

REPORT TO: Children, Young People and Families Policy and Performance Board

DATE: 13 November 2017

REPORTING OFFICER: Strategic Director, People

SUBJECT: Annual Report - Comments, Complaints and Compliments relating to Children's Social Care Services 1st April 2016 - 31st March 2017

PORTFOLIO: Children, Young People & Families

WARDS(S): Borough Wide

1.0 PURPOSE OF THE REPORT

- 1.1 To meet the statutory requirement to publish an Annual Report.
- 1.2 To report and provide an analysis on complaints processed under the Children Act 1989, Representation's Procedure.

2.0 RECOMMENDATION: That

- 1. the report is accepted as the mechanism by which Senior Management and Elected Members can monitor and scrutinise children's social care complaints (and compliments); and**
- 2. the Annual Report will evidence how feedback from service users has been used to improve service delivery.**

3.0 SUPPORTING INFORMATION

- 3.1 The aim of The Children Act 1989 Representations Procedure is for Children and Young People to have their concerns resolved swiftly and wherever possible by the people who provide the service locally.
- 3.2 A complaint may generally be defined as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response.
- 3.3 There are 4 categories to the representation process.
 - i. Statutory Complaints - the complainant is eligible as stated in the Representations Procedure to make a formal complaint.
 - ii. Representations - where a complainant is not eligible under the Statutory Complaints Procedure to make a formal complaint, but their comments are noted and responded to. If it is not a complaint under the Statutory Procedure then the Corporate Complaints procedure may

apply. These will often be as complex and take as much time as a statutory complaint and are recorded as Customer Care issues.

- iii. Customer Care issues – can also include advice and guidance, signposting, problem solving and early resolution to prevent complaint escalation.
- iv. Compliments – positive feedback

3.4 The formal complaints procedure has a process of 4 stages.

Stage 1: Aims to resolve the problem as quickly as possible (within 10 working days, or 20 if complex)

Stage 2: If unhappy with response at stage 1, a request can be made for the complaint to be investigated by an Independent Investigator/Person (within 25 working days, 65 if complex).

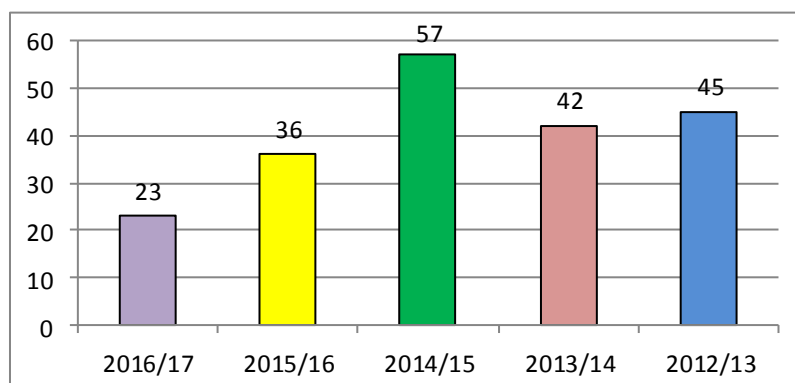
Stage 3: If still dissatisfied, a request can be made for a Review Panel to consider whether the complaint has been dealt with adequately. The Review Panel is made up of 3 independent people and should be held within 30 working days of request.

Stage 4: If still dissatisfied, the complainant has the right to refer self to the Local Government Ombudsman (LGO); they can do this at any stage of the complaint.

3.5 The Customer Care Manager has responsibility for the overall administration of Children Social Care complaints liaising with relevant services across the People Directorate, and parents and families in working to resolve children’s social care complaints.

3.6 Annual Report 1st April 2017 – 31st March 2018 – Numbers of Complaints

- a. The analysis and comments in this report are based on 23 Statutory Complaints which were made to the Council in 2016/17, a 36% decrease from the previous year and the lowest since 2010/11, the peak in 2014/15 following an Ofsted inspection. We have also responded to 10 complaints dealt with under the Corporate Complaint Procedure making the total number of Complaints about Children Social Care 33.



