



Walsall Council

Complaints and Representations Annual Report

Children and Young People

April 2019 - March 2020

CONTENTS

1. Introduction
2. Staffing
3. Reporting and Monitoring Systems
4. Complaints Procedures
5. Headlines and Key Points from Annual Data
6. Numbers of complaints
7. Timeliness of responses
8. Source of complaints
9. Issues
10. Outcomes
11. Compliments
12. Learning

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 2019/20.

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

The process of dealing with complaints regarding Children's Social Care through statutory procedures is set out in legislation;

- **Children's Complaints – Statutory and Corporate as set out in legislation**
The Children Act 1989 Representations Procedure (England) Regulations 2006 and accompanying guidance '[Getting the best from Complaints](#)'.

This annual report covers the period of 1 April 2019 through to 31 March 2020 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, the complaints procedure and responses can be scrutinised.

2. Staffing

The Assurance Team administers non-statutory and statutory social care representations and complaints received by the Council relating to both Adults and Children's services.

Officers are responsible for ensuring children's complaints are logged, processed and responded to at Stage 1 of the process, and where a complaint progresses to Stage 2 or 3, the team is responsible for recruiting independent investigators and panel members and for facilitating any investigations and panels which take place.

In addition, the Assurance team is responsible for dealing and responding to any enquiries by the Local Government and Social Care Ombudsman (LGSCO) for complaints across all council services that reach this stage, including Children's Services complaints. The Council's LGSCO link officer role sits within the Assurance

Team and leads on dealing with all LGO contact – initial enquiries, assessments, investigations and ensuring that the council responds accordingly to the findings of any LGSCO investigations.

The 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.

In addition, the team is 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 reporting performance against the Corporate Plan priorities to the Council's senior management team.

Also, the team delivers training sessions on the complaints process and in 2019/20, delivered training to senior managers, residential homes staff and foster carers.

In 2019/20, the Assurance team consisted of a manager, 3 Lead Assurance Officers and 5.6 Assurance Officers.

3. 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.

During 2019/2020, an investment was made to update the Respond system from version 3 to version 7. The new version became active mid-year at the beginning of August 2019. It offers improvements and enhanced facilities to support better complaint handling and greater scope for reporting management information. This means that the data which informs this report was extracted from the 2 versions of Respond.

Management information from the system was shared with service managers during 2019/2020 via reports to service and directorate management meetings, and a weekly complaints report is produced which enables managers to focus on responding to all active complaints in a timely manner. The report provides a rag rating against each open complaint to indicate when the response needs to be completed by.

Information on learning from complaints was also shared in 2019/20 with the directorate Performance Improvement Forum.

4. Complaints procedure

4.1 Overview – Stages 1-3

There are three stages to the formal statutory 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. (Note, the corporate complaints procedure follows this procedure at first stage, but does not have a formal Stage 2/ 3)
- **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 the individual complaint 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.

4.2 Local Government and Social Care Ombudsman (LGSCO)

At the conclusion of the three stage of the statutory process – (or following a senior manager review of a corporate complaint) - the complainant has the right to escalate their concerns to the Local Government and Social Care Ombudsman (LGSCO).

The LGSCO 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.

5. Headlines and Key Points from Annual Data

	18/19	19/20
Total no. social care complaints received	128	133
Total no. statutory complaints responded to	33	35
Total no. corporate complaints responded to	86	85
No. Stage 2 complaints	2	1

No. Stage 3 Complaints	1	2
Overall timeliness of '10 working day complaints'	50%	47%
Overall timeliness of corporate complaints	62%	53%
Main sources of complaints	Parents; Young person;	Parents; Young person;
Main issues of stat complaints	Communication/ sharing of information; quality of service	Communication/ sharing of information; staff conduct/attitude
Main outcomes	54% of issues raised in complaints were upheld or partially upheld	54% of issues raised in complaints were upheld or partially upheld
No. of compliments	53	35
LGO Complaints upheld	0	5

Key Points:

- The total number of social care complaints received has risen slightly by 4% compared with 2018/19. The number actually responded to under complaints procedures was however static at 120
- The focus on handling more complaints via corporate procedures continued the trend of recent years. In 2019/20, 70% of all complaints were responded to as corporate complaints, compared with 23% in 2017/18.
- No new Stage 2 complaint investigations were carried out in 2019/20, however 2 complaints proceeded to the formal Stage 3 panel stage of the statutory complaints procedure.
- 21 children's complaints were received by the LGSCO compared with 13 in 2018/19, and of those investigated, 5 were upheld (0 in 18/19).
- 3% fewer statutory '10 working day' complaints were responded to in timescale, and 9% fewer corporate complaints.
- Poor communication / information sharing and staff conduct were the two main issue raised by complainants.
- The percentage of complaint issues upheld or partially upheld i.e. where the response finds partly or wholly in favour of the complainant remained the same as in the previous year.

