

Children & Young People



**ANNUAL COMPLAINTS REPORT
APRIL 2021 – MARCH 2022**

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Complaints Manager – Children's Services
24th May 2022**

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 2021 to 31 March 2022 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 2021 / 2022.
- 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. Lessons learnt from complaints are also discussed within the Team Meetings and, where there is wider learning, discussions take place during the monthly Children's Services Extended Managers Meeting (EMM).

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.
- 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 a senior manager from outside the Team to which the complaint refers to. This has the oversight of an Independent Person 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.

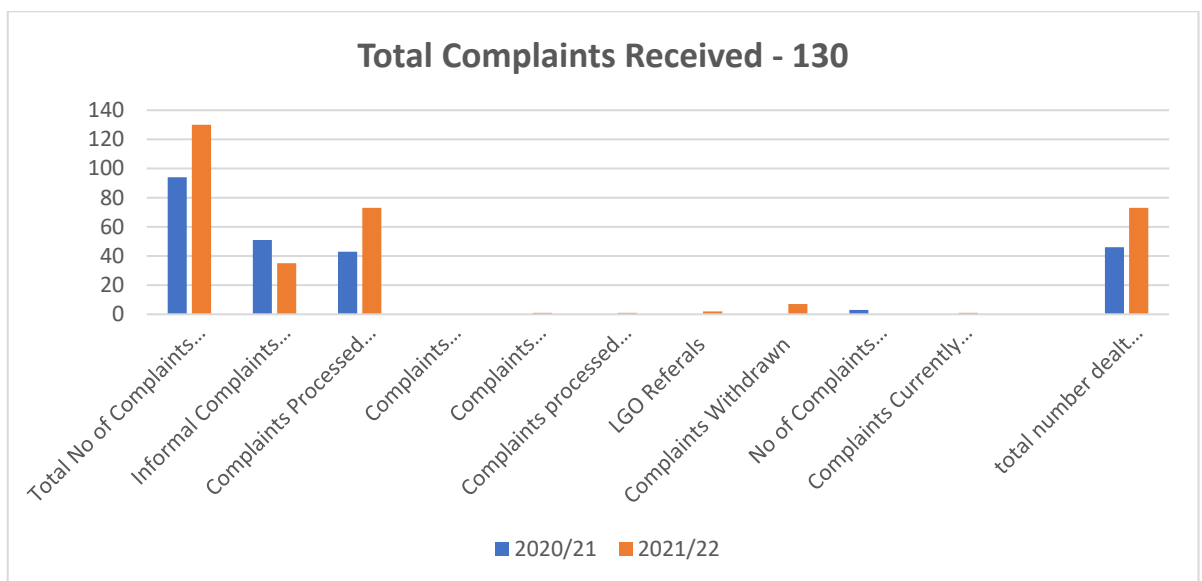
ANALYSIS OF PROGRESS OF COMPLAINTS RECEIVED

All figures below relate to the period from 1 April 2021 to 31 March 2022. Reference is also made to outstanding complaints or complaints which were reported as not being agreed or completed as of 31 March 2021.

4.0 SOCIAL CARE COMPLAINTS RECEIVED

- 4.1 Social Care Teams received a total of **110** complaints during the 2021/22 financial year. Of these complaints, **35** (32%) were resolved at the informal stage. **73** (66%) were investigated as Stage 1 formal complaints and these are the focus of this report. An additional **2** (2%) complaints were received via the LGO.
- 4.2 This year, **20** complaints were received via MP’s/Councillors. A further **7** complaints were withdrawn. Overall, **130** complaints were considered. (See table at 4.3)

