

CHILDREN AND YOUNG PEOPLE'S SOCIAL CARE

HEARING THE CUSTOMER'S VIEW - ANNUAL REPORT 2015/16

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 2015 and 31st March 2016.
- 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 Corporate Complaints Manager.
- 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. Since 1st April 2015 this now sits within the Council's Headquarters.

2 Statutory Complaints procedure

- 2.1 The Hearing the Customer's View complaints procedure has three stages:

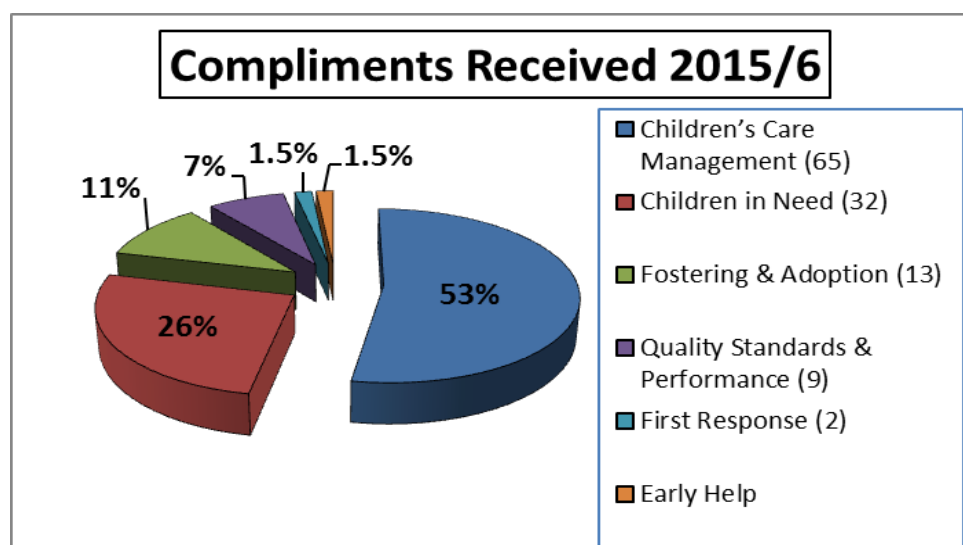
¹ Getting the Best from Complaints (Social Care Complaints and Representations for Children, Young People and Others) *Department of Education & Skills* (2006)



- 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 also 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 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 Managing Director must respond to complainants within 15 working days of the date when the Review Panel made their recommendations.

3 Compliments received

- 3.1 There were **123** compliments received this year. This figure compares with only 26 compliments received in 2014/15 and 101 compliments during 2013/14.



- 3.2 It is extremely positive to see such a rise in the number of compliments received. This is particularly rewarding for Social Workers to receive such positive feedback given the nature of the work that they are involved in.
- 3.3 Social Care have consistently received more compliments than complaints (with the exception of last year). 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 has benefited from the service provided or where the quality of work has been recognised by a senior manager or another agency. As we have seen with previous years, Children's Care Management have received the majority of the compliments with over 53% of the total. This is not surprising since they are typically involved with children and young people for longer periods of time and therefore their relationships tend to be different than those experienced by colleagues in teams with short intervention, such as First Response.
- 3.4 Compliments received directly from children & young people are unfortunately minimal so are greatly received when they are.

Compliment from a former Looked after Child to the Aftercare Service

„I just want to thank you for all of your help despite my laziness and procrastinating your help was very appreciated! Everything is going great for me and I'm currently in California training with some of my MMA idols it's a trip I've been saving for a long time, some of these guys are the best in the world. I've been here for three weeks and have another week left. As you can guess MMA is still my dream career and I'm making all the right decisions to get there. Just wanted to say thank you for your help I feel like it's really helped. Hope all is well with you too”

Compliment from a parent to the Permanence Team

“Thank you from the bottom of our hearts. The amazing work and support you have given us has made our life complete”.

Compliment from a parent to the Children with Disabilities Team

“I have to say that you have restored our confidence in the support that Social Services can provide - this from a position where from our perspective nothing had been happening for well over a year with our previous contacts in SS. I do appreciate the workload you and your colleagues have to manage, budgetary constraints and that we are only one of the many cases you and the team have to manage, but I want you to know that we really do appreciate the time you have taken to 'unblock' some support for us in dealing with a challenging situation”.

4 Complaints received

- 4.1 There were **45** formal complaints managed through Stage 1 of the Statutory Complaints procedure during this period. This figure compares with 62 in 2014/15 and 61 in 2013/14. This year has seen a 30% decline in the number of complaints received whereas in previous years we have seen relatively consistent numbers.

