

## **REPORT TO THE CHILDREN AND YOUNG PEOPLE SERVICES POLICY AND SCRUTINY PANEL**

**DATE OF MEETING: 23 MARCH 2018**

**SUBJECT OF REPORT: NORTH SOMERSET ANNUAL COMPLAINTS REPORT 2016/17**

**TOWN OR PARISH: ALL**

**OFFICER/MEMBER PRESENTING: STEVE DEVINE, COMPLAINTS AND CUSTOMER SERVICES, ON BEHALF OF SHEILA SMITH, DIRECTOR OF PEOPLE AND COMMUNITIES**

**KEY DECISION: NO**

### **RECOMMENDATIONS**

It is recommended the members note the content of the Annual Report on Children and Young People's Service (attached), referred to scrutiny for consideration and any further action

### **1. SUMMARY OF REPORT**

- 1.1 The annual report for 2016/17 covers the Council's actions and responses to complaints about Children's Social Care.

### **2. POLICY**

- 2.1 'Getting the Best from Complaints' recommends that an Annual Report on the operation of the Complaints Procedure be presented to the Executive Member for Children's Services. This information, as contained in this report, is referred to this relevant Scrutiny Panel for review and comment.
- 2.2 The main role of the Complaints Manager is to monitor all complaints and have an overview of complaints in order to make recommendations about policies and procedures. The post holder is also responsible for ensuring complaints are investigated as stated in the statutory regulations.

### **3. DETAILS**

- 3.1 In the twelve months April 1<sup>st</sup> 2016 to March 31<sup>st</sup> 2017, the Complaints Officer dealt with 56 representations. Thirty of these proceeded to stage 1 of the complaints procedure, three to Stage Two and one complaint proceeded to stage 3. Further analysis is contained in the attached Annual Report.

#### **4. CONSULTATION**

4.1 Not applicable.

#### **5. FINANCIAL IMPLICATIONS**

5.1 The statutory guidelines require the Council to employ an independent Investigation Officer to investigate for all Stage 3 complaints and to submit their report on recommendations. This has cost £10.735 in the 2016/17 financial year.

#### **Costs**

See above - £10.735 in the 2016/17 financial year.

#### **6. RISK MANAGEMENT**

6.1 A failure to present annual report is contrary to the guidelines as set out in 'Getting the Best from Complaints (2006)'.

#### **7. EQUALITY IMPLICATIONS**

7.1 The evaluation and analysis of complaints is an important means of monitoring and improving service standards including service access for groups within local communities.

#### **8. CORPORATE IMPLICATIONS**

8.1 Legislation and guidance requires that an Annual Complaints Report is produced and reported to the organisation.

#### **9. OPTIONS CONSIDERED**

9.1 None – Getting the Best from Complaints recommends that an Annual Report on the operation of the Complaints Procedure be presented to the Executive Member for Children's Services.

#### **AUTHOR**

Steve Devine  
Complaints and Customer Services  
People and Communities  
North Somerset Council

Tel: 01275 882171

E-Mail: [complaints.manager@n-somerset.gov.uk](mailto:complaints.manager@n-somerset.gov.uk)

Post: Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ

Web: [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk)



## **People and Communities**

### **Annual Report Representations and Complaints**

**1<sup>st</sup> April 2016– 31<sup>st</sup> March 2017**

Steve Devine  
Complaints and Customer Services  
People and Communities  
North Somerset Council

Tel: 01275 882171

E-Mail: [complaints.manager@n-somerset.gov.uk](mailto:complaints.manager@n-somerset.gov.uk)

Post: Town Hall, Walliscote Grove Road, Weston-super-Mare, BS23 1UJ

Web: [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk)

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## **1. Introduction**

- 1.1 This report provides service users, their families and other stakeholders with information about complaints and representations received about children's social care. It aims to measure the effectiveness of the Complaints, Compliments and Suggestions. The report provides an analysis of outcomes and trends from the information received during 2016-2017 as well as the impact on service delivery and learning from complaints.
- 1.2 The report also captures compliments and areas of good practice<sup>i</sup>

## **2. The Statutory Context**

- 2.1 This annual report is a statutory requirement for Children's Social Care Representations, including Complaints and Compliments. This report reflects the data recorded by the Complaints Officer during the period from 1st April 2016 to 31st March 2017 based on the following legal guidance:

