



# **Children's Social Care Complaints, Compliments and Comments Annual Report**

1 April 2013 to 31 March 2014

## Contents

<b>Introduction</b> .....	<b>2</b>
<b>The Law</b> .....	<b>2</b>
<b>Complaints and Information Governance Team</b> .....	<b>2</b>
<b>Public Information</b> .....	<b>2</b>
<b>Children’s Services Social Care Complaints Process</b> .....	<b>3</b>
<b>Stage 1 – Local Resolution</b> .....	<b>3</b>
<b>Stage 2 – Investigation</b> .....	<b>3</b>
<b>Stage 3 – Review Panel</b> .....	<b>3</b>
<b>The Local Government Ombudsman</b> .....	<b>3</b>
Although complainants can refer complaints at any stage to the Local Government Ombudsman (LGO) they will not normally investigate until the Council has conducted its own investigation and provided a response.....	<b>3</b>
<b>External Support to the Complaints Process</b> .....	<b>3</b>
<b>Complaints, Compliments and Comments received in 2013/14</b> .....	<b>5</b>
<b>Breakdown of all complaints compliments and comments received</b> .....	<b>5</b>
<b>Non-qualifying complaints</b> .....	<b>5</b>
<b>Complaints by Issue 2013/14</b> .....	<b>6</b>
<b>Breakdown of Stage 1 complaints and compliments by Service Area/Team</b> ...7	
<b>Childcare Duty Team - Complaints and Compliments 2013/14</b> .....	<b>7</b>
<b>Family Placement Service - Complaints and Compliments 2013/14</b> .....	<b>7</b>
<b>Looked After Through Care - Complaints and Compliments 2013/14</b> .....	<b>8</b>
<b>Learning Disabilities - Life Stages 0 - 25 - Complaints and Compliments 2013/14</b> .....	<b>8</b>
<b>Specialist Assessment and Intervention Teams - Complaints and Compliments 2013/14</b> .....	<b>9</b>
<b>Breakdown of Stage 2 complaints by Service Area/Team</b> .....	<b>10</b>
<b>Outcomes of Stage 2 complaints responded to in 2013/14</b> .....	<b>10</b>
<b>Stage 3 Complaints</b> .....	<b>11</b>
<b>Local Government Ombudsman Complaints</b> .....	<b>11</b>
<b>Organisational Learning</b> .....	<b>12</b>
<b>Performance against the Children’s Social Care Complaints, Compliments and Comments Procedure</b> .....	<b>13</b>
<b>Timescales</b> .....	<b>13</b>
<b>Stage 1</b> .....	<b>13</b>
<b>Stage 2</b> .....	<b>13</b>
<b>Stage 3</b> .....	<b>13</b>
<b>Performance against key performance indicators</b> .....	<b>14</b>

## **Introduction**

Darlington Children's Social Care welcomes complaints, compliments and comments as a way of improving service delivery to children, young people and their families. The purpose of this report is to inform the service users, carers, the public, Council Members and Children's Social Care staff of the effectiveness of the Children's Social Care Complaints, Compliments and Comments Procedure (the Procedure). The report identifies topics and trends in relation to complaints information, makes suggestions for service improvements, where appropriate and identifies areas of organisational learning that have taken place in relation to people, policy and process.

## **The Law**

The Council is required by law to have management arrangements in place for considering children's social care representations, including complaints, under the Children Act 1989. National legislative procedures for social care were amended in September 2006 with the introduction of the Children Act 1989 Representation Procedure (England) Regulations 2006 (the Regulations). It is a requirement of the Regulations that the Council publishes an annual report. In addition to the Regulations the Department for Education and Skills produced some comprehensive guidance for local authorities on managing complaints, called 'Getting the Best from Complaints'.

Key features of the Regulations include:

- A requirement for local authorities to appoint a Complaints Manager;
- A requirement for review panels to be retained by local authorities but with more robust arrangements for constituting and running them; and
- A 12 month time limit to make complaints.

## **Complaints and Information Governance Team**

The Complaints and Information Governance Manager is appointed as the 'Complaints Manager' in accordance with the requirements of the Regulations. The Complaints and Information Governance (CIG) Team is independent of Children's Social Care operational line management. This ensures a high level of independence in the way children's social care complaints are managed within the Council.

