

Children & Young People



**ANNUAL COMPLAINTS REPORT
APRIL 2022 – MARCH 2023**

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May 2023**

PURPOSE/SUMMARY:

This report has been produced in line with the statutory requirement to update Members and provide current information in respect of complaints related to Children's Social Care Services. This report looks at the period 1 April 2022 to 31 March 2023 and will allow Members to see the extent and complexity of Children's Social Care Service's span of activity and to receive information relating to the quality of the services delivered.

Members are asked to note the content of the report and advise Officers of future requirements in respect of the reporting of complaints relating to Children's Social Care Services.

1.0 INTRODUCTION

- 1.1 In line with guidance from the Department for Education, Local Authorities are required to publish an Annual Complaints Report covering the council year. This report is to provide current information in respect of complaints related to Children's Social Care Services for the year 2022/2023.
- 1.2 As part of our continued approach to monitoring performance, the status of all complaints is also shared weekly to the Children's Senior Management Team. Analysis of lessons learnt from complaints are also reported to Senior Managers and, where there is wider learning, discussions take place accordingly.

2.0 WHAT IS A COMPLAINT

- 2.1 A complaint may be generally defined as 'an expression of dissatisfaction or disquiet' in relation to an individual child or young person, which requires a response. A complaint may be made by a written or verbal expression.
- 2.2 Complaints principally concern service delivery issues, including the perceived standard of these services and their delivery by service providers. These recorded figures only represent a percentage of complaints received as many of the issues are resolved on an informal basis operationally and do not need recording by the complaints section.
- 2.3 The Complaints Procedure is not designed to deal with allegations of serious misconduct by staff. These situations are covered under the separate disciplinary procedures of the Council.
- 2.4 It is a legal requirement that Children's Social Care Services has a distinct complaints procedure. This statutory procedure provides the means for a child or young person to make a complaint about the actions, decisions or apparent failings of a local authority's children's social care provision. It also allows an appropriate person to act on behalf of the child or young person concerned or to make a complaint in their own right.
- 2.5 For some service users, and for children and young people particularly, it is not easy to make a complaint. This can be the case when the person using the service may be apprehensive about what may happen if they do complain. It is important, therefore, that all complaints are treated seriously, in confidence, investigated and are given due attention. It is therefore the role of the Complaints Manager – Children's Services to provide a degree of independence and support to the complainant whilst ensuring the complaint follows the statutory procedure. If a

complaint is received directly from a child or young person, an automatic referral is made for advocate support to Bury Children's Rights Service, which is an independent advocacy service commissioned by Children's Social Care. Feedback to complainants about their complaint is essential.

- 2.6 A prime objective of the Children's Social Care Complaints Procedure is to ensure the Local Authority develops a listening and learning culture where learning is fed back to children and young people who use services. Complaints present an opportunity for the Local Authority to learn why people who are using our services find them unsatisfactory, and how we can improve the services we provide.

3.0 THE SOCIAL CARE COMPLAINTS PROCEDURE

- 3.1 When a complaint is initially received, it is logged and acknowledged. It is then allocated to the relevant Team Manager with a request to contact the complainant within 48 hours to attempt to resolve the matter informally. If there is no resolution or the complainant cannot be contacted, the complaint is moved to formal Stage 1 at that point.

- 3.2 The formal handling and consideration of complaints consists of three stages:

- Stage 1: Local Resolution, informal or with written response
- Stage 2: Independent Investigation
- Stage 3: Review Panel

- 3.3 Local Resolution requires the Local Authority to resolve a complaint as close to the point of contact with the service user as possible (i.e. through front line management of the service). Emphasis is placed on resolving complaints under Stage 1, local resolution, because this should provide a timelier response and is user friendly. The Department strives to investigate and resolve complaints within 10 working days although the procedure does allow a 20-working day timescale for more complex complaints. In most circumstances attempts are made to resolve complaints informally within 48 hours of receipt. If this proves unsuccessful, the complaint automatically moves to formal Stage 1 within 48 hours of receipt of the complaint.

- 3.4 Where the complaint is not resolved locally, e.g. Stage 1, or the complainant remains dissatisfied with aspects of the Local Authority's response, the complaint can be considered at Stage 2. Stage 2 involves an independent investigation which is completed by an external Investigating Officer. This has the oversight of an Independent Person, also from outside the Local Authority, to ensure a full and fair investigation is carried out. We aim to send a Stage 2 response with a full report within 25 working days, although this can be extended up to 65 working days in complex cases.

- 3.5 When Stage 2 of the Children's Social Care Complaints Procedure has been concluded and the complainant remains dissatisfied, they are eligible to request further consideration of the complaint by a Stage 3 Review Panel. The Chair of the Panel decides membership of the Panel on a case-by-case basis. Membership of the Panel would depend upon the issue being complained about as specialist advice may be required, for example an adoption complaint would require an adoption specialist, etc.

