

## Children's Social Care Complaints and Representations

### ANNUAL REPORT for period 2007-08

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## 1 Context

This report provides information about complaints made during the twelve months between 1 April 2007 and 31 March 2008 under the complaints and representations procedures established through the Children Act Regulations 2006, 'Getting the Best from Complaints – Social Care Complaints and Representation for Children, Young People and Others'.

The figures for 2007-08 will be compared with the year before, 2006-07. However, figures for that year are incomplete. The arrival of a dedicated administrator did much to change this. This also co-incided with the introduction of the new Regulations in September 2006 which raised the standard of complaints management. There has been a Complaints and Resolutions Manager in post since January 2008. The County Council is installing complaints management software to go 'live' from June 2008 and this will assist across the authority in managing feedback - complaints, comments and compliments.

All timescales contained within this report are in working days.

### 1.1 What is a Complaint?

The Children Act talks of a procedure for representations (including complaints). Representations may not always be complaints but they may be remarks or ideas that need a response from the local authority. A complaint may be defined as an expression of dissatisfaction in relation to the social services provision to a specific child or young person, which requires a response.

### 1.2 Who can make a Complaint?

- Any child or young person looked after by the local authority or in need.
- His/her parent or someone with parental responsibility.

- Any local authority foster carer.
- Care leavers.
- Any child or young person under a Special Guardianship Order.
- Special Guardians.
- Any person who has applied for an assessment.
- Any child placed for adoption, their parents/guardians and prospective adopters.
- Any person for whom adoption support services may be provided.
- Adopted persons, their parents, natural parents and former guardians
- Such other person who the local authority considers has sufficient interest in the child's welfare e.g. grandparents

## 2 Stages of the Complaints Procedure and statistics

The complaints procedure has three stages.

**Stage 1.** This is the most important stage of the complaints procedure. Social work teams and managers are expected to resolve as many complaints as possible at this initial point. Children and young people describe complaints as 'problems not being sorted out' (p.5 Children Act Regulations, 2006). They wish for matters to be resolved as quickly as possible, but as long as it is done properly.

The Regulations require complaints at stage 1 to be responded to within 10 working days (with an automatic extension to a further ten days where necessary). A formal response is given by the Service Manager for the relevant service.

**Stage 2.** This stage is usually implemented where the complainant is dissatisfied with the findings of Stage 1. The Stage 2 investigation can be conducted by either an internal manager or an independent Investigating Officer. The Regulations require the Investigating Officer to be accompanied by an Independent Person who works alongside the Investigating Officer to ensure that the process of investigation is transparent, open and fair. An Assistant Head of Service adjudicates on the findings.

Stage 2 complaints should be dealt with in 25 days, although this can be extended to 65 days.

**Stage 3.** The third stage of the complaints process is the Review Panel.

Where complainants wish to proceed with complaints about statutory social services functions, the Council is required to establish a Complaints Review Panel. The panel makes recommendations to the Head of Service who then makes a decision on the complaint and any action to be taken. Complaints Review Panels are made up of three independent panellists. There are various timescales relating to stage 3 complaints. These include:

- setting up the Panel within 30 days of request
- producing the Panel's report within a 5 days of the Panel and
- producing the local authority's response within 15 days.

A further option for complainants is the Local Government Ombudsman (LGO) who is empowered to investigate where it appears that a Council's own investigations have not resolved the complaint. 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 our procedure first.

### **3 Activity**

The Complaints Service recorded 41 complaints during the year, compared with 47 in 2006-07. This figure is the total number of complaints coming into the Complaints Service during the year 2007-08. Some of these complaints are still live (having entered our monitoring system before 31 March and not yet concluded) and will constitute part of the activity during 2008-09.

Total complaints made:

Between 1 April 2007 and 31 March 2008, we received 41 complaints. One of these went straight to Stage 2.

In total 8 progressed to Stage 2. 3 of these will be completed in the year 2008-09.

2 complaints proceeded to Stage 3 in 2007-08 although both complaints had begun in the year 2006-07.

#### **3.1 Comparison with the preceding year**

This indicates a 13% decrease in complaints from last year within children's social care.

At the time of writing there are no figures available as to how this compares with complaints across the Council.

