

Children's Social Care Statutory Representations and Complaints Procedure

2010 – 2011

Annual Report



1. Purpose of Report

This is the Annual Report for Worcestershire County Council on the operation of the Social Care Complaints and Representations Procedure for Children and Young People, covering the period from 1 April 2010 to 31 March 2011 .

The Children Act 1989 Representations Procedure (England) Regulations 2006 requires the County Council to have a procedure for resolving complaints made by the children and young people it looks after or who are in need, and children leaving care, regarding the services provided to them under The Children Act 1989. Representations and complaints can also be made on behalf of such a child or young person by a parent, a person with responsibility, foster carer, Special Guardian or other person that the authority considers has a sufficient interest in the child's welfare to warrant his representations being considered by them.

Each year local authorities must publish an Annual Report detailing numbers of complaints and representations, outcomes of complaints and compliance with time scales. It should provide a mechanism by which the local authority can be kept informed about the operation of the complaints procedure.

2. Principles of Complaints Procedure

Meeting the following principles should assist the local authority in providing a successful complaints procedure to children and young people:

- The complaints procedure should be clear and easy to use.
- It should ensure that the people who use the service are treated with dignity and respect, are not afraid to make a complaint, and have their concerns taken seriously.
- It should ensure, as far as is possible, even-handedness in the handling of complaints.
- It should make sure that as many complaints as possible are resolved swiftly and satisfactorily at the local level.
- It should ensure that the child or young person receives a full response without delay.
- It should ensure a fair process and adequate support for everyone involved in the complaint.
- It should ensure that any concerns about the protection of children are referred immediately to the relevant social services team or to the Police.
- It should ensure that local authorities monitor their performance in handling complaints, deliver what they have promised, learn from complaints and use this learning to improve services for everyone who uses them.

3. Outline of Complaints Procedure

A complaint may be generally defined as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response. Children and young people often express complaints as 'problems not being sorted out'. A common theme amongst children and young people is the need for complaints procedures to be both fast and effective: complaints procedures should get it sorted straight away.

The concerns of children and young people should be listened to. If a child or young person wishes to make a complaint, local authorities are required to provide him with information about advocacy services and offer help to obtain an advocate.

Solving the problems that generate complaints should be at the forefront of the local authority's approach to responding to complaints. Local authorities should consider introducing alternative ways of resolving the complaint while any stage is on-going eg mediation.

Local authorities do not need to consider complaints made more than one year after the grounds to make the complaint arose, although the local authority has the discretion to extend this time limit if it is unreasonable to expect the complainant to have made the complaint earlier and it is still possible to consider the complaint effectively and efficiently. Decisions will be made on a case by case basis.

There are three possible stages to the Complaints Procedure:-

The first stage is known as the Local Resolution or Informal Stage. At Stage 1, staff at the point of service delivery try to resolve the complaint by endeavouring to reach a mutually acceptable and speedy outcome with the complainant. There is a 10 working day timescale for this part of the process, although where the local authority cannot provide a complete response in this timescale it can implement a further 10 days extension. If necessary the local authority may also suspend Stage 1 until an advocate has been appointed. Particular emphasis is given to meeting the complainant at this stage to discuss the issue and try to agree a way forward.

The second stage is also known as the Formal Stage. Where the matter is not resolved locally the complainant has the right to request consideration of the complaint at Stage 2. This request should be made within 20 working days of receiving the first stage response so that momentum in resolving the complaint is not lost. The Consumer Relations Officer (CRO) conducts a full and considered investigation of the complaint. An Independent Person must also be appointed to the investigation to ensure that the process of investigation is open, transparent and fair. At the end of the investigation a detailed report will be prepared. The report, which clearly sets out how and why any conclusions and recommendations have been reached, is sent to the complainant together with the response from a senior manager in Children's Services. The Independent Person will also provide a report, commenting whether the investigation has been conducted in an impartial, comprehensive and effective manner. The investigation should be completed and the response sent within 25 working days. However this may be impractical in some cases and where it is not possible to complete the investigation within this timescale, Stage 2 may be extended to 65 working days.