- b. The continued reduction across the service in the employment of agency staff creates stability for parents and carers and could be a reason that the number of statutory complaints has gone down.
- c. There has been investment in improving outcomes for children and young people through effective multi-agency early intervention, working on delivering new approaches to reduce the number of children and young people requiring specialist provision later on in their lives. Locality teams and a new integrated front door for children's social (iCART) facilitate information sharing to enable effective early intervention and assessments. Families are getting help sooner and when needed and so this could be another reason for the decrease in the number of statutory complaints.

3.7 **Complaints were made by:**

- 1) 1 complaint (parent) used an advocacy service (Citizens Advice Bureau) The remainder were made by parents/guardians or relatives;
- 2) 1 complaint was from a care leaver, no complaints had been received in the last 3 years from care leaver/s.
- 3) 1 Young Person made a complaint, 3 did so last year which was the same number as the previous year and consistent to the last 4 years.

3.8 **Children in Care**

At 31st March 2012, 124 children were in care, that number has increased each year and at 31st March 2017 there were 266, why have the number of complaints from children in care not gone up? How can we evidence that Children in Care know how to and are supported to complain but chose not to?

- 1) When a child becomes a child in care they are given an information pack and visited by the Children in Care Participation Officer, it is 1-1 introduction and she ensures that they have received a complaints leaflet and know how to complain. Complaints are to be regularly featured in the Children in Care Council Newsletter, it is also on their website.
- 2) With each invite to the CIC Review, the Independent Review Manager's (IRM) include information about how children in care can access an advocate and advise of the new NYAS smart phone app during reviews, the take up remains low. IRM's reported that they felt children in care do have a better understanding of their right to complain and how to do so because of the Participation Officers introduction.
- 3) The report of findings from the Children in Care Survey was finalised in October 2016, a question on the survey asks "if you were unhappy with anything, do you know how to make a complaint? 83 % stated they did and those six that stated they did not will be advised of the process.
- 4) The report of findings from the Care Leavers Survey was finalised in October 2016, the survey asked do you know how to make a compliment or a complaint? 80% stated they did.

- 5) The number of responses was low however their value was immeasurable, it was noted that the responses came from children in care and care leavers who historically have not engaged, it was felt that this made the results a truer reflection.
- 6) Children in Care Council are currently reviewing the complaints leaflet so this may be relaunched to raise awareness amongst our children in care.
- 7) Customer Care Manager will attend the Foster Carer Forum, this will raise awareness from a dual perspective ensuring they are aware from their own perspective to raise awareness and support the children they care for.
- 8) NYAS who provide mediation and advocacy could perhaps evidence complaints being resolved informally by a mediatory approach.

3.8 How complaints were made

	2016-17		2015-16		2014-15		2013-14	
Complaint Form	1	4%	7	19%	12	21%	11	26%
E-mail	10	44%	15	42%	14	25%	6	14%
Letter	9	39%	2	6%	10	17%	7	17%
Telephone	2	9%	11	30%	21	37%	18	43%
Meeting	1	4%	1	3%	0	0%	0	0%

Making a complaint and communicating in writing (88%) continues to be the preferred method of making a complaint, in the telephone calls received whilst their complaint may be discussed their preference is to have a written record and as this is instantly accessible via mobile devices it is then recorded as a written complaint.

3.9 Types of Statutory complaints made

Main categories	2016/17	2015/16	2014/15	2013/14
Staff	0	5 (14%)	7 (12%)	3 (7%)
Service (i.e. quality, lack of, over provision and client expectations)	12 (52%)	18 (50%)	27 (48%)	22 (52%)
Assessment / Review Process	11 (48%)	13 (36%)	23 (40%)	17 (41%)
Total	23	36	57	42

Whilst complainants state they wish to complain about the 'Social Worker', it is often the case that staff were undertaking their statutory duties or acting within the required policies and so complaints are categorised at closure.

3.10 Complaint themes:

- a. Complaints can be received that staff lack sensitivity or empathy however a person's actions and behaviours can be interpreted differently and are subjective. Due to the nature of the work an intervention is not always welcomed meaning the relationships

between the social workers and their families can be strained. Where there are children who have been assessed as either a Child in Need or have been placed on a Child Protection Plan, families will disagree and challenge the reasons for the Council's intervention and so a response may explain that no offence was intended.

