

REPORT TO: Children and Families Policy and Performance Board

DATE: 12 November 2018

REPORTING OFFICER: Strategic Director, People

PORTFOLIO: Children, Education and Social Care

SUBJECT: Annual Report - Comments, Complaints and Compliments relating to Children's Social Care Services 1st April 2017 - 31st March 2018.

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 and evidence how feedback from service users has been used to improve service delivery.

2.0 RECOMMENDATION: That

- 2.1 **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).**

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).

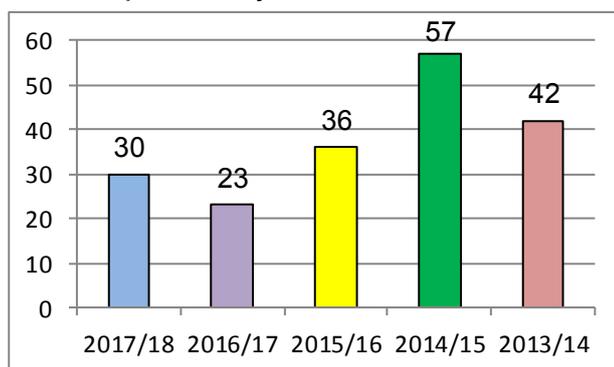
Stage 3: If still dissatisfied, a request can be made for a Review Panel to consider whether the complaint has been dealt with adequately. The Review Panel is made up of 3 independent people and should be held within 30 working days of request.

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 Principal Policy Officer is the statutorily required Designated Officer who 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**

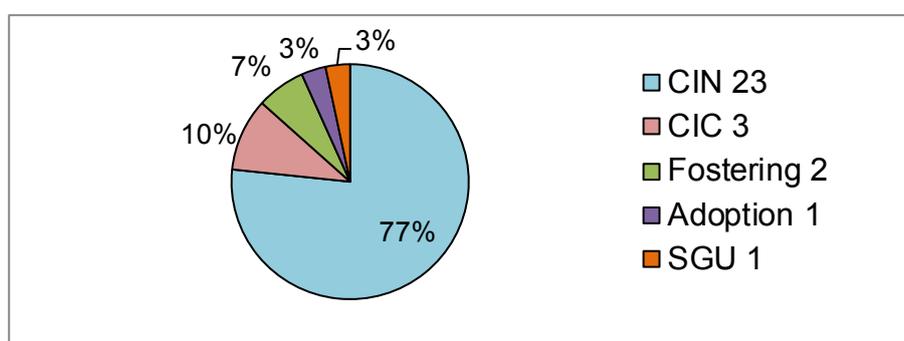
- a. The analysis and comments in this report are based on 30 Statutory Complaints which were made to the Council in 2017/18, a 30% increase from the previous year.



The peak in 2014/15 followed an Ofsted inspection.

- b. We have also responded to 20 complaints dealt with under the Corporate Complaint Procedure this is a 100% increase on the previous year where there was 10, the total number of complaints about Children Social Care is 48. The increase is consistent with the increase in the numbers of referrals, contacts in iCART and the number of open cases in the Children Social Care Service.

- c. The volume of complaints does not, in itself, indicate the quality of a council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes can be an indicator that all is well but can also be a worrying sign that an organisation is not alive to user feedback. The important information however is the outcome, not necessarily the number received.
- d. It is to be noted that the greatest number of complaints is with the Children in Need and Child Protection Division (23 of 30). This is to be expected as the service is a frontline service dealing with a large number of cases with very difficult issues to address. It is also recognised that the turnover of staff within the service during this period was stable which led to minimal changes taking place with the management of cases. Complaints made in other teams are:



3.7 Profile of Complainant

- a. 28 complainants were made by parents/guardians
- b. 1 complaint was made by a foster carer
- c. 1 complaint was from a care leaver who was supported by NYAS. This is the same as last year, prior to that no complaints had been received in the previous 3 years.
- d. No children or young people made a complaint in this period, 1 did so last year with 3 the year before, low numbers are consistent with previous years and are noted nationally.

3.8 How complaints were made

a.

	2017-18		2016-17		2015-16		2014-15	
Complaint Form	0	0%	1	4%	7	19%	12	21%
E-mail	19	64%	10	44%	15	42%	14	25%
Letter	1	3%	9	39%	2	6%	10	17%
Telephone	10	33%	2	9%	11	30%	21	37%
Meeting	0	0%	1	4%	1	3%	0	0%

- b. Making a complaint in writing (67%) continues to be the preferred method of making a complaint; it gives the complainant confidence that they have written evidence that will be held on file. Some of the correspondence received can be comprehensive resulting in complex investigations and a comprehensive response. Telephone calls are usually challenging as they are often in reaction to something that has just occurred.

