

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

31 JULY 2018

COMPLAINTS AND COMPLIMENTS ANNUAL REPORT APRIL 2017 TO MARCH 2018

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Summary

The annual report provides information on children's services complaints handled during 2017–2018, and includes the numbers received and the types of issues raised. The report also highlights some examples of the many positive things people have said about the provision of children's services 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 consider 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 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 Investigating Officer write separate reports, which are sent to the Deputy Director, Children and Adult's Services, 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 robustness of the stage two investigation and the conclusions reached. The panel presents its findings to the Director of Children and Adult's Services, who then writes to the complainant setting out the panel's findings.

- 3.3 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.
- 3.4 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 remedies in cases of service failure, which has caused injustice to the complainant. 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 or injustice occurred.

5. Analysis of stage one complaints: 1 April 2017 to 31 March 2018

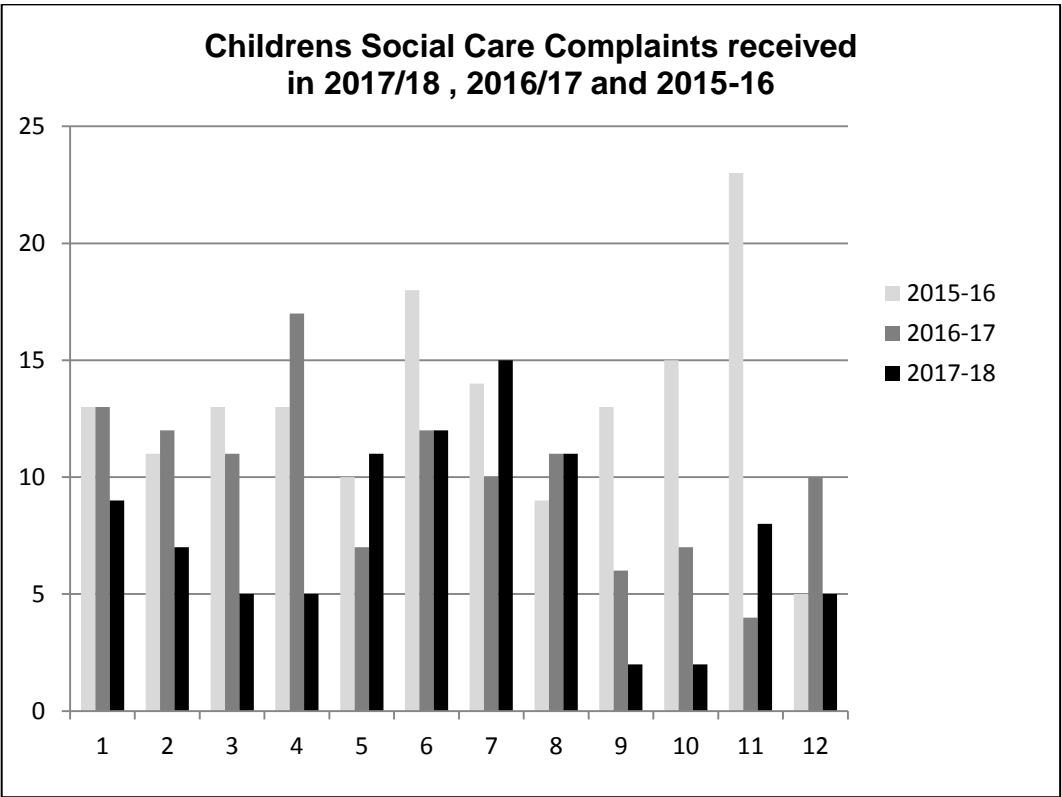
- 5.1 The headline figures for Stage 1 complaints:

Complaints brought forward from 2016-2017	8
Complaints received	92
Complaints closed	89
Number of complaints withdrawn	8
Complaints dealt with within 20 working days	68
Open complaints still waiting for a response (at 31.3.18)	3

5.2 Monthly breakdown of stage one complaints received and responded to from 1April 2017 to 31 March 2018

	April	May	June	Q.1	July	Aug	Sep	Q.2	Oct	Nov	Dec	Q.3	Jan	Feb	Mar	Q4	Total
Complaints carried over from 2016-2017	8				3				10				1				
Total complaints received	9	7	5	21	5	11	12	28	15	11	2	28	2	8	5	15	92
Total complaints closed	9	8	7	24	3	5	12	20	13	10	11	34	1	3	7	11	89
Total number of complaints withdrawn	2	0	0	2	0	0	1	1	2	1	0	3	0	1	1	2	8
Total complaints dealt with within 10 days	5	5	5	15	2	1	5	8	9	2	1	12	1	2	0	3	38
% of complaints dealt with within 10 days	56%	56%	71%	60%	67%	20%	42%	40%	69%	20%	9%	35%	100%	67%	0%	27%	43%
Total number of complaints dealt with in 20 days	8	8	7	23	3	4	9	16	12	5	5	22	1	2	4	7	68
% of complaints responded to in 20 days	89%	100%	100%	96%	100%	80%	75%	80%	92%	50%	45%	69%	100%	66%	57%	64%	76%
% of complaints acknowledged within 3 days	100%	100%	100%	100%	100%	100%	100%	100%	93%	100%	100%	97%	100%	100%	100%	100%	100%
Total number of complaints carried over to next quarter				3				10				1			3		

5.3 The total number of new complaints received during 2017-2018 was 92 compared with 120 received in 2016-2017 and 157 in 2015-2016.



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

Year	Volume of complaints
2015-2016	157
2016-2017	120
2017-2018	92

5.5 The total number of complaints handled in 2017-2018 was 100; there were 92 new complaints and 8 complaints carried forward from 2016-17.

