Executive Decision Report


Decision to be taken by: City Mayor and Executive
Decision to be taken by: April 2013
Lead director: Rachel Dickinson

DMT: 23rd January 2013
SDMT: 11th February 2013
Lead Member Briefing: 19th February 2013
Executive Briefing: 28th February 2013
Children’s Scrutiny Commission: 20th March 2013
1. Summary

It is the Council's statutory duty to produce an annual report detailing complaints received regarding Children’s Social Care Services, how those complaints are dealt with, outcomes and the overall effectiveness of the complaints procedure for Children’s Social Care Services.

The report gives details of the Council’s statutory complaints procedure which is based on the DfES guidance ‘Getting the Best From Complaints – Social Care Complaints and Representations for Children, Young People and Others’.

The report provides information about Children’s Statutory Complaints received during the twelve months between 1st April 2011 and 31st March 2012 including the types of complaint received, the way the complaint was handled, the outcome of complaints and who made the complaint.

It is recognised that some complaints are not being reported to the Complaints Manager and are therefore not being recorded and reported on. Work is underway with each service to rectify this by staff training and an audit trail of complaints received to ensure that a more complete picture is reported in the future.

The role of Complaints Manager has recently been extended to have a wider remit covering customer feedback and quality assurance. Consultation will take place with Children and Young People, Parents and Carers, Professionals and community members to find out their experiences of the Services provided by the Division. This will be co-ordinated by the Complaints Manager.

This more complete picture will support us to identify services that receive repeat complaints and will help us to identify areas for improvement across the Division.

The information provided in this and future reports will be incorporated into the new Divisional Quality Assurance Framework. This report also highlights service area improvements for the year 2012/13.

This report links into the Learning from Divisional Complaints report through which we are developing a process to collate and report on service user feedback.
2. Recommendations
That the report is received and its contents noted.

3. Supporting information including options considered:
The Children’s Statutory Complaints Report

4. Details of Scrutiny
As in previous years the Children’s Statutory Complaints Report will form part of the Council’s future inspections on Children’s Social Care Services.

5. Financial, legal and other implications
5.1 Financial implications
There are no financial implications arising directly as a consequence of this report.
Martin Judson
Head Finance (Investing in Children)

5.2 Legal implications
There are no legal implications arising directly from the contents of this report which is for information purposes. Legal advice will continue to be provided regarding the complaints process as and when this is required.
Pretty Patel
Team Leader/ Senior Solicitor
Community Services Law EXT 29 7033

5.3 Climate Change and Carbon Reduction implications
There are no climate change implications associated with this report.
Charlotte Wood, Senior Environmental Consultant (Climate Change), Environment Team, Ext 39 5228
5.4 Equality Impact Assessment

Not Applicable

5.5 Other Implications (You will need to have considered other implications in preparing this report. Please indicate which ones apply?)

Equal Opportunities - Whole Report
Human Rights Act - Whole Report

6. Background information and other papers:

The requirement to produce this report is set in Regulation 13(3) of The Children Act 1989 Representations Procedure (England) Regulations 2006

7. Summary of appendices:

Appendix 1 Annual Report of Children’s Statutory Complaints, Commendations and Representations 2001-2012

8. Is this a private report (If so, please indicated the reasons and state why it is not in the public interest to be dealt with publicly)?

No

9. Is this a “key decision”?

Yes

10. If a key decision please explain reason
Leicester City Council

Children’s Social Care and Safeguarding

Statutory Complaints, Commendations and Representations

Annual Report
1st April 2011 – 31st March 2012
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1. INTRODUCTION

This is the fifth annual report produced for Children’s Social Care and Safeguarding. Data from previous annual reports is used as a comparison.

This report provides information about complaints received during the twelve months between 1st April 2011 and 31st March 2012 under the complaints and representations procedures established through the Children Act 1989 and the DfES guidance ‘Getting the Best From Complaints – Social Care Complaints and Representations for Children, Young People and Others’.

The purpose of this report is to fulfil the Council’s statutory duty to produce an annual report for reviewing the effectiveness of the complaints procedure for Children’s Social Care Services for 2011/12.

