

9 September 2014

Children and Young People - Annual Complaints Report

Ward(s) All

Portfolios: Cllr B Cassidy – Children and Young People

Executive Summary:

This annual report (**Appendix One**), covers the period of 1 April 2013 through to 31 March 2014 and reports on complaints made by, or on behalf of children and young people who receive support / services from Children's Social Care in Walsall. It is a statutory requirement to produce an annual report and make it available to the public, staff and elected members. The arrangements for the statutory procedure and management of complaints from children and young people (or their representatives) are set out in *The Children's Act 1989 Representation Procedure (England) Regulations 2006*.

The purpose of this report is to provide an overview and analysis of all complaints and compliments received and to summarise the issues that have arisen, providing a mechanism by which the Directorate can monitor the quality and effectiveness of services and of its complaints procedure.

Reason for scrutiny:

It is a statutory requirement to produce an annual report and make it available to the public, staff and elected members.

Members are asked to review the findings in the report.

Recommendations:

That, subject to any comments Members may wish to make, the annual complaints report be noted.

Background papers:

N/A

Resource and legal considerations:

The arrangements for the statutory procedure and management of complaints from children and young people (or their representatives) are set out in *The Children's Act 1989 Representation Procedure (England) Regulations 2006*. This requires the publication of an annual report to be made available to the relevant committee of the council.

Citizen impact:

An effective complaints procedure provides a mechanism through which we can listen and learn to our service users and improve the service we deliver to them. This report provides an overview of performance against the procedure and also proposes improvements to that procedure going forward.

Environmental impact:

None directly

Performance management:

Complaints provide an important mechanism through which we can learn about the performance of services and, when aligned with other forms of intelligence can be used to inform and drive improvements.

Equality Implications:


The report contains equalities monitoring information to ensure that there is fair and equitable access to the procedure for all our service users.

Consultation:

Annual report statistics, and the complaints procedure more generally were discussed with Council4Kids and New Belongings whose input has been included within this report.

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Complaints and Representations Annual Report

April 2013-March 2014

Children and Young People

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1. Introduction

This annual report covers the period of 1 April 2013 through to 31 March 2014 and reports on complaints made by, or on behalf of children and young people who receive support / services from Children's Social Care in Walsall. It is a statutory requirement to produce an annual report and make it available to the public, staff and elected members. The arrangements for the statutory procedure and management of complaints from children and young people (or their representatives) are set out in *The Children's Act 1989 Representation Procedure (England) Regulations 2006*.

A complaint is an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response. Anyone who is in receipt of a service or think they should be in receipt of a service may complain, or a representative may make a complaint on their behalf.

The Complaints Manager has the key responsibility for managing the statutory process for complaints from children and young people (or their representatives) about the quality of that service. The purpose of this report is to provide an overview and analysis of all complaints and compliments received and to summarise the issues that have arisen, providing a mechanism by which the Directorate can monitor the quality and effectiveness of services and of its complaints procedure.

This year, engagement was also undertaken with Council4Kids and New Horizons on the complaints process and their feedback is reflected in this report.

2. Number of Complaint Investigations

2.1 Stage One

There are three stages to the formal complaints procedure set out by *The Children's Act 1989 Representation Procedure (England) Regulations 2006*, though the aim is to deal with as many of these as possible at the first stage of the procedure which involves local investigation by the manager of the team or service involved.

The complaints team handled **240** new complaints during the year, however of these **74** were outside the scope of the statutory complaints process and were not investigated. The most common reason for this was that the complaints arose out of ongoing court proceedings and so could not be looked at. Other reasons include that person not being eligible to make a complaint on behalf of the child without consent or the matter having already been considered and responded to. . In all these cases the customer received a response explaining why it was not possible to investigate at that stage and explaining their options.

This leaves **166** statutory complaints received during the year which were investigated and responded to at Stage One of the process, a 50% increase on the 111 complaints received in 2012/13.

In considering the number of complaints received, it is important to view in the context of the number of cases Walsall Children's Services deals with each year. During 2013/14, there were 7213 unique cases dealt with and the 166 complaints received related to just 96 of these cases, meaning that nearly 99% of the cases open to Children's Services did not give rise to a formal complaint under these procedures.

22 (over 13%) of these complaints related to just 3 families. One of these has now been brought under the Unreasonable and Unreasonably Persistent Complaints Procedures.

