

NORTH LINCOLNSHIRE COUNCIL

**CHILDREN, FAMILIES AND LEARNING
CABINET MEMBER**

ANNUAL REPRESENTATIONS AND COMPLAINTS REPORT 2015-16

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To present the Annual Representations and Complaints Report 2015-16 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 2015-16 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 2015-16 there were 74 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 OF PEOPLE

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Date: 8 June 2016

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.



Services to Children and Young People

Annual Report 2015-16:

Complaints and Representations (Children Act Complaint Procedures)

Status	Date	By Whom
Approved	June 2016	Becky McIntyre
Author Update	June 2016	Julie Pointon
Review Date	May 2017	

1. Introduction

1.1 This is the Annual Report on complaints and representations for statutory services to children and families for the year 1 April 2015 – 31 March 2016.

(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 This report is written to review 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

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 colleagues will be 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. 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 Principal Officer of the service concerned.

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, 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 Assistant Director of the Service, who must take them into account in reaching the final decision on the complaint.

- 1.4 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.
- 1.5 The principles of our complaints procedure is that is accessible, transparent and fair. We want anyone who has a concern about our 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.
- 1.6 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.
- 1.7 We regard the complaints procedure as another means of capturing the voice of the service user. Whilst we would always hope that the need to use to process would not arise, we recognise that there will be occasions when, despite best efforts, services do not meet expectations. 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.
- 1.8 We recognise that it is not always easy for individuals to make a complaint so we make sure that advice and, where required, support is available. Children and young people have the assistance and support of the children's advocate.
- 1.9 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
2013-14	40	6%
2014-15	65	7%
2015-16	74	8%

We have seen a small increase in the number of complaints this year, however complaints remain at a very low percentage of open cases.

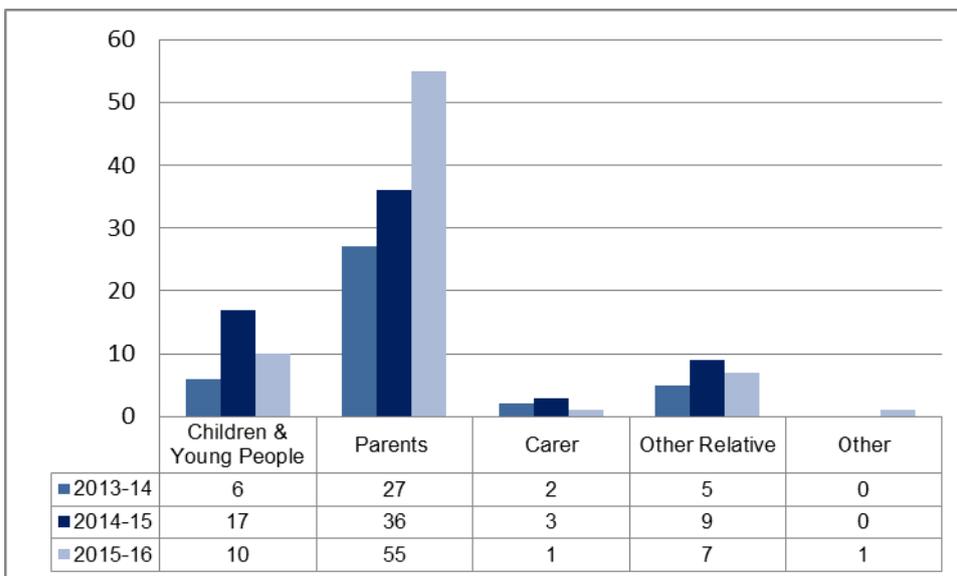
One feature of the increase is due to more families being involved in private law proceedings where children’s services are requested by the courts to be involved in providing reports and we have experienced a number of complaints in respect of this process.

