

Further information for Children Social Care

1. Schematic diagram to demonstrate the complaints process

The schematic diagrams (flow charts) below are for Children Social Care which is aligned to the Statutory Guidance for the Complaints and Representations Procedure. The procedures were produced in accordance Section 26(3) of the Children Act 1989 which provides that all functions of a local authority under Part 3 of the Act may form the subject of a complaint. The Children Act 1989 Representations Procedure (England) Regulations 2006 provides that some new functions under Part 4 and Part 5 of the Act may also be the subject of a complaint.

There is a statutory duty for local authorities with social care services functions to operate a complaints procedure compliant with relevant legislation. The Authority must publicise the procedure and ensure ease of access to it.

A compliment is an expression of gratitude about the actions of a member of staff or team in relation to their duties, or a service provided. It is more than a “thank you”, and recognises exceptional service.

A comment is a general observation about a service, either positive or negative, or a service improvement suggestion. Children should be able to put forward ideas or proposals about the service they receive, or the establishments they live in, without having this framed as a complaint. These should be dealt with in a similar manner to Stage 1 complaints.

A complaint may be generally defined as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response. Children and young people often express complaints as ‘problems not being sorted out’.

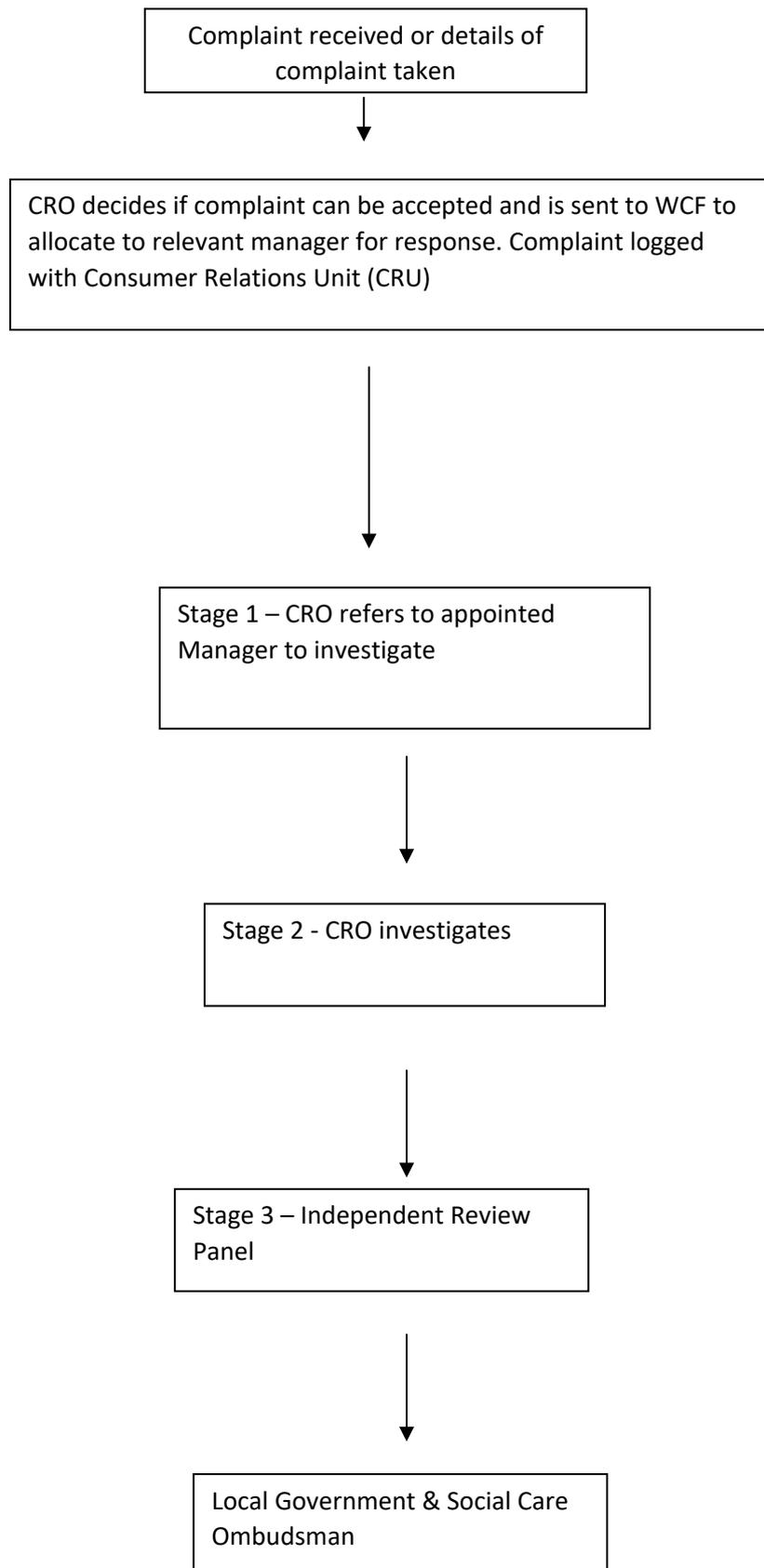
A complainant is a person from whom a complaint is received, whether they are acting on their own behalf or on behalf of another person.

