



# Annual Report 2010-11 on Representations made under the Statutory Complaints Procedure

## 1. INTRODUCTION

1.1 This report considers complaints made under the Children Act 1989, Representations Procedure Regulations (England) 2006 for the period 1 April 2010 – 31 March 2011. This statutory procedure applies to complaints about Children's Social Care Services, as defined under parts 3, 4 & 5 of the Children Act. These services include the following provision:

- Family support services;
- Services for children with a disability;
- Care and protection of children & young people;
- Supervision orders;
- Adoption related functions

1.2 Children and Young People's Service has, within the Children and Young People's Service Plan, set out it's principles for service delivery. They include the following:

- Services are designed and delivered with children and young people at the centre;
- Services are based on the needs of children and young people not agencies and organisations;
- Children, young people and their families are encouraged to participate in service development and are asked for regular feedback about the services they receive;
- Assessments and decisions involve families and are transparent.

1.3 These principles make clear the commitment to provide services that are focussed on the needs of the user and that the views of the user are integral to that service delivery. In this way we will ensure that we continuously improve and develop services that help to achieve our stated priorities and ensure better outcomes for children and young people.

1.4 Our priorities for children and young people are that children and young people are safe, are able to contribute and are involved in positive activities.

1.5 We want to know what children, young people and their families think about our services and how effective they are. There are a number of ways in which to seek those views and we regard complaints as an important feature of the feedback process. The complaints procedure enables people to comment directly to the service, have those comments addressed and responded to.

- 1.6 Whilst every effort is made to ensure that our service provision is appropriate, timely, clear and inclusive we do know that on occasions, people may be dissatisfied by their experience. This may be as a result of a misunderstanding, a lack of information or a failing of an element of service delivery. We need to understand our service users' experience so that services can learn from any shortcomings and develop and improve.
- 1.7 We always encourage people to tell us if they are unhappy with or concerned about any aspect of our service. We understand that it is not always easy to speak out and so we seek to make sure that our procedures are accessible, open and well understood across our services. Children and young people have the support of the children's advocate, should they need it.

## **2. THE PROCEDURE**

Our complaints procedure is designed to make sure that problems are responded to without delay and without unnecessary complication. There are three stages:

**Stage One:** allows the people most closely involved with the service user to deal with the concern that has been raised. This is because often these colleagues are most familiar with the problem and understand what can be done to sort it out promptly.

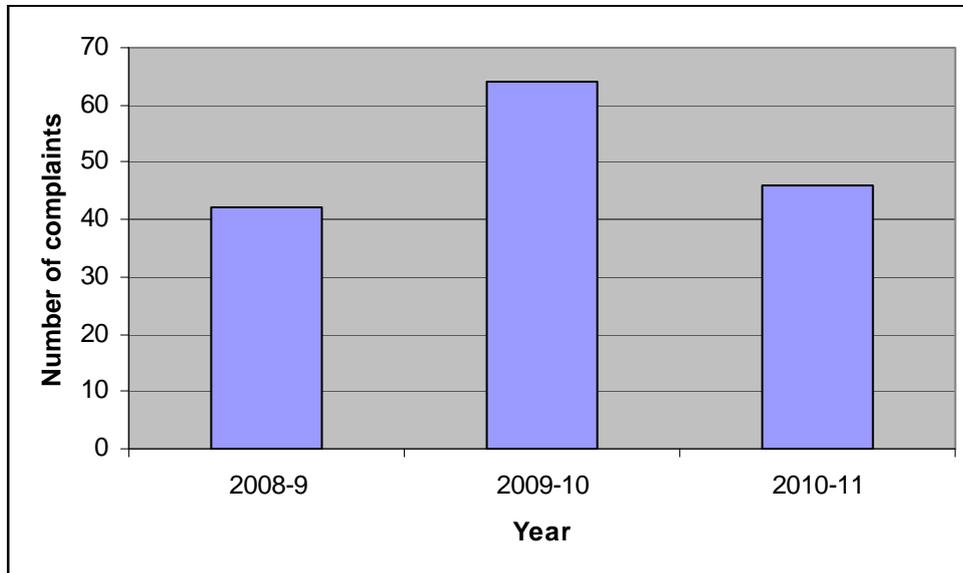
**Stage Two:** is a more detailed investigation of a complaint. This stage involves the appointment of an investigating officer. The investigating officer is independent of the service complained about. If the complaint is from, or about, a child or young person then someone independent of the council the 'Independent Person' oversees the investigation. The Independent Person provides an extra assurance that the complaint is investigated properly and fairly. The complainant will get a full report from the investigation, along with the responsible manager's decision.

