

Report of the Deputy Director (Children's Social Care) to the meeting of the Corporate Parenting Panel to be held on 13 September 2017.

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Subject:

Complaints Raised by Looked After Children and Young People

Summary statement:

This report summarises the issues raised by Looked After Children who have used the statutory complaints procedures to seek redress for their concerns. The report relates to complaints in the period 1st April 2016 to 30th March 2017.

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Overview & Scrutiny Area:

Children's Services

1. SUMMARY

This report summarises the issues raised by Looked After Children who have used the statutory complaints procedures to seek redress for their concerns. This report relates to complaints in the period 1st April 2016 to 30th March 2017. Appendix A sets out some of the main issues raised by children and young people and the service improvements made to address their complaints.

2. BACKGROUND

2.1 The Children Act (1989) places a duty on all Local Authorities to establish and implement a procedure for dealing with complaints and representations for children and young people looked after by them. There is a designated Complaints Manager who administers and monitors the procedure for receiving and responding to Children's complaints.

2.2 The procedures require that:

- Complaints are resolved informally at the point of service delivery wherever possible (stage 1) by a local manager. Complaints at Stage 1 must be addressed within 10 working days.
- Where resolution of the complaint is not possible at that time, the complaint will be investigated more formally by a senior officer and Independent Person (stage 2). Complaints at Stage 2 must be resolved within 25 working days.
- Where following consideration of the findings of a stage 2 investigation the complainant remains dissatisfied, the complaint will be considered by a Complaints Review panel (stage 3). Review panels at Stage 3 are to be constituted solely of Independent People

Where any part of the complaint has been upheld, the Council is required to ensure that this is resolved for the young person and that it considers what wider service improvements can be made.

3. OTHER CONSIDERATIONS

3.1 A sound, robust and accessible complaints procedure contributes to children young people feeling safe to disclose any concerns in the knowledge that they will be treated seriously and sensitively. Views from children and young people through complaints and compliments and lessons learnt from their complaints can contribute to the shaping of the services we provide.

3.2 There were 927 Looked After Children and Young People on 31st March 2017. The majority are cared for in foster care placements or in children's home with some looked after by 'Family or Friends' or Placed with their Parents. Others are leaving care to live independently.

- 3.3 The Complaints Unit liaises closely with the advocacy project (VoiceAbility). There was one complaint referred by the advocacy service during 2016/17
- 3.4 There are also arrangements to address issues for children at an early stage and many issues are successfully resolved without the need for children to use the complaints procedures. An example of this is the use of the “Moans and Groans” books in children’s homes.

Complaints raised by children represent 4% of the total number of complaints received by the Children’s Specialist Services, which is a lower proportion than in the previous financial year (6%).

- 3.5 Responding to complaints within the statutory timescales has stabilised at 67%, the same as last year but the number of complaints from Looked After Children and Young People about child protection or their wellbeing has increased nil in the last two years to two in the current year.
- 3.6 All of the complaints received were dealt with at stage 1 and none required escalation to stage 2.

4. FINANCIAL & RESOURCE APPRAISAL

The administration costs of managing the complaints process are held within the Office of the Chief Executive where the Corporate Complaints team sits. Other than the staff costs there are no other financial issues arising from this work.

5. RISK MANAGEMENT AND GOVERNANCE ISSUES

None

6. LEGAL APPRAISAL

Other than the legal responsibilities highlighted in section 2 above, there are no legal issues arising from this report.

7. OTHER IMPLICATIONS

7.1 EQUALITY & DIVERSITY

A sound, robust and accessible complaints procedure contributes to children young people feeling safe to disclose any concerns in the knowledge that they will be treated seriously and sensitively. The process ensures that all complaints from Looked After Children are dealt with in a fair and transparent way irrespective of race, gender, ethnicity, sexual orientation or disability.

7.2 SUSTAINABILITY IMPLICATIONS

None.

7.3 GREENHOUSE GAS EMISSIONS IMPACTS

None.

7.4 COMMUNITY SAFETY IMPLICATIONS

None.

7.5 HUMAN RIGHTS ACT

None.

7.6 TRADE UNION

None.

7.7 WARD IMPLICATIONS

None.

7.8 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)

Not applicable.

