



Report Title: **Children Act Complaints 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 Decision**

1. Purpose

1.1 To report on complaints made under the Children Act procedures during 2006/07.

2. Introduction by Cabinet Member

2.1 This report sets out performance on complaints made under the Children Act during 2006/07. During the 12 months covered by this report new Children Act complaints regulations were introduced by the Government amending the stages and timescales of the procedure. I recommend this report to the Cabinet.

3. Recommendations

3.1 Members are asked to note the performance for the period April 2006 to March 2007

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4. Acting Director of Finance Comments

The costs associated with the delivery of the service were contained within available resources. It should be noted that the figures reported in section 8.1 of this report and 8.1 of Appendix 1 do not include any payments for compensation.

5. Head of Legal Services Comments

5.1 Until 1st September 2006 the Representations Procedure (Children) Regulations 1991 laid down the children's social services representations procedures which the local authority should follow.

5.2 From 1st September 2006 the Children Act 1989 Representations Procedure (England) Regulations 2006 (and new statutory guidance) revoked and replaced the old Regulations. This report sets out the most significant changes.

5.3 Transitional arrangements for complaints in progress at the time the new Regulations come into force are set out in regulation 24. For example, where a complaint reaches the end of Stage 2 under the former procedures and the complainant then requests Stage 3, as long as the panel is yet to be appointed, the Stage 3 Review Panel should be provided under the new Regulations.

5.4 Provided the investigation is being conducted diligently, the authority is unlikely to be criticised either by the courts or the ombudsman if the time limits are not complied with.

5.5 The Local Government Ombudsman is empowered to investigate written complaints made by members of the public who claim they have suffered injustice as a result of mal-administration by or on behalf of the local authority but is reluctant to become involved unless other avenues of investigation have been exhausted.

5.6 The Regulations provide that the local authority must publish an Annual Report on complaints made which should be presented to staff, the relevant committee, and should be made available to the regulator and the general public. It should provide information about:

- representations made to the local authority;
- the number of complaints at each stage and any that were considered by the Local Government Ombudsman;
- which customer groups made the complaints;
- the types of complaints made;
- the outcome of complaints;
- details about advocacy services provided under these arrangements;
- compliance with timescales, and complaints resolved within extended timescale as agreed;
- learning and service improvement, including changes to services that have been implemented and details of any that have not been implemented;
- a summary of statistical data about the age, gender, disability, sexual orientation and ethnicity of complainants; and
- a review of the effectiveness of the complaints procedure

6. Local Government (Access to Information) Act 1985

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

7. Background

- 7.1 Under the 1989 Children Act the local authority has to produce an annual report on complaints made under the Act.
- 7.2 In September 2006 the DfES (now the Department of Children, Schools and Families) issued new guidance and regulations for Children Act complaints. This was to take account of the Children (Leaving Care) Act 2000, Adoption and Children Act 2002 and the Health and Social Care (Community Health and Standards) Act 2003.
- 7.3 The effect of the new regulations is to:
- allow for an initial resolution stage (the equivalent of Stage 1 in Haringey's own complaints process) which does not involve an Independent Person;
 - extend the scope of the complaints and representation procedures to cover matters around the operation of care and supervision orders and emergency protection orders, social work reports made to a court, adoption and adoption support services, and special guardianship support services;
 - amend the time scales for responding to complaints;
 - impose a time limit of one year on making a complaint.
- 7.4 The new regulations also require local authorities to offer children and young people making complaints the support of an advocate. Haringey was already offering an advocacy service to children and young people making complaints as a matter of best practice. The service is provided through NCH, an independent voluntary organisation. They will provide an advocate for any young person wanting help with making a complaint.
- 7.5 Information about complaints to the Children & Young People's Service dealt with under the Council's corporate procedure is included in the Annual Report on the handling of complaints and members enquiries being presented to Cabinet on 18 September.