There could be a number of reasons for a decrease in the number of complaints:

- an improvement in service delivery.
- staff not identifying service users' concerns as complaints.
- under reporting of complaints to the complaints service, e.g. family placement log a number of issues as Stage 1 complaints but they are not logged on the central system.
- limited publicity of the complaints process.
- limited allocated resources to complaints management and development of the service.

It is likely that over the course of the next year the number of complaints will increase due to increased resources going into the service and plans for improved publicity. In addition, a clearer understanding of what constitutes a complaint and improved reporting mechanisms will lead to an increase in figures. It would also be useful to capture what teams and managers are dealing with and resolving at the local level, issues that do not enter a formal Stage 1 process but are nevertheless an indication of dissatisfaction and resolution.

#### **3.2 Outcomes of complaints**

Of the 40 Stage 1 complaints, 21 were upheld (either fully or partially), 18 were not upheld and the outcome of 1 was unclear.

It is difficult to make a comparison with last year as figures are incomplete. However, where we have records, 52.5% were upheld this year compared with 33% last year.

### **3.3 Response times**

At Stage 1, the Department responded to 19 complaints within 10 working days, 12 within the extended timescale of 20 days and 9 outside of the statutory timescale. Therefore 78% of complaints were responded to within statutory timescales. In 2006-07, response dates are only recorded for 16 of the 47 complaints. Of these, 7 were responded to within 10 working days and 6 within 20 days. 81% of Stage 1 complaints for which we have records were therefore responded to within statutory timescales.

There are usually very good reasons why a response falls outside the timescale, for example, relating to the availability of staff or an agreed plan for the complainant to meet with the relevant manager to seek resolution of the issues.

The Council does not have a % target for responding within timeframes but the aim of Children and Families in 2008-09 will be for 85% of Stage 1 complaints to be responded to within statutory timeframes.

#### 4 Stage 1 Complaints by Service Areas

Children and Families	Assessment		Family Support		CLA		CLA - Residential		Leaving Care		Family Placement		Children with Disabilities		S & QA		Total	
	no	%	no	%	no	%	no	%	no	%	no	%	no	%	no	%	no	%
Number of complaints	<b>16</b>	40	<b>8</b>	20	<b>7</b>	17.5	<b>1</b>	2.5	<b>0</b>	0	<b>2</b>	5	<b>4</b>	10	<b>2</b>	5	<b>40</b>	<b>100</b>

#### Response Times

table 2

Within 10 days	<b>4</b>	25%	<b>2</b>	25%	<b>5</b>	71%	<b>1</b>	100%	<b>0</b>		<b>2</b>	100%	<b>4</b>	100%	<b>1</b>	50%	<b>19</b>	47.5% of total
Within 20 days	<b>6</b>	37.5%	<b>4</b>	50%	<b>1</b>	14.5%	<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>1</b>	50%	<b>12</b>	30%
Outside of timescale	<b>6</b>	37.5%	<b>2</b>	25%	<b>1</b>	14.5%	<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>9</b>	22.5%
Directly to Stage 2					<b>1</b>	-												

#### Outcome:

table 3

Upheld	<b>2</b>	12.5%	<b>1</b>	12.5%	<b>2</b>	28.5%	<b>1</b>	100%	<b>0</b>		<b>1</b>	50%	<b>1</b>	25%	<b>1</b>	50%	<b>9</b>	22.5% of total
Partially Upheld	<b>6</b>	37.5%	<b>3</b>	37.5%	<b>2</b>	28.5%	<b>0</b>		<b>0</b>		<b>0</b>		<b>1</b>	25%	<b>0</b>		<b>12</b>	30%
Not Upheld	<b>7</b>	44%	<b>4</b>	50%	<b>3</b>	43%	<b>0</b>		<b>0</b>		<b>1</b>	50%	<b>2</b>	50%	<b>1</b>	50%	<b>18</b>	45%
Withdrawn	<b>1 unclear</b>	6%	<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>0</b>		<b>1 unclear</b>	2.5%

