

**ANNUAL REPORT ON
CHILDREN & FAMILIES SERVICES COMPLAINTS-COMPLIMENTS-
REPRESENTATIONS
APRIL 2015 – MARCH 2016**

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 2015 – 31 March 2016.

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.

Children and young people are now able to use their smartphones or tablets to contact the services via Mind of My Own, (MoMo). MoMo is an app which allows the child or young person to comment on their service and if necessary, to raise dissatisfaction.

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. To ensure that all new Managers within Children's Services are fully able to investigate complaints, a LGO Investigating Skills Training Course will be organised for October 2016.

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. Information about low level complaints is retained within the facility and is available in the event of OFSTED inspections.

Complaints and Representations Received

During 2015/16, 37 complaints were received regarding Children's Services. This is an 18% decrease on complaints received during 2014/15, (45).

The number of low level issues received also decreased by 12.5% during 2015/16, (56 from 64). The majority of low level issues were dealt with directly by the service concerned and were resolved to the customer's satisfaction. In some cases, all that was required was a meeting between the complainant and the Team Manager to clarify the reasons why the service are involved with the family and what the next steps would be. The main themes from low level issues received during 2015/16 were regarding the quality of communication from the Service or individual workers or about organised contact. Contact issues were mainly about the lack of notice for family members if the contact needed to be cancelled.

Low level issues are dealt with by the relevant Team Manager. In all cases, the complainant is asked if they are satisfied that the issue had been resolved. In respect of the issues raised, all communication issues, including lack of information regarding the cancellation of contact sessions are dealt with directly with the worker concerned during individual supervision sessions.

When Children's Services become involved, it is generally due to concerns being raised about the welfare or safety of a child / children, as such, the Local Authority have a legal responsibility to assess the situation and take appropriate action. It is expected that in most cases, social work involvement is often unwelcome so relationships between social workers and families may be difficult or strained. In some cases, raising a complaint is seen as a way to delay or prevent further action.

During 2015/16, 3 Stage 1 and 4 Stage 2 complaints were received after child protection enquiries / proceedings had concluded with the complainants seeking to evidence that the action taken by the Council was unnecessary.

Key Themes of Complaint

After full consideration of all Stage 1 complaints received during 2015/16, 2 key themes have been identified.

1. Quality of Service

As in previous years, the quality of services delivered continues to generate a high number of complaints and accounted for 40% (15) of all complaints received during 2015/16.

Complaints about quality can range from low level issues, to significant concerns about the actions or decisions of the services involved.

The key theme from the complaints received about quality was the lack of effective communication with family members by workers involved with individual cases. When communication breaks down, family members often think that the lack of information is deliberate and then begin to develop negative feelings about the social work involvement rather than being encouraged to contribute to plans and assessments.

After discussion with the Team Managers concerned, it is clear that Service appreciate that good communication is essential to maintaining good relationships with families of children receiving a service. Team Managers are committed to ensuring that workers are aware of this requirement and any issues about communication is always discussed with the worker concerned and if necessary is monitored within regular supervision sessions.

Another theme highlighted within complaints about the quality of the service was disputes around information within social work assessments or reports. In these cases, if the disputed information is social work opinion, the complainant is invited to prepare a statement of what they feel is the correct information, which is then included within the child's case records. Factual errors within reports / assessments are always amended where they have been clearly shown to be incorrect.

During the investigation process, 3 complaints about the quality of the services provided were resolved to the customer's satisfaction and 2 complaints were later withdrawn. However, despite issues being withdrawn, the Service will still consider the concerns and take appropriate action to minimise the risk of similar situations occurring in future.

After investigation, 50% (5) of complaints about quality were not upheld 40% (4) were partially upheld and 10% (1) was fully upheld.

2. Staff Conduct

Although 40%, (15), of complaints were received where the main issue was identified to be about the behaviour of Children's Services employees, further analysis of these complaints show that 86% (13) included other issues. These additional issues included a lack of communication, disputes about information within reports or about alleged breaches of confidentiality.