## **Public Information**

We are committed to making sure that everyone has equal access to all our services, including the Procedure. To help make the Procedure easily accessible we have produced two leaflets (one for children and young people and one for adults) covering all Council services to reflect the single point of access for complainants within the Council. The leaflets are available in all Council buildings. They have been written in line with the Plain English Campaign standards. The title is written in the most commonly used community languages and it contains

details on how to access the information in other formats, for example, large print, audio and Braille.

The leaflet for children and young people was developed in conjunction with Connexions and young people to try and engage more young people in the process.

Information is available on the Council's website. There is also an electronic form which people can use to make a complaint, pay someone a compliment or pass comment on Council services. People may make a complaint in any format they wish. This can be in writing, by email, via the web, over the phone, in person or by any other reasonable means.

The Complaints Manager can arrange advocates and interpreters (including British Sign Language interpreters) where appropriate.

## **Children's Services Social Care Complaints Process**

### **Stage 1 – Local Resolution**

This initial stage allows Children's Social Care managers the opportunity to try and resolve complaints locally, usually within the team being complained about.

### **Stage 2 – Investigation**

Stage 2 involves a full and formal investigation. An 'Independent Person' must also be appointed to oversee the investigation and report independently to Children's Social Care Services. Both the Investigating Officer and Independent Person produce reports, which are submitted to the Adjudicating Officer (the Assistant Director, Children, Families and Learning), who writes the final response to the complainant.

### **Stage 3 – Review Panel**

A review panel is convened when the complainant is dissatisfied with the Stage 2 response. The panel consists of an independent chairperson and two individuals who are independent of the Council.

### **The Local Government Ombudsman**

Although complainants can refer complaints at any stage to the Local Government Ombudsman (LGO) they will not normally investigate until the Council has conducted its own investigation and provided a response.

### **External Support to the Complaints Process**

#### National Youth Advocacy Service (NYAS)

Children and young people who would like an advocate can contact NYAS directly. If they complain to the Council the Complaints Manager will provide them with information and advice about the advocacy service provided by NYAS. The DfES 'Get it Sorted' guidance states that more robust procedures should be put in place

to ensure children and young people are aware of the advocacy service and that it should be easy to access; the Council is committed to these principles.

#### Investigating Officers

While the Regulations do not require Investigating Officer's to be independent of the Council, we have signed up to a contract facilitated by Middlesbrough Borough Council for the provision of Independent Investigating Officers.

#### Independent Persons

The Council has signed up to a contract facilitated by Hartlepool Borough Council for the provision of Independent Persons.

#### Review Panels

The Council has also signed up to a contract facilitated by Stockton Borough Council for the provision of an Independent Chair and Independent Panellist service.

## Complaints, Compliments and Comments received in 2013/14

- There was a decrease in overall feedback, 52 representations compared to 77 representations in 2012/13.
- We received 46 complaints during 2013/14, a decrease from 63 complaints in 2012/13 and 49 in 2011/12.
- We received six compliments 2013/14, compared to 13 in 2012/13 and 14 in 2011/12.
- We received no comments in 2013/14, compared to one in 2012/13 and none in 2011/12.

