

**ANNUAL REPORT ON CHILDREN'S SOCIAL CARE COMPLAINTS
AND COMPLIMENTS APRIL 2007 TO MARCH 2008**

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

Strategic Priorities: Safe City; Healthy City

Corporate Improvement Priorities:

CI01 – Delivery customer focused services

CI02 – Being 'One Council'

C103 – Efficient and effective Council

CI04 – Improving Partnership Working to Deliver 'One City'

1 Why has this report come to Children's Services Review Committee?

- 1.1 The Council is required to monitor, through an appropriate committee, the complaints arrangements that it has in place regarding children's social care issues, to ensure that they comply with the Children Act 1989 Representations Procedure (England) Regulations 2006. This Annual Report of complaints and compliments received on children's social care issues provides a review of the effectiveness of the complaints procedure.
- 1.2 The regulations and guidance introduced in September 2006 cover representations, including complaints, made by children and young people. They also apply to parents, foster carers and other adults making a complaint. They aim to make sure that, however small or large their complaint, vulnerable children and young people get the help they need; at the right time, and that, as a result, service delivery improves. These complaints are often referred to as 'statutory complaints'.
- 1.3 Specific procedures exist for complaints in relation to schools. Certain types of issues in school such as complaints against national curriculum; appeals against admission to a school; and the use of pupil exclusion have a separate complaints process. For all other concerns, a parent needs to pursue a complaint against a school in accordance with the school's published complaints procedure which is available on request from the school.

All complaints that come to the Director of Children's Services are recorded and collated and a summary about them is presented to the Children's Services Leadership team on a monthly basis.

1.4 A corporate complaint is defined as follows:

"An expression of dissatisfaction by one or more members of the public about the Council's action or lack of action or about the standard of a service, whether the

action was taken or the service provided by the Council itself or a person or body acting on behalf of the Council.”

In line with the Ombudsman’s guidance on good practice, the council has a three stage procedure that seeks to resolve dissatisfaction as close to its cause as possible.

The Executive Management Team receives a quarterly report of complaints dealt with and the learning outcomes from them.

2 How will Members’ views make a difference?

Members’ views will be welcomed in terms of how information from complaints can be used to improve and develop service delivery.

3 Links to the Council’s Strategic Priorities and Corporate Improvement Objectives.

Work around complaints is linked to the following Corporate Improvement Objectives:

- **Delivering Customer Focussed Service** – putting the customer at the centre of service delivery; seeking customer feedback and views to shape services; using the findings from reviews to shape and improve services
- **Being ‘One Council’** – making all of our services and workforce inclusive to all
- **Efficient and Effective Council**—ensuring a consistent performance framework and culture across the Council; ensuring services are provided in the most efficient, economic and affordable way.
- **Improving Partnership Working to Deliver ‘One City’** – improving the City’s image.

Key Areas for Portfolio Improvement for Children’s Services:

- Securing strong Children’s Trust arrangements by external challenge and effective performance management arrangements
- Having improved systems in place to measure outcomes for vulnerable children and young people
- The implementation of the Positive Engagement Strategy for children and young people.

4 Background

- 4.1 This document presents the Annual Report on Children’s Social Care compliments and complaints for the period April 2007 to March 2008. The relevant legislation is regulation 13(3) of the Children Act 1989 Representations Procedure (England) Regulations 2006.

The report aims to:

- provide information about the type of complaints and compliments we receive
- describe how the Complaints Procedure operates and how it can be improved
- indicate the significant changes which have been made following the introduction of new complaints regulations in September 2006
- outline the Government's proposals for an integrated social care and health complaints management framework

5 Current position

- 5.1 In September 2006 a new procedure was introduced by the then Department for Education & Skills to address representations (including complaints) made to Children's Services Departments by children and young people. The regulations revoked and replaced the 1991 Representations Procedure (Children) in order to reflect the changes made by the Adoption and Children Act 2002 and the Health and Social Care Act 2003.
- 5.2 Implementation of the new regulations introduced a number of key changes including:
 - extension of Local Authority functions about which representations can be made under the new procedure
 - introduction of a 12 month time limit to make representations
 - requirement for Local Authorities to appoint a Children's Complaints Manager
 - more focused and precise brief on the administration of complaints panels
 - more stringent timescales for investigating Stage 2 complaints and arranging complaints panels
- 5.3 The guidance accompanying the new regulations was entitled 'Getting the Best from Complaints'. The guidance proposed that a complaint may be defined as 'an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response. Representations should be viewed as positive ideas or proposals requiring a response from the local authority.
- 5.4 The regulations and guidance outline the parameters within which complaints about statutory social services functions can be made:
 - an unwelcome or disputed decision
 - concern about the quality or appropriateness of a service
 - delay in decision making or provision of services
 - delivery or non-delivery of services including complaints procedures;
 - quantity, frequency, change or cost of a service
 - attitude or behaviour of staff
 - application of eligibility and assessment criteria
 - the impact on a child or young person of the application of a local authority policy, and
 - assessment, care management and review.

