

Annual Complaints Report 2016 – 2017

Appendix B – Children & Young People Complaints

Summary

1. This report provides an overview of complaints activity across the Children & Young People department in 2016-17.

Statutory Complaints Process

2. There are two types of complaint processes followed by Children & Young People (CYP). 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.

Corporate Complaints Process

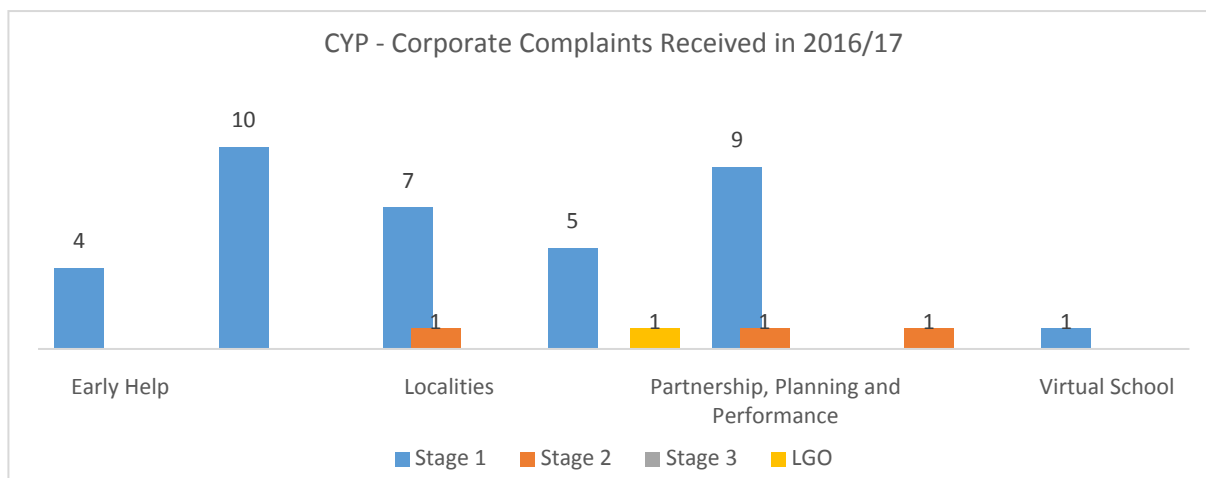
4. *Council's Corporate Complaints*
 - Stage 1: responded to by the Head of Service.
 - Stage 2: Review / Investigation by the Complaints Service team on behalf of the Chief Executive.

Headlines

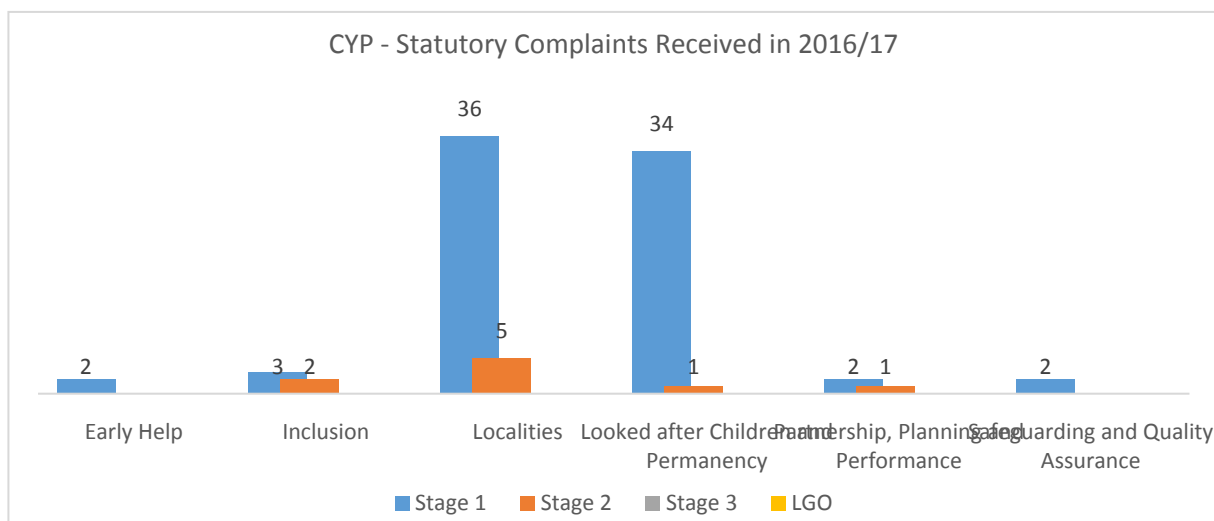
5. The main headlines from CYP complaints performance are:
 - Stage 1 complaint numbers have increased for the first time in five years.
 - 79 statutory Stage 1 complaints and 36 corporate Stage 1 complaints.
 - Low 10% escalation rate to Stage 2 for corporate and statutory complaints.
 - Main reasons for complaints received in 2016/17 were poor communication, delays or failure to provide a service, incorrect action taken and staff attitude.
 - 88% of all complaints responded to within target in 2016/17 (compared with 87% on time in 2015/16).
 - £7,977 compensation paid in 2016/17 on three cases.

