

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF CHILDREN, EDUCATION AND EARLY HELP SERVICES

TO:	ADULT SOCIAL CARE, CHILDREN'S SERVICES & EDUCATION COMMITTEE		
DATE:	3 OCTOBER 2016	AGENDA ITEM:	9
TITLE:	ANNUAL COMPLAINTS REPORT 2015 - 2016 FOR CHILDREN'S SOCIAL CARE		
LEAD COUNCILLOR:	COUNCILLOR GAVIN	PORTFOLIO:	CHILDREN'S SERVICES
SERVICE:	CHILDREN'S SOCIAL CARE	WARDS:	BOROUGHWIDE
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1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 Children's Social Care recognises that there will be occasions when the service provided to children, young people and their families is not to a satisfactory standard or where the customer is unhappy with the service they have received and complaints are made. Complaints are an important source of information to help the Council understand where and why changes need to be made to improve the service provided.
- 1.2 The purpose of this report is to provide an overview of complaints activity and performance for Children's Social Care for the period from 01/04/15 to 31/03/16.
- 1.3 During this period the service received 87 statutory complaints, which is an increase of 1 (1.2%) over 2014/15, of which:
  - 22 were resolved through Alternative Dispute Resolution (ADR) by the Social Care Teams
  - 65 progressed to a formal investigation
- 1.4 During the same period 7 complaints progressed to a Stage 2 investigation.
- 1.5 The Customer Relations Team have continued to raise awareness of the complaints process and in accord with recommendations from OfSTED have in particular worked with operational teams to encourage children and young people to submit complaints where they are dissatisfied with the service they receive.
- 1.6 The 'Children's Social Care Complaints 2015/16 - Summary Report' attached at Appendix A provides an analysis of the data; it explains how complaints are managed and how the learning is used to improve services. This will also be made publicly available through the Council's website from the 6<sup>th</sup> of November 2015.

## **2. RECOMMENDED ACTION**

- 2.1 That the Committee notes the contents of the report and intended actions to further improve the management of representations and complaints in 2016/17 for Children's Social Care.
- 2.2 That the Committee notes the continuing work to raise awareness of the complaints process and encourage its use by children and young people.

## **3. POLICY CONTEXT**

- 3.1 The NHS & Community Care Act 1990, Children Act 1989, The Children's Act 2001 and Department of Health, and Department for Education and Skills Guidance & Regulations require that the Children's Social Care service sets up and maintains a complaints procedure. They also require that Local Authorities operate the procedure within specified time scales and methods of investigation and that a summary of statistical information on complaints and a review of the complaints process are included in the annual report.

## **4. ACTIVITY**

- 4.1 The Council operates a 3-stage procedure in respect of statutory complaints about Children's Social Care made by 'qualifying individuals', as specified in the legislation. Qualifying individuals are defined in national guidance as the child or young person, their parent, carer or foster carer or 'anyone who could be seen to be acting in the best interests of the child'. The timescale for responding to complaints at Stage 1 is 10 working days, which can be extended to 20 working days in certain circumstances. The Customer Relations Manager, who is the designated Complaints Manager for the Council, also has to be aware of all complaints as they are being dealt with.
- 4.2 Reading Borough Council's Corporate Complaints Procedure gives an opportunity for those who are not 'qualifying individuals' under the social services legislation, to still be able to complain about Children's Social Care.

## **5. CONTRIBUTION TO STRATEGIC AIMS**

- 5.1 The Complaints Service provided by the Customer Relations Team contributes to the Service's aims to enhance emotional wellbeing and deliver outstanding services for children in need and those needing protection. It does this by providing an impartial and supportive service to children and families who wish to complain or raise a concern and ensuring that there is learning from complaints.

## **6. COMMUNITY ENGAGEMENT AND INFORMATION**

- 6.1 Information about the complaints process is provided verbally to service users via the Social Care Teams and Independent Reviewing Officers as well as the Customer Relations Team. Leaflets on the procedures are widely distributed and available in a variety of formats and languages on request. Approximately 1175 compliments / complaints leaflets were distributed in 2015/16, compared to 700 in 2014/15, and 880 in 2013/14.