There have been more complaints that have progressed to stage two of the procedure than in previous years. Four complaints were subject to independent investigation. Three had not been resolved to the complainant’s satisfaction at stage one and one went straight to independent investigation because the service had previously made extensive efforts to resolve the complaint informally, but had not been able to provide a response that satisfied the complainant.

Of the complaints investigated at stage two, one complaint progressed to independent panel review, as the complainant continued to be dissatisfied with the response following investigation. Independent panel members met with the complainants to hear their concerns and review the investigation and in their recommendations upheld the investigation findings.

No complaints this year have been referred to the Local Government Ombudsman. The LGO however did adjudicate on a complaint received in 2014-15. The LGO was satisfied with the resolution that was offered by the Local Authority.

2.2 Complaints by complainant

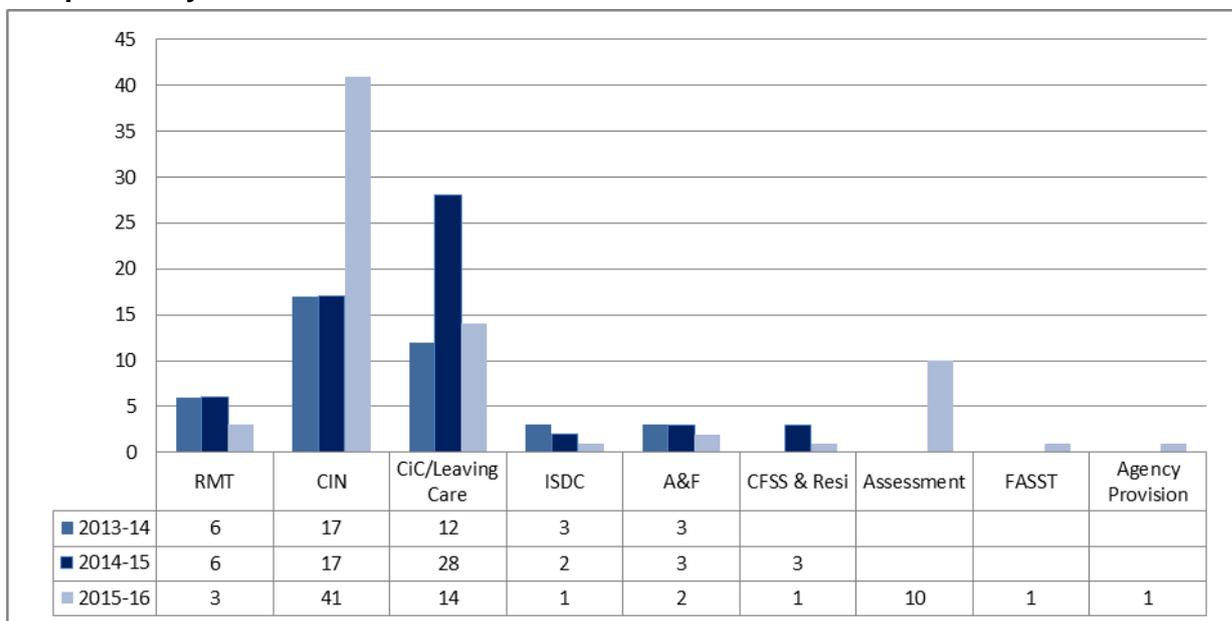


Fewer complaints have been made this year, in comparison to last, by children and young people on their own behalf. However the proportion of complaints at around 15% continues to demonstrate that children and young people are able to use the procedure and understand how

it can support them in having their issues of concern addressed. The Children’s Advocate works with children in care, leaving care, children in need and children with disabilities and is able to represent, or support them in representing, their own views. In many instances this means that children get support at an early point in the resolution of concerns, before they become a formal complaint. In the main the children and young people who have chosen to make a formal complaint have been supported and given advice about the procedure by the advocate.

The majority of complaints were made by parents, this is consistent with previous years although there has been an increase this year in the proportion of complaints made by parents. This increase in part reflects the impact of private law proceedings, as outlined above.