However there has been a slight increase in the number of other contacts received by the Complaints Team.

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 2015/16 there were 88 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. The majority of these contacts are where there was a need for immediate attention or clarification requiring early intervention by Children's Services and no need to escalate into a formal complaint.

4.3 Examples:

- *Parent unhappy that someone did not return her call and also unhappy with the decision/actions by SS – wishing for a call back.*
- *The customer wants clarification around how his son's case is being dealt with by the social worker and some reassurance that correct procedures are being followed.*
- *A parent anxious upon learning that a referral had been made about them*

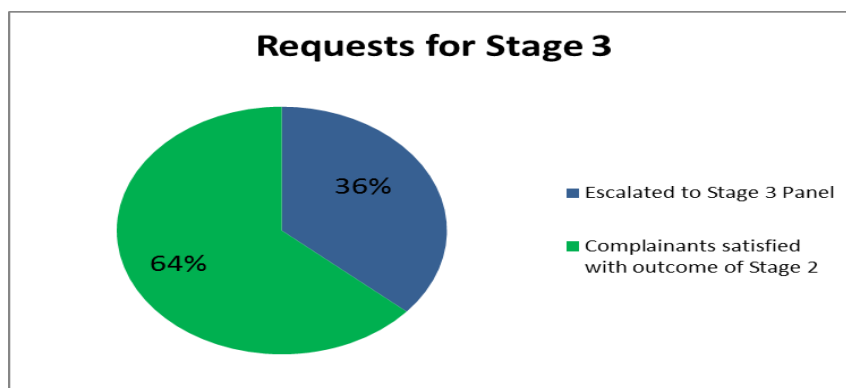
4.4 In addition there were 52 Corporate Complaints during the same period relating to Children's Services. This is an increase on the previous year where only 21 were received. Therefore this saw a total of **97** complaints (corporate and statutory) for this year and figures for 2014/15 saw **83** combined which depicts a 15% rise in overall complaints received for Children's Services. While corporate complaints are still directed towards Children's Service they tend to relate to a non statutory function or are instances where the complaint is not relating to a specific child or the person making the representations does not have the requisite eligibility to bring the complaint under the Children Act 1989.

. 4.5 The table below gives a breakdown of statutory complaints by service area and includes details of corporate complaints and general enquiries for information and comparison only.

Service Area	No. of Statutory Complaints 2015/16	No of Corporate Complaints	No of General Enquiries
Children In Need (includes Family Assessment Service and CATCH)	17	14	46
Children's Care Management (includes Aftercare, Children With Disabilities and Children in Care)	16	7	16
First Response	8	19	23
Children's Care Service (includes First Steps, Fostering and Permanence Team)	1	4	
Quality Standards & Performance	3	6	2
Early Help (includes Family Resilience and Early Help Panel)	N/A	1	2
TOTAL	45	51	89

- 4.6 There are no particular themes being identified in relation to where the complaints are directed. The complaints were quite evenly split between the Child in Need (North & South) and Children in Care services. However this is not uncommon given the nature of the services provided by these teams.
- 4.7 However, it is worth noting that the majority of the other contacts received are directed towards the Children in Need and First Response service who are usually quite reactive in responding to any enquiries for their respective areas before they escalate to formal complaints.
- 4.8 **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.
- 4.9 There were 6 complaints investigated through Stage 2 of the Children and Young People's Social Care complaints procedure this year compared with 11 in 2014/15 and 10 in 2013/14. The nature of Children and Young People's Social Care work inevitably attracts some complex complaints, which can be difficult to resolve.
- 4.10 Given the relatively small number of statutory complaints received this year, we can see from these figures that 14% of the complainants were dissatisfied with the outcome of their Stage 1 response and required further intervention with an independent investigation into their complaint.

- 4.11 The reasons for complainants expressing dissatisfaction can vary. Primarily this has been due the complainant suggesting that the Stage 1 response did not adequately address the issues of complaint and/or where they were left feeling as though the complaint had not been taken seriously. There were 2 complaints which were upheld at Stage 2 thus overturning the earlier decision however in the other 4 cases the outcomes remained relatively the same. However, it is also fair to say that there have been occasions where escalation was inevitable irrespective of the effort put in at Stage 1 due to a break down in trust.
- 4.12 **Stage 3** – There were 3 Stage 3 Review Panel hearings convened during this period, which is slightly down from the 4 panels held in the preceding two years.