4.3

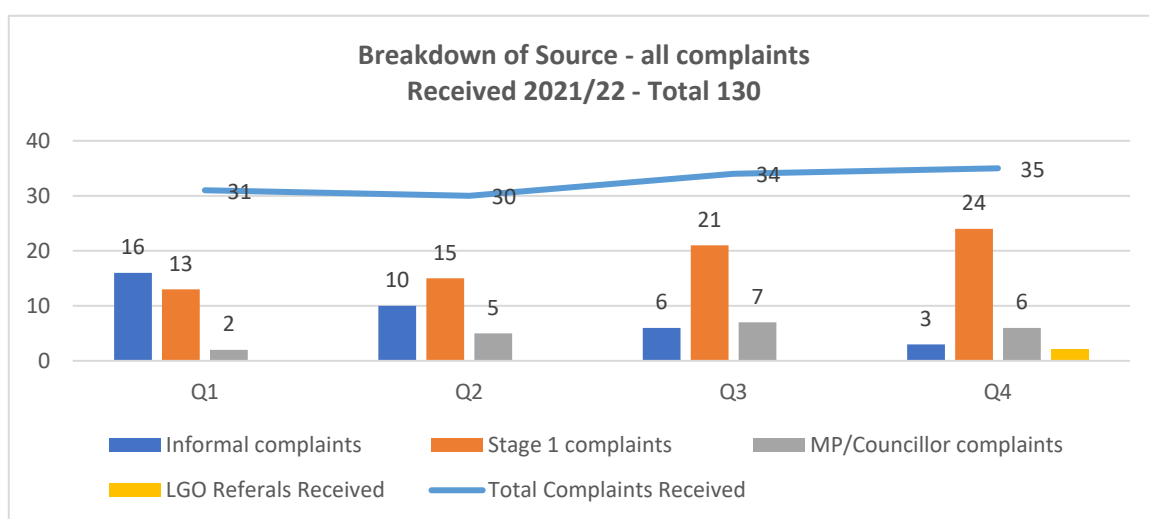


- 4.4 Overall, 73 complaints highlight an increase of **63%** in the number of complaints received compared to 46 received last year (April 2020 – March 2021).

4.5 This increase also reflects the National trend of an overall increase in the numbers and complexities of complaints in similar organisations:

“An increase in the number of complaints to be considered under the Statutory Children’s Complaints Procedure has placed greater demand on staff. This year has seen complaints becoming increasingly complex and local authorities having to manage individuals who can be challenging and unreasonably persistent. The group recognised the Ombudsman’s guidance concerning this matter and the importance of local authorities having robust procedures which are adhered to, thus ensuring that any such individuals have appropriate support and their behaviours managed appropriately.” (source: Northwest Complaint Managers Working Group)

4.6 Complaints are received from a variety of sources. The breakdown of the source of complaints is as follows:



4.7 It should be noted that, in previous years, MP or LGO complaints have not been included in this report. However, as these are complaints, it appears appropriate to include these figures to ensure a true reflection of the overall number of complaints being received is presented to members.

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 a decrease of 16 concerns/complaints resolved informally compared to 2020/2021.

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 **17** complaints in 2021/22 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, only **1** complaint progressed to formal Stage 2 investigation.

4.11 There have been **2** enquiries from the Local Government Ombudsman (LGO) in 2020/21 regarding Social Care related matters. In the previous year, no enquiries were received for Social Care from the LGO.