5.6 Three complaints were carried over to 2018-2019 as compared with eight carried over from 2016-2017.

5.7 Twelve complaints were received from children and care leavers, compared with twelve in 2016-2017, nine in 2015-2016, and ten in 2014-2015. 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. The introduction of Mind of My OWN (MOMO) has enabled looked after children to send their comments, concerns and complaints directly to their social worker.

- 5.8 Two complaints were received from foster carers.
- 5.9 Two 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 74 complaints were received from parents and concerned relatives compared with 99 in 2016-2017.
- 5.13 Five complainants made more than one complaint, compared with nine in 2016-2017 and seventeen in 2015-2016. One of the five complainants made five complaints.
- 5.14 Seventeen complainants (19%) were unhappy with their stage one response, compared with nineteen complainants (15.8%) in 2016-2017 and twenty (12.5%) in 2015-2016. Alternative dispute resolution meetings (ADR) were offered to all the complainants who were unhappy with their stage one response:
- One complainant refused an ADR and proceeded to a stage two investigation
 - One complainant decided to seek legal advice
 - Fifteen complainants accepted an ADR. Following an ADR two complainants were still dissatisfied and referred their complaints to the Local Ombudsman, two complainants requested to go to stage two. Eleven complainants found the ADR meeting to be very helpful and their complaints were resolved.
- 5.15 The following table shows the number of stage one complaints received in 2017-2018, by service:

Service	No. of Complaints
Children's Advice and Duty Service	19
Area1	15
Area 2	9
Area 3	16
Area 4	12
Leaving Care	2
Integrated Family Support	1
Disabled Children (0-25)	4
Fostering	5
Adoption	2
Independent Reviewing Service	5
Partnership and Commissioning	2
TOTAL	92

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 in 2016-2017 to 19 received this year. Four complaints were made to the 0-25 Disability Team in 2017-2018, compared with 11 in 2016-2017 and 8 in 2015-2016. It is difficult to compare the figures for the other teams due to the reorganisation in 2016-2017.

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

- 44 complaints were sent to the social care complaints manager by e-mail
- 10 complaints e-mailed their complaint and followed this up with a letter
- 15 complainants posted a letter to the social care complaints manager
- 13 complainants came into Gun Wharf to see the social care complaints manager
- 8 complainants phoned the social care complaints manager
- 2 looked after child sent a complaint via MOMO.

5.18 The following table shows how many complaints have been received from each ethnicity group during 2017-2018:

White/British	69
Asian/British Indian	1
White/Any Other White Background	3
Black/ Black British/Caribbean	3
Black/ Any Other Background	3
Information not held	13
Total	92

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	10	0	6	16
Lack of support	5	0	1	6
Contact arrangements	7	0	3	10
Delays in completing assessments	1	0	2	3
Delays in making decisions	0	0	2	2
Not providing a service	7	0	1	8
Changes in social worker	0	0	4	4
Not following procedures	3	0	1	4
Seeing a child alone at school	0	1	0	1
Complaint about a foster carer	1	0	1	2
Complaints about a service/placement	2	2	1	5
Delays in providing a service	0	0	3	3
Lack of communication	8	0	5	13
Disagreeing with an assessment	15	0	0	15
Disagreeing with a decision	8	1	1	10
Not being allowed to attend meetings	3	0	0	3
Meetings cancelled	0	1	1	2
Request to change of social worker	2	0	0	2
Parent not involved in an assessment	5	0	0	5
Incorrect information in an assessment	1	0	3	4
Data Protection Breach	1	0	1	2
Total	79	5	36	120*

**This number is greater than the 89 complaints closed in 2017-2018 as some complaints involved more than one issue.*

5.20 36 (30%) of the issues complained about at stage one were upheld, compared with 58 (30%) in 2016-2017 and 68 (29%) in 2015-2016.

5.21 5(4%) were partially upheld compared with 20 (10%) in 2016-2017 and 14 (6%) in 2015-2016.

5.22 6 complaints about the attitude and behaviour of social workers were upheld at stage one compared with 8 in 2016-2017 and 9 in 2015-2016.

5.23 5 complaints about a lack of communication were upheld in 2017-2018, compared with 13 in 2016-2017 and 18 in 2015-2016. This is a significant improvement.

6. Timeliness of Responses to Stage One Complaints

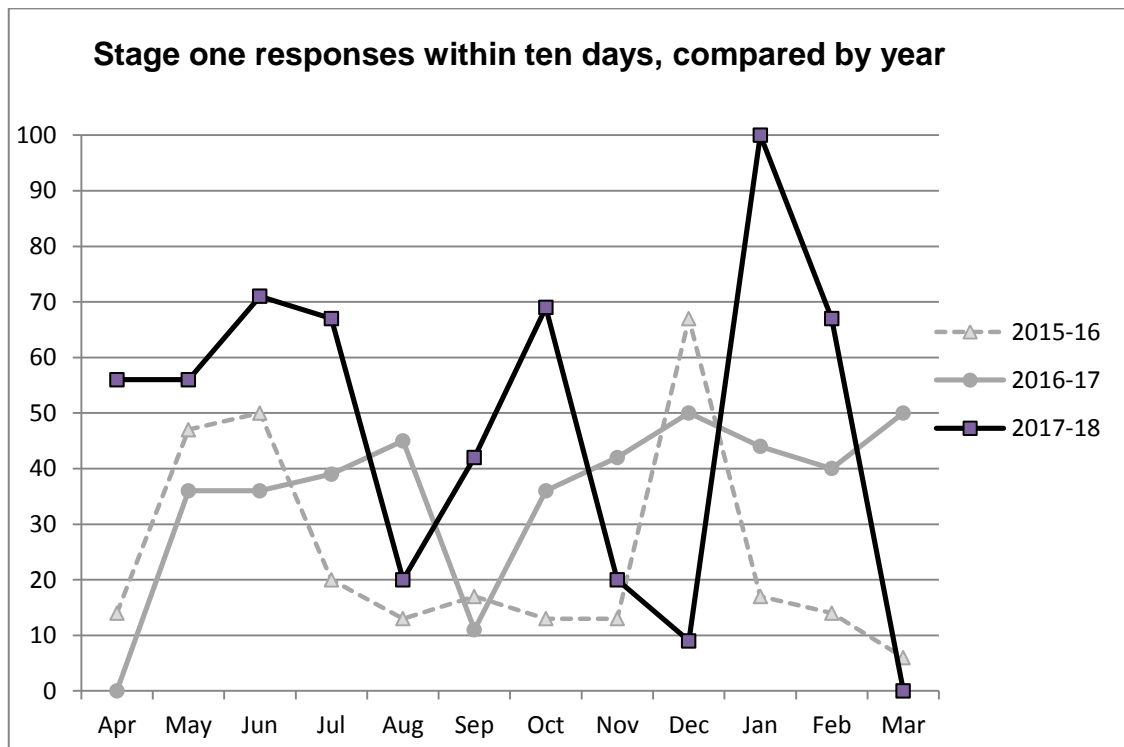
6.1 The statutory timescales in working days for the procedures are set out in paragraph 3.2 above.

