

From: Peter Oakford, Cabinet Member for Specialist Children's Services
Andrew Ireland, Corporate Director Social Care, Health and Wellbeing

To: Children's Social Care and Health Cabinet Committee –
3 December 2014

Subject: Annual Report on Complaints and Representations 2013/14

Classification: Unrestricted

Past Pathway; Specialist Children's Services Divisional Management Team,
Social Care and Health Directorate Management Team

Future Pathway: Publication via www.Kent.Gov.UK

Electoral Division: All

Summary: This report provides information about the operation of the Children Act 1989 Representations Procedure in 2013/14 as required by the regulations.

Recommendation: The Children's Social Care and Health Cabinet Committee is asked to **NOTE** the content of the report.

1. Introduction

1.1 Specialist Children's 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. The procedure provides people 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 quality assurance and service development.

1.2 The statutory requirement to produce an annual complaints report in respect of Children's Social Services is laid down by the Children Act 1989 Representations Procedure (England) Regulations 2006. The associated guidance states that this should be presented to staff and to Members and be made available to the regulator and the general public.

2. Financial Implications

2.1 No decision is sought that has financial implications for the Council's capital or revenue budgets.

3. Bold Steps for Kent and Policy Framework

3.1 The report relates to the rights of citizens directly affected by Specialist Children's Services to make complaints and challenge decisions. A number

of the complaints relate to services to support disadvantaged children and families.

4. Representations made to the local authority

- 4.1 A total of 19,744 referrals about children were made to Kent Specialist Children's Services in 2013/14. All Children in Care in Kent are advised how to make a complaint. Information is available 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 should they wish to.

Type of Record	2010/11	2011/12	2012/13	2013/14
Statutory complaints	267	305	224	222
Enquiry	166	151	149	148
Compliment	54	59	93	76
Non-statutory complaints	139	198	172	105
Other representations and miscellaneous contact	*	267	269	316
Complaints total	406	503	396	328

*not previously reported

4.2 Representations via elected representatives

Issues raised via MPs and County Councillors are usually registered and responded to as enquiries but the elected representative is also advised of their constituent's right to make a statutory complaint if applicable.

4.3 Non-statutory complaints and representations

By definition non-statutory complaints are either from people who are neither clients nor directly affected by the service, or are about functions such as child protection investigations or court action where there are other routes for challenging the Local Authority which would make an independent investigation inappropriate. Where there is another route the contact is recorded as a representation and advice provided.

- 4.4 105 complaints were received which fell outside the statutory requirements. In these cases the complainants received a response from a senior manager. Complainants were advised of their right to challenge the response via the Local Government Ombudsman.

- 4.5 Most non-statutory complaints were from relatives who were not directly affected by the service and with whom information could not be shared. Non-statutory complaints from parents were about processes such as child protection investigations or were disputing decisions taken by, or the role of the Local Authority in, a court of law. A change to procedures was introduced in September 2013 which meant that some contacts previously recorded as "non-statutory complaints" or "miscellaneous contacts" are now recorded as "representations" however this in itself does not account for the 39% reduction in the number of "non-statutory complaints" received.

4.6 The Complaints Team received 316 miscellaneous contacts and representations in 2013/14. Many of these were directed along alternative routes including child protection referrals, fostering panels, legal action, HR and the police. 39 cases were in the child protection process and 31 cases were involved in legal proceedings. Some were about other local authorities and organisations; advice was provided as appropriate. In 90 cases advice was given about the complaints procedure and a record of the issues made but the complainant decided to take it no further or decided to try to resolve the issue informally with the social worker or team leader before making a formal complaint.

Contact method

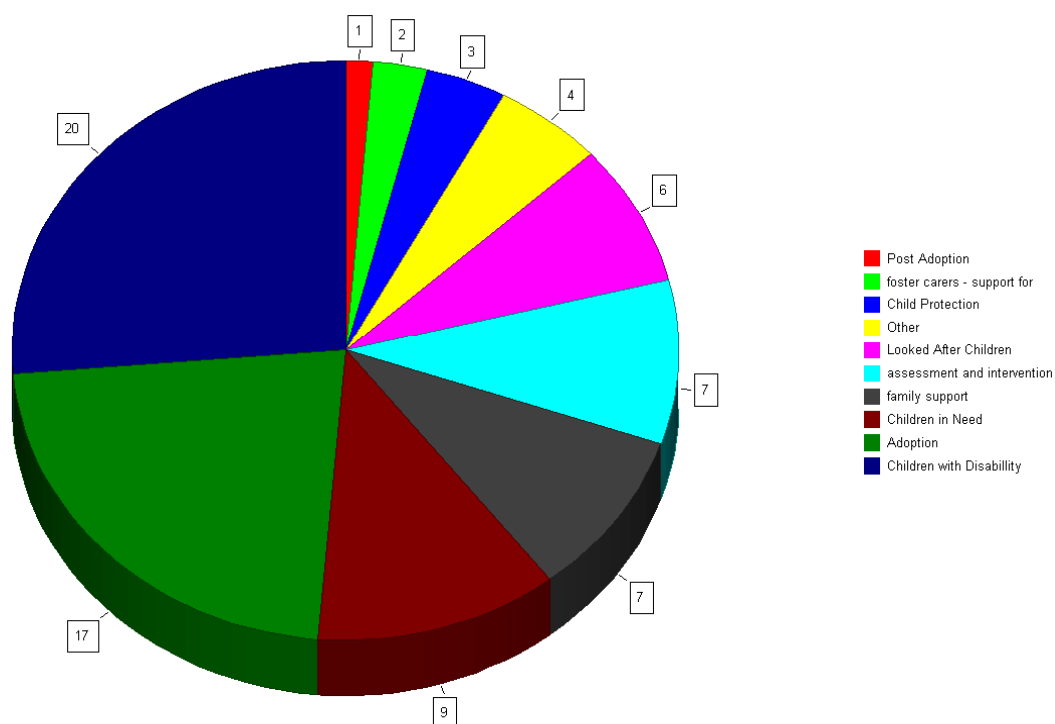
Type of Record	Card/ Gift	Email	Letter	Other	Telephone	Text	Website	Total
Children Act	0	104	67	0	47	0	04	222
Non-statutory Complaint	0	44	34	0	26	0	1	105
Enquiry	0	43	105	0	0	0	0	148
Compliment	9	49	12	5	1	1	0	77

