

Haringey Council

Agenda item:

[No.]

Cabinet

On 8 September 2009

Report Title: **Children Act Complaints Annual Report**

Forward Plan reference number (if applicable):

Report of: **Director of the Children and Young People's Service**

Wards(s) affected: **All**

Report for: **Non-Key**

1. Purpose

1.1 To inform Members about complaints made under the Children Act procedures between April 2008 and March 2009

2. Introduction by Cabinet Member (if necessary)

2.1 I believe it is vital that service users are aware that they have the right to complain and that they feel confident in using the complaints procedure. It is particularly important that young people in our care feel that they can tell us about any shortcomings in the services they get.

2.2 I am therefore pleased that we are seeing an increase in stage 1 complaints. The fact that very few (8%) continue to stage 2 indicates that the system is working well.

2.3 The one area where I am aware of the need for improvement is in relation to completing investigations within the set time scale. This is being addressed.

3. Recommendations

3.1 Members are asked to note the performance for the year 2008/09

Report Authorised by:

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Director
Children and Young People's Service

Contact Officer: Patricia Walker, Policy & Partnerships Officer (020 8489 3373) and Ravia Zaman, Complaints Manager (020 8489 3481)

4. Chief Finance Officer's Comment

4.1 The costs associated with the delivery of the service were contained within available resources.

5. Comment of Head of Legal Services

5.1 Under section 26 Children Act 1989, the local authority is under a duty to establish a procedure for considering any representations, including any complaints, made about certain 'qualifying functions' relating to a child. This includes functions under the Adoption and Children Act 2002 and functions regarding special guardianship.

5.2 Section 26 makes provision for an independent person to take part in consideration of a complaint and decisions on actions to be taken as a result and for time limits.

5.3 Section 26A of the 1989 Act makes provision for advocacy services for children making complaints.

5.4 The Children Act 1989 Representations Procedure (England) Regulations 2006 set out the specific procedures. Under Regulation 13 the authority is required to produce an annual monitoring report "on the operation in that year of the procedure".

6. Local Government (Access to Information) Act 1985

6.1 Getting the Best from Complaints: Social Care Complaints and Representations for Children, Young People and Others. DfES September 2006

6.2 The Children Act 1989 Representations Procedure (England) Regulations 2006

7. Background

7.1 Under the Children Act 1989 and the Children Act Representations Procedure a report on complaints made under the Children Act must be prepared each year, presented to a committee of the local authority and made available as a public document.

7.2 The report covers complaints made about social services provided under the Act such as the delivery of services, care and supervision, social work court reports, adoption and decision making. Complaints may be made by children and young people, their parents or those with parental responsibility, foster carers, special guardians and prospective adopters.

7.3 The report outlines the three stages of the Children Act complaints process. It covers:

- the numbers and types of complaints;
- the outcomes of complaints and stage of the process reached;
- the timescales they were completed in;
- a summary of the data available on complainants, such as age, gender and ethnicity;
- learning or service improvements that have taken place following a complaint;
- information about expenditure;
- information about advocacy services provided under the regulations.

7.4 Information about complaints made to the Children and Young People's Service which were dealt with under the Council's corporate procedures is included in the Annual Report on Customer Feedback and Members Enquiries presented to Cabinet in September 2008.

8. Financial Implications

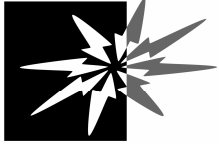
8.1 The direct costs of Children Act complaints are the costs of investigating officers and independent persons at stage 2 of the complaints process. In 2008/09 this was £16,081.00. Further details are given in the report. If stage three of the process was invoked then there would also be a cost for independent review panellists. However there were no stage three Children Act complaints in 2008/09.

9. Equalities Implications

9.1 Information on ethnicity, gender, age and disability of complainants is given in the report. Complainants are asked to give information about themselves as part of the satisfaction forms. However this information is not always supplied, making it difficult to draw conclusions.

10. Use of Appendices / Tables / Photographs

Appendix 1: The Children and Young People's Service Annual Children Act Complaints Report for 2008/09



Haringey Council

Appendix 1

Haringey Council
The Children and Young People's Service

Annual Report for Children's Act Complaints 2008 to 2009

1. Background

- 1.1 Under the Children Act 1989 all Local Authorities are required to have in place procedures to effectively deal with complaints about children's social care issues. *The Representations Procedure (Children) Regulations, 2006* provides the framework for administering these complaints and empowers Local Authorities to effectively manage its complaint processes.
- 1.2 The legislation requires all Local Authorities to provide an annual report on information about its handling of complaints under the Children's Act procedures.
- 1.3 This report provides information about complaints made during the twelve months between 1 April 2008 and 31 March 2009. The report will discuss complaints performance during this period and consideration will be given to demographic information about the complainants.
- 1.4 All timescales contained within this report are in working days.

