

REPORT FOR: PERFORMANCE & FINANCE SCRUTINY SUB- COMMITTEE

Date of Meeting:	9 October 2014
Subject:	Children and Families Services' Complaints Annual Report 2013-14
Responsible Officer:	Chris Spencer, Corporate Director, Children and Families Services
Scrutiny Lead Member area:	Policy Lead Member – Councillor Lynda Seymour Performance Lead Member – Councillor Janet Mote
Exempt:	No
Enclosures:	Appendix – Annual Report for Children and Families Services Complaints for period 2013/14

Section 1 – Summary and Recommendations

This report sets out the statutory Children and Families Services' Complaints Annual Report for 2013-14.

Recommendations:

None. For Information purposes only.

Section 2 – Report

Financial Implications

There are no specific budget issues associated with this report. All compensation payments are agreed by Service Managers and are funded within existing budgets.

Performance Issues

No PAF or BVPI indicators. However, complaints have a significant impact on the customer satisfaction KPI.

Environmental Impact

N/A

Risk Management Implications

Risk included on Directorate risk register? No

Separate risk register in place? No

Council Priorities

1. **Cleaner:** A borough where our streets are cleaned regularly and our parks and green spaces are places to enjoy.

2. **Safer:** A borough where residents feel safe to live and enjoy their lives. We will work with the police and other partners to make Harrow even safer.

3. **Fairer:** A borough where our hard working residents can bring up their families knowing they will have fair access to opportunity.

Section 3 - Statutory Officer Clearance

The Corporate Director determined the report did not require Financial or Legal clearance.

Section 4 - Contact Details and Background Papers

Contact: John Broadbent, Interim Service Manager, Adults & Children's Complaints, 020 8424 1927

Background Papers: None

Appendix

ANNUAL REPORT for Children and Families Services Complaints for period 2013/14

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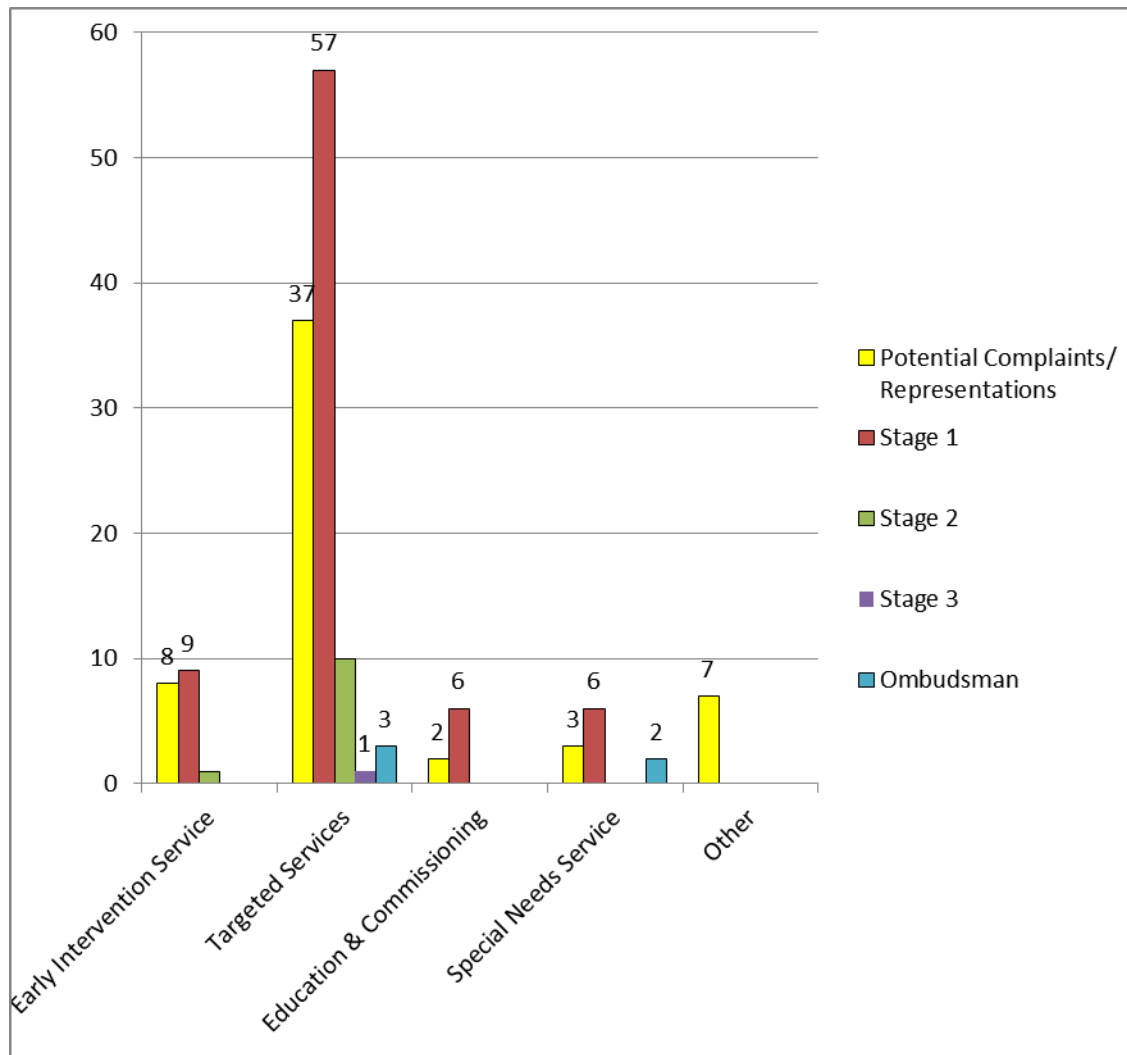
1	Executive Summary: There were some 152 “transactions ¹ ” within the statutory complaints process during the year, i.e. representations, formal complaints and referrals to the Local Government Ombudsman. The volume of complaints only acquires some meaning when placed in context; in this instance it is estimated that some 2,000 families were seen by Harrow Children’s Services during the year, meaning that the volume of complaints received equates to 7.6% of those families receiving a social care service. Given the nature of some of the work undertaken, e.g. child protection and looked after children, it is positive that numbers of complaints are so minimal. Targeted Services Division continues to attract the most complaints but again this reflects the nature of the work undertaken by that service, where difficult decisions regarding children and their families sometimes leads to actions
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¹ The total of representations, Stage 1, Stage 2, Stage 3 & LG Ombudsman referrals within Children and Families Services.