The report provides statistics on the number of statutory cases recorded and actioned; the performance against statutory timescales for handling complaints; complaint trends and outcomes; and learning and improvements resulting from complaints.
2. EXECUTIVE SUMMARY

The Complaints Manager is part of the Safeguarding Unit of the Children’s Social Care and Safeguarding Division and is responsible for managing the process for children’s statutory complaints.

The statutory complaints procedure has three stages

- Stage 1  Local Resolution by Team or Service Manager
- Stage 2  Formal Independent Investigation
- Stage 3  Independent Review Panel

The Regulations that tell us that the time allowed for responding to Stage 1 complaints is 10 working days, or if the case is complex up to 20 working days.

61.8% of Stage 1 complaints were responded to within 20 working days, compared to 65.7% during 10/11 and 68.3% during 09/10.

At 31st March 2012 there were 2591 children and young people receiving a (social care) service from the Department, 1320 male and 1271 female. During the period covered by this report 74 new complaints relating to 84 service users were received, that is 3.2% of service users making a complaint. These complaints were made by people who fall within the categories identified under ‘Who Can Make a Complaint’ (DfES guidelines 2006).

Any complaints from people who fall outside of these categories are dealt with under the City Council’s Corporate Complaints Procedure and are not included in this report. 13 complaints were made directly by children and young people. These complainants were offered the support of the Children and Young Peoples Rights and Participation Officers who provide support and advocacy. 2 young people accepted this support and the remaining 11 decided they had no need for an advocate.

In addition, 2 adult complainants received advocacy and support from CLASP and LAMP whilst making a complaint.

42 commendations were received about children’s social care services.
3. COMPLAINTS PROCEDURE

The statutory complaints procedure has three stages with timescales for responses at each stage (See table below).

**Stage 1 – Local Resolution**
Complaints are dealt with by managers at the point closest to service delivery.

**Stage 2 – Formal Independent Investigation**
Experienced, Independent Investigators who are not employed by Leicester City Council investigate the complaint and produce a report. The Regulations require the Investigator to be accompanied by an Independent Person who works alongside the Investigator to ensure that the process is transparent, open and fair.
A Service Director adjudicates on the findings.

**Stage 3 – Independent Review Panel**
A panel consisting of 3 Independent People reviews the Stage 2 investigation and the Department’s response.

<table>
<thead>
<tr>
<th>STATUTORY RESPONSE TIMESALES FOR COMPLAINTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1</td>
</tr>
<tr>
<td>----------</td>
</tr>
<tr>
<td>10 Working Days or up to 20 if the case is complex</td>
</tr>
</tbody>
</table>

This is the end of the statutory complaints procedure. If complainants remain dissatisfied they can refer their case to the Local Government Ombudsman (LGO).
The Local Government and Public Involvement in Health Act 2007, which came into effect from 1st April 2008, introduced a number of changes to the Local Government Ombudsman’s jurisdiction. One of these changes gives the LGO the power to investigate a complaint that has not previously progressed through the complaints procedure of the local authority concerned. Five complaints relating to Children and Young People’s Service went to the LGO, one was considered ‘premature’ and was referred back to us to be investigated through our procedures and four were investigated through their procedures.

In addition to the three formal stages, concerns can also be responded to as an Initial Enquiry. These are enquiries raised by a service user, or on behalf of a service user, which can either be resolved swiftly – by perhaps a phone call, or if the expressed preference is not to make a formal complaint. Initial Enquires also cover issues which need further clarification. There are no formal timescales for a response, although this is monitored by the Complaints Manager.

**Alternative Dispute Resolution**
Most service users want to resolve complaints quickly and don’t always want to enter the formal investigation stage. Those whom are not satisfied with the response at any stage of the complaint are offered the opportunity to meet with the responding manager to try to resolve the issues. This meeting is chaired by the Complaints Manager.
4. WHO CAN MAKE A COMPLAINT

The Children Act 1989 and the Adoption and Children Act 2002 require us to consider complaints and representations from:

- Any child or young person who is looked after by the local authority or who is in need;
- His/her parent or someone with parental responsibility;
- Any local authority foster carer;
- Young people leaving care;
- Special Guardians;
- Any child or young person under a Special Guardianship Order;
- Any person who has applied for an assessment;
- Any child placed for adoption and their parents/guardians;
- Persons wishing to adopt a child;
- Any person for whom adoption services may be provided;
- Adopted persons, their parents, natural parents and former guardians;
- Such other person who the local authority considers has sufficient interest in the child or young person’s welfare.
5. EQUALITY AND DIVERSITY

The purpose of capturing data is to monitor access to the complaints procedure and to ensure services are appropriate for all service user groups. The Complaints Manager records data about Service Users. For the purpose of this report a service user can be a parent or carer who is engaged with social care services.