### Breakdown of all complaints compliments and comments received

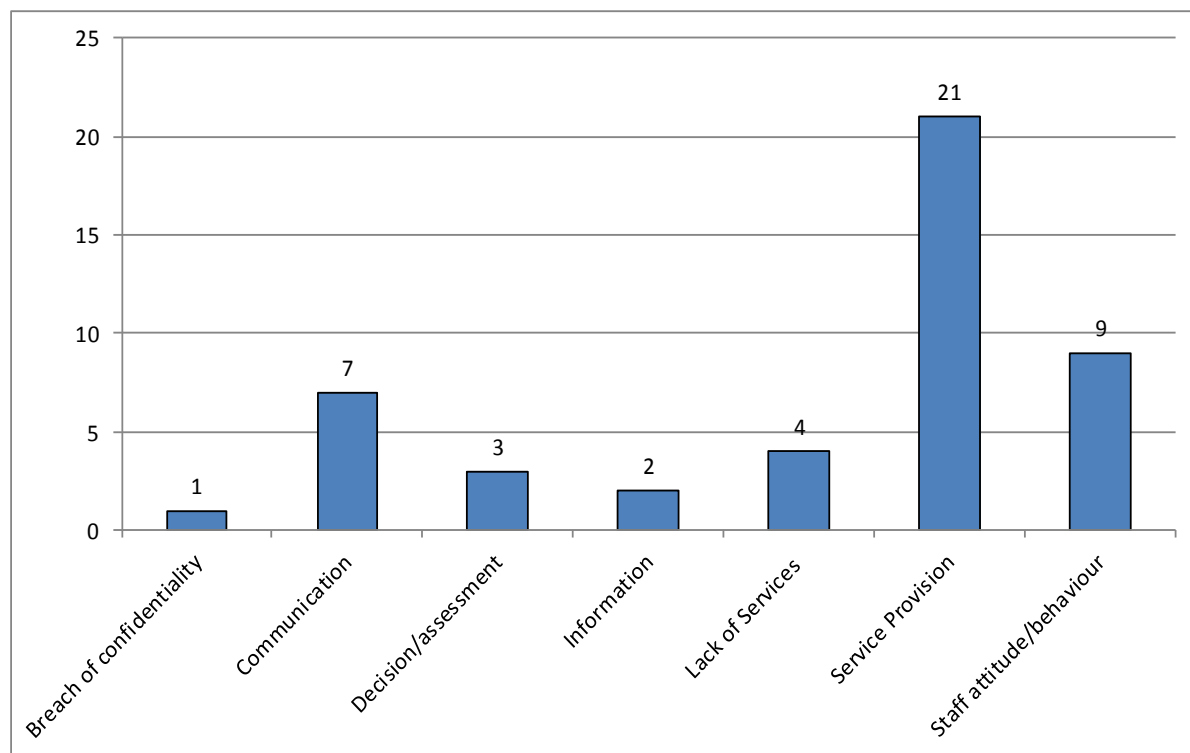
Service/Team	Complaints	Compliments	Comments
Childcare Duty	7	-	-
Family Placement Service	2	5	-
Independent Reviewing Officer	2	-	-
Looked After Through Care	13	1	-
Life Stages 0 - 25	1	-	-
Specialist Assessment and Intervention Team (Area 1)	6	-	-
Specialist Assessment and Intervention Team (Area 2)	8	-	-
Specialist Assessment and Intervention Team (Area 3)	7	-	-
<b>Total</b>	<b>46</b>	<b>6</b>	<b>0</b>

### Non-qualifying complaints

In addition to the 46 children's social care complaints dealt with in accordance with the procedure a further six were received which were not eligible to be dealt with under the Procedure/Regulations. These included, for example, complaints about matters that had been decided by a court and historical issues.

In all cases the individual was advised of the reasons why we could not investigate their complaint and advised of the most appropriate way to pursue the matter. In addition to the non-qualifying complaints received, the CIG Team received numerous contacts in relation to issues which were resolved outside of the complaint procedure.

## Complaints by Issue 2013/14



A total of 47 issues were logged as a result of the 46 complaints received.

While still the most common issue complained about, there was a significant reduction in the number of complaints received about service provision, compared to 30 in 2012/13.

Three complaints about service provision and one about lack of services related to contact. This was a significant reduction from 12 complaints about contact in 2012/13.

The second most commonly complained about issue was staff attitude/behaviour with the third being communication.

## **Breakdown of Stage 1 complaints and compliments by Service Area/Team**

### **Childcare Duty Team - Complaints and Compliments 2013/14**

The Childcare Duty Team received seven complaints during 2013/14, the same number as in 2012/13.

The team received no compliments compared to one in 2012/13.

### **Outcomes of Stage 1 complaints responded to in 2013/14**

Eight Stage 1 complaints were responded to during 2013/14.