This list is not exhaustive and the Children's Services Complaints Manager consults the City Solicitor for advice as necessary. Similarly advice is sought from the City's data protection and freedom of information advisers

- 5.5 The new regulations provided that the following new functions may be the subject of a complaint:

Part 4 of the Children Act, 1989,

- the decision by the local authority to initiate care and supervision orders (section 31)
- the effect of the care order and the local authority's actions and decisions where a care order is made (section 33);
- control of parental contact with children in care (section 34);
- how supervisors perform their duties where a supervision order is in force (section 35)

Part 5 of the Children Act, 1989;

- matters that do not relate to the Court and which are specifically actions of the local authority can be considered, regarding applications for and duties in relation to child assessment orders (section 43); and
- matters relating to applications for emergency protection orders and decisions relating to the return of children who have been removed (section 44)

- 5.6 Where a social work report goes to Court the child or young person can make a complaint, for example, about its accuracy or quality, distinct and separate to the subsequent actions of the court. Should the complaint be upheld, the local authority should advise the child or young person what action it proposes to take in respect of the court action.

- 5.7 The new regulations provided for adoption-related functions to be made subject of a complaint, including:

- provision of adoption support services insofar as these enable adopted children to discuss matters relating to adoption;
- assessments and related decisions for adoption support services
- placing children for adoption, including parental responsibility and contact issues
- removal of children who are or may be placed by adoption agencies.

- 5.8 Similarly, the regulations provided for complaints to be made in relation to Special Guardianship functions, including:

- financial support for special guardians
- assistance in relation to contact
- therapeutic services to children and young people

5.9 Representations, including complaints can be made by:

- any child or young person (or a parent or someone who has parental responsibility for them) who is being looked after by the local authority or is not looked after by them but is in need;
- any local authority foster carer (including those caring for children placed through independent foster care agencies);
- children leaving care;
- Special Guardians;
- a child or young person (or their parent) to whom a Special Guardian order is in force
- any person who has applied for an assessment under section 14F(3) or (4);
- any child or young person who may be adopted, their parents and guardians;
- persons wishing to adopt a child;
- any other persons whom arrangements for the provision of adoption services extend;
- adopted persons, their parents, natural parents and former guardians; and
- such other persons as the local authority consider has sufficient interest in the child or young person's welfare to warrant their representations being considered by them

6 Complaints in Sunderland

- 6.1 The Complaints Procedure provides a three-stage process for the resolution and investigation of complaints made by children and young people who use our services, or their representatives.

Stage One

The emphasis of the first stage of the procedure is on local problem solving. Most complaints should be resolved at this stage and are usually addressed by operational managers who hold direct responsibility for the service about which the complaint has been made. At this stage complaints should be resolved within 10 working days. Where necessary, and with the agreement of the complainant this can be extended by a further 10 days.

In 2007/08 there were 62 complaints, of which 46 were resolved at stage one.

Stage Two

If a complainant is dissatisfied with the response made at stage one, they can request for the complaint to proceed to the next stage. A service manager who has had no prior involvement with the complaint or responsibility for providing this service undertakes investigations at this stage. When appropriate an Investigating Officer from an independent agency is commissioned to carry out the investigation if it is deemed that a greater element of independence is required or if the issues are considered to be particularly sensitive. There is a requirement to provide

Independent Persons for all stage two investigations. Sunderland is a member of a consortium which provides this service.

Legislation requires an investigation to be completed within 25 working days, although an extension of up to 65 days can be requested. The Head of Service adjudicates and responds to the outcome and recommendations of the investigation at stage two.

