

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

**30 SEPTEMBER 2021**

### **COMPLAINTS AND COMPLIMENTS ANNUAL REPORT 1 APRIL 2020 TO 31 MARCH 2021**

Report from: Lee-Anne Farach, Director of People – Children and Adult Services

Author: Sandy Weaver, Social Care Complaints Manager

#### Summary

The annual report provides information on children's services complaints handled during 2020–2021, 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 procedures for dealing with complaints relating to complaints from children, young people and others eligible to make a complaint.

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 and Social Care Ombudsman (LGSCO).

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 their own complaint.
- 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 in need
  - any local authority foster carer, including those caring for children placed through independent fostering agencies
  - young people 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, birth parents and former guardians
- other persons 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.

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. 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 complaint 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 People, who then writes to the complainant setting out the panel's findings.

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.

#### The role of the Local Government and Social Care Ombudsman

3.4 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.

3.5 The LGSCO's recommendations aim to put complainants back into the position the complainant was in before the maladministration or injustice occurred.

#### 4. Advice and analysis

##### Analysis of Complaints: 1 April 2020 to 31 March 2021

4.1.

<b>Stage 1, 2 and 3 complaints for 1 April 2020 to 31 March 2021</b>	<b>No.</b>
Brought forward from 31/03/20	<b>6</b>
Complaints received	<b>58</b>
Complaints closed	<b>58</b>
Complaints withdrawn	<b>4</b>
Open complaints still awaiting response as at 31/03/21	<b>2</b>
Complaints dealt with within 10 days	<b>29</b>
Complaints dealt with within 20 days	<b>53</b>
Total number of stage one complaints handled in 20-21	<b>64</b>
Stage two investigations completed in 2020-2021	<b>8</b>
Ongoing stage two investigations	<b>4</b>
Stage 3 Panel	<b>1</b>

Monthly breakdown of stage one complaints received from 1 April 2019 to 31 March 2020

4.2.

	APR	MAY	JUN	Q.1	JUL Y	AU G	SEP	Q.2	OCT	NOV	DEC	Q.3	JAN	FEB	MA R	Q4	TOTAL
Complaints carried over from previous quarter	6				1				11				1				
Complaints received	7	7	5	<b>19</b>	9	8	5	<b>22</b>	4	3	3	<b>10</b>	0	2	<b>5</b>	<b>7</b>	<b>58</b>
Complaints responded to	8	7	8	<b>23</b>	2	11	8	<b>21</b>	4	1	4	<b>9</b>	1	0	<b>4</b>	<b>5</b>	<b>58</b>
Total number of complaints withdrawn	0	0	1	<b>1</b>	0	0	1	<b>1</b>	0	1	0	<b>1</b>	1	0	<b>0</b>	<b>1</b>	<b>4</b>
Total complaints responded to within 10 days	1	5	5	<b>11</b>	2	6	3	<b>11</b>	2	0	3	<b>5</b>	0	0	<b>2</b>	<b>2</b>	<b>29</b>
% of complaints responded to in 10 days	21.5%	72%	63%	<b>48%</b>	100%	55%	36%	<b>52%</b>	<b>50%</b>	<b>0%</b>	<b>75%</b>	<b>56%</b>	0%	0	<b>50%</b>	<b>40%</b>	<b>50%</b>
Total number of complaints responded to in 20 days	4	7	8	<b>19</b>	2	11	8	<b>21</b>	4	<b>0</b>	<b>4</b>	<b>8</b>	1	0	<b>4</b>	<b>5</b>	<b>53</b>
% of complaints responded to in 20 days	50%	100%	100%	<b>83%</b>	100%	100%	100%	<b>100%</b>	<b>100%</b>	<b>0%</b>	<b>100</b>	<b>89%</b>	100%	0%	100%	<b>100%</b>	<b>91%</b>
% of complaints acknowledged within 3 days	100%	100%	100%	<b>100%</b>	100%	100%	100%	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>	100%	100%	<b>100%</b>	<b>100%</b>	<b>100%</b>
Total number of complaints carried over to next quarter				<b>1</b>				<b>1</b>				<b>1</b>				<b>2</b>	

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

Year	Volume of complaints
2016-2017	120
2017-2018	92
2018-2019	114
2019-2020	133
2020-2021	58

- 4.4. The total number of complaints handled in 2020-2021 was 64; there were 58 new complaints and 6 complaints carried forward from 2019--20.