4.7 For the first time the number of complaints received by email is greater than complaints received by letter. As in previous years, it remains unusual for people to complain online; there is no increase in use of the website to provide feedback of any kind. Telephoned complaints decreased by 26%.

5. Compliments

5.1 Unsolicited representations made to the local authority from external sources and which provide positive feedback about staff and services, are registered as compliments.

compliments by service



5.2 Significant increases over the previous year were recorded in compliments about child protection, children in care and adoption services.

The compliments were made by the following groups

Involvement	Number	%
Advocate	1	1.3%
Client (Child/Young Person)	4	5.3%
Close Relative	8	10.5%
County Councillor	1	1.3%
Foster Carer	5	6.6%
Friend	1	1.3%
Health Representative	1	1.3%
Legal professional (including the judiciary)	7	9.2%
Other	2	2.6%
Other Local Authority	2	2.6%
Parent	29	38.2%
Partner	1	1.3%
Prospective Adopter	8	10.5%
School staff member	1	1.3%
Service Provider	4	5.3%
Special Guardian	1	1.3%
Total	76	100.0%

The compliments from legal professionals were for social workers involved in care proceedings and included three judges and two court Guardians.

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

6.1 It is a legal requirement to handle complaints from clients and closely associated people complaining about services for Looked After Children,

Children in Need and certain other specified functions, according to the three stage procedure. This requirement applies irrespective of where in the Local Authority the complaint is received. Clients and certain other people have the right to access the procedure and the Local Authority would be at risk of legal challenge if complaints were not handled according to the requirements. The requirements are detailed and prescriptive in terms of the eligibility of complainants and which complaints must be handled under the procedure, as well as the process and timescales.

6.2 There are three stages to the statutory complaints procedure:

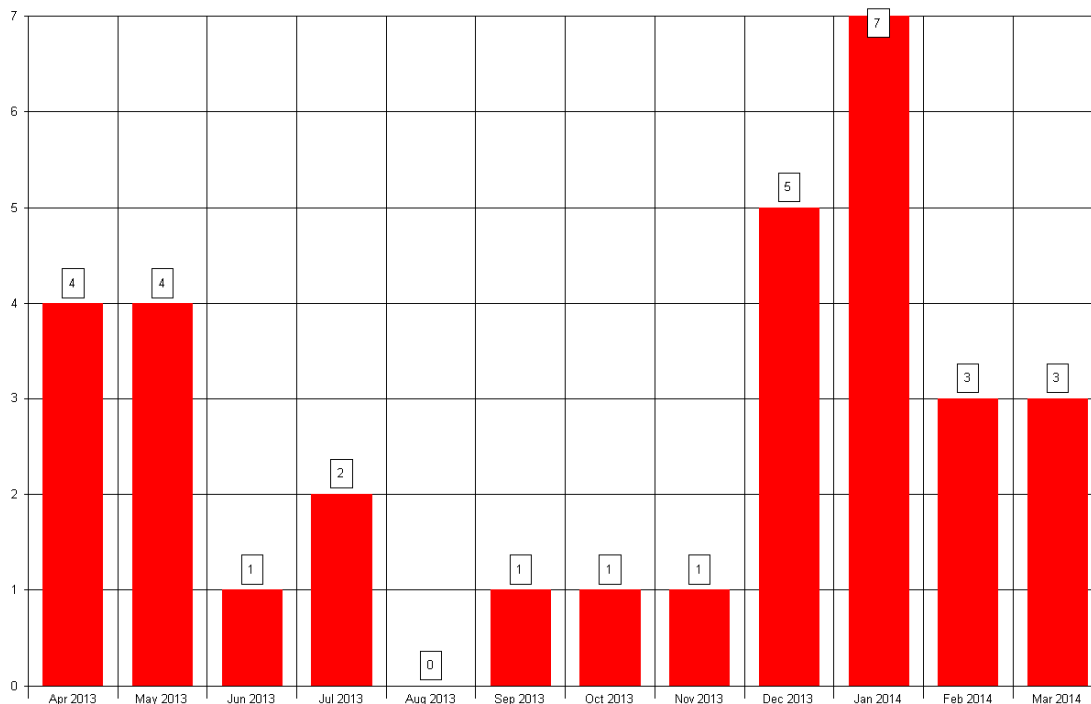
- Stage One - Local Resolution,
- Stage Two – Investigation,
- Stage Three - Complaints Review Panel.