Complaints about staff conduct cover a number of different areas. They may be regarding alleged rudeness, lack of professionalism, alleged bias to other family members during care proceedings or about the lack of updates or information regarding individual cases. However, in all cases, even minor staff issues do have a negative impact on how families then work with the Services concerned.

All complaints about attitude or behaviour of staff are formally investigated and responded to. After investigation, 33% (5) complaints were not upheld, 46% (7) were partially upheld and only 6% (1) was fully upheld. 2 complaints remain outstanding. It should be noted that after investigation of all complaints about staff behaviour, there was insufficient or no evidence of any inappropriate professional conduct that required any employment action taken against the worker. However, where some areas could be improved upon, the worker may be required to undertake additional training or personal development.

In respect of the complaint that was upheld, the investigation evidenced that the Social Worker concerned had not fully followed procedures in relation to an assessment and this failure had caused a relationship breakdown with the family. This had then caused the family to feel that the worker had deliberately acted unprofessionally.

All Complaints and Representations Received

Representations	2013 2014	2014 2015	2015 2016
Compliments	83	74	77
Corporate Complaints	0	3	4
Complaint related queries	72	64	56
Data Breach	4	5	2
HCPC Referrals	0	0	1
LGO Investigation	n/a	1	4
Stage 1 Complaints	34	45	37
Stage 2 Complaints	4	3	5
Review Panels	0	1	1
Total	197	196	187
Trend %	3%	-1%	-5%

Stage 1 trend	2006 2007	2007 2008	2008 2009	2009 2010	2010 2011	2011 2012	2012 2013	2013 2014	2014 2015	2015 2016
	22	32	18	10	19	29	36	34	45	37
%		45	-44	-44	90	53	24	-6	32	-18

- There has been an 18% decrease in the number of Children Act Stage I complaints received since 2014/15.
- The number of complaint related queries received has also reduced by 12.5% since 2014/15. Complaint related queries are issues that must be resolved within 1 working day of receipt.
- 51% (56 from 110) of formal concerns received were complaint related queries, this evidences that a number of issues are able to be resolved by either the Complaints Team or by services to the complainant's satisfaction. During 2015/16, only 2 complaint related queries moved to a Stage 1 complaint.
- Stage 2 investigations have increased by 67% since 2014/15. The number of Stage 2 complaints received during 2015/16, (5,) is the highest number received since the 2006 complaints procedure was introduced.

This rise may be due to increasing pressure on Team Manager's as previously, any complainant requesting a Stage 2 investigation was offered the opportunity to allow the service to look again at what they remained dissatisfied with. As a result, any residual dissatisfaction was able to be resolved without the need to invoke the Stage 2 process.

- However, only 2 Stage 1 complaints which were received during 2015/16 moved to Stage 2. All other Stage 2 complaints received were a result of complaints investigated at Stage 1 during 2014/16. This means that only 5.41% of Stage 1 complaints progressed to Stage 2 investigations.
- There was 1 Independent Review Panel held during 2015/16. The complaint was regarding the involvement of the Council's Referral and Assessment Team and The Child Protection Unit. The complaint related to issues that took place during 2009.
- The number of complaints, (37), represents 20% of all formal contacts received about Children's Services during 2015/16, (187).
- The number of formal contacts received regarding Children's Services decreased by 5% during 2015/16.
- During 2015/16, 41% of all Children's Services contacts were compliments.

Data Protection Issues

- During 2015/16, 2 formal issues were received regarding breaches of confidentiality. Complaints of this nature are not responded to through the statutory procedure. However, the service must still ensure that the complainant is provided with a full and detailed response. The response should also inform the complainant of their right to progress their complaint to the Information Commissioner should they remain dissatisfied.
- After investigation, 1 complaint was not upheld and 1 complaint was fully upheld. In respect of the complaint that was upheld, the complainant received an apology. A service improvement was also identified.