A Review Panel is a group of three independent people, appointed by the Authority to review, at the request of the complainant, a complaint previously considered through the initial two stages of the complaint procedure.

The Local Government & Social Care Ombudsman is a Government appointed body that considers complaints made against local authorities in England, usually after a complaint has been through the various stages of the authority’s complaints procedure.

Complaints are allocated to Managers to respond to. Key Learning is identified by WCF for individual and general learning. The Consumer Relations Officer (CRO) can provide training on the complaints’ procedure to staff at all levels. The CRO is also available to visit individual teams to discuss the complaints and representations procedure of any concerns that may arise from it.

Flow Chart for receipt of Children Social Care complaints



Types of complaints

Informal Complaint

Response/ Action can be completed quickly.

Stage 1 – Team/Group Manager investigates and responds.

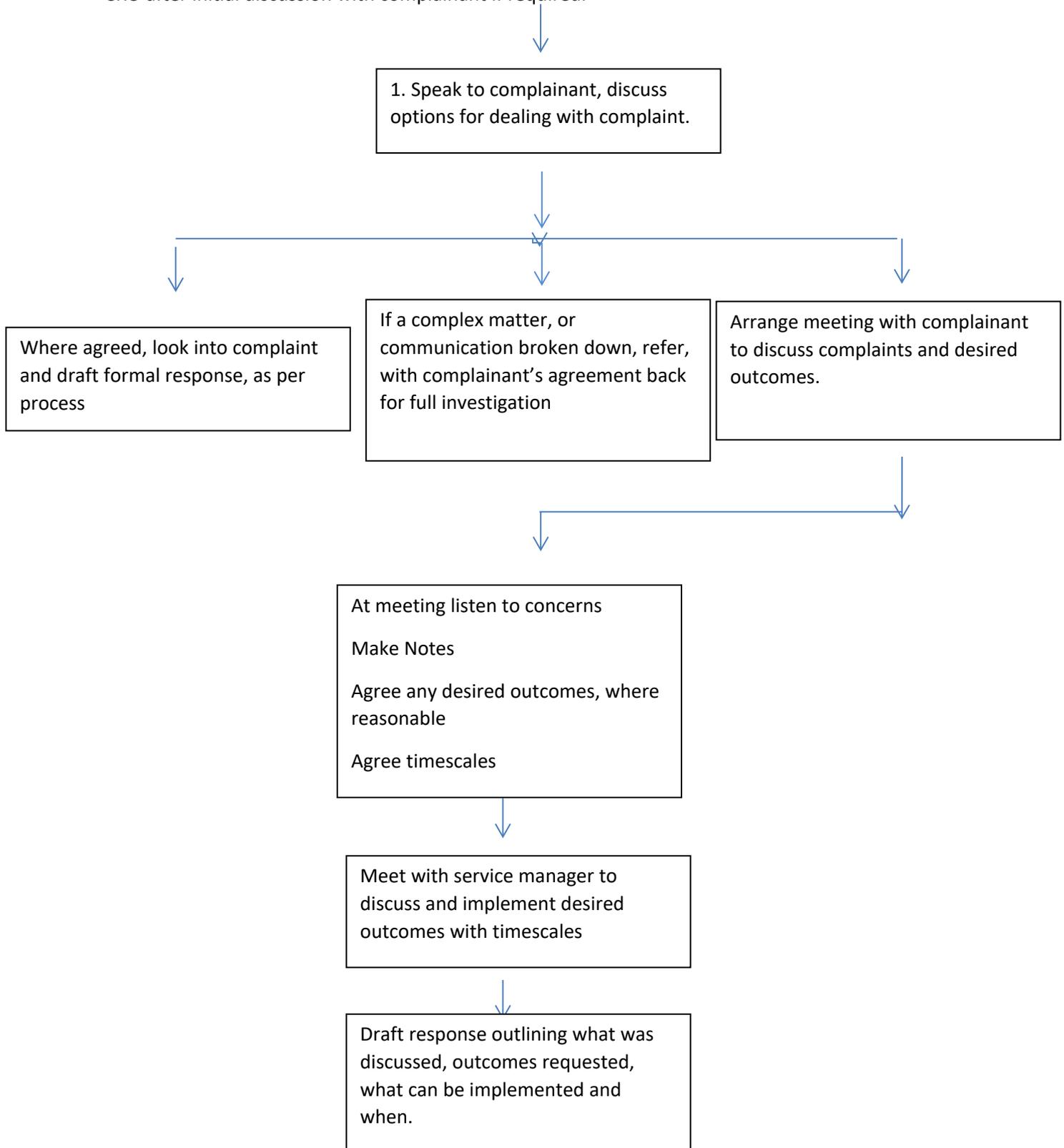
Stage 2 – Unhappy with Stage 1 response can request escalation to Stage 2. Investigation conducted and report written for Director to respond. Allocated Investigating Officer or CRO investigates.