	2010/11	2011/12	2012/13	2013/14
Stage One – Local Resolution	267	305	223	228
Stage Two – Formal Investigation	26	26	27	33
Stage Three – Complaints Review Panel	2	1	0	2
Local Government Ombudsman referral *	11	18	23	30

*includes non-statutory complaints and enquiries about new complaints

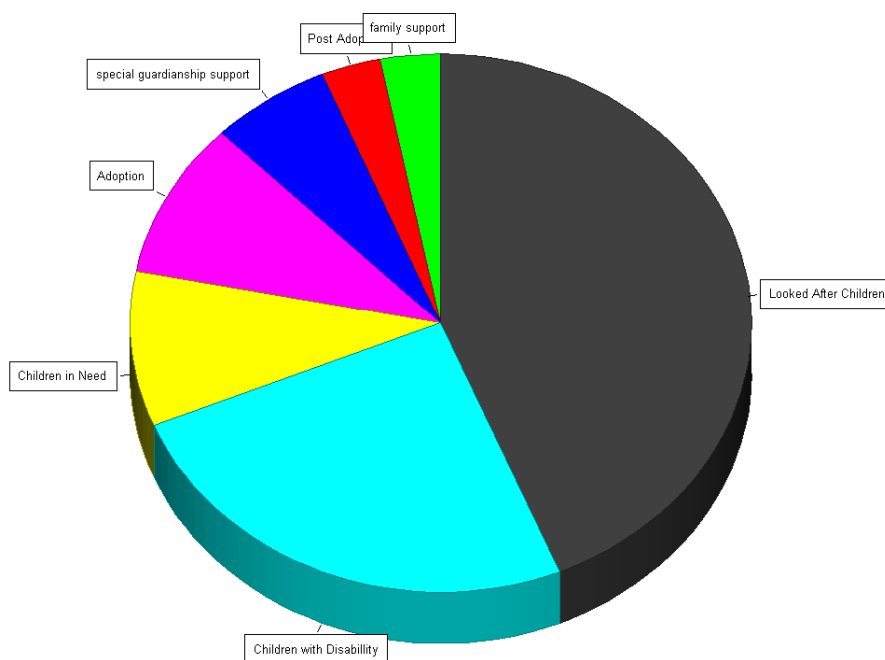
6.3 Where a complaint is not resolved at Stage One, or Stage One is unreasonably lengthy, the complainant has the right for the complaint to be considered at Stage Two (Investigation Stage). This involves a thorough investigation into the issues and consideration of the complaint by an off-line Investigating 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. Stage Two investigations involve valuable, in-depth examination of cases which frequently influences practice.

Stage 2 starts by month



- 6.4 14% of statutory complaints received escalated to Stage Two in 2013/14. This is an increase over the previous two years when the resolution rate was improving (10% in 2010/11, 8.5% in 2011/12 and 12% in 2012/13)
- 6.5 50% of Stage 2 complainants had received a written response at Stage One within timescale. Three complaints escalated because there was no written response at Stage One. In one case a meeting took place but no written response was sent.
- 6.6 The emphasis in the legislation and guidance is on early resolution at a local level. Kent's policy is that local managers should usually meet, or at least speak with, complainants, unless there is a good reason not to, to attempt resolution before writing. This approach is reinforced in guidance and support provided by the Complaints Team. Areas of the service that adopt this approach have a lower proportion of stage 2 investigations. Staff are also encouraged to continue to seek to resolve complaints at a local level when they escalate to Stage Two or beyond.
- 6.7 Meetings were held at Stage One in 28% of cases. The offer of a meeting following the Stage Two request resulted in the resolution of two complaints. Two further complaints were withdrawn when action was taken to provide the outcomes sought: the reinstatement of the adoption allowance and compensation for a young person's lost belongings. One complaint was closed when it became clear that an investigation would not be able to produce the complainant's desired outcome. An earlier discussion with the complainant in each case may have prevented the complaints escalating.
- 6.8 Two complaints were investigated at stage 2 without having been registered at Stage One.
- Attempts had been made to resolve one complaint locally but this had not been registered as a formal complaint.
 - Another complaint had been delayed while safeguarding issues were reviewed. This took four months by which time it was too late to attempt local resolution on the outstanding complaints.

stage two complaints by service



6.9 There has been a steady increase in referrals to the Local Government Ombudsman over the last three years and 2013/14 saw a 30% increase over the previous year.

6.10 Of the 30 referrals to the Local Government Ombudsman, eight related to statutory complaints (six from parents, one from grandparent with parental responsibility and one from a relative carer) about services to children in need or children in care. 15 of the complaints had been handled under the Council's corporate complaints procedure and the remainder as representations. All of the representations were related to child protection cases and/or referrals made to the Central Duty Service.

