

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

**DATE:** 3 September 2012

**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 2011-31<sup>st</sup> March 2012.

**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.

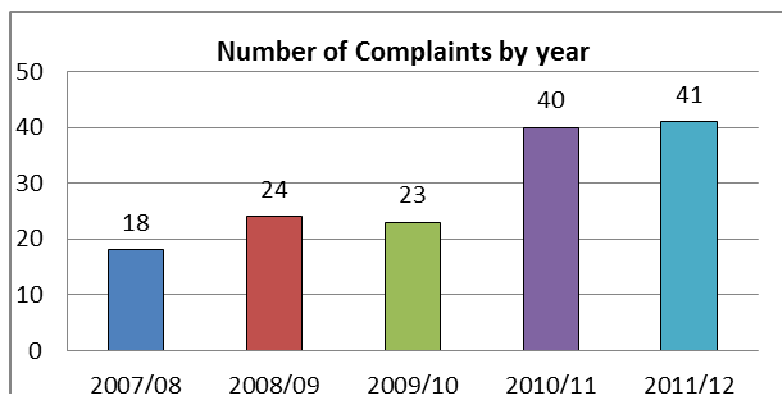
Stage 4: If still dissatisfied, the complainant has the right to refer self to the Local Government Ombudsman, they can do this at any stage of the complaint.

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 2011 – 31<sup>st</sup> March 2012

4.1 **There were 41 Statutory Complaints made to the Local Authority in 2011/12.**



4.2 The Customer Care Manager has been in post for 3 years now and worked to promote staff awareness and support for managers in complaint handling. 1 more complaint than in the previous year.

4.3 At the 31<sup>st</sup> March 2012, there were a total of 929 open cases to Children in Need, Child Protection, Children in Care and Care Leavers showing that 4.4% made a complaint, the percentage last year also being 4.4%.

- 4.4
- 6 complaints came from young people (under 18yrs), this is 1 more than last year.
  - 1 complaint was from a care leaver (over 18yrs).
  - The above 7 used an advocacy service, Action for Children, who provide mediation and advocacy service for children and young people in Halton.
  - 1 of those young people was referred from the Customer Care Team to Action for Children.
  - Overall 15 used an advocacy service with 6 using Halton Autistic Family Support (HAFS) and 2 Citizens Advice Bureau (CAB).

4.5 Feedback from young people/advocate who have accessed the complaints process include:

- Felt he had been listened to, it helped him to know that he was being taken seriously
- A comfort to know that it was available if she needed it again

- Put at ease to know that she had support if decisions were made about her future that she didn't agree with, and that she would still be listened to.
- 2 complaints came from the same young person at different times, demonstrating that the service was accessible and valued.

#### 4.6 Types of Statutory complaints made

Main categories	2009-10	2010-11	2011/12	%
Staff	14	17	3	7.3
Service (i.e. quality, lack of, over provision and client expectations)	5	19	25	61
Assessment / Review Process	1	3	13	31.7
Other	3	1	0	0
<b>Total</b>	<b>23</b>	<b>40</b>	<b>41</b>	<b>100</b>

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. In this financial year we have re-categorised complaints at closure instead of upon receipt. This has enabled us to more accurately reflect the cause of complaints which has had an influence on the breakdown above, particularly those categorised as staff and assessment/review process complaints. We will continue this process as it reflects the root cause of the complaint more accurately.

#### 4.7 The outcome of closed Stage 1 complaints (3 are on-going)

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 for example: staff, team, service area or system errors.

Stage 1	Upheld	Partially upheld	Not upheld	Totals
2011-12	8	7	23	38
2010-11	6	4	25	35
2009-10	1	1	21	23

- **Upheld** –there were 8 upheld complaints, each were single incidents.
- **Partially upheld** – there were 7 partially upheld, each were single incidents. (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.)
- **Not Upheld** – Complaints can initially be made against staff however the actions were governed by child protection policies.
- One complaint closed as not upheld was investigated under a different procedure which took precedence over the complaint procedure.
- 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. It also provides a foundation for managers to commence their investigation. The visits undertaken are being monitored and an assessment of their value will be included in future reports.

## 4.8 Stage 2 Complaints

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?

There is also a distinction to be drawn between considering what might have been done better and what matters justify the upholding of specific complaints. Resources and human fallibility always make things less than perfect and examination in hindsight can always find imperfect performance.