- b. A number of complaints related to dissatisfaction about the standards of social care practice. Closer examination of these complaints in the main were not upheld and illustrated that the issues were largely unavoidable but a cause of upset and inconvenience. It also highlighted the conflict between parental expectations against the requirements of the Children Act when working to protect children.
- c. There were a few complaints in relation to appointments, being late, and rearranging at very short notice. Whilst urgent safeguarding may on occasion take priority over a routine meeting it is still necessary to inform families at the earliest opportunity.
- d. Every complainant received a full explanation about the alleged action or inaction in both a policy and procedural context. Where complaints were fully or partially upheld, the complainant received a full written apology.
- e. Caution does need to be exercised in using complaints data to draw conclusions about overriding themes, the complaints upheld were single incidents.

3.11 The outcome of closed Stage 1 complaints

Stage 1	Upheld	Partially upheld		Not upheld	Totals
2016-17	6 (26.5%)	7 (30.5%)	57%	10 (43%)	23
2015-16	4 (11%)	16 (44.5%)	56%	16 (44.55%)	36
2014-15	9 (16%)	19 (35%)	52%	26 (48%)	54
2013-14	16	7	62%	14	37

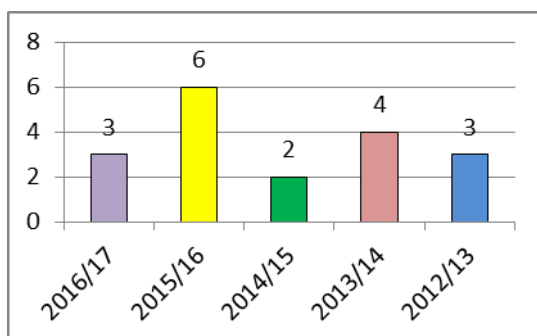
A partly upheld complaint usually results from a multi-strand complaint and where we have upheld some but not all of the complaints, whilst this has gone down this year the percentage (54%) of complaints upheld is consistent to previous years, where there are multiple strands and this is usually the case the figures indicate all elements were upheld.

Numbers of complaints received remains small in comparison to the number of contacts staff have with families across the directorate. At March 2017 there were 1093 open cases in Children Social Care with only 2% making a complaint.

3.12 Stage 2 Complaints

- a. The aim is to resolve complaints as early as possible; where this is not achievable a formal complaint investigation under stage 2 of the complaints procedure is undertaken by an external independent person who will determine if all that could be done has been done and whether it is in line with policy, procedures or statutory requirements.

b.



3 (13%) complaints received in this financial year have progressed to Stage 2 complaint investigations being commissioned; this has decreased from 17% last year.

- c. Where elements are upheld the Local Authority look to remedy the fault, for example: put the service in place, reimburse any loss. It is also usual for a recommendation to be; an offer of an apology and inform the complainant of changes to how we work as a result of their complaint, this is done in writing by the adjudicating officer.

d. Complaint A

There were 3 complaints investigated under the statutory procedure, 2 of these related to the assessment, decision making process and lack of support provided, these were not upheld, the other was partially upheld. Social Workers sometimes have to relay information which clients do not agree and this can cause conflict, whilst no offence may be intended the interpretation of a person's actions and behaviours can be a subjective matter that can be interpreted differently.

e. Complaint B

There were 4 complaints investigated, 3 were upheld and related to a delay in financial support being provided to extended family with the recommendation to review the guidance for financial payments and follow this through with training for all staff. The service is in the process of reviewing its policies and procedures due to Tri-x being commissioned to update/maintain the Children Social Care Services procedures however this did not delay staff being informed, they were briefed in team meetings. The 4th complaint that was partially upheld on the basis that the Social Worker was aware of an arrangement in place, as it was not later challenged it was viewed that the service was complicit in allowing it to continue and so a recommendation to reimburse was made and carried out.

f. Complaint C

There was one complaint made which was partially upheld. The investigator found that whilst the decision based on serious concerns was accurate, the processes and how this was conveyed was deficient

and so made 10 recommendations 5 of which were directly related to the complainant's individual case. The Child In Need meeting pro-forma was reviewed to enable Social Workers to summarise the detail discussed within the meeting more clearly, it also due to the condensed form facilitates a quicker completion and ensures they are distributed in a more timely manner.