	<p>which are unpopular with service users though necessary.</p> <p>The report which follows contains both positive messages and indications of areas needing more work. Of particular note is the high level of representations which are received as potential complaints but are resolved informally, to the satisfaction of service users: 42% of initial contacts (135 total representations & Stage 1s) were resolved without recourse to the formal complaints process. This is significant in showing that the Council is able to listen to concerns expressed and act promptly to resolve them. Whilst this is positive in terms of the service user's experience it also endorses that early resolution is more cost effective for the Council by avoiding escalation with associated costs of any investigations.</p> <p>There is a paradox in that early resolution of some complaints contrasts markedly with an increased level of complaints not receiving a response within timescales. There may be mitigating circumstances in respect of missed deadlines, e.g. increasing workloads of critical child care cases, complex complaints, etc., but this is an area which needs to be improved over the coming year. Senior officers are monitoring response times and acting to ensure that more timely responses are achieved.</p> <p>The relative escalation rate of complaints between stages of the process is low and reflects the successful efforts made by officers to understand and address concerns when they arise as complaints and representations.</p>
2	Summary of Activity:
2.1	<p>Overall Complaint Activity:</p> <p>Between 1 April 2013 and 31 March 2014 the Council received:</p> <ul style="list-style-type: none"> • 57 representations i.e. potential statutory complaints that did not lead to a formal Stage 1 complaint; • 78 statutory Stage 1 complaints; • 11 Stage 2 complaints; • 1 Stage 3 complaint (panel hearing); • 5 complaint referrals to the Local Government Ombudsman (LGO); • 3 complaints relating to school admission procedures (not included in overall figures); • It is estimated that during the year approximately 2,000 children and young people received a statutory service from the council, in which context the volume of complaints is very slight, at 3.9%;

- Timeliness of complaints response at an early stage typically prevents/minimises subsequent cost to Council in time and resources
- During the year, there has been an area of concern in terms of target timescales being missed which will form an action point for next year.

Table 1: Number of Complaints by Service area:
April 2013 to March 2014



Number of Complaints by Service Division: April 2013 - March 2014

	Representations	Stage 1	Stage 2	Stage 3	Ombudsman	Total
Early Intervention Service	8	9	1	0	0	15
Targeted Services	37	57	10	1	3	108
Education ² & Commissioning	2	6	0	0	0	8
Special Needs Service	3	6	0	0	2	11
Other	7					
Total	57	78	11	1	5	152

NB: Additionally there were three potential Stage 3 requests which did not materialise but are included in the total number of transaction reported in Section 1 (Total =152)

Key message: Of the 5 LGO referrals, 3 were not upheld by the Ombudsman, 1 was upheld in respect of an officer not logging a complaint appropriately, and 1 remains in process as the complainant has lodged multiple complaints with 2 separate Ombudsmen about related issues. Overall therefore the picture suggests a continuation of high quality investigative and governance standards.

Analysis: Eleven Stage 2 complaints represents 14% of all Stage 1 complaints and as such is a reasonable level of escalation, but part of an upward trend that requires monitoring (see section 6). Only one Stage 2 complaint progressed to a Stage 3 panel hearing, which again is a positive indicator of sound resolution in the earlier stages of the process. Informal bench marking with several other local authorities indicates a general increase in complaints escalating to Stage 2 of the process.

