

North Somerset Council

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

DATE OF MEETING: 24.01.2019

**SUBJECT OF REPORT: NORTH SOMERSET ANNUAL
COMPLAINTS REPORT 2017/18**

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 receive 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 2017/18 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 1st 2017 to March 31st 2018, the Complaints Officer dealt with 56 representations. Thirty-six of these proceeded to

stage 1 of the complaints procedure, two advanced 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 £8068.36 in the 2017-18 financial year.

Costs

See above - £8068.36 in the 2017-18 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.

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People and Communities

Annual Report

Representations and Complaints

1st April 2017– 31st March 2018

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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 2017-2018 as well as the impact on service delivery and learning from complaints.
- 1.2 The report also captures compliments and areas of good practiceⁱ

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 2017 to 31st March 2018 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 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, act 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 2017–18 most 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 investigated.
- 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 stakeholder's 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 good practice following meetings with service users for all agreed outcomes to be communicated in writing. This ensures there is no misunderstandings.

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 child 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 can access the services of the Junction 21 Mentoring & Advocacy Coordinator. This post is part of North Somerset's Youth Offending Service.
There has been 5 young people that have made use of the advocacy service in 2017/18.
- 4.3 In 2017-2018 there were 6 recorded complaints made by young people .

5. The Complaints Procedure

- 5.1 North Somerset does not only act on complaints made in writing. Where responses are not in written form, it is imperative 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 2017-2018 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 legislation, all three members must be independent of the Council. The Review Panel does not re-investigate the complaints but acts as an arbitrator and makes recommendations for consideration by the Assistant Director, Support and Safeguarding. The Assistant Director will respond in writing to any findings and recommendations of the Panel.

There has been one stage 3 complaint in the period 2017-2018. 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 2017 -18

- 5.5 In the twelve months April 1st 2017 to March 31st 2018 the Complaints Officer dealt with 56 representations. 36 of these proceeded to stage 1 of the complaints procedure. Outcomes were as below:

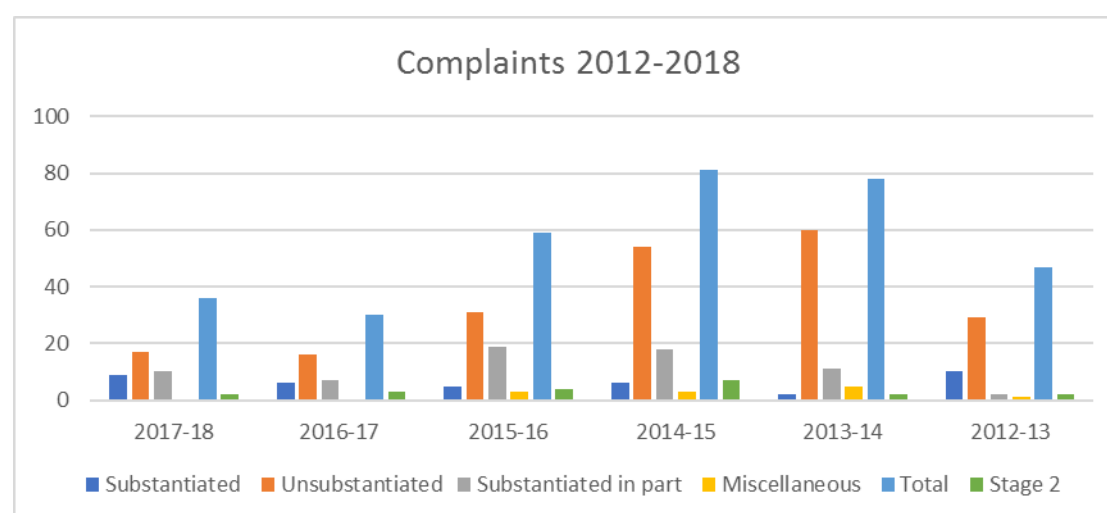
Upheld	7
Partly upheld	8
Not upheld	16
Inconclusive	5
Total	36

- 5.6 Two 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 whether the Council's actions were reasonable and proportionate. Responses to concerns were given in accordance with statutory requirements.
- 5.7 One complaint advanced to a Stage Three Review of the Children's Complaints Procedure. Three elements of the complaint were upheld, and three elements were not upheld. In terms of learning, a leaflet will 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 show a summary of all complaints during the period 2012 – 2018:

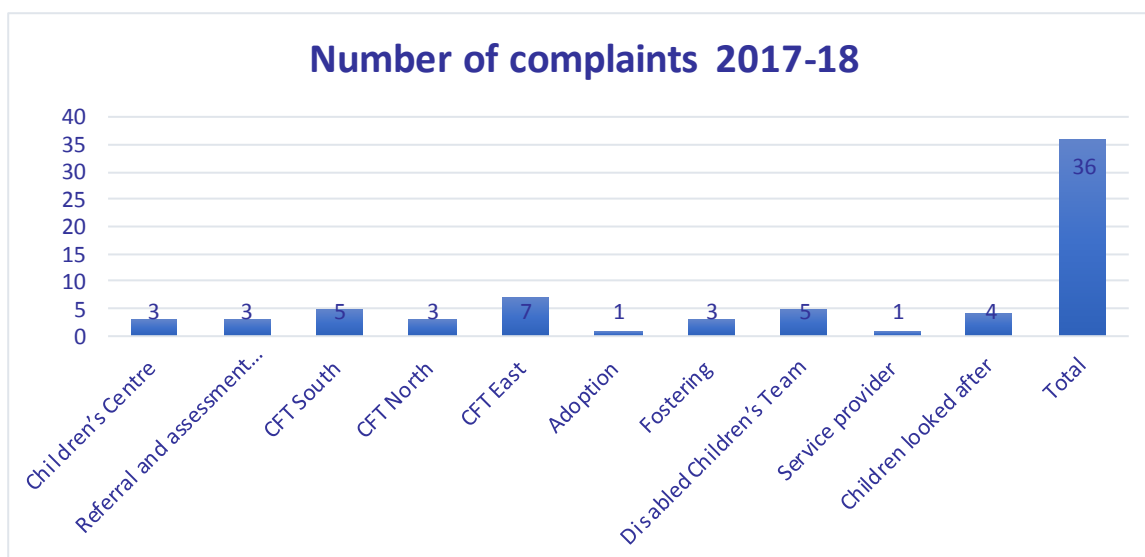
Year	2017-18	2016-17	2015-16	2014-15	2013-14	2012-13
Substantiated	9	6	5	6	2	10
Unsubstantiated	17	16	31	54	60	29
Substantiated in part	10	7	19	18	11	2
Miscellaneous	5	0	3	3	5	1
Total	36	30	59	81	78	47
Stage 2	2	3	4	7	2	2



The total numbers and numbers of unsubstantiated complaints is broadly comparable to the previous year.

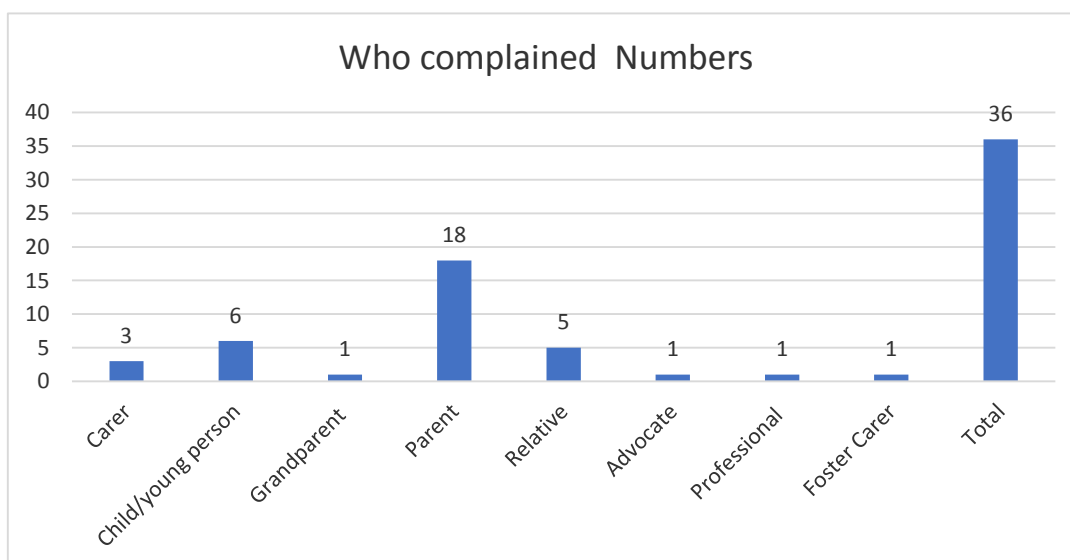
5.9 The complaints by service in 2017-18 were as follows:

Name of Service	Number of complaints
Children's Centre	3
Referral and assessment team	3
CFT South	5
CFT North	3
CFT East	7
Adoption	1
Fostering	3
Disabled Children's Team	5
Service provider	1
Children looked after	5
Total	36