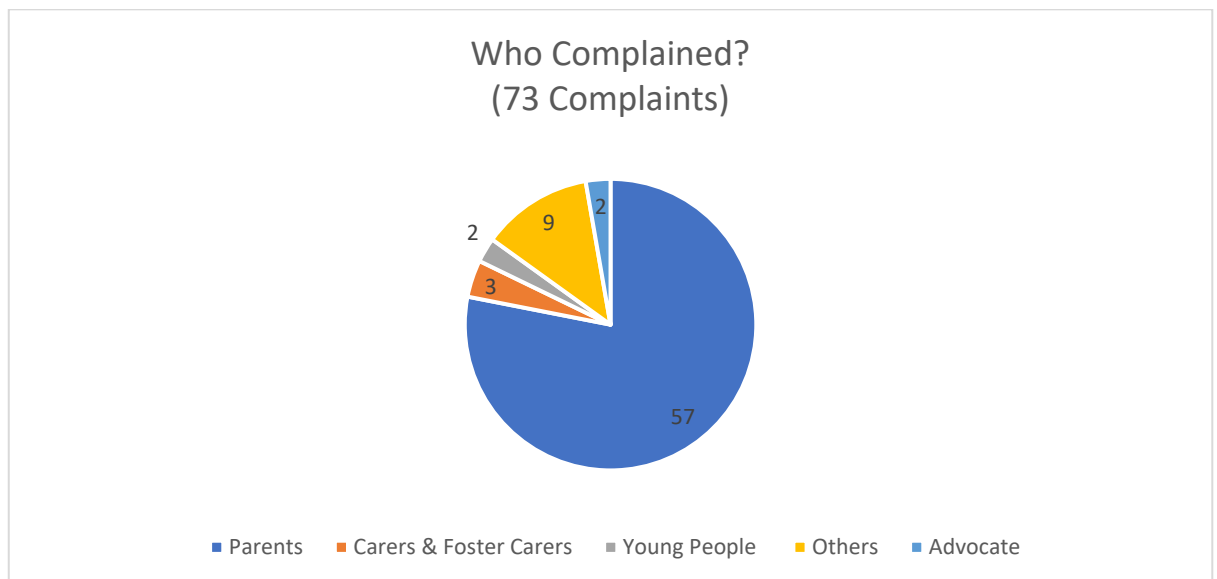
4.12 This report therefore focusses on the **73** complaints which were investigated and resolved at Stage 1 of the Social Care Complaints procedure.

5.0 WHO COMPLAINED?

5.1 The breakdown of sources of complaints is reported at 5.3. Of the **73** complaints resolved at Stage 1, most of the complaints received (82%) 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 **2** complaints were received from Young People via their Advocate this year. This is the same as the previous two years.

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

6.3 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.

6.4 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.

7.0 TIMESCALES OF STAGE 1 SOCIAL CARE COMPLAINTS

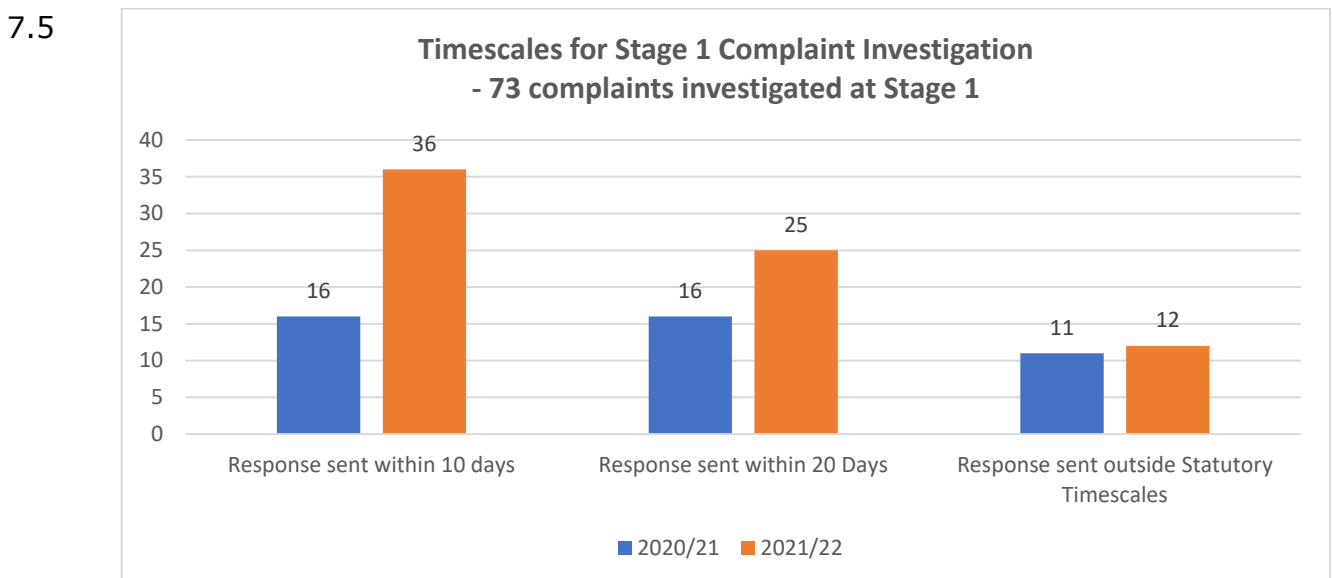
7.1 Performance Indicators show that there has been a positive improvement in the compliance of timescales for responding to complaints within ten working days. This is further reflected by the decrease in responses within 20 working days and late responses.

