

## **CHILDREN AND YOUNG PEOPLE OVERVIEW AND SCRUTINY COMMITTEE**

**1 OCTOBER 2020**

### **COMPLAINTS AND COMPLIMENTS ANNUAL REPORT 1 APRIL 2019 TO 31 MARCH 2020**

Report from: Ian Sutherland, Director of People – Children and Adults  
Services

Author: Sandy Weaver, Manager of Social Care Complaints

#### **Summary**

The annual report provides information on children's services complaints handled during 2019–2020, 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 Social Care 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 it is 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.

3.2.1. 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.

3.2.2. 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.

3.2.3. 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 People - 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 People - 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 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.

3.5 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.

3.6 The Local Government Ombudsman's recommendations aim to put complainants back into the position the complainant was in, before the maladministration or injustice occurred.

4. Analysis of stage one complaints: 1 April 2019 to 31 March 2020.

4.1. The following table provides the headline figures for stage 1 complaints:

Stage 1, 2 and 3 complaints for 1 April 2019 to 31 March 2020	Number of complaints
Brought forward from 31/03/19	8
Complaints received	133
Complaints closed	127
Complaints withdrawn	8
Open complaints still awaiting response as at 31/03/20	6
Complaints dealt with within 10 days	68

Complaints dealt with within 20 days	116
Total number of stage one complaints handled in 19-20	7
Stage two investigations completed in 2019-2020	4
Ongoing stage two investigations	5
Stage 3 Panel	3

4.2. The next table provides a monthly breakdown of stage one complaints received in the same period.

	Apr	May	Jun	Q.1	July	Aug	Sep	Q.2	Oct	Nov	Dec	Q.3	Jan	Feb	Mar	Q4	Total
Complaints carried over from previous month	8	0	0	8	3	0	0	3	13	0	0	13	2	0	0	2	26
Complaints received	9	19	7	35	9	8	16	33	9	11	10	30	19	8	8	35	133
Complaints responded to	10	17	8	35	4	11	6	21	14	10	16	40	10	14	7	31	127
Total number of complaints withdrawn	3	1	1	5	0	1	1	2	0	0	1	1	0	0	0	0	8
Total complaints responded to within 10 days	9	11	6	26	2	7	6	15	7	2	1	10	6	9	2	17	68
% of complaints responded to in 10 days	90 %	65 %	75 %	74 %	50 %	64 %	100 %	71 %	50 %	20 %	69 %	50 %	60 %	64 %	29 %	55 %	53%
Total number of complaints responded to in 20 days	10	17	8	35	3	11	6	20	12	7	14	33	10	14	4	28	116
% of complaints responded to in 20 days	100 %	100 %	100 %	100 %	75 %	100 %	100 %	95 %	86 %	70 %	87 %	83 %	100 %	100 %	57 %	91 %	91%
% of complaints acknowledged within 3 days	100 %	100 %	100 %	100 %	100 %	100 %	100 %	100 %	89 %	100 %	100 %	97 %	100 %	100 %	100 %	100 %	100%
Total number of complaints carried over to next quarter	n/a	n/a	n/a	3	n/a	n/a	n/a	13	n/a	n/a	n/a	2	n/a	n/a	n/a	6	n/a

- 4.3. The next table shows the number of stage one complaints received in each of the last five years:

Year	Volume of complaints
2015-2016	157
2016-2017	120
2017-2018	92
2018-2019	114
2019-2020	133

- 4.4. The total number of complaints handled in 2019-2020 was 142; there were 134 new complaints and 8 complaints carried forward from 2018-19.

- 4.5. The following table provides a breakdown of the categories of complainants.

Complainant Type	Number of complaints
Care Leavers	2
Looked after children	3
Child in need	1
Mothers	51
Fathers	47
Mother and Fathers	11
Grandmothers	1
Sister	1
Foster Carers	4
Special Guardians	3
Adoptive Parents	5
Connected Carers	4
<b>Total</b>	<b>133</b>

- 4.6. Five children and care leavers complained in 2019-2020 compared with eleven in 2018-2019, 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.

