

Children's Social Care

Complaints, Compliments & Representations

Annual Report
2012/13



West Berkshire
COUNCIL

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Executive Summary

This report contains a summary of Children's Social Care feedback received between 1 April 2012 and 31 March 2013. It highlights how the Service has performed against statutory timescales and key principles; learning and service improvements that have been made as a result of listening and responding to complaints and plans for further developments.

During this period, a total of 73 contacts were received (63 complaints and 10 representations). This is directly comparable to 75 contacts received in 2011-2012. Complaints cover multiple issues. 246 issues were raised from the 63 complaints. The key themes from issues raised related to the following categories;

- Communication/Information (24%)
- Standard of service delivery (20%)
- Accommodation/placement (15%)
- Assessment/decision issues (12%)
- Attitude of staff/staff conduct (9%)

Of the 246 issues raised, 45 issues were upheld (18% compared to 45 issues (25%) in 2011-2012) and 32 issues were partly upheld (13% compared to 25 issues (14%) in 2011-2012). The key themes identified from complaints which were upheld were:

- Communication/Information (30%)
- Standard of service delivery (27%)
- Assessment/decision issues (17%)
- Attitude of staff/staff conduct (16%)

91% of Stage 1 complaints were acknowledged within 3 working days, compared to 98% in 2011-2012.

59% of Stage 1 complaints were responded to within 10 working days, when compared to 61% in 2011-2012. However, the legislation allows for an extension to 20 days response time in complex cases. In 2012-2013, there have been a number of more complex complaints and this is reflected in the increase in response times within 20 working days from 20% in 2011-12 to 30% in 2012-2013.

In 2010/2011, there were two Stage 2 complaints, which were completed in 2011/2012. The issues were recorded in the 2011/2012 Annual Report as Stage 1 data and therefore, the detail of the Stage 2 cases is distilled herein. Both cases were also referred to the Local Government Ombudsman and no further action was required. The Ombudsman also considered a series of five sets of premature complaints from one complainant, and two sets of complaints which the Ombudsman agreed were historical and had been investigated before. The premature complaints progressed through the council's complaints process, and the historical cases were taken no further.

Over 70 compliments were received ranging from comments from families, children, professionals and other partner agencies.

1. Complaints: A definition

A complaint is described as an expression of dissatisfaction with the service the Council has provided. Feedback from users of our service is important to the Council. It is an opportunity to learn why people find our services unsatisfactory, and what we can do to improve.

We realise that young people may also want to complain, being important users of our services. All young people recording complaints are advised of their right to independent, confidential advocacy support and how to access this support, if desired.

All complaints received by West Berkshire County Council are dealt with under the statutory social care complaints procedure or the Council's corporate complaints procedure. Complaints may be received via any employee or office at any level of West Berkshire Council and are then directed to the relevant department depending on the nature of the complaint.

Issues regarding the delivery of social care services are dealt with under the social care complaints procedure. For all other complaints, the corporate complaints procedure applies.

Representations are written queries or raising of matters which require a response, but are not a complaint. These are acknowledged within 3 days and responded to within 10 working days.

2. Complaints Process

The framework for managing complaints is set out within the Children's Act (1989) Regulations 2006. The complaints process for Children's Social Care complaints consists of three stages;

- STAGE 1: Local Resolution
- STAGE 2: Independent Investigation
- STAGE 3: Review Panel

The fundamental principles that underpin Children's Social Care complaints procedure are:

- Using clear and straightforward systems to capture complaints
- Ensuring that the complaints process is readily accessible to users
- Ensuring that complaints are managed effectively at all stages of the procedure
- Making considered decisions as quickly as possible
- Using lessons learnt to inform service improvements

Complaints are received via a number of routes including telephone, letter, in person, online via our customer portal and by email. West Berkshire Council aims to resolve all complaints at the earliest possible stage and at the lowest possible level. If a complaint cannot be resolved at Stage 1, complainants may request investigation at Stage 2. The Authority may decide to escalate complaints of a particularly serious nature directly to Stage 2.

If having exhausted all reasonable avenues within the Council's complaints procedure, a complainant remains dissatisfied; they may ask the Local Government Ombudsman (LGO) to consider their complaint. A complaint lodged with the LGO before a Council has had reasonable opportunity to respond will be deemed 'premature' and will be referred back to the Local Authority complaints process.

A summary of the children's social care complaints process is at Appendix A.

