

**CHILDREN'S SERVICES
DEPARTMENT**

Bury
COUNCIL

**ANNUAL COMPLAINTS REPORT
APRIL 2011 – MARCH 2012**

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Complaints Co-Ordinator
26 June 2012**

PURPOSE/SUMMARY:

This report has been produced in line with the statutory requirement to update Members and provide current information in respect of complaints related to Children's Social Care Services. This report looks at the period 1 April 2011 to 31 March 2012, and will allow Members to see the extent and complexity of Children's Social Care Service's span of activity and to receive information relating to the quality of the services delivered.

Members are asked to note the content of the report and advise officers of future requirements in respect of the reporting of complaints relating to Children's Social Care Services.

1.0 INTRODUCTION

- 1.1 In line with guidance from the Department for Education, Local Authorities are required to publish an Annual Complaints Report covering the council year. This report is to provide current information in respect of complaints related to Children's Social Care Services for the year 2011 / 2012.
- 1.2 As part of our refined approach to monitoring performance, the status of complaints is also reported weekly to the Children's Senior Management Team and monthly to the Children's Services Team Managers Meeting

2.0 WHAT IS A COMPLAINT

- 2.1 A complaint may be generally defined as 'an expression of dissatisfaction or disquiet' in relation to an individual child or young person, which requires a response. A complaint may be made by written or verbal expression.
- 2.2 Complaints principally concern service delivery issues, including the perceived standard of these services and their delivery by service providers. These recorded figures only represent a percentage of complaints received as many complaints/concerns are managed daily on an informal basis operationally and are thus, not registered formally by the complaints section.
- 2.3 The Complaints Procedure is not designed to deal with allegations of serious misconduct by staff. These situations are covered under the separate disciplinary procedures of the Council.
- 2.4 It is a legal requirement that Children's Social Care Services has a distinct complaints procedure. This statutory procedure provides the means for a child or young person to make a complaint about the actions, decisions or apparent failings of a local authority's children social services provision. It also allows an appropriate person to act on behalf of the child or young person concerned or to make a complaint in their own right.
- 2.5 For some service users and for children and young people in particular, it is not easy to make a complaint. This can be the case when the person using the service may be apprehensive about what may happen if they do complain. It is important, therefore, that all complaints are treated seriously, in confidence, investigated and are given due attention. It is therefore the role of the Complaints Co-Ordinator to provide a degree of independence and support to the complainant whilst ensuring the complaint follows the statutory

procedure. If a complaint is received directly from a child or young person, an automatic referral is made for advocate support to Bury Children's Rights Service, which is an independent advocacy service commissioned by Children's Social Care. Feedback to complainants about their complaint is essential.

- 2.6 A prime objective of the Complaints Procedure is to ensure the Local Authority develops a listening and learning culture where learning is fed back to children and young people who use services. Complaints present an opportunity for the Local Authority to learn why people who are using our services find them unsatisfactory, and how we can improve the services we provide.

3.0 THE SOCIAL CARE COMPLAINTS PROCEDURE

3.1 The handling and consideration of complaints consists of three stages:-

- Stage 1: Local Resolution,
- Stage 2: Independent Investigation
- Stage 3: Review Panel

3.2 Local Resolution requires the Local Authority to resolve a complaint as close to the point of contact with the service user as possible (i.e. through front line management of the service). Emphasis is placed on resolving complaints under Stage 1, local resolution, because this should provide a more timely response and is user friendly. The Department strives to investigate and resolve complaints within 10 working days although the procedure allows a 20 working day time scale for more complex complaints. In most circumstances complaints are considered at Stage 1 in the first instance.

3.3 Where the complaint is not resolved locally, or the complainant is dissatisfied with the Local Authority's response, the complaint can be considered at Stage 2. An independent investigation is completed by a senior manager from outside the team to which the complaint refers to. This is overseen by an Independent Person from outside the Local Authority to ensure a full and fair investigation is carried out. We aim to send a response with a full report within 25 working days, although this can be extended to 65 working days.

3.4 Where Stage 2 of the Complaints Procedure has been concluded and the complainant is still dissatisfied, they will be eligible to request further consideration of the complaint by a Stage 3 Review Panel. The Panel does not reinvestigate the complaint or consider any substantively new issues of complaint that have not been first considered at Stage 2. The purpose of the Panel is to consider the initial complaint and, wherever possible, work towards a resolution. The Panel should be convened within 30 working days of request and its report (including any recommendations) will be sent within 5 working days following the meeting. The Department then issues its response to the complainant within a further 15 working days.