*'The statutory procedure for Children's Social Care is "The Children Act 1989 Representations Procedure (England) Regulations 2006" and accompanying Statutory Guidance "Getting the Best from Complaints".'*

## **3. Participation, Early Response and Resolution – an overview of the benefits**

- 3.1 The Council's Complaints Process aims to be as simple and straightforward as possible in order for children and young people to raise their concerns and to feel that they have been dealt with properly and fairly, even if they are not satisfied with the outcome. The Council aims to learn from all feedback and, where appropriate, take action to improve the quality of its services for the individual complainant and for other service users. Complaints can be made from parents, carers and children and young people. In 2016 – 17 the majority of complaints were made by parents and carers.
- 3.2 Within Children's Social Care, the importance of listening to children, encouraging children to make their voices heard and to be involved in active participation is recognised. The complaints system is one of the many ways children and young people can do this.

To broaden and encourage young people and the broader community's engagement with the complaints process the Council is redesigning and updating the Easy Read Complaints leaflets.

- 3.3 The Council is aware of the benefits of learning from engagement from its

stakeholders, even when this participation is in the form of a complaint. Problems and concerns can be raised, discussed and, in most cases, resolved quickly and informally. Young people are encouraged to feel that they can speak out and that it can make a difference. Even where a complaint has not been upheld, the feedback gained is an integral part of the quality assurance process which feeds into the development and monitoring of services. A good response to a problem or concern is likely to prevent it becoming a complaint at all; whereas a poor response to a representation or complaint is likely to leave the complainant feeling that their concerns have not been taken seriously or properly looked into.

- 3.4 Overall, when reviewing all correspondence, the aim of the Council is to resolve concerns quickly and clearly. A good response will address the issue in a manner the reader will understand and acknowledge. Where the concern notified indicates a failure between expectation and delivery, there is an immediate and clear benefit to all if an explanation of how a service operates is included in the response. This can assist with a stakeholders understanding of the process and can help to identify areas for potential service improvements. It can also help to maximise valuable resources, such as Service Leader and Team Leader time. Learning from complaints enables processes and procedures to work to the benefit of children and young people. For example, it is considered to be good practice following meetings with service users for all agreed outcomes to be communicated in writing. This ensures there is no misunderstanding.

## **4. Advocacy**

- 4.1 Section 26A **Children Act 1989** requires the authority 'to make arrangements for the provision of advocacy services to children and young people making a complaint under the Act'.

Any adult making a complaint under the Act is offered the use a free advocacy service, through all the stages of the complaints procedure up to the Local Government Ombudsman. This is an enormously beneficial resource.

- 4.2 Young people in North Somerset are able to access the services of the Junction 21 Mentoring & Advocacy Coordinator. This post is part of North Somerset's Youth Offending Service. The Council has also previously engaged with service users through Your Say, SEAP (advocacy support for health and social care service users) and the National Youth Advocacy Service. There has been no advocacy support in 2016 17. The reason for this nil update may be because the majority of complaints are from parents/carers.

- 4.3 In 2016-2017 the number of recorded complaints by young people was recorded as 0.

## **5. The Complaints Procedure**

- 5.1 North Somerset does not only act on complaints made in writing. Responses are in written form, however, as it is imperative that a clear and accessible record is maintained.

## Social Care Representations

Representations, (which are potential complaints if not dealt with appropriately) are usually dealt with at point of contact. Representations are recordable when there is a more detailed or involved response, involving, for example, swift decision making and/or response by Team Management, in order to resolve a concern.

### 5.2 Stage 1- Local Resolution (Informal Stage)

Most stage 1 representations are actioned by local managers, (normally Team Leaders) or those appointed by the Complaints Officer. The Council's procedure requires that Complainants receive a response within ten working days. This may involve meetings or discussions with the Complainant or other parties in order to clarify issues. The manager will seek to find a practical resolution to the issue and will conclude this with a written response. The Complaints Officer is available to provide advice and support where requested.

All letters to Complainants from the Complaints Officer give a date by which a response should be received. Fuller responses from Service Leaders or their designated responder should contain advice to contact the Complaints Officer if dissatisfied with the response received.

Please see the statistics for Stage 1 complaints in section 8 below.

