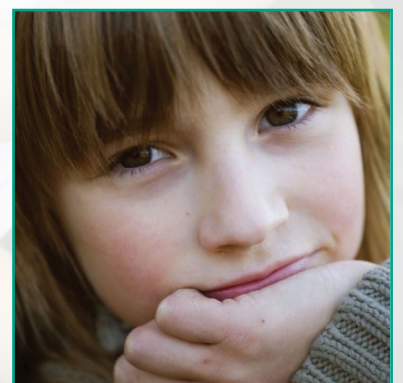
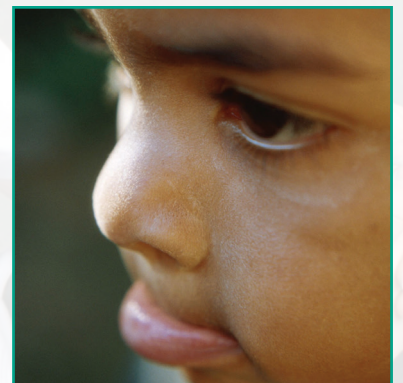


# Children's Social Care

## Complaints, Compliments & Representations

Annual Report  
2013/14



## Contents

Executive Summary .....	2
1. Complaints; Definition and Service Provision .....	4
2. Complaints Process.....	5
3. Analysis.....	5
Complaints Received.....	6
Nature of Stage 1 Complaints & Issues.....	7
Breakdown of Outcomes by Nature of Complaint.....	9
Complaints brought by Adults.....	9
Complaints brought by Children.....	9
Outcomes and the use of Advocacy.....	10
Outcome of Stage 1 Complaints.....	11
Timescale for Responses to Stage 1 Complaints.....	12
Complainants Profile.....	13
Stage 2 Complaints.....	14
Local Government Ombudsman.....	14
4. Lessons Learned and Actions.....	15
Service Provision .....	15
Improvements in record keeping and recording.....	15
5. Compliments.....	16
6. Conclusion.....	18
Appendix A – The Children’s Social Care Complaints Process.....	18
Appendix B – The Corporate Complaints Process.....	19
Appendix C – How to Complain.....	20
Appendix D – Advocacy support.....	21

## Executive Summary

This report contains a summary of the data produced by the Children's Social Care complaints procedure between 1 April 2013 and 31 March 2014. It highlights how the service has performed in relation to statutory timescales and key principles as well as in respect of learning and service improvements identified through the analysis of the complaints process in previous years.

During this period 87 initial contacts were received either from adults complaining on behalf of a child or by a child or young person accessing the complaints procedure on their own behalf. Of these 61 Complaints and 14 Representations were made by adults and 9 Complaints and 3 Representations were made by young people. This is directly comparable to 73 contacts received in 2012/13. The number of Service Users in 2013/14 was approximately 1400.

The Complaints/Representations received represent multiple issues, the key themes of these are as follows;

- **Communication/Information**
- **Standard of service delivery**
- **Attitude of staff/Staff conduct**
- **Dissatisfaction with Social Worker**
- **Child Protection Issues**

Of the 87 complaints raised in 2013/14, 9 were upheld. This represents 13% of all cases where a decision was reached. 18 cases did not reach a conclusion, of these 14 were not completed and 4 were frozen due to litigation. This represents a drop of 18% from 2012/13 and 25% from 2011/12. However, for these earlier years issues rather than complaints were used to measure the figures.

95% of Stage 1 complaints were acknowledged within 3 working days, compared to 91% in 2013/13. In 6 cases this information was not recorded: if these all fell outside the 3 day period then only 88% of acknowledgements were within statutory requirement.

46% of Stage 1 complaints were responded to within 10 working days, compared to 59% in 2012/13.

A further 32% of Stage 1 Complaints were responded to within the 20 day period which is permitted by Legislation for responding to complex cases.

22% of the complaints brought in 2013/14 exceeded the 20 day period. Where a resolution has been extensively delayed this is often associated with Complaints having been frozen as a result of court proceedings.

In 2013/14, one Complaint was progressed to Stage 2.

No Complaints were referred to the Local Government Ombudsman during 2013/14.

