

Children's Services Complaints Annual Report 2022 - 2023

Sefton Council 

#MAKEADIFFERENCE

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Introduction

Complaints are an invaluable source of information which, in addition to providing the Council the opportunity to resolve individual issues, reflect on and learn from mistakes so that services improve. This is recognised in the Improvement Plan. How to make a complaint is detailed on the Council website and the Council workforce and elected members can signpost people to how to make a complaint.

The Council wants to encourage people to raise any issues at an early stage so any individual issues can be resolved as early as possible and to prevent complaints escalating.

This Annual Report focuses on the Children's Social Care complaints the Council received between 1 April 2022 and 31 March 2023. Depending on the content of the complaint, complaints about Children's Social Care will be considered in line with the Statutory Children's Social Care Complaints Procedure or Sefton Council's Corporate Complaints Procedure.

The report highlights performance against statutory timescales for complaint handling and highlighted the themes and learning from the complaints considered. Also provided is information relating to contacts from the Local Government and Social Care Ombudsman.

The Council has a Complaints Team, as part of the Strategic Support function, which manages the complaints process for Social Care and SEND.

For context, last year the Council dealt with 13,490 initial contacts via the Children's Social Care Front Door. From these contacts which resulted in an initial referral (4241), 3011 were progressed to an initial assessment. The number of statutory complaints considered was 69 which equates to **0.5%** of the total number of contacts received to the regulator and the general public.

The objectives of this report are to:

- i be open and transparent about the Children's Social Care complaints process
- ii meet the statutory obligation to produce an annual report
- iii provide clear and concise comparative data on compliments and complaints, including details of complaints broken down by subject and service area
- iv provide a summary of customer profile and type of customer interaction
- v identify service improvements as a result of complaints and compliments and demonstrate learning and improved practices and processes from these

Complaints Procedure

What is a complaint?

A complaint is defined as ‘an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response.’

How do we deal with complaints?

The initial contact with the individual who wants to make a complaint is perhaps the most critical part of the process – a complaint can be made to any member of staff and must be shared with the Complaints Team without delay.

When a complaint is received, the content and context of the complaint is considered to determine the best way to proceed. In the first instance, an individual may state that they want to make a complaint, however, after further discussion with the individual, it may be that they are requesting a service or need additional information in relation to their case and therefore it may not be considered appropriate to progress as a complaint.

If the individual is unhappy with an element of service, officers would try to resolve the matter initially – this could be via a telephone call from a Team Manager to the complainant or, if the issue is about information not being shared, an officer could send this information to the complainant. The Council always tries to resolve the issue in the first instance without the need to progress as a complaint, however this is not always possible.

If the matter cannot be resolved informally, the Complaints Team must then consider:

- Does the individual have the right to complain?
- Is the complaint within timescale?
- Does the complainant need advocacy support?
- Does the content of the complaint fall within the scope of the complaint regulations?
- Are there any legal proceedings ongoing?

Complaints about Children’s Social Care may be considered as a statutory Children’s Social Care complaint or a corporate complaint, depending on the specific nature of the complaint. The complaints legislation includes complaints about the Council’s actions under Part 3 and some of Parts 4 and 5 of the Children’s Act 1989. These include issues relating to Children in Need, Cared for Children, Special Guardianship Support and post-adoption support.

The Complaints legislation is “The Children Act 1989 Representations Procedure (England) Regulations 2006” with Getting the Best from Complaints being the current guidance regarding Children’s Social Care complaints.

[The Children Act 1989 Representations Procedure \(England\) Regulations 2006 \(legislation.gov.uk\)](http://legislation.gov.uk)

[Microsoft Word - Complaints Guidance.doc \(publishing.service.gov.uk\)](http://publishing.service.gov.uk)

The statutory timescales for Children’s Social Care complaints (in working days) are as follows:

10 days at Stage 1 (with a further 10 days for more complex complaints or additional time if an advocate is required);

25 days at Stage 2 (with maximum extension to 65 days);

20 days for the complainant to request a Review Panel;

30 days to convene and hold the Review Panel at Stage 3;

5 days for the Panel to issue its findings

15 days for the local authority to respond to the findings.

