

# **Children's Social Care Complaints**

**Annual report  
April 2019 to March 2020**



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## 1. Introduction

The Children Act 1989 Representations procedure 2006 is for all representations received from children and young people, their parents, foster carers or other qualifying adults about social care services provided or commissioned by Children's Social Care. The act and regulations set down procedures that councils with social care responsibility have to follow when a complaint is made. This is a three stage process:

- Stage 1: local resolution
- Stage 2: independent investigation
- Stage 3: review panel

This annual report covers all complaints made about Children's Social Care which were received by the Complaints and Customer Relations Team (CCRT) and dealt with under the statutory complaints procedure for the period 1 April 2019 to 31 March 2020.

The 2006 social care complaints guidance; "Getting the Best from Complaints" DFES 2006 requires that the annual report should be arranged by the Complaints Manager and should provide a mechanism by which the Local Authority can be kept informed about the operation of its complaints procedure. The report should be presented to staff, the relevant local authority committee and should be made available to the regulator and the general public. It should provide information about:

- Details about advocacy services provided under these arrangements;
- Representations made to the Local Authority;
- The number of complaints at each stage;
- Which customer groups made the complaints;
- Statistical data about complainants;
- The types of complaints made;
- The outcome of the complaints;
- Compliance with timescales, and complaints resolved within extended timescale as agreed;
- Complaints that were considered by the Local Government Ombudsman;
- A review of the effectiveness of the complaints' procedure. All Local Authorities should provide a system for: the dissemination of learning from complaints to line managers; information derived from complaints to contribute to practice development and commissioning and service planning.
- Learning and service improvement, including changes to services that have been implemented and details of any that have not been implemented

## 2. Advocacy arrangements

Children and young people making a complaint have a legal entitlement to advocacy services to support them in making a complaint or expressing their views. Newcastle has a contract in place with the National Youth Advocacy Service (NYAS) to provide children and young people with this service.

The aim of the service is to ensure children and young people have access to an independent advocacy service, which ensures:

- They have a say in decisions made about their lives
- They are able to share their concerns about their circumstances
- They are listened to and heard
- They are treated fairly in the course of their contact with Children's Social Care
- They are supported when pursuing a complaint through every stage of the complaints procedure and are provided with information about their rights and options, helping them to clarify their complaint and outcomes they are seeking.

During this period there were 86 referrals received for an advocacy service for children and young people. 3 of these referrals were for an advocacy service where children and young people wanted support to specifically explore making a complaint or had issues with the service provided by the Local Authority or social worker.

The majority of referrals were received by on line requests, with the remainder being made by phone, e mail or letter as follows:

Number	How referred
60	On line
16	By phone
6	By email
4	By letter

The majority of referrals for advocacy support were made by social workers; however, it is encouraging that 13 children and young people made referrals directly themselves.

Number	Who made the referral
46	Social workers
13	Children and young people
10	Advocates
7	Family members
6	Carers
4	Independent Reviewing Officers

Out of 86 referrals where advocacy services were sought, 44 were for female service users and 42 for male service users indicating that the service has been used equally for both genders. The age range for children and young people accessing the advocacy service ranged from 5 years to 22 years; and 9 of these had Special Educational Needs or a disability. Their ethnicity is as follows:

Number	Ethnicity of the service user
65	White UK
2	Asian UK
1	Black UK
2	White Eastern European
5	Black African
2	Bangladeshi
1	Kurdish
1	Arab
7	Unknown

The reasons for children and young people requesting support from an advocate were wide ranging, and issues included:

- Placement issues
- Placement moves
- Pathway plans
- Support in Conference or LAC reviews
- Support to make a complaint or resolve dissatisfaction
- Pocket money/personal allowance issues
- State benefits
- Issues with family members
- Child protection
- Support with rights under the Mental Health Act

Feedback from children, young people, their carers and professionals about their experience of working with an advocate have included the following:

- A young person reported feeling he had been listened to and was happy with the help and support he received.
- A young person stated that he felt empowered when attending his case conference; he now feels more confident and doesn't think they are as scary as he was expecting them to be.
- At the end of the piece of work, the young person reported that he did not want the advocate to stop working with him but said that he understood she had to help other children.
- A social worker stated the independent advocate had been pivotal in getting where they were today in gaining the young person's views regarding everything he had experienced.
- Foster carers stated they were pleased with the service provided to children in their care by NYAS.