- 3.6 The Review Panel does not reinvestigate the complaint or consider any substantively new issues of complaint that were not first considered at Stage 2. The purpose of the Panel is to consider the initial complaint and wherever possible, work towards a resolution. The Panel should be convened within 30 working days of a request and its report (including any recommendations) will be sent within 5 working days following the meeting. The Department then issues its response to the complainant within a further 15 working days.
- 3.7 Where a complainant remains dissatisfied with the Local Authority's response to the Review Panel's recommendations, the complainant has the right to refer their complaint to the Local Government Ombudsman. The Complaints Manager will assist with this process by providing contact details for the LGO. The LGO will not consider complaints which have not completed the Complaints procedure through all three stages.

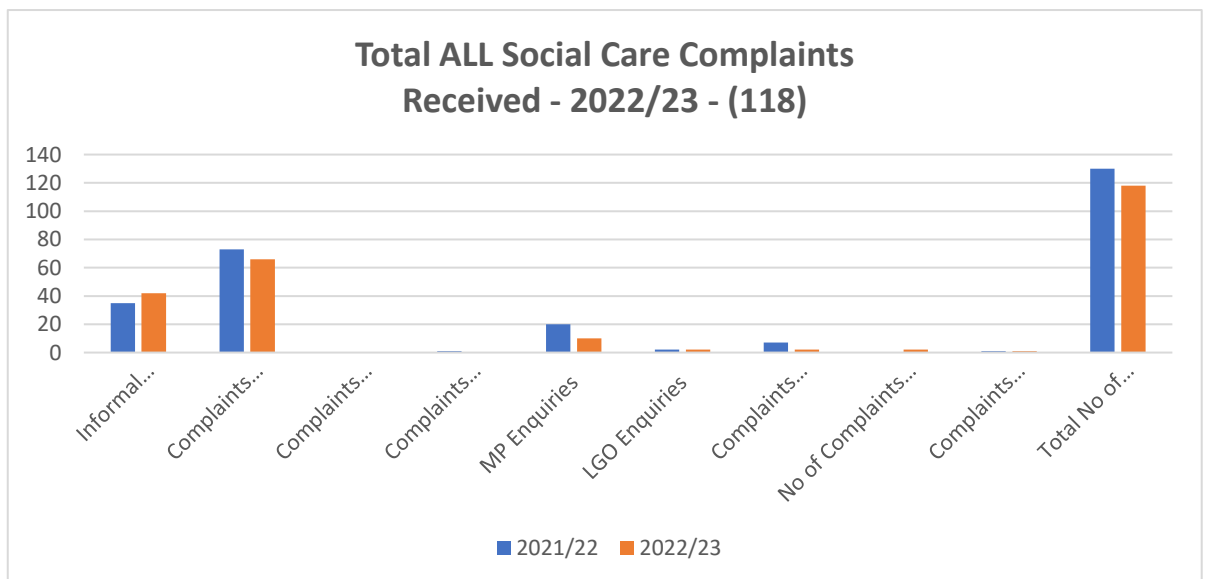
ANALYSIS OF PROGRESS OF COMPLAINTS RECEIVED

All figures below relate to the period from 1 April 2022 to 31 March 2023. Reference is also made to outstanding complaints or complaints which were reported as not being agreed or completed as of 31 March 2022.

4.0 SOCIAL CARE COMPLAINTS RECEIVED

- 4.1 Social Care Teams received a total of **118** total complaints during the 2022/23 financial year. Of these complaints, **42** (35.5%) were resolved at the informal stage. **66** (56%) were investigated as Stage 1 formal complaints and these are the focus of this report.
- 4.2 This year, within these complaints, **10** (8.4%) were received via MPs/Councillors which is a significant reduction on the previous year (20 in 2021/22). There were **2** complaints which escalated to the LGO this year (not included in total). Overall, **118** complaints were considered. (See table at 4.3).

