



# Children and Young People’s Services Annual Complaints and Representations Service Performance Report: 2013 – 14

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# Contents

<b>Part</b>	<b>Section</b>
<b>1.</b>	<b>Background and Context</b>
<b>2.</b>	<b>The Complaints Procedure</b>
<b>3.</b>	<b>Analysis of Contacts Received</b>
<b>4.</b>	<b>Complaints Analysis</b>
<b>5.</b>	<b>Compliments Analysis</b>
<b>6.</b>	<b>Recommendations</b>
<b>7.</b>	<b>Complaints Managers' Conclusion</b>

# 1. Background and Context

The Local Authority Social Services Act 1970 (as amended by the Children Act 1989) requires that local authorities in charge of Children and Young People's Services produce and publish an annual report on the statutory complaints and representations procedures. This requirement was updated by the introduction of Statutory Instrument 1738 in September 2006.

The Children Act 1989 also places a duty on all Councils to establish and publicise a procedure for the consideration of representations and complaints made to them about the services provided to them under the Act. This has been strengthened by new Regulations issued in 2006.

This report contains a summary of Children and Young People's Social Care complaints, compliments, enquiries and comments received for the period April 2013 to the end of March 2014.

This report has been produced by Northamptonshire County Council's Business the Complaints and Representations Service [Formally the Customer Feedback Team] in order to meet this statutory requirement, approved by the Director of Children, Families and Education and published on the Council's website alongside Northamptonshire County Council's policy and procedural guidance referring to complaints, representation, compliments and comments for Children's and Young People's Services:

<http://www.northamptonshire.gov.uk/en/contact/Pages/compliments-complaints.aspx>

In line with our Local Government obligations the above document defines the different types of contact covered by this report as follows:

**COMPLAINT:** A complaint is an expression of dissatisfaction or disquiet with the quality of a service or with a failure to provide a previously agreed service, or with the attitude or behaviour of a member of staff.

**ON THE SPOT (48 hrs):** An 'On the Spot' complaint is an issue or grumble about a service being received by an individual which can be resolved quickly (usually within 48hrs).

**COMMENT:** A comment is a general statement about services, policies or practices, which can be positive or negative in nature. Comments may question policies and practices, make suggestions for new services or for improving existing services.

When the Local Authority receives comments it should encourage the member of the public to consider if they require a response from an officer within the department whom they are making the comment about.

**COMPLIMENT:** An expression of praise.

Information about the Complaints and Representations procedure is provided in several formats aimed to facilitate easy access to the complaints process.

Complaints, compliments and comments can be logged via:

- ✓ The Internet – the County Council’s website provides an on-line form
- ✓ The telephone
- ✓ The social worker or a service manager directly
- ✓ Speaking to the Independent Reviewing Officer during or after Reviews
- ✓ Letter, fax or email

## 2. The Complaints Procedure

The Children Act 1989 Representations Procedure (England) Regulations 2006 applies to all representations received from children and young people, their parents, foster carers or other qualifying adults about the Council’s Children and Young People’s Services.

Some of the key features of the procedure are:

- ✓ A 12-month time limit for service users or their representatives to make complaints
- ✓ A requirement for local authorities to appoint a Complaints Manager, independent of operational line managers and of direct service providers
- ✓ A requirement for local authorities to make arrangements for the provision of advocacy services to children and young people making or intending to make representations, including complaints

