

READING BOROUGH COUNCIL

REPORT BY REPORT BY DIRECTOR OF EDUCATION, ADULT AND CHILDREN'S SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES & EDUCATION COMMITTEE		
DATE:	7 NOVEMBER 2013	AGENDA ITEM:	18
TITLE:	ANNUAL COMPLAINTS REPORT 2012 - 2013 FOR CHILDREN'S SOCIAL CARE		
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SERVICE:	CHILDREN'S SOCIAL CARE	WARDS:	BOROUGHWIDE
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Children's Social Care recognises that there will be occasions when things go wrong and complaints are made. Complaints are an important source of information to help the Council understand where and why changes need to be made to improve the service provided.
- 1.2 The purpose of this report is to provide an overview of complaints activity and performance for Children's Social Care for the period from 01/04/12 to 31/03/13.
- 1.3 During this period the service received 77 statutory complaints of which:
- 22 were resolved through Alternative Dispute Resolution (ADR) with the Social Work Teams
 - 10 were withdrawn
 - 42 were investigated and completed
 - 3 were ongoing at the end of the reporting period
- 1.4 During the same period one complaint progressed to a Stage 2 investigation and three requests for Stage 3 investigations were received.
- 1.5 The Customer Relations Team have continued to raise awareness of the complaints process and in accord with recommendations from OfSTED have in particular worked with operational teams to encourage children and young people to submit complaints where they are dissatisfied with the service they receive.

- 1.6 The 'Children's Social Care Complaints 2012/13 - Summary Report' attached at Appendix A provides an analysis of the data; it explains how complaints are managed and how the learning is used to improve services. This will also be made publicly available through the Council's website from the 11th of November 2013.

2. RECOMMENDED ACTION

- 2.1 That the Committee notes the contents of the report and intended actions to further improve the management of representations and complaints in 2013/14 for Children's Social Care.
- 2.2 That the Committee notes the continuing work to raise awareness of the complaints process and encourage its use by children and young people in 2013/14.

3. POLICY CONTEXT

- 3.1 The NHS & Community Care Act 1990, Children Act 1989, The Children's Act 2001 and Department of Health, and Department for Education and Skills Guidance & Regulations require that the Children's Social Care service sets up and maintains a complaints procedure. They also require that Local Authorities operate the procedure within specified time scales and methods of investigation and that a summary of statistical information on complaints and a review of the complaints process are included in the annual report.

4. ACTIVITY

- 4.1 The Council operates a 3-stage procedure in respect of statutory complaints about Children's Social Care made by 'qualifying individuals', as specified in the legislation. Qualifying individuals are defined in national guidance as the child or young person, their parent, carer or foster carer or 'anyone who could be seen to be acting in the best interests of the child'. The timescale for responding to complaints at Stage 1 is 10 working days, which can be extended to 20 working days in certain circumstances. The Customer Relations Manager who is the designated Complaints Manager for the Council also has to be aware of all complaints as they are being dealt with.
- 4.2 Reading Borough Council's Corporate Complaints Procedure gives an opportunity for those who do not qualify under the social services legislation, to still be able to complain about Children's Social Care.

5. CONTRIBUTION TO STRATEGIC AIMS

- 5.1 The Complaints Service provided by the Customer Relations Team contributes to the Service's aims to enhance emotional wellbeing and deliver outstanding services for children in need and those needing protection. It does this by providing an impartial and supportive service to children and families who wish to complain or raise a concern and ensuring that there is learning from complaints.

