

CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE

3 OCTOBER 2019

COMPLAINTS AND COMPLIMENTS ANNUAL REPORT 1 APRIL 2018 TO 31 MARCH 2019

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Summary

The annual report provides information on children's services complaints handled during 2018–2019, 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 Medway Council has 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 provided 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. This includes complaints, about the actions, decisions or apparent failings of local authority's children's 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 The guidance defines a complaint 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 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 is an opportunity to improve services.
- 2.5 The local authority should ensure that it responds to the issues raised and outlines the actions taken because of any mistakes made.
- 2.6 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.
- 2.7 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.

2.8 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.

2.9 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. Complaints are a valuable source of feedback for Medway Council; 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 learn from any mistakes. The objective is to provide reassurance that if the council makes a mistake they are 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 the guidance allows us to respond within 20 working days. If the person complaining is unhappy with the outcome of their stage one complaint, they may request that their complaint is considered at stage two of the complaints procedure. Medway Council aims 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. These reports are sent to the Adjudicating Officer, who responds to the complainant in writing, 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 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.

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 and Social Care Ombudsman (LGSCO). The LGSCO will look at how Medway Council dealt with the complaint and consider how reasonable and appropriate our decisions were.

4. The role of the Local Government and Social Care Ombudsman

4.1 The LGSCO's role is to provide remedies in cases of service failure, which has caused injustice to the complainant. The LGSCO 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 into the position the complainant was in, before the maladministration or injustice occurred.

5. Analysis of stage one complaints: 1 April 2018 to 31 March 2019

5.1 The headline figures for Stage 1 complaints:

Complaints brought forward from 2017-2018	3
Complaints received	114
Complaints closed	104
Number of complaints withdrawn	5
Complaints dealt with within 20 working days	88
Open complaints still waiting for a response on 31.3.19	8

5.2 Monthly breakdown of stage one complaints received and responded to between 1 April 2018 and 31 March 2019

	April	May	June	Q.1	July	Aug	Sep	Q.2	Oct	Nov	Dec	Q.3	Jan	Feb	Mar	Q4	Total
Complaints carried over from previous quarter	3				9				7				4				
Total complaints received	5	13	7	25	6	5	8	19	13	16	5	34	15	8	13	36	114
Total complaints closed	3	9	6	18	10	7	3	20	10	15	10	35	13	7	11	31	104
Total number of complaints withdrawn	0	1	0	1	0	0	1	1	1	1	0	2	0	1	0	1	5
Total complaints dealt with within 10 days	2	3	4	9	3	3	1	7	2	6	5	13	8	3	10	21	50
% of complaints dealt within 10 days	67%	33%	67%	50%	30%	43%	33%	35%	20%	40%	50%	37%	62%	43%	91%	68%	48%
Total of complaints dealt with within 20 working days	3	7	6	16	6	7	3	16	6	13	10	29	11	5	11	27	88
% of complaints responded to in 20 days	100%	88%	100%	89%	60%	100%	100%	80%	60%	87%	100%	82%	85%	71%	100%	87%	85%
% of complaints acknowledged within 3 days	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%
Total number of complaints carried over to next quarter			9					7				4				8	

5.3 The following table shows the number of stage one complaints received in each of the last four years:

Year	Volume of complaints
2015-2016	157
2016-2017	120
2017-2018	92
2018-2019	114

5.4 The total number of complaints handled in 2018-2019 was 117; there were 114 new complaints and 3 complaints carried forward from 2017-18.

5.5 Persons who made complaints

Children and young people	11
Mothers	44
Fathers	35
Mother and Fathers	5
Grandmothers	4
Sister	1
Foster Carers	4
Special Guardians	3
Adoptive Parents	5
Connected Carers	1
Head Teacher	1
Total	114

5.6 Eleven children and care leavers complained in 2018-2019, compared with twelve in 2017-2018, 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 aware that the advocacy service can support them in making a complaint. The introduction of the Mind Of My Own app has enabled looked after children to send their comments, concerns and complaints directly to their social worker.

5.7 Of the eleven young people who made complaints:

- four were care leavers,
- three were looked after children
- two were on a child protection plan
- two were children in need.

5.8 85 complaints were received from parents and concerned relatives in 2018-2019, compared with 99 in 2017-2018.

5.9 Six complainants made more than one complaint, compared with five in 2017-2018, nine in 2016-2017 and seventeen in 2015-2016. One of the complainants made three complaints.

5.10 Twenty complainants (19%) were unhappy with their stage one response in 2018-2019, compared with:

- seventeen (19%) complaints in 2017-2018,
- nineteen complainants (15.8%) in 2016-2017, and
- twenty complaints (12.5%) in 2015-2016.

5.11 The outcomes for the twenty complainants who were unhappy with their stage one response were as follows:

- Four complaints proceeded to a stage two investigation.
- Five complainants were happy with a second response to their complaint.

- Five stage two requests were put on hold until the completion of court proceedings, police investigations, standard of care investigation and a safeguarding investigation.
- Three complainants agreed to an Alternative Dispute Resolution (ADR) meeting. Two complainants were happy with the outcome of the ADR, one complainant wanted to proceed to a stage two investigation.
- The Manager for Social Care Complaints advised a complainant to go to the LGCSO as he had requested a second stage two investigation on the same issues that had already been though stage two and stage three.
- One complainant withdrew his request for a stage two investigation.
- One young person, aged 17 years, did not want his parents to take their complaint any further.

