

Haringey Council

Agenda item:

[No.]

Cabinet

On 14 September 2010

Report Title: **Annual Report 2009/2010 – Statutory Children and Young People’s Service Complaints**

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 2009 and March 2010

2. Introduction by Cabinet Member (if necessary)

2.1 This report shows a steady increase in the number of people making complaints which reflects the work that has gone into publicising the complaints procedure. The fact that only 1% of cases go on to stage 2 of the complaints procedure indicates that the Service is dealing well in investigating and resolving matters to the satisfaction of the complainant.

2.2 I believe that this report shows that we have a complaints procedure that is well publicised and used and one in which the public have confidence.

3. Recommendations

3.1 Members are asked to note the performance for the year 2009/2010

Report Authorised by:

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Director
Children and Young People’s Service

Contact Officer: Doreen Thomas, Acting Complaints Manager (020 8489 3481) and Norma Downer-Powell, Head of Resources and Support Management (020 8489 4682)

4. Chief Finance Officer's Comment

4.1 The costs associated with the delivery of the service were contained within available resources. It should be noted that the figures reported in Section 8 of this Report do not include any payments for compensation.

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

6.3 The Children and Young People's Service Annual Children Act Complaints Report for 2008/2009

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 and dealt with under the Council's corporate procedures is included in the Annual Report on Customer Feedback and Members Enquiries being presented to Cabinet on 14 September 2010.

8. Financial Implications

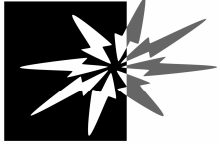
- 8.1 The direct costs of Children Act complaints are the costs of investigating officers and independent persons at Stage 2 of the complaints process. In 2009/2010 this was £2,483.25 and, further details are given in the report. If stage three of the process was invoked then there would also be a cost for independent review panellists. However, there were no Stage 3 Children Act complaints in 2009/2010.

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. In order for us to use this section to improve service delivery, or to understand the differences amongst the equality strands, we need to find a way of improving the equality data collected.

10. Use of Appendices / Tables / Photographs

Appendix 1: The Children and Young People's Service Annual Children Act Complaints Report for 2009/2010



Haringey Council

Appendix 1

Haringey Council
The Children and Young People's Service

**Annual Report for Children's Act Complaints
2009 to 2010**

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 Act procedures.
- 1.3 This report provides information about complaints made during the twelve months between 1 April 2009 and 31 March 2010. 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 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 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.

The timescale for concluding a complaint at this stage is 10 working days. Where there are complex issues to be investigated 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

Where the issues have not been resolved at Stage 1, independent investigators are appointed. An independent investigating will be appointed to look into the issues together with an independent person who is appointed to ensure that the investigation is conducted in a fair, thorough and transparent manner. Both investigators are required to produce reports outlining their findings of the investigation. Haringey Council have a pool of external investigating officers who are relevantly qualified and experienced to carry out this role. The pool includes investigators officers of both genders and from minority ethnic backgrounds. The

Deputy Director for the Children and Young People's Service will adjudicate on the findings of the investigation.

This stage of the process should be resolved and concluded within 25 working days, although in some cases this can be extended to 65 working 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 remain dissatisfied with the findings of the independent investigators, the Complaints Service must establish a Review Panel of 3 independent and lay people to review the complaint. The role of the Panel is to consider and review the evidence and make recommendations to the Director who will decide on any action to be taken. This stage of the procedure should be concluded within 50 working days.

2.5 Local Government Ombudsman

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 where they feel that 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 all other avenues of investigation have been exhausted.

2.6 In addition to the formal complaints process, there are a variety of ways in which children and young people are able to raise their concerns about the service they are getting:

- Directly with their social workers who will often resolve their issues quickly and straightforwardly.
- Children in Care are subject to regular and independently chaired reviews. These are opportunities to more formally ask children and young people about the experiences and concerns and again many can be resolved quickly once aired.
- These reviews are also places where children can be introduced to the provision of either 'Independent Visitors' (who have a befriending function) or advocacy – currently this provided for us by a service run by Barnado's and is part of our current thematic review into Participation.
- The Director and Deputy Director hold monthly meetings with a group of care leavers in which they often voice their experiences of either having been in care or their current experiences of leaving and after care. This provides both general intelligence about the service and also an opportunity to raise and respond to individual complaints. Both the Director and Deputy Director have taken action as a consequence of these meetings to directly remedy some of the problems raised.

3. STATISTICS

- 3.1 At Stage 1 of The Children Act complaints procedure, the Complaints Service received a total of 70 complaints, between March 2009 and April 2010. Table 1 shows the numbers of complaints recorded for the last 3 years at Stages 1 and 2 and the percentage of complaints progressing to Stage 2.

