

Children Social Care Annual Complaints & Representations Report

April 2016 – March 2017

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Thurrock Council
Children Social Care
Annual Complaints Report 2016/2017

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1. Introduction

This report provides information on complaints for Thurrock Council Children's Social Care services for the period 1st April 2016 to 31st March 2017.

The complaints process provides the council with an additional means of monitoring performance and improving service quality and provides an important opportunity to learn from complaints made by service users and advocates.

We have an established IT system in place to capture a range of complaints information, including the nature of the complaint, the action taken, the outcome of each complaint and whether there has been compliance with the time periods specified in the regulations.

By publishing the annual complaints report, the Council demonstrates its commitment to transparency and a positive approach to dealing with and learning from complaints.

2. Key facts

2.1 We believe that dealing effectively with complaints is essential to providing good services and we use feedback from complaints to improve our services.

2.2 In December 2015 staff managing the children's social care complaints procedure integrated with the Corporate Complaints Team to enable a streamlined, transparent and cohesive complaints service to be delivered council wide.

2.3 In 2016/2017 we received 97 complaints.

2.4 Of the 97 complaints received during the year, 2 cases were determined by the Local Government Ombudsman.

3. Background

The Children Act 1989 Representations Procedure (England) Regulations 2006 requires the council to have procedure for resolving complaints made by the children and young people it looks after or who are in need, and children leaving care, regarding the services provided to them under The Children Act 1989. Representations and complaints can also be made on behalf of such a child or young person by a parent, a person with responsibility, foster carer, Special Guardian or other person that the authority considers has a sufficient interest in the child's welfare to warrant his/her representations being considered by them.

Each year the council must publish an annual report detailing numbers of complaints and representations, outcomes of complaints and compliance with timescales. It

should provide a mechanism by which the local authority can be kept informed about the operations of the complaints procedure.

4. Complaints Procedure

The complaint process has 3 stages, they are:

Stage 1

Staff at the point of service delivery should make every effort to resolve the complaint by endeavouring to reach a mutually acceptable and speedy outcome with the complainant. The maximum amount of time for a stage 1 complaint is 20 working days where complaints are deemed as complex however the standard timeframe is 10 working days.

The Corporate Complaints Team encourages meetings with the service area and the complainant to discuss the issue and agree a way forward. If the complainant remains dissatisfied they can request escalation of their complaint to the next stage.

Stage 2

All requests for stage 2 complaints should be made within 20 working days of receiving the first stage response so that momentum in resolving the complaint is not lost. The Complaints Team will undertake an initial assessment of the complaint. In some instances an external investigator is commissioned and an Independent Person must also be appointed to the investigation to ensure that the process of investigation is open, transparent and fair.

At the end of the investigation a detailed report will be prepared. The report, which clearly sets out how and why any conclusions and recommendations have been reached, is sent to the complainant together with the response from a senior manager in Children's Services. The Independent Person will also provide a report, commenting on whether the investigation has been conducted in an impartial, comprehensive and effective manner. The investigation should be completed and the response sent within 25 working days or a maximum of 65 working days if the complaint is complex. If the complainant remains dissatisfied they can request escalation of their complaint to the next stage.

Stage 3

The request for stage 3 must be made within 20 working days of receiving the second stage response. This request is for a Review Panel to be convened within 30 working days. The Complaints Manager will assess the complaint in the first instance to determine if a Review Panel is the most appropriate way forward.

The Review Panel cannot re-investigate the complaint, nor consider any substantively new complaints that have not first been considered at stage 2. Its role is to review the process of the investigation, whether the recommendations are fair given the conclusions reached, whether the response of the Children's Service is

reasonable and whether anything more could reasonably be done to satisfy the complainant.

All three panel members are independent of the council and will listen to any relevant information that the complainant wishes to present and will want to hear the perspective of other involved parties. They will also see any documents relevant to the complaint. At the end of the meeting the Review Panel will make recommendations to the Corporate Director of Children’s Services for future action.

If the complainant is still dissatisfied they can refer their complaint to the Local Government Ombudsman for consideration.

5. Advocacy for young people

Advocacy services are available for young people who may need advice, guidance and support should they wish to raise issues and/or register complaints; information on this service is publicly available on our web page.

6. Summary of Representations

A total of 217 representations were received in the reporting period, which is a decrease of on the previous year (311) as detailed below.

	2016/2017	2015/2016
Complaints – Stage 1	94	81
Complaints – Stage 2	2	2
Complaints – Stage 3	1	1
Initial Feedback	12	48
Compliments	62	117
MP enquiries	13	19
MEP enquiries	8	5
Members enquiries	23	34
Local Government Ombudsman enquiries	2	4
TOTAL	217	311

7. Complaints Received

Children social care received a total of 97 complaints in the reporting period. This is an increase of 13 on the number of complaints (84) received for 2015/2016.