### 5.3 Stage 2 - Investigation Stage

When a complainant is not satisfied by the response at Stage 1, he may request that his concerns are escalated. The Stage 2 complaint is investigated by an external 'Investigating Officer', not associated with the case. North Somerset engages an external independent Investigating Officer appointed from the South West Regional Complaints Register.

Transparency within the Council's processes is demonstrated through the sharing of the local and external Investigating Officers reports with the complainant. The reports are also considered by the Assistant Director for Support and Safeguarding. The Assistant Director will write to the complainant within two weeks of receipt of the reports giving his response and explaining what action will be taken.

The written response to the complainant will detail the decisions on the complaint and will set out any actions to be undertaken by the service or department, including relevant timescales.

In 2016-2017 three cases advanced to Stage 2. It is felt the effective resolution of complaints by teams and Service Leaders within the Stage 1 process has contributed significantly to this low figure.

#### 5.4 Stage 3 – Review Stage

Where the complaint has not been resolved at Stage 2, the complainant has the right to request that any outstanding complaints are reviewed by a panel at Stage 3.

The North Somerset Review Panel has three members. For complaints considered under the **Act**, all 3 must be independent of the Council. The Review Panel does not re-investigate the complaints but acts as arbitrator and makes recommendations for consideration by the Assistant Director, Support and Safeguarding, who will respond in writing to any findings and recommendations of the Panel.

There has been one stage 3 complaint in the period 2016-2017. The findings of this safeguarding complaint saw in favour of the complainant and the council. Actions have been taken to resolve any outstanding issues.

#### Summary of complaints 2016 -17

5.5 In the twelve months April 1<sup>st</sup> 2016 to March 31<sup>st</sup> 2017 the Complaints Officer dealt with 56 representations. Thirty of these proceeded to stage 1 of the complaints procedure. Of these thirty, seven were upheld, seven partly upheld and sixteen were not upheld.

5.6 Three complaints proceeded to Stage Two. The first of these centred on service provision; the second related to the Council's decision making process whilst investigating safeguarding concerns; and the final to social services interventions. Responses to concerns were given in accordance with statutory requirements. The complaints centres on whether the Councils actions were reasonable and proportionate.

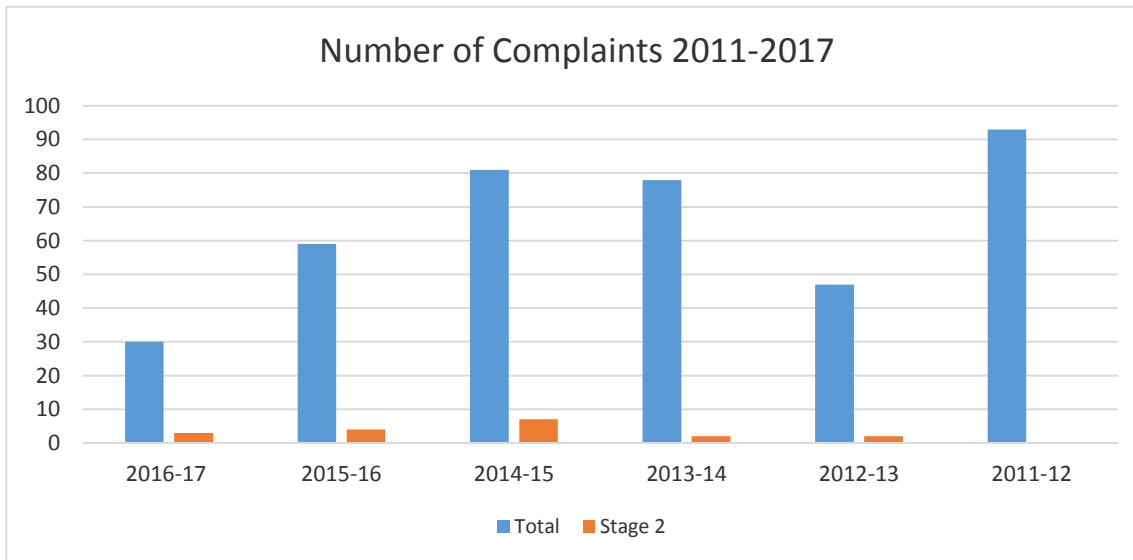
5.7 One complaint advanced to a Stage Three Review of the children's complaints procedure. 3 elements of the complaint were upheld and 3 elements were not upheld, in terms of learning, a leaflet will to be created which will be distributed by social workers when they meet initially with families at the outset of a section 47 child protection investigation.