Complaints by Service Area

Service Area	Number of complaints	Number of unique cases that gave rise to a complaint
Children with Disabilities Team	13	8
Early Help	3	2
Family Placements	5	5
Initial Response Service	15	10
Looked After Children	62	31
Residential	16	7
School Transport	5	5
Special Educational Needs	4	1
Vulnerable Children	43	27
Total	166	96

2.3 Escalated Complaints

Of the 166 complaints made in 2013/14, 4 progressed to Stage 2 of the Complaints Procedure, which requires an independent investigation.

Two of these complaints have progressed to Stage 3 of the procedure, which is a Review Panel made up of 3 independent members, though that process is still ongoing at the time of drafting this report.

2.4 Local Government Ombudsman

The LGO investigate complaints of injustice arising from maladministration by the Local Authority, which may include looking at complaints both in relation to the provision of social services and in relation to the operation of the complaints process. They can also investigate complaints about how the Local Authority has carried out these processes. The Local Authority concerned must have an opportunity to investigate / respond to a complaint before they will become involved. If the LGO is satisfied with the remedial action offered by the council, the complaint will be regarded as 'locally settled' and the investigation is discontinued. Before reaching that decision, the LGO will usually consult with the complainant, but is not bound by their views.

The LGO commenced investigation into 10 cases, 7 of which found no fault in the Council's action, 1 was discontinued as they were satisfied that the complaint had been remedied locally and 2 are ongoing.

2.5 Unreasonable and Unreasonably Persistent Complaints

Unreasonable or unreasonably persistent complainants are those that, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other customer's, complaints, and the ability of officers to provide a quality service to customers as a whole.

The Council has a procedure in place for handling such complaints which sets a necessarily high bar for restricting contact, including Executive Director sign-off. Application of this procedure does not prevent complainants from raising genuinely new complaints or accessing other council services. The procedure has only been applied once in Children's Services in this period; this was also the subject of an LGO investigation who found that the council had acted appropriately in its application of the procedure.

2.6 Compliments

There were 18 compliments received during 2013/14. Examples of compliments include:

"Formally thanking <team manager> and his team for their knowledge and assistance during their involvement"

"Thank you to my link worker for all her care and support to me recently. I am so grateful and glad that you are my link worker, you are much appreciated. I would like <worker> and her line manager to know how brilliant she is and the difference she has made in a crisis."

"Emailed significant concerns, out of hours, and had response within minutes, would like to praise workers passion for Walsall"

"I really valued your meeting & the time you & < manager> gave."

"<worker> has been a warm and friendly person, taking time to speak with both the child and us as Foster Carers. She has proved herself to be both professional and efficient, and this has been seen best during all the Looked After Child Reviews."

"Meetings were planned, and arrangements made within good timescales, making the transition as smooth and as stress free as possible"

"Pulled out all the stops to make sure this was a successful transition, not only for the little boy but also myself."

3. Which customer groups made the complaints?

40 (24%) of complaints came from Children or Young People, 29 directly and 11 via an independent advocate. 102 (61%) came from parents. These are similar proportions to 2012/13, when 25% of complaints came from a young person and 62% from parents.

7 complaints came from foster carers, 15 from other relatives or family friends and one via a solicitor.

Whilst 11 complaints were received via an advocate, advocacy is offered to all children and young people who make a complaint directly. The Children's Society provides this service and over the last year they have supported a number of people to make compliments and complaints. Advocates also work with staff in children's services in order to resolve the issues and prevent complaints.

4. The Types of Complaints Made

The most common reasons for complaints were poor communication, disagreement with information contained within assessments and reports, and delays or the time taken to receive a service. This is reflected in the 'word cloud' taken from summaries of complaints and complaint responses below.



5. The Outcome of Complaints

The emphasis at Stage One of the Complaints procedure is on reconciliation and resolution rather than the more confrontational approach of assessing complaints as either upheld or not upheld. However an analysis of managers' findings does show that in over half of complaints some acknowledgement was made of how the council could have done things better.

At Stage 2, the investigator is required to make an independent judgment as to whether or not they uphold the complaint. Of the investigations that have taken place in this period, the following findings were recorded:

Complaint	Number of issues	Upheld	Not Upheld	Partially Upheld	Inconclusive
1	10	5	1	1	3
2	2	2	0	0	0
3	6	3	0	3	0
4	3	0	1	1	0

6. Timeliness of Complaint Responses

Statutory Timescales	Average Days	Percentage within timescales	Percentage within 2 days of timescales
10 working days	12	52.3	84.6%
20 working days	19	65.5	84.5%

The legislation requires stage one complaints to be dealt with within 10 working days, though this may be extended to 20 working days, in agreement with the Assistant Director, in cases where the issues are particularly complex.

