



Statutory Complaints and Representations Annual Report 2013–2014

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Introduction

This report details the feedback received by the complaints team about statutory social care services during 2013-2014, including statistics on numbers and types of concerns, complaints and, importantly, learning from complaints.

During this period, due to a Council restructure, social care services for adults and children which were previously in separate directorates moved into the newly formed People Services directorate of the Council. This report therefore provides information about children's and adult services.

Analysis

450 new compliments, concerns, representations and complaints were received between 1 April 2013 and 31 March 2014. The table below shows the types of feedback received.

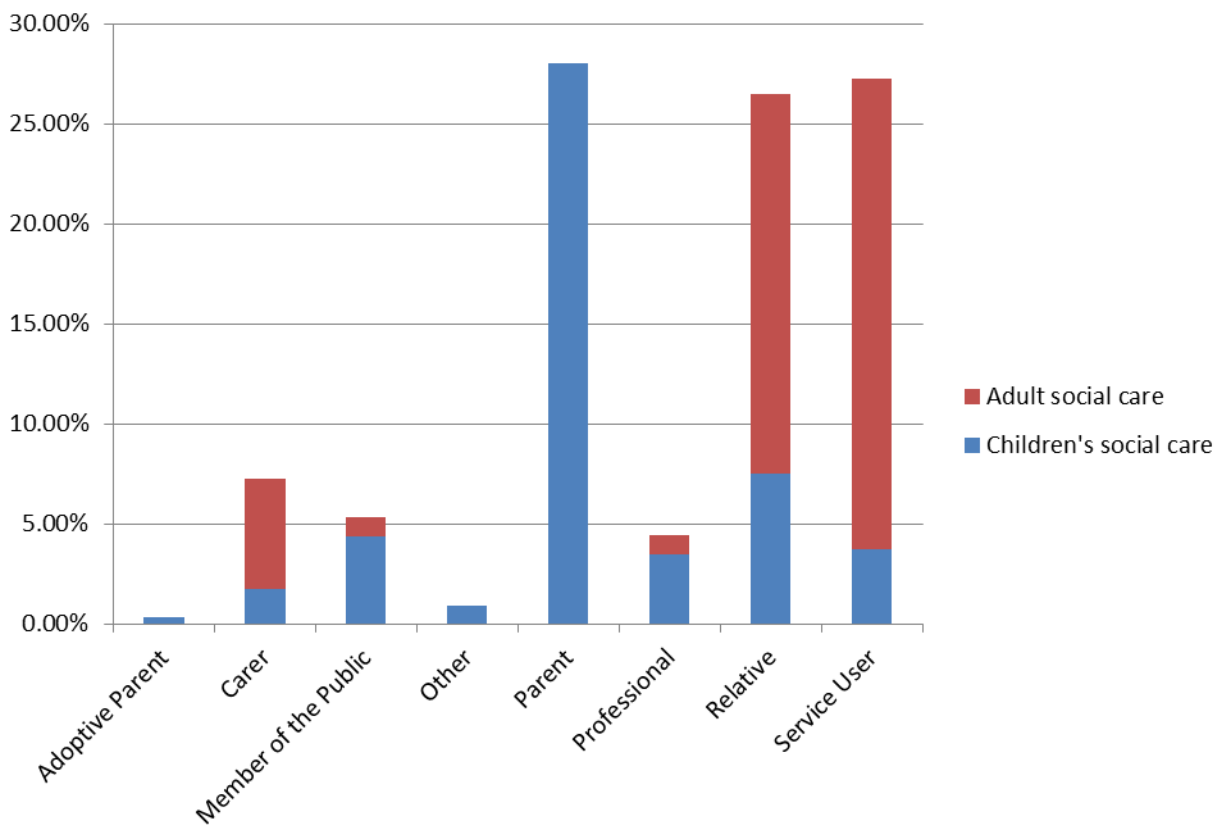
Type of Record	Children		Adults	
	No	%	No	%
Compliments	8	6%	181	54%
Concerns and representations	96	76%	41	12%
Complaints	22	18%	114	34%
Total	126	100%	336	100%

When a concern or representation is received, an initial assessment is made to decide whether it needs to be considered using the complaints procedure. This includes establishing whether another route is more appropriate or if relatively minor issues can be resolved very quickly and locally by a manager. The figures below show that many concerns and representations were resolved quickly to the satisfaction of complainants.