3.5 Where a complainant remains dissatisfied with the Local Authority's response to the Review Panel's recommendations, the complainant has the right to refer his/her complaint to the Local Government Ombudsman. The Complaints Co-Ordinator will assist with this process as far as possible.

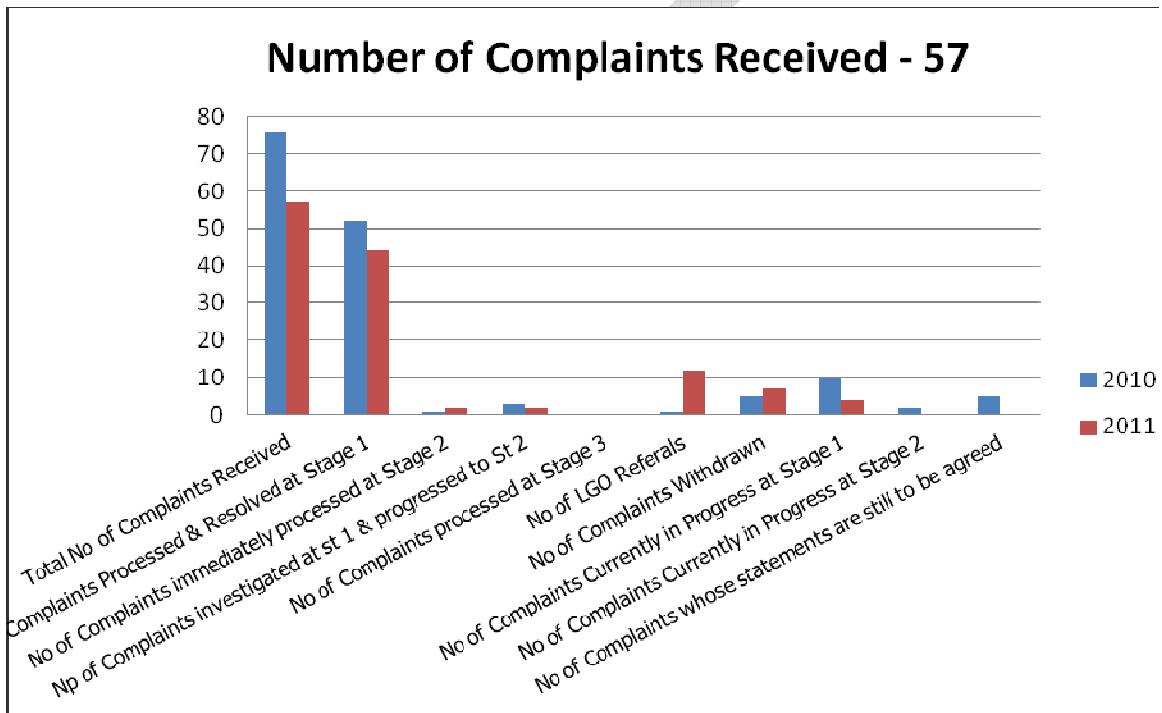
ANALYSIS OF COMPLAINTS RECEIVED

All figures detailed below are from 1 April 2011 to 31 March 2012. These figures include any outstanding complaints or complaints which are reported as not being agreed or completed as of 31 March 2012. Progress has since been made on these complaints.

4.0 SOCIAL CARE COMPLAINTS RECEIVED

4.1 A total number of 57 complaints were received across all social care teams during the 2011 – 2012 financial year. This reflects a 25% decrease in the number of complaints received when compared with the 76 complaints that were received during the last financial year (April 2010 – March 2011).

