



CHILDREN AND YOUNG PEOPLE'S SERVICES

Complaints and Representations Annual Report 2011 – 2012

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Jackie Brown
Complaints and Representations Officer
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Introduction

This report details the feedback received by the complaints team in Children and Young People's Services during 2011-2012, including statistics on numbers and types of concerns, complaints and, importantly, learning from complaints. People also contact the complaints team with concerns about schools and are appropriately signposted to schools and academies for a response under schools' delegated powers.

A high percentage of initial concerns are resolved quickly by team and service managers. Following a reminder which was sent to staff of the importance of meeting complaint deadlines, it is pleasing to note the improvement in response performance at the first stage of the complaints procedures, particularly for social care which is close to 100%.

The number of complaints considered at stage 2 of the statutory social care complaints procedure has reduced by almost a half following the steps taken to improve stage one responses. It is important to note, however, that a small percentage of complainants will wish to escalate their complaints if not upheld, regardless of the quality of the stage one response.

We regularly review learning from complaints and examples of learning are included in this report. Communication and staff behaviour and attitude continue to feature largely in complaints. This is not unusual in service sectors, particularly in social care; conflict between parents or carers and social workers may be unavoidable where children need to be protected. Complainants have said that they want to be kept informed, to meet staff face to face when there are problems and to receive things in writing. These points have been communicated to staff so they can improve their practice.

Analysis

This section of the report provides commentary about the data and trends of complaints and representations for the 12 month period 1 April 2011 to 31 March 2012.

360 new compliments, concerns, statutory complaints and representations were received during this period, similar to figures for the previous year. The table below shows the types of feedback received with comparisons to show trends.

Type of Record	2009 - 2010		2010 - 2011		2011 - 2012	
	No	%	No	%	No	%
Social care compliments	8	2%	7	2%	34	10%
Corporate compliments	2	1%	0	0%	7	2%
School compliments	0	0%	0	0%	1	0%
Social care concerns	98	31%	98	27%	102	28%
Corporate concerns	29	9%	48	13%	75	21%
School complaints	62	20%	132	36%	87	24%
Statutory social care complaints	54	17%	43	12%	25	7%
Corporate complaints/representations	62	20%	39	10%	29	8%
Total	315	100%	367	100%	360	100%

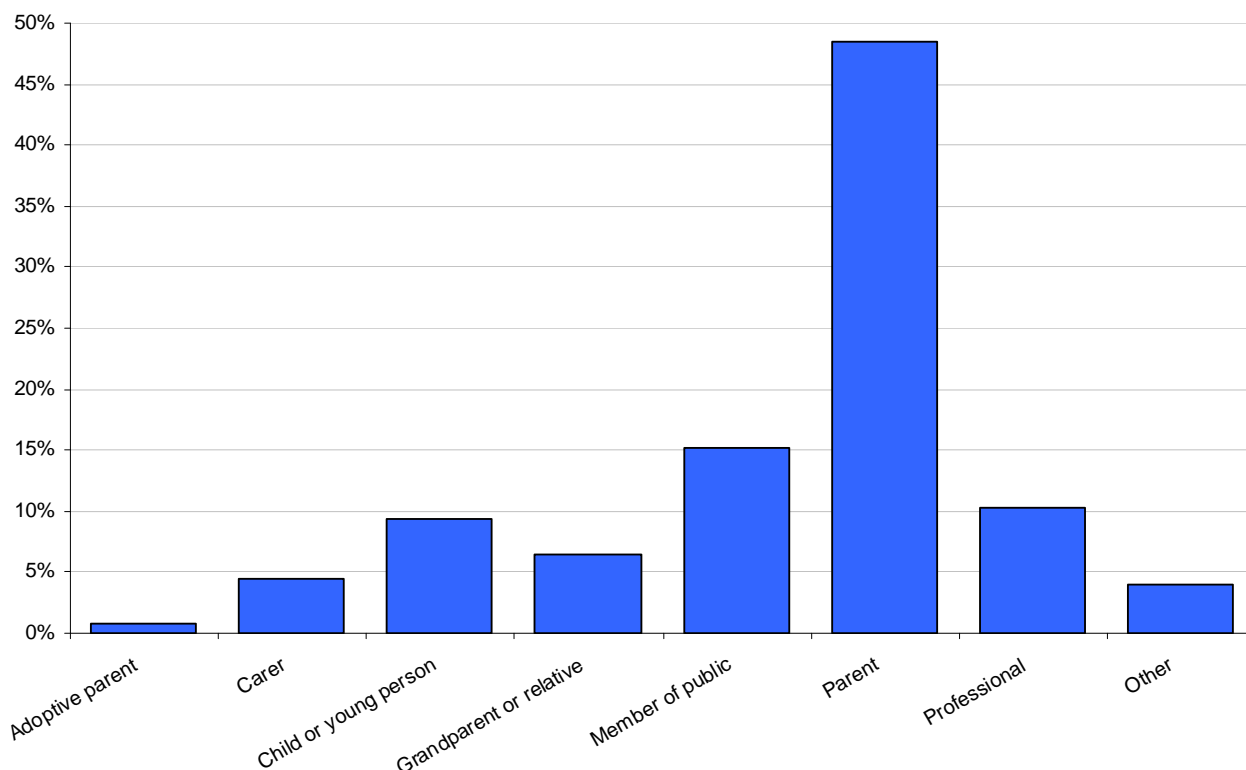
We received a high volume of positive feedback from the public after the TV programmes "Protecting Our Children" which were generally very well received (reflected in the increase in social care compliments). People who complain about schools are given appropriate information to raise their concerns directly with the school in question.