7. Which Customer Groups made the complaints

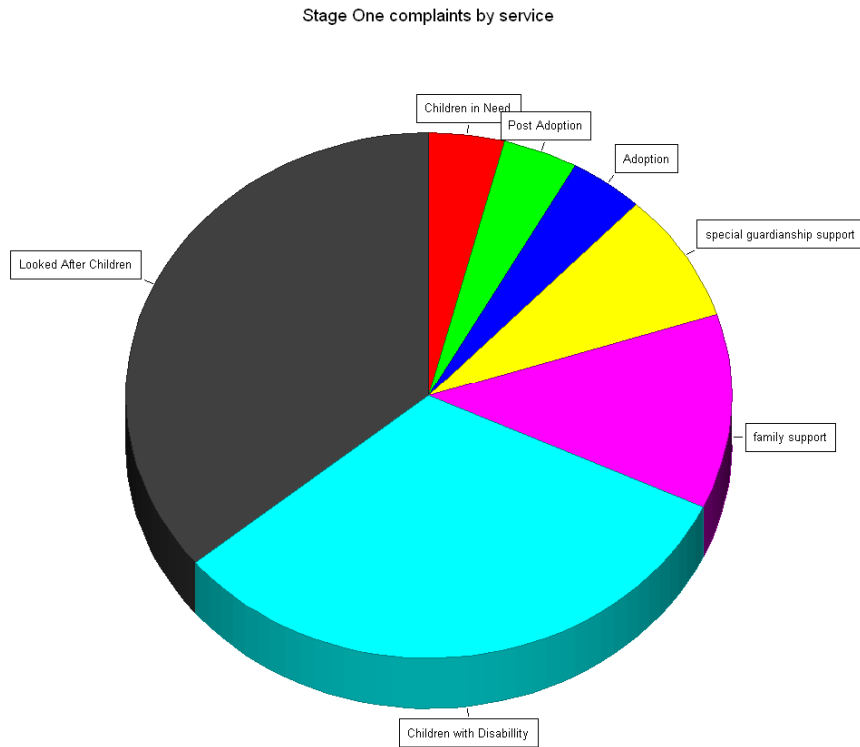
Statutory complaints

Originator	2010/11	2011/12	2012/13	2013/14
Child or young person	36	29	36	43
Parent	191	230	149	138
Close relative	17	20	12	6
Carer	3	8	9	17
Foster carer	10	11	13	5
Other	3	0	0	5
Legal representative	4	6	1	0
Prospective adopter	0	0	4	0
Special Guardian	3	0	1	8
<i>Total</i>	<i>267</i>	<i>305</i>	<i>225</i>	<i>222</i>

8. The types of complaints made

8.1 This section sets out the issues raised by complainants: what the statutory complaints were about. While most complaints were not upheld they do

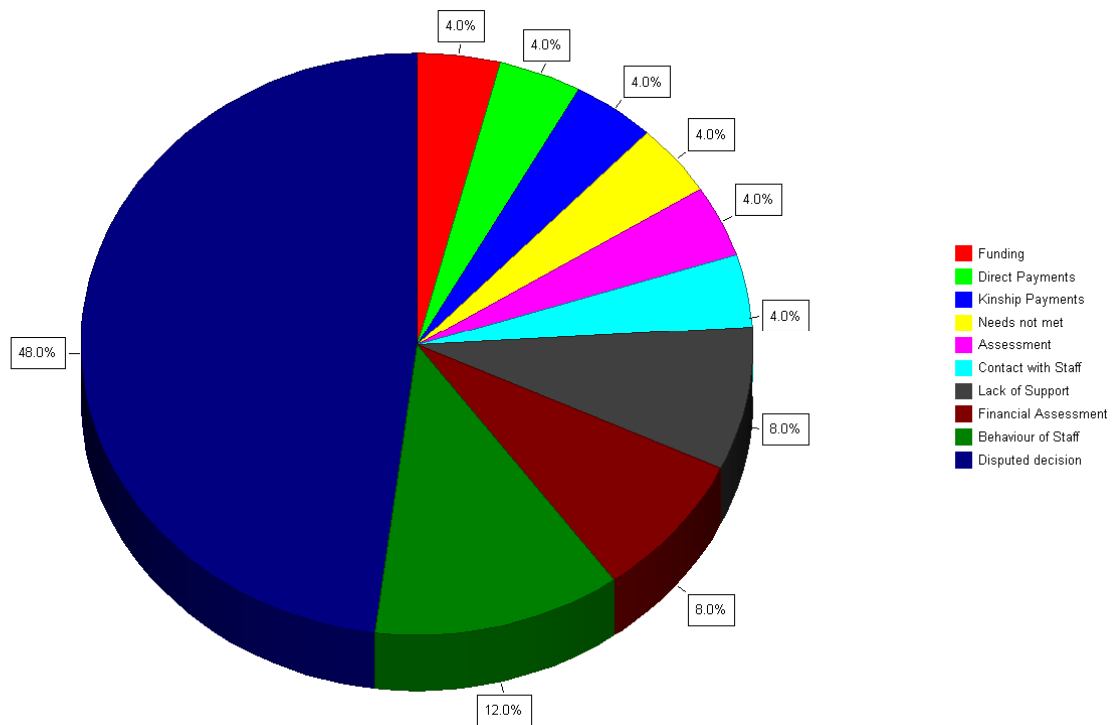
provide insight into how people directly affected by services experience them.



