

Annual Complaints Report 2015 – 2016
Appendix B – Children & Young People Complaints

Cabinet – 24 October 2016

Summary

1. This report provides an overview of complaints activity across the Children & Young People department in 2015-16.

Statutory Complaints Process

2. There are two types of complaint process followed by Children & Young People (C&YP). The Children Act 1989 Representation Procedure (England) Regulations 2006 for all complaints relating to actions taken under the Children Act (statutory complaints) and the Council's Complaint Process for all other complaints.
3. *The Children's Act 1989 Representation Procedure (England) Regulations 2006 has three stages:*
 - Stage 1: Local Resolution – responded by the Head of Service for the team complained about
 - Stage 2: Independent Investigation – complaint is investigated by an "Independent Investigator" a person external to the service usually independent of the Council. We have to appoint an "Independent Person" who is independent of the Council
 - Stage 3: Review Panel – the complaint investigation is reviewed by a panel of three Independent People appointed by the Council
4. *Council's Corporate Complaints*
 - Stage 1: responded to by the Head of Service
 - Stage 2: Review / Investigation by the Complaints Service team on behalf of the Chief Executive

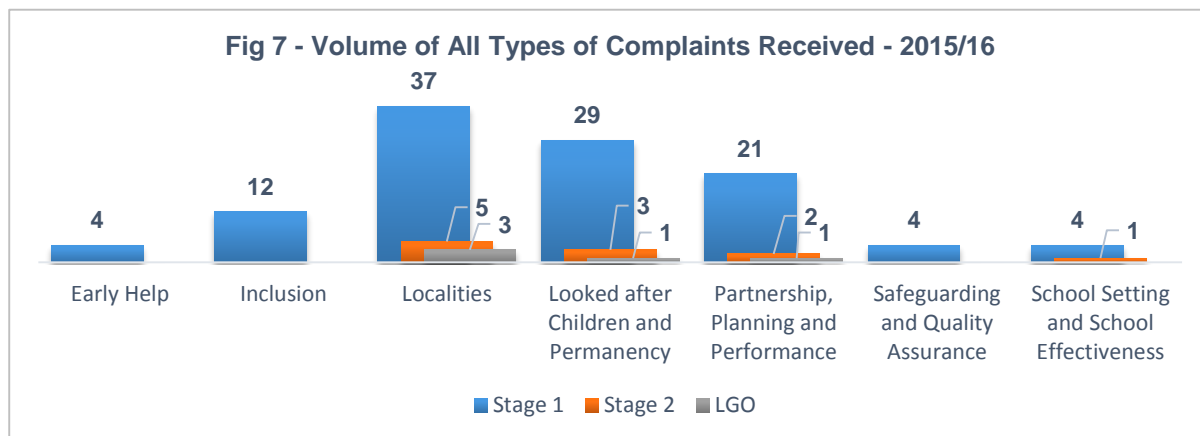
Headlines

5. The main headlines from CYP complaints performance are:
 - Stage 1 complaint numbers decreased for the fourth year in succession
 - 49 statutory stage 1 complaints and 62 corporate complaints
 - Low 10% escalation rate to stage 2
 - Main reasons for complaints received in 2015/16 were poor communication, delays or failure to provide a service, incorrect action taken and staff attitude
 - 87 % of all complaints within time in 2015/16 (compared with 59% on time in 2014/15)
 - £1,250 compensation in 2015 on two cases.

- There are approximately 4,000 service users in CYP and approximately 3% of these customers or someone acting on their behalf raised a complaint about a service that they received in 2015-16.

