

**Children, Young People &
Culture**



**ANNUAL COMPLAINTS REPORT
APRIL 2016 – MARCH 2017**

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Assistant Team Manager - Information
26 July 2017**

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 2016 to 31 March 2017, 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 2016 / 2017.
- 1.2 As part of our continued approach to monitoring performance, the status of complaints is also reported weekly to the Children's Senior Management Team. Lessons learnt from complaints are also discussed monthly within the Team Meetings and where there is wider learning at the monthly Children's Services Extended 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's social care 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 Assistant Team Manager (Information) 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 Children's Social Care 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 does allow 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 has the oversight of 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 Assistant Team Manager (Information) will assist with this process as far as possible.

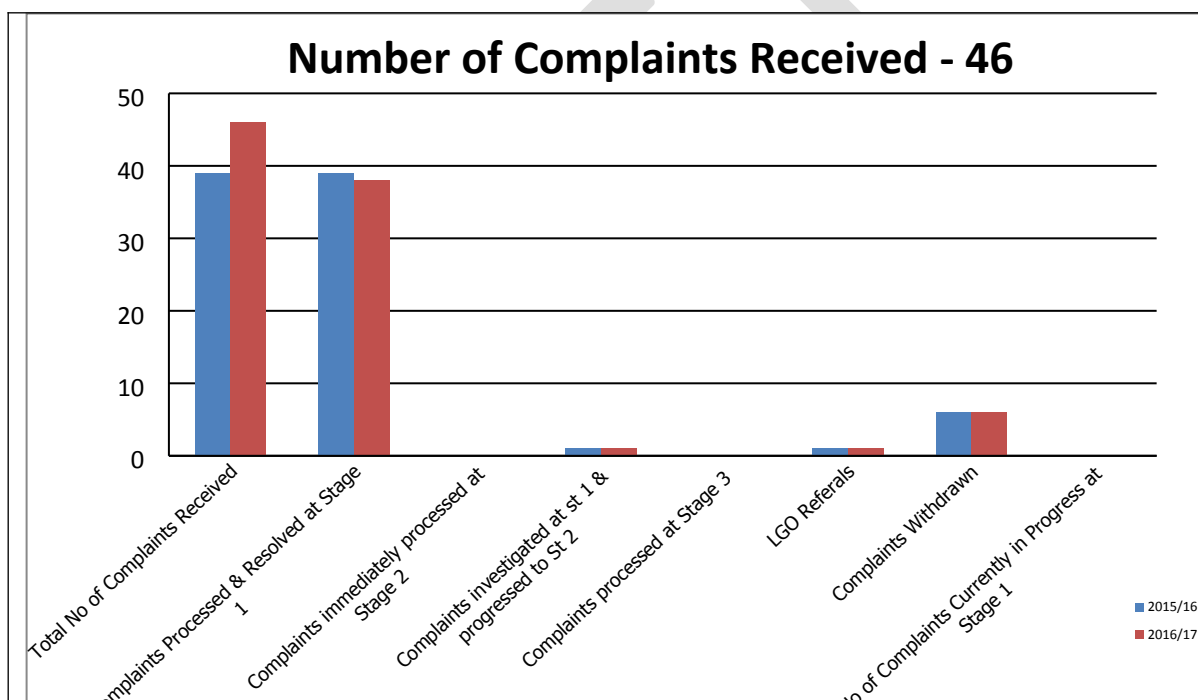
ANALYSIS OF COMPLAINTS RECEIVED

All figures detailed below are from 1 April 2016 to 31 March 2017. Reference is also made to outstanding complaints or complaints which were reported as not being agreed or completed as of 31 March 2016.

4.0 SOCIAL CARE COMPLAINTS RECEIVED

4.1 A total number of 46 complaints were received across all social care teams during the 2016 – 2017 financial year. This reflects an 18% increase in the number of complaints received when compared with the 39 complaints that were received during the last financial year (April 2015 – March 2016).

