

CABINET

DATE	28 th June 2017
REPORT OF	Cllr Ros James - Portfolio Holder for Children and Young People
RESPONSIBLE OFFICER	Joanne Hewson – Deputy Chief Executive (Communities)
SUBJECT	Children’s Social Care Statutory Complaints and Compliments Annual Report 2016/17
STATUS	Open
FORWARD PLAN REF NO.	FP 06/17/02

CONTRIBUTION TO OUR AIMS

The Children’s Social Care statutory complaints procedure supports the Council’s aims of a stronger economy and stronger communities and enables citizens to voice concerns. The outcomes sought from the procedure are healthier and happier lives for children and young people.

EXECUTIVE SUMMARY

The Children’s Social Care Statutory Complaints and Compliments Annual Report provides an overview of the activity and analysis of complaints, compliments for the period 1st April 2016 to 31st March 2017.

RECOMMENDATIONS

That Cabinet:

1. Receives and accepts the Children’s Social Care Statutory Complaints and Compliments Annual Report for 2016/17.

REASONS FOR DECISION

It is a requirement of The Children Act 1989 Representation Procedure (England) Regulations 2006 to produce an annual report regarding the representations made about social care statutory services. The purpose of the attached report is to inform the general public, elected members and Council officers about the effectiveness of the statutory complaints procedure.

1. BACKGROUND AND ISSUES

- 1.1 The Children Act 1989 Representation Procedure (England) Regulations 2006, Children (Leaving Care) Act 2000, Adoption and Children Act 2002 and the Health and Social Care Act 2003 require the Council to operate and maintain a procedure

for resolving complaints and representations from children, young people or their representatives concerning statutory services.

- 1.2 The attached Children's Social Care Statutory Complaints and Compliments Annual Report provides a breakdown of the complaints, concerns and compliments received during 2016/17, the service improvements implemented and lessons learnt as a result of complaints and representations.
- 1.3 During 2016/17 the Council received the following representations concerning children's social care statutory services:

Complaints = 77
Compliments = 5

This compares with 120 complaints and 7 compliments in 2015/16.

- 1.4 Of the 77 complaints received 10 were withdrawn by the complainant prior to stage one commencing and 1 was dealt with as a concern. This compares to seven concerns in 2015/16. Of the 66 complaints processed at stage one only two (**3%**) were escalated to stage two. Zero complaints progressed to stage three, review panel.

At stage one, two complaints (**3%**) were responded to outside of the maximum statutory timescale of twenty working days. Of the two stage two complaints received, one was responded to within the statutory 65 working day timescale and the other was responded to outside of 65 working days.

- 1.5 42% of stage one complaints were not upheld. 70% of all complainants expressed they were satisfied with the outcome of their complaint.
- 1.6 Complaints and compliments provide the Council with useful information in respect of the way Children's Social Services are delivered, identifying good practice and opportunities for improvement which have resulted in changes to our systems. It is to be noted that the greatest number of complaints is with the Children's Assessment and Safeguarding Service. This is to be expected as the service is a frontline service dealing with a large number of cases with very difficult issues to address. Further information on the type of complaints and compliments is contained within section four of the annual report.

2. RISKS AND OPPORTUNITIES

- 2.1 The Children's Social Care statutory complaints procedure aims to treat all members of the community equally. The procedure for the handling of complaints is an important contributor to citizen and service user perceptions and informs service improvement, this ensures that an individual's diversity and human rights are promoted through an efficient and effective complaints process.
- 2.2 The arrangements for dealing with Children's Services complaints are critical in ensuring that customer's views on our services are recognised and that feedback received is acted upon. Children's Service Statutory Complaints procedure

complies with the Corporate Policy Framework. This includes confidentiality for complainants and keeping complainants fully informed about the progress of their complaints.

