

CABINET

DATE	8 TH June 2016
REPORT OF	Cllr 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 2015/16
STATUS	Open
FORWARD PLAN REF NO.	FP 06/16/01

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 2015 to 31st March 2016.

RECOMMENDATIONS

That Cabinet receive and accept the Children's Social Care Statutory Complaints and Compliments Annual Report for 2015/16.

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 2015/16, the service improvements implemented and lessons learnt as a result of complaints and representations.
- 1.3 During 2015/16 the Council received the following representations concerning children's social care statutory services:

Complaints = 120
Compliments = 7

This compares with 146 complaints and 9 compliments in 2014/15.

- 1.4 Of the 120 complaints received 7 were withdrawn by the complainant prior to stage one commencing and 7 were dealt with as a concern. This compares to five concerns in 2014/15. Of the 106 complaints processed at stage one only four (3.7%) were escalated to stage two. Two complaints progressed to stage three, review panel (1.8%)

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

The two stage 3 complaints received were processed within the 30 working days timescale and responded to within the 20 working day timescale.

- 1.5 52% of stage one complaints were not upheld. 82% 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

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 2015
to
31st March 2016**

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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 April 1st 2015 and March 31st 2016, 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.

2. 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.

3. Council activity - representations

3.1 Number of representations

Between 1st April 2015 and 31st March 2016 the Council responded to 120 representations, compared with 146 received in the same period for 2014/15. This is a decrease of 18% at a time when the number of open child care cases and looked after children have increased.

For 2015/16 there were 34,309 under 18s living in North East Lincolnshire. The Council had 1,831 open childcare cases including 292 looked after children. The 120 representations received represents 7% of the open cases. This compares to 8% of open cases in 2014/15.

Of the 120 representations seven were dealt with as a concern and seven were withdrawn prior to the stage one process commencing, due to the complainant not wanting to continue with their complaint.

A total of 106 complaints were received with 106 processed at stage one, seven complaints were withdrawn whilst in the process. Four stage two complaints were responded to and of those two progressed to a stage three Panel Review.

Six complaints were raised with the LGO, however the LGO determined not to undertake any further investigation into five of these complaints as they fell outside their jurisdiction. The remaining complaint was investigated by the LGO and the council was found at fault.

Years	Concerns	Stage one	Stage two	Stage three	LGO
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.

3.2 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	92
Through Care	4
Children's Disability Service	1
Fostering & Adoption Service	5
Residential Unit A	1
Residential Unit B-	1
Children's Safeguarding and Reviewing Service	1
Integrated Family Services – Family Group Conferencing	1

3.3 Nature of Complaints

Service Area	Attitude / Behaviour of staff	Concern about the quality of service	Other reason	Application of eligibility & assessment criteria	Delivery / Non delivery of service	Impact on child or young person of a policy	Quantity , frequency, change or cost of a service	Withdrawal of Service	Unwelcomed or disputed decision
Residential Unit – A	0	0	1	0	0	0	0	0	0
Children's Safeguarding & Reviewing Service	0	1	0	0	0	0	0	0	0
Fostering & Adoption Service	0	2	0	2	0	0	1	0	0
Children's Assessment & Safeguarding Service	22	53	0	0	2	1	1	1	12
Residential Unit – B	0	0	1	0	0	0	0	0	0
Through Care Services	0	2	0	0	1	0	0	0	1
Children's Disability Service	1	0	0	0	0	0	0	0	0
Integrated Family Services - Family Group Conferencing	1	0	0	0	0	0	0	0	0
Total	24	58	2	2	3	1	2	1	13

3.4 The outcome of complaints

Stage one outcome	2015/16		2014/15	
	Number	%	Number	%
Upheld	9	8	22	18
Partially upheld	35	33	42	34
Not upheld	55	52	56	48
Withdrawn	7	7	0	0
Total	106	100	120	100