6. COMMUNITY ENGAGEMENT AND INFORMATION

- 6.1 Information about the complaints process is provided verbally to service users via the Social Care Teams and Independent Reviewing Officers as well as the Customer Relations Team. Leaflets on the procedures are widely distributed and available in a variety of formats and languages on request. Over 630 compliments / complaints leaflets were distributed in 2012/13, compared to 550 in 2011/12.
- 6.2 In all Children's Looked After Care reviews and Child Protection conferences, the Chair always specifically mentions the complaints process so that our most vulnerable children are regularly reminded of their right to complain and a leaflet is given out. Service users are also able to complain via the web, text, in person, by phone and in writing or via an advocate.
- 6.3 The Children in Care website continues to have a direct link to the complaints service and the Customer Relations Team has published the details of the Customer Relations Manager and our advocacy provider with Care Matters, Voice and National Youth Advocacy Service (NYAS). These are organisations who all offer a free help line support to children in care.
- 6.4 Translation services are provided for complainants whose first language is not English and advocacy support is available for young people who wish to make a complaint.

7. EQUALITY IMPACT ASSESSMENT

- 7.1 The Customer Relations Manager will ensure that the statutory complaints process is accessible to all customers regardless of their race; gender; disabilities; sexual orientation; age and religious belief.
- 7.2 The statutory complaints process is designed to ensure that any concern or issue faced by vulnerable children and their carers is addressed in a timely and impartial manner.

8. LEGAL IMPLICATIONS

- 8.1 The Statutory foundation for the Children's Social Care Services Complaints Procedures are The Local Authority Social Services Act (1970), The Children Act (1989), The Children Act (2001), The Human Rights Act (1998), The Adoption and Children's Act (2002) and The Children's Act 1989 Representations Procedure (2006).
- 8.2 It is a requirement of the Department of Health's Standards and Criteria for Complaints Management for Children's Social Care that an annual report on complaints activity is presented to a public meeting.

9. FINANCIAL IMPLICATIONS

- 9.1 There are no Capital or Revenue implications arising from this report.
- 9.2 **Value for Money** - The Council's Customer Relations Team provides value for money in effectively discharging the complaints process for Education, Social

Services, Housing and some areas of Corporate Resources by attempting informal resolution of complaints and also ensuring that most statutory complaints are resolved within the Stage 1 process so that expensive Stage 2 investigations and Stage 3 Panels are minimised.

9.3 **Risk Assessment** - There are no specific financial risks arising from this report.

10. **BACKGROUND PAPERS**

10.1 'Getting the Best from Complaints' Government Publication, August 2006

CHILDREN'S SOCIAL CARE COMPLAINTS 2012/13 SUMMARY REPORT

Introduction

This is a summary report of the data for complaints received by Children's Social Care for the financial year 2012/13. This report will also be made available to the public through the RBC website following agreement of the report at the Committee Meeting on the 7th November 2013.

There could be many factors that affect the number of complaints such as satisfaction, awareness of the complaints process and the extent of promotional activity. Therefore a high number of complaints should not be interpreted as meaning the Council is providing a bad service, whilst at the same time a low number of complaints should not be interpreted as meaning people are satisfied with the service.

When interpreting the meaning of the complaints statistics it is important to take into account not just the number received but the number and proportion that are upheld.

The Council welcomes feedback through complaints, because they can reveal a deficiency in practice, policies and procedures. It is from these that the Service and those who work in it can continue to learn and improve practice and service delivery.

Summary of Compliments and Complaints Activity, Quality Assurance & Learning

This report details information for the past year and analysis of the data, quality assurance and information on service developments as a result of learning from complaints.

Under the current monitoring system, information about complaints received directly by teams is reported to the Customer Relations Manager upon receipt. This is to ensure that the Customer Relations Manager is aware of all current complaints in order to monitor their progress and highlight cases that can be resolved through Alternate Dispute Resolution (ADR) to Team Managers and senior staff.

Statutory Complaints Procedure

Complaints dealt with through the statutory procedure involve three stages.

At Stage 1 complaints are investigated and responded to by staff in the relevant service area.

If the complainant remains unhappy, they have the right to progress their complaint to Stage 2. Consideration of complaints at Stage 2 is normally achieved through an investigation conducted by an Investigating Officer and an Independent Person. The Independent Person is involved in all aspects of consideration of the complaint

including any discussions in the authority about the action to be taken in relation to the child. At the conclusion of their investigation the Independent Person prepares an independent report for adjudication by a senior manager (usually a Head of Service).

