

# Children's Complaints Annual Report

2020- 2021

# **CHILDREN'S COMPLAINTS ANNUAL REPORT 2020- 2021**

## **Introduction**

The Complaints Annual Report 2020-21 provides an overview of complaint activity since April 2020. The Report relates to complaints made in relation to:

- Children's social care services in accordance with government regulations 2006
- complaints about children's social care services that have been managed under the corporate complaint procedure; and,
- offers the first annual report on Special Educational Need & Disability (SEND) Complaints Procedure following its introduction in late 2019

The Report provides an overview of the number of complaints received as well as the timeliness of response and resolution. Analysis is provided in relation to specific patterns and trends against previous years.

The Report also provides an overview of:

- The number of complaints received including those received by the Local Government Ombudsman and Information Commissioner's Office
- complaints made by children and young people and the reason for complaint
- complaints made by adults/carers and reasons for complaint
- learning from complaints
- complaint reporting and key actions for 2020/21

The report will be shared with relevant stakeholders including Children's Senior Leadership Team and elected members to provide a clear understanding of complaint activity. In line with statutory regulations, the report will be made available to the public via the Local Resources area of the Wirral Policy and Procedures Manual.

## **Background**

The Children Act 1989 Representations Procedure (England) Regulations 2006 and associated guidance "Getting the Best from Complaints" came into force on 1<sup>st</sup> September 2006 and underpins Wirral's Children's Services Complaints Procedure.

The Regulations provide a statutory framework for dealing with representations relating to statutory social services functions under Part 3 of the Children Act 1989; and certain functions under the Adoption Support Regulations 2005 and Special Guardianship Support Regulations 2005.

The Regulations stipulate who may make a complaint; this is generally the young person themselves or an adult with either parental responsibility or day to day care of the child. For any other person, the Department has the discretion to decide whether they 'qualify' to make a complaint.

For representations regarding functions outside of the Regulations, or for a person who does not qualify to make a statutory complaint, complaints will be dealt with under the Corporate Complaints Policy and Procedure.

The Regulations stipulate that an Annual Report is produced and shared with staff and appropriate Local Authority Committees. The report should also be made available to the Regulator and the public.

## **CHILDREN’S SOCIAL CARE COMPLAINTS**

### **Applying the Regulations – qualifying complaints**

In applying the regulations, the Customer Resolution and Information Team have ensured that only those complainants who ‘qualify’ under the Regulations and wishing to make a complaint regarding statutory services under Part 3 of the Children Act 1989 have been given access to the Children and Young People’s statutory Complaint Policy and Procedure.

	<b>2020/21</b>	<b>2019/20</b>	<b>2018/2019</b>
Complaints received which did not meet regulations	57	70	38
Representations receive which did not meet regulations	18	35	44

During the reporting period 57 complainants wanting to register a statutory complaint have been given information and advice as to why they do not qualify and, where relevant, have been signposted to other procedures/processes. They were also provided with contact details for the Local Government Ombudsman if they wanted to challenge the decision not to progress the complaint.

During the reporting period 18 representations were made which did not meet the criteria of the complaint regulations; these were acknowledged, registered as comments or feedback and forwarded to appropriate managers.

### **Resolved at First Contact**

Five complainants had their complaint resolved at first contact by the Customer Resolution and Information Team without the need to formally register a complaint. These cases were generally about difficulties in contacting workers or receiving the outcome of a decision; and the Customer Resolution and Information Team were able to facilitate a response within the same day.

### **Alternative Resolution**

No requests or agreement to alternative resolution were made during the reporting period [compared to 1 in 19/20 and 1 in 18/19].

### **Registered Complaints**

Throughout the 12-month reporting period the following complaints were registered:

Type of Complaint	2020/21	2019/20	2018/19
Stage 1 Complaints – Statutory & Corporate	101	230	244
Stage 2 complaints – Investigation (Stat & Corp)	10	10	5
Stage 3 complaint - Independent Review Panel	1	0	0

Overall, there has been a significant decrease in the number of complaints received by social care services compared to last year which appears to be because of the COVID pandemic and restrictions that have been in place, despite the Customer Resolution & Information Team having been available to throughout.

It is likely that the number of Stage 1 complaints have reduced because of a reduction in face-to-face service that has been able to be delivered during the restrictions. The number of Stage 2 complaints has remained stable providing assurance that serious or complex complaints requiring investigation have been able to be raised and responded to.

