

COMMERCIAL DEVELOPMENT DIRECTORATE

LAW & GOVERNANCE

Extract from

Annual Report

Complaints & Feedback Team

For the period 2015 – 2016

In respect of Children's Services

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Introduction

The complaint function for the council is provided by a single team based within Commercial Development Directorate. The Complaint & Feedback Team, made up of six staff, sits within the Law & Governance function of the council.

This extract about Children's Services is taken from the fourth joint report of the Team which covers all complaints and representations made to the council under the three processes: Health and Social Care Complaints Procedure, the Children's Services Complaints Procedure and the Corporate Complaints Procedure. It covers the period April 2015 – March 2016.

We publish this report to keep people informed about the procedures and the sort of complaints and compliments we receive. We also publish the report to inform people about how the process works and to report on how we use the information we get from complaints and other comments to make improvements to services.

Our aim is to resolve complaints as quickly as possible, and to people's satisfaction wherever this is possible. However, council staff are increasingly involved in difficult areas of work and at times people do not welcome our involvement in their lives. There are also situations in which we cannot provide people with the resolution they want. Sometimes the council may simply get things wrong. In light of this it is therefore inevitable that we receive complaints. Like all other organisations, we would always want to get things 'right first time'. When this does not happen we want to feel that we have an accessible, open and fair way of dealing with peoples' concerns.

One important aspect of complaints is making sure that any lessons learned are transferred into service planning and from there into service improvements. Increasingly, we are able to identify where improvements have occurred entirely or partly as a result of complaints. The report also outlines how we use our complaints to identify and implement service improvements across a range of our activities.

We also provide information on the compliments that have been received by the council. Complimentary comments are not only good for staff morale and motivation, they also tell us a lot about what people like best about the service they get and what works well for them. We can use this information to build more of those features into our services and so improve the levels of satisfaction of our customers.

We are always pleased to hear comments about any aspect of our work, including the format and presentation of this report. We hope it is interesting and informative and thank you for taking the time to read it.

PART ONE

THE COMPLAINTS AND FEEDBACK TEAM

Management and Operation of the System

The Complaints & Feedback Team is responsible for the co-ordination and management of the three main complaints processes within the council:

- Adult's Health & Social Care Statutory Process
- Children's Statutory Process
- Corporate Process

The team maintains the council's log, recording all investigations. It monitors quality and speed of performance in responding to complaints, and makes sure that, lessons learned from feedback and complaints investigations are systematically captured and analysed with the findings reported to Directorates and senior management.

The Assistant Head of Law & Governance has overall responsibility for the progressing of any complaint and can intervene at any stage including determining in exceptional cases that the complaint be referred immediately to her for investigation.

Local Authorities are required to designate an officer to assist in the co-ordination of all aspects of statutory social care complaints. The Complaints Manager – Adult Services and the Complaints Manager – Children's Services undertake these roles in Sunderland. These managers have responsibility for the implementation and operation of the statutory complaints procedure on a day to day basis.

Whilst officers within the team have traditionally dealt with complaints within a single area of expertise, the combined arrangements give us the ability to expand officers' knowledge base and deal with complaints for all service areas. Not only does this enhance officers' capability, the single team also allows us to provide a better service ensuring someone is always available to speak to complainants in person or on the telephone.

Advocacy and Special Needs

Children's

Children and young people, who are looked after, or classed as children in need, have a statutory right to advocacy. We inform children and young people of their right to independent advocacy support to help them make a complaint or representation. Advocacy for children and young people has been commissioned as part of a consortium arrangement with Gateshead, Newcastle, South Tyneside, Hartlepool, Stockton on Tees, Middlesbrough, Darlington, North Tyneside, Redcar & Cleveland Councils from North Yorks. Advocacy Service (NYAS).

Requests for Advocacy Support	2015-16	2014-15	2013-14	2012-13
	3	6	17	6

It should be noted that not all advocacy referrals result in formal complaints being submitted as the advocacy service will often aim for informal resolution with the relevant service area in the first instance.

For all queries relating to the Children's Statutory Complaints Procedure

Karen Taylor, Complaints Manager – Children's Services

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For all queries relating to operation of the team, the Corporate Complaints Procedure, any issue in respect of complaints made to the Ombudsman

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PART THREE

CHILDREN'S SERVICES STATUTORY COMPLAINTS PROCEDURE

Legislation & Regulations

Statutory regulations were introduced by the Department for Education in 2006 entitled '*Getting the Best from Complaints – Social Care Complaints and Representations Procedure for Children and Young People*' to deal with complaints and representations made to Children's Services by children and young people. These regulations 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.