Stage two outcome	2015/16		2014/15	
	Number	%	Number	%
Upheld	0	0	0	0
Partially upheld	3	75	1	50
Not upheld	1	25	0	0
Ongoing	0	0	1	50
Total	4	100	2	100

Stage three outcome	2015/16		2014/15	
	Number	%	Number	%
Upheld	0	0	0	0
Partially upheld	1	50	0	0
Not upheld	1	50	0	0
Total	2	100	0	0

3.5 Timescales for complaints

Stage 1 response	2015/16		2014/15	
	Number	%	Number	%
Within 10 days	82	77	57	48
Within 20 days	21	20	56	46
Outside of 20 days	3	3	7	6
Within timescales	103	97	113	94

Stage 2 response	2015/16		2014/15	
	Number	%	Number	%
Within 25 days	0	0	0	0
Within 65 days	4	100	1	33.3
Outside of 65 days	0	0	0	0
Ongoing	0	0	1	33.3
Withdrawn	0	0	1	33.3

Stage 3 response	2015/16	2014/15
	Achieved	Achieved
Panel set up within 30 days timescale)	2	N/A
Panel report produced within 5 days	2	N/A
Executive Director's Response sent within 15 days	2	N/A

There has been an increase in the number of complaints responded to within 10 days at stage one. Factors for this include:

- The complaints team have reviewed the process of how stage one complaints are handled by the service. These changes have resulted in the reduction in the amount of complaints being responded to outside of the statutory timescale. Principal Social Workers now carry out the majority of stage one investigation instead of the service managers. This has provided us with wider scope of investigators which has resulted in the majority of complaints been responded to within the 10 working day timescale.
- The complaints team continues to closely monitor timescales and raise any issues with the Head of Safeguarding as appropriate.
- The Head of Safeguarding is now required to approve any requests for a complaint to be extended over the 10 working day timescale.

3.6 Profile of Complainant - How involved

Profile of complainant	No.
Child/young person being looked after/ receiving services	10
A parent of the child	73
Person with parental responsibility	1
Persons with sufficient interest in the child's welfare	19
Other	3
Total	106

3.7 Gender of Adult Complainants

Gender	Number	%
Female	52	54
Male	34	35
Joint	10	11
Total	96	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	7	70
Male	3	30
Total	10	100

All 10 young people were offered an independent advocate to support them through the complaints process, and four took up this offer.

3.9 Ethnic origin

Of the 106 complaints received only 17 people returned the equalities monitoring form. Of these 17 declared themselves as White.

3.10 Satisfaction levels

Level	Number	%
Satisfied	87	82
Not satisfied	19	18
Total	106	100

Of the 106 complaints processed at stage one 18% stated they were not satisfied with the outcome. As outline above, further work is undertaken where this is the case. 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.

- One compensation payment was made for £7000 during 2015/16
- One compensation payment was made for £4,363.30 during 2014/2015
- No compensation payments were made during the years 2013/14

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
Residential Unit A –	<ul style="list-style-type: none"> • Risk assessments to be updated and reviewed for when a child is out in the community. • Customer relations to be included in the staff induction package. • All staff to attend a refresher workshop on customer relations.
Children's Assessment and Safeguarding Service	<ul style="list-style-type: none"> • Reinforced with all social workers about the importance of case recording on the system in a timely manner. • All social workers informed about the importance of cancelling meetings with service users in a timely manner. • Social workers have been informed that a transfer letter is to be sent out to services users to make them aware when there is a change in social worker. • All social workers have been reminded to be mindful of their presentation and how their approach can be interpreted by service users. • A tracking system is to be implemented that monitors visits to children to ensure that visits are completed in a timely manner. • Reminder issued to all social workers about the importance of recording information and ensuring it is communicated to those involved when appropriate. • Reminder to all social workers regarding the importance of ensuring anything they report, and the language they use to report it, is accurate and evidentially based. • Staff briefings have been held to reiterate the importance of recording all key information. In addition line managers have been trained as Super Users of the child care management system (CCM) to further enhance the accuracy of recording. To support and reinforce this, the supervision framework has been refreshed to include the Signs of Safety (SoS) approach. Other improvements to processes in the service have been introduced regarding Child in Need/Child Protection /Looked After Children /Closure and Resource Allocation Meetings panels to ensure senior management oversight of cases and clear recording under the SoS Framework of key decisions to review and progress cases. • All case monitoring is now reviewed under the Quality Assurance Framework and service actions progressed through a Leadership Quality and Performance Challenge Session. • Cases at a child protection level are tracked by a panel of senior managers to prevent drift and inconsistency. • Internal transfer process between social workers has been reviewed and is now monitored closely. • Social Workers reminded that of the requirement to ensure that effective regular communications with the families they work with. • Message reinforced with social workers that visits be kept on time where possible.

