

# Children's Rights Service

**Children's Service  
Statutory Complaints Report 2013 - 2014**

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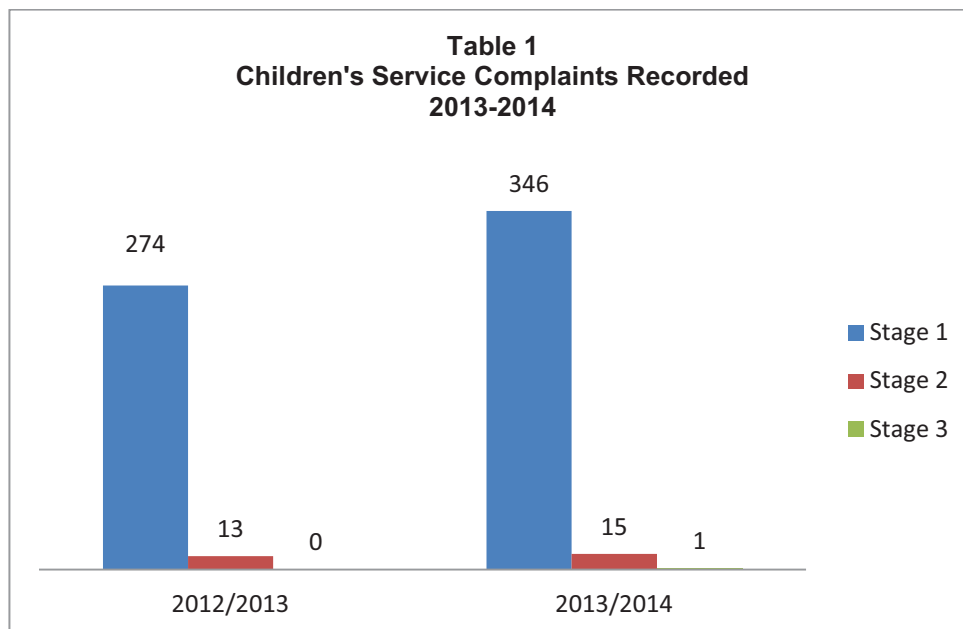
## 1 PURPOSE AND SUMMARY OF REPORT

- 1.1 All local authorities with Children's Social Care responsibilities are required to maintain and operate a Children's Act complaints process in line with statutory guidance. The management of this process should sit outside operational Children's Service's delivery and the responsible "complaints manager" should not report into Children's Service line management. The Authority must produce a statutory annual complaints report detailing complaints performance and activity.
- 1.2 In Surrey, the Children's Act Complaints Process is delivered by the Rights and Participation Service. This service sits at arm's length from operational teams in the Resources Division of the Children, Schools and Families Directorate.
- 1.3 The Children's Act Complaints Procedure considers complaints from and on behalf of children and young people, and their carers who are receiving a service under the Children's Act. Complaints can for example be made about the type or quality of service, the provision or lack of provision, about staff interventions with users. Young people making or thinking of making a complaint are entitled to an advocate. The Rights and Participation Service does, on occasion, receive complaints that are in reality concerns of a safeguarding nature and or not about Children's Act provision. Such concerns are referred to operational teams for action as appropriate and in accordance with the Safeguarding Board Procedures. These concerns are not considered under the Statutory Complaints procedure.
- 1.4 The procedure operates a three stage process. Stage one is local resolution, where the matter is responded to by the team working with the family or as close to the point of delivery as possible. These complaints may be made direct to the operational team or via the contact centre or complaints team or Councillor or any other officer of the council, although this process cannot consider complaints from any of these groups. The statutory guidance expects that most complaints will be responded to within 10 working days at stage one or 20 working days for more complex cases. Stage one complaints are responded to by operational managers. At stage two the process is managed by the Rights and Participation Service who will usually appoint an independent investigator and independent person to investigate the complaint and produce a report of their recommended findings. This stage can take between 1 to 6 months to complete. The third stage is a review panel hearing. The panel, which is made up of independent people will hear from the complainant and the service before reaching their recommended findings in relation to the complaint. Following stage three, if the complainant remains unhappy they can refer the complaint to the Local Government Ombudsman (LGO) for their consideration. The LGO may investigate the complaint and can issue a public report of their findings.
- 1.5 Complainants are advised that they have the right to request their complaint is progressed through the procedure at the end of each stage should they remain dissatisfied.
- 1.6 The Rights and Participation Service notes that Senior Managers within Children's Service occasionally respond to informal inquiries received from Members and MPs where it is deemed that a response via the complaint process would not be appropriate. During 2013-14, 35 MP/Cllr enquiries were recorded on the Customer Feedback Database. This is the database also used for recording complaints. It is interesting to note that of the 35 MP/Cllr enquiries, 8 were also known to the Rights and Participation Service as complainants whose complaints were being or had been addressed through the complaints process. Recording these types of enquiries on the database ensures that we are systematic in approach with a view to ensure that work is not duplicated and that responses are managed through the correct process.