Specific Areas of Complaint

Service Area	2013 2014		2014 2015		2015 2016	
Safeguarding, Care Planning & Adoption	61.7%	21	62.2%	28	44.44%	20
Looked after Children Teams	11.7%	4	8.8%	4	13.33%	6
Referral & Assessment	14.7%	5	11.11%	5	13.33%	6
Out of Hours Duty Team	NA	NA	2.2%	1	2.22%	1
Children with Disabilities	5.8%	2	8.8%	4	6.67%	3
Fostering Team	5.8%	2	6.6%	3	0%	0
Reviewing Unit	0%	0	0%	0	2.22%	1
Total		34		45		37

- 44% (20) of complaints were regarding the Safeguarding, Care Planning & Adoption Teams. This was a decrease of 29%, from 2014/15.
- 13% (6) of complaints were regarding the services provided by the Referral and Assessment Team. This is an increase of 20% from 2014/15.
- 13% of complaints were about the Looked after Children's Teams.
- 4 complaints were received directly from looked after children.
- After investigation, 3 of the complaints from looked after children were partially upheld; the other complaint was later withdrawn.
- 5 complaint related queries were also received from looked after children. All issues were resolved by the services concerned.

Main Complaint Issues	2013 2014		2014 2015		2015 2016	
Quality	91%	30	100%	45	40.54%	15
Staff Conduct	0%	1	0%	0	40.54%	15
Delay	0%	0	0%	0	2.70%	1
Refusal of Service	0%	0	0%	0	0.00%	0
Lack of Service	8.8%	3	0%	0	16.22%	6
Total		34		45		37

Other issues raised within the complaint	2013 2014		2014 2015		2015 2016	
Quality of Staff Support (low level)	2.9%	1	0.0%	36	13.51%	5
Foster Care Issues	5.8%	2	0.0%	0	2.70%	1
Breach of Confidence / Confidentiality	5.8%	2	0.0%	0	8.11%	3
Poor Communication	14.7%	5	6.7%	3	32.43%	12
Contact Service Issues	8.8%	3	2.2%	1	5.41%	2
Move On Service	2.9%	1	0.0%	0	2.70%	1
Delays	52.9%	18	80.0%	0	5.41%	2
Dispute Assessments / Decisions	5.8%	2	11.1%	5	29.73%	11

- During 2015/16, complaints which included concerns about staff conduct increased. However, this is due to the way that complaints are now recorded. Any issue that includes specific concerns about a worker's professional behaviour will now be recorded under that category.

However, additional issues included within the complaint will also be recorded and responded to. This will ensure that accurate reporting on each complaint can be achieved.

- After investigation, there was insufficient or no evidence to indicate that there were any concerns about staff members that necessitated a referral to internal staff management procedures.
- Any areas of professional staff development are managed by the Team Manager of the Service complained about. This can include additional training or monitoring of work standards via individual supervision sessions
- Quality of Service complaints reduced by 86%. However as already stated, this is due to the way that complaints are now recorded as it is important that staff behaviour, where raised, is identified as the main element of a complaint.
- 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.
- In respect of the additional issues raised within complaints, poor or lack of communication accounted for 32% of issues.
- Disputed information within assessments / reports or regarding professional decisions taken accounted for 29% of complaints. Complainant's often felt that their family circumstances had been unfairly recorded or they had disagreed with some of the information included within the reports. The complainants then assumed that this had resulted in the decisions made by Social Workers.
- 54% (6) of complaints about disputed reports or decisions were not upheld after investigation.
- 18% (2) complaints of these complaints were partially upheld.

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 9.9%, (320) of 3227 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 2015/16, there was 1 formal complaint from a member 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 bias by the social worker.
- There was 1 complaint related queries from members of the BME community. Again, after consideration of the issues, there was no evidence of any racial discrimination found.
- 8 compliments were received from members of the BME community.

