

CHILDREN AND YOUNG PEOPLE'S SERVICES

Complaints and Representations Annual Report 2012–2013

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Introduction

This report details the feedback received by the complaints team in Children and Young People's Services during 2012-2013, 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. It is disappointing to note the improvement in response performance at the first stage of the complaints procedures last year has not been sustained.

The number of complaints considered at stage 2 of the statutory social care complaints procedure has once again reduced by half.

Analysis

This section of the report provides commentary about the data and trends of complaints and representations for the 12 month period 1 April 2012 to 31 March 2013.

244 new compliments, concerns, statutory complaints and representations were received during this period, representing a decrease of one third on 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		2012-2013	
	No	%	No	%	No	%	No	%
Social care compliments	8	2%	7	2%	34	10%	8	3%
Corporate compliments	2	1%	0	0%	7	2%	0	0%
Social care concerns	98	31%	98	27%	102	28%	63	26%
Corporate concerns	29	9%	48	13%	75	21%	52	21%
School complaints	62	20%	132	36%	87	24%	85	35%
Statutory social care complaints	54	17%	43	12%	25	7%	22	9%
Corporate complaints/representations	62	20%	39	10%	29	8%	14	6%
Total	315	100	367	100	360	100	244	100

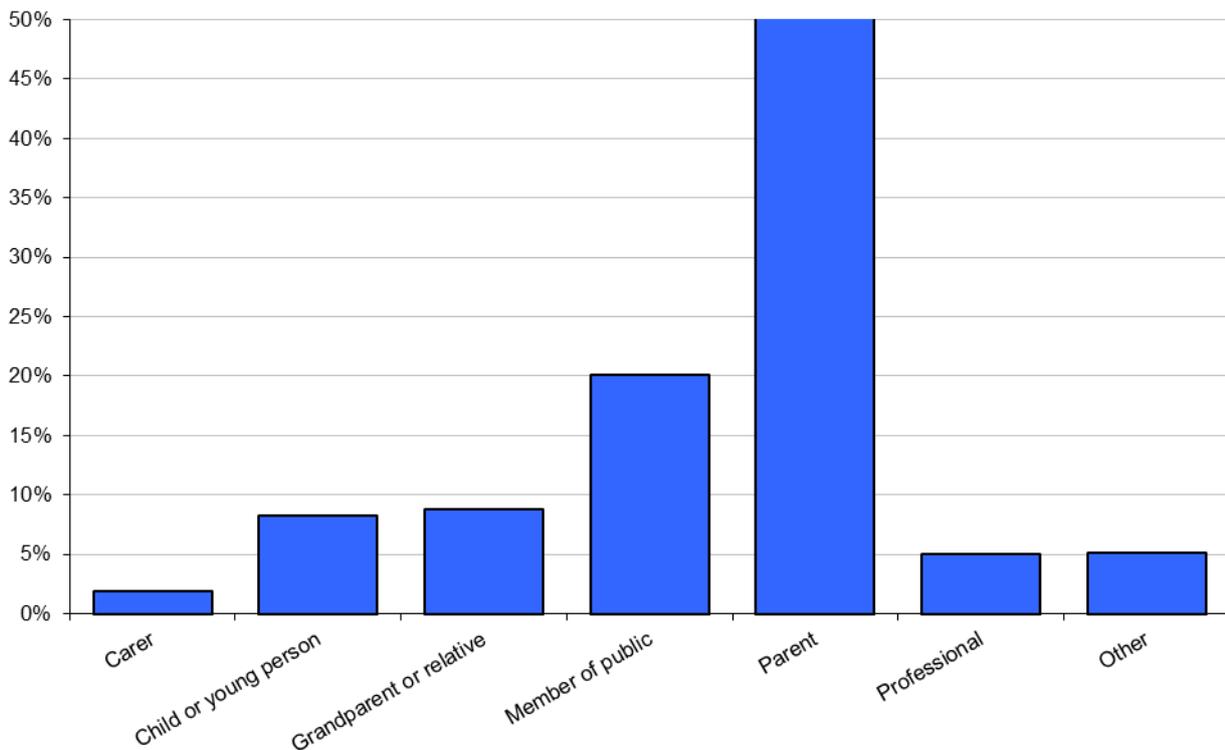
People who complain about schools are given appropriate information to raise their concerns directly with the school in question.

