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To: Resources and Infrastructure, Children, Families & Education Policy Overview and Scrutiny Committee

Date: 24 November 2010

Subject: CFE Annual complaints report 2009/10

Classification: unrestricted

Summary: This report provides information on the complaints and representations received in 2009/10 about services provided by the Children, Families and Education Directorate.

Introduction

1 (1) Local Authorities have a statutory requirement to produce an annual complaints report in respect of Children's Social Services, under the Children Act 1989 Representations Procedure (England) Regulations 2006. The statutory guidance states that this should be presented to staff and to Members and be made available to the regulator and the general public. In Kent this report is extended to include information about complaints and enquiries received across the Directorate.

(2) While there are no statutory requirements in relation to complaints about education services provided by the Local Authority, all non-statutory complaints, comments and compliments should be managed in accordance with corporate policy, procedure (revised in 2009) and timescales. The revised corporate procedure shares timescales and some other requirements with the statutory procedure and therefore data on complaints and representations will be more consistent and comparable across KCC in 2010/11.

Complaints management in CFE

2. (1) An independent review in 2009 of the Directorate's complaints arrangements identified the need for a unified complaints system for the whole directorate built upon the practice established in Children's Social Services. In

2009/10 complaints about the rest of the directorate were recorded on a separate database by administrative staff on a part-time basis in addition to normal duties. The need for this work to be resourced and managed in a more consistent way is supported by the data for 2009-10 which is inconsistent and unreliable.

(2) Since April 2010 complaints for the whole directorate received by the Managing Director have been managed by the Customer Care Team, with additional staff on a temporary basis, in addition to its responsibilities in relation to Children's Social Services. The Customer Care Team sits within the Commissioning and Partnerships group within CFE, outside of the direct line management arrangements for front-line services. These arrangements should provide greater consistency in management and recording, and therefore more comparable data on feedback about services provided to children and young people for both senior management within CFE as well as corporate performance monitoring purposes.

(3) The workload of the Customer Care Team is under review with a view to the team taking on complaints made direct to service units, subject to resources and, in particular, the capacity of the team to continue to fulfil the statutory requirements under the Children Act 1989 Representations Procedure (England) Regulations 2006.

(4) CFE continues to operate a robust and effective complaints procedure in accordance with statutory requirements.

Complaints and Representations about Children's Social Services

3. (1) Children's social services work with the most vulnerable children and families in Kent. Much of the work is focussed on intervening in family life and is governed by complex legislation, guidance and policy. Included in the legislation is a requirement to operate a robust complaints procedure for children and those closely involved with them. This provides children and other service users with the right to be heard, the opportunity to resolve issues and to take matters further if they are not resolved, an additional safeguard for vulnerable people, and information which contributes towards service development.

(2) All Looked After Children in Kent are advised how to complain. Information is also provided in leaflets, cards, on the website and via partner organisations, so that all children in receipt of services, and the adults in their lives, are encouraged to exercise their right to complain.

(3) There are three stages to the statutory complaints procedure:

- Stage One - Local Resolution,
- Stage Two – Investigation,
- Stage Three - Complaints Review Panel.

Where a complaint is not resolved at Stage One, or Stage One is unreasonably lengthy, the complainant has the right for the complaint to be considered at Stage Two (Investigation Stage). This involves a thorough investigation into the issues and consideration of the complaint by an off-line Investigating Officer and an Independent Person. Complainants have the right for their complaints to progress to a Complaints Review Panel if they remain dissatisfied and the main issues are not upheld at Stage Two. There are two stages to the Corporate Complaints Procedure.

Representations made to the local authority about children's social services

Type of Record	2006/07	2007/08	2008/9	2009/10
Enquiry	69	94	98	126
compliment	36	36	71	66
Corporate complaints procedure	50	89	73	98
Statutory complaints	189	178	193	200
Complaints total	239	267	266	298