Complaints Received

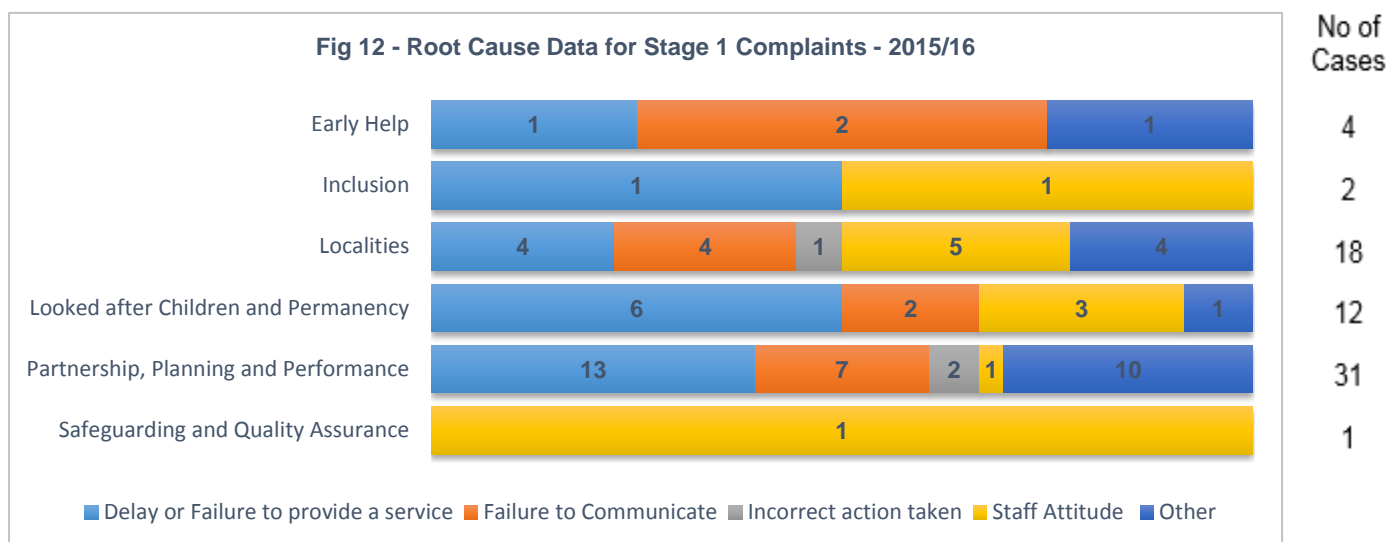
- The chart below shows the number of complaints received at Stage 1, Stage 2 and Local Government Ombudsman for 2015/16.



- A total of 111 stage 1 complaints were received, a decrease of 12 cases or 10% on the previous year. This total consisted of 49 statutory complaints and 62 corporate complaints. The majority of complaints listed under Early Help, inclusion, and Setting and School Effectiveness were corporate complaints with the remaining complaints falling under the Children's statutory complaint procedure.
- Stage 1 complaint numbers reduced for the fourth year in succession indicating the department's ability to resolve issues without the need for a formal complaint investigation
- The Council received eleven stage 2 requests which represents 10% of all cases. This consisted of eight corporate complaints and three statutory complaints
- Under the Children's statutory procedure the complainant has a right for their complaint to be heard by an Independent review panel at stage 3. There were three independent panels during the year (this is not shown in the chart above as the numbers are so low and would be difficult to see to display in the chart above).

Nature / Reasons for Complaints

12. The main reasons for complaints received in 2015/16 were poor communication, delays or failure to provide a service, incorrect action taken and staff attitude. Complaints about delays or a failure to provide the service the customer was expecting accounted for just over a third of the complaints received. Failure to communicate accounted for 21% of complaints and staff attitude for 15%