2.3 Complaints by Service Area



RMT = Case management - Referral Management

CIN = Case management - Children in Need

ISDC = Integrated Service for Disabled Children

CFSS – Child & Family Support service (now the fasst team)

CIC = Case Management - Children in Care (also includes Case Management - Leaving Care and residential home)

Assessment – Assessment Team

A&F – Adoption and Fostering

The chart illustrates an increased majority of complaints being made about the case management teams for children in need, this includes children who are on a child in need plan and children on a child protection plan. These complaints have concerned a range of issues, but a theme in a number of complaints has been around a lack of appropriate support and issues in relation to the sharing of information and communication.

Part way through this year the assessment team was formed, prior to this complaints in respect of assessments would have been included in the child in need case management teams. Complaints about that team reflect concerns around the assessment process, in the main relating to the outcome or the content of the assessment report. Parents use the complaints procedure to challenge the assessment where it contains information that does not reflect their views and wishes or they wish to challenge the grounds for children's services involvement. Complaints about assessments are broadly consistent with previous years.

Complaints in relation to the Children in Care team have reduced this year, which is consistent with the reduction in complaints made by children and young people on their own behalf. It is also the case that fewer parents have made complaints in relation to services to children in care. Concerns that adults have raised have been, in the main, in relation to arrangements for contact with the children and have been from parents and from other family members. Complaints from Children and Young people themselves have concerned communication and information sharing and questions about planning for their future.

2.4 Complaint by finding

	Upheld	Not Upheld	Upheld in Part	Not found
2013-14	2	27	8	3
2014-15	2	42	19	2
2015-16	4	43	20	3

Around 35% of complaints have been upheld in full or in part with just under 65% not upheld. This is broadly in line with previous years.

Although not upholding complaints we have been able to resolve them by offering additional information or explanation so that complainants have an improved understanding and consider that they have been listened to, even if it has not been possible to provide the outcome they were seeking.

2.5 Complaints by main issue

	2013-14	2014-15	2015-16

Service delivery	12	12	14
Service quality	10	27	25
Appropriate Service	1	2	0
Information/communication	12	17	29
Inclusion/involvement	5	6	4
Customer service		1	2

Complaints will usually reflect more than one area of concern. For example a complaint about the content of an assessment may cite a factual inaccuracy that has occurred because the complainants feel that they have not been sufficiently included in the process or that they have not been listened to. The categories above have identified the principal source of concern within the complaint.

Complaints about service delivery are about whether a support has been provided, or what the complainants consider is the 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.

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

Complaints made about service delivery include the following issues:

- Removal of funding for a service
- Backdated funding not agreed
- Disagreement with the plan, in particular about where a young person should live.
- That support the complainant considered necessary was not provided

- The reason for children's services intervention and the nature of that intervention was not fully explained.
- There was a lack of response when concerns were raised in relation to a child's wellbeing.
- Arrangements to support contact were withdrawn.

In response to complaints about service delivery we have:

- Reviewed procedure to ensure that consent to share information is obtained in writing.
- Confirmed protocols in relation to payments under Special Guardianship Orders
- Clarified the purpose and process of assessment
- Provided further explanation around the outcome of the assessment.
- Reviewed the use of standard letters in communicating the outcome of referrals.
- Considered information given about the referral process, to ensure that families are clear about what will happen.

Complaints about service quality include the following issues:

- Lack of openness in relation to the reasons for children's services intervention and the way in which this was explained
- Parents concerns that carers were not meeting their child's needs adequately.
- Insufficiently thorough assessment resulted in an inappropriate placement
- Delay in confirming arrangements for 'staying put'
- Parents' view and concerns not being taken into account and not adequately responded to by the service
- The content and factual inaccuracies in assessments
- Delays in the outcome of assessments.
- Inadequate support and service offered.
- Lack of understanding of cultural issues.