Table 1

Period	Number of Stage 1	Percentage progressing to next stage	Number of Stage 2
2007-08	52	8%	4
2008-09	61	7%	4
2009-10	70	1%	1

- 3.1 The total number of Stage 1 complaints has been increasing year on year for the last 3 consecutive years. Since 2007 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 procedure and these have been distributed widely throughout the Borough.
- 3.2 There have been no Stage 3 complaints during the last 3 years.
- 3.3 The general rate of escalation to the next stage is very low with an average of only 5% of complaints escalating from Stage 1 to Stage 2 during the last 3 years. This would indicate that 95% of complaints were resolved to the complainants' satisfaction or understanding. Stage 1 complaints 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 Stage 1

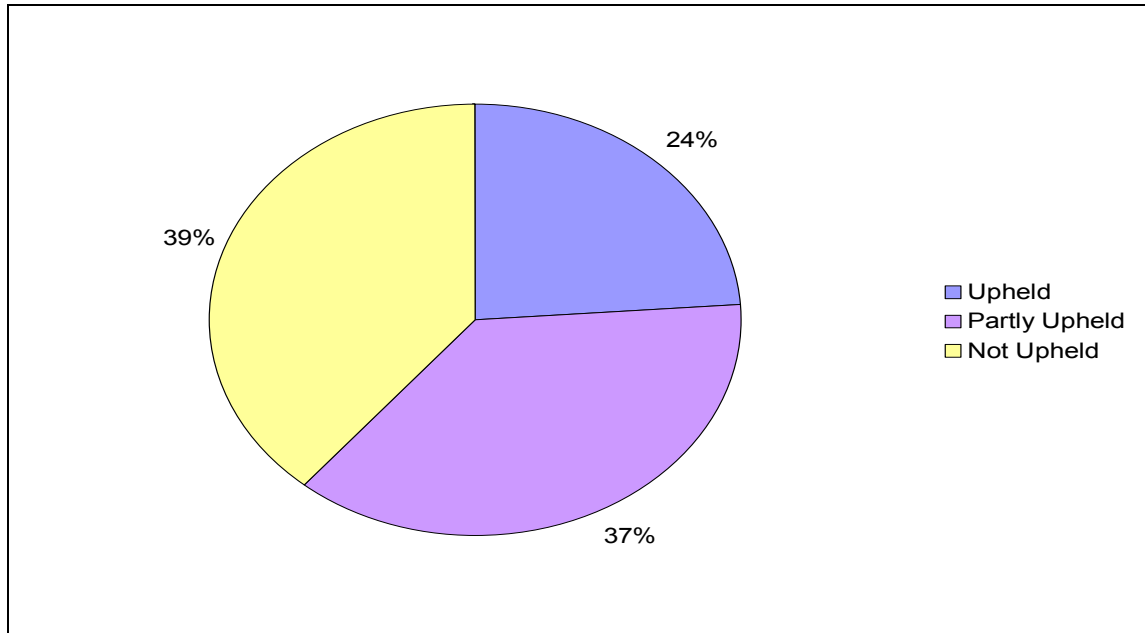
The majority of complaints at Stage 1 were either not upheld, in which case no fault or injustice was caused by the Council, or were partly upheld which means that the Council's actions contributed to an element of fault or injustice.

- 4.2 Table 2 and Chart 1 show the numbers of complaints and the decisions made following investigation at Stage 1. It is worth noting that although 39% of complaints were not upheld, and 37% partially upheld, only 1% of these complaints progressed onto the next stage. This demonstrates service users confidence and understanding of the decision reached by the Council.

Table 2

Decision	Stage 1	Percentage
Upheld	17	24%
Partly Upheld	26	37%
Not Upheld	27	39%
Total	70	

Chart 1



4.3 A complaint can give rise to multiple issues and there were 130 issues recorded for Stage 1 complaints in 2009/2010. Table 3 below shows a breakdown of the 130 issues complained about by service area. It will be noted that most of the complaints are attributed to poor communication or the quality of service delivered. In order to properly address this, the service will get a more detailed background of these complaints and analyse underlying themes and respond accordingly.

Table 3

Service Area	Quality of Service	Poor Comms	Employee Behaviour	Service delay	Service not provided	Data Protection	Discrimination
Adoption	2	1					1
Assessment and CIN	18	22	6	2	1		1
CAN	12	6	2		1		1
Children in Care	2	5					
Child Protection				1		2	
First Response	17	5	7	3	3	1	
LAC Education	2	1	2		1		
Leaving Care	1	1					
Total	54	41	17	6	6	3	3

4.4 Stage 2

In 2009/2010 there was only one complaint investigated at Stage 2 of The Children and Young People's Service Complaints Procedure. This complaint related to actions taken by the department with regard to the provision of financial support under Section 17 of The Children Act 1989. The complainant arrived in the UK from West Africa as a ten year old child in 1995 and, after living with family members, became looked after by Haringey Council. She was placed in foster care in 2002 and in 2003 had her first child, a son. Because of the complainant's immigration status, she had no recourse to public funds and received some Section 17 payments in relation to her son.