If the complainant remains dissatisfied after Stage 3, and the Council has issued its final decision, the complainant will be advised of their right to request a review by the Local Government and Social Care Ombudsman.

Early Help, Child Protection, S47 enquiries and conferences, assessments for foster carers and adopters, foster carer registration and Section 7 and 37 court reports are usually exempt from the statutory complaints' procedure. The Council may decide to investigate these areas under other procedures, such as the Council's Corporate Complaints Process. The individual making the complaint will be informed of which process will be used to consider their complaint.

Complaints Performance Information

The number of complaints considered at each stage of the statutory complaints process is shown in the table below:

CSC Statutory Complaints	Total	Response within timescale	Upheld
Stage 1	98	28%	29%
Stage 2	7	100%	71%
Stage 3	4	75%	100%
Ombudsman	6	n/a	n/a

*of the complaints finalised to date.

Last year 66 statutory Children's Social Care complaints were received, therefore, the number of statutory complaints received in this year has increased by 48%.

The service works hard to resolve issues in the first instance as they arise – not all initial contacts which could escalate to complaints are referred to the Complaints Team so this data is not captured. The benefit of early resolution is recognised for all parties involved as it restores the confidence of the individual raising concern in the service provided by the Council and is more time efficient for Council staff as timely and costly complaint investigations are not required.

The Complaints Team works closely with the Children's Social Care teams to ensure that gatekeeping of complaints is effective as stated earlier in the report. For example, ensuring if matters raised are part of legal proceedings, that the complaint is rejected on the basis that the complainant should be signposted to the legal route rather than progressing the matter as a complaint.

Stage 2 complaints

If a request is made to progress to Stage 2 of the Children's Social Care Complaints Procedure and officers are unable to resolve the matter to the complainant's satisfaction at Stage 1, the Council will commission an Independent Investigator and Independent Person to consider the complaint at Stage 2 of the statutory children's complaints process.

The Council has access to a list of independent investigators and independent people which is managed by the Northwest Complaints Managers Group (NWCMG). These staff are independent from the Council's Children's Social Care Team.

Officers progressed the same number of complaints to Stage 2 as last year. Some of the Stage 2 investigations are ongoing and therefore the upheld figure takes account of completed investigations.

Stage 3 complaints

If a complainant remains unhappy with the outcome of the Stage 2 investigation, they can request that their complaint is considered at Stage 3 of the Statutory complaints process.

The Council is required to facilitate this Panel and must commission an independent Chair and two independent Panel members as part of this.

The Council did not hold any stage 3 panels last year and this year officers dealt with 6 requests (2 relating to complaints submitted in the previous financial year).

Complaint Themes and Outcomes

The table below demonstrates the themes which emerged from complaints received this year:

It is important that officers understand the reasons for complaints so any underlying issues can be identified and addressed quickly.

	Statutory Children's Complaints		Corporate Children's Complaints	
	Number received	Number upheld	Number received	Number upheld
Decision Making	19	6	10	1
Finance Funding /	1	1	4	0
Information and Advice	20	5	10	2
Quality of service	53	14	19	5
Health and Safety	1	0	0	0
Staff Attitude	4	2	30	5
TOTAL	98	28	73	13

Decision Making

Complaints about this issue accounted for 19% (statutory) and 14% (corporate) of the total number of complaints received. 24% of these complaints were upheld for the following reasons:

- Delay in the decision as to where a young person would be accommodated.
- Information was not clear enough for the individual during initial contact
- Family did not have sufficient information about why a decision had been made

Once an explanation was provided, the complaint was resolved in all but one case which was escalated to Stage 2 of the complaints' procedure.

