  
2.4.3.2 Review complaints from looked after children to ensure officers have dealt with these appropriately and made any recommendations for change.

#### **2. RECOMMENDATIONS**

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

#### **3. LINK TO THE CHILDREN IN CARE PLEDGE**

- 3.1 This falls under priority 2 Effective care planning - Report from Corporate Complaints in respect of complaints made by young people or their advocates illustrating what changes have been made as a result of the complaint.

#### **4. BACKGROUND**

- 4.1.1 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.
- 4.1.2 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.
- 4.1.3 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.

4.1.4 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. One of the important aspects to the role of the Complaint Manager is the ability to make decisions about which complaints made to the service meet the criteria to be considered under the statutory process. There are a number of reasons why complaints may not be accepted under the Childrens Social Care statutory process.

4.1.5 There were 43 complaints made to the service which were not accepted in 2015-16 Table 1 below gives the detail of the complaints that were rejected and the reasons that they were not accepted. It is important that all complaints are analysed to ensure they are eligible to use the statutory process. As the experience of the complaints team has increased over the past 5 years this function is becoming increasingly important – ensuring that only eligible complaints are accepted for the service and ensuring children’s social care management are able to focus on the statutory complaints received from children and young people and from concerned parents and advocates who have a right to have their concerns considered under the statutory process.

4.1.6 Table 1 – Rejected complaints

<b>Reason Rejected</b>	<b>2014-15</b>	<b>2015-16</b>
Court Related	3	7
Child Protection	1	4
Insufficient Interest	1	9
Alternative Process	6	7
General Enquiries	20	16
<b>Totals</b>	<b>31</b>	<b>43</b>

Where a complaint is not accepted the complainant will be advised the reason why they are not eligible to use the statutory complaints process and what other process may be open to them. If a complaint is about matters which are under the jurisdiction of the court they will be advised of this. If the complaint is about a case which is subject to Child Protection investigation or criminal investigation the complainant will be advised that the complaint cannot be considered at the same time but that they may approach the complaints service again when the other matter is concluded if they still have areas of complaint which can be considered.

### **Complaint Volumes and Performance**

4.2 Table 2 - Statutory Complaints recorded for Children’s Social Care Services:

## 4.2.1

<b>Total Complaints Received in 2015-16</b>			
	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>
Informal Complaint – Resolved within 72 hours	10	5	12
Stage 1 complaint – Logged as formal complaints	98	105	83
Frozen Not accepted due to court action	0	0	0
Withdrawn	6	4	2
Straight to Stage 2	1	2	0
Only reviewed at LGO	1	0	0
<b>TOTAL</b>	<b>116</b>	<b>116</b>	<b>97</b>

4.2.2 There has been a decrease in the number of complaints registered for Childrens Social Care this year. This is partly due to an increase in the number of complaints assessed by the Complaint Manager as not eligible but there has also been a decrease in the number of concerns being raised overall. This may be contributable to improved practice overall within children social care.

4.2.3 Over 10% of complaints were resolved informally this year, an improvement on the previous year. Whilst it is not always possible to resolve complaints informally where this is possible team managers are encouraged to seize the opportunity to resolve complaints informally. This means they will call/meet with the complainant and discuss solutions that can be offered within the first 3 days and if the matter can be resolved during this contact the complaint is closed. 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. The team manager will investigate the matter, in most cases will make contact with the complainant to discuss their concerns and will produce a letter responding to the concerns raised. Complainants have access to the complaints team whilst they are waiting for the response.

4.2.4 Sometimes complaints are made and then withdrawn before a response is made and this can be for a variety of reasons. This year two complaints were withdrawn by the complainant.

### 4.3 **Stage 1 Complaints Performance**

4.3.1 As you can see in Table 3 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 require that the majority of complaints at Stage 1 of the process should be responded to within 10 working days and the aim is to bring the average down to this level.

<b>Table 3: Stage 1 Responses Sent within 20 working days</b>			
	<b>2013 - 14</b>	<b>2014 - 15</b>	<b>2015-16</b>
<b>Responses sent within 20 working days</b>	65%	70%	70%
<b>Average Days to Respond</b>	20	17	16

#### 4.3.2 Table 4 – Stage 1 Complaint Outcomes

Comparing the upheld rate with 2014/15 there has been a further decrease in upheld complaints from 20.5% to 10.5%. The partially upheld category has remained fairly static at 43% but the complaints recorded as Not upheld has risen to 47%.

