

11 November 2014		ITEM: 6
Children's Services Overview and Scrutiny Committee		
Children's Social Care Complaints and Representations Annual Report 2013/14		
Wards and communities affected: All	Key Decision: Non-Key	
Report of: Carmel Littleton – Director of Children's Services		
Accountable Head of Service: Nicky Pace – Interim Head of Children's Social Care		
Accountable Director: Carmel Littleton – Director of Children's Services		
This report is Public		

Executive Summary

The annual report for Thurrock Council on the operation of the Children's Social Care Complaints Procedure covering the period 1 April 2013 – 31 March 2014 is attached as Appendix one. It is a statutory requirement to produce an annual complaints report on children social care complaints.

The children's social care complaints procedure is operated in accordance with the 'Getting the Best from Complaints' guidance 2006 as governed by the Children Act 1989 and the Children Act 1989 Representations Procedure (England) Regulations 2006, Children Leaving Care Act 2000 and the Adoption & Children Act 2002.

The report sets out the number of representations received in the year including the number of complaints, key issues arising from complaints and overall learning and improvement activity for the department.

A total of 203 representations were received during 2013-14 as detailed below:

- 62 Compliments
- 62 Stage 1 complaints received
- 3 Stage 2 complaints received
- 1 Stage 3 complaint received
- 34 Concerns and issues received
- 19 MP enquiries
- 20 Member enquiries
- 2 Ombudsman enquiries

1. Recommendation(s)

1.1 That Scrutiny Committee consider and note the report

2. Introduction and Background

- 2.1 This is the annual report for Thurrock Council on the operation of the Children's Social Care Complaints Procedure covering the period 1 April 2013 – 31 March 2014. It is a statutory requirement to produce an annual complaints report on Children's Social Care complaints.
- 2.2 The Children's social care complaints procedure is operated in accordance with the Children Act 1989 Regulations and 'Getting the Best from Complaints' guidance 2006.
- 2.3 The Children's social care complaints procedure operates in three stages. Stage 1 is referred to as local resolution where the Team/Service Manager responds to the complaint within 10 – 20 working days. Stage 2 complaints are investigated by an independent investigator and independent person. Stage 3 complaints are reviewed by a panel made up of three independent panel members. The panel make their recommendations to the Director of Children Services who then reaches a decision and any actions to be taken.
- 2.4 If a 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.
- 2.5 In the complaints leaflet, children and young people are advised of their right to advocacy when making a complaint or for support. This is in accordance with the Advocacy Regulations 2004. Thurrock Children's Services commissions Open Door Advocacy for this service.
- 2.6 Staff are encouraged to resolve issues at the first point of contact in line with good practice as outlined by the Local Government Ombudsman.
- 2.7 The complaints procedure provides Children's social care with an additional means of monitoring performance and improving service quality and provides an important opportunity to learn from complaints

3. Issues, Options and Analysis of Options

- 3.1 This is a monitoring report for noting, therefore there is no options analysis. The annual report attached as Appendix one includes consideration of reasons for complaints, issues arising from complaints and service learning and improvement activity in response.
- 3.2 The headline messages for this report are:

3.3 Summary of representations received 2013/14

- 62 Compliments
- 62 Stage 1 Complaints received
- 3 Stage 2 Complaints received
- 1 Stage 3 Review
- 34 Concerns and issues received
- 19 MP enquiries
- 20 Member enquiries
- 2 Ombudsman enquiries

3.4 Compliments

Compliments are expressions of good feedback. The team recorded 62 compliments this year compared to 60 recorded last year and 90 recorded for 2011/12. Examples include:

I would like to take this opportunity to thank you and your team for your invaluable support during the last 7 years...I would not be the woman I am today and our family would not be as strong without the support we received. I would like you all to realise the extremely positive impact you all had on my family and my life. Team for Disabled Children

J's support of C went over and above what is expected of a foster carer and she skilfully managed some very difficult and emotional situations. I found J to be highly professional and caring. J did a fantastic job caring for C who presented many challenges. Re: foster carer

I am happy with my family as well as my social worker. Fostering & Adoption Team

3.5 Complaints

The department received a total of 62 stage 1 complaints in 2013/14, which is a decrease of 26% on the number of complaints (84) received for 2012/13.

While there is a falling trend in terms of complaints numbers, this can be partly contributed to the introduction packs provided to families, which provides information on making a complaint and teams are successfully resolving more queries and concerns before they become a formal complaint.