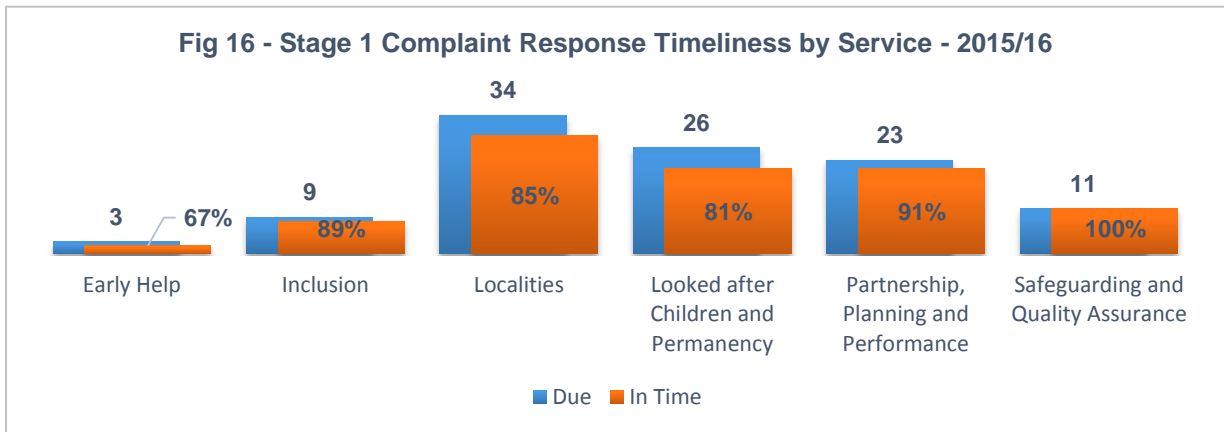


13. Children and Young People's Services intervenes to promote the best interests of children, however families do not always agree with the action that has been taken and as a result may choose to make a complaint about this. Similarly the most common reasons for complaints against staff members are when they disagree with a decision that has been made, or general poor service. There has been an increasing number of complaints received from fathers of children. Most often this has been about fathers who do not live in the family home or are not the primary carer for their children and felt social care services had not communicated with them enough.
14. It is probably true to say that many of the stage 1 complaints reflect the unhappiness of parents and carers about some of the decisions made by staff acting in the best interests of children. And whilst the feelings and views of parents and carers about these decisions are understandable most of these complaints were not upheld.
15. Examples of the types of issues that fall under each of the main reasons for a complaint are listed below:-
- Alleged poor staff attitude - much of the work of Localities staff involves them in taking actions in connection with highly sensitive child protection or child in need issues, which parents or carers may not be in agreement with. These factors undoubtedly have some bearing on the fact that staff attitude is a common theme raised in complaints.
 - Delay in the payment of financial support – a particular complaint concerned a parent of a child with a disability, who complained that her direct payment package had been suspended without notice. The investigation revealed that the payments had been suspended because requested receipts had not been provided and that two warning letters had sent prior to the payments stopping.

- **Poor communication** - a doctor complained about a social worker who failed to respond to several information requests the doctor had made in connection with a young person who was subject to child protection proceedings.
- **Incorrect action taken** – a parent complained that a social worker had taken incorrect action in referring them to the Troubled Families programme. The complaint investigation identified that the family situation was such that they should not meet the relevant threshold and should not have been referred. An apology was given, and training delivered to relevant staff to enhance understanding of the programme.