### 3. The number of complaints received at each stage

253 statutory social care complaints were received. These were dealt with at stage 1, 2 and 3 of the statutory social care complaints procedure as follows:

Stage	Number of complaints
1	167
2	21
3	5
<b>Total</b>	<b>193</b>

### 4. Which customer groups made the complaint?

The majority of complaints at all stages were made by parents or grandparents of children receiving a service.

#### Stage 1

Who made the complaint	Number	Percentage
Service User	5	3.0%
Relative	146	87.4%
Advocate	8	4.8%
Friend	2	1.2%
Member of public	2	1.2%
Solicitor	1	0.6%
Carer	1	0.6%
Doctor	1	0.6%
Unknown	1	0.6%
<b>Total</b>	<b>167</b>	<b>100</b>

#### Stage 2

Who made the complaint	Number	Percentage
Relative	20	95%
Service User	1	5%
<b>Total</b>	<b>21</b>	<b>100</b>

## 5. Statistical data about the complainants

There were more females than males that made complaints at Stage 1 and Stage 2.

### Stage 1

Gender	Number	Percentage
Male	54	32%
Female	105	63%
Both (joint complaint)	8	5%
<b>Total</b>	<b>167</b>	<b>100</b>

### Stage 2

Gender	Number	Percentage
Male	5	24%
Female	16	76%
<b>Total</b>	<b>21</b>	<b>100</b>

## 6. The Type of complaints made

Complaints are classified against the following key issues: financial issues; information and communication issues; delay/waiting times; quality of service (multiple issues); and staff practice and behaviour.

Stage 1 complaints are increasingly made up of a number of issues. The table below details the categories relating to the key issue of the complaint received at stage 1.

Subject matter	Number	%
Delay/waiting times	1	1
Eligibility	2	1
Financial issues	2	1
Information and communication issues	22	13
Quality of service (multiple issues)	113	68
Staff practice and behaviour	27	16
<b>Total</b>	<b>167</b>	<b>100</b>

36% of all Stage 1 complaints received and closed in this reporting period were upheld or partially upheld. Some complaints were withdrawn or referred to other procedures or organisation. 50% of Stage 1 and 2 complaints that were investigated with an outcome in this reporting period were found to be upheld or partially upheld. This compares to 68% in 2018/19.

The greatest proportion of complaints received related to quality of service, which describes complaints where there are multiple issues. Further analysis of these complaints identifies that their main subject(s) matter broadly falls into the following category or categories:

<b>Subject matter</b>	<b>Number</b>
Communication issue, not receiving updates, minutes or reports	6
Issues relating to contact arrangements	16
Disagrees with, or inaccuracies in, reports, care plan or assessments	13
Financial issues or lack of financial support	3
Disagrees with, or lack of, response, action or support	52
Issue with specific worker or their attitude/manner	16
Information sharing issues	3
Calls not being returned	45
Other dissatisfactions with the service	13

99 of the 113 complaints received relating to quality of service were closed at the time of reporting. 9 (9%) were upheld and 31 (31%) were partially upheld.

- a. The subject area with the most complaints was lack of response, action or support, cited in 52 complaints.

The most common issues in relation to lack of response, action or support were broken down into the following areas:

- Lack of action taken in relation to concerns raised about the care of children
- Perceived lack of help or support provided by the social worker
- Not being listened to

- b. Of the 22 complaints relating to information and communication issues, 21 were closed at the time of reporting. None were upheld and 8 (38%) were partially upheld.