**Stage Three:** is the final stage of the procedure. It is an independent review of the complaint. A panel of three people, who are all new to the complaint and who are independent of the Local Authority, will review the information from the Stage Two investigation. They will talk to the complainant, the Investigating Officer and the responsible manager. They then make recommendations to the Assistant Director of the Service, who must take them into account in reaching a final decision on the complaint.

### 3. ANALYSIS OF COMPLAINTS

(The charts in this section will compare figures for the past three years unless this is not possible because of changes to recording)

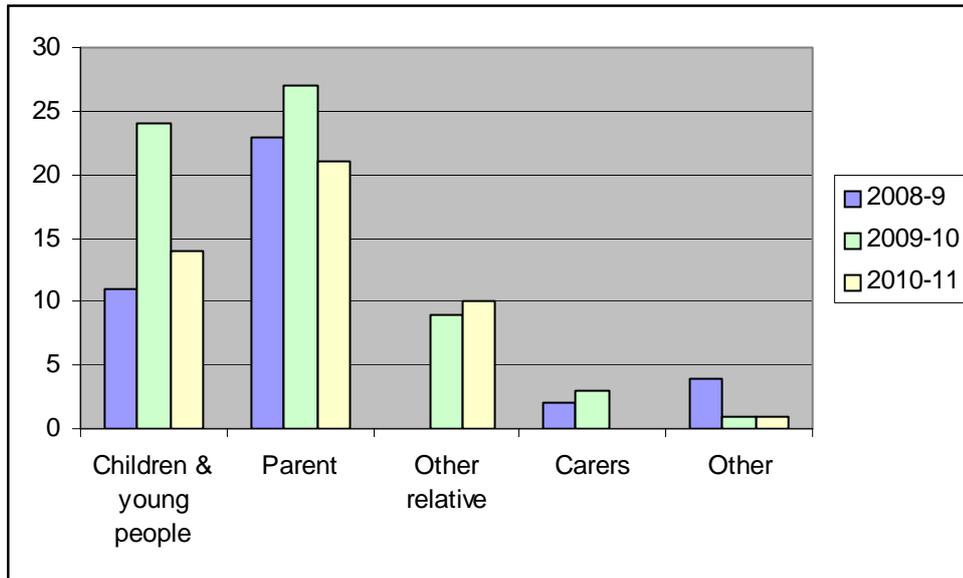
**Fig 1**



- There has been a significant reduction, of over twenty five per cent, in the number of complaints received this year, forty-six against sixty-four last year.
- Forty-three complaints were resolved at the first stage. Three complaints were investigated at stage two of the procedure. This is one more than last year but is broadly consistent with the pattern over recent years.
- All the complaints that were considered at stage two were from parents who were seeking to challenge the service because they considered that services that their children required were not being provided. In two of these complaints the parents' view of an appropriate service did not co-incide with the needs identified through assessment. These differences proved to be difficult to resolve and one parent has since opted for early referral to The Local Government Ombudsman.
- There have been no panel reviews held this year although one panel review was requested. The complainant subsequently asked that it be postponed and has not been able to indicate when he will be available.