Therefore, these complaints reinforce the importance of staff ensuring that decisions are explained clearly to relevant individuals and that consistency of communication is important to reassure individuals.

Finance / Funding

Complaints about this issue accounted for 1% (statutory) and 5% (corporate) of the total number of complaints received with 20% upheld.

One case was upheld because there was a delay in making a payment to a carer – officers apologised and confirmed that payment would be made.

Information and Advice

Complaints about this issue accounted for 20% (statutory) and 14% (corporate) of the total number of complaints received.

23% of these complaints were upheld due to a lack of communication or insufficient communication received by the complainant to provide information about case progression.

A recommendation made following complaints about this issue included:

Consideration to be given by senior management as to how passwords on documents in a child's case file are stored/retrieved when authority is given for access/viewing.

Quality of Service

The complaints about the quality and reliability of service accounted for 54% of the total number of statutory complaints received with 26% of these complaints being upheld.

Similarly, this was an issue which accounted for 26% of the corporate complaints with 26% being upheld. Complaints were upheld for the following reasons:

- Social Worker shared too much personal information with complainant and, on one occasion, used inappropriate language.
- Officers could have been clearer about when a LADO referral would be required which could have reduced anxiety for the complainant.
- Insufficient or lack of information provided to family so they were unclear about the process and next steps
- Appointments did not take place as scheduled.
- Delays in completing action which had a financial impact on the family.
- Documentation, including minutes, not shared in a timely manner
- Delays in identifying a suitable care provider to fulfil required support
- Breakdown in communication between teams resulted in family not receiving the required support.
- Records not updated which resulted in an individual not being included with meetings.
- Delays with arranging family time

Recommendations from complaints in this area included:

1. That the importance of grounding assessments in evidence, factual observation, and clear analysis, was reinforced to all practitioners as part of continuing professional development, appraisal, and supervision.
2. That management oversight arrangements are strengthened to ensure that assessments are factual and evidenced based and that analysis and conclusions are holistic, adequately reflecting the connection between facts, observation and judgments.

3. That information about parent carers' assessments is made widely available to parents in different forms, including online and in hard copy.
4. Procedures around sending assessments to families should be reviewed to ensure they are sent in a timely and secure way.
5. Social Workers reminded that they should wear their ID badges and present these during initial visits.
6. For future strategy meetings, if no-one is present who has first-hand knowledge of the situation, advice will be sought from a professional who does have this insight to inform decision making.

Staff attitude

Complaints about this issue accounted for 4% (statutory) and 41% (corporate) of the total number of complaints received with 21% upheld overall.

One statutory complaint was upheld due to a Social Worker appearing to disregard the pronouns requested by an individual – the Social Worker confirmed that they were aware of the correct pronouns to use and apologies were offered to the complainant as there was no intent to cause distress. The second complaint was upheld as the Social Worker could have dealt with a situation in a much more sensitive manner. Both staff members were required to reflect on the impact of their approach for these particular cases.

Local Government and Social Care Ombudsman

All complainants are advised of their right to refer their complaint to the Local Government and Social Care Ombudsman should they remain unhappy with the outcome of their complaint. All Ombudsman reports are usually publicly available.

This year 6 contacts were received from the Ombudsman and these are summarised in the table below. The Council received 4 referrals last year and therefore the number of referrals has increased. None of the cases were referred to the Ombudsman's investigation team. This suggests that the Council is responding to its complaints effectively.

