

NORTH LINCOLNSHIRE COUNCIL

**CHILDREN, FAMILIES AND LEARNING
CABINET MEMBER**

ANNUAL REPRESENTATIONS AND COMPLAINTS REPORT 2016-17

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To present the Annual Representations and Complaints Report 2016-17 for social care services for children in line with statutory requirements.

2 BACKGROUND INFORMATION

- 2.1 There is a statutory requirement to present an annual report on representations and complaints received about services delivered under the Children Act 1989.
- 2.2 These statutory procedures confer on service users, or representatives acting on their behalf, the right to make representations about services. There is a requirement that local authorities address these representations, through a three stage procedure for complaints for social care services for children.
- 2.3 The Children Act procedure sets out three stages under which complaints can be investigated and heard. The guidance specifies the timescales for dealing with complaints at each stage.

3. OPTIONS FOR CONSIDERATION

- 3.1 To receive and approve the Annual Representations and Complaints Report for 2016-17 for children's social care services.

4. ANALYSIS OF OPTIONS

- 4.1 The complaints procedures and annual report meets the requirements of the Children Act 1989.
- 4.2 During 2016-17 there were 87 complaints about children's social care services, which represents a very small minority of open cases. The annual report provides a summary of the complaint categories and the outcome of the complaint.
- 4.3 The service uses complaints findings to inform service development and improvement. The report provides an overview of the actions taken as a result of complaints information.

5. **RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)**

5.1 None

6. **IMPLICATIONS FROM INTEGRATED IMPACT ASSESSMENT**

6.1 An integrated impact assessment has not been undertaken as this report presents a summary of findings from complaints that have been investigated in line with statutory requirements.

6.2 An accessible and transparent complaints procedure offers a route whereby any potential inequality can be challenged and so helps to ensure that services are able to fulfil their statutory duties in terms of diversity and equality. None of the complaints received this year cited equality and diversity as an issue.

7. **OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED**

7.1 None.

8. **RECOMMENDATIONS**

8.1 That the Annual Representations and Complaints Reports for Children's Social Care Services is received and approved.

DIRECTOR GOVERNANCE AND PARTNERSHIPS

Civic Centre
Ashby Road
Scunthorpe
North Lincolnshire
DN16 1AB

Author: Becky McIntyre

Date: 21 June 2017

Background Papers used in the preparation of this report

Getting the Best from Complaints. Social Care Complaints and Representations for Children, Young People & Others. DFES 2007.

Children Act Complaints Procedure

Annual Review 2016-17

1. Introduction

1.1 This report provides a review of the complaints and representations for statutory services to children and families for the year 1 April 2016 – 31 March 2017.

(For the purpose of the commentary in this report the term Children's Service(s) is used to describe the functions to which the statutory procedure applies, as set out below)

1.2 The scope of the report is in respect of complaints received under the terms of the Children Act 1989, Representations Procedure Regulations (England) 2006.

1.3 The Children Act procedure applies to representations about children's social care services and specifically services that are provided 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

1.4 The complaints procedure is designed to make sure that issues of concern, to service users or their representatives, are responded to without delay and without unnecessary complication. There are three stages:

Stage One: allows the people most closely involved with the service concerned to deal with the issue that has been raised. This is because usually these practitioners are familiar with issues raised and understand what can be done to sort it out promptly. Complaints at stage one should be resolved in under 10 days, however up to 20 days is allowed for more complex complaints.

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. If the complaint directly involves 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. The responsible manager is the senior officer of the service concerned.

Stage Three: is the final stage of the procedure, if required. 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, review the information from the Stage Two investigation. They talk to the complainant, the Investigating Officer and the responsible manager. They then make recommendations to the Director of the Service, who must take them into account in reaching the final decision on the complaint.