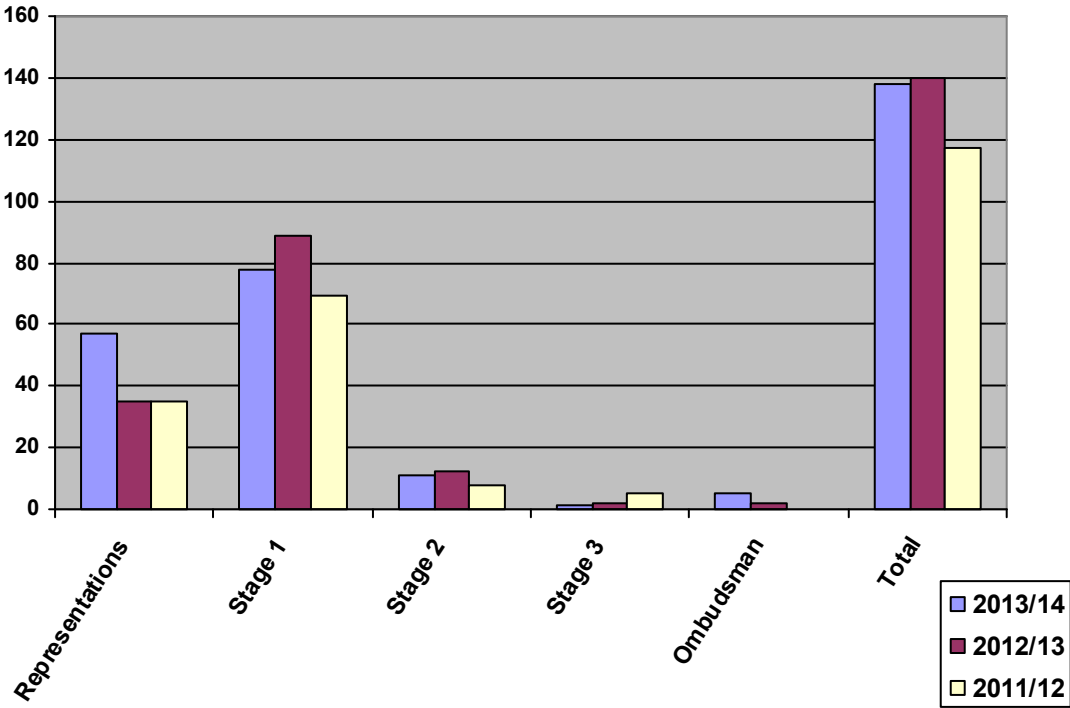
This year, there has been a reduction in the number of Stage 1 complaints, down by 11 on last year, representing a 12% fall. However, the number of potential Stage 1 complaints increased by 16 (to 57), a 54% rise which seems to suggest that overall volume has risen by 12.5% (up from 120 up to 135),

² Following consultation, in the “Child’s Journey” 2013 Children & Families restructured Quality Assurance, Commissioning and Schools, moving QA into Targeted Services and creating Education & Commissioning Division. For ease of reporting the revised structure is used throughout this report. In addition, the work flow of teams was restructured to reduce the changes of Social Worker experience by families.

while early resolution has changed the balance between potential and actual complaints.

Key action: Monitor trends in cases and escalations. Targeted Services to reduce Stage 2 complaint numbers.

Table 2: Comparison of Complaints last 3 years



	Representations	Stage 1	Stage 2	Stage 3	Ombudsman	Total
2013/14	57	78	11	1	5	138
2012/13	35	89	12	2	2	140
2011/12	35	69	8	5	0	117

Analysis: Overall the volume of complaints at Stage 2, Stage 3 remained fairly static over the 3 years. There was some variation in Stage 1 complaints: the volume of Stage 1 complaints to the Early Intervention Service doubled but in terms of actual numbers this represents only 5 additional referrals over the previous year. In Targeted Services, 9 less referrals represents a 14% decrease but again it is difficult to attach any significance to this change in terms of actual numbers. Harrow continues to have a healthy level of Stage 1 complaints (welcoming customer feedback).

A significant and increasing number of issues continue to be resolved informally meaning the complainant chooses not to proceed with a complaint.

	<p>Key message: Previous research (e.g. Jerry White, Local Government Ombudsman & Steve Carney, Head of Complaints, CQC) has as suggested that Councils with high levels of Stage 1 complaints tended to receive good performance ratings and that demonstrated a willingness to hear concerns, address them and improve services as a result of them.</p> <p>Key action: To attempt to maintain the current balance of potential against actual complaints, as this demonstrates good early resolution for service users.</p>
3	<p>Outcomes for key targets in 2013/14</p>
	<p>In the last annual report the following were identified as key focus areas.</p> <ul style="list-style-type: none"> • Targeted Services to reduce Stage 2 complaint numbers and particularly, the number of upheld or partially upheld Stage 2 complaints. <ul style="list-style-type: none"> • Outcome achieved: Stage 2 numbers have been reduced by 10 (14%). • Partially upheld complaints fell from 4 to 2. • Nil complaints upheld at stage 2, i.e. 100% reduction from 2 upheld last year. • Targeted Services to identify a strategy to reduce the number of concerns escalating to stage 1 (including proactive early attempts at resolution). <ul style="list-style-type: none"> • Outcome not achieved: 14% of potential or actual complaints escalated to Stage 2 in Targeted Services. However, this was actually 1 additional case above the 2012-13 level. • Overall Children and Families Directorate escalations rose to 15% during 2013/14. Some teams are more successful than others in early resolution and this learning needs to be shared. • Business Support to provide to embed the agreed strategy of the timescale reminders to Targeted Services Divisional Director's PA providing reminders to Targeted Services managers on timescales. <ul style="list-style-type: none"> • Outcome achieved in part: Information on the importance of meeting timescales was delivered during the 2013/14 business cycle. However overall performance fell in meeting timescales. • A separate communication, tone, customer service strategy to be included in the Children & Families' Improvement Plan.

