CHILDREN’S SOCIAL CARE COMPLAINTS

Annual Report 2015/2016

This report provides a summary and analysis of the complaints considered under the complaints representations procedure. It also includes compliments and comments (feedback and contacts other than formal complaints). Letters from MPs are also included this year. This report relates to representations and requests dealt with during the 2015/2016 financial year (1 April 2015 to 31 March 2016). It primarily concerns new complaints received during that period, but also includes complaints received prior to 1 April 2015 which were ongoing or completed during the period.

This report contains information under the following headings:

- Stage 1 Complaints: Outcomes and Themes
- Stage 1 Complaints: Statistics
- Learning Points Complaints
- The LGO
- Compliments
- Comments including MPs Letters

Headline Facts 2015/2016

- A total of 104 new statutory complaints were received relating to children’s social care services (which compares to 98 received during 2014/2015 and 79 received during 2013/2014) along with 66 compliments, 75 comments and 25 MP letters.

- 492 compliments were also received directly from Children’s Centres.

- 12 complainants expressed dissatisfaction with their Stage 1 response and requested escalation to Stage 2. 6 complaints were ultimately taken to Stage 2.

- The Local Government Ombudsman (LGO) issued 3 Decision Notices relating to complaints from the previous year (2014/2015).

- 5 existing complaints were being investigated at Stage 2.

12 Formal Expressions of Dissatisfaction with Stage 1 Response

- 7 Meetings Held to try to resolve at Stage 1
- 5 Escalated to Stage 2
  - 1 Referred to LGO
  - 5 Resolved at Stage 1
  - 1 Escalated to Stage 2
The main issues recorded are:

- Inaccuracies in reports and assessments; perceived bias in the reports and by workers; unprofessional comments made by workers.
- Poor Communication – messages left by telephone not being returned; lack of written correspondence – introduction & closing letters; minutes and assessments not received.
- Combined Assessments being completed without parents having the opportunity to comment on them first.
- Delays in completing reports and assessments.
- Lack of information provided by staff; lack of notice about meetings; lack of updates about their child’s case.

These are similar to the themes identified in the previous three years.

The main issues recorded from complaints from children and young people (9 complaints) were:

- Complaints about their social workers; they don’t listen to the young people and they don’t like the way they make the young people feel (2 x Not Upheld & 1 x apology given as member of staff had left)
- Complaint about funding being stopped and lack of communication over this. (this was Not Upheld)
- Complaint about being on a Child Protection Plan (this was Not Upheld – Decision to be made at a CP Review Meeting)
- Decisions not communicated clearly to a young person which resulted in stress during an emergency move of placement (this was Partially Upheld)
- Concerns about information about the complainant being a risk to children being communicated to her friend (who has children) (this was Not Upheld)
- Delays in a risk assessment being completed on the complainant’s boyfriend who is currently in prison (this was Not Pursued)
- Concerns about the complainant’s brother (who is a Looked After Child) being given a Smart mobile phone (this was Not Upheld)
(1) **Total complaints received 1 April 2015 to 31 March 2016 by Team**

- Youth Offending Team
- Youth Prevention Team
- Safeguarding
- Family Service
- Fostering
- ChECS
- CIN/CP Macclesfield
- CIN/CP Crewe
- Permanence & Through...
- Adoption Team

(2) **Response Times to Complaints**
(refers to when a full Stage 1 response was sent)

- Answered within 20 days: 24% (2015/2016), 21% (2014/2015)
- Answered outside 20 days: 30% (2015/2016), 26% (2014/2015)
Complaints are a valuable source of information. They can help to provide a picture of how services are performing and can help to identify recurring or underlying issues so that improvements can be made.

It is important to capture information relating to complaints to enable analysis to identify the causes, to record learning from complaints and to have a record of the action which has been taken. In order to do this, from the first quarter of the 2015/2016 reporting year, Children’s Services implemented an Action Plan which identified the key learning points from each complaint and listed the actions needed as a result.

The following is a summary of the key learning points from the areas where most complaints were received in the reporting period. Consistent with previous years most complaints related to the actions (or lack of) and conduct of members of staff, communication issues, care practice issues and issues with lack of factual accuracy in reports and assessments.