*Please note:* Total percentages may not add up to 100 due to rounding.

*Total number of Service Users exceed number of complaints due to families with multiple children.*

### 5.1 GENDER

<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>Male</td>
<td>42 (51.9%)</td>
<td>38 (45.2%)</td>
<td>38 (45.2%)</td>
</tr>
<tr>
<td>Female</td>
<td>31 (38.3%)</td>
<td>38 (45.2%)</td>
<td>32 (38.1%)</td>
</tr>
<tr>
<td>Not Known</td>
<td>8 (9.9%)</td>
<td>8 (9.5%)</td>
<td>14 (16.7%)</td>
</tr>
</tbody>
</table>

After showing an upward trend for the past two years, the number of complaints relating to female service users has dropped this year. The number and percentage of complaints from males is the same as last year whilst the number of complaints where the complainant did not disclose any details of the service user has risen from 8 to 14.
### 5.2 ETHNICITY

<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Asian or Asian British – Bangladeshi</td>
<td>0</td>
<td>2 (2.4%)</td>
<td>0</td>
</tr>
<tr>
<td>Asian or Asian British – Indian</td>
<td>7 (8.6%)</td>
<td>2 (2.4%)</td>
<td>7 (10%)</td>
</tr>
<tr>
<td>Asian or Asian British – Pakistani</td>
<td>3 (3.7%)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Asian or Asian British – Other</td>
<td>2 (2.5%)</td>
<td>2 (2.4%)</td>
<td>0</td>
</tr>
<tr>
<td>Black or Black British – African</td>
<td>5 (6.2%)</td>
<td>3 (3.6%)</td>
<td>3 (4.3%)</td>
</tr>
<tr>
<td>Black or Black British – Caribbean</td>
<td>0</td>
<td>3 (3.6%)</td>
<td>2 (2.9%)</td>
</tr>
<tr>
<td>Black or Black British – Other</td>
<td>1 (1.2%)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Chinese or other ethnic groups</td>
<td>1 (1.2%)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Not Declared/Not Known</td>
<td>4 ND (4.9%)</td>
<td>17 (20.2%)</td>
<td>7 (10%)</td>
</tr>
<tr>
<td>Other Dual Heritage</td>
<td>10 (12.3%)</td>
<td>8 (9.5%)</td>
<td>3 (4.3%)</td>
</tr>
<tr>
<td>White - British</td>
<td>39 (48.1%)</td>
<td>47 (56%)</td>
<td>45 (64.3%)</td>
</tr>
<tr>
<td>White - Irish</td>
<td>1 (1.2%)</td>
<td>0</td>
<td>1 (1.4%)</td>
</tr>
<tr>
<td>White - Other</td>
<td>0</td>
<td>0</td>
<td>2 (2.9%)</td>
</tr>
</tbody>
</table>

Complaints from White British service users remain the highest proportion of complaints and have continued the upward trend to 64.3%. This is the highest percentage of any complainants during the last five years.

Numbers of complaints from service users of other ethnic backgrounds remain reasonably constant with a drop in complainants who do not feel it necessary to declare their ethnicity when making a complaint.
This report considers 74 statutory complaints received this year which relate to 84 service users. Of these complaints 13 (18%) were made directly by children and young people, 54 (73%) by a parent or guardian and 7 (9%) by foster carers.

5.4 DISABILITY

3 complainants (3.6%) are Service Users who have a disability compared to 5 (6.8%) last year and 11 (15.9%) during 09/10.