# Three Stage Complaints Procedure

## Introduction

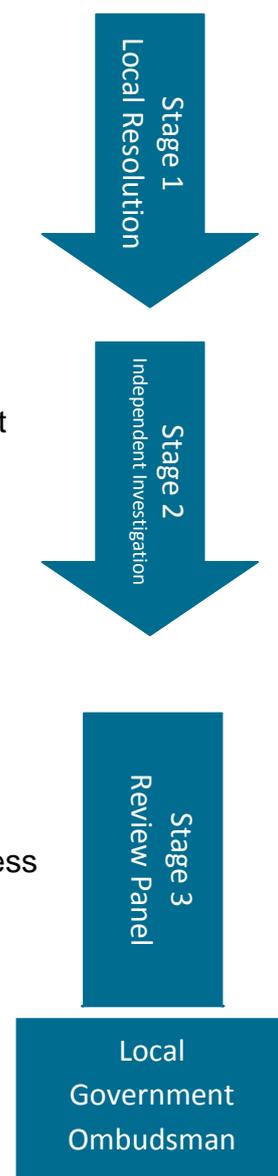
The Local Authority should actively seek to resolve a complaint for a member of the public as early in the procedure as possible. The Department for Education and Skills guidance document “*Getting the Best from Complaints*” which accompanies “*The Children Act 1989 Representations Procedure (England) Regulations 2006*” provides us with robust and structure steps to not only assist us in implementing our obligations under the Statutory Complaints Procedure but also supports us to have a member of the public’s concerns and complaints resolved swiftly and wherever possible by officers responsible for providing the service locally.

The three stage process provides members of the public with a statutory right to progress through the Stages should they remain dissatisfied with the Local Authorities response and whilst we should always seek to resolve a complaint expeditiously, we also have a duty to inform a complainant of their right to progress to the next stage of the complaints procedure.

The philosophy of the three stage process is to provide a Local Authority with ample opportunity to investigate complaints and put things right for a complainant should we find that the service to them has been less than Statutory Expectations or our own localised procedural standards and to minimise the need for a complainant to take their issue up with the Local Government Ombudsmen.

## Stage 1 - Local Resolution

This gives operational managers the opportunity to resolve the complaint at a local level. The procedure requires that Stage 1 complaints are concluded within 10 working days, however, with the agreement of the complainant this can be increased to 20 working days. The maximum time for a Stage 1 investigation is 20 working days and will often be required for more serious complex complaints and provides managers with the opportunity to meet with complainants in order to mediate a complaint to resolution.



Where the matter is not resolved or if the complainant requests it, the complaint can be formally investigated at Stage 2. The complainant has 20 working days to request consideration at Stage 2 following receipt of the Stage 1 outcome letter.

## Stage 2 – Independent Investigation

When the complainant remains unhappy after a Stage 1 investigation or the complaint is serious enough to warrant a more formal investigation the Complaints Manager can commission an Independent Investigation. Stage 2 investigations have a statutory timescale of 25 working days and can be conducted by an Internal Investigator or an Independent Investigator [external to the Local Authority but with experience of undertaking Social Care Investigations].

However, where it isn't possible to complete the investigation in these timescales, a further extension can be negotiated with the complainant. The investigation and adjudication process should be concluded within 65 working days.

An independent person, external to the Council is appointed by the Complaint's Manager to oversee the objectivity and fairness of the investigation and to also keep the child's interests at the centre of an investigation.

At the end of a stage 2 Independent Investigation the department can offer the complainant an Adjudication Meeting facilitated by the Complaints Manager where the appointed senior manager [in the role of Adjudicating Officer] can discuss the Investigators' findings and recommendations and inform the complainant of what action the Local Authority is going to take to resolve the complaint. Following this the Adjudicating Officer will formalise and confirm its position to the complainant in writing.

## Stage 3 – Review Panel

If the complainant is dissatisfied with the outcome at Stage 2, the complainant can request that the Independent Investigation is reviewed by a panel which consists of 3 independent panel members external to the Local Authority and appointed by the complaints manager.

The panel considers the complaint's investigation and can make recommendations for the consideration of the Director of Children's and Young People's Services. Such consideration forms the end of the statutory requirement.

