



Haringey Council

Agenda item:

[No.]

Cabinet

On 16 September 2008

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 2007 and March 2008

2. Introduction by Cabinet Member (if necessary)

2.1 This report sets out performance on complaints made under the Children Act during 2007/08. I recommend this report to the Cabinet

3. Recommendations

3.1 Members are asked to note the performance for the year 2007/08

Report Authorised by:

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Director
Children and Young People's Service

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4. Chief Financial Officer Comments

4.1 The Director of Finance has been consulted on the contents of this report and has no comments to make.

5. Head of Legal Services Comments

5.1 The Children Act 1989 Representations Procedure (England) Regulations 2006 provide that the local authority must publish an Annual Report on complaints. Government guidance *Getting the Best from Complaints* states that the report should be presented to staff and the relevant committee and should be made available to the regulator and the general public. The guidance also sets out those matters to be addressed in the report, namely:

- 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

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

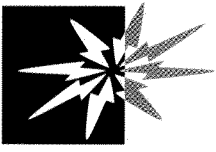
8.1 The direct costs of Children Act complaints are the costs of investigating officers and independent persons at stage 2 of the complaints process. In 2007/08 this was £14,223.48. Further details are given in the report. If stage three of the process was invoked then there would also be a cost for independent review panellists. However there were no stage three Children Act complaints in 2007/08.

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 2007/08



Haringey Council

Appendix 1

The Children and Young People's Service

Developing Positive Experiences Children Act Complaints Annual Report 2007/8

1. Background

- 1.1 The Children and Young People's Service has outlined the following vision which underpins all its activities including complaints management. "we want every child and young person in Haringey to be happy, healthy and safe with a bright future" We want all our service users and partners to tell us about their experiences, the good and the bad, as this helps us to know if we are reaching our vision. We will listen to them and work with them to develop positive outcomes for all.
- 1.2 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. In September 2007 new regulations were brought into force entitled *Representations Procedure (Children) Regulations, 2006*, which introduced changes in the way in which complaints were administered. The Department for Children, Schools and Families (DCSF) issued accompanying guidance entitled 'Getting the Best from Complaints' which set to empower Local Authorities in the way they manages their complaints. 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 2007 and 31 March 2008. The report will discuss complaints performance during this period and consideration will be given to demographic information about the complainants. 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 because 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 can be extended by a further 10 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 service. 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. Where complainants are still dissatisfied with the findings at the previous 2 stages of the procedure the Council is required to establish a panel of 3 independent and lay persons. 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.

2.5 Local Government Ombudsman

A further option for complainants is to take their complaint to 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 the Council's internal procedures previously.

3. Resolving Situations

3.1 The complaints service received a total of 52 complaints under the Children Act between March 2007 and April 2008 at stage 1 of the procedure. The table below shows the numbers of complaints recorded for the last 3 years stage 1 and 2 of the procedures and the percentage of complaints progressing onto the next stage of the process. No complaints escalated to stage 3.

Table 1

Period	No. of complaints at stage 1	% of complaints escalating to next stage of procedure	No. of complaints at stage 2
2005-06	36	33%	12
2006-07	51	8%	4
2007-08	52	8%	4

3.2 General rate of escalation to the next stage is very low with only 8% of complaints escalating to the next stage during the last 2 years. This indicates

that 92% of complaints were resolved to the complainants' satisfaction or understanding. Complaints at this stage are dealt with by social care staff and the success at this stage is a credit to their effective investigation and resolution.

3.3 Greater promotion and publicity of people's rights to complain and the complaints process has been undertaken. The Complaints Service has issued leaflets and posters publicising the procedures throughout the borough. We believe that this publicity, as well as an increase in service users confidence in the procedure^{1*}, account for the rise in complaints. There was a 42% increase in the numbers of complaints from 2005/06 to 2006/07. There has been a further slight increase of 2% in 2007/08.

4. Perception and Experience

4.1 The service aspires to deal with complaints in an informal way ensuring the experiences of both the complainants and staff are as positive as possible when dealing with situations that are difficult or sensitive.