### **Local Government Ombudsman and Information Commissioner Office enquiries**

The Local Government Ombudsman undertook enquiries into 12 complaints [*compared to 16 in 19/20 and 12 in 18/19*]. One was withdrawn and one is ongoing, of the 10 that have concluded the outcome was as follows:

- 3 enquiries completed – not progressing (no action required)
- 3 enquiries completed – not progressing (outside of jurisdiction)
- 1 enquiry completed – not progressing (invalid complaint)
- 2 investigations completed – no fault found.
- 1 investigation completed – fault found, and remedy agreed.

No enquiries were received from the Information Commissioner’s Office. [*compared to 2 in 19/20 and 2 in 18/19*].

## Stage 1 complaints

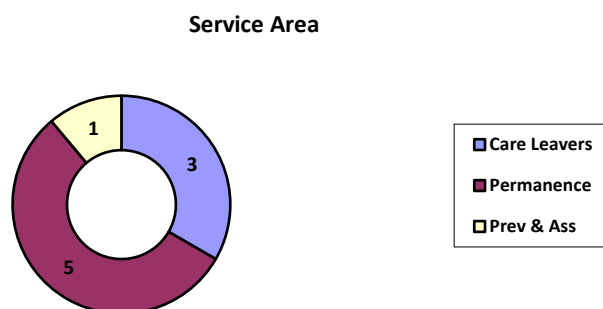
Of the 101 Stage 1 complaints registered 62 were dealt with under the statutory complaint procedure and 39 under the corporate complaint procedure.

### Statutory Complaints

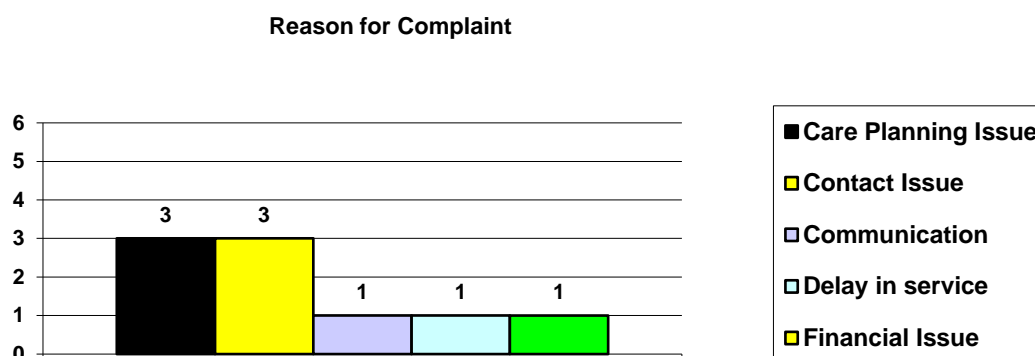
	2020/21	2019/20	2018/19
Complaints made by child/young person	9	21	31
Adult/parent/carer complaint	53	209	213

Of the 62 Stage 1 statutory complaint procedures 9 were made by a child/young person or Care Leaver and 53 complaints were made by an adult/parent/carer.

### Stage One statutory complaints made by a child or young person:



### Stage 1 stat complaints made by a child or young person



Stage 1 complaints made by the child/young person are handled by the Children's Complaints Officer with a focus on achieving resolution by working with the child/young person and the relevant manager.

Independent Advocacy Services are available to all children/young people who make a complaint via the Department's contracts with Barnardos.

100 % of complaints made by children/young people were resolved with the statutory timescale. (Compared to 100% in 19/20 and 90.3% in 18/19).

The number of complaints made by children/young people has decreased this reporting year although several measures have been put into place to ensure all children and young people who are looked after are aware of how to make a complaint. This has included:

- presence on the Right Side of Care website
- inclusion in Right Side of Care information pack
- attendance at team meetings and service forums to raise awareness of the complaint procedure with practitioners