### Summary of Stage 3 Timescales

Action	Timescale
<b>Complainant requests Review Panel</b>	Up to 20 working days after receipt of the Stage 2 adjudication.
<b>Complaints Manager acknowledges request</b>	Within 2 working days
<b>Complaints manager appoints Chair and confirms attendees and content of Panel papers with Chair</b>	Within 10 working days of the complainant's request for Review Panel
<b>Local Authority agrees the other Panellists and date for review Panel</b>	Within 30 working days of the complainants request for Review Panel
<b>Local Authority circulates Panel Papers</b>	Within 10 working days of the date for the Review Panel
<b>Review Panel produces with written report (including any recommendations)</b>	Within 5 working days of the Review Panel
<b>Relevant Director issues his response</b>	Within 15 working days of receipt of the Review Panel's report

## Local Government Ombudsman

If the complainant is dissatisfied with the outcome of the recommendations of the Complaints Review Panel, it remains open to them to make a formal written complaint to the Ombudsman.

The Local Ombudsman is independent, impartial and gives a service which is confidential and free of charge. The Ombudsman has the same powers as the High Court to require people to provide information or produce documents for investigation.

Any member of the public is able to complain to the Ombudsman if they feel there has been maladministration or injustice. However, the Ombudsman usually suggests that the complainant should first exhaust the local complaints procedure, as detailed above.

## Remedies

In the majority of cases if a complaint is upheld or partially upheld, an apology will be offered and information will be given to the complainant as to what action the service will take to ensure the same situation does not arise again, for the complainant or future service users.

The apology would be given by the manager on behalf of the service complained about.

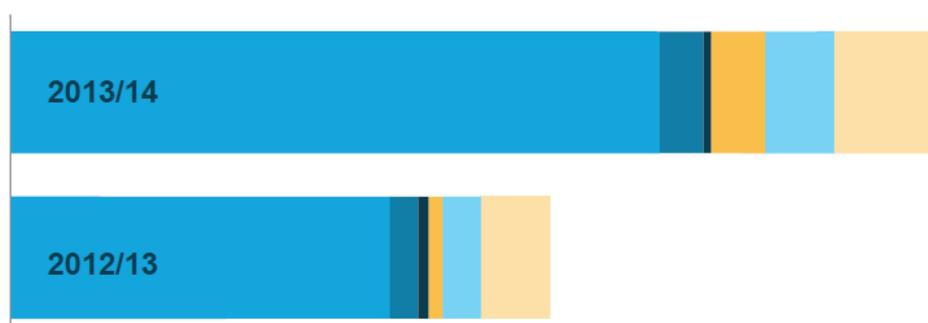
If a case has been poorly handled causing an injustice to the individual, consideration will be given as to whether or not a financial remedy would be appropriate.

## 3. Analysis of contacts received

### 3.1 Volumes

Between April 2013 and March 2014, Northamptonshire County Council received 556 contacts regarding Children's and Young People's Services which is 224 more than the previous year.

Type of contact	2012/13	2013/2014	Difference
Complaints	236	404	↑ 168
Appeals	18	27	↑ 9
Ombudsman	6	5	↓ 1
Compliments/ Positive Comments	9	34	↑ 25
Negative comments	24	43	↑ 19
Enquiries	43	66	↑ 23
<b>Total</b>	<b>332</b>	<b>556</b>	<b>↑ 224</b>

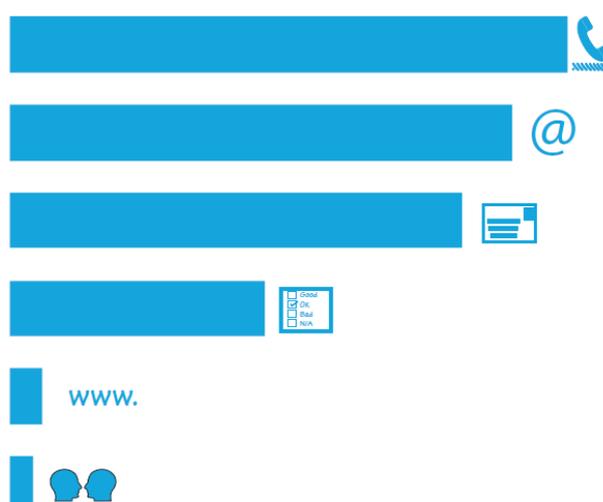


Some of the contacts recorded identified more than one issue of concern – where this happened, the reasons for contact were recorded separately to ensure all aspects were identified, addressed and reported.

