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Care and Invest  
to create a  
better borough**



**Telford & Wrekin  
C O U N C I L**

# **Children's Statutory Complaints Annual Report 2019-20**

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## 1. Purpose of Report

To report statistical information to Members and Officers detailing Telford and Wrekin Council's Children's Social Care complaints and compliment activity from 1 April 2019 to 31 March 2020.

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 some of the learning from complaints and compliments can be used to improve the overall customer experience.

## 2. Introduction

This annual report covers all complaints made about Children's Social Care, which are received by the Customer Relationship Team 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 details about;

- Representations made to the Local Authority
- The number of complaints at each stage
- The types of complaints made;
- The outcome of complaints
- Compliance with time scales, and complaints resolved within extended timescales as agreed.
- Complaints that were considered by the Local Government Ombudsman;
- A review of the effectiveness of the complaints procedure. Learning and service improvements, including changes to services that have been implemented and details of any that have not been implemented.

## 3. Context

### Legislation

The Children Act 1989 Representations Procedure (England) Regulations 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.

The Children's Statutory complaints procedure is a three stage process, stage one where complaints are investigated at service level, Stage two where an independent investigation will take place and Stage three which is a panel of independent persons who will reviewed the investigations 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 which are appropriate and proportionate to the seriousness of the issues and to ensure that changes are made in response to any failings which 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 him/her about how the complaint will be handled
- A planned, risk-based and transparent approach
- Commitment to prompt and focussed action to achieve desired outcomes
- Commitment to improvement and the incorporation of learning from all complaints.

A complaint must be made no later than 12 months after; nevertheless, the Council has 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 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 s/he is deemed to have sufficient interest in the child’s welfare to justify the Council in 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 organisation (to staff members, via the respective web addresses, direct to the Customer Relationship Team).

## **Children's Statutory Complaints Procedure in Telford and Wrekin Council**

When a complaint is first received, the Customer Relationship Team will carry out an initial assessment of the complaint to determine the issues, the severity and the potential impact and to identify any other organisations that may be 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/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/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, which the complainant attends.

When someone contacts the Customer Relationship Team to make a complaint, we acknowledge their complaint within 2 working days. The Customer Relationship Team will pass details of the complaint to the appropriate Service Delivery Manager.

We aim to respond to all Children' Statutory Stage One complaints within 10 working days, because of the nature and complexity of some issues it may take longer, and in agreement with complainants the time scales may be longer (subject to a maximum of 20 working days).

When the investigation is complete, the manager will write a letter explaining what they have found and what they 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 their complaint is considered at Stage two of the procedure where the complaint will be investigated by an independent investigator.

Following the investigation the findings will be sent to the customer at which point they may request that the investigation at stage one and stage two is reviewed at stage three by a panel.

Following the panel 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 and Social Care Ombudsman (LGSCO).

### **Children's Social Services Interactions in 2019/20**

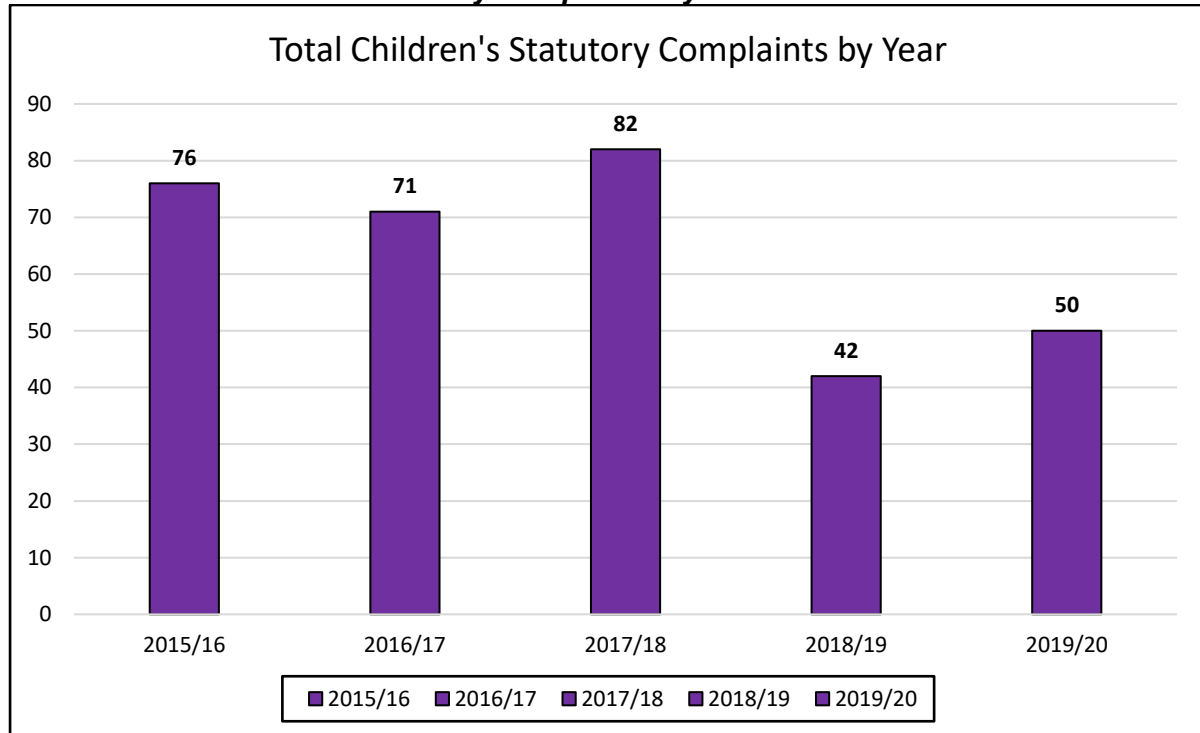
Children's Social Services recorded approximately 13,074 contacts in 2019/20, with nearly 6,500 children and young people being the subject of contacts (multiple contacts were received for some children and young people).

