

**ANNUAL REPORT ON  
CHILDREN & FAMILIES SERVICES COMPLAINTS-COMPLIMENTS-  
REPRESENTATIONS**

**APRIL 2014 – MARCH 2015**

## **Introduction**

The Children Act 1989 Representations Procedure (England) Regulations 2006 sets out the procedure that Local Authorities have a responsibility to follow when a complaint is made about Children's Social Services.

Regulation 13 (3) of this Act states that all local authorities must each financial year publish an Annual Report to identify the number, detail and outcomes to all complaints received.

The information within this Annual Report fulfils Gateshead Council's obligations under this regulation and covers the period from 1 April 2014 – 31 March 2015

## **The Procedure**

This procedure is for all representations received from children and young people, their parents, foster carers or other qualifying adults about Gateshead Council's Children's Services.

There are three stages to the procedure.

### **Stage 1 - Local Resolution**

This stage is investigated by operational managers. Complaints at this level are expected to be concluded within 10 working days, with an extension of further 10 working days, (with the agreement of the complainant) if necessary. The maximum time for a Stage 1 investigation is 20 working days.

### **Stage 2 – Investigation**

Investigations at Stage 2 are conducted at arms length to the operational service complained about, with full and formal reporting to the complainant by an Adjudicating Officer, (usually at Service Director level), within 25 working days with extension up to 65 working days if necessary.

### **Stage 3 – Review Panel**

If there is any residual dissatisfaction with the outcome at Stage 2, the complainant can request that the issues are taken to a Review Panel (Stage 3). Such consideration forms the end of the statutory requirement.

## **Publicity and Information**

Information about the Complaints Process can be made available in key languages and formats. Requests for information in these formats or from customers with sight or hearing impairment are provided via the Council's Communication Team.

There is also a leaflet for children and young people receiving a service. This leaflet was designed with help from the children and young people from One Voice, the Children and Young People's Forum. The leaflet includes a pre-paid slip that can be completed and posted back free of charge.

When young people are admitted into Local Authority care, part of the 20-day review requirements state that they are to be visited by the Council's Children's Rights Officer. The young person also receives a 'Welcome' pack', which includes information, leaflets and other guidance on how to make a complaint.

The Children's Rights Officer, Independent Visitors and Independent Reviewing Officers are important links between the child and the Complaints Manager and ensure that any issues of dissatisfaction are resolved at the earliest opportunity.

## **Advocacy and Special Needs**

The purpose of advocacy in complaints procedures is to ensure that children and young people are given assistance when making or intending to make a complaint. Advocacy is about empowering children and young people to make sure that their rights are respected and that their views and wishes are fully considered and reflected in decision-making about their own lives. Any child or young person wishing to make a complaint must always be offered the services of an advocate.

## **The Independent Element**

Under the complaints procedure, there is a requirement to provide Independent Persons for all Stage 2 complaints. There is a consortium arrangement with South Tyneside Metropolitan Borough Council and Sunderland City Council, which provides Independent People for Children Act 1989 complaints. There is also a requirement to ensure that Stage 3 Review Panels consist of three members who are fully independent of the Council.

## **Complaints Investigation Training**

Training for Investigating Officers is undertaken on an annual basis. All investigating skills training courses are commissioned from the Local Government Ombudsman, (LGO). This ensures that investigating officers are trained to a specific standard with the focus being on swift resolution, proportionate investigations and appropriate redress. During 2014/15, 12 officers within Children's Services undertook the LGO Investigating Skills Training.

## **Complaint Recording & Resolution in Children's Residential Facilities**

All children's residential homes have their own "in-house" complaints process to resolve low level complaints. Residential staff work with the young person and allow them to identify themselves how their issues can be resolved to their satisfaction.

## **Complaints and Representations Received**

### **Themes of Complaints Received During 2014/15**

During 2014/15, 45 complaints were received regarding Children's Services. This is a 32% increase on complaints received during 2013/14. However, 74 compliments were also received during this period.

After consideration of the complaints received during 2014/15, 2 key themes were identified.