- g. There is a cost to undertaking a Stage 2 and these vary depending on the complexity of the complaint. The average cost taken from the three above was £2146.11. Whilst there is this cost only 3 of the 23 complaints progressed to stage 2 and so it could be said that the by investing in and ensuring a thorough response at stage 1, it has saved Halton Council £42922.20.

3.13 Stage 3 Review Panel

No stage 3 Review Panels have been requested this year. Since 2009/10 there has only been one Stage 3 Review Panel which was held in June 2013, this continued to Stage 4 and was investigated by the Local Government Ombudsman.

3.14 Local Government Ombudsman (LGO)

Only one enquiry was received by the LGO in this year. The Complaints Guidance stipulates *“Local authorities do not need to consider complaints made more than one year after the grounds to make the representation arose”* the matters related to events that occurred in 2001 and brought to the attention of the Council in 2015 and whilst the guidance states that *“The time limit can be extended at the local authority’s discretion if it is still possible to consider the representations effectively and efficiently”* the council formed the view that this was not possible and so did not engage the complaints procedure and instead referred her to the LGO. Within the report the LGO concluded that the Council did not consider properly whether to exercise its discretion to consider the complaints and found in favour of the complainant with payments commencing from October 2016 with a backdated payment of £3000 which was the point they approached the Council and a compensation payment of £2000.

3.15 Timescales

We aim to provide responses to complaints within 10 working days. It can be extended to 20 working days where, for example, a case may be particularly complex or there are other mitigating circumstances (eg key staff member is absent). Delays in the complaint responses can reinforce the complainant's perceptions and undermine the work to resolve their complaint.

	% within 10 days	% within 20 days	% over 20 days
2016-17	33%	83%	17%
2015-16	33%	70%	30%
2014-15	35%	75%	25%
2013-14	43%	79%	21%

Complaint timescales are a statutory requirement and there has been an improvement in meeting those deadlines. In half of those over the 20 days, it was due to key staff being absent and resulted in a response based on a paper investigation.

All Stage 2 investigations were completed within timescales.

3.16 Other Customer Care Contacts

These do not fall within the statutory complaints procedure, but time is spent communicating with clients to resolve issues which can include sign-posting to other services, mediating between parties or liaising with Corporate Complaints Team. These contacts provide an early resolution and prevent complaints escalating, whilst complaint numbers have decreased these contacts have increased.

2016-17	119
2015-16	92
2014-15	71
2013-14	48

None of the 10 Representations made to the Local Authority progressed to Stage 2 of the Corporate Complaint Procedure for an independent review.

MP enquiries are directed to a single corporate contact. MP's write to the Director of Children's Services or the Chief Executive on behalf of their constituents, the Customer Care Manager has supported 11 of the responses, often these will link to ongoing complaints. Less than last year when there was 17.

No customer satisfaction surveys were returned, these are sent to complainants at case closure.

3.17 Complaints Handling Training

If staff are advised of the Complaints process this information can be shared with the children and families they work with.

Training was aimed at front line staff from Children in Need and Children in Care. Given the stability of staff in the Social Care Teams not all needed to attend due to having undertaken the training previously. 43 (50%) of staff attended four training sessions. Feedback was very positive with staff indicating that they will feel more confident in discussing the process with families. Comments included:

- *valuable and useful information that will help with future practice*
- *clarification of different stages and different complaints processes*
- *how to immediately deal with a complaint when made direct to me*
- *The importance of up to date and accurate case recording*
- *Recording reasons and rationale for decisions considered but not made, get it right at stage 1*

Further training sessions are planned for Autumn 2017.

3.18 Compliments & Positive feedback, Children and Families Service

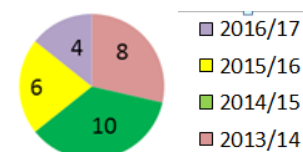
Only 7 less than last year in respect of children social care.