The most common issues in relation to communication were:

- Not being kept up to date about progress and plans for children
- Lack of contact from the social worker
- Not receiving letters, reports or minutes of meetings
- Phone calls or messages not being returned.

## **7. The outcome of the complaints**

### **Stage 1**



Of the 167 stage 1 complaints received, 141 of these complaints have an outcome in this reporting period. 31% of all complaints received and closed in this reporting period were upheld or partially upheld. 45 were not upheld, and 7 were not able to prove or disprove. 13 were refused, and 25 were withdrawn, referred to other procedures or organisations, or incorporated into other complaints.

Of the 103 Stage 1 complaints investigated and closed with an outcome at the time of reporting, 50% were upheld or partially upheld, demonstrating that half of the complaints that were investigated had some validity.

<b>Outcome</b>	<b>Number</b>	<b>%</b>
Upheld	8	8
Partially upheld	43	42
Not upheld	45	44
Unable to prove or disprove	7	7
<b>Total</b>	<b>103</b>	<b>100</b>

## **Stage 2**

Of the 21 Stage 2 complaints requested in this period, 2 were closed in this reporting period. Of these, neither were upheld or partially upheld, and 2 were withdrawn.

<b>Outcome</b>	<b>Number</b>	<b>%</b>
Upheld	0	0
Partially upheld	0	0
Refused	0	0
Withdrawn	2	2
<b>Total</b>	<b>2</b>	<b>100</b>

## **8. Compliance with timescales, and complaints resolved within extended timescale as agreed**

It should be noted that the reported timescales do not take account of the complexity of the complaint, the increasing number of complaints involving court proceedings necessitating legal advice or delays agreed with complainants for a more thorough investigation. The complex nature of the complaints made about Children's Social Care often need a longer period for a thorough investigation.

### **Stage 1 – Timescales and performance**

Complaints should be responded to within 10 working days extended to a maximum of 20 working days.

Of the 103 Stage 1 complaints that have have been fully investigated with an outcome in this reporting period, 30% of complaints have been completed within timescale.

<b>Working Days</b>	<b>No. Completed</b>
0 – 10	12
11 – 20	19
21 – 30	25
31+	47
<b>Total</b>	<b>103</b>

## **Stage 2 – Timescales and performance**

Stage 2 Complaints should be responded to within 25 working days extended to a maximum of 65 working days. Of the 21 stage 2 complaints requested in this period, 19 were open at the time of reporting. 2 were closed, both were withdrawn.

### **9. Complaints considered by the Local Government and Social Care Ombudsman**

The Local Government and Social Care Ombudsman (LGSCO) has authority to investigate when it appears that the Council has not resolved the complaint. Complainants can refer their complaint to the Ombudsman at any time, although the Ombudsman will generally refer all complaints back to the Council, if it has not already been considered under the complaints procedure. In exceptional circumstances however, the Ombudsman will look at things earlier; this is usually dependent on the vulnerability of the person concerned or if significant delay has occurred.

The Ombudsman provides a free service; but must use public money carefully. They may decide not to start or continue with an investigation if they believe:

- It is unlikely they would find fault, or
- It is unlikely they could add to any previous investigation by the Council, or
- They cannot achieve the outcome desired

The LGSCO investigated 12 complaints in this reporting period. 9 were closed at the time of reporting and 2 had a finding of fault.

### **10. The effectiveness of the complaint procedure**

Reporting and monitoring systems are continually reviewed to enable a timely response to complaints and compliance with the guidance.

In addition to reporting to Directors and Senior Managers, regular reports of all active complaints along with timescales are provided to Senior Managers in Children's Social Care. These show an overview of all active complaints; and allows for early resolution of issues as well as identifying where timescales are not being met.

At all stages of the complaints procedure, recommendations can be made, or actions identified, to ensure that learning is embedded as a result of complaints that have been upheld. The implementation of recommendations and actions is monitored to ensure that changes occur to improve service delivery. This ensures that the organisation learns from the feedback and complaints that it receives from the users of the service.