#### **1. Quality of Service**

As in previous years, the quality of services delivered continues to generate the most complaints in relation to Children's Services. Complaints about quality can range from low level issues, to significant concerns about the actions or decisions of the services involved.

The main issue raised during 2014/15 was about the quality of the support offered by social workers or services involved in individual cases.

During 2014/15, 36 complaints were raised about this issue. However, after investigation, only 11% (4) complaints were upheld. 48% (17) were not upheld and 40% (14) were partially upheld. 1 complaint was closed after the complainant refused to communicate with the investigating officer.

It is accepted that relationships between social workers and the families they are involved with can often be difficult. Decisions have to be taken that will benefit the wellbeing of the child or young person concerned, decisions that often conflict with what families want themselves. In a number of cases, families will often refuse to engage with any plans or assessments that are necessary and may seek ways to delay or even prevent the Council from carrying out their legal duties.

During 2014/15, a number of complaints were received about the decisions taken by the family courts. When complaints of this nature are raised, the complainant is always advised that the complaints procedure is not an appeals body and that only the Court can overturn any decisions that have been taken. However, the complaints raised also related to the conduct or actions of individual workers who are involved in the care proceedings, the complaint can be considered through the statutory procedure.

## 2. Disputes around Social Work Reports

Disputes regarding information contained within Social Work reports have continued to increase. During 2014/15, 5 complaints were received about the way in which assessments had been carried out or about the quality of the information which had been included within the final report.

If, after investigation, it had been shown that there was information that was factually incorrect, the report will then be amended. However, if the disputes were around the professional opinion of social workers, the complainant will then be invited to provide their own statement, which can be used alongside the original report.

Complaints about reports submitted to court during family proceedings can only be challenged through the court process. In all cases, the complainant is advised to discuss the content of the report with their own legal representative.

## All Complaints and Representations Received

Representations	2012 2013	2013 2014	2014 2015
Compliments	92	83	74
Corporate Complaints	1	0	3
Complaint related queries	57	72	64
Data Breach	3	4	5
LGO Investigation	n/a	n/a	1
Stage 1 Complaints	36	34	45
Stage 2 Complaints	1	4	3
Review Panels	0	0	1
<b>Total</b>	<b>190</b>	<b>197</b>	<b>196</b>
<b>Trend %</b>	<b>-2%</b>	<b>3%</b>	<b>-1%</b>

Stage 1 Complaint trend	2006 2007	2007 2008	2008 2009	2009 2010	2010 2011	2011 2012	2012 2013	2013 2014	2014 2015
	22	32	18	10	19	29	36	34	45
%		45	-44	-44	90	53	24	-6	32

- There has been a 32% increase in the number of Children Act Stage I complaints received since 2013/14.
- However, the number of low level issues have decreased by 11%. Complaint related queries are low level issues which must be resolved within 1 day of receipt.

The decrease in low level issues and the increase in formal complaints demonstrates that concerns are now becoming more complex and as such, they are unable to be resolved by the teams concerned. However, 26% (64) of all formal issues received were complaint related queries which does show that individual workers and teams are still able to resolve a number of issues to the satisfaction of the customer.

- Stage 2 investigations have also decreased since 2013/14 with 3 complaints moving to the investigation stage of the procedure.
- This means that only 4% of Stage 1 complaints progressed to Stage 2 investigations.

- During 2014/15, a number of complainants did request to move to Stage 2, but due to the further involvement of the managers responsible for the service complained about, the complaints were able to be resolved to the customers' satisfaction.
- There was 1 independent Review Panel held during 2014/15. The complaint was regarding the involvement by the Council's Safeguarding & Care Planning Service.
- The number of formal contacts received regarding Children's Services increased by 25% during 2014/15.
- The number of complaints, (45), is a very small proportion of the formal contacts received during 2014/15, (247).
- During 2014/15, 37.56% of all issues received were compliments.
- All of the compliments received were about the support or advice provided by Children's Social Work Teams.