137 concerns and representations were responded to during the period:

- 74 were resolved
- 22 people were advised that their complaint fell outside of the statutory or corporate procedures, eg because of court proceedings relating to the complaint issues
- 12 people contacted us but did not pursue their concerns when asked for further information
- 11 concerns about children's services escalated to stage 1
- 8 concerns were referred to adult or children's safeguarding services for appropriate investigation
- 3 were referred to another agency or Bristol City Council department
- 3 concerns about adult services required the Council to contribute to a response by an NHS Trust to a joint complaint
- 2 concerns about adult services were referred on and responded to by providers of services commissioned by the Council.
- 2 were withdrawn by the complainant

Who complained or complimented



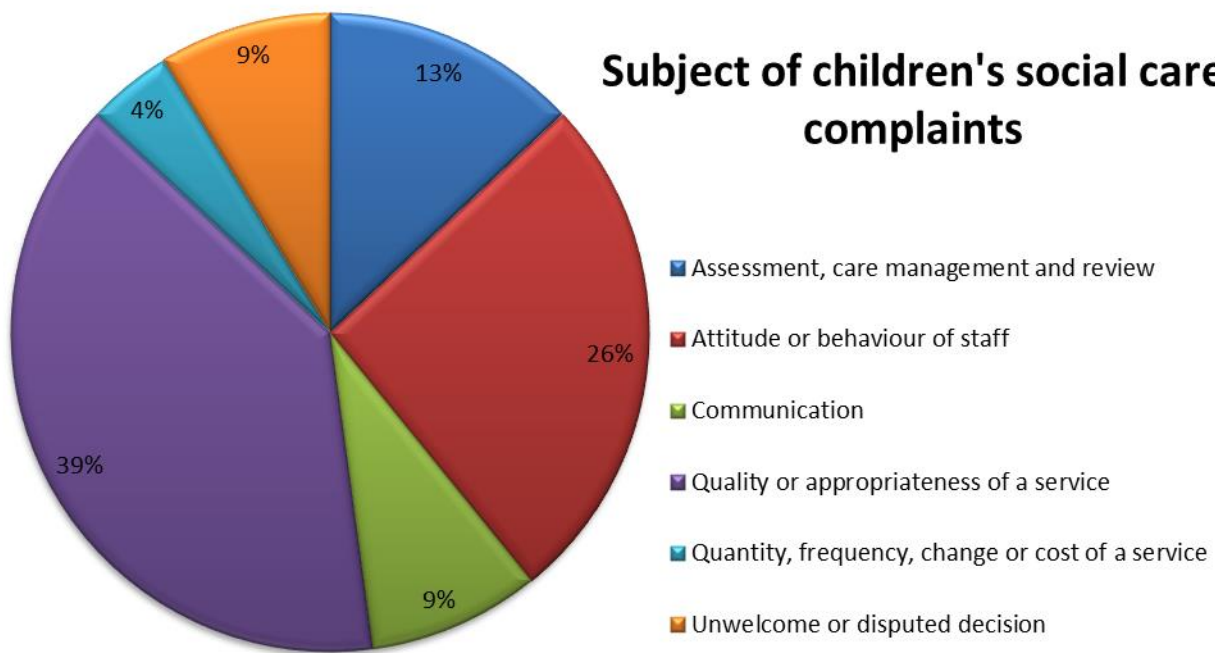
The table above provides a breakdown of the type of complainant, split into complaints about adults and children's social care services. It is usual that the majority of complaints about children's services are made by parents of children, eg of children in care or who are subject to safeguarding investigations.

Further analysis, broken down by type of complaint, follows on the next few pages.

Complaints about children's services

Appendix 1 explains the stages of the statutory children's social care complaints procedure. This table shows the number of complaints responded to at each stage.

Number of Social Care Complaints	Stage One	Stage Two	Stage Three	Ombudsman
2009 - 2010	37	7	5	5
2010 - 2011	41	11	4	10
2011 - 2012	23	6	0	6
2012 - 2013	20	3	1	4
2013 - 2014	22	3	1	5



Complaint outcomes

The table below shows the percentages of complaints and representations responded to at each stage of the Children Act statutory social care complaints procedure, and their outcomes.

