

# **Children's Social Care Complaints and Representations**

**Thurrock Council**

**Annual Report 2015-16**

Anas Matin  
Statutory Complaints & Engagement Manager  
HR, OD & Transformation

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## **1. Introduction**

The Children's Social Care Statutory Complaints Procedure stipulates that an annual report on complaints and representations should be produced, as processed under the Children Act 1989, and the Children Act 1989 Representations Procedure (England) Regulations 2006, Children (Leaving Care) Act 2000 and Adoption & Children Act 2002. Thurrock's procedure is governed by the 'Getting the Best from Complaints' guidance 2006.

This report provides information about the complaints and representations received for the period 1 April 2015 – 31 March 2016. The report sets out the number of representations including complaints received, key issues and learning for the department.

Staff are encouraged to resolve issues at the first point of contact in line with good practice as outlined by the Local Government Ombudsman. Staff are familiar with the Social Care Complaints Procedure and in directing service users to access the complaints procedure where a complaint cannot be resolved locally.

The statutory complaints procedure sets out that a complaint can be made as a result of a range of issues that are relating to statutory social services functions such as:

- an unwelcome or disputed decision,
- the quality and appropriateness of a service,
- delay in decision making or provision of services,
- attitude or behaviour of staff
- or the quantity, frequency or cost of a service

A complaint will not be considered:

- if the person making the complaint does not meet the legal requirements of who may complain and is not acting on behalf of such an individual
- when the complaint is not in relation to the local authority or anybody acting on its behalf
- where the same complaint has already been dealt with at all stages of the complaints procedure

The Complaints Procedure operates in 3 stages:

### **Stage 1**

Local Resolution where Team/Service Managers respond to a complaint within 10 working days which can be extended to 20 working days for more complex complaints.

### **Stage 2**

The complainant can request their complaint to be progressed to stage 2 within 20 working days of receiving their stage 1 response. This stage involves an independent investigation which is conducted by an independent investigator and independent person who oversees the investigation for fairness and transparency of the process. The investigation can take within 25 to 65 working days.

### Stage 3

Where a complainant requests a review of their complaint, the panel must be organised within 30 working days of the request.

### Local Government Ombudsman

If a complainant is not satisfied with the outcome of the independent review panel, they have the right to take their complaint to the local Government Ombudsman. Complainants can refer their complaint to the Ombudsman's office at any time, although the Ombudsman may refer the complaint back to the Local Authority if it has not been fully considered through the complaints procedure.

### Advocacy

In our complaints leaflet, we advise that children and young people have a right to advocacy when making a complaint or if they need any support. This is in accordance with the Advocacy Regulations 2004.

One complaint from children and young people was supported by advocacy. This complaint was addressed and resolved at stage 1.

## 2. Summary of Representations received

A total of 289 representations were received during financial year 2015-16 as detailed below:

- 81 Stage 1 Complaint
- 2 Stage 2 Complaints
- 1 Stage 3 Reviews
- 48 Concerns/ issues
- 117 Compliments
- 17 MP Enquiries
- 12 Member Enquiries
- 7 MEP
- 4 Ombudsman enquiries