- **Outcome achieved:** These issues are included in complaints training for front line staff and managers; 2 sessions have recently occurred and with more are planned for 2014/15
- Targeted training to improve quality, accuracy and balance of social worker reports.
 - **Outcome achieved:** Training has been delivered to implement single assessment formats in Targeted Services.
- Priority to be given for Targeted Services staff to access relevant customer service training.
 - **Outcome achieved:** Two complaints workshops on complaints and customer care have been provided, taken up mainly by officers in Targeted Services.
- All Children and Families Directorate to surpass the 75% timescale target.
 - **Outcome achieved in part only:** Not consistently achieved across the directorate, only in Education & Commissioning.
- Targeted Services staff to recognise the importance of robustly identifying and acknowledging errors or poor practice at Stage 1 and ensuring this is addressed and learnt from, including more strategic input to the resolution strategy earlier in the process.
 - **Outcome achieved in part only:** Informal and formal training has been delivered to address these issues; however, more work is required.
- To review how complainants can be encouraged to engage with learning meetings post Stage 2.
 - **Outcome achieved:** Reviewed but this proved a difficult area to engage with the 11 Stage 2 complaints during 2013/14.
- To address the number of upheld Targeted Services Stage 2 complaints relating to quality of social worker reports.
 - **Outcome achieved:** The single assessment process has now been embedded in all services and during the year no complaints related to the quality of social work reports.
- To address the number of upheld Targeted Services Stage 2 complaints relating to lack of information and leaflets.

	<ul style="list-style-type: none"> • Outcome achieved: No Stage 2 complaints were upheld during the year • For the Complaints Manager to raise how mediation can be used most effectively, within the context of less mediation capacity.
4	Priorities for 2014/15:
	<ul style="list-style-type: none"> • To agree a strategy for managers to consistently meet complaint deadlines more effectively. • To produce clearer guidance on inaccurate case recording. • To continue the core offer of training for front line staff and managers on complaint handling. • To ensure that significant information from complaint investigation is recorded on Framework-i; to be achieved via a complaints team sample audit of Framework-i. • To further develop a culture and expectation of debriefing and learning after major complaint investigations.
5	Stage 1 Complaints:

5.1 Overall Activity:

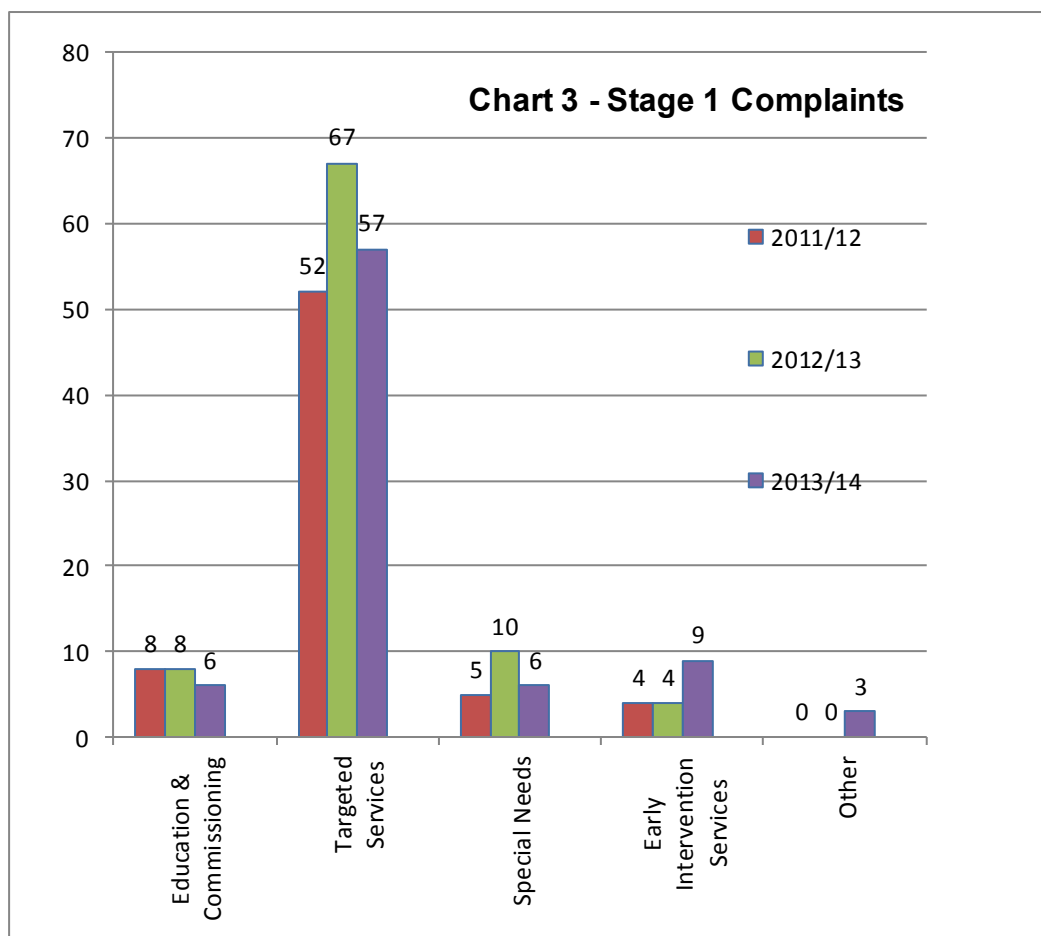


Table 3 – Stage 1 Complaints

	2011/12	2012/13	2013/14
Education/Commissioning			
Targeted Services	8	8	6
Special Needs	52	67	57
Early Intervention	5	10	6
Other*	4	4	9
Total	69	89	81

Key Message:

It has already been noted that Councils with high levels of Stage 1 complaints tended to receive good performance ratings and that demonstrated a willingness to hear concerns, address them and improve services as a result of them.

