

**REPORT TO:** Children, Young People and Families Policy and Performance Board

**DATE:** 2 September 2013

**REPORTING OFFICER:** Strategic Director, Children and Enterprise

**PORTFOLIO:** Children, Young People and Families

**SUBJECT:** Annual Report - Comments, Complaints and Compliments relating to Child Care Services 1<sup>st</sup> April 2012-31<sup>st</sup> March 2013.

**WARDS:** All

## **1.0 PURPOSE OF REPORT**

- 1.1 To meet statutory requirement to publish an Annual Report.
- 1.2 To report and provide an analysis on complaints processed under the Children Act 1989, Representation's Procedure.

## **2.0 RECOMMENDATION: That**

- 2.1 The report is accepted as the mechanism by which the Local Authority is kept informed about the operation of its complaints procedure.
- 2.2 The Annual Report will evidence how feedback from service users has been used to improve service delivery.

## **3.0 SUPPORTING INFORMATION**

- 3.1 The aim of The Children Act 1989 Representations Procedure is for Children and Young People have their concerns resolved swiftly and wherever possible by the people who provide the service locally.
- 3.2 A complaint may generally be defined as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response.
- 3.3 There are 4 categories to the representation process.
  - i. Statutory Complaints - the complainant is eligible as stated in the Representations Procedure to make a formal complaint.
  - ii. Representations - where a complainant is not eligible under the Statutory Complaints Procedure to make a formal complaint, but their comments are noted and responded to. If it is not a complaint under the Statutory Procedure then the Corporate Complaints procedure may apply.
  - iii. Compliments – positive feedback
  - iv. Customer Care issues – can include advice & guidance, signposting, problem solving and early resolution to prevent complaint escalation.
- 3.4 The formal complaints procedure has a process of 4 stages.

Stage 1: Aims to resolve the problem as quickly as possible (within 10 working days, or 20 if complex)

Stage 2: If unhappy with response at stage 1, a request can be made for the

complaint to be investigated by an Independent Investigator/Person (within 25 working days, 65 if complex).

Stage 3: If still dissatisfied, a request can be made for a Review Panel to consider whether the complaint has been dealt with adequately. The Review Panel is made up of 3 independent people and should be held within 30 working days of request.

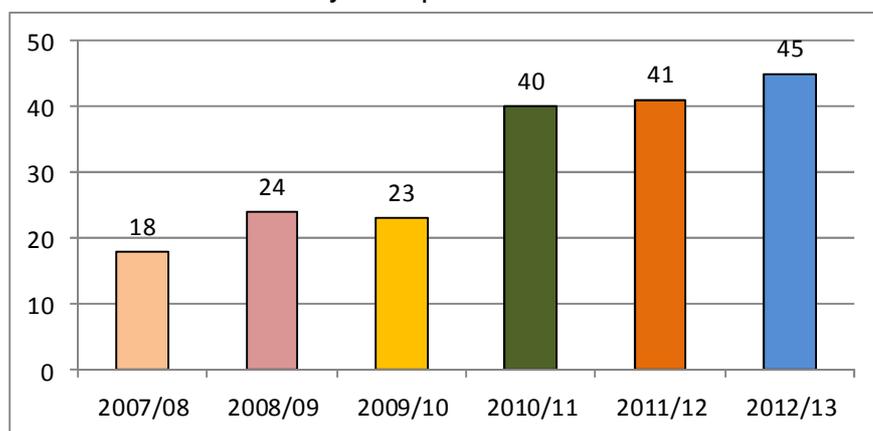
Stage 4: If still dissatisfied, the complainant has the right to refer self to the Local Government Ombudsman, they can do this at any stage of the complaint.

3.5 The Customer Care Manager has responsibility for the overall administration of complaints liaising with relevant services across the Children and Enterprise Directorate, parents and families in working to resolve children's social care complaints.

3.6 The Children and Enterprise, Customer Care Manager amalgamated with the Communities Customer Care Team from 1<sup>st</sup> April 2011 to form one team responsible for the administration of Adult and Children Social Care Representations.

#### 4.0 Annual Report 1<sup>st</sup> April 2012 – 31<sup>st</sup> March 2013

4.1 There were 45 Statutory Complaints made to the Local Authority in 2012/13.



4.2 4 more complaints than in the previous year an increase of 10%. The increase in complaints can indicate the procedure is being accessed and those using services feel able to express their views, which is positive.