- 4.5. The following table shows the number of stage one complaints received in 2020-2021, by service

Service Area	Total
First Response Team	17
CIC Team 1	0
CIC Team 2	2
CIC Team 3	1
CIC Team 4	1
CSW Team 1,2,3,4	8
CSW Team 5,6,7,8	8
Adoption/ Special Guardians	3
Fostering	1
Leaving care team	5
Disability Team 0-25 years	7
Adolescent Team	1
IRO	4
Edge of Care	1
Early Help	1
<b>Total</b>	<b>60*</b>

**\*This number is greater than the 58 complaints received as two complaints involved two teams.**

- 4.6. Complaints involving the First Response Team decreased from 52 in 2019-2020, to seventeen in 2020-2021.
- 4.7. Complaints involving the 0-25 Disability Team increased from four in 2019-2020 to seven in 2020-2021.
- 4.8. The number of complaints involving the long-term teams decreased from 54 in 2019-2020 to twenty-two in 2020-2021.

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

- 43 complaints were sent to the Manager for Social Care Complaints by e-mail
- 6 complainants e-mailed their complaint and followed this up with a letter
- 5 complainants phoned the Manager for Social Care Complaints
- 3 complainants posted a letter to the Manager for Social Care Complaints
- 1 complaint was sent via Jadu

4.10. The following table shows how many complaints have been received from each ethnicity group during 2020-2021:

White/British	49
White Irish	1
White/Any Other White Background	0
Asian/British Indian	0
Mixed/White and Asian	0
Black/African	5
Black/ Black British/Caribbean	1
Black/ Any Other Background	0
Mixed/any other mixed background	0
Other ethnic group	2
<b>Total</b>	<b>58</b>

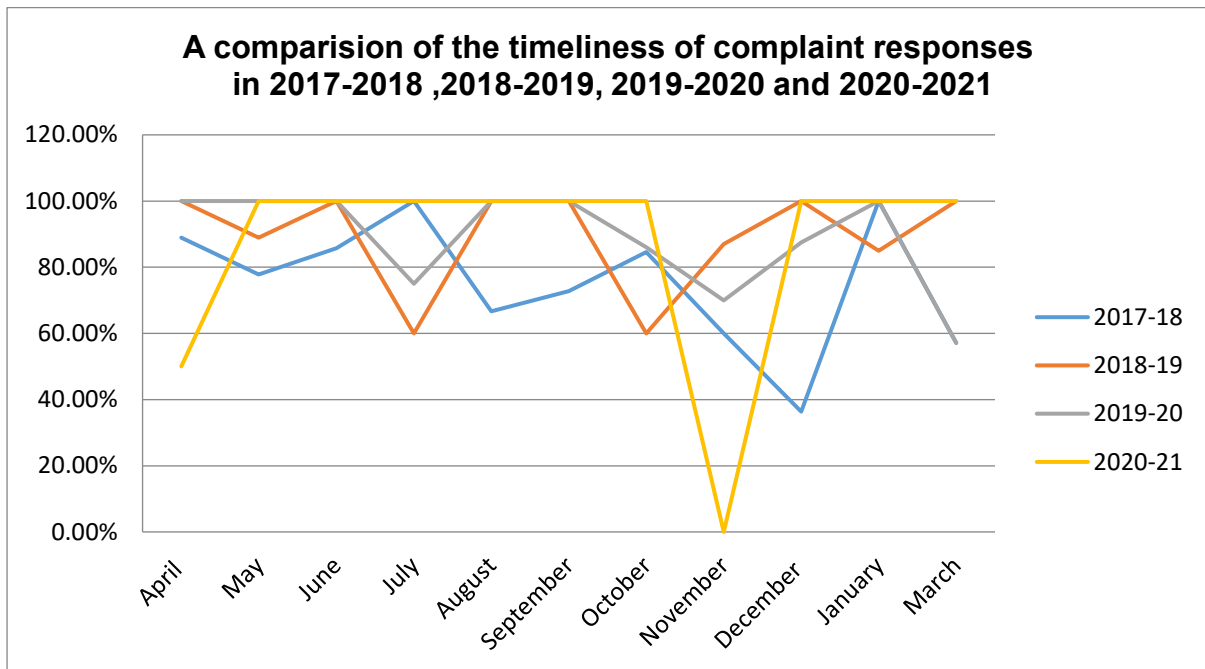
### Responses to Stage One Complaints

4.11. 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.

4.12. The following table shows the time taken to answer stage one complaints in 2020-2021:

Number of days	Within 10	11-20	21-25	26-65	Total
Stage 1	29	24	1	4	58
Percentage	50%	41%	2%	7%	100%

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



4.14. One response was sent out in November 2020 and was unfortunately out of time.

4.15. 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.

