

<b>REPORT TO:</b>	<b>CORPORATE PARENTING PANEL</b> <b>Wednesday 8 January 2014</b>
<b>AGENDA ITEM NO:</b>	<b>6</b>
<b>SUBJECT:</b>	<b>CHILDREN'S SOCIAL CARE ANNUAL COMPLAINTS REPORT 2012/13</b>
<b>LEAD OFFICER:</b>	Paul Greenhalgh, Executive Director For Children, Families and Learners
<b>CABINET MEMBER:</b>	Councillor Tim Pollard, Deputy Leader (Communications) & Cabinet Member For Children, Families and Learning
<b>WARDS:</b>	ALL
<b>CORPORATE PRIORITY/POLICY CONTEXT:</b> Supports Council aims of "Improving Health and Social Care" and "Providing Better and Fairer Access."	
<b>FINANCIAL IMPACT</b> No implications	
<b>FORWARD PLAN KEY DECISION REFERENCE NO.:</b> None	

## **1. RECOMMENDATIONS**

- 1.1. Members are asked to note the content of this report

## **2. EXECUTIVE SUMMARY**

- 2.1. This report provides information about complaints relating to children's social care received between 1 April 2012 and 31 March 2013, which have been considered under the complaints and representations procedures established through the Children Act 1989 Representations Procedure (England) Regulations 2006 and the council's corporate complaints procedure.
- 2.2. In general, the data should not be relied upon to provide a sole indicator on the quality of the service, but it can highlight specific concerns at particular times and give a guide to remedial action.

2.3. The headline statistics from this report are as follows:

- The council received a total of 115 complaints about children's social care during the 2012/13 financial year. These comprised of 94 stage 1 complaints, 20 stage 2 complaints and 1 stage 3 complaint.
- The escalation rate of stage 1 complaints to stage 2 was 21.3%, indicating a satisfaction rating of 78.7% at stage 1, compared with 85% in 2011/12.
- The escalation rate of stage 2 complaints to stage 3 was 5%, indicating a satisfaction rating of 95% at stage 2. There is no comparator statistic for 2011/12 as there were no stage 3 complaints received during 2011/12.
- The two most commonly complained about delivery units at stage 1 were Locality Team 1 and Triage & Immediate Response, both receiving 20.2% each of all complaints that were made.
- The percentage of stage 1 complaints that were either upheld or upheld in part was 42%.
- Complaints about service failure/refusal (51%) and service quality (31%) accounted for 82% of all stage 1 complaints received.
- 54% of all stage 1 complaints were responded to within the 20 working day deadline, while the average response time was 24.0 working days.
- There were no maladministration findings issued by the Local Government Ombudsman during 2012/13 in relation to children's social care.

2.4. After consideration by the Panel, this report will be published on the Council's website as part of the Council's Publication Scheme, maintained under the Freedom of Information Act 2000.

### **3. DETAIL OF YOUR REPORT**

#### **3.1. Procedural Summary**

3.1.1. The complaints procedure for children's social care comprises of three stages. Stage 1 is managed by the service or services being complained about. Stage 2 is an independent investigation. Finally, Stage 3 is a Review Panel Hearing. If the complainant remains dissatisfied they can refer their complaint to the Local Government Ombudsman.

3.1.2. A detailed explanation of the statutory complaints procedure is appended to this report.

3.1.3. In addition to the statutory complaints procedure, the council additionally operates a two stage non-statutory complaints procedure for complaints that fall outside the scope of statutory provision issues.

3.1.4. Stage 1 is managed by the service or services being complained about. Stage 2 is a review by the Complaint Resolutions Team on behalf of the Chief Executive. If the complainant remains dissatisfied they can refer their complaint to the Local Government Ombudsman.

#### **3.2. Stage 1 Complaints**

3.2.1. There were 94 stage 1 complaints (74 statutory and 20 non-statutory) about social care for children in 2012/2013, an increase of 17.5% compared with 2011/12.

3.2.2. The table below shows the number of stage 1 complaints received in 2012/13 compared with previous years.

<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>	<b>2010/11</b>	<b>2011/12</b>	<b>2012/13</b>
50	58	83	84	89	80	94

3.2.3. The table below sets out the first stage complaints broken down by Service and by Delivery Unit. Please note that total percentages in the first table do not add up to 100% due to rounding.