8.2 The main themes in 2013/14 were:

- parents of disabled children wanting more support and some evidence of a belief that the service provided by SCS will determine the service to be provided in adulthood – this largely accounts for the increase in Stage Two complaints in December and January.
- complaints from children and young people alleging that they were being moved from placements for purely financial reasons.
- some increase in complaints about financial issues including financial support for relative carers, Special Guardians and adoptive parents, and decisions about direct payments
- a range of issues for young people leaving care including education bursaries, housing and the policy for paying leaving care grants
- communication with parents of children in care who felt excluded from decisions For example late minutes of meetings, failure to invite to meetings, failure to return phone calls
- dissatisfaction with contact arrangements

Stage One complaints by subject



8.3 The breakdown by subject reflects how the complaints were presented by the complainants themselves. There is some overlap between categories. Parents unhappy with intervention by Specialist Children’s Services and/or decisions taken by the Local Authority or a court of law were more likely to complain about the social worker than complain directly about a decision. Children and Young People were more likely to complain about specific actions and decisions and be clear about the outcome they wanted.

8.4 Disputed decision

For the first time the majority of complaints disputing a decision in relation to child in care services were made by children and young people (79%). 78% of those were about proposed placement moves, the overwhelming belief being that they were being moved for financial reasons.

8.5 Eight of the complaints from parents were about decisions taken in relation to disabled children and were seeking more support in the form of direct payments, travel costs, respite care and short breaks packages.

8.6 Behaviour of staff

Almost all of these complaints were from parents. It remains unusual for children and young people to complain about their social worker (2 complaints). The complaints from parents included allegations that social workers threatened, lied, and were negative or biased towards them. A number of parents said that they were not taken seriously.

8.7 It should be noted that it is not uncommon for complainants to personalise their disagreement with decisions made or to focus their distress about the

situation they find themselves in onto the worker with whom they have most contact. As in previous years the complaints reflect a public perception that decisions are taken by individual social workers in isolation and that a change of social worker could result in a different decision.

8.8 Financial Assessment

The complaints about financial decisions were made by relative carers, largely Special Guardians (67%). Some felt that they had not been given the correct information about their entitlement to financial support. Other Special Guardians complained that they had not received the financial support they took to be agreed when the Order was made.

8.9 Lack of support / needs not met

- A quarter of the complaints were made by relative carers some of which included issues about financial support.
- 17% of the complaints were from parents of children with disabilities.
- 11% of the complaints were from children and young people.
- 5% were from foster carers feeling unsupported and 5% from adoptive parents.

9. **The outcome of complaints**

Overall Outcome statutory complaints	Number	%
Advice	16	5.3%
Apology	70	23.1%
Complaint withdrawn	2	0.7%
Court action	1	0.3%
Decision Changed	2	0.7%
Explanation	139	45.9%
Financial Settlement	10	3.3%
Issue Resolved	14	4.6%
Meeting Offered	33	10.9%
No Reply Sent	6	2.0%
Other	3	1.0%
Other Agency Issue	1	0.3%
Other SSD procedural Issue	1	0.3%
Practice Issues	5	1.7%
Total	303	100.0%

9.1 Some complaints had more than one outcome. For example an upheld complaint may generate an apology and a financial payment. It should be noted 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.

9.2 29 Stage Two complaints were closed in 2013/14. Seven complaints were fully upheld, 12 were partially upheld and four were not upheld. Six complaints were withdrawn.

9.3 Concerns and themes emerging in upheld complaints are set out in Section 11 on Lessons learned.

9.4 Outcome of complaints considered by the Local Government Ombudsman

Complainants may contact the Local Government Ombudsman at any time but the Ombudsman will usually refer them back to the Local Authority as premature if it has not had the opportunity to consider the complaints under its own procedures. Sometimes the Local Government Ombudsman will decide to investigate a complaint prematurely on the grounds of urgency or because of the serious nature of the complaint. In some cases people complain to the Ombudsman if they are ineligible to access the statutory complaints procedure. The outcomes in 2013/14 were as follows.