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 2017-2018:

Number of days	Within 10	11-20	21-25	26-65	Total
Stage 1	38	30	14	7	89
Percentage	43%	34%	15%	8%	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.

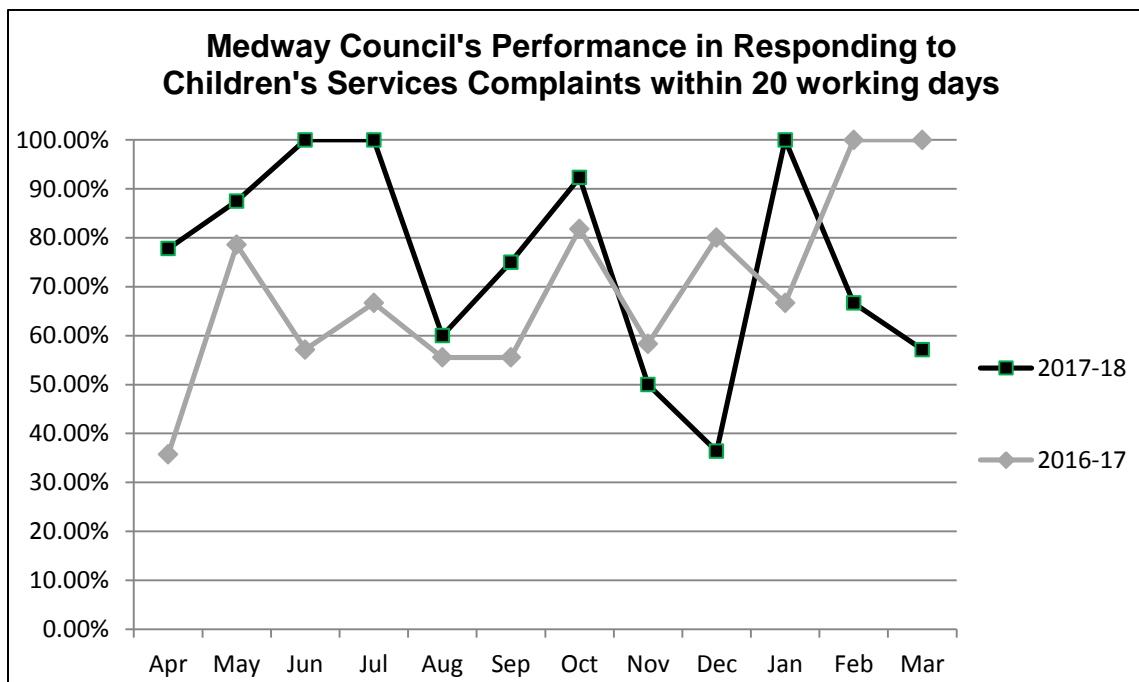


6.5 The following table shows the complaints responded to in 20 working days during 2017-2018, by quarter.

	Q1	Q2	Q3	Q4	Total
Volume of complaints answered in 20 working days	23	16	22	7	68
Percentage of complaints responded to in 20 working days	96%	80%	69%	64%	76%

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.

	2014-15	2015-16	2016-17	2017-18
Volume of complaints answered in 20 working days	41	77	90	68
Percentage of complaints responded to in 20 working days	35%	50%	68%	76%



7. Stage two investigations

7.1 Five stage two investigations were concluded in 2017-2018; two were carried over from 2016-2017.

- i. A mother complained about inaccuracies in the child and family assessment, for example incorrect spelling of names and their religion was recorded incorrectly. This complaint was upheld and the incorrect information was corrected. To prevent such mistakes from happening again child and family assessments are shared with the parents and, if appropriate, the children prior to the manager signing the assessment and thus closing the document on the child's electronic file. The mother also complained that she had given permission for the social worker to see her daughters at school but only if a teacher was present. The children said they were fine to see the social worker alone. The mother complained that this is not what she consented to. This complaint was upheld as the social worker should have listened to the mother's request for a staff member at the school to remain in the room while he spoke to the children. The mother received an apology for the distress this caused her.
- ii. A mother complained that she did not have regular contact with her children when they were in foster care under a section 20 arrangement. She was not sure why contact with her children had to be supervised. She was not aware of the long term plans for her children. She also complained that she did not have enough support prior to the court proceedings. There was drift in care planning for the children and in undertaking a sibling assessment. Explanations about why contact had to be supervised were not transparent and clear. Contact between the mother and the children should have been arranged more regularly. The

stage two investigators agreed that the mother should have been told where her children were living and the mother was given an apology.

