

**CHILDREN'S SERVICES
DEPARTMENT**

Bury
COUNCIL

**ANNUAL COMPLAINTS REPORT
APRIL 2012 – MARCH 2013**

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Assistant Team Manager - Information
20 June 2013**

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 2012 to 31 March 2013, 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 2012 / 2013.
- 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 Social Care Performance Group 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.

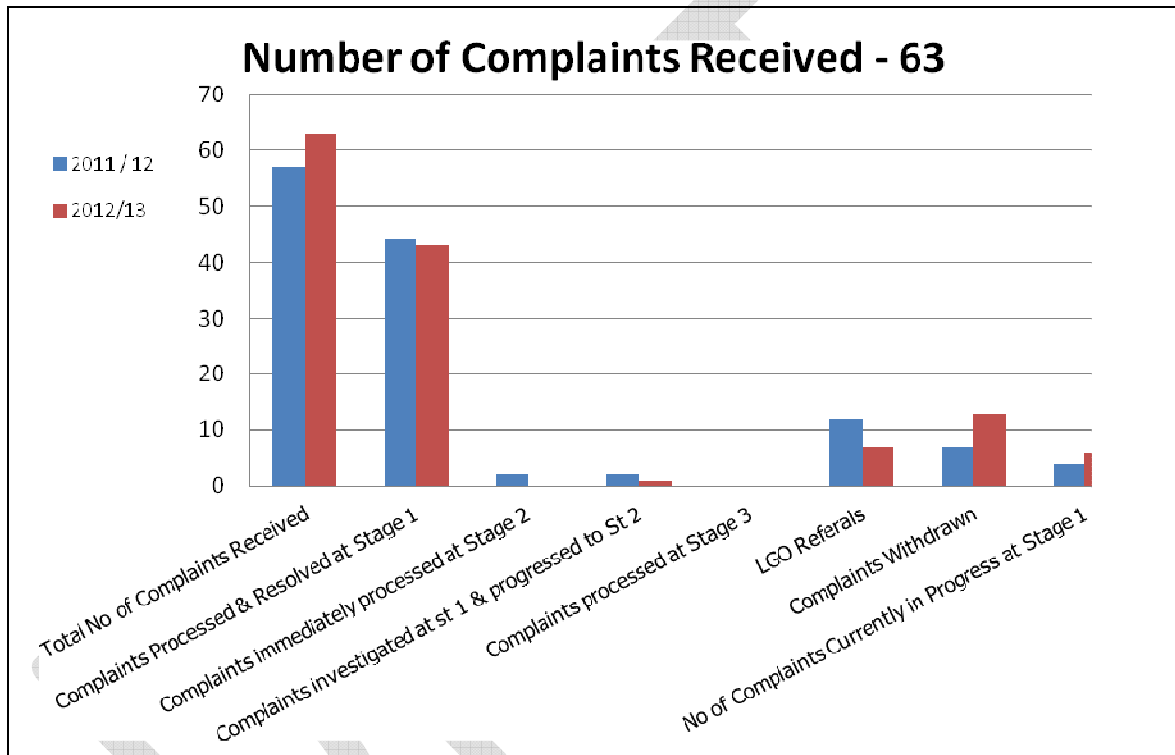
ANALYSIS OF COMPLAINTS RECEIVED

All figures detailed below are from 1 April 2012 to 31 March 2013. Reference is also made to outstanding complaints or complaints which were reported as not being agreed or completed as of 31 March 2012.

4.0 SOCIAL CARE COMPLAINTS RECEIVED

4.1 A total number of 63 complaints were received across all social care teams during the 2012 – 2013 financial year. This reflects a 10% increase in the number of complaints received when compared with the 57 complaints that were received during the last financial year (April 2011 – March 2012).