Ombudsman Decision	Detail
Investigation discontinued 9 complaints	<ul style="list-style-type: none"> Grandmother complained on behalf of her daughter about CP plan Grandparent complained that Letterbox contact is not taking place. LGO closed as resolved by KCC. Prospective adopter and foster carer complaining about the assessment process. LGO closed when action agreed to resolve the issue. Father complained about decisions made because of an allegation against him of rape from 15yrs before. LGO closed as resolution sought cannot be provided. Complainant unhappy with how she was treated when placement broke down – felt unfairly treated by the social worker who she felt was judgemental. Meeting held to resolve. Father unhappy that Social Services classified a malicious and anonymous referral as Child Protection. LGO closed on receipt of the Local Authority's letter to him. Mother unhappy with the decision making and investigation of an anonymous referral received about her family. LGO closed on receipt of signed apology from the Director. Father complained about child protection investigation carried out jointly with the police. LGO closed as Local Authority provided a more detailed explanation as to why it would be inappropriate to investigate as a complaint. Mother complained that the family had not been given a valid reason for the referral being followed up and for the case to remain open. LGO accepted the Local Authority's explanation.
Local Settlement 4 complaints	<ul style="list-style-type: none"> Parents complained that their child's name was recorded on the client system and wanted the details removed immediately. Settled when the Local Authority agreed to add a statement by the family to the record making their position clear. Breach of confidentiality - says IA report incorrectly identified him as the abuser. Financial remedy agreed. New process introduced to prevent the incorrect information being shared. Young asylum-seeking mother disputed the decision to deduct payments for utilities from her support payments. Decision was sound but the Local Authority had not given sufficient notice and had taken too long to respond to the complaint. £50 payment made to the complainant for the late notification and £50 for the delay in resolving. Parents complained not sent copies of minutes from CP conferences and lack of information being shared. Complainant also unhappy that letters have been sent out addressing parent by wrong name. Apology and £100 remedy paid to the complainant.
Maladministration and Injustice 1 complaint	Young person complained that the Council failed to deal properly with his requests for assistance and accommodation after his parents left him to go abroad. The complainant was housed and the LGO thanked the Local Authority for the efforts made to resolve this very difficult case.
No fault found 3 complaints	<ul style="list-style-type: none"> Carer disagreed with the Local Authority's decision not to provide funding for a larger car with seating for her 4 children and the 3 children placed with her. Father complained that his children's social worker would not disclose any information about his children. Father unhappy with treatment by the Team Manager and other social workers involved in his child's case.
No Maladministration 2 complaints	<ul style="list-style-type: none"> Allegation that address and details of past history of possessing indecent images were incorrect Mother complained about a lack of support for her family in dealing with her son's behaviour which led to him being excluded from several nursery settings.
Outside jurisdiction 2 complaints	<ul style="list-style-type: none"> Grandparent complained that the social worker prevented him from obtaining a Residence Order in court. Mother complained that the Local Authority told her children they will not see her again, that minutes of meetings were inaccurate and information held was falsified.

<p>Not investigated 8 complaints</p>	<ul style="list-style-type: none"> • Mother complained about lack progress getting appropriate seating at home for her son causing problems feeding and injury to herself. LGO closed as under active consideration by the Local Authority. • Parent who adopted children from abroad wanting funding complained that the social worker asked questions about use of benefits. • Grandparent complained that contact has been stopped with granddaughter. . • Father complained he was treated as a criminal when he has not been found guilty in court of sexual abuse. • Parent complained she is never kept informed and the Local Authority made false accusations against her. • Grandparent complained that son-in-law was given bad advice by Duty worker • Complaint about delays in adoption process and disagreement with need to check husband's past. • Parents alleged the assessment for their children was biased and based on hearsay, not facts.
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10. Details about advocacy services provided under these arrangements

10.1 It is a statutory requirement for the Local Authority to offer an advocate to a child or young person wishing to make a complaint.

10.2 43 statutory complaints were made by children and young people.

10.3 17 complaints were made by advocates on behalf of children / young people. 26 children and young people contacted the Local Authority direct themselves to make a complaint and were then offered an advocate. 8 children/young people declined and one complaint was resolved before an advocate became involved. .

10.4 In total 34 children and young people used an advocate to help them pursue their complaints. 32 used the Voice service, one young person used an advocate from the Young Lives Foundation and one used an advocate provided by a provider.

11. Compliance with timescales, and complaints resolved within extended timescale

11.1 Whilst County performance against timescales shows some negative movement there is significant variation between services and teams.

11.2 Changes to the process were introduced in April 2014 to enable improved performance against timescales and introduce greater management accountability. The first quarter's figures in 2014/15 indicate a significant improvement.

11.3 Statutory timescales

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. Timescales have been extended for particularly difficult or complex cases, for example when more than one agency or service is involved or when cases are involved in other processes such as court proceedings.

- 98% of stage 1 acknowledgements were sent out within three working days.
- 79% of stage 1 responses met the 10 day timescale.

- 50% of stage 1 responses met the 20 day (extended) timescale (down by 10%).
- 52% of all stage 1 responses were completed within 20 days (down by 11%).

11.4 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. It should be noted that the complexity of the complaints made a 25 day target unachievable and all were extended. One Stage Two complaint was fully completed within 65 working days.

11.5 It is also a statutory requirement to try to resolve complaints and care must be taken not to jeopardise resolution or quality when seeking to improve performance against timescales.

11.6 Corporate timescales

- 96% of non-statutory complaints were acknowledged within three working days
- 51% of non-statutory complaints met the 20 day timescale.
- 96% of enquiries were acknowledged within three working days.
- 50% of enquiries were completed within 20 working days.

12. **Learning the Lessons from Complaints**

12.1 Complaints often result in actions on particular cases. The lessons summarised in this section are those with wider implications which have needed to be shared across the county to improve the service to children and their families. They are mainly taken from complaints which were upheld in full or partially, and resulted in an apology, change of decision, change of policy or some other action taken as the direct consequence of a complaint. Some lessons learned came out of stage two investigations and were not necessarily the main issues that complainants themselves had raised.