Outcomes	Stage 1	Stage 2	Stage 3	Ombudsman
Not Upheld	9	1	1	
Partially Upheld	11	2		
Upheld	1			
No conclusion	1			
Investigation complete – maladministration with injustice				1
Investigation complete – satisfied with LA actions				2
Investigation not initiated				2

The table above only relates to complaints and representations and does not include concerns or compliments. The Local Government Ombudsman uses distinct classifications to record complaint outcomes. Evidence presented to the LGO may result in an investigation not being initiated if the Council's actions are considered to be satisfactory. An investigation may be discontinued if, during enquiries, there is evidence to show that there has been no maladministration or if an injustice has been remedied.

Response performance

There are statutory deadlines for responding to social care complaints. The table in Appendix 2 shows the structure of the complaints procedure. The deadlines for response are given at each stage with the possibilities for extensions in brackets. Extensions can be agreed with complainants where cases are complex or there are difficulties arranging meetings with a number of professionals etc.

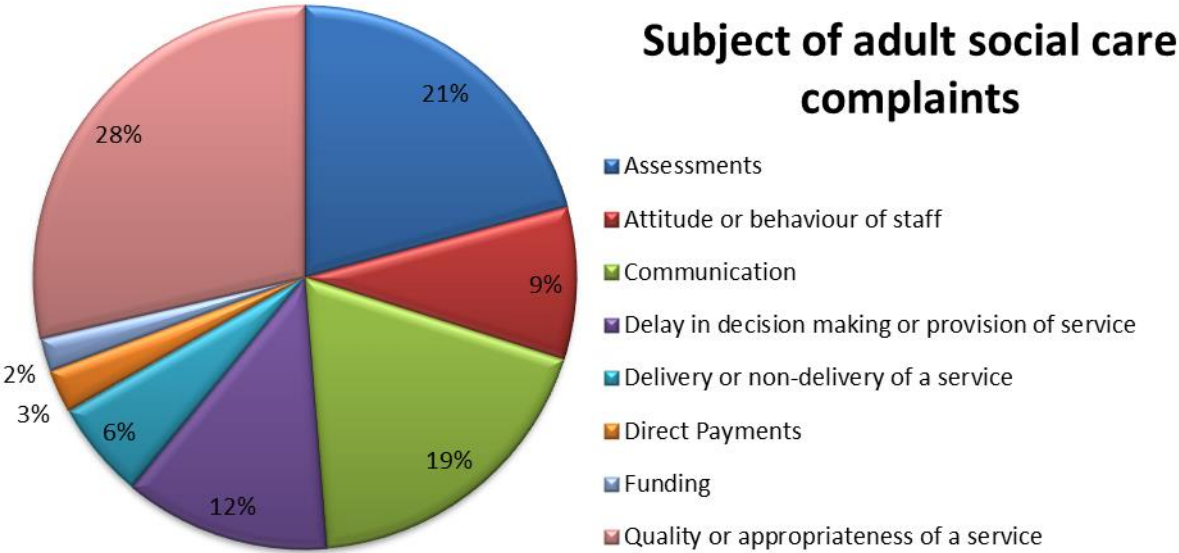
Stage of procedure	2009/2010	2010/2011	2011/2012	2012/2013	2013/2014
Stage 1	76%	68%	96%	80%	55%
Stage 2	71%	91%	83%	67%	100%
Stage 3	60%	100%	N/A	100%	100%
Ombudsman	100%	100%	100%	67%	80%

In addition, 8 complaints about social care were responded to using the corporate procedure. The statutory procedure would not be used for anonymous complaints or for complaints from people who have insufficient interest in the child in receipt of a service (eg a relative or a neighbour).

Complaints about adult services

Response	Review	Ombudsman
117	2	6

Appendix 2 explains the social care adults complaints procedure. The table above shows the number of complaints responded to at each of the stages of the procedure. Information on outcomes is detailed later in this report.



Complaint outcomes

The table below shows the percentages of complaints and representations responded to at each stage of the adult procedure, and their outcomes.