**Fig 2**

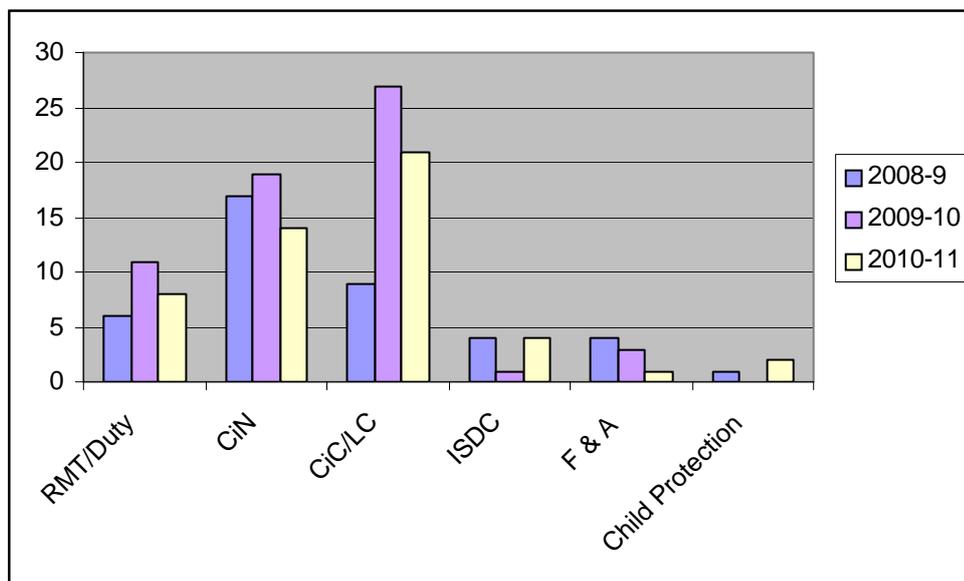
**Complaints by complainant**



- The largest proportion of complaints are made by parents. Twenty one complaints were made by mothers or fathers this year. A theme in complaints from parents is around lack of information and the feeling that they are not consulted as much as they would like. The work of Children and Young People’s Service must prioritise the needs and interests of the child, parents may from time to time interpret this as them not being fully included
- Fourteen complaints were made by children and young people on their own behalf, this represents thirty per cent of complaints. This is broadly consistent with previous years and again indicates that children and young people are able to access to the procedure. It also suggests that children and young people recognise the relevance of the complaints procedure in getting their concerns and worries addressed.

**Fig 3**

**Complaints by service area**



RMT = Referral Management  
CiN = Children in Need  
CiC/LC = Children in Care/Leaving Care  
ISDC = Integrated Service for Disabled Children  
F&A = Fostering and Adoption

The above chart depicts the complaints made by service area for each of the past three years. (The complaints represented here may not exactly represent the total number of complaints received because some complaints involved more than one service). The chart illustrates that over the last two years there has been an increase in the proportion of complaints made in relation to the Children in Care team and a small decrease in complaints in relation to the Children in Need/Safeguarding team. There are a number of reasons for this including:

- Systems for gathering the views of children and young people in care have become well established. This creates a climate in which children and young people feel confident their concerns will be listened to
- There have been a small number of parents who have made a series of complaints in an effort to have their views reflected in case planning.
- The application of learning from previous complaints resulting in improved systems within the CiN team and between that team and others has led to a decrease in issues that have been a source of complaint in other years. This includes the transfer of cases between teams and the use of open ended agreements with service users.