- 4.7. Of the five young people who made complaints:

- Two were care leavers,
- Two were looked after children
- One was a child in need.

- 4.8. Six complainants made more than one complaint in 2019-2020, compared with six in 2018-19, five in 2017-2018, nine in 2016-2017 and seventeen in 2015-2016. Two complainants made three complaints.

- 4.9. The following table shows the number of stage one complaints received in 2019-2020, by service.

<b>Service Area</b>	<b>Total</b>
First Response Team	52
Area 1	8
Area 2	17
Area 3	7
Area 4	8
CIC Team 1	2
CIC Team 3	1
CSWT1,2,3,4	3
CSWT4,5,6,7,8	8
Adoption	8
Fostering	8
Leaving care team	4
Disability Team 0-25 years	4
IRO	6
Commissioning and Partnership	0
Early Help	3
Self-directed support	0
AMHP and DOLS	1
<b>Total</b>	<b>140*</b>

\*This number is greater than the 133 complaints received, as some complaints involved two teams.

- 4.10. Complaints involving the First Response Team increased to 52 in 2019-2020, compared with 26 in 2018-2019, 19 in 2017-2018 and 11 in 2016-2017.
- 4.11. Complaints involving the 0-25 Disability Team decreased from eleven in 2018-2019 to four in 2019-2020.
- 4.12. The number of complaints involving the long term teams was 54 compared with 56 in 2018-2019 and with 52 in 2017-2018.
- 4.13. Children, young people and their parents and carers accessed the complaints procedure in several different ways:
- 93 complaints were sent to the Manager for Social Care Complaints by e-mail;
  - 18 complainants phoned the Manager for Social Care Complaints;
  - 10 complainants e-mailed their complaint and followed this up with a letter;
  - 5 complainants posted a letter to the Manager for Social Care Complaints;
  - 4 complainants came into Gun Wharf to see the Manager for Social Care Complaints Manager;
  - 3 complaints were sent via Jadu

- 4.14. The following table shows how many complaints have been received from each ethnicity group during 2019-20120:

Ethnicity	No. of complaints
White/British	109
White/Any Other White Background	10
Asian/British Indian	2
Mixed/White and Asian	1
Black/African	6
Black/ Black British/Caribbean	2
Black/ Any Other Background	0
Mixed/any other mixed background	2
Other ethnic group	1
<b>Total</b>	<b>133</b>

## 5. Responses to Stage One complaints

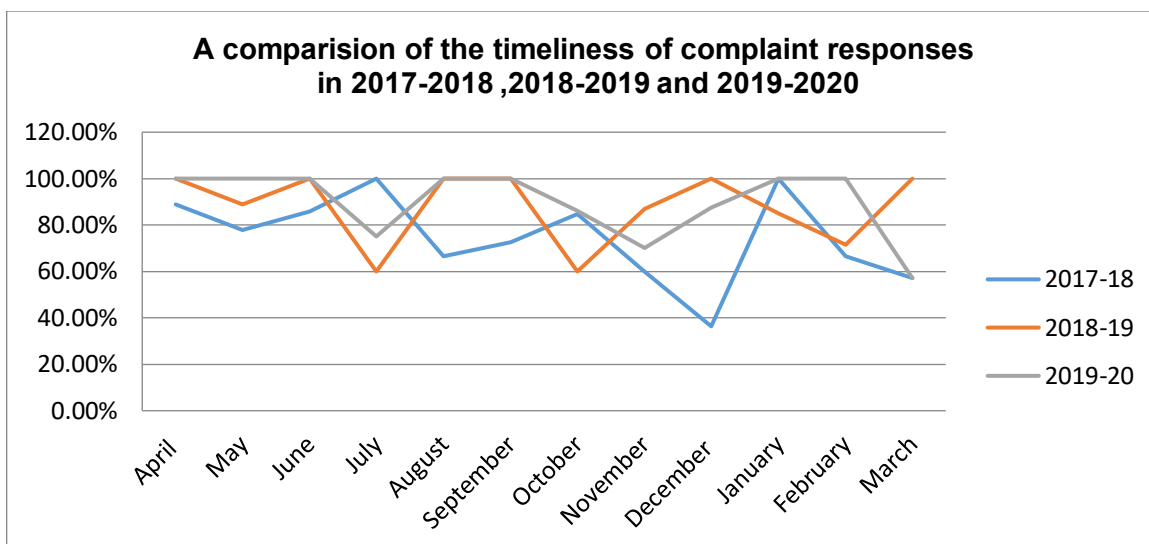
- 5.1. The Council aims to deal with complaints as quickly and as comprehensively as possible. Sometimes the Council is not able to issue responses to the complainant within ten working days because the complaint is complicated or may need dialogue across multiple service areas, in which case the timescale 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.