Outcomes	Response	Review	Ombudsman
Not Upheld	26%		
Partially Upheld	36%	100%	
Upheld	26%		
Withdrawn	10%		
Referred to Safeguarding	2%		
Investigation complete, satisfied with LA actions (not upheld)			17%
Investigation not initiated			17%
Maladministration with injustice			17%
Investigation discontinued, injustice remedied			32%
Outside jurisdiction			17%

The table above only relates to complaints and representations and does not include concerns or compliments. The Local Government Ombudsman (LGO) uses distinct classifications to record complaint outcomes. An investigation may be discontinued if, during enquiries, there is evidence to show that there has been no maladministration. A complaint is considered to be outside jurisdiction if the LGO does not have the power to investigate, eg because of court activity or the right to appeal.

Response performance

Response deadlines are agreed between the manager with responsibility for responding to the complaint and the complainant, within six months. The manager must keep the complainant informed of any delays, giving reasons.

Stage of procedure	Percentage
Response	42%
Review	50%
Ombudsman	57%

Advocacy

Children and young people are entitled to independent and confidential advocacy support to help them make social care complaints and representations. The Council has a service level agreement with Reconstruct to provide this service as part of a wider advocacy and participation project for children and young people. Reconstruct advocates work closely with children and young people in care and frequently support them to raise concerns informally with staff. Therefore the majority of issues raised directly by children and young people are resolved without using the complaints procedure. 1 young person was supported by Reconstruct to raise a formal complaint during 2013-2014. A further 9 were supported by advocates to seek resolution to their concerns outside of the complaints procedure.

Complaints Procedure Advocacy (CPA), part of the Care Forum, provides support to adults making complaints on behalf of children and to adults complaining in their own right about adult social care services. Different levels of support are provided, from information that can promote self-help to assisted information (which could include research or signposting) and general help (which could be arm's length support, eg advising on process and proof reading letters drafted by clients) through to full case work. Complainants are supported to look at different options and possible outcomes to equip them to make informed choices about action which may be taken. CPA works to ensure people can represent their own interests as far as possible and does not offer advice on how an individual should act.

CPA supported 18 adults making complaints on behalf of or concerning children and young people at all stages of the complaints procedure, from initial concerns to post stage three. It also supported 16 adults or their relatives/carers complaining about adult services.

Diversity monitoring

For children's services, as much information as possible is captured about the gender, ethnic background, age and disability of those who give feedback. Some information is available through the social care case management system. In addition, diversity monitoring forms are sent to people when complaints are acknowledged. However, some complainants decline to provide information. The tables in Appendix 3 outline the diversity information of complainants and service users for children's services.

For adult services, diversity information about complainants is unavailable from the case management system if the complainant is not the service user. Service user diversity information is available and provided in Appendix 3.

Quality assurance

We are keen to receive feedback from those who use our complaints procedures. For complaints about children's services, this is a requirement and a short survey is sent with the following statements once a complaint has been responded to asking complainants to tell us how satisfied they have been with each aspect:

- It was easy to find out how to make a complaint.
- I was able to speak to the manager dealing with my complaint.
- I had a written reply.
- I am happy with the way my complaint was handled.

All complainants receive a written acknowledgement of their complaint. Information about response performance is available in the analysis section of this report. In 2013-2014, 20% of surveys were returned. The feedback is as follows:

- 33% felt it had been easy to find out how to make a complaint.
- 67% of complainants said they were able to speak to the manager dealing with their complaint.
- 100% stated they had a written reply.
- 33% were happy with the way their complaint was handled. Those who were not were cases where part of their complaint had not been upheld.

Learning from complaints

Children's services

One of the key principles of the statutory social care complaints regulations is that local authorities learn from complaints and use this learning to improve services for everyone who uses them. Additionally, senior managers place great emphasis on the importance of learning from complaints. All actions agreed when complaints are concluded are tracked and monitored by the complaints team to ensure they are implemented within agreed timescales. Some examples of how individual complaints have led to service improvements are given here.

A parent complained that social workers did not keep him informed about his child's progress and that a disclosure was made to a third party without consent. At the time of the complaint, the young person was living in a hostel. As a result, the CYPS Principal Social Worker was asked to ensure that:

- a) the file recording policy will be included in induction training so that staff are more familiar with the expectations and standards of recording for differing circumstances
- b) service users are made aware that the type of file recording varies according to the nature of the involvement.