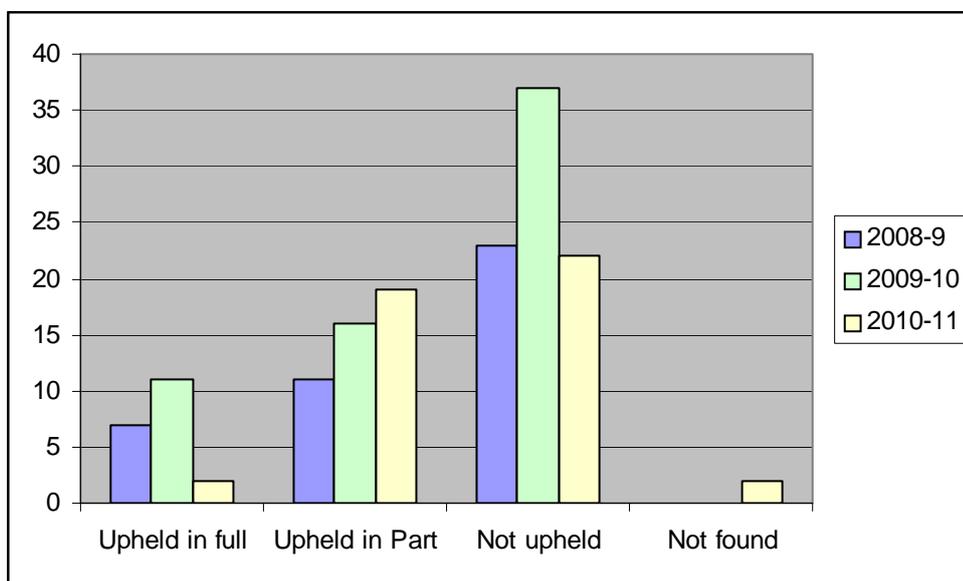
Complaints about the Children in Care/Leaving Care service include complaints from children and young people, parents and other relatives. Complaints from children and young people reflect a range of concerns including: issues within children's homes, appropriateness of their current placement and where they would like to live. Complaints from parents can be about the service they themselves have received or may be about the service to their children. Issues raised by parents include family contact, sharing of information or questions around the appropriateness of their child's placement.

The Children in Need/ Safeguarding service received fourteen complaints over the year. This represents a very small number in proportion to the total number of cases receiving a service and the complexity of the challenge that is presented by many of the issues with which the service is dealing.

The concerns raised about the CiN/Safeguarding service range from the complex, for example: resolving the appropriate provision to a disabled young person who would not engage at all and so frustrated all efforts at assessment, to the more straightforward such as a concern about a failing to respond to a request for a piece of information in a timely manner.

**Fig 4**

**Complaint finding**



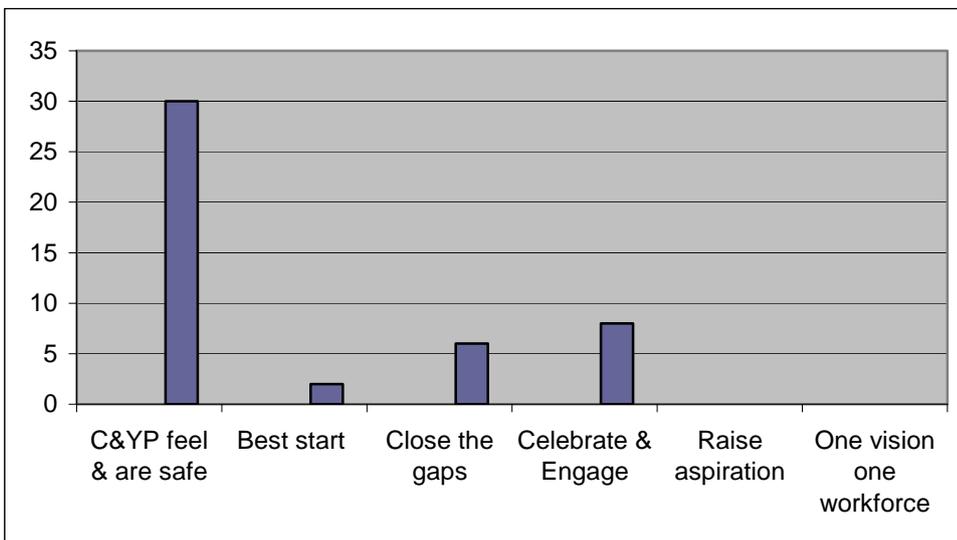
- Generally complaints will contain more than one element and it has been more usual this year to find that some elements were upheld and others were not. This reflects a recognition on the part of people dealing with complaints that It is important to ensure that each part of a complaint is carefully considered. A response to a complaint is not simply a defence of actions taken but a reflection on whether the action was appropriate and justified along with the impact that it has had. There is a trend for the majority of complaints to be determined as ‘not upheld’
- A very small number of complaints were upheld in all respects.
- Although a complaint may be not considered to have been justified there may be things that the service can learn from these complaints. These are used to drive further improvement in service provision For example complaints can often be caused by misunderstanding and poor communication and although the substance of the complaint is not upheld there may be actions or processes that could have been performed more effectively.
- Two complaints were deemed to be not found as there was not enough information to substantiate them one way or another