### 2.2. Method of contact

The method of contact has been captured as follows:

Source	Number
Phone call	170
Email	153
Letter	138
Complaint form	62
Feedback form	14
NCC website	10
In person	4
Complaint record form	2
Response from manager	1
Service manager	1
Via childrens rights advocate	1
<b>TOTAL</b>	<b>556</b>



### 3.2 Source of contacts

The majority of contacts regarding Children and Young People's Services were made by parents of young people, with only 1% of contacts coming directly from children or young people.

Most of the complaints, compliments, enquiries or comments made on behalf of young people were received from relatives of children and young people (birth or adoptive parents and relatives).



## 4. Complaints Analysis

### 4.1 Complaints at each stage

Stage One	Stage Two	Stage Three
404	12	3

### 4.2 Stage One Timescales

Stage One Complaints Resolved within the 20 day Statutory Timescale	241
Stage One Complaints Resolved <b>Outside</b> the 20 day Statutory Timescale	163



The complaints resolution timescales at stage one varied from 0 – 233 days, 58% of the 404 Complaints were progress and responded to within the Statutory 20 day timescale.

While 31 complaints out of the 163 took over 100 days for the complaint to be progressed and responded to.

### 4.3 Complaints Outcomes [Where the outcome has been captured]

Outcome					
Fully substantiated	Partially substantiated	Not substantiated	Ongoing	N/A as not pursued	Not Known
14	15	14	127	7	14

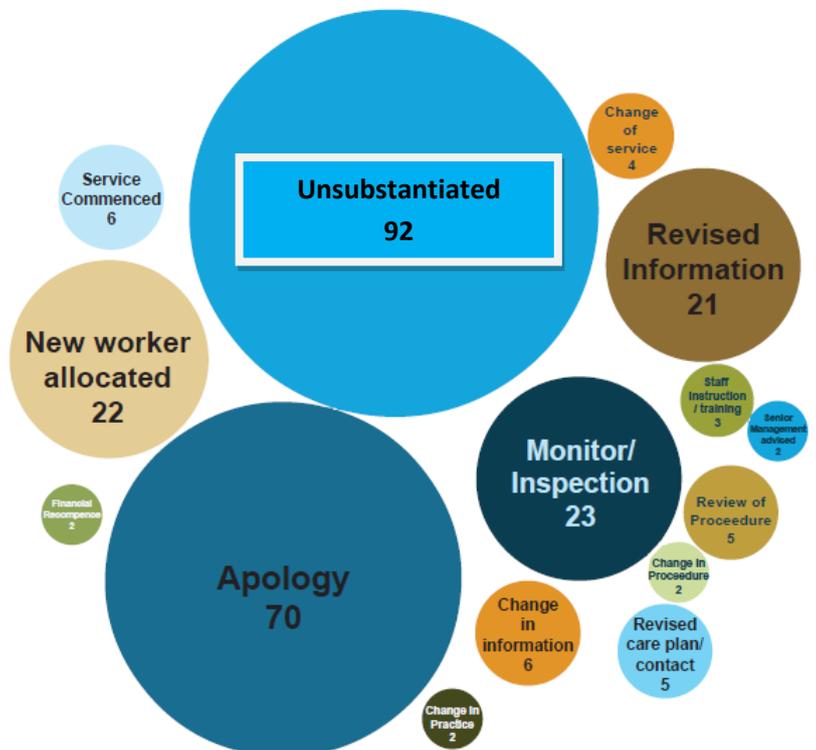
# COMPLAINTS

The high number of complaints that are recorded as ongoing or not known or where the outcome data has not been captured is indicative to where the stage one response letter has not been forwarded to the Complaints and Representations Service so concomitantly the complaint has not been closed down and data has not been captured.

