

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF CHILDREN, EDUCATION AND EARLY HELP SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES & EDUCATION COMMITTEE		
DATE:	5 NOVEMBER 2015	AGENDA ITEM:	11
TITLE:	ANNUAL COMPLAINTS REPORT 2014 - 2015 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 the service provided to children, young people and their families is not to a satisfactory standard or where the customer is unhappy with the service they have received 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 01/04/14 to 31/03/15.

1.3 During this period the service received 86 statutory complaints of which:

- 23 were resolved through Alternative Dispute Resolution (ADR) by the Social Care Teams

Of the 63 remaining complaints:

- 48 were investigated to an outcome;
- 13 were withdrawn part-way through the investigation; and
- 2 were still on-going at the end of the reporting period

1.4 During the same period 9 complaints progressed to a Stage 2 investigation and 2 Stage 3 investigations were carried out.

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 2014/15 - 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 6th of November 2015.

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 2015/16 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.

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. Approximately 700 compliments / complaints leaflets were distributed in 2014/15, compared to 880 in 2013/14, and 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 or 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 2014/15 SUMMARY REPORT

Introduction

This is a summary report of the data for complaints received by Children's Social Care for the financial year 2014/15. This report will also be made available to the public through the Reading Borough Council (RBC) website following agreement of the report at the Committee Meeting on the 5th of November 2015

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 provides customer insight and helps 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.

The Respite Units at Pincroft and Cressingham also have a "log book", in which they record any complaints or issues raised which they are able to resolve immediately. Any complaints which they are unable to resolve are escalated and forwarded to the Customer Relations Team to deal with. The keeping of a "log book" is welcomed by Children's Services Directorate Management Team, and will be used as a "best practice" example across the service, and a similar system will be implemented at other units and outstations, as appropriate.

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 attends 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 which is 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 their Senior Management Team on Social Care complaints received.

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.

Service Provision

- Improvements on writing and completing Later Life Letters and Life Journey books for children who have been adopted need to be consistently provided and in a timely manner to ensure that children and young people understand why they have been adopted and have sufficient details of their family history as they grow into adulthood. Foster carers and adopters should be involved in this process.

Communication

- When a professional seeks permission to remove a piece of written correspondence from a Service User this permission is sought by written consent prior to the taking of said item.
- When an Independent Consultant is commissioned by Reading Borough Council arrangements for their supervision and consultation must be clarified and

made explicit in the contract setting out commissioning arrangements and that these arrangements are made clear to respective Service User/s.

- Staff need to be more mindful of how they communicate information to parents. A new written handover form for parents has been developed. This form is much more detailed, and enables parents to read it at their leisure, instead of receiving a verbal handover from staff.
- Communication with adopters post the adoption process must be fluid and timely. This has been taken forward by Operational services in conjunction with Fostering and Adoption Team.
- When meeting with parents at the beginning of the transition from children's to adult service, we need to explain in more detail what the role of the keyworker is.

Staff Conduct

- Children's Services to give consideration to either a Team or Assistant Team Manager should accompany Social Workers when challenging particular families about complex issues so that there is always a witness to the conversation. This will also allow the manager to intervene and assist the conversation with the cases where the worker may find the moment challenging.
- Staff to ensure that the information they provide to parents is accurate and up to date.
- Managers and IROs to ensure that social workers address all the actions that are required of them within appropriate timescales. To be monitored through supervision.
- Consideration is given to staff training in the Children & Young Persons' Disability Team to ensure that there is the appropriate balance between a person-centred approach to assessing need and achieving this in the most cost effective way. This particularly relates to young children who have life limiting conditions.

Complaints Activity Statistics

In the year 2014/15, Children's Social Care received **86** statutory complaints, an increase of 5 (6.17%) compared to the **81** received in 2013/14.

To give this some context, in 2014 - 2015, 1489 individuals in total were referred to Children's Social Care. The number of statutory complaints represents 5.78% of the total number of referrals for the service last year.

Of the **86** complaints received during 2014/15, **23** (26.747%) were resolved as representations informally through Alternative Dispute Resolution (ADR) by the Social Care Teams.

13 of the remaining 63 complaints were withdrawn by the complainant after the investigation had commenced.

48 of the remaining 50 complaints were investigated to an outcome, with the remaining 2 complaints still being investigated at the end of the period covered by this report.

Of the 48 complaints investigated to an outcome, 26 (54.17%) were responded to within timescale and 22 (45.83%) complaints were responded to over timescale.

Of the 26 complaints responded to within timescale, 11 (22.92%) were responded to in 10 working days or less, and a further 15 (31.25%) responded to within 20 working days.

