

CABINET

DATE	17 th June 2015
REPORT OF	Councillor 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 2014/15
STATUS	Open
FORWARD PLAN REF NO.	FP 06/15/03

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 2014 to 31st March 2015.

RECOMMENDATIONS

That Cabinet receive and accept the Children’s Social Care Statutory Complaints and Compliments Annual Report for 2014/15.

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 2014/15, the service improvements implemented and lessons learnt as a result of complaints and representations.
- 1.3 During 2014/15 the Council received the following representations concerning children's social care statutory services:

Complaints = 146

Compliments = 11

This compares with 97 complaints and 24 compliments in 2013/14.

- 1.4 Of the 146 complaints received 21 were withdrawn by the complainant prior to stage one commencing and 5 were dealt with as a concern. This compares to one concern in 2013/14. Of the 120 complaints processed at stage one only three (2.5%) were escalated to stage two. There have been no complaints taken through stage three of the process. At stage one, seven complaints (6%) were responded to outside of the maximum statutory timescale of twenty working days. Of the three stage two complaints received one was responded to within the statutory 65 working day timescale. One was withdrawn and one is still ongoing.
- 1.5 53.3% of stage one complaints were upheld either in part or full.
72.5% 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 three stage two complaints in 2014/15 and this represents a small saving, as each stage two 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.

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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North East Lincolnshire Council

Children's Social Care Statutory Complaints and Compliments Annual Report

**1st April 2014
to
31st March 2015**

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

Version 1

Last updated 12/05/2015

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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 2014 and March 31st 2015, 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:

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 is the most important stage of the complaints procedure. 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 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 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 2014 and 31st March 2015 the Council responded to 146 representations, compared with 97 received in the same period for 2013/14. This is an increase of 50%, at a time when the number of child care cases has decreased and the number of looked after children has remained very much the same.

For 2014/15 there were 34,423 under 18s living in North East Lincolnshire. The Council had 1,821 open childcare cases including 265 looked after children. The 146 representations received represents 8% of the open cases. This compares to 4.1% of open cases in 2013/14.

Of the 146 representations five were dealt with as a concern and 21 were withdrawn prior to the stage one process commencing, due to the complainant not wanting to continue with their complaint. A total of 120 complaints were received with 120 processed at stage one, and three progressing to stage two.

Of the three stage two complaints received none progressed to a stage three Panel Review.

Three complaints were raised with the LGO, however the LGO determined not to undertake any further investigation as they fell outside their jurisdiction.

Years	Concerns	Stage one	Stage two	Stage three	LGO
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 and the complaints officers who, on occasion, take 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	94
Through Care	13
Children's Disability Service	6
Fostering & Adoption Service	2
Residential Unit A-	2
Residential Unit B-	1
Children's Safeguarding and Reviewing Service	1
Respite Unit - Whitgift	1

3.3 Nature of Complaints

Service Area	Attitude / Behaviour of staff	Concern about the quality of service	Other reason	Delay in decision making of Service	Delivery / Non delivery of service	Unwelcomed or disputed decision
Residential Unit – A			2			
Children's Safeguarding & Reviewing Service		1				
Fostering & Adoption Service	1					1
Children's Assessment & Safeguarding Service	22	44	1	2	13	12
Residential Unit – B			1			
Through Care Services	2	3		1	5	2
Children's Disability Service		4	1		1	
Respite Unit – Whitgift		1				
Total	25	53	5	3	19	15

3.4 The outcome of complaints

Of the 120 complaints received three progressed to stage two of the complaints procedure, one of which is still ongoing and one was withdrawn. None have progressed to stage three.

Stage one outcome	2014/15		2013/14	
	Number	%	Number	%
Upheld	22	18	5	5.6
Partially upheld	42	34	12	13.5
Not upheld	56	48	72	80.9

Stage two outcome	2014/15		2013/14	
	Number	%	Number	%
Upheld	0	0	0	0.0
Partially upheld	1	50	3	60.0
Not upheld	0	0	0	0.0
Ongoing	1	50	2	40.0

Stage three outcome	2014/15		2013/14	
	Number	%	Number	%
Upheld	0	0	0	0
Partially upheld	0	0	0	0
Not upheld	0	0	0	0

3.5 Timescales for complaints

Of the 120 complaints responded to, three progressed to stage two, one of which is still ongoing and one was withdrawn.

Stage 1 response	2014/15		2013/14	
	Number	%	Number	%
Within 10 days	57	48	52	58.4
Within 20 days	56	46	27	30.3
Outside of 20 days	7	6	10	11.2
Within timescales	113	94	79	88.8

Stage 2 response	2014/15		2013/14	
	Number	%	Number	%
Within 25 days	0	0	0	0.0
Within 65 days	1	33.3	3	60.0
Outside of 65 days	0	0	0	0.0
Ongoing	1	33.3	2	40.0
Withdrawn	1	33.3	0	0

Stage 3 response	2014/15	2013/14
	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

There has been a slight reduction in the number responded to within 10 days at stage one. Factors for this include:

- The nature and complexity of the issues that have been raised
- Availability of officers to investigate complaints
- Restructuring of the teams that support the complaints process, causing some delays in service

3.6 Profile of Complainant - How involved

Profile of complainant	No.
Child/young person being looked after/ receiving services	9
A parent of the child	79
Person with parental responsibility	3
Persons with sufficient interest in the child's welfare	29
Total	120

3.7 Gender of Adult Complainants

Gender	Number	%
Female	85	77
Male	20	18
Joint	6	5
Total	111	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	4	44
Male	5	56
Total	9	100

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

3.9 Ethnic origin

Of the 120 complaints received only 13 people returned the equalities monitoring form. Of these 12 of them declared themselves as White British and one declared themselves as Latvian.