4.2



4.3 The six complaints which were received during March 2013 but which were not actually completed within the 2012 / 2013 financial year have now been responded to during April 2013, all within 20 working days

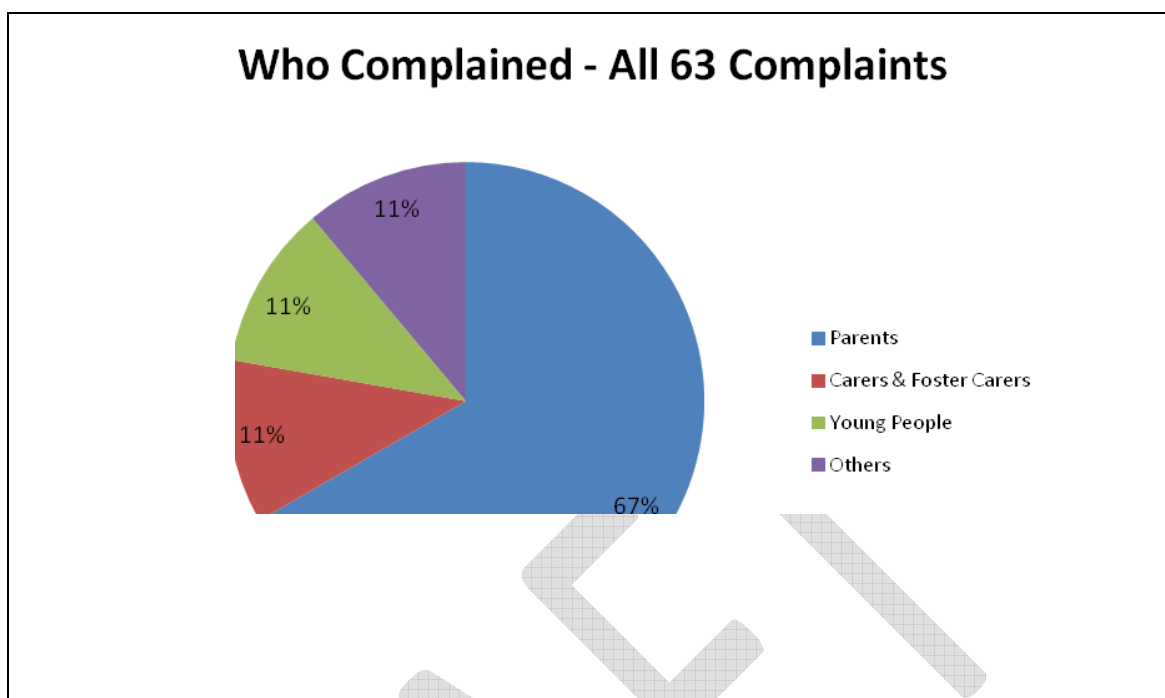
4.4 In addition to the 63 complaints received in 2012 / 2013, 4 complaints received towards the end of 2011 / 2012 were also investigated during the 2012 / 2013 financial year. 1 of these complaints was responded to within 10 working days and three were responded to within 20 working days.

5.0 WHO COMPLAINED?

5.1 The vast majority of complaints 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 Services have a joint working protocol with Bury Children's Rights Service and work 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 14 complaints were made using the service of an external Advocate, compared to 12 during the previous financial year. The number of complaints received through Bury Children's Rights Service was 8, compared with 7 last year. We have seen an increase in complaints from children with health needs being received from the Hospital Citizens Advice Bureau, and work has been undertaken with the CAB to explain the thresholds and remit of Children's Social Care.

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.

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.