Methods of Complaint

Method of Complaint	2013 2014		2014 2015		2015 2016	
Complaint Form	8%	3	6.6%	3	8.11%	3
E - mail	8%	3	29%	13	29.73%	11
Children's LAC Leaflet	5%	2	0%	0	0.00%	0
Letter	32%	11	24.4%	11	32.43%	12
Personal Visit	14%	5	15.5%	7	8.11%	3
Telephone	29%	10	24.4%	11	21.62%	8
Total		34		45		37

- Email and letters are the main method of complaint referral accounting for 62% (23) of all complaint referrals.
- During 2015/16, 21% (8) of complainants had contacted the Council by telephone. Complaints of this nature are from those who want an immediate resolution to their problem, in particular those who disagree with information within reports that they have just received.
- Complaints brought by relatives of children receiving a service accounted for 86% (32) of referrals.
- 11% (4) complaints were raised by children and young people receiving a service.
- This is a 100% increase on the number of complaints raised by children and young people during 2014/15, (2). 1 of these complaints was raised via Mind of My Own, (MoMo).

Timescales and Outcomes

Complaints Resolved within 20 Working Days	2014 2015	2015 2016
Not Resolved	22	16
Resolved	23	19

- The statutory timescales for resolution is 10 working days. This can be extended to 20 working days with the complainants' agreement.
- 7 complaints were completed within 10 working days.
- 19 complaints were completed within 20 working days.
- 16 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	2013 2014		2014 2015		2015 2016	
Outstanding	1		0		2	
Closed or withdrawn	3%	1	4.4%	2	14.29%	5
Not upheld	45%	15	42.2%	19	34.29%	12
Partially upheld	36%	12	44.4%	20	40.00%	14
Upheld	15%	5	8.9%	4	11.43%	4
Total		33		45		35

- In 2015/16, 34% (12), of complaints were not upheld after investigation.
- This figure demonstrates that after investigation, there was no evidence of any service failure or inappropriate staff conduct.
- 40% (14) 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

	2012 2013	2014 2015	2015 2016
Stage 2 Complaints	4	3	5
Stage 3 Complaints	0	1	1

- 5 complaints were registered at Stage 2 of the Complaints Procedure during 2015/16.
- This is a 67% increase from 2014/15 (3).
- Only 2 of these complaints were from Stage 1 complaints responded to during 2015/16. 3 Stage 2 complaints were progressions from 2014/15 Stage 1 complaints.
- This means that only 5% of complaints received during 2015/16 progressed to Stage 2 of the procedure.
- 3 complaints were regarding the services provided by the Referral and Assessment Team. All complaints included issues around the actions of the service after responding to safeguarding referrals.
- 1 complaint was about the actions of an out of hour's duty Duty Worker, which was also in response to a referral about the welfare of a child. This complaint also included issues relating to the Children with Disabilities Service.
- 1 complaint was regarding the lack of communication by the Safeguarding and Care Planning Teams. The complaint was also regarding the lack of information from the Child Protection Unit.
- All complaints received included multiple elements of complaint and desired outcomes.
- After investigation, all complaints were partially upheld.
- This is due to the number of individual elements within the statement of complaint. Some elements were found to be unjustified. However some elements were found to be either fully or partially justified.
- As required, all 5 Stage 2 complaint investigations were shadowed by an Independent Person. Independent Persons are not employed by the Council and are responsible for ensuring that the complaints investigation at Stage 2 is fair and transparent.
- As Independent Persons are external to the Council, their involvement has a financial impact on Children's Services. During 2015/16, the costs for Independent Person fees for 3 of the complaints investigated at Stage 2 was £3915.57.
- 1 complaint was considered by an Independent Review Panel. After their consideration of the complaint and how it had been investigated, the Panel Members had suggested that a Senior Officer reviewed the Stage 2 investigation. This has now been completed and an additional Stage 2 Report has now been sent to the complainant.
- All improvements from Stage 2 investigations are included within this report.

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 addition to this, if it is felt that additional or refresher training is required for either workers or teams, this will be progressed by the relevant Team Manager.

In all cases, any issue regarding attitude or conduct of staff are dealt with in line with internal employment procedures. During 2015/16, no complaint about staff conduct had resulted in any employment action against an individual worker.