There is also the potential that complaints have not been responded to at stage one thus leaving the complainant with no choice later on to request a stage two independent investigation as per their right and described within part one of this report.

#### 4.4 Themes of the action taken by the Local Authority based on Complaints Outcomes.

Outcome	Number
Apology	70
Change in information held on file	6
Change in practice	2
Change in procedures	2
Change of service	4
Financial Recompense	2
Monitor/inspection	23
New worker allocated	22
Unsubstantiated	92
Review of procedures	5
Revised Information	21
Revised care plan/contact	5
Senior Management advised	2
Staff instruction/training	3
Service Commenced	6



## 4.5 Themes of the action taken by the Local Authority based on Complaints Outcomes.

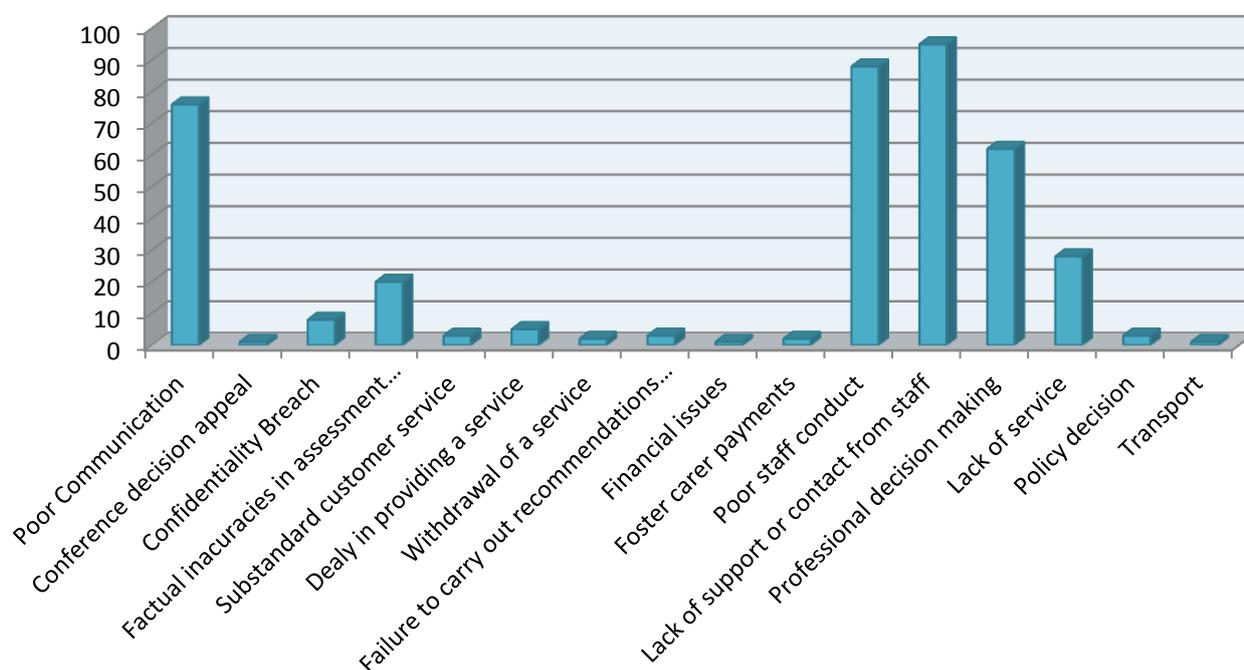
Where the reasons for complaints have been captured, the top five main reasons why clients complained are:

- Lack of support or contact from staff.
- Poor staff attitude and conduct.
- Poor communication.
- Professional decision making.
- Lack of allocated social worker.

