

NORTH LINCOLNSHIRE COUNCIL

**CHILDREN, FAMILIES, LEARNING AND LEISURE
CABINET MEMBER**

**CHILDREN'S SERVICES STATUTORY REPRESENTATIONS AND COMPLAINTS
REPORT 2017-18**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To present the annual Children's Services Representations and Complaints Report 2017-18 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 user, 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 2017-18 for children's services.

4. ANALYSIS OF OPTIONS

- 4.1 The complaints procedures and annual report meet the requirements of the Children Act 1989.

4.2 During 2017-18 there were 48 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 complaints.

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. OUTCOME OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

6.1 An integrated outcome 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 Report for Children's Services is received and approved.

DIRECTOR: GOVERNANCE AND PARTNERSHIPS

Civic Centre
Ashby Road
SCUNTHORPE
North Lincolnshire
DN16 1AB
Author: Janet Stopper
Date: 17 August 2018

Background Papers used in the preparation of this report

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

North Lincolnshire

Children's Services Statutory Representation & Complaints Report

Annual Review 2017-18

DRAFT
VERSION 1

Contents

This report provides a review of the complaints and representations for statutory services to Children and families for the year 1 April 2017 – 31 March 2018.

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

This report is set out as follows:

- Executive Summary
- Section 1: Introduction and Background
- Section 2: Analysis of Complaints
- Section 3: Complaint by Complainant Type
- Section 4: Complaints by Team
- Section 5: Complaint by Finding & Issue
- Section 6: Statutory Timescales
- Section 7: Reporting and Monitoring
- Section 8: Access
- Section 9: Conclusion

Executive summary

Volume:

- There was a decrease of 45% in the number of statutory complaints relating to Children's Services, compared to the previous year. This is the lowest level of complaints received in the last 3 years. Work has been ongoing in 2017-18 to resolve complaints received informally where possible, but to also use expertise and knowledge as to when to escalate through the formal process.
- 48 complaints have been received and when this figure is compared to service users it shows a 5% proportional figure. Compared to last year the proportional figure was 9% for complaints received from service users.
- 4% of the complaints received were upheld and 10% were upheld in part, which represents a relatively low percentage. The previous year showed 5% of complaints were upheld and 18% upheld in part.
- Children in Care Services and Children in Need Services have the highest percentage of complaints overall with a joint 73% of all complaints. In the previous year these two areas had a joint 77% of the overall complaints.
- Children in Care Services have shown an increase of 42% from last year, but are still comparatively low, with 17 complaints received for the year compared to 12 complaints last year.
- Children in Need have shown a 67% decrease from last year, with 18 complaints received this year compared to 55 complaints received last year.
- There have been six investigations at stage two and one at stage 3. This compares to three investigations at stage 2 and one at stage 3 in the previous year.
- There have been two Local Government & Social Care Ombudsman complaints. Neither of these complaints was investigated by the LG&SCO as they had not been through both stages of the council's statutory complaints procedure. This is compared to one complaint in the previous year received from the LG&SCO.

Timeliness:

- 40% of complaints were answered within 10 working days and 20% were answered within 20 working days. 40% were answered out of time.
- In the previous year 60% were answered in 20 working days.

Reason:

- Service Delivery and Service Quality were the highest category for complaints, with 77% of the complaints overall. This is where the service received has fallen short of what was expected. Both of these categories combined were 60% of the overall complaints categories in the previous year, with Information and Communication receiving 29%.
- The majority of Children's Services complaints – 73% - are made by parents, with children making 21% of the complaints. Compared to the previous year parents made up 68% of the complainants with children making 13% of the complainants. This shows that children are making more complaints this year either by themselves or through the council's advocacy service.
- Statistical complaint reports are produced for service managers on a quarterly basis to inform areas regarding their performance and the views of their service users. The reports form the basis for continuous learning and service development.



Section 1:

Introduction and background

- 1.1 This report provides a review of the complaints and representations for statutory services to Children's Services for the year 1 April 2017 – 31 March 2018.

(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 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 are 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 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.
- 1.8 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.
- 1.9 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.
- 1.10 Complaints offer the opportunity to look in detail at areas of provision and at practice. They provide the mechanism for continuous improvement and learning from feedback.