4.2 It is encouraging to find that service users can be complimentary of the complaints process. An example of a positive and rewarding experience from a complainant can be found below.

"We received the findings of the complaint today and wanted to express our thanks for all the hard work.... [We are] delighted with the findings and feel it was worth the stress to challenge what felt wrong."

Complainant

4.3 It is equally encouraging to find positive experiences from staff who have been involved in complaints investigations, especially as staff who are the subject of a complaint may feel apprehensive. The Service provides training and advice to ensure staff feel supported throughout the process. An example of a positive experience by a staff member involved in investigating a complaint is detailed below.

"The investigation report and analysis was very fair, very comprehensive and very helpful to us – it was a good piece of work. On the basis of the investigation report we were able to convene a review meeting and agree some changes to our processes to improve services."

Manager

¹ * Market research was commissioned by the Council in 2006. A report was published entitled 'Managing citizen feedback' which provided the findings and analysis from customer and staff surveys on perceptions and awareness of the complaints procedures and demographic information of complainants. The research found that service user's perception and confidence of the complaints procedure continued to improve.

Decisions and Findings

Decisions and findings at stage 1

4.4 The majority of Children's Act 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 fault or injustice.

4.5 It is worth noting that although 60% of complaints were not upheld, only 8% progressed to the next stage. This could be seen to demonstrate the service user's confidence and understanding of the decision reached by the Local Authority. The table below details the numbers of complaints and the decisions made following investigation at both stage 1 and stage 2.

Table 2

Decision	Stage 1
Upheld	5
Partly Upheld	15
Not Upheld	31
Not categorised	1
Total	52

Decisions and findings at stage 2

4.6 There were 4 complaints at stage 2 of the Children's Act process. The table below shows the decision reached in each of the complaints.

Table 3

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

4.7 The stage 2 Children's Act complaint which has been upheld was from a young person with learning disabilities. The service was preparing them to move from their supported residential placement into independent lodgings. As a result of the complaint it was agreed that further planning was required to prepare this young person to move to independent living and their placement was extended until this had taken place.

4.8 There were no complaints which progressed onto the 3rd stage of the Children's Act Procedures. This could be seen to demonstrate the service user's understanding and agreement of the stage 2 findings and the services effectiveness at investigating stage 2 complaints.

4.9 Decisions and Findings by the Local Government Ombudsman

A total of 7 complaints were received by the Local Government Ombudsman. Of those cases, 2 resulted in local settlements. One of the local settlement cases had previously been investigated and upheld by the Local Authority,

however the complainant was not provided with financial compensation. The LGO decided that financial compensation should have been awarded and the case was settled with a monetary payment in recognition of the complaint being upheld. The second local settlement case was about the provision of suitable education for a child with special educational needs, the case was settled by the local authority recognising and providing compensation for the amount of time the child spent without suitable education. In another case the Ombudsman used his discretion to resolve the complaint. This meant that the Ombudsman decided no injustice had been caused to the complainant as a result of the local authorities actions. The table below shows the breakdown of the Ombudsman's decisions.

Table 4

<i>Ombudsman's Decision</i> ^{2*}	<i>No. of complaints</i>
Local settlement	2
Outside jurisdiction	2
Ombudsman Discretion	1
Premature Complaint	2

5. Performance

5.1 The below table shows the numbers of complaints that were resolved within the prescribed timescales. There are 2 sets of timescales for each stage of the procedure. If the complaint is complex or an advocate is involved the complaint can be resolved within an extended time period which provides an additional 10 working days at stage 1 and an additional 25 working days at stage 2. At stage 2 of the Children's Act procedure all complaints were logged under the extended timescale due to their complexity or the involvement of an advocate.

Table 5

Period	Stage 1		Stage 2	
	% within timescale	% within extended timescale	% within timescale	% within extended timescale
2006/07	62%	n/a	n/a	0%
2007/08	87%	100%	n/a	25%

n/a = no complaints were logged under this timescale.