3.9 Types of Statutory complaints made

a.

Main categories	2017/18	2016/17	2015/16	2014/15
Staff	0	0	5 (14%)	7 (12%)
Service (i.e. quality, lack of, over provision & client expectations)	12 (40%)	12 (52%)	18 (50%)	27 (48%)
Assessment / Review Process (disputed or delay in decision)	18 (60%)	11 (48%)	13 (36%)	23 (40%)
Total	30	23	36	57

b. The increased number of complaints in regards to the assessment and review process can cover a range of issues but may also have crossed over from the 'Service' provision, this can vary dependent on the other elements of their complaint and include themes such as:

1. Dissatisfaction when Social Workers complete unannounced visits catching them unprepared.
2. Disagreeing with the need for involvement.
3. Disagreeing with the content of the final assessment.
4. Timeliness, either in returning messages left or for arrival for visits.
5. 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.
6. Complaints purely about staff conduct are recorded as Corporate Complaints but are often included as part of the overall complaint.
7. Highlight the conflict between parental expectations against the requirements of the Children Act when working to protect children.

3.10 The outcome of closed Stage 1 complaints

a.

Stage 1	Upheld	Partially upheld		Not upheld	Totals
2017-18	6 (20%)	12 (40%)	60%	12 (40%)	30
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

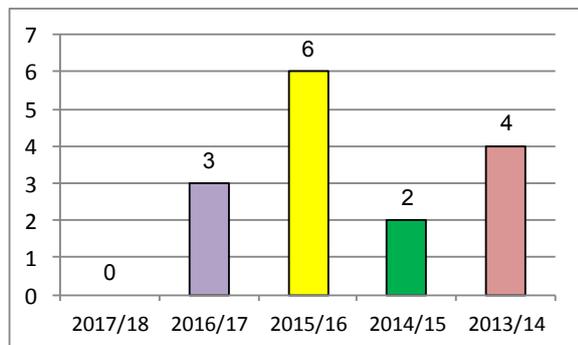
- a. Whilst a partly upheld complaint can be determined due to both parties being responsible for the course of action, for the purposes of this report it represents a multi-strand complaint where we may have upheld some but not all of the complaints.
- b. Numbers of complaints received remains small in comparison to the number of contacts staff have with families across the directorate. The number of open cases increased from 1093 last year to 1284 at the end of March 2018.
- c. Where elements are upheld the Local Authority provides a full explanation and looks to remedy the fault, for example: put the service in place, reimburse any loss. It is usual for a recommendation to be to offer an

apology and inform the complainant of changes to how we work as a result of their complaint.

3.11 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. No complaints received in this period have progressed to commissioning a Stage 2, this is due to the number of complaints resolved at stage one and reflects the time and effort put in at this stage to address the complaint without the need for escalation to stage two, which can be a costly process. Efforts made to resolve complaints at stage one include providing a second response if it is felt that this might resolve the issue. In addition managers may meet with complainants, with complaints officers, on occasion, taking on the role of mediator during the meeting.

- c. 1 complainant did request a stage 2 this was declined. It was the Council's view that it would/could not achieve a demonstratively different outcome, if the evidence does not exist and the statements differ there can only remain similar findings. No evidence was available that could break the impasse and so this would not be a good use of public funds, the average cost being in excess of £2,000. The complainant was advised to contact the Local Government Ombudsman (LGO), to date no enquiry has been received from the LGO.



- d. If the quality of the investigations and the responses was poor potentially 30 complainants would have the right to access an independent Stage 2 investigation. Given the average cost, managing this effectively potentially saves the Local Authority in excess of £60,000.

3.12 Stage 3 Review Panel

- a. 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.

3.13 Local Government Ombudsman (LGO)

- a. There have been no enquires in relation to Children Social Care Service from the Local Government Ombudsman during this period and therefore no Public Interest Reports published.. Again, this can give a positive indication that complainants are satisfied with the responses being received, or whilst they may remain dissatisfied with the outcome, they at least understand the reasons behind the decisions being made.

3.14 **Timescales**

b.