Year	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total
2016/17	15	16	25	14	70
2015/16	13	21	25	18	77
2014/15	23	25	22	15	85
2013/14	16	14	19	15	64
2012/13	11	17	18	26	72

Compliments by Division

	16/17	15/16	14/15	13/14	12/13
CIN	18%	22%	20%	25%	24%
CIC	26%	20%	29%	27%	22%
TAF	54%	58%	51%	48%	53%

Children and young people making a compliment



A separate compliments report has been compiled for Children's Services across the People Directorate, comments about Children Social Care include:

- 1) Telephone - she does want to withdraw her complaint. She stated "if anything I would like to compliment her, she has gone over and above to help sort things out, she has been brilliant; she is a brilliant Social Worker and would not want to lose her". (Service user)
- 2) Card - She has helped me with my problems, and helped me learn that people are there to help me (Child). Thank you so much for everything you have done and for being so caring and thoughtful, you are a wonderful caring person and very professional. (Family)
- 3) Text - Thanks for everything. I wouldn't be where I am today without your support or the person I am without your help and guidance x (Young person, care leaver)
- 4) Email - I want to express my gratitude and thankfulness as a father for the help and support of Halton social services, this support has been invaluable to the children during a difficult period. The manner and the sensitivity in which the situation was handled "I can only say" was to the highest standard from the beginning right through till the end of the support period. The Social Worker has in my opinion handled the situation with the highest level of professionalism and sensitivity. Her understanding and response to the difficulties the children were sharing were at times remarkable. From the beginning her approach to the children and how she worked with them allowed them to be open and honest regarding the circumstances, their feelings and their fears for the future. During her time with the family the children quickly knew that they could trust and confide in her, which helped us to resolve issues quickly as a whole and minimise the impact on the children's lives. They have both improved greatly in their school and college attendance

and attitudes to learning which has thankfully brought their grades back up to a standard that they were both very capable of. Their social and recreational lives have developed into positive and productive lifestyles too. As a dad it has been a very difficult journey and a hard one both physically and emotionally but through the help and support of all agencies including social services we are now able to be a family once again and work towards a much brighter and better future. This was only made possible through working together with all the agencies involved but with children social services taking the lead.(Service user)

- 5) Telephone - The judge asked counsel to pass on to the LA his compliments about SW's role in these proceedings and the quality of her work. Counsel phoned me from court to do that this afternoon. The judge wanted to stress that this plan was of a kind rarely contemplated by the court, because only one child was being adopted and the siblings were being split. The judge said he was assisted tremendously by SW's sibling attachment assessment. He felt it was a finely balanced decision and the evidence he heard both from SW and the Court Guardian helped him come to that decision. He was greatly appreciative of SW's long involvement and the continuity that brought both through pre-proceedings and throughout the proceedings, which he felt was unusual amongst cases before him. He praised her thoroughness. Counsel wanted to echo that praise and acknowledge that it's been a difficult case full of twists and turns and SW had impressed her with her high level of commitment to the children's needs and compassion for mother."
- 6) Letter - we can't believe this day has arrived, 15 years is such a long time. We just want to say thank you so much for the help and support you have given us all these years. There were times we would have been lost without it. I really can't express in words how much staff have done for our son. He has great memories that he will remember always. We are so lucky to have had such a great people caring for our boy. Thank you all. (Service user)
- 7) Card - children - thank you for our bedding, they are great (Service user)

3.19 Learning and Service Improvement

- a. Some complaints highlight issues that may impact on others in a similar situation. Learning from such issues help to inform the improvement or development of services. Managers responding to complaints identify any learning and monitor progress and actions required.
- b. The majority of complaints were around low-level issues that did not require any significant changes to service. These individual issues are followed up by managers in staff supervision to inform individual learning and also where appropriate within team meetings. More widely, learning from complaints is used to inform generic training and service development through the Operational Leadership Team.