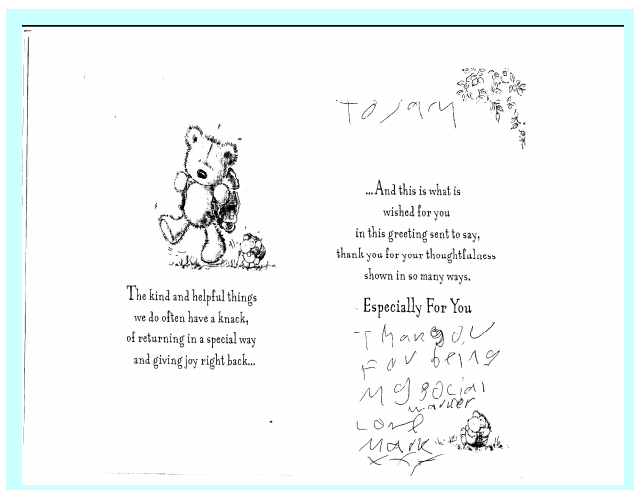
4. (1) Contact method

In 2009/10 103 statutory complaints were made by letter and 46 by email. One was received via the KCC website. 48 were made by telephone, one by fax and one by text message.

(2) Issues raised via democratically elected representatives

MPs' letters are usually registered as enquiries but, if the constituent is eligible, the MP is advised of the person's right to make a statutory complaint. One enquiry from an MP in 2009/10 subsequently led to a statutory Stage Two complaint investigation. The General Election may have affected the number of enquiries received. Complaints made directly to Kent County Councillors from people eligible to access the process are required to be registered as statutory complaints.

(3) Compliments Unsolicited representations made to the local authority from people eligible to complain, which provide positive feedback about services, are registered as compliments.



I have known X for about ten years and it was entirely down to X that I was able to return living with my mother... I will never forget X for her determination to return me to my family.
(child – under 16)

The compliments recorded in 2009/10 were about the following services.

Adoption	1
Child Protection	6
Children in Need	16
Children with Disability	25
Duty Service	2
Family Group Conferencing	2
Family Support	2
Fostering	3
Looked After Children	9
Total	66

KCC social workers are a dream! I work with other authorities and – lets say – things are different!!!
(Headteacher - about work with two Looked After Children)

Me & my partner have a long history of using class A drugs and X has never faltered...we so admire her commitment to us in our recovery. We feel we can trust her and talk to her on all levels. I honestly feel that if it wasn't for X that we may have lost (child) to the system.
(parent)

Compliments were made by the following groups.

Advocate for child or young person	1
Client (child or young person)	6
Close relative	7
Foster carer	7
Headteacher or school governor	4
Health professional	2
Legal professional	6
Other	2
Other Local Authority	4
Parent	22
Police	1
Prospective adopter	1
Service provider	2
Voluntary organisation	1

I am writing to pass on my gratitude for the support you provided during Operation K. This is a complex, long-term criminal investigation into child abuse and related matters which we are hopeful will result in successful prosecutions.
(Detective Chief Inspector - Kent Police)

The number of statutory complaints at each stage and those considered by the Local Government Ombudsman

	2007/8	2008/9	2009/10
Stage One – Local Resolution	177	187	198
Stage Two – Formal Investigation	42	30	25
Stage Three – Complaints Review Panel	6	5	0
Local Government Ombudsman referral	21	16	20

5. (1) Despite increased pressures upon local staff, efforts to resolve complaints early have continued and this is reflected in the data which shows a continuation of the trend towards greater numbers of complaints received and resolved at the first stage, and fewer escalating. The number of Stage Two investigations carried out in 2009/10 represents 12.5% of the total number of statutory complaints received (cf 24% in 2007/8). This trend began in 2008 following a policy decision that local managers should usually meet, or at least speak with complainants about their complaints in addition to providing a written response, coupled with an emphasis in training sessions on resolving complaints early. Staff are also encouraged to continue to seek to resolve complaints when they have escalated to Stage Two or beyond. Five of the Stage Two complaints registered in 2009/10 were withdrawn before the investigations finished.

(2) KCC has a contract with Action for Children to fulfill the statutory requirement for an Independent Person to be involved in Stage Two investigations. Action for Children continues to report that complaints have become more complex and time-consuming. This view is supported by Investigating Officers. As local staff work harder to address complaints at an early stage, those that do escalate tend to be complaints which are more complex and difficult to resolve.