8. NOT FOR PUBLICATION DOCUMENTS

If the Panel needs to consider any specific information in relation to any of the complaints made Members will be asked to consider whether part of the item should be considered in the absence of the public and, if so, approve the following recommendation:

“That the public be excluded from the meeting during consideration of the item relating to the Annual Report on Complaints on the grounds that if they were present, exempt information within Paragraphs 1 (Information relating to an individual) and 2 (information identifying an individual) of Schedule 12A of the Local Government Act 1972 (as amended) would be disclosed and it is considered that, in all the circumstances the public interest in applying these exemptions outweighs the public interest in disclosing the information. The Panel may need to consider the specific personal circumstances of any particular case and it is in the overriding public interest that a young person who has made a complaint should have a right to confidentiality of process.”

9. OPTIONS

The overview of a robust complaint procedure is a key role for corporate parents. The Panel need assurance, through this report, that the process is working effectively and that issues are addressed.

10. RECOMMENDATIONS

Members are asked to note the report and consider whether they wish to seek further information about issues raised.

11. APPENDICES

Appendix A: Complaints received from Looked After Children and Young People (April 2016- March 2017).

12. BACKGROUND DOCUMENTS

None.

Bradford Children Social Care

COMPLAINTS RECEIVED FROM LOOKED AFTER CHILDREN AND YOUNG PEOPLE (April 2016 - March 2017)

1. Activity

1.1 The Complaints Unit recorded 141 new complaints against Children Services between April 2016 and March 2017. Of those, 114 were related to Social Care compared to 78 in the previous financial year.

6 of the new complaints were made by young people. One of the complaints was made by an adult in relation to their time in care with the Authority. As such it has been included in this report.

1.2 Considering the number of young people in care (927 as on 31 March 2017) the number of complaints received from looked after young people represents 0.6% of the total of young people in care, which is a lower proportion than in the previous financial year (1%).

Children's Services – person making the complaint	16-17	15-16	14-15	13-14
Looked After Children	6	4	5	9

2. Who made the complaints?

Age	2016-17	2015-16	2014-15
<15	1 (17%)	0	0
15-18	1 (17%)	2 (50%)	4 (80%)
19-25	3 (50%)	0	1 (20%)
>25	1 (17%)	2 (50%)	0
Total	6	4	5

Gender	2016-17	2015-16	2014-15
Male	2 (33%)	1 (25%)	3 (60%)
Female	4 (67%)	3 (75%)	2 (40%)
Total	6	4	5

Disabilities	2016-17	2015-16	2014-15
Physical	0	0	0
Learning	0	1 (25%)	0
No disabilities	5 (83%)	2 (50%)	5 (100%)
Not stated	1 (17%)	1 (25%)	0
Total	6	4	5

Status	2016-17	2015-16	2014-15
Care order	3 (50%)	2 (50%)	4 (80%)
Voluntary Placement	2 (33%)	1 (25%)	0
Interim Care order	1 (17%)	0	0
Other	0	1 (25%)	1 (20%)
Total	6	4	5

Ethnicity	2016-17	2015-16	2014-15
White British	2 (33%)	4 (100%)	3(60%)
BME	4 (67%)	0	2 (40%)
Not stated	0	0	0
Total	6	4	5

- 2.1 Contrary to last year, when all the complaints received were from young white people, the majority of the complainants in 2016-17 were Asian young people.
- 2.2 The youngest person making a complaint during this period was 14 and the oldest was 37 (historical complaint). The average age was 22.

3. What was the complaint about?

Type of issues	2016-17	2015-16	2014-15
Communication	0	0	1
Challenging decisions	0	1	0
Child Protection	2	0	0
Information on records	1	1	1
Service Provision (general quality, failure to provide)	7	3	2
Staff (professional practice and attitude)	0	3	1
Total	10	8	5

- 3.1 There were 6 complaints made by Looked After Young People during this period, made up of 10 issues.
- 3.2 Compared to the previous year there is an increase of issues regarding service provision and safeguarding issues. There was an increase in number of complaints about personal information held on the records by Children Social Care, and in particular about confidentiality.
- 3.3. Contrary to the pattern over the last three years, the Department received two complaints made by Looked After Children about child wellbeing, specifically about assaults. One of them (historical complaint) was upheld.

- 3.4 Following a similar pattern to last year, most complaints were related to the social work teams but as in the previous two financial years, the Department did not receive any complaints from young people in care related to residential units (in house or commissioned) or the Youth Offending Team.

Leaving Care received two complaints, whilst it did not receive any during the previous year. On the other hand the Fostering team did not receive any complaints in 2016-17 whilst it received two during the previous year.