	<b>Upheld</b>	<b>Partially Upheld</b>	<b>Not Upheld</b>	<b>Inconclusive</b>	<b>Withdrawn</b>	<b>Total</b>
	0	3	2	0	3	<b>8</b>
<b>Total</b>	<b>0</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>3</b>	<b>8</b>

### **Family Placement Service - Complaints and Compliments 2013/14**

The Family Placement Service received two complaints during 2013/14, a reduction from five in 2012/13.

The team also received five compliments during 2013/14, an increase from none in 2012/13.

### **Outcomes of Stage 1 complaints responded to in 2013/14**

Four Stage 1 complaints were responded to during 2013/14.

	<b>Upheld</b>	<b>Partially Upheld</b>	<b>Not Upheld</b>	<b>Inconclusive</b>	<b>Withdrawn</b>	<b>Total</b>
	1	3	0	0	0	<b>4</b>
<b>Total</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4</b>

### **Independent Reviewing Officer - Complaints and Compliments 2013/14**

The Independent Reviewing Officer received two complaints during 2013/14, an increase from none in 2012/13.

The team received no compliments compared to one in 2012/13.

### **Outcomes of Stage 1 complaints responded to in 2013/14**

Two Stage 1 complaints were responded to during 2013/14.



	<b>Upheld</b>	<b>Partially Upheld</b>	<b>Not Upheld</b>	<b>Inconclusive</b>	<b>Withdrawn</b>	<b>Total</b>
	1	1	0	0	0	2
<b>Total</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>

### **Looked After Through Care - Complaints and Compliments 2013/14**

The Looked After Through Care Team received 13 complaints during 2013/14, a significant increase from seven in 2012/13.

The team also received one compliment, the same number as in 2012/13.

### **Outcomes of Stage 1 complaints responded to in 2013/14**

12 Stage 1 complaints were responded to during 2013/14.

	<b>Upheld</b>	<b>Partially Upheld</b>	<b>Not Upheld</b>	<b>Inconclusive</b>	<b>Withdrawn</b>	<b>Total</b>
	3	3	5	1	0	12
<b>Total</b>	<b>3</b>	<b>3</b>	<b>5</b>	<b>1</b>	<b>0</b>	<b>12</b>

### **Learning Disabilities - Life Stages 0 - 25 - Complaints and Compliments 2013/14**

The Life Stages 0 - 25 team received one complaint during 2013/4 compared to two complaints during 2012/13.

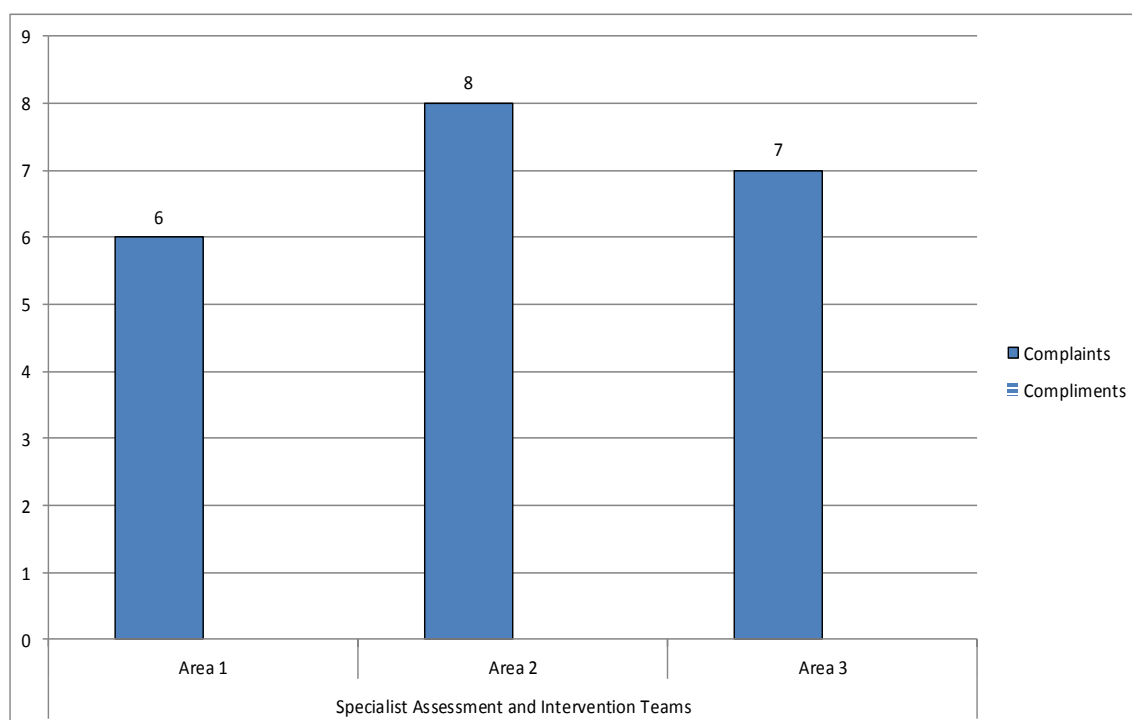
The team did not receive any compliments, compared to one in 2012/13.