Complaints Received

6. The chart below shows the number of corporate complaints received at Stage 1, Stage 2 and Local Government Ombudsman for 2016/17.



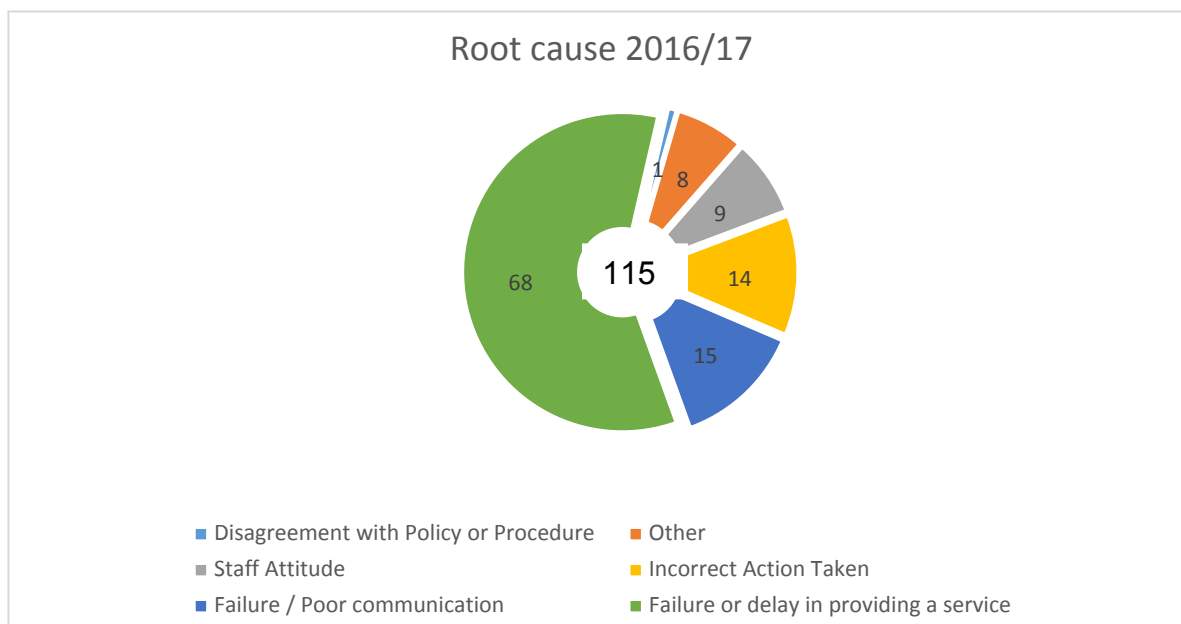
7. The chart below shows the number of statutory complaints received at Stage 1, Stage 2 and Local Government Ombudsman for 2016/17.



8. A total of 115 Stage 1 complaints were received in 2016/17, an increase of 4% on the previous year. This is the first increase for five years. This total consisted of 79 statutory complaints and 36 corporate complaints. There has been an increase of 61% in statutory complaints and a decrease of 42% in corporate complaints. The majority of complaints listed under Early Help and Inclusion, Setting and School Effectiveness teams were corporate complaints with the remaining complaints falling under the Children's statutory complaint procedure. As the table above indicates the majority of statutory complaints were in the Localities and Looked after Children teams.
9. The Council received 12 Stage 2 requests which is an escalation rate of 10% and comparable to last year. However, in line with the split at Stage 1, 9 of these were statutory complaints and 3 were corporate complaints.
10. 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. No Stage 3 panels were held

in 2016/17 and this reflects the positive work carried out by the Principal Complaint Service Officer and the two Operational Directors in resolving any remaining issues after the Stage 2 process.

