

Corporate Parenting Board 21st September 2015

Title of paper:	Children in Care Social Care Complaints	
Director(s)/ Corporate Director(s):	Helen Blackman Alison Michalska	Wards affected: All
Report author(s) and contact details:	Patrick Skeete Social Care Complaints Manager. Patrick.skeete@nottinghamcity.gov.uk 01158765971	
Other colleagues who have provided input:	Ian Hillier Hayley Marsh Clive Chambers	
Date of consultation with Portfolio Holder(s) (if relevant)	2 nd September 2015	
Relevant Council Plan Strategic Priority:		
Cutting unemployment by a quarter		<input type="checkbox"/>
Cut crime and anti-social behaviour		<input type="checkbox"/>
Ensure more school leavers get a job, training or further education than any other City		<input type="checkbox"/>
Your neighbourhood as clean as the City Centre		<input type="checkbox"/>
Help keep your energy bills down		<input type="checkbox"/>
Good access to public transport		<input type="checkbox"/>
Nottingham has a good mix of housing		<input type="checkbox"/>
Nottingham is a good place to do business, invest and create jobs		<input type="checkbox"/>
Nottingham offers a wide range of leisure activities, parks and sporting events		<input type="checkbox"/>
Support early intervention activities		<input checked="" type="checkbox"/>
Deliver effective, value for money services to our citizens		<input checked="" type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
<p>This report includes a brief summary of the statutory Social Care Complaints procedure, which ensures young people have a robust process to express their dissatisfaction. The report highlights complaints made specifically by Children in Care in accordance with the statutory Social Care Complaints procedure. This report also focuses on the nature of the complaints made and whether the complaints were addressed within the statutory timescales.</p>		
Recommendation(s):		
1	That the board continue to support the effective complaints handling of young people in care and understand required duties of corporate parents in relation to addressing the concerns of young people in care.	

1. REASONS FOR RECOMMENDATIONS

- 1.1 Nottingham City has a legislative duty to ensure all young people have a robust complaints process to address any concerns that they are responsible for.

2. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 The aim of the Social Care Complaints Team is to resolve service user dissatisfaction and learn from complaints in order to improve service delivery. The complaints service operates a statutory complaints procedure, which includes the production of an annual report on the operation of the complaints procedure.¹
- 2.2 Complaints which are made and resolved within 24 hours are not logged as complaints. This is in line with national guidance.
- 2.3 The remit of the complaints team is not simply to receive calls. The team is required to check that a person who wishes to make a complaint has sufficiency of interest in respect of making a complaint: it obtains consent from the citizen/service user, where this is required; in respect of children's complaints, consideration may need to be given as to whether a child is Fraser competent; in other circumstances, consideration will need to be given to determine whether a complaint is being made in the interests of the citizen, where she or he may lack the necessary capacity, as determined under the Mental Capacity Act; Where a Power of Attorney is raised as a right to make a complaint on another person's behalf, the complaints team has to establish whether such a Power is registered or not.
- 2.4 It is only after these matters have been considered that the Social Care Complaints Team asks a Service Manager or Team Manager to provide a written response to a complaint, and to respond to the complaint within the timescales, as defined within the relevant statutory complaints process.
- 2.5 The Complaints Team provide advice to the operational teams on how to avoid unnecessary escalation of complaints to the Local Government Ombudsman. Further support is provided to the Department in managing complaints from the Local Government Ombudsman, along with training for all front line staff.
- 2.6 The Complaints team have been integral in identifying complaints that have the potential to be escalated to the Local Government Ombudsman; advice is offered to operational staff how to limit the impact of such complaints, thereby reducing any reputational damage to the Authority.
- 2.7 Where a complaint reaches the Ombudsman, the Complaints Team is highly skilled at risk assessing complaints in order to identify potential failings, so that they may be rectified and resolved, before the Ombudsman investigates the complaint, again this helps to avoid reputational damage.
- 2.8 The Expectation from Ofsted is that the Local Authority does not operate a one dimensional view of quality & practice.

¹ The Children Act 1989 Representations Procedure Regulations 2006

Children’s Statutory Social Care Complaints Procedure.

- 2.9 Stage 1 – the department is asked to provide a written response within 10 working days, this may be extended to 20 working days
- 2.10 Stage 2 – the complainant, usually where s/he remains dissatisfied following a response at stage 1, may request an investigation of their complaint; this is usually undertaken by an Independent Investigator, overseen by an Independent Person, both commissioned by the department. The stage 2 outcome is provided in the form of an investigation report, which should be available within 25 working days, but this may be extended to 65 working days.
- 2.11 Stage 3 – if the complainant remains dissatisfied after receiving the investigator’s findings and recommendation, s/he may request that an independent panel (comprised of 3 independent people) review the complaint and investigation. The complainant and any representative, along with a representative from the department, along with the investigator and independent person are invited to the panel too.
- 2.12 The relevant Director then writes to the complainant to explain if the department accepts the findings and recommendations of the Stage 3 Panel; the Director also explains what action plan has been agreed to be put in place so as to complete any recommendations.
- 2.13 Complaints Received from Children in Care 2014/2015