- 5.2. The following table shows the time taken to answer stage one complaints in 2019-2020:

Number of days	Within 10	11-20	21-25	26-65	65+	Total
Stage 1	68	48	2	8	1	127
Percentage	54%	38%	2%	5%	1%	100%

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





5.4. This next 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.

	2015-16	2016-17	2017-18	2018-19	2019-2020
<b>Number of complaints answered in 20 working days</b>	77	90	68	88	116
<b>Percentage of complaints answered within 20 working days</b>	50%	68%	76%	85%	91%

5.5. The following table provides details of the outcomes of Stage One complaints responded to in 2019-2020:

Complaint type	Not upheld	Partially Upheld	Upheld	Total
Behaviour/attitude of staff	17	6	12	35
Lack of support	2	1	3	6
Contact arrangements	11	0	2	13
Delays in completing assessments	0	0	2	2
Delays in making decisions	3	0	0	3
Not providing a service	2	1	0	3
Changes in social worker	3	0	5	8
Not following procedures	3	0	3	6
Seeing a child alone at school	0	1	0	1
Complaint about a foster carer	1	1	0	2
Complaints about a service/placement	2	0	1	3
Withdrawal of a service	4	0	0	4
Delays in providing a service	2	0	2	4
Lack of communication	5	5	11	21
Disagreeing with an assessment/ section 7 reports	6	1	0	7
Disagreeing with a change of placement	3	0	0	3

Disagreeing with a decision	7	0	0	7
Not being allowed to attend meetings	1	0	0	1
Meetings cancelled	0	0	2	2
Request to change of social worker/IRO	5	0	0	5
Parent not involved in an assessment	0	0	2	2
Incorrect information in an assessment/ Section 7 report	4	0	5	9
Data Protection Breach	5	1	0	6
Seeing child at school without parent's permission	0	1	0	1
Foster Carer / Special Guardian allowances	1	0	1	2
Not listening to non-resident parent.	4	2	1	7
<b>Total</b>	91	20	52	<b>163*</b>

\*this number is greater than 127 because some complaints would have complained about more than one issue.

- 5.6. 52 (32%) of the issues complained about at stage one were upheld, compared with 41 (30%) in 2018-2019, 36 (30%) in 2017-2019, 58 (30%) in 2016-2017 and 68 (29%) in 2015-2016.
- 5.7. 20 (12%) of the issues complained about at stage one were partially upheld, compared with 13 (9%) in 2018-2019, 5 (4%) in 2017-2018, 20 (10%) in 2016-2017.
- 5.8. 13 complaints about the attitude and behaviour of social workers were upheld at stage one, compared with 7 in 2018-2019, 6 in 2017-19, 8 in 2016-2017 and 9 in 2015-2016.
- 5.9. 11 complaints about a lack of communication were upheld in 2019-2020 compared with 7 in 2018-2019, 5 in 2017-2018, 13 in 2016-2017 and 18 in 2015-2016.