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 38% of concerns were resolved quickly to the satisfaction of complainants.

115 concerns were received:

- 44 were resolved
- 25 people contacted us but did not pursue their concerns when asked for further information
- 24 were referred to another agency or Bristol City Council department
- 20 were advised that their complaint fell outside of the statutory or corporate procedures, eg because of court proceedings relating to the complaint issues
- 1 was withdrawn by the complainant
- 1 escalated to stage 2

Who complained or complimented



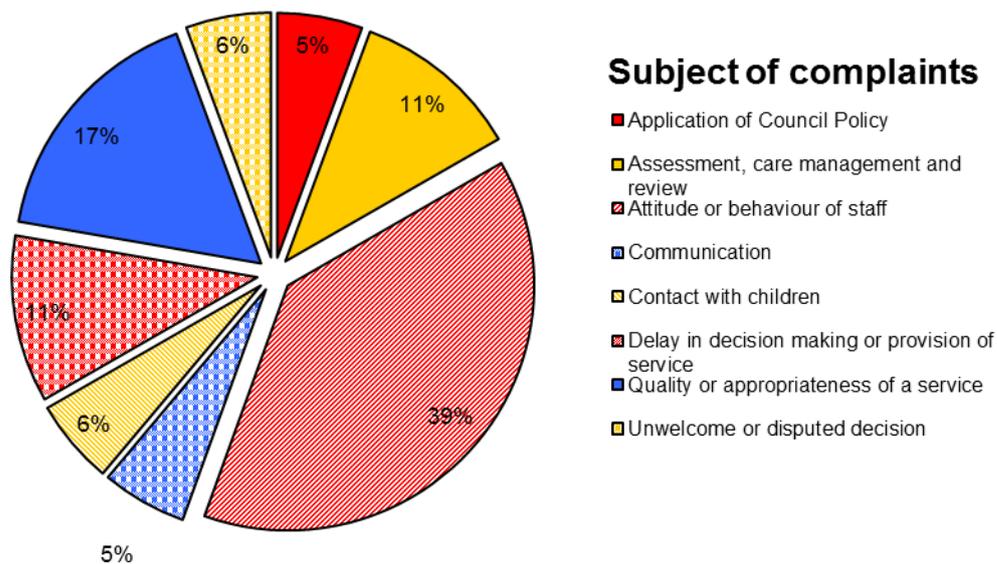
The chart above shows a similar pattern to previous years with parents representing the majority of those making complaints and representations.

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
2012 - 2013	20	3	1	4



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 one complaint from a young person about staff behaviour was fully upheld.

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	Stage 3	Ombudsman
Not Upheld	35%			
Partially Upheld	50%	67%	100%	
Upheld	10%	33%		
Withdrawn – Complainant	5%			
Investigation discontinued - injustice remedied				25%
Investigation discontinued				25%
Investigation not initiated				50%

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. 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 or if an injustice has been remedied.

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	Performance 2012/2013
Stage 1	76%	68%	96%	80%
Stage 2	71%	91%	83%	67%
Stage 3	60%	100%	N/A	100%
Ombudsman	100%	100%	100%	67%

The table above shows the performance against deadlines at each stage. Unfortunately, the improvement in 2011/12 has not been sustained in 2012/13. There were only three complaints at Stage 2, one of which missed its deadline by one day.

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. 3 children and young people were supported by Reconstruct to raise formal complaints during 2012-2013. A further 11 were supported by advocates to seek resolution to their concerns outside of the complaints procedure.

