



Walsall Council

Complaints and Representations Annual Report

Children and Young People

April 2016 - March 2017

For submission to Scrutiny Committee: 9th January 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 between 1 April 2016 and 31 March 2017.

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 2016 through to 31 March 2017 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 2016/2017 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

For 2016/17, the Assurance Team - previously known as the Customer Care Team - was subject to a restructure to form a multi functional/skilled Assurance Team and has been staffed by 3 Lead Assurance Officers and 3.6 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.

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 robust 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 provided for the monthly directorate Performance Improvement Forum

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

1.2 Headline Summary

	15/16	16/17
Total no. social care complaints responded to	120	104
Total no. corporate complaints	9	13
No. Stage 2 complaints	0	1
No. Stage 3 Complaints	0	0
Overall timeliness of 10 working day complaints	63%	47.17%
Overall timeliness of 20 working day complaints	57.1%	57.14%
Main sources of complaints	Parents; Grandparents	Parents; Young Person
Main issues of complaints	Communication; disagreement with decisions made	Communication; lack of support
Main outcomes	31 % issues raised in complaints were upheld or partially upheld	46% issues raised in complaints were upheld or partially upheld
No. of compliments	9	12
LGO Complaints upheld	4	3

Key Headlines:

- In 2016/17, there was a 13% reduction compared with the previous year in the number of statutory complaints responded to at Stage 1, continuing the falling trend over previous years
- 1 complaint received in 16/17 progressed to Stage 2 of the complaints procedure in year
- 16% fewer ‘10 working day’ complaints were responded to in timescale
- The average time taken to respond to ‘10 working day’ complaints at Stage 1 increased from 12 to 20.7 days

- The average time taken to respond to '20 working day' complaints at Stage 1 increased from 23 to 25 days
- Poor communication remains the main issue raised by complainants
- The percentage of issues upheld or partially upheld i.e. where the response finds partly or wholly in favour of the complainant increased
- The number of compliments received increased slightly
- The capture of learning from complaints has become more rigorous

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 **130** new complaints during the year, however of these **13** were outside the scope of the statutory complaints process and were either withdrawn or investigated under other procedures, usually via the courts.

In all these cases the customer received a response explaining why it was not possible to investigate at that stage and explaining their options. In addition, **13** of the complaints received and responded to were **corporate** complaints, dealt with under the council's corporate complaints procedures.

This leaves **104** statutory complaints received during the year which were investigated and responded to at Stage One of the process, comprising **97** '10 working day' complaints and **7** '20 working day' complaints. The trend established in the past 4 years for fewer statutory complaints has continued in 2016/17 with a reduction of 13% from 2015/16.

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 - in 2016/17, there were 1895 'children in need' as reported by the latest CIN census and 4586 referrals to the social care and safeguarding service.

3.2 104 Statutory Complaints Responded to in 2016/17 by Service Area (120 in 15/16)								
SEND	Protection & Assessment (inc. MASH)	Provider Services (Fostering & Adoption)	Corporate Parenting (inc. Residential)	Safeguarding & Family Support	Early Help	Commissioning	Review & Child Protection	Access & Achievement
6 (17)	21 (19)	6 (12)	21 (35)	34 (21)	5 (8)	2 (0)	5 (2)	4 (6)

3.3 Escalated Complaints – Stages Two and Three

During 2016/17, 1 case was raised to Stage 2 of the Complaints Procedure, requiring an independent investigation.

3.4 Local Government Ombudsman (LGO)

In 2016/17, 22 initial complaints were received in relation to Walsall Council Children's Services by the LGO. The outcome of these was as follows (15/16 nos):

No. complaints to LGO	Invalid or incomplete	Referred back for local resolution	Closed after initial inquiries	Investigated	Upheld
22 (24)	3 (10)	11 (8)	5(1)	3 (5)	3 (4)

4. Timeliness of Complaint Responses

Statutory Timescales	No. complaints responded to in timescale (15/16)	% of complaints responded to within timescale (16/17) (15/16)	Average response time (working days) (15/16)
10 working day complaints	50 (75)	47.2% (63%)	20.07 (12)
20 working day complaints	4 (4)	57.1% (57%)	25.71 (23)
Corporate complaints (20 working days)	13	69%	18

Performance for 10 day complaints at Stage 1 – both for average working days and the percentage of complaints being responded to in time - has dropped in comparison to the 2015/16. This is partly attributable to staffing issues in both children’s services and the corporate assurance team. These issues have been addressed and early indicators of performance in 2017/18 show a marked improvement.

