

Children's Social Care Complaints

**Annual report
April 2018 to March 2019**



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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 2018 to 31 March 2019.

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 83 referrals received for an advocacy service for children and young people. 11 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 reasons for children and young people requesting support from an advocate included:

- Placement issues
- Contact issues
- Certainty over long term plans
- Support to express their views
- Support to make a complaint

Feedback from children and young people using the advocacy service have included the following:

"This helped me incredibly. I don't think I would have been able to do this without you."

"It was nice to speak to someone who wasn't part of the care system."

"Thank you for being my voice and helping me to fight for what is right."

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	218
2	28
3	7
Total	253

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	19	9
Relative	183	84
Advocate	2	1
Friend	2	1
Member of public	1	0.5
Solicitor	1	0.5
Carer	6	2.5
Doctor	1	0.5
Unknown	3	1
Total	218	100

Stage 2

Who made the complaint	Number	Percentage
Relative	28	100
Service User	0	0
Total	28	100

5. Statistical data about the complainants

There were more females than males that complained at Stage 1, and similar numbers of complaints made by males and females at Stage 2.

Stage 1

Gender	Number	Percentage
Male	78	36
Female	136	62
Both (joint complaint)	3	1.5
Unknown	1	0.5
Total	218	100

Stage 2

Gender	Number	Percentage
Male	13	46
Female	14	50
Both (joint complaint)	1	4
Total	28	100

93% of complainants at Stage 2 were from a white British ethnic background, and 7% from other backgrounds.

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	%
Financial issues	6	3
Information and communication issues	50	23
Delay/Waiting times	1	0.5
Quality of service (multiple issues)	126	57
Staff practice and behaviour	29	13.5
Tbc	6	3
Total	218	100

46% of all complaints received and closed in this reporting period were upheld or partially upheld. Some complaints were withdrawn or referred to other procedures or organisation. 68% 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 62% in 2017/178.

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:

Subject matter	Number
Communication issue, not receiving updates, minutes or reports	26
Issues relating to contact arrangements	18
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	44
Issue with specific worker or their attitude/manner	20
Information sharing issues	9
Calls not being returned	15
Other dissatisfactions with the service	41

115 of the 126 complaints received relating to quality of service were closed at the time of reporting. 9 (8%) were upheld and 34 (30%) were partially upheld.

- a. The subject area with the most complaints was lack of response, action or support, cited in 44 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 50 complaints relating to information and communication issues, 41 were closed at the time of reporting. 6 were upheld (15%) and 19 (46%) 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
- Meetings convened at short notice
- 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 218 stage 1 complaints received, 176 of these complaints have an outcome in this reporting period. 46% of the complaints received and closed in this reporting period were upheld or partially upheld. 17 were refused, and 33 were withdrawn, referred to other procedures or organisations, or incorporated into other complaints.

Of the 122 complaints investigated and closed with an outcome at the time of reporting, 66% were upheld or partially upheld, demonstrating that two thirds of the complaints that were investigated had some validity.

Outcome	Number	%
Upheld	16	13
Partially upheld	65	54
Not upheld	38	31
Unable to prove or disprove	3	2
Total	104	100

Stage 2

Of the 28 Stage 2 complaints requested in this period, 14 were closed in this reporting period. Of these 11 (79%) were upheld or partially upheld, and 3 were refused or withdrawn.

Outcome	Number	%
Upheld	0	0
Partially upheld	11	79
Refused	1	7
Withdrawn	2	14
Total	14	100

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 122 Stage 1 complaints that have been fully investigated with an outcome in this reporting period, 33% of complaints have been completed within timescale.

Working Days	No. Completed
0 – 10	16
11 – 20	22
21 – 30	20
31+	64
Total	122

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 28 stage 2 complaints requested in this period, 11 complaints were investigated and closed with an outcome at the time of reporting. The average timescale was 170 working days.

	No. Completed	%
0-25	0	0
26-65	0	0
66+	11	100
Total	11	100

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 6 complaints in this reporting period. 2 had a finding of fault.

10. The effectiveness of the complaints 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 complainant
- Review and/or reimbursement of charges
- Establishing or changing existing processes, policies or procedures

b. Examples of improving social work practice and delivering training

- April 2019 Children's Social Care Briefing Note for staff shared recommendations relating to social work practice that had been made following complaints received in the previous 12 – 18 months. Examples include: access and referral procedures to the Children with Disabilities Team; ensuring accuracy of data held on electronic records; and reminders of procedures for case closure and transfers.
- Recruitment processes and induction have been reviewed to ensure that consistent key messages are shared with Newly Qualified staff and those new to the Authority.
- Social workers have been reminded of the importance of case recording to show the child's journey. Case File Learning Tools now have a keener focus on a child's lived experience and the importance of this being evidenced.

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

- Newcastle's Child Arrangements Order Policy and guidance has been reviewed, including eligibility criteria, means testing and application process.
- Escalation processes have been reviewed with Business Support where calls from social workers or managers have not been returned.