	% within 10 days	% within 20 days	% over 20 days
2017-18	43%	90%	10%
2016-17	33%	83%	17%
2015-16	33%	70%	30%
2014-15	35%	75%	25%
2013-14	43%	79%	21%

- c. Delays in the complaint responses can reinforce the complainant's perceptions and undermine the work to resolve their complaint but the focus should be to respond to the issues and not on meeting a deadline. Complaint timescales are a statutory requirement and there has been further improvement in meeting those deadlines despite there being some complex/multiple issues raised which has resulted in officers requiring more time to complete an investigation

3.15 **Children in Care**

- a. At 31st March 261 children were in care. Work continues to be done around raising awareness amongst children in care in respect of the complaints process. To recap last year's annual report, the Children in Care Participation Officer, continues to visit children when they enter care giving them an information pack and ensuring they know and understand how to make a complaint. Regular updates are included in the Children in Care Council Newsletter and information remains on their website. The Independent Review Managers (IRM) also continue to promote access to an advocate who can support them in this process.
- b. An action identified from last year's annual report was to review, redesign and relaunch the complaints leaflet. Consultation took place with the Children in Care Council during this period who provided really good feedback, some drafts were designed and following some amendments this was issued to all children in care over 5yrs of age in December 2017. It was hoped that this would generate some complains being made but it did not.
- c. The Children in Care Survey is done annually, 43 children in care responded and 36 (84%) responded by saying they knew how to make a complaint. Only 4 care leavers responded with 3 confirming that they knew how to make a complaint. The survey was completed prior to the new leaflet being sent in December which should capture those who indicated they were not aware.

3.16 **Learning and Service Improvement**

- a. Information on identification and implementation of improvements resulting from complaints is helpful as a means of managing performance and recognising the contribution complaints make to service improvement. Recommendations to improve services typically include things like: a review of policies, change to practices, training staff, and raising awareness of issues within the authority. A single complaint can make a difference to many people; they highlight issues that may impact on others in a similar situation. Halton has a constructive attitude to remedy any

injustice and make improvements, they are an opportunity to check our own practice and learn leading to improvements in and the development of services.

- b. As a result of a complaint a sample of 'referrals abandoned' was examined as part of an audit of practice. This resulted in 6 actions being identified to improve practice and included an addition to the contact record to ensure analysis of previous contacts are taken into account as well as a two-step process to enable management oversight.
- c. Evidence suggests that if a child has experienced poor care they are more likely to disclose this once they have moved on from that placement and so seeking views from children about the care that they have previously received is an important safeguarding measure. The foster carer review process was to send out review documents to all children over the age of 5 years, who has previously been looked after in Halton foster care placements. The majority of children in Halton who are adopted are usually significantly under 5 years of age. It was therefore very unusual for foster carer review paperwork to be sent to an adopted child or a child in a pre-adoption placement. This was the first time it occurred and we did not have a specific process for seeking the views of previously looked after children who are now adopted. A process and a new consultation form was developed.
- d. The DBS is a requirement of the adoption process, as a result of a lost application received by the department the system for processing DBS applications was reviewed and changes implemented to ensure that applications are not misplaced in the future.
- e. The main theme of learning involves staff briefings or supervision, which relate to low-level issues that did not require any significant changes to service. This can include reminding staff of timeliness, case recording and reflecting in supervision on how their interaction can be perceived by the complainant. Complaints training reinforce these learnings.
- f. Stage 2 investigations can be 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 3.11 there were no Stage 2 investigations conducted.
- g. 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.
- h. 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.

3.17 Complaints Handling Training

- a. If staff are advised of the Complaints process this information can be shared with the children and families they work with and so training is aimed at front line staff from the Children in Need and the Children in Care Team. Training is planned annually and took place in September and October 17 with new some new recruits also being advised as part of their induction.

3.18 Other Customer Care Contacts for Children Social Care

- a. 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.

b.

2017-18	93
2016-17	119
2015-16	92
2014-15	71

- c. None of the 10 Representations made to the Local Authority progressed to Stage 2 of the Corporate Complaint Procedure for an independent review.
- d. 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.
- e. No customer satisfaction surveys were returned, these are sent to complainants at case closure.

3.19 Compliments & Positive feedback, Children and Families Service

a.

Year	Total
2017/18	80
2016/17	70
2015/16	77
2014/15	85
2013/14	64

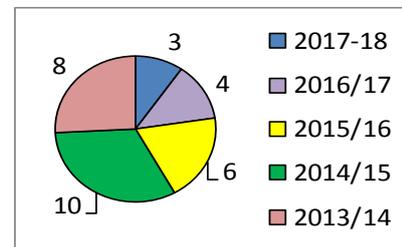
The C&F Division received 10 more compliments than last year (a 14% increase). The reduction in CIC may in part be due to the development of the adoption agency, Together for Adoption.

b. Compliments by Division

	17/18	16/17	15/16	14/15	13/14
CIN	33%	18%	22%	20%	25%
CIC	14%	26%	20%	29%	27%
TAF	53%	54%	58%	51%	48%

- c. Year on year, the higher number is in the Team around the Family service, this reflects the type of work they do in the community. Providing support and being a visible party to improvements within the family instigates a higher number of compliments. It should be noted that these services can work in conjunction with other teams such as Children in Need.