Where Stage 2 of the complaints procedure has been concluded and the complainant is still dissatisfied, he can request further consideration by a Review Panel. Complainants have 20 working days to request a Review Panel, which should then be convened within 30 working days. The Review Panel cannot reinvestigate the complaint nor consider any substantively new complaints that have not been first considered at Stage 2. Its role is to look at the process of the investigation, whether the recommendations are fair given the conclusions reached, whether the response of Children's Services is reasonable and whether anything more could reasonably be done to satisfy the complainant. The three Panel members are independent of the Local Authority. The Review Panel will listen to any relevant information that the complainant wishes to present and will want to hear the perspective of other involved parties; they will also see any documents relevant to the complaint, although no new information that was not available to the Investigating Officer can be introduced at this point. At the end of the meeting the Review Panel will make recommendations to the Director of Children's Services for future action.

Many complainants, particularly children and young people, may find this stage to be a stressful experience. It is important that the Panel is customer-focused in its approach to considering the complaint and is child and young person friendly. The complainant has the right to bring a representative or advocate to speak on his behalf.

If still dissatisfied the complainant will be advised of his right to refer his complaints to the Local Government Ombudsman.

4. Learning from Complaints

Learning from complaints is an important aspect of the complaints procedure, and there is a requirement that Children's Social Care Services evidence how learning from complaints feeds into service delivery and development.

A number of processes are in place to ensure that Children's Services learn from the complaints received. During this year the CRO introduced a form for a Post Complaint Learning and Improvement Process in order to ensure that any promised actions are completed and to try and capture and implement learning from Stage 1 complaints.

On completion of Stage 2 investigations, recommendation monitoring forms are sent to the relevant Senior Managers to ensure that recommendations resulting from the investigation are actioned, and that learning is recorded. The same process is followed for any recommendations that arise from Stage 3 Review Panels.

A quarterly report on all complaints and outcomes is prepared for COMB, and it is shared prior to that meeting with the relevant DMT. Regular meetings are also held with the senior managers of Children's Services to discuss complaints and highlight any areas of concern. In this way information derived from complaints can be used as a measure of performance and can contribute to practice development, commissioning and service planning.

In many instances outcomes to complaints are specific to the case, and there are no general learning points that would influence policy or procedure. Some general learning points have been:

- The induction process for agency staff was reviewed and a written induction procedure was introduced. This included a record being made of when agency staff were shown where to find all local procedures.
- It was reinforced to Access Centre staff that they must use the 'caller hold' facility when interrupting calls for advice, to ensure confidentiality.
- Advocates should be appointed as early as possible to assist vulnerable people.
- To remind staff about the use of jargon in meetings to ensure that parents understand what is being discussed during meetings.
- A review of the use of in-house carers for parent and child placements. This would look at whether they should be part of the contract scheme and what training would need to be offered and how placements would be supervised/supported.
- A checklist was introduced for fostering social workers to complete at the beginning of every new placement of paperwork given to carers. This will be monitored in supervision.

5. Ombudsman Complaints

During the period covered by this annual report, the Ombudsman considered four complaints against the Local Authority. One complaint was outside the jurisdiction of the Ombudsman and the other three were closed at the Ombudsman's discretion.

CHILDREN'S SERVICES STATISTICAL DATA

There will be some anomalies in the following statistical data. There are two reasons for this:-

- A complaint that progresses through Stages 1-3 is counted at each stage but only included once in all other criteria.
- Some complaints may concern more than one service/issue.

6. Total Number of Children's Services Complaints

	2009/10	2010/11
Local/Stage 1 Complaints	143	154
Formal/Stage 2 Complaints	21	23
Review Panels/Stage 3	2	1
LGO	4	4
Total	170	182

The number of complaints at Stage 1 has increased this year, with a similar percentage increase in those going to Stage 2.

7. Service Area Being Complained About

	2009/10	2009/10	2010/11	2010/11
		%		%
Access Centre	6	4	6	4
Aftercare	7	5	6	4
Area Services	116	75	124	80
Children with Disabilities	9	6	1	0.5
EDT	1	0.5	0	0
Family Support	1	0.5	2	1
LAAC	11	7	12	7.5
Safeguarding and Quality Assurance	3	2	3	2

Those complaints that go through all 3 stages of the procedure are only counted as one complaint in these categories, although they may cover more than one Service Area/Service.