5.8 The tables below shows a summary of all complaints during the period 2010 – 2017:

Year	2016-17	2015-16	2014-15	2013-14	2012-13	2011-12
Substantiated	6	5	6	2	10	14
Unsubstantiated	16	31	54	60	29	57
Substantiated in part	7	19	18	11	2	5
Miscellaneous	0	3	3	5	1	4
<b>Total</b>	<b>30</b>	<b>59</b>	<b>81</b>	<b>78</b>	<b>47</b>	<b>93</b>



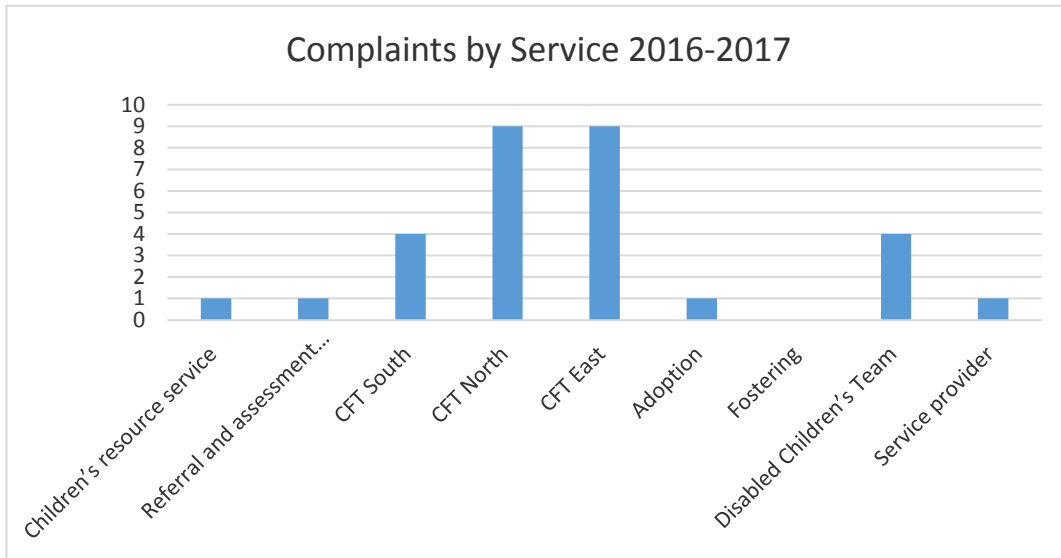
Stage 2	3	4	7	2	2	
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The total numbers and numbers of unsubstantiated complaints has continued to fall.

5.9 The complaints by service in 2016-17 are as follows:

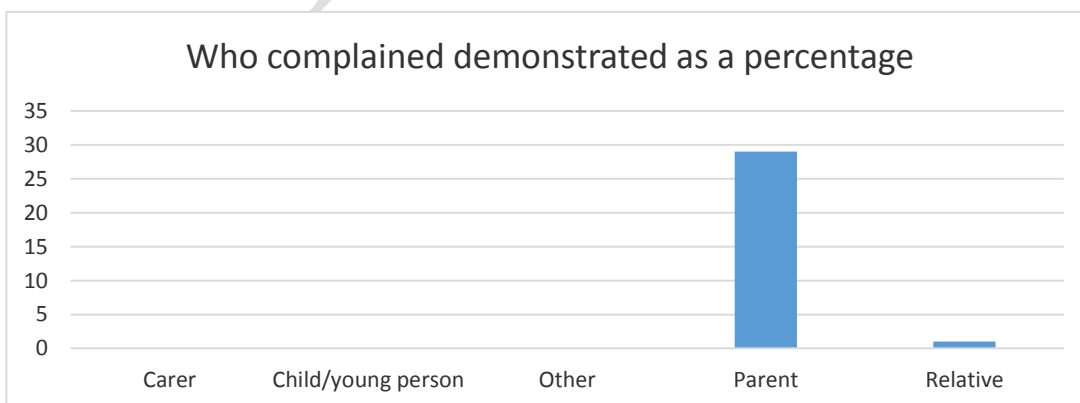
Name of Service	Number of complaints
Children's resource service	1
Referral and assessment team	1
CFT South	4
CFT North	9
CFT East	9
Adoption	1
Fostering	0
Disabled Children's Team	4
Service provider	1
<b>Total</b>	<b>30</b>



The reasons for the higher than average numbers of complaints for the CFT North and East teams is perhaps indicative of the complexity and range of service user's needs.