In addition, the Housing Advice Team produced a guide for parents/carers regarding the 'Southwark Judgement' and housing assessment procedures to help clarify practice.

A parent was concerned that social workers were alleging that he was going to kidnap his child when he had no intention of doing so. The complaint was largely not upheld but some learning did result in that local procedures were amended to ensure that:

- a) final child protection conference reports are always sent out to a parent who is absent from the conference, even if their name is not on the attendees' list, if they are included in the Action Plan.
- b) the conference Chair or the Social Worker will arrange to see the parent who was absent from the conference as soon as possible after the conference, especially if they are included in the Action Plan. The purpose of this will be to explain the outcome of the conference and their role in the Action Plan.

A parent was unhappy with how a social worker dealt with and responded to her child going to live with a sibling. As a result:

- a) Senior managers reviewed policies and advice to staff regarding how to respond if they become aware of illegal activity. It was agreed that professional judgement is required in these scenarios because (particularly in the case of drug abusing families), it may be inappropriate, when trying to maintain a constructive relationship, to always report suspected criminal activity. To ensure that there is a consistent threshold for appropriate decision making in this area staff were informed that, where they are not going to report criminal activity (which should be in the minority of situations), this must be agreed with their team manager. The Bristol Childcare Procedures were amended accordingly.
- b) Senior management considered the potential benefits of an open recording system and agreed that this was good practice and useful in certain circumstances, particularly where there is the potential for misunderstandings between the social worker and client or obvious inherent tensions between the service user perceiving the social worker's action as very negative. Staff were asked to use open recording in certain situations as above and guidance was appropriately amended.
- c) Staff were reminded of the importance of communicating clearly and transparently with parents about plans and proposed actions affecting their families and children.
- d) Staff were reminded that putting information in writing to service users is explicit good practice and asked to personally tailor their communication to the requirements of the individual, children or parent's needs.
- e) Staff were reminded that person-centred services should be at the heart of the work in children's services and there are many sections in the procedures and good practice guidance, such as the 2000 Assessment Framework material, which recommends that specific and tailored communication needs to be done to meet individual clients' needs.
- f) Staff were reminded of the information material available for families, eg child protection conferences, children in need assessments, the role of a social worker. A new leaflet explaining Section 47 child protection enquiries was developed.

Transition services

A parent complained that the delay in the Transitions Team becoming involved in a disabled young person's care resulted in inadequate planning, a delay in the delivery of appropriate adult services and a lack of continuity of carers for the young person. As a result, a review was undertaken of the interface between carer agencies for young people with disabilities to develop a smooth and proportionate pathway between the two agencies.

Adult services

A service user complained that he was given no notice that his access to reablement services was ending and was only given information about private agencies on the last day of service. As a result, staff members were reminded of the importance of early communication about service changes.

A service user complained that she was discriminated against due to previous mental health issues because she was not allowed to be on the Extra Care Housing (ECH) list. As a result the ECH application process was reviewed and amended to ensure that assumptions about services users could not be made.

Appendix 1 – Children’s social care complaints procedure

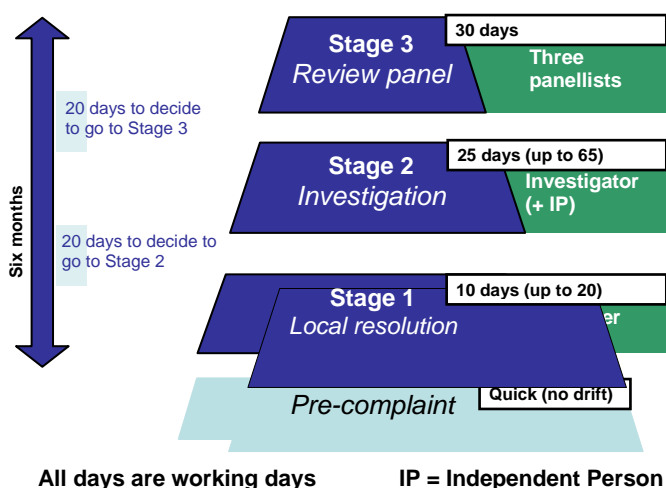
The Children Act 1989 Representations Procedure (England) Regulations 2006 requires local authorities to have in place procedures for handling complaints made by or on behalf of service users (or potential users) of social care services provided to children and young people.