Three stage two complaints were resolved in the period 2006/07 and four were resolved in 2007/08. A further two stage two complaints were unresolved in 2007/08. These have now been resolved. Apart from one, which was in relation to financial support, all the other matters concerned complaints about actions of staff in relation to childcare planning and decision making.

Stage Three

The final stage of the complaints procedure is an Independent Review Panel. This is an opportunity for the complainant to have any areas of the complaint that remain unresolved heard before an Independent Panel. This comprises of an independent chair and two independent persons with 'expert' knowledge. This takes place within 30 days from the date of request. Having heard the complaint the Panel members make their recommendations, which are then responded to by the Director of Children's Services. This is the final step of the statutory complaints procedure. However, if the complainant remains dissatisfied they can request a further investigation by the Local Government Ombudsman.

In the period 2006/07 and 2007/08, there was one complaint which went to Stage three. This concerned arrangements to support a looked after child in a foster care placement.

If the complaints handling system is working effectively there should be few complaints reaching stage three. This is borne out in Sunderland's case.

- 6.2 The Complaints Manager is responsible for the operation of the procedures on a day-to-day basis. This post is independent of the operational sections of Children's Services, and is accountable to the Human Resources Manager and to the Head of Service (Resources), who have a key management function to ensure that information gathered from complaints and compliments is used to inform developments and changes in services.
- 6.3 Children's Services Directorate works with a range of independent providers, and, if complaints are made about the services provided by these independent organisations, the independent providers will undertake stage one of the process. Stage two and subsequent stages of the process will be managed by Children's Services.

The Complaints Manager is responsible for informing the relevant Head of Service of any complaint made about commissioned services and the subsequent

outcomes; information is on occasion shared with OfSTED if concerns relate to registration issues.

- 6.4 Complaints that contain elements crossing over into more than one service area may be coordinated and investigated in consultation with representatives from other services. On occasion information brought to the Directorate's attention through the complaints procedure may be more appropriately investigated by the Sunderland Children's Safeguarding Board.
- 6.5 Sunderland Council has separate appeals processes in place for decisions made by the Council about some Children and Young People services e.g. fostering services. If appropriate, the Complaints Manager may refer a complaint for consideration under these appeals processes.

7 Publicity and Information

- 7.1 Publicity and information is provided in a number of formats, to encourage and facilitate access to the complaints procedure. The complaints leaflet is currently being updated, and will be distributed to all carers, staff, and providers. The leaflet will also be given to all existing and new service users.
- 7.2 Looked After Children and Young People deemed to be children in need, are told about how to make a complaint and are also advised of their right to seek independent advocacy support, which is provided by the voluntary organisation, National Children's Homes (NCH). In the year 2007/08 12 looked after young people (seven female, five male) were supported by the Independent Advocacy Service. In the five months to the end of July 2008, seven young people are already in receipt of the service.
- 7.3 Complaints can be received in a number of ways, including:
- Approaching staff who are responsible for providing the services, and advising them of a problem
 - Contacting the Complaints Manager directly for advice and assistance
 - Young people can complete a form contained within the leaflet provided by the Independent Advocacy Service.
 - From Council Members
 - From the Customer Services Team
 - Through Independent Reviewing Officers as part of the statutory review process for Looked After Children
 - From the Independent Advocacy Service
- 7.4 Complaints can also be made on behalf of children and young people by relatives, friends, advocates, solicitors or other agencies such as the Citizen's Advice Bureau.

8 Summary of complaints information

Appendix One sets out summarised comparative tabular data for 2006/07 and 2007/09.

9 Compliments

- 9.1 Compliments are a valuable way of monitoring services, as well as providing information about how services are performing. A compliment can be made verbally to any member of staff, or by contact with the Complaints Team in writing; by telephone; or electronically. Managers acknowledge, and formally record compliments and the complaints team collates them. They are then used statistically, as part of the annual report, and qualitatively, for feedback on good performance throughout the service.
- 9.2 During 2007/08 six formal written compliments about the service were received. Four related to respite care provided at Sea View; one in relation to a 'fun' day organised through a Children's Centre and one in relation to an initial assessment undertaken by the case management service. This relatively low number requires further exploration.