4.2



4.3 Of the 46 complaints received, 6 complaints were withdrawn and 1 complaint was an enquiry from the Local Government Ombudsman. This report therefore focuses on the complaints which were actually investigated at Stage 1 of the Social Care Complaints Procedure during the last financial year (April 2016 – March 2017).

4.4 39 complaints were investigated at stage 1 of the Social Care Complaints Process during 2016 / 2017

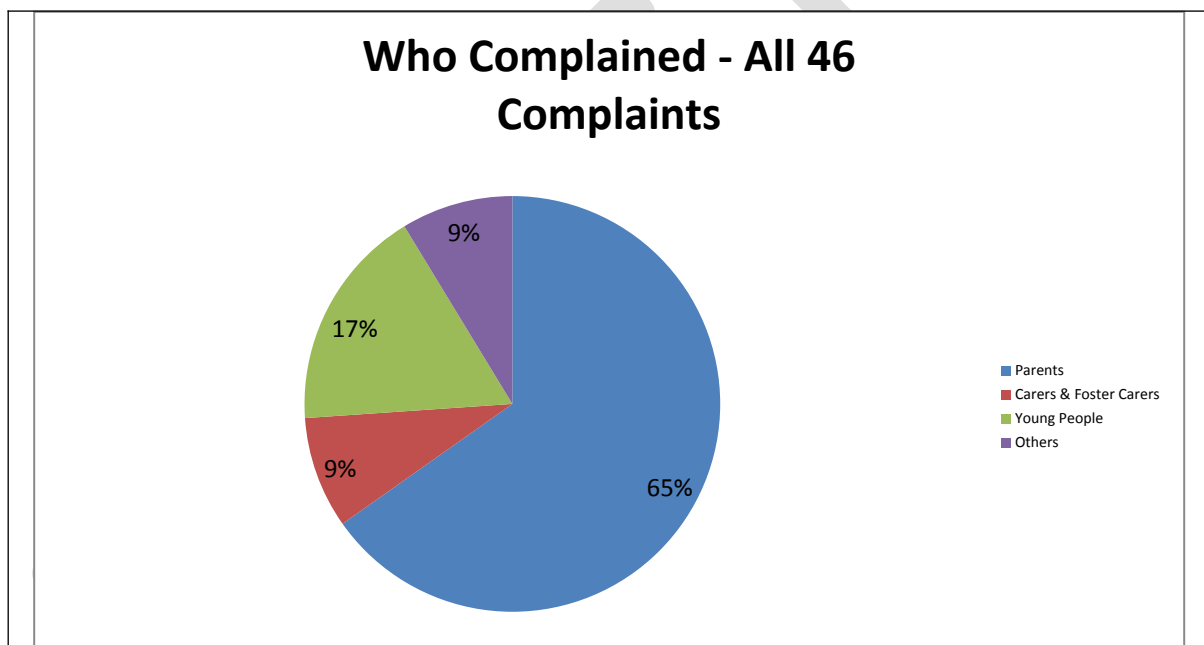
4.5 We have also continued to record the number of informal concerns / complaints received into the Complaints Department, which have predominantly been requests for information. This does not include any informal concerns or complaints which have been raised directly with individual teams. There were 52 informal concerns / complaints logged within the Complaints Department which were resolved immediately by telephone

and did not result in a formal complaint being made. This is a slight decrease compared with the 67 informal concerns / complaints logged within the Complaints Department during 2015 / 2016; however it should be noted that often this type of concern is raised directly with individual team managers and is therefore not captured within this recording.

5.0 WHO COMPLAINED?

5.1 The majority (65%) of the complaints received were received from parents. Young people are encouraged to raise their own concerns with the assistance of advocacy from Bury Children's Rights Service. Bury Children's Social Care Services and Bury Children's Rights Service continue to work with their joint working protocol 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.

5.2



6.0 ADVOCACY

6.1 4 complaints were made using the service of an external Advocate, compared with 3 during 2015 / 2016. The number of complaints received through Bury Children's Rights Service was 3, which was the same number as those received during 2015/2016.