- 4.12 Following the outcome of the independent Stage 2 investigation, 50% of complainants remained dissatisfied and requested a further review by a Stage 3 panel. On analysis it can be said that in 2 of these cases they were instances where complainants would simply not accept the outcome and were intent on escalation to the highest possible stage; which is unfortunate.

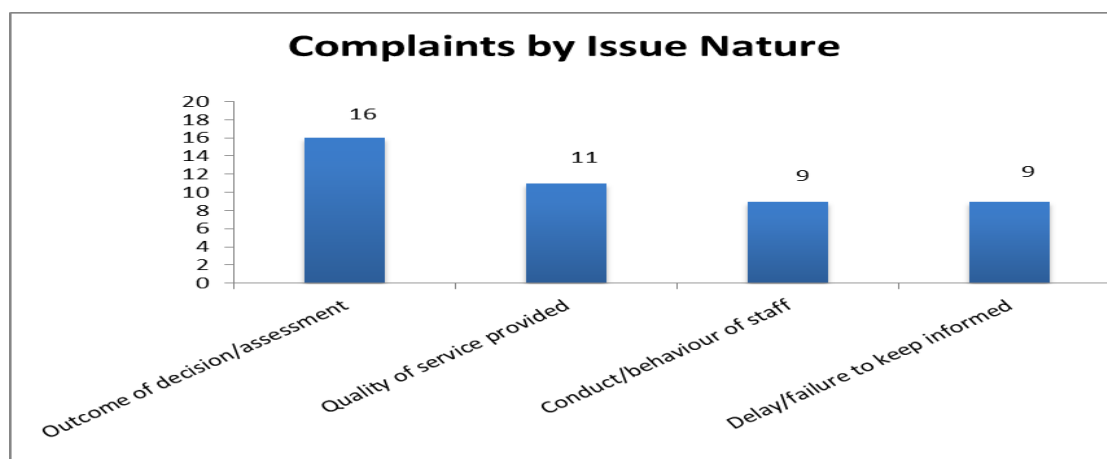
However, in 1 case the Stage 3 panel overturned the earlier decisions in the complainants favour. Lessons learned in this case would suggest that thorough adjudications at Stage 2 are imperative.

- 4.13 It is recognised from above, that the Local Authority could seek to better engage the complainant at an earlier stage by taking the opportunity to provide a more thorough response, which should include sharing information, where appropriate, on how the Council will be learning from the complaint. This would provide the complainant with an appreciation that they are being heard and lessons are being learned.

5 Issues raised in complaints

- 5.1 Children & Young People and their representatives are primarily telling us that they are dissatisfied with the quality of service received or with the decisions/outcomes of assessments.

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



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 the complaints fell into 4 categories. These are disagreements or dissatisfaction with the outcome of decisions / assessments (36%), quality of service provided (24%) conduct behaviour of staff (20%) and delay failure to keep informed (20%)

The issues of complaint are:

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

- Parent challenging an assessment which saw a reduction in DP payments for her child
- Challenges to the decision to make children subject to Child Protection Plans
- Complaints about decisions around the Staying Put policy

Quality of service – generally this category of complaint is about the quality of reports or assessments written where they may be issues of inaccuracies or incomplete information.

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. a requests for a change in Social Worker, words said by the Worker that may have caused offence or was taken out of context but it has also included instances of where Social

Workers are accused of poor attitude or have failed to communicate properly with them.

Delay failure to keep informed –

- Parents complaining that they are not kept informed about Social Care's involvement, particularly when they are the non-resident parent.
- Parents of Children in Care not receiving updates on their children
- Complaint about drift in case which prolonged Social Care's involvement unnecessarily.

6 Categories of Complainant

6.1 Children's Services received 15749 contacts during 2015/16 which resulted in 6899 Referrals; which is a 25% increase on the previous year. 446 children were subject to a Child Protection Plan during this period as at 31/03/16) and 463 children were considered to be Looked after Children, at 31/03/16). 2652 children were considered to be a Child in Need (491 with a disability), and were therefore in receipt of services.

40% (18) of the overall complaints received during this period were regarding Looked after Children. These figures mirrors those received last year. In addition, there were 6 General Enquiries about Looked after Children during this period. If we consider therefore that of the 463 children who were looked after by the Local Authority there were representations or complaints made about approx. 5% of them.

6.2 The majority of representations about Looked after Children are made by their parents. There was only one complaint which was brought by a young person himself and 6 young people did so with the assistance of an Advocate (NYAS). Many of the complaints brought directly by the young people were about decisions made regarding their accommodation.