4.2

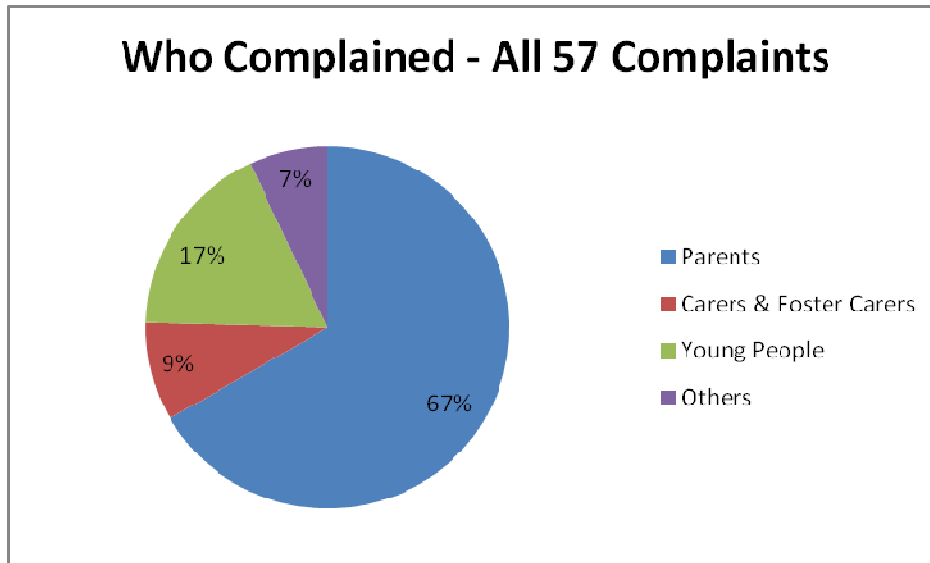


4.3 In addition to the 57 complaints received in the current financial year, 10 complaints were received during March 2011 and investigated and responded to in April 2011

5.0 WHO COMPLAINED?

5.1 The majority of complaints were received from Parents. Young people are being encouraged to raise their own concerns with the assistance of Advocacy from Bury Children’s Rights Service. We have also developed a joint working protocol with Bury Children’s Rights Service and have seen a decrease in the number of complaints received from them

5.2



6.0 **ADVOCACY**

6.1 12 complaints were made using the service of an external Advocate, compared to 14 during the previous financial year. The number of complaints received through Bury Children's Rights Service was 7, compared with 9 last year. A further 5 complaints were received through other external advocacy agencies.

6.2 We have now further developed our working partnership with Bury Children's Rights Groups in dealing with concerns and complaints from Looked After Children and have devised a protocol which states that:

Bury Children's Rights Service and Bury Social Care Complaints Department have agreed to ensure that a consistent and timely service is offered to children and young people in the care of Bury Local Authority when they raise a concern via their advocate.

The advocate from Bury Children's Rights Service will initially raise the concern with the Young Person's Social Worker, and if no response is received within a timely manner, this will be referred to the Social Worker's Line Manager for a response.

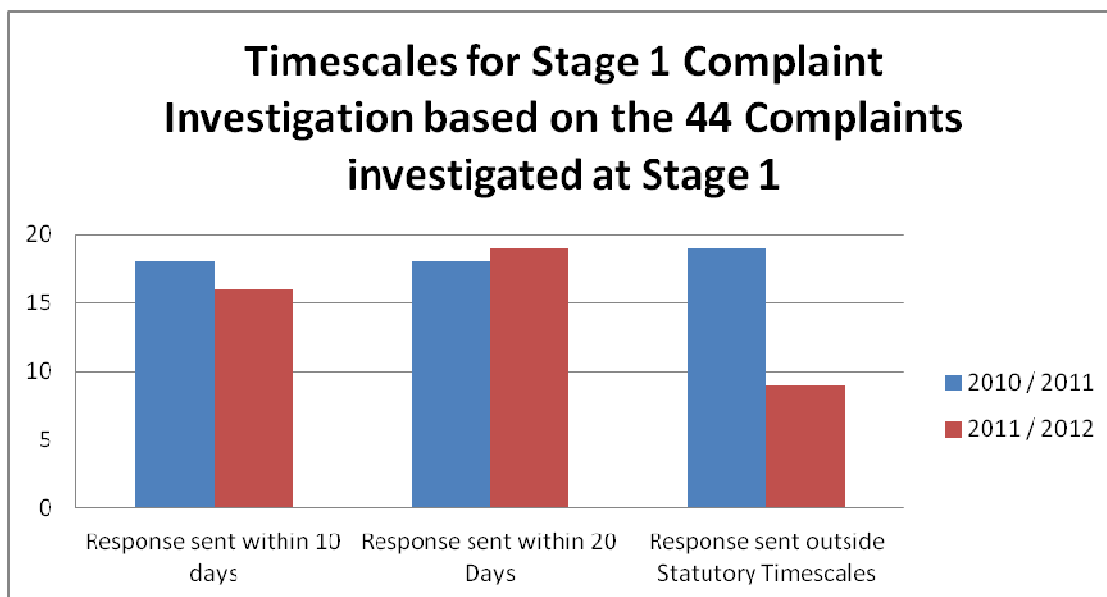
Should a response not be provided within a timely manner, or if the Young Person is unhappy with the response, their advocate will assist the child or young person to make a formal complaint at Stage 1 of the Statutory Children's Social Care Complaints Procedure.