## 1. Complaints; Definition and Service Provision

A complaint is defined as an expression of dissatisfaction with the service the Council has provided. Feedback from service users is important to the Council as it provides not only an opportunity to identify why people have found our services unsatisfactory, but also a means of identifying how the services being provided can be improved.

West Berkshire Council considers the views of the young people who use our services to be important and understands that these young people may wish to complain on their own behalf. Every young person who makes use of the complaints procedure is advised of their right to assistance from an independent advocate and is given information about how to access the advocacy service if they wish to do so.

All Complaints received by West Berkshire Council are addressed using either the Children's Services statutory Complaints Procedure or the Council's Corporate Complaints Procedure. Complaints may be received at any of the Council offices, via any employee at any level of West Berkshire Council. Once received Complaints are 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 Children's Services Complaints Procedure, whilst all other Complaints are addressed through the Corporate Complaints Procedure.

Representations are written queries or matters which require a response, but which are not deemed to be a Complaint, by the complainant. As with Complaints, Representations are acknowledged within 3 working days and responded to within 10 working days.



## 2. Complaints Process

The framework for managing complaints is set out within the Children 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 the 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**
- **Helping to ensure that people are not harmed as a result of their involvement with Children's Services.**
- **Helping to ensure that appropriate redress is offered where the need for redress has been demonstrated.**

Complaints are received via a number of routes which include by telephone or letter, in person, and online or 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, the complainant may request a Stage 2 Investigation. Occasionally the Authority may decide to escalate a Complaint of a particularly serious nature directly to Stage 2.

If having exhausted all reasonable avenues within the Council's Complaints Procedure the complainant still 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 by the LGO.

As part of the Council's Quality Assurance process, the Annual Complaints Report is presented to the Quality Assurance Board and the Corporate Board for review and action.

A summary of the Children's Social Care Complaints Process is at Appendix A.

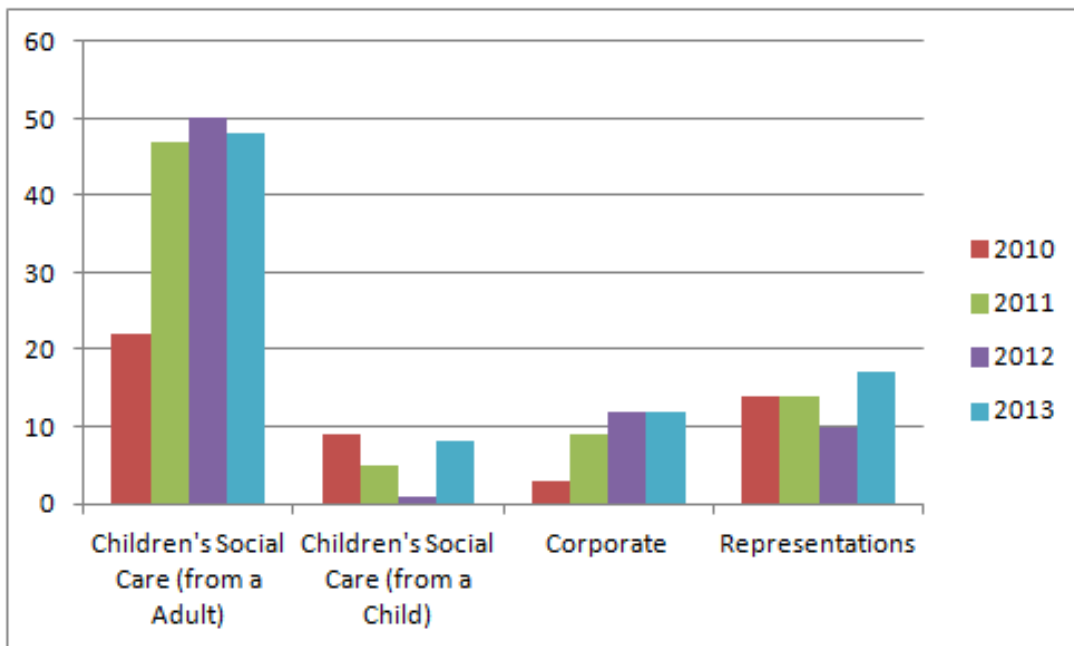
A summary of the Corporate Complaints Process is at Appendix B.  
Appendix C outlines how complaints are received by the Council.