Family Connect recorded 11,579 contacts in 2019/20.

## 4. Children’s Statutory Complaints 2019/20

We received 50 Children’s Statutory complaints between 1 April 2019 and 31 March 2020, in 2018/19 we received 42, 2017/18 we received 82 and in 2016/17 we received 71. The number of complaints received in 2019/20 has increased slightly by 26% from 2018/19. It is good to see that the increase has not reached the numbers received in 2017/18. The table below shows comparisons of the number of statutory complaints over the past five years.

**Table 1: Total Children’s Statutory Complaints by Year**



The 50 complaints were dealt with at Stage One, with only seven progressing to an independent stage 2 investigation. Three complaints remain outstanding.

Stage	Number of Complaints
1	50
2	7
3	0
<b>Total</b>	<b>57</b>

Of the 50 Stage One complaints received 47 were completed during the financial year. Seven Stage Two complaints were received and sent to independent investigation all are completed.

No Stage Three panels were completed in 2019/20. Two requests were received however both were refused as they did not add any further value as errors had already been identified and acknowledged.

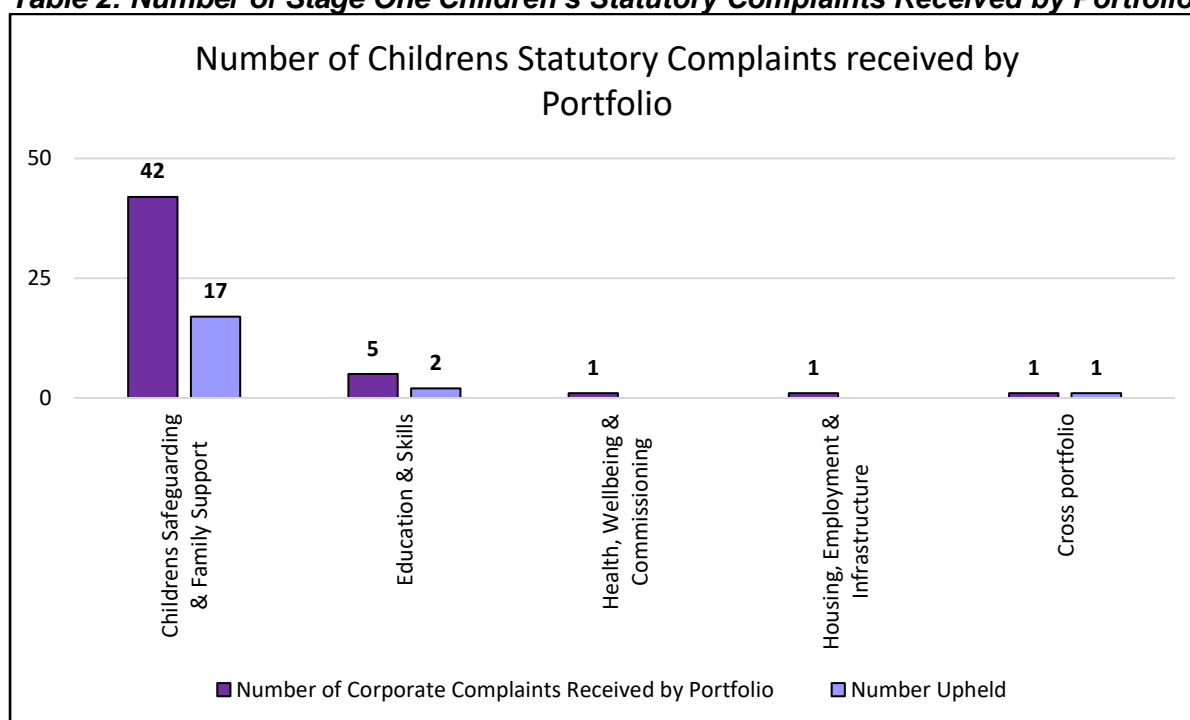
Statutory Children's Complaints were received from the following in 2019/20;