5.12 The following table shows the number of stage one complaints received in 2018-2019, by service:

Service	No. of Complaints
First Response Team	26
Area1	22
Area 2	11
Area 3	8
Area 4	15
Adoption	4
Fostering	7
Leaving Care	5
Disability Team 0-25 years	11
Independent Reviewing Service	2
Partnership and Commissioning	1
Early Help	2
Self-directed Support	1
TOTAL	115*

*This number is greater than the 114 complaints received, as one complaint involved two teams.

- 5.13 Complaints involving the First Response Team increased to 26 in 2018-2019, compared with 19 in 2017-2018 and 11 in 2016-2017.
- 5.14 Complaints involving the 0-25 Disability Team increased from four complaints in 2017-2018 to 11 in 2018-2019.
- 5.15 The number of complaints involving the area safeguarding teams increased slightly to 56 complaints, compared with 52 complaints in 2017-2018.
- 5.16 Children, young people and their parents and carers accessed the complaints procedure in several different ways:
- 64 complaints were sent to the Manager for Social Care Complaints by e-mail
 - 26 complainants phoned the Manager for Social Care Complaints
 - 9 complaints e-mailed their complaint and followed this up with a letter
 - 8 complainants posted a letter to the Manager for Social Care Complaints
 - 6 complainants came into Gun Wharf to see the Manager for Social Care Complaints
 - 1 complainant complained via Lagan, followed by a letter.
- 5.17 The following table shows how many complaints have been received from each ethnicity group during 2018-2019:

White/British	96
White/Any Other White Background	5
Asian/British Indian	4
Black/African	4
Black/ Black British/Caribbean	1
Black/ Any Other Background	1
Mixed White and Asian	1
White Irish	1
Information not held	1
Total	114

5.18 Outcomes of stage one complaints responded to in 2018-2019:

Complaint type	Not upheld	Partially Upheld	Upheld	Total
Behaviour/attitude of staff	14	4	7	25
Lack of support	9	1	7	17
Contact arrangements	11	1	2	14
Delays in completing assessments	1	1	2	4
Delays in making decisions	1	0	0	1
Not providing a service	1	1	0	2
Changes in social worker	2	0	1	3
Not following procedures	1	0	0	1
Seeing a child alone at school	1	0	0	1
Complaint about a foster carer	2	0	0	2
Complaints about a service/placement	2	1	1	4
Withdrawal of a service	1	0	0	1
Delays in providing a service	1	0	6	7
Lack of communication	7	1	5	13
Disagreeing with an assessment	5	0	0	5
Disagreeing with a decision	13	0	4	17
Not being allowed to attend meetings	0	0	0	0
Meetings cancelled	0	0	0	0
Request to change of social worker/IRO	5	0	1	6
Parent not involved in an assessment	0	0	1	1
Incorrect information in an assessment	1	1	2	4
Data Protection Breach	5	2	0	7
Total	83	13	39	135*

***This number is greater than the 114 complaints received in 2018-2019 as one complaint can cover several different issues.**

5.19 41 (30%) of the issues complained about at stage one were upheld, compared with 36 (30%) in 2017-2019, 58 (30%) in 2016-2017 and 68 (29%) in 2015-2016.

- 5.20 13 (9%) issues were partially upheld compared with 5 (4%) in 2017-2018, 20 (10%) in 2016-2017 and 14 (6%) in 2015-2016.
- 5.21 7 complaints about the attitude and behaviour of social workers were upheld at stage one compared with 6 in 2017-19, 8 in 2016-2017 and 9 in 2015-2016.
- 5.22 7 complaints about a lack of communication were upheld in 2018-2019, compared with 5 in 2017-2018, 13 in 2016-2017 and 18 in 2015-2016. This is one area where staff have maintained an improvement.

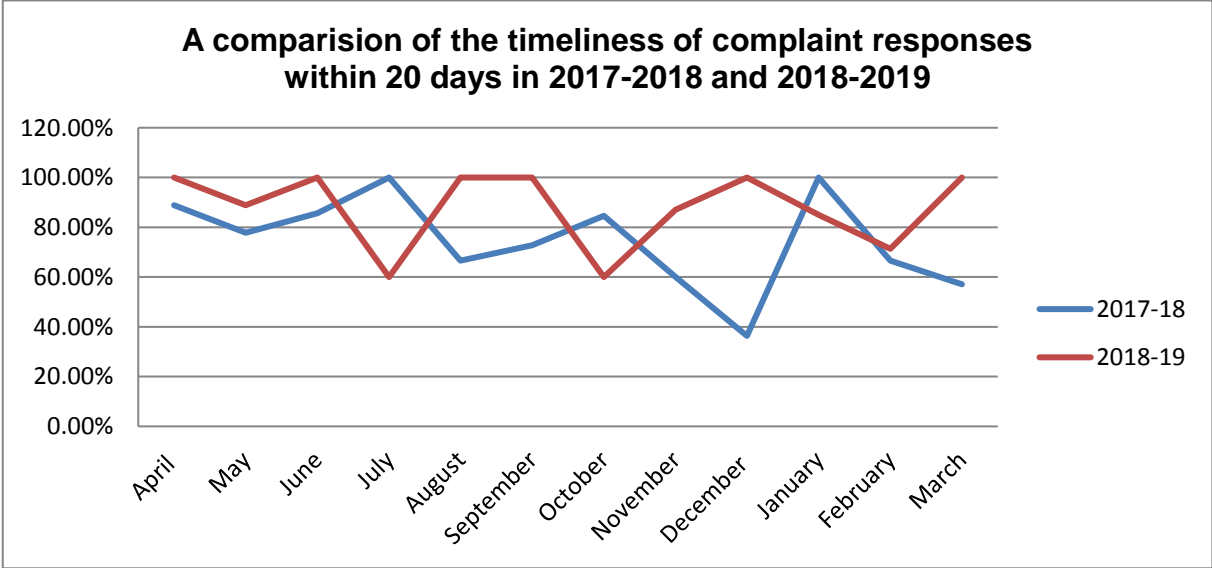
6. Timeliness of Responses to Stage One Complaints

- 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 which case the timescale is extended to the statutory deadline of twenty days. Medway Council will always make contact to explain the reason for any delay and confirm when the complainant will receive a response.