	2016-17	2017-18	2018-19	2019-20	2020-21
Number of complaints answered in 20 working days	90	68	88	116	53
Percentage of complaints answered within 20 working days	68%	76%	85%	91%	91%



#### 4.16. Outcomes of stage one complaints responded to in 2020-2021

Complaint type	Not upheld	Partially Upheld	Upheld	Total
Behaviour/attitude of staff	8	2	6	16
Lack of support	10	1	5	16
Lack of communication	5	0	8	13
Disagreeing with an assessment/ section 7 reports	6	2	0	8
Delays in providing a service/placement	5	2	0	7
Disagreeing with a decision	5	0	0	5
Request to change of social worker/IRO	1	0	4	5
Contact arrangements	3	0	1	4
Data Protection Breach	2	1	1	4
Changes in social worker	1	1	2	4
Foster Carer / Special Guardian allowances	1	1	0	2
Parent not invited to meetings	1	0	0	1
Incorrect information in an assessment/ Section 7 report	1	0	0	1
<b>Total</b>	<b>49</b>	<b>10</b>	<b>27</b>	<b>86*</b>

**\* This number is greater than the 58 complaints responded to 2020-2021 as one complaint can cover several different issues.**

4.16.1. 27 (31%) of the issues complained about at stage one were upheld, compared with:

- 52 (32%) in 2019-2020,
- 41 (30%) in 2018-2019,
- 36 (30%) in 2017-2019,
- 58 (30%) in 2016-2017.

4.16.2. 10 (12%) of the issues complained about at stage one were partially upheld, compared with:

- 20 (12%) in 2019-2020,
- 13 (9%) issues in 2018-2019,
- 5 (4%) in 2017-2018,
- 20 (10%) in 2016-2017.

4.16.3. 6 complaints about the attitude and behaviour of social workers were upheld at stage one, compared with:

- 13 in 2019-2020,
- 7 in 2018-2019, 6 in 2017-19,
- 8 in 2016-2017

4.16.4. 8 complaints about a lack of communication were upheld in 2020-2021, compared with:

- 11 in 2019-2020,
- 7 in 2018-2019,
- 5 in 2017-2018,
- 13 in 2016-2017
- 18 in 2015-2016.

4.16.5. Two complainants made more than one complaint in 2020-2021 compared with six 2019-2020, six in 2018-19, five in 2017-2018 and nine in 2016-2017

### **Stage two investigations**

4.17. Seventeen complainants (29%) were unhappy with their stage one response compared with:

- Twenty-eight (21%) in 2019-2020,
- Twenty (19%) in 2018-2019,
- Seventeen (19%) complaints in 2017-2018,
- Nineteen complainants (15.8%) in 2016-2017

4.18. The outcomes for the seventeen complainants who were unhappy with their stage one response were as follows:

- Two complaints requested a stage two investigation, which were commenced in 2020-2021.
- Four complainants requested and received a further response to their complaint. One complaint went to the Local Government and Social Care Ombudsman.
- Six complaints were resolved following an Alternative Dispute Resolution meeting.
- Four complaints were suspended until the completion of court proceedings and standard of care reviews.
- The Manager for Social Care Complaints advised one complainant to go to the LGCSO as a stage two investigation would not be able to provide the resolution they were seeking.

- 4.19. Seven stage two investigations were carried over to 2020-2021. Four of these were suspended stage two investigations which were resubmitted in 2020-2021.
- 4.20. Eight stage two investigations were concluded in 2020-2021.

### **Stage Three Review Panels**

- 4.21. Medway Council convened one stage three panel in 2020-2021. Two panels were carried over to 2021-2022 due to COVID -19.

### **Local Government and Social Care Ombudsman**

- 4.22. Nine complainants referred their complaints to the Local Government and Social Care Ombudsman (LGSCO) between 1 April 2020 and 31 March 2021, compared with:
- Seven in 2019-2021
  - Four in 2018-2019
  - Four in 2017-2018
  - Five in 2016-2017
- 4.23. In 2020-2021 the LGSCO concluded their investigations into eight complaints after initial enquiries.
- Two were closed after initial enquiries **-out of jurisdiction**
  - Two complaints were closed as matters complained about were being dealt with in private court proceedings - **no further action**
  - One complaint was premature and referred to Medway Council to continue with the complaint procedure.
  - Two complaints were carried over to 2021-2022
  - One complaint was investigated and concluded in 2020-2021. A mother complained directly to the LGSCO that she and her 17year old son were homeless and living in a tent during the COVID-19 pandemic.
- 4.24. The LGSCO found Medway Council at fault in dealing with a homeless family. It failed to act in line with the Housing Act 1996, the Homelessness Code of Guidance, the Children Act 1989 or with government guidance during COVID-19. This caused a woman and her 17-year-old son to become homeless and to have to sleep in a tent for almost two months. The Council needs to apologise, make payments, issue written decisions and provide staff training. These above failings led to Ms E and Mr F becoming homeless and sleeping rough during the COVID-19 pandemic. They slept in a tent for almost two months. This caused them avoidable hardship and distress.