Section 2:

Anaylsis of complaints

2.1 Overview of complaints activity:

Year	Number of Complaints	Percentage of complaints to open cases
2015-16	74	8%
2016-17	87	9%
2017-18	48	5%

Stage One Statutory Complaints:

- 2.2 There has been a decrease of 45% in the number of statutory complaints in 2017-18 from the previous year. This is the lowest level of complaints received in the past three years.
- 2.3 The role of Customer care and communication lead officer is available for service users to discuss issues and concerns when a social worker is unavailable. This role has resolved many issues becoming complaints as the officer has regular communication with the social workers to discuss concerns so that they can be addressed informally at the first point of contact. In 2017-18 this role has specifically been used to informally resolve complaints, and has been one of the reasons for the decrease in complaints received by the children in need team, and subsequently lowering the complaint total across service.
- 2.4 A number of complaints are around the perceived lack of communication and support from family social workers. These complaints are normally not upheld as once the complaints are investigated it is found that the social workers were carrying out their normal day to day activities. Families sensitivity can by heightened and they often feel vulnerable to social work activities and issues with communication can be common. Where a relationship breaks down the allocation of a new social worker may be the only remedy.

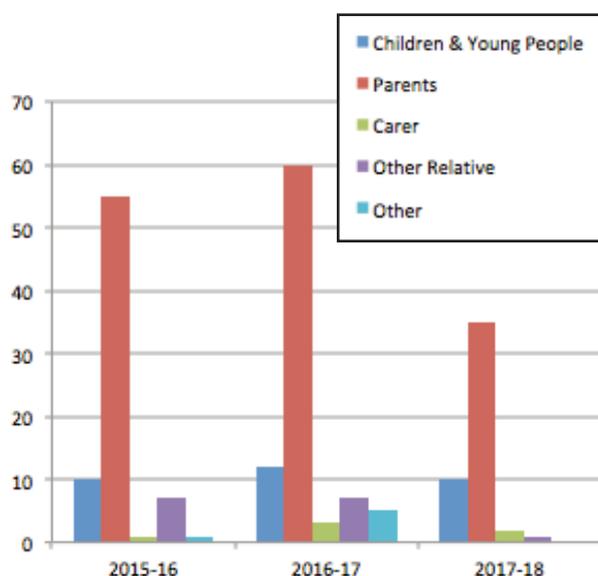
Stage Two Statutory Complaints:

- 2.5 During 2017-18, 6 complaints were investigated at the stage two part of the statutory complaints procedure, this compares to three investigations at stage 2 in the previous year.
- 2.6 On the advice of service managers it was decided that five of these would go immediately to stage 2, due to the complexity of the complaints. The other complaint went through stage 1 of the complaints procedure first, but the complainant was unhappy with their response at stage 1.
- 2.7 One of these complaints was suspended by the complainant themselves, due to the complainant accessing legal advice. One complaint has been investigated and the outcome was partly upheld. Another complaint at the stage 2 level was eventually resolved informally through liaison with the relevant service managers.
- 2.8 The finding of one of the stage 2 investigations was that the complaint was not upheld, but when the complaint progressed to a panel hearing the panel's findings changed the outcome and some elements of the complaint were upheld or not found. This complaint has since been escalated to the Local Government & Social Care Ombudsman by the complainant themselves and it is still being investigated, and should be concluded in 2018-19.

- 2.9 Two stage 2 complaints are still being investigated by an Independent Interviewing Officer, and these will be concluded in 2018-19.
- 2.10 There has been one investigation carried out at the stage 3 statutory process, which is a panel hearing, this is the same figure as the previous year.
- 2.11 There have been two Local Government & Social Care Ombudsman complaints. Neither of these complaints was investigated by the LG&SCO as they had not been through both stages of the council's statutory complaints procedure. In comparison there was one complaint received by the LG&SCO in 2016-17.

Section 3:

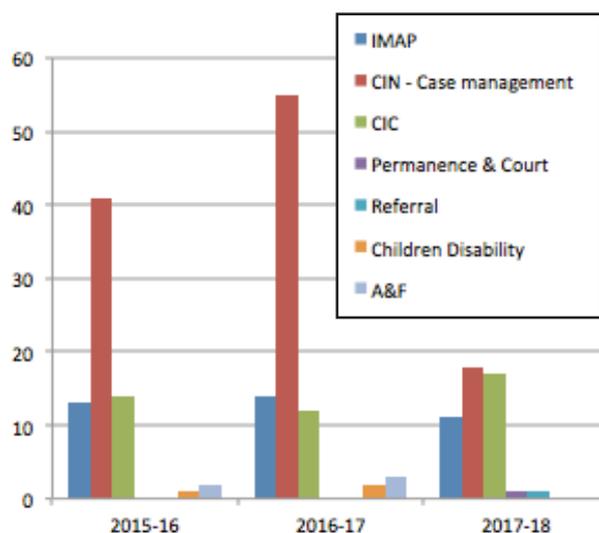
Complaints by complainant type



- 3.1 73% of complaints received were made by parents in 2017-18. This is especially when the children are young. Parents complain about the service from the families experience as a whole, or on behalf of their children.
- 3.2 There has been a small decrease in complaints made by children and young people on their own behalf, this being 21% of the overall complaints that have been received.
- 3.3 It is of the utmost importance that children and young people can express their concerns through a complaints procedure. Complaints from children and young people show a different perspective from a child's view, to the service that is being delivered. Children and young people complain to the council in various ways. They complain using the council's complaints leaflets, social media and they also use the council's advocacy service whose role is to support and advise children through the complaints process. One note to mention is that children do not seem to use the council's on-line complaints form. The reasons for this will be investigated in 2018-19 to find out why and investigate any barriers preventing them from doing this.
- 3.4 Carers and the Other Relative category are the lowest complainant categories this year, which is a lower figure to the previous year.

Section 4:

Complaints by team



4.1 The trend for the majority of complaints is in relation to children in need and of children in care, which is in line with previous years. There has though been a decrease in children in need complaints and an increase in children in care complaints in 2017-18.

4.2 A constant theme in the complaints received is around lack of communication and not being kept up to date with the process. Some complainants feel that they have not been kept sufficiently informed by the service. Complainants often complain that they have not received assessments, plans or minutes of meetings.

4.3 A lack of continuity with social workers, especially where a social worker has left the authority and a new social worker is allocated can be a complaint category. Some complainant's say that they have had many social workers allocated to them during their social worker interventions and are often not told when a new worker is appointed.

4.4 Complainants also complain about the perceived lack of support from their social worker. These complaints have been received from parents, relatives and children over the past year. Parents often suffer heightened periods of sensitivity during periods of social work intervention and complaints during these periods are often regarding communication and support issues.

4.5 Complainants often complain that the process of assessments can take too long and once they are received often challenge them for inaccuracies.

4.6 Children in Care:

Complaints about children in care services have shown an increase of 42%, but are still comparatively low, with 17 complaints received for the full year. The complaints range from dirty contact rooms, inaccurate and slow assessments, to a lack of support from social workers.

4.7 Children in Need:

Children in need have shown a 67% decrease, and are still the highest complaint area, with 18 complaints received for the full year. Complaints in this area range from a lack of support from the social worker, cutting corners with reports, to unfair treatment and lack of parental contact.

4.8 Assessment Team:

Complaints about the Assessment Team show a 29% decrease over the year and in the main these complaints are about the assessment process often being slow and inaccurate. 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.

Section 5:

Complaint by finding & issue

	Upheld	Upheld in Part	Not Found	Not Upheld
2015-16	4	20	3	43
2016-17	5	16	15	50
2017-18	2	5	6	35

- 5.1 The chart illustrates that the majority of complaints are found to be not upheld, which is lower than the previous year. Upheld in part complaints are also lower than the previous year. Upheld complaints are low, but are consistent with previous years.
- 5.2 Six complaints have been concluded in 2017-18 without a clear outcome and these are categorised as not found. This is due to the

nature of the complaints being received. Where it has been difficult, after the investigation has been concluded, to actually reach an outcome to the complaint these are recorded as not found. For example, this can occur when a complaint is made about something said in a conversation that has taken place, where the conversation was not recorded or had

- 5.3 Complaints by main issue:

	2015-16	2016-17	2017-18
Service Delivery	14	19	18
Service Quality	25	33	19
Appropriate Service	0	0	0
Information/Communication	29	26	6
Inclusion/Involvement	4	4	3
Customer Service	2	5	2

- 5.4 Complaints received this year are consistent with previous years across all complaint issue categories with the only real difference being in the category Information and Communication area, which is lower. Complaints mainly have more than one element of dissatisfaction. The complaint is allocated to the category best suited to the nature of the complaint.
- 5.5 In general the complaints issues are allocated in the following categories:

Service Delivery Complaints

- Complaints are received about the service delivery of Children's Services and these are about whether the appropriate support has been provided by the service. The complainant may also complain that there has been a failure to provide a service. Good service delivery provides service users with an increase in value, or a service.

Service Quality Complaints

- Service quality complaints occur when the family think that there are issues in the quality of service they are receiving. This differs from family to family, but for example it could include complaints about delays in assessments or standards that are below what is expected.

Communication and Information Complaints

- Complaints regarding communication and information relate to complainants concerns that they do not think that they are fully aware of their social workers actions, their plans or are involved in the decision making regarding their family.

Inclusion and Involvement Complaints

- Complaints about inclusion and involvement are around complainants feeling they have not been appropriately involved or have been excluded from processes or communication in which they consider they should have been a part of.