The regulations and guidance cover complaints and representations made by children and young people. They also apply to parents, foster carers and other adults making a complaint. These regulations aim to ensure that, regardless of the complexity of their complaint, vulnerable children and young people get the help they need at the right time and that lessons learned from such complaints lead to an improvement in service delivery. These complaints are usually referred to as 'statutory complaints'.

Separate procedures exist in relation to most school or academy complaints. Parents/carers must pursue these through the school or academy's published complaints procedure.

How the Procedure works

In accordance with DfE statutory requirements, Children's Services has adopted a three stage statutory complaints procedure that seeks to resolve dissatisfaction in respect of social care complaints. Any other non social care but Children's Services related complaint is dealt with in accordance with the two stage Corporate Complaints procedure.

Stage One

The emphasis of the first stage of the statutory 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 are acknowledged within three working days and resolved and responded to within 10 working days. Where necessary, and with the agreement of the complainant, this period can be extended by a further 10 working days. If the local authority fails to achieve this timescale the complainant has the right to request immediate progression to stage two of the complaints procedure.

Stage Two

If a complainant remains dissatisfied with the response made at stage one, or if there has been a delay, they can request progression to stage two of the complaints procedure. A stage two complaint investigation can be undertaken by a service manager who has had no prior involvement with the case or the complaint or by an external investigating officer. Following previous resource issues with the use of service managers as in house investigators, stage two investigators are now commissioned externally.

There is a requirement to provide an Independent Person to oversee all stage two complaint investigations. Again these are commissioned externally.

Stage two complaint investigations must be completed within 25 working days of an Investigating Officer agreeing the elements of complaint to be investigated with the complainant, although an extension of up to 65 working days can be requested if necessary.

The Head of Safeguarding adjudicates and responds to the outcome and recommendations of the investigation, which may include the offer of redress or compensation, in conjunction with the Complaints Manager.

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, which comprises an independent chair and two independent persons with knowledge of social care policies and procedure. Also present will be the Stage two Investigating Officer and Independent Person, the Head of Safeguarding, the Complaints Manager along with the complainant(s) and chosen representatives. A panel must take place within 30 working days of receiving the request from the complainant.

After hearing the complaint and representations from panel attendees, the Panel will make their recommendations and, together with the Complaints Manager, will produce a panel report with their recommendations which again may include redress or compensation. The panel findings are then responded to by the Director of Children's Services, in consultation with the Head of Safeguarding and the Complaints Manager.

If a complainant still remains dissatisfied following a Stage Three Review Panel hearing they can request a further investigation by the Local Government Ombudsman.

Complaint outcomes

Stage One

In 2015-16 there were 176 stage one complaints. This is a drop of 22% from the previous year and reflects the work being undertaken to improve the quality of responses to complaints made to Children's Services. We hope to see this continuing pattern of improvement continue over the coming year and will report on this in next year's report. The Complaints Manager will continue to work with the service to ensure that the work done to date in improving responses is embedded and built on, to ensure continuation of this trend in improvement.

The table below shows how this compares to previous years:

Year	Number of Stage One Complaints	Number resolved at Stage One		Number made by children or young people	
2015-16	176	153	87%	3	2%
2014-15	225	202	90%	9	4%
2013-14	170	163	96%	14	8%
2012-13	117	112	96%	7	6%
2011-12	133	119	89%	19	14%
2010-11	127	118	93%	12	9%
2009-10	122	101	83%	22	18%

Of these 176 complaints 87% were resolved at stage one. This is a drop on previous years but we hope to improve on this in the coming year as part of the on-going work to improve the quality of stage one responses.

Only 59 (34%) of these 176 complaints were responded to within the statutory timescale of 10 working days.

Stage Two

In 2015-16 there were 23 requests for a Stage Two complaint investigation which is the same as last year. Whilst there has been no increase in the numbers at Stage Two it should be noted that this remains a significantly high level.

Whilst we have witnessed a reduction in the overall rate of complaints made to Children's Services it is concerning that the number of complaints progressing to Stage Two has remained high and is the same as the previous year. This is not entirely surprising following the publication of the negative Ofsted Report; the significant changes that have needed to be undertaken within Children's Services in order to improve services; and that the quality of the stage one responses have not always been adequate. In the coming year we hope to see the improvements that have been put in place within Children's Services having an impact on the numbers of complaints progressing to further stages.

	Number of Stage 2 Investigations	% increase/decrease
2015-16	23	0%
2014-15	23	229%
2013-14	7	40%
2012-13	5	-70%
2011-12	14	40%
2010-11	10	

The cost of commissioning independent Investigating Officers and Independent Persons for Stage Two complaints in 2015-16 has risen to £75,073.43. This figure does not include a number of Stage Two complaints that were still ongoing at the end of March 2016. These costs will be included in figures for 2016/17 and as a consequence next year's figures are anticipated to remain high.

