

READING BOROUGH COUNCIL

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

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES & EDUCATION COMMITTEE		
DATE:	6 NOVEMBER 2014	AGENDA ITEM:	11
TITLE:	ANNUAL COMPLAINTS REPORT 2013 - 2014 FOR CHILDREN'S SOCIAL CARE		
LEAD COUNCILLOR:	COUNCILLOR GAVIN	PORTFOLIO:	CHILDREN'S SERVICES
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 in the view of the customer 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 01/04/13 to 31/03/14.
- 1.3 During this period the service received 81 statutory complaints of which:
 - 28 were resolved through Alternative Dispute Resolution (ADR) with the Social Work Teams
 - 51 were investigated and completed
 - 2 were still on-going at the end of the reporting period
- 1.4 During the same period 6 complaints progressed to a Stage 2 investigation and 1 request for a Stage 3 investigation was 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 2013/14 - 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 7th of November 2014.

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 2014/15 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 2014/15.

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 are not 'qualifying individuals' 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 880

compliments / complaints leaflets were distributed in 2013/14, compared to 630 in 2012/13.

- 6.2 In all Looked After Children's Care reviews and all 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 register a complaint via the web, text, e-mail direct to the Customer Relations Team, 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 the Council 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 2013/14 SUMMARY REPORT

Introduction

This is a summary report of the data for complaints received by Children's Social Care for the financial year 2013/14. 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 6th of November 2014.

In addition to the quality of service provided there are many factors that can affect the number of complaints received such as satisfaction, customer expectations, awareness of the complaints process and the extent of promotional activity. Therefore a high number of complaints should not be interpreted simply 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 the complaints process which as well as providing the opportunity to identify where services have not been provided as they should be also provide customer insight and help identify any 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 a manager in the relevant service area.

If the complainant feels that the issues they have raised remain unresolved, 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 and the Investigating Officer prepare independent reports for adjudication by a senior manager (usually the Head of Children's Services).

Where Stage 2 of the complaints procedure has been concluded and the complainant is still dissatisfied, they are eligible to request a review of the Stage 2 investigation 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 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 promotes 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 will be signposted to local charitable advocacy providers.

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 Services 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

- Operational teams to be clearer with parents and young people when there are changes to working practices, particularly when there is to be a change of social worker
- Reminder to social workers and staff about the importance of recognising allegations as opposed to fact, and that the service users have the right to have their response recorded.
- Social workers need to be clearer in feeding back to young people what their recorded wishes and feelings are and need to be clearer what the expectations within a placement are.
- Need to feed back to young people what the outcomes of assessments are in care proceedings. Proposed plans should be recorded in writing to ensure there is clear understanding.

Operational

- Timescales need to be clear and rationalised, evidencing decision making. Young people need to be made fully aware of the decision and their views recorded.
- Review the requirements around Care planning both from a legal perspective and a practice perspective, especially in regards to working with families and significant others. This will be undertaken at a team meeting and followed up with individuals undertaking looked after children cases

- That Children's Centres are clearer in their promotional and marketing materials regarding the age ranges that sessions are open, the responsibility of the parent or carers in ensuring all children are accompanied by a parent or responsible person. Parents and children are made aware of the boundaries of that centre.
- That all staff are made aware of any special behavioural needs of children who attend sessions (where this is known or disclosed by a parent) in order to effectively support all children who attend.
- Ensure that personal details are correct, and update records accordingly. Also check that information used from previous assessments and forms is still accurate and up-to-date.

Complaints Activity Statistics

In the year 2013/14, Children's Social Care received **81** statutory complaints, an increase of **4** (6.5%) compared to the **76** received in 2012/13.

To give this some context, in 2013 - 2014, 1698 individuals in total were referred to Children's Social Care. The number of statutory complaints represents 4.77% of the total number of referrals for the service last year.

Of the **81** complaints received during 2012/13, **28** (34.5%) were resolved as representations informally through Alternative Dispute Resolution (ADR) with the Social Work Teams.

9 of the remaining **53** complaints were withdrawn by the complainant after the investigation had commenced. All of these were withdrawn due to a lack of engagement from the complainants.

42 of the remaining **44** complaints were completed to an outcome, with the remaining **2** complaints still being investigated at the end of the period covered by this report.

Of the **42** complaints investigated to an outcome, **29** (69%) were responded to within timescale and **13** complaints (31%) were responded to over timescale.

Of the **42** complaints, **13** (31%) were responded to in 10 working days or less, and a further **12** (28.5%) responded to within 20 working days. Therefore, of the **42** complaints, **25** (59.5%) were responded to in 20 days or less.