- iii. A social worker arranged contact between a father and his daughter at the nursery. The mother complained that she did not agree to her ex-partner having contact with her daughter at school. The contact should not have been arranged without the mother's permission as the mother had made it clear that she would not agree to any contact unless a contact agreement was signed by father and agreed by their solicitors. The mother told a child protection conference that non-molestation order with prohibited steps was in place but the details of the order were not known. The learning is that the social worker should have checked what the conditions of the order were before arranging contact. There should have been a risk assessment as the father had threatened on one occasion, to take the child from the mother. The mother received an apology that the practice in this case fell below the high standards expected of all social workers.
- iv. A mother complained about a lack of communication from the social worker, that the social worker was biased against her, that she did not receive minutes of a child protection conference and that contact with her children was not arranged by the social worker. None of these complaints were upheld as the social worker had made numerous attempts to arrange contact between the children and their mother only to be blocked by the father and the issue was more appropriately being dealt with in the private family proceedings. The social worker had communicated very effectively with the mother.
- v. A father complained that the social worker had emotionally abused his son. There was no evidence to suggest that this was the case. He complained that the social worker was aggressive towards him, that the social worker was biased in favour of the mother and did not include all the information he gave her in the section seven report. The stage two investigators concluded that the section seven report only highlighted concerns about the father without noting that there had been ongoing concerns about both parents and there were also positives about the father's parenting. Training on writing section seven reports has been commissioned for all social workers.

8. Stage three review panels

- 8.1 Three stage three panels were arranged in 2017-2018. Two complainants requested a stage three panel in 2017 -2018 and one was requested in March 2017. The outcomes of panels are:
 - i. Following a stage three panel the Director of Children's services offered further apologies for a data breach which caused the parents a great deal of stress. Lessons were learnt from this mistake and steps taken to ensure that such a mistake could not happen again. The mother complained that there were inaccuracies in a social work report, these were corrected. There was unacceptable delay in providing services to

the children and the case was re-opened to search for a specialised therapeutic service for the son. The Assistant Director, Children's Services, agreed to fund an initial assessment by an appropriate service. Both parents were given £500 as compensation for the stress caused by the data breach. An appropriate service was identified, unfortunately the mother decided not to take her son for an initial assessment.

- ii. Apologies were offered to a mother, Mrs X, that communication was not always as good as it could be. An apology was given for the failure to arrange sufficient contact with her children while they were accommodated under section 20. The mother had complained about the lack of support to the foster carers, which resulted in her children's placement breaking down. Workshops will be arranged to look at how the fostering team and the front line teams could more effectively support new foster carers.

The panel recommended that a senior manager convenes a meeting to clarify the care plan for the children and the contact arrangements. It was hoped that this meeting would help to re-establish an effective working relationship with the mother. A meeting was held but Mrs X was still unhappy and made a referral to the Local Ombudsman.

- iii. A father was not happy with his stage two report and requested that his complaint was reviewed by an independent panel. The panel members complemented the independent officer for an excellent stage two report. The panel recommended the following actions:
 - a summary of the complaint should be placed on the child's electronic file.
 - a meeting with the complainant and a senior manager was set up to properly acknowledge the mistakes made and agree a plan for working together in the future.
 - a suitable person should speak to the child to tell him the outcome of his father's complaint
 - the section seven report should be sent to the family court
 - social workers receive training on completing section seven reports

All these actions were completed.

9. Local Government Ombudsman

- 9.1 There were four referrals to the Local Government Ombudsman from 1 April 2017 to 31 March 2018, compared with five last year. Two complaints were carried over to 17-18 as the Local Ombudsman had not completed their investigation into the complaints.

9.2 Outcome of the complaints carried over from 2016-2017:

- i. A mother, Mrs B, complained to the Local Ombudsman in July 2016 about the way Medway Council investigated child protection concerns and about the decision to initiate court proceedings. The LGO completed their investigation into her complaint in May 2017. The findings were that Medway Council was at fault as follows:
 - The social worker incorrectly named Mrs B's step-father in her statement for court as the person who sexually abused her as a child, when it was the birth father. This was corrected in court.
 - Inconsistency of CRB checks.
 - There was a delay in assessing the children's needs following a referral in October 2014; this meant that therapy for the children was delayed.
 - Lack of explanation to Mrs B about the why Medway Council made the decision to initiate proceedings. In this case pre –proceedings would have been helpful as a means to clarify the concerns. When a decision is made to go straight to court it would be good practice to have a meeting with the parents to explain the concerns to them.
 - There was then a long delay between the decision to issue court proceedings made on 30 March 2015 at a legal gateway panel and the start of the proceedings in July 2015. There are now robust procedures in place to ensure that such delays do not happen again.
- ii. A complainant contacted the Local Ombudsman to complain that Medway Council had refused to under take a stage two investigation into his complaint. He had complained in 2006 about child protection concerns raised by his wife, in her capacity as an employee at a school for children with special educational needs. This was investigated under safeguarding procedures. The outcome of the investigation could not be shared with him as he had no parental responsibility for any of the children. The LGO did not investigate the complaint as there was no evidence of fault by Medway Council, the complaint was very old and information about the children could not be shared with him.

9.3 The outcomes of complaints referred to the Local Ombudsman in 2017-2018:

- i. The LGO decided not to investigate Mrs X's complaint as both the stage two investigation and the panel review were thorough and fair. Medway Council had apologised for the mistakes made in this case and accepted where it could make improvements for the future. The Local Ombudsman concluded that nothing could be added by re-investigating her complaint. The LGO also concluded that what Mrs X really wanted was her children returned to her care. The children are in Medway Council's care, following a court order. As the Local Ombudsman cannot change the court's decision, further investigation by the Ombudsman could not achieve what Mrs X was seeking.