3. OTHER OPTIONS CONSIDERED

- 3.1 It is a statutory requirement that an annual report is completed on these complaints and the activities undertaken in responding to the complaints follows current guidance. Our options are more about the flexibility that we have in reacting to and resolving the complaints. Our current approach is set out in the attached report.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

- 4.1 We produce a regular overview of all complaints and this is included in the quarterly performance report that is brought to Cabinet. We are honest and open about any mistakes that we make and we ensure that we learn from them. If the Local Government Ombudsman (LGO) makes a finding of fault against us then we are obliged to make public the findings. All complaints investigated by the LGO are available on their website at www.lgo.org.uk

5. FINANCIAL CONSIDERATIONS

- 5.1 The handling of the Council's complaints is an in-house service funded through the revenue budget. Efficiencies are continuously sought from refining the complaints handling process (better use of systems and expertise) and through making service improvements based on what our customers are telling us, so that any mistakes are not repeated. There have only been four stage two complaints in 2015/16 and two stage 3 panel reviews each stage two and three complaint needs to have additional funding found for external and independent investigation and verification.

6. CONSULTATION WITH SCRUTINY

- 6.1 Cabinet may wish to refer this report to Scrutiny for consideration.

7. FINANCIAL IMPLICATIONS

- 7.1 The report is providing information on complaints, concerns and compliments received. As such there are no direct additional financial implications arising from the report itself. However as the report makes clear each stage 2 and 3 complaint requires further funding which although met from existing budgets the current processes and procedures need to restrict the number of these to assist with maximising budgets to front door delivery of services.

8. LEGAL IMPLICATIONS

- 8.1 Section 13 (1) of the Children Act 1989 Representation Procedure (England) Regulations 2006 requires that for the purposes of monitoring, every Local Authority must as soon as possible after the end of the financial year compile a

report of representations. This report ensures that the Council meets the statutory requirement within the regulations. The attached report is thorough and contains within it lessons to be learned from this valuable process.

9. HUMAN RESOURCES IMPLICATIONS

- 9.1 The lessons learnt and improvements in practice contained within Section four of the annual report, includes reference to actions taken with employees to address concerns/issues highlighted via the statutory complaints process. Remedial action has been taken in the provision of additional training, re-emphasising effective communication and improving procedural processes.

10. WARD IMPLICATIONS

- 10.1 People who might make use of the complaints process may live in any ward of the Borough.

11. BACKGROUND PAPERS

- 11.1 The Children Act 1989 Representations Procedure (England) Regulations 2006
Department for Education and Skills –‘Getting the Best from Complaints’.
September 2006.
The Children (Leaving Care) Act 2000.
Adoption and Children Act 2002.
Health and Social Care (Community Health and Standards) Act 2003.

12. CONTACT OFFICER

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Children's Social Care Statutory Complaints and Compliments Annual Report

**1st April 2016
to
31st March 2017**

Issue date: April 2017

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1.Context

The Children's Act 1989 Representation Procedure (England) Regulations 2006, Children (Leaving Care) Act 2000, Adoption and Children Act 2002 and the Health and Social Care Act 2003 require the Council to operate and maintain a procedure for resolving complaints and representations from children, young people or their representatives.

This report provides an overview of Children's Social Care complaints and representations made to North East Lincolnshire Council during the period 1st April 2016 and 31st March 2017, in accordance with the Children's Act 1989 Representation Procedure (England) Regulations 2006 and the accompanying guidance 'Getting the Best from Complaints'.

1.1 What is a Complaint?

A complaint can be generally defined as 'any expression of dissatisfaction or disquiet about a service that is being delivered or a failure to deliver a service'.

The Statutory Complaints Procedure aims to ensure those children, young people and their parents or carers who make representations have their concerns resolved swiftly and wherever possible by the people who provide the service.

