

Date: 1 December 2016

**TITLE OF REPORT:** Annual Report on Children's Services Complaints and Representations, April 2015 – March 2016

**REPORT OF:** Sheila Lock, Interim Strategic Director, Care, Wellbeing & Learning

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### Summary

This report fulfils the requirement to produce an annual report in line with the Statutory Children's Services Complaints procedure.

Cabinet considered the attached report on 13 September 2016.

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### Background

1. The Health & Social Care (Community Health and Standards) Act 2003 requires that Councils with Social Services responsibilities produce an Annual Report of their Statutory Children's Services Complaints Procedure. This annual report sets out details of the complaints and representations made during the period April 2015 – March 2016, (Appendix 2).
2. Information contained in the report provides a summary of the statistical information together with a review of the effectiveness of the procedure. Some examples of service improvement are also included together with details of future objectives.

### Annual Report Complaints and Representations

3. The Annual Report is specifically about Children Act 1989 Statutory Complaints and Representations and covers the period from 1 April 2015 – 31 March 2016.
4. The complaints procedure derives from Children (Leaving Care) Act 2000, The Adoption and Children Act 2002, The Health and Social Care (Community Health & Standards Act) 2003 and The Children Act 1989 Representations Procedure (England) Regulations 2006, which came into force from 1 September 2006. These acts set down the procedures that Councils and Social Services have a responsibility to follow when a complaint is made.
5. The report focuses primarily on statutory complaints for Children's Social Care Services, with information on complaint related queries and compliments that are received about staff or services.

## Operation of the Procedure

6. The procedure has three stages:
  - **Stage 1 Local Resolution** – response within 10 working days. 20 if the complainant agrees to an extension.
  - **Stage 2 Investigation** – formal response within 25 calendar days. Extensions to this must be negotiated with the complainant. Maximum is 65 working days.
  - **Stage 3 Independent Review** – Panel consisting of Independent Chair and Independent Panel members who consider the complaint. Full response by Director of Social Services within 20 working days.

## Statistical Analysis

7. There was an 18% decrease in formal complaints received compared with the number received during 2014/15, (45).
8. The number of representations received also decreased by 5%, (187 from 196).
9. Over the period the number of complaints dealt with was as follows:
  - 37 statutory complaints were dealt with at Stage 1
  - 5 complaints were investigated at Stage 2 of the Procedure.
  - There was 1 Stage 3 Independent Review Panels held during 2015/16.
10. Complaint related queries (CRQ) require either advice or problem solving by either a Complaints Officer or by a Team Manager. 51% (56) of all formal concerns were CRQs. This evidences that the Services are responsive in ensuring low level issues are dealt with swiftly and resolved to the complainant's satisfaction.
11. During 2015/16, 41% of all Children's Services contacts were compliments.

## General Issues

12. Formal Stage 1 complaints decreased by 18% since 2014/15.

The number of complaints, (37), is a very small proportion of social care activity, (1%), bearing in mind that in 2015/16, 3227 children were receiving a children's service.

The following key points may be of interest:

### In 2015/16:

- 44% (20) of complaints were regarding the Safeguarding, Care Planning & Adoption Teams. This was a decrease of 29%, from 2014/15.
- 13% (6) of complaints were regarding the services provided by the Referral and Assessment Team. This is an increase of 20% from 2014/15.
- 13% (6) of complaints were about the Looked after Children's Teams.
- 4 complaints were received directly from looked after children.
- 5 complaint related queries were also received from looked after children. All issues were resolved by the services concerned.
- 5 complaints were investigated at Stage 2 during 2015/16.

- Only 2 of these complaints were from Stage 1 complaints responded to during 2015/16. 3 Stage 2 complaints were progressions from 2014/15 Stage 1 complaints.
- This means that only 5% of complaints received during 2015/16 progressed to Stage 2 of the procedure.
- As it is a statutory requirement at Stage 2 of the procedure, all 5 complaints included an Independent Person to oversee the complaint investigation.
- The Independent Person fees resulted in a total cost of £3915.57.
- There was 1 Review Panel held in 2015/16.
- Compliments increased by 4% during 2015/16, (77 from 74).
- 41% of all representations about Children Services were compliments.

### **Learning from Complaints: Examples of Service Improvements**

13. At the end of every investigation the Investigating Officer identifies whether a change to service, practice or procedure is necessary. This recommendation is shared with the Complaints Manager. It outlines the necessary changes to prevent recurrence of the cause(s) of the original complaint.

#### **Examples of changes that resulted are:**

- When assessments are undertaken under Section 17 of the Children Act 1989, (Children in Need Assessments), workers must always obtain consent to undertake the assessment beforehand. This consent must then be recorded.
- A leaflet has been developed to explain the process of Children in Need Assessments. This will be shared with parents or young people before the assessment process commences.
- A leaflet explaining the requirements of Section 20 agreements has now been developed. This is in conjunction with a detailed Section 20 agreement form, which outlines the responsibilities of both the parent(s) and the Council. The form also fully informs on parents' rights under Section 20 of the Children Act 1989.
- Children and young people are now given an appropriate and reasonable time by which investigations into actions or behaviour by Foster Carers will be concluded. It is also important that appropriate communication is kept open between the child's fostering and care planning Social Workers during this time.
- Whenever children are removed from their parent's care, the management overview responsibility should extend to considering whether a referral to Adult Services or Health should be made if there are any significant concerns about a parent's mental health or emotional wellbeing. This decision will be made on a case by case basis.
- As a complaint investigation identified that a Social Worker did not have any experience in dealing with clients with a learning disability, the Manager of the Service invited an advocate with experience of working with those with a learning disability, to meet with the team and talk about her role and why advocates are important. This will ensure that workers understand how advocacy can support vulnerable parents to raise their views.

## **Future Objectives**

14. Objectives for 2015/16 are to:

- a. Continue to meet regularly with Senior Managers from Children's Services to consider what further action needs to be taken to;
  - i. Resolve complaints at the earliest opportunity.
  - ii. Improve the number of complaints being investigated and resolved within statutory timescales.
  - iii. Ensure that the number of complaints progressing to Stage 2 and 3 remain low.
- b. To assist the Children's Rights Officer in contacting all children who are currently being looked after by Gateshead Council, to gain their views and comments on the services they receive. All responses will be evaluated and appropriate action will be taken to resolve any concerns or queries. These views will also contribute to future service planning and delivery within Care, Wellbeing & Learning.
- c. Ensure that staff members who receive compliments continue to pass the details on to Social Care Customer Services so that they or their team receive the recognition they deserve.

## **Recommendation**

15. Committee is requested to:

- I. Consider and comment on the annual report;
- II. Indicate whether it is satisfied with the performance of Care, Wellbeing And Learning in responding to complaints and ensuring that this results in continuous service improvement.