

## Children's Social Care Complaints and Representations

### ANNUAL REPORT for period 2009-10

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#### 1. Context

This report provides information about complaints made during the twelve months between 1 April 2009 and 31 March 2010 under the complaints and representations procedures established through the Children Act Regulations 2006, 'Getting the Best from Complaints – Social Care Complaints and Representation for Children, Young People and Others'.

The figures for 2009-10 will be compared with the year before, 2008-09.

The complaints service has remained fully staffed with a 0.8 Complaints and Resolutions Manager and 0.5 administrator.

All timescales contained within this report are in working days.

## **1.1 What is a Complaint?**

The Children Act talks of a procedure for representations (including complaints). Representations may not always be complaints but they may be remarks or ideas that need a response from the local authority. A complaint may be defined as an expression of dissatisfaction in relation to the social services provision to a specific child or young person, which requires a response.

## **1.2 Who can make a Complaint?**

- Any child or young person looked after by the local authority or in need.
- His/her parent or someone with parental responsibility.
- Any local authority foster carer.
- Care leavers.
- Any child or young person under a Special Guardianship Order.
- Special Guardians.
- Any person who has applied for an assessment.
- Any child placed for adoption, their parents/guardians and prospective adopters.
- Any person for whom adoption support services may be provided.
- Adopted persons, their parents, natural parents and former guardians
- Such other person who the local authority considers has sufficient interest in the child's welfare e.g. grandparents

## **2. Stages of the Complaints Procedure and statistics**

The complaints procedure has three stages.

**Stage 1.** This is the most important stage of the complaints procedure. Social work teams and managers are expected to resolve as many complaints as possible at this initial point. Children and young people describe complaints as 'problems not being sorted out' (p.5 Children Act Guidance, 2006). They wish for matters to be resolved as quickly as possible, but as long as this is done properly.

The Regulations require complaints at Stage 1 to be responded to within 10 working days (with the option of an extension to a further 10 days where necessary). The Service Manager for the relevant service is responsible for ensuring that a response is made, although, in line with the guidance, this is increasingly being passed to the Team Manager who often responds by meeting with the complainant.

**Stage 2.** This stage is usually implemented where the complainant is dissatisfied with the findings of Stage 1. The Stage 2 investigation can be conducted by either an internal manager or an independent Investigating Officer. The Regulations require the Investigating Officer to be accompanied by an Independent Person who works alongside the Investigating Officer to ensure that the process of investigation is transparent, open and fair. A Strategic Lead adjudicates on the findings.

Stage 2 complaints should be dealt with in 25 days, although this can be extended to 65 days.

**Stage 3.** The third stage of the complaints process is the Review Panel.

Where complainants wish to proceed with complaints about statutory social services functions, the Council is required to establish a Complaints Review Panel. The panel makes recommendations to the Head of Service who then makes a decision on the complaint and any action to be taken. Complaints Review Panels are made up of three independent panellists. There are various timescales relating to stage 3 complaints. These include:

- setting up the Panel within 30 days of request
- producing the Panel's report within 5 days of the Panel and
- producing the local authority's response within 15 days.

A further option for complainants is the Local Government Ombudsman (LGO) who is empowered to investigate where it appears that a Council's own investigations have not resolved the complaint. Complainants can refer their complaint to the LGO at any time, although the Ombudsman normally refers the complaint back to the Council if it has not been considered under our procedure first.

### **3. Activity**

The Complaints Service recorded 80 complaints during the year, compared with 74 in 2008-09. This figure is the total number of complaints coming into the Complaints Service during the year 2009-10. Some of these complaints are still live (having entered our monitoring system before 31 March and not yet concluded) and will constitute part of the activity during 2010-11.

Total complaints made:

Between 1 April 2009 and 31 March 2010, we received 80 complaints. All were dealt with initially at Stage 1.

6 Stage 2s began and were completed in 2009-10.

5 complaints proceeded to Stage 3 in 2009-10 – all of these had begun at either Stage 1 or 2 in the year 2008-09.