6.2 Concerns and complaints received from Children and Young People in Care are very important. These young people are often supported to make a complaint by Bury Children's Rights.

6.3 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.

6.4 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.

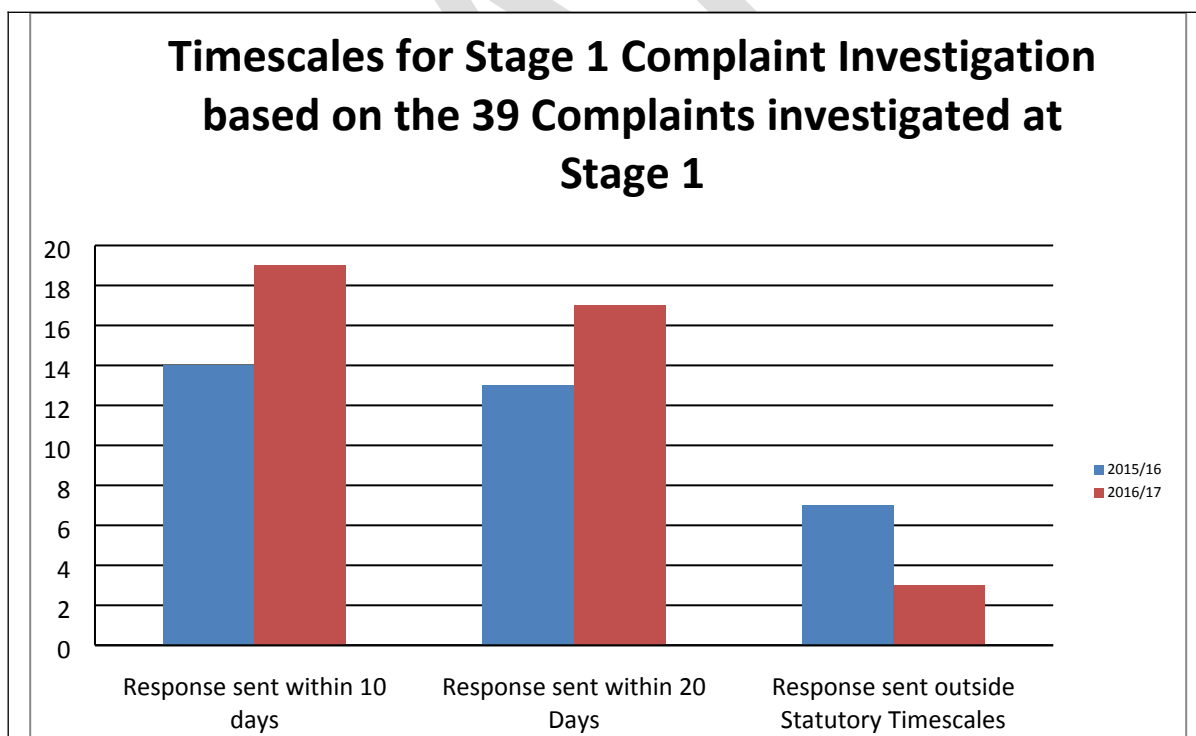
7.0 TIMESCALES OF STAGE 1 SOCIAL CARE COMPLAINTS

7.1 Performance Indicators show that there has been an increase in the compliance of timescales for responding to complaints (both within ten working days and 20 working days).

Year	10 Working Days	20 Working Days
2009 / 2010	Unavailable	60%
2010 / 2011	32.72%	65.46%
2011 / 2012	36.36%	79.55%
2012 / 2013	41.86%	90.96%
2013 / 2014	46.94%	95.92%
2014 / 2015	47.50%	82.50%
2015 / 2016	41.18%	79.42%
2016 / 2017	48.72%	92.31%

