

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

1 AUGUST 2017

COMPLAINTS AND COMPLIMENTS ANNUAL REPORT APRIL 2016 TO MARCH 2017

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Summary

The annual report provides information on children's social care complaints handled during 2016–2017, and includes the numbers received and the types of issues raised. It also highlights some examples of the many positive things people have said about the provision of children's social care in Medway over the same period, and the service improvements we have made as a result.

1. Budget and Policy Framework

- 1.1 The Children Act 1989 Representations Procedure (England) Regulations 2006 requires local authorities to have in place procedures for dealing with complaints relating to children's social care complaints from children, young people and others.
- 1.2 There is a further statutory requirement to produce and publish an annual report specifying the number of complaints received, the number of complaints which the Council decided were well-founded, and the number of complaints that the Council has been informed have been referred to the Local Government Ombudsman (LGO).
- 1.3 In accordance with the council's constitution, paragraph 21.2 (b) of the Overview and Scrutiny rules (chapter 4), this committee is responsible for the review and scrutiny of children's services.

2. Background

- 2.1 The Children Act 1989 defines the representations procedure as being for representations, including complaints, made by children and young people. It also applies to parents, foster carers and other adults making a complaint about services to a child or young person.
- 2.2 The Children Act 1989 Representations Procedure (England) Regulations 2006 and the statutory guidance "Getting the Best from Complaints" describes a procedure for a child or young person who is likely to want to make representations, including complaints, about the actions, decisions or apparent failings of a local authority's children's social services provision; and to allow any other appropriate person to act on behalf of the child or young person concerned or make a complaint in their own right.
- 2.3 The guidance is also about making sure that vulnerable children and young people get the help they need, when they need it, however large or small their complaint.
- 2.4 A complaint is defined in the guidance as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response. Children and young people often express complaints as 'problems not being sorted out'. A common theme amongst children and young people is the need for complaints procedures to be both timely and effective: complaints procedures should 'get it sorted' straight away. The focus of the complaints process should be on getting the best for both individuals and services; every complaint should be seen as an opportunity to improve services.
- 2.5 The local authority should ensure that it responds to the issues raised, setting out what action should be taken. Local authorities should make children and young people aware of how they can make representations to the local authority and that they do not have to be complaints. The child or young person has the same right to advocacy whether the representation is a complaint or not. When the representation is a concern but not a complaint and the local authority fails to respond to the child or young person's satisfaction, they will then be entitled to make a complaint at Stage 1 about this failure.
- 2.6 Section 26(3) and section 24D of the Children Act, 1989 and section 3(1) of the Adoption and Children Act, 2002 require the responsible authority to consider representations including complaints made to it by:
 - any child or young person (or a parent or someone who has parental responsibility) who is being looked after by the local authority or is not looked after by them but is in need;
 - any local authority foster carer (including those caring for children placed through independent fostering agencies);
 - children leaving care;
 - Special Guardians; a child or young person (or parent of theirs) to whom a Special Guardian order is in force;
 - any person who has applied for an assessment under section 14F(3) or (4);

- any child or young person who may be adopted, their parents and guardians;
- persons wishing to adopt a child;
- any other person whom arrangements for the provision of adoption services extend;
- adopted persons, their parents, natural parents and former guardians;
- and such other person as the local authority considers have a sufficient interest in the child or young person's welfare to warrant his/her representations being considered by them.

2.7 Where a complaint is received from a representative acting on behalf of a child or young person, the local authority should normally confirm, where possible, that the child or young person is happy for this to happen and that the response to the complaint reflects his or her view.

2.8 Good complaint handling matters because it is an important way of ensuring that service users and customers receive the service they are entitled to expect. They are a valuable source of feedback for the organisation; they provide an audit trail and can be an early warning of failures in service delivery.

3. Managing Complaints

3.1 Medway Council's complaint arrangements focus on achieving the best possible outcomes for those making a complaint. The aim is to give the service user answers or an explanation to help them to understand what happened and, where appropriate, an apology and a commitment to change the way things are done. The objective is to provide reassurance that when a complaint is upheld the errors made will not be replicated either to them, or to anyone else, and that the Council will take action to ensure this.

3.2 The statutory complaints procedure has three stages.

- **Stage 1** – Any new complaint is first considered by staff at the point of service delivery with the aim of putting right any problem or mistake that may have occurred. Some complaints are complex and an advocate or interpreter may be required to make sure we understand all the aspects and in these cases it may take longer for us to respond. Wherever possible we try to respond within 10 working days, however if the complaint is more complex then the guidance allows us to respond within 20 working days. If the person complaining is unhappy with the outcome at this stage they may request that their complaint is considered at stage two of the complaints procedure. We aim to address, as far as possible, all concerns at this initial stage.
- **Stage 2** – At this stage an Independent Investigating Officer, who has not previously been involved in the case, and an Independent Person, who does not work for the council, undertake an investigation into the complaint. Both the Independent Person and the Independent Investigating Officer write separate reports, which are sent to the Assistant Director, Children's Social Care, who writes to the complainant, setting out the findings of the stage two investigation. The overall statutory timescale to reply to stage two complaints is 25-65 working days

- **Stage 3** – If the complainant remains unhappy with the outcome of the stage two investigation they can request that their complaint is reviewed by a review panel. The panel consists of three independent people, who do not work for the council and who have not previously been involved in the complaint. The panel looks at how the complaint was handled and the conclusions reached. The panel presents its findings to the Director of Children and Adults Services, who then writes to the complainant setting out the panel's findings.

The statutory timescales for the stage three process are:

- Review Panel is required to meet within 30 working days of a complainant's request to go to stage three;
- The panel is required to produce its findings within 5 working days of the meeting;
- The Director of Children and Adults Services is required to write to the complainant within 15 working days of receiving the panel's decision.

3.3 If the complainant is still unhappy after stage three, they can contact the Local Government Ombudsman (LGO). The LGO will look at how we have dealt with the complaint and consider how reasonable and appropriate our decisions were.

4. The role of the Local Government Ombudsman

4.1 The Local Government Ombudsman's role is to provide redress in cases of service failure, which has caused injustice to the public. The LGO seeks to resolve cases informally where it can, determining the reasonableness of decisions of bodies being complained about. It is a free service to the complainant.

