

**8 November 2018**

**Children and Young People - Annual Complaints Report**

**Ward(s)** All

**Portfolios:** Councillor Wilson – Children Services

**Executive Summary:**

This annual report (**Appendix One**), covers the period of 1 April 2017 through to 31 March 2018 and reports on complaints made by, or on behalf of children and young people who receive services from Children's Social Care in Walsall. It is a statutory requirement to produce an annual report and make it available to the public, staff and elected members. The arrangements for the statutory procedure and management of complaints from children and young people (or their representatives) are set out in *The Children's Act 1989 Representation Procedure (England) Regulations 2006*.

The purpose of this report is to provide an overview and analysis of all compliments and complaints received and to summarise the issues that have arisen. This provides a mechanism for the directorate to monitor the quality and effectiveness of services and of its complaints procedure.

**Reason for scrutiny:**

It is a statutory requirement to produce an annual report and make it available to the public, staff and elected members.

Members are asked to review the findings in the report and to challenge, scrutinise and hold the Directorate to account for the outcomes and implications.

**Recommendations:**

**That:**

1. The Annual Complaints Report is noted and used to monitor, challenge and scrutinise performance.

**Background papers:**

N/A

**Resource and legal considerations:**

The arrangements for the statutory procedure and management of complaints from children and young people (or their representatives) are set out in *The Children's Act 1989 Representation Procedure (England) Regulations 2006*. This requires the

publication of an annual report to be made available to the relevant committee of the council.

**Council Corporate Plan Priorities:** Enabling children and their representatives to make a complaint ,and the learning from complaints which contributes to service delivery and improvement ,impacts on the Council Corporate Plan priority -: 'Children have the best possible start, are safe from harm, happy, healthy and learning well.'

**Citizen impact:**

An effective complaints procedure provides a mechanism through which the Council can listen and learn from our service users and improve the service we deliver to them. This report provides an overview of performance against the procedure and also proposes improvements to that procedure going forward.

**Environmental impact:**

None directly

**Performance management:**

Complaints provide an important mechanism through which we can learn about the performance of services and, when aligned with other forms of intelligence, can be used to inform and drive improvements.

**Reducing Inequalities:**


The complaint procedure ensures that there is fair and equitable access to the procedure for all our service users.

**Consultation:**

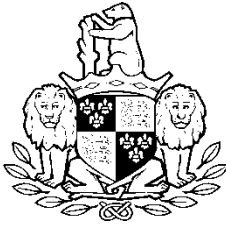
The report was shared with the Executive Director and senior managers via Performance Boards in Children's Services.

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# **Walsall Council**

## **Complaints and Representations Annual Report**

### **Children and Young People**

**April 2017 - March 2018**

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For submission to Scrutiny Committee: 8<sup>th</sup> November 2018

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## **1. Introduction**

This report contains information for the attention of the public, members of the Council and officers about the numbers and types of representations relating to Children's Services made to the Council during the financial year 2017/18.

It is a statutory requirement to produce an Annual Report (regulation 13(3)) and make it available to the public, staff and elected members.

This annual report covers the period of 1 April 2017 through to 31 March 2018 and reports on complaints made by, or on behalf of children and young people who receive support and services from Children's Social Care and Safeguarding Service in Walsall.

A complaint is an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response. Anyone who is in receipt of a service or think they should be in receipt of a service may complain, or a representative may make a complaint on their behalf.

The Complaints Manager has the key responsibility for managing the statutory process for complaints from children and young people (or their representatives). The purpose of this report is to provide an overview and analysis of all complaints and compliments received during the period and to summarise the issues that have arisen, providing a mechanism by which the quality and effectiveness of services, complaints procedure and responses can be scrutinised.

### **1.1 Staffing**

The Assurance Team - previously known as the Customer Care Team - is a multi functional/skilled team and has been staffed by 3 Lead Assurance Officers, 4.6 Assurance Officers and 3 assistant Assurance officers.

The team administers non-statutory and statutory social care representations and complaints received by the Council relating to both Adults and Childrens services.