(3) Complainants may contact the Local Government Ombudsman at any time but the Ombudsman will refer them back to the Local Authority as premature if it has not had the opportunity to consider the complaints under its own procedures. Some people complain to the Ombudsman if they are refused access to the statutory complaints procedure on the grounds of ineligibility. In respect of the 20 children's social services complaints considered by the Ombudsman in 2009/10, 7 were premature and 13 were referred to the LGO's investigative team. The outcomes were as follows:

Maladministration causing injustice	1 complaint from 2007/8 about Direct Payments policy (now changed), details in last year's annual report
Local settlement	1 complaint A meeting with the family about contact could have been planned better to avoid confrontation between family members. £250 given for distress, time and trouble.
No maladministration	2 complaints
Discretion not to pursue	6 complaints
Outside jurisdiction	1 complaint
Decision pending	2 complaints currently under investigation

(4) Corporate complaints procedure

98 complaints were received which fell outside the legislation and followed the corporate, two-stage complaints procedure introduced in 2009. Approximately half of these complaints were from close relatives or from parents about a process such as a Section 47 investigation or Section 7 report, which does not fall under the statutory procedure. If a complainant is not satisfied with the response at the first stage under the Corporate complaints procedure, the Head of Service will consider the complaint at the second stage and decide, in discussion with the customer care manager, if an independent investigation is necessary. By definition, non-statutory complaints in children's social services are not from people directly affected by the service and/or are not about statutory functions for which the Local Authority is wholly responsible. The majority of these complaints in 2009/10 were disputing decisions taken by, or the role of the Local Authority in, a court of law.

Which Customer Groups made the complaints

6. (1)
Statutory complaints

Originator	2007/8	2008/9	2009/10
Child or young person	19	29	26
Parent	122	116	149
Close relative	15	31	8
Carer	2	5	5
Foster carer	8	5	4
Other professional	5	0	0
Legal representative	1	4	4
MP	5	0	1
Prospective adopter	0	2	1
Special Guardian	0	1	0
<i>Total</i>	<i>178</i>	<i>193</i>	<i>200</i>

Of the 25 Stage Two complaints, 18 were from parents, two from foster carers, and five from children/young people. Six of the close relatives were grandparents and two were adult siblings of the client.

The types of complaints made

7. (1)

Allegation of racism	1
Attitude of staff	15
Behaviour of staff	20
Child protection	2
Confidentiality	3
Delay	18
Direct payment	1
Disputed decision	66
Foster carer(s)	3
Housing	1
Lack of information	6
Lack of respite care	2
Lack of support	54

Personal information	2
Request for service	1

(2) Attitude and behaviour of staff

Most complaints about the attitude of staff were about social work intervention at an early stage (often duty and almost all about children in need) alleging that the intervention was personally motivated. One complaint alleged that child protection intervention was racially motivated; it was not upheld. Other complaints were that parents felt ignored or not taken seriously, often alleging bias in favour of the other parent.

(i) More of the complaints about behaviour of staff related to child protection cases; four were from fathers who felt staff focussed on allegations made against them rather than supporting them, other parents and grandparents felt ignored, and some mothers found staff rude and contact with social workers distressing.

(ii) Two complaints were about the social worker having put a note through the door on a compliment slip which other people, including children, had been able to read.

(3) Delay

More of the complaints about delays were upheld. In particular, nine were about the waiting time for an OT assessment and one about the length of time after the assessment was completed for Direct Payments to be processed. Four complaints were direct from children and young people: three had been waiting a long time for a laptop and one (16+) had been waiting for furniture. One complaint was about funding delays related to a dispute with another local authority.

(i) Although these have been subjects for complaints in past years, only one complaint in 2009/10 related to a delay in receiving CP minutes, and only one was about a client staying in foster care for too long with little activity towards reuniting the family.

(4) Disputed decision

This was the largest category of complaints and seventeen were from children or young people. Four young people were unaccompanied asylum seekers complaining about their accommodation (two supported by Shelter citing the Southwark judgement), and five wanted to stay with foster carers. The latter has been the most common subject of complaint made by children and young people in previous years.

I've got a good friendship with (foster carer) and will need to call round to her place for a chat to sort out my problems. I know loads of people in my area...I don't want to go and live somewhere where I don't know anybody.

I got mixed up with a wrong group because I had too much time on my hands...I just want a chance to do well and if I fail, or go back to my old ways, I would expect the placement to close. I am not ready for independence. I don't want to leave and I am really worried that I will not be able to cope...

(i) Other complaints from children and young people were about possessions lost in a placement move, continuing support no longer wanted, choice of school, information about a forthcoming CP conference, and risk assessment of the young person's boyfriend.

