

Telford & Wrekin Council Children's Statutory Complaints Report

Improving our Customer Experience
Annual Report 2020/21

Protect
Care and Invest
to create a
better borough



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Purpose of the report

To report statistical information to Members and Officers detailing Telford and Wrekin Council's Children's Social Care complaints and compliments activities from 1 April 2020 to 31 March 2021

To provide an open resource to anyone who wishes to scrutinise local services

To outline the key developments and planned improvements to the complaints processes operated by the Council

To consider how the learning from complaints and compliments can be used to improve the overall customer experience

Introduction

This Annual Report covers all complaints made about Children's Social Care that were received by the Customer Relationship team and dealt with under the statutory complaints procedure during the period 1 April 2020 to 31 March 2021.

The 2006 Social Care complaints guidance 'Getting the Best from Complaints' (Department for Education and Skills (DFES), 2006) requires that an Annual Report be arranged by a local authority's Complaints Manager to provide a mechanism by which it can be kept informed about the operation of its complaints procedure. The report should be presented to staff, the relevant local authority committee, and be made available to both the regulator and general public. It should provide details about:

1. Representations made to the Council
2. The number of complaints at each stage
3. The types of complaints made
4. The outcome of the complaints
5. Compliance with timescales, and detail complaints resolved within extended, agreed timescales
6. Complaints that were considered by the Local Government & Social Care Ombudsman
7. A review of the effectiveness of the complaints procedure
8. Learning and service improvements, including changes to services that have been implemented and details of any that have not

Please see the Appendix for details of the legislation and procedure.

Highlights for 2020/21

Children's Social Services recorded 11,044 contacts in 2020/21, with approximately 5,688 children and young people being the subject of contacts (multiple contacts were received for some children and young people). Family Connect recorded 9,621 completed contacts in 2020/21.

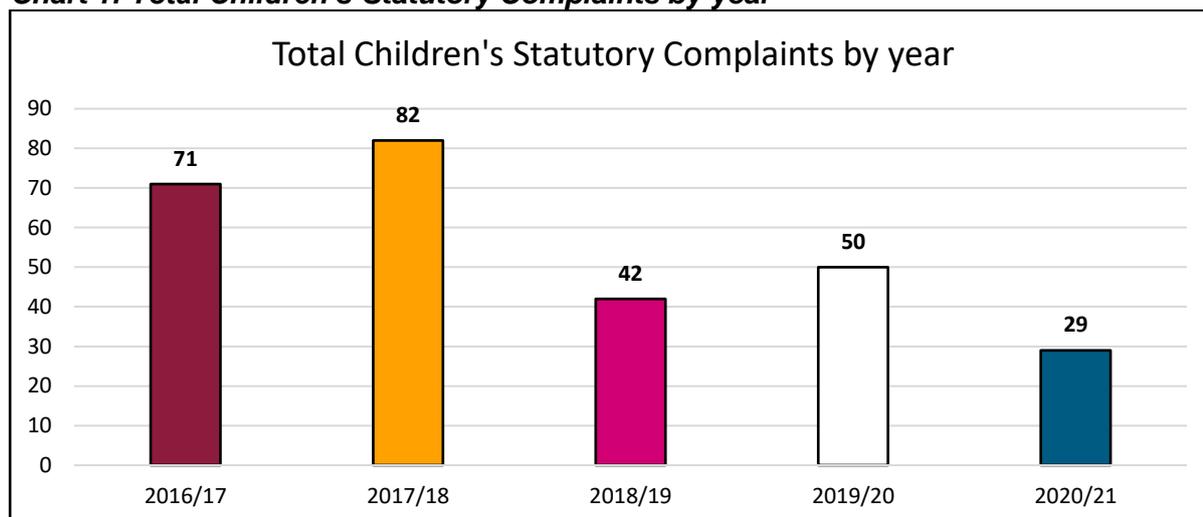
The lowest number of Children's Statutory Complaints received for the last SIX years	Improved processes for handling complaints, including six-weekly meetings, Director reviews and complaint training for all managers	100% of responses issued within 20 working days*	The average number of days to respond to complaints has improved to 17*
		<small>*since November 2020</small>	<small>*since November 2020</small>

Children's Statutory Complaints received in 2020/21

We received 29 Children's Statutory Complaints between 1 April 2020 and 31 March 2021. The number of complaints received in 2020/21 decreased by 42% compared to 2019/20.

The period saw the lowest number of Children's Statutory Complaints received over the past five years. The chart below shows a comparison of the number of statutory complaints over the past five years.

Chart 1: Total Children's Statutory Complaints by year



The 29 complaints were all dealt with at Stage One, with only seven progressing to an independent Stage Two investigation. Three complaints remain outstanding.

Stage	Number of complaints
One	29
Two	4
Three	0
Total	33

Of the 29 Stage One complaints received, 28 were completed during the period. Four Stage Two complaints were received and independently investigated, one of which is still in progress. No Stage Three Panels were completed in 2020/21.

Contact types

Children's Statutory Complaints were received from the following in 2020/21:

Complainant	Number of complaints
Parent/carer	17
Child/young person	7
Foster carer	1
Other family member	2
Advocate/representative	2
Total	29

Seven complaints were received directly from children and young people in 2020/21. This represents 24% of the total complaints and an increase on the 10% achieved in 2019/20.