This table shows all the reasons why people have complained:

Reason For Complaint	Number
Poor Communication	76
Conference decision appeal	1
Confidentiality Breach	8
Factual inaccuracies in assessment reports	20
Substandard customer service	3
Delay in providing a service	5
Withdrawal of a service	2
Failure to carry out recommendations or instructions	3
Financial issues	1
Foster carer payments	2
Poor staff conduct	88
Lack of support or contact from staff	95
Professional decision making	62
Lack of service	28
Policy decision	3
Transport	1

## Reasons why people complained in 2013/14



### 4.6 Complaints by Service Area

A split by service area/ team shows that the highest level of complaints has been received by the Northampton Child In Need Team, followed by Specialist Looked After Service and the Wellingborough/ East Northants Child In Need Team.

Service Area/Dept	Number
Adoption (Childrens Social Care, Looked After Children)	2
Adoption (Local Authority, Children's Social Services, Fostering and Adoption Service)	4
Assessment Service South (Childrens Social Care, Safeguarding & Quality Assurance)	1
Assessment Services North (Childrens Social Care, Safeguarding & Quality Assurance)	1
Asylum Seekers Team (Children) (Local Authority, Children's Social Services)	1
Child in Need (Local Authority, Children's Social Services, Social Care (Children), Dav / S Northants Social Care)	9
Child in Need (Local Authority, Children's Social Services, Social Care (Children), Kettering Corby Social Care)	13
Child in Need (Local Authority, Children's Social Services, Social Care (Children), Northampton Social Care)	19
Child in Need (Local Authority, Children's Social Services, Social Care (Children), Well / E Northants Social Care)	6
Children's Disability (Local Authority, Children's Social Services)	1
Children's Rights Service (Childrens Social Care, Safeguarding & Quality Assurance)	1
Childrens Social Care	7
Children's Social Services (Local Authority)	2