Four Stage 2 investigations have been undertaken in this financial year, 3 more than in the previous year.

- i. A Stage 2 investigation was concluded in 2011/12 which was carried over from the previous year. There were 23 elements to this complaint which resulted in a very complex investigation and detailed report.
  - 15 elements were upheld
  - 6 elements were not upheld
  - 2 elements there were no definitive findings
  - 38 recommendations were made by the independent investigator

The Independent Investigator's report was adjudicated on by a senior manager in the Directorate who accepted conclusions and recommendations including:

- Prior to the investigation, the Disabled Children's services had already been amalgamated with the Child in Need Service, part of the rationale for that decision was to ensure increased understanding of Safeguarding issues.
- The Commissioning role, risk assessments, provider monitoring be reviewed
- Staff Training be undertaken regarding the LADO (Local Authority Designated Officer) role and commissioning responsibilities
- Quality checking/assurance systems of assessments and timeliness be completed

The complainant was satisfied with the Independent Investigation, the findings, recommendations and the adjudicating officer's response. The complaint did not progress to Stage 3 Review Panel.

- ii. A Stage 2 investigation commenced for a young person in care who was disputing a decision. Due to decisions made by an external organisation, the complaint outcome could then not be met by the Local Authority. This Stage 2 investigation was then withdrawn by the young person who was supported by an advocate.
- iii. A Stage 2 investigation was undertaken due to differing views regarding the level of intervention required. The investigator's report stated that 'during the course of the investigation it was identified that a core assessment should be

carried out' and so upheld this element. It was also noted that help could have been received earlier if the complainant had continued with the Common Assessment Framework (CAF) process. Five recommendations were made by the independent investigator. The conclusions and recommendations were accepted by the adjudicating officer including reviewing documentation and staff training. The complainant was satisfied with the report and the complaint did not progress to Stage 3 Review Panel.

- iv. A Stage 2 investigation was undertaken to investigate 5 elements:
- 1 element was upheld
  - 1 element partially upheld
  - 3 elements were not upheld

There was one recommendation and this was accepted by the adjudicating officer. The complainant remained dissatisfied and requested a Stage 3 Review Panel. After consultation, this was declined and the complainant was offered early referral to the Local Government Ombudsman (LGO) as the outcome being sought could not be met through the complaints procedure. At time of writing this report a response to assist the LGO in their initial enquiries is being compiled.

#### 4.9 **Stage 3 Review Panel**

No complaints have progressed to Stage 3 of the formal complaints procedure.

#### 4.10 **Local Government Ombudsman**

The Local Government Ombudsman, made enquiries on behalf of two complainants during this financial year. Both resulted in numerous requests for information from Children Social Care, one complainant being a repeat enquirer. Neither resulted in investigations being conducted by the Local Government Ombudsman Office.

#### 4.11 **Timescales**

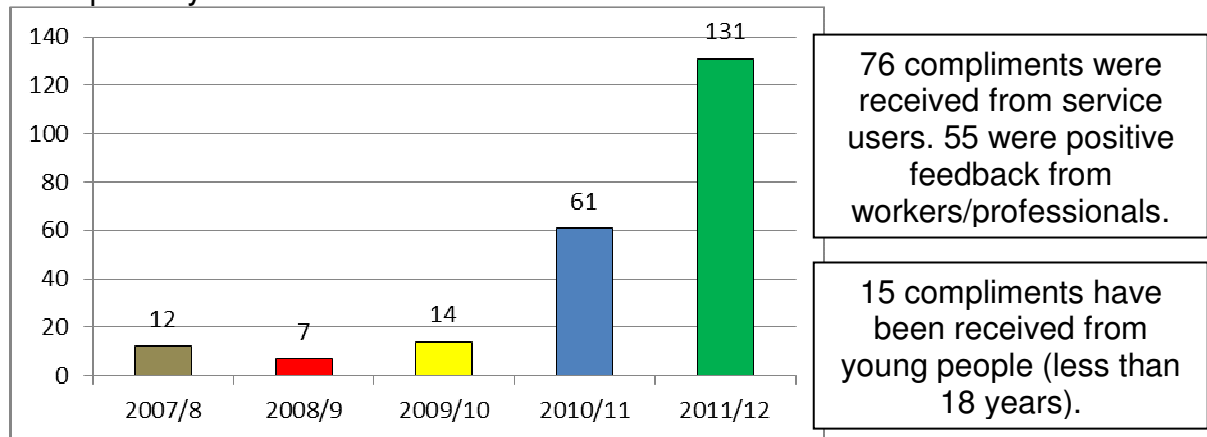
All 38 closed Stage 1 Statutory Complaints were responded to within timescale. 27 of these being within 10 working days and 11 being within the extended timescales of 20 days. This extended deadline can occur where a key member of staff is absent, or the complaint is more complex. The complainant is kept informed of any delays. Regulations do allow timescales to be extended further with the complainant's agreement. The 2 on-going complaints have had responses within these deadlines. However outstanding actions continue to be monitored until completion.