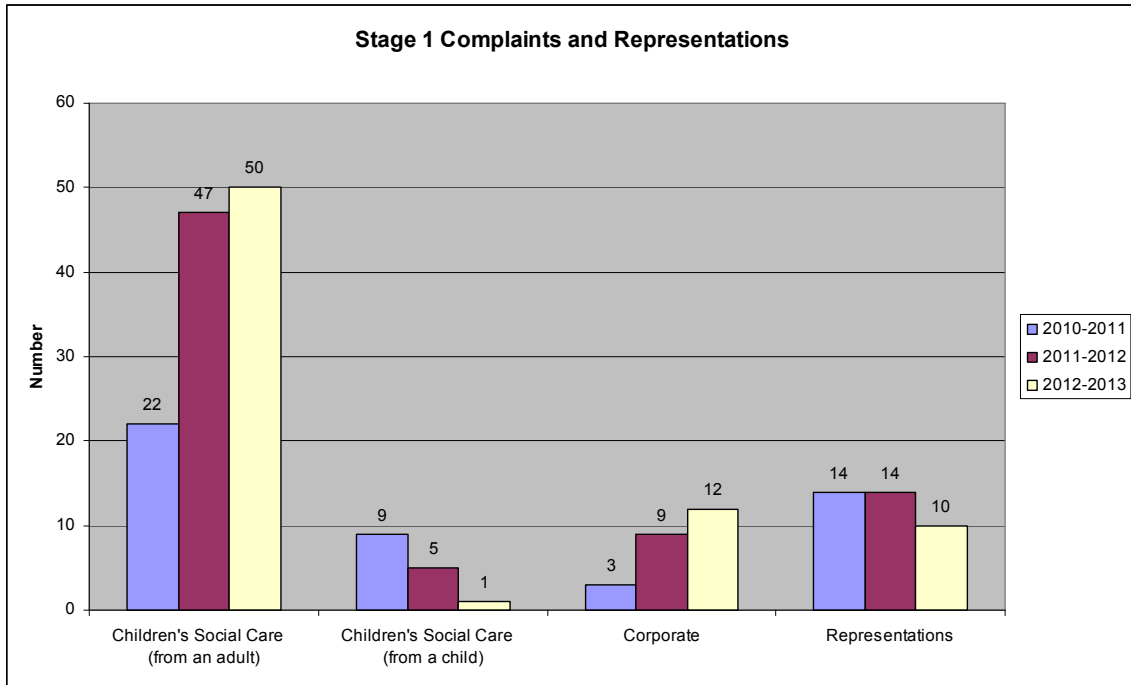
A summary of the corporate complaints process is at Appendix B.

The Annual Report is presented to Corporate Board and to the Executive.

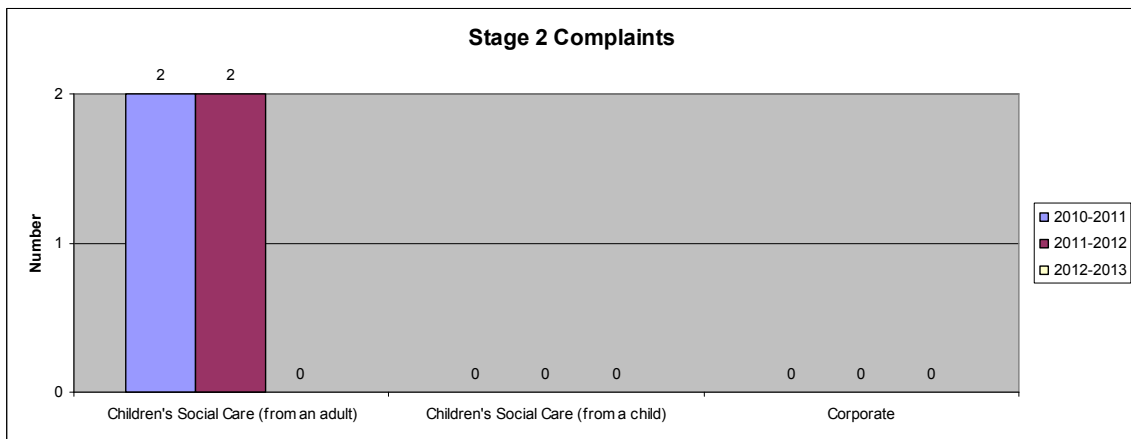
3. Analysis

Complaints Received

During this period, a total of 73 contacts were received (63 Stage 1 complaints and 10 representations). This is directly comparable to 75 contacts received in 2011-2012. There was a rise in complaints recorded in 2011-2012 which has been sustained in 2012-2013, compared to the lower levels recorded in 2010-2011.



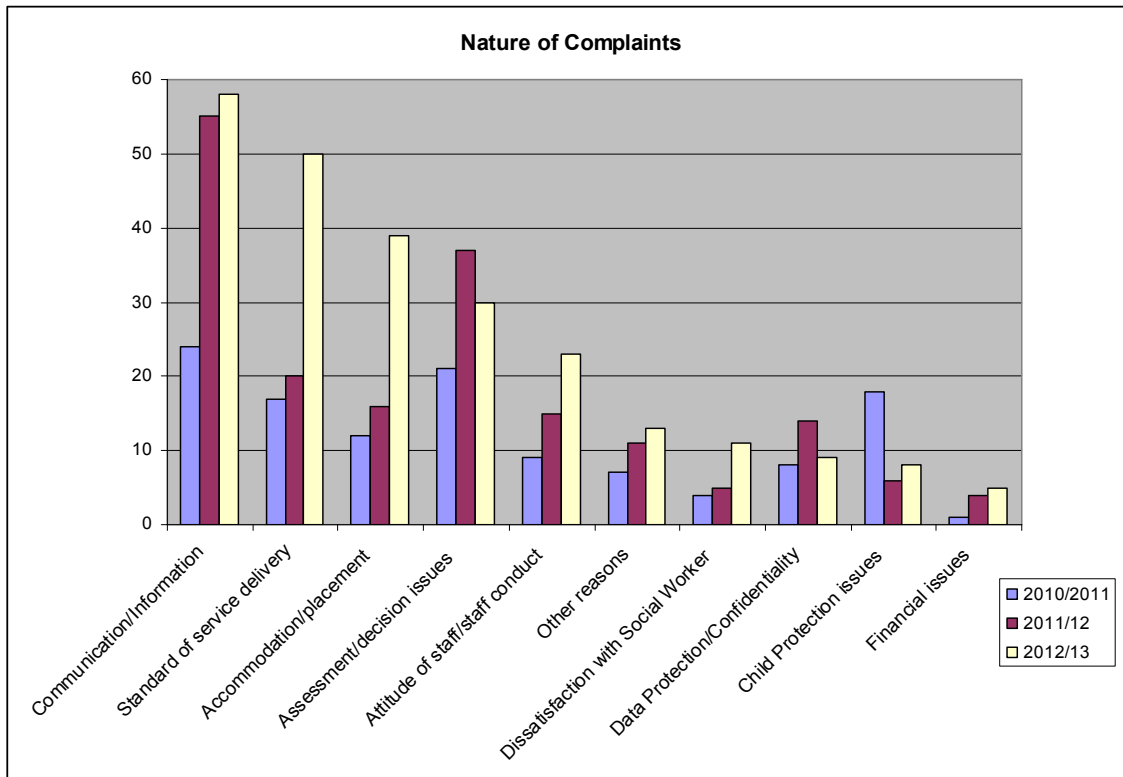
There were two Stage 2 investigations which were launched at the end of the period 2011-2012 and were completed in 2012-2013. These are recorded as having originated in 2011-2012 below:



Nature of Stage 1 Complaints

Complaints can cover multiple issues, and therefore, the number of issues is greater than the number of complaints. 246 Issues were raised in 2012/2013, compared to 183 issues in 2011/2012.

Appendix C outlines how complaints are received by the Council. The increasing use of email has led to longer and more complex complaints, which is being reflected in an increase in the number of issues raised within each complaint.



Nature of Complaint	2010/2011	2011/12	2012/13
Communication/Information	24	55	58
Standard of service delivery	17	20	50
Accommodation/placement	12	16	39
Assessment/decision issues	21	37	30
Attitude of staff/staff conduct	9	15	23
Other reasons	7	11	13
Dissatisfaction with Social Worker	4	5	11
Data Protection/Confidentiality	8	14	9
Child Protection issues	18	6	8
Financial issues	1	4	5
Total	121	183	246

Appendix E includes the sub-categories of issue which were raised.

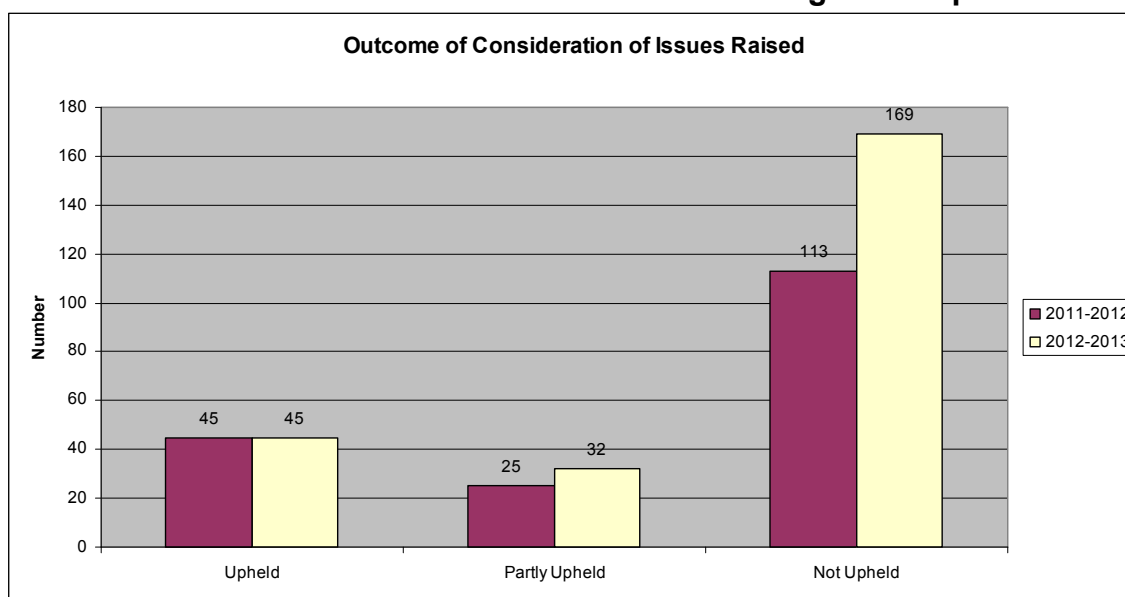
Comparison between 2011/2012 and 2013/2104 in terms of numbers of complaints that were upheld, partly upheld and not upheld, by category.

Nature of Complaint	2011/2012			2012/2013		
	Upheld	Partly	Not Upheld	Upheld	Partly	Not Upheld
Communication/Information issues	24	8	23	15	8	35
Standard of service delivery	2	4	14	13	8	29
Accommodation/placement issues	0	1	12	3	2	33
Assessment/decision issues	14	7	16	3	10	17
Attitude of staff/staff conduct	3	1	11	9	3	11
Other reasons	0	2	12	1	0	13
Dissatisfaction with Social Worker	1	1	3	1	0	10
Data Protection/Confidentiality	0	1	13	0	1	8
Child Protection issues	0	0	6	0	0	8
Financial issues	1	0	3	0	0	5
Total	45	25	113	45	32	169

Whilst the overall number of complaints which were upheld or partly upheld has remained fairly static, there following points are of note:

- The increase in the total number of complaints has corresponded with an increase in the number complaints which are not upheld.
- Of those which were upheld or partly upheld, the combined outcome means:
 - Decrease about Communication/information issues
 - Increase about Standard of delivery
 - Decrease about Assessment/Decision issues
 - Increase about Attitude of staff/staff conduct.