Over and above these complaints, there were an additional 39 cases that came into the complaints team where work was done without recourse to the formal complaints procedure. This involved situations where service users wished to raise issues without recourse to a formal process and needed assistance in taking matters forward, for example, planning for their children, assistance in arranging contact, explanation as to why certain courses of action had been taken.

### **3.1 Comparison with the preceding year**

This indicates a 7.5% increase in complaints from last year within children's social care.

At the time of writing there are no figures available as to how this compares with complaints across the Council.

It would appear that the number of complaints has stabilised following an 80% increase between 2007-08 and 2008-09. This places Oxfordshire figures more in line with the complaint figures for our comparator local authorities, although there is a range in volume across these authorities.

It would be hoped that there is a steady increase in complaints figures from year to year as this evidences more people providing feedback on their experience of the service and by implication these will be monitored centrally. This may occur as fresh publicity becomes more widespread.

### **3.2 Outcomes of complaints**

Of the 80 Stage 1 complaints, 17 were still outstanding at the end of the year.

Of the 63 that had been responded to, 94 issues were raised. 32 of these were upheld (either fully or partially), 43 were not upheld, 5 were withdrawn and the outcome of 14 issues was unclear.

To compare with last year – 50.7% had issues upheld this year compared with 54% last year.

Note about outcomes:

There was an increase in the number of complaints where the outcomes are logged as 'unclear'. This is a reflection more of the way in which complaint outcomes have to be recorded on the Respond system, rather than of managers being unclear in how they respond to complainants. Many complaint responses are about explaining to complainants the reasons for certain actions or may be about drawing up a clear plan of action for future work and of these 14 'unclear' outcomes many of them will have been resolved via these means. Many complaint issues are not worded such that they can be upheld or indeed not upheld – nor are many assisted by such a 'black and white' response.

### **3.3 Response times**

At Stage 1, 47 of the complaints were responded to within 10 working days, 10 within 20 working days and 6 outside of the 20 working day timeframe. Therefore 90% of complaints were responded to within the guidance timescale of 20 days. In 2008-09 70.5% of Stage 1 complaints were responded to within the 20 day timescale, so this year represents an improvement.

Where complaint response times have fallen outside of the timeframe of 20 working days there are usually various reasons for this and in all cases complainants are kept informed of reasons for delay, or indeed it is because a complainant would rather have a meeting and attempt to resolve the issues that they have. This is also true when the specific practice of restorative meetings is being used.

When a complaint is made by a young person it can take longer to look into due to the good practice of meeting with that young person and ensuring they are offered advocacy.

This year's response times show an increase in the number of complaints being responded to within 20 days and the year's target of 85% of Stage 1 complaints being responded to within this timeframe has been exceeded.

## 4 Stage 1 Complaints

### 4.1 Stage 1 Complaints across teams

Area/Team	Assessment	Family Support	Children Looked After	Children with disabilities	Residential	Leaving care	Safeguarding and QA	Other	TOTAL
North	9	10	7	3	-	-	-		29
City	3	9	15	0	2	-	-		39
South	3	10	2	1	-	-	-		16
County wide	-	-	-	-	2	2	1	1	6
<b>TOTAL</b>	<b>15</b>	<b>29</b>	<b>24</b>	<b>4</b>	<b>4</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>80</b>

### 4.2 Concluded Stage 1 Complaint issues by Service Areas

Service Area	Assessment	Family Support	Children Looked After	Residential	Leaving Care	Children with disabilities	Safeguarding and Quality Assurance	Other – not identified	Total
No. of issues (% of total)	19 (20.6%)	34 (36%)	26 (27.6%)	1 (1%)	2 (2.1%)	7 (7.4%)	3 (3.2%)	2 (2.1%)	94 (100%)

### 4.3 Concluded Stage 1 Complaint issues by Geographical and Service Areas – excluding countywide services

Service Area/Geographical Area	Assessment	Family Support	Children Looked After	Children with disabilities	Total issues per area
North – no of issues	7	7	9	6 – shared with	26