1.2 Who can make a Complaint?

Section 26(3) and section 24D of the Children Act 1989, section 3(1) of the Adoption and Children Act 2002 and the Adoption and Support Services Regulations 2005 require the responsible authority to consider representations including complaints made to it by:

- any child or young person (or a parent of them or someone who has parental responsibility for them) who is being looked after by the local authority or is not looked after by them, but is in need
- any local authority foster carer (including those caring for children placed through independent fostering agencies)
- children leaving care
- Special Guardians
- a child or young person (or parent of them) to whom a Special Guardian order is in force
- any person who has applied for an assessment under section 14F(3) or (4), (Adoption and Support Services Regulations 2005)
- any child or young person who may be adopted, their parents and guardians
- persons wishing to adopt a child
- any other person for whom arrangements for the provision of adoption services extend
- adopted persons, their parents, natural parents and former guardians
- such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant their representations being considered by them.

Where a complaint is made by a young person, an advocate is offered to support the young person through all stages of the complaints procedure.

1. The Statutory Complaints Procedure

The complaints procedure has three stages, with a strong emphasis on resolving complaints at the first stage:

Concern

When a customer contacts us with an issue which can quickly be resolved prior to going through the statutory complaints procedure, these are logged as a concern.

Stage one – Local Resolution

This stage of the complaints procedure is where we would aim to resolve all issues through a quality and timely response, reducing the need for further stages. Council social care service teams and external contractors providing social care services on our behalf are expected to resolve as many complaints as possible at this level.

Team managers provide a written response to the complainants within 10 working days. This can be extended to 20 working days if the complaint involves complex matters, or to allow time for appointing an advocate where a vulnerable person is involved. The complaints team work in partnership with managers to ensure that quality responses are provided within the specified timescales.

Stage two – Investigation

This stage is usually implemented where the complainant is dissatisfied with the findings of stage one. Stage two is an investigation conducted by an external investigating officer together with an independent person who oversees and ensures the fairness and transparency of the investigation process. The findings from the investigation and any recommendations are set out in a report to the head of service who provides a written response to the complainant on behalf of the Council.

The timescale for responding to a complaint at stage two is 25 working days, with an extension of up to 65 working days for complex cases.

Stage three – Independent Review Panel

Where complainants wish to proceed with complaints following dissatisfaction with the outcome of the complaint at stage two, the Council is required to establish a Complaints Review Panel. Complaints Review Panels are made up of three independent panellists. The Panel's role is to ensure that the process has been followed and to consider the complaint/s and wherever possible work towards a resolution. The Panel makes recommendations to the Deputy Chief Executive (Communities) who then makes a decision on the complaint and on any action to be taken.

There are various timescales relating to stage three complaints. These include:

- setting up the Panel within 30 working days of the complainants request
- producing the Panel's report within five working days
- sending the Council's response to the complainant within 15 working days of the Panel's report.

Local Government Ombudsman

If the complainant is not satisfied with the outcome of the Independent Review Panel they have the right to take their complaint to the Local Government Ombudsman (LGO), who is empowered to review or investigate where it appears that the Council's own investigations have not resolved the complaint or not been handled appropriately. Complainants can refer their complaint to the LGO at any time, although the Ombudsman normally refers the complaint back to the Council if it has not been considered under the relevant procedures in the first instance.

2. Council activity - representations

2.1 Number of representations

Between 1st April 2016 and 31st March 2017 the Council responded to 77 representations, compared with 120 received in the same period for 2015/16. This is a decrease of 36% at a time when the number of open child care cases and looked after children have increased.

For 2016/17 there were 34,204 under 18s living in North East Lincolnshire. As of 12th April 2017, the Council had 1914 open childcare cases including 299 looked after children. The 77 representations received represents 4% of the open cases based on this figure, however it should be noted that the number of open child care cases does vary throughout the year. This compares to 7% of open cases in 2015/16.

Of the 77 representations one was dealt with as a concern and 10 were withdrawn prior to the stage one process commencing.

A total of 66 were processed at stage one, two stage two complaints were responded to and of those none progressed to a stage three Panel Review.

