

North East Lincolnshire Council

Children's Social Care Statutory Complaints and Compliments Annual Report

1st April 2013
to
31st March 2014

Report prepared by North East Lincolnshire Council's, Strategy Change and Improvement Team

Version 0.3

Last updated 12/09/2014

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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 requires 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 2013 and March 31st 2014, 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/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:

Stage 1 – Local Resolution

This is the most important stage of the complaints procedure. The People and Communities Directorate 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 2 – Investigation

This stage is usually implemented where the complainant is dissatisfied with the findings of Stage 1. Stage 2 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 on behalf of the Council.

The timescale for responding to a complaint at stage 2 is 25 working days, with an extension of up to 65 working days for complex cases.

Stage 3 – Independent Review Panel

Where complainants wish to proceed with complaints following dissatisfaction with the outcome of the complaint at stage 2, 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 Strategic Director of People and Communities who then makes a decision on the complaint and any action to be taken.

There are various timescales relating to stage 3 complaints, these include:

- setting up the Panel within 30 working days of the complainants request
- producing the Panel's report within 5 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.

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3. Council activity - representations

3.1 Number of representations

Between 1st April 2013 and 31st March 2014 the Council recorded 97 representations, compared with 93 in the same period for 2012/13.

This is an increase in the amount of statutory complaints received. This is in line with the increase in open child care cases and an increase in the number of children becoming looked after children.

For 2013/14 there were 34,423 under 18s living in North East Lincolnshire, the Council had 2366 open childcare cases including 263 looked after children. The 97 representations received represents 4.1% of the open cases. This compares to 4.5% of open cases in 2012/13.

Of the 97 representations one was dealt with as a concern and seven were withdrawn prior to the stage 1 process commencing, due to the complainant not wanting to continue with their complaint. A total of 89 complaints were received with 89 processed at stage 1, and five progressing to stage 2.

Of the five stage 2 complaints received none progressed to a stage 3 Panel Review.

Years	Concerns	Stage 1	Stage 2	Stage 3	LGO
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 1 reflects the time and effort put in at this stage to resolve the complaint without the need for escalation to stage 2, which can be a costly process. Efforts made to resolve complaints at stage 1 include providing a further response often to clarify particular points, service managers meeting with complainants, and complaints officers acting as mediators during a meeting, often to explain or clarify any outcomes.

3.2 Complaints by service area

Below is a service breakdown in respect of the 89 complaints received.

Service Area	Complaints received
Residential Unit – A	1
Children's Safeguarding and Reviewing Service	2
Residential Unit – B	1
Fostering & Adoption Service	6
Children's Assessment and Safeguarding Service	66
Residential Unit – C	1
Through Care	9
Child Care Management	2
Family Resource Service	1

3.3 Nature of Complaints

Service Area	Attitude / Behaviour of staff	Non Provision of requested service	Level of service	Quality of service	Failure to communicate	Other reason	Failure to carry out require action	Service delay	Delivery / Non delivery of service	Unwelcomed or disputed decision
Residential Unit – A	1									
Children’s Safeguarding & Reviewing Service					1					1
Residential Unit – B	1									
Fostering & Adoption Service		1		1	1	3				
Children’s Assessment & Safeguarding	20	1	1	27	6		1		2	8
Residential Unit -C						1				
Through Care Service		1		4	2				1	1
Child Care Management				1				1		
Family Resource Service				1						
Total	22	3	1	34	10	4	1	1	3	10

3.4 The outcome of complaints

Of the 89 complaints received five progressed to stage 2 of the complaints procedure, two of which are still ongoing. None have progressed to stage 3.

Stage 1 outcome	2013/14		2012/13	
	Number	%	Number	%
Upheld	5	5.6	16	21.1
Partially upheld	12	13.5	14	18.4
Not upheld	72	80.9	46	60.5

Stage 2 outcome	2013/14		2012/13	
	Number	%	Number	%
Upheld	0	0.0	1	14.3
Partially upheld	3	60.0	5	71.4
Not upheld	0	0.0	1	14.3
Ongoing	2	40.0	0	0.0

Stage 3 outcome	2013/14		2012/13	
	Number	%	Number	%
Upheld	0	0	0	0
Partially upheld	0	0	1	100.0
Not upheld	0	0	0	0

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3.5 Timescales for complaints

Of the 89 complaints responded to, five progressed to stage 2, two of which are still ongoing.