- 6.2 In all Looked After Children's Care reviews and all Child Protection conferences, the Chair always specifically mentions the complaints process so that our most vulnerable children are regularly reminded of their right to complain and a leaflet is given out. Service users are also able to register a complaint via the web, text, e-mail direct to the Customer Relations Team, in person, by phone and in writing or via an advocate.
- 6.3 The Children in Care website continues to have a direct link to the complaints service and the Customer Relations Team has published the details of the Customer Relations Manager and our advocacy provider with Care Matters, Voice and National Youth Advocacy Service (NYAS). These are organisations who all offer a free help line support to children in care.
- 6.4 Translation services are provided for complainants whose first language is not English and advocacy support is available for young people who wish to make a complaint.

## 7. EQUALITY IMPACT ASSESSMENT

- 7.1 The Customer Relations Manager will ensure that the statutory complaints process is accessible to all customers regardless of their race, gender, disabilities, sexual orientation, age or religious belief.
- 7.2 The statutory complaints process is designed to ensure that any concern or issue faced by vulnerable children and their carers is addressed in a timely and impartial manner.

## 8. LEGAL IMPLICATIONS

- 8.1 The Statutory foundation for the Children's Social Care Services Complaints Procedures are The Local Authority Social Services Act (1970), The Children Act (1989), The Children Act (2001), The Human Rights Act (1998), The Adoption and Children's Act (2002) and The Children's Act 1989 Representations Procedure (2006).
- 8.2 It is a requirement of the Department of Health's Standards and Criteria for Complaints Management for Children's Social Care that an annual report on complaints activity is presented to a public meeting.

## 9. FINANCIAL IMPLICATIONS

- 9.1 There are no Capital or Revenue implications arising from this report.
- 9.2 **Value for Money** - The Council's Customer Relations Team provides value for money in effectively discharging the complaints process for the Council by attempting informal resolution of complaints and also ensuring that most statutory complaints are resolved within the Stage 1 process so that expensive Stage 2 investigations and Stage 3 Panels are minimised.
- 9.3 **Risk Assessment** - There are no specific financial risks arising from this report.

## 10. BACKGROUND PAPERS

- 10.1 'Getting the Best from Complaints' Government Publication, August 2006

# CHILDREN'S SOCIAL CARE COMPLAINTS 2015/16

## SUMMARY REPORT

### Introduction

This is a summary report of the data for complaints received by Children's Social Care for the financial year 2015/16. This report will also be made available to the public through the Reading Borough Council (RBC) website following agreement of the report at the Committee Meeting on the 3rd of October 2016.

In addition to the quality of service provided there are many factors that can affect the number of complaints received such as satisfaction, customer expectations, awareness of the complaints process, and the extent of promotional activity. Therefore a high number of complaints should not be interpreted simply as meaning the Council is providing a bad service, whilst at the same time a low number of complaints should not be interpreted as meaning people are satisfied with the service.

When interpreting the meaning of the complaints statistics it is important to take into account not just the number received but the number and proportion that are upheld.

The Council welcomes feedback through the complaints process which, as well as providing the opportunity to identify where services have not been provided as they should be, also provides customer insight and helps identify any deficiency in practice, policies and procedures. It is from these that the Service and those who work in it can continue to learn and improve practice and service delivery.

### Summary of Compliments and Complaints Activity, Quality Assurance & Learning

This report details information for the past year and analysis of the data, quality assurance and information on service developments as a result of learning from complaints.

Under the current monitoring system, information about complaints received directly by teams is reported to the Customer Relations Manager upon receipt. This is to ensure that the Customer Relations Manager is aware of all current complaints in order to monitor their progress and highlight cases that can be resolved through Alternate Dispute Resolution (ADR) to Team Managers and senior staff.