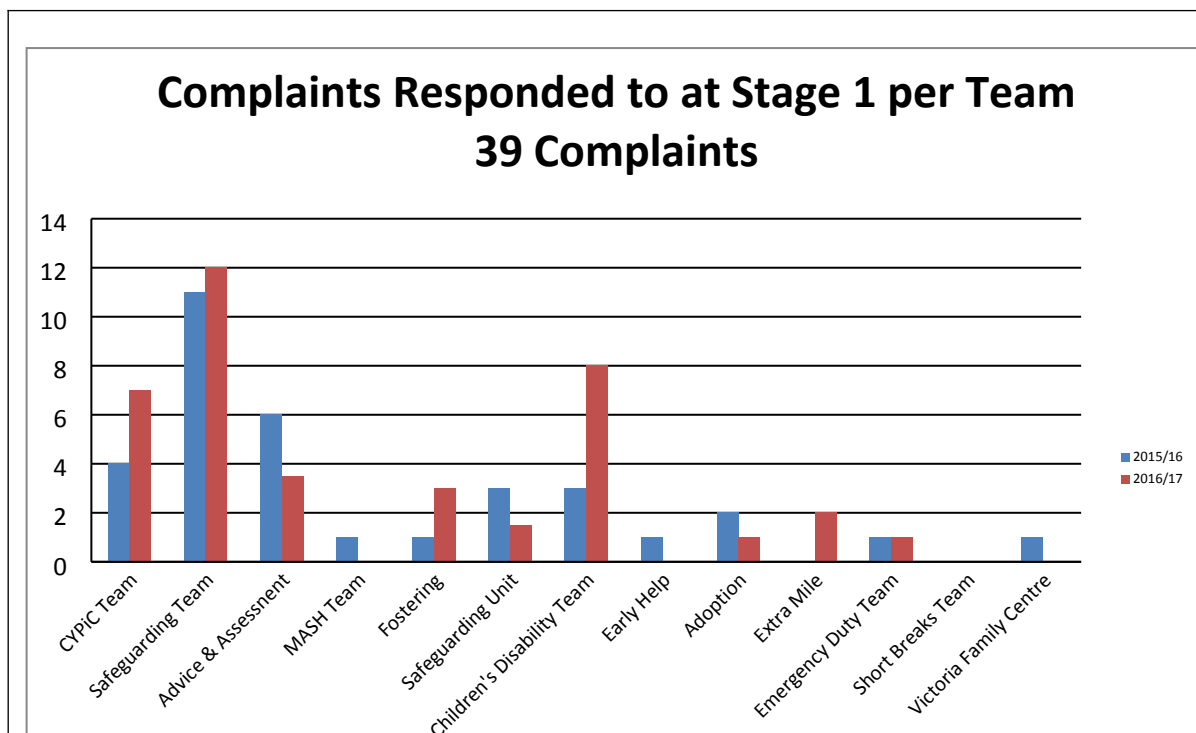
7.2 This resulted in 7.69% of complaints (3) being responded to outside of the statutory timescales.

7.3



8.0 COMPLAINTS PER TEAM

8.1



8.2 For the second year running the figures show that there has been a marked decrease in complaints which have been investigated and responded to by the Advice and Assessment Team. There have however been increases in the number of complaints relating to cases held within the CYPiC and Children with Disability Teams.

8.3 The increase in complaints as a whole brings the figures more in line with those received in 2014/15, having dipped in 2015/16. Parents, carers and children are provided with complaints leaflets during visits, and are aware of how to make complaints. We continue to implement quality assurance of complaint responses, as this was received positively by Ofsted and is also a way of providing training and guidance to Team Managers who may be new to dealing with complaints.

8.4 For the second year running, complaints made regarding the Advice and Assessment Team have dropped by almost 50%, whilst complaints made in respect of the Safeguarding Team are similar to those made during the last two years.

8.5 An increase in complaints has been noted in respect of the Children's Disability Team. There has been a change in the way this team now provides support, and the ways in which multi agency partners work with the Council and the families now means that there are more robust procedures and decision making in place.

Many families have transferred to the Direct Payment Scheme, meaning that families receive a budget to enable them to recruit and appoint their own

personal assistants to provide respite support. It should be noted that detailed work between the Social Work and Procurement teams had ensured that the majority of issues are resolved without progressing to complaint.