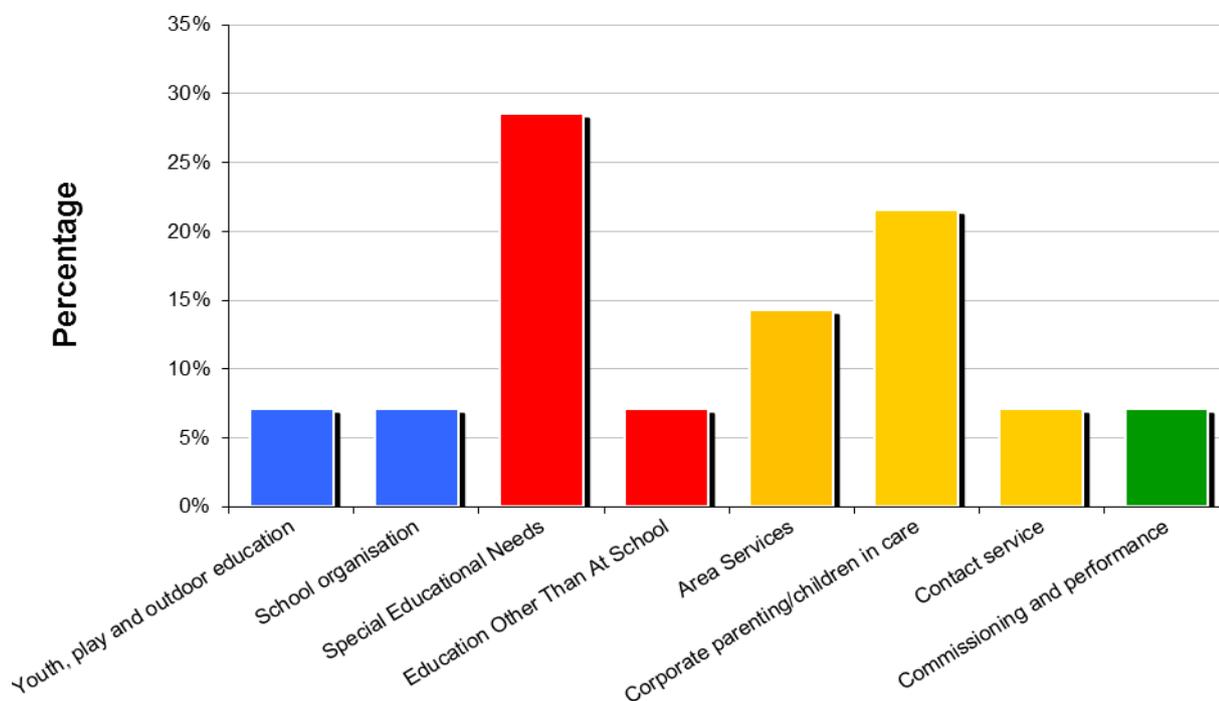
Complaints Procedure Advocacy (CPA) provided support to 14 adults making complaints on behalf of or concerning children and young people at all stages of the complaints procedure, from initial concerns to post stage 3. Different levels of support are provided, from information that can promote self help 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
2012 - 2013	15	3	0	2

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. Information on outcomes is detailed later in this report.

Complaints and representations by Service Director



Key		Total Complaints		
A	Resource Planning and performance	2	14%	
B	Education (not including schools, see p2)	5	36%	
C	Children and Young People	6	43%	
D	Strategic Commissioning	1	7%	

The table above shows the number of complaints received by service area within CYPS Service Directorates. The majority were about Special Educational Needs with no particular theme emerging. In one case, the SEN team agreed that a child did not receive specialist provision and compensated for this.

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	15	2		
Partially Upheld	3	1		
Upheld	5			
Investigation discontinued, injustice remedied				1
Out of jurisdiction				1

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

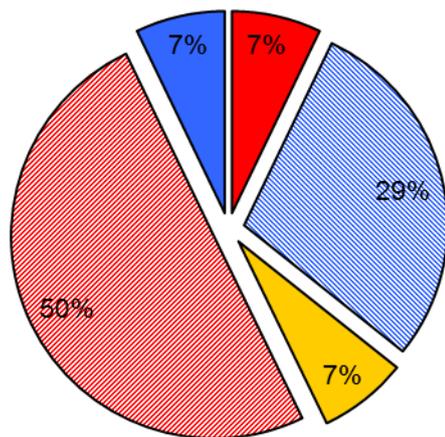
The Local Government Ombudsman (LGO) uses distinct classifications to record complaint outcomes. An investigation may be discontinued if, during enquiries, there is evidence to show that there has been no maladministration. A complaint is considered to be Out of jurisdiction if the LGO does not have the power to investigate, eg because of court activity or the right to appeal.

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 2012-13.