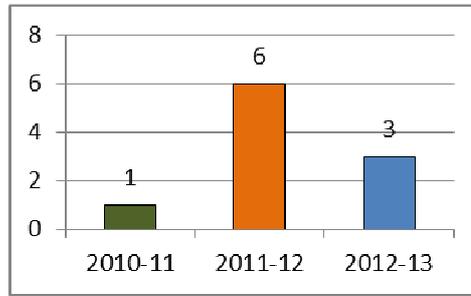
4.3 At the 31<sup>st</sup> March 2013, there were a total of 963 open cases to Children in Need, Child Protection, Children in Care and Care Leavers. This shows that 4.7% made a complaint, the percentage for the last 2 years has been 4.4% so this is consistent performance.

#### 4.4 Complaints were made by

- 1 complaint was from a care leaver, same as previous year (over 18yrs).
- 2 out of the 3 young people who made a complaint used an advocacy service, these 2 were referred by Customer Care to Barnardo's, who provide mediation and advocacy service for children and young people in Halton.

4.5

By year, the number of young people who have made a complaint.



- 7 complaints used an advocacy service with 2 using Halton Autistic Family Support (HAFS) and 3 using the Citizens Advice Bureau (CAB).
- 2 complaints were from Foster Carers
- The remainder were made by parents or relatives.

4.6

#### How complaints were made

2012-13			2011-12	
14	31%	Complaint Form	14	34%
6	13%	E-Mail	4	10%
12	27%	Letter	11	27%
12	27%	Telephone	12	29%
1	2%	Meeting	0	0%

#### Types of Statutory complaints made

4.7

Main categories	2010-11	2011/12	2012/13	%
Staff	17	3 (7%)	1	2
Service (i.e. quality, lack of, over provision and client expectations)	19	25 (61%)	30	67
Assessment / Review Process	3	13 (32%)	14	31
Other	1	0	0	0
<b>Total</b>	<b>40</b>	<b>41</b>	<b>45</b>	<b>100</b>

4.8

Upon receipt of a complaint, the complainant will often state they wish to complain about the 'Social Worker' and previously these were categorised as complaints made about members of staff. However, we have found that complaint investigations can often conclude that staff were undertaking their statutory duties or acting within the required policies and procedures, and that was the root cause of their complaint. From 2011/12 we re-categorised complaints at closure instead of upon receipt. This enabled us to more accurately reflect the root cause of complaints.

4.9

#### The outcome of closed Stage 1 complaints

4.10

Stage 1	Upheld	Partially upheld		Not upheld	Totals
2012-13	4	12	36%	29	45
2011-12	8	7	39%	23	38
2010-11	6	4	13%	25	35

4.11

A complaint can be partially upheld where there have been a number of issues raised and some elements have been upheld, whilst others may not have been.

4.12

This table identifies that 36% of complaints were either upheld or partially upheld, this is consistent to the position last year. Complaints are resolved by means of taking action, providing an explanation of offering an apology.

Only 3 remained dissatisfied the outcome of the Stage 1 complaint and requested further investigation by External Investigators, this could indicate that although the complaint may not have been upheld, 93% were satisfied with the outcome of their complaint or accepted the explanations given.

4.13 Overall, numbers of complaints received is small in comparison to the number of contacts Children's Services staff have with families, therefore caution does need to be exercised in using complaints data to draw conclusions about overriding themes the larger the volume the easier it is to give a bigger picture, to identify if there are single incidents or if there are any themes identified. Where similar complaints are made in small numbers, at best these identify trouble spots for Children's Services to consider. The complaints upheld were single incidents.

4.14

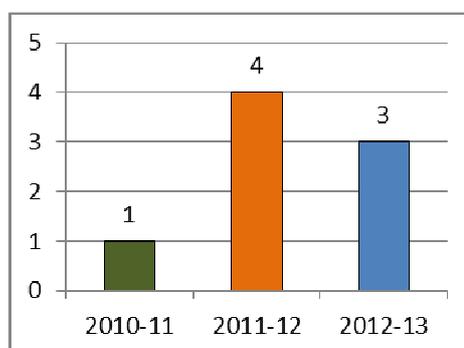
### Stage 2 Complaints

4.15 We always aim to resolve complaints as early as possible. However some, more complex complaints, require a more formal investigation under stage 2 of the complaints procedure. Here, an independent person is appointed to investigate the complaint.