- Complainants want to have their concerns listened to and for them to be taken seriously. If they feel that they have been treated properly through the process then outcomes that were not necessarily the ones being sought, will be more readily accepted.

Children and Young People’s Service has stated the new strategic priorities for the service to be: raise aspiration, children and young people feel safe and are safe; best start; close the gaps; celebrate and engage; one vision one workforce. The chart below charts the priority against the complaint. This shows that over half of all complaints relate to the outcome children and young people feel safe and are safe.

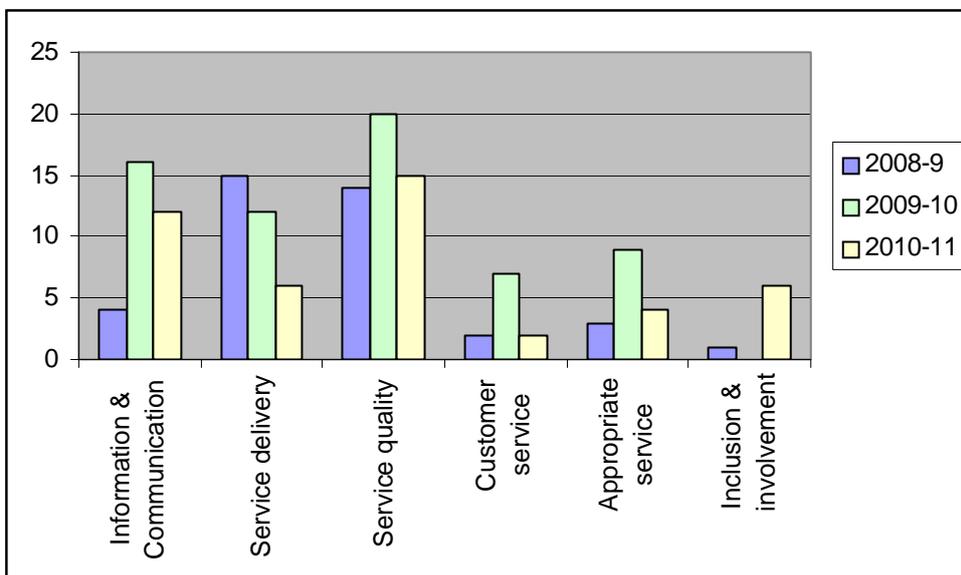
**Fig 5**

**Complaints by Children & Young People’s Service strategic priority.**



**Fig 6**

**Complaints by main issue**



The chart above compares the complaint subject for the past two years and illustrates that there has been a broad consistency in the issues that have been complained about. The areas of service delivery and customer service have seen the largest proportionate fall in complaints made. Service delivery relates to concerns about the actual service or perceived lack of service. Customer service refers in the main to comments about the way in which complainants consider they have been treated.

Support and training is offered to staff in assisting them to deal with service users who offer challenge. In addition services continue to make efforts to engage with service users and ensure that their views are sought. This approach has an impact both in service users recognising that they are being fairly treated and in their understanding of the services being delivered.