There were 9 representations made to the Local Authority in 2011/12. This is 6 more than last year. 1 was upheld and staff were provided with additional training as a result of it. The other 8 were either not upheld or resolved to the complainant's satisfaction.

There were 30 recorded customer care contacts in relation to Children Social Care that were also responded to This is 4 more than last year. These were contacts, which were resolved by the Customer Care Team at point of contact. i.e. liaising with Social Workers, provision of information, signposting. These contacts can be seen as providing an early resolution, preventing a formal complaint.

#### 4.12 **There were 131 Compliments made in respect of Children's Social Care.**

This shows an increase of 70 (%), this is due to raising awareness in the Directorate via a quarterly email to all in the Directorate.



#### Comments included

- "In a nutshell I don't know how myself and family would have got through the last few months without A, she has shown constant support and professionalism. I always felt she was at the end of the phone when I needed her".
- Card - with contributions from mum, dad and children, the children had previously been accommodated subject to a child protection plan. "I can't help but wonder if it was somebody else that day at the police station 2 years ago, I might not have a family now, thank you for all your support and guidance, will be eternally grateful". "Thank you for helping us to be good and learn". "Thank you for the nice stuff".
- "I am made up that I got K as my Support Worker, I don't know what I'd have done without her, she makes me understand things and points me in the right direction".
- "I have had 1 to 1 sessions with J. This has helped me to understand why it's important to share things that are worrying me and that there is always somebody to help me make choices. With support from mum and j I have attended 2 CAF meetings. This has given me the chance to say how I am feeling and what school can try and do to make things better".

#### 4.13 **Learning and service improvement**

Complaints provide an indication of areas where services may need to be reviewed or improved. 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

As well as the recommendations indicated in the stage 2 section(4.8), improvements this year influenced by learning from complaints include:

- A revised system of delegated authority for foster carers.
- Printout of immunisation to be passed to foster carers.
- A revised message taking procedure, indicating the message taken and whether/what subsequent action has resulted.
- Monitoring by the Customer Care Team to ensure actions promised as an outcome of a complaint are completed.
- Addition to occupancy agreements, to include photographs where appropriate .

#### 4.14 **Complaints Handling Training**

The Customer Care Manager provided 4 half day “Complaint Handling” training sessions for Children and Enterprise staff during this year. 42 staff have attended and feedback received was excellent. Further sessions will continue to be run periodically

Training was last commissioned from the Local Government Ombudsman (LGO) Office for Principal Managers and Practice Managers within the Children and Families Division in March 2011, just prior to the beginning of the financial year. This was to address the new intake of senior managers and, as such, has not been required in this financial year.

### 5.0 **POLICY IMPLICATIONS**

5.1 Where identified through the complaints process, policies can be amended to improve service delivery.

5.2 With reference to 4.8 Stage 2 Complaints, the learning’s and recommendations (such as the risk assessments) have fed into the service specification for the tendering process. As we have a small user group for this specific service (domiciliary care for Children), and to ensure best value and quality, there has been a collaboration with 4 other Local Authorities (Liverpool, Sefton, Knowsley and the Wirral). The tender exercise begins in July 2012 with the framework due to be in place by the end of September 2012. For Disabled Children, Halton have commissioned an individual support service which came on line in April 2012

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.

### 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 be 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 six complaints. The ethnicities of these complainants were White British (source Carefirst) with 4 being female and 2 being a male.
- 7.3 34 complaints were made by adults over the age of 18 years, one declared a disability, 25 were female and 9 were male. 33 were White British (source Carefirst) with 1 not being known.

## **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