8. **Financial implications**

- 8.1 Direct costs incurred for complaints include payments to investigating officers and independent persons for stage 2 complaints and review panellists for stage 3. In 2006/07 this spend was £19,227.68. Further details are given in the report.

9. Recommendations.

- 9.1 Members are asked to note the performance for the period April 2006 to March 2007

10. Equalities Implications

- 10.1 The aim of the complaints process is to give people the opportunity to tell us if they think something has gone wrong or they have been treated unfairly. Monitoring of the complaints process will assist in identifying any equalities issues in relation to service delivery. Complainants are asked to give information about themselves in relation to gender, age, ethnicity and disability. The statistics are included in the report.

However, with the exception of gender the equalities information is not robust enough to draw any meaningful conclusions, as the 'unknown' categories for ethnicity, age and

disability average 65%. Therefore it is not possible to analyse the impact of the complaints in relation to the equality strands. 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.

Use of Appendices

Appendix 1 The Children and Young People's Service Annual Children Act Complaints Report for 2006/7

Appendix 1

The Children and Young People's Service Annual Children Act Complaints Report for 2006/7

1. Introduction

This report provides information about complaints made during the twelve months between 1 April 2006 and 31 March 2007 under the complaints and representations procedures established through the *Representations Procedure (Children) Regulations, 2006*.

The report will discuss complaints performance during this period and consideration will be given to demographic information about the complainants. Local Government Ombudsman decisions will also be reviewed.

All timescales contained within this report are in working days.

1.1 What is a Complaint?

The Children Act 1989 defines a complaint as 'an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response'.

1.2 Who can make a Complaint?

Under the Children Act 1989 and the Adoption and Children Act 2002, the local authority is required to consider complaints made to it by;

- any child or young person (or a parent of his or someone who has parental responsibility for him) who is being looked after by the local authority or is not looked after by them but is in need;
- any local authority foster carer (including those caring for children placed through independent fostering agencies);
- children leaving care;
- Special Guardians;
- a child or young person (or parent of his) to whom a Special Guardian order is in force;
- any person who has applied for an assessment under section 14F(3) or (4);
- any child or young person who may be adopted, their parents and guardians;
- persons wishing to adopt a child;
- any other person whom arrangements for the provision of adoption services extend;
- adopted persons, their parents, natural parents and former guardians; and
- such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant his representations being considered by them.

2. The Complaints Procedure

The 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 responses have been sent to the complainant within the set timescale. The report considers the performance of complaints considered within the period 2006/07, although statutory timescale's were only introduced on 1 September 2006.

2.1 Stage 1- Local Resolution

This is the most important stage of the complaints procedure. The Department's services and external contractors providing services on our behalf are expected to resolve as many complaints as possible at this initial point. Service Managers are appointed to arrange the investigations.

Prior to the introduction of statutory timescales on 1 September 2006, performance at this stage was dependent on responding to complaints within a council set timescale of 14 working days.

The new regulations require complaints at stage 1 to be responded to within 10 working days. Where complaints are deemed to be complex or the child or young person making the complaint has an advocate representing them the timescale can be extended to a further ten days as necessary.

2.2 Stage 2- Formal Investigation

This stage is usually implemented where the complainant is dissatisfied with the findings of Stage 1. Stage 2 involves appointing an external investigator to investigate the complaints 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 contract external providers for this service. A Deputy Director adjudicates on the findings of the investigation reports.

In accordance with the new regulations, stage 2 complaints falling within this statutory complaints procedure should be dealt with within 25 days, although in certain cases this can be extended to 65 days.

2.3 Stage 3- Review Panel

The third stage of the complaints process is the Review Panel. Where complainants wish to proceed with complaints about statutory social services functions, the Council is required to establish a complaints Review Panel. The panel makes recommendations to the Director who then makes a decision on the complaint and any action to be taken. Complaints Review Panels are made up of three independent panellists. There are various timescales relating to stage 3 complaints. These include:

- setting up the Panel within 30 days;
- producing the Panel's report within a further 5 days; and
- producing the local authority's response within 15 days.