This compares to previous years as follows as set out in the table below.

Year	Cost of commissioning independent Investigating Officers and Independent Persons
2015-16	£75,073.43
2014-15	£53,195.36
2013-14	£17,480.26
2012-13	£35,705.91
2011-12	£5,740.89
2010-11	£41,912.41

The Complaints Manager-Children's Services has been working with the Council's Commissioning Service to look at how best the procurement of IO and IPs can be provided in future, and in line with current regulations.

The reason for the decrease in 2011-12 was as a result of an emphasis on the use of internal investigating officers rather than those appointed externally on a spot purchase basis. Unfortunately this was not sustainable due to workload capacity issues of the managers tasked to carry out investigations, concerns regarding the quality of some of the reports produced and concerns voiced by complainants alleging bias.

Stage Three

In 2015-16 there were twelve complaints which progressed to a Stage 3 review Panel an unprecedented increase on the previous year of 1110%. These cost a total of £ 20,182.01 to administer (cost of Panel Chair, Panel Members and other attendance fees). This compares to £2,183.35 last year.

The rise in the number of Stage 3 Review Panels is not surprising given the number of complaints that progressed to Stage 2 over the course of the past two years.

Year	Number of Stage 3 Review Panels
2015-16	12
2014-15	1
2013-14	2
2012-13	3
2011-12	3
2010-11	2

Complaints about a Commissioned Service

Stage One complaints concerning independent service providers commissioned by Children's Services are investigated by the relevant independent provider. Stage Two and Stage Three complaints are managed by the Children's Services Complaints Manager. The Complaints Manager informs the relevant Head of Service if any complaint about a commissioned service is received and consideration is given to sharing information with other appropriate bodies, such as Ofsted for concerns relating to registration issues and so on.

The Complaints Manager will consider if information received through a complaint should more appropriately be investigated by the Sunderland Safeguarding Children Board; or if a complaint should actually be part of a service area appeals process.

PART FIVE COMPLAINTS MADE TO THE OMBUDSMAN

Introduction

The Local Government Ombudsman has a statutory responsibility for investigating complaints of maladministration about local councils. The Ombudsman will usually only consider a complaint after it has been through the council's complaints procedure and the customer remains unhappy.

Dissatisfied complainants can ask the Ombudsman to investigate further, and the Ombudsman's procedures will apply. While an Ombudsman can investigate complaints about how the council has done something, they cannot normally question what a council has done simply because someone does not agree with it.

The Picture in 2015-16

The Ombudsman writes to council's annually to feed back on their performance in dealing with complaints that the Ombudsman has received about them. The aim of the letter is to provide the council with information to help it improve complaint handling, and to inform the improvement of local services for the public.

While the annual letter is generally received in June, at the time of this report the Ombudsman's letter has not been received by the council. The Complaints Manager will ensure that information in respect of the Ombudsman's letter is provided to the next available scrutiny meeting following receipt of it.

PART SIX - COMPLIMENTS

Compliments tell us what people like best about the services they receive. They also allow us to use this information to build those features into our services where possible and this helps us to continually improve levels of customer satisfaction. Receiving compliments is also good for staff morale and motivation. Compliments are now logged centrally through the Complaints and Feedback Team.

Statutory Children's Services

23 compliments were made about statutory Children's Services in 2015-16. This compares to 37 compliments made in 2014-15.

A compliment from a local school thanking staff for all of the great work they had done on a case.

Looked After Service

The home was class and the best place he has ever lived.

Children's Home

You have always gone above your role and are committed and dedicated to your profession.

Child Protection Team

PART SEVEN - STATISTICAL INFORMATION

Table 1 – All complaints received by monthly breakdown

Month	Statutory Children (all stages)
Apr	10
May	12
Jun	20
Jul	20
Aug	16
Sep	13
Oct	10
Nov	18
Dec	20
Jan	13
Feb	12
Mar	12
Total	176

Table 2 – How we received complaints

	Statutory Children (St 1 only)
Email	37
Face to Face	3
Letter / Complaints Form	15
Telephone	119
Accessible Form	-
Customer Service Network	1
Online Form	1
Fax	-
	176

Table 3 – Outcome of statutory complaints

	Statutory Children (St 2's only – of 110 elements of complaint)
Upheld	27
Partially Upheld	24
Not Upheld	23
Not Eligible	1
Other	1
Unsubstantiated	1
Withdrawn	22
On-going	11
	110