(ii) Most disputed decisions were from parents; many were estranged fathers who felt that they were not as involved as they should be in decision-making processes, and a number were mothers who complained that they had been misunderstood and misrepresented in reports, assessments and plans. A number of fathers complained that, as the police had dropped charges, social services should cease to see them as a risk to children.

(5) Lack of support

Complaints about lack of respite care have reduced significantly from previous years.

(i) Two children/young people complained about lack of contact with, and information about, their siblings. Two young people were anxious about level of support to enable them to manage their accommodation.

(ii) A number of complaints were from family members acting as carers who did not receive the level of support they had expected.

My brother, who is a minor, came to live with me and has been living with me since then. Unfortunately, I have not had any support or help from anyone for the time he has been living with me. We are homeless as we are living in one room in a shared house.

(ii) A number of complaints were from estranged fathers who felt excluded and complained that their concerns/referrals about the mothers' parenting were not taken seriously. Two complaints were about invitations to meeting; in one case an injunction should have prevented contact between partners and in another the hostility between family members was known. Two complaints were from parents of disabled children about the transition process (this has been a common theme in previous years). A number of parents, particularly mothers, felt unsupported because of a lack of communication.

Now I am happy that X is safe but as his father should I or he at least get a choice? And I am concerned about Y, shouldn't he be with X if there are concerns about his welfare? All I have tried to do is to make sure my children are safe...

(iv) Communication issues featured highly in complaints about lack of support.

The outcome of complaints

8. (1)

Statutory complaints closed in 2009/10

outcome	Statutory	Non-statutory
Explanation	146	63
Apology	20	9
Advice given	1	0
Issue resolved	9	2
Practice issues addressed	3	0
Complaint withdrawn	6	2
Financial settlement	2	1
Meeting offered	7	3
Issue addressed in court	0	1

It should be noted that complaints can have more than one outcome and that “Apology” is recorded only when fault has been identified. Explanation remains the most common outcome of a complaint. “Issue resolved” is recorded when the complainant has agreed resolution, usually in a meeting, before the written reply is sent.

9 Details about advocacy services provided under these arrangements

9. (1) It is a requirement for the Local Authority to offer an advocate to a child or young person making, or wishing to make, a complaint. Children’s Social Services has contracts with Upfront for Looked After Children, and with Action for Children for Children in Need. Action for Children also provides an independent help-line for children and associated adults to contact when they want help in resolving issues at an early stage.

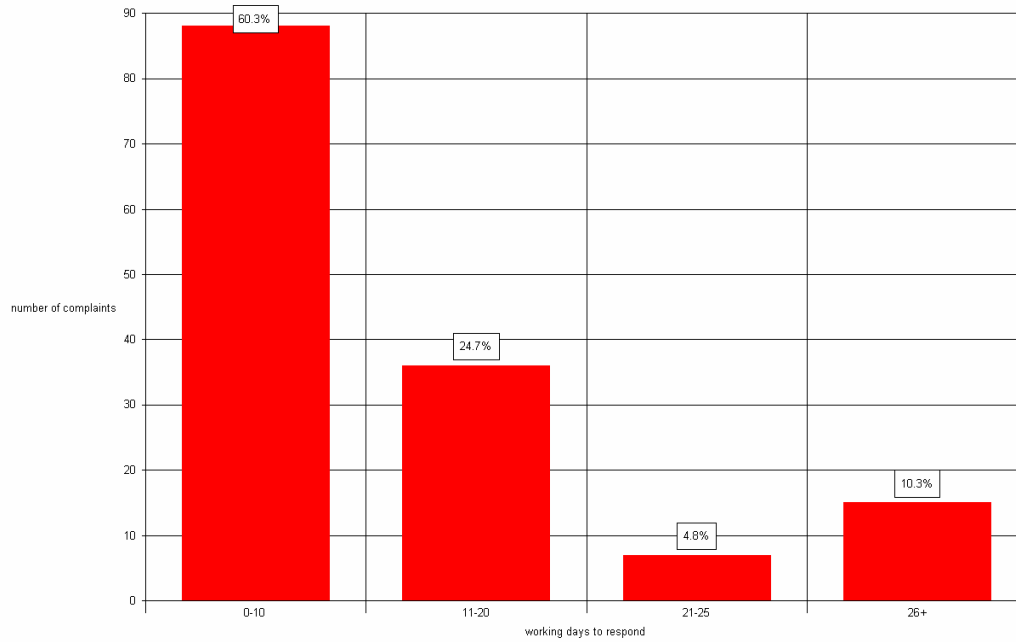
(2) 16 complaints were received on behalf of children and young people via advocates that they had approached themselves. Nine had approached the Upfront Advocacy service, one NSPCC (subsequently supported by Action for Children), one used an advocate from Voice and three used Shelter. Two complaints were received on behalf of children from relatives: an uncle and a grandfather.