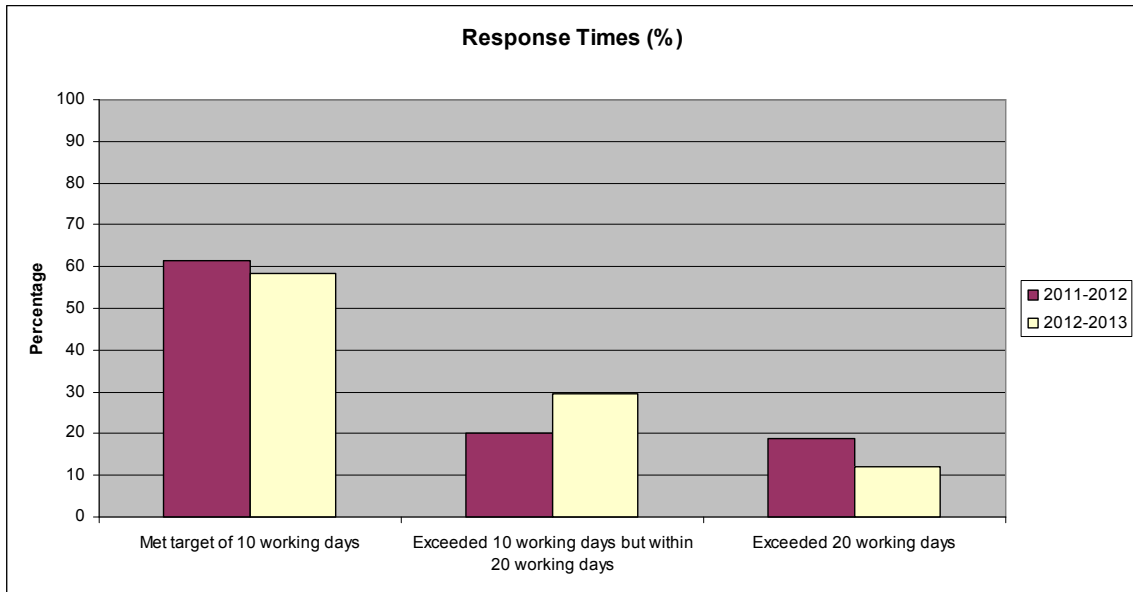
Outcome of Consideration of Issues within Stage 1 Complaints



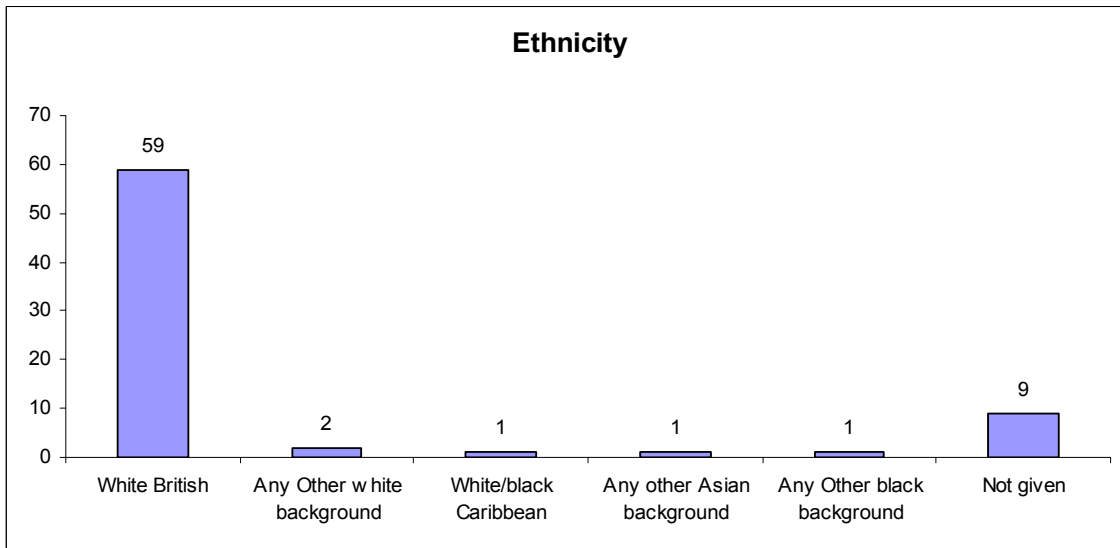
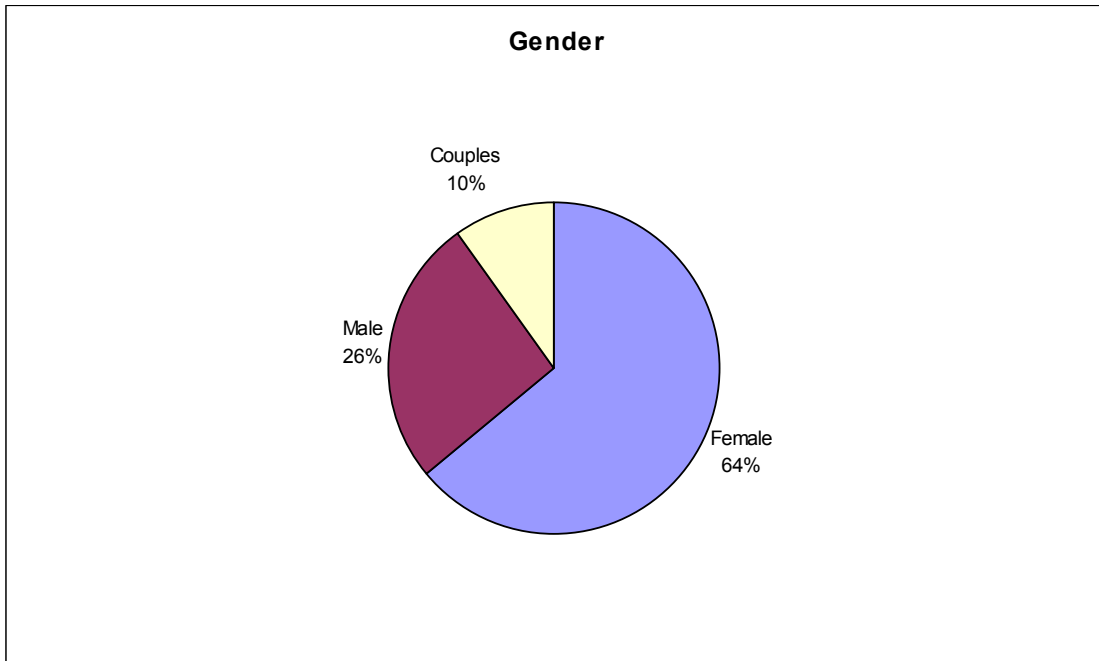
- **Timescale for Responses to Stage 1 Complaints**

