

## APPENDIX 1

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

## **Thurrock Council**

### **Annual Report 2014-15**

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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 2014 – 31 March 2015. 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 Complaint 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 whole 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.

Five complaints from children and young people were supported by advocacy. Each of the complaints were addressed and resolved at stage 1.

## 2. Summary of Representations received

A total of 263 representations were received during financial year 2014-15 as detailed below:

- 54 Stage 1 Complaints
- 2 Stage 2 Complaints
- 2 Stage 3 Reviews
- 59 Concerns/ issues
- 107 Compliments
- 21 MP Enquiries
- 16 Member Enquiries
- 2 Ombudsman enquiries

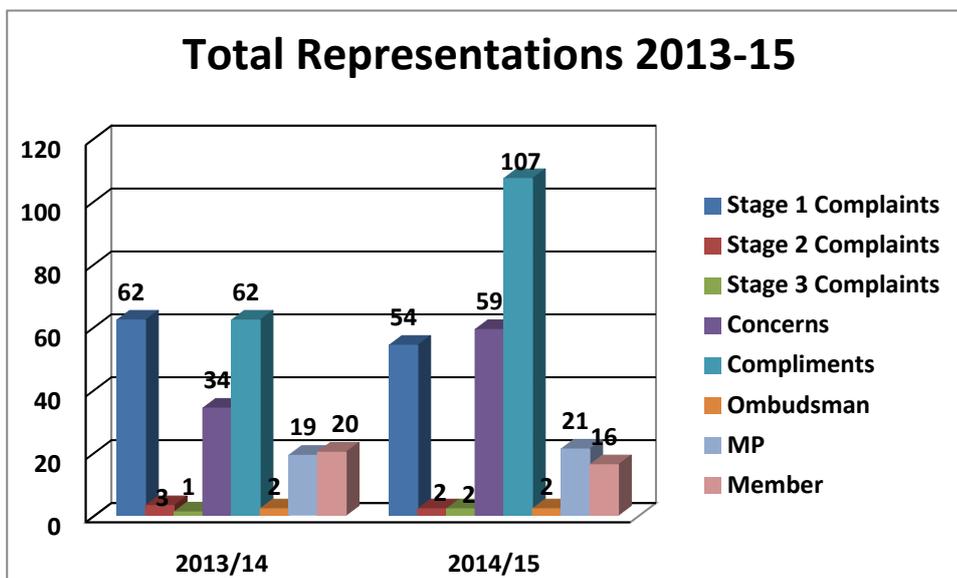


Figure 1

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

The department received a total of 54 stage 1 complaints compared to 62 complaints received last year which is a decrease of 15%. However there were more concerns recorded this year, which are queries that are resolved quickly.

**Trends in complaints received from 2010 until 2015:**

Year	Stage 1	Stage 2	Stage 3
2014/15	54	2	2
2013/14	62	3	1
2012/13	84	4	1
2011/12	93	2	0
2010/11	107	2	0

Table 1

There has been a steady decline in the number of stage 1 complaints over the past five years. However, this is attributable to the number of issues resolved more quickly as concerns.

The number of referrals to children’s social care for 2014/15 was approximately 2050. For the same period, 54 stage 1 complaints were received which is 2.63% of children and young people being referred or accessing Children’s social care services.

**Complaints by Service Team for 2014-15:**

<b>Complaints</b>	Adoption	2
	Child Protection	1
	Disabled Children	7
	Oaktree Centre	2
	Family Support (Central)	1
	Family Support (North East)	5
	Family Support (South East)	2
	Family Support (West)	
	Fostering	4
	Children & Families Assessment	14
	Fostering Assessment	1
	CEF	1
	Permanence/Court Work	2
	Through Care 1	1
	Through Care 2	7
	Aftercare Team	1
	Adolescent Team	1
Other*	2	
<b>Total</b>	<b>54</b>	

Table 2

- OT linked and LAC placement

### 3. Complaint issues

It is important to consider the reasons why complaints are made as detailed in Table 3. The table indicates that staff attitude and conduct was the reason most frequently complained about.