When concerns are received, an initial assessment is made to decide whether they can be considered using the complaints procedure. This includes establishing whether another route is more appropriate or if relatively minor issues can be resolved very quickly and locally by a manager. You will see from the figures below that a high percentage of concerns are resolved quickly to the satisfaction of complainants.

177 concerns were received, of which 25 escalated to stage 1, 1 escalated to stage 2 and 1 went straight to the Local Government Ombudsman. Of the remaining 150 concerns:

- 88 were resolved
- 26 people contacted us but did not pursue their concerns when asked for further information
- 22 were advised that their complaint fell outside of the statutory or corporate procedures, eg because of court proceedings relating to the complaint issues
- 11 were referred to another agency or Bristol City Council department
- 2 were withdrawn by the complainant
- 1 was still open at the end of the reporting period

Who complained or complimented



The chart above shows that the majority of those making complaints and representations were parents. Children and young people represent almost 10%. These are very similar figures to last year.

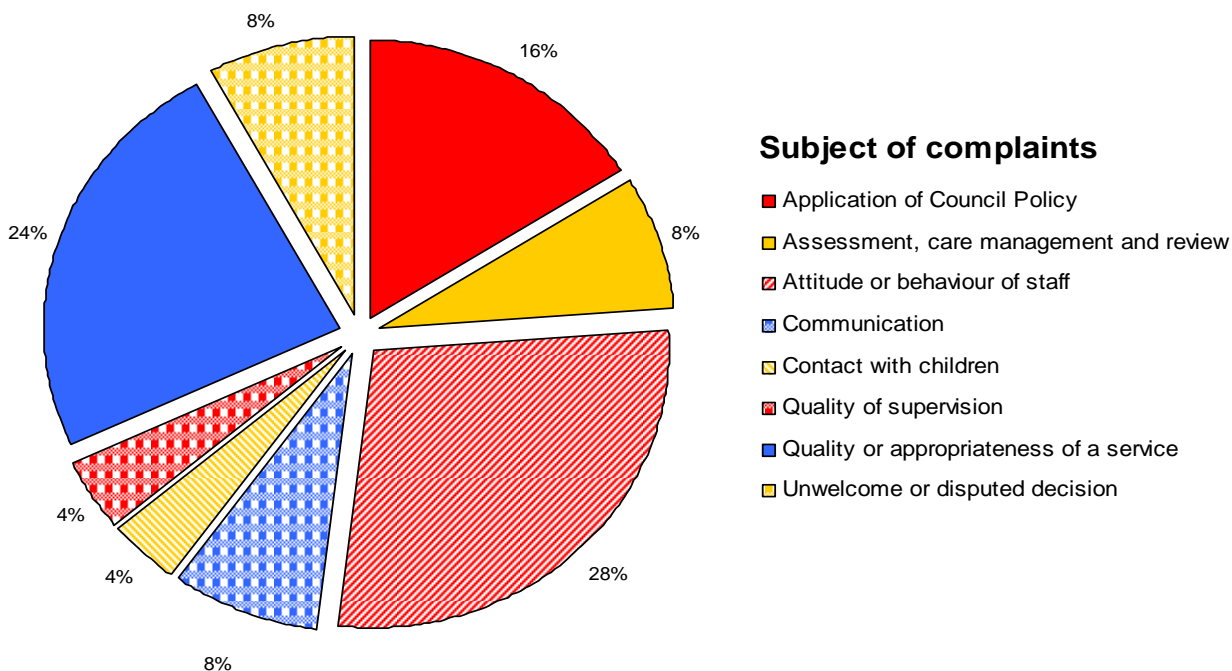
Further analysis, broken down by type of complaint, follows on the next few pages. Appendix 1 provides detailed comparative charts showing overall numbers and response performances.

Social care complaints

Appendix 2 explains the stages of the statutory social care complaints procedure. This table shows the number of complaints responded to at each stage.

Number of Social Care Complaints	Stage One	Stage Two	Stage Three	Ombudsman
2009 - 2010	37	7	5	5
2010 - 2011	41	11	4	10
2011 - 2012	23	6	0	6

The reduction in the number of complaints responded to at stage 1 is attributable to the increase in the number of concerns resolved very quickly outside of the complaints procedure. The stage two figure is comparable with previous years; 2010-2011 was atypical.



The main theme continues to be staff attitudes or behaviour. Parents sometimes consider that they are being unfairly judged by social workers investigating allegations of abuse or neglect as part of their statutory duties. This can result in complaints about social worker attitudes. Only two complaints were fully upheld resulting in appropriate action being taken to remind social workers of their responsibilities to work in partnership with families.

Outcomes of social care complaints

The table below shows the percentages of complaints and representations responded to at each stage of the statutory social care complaints procedure, and their outcomes.