91% of Stage 1 complaints were acknowledged within 3 working days, compared to 98% in 2011-2012. Complaints are closely monitored to ensure that the complaint is actively progressing. There has been a slight decrease in the percentage of Stage 1 complaints which were responded to within 10 working days, when compared to 2011-2012. However, the legislation allows for an extension to 20 days response time in complex cases. In 2012-2013, there have been a number of more complex complaints and this is reflected in the centre column in the chart below.

Where the timescales were significantly exceeded, the client contributed to the delay in 3 cases by failing to attend meetings or provide additional detail to enable a full consideration of the issues.



Complainants



There were 5 complaints from people from ethnic minority backgrounds (6.85%), compared to the overall ethnicity profile of our community (5%). Correspondence and responses can be provided translated into a complainant's first language where required.

Stage 2 Complaints

In 2010/2011, there were two Stage 2 complaints, which were completed in 2011/2012. The issues were recorded in the 2010/2011 Annual Report as Stage 1 data and therefore, the detail of the Stage 2 case is distilled herein.

The number of Stage 2 complaints continues to be very low, due to concerted efforts by staff to provide effective written responses, to mediate and follow up in those cases with the potential to escalate and to achieve resolution. Whilst time consuming, the outcome is more satisfactory for the complainant. This approach also relies on the complainant being willing to engage in dialogue and negotiation, and the issues being such that there is room for negotiation.

Case A

One complaint did not utilise the Stage 2 process as the complainant did not accept the boundaries of the process, so the issues were examined under a management investigation led by 2 external people. The consideration did not look at individual complaint issues, so these are not included in this report. The complaint was forwarded to the Local Government Ombudsman who determined not to initiate any further investigation as the process could not achieve the remedies that complainants sought.

Case B

The other complaint centred on a difficult Section 47 enquiry, and considered:

- Whether S47 had been the most appropriate route for this case
- A series of 13 issues relating to the assessment and resultant report
- A series of 14 examples relating to the quality of service

The Stage 2 complaint took 55 working days from agreement of the statement of complaint to finalisation of the two reports, and the adjudication response was sent immediately; the process was completed within the maximum 65 working day timescale.

The complaint was forwarded to the Local Government Ombudsman who determined that this complaint should not be investigated any further by either the Council or the Ombudsman.

Local Government Ombudsman

Complainants sometimes refer their complaints direct to the Local Government Ombudsman without using our local procedures, and in these cases the Ombudsman usually refers the complaint back to us as 'premature'. The Ombudsman considered a series of five sets of premature complaints from one complainant, and two sets of complaints which the Ombudsman agreed were historical and had been investigated before. The premature complaints progressed through the council's complaints process, and the historical cases were taken no further.

4. Lessons Learned and Actions

The Complaints report is considered by the QA Board, who will monitor and evaluate practise against the required lessons learned and actions. This will include identifying lead officers and timescales for any further remedial actions.

Advocacy must be offered to any child/young person wishing to complain or make representation (see Appendix D)

Social Work Practice

- Children/young people made aware that they are able to self-refer to Advocacy Service regarding support, without going through a Social Worker
- Staff offer Advocacy if they feel a child's voice is not being heard. This can be discussed with their Line Manager if necessary
- Existence of Advocacy support reinforced at Reviews and included in new information pack provided to every child by Family Placement Team

Administration Practice

- Record of advocacy offer made and Complaints Manager notified that this action has been completed

S47 – improvements to the management of enquiries

Social Work Practice

- The alleged perpetrator should be interviewed, and if they refuse to be interviewed, the refusal is clearly recorded including in any final report
- After S47 enquiries are completed, the outcome should be fed back to the person making the allegations and the client, as appropriate, and recorded on RAISE
- Social Worker reports to Initial Child Protection Conference to be completed within timescales, and signed off by Team managers/supervisors. These should include a chronology of any previous concerns, context and clarification of the presenting issues of concern, analytical thinking, clarity re outcomes

Management of assessments

Social Work Practice

- Assessments shared with parents
- Where there is doubt about parenting capability, the need for a formal assessment is discussed with the line manager
- When circumstances change for longer term, i.e. child moves to live with different parent, the core assessment is updated

Administration Practice

- Parent/Carer's feedback to draft assessment must be included in the final assessment document
- Where Assessments are shared with parents this should be clearly noted in documentation

Improvements in record keeping and recording

Social Work Practice

- Where a parent/carer's mental health status or substance abuse is to be recorded, care must be taken to verify medical facts
- Line Manager to be informed of any incident where there is a risk of allegations against staff being made in the future and ensure record of incident recorded on RAISE
- Openness with clients/family when recording information about them provides the client/family with reassurance