### Data Protection Issues

- During 2014/15, 2% (5) of formal issues received were regarding breaches of confidentiality. Complaints of this nature are not responded to through the statutory procedure. However, the service always ensure that the complainant is provided with a full response. The complainant is also informed of their right to progress their complaint to the Information Commissioner should they remain dissatisfied.
- After investigation, 3 complaints were not upheld, 1 was partially upheld and 1 fully upheld.
- No Information Commissioner referrals have been received in relation to these issues.

### Specific Areas of Complaint

Service Area	2012 2013		2013 2014		2014 2015	
Safeguarding, Care Planning & Adoption	47%	17	61.7%	21	62.2%	28
Looked after Children Teams	27%	10	11.7%	4	8.8%	4
Referral & Assessment	19.1%	7	14.7%	5	11.11%	5
Out of Hours Duty Team	2.8%	1	NA	NA	2.2%	1
Children with Disabilities	2.8%	1	5.8%	2	8.8%	4
Fostering Team	Na	Na	5.8%	2	6.6%	3
Reviewing Unit	0%	0	0%	0	0%	0
<b>Total</b>		<b>36</b>		<b>34</b>		<b>45</b>

- 62% (28) of complaints were regarding the Safeguarding & Care Planning Teams. This was an increase of 1%, from 2013/14.
- 11% (5) of complaints were regarding the services provided by the Referral and Assessment Team.
- The number of complaints about the Referral and Assessment Service remained at the same level as 2013/14.
- 8% of complaints were about the Looked after Children's Teams. 50% (2 from 4) of these complaints were from looked after children / young people.
- After investigation, 1 complaint was partially upheld and the other not upheld.

Complaint Issues	2012 2013		2013 2014		2014 2015	
Quality	61%	22	91%	30	100%	45
Staff Conduct	28%	10	0%	1	0%	0
Delay	0%	0%	0%	0	0%	0
Refusal of Service	0%	0%	0%	0	0%	0
Lack of Service	11%	4	8.8%	3	0%	0
<b>Total</b>		<b>36</b>		<b>34</b>		<b>45</b>

Details of Complaint	2012 2013		2013 2014		2014 2015	
Attitude of staff	22.2%	8	2.9%	1	0.0%	0
Adoption Services	5.6%	2	0%	0	0.0%	0
Foster Care Issues	11.1%	4	5.8%	2	0.0%	0
Breach of Confidence	5.6%	2	5.8%	2	0.0%	0
Poor Communication	11.1%	4	14.7%	5	6.7%	3
Contact Service Issues	8.3%	3	8.8%	3	2.2%	1
Finance Issues	2.8%	1	0%	0	0.0%	0
Move On Service	0.0%	0	2.9%	1	0.0%	0
Quality of Support	25.0%	9	52.9%	18	80.0%	36
Dispute Assessments	8.3%	3	5.8%	2	11.1%	5
		<b>36</b>		<b>34</b>		<b>45</b>

- During 2014/15, quality of service remained the greatest cause for complaint. All complaints received were regarding the quality of the services provided to families and children.
- This is an increase of 9% in 2013/14.
- Quality of service includes:
  - Missed or late contact visits;
  - Contact visits that are cancelled at very short notice;
  - Conflicting or incorrect information by workers;
  - Quality of support from the services involved in individual cases;
  - Poor communication between the workers and family members.
- During 2014/15, the main theme of complaint was the quality of support from either individual workers or services, (36).
- Relatives of children receiving a service sometimes misinterpret their own relationship with the worker and often feel that the worker is for their own benefit. It is important in these situations to make it clear that it the worker is acting on behalf of the child or young person themselves.
- After investigation, 48% (17) of these complaints were not upheld.
- 11% (4) were fully upheld.
- 11% (5) of complaints were disputes to assessments or decisions taken as a result of an assessment. Complainant's often felt that their family circumstances had been unfairly recorded or had disagreed with information included within the reports.
- 3 of these complaints were not upheld after investigation.
- 2 complaints were partially upheld.
- There were no complaints about staff conduct during 2014/15.
- However, 9% (6) complaint related queries were regarding staff issues. All issues were responded to by either the Team Manager concerned or by Complaints Staff. None of these issues progressed to a formal complaint.