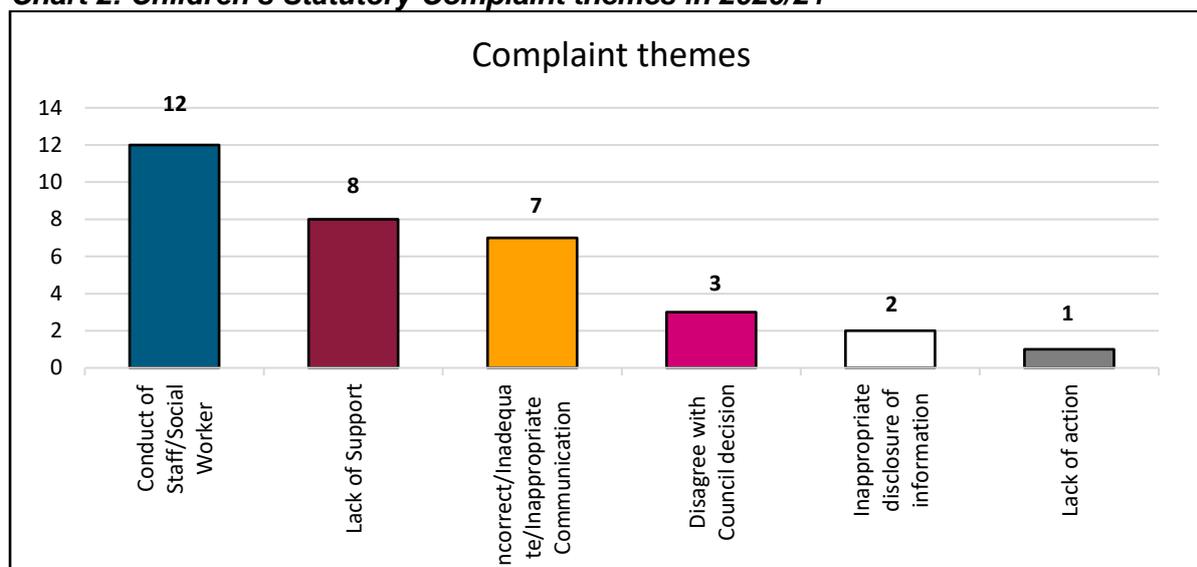
Customer access channels and digital contact

Complainant channel	Number of complaints
Email	14
Webform	7
Telephone	5
Letter	3
Total	29

In 2020/21, 72% of Children's Statutory Complaints were received via a digital access channel, including via our online complaints webform and by email directly to the Customer Relationship team.

Complaint themes

Chart 2: Children's Statutory Complaint themes in 2020/21

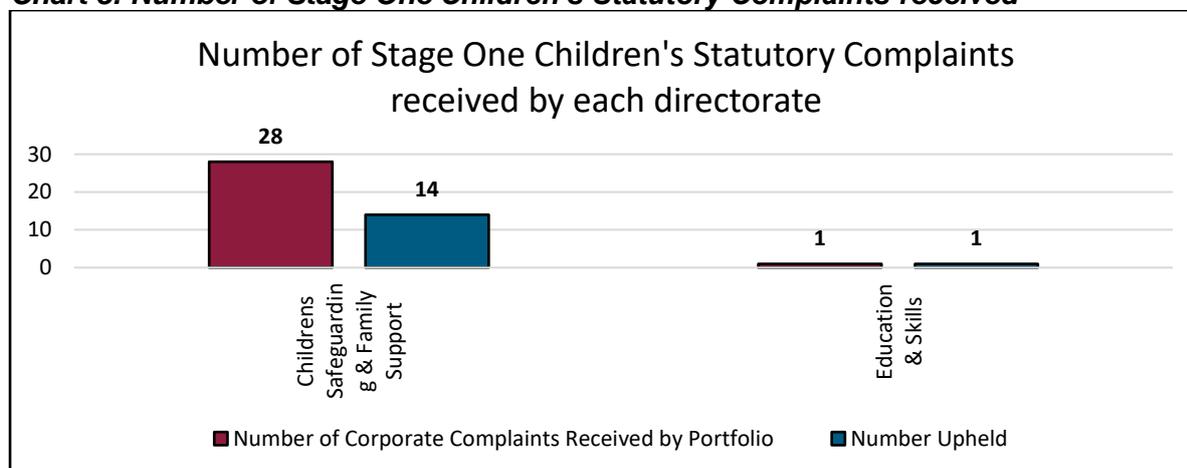


Most of the themes are self-explanatory and give a clear idea about the aspects of our work that received complaints.

Complaints received by directorate

The chart below details the statutory complaints received by each directorate against the number subsequently upheld.