### 3. Analysis

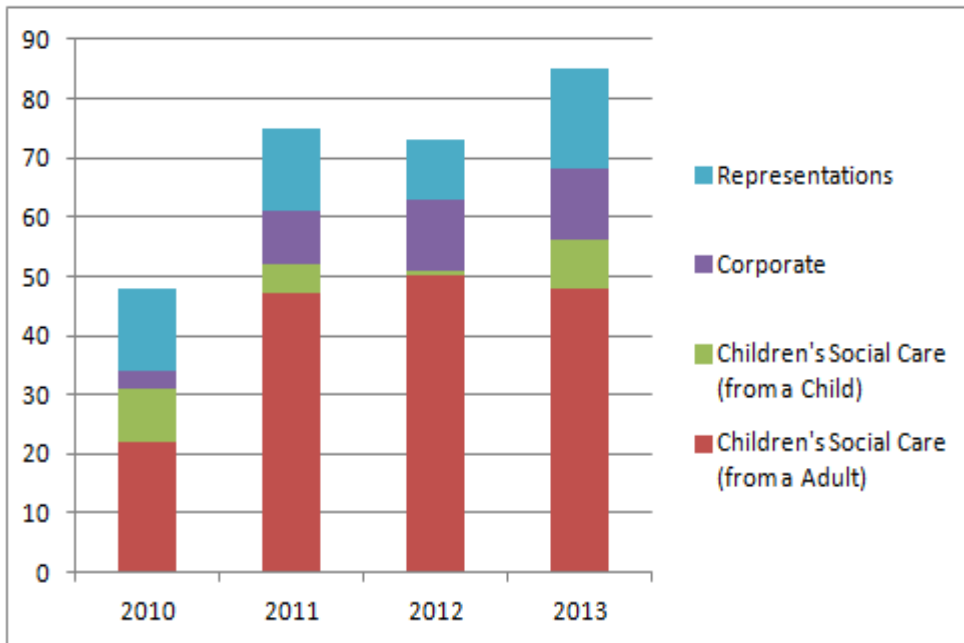
#### Complaints Received

During 2013/14, 87 initial contacts were received either from adults complaining on behalf of a child or by a child or young person accessing the complaints procedure on their own behalf. Of these 61 Complaints and 14 Representations were made by adults and 9 Complaints and 3 Representations were made by young people. This is comparable to 73 contacts received in 2012/13. The number of Services Users during 2013/14 was approximately 1400.

As can be seen below, there was a slight decrease in the number of Complaints received from adults in 2013/14 while the number of Complaints received from young people rose. The number of Corporate Complaints has remained static, and the number of Representations has increased.







The total number of Complaints and Representations received during 2013/14 by Children's Services can be seen to have increased in comparison to the previous 3 financial years.

Of the Stage 1 Complaints received in 2013/14 only one progressed to a Stage 2 Investigation as compared to two in the previous year.

### ***Nature of Stage 1 Complaints & Issues***

As in 2012/13 the following broad categories were used to define the complaints:

- **Service Provision**
- **Professionalism of staff**
- **Communication**
- **Confidentiality**
- **Contact**
- **Assessment**
- **Fostering**
- **Referral**
- **Care planning**
- **Delay in paper work**
- **Family problems**
- **Child Protection Measures**
- **Other**
- **Not known**

75 complaints were raised by adults during 2013/14 and 12 complaints were raised by children. The split by these categories, and their resulting outcomes is shown in the tables included in the section "Breakdown of Outcomes by Nature of Complaint"

Multiple issues can be included in a single Complaint the split between these categories is shown in the graph below, which includes figures from the last 4 years. Whilst this appears to show some significant changes over prior years, the total number of issues identified in 2013/14 was sharply lower than in previous. This may undermine any trends identified by issue. The significant changes were:

- 1) Accommodation/ Placement fell from 16% to 9% (including Contact which is now separated)
- 2) Assessment decisions fell from 12% to 6%
- 3) Child Protection issues rose from 3% to 8%