In response to complaints about service quality we have:

- Clarified that information was shared in a particular way to ensure that it was understood
- Confirmed and offered reassurance about standards of care
- Explained the process in response to concerns and clarified that some matters can only be resolved within the court arena
- Reviewed information given to carers in respect of 'staying put' and the policy to ensure greater clarity around 'staying put' arrangements.
- Offered a re-assessment to address the issue of inaccuracies.

- Issued a reminder to staff in relation to ensuring that parent's views are appropriately obtained and recorded.
- Explained the reason for delays in delivering outcomes from assessments.
- Implemented procedures for more robust monitoring of the timescales and progress of assessments.
- Confirmed that support that was assessed as required was offered.
- Explained that advice was sought in order to appropriately inform practice, invited the complainant to work with the service to identify any further areas where practice could be improved.

Complaints about information and communication include the following issues:

- Lack of contact with and response from social worker.
- Changes to contact arrangements were not effectively communicated.
- Lack of response to requests to make a change to unsuitable contact arrangements
- Complainants were unaware of what the plans were in respect of their children, or from children and young people that they were unaware of their own plan.
- Lack of responsiveness to concerns and delay in progressing plans
- Delay in progress of assessments and of sharing the outcome.
- That parents had not been given the information they felt they were entitled to receive, in relation to their children.
- Concerns and the process in relation to the investigation of allegations
- Lack of information about the outcome of the investigation of allegations.
- Inadequate notice given for meetings
- Change of worker and poor communication leading to a lack of progress in the assessment.

In response to complaints about information and communication we have:

- Put arrangements in place for communication with the worker and for alternative contacts should the worker not be available.
- Developed a 'staying in touch' plan for children in care, which will outline who they would like contact with and how often and contact details for appropriate people.
- Put in place arrangements for the supervising of contact to ensure that contact took place in future in line with agreements.
- Clarified that contact is in line with the children's wishes and feelings

- Apologised in relation to any lack of clarity about planning, ensured that plans were clear and understood.
- Undertaken a case audit to provide additional quality assurance in light of complainant concerns.
- Put agreements in place about when contact will be made between the worker and parents.
- Put measures in place to ensure improved communication.
- Agreed to a change of worker to ensure positive communication.
- Explanation of the role of Children's Services where a special guardianship order is in place.
- Ensured complainants understood the respective roles and responsibilities of the police and children's services in respect of investigating allegations.

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

- Parents views not being taken into account in planning or assessment.
- That workers were not listening to the complainants and were not taking sufficient account of the progress they were making.
- Workers being insensitive towards their concerns.

In response to these complaints we have:

- Offered apologies to complainants who have felt excluded or not listened to.
- Given further clarification around the processes in which the complainants were involved, to ensure their understanding.

3. Timescales

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.

Forty Four percent of complaints were dealt with in fewer than twenty working days. This marks a reduction in performance compared to previous years. The increase in the number of complaints has had an impact on timescales, as has an increased willingness for individuals who have concerns to pursue them through other routes, leading to a general increase in enquiries, which the teams are dealing with alongside their case work. Actions have been taken to improve responsiveness of complaint investigations.

4. Monitoring and reporting

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 it is reported to a number of groups across the directorate and the council.

Service 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 Area Monitoring

- 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 can in turn be 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. Services report on complaints within their routine performance monitoring arrangements, thus informing the service about qualitative aspects of performance and ensuring the information is integral to service monitoring and service development.

Corporate Monitoring

- Complaints are reported on within corporate performance reporting presented to the councils 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

We want to make sure that access to the complaints procedure is as straightforward as possible for anyone who wishes to use it. We ensure that information about the procedure is publically through leaflets and with information on our website and through information about the procedure shared at points in the service. We want children, young people and their representatives understand how to make a complaint and that our colleagues understand their role in offering advice and support to anyone who approaches them with a concern.

We make available independent guidance and support 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.