Analysis:

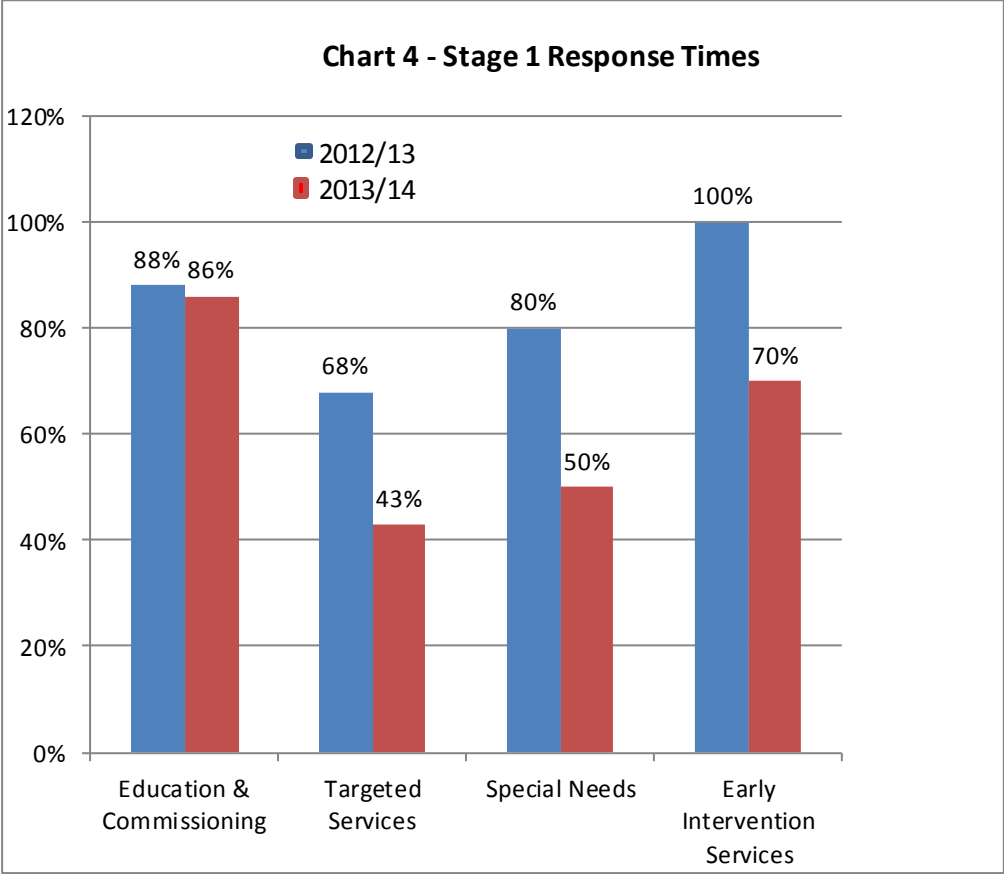
Targeted Services returns a consistent level of Stage 1 complaints, this year the total was 57 which is close to the mean for the past three years (54).

Almost inevitably Targeted Services attract a higher level of complaint as the service area it represents an area where families are most likely to be in conflict with, or challenge the Council about child care issues, e.g. child protection.

The three complaints listed under 'Other', were School organisation and Admissions complaints.

Previous concerns about the low level of complaints received directly from young people remain. The Complaints Manager has recently met with the Children's Participation Co-ordinator to agree future action to improve young people's awareness of the complaints process.

5.2 Stage 1 Response Times



Previous Years by former service groupings:

Key message: Consistently achieving 75% local target timescales needs to be agreed as high priority over the next year.

Analysis: There has been a disappointing fall in targets being met. In some ways this reflects the heavy workload and conflicting priorities of managers in Targeted Services.

Key action 1: To flag to the Divisional Directors if any timescales are not met.

5.3 Stage 1: Nature of Complaints

Table 4

	Early Intervention Service	Targeted Services	Education & Commissioning	Special Needs Service	Total
Allocation of Keyworker					
Breach of Confidentiality		1			1
Change To Service - Withdrawal/Reduction					
Communications - Failure to Keep Informed/Consult		11			11
Freedom of Information Act					
Delay/Failure in Taking Action/Replying	2	8	3	1	14
Discrimination by an Individual		2			2
Discrimination By a Service		1			1
Failure To Follow Policy or Procedure		2			2
Level of Service (E.g. Opening Times)					
Loss or Damage to property					
Policy/Legal/Financial Decision	1	8	2		11
Quality of facilities/Health Safety		1			1
Quality of Service Delivery (Standards)	3	10	1	2	16
Refusal To Provide A Service	1	3			4
Staff Conduct - Attitude/Behaviour	2	10		3	15
Total	9	57	6	6	78