4.25. The LGSCO asked Medway Council to remedy the injustice caused by:

- Apologising to Ms E and her son Mr F;
- deciding whether Ms E is owed the full housing duty and issue a written decision on her homelessness application;
- deciding whether Mr F is owed any duty or service under the Children Act 1989 and provide that service. If the Council decides Mr F is not owed any duty under the Children Act 1989, it should go on to consider if it owes Mr F any duty under the Housing Act 1996;
- paying Ms E and Mr F £1,500 each to reflect the avoidable distress and hardship caused by being homeless and sleeping in a tent for almost two months; and
- paying Ms E an additional £200 to reflect the avoidable inconvenience and time and trouble of not being listened to when reporting street homelessness on several occasions.

4.26. The LGSCO also stated that Medway Council should provide refresher training, within three months, for staff in the housing allocations and housing options teams to ensure officers are competent to identify information from potential applicants which triggers the duties in sections 184, 188 and 189 of the Housing Act 1996. The LGSCO were satisfied that Medway Council had actioned all their recommendations.

### **Concerns**

4.27. 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.

4.28. 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

4.29. Where an issue cannot be accepted under the statutory complaints procedure, it is investigated as a Medway Council Social Care Concern.

#### 4.30. Table of concerns

<b>Issues of concern</b>	<b>Total</b>
Referred to service for resolution	20
Persons who do not have a right to make a complaint under the Children Act 1989 regulations.	17
Court proceedings	16
Separated parents' disputes about contact and residency with their children	10
Disputes about outcome of child and family assessment	10
Data Breach, referred to Information Governance Team	9
Safeguarding concerns	8
Staff conduct	7
Issues complained about not related to the child	7
Referred to other services such as housing and SEN	5
Complaints about decisions made by Fostering Panel	3
Subject Access Request	3
Complaining a case was closed	3
Resolved in 24 hours	2
Referred to KCC	2
Requesting information and advice	2
Repeat complaint	2
Anonymous	1
Complaint about a LADO referral	1
Complaint about child being on child protection plan	1
<b>Total</b>	<b>129</b>

#### **Listening to children**

4.31. 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

4.32. 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 2020-2021, an advocate from the YLF supported one looked after child to make a complaint.

- 4.33. The YLF has a team of experienced advocates based across Kent and Medway, supported by an advocacy officer and advocacy manager.
- 4.34. YLF try to ensure that all young people can understand the information they provide by using a variety of resources including interpreters, pictorial resources, sign language and other forms of communication methods. Young people can contact YLF via social media, their website, via the telephone or email. They accept referrals on behalf of a young person from any professional or family member. YLF always try to meet young people in a place that is most comfortable for them. They have a free telephone line for young people to access the service directly and use Language Line Interpreting Service for young people whose first language is not English.
- 4.35. YLF are now working with the joint housing assessment teams providing independent advocacy and advice to young people presenting as homeless and providing them with the information needed to make their own informed decisions and choices.
- 4.36. Summary of Advocacy Activity between 1 April 2020 and 31 March 2021

New advocacy referrals	80
Carried over from 2019-2020	40
Advocacy cases concluded	83

- 4.37. The following people/teams made referrals to YLF:

Social workers	45
Young persons –self referral	16
Family Group Conference	7
Independent Reviewing Officers	6
Joint Housing Assessment	3
Family member	2
Foster carer	1
<b>Total</b>	<b>80</b>

- 4.38. The following children accessed the Advocacy Service:

- 35% were on a child protection plan
- 27% were looked after children
- 16% were children in need
- 15% were care leavers
- 7% were attending a family group conference.

4.39. The referrals to YLF were:

- 24 wanted support at child protection conferences
- 17 wanted support regarding their placements
- 16 wanted support at meetings
- 7 wanted supported attending a family group conference
- 4 wanted support with their relationship with the social worker
- 4 wanted support regarding contact
- 3 wanted support regarding housing and accommodation.
- 2 wanted support regarding education
- 2 wanted support regarding immigration
- 1 wanted support with their relationship with their personal advisor

4.40. The YLF closed 83 advocacy cases in 2020-2021

- 78% were closed as all the young person's issues were resolved,
- 18% of the young people did not engage with the advocacy service
- 4% of the young people lost contact.