However, it should also be noted that Children's social care services are generally very 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	2013/14	2014/15
Assessment/decision making	10	8
Communication	7	8
Delays	3	4
Foster care	2	1
Welfare issues	1	4
Service quality	5	4
Staff conduct/attitude	31	19
Other services	2	0
Legal decision	1	0
Finance/Charging	0	2
Other*	-	4
<b>Total</b>	<b>62</b>	<b>54</b>

Table 3

\*Missed appointment (2), transport concerns(1), Information and advice (1)

### 4. Stage 1 Complaint Outcomes

The stage 1 outcomes are detailed below. It is noted that 52% were not upheld compared to 53% last year.

Outcome	2013/14	2014/15
Upheld	5	4
Partially Upheld	6	9
Not Upheld	33	28
In Progress	8	9
Withdrawn*	10	4
<b>Total</b>	<b>62</b>	<b>54</b>

Table 4

\*One complaint closed

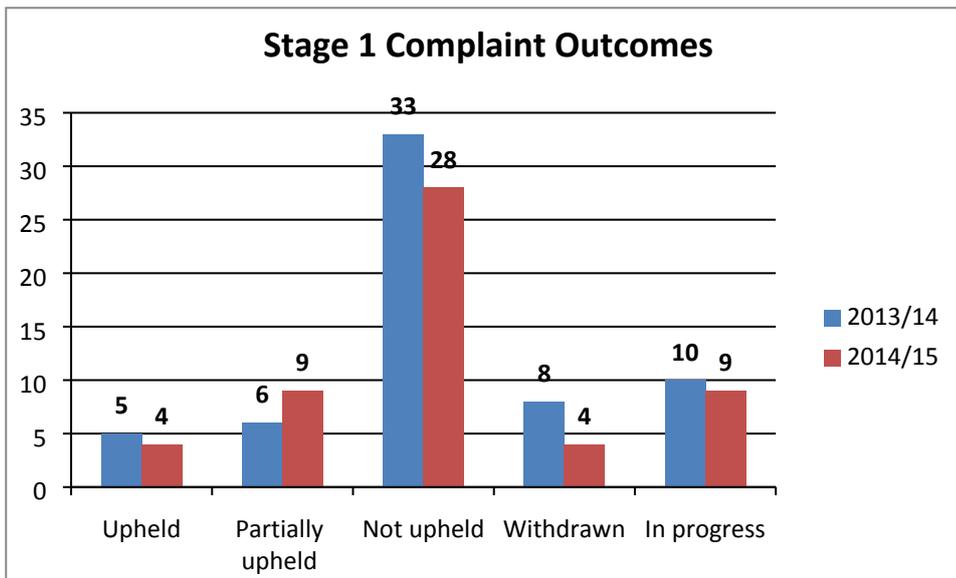


Table 5

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 lead 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 41 completed complaints, the department responded to 26 complaints (63%) within this timescale. For those complaints that exceeded 20 working days, the department responded to 15 complaints (37%). 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 same time availability of the investigation team and staff for interviews and file viewing. Both cases exceeded 65 working days.

## 6. Benchmarking Data

Thurrock is a member of the Eastern Regional Complaints Group and Public Sector Complaints Network and information is shared on a periodic basis in terms of key national legislative changes that affect the complaints process together with any relevant key learning from specific complaints including public reports from the Local Government Ombudsman.

The following Councils (Table 6) have provided their data on complaints received which may be reasonably comparable by size of population. The East England regional performance group monitors a range of performance data on a quarterly basis. For 2015/16 this will include complaints data and we expect to see additional opportunities for comparing information and sharing learning through this.