4.3

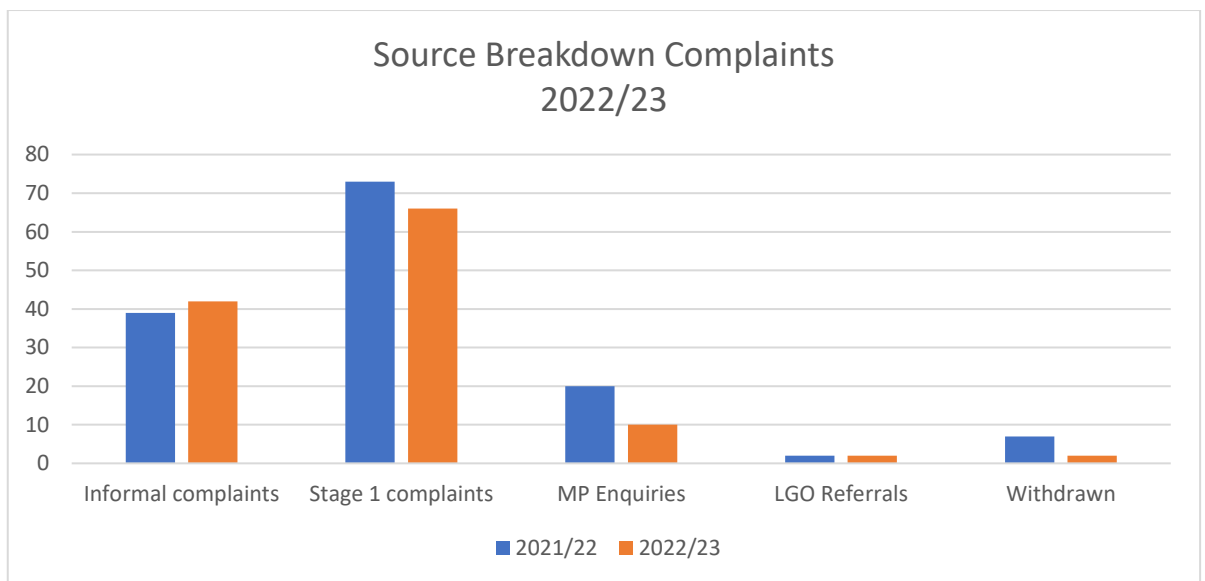


4.4 The focus of this report is the **66** Stage 1 complaints received in 2022/23. Overall, this represents a decrease overall in the total number of complaints received compared to 73 received last year (April 2021 – March 2022) which is positive.

4.5 Complaints resolved at informal have increased compared to last year (**35.5%** this year, 26% last year). This means complainants are receiving a response within 48 hours of their complaint.

4.6 Complaints are received from a variety of sources. The breakdown of the originator of the complaints is as follows (4.7):

4.7



4.8 It should be noted that, in previous years, LGO complaints have not been included in this report. However, this is complaints activity, it seems appropriate to include them to ensure a true reflection of the overall complaints received is presented to members, the LGO contacts are not added to the total as they have already been responded to internally. MP complaints will be included in future reports.

4.8 We have also continued to record the number of informal concerns/complaints received into the Complaints Department. This does not include any informal concerns or complaints which have been raised directly with individual teams. **35** informal concerns/complaints were resolved immediately by telephone and did not result in a formal complaint being made. This is an increase of **7** concerns/complaints resolved informally compared to 2021/2022. Any complaints which are not resolved within 48 hours of receipt are moved to Stage 1 and included in that total.

4.9 All Stage 1 complainants receive a written letter of response outlining details of the investigation and any findings. At the end of the letter, complainants are requested to contact the Complaints Team if they wish to discuss any outstanding issues or if they remain unhappy with the response. Apologies are offered as appropriate.

4.10 There were **9** complaints in 2022/23 where the service user was dissatisfied with the response they received and requested consideration at Stage 2. However,

following further discussions or a meeting with the relevant Service/Senior Manager or Strategic Lead, matters were resolved. There has been one recommendation from the LGO that a formal Stage 2 investigation should be completed and this is ongoing.

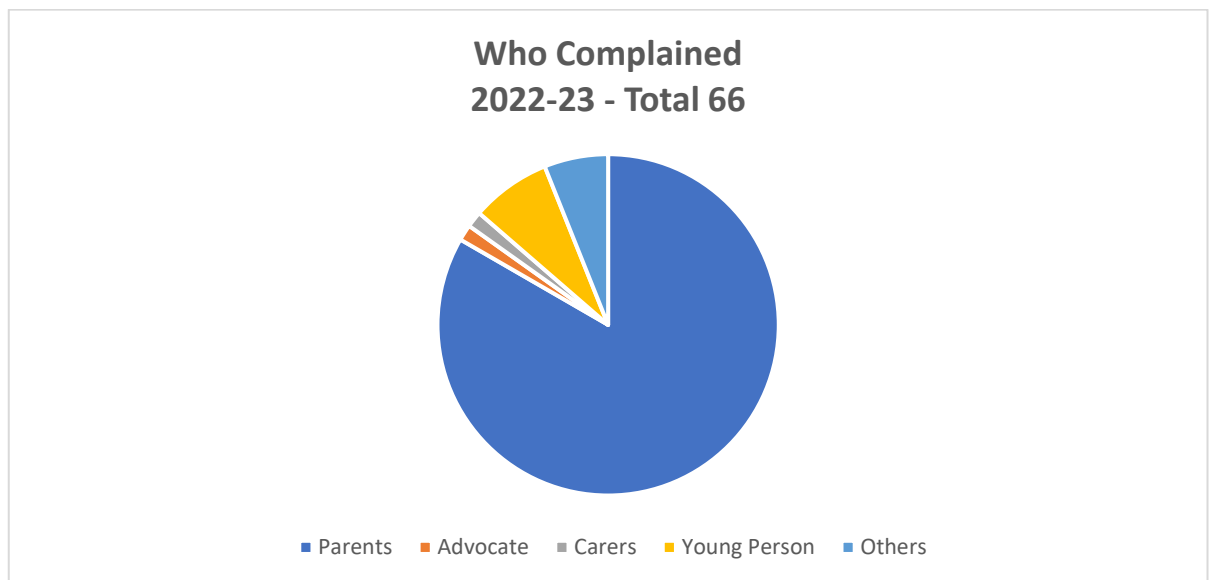
- 4.11 There have been **2** enquiries from the Local Government Ombudsman (LGO) in 2022/23 regarding Social Care related matters. In the previous year, 2 enquiries were received for Social Care from the LGO.
- 4.12 This report therefore focusses on the **66** complaints which were investigated and resolved at Stage 1 of the Social Care Complaints procedure.