Social Care Outcomes	Stage 1	Stage 2	Ombudsman
Not Upheld	35% (8)		
Partially Upheld	52% (12)	50% (3)	
Upheld	13% (3)		
Local Settlement			
Withdrawn – Complainant		33% (2)	
Withdrawn – Outside procedure/jurisdiction		17% (1)	50% (3)
Investigation not initiated			17% (1)
Investigation discontinued			33% (2)

The table above only relates to complaints and representations and does not include concerns or compliments. The Local Government Ombudsman uses distinct classifications to record complaint outcomes. A complaint is recorded as *outside procedure/jurisdiction* if it relates to a matter outside of their control, eg court proceedings. Evidence presented to the LGO may result in an investigation not being initiated if the Council's actions are considered to be satisfactory. An investigation may be discontinued if, during enquiries, there is evidence to show that there has been no maladministration.

Three complaints were withdrawn at stage two of the procedure as issues were resolved through meetings with complainants. In one case, CYPS issues were resolved whilst those relating to another Council department were outside of that department's remit.

Response performance

There are statutory deadlines for responding to social care complaints. The table in Appendix 2 shows the structure of the complaints procedure. The deadlines for response are given at each stage with the possibilities for extensions in brackets. Extensions can be agreed with complainants where cases are complex or there are difficulties arranging meetings with a number of professionals etc.

Stage of Social Care Complaints Procedure	Performance 2009/2010	Performance 2010/2011	Performance 2011/2012
Stage 1	76%	68%	96%
Stage 2	71%	91%	83%
Stage 3	60%	100%	N/A
Ombudsman	100%	100%	100%

The table above shows the performance against deadlines at each stage. It is encouraging to note the improvement at stage 1 following proactive steps taken to encourage managers to respond on time.

Advocacy

Children and young people are entitled to independent and confidential advocacy support to help them make social care complaints and representations. CYPS has a service level agreement with Reconstruct to provide this service as part of a wider advocacy and participation project for children and young people. Advocacy support is also provided for adults making complaints on behalf of children by Complaints Procedure Advocacy, part of the Care Forum.

Reconstruct advocates work closely with children and young people in care and frequently support them to raise concerns informally with staff. Therefore the majority of issues raised directly by children and young people are resolved without using the complaints procedure. 4 children and young people were supported by Reconstruct to raise formal complaints during 2011-2012. A further 11 were supported by advocates to seek resolution to their concerns outside of the complaints procedure.

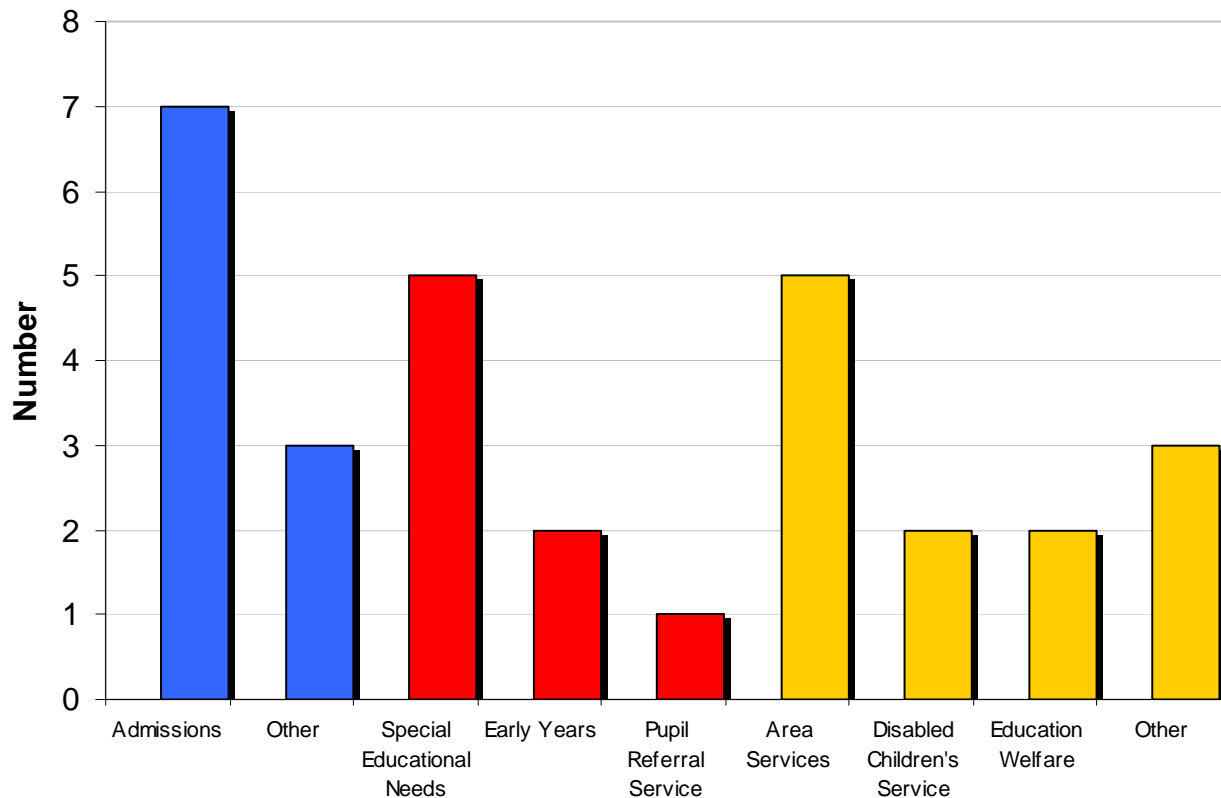
Complaints Procedure Advocacy (CPA) provided support to 12 adults making complaints on behalf of or concerning children and young people at all stages of the complaints procedure, from initial concerns to post stage 3. Different levels of support are provided, from information that can promote self help to assisted information (which could include research or signposting) and general help (which could be arms length support, eg advising on process and proof reading letters drafted by clients) through to full case work. Complainants are supported to look at different options and possible outcomes to equip them to make informed choices about action which may be taken. CPA works to ensure people can represent their own interests as far as possible and does not offer advice on how an individual should act.