Chart 3: Number of Stage One Children's Statutory Complaints received

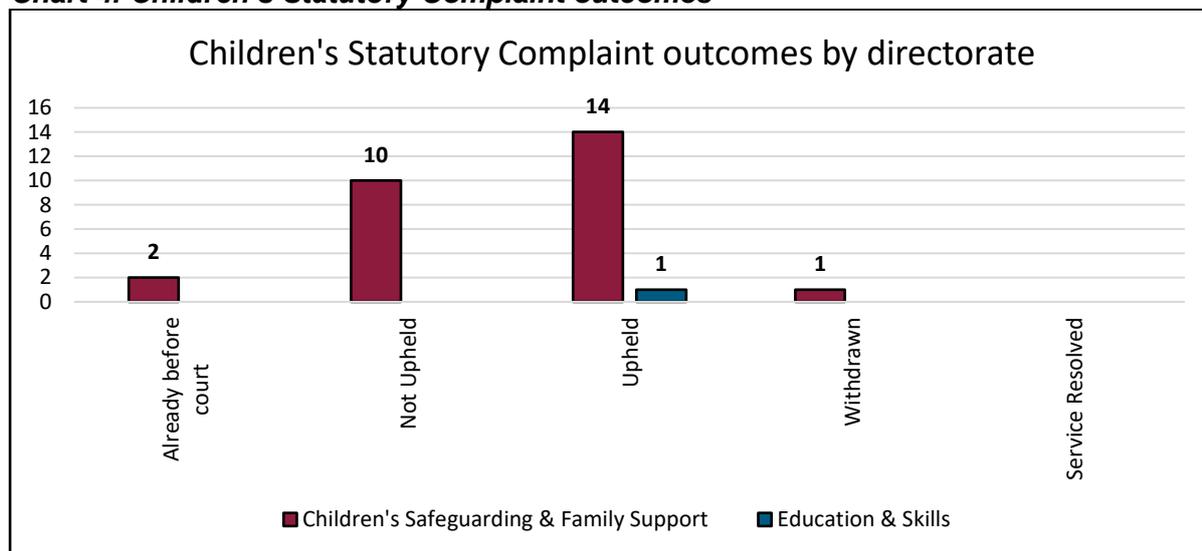


The number of upheld complaints against number received for Children’s Safeguarding & Family Support was 50%. Education & Skills saw 100% upheld; however, this directorate only received one complaint in 2020/21.

Of the Children’s Statutory Complaints received, 15 were upheld, ten were not upheld, one was withdrawn and two were not dealt with as complaints as they were already before the court. One was referred to the Joint Adoption Service.

The chart below shows the outcomes and a breakdown by directorate of all complaints for Children’s Social Care.

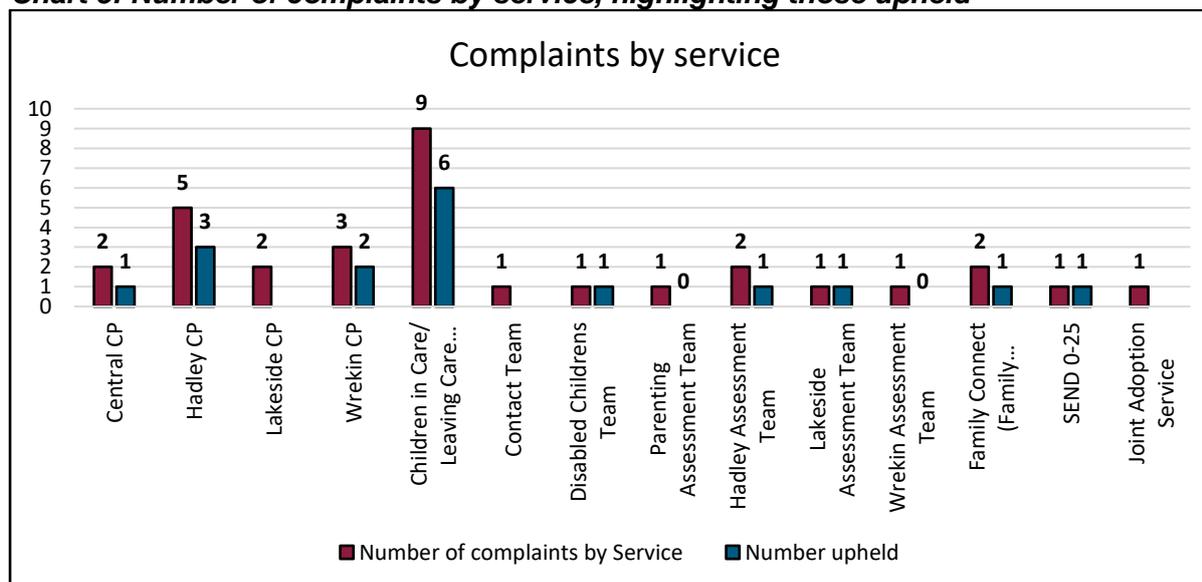
Chart 4: Children’s Statutory Complaint outcomes



Of the 29 complaints completed, 51% (15) were upheld, 34% (24) were not upheld and 10% (3) were dealt with via another method.

The chart below includes the number of complaints received by each service. Please note that the number of complaints detailed below is higher than the overall total because certain complaints had multiple issues raised with different teams. This chart seeks to show all the services against which issues were raised, meaning that an individual complaint may be counted multiple times within it.