5.0 WHO COMPLAINED?

5.1 The breakdown of sources of complaints is reported at 5.3. Of the **66** complaints resolved at Stage 1, most of the complaints received (83.3%) were from parents/carers of children. Young people are encouraged and supported to raise their own concerns with the assistance of advocacy from Bury Children’s Rights Service. Bury Children’s Social Care Services and Bury Children’s Rights Service continue to work with their joint working protocol to ensure that a consistent and timely service is offered to children and young people in the care of Bury Local Authority when they raise a concern via their advocate.

5.2 The other categories are self-explanatory (please refer to graph below) except “others”. This year, complaints have been received from extended family members, a teacher and an unrelated 3rd party. However, due to confidentiality issues, we are unable to respond to these complaints. A letter was sent in each case explaining the reasons behind the refusal to investigate.

5.3



6.0 ADVOCACY

6.1 Concerns and complaints received from Children and Young People in Care are very important. Young people are often supported to make a complaint by Bury Children’s Rights.

- 6.2 An advocate from Bury Children’s Rights Service will initially raise the concern with the Young Person’s Social Worker, and if no timely response is received, this will be referred to the Social Worker’s Team Manager for a response.
- 6.3 If the Young Person is unhappy with the response, their advocate will assist the child or young person to make a formal complaint at Stage 1 of the Statutory Children’s Social Care Complaints Procedure.
- 6.4 There have been no complaints received this year via Advocates for Young People. There were two such complaints in each of the last two years. Complaints made by Young People this year were via their own resources. It is important to note that numerous informal meetings have taken place between advocates and social workers and concerns were resolved prior to formal complaint procedures.

7.0 TIMESCALES OF STAGE 1 SOCIAL CARE COMPLAINTS

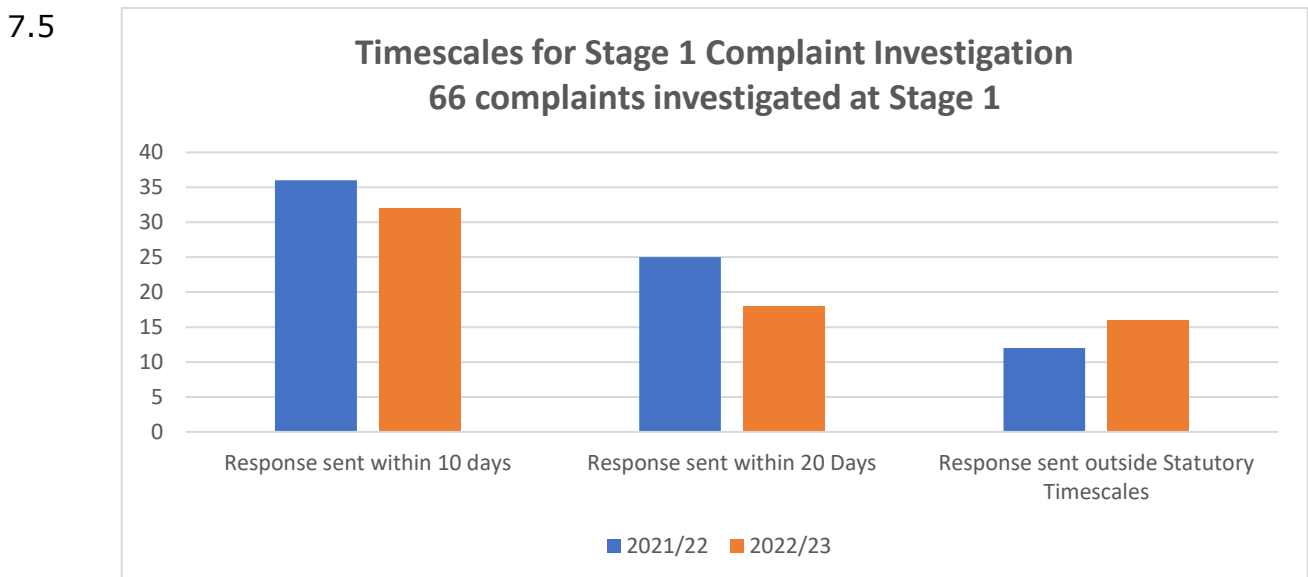
7.1 Performance Indicators show that there has been a small downward turn in the compliance of timescales for responding to complaints within ten working days. This is further reflected by the decrease in responses within 20 working days and increase in late responses (see tables at 7.2 and 7.5).