Customer Service Complaints

- Customer service complaints are regarding the attitude and behaviour of members of staff. Complainants can raise concerns about the way that the actions of staff made them feel.

5.6 The summary of complaints below includes all complaints both upheld and not upheld in 2017-18.

Complaints made about Service Delivery covered the following themes:

- Change of plan, when not agreed
- Lack of support when delivering the service
- The assessment process taking too long
- Inaccurate information in assessments
- Not enough involvement

- Minutes of meetings, assessments and plans not being supplied
- Lack of communication
- Issues regarding confidentiality

In response to complaints about Service Delivery the services have:

- Provided clarity about plans and the application of the policies
- Further explanations has been provided to complainants, via letter and telephone
- Minutes of meetings, assessments and plans have been provided, as necessary
- Additional support has been arranged, as necessary
- Increased social worker visits
- Appropriate communication channels established

Complaints about Service Quality covered the following themes:

- Slow services and often confusing processes
- Lack of support and communication from social workers
- The service not understanding and meeting the needs of the family
- Unsatisfactory standards of service provision
- Contact rooms are not fit for purpose

In response to complaints about Service Quality we have:

- Explained and reviewed the processes, as necessary
- Revised arrangements so that they meet the needs of the family
- Provided additional social worker support
- Parents can bring in toys to the contact rooms when contact takes place

Complaints about Information and Communication cover the following themes:

- Not being kept informed and the timeliness of response
- Not being listened to
- Lack of information about planning
- Parental contact and involvement

In response to complaints about Information and Communication we have:

- Reviewed the arrangements for providing information and advice
- Provided clarity and feedback to individual complainants
- Informed complainants that where assessments are ongoing the outcome will be shared once complete

Complaints about Inclusion and Involvement and Customer Service include:

- Contact issues
- Lack of information and support
- Contact arrangements not being followed
- Not being involved in the process as much as they would like

In response to complaints about Inclusion and Involvement and Customer Service we have:

- Established the allocation of a social worker to ensure contact arrangements are in place to reflect the children's views
- Follow up meetings and telephone calls to ensure the service user has fully understood

5.7 In addition we have reflected upon the importance of relationship-based practice, "Relationship-based practice is founded on the idea that human relationships are of paramount importance and should be at the heart of all good social work practice". Relationship based practice is embedded in the team and we ensure we show respect for individuals identifying that communication is key. In addition to this, we have resolved a number of concerns raised by parents by visiting them and talking through how they have felt and adapting practice depending on feedback. This has assisted with concerns not escalating to a complaint.



Section 6:

Statutory timescales

- 6.1 Complaints made under the Children's Act procedure are subject to statutory timescales. Complaints at Stage One should be resolved within ten working days and up to twenty working days can be taken for more complex complaints. Complainants are kept fully informed of these time scales throughout the complaints process.
- 6.2 The number of complaints that were responded to within 10 working days is 40%. The number of complaints which were responded to within 20 working days, at the stage 1 part of the complaints process was 20% of complaints, due to the complex nature of the complaint.
- Other complex complaints went over the timescale and the percentage of these was 40% of the complaints. Complainants are informed throughout the process of the reasons for any delays and are given an expected time scale for response.
- 6.3 In the previous year 60% of complaints were responded to at the first stage of the procedure within 20 days. This shows that the timeliness for response has stayed at a similar level.
- 6.4 Timescales apply to both stages two and three of the complaints procedure. Stage two investigations should be completed and the final response sent to the complainant within sixty working days. The stage three, Panel review should be held and the final response sent to the complainant within fifty working days of the original request.
- 6.5 Of the six investigations at stage two of the procedure three exceeded the sixty day timeframe. One was responded to at 63 days and one was responded to at 66 days.
- Two complaints are still being investigated. A complex case was received in December 2017 which has not yet been concluded, and one was received in February 2018.
- One complaint was suspended by the complainant themselves whilst they seek legal advice.
- 6.6 The complaint that was heard at the third stage panel review was responded to within the 50 day timescale.



Section 7:

Reporting and monitoring

7.1 Reporting

- Children's services use the findings from the complaints received to inform them about their performance and to understand the views of the people who use their services. From this information they can identify areas for development and continuous improvement.
- To ensure that this information is used for continuous improvement over the year, complaints are reported in the 'Quarterly Compliments and Complaints Report', which is presented to the leadership team.