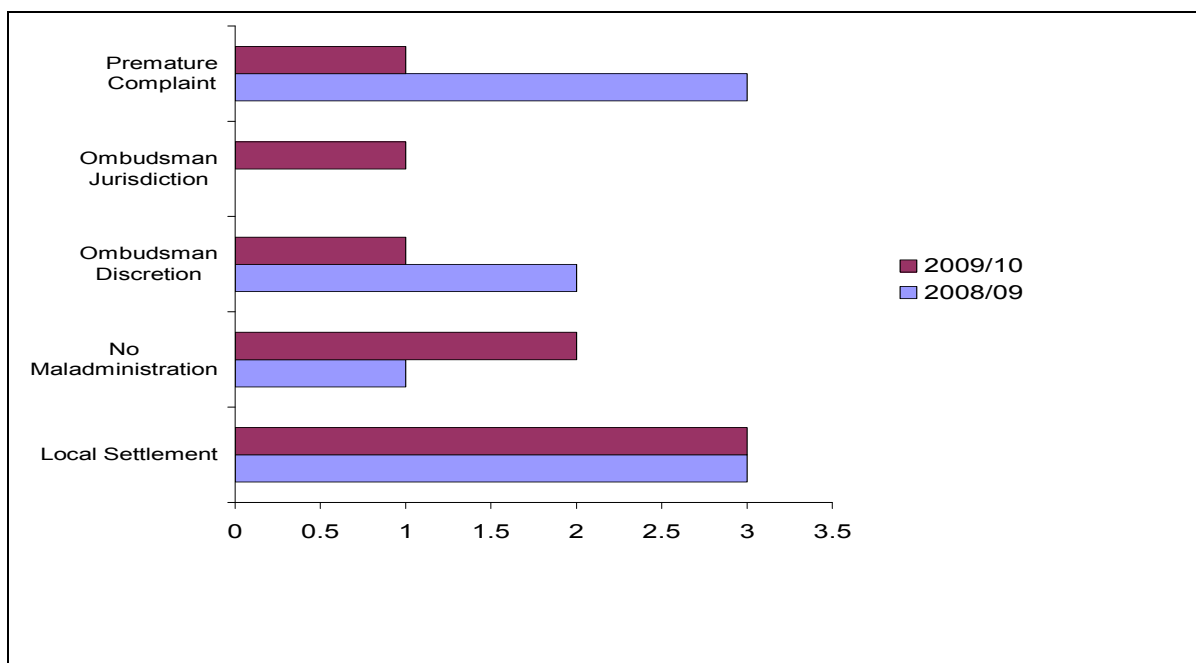
- 4.4 In 2004 the complainant gave birth to twins but did not receive any Section 17 payments in relation to her daughters. In the meantime, the Section 17 payments that were being made in relation to her son were reduced without giving an explanation. The complaint investigation partially upheld the complaint but did not find that compensation was payable for any disadvantage suffered by the complainant's children.

4.4 Local Government Ombudsman

There were 9 complaints received by the Local Government Ombudsman. The table below shows the breakdown of the Ombudsman's decisions. The Ombudsman received 1 premature complaint which had not previously been investigated by the Service, and referred this complaint to the Service for investigation under The Children and Young People's Complaint Procedure. 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 2 complaints were discontinued by the Ombudsman on the basis of insufficient injustice or no injustice being caused to the complainant. Chart 2 shows the comparison in the decisions and findings with those of the previous year 2008/2009.

Chart 2



5 PERFORMANCE

- 5.1 Table 4 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 2009/2010, 65 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
- 5.3 The Stage 2 complaint was dealt with under the extended timescale due to its complexity.

Table 4

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%
2009/10	82%	80%	n/a	100

- 5.4 During the year 2009/2010 the Service resolved 82% Stage 1 complaints successfully within timescale. Performance was higher than the previous year even though there had been an increase in the number of complaints received for the period.
- 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. There was only one complaint considered at Stage 2 of the procedure. This is a 25% decrease compared to last year. This stage of the complaints procedure is investigated by independent investigating officers.

6 FAIRNESS AND EQUALITY FOR ALL

6.1 Ethnicity

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. At the completion of each complaint, customer satisfaction surveys are used to request basic demographic data. 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 5 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 under-represented. The Complaints Service aims to ensure that 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 also 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.

