

Regulatory and Audit Committee

Title:	Hearing the Customer's View Annual Report – Children and Young People's Social Care
Date:	
Author:	Maxine Moore
Contact officer:	Maxine Moore
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 1st April 2013 and 31st March 2014.

Recommendation

Members should note the contents of the report.

CHILDREN AND YOUNG PEOPLE'S SOCIAL CARE HEARING THE CUSTOMER'S VIEW - ANNUAL REPORT 2013/14

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 1st April 2013 and 31st March 2014.
- 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 considered under this procedure, but are dealt with under the County Council's corporate procedure.
- 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 The Regulations require Local Authorities to designate a Complaints Manager with responsibility for undertaking certain functions. The structure of the centralised Complaints & Information Team came into effect as of 1st April 2013. The day to day management of the complaints are undertaken by the Statutory Complaints Officer with overall responsibility resting with the Complaints and Insight Analyst.
- 1.7 In line with the requirements set out in the guidance¹ which accompanies the Regulations, the Complaints and Information Team is independent of Children's Services and sits within the Resource & Business Transformation portfolio.
- 1.8 As part of the Munro Review, Children & Young People's Social Care underwent a reorganisation which came into force in April 2013. This annual report into complaints is the first undertaken since the formation of this new structure.

2 Statutory 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. The team manager has overall responsibility for providing a formal response within 10 working days of receipt, although this period can be extended to 20 working days in exceptional circumstances, such as complex complaints.
- 2.3 **Stage 2** – an independent investigation is carried out (this may still be internal to the Local Authority, 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 the Service Director will send a formal response to the complainant based upon the independent reports. These 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 consider the adequacy of the Stage 2 complaint investigation. To listen to all parties and focus on achieving a resolution acceptable to all. The

¹ Getting the Best from Complaints (Social Care Complaints and Representations for Children, Young People and Others) *Department of Education & Skills* (2006)

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 respond to complainants within 15 working days of the date when the Review Panel's made their recommendations.

3 Compliments received

3.1 There were **101** compliments received this year. This figure compares with 72 compliments received in 2012/13 and 89 compliments during 2011/12.

Children & Family Service	No. of Compliments 2013/14
First Response	2
Family Resilience	26
Children in Need (North) including Junior CATCH	13
Children in Need (South) including Family Assessment Service and CATCH	14
Children's Care Management Including Children with Disabilities	20
Children's Care Services	16
Quality Standards & Performance	10
Total	101

3.2 It is encouraging to see that Compliments have steadily increased to just over 40% of the number received in the previous year. Staff in all service areas are reminded about recording any compliments received as these can often be overlooked in their 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. In general compliments tend to be about particular individuals who go above and beyond the call of duty by displaying a recognised degree of professionalism and dedication. Some have been regarding instances where it is felt that an individual child(ren) has benefited from the service provided or where the quality of a report prepared for Court was described as being 'clear, concise and analytical.

Compliments received directly from children & young people are unfortunately minimal so are greatly received when they are forthcoming; examples:

“As today is World Social Work Day I thought I would just say a big thank you for being such a fantastic social worker to my Sister. Times can be really tough and difficult and it makes all the difference to have such a lovely person to work with”.

“Child C who is four, thanks his Social Worker/CSWM for doing a very good job of finding him a Mummy and Daddy and that he loved them very much. His prospective adopters were also very positive about their experience of working with her from the initial family finding visit to now. They have submitted their application so Child C will soon be legally adopted and he is now being prepared for visits to come to an end”.

4 Complaints received

4.1 There were **61** formal complaints managed through Stage 1 of the Statutory Complaints procedure during this year. This figure compares with 92 in 2012/13 and 69 in 2011/12. These numbers are lower in comparison to previous years. There are a number of possible reasons for this, one of which is the better management and understanding of what constitutes a complaint within the Regulations.

4.2 Whilst this paper does not seek to report on Corporate Complaints or General Enquiries, it is worth highlighting some figures for information and comparison. During 2013/14 there were 39 contacts made to the Complaints team that were categorised as General Enquiries which either did not fall within the scope of the statutory procedure or were instances where customers did not wish to raise a formal complaint. These contacts were mostly regarding lack of communication or a need for clarification on a matter and these were immediately rectified with early intervention by Children’s Services, thus requiring no need to escalate into a formal complaint.