7.0 **TIMESCALES OF STAGE 1 SOCIAL CARE COMPLAINTS**

7.1 Performance Indicators show that for the second year running, staff have continued to make significant improvements to the timescales in which we have responded to complaints compared with the figures from 2010 / 2011. 36.36% of complaints have been dealt with within ten working days, compared with 32.72% for the same period in 2010 / 11 and 79.55% of complaints have been dealt with within twenty working days compared with only 65.45% during 2010/11.

7.2 55.56% of the complaints which were dealt with outside timescales were actually completed in 21 days, and all delays were agreed with the complainant. The additional time taken prevented these complaints being taken to stage 2.

7.3



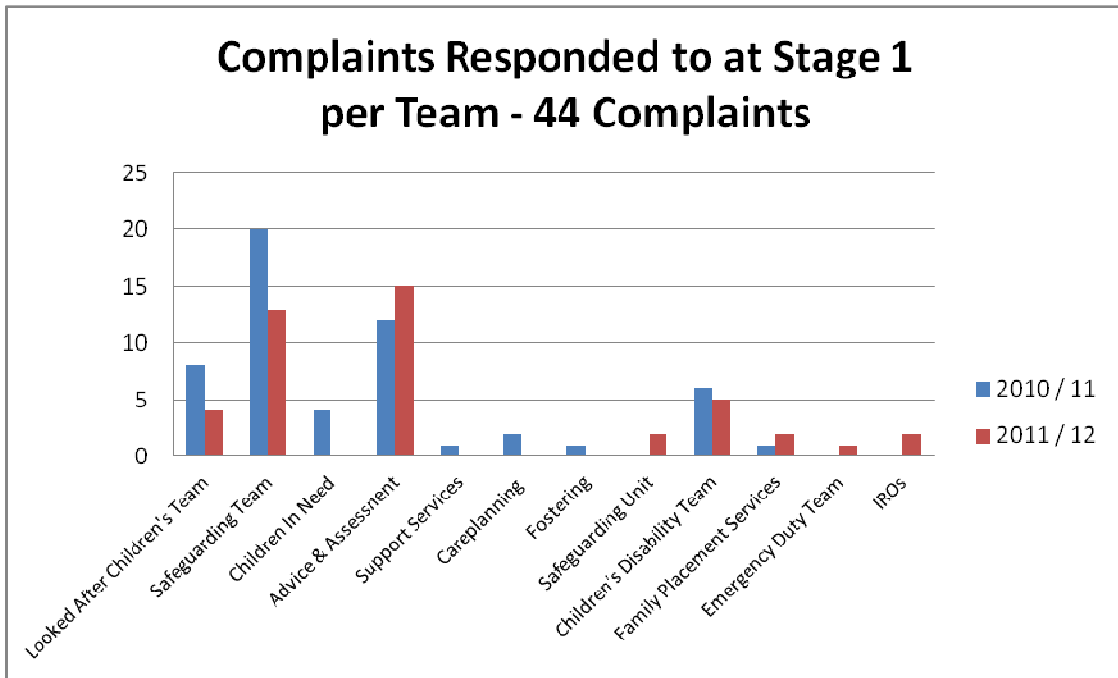
8.0 COMPLAINTS PER TEAM

8.1 Figures show that 34% of complaints have been investigated and responded to by the Advice and Assessment Team, whilst 29.55% of the complaints have been investigated and responded to by the Safeguarding Team. Figures show that last year 35.71% of complaints were responded to by the Safeguarding Team and 21.43% of complaints were responded to by the Advice and Assessment Team.

8.2 Neighbouring authorities have noted an increase in complaints over the past twelve months. Despite budget cuts and staff restrictions and restructures, it is pleasing to note that we have seen a decrease in complaints.