## 2 SCC CHILDREN'S SERVICES' COMPLAINTS ANALYSIS 2013 – 2014

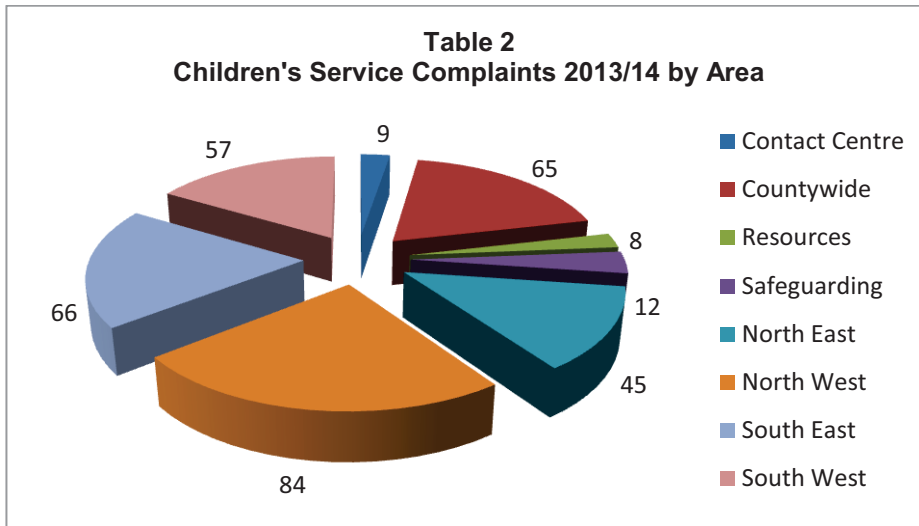
### 2.1 VOLUME OF COMPLAINTS RECORDED

#### 2.1.1 Table 1: Children's Service Complaints received 2013 -2014

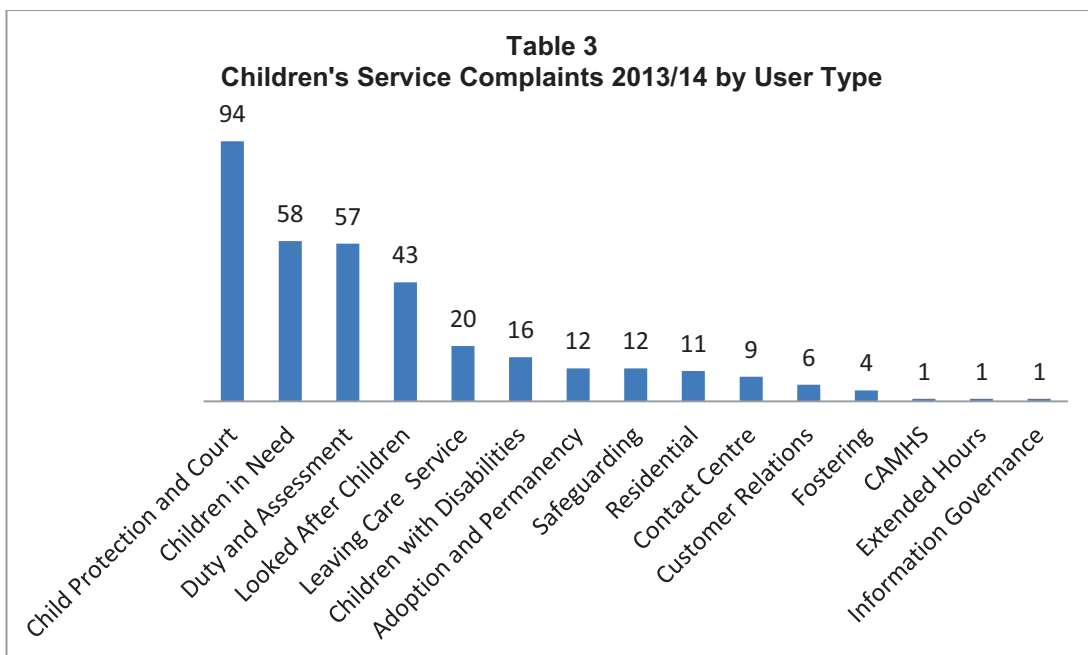


2.1.2 As illustrated in Table 1 above, the total number of complaints received between April 2013 and March 2014 for Surrey Children's Service has increased by 102 when compared to the previous 12 months. Increased numbers of complaints recorded reflects the accessibility of the process ensuring that residents' voices are being heard, listened to and acted upon with a view to making appropriate changes and where appropriate, improvements to Service Delivery. Whilst the total number of complaints escalating through the process has also increased, the proportion of complaints that have been escalated has remained level when comparing 2013/14 to the previous 12 months. During 2013/14, 4% of the complaints recorded escalated to independent investigation at the second stage of the process. This is equal proportionately when compared to the previous 12 months. The single complaint that progressed to the third stage of the process did not however complete the process and was instead considered at an early stage by the Local Government Ombudsman. The outcome of the Ombudsman's enquiry in that case was that there was no maladministration and no injustice.

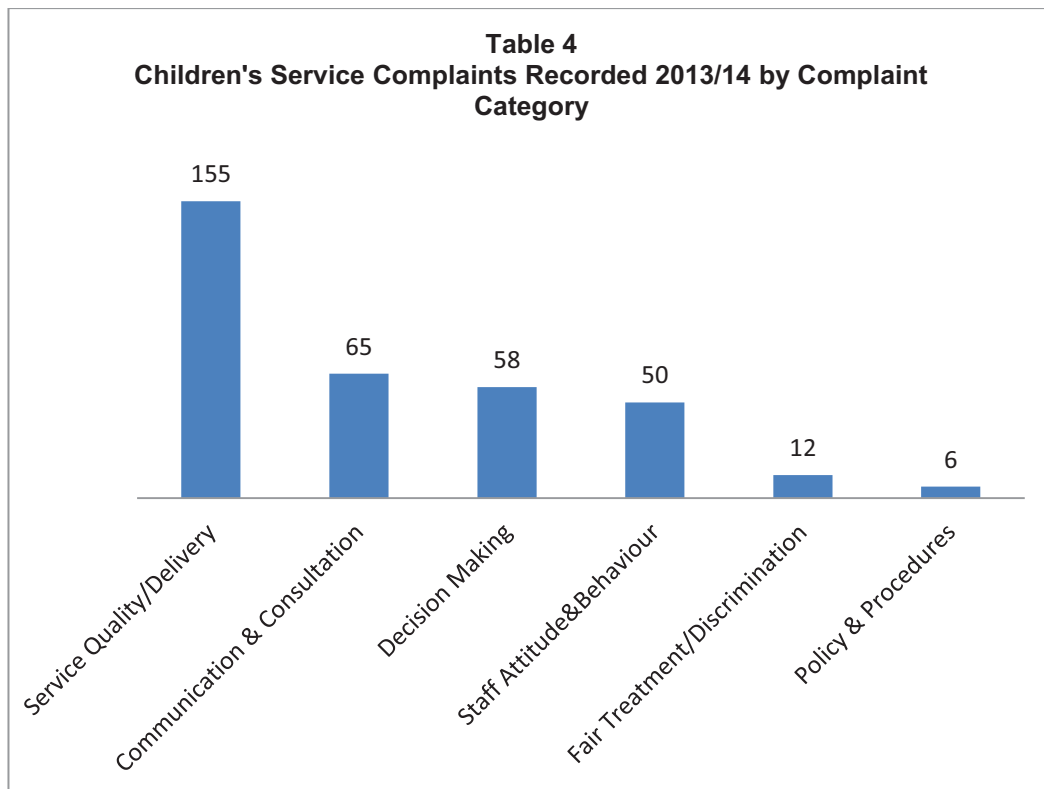
2.1.3 Table 2 below details Children's Service complaints by service area over the last year. These relate to complaints *about* these areas, rather than complaints received *by* these areas. The chart demonstrates that the majority of complaints are in the main directed at the operational social care teams, which is to be expected. The chart indicates that the majority of complaints were recorded as being about the North West Area. The Rights and Participation Service will be monitoring recording levels in the next fiscal year with a view to ascertaining if this demonstrates any specific trend. The Participation arm of The Rights and Participation Service (RPS) regularly interacts with young people and in particular care leavers. Where these young people are dissatisfied with outcomes following social events organised by the Participation arm of the RPS, their concerns are recorded as being about the Rights and Participation Service as the organising agent in those instances. This year a single complaint in regard to service delivery from the Parent Partnership Service (PPS) (who support parents with children about to or undergoing the Statement of Educational Needs process) was also recorded. This is reflected within the complaints recorded as being about 'resources' as the PPS is part of the Rights and Participation Service.