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

Representative	Number of complaints
Grandparent	2
Parent	35
Relative	1
Young Person (including with assistance of an Advocate)	7

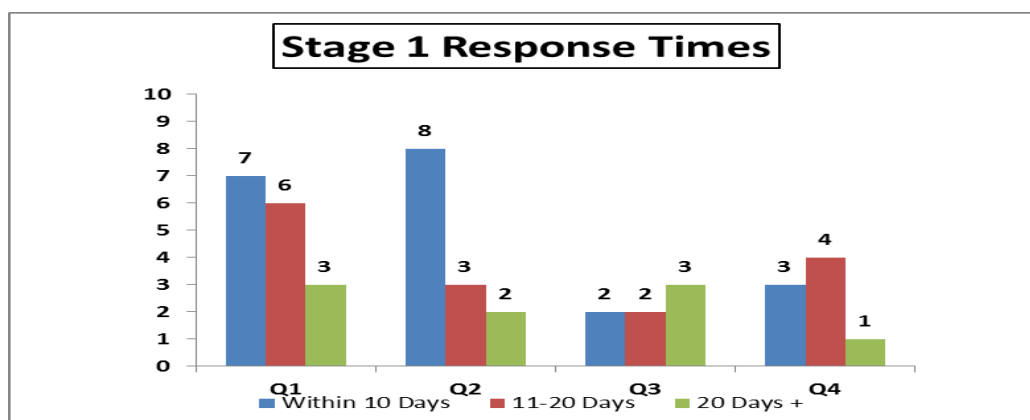
6.4 The highest category of complainants were brought by parents (78%) as would be expected. This has also been the case in previous years. The rationale for the Regulations is to ensure that Local Authorities have an appropriate mechanism in place for Children and Young People (C&YP) to raise any concerns they might have and receive a response quickly and effectively. It is suggested that one reason for the low number (7 complaints) received directly from C&YP is that they feel able to

go directly to their allocated worker to have the matter resolved locally without the need to instigate a formal complaint. However this view should be balanced with some caution that instead there may be some C&YP who do not feel able or confident enough in escalating the matter via a complaints process.

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

Timescale	Percentage of total
Within 10 working days	44%
11-20 working days	33%
20 days plus	20%
Average time to reply	14 days

- 7.1 The timescale for responding to a Stage 1 complaint is 10 working days, although in exceptional circumstances or if the matter is deemed complex then this can be extended to 20 working days. 44% of complaints were responded to within 10 working days which is a vast improvement on last year where the average was 27 days. Overall 77% were 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 of any delays.
- 7.2 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 Officers within the Quality Standards and Performance team who are in place to act as a conduit between the Business Unit and HQ, working closely with managers who are responsible for drafting responses. Again this is to help move through the process to ensure deadlines are met but they are also there to provide support and assistance where possible to ensure a good quality and consistent response is sent to the complainant.
- 7.3 This has seen our average response time decrease from 14 days in this period.



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 1 complaint regarding Social Care during the period in question. This compared with 2 in the previous year. The decision was as follows:

Detailed investigations carried out	Upheld	1
	Not Upheld	0

The local authority accepted the recommendation of the LGO in relation to the complaint they had reviewed. There were a number of recommendations made which Children's Services acted upon accordingly.

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 During this period 7 complaints were recorded from Young Persons who were supported by an Advocate from NYAS. All bar one of these complaints were resolved locally at Stage 1. However one was escalated to Stage 2.

11 Closed complaints

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

Complaints	Outcome
Upheld	8 (18%)
Partly upheld	6 (13%)
Not upheld	25 (56%)
Withdrawn	4 (9%)
No comment made	1 (2%)
Outside of Jurisdiction	1 (2%)
Total	45

- 11.1 It can be understood from the figures above that the majority of complaints were not upheld.

It is worth noting that the majority of the complaints that escalated to Stage 2, the finding remained more or less the same. However some complainants tend to add more weight to a decision when it has been undertaken by an independent investigator at Stage 2 even if the findings remain the same.