The Assurance team is also the first point of contact for complaints in relation to other services and directorates within the council, and will usually forward these on to the relevant area to provide a response.

The team is also responsible for processing and responding to Freedom of Information Requests (FOI's), Environmental Information Requests (EIR's) and Subject Access Requests (SARs), as well as Corporate Performance and the Corporate Plan.

In addition, the team delivers training sessions on the complaints process. In 2017/18, session were delivered to foster carers, residential homes staff and to social worker management via the directorate Performance Improvement Forum.

### **1.2 Reporting and monitoring systems**

All statistical information within this report has been taken from the bespoke data base system 'Respond.' This data base provides a reporting and monitoring system to ensure accurate recording/logging of complaints in accordance with the statutory guidance.

Information is reported on a quarterly basis to the Children's directorate performance board in order to keep the director, assistant director and senior managers updated on the volume and type of complaints being received, the issues raised, outcomes of the complaint and any learning gained.

Additionally, a weekly complaints report is produced which enables managers to focus on responding to all active complaints in a timely manner, and which also updates where a 'learning capture form' is required.

Information on learning from complaints is shared regularly with the directorate Performance Improvement Forum.

The team also provide training sessions for staff across Children's Services.

## 1.2 Headline Summary

	16/17	17/18
Total no. complaints received	117	<b>108</b>
Total no. social care complaints responded to	104	<b>100</b>
Total no. corporate complaints	13	<b>29</b>
No. Stage 2 complaints	1	<b>1</b>
No. Stage 3 Complaints	0	<b>0</b>
Overall timeliness of '10 working day complaints'	52%	<b>60%</b>
Average time to respond to '10 working day' complaints	20 days	<b>12.8 days</b>
Main sources of complaints	Parents; Young Person	<b>Parents; Young Person</b>
Main issues of complaints	Communication; lack of support	<b>Communication; lack of support</b>
Main outcomes	39% issues raised in complaints were upheld or partially upheld	<b>54% of issues raised in complaints were upheld or partially upheld</b>
No. of compliments	22	<b>45</b>
LGO Complaints upheld	3	<b>1</b>

### Key Headlines:

- In 2017/18, there was a 7.5% reduction compared with the previous year in the number of statutory complaints responded to at Stage 1, continuing the falling trend over previous years (**140 responded to in 2014/15**).
- There has been a focus on handling more complaints via corporate procedures when appropriate, where the complaint is not specifically related to a child in receipt of a service
- 1 complaint went through the Stage 2 process of the complaints procedure in year
- 8% more '10 working day' complaints were responded to in timescale
- The average time taken to respond to '10 working day' complaints at Stage 1 reduced from 20 to 12.8 working days.
- Poor communication and lack of support continue to be the two main issues raised by complainants from last year
- The percentage of complaint issues upheld or partially upheld i.e. where the response finds partly or wholly in favour of the complainant increased from 39% to 54%
- The number of compliments has doubled in number from the previous year
- The completion of 'learning from complaint' details by responding managers has improved

## 2 Complaints procedure

### 2.1 Overview

There are three stages to the formal complaints procedure:

- **Stage one - local resolution.** Intended to be swift, focussed resolution taking no more than 20 working days. The intention is that the majority of complaints can be dealt with at this stage.
- **Stage two - independent complaint investigation.** Where a complainant is unhappy with the outcome of their stage 1 complaint, they can request a stage 2 complaint investigation. Carried out by an investigating officer (IO) with an independent person (IP). The IO produces a comprehensive report into individual complaints resulting in a complaint being upheld, partially upheld, inconclusive or not upheld. It is the expectation of the statutory guidance that the stage two investigations will be completed in a maximum of 65 working days.
- **Stage three - independently chaired review panel.** Where a complainant remains dissatisfied with the outcome of a stage two complaint, they can request a stage three review panel. This panel is made up of a chair and two

members. It is the panel's responsibility to review the investigation but not to re-investigate the complaint.