	<ul style="list-style-type: none"> • All social workers are reminded of the importance of updating electronic records particularly when paternity has been proven and parental responsibility has been given to father and the child's name has changed as a result. • Reminder issued about completing assessments and LAC paperwork within timescale. • Message reinforced with all contact workers and social workers about the importance of using an appropriate booster seat when transporting a child. • All staff reminded to return telephone calls in a timely manner.
Children's Disability Service	<ul style="list-style-type: none"> • All staff within the team will attend restorative practice training.
Children's Safeguarding and Reviewing Service	<ul style="list-style-type: none"> • Staff have been reminded that where it is believed that a parent cannot attend a child protection conference, a consultation form is sent to them.
Through Care Services	<ul style="list-style-type: none"> • Risk assessment within the team has been reviewed and updated. • Officers have been informed that they need to ensure that young people understand the rules and permissions to save confusion. • The message has been reinforced with officers regarding the need for clear case recording on the child care management system.
Fostering and Adoption Service	<ul style="list-style-type: none"> • The message has been reinforced with officers that decisions about adopters are made early and adopters are clear about the outcome. • Officers have been made aware that any distressing information which needs to be provided to Adopters is done face to face. • All adoption social workers have been reminded that they need to be mindful of the very distressing experience of an adoption breakdown and ensure they offer appropriate support to adopters in this situation.

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 2015 and March 2016 seven compliments were received relating to social care statutory services.

Date received	How compliment was received	Details of the compliment	From
Children's Assessment and Safeguarding Service			
16/04/2015	In person	Extremely complimentary. Stated you went above and beyond what they expected	Service User
15/09/2015	e-mail	Thank you for your time and listening to me	Service User
18/11/2015	In person	High praise for conduct and knowledge of social worker in court	Solicitor
Children's Safeguarding and Reviewing Service			
07/03/2016	Letter	Thank you for everything you have done for me. I will be forever grateful	Service User
Through Care Services			
02/09/2015	Letter	Thank you card for case worker who handled the case	Service User
07/09/2015	Letter	Thank you to case worker for being supportive	Service User
15/01/2016	Letter	Thank you card sent to case worker who handled the case	Service User

6. Development of Policies and Procedures

The main priorities for the developing our complaints service during 2016/17 are as follows:

- 6.1 Review of the recently implemented approach to dealing with stage one statutory complaint investigations and make improvements to the process.
- 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 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 Work with the residential units to review how in-house feedback can be used to identify trends and improve service delivery.
- 6.9 Upgrade the complaints system (Respond) to ensure continual improvement in the use of the system and to develop the effectiveness of the system in further supporting the Council's objectives.

7. Conclusion

Whilst it has been noted that there has been a slight decrease in the amount of complaints received compared to year 14/15, 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.

The improvements made by the complaints team in respect of the handling of stage one complaints has helped to raise awareness of complaints issues across a wider range of staff and given principal social workers the opportunity to learn from complaints first hand. With the principal social workers now taking this active role in responding to stage one complaints it has also increased the overall resource available for investigating complaints. These changes are working well as is evident in the increase in the amount of complaints being responded within the timescale. An implementation review will develop this approach further and aim to improve further the handling of complaints.