6.3 The following table shows the time taken to answer stage one complaints in 2018-2019:

Number of days	Within 10	11-20	21-25	26-65	Total
Stage 1	50	38	8	8	104
Percentage	48%	37%	7.5%	7.5%	100%

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



- 6.5 The following table shows the complaints responded to in 20 working days during 2018-2019, 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	16	16	29	27	88
Percentage of complaints responded to in 20 working days	89%	80%	82%	87%	85%

- 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 a significant improvement in response timeliness, compared to previous years.

	2014-15	2015-16	2016-17	2017-18	2018-19
Number of complaints answered in 20 working days	41	77	90	68	88
Percentage of complaints answered within 20 working days	35%	50%	68%	76%	85%

7. Stage two investigations

- 7.1 Medway Council started four stage two investigations in 2018-2019; two were completed in 2018/2019 and two were carried over to 2019/2020.
- 7.2 A mother complained about ten issues: the stage two investigators did not uphold three complaints, three were partially upheld and four were upheld.

The learning from the stage two investigations is:

- 7.2.1 The social worker should explain the transfer process, between the first response team and the area teams, to parents and children. It is good practice to introduce the new social worker at the initial child protection conference. There was no evidence in the case notes that the social worker told the mother about the process of transferring cases at the initial child protection conference. A leaflet, explaining the process at an initial child protection conference and the transfer process, would provide clarity for parents and children.
- 7.2.2 Social workers should make every effort to contact a parent to explain why they are unable to visit as planned.
- 7.2.3 Social workers are aware of the importance of establishing positive and effective relationships with children and their parents. It is equally important to ensure that the relationship ends in a positive way. Good practice would be to discuss, over several visits that the social worker is leaving.
- 7.2.4 Social workers should not inform parents that their children would step down to a child in need plan at the next child protection conference. The

professionals at the child protection conference and the Independent Reviewing Officer make this decision. Social workers can only say that they are recommending a step down to child in need.

- 7.2.5 In this case, the social worker focused on one child in the family, who had alleged sexual abuse by the stepfather. Children's Services asked the stepfather to leave the family home. There is no evidence of a parenting assessment, safety plan or plan to support the mother, as a single mother, in managing two children with complex needs and a three year old. The mother explained that she is dyslexic and struggles to read and write. She also said she has difficulty understanding complex language. It is not clear whether social workers considered her cognitive abilities. She told the investigators that she was struggling as a single mother and that she missed the support her partner gave her.
- 7.2.6 The social worker should have discussed the mother's admission into hospital for a spinal operation and considered how she would cope after the operation and who would care for the children.
- 7.2.7 There were delays in implementing the child protection plan, for example, referring the one child for counselling and in undertaking a risk assessment in respect of the stepfather. This resulted in drift. There was a delay in arranging a family group conference and support networks, such as Home Start and Children's Centres.
- 7.2.8 The child protection plan stated that the 14 year old should stay at her aunt's house. No viability or connected carers assessment was undertaken.
- 7.3 A mother complained that the social worker did not inform her, in 2013, about historical allegations of sexual abuse by the paternal grandfather. Her daughter was living with her father, who signed a written agreement not to allow unsupervised contact between his daughter and her grandfather. The social worker did not inform the mother of this written agreement. The conclusion was that the social worker should have informed the mother of the concerns about the paternal grandfather. The social worker excluded the mother from the safety plan, which could have resulted in her missing any signs of abuse or concern. A parent cannot protect their child without full disclosure of the concerns. The section 7 report did not analyse the impact of the father's worrying behaviour, which was minimised and sometimes ignored. There were mentions of his aggressive behaviour and domestic abuse as well as binge drinking but the social worker overlooked the impact the father's behaviour had on his daughter. The supervision records did not appear to keep the child at the centre of the discussion.
- 7.4 This is a historic complaint, but it does provide a reminder to ensure that the child is central to all that social workers do and that social workers must inform both parents about any concerns regarding their children.
- 7.5 Mrs L, a special guardian complained that Medway Council had deducted child benefit from her special guardianship allowance, despite the Judge ordering that this should not happen. The adoption team undertook an audit of all the payments to Mrs L since September 2012. This audit found that Medway Council had underpaid her and sent her a cheque £1,301.76. She was still

dissatisfied and requested a stage two investigation. Medway Council agreed to ask independent auditors to undertake a further audit, which carried over into 2018-2019.

7.6 Mr K was unhappy that Medway Council convened a child protection conference following the conclusion of public court proceedings. The court found that Mr K had injured his young baby by holding him too tightly and that it was an accidental injury. The court returned the child to the care of his parents after being in foster care for 18 months. The stage two investigation started in March 2019 and is still ongoing.

8. Stage three review panels

8.1 No complainants escalated their complaint to stage three of the complaints procedure, between 1 April 2018 and 31 March 2019. Medway Council convened three stage three panels in 2017-2018.