**Total Representations 2014-2016**

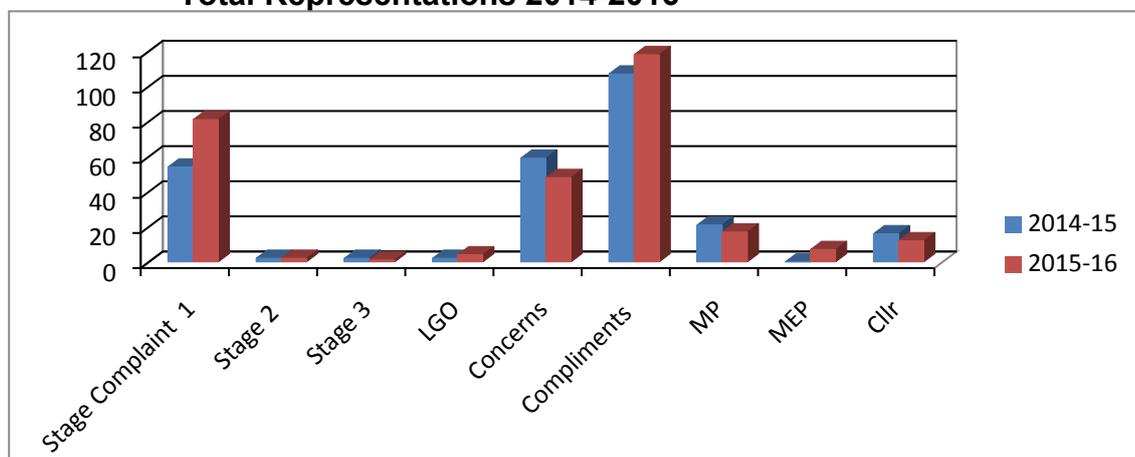


Table 1

The increase in representations is attributed to an increase in the number of complaints and compliments.

The department received a total of 81 stage 1 complaints in 2015/16 compared to 54 complaints received last year which is an increase of 50%.

**Trends in complaints received from 2010 until 2016:**

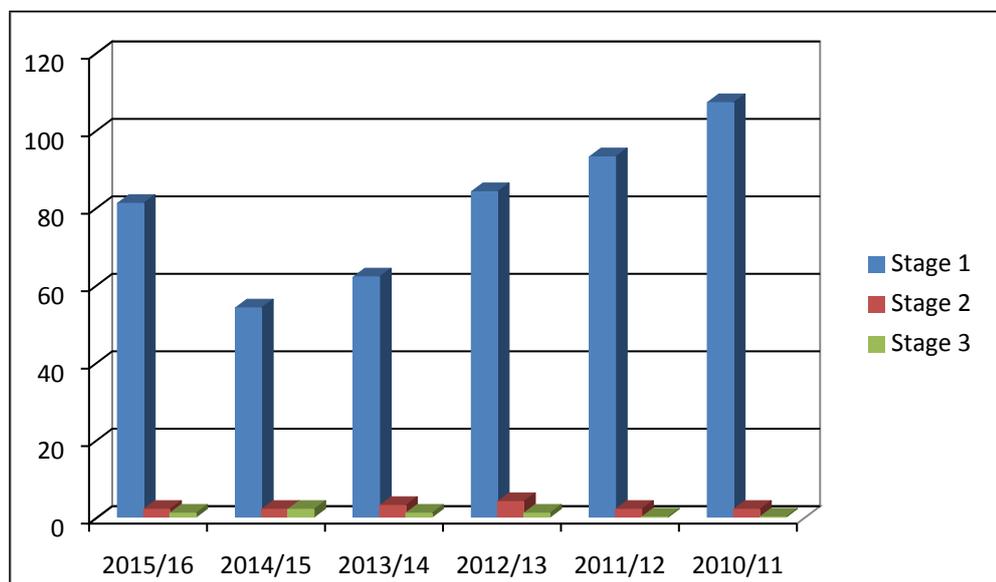


Table 2

During 2014/15, we have received two stage 2 complaints. The number of stage 2 complaints remained the same during 2015/16. This clearly indicates that we have kept the number of stage 2 complaints to a minimal for the last two years, which is a very positive outcome.

Furthermore, during 2014/15 we have received a request for two stage 3 complaints. However, during 2015/16 we have received only one request for a stage 3 complaint. This means that our stage 3 complaints have gone down by 50% from last year, which is a great result for Children’s Social Care.