4.2 The Local Government Ombudsman's recommendations aim to put complainants back in the position they were in before the maladministration occurred.

5. Analysis of stage one complaints: 1 April 2016 to 31 March 2017

5.1 The headline figures for Stage 1 complaints:

Complaints brought forward from 2015-2016	24
Complaints received	120
Complaints closed	132
Number of complaints withdrawn	4
Complaints dealt with within 10 working days	48
Open complaints still waiting for a response (at 31.3.17)	8

5.2 The following table shows a quarterly breakdown of Stage 1 complaints

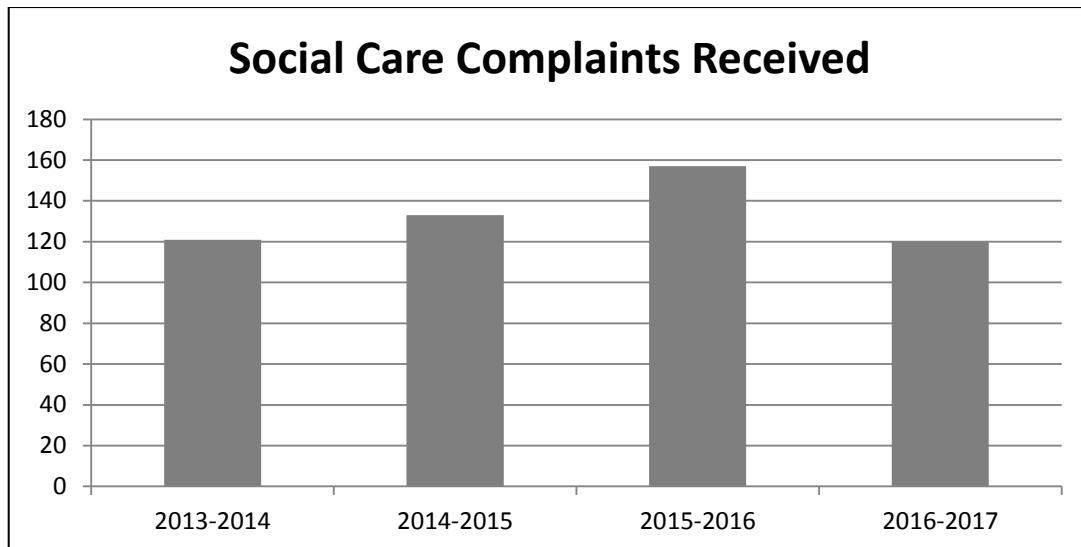
	Q.1	Q.2	Q.3	Q4	Total
Complaints carried over from 2014-2015	24				24
Total complaints received	36	36	27	21	120
Total complaints closed	43	38	33	18	132
Total number of complaints withdrawn	3	0	0	1	4
Total complaints dealt with within 10 working days	10	14	16	8	48
% of complaints dealt with within 10 working days	23%	37%	48%	44%	36%
% of complaints acknowledged within 3 working days	92%	100%	100%	100%	97%

received from 1 April 2016 to 31 March 2017:

5.3 The total number of new complaints received during 2016-2017 was 120, compared with 157 in 2015-2016, a decrease of 23.5%.

5.4 The following table and bar graph show the number of stage one complaints received in each of the last four years:

Year	Volume of complaints
2013-2014	121
2014-2015	133
2015-2016	157
2016-2017	120



- 5.5 The total number of complaints handled in 2016-2017 was 144; there were 120 new complaints and 24 complaints carried forward from 2015-16.
- 5.6 The teams worked hard to clear a backlog of 24 complaints carried over from 2015-2016. There was a great improvement in 2016-2017 as only eight complaints had not received a response on 31 March 2017; of these eight complaints, five were still within the timescale for a response.
- 5.7 Twelve complaints were received from looked after children and care leavers, compared with nine in 2015-2016, ten in 2014-2015, fifteen complaints in 2013-2014, ten in 2012-13 and five in 2011-2012. Children's services have taken several actions to ensure that children know how to complain and to ensure that they are referred to the advocacy service to support them in making a complaint.
- 5.8 Four complaints were received from foster carers, one of whom was a connected carer.
- 5.9 Three complaints were received from parents who had adopted a child.
- 5.10 One complaint was received from a special guardian.
- 5.11 One complaint was received from a head teacher.
- 5.12 There were 99 complaints received from parents and concerned relatives.
- 5.13 Nine complainants made two complaints, compared with seventeen who made multiple complaints in 2015-2016. No complainants made more than two complaints.
- 5.14 Nineteen complainants (15.8%) were unhappy with their stage one response compared with 20 (12.5%) in 2015-2016. Seven of these resulted in a stage two investigation and ten were resolved through an alternative dispute resolution meeting. Two complaints were then referred to the Local

Ombudsman as stage two investigations who would not provide any more information or resolve their complaint.

- 5.15 The following table shows the number of new stage one complaints received in 2016-2017, by service:

Service	No. of Complaints
Children's Advice and Duty Service	27
Looked After Children and Proceedings	19
Child Protection & Child n Need	18
Area1	9
Area 2	9
Area 3	11
Area 4	4
Leaving Care	3
Integrated Family Support	4
Disabled Children (0-25)	11
Aut Even	1
Fostering	6
Adoption	3
Independent Reviewing Service	3
Safeguarding	1
Partnership and Commissioning	0
TOTAL	129*

*This number is greater than the 120 complaints received in 2016-2017 as one complaint can involve more than one team.

- 5.16 Complaints involving the Children's Assessment and Duty Team decreased from 47 received in 2014-2015, compared with 38 received in 2015-2016 and 27 received this year. Complaints involving the Disability 0-25 team increased from 8 in 2015-2016 to 11 this year. It is difficult to compare the figures for the other teams due to the reorganisation into area teams.

- 5.17 Children, young people and their parents and carers accessed the complaints procedure in several different ways:

- 49 complaints were sent to the social care complaints manager by e-mail
- 11 complaints e-mailed their complaint and followed this up with a letter
- 2 complaints e-mailed via Lagan
- 1 complainant e-mailed via Lagan and phoned the social care complaints manager
- 25 complainants posted a letter to the social care complaints manager
- 20 complainants came into Gun Wharf to see the social care complaints manager
- 10 complainants phoned the social care complaints manager
- 1 complainant completed the complaints form on the council's website
- 1 complainant sent their complaint by text to the social care complaints manager.

