

Children's Social Care Complaints

**Annual report
April 2017 to March 2018**



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1. Introduction

The Children Act 1989 Representations procedure 2006 is for all representations received from children and young people, their parents, foster carers or other qualifying adults about social care services provided or commissioned by Children's Social Care. The act and regulations set down procedures that councils with social care responsibility have to follow when a complaint is made.

This annual report covers all complaints made about Children's Social Care which were received by the Complaints and Customer Relations Team (CCRT) and dealt with under the statutory complaints procedure for the period of 1 April 2017 to 31 March 2018.

The 2006 social care complaints guidance; "Getting the Best from Complaints" DFES 2006 requires that the annual report should be arranged by the Complaints Manager and should provide a mechanism by which the Local Authority can be kept informed about the operation of its complaints procedure. The report should be presented to staff, the relevant local authority committee and should be made available to the regulator and the general public. It should provide information about:

- Details about advocacy services provided under these arrangements;
- Representations made to the Local Authority
- The number of complaints at each stage
- Which customer groups made the complaints;
- A summary of statistical data about the age, gender, disability, sexual orientation and ethnicity of complainants;
- The types of complaints made;
- The outcome of the complaints;
- Compliance with timescales, and complaints resolved within extended timescale as agreed;
- Complaints that were considered by the Local Government Ombudsman;
- A review of the effectiveness of the complaints procedure. All Local Authorities should provide a system for: the dissemination of learning from complaints to line managers; information derived from complaints to contribute to practice development and commissioning and service planning.
- Learning and service improvement, including changes to services that have been implemented and details of any that have not been implemented

2. Advocacy arrangements

Children and young people making a complaint have a legal entitlement to advocacy services to support them in making a complaint or expressing their views. Newcastle has a contract in place with the National Youth Advocacy Service (NYAS) to provide children and young people with this service.

The aim of the service is to ensure children and young people have access to an independent advocacy service, which ensures:

- They have a say in decisions made about their lives

- They are able to share their concerns about their circumstances
- They are listened to and heard
- They are treated fairly in the course of their contact with Children's Social Care

During this period there were 2 referrals for an advocacy service:

- The young people supported by an advocate ranged from 11 to 18 years old.
- 1 young people made a self referral for the advocacy service.
- 2 children and young people were supported through the complaints process

The reasons for children and young people requesting support from an advocate included:

- Placement issues
- Support to express their views
- Support to make a complaint

3. The number of complaints received at each stage

The Complaints and Customer Relations Team (CCRT) received 146 statutory social care complaints. These were dealt with at stage 1, 2 and 3 of the statutory social care complaints procedure as follows:

| Stage | Number of complaints |
|--------------|----------------------|
| 1 | 130 |
| 2 | 13 |
| 3 | 3 |
| Total | 146 |

4. Which customer groups made the complaint?

The majority of complaints at all stages were made by parents or grandparents of children receiving a service.

Stage 1

| Who made the complaint | Number | Percentage |
|------------------------|------------|------------|
| Service User | 9 | 6 |
| Relative | 115 | 88 |
| Advocate | 2 | 2 |
| Employer | 1 | 1 |
| External provider | 1 | 1 |
| Member of public | 1 | 1 |
| Previous carer | 1 | 1 |
| Total | 130 | 100 |

Stage 2

| Who made the complaint | Number | Percentage |
|------------------------|-----------|------------|
| Relative | 12 | 92 |
| Service User | 1 | 8 |
| Total | 13 | 100 |

5. Gender of the complainant

There were twice as many females than males that complained at Stage 1, and similar numbers of complaints made by males and females at Stage 2.

Stage 1

| Gender | Number | Percentage |
|------------------------|------------|------------|
| Male | 42 | 32 |
| Female | 84 | 65 |
| Both (joint complaint) | 4 | 3 |
| Total | 130 | 100 |

Stage 2

| Gender | Number | Percentage |
|------------------------|-----------|------------|
| Male | 5 | 38 |
| Female | 6 | 47 |
| Both (joint complaint) | 2 | 15 |
| Total | 13 | 100 |

6. Statistical data about the complainants

Ethnicity

The majority of complainants at stage 1 (85%) were from a white British ethnic background; 15% of complaints were from users of other ethnic backgrounds.

Stage 1

| Ethnicity | Number | Percentage |
|-----------------------|------------|------------|
| British - White | 111 | 85 |
| British - Other | 2 | 2 |
| Asian - Bangladeshi | 1 | 1 |
| Asian - Pakistani | 1 | 1 |
| European - Portuguese | 3 | 2 |
| Mixed | 3 | 2 |
| Other Ethnic Group | 5 | 4 |
| Not known | 4 | 3 |
| Total | 130 | 100 |

Stage 2

92% of complainants at Stage 2 were from a white British ethnic background, and 8% from other backgrounds.

| Ethnicity | Number | Percentage |
|------------------|---------------|-------------------|
| White British | 12 | 92 |
| Asian | 1 | 8 |
| Total | 13 | 100 |

7. The Type of complaints made

Complaints are classified against the following key issues: information and communication issues; policy and procedures; quality of service; resource issues; and staff issues.