4.41. An advocate supported one looked after child to make a complaint.

4.42. Feedback about the advocacy service

- Social worker stated “ *I am very happy I referred my young person for an advocate, I feel the advocate has helped with communication between us and I genuinely feel our relationship has improved because of it. The young person is engaging with me so much better, thank you.*”
- A young person said “*She is listening to me way better. Thank you for helping with that. She isn't that bad and I feel if I talk to her about what I want she will take me more seriously.*”
- A young person said “*I wasn't sure what an advocate was at first but when you explained it made sense. My social worker had told me before, but I still wasn't sure. I am so glad you helped me, and I am much happier where I am now – thank you.*”

### **Complaints from children and young people**

4.43. Five young people made a complaint in 2020-2021 compared with

- five in 2019-2020,
- eleven in 2018-2019
- twelve in 2017-2018.

4.44. Their complaints and the outcomes are summarised as follows:

- i. A seventeen-year-old asylum seeker was living with his brother in shared accommodation. He asked to be placed in foster care. He complained about the length of time it took to find a foster carer. He rejected two placements and

accepted the third one, which was out of Medway. This complaint was not upheld.

- ii. A looked after child complained that the social worker did not return her phone calls and that her psychological assessment was delayed. The complaint was not upheld. The assessment was postponed because the young person was going on holiday and there was evidence that the social worker had been in frequent contact with her.
- iii. A looked after child made a complaint about the delays and lack of support when her placement ended. Her transition to the next placement was abrupt, with little time to prepare for the move and adjust to the change. Unfortunately, she had to move for her own safety, and it took a while to find the right placement. The respite carers identified at the time proved to be the “wrong” carers for her and she had to move again. This caused her extra distress. She received an apology for the distress caused by the delays in finding a suitable placement.

She felt that her social worker supported her emotionally through this difficult period, even though she was not offered practical help such as getting schoolwork to do at home.

This complaint highlights how difficult unplanned moves to another placement are for a child or young person. This young person valued the social worker’s emotional support.

Finding suitable placements has been difficult due to the pandemic but delays can cause a great deal of distress and social workers need to consider how they can support the young person emotionally.

- iv. An Advocate from YLF supported a young person to make a complaint about the delay in finding her a foster placement when she was discharged from hospital. Unfortunately, it was difficult to find specialist placements due to the pandemic. The team worked hard to find her an appropriate placement.
  - v. A looked after child, K, made a complaint about the two cancellations of her goodbye contact with her brothers. One was cancelled because the foster carer had COVID, and her brothers had to self-isolate. The Independent Fostering Agency contacted her brother’s social worker and K’s social worker’s manager. The Manager was not aware that this was a goodbye contact so did not arrange for another contact until the social worker returned from leave. The other was cancelled because of snow. K was very upset that she had not had this time with her brothers as she has a very strong bond with her three brothers.
- 4.45. These complaints highlight the importance of good communication with young people when they are moving to another placement and explain any delays. Another lesson learnt is the importance of sensitively arranging a goodbye visit between siblings and to provide the young person with emotional support in coping with the loss younger siblings who are placed for adoption.



## **Learning from complaints**

### 4.46. Communication

- Medway Council has learnt the importance of good communication from answering emails and texts returning phone calls in a timely way.
- Ensuring that important information is shared with foster carers when the child is initially placed with the foster carers, for example if the child has any allergies and takes medication.
- 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.
- 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 and that they are informed about any significant events in their child's life, such as an incident of domestic abuse.
- 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.
- Child and family assessments should be translated for parents and children where English is not their first language.
- The adoption process for assessments as adoptive parents should be clearly explained to prospective adopters.
- There were extra difficulties in 20-21 in sourcing appropriate placements for looked after children and respite care for disabled children. These complaints highlighted the importance of good communication and explaining the delay in finding placements.
- Complaints have highlighted the importance of providing information about connected carers' allowances and special guardian's allowances.
- A foster carer's complaint highlighted the importance of honest communication about any issues that were not going well in terms of their care of the looked after children.

#### 4.47. Assessments and reports

- 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 Mosaic. 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.
- Parents have complained about the language used in assessments and reports. Words can have different meanings, one mother complained that the allegation against her was recorded as unsubstantiated, she wanted it recorded as unfounded. The language used in assessments should be unambiguous. The concerns should be balanced by the families' strengths. Social workers are undertaking training in Signs of Safety which emphasises the strengths in a family and hopefully results in families feeling they are part of the process to keep their children safe rather than feeling judged.
- They also reinforce the importance of respectful relationships with parents, where they are involved in the process of keeping their children safe.