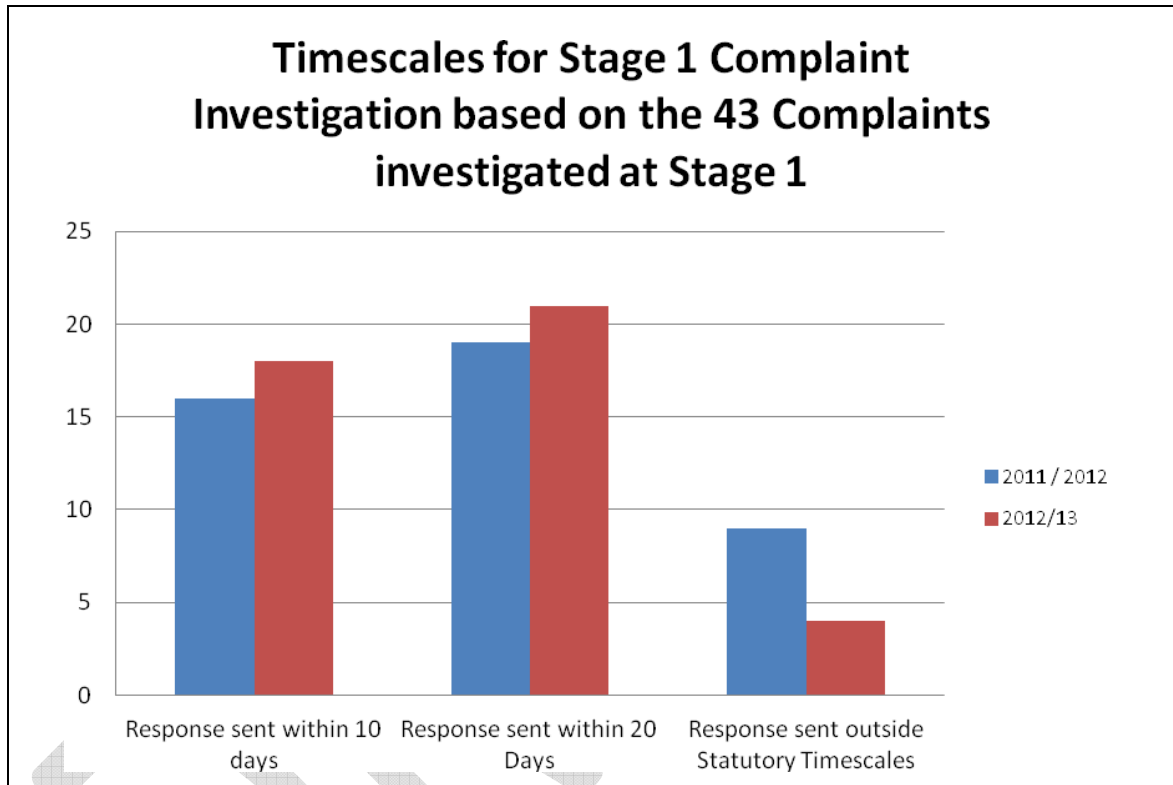
7.0 TIMESCALES OF STAGE 1 SOCIAL CARE COMPLAINTS

7.1 Performance Indicators show that for the third year running, staff have continued to make significant improvements to the timescales in which we have responded to complaints compared with the figures from 2011 / 2012 of

the complaints received and investigated within 2012 /2013, 41.86% of complaints have been dealt with within ten working days, compared with 36.36% for the same period in 2011 / 2012 and 90.69% of complaints have been dealt with within twenty working days compared with 79.55% during 2011 / 2012.

7.2 Delays were agreed with the complainant for the 9.30% of the complaints which were dealt with outside timescales. The additional time taken prevented these complaints being taken to stage 2.