8. Services Being Complained About

	2009/10	2009/10	2010/11	2010/11
		%		%
Access Centre	6	4	6	4
Adoption	3	2	3	2
Aftercare	7	5	6	4
CAF	0	0	1	0.5
CET	2	1	1	0.5
Child Protection Conf	3	2	3	2
Children and Families	54	35.5	63	39
Children with Disabilities	8	5.5	1	0.5
EDT	1	0.5	0	0
Family Contact	2	1	3	2
FAS Team	57	37.5	57	35
Fieldwork	5	3	0	0
Fostering	7	5	4	2.5
LAC Review Process	0	0	3	2
Other	1	0.5	0	0
Residential	2	1	2	2
Sanctuary	0	0	6	4
Short Breaks	2	0.5	0	0

9. Nature of Complaints

	2009/10	2009/10	2010/11	2010/11
		%		%
Behaviour/Attitude of Staff	29	18.5	49	30.5
Communication	6	4	3	2
Confidentiality	1	0.5	2	1
Financial	8	5	8	5
Lack of Service	2	1.5	3	2
Other	2	1.5	2	1
Policy Decision	2	1.5	1	0.5
Service Assessment	1	0.5	2	1
Standard of Service Delivery	103	67	90	56

As in previous years the majority of the complaints fall under the more general headings of Behaviour/Attitude of Staff and Standard of Service.

10. Stage 1 Outcomes

These are the outcomes for the Stage 1 complaints that have been completed this year.

Outcome	2009/10	2009/10 %	2010/11	2010/11 %
Upheld	20	14	14	10
Partially Upheld	37	26	26	19
Not Upheld	67	46	62	43
Redirected	2	1	6	4
Discontinued	19	13	34	24

Many complaints were discontinued at Stage 1 because they were already within Court Proceedings, particularly within Private Law Proceedings and matters raised were more appropriately addressed within that arena. In some other cases the complainant was not eligible to access the statutory procedure or receive personal information on the case complained about.

11. Formal /Stage 2 Outcomes

	2009/10	2010/11
Complaint Fully Upheld	0	4
Complaint Partially Upheld	4	5
Complaint Not Upheld	1	3
Resolved without report	5	2
Discontinued	3	8
On-going	8	5

These figures are for all Stage 2 complaints completed during this reporting year. Some may have been received in the previous year and some investigations were on-going at the end of the year.

Complaints were discontinued for a variety of reasons:

- Complainants not responding to letters or supplying requested information
- Complainants requesting investigation outcomes that are outside the remit of the statutory complaints procedure and would more appropriately be addressed within another arena eg deleting assessment reports or information from the case file (Information Commissioner's Office).
- An investigation would not be able to come to a safe conclusion eg one person's word against another's with no documentary evidence to support either party.
- One complainant walked out of a conflict resolution meeting and decided not to continue with the complaint.

Complaints were resolved without a full investigation and report in two cases. On one occasion a conflict resolution meeting was held with a mother whose son had been adopted some years previously. As a full Stage 2 investigation could not achieve anything for mother, the CRO and Adoption Manager felt that the most appropriate way forward would be to meet with her. The complainant acknowledged afterwards that she had got some positives out of the meeting and thanked the CRO and Team Manager.

The second complaint that was resolved without a report came from a Supported Lodgings Provider. There appeared to have been some misunderstanding over the spending of a young person's Aftercare Grant on bedroom furniture. The CRO looked into it and liaised with the carer, social worker and Operational Manager. As there appeared to have been some lack of clarity in the discussions that had taken place re the spending of the grant the Operational Manager agreed that she would make an ex-gratia payment towards the cost of the furniture. The carer accepted this as a satisfactory resolution.

The complaints that were fully investigated at Stage 2 again covered a variety of issues with no particular theme and most of the recommendations from these investigations were very specific to each complaint. They included apologies, reinforcing the importance of communication and accurate recording on the electronic database. The learning derived from these complaints has already been detailed.

