

Appendix 1

Children's Social Care Complaints and Representations

Thurrock Council

Annual Report 2013-14

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1. Introduction

The Children's Social Care Statutory Complaints Procedure stipulates that an annual report on complaints and representations should be produced, as processed under the Children Act 1989, and the Children Act 1989 Representations Procedure (England) Regulations 2006, Children (Leaving Care) Act 2000 and Adoption & Children Act 2002. Thurrock's procedure is governed by the 'Getting the Best from Complaints' guidance 2006.

This report provides information about the complaints and representations received for the period 1 April 2013 – 31 March 2014. The report sets out the number of representations including complaints received, key issues and learning for the department.

Staff are encouraged to resolve issues at the first point of contact in line with good practice as outlined by the Local Government Ombudsman. Staff are familiar with the Social Care Complaint Procedure and in directing service users to access the complaints procedure where a complaint cannot be resolved locally.

The statutory complaints procedure sets out that a complaint can be made as a result of a whole range of issues that are relating to statutory social services functions such as:

- an unwelcome or disputed decision,
- the quality and appropriateness of a service,
- delay in decision making or provision of services,
- attitude or behaviour of staff
- or the quantity, frequency or cost of a service

A complaint will not be considered:

- if the person making the complaint does not meet the legal requirements of who may complain and is not acting on behalf of such an individual
- when the complaint is not in relation to the local authority or any body acting on its behalf
- where the same complaint has already been dealt with at all stages of the complaints procedure

The Complaints Procedure operates in 3 stages:

Stage 1

Local Resolution where Team/Service Managers respond to a complaint within 10 working days which can be extended to 20 working days for more complex complaints.

Stage 2

The complainant can request their complaint to be progressed to stage 2 within 20 working days of receiving their stage 1 response. This stage involves an independent investigation which is conducted by an independent investigator and independent person who oversees the investigation for fairness and transparency of the process. The investigation can take within 25 to 65 working days. Following the investigation, the report sets out its findings and recommendations and this is considered by the Children's Head of Service who then provides a written response within 15 working days of receiving the panel's recommendations.

Stage 3

Where a complainant requests a review of their complaint, the panel must be organised within 30 working days of the request. The complaints review panel is made up of 3 independent panel members. The panel makes their recommendations to the Director of Children's Services, who will then reach a decision and any actions to be taken.

Local Government Ombudsman

If a complainant is not satisfied with the outcome of the independent review panel, they have the right to take their complaint to the local Government Ombudsman. Complainants can refer their complaint to the Ombudsman's office at any time, although the Ombudsman may refer the complaint back to the Local Authority if it has not been fully considered through the complaints procedure.

Advocacy

In our complaints leaflet, we advise that children and young people have a right to advocacy when making a complaint or if they need any support. This is in accordance with the Advocacy Regulations 2004. Thurrock Children's Services commission Open Door Advocacy for this service. Independent Reviewing Officers (IROs) provide a further important link between a child, the service and the complaints procedures. Independent Reviewing Officers can often ensure that issues of concern can be identified and resolved at the earliest opportunity.

2. *Summary of Representations received*

A total of 203 representations were received during financial year 2013-14 as detailed below:

- 62 Stage 1 complaints
- 3 Stage 2 complaints
- 1 Stage 3 panel review
- 34 Concerns/ issues
- 62 Compliments
- 19 MP enquiries
- 20 Member enquiries
- 2 Ombudsman enquiries

The department received a total of 62 stage 1 complaints compared to 84 complaints received last year which is a decrease of 26%. This can partly be contributed to the introduction packs which are now provided to families and encloses information on making a complaint as well as teams successfully resolving more queries and concerns in an informal way.

Trends in complaints received from 2010 until 2014:

Year	Stage 1	Stage 2	Stage 3
2013/14	62	3	1
2012/13	84	4	1
2011/12	93	2	0
2010/11	107	2	0

Table 1

The number of referrals to children’s social care for 2013/14 was approximately 1750. For the same period, 62 stage 1 complaints were received which represents 3.5% of all referrals made and 4% of the estimated number of families who received a social care service (which was approximately 1500) for this reporting period.

Complaints by Service Team for 2013-14:

Complaints	Adoption	1
	Child Protection	8
	Disabled Children	4
	Family Support (Central)	5
	Family Support (North East)	1
	Family Support (South East)	3
	Family Support (West)	2
	Fostering	5
	Initial Response	14
	Youth Offending Service	1
	Permanence/Court Work	6
	Through Care 1	5
	Through Care 2	3
	Aftercare Team	3
	Adolescent Team	1
Total	62	

Table 2

3. Complaint issues

It is important to consider the reasons why complaints are made as detailed in table 3. The table indicates that staff attitude and conduct was the reason most frequently complained about. However, it should also be noted that Children’s social care services are generally very involved with families and their personal issues. This will inevitably lead to queries and complaints about social work staff and their involvement and professional opinions when making assessments and reports.