7.2

Year	10 Working Days	20 Working Days	Late Responses
2018 / 2019	42.8%	42.8%	14.3%
2019 / 2020	29.3%	37.3%	33.3%
2020 / 2021	37.2%	37.2%	25.5%
2021 / 2022	49.3%	34.2%	16.4%
2022/2023	48.4%	27.2%	24.2%

7.3 It is disappointing to note the increase in late responses. There were **16** (24.2%) complaints which received out of timescale responses at Stage 1.

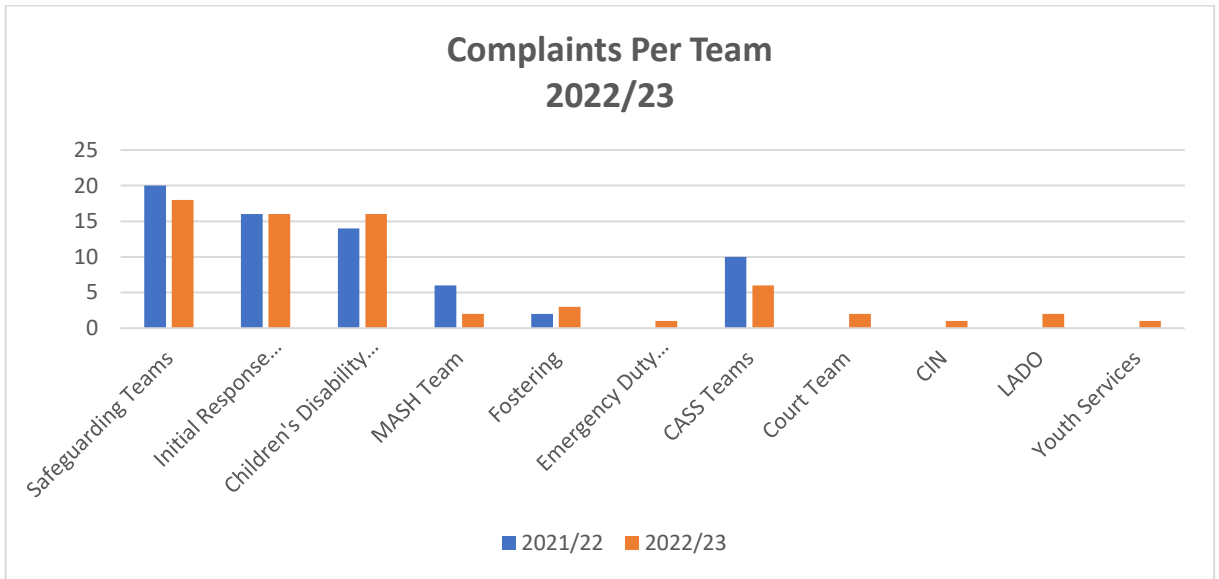
7.4 Factors affecting the meeting of timescales are usually due to the complexity of issues raised within the complaints, complainants adding further complaints to the original complaint and complaints where a request for Stage 2 is received but, with further discussions and meetings, the matter was resolved at Stage 1.



8.0 COMPLAINTS BY TEAM

8.1 Some Teams have experienced a small increase in the total number of complaints receive – Children with Disabilities and Fostering (see 8.2 below) However, Safeguarding, Care and Support service and MASH have experienced a decrease in complaints received. There are also a number of areas where we have not recorded complaints previously due to the emerging concerns of a failed inspection and implementation of new teams. Some complaints raise issues relating to more than one Team.