0 complaints were raised with the Local Government Ombudsman (LGO)

Years	Concerns	Stage one	Stage two	Stage three	LGO
2016/17	1	66	2	0	0
2015/16	7	106	4	2	6
2014/15	5	120	3	0	3
2013/14	1	89	5	0	2
2012/13	2	76	7	0	1
2011/12	6	47	2	1	0
2010/11	2	52	1	0	1

The very high percentage of complaints resolved at stage one reflects the time and effort put in at this stage to address the complaint without the need for escalation to stage two, which can be a costly process. Efforts made to resolve complaints at stage one include providing a second response if it is felt that this might resolve the issue. In addition service managers may meet with complainants, with complaints officers, on occasion, taking on the role of mediator during the meeting. The success of this approach is evidenced in the customer satisfaction rate at stage one of the process.

2.2 Complaints by service area

Below is a service breakdown in respect of the complaints received.

Service Area	Complaints received
Children's Assessment and Safeguarding Service	57
Through Care	3
Children's Disability Service	2
Fostering & Adoption Service	4

3.3 Nature of Complaints

Service Area	Attitude / Behaviour of staff	Concern about the quality of service	Other reason	Delivery / Non delivery of service	Quantity , frequency, change or cost of a service	Withdrawal of Service	Unwelcomed or disputed decision
Fostering & Adoption Service		2		1		1	
Children's Assessment & Safeguarding Service	5	45	1		3		3
Through Care Services		1	2				
Children's Disability Service		2					
Total	5	50	3	1	3	1	3

3.4 The outcome of complaints

Stage one outcome	2016/17		2015/16	
	Number	%	Number	%
Upheld	7	11	9	8
Partially upheld	31	47	35	33
Not upheld	28	42	55	52
Withdrawn	0	0	7	7
Total	66	100	106	100

Stage two outcome	2016/17		2015/16	
	Number	%	Number	%
Upheld	0	0	0	0
Partially upheld	2	100	3	75
Not upheld	0	0	1	25
Ongoing	0	0	0	0
Total	2	100	4	100

Stage three outcome	2016/17		2015/16	
	Number	%	Number	%
Upheld	0	0	0	0
Partially upheld	0	0	1	50
Not upheld	0	0	1	50
Total	0	0	2	100

3.5 Timescales for complaints

Stage one response	2016/17		2015/16	
	Number	%	Number	%
Within 10 days	44	67	82	77
Within 20 days	20	30	21	20
Outside of 20 days	2	3	3	3
Within timescales	64	97	103	97

Stage two response	2016/17		2015/16	
	Number	%	Number	%
Within 25 days	0	0	0	0
Within 65 days	1	50	4	100
Outside of 65 days	1	50	0	0
Ongoing	0	0	0	0
Withdrawn	0	0	0	0

Stage three response	2016/17	2015/16
	Achieved	Achieved
Panel set up within 30 days timescale)	0	2
Panel report produced within 5 days	0	2
Executive Director's Response sent within 15 days	0	2

There has been a decrease in the number of complaints responded to within 10 days at stage one. Team Managers currently respond to all stage one complaints to ensure that they are addressed at a senior level. This does limit the number of officers responding to stage one complaints and therefore impacts on response times. There have also been some complex issues raised which has resulted in officers requiring more time to complete an investigation. Work is being undertaken to identify how response times can be improved.

The complaints team will continue to closely monitor timescales and raise any issues with the Head of Safeguarding as appropriate.

3.6 Profile of Complainant - How involved

Profile of complainant	No.
Child/young person being looked after/ receiving services	2
A parent of the child	49
Person with parental responsibility	1
Persons with sufficient interest in the child's welfare	14
Other	0
Total	66

3.7 Gender of Adult Complainants

Gender	Number	%
Female	38	59
Male	20	31
Joint	4	6
Anonymous	2	3
Total	64	100

The term 'Joint' has been used where a representation has been made by more than one individual i.e. both parents / carers.