Improvements to Service:

- As a complaint investigation identified that a Social Worker did not have any experience in dealing with clients with a learning disability, the Manager of the Service agreed to invite an advocate with experience of working with those with a learning disability, to meet with the team and talk about her role and why advocates are important. This will ensure that workers understand how advocacy can support vulnerable parents to raise their views.
- That all workers must ensure that minutes of meetings are processed as soon as possible and sent out to the families concerned. This requirement will continue to be monitored by the services concerned to ensure compliance.
- When assessments are undertaken under Section 17 of the Children Act 1989, (Children in Need Assessments), workers must always obtain consent to undertake the assessment beforehand. This consent must then be recorded.
- A leaflet has been developed to explain the process of Children in Need Assessments. This will be shared with parents or young people before the assessment process commences.
- A leaflet explaining the requirements of Section 20 agreements has now been developed. This is in conjunction with a detailed Section 20 agreement form, which outlines the responsibilities of both the parent(s) and the Council. The form also fully informs on parents' rights under Section 20 of the Children Act 1989.
- To ensure that sensitive information is not shared with those who do not have a need to know, the Safeguarding Children Unit have reminded all senior clerks within the Unit to check the current contact details for individual family members before sending out child protection minutes and plans.
- The Safeguarding Children Unit's Induction Plan for all new staff has been reviewed and now includes a detailed section about confidentiality.
- 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, such as letters / emails or text messaging.
- That during meetings with family members, any agreement for particular tasks or actions should be clearly recorded within the minutes to ensure that all parties understand what is expected of them.
- Children and young people are now 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.
- That all substitute Independent Reviewing Officers should ensure that they are fully conversant with the case before chairing a Child Protection Conference. This would include reading through the Social Work reports beforehand. This should be done even if it contributes to a delay in starting the meeting.
- That workers across the Service are reminded to always substantiate information before sharing it with other professionals. It is not appropriate to share information as fact without having enough evidence to support this view, as this could have an adverse impact on an individual's case.

- Whenever children are removed from their parent's care, the management overview responsibility should extend to considering whether a referral to Adult Services or Health should be made if there are any significant concerns about a parent's mental health or emotional wellbeing. This decision will be made on a case by case basis.

All improvements highlighted within this report have been verified and have been fully implemented by the Services concerned.

Compliments

There was a 4% increase in all compliments received during 2015/16, (77 from 74). 41% of all representations about Children Services were compliments.

- 17 compliments were regarding the Children with Disabilities Services including Grove House Children's Respite Facility.
- 26 compliments were regarding the Safeguarding and Care Planning Teams.
- 12 compliments were regarding the Adoption Team.
- 5 were regarding the Referral and Assessment Team.
- 4 compliments were regarding the Looked after Children Team.
- 6 compliments were regarding children's residential homes, 2 of these compliments were from looked after children.
- 4 compliments were about the support offered by Children's Commissioning Officers, LADO and Reviewing Officers.
- 3 compliments were regarding the Fostering Team.

Conclusions

Complaints about Children's Services decreased by 18% in 2015/16 in comparison with the number received during 2014/15, (45). Furthermore, 94% of complaints were resolved at Stage 1.

More complaints are being raised around referrals and the subsequent actions by individual services. It is important that all social workers ensure that they maintain good communication with the family during this difficult period. In particular, workers should always try to clearly explain any action that may be necessary, including Section 47 Enquiries or Children in Need Assessments.

Due to a number of issues being raised about the lack of information about Section 20 agreements, a new agreement and supporting leaflet has now been developed. However it is still important that workers ensure that they clarify the process and explain the information contained in the agreement to the parents at the time. It is also important, that despite dealing with very difficult situations, that parents are treated respectfully and where possible, any upset or distress should be minimised. It is hoped that the new leaflets and explanations about processes and assessments are beneficial in reducing complaints made about Children's Services.

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 2015/16, 41% of formal contacts about Children's Services were compliments.