2.4 Local Government Ombudsman

A further option for complainants is the Local Government Ombudsman (LGO) who is empowered to investigate where it appears that a Council's own investigations have not resolved the complaint. Complainants can refer their complaint to the LGO at any time, although the Ombudsman normally refers the complaint back to the Council if it has not been considered under our procedure first.

3. Stage 1- Statistics and Performance

The Complaints Service recorded 51 Children Act complaints during the year, compared with 36 last year. This figure is the total number of complaints that the Complaints Services received and closed from 31 March 2006 to 1 April 2007.

Table: 1

Period	Numbers of complaints at Stage 1
2003-04	127
2004-05	107
2005-06	36
2006-07	51

Overall, and gradually, since 2003-04 the numbers of complaints had been decreasing, see table 1 above, this can be attributed to the improvements in service provision and service delivery.

There is a 42% increase in the number of complaints from 2005-06 to 2006-07. This sits within the wider context of complaints activity in the Council as a whole. Across the council there was a 33% increase in the number of complaints considered. The reasons for an increase include greater promotion and increased publicity leading to complaints awareness and service users confidence in the complaints process.

3.1 Complaints breakdown by Services

The following table shows a breakdown of complaints by service area.

Table 2

No. of complaints	Children with disabilities		Adoption and fostering		Referral and assessment (east)		Referral and assessment (west)		Leaving care		Child Protection		TOTAL	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%
	13	(25)	1	(2)	10	(20)	14	(27)	11	(22)	2	(4)	51	100

Table 4 below shows the subject of the complaints for each service area.

3.2 Outcomes of complaints

A key requirement of the complaints procedure has been the importance of informing our service users of the outcome of their complaints. Of the 51 stage 1 complaints received and closed, 23% were upheld, 18% were partially upheld and 59% were not upheld.

3.3 Response times

Of the 51 complaints received and closed the Department responded to 32 (62%) complaints at stage 1 within 10 working days. This compares with 25 last year. This figure should be seen against the Council's objective of responding to 80% within its target time.

Table 3

	Children with Disabilities		Looked After Children		Referral and Assessment (east)		Referral and Assessment (west)		Leaving Care		Child Protection		TOTAL	
	No	%	No	%	No	%	No	%	No	%	No	%	No	%
Within 10 days	10	(20)	-	-	6	(12)	6	(12)	9	(18)	-	-	32	(62)
Within extended 20 days	1	(2)	-	-	-	-	1	(2)	1	(2)	-	-	3	(6)
Out of timescale	2	(4)	1	(2)	4	(4)	6	(12)	2	(4)	2	(4)	16	(30)
Withdrawn	1	(2)	-	-	-	-	-	-	-	-	-	-	1	(2)

3.4 Complaint breakdown by Issue

Some complainants raise more than one issue in their complaint. This means that the total number of issues raised is more than the number of complaints. The issues mostly complained about are service quality and poor communication.

Table 4

	Children with disabilities	Looked After Children	Referral and assessment (east)	Referral and assessment (west)	Leaving care	Child Protection	TOTAL	
	No	No	No	No	No	No	No	%
Employee Behaviour	-	2	1	4	1	1	9	(9%)
Service Quality	6	2	5	10	11	-	34	(34%)
Poor Communication	6	3	1	9	4	-	23	(23%)
Service Inappropriate	-	-	-	1	-	-	1	(1%)
Service Not Provided	3	-	1	3	6	1	14	(14%)
Policy	2	-	4	7	1	-	14	(14%)
Service Delayed	-	-	1	-	2	-	3	(3%)
Discrimination	-	-	-	-	1	-	1	(1%)
Other Reason	-	-	-	-	-	-	0	(0%)
TOTAL	17	7	13	34	26	2	99	

3.5 Escalation of complaints

Of the 51 complaints this year four complaints progressed to stage 2 of the procedures. This compares to 12 complaints last year which progressed on to stage 2. The reduction in the number of complaints at stage 2 indicates the improved investigations at stage 1 and that more complainants are satisfied with responses at stage 1.