- 1.5 Complaints can be made by children and young people on their own behalf, by parents or carers and by any other person that the child wants to represent them, or who has a sufficient interest in the welfare of the child.
- 1.6 The key principles of the complaints procedure is that it is accessible, transparent and fair. The council wants anyone who has a concern about services to feel confident that they can raise their concerns and that they will be dealt with in a way that is independent and impartial.
- 1.7 The voices of children, young people and their families are central to service provision and are sought in a number of ways. From the child and family feedback form, at individual level of service, to consultation events around specific aspect of wider service provision and strategic approaches to service planning.
- 1.8 The complaints procedure is regarded as another means of capturing the voice of the child and the family. Whilst it is always hoped that the need to make a complaint would not arise, it is recognised that there will be occasions when, despite best efforts, services do not meet expectations of the people who use them. In those circumstances the complaints procedure offers a framework for hearing what people think of their service, for resolution of concerns and for learning about our service provision.
- 1.9 The council recognises that it is not always easy for individuals to make a complaint so that advice and, where required, support is available. Children and young people have the assistance and support of the children's advocate if they require it.
- 1.10 Complaints offer the opportunity to look in detail at areas of provision and at practice. In so doing they provide the opportunity to learn about what is working well and also about where services can be developed and improvements can be made.

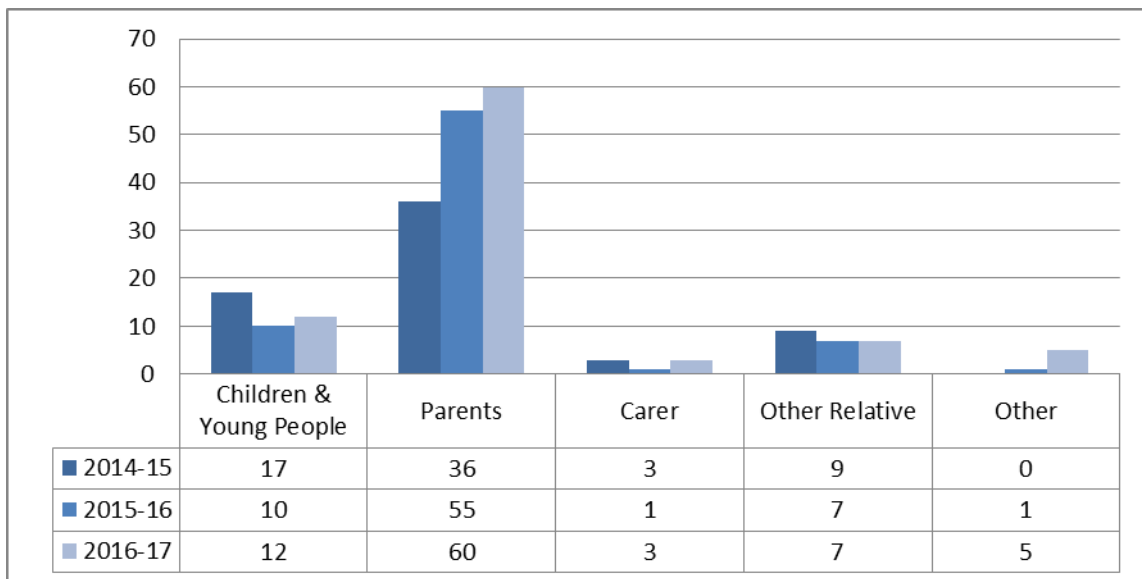
2. Analysis of complaints

2.1 Overview of complaints activity

| Year | Number of Complaints | Percentage of complaints to open cases |
|---------|----------------------|--|
| 2014-15 | 65 | 7% |
| 2015-16 | 74 | 8% |
| 2016-17 | 87 | 9% |