Where Stage 2 of the complaints procedure has been concluded and the complainant is still dissatisfied, they are eligible to request further consideration of the complaint by a Review Panel at Stage 3. The Panel must consist of three independent people.

The Statutory Children's Social Care Complaints process encourages the complainant and the local authority to consider **Alternate Dispute Resolution (ADR)** at every stage of the complaints process. This means resolving a complaint or concern informally through a face to face meeting or telephone discussion. Entering into ADR does not restrict the complainant's right to request a formal investigation at any stage. It is the complainant's right to request the presence of the Customer Relations Manager at any face to face meeting.

Quality Assurance

The Customer Relations Team carry out checks of all Stage 1 complaint responses to ensure the quality of the response and that the language and terminology used is made easy for the complainant to understand, particularly if the complaint is from a child or young person. Statistics indicate 100% of responses were checked by the Customer Relations Team before being sent out. The findings and recommendations are shared regularly with senior managers. The Customer Relations Manager and her Team are also available to the complainant and the investigator for advice on best practice during the complaint investigation, but remain impartial.

The Customer Relations Manager delivers training on investigating and responding to statutory Stage 1 complaints and also on the Corporate Complaints Procedure. The Customer Relations Manager also attended Team Meetings to provide training and advice to front line staff.

The Customer Relations Team promote the Social Care complaints service. Promotional activity has included outreach work to external groups, publicity material for staff, children and young people and close links with the National Youth Advocacy Service (NYAS). This is the body who are currently providing advocacy support for children and young people wanting to make a complaint or representation. Parents or carers with learning difficulties or other needs are also provided with Advocacy support through the West Berkshire Advocacy Service (Webcas).

The Customer Relations Team has also improved processes to ensure upcoming responses are discussed and monitored at weekly meetings. The Social Care staff are in more regular contact with the Customer Relations Manager and her team and are aware of their processes which has led to improved joint working for the benefit of the complainant.

Quarterly reports are prepared for the Head of Children's Social Care and her Senior Management Team on Social Care complaints received.

It is believed that taken together these measures have been successful in improving the resolution of complaints at Stage 1. Whilst the number of complaints responded to within timescale has declined fewer complaints have escalated to stage 2, which suggests that although the stage 1 responses are taking longer they are also more thorough; leading to a reduction in the number of stage 2's.

Support Network

The Customer Relations Manager participates in the Southern Region Complaints Managers' Group, which continues to support Customer Relations and Complaints Managers in sharing good practice, both nationally and locally. Where cases are complex the Customer Relations Manager often seeks advice and guidance from Legal Services and the Local Government Ombudsman's advice line.

Learning from Complaints

Complaints and concerns provide essential and valuable feedback from our clients and customers. Listening to customers and reflecting on examples of where we have not got it right can reveal or highlight opportunities for improvement (for example, a deficiency in practice, communication or service delivery). Even if a complaint is not upheld, lessons can be learnt from that complaint with service developments and improvements as a result. The complaints process and the feedback gained is an integral part of the quality assurance process, which feeds into the development and monitoring of services. Learning from complaints is reviewed by Social Care teams regularly at their team meetings. Below are two key themes around learning and some examples of learning from complaints in the past year.

Communication

- The importance of communication between local authorities needing to be clear and also to be recorded thoroughly and to be reiterated to all staff
- Within operational team meetings and within the complaints training course all staff have been reminded of the need to respond to telephone messages from all customers within 48 hours of the message being received by the team.
- Staff to be reminded that Communication and explanation about procedures and services offered needs to be clearer with service users and interested parties.
- To be reiterated to staff that following meetings with service users and partner agencies it is vital that all agreements made at meetings and outcomes of panels must be communicated in writing to ensure that there is no misunderstanding.

Operational

- Operational managers have recognised that it is important to ensure that when a change in Social Worker occurs, a formal handover with a full exchange of information and diary dates need to take place so that the new Social Worker has a good understanding of the case they are taking over. A Process has been put into place to ensure this happens.