<b>Council</b>	<b>Population</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>	<b>Per 10,000</b>
Thurrock	157,705	54	2	2	3.7
Slough	140,205	38	10	5	3.8
Sutton	190,146	99	5	0	5.5
Bracknell Forest	113,205	25	3	1	2.6
Milton Keynes	248,821	60	3	2	2.6
Luton	203,201	148	8	1	7.7

Table 6

## 7. Stage 2 Complaints

Two complaints progressed to stage 2 of the complaints procedure during the reporting year. These complaints were investigated by independently commissioned complaint investigators in line with the complaints procedure.

Case 1 – Complaint regarding social care involvement with private contact matters and the quality of a court report. **Partially upheld**. Please see section ‘Learning from complaints’.

Case 2 – Complaint regarding the child protection investigation procedure and social care intervention. **Partially upheld**. Please see section 12 ‘Learning from complaints’.

## 8. Stage 3 complaints

Two complaints progressed to stage 3 panel reviews. Both were linked to stage 2 complaints from 2013/14.

Case 1 - Issues regarding the service team’s involvement and communication with the family and Data Protection concerns. **Complaints upheld** and financial remedy provided. Please see learning under Section 12.

Case 2 – Child placed in interim care with decision to return the child to the parents at final care proceedings. Parents complained that social care services should never have placed child in care and processes involved at the time. Complaints were **partially upheld**. Financial remedy provided. Please see learning under Section 12.

## 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 59 concerns which is an increase of 42% on the previous year when 34 were recorded. If a concern cannot be readily resolved, it will become a complaint.

The issues that were raised as concerns included requests for assistance, clarification of social work involvement, contact and communication issues where calls not returned, comments on assessment reports, finance queries and complaints and allegations against partners or other family members.

## 10. Compliments

Compliments are expressions of good feedback and the team recorded 107 compliments this year compared to 62 recorded last year and 60 recorded for 2012/13.

### Compliments received by service team:

<b>Compliments</b>	Family Group Conference	<b>3</b>
	Aftercare	<b>2</b>
	Permanency Team	<b>13</b>
	Adolescent Team	<b>5</b>
	Disabled Children	<b>2</b>
	Family Support SE	<b>3</b>
	Family Support NE	<b>3</b>
	Family Support Central	<b>2</b>
	Foster carers	<b>9</b>
	Fostering & Adoption	<b>9</b>
	Children Families Assessment Team	<b>15</b>
	Oaktree Resource Centre	<b>6</b>
	Performance Quality and Business Support	<b>3</b>
	Sunshine Centre	<b>1</b>
	Therapeutic Foster Care	<b>6</b>
	Through Care 1	<b>7</b>
	Through Care 2	<b>2</b>
	Troubled Families	<b>2</b>
	Thurrock Youth Offending Service	<b>2</b>
	Independent Reviewing Service	<b>4</b>
General Service	<b>8</b>	
<b>TOTAL</b>	<b>107</b>	

Table 7

What people have said:

*“Can’t believe the playscheme went by so quickly. X had a great few weeks. Was lovely to see him so full of life again. Thank you all so very much for making it so much fun and for taking care of him.”* **Sunshine Centre**

*“I would like to take this time to thank you so much for your help with me and my son! Without it I would never have got where am I today, your advice and support has been extremely important during these difficult times and I’m just letting you know how important you have been to us through our time of need! Your continued support is greatly appreciated.”* **Youth Offending Team**

*“I would like to genuinely thank X for all the dedication showed and support she has given for the cases that we work together. X has always looked for alternatives if she is not able to support, rather than just saying that this is not her remit. X has not hesitated to engage with the families and do direct work with the young people in order to support the CIN plan.”* **Troubled Families**

*I thought I would feedback to you that I have just chaired the CP review for the Y children x 8, for whom I understand you chaired an FGC recently. The parents fed back to me that they feel that the FGC has really catalysed things to move on; and has opened*

communication between the various adults; which has in turn benefitted the children  
**Family Group Conference Team**