**Where complaints were received:**

Service	Ass t		FS		CLA		Resi		LC		FP		Dis		SQA		Ttl	
Operational Team	<b>2</b>	12.5%	<b>1</b>	12.5%	<b>3</b>	43%	<b>1</b>	100%	<b>0</b>		<b>1</b>	50%	<b>2</b>	50%			<b>10</b>	25% of total
Complaints Team	<b>10</b>	62.5%	<b>3</b>	37.5%	<b>1</b>	14%							<b>1</b>	25%	<b>2</b>	100%	<b>17</b>	42.5%
Director or Asst Dir.	<b>2</b>	12.5%	<b>2</b>	25%												( )	<b>4</b>	10%
Other Complaints Team	<b>2</b>	12.5%	<b>2</b>	25%	<b>3</b>	43%					<b>1</b>	50%	<b>1</b>	25%		( )	<b>9</b>	22.5%

**Nature of complaint:**

	<b>Upheld</b>	<b>Partly Upheld</b>	<b>Not Upheld</b>	<b>Total</b>
Communication	<b>5</b>	<b>1</b>	<b>2</b>	<b>8</b>
Delays in assessment/quality of assessment	<b>2</b>	<b>1</b>	<b>2</b>	<b>5</b>
Care plan issues including unhappy with assessment	<b>4</b>	<b>1</b>	<b>8</b>	<b>13</b>
Confidentiality			<b>3</b>	<b>3</b>
Lack of support	<b>2</b>	<b>1</b>	<b>2</b>	<b>5</b>
Unmet needs including funding			<b>2</b>	<b>2</b>
Lack of contact with family member	<b>2</b>	<b>2</b>	<b>1</b>	<b>5</b>
Quality/reliability of service	<b>3</b>	<b>2</b>	<b>8</b>	<b>13</b>
Unprofessional worker	<b>2</b>	<b>4</b>	<b>3</b>	<b>9</b>
Finance issues	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>20</b>	<b>12</b>	<b>31</b>	<b>63</b>

**Note:** The figures for complaint issues and outcomes above are greater than the total number of complaints. This is because a complainant often has multiple issues within their single complaint to the Department. It assists in providing more precise and useful data if staff apportion a finding to each issue as necessary.

**NB** These complaint issues have now been reviewed and categories are different for 2008-09. Again, this should assist in providing more precise information about the matters being brought to us by complainants.

**Complaint made by:**

Child/young person in need	
Child/young person being looked after	<b>2</b>
A parent of his	<b>27</b>
Other person with parental responsibility	
Local authority foster carer (including those in IFAs)	<b>2</b>
Young Person leaving care	
Special guardian	
Child to whom a Special Guardianship order is in force	
Parents of such a child	
Persons who have applied for assessment under section 14F(3) or (4)	
Child/young person who may be adopted	
A parent/guardian of his	
Persons wishing to adopt a child	<b>1</b>
Persons for whom arrangements for the provision of adoption services extend	

Adopted persons, their parents, natural parents and former guardians	
Persons with sufficient interest in the child's welfare	<b>9 – breaks down as: 1 x Headteacher 1 x Friend 1 x Aunt 6 x Grandparent</b>
Total	<b>41 – 40 x Stage 1 1 straight to Stage 2</b>

**Note about advocacy**

Of the 2 young people making a formal complaint themselves, 1 was placed out of county and accessed the local advocacy service. The other young person was not offered advocacy in the context of their complaint.

## 4.2 Equalities Information – Service Users

Service Area	Assessment and Family Support	CLA and Leaving Care	Safeguarding and QA	Children with Disabilities	TOTAL
Number of complainants	25	12	2	5	44

### Gender of Service User

Male	10	5	2	1	18
Female	15	7	0	4	26

### Ethnic Origin of Service User

<i>Add Categories</i>					

### Disability (including mental health problems)

No. where service user has a disability				
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**Note:** That there are 44 complainants denotes the fact that some couples have complained jointly.

**Note:** Ethnic origin and disability have not been gathered this year.

## 4.3 STAGE 2 COMPLAINTS

There were 8 Stage 2 complaints during the year, compared to 9 last year. 3 of these were not concluded by 31.3.08 and represent activity in 2008-09.

All 8 of these Stage 2 complaints investigations were/are being undertaken by external independent Investigating Officers accompanied, in accordance with the Regulations, by an Independent Person.