Nature / Reasons for Complaints



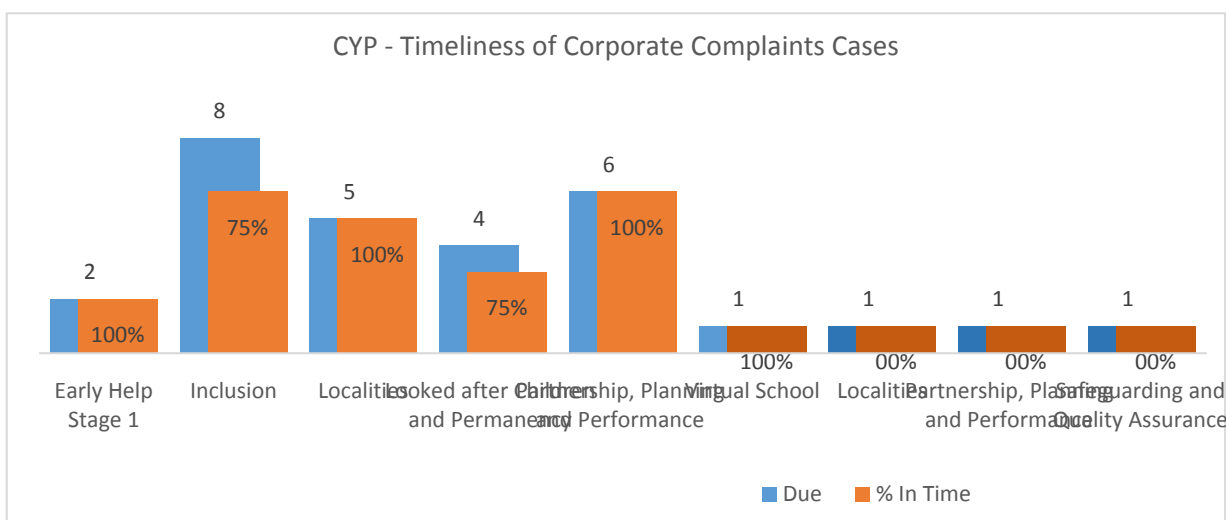
11. The main reasons for complaints received in 2016/17 were: delays or failure to provide a service, poor communication, incorrect action taken and staff attitude. Complaints about failure or delays in providing a service accounted for 59% of complaints received. Failure/poor communication and incorrect action taken each accounted for 13% of complaints and complaints concerning staff attitude accounted for 8% of complaints, (down from 15% in 2015/16).
12. Social care makes intervention in the best interest of the child, 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 alleged general poor service. There has been an increasing number of complaints received from partners or service users. Most often this has been from one of the partners not living in the family home (or they are not the primary carer for their children) and felt that social care services had not communicated with them enough.
13. 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 social care staff acting in the best interest of the child. Whilst the feelings and views of parents and carers about these decisions are often understandable most of these complaints were not upheld.