10 Service Improvement Plans 2008/09

- 10.1 A number of initiatives will be undertaken to improve the performance in managing representations, complaints and compliments during 2008/9, including;
- managerial changes to the Complaints Team – the appointment of a dedicated Children's Services Complaints Manager on a permanent basis from October 2008, will continue the improvements made by an interim appointment in May 2008.
 - the dissemination to staff of a revised policy and procedure on handling complaints, including an updated policy for handling complaints in children's residential care homes.
 - increasing awareness of the complaints service through briefing sessions for all Children's Services staff as part of further developing a learning culture
 - extending the role of the Young People's Officer in promoting participation in the complaints process within residential and foster care settings
 - increasing accessibility to the complaints system by widening methods of publicity, including different language and communication formats
 - ensuring that the new complaints leaflet reaches all our customers
 - ensuring that the new corporate complaints database is fully utilised to provide effective performance data on the working of the complaints system.
 - introducing a satisfaction survey to obtain feedback from customers on the operation of the complaints service
 - providing clear advice and guidance to staff on the recording of compliments
 - training for staff to enhance their awareness of good communication with service users.

- training for staff to ensure that responses to complaints and queries are managed in a timely way.

11 Conclusion

- 11.1 The introduction of new regulations and best practice guidance in 2006 heralded a significant challenge and opportunity for local authority children's services to develop the management of the complaints process as a mechanism for promoting high quality and responsive services. At its heart is the need to listen to the voices of children and young people and respond quickly.
- 11.2 Implicit within the best practice regulations are a set of standards by which to measure progress in developing an excellent representations, complaints, and compliments service, and a number of initiatives have been put in place to achieve this.

12 Recommendations

- (i) Accept this annual report.
- (ii) Offer comments or suggestions on any aspect of it.
- (iii) Consider how Members, and this Committee, could further strengthen the handling of Children's Service complaints.

13 Background Papers

Getting the Best from Complaints DFES 2006,

The Children Act 1989 Representations Procedure (England) Regulations 2006

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APPENDIX ONE – COMPARATIVE TABULAR DATA FOR 06/07 AND 07/08

Complaint Comparison – Total Complaints, Response Times, Resolutions:

	Total Complaints	S1 Response <10 Days	S1 Response <20 Days	Overdue
2006-2007	132	41	18	73
2007-2008	62	8	9	45

Complaint Method Data:

Complaint Method	Number of Complaints 06-07	Number of Complaints 07-08
Written - Email	13	2
COF2 Form	1	0
Premature Complaint from LGO	1	1
Complaints Leaflet	0	0
Letter	43	23
Telephone	44	22
Home Visit	0	0
Fax	1	0
In Person	17	8
Via Customer Advocacy Team	0	0
Via Ombudsman	0	1
Via Advocate	0	0
No Data	12	5
Grand Total	132	62

Source of Complaint 2006/07:

2006-2007	Total
Family/Friend	66
No Data	64
Other Professional	1
Self	1
Grand Total	132

Source of Complaint 2007/08:

2007-2008	Total
Family/Friend	41
No Data	10
Other Professional	6
Self	5
Grand Total	62

Reason for Complaint 2006/07:

Reason 06-07	Total
Conduct	42
Delay	7
Lack of Service/Resources	11
No Data	7
Quality	65
Grand Total	132

Reason for Complaint 2007/08:

Reason 07-08	Total
Conduct	34
Delay	0
Lack of Service/Resources	16
No Data	3
Quality	9
Grand Total	62

How Complaint Received 2006/07:

How Complaint Received	Total
OT (Other)	2
PC	1
VF (Verbal – Face to Face)	17
VT (Verbal – Telephone)	44
WE (Written – Email)	13
WL (Written – Letter)	43
No Data	12
Grand Total	132

How Complaint Received 2007/08:

How Complaint Received	Total
OT (Other)	0
PC	1
VF (Verbal – Face to Face)	8
VT (Verbal – Telephone)	23
WE (Written – Email)	2
WL (Written – Letter)	23
No Data	5
Grand Total	62

Outcome of Complaint – 2006/07:

Outcome	Total
NE – Not Eligible	2
NUP - Not Upheld	25
OT – Other	23
PUP - Partially Upheld	10
UP – Upheld	14
WD – Withdrawn	4
No Data	54
Grand Total	132

Outcome of Complaint – 2007/08:

Outcome	Total
NE – Not Eligible	5
NUP - Not Upheld	11
OT – Other	8
PUP - Partially Upheld	14
UP – Upheld	10
WD – Withdrawn	0
No Data	14
Grand Total	62