7.3



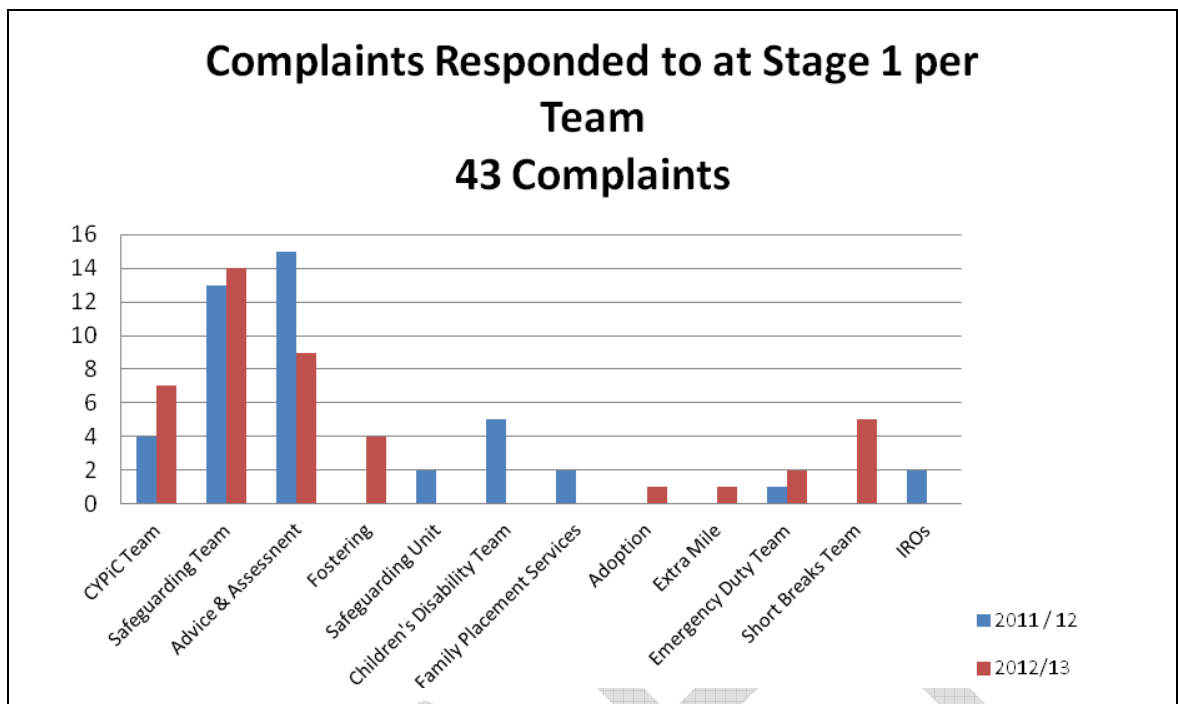
8.0 COMPLAINTS PER TEAM

8.1 Figures show that 32.56% of complaints have been investigated and responded to by the Safeguarding team, which is an increase on the 29.55% during 2011 / 2012. A reduction of complaints against the Advice and Assessment Team has been seen, with 20.93% of the complaints being investigated and responded to by the Advice and Assessment Team compared with 34.09% during 2011 / 2012.

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 only seen a marginal increase in complaints being made.

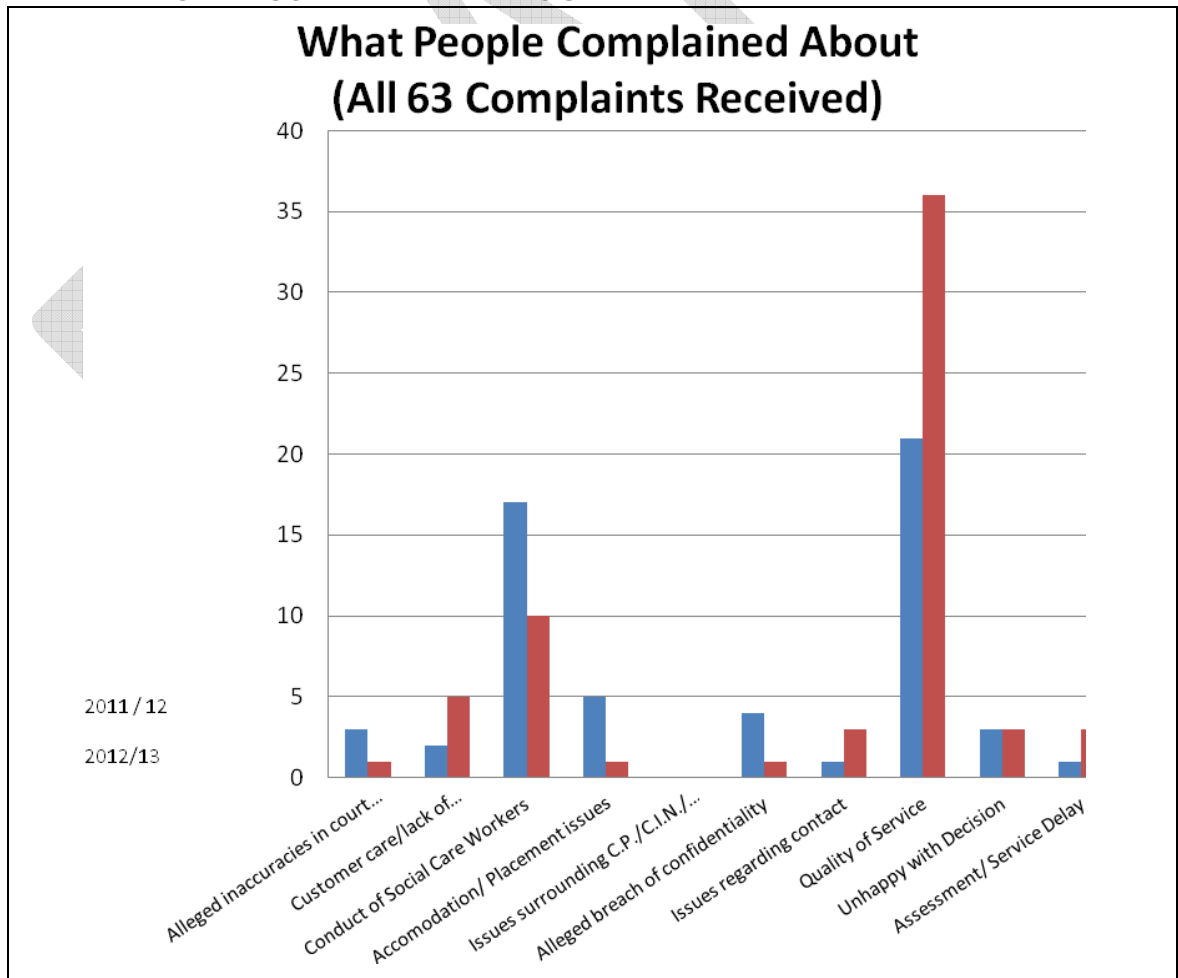
8.3 Whilst the percentage of complaints between the two teams has changed from last year, the following figures clearly highlight that just over half the complaints received were with regard to the same two Teams as in 2011 / 2012 and in 2012 / 2013.

