

10 January 2017

Children and Young People - Annual Complaints Report

Ward(s) All

Portfolios: Cllr Burley – Children Services and Education

Executive Summary:

This annual report (**Appendix One**), covers the period of 1 April 2015 through to 31 March 2016 and reports on complaints made by, or on behalf of children and young people who receive 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 compliments and complaints received and to summarise the issues that have arisen. This provides 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 and to challenge, scrutinise and hold the Directorate to account for the outcomes and implications.

Recommendations:

That:

1. The Annual Complaints Report is noted and used to monitor, challenge and scrutinise performance.

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 the Council can listen and learn from 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:

The report was shared with senior managers via directorate management meetings and Performance Boards in Children's Services.

Contact Officer:

Mark Halliwell – Lead Assurance Officer

 01922 658923

Mark.halliwell@walsall.gov.uk

DRAFT Complaints and Representations Annual Report
April 2015-March 2016
Children and Young People

For submission to scrutiny committee: 10th Jan 2017

Draft to David Haley: 19/12

Final Version to Democratic Services: 29/12

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1. Introduction

The purpose of this report is to inform the public, members of the Council and staff about the numbers and types of representations relating to Children's Services made to the Council between 1 April 2015 and 31 March 2016.

Information on how these representations were resolved is also included in this report, along with details of comments and compliments made about Children's Services.

The statutory requirements for dealing with complaints from children and young people (or their representatives) are determined by the following legislation;

- The Children Act 1989, Representations Procedure (England) Regulations 2006.
- The Children & Adoption Act 2002 and Children (Leaving Care) Act 2000
- and the accompanying guidance 'Getting the Best from Complaints' (DfES July 2006)

It is a statutory requirement to produce an Annual Report (regulation 13(3)) and make it available to the public, staff and elected members.

This annual report covers the period of 1 April 2015 through to 31 March 2016 and reports on complaints made by, or on behalf of children and young people who receive support and services from Children's Social Care and Safeguarding Service in Walsall.

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 Customer Care Team 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 during 2015/2016 and to summarise the issues that have arisen, providing a mechanism by which the Directorate can monitor the quality and effectiveness of services, its complaints procedure and response to it.

1.1 Staffing

For most of 2015/16, the Customer Care Team (CCT) has been staffed by 3 members of staff; consisting of a Principal Customer Liaison Officer, and 1.6 fte Customer Liaison Officers. The team primarily administer non-statutory and statutory social care representations and complaints received by the Council relating to both Adults and Childrens services. The team also acknowledge and record social care

compliments. Both compliments and complaints provide valuable customer feedback for the Service which is used in its learning and service improvement.

Where the team is involved early enough in the process the aim is to facilitate early resolution and the avoidance of issues becoming complaints.

During the latter part of 2015/16 the team, which sat within a wider Corporate Performance Management Team function, was subject to a restructure to form an overall leaner Assurance Team function, resulting in the amalgamation with the Council's information rights, communications, consultation, information and policy function.

1.2 Reporting and monitoring systems

All statistical information within this report has been obtained solely from the bespoke data base system 'Respond.'

This data base provides a robust reporting and monitoring system to ensure a timely response to complaints, and compliance with the statutory guidance.

Information is reported on a quarterly basis to the Senior Management Team in order to monitor customer feedback, and respond to negative customer experience.

Senior officers meet with the Customer Care Team monthly to discuss specific complaints and methods of resolution.

1.3 Headline Summary :

Data	15/16	14/15
Total no. social care complaints responded to	120	146
Total no. corporate complaints	9	28
No. Stage 2 complaints	0	4
No. Stage 3 Complaints	0	4
Overall timeliness of 10 working day complaints	63%	67.5%
Overall timeliness of 20 working day complaints	57.1%	65.5%
Main sources of complaints	Parents ; Grandparents;	Parent; Young Person
Main issues of complaints	Communication; service issues	Communication; service issues
Main outcomes	14% issues raised in complaints were upheld	9.2%
No. of compliments	9	15
LGO Complaints upheld	4	4

Headlines:

- 17% reduction on previous year in the volume of statutory complaints
- No complaints received in 15/16 progressed to Stage 2 or 3 in year
- 4% fewer '10 working day' complaints responded to in timescale
- 8% fewer '20 working day ' complaints responded to in timescale
- 5% more issues raised upheld

2 Complaints procedure

2.1 Overview

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.