- d. **Children and young people making a compliment**



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

1. Email - Barrister - Just wanted you to know that J gave excellent evidence yesterday and I've been very impressed (as have others) with her knowledge and work in this case. (Professional)
2. Email - I just wanted to take this opportunity to thank you both for your excellent work as part of the recent joint investigation. All of the officers have noted the significant contribution you both made to the investigative and safeguarding objectives of this investigation. I have previous experience of similar joint working and recognise that the criminal justice outcome achieved could not have been secured by the police alone. Many thanks. (Professional)
3. In person - I've just spoken to a mum her children are open on CIN plans and who has experienced CSC involvement in her children lives previously. She wanted to ring to compliment the approach of 'A' who is a Student Social Worker in our team and she agreed that I can pass on her comments to be recorded. Mum said "she has been made to feel valued and that she's done nothing wrong" that "A has built up a good rapport with her and her children and that this has allowed her to feel able to be open and honest when speaking with her". I thanked her for taking the time to ring, these are lovely comments to hear and really well done A. (Service user)
4. Email - I'm sorry for any past offhand, arrogant, rude behaviour towards you. Today has put me at ease and made me realise that you're just doing your job and that my child's welfare is in your best interest. I hope we can work together to help me and my family. I would like to take this opportunity to thank you for your time and efforts. I know its long road ahead but I will do everything I can to make amends and put our issues behind us. (Service user)
5. Text - I know that we aren't having any contact anymore but I just wanted to say a massive thank you for all your help and support while the case was open. It was nice to know someone was listening and helping. Hope you have every success in your career etc. Take care. (Service user)

6. Card - I just wanted to say a big thank you for all the support you have given me and D over the time we have known you. For me you have been a breath of fresh air. You have been empathetic and understanding and a great sounding board for me. You have also been creative and flexible in your approach and able to offer practical solutions to issues we have faced. I have to thank you for taking the time to listen to D and try to understand him and also to engage him in a way that works for him and that he was found fun but also made him think. I believe you have had a long a lasting and positive influence on D and you will be sadly missed by both of us. I hope that whatever you do brings you success and happiness. (Service user)
7. Letter - There were times when I would cry within the meetings, I just wanted to be left alone! She could have easily closed her involvement and closed the CAF but she was persistent and I am so glad she was. Because of the CAF I now live in a flat with my son which we both love, I have accessed Nurture group and attended the full 10 week programme- I met new friends within the group and we now meet up and have days out with the children. I have completed an Adult Learning IT and Keep Safe course and am due to start a Maths course soon. More importantly I now understand how to better parent my son and my mental health has significantly improved, I actually feel happy. I just wanted to come here today and talk to you about how beneficial the CAF has been for me and my family and if you have any families in mind who you think would benefit from having a CAF please speak to them. I know that having a CAF has changed my life. (Service user)
8. Feedback form - Young person - She has been fantastic working with me on healthy relationships and giving advice and working with us as a family, she has given me a better social life, helped bring my self-esteem and confidence on more, I will certainly recommend this service to anybody. (Service user)

3.20 Action Plan 2018-19

- a. The following areas were identified as areas of work for 2017-18, with the aim of raising awareness and maintaining links.
 - Staff training (see3.17)
 - Review/redesign and relaunch the complaints leaflet (see 3.15)
- b. For 2018 -19 we aim to:
 1. Review processes to ensure we are complaint with the General data Protection Act.
 2. Review recruitment processes for external independent officers to ensure compliance to GDPA and employment Tax regulations.
 3. Staff training.
 4. Redistribute the complaints leaflet to children and young people in care.

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 The new framework, Inspection of Local area Children Services (ILACS) is seen by Ofsted as a step forward that will make a genuine and positive impact on children’s lives. Regular contact with local authorities is at the heart of the new system meaning that Ofsted will have more frequent contact with Halton giving the opportunity to identify any issues of concern sooner enabling the Local authority to act swiftly to address them rather waiting until the next inspection to find out what/if practice has deteriorated. 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 1 male care leaver aged 18 made a complaint his ethnicity being White British (source Carefirst).
- 6.3 Similar to last year shifted up 3% to 60% for females making a complaint with 40% 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 Principal Policy Officer