The care proceedings in respect of X have concluded, the Local Authority being granted a Supervision Order for 12 months. I would like to mention that the Children's Solicitor has praised Thurrock for the hard work with this family and for the services and support that was offered and enabled these positive outcomes for X. So thank you all! **Permanency Team**

We both want to write and thank you again for everything. We do apologise if we looked shocked and stunned yesterday after the panel and that's because we were. We felt quite numb and a little emotionless even after we got home as we were not expecting things to go as smoothly as it did and we were SO pumped up for some probing questions. But of course we are SO thankful we didn't have any difficult questions and we owe that to your amazing report writing skills as well as the answers you gave the Panel. Words are not enough to thank you for all your efforts. **Adoption Team**

Today I chaired a meeting with foster carers, I would like to share the lovely feedback I was given in relation to DS – Life Story books, incredibly positive discussion about the quality and thought that she applies when creating life story books, there was a general consensus from all those present whom she had worked with about how beautiful her books were, detailed and creative and of a very high standard. Another carer also mentioned that SW also provides beautiful books.

This is such an important area and of enormous value to CYP, thank you so much.  
**Oaktree Centre**

I really want to thank you for all the help and support that you gave us and X in the past. Even though I know her case is closed over there, if you would like I will send you updates so you can see how well she is doing and adjusting.

Again as I have stated before; you and your family are more than welcome to come and visit anytime you wish, just let me know and we'll get the spare rooms ready for you all. Again thank you. **Adolescent Team**

I don't normally write Reviews but felt compelled to write a few words to say thank you and that my faith has been restored in the system due to the work by your representative X in my family's referral case. I work as a Business Analyst so was able to appreciate the work X did in bringing different stakeholders together, while being able to work individually with all parties to understand the true state of things and to help in making things even better where possible.

My understanding of involvement with Social services prior to this was all 'doom and gloom' but I am impressed with the way X handled the case, her professionalism while being diligent throughout.

We are better aware of the support available and presented by the social services.

While this has been a difficult time, my family is a lot stronger and we are working to ensure that things continue to progress **Children & Families Assessment Team**

## **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 2 Ombudsman enquiries received for 2014/15 period as detailed below:

Case 1 – Referral to the council to ensure the complaint is investigated through the complaints procedure. Case related to Child protection procedures. Matter was resolved at Stage 1.

Case 2 – Parent complained about the delay in completing an assessment of her child's needs and inadequate support by the service team. **Outcome: No maladministration.**

## **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 2014/15:

### **Communication**

- Calls and correspondence to be responded to in a timely manner without causing unnecessary delay
- Not to put letters through doors on a Friday which can cause unnecessary anxiety for the recipient who then has to wait all weekend to contact the service
- Information for the family should be clearly explained at the onset of contact so that they are aware of why the service is involved
- Staff to clearly explain the context of meetings and provide details of attendees to service users and carers involved in such meetings
- Whenever possible, Children's social care should put in writing and share with families, assessments and decisions so that they are able to reflect on them or take advice
- To ensure agreements are in place regarding how the contents of a communication book for a child in care are monitored
- Senior Managers to remind staff that they should never make assumptions regarding disclosure of addresses without explicitly eliciting the relevant information with regard to a child or adult's safety

### **Service improvement**

- Case recordings should be reviewed, up to date and finalised
- To ensure that all notes and records of reviews/assessments are recorded on the children's social care record system
- The complaints procedure should be made available to all families where Children's social care has become involved

- For Children's social care to take into account location of meetings with parents in private and confidential surroundings
- Written procedure to be drawn up and made available within the service regarding management of complaints raised by children placed with independent foster carers
- Supervisors to ensure that when undertaking case audits that the timescales are specific and measurable on review notes
- Manager at Contact Centre to ensure that supervised contact records are uploaded to the electronic file within 3 days with the proviso that if a concern is noted at contact, a telephone call will be made to the relevant social worker
- Any complaints made about a placement, to be followed up and response requested to be put in writing, to be sent to the child and recorded on file
- That if parents are unable to attend a LAC review or Child Protection conference, that they are given the opportunity to meet with the chair outside of this, to ensure their views, wishes and feelings are shared and recorded.
- All cases will be reviewed by the Head of Service prior to Care Proceedings being issued, to ensure thresholds are met and all actions have been taken to support children remaining with their parents