Compensation Payments and Write Offs made during the period 2015-16

Date of Payment	Service Area	Costs/Value Of Works	Reason for payment/Works
Total Children's Services		£23,050.00	
01.04.15	Looked After Children	£3,500	Failure to pursue an updated assessment of the birth mother's parenting capacity to consider the potential for rehabilitation of the young person back to their care.
13.05.15	Multi-agency Safeguarding Hub	£500	Delays in the assessment process and not keeping the complainant informed.
29.09.15	Multi-agency Safeguarding Hub	£500	Failings in the way restrictions in contact were imposed
07.10.15	Multi-agency Safeguarding Hub	£3,000	Failure to carry out assessments and upset and distress caused.
14.01.16	Child Protection Team - Washington	£10,200	Procedures were not fully followed with regard to the child protection process. The compensation also recognised the delay experienced which may have also contributed to additional court costs.
14.01.16	Looked After Children	£5,000	Failures in the way a child protection matter was handled, which caused unnecessary distress, uncertainty and upset.
31.03.16	Multi-agency Safeguarding Hub	£350	Delays on the part of the Local Authority resulted in the complainant losing out on contact with their grandchildren, in the way they had done previously.

Statistics – Children's Services Statutory Complaints Procedure

Children's Table 1. How statutory children's complaints were handled			
	Stage 1	Stage 2	Stage 3
Apr	4	6	-
May	11	1	3
Jun	17	3	-
Jul	18	2	2
Aug	15	1	-
Sep	12	1	-
Oct	7	3	-
Nov	13	5	1
Dec	20	-	-
Jan	12	1	2
Feb	12	-	3
Mar	12	-	1
	153	23	12

Appendix 3 Children's Services Statutory Complaints 2015-16

Stage 2 Complaints and Outcomes of Elements

1	Actions of workers when a child became looked after, inappropriate information and issues around contact arrangements. Outcome: 2 x Partly upheld; 1 x Not upheld
2	Inadequate support during the time their grandson was placed with them. Issues of bias and a lack of contact/information following their grandson moving to live with another relative. Outcome: 4 x Partly upheld; 3 x Not upheld
3	Failure of staff to adhere to procedures/process; issues of bias; poor quality of reports; not kept informed; lack of management oversight Outcome – 2 x Upheld; 2 Partly upheld
4	An incorrect category of abuse had been used when a young person was made subject to a Child Protection Plan. A failure to provide additional support services. There had also been a failure to share information with complainant and appropriate agencies were not invited to the case conference to share information. Outcome: 2 x Upheld ; 2 x Not upheld
5	Not keeping a complainant who had parental responsibility informed about his children. A request for a different worker to be allocated did not happen; and there was some fault in the process of the complaint investigation. Outcome: 4 x Upheld
6	Failed to provide/delayed in completing a core assessment; Delayed in assessing for a new wheelchair one; Failed to support young person's transition into adulthood; Failure to change to the new ECHP or provide a personal budget; Failed to provide a carer's assessment as requested. Outcome – withdrawn
7	That reports submitted to the Foster Placement Panel were inappropriate as the author had been the subject of a previous complaint which had been upheld; Issue in respect of hoe Family Placement Panel came to its decision; Lack of appropriate support; Access to independent supporting agencies had been denied; That staff had conspired to remove you as foster carers. Outcome: 1 x Upheld; 1 x Partly upheld; 3 x Not upheld
8	Lack of information about their children in a foster placement; Issues in respect of contact with the children; Actions and attitude of worker Outcome: withdrawn
9	Lack of action taken by Children's Services; concerns about the quality of the core assessment document; lack of contact from the worker completing the core assessment; the attitude of workers towards him in a meeting where he felt they were dismissive of his views. Outcome: 3 x Upheld; 1 x Partly upheld
10	Attitude of worker which they felt lacked sensitivity and professionalism; Request for clarity as to whether HCPC had been contacted regarding concerns with the workers practice; Issues in respect of data protection. Outcome: 1 x Upheld; 1 x No finding; 1 x Outside of scope
11	Failure to reimburse expenses associated with the rehabilitation process; Not kept informed of planning intentions; Failure to ensure that statutory policy and procedures were implemented; Not listening to concerns regarding the rehabilitation plan; The worker's attitude. Outcome: 3 x Upheld; 1 x Partly upheld