- ii. Mr A complained to the Local Ombudsman that Medway Council failed to prevent his children from being taken out of the UK by their mother. Mr A had also started legal action to resolve his complaint. The court had made a decision that the children should live with their mother and a prohibited steps order was granted. The conclusion was that the Local Ombudsman could not investigate the complaint as Mr A had started legal action to resolve his complaint.
- iii. Mrs U complained prematurely to the Local Ombudsman that she had not received minutes of looked after reviews and was not allowed to attend looked after reviews and that she wanted a new social worker. The Local Ombudsman sent her complaints back to Medway Council to investigate.
- iv. A father complained that Medway Council had reneged on an agreement made by a social worker in its employ to cover the costs of Mr P's unpaid leave in travelling to Africa with his niece to take her to her adoptive mother and that the Council had not paid the legal fees for the adoption in Africa, as was promised. The Ombudsman did not investigate this complaint there was no evidence of 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 2017-2018, six looked after children were supported to make a complaint by an advocate from the YLF.
- 10.3 Following feedback from the Medway Children in Care Council and Young Lives Foundation users a new advocacy leaflet was designed.
- 10.4 The YLF has a team of seven experienced advocates based across Kent and Medway who are supported by an advocacy officer and advocacy manager. 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.

10.5 Summary of Advocacy Activity between 1 April -31 March 2018

New advocacy referrals	40
Advocacy cases concluded	30

10.6 The following children accessed the Advocacy Service:

- 10 care leavers,
- 9 looked after children,
- 11 children on a child protection plan,
- 7 children in need
- 3 children, who wanted support at a family group conference.

10.7 The issues for young people were as follows:

- Looked after children not wanting to change placements
- Not knowing how much has been saved since being in care while they were in care.
- Life story work not completed
- Support at child protect conferences
- Wanting information about what will happen after the young person turns 18
- No education in place following a change of placement.
- Delay in request to access their social work file.
- No access to education

10.8 Examples of how young people were supported by an advocate:

- A young person was supported by an advocate to participate in his child protection conference. The young person disclosed he had been threatened but had not wanted to share this information as he did not want his mother to find out. The advocate discussed this with the allocated social worker and also encouraged the young person raising the issue with the police, which he did. The advocate supported the young person to share his wishes and feelings at child protection conferences. All issues were successfully resolved and the advocacy support concluded.
- M, aged 15, was referred to the advocacy service by her social worker. M was allocated an advocate who discussed with her where she would feel comfortable meeting and talking about the problems she had and the support she needed. M asked to meet away from her home. During the first meeting with her advocate M said that she lacked confidence to speak up at meetings or approach her parents about how she felt. M gave her advocate a list of issues which she asked her advocate to help her resolve. The advocate supported M at child protection conferences to share her views as well as sharing issues with her social worker. M's parents indicated that they weren't aware of how she felt and the impact some circumstances at home had on her.

As a result of M's voice being represented and taken seriously by social service professionals, M now lives with extended family, as she had requested, with regular stays at her family home. M told her advocate she is really happy now that she has time to socialise, has lots of food and less responsibility of caring for her family.

M was happy for her case to be closed by the advocacy service and reported that all of her issues had been resolved.

10.9 Feedback from young people:

- *“My advocate was so good she always spoke to me when I needed to”*
- *“Everything was so good since I met that hardworking lady”*
- *“She was very good at understanding me and listening, she was very different to social workers.”*
- *‘I would definitely call you again’*
- *Thank you for being by my side. I have been let down by social workers, you made things easier, you helped me...it feels like you care. When I met you things started to get better ’*

11. **Complaints from children**

11.1 In 2017-2018 twelve children made a complaint. Five looked after children were supported by an advocate. Their complaints and the outcomes are summarised as follows:

- i. An advocate assisted a ten year old looked after child to make a complaint. She complained that she did not want to move from residential care to a foster placement, that the independent reviewing officer (IRO) had not listened to her and that contact had not been arranged with her mother and father. Her complaints were not upheld as the IRO had visited the young person prior to the looked after review and her feelings and wishes are well recorded. Contact with her parents was resolved in court. The issues about moving to a foster placement were still being explored with the looked after child.
- ii. A sixteen year old looked after child complained that he had had numerous changes in social workers and contact with his siblings had not been sorted out. His IRO has also changed. His pathway plan was outstanding. The response acknowledged that he had had changes in social workers and how difficult it must have been to have a new IRO as well. The contact with his siblings was arranged and the newly allocated social worker completed his pathway plan. He received an apology for the delays. This complaint highlights the impact of frequent changes in social workers on looked after children in terms of lack of a consistent relationship and the delays in completing important pieces of work.
- iii. A looked after child complained that Medway Children's Services failed to prepare for his release from a Secure Training Centre. He also complained that the placement that was arranged for him did not meet his

needs and was too far away from his family. He complained that he was not offered appropriate education. A placement was found three days before his release from the STC, this was due to difficulty in finding a placement that could meet his needs. It was acknowledged that the placement was out of area but there were no appropriate providers in Medway. The education element of the complaint was passed to another local authority to answer. Contact was arranged in his mother's house in Medway as his mother found it difficult to get to see her son.