12 Diversity monitoring of complainants

Gender of complainant	Number of Complaints
Male	12
Female	32

Ethnic Group of complainant	Number of complaints
White British	22
White Irish	
Any other white background	1
Asian/Asian British	
Bangladeshi	1
Indian	
Pakistani	1
Black or Black British	
African	
Caribbean	
Any other Black background	
Chinese	
Mixed White and Asian	1
Mixed White and Black African	
Mixed White and Black Caribbean	2
Any other Mixed background	
Any other ethnic group	
Ethnic group not specified	16

Sexual orientation of complainant	Number of complaints
Heterosexual	7
Bisexual	
Gay Man	
Lesbian	
Not stated or no response	37

Age of complainant	Number of complaints
Under 10	
10 – 15	2
16 – 17	4
18 – 25	3
26 – 40	13
41-59	18
60 – 64	1
65 – 74	
Not stated or no response	3

Religion of complainant	Number of complaints
Buddhist	
Christian	5
Hindu	
Muslim	1
No Religion/Belief	3
Not stated or no response	35

Disability of complainant	Number of complaints
Hearing impediment	
Mental Health Service User	2
Learning Disability	
Physical or mobility impairment	2
Visual impairment	
Other	
No disability	7
Not stated or no response	33

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 forms².

13 MP letters

13.1 37 MP letters were received during the period covered by this report. A number of these had already been received as formal complaints. Policy suggests that responses should be sent within 10 working days. 45.9% were responded to within 10 days. Average response time = 16 days

14 Recommendations & Learning

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.

² Where information is available on LCS, this has been used here

- 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 is appropriate consideration given by the relevant services. There is 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 within the service. However due to competing priorities this area has not received the prioritisation that is required to affect true learning.
- 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.

Examples of learning:

- **Accurate data recording:** Children's Services are continually reminded of the importance of accurate case recording on children's files. The impact of this is that inaccurate information will not appropriately reflect the child's journey and the reasons for key decisions being taken. Data Protection training has been delivered and remains available on an ongoing basis to all Children's Service staff. This is generally delivered by the Rights to Information team.
- **Training:** A natural recommendation that arises in cases which escalate beyond Stage 1 is in relation to staff training on complaint handling. It is evident from the percentage of Stage 1 complaints that have escalated to Stage 2, that there is a need for improvement in the way in which Stage 1 complaints are handled. At the time of writing this report (August 2016) there are now two Complaints Social Workers in post providing additional support and assistance to the Team Managers to ensure a robust investigation is undertaken. We will monitor to see whether this sees a reduction in escalations arising over the coming year.

It has already been suggested that the quality of Stage 1 responses could be improved. Therefore, in addition to internal training to frontline staff, Children's Services also commissioned external training during the latter part of 2015 for provide Consultant Social Work Managers / Team Managers to attend.

Communication: Historically communication issues have underpinned the majority of complaints however during this period we saw a decline in the number of reports of dissatisfaction with telephone calls not being responded to. Typically this was an issue seen from within the early response units (First Response and CIN Units) however this appears to have improved. Last year, Children's Services made a commitment to ensure there is a sufficient, stable and suitably qualified workforce who are competent to deliver high-quality services to children and their families. This may be one of the reasons for the decline in this area of dissatisfaction.

Example of lesson learned

There has been a revision in the way that 'Written Agreements' are implemented between families and Children's Services. It was identified that previously there was too much reliance on written agreements to safeguard the child and that sometimes assumptions are made that risk to a child has been reduced because a written agreement with their parents / carers is in place. Also, the quality of the Written Agreements differed. Contracts of Expectations have now replaced these and guidance has been issued to support staff in the drawing these up.

- 14.3 To support frontline staff the Statutory Complaints Officer has undertaken training to provide an introduction into what constitutes a complaint. To equip Social Workers and support staff with the knowledge and understanding of the statutory process, what's involved and what they should do if they receive a complaint.

15 Conclusion & Future plans

- 15.1 Children's Services continue to face competing priorities when it comes to focusing on complaints which at times can make resolution much more difficult. Whilst there was a rise in the number of contacts made to the complaints team which required some form of intervention, we did not see a rise in the actual number of complaints received. Children's Services have made a commitment in the right direction by appointing another officer who will focus on implementing any recommendations and identifying learning. This will therefore continue to shape service improvement. Whilst organisations should embrace complaints it is important to learn from any complaints and seek to improve wherever possible.
- 15.2 We will be exploring alternative ways of conducting Stage 2 investigations including whether there is any capacity internally to review some of the less complex complaints.
- 15.3 We will continue to offer training to Social Workers and support staff on how to recognise and handle complaints.
- 15.4 The Complaints Team will seek to work with Children's Services to review the publicity and methods of informing Children & Young people on how they can access the complaints procedure.
- 15.5 During the next year we will continue to work with Children's Service to help them identify trends and put in place a strategy for learning across the whole service.