3.8 Gender of young people making complaints

Gender	Number	%
Female	1	50
Male	1	50
Total	2	100

No independent advocates were used in the complaints process during 2016/17.

3.9 Ethnic origin

Of the 66 complaints received only eight people returned the equalities monitoring form, those eight people declared themselves as White British.

3.10 Satisfaction levels

Level	Number	%
Satisfied	46	70
Not satisfied	20	30
Total	66	100

Of the 66 complaints processed at stage one 30% stated they were not satisfied with the outcome. As outlined above, further work is undertaken where this is the case, this is normally in the form of a resolution meeting or providing the complainant with a further response addressing their dissatisfaction. A key aim of the complaints procedure is to inform service users of the outcome of their complaints and the use of any lessons learnt to improve services. Details of lessons learnt and improvements to practice can be found in section four.

3.11 Compensation Payments

Compensation can be provided to a complainant by the Council as either part of the investigation or on the recommendation of Local Government Ombudsman following their investigation, where it is concluded that there has been maladministration by the Council causing injustice to the complainant.

- No compensation payments were made during 2016/17
- One compensation payment was made for £7000 during 2015/16
- One compensation payment was made for £4,363.30 during 2014/2015

4. Lessons Learnt and Improvements to Practice

Complaints provide managers with useful information in respect of the way that services are delivered. The table below shows the lessons learnt from the investigation of the representations we have received and the actions that have been taken to implement improvements and prevent any recurrence.

Team	Lesson Learnt
Children's Assessment and Safeguarding Service	<ul style="list-style-type: none"> • Closer monitoring of assessments to ensure that they are completed within the 45 working day timescale. • A reminder has been issued to all staff about the need to contact both parents as part of the assessment process. • Social workers have been reminded of procedures in respect of financial support for family members and to ensure that this is in place within a timely manner. • Social Workers have been reminded to ensure that their manager is informed of any difficulties they have when completing statutory timescales so this can be resolved in a timely manner. • The Local Authority will continue to identify ways in which we can develop the communications skills of social workers where English is not their first spoken language. • The team have been reminded as a whole of the importance of returning calls as soon as possible, and if for whatever reason they are not able to return the call, that a courtesy call is made by a duty worker to explain the delay. • A reminder has been issued to all social workers to ensure that their electronic diaries are up to date so that business support are able to inform family of when a social worker is on leave and when they can expect them back. • A reminder issued to all social workers to ensure they are informing family members that they can contact the duty team if there are matters which they need to discuss urgently. • All social workers have been reminded of the importance of ensuring that services users are provided with information as to how they can make a formal complaint. • A discussion has been undertaken with Service Managers and checks will be made to ensure each time a member of staff leaves the department, their email address is deleted appropriately and in a timely fashion. • That the message is reinforced with all social workers about the importance of returning calls when possible. • Social workers have been reminded that Single Assessments should be completed within the given timescale. • All social workers have been reminded that where possible, all Child In Need visits should be arranged with parents and families. • The "North East Lincolnshire Council Customer Standards for communication" have been re-distributed to all staff and business support colleagues in Children's Assessment and Safeguarding Services. This will further be added to the agenda for discussion at the next whole service meeting to ensure full service awareness and