- **Stage one - local resolution.** Intended to be swift, focussed resolution taking no more than 20 working days. The intention is that the majority of complaints can be dealt with at this stage.
- **Stage two - independent complaint investigation.** Where a complainant is unhappy with the outcome of their stage 1 complaint, they can request a stage 2 complaint investigation. Carried out by an investigating officer (IO) with an independent person (IP). The IO produces a comprehensive report into individual complaints resulting in a complaint being upheld, partially upheld, inconclusive or not upheld. It is the expectation of the statutory guidance that the stage two investigations will be completed in a maximum of 65 working days.
- **Stage three - independently chaired review panel.** Where a complainant remains dissatisfied with the outcome of a stage two complaint, they can request a stage three review panel. This panel is made up of a chair and two members. It is the panel's responsibility to review the investigation but not to re-investigate the complaint.

2.2 Local Government Ombudsman (LGO)

At the conclusion of the three stage process the complainant has the right to escalate their concerns to the Local Government Ombudsman (LGO).

The LGO investigate complaints of injustice arising from maladministration by the Local Authority. This 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 must have an opportunity to investigate / respond to a complaint before the LGO 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.

2.3 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 approval. Application of this procedure does not prevent complainants from raising genuinely new complaints or accessing other Council services.

3 Number of complaints and representations received

3.1 Stage One – local resolution

The complaints team handled **136** new complaints during the year, however of these **7** were outside the scope of the statutory complaints process and were withdrawn and not investigated.

In all these cases the customer received a response explaining why it was not possible to investigate at that stage and explaining their options.

Investigations were carried out on **4** further cases which were closed down before a Stage 1 response was completed.

Nine of the complaints received and responded to were **corporate** complaints, dealt with under the council's corporate complaints procedures.

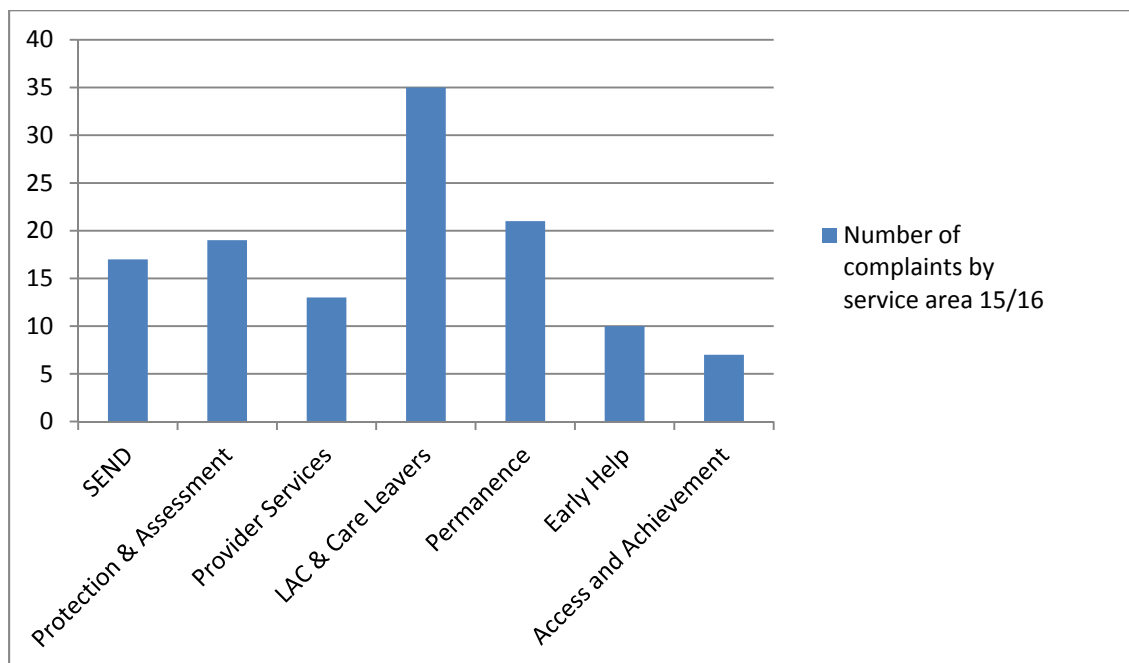
This leaves 120 statutory complaints received during the year which were investigated and responded to at Stage One of the process, a 14% decrease on the 140 complaints received in 2014/15.