8.5



9.0
9.1

WHAT PEOPLE COMPLAINED ABOUT



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

9.3 The above graph shows that 57.14% of all complaints received between 1 April 2012 and 31 March 2013 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 for the second year running.

10.0 HOW WE DEALT WITH COMPLAINTS

10.1 Each of the 43 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 1 complainant remained dissatisfied with the Stage 1 outcome and progressed to Stage 2. The Local Authority partially upheld this complaint at Stage 2, and has followed recommendations from both the Investigating Officer and Independent Person to change working practice.

10.3 There have been 7 complaints which were received by the Local Government Ombudsman and which we were asked to supply information:

Case Closed – no evidence of maladministration (2)

Case Closed – No fault in the Council's Actions & no need for the LGO to investigate (1)

Case Closed – The Council has provided a satisfactory remedy (2)

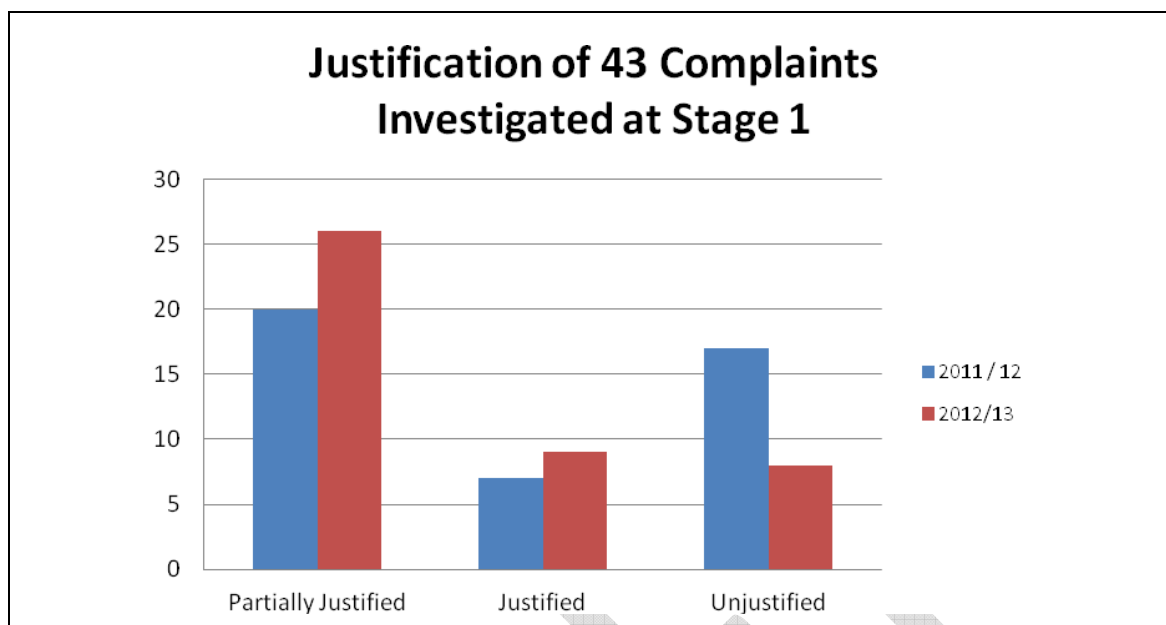
1 case is currently outstanding with the Ombudsman, awaiting a decision as to whether they are happy with the information supplied or whether they intend to investigate.