12.2 Most lessons learned were practice and communication issues. The main issues arising were as follows.

- Communication issues including ambiguities and misunderstandings exacerbated by not confirming decisions in writing and the poor quality of recording
- Use of abbreviations and terminology without explanation
- The need to explain to children and young people the temporary nature of emergency placements and to explain the need to complete assessments so that suitable long-term placements are identified that meet their needs
- The importance of listening to and recording the child or young person's wishes and feelings and evidencing that they were taken into account in decision-making
- Inconsistent practice around the payment of leaving care grants

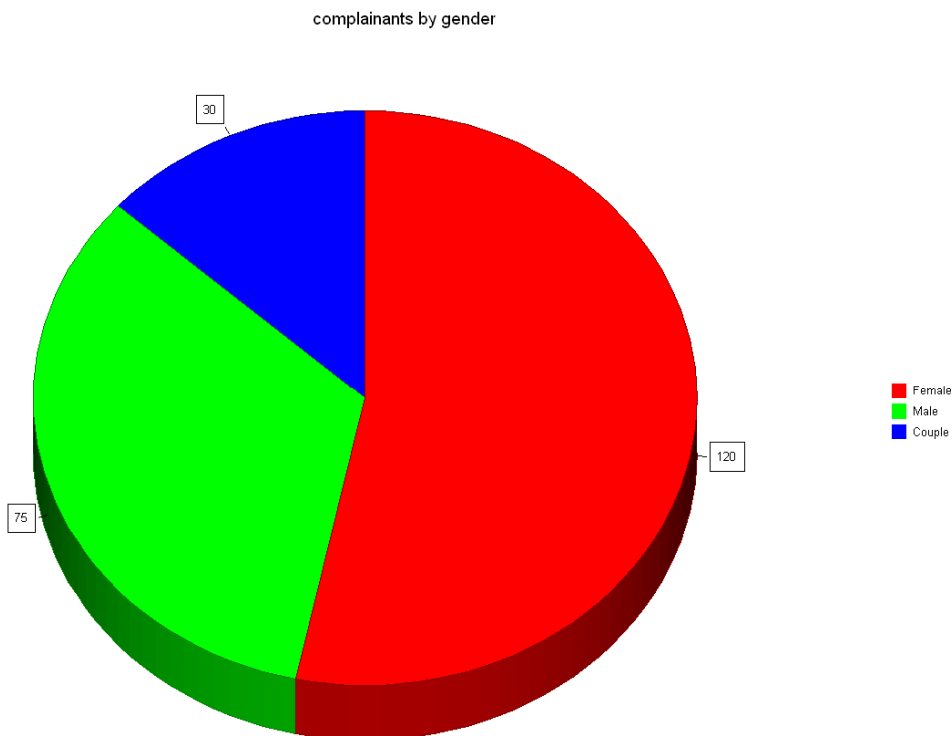
- YP leaving care needing to complain in order to receive the education bursary to which they were entitled
- Life story work not completed in a timely manner
- Delay in providing financial support to relative carers, Special Guardians and Adoptive Parents.

12.3 In all cases action was taken to resolve locally. Action was taken or is planned to address issues raised which may not be isolated incidents; for example financial payments to carers are managed robustly since the introduction of the policy for payments to connected persons. Other financial support to carers is currently under review to ensure a fair and consistent approach across the county and all complaints about financial support are currently scrutinised in this context. Themes identified in previous years not repeated in the year's complaints are also an indication that lessons have been learned and that system and practice changes have had an effect. The main themes identified in 2012/13 which showed a significant reduction in 2013/14 were:

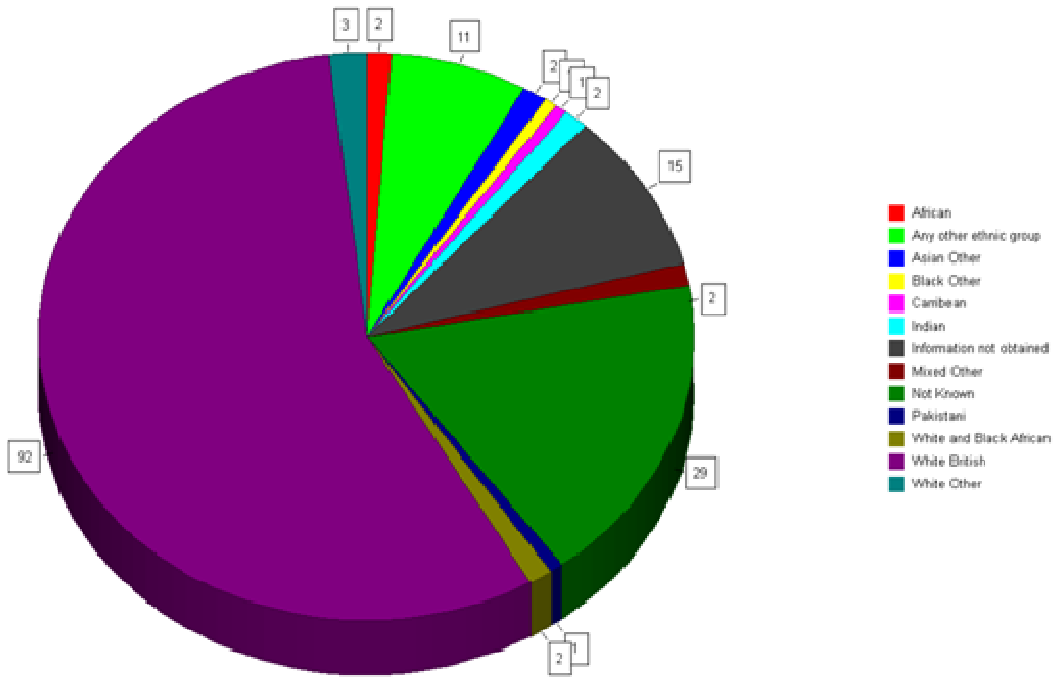
- The need to address the needs of homeless young people appropriately
- Lack of planning for placement moves