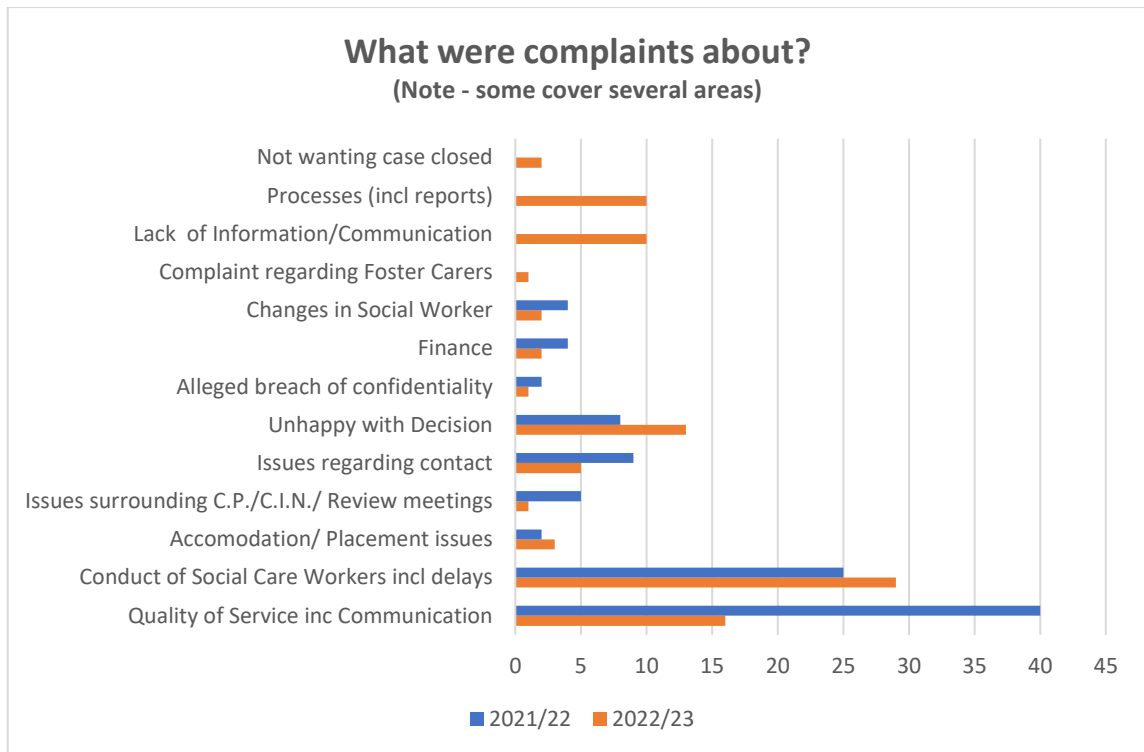
8.2



9.0 WHAT PEOPLE COMPLAINED ABOUT

9.1 All complaints are categorised by the issues being raised as shown within the graph below. Many complaints cover more than area category and are included in all relevant categories to capture the themes of Stage 1 complaints overall.

9.2



9.3 The categorisation of reasons for complaints is complex and these are therefore broad headings. Each individual complaint has been scrutinised and there are no patterns of specific issues or specific workers being complained about except communication which continues to be a topic that is raised regularly.

9.4 **Quality of Services;** this includes issues relating to communication and Social Workers and are subjective areas. It also relates to unhappy customers who do not agree with the involvement of Social Care.

9.5 Complaints regarding the number of **changes of Social Workers** has decreased by half compared to last year which is positive.

9.7 **Unhappy with decisions;** It needs to be highlighted that there are complaints received whereby service users report issues attributed to Children's Social Care when the issue relates to decisions made by the Courts.

The correct challenge to any decisions of the Court is during the proceedings, via the parent/carer's legal representative, as the complaints process cannot overturn a decision of the Court.

If a complaint is received which is currently in proceedings, a letter is issued to the service user advising them that we cannot investigate their complaint whilst the proceedings are ongoing. Once the proceedings are finalised, the complaint can then be investigated. They are also advised to discuss any issues of complaint with their legal representative who can raise the matter within the proceedings.

9.8 **Alleged Data Breaches;** there has been **1** formal complaint alleging that data or information has been shared incorrectly. Whilst it is acknowledged there are some genuine data breaches, there are times when information must be shared with

others, e.g. during Court proceedings or to ensure a child is safeguarded. Improved communication with families would be beneficial in explaining this. Most data breaches are relatively minor and do not require reporting to the ICO. Training to prevent data breaches has reached 95% of the workforce in the last year which has significantly raised awareness and this would appear to be reflected in the very low number of reported breaches.

10.0 HOW WE DEALT WITH COMPLAINTS

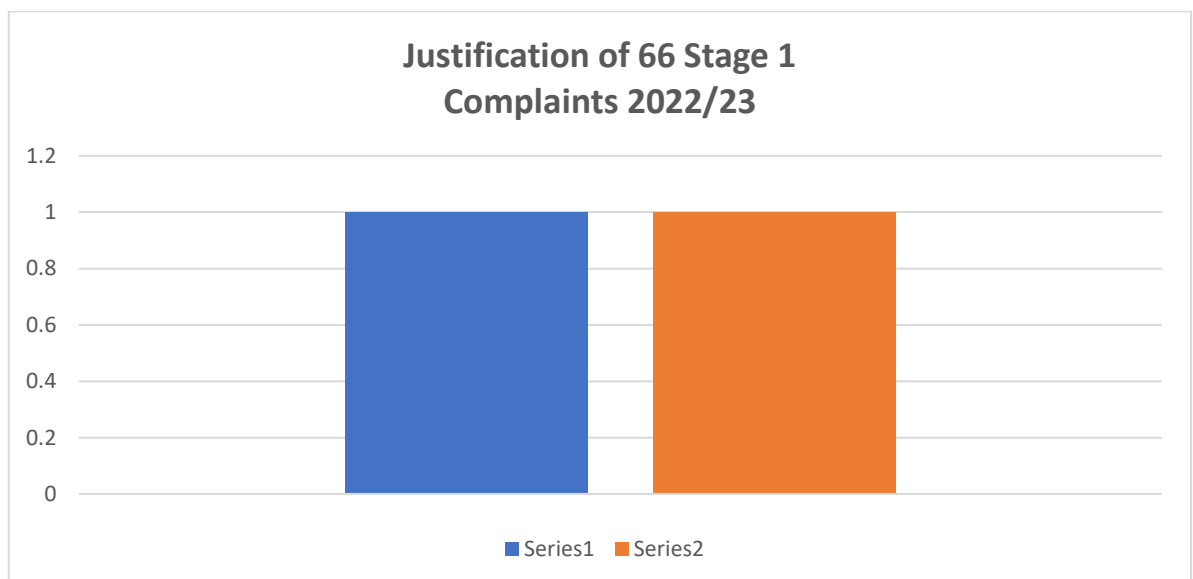
10.1 Initially, **42** complaints were allocated to Team Managers as informal complaints with a request to ring the complainant within 48 hours to try to resolve the issue. Of these complaints, **35** (83.5%) were resolved by a call. There were **7** complaints which were not resolved informally and these were moved to formal Stage 1 for resolution. All complaints are also copied to the relevant Service Manager and/or Strategic Lead for their information.