In considering the number of complaints received, it is important to view this in the context of the number of cases Walsall Children's Services deals with each year.

During 2015/16, there were c.2350 'children in need' as reported by the latest CIN census and c. 4300 referrals to the social care and safeguarding service.

3.2 Complaints Received by Service Area 2015/16

Service Area (15/16)	Number of complaints	Service Area (14/15)	Number of complaints
Special Educational Needs and Disability	17	Children with a Disability Team	16
Protection & Assessment	19	Protection & Assessment	44
Provider Services	13	Residential and Family Placements	7
Looked After Children & Care Leavers	35	LAC , Care Leavers	43
Permanence Team	21	Permanence	31
Early Help	10	Universal Services	9
Access and Achievement	7	N/A	N/A
Total	120	Total	146



3.3 Escalated Complaints – Stages Two and Three

No complaints received in 2015/16 progressed to Stage 2 of the Complaints Procedure, requiring an independent investigation.

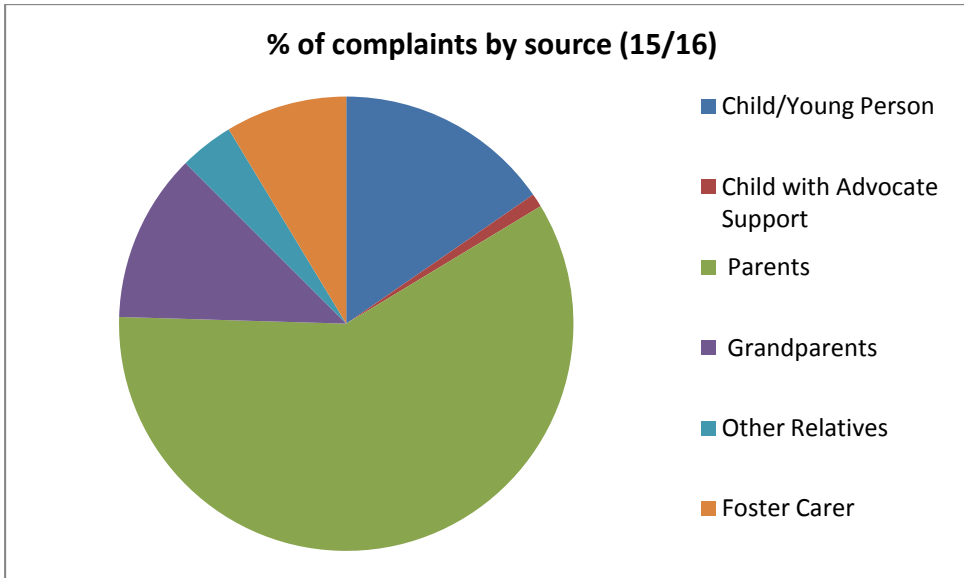
No complaints progressed to Stage 3 investigations in 2015/16. One Stage 3 investigation was carried out in 15/16 in relation to an earlier complaint.

3.4 Local Government Ombudsman

After initial enquiries into 24 complaints received, the LGO commenced investigation into 14 cases, 9 of which were referred back for local resolution, 4 were upheld and 1 found in favour of the Council.