There were varied issues referred to in the complaints that were made. Of the 5 complaints that were concluded, 3 were dealt with in the required time period of 65 working days. 1 took 68 days and the other 79 days. The reason for this last one being so late was due to the Christmas period and some misunderstanding over dates and timescales.

Of the 5 complaints that were concluded, there were the following outcomes:

- Complaint 1 with 1 issue was upheld.
- Complaint 2 with 16 issues – 1 issue upheld, the other 15 not upheld.
- Complaint 3 with 9 issues – 1 issue upheld, 7 not upheld, 1 inconclusive.

- Complaint 4 with 7 issues – 1 issue upheld, 5 not upheld, 1 issue not for our service.
- Complaint 5 with 8 issues – 2 were upheld, 1 was partially upheld, 4 were not upheld and 1 issue could not be concluded upon.

Stage 2	Asst & FS	CLA	S & QA	Ch. W. Dis
Nos.	2	5	1	0
No. of days	68 days x 1 79 days x 1	64 days x 1 65 days x 1	64 days	n/a
Over timescale	Yes	No	No	n/a
Ongoing at close of year	0	3	0	0

The average time to produce a final response at Stage 2 (including the adjudication) was 68 days. As stated this was affected by the one complaint running over timescale significantly.

**NB:** Although this means that our average response time is outside of statutory timescales there are some factors to be taken into account:

1. It is clear that different authorities (indeed, even different teams in OCC) count the start of a Stage 2 in different ways.
2. It has been our practice to count the 65 days from the date that we receive the request for a complaint to go to Stage 2. It can take a number of days to appoint and instruct an IO and IP and this eats into the timescale available.
3. The Regulations state that the Stage 2 timescale can begin at the point at which the complaint matters have been agreed with the Complaints Manager or the IO – so there is scope to begin the timescale from a later point than we currently start.
4. If our Stage 2 timescale began once complaint matters had been agreed we may be able to take at least 10 working days from the above timescales. This would make our timescales, which include the response of the Adjudicating Officer on behalf of the service, very respectable.

This is a matter for consideration in 2008-09.

#### Summary of outcomes per issues:

Service Area	Asst & FS	CLA	S & QA	Ch. W. Dis	Total
Upheld	2	3	1	n/a	6
Partially Upheld	-	1	-	n/a	1
Not Upheld	20	4	7	n/a	31
No Conclusion	-	1	1		2
Not for our service	1	-	-		1

#### Nature of Complaints:

The upheld complaint issues included

- contact being missed due to inadequate travel arrangements
- meetings not being sufficiently minuted
- decision-making not being recorded adequately

- the planning process for moving children on not involving all key players
- inaccuracies in CP conference minutes
- responding to complaints without up to date information

Other issues being brought to attention of the service (although not upheld) are concerning

- communication with or among agencies/staff/service users
- delay in conference/no legitimate reason for holding conference
- information-sharing
- disrespectful social work practice
- use of language in meetings

## **5 STAGE 3 COMPLAINTS**

There were 2 Stage 3 complaints this year. This compares with 2 complaints last year. Timescales relating to statutory social services Stage 3 complaints include:

- A Panel should be established within 30 days – this happened in both of the cases.
- The Panel is required to produce a report within 5 working days detailing its recommendations – this happened in both of the cases.
- The local authority should send a response within 15 days of the Panel's report – this happened in both of the cases.

The average time it took the Department to deliver Stage 3 (commencing from the date of the complainant's request to issuing the Head of Service's response to the Panel's findings) was 39 working days.

### **5.1 Outcomes at Stage 3**

There were no significant concerns being brought to light about the conduct of the Stage 2 investigations when looked at during Stage 3 Panels. Recommendations related to

- the need to ensure that plans for children are pursued without undue delay.
- the importance of the continuity of the social worker but avoiding delay in handover when this is necessary.
- the need for assessments to be objective, that judgements are not made hastily and to ensure that the father is fully considered in an assessment.
- the need for assessments to take account of cultural issues and for these to be truly understood.
- the need for procedures to be followed in terms of core groups.
- the need for complaints procedures to be followed in accordance with the timescales and for staff to have training around the process.