10.2 However, there will always be some complaints which require further investigation and Stage 1 is therefore triggered once the 48 hours have passed without resolution.

10.3 Complaints which move to formal Stage 1 are investigated by the relevant Team Manager, with oversight by the Head of Service. A written response is provided to the complainant which highlights the findings of the investigation. It also includes, if appropriate, information regarding any action that is being taken because of the complaint. In most cases, a letter of explanation, with an appropriate apology if required, are sufficient to resolve the matter.

10.4 In 2022/23, **11** complainants were initially dissatisfied with the Stage 1 outcome and requested to move to Stage 2. However, through further discussion and/or meetings with the Heads of Service and/or Director of Practice, **10** of these complaints were resolved without the need to progress to formal Stage 2. One complaint is currently being investigated at Stage 2 as recommended by the LGO.

10.5



11.0 QUALITY ASSURANCE / BUDGET POSITION

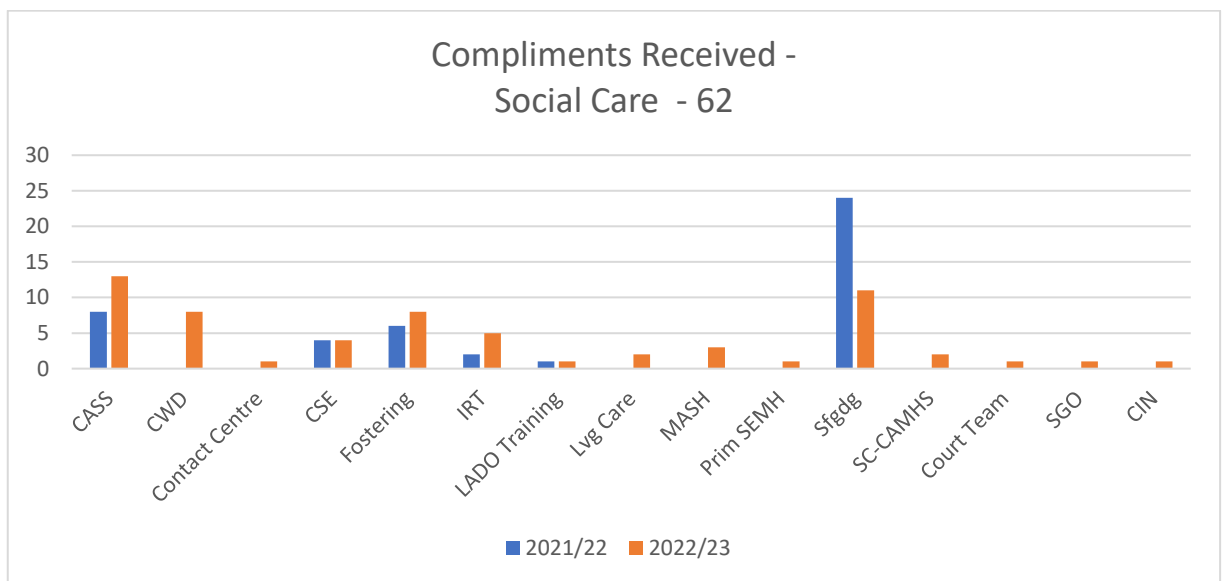
- 11.1 The Complaints Manager attends quarterly Team Teach meetings with Children’s Services Social Care staff. Additionally, Team Managers are now familiar with carrying out complaint investigations and providing a written response. A training pack has been created for use by managers and they can seek support if required. Heads of Service have continued to have quality assurance oversight of responses and, where required, additional mediation and meetings have taken place. This means that most complaints were resolved at Stage 1 of the Complaints process.
- 11.2 As outlined above there is currently one ongoing Stage 2 investigation. This is due to conclude. These investigations incur costs for independent investigators and, potentially, for meeting recommendations.

12.0 COMPLIMENTS RECEIVED

12.1 It is positive that the Teams also receive compliments for work which is well done. The graphs below show compliments received by Team and, separately, where these compliments have originated from.

12.2 We have received **62** compliments regarding the Children’s Services Teams in the last year, compared to 60 last year. However, it is possible that this figure could be higher as some managers do not always forward these to be logged centrally. Team Managers are encouraged to encourage their staff to record and share compliments received, as it is important that good practice is acknowledged and shared across all services as wider learning. These are shared at Teaching Tuesday sessions.