Administration Practice

- An electronic filing system used for all complaints matters
- Monitoring procedure for the progress of complaints and access to records enquiries
- Use of written or email messages when receiving a phone call for an absent colleague
- Case recording should regular, up-to-date and clear enough for someone new to the case to understand the detail
- RAISE updated regularly, including attaching case management/draft papers with RAISE documentation. Keeping of loose papers or a separate paper or word file for less regular updating to RAISE is not permitted
- Use of electronic calendar/task to keep track allocated Complaints tasks
- Communications from solicitors must be passed through WBC Legal Team. Staff must not to become involved in discussions with solicitors
- Guidance provided on recording confidential placement details/telephone numbers
- Webrisk System to be used for recording accidents and "near misses". Team Managers to ensure sufficient staff training

The lessons learned are outlined in the bullet points above. They include some issues that came to light in specific complaints whilst others were relevant to more than one complaint and consequently formed significant themes. The most significant case learning is set below:

One complaint highlighted the value an independent advocate can bring to the complaints process for children and young people. They are able to help the young person formulate their complaint in an independent and clear way without the involvement of the child's social work. This can act to strengthen their voice in the process and avoid their potential for their complaint to be diluted or moderated by the Social Worker's involvement.

Another single complaint highlighted that insufficient efforts had been made to interview an alleged perpetrator of abuse. Though an early interview was unlikely to have changed the outcome of investigation, it could have provided valuable contextual information and possibly avoided or reduced the grounds for the complaint.

The issue of notifying referrers in Section 47 cases came up in more than one complaint. Often it is not appropriate or possible to disclose the full outcome of the investigation, but is important that referrers know that their concerns have been acted on.

Completion of Child Protection reports within appropriate time scales is important as delay can be unhelpful to both parents and other professionals. Timely completion of the report is essential to enable it to be shared and fully considered in advance of key meetings and decisions being made.

The accuracy and timeliness of case recording was a significant issue in a number of cases. There were several examples of case recording being out of date and consequently unhelpful to the resolution of complaints. This is being addressed through a significant increase in our auditing and quality assurance activity. There were also some occasions where greater care was required in the use of particular language and terminology.

5. Compliments

Over 70 compliments were received ranging from comments from families, children, professionals and other partner agencies.

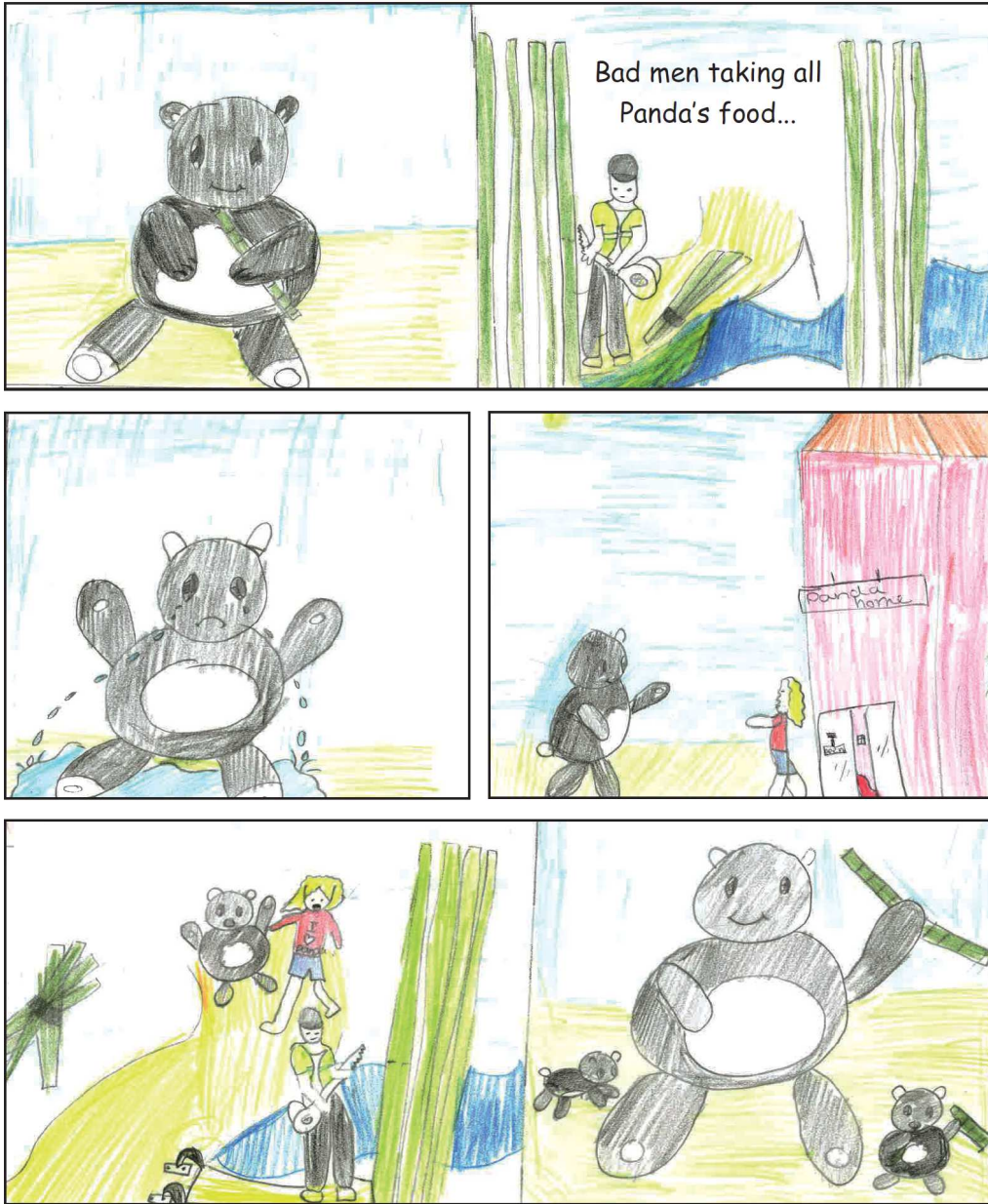
Examples of customer feedback are:

Email from a young person, 17, who was placed by us in supported lodgings after family breakdown. Since then she has identified a family friend to live with and following a successful assessment of the home, she moved in. When we closed the case, she wrote:

Thanks for your e mail. Regarding our talk the other day, I've had a good long think this weekend, and I've decided that I feel prepared to have a go without the aid of Social Services. Also I do not feel that I need much more support, as what I have had from you and my referral social worker has left me in a very good position to support myself. For that I thank you. And thanks for your enquiry as well, as it assures me that I've got plenty of support around me should I need it. Thank you so much.

A letter from grandparents to the Head of Children's Services said:

We have to write and commend your social worker on her outstanding work on behalf of our grandson. If all the social workers in your department are of the same calibre as her then we can only say how lucky West Berkshire is. We realise she must have a huge caseload. We can only think that if our grandson's case is typical of her everyday undertakings, she must burn the midnight oil to get everything done!! The amount of work she undertook, her ability to listen and advise has been second to none...Thank you to you all for your dedication and commitment to the children of West Berkshire. An especially big thank you on behalf of a little boy who looked forward to your visits as did we all, and whose faith in you has been repaid a thousand fold.



This story board by a young girl tells how when nasty people came into the life of the Panda and spoiled everything, the nice people in the home sorted out the bad men and made Pandas life, and family, happy again. She wrote the story for the worker who had helped her.

Thank you so
much for
helping me
and my
family
get on much
better

6. Conclusion

There has been an increase in the number of issues raised within the detail of complaints, despite the overall number of complaints remaining fairly static. This has affected responses times, although effective written responses, mediation and follow up has resulted in complaints that have been thoroughly investigated and resolved at Stage 1. Although 69% of issues raised were not upheld, there have not been any Stage 2 cases from complaints received during the year.

Overall management of complaints is robust and undertaken with sensitivity, and meets the requirements of the relevant guidance and regulations.

However, the Council is not complacent and recognises that good communication and standard of service delivery are areas for continuing focus and ongoing improvement in order to meet the expectations of clients. Section 5 outlines actions already taken to deliver improvements, which have been identified by listening to feedback from our users.

Appendix A – The Children’s Social Care Complaints Process

The complaints procedure has three stages with a strong emphasis on resolving complaints at the first stage.

Stage 1 – Local Resolution

This is the most important stage of the complaints procedure. Service Managers or Team Managers provide a written response to the complainants within 10 working days. This can be extended up to 20 workings if the complaint involves complex matters or to allow time for appointing an advocate where a vulnerable person is involved. Teams are expected to resolve as many complaints as possible at this initial point.

The Complaints Manager works in partnership with managers to ensure that quality responses are made within the stipulated timescales.

Stage 2 - Investigation

This stage is usually implemented where the complainant is dissatisfied with the findings of Stage 1, they have not received a response within the timescales or due to the Service agreeing with them that Stage 1 is not appropriate.

Stage 2 is an investigation conducted by an external Investigating Officer together with an Independent Person who oversees the fairness and transparency of the investigation process. Investigators are drawn from a pool of consultants. These individuals are appointed according to their experience and expertise.

Following an investigation the findings and any recommendations are set out in a report to the Head of Service, who would then provide a written response on behalf of the Council. Subsequently, the response and a copy of the report are sent to the complainant and relevant individuals within the Service.

The Complaints Manager monitors any recommendations and ensures that they are implemented.

The timescales for responding to a complaint at this stage is 25 working days, with an extension of up to 65 working days for complex cases.

Stage 3 - Independent Review Panel

Where complainants wish to proceed with complaints about statutory social services functions, the Council is required to establish a complaints Review Panel (within 30 working days). Complaints Review Panels are made up of three independent panellists (external individuals appointed from a pool of consultants).

The Panel reviews the investigation carried out at Stage 2; it does not re-investigate the issues or look at any new evidence. The Panel produce their report and make recommendations within 5 working days. The Director of Children’s Services produces the Council’s response to the Panel’s findings within a further 15 working days.

Local Government Ombudsman

If the complainant is not satisfied with the outcome of the Independent Review Panel they have the right to take their complaint to the Local Government Ombudsman (LGO).

Complainants, however, can refer their complaint to the LGO at any time, although the Ombudsman normally refers the complaint back to the Council if it has not been considered under the relevant procedure in the first instance.

Appendix B – The Corporate Complaints Process

Complaints not covered by the statutory procedure may be dealt with under the Council's corporate complaints process.

Stage One

Informal complaint to a member of staff at the first point of contact. The response time for this Stage is within 10 working days.

Stage Two

If the complainant is dissatisfied with the Stage 1 response, the complaint moves to Stage 2, which is a formal complaint to the appropriate manager, who will initiate an investigation into the complaints made and respond within 20 working days.