## Breakdown of Outcomes by Nature of Complaint

### Complaints brought by Adults in 2013/14

Nature of Complaint	Not Known	Another Agency	Client failed to progress	Client Withdrawn	Court determined	Justified	No finding	Not justified	Partly justified	Upheld	Went to litigation	Grand Total
Service Provision	3	3	1	2	4	1	16	6				36
Professionalism of Staff	1						8	2				11
Communication			1	1			4		1	1		8
Confidentiality			1		1		2	1				5
Contact							3	2				5
Other	1						1					2
Family Problems							1					1
Assessment		1										1
Care Planning							1					1
Fostering									1			1
Delay in Paperwork									1			1
Enquiry Referral							1					1
Not Known							1					1
CP Measures							1					1
<b>Grand Total</b>	<b>5</b>	<b>1</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>5</b>	<b>1</b>	<b>39</b>	<b>13</b>	<b>1</b>	<b>1</b>	<b>75</b>

### Complaints brought by Children in 2013/14

Nature of Complaint	Client failed to progress	Justified	Not justified	Partly justified	Grand Total
Service Provision			3	1	4
Other	1	1	1		3
Contact		1	1		2
Professionalism of Staff				1	1
Confidentiality		1			1
Fostering				1	1
<b>Grand Total</b>	<b>1</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>12</b>

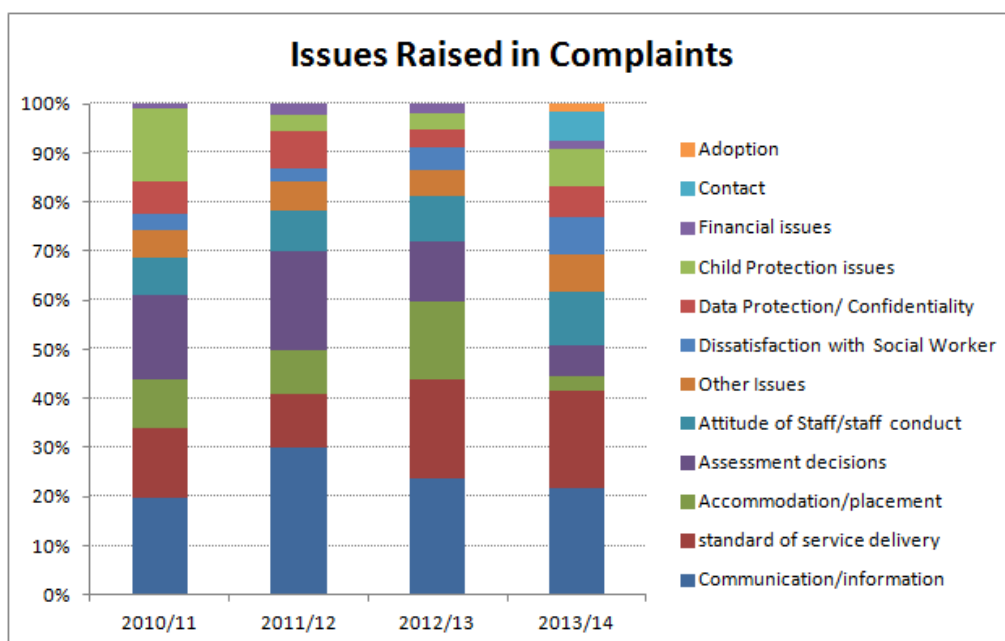
9 of the Complaints brought by complainants in 2013/14 were upheld or found to be justified and a further 16 Complaints were judged to be partly justified. 44 of the complaints raised were not deemed to be justified.

As can be seen from the figures above by far the greatest number of Complaints from both adults and children related to service provision, this was also the area in which the greatest number of Complaints were found to be unjustified.

Where cases become subject to litigation they are removed from the Councils Complaints Procedure and only those issues which have not been subject to a court ruling can be re-activated following the conclusion of the proceedings.

The increase on complaints in relation to Child Protection issues, may reflect the increasing numbers of children and young people who are part of the Child Protection process.

Two further issue categories were separated out this year to reflect their growing importance: Contact and Adoption. They account for 6% and 2% of issues in 2013/14.