4.3 Example:

A Young Person who was placed out of county made contact with the complaints team after experiencing difficulty in reaching her Social Worker who was off sick. She purely wished to find out when a particular service she had requested would be put in place. She made it clear that she did not want to raise a formal complaint; she simply required an answer as quickly as possible. This was actioned within a timely manner and the Young Person was kept informed. She was provided details of how to make a complaint should she wish but on this occasion the matter was resolved without the need for escalation.

4.4 There were 17 Corporate Complaints during the same period relating to Children’s Services. In previous years, it is probable that these figures would have been managed as a Stage 1 complaint irrespective of whether they fit within the tight criteria set out in the Regulations.

4.5 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 2013/14
First Response	4
Child in Need (North) (includes Junior CATCH)	19
Child in Need (South) (includes Family Assessment Service and CATCH)	15
Children's Care Management (includes Children With Disabilities and Children in Care)	21
Children's Care Services (includes Fostering and Permanence Team)	2
Quality, Standards & Performance	0
Total	61

There are no particular themes being identified in relation to where the complaints are directed. The bulk of the complaints are in relation to the Children in Need and Children in Care services. However this is not uncommon as these teams provide the majority of the services.

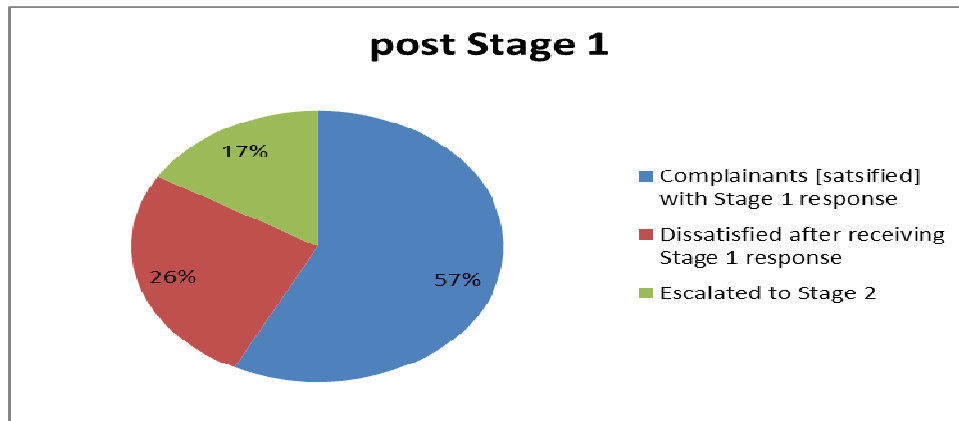
4.3 **Stage 2** - There is an expectation placed upon Children's Services that the majority of complaints considered at Stage 1 will be resolved locally at the point of service delivery. Where this cannot be achieved it may become necessary for the complaint to be considered at Stage 2.

4.4 There were 10 complaints managed through Stage 2 of the Children and Young People's Social Care complaints procedure this year compared with 12 in 2012/13 and 2 in 2011/12. Children and Young People's Social Care work inevitably attracts some complex complaints, which can be difficult to resolve.

4.5 However, it should be worth noting that in addition to the 10 complaints managed through the Stage 2 process, there were a further 6 complainants who made contact with the Complaints Team expressing dissatisfaction with the outcome of their Stage 1 response. In all but 2 of these cases, a meeting was held with the Complainant, manager representative from Children's Social Care and a Complaints Officer which