Local Government Ombudsman

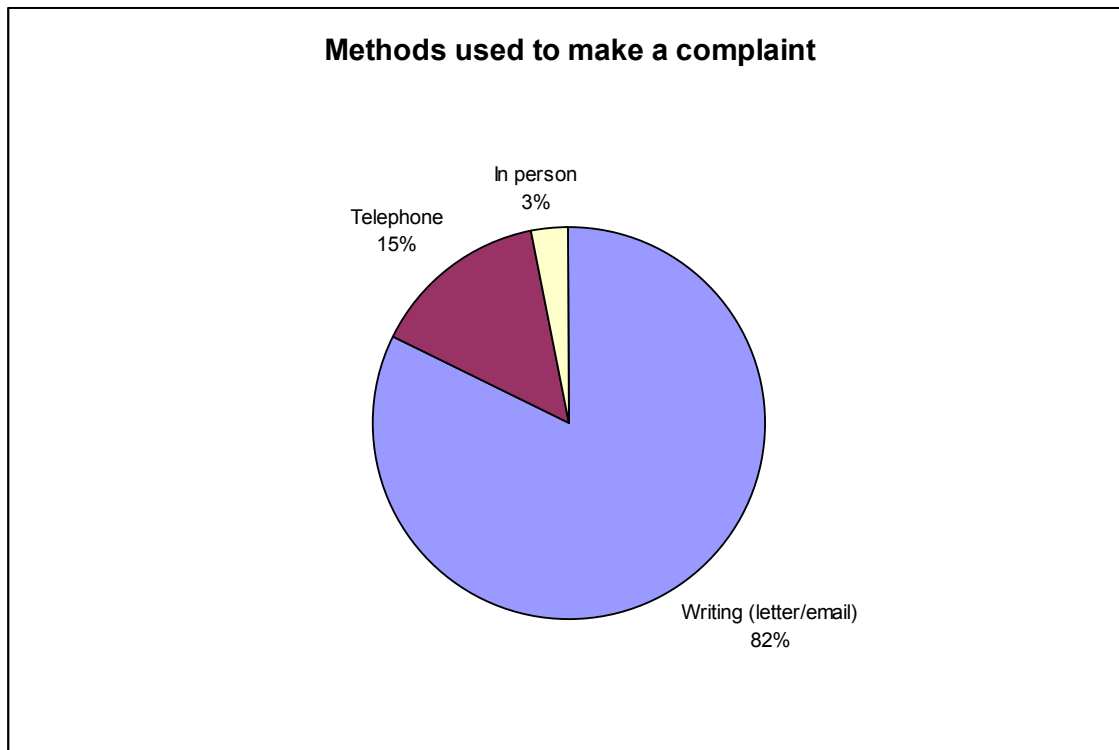
If the complainant is not satisfied with the outcome of the Stage 2 investigation, they have the right to take their complaint to the Local Government Ombudsman (LGO).

Appendix C – How to Complain

There are two complaints leaflets, one for adults, and one for young people. A version is also available in Makaton for young people with communication difficulties. All clients are given details of the complaints process when they first engage with the Council, along with other core information. Young people receive an information pack when they come into care.

Complaints can be submitted in writing (reply slip in the complaints leaflet, email, and letter) or phone call to the Complaints Manager, or matters can be raised directly with their worker or team manager. Young people can contact the Complaints Manager by text as well.

Foster carers are proactive at encouraging young people to raise their problems, and the Reviewing process also ensures that young people are asked about issues they want to raise or have dealt with when they meet with their Independent Reviewing Officer (IRO). The IRO and the Complaints Manager work closely together to ensure young people's voices are heard and dealt with swiftly, often resulting in issues being dealt with immediately without recourse to the complaints procedure.



The increasing use of email has led to longer and more complex complaints, as complainants provide more detail, but it reduces the need for further detail to be gathered direct from the complainant at a later stage.

The Council communicates by email via a secure link with the complainant to ensure safety of personal data.

Appendix D – Advocacy support

The Council offers independent advocacy support to any child indicating a wish to complain or make a representation. A contract with Action for Children “Here4me” service provides this advocacy support. Every young person under 18, and those still receiving support under the Children Leaving Care Act, are offered support. Here4me has respond immediately to request for support

If a translator is required, advocacy support is still offered as well, as the translator cannot advocate under the rules.

Some young people choose not to use advocacy support, or select a friend/ acquaintance instead (and the Council provides the friend/acquaintance with written advice about the role to ensure they are a voice for the child). Young people may also choose their foster carer as their advocate.

Advocacy support has the potential to delay progression of a complaint whilst a rapport is established, and extra time can be permitted for this if needed.

Advocacy support is also available to young people going through Child Protection conferences and for LAC Reviews. Advocates continue to support young people to raise a number of issues through these forums, which are then resolved without formal recourse to the complaints process (usually dealt with direct with the case worker or with the IRO). Feedback indicates that young people really appreciate this support.

Advocacy input helps the young person understand the process and the findings, and often contributes to the resolution at an early stage.

Appendix E – Issues raised in Stage 1 Complaints

Communication/Information

- Communication
- Dispute over information on the client file
- Delay - getting paperwork

Standard of service delivery

- Lack of input
- Lack of support
- Quality of service
- Delay - service provision
- Needs no longer met
- Frequency of visits by Social Worker

Accommodation/placement

- Contact Problems
- Placement problems
- Fostering issues

Assessment/decision issues

- Disagree - report content
- Disagree - planned service
- Disagree - assessment

Attitude of staff/staff conduct

- Attitude/Conduct of Staff
- Cancelled visits/meetings

Other reasons

- No social worker allocated
- Property Issues
- Disagree with H&S requirements
- Disagree with the law
- Independence or bias
- Other clients

Dissatisfaction with Social Worker

- Dislike or want change to Social Worker

Data Protection/Confidentiality

Child Protection issues

- Care Proceedings/Reports in Court
- Dispute over Child Protection requirements

Financial issues