Chart 5: Number of complaints by service, highlighting those upheld



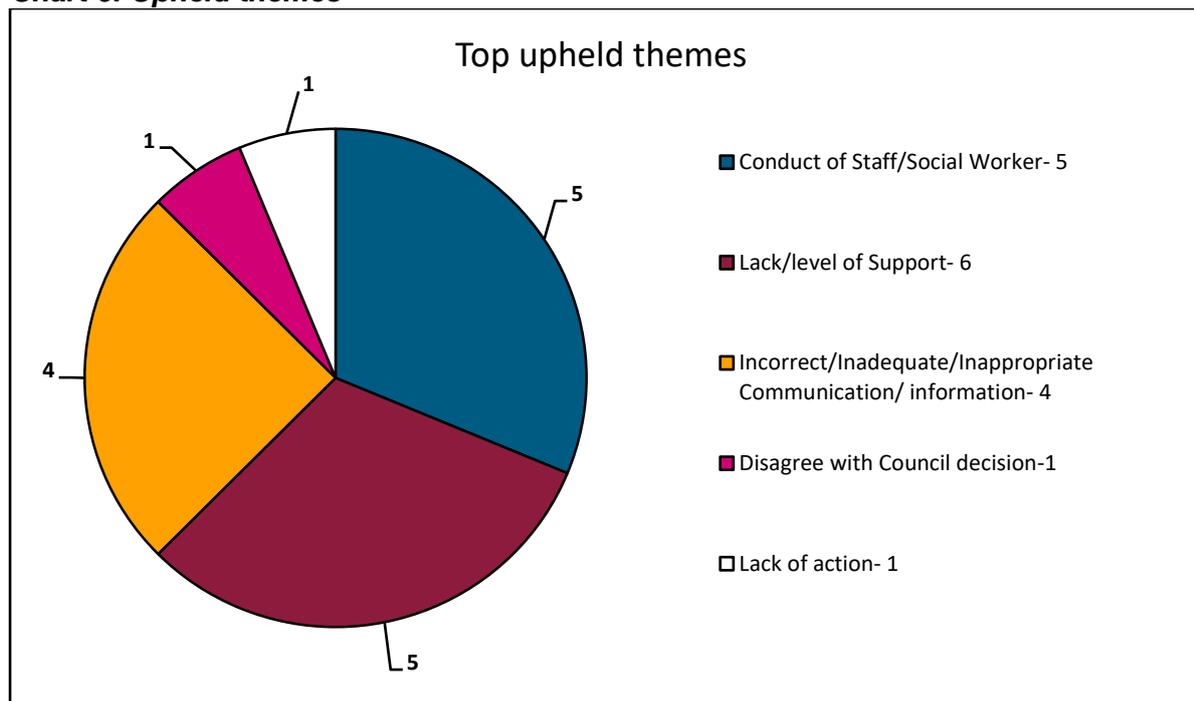
The most upheld complaints were in the Children in Care/Leaving Care service, where nine complaints were received and six of them upheld.

12 complaints in total were received for our Child Protection (CP) and Family Support Child Protection teams, six of which were upheld.

Themes of upheld complaints

Of the upheld statutory complaints, the top themes raised were as detailed in the chart below.

Chart 6: Upheld themes



The above categories are self-explanatory and give a clear indication of the overall areas of our service or aspects of our work that had the most upheld complaints. This indicates that 65% of upheld complaints related to either the conduct of staff/social workers or the lack/level of support received from them. This covers a variety of concerns, including staff behaviour and attitude. These concerns related to the disclosure of information, a lack of social worker contact or support provided by a staff member, a lack of signposting, the lack of a stable social worker and a lack of understanding from staff regarding a complainants situation.

Individual management reports are shared with service managers on a regular basis, which allows for greater analysis and interpretation of the data.

Timescales for responses

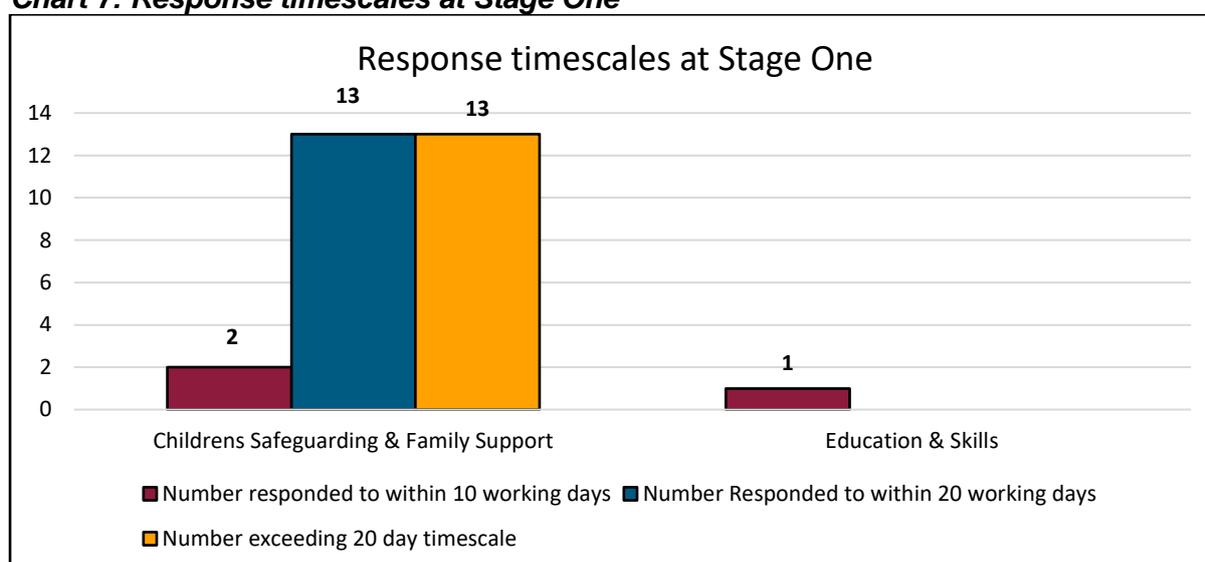
Our Children’s Statutory Complaints Policy has been written in line with The Children Act 1989 Representations Procedure (England) Regulations 2006, which outline how Children’s Statutory Complaints should be handled and the three stages involved.