	<p>understanding.</p> <ul style="list-style-type: none"> • All social workers have been reminded of the need to be clear with families as to why we undertake direct work with children as this may decrease the anxieties when this needs to occur. • Training for Newly Qualified Social Workers on the appropriateness of taking photographs of children on mobile telephones. • Training for Newly Qualified Social Workers will explore fully the Child in Need Process, basic considerations regarding consent and working with families. • All Social Workers have been reminded to ensure that arrangements for Personal Education Plan meetings are shared with parents in a timely manner and that any alternate arrangements that need to be made, are made in conjunction with the Looked After Children Education team. • Training for all staff in relation to standards and practice in communication will be repeated within three months to ensure consistent understanding across the service. • Work has been carried out with social workers in relation to ensuring cases are not allowed to incur delay and that where there are concerns for the well-being of a child, action is taken to support parents in rectifying the situation.
Children's Disability Service	<ul style="list-style-type: none"> • Disability Resource Action Group process has been reviewed to ensure the process is clear with regards to decision making and that the rationale needs to be shared with parents.
Through Care Services	<ul style="list-style-type: none"> • A new process has been developed regarding the support and financial support offered to young people in custody.
Fostering and Adoption Service	<ul style="list-style-type: none"> • We have reviewed the payment process so that Social Work Teams appropriately notify the Fostering and Adoption payment team, of any "event" such as a change of legal status as this may affect the finances received by those caring for the children. This will ensure that the correct finances are been provided. • Carers will receive written information regarding any review of their practice that occurs. • The Fostering Service has developed a short stay template which is to be used by all foster carers whose children are going to other carers for short stays. This form will include relevant information on, any health appointments planned. • The Fostering Service has re-issued general message to carers about being proactive in completing the immunisation programme in the required timescales and recording this and any conversation relating to appointment they have had with health professionals. This was done in a letter to all carers.

5. Compliments

The Council welcomes compliments from its users and partners. Compliments help to highlight good quality service and encourage staff to continue delivering high quality services. Between April 2016 and March 2017, five compliments were received relating to social care statutory services.

Date received	How compliment was received	Details of the compliment	From
Residential Unit – Heneage			
04/08/16	Letter	Young person thanking the service for the help and support provided over the last 5 years.	Service User
Children’s Assessment and Safeguarding Service			
16/06/16	Email	Thanking social worker for the way they managed the case.	Service User
27/06/16	Telephone	Thanking social worker for all the support offered and for dealing with the case thoroughly.	Service User
Through Care Services			
29/04/16	Letter	Thanking the team for all the help and support offered.	Service User
03/06/16	Email	Thanking the service manager for all her hard work and support.	Service User

6. Development of Policies and Procedures

The main priorities for the developing our complaints service during 2017/18 are as follows:

- 6.1 The complaints team will continue to closely monitor timescales and raise any issues with the Head of Safeguarding as appropriate.
- 6.2 Continue to raise awareness of the complaints procedure across the Council, ensuring staff are familiar with the procedures and know where to direct customers ensuring all feedback is recorded. Assist staff to ensure they are fully equipped with effective complaints handling skills, so that all customers are dealt with in a timely and appropriate manner.
- 6.3 Continue to produce monthly and quarterly performance reports to services and support the effective management and resolution of complaints, including actively monitoring response times and addressing any identified issues.
- 6.4 Review the monthly complaint reports for teams to ensure that they are effective and efficient.
- 6.5 Draw attention to any improvements identified by providing reports and intelligence to relevant service managers to use in any service reviews or improvement plans.

- 6.6 Maintain networks with other local authorities and our local partners, to share good practice and contribute to the development of policy and practice, both locally and nationally.
- 6.7 Complete a children and young people's version of the children's complaints procedure.
- 6.8 Review and update the complaints leaflets and relevant webpages on the council's website.

7. Conclusion

Whilst it has been noted that there has been a slight decrease in the amount of complaints received compared to year 15/16, it is difficult to conclusively determine the cause of this. This is especially so when considering that the amount of looked after children has increased compared to last year. It is recognised that the turnover of staff within the service has stabilised, which has led to minimal changes taking place with the management of cases. This has provided consistency to customers and may account for less dissatisfaction being raised with regard to this aspect. There have also been significant improvements made with regard to the recording of information and case notes which also helps ensure consistency of approach.

Whilst the decrease in complaints is welcome, further work still needs to be undertaken with services to ensure investigations address all the issues raised and identify improvements to service delivery. It is only through the identification of the real causes of dissatisfaction that improvements can be identified and implemented in a way that will see services improve practices and procedures, therefore resulting in a reduction in complaints.