9. Local Government and Social Care Ombudsman

9.1 There were four referrals to the Local Government and Social Care Ombudsman (LGSCO) between 1 April 2018 and 31 March 2019, compared with:

- Four in 2017-2018
- Five in 2016-2017
- Six in 2015-2016

9.2 In 2018-2019 the LGSCO concluded their investigations into four complaints; two were carried over from 2017- 2018 and two were referred to the LGSCO in 2018-2019.

9.3 Mr and Mrs E, prospective adoptive parents, complained that the social worker, who was assessing them, was biased against Mrs E. They were not happy with the response to their stage one complaint and referred their complaint to the LGSCO in March 2018. The LGSCO did not investigate the complaint as Mr and Mrs E have a right to challenge the adoption panel's decision or ask the Independent Review Mechanism to review the decision.

9.4 Mrs M, who was not satisfied with the outcome of her complaint at stage one, stage two and stage three of the complaints procedure, referred her complaint to the LGSCO in June 2018.

9.4.1 Mrs M complained about her dealings with Medway Council in 2015/6:

- allegations made against her son by children were false;
- although she did not believe her son needed support in connection with the allegations that he had engaged in sexual activity with children, Medway Council had not arranged support;
- Medway Council confused her husband with somebody else with the same name and mistakenly accused him of having a sexual relationship with his daughter from a previous marriage;
- Medway Council wrongly said that her daughter had sent sexually explicit photographs of herself to an adult.

- 9.4.2 Mrs M wanted to clear her son's name and she sought compensation for the distress Medway Council has caused her family and the loss of her income following the closure of her business.
- 9.4.3 The LGSCO was satisfied Medway Council had properly considered Mrs M's complaint. Medway Council acknowledged that it confused Mrs M's husband with another man with the same name, who was also involved in child protection proceedings. The Council apologised for this mistake and offered £1,000 for distress caused by this mistake. The LGSCO considered that this was a suitable remedy. The LGSCO concluded that Medway Council was not responsible for the collapse of her business. The LGSCO concluded that Medway Council responded appropriately to allegations against her son.
- 9.5 A mother complained to the LGSCO that Medway Council had unfairly removed her son from her care. The Ombudsman did not investigate her complaint because it was a late complaint and linked to a court decision. In addition, the Ombudsman had already considered a similar complaint from Ms X. The Ombudsman decided that no further action was required.
- 9.6 A father complained to the LGSCO in October 2018 that the social worker had written a biased section 7 report for private family court proceedings and had emotionally abused his son. The father withdrew his complaint in February 2019. He resubmitted his complaint to the LGSCO in March 2019. The Ombudsman is still investigating his complaint.

10. Concerns

- 10.1 The complaints procedure does not apply when:
- the person wishing to complain does not meet the requirements of "who can complain" and is not acting on behalf of such an individual,
 - the complaint is not about any actions or decisions of the local authority complained to, or anybody acting on the local authority's behalf,
 - the same complaint has already been dealt with at all three stages of the complaints procedure.
- 10.2 The local authority has discretion in deciding whether to consider complaints where to do so would prejudice any of the following investigations;
- Court proceedings
 - Tribunals
 - Disciplinary proceedings
 - Criminal proceedings

10.3 Table of concerns

Issues of concern	Total
Issues are over 12 months	10
Resolved in 24 hours	8
Referred to another local authority, mainly KCC	8
Referred to service for informal resolution	7
Pre- proceedings and Court proceedings	7
Grandparents, uncle, friend ,neighbours	7
Data Breach referred to Information Governance Team	5
Staff conduct	5
Safeguarding concerns	5
Anonymous	5
Request for information	4
Head teachers	4
Referred to children's services	4
Information shared	3
Separated parents disputes about contact with their children	3
Referred to other services, health and CAFCASS	2
Father wanting information about child in refuge	2
Parent did not want to make a formal complaint	2
Subject Access Request	2
Complaint been through all three stages	2
Independent social worker	1
Complaint with LGSCO	1
Dispute between local authorities about case responsibility	1
Teacher complained about safeguarding investigation	1
Total	99

11. **Listening to children**

11.1 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

- 11.2 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 2018-2019, an advocate from the YLF supported three looked after children to make a complaint.
- 11.2.1 Young people are encouraged to self-refer to the advocacy service wherever they feel comfortable to do so.
- 11.2.2 Family members and professionals can make referrals to YLF. YLF will always seek consent directly from the young person before proceeding with advocacy support.
- 11.2.3 Young people who do not have English as their first language can readily access advocacy with the support of telephone interpreters.
- 11.2.4 Young people and professionals can refer via a variety of methods including telephone, email or via the YLF's website using easy to complete online forms.
- 11.2.5 Non-instructed advocacy is available for children and young people who are unable to give clear instruction regarding their wishes and feelings. Young people, who may have limited communication or lack the capacity to make an informed decision due to age, learning disability, mental or ill health or a communication disorder, have a right to advocacy support and to be involved in decisions made that affect them and are about their lives.
- 11.3 The YLF has a team of seven experienced advocates based across Kent and Medway, supported by an advocacy officer and advocacy manager.
- 11.4 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. YLF launched a Freephone number at the end of March 2016, allowing young people to contact the service from any landline or mobile number without incurring a charge.
- 11.4 YLF now have a Separate Medway Advocacy coordinator who will be leading on the Medway advocacy referrals as well as taking on a on cases, linking with the Medway Council Child in Care Council to ensure that young people are being listened to.
- 11.5 Summary of Advocacy Activity between 1 April 18 and 31 March 2019

New advocacy referrals	84
Advocacy cases concluded	59

11.6 The following people made referrals to YLF:

Social workers	44%
Young persons –self referral	13%
Family Group Conference Officers	12%
Other	12%
Foster carer	11%
Family member	8%
Total	100%

11.7 The following children accessed the Advocacy Service:

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

11.8 The issues for young people were as follows:

- Looked after children not wanting to change placements,
- A lack of knowledge about their savings 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.