It is not the role of the Independent Investigator to determine the level of service, this can only be achieved via an assessment. An Investigator's role is to determine if all that could be done has been done and whether it is in line with policy, procedures or statutory requirements. In other words, has the work that has been good enough to justify the decisions made?

During the year, of the 45 Stage 1, complaint investigations, three (7%) were requested to progress to Stage 2 investigations, however one chose to withdraw their complaint part way through.

4.16



Of the remaining stage 2 cases:

- 4.17
- One proceeded to a stage 3 Review Panel
  - In the other case, the complaint was not upheld by the stage 2 Independent Investigator and the outcome being sought was not supported in the conclusions of his report. As that outcome could not be delivered by a stage 3 panel, it was agreed that the case be referred early to the Local Government Ombudsman (see 4.20 below)
- 4.18

### Stage 3 Review Panel

The stage 3 Panel referred to in 4.16 was the first held since 2009/10.

### Local Government Ombudsman (LGO)

During the year 4 enquiries were received from the LGO including:

- The early referral referred to in 4.16. The LGO found that Halton Borough Council had acted appropriately in how the complaint was investigated and the subsequent conclusions.
  - A case which the LGO did not pursue, and a local settlement was agreed.
- 4.19
- A case where the LGO was satisfied that Halton Borough Council had prompted an investigation of the complaint locally.
  - A case where the LGO was satisfied that a local remedy settled the issue in question to the satisfaction of the complainant. This also resulted in important new changes in procedures in cross working between health and social care.

### **Timescales**

4.20

We aim to provide a response to complaints within 10 working days. This can be extended to 20 working days where, for example, a case may be particularly complex or there are other mitigating circumstances (eg a key member of staff is absent).

4.21

Whilst, inevitably, the operation pressures of child protection always takes priority, 43 (96%) of the 45 statutory complaints investigated were completed within the 20 day timescales measurement. Although this is lower than the previous year, where all were responded to within timescales, performance remains at a highly credible level, and will continue to be monitored.

4.22

4.23

Of the cases referred to above 32 (71%) received a response within 10 working days. This is the same level as in the previous year.

4.24

The 2 complaints that went over the 20 days, the reasons for delay included operational pressures and delay in internal communication.

4.25

Of the 2 cases that proceeded to a complaint investigation (one being withdrawn prior to that), both were completed within statutory 65 working days timescale.

The Customer Care Team will continue to monitor and support compliance with timescales and quality standards by reminding managers when responses are due and reviewing draft letters to advise on content.

4.26

In the last year, the Customer Care Team has conducted a number of home visits, to help get a better understanding of complaints received. This gives the opportunity to clarify expectations and desired outcomes, and also helps illustrate that Halton Borough Council wants people to feel able to raise concerns and that we will aim to resolve them wherever possible. It also provides a foundation for managers to commence their investigation and so provide a full response to all the issues raised.

4.27

### **Other Customer Care Contacts**

“Customer Care Contacts” are those that do not fall within the statutory complaints procedure, but where staff spend time in talking with people to find out what the issues are, appropriately sign-posting them to other services and facilitating resolution of problems that sometimes can be resolved.

Of these Customer Care Contacts:

- There were 7 representations made to the Local Authority in 2012/13. This is 2 less than last year.

- There were 25 recorded customer care contacts in relation to Children Social Care that were also responded to This is comparative to last year. These were contacts, which were resolved by the Customer Care Team at point of contact (eg liaising with Social Workers, provision of information, signposting). These contacts have provided an early resolution, preventing a formal complaint.

4.28

- 27 MP enquiry responses have been facilitated. Councillors and MP's write to the Director of Children's Services on behalf of their constituents. The Customer Care Team helps co-ordinate responses to these enquiries, when enquiries relate to a child or young person and their family.

4.29

Whilst the Customer Care Team do send customer satisfaction surveys to complainants only 3 were returned in the last year, which is too small a number to be representative. This and other alternatives will be considered, to explore how satisfaction of the Customer Care procedures may be monitored in future.

4.30

**Complaints Handling Training**

During this monitoring period there was one half day training session in the complaints procedure for Children & Enterprise staff compared to the previous year where there were 4 held.