3.10 Satisfaction levels

Level	Number	%
Satisfied	87	72.5
Not satisfied	33	27.5
Total	120	100

Of the 120 complaints processed at stage one 27.5% 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 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 £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">• Bullying to be discussed as a specific agenda item at all children's meetings and educational work to be carried out with the young people about what constitutes as bullying and the impact that this can have on people's lives.• To keep a clear record/ log of all instances, which the Home/care officers feel are occasions of bullying in any form, and how they have responded to or challenged these situations.

Team	Lesson Learnt
	<ul style="list-style-type: none"> • A staff member has been identified to undertake a 'championing' role in relation to bullying and will drive the agenda.
Children's Assessment and Safeguarding Service	<ul style="list-style-type: none"> • Processes of financial support have been revisited with all staff. • Social workers spoken to during team meeting around checking reports before filing and ensuring that parental views of challenge are recorded. • Revisited timescales within team briefings and the need to progress cases swiftly. • Improvement has been made including sharing information and the outcome from these assessments with parents and the relevant agencies. This is to ensure plans for children, or ending any involvements, are completed in a timely manner. • It has been identified that the service need to take time to explain to children what is happening, and time after to explain to them again why action has been taken, particularly with older children. • Communication and need to keep families updated with case progress has been revisited. • Importance of timely communication with families revisited with the team in team meeting. • Staff briefing provided around the need to keep families updated with what is happening with case. • As a service we have now revised the process leading to case transfer between social workers. Prior to transfer a meeting is held between the respective social workers and their line managers to discuss the case thoroughly and agree a plan of action. Line managers have responsibility for auditing the cases that are transferred to prevent information from being missed. • Staff reminded about the importance of returning calls. • Case panels implemented across the service to prevent drift and delay. • Lack of information regarding legal process - leaflet devised for family and friends carers. • Implementation of transfer process within the team. • Cultural awareness session undertaken with staff and addressed specifically with the identified member of staff. • Briefing prepared and shared with staff in relation to decision making and actions from allegations. • Social workers were reminded about the need for regular communication with extended family involved in assessments. • All staff reminded of how their presentation via telephone and face to face can be interpreted.

Team	Lesson Learnt
Children's Disability Service	<ul style="list-style-type: none"> • Communication within the service has been reviewed and improved. • It is recognised that parents do not always agree with outcomes and whilst their views must be taken into account the child must be a social workers paramount consideration. • Child in need minutes to be sent to parents within 2 weeks of the holding of the Child in need meeting.
Children's Safeguarding and Reviewing	<ul style="list-style-type: none"> • We are now aware that refuges will have a PO box address and we will seek to use a PO box address for such premises.
Through Care Services	<ul style="list-style-type: none"> • Ensuring all processes are followed and recorded accurately. • Workers to ensure that contact arrangements are clearly understood by all. • Ensure that promises given to parents are followed through. • Consideration to be given when young people are requesting details of their past and assurance that two workers are present. • Ensuring staff record when they send information out to parents to make verification easier. • Social workers to inform all parties of transfer of workers. • Ensure people answering the phone follow up calls. • Ensure that workers fully understand changes to legislation and how they affect young people before they offer advice. • Need to consider impact of our processes on people who struggle with their own anxiety.

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 2014 and March 2015 nine compliments were received relating to social care statutory services.

Date received	How compliment was received	Details of the compliment	From
Children's Disability Service			
04/11/2014	Text Message	Thanking the service for all the support given to her family.	Service User
Through Care Services			
05/06/2014	Email	Complimenting the service for the life story book that they had produced for two young people.	Foster carer
12/06/2014	Email	Thanking the service manager for giving her the opportunity to work with the service as a work placement.	Young person
29/10/2014	Email	Thanking Social Worker for all the support and hard work they had provided.	Service User
04/11/2014	In person	Flowers and a card sent to the social worker who had helped organise the placement of their adoptive children.	Service User
Residential Unit – C			
04/07/2014	Letter	Thanking the young people at the unit for the respect shown during a wake.	Member of the public
Vulnerable Young People's Project			
21/08/2014	Letter	Thanking the service for all their help and support that they provided to him.	Service User
Children's Safeguarding and Reviewing Service			
05/06/2014	Email	Complimenting officers for the fantastic work they have done and the professionalism and support they had shown.	Service User
05/06/2014	Email	Complimenting the conference chair and other officers who have worked to a high standard.	Professional

6. Development of Polices and Procedures

The main priorities for the developing our complaints service during 2015/16 are as follows:

- 6.1 To review and develop the recently implemented approach to dealing with stage one statutory complaint investigations.
- 6.2 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.

- 6.3** 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** Draw attention to any improvements identified by providing reports and intelligence to relevant service managers to use in any service reviews or improvement plans.
- 6.5** 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.
- 6.6** Complete a children and young people's version of the children's complaints procedure.
- 6.7** Work with the residential units to review how in-house feedback can be 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 third year running it is difficult to conclusively determine the cause of this. It is recognised that there are strains placed on service delivery and the dissatisfaction could potentially be a continued reflection of changes occurring across the whole Council and the reduction in resource. It should also be noted that nationally there is a lot more attention and emphasis being placed on children's social care issues which may impact on volume of contact with the services.

There have been changes within the Council as a whole which has resulted in restructuring of Council services and changing the way we deliver our services. The complaints team have made changes in respect of the handling of stage one complaints. The Principal social workers now take an active role in responding to stage one complaints which has increased the overall resource available for investigating complaints. This is working well and improvements are already evident in the response times. The risk of extended response times, outside of the 10 working day deadline, will need to be monitored.
