

CORPORATE PARENTING BOARD – 19 SEPTEMBER 2016

Title of paper:	Children In Care Social Care Complaints Report	
Director(s)/ Corporate Director(s):	Helen Blackman – Director, Children’s Integrated Services	Wards affected: All
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Other colleagues who have provided input:	Ian Hillier – Complaints and Mediation Officer Hayley March – Complaints and Mediation Officer	
Date of consultation with Portfolio Holder(s) (if relevant)		
Relevant Council Plan Key Theme:		
Strategic Regeneration and Development		<input type="checkbox"/>
Schools		<input type="checkbox"/>
Planning and Housing		<input type="checkbox"/>
Community Services		<input type="checkbox"/>
Energy, Sustainability and Customer		<input type="checkbox"/>
Jobs, Growth and Transport		<input type="checkbox"/>
Adults, Health and Community Sector		<input type="checkbox"/>
Children, Early Intervention and Early Years		<input checked="" type="checkbox"/>
Leisure and Culture		<input type="checkbox"/>
Resources and Neighbourhood Regeneration		<input 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 continues 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 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 (see 9.1).
- 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 (LGO). 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. This once again 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.
- 2.9 When investigated, a complaint may not be upheld, particularly where there is evidence that the complaint is mistaken. However, in all cases we work to improve communication and support children in care effectively.

Children's Statutory Social Care Complaints Procedure.

- 2.10 Stage 1 – the Department is asked to provide a written response within 10 working days, this may be extended to 20 working days.

2.11 Stage 2 – the complainant, usually where she / 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.

2.12 Stage 3 – if the complainant remains dissatisfied after receiving the Investigator’s findings and recommendation, she / 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.

2.13 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.

2.14 Complaints Received from Children in Care 2015/2016:

Complainant	Nature of complaint	Days to resolve	Outcome
1	Unwelcome or disputed decision	1	No finding
2	Concern about the quality or appropriateness of the service	3	No finding
3	Concern about the quality or appropriateness of the service	5	Mostly upheld
4	Attitude or behaviour of staff	7	Not upheld
5	Concern about the quality or appropriateness of the service	9	Mostly not upheld
6	Concern about the quality or appropriateness of the service	7	Mostly upheld
7	Concern about the quality or appropriateness of the service	3	Upheld
8	Unwelcome or disputed decision	4	Not upheld
9	Unwelcome or disputed decision	1	Not upheld
10	Concern about the quality or appropriateness of the service	10	Not upheld
11	Unwelcome or disputed decision	6	Upheld
12	Concern about the quality or appropriateness of the service	9	Not upheld
13	Unwelcome or disputed decision	4	No finding
14	Attitude or behaviour of staff	11	No finding

2.15 Main Points:

- Compared with the previous reporting period complaints rose 100% from 7 to 14.
- All 14 complaints were resolved at stage 1 of the complaints procedure.

- All 14 complaints were concluded within the statutory timescale of 20 working days; in fact all but one response was provided within 10 days, which is excellent.
- No strong themes were identified as no two complaints were the same; however, one theme that was common in 3 complaints was that Social Work support had been sporadic. The young people complaining felt that frequently changing their Social Worker had had a negative impact on them and that this lack of consistency has resulted in a lack of support for them.

Individual complaint synopsis

1. Complainant was unhappy in his current foster placement and wanted to move. In response to the complaint, the Social Worker held a meeting with him on the same day and the matter was subsequently resolved.
2. A meeting was held with a young person in a children's home after he had complained about the attitude of a member of staff. No finding was made in respect of the complaint but the issue was resolved.
3. A young person complained that, on moving to a new Local Authority children's home, his room had not been cleaned since the last occupant left. This was upheld and a written apology was provided to him.
4. The complainant was unhappy with a member of staff in a children's home because he felt she kept laughing at him; this was investigated by staff in the home and resolved but not upheld.
5. A fourteen-year-old complained she had been unable to get hold of her Social Worker; she also complained that her allocated Social Worker kept changing. The complaint was mostly not upheld, but the response contained an apology for the changes in Workers that had occurred.
6. A young person complained about both a lack of Social Work support and Social Worker visits; he also complained about a missing clothing allowance. The response fully upheld the complaint about poor social work support and a full written apology was provided; this also explained that the clothing allowance had been included with his living allowance.
7. Very similar to complaint 6 in that the young person complained about a lack of consistency in Social Worker and Social Work support; the complaint was upheld.
8. A young person on leaving care complained he was owed an allowance from when he was fostered: the response explained that he had received the allowance and in addition he had received an ISA too.
9. A looked after child who was still in youth custody complained he had not had his allowance. The complaint was not upheld and a written response explained what financial support he had received.
10. A young person complained she had received little contact or support from her Personal Adviser; the complaint was not upheld.
11. A young man on placement, some distance from Nottingham, complained about the lack of clarity in the message he had received from the Department in respect of whether he should travel on public transport. The response upheld his complaint and apologised for the IRO and Social Worker's lack of clarity.
12. A young person who had just left care complained about the property he had been placed in; he was also unhappy that no one had obtained a college place for him. The response did not uphold his complaint; instead it explained why a series of

private landlords had ended his tenancy as a consequence of his anti-social behaviour.

13. A young person in foster care requested that Children's Social Care pay for her cosmetic dental implants; the response explained that by consulting with medical professionals her request would be considered, but it also explained that implants might not be suitable until she was over 21 when her jaw may have fully matured.

14. A young person complained she was not being given enough support coming up to the time when she would be leaving care; a response was provided that tried to quell her anxieties and reassure her.

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 STRATEGIC ASSETS & PROPERTY COMMENTS (FOR DECISION RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE) (AREA COMMITTEE REPORTS ONLY)

6.1 None.

7 EQUALITY IMPACT ASSESSMENT

7.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because:

(Please explain why an EIA is not necessary)

Not needed as the report does not contain proposals or financial decisions.

Yes



Attached as Appendix x, and due regard will be given to any implications identified in it.

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

8.1 None.

9 PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

9.1 The Children Act 1989 Representations Procedure Regulations 2006.

9.2 The Children Act 1989 (S24D & 26[3] & The Local Authority Social Services.

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

9.3 Getting the Best from Complaints National Guidance.