11.9 An example of how an advocate supported young people.

The advocate met with a young person, X, ahead of the first core meeting and then all subsequent meetings in order for X to express her wishes and feelings. X did not wish to participate in the meetings but wanted her wishes and feelings to be heard. She felt nervous about attending the meetings and did not want to miss any of her schooling. The advocate attended and read out her wishes and feelings at each meeting. X and her mum felt reassured about this as it helped X to feel that she was fully participating without having to attend.

11.10 Feedback from young people:

- *“My advocate helped me tell my social worker that I did not want to move from my current placement. After having a meeting it was decided I do not have to move until I am 21”*
- *“My Advocate really helped me to follow up the issue and get the outcome I wanted”*
- *A social worker said “W really benefited from the advocates independent advise and support”*

- *“I now feel confident going forward in my meetings as my advocate has helped me know how to get my own wishes and feelings across and has helped explain the child protection process.*
- *“I am really happy with the help I received from my Advocate and I will ask if I ever need support in the future”*

12. Complaints from children

12.1 In 2018-2019, eleven children made a complaint, compared with twelve in 2017-2018. An advocate supported three looked after children to make a complaint. Their complaints and the outcomes are summarised as follows:

12.1.1 A looked after child, S, wrote a letter to the Manager for Social Care Complaints, stating that she has been in foster care for several months and this was her first time in care. She had weekly contact with her mother at the Sunlight Centre. In September, S, went to the Sunlight Centre only to find it was closed. She was upset as she missed her mother and had to wait an extra week to see her. She asked that this did not happen again or to anyone else. The social worker visited the young person to apologise that there was no one to supervise the contact and explained that she had now ensured that the Sunlight Centre had all the dates in the diary. S received an apology in the written response to her complaint.

12.1.2 A care leaver, Y, who was still living with his foster carer, complained that Medway Council moved his sibling to another placement and he had not had contact with her since she moved. The social worker gave Y his sibling's telephone number and arranged for the siblings to have regular contact.

12.1.3 X is 17 years old and pregnant. She complained that the social worker had not given her any support, that the social worker did not listen to her and missed appointments. X wanted a different social worker as she found it hard to communicate with the social worker. X received an apology about the miscommunication regarding home visits and the cancelled visit. The social worker changed at the initial child protection conference in respect of X's baby.

12.1.4 Z is 18 years old and complained that her social worker breached confidentiality and disclosed in a child and family assessment, completed in August 2017, that she had an abortion when she was 16 years old. Z complained that the social worker contacted her GP without her permission. Z's mother had signed a consent form, and the area manager sent Z the consent form, with her mother's signed permission to contact other professionals, including the GP. The area manager arranged a meeting with Z to explain the situation to her. Unfortunately, Z did not attend this meeting.

12.1.5 G, a care leaver, complained that her personal assistant was late for a meeting at the job centre. G received an apology from the personal assistant and her manager. G also complained that Medway Council allocated a black worker when she had explicitly said she did not want a black worker. The manager spoke to G who could not understand the impact her views on race had had on the worker. For this reason, the team manager allocated a different worker.

- 12.1.6 An advocate from Young Lives Foundation made a complaint on behalf of a young person. R thought he was staying in his current placement until his eighteenth birthday. He stated that he felt settled in his current placement and he got on well with the staff who helped him work towards independence. He was very upset and shocked when his social worker and his IRO told him he had to move in six weeks. The response acknowledged how upset he was and explained that the social worker and IRO had advocated for him to remain in his current placement. Following his complaint, a resource panel agreed that he could remain in his placement while he prepared for independence.
- 12.1.7 A looked after child, B, complained that the social worker only told her the day before that she had to move to another placement. She complained that the social worker had not listened to her feelings and did not take her views seriously. She requested the support of an advocate and an emergency looked after child review. The social worker told her grandparents two weeks before the move was to take place. The social worker and the grandparents had decided to delay telling B that the provider had given notice and that she would have to move. A vacancy, in an appropriate placement, became available two days after she returned from her holiday. The outcome of her complaint was an apology for the lack of communication and timing of the move. The social worker advocated for B to stay on at her current placement so that she could be involved in finding a new placement.
- 12.1.8 An advocate supported a care leaver to make a complaint. C feels that Medway Council's policy, that a care leaver is only entitled to a home allowance grant if the care leaver has a tenancy agreement, is unfair. He lives with his wife, in her father's house. They pay rent to her father but do not have a tenancy agreement as the father pays all the bills.
- 12.1.9 An advocate supported a 17 year old, looked after, young person to make a complaint about a change of placement. He has complex needs and feels very anxious about a potential move and he wanted to stay in his current placement. Ofsted rated the current placement as inadequate, resulting in a decision to move him to an adult provision slightly earlier than planned. At the end of the transition period, he was happy to move.
- 12.1.10 M, a disabled young person, complained about a lack of support offered to him and his parents. He did not feel listened to by his social worker. Medway Council allocated M another social worker, who met with him to ascertain what support he wanted.
- 12.1.11 One young person withdrew his complaint.