Of the 48 complaints investigated to an outcome, 8 (16.67%) were recorded as Fully Upheld, 7 (14.58%) as Partially Upheld, 17 (35.42%) as Not Upheld, and 7 (14.58%) as having no achievable outcome. The remaining 9 (18.75%) were complaints with multiple strands where several outcomes were recorded. These 9 complaints involved 38 separate complaint points, of which 12 were found to be Upheld, 10 were Partially Upheld, 13 were Not Upheld, and 3 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
2010/11	63	-4.5
2011/12	55	-13
2012/13	76	38
2013/14	81	6.5
2014/15	86	6.17

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

Outcome	Number	% of Total
Upheld	8	16.67
Partially Upheld	7	14.58
Not Upheld	17	35.42
No Outcome	7	14.58
Multiple Outcomes	9	18.75
Total	48	100

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

Complaints with Single Outcomes

	2014-15	2013-14	2012-13	2011-12	2010-11
Total Received	86	81	76	55	63
Total Investigated to an Outcome	48	42	44	47	45
% Investigated to an Outcome	55.81%	51.85%	57.89%	85.45%	71.43%
Total Upheld	8	8	5	6	8
% of Total Investigated recorded as Upheld	16.67%	19.05%	11.36%	12.77%	17.78%
Total Partially Upheld	7	9	3	14	15
% of Total Investigated recorded as Partially Upheld	14.58%	21.43%	6.82%	29.79%	33.33%

Complaints with Multiple Outcomes

	2014-15	2013-14	2012-13	2011-12	2010-11
Number of Complaints with Multiple Outcomes	9	15	21	5	2
Number of Complaint points Investigated	38	72	104	18	7
Number of points Investigated recorded as Upheld	12	16	29	6	3
% of points Investigated recorded as Upheld	31.58%	22.22%	27.88%	33.33%	42.86%
Number of points Investigated recorded as Part Upheld	10	17	20	1	1
% of points Investigated recorded as Part Upheld	26.32%	23.61%	19.23%	5.56%	14.29%

Timescales

Total Investigated to an Outcome	In Timescale	% of Total	Over Timescale	% of Total
48	26	54.17%	22	45.83%

Main Theme of ALL complaints received during 2014/15

(NOTE: This includes all complaints resolved informally and investigated at Stage 1, but DOES NOT include complaints investigated at Stages 2 & 3, as themes are duplicates of Stage 1)

Theme of Complaint	Number	% of Total
Communication	9	10.47
Contact	6	6.98
Data Protection Breach	2	2.32
Financial Issue	1	1.16
Lack of Action	1	1.16
Lack of Support	1	1.16
Looked After Child Payments	1	1.16
Service Provision	44	51.16
Staff Conduct	21	24.43
Total	86	100

Who the complaint was received from

Who Made the Complaint	Number	% of Total
Adoptive Parent	2	2.33
Advocate	1	1.16
Child / Young Person	7	8.14
Foster Carer	5	5.81
Extended Family	4	4.65
Other	3	3.49
Parent	64	74.42
Total	86	100

Methods used to make a complaint

Method	Number	% of Total
E-mail	21	24.42
Feedback Form	12	13.95
In Person	1	1.16
Letter	12	13.95
Telephone	35	40.7
Webform	5	5.82
Total	86	100

Demographic Information

Ethnicity	Number of complaints received	% of Total
Asian Other	2	2.33
Black British	2	2.33
Black British / African	9	10.46
Black British / Caribbean	6	6.98
Black Caribbean	1	1.16
Mixed Other	3	3.49
Mixed White & Black African	1	1.16
Not Known / Unstated	16	18.6
White British	44	51.16
White Other	2	2.33
Total	86	100

For Equality Monitoring purposes in 2014/15 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 2014 and 31st March 2015, 7 complaints were received from Young People and, having been offered advocacy support by the Customer Relations Manager, 4 of them were referred to the advocacy provider. This compares to 8 complaints from Young People and 5 being referred to the advocacy provider in 2013/14. 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 2014 and 31st March 2015 the Local Government Ombudsman (LGO) received 11 representations from dissatisfied service users for issues relating to Children's Services. This is a significant increase to the 4 cases which were received in 2013/14. Of these 11 cases, 3 were rejected by the LGO following their initial enquiries, 4 were returned to RBC for local resolution, and 3 were investigated. The remaining case was still being considered by the LGO at the end of the period this report covers.

Of the 3 cases which were investigated by the LGO, 2 were upheld, and 1 was not upheld.

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 2014 and the 31st of March 2015. These were received by the following Teams:

Access & Assessment	-	7
Business Support	-	2
Children's Action Team (CAT) South	-	1
East & North Area	-	8
Family Placements	-	3
Multi-Agency Safeguarding Hub (MASH)	-	1
Children & Young Persons' Disability Team (CYPDT)	-	1
Pincroft & Cressingham	-	1
South Area	-	1
West Area	-	4

Subject Access Requests

The Council employs an Access to Records Social Worker who assists Children's Social Care customers who have been in care through Reading Children's Services (Closed cases) with this process and distributes leaflets on the procedure, which are available in a variety of formats and languages on request.

During 2014/15, 18 requests were received from individuals wishing to have access to their records. 1 of these requests was received from a young person who had been in care.

During the same period, 10 sets of records were prepared and shared with the requestor. All of these were completed within the agreed timescale.

Subject Access Requests from customers of current (open) cases are dealt with directly by the operational teams and the Customer Relations Team does not currently hold any data on these. The possibility of recording this information for future reporting is being explored.

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 Team, Reading Borough Council, Civic Offices, Bridge Street, Reading, RG1 2LU. 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.