				Central	
<b>Central – no of issues</b>	3	16	16	As above	<b>38</b>
<b>South – no of issues</b>	9	11	1	1	<b>22</b>
<b>TOTAL</b>	19	34	26	7	<b>86</b>

Table 2

#### 4.4 Concluded Stage 1 Complaint issue outcomes by Geographical and Service Areas

Service Area/Geographical Area	Assessment			Family Support			Children Looked After North			Children with disabilities North/City	South	TOTAL
	North	Central	South	North	Central	South		Central	South			
Outcomes												
Upheld	1		5	1	2	1	3	2		2		<b>17</b>
Partially Upheld	1	1			2	4	2	3				<b>13</b>
Not Upheld	2	2	3	3	10	6	2	9	1		1	<b>39</b>
Withdrawn/unclear	3		1	3	2		2	2		4		<b>17</b>
<b>TOTAL</b>	<b>7</b>	<b>3</b>	<b>9</b>	<b>7</b>	<b>16</b>	<b>11</b>	<b>9</b>	<b>16</b>	<b>1</b>	<b>6</b>	<b>1</b>	<b>86</b>

#### 4.5 Concluded Stage 1 Complaint issue outcomes for county wide services

Service Area	Residential	Leaving Care	Safeguarding and QA	Other	TOTAL
Outcomes					0
Upheld	1				1

Partially Upheld		1	1		2
Not Upheld			2	1	3
Withdrawn/unclear		1		1	2
<b>TOTAL</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>8</b>



**How complaints were made:**

Letter – 22

E-mail – 8

Telephone – 24

Complaints Form – 10

Web Site – 6

In Person – 9

Via LGO - 1

**Nature of complaint: contd....**

<b>Complaint Issue</b>	<b>Number</b>
Staff attitude/ Behaviour/ Quality of service from staff member	33
Quality or appropriateness of service	21
Delay in decision making/ provision of service	4
Delivery or non-delivery of service including funding issues	4
Disputing decision (eligibility, assessment outcome)	6
Assessment/ care plan issues/ review	10
Related to court proceedings e.g. quality of report/ decision to initiate proceedings	1
Objection to change/ closure	1
Linked with standards of care issue	2
Recording	1
Information sharing/ confidentiality	7
Impact on child/ young person of application of policy	4
<b>Total</b>	<b>94</b>

**Note:** The figures for complaint issues are greater than the total number of complaints responded to. This is because a complainant often has multiple issues within their single complaint to the Children and Families.

**Complaint made by:**

Child/young person in need	<b>11</b>
A relative	<b>65</b>
Other representative – such as foster carer	<b>4</b>

<b>Total</b>	<b>80</b>
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### **Note about children and young people and advocacy**

In 2008-09 13% of complaints came from children and young people themselves. This year, this figure has remained the same. All young people are offered an advocate to assist them in making their complaint and to follow through its progress. 3 took up this offer while the others felt well supported by their social worker or foster carer and did not require additional assistance. Another young person had a solicitor acting on their behalf.

Since May 2009 the advocacy service previously run by Spurgeons Child Care moved into the County Council and, managed by the Complaints and Resolutions Manager, was positioned in the Quality Assurance arm of the service. The overall picture so far is that the referral rate for advocacy has increased and this is allowing for the taking up of issues on behalf of young people in ways that do not always involve a formal complaints process

### **.Gender information for complainants**

Male	36
Female	50
Couples	6
<b>Total no of complainants</b>	<b>86</b>

### **4.3 STAGE 2 COMPLAINTS**

There were 6 new Stage 2 complaints during the year, compared with 13 last year. Two further Stage 2 complaints were completed, having begun in 2008-09. All 8 were completed during 2009-10.

All of these Stage 2 complaints investigations were undertaken by external independent Investigating Officers accompanied, in accordance with the Regulations, by an Independent Person.