The children’s social care complaints procedure consists of three stages:

- ❑ Stage 1 – Local, informal resolution (usually conducted by a first line manager)
- ❑ Stage 2 – Formal, detailed investigation (conducted by an investigator and independent person)
- ❑ Stage 3 – Formal review (considered by a panel of three independent people).

In some circumstances, a complaint can be investigated at Stage 2 of the procedure, without being considered at Stage 1. However, complainants are generally encouraged not to skip Stage 1 if local managers have not previously had an opportunity to look into the concerns raised. A review panel will only be held once a Stage 2 investigation is completed.

Structure of children’s complaints procedure



Ombudsman

At any time, complainants can approach the Local Government Ombudsman for a review of the case. Usually, the LGO only considers complaints once the local authority’s complaints procedure has been fully exhausted.

Appendix 2 – Adult social care complaints procedure

The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 requires local authorities to have in place procedures for handling complaints made by or on behalf of service users (or potential users) of social care services provided to adults.

When a complaint is received, a risk assessment is undertaken as follows:

Risk assessment

Step One: Decide how serious the issue is?

Seriousness	Description
Low	Unsatisfactory service or experience not directly related to care. No impact or risk to provision of care Or Unsatisfactory service or experience related to care, usually a single resolvable issue. Minimal impact and relative minimal risk to the provision of care or the service. No real risk of litigation.
Medium	Service or experience below reasonable expectations in several ways, but not causing lasting problems. Has potential to impact on service provision. Some potential for litigation.
High	Significant issues regarding standards, quality of care and safeguarding of or denial of rights. Complaints with clear quality assurance or risk management issues that may cause lasting problems for the organisation, and so require investigation. Possibility of litigation and adverse local publicity. Or Seriousness issues that may cause long term damage, such as grossly substandard care, professional misconduct or death. Will require immediate and in depth investigating. May involve serious safety issues. A high probability of litigation and string possibility of adverse national publicity.

Step two: Decide how likely the issue is to recur

Likelihood	Description
Rare	Isolated or “one off” – slight or vague connection to service provision
Unlikely	Rare – unusual but may have happened before
Possible	Happens from time to time – not frequently or regularly.
Likely	Will probably occur several times a year
Almost certain	Recurring and frequent, predictable

Step three: Categorise the risk

Seriousness | Likelihood of recurrence

	Rare	Unlikely	Possible	Likely	Almost Certain
Low	Low				
		Moderate			
Medium					
			High		
High				Extreme	

Response

After this, the manager dealing with the complaint develops a Complaint Investigation Plan (CIP) with the complainant which defines how the complaint will be handled and the time frame within which it will be completed. A written response is subsequently sent to the complainant by the manager which explains how the complaint was investigated, conclusions reached and actions taken as a result of the complaint.

Review

If the complainant is not satisfied with the response, they can request a review by a more senior manager. The local authority then has to decide whether a review is warranted and respond accordingly.

The local authority must complete its response to a complaint within 6 months of receipt. If it is unable to do this, it must provide a written explanation which outlines when they can expect to receive their response.

Ombudsman

At any time, complainants can approach the Local Government Ombudsman for a review of the case. Usually, the LGO only considers complaints once the local authority's complaints procedure has been fully exhausted.

Appendix 3 - Diversity monitoring

Age	Adult complaints (service users)	Children's complaints (service users)	Children's complaints (complainants)
15 or under		90%	
16 - 24	3%	10%	13%
25 - 49	20%		75%
50 - 64	24%		8%
65 +	48%		
Unknown	5%		4%

Disability	Adult complaints (service users)	Children's complaints (service users)	Children's complaints (complainants)
Yes	35%	13%	4%
No	57%	87%	92%
Unknown	8%		4%

Ethnic group	Adult complaints (service users)	Children's complaints (service users)	Children's complaints (complainants)
Asian	3%	10%	8%
Black	4%		8%
Mixed	2%	27%	4%
White	83%	60%	67%
Other	2%	3%	
Unknown	6%		13%

Gender	Adult complaints (service users)	Children's complaints (service users)	Children's complaints (complainants)
Male	49%	33%	21%
Female	50%	67%	67%
Joint (couple)	1%		12%