- Within operational team meetings all Social Care Staff have been reminded of the need to be aware of the importance of timely and accurate case note recording. This is also discussed with staff at supervision meetings.
- Managers have been reminded to ensure that all staff receive training around confidentiality and data protection as part of their induction programme.
- Within the Learning Disability team it is important to have a process to ensure that there is the offer of a contingency plan to support families who may have issues around Direct Payments.

Complaints Activity Statistics

In the year 2012/13, Children's Social Care received 77 statutory complaints; an increase of 7 (10%) compared to the 70 received in 2011/12.

To give this some context, in 2012 - 2013, 1681 individuals in total were referred to Children's Social Care. The number of statutory complaints represents 5% of the total number of referrals for the service last year.

Of the complaints received in 2011/12, 3 were still on-going at the time the annual report was prepared. Of these 3 complaints, 1 was Upheld, 1 was Partially Upheld, and 1 is on hold pending other processes taking place. Both the complaints that were resolved were sent out within timescale.

Of the 77 complaints received during 2012/13, 22 were resolved as representations informally through Alternative Dispute Resolution (ADR) with the Social Work Teams.

10 of the remaining 55 complaints were withdrawn by the complainant after the investigation had commenced. 8 of these were withdrawn due to lack of engagement, and 2 were dealt with through a different process.

42 of the remaining 45 complaints were completed to an outcome, with the remaining 3 complaints still being investigated at the end of the period covered by this report.

One of the complaints received and investigated during the year at Stage 1 progressed to being investigated at Stage 2. This investigation is still on-going. (One other Stage 2 complaint is still currently on-going, but this was received in 2011/12, so this complaint is not included in the statistics covered by this report). One complaint was investigated at Stage 2 without a Stage 1 investigation being carried out. This was requested by the complainant and agreed by The Customer Relations Manager due to the complexity of the case.

Three Stage 3 complaint requests were received during 2012/13. Of these, one was resolved during the year, and two were still on-going at the end of the period covered by this report.

Of the 42 complaints investigated to an outcome, 26 (62%) were responded to within timescale, with 15 (36%) being responded to within 10 working days, and a further 11 (26%) responded to within 20 working days.

Of the 42 complaints, 8 (19%) were recorded as either fully or partially upheld, 12 (29%) as not upheld, 2 (5%) as having no achievable outcome, and 20 (48%) were complaints with multiple strands where several outcomes were recorded. These 20 complaints involved 100 separate complaint points, of which 31 were found to be Upheld, 17 were Partially Upheld, 46 were Not Upheld, and 6 had No Outcome recordable against them.

Total number of Stage 1 complaints (including those resolved by Alternative Dispute Resolution (ADR) and eventually withdrawn) received in the last 5 years

Year	Number of complaints received	% Increase against previous year
2008/09	34	
2009/10	43	26.5
2010/11	55	28
2011/12	70	27.3
2012/13	77	10

Outcomes for those Investigated

Outcome	Number	% of Total
Upheld	5	11.11
Partially Upheld	3	6.67
Not Upheld	12	26.67
No Outcome	2	4.44
Multiple Outcomes	20	44.44
Ongoing	3	6.67
Total	45	100

Timescales

Total Investigated to an Outcome	In Timescale	% of Total	Over Timescale	% of Total
42	26	61.9	16	38.1

Main Theme of complaints investigated/investigation on going during 2012/13

Theme of Complaint	Number	% of Total	No. with Fully Upheld Elements
Service provision	22	48.89	9
Conduct of Social Worker	4	8.90	3
Lack of Support	5	11.11	3
Lack of Communication	6	13.33	3
Breach of Confidentiality	1	2.22	1
Safeguarding issues	1	2.22	0
Financial Issues	6	13.33	4
Total	45	100	23

Who the complaint was received from

Who Made the Complaint	Number	% of Total
Birth Parent	49	64
Adoptive Parent	3	4
Foster Carer	4	5
Extended Family	10	13
Young Person	9	12
Other Interested Party	2	2
Total	77	100