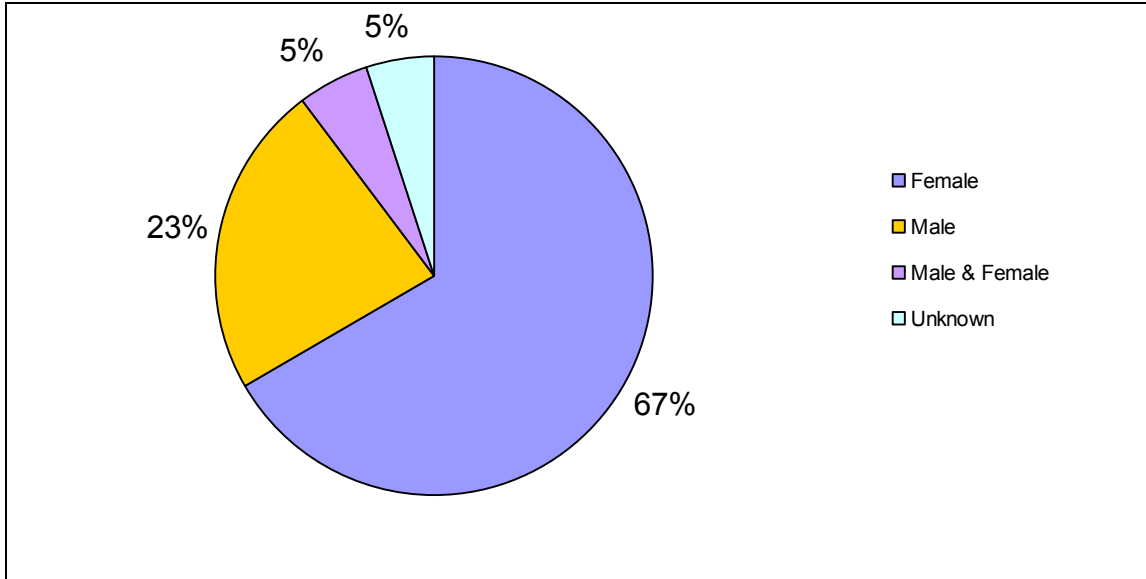
Table 5

Ethnicity 1	Ethnicity 2	Number	Percentage
Black or Black British	Caribbean	2	3%
Black or Black British	Other	3	4%
Mixed	White and Black African	1	1%
Mixed	Other	2	3%
White	British	5	7%
White	Albanian	1	1%
White	Bulgarian	1	1%
White	Estonian/Russian	1	1%
White	Irish	1	1%
White	Kurdish	2	3%
White	Slovak	1	1%
White	Other	9	13%
Other Ethnic Group	Other Ethnic Group	7	10%
Unknown	Unknown	33	48%
TOTAL		69	

6.4 Gender

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.

Chart 3



6.5 Age demographics

Table 6 below shows that 13% 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 3% 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 6

Age Category	Number	Percentage
18-23	1	3%
24-45	5	13%
46-59	2	5%
60 +	1	3%
Unknown	30	77%
TOTAL	39	

6.6 Disability (including mental health problems)

The Service requests basic information about any disability which complainants may have. However, the data returned in relation to this information has been poor. This limited information does not allow constructive consideration but could

suggest that 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 As a result of complaints investigations there have been several improvements in the Service.
- 7.3 The Leaving Care and Asylum Service reviewed and updated its financial procedures as a result of a complaint by a young person who was studying at University. The young person had not received rent payments despite being reassured by the Service that payment would be made in time to enable her to pay her rent. Training was provided for all finance staff about the new procedure to ensure that young people's rent payments would not suffer any undue delay but would be treated as a priority.
- 7.4 A policy regarding the provision of financial support for families who have no recourse to public funds has been developed as a result of the only Stage 2 complaint investigated in 2009/2010.

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 7 shows the direct costs incurred for investigating complaints during the year 2009/2010. The cost for this period has been relatively low because there was only one Stage 2 complaint for the year 2009/2010 as compared to 4 in 2008/2009. There was also no Stage 3 Review Panels convened in 2008/2009. Additional costs which do not form part of this calculation may include staff training, mediation services, advocacy provision and publicity.

Table 7

Item	Amount
Investigating Officers	£1,589.40
Independent People	£ 893.85
Total	<u>£2,483.25</u>

9 FUTURE INITIATIVE

9.1 Training

The Representations Procedure (Children) Regulations, 2006 provides a requirement for local authorities to deliver tailored training to staff involved in Children's Act complaints. The training should provide an introduction to the principles and workings of the complaints procedure along with skills development. The Complaints Service is exploring training opportunities and is developing a strategy to deliver training across all social work service areas. Areas of training will include better ways to communicate with service users in order to address the large number of complaints relating to service delivery and communication.

9.2 Publication

The Children and Young People's Service complaints leaflet will be updated to provide information to all children and young people and their carers with information on the complaints procedure. These leaflets will be distributed to and be available at all access points throughout the local authority.