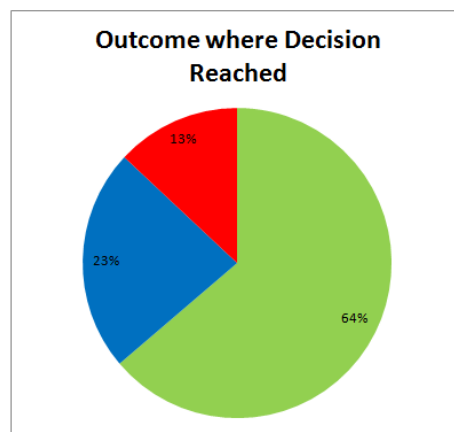
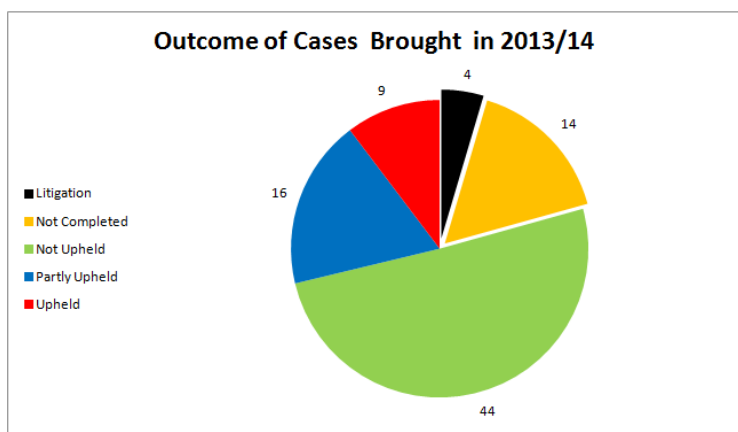
### Outcomes and the use of Advocacy

In cases where the Advocacy Service was used by young people making complaints it can be seen that the outcomes were more often upheld (justified). It is a statutory right for all young people making a complaint to have an advocate, so this service is offered to all young complainants.

Advocate Offered?	Client failed to progress	Justified	Not justified	Partly justified	Grand Total
No			3	3	6
Yes	1	3	2		6
<b>Grand Total</b>	<b>1</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>12</b>

## Outcome of Stage 1 Complaints

The outcome of complaints has been categorized by whether they were upheld. The cases subject to litigation or not yet completed have been separated out.

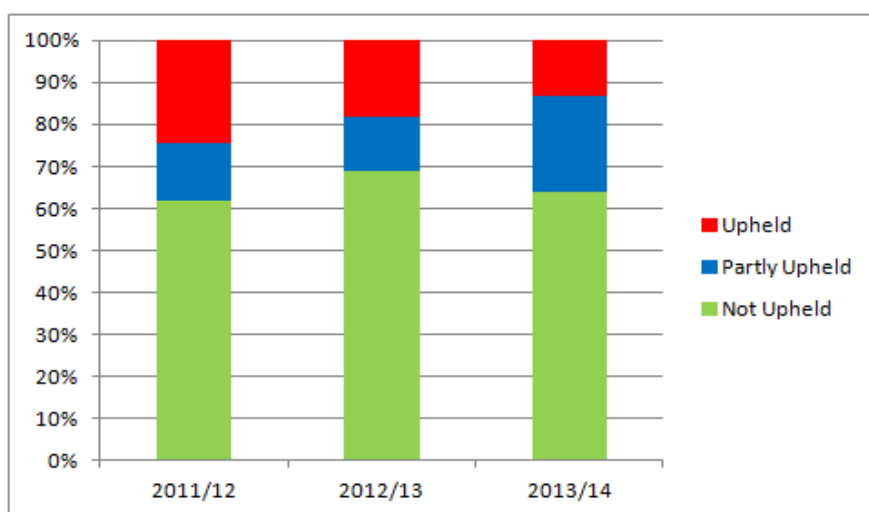


### Breakdown of Cases where Decision Not Reached

Another Agency	1
Client failed to progress	4
Client Withdrew	3
No finding	1
Not Known	5

In 7 cases the complainant either withdrew or failed to progress their Complaint, this is an area which might benefit from further analysis in 2014/15.

Comparison of outcome for cases for the last 3 financial years is shown below. Note that earlier years used issues rather than Complaints to provide the split.