	<b>Statutory</b>	<b>Non-statutory</b>	<b>%age of Total</b>
Children in Need Service	46	14	<b>63.8%</b>
Looked After Children Service	28	4	<b>34.0%</b>
Safeguarding & Looked After Quality Assurance	-	2	<b>2.1%</b>
<b>TOTAL</b>	<b>74</b>	<b>20</b>	<b>100%</b>

	<b>Statutory</b>	<b>Non-statutory</b>	<b>%age of Total</b>
Children with Disabilities Team	9	-	<b>9.6%</b>
Locality 1	15	4	<b>20.2%</b>
Locality 2	10	3	<b>13.8%</b>
Triage & Immediate Response	12	7	<b>20.2%</b>
Adoption	2	-	<b>2.1%</b>
Fostering	3	2	<b>5.3%</b>
Leaving Care	13	-	<b>13.8%</b>
Permanence Team 1	1	1	<b>2.1%</b>
Permanence Team 2	9	1	<b>10.6%</b>
Local Authority Designated Officer	-	1	<b>1.1%</b>
Independent Reviewing Officers	-	1	<b>1.1%</b>
<b>TOTAL</b>	<b>74</b>	<b>20</b>	<b>100%</b>

3.2.4. Approximately 64% of all stage 1 complaints received were about the Children in Need Service. The Delivery Unit which received the most complaints was Locality 1 and Triage & Immediate Response (20.2% each).

3.2.5. There was an increase in the percentage of complaints concerning failure or refusal (>16%) and delays (>4%), while there was a decrease in the percentage of complaints about service quality (<4%) and staff conduct (<15%).

3.2.6. The table below details the types of complaint for first stage complaints received in 2012/13, with the 2011/12 data for comparison. Please note that 194 separate complaint issues were raised in the 94 complaints submitted. A

more detailed breakdown of the complaint categories can be found at Appendix 3.

	<b>2011/12</b>		<b>2012/13</b>	
	<b>Number of Issues raised</b>	<b>Percentage</b>	<b>Number of Issues raised</b>	<b>Percentage</b>
<b>Delays</b>	9	7%	22	11%
<b>Failure or Refusal</b>	46	35%	98	51%
<b>Policy</b>	2	2%	-	0%
<b>Service Quality</b>	46	35%	60	31%
<b>Staff Complaint</b>	27	21%	14	7%
<b>Total</b>	<b>130</b>	<b>100%</b>	<b>194</b>	<b>100%</b>

3.2.7. There has been a slight decrease in the number of complaints that were either upheld or upheld in part (43% in 2011/12 and 42% in 2012/13).

3.2.8. The table below details the outcomes for stage one complaints (broken down by percentage) received in 2012/13, with the 2011/12 data for comparison.

	<b>2011/12</b>	<b>2012/13</b>
<b>Upheld</b>	29%	22%
<b>Partly upheld</b>	14%	18%
<b>Not upheld</b>	40%	45%
<b>Resolved on the spot</b>	1%	1%
<b>Outside jurisdiction</b>	9%	13%
<b>No finding</b>	6%	1%
<b>Withdrawn</b>	1%	-

3.2.9. Stage 1 complaints considered through the statutory procedure should be responded to within ten working days although the Regulations make provision for this deadline to be extended for up to 20 working days if the complaint is complex (or if an advocate is required). Stage 1 of the non-statutory procedure requires a response within 20 working days for all cases.

3.2.10. For the second consecutive year, the average response time has increased. The average response time was 24.0 working days, an increase of 1.1 working days compared with 2011/12. The percentage of complaints responded to within deadline was 54% (compared with 66% in 2011/12).

3.2.11. The table below details the department's responsiveness to stage 1 complaints, with 2011/12 data included for comparison purposes. Please note that total percentages do not add up to 100% due to rounding.

	2011/12	2012/13
<b>0-10 working days</b>	30%	27%
<b>11-20 working days</b>	36%	27%
<b>More than 20 working days</b>	34%	47%
<b>Average response time</b>	22.9 working days	24.0 working days

## Stage 2 Complaints

3.2.12. There were 20 stage 2 complaints (19 statutory and 1 non-statutory) about social care for children in 2012/2013, an increase of 8 compared with 2011/12.