12.3



13:0 EQUAL OPPORTUNITIES MONITORING

- 13.1 Whilst efforts have been made to monitor the personal data of the Authority’s complainants; many have not returned the diversity questionnaire
- 13.2 Due to the limited number of questionnaires being returned, a true and accurate reflection of the diversity of the Authority’s Complainants cannot be reported.

14.0 REPEAT AND VEXATIOUS COMPLAINTS

14.1 We do receive some complaints which may be construed as either vexatious or persistent. This type of complaint impacts greatly on the time of both the Complaints Manager and Departmental Staff and hinders the completion of other complaints.

14.2 The Local Government Ombudsman remains a source for advice in these situations, especially when it is felt that a Stage 2 Investigation would not provide a different outcome/resolution. A small number of complainants are advised to contact the LGO if they remain dissatisfied with the Local Authority's response.

15.0 DEVELOPMENT OF COMPLAINT MANAGEMENT & EXPERTISE

15.1 The North-West Complaints Managers Group meets bi-monthly. The network aims to raise standards for Complaint Management across Authorities. The group continues to be a valuable source of advice and support.

15.2 The Complaints Manager has completed the Queen Margaret's University "Complaints Management Award" course. This allowed the sharing of knowledge and learning from others in similar roles. It was a very positive experience.

15.3 As a result of the above events, a "complaint definition" system has been introduced. This breaks down all complaints identifying the specific themes being raised. This is shared with both the Team Managers and the complainant and precisely highlights the issues to be investigated.

15.4 Use of the Complaint Definition system means complainants have a clear list of the issues which will be address. It allows Team Managers to focus on the issues which need addressing and gives them a template to respond to the complaint thereby saving time and resources. This is also a useful resource when Stage 2 investigations are requested allowing for clarity of the initial issues agreed and maintaining focus. It is especially useful when the LGO requests information.

15.5 It is anticipated that the use of this system will help with more consistent identification of themes and issues and improve the quality of reporting.

16.0 LEARNING FROM COMPLAINTS

16.1 To demonstrate learning from complaints, and the Department's commitment to use complaints to improve standards of services, all Team Managers are required to complete a "Lessons Learnt" form following each complaint investigation. Quarterly analysis of feedback and learning is shared with Managers and is shared during Team Meetings.

16.2 Some complaints identify lessons learnt in dealing with a particular individual or family which may benefit others; others offer a wider learning experience. It is important that we all learn from the messages within complaints and act upon these to bring further improvements to Social Care work within Bury. The return rate, 45 forms returned from 66 complaints has been less than last year and this means we are missing some opportunities to learn and improve.

16.3 The recommendations which have arisen from complaints during 2022/2023 have been themed below:

- Accurate reporting – of both complaints and compliments
- Communication of social workers – including during transitions
- Quality of service – both when carers feel they should be getting a better service and when they do not feel they need to the support of statutory social work teams
- Information Governance – including secure emails
- Feedback/sharing of information – building a better service

16.4 The two key themes; quality of service and changes in social workers are central to our Improvement Plan. The purpose of the Improvement Plan is to improve the quality of service for children and families. As part of our improvement work, we have implemented a new model of practice which is founded on strengths and relationship-based practice. We have developed the Bury Commitments which describes the cornerstones of good practice and the first of which is relationships. Changes in social workers is related to the high use of agency, and recruitment and retention is another key workstream within the Improvement Plan. Securing a permanent workforce to ensure that relationship- based practice can flourish is a priority.

We are also reviewing our approach to learning from complaints and ensuring that there is a more robust approach to implementing the learning from complaints, including those that go to the LGO.

The complaints officers will attend SLT regularly to share updates on complaints and learning themes so it can inform service planning and improvement real time.

17.0 CONCLUSIONS

- 17.1 The Complaints process has been monitored and evaluated throughout the year to ensure that we not only meet the requirements of the statutory regulations and guidance, but those of the families we work with. Quarterly reports are provided to senior managers.
- 17.2 Whilst it is positive that response timescales have slightly improved this year, and there has been a reduction in complaints, there is still room for improvement. All managers to comply with responding within timescales. Formal Stage 1 complaints must be responded to within ten working days. Twenty working days should be the exception to be used only when complaints are complex and complainants must be kept informed of progress and any delays.
- 17.3 To ensure that we work to resolve complaints quickly. The Complaints Manager can provide support if required in the investigation and response to complaints. All written responses must go through a final stage of quality assurance ensuring all issues identified in the newly instigated Complaint Definition system are appropriately addressed. The system has been well received by managers who report they have found it helpful.
- 17.4 It is essential to the smooth running of investigating and responding to complaints that delays are kept to a minimum, and that any delays in the investigation process do not add to the initial complaint. Communication is key.
- 17.5 Strict monitoring and following up on complaint investigation to continue to ensure responses are ready within the ten working days timescales accompanied by a completed Lessons Learned proforma.