## **2.2 Local Government Ombudsman (LGO)**

At the conclusion of the three stage process the complainant has the right to escalate their concerns to the Local Government Ombudsman (LGO).

The LGO investigate complaints of injustice arising from maladministration by the Local Authority. This may include looking at complaints both in relation to the provision of social services and in relation to the operation of the complaints process. They can also investigate complaints about how the Local Authority has carried out these processes. The Local Authority must have an opportunity to investigate / respond to a complaint before the LGO will become involved. If the LGO is satisfied with the remedial action offered by the Council, the complaint will be regarded as 'locally settled' and the investigation is discontinued.

## **3 Number of complaints and representations received**

### **3.1 Stage One – local resolution**

The complaints team received **108** new complaints during the year, however of these **8** were outside the scope of the statutory complaints process and were either withdrawn or investigated under other procedures, usually via the courts.

In addition, **29** of the complaints received and responded to were **corporate** complaints, dealt with under the council's corporate complaints procedures.

This leaves **100** statutory complaints received during the year which were investigated and responded to at Stage One of the process, comprising **92** '10 working day' complaints and **8** '20 working day' complaints. The trend established in previous years for fewer statutory complaints has continued in 2017/18 with a reduction of 8% from 2016/17.

It is also important to view the number of complaints in the context of the number of cases Walsall Children's Services deals with each year - as at 31<sup>st</sup> March 2017/18, there were 2762 'children in need' as reported by the latest CIN census and 5229 referrals to the social care and safeguarding service during the year.

### **3.2 108 Statutory Complaints Received in 2017/18 by Service Area (117 in 16/17)**

SE ND	Protection & Assessment (inc. MASH)	Provider Services (Fostering & Adoption)	Corporate Parenting (inc. Residential)	Safe-guarding & Family Support	Early Help	Commissioning	Review & Child Protection	Access & Achievement
4 (6)	20 (22)	2 (5)	26 (29)	46 (41)	4 (5)	3 (1)	2 (5)	1 (3)

### 3.3 Escalated Complaints – Stages Two and Three

During 2017/18, 1 case was raised to Stage 2 of the Complaints Procedure, requiring an independent investigation. No complaints proceeded to Stage 3 in year.

### 3.4 Local Government Ombudsman (LGO)

In 2017/18, 19 initial complaints were received in relation to Walsall Council Children's Services by the LGO. The outcome of these was as follows (16/17 nos):

No. complaints to LGO	Invalid or incomplete	Referred back for local resolution	Closed after initial inquiries	Not upheld	Upheld	Advice Given
19 (22)	2 (3)	13 (11)	1 (5)	1 (0)	1 (3)	1(0)

## 4. Timeliness of Complaint Responses

Statutory Timescales	No. complaints responded to in timescale 17/18 (16/17)	% of complaints responded to within timescale (17/18) (16/17)	Average response time 17/18( working days) (16/17)
10 working day complaints	55 (50)	60% (52%)	12.8 (20.07 working days)
20 working day complaints	8 (4)	50% (33 %)	29 (39 )
Corporate complaints (20 working days)	20(13)	71% (69%)	15.9 days (18)

Performance for both statutory and corporate complaints – both for average working days and the percentage of complaints being responded to in time - has improved in comparison to 2016/17. This is partly attributable to vacant posts in the corporate assurance team being filled and to quicker response completion by responding managers in children's services.