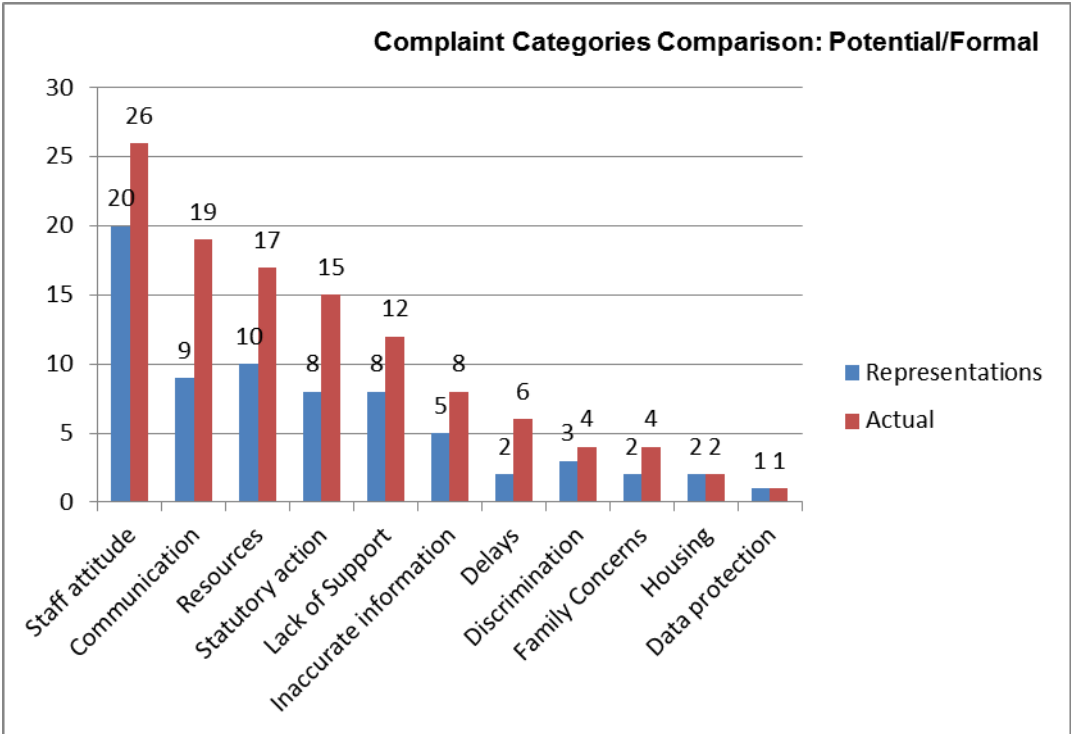
RAG Rating: Up to 10% Up to 20% 20% +

Examples of complaints by category:	2013/14 examples
Breach of confidentiality	Personal information disclosed to ex-husband
Communications etc	Not being invited to meetings
Delay, etc	Delay in allocating social worker

Discrimination by an individual	Allegation of racism against social worker
Failure to follow policy/procedure	Lack of support to child looked after
Policy/Legal/Financial decision	Leaving care rights
Qualities of facilities	Hot water in placement
Quality of service delivery	Inaccuracies in assessments
Refusal to provide service	Wants travel warrant reinstating
Staff attitude	Lack of respect from staff, not being listened to.

Analysis: Overall there has been little change in the distribution of complaints across categories. Given the nature of the work undertaken by child care teams the categories with the highest levels seem entirely predictable.

NB: The pattern of distribution across complaint categories is similar in both representations and all formal complaints.



5.4 Stage 1: Complaints Outcomes

Table 5:													
		Not Upheld			Partially Upheld			Upheld			Total		
		13/14	12/13	11/12	13/14	12/13	11/12	13/14	12/13	11/12	13/14	12/13	11/12
	Education & Commissioning	5	7	4	0	1	2	6	-	2	11	8	8
	Targeted Services	24	36	30	16	17	10	17	14	11	57	67	51
	Special Needs	4	6	3	1	2	1	6	2	1	11	10	5
	Early Intervention	4	2	2	4	1	1	6	1	1	14	4	4
	Total	37	51	39	21	21	14	23	17	15	81	89	68
	Total of overall Stage 1 outcomes, by percentage	46%	57%	57%	26%	24%	21%	28%	19%	22%			
<p>Analysis: Although the percentage of complaints which were not upheld fell compared to the previous year (46%). This reflects the work of the previous complaints manager, Stuart Dalton, who encouraged managers to reflect on their responses to complaints and the outcomes. The overall ratio of conclusions suggests a balanced and open approach to complaints, where concerns from service users are recognised and receive appropriate responses. However additional learning remains to be achieved.</p>													
5.5	<p>Stage 1: Learning from partially upheld complaints:</p> <p>Learning points specific to individual cases were documented after complaints were closed; more wide ranging learning points included:</p> <ul style="list-style-type: none"> • A need for improved communication with families. • To attempt to minimise changes in social work allocations to families, which has already been addressed by structure changes outlined above.³ • Setting up of a sub-group to consider concerns about a complaint made about an ABE interview. ABE interviews are Achieve Best Evidence interviews, where a child is interviewed by the Police and a qualified social worker. • Divisional Directors to require audits of recording standards. 												

³ *Ibid.*

6	Stage 2 Complaints			
6.1	Percentage of Complaints escalating to Stage 2 (2013/14) Table 9			
	Service	Stage 1	Stage 2	% escalation
	Education & Commissioning	6	0	0%
	Targeted Services	57	10	17%
	Special needs	6	1	16%
	Early Intervention	9	1	11%
	Total	78	12	15%
	<p>Analysis: In general, escalation rates are at a reasonable level. It should always be remembered that the Council has a duty to inform complainants of their right to escalate their complaint if dissatisfied and some will chose to do so regardless of the merits of their case. The fact that none were upheld at Stage 2 this year reflects that position.</p> <p>It is also noteworthy that several cases represented very complex situations. Some complainants also chose to exhaust the complaints system without sound grounds for doing so, with the result that it may be necessary to consider whether further contact from those complainants should be deemed vexatious.</p>			
6.2	Escalations trend over time Table 10			
	Service	Escalations to Stage 2		
		2013/14	2013/13	2011/12
	Education & Commissioning	0%	13%	50%
	Targeted Services	17%	13.5%	11.5%
	Special Needs	16%	10%	20%
	Early Intervention	11%	25%	0%
	Total	15%	13%	11.6%
	<p>Analysis: Targeted Services and Special Needs Divisions are areas always prone to escalated complaints due to the nature of their work.</p> <p>It has not been possible to provide concrete figures to benchmark against other local authorities but general comments from other authorities in the North West London Complaints pool (including Harrow) indicate that a similar trend exists across the pool.</p> <p>In terms of Harrow the escalation level has been rising for the past three years and needs to be reviewed over the coming year to move towards lower levels, with actions identified to reverse this trend.</p>			