Corporate complaints

No. of corporate complaints	Stage One	Stage Two	Stage Three	Ombudsman
2009 - 2010	44	11	7	0
2010 - 2011	41	9	7	8
2011 - 2012	17	8	5	11

Appendix 2 explains the corporate complaints procedure. The table above shows the number of complaints responded to at each of the stages of the procedure. There has been a significant rise in the number of complaints considered by the Local Government Ombudsman. Five of these complaints had been considered using the complaints procedure. Three had been resolved outside of the complaints procedure but the complainants subsequently approached the LGO. Three complainants had no previous contact with the complaints team before approaching the LGO. Despite the increased number, there were no findings of maladministration against the Council. Information on outcomes is detailed later in this report.

Complaints and representations by Service Director



Key		Total Complaints		
A	Resource Planning and performance	10	35%	
B	Education (not including schools, see p2)	8	27%	
C	Children and Young People	11	38%	

The table above shows the number of complaints by service area within CYPS Service Directorates. The majority were about school admissions. It is encouraging to note a slight decrease over the previous year (from 8 to 7). A number of these complaints related to the inability of parents to be able to contact the team. Steps have been taken by the admissions team to prevent recurrence of this issue in the future. Complaints about Special Educational Needs were mainly from parents raising concerns about the management of applications and the extent to which children's needs were being met by schools. Most complaints about area social work services are responded to through the statutory Children Act complaints procedure. Those responded to through the corporate procedure are ineligible for the statutory procedure, usually because the complainant is not closely connected to a child in receipt of social care services. Complaints related mainly to attitudes of social workers and communication issues.

Outcomes of corporate complaints

The table below shows the percentages of complaints and representations responded to at each stage of the corporate complaints procedure, and their outcomes.

Corporate Complaint Outcomes	Stage 1	Stage 2	Stage 3	Ombudsman
Not Upheld	65%(11)	50% (4)	80% (4)	
Partially Upheld	29% (5)	38% (3)		
Upheld	6% (1)			
Withdrawn – Complainant		12% (1)		
Investigation discontinued				64% (7)
Investigation discontinued, injustice remedied				9% (1)
Investigation complete, satisfied with LA actions				9% (1)
Investigation not initiated				9% (1)
Withdrawn			20% (1)	9% (1)

The table above only relates to complaints and representations and does not include concerns or compliments.

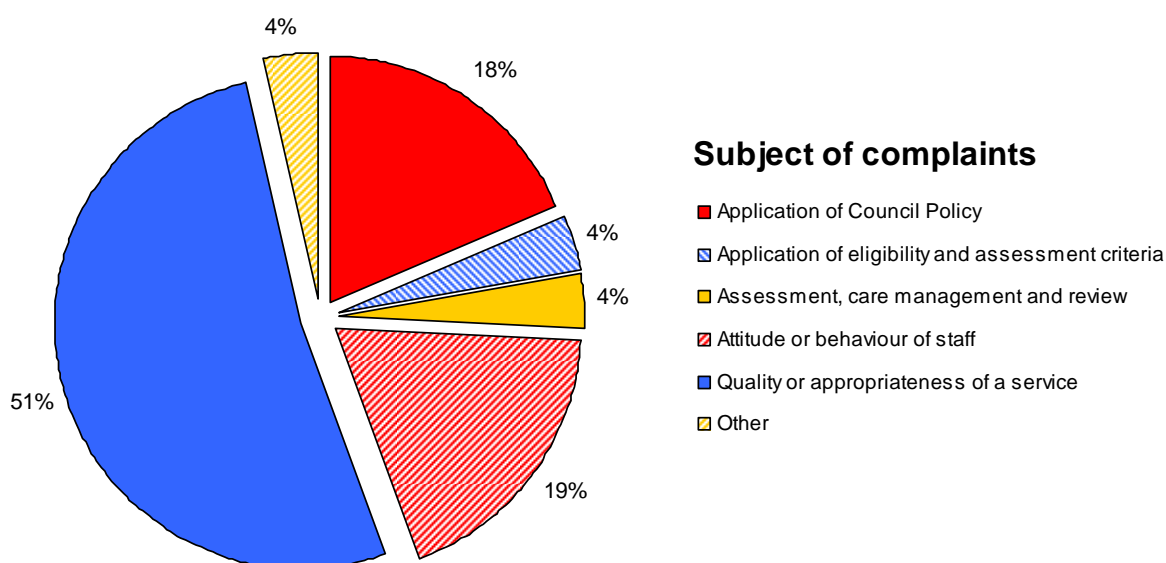
As noted earlier in this report, the Local Government Ombudsman (LGO) uses distinct classifications to record complaint outcomes. Evidence presented to the LGO may result in an investigation not being initiated if the Council's actions are considered to be satisfactory. An investigation may be discontinued if, during enquiries, there is evidence to show that there has been no maladministration.