Stage of Corporate Complaints Procedure	Performance 2009/2010	Performance 2010/2011	Performance 2011/2012	Performance 2012/2013
Stage 1	86%	63%	88%	67%
Stage 2	100%	40%	50%	0%
Stage 3	43%	80%	80%	N/A
Ombudsman	N/A	71%	91%	50%

Response performance has declined this year and senior managers have been alerted to this trend so they can remind all staff of the importance of responding on time.



Subject of complaints

- Application of Council Policy
- Attitude or behaviour of staff
- Communication
- Quality or appropriateness of a service
- Unwelcome or disputed decision

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, senior managers place great emphasis on the importance of learning from 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.

Area social work

A parent was unhappy with how a social worker dealt with and responded to her teenage daughter going to live with a sibling which resulted in:

- social care teams being reminded to complete an initial plan within an Initial Assessment.
- strengthened case allocation arrangements to reduce the number of cases being allocated to social workers in their absence.
- duty teams being reminded of the benefit of agreeing with service users suitable methods and arrangements for making contact.

An investigation into a complaint from a parent about the behaviour of a social worker who she said arrived unannounced at her house and gave her incorrect information was unable to establish any conclusive evidence as the case recording was limited. Consequently, social workers have received refresher training on recording skills and staff have been reminded of the importance of ensuring that decision-making processes in respect of individual cases are clearly reflected in case notes.

As a result of a parent's concern that he was wrongly accused of being a perpetrator instead of a victim of domestic abuse:

- all training on assessment and domestic violence was reviewed to ensure promotion of best practice to avoid gender bias.
- trainers and content are subject to regular quality assurance checks.
- a section was added to observation forms to specifically address gender bias.
- the Multi Agency Risk Assessment Conference (MARAC) Steering Group conducted an equalities audit which resulted in risk being assessed objectively on the basis of information given to avoid assumptions.

Access to records

A former service user was unhappy with the slow and partial response he received when he requested a copy of his records which resulted in a full review of the process followed when people request access to their adoption records.

Information security

A parent reported that details about her child were sent to the wrong email address. Procedures were changed to ensure that the source of an email address is recorded and to send test emails.

Disabled children

A parent complained about not being informed that a child was to be visited in school by a social worker completing a review and of not receiving a copy of the completed review which resulted in unnecessary concern that Direct Payments were to cease. As a result, team processes have been reviewed and amended to ensure that families are kept informed and always receive copies of reviews.

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 outlines the diversity information of complainants. 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 statements once a complaint has been responded to and ask complainants to tell us how satisfied they have been with each aspect:

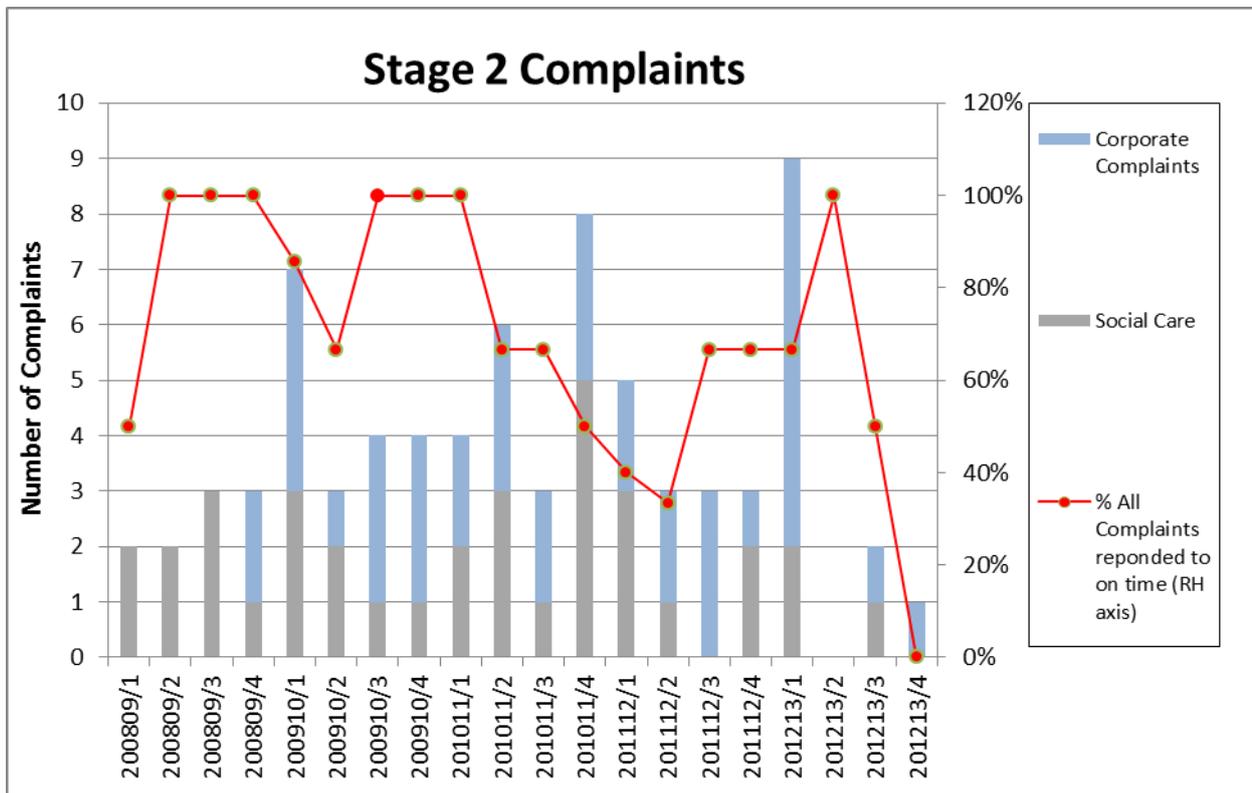
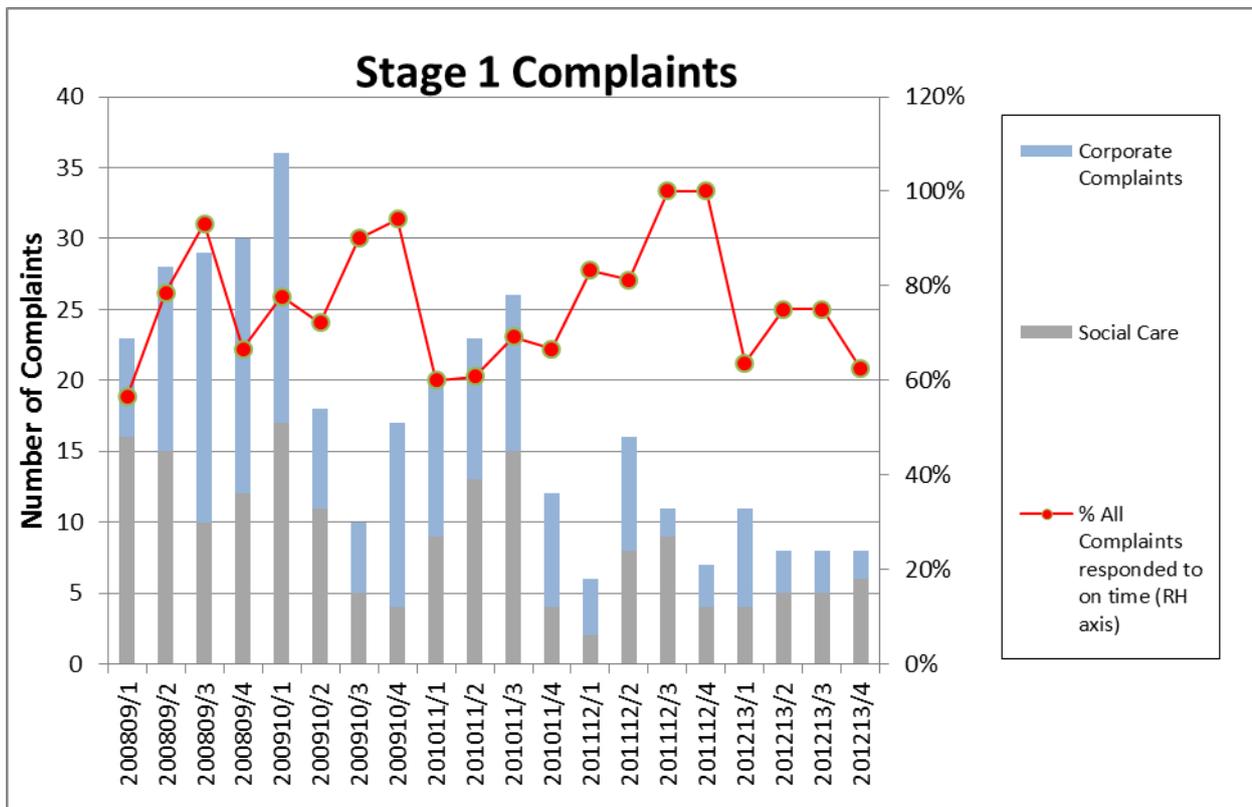
- It was easy to find out how to make a complaint.
- I was able to speak to the manager dealing with my complaint.
- I had a written reply.
- I am happy with the way my complaint was handled.