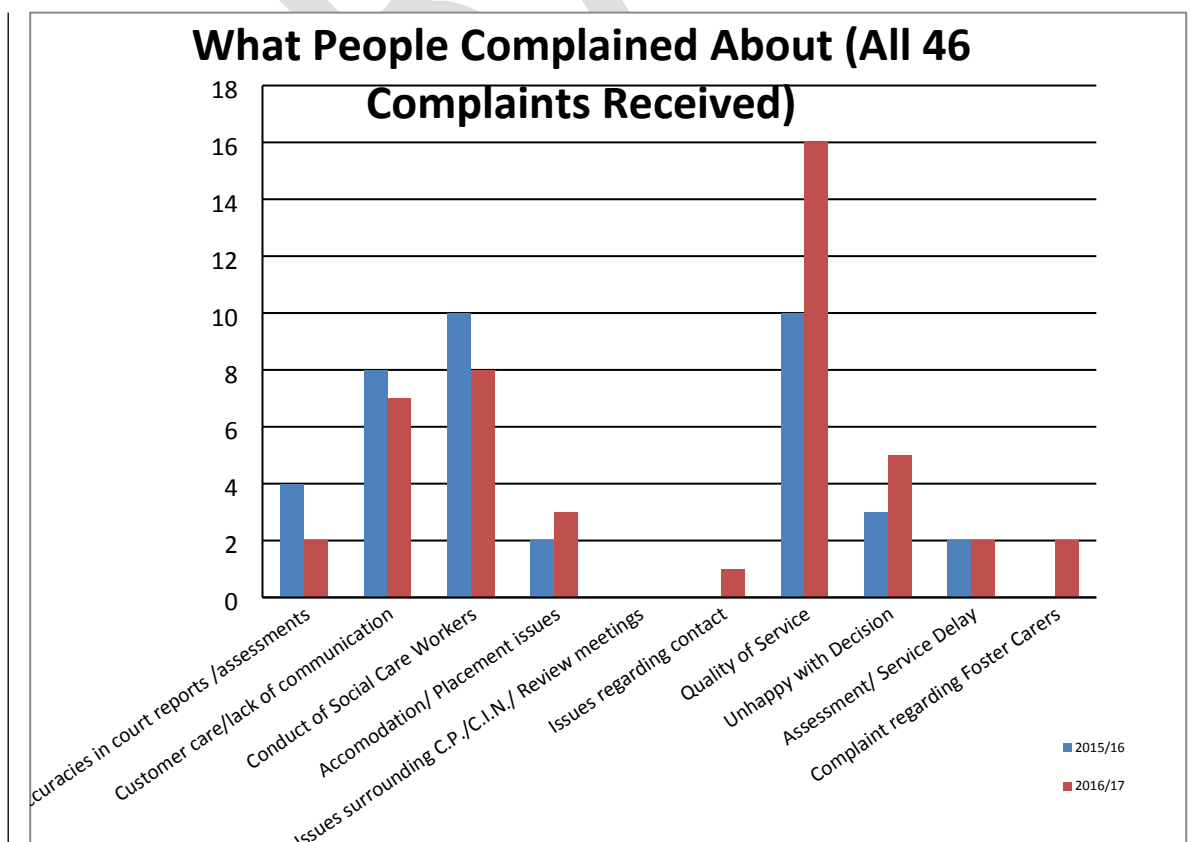
It should also be noted that the role of the Children with Disabilities Team has changed; in addition to providing care and support to families, the team now undertakes child protection activity where necessary. Half of the complaints received relate to families where there has been repeated legal involvement and a robust management approach, and others were in respect of the increased rigour of the team in moving the cases into Public Law Outline or Child Protection.

Until this year, the team have been based at the R'ed Centre, rather than within the central Council Offices. It may be that parents felt that it was easier to drop in and see staff there when attending the centre with their children and resolve issues without the need for a formal complaint.