3.2.13. The statutory procedure states that stage 2 complaints should be concluded within 25 working days from the date the complainant agrees their complaint. Due to the nature and complexity of the issues being complained about, this deadline is often difficult to achieve and there is provision within the regulations for this deadline to be extended up to 65 working days if required. Stage 2 of the non-statutory procedure requires a response within 20 working days for all cases.

3.2.14. The table below details the department's responsiveness to stage 2 complaints, with the 2011/12 data included for comparison purposes.

	2011/12	2012/13
<b>Within 25 working days</b>	2	3
<b>26-65 working days</b>	2	1
<b>More than 65 working days</b>	8	11
<b>Outstanding at the time of writing</b>	-	5

3.2.15. The table below details the outcomes for stage two complaints (broken down by number), with the 2011/12 data for comparison.

	2011/12	2012/13
<b>Upheld</b>	2	1

<b>Partly upheld</b>	7	10
<b>Not upheld</b>	2	1
<b>Outside Jurisdiction</b>	-	2
<b>Withdrawn</b>	1	1
<b>Currently Outstanding</b>		5

### **Review panels and LGO Complaints**

3.2.16. There was one Review Panel requested during 2012/13. This complaint was about the fostering service and was upheld in part.

3.2.17. The Local Government Ombudsman referred 9 complaints about children's social care, none of which resulted in a finding of maladministration against the council. This is a reduction on the 13 referrals received in 2011/12.

### **3.3. Learning and Planned Improvements**

3.3.1. Complaints provide the council with useful information about the way that services are delivered to children and young people (and their representatives). As one would expect, complaints made over the course of the year have resulted in remedial action to address an individual situation, for example, carrying out an assessment or providing information.

3.3.2. Additionally, a number of complaints have presented the department with the opportunity to improve the services it provides for children and young people. Appended to this report is a breakdown of the improvements identified from complaints in 2012/13.

3.3.3. In order to improve the quality of the service provided to children and young people, the following planned improvements are proposed (all to be completed by the end of March 2014 (unless stated otherwise).

- Carry out a review of all online and hard-copy complaints literature, to include the creation of a video (with input from Looked after Children) explaining the complaints process for children in care.
- Adopt and publish a revised complaints policy for children's social care



complaints

- Carry out a review of the CRM dynamics module for children's social care complaints.
- Devise and roll-out a system for capturing remedial actions and service improvements arising from individual stage 1 complaints by December 2013.
- Launch the representations procedure for foster carers in April 2014.
- With support from the Local Government Ombudsman's office, arrange for complaints handling/investigation for Delivery Managers by June 2014

#### **4. CONSULTATION**

- 4.1. Although not consultation as such, complaints are an excellent source of customer feedback that can be used to improve and change service delivery.

#### **5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS**

- 5.1. Complaints should be resolved quickly, effectively and used to identify, drive and monitor service performance. If this does not consistently happen, there is a real risk that customers can remain or become dissatisfied with the organisation.
- 5.2. There are also potential cost implications to the organisation when a complaint escalates to the second and third stages of the Children Act procedure due to the cost of commissioning external investigators/panel members.

#### **6. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER**

- 6.1. The Solicitor to the Council comments that there are no direct legal implications beyond the requirements of the Regulations already detailed in the body of the report.

Approved by J Harris Baker, head of social care and education law on behalf of the Director of Democratic and Legal Services.

#### **7. HUMAN RESOURCES IMPACT**

- 7.1. Where complaints are upheld due to the performance of staff, the relevant and appropriate staff procedures will apply.
- 7.2. Approved by: Atia Williams on behalf of the Director of Workforce & Community Relations.

## **8. EQUALITIES IMPACT**

- 8.1. The Complaint Resolution Team ensure that data is collected for age, disability, gender, as recommended by Department for Health guidance and it is used to identify an accurate picture of users, highlight where take-up of services could be improved and to ensure that the complaints procedure is fully accessible.