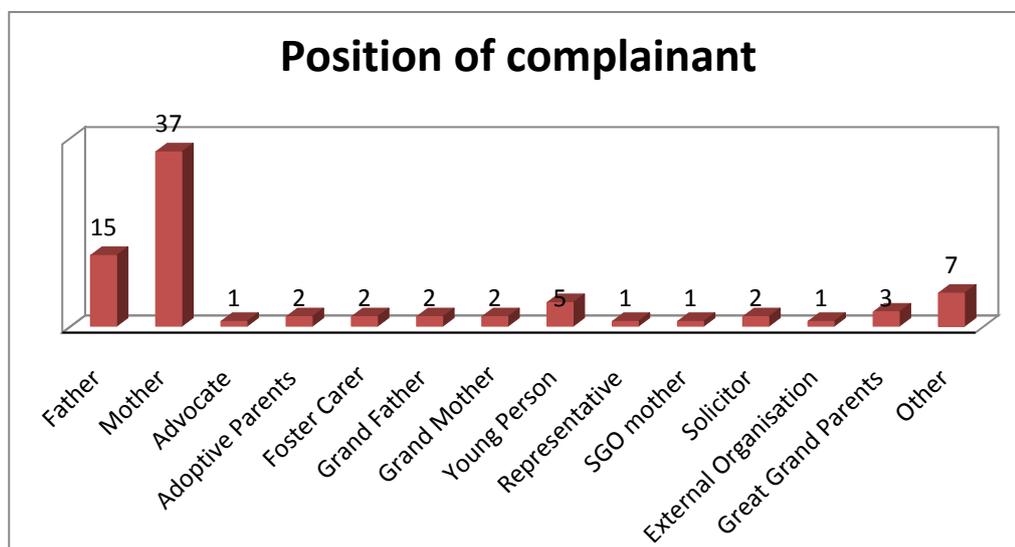


Table 3

## Summary of complainant's position

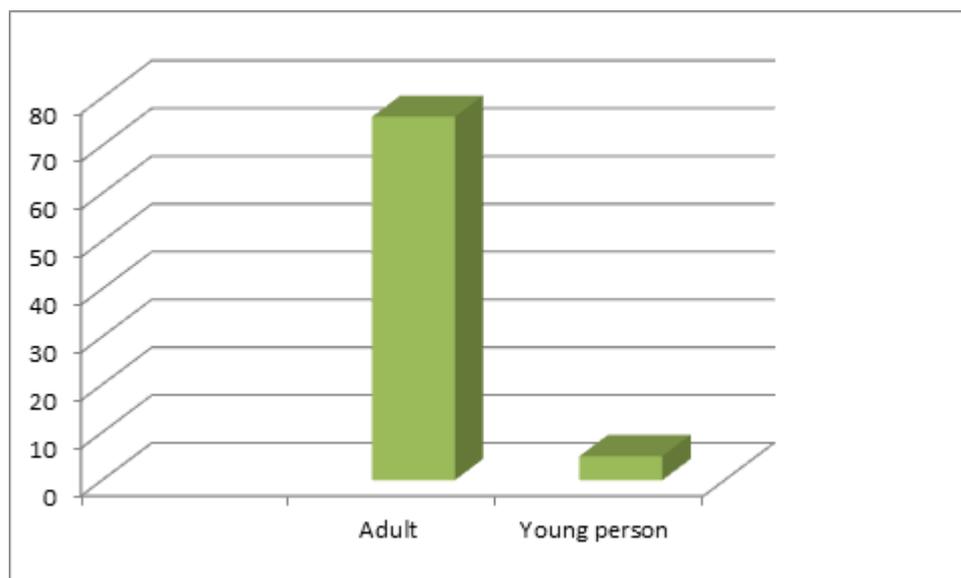


Table 4

The number of complaints received directly from young people (6%) in comparison to (94%) from adults during 2015/16.

Although there has been a steady decline in the number of stage 1 complaints over the past five years. This was attributable to the number of issues resolved as concerns. However, during 2015/16, the number of stage 1 complaints has increased significantly; possible reasons for the increase of stage 1 complaints are: improved public awareness due to high profile cases reported in the media. The complaints service maybe more accessible to complainants due to online facilities such as email or by calling the complaints team directly. All of the above factors may have contributed to the increase in complaints. However, a key measure is the % of complaints upheld, and this has not increased significantly. See Section 4 for additional details.

The number of referrals received in 2015/16 was 2417, which is a rate of 608 per 10,000 populations.