## Timescale for Responses to Stage 1 Complaints

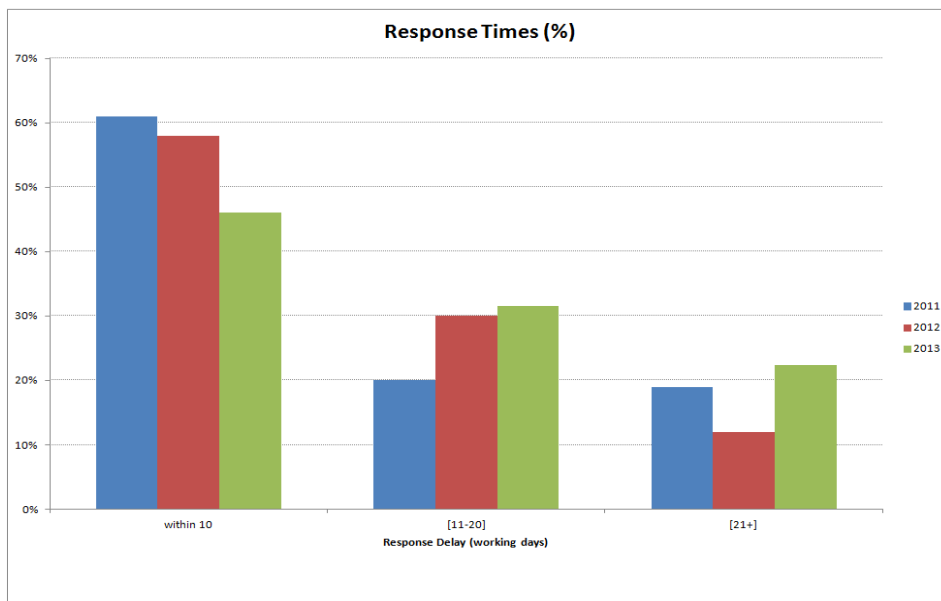
An improvement was seen where 95% of Stage 1 Complaints were acknowledged within 3 working days, compared to 91% in 2012/13.

There has however been a decrease in the percentage of Stage 1 Complaints which were responded to within 10 working days, when compared to 2012/13 (46% versus 58%)