(1) Quality of Combined Assessments

- Social workers to be reminded about their spelling and grammar especially when completing assessment and reports, but also when making case notes on the electronic database (Liquid Logic),

- Social Workers to be reminded that factual details, especially names, dates of birth, familial relationships and addresses should be double-checked to ensure these are accurate.

- Social Workers to be reminded that draft assessments should be shared with parents and young people prior to being signed off and finalised. Parents should have the opportunity to comment on the factual accuracy of assessments (and reports such as those prepared for the courts) and be able to offer their views on professional opinions given in reports. Assessments should be shared with all relevant family members including fathers where they hold Parental Responsibility.

(2) Distribution of Minutes of Meetings

- Staff to be reminded that minutes of meetings (including Child in Need meetings, Child Protection Conferences and Core Group meetings) should be sent out to parents/young people within the agreed timescales or as soon as possible thereafter. Clients should not have to chase for these or resort to the complaints process in order to obtain them.
(3) Timing of and attendance at Meetings

- Meetings where parents are invited to attend should wherever possible be arranged at dates and times suitable for parents and take into account their working commitments.

- Social workers (and other professionals) to give as much notice as possible where they know they will be on leave or unable to attend a pre-arranged meeting. Apologies for non-attendance should be sent to the Chair as far as possible in advance of the meeting.

- Dates, venues and times of meetings should be conveyed to all attendees so everyone is clear as to where and when the meeting is taking place.

(4) Communication Issues

- Staff to double check that they are sending letters to the correct address so as not to breach the Data Protection Act and cause undue distress to clients.

- Absent fathers who hold Parental Responsibility should be sent all relevant paperwork, such as copies of assessments and minutes of meetings that relate to their children. They also need to be notified of any changes in social worker.

- Verbal referrals to other local authorities should be followed up in writing to avoid any confusion about the content/context of the referral.

- Telephone messages should be returned by social workers within a reasonable amount of time. If a client’s designated social worker isn’t available and the client wishes to speak with someone urgently, they should be put through to the Duty social worker.

- Young people to be kept clearly informed of what is happening before and during any placement move, especially if the reasons are not clear to them.

- Letters from parents or solicitors should always be responded to.

- Telephone messages from other professionals should be clearly recorded and passed on to the appropriate members of staff. Out of Office messages on answerphones eg over the Christmas-New Year period, need to clearly state when the office will re-open and who to contact in an emergency.
In early 2015, the authority referred 2 cases to the LGO following Stage 1 responses without recourse to a Stage 2 Independent Investigation. A significant amount of work including meetings with the complainants at Stage 1 had taken place and it was felt that Stage 2 investigations would not further resolve the issues that the complainants were complaining about.

However, in both cases, whilst the LGO did not refer the complaints back to the council to undertake Stage 2 investigations, it did criticise the authority for not undertaking Stage 2 investigations in those 2 cases. They commented that requests for Stage 2 should be rigorously reviewed and early referral to the LGO after Stage 1 should only be done in circumstances as described in the LGO Focus Report of March 2015 “Are we getting the best from children’s social care complaints?” which can be accessed via the web-link below:-

http://www.lgo.org.uk/information-centre/reports/focus-reports

Since these complaints were originally submitted, Team Managers (formerly Practice Managers) and Service Managers (formerly Group Managers) have attended training on the Children’s Complaints Process, including the importance of keeping to deadlines. The Complaints Policy has been updated and all managers issued with the correct response template as well as guidance on how to respond effectively to new complaints with a view to resolving at Stage 1 where possible.

Further training on effective complaints handling has been commissioned by the council from the LGO and a dedicated session on Children’s Social Care complaints took place on 13 September 2016.