9.0 WHAT PEOPLE COMPLAINED ABOUT

9.1 Many of the complaints received cover a variety of issues. Whilst on first glance, the graph below appears to show an increase in complaints about the quality of service, this is minimal. Due to the nature of individual complaints it is sometimes difficult to categorise these into specific themes other than the quality of service. Therefore this is a broad categorisation that cannot be broken down any further. In addition, due to the relative low numbers of complaints, any increases or decreases within the themes reported are small. There is no main pattern to the complaints received which is pleasing as it does not highlight a particular weak area within the teams / service.

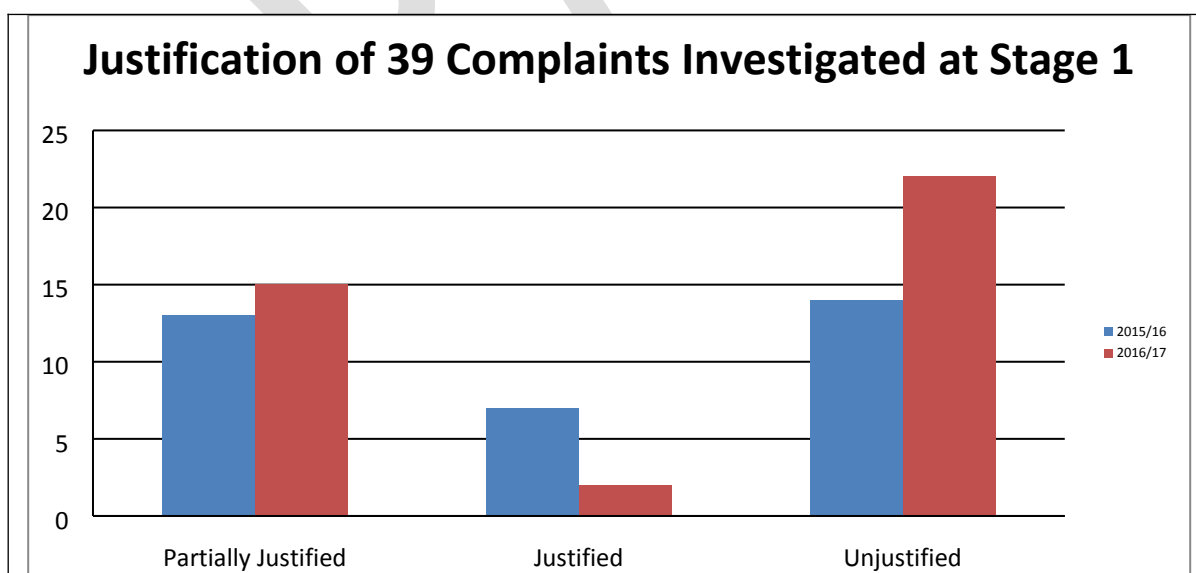
9.3



10.0 HOW WE DEALT WITH COMPLAINTS

- 10.1 Each of the 39 complaints investigated at Stage 1 were investigated by the relevant 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 Whilst a number of complainants were initially dissatisfied with the Stage 1 outcome, we were able to resolve the majority of complaints without the need to progress to Stage 2 by offering meetings with the Strategic Lead for Safeguarding and the Assistant Team Manager (Information).
- 10.3 There was one complaint which was investigated at stage 2 of the Complaints Procedure; both elements of the complaint were partially upheld and the reports and outcome of the findings were sent to the complainant in April 2017.
- 10.4 There has been 1 complaint which was received by the Local Government Ombudsman and which we were asked to supply information to support their enquiry. They subsequently carried out an investigation and the outcome of the report will be published by the Local Government Ombudsman in July 2017. This has resulted in the Council making a payment of £500 to the claimant as a result of the service offered by a third party provider. This money is being recouped from the provider.