#### 4.48. Special Guardians

- A special guardian complained about the lack of communication and support during the public proceedings and felt that there is no training for special guardians.

4.49. The Manager for Social Care Complaints reports on lessons learnt from complaints and compliments in the quarterly reports to the Director of People-Adult and Children's 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.

4.50. The letter from Ofsted following the focused visit on 25 and 26 May 2021 stated "Social workers have been well supported during the pandemic. They have had access to managers to discuss casework, as well as regular check-ins to discuss their own welfare. Staff have had access to a variety of virtual training opportunities to promote their knowledge of the newly implemented social work approach. They have also been supported to stay safe through the provision of guidance, team and individual support, and the provision of personal protective equipment."

## Learning from compliments

- 4.51. 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.
- 4.52. The Social Care Complaints Manager received and logged twenty-two compliments about Children's Services in 2020-2021, compared with seven compliments in 2019 -2020.
- 4.53. 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.
- 4.54. Compliments about staff
- i. A solicitor complimented a **social worker** for her understanding of the case. She thought creatively about the solutions that could be put in place to encourage and support a mother, with learning difficulties and anxieties, to take the opportunity of a mother and baby placement. Her focus was the child's interests and what safeguards needed to be put in place. Both parents have traditionally not engaged with the Local Authority or taken the opportunities offered. It is notable that the mother chooses to contact this social worker directly and express her worries and concerns. It is that relationship, in part, which makes working with this family a possibility.
  - ii. A mother thanked the **social worker** for sending her the children's files. She said: *"This means so much to know who I am and where I have come from. I can finally get the truth about my life and my eldest son has even managed to start his family tree"*
  - iii. A professional emailed to thank a **social worker** for understanding her concerns about the family. *"She completely took on board everything I had to share and respected my judgements and opinions, whilst ensuring she formed her own assessment of the family. She worked incredibly hard to engage with Mum, which was not always easy due to her distrust and dislike of social services. She managed to engage mother and kept her engaged. She also ensured that the father was fully involved in the process. Most importantly, she ensured that the children were the focus of everything, which with this family can be difficult as both parents have their own needs."*
  - iv. A father emailed to **compliment a manager**: *"I have never experienced from Medway social services such a professional, kind and compassionate service. I really feel that this lady is a credit to your organisation. This is the first professional that I have ever spoken to that has been so sincere and understanding when explaining with me all the things that have made me confused and quite anxious. She has really made my day so much better not so much, she took her time and listened to everything I had to say and responded in depth to everything even after 5pm when I would expect her to*

*have finished work. I wish that all professionals from social services would treat people with the respect and compassion as she has done today.”*

- v. An education professional emailed a **manager and social worker** *“I would like to thank you and P for the way in which you have managed the recent missing episode involving X. I think the strategy meeting being organised so efficiently was very reassuring and productive. This was an excellent example of multi-agency working.”*
- vi. A mother emailed **an occupational therapist**: *“I just want to say a big thank you for all the help and support as always, I really appreciate it. This will be very helpful for X’s development, personal hygiene and general wellbeing, I am grateful and will keep you update when is done.”*
- vii. A mother complimented the **Group Manager** in the way she solved her complaint. She was upset about the language used in the child and family assessment to describe her parenting and found this to be misleading and lacking in evidence to back this up. The social worker had incorrectly put father not stepfather, the analysis was not balanced and quite judgemental. The Manager agreed and apologised. The manager explained that Medway Council have begun to roll out Signs of Safety (SofS) training and therefore social workers in future will frame assessments differently. Ms L was particularly happy with this as she also is SofS trained.
- viii. A **YOT worker** emailed to say *“My sincere thanks to all professionals who have been involved in this case management over the last few months. I must especially thank and acknowledge the ongoing and valuable support I have received from Y’s **social worker**.”*
- ix. A father emailed the **early help worker** *“thanks for all your help with my son. I know we did not see things the same and had some heated debates. I just wanted to let you know I did appreciate your help and support.”*
- x. A care leaver emailed her **PA** *“Just wanted to say a massive thank you for taking me shopping, was actually a lovely trip we had a right laugh! Made me smile. And could someone say thank you to the poor finance lady for trying her best to sort my white goods out. Once again thank you.”*
- xi. A solicitor emailed a **manager and social worker** to thank them for their assistance in court. The solicitor acknowledged the social worker’s good work with the parents. The Judge, the child’s solicitor and the Guardian all complimented the social worker for his work with the parents.
- xii. A school representative emailed a compliment about a **manager** who had chaired a Child in Need meeting. She stated that it was a particularly tricky Child in Need meeting. The school representative wanted to highlight that, from her perspective, the manager’s professionalism and child centred practice ensured that the meeting progressed effectively despite the parental tensions and with the outcome for the child at the centre, throughout the meeting. This then enabled an effective forum for her to input the school's

contribution and for this she was very grateful. She stated that this was the most professional and effective meeting she has ever attended.