(3) Ten children complained direct to the County Council and were offered advocates. Six declined, two were supported by advocates from the Upfront Advocacy service, one was supported by a sibling and one by a friend/interpreter.

Compliance with timescales, and complaints resolved within extended timescale

10. (1) The Local Authority must consider and try to resolve Stage One complaints within 10 working days of the start date. This can be extended by a further 10 working days where the complaint is considered to be complex.

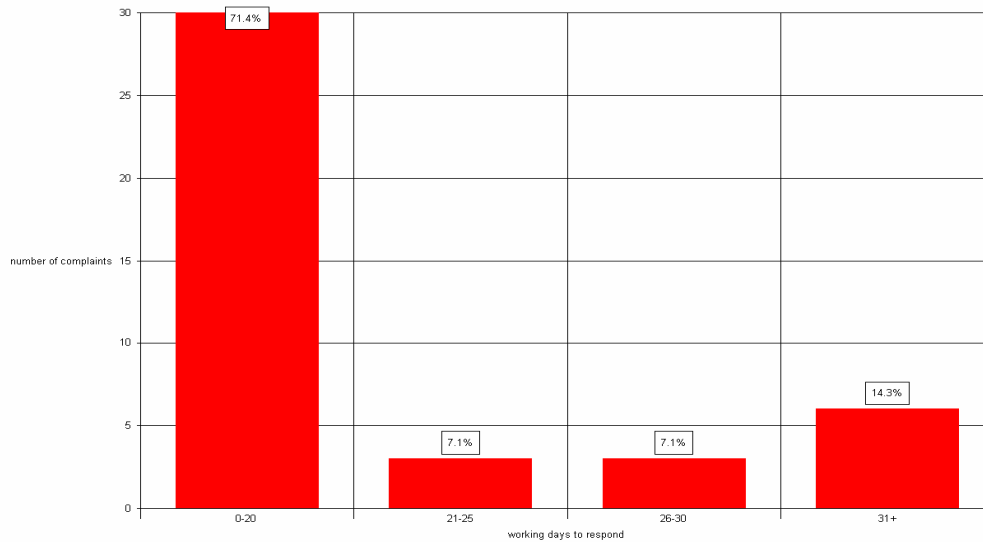
Children's Social Services statutory complaints at stage 1



performance against 10-day timescale - complaints completed 1.4.09 - 31.3.10

(2) Timescales have been extended for particularly difficult or complex cases, when more than one agency or service is involved or when complaints are bound up with other processes such as court proceedings and safeguarding procedures.

Children's Social Services statutory complaints at stage 1 - extended timescale



performance against extended timescale for more complex complaints - all complaints completed 1.2.09 - 31.1.11

(3) Overall 80% of statutory complaints were completed within 20 working days.

(4) The Local Authority should consider Stage Two complaints within 25 working days of the start date (the date upon which a written record of the complaints to be investigated has been agreed) but this can be extended to 65 working days where this is not possible. Only one Stage Two complaint was completed within 65 working days in 2008/9. Investigating Officers and Action for Children report a continuation in the trend of increased complexity in the subject of complaints making a 25 day target unachievable. In most cases investigators have been able to work within the 65 day timescale, when staff have been available for interview and files are available and in good order. A major contribution to the failure to meet the 65 day target remains staff availability for adjudication meetings.

Learning the Lessons from Complaints

11. (1) Problems with staffing levels were highlighted by a number of complaints about, for example, delays in providing Occupational Therapy assessments and unallocated cases.

(2) Most lessons learned were practice issues. While individual issues raised have been addressed at a local level, some problems appear to be common across the county for example, the use of compliment slips for messages when families are not in, recording issues, meetings arranged in schools, and the quality and appropriateness of standard letters. Communication remains a common theme in complaints. Some complaints could have been avoided had more care been given to the choice of words in information provided.