Stage One should be an opportunity to resolve the complaint at service level and be done within ten working days. This may be extended to 20 working days in exceptional circumstances and with the prior agreement of the complainant.

Stage Two is an independent investigation that should be completed within 25 working days. This may be extended to 65 working days in more complex cases.

Stage Three is a Panel where the investigations at Stage One and Stage Two are reviewed.

Chart 7: Response timescales at Stage One



Of the 28 complaints that were completed in the Children’s Safeguarding & Family Support portfolio, two were responded to within the ten working day timescale and 13 were completed within the 20 day extended timescale. 13 complaints exceeded the extended 20 working day timescale, which equates to 55% of the 29 total complaints being responded to in accordance with the regulations.

The average number of days to respond in Children’s Safeguarding & Family Support was 24, which is an improvement on the 25 days achieved in 2019/20 and 26 days in 2020/21.

Children’s Social Care complaints are complex and this can impact on timescales. Information may also need to be sought from partner agencies, which can also add to the timescales ultimately achieved. Furthermore, the COVID-19 pandemic has impacted on the ability of complainants to meet with investigators.

Please note: Since November 2020, new procedures have been put in place to improve timescales within Children’s Safeguarding & Family Support. Complaints are now RAG (red, amber, green) rated and copied to the Director. The Director is also copied into progress chases. Six-weekly meetings now also take place with Directors to review all outstanding cases and learning. Complaint training was also given to managers and team leaders in the last quarter of 2020.

As a result of the improvements since 1 November 2020, the average number of days to respond to complaints has reduced significantly to 17 for Children’s Safeguarding & Family Support, with 100% of complaints during this period being responded to within the 20 working day extended timescale. The full impact of these positive changes will not be seen until our report for 2021/22.

The complaint for the Education & Skills Portfolio was responded to within ten working days, in accordance with the statutory timescales.

The average timescale for all Stage One Children’s Statutory Complaints was 23 working days, which exceeded the timescales outlined in the regulations. This was an increase on the 22 days achieved in 2019/20. However, it was an improvement on the 25 days achieved in 2018/19.

Please note: As an authority, we should be ensuring that we meet the statutory requirements when responding to complaints. However, it must be noted that 2020 was an unprecedented year, during which the Council had, and continues to respond to the COVID-19 pandemic. This has had an impact on our ability to respond to complaints within timescales, as officers have sometimes been assigned to alternative roles and duties. During this time, complainants were constantly updated regarding the progress of their complaints and when a response would be available.

Whilst the number of days to respond to Children’s Statutory Complaints increased, the Council is pleased that this increase was not significant.

As mentioned above, procedures have been put in place since November 2020 to ensure that complaints are now responded to in a timelier manner.

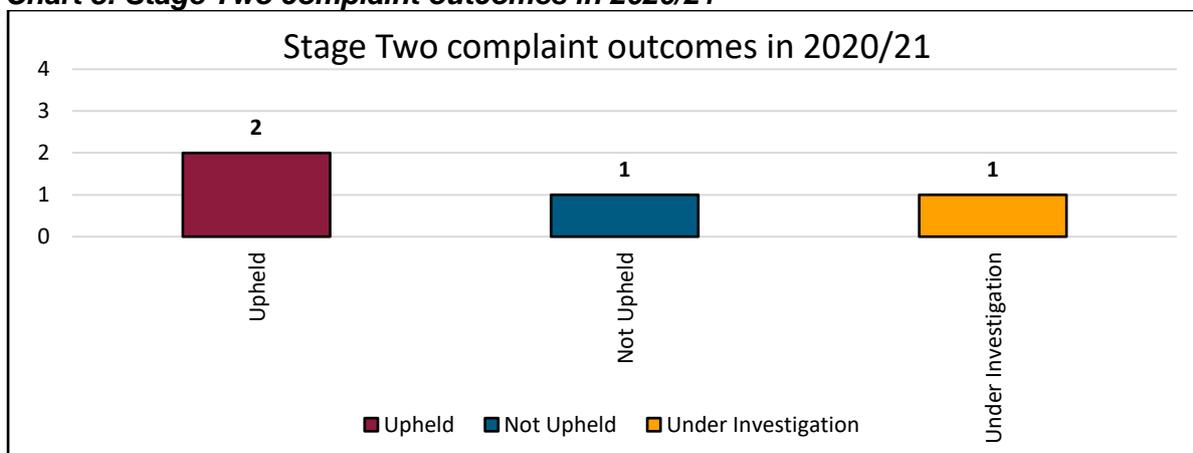
Overall in 2020/21, 55% of complaints were responded to within the statutory timescale of 20 working days and 10% were responded to within ten working days.

