Annual Complaints Report

Children’s Services, Wandsworth

2017-2018

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August 2018
Contents

1. Introduction............................................................................................................3
2. Legislation..................................................................................................................3
3. Overview of the Children's Statutory Complaints Procedure...............3/4
4. Children's social care complaints received..................................................4/5
5. Complaints by Service Area.................................................................................5/6
6. Complaints by Issue...............................................................................................6/7
7. Complaints at Stage 2...........................................................................................7
8. Complaints at Stage 3...........................................................................................8
9. Response Times......................................................................................................8/9
10. Complaint Outcomes..........................................................................................9/10
11. Young People's Complaints..............................................................................10/11
12. Corporate Complaints.........................................................................................11
13. Ombudsman Cases............................................................................................11/12
14. Learning from Complaints...............................................................................12/13
15. What did we deliver as a service improvement?.........................................13
16. Compliments........................................................................................................13/14
17. Going Forward....................................................................................................14
1. Introduction

1.1 This Report is produced in accordance with the statutory requirement to report annually on the complaints and representation activity within children’s social care services.

1.2 There is a legal duty on all local authorities to maintain and operate a complaints procedure for Children’s social care services.

1.3 Wandsworth Council’s Children’s social care complaints are managed within the remit of the Resident Engagement division. The complaints team currently comprises a Complaints Manager, which is a statutory requirement, supported by one complaints officer.

2. Legislation


2.2 There is also a legal duty to provide advocacy for children and young people, to be supported to make known their views and comments regarding Children’s services. This is in accordance with the Advocacy Regulations 2004.

3. Overview of the Children’s Complaints Procedure

3.1 The complaints procedure is a three-stage process. At stage 1, complaints are investigated directly by the team where the complaint arose. In these cases, the Team Manager or Service Manager will investigate and respond to the complaint. The timescale for a stage 1 complaint response is 10 working days. However, where the complaint is complex or requires more time, an extension of a further 10 working days can be agreed by the Complaints Manager.

3.2 Where the complainant is dissatisfied with the stage 1 response, they can request a stage 2 investigation. This stage requires an independent consideration of the complaint and two independent people are appointed by the Complaints Manager for the role of Independent Investigator and Independent Person. The investigation team complete their reports and these are passed to a senior officer within Children’s Services for adjudication and response to the complainant. The statutory timescale for addressing a complaint at stage 2 is 25 to 65 working days. However, some complaints exceed this timeframe due to
the complexity of the process of investigation and the nature of the issues involved. In these instances, a complainant is kept informed at all times of the progress of the investigation.

3.3 Stage 3 is the final stage of the complaints procedure. If a complainant remains unhappy following the findings of the stage 2 investigation, they can request that their complaint is reviewed at stage 3 by an independent panel. The panel hearing must take place within 30 working days of the request. The panel is made up of three people and the complainant has an opportunity to present their case to the panel alongside the Local Authority. The Chair of the panel will then send their decision to the complainant and the Director of Children’s Services within five working days of the panel hearing and the Director must respond to the complainant within 15 working days with regard to any recommendations that the panel have made.

3.4 A complaint is defined as ‘an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response.’

3.5 Complaints can be made by the service user receiving a service from children’s social care or by a person on their behalf such as an advocate or family member who has parental responsibility or where the service user has provided their written consent.

3.6 Where a service is provided by a contractor on behalf of the Council, a complaint can either be made directly to the provider service or to the complaints team at Wandsworth Council.

3.7 Complaints will be considered if they are made within 12 months of the incident although the Council can apply their discretion to waive this time limit in some instances.

3.8 The department commissions its advocacy provision through ‘Coram Voice’ to assist children and young people when making a complaint or a representation.

4. Children’s social care complaints received.

4.1 Children’s Services addressed 127 complaints in total across all three stages during 2017-18. This is an increase on the previous year of 27%.

4.2 There was no specific reason for this increase although better staff awareness of handling complaints and ensuring they are logged with the complaints team may have been a contributory factor and the steady demand for Children’s services.