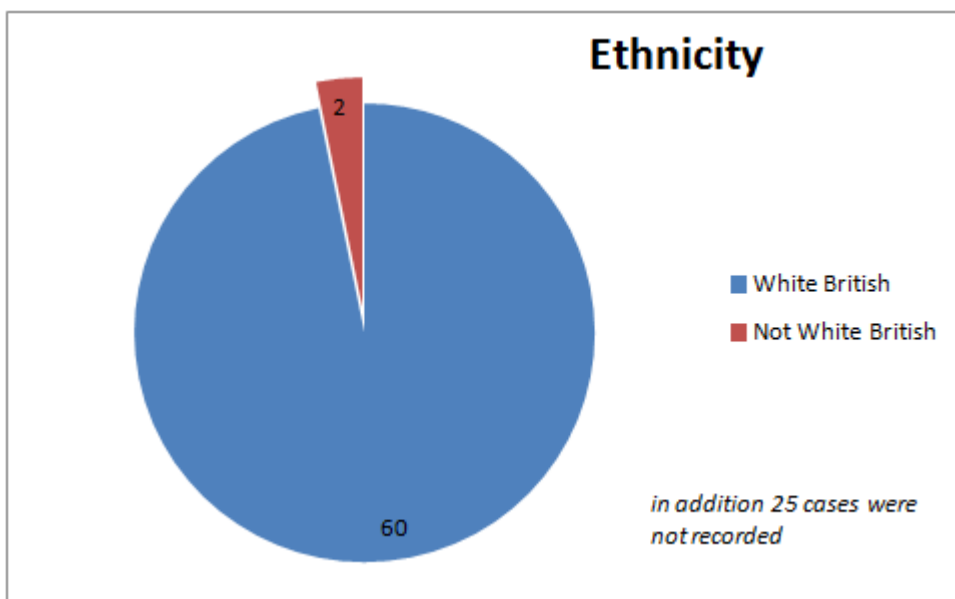
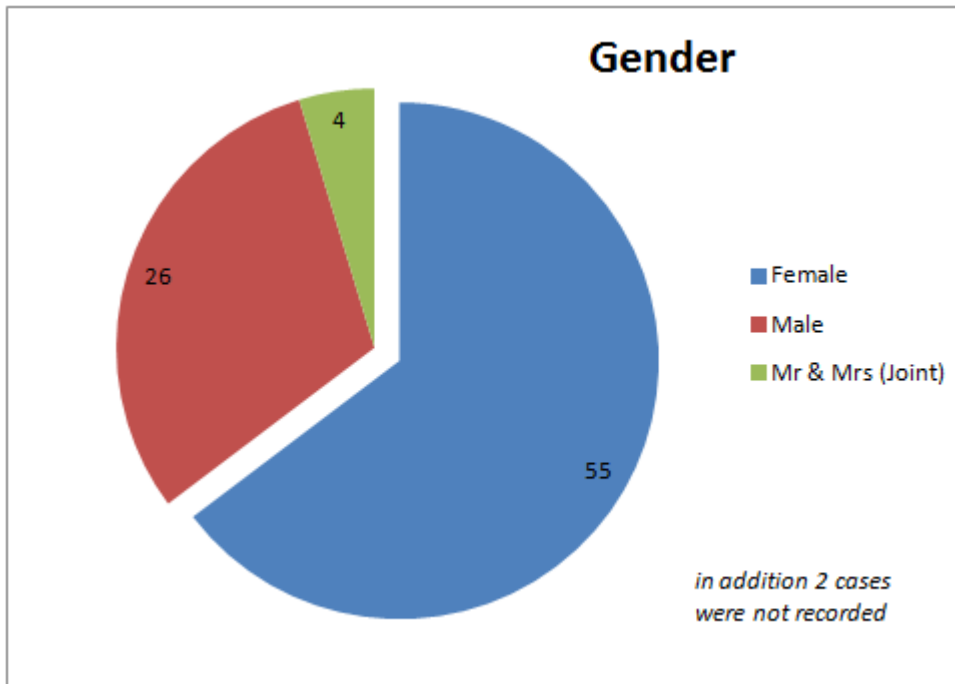
Legislation allows for an extension to 20 days response time in complex cases.

In 2013/14, there have been a similar number of more complex complaints to 2012/13 and this is reflected in the centre column in the chart below.

In 17 cases the timescales were significantly exceeded. This is a sharp deterioration of 10% on 2012/13. In some cases this can be due to the client not attending meetings or not providing additional detail to enable a full consideration of the issues.



## Complainants Profile



There were 2 complaints from people from ethnic minority backgrounds (3%), compared to the overall ethnicity profile for West Berkshire (5%)\*\*.

\*\*Source 2011 census

## ***Stage 2 Complaints***

In 2013/14, one complaint was escalated to Stage 2.

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.

## ***Local Government Ombudsman***

Complainants sometimes refer their complaints direct to the Local Government Ombudsman (LGO) without using our local procedures, and in these cases the Ombudsman usually refers the complaint back to us as 'premature'.



## 4. Lessons Learned and Actions

The Complaints report is considered by the Children's Services Quality Assurance Board, who will monitor and evaluate practice against the required lessons learned and actions. This will include identifying lead officers, audits and timescales for any further remedial actions.

The lessons learned are outlined in the bullet points below. They include some issues that were specific to an individual complaint, whilst others were relevant to more than one complaint and consequently formed significant themes.

### *Service Provision*

The information gathered from complaints is used to improve service provision on an ongoing basis; however, analysis of complaints responses demonstrates that, in a number of the cases, where service provision is cited as an issue, it appears that complainants have unrealistic expectations of the service which can be provided.

- **Workers need to be clear with clients about the services which can be offered.**
- **The Complaints Manager and Team Managers need to be clear with complainants about which issues form the basis of a Complaint which can be progressed.**
- **Consideration needs to be given to why some complaints withdraw from the complaints process.**

### *Improvements in record keeping and recording*

- **Workers need to maintain openness with clients/family when recording information about them as this helps to facilitate accurate recording and provides the client/family with reassurance.**
- **A consistent method for monitoring the progress of Complaints needs to be implemented.**
- **The use of electronic calendar/task to keep track of allocated Complaints tasks**
- **Case recording should be regular, up-to-date and clear enough for someone new to the case to understand the detail.**



## 5. Compliments

**Whilst it is important to reflect on the themes and nature of complaints, we also need to recognise where the service has worked well ; below is a small selection of the many compliments we receive about the service our staff provide.**

“I have received my results and achieved a 2.1 honours degree in business management. Thank you for all your support and help throughout my studies, I wouldn't have done it otherwise.”