4. Source of Complaints

Source of Complaints	No. and % of complaints (15/16)	No. and % of complaints (14/15)
Child/Young Person	11 (9%)	24 (16%)
Child with Advocate	4 (3.5%)	2 (1%)
Mother	46 (38%)	-
Father	21 (17.5%)	-
Parents	7 (6%)	85 (58%)
Grandparents	15 (12.5%)	17 (12%)
Other Relatives	5 (4%)	7 (5%)
Foster Carer	11 (9%)	5 (3.5%)
Solicitor	-	2 (1.5%)
Staff	-	4 (3%)
Total	120	146



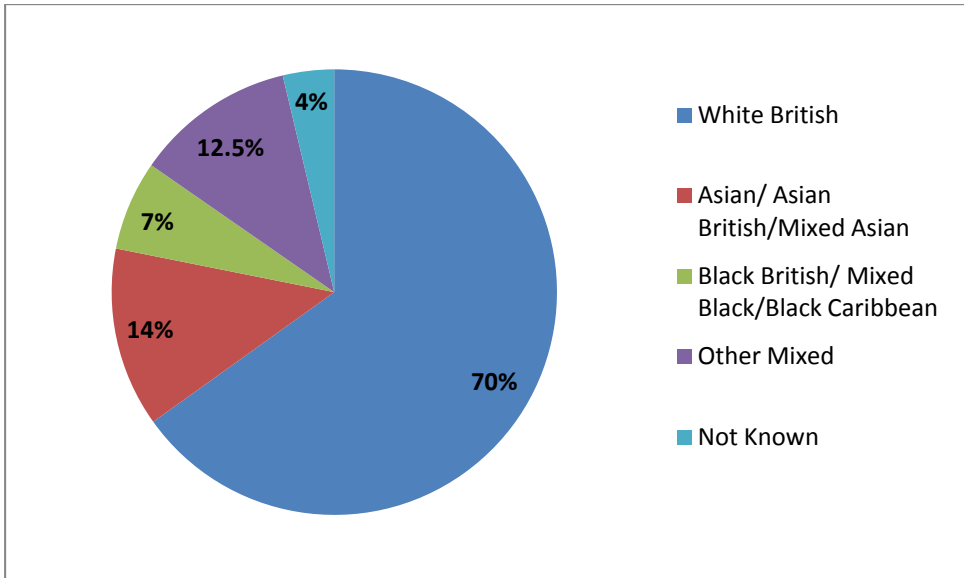
Whilst 4 complaints were received with the support of an advocate, advocacy is offered to all children and young people who make a complaint. The Children's Society provides this service and over the last year they have supported a number of people to make compliments and complaints. Advocates also work with staff in children's services in order to resolve the issues at the lowest level and prevent formal complaints.

4.1 Equalities Monitoring (age, gender, disability, sexual orientation and ethnicity)

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.

Complaints were split on gender lines as follows: 38% female, 62% male.

On ethnicity 70% classed themselves as White British, with 16% from an Asian or mixed Asian background, and 8% from a black or mixed black background - as shown in the chart below.



5. Issues

Of the 126 complaints received the top 10 issues complained about in this period were:

- Poor communication
- Disagreement with decisions
- Service not provided
- Quality of service
- Delay in receiving a service
- Inaccuracies in reports/ assessments
- Contact Issues
- Lack of support
- Staff attitude
- Failure to act on information