### **Complaints by Service Area for 2015-16:**

<b>Complaints</b>	Adoption	<b>0</b>
	Finance	<b>2</b>
	Child Protection	<b>0</b>
	Disabled Children	<b>8</b>
	Oaktree Centre	<b>0</b>
	Family Support (Central)	<b>7</b>
	Family Support (North East)	<b>4</b>
	Family Support (South East)	<b>5</b>
	Family Support (West)	<b>4</b>
	Fostering & Adoption	<b>4</b>
	Children & Families Assessment Team CFAT	<b>30</b>

	Fostering Assessment	0
	CEF	0
	Permanence/Court Work	5
	Through Care 1	6
	Through Care 2	2
	Aftercare Team	0
	Adolescent Team	3
	Children's Commissioning	1
	Other*	0
	<b>Total</b>	<b>81</b>

Table 5

### 3. Complaint issues

It is important to consider the reasons why complaints are made as detailed in Table 6. Table 6 indicates that staff attitude and conduct was the reason most frequently complained about, followed by assessment and decision making.

However, it should also be noted that Children's social care services are generally very much involved with families and their personal issues. This will inevitably lead to queries and complaints about social work staff and their involvement and professional opinions when making assessments and reports.

Issue	2014/15	2015/16
Assessment/decision making	8	20
Communication	8	10
Delays in Service	4	4
Foster care	1	0
Welfare issues	4	3
Quality of Service	4	10
Staff conduct/attitude	19	29
Historical Case note Request	0	1
Finance/Charging	2	3
Various issues	0	1
Other*	4	0
<b>Total</b>	<b>54</b>	<b>81</b>

Table 6

\*Missed appointment (2), transport concerns(1), Information and advice (1) - 2014/15

### 4. Stage 1 Complaint Outcomes

The stage 1 outcomes are detailed below. It is noted that 44.4% were not upheld compared to 51.8% during 2014/15. Therefore, there is a reduction of 7.4% in the number of complaints that are not upheld, which is a positive outcome.

Outcome	2014/15	Percentage	2015/16	Percentage
Upheld	4	7.4%	7	8.6%
Partially Upheld	9	16.7%	13	16%
Not Upheld	28	51.8%	36	44.4%
In Progress	9	16.7%	19	23.4%
Withdrawn*	4	7.4%	3	3.7%
Out of Jurisdiction	0		3	3.7%
<b>Total</b>	<b>54</b>		<b>81</b>	

Table 6

\*One complaint closed during 2014/15

### Stage 1 Complaint Outcomes

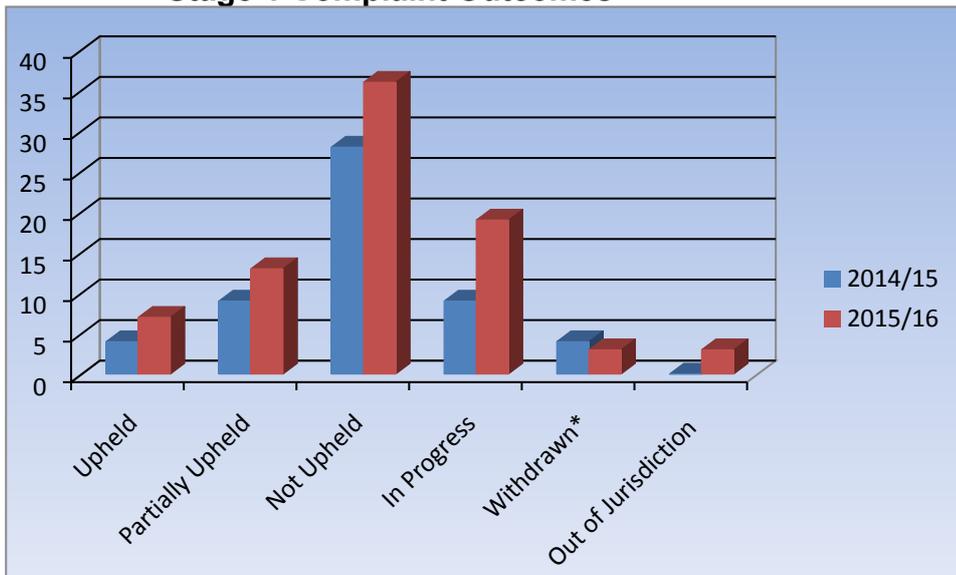


Table 7

With regard to those complaints upheld, the Department offered apologies and advised the service users of actions that would be taken to prevent the incident that led to the complaint recurring. Further details regarding complaint outcomes are detailed in the 'Learning from Complaints' section of this report.