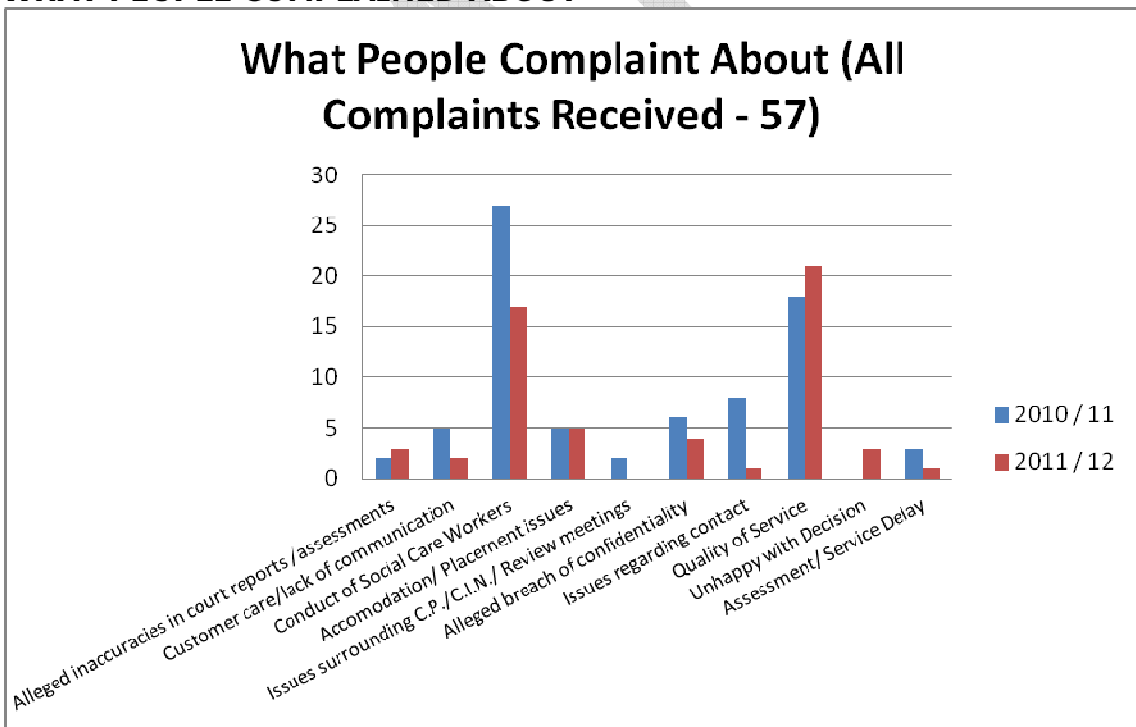
8.3 Whilst the percentage of complaints between the two teams has changed from last year, the following figures clearly highlight that just over half the complaints received were with regard to the same two Teams as in 2010 / 11.

8.4



9.0 WHAT PEOPLE COMPLAINED ABOUT

9.1



9.2 The above graph shows that 36.84% of all complaints received between 1 April 2011 and 31 March 2012 were with regard to the "Quality of Service", however it should be noted that this is quite a wide category. It is pleasing to note that the number of complaints made against individual members of staff has reduced.

9.3 All complaints received in respect of staff conduct have also been addressed personally by Managers on an individual basis.

10.0 HOW WE DEALT WITH COMPLAINTS

10.1 Each of the 44 complaints investigated at Stage 1 was investigated by the relevant Service Manager or Team Manager, and a response was provided to the Complainant explaining the situation or what the service intends to do as a result of the complaint. In the majority of cases, a letter of explanation or an apology was sufficient to resolve the matter.

10.2 2 complainants remained dissatisfied with the Stage 1 outcome and progressed to Stage 2.

Of the two Stage two investigations carried out, one complaint was upheld, and a financial offer was made. This was refused, and referred to the Local Government Ombudsman. The second complaint was not upheld

10.3 There have been 12 complaints which were received by the Local Government Ombudsman and which we were asked to supply information:

Information was requested from the Ombudsman for eleven complaints

Case Closed – no evidence of maladministration (2)

Case Closed – No legal jurisdiction for the LGO to investigate (3)

Case Closed – Happy with the Council's Decision (2)

Case Closed – Not followed the Council's Complaints Procedure (3)