### **Outcomes of Stage 1 complaints responded to in 2013/14**

Two Stage 1 complaints were responded to during 2013/14.

	<b>Upheld</b>	<b>Partially Upheld</b>	<b>Not Upheld</b>	<b>Inconclusive</b>	<b>Withdrawn</b>	<b>Total</b>
	1	0	1	0	0	2
<b>Total</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>

## Specialist Assessment and Intervention Teams - Complaints and Compliments 2013/14



Overall 21 complaints were received by the Specialist Assessment and Intervention Teams, a significant decrease from 37 in 2012/13.

The team did not receive any compliments, compared to four in 2012/13.

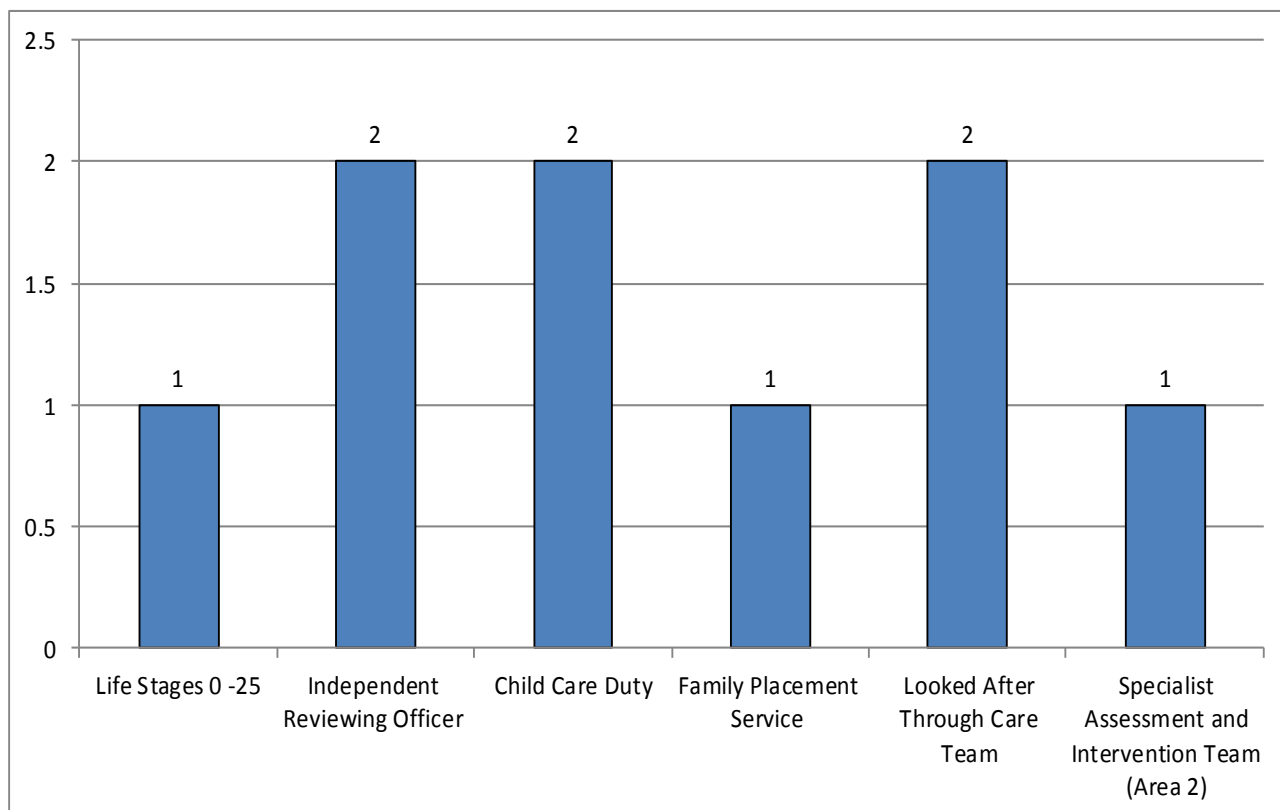
### Outcomes of Stage 1 complaints responded to in 2013/14