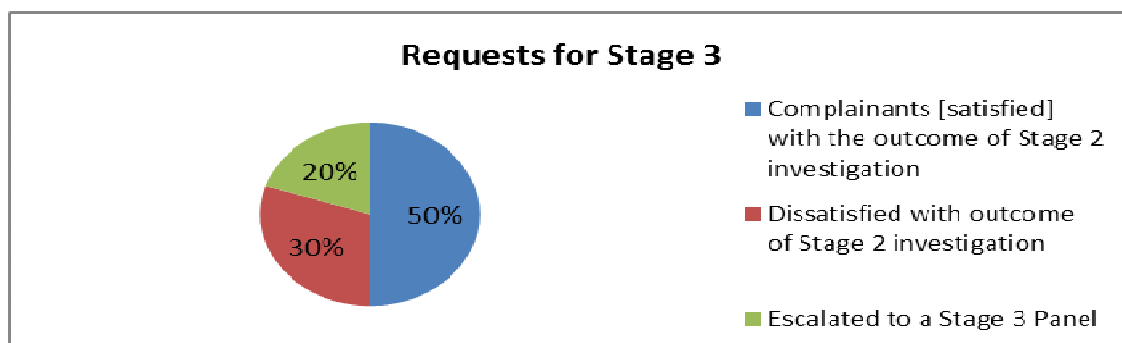
successfully resulted in a mutually agreeable resolution and saw the request to escalate the complaint being withdrawn.

- 4.6 Given the relatively small numbers of complaints received in at Stage 1 during this year, we can see from these figures that 26% of these complainants were dissatisfied in some way with the outcome of their Stage 1 response and required further intervention; with 17% of them requesting and eventually receiving an independent investigation into their complaint.



- 4.7 The primary reasons for complainants expressing dissatisfaction and requiring further intervention has been due to the quality of the Stage 1 response which did not adequately address the issues of complaint and/or where complainants are left feeling as though the complaint was not being taken seriously.

- 4.8 **Stage 3** – There were 4 Stage 3 Review Panel hearings held during this year, compared with 3 in 2012/13 and 2 in 2011/12. Again, it is worth noting that in addition to these figures there were an additional 2 complainants who, following the Stage 2 investigation made contact with the Complaints Team continuing to express dissatisfaction. These complaints were resolved outside of the Panel and subsequently the complainants withdrew their request to escalate their complaint.



- 4.9 Following the outcome of the independent Stage 2 investigation, at least 50% of complainants took no further action at all. However, as discussed above, in addition to the 4 panels convened there were 2 complainants who expressed dissatisfaction with the outcome of the Local Authority's response to their Stage 2 complaint despite their complaints being upheld or partially upheld.

Example

Despite the complaint being fully upheld at Stage 2, the complainants were left feeling somewhat deflated by the lack of explanation into what recommendations and learning the Local Authority would be taking. A meeting ensued and the complainants were provided with details of actions taken as a result of their complaint to their satisfaction.

This was significant in highlighting the need to provide a thorough response including using the opportunity to share how the Council will be learning from the complaint.

5 Issues raised in complaints

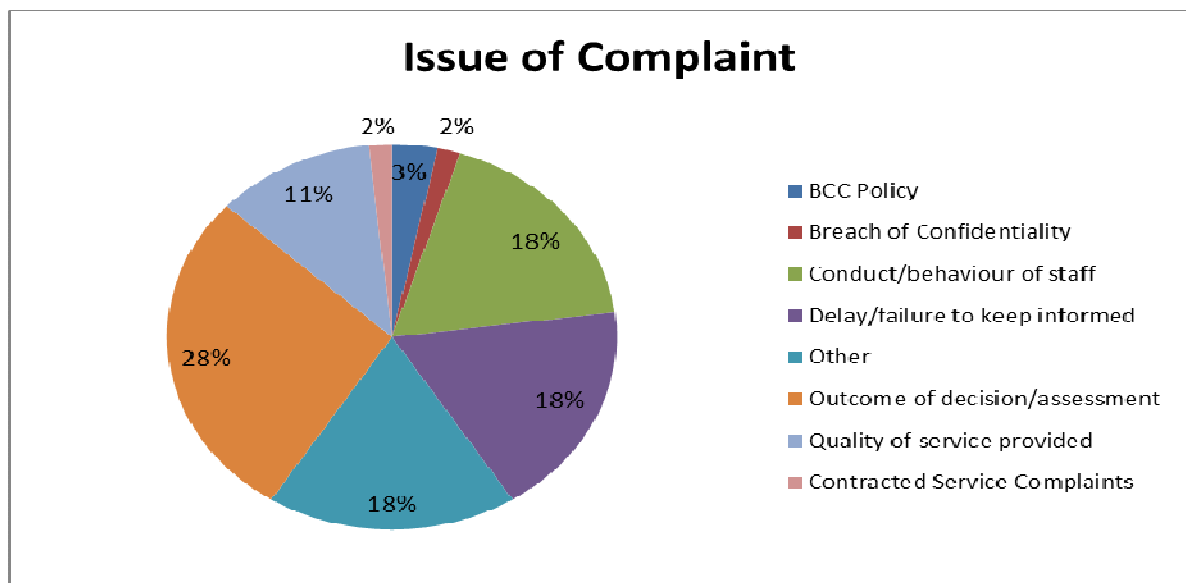
- 5.1 Children & Young People and their representatives are telling us that they are dissatisfied with the poor levels of communication from Children's Services. This includes (but not exclusive to),