Improvements since November 2020 have since seen 100% of responses issued within 20 working days.

Statutory Stage Two complaints in 2020/21

During 2020/21, four (14%) statutory Stage One complaints progressed to Stage Two of the process.

Chart 8: Stage Two complaint outcomes in 2020/21



All Stage Two complaints were for the Children's Safeguarding & Family Support portfolio. There is one Stage Two complaint currently being investigated.

The upheld complaints related to a disagreement with a council decision concerning the actions taken following an allegation about a foster carer, and also the level of support provided by social workers when an application was made for disability-related benefits.

Both upheld complaints were resolved at Stage Two of the procedure.

There was a decrease in the number statutory Stage Two investigations in 2020/21, these being investigated by the use of Independent Persons.

The average number of days to complete a Stage Two investigation was 66, which was an increase on the 37 day average achieved in 2019/20.

Please note: The timescales for Stage 2 investigations were directly impacted by the COVID-19 pandemic and the availability of complainants to meet with investigators. One particular complaint was extremely complex and involved reviewing documentation spanning a number of years.

There were no Stage Three panels in 2020/21.

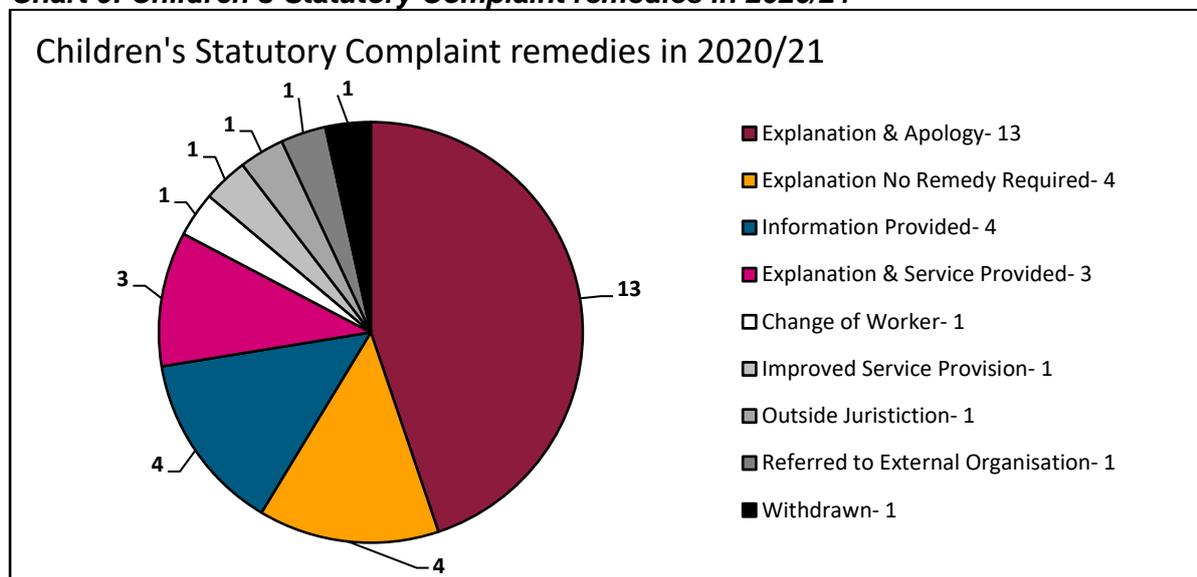
Learning and outcomes from Children's Statutory Complaints

Complaints are a valuable source of information that can help to identify recurring or underlying problems and potential improvements. We know that numbers alone do not tell us everything about attitudes towards complaints and how they are responded to locally. Arguably, it is of greater importance to understand the impact that complaints have had on people and to learn the lessons from them to so as to improve the experience of others.

Lessons can usually be learned from complaints that were upheld, but also in some instances where no fault was found but the Council recognises that improvements to services can still be made.

Occasionally, during the course of an investigation, issues will be identified that need to be addressed over and above the original complaint. The Customer Relationship team will then work with services to ensure that they see the “bigger picture” so that that residents receive the best possible service from the Council. The Customer Relationship team will continue to provide daily advice and support to managers around complaints management and resolution, and with responding to representations.

Chart 9: Children’s Statutory Complaint remedies in 2020/21



Of the remedies recorded against Children’s Statutory Complaints in 2020/21:

- 45% were to provide an explanation and apology
- 14% were to provide an explanation and no remedy was required
- 14% were to provide information
- 10% were to provide an explanation and a service was provided

Positive improvements

Throughout the year, we record the learning identified from each complaint in order to build up a picture of common themes or trends. Learning from corporate complaints is considered alongside that from statutory complaints as part of our quality assurance activities.