5.10 A summary of those groups who have complained in 2017 -18 is as below:

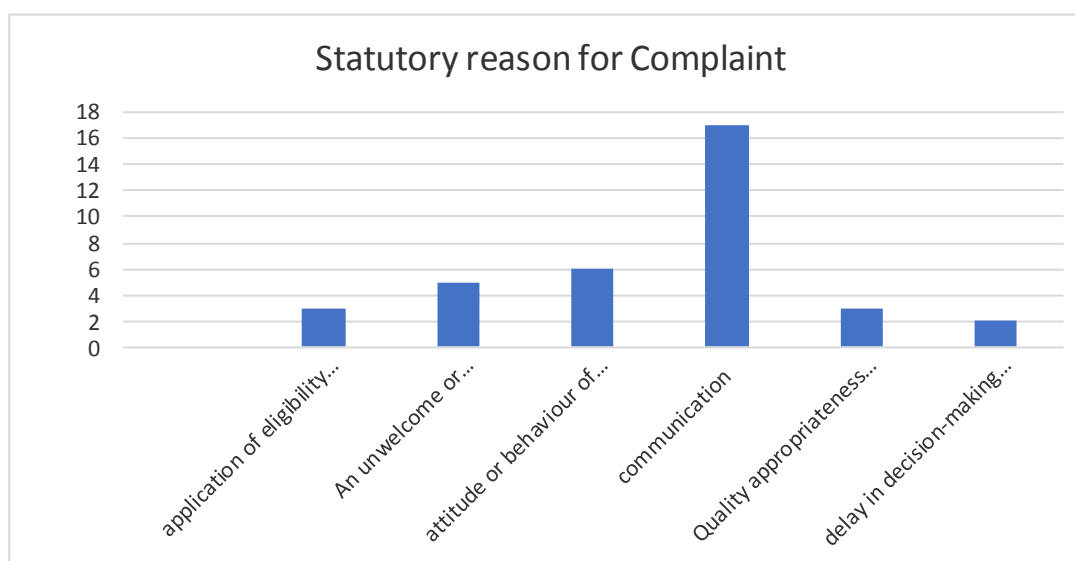
Who complained	
Who complained	Numbers
Carer	3
Child/young person	6
Grandparent	1
Parent	18
Relative	5
Advocate	1
Professional	1
Foster Carer	1
Total	36



Most complaints were 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 complaint in 2017 -18 was made is shown below:

Statutory reason for complaint categories	Numbers
An application of eligibility and assessment criteria	3
An unwelcome or disputed decision	5
The attitude or behaviour of staff	6
Poor communication	17
The quality appropriateness of the service	3
A delay in decision-making or the provision of a service	2
Totals	36



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 Two complaints were made to the Ombudsman – the Ombudsman will investigate where there is chance they may find fault. In these cases, both were closed with no further action. This is a clear demonstration of a service that recognises the importance of understanding concerns, responding to complaints and learning from mistakes.

7. Monitoring

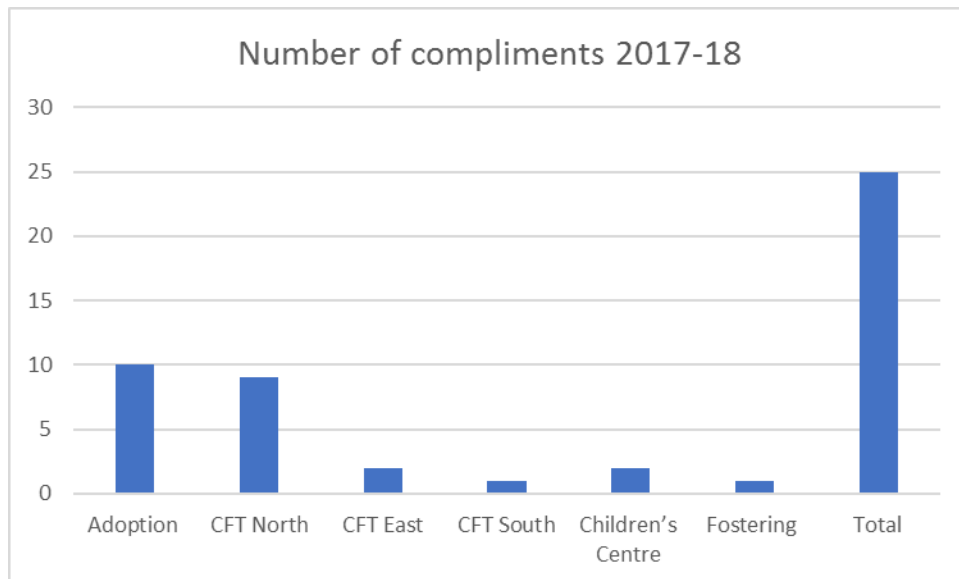
- 7.1 This monitoring information is provided for inclusion in the Corporate Feedback, Complaints & Ombudsman Annual Report. It is submitted to Councillors and the Directorate's Directorate Leadership Team for review. The relevant teams and Service Leaders are informed about individual complaints when 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 2017-2018 there were 25 recorded instances of complimentary feedback, including positive reports about the Council's Community Family Teams, Foster Carers and Adoptive Parents. This is a reduction of eight from the previous year. The Complaints Manager would like 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 2017-18 is shown below:

Service	Number of compliments
Adoption	10
CFT North	9
CFT East	1
CFT South	1
Children's Centre	2
Fostering	2
Total	25



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

[name] was able to slowly facilitate a way for us to 'enjoy' parenting our little girl. This is remarkable. I look back and cannot believe how different we all are now. And all of the credit for this goes to our team, especially [name]

I know to people's lives, that [name] has moved on, and she knows how grateful we are to her, but I thought you should know too. You and your team are outstanding. You make a huge difference will be eternally grateful

I just wanted to share some lovely feedback that I've had from foster carer for [name]. The children's social worker was extremely child focused and always made herself available for the children when needed. Both children trusted her and had a good relationship with her.

Thank you so much for coming over today you have made me look at things differently again and I will put all those things into practise. I once again need you to know how much I value talking to you [name]. You really inspire me to keep going when the sky is black. I hope you show this message to your boss coz I think you're amazing 😊

9. Adoption

9.1 The Adoption Services received one stage 1 complaint and 10 compliments.

9.2 The complaint related to an administrative error resulting in an overpayment by North Somerset, the council rectified.

10. Response Times

- 10.1 The average time taken to provide a Stage 1 response was 7.3 days, which is under the national guideline of 10 days and a small improvement upon last year's figures.
- 10.2 82% of complaints were responded to within the 10 days guidelines. A significant improvement on last year's figure (69%). The Council can request an additional 10 days if the complaint is complex. Additional time requests were made in most 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 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 2017-18, 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 the complaints process and the need for a timely response.

- 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 2017-18 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. Most 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 because of lessons learned following a complaint or criticism:
- A trend of complaints from younger children was identified and a gap in provision for younger children who require a higher level of support has been noted. Whilst a small group of children, their needs are significant, and their families are managing very complex situations at home. As a result, the local authority has recently redesigned a new and different way of providing short breaks in North Somerset in partnership with parents and young people who

use our short break service. The local Authority has been working closely with these families to find long term suitable solutions. A flexible and responsive short breaks service has been commissioned which maintains a level of residential support, whilst developing new home-based and community-based opportunities for short breaks.

- As a result of the gap in service provision the council will ensure that parents have access to the service via a modern, responsive booking system which gives them the confidence of knowing what is available and when
- In addition to the above the council will support families choosing Direct Payments by providing a Personal Assistant Register which matched those seeking such roles with families wanting to employ them
- The need for clarity when family members look after a child has been identified due to a significant delay in the assessment and application of a Special Guardianship Order. On review of events, the Local Authority has amended its policy regarding the application for Special Guardianship Orders by foster carers to ensure the process is managed by our legal team from the beginning of the application. This is to ensure there is a clearer framework regarding these applications and to ensure this delay does not reoccur in the future.
- Several complaints centred around the case conference process. A refreshed leaflet that explains the possible outcomes of a section 47 investigation and what a parent should expect if a case progresses to an Initial Child Protection Conference is now available. This leaflet has been shared in team meetings and distributed across the office to all staff for use when meeting with clients. There was a lack of awareness amongst newer and agency staff of its existence. The leaflet is available within the staff library and will be updated as and when necessary.
- Staff have been reminded about the appropriateness of age-related guidance. As a result, a leaflet has been re-written, split into 2 age ranges aimed at children, explaining the purpose of a Child Protection Conference and what to expect if attending one.
- The importance of Core Group meetings that are used to share best practice and are part of social work supervision has been stressed. Their regularity is also monitored. Identified professionals, not necessarily the social worker, agree to record and disseminate minutes.

- All Conference minutes are hand delivered within 5 working days. Further training on the importance of core group and statutory functions regardless of changes in circumstance are to be held.

12. Report Summary and Suggestions

- 12.1 In conclusion, most 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 a 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.