- c. Stage 2 investigations are a valuable resource to identify learnings, the investigator is not an employee of Halton Council so they provide an independent view, it also allows for their knowledge of other LA's good practices to be shared. As identified in point 3.12, these investigations can lead to systems being reviewed, processes being amended and new guidance/protocols being developed for staff.
- d. Complaints training reinforce the learnings from these complaints around issues such as communication, case recording and timeliness.
- e. Local Government Ombudsman publish findings from cases they have investigated elsewhere in the country; they provide an opportunity to reflect on the consequences of processes not being applied, learn from them and develop our own practice. These reports are shared with the Senior Management Team to cascade to appropriate staff.
- f. Compliments are also a measure of awareness from our Service Users; it is their acknowledgment of the good developments and the positive effects on them. Staff benefit from receiving compliments, knowing that they are noticed and that they are valued is powerful in motivating continued efforts. People strive to do more of what brings praise from others, on a service level compliments can also influence the development or continuation of service provision.
- g. Children's Social Care commissioned tri.x to develop our procedures and then keep them up to date, the procedure manual is easily accessible and web-enabled. The development of effective Policies and Procedures provide workers with knowledge about what is expected of them, they provide a clear framework, rules and guidelines for decision-making and provide a consistent and clear response across the service.

3.20 Action Plan 2015-16

- a. The following actions were identified as areas of work for 2015-16
 - Staff training (see 3.17)
 - Continue to raise awareness and maintain links (see 3.7.b)
- b. **Action Plan 2017-18**
 - Staff training
 - Continue to raise awareness and maintain links
 - Review/redesign and relaunch the complaints leaflet

4.0 POLICY IMPLICATIONS

- 4.1 "Complaints, Comments and Compliments" was the guidance intended to detail the policy and procedure for each type of complaint and provide guidance on how to respond when they receive a complaint. This is now held within tri.x, this is the computerised storage facility for all children's social care policies, procedures and guidance, reviews and amendments are undertaken when changes in legislation or procedure occur.

- 4.2 Where identified through the complaints process, policies can be amended to improve service delivery.
- 4.3 Halton Council is a member of the North West Regional Complaints Managers Group. The aim of the regional groups, which meet bi-monthly, is to provide a forum in which peer professionals can discuss and learn about regional and national issues. Here there are opportunities to develop local practice standards, discuss performance and problem solve. The group also discuss proposed changes to legislation and procedures and prepare consultation responses where necessary.

5.0 RISK ANALYSIS

- 5.1 Investing in a timely and thorough complaint investigation and a written response at Stage 1 identifies potential savings for the Local Authority as this can prevent the complaints progressing to Stage 2. Costs are incurred in commissioning Stage 2 complaint investigations which is referenced in point 3.12.g and in releasing staff to participate in these.
- 5.2 Failure to implement an efficient service could result in the Local Authority being challenged for not dealing with complaints in a timely and efficient manner and could result in the customer not receiving a service which could then detrimental to their safety and wellbeing.
- 5.3 Children Social Care Complaints are included within the Ofsted Inspections. Failure to meet the standards as prescribed in the Children Act 1989 Representations Procedure and the Guidance "Getting the Best from Complaints" can potentially impact on the overall findings of the Inspection.
- 5.4 Whilst complaints can result in changes for individuals, collectively they are a key source of information to help us develop the services we provide or commission.

6.0 EQUALITY AND DIVERSITY ISSUES

- 6.1 No matter who complains they receive the same equality of access and provision.
- 6.2 Children and young people under the age of 18 made 1 complaint, her ethnicity being White British (source Carefirst).
- 6.3 Similar to last year shifted up 1% to 57% for females making a complaint with 43% being from males. None declared a disability.
- 6.4 Complaints from an ethnic minority remain low which reflects the demographics of the borough. (Information sourced from Carefirst or complaint form, all classed as White British).

7.0 IMPLICATIONS FOR COUNCIL PRIORITIES

7.1 Children and Young People

The learning taken from comments, complaints and compliments ensures the ongoing development of services to provide better outcomes for children, young people and their families. The transparency of the process enables children, young people and their families to challenge our provision of services if they feel unhappy about any aspect of it and provides independent oversight if required.

7.2 Employment, Learning & Skills in Halton

Any findings from a comment, complaint or compliment relating to this priority will be used to inform the relevant service.

7.3 A Healthy Halton

Any findings from a comment, complaint or compliment relating to this priority will be used to inform the relevant service.

7.4 A Safer Halton

Any findings from a comment, complaint or compliment relating to this priority will be used to inform the relevant service.

7.5 Halton's Urban Renewal

Any findings from a comment, complaint or compliment relating to this priority will be used to inform the relevant service.

8.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Representation Procedure 1989	Rutland House	Dorothy Roberts Customer Care Manager