7.2 Team Level Monitoring

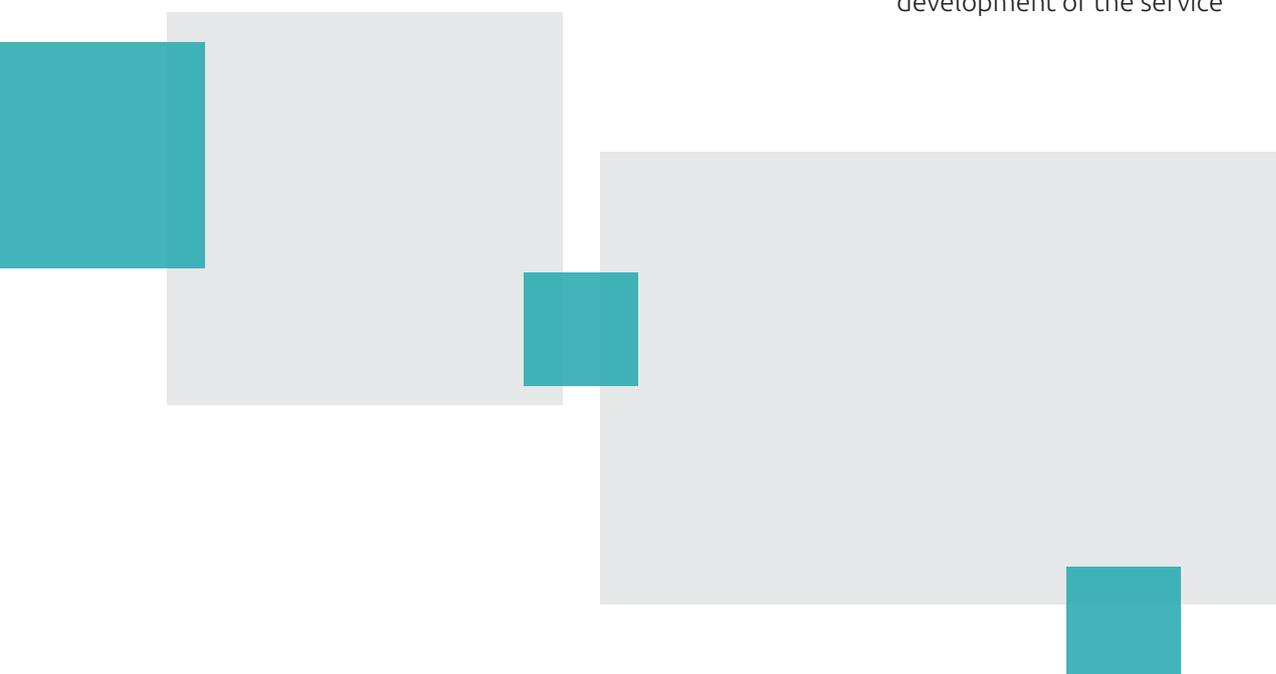
- Meetings with Service Managers and Principal Managers are scheduled as required. These meetings seek to review individual complaints considering specific issues and to seek to identify any constant themes which reoccur and find ways to address them.

7.3 Service Level Monitoring

- Attendance at ILACs/JTAI meetings where complaints performance is shared with Heads of Service.
- Children's Services report on complaints within their routine performance monitoring arrangements, thus informing the monitoring and service development. Information is reported to the responsible 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.

7.4 Reporting

- A Quarterly Compliments and Complaints Report is produced and distributed to Heads of Service and the Senior Leadership Team
- An Annual Complaints Report is presented to the Senior Leadership Team
- Reporting at this level allows for consideration of the implications for wider strategic and policy development of the service



Section 8:

Access

- 8.1 The council want to make sure that access to the complaints procedure is as straightforward and easy as possible for anyone who wishes to use it. Information about the complaints procedure is publically available through leaflets; the council's on-line complaints form on the website and are also available at the council's customer service points. The council wants children, young people and their representatives/advocates to understand how to make a complaint and that members of council staff understand their role in offering advice and support to anyone who approaches them with a complaint or a concern.
- 8.2 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 the service they have received. The Children's advocate offer independent advice and support for the child throughout the process, enabling their voice to be heard.

Section 9:

Conclusion

- 9.1 This report has described the operation of the statutory complaints procedure over the year 2017-18. 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:
- Continue the monitoring of the timeliness of complaint responses to ensure complaints are answered within time limits
 - Continue to remind children of their rights to raise their concerns and how to do this
 - Ensure that children are responded to in the most appropriate way using their communication channel of choice
 - Continue to ensure that information from complaints continues to be effectively reported back to services to contribute to the process of learning and development to contribute to continuous development
 - Develop and deliver a training plan to all council service managers who deal with complaints