10.5



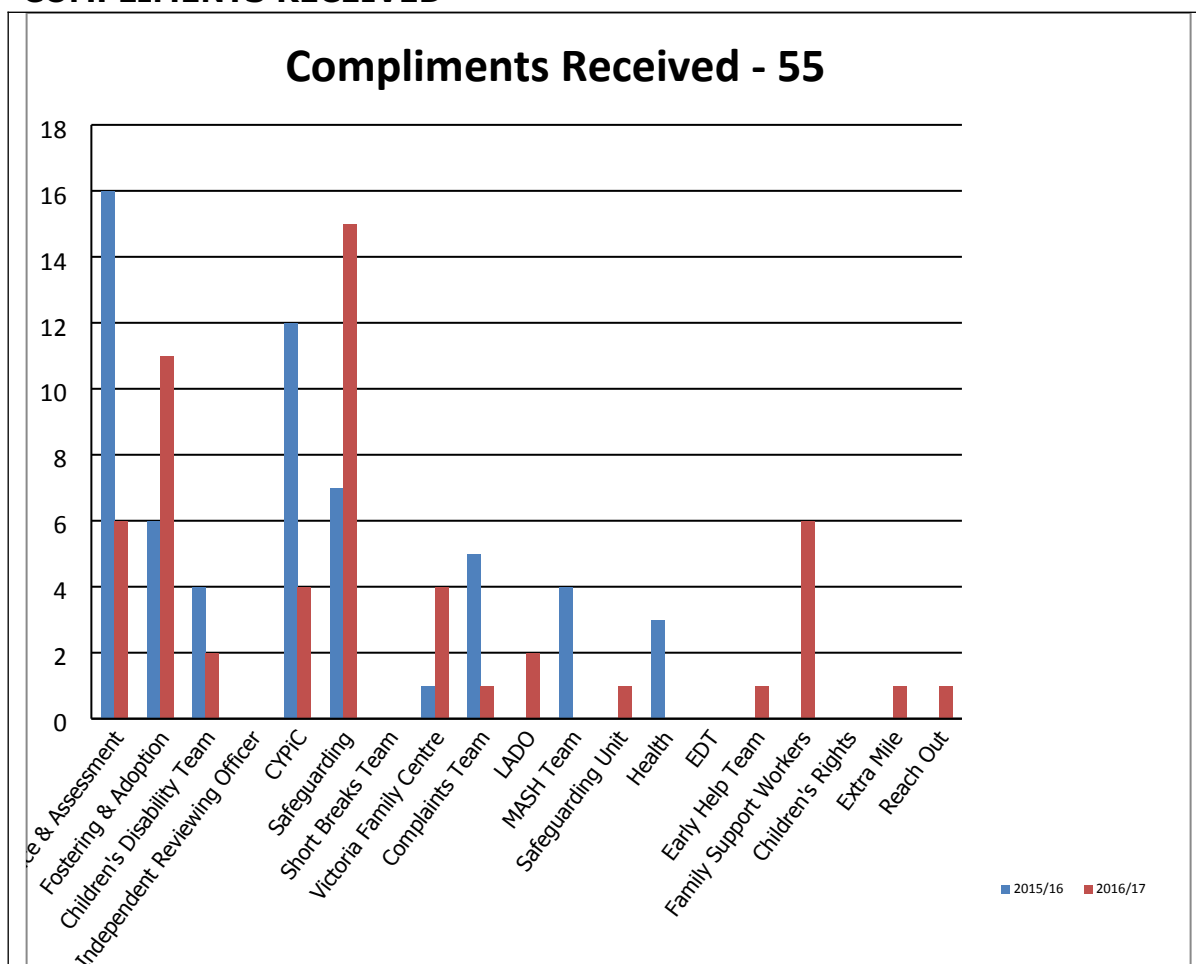
11.0 QUALITY ASSURANCE / BUDGET POSITION

Permanent Team Managers are now familiar with carrying out complaint investigations and providing a written response; in addition quality assurance procedures have continued which have resulted in the Local Authority having been able to resolve complaints at Stage 1 of the Complaints process, sometimes with additional mediation. As outlined above, one Stage 2 Complaint Investigation was carried out during the financial year, at a cost of

£420.00.