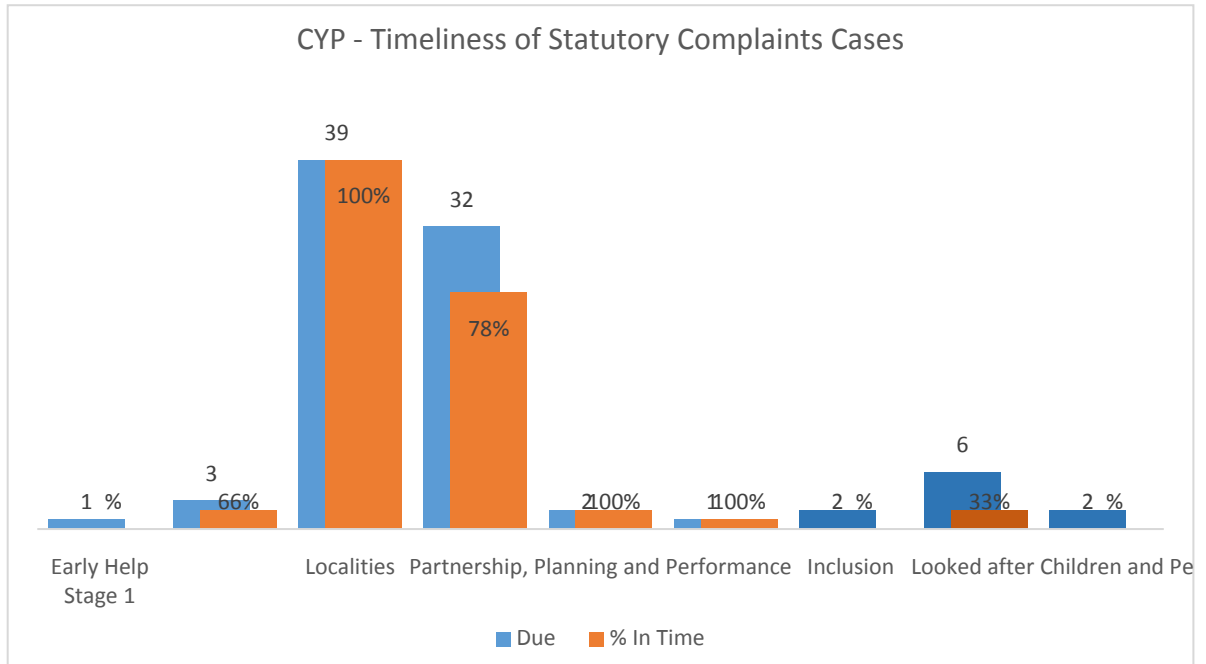
14. Examples of the types of issues that fall under each of the main reasons for a complaint are listed below:-

- **Alleged poor staff attitude** - much of the work of Localities staff involves them taking actions in connection with highly sensitive child protection or child in need issues, which parents or carers may not be in agreement with. This has for example led to complaints concerning the alleged limited impartiality of assessments.
- **Delay in the payment of financial support** – the complaint was that CYP did not recognise a kinship placement or that the child involved should be recognised as a looked after child (LAC) and that the Council had delayed in making the appropriate financial support to a LAC. The complaint investigation upheld the complaint and the outcome was to assess the amount of payment due.
- **Poor communication** - on completion of a child and family assessment CYP had not kept all the interested parties up to date with the completed assessment.

Timeliness of Responses

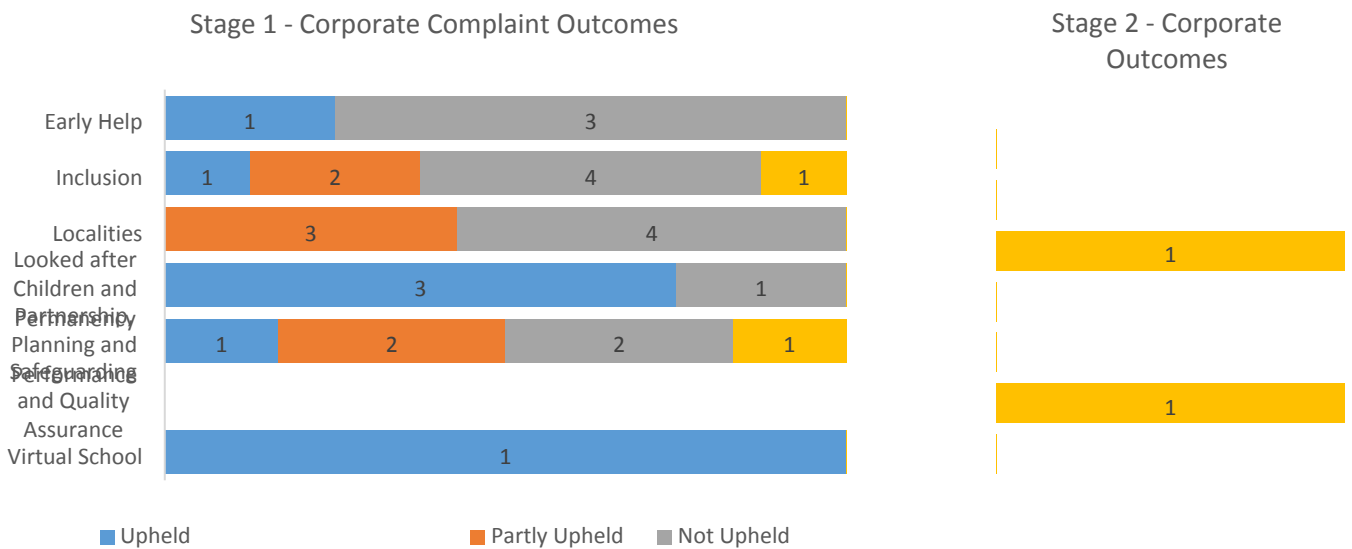
15. The chart below shows Stage 1 complaint response times by service area in 2016/17. CYP responded to 88% of all complaints within appropriate timescales. This is an improvement of 1% point on the previous year. In total 88% of statutory complaints and 88% of corporate complaints were answered within time. CYP needs to continue to have a strong focus in improving the timeliness and quality of responses in line with the Council target of 100%.