Timescales remain a challenge with the heavy workloads and competing priorities across the teams but there is clear evidence that the early resolution of issues prevents more work further down the line. Performance has remained comparable to previous years despite a large increase in the volume of complaints which does suggest some improvement in complaint handling.

7. Learning from Complaints

Learning from complaints was one of the key improvement areas that changes to the procedure has sought to address. Monthly meetings of the Operational Managers Group is the key vehicle through which this is achieved, with complaints from the previous month discussed in this forum to help identify key learning. The complaints team table a note at each of these meetings highlighting the learning they are able to identify through the complaint responses. These are then debated at the meeting with Operational Managers bringing their own perspective from having been involved in either the investigation or sign off of all complaints for their area. The note is then revised based on this feedback and re-circulated to Ops Managers for dissemination to their teams.

Much of this learning tends to focus on reminders for staff on procedures and good practice (e.g. maintaining good contemporaneous records which include details of conversations had during home visits and meetings.)

An overview of the complaints and compliments also allows us to draw some more general lessons, particularly around **communication** which is a prominent theme across a large proportion of complaints, either as the main reason for the complaint or as a factor within it. This is also mirrored in compliments received. Key learning that has been shared within the service therefore reiterates the importance of effective communication and, in particular the importance of keeping in contact to update people where there are unavoidable delays. We know people like to be kept up to date even where there is no new information to be shared and we also know that people value face to face communication wherever possible.

Another common feature in complaints is disagreement with information contained within assessments. There is a communication element to this as well, in terms of explaining to people the process and the purpose of assessments but it also underlines the importance of robust record keeping, not only to ensure that the assessments are actually accurate but also to be able to evidence that accuracy at a later date if a complaint is made.

8. Equalities Monitoring

As part of our commitment to ensure that the service is accessible to all and to reduce inequality, monitoring is undertaken against ethnicity, religion, gender, and disability.

- 6% of complainants identified themselves as having a disability.
- Complaints were evenly split on gender lines, with 52% female, 45% male and the remainder joint complaints from a male and female couple.
- 26% identified themselves as coming from an ethnic minority background. This closely resembles the population statistics for the overall children in the care system, where 68% were classed as white British and 25% from an ethnic minority background

9. Review of the effectiveness of the complaints procedure

The Ofsted inspections of 2012 and 2013 highlighted complaints, and in particular learning from complaints as an area for improvement for the council. A new procedure was developed and implemented in January 2014, key changes include:

- An agreed set of principles to help promote a cultural shift in complaint handling
- A shift in responsibility at stage one of the procedure to provide more emphasis on direct contact between the complainant and the manager with a view to swifter resolution
- New reporting structures to promote more systematic analysis and dissemination of learning as well as monitoring of compliance and timeliness. This will include weekly reports to Assistant Directors and monthly analysis at Operations Manager meetings and quarterly Board reports
- Greater emphasis on early resolution both before and during the formal complaints process
- Improved clarity over escalation routes, underlining the customer's legal right to a Stage 2 investigation whilst recognising mediation as a productive alternative with their agreement

Work continues to be carried out to embed and improve this procedure, particularly through the use of training and guidance for managers in handling complaints at stage one.

As part of the annual review of complaints, the team attended a session of Council4Kids in May to discuss with them, and seek their views on, the complaints process. The engagement from this small cohort of Looked After Children at the session was excellent and they shared with us their hopes and fears when making a complaint and developed a set of golden rules they would like staff to follow when handling a complaint.

What came out particularly strongly from the session was their concern about whether a complaint would be treated seriously and whether they would get in trouble with their carer or key worker if they made a complaint. They were also particularly keen that their complaint would be treated confidentially. It is important to note that this was not based on their actual experience of making a complaint but how they would feel if they did have to make one and, perhaps, what might put them off from doing so.

The messages from here are being used, through training and guidance, to help managers who are handling a complaint from a child or young person to understand it from their perspective. The 'golden rules' developed by Council4Kids, and in their own words are:

- 1. Respect all complaints**
- 2. Keep complaints confidential**
- 3. See it from the child's view**
- 4. Explain it so child can understand fully**
- 5. Help to cope under the pressure of writing the complaint**
- 6. Sort it out as soon as you can**
- 7. Respect the young person**