## 6. Stage Two investigations

- 6.1. Six complainants made more than one complaint in 2019-2020, compared with six in 2018-19, five in 2017-2018, nine in 2016-2017 and seventeen in 2015-2016. Two complainants made three complaints.
- 6.2. 28 complainants (21%) were unhappy with their stage one response in 2019-2020, compared with:
- Twenty (19%) in 2018-2019
  - Seventeen (19%) complaints in 2017-2018,
  - Nineteen complainants (15.8%) in 2016-2017
  - Twenty complaints (12.5%) in 2015-2016.
- 6.3. The outcomes for the 28 complainants who were unhappy with their stage one response were as follows:
- Six complaints proceeded directly to a stage two investigation.

- Seven complainants were happy with a second response to their complaint.
- Seven stage two requests were put on hold until the completion of court proceedings and standard of care investigations. Three complaints resubmitted their requests for a stage two investigation.
- Eight complainants agreed to an Alternative Dispute Resolution (ADR) meeting. Six complainants were happy with the outcome of the ADR, two complainants wanted to proceed to a stage two investigation.

6.4. In addition, the Manager for Social Care Complaints advised three complainants to go to the LGCSO as a stage two investigation would not be able to provide the resolution they were seeking.

6.5. Two stage two investigations, started in 2018-2019, were carried over to 2019-2020. Two suspended stage two investigations were resubmitted in 2019-2020.

6.6. Four stage two investigations were concluded in 2019 -2020.

## 7. Stage Three Review Panels

7.1. Three complainants escalated their complaint to stage three of the complaints procedure, between 1 April 2019 and 31 March 2020. Medway Council convened one stage three panel in 2019-2020. Medway Council arranged two panels which had to be postponed due to COVID -19.

## 8. Local Government and Social Care Ombudsman

8.1. Seven complainants referred their complaints to the Local Government and Social Care Ombudsman (LGSCO) between 1 April 2019 and 31 March 2020, compared with:

- Four in 2018-2019
- Four in 2017-2018
- Five in 2016-2017
- Six in 2015-2016

8.2. In 2019-2020 the LGSCO concluded their investigations into eight complaints; one was carried over from 2018- 2019.

8.3. The following paragraphs detail the outcome of LGSCO investigations:

8.3.1. The Ombudsman did not investigate Mr A's complaint that the Council has failed to make a formal apology for its failings during its involvement with his family. This is because there is insufficient injustice to warrant the Ombudsman's involvement.

**Closed after initial enquiries – no further action**

8.3.2. The Ombudsman did not consider this complaint about the involvement of the Council's social services with the complainant's

children. The substantive decisions were made by a court and are out of jurisdiction. Additionally, the complaint about how the Council has dealt with the complainant was made late, and there were no good reasons to consider it now.

**Closed after initial enquiries – out of jurisdiction**

- 8.3.3. The Ombudsman could not investigate the father's complaint about contact with his son. This is because it relates to a court order and is therefore out of their jurisdiction.

**Closed after initial enquiries – out of jurisdiction.**

- 8.3.4. The Ombudsman did not investigate Mr X's complaint that the Council refused to replace the social workers allocated to his daughter's case and has refused to allow him to escalate his complaint. LGSCO could not provide the outcome Mr X wanted.

**Closed after initial enquiries - no further action**

- 8.3.5. The Ombudsman did not investigate Ms B's complaint about the Council's actions in placing her children under a child protection plan in 2016 or about its retention of information relating to this. This is because events from 2016 are too old to be investigated now and there is no evidence of fault by the Council in how it is holding information on its files.

**Closed after initial enquiries – no further action**

- 8.3.6. The Ombudsman did investigate Mrs X's complaint. This is because the complaint was late, and it was reasonable for Mrs X to appeal using the Independent Review Mechanism. Mrs X did not have permission to complain on behalf of the children previously in her foster care, and there was not enough evidence of fault in how the Council had calculated Mrs X's Special Guardianship Allowance.