Complainant	Number of Complaints
Parent/ Carer	36
Child/ Young Person	5
Young Person/ Care Leaver	2
Foster Carers	2
Other Family Member	4
Advocate/ Representative	1
Other Professionals	0
Children and Young Peoples Social Workers	0
<b>Total</b>	<b>50</b>

5 complaints were received directly from children and young people this is 10% of the overall complaints received. Work has been carried out during 2019-20 to review the literature available for Children and Young Persons to ensure that the complaints process is easily understood. The amendments that have been made will be available in 2019/20 once approved and it is anticipated that this will further increase the accessibility of the complaint procedure.

The table below details the statutory complaints received by portfolio, against number upheld.

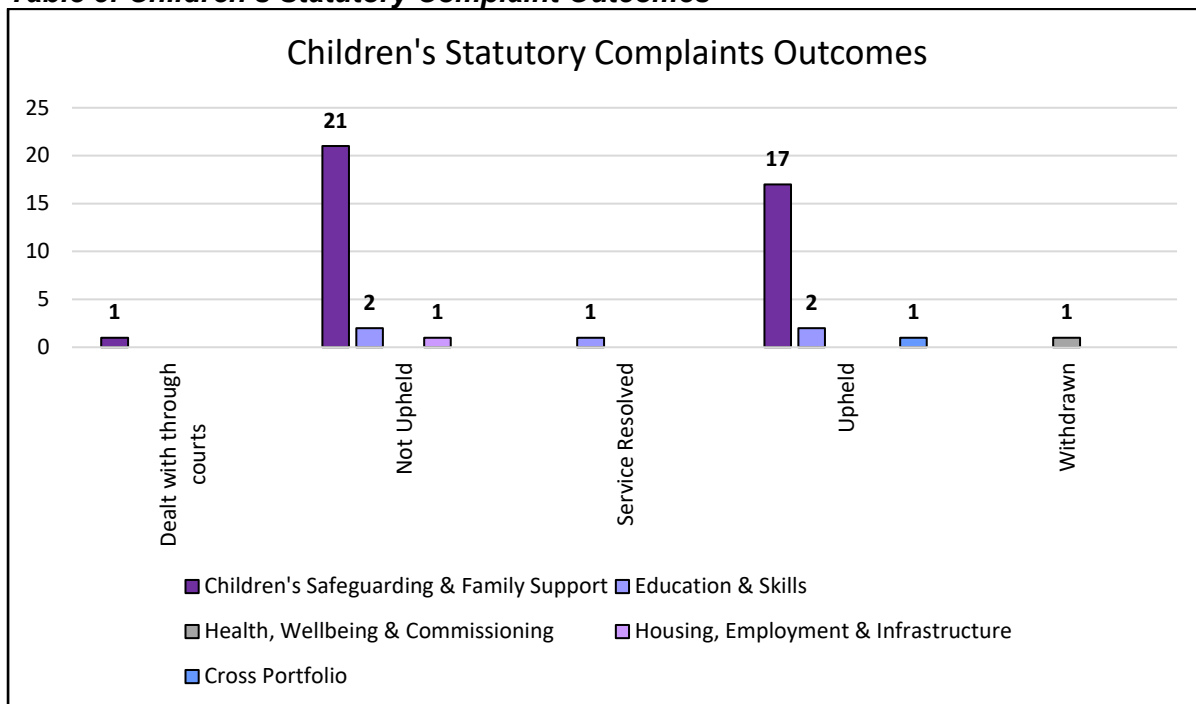
**Table 2: Number of Stage One Children's Statutory Complaints Received by Portfolio**



The number of upheld complaints against number received for Children's Safeguarding & Family Support is 40%. Education & Skills saw 40% of their complaints upheld.

Of the Child Statutory Complaints received 20 were upheld and 24 were not upheld, 1 was withdrawn and 1 was resolved by the service. The table below shows the outcomes and a breakdown by portfolio of all complaints for Children's Social Care.