The Respite Units at Pinecroft and Cressingham also have a "log book", in which they record any complaints or issues raised which they are able to resolve immediately. Any complaints which they are unable to resolve are escalated and forwarded to the Customer Relations Team to deal with. The keeping of a "log book" is welcomed by Children's Services Directorate Management Team, and will be used as a "best practice" example across the service, and a similar system has been adopted across some of the other units and outstations, we hope complete this across all units in the next year, as appropriate.

### Statutory Complaints Procedure

Complaints dealt with through the statutory procedure involve three stages.

At Stage 1, complaints are investigated and responded to by a manager in the relevant service area.

If the complainant feels that the issues they have raised remain unresolved, they have the right to progress their complaint to Stage 2. Consideration of complaints at Stage 2 is normally achieved through an investigation conducted by an Investigating Officer and an Independent Person. The Independent Person is involved in all aspects of consideration of the complaint including any discussions in the authority about the action to be taken in relation to the child. At the conclusion of their investigation the Independent Person and the Investigating Officer prepare independent reports for adjudication by a senior manager (usually the Head of Children's Services).

Where Stage 2 of the complaints procedure has been concluded and the complainant is still dissatisfied, they are eligible to request a review of the Stage 2 investigation of the complaint by a Review Panel at Stage 3. The Panel must consist of three independent people.

The Statutory Children's Social Care Complaints process encourages the complainant and the Local Authority to consider Alternate Dispute Resolution (ADR) at every stage of the complaints process. This means resolving a complaint or concern informally through a face to face meeting or telephone discussion. Entering into ADR does not restrict the complainant's right to request a formal investigation at any stage. It is the complainant's right to request the presence of the Customer Relations Manager at any face-to-face meeting.

## Quality Assurance

The Customer Relations Team carry out checks of all complaint responses to ensure the quality of the response and that the language and terminology used is made easy for the complainant to understand, particularly if the complaint is from a child or young person. Statistics indicate 100% of responses were checked by the Customer Relations Team before being sent out. The findings and recommendations are shared regularly with senior managers. The Customer Relations Manager and her Team are also available to the complainant and the investigator for advice on best practice during the complaint investigation, but remain impartial.

The Customer Relations Manager delivers training on investigating and responding to statutory Stage 1 complaints and also on the Corporate Complaints Procedure. The Customer Relations Manager also attends Team Meetings to provide training and advice to front line staff. Training is now available online also; this can be accessed by all social care staff through the Council's Training Department.

The Customer Relations Team promotes the Social Care complaints service. Promotional activity has included outreach work to external groups, publicity material for staff, children and young people and close links with the National Youth Advocacy Service (NYAS). This is the body which is currently providing advocacy support for children and young people wanting to make a complaint or representation. Parents or carers with learning difficulties or other needs will be signposted to local charitable advocacy providers.

The Customer Relations Team has also improved processes to ensure upcoming responses are discussed and monitored at weekly meetings. The Social Care staff are

in more regular contact with the Customer Relations Manager and her team and are aware of their processes which has led to improved joint working for the benefit of the complainant.

Quarterly reports are prepared for the Council's Management Team (CMT), Head of Children's Services and their Senior Management Team on Social Care complaints received.

## Support Network

The Customer Relations Manager participates in the Southern Region Complaints Managers' Group and National Complaints Managers Group. Both groups continue to support Customer Relations and Complaints Managers in sharing good practice, both nationally and locally. Where cases are complex the Customer Relations Manager often seeks advice and guidance from Legal Services and the Local Government Ombudsman's advice line.

## Learning from Complaints

Complaints and concerns provide essential and valuable feedback from our clients and customers. Listening to customers and reflecting on examples of where we have not got it right can reveal or highlight opportunities for improvement (for example, a deficiency in practice, communication or service delivery). Even if a complaint is not upheld, lessons can be learnt from that complaint with service developments and improvements as a result. The complaints process and the feedback gained is an integral part of the quality assurance process, which feeds into the development and monitoring of services.