Of the **42** complaints investigated to an outcome, **8** (19%) were recorded as Fully Upheld, **9** (21%) as Partially Upheld, **10** (24%) as Not Upheld, **15** (36%) were complaints with multiple strands where several outcomes were recorded. These **15** complaints involved **72** separate complaint points, of which **16** were found to be Upheld, **17** were Partially Upheld, **35** were Not Upheld, and **4** 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
2009/10	66	78
2010/11	63	-4.5
2011/12	55	-13
2012/13	76	38
2013/14	81	6.5

Outcomes for those Investigated to a completion (excluding those resolved via ADR and those eventually withdrawn)

Outcome	Number	% of Total
Upheld	8	19
Partially Upheld	9	21
Not Upheld	10	24
Multiple Outcomes	15	36
Total	42	100

Comparison of Complaint either Upheld or Partially Upheld for Children's Social Care

Complaints with Single Outcomes

	2013-14	2012-13	2011-12	2010-11	2009-10	2008-09
Total Received	81	76	55	63	66	37
Total Investigated to an Outcome	42	44	47	45	43	34
% Investigated to an Outcome	52%	58%	85%	71%	65%	92%
Total Upheld	8	5	6	8	11	7
% of Total Investigated recorded as Upheld	19%	11%	13%	18%	26%	20.5%
Total Partially Upheld	9	3	14	15	15	16
% of Total Investigated recorded as Partially Upheld	21%	7%	30%	33%	35%	47%

Complaints with Multiple Outcomes
(Data not recorded in this way prior to 2010)

	2013-14	2012-13	2011-12	2010-11
Number of Complaints with Multiple Outcomes	15	21	5	2
Number of Complaint points Investigated	72	104	18	7
Number of points Investigated recorded as Upheld	16	29	6	3
% of points Investigated recorded as Upheld	22%	28%	33%	43%
Number of points Investigated recorded as Part Upheld	17	20	1	1
% of points Investigated recorded as Part Upheld	24%	19%	5.5%	14%

Timescales

Total Investigated to an Outcome	In Timescale	% of Total	Over Timescale	% of Total
42	29	69%	13	31%

Main Theme of ALL complaints received during 2013/14

(Complaints received at Stages 2 & 3 are NOT included, as themes are duplicates of Stage 1)

Theme of Complaint	Number	% of Total
Adoption	1	1
Assessment	3	4
Breach of Confidentiality	3	4
Communication	12	15
Financial Issues	1	1
Lack of Support	8	10
Service Provision	36	44
Staff Conduct	17	21
Total	81	100

Who the complaint was received from

Who Made the Complaint	Number	% of Total
Adoptive Parent	4	5
Child / Young Person	8	10
Foster Carer	6	7
Extended Family	7	9
Other	5	6
Parent	51	63
Total	81	100

Methods used to make a complaint

Method	Number	% of Total
Letter	24	30
Telephone	25	31
E-mail	11	13.5
Feedback Form	11	13.5
Webform	9	11
In Person	1	1
Total	81	100

Demographic Information

Ethnicity	Number of complaints received	% of Total
Black African	1	1
Black British	1	1
Black Caribbean	2	2.5
Other Black Background	3	4
Pakistani	1	1
White British	24	30
Other White Background	2	2.5
Unknown	47	58
Total	81	100

For Equality Monitoring purposes in 2013/14 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 2013 and 31st March 2014, 8 complaints were received from Young People and, having been offered advocacy support by the Customer Relations Manager, 5 of them were referred to the advocacy provider. This compares to 9 complaints from Young People and 4 being referred to the advocacy provider in 2012/13. 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

Between 1st April 2013 and 31st March 2014 the Local Government Ombudsman received 4 representations from dissatisfied service users for issues relating to Children's Services. Of these 4 cases, 2 were rejected by the LGO, and the other 2 were investigated and were returned with an outcome of no evidence of maladministration or major administrative fault.

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.

29 compliments were recorded within Children's Services between 1st of April 2013 and the 31st of March 2014. This is a significant improvement over the number received in 2012/13, and has been achieved by closer logging and monitoring by the Customer Relations Team.

Access to Records

The Council employs an Access to Records Social Worker who assists Children's Social Care customers with this process and distributes leaflets on the procedure, which is available in a variety of formats and languages on request.

During 2013/14, twenty-six requests were received by the Access to Records Social Worker, which is twelve less than the year before with thirty-eight requests and three less than in 2012/13 when there were twenty-nine requests. However, during the last six months of 2013/14, additional advice and expertise was provided by the Access to Records Social worker regarding a further eight requests being completed by other Social Care teams.

There were no requests from young people within the past year. There was one request from a young person during 2013/14, and two requests received from a child or young person in 2012/13.

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.

There has been substantial service develop within the past six months, with the Access to Records Social Worker moving to the Customer Relation's Team, so there is now a central point of expertise which all teams may contact for advice and support. There are additional plans for further development within the access to records service during the next six to eighteen months.

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.