12	Policies and procedures were not followed; Failure to investigate; Lack of effective communication and information sharing; Lack of timely response to correspondence; Actions and attitude of workers; Breach of confidentiality. Outcome: 3 x Partly upheld; 3 x Not upheld
13	The involvement of Children's Services led to contact ceasing; Complainant felt he had been portrayed in negative way; Failure to consider documentation and issues of bias. Outcome: 2 x Partly upheld; 2 x Not upheld
14	The failure of staff to adhere to the Procedures and Processes; Failure to complete a robust parenting/risk assessment in respect; Not keeping the family fully informed of the progress; Lack of management oversight. Outcome: 3 x Upheld; 1 x Partly upheld
15	The actions and attitude of the worker; Support services were not offered; Conflicting information and inaccuracies in reports; Appointments cancelled with no explanation or that worker's did not turn up when planned Outcome: 3 x Upheld; 1 x Partly upheld; 1 x Not upheld; 1 x Not substantiated
16	Issues in respect of contact; Breach of confidentiality; Lack of support; Withholding information; Failure to provide a response to an enquiry made by an MP Outcome: investigation on-going
17	Lack of financial support in the care of grandson, with a Residence Order Allowance; Children's Services have made repeated errors with the calculation and payment of your Residence Order Allowance. Outcome: 2 x Not upheld
18	Failure to respond in a timely manner to safeguarding concerns; Lack of effective communication; Delay in making passport applications for the children; Delay in undertaking an assessment; Failure to provide reports in a timely manner to the Looked After Child Review Outcome: 1 x Upheld; 6 x Partly upheld; 2 x Not upheld
19	Failure to follow procedures appropriately or involve complainant in decision-making and assessment processes; Delays in undertaking the Core Assessment; Contact should not have been terminated; counselling support had been delayed. Outcome: investigation on-going
20	Repeated changes in worker; Failure to meet agreed timescales in respect of assessments; Reports contain inaccuracies and bias and have used historical information without consent; Attitude of workers. Outcome: 2 x Upheld; 2 x Not upheld
21	Lack of explanation in respect of risks posed; Actions of the worker; Lack of assessment; Non return of telephone calls; Failure to offer both on-going support and advice; A copy of the CIN plan has not been provided; Personal circumstances have not been taken into consideration. Outcome – withdrawn
22	The actions and attitude of the worker Outcome – withdrawn
23	That staff have not acted in an impartial and biased manner; that workers have failed to understand the risks to the child; that workers have not followed policy and procedures; not being included in the planning process; not kept informed; attitude of workers. Outcome: 2 x Partly upheld; 2 x Not upheld

Stage 3's (Review Panel Hearings) 2015-16

1	<i>Inaccuracies in reports that did not reflect events; a lack of explanation as to specific risks; Delays in assessment work.</i> Outcome: 2 x Upheld; 1 x Not upheld
2	<i>Actions, Attitude and conduct of workers involved with the family; Delays, lack of support and issues about the accuracy of documentation.</i> Outcome: 3 x Upheld; 5 x Partly upheld; 1 x Not upheld; 2 x Unsubstantiated
3	<i>Failure to include absent parent. Failure to signpost relevant services or provide advice on parental alienation</i> Outcome: 4 x Upheld; 1 x Not upheld
4	<i>Delay in acting on a referral/Assessment; Inaccurate information in reports; processes not explained; inappropriate sharing of information</i> Outcome: 1 x Upheld; 1 x Partly upheld; 3 x Not upheld; 4 x Unsubstantiated
5	<i>The social worker's attitude and actions; not kept informed; non return of contact; issues of delay and lack of action</i> Outcome: 2 x Upheld; 4 x Partly upheld; 1 x Not upheld; 1 x Unsubstantiated; 2 x Could not be investigated
6	<i>Failure of staff to adhere to procedures/process; issues of bias; poor quality of reports; not kept informed; lack of management oversight</i> Outcome: 4 x Upheld
7	<i>Actions taken by workers with regards to contact; use of inaccurate information; failure to undertake a parenting/ risk assessment.</i> Outcome: 1 x Partly upheld; 1 x Not upheld
8	<i>Lack of support from officers. Attitude and behaviour of workers. False allegations made against the family</i> Outcome: 1 x upheld; 1 x Not upheld
9	<i>Incorrect information was used to deny access to grandchild; failure to act appropriately or undertake a timely risk assessment</i> Outcome: 1 x Upheld; 2 x Not upheld
10	<i>Issues in respect of a Foster Placement Panel's decision; Lack of appropriate support from the council or supporting agencies</i> Outcome: 1 x Upheld; 1 x Partly upheld; 2 x Not upheld
11	<i>Failure to complete a robust assessments; Not keeping the family fully informed of progress; Lack of management oversight</i> Outcome: 4 x Upheld
12	<i>Inadequate support. Issues of bias and a lack of contact/information following their grandson moving to live with another relative</i> Outcome: 3 x Partly upheld; 1 x Not upheld