12. Review Panels

One complaint was considered at Review Panel this year. The Panel was satisfied that the investigation had been properly undertaken, it supported the findings and felt that the recommendations were a fair conclusion. However, the Panel recommended that there should be further letter from Children's Services containing a more detailed and personal apology for the identified shortcomings.

13. Timescales

Stage 1

The timescale for responding to a complaint at Stage 1 is 10 working days, with a possible extension of a further 10 working days if a response cannot be provided within that timescale. If necessary Stage 1 may also be suspended until an advocate has been appointed.

	2009/10	2010/11
	%	%
Within 10 working days	55	53
Within 20 working days	20	15
Within 40 working days	16	17
After 40 working days	9	14

There has been an increase in Stage 1 complaints that have gone well over timescales in this period and there has been no significant reason for this in several cases, other than work pressures on staff responding. This is being addressed with senior management and procedures put in place to improve the situation.

Stage 2

The timescale at Stage 2 is 25 working days with a maximum extension to 65 working days.

	2009/10 %	2010/11 %
Within 25 working days	35	58
Within 65 working days	30	21
Within 90 working days	35	21

Stage 2 timescales have improved this year.

A number of factors contributed to the exceeded time limits, the main ones being:

- The complexity and number of elements to each complaint
- Difficulties in arranging interviews around busy schedules and holidays
- Work pressures on staff
- The time taken between submitting a draft report and the report, together with the Directorate's response, being forwarded to the complainant.

In all cases complainants were kept fully up-dated on the progress of the complaint and the reasons for the delays.

Stage 3

Once a Review Panel has been requested it should be held within 30 working days.

The Panel held this year took place within approximately 2 months of the request.

It is quite a difficult process identifying a date and time that all participants can make and this is the main reason for the exceeded timescale.

14. Advocacy

There is a duty on local authorities to enable children/young people who wish to make a complaint on their own behalf to access advocacy services. Such advocacy is provided by The Children's Rights Officer from the Children's Advice and Representations Service, NSPCC, which has a contract with the Local Authority. Young people can also choose their own advocate should they wish to do so.

Of the 23 children or young people making their own complaints, 11 had the assistance of an advocate.

In addition, there is a contract within the county with Onside Advocacy to help those adult complainants who need support to access and navigate the complaints procedure.

15. Ethnicity, Age, Gender and Disability / Feedback

The guidance suggesting the format for the annual report requests that the Authority reports on the ethnicity, gender, disability and sexual orientation of complainants.

Following the completion of a complaint, a customer feedback form is sent out to most complainants making enquiries about their satisfaction with the complaints process as a whole. Attached to this is a form to capture information regarding the ethnicity etc of those accessing the procedure, although the forms do not request a complainant's sexual orientation. These forms are anonymous and voluntary and only 15 forms were returned this year, although some were incomplete. This is a drop from last year. The return rate for these forms is generally low and always has been, although different formats have been tried. Information from these forms can be found at the end of this report.

15. Comments Relating to Children's Services

There were 6 comments this year. 1 of these came from an MP requesting information on a case and the others were from service users commenting on the service they had received. All comments were responded to.

16. Compliments Relating to Children's Services

Service Area	2009/10	2010/11
Area Services	17	35
Children with Disabilities	2	5
Family Support	0	1
Integrated Services	1	8
LAAC	5	6
Safeguarding and Quality	1	2

Compliments entered in this category have all come from people independent of the local authority. The majority of compliments received are about staff members, with a few complimenting the service provided.

The following are some examples of the compliments received:-

From a Headteacher to a social worker: Just a short note to thank you for the way in which you managed the family interviews yesterday and the proactive

way that you have started to take this forward. You have gone a long way to restore my faith in the system so far.

From a parent of a child with a disability: The social worker has listened to us both, empowered us and given us the confidence to talk as equals to everyone involved. I feel valued as a result and we wanted you to know that without her we do not think we would have achieved so much. I now have much faith in the social care team because of her involvement. She has been straight and honest with us at all times and I feel she has worked extremely hard to achieve the best for my daughter.