The following table indicates the percentage increase from stage 1 to stage 2 and percentage increase from stage 2 to stage 3 for the years 2005-06 and 2006-07. Of

the four complaints this year at stage 2 none progressed to stage 3 of the procedures, highlighting the effectiveness of the stage 2 investigation and that complainants have been satisfied with responses at stage 2. By measuring these figures as a percentage we are able to gauge customer satisfaction with our responses to their complaints.

Table 5

Escalation:	2006-2007 percentage increase	2005-2006 percentage increase
Stage 1 to Stage 2	8%	33%
Stage 2 to Stage 3	0 %	0%

4. Stage 2- Statistics and Performance

There has been a significant reduction in the number of complaints at stage 2. Pre September 2007 local authorities were permitted 28 calendar days to investigate a complaint at stage 2. The introduction of the new regulations on 1 September 2007 changed this to 25 working days, with a right to extend to 65 working days. Of the four complaints that progressed to stage 2, three were received before the implementation of the new regulations and were therefore subject to the 25 calendar day timescale. These 3 complaints were not completed within this timescale. However, if the complaints were subject to the new timescale, performance would have increased by 50%.

There were varied issues referred to in the complaints that were made, including the lack of support further to assessments, level of care for a child with complex needs and the overall handling of children's cases.

Of the four complaints that were considered the findings were:

- complaint 1 was upheld; this complaint was concluded within 58 calendar days. A key recommendation was for the service to consider that where children have complex needs, network meetings are held as part of the core assessment progress and parents are encouraged to attend the meetings;
- complaint 2 was not upheld; this complaint was completed within 80 calendar days;
- complaint 3 was partially upheld; this complaint was concluded within 163 working days of the deadline due to the complexity of the case and the Coroners Courts' interest in the complaint which necessitated a more detailed and lengthy investigation;
- complaint 4 was subsequently withdrawn to allow for a concurrent child protection investigation.

4.1 Reasons for delay

Both the Investigating Officer and Independent Person need to be present during interviews and file reviews, this causes considerable delay in the investigation process. Delays also result from key staff being unavailable for interviews and the general complex nature of Children's Act complaints.

Discussions with neighbouring boroughs have revealed that the previous timescale was considered unrealistic. The changes brought about with the introduction of the new regulations in September are considered positive in addressing the issue.

5. Stage 3- statistics and performance

Stage 3 complaints are considered by the Complaints Review Panel. As in the previous year, there were no Stage 3 complaints this year.

6. Ombudsman complaints and enquiries.

During the year four complaints were considered by the Local Government Ombudsman in relation to services under the Children Act. The conclusions reached by the Ombudsman are detailed below.

Table 6

Service Area	Total	Local Settlement	Outside Ombudsman Jurisdiction	Ombudsman Discretion (no or insufficient evidence of maladministration)	Premature Complaint
Looked After Children	1		1		
Referral and Assessment (west)	1				1
Leaving Care	1			1	
Child Protection	1	1			

7. Equalities information

Equalities data is collected from complainants to assess how we can improve the delivery of our services and to ensure we are meeting the needs of our service users. Unfortunately demographic information is only provided by a small number of complainants. Customer satisfaction surveys are provided to complainants as way of collecting this information, but only a small number of these forms are returned, resulting in approximately 60-70% of demographic information remaining unknown.

7.1 Gender of complainants

The equalities data indicates that 61% of complainants are female this would suggest that men are under represented when making complaints.

Table 7

Gender	Numbers of records	Percentage
Female	31	61 %
Male	18	35 %
Male & Female*	1	2 %
Unknown	1	2 %

* this complaint was made jointly by a man and a woman

7.2 Ethnic origin of complainants

As seen in table 8 below, people making complaints are ethnically diverse. However the small numbers of records do not show any obvious trends to suggest that any ethnic groups were under or over represented.