13. Compliments

13.1 The Council is proud to receive compliments and thanks from people who are satisfied with Medway Council Children's Services and happy about the way the social workers work with them.

13.2 The Social Care Complaints Manager received and logged sixteen compliments in 2018-2019 about children's services.

13.3 Medway Council can learn lessons from compliments about what works well and which services and practices are effective in achieving positive outcomes for parents and their children.

13.4 Compliments about staff

13.4.1 A looked after child told her Independent Reviewing Officer, during a home visit, that her social worker was the best social worker she had ever had.

13.4.2 A foster carer complimented the Fostering Team Manager and a fostering social worker, in an e-mail: *"Thank you for delivering such an uplifting support group this morning. It was good to hear your background and to know you have walked in our shoes. With yourself and our wonderfully supporting fostering social worker the future looks bright."*

13.4.3 A husband and wife, who are foster carers for an Independent Fostering Agency, telephoned Medway Council to say *"they are interested in fostering for Medway Council as they have heard that there has been a lot of changes in the Medway Fostering Team with new seniors and managers, and there's a real 'exciting buzz' about the fostering team. They have been told that the support carers receive from their fostering social workers is exceptional and they would like to be a part of our team!"*

13.4.4 An Independent Reviewing Officer complimented a fostering social worker: *"I have come to really value your opinion; I breathe a sigh of relief when I see your name on any case allocated to me because I know that you'll know the case. I also know that you will have formed an opinion on what needs to happen, that you are proactive in chasing anything that is outstanding and that you are protective of your foster carers without losing sight of the children. Your foster carers are lucky to have you, as are Medway Council. Thank you for all you do and it really is a pleasure to work with you."*

13.4.5 A foster carer complimented a Social Worker for the level of support and understanding she provided to F in placement. The foster carer said she felt listened to and that the social worker had a very strong, open working relationship, and was consistent throughout the placement.

13.4.6 A mother texted a social worker: *"Thank u P, u have proved me wrong as u have totally stuck to ur word. I'm v grateful. I'm so happy that I can relax and start a new life with Z. I will do everything u ask and I will try to calm down now and trust what u tell me. Thanks again I'm glad u were my social worker thru all this"*.

- 13.4.7 A grandfather e-mailed the social worker:
"I was very happy to hear from you that A's case is now closed for your department. I want to thank you for the work you have done unlike previous social workers on her case you have been very professional. We had a good working relationship, which was essential for this outcome. I feel you were genuinely working for A's best interest, always honest and professional and if you said you would do something then you did it. You have gained my respect sir. I hope your department realise what an asset you are and that you continue your good work for the good of the children under you wing. Many thanks.
- 13.4.8 A mother e-mailed a social worker *"I'd like to say thank you for the help and support you've given me and the girls. I am very grateful. I'm particularly grateful that you attended court that day as I don't know it would have had the same outcome had you not been there and been so firm about things."*
- 13.4.9 A mother thanked the key worker and all the staff from the Early Help and Targeted Services for the help she received. The mother moved out of Medway. Since moving, she has attended many training courses. She is looking forward to finding suitable work. Her children are all in school. Her eldest child has won awards for his football skills. The mother sent her thanks and best wishes to the team and expressed her gratitude for all the help and support given by the service. She also thanked the manager of the team.
- 13.4.10 A foster carer complimented a social worker: *"R was always fair and supported me well as the boy's carer as much as she supported the boys. R was always contactable and made time for the boys and myself if we needed to discuss any concerns or worries. R understood my way of caring for the boys, which worked well and I felt that she trusted me and had faith in me. R and I worked well and hard together to move the boy's home, which was their wish. R felt the best option for the children was to return to their mother's care and I believe she handled the process very well. R is not only a very 'good' social worker who is organised and thorough, she is a lovely person and I really hope our paths cross again and we work together at some point in the future."*
- 13.4.11 The chair of the Access to Resources Panel complimented a social worker as follows *"Your verbal presentation was really good and it is clear that you know the child very well and how challenging she can be. Your reports were well structured and a pleasure to read. Many thanks for all of your hard work and commitment to the child. Well done."*
- 13.4.12 Connected carers thanked a social worker for her help, support, empathy and compassion, stating *"We both have valued your advice, support & guidance as we are new to this type of thing. You have always been there listening or offer advising on the best practices to deal with different situations. We are saddened that the case is now being transferred over to a new social worker, but we trust she is as approachable, empathetic and understanding as you are. Keep up the good work that you are doing."*
- 13.4.13 Parents sent a thank you card to all the staff at Parklands thanking them for the care they took of their "top boy".

13.5 Compliment about a foster carer

An Independent Reviewing Officer complimented a couple who foster children for Medway Council: *“Their preparation and reports for looked after children reviews are excellent; they are clearly a couple that care about their placements and take the time to understand the complexities of the cases. Their reports impressed me as they recorded all the information needed for a looked after child review. I also want to highlight the quality their relationship with mum, it was lovely seeing the looked after child passed back and forth between them, I could see that Mum trusts the foster carer and takes on board what he is saying, I felt that she trusted him and would be able to say if there were any issues. Please pass on my thanks to them for doing such a great job!”*

13.6 Compliment about Children’s Services

A Head Teacher e-mailed the Deputy Director of Children’s Services to report that she has noticed some real changes in the way that Medway are operating now and that there is a real improvement in the way Children’s Services are dealing with issues arising from Multi-Agency Risk Assessment Conferences (MARAC). She stated that communication between Children’s Services and schools has improved.