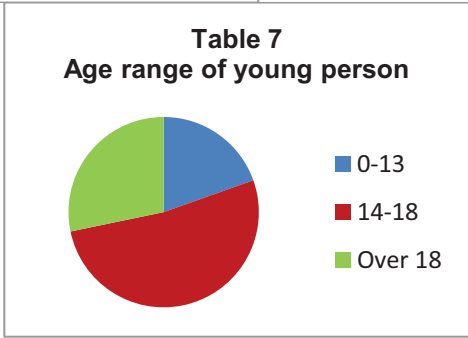
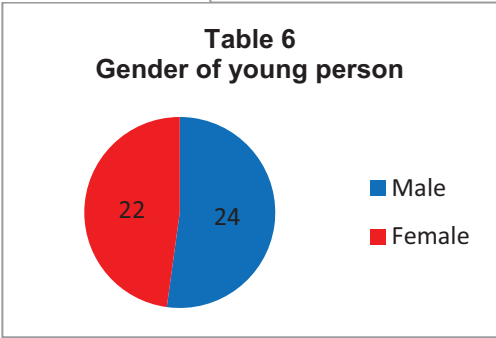
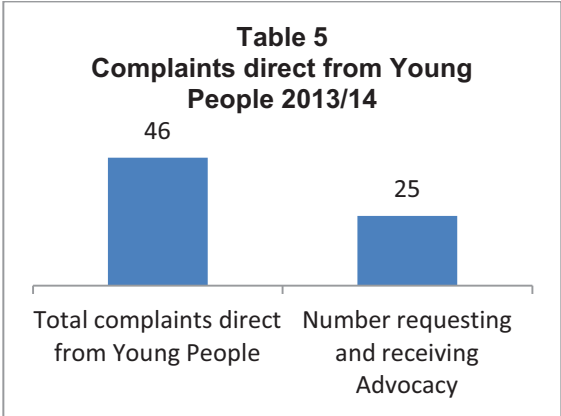
2.1.4 Table 3 below details number of complaints received by service user area. The data demonstrates that the majority of complaints received are from those receiving services from Child Protection and Court Proceedings Teams (CP &P) (94) which can include complaints about the content of reports requested by the Court relative to private proceedings. For example parents may use an Initial or Core Assessment as part of their evidence in Private Proceedings and the other party may then complain about the content of said assessment as in their view the assessment 'is biased against them'. It should be noted that these assessments are not written for the Court and the decision to share content rests with the family members and not Surrey Children's Service (SCS). The expectation is that the content would therefore be challenged in Court and not via the complaint process. Similarly the Court may direct SCS to undertake enquiries under specific sections of the Children's Act. The purpose of the enquiry and report is to assist the Court in making directions were there has been for example a Residence Order application by a parent. The expectation in this case is also that the concerns will be discussed as part of the ongoing legal proceedings and not addressed via the complaint process. The table also shows that levels recorded by the CP&P Teams, the Children in Need Teams (58), the Duty & Assessment Teams (57) and finally the Looked after Children Teams (43) account for 73% of all complaints received in relation to Children's Service in Surrey. This is not unexpected given that it is in the main these teams that are involved following referrals for intervention received from either partner agencies such as Health or the Police or concerns raised by families themselves.



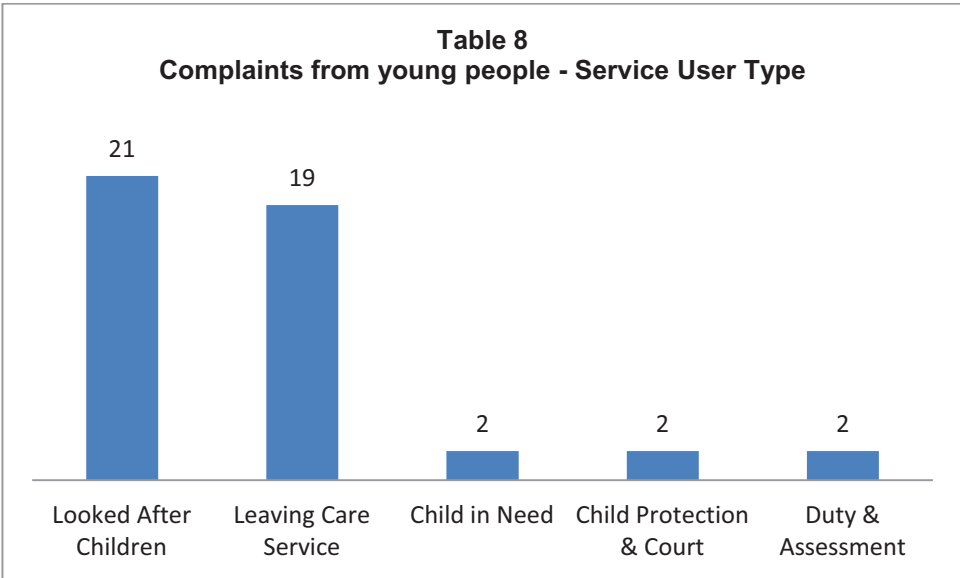
2.1.5 Table 4 below details the number of complaints received by category (type of complaint). The chart demonstrates that the majority of complaints are in regard to 'Quality of Service' provided. In the main, most complaints for this category relate either to a service user's perception of how well services have adhered to established practice and guidance or, to some degree, misunderstanding by the complainant of the role that Surrey Children's Services plays in private proceedings. The majority of these particular complaints are 'Not Upheld', are resolved by providing more explanation and generally do not result in any specific learning actions beyond emphasising the need to ensure that timely and full explanations are provided relative to decisions and actions taken. 'Communication and Consultation' is the next most common category of complaint. The main issues here relate to families' expectations around what constitutes regular or frequent communication from the allocated social worker. The third most common complaint category is 'Decision Making'. In the main, this category relates to complaints about the content of assessments and reports where parents disagree with the social workers' professional opinion as expressed within the content of the assessment or report. Records suggest that where there is disagreement with the outcomes arising from an assessment or report, this disagreement is expressed as a complaint suggesting that the outcome is flawed, with the content of the report or assessment referred to by way of example to support this view.