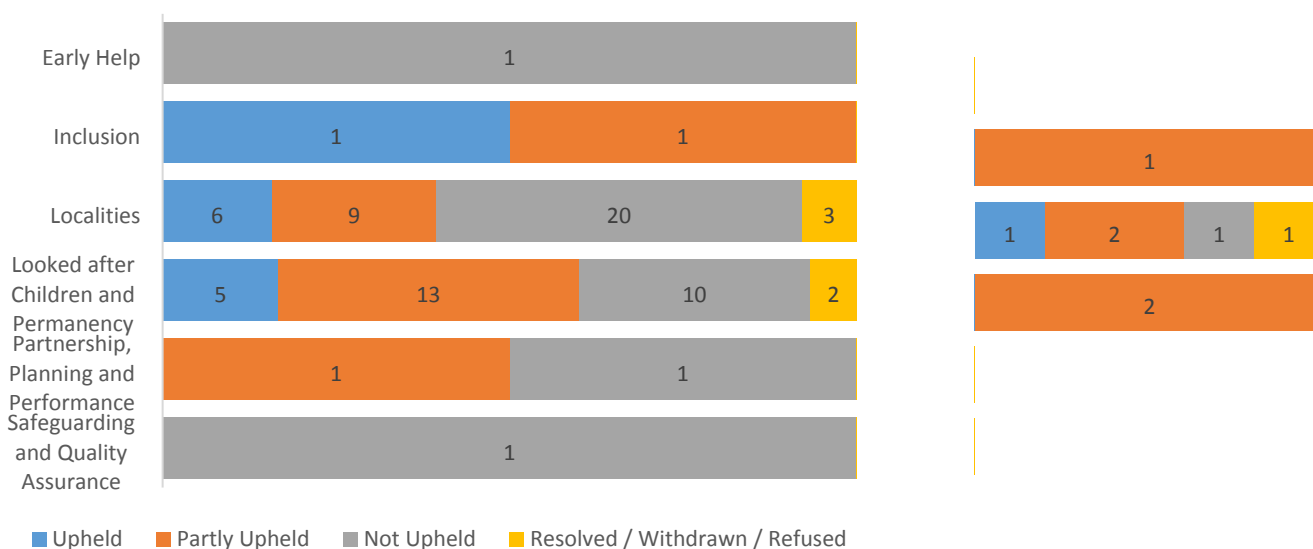
Complaint Outcomes

16. The chart below shows the outcome of complaints at Stage 1 and Stage 2



Stage 1 - Statutory Complaint Outcomes

Stage 2 - Statutory Outcomes



17. There were 104 cases decided during the year and in 48% of Stage 1 complaints CYP fully or partly upheld the complaint demonstrating a willingness by the service areas to admit errors or mistakes and to remedy the concerns raised.
18. A further 7% of complaints were resolved at the initial approach to the Complaints Service team.
19. The Council considered 8 statutory Stage 2 complaints and 2 corporate Stage 2 complaints during 2016/17. Of these 30% were resolved through intervention by Service Managers and the Complaint Service team. Some fault was found in 60% of cases and one case (10%) was not upheld. The Complaints Service team are working with managers in CYP, to improve investigation and correspondence skills when dealing with Stage 1 complaints.
20. Of the 6 cases in which fault was identified at Stage 2, one case progressed to Stage 3, however the review panel took place in early 2017/18 and has not been included in this 2016/17 report. Details of the six cases are summarised below:
 - The complaint concerned the way the Council had delayed the Child & Family assessment of a disabled child and the attitude of social workers to the complainant. The investigation partially upheld the complaint and it was agreed that the Council would complete a new child and family assessment, review the direct payment account and agreed for a mediation between the Council and complainant
 - The complaint concerned a child kinship placement with a relative. There were concerns about payments. The complainant was unhappy with the support received from the Leaving Care team. The complaint was partially upheld and the Council agreed to pay any allowances due, apologise and provide training for staff.