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%

7.3 In 2021/22, there has been an improvement in the number of complaints responded to within ten working days. Overall, there were **12** Stage 1 complaints which received an out of timescale response.

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.



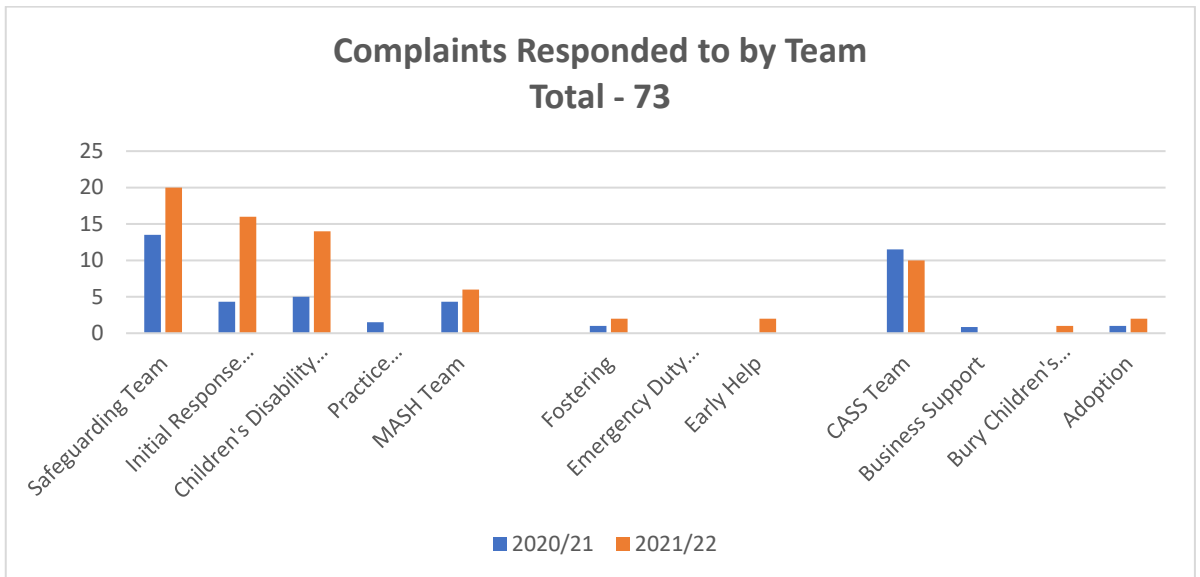
8.0 COMPLAINTS BY TEAM

8.1 Complaints have increased overall by **63%** this year and, apart from a very slight drop for CASS, every Team has seen an increase in complaints. The biggest increases relate to the work of the Safeguarding Teams, Initial Response Teams and Children with Disabilities Team:

	2020/21	2021/22	% Increase
Safeguarding Teams	13.5	20	32.5%
Initial Response Teams	4.33	16	73%
Children's Disability Team	5	14	64.2%

8.2 These increases are not totally unexpected as these teams provide longer term work with families and are dealing with sensitive issues in difficult times. The increased figure would appear to reflect the increase in referrals.