Assessment/decision making	10
Communication	7
Delays	3
Foster care	2
Welfare issues	1
Service quality	5
Staff conduct/attitude	31
Other services	2
Legal decision	1
Total	62

Table 3

4. Stage 1 Complaint Outcomes

The stage 1 outcomes are detailed below. It is noted that 53% of the complaints were not upheld.

Upheld	5
Partially Upheld	6
Not Upheld	33
In Progress	8
Withdrawn	10
Total	62

Table 4

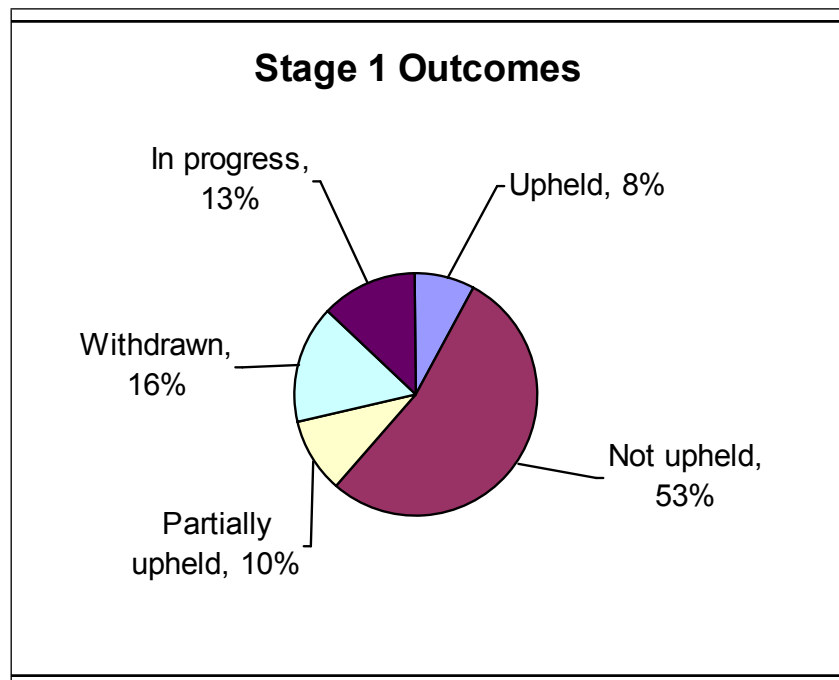


Figure 1

With regard to those complaints upheld, the Department offered apologies and advised the service users of actions that would be taken to prevent the incident that led to the complaint recurring. Further details regarding complaint outcomes are detailed in the 'Learning from Complaints' section of this report.

5. Stage 2 Complaints

Three complaints progressed to stage 2 of the complaints procedure during the reporting year. These complaints were investigated by independently commissioned complaint investigators.

Case 1 – Complaint regarding the welfare of grandchildren in foster care and service team communication and delays. The complaint progressed to stage 3 and remained open at end of reporting period, awaiting a panel date.

Case 2 – Young person in care complained about various issues concerning his personal belongings and finance issues. The independent complaint investigation was in process at the end of the reporting period.

Case 3 – Complaint regarding the process and decision for a child removed into care. Complaint investigation was underway at the end of the reporting period.

6. Stage 3 complaints

A stage 3 complaint panel review was held regarding an independent foster carer and the removal of children from her care. The recommendations are detailed in the learning section.

7. Concerns

Apart from complaints, the complaints team recorded other representations received about the service as it is required to do. Representations can be positive comments and feedback about the service or comments and queries regarding a service.

The complaints service recorded 34 concerns which are usually successfully resolved quickly and without the need for an investigation. If a concern cannot be readily resolved, it will become a complaint.

8. Compliments

Compliments are expressions of good feedback and the team recorded 62 compliments this year compared to 60 recorded last year and 90 recorded for 2011/12.

Compliments received by service team:

Compliments	Admin Hub	2
	Aftercare	2
	Connexions	1
	Childcare & Targeted Outcomes	1
	Child Protection	3
	Disabled Children	2
	Family Support SE	2
	Fostering & Adoption	17
	Initial Response	3
	Oaktree Resource Centre	1
	Performance Quality and Business Support	1
	Sunshine Centre	4
	Therapeutic Foster Care	14
	Through Care 1	4
	Through Care 2	2
	Troubled Families	2
	Thurrock Youth Offending Service	1
Total	62	

Table 5

What people have said:

I would like to take this opportunity to thank you and your team for your invaluable support during the last 7 years...I would not be the woman I am today and our family would not be as strong as it is now without the support we received. I would like you all to realise the extremely positive impact you all had on my family and my life. Team for Disabled Children

The parents of C reported that the visit social care made yesterday ha been vital in helping to keep the family together and in enabling all to make sense of their feelings, all with the context of a highly fuelled crisis. The social worker provided a voice for the child and enabled the parents to hear his difficulties. The strategies she (the worker) used were appropriate, insightful and containing. Youth Offending Team