^{2*} Ombudsman's definitions

Local Settlement- action taken or agreed by the Local Authority (LA) and the LGO considers this to be a satisfactory outcome for the complainant.

Ombudsman's Discretion- a decision by the LGO to discontinue the investigation, most commonly due to insufficient or no injustice being caused.

Premature Complaint- Where the LA has not had a reasonable opportunity to resolve the complaint, it is sent back for consideration by the LA under its procedures.

Outside Jurisdiction- Where the LGO does not have the jurisdiction to investigate the complaint.

- 5.2 The Local Authority resolved 25% more complaints successfully within timescale in 2007/08 compared to 2006/07. Stage 1 is resolved by social workers and social care managers. This improved performance should be seen against the low numbers of complaints escalating to the next stage demonstrating the effective and efficient work undertaken by staff.
- 5.3 Meeting the timescale at stage 2 is much more difficult. Haringey is not alone here; neighbouring boroughs experience similar problems in meeting timescales. The stage 2 process is very detailed and complex; it involves interviewing all staff associated with the case and viewing all files records. This is often a time consuming and complex process and problems in coordinating diaries and scheduling interviews can make it difficult to meet timescales.

6. Fairness and Equality for all

- 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 provided to complainants and they are asked to provide some basic demographic data on the form, however only a small number of these forms are returned.

6.2 Ethnicity of complainants

Complaints are dealt with sensitively and it is not always considered appropriate to ask the complainant for this information particularly when they are aggrieved. Unfortunately 23% of the ethnicity data, which is a significant proportion, remains unknown. The Complaints service is considering the possibility of cross referencing complaints equalities information with the equalities information on the social care database in the future as a way of ensuring more meaningful data is obtained.

- 6.3 Haringey is an ethnically diverse borough. Data from the 2001 census showed that 65% of the Haringey population were of white British, white Irish or white other ethnic origin. Of this figure 15% constitutes people of white other origin which is also likely to include people of Turkish, Kurdish and Greek origin. Haringey is home to the second largest white other community in England.

- 6.4 The second largest ethnic group in Haringey is Black or Black British at 20% of the overall population.

- 6.5 Table 6 below shows the breakdown of the ethnicity of the people who have complained under the Children's Act procedures. It shows that 22% of complainants were of white British, white Irish or white other ethnic origin, although this is a significant proportion of the results, compared to the proportion of the Haringey population which make up this ethnic group, it suggests that this group is underrepresented when making complaints.

- 6.6 The most prevalent ethnic group making complaints are black or black British. This does broadly correspond with figures for the borough from the 2001 Census which suggested this ethnic group is the second largest at 20% of the

Haringey population. However, when this figure is viewed against the figures for other ethnic groups making complaints it could suggest that this group is over represented when making complaints.

Table 6

Ethnicity 1	Ethnicity 2	Number	Percentage
Asian or Asian British	Other	1	2%
Black or black British	African	6	11%
Black or black British	Caribbean	14	27%
Black or black British	Other	2	4%
Mixed	Mixed other	3	6%
Mixed	White and Black African	1	2%
Mixed	White and Black Caribbean	1	2%
White	British	8	15%
White	Greek-Cypriot	1	2%
White	Irish	1	2%
White	Other	1	2%
Unknown	Unknown	13	25%
TOTAL		52	100%

7.7 Gender of complainants

The equalities data indicates that 75% of complainants are female which suggests that men are under represented. This breakdown can be considered alongside the results of a market research exercise that was commissioned by the Council in 2006^{3*}. The results suggest that women are more likely to take on an active domestic role in the family which may include making complaints on behalf of the family, particularly when the issues concern the welfare of the family or child.

Table 7

Gender	Number	Percentage
Female	39	75 %
Male	9	17 %
Male & Female ^{4*}	4	8 %

7.8 Age of complainants

Table 8 below shows that 42% 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 24% of the overall data. The

3* Market Research entitled 'Managing Citizen Feedback'

4* Complaints Made jointly by a man and women

Complaints Service has produced age appropriate publicity to ensure that young people are aware of their rights to complain and feel empowered to make representations.