## 5. Response Times

For stage 1 complaints, responses should be completed within 10-20 working days. For the 59 completed complaints, the department responded to 36 complaints (61%) within the timescale. The remaining complaints were either withdrawn/cancelled or still in progress at the end of this reporting year.

The statutory response timescale for stage 2 complaints is between 25 and 65 working days. It is the service's aim to undertake stage 2 complaints within this time period. However, this timeframe can often be exceeded for a number of reasons. This includes the serious nature of the issues being investigated and the time incurred ensuring comprehensive investigation, as well as ensuring the combined availability of the investigation team and staff for interviews and file viewing.

## **6. Policy Work**

Thurrock is a member of the Eastern Regional Complaints Group and Public Sector Complaints Network. Information is shared on a periodic basis in terms of key national legislative changes that affect the complaints process, in addition to any relevant key learning from specific complaints, including public reports from the Local Government Ombudsman. The complaints Manager has established positive links with the relevant colleagues and will be taking matters forward and attend future meetings.

The Complaints Manager has also established links with the London Complaints Group Managers' chair and will be attending future meetings in London to ensure any learning is captured.

Furthermore, the Complaint Manager is also aware of the National Complaints Managers Group (England) and intends to establish a positive working relationship with this group, so that statutory complaints and benchmarking can be adopted in line with national perspective.

## **7. Stage 2 Complaints**

Two complaints progressed to stage 2 of the complaints procedure during the reporting period. These complaints are still being investigated by independently commissioned complaint investigators in line with the complaints procedure. See a summary of case details below:

Case 1- Complainant states that Thurrock Council have failed in their duty of care to one of his sons following an allegation of physical abuse by his mother.

Case 2 - Letter received from complainant regarding child in need support for her three children.

## **8. Stage 3 complaints**

One complaint progressed to stage 3 panel review during this reporting period.

Stage 3 - Complainant alleges that Children Social Care has neglected their duty of care towards his son. Outcome: Upheld.

Compensation awarded and learning has been taken forward by senior management.

## **9. Concerns**

Apart from complaints, the complaints team recorded other representations received about the service (as it is required to do). Representations can be positive comments and feedback about the service or comments and queries regarding a service.

The complaints service recorded 48 concerns which is a decrease of 19% on the previous year when 59 were recorded. If a concern cannot be readily resolved, it will become a complaint.

The majority of issues were based around contact and communication from staff where calls/emails were not responded to and staff conduct during home visits. There were requests for a change of social worker following a breakdown in the relationship, requests for assistance, clarification of social work involvement. There were also concerns raised where the complainant is not in agreement with comments made on assessment reports, and complaints and allegations against partners or other family members.

## 10. Compliments

Compliments are expressions of good feedback and the team recorded 117 compliments this year compared to 107 recorded last year 2014/15.

### **Compliments received by service team:**

<b>Compliments</b>	Family Group Conference	<b>0</b>
	Aftercare	<b>1</b>
	Permanency Team	<b>0</b>
	Adolescent Team	<b>1</b>
	Disabled Children Team	<b>4</b>
	Family Support SE	<b>4</b>
	Family Support NE	<b>4</b>
	Family Support Central	<b>2</b>
	Family Support West	<b>2</b>
	Foster care Team	<b>26</b>
	Independent Reviewing Officer	<b>4</b>
	Adoption Team	<b>8</b>
	Children Families Assessment Team	<b>10</b>
	MASH (Multi-Agency Safeguarding Hub)	<b>2</b>
	Oaktree Resource Centre	<b>2</b>
	Permanance/court work	<b>14</b>
	Performance Quality and Business Support	<b>3</b>
	Sunshine Centre	<b>0</b>
	Therapeutic Foster Care	<b>21</b>
	Through Care 1	<b>2</b>
	Through Care 2	<b>4</b>
	Troubled Families	<b>1</b>
	Thurrock Youth Offending Service	<b>0</b>
	Domestic Abuse Service	<b>1</b>
Sunshine Centre	<b>1</b>	
<b>TOTAL</b>	<b>117</b>	