Stage 3 – Unhappy with Stage 2 response can request escalation to Stage 3. Independent Review Panel hear complaint and make findings. Reponse sent by Chief Executive.

LGO – Unhappy with Stage 3 response can request escalation to LGO.

Process for considering Conciliation or Mediation (Conflict Resolution)

CRO after initial discussion with complainant if required.



2. Explanation of time limits and how performance is measured against this

There are prescribed time limits for dealing with complaints, although the LGO suggests a maximum of 3 months. The expectation is that the Stage 1 response should be sent within 10 working days of receipt of the complaint however this can be increased to 20 working days if the extension is agreed with the complainant.

Formal complaints can be made either verbally or in writing. The complainant should be acknowledged within 3 working days. The CRO will ensure that the complaint can be accepted and forward the complaint to WCF to allocate to the appropriate manager. Managers tasked with investigating complaints must have relevant competences to conduct an investigation. If they do not feel adequately equipped, they are advised to contact the CRO for additional training.

Managers and staff must make themselves available for interview, clearing a space in their diary if necessary. Requests for information should also be dealt with promptly. Those dealing with Stage 1 complaints should contact the complainant asap to clarify:

- Details of the complaint and desired outcomes
- How the complainant wants to be kept informed of progress
- A meeting if appropriate
- Whether they need advocacy assistance
- A timescale for dealing with the complaint, or the default timescale.

The CRO should be informed if the timescale agreed is different to the 10 working days, which should include 10 days for the draft response to be signed off by the relevant Officer. Delays at the initial stage of the complaint process are often caused by:

- difficulty in obtaining consent from the service user (where complaints have been brought by members of the family or friends)
- difficulty in contacting the complainant to agree the complainant's desired outcomes

Delays in progressing and completing complaints are often caused by:

- complexity of the complaint, requiring other agency input such as NYAS or Onside advocacy
- complainants adding to the initial complaint

There is flexibility in how a complaint can be dealt with, and mediation or conciliation meetings can be offered if appropriate.

Overdue complaint responses are monitored and chased by WCF. The CRO returns responses to investigating officers for further work where necessary.

Reports that detail response times are produced on a quarterly basis, which include timescales for responses. These reports are presented to WCF and for monitoring of KPI's. An Annual Report is also produced. Ad hoc reports are produced on request.

3. Feedback/complaints received by Councillors – consider how this links to the Complaints Team

The guidance states that "all complaints however made or received must be forwarded to the Consumer Relations Unit." This includes complaints received via MPs or Councillors. A complaint is an expression of dissatisfaction, however made, about the standard of service, actions or lack of actions by WCF, the discharge of, or failure to discharge a Social Services function. If an expression of dissatisfaction is more than an observation and requires either action or a response, then it is deemed to be a complaint.

4. Data for future report – drill down into data to show statistics. Also highlight where delays arise in the process

A 'deep dive' of quarter 2 response times has been used to illustrate where delays arise in the process.

Stage 1 Responses

Area the complaint relates to	Within 10 working days 2019/20	Within 20 working days 2019/20	Over 20 working days 2019/20	Total
Operational Services	16	7	25	48

Stage 2 Responses

Area the complaint relates to	Within 25 working days 2019/20	Over 25 working days 2019/20	Total
Operational Services	-	5	5
Reasons for the delay		<p>Legal issue arose during stage 2 investigation, which caused slight delay.</p> <p>Delay due to IO having other investigations and leave commitments, which caused delay in report being written.</p> <p>Delay due to staff not being available for interview and delays in receiving information from staff. For the same stage 2 investigation the Director was not satisfied with the IO report and requested the AO would therefore need more time to do their AO response, hence delay in sending reports out.</p>	