The graph shows an increase in the number of complaints made about inclusion and involvement. Although, this could be seen to contradict the paragraph above, this category, includes a number of complaints from children and young people who claimed that they had not been able to take part in specific events – rather than inclusion in a wider sense.

The above chart illustrates that for the year 2010-11 service quality is the largest category of complaint. This category will include issues such as delay in providing a service to inaccuracies in a report. The second most significant cause for complaint relates to information and communication. A theme arising from these complaints is that people do not understand reasons for actions being taken or feel they have not received accurate and timely information.

Actions taken in response to complaints about service quality included the following:

- Putting in place a clear agreement about level of social work contact so that service user expectations could be better managed and met.
- Review and where necessary revision of relevant strategies.
- Review of procedures to ensure that they are clear and effective.
- Putting in place arrangements to facilitate contact with wider family members
- Offer of explanation to parents in relation to the need for and process of assessment,
- Alternative accommodation provision being offered to a young person dissatisfied with quality of that provision
- Sharing information with parents, which helped to clarify the actions of children's specialist services.

Actions taken in response to complaints about information and inclusion included the following:

- Clarifying for parents the rights of a young person whilst recognising their concerns.
- Explanation of the nature of Children's Specialist Services involvement to parents and offer reassurances about their inclusion.
- Sharing appropriate information.
- Reassuring the complainant that children's views and wishes are sought and properly taken into account as part of the assessment process.
- Understanding a young person's concerns about the nature of Children's Specialist Services involvement and offer an explanation.

- Offering clarification and evidence to support the service position of fairness towards both parties.

Actions taken in response to complaints about service delivery/appropriateness of service and customer service include the following:

- Putting appropriate support in place.
- Review of systems to ensure support needs of family carers are promptly undertaken.
- Explanation of the reasons for a change in policy in a children's home.
- Acknowledging the positives of current service provision but pointing out the additional benefits of the proposed change.
- Addressing concerns about placements with young people and where appropriate finding new placements.
- Acknowledgement of the views of parents but offering explanation and clarification of the role of children's services in relation to meeting needs identified through assessment.
- Review of processes to ensure that service users get prompt responses.
- Ensure that there was improved communication and joint working between teams so that the appropriate advice is readily available.

## **Overview of the year**

### **Monitoring and Reporting**

During the year there has been a significant restructure of Children and Young People's Service to better meet the challenges for the future. Staff in all service areas have felt the impact of this change yet despite this services have continued to maintain a focus on their key responsibilities and as a result there has been a decrease, in the number of complaints received.

Following the changes in the structure of the CYPS the arrangements for reporting information on complaints have changed to reflect the new structure and responsibilities. In order to effectively monitor complaint information and embed learning appropriately across the wider service, reports are received by:

Corporate performance monitoring system

- These reports are an overview of numbers of complaints, broad subject of the complaint and numbers upheld.

Senior Leadership Team via reporting to the Assistant Director Localities & Partnerships.

- Identifying trends in complaints and wider learning across the service or in respect of policy.

A.D Specialist Services, Heads of Service & Service Managers at appropriate managers meetings.

- Looking at complaint information in respect of each service area and across specialist services. Considering what issues are being raised by complaints and what action should be taken in respect of the information gained from addressing these issues.

Children in Care Safeguarding meeting.

- Looks at the issues raised by complaints made by and on behalf of children in care. Identifies any actions necessary in response.

## LSCB

- Monitors complaint information particularly in relation to issues of a safeguarding nature.

## Learning From Complaints

Complaints offer a valuable opportunity for us to consider in depth aspects of our service and to gain information about the effectiveness of our services. It is important that we act on this learning and implement service improvements for the benefit of all service users.