## Equalities Monitoring

Gateshead Council recognises that equality monitoring of service delivery is crucial for effective planning and scrutiny of the services that it provides. This monitoring can identify which groups are using services and gauge their level of satisfaction. This information can then be used to highlight possible inequalities, investigate their underlying causes and address any unfairness or disadvantage.

Currently in Gateshead 13.5%, (203) of 1474 children receiving a service are children from the BME communities. As the statutory process is only for service users, or their representatives, complaints numbers tend to be low.

- During 2014/15, 4% of complaints (2) were from members of the BME community. The issues complained about were similar to those that had been raised by other complainants and there was no evidence of discrimination in either case.
- 1 issue was regarding a request for major adaptations and support for a disabled young person.

- 1 issue was regarding the support provided to a family by the Safeguarding and Care Planning Teams.

Method of Complaint	2012 2013		2013 2014		2014 2015	
Complaint Form	22%	8	8%	3	6.6%	3
E - mail	11%	4	8%	3	29%	13
Children's LAC Leaflet	Na	Na	5%	2	0%	0
Letter	31%	11	32%	11	24.4%	11
Personal Visit	22%	8	14%	5	15.5%	7
Telephone	14%	5	29%	10	24.4%	11
Other	0%	0	0%	0	0	0
<b>Total</b>		<b>36</b>		<b>34</b>		<b>45</b>

- Email is now the main method of complaint referral accounting for 29% (13) of all complaint referrals.
- During 2014/15, 24.4% (11) of complainants had contacted the Council by telephone. Complaints of this nature are from those who want an immediate resolution to their problem. The majority of these complaints are regarding visits by social workers and how an assessment had been conducted.
- Complaints brought by relatives of children receiving a service accounted for 88% (40) of referrals.
- 4% (2) complaints were raised by children and young people receiving a service.
- 1 complaint was raised by an advocate acting on behalf of a complainant.

Complaints Resolved within 20 Working Days	2014 2015
Not Resolved	22
Resolved	23

- The statutory timescales for resolution are 10/20 working days.
- 51% (23) of all complaints received were completed within 20 working days.
- 49%, (22) complaints were not completed within 20 working days.
- As it is a statutory duty to respond to complaints within the prescribed timescales, the service must consider how they can improve on this.

Outcomes of complaints	2011 2012		2012 2013		2013 2014	
Outstanding	2		1		0	
Closed or withdrawn	0%	0	3%	1	4.4%	2
Not upheld	47%	16	45%	15	42.2%	19
Partially upheld	38%	13	36%	12	44.4%	20
Upheld	15%	5	15%	5	8.9%	4
<b>Total</b>		<b>34</b>		<b>33</b>		<b>45</b>

- In 2014/15, 42% (19), of complaints were not upheld after investigation. This is a 3% decrease from 2013/14.
- This figure is still significant and demonstrates that after investigation, there was no evidence of any service failure or that the service had acted inappropriately.
- 44% (20) of complaints were partially upheld. Complaints that are partially upheld are often regarding a number of issues. After investigation, some issues of complaint may show some evidence that services may not have been of a sufficient standard expected by the Council, such as areas around communication. However there may be other elements not upheld that evidence that the service had acted appropriately.
- In all cases, where there has been evidence of service failure, however minimal, the complainants will receive a written apology within their response.