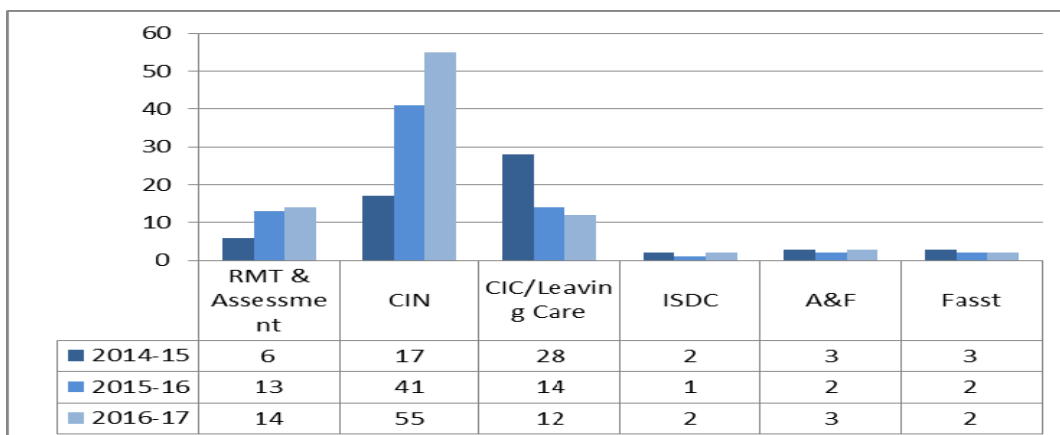
- 2.1.1 There has been a small increase in the number of complaints this year, however complaints remain at a low percentage of cases that are open to children's social work services.
- 2.1.2 One feature which continues to contribute to the increase in the number of complaints is those families who are involved in private law proceedings. Private law proceedings are held to resolve parental disputes in relation to contact and residence, children's services are involved when the court requests the provision of reports. A number of complaints were received within this context in 2016 -17 and there have been repeat complaints from parents who have not received the desired outcome through the court proceedings.
- 2.1.3 During 2016-17 three complaints were investigated at stage two of the procedure, one of was considered at stage two in the first instance, in order to provide the independence warranted due to the complexity of the complaint. Of the complaints investigated at stage two, one complaint progressed to independent panel review at the third and final stage of the procedure where independent panel members met with the complainants to hear their concerns and review the investigation. The concluding recommendation was to uphold the investigation findings. A prior year complaint was referred to the Local Government Ombudsman in 2016/17 and following consideration the Ombudsman decision is in support of the Local Authority investigation findings.

2.2 Complaints by complainant



2.2.1 Consistent with previous years the majority of complaints were made by parents in connection with their own experience of the service or on behalf of their children. There has been a small increase in complaints made by children and young people on their own behalf, representing almost 15% of complaints received. It is recognised that ensuring children and young people have a voice at all levels of service and that the child's view is central to their own service and support is an important feature of the council service delivery. Sometimes children and young people want the opportunity to express their concerns and that these are recognised but may not wish to frame them in a formal complaint; the council's advocacy service is in place to facilitate this. The advocacy service can also support and advice children in making a compliant through the formal procedure.

2.3 Complaints by Service Area



2.3.1 The trend for the majority of complaints is in relation to case management of children in need continues with complaints to those teams showing an increase. These teams offer services and support to children on a child in need plan and children on a child protection plan. These complaints include issues raised in relation to private law proceedings and reflect complainants who have made more than one complaint about linked issues.

2.3.2 A theme in these complaints is around information sharing; parents are sometimes unsure or unclear about plans, or the purpose of intervention and the complaints feature them feeling that they have not been kept sufficiently informed by the service. This can be a feature particularly where parents are not within the same household. Another area of concern for some complainants is that the response from the service to concerns parents have raised in respect of their children's wellbeing are not acted on robustly enough.

2.3.3 Complaints about child in care services have shown a slight reduction. Seven of these complaints were from children in care and were in connection with uncertainty about their plan; a wish to move closer to the home area; the way in which the young person was informed about a placement move and contact with their social worker.

2.3.4 Complaints about the Assessment Team (now part of Integrated Multi Agency Partnership) show little change over the year and in the main these complaints are about the assessment process. This is consistent with previous years, people who wish to dispute the grounds for the assessment being carried out or who wish to challenge the outcome can choose to use the complaints procedure to do so.