Table 8

### **What people have said:**

- "Nick was great! He made us feel relaxed and at ease which enabled the conversations and discussions to flow. He was very approachable and answered many questions for us." **Adoption team.**

- "Thank you so much for your support and yes Yvonne did contact me we had a nice chat, also J will be staying with me for the respite care when the foster carers go away, so not sure if all was your doing but thank you with a big hug". **Performance and Business Support.**
- "Just to say that the foster carers shared that you are the best social worker they worked with. They felt that you are always on board and you have good communication skills, well done!" **Permanence and Court work.**
- "Teresa is incredibly passionate at ensuring that C has the best opportunities. She encourages C to participate in groups and socialises with people, adults and children alike. Furthermore, she knows C very well. C is fully integrated within the family". **Therapeutic Foster Care Team.**
- "Many thanks for all you've done for me while I was a Sunshine Centre user. I've had a great time over the last few years and shall be sad to say goodbye, but I'm too old now. I've loved it being with you all - thank you so much – M." **Sunshine Centre**
- IRO Angela Grant, as follows: "She is amazing (Carer) - and my LAC reviewing officer is amazing too!" **Independent Reviewing Officer**
- CAFCASS: "I have looked at the report and it was very good." **Children & Families Assessment Team**
- "I used your excellent package on Friday (well abbreviated version) and it worked a treat. Big thanks and this is the second family I have used this on. I value your support and guidance!" **Domestic Abuse Service**
- "I just wanted to pass on the positive feedback that I get from professionals about your team. A number of professionals from education have made positive comments and told me that they feel listened to and well supported by your team." **MASH**
- "I want to say a BIG thank you to you for this great work. Most especially for your patience with me in making up my mind to be part of this story book for my little angel and princess as I call her. This is great work that you have done which cannot be monetary quantified. My heart is overjoyed that at last, E can have some answers to her origin and culture. My family and I, sincerely thank you and everyone who has contributed to making this story book a reality. God bless you and your family." **Oaktree Resource Centre**

## ***11. Local Government Ombudsman***

The Ombudsman investigates complaints of injustice caused by 'maladministration' or 'service failure'. The Ombudsman cannot question whether a Council's decision is right or wrong simply because a complainant disagrees with it. The Ombudsman must consider whether there was fault in the way the decision was reached. If there has been fault, the Ombudsman considers whether there has been an injustice, and if there has, a remedy will be suggested.

There were 4 Ombudsman enquiries received for 2015/16 period as detailed below:

LGO Case 1 – Complaint regarding contact issues with his daughters. Outcome: Out of jurisdiction due to court involvement.

LGO Case 2 – A sixteen year old made a complaint about a social worker. Outcome: Withdrawn not investigated by LGO.

LGO Case 3 – Complainant raised a safeguarding issue regarding his son who has been put in a placement over the Easter Holidays. Outcome: Awaiting decision from LGO.

LGO Case 4 - Father made a complaint about a social worker who he believes lied under oath. Outcome: Upheld – maladministration & Injustice, compensation paid.

## ***12. Learning from Complaints***

Learning from complaints is an important aspect of the complaints procedure. The following are examples of learning that were identified from the complaints processed during 2015/16:

### **Communication**

- We learnt that it is worth advising clients in advance of a change to their regular carer and notify them of any instances where the carer is running late.
- There needs to be collaborative approach to communicate and co-ordinate a response to a request.

### **Service improvement**

- Change of Procedure - any long term staff sickness of over 2 weeks should be formally considered by the team manager and actions agreed to reduce the impact of any delay upon the applicant's assessment process.
- The process of preparation for panel and pre-panel checks needs to be reviewed to ensure that applicants are given realistic panel dates (noting that the decisions of panel are independent) and all statutory and necessary checks are completed appropriately.
- The service provider involved is no longer providing care on behalf of Thurrock Council.

### **Staff Training**

- Spoken to the new social worker about liaising with service user directly in relation to the level of financial support.
- Staff member has worked hard to address the concerns about an institution through the relevant channels.
- There should be improved co-ordination between services (where there is a dispute) to ensure that a resolution is reached at the earliest opportunity.
- Virtual school needs to produce / recirculate guidance for social workers on the process to be followed and perhaps provide regular information sessions given the turnover of staff.

