

Regulatory and Audit Committee

Title:	Hearing the Customer's View Annual Report – Children and Young People's Social Care
Date:	24 th September 2013
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Electoral divisions affected:	All

Summary

This annual report of the Children and Young People's Social Care statutory complaints procedure, Hearing the Customer's View, covers the period between 1 April 2012 and 31 March 2013.

Recommendation

Members should note the contents of the report.

CHILDREN AND YOUNG PEOPLE'S SOCIAL CARE HEARING THE CUSTOMER'S VIEW - ANNUAL REPORT 2012/13

1. Introduction

- 1.1 This annual report of the Children and Young People's statutory complaints procedure, Hearing the Customer's View, covers the period between 1 April 2012 and 31 March 2013.
- 1.2 The Children Act 1989 Representations Procedure (England) Regulations 2006 requires local authorities to have in place an effective representations and complaints procedure for complaints about Children's Social Care. This is to ensure that service users and/or their representatives are able to make comments about the services they have received or feel they ought to have received.
- 1.3 This report deals with complaints falling within the scope of this procedure. Some complaints received about social care, for example, those made by members of the public who are not service users about an aspect of social care work, are not



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considered under this procedure, but are dealt with under the County Council procedure. Such complaints are not reported here.

- 1.4 This report has been produced to meet the requirement that members should be provided, on an annual basis, with information about complaints received.
- 1.5 The procedures are publicised in a leaflet about complaints and representations which is given to all service users who wish to make a complaint. The current leaflet was introduced in January 2013.
- 1.6 As part of the Munro Review Children & Young People's Social Care has undergone a restructure and so the areas detailed in this report no longer exist.

2 Complaints procedure

- 2.1 The Hearing the Customer's View complaints procedure has three stages:
- 2.2 **Stage 1** – Local Resolution is where complaints are investigated and responded to by staff providing the services. Complaints should be responded to within 10 working days of receipt, although this period can be extended to 20 working days for complex complaints.
- 2.3 **Stage 2** – an independent investigation is carried out (this may still be internal to Social Services, although in practice an external independent Investigating Officer (IO) is almost always used). At the end of the investigation the IO will prepare a report and a response from the Service Director to that report will be sent to the complainant. Legislation requires local authorities to involve an Independent Person (IP) in the investigation of complaints at Stage 2 of the Children Act procedures. The IP ensures that the Stage 2 investigation process is open, transparent and fair and will write a report on his/her observations. The investigation should be completed within 25 working days of receipt of the signed complaints statement, prepared by the IO and agreed by the complainant. This time can be extended to a maximum of 65 working days in certain circumstances. The complainant should be kept informed of any likely delays.
- 2.4 **Stage 3** – a Review Panel comprising an independent chair and two other independent people, considers the complaint. The Panel should meet within 30 working days of the request being made, its recommendations should be recorded within 5 working days of the meeting and the Strategic Director must reply to complainants within 15 working days of the date of the Review Panel's recommendations.

3 Compliments received

3.1 There were **72** compliments received this year. This figure compares with 89 compliments in 2011/12 and 92 compliments in 2010/11.

Service Area	No. of Compliments 2012/13
Assessment & Early Help	10
Business Support	1
Assessment & Protection North	30
Assessment & Protection South	3
Children's Care Management	17
Children's Care Services	11
Total	72

3.2 Staff in all service areas are reminded about recording compliments received as these are often overlooked in busy schedules. Due to the nature of the work that Social Care staff are involved in, it is particularly rewarding to receive positive feedback.

3.3 In previous years, Social Care have consistently received more compliments than complaints. However, for 2012/13 we have recorded more complaints than compliments for the first time. It is too early to say whether this is an ongoing trend and there appears to be no obvious cause. In general compliments tend to be about particular individuals who go above and beyond the call of duty. Some have also been about where it is felt that individual children have benefited from the service provided.

4 Complaints received

4.1 There were **92** formal complaints received this year. This figure compares with 69 in 2011/12 and 81 in 2010/11.

4.2 The table below gives a breakdown of complaints by service area. Please note that this does not include Family Resilience which are now dealt with separately under the non-statutory corporate complaints procedure.

Service Area	No. of Complaints 2012/13
Assessment & Early Help	0
Business Support	1

Assessment & Protection North	27
Assessment & Protection South	40
Children's Care Management (includes Children With Disabilities and Children in Care)	18
Children's Care Services	2
Quality, Standards & Performance	2
SEN (Access & Inclusion)	1
Joint Commissioning (Commissioning & Business Improvement)	1
Total	92

- 4.3 **Stage 2** - 12 Children and Young People's Social Care complaints were taken to Stage 2 this year compared with 2 in 2011/12 and 9 in 2010/11. Children and Young People's Social Care work inevitably attracts some complex complaints, which can be difficult to resolve.
- 4.4 **Stage 3** – There were 3 requests for Stage 3 Review Panel Hearings held this year, compared with 2 in 2011/12 and 1 in 2010/11.
- 4.5 8 were referred to the Local Government Ombudsman during the period covered by this report. In the same period 3 complaints were determined by the Local Government Ombudsman. The decisions were as follows:

Discontinued Investigation	Injustice remedied during enquiries	6
	Insufficient evidence of fault	0
	No or minor injustice & Other reasons	0
Not investigated	No reason to use power to investigate	0
	Investigation not justified	0
	No power to investigate	2
Investigation completed	Report issued	0
	Satisfied with BCC's actions	0
Total		8

5 Issues raised in complaints

- 5.1 One of the key aims of the Hearing the Customer's View complaints process is to identify areas where services can be improved. To this end, where there are any lessons to be learned from Stage 1, local managers assimilate these and make any necessary changes to services. Where there are issues of general significance, these

are identified by the Statutory Complaints Officer and presented in regular reports to management meetings.