2.4 Complaint by finding

| | Upheld | Not Upheld | Upheld in Part | Not found |
|---------|--------|------------|----------------|-----------|
| 2014-15 | 2 | 42 | 19 | 2 |
| 2015-16 | 4 | 43 | 20 | 3 |
| 2016-17 | 5 | 50 | 16 | 15 |

2.4.1 The above charts illustrates that the majority of complaints are found to be not upheld. The additional clarification or explanation offered by complaint responses can mean that even when the complaint is not upheld complainants are reassured by the response and are satisfied that their concerns have been taken seriously.

2.4.2 A higher number of complaints have been concluded without a clear outcome and so are in the category of not found. This is due to the nature of complaints being received where it has been difficult to establish a clear outcome or finding to the complaint following investigation. In these cases the complaint is acknowledged.

2.4.3 One complaint was resolved shortly following receipt and prior to the response being sent, therefore is not included in the findings figures.

2.5 Complaints by main issue

| | 2014-15 | 2015-16 | 2016-17 |
|---------------------------|---------|---------|---------|
| Service delivery | 12 | 14 | 19 |
| Service quality | 27 | 25 | 33 |
| Appropriate Service | 2 | 0 | 0 |
| Information/communication | 17 | 29 | 26 |
| Inclusion/involvement | 6 | 4 | 4 |
| Customer service | 1 | 2 | 5 |

2.5.1 Complaints often reflect more than one area of concern. The categories above have identified the principal source of concern within the complaint. The complaints categories are as follows:

- Complaints about service delivery are about whether support has been provided, or concern on the part of the complainant that there has been a failure to provide a service.

- Appropriate service refers to complaints where a service has been provided but complainants feel that this service does not meet their needs or is not the service they were seeking.
- Complaints about service quality arise where there are issues, for example delays or inadequate standards, with the service being delivered rather than concerns about the nature of the service itself.
- Issues of communication and information relate to complainants concerns that they are not fully aware of Children's Services actions, plans or decision making.
- Complaints about inclusion and involvement are around complainants feeling they have not been appropriately involved or have been excluded from processes in which they consider they should have been a part.
- Issues included in the category of customer service concern for example issues raised about staff attitude and the way in which complainants feel they have been treated.

2.5.2 Complaints received this year are broadly consistent with previous years across all subject areas with a slight increase in complaints about service quality and a decrease in complaints about information and communication. Communication and information remains a key area for complainants and in some instances reflects a need for dialogue and reassurance on the part of complainants. In response to these concerns action has been taken with communication agreements being put in place with individuals and the appointment of a Customer Service Officer to offer support across the service and whose role is to offer a point of contact and communication when social workers are not available. The impact can be seen in the reduction in complaints about information and communication from almost 40% of complaint last in year in which communication is a significant feature to under 30%.

2.5.3 The summary of complaints below includes all complaints both upheld and not upheld.

Complaints made about **service delivery** covered the following themes:

- Plans not being clear or agreed
- Insufficient involvement by complainant in assessment
- Aspects of plans not being complied with
- Consistency of applying policies
- Confidentiality issues

In response to complaints about **service delivery** the services have:

- Provided clarity about plans, applications of policies, with further explanations and feedback provided to complainants
- Committed to review the information for children in relation to child order arrangements to make improvements
- Undertaken to review and further develop information for children in relation to child orders and arrangements.
- Identified and resolved a transport issue that had been a cause of non-compliance to plan.
- Reviewed the guidance in respect of third parties in meetings and appropriate sharing of information.

Complaints about **service quality** covered the following themes:

- Slow, unresponsive services and confusing processes
- Service not fully considering/meeting individual needs
- unsatisfactory standards of provision.

In response to complaints about **service quality** we have:

- Clarified and reviewed processes
- Revised arrangements to better reflect individual needs.
- Reviewed provision and support to ensure they are of appropriate standard.

Complaints about **information and communication** cover the following themes:

- Not being kept informed - timeliness
- Impact of delay not being communicated
- Advice not accurate
- Information to inform assessment not requested or shared.