## **9. ENVIRONMENTAL IMPACT**

- 9.1. There are no environmental impacts arising from this report.

## **10. CRIME AND DISORDER REDUCTION IMPACT**

- 10.1. There are no crime and disorder reduction impacts arising from this report.

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**CONTACT OFFICER:** Darren Shuster, Senior Complaint Resolution Officer  
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### **Appendices:**

Appendix 1: The complaints procedure

Appendix 2: Lessons learned and actions taken

Appendix 3: Types of complaint received

## **APPENDIX 1 – THE CHILDREN ACT COMPLAINTS PROCEDURE**

### **What is a Complaint?**

**Complaint:** any expression of dissatisfaction or disquiet by a service user or their representative which requires a response in writing.

**Representation:** refers to a request for a change or adjustment to a service received which does not constitute an expression of dissatisfaction and will usually be dealt with to the satisfaction of the user at the time of the request. Representations may progress to complaints if not dealt with to the satisfaction of the service user.

**Corporate Complaints Procedure:** complaints not relating to Children Act services are considered through the council's corporate procedure.

### **Who may make a complaint?**

- Any child or young person (or a parent of his or someone who has parental responsibility for him) 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 his) to whom a Special Guardian order is in force;
- Any person who has applied for an assessment ;
- Any child or young person who may be adopted, their parents and guardians;
- Persons wishing to adopt a child;
- Any other person whom arrangements for the provision of adoption services extend;
- Adopted persons, their parents, natural parents and former guardians; and

- Such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant his representations being considered by them.

### **Complaints made on behalf of a child**

Where a complaint is received from a representative acting on behalf of a child or young person, the local authority will normally confirm where possible that the child or young person is happy for this to happen and that the complaint submitted reflects his/her views.

### **What may be complained about?**

- Complaints may relate to the following:
- An unwelcome or disputed decision;
- Concern about the quality or appropriateness of a service;
- Delay in decision making or provision of services;
- Delivery or non-delivery of services including complaints procedures;
- Quantity, frequency, change or cost of a service;
- Attitude or behaviour of staff;
- Application of eligibility and assessment criteria;
- The impact on an individual of the application of a local authority policy; and
- Assessment, care management and review.

This is not an exhaustive list and the Complaints Manager may use the Corporate Complaints Procedure where the complainant is ineligible to use these procedures.

### **Stages of the Complaints Procedure**

The complaints procedure has three stages

#### **Stage 1**

This is the most important stage of the complaints procedure. The department's staff are expected to resolve as many complaints as possible at this initial point.

The emphasis is to resolve a complaint as effectively as possible involving those people who know most about the complaint. At the first stage of the procedure local managers will normally respond to problems. The objective of the local manager is to resolve the complaint and take any appropriate remedial action. Legislation dictates that this stage of the procedure should be completed within 20 working days.

However, more complex complaints may take longer but we endeavour to keep the complainant informed of progress.

## ***Stage 2***

This stage can be implemented where the complainant is dissatisfied with the findings of Stage 1. Stage 2 is a formal investigation by an external Investigating Officer, accompanied by an Independent Person. The Investigating Officer and Independent Persons present a report to the Director of Development and Care, who will adjudicate upon the findings. Complaints falling within the Stage 2 of the complaints procedures should be dealt with in 25 working days from the date the complaint is agreed, although this can be extended to 65 working days.

## ***Stage 3***

The third stage of the complaints process is the Review Panel. Where complainants wish to proceed with complaints about statutory functions, the Council is required to establish a complaint Review Panel. The panel makes recommendations to the Executive Director who then adjudicates the complaint and authorises any remedial action.

### ***Timescales***

- Set up the Panel within 30 working days of request;
- Produce the Panel's report within a further 5 working days; and
- Produce the Executive Director's response within 15 working days of receiving report.

Following this the complainant can also ask the Local Government Ombudsman to look into their case.

## **APPENDIX 2 – LESSONS LEARNED AND ACTIONS TAKEN FROM COMPLAINTS RECEIVED IN 2012/13**

### **Introduction**

This appendix gives examples across the services of how statutory complaints are used to improve service provision in social care and vulnerable children.

It is divided by delivery unit focusing in particular on topics around which there were a large proportion of total complaints.