2.1.6 In 2013-2014, 46 formal complaints were received directly from children and young people. This is an increase from the 39 recorded in the previous 12 months. Alongside this increase on last year in number of formal complaints, the Rights and Participation Service continues to note an increase in number of contacts from young people seeking support from the Rights and Participation Service to achieve informal resolution of problems and concerns. Tables 6 & 7 below show that 52% of young people making a formal complaint were aged between 14 and 18 and over and further, that males and females are equally accessing the complaints process. Table 5 below shows that of the 46 formal complaints recorded, 25 of the young people requested and received advocacy support. Of the 25 who received advocacy support, 8 were supported by an 'independent advocate' while the others elected to either receive support from Rights and Participation Service staff (15) or from an advocate of their choosing (2), for example a family member or friend or other professional such as a teacher



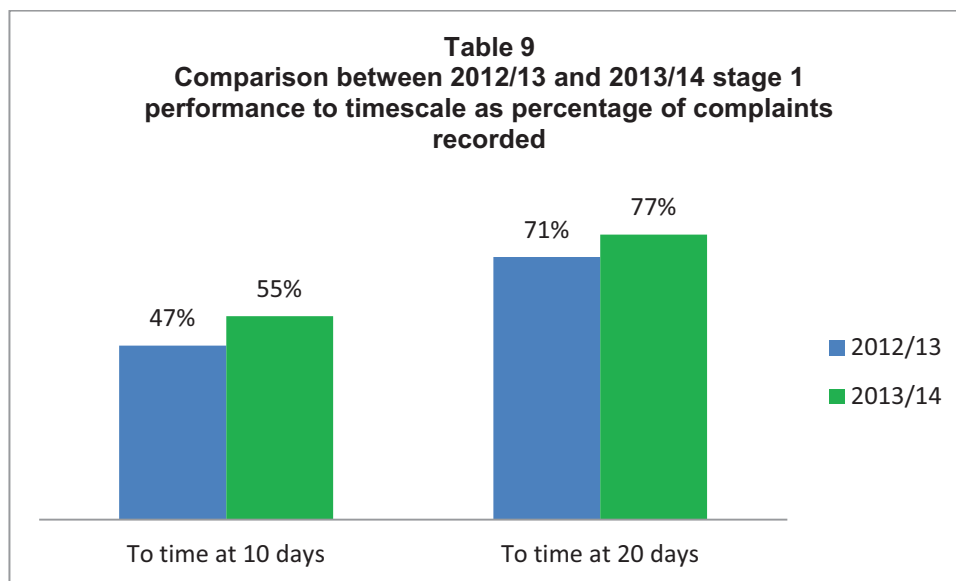
2.1.7 Table 8 below shows the breakdown of complaints recorded (direct from young people) by service type. The majority of these (87%) were received from either looked after young people or those leaving care. Care Leavers’s main concerns remain around financial support and support to find secure accommodation. For looked after children, concerns remain around contact with family and concerns relating to placements. This year has seen a particular rise in complaints and contacts from young looked after Asylum Seekers.



2.1.8 Once again a number of complainants ,236, equating to 68% identified themselves as White British, which is not unexpected given the demography of the County’s population. This figure does not differ significantly on a proportional basis when compared to the previous 12 months where 67% of complainants identified themselves as White British. Other ethnic identifications included Asian and Black Caribbean. Generally, the breakdown is reflective of the local area and is therefore a good indication of the accessibility of the procedure.

## 2.2 PERFORMANCE AGAINST TIMESCALES: HOW RESPONSIVE HAVE WE BEEN?

### 2.2.1 Table 9: Children's Service Performance at stage 1



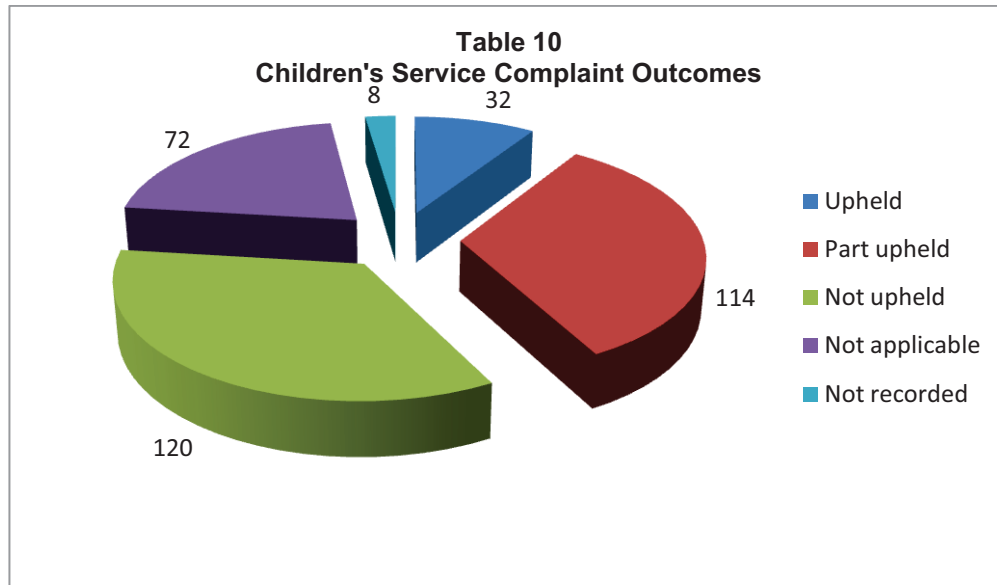
2.2.2 Table 9 above shows the detail of time taken to respond to complaints at S1, (local resolution) providing a comparison between the current reporting year and the previous one. The table shows performance for responses at both the 10 and 20 day statutory timescales. The table demonstrates that there was 55% compliance to the statutory timescales of 10 working days and 77% compliance at 20 days. It should also be noted that the average time taken to respond to a complaint at the first stage of the process is 13 days which is well within the 20 day timescale which is in turn, the timescale monitored by the Directorate. It is acknowledged and accepted that there will, in some circumstances, be cases which cannot be responded to within the 10-day timescale. These cases can be classed as meeting criteria for 'justifiable delay' for example, complaints direct from Young People requiring formal advocacy support, and complaints that stretch across more than one team or service such as Children with Disabilities and Special Educational Needs. During this reporting period there were 21 complaints that were deemed to meet the criteria for justifiable delay. These reflect 14% of the complaints that did not meet the 10 day response target. An increase in performance at both the 10 day and 20 day response target could be said to be indicative of an improved focus on complaints handling generally. However, it is more promising to note that the percentage of complaints progressing through the later stages of the process has remained stable at 4%, despite the significant increase in the numbers of complaints recorded at the first stage of the process.