(3) At least three practice issues resulted in action taken at a county-wide level, namely protocols with KASS for joint assessments, guidance for foster carers, the possible need for a mechanism for linking siblings' files, and the need for guidance on sharing conference reports with parents where the content is considered likely to cause family disputes.

(4) Safeguarding issues raised were mostly local issues and not widespread except for those relating to unallocated cases and have been addressed on a case-by-case basis locally. One complaint highlighted the lack of understanding about the process for handling cases of suspected Fabricated or Induced Illness. Similar concerns have been raised in previous years.

(5) A piece of work is to be carried out with the Children's Social Services Professional Development Unit to ensure that practice issues arising from complaints are addressed in the core training programme.

Summary of statistical data about the age, gender, disability, sexual orientation and ethnicity of complainants

12. (1) Diversity information is gleaned from the client system. In addition, a form is sent with every complaint acknowledgement seeking information on the

ethnicity, gender and age of complainants. Because of the low response rate Customer Care also verbally ask complainants who telephone.

Ethnicity of complainants 2009/10

Ethnicity	Number of Complainants	% of known	% Kent population (2001 census)
Not known	110		
White British	78	87%	94.1%
Indian	0	0%	0.9%
Asian other	1	1.1%	0.4%
African	3	3.3%	0.2%
Caribbean	1	1.1%	0.04%
Any other ethnic group	2	2.2%	2%
White and black African	1	1.1%	.08%
White other	4	4.4%	0.8%
<i>total</i>	<i>200</i>		

(2) Age

One of the main purposes of the introduction of the complaints procedure was to provide a voice for children and young people. While closely associated adults also have the right to complain about how they are affected by services, it is important that we continue to seek ways to make the procedure more accessible to children.

Age of complainants 2009/10

Age	number	%
Under 16	10	5%
16-19	16	8%
20-24	9	4.5%
25-59	42	21%
60-64	2	1%
65+	4	2%
Not known	117	58.5%
<i>Total</i>	<i>200</i>	<i>100%</i>

(3) Gender

28 complaints were received jointly from both parents, 65 complainants were male and 107 were female.

(4) Disability

66 complainants said they were not disabled, 7 were disabled and 127 not known.

(5) Sexual orientation data has not been collected in past years. This was added to the complaints database as a new category in 2010-11.

(6) Diversity information was received and recorded in relation to less than half of the Children's Social Services complaints in 2009-10. The groups represented in known cases appear to reflect the ethnicity of the general population in Kent. Data on the numbers of children making complaints about children's social services is known and indicates that children and young people feel able to complain and are appropriately supported by advocates. The

proportion of complaints received from unaccompanied asylum-seeking young people indicates that the complaints procedure is accessible to that group of clients.

Review of the effectiveness of the complaints procedure

13. (1) District and Unit managers usually sign off complaints at the first stage and Heads of Service are copied into all complaints about their services. Weekly summaries of all live complaints were provided for the Managing Director, Director of Specialist Services and the Director of Commissioning and Partnerships.

(2) Actions needed and practice issues to be disseminated are discussed and agreed at each meeting to decide the outcome of stage 2 investigations and are shared more widely as appropriate.

(3) The Customer Care Team responded to a number of team/unit requests for information about complaints relating to their services over the year for example, for the inspection of the Fostering service and for the annual report on the Adoption Service. A presentation and workshop session on Learning the Lessons from Complaints was provided for a Disabled Children's Service awayday using anonymised summaries of all complaints received about the service across the county. Anonymised examples of complaints were also used in other training sessions, notably for newly qualified social workers, overseas social workers, and in letter-writing workshops.

(4) During 2009/10 the following training sessions for staff were provided:

- One day training by the Local Government Ombudsman for Investigating Officers,
- Two letter-writing workshops for Team Leaders responding to complaints at stage 1
- Three sessions in formal training for NQSWs using "Complaints Made Easy",
- Four sessions for overseas social workers using "Complaints Made Easy",
- Two sessions for administrative staff using "Complaints Made Easy", and
- Three days for administrative staff in dealing with difficult situations.

(5) Investigations at Stage Two are carried out by an Investigating Officer who may be any member of staff at Team Leader level and above, jointly with an Independent Person from Action for Children as set out in the statutory guidance. The following staff acted as Investigating Officers in 2009/10.