Complaint	Ombudsman Summary	Ombudsman Final Decision
The complainant was unhappy with a Children's Services referral and the Council's response to it.	The Ombudsman concluded that it would not investigate the complaint as there was not enough evidence of significant fault or injustice to justify an investigation.	Closed after initial enquiries.
The complainant explained that Children's Social Care had failed the children and wider family.	N/a	Closed as premature complaint
The complainant was unhappy with the Council's actions over a number of years which had had a detrimental impact on the family.	The Ombudsman confirmed it would not investigate this complaint as the complaint did not meet the tests in the Ombudsman's Assessment Code on how it decides which complaints to investigate. The matters complained of are not separable from the decisions of courts, which the Ombudsman cannot investigate.	Closed after initial enquiries – out of jurisdiction
The complainant was unhappy with the actions of Social Workers and other Council officers during child protection and child in need procedures.	The Ombudsman declined to investigate this complaint as further investigation was unlikely to achieve anything meaningful.	Closed after initial enquiries – no further action.
The complainant was unhappy with the way in which the Council safeguarded her since she left foster care. The complainant was unhappy with the Council's delay in responding to her complaint.	The Ombudsman did not investigate this case as the Council had since responded to the complaint and made an appropriate payment to remedy the delay. Therefore, further investigation would not lead to a different outcome.	Closed after initial enquiries – no further action.
Unhappy with the way in which children's cases were managed.	N/a	Closed as premature complaint

The Council received the Ombudsman's Annual Review Letter in July 2022 and the key messages from this were as follows:

- The Ombudsman encourages the early resolution of complaints and credits Councils that accept fault and find appropriate ways to put things right.
- The Ombudsman commented on the changes to organisations as a result of the pandemic and the subsequent lifting of restrictions.
- The Ombudsman expressed his view that "complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic." He urged the Council to consider how it prioritises complaints, particularly in terms of capacity and visibility. If resourced appropriately, complaint functions can provide valuable insight into the performance of the organisation which offers opportunity to improve service delivery.
- The Ombudsman also provided an overview with regard to its programme of support for Councils, with particular reference to its partnership working with the Housing Ombudsman Service to develop a joint complaint handling code.
- The Ombudsman reiterated the availability of its training which is available for Councils to access.

What should we consider in light of the Ombudsman's Annual Review?

- The number of contacts received by the Ombudsman has remained consistent, however there has been a reduction in the number of complaints upheld by the Ombudsman.
- Our investigations need to be robust and thorough.
- If we have got something wrong, we need to consider how we will put it right. In these instances, we need to consider and make reference to the Ombudsman's Guidance on Remedies.
- Are staff suitably aware of complaints – how do we deal with them? Do staff know where to signpost individuals to if they wish to complain? What is the understanding of staff who investigate complaints in terms of the expectation of them?
- What are the resources allocated to consider and manage complaints?

Key messages from Ombudsman Decisions and focus reports will continue to be shared with Children's Social Care senior management and Cabinet Member for Children's Social Care.

Compliments

In this financial year, the Council recorded 15 compliments about Children's Social Care via the website with more being made informally directly to staff.

A selection of compliments received this year are as follows:

The case was "exemplary social work practice which was child needs led." Family Court Judge

"The positive impact [Social Worker] has had and his dedication to his role...I believe his hard work and dedication... should be highly recognised." Parent

"I honestly can't thank him enough for what he's helped me to do...goes above and beyond for us...he honestly is a credit to Sefton." Parent

"The children have really taken to [the Social Worker who] takes time to listen to what they have to say, makes sure he understands what they are trying to say and really puts them at ease." Parent

Parent always found, "the ethos of Springbrook to be one of genuine openness to meeting the individual needs of all their residents. Springbrook is quite truly a home from home service."

"Thank you for processing our submitted paperwork so promptly...Thank you for your help and patience." Foster carers

"Thank you very much for all the help over the years...[the team] have supported me so much over the years and there isn't [sic] enough words to say how much that means to me and that goes for every single one of you." Care experienced young person.

Learning from Complaints

After considering the above, what are the main areas of learning from our complaints and what action will we take to improve our service?

We need to ensure that cared for children can access the complaints procedure.

Of the 171 complaints received, only 6 were from cared for young people themselves which equates to only 4%.

We will work with relevant groups which have direct input from young people so we can explore the most effective way to ensure that they are able to access the complaints procedure should the need arise.