Methods used to make a complaint

Method	Number	% of Total
Letter	15	19.48
Telephone	23	29.87
Webform	15	19.48
E-mail	11	14.28
Feedback Form	9	11.70
In Person	4	5.19
Total	77	100

Demographic Information

Ethnicity	Number of complaints received	% of Total
Asian	1	1.29
Black African	5	6.49
Black British / Caribbean	4	5.20

Pakistani	5	6.49
White British	50	64.93
Other	2	2.60
Unknown	10	13
Total	77	100

For Equality Monitoring purposes in 2012/13 Officers have been encouraged to seek personal demographic information from people who make a complaint to help in assessing if there are groups of people who are proportionally complaining more or less and to explore the possible reasons.

Complaints from Young People Involving Advocates

Between 1st April 2012 and 31st March 2013 nine complaints were received from Young People and having been offered advocacy support by the Customer Relations Manager four of them were referred to the advocacy provider. The Customer Relations Manager has regular contact with the National Youth Advocacy Service (NYAS) and works closely with them to ensure the complaints process and advocacy provision is promoted to ensure that young people are aware of their right to submit a complaint.

NYAS has commended the Customer Relations Team on good complaint management process on behalf of young people.

The Customer Relations Manager also meets teams and managers to reinforce the importance of capturing verbal complaints. Staff are encouraged to record and analyze comments or concerns, as many children's and young people's issues are resolved this way rather than using the complaints process. If the young person is unhappy but does not wish to make a formal complaint the Customer Relations Team also offers to try to resolve matters informally.

Local Government Ombudsman

The Local Government Ombudsman referred five enquiries or complaints to us for investigation in the 2012/13 period. Three of these investigations were discontinued by the LGO as they found no maladministration or fault from the Council. The LGO decided not to investigate one case due to lack of consistent information provided by the complainant. With the one remaining case the LGO found that there was administrative fault and ordered the Council to pay the complainant a sum of money for time and trouble.

Compliments

The Customer Relations Team now own the logging of compliments for Children's Services and the directorate as a whole. Staff are reminded and encouraged to pass on all compliments to the Customer Relations Team generic mailbox.

Three compliments were recorded within Children's Services between 1st of April 2012 and the 31st of March 2013. It is hoped this figure will be significantly improved for 2013/14 through closer logging and monitoring.

Access to Records

The Access to Records process is also provided to services users via the Social Care Teams and Independent Reviewing Officers. The Council employs a Quality Assurance Worker who assists Children's Social Care customers with this process and distributes leaflets on this procedure, which is once again available in a variety of formats and languages on request. During 2012/13 thirty eight requests were received which is nine more than the twenty nine in the previous year. However, only one request was from a young person. Only two requests were received from a child or young person in 2011/12.

The Access to Records service which works closely with the Customer Relations Team with some cases also supports post care adults to access their child care records. When a request is received there is a duty to respond within 40 days. The majority of requests are prepared within timescales. However, with files of some length and complexity, it may not be feasible to prepare them within the 40 day requirement, although every effort is made to do so.

Contact Information: How to make a complaint

Some complaints can be sorted out by discussing your problem with your Social Worker or a manager. If you want to make a complaint, you can contact the council by phone, letter, in person or by email. Telephone the Customer Relations Manager (Complaints & Representations) on 0118 937 2905 or e-mail Complaints@reading.gov.uk. If you wish to make your complaint to us in writing, our address is: The Customer Relations, Reading Borough Council, Civic Centre, Reading, RG1 7AE. You can also text us with your complaint, type SPKUP & your message to 81722. Your complaint will be recorded and if we can't sort out the problem immediately it will be passed for further investigation and action. The Customer Relations Team can take your complaint over the telephone and explain the complaints procedure in more detail or send you a leaflet explaining how to complain. The leaflet is also available in Council buildings or via the Council's website. You can also use these contact details to tell us if you have a concern (but do not want to make a complaint) or if you want to make a compliment about a service.