## Stage 2 and 3 Complaints

Stage 2 Complaints	2012 2013	2012 2013	2014 2015
	1	4	3
Stage 3 Complaints	0	0	1

- 3 complaints progressed to the formal investigation stage of the complaints procedure during 2014 /15.
- All 3 complaints were regarding different areas of Children's Services.
- 1 complaint was about the actions of the Fostering Team. 1 complaint was about the Council's Referral and Assessment Team and 1 complaint was about the Safeguarding and Care Planning Team.
- After investigation, 1 complaint was not upheld, 1 complaint was partially upheld. 1 complaint is still under investigation.
- A number of complainants had requested a move to Stage 2 of the procedure. However, due to the intervention of the Service Managers responsible for the areas complained about, the complaints were then resolved to the complainant's satisfaction.
- All 3 complaints investigations included the services of an Independent Person to oversee the complaint.
- 2 complaints have been responded to. The Independent Person fee for both complaints resulted in a total cost of £1413.41 to the Council.
- 1 complaint was considered by an Independent Review Panel. After their consideration of the complaint and how it had been investigated, the Panel Members concurred with the outcomes which had been identified by the Investigating Officer.
- As the complainant remained dissatisfied, the complaint was referred to the Local Government Ombudsman. The Local Government Ombudsman declined to investigate as the issues raised were outside of their jurisdiction.

## Learning from Complaints

At the end of every investigation the Investigating Officer is responsible for identifying any improvements or recommendations resulting from the complaint. Changes can include policy, procedure or staff development.

Complaints about individual practice or failure to follow procedures are dealt with by reinforcement of processes and reiterating customer care standards through Service / Team meetings or individual supervision sessions. In all cases, any issue regarding attitude or conduct of staff are dealt with in line with internal employment procedures.

## Significant improvements after a complaint include:

- The importance of timely and regular communication with families will continue to be highlighted during individual staff supervision sessions. This will ensure that any important information is shared and that family members feel included in any decisions taken that affect their children.
- Should there be any difficulties encountered when contacting either family members or others who are significant in the child's life / welfare, other means of contact should always be considered.
- That during meetings with family members, any agreement for particular tasks or actions should be clearly recorded to ensure that all parties understand what is expected of them.
- That children and young people are given an appropriate and reasonable time by which investigations into actions or behaviour by Foster Carers will be concluded. It is also important that appropriate communication is kept open between the child's fostering and care planning Social Workers during this time.

- When workers move to a different team or service, it is standard practice for them to retain responsibility for any cases which are going through the adoption process. However, when it was identified that workers were finding it difficult to maintain two roles, Managers were then instructed to always consider how the new workers existing workload can be appropriately managed to ensure that work in either area is not overlooked.
- When an adoption file is about to be closed, it is now necessary to ensure that all relevant information is sent to the adopter and that it is also placed on the children's electronic case file. These actions can now be confirmed by an inclusion of a tick box on the services verification document. The case cannot be closed until all actions on this document have been completed.

## **Compliments**

There was a 12% decrease in all compliments received during 2014/15, (74 from 83). However, 37.24 of all representations about Children Services were compliments.

- 17% (18) of all compliments were regarding the Children with Disabilities Service.
- 66% (12) of these compliments were regarding Grove House. Grove House is a respite facility for children with physical and/or learning disabilities.
- 26% (26) were regarding the Safeguarding and Care Planning Teams.
- 8% (6) were about the Referral and Assessment Team.
- 17% (13) of compliments about Children's Social Work were regarding services for looked after children.
- 2% (2) were about support offered by Children's Commissioning Officers.

## **Conclusions**

Complaints about Children's Services increased to their highest level since the introduction of the 2006 Complaints Procedure. During 2014/15, Gateshead Council received 45 Stage 1 complaints about children's services. This is an increase of 32% on 2013/14.

During 2014/15, Gateshead Council received 1720 referrals into Children's Services with 577 children either starting or ending a child protection plan during this period. At 31 March 2014, there were 258 open child protection plans. Therefore, dissatisfaction in comparison with the number of referrals received is low at only 2.62%. In addition to this, only 3 complaints progressed to Stage 2, with 93% being resolved at Stage 1.

In relation to the timescales for resolution, during 2014/15, only 51% (23) complaints were resolved within the 20 working day timescale. Therefore, it is important that Children's Services Managers consider ways of improving complaint response times to enable the Council to meet their statutory obligations. They should also consider whether additional support for investigating officers is required to assist them in meeting the timescale for resolution.

It should be noted that Children's Services positively encourage feedback about their services and always ensure that publicity about complaints and compliments is available in public areas and to all families receiving a service. It is also evident that the services are generally well received as during 2014/15, 37% of formal contacts were compliments about Children's Services.