- not having telephone calls and/or emails responded to,
- Reports are not being completed on time thus enabling families to comment on their content before important meetings.
- Quality of assessments and reports is below an acceptable standard
- Poor communication and information sharing between the different services.
- Families are not being informed about next steps and
- Failure to adequately explain what expectations Social Care may have of them.

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.

- 5.2 The issues arising out of complaints were categorised as follows:

Issue	Number of complaints
BCC Policy	2
Breach of Confidentiality	1
Conduct/behaviour of staff	11
Delay/failure to keep informed	11
Other	11
Outcome of decision/assessment	17
Quality of service provided	7
Contracted Service Complaints	1
Total	61



5.3 These classifications are based upon the complaint as described at Stage 1. The system used for recording complaints does not have the option of entering multiple categories. In the event that more than one issue may arise in any given complaint it is then recorded using the most significant presenting issue.

5.4 As can be seen from the above figures, with the exception of complaints received about *Outcome of decision/assessment* (28%) there then follows a fairly even spread between the next four categories (11-18%). The smallest category received was in relation to Contracted Service complaints.

5.5 *Outcome of decision/assessment* –The highest volume of complaints received were recorded in this category. Again this category is relatively broad in description but encompasses issues such as

- Young Person not satisfied with the decision to reduce contact with younger sibling
- Complaint made by family about the decision taken to place their child in an out of county placement.

- Carer unhappy about decision to remove child from her care.
- Father challenging the decision taken to change the Child's Social Worker
- Various complaints made by a Mother about the lack of assessments made on children who were placed in Local Authority care.

Breach of Confidentiality – complaint from a family member who was sent a letter wrongly accusing him of an act of violence. The complaint investigation found that his details were included by mistake and concluded that it was as a result of human error.

Quality of service – generally this category of complaint is about the quality of reports and assessments written.

Complaints about conduct/behaviour of staff – often when a parent / family member is aggrieved by something which they deem is not being done in their child's best interest they will label the complaint as being one about the individual Social Worker's conduct or behaviour which is resulting in the wronged actions. In fact, whilst this is usually the perception, often this category is used for e.g. requests for changes in Social Worker, words said by the Worker that may have caused offence or was taken out of context. This may also include where the Social Worker has failed to communicate effectively.