6.3 Stage 2 Outcomes 2013-14 Table 11					
Service	Upheld	Partially Upheld	Not Upheld	Awaiting Outcome	
Education & Commissioning	0	0	0	0	
Targeted Services	0	2	3	5	
Special Needs	0	0	1	0	
Early Intervention	0	1	0	0	
Total [Grand Total = 7]	0	3	4	5	
<p>Analysis: It is significant that of the 7 outcomes known to date only 3 (42%) of Stage 2 complaints were partially upheld, and that none were full upheld. It should also be borne in mind that all Stage 2 investigations in Harrow are conducted by an Independent Investigating Officer, shadowed by an Independent Person - so that the level of partially upheld complaints remain low after double scrutiny from independent investigators.</p>					
6.4 Stage 2 Response Times of known outcomes Table 12					
Service	Within Timescale 2013/14 (2012/13)		Over Timescale 2013/14 (2012/13)		
Education & Commissioning	N/A		N/A		
Targeted Services	2 (5)		3 (4)		
Special Needs	1 (1)		0 (0)		
Early Intervention	1 (1)		0 (0)		
Total [Grand Total completed = 7] NB: Five investigations were still in process at the time of this report	4 (8)		3 (4)		
<p>Context: At Stage 2, there is more emphasis on thoroughness than speed.</p> <p>Analysis: Of the seven completed, three went over time limit (ie 42%). Perusal of the investigations however demonstrates that there were sometimes mitigating circumstances, e.g. one complainant asked for the investigation to be delayed due to her own ill health. Given the complexity of most stage two investigations it is not surprising that a small number will overrun the timescale target.</p>					

6.5 Stage 2: Nature of Complaints Table 13						
	Early Intervention Service	Targeted Services	Education & Commissioning	Special Needs Service	Total	
Allocation of Keyworker						
Breach of Confidentiality						
Change To Service - Withdrawal/Reduction						
Communications - Failure to Keep Informed/Consult		1			1	
Freedom of Information Act						
Delay/Failure in Taking Action/Replying		2			2	
Discrimination by an Individual						
Discrimination By a Service						
Failure To Follow Policy or Procedure						
Level of Service (E.g. Opening Times)						
Loss or Damage to property						
Policy/Legal/Financial Decision	1	4			5	
Quality of facilities/Health Safety				1	1	
Quality of Service Delivery (Standards)		2			2	
Refusal To Provide A Service						
Staff Conduct - Attitude/Behaviour		1			1	
Total					12	
7 Stage 3 Complaints:						
<p>Only one complaint escalated to Stage 3 during the year. In terms of management the complaint was:</p> <ul style="list-style-type: none"> • A statutory complaint. • The panel was held within timescale. • The panel report was produced and circulated to timescale. • The council response was sent out within timescale. • The outcome was partially upheld. 						

	Analysis: Whilst there were several potential escalations to Stage 3, only one actually materialised. This demonstrates that complex complaints are being fielded positively.				
8	Ombudsman (LGO) Complaints:				
8.1	Complaints made to the LGO: Table 14				
	Service	No finding against Council	Partial finding	Awaiting outcome	Total
	Targeted Services	2	1		3
	Special Needs	1		1	2
	Analysis: The LGO decided in 2 cases that there was no reason to suggest the Council had acted inappropriately. One case in particular related to a person who may be deemed vexatious in future and who had been prevented from taking forward his complaint due to his own behaviour and a conflict of interest arising from his actions.				
9	Escalation comparison: Table 15				
		Stage 1	Stage 2	Stage 3	LGO
	2013/14	78	11	1	5
	2012/13	89	12	2	2
	Analysis: The escalation rate between stage 1 and 2 is at 14% this year which compares favourably with an average of 13% per annum since 2003. Overall 6% of complaints were referred to the LGO. One was referred at the request of the Council given the fact the complainant was unlikely to accept any finding of a Stage 3 panel. 6% represents a small referral rate; the fact that some referrals were made early i.e. prior to the complaints process being exhausted, are reflected in the figures above.				
10	Compensation/Reimbursement Payments:				
	Four compensation awards were made during the year, all of modest amounts between £250 and £1000; this indicates that this has been a low year for significant errors being identified.				
11	Mediation and Alternative Dispute Resolution:				