Where complainants identify clear unresolved disputes from Stage 1 and wish to take to Stage 2, these are now reviewed more rigorously and moved to Stage 2 where appropriate. A number of requests from complainants expressing dissatisfaction with the Stage 1 response are still referred to the LGO where it is clear that a Stage 2 can not achieve the desired outcomes of the complainant and can add no value to the complaint resolution.
## OUTCOME OF CASES INVESTIGATED BY THE LGO IN 2015-2016

<table>
<thead>
<tr>
<th>Summary of Complaint</th>
<th>LGO Final Decision</th>
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<tbody>
<tr>
<td><strong>Case 1</strong></td>
<td>“The Ombudsman will not investigate this complaint because it is reasonable to expect Mr X to raise his concerns in ongoing Court proceedings.”</td>
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<td>The complainant Mr X, says the Council used false information in its assessment of him, stopped his contact with his children and failed to help his family.</td>
<td><strong>NOT INVESTIGATED</strong></td>
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<td>The Council Considered his complaint within its Children Act complaints Procedure (Stages 1 and 2). It upheld some of his complaints about lack of contact at particular times. The remainder of his complaint the Council say it will not progress to the final third stage of its complaints procedure because of the ongoing Court case.</td>
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<td><strong>Case 2</strong></td>
<td>The LGO found no evidence of fault in the child protection process or in the actions of the social worker causing injustice, but stated that this may be because too much time has passed to investigate effectively. “Fault in the way the Council handled her complaint has caused Ms Y avoidable stress and frustration and left her without reassurance that the Council has properly addressed the issues she raised. The Council can put this right by apologising to Ms Y and paying her £150, and setting out the action it is taking to prevent the identified faults recurring.”</td>
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<td>Ms Y complains that the social worker’s assessment of her care of her son, S, was flawed, and the Council took too long to consider her complaint, so she has had avoidable stress and frustration in trying to set the record straight.</td>
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<td>In July 2013 Ms Y complained to the Council. She said: • She was unclear why S was on the first child protection plan and asked for a written explanation of the reasons Her 16+ social worker was not allowed to vote at the first child protection conference in January 2012, but was allowed to vote at the one held in August 2012 • S’s social worker a) came late to meetings b) was often unprepared c) did not keep records up to date d) communicated poorly with Ms Y and with other professionals e) carried out a home visit on Ms Y’s birthday f) did not complete a working agreement, an</td>
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<td>**Because of the Council’s fault, Ms Y was wrongly deprived of an earlier independent examination (Stage 2) of the issues she raised. She also lost the opportunity to have some of the issues she raised investigated. So Ms Y has experienced additional stress and frustration which was both</td>
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<td>Item included in the child protection plan</td>
<td>g) did not provide copy documents</td>
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<td>avoidable and significant. Ms Y also cannot be reassured that the Council has properly addressed those issues she raised which have implications for other service users.</td>
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<td></td>
<td>I uphold Ms Y’s complaint. The Council has agreed to take action which satisfactorily remedies the injustice arising from the fault I have identified, so I have completed my investigation.”</td>
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**COMPLAINT UPHELD**

**Case 3**

The complainant, Ms Z, says the Council failed to:

a) properly consider and meet the needs of her young disabled son, Y, from 2011; and

b) deal adequately with her complaint about this since January 2013

“The Council is at fault in the way it has handled Ms Z’s request for increased direct payments for her son. Core assessments have taken too long to complete and action to progress the matter was not taken. This includes the failure to make a referral to the health service in September 2013, the failure to take the matter to the complex needs panel in January 2014 and the failure to take the action agreed as a result of Ms Z’s complaint.”

**COMPLAINT UPHELD**
Compliments

A total of 66 compliments from either service users or professionals from other organisations/agencies were recorded plus 492 received directly by Children’s Centres. Compliments were received from amongst others:

Parents, Young People, Foster Carers, Cheshire Police, School Teachers, Cheshire Without Abuse, Young Foundations, Judges and Barristers.

Some comments:

"I really think your work with this family has contributed significantly to these improvements. You have established such a good rapport with X and I feel she listens to you. She also knows you will follow through on what you say, so there is trust in you-something she has not had before"

"Can I just say that I was very impressed with Lauren’s attitude, preparation and management of the plan since she has picked up the family".

"I would just like to say that you are a wonderful team with a warm heart. I felt very ease during the interview and this was down to your wonderful interpersonal skills and kind personality. If I ever move closer to Crewe, I would apply to Cheshire East Council in a heart beat".

"His work is always of a very high standard. He is always very professional. He leads meetings well, ensuring that parents understand exactly what is happening and that the actions are clear and measurable and will have a positive impact on the children".

"I just wanted to drop you an e-mail to say how impressed we were with the actions following a referral we made. As it always happens we had to make a referral on the Friday afternoon at the end of term. Jodi (I am sorry I do not know her surname) came out to school and spoke with the student and parent and was brilliant. As I said to Jodi she can come back to School X anytime".