Once a complaint is investigated, the Investigating Officer (IO) will complete a Learning Action Plan for complaints which have been upheld or partially upheld and which may have recommendations to the services about improving services, these are collated by the Customer Relations Team for reporting purposes.

The Customer Relations Manager is a member of the Children's Services Quality Assurance Board. Outcomes and learning will be shared with QA Board and Social Care Teams are expected to use this information to improve services

The following are some themes around learning from complaints received in the past year, followed by some examples of service improvements and actions taken by Children's Services.

1. Improve Working with and Communication with professionals, carers and Young People
  2. Improvements to process where process maps are required, specific professionals to be identified to take the lead as appropriate to the case.
- The restructure of Children's Services into a model that has increased the staffing of the MASH and Access and Assessment teams and

transform the Long-term Area teams into specialist 'Safeguarding and CIN' and 'Court, LAC and Leaving Care' Teams that serve the borough as a whole.

- Work around the Fostering and Adoption Service is currently under review.
- Evaluations planned for all child in care reviews with partners and Signs of Safety refresher training has been delivered to partners by Child Protection Chairs.
- Children in care have been part of the recruitment of Independent Reviewing Officers and are part of the interview panel.
- The Children's Commissioning service has been restructured. They ensure that outcomes are now measured regularly following reviews to ensure that Young People are having their needs met by providers. Young People's opinions are also requested at panel to ensure their voice is being heard.
- A Principal Social Worker post has been created and recruited into.
- Following an audit and analysis of 200 case supervisions, good practice guidance for supervision has been developed for managers.

### **3. Staff Training requirements for new and existing staff.**

- The Trix system, this is accessible by all workers, with the link to procedures loaded directly onto their desktop.
- A comprehensive induction programme was launched in August 2016 which covers processes and policies from Early Help Services through to Adoption. It is mandatory for all new starters (both permanent and agency). For our permanent workers, the induction will be for two weeks and for agency, one week.
- Each month there is a classroom based induction for cohorts of new starters where they are introduced to the 'Reading way', find about the teams, processes, learning and development opportunities as well as the fundamental policies and legislation which underpin social work practice with children and families.
- The Practice Mentor has been offering one to one support with new starters to help them with processes specific to their area of work.

In the year 2015/16, Children's Social Care received **87** statutory complaints, an increase of 1 (1.2%) compared to the **86** received in 2014/15.

To give this some context, in 2015 - 2016, 3074 individuals in total were referred to Children's Social Care. The number of statutory complaints represents 2.83% of the total number of referrals for the service last year.

Of the **87** complaints received, **22** (25.3%) were resolved as representations informally through Alternative Dispute Resolution (ADR) by the Social Care Teams.

**7** of the remaining **65** complaints were withdrawn by the complainant after the investigation had commenced, leaving 58 which were investigated to a conclusion.

Of the 58, 30 (51.7%) were responded to within timescale and **28** (48.3%) complaints were responded to over timescale.

Of the 30 complaints responded to within timescale, 9 (30%) were responded to in 10 working days or less.

Of the 58 complaints investigated to an outcome, 11 (%) were recorded as Fully Upheld, 13 (%) as Partially Upheld, 20 (%) as Not Upheld, and 1 (%) as having no achievable outcome. The remaining 13 (%) were complaints with multiple strands where several outcomes were recorded. These 13 complaints involved 71 separate complaint points, of which 18 were found to be Fully Upheld, 10 were Partially Upheld, 34 were Not Upheld, and 9 had No Outcome recordable against them.