From a family to the social worker: Thank you for everything you have done for me and my girls. You have made all of our lives better and brought us all closer together. The girls have never been happier than they are right now and a lot of that is because of you.

From foster carers to a team manager: Once again it has been a pleasure to work with you and your team. Considering the work load your department has to cope with they have not forgotten about us and have helped us to work through any problems or issues that have arisen. Most importantly they have listened to us as foster carers and made us feel valued and that our opinions do matter, whether they have agreed with us or not.

From a young person to her social worker: It was really hard to say goodbye to you after everything you have done for me. You gave me the best placement I could and any other child could wish for. Thank you so much its been a pleasure working with you, I have changed so much since I have been here. Ever since I've been here I've turned my life around. I hope I have made you proud cuz I have changed for myself and everyone else and I'm going to prove to everyone I can do it and make everyone proud.

From a parent to the family support worker: The reason you were brought into our life was not the best & I don't claim to be the world's best parent as I'm far from it. I've been dealt a hand which I'm trying to deal with & I know without your support and guidance I'd have given up a few weeks ago, being able to moan to someone & know it didn't fall on deaf ears gave me the strength to pick myself up, dust myself off & carry on & I'm so grateful to you for that. You're a wonderful man who has had a big impact on me and hopefully my family.

From a father to the social worker: For years I have fought the system telling them they were wrong in that the children needed to be with me, you believed in me and you were fair, impartial and fantastic. You have always returned my calls and I know you have gone above and beyond what is expected of you as a social worker. I thank you from the bottom of my heart for what you have done for my family. Thanks to you the children will flourish, grow up happy, contended and adjusted. One day they will understand.

From a family to the family support worker: Thank you for helping me glue my family back together and not judging us.

From a parent about the Short Breaks Unit in Kidderminster: It is the best service we have received from Worcester County Council regarding my son's severe learning disability/Autism. The break we receive is completely necessary to maintain our family life. My son is really happy to go and is happy when he comes back.

Comments on this report are welcomed and requests for further information should be directed to:-

Jackie Goodman, Consumer Relations Officer (Children's Services)
Telephone: 01905 766366
jgoodman@worcestershire.gov.uk

Consumer Relations Unit
Corporate Services Directorate
County Hall
Worcestershire
WR5 2NP
Tel: 01905 766368

This document can be made available in other languages and alternative formats (large print, audio tape, computer disc and Braille) by contacting the Consumer Relations Unit on telephone number 01905 766368.

CHILDREN'S SERVICES ETHNICITY FORM

Number of forms returned: 15
Some forms were returned incomplete.

1. Ethnic Group

White British	13
White Irish	
Any other white background	1
Indian	
Pakistani	
Bangladeshi	
Any other Asian background	
Chinese	
Caribbean	
African	
Any other Black background	
White and Black Caribbean	
White and Black African	
White and Asian	
Any other mixed background	1
Any other group	
Unknown	

2. Gender

Male	6
Female	8

3. Age

Under 16	1
16 – 24	
25 – 59	12
60+	1

4. Do you have a disability?

Yes	5
No	9

5. What is the nature of your disability?




Difficulty getting around	3
Learning disability	
Difficulty seeing	
Difficulty hearing	
Mental Health problems	1
Other	1

6. How did you find out about the County Council's representations procedure?

County Councillor	
Council Officer	1
Citizens Advice Bureau	1
Advocacy Group	2
Solicitor	2
Library	
Friend or Relative	
County Council Internet Website	4
Local Government Ombudsman	
Representations leaflet	

CHILDREN'S SERVICES MONITORING FORM

Number of Forms returned 15
Some forms were incomplete

			
(Some questions were not answered)			
1. How easy was it to find out about the complaints procedure?	9	4	2
2. How easy was it to make your complaint?	10	2	3
3. How satisfied were you with the time taken to respond to your complaint?	3	3	6
4. Were you kept informed of the progress of your complaint?	2	3	7
5. Were you satisfied with the support offered to help you make a complaint?	8	1	5
6. Was the procedure easy to follow?	6	2	5
7. Were you treated with courtesy throughout the complaints process?	8	3	4
8. Overall how satisfied were you with the way your complaint was handled?	5	1	9