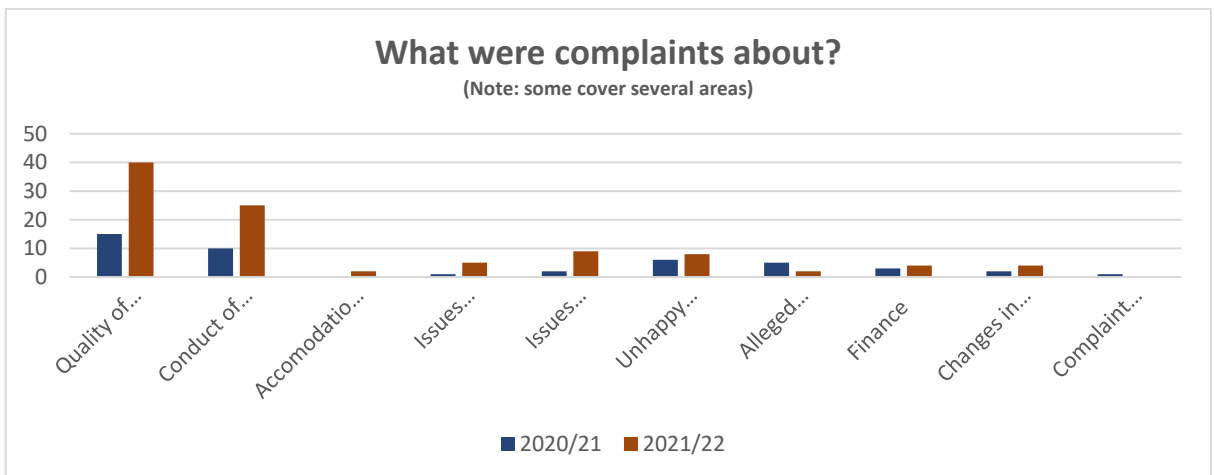
8.3



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. Complaints seem to highlight that a lot of families feel they are not getting the service they expect although it could be argued that some complaints may be the result of families not wanting any involvement from Social Care or Social Workers.

9.5 Complaints regarding the number of changes of Social Workers has doubled to **4** compared to last year. However, this is still a relatively low number. This may be explained by the use of agency social workers pending permanent recruitments.

It would appear that, when we have employed agency staff, complaints do rise. However, the employment of agency staff is a temporary measure to ensure we can meet our statutory duties pending permanent recruitments.

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.

9.8 Finance related; There have been **4** complaints this year regarding finance related issues such as seeking recompense for items stolen, challenging decisions regarding post graduate education for Care Leavers and payments.

9.9 Alleged Data Breaches; there have been **2** complaints alleging data or information has been shared incorrectly. Whilst it is acknowledged there are some genuine data breaches, both these cases were not upheld. However, 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 why certain information is shared.

10.0 HOW WE DEALT WITH COMPLAINTS

10.1 Initially, **108** complaints were allocated to Team Managers as informal with a request to ring the complainant within 48 hours to try to resolve the issue. Of 108 complaints, **35** (32%) were resolved by a call. All complaints are also copied to the relevant Service Manager and/or Strategic Lead for their information and oversight.

10.2 However, there will always be some complaints which cannot be resolved by a phone call and further investigation is required. Formal Stage 1 is 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/Assistant Team Manager, with oversight by the Service Manager or