4.3 A total of 107 complaints were processed at stage 1, in accordance with the statutory complaints procedure. This is an increase of complaints by 32% on the previous year. The summary is detailed in Table 1 and Chart 1.
Table 1 Children’s social care complaints by year

<table>
<thead>
<tr>
<th>Stage</th>
<th>2015/16</th>
<th>2016/17</th>
<th>2017/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stage 1</td>
<td>92</td>
<td>81</td>
<td>107</td>
</tr>
<tr>
<td>Stage 2</td>
<td>11</td>
<td>17</td>
<td>15</td>
</tr>
<tr>
<td>Stage 3</td>
<td>3</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Total</td>
<td>106</td>
<td>100</td>
<td>127</td>
</tr>
</tbody>
</table>

Chart 1 Complaints received 2017-18

5. Complaints by Service Area

5.1 Table 2 details the breakdown of complaints as received within the operational teams during the reporting year, not including external provider complaints. Some complaints involved more than one service area.

Table 2 Complaints by service 2017/18*

<table>
<thead>
<tr>
<th>Team</th>
<th>Qtr 1</th>
<th>Qtr 2</th>
<th>Qtr 3</th>
<th>Qtr 4</th>
</tr>
</thead>
<tbody>
<tr>
<td>Children in Need</td>
<td>4</td>
<td>12</td>
<td>8</td>
<td>6</td>
</tr>
<tr>
<td>Children Looked After</td>
<td>1</td>
<td>5</td>
<td>4</td>
<td>2</td>
</tr>
<tr>
<td>Post Permanence</td>
<td>4</td>
<td>3</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>Future First</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>Referral &amp; Assessment</td>
<td>4</td>
<td>5</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>MASH</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>0-25 Disabilities</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Youth Support</td>
<td>4</td>
<td>0</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Other**</td>
<td>4</td>
<td>6</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>**TOTAL</td>
<td>23</td>
<td>36</td>
<td>24</td>
<td>24</td>
</tr>
</tbody>
</table>

* Complaints can involve more than one service team.
** Childrens services in general, SEN related

Annual Report August 2018
5.2 Teams regularly receive feedback from families and carers including complaints and representations about their service areas and this demonstrates that service users feel confident in sharing their views and know how to access the complaints procedures.

5.3 An effective complaints process operates with an openness, transparency and fairness which is demonstrated by capturing complaints from all services within the department as is evidenced in Table 2.

6. Complaints by Issue

6.1 Lack of support and staff communication were the two main issues raised in complaints for 2017/18, followed by staff behaviour and conduct as detailed in Table 3. Lack of support may involve the complainant seeking a level of service that exceeds their eligibility or is financially possible.

6.2 Behaviour and conduct of staff is a common complaint issue which, due to the nature of the service sometimes being deemed as intrusive on family life, often leads to complaints about individual staff members involved in delivering a service.

6.3 Complaints are regularly reviewed at senior management level with a sharp focus on addressing the learning from those complaints that are upheld or partially upheld.

Table 3 Issues by Quarterly period

<table>
<thead>
<tr>
<th>Issues</th>
<th>Qtr1</th>
<th>Qtr2</th>
<th>Qtr3</th>
<th>Qtr4</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Behaviour/conduct</td>
<td>7</td>
<td>5</td>
<td>3</td>
<td>5</td>
<td>20</td>
</tr>
<tr>
<td>Communication issues</td>
<td>3</td>
<td>7</td>
<td>6</td>
<td>7</td>
<td>23</td>
</tr>
<tr>
<td>Delays</td>
<td>1</td>
<td>5</td>
<td>-</td>
<td>1</td>
<td>7</td>
</tr>
<tr>
<td>Finance queries</td>
<td>6</td>
<td>6</td>
<td>4</td>
<td>3</td>
<td>19</td>
</tr>
<tr>
<td>Placement</td>
<td>-</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>Data breach</td>
<td>-</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>Lack of support</td>
<td>6</td>
<td>8</td>
<td>3</td>
<td>6</td>
<td>23</td>
</tr>
<tr>
<td>Factual errors</td>
<td>7</td>
<td>3</td>
<td>2</td>
<td>2</td>
<td>14</td>
</tr>
<tr>
<td>Other*</td>
<td>3</td>
<td>2</td>
<td>4</td>
<td>6</td>
<td>15</td>
</tr>
</tbody>
</table>

