

Title of Report:	Annual Report on Complaints Activity in Children's Social Care 2012-13
Report to be considered by:	Executive
Date of Meeting:	27 March 2014
Forward Plan Ref:	EX2775

Purpose of Report: To report on the statutory complaints process for 2012/2013.

Recommended Action: To consider and approve the report, including lessons learned and actions.

Reason for decision to be taken: Local authorities must, each financial year, publish an annual report in order to keep the local authority informed about the operation of its complaints procedure. The report should be 'presented to staff, the relevant local authority committee, and to the regulator and general public.'

Other options considered: None

Key background documentation:

- 'Getting the Best from Complaints' DfE - social care complaints and representations for children, Young People and Others.'
- Statutory guidance to accompany the Children Act 1989 Representations Procedure (England) Regulations 2006 (Statutory Instrument 2006/1738)

The proposals will help achieve the following Council Strategy priority and principles:

- CSP1 – Caring for and Protecting the Vulnerable**
- CSP8 – Transforming our services to remain affordable and effective**
- CSP9 – Doing what's important well**

The proposals contained in this report will help to achieve the above Council Strategy priority and principles by:

Shaping future service delivery to meet the needs of the vulnerable people served.

Portfolio Member Details	
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Date Portfolio Member agreed report:	28/11/2013

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Implications

Policy:	The complaints policy for Children & Young People (Social Care) is compliant with the requirements of the relevant legislation.
Financial:	Non specific to this report.
Personnel:	Non specific to this report.
Legal/Procurement:	This report ensures the Council meets its legal duty to report and publish an Annual Report.
Property:	Non specific to this report.
Risk Management:	Non specific to this report.
Equalities Impact Assessment:	A full Equality Impact Assessment tool, designed by a number of Complaints Managers in the social care field, has been used to assess the West Berkshire Children & Young People social care complaints process and is reviewed every year with the publication of the Annual report.

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
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Executive Summary and Report

1. Introduction

1.1 Local authorities are required to have a specific complaints process for Children's social care matters, and to report on Complaints on an annual basis. The Report outlines the complaints and complaints and explains how the Council has responded, including Lessons Learned and Actions Taken. 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.

2. Findings

2.1 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%)

2.2 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.)

2.3 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%)

2.4 91% of Stage 1 complaints were acknowledged within 3 working days, compared to 98% in 2011-2012.

2.5 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.

- 2.6 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.
- 2.7 Over 70 compliments were received ranging from comments from families, children, professionals and other partner agencies.

3. Lessons Learned and Actions

- 3.1 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.
- 3.2 The actions relating to social work practise and administration practise cover 4 areas:
- Advocacy must be offered to any child/young person wishing to complain or make representation
 - S47 – improvements to the management of enquiries
 - Management of assessments
 - Improvements in record keeping and recording

4. Conclusion

- 4.1 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.
- 4.2 Overall management of complaints is robust and undertaken with sensitivity, and meets the requirements of the relevant guidance and regulations.
- 4.3 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.

Appendices

Appendix A – Equality Impact Assessment Stage 1

Appendix B – Annual Report for Children's Social Care 2012-2013

Consultees

Local Stakeholders: Here4Me (advocacy service for young people)

Officers Consulted: Children's Services Management Team
Communities Directorate Leadership Team
Corporate Board

Trade Union: N/A

Equality Impact Assessment – Stage One

Name of item being assessed:	Complaints & Representations procedure Children's social care
Version and release date of item (if applicable):	
Owner of item being assessed:	Children's Services – Complaints and Access to Records Manager
Name of assessor:	Yvette Jones
Date of assessment:	November 2012
1. What are the main aims of the item?	
To give users and their carers access to a fair & transparent complaints process; to provide guidance to staff on providing a consistent customer focussed response to issues raised; to comply with the Children Act 1989 Representations Procedure (England) Regulations 2006 and meet statutory deadlines; to learn from complaints.	

2. Note which groups may be affected by the item, consider how they may be affected and what sources of information have been used to determine this. (Please demonstrate consideration of all strands – age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation)

Group Affected	What might be the effect?	Information to support this.
Parents and other involved adults, both male and female	The policy may not be accessible to parents/carers of children, male and female. A high proportion of our clients are from single parent families with children predominantly remaining with their mothers.	64% of complainants are female, 26% are from males, with 10% from couples. Engagement with all those with Parental Responsibility when assessment is undertaken ensures both parents and other involved people are given appropriate information about raising issues and complaining.
Race – all minority ethnic groups and those without English as their first language	The process is designed to be accessible to all, with translators provided when English is not the client's first language.	Records evidence translators are provided when needed.
Disabled people	Access may be difficult, and disability may impact on understanding or ability to progress matters.	A Makaton leaflet for learning disabled children is available, and where disability may impact, the Complaints Manager supports the complainant and using supportive services, including a translator or a BSL signer, and the client's usual specialist support staff.

Age – especially children & young people.	.A lack of knowledge or understanding of the right to raise issues or how it may help may occur.	The process is available to children and young people until they leave care, and they are entitled to advocacy support if they wish it. All Looked After children receive information about the process and support available at a number of stages in their engagement with us.
Ability	A client or representative may not be able to read or write or have sufficient skill to engage with the process.	The Complaints Manager meets with any complainant who needs additional support to make their complaint
Sexual orientation, religion or belief		Should failure to respect any of these aspects be a matter for complaint this would be dealt with using the process.

Further comments relating to the item:

This is a process which is designed to be available to the widest spectrum of clients, and a number of tools and people are utilised to ensure this is the case.

3. Result (please tick by double-clicking on relevant box and click on 'checked')

<input type="checkbox"/>	High Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	Medium Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
x	Low Relevance - This needs to undergo a Stage 2 Equality Impact Assessment
<input type="checkbox"/>	No Relevance - This does not need to undergo a Stage 2 Equality Impact Assessment

For items requiring a Stage 2 equality impact assessment, begin the planning of this now, referring to the equality impact assessment guidance and Stage 2 template.

4. Identify next steps as appropriate:

Stage Two required	
Owner of Stage Two assessment:	
Timescale for Stage Two assessment:	
Stage Two not required:	

Name: Yvette Jones

Date: November 2012