## 5. Source of Complaints Received



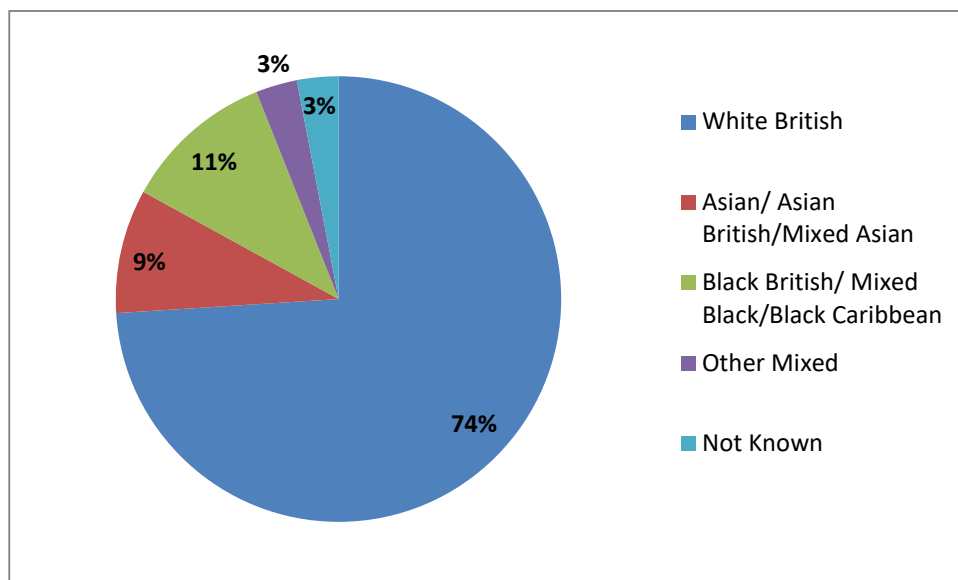
Source of Complaints	No. and % of complaints (17/18)	No. and % of complaints (16/17)
Child/Young Person	18 (17%)	19 (16.3%)
Child with Advocate Support	3 (3%)	3 (2.6%)
Mother	35 (32%)	32 (27.8%)
Father	25 (24%)	26 (22.2%)
Grandparents	6 (5%)	14 (12.2%)
Other Relatives	8 (7%)	8 (6.8%)
Foster Carer/Adoptive Parent	9 (8%)	9 (7.7%)
Professional/ Staff Member	4 (4%)	5 (4.4%)
Total	108	117

## 6. Equalities Monitoring

As part of our commitment to ensure that the service is accessible to all and to reduce inequality, monitoring is undertaken against ethnicity, religion, gender, and disability.

Statutory complaints were split on gender lines as follows: 45% female, 55% male.

The chart below shows the breakdown of complainants by ethnicity:

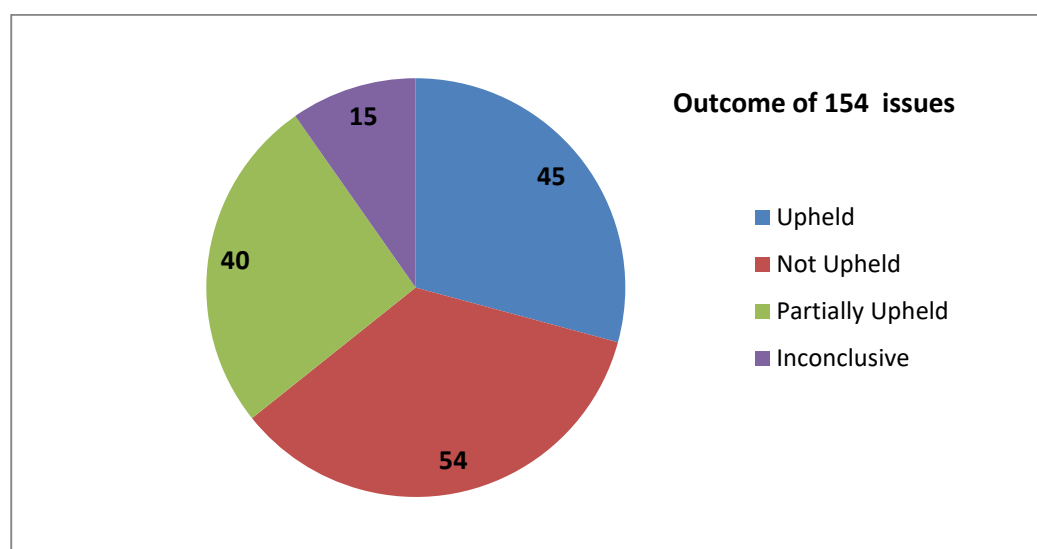


## 7. Issues Raised

Of the 100 complaints responded to, 154 separate issues were raised (181 in 2016/17):