6 Categories of Complainant

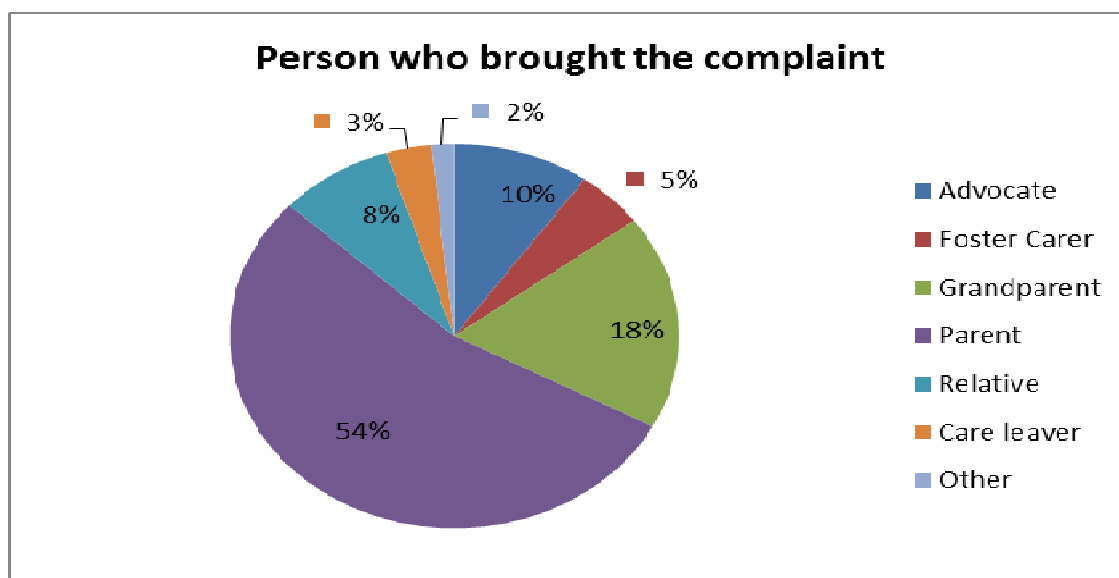
6.1 There were 7254 children who had a referral (open prior to or during 2013-14 financial year (this includes Looked after Children and those subject to Child Protection Plans) was 7254. There were 443 children looked after by the Local Authority.

56% (34) of the complaints made during this period were regarding Looked after Children. In addition we also received 11 enquiries about Looked after Children during the same category.

6.2 Only 9 complaints were brought by the Young People themselves – 6 with the assistance of an Advocate.

6.3 It was identified that the complainants fell into the following categories

Representative	Number of complaints
Advocate	6
Foster Carer	3
Grandparent	11
Parent	33
Relative	5
Care leaver	2
Other	1



6.4 The majority of complaints (54%) were brought by parents; as would be expected. However it is important to note the number of complaints brought by Grandparents.

6.5 We are seeing a number of complaints being brought by Grandparents who express a great deal of concern about the welfare of their Grandchildren. Particularly in instances where the children could have been placed in their care at some point either before or during their time of being in care and yet they received poor communication about what the Local Authority plans were for the children.

6.6 There is a need for Social Care to balance their obligations and duties at all times by ensuring that information is shared appropriately with all significant parties but all the while respecting the principles of the Data Protection Act 1998. Ordinarily information about any possible care plans for children should only be shared with those who have Parental Responsibility.

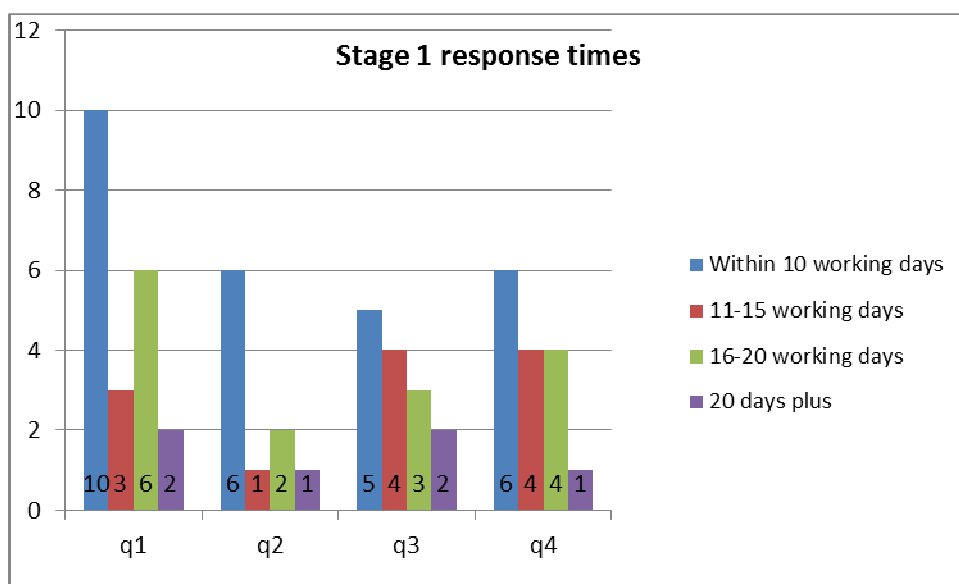
6.7 However, there is a great deal of importance attached to the role of Grandparents and the Local Authority will often look to family members when children are removed from their parents. It is therefore important that Social Care find a way of being able to share information with this group of people at the same time of respecting the principles of data protection.