Of the 8 Stage 2 complaints, there were the following outcomes:

- Complaint 1 with 10 issues – 1 partially upheld, 9 not upheld.
- Complaint 2 with 3 issues – 2 upheld, 1 unable to reach conclusion.
- Complaint 3 with 8 issues - 5 not upheld, 2 partially upheld and 1 upheld
- Complaint 4 with 5 issues – 4 upheld, 1 not upheld.
- Complaint 5 with 2 issues – 2 not upheld.
- Complaint 6 with 6 issues – 1 upheld, 2 not upheld, 1 partially upheld and no finding on 2 issues.
- Complaint 7 with 14 issues – 12 not upheld, 1 partially upheld and no finding on 1 issue.
- Complaint 8 with 23 issues – 8 upheld, 3 partially upheld, 10 not upheld and 3 unable to reach a conclusion.

<b>Stage 2 – Service Areas</b>	<b>Assessment North/Central/South</b>	<b>Family Support North/Central/South</b>
<b>Number</b>	2 - South	4 – South 1 – North 1 - Central
<b>No. Days taken</b>	1 x 65 working days 1 x 62 working days	1 x 34 working days 1 x 73 working days 1 x 53 working days 1 x 67 working days 1 x 71 working days 1 x 62 working days
<b>No. over timescale</b>	<b>0</b>	<b>3</b>

The average time to produce a final response at Stage 2 (including the adjudication) was 60 working days. The reasons for those that went over timeframe include the need to change the Adjudicating Officer, the availability of staff, particularly over the summer months, and the complexity of the issues raised. The aim of 2010-11 will be to see the average response time come back down and for all to be within the 65 working day timeframe.

### Summary of outcomes per issues by Service Area:

Service Area	Asst	Family Support	Total
Upheld	5	11	16
Partially Upheld	2	6	8
Not Upheld	6	35	41
No Finding	0	7	7
<b>TOTAL</b>	<b>13</b>	<b>59</b>	<b>72</b>

### Nature of Complaints:

The upheld complaint issues included

- Child protection conference minutes being sent out unacceptably late.
- A parent should have been told the reason for the social worker withdrawing.
- The inadequate assessment of provision of contact where a parent is in prison.
- Issues around quality of recording.
- A lack of clarity concerning support with legal costs.
- A lack of referral and follow up to another agency.
- A lack of information given to a young person.
- An unacceptable delay in accessing and passing on notes to family.
- Lack of planning for contact.
- Communication difficulties.
- Accuracy of recording and minutes.

## 5. STAGE 3 COMPLAINTS

There were 5 Stage 3 complaints this year. This compares with 3 last year. Timescales relating to statutory social services Stage 3 complaints include:

- A Panel should be established within 30 days – this happened in 4 of the cases.

- The Panel is required to produce a report within 5 working days detailing its recommendations – this happened in 5 cases.
- The local authority should send a response within 15 days of the Panel’s report – this happened in 2 of the cases, with another 2 taking 16 days and another 18 days.

### **5.1 Outcomes at Stage 3**

There were no significant concerns being brought to light about the conduct of the Stage 2 investigations when looked at during Stage 3 Panels.

Recommendations included:

- The Council is to ensure that staff are clear about what information is hearsay.
- In cases of separation and divorce, parents should receive the same level of communication about their children.
- Level of relief care provision.
- Greater clarity around the statement of complaint at Stage 2 and who needs to be interviewed.
- The need to ensure that the child protection procedure and process is very clearly and simply explained to parents at each stage, using the relevant leaflet.
- Social Care to progress its initiative to improve working with fathers in accordance with recent government guidance.
- The need to follow up in writing where any advice has been given concerning legal or financial matters.
- Endorsing of QA and audit to ensure high quality record keeping.

### **6. Ombudsman complaints and enquiries.**

During the year, one complaint reached the Complaints Service was referred to the Local Government Ombudsman by the complainant following the Stage 3 Review Panel. This related to a complaint that began in 2008-09.