5.5 LOOKED AFTER CHILDREN

Of the 84 service users involved in these complaints, 31 (37%) are Looked After Children/Young People or those whom have recently left the care of the Authority. This is approximately the same as last year.
6. COMPLAINTS, INITIAL ENQUIRIES AND COMMENDATIONS

6.1 STAGE 1 COMPLAINTS ACTIVITY

There were 74 new Stage 1 complaints received between 1st April 2011 and 31st March 2012 compared to 72 last year and 67 in 2009/10. Following a significant (63.4%) increase in complaints during 09/10 this year’s increase of 2 continues a more stable picture.

3 of these complaints were withdrawn by the complainant before the Stage 1 response was sent out, 1 is on hold pending a court decision and 1 went directly to the Local Government Ombudsman and was later withdrawn. One complaint was accepted at Stage 2 of the complaints procedure, bypassing Stage 1 and the 68 remaining complaints were investigated and responded to within Stage 1 of the complaints procedure.

The timescale for responding to a Stage 1 complaint is 10 working days, or up to 20 working days if the complaint is more complex. Of the 68 complaints responded to within Stage 1, 42 (61.8%) were within 20 days, that is within the statutory timescale, compared to 65.7% last year and 68.3% during 09/10. The average number of days taken to respond to a Stage 1 complaint was 18.8 compared to 22 last year and 21.7 during 09/10.

Many Team Managers/Service Managers are being more thorough in their investigations and some are inviting complainants to meetings to discuss the complaint and possible ways to resolve complaints before putting a formal response in writing. This has had a positive effect on resolving complaints at Stage 1 without them progressing further and the overall time taken to deal with them now seems to have levelled out.
6.2 STAGE 2 COMPLAINTS ACTIVITY

One complaint was accepted directly at Stage 2 this year due to it initially arriving as an MP enquiry rather than a stage 1 complaint.

This year 4 complaints progressed to Stage 2 following Stage 1, compared to 1 last year. One of these complaints then progressed to Stage 3.

The timescales for a Stage 2 investigation are 25 working days or up to 65 working days if the complaint is complex.

Of the 5 complaints investigated at Stage 2, 3 of them were completed within the 65 working day target. The average time taken to investigate and respond to all stage 2 complaints was 62 days. All 5 of these complaints were complex and involved very complicated and in-depth independent investigations.

6.3 STAGE 3 COMPLAINTS ACTIVITY

There was one Stage 3 review panel this year and all timescales were met. Early indications are that the complaint was resolved following the panel however there is still the opportunity for the complainant to approach the Local Government Ombudsman.

6.4 LOCAL GOVERNMENT OMBUDSMAN (LGO)

The Local Government Ombudsman received 5 complaints relating to Children’s Social Care for Leicester City Council this year which is 2 more than last year. 2 of these had not previously been through our complaints procedure, 1 was referred back to us to investigate but the complainant was not happy with this and withdrew the complaint, the LGO investigated the other complaint but found there were no grounds to pursue an investigation.

The 3 remaining complaints had previously been logged and responded to at Stage 1 of our procedure but the complainants decided to approach the LGO following receipt of their response. In 2 of these cases the LGO decided to discontinue their investigation and in the remaining complaint they used their discretion not to investigate.
Therefore none of these complaints were upheld and the LGO made no recommendations to the Authority.

6.5 INITIAL ENQUIRIES

28 Initial Enquiries were received this year compared to 31 last year and 27 during 2009/10.

6.6 COMPLAINTS

6.6.1 Complaints received and resolved.

<table>
<thead>
<tr>
<th>Stage 1</th>
<th>Stage 2</th>
<th>Stage 3</th>
<th>LGO</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/11</td>
<td>10/11</td>
<td>10/11</td>
<td>10/11</td>
</tr>
<tr>
<td>11/12</td>
<td>11/12</td>
<td>11/12</td>
<td>11/12</td>
</tr>
<tr>
<td>Complaint Entered At</td>
<td>72</td>
<td>71</td>
<td>0</td>
</tr>
<tr>
<td>Complaint Resolved At</td>
<td>66</td>
<td>60</td>
<td>0</td>
</tr>
</tbody>
</table>

Of the 74 complaints received, 4 were withdrawn, 1 is on hold and 69 have been resolved either by the Authority or the LGO.
The majority of complaints (46%) were resolved by the Team Manager, Service Manager or LGO looking into the matter and providing a written explanation. If the complainant was satisfied with the response from the Authority, the complaint was closed and no further action was taken.