CIN 1 North (Childrens Social Care, Safeguarding & Quality Assurance, Assessment Services North)	7
CIN 1 South (Childrens Social Care, Safeguarding & Quality Assurance, Assessment Service South)	11
CIN 2 North (Childrens Social Care, Safeguarding & Quality Assurance, Assessment Services North)	19
CIN 2 South (Childrens Social Care, Safeguarding & Quality Assurance, Assessment Service South)	17
CIN 3 North (Childrens Social Care, Safeguarding & Quality Assurance, Assessment Services North)	5
CIN 3 South (Childrens Social Care, Safeguarding & Quality Assurance, Assessment Service South)	15
CIN 4 North (Childrens Social Care, Safeguarding & Quality Assurance, Assessment Services North)	13
CIN 4 South (Childrens Social Care, Safeguarding & Quality Assurance, Assessment Service South)	8
CIN 5 North (Childrens Social Care, Safeguarding & Quality Assurance, Assessment Services North)	7
CIN 5 South (Childrens Social Care, Safeguarding & Quality Assurance, Assessment Service South)	8
CIN 6 North (Childrens Social Care, Safeguarding & Quality Assurance, Assessment Services North)	8
CIN 6 South (Childrens Social Care, Safeguarding & Quality Assurance, Assessment Service South)	20
CIN 7 North (Childrens Social Care, Safeguarding & Quality Assurance, Assessment Services North)	10
CIN 7 South (Childrens Social Care, Safeguarding & Quality Assurance, Assessment Service South)	4
Connected Persons Team (Childrens Social Care, Looked After Children)	1
Connected Persons Team (Local Authority, Children's Social Services, Fostering and Adoption Service)	1
CYP Extended Services (Children's Centres) (Childrens Social Care, Early Help & Prevention (Commissioning))	0
Disability (North) (Local Authority, Children's Social Services, Children's Disability)	2
Disability (South) (Local Authority, Children's Social Services, Children's Disability)	1
Early Help & Prevention (Commissioning) (Childrens Social Care)	1
Fostering (Childrens Social Care, Looked After Children)	2
Fostering (Local Authority, Children's Social Services, Fostering and Adoption Service)	1
Fostering and Adoption Service (Local Authority, Children's Social Services)	1
Generic Social Work Team (Childrens Social Care, Safeguarding & Quality Assurance)	11
Initial Assessment (Local Authority, Children's Social Services, Social Care (Children), Well / E Northants Social Care)	1
Initial Assessment (Local Authority, Children's Social Services, Social Care (Children), Dav / S Northants Social Care)	5
Initial Assessment (Local Authority, Children's Social Services, Social Care (Children), Northampton Social Care)	4
Initial Assessment / Response Team (Local Authority, Children's Social Services, Social Care (Children), Northampton Social Care)	4
Initial Assessment Team (Local Authority, Children's Social Services, Social Care (Children), Kettering Corby Social Care)	2
Initial Response Team (Childrens Social Care, Safeguarding & Quality Assurance)	4
Joint Child Protection (Childrens Social Care, Safeguarding & Quality Assurance)	9
Joint Child Protection Team (Local Authority)	8
LAC 1 North (Childrens Social Care, Looked After Children)	14
LAC 1 South (Childrens Social Care, Looked After Children)	13
LAC 2 North (Childrens Social Care, Looked After Children)	5
LAC 2 South (Childrens Social Care, Looked After Children)	15
LADO (Childrens Social Care)	2
Leaving Care / 16+ Team (Local Authority, Children's Social Services, Adolescent Services)	3
Leaving Care Team (Childrens Social Care, Looked After Children)	11
Looked After Children (Childrens Social Care)	2
MASH (Childrens Social Care, Safeguarding & Quality Assurance)	11
Out of Hours Team (Local Authority, Children's Social Services)	0
Placements Service (Local Authority, Children's Social Services, Fostering and Adoption Service)	2
Raven House (Childrens Social Care, Regulated Services)	1
Review & Conference Service (Childrens Social Care, Safeguarding & Quality Assurance)	10
Review and Conference Service (Local Authority, Children's Social Services)	6
Safeguarding & Quality Assurance (Childrens Social Care)	1
Specialist Children Looked After Service (Local Authority, Children's Social Services)	29

Support Service CYP Commissioning (Local Authority)	1
Targeted Prevention Team (Childrens Social Care, Early Help & Prevention (Commissioning))	3
Tier 3 Step Down Team (Childrens Social Care, Early Help & Prevention (Commissioning))	1
Transitions (Local Authority)	2
UNKNOWN (Local Authority, Children's Social Services)	1

## 5. Compliments Analysis

In total there were 33 compliments and positive comments made to the Complaints and Representations Service throughout 2013/14.

It is fair to say; there is some work to be done in terms of more effectively capturing the detail of compliments in terms of communication of the compliments that we receive directly to the service areas and staff who have had the compliment made about them.

The complaints manager notes that it is possible that service areas are receiving compliments directly but not communicating these through to the Complaints and Representations Service therefore the figure of 33 could be much higher.

In 2014/15 a practitioner from team will be responsible for capturing the compliments. The compliments will be more prominent within internal and external publications, such as within the “informer” e-bulletin, on the intranet and our public facing website.



## 6. Recommendations

Throughout this report there have been a number of citations made on where we will need to improve our performance in terms of handling complaints going forward in 2014/15.

There are several areas which require further investigation or actions from the service, as illustrated by the analysis of the feedback received. These can be grouped in three categories:

1. Data Capture and data quality issues;
2. The reasons for complaints, with a particular focus on understanding the voice and experience of children and young people.
3. The mechanisms in place to process complaints and provide resolutions.