20 Stage 1 complaints were responded to during 2013/14.

	Upheld	Partially Upheld	Not Upheld	Inconclusive	Withdrawn	Total
<b>Area 1</b>	0	5	1	0	0	<b>6</b>
<b>Area 2</b>	2	3	1	0	2	<b>8</b>
<b>Area 3</b>	1	4	1	0	0	<b>6</b>
<b>Total</b>	<b>3</b>	<b>12</b>	<b>3</b>	<b>0</b>	<b>2</b>	<b>20</b>

## Breakdown of Stage 2 complaints by Service Area/Team

Nine complaints were escalated to Stage 2 during 2013/14, compared to five in 2012/13 and three in 2011/12.



## Outcomes of Stage 2 complaints responded to in 2013/14

Seven Stage 2 complaints were responded to during 2013/14.

	Upheld	Partially Upheld	Not Upheld	Total
Independent Reviewing Officer	1	0	0	1
Childcare Duty	0	1	1	2
Family Placement Service	0	1	0	1
Looked After Through Care Team	2	0	0	2
Specialist Assessment and Intervention Team (Area 2)	0	1	0	1
<b>Total</b>	<b>3</b>	<b>3</b>	<b>1</b>	<b>7</b>

The complaint for the Independent Reviewing Officer concerned errors on the Council's part in administering the Looked After Review (LAR) process.

The complaint for the Childcare Duty team that was partially upheld concerned a decision to cancel contact. The complaint for the Childcare Duty team that was not upheld concerned communication and an alleged failure to arrange contact.

The complaint for the Family Placement Service concerned an individual's dissatisfaction with the support they received around the adoption process.

One of the complaints for the Looked After Through Care Team concerned an individual's dissatisfaction with changes to contact arrangements agreed following a previous complaint. The other complaint concerned a breach of confidentiality.

The complaint for the Specialist Assessment and Intervention Team (Area 2) concerned an individual's general dissatisfaction following their involvement with children's social care social services.

### **Stage 3 Complaints**

No complaints were escalated to Stage 3, nor were any Stage 3 complaints determined during 2013/14.

### **Local Government Ombudsman Complaints**

Two complaints were referred to the LGO during 2013/14, compared to none 2012/13. Both of these were early referrals made by the Complaints Manager, in agreement with the complainant following Stage 2.

The LGO determined both of these complaints during 2013/14.

The first was for the Specialist Assessment and Intervention Team (Area 1) and concerned a parent's dissatisfaction with the way in which the Council was exercising its discretion to arrange contact between them and their children; in accordance with a court order. The Council upheld the complaint at stage 2 and agreed a course of action to facilitate contact. At the same time the matter went back to court and a new court order was made granting indirect contact only between the parent and the children. On receipt of a request to progress the matter to stage 3 the Complaints Manager made an early referral to the LGO, as the circumstances complained about no longer existed and it was not possible for the Council to provide the remedy sought i.e. direct contact with the children. The LGO did not investigate the complaint. The LGO's decision was '*Not in jurisdiction and discretion not exercised*' on the basis that the complaint was partly outside of her jurisdiction and she had no power to provide the remedy sought.