In response to complaints about **information and communication** we have:

- Reviewed the arrangements for providing information and advice
- Reviewed systems to ensure the process for including each parent's views is strengthened
- Provided clarity and feedback to individual complainants

Complaints about **inclusion and involvement** and **customer service** include:

- Nature of questions asked in assessment process
- Response received when reporting a concern
- Comments made in relation to care of the children

- Lack of information and support

In response to these complaints we have:

- Provided clarity and explanations and follow up meetings.
- Review of process to ensure that children are given opportunity, when they need it, to revisit the reasons for their being in care.

3. Timescales

3.1 Complaints made under the Children Act procedure are subject to statutory timescales. Complaints at Stage One should be resolved in under ten working days, up to twenty working days can be taken for more complex complaints.

3.2 There has been an improvement in the timeliness of complaints being resolved at stage one within 20 working days, with almost 60% of complaints meeting this timescale compared to 44% in 2015-16. This is within the context of an increase in the number of complaints and the service is continuously developing the way in which complaints are considered within the appropriate service area.

3.3 Timescales apply to stages two and three of the procedure, Stage Two investigations should be completed and the response sent within sixty working days, Panel reviews should be held and the final response sent within fifty working days of the request.

3.4 Of the three investigation at stage two of the procedure one was concluded in fewer than 60 days and two exceeded the sixty day timeframe. Of those that took longer than sixty days one was as a result of delays in confirming the complaint with the complainant, the second was a complex complaint which required careful consideration around data protection issues.

3.4 The complaint that was heard at panel was responded to within the 50 day timescale.

4. Monitoring and reporting

4.1 Services actively use findings from complaints to inform them about their performance and to understand the views of the people who use those services. From this information they can identify areas for development or for confirmation that existing processes are working effectively. To ensure that information is used for effective learning over the year 2016 – 17

it has been reported to a number of groups across the service area and wider council detailed below:

Team Level Monitoring

- Safeguarding Children in Care - These meetings give consideration to the issues being raised by complaints made by or in relation to children in care. This links to the other information being presented to the group and assists in identifying what action should be taken to address these issues and to reduce the likelihood of any re-occurrence in the future.
- Meetings with Service Managers and Principal Managers as required. These meetings review complaints considering specific issues in relation to individual complaints and identifying any themes and cross cutting issues.

Service Level Monitoring

- Services report on complaints within their routine performance monitoring arrangements, thus informing the monitoring and service development. Information is reported to the responsible Assistant Director at regular performance meetings with senior managers. These meetings identify both the most significant individual issues and wider themes and issues and actions required, to ensure that any learning is implemented across the wider service and that any implications for policy or practice development are addressed. Information is in turn presented as required to other strategic and development groups, e.g. workforce development, to inform their actions. Information is included in regular service performance monitoring reports to the DCS to inform strategic planning.

Corporate Monitoring

- Complaints are reported on within corporate performance reporting presented to the council's senior management and elected members at their quarterly review of council performance. These reports provide an overview of numbers of complaints, broad subject areas of the complaint, complaints upheld and actions taken.
- An Annual Complaints Report is presented to the Cabinet Member.
- Reporting at this level allows for consideration of the implications for wider strategic and policy development.

5. Access

5.1 The council want to make sure that access to the complaints procedure is as straightforward as possible for anyone who wishes to use it. Information about the procedure is publically available through leaflets, the council website and shared at points in the service. The council wants children, young people and their representatives to understand how to make a complaint and that members of staff understand their role in offering advice and support to anyone who approaches them with a concern.

5.2 Independent guidance and support is available through the provision of advocacy. The Children's advocate offers support to all children and young people who receive a social care service and may wish to make a complaint or raise a concern about that service.

6. Conclusion

6.1 This report has described the operation of the statutory complaints procedure over the year 2016-17. It has described the complaints that have been made and the actions taken to resolve them. In the coming year we will continue to seek to improve the process in the following ways:

- Robust monitoring of the timeliness of complaint responses
- Ensure that all children are reminded of their rights to raise their concerns.
- Review and update the process and the information we provide to complainants.
- To continue to ensure that information from complaints continues to be effectively reported back to services to contribute to the process of learning and development.