<b>OUTCOME OF STAGE 1 &amp; INFORMAL COMPLAINTS</b>				
<b>OUTCOME</b>	<b>Complaints</b>	<b>Not Upheld</b>	<b>Partially Upheld</b>	<b>Upheld</b>
Adoption	1	1	0	0
Children with Disabilities	10	2	8	0
Conferencing and Review	1	1	0	0
CSE/MASH	2	1	1	0
Family Support	31	22	7	2
First Response	26	11	12	3
Fostering	4	1	2	1
Leaving Care	9	4	3	2
Looked After Children	11	2	7	2
<b>TOTALS</b>	<b>95</b>	<b>45</b>	<b>40</b>	<b>10</b>

#### 4.4 Complaint Escalations

4.4.1 The conciliation process was established in 2012 to give complainants the opportunity to meet with a senior manager along with the complaint manager if unhappy with the response to their complaint received at Stage 1. 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 successfully used to resolve complaints where the complainant agrees to use it. There were nine complainants who requested a further review of their complaint having been dissatisfied with the Stage 1 response. All of these were offered a conciliation meeting which is optional for

the customer and six complainants agreed to engage with this process. In all six cases the complaint was resolved at the meeting without further escalation.

4.4.2 Only 3 cases were escalated to Stage 2 this year. This is an improvement from the previous year where 7 complaints were investigated at Stage 2. Stage 2 complaints are investigated by two independent persons working in collaboration and commissioned by the Complaint Manager. They interview the complainant and interview staff and other witnesses. They write a report of their findings and submit this for adjudication by a senior manager within Childrens social care. Of the 3 cases investigated this year two were partially upheld and the third found no fault by the Authority. Only one of these cases have so far exercised their right to request a Stage 3 panel.

4.4.3 Stage 3 panels are the final stage of the process and can be requested by a complainant who is not satisfied with the outcome of the independent investigation which is conducted at Stage 2. If a complaint is escalated through every stage of the complaints process it can take in excess of six months before it is considered at Stage 3. In 2015/16 there were two complaint panels both of which were about complaints investigated at Stage 2 in the previous year– the decision on both cases did not change from the Stage 2 outcome which in both cases was to Partially Uphold the case. As the complainants remained dissatisfied both cases were referred by the complainants to the Local Government Ombudsman service who are currently investigating both cases.

4.4.4 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 reached a decision on only 1 case about Childrens Social Care at Peterborough City Council in 2015-16 and in this case the LGO upheld the complaint confirming that it found the Authority at fault for delays in engaging legal representation for a child in care to safeguard their inheritance. The LGO were satisfied that the Authority had apologised for the delay which was a suitable remedy to the complaint.

#### 4.5 Accessibility

<b>Table 5. Who is making Complaints?</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
Children/Young People	14	18	10
Parents/Guardians	85	84	73
Carers	0	1	0
Foster Carers	8	1	3
Prospective Adopters	0	1	0
LAC (now Adult)	0	2	0
Friend (with sufficient interest	1	0	2
Relatives	8	9	7
<b>Total</b>	<b>116</b>	<b>116</b>	<b>95</b>

4.5.1 There has been a drop this year in the number of complaints being made by children and young people. Of the ten complaints received from young people direct half of them were supported by NYAS.

4.5.2 In common with the majority of Local Authorities complainants using this process are mainly parents of children receiving Childrens Social care services. Under the statutory process the right of complaint is by a child or by an adult on their behalf about services they are receiving. The complaints team have a duty to ensure that when complaints are received by parents or carers on behalf of a child that the person has 'sufficient interest' and are complaining in the best interests of the child. If a child or young person has capacity to make their own decisions they are contacted to ensure they are in agreement to make the complaint or have signed a consent form. All of the ten complainants who were categorised as Children/Young People

were teenagers.

4.5.3 Independent Advocacy support is available for any young person considering a complaint. This service is currently provided by National Youth Advocacy Service (NYAS). In 2015-16 five young people were supported by NYAS in raising their complaints which is a drop from the previous year. Whilst young people are clearly made aware of the advocacy service and some chose to have this support, some young people also feel able to make their complaints independently.

#### 4.6 Complaint Categories

Table 6: Complaint Categories

<b>Nature of Complaint</b>	<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>
About Legislation	0	0	0
About Policy	6	3	5
Breach of Confidentiality	1	4	5
Broken Promise/Appointment	0	1	3
Delay/Failed Service	47	64	46
Denial/Withdrawal/Change Service	5	6	3
Lack of /Incorrect Information	3	3	1
Not to Standard	14	16	
Staff Attitude/Conduct	39	19	27
Other	1	0	1
<b>Total</b>	<b>116</b>	<b>116</b>	<b>97</b>

4.6.1 Table 6 above shows how complaints were categorised into 10 nationally recognised categories by the complaints service to help identify why complaints occur and to allow focus on the main areas of contention. Further analysis by team and by outcome allows identification of whether there are themes which impact on specific teams or across the service and allows for tailored improvement plans.