**Closed after initial enquiries – out of jurisdiction.**

- 8.3.7. Miss X complained that the Council had not shown understanding of her son's significant health needs, which made him miss school and some medical appointments. The LGSCO did not investigate this complaint because the Council started care proceedings and they cannot consider issues being considered in court.

**Closed after initial enquiries – out of jurisdiction**

- 8.3.8. Mr X complained the Council held inaccurate information about him on file, and then shared that information with another council but would not share it with Mr X. The Ombudsman did not investigate this late complaint. This is because Mr X could reasonably have complained sooner, and in any event the Information Commissioner's Office is best placed to consider his complaint as it relates solely to the Council's information practices.

**Closed after initial enquiries – out of jurisdiction.**

- 8.3.9. The Ombudsman investigated a complaint from a Special Guardian. The Ombudsman found no evidence of any underpayment of Mrs X's Special Guardianship allowance. However there was fault found in the Council's refusal to carry out a Stage 2 investigation under the statutory children's procedure. This caused the complainant an injustice. The Ombudsman advised Medway Council to take the following actions, by 4 March 2020:
- a) Within one month, the Council will write to Mrs X and apologise for its decision to not follow the proper statutory process by arranging for a Stage 2 investigation to take place.
  - b) Within one month, the Council will ensure all officers involved in overseeing statutory children's complaints are aware of the need to continue to Stage 2 if that is the complainant's clearly stated aim.
  - c) Within two months, the Council will task a senior officer not previously involved to review all refusals to proceed to Stage 2 of the statutory complaints process in 2019. They should make sure each refusal complies with the statutory guidance and the Ombudsman's decision in this case. If any do not, the Council should take steps to reopen those complaint investigations if the complainant wishes it to.

In response, Medway Council wrote to the complainant to apologise for undertaking an independent audit instead of a stage two investigation, and employed an independent person to audit all the requests for a stage two investigation. The audit recommended that four complainants should be contacted and offered a stage two investigation.

- One complainant decided to wait for a stage two investigation.
- Another complainant was asked if he was happy with the amendment to the child and family assessment. He had received a copy of the amended assessment but felt an apology was not enough of a resolution to the complaint and he wanted some compensation for the stress he had suffered as a result of the mistake. He was offered and accepted £500 as compensation for stress caused by the mistake
- One complainant decided that an alternative dispute resolution meeting was the way forward for him.
- One complaint initiated private family proceedings.

In recognition of the recommendations made by the audit, the Customer Relations Team implemented an action plan to embed improvements in its processes, to prevent delays and to better triage complaints upon receipt to ensure that the relevant process is followed

## 9. Concerns

- 9.1. The complaints procedure does not apply when:

- the person wishing to complain does not meet the requirements of “who can complain” (as set out in 2.7 above) 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.

9.2. 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
- Standard of care investigations

9.3. Table of concerns outlining the issues that could not be taken as complaints and were logged as concerns.

<b>Issues of concern</b>	<b>Total</b>
Issues are over 12 months	2
Resolved in 24 hours	2
Referred to another local authority, mainly KCC	2
Referred to service for informal resolution	15
Pre- proceedings and Court proceedings	17
Person who do not have a right to make a complaint under the Children Act 1989 regulations.	28
Data Breach, referred to Information Governance Team	5
Staff conduct	9
Safeguarding concerns	10
Anonymous	5
Request for information about a relative which could not be shared	3
Young person did not want his parents to make a complaint on his behalf.	1
Referred to children’s services	5
Separated parents disputes about contact with their children	4
Referred to other services, health and CAFCASS	0
Father wanting information about parent and child in a refuge	1
Parent did not want to make a formal complaint	1
Subject Access Request	0
Complaint been through all three stages	1
Complaint dealt with previously	9
<b>Total</b>	<b>120</b>

## 10. Listening to children

### 10.1. Looked after children have told us that 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 2019-2020, an advocate from the YLF supported two looked after children and one care leaver to make a complaint.