Complainant	Nature of complaint	Days to resolve	Outcome
1	Attitude or behaviour of staff	1	upheld
2	Unwelcome or disputed decision	32	upheld
3	Impact on an individual of a local authority policy and Assessment, care management and review	4	Not upheld
4	Concern about the quality or appropriateness of the service	16	Undecided
5	Unwelcome or disputed decision	7	Undecided
6	Delivery or non-delivery of services including complaints procedures	9	Undecided
7	Delay in Decision Making	1	Mostly not upheld

2.14 Note:

- All 7 complaints were resolved at stage 1 of the complaints procedure

- 6 were concluded within the statutory timescale of 20 working days; 1 was not, because the children’s home sent the complaint to an address not used by the Complaints Team for over 3 years
- No themes were identified as there are a small number of complaints and no two complaints are the same or similar in nature.

Individual complaint synopsis

1. Complainant was unhappy at how care home staff had questioned him about his possession of an electronic item. The complaint was upheld as staff should have checked his “possessions sheet” first, which would have confirmed the item belonged to the complainant. The complaint was upheld and an apology was provided.
2. The social worker had promised the complainant that he could move to the care home of his choice; however it was then decided he could not go to the home he had chosen. The complaint was upheld because staff should not have made this promise to him. An apology acknowledging his distress was provided along with an apology for the delayed response to his complaint, which was the result of the children’s home sending the complaint to an address no longer used by the local authority.
3. Complainant wanted to move from his out-of-area placement and he complained his cultural needs were not being met. The complaint was not upheld and it was explained that due to his behaviour this particular placement was necessary, and it was explained how his cultural and dietary needs were being met.
4. A looked after child complained he was bored in the children’s home and that he wanted to do more activities. A response was provided to detail all of the activities he had taken part in recently, and it was suggested he might discuss with his key worker other options. An application was also made to obtain a laptop for him. No finding was made in respect of the complaint.
5. A refugee on a full care order who was caring for her own baby complained about a lack of support from Children’s Services. It was explained that Children and Families had already agreed to support her financially until her state benefits were sorted out. No finding was made in respect of the complaint.
6. An asylum seeker had had to be moved after being a victim of a violent attack. The complainant was unhappy at being moved and so it was explained that the move had been necessary in order to protect her from further harm; a referral to CAMHS was also made. No finding was made in respect of the complaint.
7. A young person complained that he had been in his current foster placement for 4 years, yet he had been told he was to be moved. He wanted to stay where he was. The complaint was partly upheld because the social worker’s communication with the young person had been poor and a meeting with a manager was arranged to discuss the young person’s desires for his future.

2.15 2015/2016 (as at 13/8/15)

Complainant	Nature of complaint	Days to resolve	Outcome
1	Unwelcome or disputed decision	1	Undecided

2	Attitude or behaviour of staff	2	Undecided
3	Attitude or behaviour of staff	open	-

2.16 Note

- 2 complaints were resolved within the statutory timescale at stage 1 of the complaints procedure; 1 complaint is still ongoing.

Individual complaint synopsis

1. A young person in a foster placement complained he wanted to move to another placement. His social worker visited him the same day he made the complaint to discuss it with him. No finding was made in respect of the complaint.
2. A young person in a children's home felt staff were not supporting him – a meeting was held with him to discuss his concerns and to reassure him. No finding was made in respect of the complaint.
3. A young person in a children's home felt staff were not supporting him and so he wanted to move to another home or have another young person in the home moved elsewhere. At the time of writing this report this complaint is still open.

3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 None

4. FINANCE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

4.1 None

5. LEGAL AND PROCUREMENT COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

5.1 The Children Act 1989 (S24D & 26[3] & The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 require each Local Authority to establish formal procedures for considering complaints in respect of services to children. Government Regulations were introduced in 2006 and the Secretary of State issued statutory guidance under the Local Government Social Services Act 1970. Failure to adhere to timescales could mean maladministration payments being made to the complainant

5.2 If the above legislation is not adhered to the Local Authority will fail to fulfil its statutory duty and this will impact on service delivery to complainants resulting in the involvement of the Local Government Ombudsman with a potential outcome of the Department being requested to make maladministration payments if the LGO feels there has been undue delay in progressing the complaint, this in turn may cause reputational risk to the Department.

6. EQUALITY IMPACT ASSESSMENT

Has the equality impact been assessed?

Not needed (report does not contain proposals or financial decisions) **X**

No

Yes – Equality Impact Assessment attached

Due regard should be given to the equality implications identified in the EIA.

7. LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

7.1 None

8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

8.1 The Children Act 1989 (S24D & 26[3]) & The Local Authority Social Services

8.2 Representations Procedure (England) Regulations 1991 National Health Service Complaints (England) Regulations 2006

8.3 Getting the Best from Complaints National Guidance

8.4 Nottingham City Social Care Complaints Policy, Procedures and Guidance, October 2006