14. **Learning from complaints and compliments**

14.1 The Manager for Social Care Complaints reports on lessons learnt from complaints and compliments in the quarterly reports to the Director of People – Children and Adult Services, the Deputy Director and the Heads of Service. The Manager for Social Care Complaints presents the quarterly reports at the quality assurance and performance management meetings. Following discussions at the meetings, action plans are developed to address any issues arising from the quarterly reports. The Manager for Social Care Complaints and the two investigators discuss the outcomes of stage two investigations with the Deputy Director and the relevant Head of Service.

14.2 The Complaints Manager for Social Care Complaints ran two workshops for social workers and their managers about the principles of good complaint handling and the lessons learnt from complaints.

- Working with separated parents in assessments and keeping both parents 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.

14.3 The workshops stress the importance of good communication. 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	2018-2019
Not upheld	18	13	8	7
Partially upheld	2	4	0	1
Upheld	18	8	5	5
Total	38	25	13	13

- 14.4 Complaints about the behaviour and attitudes of staff have increased from 16 in 2017-2018 to 25 in 2018-2019. However, the number of upheld complaints about the behaviour of staff has remained consistent, as illustrated by the following table:

	2015-2016	2016-2017	2017-2018	2018-2019
Not upheld	31	27	10	14
Partially upheld	1	7	0	4
Upheld	9	8	6	7
Total	41	42	16	25

Examples of complaints, which were upheld or partially upheld.

14.5 Complaints about staff:

- 14.5.1 A mother complained that the social worker did not attend a child in need meeting, held at the school. The social worker apologised that she did not attend the meeting, as she was unaware of the date as the date was not included in the transfer summary.
- 14.5.2 A mother complained that the social worker saw her child at school without her consent. The social worker was under the impression that mother had verbally agreed for the social worker to see the child at school. The mother received an apology in the response and an acknowledgement that the social worker should have contacted the mother on the day to remind her of the visit to school to see her child.
- 14.5.3 Foster carers complained that a social worker was insensitive to the child's bisexuality. They complained that the social worker asked insensitive questions about their ethnic background. They also complained that the social worker had not sent them a copy of the contact arrangements. As a resolution to this complaint a meeting took place between the Independent Fostering Agency, the foster carers, the social worker and her manager.
- 14.5.4 Parents complained that the Independent Reviewing Officer had made up her mind before the initial child protection conference. She was not impartial or independent. The Principle IRO made a decision to allocate a different IRO.
- 14.5.5 A mother complained that the social worker was late for an appointment.
- 14.5.6 A grandmother complained that she was sent the wrong date for the core group meeting. The social worker contacted the mother, not realising that the child lived with the grandmother. The social worker did not attend the initial child protection conference or the core group meeting. There was

confusion about the date of the core group meeting. Medway Council apologised for the confusion about the core group meeting. The grandmother also complained that the social worker mentioned someone else's name, not connected to the family, during a home visit. This was a mistake and the supervisor discussed that issue with the social worker.

- 14.5.7 A mother complained that the social worker met her in a public place, as there were no rooms available. Medway Council acknowledged that this was not ideal. However, the social worker had ensured they met in a quiet area away from other people.

14.6 Complaints about lack of communication

- 14.6.1 A grandmother complained that the social worker did not keep her informed about a viability assessment requested in court.
- 14.6.2 A father complained that the social worker did not return his telephone calls. He received an apology and the area manager gave him the telephone numbers of the administrative staff and other members of the team.
- 14.6.3 A mother complained that the social worker did not inform her that her daughter was going to respite foster carers. She tried to telephone her daughter for planned telephone contact and there was no reply. She only found out about the respite care from her daughter's friend. The planned contact between her daughter and the maternal grandmother did not happen. The team manager apologised and agreed to rearrange the contact.
- 14.6.4 A mother complained that the social worker did not tell respite foster carers about her daughter's hospital appointment in London. As a result, she went all the way to London to discover that her daughter would not be at the appointment. The mother also complained about another hospital appointment, which was missed because the social worker had the wrong date. The response letter provided the mother with an apology.
- 14.6.5 A special guardian complained that she did not know what the plans were for C after she turned 18 years. The special guardian received an apology for the delay in planning for C's transition to Adult Social Care and for the lack of communication about the intended plan to place C with a Shared Lives carer.
- 14.6.6 A father complained that Medway Council did not inform him about Children's Services involvement with his children. The social worker did not contact him to ascertain his views for the Child and Family Assessment. Medway Council arranged an alternate dispute resolution meeting and apologised to the father for the lack of communication.

14.7 Complaints about a lack of support

- 14.7.1 During public court proceedings, the social worker told a special guardian, Mrs B, she did not need a solicitor but the court told her she should have a solicitor. Medway Council then delayed paying her solicitor's fees. She phoned many times to chase up the promised financial assistance, but no

one returned her phone call. Medway Council had also agreed to pay for a bed and wardrobe. She received an apology and Medway Council made all the outstanding payments.