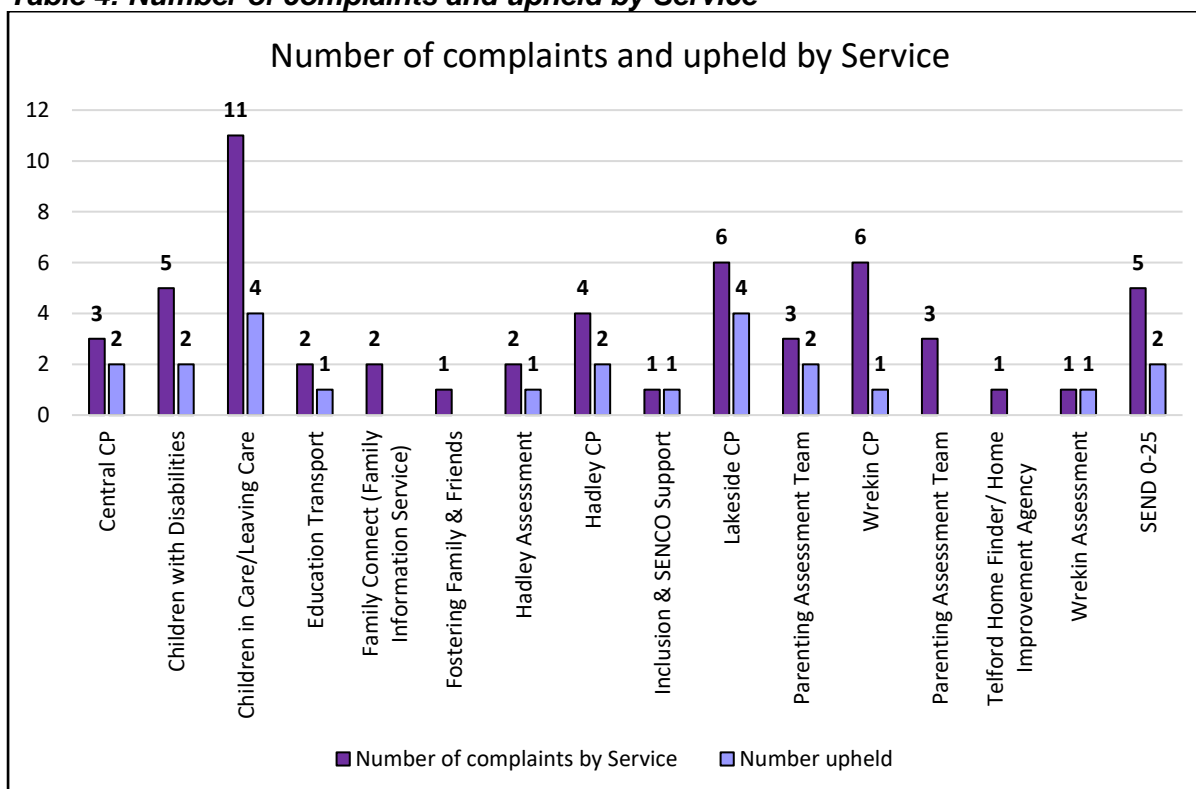
**Table 3: Children's Statutory Complaint Outcomes**



Of the 47 complaints completed, 43% (20) of the complaints were upheld, 51% (24) were not upheld and 6% (3) were dealt with via another method.

The table below includes the number of complaints received by each service. Please note that number of complaints detailed below is higher than the overall total because individual complaints may have multiple issues against different teams. This table seeks to show all services against issues were raised, so an individual complaint may be counted multiple times in this table.

**Table 4: Number of complaints and upheld by Service**





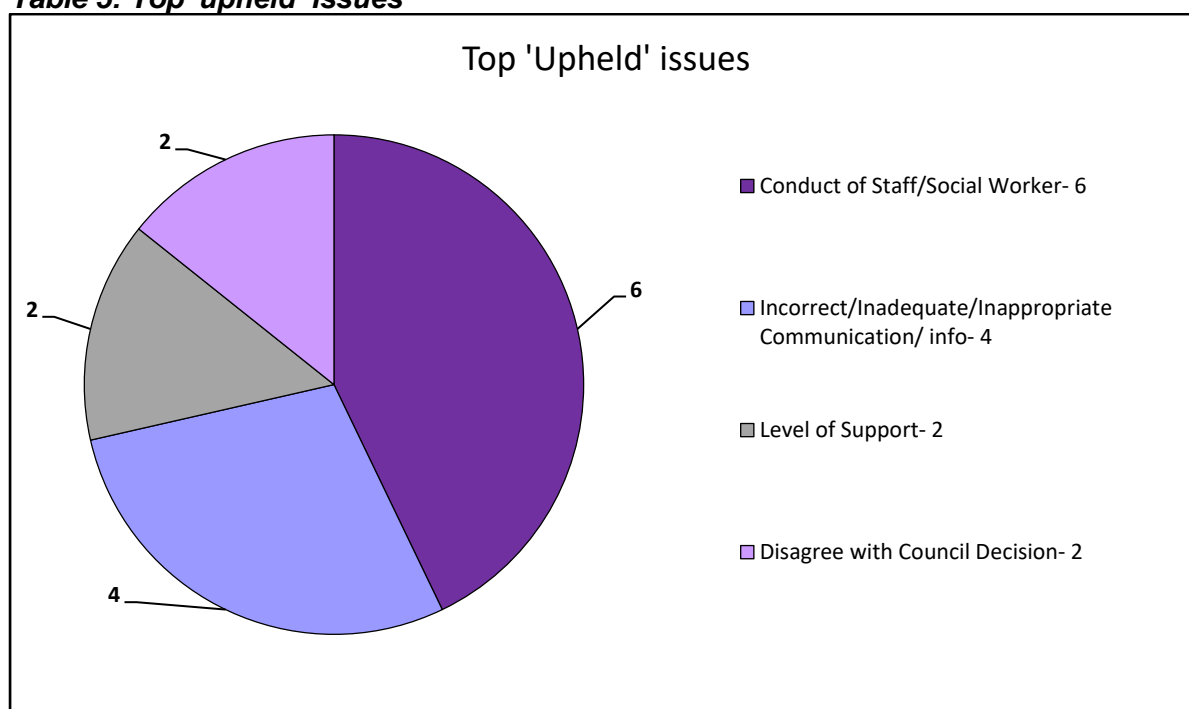
The most upheld complaints can be found in Children in Care/Leaving Care where 11 complaints were received, 4 were upheld.