### **Staff Training**

- Staff to ensure that they remain objective when carrying out assessments and reports but recording their professional opinion as required
- Not to ask leading questions and to be more sensitive in relation to a person's circumstances
- To ensure that families are not discouraged from complaining
- To ensure all original documents are promptly returned to the service user
- That when an unqualified professional is working with a case, their correct title is on all documents and counter signed by their supervising worker/ manager when necessary.
- To complete the mandatory training on Data Protection and to be mindful of information sharing regulations and policy

## ***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. This will be ready for launch by early 2016.

With regard to capturing feedback about services received by children and young people and in relation to making a complaint, a survey was conducted using a sample of children in need and children on child protection plans across all departments which included the Disabled Children Team and of different age ranges. This survey will be repeated later this year. For the sample of 60 children, 20 completed forms were returned in time for this report. Below are some of the comments received:

**Do you think Children' Services listen to your views about our services?**

“yes, because I feel like ( social worker) listens and cares for me.”

“social worker straightforward and honest”

“ no, because the social workers are too direct”

**Do you know how to make a complaint to the council?**

“ no...probably just ring up and moan to the right person”

“no, and I don't want to know”

“ can talk to mummy”

“ yes, to make a phone call or write a letter and send complaint”

**Have you received information on giving your feedback or making a complaint?**

“yes, I have never complained to the Council”

“no, Dad has”

“yes, talk to social worker and mum”

**Have you been provided with information about Advocacy?**

“yes, but I speak on my own behalf. Social worker informed me about Open Door”

“yes, we have advocacy in school”

“I would not like that because I like to talk myself”

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. However the survey results have shown that children are comfortable providing their views through their carer and social worker.

## **15. Actions from 2013/14**

- *Complaints Refresher Training with an emphasis on complaints handling, the key legislation and related processes and learning will be rolled out to all social care teams during 2014/15*  
This has proved a very successful task as operational staff have good knowledge of the complaints procedure and are better able to advise children and families on the process too.
- *The complaints team will consider further ways of capturing young people's feedback regarding Children's social care services in relation to services working well and where they could be improved*  
A survey was undertaken with a small sample of children in need and on child protection plans as detailed in this report, section 14
- *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 in relation to complaints and service improvement. Staff regularly liaise with the Complaints Manager when complaints assistance is required.
- *The Complaints Manager will ensure that learning is disseminated to all staff by producing a weekly report for the senior management team to track and monitor complaints and a quarterly report with detailed analysis of complaints and representations to be disseminated to all staff*  
Reports are produced quarterly for Senior Managers and disseminated to all teams. A bi-weekly progress update on open complaints and representations is produced for the Senior Management team to ensure they are monitored as a priority
- *The Complaints Procedure will be reviewed*  
The Procedure has been drafted and approved and is now available on Inform
- *The Council's website will be updated, together with all related communication materials including the complaints leaflet*  
The webpages for children and young people in care are currently being developed. The Council's website does provide general and useful information on making a complaint
- *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 learning through team meetings, training and on a day to day basis as required
- *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 and at the same time to secure efficiencies for the service. Also to maintain links regionally and nationally with complaints teams in other authorities for key issues arising and sharing best practise*

The Complaints Manager attends the Eastern Regional Complaints Managers Group meetings regularly and is also a member of the Public Sector Complaints Network which includes all councils nationally for key complaints updates and the development of complaint processes

## **16. Going Forward:**

- To provide ongoing training and advice to teams in respect of complaint handling
- 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
- 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.