Most frequently occurring Issues	(2017/18)	(2016/17)
Poor communication	15.6%	(17.2%)
Lack of support from service	16.9%	(13.4%)
Lateness of staff/ failure to attend appointments	3%	(7.5%)
Staff attitude	4.5%	(5.4%)
Abuse from other service users	2.6%	(5.4%)
Disagreement with decision	4%	(5.4%)
Inappropriateness of service	4.5%	(5.4%)
Contact issues	4.5%	(5.4%)
Poor quality of service	9.8%	(5.4%)
Inaccuracies in reports/ assessments	6.5%	(4.8%)
Issues with child protection process	5.2%	(4.8%)

## 8. The Outcome of Complaint Issues



### • % comparison with 2016/17

Issue outcome	17/18	16/17
Not upheld	35%	43%
Partially upheld	26%	18%
Upheld	29%	21%
Inconclusive/other procedures/not known	10%	18%

**Note:** the percentage of complaint issues that were upheld or partially upheld has increased from 39% to 54%

## 9. Compliments

There were 45 compliments received during 2016/17, compared to 22 in the period 17/18. The following service areas received compliments:

Service Area	No. compliments 17/18 (16/17)
Early Help	13 (0)
Children with a Disability Team	4 (0)
Protection & Assessment (MASH/ IRS)	8 (2)
Looked After Children & Care Leavers & Residential	9 (4)
Permanence/ Safeguarding Family Support	5 (12)
Safeguarding Review/ Child Protection	5 (0)
Provider Services /Adoption & Fostering	1 (4)
<b>Total</b>	<b>45 (22)</b>

Examples of these compliments are as follows:

1. *"Without this worker we wouldn't be where we are today, her being involved is a big positive for our family"*
2. *"I do not know the results of the assessment yet that K did but I have complete faith in the social worker's judgement as I feel we have now been treated in a completely different way. She is nothing but thorough and a credit to you and Walsall Social Services. I would like you to pass my feedback on to both her line manager and her if possible"*
3. *"As a family we would like to thank X at Early Help for going above and beyond to help us in a crisis. Without her help we would not have survived. Thank you all."*
4. *"For the first time in a very long time I actually saw a Social Worker who has been engaging with a young person on a regular basis and not just at the point of a crisis. (This is not meant as a criticism of other workers as I appreciate their time is precious and workloads high) However it was very evident that the investment of time from a SW on a complex young person can and does have such a profound impact. I believe that this turnaround in Y is down to her relationship with her SW."*
5. *"Compliment for worker; she has been there for me when needed, very helpful, understanding and very supportive. I have gained knowledge in parenting skills and managing teenage behaviour"*

6. *“Compliment from mother whose children are subject to CP; for social worker who has provided great support and helped the family to become stronger*

## 10. Learning

- As part of the complaint response process, all responding officers are requested to identify learning for the service. Effective learning can prevent further similar complaints, identify gaps in service, assist with reflection on practice and provide strong evidence for inspection
- The learning form captures where the learning was raised with staff e.g. one to one, management meetings, performance boards and any proposed service action/ changes.
- The table below summarises the learning outcomes from the statutory complaints responded to:

Learning outcomes	17/18
Management action	34
Staff Training	14
No Learning	30
Not applicable/not known	21
Total statutory complaints	100

## 11. Benchmarking Information

- As requested at last year's equivalent scrutiny committee, information has been requested from and shared by some of the local authorities in the West Midlands Regional Complaints Group to give members comparisons and context for Walsall's overall numbers. *(Note, these are draft/ provisional figures prior to Annual Reports being completed in each authority)*

Local Authority	Stage 1 Complaints (17/18)	Stage 2 Complaints	Corporate Complaints
Wolverhampton	90	4	n/a
Stoke	111	0	59
Solihull	21	0	38
Staffordshire	56	5	132
Warwickshire	135	23	3
Walsall	100	1	29

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