There were 6 complaints received by Lakeside CP, of which 4 were upheld and 6 were received by Wrekin CP of which one was upheld.

## 5. Issues for 'Upheld' complaints

Of the upheld statutory complaints the top issues raised were as detailed in the table below;

**Table 5: Top 'upheld' Issues**



**Conduct of Staff/ Social Worker-** accounted for 6 upheld complaints, these concerns related to manner and behaviour of the social worker, lack of understanding, social worker arriving late to meetings, No support provided by social worker, inappropriate disclosure of information.

**Incorrect/ Inadequate/Inappropriate Communication/ Information-** These concerns related to an occasion not communication or information provided for an extended period of time. Lack of communication and notification of meetings and cancelled meetings.

**Level of Support-** These concerns related to lack of support, in cases further support was provided. These cases included incorrect support being provided under EHCP, and that a transport provision was not sufficient under EHCP.

**Disagree with Council Decision-** this included cases where family contact was not at the level required. Disagreement with a CAF assessment and a decision on how to accommodate a care leaver.

## 6. Timescales for Responses

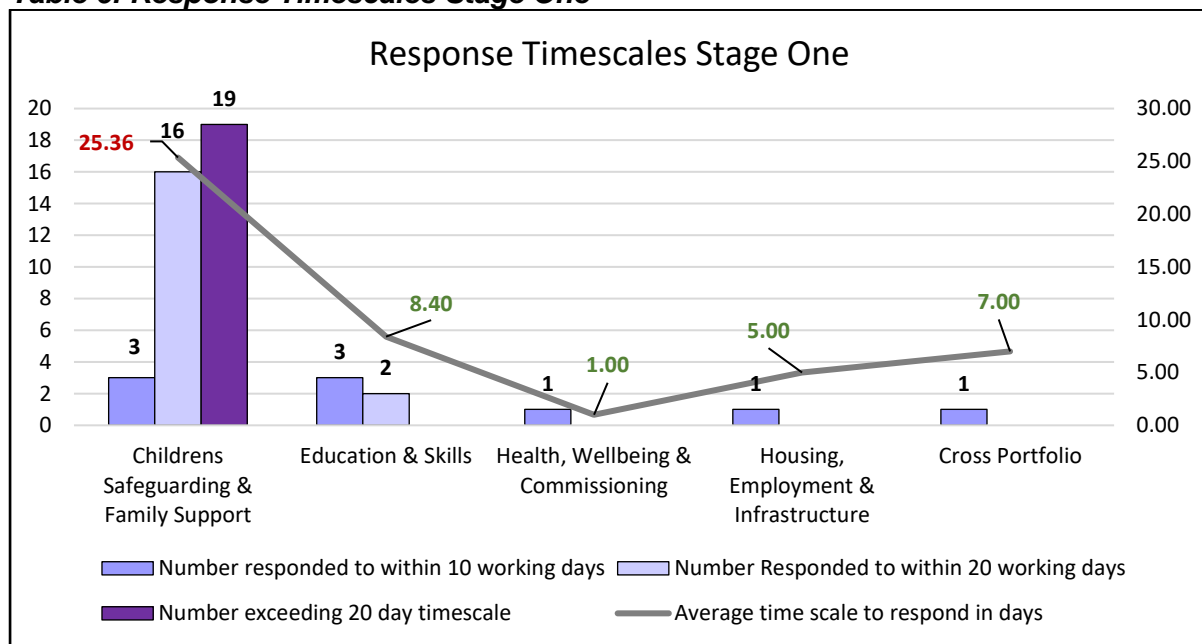
Our Children’s Statutory Complaints Policy has been written in line with The Children Act 1989 Representations Procedure (England) Regulations 2006, which outlines, how Child Statutory Complaints should be handled and the three stages for Child Statutory Complaints.

Stage One should be an opportunity to resolve the complaint at service level, this should be done within 10 working days, which may be extended to 20 working days in exceptional circumstances and with prior agreement with the customer.