### **Locality Teams**

- Develop a procedure to ensure whenever a newly qualified social worker is experiencing difficulties that he/she is receiving adequate supervision and give consideration to re-allocating the case to a more experienced social worker.
- Review practice with regard to sending sensitive and/or confidential documents.
- Review practice to ensure staff make accurate, sufficiently detailed, contemporaneous records of contacts with family members, professionals and any other party relevant to an open case.
- Provide guidance for staff compiling reports for court to ensure that their recommendations are evidence-based, justified by sound reasoning, and address the matters before the court.
- Review practice to ensure that all court reports are adequately checked for mistakes in spelling, punctuation and grammar and are filed with the court by the deadline and shared with relevant parties to the proceedings.
- Provide guidance to staff to ensure that they are aware of, and act in accordance with, the requirement in the *London Child Protection Procedures* to explain the assessment process to parents and take appropriate measures to secure their engagement in the process.
- Provide guidance to staff to ensure compliance with the timescales and procedures for responding to referrals and carrying out assessments.
- Provide a fact-sheet for staff to ensure that they are aware of, and act in

accordance with, the council's Customer Service Standards and statutory complaints procedure.

- Review procedures for funding panels in order to achieve greater transparency in decision-making, including (but not limited to) making all paperwork submitted to panel for consideration made directly available to the client.
- Devise a process for the consideration of complaints about multi-agency decision making panels, analogous to the procedure which already exists for considering complaints about Child Protection Conferences.
- Provide training/guidance for staff with regard to the process of applying for Residency Orders.

### **Triage & Immediate Response**

- Review of practice with regard to Child Protection case conferences with particular reference to:
  - Timely completion of report
  - Accuracy of report information
  - Attendance of officers with appropriate case knowledge
  - Appropriate sharing of information to avoid breaches of confidentiality
- Review process for ensuring that referrals made by email (to the Contact Centre) are forwarded to Triage & Immediate Response as a matter of course.

### **Children with Disabilities Team**

- Provide training/guidance to staff to ensure that they can give adequate assistance to carers who are required to complete a carer's assessment form. This should incorporate an overview of the process once the carer has completed and submitted their assessment form.
- Review practice with regard to the payment of invoices to ensure that they are paid promptly.



- Provide guidance for staff to raise awareness of Social Communications Anxiety Disorder (selective mutism), in particular, the impact that the condition has on families.

### **Fostering**

- Review of practice to ensure that Regulation 24 foster carers are provided, at the point of placement, with full information about the legal framework under which they are caring for the child and the support available (including the start-up grant).

### **Leaving Care**

- Guidance for social workers/personal advisors to ensure that young people are not referred to the No Recourse to Public Funds Team until all asylum rights have been exhausted.

### APPENDIX 3 – TYPES OF COMPLAINT RECEIVED

Further to Section 3.2.6, below is a breakdown of the sub-categories for complaints received in 2012/13.

Complaint Category	Complaint Sub-Category	Complaints
Delay	Delay in Delivering a Service	4
	Delay in Providing Information	3
	Delay in Taking Action	15
Failure or Refusal	Failure or Refusal to Deliver a Service	14
	Failure or Refusal to Meet with Customer	6
	Failure or Refusal to Provide Information	9
	Failure or Refusal to Respond to Letters or Emails	18
	Failure or Refusal to Return Phone Calls	9
	Failure or Refusal to Take Action	41
	Other Failure or Refusal Problem	1
Quality of Service	Breach of Confidentiality	3
	Disagreement with Assessment	5
	Inadequate or Incorrect Advice Given	1
	Inappropriate Action Taken	10
	Incorrect Action Taken	1
	Incorrect Decision	2
	Late for Appointment or Visit	1
	Poor Communication	5
	Poor or Misleading Information Given	6
	Service Provided but then Changed or Withdrawn	4
	Unclear Information Provided	1
	Unreasonable Decision	16
	Wrong information provided	2
	Other Quality Issue	3
Staff Conduct	Lack of Customer Care	1
	Poor Customer Care	3
	Rude or Aggressive Behaviour	6
	Unhelpful Attitude	4
<b>TOTAL</b>		<b>194</b>