Response performance

The flowchart in Appendix 2 shows the structure of the corporate complaints procedure. The deadlines for response are given at each stage. The table below shows the response performance in 2011-12.

Stage of Corporate Complaints Procedure	Performance 2009/2010	Performance 2010/2011	Performance 2011/2012
Stage 1	86%	63%	88%
Stage 2	100%	40%	50%
Stage 3	43%	80%	80%
Ombudsman	0%	71%	91%

Whilst Stage 1 performance has improved on last year's figures, it is disappointing to note that stage 2 performance has only slightly improved. It is worth noting, however, that one Stage 2 complaint was investigated by an external investigating officer to reassure the complainant that the investigation would be unbiased. A longer deadline was therefore negotiated with the complainant. Managers have been reminded of the importance of responding on time.



The majority of corporate complaints are about the quality or appropriateness of services. This is in contrast to social care complaints, where a higher proportion were about staff behaviour and communication.

Learning from complaints

One of the key principles of the statutory social care complaints regulations is that local authorities learn from complaints and use this learning to improve services for everyone who uses them. Additionally, the Chief Executive and Strategic Directors place great emphasis on the importance of learning from corporate complaints. All actions agreed when complaints are concluded are tracked and monitored by the complaints team to ensure they are implemented within agreed timescales. Some examples of how individual complaints have led to service improvements are given here.

Special Educational Needs

As a result of parental concern about a child's educational needs not being met at school and through his statement, the SEN Manager highlighted to school Heads, Governors, Special Needs Coordinators and partners the importance of working in partnership with parents and of keeping them informed about the support and progress of any child but particularly of those with additional learning needs.

A complaint relating to admission to secondary school of a child with a Statement of Special Educational Needs resulted in schools being reminded to make it clear to parents at annual reviews prior to transfer that it is the Council which decides about placements in consultation with Headteachers and that exploratory discussions with preferred schools may not necessarily result in a placement being offered. Additionally, the process was amended to offer two choices of school to parents of children with Statements.

Family placement

A foster carer complained that respite care was agreed but never arranged due to lack of funding. As a result of this complaint an aide memoire for staff was developed showing the different allowances to which young people are entitled, the relevant points of contact and the responsibilities of each of the teams in CYPS. Additionally, the Disabled Fostering Allowance (DFA) policy was reviewed and clarified.

A grandparent complained that CYPS failed to inform her of non-entitlement to benefit. The information pack for Kinship Carers was updated to inform them that they are not allowed to continue to claim Child Benefit once they start receiving fostering allowance.

Following a complaint from a grandparent because she was not receiving Residence Order Allowance for looking after her grandchildren, the Family and Friends Care Policy was updated to include information on backdated claims.

A foster carer who was subject to an allegation from a child in their care was unhappy with how they were treated by CYPS staff. This complaint resulted in guidelines for staff being strengthened to clarify expected procedures and cross boundary agreements and to ensure that foster carers receive independent support in similar situations.

A grandparent was unhappy that she was unable to take the child in her care on holiday during term time. This resulted in a review of the policy on holidays in school time, clearly outlining any exceptions.

School admissions

Increased staffing levels and improvements to telephony were made in advance of preference letters being sent to parents in April 2012. Additionally, those calling because

they were not allocated any of their preferences were offered a 15 minute conversation with a manager. It is anticipated that this will result in fewer concerns in future.

Diversity monitoring

Through a variety of means, we capture as much information as possible about the gender, ethnic background, age and disability of those who give feedback. For social care complaints, some information is available through the social care case management system. We send diversity monitoring forms to people when complaints are acknowledged. However, very few are returned to us. Despite efforts to capture this information, some people prefer not to provide it, which means there is a high number of 'unknowns' in most categories. This makes it very difficult to draw any meaningful conclusions from the data.

The tables in Appendix 3 compare diversity information with the Bristol population and information we hold about children and young people, where relevant. They also include information about the children and young people related to complaints (called service users). For social care complaints, this information is available on the social care case management system, hence the higher reporting levels.

Quality assurance

We are keen to receive feedback from those who use our complaints procedures. We therefore send a short survey with the following questions once a complaint has been responded to:

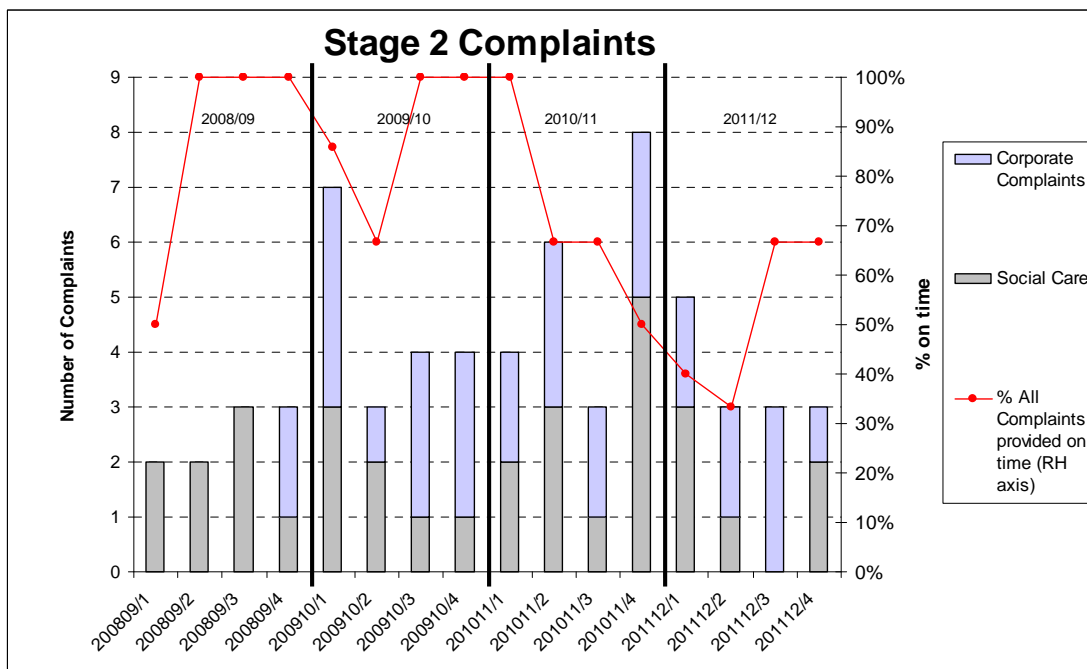
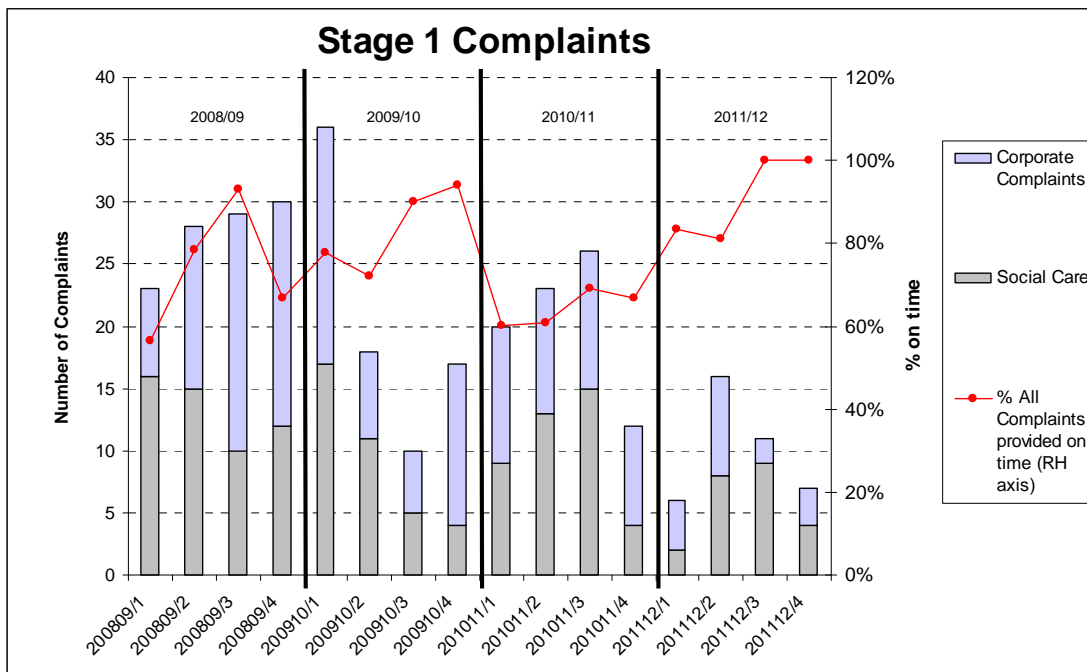
- It was easy to find out how to make a complaint.
- I was able to speak to the manager dealing with my complaint.
- I had a written reply.
- I am happy with the way my complaint was handled.