- The social worker did not appear to be clear on the process and I would suggest that all education requests are passed to the virtual school and that the social workers are made aware that they cannot authorise education provision.
- Staff training - Care proceedings are contentious because there is always a risk of removing children from the care of their parents and / or significant others. Everyone involved with such process needs to be acutely conscious of this fact and be sensitive to heightened emotions.
- Feedback has been provided to the social worker and manager around the quality of the court report and Child and Family assessment.
- The complaint related to inaccuracies contained within an Assessment compiled by a Social Worker. This was discussed with the social worker prior to his exit from the service. Social Worker acknowledged the concerns, accepted responsibility where the complaint had been upheld.
- Lack of understanding of the processes and support available, does indicate some failure to explain such services to the complainant.

### ***13. Staff Training***

Staff are able to access e-learning courses as provided by the Workforce Planning and Development team regarding complaints handling and customer care.

All service teams have received refresher training on the complaints procedure and this is a rolling requirement.

### ***14. Feedback and participation***

The Complaints Manager is a member of the Children's Participation and Engagement Champion's Group, which includes member representation from the Children in Care Council/Open Door Advocacy, foster carers and the key services for children in care. The group's primary focus is to ensure services are accessible for children in care as well as considering ways of actively engaging young people and children in care and capturing their views and feedback.

The focus for this past year was in developing the children looked after website which remains an ongoing priority.

Complaints leaflets and materials are sent to all children in care and leaving care and they also receive this information at every review. Children and young people also complete Independent Review forms with their views about care and Children's Services which are taken forward and monitored by the Independent Reviewing Officer.

### ***15. Action Plan***

**The objective is to continue to learn from complaints, strengthen service provision and thus reduce the number of complaints:**

- The complaints' team will provide ongoing training and advice to teams in respect of complaint handling, through regular emails, writing policy documents, telephone advice and face to face meetings; as this is an ongoing policy.
- To ensure that children and young people feel confident and aware of how to provide their views and feedback about services through various communication tools.
- The complaints' team will monitor learning from complaints on a quarterly basis by keeping an up to date spreadsheet and Investigation log.
- The introduction of 'alternative dispute resolution' has been implemented and proving to be quite successful. This will improve the working relationship between service users and service providers.
- Implement process to assist in the development of comprehensive procedures - ongoing.
- Attain a minimum response time to 90% target.
- Complaints team intend to provide training to all new managers, deputy managers and senior practitioners through regular workshop, one to one meeting, advice and guidance - ongoing.
- Work closely with operational services to ensure that all new service users are aware of complaints - ongoing.
- Ensure that there is consistency across services; hence the complaints team have developed a response template.
- The Complaints Manager will support operational staff and Managers in handling and responding to complaints more effectively.
- The Complaints team has a presence at Senior Management Meetings and Staff meetings throughout the year. Staff regularly liaises with the Complaints Manager when complaints assistance is required.
- The Complaints Manager will ensure that a weekly report is produced for the senior management team and followed by a quarterly report with detailed analysis of complaints and representations.
- The complaints procedure has been reviewed and will be updated end of August 2016.
- The service will continue to increase the awareness of the complaints and representations procedure for staff and service users.
- The Complaints Manager meets with staff and teams regularly to discuss concerns and complaints through team meetings and face to face discussions on a day to day basis.

- The Complaints Manager will continue to work closely with the Essex Complaints Manager Network and other Councils; to explore the potential for developing shared arrangements to access a pool of experienced independent persons for Stage 2 investigators and Stage 3 reviews. Also to maintain links regionally and nationally with complaints teams in other authorities for key issues arising and sharing best practise.
- To provide ongoing training and advice to teams in respect of complaint handling procedures.
- To ensure that children and young people feel confident and are aware of how to provide their views and feedback about services through various communication tools.
- To develop further ways of making the service more accessible.
- Complaints activity and learning will continue to be reported to the department throughout the year and disseminated to all staff.
- A new process map has been introduced for learning from complaints.
- The complaints manager has engaged in meeting with services and their team managers, in order to understand each service in an informed manner, so that a robust complaints management service can be provided to our service users.