**Total number of Stage 1 complaints (including those resolved by Alternative Dispute Resolution (ADR) and eventually withdrawn) received in the last 5 years**

Year	Number of complaints received	% Increase against previous year
2010/11	63	-4.5
2011/12	55	-13
2012/13	76	38
2013/14	81	6.5
2014/15	86	6.17
2015/16	87	1.2

**Outcomes for those Investigated to a completion (excluding those resolved via ADR and those eventually withdrawn)**

Outcome	Number	% of Total
Upheld	11	19
Partially Upheld	13	22.4
Not Upheld	20	34.5
No Outcome	1	1.7
Multiple Outcomes	13	22.4
Total	58	100

**Comparison of Complaints either Upheld or Partially Upheld for Children's Social Care**

### Complaints with Single Outcomes

	2015-16	2014-15	2013-14	2012-13	2011-12
Total Investigated to an Outcome	45	48	42	44	47
Total Upheld	11	8	8	5	6
% of Total Investigated recorded as Upheld	24.4%	16.7%	19.1%	11.4%	12.8%
Total Partially Upheld	13	7	9	3	14
% of Total Investigated recorded as Partially Upheld	28.9%	14.6%	21.4%	6.8%	29.8%

### Complaints with Multiple Outcomes

	2015-16	2014-15	2013-14	2012-13	2011-12
Number of Complaints with Multiple Outcomes	13	9	15	21	5
Number of Complaint points Investigated	71	38	72	104	18
Number of points Investigated recorded as Upheld	18	12	16	29	6
% of points Investigated recorded as Upheld	25.4%	31.6%	22.2%	27.9%	33.3%
Number of points Investigated recorded as Part Upheld	10	10	17	20	1
% of points Investigated recorded as Part Upheld	14.1%	26.3%	23.6%	19.2%	5.6%

## Timescales

Total Investigated to an Outcome	In Timescale	% of Total	Over Timescale	% of Total
58	31	51.7%	27	48.3%

Of the 31 complaints responded to within timescale, 10 (32.25%) were responded to in 10 working days or fewer. The average response time for the 31 complaints was 14.74 working days.

Of the 27 complaints responded to over timescale, 9 (33.3%) were responded to in under 20 working days. These are still deemed to be over timescale, as the agreed timescale for these was 10 working days. The average response time for the 27 complaints was 29.67 working days

The overall average time for responding to all 58 complaints was 21.69 working days, with the quickest response occurring in 2 working days, and the longest in 81 working days.

## Main Theme of ALL complaints received during 2015/16

(NOTE: This includes all complaints resolved informally and investigated at Stage 1, but DOES NOT include complaints investigated at Stages 2 & 3, as these themes are duplicates of Stage 1)

Theme of Complaint	Number	% of Total
Assessment	1	1.2%
Care	1	1.2%
Communication	18	20.6%
Delays	4	4.6%
Financial Issue	2	2.3%
Harrassment	1	1.2%
Lack of Contact	5	5.6%
Lack of Support	7	8.1%
Placement	1	1.2%
Process	1	1.2%
Safeguarding	2	2.3%
Service Provision	23	26.4%
Staff Conduct	21	24.1%
Total	87	100%

### Who the complaint was received from

Who Made the Complaint	Number	% of Total
Adoptive Parent	1	1.2%
Advocate	6	6.9%
Child / Young Person	6	6.9%
Foster Carer / Care Provider	6	6.9%
Extended Family	10	11.5%
Other	3	3.4%
Parent	55	63.2%
<b>Total</b>	<b>87</b>	<b>100</b>

### Methods used to make a complaint

Method	Number	% of Total
E-mail	17	19.5%
Feedback Form	9	10.3%
In Person	1	1.2%
Letter	24	27.6%
Telephone	27	31.1%
Webform	9	10.3%
<b>Total</b>	<b>87</b>	<b>100</b>

### Demographic Information

Ethnicity	Number of complaints received	% of Total
Asian Other	1	1.2%
Black British	3	3.3%
Black British / African	1	1.2%
Black British / Caribbean	1	1.2%
Caribbean	1	1.2%
Mixed White / Black	2	2.3%
Mixed White / Black African	1	1.2%
Mixed White / Black Caribbean	2	2.3%
Mixed Other	1	1.2%
White British	25	28.6%
White Other	2	2.3%
Not Stated	47	54.0%
<b>Total</b>	<b>87</b>	<b>100%</b>

For Equality Monitoring purposes in 2015/16 Officers have been encouraged to seek personal demographic information from people who make a complaint to help in assessing if there are groups of people who are proportionally complaining more or less and to explore the possible reasons.