5.10 A summary of those groups who have complained in 2016 -17 as a percentage of the whole are as below:

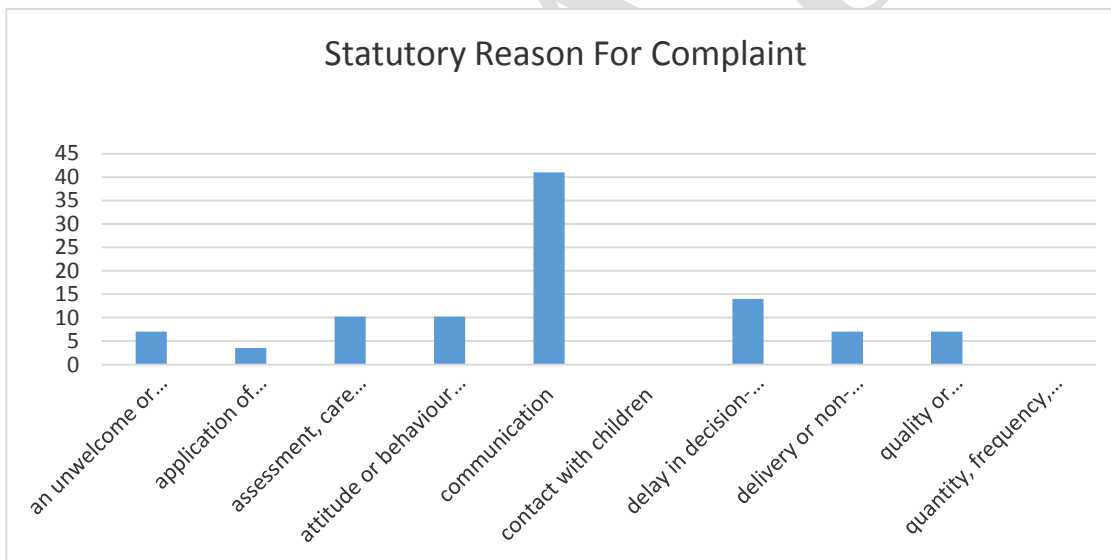
Who complained demonstrated as a percentage	
Who complained	%age
Carer	0
Child/young person	0
Other	0
Parent	29
Relative	1
<b>Total</b>	<b>30</b>



Most complaints are from parents who are unhappy with the decision of a social worker in relation to actions taken in relation to the care of their child.

5.11 The reasons why a statutory complaints in 2016 -17 was made is shown below:

Statutory reason for complaint categories	Children %age
an unwelcome or disputed decision	7
application of eligibility and assessment criteria	3.5
assessment, care management and review	10.25
attitude or behaviour of staff	10.25
communication	41
contact with children	0
delay in decision-making or provision of a service	14
delivery or non-delivery of service	7
quality or appropriateness of a service	7
quantity, frequency, change or cost of a service	0



## 6. Local Government Ombudsman

6.1 A Complainant may approach the Local Government Ombudsman at any time with their concerns. The Ombudsman would want the Council to consider any concerns under the relevant complaints procedure before undertaking an investigation.

6.2 The LGO received 2 complaints. 2 were upheld with maladministration and injustice. Lessons learned from this are shown in section below.

## 7. Monitoring

7.1 This monitoring information is provided for inclusion in the Corporate Feedback, Complaints & Ombudsman Annual Report. It is submitted to the Directorate's Directorate Leadership Team and the Councillors for review. The relevant teams and Service Leaders are informed about individual complaints when received. Team Leaders provide feedback on action taken to resolve the complaints they have dealt with.

The report, once agreed, is available on the Council's web site.