- xiii. An Independent Reviewing Officer complimented a **social worker** who “is a thorough, conscientious worker, she replies to emails, is adaptable, changed a meeting to attend the first Looked After Child review today to allow other professionals to attend. She shows much care and empathy to the young person Z. When Z was told that she was transferring to the 16+ team, Z was clearly disappointed. Z spoke very fondly of Z, did not want her to stop being her social worker. This is a credit to the hard work and good relationship the social worker built up with Z in a few weeks.
- xiv. An independent reviewing officer provided the following feedback about a **social worker and her manager**: *“The social worker, D, shines out as heads above even other excellent social workers for her practice standards; she works incredibly hard on all her cases, and this is evident in her practice and written work. Specifically, in relation to child B, she went the extra mile over and over and was tenacious in getting the police to take B’s missing episode seriously, which has paid off. The social worker’s report for B’s forthcoming Secure Accommodation Review (SAR) was one of the best I have seen. The work undertaken by the manager and the social worker was excellent and resulted in a good SAR review. The manager is a very good manager who works incredibly hard. The learning and good practice from this can be shared and sets the high practice standard for Medway’s SAR’s.”*
- xv. A Deputy Headteacher emailed to “say how impressed and pleased we have been with the **social worker’s** work with R. Your efficiency, organisation and support has been much appreciated.”
- xvi. A teacher emailed the **social worker** stating that the school was seeing a real change in H and that she is much more mature. H told the schoolteacher that she really wants to do well in school.
- xvii. A schoolteacher texted the **social worker** “You’ve honestly changed my whole perception on social services and what they do. I think you are going to be great at this job. We need more people like you in this profession.”
- xviii. A police officer thanked a **social worker** for assisting the police in working with a vulnerable child.
- xix. The LADO emailed the manager for a **referral information officer** to say how helpful the RIO assisting her to contact the relevant manager for an urgent LADO query. As well as trying to get through to the right person when the phones kept diverting to her, she also then looked up the contact details for the right person and sent them through to me by email.
- xx. Foster carers complimented a **student social worker**: *“Although we have not had B as our lad’s social worker very long, we have found her to be very helpful and friendly. She made our lad feel at ease and helped him understand how his independence can work in the future. She had been very*

*focused in helping our young placement by sorting out his college bursary when we were getting nowhere, got permission for him to have a provisional licence and spoke to his brother's social worker to solve problems with passports."*

- xxi. *The manager of an independent fostering agency emailed: "I would like to pass on my gratitude to both the professionalism and already noticeable commitment from the **social worker** towards W. It is great to have an allocated social worker who is already showing that she is listening to the voice of the young person and is liaising with the family. I hope the already positive professional working relationship that has been established will continue to develop and provide positive outcomes for W."*
- xxii. *Interim Head of Post-16 Partnerships emailed the manager: "I just wanted to say how fantastic K, **social worker**, is. She is working a complex and evolving case with one of our young people, T, at the R Partnership and her approach has been fantastic. She is always calm and has built a positive relationship with T. She has built good relationships with our staff; she has lots of creative solutions and the support being put in has been amazing. As I said it is an evolving situation with new challenges arising but she is always willing to listen, discuss and find varied options."*
- xxiii. *A Medway Council solicitor passed on this compliment "The Guardian said that she has been very impressed by the **social worker** and feels that the social worker has "gone beyond" in this case, particularly with undertaking direct work with Mother."*
- xxiv. *An IRO commended a **social worker's** work with a looked after child, Z, undertaken. "The power of a significant relationship for a young person cannot be underestimated. Your hard work and commitment are evident. You have made all your visits purposeful. You have made and supported referrals to appropriate agencies such as CAMHS, Family Matters and the Young Lives Foundation. You have swiftly generated dates for Z's PEP and health assessment. I was especially impressed with your report for Z's Initial Child in Care Review and your professionalism during the review."*
- xxv. *A Manager from an Independent Fostering agency wrote: "**A personal advisor**, X, undertook a placement planning meeting for a young person was recently placed with us in our provision. X conducted the meeting professionally and demonstrated being prepared and had a very comprehensive understanding of the young person and her background. There was clear evidence of positive multi-agency working to keep the young person safe and current work planned for the young person. X has a good relationship with this young person, her compassion, commitment and clear hard work she put into trying to support this young person's social worker to keep her safe. X demonstrated skills in managing the young person's anxiousness around the move, but also showed resilience to the young person's volatility when her anxiousness led to aggression when she felt unsure. X managed this well and gave a lot of time to the young person to help her with this transition"*