*Other included lack of joint working between Housing and children’s, not inviting parents to LAC review meetings, breach of personal information, statutory visit out of timescale, s.47 involvement, changes of SW, unmet transport need, lack of consultation, flaws in the process/procedures, contact issues regarding family members, safeguarding issues, SEN education and school transport issues.
7. Complaints at Stage 2

7.1 There was a slight decrease in the number of stage 2 complaints processed, from 17 recorded in 2016/17 to 15 in 2017/18.

7.2 Seven of the complaints at stage 2 were from young people leaving care or in need or with Youth Offending Team involvement.

7.3 The issues raised by young people at stage 2 included complaints regarding the Child looked After Review Process, lack of support from the service, ineffective transition planning, non-payment of savings, lack of financial support towards housing, failure to act as a corporate parent, lack of empathy to history of mental health issues, Independent Reviewing Officer support not adequate, incorrect wording on the Pathway Plan and it not being a correct portrayal of young person, housing assistance and disputes with savings and clothing allowance.

7.4 The remaining stage 2 complaints involved issues including the planning towards removal of children into foster care; delays in providing provision and poor communication, delays in adoption and post permanence processes and issues around review of payments; finance issues.

7.5 All of the complaints were partially upheld, meaning that some of the complaint issues investigated in each stage 2 investigation identified fault but not all. The learning is detailed in Section 14 Learning from Complaints.
8. Complaints at Stage 3

8.1 Five complaints were reviewed by a panel of three independent panel members at Stage 3 following the completion of the stage 2 investigations.

8.2 The complaints were related to the Children Looked After process, lack of adequate support, lack of support for a young person previously in care seeking UK nationality, lack of intervention of social services to ensure child was supported with welfare and education, inaccuracies in assessment and poor communication and reduction of adoption allowance when circumstances changed.

8.3 The outcomes and recommendations at Stage 3 are included in Section 14.

9. Response times

9.1 Stage 1 complaints should be investigated and completed within a timescale of 10 working days. This can be extended up to 20 working days for more complex complaints or in other instances where an extension is agreed by the Complaints Manager.

9.2 101 of the 107 complaints were investigated and received a response. Of those, 47 were completed within 10 - 20 working days and 54 complaints exceeded 20 working days. Six of the complaints were withdrawn or closed as referred to another process such as safeguarding.

9.3 Complaint response times is an area for ongoing improvement. Complaints are often delayed due to the complexity of the issues being investigated, concurrent investigations that supersede the complaint process such as safeguarding, court proceedings and cross agency involvement with Health or other agencies and staffing issues (leave/turnover). However, in these instances, the complainant is kept informed. It is the nature of Children’s services, that the complaints are not always straightforward and whilst the focus remains to improve response times, the quality of outcomes from complaints is more important to complainants.

9.4 Stage 2 complaints have a statutory timescale of 25 to 65 working days. All 15 of the stage 2 complaints were concluded outside of this timescale. It is noted that due to the complexity of cases at stage 2 and the process of investigation and adjudication, complaints generally exceed the timescale nationally. The complainant is kept informed of the progress at all times in line with good practice.

9.5 Stage 3 panels must be held within 30 working days of the request and this timescale was met for three of the stage 3 panel meetings during this reporting period.

9.6 There can be difficulty in arranging a panel to ensure that everyone is available to attend on the same day. However, every effort is made to
organise the panel within 30 working days and the complainant is kept informed at all times.

10. Complaint Outcomes

10.1 The majority of the complaints investigated at stage 1 were not upheld during 2017/18 as detailed in the table below. While all complaints are taken seriously and investigated, most are not found to have caused a fault or injustice.

10.2 Although the complaints were mostly not upheld, the process of being able to access the complaints procedure and have their complaint considered and investigated ensures that the complainant’s views are treated seriously and that there is an escalation route if they remain dissatisfied.