13. Summary of statistical data about complainants

13.1 Diversity information is taken from the client system in respect of Children and Young People and a form is sent with every complaint acknowledgement seeking information on the ethnicity, gender and age of complainants because for most people this information is not already held by the Local Authority.



complainants by ethnicity



complainants by age

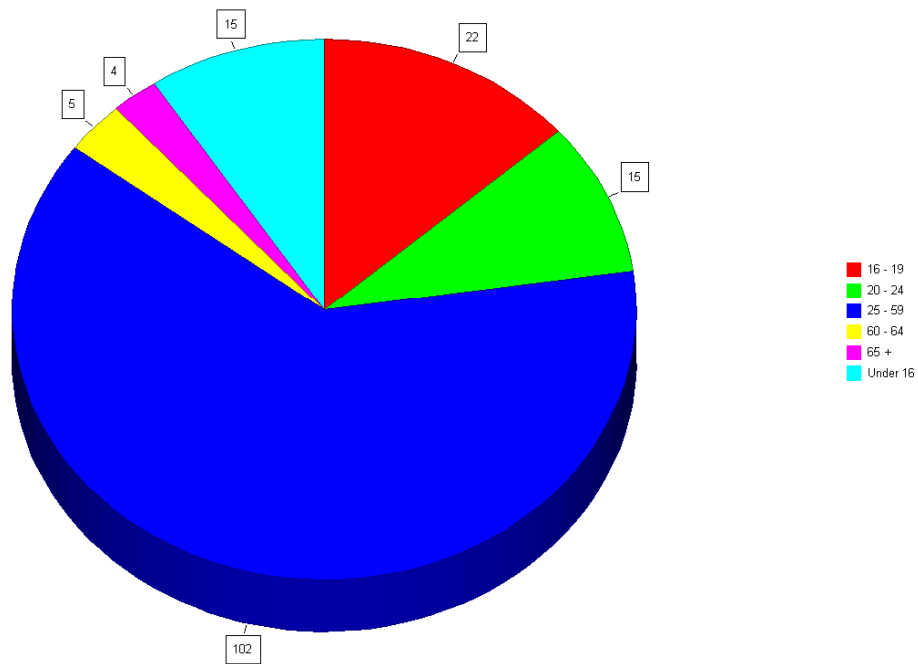


chart excludes complaints where age is not known

13.2 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 right that the Council continues to seek ways to make the procedure more accessible to children. The increase in

complaints from children and young people should be welcomed on this basis.

14. Review of the effectiveness of the complaints procedure

- 14.1 The quality of responses to enquiries and performance against timescales for enquiries and complaints were reviewed in February 2013. The Divisional Management Team agreed changes to procedures in March 2014 to improve standards and to improve the experience of the customer. New guidance has been produced for staff, timescales have been shortened and senior managers are automatically alerted earlier in the process if complaints are not addressed within a week of receipt. The changes were implemented in April 2014 and are having a significant positive effect upon performance against timescales.
- 14.2 A review of the policy for handling complaints which fall outside the scope of the regulations was carried out and recommendations considered by the Divisional Management Team in August 2013. A new Representations policy was introduced in October 2013 to ensure compliance with the regulations and minimise risk to child protection investigations.
- 14.3 Actions needed and practice issues to be disseminated are discussed and agreed at each adjudication meeting held to decide the outcome of a stage 2 investigation. Adjudication meetings were chaired by Assistant Directors or the Director and outcomes shared more widely when appropriate.
- 14.4 The Complaints Team responded to a number of team/unit requests for information about complaints relating to their services in 2013/14 and attended seven management team meetings to provide a presentation on complaints handling. Information was also made available for Ofsted inspections.
- 14.5 Three half-day training sessions for team managers and social workers were provided using "Complaints Made Easy".
- 14.6 The Complaints Team monitors complaints by service unit and area. Weekly reports were provided for management in 2013/14 summarising complaints and highlighting overdue responses. Complaints highlighting issues with policies, practice across the county or serious failings were brought to the attention of the Divisional Management Team. Other regular reports about complaints and representations included quarterly monitoring to SCS DivMT via MIU, to CMT via the Strategic and Corporate Services Directorate, and to the Adoption Improvement Board. Complaints data on performance and subject was also provided for the Area Deep Dives.
- 14.7 The Complaints team ceased to be managed by Adult Services in 2013 and is now managed as part of the Practice Improvement Unit in Specialist Children's Services.

15. Conclusions

- 15.1 Kent continues to operate a robust service for people making complaints about Specialist Children's Services.

16. Recommendation

Recommendation:

The Children's Social Care & Health Cabinet Committee is asked to **NOTE** the content of the report.

17. Background documents

17.1 None

18. Contact details

Report Author

- Patricia Denney, Assistant Director Safeguarding and Quality Assurance
- 01622 694850
- Patricia.Denney@Kent.gov.uk

Relevant Director:

- Philip Segurola, Interim Director Specialist Children's Services
- 03000 413120
- Philip.Segurola@kent.gov.uk