Stage Two is an Independent Investigation which should be completed within 25 working days and this can be extended to 65 working days in more complex cases.

Stage Three is a panel where the investigation at Stage One and Two is reviewed.

**Table 6: Response Timescales Stage One**



Of the 39 complaints that have been completed in the Children’s Safeguarding & Family Support Portfolio, three were responded to within the 10 working day timescale, however, 19 complaints exceeded the extended 20 working day timescale, this equates to 49% of the 39 complaints failing to be responded in accordance with the legislation. The average number of days to respond in Children’s Safeguarding & Family Support was 25.36 days this is an improvement on the 26.13 days achieved in 2018/19.

Of the 5 complaints responded to in the Education & Skills Portfolio three were responded to within the 10 working day timescale, two responses were completed within 20 working days and no responses exceeded the 20 working days. The average number of days to respond in this portfolio was 8.40 days. This is an improvement on the 13.75 days achieved in 2018/19.

Complaints in Health, Wellbeing & Commissioning, Housing, Employment & Infrastructure and Cross Portfolio were all responded to within 10 working days. The Cross Portfolio complaint related to Education Transport and Inclusion and SENCO Support.

The average time scales for all Children’s Statutory Stage One Complaints is 21 working days, which exceeds the timescales outlined in the regulations. However this does show an

improvement since 2018/19 where complaints were responded to in an average of 25 days. As an authority we should be ensuring that we meet the statutory requirements.

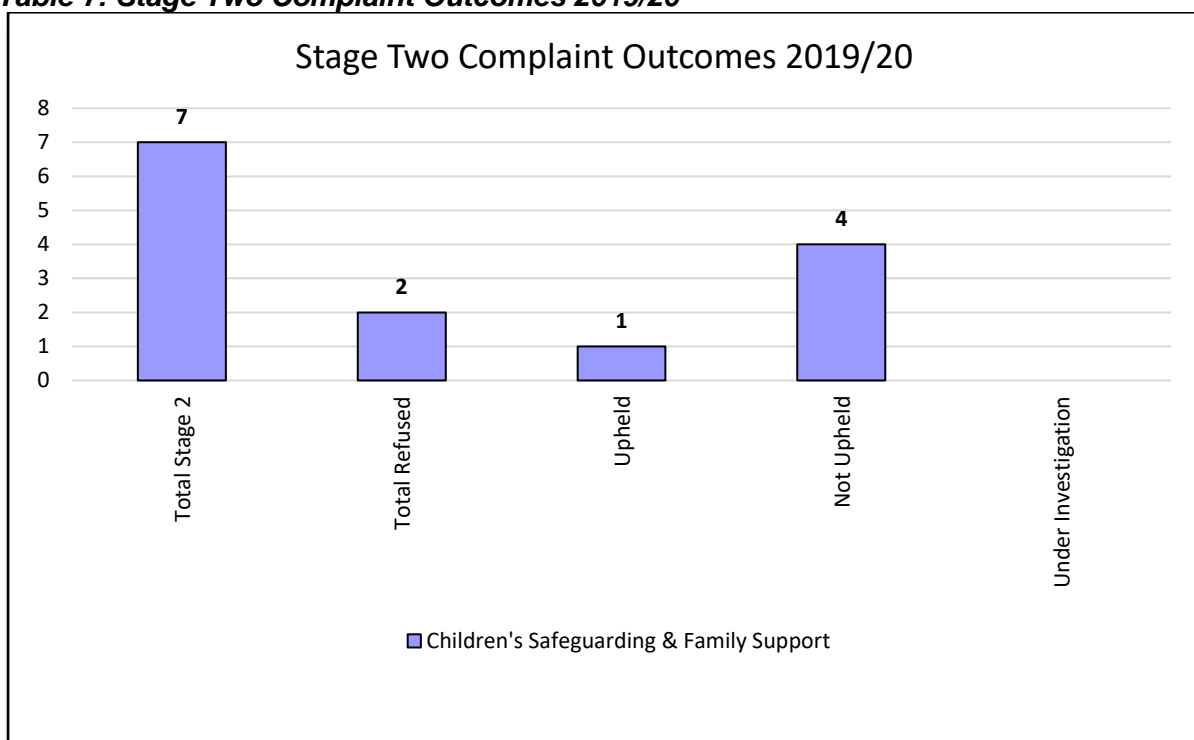
There is still some work to be done to ensure that the percentage responded to within the initial 10 day time scale (19%) is increased.

Overall 57% of complaints are responded to within the statutory time scale of 20 working days 19% are responded to within 10 working days.

## 7. Statutory Stage Two Complaints 2019/20

During 2019/20, 7 (10%) Statutory Stage One complaints progressed to Stage Two of the process.

**Table 7: Stage Two Complaint Outcomes 2019/20**



All Stage Two Complaints were for Children's Safeguarding & Family Support portfolio. There are no Stage Twos currently being investigated.