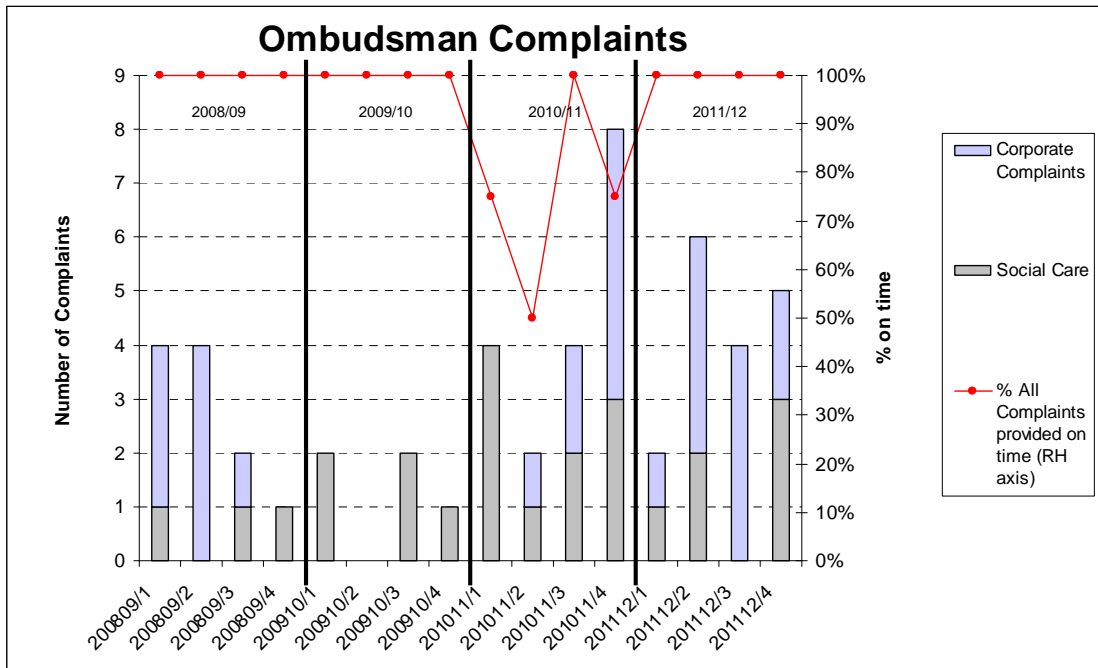
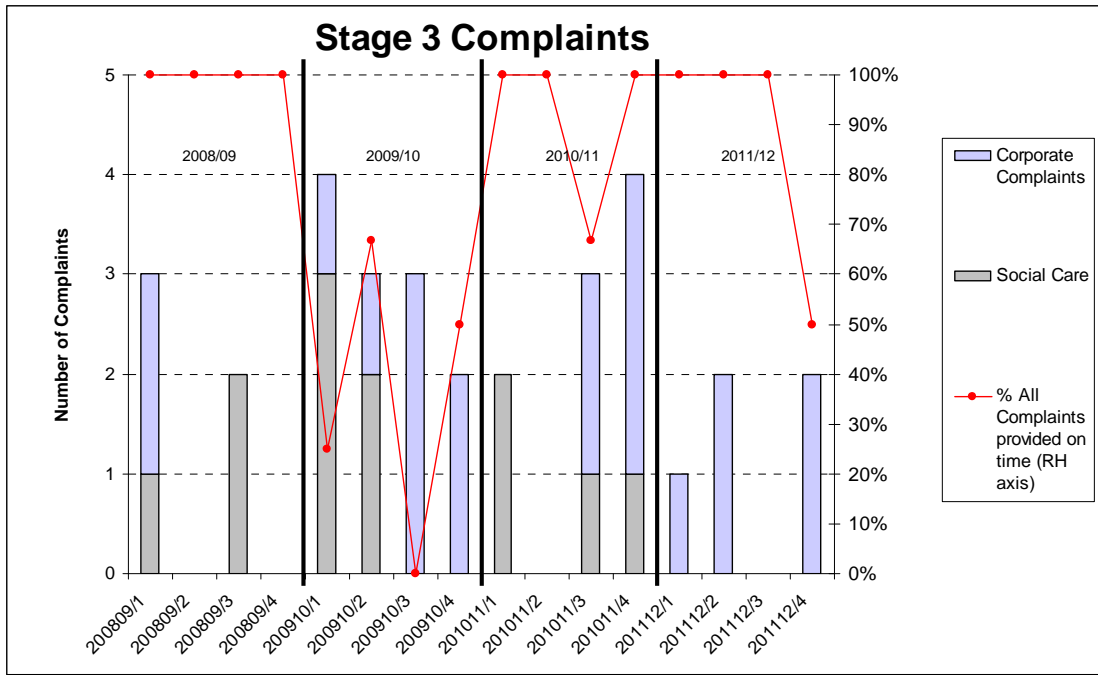
All complainants receive a written acknowledgement of their complaint. Information about response performance is available in the analysis section of this report. In 2011-2012, 29% of surveys were returned. This is an increase on the percentage return for 2010-2011, at 27%. The feedback is mixed in that:

- 55% felt it had been easy to find out how to make a complaint.
- 57% of complainants said they were able to speak to the manager dealing with their complaint. This percentage figure is the same as last year, which indicates that complainants still face difficulties in contacting managers dealing with their complaints.
- 100% stated they had a written reply.
- 64% were happy with the way their complaint was handled. Those who were not were cases where part of their complaint had not been upheld. Two surveys returned explicitly state that the complaint process was fine but they were unhappy with the outcome.

Appendix 1 - Comparisons

The following charts are annual comparisons of the complaints response figures, showing the complaints completed at each stage by quarter.





Appendix 2 – Complaints Procedures

Social care complaints

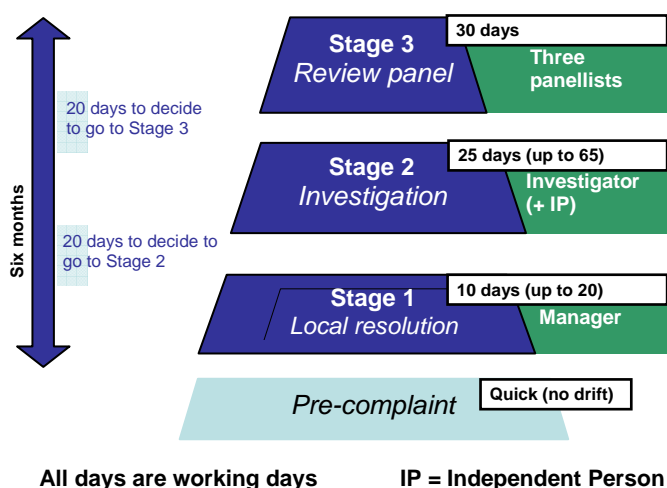
The Children Act 1989 Representations Procedure (England) Regulations 2006 requires local authorities to have in place procedures for handling complaints made by or on behalf of service users (or potential users) of social care services provided to children and young people.