## 8. Compliments

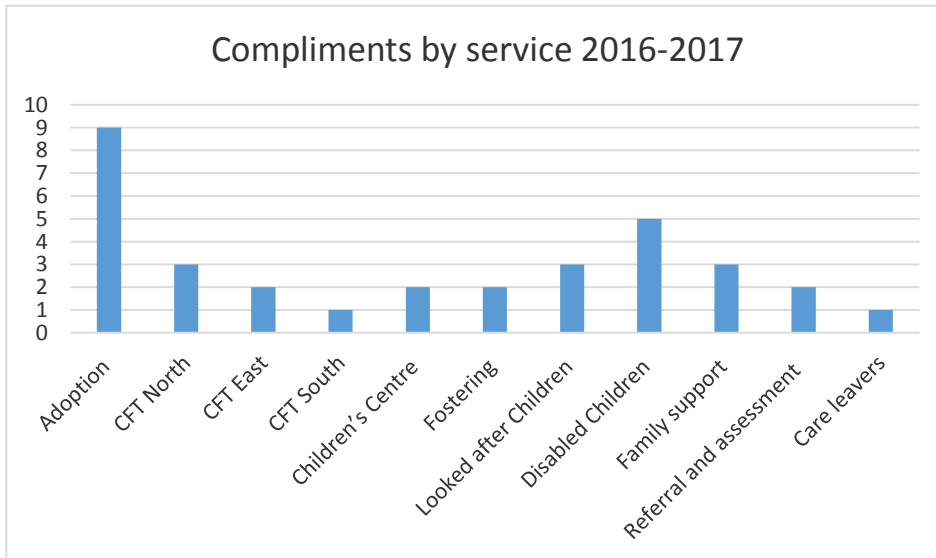
8.1 In addition to receiving complaints, the Council also receives compliments for good service. This feedback is shared with the staff concerned and used to demonstrate where things are going well.

8.2 In the period 2016-2017 there were 31 recorded instances of complimentary feedback including positive reports about the Council's Community Family Teams, foster carers and adoptive parents. This represents a significant increase from last year. One of the reasons for this feedback could be that Service Leaders have managed to emphasise the importance within their teams of capturing compliments received. These are recorded within the teams and passed on to the Complaints Officer.

8.3 Compliments received from professionals and co-workers are recorded as part of a staff member's appraisal.

8.4 A breakdown of compliments received in 2016-17 is shown below:

Service	Number of compliments
Adoption	9
CFT North	3
CFT East	2
CFT South	1
Children's Centre	2
Fostering	2
Looked after Children	3
Disabled Children	5
Family support	3
Referral and assessment	2
Care leavers	1
<b>Total</b>	<b>33</b>



8.5 Some examples of compliments received in this period have been:

'I took her out on 25.01.2017 for a goodbye visit and she said that she was going to miss seeing me and that I was her favourite social worker she has ever had and this was because I was nice and listened to her.'

'The social worker was fantastic and both were able to resolve the situation although they both had to stay until after 6 pm on a Friday evening to do this. This commitment to the children's welfare often goes unreported, and I just wanted to ensure that it is documented and that our sincere thanks are passed on to the social worker for her support. I have thanked her personally but wanted to make you aware of the situation.'

## 9. Adoption

9.2 The Adoption Services received one stage 2 safeguarding complaint and 9 compliments. The safeguarding complaint has been fully investigated. (Further details of this complaint is not included in this report due to the nature of the case).

## 10. Response Times

10.1 The average time taken to provide a Stage 1 response was 7.7 days which is under the national guideline of 10 days and equal to last year's response rate.

10.2 69% of complaints were responded to within the 10 days guidelines. The Council can request an additional 10 days if the complaint is complex. Additional time requests were made in a majority of cases.