The upheld complaint related to a finding that the complaint was initial handled under the incorrect complaint procedure, all other elements related to Children's Safeguarding & Family Support were not upheld. Changes have been made to the Customer Relationship Team since this complaint was originally received in 2018/19, processes are clearer and there is greater oversight.

There has been an increase in Statutory Stage Two investigations in 2019/20, all were investigated and Independent persons used.

The average number of days to complete a Stage Two Investigation was 37.43 days.

There have been no Stage Three Panels in 2019/20.

## 8. Learning and Outcomes from Children’s Statutory Complaints

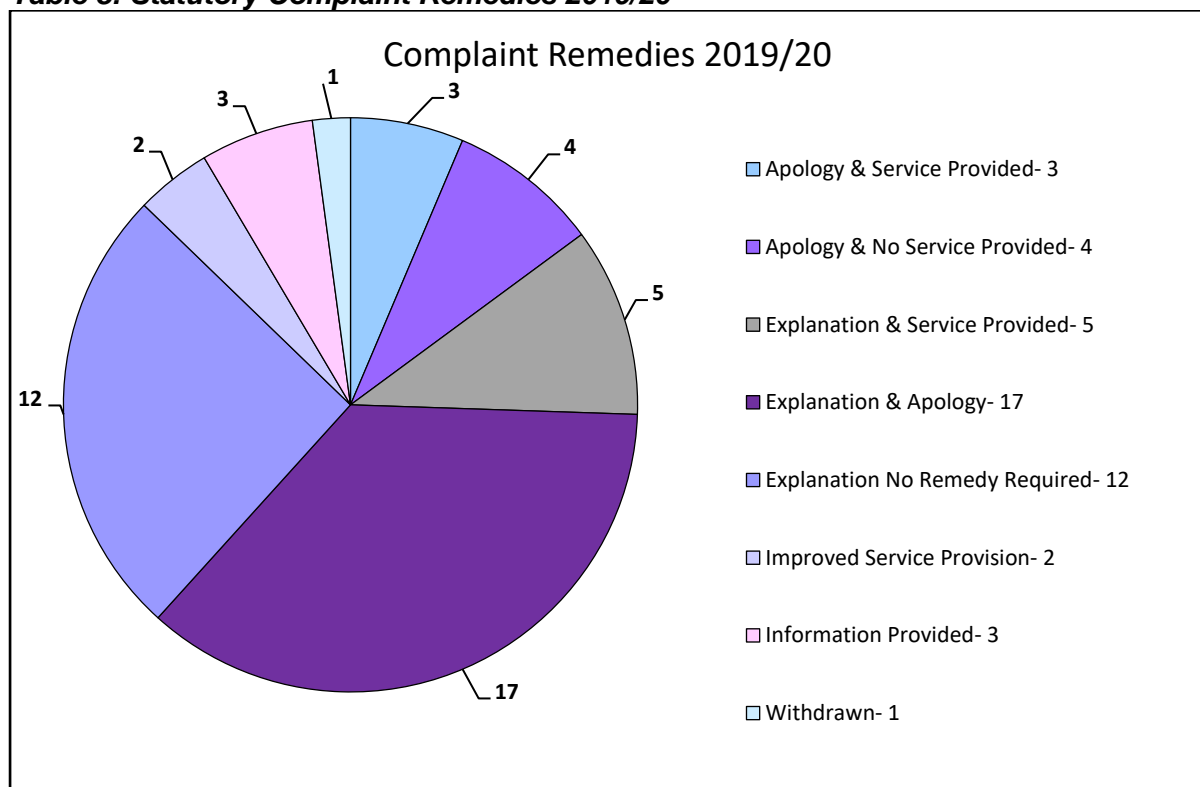
Complaints are a valuable source of information which can help to identify recurring or underlying problems and potential improvements. We know that numbers alone do not tell everything about the attitude towards complaints and how they are responded to locally. Arguably of more importance is to understand the impact those complaints have on people and to learn the lessons from complaints to improve the experience for others. This was echoed by Michael King, The Local Government Ombudsman who said it is not about ‘*how often you are getting it wrong, but how good you are at putting it right*’.

Lessons can usually be learned from complaints that were upheld but also in some instances where no fault was found but the Authority recognises that improvements to services can 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 always try to look at the “bigger picture” to ensure that residents receive the best possible service from the Council.

The Customer Relationship Team will provide ongoing daily advice and support to managers around complaints management, resolution and responding to representations.

**Table 8: Statutory Complaint Remedies 2019/20**



Of the remedies recorded against Children’s Statutory Complaints in 2019/20;

- 36% were to provide an explanation and an apology.
- 26% was to provide an explanation and no remedy was required.
- 11% was to provide an explanation and service was provided
- 9% was to provide an apology and no service was provided.