	<p>Analysis: There were four examples of formal mediation and at least four informal mediation/resolution meetings.</p> <p>Key message: The introduction of mediation in 2005/06 significantly reduced and continues to significantly reduce the number of complaints that escalate.</p>		
12	Complaints dealt with by the local authority and NHS Bodies		
	There were no joint investigations during the year.		
13	Learning derived from complaints:		
	<p>Examples of learning derived from complaints include:</p> <ul style="list-style-type: none"> • Officers to be made aware through training of the need to be mindful of fresh allegations arising within existing cases • A need to minimise changes of social workers for families • Better communication with families be promoted, e.g. ensuring reports are shared promptly • A need to ensure accuracy in case recording • Individual learning targets for identified officers 		
14	Compliments		
	There have been 16 compliments this year passed on to the Complaints Service (compared to 15 the year before).		
15	Equalities Information		
15.1	Equalities Information – Stage 1 Complaints		
	Table 16	2013/14	2012/13
	Gender of Service User:		
	Male:	43 (55%)	43 (48%)
	Female:	30 (38%)	43 (48%)
	Unknown/Not Recorded:	5 (6%)	3 (3%)
	Analysis: No concerns noted		
	Table 17	2013/14	2012/13
	Ethnic Origin of Service User:		

	Afghani	1	2
	African	2	2
	Any other Asian Background	1	5
	Any other Black Background	1	4
	Any other White Background	1	1
	Any other Ethnic Group	2	2
	Asian or Asian British	4	4
	Black or Black British Caribbean		1
	Black or Black British	10	7
	English	2	
	Caribbean	1	6
	Indian	1	2
	Mixed	9	1
	Not Known	31	31
	Pakistani	3	3
	Romanian		1
	White & Black African		1
	White & Black Caribbean	3	5
	White or White British	9	10
	White Other		1
	Grand Total	81	89

	Table 18 Origin of Complaints	2013/14	2012/13
	Service User	10	19
	Parent/relative	59	60
	Advocate	3	6
	Solicitor	2	2
	Friend/other	4	1

Analysis:

It is to be expected that most complaints are made on behalf of a child or young person. Direct complaints from young people are relatively low suggesting that more work is needed in facilitating such complaints and representations: the Complaints Manager has recently met with the Children's Participation Officer and further work will take place to encourage direct contact from young people.

15.2 Equalities Information – Stage 2 Complaints

	Table 19	2013/14	2012/13
	Gender of Service User:		
	Male:	6 (54%)	6 (54%)
	Female:	5 (46%)	5 (46%)
	Unknown/Not Recorded:		

	Analysis: No concerns noted		
	Table 20 Ethnic Origin of Service User:	2013/14	
	Black or Black British	1	
	Caribbean	1	
	Not Known	8	
	White & Black Caribbean	1	
	Grand Total	11	
	Table 21 Origin of Complaints	2013/14	2012/13
	Service User	2	3
	Parent/relative	8	5
	Advocate	1	1
	Solicitor		3

16. The Complaints Process explained:

This report provides information about complaints made during the twelve months between 1 April 2012 and 31 March 2013 under the complaints and representations procedures established through the Representations Procedure (Children) Regulations 2006, and the Council's corporate complaints procedure.

All timescales contained within this report are in working days.

Text in quotation marks indicate direct quotations from the 2006 Regulations or Guidance unless otherwise specified.

16.1 What is a Complaint?

"An expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response."

However,

"The Children Act 1989 defines the representations procedure as being for 'representations (including complaints)'."

Therefore both representations and complaints should be managed under the complaints procedure (unlike for Adult social services, where only complaints need be captured).

16.2 Who can make a Complaint?

The child or young person receiving or eligible to receive services from the Council or their representative e.g. parent, relative, advocate, special guardian, foster carer, etc:

“The local authority has the discretion to decide whether or not the representative is suitable to act in this capacity or has sufficient interest in the child’s welfare.”

16.3 What the complaints team do:

- Letter-vetting
- Liaising with services to try resolve the issue informally
- Mediation
- Training
- Raising awareness / staff surgeries
- Learning facilitation and agreed actions monitoring
- Deliver a unique complaints support SLA to schools
- Advocacy commissioning and support

16.4 Stages of the Complaints Procedure

The complaints procedure has three stages:

Stage 1: This is the most important stage of the complaints procedure. The Service teams and external contractors providing services on our behalf are expected to resolve as many complaints as possible at this initial point.

The Council’s complaints procedure requires complaints at stage 1 to be responded to within ten working days (with an automatic extension to a further ten days where necessary).

Stage 2: This stage is implemented where the complainant is dissatisfied with the findings of Stage 1. Stage 2 is an investigation conducted by an independent external Investigating Officer for all statutory complaints and an internal senior manager for corporate complaints. A senior manager adjudicates on the findings.

Under the Regulations, the aim is for Stage 2 complaints falling within the social services statutory complaints procedures to be dealt within 25 days, although this can be extended to 65 days if complex.

Stage 3: The third stage of the complaints process is the Review Panel under the statutory procedure. Under the corporate complaints process, the Chief Executive reviews the complaint.

Where complainants wish to proceed with complaints about statutory Children's Services functions, the Council is required to establish a complaints Review Panel. The panel makes recommendations to the Corporate Director who then makes a decision on the complaint and any action to be taken. Complaints Review Panels are made up of three independent panellists. There are various timescales relating to stage 3 complaints. These include:

- setting up the Panel within 30 working days;
- producing the Panel's report within a further 5 working days; and
- producing the local authority's response within 15 working days.

Local Government Ombudsman

The Ombudsman is an independent body empowered to investigate where a Council's own investigations have not resolved the complaint.

The person making the complaint retains the right to approach the Local Government Ombudsman at any time. However, the Ombudsman's policy is to allow the local authority to consider the complaint and will refer the complaint back to the Council unless exceptional criteria are met.