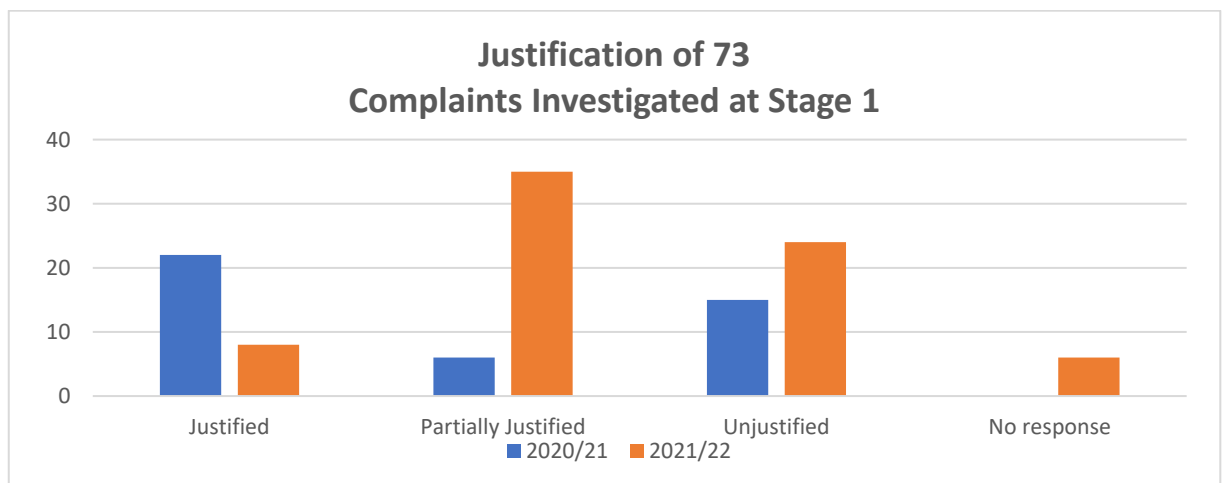
Strategic Lead. A written response is provided to the complainant which highlights the findings of the investigation. It also includes, if appropriate, information regarding any action that is being taken because of the complaint. In most cases, a letter of explanation, with an appropriate apology if required, are sufficient to resolve the matter.

10.4 In 2021/22, **17** 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 Strategic Leads and Service Managers, **15** of these complaints were resolved without the need to progress to formal Stage 2. Two complaints have or are currently being investigated at Stage 2.

10.5 The first Stage 2 complaint was also considered at Stage 3 and the matter was concluded to everyone's satisfaction. The current Stage 2 investigation is ongoing and the report is expected shortly.

10.6 There were **2** Local Government Ombudsman (LGO) referrals in the 2021/22 period relating to Social Care. One of these complaints was rejected by the LGO as inappropriate. The other complaint was regarding delays at Stage 2 and recommended a small financial compensation for the distress this caused.

10.7



11.0 QUALITY ASSURANCE / BUDGET POSITION

11.1 Team Managers are now familiar with carrying out complaint investigations and providing a written response. They can seek support if required. Strategic Leads and Service Managers 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.

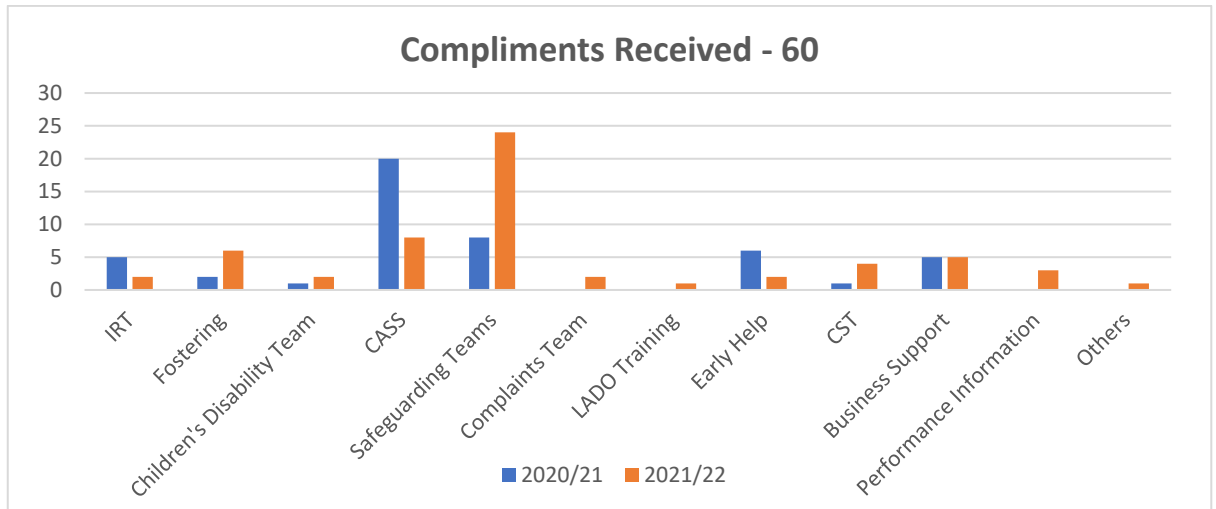
11.2 As outlined above there have been **2** stage 2 investigations during 2021/22. These investigations have, to date, incurred costs in the region of £2077.