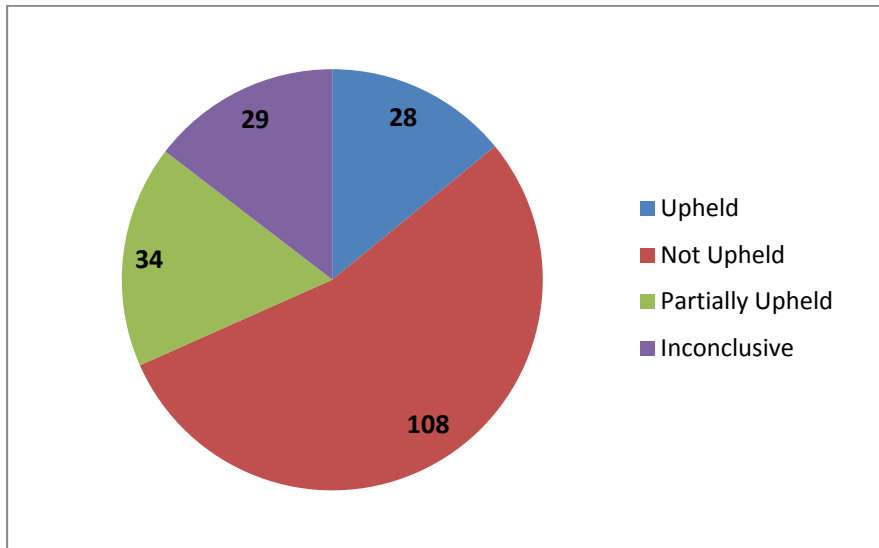
6. The Outcome of Complaints

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.

At Stage 2, the investigator is required to make an independent judgment as to whether or not they uphold the complaint.

Of the 120 complaints responded to at Stage 1 in this period, 44 complaints had multiple issues and a total of 199 single issues were raised across the 120 complaints.

Issues Findings



7. Timeliness of Complaint Responses

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

Statutory Timescales	Average Days 15/16 (14/15)	% within timescales	% within 20 days of timescales
10 working days	12 (11)	63% (67.5%)	84.8% (89.5%)
20 working days	23 (25)	57.1% (58.6%)	85.7% (93.1%)

Timescales remain a challenge with the complexity of cases that need full investigation, heavy workloads and competing priorities across the team. There is clear evidence that the early resolution of issues is with the best interest of the complainant and the service. Performance has remained comparable to previous years and a more vigorous monitoring and tracking process is in place.

8. Compliments

There were 9 compliments received during 2015/16.

The following service areas received compliments:

Service Area	No. compliments (15/16)		No. compliments (14/15)
Special Educational Needs and Disability	1	SEND	2
Protection & Assessment	2	Protection & Assessment	3
Looked After Children & Care Leavers	3	Looked After Children	2
Permanence	1	Permanence	2
Residential Services	2	Provider Services	5
		Reviewing Practice	1
Total	9		15

Examples of compliments include:

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

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

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

9. Improving our service by learning from complaints

- We recognise that when things do go wrong, we need to make sure that the same thing doesn't happen again.
- Completion of a 'Learning Outcome' template is requested from the service area at the same time as complaint response is sent, in order to capture learning made and to inform discussion.
- As part of the investigation and response all managers are requested to identify learning for the service. Where possible any appropriate learning is explained to the customer in the complaint response letter. Learning is an important part of the process and is taken seriously. All customer feedback is valuable and is used to improve service performance.

9.1 Summary of Learning:

From the information given in complaints and responses, and feedback from the service area involved, learning was identified resulting in management actions to improve the way we work in the following areas:

- The assessment process
- Firming up of contact arrangements
- Working relationships
- Communication standards and processes
- Information sharing
- Perception of care provided
- Standard of foster care
- Accuracy of assessments
- Future dialogue between service and service users
- Understanding of agreements
- Support arrangements
- Updating staff knowledge of current practice
- Signposting where appropriate
- Respite placement and provision
- Procedural arrangements

9.2 Training and briefings

A number of staff briefing sessions have been delivered in 15/16 order to inform staff on how to handle and respond to complaints. The Customer Care team is always available to provide training and support to any staff who request this.

Contact Details:

Mark Halliwell
Lead Assurance Officer
Corporate Assurance Team
Room 34, The Council House, Lichfield Street, Walsall WS1 1TW.

mark.halliwell@walsall.gov.uk
01922 658923