- xxvi. A teacher complimented a **social worker** *"It has been an absolute pleasure working with you. You have worked extremely hard with the family, and I hope they realise how much care and support you have given. I know the boys will, even if not now, but they will as they get older. Thank you for helping and being there at the end of the phone or email when we have needed support as a school. You really are a fantastic social worker"!*
- xxvii. A Senior Welfare Officer complimented a **social worker** *"I would like to take this opportunity to extend my gratitude to N, a member of the social work team. N has worked with our safeguarding/Pastoral Team for several months and has supported several families. N has great interpersonal skill, approachable, dedicated and supportive. She stands out because of the effortless merging and balance of her professionalism and caring nature. The COVID – pandemic has been a challenging and concerning time for families however N has risen above this hurdle and continued with her support. N presents in a calm and professional manner when holding virtual meetings, she has offered advice and guidance to parents that are currently on CP/CIN Plans. I look forward to continuing working with N."*
- xxviii. A father emailed a **social worker** *"I have been meaning to email you for a while now, and on your leaving day it seems like the perfect time to thank you for everything you have done for Y since May last year. Last year wasn't an easy year for anyone for obvious reasons, and unbeknown to me, Y was going through a really bad time, thankfully when Social Services had to get involved, they gave us you! Unfortunately, I have already been through this process before and the process never filled me with much confidence, I couldn't have been more wrong this time around, you have been amazing! I can say whole heartedly, you have changed Y's life for the better, I have absolutely no doubt in that. I have not envied you throughout this whole process, dealing with constant calls from Y's mum and myself. You have easily been manipulated, but you have stood firm and maintained consistency ensuring the children's needs and wellbeing are put first. I do not think Y would be where he is now without you. I will be forever grateful for that, even the school said Y is like a new boy and its visible to see that weight has been lifted off his shoulders! The team that you are leaving should be aware of what a fantastic asset they are losing, and your new team are very lucky to have you joining their them. I wish you continued success in your new role, albeit I wish we wasn't losing you as HYS Social Worker 😊 Good luck and thank you again."*
- xxix. A Judge said that a section 7 report the **social worker's report** was good, reflected the children's needs and that children services have worked well with the family.
- xxx. A mother and grandmother thanked a social worker *"Thank you for your hard work, you have changed how we feel about social workers"*. They were pleased with the Child and Family Assessment and the plan. The also

grandmother sent the social worker a text saying, “Hi R, thank you so much for all your support at such a difficult time!”

- xxxi. A IRO emailed to highlight the good practice and evident joint working between a **social worker and personal advisor**. *“We have just completed F’s final review. F’s post 18 plan was given serious consideration. He has an allocated adult social worker who he has met and has formed a good relationship with his personal advisor who has been involved for the last 3 LACR’s. F attended his review and despite saying he would only attend for 10 minutes he stayed for the entire meeting! A great achievement given he has never engaged with a review entirely previously. Both L and P have worked hard to bring this plan together. I am confident that F’s voice is being heard and that he is going to have a smooth transition to adult services as a result.”*
- xxxii. An Assistant Headteacher emailed the **Virtual Headteacher** for looked after children and the **practice support officer**: *“I hope you are well and have survived this very strange time that we are living and working through. The reason I am emailing is to praise the speed and efficiency of your staff, and G in particular. We had a query regarding the payment of LAC Pupil premium payments as my old, defunct email was being used to contact me and consequently we had not received the payments due. Within 2 hours I had a positive reply with the problem solved. I was very impressed with this and felt you would appreciate my sharing this with you”*

## 5. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
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	

## 6. Equalities Data

- 6.1. 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.

## 7. Financial implications

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

## 8. Legal implications

8.1. There are no specific legal implications arising from this report.

8.2. 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.

## 9. Recommendations

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

### Lead officer contact

Sandy Weaver, Social Care Complaints Manager, Customer Relations Team,  
Customer and Business Support (CABS)

Tel: (01634) 331708      Email: [sandy.weaver@medway.gov.uk](mailto:sandy.weaver@medway.gov.uk)

### Appendices

None

### Background papers

None