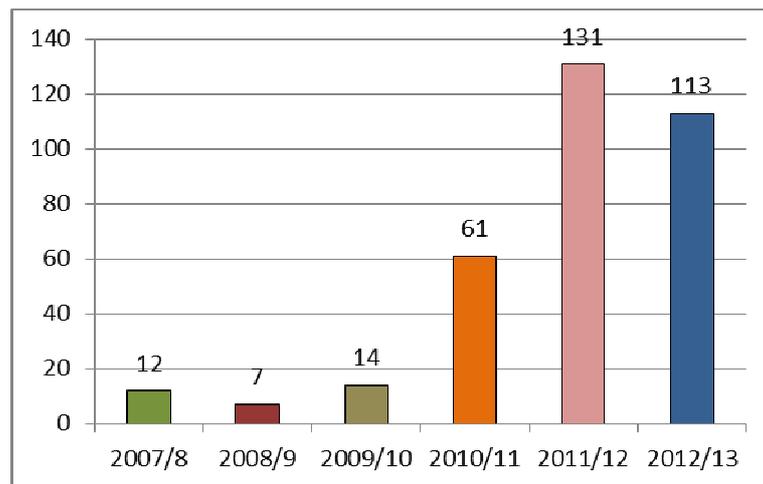
12 staff attended and feedback received was excellent. Further sessions will continue to be run periodically or when requested, in particular targeting new staff as they begin their employment.

4.31

**Compliments received in the Children & Enterprise Directorate.**

There were 113 compliments this year AS the graph below illustrates, whilst this was drop from last year' peak it is still considerably higher than the years preceding that.

4.32



**Compliments received in the Children & Enterprise Directorate.**

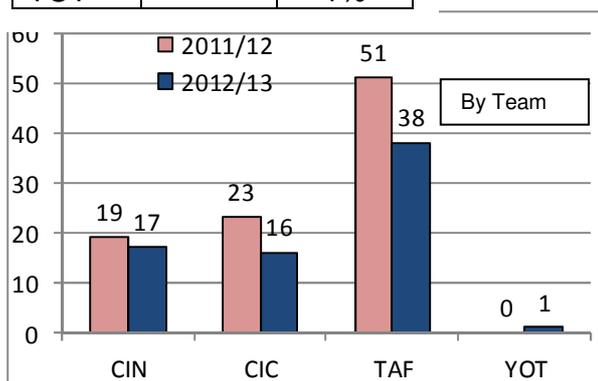
4.33 **Children and Families Compliments (Children's Social Care only)**

Compliments by Year	Total
2012/13	72
2011/12	93

By Percentage		
Team	2011/12	2012/13
CIN	20%	24%
CIC	25%	22%
TAF	55%	53%
YOT		1%

CIN – Children in Need Team  
 CIC – Children in Care Team  
 TAF – Team around the Family  
 YOT – Youth Offending Team

4.34



**Table showing Dispersal of Compliments by Team**  
 NB Although the number of compliments has reduced, the dispersal across the teams is comparable to last

A separate compliments report has been compiled, but illustrative comments about Children Social Care include:

4.35

- *A card from a family whose daughter has moved on successfully through the transition process to Adult Services " The worlds a better place because of folk like you who take the time to do nice things, the way you always do. Thank you so much for everything you have done for us all. It is greatly appreciated".(Service User)*
- *"I assume it must be rare to receive positive feedback regarding the work of you and your team. However I would like to express my thanks for the way you ran the meeting. Keeping focus and professionalism is hard enough with the subject matter in hand. Well done and thanks". (from a partner agency)*
- *A Card - "It brings warm and heartfelt thanks for all the thoughtful things you do helping me to care and look after my special son". (Service User)*
- *A Card -"Just to say thank you for looking after my daughter, and being there when she was at her most vulnerable and needed someone the most. For all you've done we are forever in your debt". (Service User)*
- *A card "Thank you so much for helping bring our son to us. We are over the moon and so very happy. A long time coming, but definitely worth the wait". (Service User)*
- *"I know that I am no longer under the Children's Act or Care Leavers group but I thought I would pass on my telephone numbers if you ever need me for interviews or anything. I would also like to say thank you for everything you*

*have helped me with and supported me through, I could easily say I would have survived without you both but I know there is a lot that I would have crumbled at without you both and I am so grateful. Thank you for everything".(Service User)*