12.0 COMPLIMENTS RECEIVED

12.1



12.2 55 compliments regarding the Children's Social Care Teams have been received over the last twelve months, which is the same number as those received during the last financial year, however not all managers forward these to be logged. A discussion has already taken place within team meetings to encourage staff to record the compliments received.

13.0 EQUAL OPPORTUNITIES MONITORING

13.1 Whilst efforts have been made to monitor the ethnic origin of the Authority's complainants; many have not returned the diversity questionnaire.

13.2 Due to the limited number of questionnaires being returned, a true and accurate reflection of the Authority's Complainants cannot be reported.

14.0 REPEAT AND VEXATIOUS COMPLAINTS

14.1 It should be noted that as reported in the last financial year we do still receive a small number of complaints which may be construed as either vexatious or repeated. This type of complaint impacts greatly on the time of both the Assistant Team Manager (Information) and Departmental Staff, and hinders the completion of other complaints.

- 14.2 The Local Government Ombudsman remains a source for advice in these situations, especially when it is clear that a Stage 2 Investigation would not provide a different outcome / resolution, and a small number of complainants were advised to contact the LGO if they remained unhappy with the Local Authority's response. Unfortunately due to restructuring within the LGO, there seems to be a lack of consistency in the advice received from different advisers. This is something that is being pursued by the North West Complaints Managers Group.

15.0 DEVELOPMENT OF COMPLAINT MANAGEMENT & EXPERTISE

- 15.1 The North West Complaints Managers Group meets bi-monthly. Meetings are well attended. The network aims to raise standards for Complaint Management across Authorities. Whilst I have been unable to attend all meetings, the group continues to be a valuable source of advice and support.

16.0 LEARNING FROM COMPLAINTS

- 16.1 In order to demonstrate learning from complaints and the Department's commitment to use complaints to improve standards of services, all Team Managers complete a "Lessons Learnt" form following each complaint investigation. All recommendations arising from complaints have been recorded and shared with the wider Social Care teams.
- 16.2 During the last twelve months, discussions have taken place with Team Managers in order that lessons learnt can be fed back to social work staff.
- 16.3 Feedback and discussion from complaints takes place with Team Managers and is fed back to staff during Team Meetings. Wider learning is also shared during the monthly Extended Manager's Meetings.
- 16.3 Some complaints identify lessons learnt in dealing with an individual or family; others offer a wider learning experience
- 16.4 The recommendations which have arisen from complaints during 2016 / 2017 which have now been implemented are detailed below:
- Reinforce with social workers the importance of sharing conference reports with families prior to conference;
 - Reinforce the roles of the social worker and the commissioning team to ensure the quality assurance of commissioned services;
 - Review of care leavers financial entitlements and an update to the Staying Put arrangements;
 - Template Letter produced for parents to provide information about S20;
 - Ensuring clarity is provided to all involved with an IFA placement to avoid disputes at a later date;
 - Improvements in communication with partners and Legal when working jointly together and ensure that any CIN or CP clearly defines responsibilities;
 - A review of the foster carer handbook in relation to funding for extracurricular activities and additional costs;
 - A review of the commissioning team's role in monitoring complaints

- about 3rd party providers;
- A review of SGO Policies and Procedures and a further review of older SGO cases to ensure compliance;
- A new step detailed within the Conference Procedure - social workers to check the attendance list to ensure all the relevant people are invited.

17.0 CONCLUSIONS

- 17.1 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 those of the families we work with.
- 17.2 There is still 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.
- 17.3 To ensure that we continue to work and resolve complaints quickly the Assistant Team Manager (Information) has worked with newer Team Managers in the investigation and response to complaints, and all written responses continue to go through a final stage of quality assurance.
- 17.4 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 there has been a reduction in the number of complaints received, those that have been received have been more complex in nature. Therefore it is encouraging that despite the addition to working pressures for managers, we have improved the timescales for responding to complaints
- 17.5 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.