Table 8

Age Category	Number	Percentage
0-16	2	4%
16-17	3	6 %
18-23	6	12 %
24-45	22	42 %
46-59	7	13 %
60 +	1	2 %
Unknown	11	21 %
TOTAL	52	

7.9 Disability of complainants

Table 9 below provides a breakdown of information about complainants' disabilities, which includes mental health problems. The table shows that 59% remains unknown. Of the 21 people who did provide this information 4 people indicated a disability.

Table 9

Disability	Number	Percentage
No	17	33 %
Yes	4	8 %
Unknown	31	59 %
TOTAL	52	

8 Learning and Developing from Complaints

8.1 Complaints provide the Local Authority with a wealth of valuable information about its services and allows it to assess how well it is meeting its responsibilities and objectives. Learning from mistakes and understanding how the organisation is perceived should enable it to better meet its own objectives and outcomes.

8.2 The following table gives a breakdown of complaints received by service area and the issues complained about most. It is clear from this information that poor communication is a frequent issue for service users, 46% of issues were about poor communication. As a result of complaints, there have been several improvements in this area. In one example, the service was not informing prospective adopters of its view on IVF treatment. As a result of a complaint

the service agreed to include this information in its leaflets. This ensured that prospective adopters were aware of the Local Authority's views on IVF treatment from the onset and the service could better manage the expectations of prospective adopters.

8.3 The quality of the service is the second most common issue which is complained about. These complaints are made when a service user feels the service they have been provided with is inadequate or inappropriate to what they expect or what the Local Authority aims to provide.

Table 10

ISSUES	Looked After Resources	R&A- Child in Need Services	R&A- Child in Care Services	Children with Additional Needs	Leaving Care & Asylum Services	Child Protection & Review	TOTAL	
	Number	Number	Number	Number	Number	Number	No.	%
service quality	1	19	6	5	3	0	34	33%
Poor communication	1	16	13	13	4	0	47	46%
Employee behaviour	0	4	0	2	1	0	7	7%
service not provided	0	3	1	5	0	0	9	9%
data protection policy	0	1	0	0	0	0	1	1%
	0	2	0	0	0	0	2	2%
Service delayed	1	0	0	1	0	0	2	2%
TOTAL⁵⁺	3	45	20	26	8	0	102	100

9 Expenditure

9.1 Handling and investigating complaints is not cost free. There are direct costs for independent services and investigators as well as indirect costs such as officer time and training. Direct costs are shown in table 11 below

Table 11

Item	Amount (£)
Investigating Officers	£10,024.31
Independent People	£ 4, 199.17
TOTAL	£14, 223.48

⁵ *Each complaint can raise multiple issues; therefore the total number of issues is greater than the number of complaints.

9.2 The Service aims to try and resolve complaints at the earliest opportunity as a means of keeping the cost of investigating complaints to a minimum.

9.3 Advocacy

The Children Act complaints procedures requires advocates to be appointed were a child or young person has made a complaint or intends to make a complaint. The role of the advocate is to empower children and young people in expressing their views and to provide them with support and advice, including when making complaints. The Complaints Service has produced age appropriate posters and leaflets which contains information about advocacy. Haringey has a contract with National Children's Homes (NCH) which includes the provision of advocacy for any child who is looked after by Haringey or in need, including those who wish to use the complaints service. It is estimated that approximately £120,000 worth of the contract in 2007/08 went towards the provision of advocacy for young people making complaints.

10 Initiatives for the following year

10.1 The Complaints Service has purchased a training tool for resolving and investigating complaints. Training should be provided to all staff that investigate and resolve complaints.

10.2 The representations procedure regulations 2001 place a requirement on Local Authorities to record and report all representations, including, service requests. The Complaints Service should consider the current systems in place and the possibility of capturing this information. Regular and thorough analysis of this information would provide valuable information about the Local Authority's service users and their needs.

10.3 A staff care policy should be developed in line with personnel policies to provide further support and advice for staff involved in complaints investigations. The policy should also provide information for line managers on how best to support and reassure staff involved in complaints investigations.