- This complaint concerned our failure to consider a complaint from a child about their parent and failure to properly record the child and family assessment and share the assessment with all parties. The Independent Investigator partially upheld the complaint and recommended: a) a meeting with the Operational Director; b) providing an apology; and c) paying compensation.
- The complaint relates to the actions of the social worker and manager in the course of undertaking a child and family assessment. This complaint was upheld and we agreed to hold a learning outcomes meeting to consider the findings with staff and that all staff should be reminded of statutory guidance on completing high quality assessments.
- The complaint refers to the complainant's involvement with the No Recourse to Public Funds / Intentionally Homeless team in CYP. This complaint was partly upheld. We agreed to discuss practice and learning points with staff and the need to record clear and accurate information.
- The complaint relates to the intervention of CYP, which resulted in the estranged parent making complaints regarding the child and family assessment. This was partly upheld and we agreed to remind staff of Freedom of Information legislation and the need for recording clear and accurate information.

Compensation

21. CYP paid out £7,977 compensation in 2016/17 on six cases. This is an increase from £1,250 in 2015/16. One complainant was awarded £25 at Stage 1, and three payments totalling £6,702 were paid at Stage 2. The payments were made due to a failure in procedures at a short break centre; an assessment that had not been completed correctly; and compensation payment to a LAC in conjunction with the staying put process. A further two payments came from Local Government Ombudsman decisions.

Local Government Ombudsman

22. The Local Government Ombudsman (LGO) received 15 referrals for CYP throughout the year and made decisions on 16 cases. Of the cases decided, 1 referral was closed after initial enquiries, 11 were referred back to the Council's own complaint procedure, 1 closed with advice given and 3 cases were upheld. The 3 LGO upheld cases are summarised below:
 - **Case 1:** there was a fault in the Council's records of its decision to commence child protection investigations which calls the decision into question. The LGO accepted the Council's remedy as agreed at the independent review panel and the LGO upheld the complaint.
 - **Case 2:** The Council did not accept the complainant as a Looked after Child, when they became homeless at 16. As a result they missed out on a package of care they would have been entitled to as a looked after child and care leaver. The Council had argued that this had happened nine years ago and is not in their time limit for complaints. The LGO disagreed and decided the Council should pay compensation of £500 and implement a plan to ensure the complainant was not

disadvantaged. This resulted in a Personal Adviser and a pathway plan being completed. A further payment was made towards missed payments according to our policies.

- **Case 3:** the complaint was that the Council had failed to keep the parent properly informed and updated when their children were under child protection plans. The LGO has asked us to pay £750 compensation.

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 CYP for managers and staff to use this 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 a delay in recognising a looked after child and delay in paying the due allowances.	<ul style="list-style-type: none"> • We agreed to provide refresher training for social workers in identifying Kinship Placements. • Provide Data Protection refresher training for Personal Advisors.
You told us about our failure to properly record information on assessments and to treat all partners equally.	<ul style="list-style-type: none"> • We agreed to remind staff of statutory guidance on completing high quality assessments and that these assessment should be shared with all interested parties. • To put in place a system for recording dates when assessments are given to the various parties.
Case related to the complainants involvement with the Intentionally Homeless Team in CYP.	<ul style="list-style-type: none"> • We agreed to review how we deal with those service users who are less keen to engage with us. • Provide clear written policies for the Intentionally Homeless Team in CYP.

Compliments

25. CYP logged 3 compliments on the iCasework database. This is lower than other Councils that we were benchmarked with. However this is not to say that we do not receive more compliments but we are not capturing them on the system.
26. Compliments can be recorded on the Council's comments system iCasework and managers are being encouraged to log any compliments. Here is an example of the one of the compliments received in 2016/17.
- A mother praised a social worker in the east locality team for her professional investigation, she listened and explained very clearly what was happening.

Martin Beasley
Principal Complaint Service Officer