Timely and effective communication with individuals we work with is key.

Communication is a recurring theme from the complaints we have received and remains an area which staff must continue to focus on as this is an area which, if we get it right, results in families having reassurance during their interactions with staff. However, when communication is not as good as we would expect, it results in frustration and uncertainty for the family and potentially a complaint to the Council.

Delays in completing necessary tasks and sharing documentation appropriately with individuals contributed towards the complaints which were upheld.

Being mindful of how we, and our approach, are perceived.

Complaints about attitudes of staff members will always be raised with the individual by their line manager. Even in cases where the complaint was not upheld, it is important that staff are aware of how they are perceived to ensure a positive working relationship going forward is in the best interest of the child / children.

Timeliness of complaint responses remains a challenge.

Last year, less than 20% of statutory children's complaints were responded to within the legal timeframe and was therefore identified as an area for improvement. This year saw an improvement with just under 30% responded to within this timescale, however this remains a challenge and an area in which we need to improve and monitor, whilst ensuring the responses issued are good quality.

Are we challenging ourselves to resolve complaints at the earliest opportunity?

We saw the number of Stage 2 statutory complaints remain static this year, although it was a lower percentage of the total complaints received, can we improve this next year?

For the majority of complaints that were upheld, an individual remedy sufficed to resolve the matter, however we always reflect on the findings of an investigation to determine whether there are wider service improvements that can be made. One such case has been detailed earlier in this report.

Conclusions and Recommendations

This year there was an increase in the number of complaints received about Children's Social Care.

We recognise that there are barriers for the Council to effectively manage Children's Social Care complaints, however, to enhance the Council's culture around complaints within Children's Social Care, we will need to have positive engagement with complainants, be mindful of our statutory duty around complaints and the timescales involved, and to consider the Ombudsman's Guidance on Remedies when faults are identified and work with the complainant to put things right.

Considering the statutory complaints, 7% of these were escalated to Stage 2 (last year it was 11%). We therefore can demonstrate that Children's Social Care staff were able to respond effectively to the complaints that were raised and respond to a significant majority to the complainant's satisfaction, however, as above, we need to reflect on how effectively we respond to feedback at the earliest opportunity.

Whilst the number of contacts we received from the Local Government and Social Care Ombudsman increased when compared to the previous year, none of these cases progressed to investigation – one of these noted that the Council had already effectively remedied the error identified. The number of Ombudsman contacts is 6% of the total number of complaints received in the year and we would like to see this percentage decrease next year, whilst maintaining that no cases progress to an Ombudsman investigation.

Furthermore, in addition to positive engagement with complainants, the Complaints Team must ensure that there is regular engagement with Cabinet Member for Children's Social Care and senior Children's Social Care management so that themes and learning from complaints are highlighted to inform any actions which may need to be taken to improve the service.

Recommendations

After considering the above, we are recommending that the following actions are taken to improve the Council's response when a complaint is made:

1. When a complaint is received, every effort will be made to resolve the issue in the first instance. If the matter cannot be resolved within 48 hours, we will commence the complaints procedure.
2. For complaints which we consider should be progressed via the complaints' procedure, we will aim for a significant improvement in the response timescales. We will aim to respond to at least 65% at Stage 1 within the statutory timescale.
3. Complaints Officers will attend Senior Leadership Team meetings at least every month with regular performance management information shared so issues can be identified at an early stage.
4. Complaints Officers will attend meetings with Children's Social Care management to discuss complaints in a different way as we want to promote a positive and more proactive culture around complaints.
5. Within the next 12 months, complaints training will be offered to Children's Social Care staff to improve the quality of investigations and responses.

6. With immediate effect, Children's Social Care staff will ensure that any compliments received are logged so that good practice can be shared.
7. Within the next 12 months, the complaints team will explore how cared for children and young people can access the complaints procedure to ensure that whether the current arrangements are fit for purpose.