Any complainant who was not satisfied with the written explanation and wanted to progress their complaint to the next stage was offered the chance to meet with the Complaints Manager along with the Manager who responded to their complaint to discuss the issues. This Alternative Dispute Resolution resulted in 9 complaints (12%) being resolved without progressing to the next stage which is the same as last year.

Following the investigation of complaints, one complainant received backdated Residency Order payments and 2 complainants received compensation.

16 complainants (22%) received a written apology and 3 received the offer of further work or assessments.
Stage 1 complaints are investigated and responded to by line managers. Stage 2 reports and recommendations are received and responded to by Divisional Directors. Stage 3 panel recommendations are received and responded to by Strategic Directors. This ensures that managers at all levels are aware of and can address the reasons for complaint.

6.6.2 Outcome of Complaints

53% of all complaints received were not upheld (61.6% during 10/11). These were responded to by explaining the legislation, policies and procedures which the department works within and this explanation being accepted by the complainant. 23 complaints (31%) were partially upheld compared to 11 complaints (15%) last year and 7 complaints (9%) were upheld. 4 complaints were withdrawn before being responded to.

6.6.3 Service Area Complained About

Reductions in complaints in Residential Care (from 7 last year to 1 this year) and LAC Services (from 20 last year to 14 this year) have been counterbalanced by increases in DAS (9 last year to 16 this year) and Child Protection and Proceedings (19 last year to 26 this year). This could be down to the nature of the work carried out by these services.
6.6.4 Reason for Complaint

Complainants recorded a total of 174 areas of complaint within 19 categories.

It is worth noting that reasons for complaint are recorded at the very beginning of the process, prior to investigation and as the complainant perceives the problem at the time.

The most common area of complaint was ‘Lack of Communication’ at 20.6%. This is an increase from 13.9% last year and 16.8% during 09/10.

The second most common area of complaint was ‘Challenging a Practice Decision’ at 17.2% which was the most common area last year at 14.4%.

Once again, ‘Staff Attitude/Behaviour’ was the third most common at 10.3%, a small decrease on last year’s 11.2%.

Serious issues of staff conduct are referred through the disciplinary procedures and remain confidential to the department. It appears that when Service Users are not satisfied with a decision made within departmental policy or legislation, they record this as ‘Staff Attitude/Behaviour’.
6.7 Commendations

There were 42 commendations received this year compared to 35 last year and 44 during 09/10. Staff in DAS received 16 commendations compared to 4 last year, followed by 10 for staff working within Residential Homes who received 2 last year. Family Change received 6 this year down from 13 last year.

7. SERVICE IMPROVEMENT OUTCOMES FROM 2011/12

- Complaints Manager continues to represent the Local Authority on the Eastern Region Complaints Managers Group which contributes to national policy on complaint handling, shares best practice and has links with the Local Government Ombudsman.
- The use of Alternative Dispute Resolution has resulted in 9 complaints being resolved without progressing to the next stage therefore providing a cost saving for the service.
- Additional training has taken place with team members where a complaint identified training needs.
Following the Admin and Business Support Review the Complaints Manager is working within a new structure. Complaints Manager has established mechanisms that enabled a seamless transition and maintained the level of service to complainants.

8. SERVICE IMPROVEMENT ACTIONS FOR 2012/2013

- Complaints Manager to continue to represent the Authority on the Regional Complaints Managers Group contributing to national policy on complaint handling.
- Complaints Manager to continue to encourage the use of ADR to resolve complaints.
- Following a review of the service, the Complaints Manager will move to the Safeguarding Unit and establish a wider quality assurance role alongside complaints. This will include collecting and analysing feedback from service users across the Division.
- The role of Complaints Manager to be integrated into the Safeguarding Unit with closer collaboration of staff members resulting in a more joined-up service.
- Complaints Manager to encourage Team and Service Managers to complete pro-formas that will give a more complete picture of complaints received and will identify any positive examples of learning from complaints.
- Quarterly SDMT meetings to be focused entirely on Quality Assurance within the Division.
- Staff workshops to be arranged to ensure that all team members are aware of the customer feedback and Quality Assurance work on-going and how it relates to them.