- *Card from a care leaver - "Thank you for all your support in 2012". (Service User)*
- *"I felt my case was important to her as it was to me, although my journey did not get the result I would have liked, she left no stone unturned and was relentless in her search, she is an absolute credit". (Service User)*
- *"You have given us far more support and guidance in the short period and there has been an improvement in our son's behaviour, improving the function of the family".(Service User)*
- *"Thank you for setting up the sitting service/outreach sessions it has made such a difference to us both, I cannot remember the last time I was able to relax knowing that my daughter was enjoying herself safely".(Service User)*
- *"As parents it is your worst nightmare and as for my son it was very frightening and stressful. We would just like to take this opportunity to say a big thank you, she came to our home, she was there for any queries and she attended court to support us and it made a difference to see a friendly face. She is an amazing person with a gift to communicate with young teenagers. We wouldn't have got through this without her". (Service User)*

#### 4.36 **Learning and service improvement**

Managers responding to complaints are asked to identify if there has been any learning from a complaint. Some complaints highlight issues that may impact on others in a similar situation. Learning from such issues help to inform the improvement or development of services

#### 4.37 Improvements this year influenced by learning from complaints include:

- Re-evaluation of how fathers in strained family situations are communicated with and listened to in order that their views are able to be expressed equitably.
- Greater use of formal assessment/review processes and tools. These are now being used more frequently to evidence a child's needs and how best to meet them
- A new system of meeting planning was implemented to minimise the risk of late cancellations
- Reviewing of what information is communicated, and how, to ensure people clearly understand decisions made or actions taken. This will help prevent complaints resulting from misunderstanding, which traditionally has been a common theme in complaints.
- A service now logs all contact arrangements in a central file ensuring access available by other staff in the absence of allocated worker.

- An adjudication report is produced for all Stage 2 complaints, which identifies the required remedies for the complainant, learning outcomes and service improvements for the Authority. With the elements upheld the required remedies were adhered to but there were no key policy recommendations.

## **5.0 POLICY IMPLICATIONS**

- 5.1 “Compliments, Comments and Compliments” is the guidance intended to detail the policy and procedure for each type of complaint and provide guidance on how to respond when they receive a complaint. This document has been reviewed and updated in this financial year.
- 5.2 Where identified through the complaints process, policies can be amended to improve service delivery.
- 5.3 Where appropriate, individual issues identified through complaints are followed up by managers in staff supervision, to inform individual learning. More widely, learning from complaints is used to inform generic training and service development through the Operational Leadership Team.
- 5.4 It is important to continue to network, share practice and contribute to Regional policy and practice. The Complaints Manager attends the North West Complaints Managers Group bi-monthly. The network aims to raise standards for complaints management across the region to promote consistency of practice and to provide a source of mutual support.

## **6.0 RISK ANALYSIS**

- 6.1 Failure to implement an efficient service could result in the local authority being challenged for not dealing with complaints in a timely and efficient manner and could result in the customer not receiving a service which could then detrimental to their safety and well being.
- 6.2 Whilst complaints can result in changes for individuals, collectively they are a key source of information to help us develop the services we provide or commission.

## **7.0 EQUALITY AND DIVERSITY ISSUES**

- 7.1 No matter who complains they receive the same equality of access and provision.
- 7.2 Children and young people under the age of 18 made 3 complaints. The ethnicities of these complainants were White British (source Carefirst) with 1 being female and 2 being a male.
- 7.3 Of the adults over the age of 18 years, 27 complainants were female 11 were male, and one declared a disability. 1 complainant was White European and made two separate complaints, 1 was White Asian and the other complainants were white British. (Information sourced from Carefirst or complaint form).

## **8.0 IMPLICATIONS FOR THE COUNCIL’S PRIORITIES**

### **8.1 Children & Young People in Halton**

The learning taken from comments, complaints and compliments ensures the ongoing

development of services to provide better outcomes for children, young people and their families. The transparency of the process enables children, young people and their families to challenge our provision of services if they feel unhappy about any aspect of it and provides independent oversight if required.

**8.2 Employment, Learning & Skills in Halton**

Any findings from a comment, complaint or compliment relating to this priority will be used to inform the relevant service.

**8.3 A Healthy Halton**

Any findings from a comment, complaint or compliment relating to this priority will be used to inform the relevant service.

**8.4 A Safer Halton**

Any findings from a comment, complaint or compliment relating to this priority will be used to inform the relevant service.

**8.5 Halton's Urban Renewal**

Any findings from a comment, complaint or compliment relating to this priority will be used to inform the relevant service.

**9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

<b>Document</b>	<b>Place of Inspection</b>	<b>Contact Officer</b>
Representation Procedure 1989	Runcorn Town Hall,	Dorothy Roberts Customer Care Manager