- 14.7.2 A mother complained about the delay in referring her to Early Help Services following a step-down from Child in Need services. She received an apology.
- 14.7.3 A mother stated that she had a good service from the Disability 0-25 Team until the social worker left. Then the foster care respite placement fell through. She had to deal with numerous different social workers to try to sort out respite care.. Medway Council allocated a new social worker and respite care was re-instated, however this social worker left without informing the mother. The mother received an apology that she was not informed that the social worker had left and for the delay in re-instating respite care.
- 14.7.4 Grandparents, who are connected carers, complained that their 17 year old grandchild, H, was placed in supported accommodation /assisted living in Essex. They complained that he was unhappy in Essex. They complained that no one responded to their request for a meeting to discuss their concerns. A meeting was finally held and the grandparents were reassured that the leaving care team would continue to look for a suitable placement in Medway. He is now in a placement in Medway.
- 14.7.5 A father complained that he did not get the support and help he needed to care for his son. He had asked for a letter for the benefits office and a referral to CAMHS in respect of his son. The social worker sent a letter to the benefits office and made a referral to CAMHS. Medway Council apologised for the delay in completing these tasks.
- 14.7.6 A father complained about the delay in receiving respite care, such as after school clubs. There was agreement at a child in need meeting that the social worker would make a referral to Parklands. The social worker sent the referral to the short-term breaks team. However, the referral was not actioned. The father contacted the 0-25 Disability Team to find out what was happening regarding the summer holidays. He received an apology and short-term breaks were organised. The social worker referred his daughter to after school clubs.
- 14.7.7 A grandmother complained about a lack of financial support for her five grandchildren, who were living with her. There are concerns about the parent's ability to care for their children and children's services told the mother the children needed to stay with their grandmother. The plan was for the grandmother to make an application for a special guardianship order. Medway Council gave the grandmother money from the section 17 funding and food vouchers.
- 14.7.8 A foster carer complained Medway Council had not arranged contact between siblings. There was a delay due to waiting for one sibling to settle

into his new placement. The social worker should have told the foster carer why there was a delay in arranging contact between the siblings.

14.7.9 A mother and an aunt both sent in complaints about a looked after child having to change her placement. The looked after child also made a complaint.

14.8 Complaints about reports and assessments

14.8.1 A father complained that the information in a child and family assessment, about when he was in prison, was incorrect. The probation officer provided this information to the social worker. The father received an apology and a promise to verify the information with probation and correct any errors. Social workers should share the Child and Family Assessments with the parents before the manager signs the assessments and the document is closed on Framework-i.

14.8.2 A mother and father complained about the delay in completing a child and family assessment. The manager apologised to her about the delay in starting the child and family assessment.

14.8.3 A father complained about the delay in starting a parenting assessment, the social worker did not visit or arrange contact as agreed in court. The manager apologised for the delays, which were partly due to delays in DNA testing to confirm he was the father.

14.8.4 A father complained about the independent social worker, commissioned by Medway Council to undertake a parenting assessment. He felt belittled by the social worker; as a result, he found it hard to express himself. She missed appointments and took a telephone call during a session. The independent social worker apologised for the lack of communication about the missed appointments and if she made him feel belittled.

14.8.5 A mother and father complained about the delay in completing a child and family assessment. The manager apologised to her about the delay in starting the CAF assessment.

14.8.6 A mother complained about incorrect information in a child and family assessment, that Kent Police arrested her twice. Kent Police had shared this information at a strategy discussion. During an initial child protection conference the mother asked for this information to be removed from the assessment. Children's Services undertook a police check, which verified that the mother had not been arrested. The social worker removed this information from the child and family assessment.

14.9 Complaints about Data Protection Breaches

- 14.9.1 Parents complained that a written agreement contained the names of children who were not in their family. They received an apology and an explanation that procedures have been put in place to ensure this should not happen again.
- 14.10 Looked after children were listened to when they complained about a possible move to another placement. Their complaints highlighted the importance of involving children in any decisions to change their placements and support them in the transition to a new placement. Looked after children also emphasised the importance of contact between siblings.
- 14.11 17 complainants disagreed with an assessment, compared with 15 in 17-18, 18 in 2016-2017 and 15 in 2015-2016. Social workers will correct factual errors and an amended version of the child and family assessment or a risk assessment will 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.

15. **Management reporting**

Improving Complaints Management

- 15.1 Medway Council is committed to 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
- 15.2 Medway Council appointed a social worker, in April 2013, as the Manager for Social Care Complaints in the Customer Relations Team. She risk assesses the children's complaints and undertakes the role of independent investigation officer in most stage two investigations.
- 15.3 Quarterly reports are presented to the Children and Adults Directorate Management Team and to the Deputy and Assistant Directors' management teams. The manager for Social Care Complaints attends the monthly performance meetings, which monitors the timelines of responses to complaints and discusses learning from complaints and any recommended actions because of the complaint.

- 15.4 Information on how to make a children's social care complaint was updated on the Medway Council website.
- 15.5 The children's leaflet explains the various ways a young person can make a complaint. The manager for Social Care Complaints 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 and Business Support (CABS).
- 15.6 All complainants receive a letter acknowledging their complaint and explaining how to contact the Manager for Social Care Complaints. 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.
- 15.7 The Customer Relations Team send weekly reminders of all open complaints to Children Services' managers.

16. Risk Management

- 16.1 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 Medway Council provides quality services in a timely way, minimising the possibility of a 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

17. Equalities Data

- 17.1 The Council is committed to achieving equality of opportunity, access and outcomes for all, through the delivery and commissioning of accessible, high-quality services that are 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.

- 17.2 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.

18. Financial and Legal Implications

- 18.1 There are no specific legal implications 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 summarised above. Local Authorities must publish an annual report of its consideration of representations under that framework.
- 18.2 There are no financial implications arising directly from this report.

19. Recommendation

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

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Appendices:

None

Background papers:

None