- iv. A care leaver complained that her social worker visited her at work and spoke to her in front of her work colleagues. The social worker was very concerned as she had had no contact with the young person for months and wanted to ensure that she was safe.
- v. A looked after child complained that he was not in education due to his bail conditions. The social worker had asked the school to send work home to the young person but this had not happened. A meeting was held with the Inclusions Manager and it was agreed that the foster carer would send the bail conditions to the Inclusions Manager, who would then complete a risk assessment. The assessment is still ongoing.
- vi. A looked after seventeen year old complained that she was given seven days to leave her foster placement. She was 35 weeks pregnant and no alternative placement had been found for her. She also complained that personal information about her family was shared with other professionals. The foster carer had given notice as there were difficulties in their relationship. The foster carer did support her until she could move in with her grandmother as her mother was on holiday. It was acknowledged that seven days notice was not sufficient time to be able to plan for her future and make arrangements to move. This could also have impacted on her ante-natal care. The response explained that relevant information can be shared at a child protection conference as there were concerns about her unborn child. Social workers need to give parents information about child protection conferences, perhaps leaflets to hand out would also be helpful.
- vii. A looked after young person complained that there were no plans in place for him to move from foster care into independent living accommodation when he turned 18. He also complained that his looked after review, arranged on his 18th birthday, was cancelled. The delay in finding a suitable placement and the cancellation of his looked after review caused him distress. The foster carers gave notice, ending in October. Children's Services assessed his needs as requiring support by adult supported accommodation. Following an assessment of his needs by adult social services a decision was made that he did not meet their eligibility criteria. An appeal was unsuccessful. The learning from this complaint is that transition planning should have started earlier, especially as the young person had special needs. He has successfully transferred to independent living accommodation.

- viii. A looked after child complained that there was a delay in finding her suitable education placement as she was excluded from her school. She was offered home tuition but did not have a laptop to complete her course work. There was a delay in providing a laptop; it was finally purchased by the foster carer who was refunded the costs of the laptop.
- ix. A sixteen year old looked after child, on a care order, wanted to live with his father. He complained that the process of moving to live with his father was taking too long. He also complained that he did not have a suitable school placement. He also complained that there was a long delay in retrieving his belongings from his foster placement after he moved to another placement. The young person was given no explanation regarding what needed to happen before he could return home to live with his father. There was a delay in assessing his father's ability to care for him. This was partly due to the father not sending in consent to access his medical records. He did not have a school placement as father lived in another local authority area that were not prepared to offer a placement when he still in foster care in Medway. Finally a school placement was found in the Medway area. He received an apology for the length of time he had to wait for his belongings. An alterative dispute resolution meeting was held and an agreement was made that he would move to live with his father in a planned way. He moved permanently to live with his father in February 2018. Medway Council is making an application to court to revoke the care order.
- x. A looked after young person complained that he was moved out of foster care, very suddenly, into a Foyer. He was separated from his nine year old brother who was very upset. The response agreed that communication about the move could have been better and that the younger sibling's views should have been listened to. An outcome of the complaint was that foster carers need training to promote emotional resilience and independent skills to cope with emergency situations.
- xi. An advocate sent in a complaint on behalf of a looked after child. He complained that he did not want to leave his present placement until he was 18 years old. The plan was that he would move to a 16+ semi-independent placement. He stated that he was settled in his current placement and was scared to move as he did not feel ready for independence. He felt he still needed the support he was receiving in his present placement. His views were listened to and the plan to move placements was put on hold so that further work could be undertaken with him to prepare him for independence.
- xii. A young person complained that his newly allocated social worker did not attend a meeting at his school and did not visit him. This was a difficult transfer as the young person was very attached to his previous social worker. The social worker did not attend the meeting at the school as she was not told the correct date. The lesson learnt was that dates for important meetings should be recorded in the transfer report. Social

workers need to be aware of the difficulty some young people have in ending one important relationship and beginning another one. They need to be sensitive to how they end a relationship and prepare the young person for the handover.

12. Compliments

12.1 The Medway Council is proud to receive compliments and thanks from people who are satisfied with Council services and happy about the way the Council works with them. Eleven compliments about children's services were received and logged by the social care complaints manager in 2017-2018. 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 outcomes for parents and their children.

12.2 Compliments about staff from services users

- i. A mother sent in a letter complimenting a newly qualified social worker. She said that *"E actually does her job; she will investigate when needed, offers proper advice, is easy to talk to and is helpful. I have actually enjoyed her company and found her a positive inspiration. She took the time to get to know us which goes a long way in understanding me in a way other social workers have not. 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. In my opinion if she is this good at her job now, in the start of her career, then she is going to be amazing for those who need her help. So a very big thank you to E for everything."*
- ii. A family worker received a card thanking her for all the help in making positive changes.
- iii. A mother thanked the staff at Aut Even *"for all the valuable support through respite care; having trust in the care provided is a huge issue and I have always known my daughter was well cared for and happy at Aut Even"*.
- iv. A mother complimented a staff member dealing with children's complaints, she said the staff member was very helpful, kept her informed and explained the complaints process.
- v. A mother thanked the family worker for the help she provided to her daughter who is now attending college.
- vi. A care leaver wrote: *"Going to University is scary. I was worried I wouldn't fit in, I'd be disadvantaged and I wouldn't get enough support. But as a care leaver I've found I get more support here at University than the average student coming straight from their home. The University has given me a generous bursary, priority counselling and incentives such as free gym membership. I find my meetings with my PA*

very supportive. Children's Services pay for my accommodation and books, my physical and emotional needs are being met, allowing me to focus on my studies and making new friends. Being here has opened up so many new opportunities for me and I'm excited about studying abroad with the support of both Children's Services and my University. Being a care leaver doesn't have to limit what we can achieve"

- vii. A mother sent a thank you card to the Disability 0-25 Team Manager and the social worker thanking them for their support and help.
- viii. A mother e-mailed a worker from the Early Help Support Service: "*You have no idea how much help you have been to my family this year. I really don't know what I would have done without you being here for me or at the end of the phone with support and advice. You have listened and guided me to make the best decisions for my boys and have been amazing support for me when I felt like running away. You have made me feel so supported and comfortable with you that I have been able to be totally honest with you about my feelings and fears without feeling that I will be judged or reported. You are a very special person and I thank you for being there for me and the kids. You do an amazing job.*"
- ix. A mother thanked a social worker in the 0-25 Disability Team for the way she helped her son and stated that the social worker was very professional in her work.
- x. A mother complimented the social care complaints manager saying that she was very helpful , she explained the complaints process, kept her informed and felt she was not on anyone's side.
- xi. The manager for social care complaints complimented the social worker about her work with two looked after children. The social worker obviously had an excellent relationship with the children, which enabled them to share some painful memories about their experiences prior to being looked after.