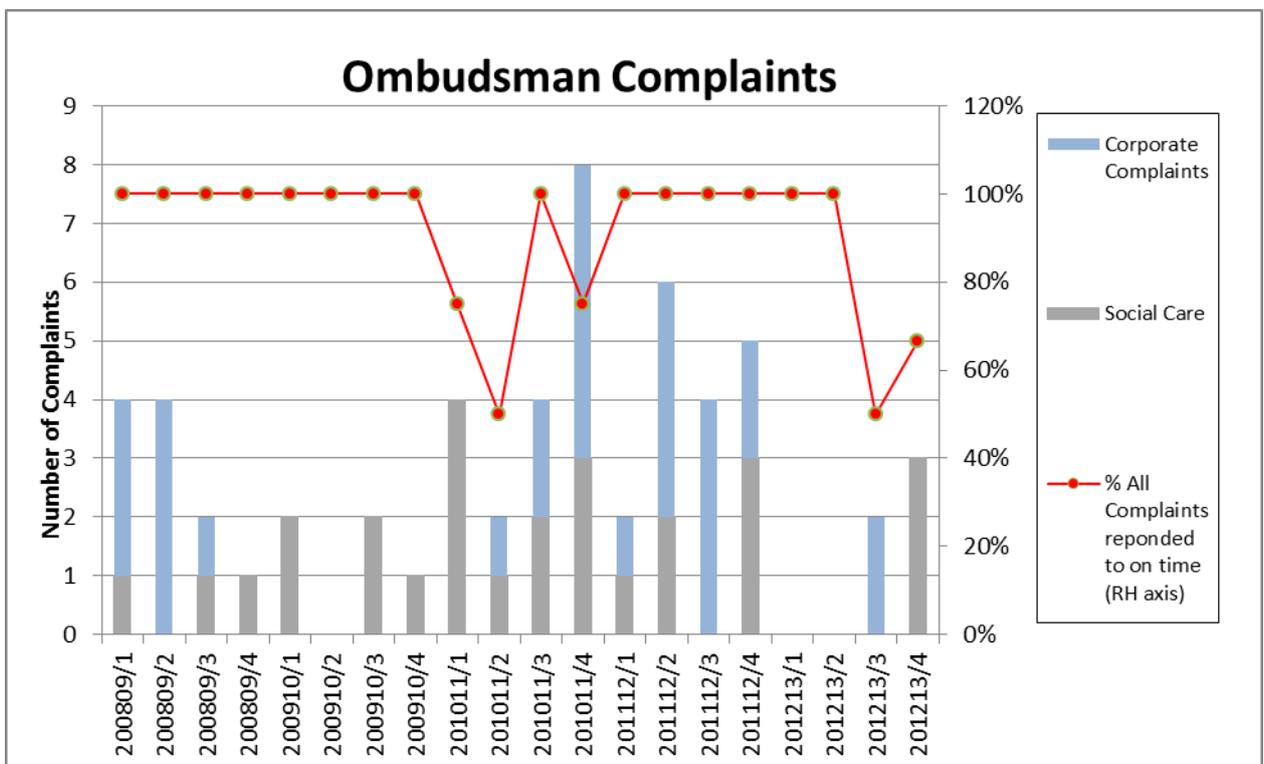
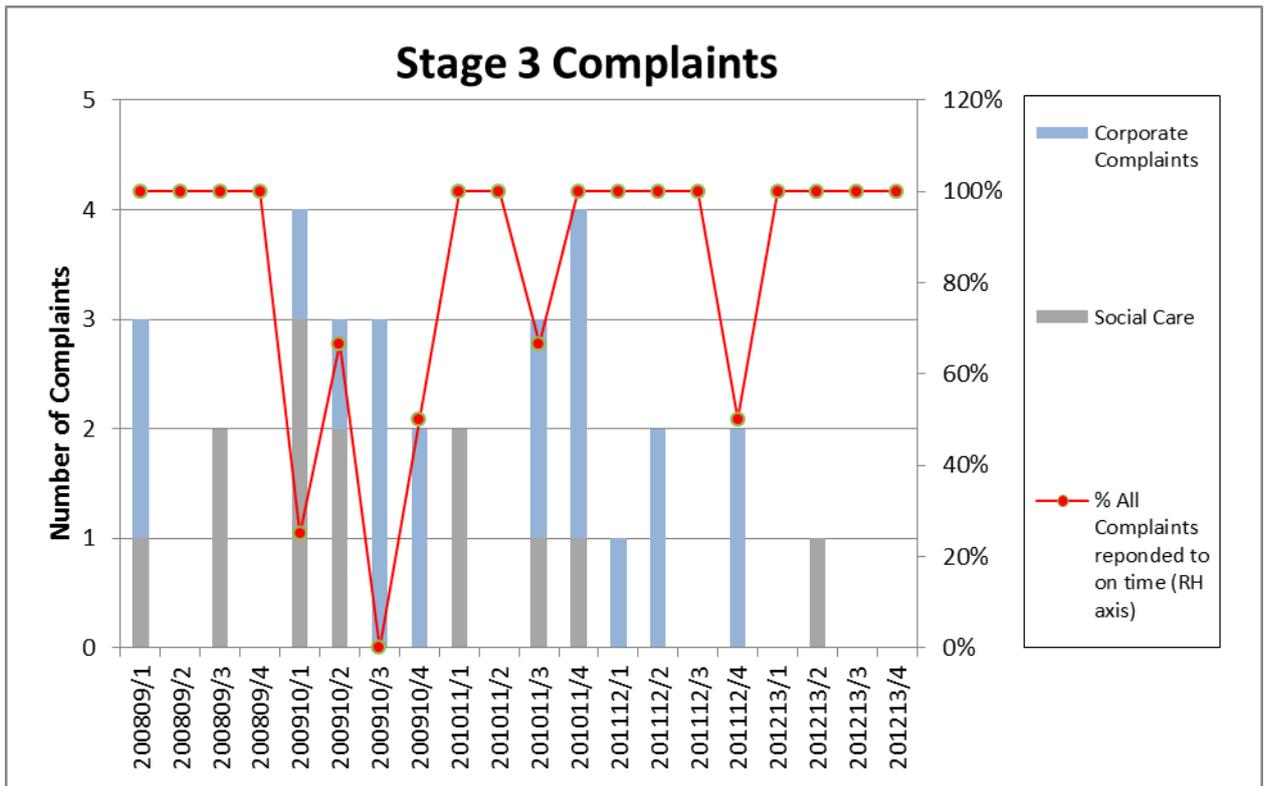
All complainants receive a written acknowledgement of their complaint. Information about response performance is available in the analysis section of this report. In 2012-2013, 35% of surveys were returned. This is an increase on the percentage return for 2011-2012, at 29%. The feedback is mixed in that:

- 57% 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.
- 86% stated they had a written reply.
- 38% were happy with the way their complaint was handled. Those who were not were cases where part of their complaint had not been upheld. One person felt that the main issue was not addressed and two complainants were unhappy that their desired outcomes were not met.

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

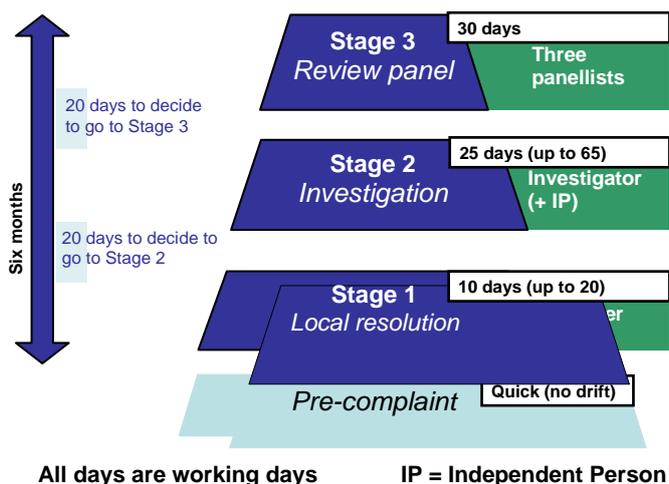
The Children Act 1989 Representations Procedure (England) Regulations 2006 requires local authorities to have in place procedures for handling complaints made by or on behalf of service users (or potential users) of social care services provided to children and young people.

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



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



Appendix 3 - Diversity monitoring

Complainants

Gender	Corporate complaints				Social care complaints			
	09/10	10/11	11/12	12/13	09/10	10/11	11/12	12/13
Year								
Male	41%	11%	23%	14%	29%	28%	28%	35%
Female	45%	84%	69%	79%	53%	69%	64%	61%
Joint (couple)	14%	0%	4%	7%	18%	3%	8%	4%
Unknown	0%	5%	4%	0%	0%	0%	0%	0%

Disability	Corporate complaints				Social care complaints			
	09/10	10/11	11/12	12/13	09/10	10/11	11/12	12/13
Year								
Yes	0%	0%	5%	0%	4%	10%	14%	5%
No	0%	24%	19%	21%	17%	36%	23%	23%
Prefer not to say	4%	3%	0%	0%	0%	0%	0%	0%
Unknown	96%	73%	76%	79%	79%	54%	63%	73%

Ethnic group	Corporate complaints				Social care complaints			
	09/10	10/11	11/12	12/13	09/10	10/11	11/12	12/13
Year								
Asian	0%	3%	0%	0%	4%	0%	5%	5%
Black	0%	3%	0%	7%	8%	13%	10%	0%
Mixed	0%	3%	0%	0%	4%	2%	9%	14%
White	4%	31%	38%	14%	75%	67%	33%	27%
Unknown	91%	57%	62%	79%	9%	18%	43%	54%
Prefer not to say	5%	3%	0%	0%	0%	0%	0%	0%

Age	Corporate complaints				Social care complaints			
	09/10	10/11	11/12	12/13	09/10	10/11	11/12	12/13
Year								
15 or under	0%	6%	4%	0%	10%	8%	9%	0%
16 - 24	0%	6%	0%	0%	14%	20%	9%	27%
25 - 59	22%	26%	13%	43%	63%	61%	68%	55%
60 or over	0%	0%	13%	0%	10%	3%	0%	4%
Prefer not to say	4%	3%	0%	0%	0%	0%	0%	0%
Unknown	74%	59%	70%	57%	3%	8%	14%	14%

Children and young people (service users)

Gender	Corporate complaints			Social care complaints		
	Year	10/11	11/12	12/13	10/11	11/12
Male	64%	60%	75%	64%	50%	54%
Female	36%	27%	25%	36%	50%	46%
Unknown	0%	13%	0%	0%	0%	0%

Disability	Corporate complaints			Social care complaints		
	Year	10/11	11/12	12/13	10/11	11/12
Yes	20%	36%	62%	16%	5%	7%
No	40%	7%	13%	76%	0%	64%
Unknown	40%	57%	25%	8%	95%	29%

Ethnic group	Corporate complaints			Social care complaints		
	Year	10/11	11/12	12/13	10/11	11/12
Asian	0%	0%	0%	0%	9%	4%
Black	0%	7%	12%	16%	0%	0%
Mixed	9%	0%	0%	8%	0%	32%
White	73%	47%	44%	74%	82%	50%
Other	0%	0%	0%	3%	0%	0%
Unknown	18%	46%	44%	0%	9%	14%

Age	Corporate complaints			Social care complaints		
	Year	10/11	11/12	12/13	10/11	11/12
15 or under	91%	73%	50%	84%	82%	89%
16 - 24	0%	13%	50%	16%	18%	11%
Unknown	9%	14%	0%	0%	0%	0%