10.3. The YLF has a team of experienced advocates based across Kent and Medway, supported by an advocacy officer and advocacy manager.

10.4. The 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.

10.5. The YLF launched their very own Advocacy Facebook and Twitter pages this year.

10.6. YLF now have a Separate Medway Advocacy coordinator who will be leading on the Medway advocacy referrals as well as taking on cases, linking with the Medway Council Child in Care Council to ensure that young people are being listened to.

10.7. The following table provides a summary of advocacy activity from 1 April 2018 and 31 March 2019:

New advocacy referrals	119
Advocacy cases concluded	55

10.8. The following table demonstrates which people made referrals to YLF:

Social workers	85
Independent Reviewing Officers	13
Young persons –self referral	12
Family member	7
Foster carer	2
Total	119

10.9. The following children accessed the Advocacy Service:

- 24% were care leavers
- 6% were looked after children,
- 58% were children on a child protection plan,
- 8% were children in need,

10.10. The highest percentage of referrals from Medway Council were for support to attend child protection conferences. However, this year there was a positive increase in the amount of referrals for young people already in care and care leavers. YLF worked alongside the Medway Council Leaving Care Team, ensuring that Medway care leavers are informed of their rights and entitlements.

10.11. The majority of referrals to YLF were for:

- support at child protection conferences
- support regarding changing placements
- support regarding housing and accommodation.
- support regarding education
- support regarding contact
- support with relationship with a social worker
- support to make a complaint

10.12. 81% of the young people's issues were resolved. Despite all the advocacy support, in 9% of cases the issues could not be resolved to the young person's satisfaction. 10% of young people withdrew from the advocacy support.

10.13. The following subsections provide some examples of how advocates have supported young people:

10.13.1 A young person wanted support to express her wishes and feelings at a child protection conference. As one of the younger siblings, there was a concern that her views would not be heard. Her advocate met her at school, talked to her on the phone and went with her to core group meetings and child protection conferences to ensure her voice was heard. The case was stepped down to Child in Need as the family, particularly mum, had worked hard to fulfil everything on the Child Protection Plan. The chair of the Child Protection Review was delighted that everything had gone so well. The family are now back on track and everyone is happy and safe.

10.13.2 A looked after child was concerned about the plan for her to move to another placement. The advocate began an email exchange with the social worker to investigate the reasons for the placement move. The social worker informed the advocate that the current placement was always going to be temporary until a permanent residential placement could be found. The advocate mediated between the young person and Children's Services to ensure that the young person felt her needs and views were being considered. To begin with, the young person was very



unsure about the move and wanted an explanation as to why the Local Authority had come to that decision. After the young person had visited the placement she gave this feedback “It looks quite good I feel quite good about moving. Happy. Not bad, I'm having a sleepover there today. I've met them before when I had a look around. If I move, I'll be closer to my mum”.

- 10.13.3 Feedback from a young person and the Independent Reviewing Officer. “Thank you for all the help in the past few months, if you hadn't been in the meetings with me I would have walked out. You made me feel more confident about talking at meetings.” The IRO said that considering this young person never wanted to attend her reviews it is brilliant that she, with the help of her advocate, felt able to self-advocate.