Below are examples of positive changes that have resulted from learning from complaints:

- Individual remedies have been completed concerning support plans and working agreements, assessments and contact
- Additional training has been given to ensure high standards of record management
- Changes in management and team structure have allowed a change of focus, particularly regarding placement experiences
- Improved life story work
- The working relationship between fostering and social work teams has been improved. Lines of responsibility are clearer and communication has also been improved with the Local Authority Designated Officer . Associated strategy meetings are now held more routinely

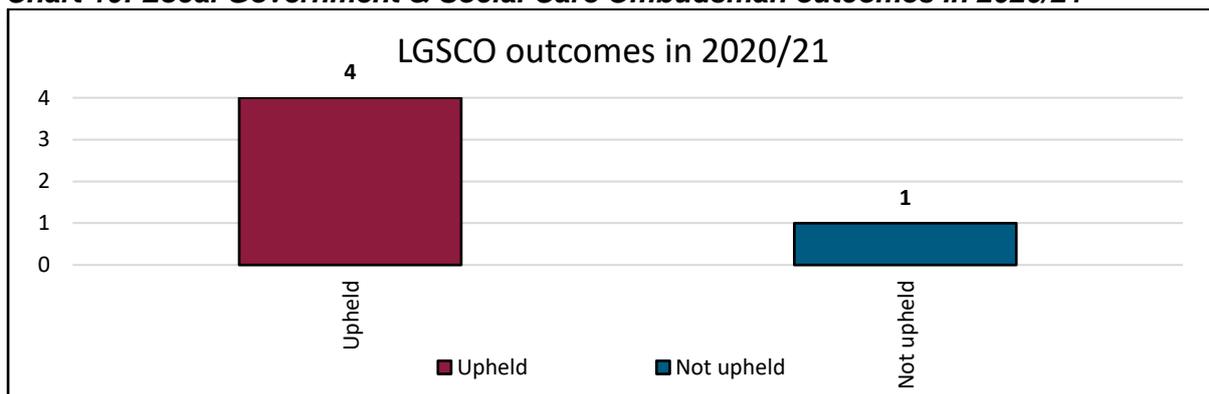
- Officers have been reminded of the expectation that minutes of meetings are provided
- We are now using Parent & Baby placements more consistently, with high levels of wraparound support given to parents during the mental health assessment process
- We have specific support workers that deal with victims of domestic violence. High levels of training and development have been given to social workers around the impact of domestic violence so that the appropriate support can be offered to survivors
- We have reviewed our Allegations Policy for foster carers and resolved inconsistencies with other procedures in respect of actions to be taken by the Council following allegations about people in a position of trust
- Our review processes have been updated to ensure that questions around a child's entitlement to disability benefits are included in Child in Care reviews. In Long Term Matching meetings, this will also be considered if a child has additional needs

Complaints made to the Local Government & Social Care Ombudsman

The Local Government & Social Care Ombudsman (LGSCO) has the authority to investigate complaints when it appears that our own process has not resolved them. Complainants can refer their complaint to the LGSCO at any time, although the Ombudsman will generally refer them back to us if they have not been through our process first. In exceptional circumstances, the Ombudsman will look at things earlier; this usually being dependant on the vulnerability of the person concerned.

Five Children's Statutory Complaint cases remained open with the LGSCO on 31 March 2020. Decisions on these cases were received in 2020/21. No further cases were escalated to the LGSCO in 2020/21.

Chart 10: Local Government & Social Care Ombudsman outcomes in 2020/21



The Council fully complied with the recommendations made by the LGSCO, and learning was taken forward to improve practices in relation to review meetings, administration for child protection conferences, complaint handling, and adoption procedures and reports.

Concluding comments

This Annual Report shows that the number of Children's Statutory Complaints we received in 2020/21 decreased from the previous year. Our services continue to result in a low number of complaints at a time when there have been major reductions in government funding for local authority service provision. Despite this financial backdrop, the Council continues to manage complaints well and is committed to putting right anything that has gone wrong.

Response times were inevitably affected by the pandemic in 2020/21, when many councils moved staff to other duties in order to respond to it. Whilst timescales did increase during the period, despite this context, there was not a significant impact - with Children's Statutory Complaints only taking, on average, one day longer to respond to.

We also took the opportunity to review our handling of complaints, with training being provided to staff and processes amended in an effort to improve performance going forward. This resulted in a significant improvement in the last two quarters of 2020/21.

The Customer Relationship team continued to update complainants concerning any delays or extended response timescales. They also continued to work with services to further improve on the timescales achieved.

In 2021/22, the Customer Relationship team will carry on working with services to ensure that the percentage of responses sent within statutory timescales improves from the 55% achieved in 2020/21.

Recommendations

Our recommendations for this financial year are:

- When completing a complaint investigation and response, services should assess whether any element of the customer journey could have been improved, even if this does not form part of the complaint. i.e. Could improved communication have prevented the customer's concerns being escalated to a formal complaint?
- It is recognised that delays maybe occurring due to social worker availability. Ideally however, case notes should be sufficiently detailed to allow others to respond in their absence.
- Services should continue to ensure that they are prioritising complaints and responding within the stated timescales. If there are unforeseen delays, the Customer Relationship team should be notified immediately so that we can notify the customer and advise them of the date they should expect their response.
- Officers were delayed in provided comments when reviewing interview notes from a Stage Two investigation. Comments were only provided once the draft report was submitted, causing a delay and additional work for the investigator. Stage Two investigations are completed by Independent Investigators, often from outside the Council, therefore responding to this information should be prioritised.

Children's Safeguarding & Family Support and Education & Skills are developing a service level complaints guide, which will cover guidance and expectations for communication with complainants, and also timescales and extension arrangements. There is now also an expectation that all complainants to Children's Social Care are either met face-to-face or spoken with by phone before their response is sent. This is so that its full details can be discussed with them.