The second was for the Independent Reviewing Officer. This was in fact considered as two separate complaints by the Council and concerned a parent's dissatisfaction with the Looked After Review process. Again the Complaints Manager made an early referral to the LGO, this time on the basis that all of the points of complaint had been upheld and the Council had agreed to provide the remedy initially requested. The LGO's decision was '*Not to initiate an Investigation*' on the basis that the Council had already provided a remedy and there was no other worthwhile remedy which could be provided.

## Organisational Learning

All resolution and organisational learning actions identified as a result of complaints are assigned to a responsible manager and progress against those actions is monitored by the Complaints Manager. In addition to those actions taken to resolve the individual's complaint several service improvements were made following complaint investigations during 2013/14. Some examples of these are detailed below.

- Following a complaint for the Independent Reviewing officer it was agreed that the Council would produce and make available to parents of Looked After Children a document setting out its policy in relation to The Care Planning, Placement and Case Review (England) Regulations 2010.
- Following a complaint for the Childcare Duty team training was provided for staff in relation to child protection, direct work with families and complaints.
- Following a complaint for the Family Placement Service training was provided for staff in relation to the adoption process. A review of adoption process was also undertaken.
- Following a complaint for the Looked After Through Care team it was agreed that the Council would critically examine its system for ensuring that Looked After Reviews address issues raised by participants and that after the review all parties receive the relevant review documentation within the timescales indicated by guidance. It was also agreed that the Council would consider an extension of the current monitoring system that alerts a senior manager, independent of the case, when timescales have been exceeded by a predetermined amount.
- Following a complaint for the Specialist Assessment and Intervention Team (Area 2) it was agreed that improved training would be provided to social workers and contact supervisors around contact and that the Council would ensure that the recording of contact is shared promptly with all parties. It was also agreed that social workers would ensure that a continuation of breast feeding is supported and promoted. In addition, the Council agreed to review its processes and procedures to ensure that children and young people accommodated by the Council are subjected to as few moves as possible. The Council also agreed to explore with foster care providers how to improve recruitment of carers from different cultural backgrounds and with specialist experience of children presenting with Autistic Spectrum Disorder.
- Following a complaint for the Family Placement Service it was agreed that the Council would ensure minutes of Adoption Review Meetings, Life Story work, Later in Life Letters and Memory Boxes are provided in a timely manner. It was also agreed that staff would ensure clarity around arrangements for contact by birth parents after children are placed with adoptive parents.
- Following a complaint for the Specialist Assessment and Intervention Team (Area 3) it was agreed the Council would review the current duty system to

ensure that if service users or professionals visit /telephone the office and their social worker/manager is not available a duty social worker is available to deal with the matter or take a message.

## **Performance against the Children's Social Care Complaints, Compliments and Comments Procedure**

### **Timescales**

#### **Stage 1**

The target for responding to a complaint at Stage 1 is 10 working days, with a possible extension of up to 20 working days if the complaint is complex.

- 41.7% of Stage 1 complaint responses were sent out within 10 working days. This is a slight decrease in performance from 42.6% in 2012/13.
- A further 29.1% of Stage 1 complaint responses were sent out within 20 working days.
- In total 70.8% of Stage 1 complaint responses were sent out within the maximum 20 working day timescale, an increase from 66% in 2012/13.
- The average Stage 1 response time in 2013/14 was 21 working days.

#### **Stage 2**

The target for responding to a complaint at Stage 2 is 25 working days, extendable up to a maximum of 65 working days.

- In 2013/14 no Stage 2 responses were sent out within 25 working days.
- Only one of the seven Stage 2 complaints responded to in this period was completed within the maximum timescale allowed. This complaint was responded to in 54 working days. An extension was agreed with the complainant.
- The other six Stage 2 complaints were responded to within between 66 and 186 working days. The complaint that took 186 working days to investigate was a particularly complex complaint. Additional delays occurred as the complainant's first language was not English, meaning that interpreters had to be arranged to attend meetings and the response had to be translated. In all cases an extension was agreed with the complainant.

#### **Stage 3**

- There were no Stage 3 Review Panels held in 2013/14.

## **Performance against key performance indicators**

Number of maladministration decisions by the Local Government Ombudsman in relation to Children's Social Care complaints.

**Target: 0** – Actual 0 ✓