Police have complimented the whole service on their communication in terms of missing children. She stated we make her job easier as she knows exactly who to go to with her queries. She is a great supporter of the Missing Children Panel and has been informing other authorities of the panel. She has requested that a social worker from Essex attends our panel to show them 'best practice' in order that they are able to set up something similar in Essex. Quality Assurance, Safeguarding and Child Protection

J's support of C went over and above what is expected of a foster carer and she skilfully managed some very difficult and emotional situations. I found J to be highly professional and caring. J did a fantastic job caring for C who presented many challenges. Re: Foster carer

I am happy with my family as well as my social worker. Fostering & Adoption Team

9. *Response Times*

For stage 1 complaints, responses should be completed within 10-20 working days and the department responded to 24 complaints (39%) within this timescale. For those complaints that exceeded 20 working days, the department responded to 20 complaints (32%) and 18 (29%) were either withdrawn/cancelled or still in progress at the end of this reporting year.

The reasons for delay included the complaints being of a complex nature and requiring more detailed investigation, staff absence and legal case work priorities.

The statutory response timescale for stage 2 complaints is between 25 and 65 working days. It is the service's aim to undertake stage 2 complaints within this time period. However, this timeframe can often be exceeded for a number of reasons. This includes the serious nature of the issues being investigated and the time incurred ensuring comprehensive investigation, as well as ensuring same time availability of the investigation team and staff for interviews and file viewing. In all cases where there is a likely delay, the complainants are kept informed of the progress of their complaint.

10. *Local Government Ombudsman*

The Ombudsman investigates complaints of injustice caused by 'maladministration' or 'service failure'. The Ombudsman cannot question whether a Council's decision is right or wrong simply because a complainant disagrees with it. The Ombudsman must consider whether there was fault in the way the decision was reached. If there has been fault, the Ombudsman considers whether there has been an injustice, and if there has, a remedy will be suggested.

There were 2 Ombudsman enquiries received for 2013/14 period as detailed below:

Case 1 - Joint investigation for adults and children's social care regarding a parent and her disabled child. The Ombudsman found **fault causing injustice** and issued a public report (please see Appendix A). Compensation was recommended as detailed on page 10.

Case 2 – Complaint regarding the failure to implement support following the complainant agreeing to care for family members. The complaint was **upheld** and compensation was agreed as detailed on page 10.

The recommendations for these cases are included in the 'Learning from Complaints' Section.

11. Learning from Complaints

Learning from complaints is an important aspect of the complaints procedure. The following are examples of learning that were identified from the complaints processed during 2013/14:

Communication

- To ensure sufficient information is provided to social workers prior to the placement when considering matching
- Ensure that reports are discussed with family prior to panels and information to be recorded on time
- Ensure all information is clarified with the service user before it is made a record.
- Joint work with Adult Social Care services where there is both an adult and child service user receiving services

Service improvement

- Factual errors to be amended on reports where they are identified
- Social workers to ensure that children are offered independent advocacy
- Council to ensure that the support it commissions is provided and monitored according to the relevant regulations

Staff Training

- Foster carers to undertake additional training particularly with regard to de-escalation techniques
- Staff to be aware of the information governance guidance regarding information sharing and data protection
- Ensure that Independent Reviewing Officers understand their responsibilities under the Care Planning, Placement and Case Review regulations 2010 as well as the Independent Reviewing Officers handbook

12. Staff Training

Staff are able to access e-learning courses as provided by the Workforce Planning and Development team regarding complaints handling and customer care.

13. Feedback and participation

The Complaints Manager is a member of the Children's Participation and Engagement Champion's Group, which includes representation from Open Door Advocacy and key services that involve children who are in care. The group's primary focus is to ensure services are accessible for children in care as well as considering ways of actively engaging young people and children in care and capturing their views and feedback.

14. Future areas for development

- Complaints Refresher Training with an emphasis on complaints handling, the key legislation and related processes and learning will be rolled out to all social care teams during 2014/15
- The complaints team will consider further ways of capturing young people's feedback regarding Children's social care services in relation to services working well and where they could be improved
- The Complaints Manager will support operational staff and Managers in handling and responding to complaints more effectively
- The Complaints Manager will ensure that learning is disseminated to all staff by producing a weekly report for the senior management team to track and monitor complaints and a quarterly report with detailed analysis of complaints and representations to be disseminated to all staff
- The Complaints Procedure will be reviewed
- The Council's website will be updated, together with all related communication materials including the complaints leaflet
- The service will continue to increase the aware of the complaints and representations procedure for staff and service users
- The Complaints Manager will continue to work closely with the Essex Complaints Manager Network and other Councils to explore the potential for developing shared arrangements to access a pool of experienced independent persons for Stage 2 investigators and Stage 3 reviews and at the same time to secure efficiencies for the service. Also to maintain links regionally and nationally with complaints teams in other authorities for key issues arising and sharing best practise