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

Independent reviewing officers complimented social workers as follows:

- A social worker had ensured that the voice of the child was heard.
- The social worker was enthusiastic, very child focused and brought a memory box for the child to the looked after review.
- A social worker did an excellent job engaging with the children.
- All professionals at the looked after review praised a social worker for addressing the long term outstanding recommendations and for her excellent relationship with the child.

- A father told the looked after review how grateful he was for the social worker's hard work and that he was impressed by the progress made in moving his children's plans forward.
- Family members told the IRO that they were very impressed with the social worker's hard work, good communication and in addressing the risks to the child.
- A newly qualified social worker was able to identify areas of concern and areas of strength. She was confident to talk about plans moving forward and the work needed to be done to achieve this.
- An IRO was particularly impressed by positive comments made by family members with regards to the social worker's transparency in working with them and how he had helped them to overcome the family's initial barriers to working with children's services.
- The IRO was impressed by the quality of the social worker's updating assessment and care plan, using research and evidencing her sensitivity and understanding of the mother's difficulties. This was rated as an outstanding piece of work within the monitoring process conducted by the IRO team.
- The IRO complimented a social worker on her work with a young person. The young person valued the relationship.
- A social worker provided a high quality report for a looked after review, which helped to identify the risks.
- A social worker was able to present a clear picture of the risks and strengths of the family at a child protection conference; the case was recently allocated to him. This was helpful to the family and with planning and recommendations.
- A Guardian reported to a looked after review that the social worker had taken the case forward in a very robust manner in the short time she has had the case. She as a very competent professional.
- Following allocation of a case the social worker quickly grasped the young person's needs and the family dynamics, especially in relation to contact with his parents and his father in particular. She understood the young person's feelings about having contact with his father and developed a good plan on how to progress with contact, which included planned direct work with the young person. The young person was reassured knowing that his wish to see his father would continue to be followed up by the social worker.

- Prospective Adopters reported at a looked after review that the child's Later Life Letter had been well received by the child and prospective adopters. It was age appropriate and honest. Since reading the Later Life Letter the child was more settled in her placement.
- A social worker provided a thorough and carefully researched report for a review child protection conference. Her presentation was helpful and respectful, particularly towards mum who was fragile.
- At a final looked after review Special Guardians told the IRO that the social worker was an excellent and talented social worker. She was allocated to the case late in the process and took the case to court, which resulted in a successful conclusion.
- An IRO gave feedback about a child's plan which contained good detail about the risks and worries and updates to the plan. There was a clear record of the core group meeting as well as a visiting schedule/ safety plan to monitor and assess risk. She also stated it was a detailed and positive plan.
- An IRO said that a social worker was good at highlighting the areas of concerns and strengths and reviewing the support that both children needed due to their individual needs, she was very child focussed.
- Prospective adopters told an IRO that their introduction to the children was a very positive experience. They had good support over weekends by being able to access the workers and foster carers. The introduction process was very well managed.
- IRO thanked a social worker for her hard work and helping a young person understand and put together the complex pieces of the jigsaw of her early life.
- A social worker was congratulated on her 'excellent detective work' in locating a looked after child's birth mother with a plan to initiate indirect contact with his mother. The young person's only wish was to see his mum and find out that she is okay. The social worker managed to locate his mother and have a conversation with her.
- An independent fostering agency reported, at a looked after review, that the foster carer was very impressed by the social worker. Staff from the agency were very impressed with the level of service the social worker was providing to support the placement.
- An IRO highlighted a social worker's excellent assessment presented at an initial child protection conference. She said it was an extremely thorough account of past events and had a clear description of future work planned.

- An IRO acknowledged a social worker's hard work and commitment with one of her young people. The plan was clear and progress was measurable. The social worker had liaised closely with the agencies involved in the case. The IRO had with the young person and her mother. The mother was upbeat and saw herself as an inspiration to others in what she has achieved. The mother acknowledged that this could have been a very different outcome had it not been for the support she has received from the social worker.
- Prospective adopters told the IRO that the social worker's guidance and advice has been invaluable to them. The prospective adopters both feel that the social worker was fantastic and her suggestions extremely helpful ,such as taking him swimming, a familiar activity for him, which contributed in the bonding process through a family trust building activity as well as the importance of skin to skin contact aiding the bonding. The child is clearly settled and thriving. The prospective adopters are grateful for all of the support they received from the adoption service.
- The IRO wanted to thank the social worker for going to panel to consider a Staying Put proposal in respect of a looked after young person. The proposal was agreed and the young person was assured that she is Staying Put post 18 years old. This will provide her with security during the transition period in leaving care.
- The IRO complimented a social worker for the way she had engaged with a young person about whom there was significant concerns. The young person was encouraged to engage with the looked after nurse and liaise with other professionals so that the risks could be monitored and professionals could respond urgently when necessary and provide ongoing support. Prior to the social worker's involvement various professionals had tried to engage with the young person without much success. The IRO team manager said that she had observed the young person's eyes "light up" when the social worker talks to her.
- A social worker was complimented on how well she had recorded the views of the children and developed a clear plan of work for the child protection conference to consider as part of the child protection plan.
- The IRO was impressed with the direct work undertaken by the social worker with the children. In particular, she had developed an eco-map which provided a really clear picture of which people the children felt were safe and which were not safe. It highlighted that the children felt that the social worker was a safe person to them which is positive as previously there have been concerns about the children being guarded with the social worker.