At the end of the financial year, 1 case was being investigated by the Local Government Ombudsman. The Council upheld the element of the complaint surrounding delay during a stage 1 and 2 investigation. This was confirmed by the final decision of the Ombudsman who has stated that this delay was maladministration which led to injustice for the family. A further apology and a small financial payment was made to the complainant in respect of the distress caused.

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.

10.7



11.0 TIMESCALES FOR STAGE 2 SOCIAL CARE COMPLAINTS

11.1 Out of the 2 complaints which were investigated at stage 2, 1 was completed within 25 working days and the second was completed within the maximum 65 working day timescale.

12.0 BUDGET POSITION

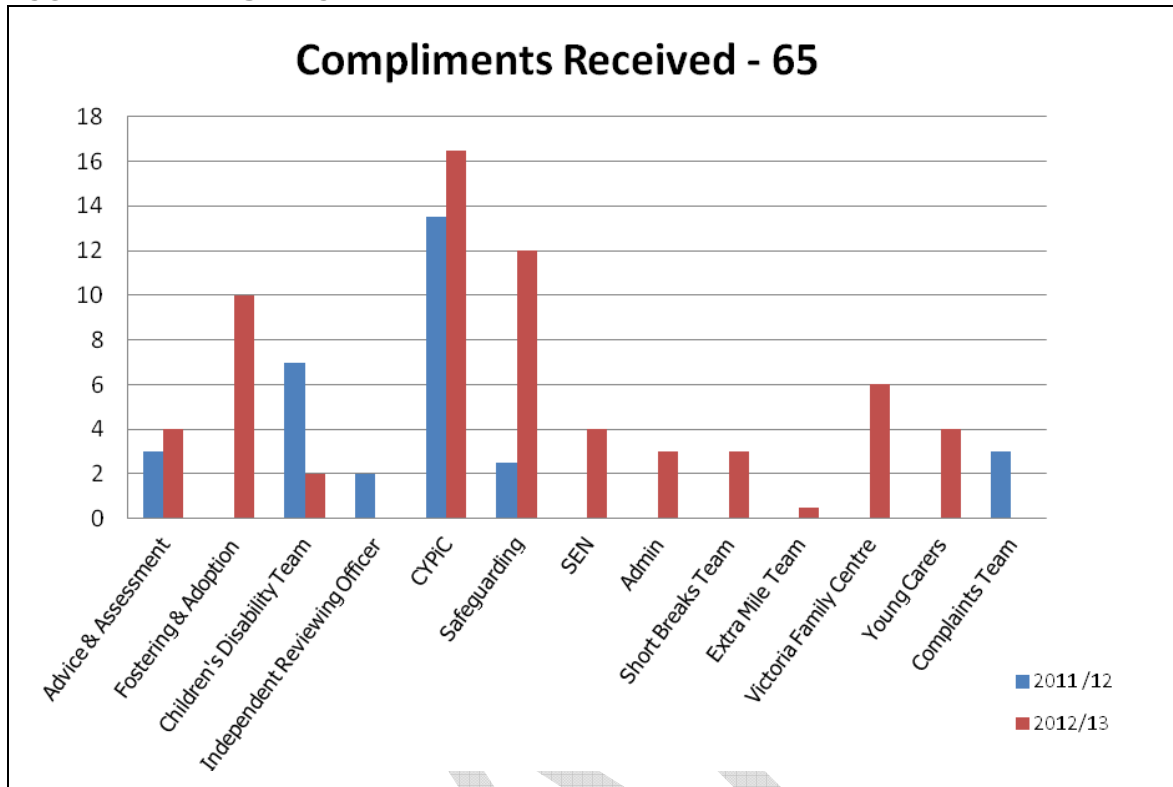
12.1 With the current budget pressures within the Authority and the growing trend of increased complaints in neighbouring Local Authorities, Members should note that in order to minimise the costs of Stage 2 Investigations, this is the second year in which we have asked Team Managers rather than Service Managers and Strategic Leads to respond to the majority of Stage 1 Investigations. This enables Service Managers and Strategic Leads 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 reduced the invoice costs of the recent investigations, it should be noted that this does have had an impact on staff time.