Services	2016-17	2015-16	2014-15
Children's Homes	0	0	0
Children's Homes (commissioned)	0	0	0
Leaving Care	2	0	1
Social Work Teams	3	4	1
LAC	1	2	3
Fostering & Adoption Unit	0	2	0
YOT	0	0	0
Total	6	8	5

4. How were the complaints made?

- 4.1 The most popular method to make a complaint was by e-mail (4) whilst in the previous year it was by a phone call.
- 4.2 There was one complaint made by the advocacy service on behalf of a young person between April 2016 and March 2017.
- 4.3 Most of the complaints (4) were made directly to the complaints unit and 2 were sent to the Director's office.

5. Outcomes of complaints

- 5.1 Six complaints (10 issues) were closed at Stage 1 during this period.

OUTCOMES	Social Work	Homes	Leaving Care	Adoption/ Fostering	Commissioned	LAC	TOTAL
Upheld	1	0	0	0	0	0	1
Partially upheld	0	0	2	0	0	1	3
Not upheld	1	0	3	0	0	0	4
Inconclusive	1	0	1	0	0	0	2
TOTAL	3	0	6	0	0	1	10

- 5.2 40% of the complaints were fully or partially upheld whilst in the previous financial year most of the complaints (60%) were partially upheld.

- 5.3 For the first time there were two inconclusive outcomes (usually one person's word against another without evidence to support either party).
- 5.4 Contrary to last year's figures, there were 4 complaints not upheld and there were no withdrawn complaints during 2016-17.

OUTCOMES	2016-17	2015-16	2014-15
Upheld	1	0	1
Partially upheld	3	3	3
Not upheld	4	0	2
Withdrawn	0	2	0
Inconclusive	2	0	0
TOTAL	10	5	6

6. Response times

- 6.1 All the complaints were acknowledged within the 2 required days.
- 6.2 Four complaints were responded within timescales which is the same performance as last year (67%).
- 6.3 The average time to respond to a complaint was 15 days, compared to 10 days during the previous financial year. This average was affected by the 45 days that took to respond to the historical complaint as it was a complex case and information from the archives had to be retrieved.

7. Learning from Complaints

- 7.1 Managers did not return the feedback form highlighting any learning from the complaints made by Looked After Young People at Stage 1. However in one of the responses to a complaint the manager explains that in order to avoid the same situation happening to another young person, a copy of the complaint response will be shared with relevant managers.
- 7.2 Following the recommendation from the Corporate Parenting Panel last year, the feedback form sent to managers after they respond to a complaint at stage 1 has been re-designed in order to simplify the process and encourage more feedback. The agreement with senior management within Children Services was to substitute the feedback form with an e-mail asking one single question "what can be learnt as a result of this complaint?". It was agreed to implement the change coinciding with the upgrade of the complaints electronic system, which due to technical problems was delayed until July 2017.

8. Escalation

- 8.1 None of the complaints made by Looked After Children escalated to Stage 2 or 3 of the Social Care Complaints Procedure, whilst one complaint exhausted the complaints procedure in 2015-16.

8.2 The table below provide a comparison with the total number of complaints received by Children services during the same period.

	From LAC	Total
Stage 1 complaints	6	141
Stage 2 formal investigations	0	6
Stage 3 review panels	0	1
Ombudsman	0	5
Compliments	15	59

9. Compliments

9.1 Children Services received 59 compliments of which 53% were from service users (compared to 75% in the previous year). Of those, 15 were made by young people which is a higher number than in the previous financial year (12).

TYPE	Leaving Care	Family centres	LAC	Fostering	Homes	TOTAL
Impact on service user	5	1	1	0	1	8
Quality of service	6	0	0	1	0	7
Staff	0	0	0	0	0	0
Total	11	1	1	1	1	15

9.2 Leaving Care received most of the compliments (11 compared to 12 in the previous year) made by young people in care, usually through the exit interviews (35 exit interviews were undertaken this year). However between April 2016 and March 2017 other teams such as LAC, Leaving Care, Fostering, Owthorpe residential unit and Owlet family centre received one compliment each.

9.3 Similarly to the previous three years although in different proportion, young people were happy with the quality of the service they received (7 as in the previous year) and the impact this had on their lives (8 compared to 5).

TYPE	2016-17	2015-16	2014-15
Impact on service user	8	5	7
Quality of service	7	7	11
Staff	0	0	1
Beyond job's remit	0	0	1
Total	15	12	20