7 Timescales for replying to complaints (total number of complaints closed this period is 61)

Timescale	Percentage of total
Within 10 working days	46%
11-15 working days	20%
16-20 working days	24%
20 days plus	10%
Average time to reply	12.5

7.1 The timescale for responding to a Stage 1 complaint is 10 working days, although this can be extended to 20 working days if necessary. 46% of complaints were responded to within 10 working days. 44% responded to within 20 working days. We are working hard to try to meet timescales and Children’s Services are aware of the importance of responding within the legislated 10 working days. However, as the aim is to fully investigate complaints at Stage 1 this can sometimes mean that we exceed the timescale to ensure a comprehensive response; being mindful of keeping the complainant fully informed.

7.2 From 1st April 2013 a new internal procedure was introduced to help move complaints through the Statutory Complaints Process more efficiently and so improve on response 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 acts as a conduit, working closely with managers responsible for drafting responses. Again this is to help move through the process to ensure deadlines are met but is also to provide support and assistance where possible to ensure a good quality and consistent response is sent to the customer.



7.3 We have seen a significant improvement in response timescales from previous years with 90% of all complaints being answered within 20 working days as opposed to only 62.4% being responded to during 2012/2013. This has seen our average response time reduced to 12.5 days from 27 days in the previous reporting year.

8. Local Government Ombudsman

8.1 The Local Government Ombudsman (LGO) is an independent organisation authorised to investigate complaints where the Council’s own investigation has not resolved the issues raised

The LGO assessed 6 complaints for Children & Families during the period in question. The decisions were as follows:

Detailed investigations carried out	Upheld	2
	Not Upheld	0
Advice given		0
Closed after initial enquiries		4
Incomplete / invalid		0
Referral back for local resolution		0

There were 2 complaints upheld by the LGO and settlements agreed in both cases between the Local Authority and the complainants.

9 Use of Independent Persons for Children’s Act complaints

- 9.1 Under the regulations, complaints involving children require the use of an Independent Person (IP) who is not employed by the Local Authority. They work with independent Investigating Officers in investigations of Stage 2 complaints to ensure that investigations have been conducted in a full, fair and effective way.
- 9.2 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 to undertake Stage 2 investigations.

10 Use of advocates for Children’s Act complaints

- 10.1 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.
- 10.2 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.
- 10.3 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.
- 10.4 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.

10.5 During this period 6 complaints were recorded from Young Persons who were supported by an Advocate from NYAS. All of these complaints were resolved locally at Stage 1.

11 Closed complaints

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

Complaints	Outcome
Upheld	7
Partly upheld	14
Not upheld	35
Withdrawn	5
Total	61

11.1 The majority of complaints are not upheld at Stage 1. In fact only 12% of complaints appear to be upheld.

It is worth noting however that of the 10 Stage 1 complaints that escalated to Stage 2, only one finding remained the same.

8 complaints not upheld at Stage 1 – The outcome at Stage 2 overturned 4 to be upheld, and 4 were partially upheld.

2 complaints partially upheld at Stage 1 – The outcome at Stage 2 overturned 1 to be upheld, and 1 stayed the same.