5. Source of Complaints

Source of Complaints	No. and % of complaints (15/16)	No. and % of complaints (16/17)
Child/Young Person	11 (9%)	17 (16.3%)
Child with Advocate Support	4 (3.5%)	1 (1%)
Mother	46 (38%)	32 (30.8%)
Father	21(17.5%)	26 (25%)
Grandparents	15 (11.5%)	14 (13.5%)
Other Relatives	5 (4%)	4 (3.8%)
Foster Carer/Carer	11 (9%)	9 (8.6%)
Staff (Teacher)	-	1 (1%)
Total	120	104

6. Issues Raised

Of the 104 complaints responded to, 168 separate issues were raised (199 in 2015/16):

Most frequently occurring Issues (minimum 8 occurrences)	(2016/17)	2015/16
Poor communication	(17.2%)	16%
Lack of support from service	(13.4%)	4.5%
Lateness of staff for appointments	(7.5%)	1.5%
Staff attitude	(5.4%)	4.5%
Abuse from other service users	(5.4%)	-
Disagreement with decision	(5.4%)	11%
Inappropriateness of service	(5.4%)	3%
Contact issues	(5.4%)	7.5%
Poor quality of service	(5.4%)	8%
Inaccuracies in reports/ assessments	(4.8%)	7.5%
Issues with child protection process	(4.8%)	4%

7. The Outcome of Complaint Issues

Issue outcome	16/17	15/16
Not upheld	47%	55%
Partially upheld	26%	17%
Upheld	20%	14%
Inconclusive	7%	14%

Note: the percentage of complaint issues that were upheld or partially upheld has increased from 31% to 46%

8. Compliments

There were 22 compliments received during 2016/17, compared to 9 in the period 15/16. The following service areas received compliments:

Service Area	No. compliments 16/17 (15/16)
SEND	0 (1)
Protection & Assessment (MASH)	2 (2)
Looked After Children & Care Leavers & Residential	4 (5)
Permanence/ Safeguarding Family Support	2 (1)
Provider Services /Adoption & Fostering	4 (0)
Total	12 (9)

Examples of these compliments are as follows:

1. *Since she become social worker she has helped every time needed and has always listened and not talked over me. She is great. She has helped me to be placed somewhere I am really happy. I hope she gets to help lots of other kids like me so they can be happy and safe and have a good future like I have now.*
2. *I want to say a big thank you from all of us - for everything that you did during our adoption journey and I wanted to say that your efforts & passion gave us the family that we dreamed of for years.*
3. *A fantastic effort and a good piece of social work (as commented in open Court).*
4. *Compliments from the interpreter involved in a meeting with Social Worker on behalf of service user. She said she was 'wonderful' and very thorough.*

5. *Social worker is brilliant as she goes above and beyond her duties to help our family and has been the best social worker yet. She gives me positive feedback and explains when I do anything wrong. She is very understanding.*
6. *We would like to thank our social worker for being a consistent and professional person over the past 3 years she has handled our case. She always listens to us.*

9. Learning

- As part of the complaint learning investigation and response, 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 2 main outcomes of learning identified are : management actions and staff training .The learning form captures where the learning was raised with staff e.g. one to one, management meetings, performance boards
- The main areas of learning identified relate to the recurring issues outlined in section 6 above and include:
 - The assessment process
 - Working relationships
 - Communication standards and processes
 - Information sharing
 - Accuracy of assessments
 - Future dialogue between service and service users
 - Understanding of agreements
 - Support arrangements
 - Updating staff knowledge of current practice
 - Signposting where appropriate

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