5.18 The following table shows how many complaints have been received from each ethnicity group during 2016-2017:

White/British	68
Information not held	41
Asian/British Indian	3
White/Any Other White Background	3
Black/ Black British/Caribbean	2
Mixed White/Asian	2
Black/ Any Other Background	1
Total	120

5.19 The following table shows the outcomes of complaints responded to at stage one:

Complaint type	Not Upheld	Partially Upheld	Upheld	Total
Behaviour/attitude of staff	27	7	8	42
Lack of communication	13	4	8	25
Contact arrangements	15	3	5	23
Disagreeing with an assessment	18	0	0	18
Disagreeing with a decision	12	0	1	13
Request to change social worker	8	0	5	13
Lack of support	8	1	3	12
Delays in assessments/court report	0	1	10	11
Not providing a service	5	1	3	9
Breach of confidentiality/Data Breach	2	0	2	4
Complaints about a service	2	0	2	4
Fathers not included in an assessment	1	1	2	4
Incorrect information in a report or an assessment	1	0	2	3
Delays in making decisions	0	2	0	2
Number of changes of social worker	0	0	2	2
Social worker not visiting as per procedures	1	0	1	2
Behaviour of an independent reviewing officer	1	0	0	1
Complaints about foster carers	1	0	1	2
Lack of information	0	0	1	1
Looked after child not receiving savings from pocket money/ leaving care grant.	1	0	0	1
Parent excluded from meetings	1	0	0	1
Delays in providing a service	0	0	0	0
Total	113	20	60	193*

*The totals below differ from the total number of 120 complaints as complainants may have more than one issue they wish to complain about.

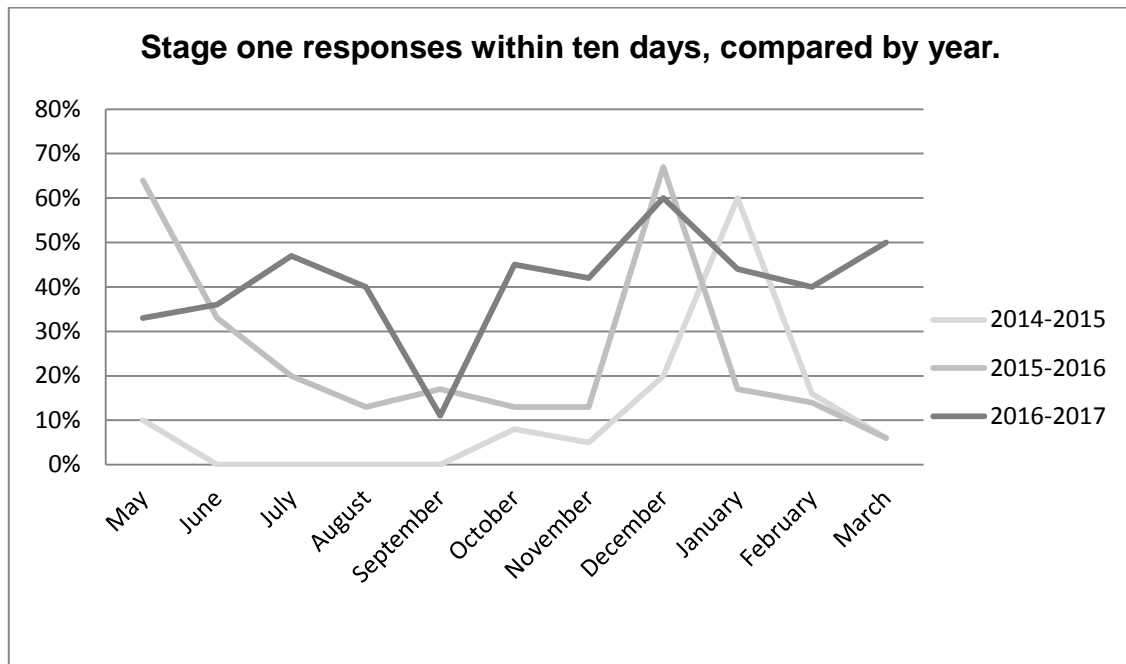
- 5.20 58 (30%) stage one complaint issues were upheld and 20 (10%) were partially upheld. This compares with 68 (29%) upheld and 14 (6%) partially upheld in 2015-2016.
- 5.21 8 complaints about the attitude and behaviour of social workers were upheld at stage one in 2016-2017 compared with 9 in 2015-2016 and 10 in 2014-2015.
- 5.22 8 complaints about a lack of communication were upheld in 2016-2017 compared with 18 in 2015-2016 and 20 in 2014-2015. This is a significant improvement.

6. Timeliness of Responses to Stage One Complaints

- 6.1 The statutory timescales in working days for the procedures are set out in paragraph 3.2 above.
- 6.2 The Council aims to deal with complaints as quickly and as comprehensively as possible. Sometimes the Council is not able to issue responses to the complainant within ten working days because the complaint is complicated or may need dialogue across multiple service areas. In such cases the timescale will be extended to the statutory deadline of twenty days. Service users have advised the Council that the most important thing to them is to be kept informed about what is happening and to receive a comprehensive response. Therefore the Council always makes contact to explain the reason for any delay and confirm when they will receive a response.
- 6.3 The following table shows the time taken to answer stage one complaints in 2016-2017:

Number of days	Within 10	11-20	21-25	26-65	>65 days	Total
Stage 1	48	39	9	18	18	132
Percentage	36%	30%	7%	13.5%	13.5%	100%

6.4 The line graph shows response timeliness by month, against the ten working day target, and compares this against previous year's performances.



6.5 The following table shows the complaints responded to in 20 working days during 2016-2017, by quarter. Response timeliness has steadily improved throughout the last financial year.