The children’s social care complaints procedure consists of three stages:

- ❑ Stage 1 – Local, informal resolution (usually conducted by a first line manager)
- ❑ Stage 2 – Formal, detailed investigation (conducted by an investigator and independent person)
- ❑ Stage 3 – Formal review (considered by a panel of three independent people).

In some circumstances, a complaint can be investigated at Stage 2 of the procedure, without being considered at Stage 1. However, complainants are generally encouraged not to skip Stage 1 if local managers have not previously had an opportunity to look into the concerns raised. A review panel will only be held once a Stage 2 investigation is completed.

Structure of statutory complaints procedure



Corporate Complaints

The flowchart on the next page outlines the corporate complaints procedure which is used to consider complaints from citizens and service users about other aspects of CYPS not covered by the statutory social care procedure. There are three stages to the corporate procedure:

- Stage 1 – Complaint considered by local supervisor or manager
- Stage 2 – Complaint considered by Service Manager or above
- Stage 3 – Complaint considered by Corporate Complaints Manager on behalf of the Chief Executive

As with the statutory procedure, if a complaint is considered to be very serious, it can be escalated to the next stage of the procedure. The flowchart on the next page summarises the procedure

Ombudsman

At any time, complainants using either of the statutory or corporate procedures can approach the Local Government Ombudsman for a review of the case. Usually, the LGO only considers complaints once the local authority's complaints procedure has been fully exhausted.

FAIR COMMENT! – Complaints Procedure

Stage 1 Complaint considered by local supervisor/manager – reply within 15 working days.



Stage 2 Complaint considered by 3rd tier manager or above – reply within 15 working days.



Stage 3 Complaint considered by Chief Executive – reply within 21 working days.



If Stage 3 completed – refer to Local Government Ombudsman or Information Commissioner.

The process to follow at each stage (1, 2 and 3)

Complaint Received
by phone, fax, form, email, website, letter or in person



Log complaint details on computer system



Send acknowledgement letter – within 5 working days of receipt



Investigate/Review



Inform complainant of outcome and log result



Implement any actions



If complainant not satisfied – go to next stage

Appendix 3 - Diversity monitoring

Complainants

Gender	Corporate complaints			Social care complaints		
	09/10	10/11	11/12	09/10	10/11	11/12
Year						
Yes	0%	0%	5%	4%	10%	14%
No	0%	24%	19%	17%	36%	23%
Prefer not to say	4%	3%	0%	0%	0%	0%
Unknown	96%	73%	76%	79%	54%	63%

Ethnic group	Corporate complaints			Social care complaints		
	09/10	10/11	11/12	09/10	10/11	11/12
Year						
Asian	0%	3%	0%	4%	0%	5%
Black	0%	3%	0%	8%	13%	10%
Mixed	0%	3%	0%	4%	2%	9%
White	4%	31%	38%	75%	67%	33%
Unknown	91%	57%	62%	9%	18%	43%
Prefer not to say	5%	3%	0%	0%	0%	0%

Age	Corporate complaints			Social care complaints		
	09/10	10/11	11/12	09/10	10/11	11/12
Year						
15 or under	0%	6%	4%	10%	8%	9%
16 - 24	0%	6%	0%	14%	20%	9%
25 - 59	22%	26%	13%	63%	61%	68%
60 or over	0%	0%	13%	10%	3%	0%
Prefer not to say	4%	3%	0%	0%	0%	0%
Unknown	74%	59%	70%	3%	8%	14%

Children and young people (service users)

Gender	Corporate complaints			Bristol population	Social care complaints			Social care population
	Year	09/10	10/11	11/12	Census 2001	09/10	10/11	11/12
Male	50%	64%	60%	51%	38%	64%	50%	53%
Female	50%	36%	27%	49%	62%	36%	50%	45%
Unknown	0%	0%	13%	0%	0%	0%	0%	2%

Disability	Corporate complaints			Bristol population	Social care complaints			Social care population
	Year	09/10	10/11	11/12	Census 2001	09/10	10/11	11/12
Yes	25%	20%	36%	10%	21%	16%	5%	27%
No	25%	40%	7%	90%	69%	76%	0%	65%
Unknown	50%	40%	57%	0%	10%	8%	95%	8%

Ethnic group	Corporate complaints			Bristol population	Social care complaints			Social care population
	Year	09/10	10/11	11/12	Census 2001	09/10	10/11	11/12
Asian	0%	0%	0%	5%	0%	0%	9%	4%
Black	8%	0%	7%	3%	0%	16%	0%	9%
Mixed	17%	9%	0%	4%	41%	8%	0%	11%
White	50%	73%	47%	88%	59%	74%	82%	74%
Other	0%	0%	0%	0%	0%	3%	0%	2%
Unknown	25%	18%	46%	0%	0%	0%	9%	0%

Age	Corporate complaints			Bristol population	Social care complaints			Social care population
	Year	09/10	10/11	11/12	Census 2001	09/10	10/11	11/12
15 or under	92%	91%	73%	57%	93%	84%	82%	81%
16 - 24	8%	0%	13%	43%	7%	16%	18%	19%
Unknown	0%	9%	14%	0%	0%	0%	0%	0%