Stage 1 response	2013/14		2012/13	
	Number	%	Number	%
Within 10 days	52	58.4	56	73.7
Within 20 days	27	30.3	20	26.3
Outside of 20 days	10	11.2	0	0
Within timescales	79	88.8	76	100.0

Stage 2 response	2013/14		2012/13	
	Number	%	Number	%
Within 25 days	0	0.0	0	0
Within 65 days	3	60.0	7	100.0
Outside of 65 days	0	0.0	0	0
Ongoing	2	40.0	0	0

Stage 3 response	2013/14	2012/13
	Achieved	Achieved
Panel set up within 30 days timescale)	N/A	N/A
Panel report produced within 5 days	N/A	N/A
Executive Director's Response sent within 15 days	N/A	N/A

The figures show that the Council continues to meet its duty to respond to the majority of its complaints within the set timescales. There has been a reduction in the number responded to within 10 days at stage 1. Factors for this include:

- The nature and complexity of the issues that have been raised.
- Service managers having to deal with the increasing amount of looked after children and open child care cases.
- During this period Council has also undergone a major transformation project resulting in the restructuring of services and changing the way Council services are delivered. This has included those teams who have supported and lead the delivery of the complaints process.

To improve this position, Local Government Ombudsman Statutory Complaint training has been delivered to a number of social workers to ensure there is a wider group of officers available to carry out investigations at stage 1.

3.6 Profile of Complainant - How involved

Profile of complainant	No.
Child/young person being looked after/ receiving services	4
A parent of the child	55
Person with parental responsibility	0
Persons with sufficient interest in the child's welfare	30
Total	89

3.7 Gender of Complainants

Gender	Number	%
Female	55	64.7
Male	26	30.6
Joint	4	4.7
Total	85	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	3	75
Male	1	25
Total	4	100

3.9 Ethnic origin

Of the 89 complaints received only eight people returned the equalities monitoring form, The eight people who completed the equality monitoring form all declared themselves as White British.

To gain more data from complainants around equalities we have made various changes to the complaints leaflet which will hopefully encourage more service users to complete the form.

3.10 Satisfaction levels

Level	Number	%
Satisfied	62	69.66
Not satisfied	27	30.34
Total	89	100

Of the 89 complaints processed at stage 1, 30% stated they were not satisfied. 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 4.

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 the year 2013/14
- No compensation payments were made during the year 2012/13

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4. Lessons Learnt and Improvements to Practice

Complaints provide senior 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
<p>Children's Assessment and Safeguarding Service Handling Officer – Service Manager</p>	<ul style="list-style-type: none"> • Decisions that cannot be met are raised at an earlier stage with the Independent Reviewing Officer so control is taken rather than no action. • The service identified that they should put decisions in writing to assessed individuals even if they withdraw from the process. • It has been identified that the service must update extended family members when they are involved in cases. • Officers have been made aware when writing in an initial assessment that a service user has a mental illness when there is no evidence or the suitable qualifications to diagnose or substantiate such an assumption. • Social Workers have been reminded of the importance of keeping extended family members up to date with case progression if they are being considered as carers. • Messages have been reinforced with the service about the need to respond in a timely manner and plan diary commitments accordingly. • Team meeting briefings were held with officers to remind and reinforce the visiting timescales. • It has been reiterated with officers that assessments must not be signed off without the child being seen and their views clearly recorded. • All Social Workers were informed that completed assessments must be shared with families and their views should be clearly recorded. • It has been reiterated during supervision with managers and senior officers that they must not be blinded by difficult families/ persistent complainers and that officers must remain focused on the risk to the child not on the parents. • The case transfer process has now been revised based on feedback received from service users. • Principal Social Workers need to ensure that all social work practice is in line with policies and procedures and that these are an integral part of supervision and the induction package. • Cases subject to Child protection for one year will be reviewed by the service manager and escalated to the Head of Safeguarding if required. • It has been identified that Child Care Management records to ensure that telephone numbers and addresses are correct. • For the use of contract of expectations to be reviewed by management. • Internal challenge training to be developed and delivered to officers. • To ensure that Family networks- use the family around the child and identify protective factors, strengths and contingency plans. • Reinforce with all officers the need for Statutory Child Protection visits to be unannounced and the child seen alone. • A reminder has been sent to the social workers within the service to ensure that all families receive a written letter of confirmation that a case has been closed to the service.
<p>Through Care Handling Officer – Service Manager</p>	<ul style="list-style-type: none"> • It has been identified that the service needs to make sure young people are aware of their entitlements. • Maintenance work and monitoring has been completed at the contact facility which is used by service users.