2.2.3 Rights and Participation staff have continued to spend a significant amount of time interrogating the data and chasing responses. Operational teams are routinely reminded of their responsibilities to log complaints and update records. Changes in the Customer Feedback Database which is used for recording complaints has meant that routine reminders are also automatically generated to the person responsible for responding. This effort has resulted in improved performance against statutory targets. As indicated above there are instances where complaints are said to meet the criteria for justifiable delay and this will impact on the performance of the operational teams relative to complaint response times.

## 2.3 COMPLAINTS OUTCOMES & RESOLUTION

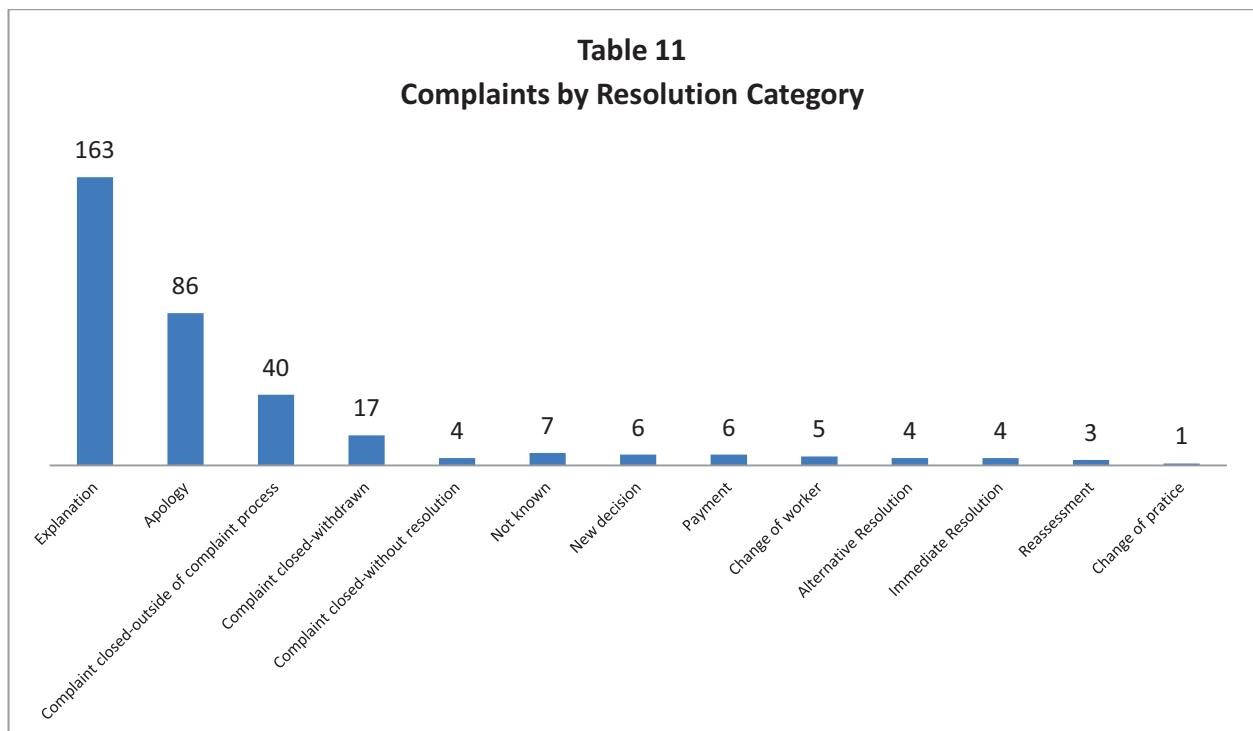


2.3.1 Table 10: Children’s Service complaints recorded by outcome.



2.3.2 Table 10 above shows that a majority (120) of complaints responded to at Stage one of the process were ‘not upheld’ (no fault found), another 114 were ‘part upheld’ (some fault found ) and a further 32 of complaints were recorded as fully ‘upheld’ (fault found ). During the year, complaints about matters that could not be considered via the complaints process, for example those about decisions reached in Court, show an outcome of ‘not applicable’. These account for 72 of the complaints recorded. In all these cases the complainants have been advised of alternative routes that may be available to them or to seek independent legal advice. The Rights and Participation Service will continue to liaise with Children’s Service with a view to improving service delivery in terms of learning arising from complaints with a focus on complaints that were either ‘upheld’ or ‘part upheld’. This will be implemented in the first instance by holding quarterly ‘learning from complaint’ briefings at Senior Management meetings with a focus on sharing learning across the Service as well as sharing of best practice.