<table>
<thead>
<tr>
<th>Outcome at stage 1</th>
<th>2016/17</th>
<th>2017/18</th>
</tr>
</thead>
<tbody>
<tr>
<td>Not Upheld</td>
<td>35</td>
<td>46</td>
</tr>
<tr>
<td>Partially Upheld</td>
<td>9</td>
<td>25</td>
</tr>
<tr>
<td>Upheld</td>
<td>11</td>
<td>10</td>
</tr>
<tr>
<td>Withdrawn/closed</td>
<td>4</td>
<td>6</td>
</tr>
<tr>
<td>No finding</td>
<td>17</td>
<td>21</td>
</tr>
</tbody>
</table>

Table 4 Outcomes 2016-18

![Chart 3 stage 1 outcomes](chart.png)
11. Young People’s Complaints

11.1 Of the 107 complaints investigated for this reporting period, 19 complaints were received from a child/young person. Of those complaints, 15 were made with the support of an advocate. Two further complaints were made with the support of an advocate under the corporate complaints procedures.

11.2 The number of complaints made by children and young people through the complaints procedure tends to be low nationally as complaints and concerns are usually raised and addressed informally with the social worker or manager.

11.3 The complaints procedure is well publicised, accessible to all service users and information on making a complaint is included in the information packs provided to children coming into care or receiving a service.

11.4 Direct feedback from children and young people in care is considered at the children looked after review meetings and addressed directly by the Chair of Reviews.

11.5 The issues raised by young people through the complaints procedure included the following:

- Failure to provide backdated clothing and weekly allowance
- Not having a proper pathway plan in place
- Request for savings from time the young person was in care
- Lack of response from service for homeless young person and the support was inadequate.
- Unsuitable accommodation for complainant and her infant child.
- Young person feeling isolated and unsupported by the Local Authority.
• Request for change of social worker because the relationship is not good.
• Unhappy with the delay in not securing a fostering placement and being left long term in temporary care provision.
• Failing to provide accommodation to a young person under section 20 Children Act 1989 and not providing the relevant support.
• Failing to conduct a young carers assessment
• Lack of support for a young person previously in a Special Guardianship arrangement
• Too many changes of social worker and not having allocated worker for a period can often cause drift in transition planning
• Lack of clear information, should be sending out financial policy to care leavers/young people.

12. Corporate Complaints
12.1 The complaints team handled 46 complaints, directly received within the team and processed in accordance with the Council’s Corporate complaints procedure. These complaints cover education, early years and any non-social care related concern.
12.2 The issues addressed included school admissions and education welfare, non-eligibility for school transport, issues with direct payments including delays and non-authorisation of increase in payments, request for intervention in school related concerns such as exclusion and lack of support for parents receiving a post-permanence service, outstanding provider invoices, delays in the provision of EHCP, provision of home tuition and delays in school place being offered.
12.3 Services address most concerns directly as a method of local resolution, which avoids delay and enables quicker outcomes.

13. Ombudsman Cases
13.1 A complainant reserves the right to refer their complaint to the Local Government and Social Care Ombudsman at any time. However, in most cases, the Ombudsman will seek to ensure that the Council has been provided with the opportunity to respond to the complaint in accordance with the its complaints processes.
13.2 In 2017/18, 14 complaints were referred to the Council by the Ombudsman. 10 complaints were closed during this reporting year. Five of the complaints were referred back to the Council as ‘premature’ complaints to be processed in accordance with the complaints procedures. One complaint could not be investigated as it was a court related matter.
13.3 There was evidence of fault and injustice in two complaints:

- There was evidence of fault in the way the Council used information from a report to place a child on the child protection register and the inadequate help and support that was made available.
- Fault in the time taken to proceed to stage 2 of the statutory complaints procedure and the complainant not kept informed of the delay or consulted about the extension to the 65-working day timescale.

14. Learning from Complaints

14.1 The importance of investigating complaints lies in the learning and recommendations that arise from those complaints that are upheld i.e. where there is an identified fault.

14.2 It is good practice for staff to receive feedback on complaints where any learning is identified and to ensure that this is regularly disseminated within Children’s Services to improve the quality of service delivery.