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 **60** compliments regarding the Children’s Services Teams in the last year, compared to 52 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.

12.3



13:0 EQUAL OPPORTUNITIES MONITORING

13.1 Whilst efforts have been made to monitor the ethnic origin of the Authority’s complainants; many have not returned the diversity questionnaire

13.2 Due to the limited number of data requests being left blank, a true and accurate reflection of the Authority’s Complainants cannot be reported.

14.0 REPEAT AND VEXATIOUS COMPLAINTS

14.1 We do still 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 unhappy 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. Whilst I have been unable to attend all meetings due to work pressures, especially during the Covid Pandemic, the group continues to be a valuable source of advice and support.

15.2 Alan Park, External Training and Relationship Coordinator for the LGO, recently presented a training event for Complaints Managers which was insightful. It ensured some clarity on the LGO’s decision making processes and offered useful practical advice.

- 15.2 The Complaints Manager has also recently 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 complaint definitions 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.
- 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 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 an individual or family; others offer a wider learning experience. It is important that we all learn from the complaints and act to bring further improvements to Social Care services within Bury.

16.3 The recommendations which have arisen from learning from complaints during 2021/2022 are detailed below:

- Communication continues to be a concern and work is required to address this.
- Continuation of awareness of Information Governance related issues for all staff. There is mandatory annual training and this should be continued.
- Thorough and detailed handovers are essential when cases transfer between teams or social workers to ensure that families do not have to continually repeat their story. Team Managers to continue to monitor the handover process to ensure informative handovers are taking place which are high quality to avoid families having to repeat their background.
- If a case is being covered by an agency worker pending recruitment of permanent staff, the team manager should ensure this is communicated to the family and that they understand the reasons for any change.
- The manager should ensure the family receive the name and contact details of the new worker.
- When a social worker leaves, there is an expectation they provide a clear summary of their interventions and the family's history within case records to provide a consistent approach to the family. Signs of Safety Social Work model provides a greater emphasis on working jointly with parents and recording their views which will assist with progress. This should also include information regarding any outstanding work.
- All staff to maintain awareness that emails should not send to any address which is not, or may not, be secure, e.g. hotmail, AOL, gmail, etc. Such emails must only be forwarded via the use of Egress which ICT have confirmed is an appropriate and secure platform in these circumstances.
- Checking via "test" emails to continue, prior to sending sensitive information, to check the veracity of the email address. Recipients must be asked to respond sharing specific information that can be checked. Once verification of the email address is complete, information can be sent securely if the sender checks the address before pressing send.
- Emphasis and feedback/sharing information needs to be made to all staff regarding the themes and issues being raised via complaints.
- A training pack for new managers is currently being finalised. This will be shared with all Team Managers as well as any incoming new staff.

17.0 CONCLUSIONS

17.1 The Complaints process has been monitored and evaluated throughout the year to ensure that, not only do we meet the requirements of the statutory regulations and guidance, but also that families we work with receive a high-quality professional service which meets their needs.

17.2 Despite the increase in the number of complaints, it is positive that response timescales have improved this year; however, there is still room for improvement. All managers are aware that the timescale for responding to formal Stage 1 complaints is ten working days and that twenty working days should be the exception where complaints are complex.

- 17.3 To ensure that we continue to work to resolve complaints quickly, the Complaints Manager will continue to provide support as 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 complaint are appropriately addressed. The complaint definitions have 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, importantly, 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.

END