12.2 A total of £1007.70 has been spent on Stage 2 Investigations from April 2012 to March 2013, which is a saving compared with £2220.47 spent on Stage 2 Investigations during the previous financial year.

12.3 There is currently no dedicated budget for Complaint Investigations. Whilst we have seen a decrease in complaints received, there is a national trend of people wishing to take complaints further; Therefore the potential remains for an increase in Stage 2 complaints. It is too easy for a poor or partial response to be sent to a complainant as a quick fix. Consideration could be given for Stage 2 Complaints Investigations to be funded by the budget for the Department for which the complaint is regarding.

13.0 COMPLIMENTS RECEIVED

13.1



13.2 65 compliments regarding the Children's Social Care Teams have been received over the last twelve months, which is more than double those which were received during the last financial year.

13.3 It is pleasing to note that for the second year running, the Children and Young People in Care (CYPiC) Team have received an increase in the number of compliments received. It is also worth noting that the compliments received and recorded by the Safeguarding Team have increased from 2.5 during 2011 / 2012 to 12 in the current year. It is also heartening to see that other teams are receiving compliments. The Victoria Family Centre is a resource for children in care to meet up with their families, which can be distressing at times. It is therefore pleasing to see the high number of compliments that this team have received. It is also pleasing to see the number of compliments being paid to Fostering and Adoption Team for their support in successfully placing children with new families.

14.0 EQUAL OPPORTUNITIES MONITORING

14.1 Whilst 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.

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.

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. Both this group, and the Children's Subgroup continue to be a valuable source of advice and support.

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 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.

17.3 Feedback and discussion from complaints also takes place with Team Managers during the monthly Social Care Performance Group Meetings. This feedback is then shared with staff during Team Meetings.

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 2012 / 2013 which have now been implemented are detailed below:

- Additional resources for meetings with families to be minuted to ensure clarity of decisions
- Changes have been made to the Short breaks Business Management to promote positive outcomes.
- Continued staff training and implementation of surveys to ensure Children's wishes and feelings are heard
- Amendments to the process of social worker involvement following Special Guardianship & residency to ensure advice and support is available
- Development of further links with the Jewish Federation to develop cultural awareness of needs and resources
- Assessing Social Workers have all received a practice briefing regarding note taking and the quality of notes.
- The AIM list is now maintained by the Safeguarding Unit to ensure timely allocation of assessments
- Clear Practice guidance to be developed regarding Family Members caring for children
- The Customer Care Charter is in the process of being updated

and will be re-circulated to staff.

- CSE BSCB Strategy Awareness Raising Schedule was delivered in March 2013
- Ownership is taken for referrals made to other services by following up the referral to ensure progression and to ensure the service user is not waiting for an unacceptable period of time.
- Procedures changed within the Emergency Duty Team regarding passing on details to the Advice and Assessment Team and the Fostering Team the following day.
- Procedures amended so that families see conference reports prior to the day of the Conference
- Staff regularly advised about the quality of their work which is monitored by regular supervision
- All Initial Assessments which relate to an assessed need which needs consideration by the DRM Panel are to be completed giving a broad overview of need and not suggesting the package of care. This will alleviate complaints regarding the package of care not being received where the child does not meet the threshold as determined by the DRM Panel

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 the relatively small increase in complaints compared to increases seen in other Local Authorities. 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 staff have made huge improvements in the completion of complaints within timescales and have reduced the number of complaints responded to outside the statutory timescales, 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.