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	<ul style="list-style-type: none">• It has been identified that officers must follow up any arrangements made in writing to the service user.• The need to put decisions in writing to assessed people if they withdraw from the process.• To ensure decisions that cannot be met are raised at an earlier stage with the Independent Reviewing Officer so control is taken rather than no action.• There is always an on-going need to ensure parents have understood the legal situation and to be clear at the end of proceedings what the on-going arrangements will be.• To ensure that the contact service is informed of changes to contact arrangements.• It has been reinforced with officers about complying with any arrangements which have been put in place with service users
Residential Unit – A Handling Officer – Service Manager	<ul style="list-style-type: none">• The unit will be introducing a "Grumbles book" for children to write any views, wishes or feelings. This book will be monitored by myself regularly and will be made available to our Regulation 33 officer monthly as well as to Ofsted during our in year Inspection process. The unit has encouraged an "open door policy" for staff and children and have addressed many low level issues adopting a restorative approach, the unit hope that the book along with approachability will continue to resolve these kind of issues in the future and save them going through a complaints process. However the unit will encourage any children of course to progress with more formal complaints through the complaints process should they continue to feel not listened too.
Residential Unit – B Handling Officer – Service Manager	<ul style="list-style-type: none">• It has been identified that staff should be made aware that when making telephone calls, consideration should be taken into account of the possibility of other people in the building over hearing.• For officers to reinforce the message with young people at the unit that they have the opportunity to speak to regulation 33 inspectors on a monthly basis, Independent reviewing officers, or can ask to speak to an independent visitor. All staff are aware of this and can help.

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5. Compliments

The Council welcome compliments from its users and partners. Compliments help to highlight good quality service and encourage staff to continue delivering high quality services. Between April 2013 and March 2014 the People Directorate received a total of 24 compliments about children's social care, of which 10 related to social care statutory services.

Team		Children's Assessment and Safeguarding Service	
Date received	How compliment was received	Details of the compliment	From
17/02/2014	E-mail	Thanking the social worker and foster carers for all their hard work whilst they were involved with the family.	Service User
18/05/2013	Email	Foster carers complimenting social worker who has gone above and beyond her duties.	Service User
22/08/2013	Email	Complimenting social worker for the good record keeping regarding contact details and content between externals to your agency with information about myself.	Service User

Team		Fostering and Adoption Service	
Date received	How compliment was received	Details of the compliment	From
24/10/2013	E-mail	Thanking the service for the brilliant job they have done with a child's life story book.	Service User

Team		Through Care Services	
Date received	How compliment was received	Details of the compliment	From
02/05/2013	Verbal	Complimenting a social worker who always gets back to them and is a pleasure to work with.	Foster Carer
14/09/2013	Email	Complimenting the service manager for her role as corporate parent to looked after children and the service that has been provided to her. Would to thank you everyone for doing an amazing job.	Young person

Team		Vulnerable Young People's Project	
Date received	How compliment was received	Details of the compliment	From
15/07/2013	Letter/Card	Thanking the service for their generous donations of food for the vulnerable individuals in the community.	Member of the public
16/09/2013	Letter/Card	Praising the team for the support they have provided to a family and a child.	Service User

Team		Youth Offending Service (Children's Services)	
Date received	How compliment was received	Details of the compliment	From
05/07/2013	Feedback Form - Paper	Happy with the services received from Youth Offending services, Victim Liaison Officer	Service User
05/07/2013	Feedback Form - Paper	Happy with the services received from Youth Offending services, Victim Liaison Officer	service user

6. Development of Policies and Procedures

The main priorities for the complaints team within the Strategy Change and Improvement during 2014/15 are as follows:

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- 6.1 To produce monthly and quarterly performance reports to services and support the effective management and resolution of complaints
- 6.2 Undertake a review of the information available to service users, citizens and staff in relation to statutory complaints. (including on the Council's website and intranet)
- 6.3 To continue the promotion of the complaints procedure across the Council, ensuring staff are familiar with the procedures and are fully equipped with effective complaints handling skills to ensure complaints are recorded and dealt with in a timely and appropriate manner.
- 6.4 Work in partnership with Strategy, Change and Improvement team to take forward opportunities for service improvement identified through the complaints procedure (lessons learnt and recommendations).
- 6.5 Maintain networks with other local authorities to share good practice and contribute to regional policy and practice.
- 6.6 Undertake a review of the statutory complaints internal working processes.
- 6.7 To develop a children and young people's version of the children's complaints procedure.
- 6.8 Work with the residential units to regarding in house feedback and how this can be analysed and used to identify trends and improve service delivery.

7. Conclusion

Whilst it has been noted that there has been a significant increase in complaints for the second year running this could potentially be a continued reflection of the increase of looked after children and open child care cases. There have been significant changes within the council as a whole which has resulted in restructuring of council services and changing the way we deliver our services. This has impacted on the central complaints team and on officers appointed to investigate complaints. The increased risk of extended response times, outside of the 10 working day deadline, will need to be monitored.