- A social worker record of the individual children's personalities so vividly that it conveyed the image of their home life and the personalities of child.
- The IRO complimented the social worker on her good report for an initial child protection conference, which was concise and to the point. The social worker presented herself professionally and contributed in a way that reassured the mother that she was not 'starting over again' with the young person and his family and had taken the time to learn about them and had read past reports and case notes. This meant a lot to the family.

12.4 A Compliment about an IRO

- A young person told the IRO that the child protection plan “*doesn't appear too thick and felt it was easy to understand*”. The mother stated that despite dreading the meeting, the IRO had conducted the child protection review conference in a way that made her feel at ease and it was not too overwhelming.
- A professional attending a review child protection conference said “*I felt the conference was family centred, giving the family plenty of opportunity to participate and get involved in the planning. At the same time the IRO also challenged the grandparents and mother where necessary but overall remained fair and balanced. The IRO was firm in drawing the focus back on the child when grandparents concentrated too much on other issues.*”
- A social worker gave the following feedback about an Independent reviewing officer: “*She was measured in what she said, allowed everyone to participate and speak and she used the Signs of Safety model confidently. She was quite impartial and the plan that was drafted in the conference was sensible and concise.*”

12.5 Compliment about a manager

- An IRO said she was really impressed with the way a practice manager managed his team. He attends meetings with his social workers when significant issues need addressing or when they need further support. He communicates well with independent reviewing officers. The IRO said that if she is working on a case in his pod, she feels confident that plans will be progressed and issues will be addressed.

12.6 Compliments from other professionals

- A guardian wrote a letter complimenting a social worker, stating that the social worker “*has made the family see Children's Services in a positive light and changed their perception of the Local Authority*”.
- A professional attending a Child protection conference commented that the IRO chaired the conference professionally, with care and understanding. The mother felt listened to.

13. Learning from complaints and compliments

- 13.1 Lessons learnt from complaints are reported in the quarterly reports to the Director of Adult and Children's Services, the Deputy Director and the Heads of Service. Issues from complaints are also discussed at the performance management meetings and action plans are developed to address these issues. The outcomes of stage two investigations are discussed in detail with the Deputy Director and the relevant Head of Service.
- 13.2 The Complaints Manager for Social Care ran six workshops for social workers and their managers about the principles of good complaint handling and lessons to be learnt from complaints about the following issues:
- Working with non resident parents 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 and knowing when it is appropriate to share information.
- 13.3 In addition to the workshops a full day course was arranged in July 2017 for the stage two investigators and managers in Children's Services. This course was run by the Local Government Ombudsman. Staff also attended a half day training course on sharing information, run by Kent Safeguarding Children's Board. Training is being commissioned on section seven reports following complaints about biased in section seven reports.
- 13.4 The importance of good communication is stressed in all workshops, training courses and in management meetings. The table below shows the steady decrease in the number of complaints about the lack of communication over the past three years.

	2015-2016	2016-2017	2017-2018
Not upheld	18	13	8
Partially upheld	2	4	0
Upheld	18	8	5
Total	38	25	13

- 13.5 Complaints about the behaviour and attitudes of social workers have also decreased as illustrated by the following table:

	2015-2016	2016-2017	2017-2018
Not upheld	31	27	10
Partially upheld	1	7	0
Upheld	9	8	6
Total	41	42	16

13.6 The examples of outcomes of upheld stage one complaints about social workers were:

- A mother complained that the social worker had not told her she was leaving and did not say goodbye. Endings of relationships should be sensitively managed and social workers need to be aware of the importance of thorough handovers.
- A father complained about the delay in transferring a case to Kent County Council.
- Adoptive parents complained that a looked after review was cancelled and they had not received the life story book. The parents received an apology; the looked after child review was re-arranged and the life story book completed.
- A father, whose child was in foster care on an interim care order, complained about the independent reviewing officer's attitude towards him for choosing to work and that he would not consider contact between the child and grandparents even though the Judge felt that the child should have contact with extended members of the family. The father felt he had been found guilty prior to the fact finding hearing. At an alternative dispute resolution meeting it was acknowledged that the IRO could have managed the issues more sensitively and he received an apology. It was agreed that contact arrangements would be reviewed and another IRO allocated to the case.
- Two complaints went to stage two of the complaints procedure and were reported in section seven of this report.

13.7 Three complaints were upheld about delays in completing assessments providing services.

- A young mother complained that she had to live with her grandmother while an assessment was undertaken in respect of her ability to care for her baby. She had to stay with her grandmother for seven months due to delays in completing the assessment. The delay caused her rent arrears for her flat. She received an apology and the rent arrears were paid by children's services.
- A couple complained about the delay in completing a step-parent adoption. This was due to staff shortages which have been solved. The couple received an apology.

13.8 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 learnt the importance of involving looked after

children in any changes of placement and in allowing time to prepare for a move.

- 13.9 15 complainants disagreed with an assessment, compared with 18 in 2016-2017 and 15 in 2015-2016. A father was offered an updated risk assessment after he complained about the assessment. Social workers and their supervisors need to reflect on how to deal with disagreements with their analysis within the child and family assessments. If factual information is incorrect it will be changed and an amended version of the child and family assessment or a risk assessment should be sent to the parents and children, if appropriate. 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.

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 Investigating 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 sends regular reminders of all open complaints to complaint handlers, and chases up all complaints that have not been replied to within ten working days.
- 14.8 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