Three complaints progressed to stage 2 of the complaints procedure and were investigated by independently commissioned complaint investigators.

One complaint progressed to stage 3 review and at the end of the reporting period remained open, awaiting a panel date.

Complaints publicity materials will be reviewed together with the complaints procedure during 2014-15 to ensure that the procedure is accessible to all

service users to ensure that they know how to make a complaint and feel able to do so.

3.6 Concerns and Issues

The complaints team recorded 34 concerns and issues for this reporting period which were successfully resolved within the teams without the need to record them as formal complaints. If the concern cannot be resolved, it will become a complaint and be processed in accordance with the complaints procedure.

3.7 Local Government Ombudsman

There were 2 cases received by the Ombudsman's office for this reporting year. Of these, two cases were referred to the council for investigation through the complaints procedure, both were concluded.

One case found the council at 'fault causing injustice'. This was a joint case across adult and children's social care. The case resulted in the Ombudsman publishing her findings in a public report. This report was considered by Cabinet on 12 March 2014. Cabinet referred the report to this committee for consideration. The report is therefore attached as Appendix two.

The second case was in relation to the failure to implement support following the complainant agreeing to care for family members. The case was upheld.

Further detail on these cases as well as the process for LGO complaints is included in section 10 of the annual report (Appendix one).

3.8 Learning from Complaints

Complaints and feedback provide the service with an opportunity to identify things that can be improved. The learning from complaints is an essential part of the process. Examples of the learning received this year are shown below. Further details are shown in section 11 of the annual report (appendix one).

Factual errors to be amended on reports where they are identified

Foster carers to undertake additional training particularly with regard to de-escalation techniques

Staff to be aware of the information governance guidance regarding information sharing and data protection

3.10 Future area for development

A rolling program of visiting social care teams will commence during the period 2014-15. This is to highlight the importance of learning from

complaints and compliments, with an emphasis on complaint handling, the key legislation and related processes.

The Complaints Manager will consider further ways of capturing feedback from children and young people regarding Children's social care services.

The Complaint procedure will be reviewed together with the related communication materials, including the complaints leaflet.

Complaints activity and learning will continue to be reported to the department throughout the year and disseminated to all staff.

The Complaints Manager will continue to work closely with the Essex Complaints Manager Network and other councils to explore the potential for developing shared arrangements to access a pool of experienced independent persons for stage 2 investigators and Stage 3 reviews and at the same time securing efficiencies for the service.

4. Reasons for Recommendation

- 4.1 It is a statutory requirement to produce an annual complaints report on children's social care complaints. It is best practice for this to be considered by Overview and Scrutiny. This report is for monitoring and noting.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 This report has been agreed with the Children's social care senior management team. Consideration of complaints issues and learning and improvement arising from them are identified as an ongoing priority in the report.

6. Impact on corporate policies, priorities, performance and community impact

- 6.1 Thurrock's Children and Young People's Plan 2013-2016 sets out a vision for ensuring that 'every child has the best start in life'. Safeguarding and protecting the well-being of vulnerable child and young people is one of the priorities in the plan. This is reflected in the 'protection when needed' priority.
- 6.2 Feedback from children and young people is an important part of the service performance and quality framework. It enables the service to identify areas for improvement, to recognize the things that are done well and to help assess progress in meeting our priorities for children and young people.

7. Implications

7.1 Financial

Implications verified by: **Kay Goodacre**
Finance Manager

There are no specific financial implications arising from this report.

7.2 Legal

Implications verified by: **Lindsey Marks**
Principal Solicitor Children's Safeguarding

There are no specific legal issues arising from the report as this is just for members information.

7.3 Diversity and Equality

Implications verified by: **Rebecca Price**
Community Development Officer

Whilst there are no specific diversity issues arising from this report, Children's Services are presently considering means for capturing demographic information pertinent to those submitting complaints, concerns and/or issues in the future. The availability of this additional data will support the council to identify where there are trends associated with the characteristics of those submitting complaints, concerns and/or issues and to develop measures to support specific groups where needed. It will also help to establish where there are indeed no diversity-based trends apparent which may be equally helpful to understand the need to further tailor some services.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- Appendix 1 – Children’s Social Care Complaints and Representations Annual Report 2013/14
- Appendix 2 - Local Government Ombudsman – Report on an investigation into complaint numbers 12 012 268 and 12 005 756 against Thurrock Council (Cabinet Paper)

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