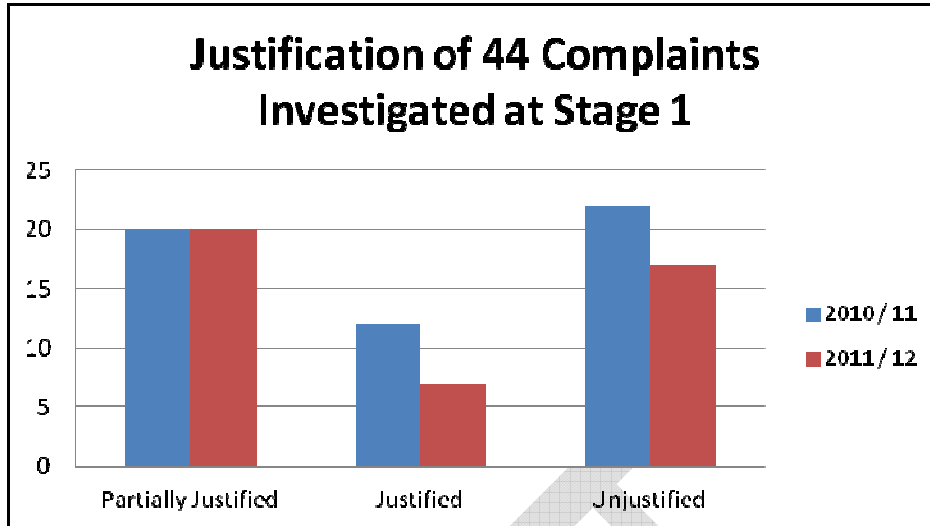
One case is currently outstanding with the Ombudsman, awaiting a decision as to whether they are happy with the information supplied or whether they intend to investigate.

Once case is currently being investigated by the LGO.

10.5 At the time of writing this report, we have not received a copy of the Ombudsman's draft complaints report.

10.6 There have therefore been no complaints that progressed to Stage 3 and at the time of writing, whilst the Ombudsman has made some enquiries and requests for information, they have not undertaken any formal investigations this current year.