2. The Complaints Process

- 2.1 The Children's Act complaints procedure has three stages. These are defined as local resolution, formal investigation and review panel. Performance on complaints handling is determined by whether or not complaints are resolved within prescribed timescales.

2.2 Stage 1 - Local Resolution

This is the most important stage of the complaints procedure and our aim is to try and resolve as many complaints as possible at this early stage. The Department's services, and external contractors providing services on our behalf, are expected to liaise with service users and resolve as many complaints as possible at this initial point. Local Service Managers are appointed to arrange the resolution.

The timescale for concluding this stage is 10 working days. Where issues are deemed to be complex or the complainant is a child or young person with an advocate representing them the timescale is extended to 25 working days.

2.3 Stage 2 - Formal Investigation

This stage is implemented where the issues have not been resolved at the previous stage. This stage involves appointing an investigator to look into the issues and an independent person to ensure the investigation is conducted in a fair, thorough and transparent manner. Both officers are required to produce reports outlining the findings of the investigation. Haringey Council has recruited external officers to carry out this role. Our external investigating officers are relevantly qualified and experienced and include officers of both genders and from

minority ethnic backgrounds. A Deputy Director from the Children and Young People's Service adjudicates on the findings of the investigation reports.

This stage of the process should be resolved and concluded within 25 days, although in certain cases this can be extended to 65 days where the issues are complex or an advocate for the child or young person is involved.

2.4 Stage 3 - Review Panel

The third stage of the complaints process is the Review Panel. If complainants are dissatisfied with the findings at the previous stages of the procedure the Service must establish a panel of 3 independent and lay people to review the complaint. The panel considers and reviews the evidence and makes recommendations to the Director who then decides on any action to be taken. This stage of the procedure should be concluded within 50 working days.

Local Government Ombudsman

- 2.5 A further option for complainants is to contact the Local Government Ombudsman (LGO). The LGO is empowered to investigate written complaints made by members of the public claiming they have suffered injustice as a result of maladministration by or on behalf of the Local Authority. The LGO is reluctant to become involved unless other avenues of investigation have been exhausted.

3. Statistics

- 3.1 At stage 1 of the Children's Act complaints procedure, the complaints service received a total of 61 complaints, between March 2008 and April 2009. The table below shows the numbers of complaints recorded for the last 3 years at stage 1 and 2 and the percentage of complaints progressing onto the next stage of the process.
- 3.2 There have been no stage 3 cases in the last 3 years.
- 3.3 The total numbers of complaints at stage 1 of the procedure have been increasing year on year for the last 3 consecutive years. Since 2006 this increase has been steady which can be attributed to greater promotion and publicity of people's rights to complain and service user confidence in a fair procedure. The Complaints Service continues to issue leaflets and posters publicising the complaints procedures and these have been distributed widely throughout the borough.
- 3.4 In the year 2008 to 2009 the increase in numbers of complaints was most significant at 17%. The Service would attribute the more than average increase in the numbers of complaints on the greater public focus on the service which was experienced during this time which may have encouraged service users to raise issues relating to their own case.

Table 1

Period	Number of Stage 1	Percentage progressing to next stage	Number of stage 2
2006-07	51	8%	4
2007-08	52	8%	4
2008-09	61	7%	4

3.5 The general rate of escalation to the next stage is very low with only 8% of complaints escalating to the next stage during the last 3 years. This indicates that 92% of complaints were resolved to the complainants' satisfaction or understanding. Complaints at this stage are dealt with by social work staff and social work managers and the success at this stage is a credit to their effective investigation and resolution.

4. Decisions and Findings

4.1 Decisions and findings at stage 1

The majority of complaints at stage 1 were either not upheld, in which case no fault or injustice was caused by the Council, or were partly upheld which means that the Council's actions contributed to an element of fault or injustice.

4.1 The tables below show the numbers of complaints and the decisions made following investigation at both stage 1 and stage 2. It is worth noting that although 67% of complaints were not upheld, and the finding was that there is no fault by the Council, only 7% of these complaints progressed onto the next stage. This demonstrates the service user's confidence and understanding of the decision reached by the Local Authority.