2.3.3 Table 11 below details complaints recorded by resolution category

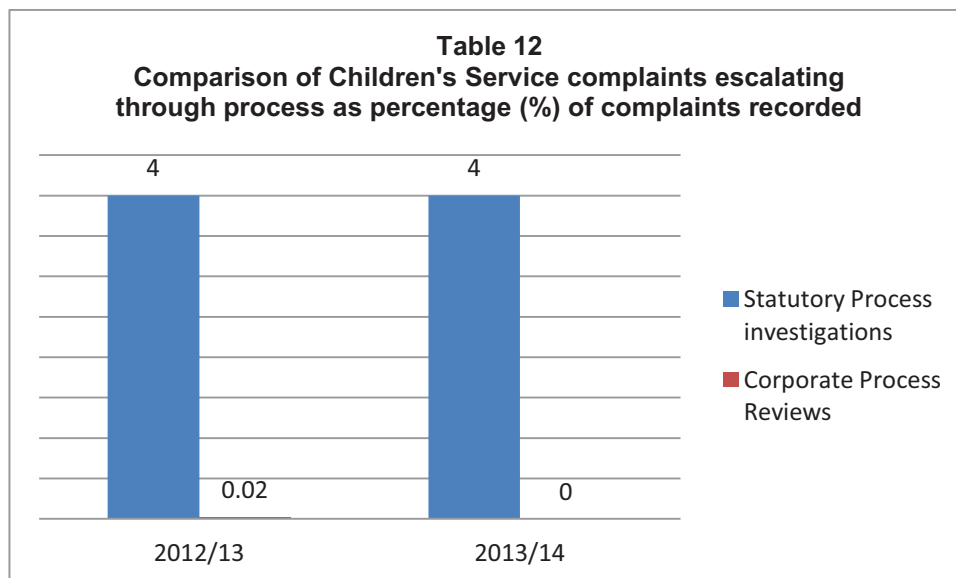


2.3.4 Given that 120 complaints recorded were 'not upheld' and a further 114 were 'part upheld', and that 163 of the 346 (47%) of complaints recorded were resolved by 'explanation', it can be argued that the quality and effectiveness of communication with families continues to cause most dissatisfaction. The majority of complaints recorded relate to the Child Protection & Court and the Duty and Assessment teams. This can be seen to suggest that as families 'in crisis' these families may not be 'absorbing' the explanations provided by the social care professionals in terms of why they are involved in the families' lives. This interpretation is further supported by the fact that the majority of complaints are being resolved by explanation.

2.3.5 Alongside what complaints tell us in terms of the need for improving the quality of communication between the Service and service users, the Rights and Participation Service routinely receives requests from both the Service and service users asking for support in managing communication and resolving issues. As a result, the Rights and Participation Service have become much more involved in leading on learning from complaints and will continue to provide management information on this as outlined above at 2.3.2

## 2.4 ESCALATION OF COMPLAINTS

2.4.1 Table 12: Complaints escalated to stage two (Corporate and Statutory processes)



2.4.2 During 2013-14, a total of 44 requests were received for complaints to be escalated to Stage two of the process. Of these 44, 15 requests were accepted. Of these 15, 14 complaints (4% of all the complaints recorded) progressed to full investigation under the statutory process and one was investigated under the corporate complaints process.

Of the remaining 29 escalation requests:

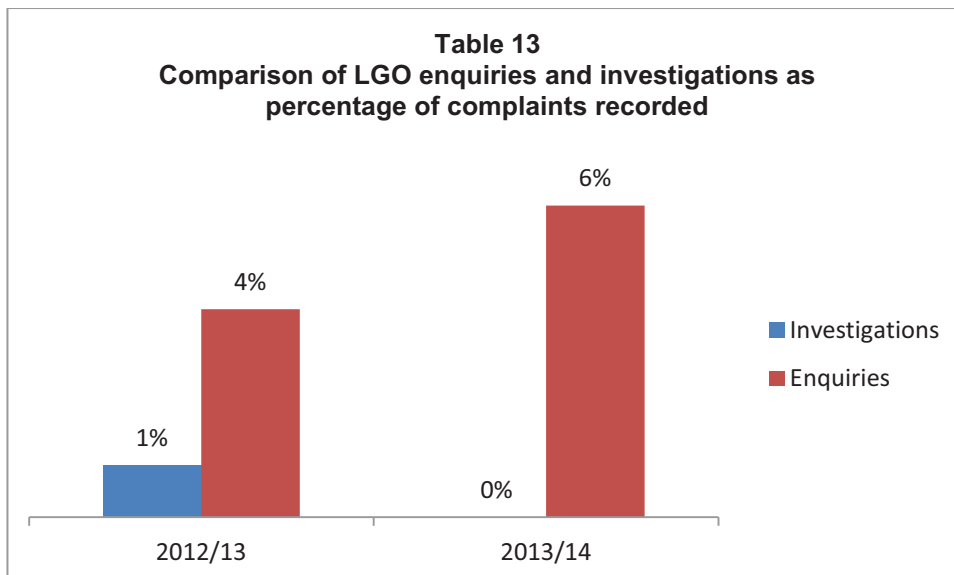
- 7 were declined as they were not appropriate for the complaint process
- 6 were declined as an alternative more appropriate route was available to the complainant e.g. seeking independent legal advice relative to matters currently being discussed as part of private proceedings in Court
- 4 were resolved by financial redress totalling £3073.72
- 2 additional offers of financial redress have been made totalling £7800 (one of £7500 has been declined and is now at independent investigation while the other offer has yet to be acknowledged by the complainant)
- 4 were resolved by additional apology
- 2 were resolved by additional explanation

- 1 was closed without resolution
- 3 are currently under consideration and awaiting allocation of independent investigators

2.4.3 None of the complaints recorded during the 2013-2014 year progressed to the third stage of the process. The single complaint that was responded to at the third stage of the process during this reporting period was recorded during the 2012-2013 fiscal year. Overall this is indicative of improved responses at S2 of the process.