14.3 The key learning themes for this reporting period related to communication issues between staff and service users/carers, the behaviour and attitude of staff and record keeping. The learning themes are separate to the complaint issues as they are identified as a result of the findings from complaints.

14.4 Below are some examples of learning that was identified from individual complaints during 2017/18:

**Communication**

- Staff should keep in contact with foster carers, to ensure their views about a care plan are explored.
- New social workers to take the time and prioritise getting to know their client and supporting them better.
- Carers to receive adequate support from social workers and to have good communication regarding key issues that arise.
- To provide clear and concise information about the rights and expectations of young people in relation to the support of finances and other services that the department provides.
- To ensure that there is a focus on the service to try and re-engage with young people when there has been a breakdown in communication and the young person ceases to engage.

**Record Keeping**

- To ensure Child Looked After review minutes are as accurate as possible.
- Recording of information by staff needs to be reviewed and staff to be reminded of the importance of recording information accurately and within timescales.
- Information should be recorded accurately where the professional opinion is stated and this should be clearly evidenced.
Procedures

• Where a Manager is a constituent part of the complaint, they should not be the person compiling the response, although they would be expected to be interviewed and their views being taken into account as part of the response.
• To ensure that carers are fully informed about payments that may or may not be paid to them i.e. for respite care and to provide clear information, particularly when a child/young person is placed with them as an emergency carer.
• Managers must adhere to the timescales set out in the Statutory complaints procedure.
• The department should adhere to the timescales set out to ensure that parents are sent assessments, reports and minutes to enable them to comment and to have errors corrected before information is used in such forums as a Child Protection conference.
• Review of how the department works with young people, particularly in the leaving care service. To ensure that there is a focus on the service to try and re-engage with young people when there has been a breakdown in communication and the young person ceases to engage.

Behaviour and conduct of staff

• Staff to ensure that they are mindful of the tone, content and quality of their communication with service users and families.
• To be mindful of the tone of language used towards carers and service users.

15. What did we deliver as a service improvement?

15.1 Investigating complaints allows services to identify areas for improvement and ensure learning is addressed within teams. The Social Care Academy and Workforce Training incorporates the broader themes arising from complaints learning towards ensuring quality assurance delivery and outcomes across the department.

15.2 As a result of listening to complaints:
• Children’s Services produced a new leaflet for the public regarding the Initial Point of Contact (IPOC) and the MASH services.
• Ongoing discussion with Housing regarding joint ways of working in relation to moves for services users where there is a safety risk.
• The services are developing information for the public on financial entitlement.
• Staff in the adoption service received further team training on updating case notes to the electronic social care system.
• Staff receive regular reminders about the Practice Standards to ensure good work practice and conduct.

16. Compliments

16.1 Positive feedback regarding staff or service delivery is another way in which the department can learn what is working well. Staff do receive compliments from families however capturing this data remains an ongoing priority for the complaints team and staff are regularly reminded to do so.
What they said...
“You are an incredibly patient, caring and committed social worker, who has changed my perspective on your field. You always responded to all my phone calls, text messages and emails not matter what they were regarding. You are an asset to your field and any family is lucky to have you look after them”

“Thank you so much for everything, I would not be where I am now if I didn’t have a fantastic woman like you to help me on our journey. You made me trust again.”

17. Going Forward
17.1 The key priorities for 2018-19:

- To actively promote the Complaints procedures across all teams to ensure that staff are confident in complaint handling and the relevant procedures. All staff should be aware of the complaint procedures and frontline staff should know how to capture information about things that go wrong and refer this information correctly.
- Timeliness of completing responses remains a key focus for improvements and there will be a drive to ensure that managers adhere to the complaint timescales through specific complaint handling training and support from senior management throughout the year.
- The complaints team are in the process of developing a robust complaint reporting and tracking system to ensure complaints are tracked effectively and responded to within agreed timescales and to facilitate good quality reporting data.
- The Complaints Manager will continue to report to senior management on a regular basis and present the key messages from complaints activity; ensuring that the learning is shared and cascaded to all operational teams for service improvement and quality assurance purposes.
- The complaints team will continue to participate in the regional complaint networks to keep abreast of relevant changes to policy and procedure and related information.