6. Number of complaints received and responded to by stages

6.1 Stage One – local resolution

The Assurance Team received **133** new complaints during the year, however of these **13** were outside the scope of the statutory complaints process. These were either withdrawn by the complainant, where, for example, the issue was resolvable by the service area without handling as a formal complaint or where the complainant did not have the necessary parental responsibility to make a valid complaint. Others were investigated under other procedures, usually via safeguarding or legal procedures.

In addition, **85** of the complaints responded to were **corporate** complaints, dealt with under the council's corporate complaints procedures, which follow the same process at Stage 1 albeit with a longer deadline to respond of 20 working days.

In total, **35** statutory complaints received during the year were investigated and responded to at Stage One of the statutory process.

The total number of complaints responded to under both procedures was static compared with 2018/19.

Statutory Complaints Responded to in 2019/20 by Service Area 35 (33 in 18/19)						
SEND	Protection & Assessment (inc. MASH)	Provider Services (Fostering & Adoption)	Corporate Parenting (inc. LAC/ TLC/ Residential)	Safe-guarding & Family Support (inc. CWDT)	Early Help	Review & Child Protection
1 (1)	2 (4)	2 (2)	12 (11)	17 (13)	0 (1)	1 (1)

Corporate Complaints Responded to in 2019/20 by Service Area 85 (86 in 18/19)						
SEND	Protection & Assessment (inc. MASH/ IRS)	Provider Services (Fostering & Adoption)	Corporate Parenting (inc. LAC/TLC/ Residential)	Safe-guarding & Family Support (inc. CWDT)	Early Help	Review & Child Protection
5 (17)	13 (9)	7 (4)	5 (11)	41 (37)	2 (4)	1 (4)
CS Directorate	Access & Achievement (inc. School Improvement)	Commissioning (inc. School Transport)				
3 (0)	3 (0)	5 (2)				

6.2 Escalated Complaints

Two Stage 3 panel complaints took place in 2019/20. Both complaints had progressed through the Council’s complaints processes in previous years. The relevant panel hearings related to:

- The decision of a complex care and short breaks panel
- The level of support provided to a vulnerable family

Both complaints proceeded to the LGSCO following the panel hearing, and were investigated but not upheld.

6.3 Local Government and Social Care Ombudsman (LGSCO)

In 2019/20, 21 initial complaints were received in relation to Walsall Council Children’s Services by the LGSCO. The equivalent figure for 2018/19 was 13.

Of those investigated, 5 Children’s services complaints were upheld. The complaints investigated included:

- Communication and sharing of information
- Handling of complaints
- Providing education and meeting special educational needs
- Arrangements for a school admissions appeal panel

The remedies advised by the LGSCO in these cases included:

- Apologies
- Financial compensation
- Complaints training for officers

7. Timeliness of Complaint Responses

Statutory Timescales	No. complaints responded to in timescale 19/20	% of complaints responded to within timescale 19/20 (18/19)
10 working day complaints	16 of 34	47% (50%)
Extended 20 working day complaints	1 of 1	100% (50%)
Corporate complaints (20 working days)	30 of 57	53% (62%)

Performance for both statutory and corporate complaints being responded to within timescales has dipped in comparison to 2018/19 but there remains an improving trend on previous years.

Wherever possible, the Assurance Team inform and apologise to customers of any delay and advise when to expect the final response.

The more advanced version of the Respond complaints system which became operational mid 2019/2020 is anticipated to have a positive contribution to both complaint processing, handling and response times in future years.