8. Complaints by service

Complaints are received with regard to both internal and external providers, detailed below are the figures for the reporting period with comparable data for 2015/2016.

Service	2016/2017	2015/2016
Adoption	1	0
Finance	0	2
Child Protection	6	0
Disabled Children	11	8
Family Support (Central)	5	7

Family Support (North East)	5	5
Family Support (South East)	9	6
Family Support (West)	0	5
Fostering	5	4
Children & Families Assessment Team CFAT	15	30
Permanence/Court Work	3	5
Through Care 1	6	6
Through Care 2	8	2
Aftercare Team	5	0
Adolescent Team	3	3
Children's Commissioning	0	1
Other	6	0
Leaving Care Team	4	0
Unaccompanied Asylum Seekers, outside agency	3	0
Continuing Care Team	1	0
Foster Care	1	0

9. Root causes and complaint outcomes

The table below shows the root causes of complaints within the reporting period together with the volume either upheld or partially upheld against each root cause. This management information provides key areas for development and learning.

It should be noted that this data does not match the data outlined in the total number of complaints received as it relates to complaints which have been closed.

Root cause of the complaint	2016/2017	Total upheld	Total Partially upheld	2015/2016
Assessment/decision making	25	2	2	20
Communication	10	1	2	10
Delays in Service	8	3	1	4
Foster care	0	0	0	0
Welfare issues	9	1	1	3
Quality of Service	2	0	0	10
Staff conduct/attitude	28	2	1	31
Historical Case note Request	0	0	0	1
Finance/Charging	1	0	0	3
Various issues	0	0	0	1
Contact issues	4	0	0	0
Damaged property	1	0	0	0
Information/Advice	4	0	1	0
Quality of Care	2	0	0	0
Data Protection Breach	1	0	0	0

10. Complaint outcomes and performance

The table below shows the complaint outcomes for the reporting period. Comparable data for 2015/2016 is also outlined.

Complaint outcome – Stage 1	2016/2017	2015/2016
Upheld	9 (10%)	7 (9%)
Partially upheld	10 (11%)	13 (16%)
Not upheld	49 (53%)	36 (44%)
Withdrawn or cancelled	15 (16%)	3 (4%)
Out of jurisdiction/rejected	7 (8%)	3 (4%)
In progress	4 (2%)	19 (23%)
Complaint outcome – Stage 2	2016/2017	
Partially upheld	1 (50%)	
In progress	1 (50%)	
Complaint outcome – Stage 3	2016/2017	
Partially upheld	1 (100%)	

It is positive to note that a high volume of complaints are deemed as not upheld following investigation. For those complaints which were upheld/partially upheld under each root cause, a summary of learning is as follows:

Assessment/Decision making: key learning identified a need for improved communication between social care staff and service users. Attention to detail and accuracy of assessment writing was identified as an action and frequency of core meetings was also identified as a learning point. This will demonstrate an open, transparent and more streamlined approach in initial assessment and onward management of care plans.

Communication: key learning is improved communication, both in writing and verbally. Examples included where there had been no communication to a service user following a change of social worker. This had resulted in undue anxiety and distress as a result.

Staff conduct: investigation outcomes either follow two routes, these are generally discussions by managers with affected staff or referral to HR in line with any disciplinary procedures.

Performance - The council have specific timeframes to respond to complaints; performance against those timescales for the reporting period is outlined below together with comparable data for 2015/2016. Within the reporting period there were 90 Stage 1 complaints and 2 stage 2 complaints due a response.

	2016/2017	2015/2016
Stage 1 complaints - (20 working days)	64 (71%)	36 (61%)
Stage 2 complaints - (Non-complex – 25 days) (Complex – 65 days)	0 (0%)	n/a

Whilst performance in the reporting period remain positive compared to volumes received for the previous year, improvements are still required in terms of the length of time taken to respond to complaints. This is a key priority for the forthcoming year.

11. Learning from complaints

Complaints provide a vital source of insight about people’s experience of social care services, and how those services can improve.

The complaints process enables us to identify service problems and make improvements to services we work in. It also helps us improve staff learning and enhance professional development.

Services are required to complete learning material for all upheld and partially upheld complaints and these are submitted to the Complaints Team. One of the priorities for the forthcoming year is to ensure that each service can identify continuous service improvements as a result of learning lessons from upheld complaints.

Attached are some case studies where learning has been identified. A key priority for the forthcoming year is to ensure learning is publicly available on the You Said We Did section of the council’s webpage.

12. Initial Feedback

Thurrock Council also receives feedback which does not constitute a formal complaint. Those within scope of an ‘Initial concern (CSC)’ are submitted to the service with a request that swift action is taken to resolve the issue. This robust action should negate the need for a formal investigation in line with the complaints procedure. The Complaints Team will monitor and track an initial concerns.