Table 2

Decision	Stage 1	Percentage
Upheld	5	8%
Partly Upheld	14	23%
Not Upheld	41	67%
Not categorised	1	2%
Total	61	

4.2 Decisions and findings at stage 2

There were 4 complaints which went to stage 2 of the Children's Act process. The table below shows the decision made in each of the complaints. Only 1 of the complaints investigated at stage 2 of the procedure was partly upheld.

Table 3

Decision	Stage 2
Upheld	0
Not upheld	3
Partly upheld	1
Total	4

4.4 The complaint that was partly upheld had claimed that the service discriminated against a family when carrying out a child protection review. The complainants were also unhappy with the level of service they received whilst their children were on the child protection register and believed the social worker allocated to the case behaved unprofessionally. The complaint investigation did not uphold the claims of discrimination by the service or the inadequate level of service provided to the family, however, the investigation did find that the social worker's behaviour fell short of the professional standards expected by the service. The service agreed that this was not the expected level of professionalism and formally apologised to the family.

4.5 Decisions and Findings by the Local Government Ombudsman

A total of 9 complaints were received by the Local Government Ombudsman. The table below shows the breakdown of the Ombudsman's decisions. The Ombudsman received 3 premature complaints which had not previously been investigated by the Service. The Ombudsman referred these to the Service for investigation under our Children's Act procedures. An additional 3 complaints resulted in local settlements; this is where the Service agreed to take action which the Ombudsman considered was a satisfactory resolution. A further 3 complaints were discontinued by the Ombudsman on the basis of insufficient injustice or no injustice being caused to the complainant.

Table 4

Ombudsman's Decision	Number of complaints
Local settlement	3
No evidence of maladministration	1
Ombudsman Discretion	2
Premature Complaint	3

5 Performance

- 5.1 The table below shows the number of complaints that were resolved within the prescribed timescales. Complaints at stage 1 are subject to a 10 working day timescale. Complex complaints or those involving an advocate are subject to an alternative timescale of 25 working days. Complaints at stage 2 of the procedure are subject to a 25 working day timescale but if the issues are complex or the complaint involves an advocate, the timescale is 65 working days.
- 5.2 In the period 2008 to 2009, 56 complaints were subject to the 10 working day timescale at stage 1 of the procedures. A further 5 complaints were subject to 25 working day timescale under the extended stage 1 procedures.
- 5.3 At stage 2 of the procedures, all 4 complaints were dealt with under the extended timescale due to their complexity.

Table 5

Period	Stage 1		Stage 2	
	Percentage within timescale	Percentage within extended timescale	Percentage within timescale	Percentage within extended timescale
2007/08	87%	100%	n/a	25%
2008/09	79%	80%	n/a	75%

- 5.4 At stage 1 the Service resolved 79% of its complaints successfully within timescale. Performance was lower than the previous year but this should be seen in context of the increase in numbers of complaints received for the period. Stage 1 complaints are investigated and resolved by social workers and social care managers. The slightly lower performance should also be viewed in context of the exceptional circumstances in 2008. Despite the situation that the Service experienced in the latter half of 2008 the dip in performance was only 8% and was limited from December to February as shown in the table below. Performance of complaints within timescale was at 100% in all other months.

Table 6

Month		Stage 1 complaints resolved within timescale
1	April	100%
2	May	100%
3	June	100%
4	July	100%
5	August	100%
6	September	100%
7	October	100%
8	November	100%
9	December	40%
10	January	40%
11	February	40%
12	March	100%

5.5 The stage 2 process is very complex and lengthy; it involves interviewing all staff associated with the case and viewing all files records. Performance at stage 2 of the procedures increased substantially by 50% in this period. This stage of the procedure is investigated by external investigating officers The Complaints Service have realigned stage 2 working practises; new contracts have been issued and regular and effective supervision of case work has led to an increase in performance.

6 Fairness and Equality for all

Ethnicity of complainants

6.1 We try to collect equalities data from complainants to assess how we can improve the delivery of our services and to ensure we are meeting the needs of all our service users. Customer satisfaction surveys are used to request basic demographic data from complainants, however only a small amount of demographic information is volunteered and although a customer satisfaction survey form may be returned not all the questions may be completed.

6.2 Table 7 below shows that the most prevalent ethnic group making complaints are White British. Haringey is an ethnically diverse borough and the comparison between the group making the most complainants and the small numbers of complainants from other ethnicities could suggest that certain ethnic groups are underrepresented. The Service aims to ensure all service users are made aware of their rights and access to the complaints process by providing information translated in alternative languages and accommodating requests for interpreters. Information leaflets are distributed to community groups. The Complaints Service will explore the situation and consider what actions can be taken to ensure access to information for other ethnic groups.