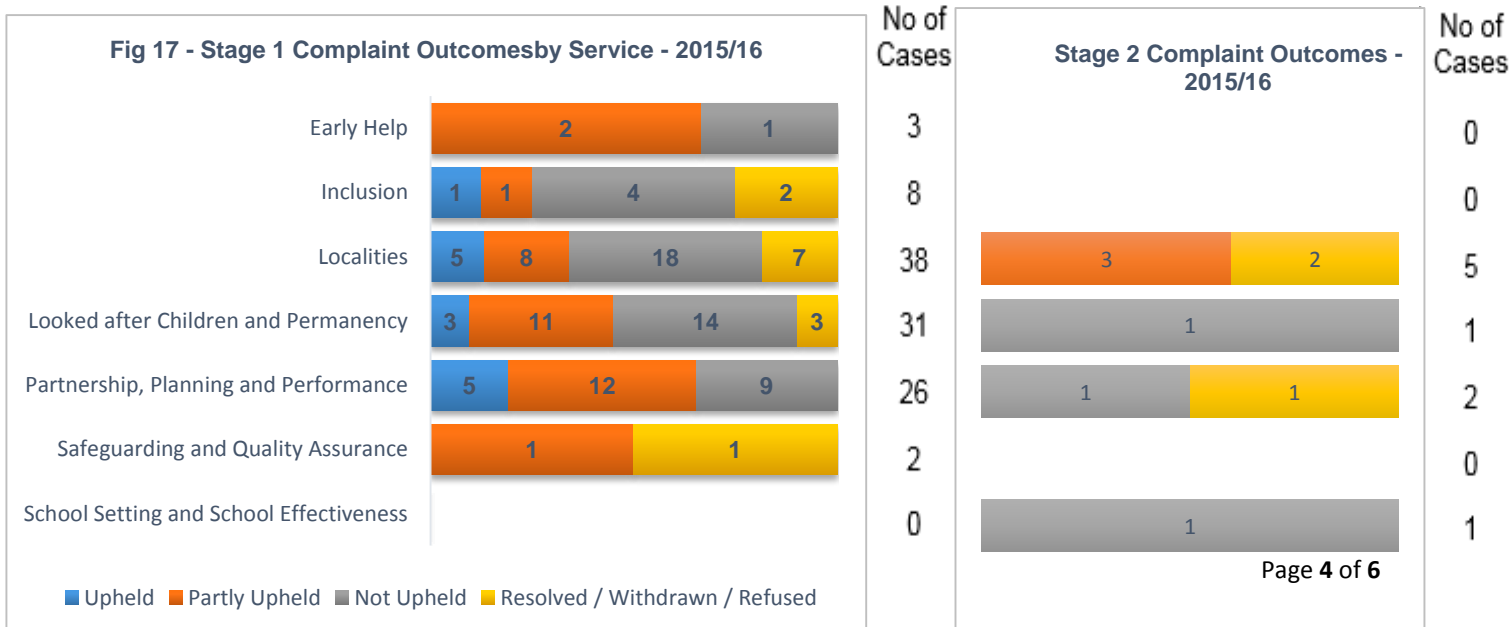
Timeliness of Responses

16. The chart below shows stage 1 complaint response times by service area in 2015/16. C&YP responded to 87% of all complaints within timescales. This was a significant improvement from the previous year's performance of 59% of complaints responded on time. The department continues to have a strong focus in improving the timeliness and quality of responses.



Complaint Outcomes

17. The chart below shows the outcome of complaints at stage 1 and stage 2



18. 45% of stage 1 complaints were fully or partly upheld demonstrating a willingness by the service areas to admit errors or mistakes and to remedy the situation.
19. The Council carried out three statutory stage 2 investigations during the years and all three resulted in the complaints being partly upheld, one of these escalated to the Local Government Ombudsman
20. There were three Stage 3 independent panels held in 2015/16
 - a) The complaint concerned the way the Council dealt with the process of a child Protection Investigation. The Council had previously admitted fault in the way they had handled the process. The Panel Upheld the complaint and increased the level of compensation
 - b) The complaint concerned the way the Council had dealt with another child protection process with a family. The panel partly upheld the complaint and recommended a meeting with the Operational Director
 - c) The complaint concerned the way that a child and family assessment had been delivered to the family. The Panel did not uphold the complaint and stated the remedy previously offered was suitable

Compensation

21. Children & Young People paid out £1,250 compensation in 2015 on two cases. One complainant was awarded £1,000 by the stage 3 independent panel and £250 was awarded by the Local Government Ombudsman in the second case.

Local Government Ombudsman

22. The Local Government Ombudsman (LGO) has received 16 referrals for CYP throughout the year. Three referrals were closed after initial enquiries, five were referred back to the Council's own complaint procedure, two were not upheld and two closed with advice given. Four complaints upheld as follows:
 - Case 1: there was a fault in the way the Council dealt with the process of a Child Protection investigation. The LGO accepted the Council's remedy as agreed at the independent review panel and the LGO upheld the complaint
 - Case 2: The Council delayed paying an adoption allowance but did not misrepresent the amount to be received. The LGO accepted the Council had provided a suitable remedy, but still upheld the complaint
 - Case 3: the complaint concerned respite for a child with disabilities. The LGO accepted that we had mostly remedied the fault but decided to increase the compensation.
 - Case 4: the complaint concerned the handling of the client's personal data. The LGO accepted the Council had provided a suitable remedy, but still upheld the complaint

Learning from Complaints

23. Lessons learned from complaints can help shape and improve our services and the customer experience and there is a commitment in the department for managers and staff to use the learning to improve services.
24. A few examples of how the learning points from complaints helped to improve services are provided below:

| Customer Feedback - 'You Said' | Service Area Changes - 'We Did' |
|---|--|
| You told us about an injury sustained by a member of the family at a short break centre | We agreed to review the effectiveness of supervisory and Information transfer procedures at the centre. Staff received training on Conflict Resolution |
| You told us about how social care had carried out the child protection assessment of the family | We agreed to review the supervision policy and procedure and Induction arrangements for new staff |
| You told us about the child in need assessment in regards to requiring assistance for housing | We agreed to review how information and referrals were made between different service teams |