Stage 1 complaints are increasingly made up of a number of issues. The table below details the categories relating to the key issue of the complaint received at stage 1.

| Subject matter | Number | Percentage |
|--------------------------------------|---------------|-------------------|
| Information and communication issues | 1 | 1 |
| Policy and procedures | 0 | 0 |
| Quality of service | 108 | 83 |
| Resource issues | 1 | 1 |
| Staff issues | 20 | 15 |
| Total | 130 | 100 |

It should be borne in mind that not all complaints made were upheld. 62% of the complaints that were fully investigated in this reporting period were found to be upheld or partially upheld. This compares to 55% in 2016/17.

The greatest proportion of complaints received related to quality of service, which describes complaints where there are multiple issues. Further analysis of these 108 complaints identifies that their main subject matter broadly falls into the following categories:

| Subject matter | Number |
|---|---------------|
| Communication issue, not receiving information / minutes or reports | 23 |
| Issues relating to contact arrangements | 10 |
| Disagrees with, or inaccuracies in, care plan or assessments | 6 |
| Financial issues or lack of financial support | 2 |
| Lack of response / action / support | 68 |
| Issue with specific worker, attitude, manner | 1 |
| Other dissatisfactions with the service | 10 |
| Total | 120 |

Of the 108 complaints received relating to quality of service, 12 (11%) were upheld and 18 (17%) were partially upheld.

Of the 20 complaints relating to staff issues, 1 was upheld (5%) and 6 (30%) were partially upheld.

The 2 subject areas with the most complaints are:

- a. Lack of response, action or support (cited in 68 complaints)
- b. Communication issues /not receiving information (cited in 23 complaints)

a. Lack of response, action or support

The most common issues in relation to lack of response, action or support were broken down into the following areas:

- Lack of action taken in relation to concerns raised about the care of children
- Perceived lack of help or support provided by the social worker
- Not being listened to

b. Communication issues including not receiving information.

The most common issues in relation to communication were broken down into the following areas:

- Not being kept up to date about progress and plans for children
- Lack of contact from the social worker
- Changed time of meeting without informing parent
- Meetings convened at short notice
- Not receiving reports or minutes of meetings
- Social workers not returning phone calls or messages

8. The outcome of the complaints

Stage 1

Of the 130 stage 1 complaints received, 107 of these complaints have an outcome in this reporting period. 62% of the 60 complaints that were fully investigated were found to be upheld or partially upheld, demonstrating that just under two thirds of the complaints being investigated had some validity. 16 were refused, and 31 complaints were either resolved, withdrawn, referred to other procedures or organisations, or incorporated into other complaints. 25 were still being investigated at the point of reporting.

| Outcome | Number | % |
|-----------------------------|-----------|------------|
| Upheld | 13 | 22 |
| Partially upheld | 24 | 40 |
| Not upheld | 21 | 35 |
| Unable to prove or disprove | 2 | 3 |
| Total | 60 | 100 |

Stage 2

Of the 13 stage 2 complaints requested in this period, 5 were fully investigated in the period, none were withdrawn and 8 are active.

The overall outcome for the 5 complaints which were fully investigated are detailed below.

| Outcome | Number | % |
|------------------|----------|------------|
| Upheld | 1 | 20 |
| Partially upheld | 3 | 60 |
| Not upheld | 1 | 20 |
| Total | 5 | 100 |

9. Compliance with timescales, and complaints resolved within extended timescale as agreed

It should be noted that the reported timescales do not take account of the complexity of the complaint, the increasing number of complaints involving court proceedings necessitating legal advice or the delay caused by or agreed with the complainants for a more thorough investigation. The complex nature of the complaints made about Children's Social Care often need a longer period for a thorough investigation.

Stage 1 – Timescales and performance

Complaints should be responded to within 10 working days extended to a maximum of 20 working days.