Table 8

Ethnicity 1	Ethnicity 2	Numbers of records	Percentage
Black or black British	African	3	6 %
Black or black British	Caribbean	2	4 %
Black or black British	Other	1	2 %
Other ethnic group	Other ethnic group	5	10 %
Unknown	Unknown	34	66 %
White	British	4	8 %
White	Other	2	4 %
TOTAL		51	

7.3 Age demographics of complainants

The most prevalent age category appears to be 18-23, with 12% of complaints being made by this age category, see table 9 below. This is indicative of young people who are service users. This is followed closely by the age category of 24-45 which includes 8% of the data. This age category would include adults such as parents and advocates complaining on child related issues or on behalf of a child. Children and young people aged under 24 account for 18 % of overall complainants.

Table 9

Age Category	Number of records	Percentage
0-16	1	2 %
16-17	2	4 %
18-23	6	12 %
24-45	4	8 %
46-59	3	6 %
60 +	1	2 %
Did not want to give this information	1	2 %
Not known	33	64 %
TOTAL	51	

7.4 Disability of complainants (including mental health problems)

As with the majority of the demographic information 69% of the information is unknown. Of the 15 that gave information 4% indicated a disability whilst 11% said they did not have a disability, refer to table 10 below.

Table 10

Disability	Number of records	Percentage
No	11	22 %
Unknown	36	70 %
Yes	4	8 %
TOTAL	51	

8. Expenditure

There are ongoing costs attached to delivering an effective complaints service for the Department. These costs should be seen against the inherent costs of not providing this service. Users would continue to be dissatisfied if there was no complaints procedure, there would be fewer opportunities for resolution of issues and fewer opportunities to learn through complaints.

8.1 **Cost of delivering stages**

Direct expenditure on independent investigations at stage 2 was £19,227.68. This calculation includes the cost of investigating officers, independent people and review panellists. Additional costs which have not formed part of this calculation may include staff training, mediation services, advocacy provision and publicity.

Table 11

Item	Amount
Investigating Officers	£10,716.73
Independent Persons	£8,510.95
Review Panellists	0.00
Total	£19,227.68

8.2 **Compensation payments**

The Council provides compensation after a complaint has been investigated or as part of an Ombudsman's investigation, if it is concluded that:

- there has been maladministration by the Council causing injustice to the complainant.
- compensation should be paid to the complainant.

9. Initiatives for 2007-08

The following initiatives are being taken during this year.

9.1 **Alternative Dispute Resolution (ADR)**

Alternative dispute resolution in the form of mediation has previously been used by the service as a one off measure. This method of resolution proved successful particularly as it was agreed the complainant was not benefiting from the complaints process. ADR does not suspend a complainant's right to progress through the complaints procedure, but suspends the complaint whilst providing an alternative route to resolution. The Service is exploring the use of ADR more frequently in an attempt to resolve complaints more effectively.

9.2 Training

The Representations Procedure 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 service is exploring training opportunities and is developing a strategy to deliver training across to all social work staff within the service.

10. Learning from Complaints

Complaints provide the council with useful information in respect of the way that services are delivered. The Service takes complaints seriously and endeavours to change practices where deemed appropriate. The consideration of complaints has resulted in changes to procedures as follows;

- In cases where children have complex needs, network meetings are held as part of the core assessment progress. Parents are encouraged to attend these meetings.
- Procedures for supervising contact and briefing contact supervisors have been reviewed. Cases where families are being supervised using out of hours agency supervisors, the family is encouraged to meet the supervisor prior to supervision, with the opportunity to discuss and agree activities to take place.
- Where parents/young people or other professionals are required to attend review meetings, the service aims to give at least 2 weeks notice for new reviews and at least 4 weeks notice for ongoing reviews.
- Transfer summaries are drafted by the team manager and social worker where cases are transferred to a different team.
- In complex cases where there is an additional housing need, joint planning includes the housing department.