### **7. Percentage escalation (last year’s figures are in brackets)**

The following table indicates how many complaints have escalated from Stage 1 to Stage 2 and how many have progressed from Stage 2 to Stage 3. These figures reveal that although the overall numbers of complaints have increased, the escalation rate from Stage 1 to Stage 2 has decreased. This hopefully indicates some measure of customer satisfaction with responses to complaints at Stage 1 and may be related

to increased opportunities to meet with managers at Stage 1 to discuss and seek to resolve the issues that are concerning them. The increase in escalation rate from Stage 2 to 3 is accounted for by the smaller number of Stage 2s.

Stage 1 to Stage 2	9% (last year 13%)
Stage 2 to Stage 3	37% (last year 23%)

## **8 Expenditure**

When staffing costs are removed, the Children's Social Care complaints budget was £15,013.84. This was overspent by £10,284.46. With only an inflationary budget increase for 2010-11 this is likely to remain a challenge.

The main areas of expenditure for the budget are the costs associated with Stage 2s and Stage 3s. The average cost of a Stage 2 investigation is £2500 and the average cost of a Stage 3 is £850. As can be seen, the cost of the 8 Stage 2s that were funded from this budget immediately created an overspend without any other demands on the budget.

### **8.2 Compensation Payments**

Compensation payments would only be offered if, after a complaint has been investigated or as part of an Ombudsman's investigation, it is concluded that:

- the Ombudsman would find that there has been maladministration by the Council causing injustice to the complainant; and
- the Ombudsman would recommend that compensation should therefore be paid to the complainant.

In the one case that went to the Ombudsman, £250 was paid to the complainant.

## **9 Restorative Approach**

Restorative meetings continue to be employed to seek to resolve complaints and identify the way forward, particularly at Stage 1. This is a useful addition in seeking to bring about resolution and will continue to be offered and developed over the next year.

## **10 Learning Lessons/Practice Improvements**

Complaints provide senior managers with useful information in respect of the way that services are delivered. The consideration of complaints has resulted in the following operational changes:

- Review of Children's Direct Payments for children with disabilities.
- Information to parents of children with disabilities reviewed and website update.
- Consideration given to the fact that children with disabilities sometimes have to compete with child protection as they may be managed in the same team. These arrangements explored with the family support and disability services.
- Review of individual cases.
- Guidance produced for staff on the issue of financial support in private law proceedings.
- Reminder to staff of need for accurate and full recording.
- In file auditing, a specific question raised about extent to which fathers have been included in decision-making and planning.
- Staff workshops have included learning from particular complaints.
- Use of DCSF material with staff around working with fathers.
- Reminder to staff that case conference reports must be given out to both parents prior to meeting.
- Staff to ensure that parents fully understand case conference processes.
- Feedback sought from a sample of parents to ensure that they understand the child protection procedures.
- Additions made to individual files where clarity needed or documents missing.
- Improvements in the timeframe for case conference minutes to go out.
- The Oxfordshire Safeguarding Children Board Monitoring Sub-Group looked at how fact and opinion are distinguished in case conference minutes.

## **11 Compliments**

Compliments gathered over the past year are reflected below. It is likely that there are more compliments than have been gathered as this process is more firmly embedded in some teams than others.



Service Area	Source of compliment			TOTAL
	Staff to staff	Service user	Other agency	
Assessment	5		1	6
Family Support	2		2	4
Children Looked After	10	6	10	26
Adoption		6		6
Leaving care	2	2	2	6
Children with Disabilities	1	2	1	4
Multi Treatment foster care	2	3		5
Attach team			1	1
Family Placement	4	2		6
Family and Placement support	1	1	1	3
IRO/Safeguarding team	7	2		9
<b>TOTAL - 76</b>	<b>34</b>	<b>24</b>	<b>18</b>	<b>76</b>

The issues leading to thanks and compliments were the quality of court work and reports, the support offered to carers, the performance of social workers at review meetings, the way contact is organised and managed, the support offered to families, clear planning on cases, the relationships built up with families even amidst difficult issues, the quality of chairing of meetings.

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*Joy Vincent*

*Complaints and Resolutions Manager – 10.10.10*