## 2.5 LOCAL GOVERNMENT OMBUDSMAN ENQUIRIES

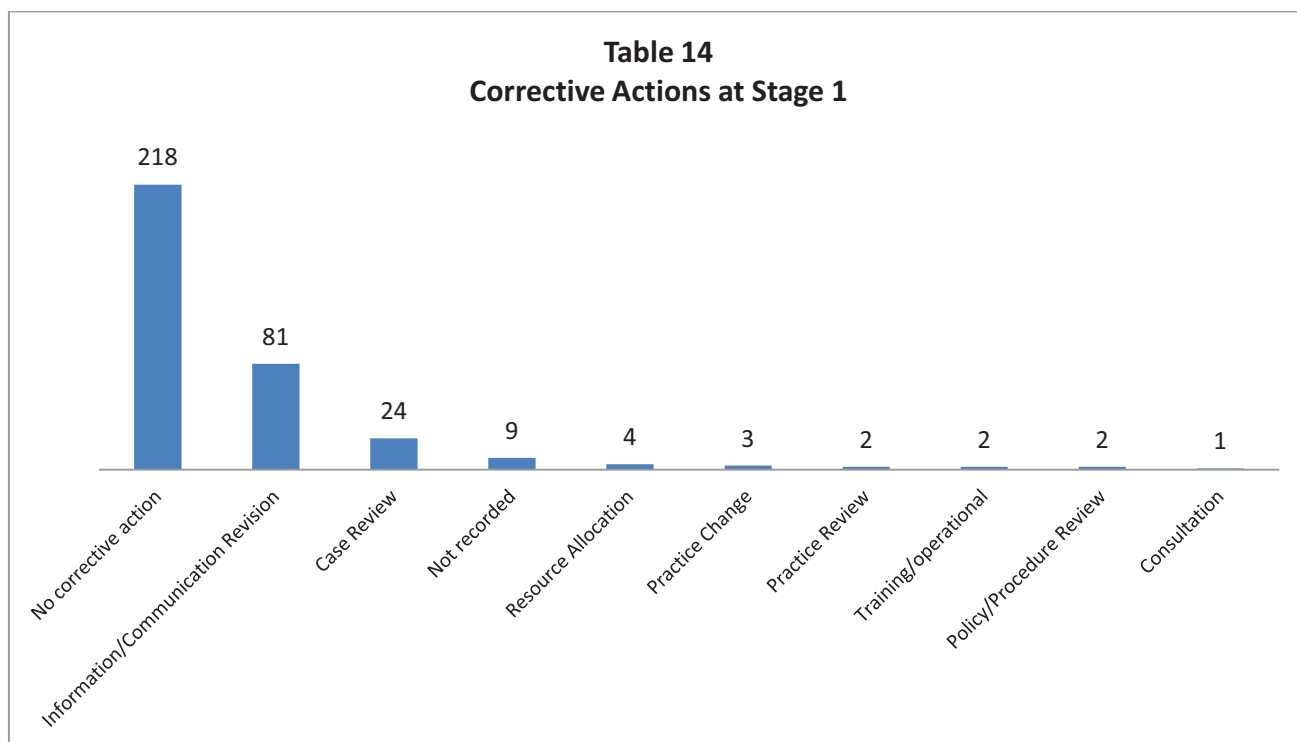
2.5.1 Table 13 below shows the total LGO enquiries and investigations received compared to previous year. It must be noted that not all enquiries from the LGO progress to full investigation. In the main this is because following initial enquiries the Rights and Participation Service is able to demonstrate that the Council has taken reasonable steps to resolve the complaint. On some occasions the Rights and Participation Service is able to agree a way forward with the LGO and with agreement from the complainant can lead to resolving the complaint satisfactorily for all parties without the need for a full and formal investigation. In the 2013-14 fiscal year no formal investigations were completed by the LGO.



2.5.2 The LGO issued no public reports in relation to Children's Service during this period. This is a positive result and shows that not only do we have a low rate of escalation to the LGO but that under external scrutiny the majority of complaints have been appropriately dealt with by the local authority.

## 2.6 LEARNING FROM COMPLAINTS

### 2.6.1 Table 14: Corrective actions identified at stage 1



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2.6.2 Table 14 above shows that 128 complaints resulted in corrective actions being identified. This is a significant improvement when compared to the 79 identified in the previous 12 months. 218 (of 346 complaints due a response) were explicitly recorded as not leading to any corrective action. This supports the fact that the majority of complaints at stage 1 of the process are resolved by explanation. Robust responses at stage 1 of the process that clearly set out and uphold acknowledged errors and omissions contribute significantly when considering whether or not a complaint should be escalated. For example, a robust response may provide the opportunity for agreement to an acceptable remedy as opposed to a full investigation at the second stage of the process thus avoiding further delay in resolution for the complainants and costs to both parties. In the 2013-14 fiscal year responses at stage 1 of the process included cases where peer reviews of assessments or court reports have been undertaken to establish whether or not, in the light of changed or new information, the outcome of said reports or assessments would have had an impact on the decisions taken. To date, whilst peer reviews have resulted in some corrective action, no changes in outcome have been identified.

2.6.3 At the close of the second stage of the process or LGO enquiries in regard to a complaint, the Rights and Participation Service develops and circulates corrective action plans (CAPs) to managers who are responsible for carrying out the actions and sharing these within their service area.

2.6.4 During this reporting period, the corrective action plans drawn up and circulated across Children's Service list, between them, a total of 58 separate corrective actions. The actions were identified by the Service and need to be completed in order to improve services and put matters right. In addition to the key learning themes discussed in the sections below, other actions arising include; ensuring that records are accurately maintained, ensuring that confidentiality is observed and ensuring that families are updated regularly in terms of progress with assessments and reports.

2.6.5 95% of the corrective actions identified this year were reported as completed by the Service. This is an improvement on last year's completion rate of 90%. The status of the remaining 5% is 'unknown' at the time of reporting. However these are pending completion of enquiries by the LGO which may result in revised corrective actions.

2.6.6 At stages 2 and beyond, the top 2 types of corrective actions taken as a result of escalated complaints are:

- Service Briefing (18 out of 58)
- Information Revision (15 out of 58)

2.6.7 The key learning themes identified at Stages 2 and beyond relate to:

1- Difficulties in managing expectations for families where more than one partner agency is involved such as for example; Children in Need who are open to Children with Disabilities and require funding for adaptations to the home. Funding decisions rest with the local Borough or District Council following assessments by Occupational Therapists which are arranged by Surrey Children's Services

2- Effective records managements including maintaining confidentiality.