### **Positive Improvements:**

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

- A new guidance document is now available online to all schools via the SEND area on the local offer. This has also been discussed at the SENCO network meeting with SENDCOs from both primary and secondary settings. A new annual review will be carried out by the SEND officers.
- Individual remedies have been completed regarding support plans and working agreements and assessments.
- Additional training to officers regarding communication and failure to keep complainant informed.
- If social workers are absent for more than two weeks, the service will look to reallocate cases, more complex cases will be reallocated as a priority.
- Introduction of systems to prevent delay in recording so that minutes can be provided to parents and professionals in a timely manner.
- Delivery of workshops to practitioners to ensure that following the completion of direct sessions, the assessments are written up and shared with families within a much shorter time frame.

During 2020/21 more focus will be placed on learning to ensure that continuous service improvement takes place.

## **9. Local Government and Social Care Ombudsman (LGSCO) Enquiries**

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

The Council were notified of 9 Children's Statutory complaints that were received and escalated to the LGSCO between 1 April 2019 and 31 March 2020.

6 cases remain open, there were two complaints not investigated and 1 complaint where fault was found but there was no injustice. The LGSCO found that a family member had not been consulted during an assessment, however they considered that this did not cause any significant injustice to the complainant.

## 10. Concluding Comments

This annual report shows that the number of Children's Statutory complaints received has increase in 2019/20, however it has not reached the level of 82 that were received in 2017/18. Our services are maintaining a low number of complaints during the year when we have seen major reductions in Government funding for Local Authority service provision. Despite this financial back drop the Council continues to manage complaints well and is committed to putting right anything that has gone wrong.

However, for Children's Statutory Complaints the number upheld is high in comparison with the number received (43%). We will continue working to reduce the number upheld going forward as learning is being taken from complaints.

Response times are also a concern, whilst the Customer Relationship Team does update the customers of delays and extended timescales we should be reaching the initial timescale of 10 working days, often however we are surpassing this and the extended timescale.

It is positive to see that overall the average time to respond to a Children's Statutory Complaint has reduced to 21 days from the 25 days reported in 2018/19. However, there is still some work to be done to ensure that the percentage responded to within the initial 10 day time scale is increased from 19%.

Overall 57% of complaints are responded to within the statutory time scales.

### **Recommendations:**

Please see below the recommendations for this financial year;

- 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 concerns being escalated to a formal complaint?
- Where services become aware that they are unable to respond to a complaint, due to court action or any other reason, they should notify the Customer Relationship Team at the earliest opportunity, so we can notify the complainant.
- It is recognised that some delay's maybe occurring due to Social Workers availability, however, ideally the case notes should be sufficiently detailed to allow others to respond in their absence.
- If a meeting takes place with a complainant, it is recommended that detailed minutes are taken. This financial year a number of complainants have disputed the discussion and outcome of the meetings and in the absence of any notes it's difficult to take a view.
- There have been some complaints returned to service this year because they have not responded to each point raised by the customer. When responding to a complaint all points should be addressed, so that the customer is getting a full response and as a Council we are getting it right first time. Resources are available to assist officers investigating and responding to complaints. The Customer Relationship Team does quality check responses, and often makes comments and suggested amendments. The role of the Customer Relationship Team is to ensure that the complaint progresses and complaint standards are adhered to and this is reflected in the advice provided.

- Going forward services need to ensure that they are prioritising complaints and responding within the stated timescales, where there are unforeseen delay's the Customer Relationship Team should be notified immediately so that they can notify the customer and advise them of the date they should expect their response.
- Delays have also been experienced when investigating at Stage Two of the process where there has been a delay in service providing necessary documents and details. Stage Two investigations are completed by Independent Investigators, often external from the Council, therefore this information requested should be prioritised.
- We would recommend that Children's Safeguarding & Family Support and Education & Skill's develop a service level Complaints Guide, which may increase the number of responses sent in line with the timescales, the Customer Relationship Team will assist in developing this approach which works well in other parts of the council.

## **11. Oversight and support provided by Customer Relationship Team**

The Customer Relationship Team continues to support service areas to both manage and learn from complaints. The key services offered by the team are;

1. Complaints advice and support.
2. Quality Assurance of complaint responses.
3. Acting 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.

## **12. Customer Relationship Team priorities for 2020/21**

During 2020/21 the Customer Relationship Team will focus on a number of key priorities;

- Obtain approval for the updated Child Statutory Complaint Policy and Child Friendly Policy.
- Help to improve the Councils record in timely complaint responses.
- Continue to improve our case management complaint system.
- Continue to improve and add to the resources available for managers, when responding to complaints and other correspondence and encourage self-help.
- Work to maintain low levels of maladministration findings by the Local Government and Social Care Ombudsman.
- Continue to provide a dashboard for quarterly reporting providing Senior Management with quarterly data so that improvement can be driven forward continuously during the year.
- Work with Children's Safeguarding & Family Support and Education & Skills to develop a service level complaints guide and process.