## 11. Complaints from Children and Young People

- 11.1. In 2019-2020 five young people made a complaint. Compared with eleven in 2018-2019 and twelve in 2017-2018. An advocate supported three looked after children to make a complaint. Their complaints and the outcomes are summarised as follows:
- 11.1.1 One young person complained that Medway Council had refused to pay for a deposit for a tenancy and refused to pay him a leaving care grant. This complaint was not upheld as he had never been in the care of Medway Council.
- 11.1.2 In advocate supported a looked after child, X, to complain that he moved from one college to another one and that the social worker had not made secured funding for his college fees, even though this college was named in his pathway plan. The response to his complaint explained that the social worker had applied for a bursary from the Department of Health. The college had not raised the issue of funding at the looked after child reviews. The Department of Education declined the application for a bursary as the college was registered as a charity and X did not have an EHCP. Medway Council made the decision that X's needs could be met via the Princes' Trust, work experience and further X's English and Maths through tuition at NACRO. This complaint went on to a stage two investigation.
- 11.1.3 An advocate supported a looked after young person to complain that Medway Council would not pay her transport costs to travel to a college of her choice, outside the Medway area, to study a national extended diploma in Health and Social Care, which if she passed would lead to her having the necessary qualifications to go onto University which she wishes to do. This complaint was resolved at an alternative resolution meeting when it was agreed that Medway Council would pay her travel costs. She was very pleased with the outcome.
- 11.1.4 An advocate supported a looked after child to complain that no one was listening to her, she wanted to be adopted by her foster carers and was

very anxious about the delays in the process. She wanted a definite timescale for her adoption. Unfortunately the adoption could not go ahead.

- 11.1.5 A care leaver made two complaints in quarter four. She complained that she did not receive appropriate help as a homeless 17-year-old, as Medway Council placed her in Bed and Breakfast accommodation and did not offer her any support after she turned 18. Medway Council apologised and agreed to deem her a former relevant young person, and provided her with rented accommodation. This complaint preceded to a stage two investigation. She made another complaint about the lack of support when the boiler broke down over a weekend. Medway Council did support her by contacting the Salvation Army, who provided extra blankets and food over the weekend.

## 12. Compliments

- 12.1. Medway 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.
- 12.2. The Social Care Complaints Manager received and logged seven compliments in 2019 -2020 about Children's Services, which are detailed below. 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.
- 12.2.1. An Independent Reviewing Officer shared how impressed she was with a social worker's report and the work she undertook with a family. She stated that it was particularly refreshing to see a skeleton plan included in the recommendations.
- 12.2.2. Foster carers emailed a manager to say, "*how delighted we are with the professionalism, hard work and dedication that we are receiving from the social worker. She is experienced, assiduous and does everything she states she will do. Which is brilliant for our foster children. Ever thanks.*"
- 12.2.3. A family complimented a social worker who they felt made a real impact on the family and the younger children got on so well with him.
- 12.2.4. A mother sent a card to the staff writing "*I just want to say thank you to everyone for the support and encouragement you have given me to keep pushing forward over the last year while having to go through probably the hardest situation I've ever gone through. You have all played a massive part in my babies' lives and mine this year. You have all been my light in the dark, helping me create some unforgettable happy memories in a time I did not think that was possible. The times I have spent here have been the highlights. Thank you for the support in overcoming contact difficulties and helping me keep them separate from the precious time with the kids. You have*

*helped me to achieve the most out of this time and I cannot thank you enough for everything you have done. I will never forget this. Thank you with all my heart”.*

This compliment shows that, when it is done well, family time (contact), for both children and parents alike, can have a significant positive impact. Children and families deserve the very best family time, and Medway Council has made significant improvements in this over the past year.

12.2.5. *A young person sent a thank you card to an occupational therapist saying “Thank you so much for helping adapt my bathroom. I am now more independent. Thank you so much.”*

12.2.6. A social worker received a number of compliments from IRO’s for her support, commitment and hard work for young people she works with. “She did this despite the difficult time she had when she experienced extreme harassment from a parent and her associates, and throughout all of that she has remained motivated and committed to the children she works with. I have been amazed at the way she has handled everything, and continuing to prioritise the children and put them first all the time”.