12 Diversity monitoring of complainants

Gender of complainant	
Male	0
Female	4

Ethnic Group of complainant	Number of complaints
White British	4
White Irish	

Any other white background	
Asian/Asian British	
Bangladeshi	
Indian	
Pakistani	
Black or Black British	
African	
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	57

Sexual orientation of complainant	Number of complaints
Heterosexual	4
Bisexual	
Gay Man	
Lesbian	
Not stated or no response	57

Age of complainant	Number of complaints
10 - 15	
16 - 17	
18 - 25	
26 – 40	1
41-59	3
60 - 64	
65 - 74	
Not stated or no response	57

Religion of complainant	Number of complaints
Buddhist	
Christian	2
Hindu	
Muslim	
No Religion/Belief	2
Not stated or no response	57

Disability of complainant	Number of complaints
Hearing impediment	
Mental Health Service User	
Non-visible condition	

Physical or mobility impairment	
Visual impairment	
Other	
No disability	4
Not stated or no response	57

12.1 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 1st 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 these forms.

13 MP letters

13.1 27 MP letters were received during the period covered by this report. A number of these had already been received as formal complaints. 33.3% sent within 10 days. Average time = 30 days

14 Recommendations & Learning

14.1 Since April 2013, Children's Services have tasked an Officer from within the Quality Standards & Performance (QSP) team with overseeing any recommendations made and ensuring that there was due consideration given by the relevant services. There is also now a system in place whereby the QSP Officer will report back to the Complaints Team with an updated matrix within 3 months of the complaint closing with details of what recommendations may have been put in place and what learning has been shared with the service.

14.2 Local Authorities are required to monitor their performance and learn from their complaints and where possible ensure that this can be used to feed into service improvement. There have been a few examples of where learning has been cascaded within the service but this has not been consistently approached. A team who themselves may be affected by an individual complaint is generally committed to implementing any recommendations that arise and will share the learning within their team. However it appears the teams are operating in a silo mentality. It is not known whether this is purely down to a reluctance in sharing information across the service or a resource issue. We have not been able to evidence many examples of wider learning.

Examples of learning:

- **Accurate data recording:** Children's Services have been reminded of the importance of accurate case recording on children's files. This includes

ensuring the accurate recording of cultural, religious or diversity needs which has also been an issue. Families tell us that this is upsetting when Social Workers make assumptions on sensitive issues such as these. Data Protection training has been delivered and remains available on an ongoing basis to Children Service staff.

- **Training:** A further recommendation that arose was, in relation to some aspects of the handling and response of the complaint at Stage 1, CYP officers could have better addressed the issues of complaint at an earlier point. It was recommended that additional training, by way of individual coaching on a case by case basis, be provided to relevant staff tasked with the responsibility of dealing with Stage 1 complaints.

It is evident from the percentage of Stage 1 complaints that have had the outcome overturned at Stage 2, that there is a need for improvement in the way in which Stage 1 complaints are handled.

It had already been identified that the quality of Stage 1 responses was not where it should be. As a result of this, Children's Services commissioned external training which was provided in October 2013 with additional events being organised for March 2014. The Service Director instructed all Consultant Social Work Managers / Team Managers to attend.

- 14.3 The Statutory Complaints Officer has recently undertaken some training with frontline staff beginning with the First Response team. The purpose of this training is provide an introduction into what constitutes a complaint. To make Social Workers aware of the statutory process, what's involved and what they should do if they receive a complaint.

15 Conclusion & Future plans

- 15.4 The increased pressures that Children's Services experience has meant that there are competing priorities when it comes to complaints. This can make the work of the Complaint's team somewhat challenging and resolution much more difficult. It is not yet known what impact, if any the publication of the recent Ofsted report will have on Children's complaints but irrespective of this, there will need to be much more emphasis being placed on quality of responses and learning if we are to reduce the amount that escalate.
- 15.5 We will be exploring alternative ways of conducting Stage 2 investigations in addition to making enquiries about whether Alternative Dispute Resolution will be an option for resolution.
- 15.6 We will continue to offer training to Social Workers and support staff on how to recognise complaints. In addition there are plans to offer a more bespoke training plan for Managers responsible for responding to complaints.

- 15.7 We will look at our publicity and methods of informing Children & Young people on how they can access the complaints procedure. This will include working closer with NYAS and other contracted services.
- 15.8 During the next year there will be a greater emphasis placed on working with Children's Service to help them identify trends and put in place a strategy for learning across the whole service.

16 Recommendation

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

Background Papers

None