2.6.8 Specific examples of learning from complaints identified by operational and Rights and Participation staff are listed below:

1. Review of SCC guidance regarding major adaptations within the family home
2. Review of the Occupational Therapy structure within the Countywide Service
3. Review of Terms of Reference for the Disability Resource Panel

## 2.7 SUMMARY: WHAT HAVE WE DONE WELL AND WHERE CAN WE IMPROVE?

2.7.1 What we are doing well?

- Significant increase in the numbers of complaints being recorded
- Significant increase in the numbers of complaints being made directly by young people. All young people wishing for support to make formal complaints or to resolve problems are being supported through the Rights and Participation Service
- Average response times for initial stage of the process remain within timescale  
Maintained low levels of complaints escalating through the process  
Continued decrease in numbers of complaints investigated by the Local Government Ombudsman
- Higher level of identification of learning at stages 2 and beyond
- Improved awareness of the complaint process promoting open and fair discussion around intervention by SCS

2.7.2 What do we need to improve?

- Performance in terms of response timescales at 10 working days at Stage1
- Increase use of peer reviews to promote sharing of best practice and inform robust responses at all stages of the process
- Service wide dissemination of learning arising from complaints at all levels of the process
- Ensuring complaints process is accessible to all children and young people including those looked after residing out of county and unaccompanied asylum seekers.

The Rights and Participation Service will continue to work closely with operational teams in regard to the 3 points identified above. This will include Children's Rights Managers having regular discussions with Team and Area Managers that are case by case specific as well as across the area together with a quarterly slot at Children's Service Senior Management Team Meetings (CSMT) to disseminate service wide learning arising from complaints.

### **3. ADVOCACY SUPPORT**

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- 3.1 Advocacy and Participation Services have now been successfully delivered by the Rights and Participation Service for over 4 years. The advocacy service provides the statutory complaint related advocacy support for children and young people in line with the requirements of 'Get it Sorted'. In order to do so, the Service manages a pool of self-employed independent advocates and commissions the independent advocacy support when requested by a child or young person. In other cases, the Advocay service provides advocacy support and advice to children and young people assisting them to resolve their complaints and concerns or supporting them to advocate for themselves.
- 3.2 Surrey complaints information, both online and paper based, is systematically circulated and promoted within Children's Services and advocacy provision in particular continues to be promoted with a particular focus on reaching Looked After Children or Care Leavers and the staff that work with them.
- 3.3 Over the past year, the Advocacy service has evolved to become the 'go to' children's rights and advocacy advice and helpline for Surrey young people and staff. This is evidenced by the steady increase not only in number of contacts from young people seeking support from the Rights and Participation Service to achieve informal resolution of problems and concerns but also in number of contacts from staff seeking advice and guidance; particularly from the Leaving Care Team. It has developed to provide more flexible support options based on discussions and assessment with those making contact. In line with its ambition, the advocacy 'helpline' has supported young people to take a lead on their complaints : each interaction promoting choice and encouraging young people to:
- a) make informed decisions about how they wish their complaint or enquiry to be dealt with
  - and
  - b) to experiment with problem solving strategies.
- 3.4 The advocacy service has also this year closely collaborated with a national social enterprise in the development of the self-advocay 'app' MOMO (Mind Of My Own). This 'app' is now available for free download on smart phones or computers by children and young people in Surrey to use in communicating concerns to services. The advocacy service has been promoting its use and will assess its benefits and impact over the next year.

### **4 MONITORING THE PROCESS**

- 4.1 The Rights and Participation Service support Children's Service to manage and learn from complaints. The key services offered are: complaints advice and support, quality assuring of responses, mediation, complaint case debrief sessions, production of performance reports, liaising with Local Government Ombudsman, Complaints Visiting Workshops, 1-2-1 complaints handling coaching for operational managers, and development and monitoring of corrective action plans (CAPs).
- 4.1.1 Rights and Participation staff offer Stage 2 complaints debriefing sessions to staff involved in complex Stage1. This provides the opportunity to discuss the process of the case, learning outcomes and how experience was for staff involved. No formal debriefing sessions took place

this reporting year as in consultation with the operational managers this was not deemed necessary. However as well as holding informal debriefing discussions with operational managers the Rights and Participation Service has provided both support to individual staff members involved in such cases as well as support in the form of facilitation of meetings with complainants.

- 4.1.2 The Rights and Participation Service continues to draw up corrective action plans following the outcome of complaints at stages 2 and 3 of the process. Plans are agreed and signed off by the senior operational manager who is responsible for taking actions forward. As already mentioned earlier in the report, it is proposed that a summary of corrective action plans specifically focussed on those with service wide implications will be discussed at CSMT during the coming year.
- 4.1.3 The Rights and Participation Service produces monthly reports for the Directorate Leadership Team in line with the Rights and Participation Service Delivery Plan. The Service also produces reports and summaries for inclusion in the Children's Service Report Card.
- 4.2 During 2014-2015 the Rights and Participation Service will focus on:
- *Increasing the use of peer review of assessments and reports at the first stage of the process to promote early in-house identification of service improvements arising from complaints*
  - *Reducing escalation rates through the process by improving quality of responses at Stage 1 with an emphasis on improved consideration and use of alternative resolution at an early stage in the process.*
  - *Working closely with staff to increase the number of children and young people enabled to speak up for themselves whether in the context of formal complaints or informal resolution of problems.*

## 5 FINAL COMMENTS

- 5.1 Overall this has been another positive year for complaints management across the services. Stronger working relationships continue to be developed between services and the Rights and Participation Service resulting in effective resolution of complaints at the earliest stage. Examples of this include:
- Consultation with operational teams where there is concern that addressing the complaint may not be in the best interest of the child, particularly if there are safeguarding concerns
  - Operational managers seeking advice from the Rights and Participation Service as to whether or not a matter that is in private legal proceedings should in fact be addressed through the process
  - Social care and leaving care professionals actively consulting Rights and Participation Service in regard to children and young people who may benefit from advocacy support
  - Consultation with operational teams across SCS and Education services where complaints involve both aspects of the Directorate
  - Closer working links and consultation between CEO staff and the Rights and Participation Service specifically in regard to enquiries by MP's and/or Cllrs.
- 5.2 The Rights and Participation Service will continue to work with services on improving recording and updating complaints information as well as focusing on learning as a continued priority in the coming year.

- 5.3 As identified earlier in this report, the Rights and Participation Service has noted improvements in the quality of responses at Stage1 of the process which in turn have resulted in early resolution and identification of learning leading to improvements in service delivery. This follows the continuing use of individual coaching for operational managers as provided by the Rights and Participation Service. The coaching includes discussions in meetings and over the telephone, both generic and case specific depending on individual cases and circumstances. During 2013/14 a total of 15 coaching sessions were delivered either to individuals or groups of managers. In turn this has contributed to closer working relationships between Rights and Participation Service and operational managers that continue into the current fiscal year.

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**Children's Rights Managers**