4.6.2 Further analysis of Table 6 shows 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.

#### 4.6.3 Delayed/Failed Service Complaints

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

Forty Six complaints were received where the customer believed that there had been a delay or a failure in the service they were expecting. Although the complaint numbers have reduced this year this category still equates to almost half of all complaints.

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

these complaints.

<b>Delayed/Failed Service Complaints</b>					
Team	Complaints Received	Complaint Upheld	Complaint Partially Upheld	Complaint Not Upheld	No Finding
Family Support	11	2	2	7	0
First Response	11	1	4	6	0
Leaving Care	7	2	5	0	0

#### 4.6.3.1 Family Support

A high percentage of these complaints were not upheld. This illustrates that sometimes families will have an unrealistic expectation of how quickly cases can be concluded. Family Support have the largest case load and the highest volume of workers so it is not unexpected that there would be a higher number of complaints about this service.

Where complaints have been upheld, fully or partially these were in the main due to the delay in issuing minutes of meetings to parents.

#### 4.6.3.2 First Response

This team are responsible for the initial assessment of referrals and must work to tight deadlines. Although half of the complaints were not upheld against this team where they were the following are examples of actions taken.

- Apology offered for failure to obtain consent to share data with other agencies
- Apology for not responding to an enquiry made by a parent
- Apology for the delay in making contact with the family to begin an assessment

Clearly where the manager believes there is fault they will recognise that the delay or failure to provide the service was their responsibility and apologise to the complainant.

#### 4.6.3.3 Leaving care team

There has been a decrease in complaints made about the Leaving Care team under this category this year. However in common with last year all the Leaving care complaints about Delayed or Failed service were upheld or partially upheld.

Examples of these are:

- Apology for delays in arranging letter box contact and exchange of Photos
- Apology for delay in responding to a Wishes and Feeling report from a young person
- Apology for a social worker failing to attend a meeting with the parent and other professionals without advance warning

#### 4.6.4 **Staff Conduct/Attitude Complaints**

4.6.4.1 The second highest complaint category remains Staff Conduct/Attitude. This has increased from 19 last year to 27 this year.

4.6.4.2 The only two teams who received more than one of these complaints are shown in the table below:

Table 8

<b>Staff Conduct/Attitude</b>					
Team	Complaints Received	Complaint Upheld	Complaint Partially Upheld	Complaint Not Upheld	No Finding
Family Support	18	0	5	13	0
First Response	5	1	3	1	0

4.6.4.3 It should also be noted that only one of these complaints was categorised as Upheld and the majority were not Upheld with 8 Partially Upheld. This is consistent with the findings last year.

4.6.4.3 Whilst the Family Support team saw the majority of these complaints 72% of these were found to have no merit. This is illustrative of the fact that parents are often unwilling recipients of involvement with Children Social Care and will seek to complain about the workers they have contact with as they don't wish to work with the service. There are no concerns which highlight any particular team or worker.

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

- Department will reconsider how student social workers are introduced to families
- Team manager has discussed with social worker how tone and body language can be interpreted by parents and the social worker must bear this in mind in her dealings with families
- Social worker has been informed to be careful with language used which may cause offense to parents
- Social worker spoken to about taking better account of a parents disability when handling a child protection issue

#### 4.6.5 **Not to Standard' Complaints**

4.6.5.1 The third most common category of complaint was Not to Standard for the 3<sup>rd</sup> year. This is where the customer is generally dissatisfied with the service provided and does not think it is acceptable. There were only 6 complaints in this category. 2 were Not Upheld and 4 Partially Upheld

4.6.5.2 Example of complaints Partially upheld in this category were:

- All staff will be reminded of the importance of including non-resident fathers with parental responsibility in all assessments
- Apology for lack of communication with parents about their child being missing from care.

#### 4.7 **Service Improvements**

4.7.1 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 cascaded and implemented. There were 9 cases where a service improvement was identified and delivered in 2015/16 and these are detailed in Appendix 2.

4.7.2 Childrens Social Care have a Quality Assurance team who work with the service to ensure that service improvements identified by managers are followed through on and delivered.



**5. KEY ISSUES**

5.1 There are no key issues identified.

**6. IMPLICATIONS**

6.1 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.

**7. CONSULTATION**

7.1 N/A

**8. NEXT STEPS**

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

**9. BACKGROUND DOCUMENTS**

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

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

9.2 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/>

**10. APPENDICES**

10.1 Appendix 1 - Service Improvements 2015-16

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