Oversight and support provided by the Customer Relationship team

The Customer Relationship team continues to support Service Areas to both manage and learn from complaints. The key services they offer are:

1. Complaints advice and support
2. Quality assurance of statutory complaint responses
3. Act as a critical friend to challenge service practice
4. Support with persistent and unreasonable complainants
5. Assistance in drafting comprehensive responses to complaint investigations
6. Continue to escalate overdue complaints to Directors

Customer Relationship team priorities for 2021/22

During 2021/22, the Customer Relationship team will focus on a number of key priorities:

- Obtaining Cabinet approval for the updated Children's Statutory Complaint Policy and Child Friendly Policy
- Helping to improve the Council's record of timely complaint responses
- Continuing to improve and add to the resources available to managers when responding to complaints and other correspondence, while encouraging self-help
- Working with services to develop an investigation template, and providing a complaint workshop covering complaint procedures and how to both investigate and respond to complaints
- Providing complaint data to senior management on a monthly basis, as part of corporate monitoring
- Working to maintain low levels of maladministration findings by the Local Government & Social Care Ombudsman
- Continuing to provide a quarterly and monthly reporting dashboard of performance data to senior management so that improvement can be driven forward continuously during the year

Appendix

Legislation

The Children Act 1989 Representations Procedure (England) Regulations 2006 underpin 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 must follow when a complaint is made.

The Children's Statutory Complaints Procedure is a three stage process. Stage One is where complaints are investigated at service level, Stage Two is where an independent investigation takes place and Stage Three is where a Panel of Independent Persons will review the investigations undertaken at Stage One and Stage Two.

The Corporate complaints process is used for anyone else who makes a complaint.

What is a complaint?

We define a complaint as:

'A statement, written or verbal, which expresses dissatisfaction about any aspect of the social services provided by or on behalf of the Service Delivery Units responsible for services to children.'

The purpose of a complaints process is to resolve concerns raised by service users and their representatives, to deliver outcomes that are appropriate and proportionate to the seriousness of the issues, and to ensure that changes are made in response to any failings that are identified.

To achieve this, the approach to handling complaints must incorporate the following elements:

- Engagement with the complainant or representative throughout the process
- Agreement with them about how the complaint will be handled
- A planned, risk-based and transparent approach
- Commitment to prompt and focussed action to achieve the desired outcome
- Commitment to improvement and the incorporation of learning from all complaints

A complaint must be made within 12 months of the event complained about, or when the customer became aware of the matter/ event. Nevertheless, the Council has the discretion to waive this time limit if:

- It would not be reasonable to expect the complainant to have made the complaint sooner, and
- It is still possible to deal with the complaint effectively and fairly

Who can make a complaint?

A complaint may be made by:

- Children or young people who are receiving, or have received, services provided by the Council, or are entitled to receive such a service because they are looked after by the Borough, or because they are deemed to be 'in need', as defined by the Children Act 1989
- People who have parental responsibility for these children and young people
- Advocates and representatives of any of the above children and young people (providing that it has been established, as far as possible, that the advocate or representative is reflecting the child's or young person's own wishes)
- Foster carers who want to comment or complain about the service being provided to a child or young person for whom they are caring
- Any other person, providing that they are deemed to have sufficient interest in the child's or young person's welfare to justify the Council considering the complaint

Complaints may be received through a variety of media (phone, letter, email, feedback form, personal visit, etc.) and at various points within the Council (to staff members, via respective web addresses, direct to the Customer Relationship team, etc.).

The Children's Statutory Complaints procedure of Telford and Wrekin Council

When a complaint is first received, the Customer Relationship team will carry out an initial assessment of it to determine its issues, severity and potential impact, and to identify any other organisations that maybe involved.

Whenever a complaint is received from a child or young person, the Customer Relationship team will notify the Rights & Representations Service of the need to offer the complainant an advocacy service within the remit of the 2004 Advocacy (Services & Representations) Regulations. A child or young person whose complaint is being considered within this procedure is entitled to advocacy services throughout the process. Subject to the approval of the child or young person, all correspondence with regard to the complaint will be copied to the advocate, who will be entitled to accompany the complainant at any meeting or interview about the complaint they attend.

When someone contacts the Customer Relationship team to make a complaint, they will acknowledge their complaint within two working days. The Customer Relationship team will then pass details of the complaint to the appropriate Service Delivery Manager.

We aim to respond to all Stage One Children's Statutory Complaints within ten working days. However, due to the nature and complexity of some issues, it may take longer, and - in agreement with complainants - the timescale may be longer (subject to a maximum of 20 working days).

When the investigation is complete, the manager concerned will write a letter explaining what they have found and will do to put things right.

If the complainant is not happy with the response or how we have dealt with their complaint, they can request that it is considered at Stage Two of the procedure, where it will be investigated by an independent investigator.

Following this investigation, the findings will be sent to the complainant, at which point they may request that the investigations undertaken at Stage One and Stage Two are reviewed at Stage Three by a Panel.

Following the Panel meeting, if the customer is not happy with the final decision or how we have dealt with their complaint, they can refer the matter to the Local Government & Social Care Ombudsman (LGSCO).