	Q1	Q2	Q3	Q4	Total
Volume of complaints answered in 20 working days	24	24	25	14	87
Percentage of complaints responded to in 20 working days	56%	63%	76%	93%	66%

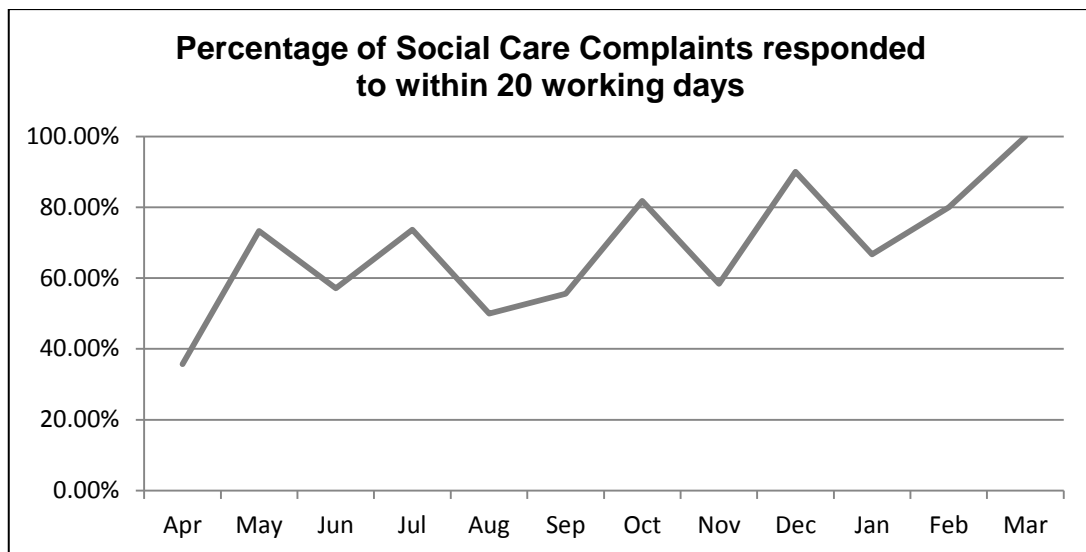
6.6 This table shows the volume of complaints responded to in 20 working days, and compares this with performance against previous years. There is also a significant improvement in response timeliness, compared to previous years.

	2013-14	2014-15	2015-16	2016-17
Volume of complaints answered in 20 working days	71	41	77	90
Percentage of complaints responded to in 20 working days	63%	35%	50%	68%

6.7 Medway Council aims to complete stage one investigations into complaints within ten working days, however the timescale can be extended to twenty working days for more complex complaints.

6.8 Staff have worked hard to clear the backlog of out-of-date complaints carried forward from 2015-2016. Despite this backlog there has been an improvement

in the number of complaints responded to within 20 working days compared to the past three years, and this is reflected in the following graph. The Head of Service is committed to monitoring complaints and ensuring that they are answered on time.



7. Stage two investigations

7.1 Five stage two investigations were concluded in 2016-2017 and two were carried over to 2017-2018.

7.1.1 A father complained that, on an initial visit the social worker said that if the parents did not clean up the house in two days their children would be removed; he felt bullied by the social worker. This aspect of the complaint was not upheld. However the lesson learnt is that social workers need to check if their communication is clearly understood and if they need to offer further clarification and record this on Framework-i. There was a delay in sharing the child and family assessment with the parents prior to the initial child protection conference; this was upheld. The parents disagreed with the assessment. Social workers need to be able to explain areas of disagreement and record parents' views about the assessment.

Medway Council has a policy that "no abuse directed towards staff members will be tolerated", yet the social worker had to tolerate verbal and racist abuse during this initial visit. Social workers have to deal with difficult clients, manage conflict and build relationships with families in order to achieve change. In practice the dichotomy between the two positions has not been reconciled and this leaves practitioners feeling unsupported and vulnerable.

Social workers deal with difficult clients, manage conflict and build up relationships with service users in order to achieve effective change. Lessons have been learnt and managers are using supervision to reflect on these issues.

- 7.1.2 Parents, who had adopted two children, complained about the way a section 47 enquiry was conducted and about inaccuracies in the child and family assessment. The one child's date of birth was incorrectly recorded; this has been corrected. In reporting historical information it is important to note the source of the information and the outcomes of any referral or intervention. The mother repeatedly asked for information regarding the process of undertaking a child and family assessment. It was not recorded on Framework-i if the mother was provided with answers to her questions. Social workers should be able to explain the procedures and legislation which gives them the mandate to undertake section 47 enquiries and child and family assessments. As a result of this complaint a decision was made to develop a leaflet, which explains the assessment process.
- 7.1.3 One complaint was about a serious data breach, which was upheld and the parents were offered financial compensation for the distress they experienced as a result of the data breach. A number of other complaints including inaccuracies in a report, the parents not receiving a report before a child protection conference, a delay in a report being completed, a delay in providing her son with appropriate therapy and a delay in responding to her stage one complaint were upheld. The data breach mistake resulted in a lack of trust between the parents and children's services and presented social workers with a challenge as to how to engage with the mother, Mrs H, who found it difficult to consider that her son had sexually abused three young children. She would not allow the social worker to see the children alone. As a result the case was closed without the son receiving a specialist assessment. An outcome from the stage two investigation was that attempts should be made to re-engage the family to obtain agreement from the parents for a specialist assessment to be undertaken. This was agreed by the Deputy Director, the case was reopened and appropriate services have been arranged for the son and his sister. Mrs H was still dissatisfied with the response at stage two of the children's complaints procedures and requested that her complaint was reviewed by an independent panel.
- 7.1.4 A couple, who had adopted a child, separated. The child was showing some signs of behavioural problems and the mother asked the social worker for some advice regarding her daughter's behaviour. The child had told her mother she did not want to sleep over at her father's house. The social worker had a conversation with the father who complained that the social worker had suggested that the child should stay at the family home overnight as she was struggling with the separation. The father complained that "following a separation to call one home the family home is offensive and upsetting." He explained that he was distressed by the separation and on sick leave. The social worker replied that "It's not about you; you need to think about your daughter." The father also complained that the social worker had not spoken to him, or offered him a parenting course, that she accepted the mother's story and that he had been told he could not write a separate letter for letterbox contact. The outcome of the stage two investigation was that none of his complaints were upheld. It had already been agreed that he could send a separate letter for letterbox contact.