County manager Family Group Conference Service
4 Independent Child Protection conference Chairs

Policy Officer
 Fostering Training and Development Manager
 2 Fostering Team Leaders
 Practice Supervisor, Therapeutic Reparenting Programme
 Out of Hours Social Worker
 C&F Practice Supervisor
 Team Leader, Adoption Support
 4 C&F Team Leaders
 District Manager
 Principal Social Worker
 County Projects and Property Services Manager
 16+ Team Leader

(6) Investigations can be very time-consuming and it is often difficult to predict the full extent of the investigation at the outset. It is not unusual for Investigation Officers to carry out much of this work in their own time. A working group was set up at the beginning of the year to review the role of Investigating Officers at Stage Two with particular emphasis on the support for staff undertaking the role. The group comprised a District Manager, several experienced investigators and a team leader whose service had been the subject of several complaints in the preceding six months. The outcome included changes to the written guidance for investigators and the recommendation that experienced staff should be available to act as “buddies” to staff taking on the role for the first time. An important change to the guidance was clarification of supervision for the Investigating Officer in the role, namely the officer’s own supervisor (usually the District Manager or Head of Service), except where the manager is not a social work practitioner in which case the Customer Care Manager would ensure other arrangements are put in place.

(7) Investigating Officers make a valuable contribution, not only in relation to the process for the individual complaints under investigation but also in sharing lessons learned and practice issues across the county.

Complaints relating to the “Education” part of the Directorate

14. (1) The majority of complaints, enquiries, compliments and school issues recorded in 2009-10 were received by the Managing Director. 12 were received by email, 2 by telephone and the rest by letter.

Type of record	2007/8	2008/9	2009/10
Complaints	217	231	173
Enquiries	110	180	146
compliments	2	0	15
School issues	57	56	58

(2) Complaints

The above totals may not accurately represent the volume of complaints received and are not comparable with previous years. There are inconsistencies and inaccuracies in the data recording and some compliments, and indeed compliments, made direct to teams may not have been captured on the database. It is possible that there was some double-counting in previous years but it is likely that true number of complaints received in 2009/10 is higher than indicated in the recorded total for 2009/10.

(3) Enquiries

Enquiries from MPs form the majority of records logged as enquiries. The largest group of enquiries were about SEN provision and the second largest group were enquiries about admissions and home to school transport. Many enquiries were in relation to a disputed decision.

(4) School issues

(i) There is a separate, statutory process for complaints about schools. When complaints about schools are received by the Local Authority complainants are advised of their right to access the schools' complaints procedure. However, they are also recorded on the database as "school issues" so that intelligence gained from the complaints can be disseminated to staff supporting the schools. In a number of cases managers were asked to intervene to assist in the resolution of a complaint or to provide support and advice.

(ii) Since 1 September 2010 Kent has been included in the pilot for the changes to be introduced by the Apprenticeship, Skills, Children and Learning Act 2009. This means that the Local Government Ombudsman is now the final stage for complaints against schools and the Local Authority no longer has a formal role in school complaints although it may advise and assist. The LGO will be providing training for schools in complaints handling in 2010-11.

(5) Compliments

As with complaints, it is anticipated that the true number of compliments should be higher. It should be expected that numbers will increase with staff awareness of the need to record customer contact. The compliments recorded in 2009-10 are spread across the range of the directorate's services.

(6) Complaints to the Local Government Ombudsman

(i) The majority of complaints about Kent County Council received by the Local Government Ombudsman in 2009-10 were in respect of education services (101 of 161). Of the 116 which were handled by the LGO's investigative team, 86 concerned education. Of 29 local (financial) settlements made in relation to complaints investigated, 25 were education complaints. The largest group of settlements (21) concerned applications and appeals for admissions to schools. The remainder were in relation to home to school transport, two complaints about the failure to provide education while a child was

out of school and one about the way the Council dealt with a child's special educational needs which resulted in the loss of half a year's education.

(ii) A meeting was held with the LGO to discuss the concerns raised. The LGO has described this meeting as useful and, as a result, training was provided for panellists, presenting officers and appeal clerks.

(7) Equality Implications

Diversity recording has been patchy for complaints in relation to education services in the past and therefore there is room for improvement. This information has been sought from every complainant since April 2010.

Recommendations

Members of the Resources and Infrastructure Policy & Scrutiny Overview Committee are asked to note the information

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Background Documents: None

Other Useful Information: None