13. MP, MEP & Members Enquiries

MP, MEP & Members enquiries are received on behalf of services users and services have 10 working days to issue a response. However, it is recognised that in some instances, particularly for complex cases, it is not always possible to meet this target and this has been identified as a work priority for the forthcoming year.

Number of enquiries received within the reporting period is outlined below together with comparable data.

	2016/2017	% responded to on time	2015/2016	% responded to on time
MP	13	7 (54%)	19	6 (32%)
MEP	8	1 (12.5%)	5	0 (0%)
Members	23	16 (70%)	34	27 (79%)

14. Compliments

The council welcomes compliments from its services users. Compliments help to highlight good quality service and give staff encouragement to continue delivering services of the highest standard particularly at challenging times and when faced with competing demands.

The reporting period has seen a decrease in the number of compliments recorded compared to the previous year.

	2016/2017	2015/2016
No of compliments	62	117

Local Government Ombudsman

The Local Government Ombudsman cannot question whether a Council's decision is right or wrong simply because the complainant disagrees with it. The LGO must consider whether there has been fault in the way the decision was reached. If there has been fault, the LGO considers whether this has resulted in injustice and will recommend a remedy, this can be monetary and/or otherwise.

The reporting period has seen a decrease in the number of formal enquiries considered compared to the previous year.

	2016/2017	2015/2016
LGO enquiries received	2	4

Case 1: this complaint relates to the council failing to support a family when they had no recourse to public funds and that the council passed misleading information to agencies and the children's schools without their consent. The LGO found the council was at fault in sharing information with the children's school and other agencies, and recommended the council apologise to the complainant and pay £250 compensation. Following the LGO recommendations the council will review its procedures for recording the sharing of information.

Case 2: the complainant was unhappy with the way the council dealt with contact arrangements in line with a court order. They were also unhappy with the way in which their complaint was handled and that the council failed to respond to their correspondence. The LGO made the decision to discontinue their investigation.

15. Work Priorities for 2017/2018

During the year 2017/2018 the Complaints Team will focus on:

- Supporting services by undertaking the initial assessment and subsequent complaint plan agreement (where appropriate) with complainants to instil confidence and evidence transparency of the complaints procedure

- Improved monitoring of active complaints to ensure swift resolution where possible and supporting service areas wherever possible
- Ensuring that all responses are subject to a quality check to ensure they are fit for purpose, address all the issues and are in line with corporate standards
- Robust monitoring of corrective actions that have arisen from complaints to ensure continuous service improvements can be made and uploaded onto the council webpage
- Working with service areas and in consultation with staff to ensure timely responses to MP, MEP & Members enquiries
- Provide advice, guidance and support through training and/or workshops as appropriate
- Introduction of Alternative Dispute Resolution for those complaints where escalation has been requested. The Complaints Team will meet with complainants where possible and will undertake further assessment to determine if escalation is appropriate.
- Ensuring that learning from upheld complaints is evidenced and made publicly available on the council's You Said We Did section of our webpage.
- Continued close liaison with the Local Government Ombudsman to ensure that enquiries are responded to and recommendations are actioned promptly.
- Continuous review to the data quality of all recorded childrens social care complaints.

Complaint case studies

(cases are anonymised)

Julie made a complaint following the decision to move her foster placement. She had requested the decision be frozen until she has had the opportunity to gain face to face support from an advocate and legal advice.

She did not wish to move to a different placement.

The investigation noted Julie's expressed wish and reviewed the case in more detail.

It was recognised that the local authority could have intervened much sooner by raising issues not only with foster carers and the supervising social worker, but also senior management level of the fostering agency concerned. This has identified learning for the service in terms of earlier intervention and improved communication.

Consequently Julie's wishes were met and she did not need to be moved to an alternative placement.

Mrs W complained that she felt that she was not being treated with respect and was not receiving sufficient support and help from the Team for Disabled Children. She said that the social worker had been changed but that no one had told her. There was also an outstanding care package in place which Mrs W said was not acceptable.

The investigation concluded that the usual practice of informing families by letter of a change of social worker had not taken place on this occasion. The manager tasked with the investigation completed a review of the case and also concluded that the care package was incomplete and required addressing as a priority.

These matters were discussed with the social worker and an apology extended to Mrs W. The care package was completed and issued.

Mrs W was happy with the outcome.

Holly complained about the way in which she had been treated by social care since her child was placed on a Child Protection Plan. She said that the assessment which had been completed by a social worker was factually incorrect throughout, this has resulted in considerable distress to her and although it had since been rectified by a more senior officer, the information was still on file and she felt that this should not go unchanged

The complaint was subject to a full review, and all concerns were considered. The investigating officer concluded that some of the significant information relayed in the assessment was inaccurate however this could not be addressed with the social worker concerned as they had since left the authority.

It was agreed that a new assessment would be completed, and the care package subsequently reviewed, this took place swiftly and the complainant was happy with the outcome. An apology was extended to Holly for the inconvenience caused.