- 7.1.5 A father complained that the social worker was biased towards his ex-partner, rude and aggressive towards him and did not accept that he was the victim of domestic abuse, there was poor communication, she did not believe him or listen to him, he was excluded from a child protection conference, and that all allegations against him are baseless and unfounded. He complained he was sent the wrong care plan and he has not had contact with his daughter for a year.

The complaint regarding the wrong care plan being sent to his solicitor was upheld and lessons have been learnt that the social workers have to double check what they sent to Medway Legal Services, and the solicitors should also check all the documents before sending them to court. In this case the incorrect information was only passed to the father's solicitor, who destroyed the document.

It was acknowledged that there was a delay in commencing direct work with his daughter with the aim of arranging supervised contact with her father. However she was very clear that she did not want to see her father because he had hurt her mother. The social worker encouraged letter box contact between the child and her father.

- 7.2 There was a theme about the social workers finding it difficult to engage with the parents for different reasons. In the first case the father, by his own admission was difficult, abusive and aggressive. In the second case the mother was articulate, assertive and her work role involved advocating for other people. In the third case the impact of the data breach led to the mother mistrusting the social worker even though he had not caused the data breach. In all these cases the social workers and managers struggled to identify strategies to engage with the families. Supervisors need to reflect on the issues that are making it difficult for the social worker to engage with the family and offer support when parents are abusive towards them.

8. Stage three review panels

- 8.1 One complainant requested a stage three panel in 2016 -2017, compared with two the previous year.
- 8.2 Following the review panel in respect of Mrs H's complaint, the panel recommended that there should have been better communication with Mr and Mrs H about the impact the Data Breach had on the family and in explaining to the complainant the importance of working together with the social worker while the complaint was being investigated.

9. LOCAL GOVERNMENT OMBUDSMAN

- 9.1 There were five referrals to the Local Government Ombudsman between 1 April 2016 and 31 March 2017, compared with six last year. One complaint was still being investigated by the Local ombudsman on 31 March 2017.
- 9.2 The outcomes of four referrals are as follows:

- A mother complained that her child was taken in to care when a court order was granted in 2016. The outcome was that the Local Ombudsman could not investigate the complaint as it was about issues that happened ten years ago and it was based on a court order.
- A father complained that Medway Council failed to tell him about a social work assessment in 2010. He also complained that Medway Council refused to progress his complaint to stage 2 of the statutory complaints process. He claimed he could have had more contact with his son had he known about his ex-wife's new partner's conviction. He wanted financial compensation for the child maintenance paid to the mother. He wanted Medway Council to reimburse of the costs of legal advice. The outcome was that Medway Council had grounds to not progress the father's complaint under the statutory complaints procedure. The Local Ombudsman did not investigate the complaint any further as they could not add to the Council's investigation or achieve the outcome the father wanted.
- A father complained that a social worker had not taken his views into account and had recommended to the court that his daughter should live with her mother and that he should only have letter box contact with his daughter. The Ombudsman did not investigate Mr F's complaint about a social worker's actions as there are other procedures to deal with staff issues, and the private court proceedings resulted in a child arrangements order that the child should live with the mother and that the child should have letter box contact with her father once a month.
- A father complained about the advice the adoption social worker gave to his wife following their separation. The Local Ombudsman found that Medway Council was not at fault in how it provided support to Mrs B following her separation with Mr B, or in the advice it provided to help them manage their daughter's behaviour. Although Mr B was not happy with the advice, this does not amount to fault by the Council.

10. Listening to children

10.1 Looked after children have told us what they want:

- To tell their story once
- For us to listen and take seriously what they say
- Understanding that it's not easy to complain
- To be kept in touch with what is happening
- Their issues to be dealt with quickly but thoroughly

10.2 Medway Council commissions an advocacy service from Young Lives Foundation (YLF), which provides a service to assist children and young people in making complaints or to resolve concerns that they might have. During 2016-2017, six looked after children were supported to make a complaint by an advocate from the YLF.

10.3 The YLF has a team of nine experienced advocates based across Kent and Medway who are supported by an advocacy officer and advocacy manager. The model of the service and location of advocates allows advocates to support Medway local authority young people quickly and effectively wherever they are located across the county. YLF has access to telephone interpreters allowing the increasing population of young people who do not speak English as a first language to access the service, and the YLF's Freephone number was launched at the end of March 2016, allowing young people to contact the service from any landline or mobile number without incurring a charge.

10.4 Summary of Advocacy Activity

New advocacy referrals	67
Advocacy cases concluded	63

10.5 Care leavers, looked after children, children on a child protection plan, children in need and children who wanted support at a family group conference accessed the Advocacy Service.

10.6 The issues for young people were as follows:

- Family Group Conferences
- Placements
- Contact with family
- Setting up a home allowance
- Health
- Access to savings
- Child protection conferences
- Support at meetings
- Issues with their social worker or personal assistant
- Finance
- Education

10.7 Placement continues to be the most frequently raised issue for young people in Care. Examples of the type of issues raised by young people include being moved from their placement against their wishes and without what they considered to be valid reasons, and requests to move placements due to difficulties within the home. It can often be identified that a lack of clear communication between professionals and young people can lead to the need for advocacy intervention as well as missed opportunities to take into consideration the wishes and views of young people prior to the Local Authority making a decision.

10.8 **Feedback from young people:**

- *'I am very happy with the outcomes and glad that I can stay in my placement'*
- *'I am getting to school on time now, having breakfast, home has been redecorated and I stay with my grandparents at weekends. I have a new*

Social Worker which is making his mum happy. If I need you again I will tell mum, thank you for your help'

- *'My Advocate was really helpful and friendly'*
- *'I always feel that if I needed them I can contact them again' '*
- *My Advocate explained everything in a way I could understand and would reword things when I needed it'*

11. **Complaints from children**

11.1 In 2016-2017 twelve children made a complaint. Their complaints and the outcomes are summarised as follows:

- i. A seventeen year old complained that he was injured during a restraint at Cookham Wood HMP/YOI. This complaint was investigated jointly by the LADO team and the police. The conclusion was that the officer at Cookham Wood used "reasonable force" to protect another officer from harm.
- ii. A fourteen year old looked after child complained she had been placed with a foster carer whose house was riddled with mice; she was very concerned because a mother and her baby were also placed with this foster carer. This was investigated and a pest control company was called in to deal with the problem.
- iii. An advocate sent in a complaint from a 15 year old looked after child, D. He complained that his social worker was not listening to him when he said he wanted to remain in his present placement and that he wanted his present placement to be permanent. He complained that his social worker did not explain "stuff" well and that his social worker did not encourage or praise him when he looked at his exam results. He stated that he did not trust his social worker and he wanted a new social worker. It was explained to D that there were some concerns about the way his foster carers cared for him but no one was planning to move him. Following discussions with D about changing social workers the decision was made not to allocate a new worker. Following work with the foster carers the present plan is that D remains with his foster carers permanently.
- iv. A care leaver who is studying at University complained that Medway Council had deducted her council tax from the amount she was given to support her at university. She also complained that Medway Council refused to pay her the 3rd Year element of the higher education bursary - £2000.