“The support and guidance that West Berkshire has provided us through the adoption process has been invaluable. From prep course through to home study we have been given the tools which we hope will enable us to be supportive, empathetic and most of all loving parents to our beautiful son.

Too often the media present the adoption process as one filled with delays and dramas and a journey that is not for the faint hearted. With West Berks we found these perceptions unfounded. Were able to talk about our life history with empathetic Social Workers in a process that was enlightening and positive.

Thank you West Berks, we truly hope that you continue with your fantastic work and find loving homes for all those children in need.

Your objectivity and straight talking were appreciated.

“Thank you all so much for your support, kindness and excellent advice over the past 4 months. It's made such an impact G's future looks really bright and happy!!

I really appreciated your initial assessment where you asked lots of questions, some very difficult ones, especially the abuse question. This has never been asked before by any of the professionals involved with us and I recognise and respect the strength and maturity you showed as a professional to handle it sensitively.”

“Thank you for giving back my happy boys and my freedom, we no longer need your expert help but I know its there and again that truly is a gift of reassurance is needed.”

“Thank you for everything. Thanks for showing me all the positive things about our family. Thanks for setting us small, achievable goals and helping us to make such a massive difference to our children's lives.”

I wish to pass on my compliments regarding H's quality of work she came to the meeting last week with a clear plan that was already underway and that ensured that the children's needs do not drift. Her method of communication with parents was excellent and all participants in the meeting were clear what they needed to do and what was happening. Most importantly she knew the children and what their individual needs are.”

“We are so blessed to have you as a social worker, the children trust you and the way you explained the situation sensitively, but with honesty really softened the blow.

I was impressed by her ability to answer questions and give messages that might not be what people want to hear in a way that lets them know that their view is understood but there are other things that need to be considered.

“I would like to feedback that Queen’s Counsel in the case has advised that M’s final statement was ‘absolutely outstanding’ the best he has read in a long time’.

I just wanted to feedback how child focused her practice was.

The Local Authority’s presentation and conduct of the B case was outstanding. Highly impressed with quality of the Social Work in the case and the oral and written evidence

## 6. Conclusion

There has been a slight increase in the overall number of Complaints and Representations made during 2013/14. This slight increase does not appear to demonstrate a decrease in the level of service being provided, with only 13% of the complaints which were received during this year having been fully upheld. Analysis demonstrates that by far the greatest number of complaints received were not upheld. However, in 23% of the complaints made in 2013/14, the complaints investigation demonstrated that some aspect or aspects of the complaint should be upheld. This suggests that a more detailed focus on complaints which have been partially upheld could help to identify on-going issues with service provision.



## Appendix A

### The Children's Services 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

West Berkshire Council operates an open and visible Complaints Procedure, which is promoted in two complaints leaflets, one for adults, and one for young people. A Makaton version is also available for young people with communication difficulties. All clients are given details of the Complaints Process when they first engage with the Council and a copy of the Complaints leaflet is included alongside the other core information given to young people in the information pack they receive when they come into care.

Complaints can be submitted in writing, via the reply slip in the complaints leaflet, by email, or letter. Complaints can also be presented by telephone to any member of the Council staff. Where a young person has an allocated worker concerns can also be raised directly with a young person's worker or team manager. Where Complaints are dealt with by email the Council communicates via a secure link with the complainant to ensure the safety of personal data.

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.



## 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.

If you require this information in an alternative format or translation, please call 01635 42400 and ask for the (insert name of person or service area).

**West Berkshire Council**

**Insert Service area**

Market Street

Newbury

Berkshire

RG14 5LD

T 01635 42400

[www.westberks.gov.uk](http://www.westberks.gov.uk)

WBC/EDU/JS/0413