Table 7

Ethnicity 1	Ethnicity 2	Number	Percentage
Asian or Asian British	Bangladeshi	1	2 %
Black or black British	African	5	9 %
Black or black British	Caribbean	6	10 %
Black or black British	Other	1	2 %
Mixed	White and Black African	1	2 %
Mixed	Other	1	2 %
White	British	9	15%
White	Greek-Cypriot	1	2 %
White	Irish	1	2 %
White	Kurdish	2	3 %
White	Other	1	2 %
Other Ethnic Group	Other Ethnic Group	6	10%
Unknown	Unknown	25	39 %
TOTAL		60	

6.4 Gender of complainants

The equalities data indicates that a greater number of complainants are female. This has been a fairly consistent finding over the last few years. Women are often considered to take the lead when it comes to domestic responsibilities and taking on the duty of dealing with complaints which affect the children or the home situation could be considered to be in line with this role. In addition it is also worth noting that it is recognised that the majority of single parent families are headed by women.

Table 8

Gender	Number	Percentage
Female	40	65 %
Male	19	31 %
Male & Female ¹	1	2 %
Unknown	1	2%

¹ Complaints made jointly by a man and a woman

6.5 Age demographics of complainants

Table 9 below shows that 38% of complainants are between the ages of 24 and 45. This age category would include adults such as parents, foster carers and advocates complaining on child related issues or on behalf of a child. Children and young people below the age of 24 account for 15% of the overall data. The Complaints Service actively encourages complaints from young people. The Service has produced age appropriate publicity to ensure that young people are aware of their rights and feel empowered to make representations. The Complaints Service actively promotes and engages with advocacy providers to ensure young people are supported and able to voice their concerns.

Table 9

Age Category	Number	Percentage
0-16	1	2 %
16-17	5	7 %
18-23	4	6 %
24-45	23	38 %
46-59	3	5 %
60 +	1	2 %
Unknown	25	41 %
TOTAL	61	

6.6 Disability of complainants (including mental health problems)

The Service requests basic information about any disability which complainants may have. The data return relating to this information is poor, of the small number of people who did respond to this question, none indicated a disability. This limited information does not allow constructive consideration but could suggest people are reluctant to provide information associated with having a disability.

7 Learning from Complaints

- 7.1 Complaints provide the Service with a wealth of valuable information about its services and allow it to assess how well it is meeting its responsibilities and objectives. Learning from mistakes and understanding how the organisation is perceived will enable it to better meet its own objectives and outcomes.
- 7.2 Table 10 provides a breakdown of the issues which have been most complained about in this period. It is clear from the data that the quality of the service and poor communication are the most frequent issues of complaint.
- 7.3 As a result of complaints investigations there have been several improvements in the Service.
- 7.4 Following a complaint all parents attending child protection conferences are asked to advise social workers of any specific needs they may have, such as dyslexia, so that this can be considered and any reasonable adjustments can be made such as appropriate formatting of written material.
- 7.5 In another case it was found that although the welfare of foster children were effectively considered when arranging foster placements, the welfare of the foster families biological children were not always given such consideration. Management and staff awareness has been increased to ensure the welfare of all children in the foster placements are considered effectively.
- 7.6 Several procedures have been developed and reviewed as a result of complaints improvements. For example, there is a new procedure for alerting and dealing with contractual building works taking place in semi independent residence of young people who are being prepared for leaving care.

Table 10

Issue of Complaint	Number Raised	Percentage
Quality of service	46	40 %
Poor/lack of communication	33	29 %
Employee behaviour	19	17 %
Service has not been provided	2	1 %
Not following policy or procedure	8	7 %
Service has been delayed	7	6 %
TOTAL (no of issues raised) ²	115	

¹ Each complaint can raise multiple issues; therefore the total number of issues is greater than the total number of complaints for the period.

8 Expenditure

- 8.1 Handling and investigating complaints is not cost free. There are direct costs associated with investigating complaints such as the cost of investigations and independent services.
- 8.2 The Complaints Service promotes early resolution of complaints which in addition to being customer focussed also prevents the Service incurring further costs. Management and staff have been briefed on the importance and benefits of trying to resolve complaints at the earliest opportunity. Table 11 below details the direct costs incurred through investigating complaints in this period.

Table 11

Item	Amount (£)
Investigating Officers	£12,039.00
Independent People	£4,042.00
Total	£16,081.00

9 Future Initiative

- 9.1 The Service encourages feedback from children and young people, including any complaints that they may have. As part of the Joint Area Review (JAR) action plan we are reviewing current systems used by children to convey complaints and comments.