12.2.7. A social worker sent an email to a foster carer:  
*“Just a quick note to say thank you for the care you gave X whilst was in your care. You went above and beyond several times to ensure that X had regular contact with her mother and nothing I asked was ever too much for you. You made my job 10 times easier and I really appreciate it. Thanks for keeping a good record of her, her memory box, life story book and the chronology of her important events. I know X will be pleased that you kept a good memory of her early life”.*

### 13. Learning from complaints and compliments

13.1. The following lessons have been learned in relation to improving communication:

13.1.1. Medway Council has learnt the importance of good communication from answering emails and texts returning phone calls in a timely way.

13.1.2. Ensuring that important information is shared with foster carers when a child is initially placed with foster carers, for example if the child has any allergies and takes medication.

13.1.3. Managers to remind social workers that they should notify parents or children of any unforeseen need to cancel an appointment as early as possible and that they should always apologise for the inconvenience caused by cancelling an appointment.

13.1.4. Complaints have helped social workers to understand the importance of communicating with non-resident parents and ensuring that their views are included in the child and family assessment.

- 13.1.5. A mother of a looked after child complained that the social worker did not inform her that she was leaving Medway Council. Endings of relationships are as important as establishing good relationships with parents whose children are in our care. The mother also complained that no one told the name of the new social worker.
  - 13.1.6. The social worker should always explain why Children's Services are involved with their children and explain child in need services and child protection procedures.
- 13.2. The following lessons have been learned from inaccuracies in assessments and reports:
- 13.2.1. Social workers and managers ensure that all personal data in child and family assessment is correct. Whenever possible the social worker should share the assessment with parents and children to obtain their views, prior to the manager signing off the document. This would enable the social worker to correct the document before the team manager closes it down on Framework-i.
  - 13.2.2. As soon as the manager receives a complaint about incorrect data in an assessment, the manager must ensure that the social worker corrects the assessment and sends the corrected document to the complainant as soon as possible.
  - 13.2.3. Managers to check for inaccuracies and typing errors and spelling mistakes.
- 13.3. The following lessons have been learned relating to domestic abuse:
- 13.3.1. Medway Council to ensure that all social workers and their managers attend ongoing training on domestic abuse and are aware of all local services, such as the One Stop Shop. It would be helpful if, as part of their induction into working for Medway Council, staff visit this service. Social workers should see the victim of domestic abuse on her own or his own.
  - 13.3.2. Managers and social workers use supervision to reflect on issues relating to domestic abuse.
- 13.4. The following more general lessons have been learned:
- 13.4.1. Medway Council to provide training for social workers in various interviewing skills, especially listening skills.
  - 13.4.2. If two teams are involved with a child there should be a joint assessment of the child's needs. As a result of a stage two investigation the Adoption Team and the Disability -25 Team are undertaking joint assessments.

- 13.4.3. It is good practice to telephone or meet with the complainant to discuss their complaint. However, the stage one response to a complaint should always include relevant details of any meeting to discuss a complainant's complaint. This should include any actions taken by the manager to try to resolve the complaint.
- 13.5. 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 Adults Services, the Assistant Director, Children's Social Care 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 Assistant Director and the relevant Head of Service.
- 13.6. 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.

## 14. Management Reporting

- 14.1. 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
- 14.2. 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.
- 14.3. Quarterly reports are presented to the Children and Adults Directorate Management Team and to the 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.

- 14.4. Information on how to make a children's social care complaint on the Medway Council website was updated.
- 14.5. A children's leaflet was produced, explaining the various ways a young person can make a complaint. The Manager for Social Care Complaints ensures 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).
- 14.6. 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.
- 14.7. The Customer Relations Team send weekly reminders of all open complaints to Children Services' managers.

## 15. Risk management

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.

## 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 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.
- 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 accessible 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 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.

17.2. There are no financial implications arising directly from this report.

## 18. Recommendations

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

## Lead officer contact

Sandy Weaver, Manager for Social Care Complaints  
Tel: (01634) 331708      Email: [sandy.weaver@medway.gov.uk](mailto:sandy.weaver@medway.gov.uk)

## Appendices

None

## Background papers

None