## **6 Ombudsman complaints and enquiries.**

During the year, no complaints reaching the Complaints Service were considered by the Local Government Ombudsman.

## 7 Percentage escalation (last year's figures are in brackets)

The following table indicates how many complaints have escalated from Stage 1 to Stage 2 and how many have progressed from Stage 2 to Stage 3. This gives some measure of customer satisfaction with our responses to their complaints.

Stage 1 to Stage 2	20% (19%)
Stage 2 to Stage 3	25% (22%)

## 8 Expenditure

There are ongoing costs associated with delivering an effective complaints service. There are also costs involved in not having this service, such as there being no means by which service users can express dissatisfaction and no way for the department to monitor its service and seek improvement. Clearly in the light of increased investment in the Complaints Service, there are going to be increased costs during next year and the years to come.

Much of the costs surround Stage 2 and 3 of the process in the appointment of Investigating Officers and Independent Persons, Review Chair and Panellists and their ongoing support. Colleagues in the southern region state that a Stage 2 investigation can cost anywhere between £800 and £4000.

However, despite looking at the budget, it has been difficult to ascertain accurately how much has been spent on the process. The full budget in 2007-08 was £54,687.47 but this was underspent. Estimated costs for Stage 2 and 3 last year were £8330.

We are also reviewing the employment status of Investigating Officers and the remuneration to Independent Persons and these changes will impact on the budget too. In addition, the budget will be used for a training session for Investigating Officers and Independent Persons three times a year in order to improve the guidance and support to these roles.

### 8.2 Compensation Payments

The Council provides compensation and this would occur if, after a complaint has been investigated or as part of an Ombudsman's investigation, it is concluded that:

- the Ombudsman would find that there has been maladministration by the Council causing injustice to the complainant; and
- he would recommend that compensation should therefore be paid to the complainant.

During the year, no compensation payments were made.

## 9 Restorative Approach

An emphasis of the recruitment for the Complaints and Resolutions Manager was that of developing restorative practice within complaints work with an increased emphasis on resolution of complaints. This will be further developed over the next year with a view to focusing on Stage 1 in this respect and will at an early stage include training for the Complaints Manager and Service Managers investigating Stage 1 complaints.

## 10 Learning Lessons/Practice Improvements

Complaints provide senior managers with useful information in respect of the way that services are delivered. The consideration of complaints has resulted in the following operational changes:

- Increasing the level of awareness of staff about the needs of families who have a member in prison. Relevant pack purchased for teams to use.
- Raising the profile of the prison/local authority protocol around children's contact with family member in prison.
- Ensuring the minuting of all meetings relating to planning adoption.
- Ensuring key decisions are recorded on case files.
- Consideration given to using audio recording of case conferences.
- Attention to detail in minuting conferences.
- Making sure allocation/transfer of cases are timely and without undue delay.
- Closer working of Assessment and Family Support teams to lessen impact of change of social worker.
- Social workers reminding service users of conference date nearer the time.
- Procedures being followed around core groups.
- Appointments are made to visit and unannounced visits only occur when necessary in accordance with the child's welfare.
- Emphasising to staff the need for objectivity in assessments and to make full and complete assessments of fathers.
- Emphasising the need to take into account and fully understand cultural issues in making assessments.
- Planning of training at different levels for staff and managers around the complaints process.
- Modification of internal complaints processes e.g. monitoring

## 11 Compliments

Compliments have only recently been gathered during the first quarter of 2008 (Jan – March). These will now be gathered on a quarterly basis. The following table shows how the compliments relate to the service areas. It is likely that there are more compliments than have been gathered as this process is not firmly established.

Service area	Assessment/FS	CLA	Residential	Ch with Dis	SQA
No.s	8	6	1	1	1

Of the 17 compliments gathered, 5 were from service users, 5 were from other agencies, 6 were internal and 1 was the Chair's Award for Excellence.

The issues leading to thanks and compliments were helpful consultations (Assessment service), contributions to training, excellent report writing, excellent planning, appreciation of good practice in court arena (from a guardian), advice, support and making assessments 'with fresh eyes' (from a service user), listening.

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*Joy Vincent*  
*Complaints and Resolutions Manager*  
*Date: 3.6.08*