8. Source of Complaints

Source of Complaints responded to	18/19	19/20
Child/Young Person	14	13
Child with Advocate Support	3	2
Parents	66	79
Grandparents	12	11
Other Relatives	8	4
Foster Carer/Adoptive Parent	11	6
Professional/ Staff Member/Other	5	5
Total	119	120

9. Issues

Of the 120 complaints responded to, 146 separate issues were raised. The table below list the most frequently occurring issues:

Most frequently occurring Issues	2018/19 (statutory only)	2019/20 (stat & corporate)
Poor communication/clarity of information/failure to keep informed	18.5%	19%
Staff conduct/ attitude	9%	16%
Quality of service	18%	14%
Delay in receiving service	4%	9%
Inaccuracies in reports/ assessments	9.5%	8.5%
Lack of support	10.5%	7.5%
Disagreement with decision	9.5%	7%
Inappropriateness of service	3.5%	4%
Contact issues	6.5%	4%
Non-adherence to procedure	2%	3%
Others	1%	3%
Abuse from other service users	3.5%	1.5%
Abuse from carer	-	1.5%
Financial Loss	-	1.5%

Issues with child protection process	4.5%	0.5%
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10. Outcomes

% comparison with 2018/19

Issue outcome	18/19	19/20
Not upheld	32%	31%
Partially upheld	31%	30%
Upheld	23%	24%
Inconclusive/other procedures/not known	14%	15%

Note: the percentage of complaint issues that were upheld or partially upheld has remained at 54%

11. Compliments

There were 35 compliments received during 2019/20, compared to 53 in the period 18/19. The following service areas received compliments:

Service Area	No. compliments 19/20 (18/19)
Early Help	2 (6)
Protection & Assessment (MASH/ IRS)	4 (3)
Looked After Children & Care Leavers & Residential	15 (22)
Safeguarding Family Support, inc. CWDT	8 (9)
Safeguarding Review/ Child Protection	2 (6)
Provider Services /Adoption & Fostering	2 (4)
Access & Achievement	2 (2)
Total	35 (53)

Examples of compliments received are as follows:

1. *“Thank you for sending me a certificate to say I can say with A&B until I’m grown up and ready to leave; I love living with them and there’s nowhere else I’d rather be”*
2. *“As a complete family now, we would like to thank you for all the support you all gave my son and daughter in law.
From start to finish G. was an angel in disguise, so supportive and positive, and helped my son immensely, as he hasn’t been put in the position before, looking after a baby but thank you for all the support you all put in. Everything went so brilliantly. C is now with her real family and is settling lovely getting in her own routine - mum and dad happy, along with her extended family. So again thank you. I hope this message sends a positive message to others who are going through similar.”*
3. *“D is a good communicator who is always polite in her responses (be it via email, telephone or in person). She goes out of her way to discuss case prior to meetings or LAC reviews and always seeks clarification where it is needed. She also updates in between meetings when there is significant information. She is pleasant and supporting in all interactions with S whilst also being open and honest regarding the outcome of his assessments. She has built sound professional interactions & relationship with S. I must also mention that her Social Workers Reports for LAC Reviews are comprehensive, accurate, well detailed and are of exceptional standard. S has commented that Abi is so kind and caring towards him and listens to him. He added that she has a particularly lovely, calming influence and is very encouraging towards him”*
4. *“Can I just send a note of commendation for the work F has done in regards to the case with G? She has been very child and family centred in her approach and has communicated with me excellently thus far. We need to nurture this type of working ethos.”*

12. 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 practise and provide strong evidence for inspection
- The learning form enables capture of where the learning is raised with staff e.g. one to one’s, management meetings, together with any proposed service action/ changes.
- Learning can also be captured from a complaint response where the responding officer sets this out within the response.
- Work is planned to be rolled out in 2020/21 to strengthen links between learning from complaints and the service Quality Assurance Framework, so that all of our learning, including learning from complaints, case file audits etc. is communicated to staff through QA bulletins.
- Examples of learning captured in relation to upheld or partially upheld statutory complaint issues are set out in the table below:

Complaint	Learning	Actions
Lack of communication during CP process including sharing of meeting minutes and letters with prospective carers	Need for information to be shared in a timely and appropriate way with relevant persons	Officer training and guidance
Previous SW didn't explain clearly about the adoption papers when asking parent to sign them; the new SW has not explained what happening e.g. contact being cancelled	Requirement for social workers to communicate well and explain process.	A new social worker appointed to the case
Case was closed before a court order was in place to support children remaining in the care of their father	All points of action in CIN plans to be addressed before case closure.	Mediation and apology.
Care leaver not being listened to and lack of communication re future accommodation	Communication needed ensuring YP is aware of change of workers; care plan to be discussed; phone calls to be returned; YP view to be listened to.	Apology and staff guidance

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