Briefings, information and update sessions are provided as required to ensure that members, staff, foster carers and young people are aware of how to access and respond to the statutory complaints procedure as well as any recommendations and changes to practice.

The Complaints and Customer Relations Team (CCRT) provide ongoing daily advice and support to managers around complaints management and resolution; and responding to representations.

As well as overseeing all representations, the CCRT is responsible for the management and monitoring of contracts for externally commissioned services for statutory functions. These are in place and include:

- Advocacy for children and young people making a complaint
- Independent Investigating Officers for Stage 2 complaints
- Independent Persons for Stage 2 complaints
- Independent Review panellists and Independent Review Panel Chairs for Stage 3 Review Panels.

## **11. Learning from complaints**

Complaints provide invaluable information to identify issues in services and help staff learning to improve services for the future. Where appropriate, learning is incorporated into training to be delivered to Children's Social Care staff.

Lessons are being learned from complaints and improvements to practice, policy or procedures implemented.

Actions taken as a response to Stage complaints that have been upheld or partially upheld fall into three main categories:

1. Remedial action to individual complaints
2. Improving social work practice and delivering training
3. Establishing or changing existing processes, policies or procedures

### **a. Examples of remedial action for individual complaints**

- Apology to complainants where complaints were upheld or partially upheld

- An apology and acknowledgement was given to a complainant in recognition of the lack of consistency in information provided in relation to a Special Guardianship payment, and a backdated payment was made.
- A timetable of contact arrangements was put in place to provide clarity of arrangements.
- Discussions took place with the complainant to complete an assessment and discuss the outcome.
- Opportunities were provided for a complainant to have a meeting with the Independent Reviewing Officer.

**b. Examples of improving social work practice and delivering training**

- Social workers have been reminded of the importance of case recording.
- Learning from Complaints Briefings have been launched to share with staff key messages for practice from complaints and identifying service and practice expectations, links to procedures and practice guidance as well as relevant and available training.

Briefings are sent out electronically and stored within TEAMS to strengthen accessibility; shared within the Social Work Forum, Practice Updates and Managers briefings; and shared with Workforce Development Leads to inform training procurement, delivery and planning.

- In 2020 the Children's Social Care Centre of Excellence Steering Group will take responsibility for strengthening the ways in which the service responds to learning from complaints. Through the Social Work Forum, ASYE practice and reflection workshops, procured training and e learning for staff, the Steering Group will ensure that lessons learned from complaints in more robustly and consistently evidenced in practice improvement plans.
- Complaints training workshops will take place with managers responding to complaints to support new managers and embed the Managers Good Practice Guide to responding to complaints.

**c. Examples of establishing or changing existing processes, policies or procedures**

- A complainant advised that they were dissatisfied with the response they received to their Stage 1 complaint in relation to the level of contact they had had from the investigating manager, and the detail within the written response. The Principal Social Worker has worked with the Complaints Lead Specialists to devise and launch a Managers Good Practice Guide for responding to complaints at Stage 1.

- A complainant raised concerns in relation to the quality of visits by the Supervising Social Worker to their foster carers, and what was discussed and explored with the carers. This finding was shared with the Service Manager and Management Team and supported the decision to complete an audit of each foster carer's file to consider the compliance of carers in regular necessary training; and the quality of intervention and support offered by the Supervising Social Worker.
  
- A complainant raised that their family had not been clear that when Children's Social Care withdrew, the Family Support Worker (who worked for Children's Social Care) would no longer work with their family. A working agreement was devised and introduced to Family Support Workers across Long Term Teams and the Initial Response Service. Family Support Workers now use this working agreement at the start of any involvement – the worker sets out the parameters of their role and involvement, and clearly identifies to the family that the role and involvement of the Family Support Worker will be reviewed by the Team Manager and social worker; and if Children's Social Care withdraw, the Family Support Worker will no longer be involved.

Any queries relating to this report should be sent to:  
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