"I also wanted to say how warm, welcoming, and helpful all the staff I met were yesterday. It is a wonderful centre to come visit and the staff were just fantastic with setting up the room, making sure we had everything we needed, and just generally very friendly" (about Oakenclough Children’s Centre)

"I just wanted to say a big thank you for the professional way that you both managed a difficult and potentially volatile CIN meeting this morning .I realise how difficult this can be and you both demonstrated an example of good practice and achieved a great outcome for the children involved. Please can you share this e mail with your group managers as I feel that you were both a credit to your service".

"You were proactive in volunteering to come to Court to deal with the case. Your professionalism and experience enabled the parties to reach agreement so that the case could be finalised, despite the difficulties".
75 contacts/communications were recorded as ‘comments’ during 2015/2016. These are usually cases where the issues raised do not warrant being logged as formal complaints, or where the complainant/person themselves are not eligible to make a formal complaint or simply do not wish to make a formal complaint, but provide feedback.

The issues raised were varied and were mostly from parents and grandparents or other family members. Concerns raised included issues about members of staff, delays, lack of progress and lack of information provided, problems with arranging contact between a parent and their child, alleged breaches of confidentiality and not being informed of cancelled/re-arranged meetings.

Comments received by teams during 2015/2016:

*For information on MP letters please see the next section.
MP letters were received relating to 25 cases open to Children’s Social Care issues during 2015/2016 (some cases receive more than one MP letter, and 2 or 3 responses may have been sent to the MP about the same case).

During the first half of the year there was an issue with MP letters being addressed to a number of different contacts within the council. There was also an issue where some MP letters had been addressed to Dalton House in Middlewich after this building had been closed. These issues are reflected in some of the timescales taken to respond to the MP letters, when 9 of the letters received between April and August 2015 were not responded to within the agreed 15 working day timescale. This matter was addressed in August 2015 when an improved process flow chart was agreed. All MP letters are now directed to the Chief Executive, and then cascaded to Directors and Heads of Service to ensure that timely responses are provided.

Of the MP letters received, the majority (17) were received from Edward Timpson, MP for Crewe and Nantwich, on behalf of his constituents. No letters were received from George Osborne, MP for Tatton.

The main issues raised in MPs letters were:

- Constituents concerned about contact arrangements with their children;
- Constituents concerned about the welfare of their children whilst residing with the other parent or other family members
- Lack of support or communication from Children’s Services.

One issue of concern is around the confidential and sensitive nature of the issues raised in MP correspondence. One suggestion is that responses should be sent direct to parents rather than to the MP, and the parent can share the response with their MP if they wish to. This matter will be raised with MPs by staff from the Chief Executive’s Office.
Although there was a marginal increase in complaints during 2015/16, there was also an overall increase in referrals and assessment of children and families in need (an additional 700) and so the percentage of complaints to referrals actually reduced from 3.2% in 2014/15 to 2.75% in 2015/16. Overall, Children’s Social Care received 3790 referrals and conducted 4200 assessments, with only 104 of these resulting in a complaint.

The vast majority of complaints (over 90%) are resolved at Stage 1 of the complaints process, and of those resolved 40% are Not Upheld. Only 12% of complaints were Upheld with 27% Partially Upheld. Thus, a very small percentage of Children’s Social Care clients actually make a formal complaint, and of those that do less than half are actually Upheld or Partially Upheld.

The majority of complainants are parents, and a significant proportion of these are parents in acrimonious relationships, and the complaints made relate to staff bias and biased reports. This is where a lot of the Not Upheld complaints are found.

Nevertheless, there are recurring themes such as communication and delays where complaints have been Upheld and the service is continuing to work to address these.

As mentioned in the report, training on effective complaints handling was commissioned by the council from the Local Government Ombudsman (LGO) and a dedicated session on Children’s Social Care complaints took place on 13 September 2016. This was in fact an oversubscribed session and was attended by a good cross-section of managers from Children’s Social Care. Additional internal training is being provided to those managers unable to attend the LGO training session.

(16 September 2016)
(Revised 9 December 2016)
Report prepared by Alan Ward, Complaints Officer, Children’s Services