The following are examples of the wider impact across services from actions taken in response to learning from complaints:

- Revisions to the Disabled Facilities Grant (DFG) applications procedure to introduce, for some applications, a requirement to involve children's services at a specific point within that process.
- Review of information sharing guidance given to staff to ensure that the rights of young people are respected.
- The development of provision and support for young people leaving care has been informed by the issues raised in complaints by young people.
- Protocols were introduced within and between teams to ensure that information was shared effectively.
- Change to Placement Panel processes to ensure scrutiny of placements previously not subject to review by that panel.

## Access

We continue to make efforts to promote access to the procedure. One key means of achieving this is to ensure that our staff understand the process and their role within it. The Complaints and Representations Manager continues to offer training in the procedure to ensure that staff are well informed about and confident in the complaints procedure and are able to support and advise people who wish to make a complaint. Complaints training is part of the CYPS training programme.

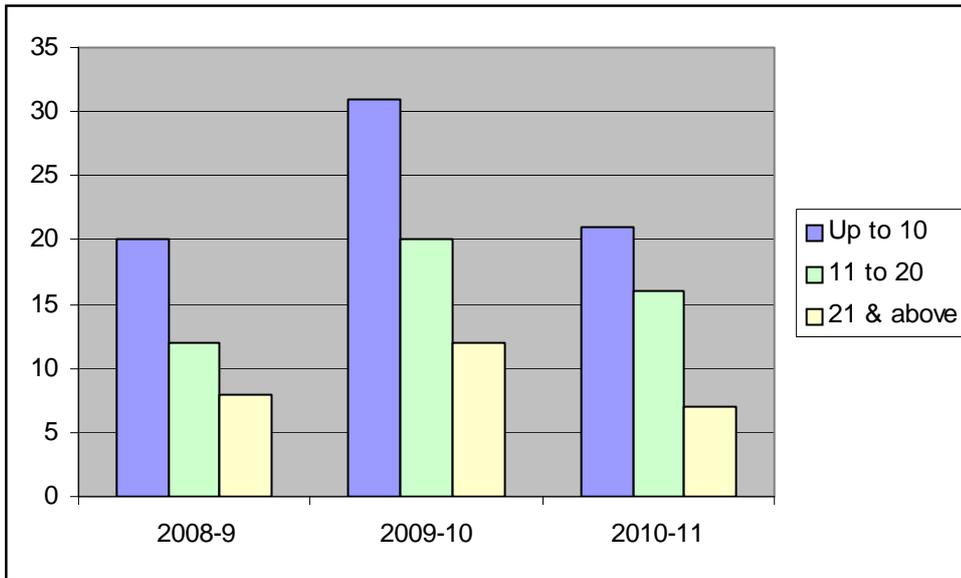
The CYPS gives out public information at key service delivery points. Children and young people are asked about the complaints procedure in their reviews and responses illustrate that they are aware of the process and know how to access it. Children and young people continue to have the support of the Children's Advocate in making complaints. Early intervention by the Children's Advocate assists in prompt resolution of issues of concern before they become complaints.

## Timescales

This chart shows the length of time taken, in working days, to respond to complaints from the date of receipt, or, in some cases, from confirmation of the complaint.

**Fig 7**

**Number of working days taken to respond**



Forty eight per cent of complaints were responded to in ten working days or less and a total of eighty four per cent received a response within in twenty working days or below. There are a number of reasons for those relatively small number of complaints taking longer than 21 days to respond to, they can be more complex complaints that involve a series of issues and so require more information gathering; there can be delays if the officer investigating the complaint wishes to meet with the complainant to discuss and resolve the concerns face to face; staff members or other individuals who may need to be interviewed may not be available. Efforts made to ensure that the first stage response is dealt with robustly, which can on occasion lead to delay, means that complaints are resolved and do not proceed to the next stage in the process.

This is a good performance particularly against the backdrop of a service restructure involving changing roles and responsibilities. A timely response to complaints is reassuring to service users and demonstrates that their concerns have been accorded a measure of priority.

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**September 2011**