5.2 The issues arising out of complaints were as follows:

Issue	Number of complaints
BCC Policy	2
Breach of Confidentiality	4
Conduct/behaviour of staff	27
Delay/failure to keep informed	3
Financial loss	1
Non-adherence to procedure	5
Other	10
Outcome of decision/assessment	15
Quality of service provided	24
Racial Incident	1
Total	92

These classifications are based on the complaint as described in the Stage 1 responses sent in this period.

6 Timescales for replying to complaints (total number of complaints closed this period is 93)

Timescale	Percentage of total
Within 10 working days	36.6%
11-15 working days	15.0%
16-20 working days	10.8%
20 days plus	37.6%
Average time to reply	27

6.1 The timescale for responding to a Stage 1 complaint is 10 working days, although this can be extended to 20 working days if necessary. 62.4% of complaints were responded to within 20 working days. We are working hard to try to meet timescales. However, as we aim to fully investigate complaints at Stage 1 this can sometimes mean that we exceed the timescale.

6.2 A new procedure has been introduced from 1st April 2013 to help move complaints through the Statutory Complaints Process more efficiently and so improve on the turn around times. The Statutory Complaints Officer manages this process and one of the main tasks is to ensure that complaints are escalated where appropriate or where a complaint is approaching its 10 or 20 day deadline. In addition, CYP Services have an officer in place who is working closely with managers drafting responses. Again this is to help move through the process to ensure deadlines are met but is also to ensure a good quality and consistent response is sent to the customer.

6.3 Over this year we will be looking into the benefits of introducing a training programme for officers across the whole organisation but tailored to the individual needs of service areas. We will initially concentrate on 2 areas; managing complaints before they actually become complaints and investigations and responses to complaints.

7 Use of Independent Persons for Children's Act complaints

- 7.1 Under the regulations, complaints involving children require the use of an Independent Person (IP). They work with independent Investigating Officers in investigations of Stage 2 complaints to ensure that investigations have been full, fair and effective.
- 7.2 As members of the North West London Complaints Managers' Group, the Statutory Complaints Officers have access to a pool of investigators from which we obtain Investigating Officers and Independent Persons.

8 Use of advocates for Children's Act complaints

- 8.1 In accordance with national guidance, Buckinghamshire County Council has made arrangements for the provision of advocacy services for children and young people who wish to make representations under the relevant sections of the Children Act 1989. During the reporting period the County Council had a contract with NYAS for the provision of advocacy services for children in care.
- 8.2 The advocacy service must ensure that independent advocates provide appropriate help to children and young people, taking into account their age, means of communication, language, sex, race, religion, sexual orientation, health or disability.
- 8.3 The advocates provided by NYAS are volunteers who have received the appropriate training in working with children and young people. They are from a variety of backgrounds and care is taken in achieving a good match between advocate and child to take into account the needs of the child.
- 8.5 NYAS were contracted to provide advocacy for children in care. There is a limited need for advocacy for children in need which is considered on a case by case basis.

9 Closed complaints

The outcomes of Stage 1 complaints closed during the period are as follows:

Complaints	Outcome
Upheld	10
Partly upheld	18
Not upheld	50
Withdrawn	2
Out of jurisdiction	3
Other	10
Total	93

10 Diversity monitoring of complainants

Gender of complainant	
Male	7

Female	11
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Ethnic Group of complainant	Number of complaints
White British	10
White Irish	
Any other white background	1
Asian/Asian British	
Bangladeshi	
Indian	
Pakistani	
Black or Black British	
African	1
Caribbean	
Any other Black background	
Chinese	
Mixed White and Asian	
Mixed White and Black African	
Mixed White and Black Caribbean	
Any other Mixed background	
Any other ethnic group	
Ethnic group not specified	80

Sexual orientation of complainant	Number of complaints
Heterosexual	5
Bisexual	
Gay Man	
Lesbian	
Not stated or no response	87

Age of complainant	Number of complaints
10 - 15	
16 - 17	
18 - 25	
26 – 40	5
41-59	8
60 - 64	
65 - 74	1
Not stated or no response	78

Religion of complainant	Number of complaints
Buddhist	
Christian	6
Hindu	
Muslim	
No Religion/Belief	1
Not stated or no response	85

Disability of complainant	Number of complaints
Hearing impediment	
Mental Health Service User	
Non-visible condition	2
Physical or mobility impairment	3
Visual impairment	

Other	1
No disability	3
Not stated or no response	83

- 10.1 Local Authorities are required to report on the age, gender, disability, sexual orientation and ethnicity of complainants rather than clients who are the subjects of complaints. The purpose of collecting information relating to diversity is to help identify any difficulties for certain groups in accessing information. From 1 April 2009 a Complaints Monitoring Form has been sent to all complainants requesting information about age, gender, sexual orientation, religion or belief, ethnicity and disability. Unfortunately, the majority of complainants choose not to return the forms.

11 MP letters

- 11.1 21 MP letters were received during the period covered by this report. A number of these had already been received as formal complaints. Examples of MP enquiries are shown at [NB 21 MP responses sent in period, with 14.3% sent within 10 days. Average time = 30 days].

12 General Enquiries

- 12.1 Since April 2009 we have been recording informal complaints and contacts as general enquiries which are referred back to the service areas. 29 general enquiries were received during the period covered by this report. [NB 27 completed within period, 66.7% within 10 days, average = 12 days].

13 Recommendation

The Committee is asked to note the contents of this report.

Background Papers

None