The response to her complaint was Medway Council had supported her to continue her higher education by funding her living and academic costs while her immigration status was being addressed. Medway Council did deduct council tax from the maintenance allowance; this was credited to her rent account. As her immigration status has been resolved the funding will end and she will be in receipt of student finance for the last academic year. She was assured that Medway Council would continue to meet her accommodation costs and support her with travel costs until the end of this academic year. The

Higher Education Bursary, which is £2000, was not paid to her directly as it was agreed this would be used towards her tuition costs as Medway Council would not have ordinarily paid this cost, it would normally have been paid by Student Finance. This complaint was not upheld.

- v. An advocate assisted a looked after child to make a complaint. He was unhappy at his foster home and the placement was breaking down. He ran away, self-harmed and was admitted to hospital. His foster carer came to fetch him from hospital. On the way home he refused to return to his placement. He was placed in an emergency respite placement in Essex. It was difficult to attend school due to the distance but he asked if he could go to school on the last day of term as he was going to be praised in assembly for his achievements. Despite calls to the social worker and the manager no transport was arranged for him and he missed his celebration at school. His other complaint was that he did not want to be placed in residential care as he had been sexually abused in a residential placement, the thought of going to a residential placement made him very anxious. He said there was a lack of communication and he felt he was being rushed into agreeing to go to a residential placement. He also wanted a choice of placements. It was acknowledged that it was not appropriate that he missed such a significant event in his life to celebrate his achievements and that more steps should have been taken to try and make this happen. He was offered an apology for the inconvenience and upset this has caused him. The allocated worker would ask the school to offer another opportunity in the new term. The complaint that he was not communicated with was not upheld as several phone calls were made to him, however it would have been good practice to visit him to discuss his views and feelings face to face. He has moved into a residential placement and later to a foster placement where he is now settled.
- vi. An advocate helped a young looked after child to express his views and feelings. He said "I do not want to move placement! I have been living with my foster carer for the past 5 years. I am very settled here; I have grown close to my foster carer's extended family and like where I live. I like living in the countryside and being near all the animals here, this placement is important to me and I consider it home, I do not want to move, I am doing well at school and I am due to move schools, not far from here. I am worried about being moved at any time. I am worried about the future and about getting split up from my sister." His complaint was that he did not want to move, he did not feel he was being communicated with during this process and that he did not understand why he had to wait until October to know what his future would entail. This was an unfortunate situation as there were concerns about the foster carers which would have to be taken to the fostering panel in October 2016. Work was undertaken with the foster carers and the fostering panel approved them as permanent carers to the young person.
- vii. An advocate assisted a looked after child to make a complaint. She complained that she did not want to change her placement, she wanted to be listened to and she currently had no social worker. The young person was reassured that there were no plans to change her placement and a social worker was allocated to her.

- viii. An advocate helped a looked after child to express his views about changing his placement as he was happy and settled with his placement. His IRO visited him to explain that no definite decisions could be made until the fostering panel had made a decision. He also wanted a different social worker, which was arranged for him.
- ix. A looked after child complained that he was moving to a placement close to his father which would put him at risk. He was listened to and he was placed in an alternative placement.
- x. A care leaver, who had left her placement, complained that she had no pocket money and no clothing allowance. She also complained that she had been neglected by her foster carer and was unhappy in her placement. She was offered another placement but declined to return to Medway. The response to her complaint was that she had received pocket money as well as money for clothes and holidays. Her foster carer had ensured that money was saved for her. The young person has returned to live with her mother in London. None of her complaints were upheld.
- xi. A care leaver complained that she had not received financial help when she got married and moved into accommodation provided to her husband by the army. This complaint was not upheld as she was not on the tenancy agreement; she was however given a discretionary payment.
- xii. A looked after child complained that she could not talk to her social worker and that her social worker had not found her a school placement. This complaint was not upheld as the social worker had made applications to various schools and the young person refused to attend the school where she was on role. Education is now provided within her placement and she is engaging well her education provision

12. COMPLIMENTS

- 12.1 The Council is proud to receive compliments and thanks from people who are satisfied with Council services and happy about the way in which the Council works with them. Eleven compliments about children's social care were received and logged by the social care complaints manager in 2016-2017. Other positive comments were logged by the independent reviewing team. Lessons can be learnt from compliments about what works well and which services and practices are effective in achieving positive changes for parents and their children.

12.2 Compliments about social workers from services users

- A father e-mailed “the social worker has been amazing and understands our case in detail”.
- An independent reviewing officer e-mailed to thank the social worker for being instrumental in enabling C (age 8) to meet the police officer who removed him from his mother’s care under difficult circumstances almost three years ago. “The social worker has made his wish come true with the support of staff at Public Protection Unit. Information was shared at the looked after review about the wonderful time C had with the police officer and the team. He had an amazing day including meeting S, having the opportunity to be shown around the police station, wear a police hat, sit in a police cell (at his request), meet a police dog and handler, sit in a police car and use the sirens. I understand officers were very good with C and kindly gave him a Police Bear gift as well as a name badge engraved with ‘C...’ This whole experience was extremely special for him and he had a very memorable day; assisting C with his recovery process and helping him understand more about his looked after journey and life story. C continues to talk about his day and this has been shared with his class peers and teacher. C is now very inspired to become a Police Officer.”
- A family told an IRO how impressed they were with the social worker’s open way of working and how he helped them overcome their initial barriers in working with children’s services.
- A family told the IRO that they were very impressed with the social worker and the good communication between them.
- A father reported at a conference that he was grateful for the social worker’s hard work and impressed by the progress made in moving the plan forward.

