

## CORPORATE PARENTING BOARD – JANUARY 2018

|   |  |                               |
|---|--|-------------------------------|
| <b>Title of paper:</b>  | Children in Care - Social Care Complaints  |                               |
| <b>Director(s)/<br/>Corporate Director(s):</b>  | Helen Blackman – Director, Children’s Integrated Services  | <b>Wards affected:</b><br>All |
| <b>Report author(s) and<br/>contact details:</b>  | Patrick Skeete - Social Care Complaints Manager<br><a href="mailto:Patrick.skeete@nottinghamcity.gov.uk">Patrick.skeete@nottinghamcity.gov.uk</a><br>01158765971   |                               |
| <b>Other colleagues who<br/>have provided input:</b>  | Ian Hillier – Complaints and Mediation Officer<br><a href="mailto:ian.hillier@nottinghamcity.gov.uk">ian.hillier@nottinghamcity.gov.uk</a>   |                               |
| <b>Date of consultation with Portfolio Holder(s)<br/>(if relevant)</b>  |  |                               |
| <b>Relevant Council Plan Key Theme:</b>   |  |                               |
| 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"/>   |                               |
| <b>Summary of issues (including benefits to citizens/service users):</b>  |  |                               |
| 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. |  |                               |
| <b>Recommendation(s):</b>   |  |                               |
| <b>1</b>  | 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 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.<sup>1</sup>

<sup>1</sup> The Children Act 1989 Representations Procedure Regulations 2006

- 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 on behalf of a child 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. At stage 2 of the procedure independent investigators are commissioned by the Complaints Team to investigate complaints and to provide reports to the Authority detailing their findings and recommendations. Where a complainant remains dissatisfied a stage 3 complaints review panel, comprised of three independent people, is asked to review the Authority's response to the complaint as well as the stage 2 findings.
- 2.5 The Complaints Team provides 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 has 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. Complaints provide a particular perspective on performance.

### **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 2016-2017

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

Complaints received are usually multiple in number, as such, some complaints may be upheld and some not upheld. Therefore, the outcome of the overall complaint may be mostly upheld or mostly not upheld as cited above. In situations where none of the complaints are upheld then the overall complaint is Not upheld, this is similar in cases where all the complaints are upheld.

There are times where there is a ‘No Finding’ outcome. This is usually where there is no evidence to support a view made. This outcome could be extended where there is some information, within the complaint, that warrants a comment but is not an actual complaint made by the Citizen, whilst reference is made to the information and an explanation offered, no finding is made as the information is not a complaint made by the complainant.

This is also further extended in situations where the Social Worker no longer works for the Local Authority and the investigator has not had the benefit of their input.

#### **2.14 Main Points:**

- Compared with the previous reporting period the number of complaints received dropped slightly from 14 to 11
- All 11 complaints were resolved at stage 1 of the complaints procedure
- All 11 complaints were concluded within the statutory timescale of 20 working days
- No strong themes were identified as during this reporting period, no two complaints were the same.

#### **Individual complaint synopsis**

- Child 1 - The young person complained that her Personal Advisor had described her flat using derogatory terms, the complaint was not upheld but Children's Services agreed to give her a different worker whom she felt more comfortable with.
- Child 2 - The young person raised a number of complaints including the number of changes she had had, e.g. the number of social workers. The complaint was mostly not upheld but it was accepted that too many agency workers had been allocated to her case and so an apology was given in respect of this part of her complaint.
- Child 3 – The young person in the process of leaving care complained that she felt that she had not received the same level of support as other care leavers. The complaint was not upheld: the response provided her with an explanation about the level of intensive care that she had been given by her personal adviser.
- Child 4 - The young person complained about how a team manager spoke to her on the phone; the outcome was that the complaint was mostly not upheld, but an apology was given as she was unhappy about how she had been spoken to.
- Child 5 – The young person complained about the decision to move her from where she was living; the complaint was not upheld because no decision had been made to move her.
- Child 6 – The young person complained about the residential staff's behaviour and attitude in the home where she was living; the complaint was investigated by the unit concerned and a referral was made to the LADO.
- Child 7 – The young person complained that the social worker would not listen to her concerns. The response explained what steps had been taken to address each of the concerns the young person had raised and the complaint was not upheld.
- Child 8 – The young person complained that a residential home had failed to make adequate arrangements for a them to have contact with their father; this complaint was mainly upheld
- Child 9 – The young person complained about a manager's attitude and sarcasm. The complaint was not upheld. In order to progress this the

complainant met with the Head of Service and the manager, after which the complainant felt his complaint was resolved.

- Child 10 – The young person complained he was unhappy that his passport application was delayed due to the social worker being off sick. The department responded and explained it could not apply for a passport until he had British Citizenship. However, Children’s Services gave him a written apology because nobody else had completed the forms whilst his social worker was ill.
- Child 11 – The young person complained about the attitude of her personal adviser. The response made no specific finding but referred to how both the young person and the personal adviser had successfully re-established their relationship.

### **3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

3.1 None.

### **4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)**

4.1 None.

### **5 LEGAL AND PROCUREMENT COLLEAGUE 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 COLLEAGUE 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 required 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 (S24D & 26[3] & The Local Authority Social Services Representations Procedure (England) Regulations 1991 National Health Service Complaints (England) Regulations 2006

9.2 Getting the Best from Complaints National Guidance.