## Complaints from Young People Involving Advocates

Between 1<sup>st</sup> April 2015 and 31<sup>st</sup> March 2016, 11 complaints were received from Young People and, having been offered advocacy support by the Customer Relations Manager, 9 of them were referred to the advocacy provider. This compares to 7 complaints from Young People and 4 being referred to the advocacy provider in 2014/15. The Customer Relations Manager has regular contact with the National Youth Advocacy Service (NYAS) and works closely with them to ensure the complaints process and advocacy provision is promoted to ensure that young people are aware of their right to submit a complaint.

NYAS has commended the Customer Relations Team on good complaint management process on behalf of young people.

The Customer Relations Manager also meets teams and managers to reinforce the importance of capturing verbal complaints. Staff are encouraged to record and analyze comments or concerns, as many children's and young people's issues are resolved this way rather than using the complaints process. If the young person is unhappy but does not wish to make a formal complaint the Customer Relations Team also offers to try to resolve matters informally.

## Local Government Ombudsman

Between 1<sup>st</sup> April 2015 and 31<sup>st</sup> March 2016 the Local Government Ombudsman (LGO) received 3 representations from dissatisfied service users for issues relating to Children's Services. This is a decrease of 1 case compared to the 4 cases which were received in 2014/15. Of these 3 cases, 1 was rejected by the LGO following their initial enquiries, 1 case was returned to RBC for local resolution, and 1 case investigated and upheld by the LGO.

The case upheld concerned the contact arrangements for 4 children in care from the same family. Remedy: forward plans for contact with and between all 4 children and their mother.

## Compliments

The Customer Relations Team now own the logging of compliments for Children's Services and the directorate as a whole. Staff are reminded and encouraged to pass on all compliments to the Customer Relations Team's generic mailbox.

12 compliments were recorded within Children's Services between 1<sup>st</sup> April 2015 and 31<sup>st</sup> March 2016. These were received by the following Teams:

Access & Assessment	-	4
Business Support	-	1
East & North Area	-	1
Family Placements	-	1
Children & Young Persons' Disability Team (CYPDT)	-	3
South Area	-	1

## **Subject Access Requests**

The Customer Relations Team assists Children's Social Care customers who have been in care through Reading Children's Services (closed cases) with this process and distributes leaflets on the procedure, which are available in a variety of formats and languages on request.

During 2015/16, 10 requests were received from individuals wishing to have access to their records. During the same period, 12 sets of records were prepared and shared with the requestor. All of these were completed within the agreed timescale.

Subject Access Requests from customers of current (open) cases are dealt with directly by the operational teams and the Customer Relations Team does not currently hold any data on these. The possibility of recording this information for future reporting is being explored.

## **Contact Information: How to make a complaint**

Some complaints can be sorted out by discussing your problem with your Social Worker or a manager. If you want to make a complaint, you can contact the council by phone, letter, in person or by email. Telephone the Customer Relations Manager (Complaints & Representations) on 0118 937 2905 or e-mail: [Complaints@reading.gov.uk](mailto:Complaints@reading.gov.uk).

If you wish to make your complaint to us in writing, our address is:  
The Customer Relations Team,  
Reading Borough Council,  
Civic Offices,  
Bridge Street,  
Reading,  
RG1 2LU

You can also text us with your complaint, type SPKUP & your message to 81722. Your complaint will be recorded and if we can't sort out the problem immediately it will be passed for further investigation and action. The Customer Relations Team can take your complaint over the telephone and explain the complaints procedure in more detail or send you a leaflet explaining how to complain. The leaflet is also available in Council buildings or via the Council's website. You can also use these contact details to tell us if you have a concern (but do not want to make a complaint) or if you want to make a compliment about a service.