12.3 Compliments about social workers from Independent Reviewing Officers (IRO)

Social workers were complimented as follows:

- Clear and detailed reports.
- Thorough report for LAC review and professional opinion of the case.
- Very good documents to support life story work, tailored to the child's needs.
- A very good report with nice details that personalise the child and his experiences.
- Expertise and professionalism in respect of the way the social worker pulled the plan together so that the child’s future is now better safeguarded.
- Thorough and informative report.
- An IRO, who audited a case, was impressed by the quality of the social worker’s updated assessment and care plan, using research and showing an understanding of the mother’s difficulties. The auditor stated that this was an outstanding piece of work which should be anonymised and shared with other practitioners.

- Good understanding of the child's needs and the support the social worker offered him as well as her liaison with his family. She is a strong advocate for the child.
- The social worker built up an excellent relationship with a young person who is now able to express his wishes and feelings. She takes an interest in his life. She encouraged him to have a safe place to disclose any issues he may have had and undertook further work about secrets.
- A social worker visited and discussed her report with the children before the initial child protection conference, ensuring the children's voices were heard.
- Excellent care plans and hard work achieving all the actions in the plans.
- Excellent job engaging children, excellent work.

12.4 A Compliment about an IRO

A mother reported that the chair of a child protection conference was very professional and caring. The IRO took time to listen to the mother which made her feel listened to.

12.5 Compliments about a leaving care personal assistant.

- A care leaver sent her a personal assistant a thank you card. She wrote: "I just wanted to say a massive thank you for everything you have done for me and my little E. I will be forever in your debt for everything you have done and continue to do. Thanks for being so fabulous, from fabulously lucky me." The young carer leaver is now living independently with her son, and she has secured an apprenticeship.
- A professional e-mailed "I am emailing you as I felt the need to speak very highly about one of your lovely ladies, L. We have been working together with J and I feel it has been fantastic team work. The situation with J is obviously very difficult and sad; however the multi-agency working has been fantastic which has made a bad situation a lot easier to deal with. L has kept me informed with all relevant information ensuring J is getting the correct care and support."

Compliment about the leaving care team

- A Care Leavers Nurse for Looked After Children sent the following e-mail to the team manager: "I know you are fully aware of this but I just want to say you have a wonderful team who do such a great job with these very vulnerable young people. I am very thankful to work with such a lovely and supportive team."
- A care leaver wrote from prison, "Thank you for all the help you and everyone at the leaving care team done for me when I was out. I know I can be a pain most of the time. Thank you for keeping in touch with me."
- A care leaver wrote "thank you for all the help you and everyone at the leaving care team done for me. Thank you for keeping in touch with me"

12.6 Compliments from other professionals

- The chair of the Area Resources Panel and the virtual head teacher for looked after children praised a social worker for the quality of her work and how she progressed a child's plan so quickly. "She is an excellent social worker who makes a difference".

12.7 Compliment about foster carers

- A social worker commented new foster carers "I was extremely impressed with the N foster carers and the manner in which they were able to manage the different, competing, and complex needs of the X children. The children were not in a good place emotionally having experienced significant abuse and neglect in their parent's care – Mr and Mrs N turned the situation around for them. Within a month of being in care the children had gone through a dramatic and positive change. These carers are also able to work with children with speech and language difficulties, even mobility issues; special needs in particular Autism and ADHD. Mrs N is very nurturing and loving towards children and treated the X children as she would her own, the children were exposed to numerous activities consistently, and this contributed to the change that we saw".

12.8 Compliments about Family Workers

- A mother sent a card to a family worker saying; "Thank you for all you have done for me and my babies and for making me believe in myself again. Can't thank you enough."
- A mother and her daughter thanked the family worker for all her help and support. The mother wrote, "I have finally got my Princess back; she has changed for the better." The daughter wrote "Thank you for changing me for the best and bringing me and my Mum closer like we used to be."
- A mother wrote "When ES took over our case she made our lives much easier due to the fact she actually investigates when needed, offers proper advice and is easy to talk; understanding my experiences. It was good and felt a comfort being able to talk about anything. She took time to get to know me, which goes a long way in understanding me as a person. She has watched and helped me grow stronger and begin to deal with the hurt of the past year. She has put my faith back in social services. She is new in her chosen carer, if she is as good as this in the beginning she will be amazing and a great carer for all those who need help. So a very BIG THANK YOU to ES for everything."

12.9 A Compliment about the Deputy Director

- Foster carers e-mailed the Deputy Director: "I just wanted to write and say a big thank you for the kind words in your letter dated 13 April regarding E. It has been a particularly difficult period recently so your letter was greatly appreciated at this time."

12.10 Compliment about the administration team.

- A social worker e-mailed” I want to take the opportunity to commend your team. Each and every one of your team are extremely friendly and approachable. I have found them all to be extremely supportive when I approach them to organise meetings. They have a ‘can do’ attitude and always act upon my requests in an extremely timely manner- very often immediately. They all forward me minutes of meetings in a timely manner, and this is extremely helpful. Their professionalism in meetings is also exceptional. I am also very impressed that they approach me to query issues discussed at meetings that they require clarification on after the meeting, as opposed to during meetings, in order for minutes to be accurate. It is also a strength that they ask for clarification prior to sending minutes, as opposed to sending them without clarification- as many acronyms are often used during meetings”.

13. LEARNING FROM COMPLAINTS AND COMPLIMENTS

- 13.1 Lessons learnt from stage two investigations are reported in the quarterly reports to the Director of Adult and Children’s Services as well as to the Deputy Assistant Director, Assistant Director and to the Heads of Service. Issues from complaints are also discussed at the performance management meetings and action plans are developed to address the issues.
- 13.2 The Complaints Manager for Social Care ran four workshops for social workers and their managers to look at the lessons learnt from complaints about the following issues:
- Working with non resident fathers in assessments and keeping them informed about their child’s plans
 - Accuracy of information in assessments
 - Building positive relations with children and their parents
 - Improving communication with parents, young people and children.
 - The importance of protecting personal data.
- 13.3 Two complaints about a data breach were received in 2016-2017 and were upheld:
- A father complained that he was sent a child and family assessment with names of children he has no right to know about.
 - Parents complained that they received paperwork about another child. They were worried that the paperwork concerning their child had been sent to the other parent. They were assured that the no information about their children was sent to anyone else.
 - As a result of these complaints and previous mistakes in 2015-2016 social workers and administrative staff have completed training on information governance and child and family assessments are now hand delivered to parents.