There are a number of immediate recommendations which need to take place following this annual report:

1. The Complaints Manager [in post since end of April 2014] is now working directly with Service Managers to improve resolution at stage one of the statutory complaints procedure. This may involve mediation meetings and utilisation [in agreement with complainants] of the full 20 day timescale so as to give manages a fair opportunity to collate a full response to complaints and as a consequence to give those who have cause to complain a more swift resolution to their issues. Where possible the organisation will be looking to ensure that complaints do not have to progress to stage 2 or 3 of the complaints procedure which inevitably prolongs the time in which a complainant has unresolved issues.
2. Next year our Complaints Practitioner within the team will now key work each complaint and be the first port of call for complainants and the manager dealing with the complaint. They will see the journey of the complaint all the way through from when it is lodged with us to resolution at which ever stage the complaint progresses to.
3. The Complaints Manager will be providing training and support to managers who respond to complaints and there will be an online toolkit developed to provide resources to support each stage of the complaints process. New and interim managers will benefit from online video induction training so that they can understand and access how we can best resolve complaints as soon as they come into post.

4. Management information will be used to focus on Team Managers and those teams that are not responsive enough in the process. Non compliance will be escalated to their respective strategic manager to ensure that there is a full and committed engagement with all aspects of the complaints. We will work quickly to conclude complaints that are ongoing and which have been outstanding way outside the statutory timescales.
5. There will be development in respect of the handling of complaints and the procedures for resolving complaints within the Early Help and Prevention Service.
6. The learning from complaints will be shared with Directors and Assistant Directors to increase their awareness in respect of developments that need to be made for their service areas. This will be reported at Senior Leadership Meetings by the Complaints Manager.
7. To improve how service areas can learn from the lessons from their complaints, the Complaints Manager and Service Representative will meet regularly with Service Managers to ensure clarity and understanding of complaints themes relevant for that service area and to assist in translating that learning into influencing best practice within day to day work with families. There will be quarterly performance reports, and regular snapshot reports to assist Service Managers in where to focus their efforts on improving performance within the teams they lead. When a complaint progresses to independent investigation Service Managers will complete an action plan which will further enhance embedding the learning from complaints into improving our Services.

## 7. Conclusion

Throughout this report there have been a number of citations made on where we will need to improve our performance in terms of handling complaints going forward in 2014/15.

There are several areas which require further investigation or actions from the service, as illustrated by the analysis of the feedback received. These can be grouped in three categories: data capture and data quality issues, reasons for complaints and mechanisms in place to process complaints and provide resolutions.

The Complaints Manager [in post April 2014] is now working directly with Service Managers to

improve resolution at stage one of the statutory complaints procedure through mediation meetings and utilisation [in agreement with complainants] the full 20 day timescale so as to give managers a fair opportunity to collate a full response to complaints and as a consequence to give those who have cause to complain a more swift resolution to their issues, so that they do not have to progress to stage 2 or 3 of the complaints procedure which inevitably prolongs the time in which a complainant has unresolved issues.

Complaints Practitioners within the team will now key work each complaint and be the first port of call for complainants and the manager dealing with the complaint. They will see the journey of the complaint all the way through from when it is lodged with us to resolution at which ever stage the complaint might progress to.

The complaints manager will be providing training and support to managers who respond to complaints and there will be an online toolkit of best practice resources to support each stage of the complaints process. New and interim managers will benefit from online video induction training so that they can understand and access how we can best resolve complaints as soon as they come into post.

We need work quickly to conclude complaints that are ongoing and which have been outstanding way outside the statutory timescales.

To improve how service areas can learn from the lessons from their complaints, there will be quarterly performance reports and when a complaint progresses to independent investigation Service Managers with the support of the Complaints Manager will complete an action plan and collate these so as to feedback to the department as a whole.

Overall, the vision of the Complaints and Representations Service [formally the Customer Feedback Team] is to provide a service to Children's and Young People's Services as well as to the members of the public and to bring swift resolution to complaints and keep us water tight and in line with our obligations under the Statutory Complaints Procedure and Local Government Ombudsmen expectations.

Michael J. Edwards

**Social Care and Corporate Complaints Manager**