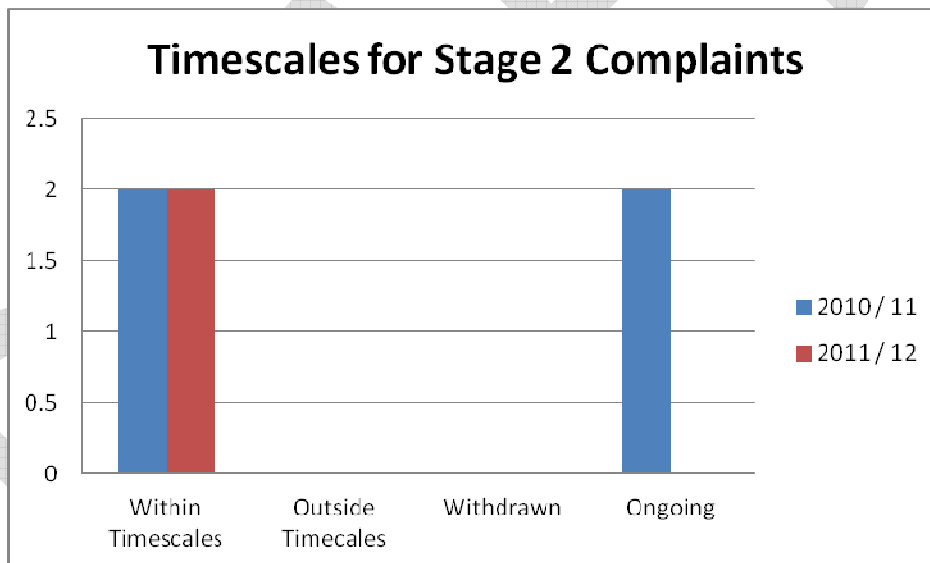
10.7



11.0 TIMESCALES FOR STAGE 2 SOCIAL CARE COMPLAINTS

11.1 Out of the 2 complaints which progressed to stage 2 both were completed within the 25 day timescale.

11.2



12.0 BUDGET POSITION

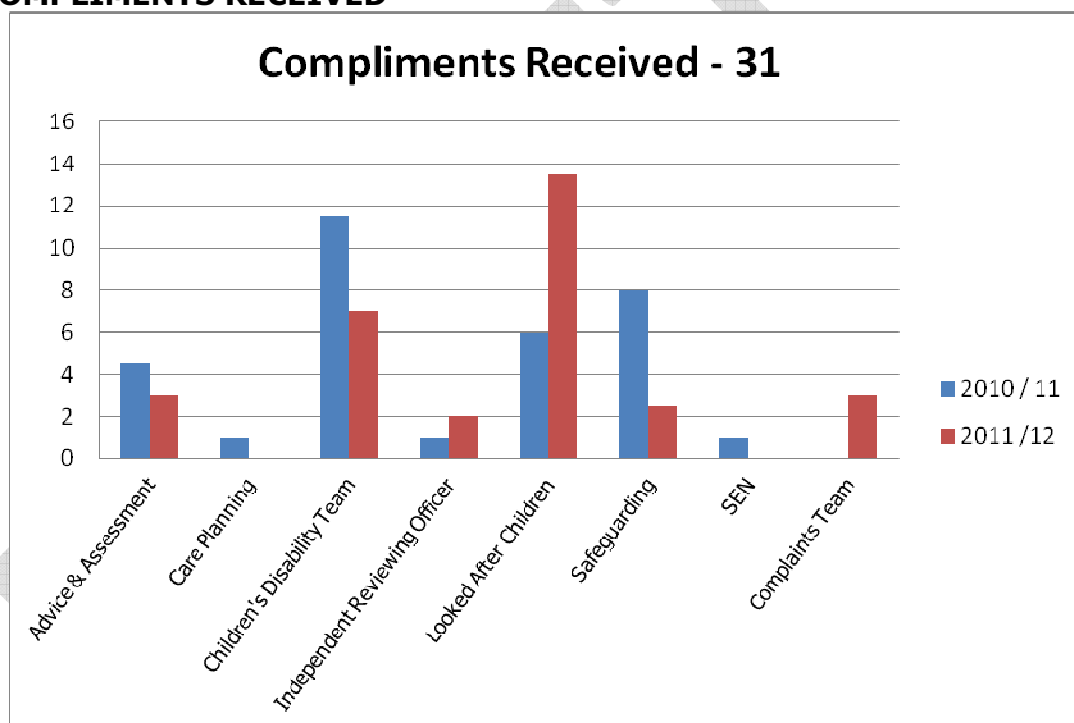
12.1 With the current budget pressures within the Authority and the growing trend of increased complaints in neighbouring Local Authorities, Members should note that a decision was made during the last financial year to try and reduce the cost of Stage 2 Investigations. This was done by asking Team Managers rather than Service Managers to respond to Stage 1 Investigations. This enabled Service Managers to carry out Stage 2 Investigations for other Services within Children's Services. This has resulted in costs being incurred for the Independent Person only rather than the Investigating Officer and Independent Person. Whilst this has halved the invoice costs of the recent investigations, it has had an impact on Service Manager's time.

12.2 A total of £2220.47 has been spent on Stage 2 Investigations from April 2011 to March 2012. (Of this total, £842.47 was paid for two Stage 2 investigations from complaints received during the previous financial year, which is a saving compared with £6194.55 spent on Stage 2 Investigations during the previous financial year.

12.3 There is currently no dedicated budget for Complaint Investigations and with the current trend of people wishing to take complaints further there remains the potential of an increase in Stage 2 complaints. Within my annual report for the previous financial year, I suggested that consideration should be given to an allocated budget for complaint investigation. Consideration is therefore suggested for Stage 2 Complaints Investigations to be funded by the budget for the Department for which the complaint is regarding, as it is too easy for a poor or partial response to be sent to a complainant as a quick fix.

13.0 COMPLIMENTS RECEIVED

13.1



13.2 31 compliments regarding the Children's Social Care Teams have been received over the last twelve months, which is comparable to those received during the last twelve months.

13.3 It is pleasing to see that the Looked After Children's team (now referred to as CYPIC, Children and Young People in Care) has a 100% increase to compliments received. There appears to be a drop in compliments received by the Children's Disability Team, however it should be noted that there has been a restructure to this team, and staff from this team now form part of the Safeguarding Teams. No compliments are reported for the Care Planning Team, as this is now part of the Safeguarding Team.

14.0 EQUAL OPPORTUNITIES MONITORING

- 14.1 Whist efforts have been made to monitor the ethnic origin of the Authority's complainants; many have not returned the diversity questionnaire.
- 14.2 Due to the limited number of questionnaires being returned, a true and accurate reflection of the Authority's Complainants cannot be reported.
- 14.3 The new Social Care recording system will ensure that details required for accurate diversity monitoring are recorded.

15.0 REPEAT AND VEXATIOUS COMPLAINTS

- 15.1 It should be noted that there have been a small number of complaints which may be construed as either vexatious or repeated. This is something that has also been noted by colleagues in neighbouring Authorities. This type of complaint impacts greatly on the time of both the Complaints Co-Ordinator and Departmental Staff, and hinders the completion of other complaints. A policy for dealing with repeated and vexatious complaints has been developed and is still awaiting consideration by not only Social Care, but for Corporate use.