- 13.4 Looked after children were listened to when they complained about a possible move to another placement. There were concerns about the placements, but as a result of their complaints the foster carers were supported to continue caring for the children. We have learned the importance of involving looked after children in any changes of placement and in allowing time to prepare for a move.
- 13.5 Looked after children have told us how much they appreciate having a social worker who relates positively to them. Parents have also confirmed how much a social worker helped them make positive changes. The workshops have looked at the importance of building good positive relations with children and young people as well as their parents. Some parents have complained that some social worker's attitudes hinder the establishment of a positive and effective relationship.
- 13.6 A mother complained that she did not know what the plan was for her children who had been accommodated since January 2016. Social workers need to take time to explain to the assessment of their children's needs and how these needs will be met in short-term and long-term plans.
- 13.7 Ten fathers and a mother complained that the social worker was biased towards their ex-partner. These complaints were not upheld but in one case a decision was made to change social workers. All these cases were in private proceedings and a judge had asked for a section 7 report, Children Act 1998. In the majority of these complaints the parents did not have a solicitor as they were not able to claim legal aid. If parents are separated, social workers need to ensure that non-resident parents are included in assessments and that they are clear about their child's plan. These complaints are very time consuming and complainants are usually dissatisfied with the outcomes of their complaints; two have been through a stage two investigation and two referred their complaints to the Local Ombudsman. In another case a stage two investigation has commenced.
- 13.8 There are important lessons to be learnt from the importance of good communication with both fathers and mothers as well as with young people and for social workers. Supervisors should ensure that both parents' views are obtained and recorded in the assessments and section seven reports. The number of complaints upheld about a lack of communication decreased to 8 in 2016-2017, compared with 9 in 2015-2016 and 18 in 2014-2015.
- 13.9 Social workers and their supervisors need to reflect on how to deal with disagreements with their analysis within the child and family assessments. Clearly if factual information is incorrect it will be changed. Social workers should explain the assessment process to parents and children, ensure that they record the family's strengths as well as what needs to improve and why the changes are necessary. The number of complaints about a disagreement with an assessment increased to 23 (none upheld) in 2016-2017, compared with 15 (none upheld) in 2015-2016 and 15 (6 upheld) in 2014-2015.

14. MANAGEMENT REPORTING

14.1 Improving Complaints Management

In managing complaints we are guided by the following principles of good complaint handling:

- Getting it right first time
- Providing clear information about how to complain
- Providing support to the complainant
- Being customer focused
- Listening to customers
- Being open and accountable
- Acting fairly and proportionately
- Recording complaints
- Responding in a timely way
- Putting things right if a mistake was made
- Learning from complaints and seeking continuous improvement

14.2 A qualified social worker was appointed, in April 2013, as the Complaints Manager for Social Care in the Customer Relations Team. She risk assesses the children's complaints and undertakes the role of independent officer in most stage two investigations.

14.3 Quarterly reports are presented to the Children and Adults Directorate Management Team and to the Deputy and Assistant Directors' management teams. The Complaints Manager for Social Care attends the monthly performance meetings which monitors the timelines of responses to complaints and discusses learning from complaints and any recommended actions as a result of the complaint.

14.4 Information on how to make a children's social care complaint has been updated on the Medway Council website.

14.5 The children's leaflet explains the various ways a young person can make a complaint. The social care complaints manager is ensuring that children's social care teams are aware of how complaints can be made, by including the information in the induction pack for social workers, through ongoing communication at children's social care team meetings as well raising awareness with other teams such as Customer Contact.

14.6 All complainants receive a letter acknowledging their complaint and explaining how to contact the social care complaints manager. When an advocate has sent in a complaint on behalf of a child or young person, the letter of acknowledgement is sent to the advocate. The advocates are aware that they need to ask the child or the young person making the complaint if they want a copy of any correspondence that is sent to the advocate.

14.7 The Customer Relations Team send regular reminders of all open complaints to complaint handlers, and chase all complaints that have not been replied to within ten working days.

14.5 Training on complaint handling was provided in 2015-2016 for all team managers. The social care manager will continue to ensure that children's social care teams are aware of how children and their carers can complain.

15. Risk Management

15.1 Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.

Risk	Description	Action to avoid or mitigate risk
Not handling complaints properly and more importantly not learning from complaints could put a child at risk.	Good complaint handling, including the identification of improvement opportunities from complaints received, helps ensure that the services are provided in a complete and timely way, minimising the possibility of a vulnerable child being put at risk.	Improved management and control of complaint procedures, learning from complaint analysis, helps to identify and minimise potential risk or impact of risk to children

16. Equalities Data

- 16.1 The Council is committed to achieving equality of opportunity, access and outcomes for all, through the delivery and commissioning of high-quality services that are accessible, fair and mainstreaming equality and diversity across all service delivery activities. All new services commissioned are subject to a diversity impact assessment that compels service providers to think carefully about its target audience and demonstrate how it intends to serve their needs. This gives the Council a better measure of the impact the services are having on the community.
- 16.2 Our service users come from many different ethnic backgrounds and many have disabilities. We will refer all looked after children to the advocacy service. If a complainant is not able to send in a written complaint we will see the complainant at a venue that is convenient and assessable for them. We will organise a translator if required. We actively look at ways of improving equality and diversity monitoring to ensure we are providing services fairly to service users who come from different ethnic groups and religious backgrounds, and to understand which groups need more help to be able to tell us their views and concerns.

17. Financial and Legal implications

- 17.1 There are no specific legal issues arising from this report. The statutory framework for the handling of representations (including complaints) under the Children Act 1989, the Children Act 1989 Representations Procedure (England) Regulations 2006 and Statutory Guidance is summarized above. Local authorities must publish an annual report of its consideration of representations under that framework.
- 17.2 There are no financial issues arising directly from this report.

18. Recommendations

- 18.1 This report is presented for Members' information and comment.

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Appendices:

None.

Background papers:

None.