Of the 60 Stage 1 complaints that have have been fully investigated with an outcome in this reporting period, 27% of complaints have been completed within timescale.

| Working Days | No. Completed |
|---------------------|----------------------|
| 0 – 10 | 2 |
| 11 – 20 | 14 |
| 21 – 30 | 14 |
| 31+ | 30 |
| Total | 60 |

Stage 2 – Timescales and performance

Stage 2 Complaints should be responded to within 25 working days extended to a maximum of 65 working days. Of the 13 stage 2 complaints requested in this period, 5 complaints were fully investigated with an outcome at the time of reporting. The average timescale was 191 working days.

| Working Days | No. Completed | % |
|---------------------|----------------------|------------|
| 0-25 | 0 | 0 |
| 26-65 | 0 | 0 |
| 66+ | 5 | 100 |
| Total | 5 | 100 |

10. Complaints considered by the Local Government Ombudsman

The Local Government Ombudsman has authority to investigate when it appears that the Council has not resolved the complaint. Complainants can refer their complaint to the Ombudsman at any time, although the Ombudsman will generally refer all complaints back to the Council, if it has not already been considered under the complaints procedure. In exceptional circumstances however, the Ombudsman will look at things earlier; this is usually dependent on the vulnerability of the person concerned or if significant delay has occurred.

The Ombudsman provides a free service, but must use public money carefully. They may decide not to start or continue with an investigation if they believe:

- It is unlikely they would find fault, or
- It is unlikely they could add to any previous investigation by the Council, or
- They cannot achieve the outcome desired

The LGO investigated 6 complaints in this reporting period. 1 was upheld

11. The effectiveness of the complaints procedure

Reporting and monitoring systems are continually reviewed to enable a timely response to complaints and compliance with the guidance.

Regular reports of all active complaints along with timescales are provided to Senior Managers in Children's Social Care. These show an overview of all active complaints; and allows for early resolution of issues as well as identifying where timescales are not being met.

At all stages of the complaints procedure, recommendations can be made, or actions identified, to ensure that learning is embedded as a result of complaints that have been upheld. The implementation of recommendations and actions is monitored to ensure that changes occur to improve service delivery. This ensures that the organisation learns from the feedback and complaints that it receives from the users of the service.

Briefings, information and update sessions are provided as required to ensure that members, staff, foster carers and young people are aware of how to access and respond to the statutory complaints procedure as well as any recommendations and changes to practice.

The Complaints and Customer Relations Team (CCRT) provide ongoing daily advice and support to managers around complaints management and resolution, and responding to representations.

As well as overseeing all representations, the CCRT is responsible for the management and monitoring of contracts for externally commissioned services for statutory functions. These are in place and include:

- Advocacy for children and young people making a complaint
- Independent Investigating Officers for Stage 2 complaints
- Independent Persons for Stage 2 complaints
- Independent Review panellists and Independent Review Panel Chairs for Stage 3 Review Panels.

12. Learning from complaints

Complaints provide invaluable information to identify issues in services, help staff learning and identify any risks and so improve services for the future. Where appropriate, learning is incorporated into training to be delivered to Children's Social Care staff.

It is important to note that not all complaints have recommendations and that some complaints will have a number of recommendations or actions.

At Stage 1, 23 complaints had recommendations and there were 66 recommendations or improvement actions in total. At Stage 2, the 5 closed complaints had 34 recommendations in total.

Actions taken as a response to Stage complaints that have been upheld or partially upheld fall into three main categories:

1. Remedial action to individual complainants
2. Improving social work practice and delivering training
3. Establishing or changing existing processes, policies or procedures

The following table shows the recommendations themes relating to Stage 1 complaints that were received and completed in 2017/18 and the number of complaints where this recommendation theme was identified.

| Theme of recommendation | No. of complaints citing theme |
|----------------------------------|---------------------------------------|
| Assessment | 3 |
| Communication | 23 |
| Contact | 5 |
| Financial support | 0 |
| Information sharing with police | 2 |
| Parental engagement | 2 |
| Plans | 1 |
| Record keeping | 2 |
| Security | 0 |
| Staff engagement | 12 |
| Staffing | 5 |
| Timeliness of service response | 8 |
| Voice of the child/ young person | 3 |
| Total | 66 |

Recommendations arising from Stage 2 complaints are prepared by an Independent Investigating Officer. They are very particular to the case and do not fall specifically into the themes used above. The 34 recommendations for Stage 2 complaints in this reporting period are centred predominantly around:

- Apology to complainant
- Assessment and recording
- Communication
- Information sharing
- Decision making
- Parental engagement

Examples of remedial action taken on individual cases include:

- Apology to complainant.
- Information shared verbally and in writing with parents/carers who have parental responsibility.
- A review of contact arrangements took place and a new plan was agreed.
- Minutes of meetings were provided to complainants.

- Notice of future meetings was provided, taking account of specific needs of the family.
- Allocation of a new social worker.
- Referral to Adult Services.

Examples of changes to policy, procedures or processes:

- Review of consent templates for sharing information with partner agencies.
- Review of arrangements for sharing minutes when more than one service is involved.

Examples of improving social work practice and delivering training

- Training and briefings to improve assessment processes.
- Reminders to staff about record keeping dates and accuracy.
- Sharing good practice for staff to improve quality and consistency of plans.
- Discussion with individual worker during supervision.
- Mentor assigned to support an individual social worker