16.0 DEVELOPMENT OF COMPLAINT MANAGEMENT & EXPERTISE

- 16.1 The North West Complaints Managers Group meets bi-monthly. Meetings are well attended. The network aims to raise standards for Complaint Management across Authorities and is a valuable source of advice and support.
- 16.2 In December 2011, we invited the Local Government Ombudsman to deliver training on complaint handling to staff. All Assistant Team Managers and Team Managers completed a course entitled "Good Complaint Handling", and Senior Management, along with some Team Managers completed a course entitled "Effective Complaint Management". Feedback from both courses was that staff were more aware of the impact of both the complaint and the quality of the response.

17.0 LEARNING FROM COMPLAINTS

- 17.1 In order to demonstrate learning from complaints and the Department's commitment to use complaints to improve standards of services, all Service Managers complete a "Lessons Learnt" form following each complaint investigation. All recommendations arising from complaints have been recorded and followed up by Service Managers.
- 17.2 Many Authorities have encountered problems in ensuring not just the Department the complaint is received by learn from complaints, but that all departments learn from complaints. During the last twelve months, a report has been issued to Service Managers on a quarterly basis to ensure feedback to complaints is reported back to staff. It was felt that this still was not sufficient to ensure that all staff understood why lessons had been learnt, and during the last quarter, a report has been given to Team Managers during their monthly meetings so that they are able to feedback details to their own teams. During these meetings, Service Managers who have carried out Stage 2 Investigations have also fed back their findings to their colleagues.

17.3 Some complaints identify lessons learnt in dealing with an individual or family; others offer a wider learning experience

17.4 The recommendations which have arisen from complaints during 2011/12 which have now been implemented are detailed below:

- To ensure that foster carers have a better understanding of contact issues also the need for a co-ordinated approach between social worker and link worker.
- To develop communication between teams and young people, especially when partner agencies are involved.
- To ensure thorough communication between workers when handing over cases.
- A review of the policy surrounding confidential documentation needs to be reviewed and circulated to staff. Staff to be made fully aware of the need to preserve confidentiality when managing documentation outside of the office
- To monitor information being given by student social workers, and ensure that when particularly contentious information is being shared, a more experienced Social Worker attends with a student social worker.
- To ensure all avenues of communication are used, ie letter, email and telephone if we are unable to make contact with a family.
- CDT need to take more ownership of the safeguarding process, and a system for them to undertake Strategy meetings and S47s was put in place in September 2011. Targeted training was also offered to staff from CDT from the Safeguarding Unit.
- Social Workers to be reminded to confirm arrangements for any emergency food parcel
- The need for any prospective carers to receive a copy of their viability assessment in a timely manner so that errors can be rectified.
- To continue to audit cases to ensure that children's wishes and feelings are established when making any decisions.
- To monitor minutes taken during Reviews to ensure consistency in standard and detail.
- To ensure that parents are made aware of financial implications when children are returned to their care.
- Be clear about what areas of complaint can be investigated when a case is under the direction of the Court within care proceedings.
- To ensure that if a child's current foster carers are being considered as potential adopters for the child they already care for, then they need to be reminded explicitly about the identifying information that the birth family already holds about them at Matching stage
- To review the procedures surrounding parents giving formal consent, to ensure the relevant questions are asked and answers recorded.
- Any lessons learnt from practises of any individual have been addressed individually.

18.0 CONCLUSIONS

- 18.1 The Complaints process has been monitored and evaluated throughout the year to ensure that we not only meet the requirements of the statutory regulations and guidance, but that of our Service Users. Improved feedback and learning from complaints may be a factor in reducing the number of complaints received during 2011 / 2012. We are able to evidence that changes to Social Care processes have been made and also that improvements have been made to the Authority's response time to complaints.
- 18.2 There is still further scope for the timescales in which we respond to complaints to be improved and for complaints to contribute towards improvements to the services we provide.
- 18.3 Experienced Team Managers have worked to assist Assistant Team Managers in the investigation and response to complaints, to ensure that we continue to work to resolve complaints quickly and effectively.
- 18.4 It is essential to the smooth running of investigating and responding to complaints that delays are kept to a minimum, and that any delays in the investigation process do not add to the initial complaint. Whilst it is pleasing to note that the complaints responded to outside the statutory timescales this current year has reduced by over 50%, there is still scope to improve the number of complaints that we respond to within the statutory response time of ten working days.
- 18.5 Strict monitoring and following up on complaint investigation continues to be a priority to ensure complaints are responded to effectively within the ten day timeframe.
- 18.6 It was pleasing to note that the report following the Ofsted Inspection of Safeguarding and Looked After Children carried out in April / May 2011 found that the Children's Complaints Service is effective. The timeliness of response has improved and learning from complaints is regularly disseminated to Social Workers.