## 11. Lessons Learned

- 11.1 Monitoring and analysing representations, complaints and compliments provides an opportunity to learn and improve both in relation to the individual case and in some circumstances across teams or services. Consequently the complaints process is important in improving team and departmental performance and should be seen as an important part of the quality assurance process within the Department.
- 11.2 Where failure to follow good practice and procedures is highlighted in individual complaints, Service Leaders have been instructed to make the necessary improvements.
- 11.3 Council officers can deal with representations on a regular basis. Not all are necessarily reported to the Complaints Officer. On review of the complaints during the period 2016-2017, issues relating to communication are a common theme that can be broken down into key areas:
- Whilst practitioner workloads are noted, in terms of good practice, where possible the importance of maintaining appointments and returning calls should be prioritised. This will prevent complaints where the complainant feels their needs have not been considered fully despite action being taken
  - Some communication complaints are based around the accuracy of report writing. Clear instructions with regards to the nature of the Council's interventions must be given. This will inform parents of their rights and manage expectations.
  - Sensitivity of work remains a priority. Service leads have developed measures through the process of staff supervision. This has highlighted the need for additional training and support in some areas.
- 11.4 The childcare service continues to experience high demand. Despite the level of challenge, the stage 1 response time has improved. The Complaints Officer would like to thank the service for recognising the importance of complaints process and the need for a timely responses.
- 11.5 Overall the statistics show that the complaints process for children is robust, managed with required levels of sensitivity by the members of staff involved. Service Leaders are to continue informing the complaints lead of complaints and compliments, to ensure data is captured and logged as a matter of best practice. This will ensure the data recorded provides an accurate reflection of the service as perceived by the service user.
- 11.6 The nature of complaints is varied with some being more complex than others. Responses must be full and clear to avoid the need to respond again to a matter previously investigated. In such instances it is important there is a recognition that the response provided previously may not have been as comprehensive or as clear as it could have been. Due to the nature of the service, some complaints may also be a manifestation of a vexatious complaint. It is important that a full record is kept so that a fair and proper assessment of the quality of the complaint can be made under the Unreasonable Complainant Behaviour Policy.

- 11.7 In 2016-17 some complaints have been dealt with directly by Team Leaders and the Assistant Director for Children's Support and Safeguarding. It is not necessary that all complaints should come through the Complaints Officer, although such responses should be forwarded to the Complaints Officer to the necessary details are recorded and any findings record an accurate and true picture of service provision and where improvements may be needed.
- 11.8 Service Leaders should reinforce the importance of capturing verbal complaints. Staff should be further encouraged to record and analyse comments or concerns they are made aware of as many young people will not wish to engage in a 'formal procedure'.
- 11.9 The Council still receives only a small proportion of complaints directly from children. The majority of complaints are from family members, parents or friends. This represents a challenge departmentally in keeping the child's interests central to the complaint. The guidance set out clear definitions for who may complain.
- 11.10 The changes below are recommended to be implemented as a result of lessons learned following a complaint or criticism:
- The North Somerset Council Website should be updated. The Childcare Team is developing a new section to include their policies and procedures with clear pathways being defined and responsibilities and timescales given. This will lead to transparency and clarity. A definition of processes will potentially lead to a reduction in complaints.
  - A recent complaint highlighted a need for the local Authority to give additional training for staff when making formal and informal arrangements for looking after children. Section 20 training covers the legal framework and application of the law in relation to the duty to offer accommodation. The training covers the difference between family arrangements and a formal request to offer section 20 as instigated by the Council. The training also covers the nature of assessments required in an emergency before placing child and in a planned moves before placing child. There is guidance now distributed about the use of section 20 as issued by the Association of Directors Children's Services and NS guidance and Leaflet available for families.
  - A need for clarity when family members look after a child has been identified. The Council has improved its procedures and now provides written information to family and friends and carers to ensure they are fully informed of the differences between children being supported under section 20 looked after status and children being supported under other plans. This has helped to ensure that carers understand the differences and the financial implications of each option. There is now a fostering form agreement explaining the differences. The family is asked to sign the form to confirm their understanding of the arrangements that apply to them

- Following a complaint relating to the information local authorities give when investigating duties under s47 of the Children's Act, the council is in the process of developing printed information for all parents involved in the child protection process. A leaflet will be jointly created and owned by Children's Social Care, Health and the Police (to underline their joint responsibilities within the S47 duties).

## 12. Report Summary and Suggestions

12.1 In conclusion, the majority of complaints were resolved at the Stage 1 point. Stage 1 responses often utilise a number of resources putting additional demands on staff time. A concerted effort is needed to recognise the importance of an early resolution. By listening to complainants and their experiences, managers can help to prevent or resolve mistakes earlier and learn new ways to improve and prevent problems from happening in the future. This in turn will lead to an improvement in services.

Recommendation: The Complaints Officer recommends that when complaints are made, the local manager should arrange a face to face meeting or telephone conversation as soon as practically possible to, where possible, resolve the concerns and prevent escalation.

12.2 The Complaints Officer can provide support and assistance to Service Leaders, Team Leaders as well as Business Support Staff.

Recommendation: the expertise of the Complaints Officer should be utilised to a greater extent by all of the teams. The complaints manager has and will continue to be proactive in attending team meetings.