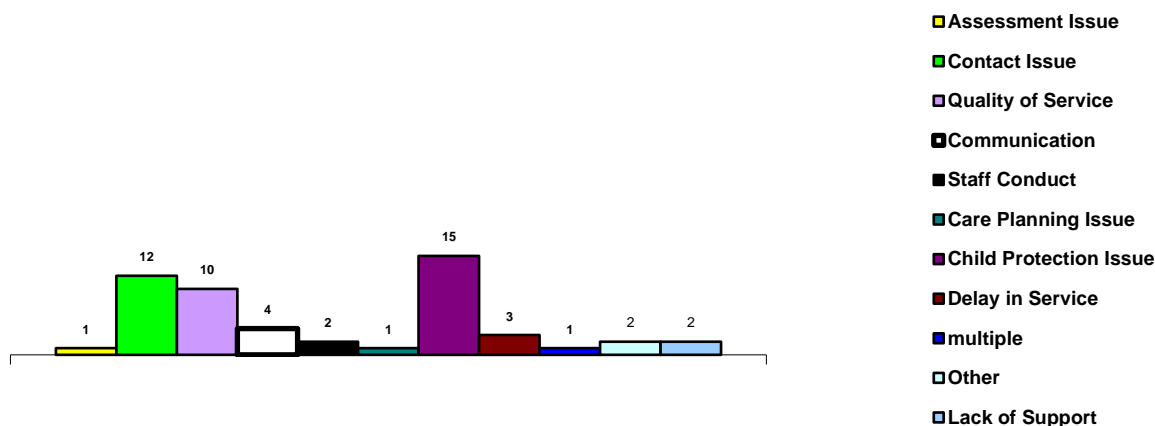
As services reopen following the lifting of COVID restrictions, including the Care Leavers Hub, the Children’s Complaint Officer will allocate focussed time to reach out to as many services and groups as possible.

### Stage One statutory complaints made by an adult parent/carer

Service area with case responsibility



Stage One reason for complaint



The highest number of complaints this year is in relation to ‘child protection issues’ which include the department’s response to concerns it has received about children at the front

door. A particular theme this year has been estranged parents reporting child welfare concerns in relation to the care offered by their former partner and not believing the department has acted robustly enough in its response. Children’s Services often must deliver difficult news whilst endeavouring to safeguard children and has to make decisions and take actions which some families find difficult to accept.

It follows that the service area with the highest number of complaints was the Prevention & Assessment Service who have responsibility for responding to most new referrals received.

Stage 1 complaints registered by an adult are dealt with by an appropriate manager that holds case responsibility.

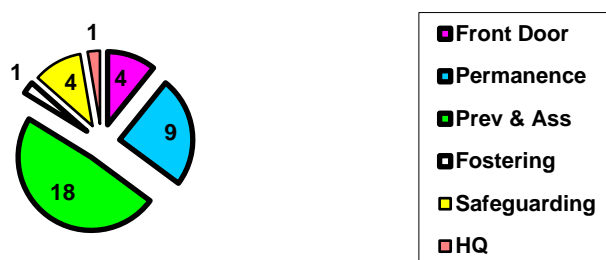
Response Timescales	2020/21	2019/20	2018/19
Percentage of complaints responded to in timescale.	79%	84%	94.3%

COVID-19 has continued to impact on response timescales given managers have had to prioritise providing and/or maintaining front line services for our children and families in a safe way.

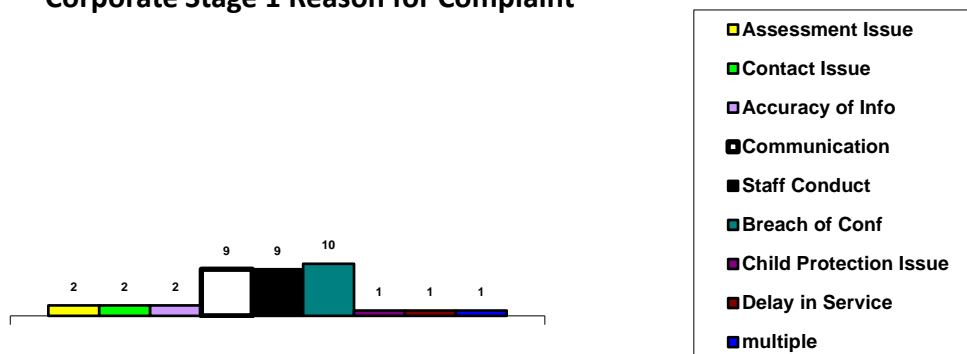
**Corporate Stage 1 complaints made by an adult parent/carer:**

Of the 101 stage 1 complaints made 39 complaints were registered under the corporate complaint procedure as they were not about services covered under the statutory complaint regulations. All 39 complaints were made by an adult/parent/carer and 2 were subsequently withdrawn. A breakdown of the 37 complaints which progressed is below:

**Service area with case responsibility**



## Corporate Stage 1 Reason for Complaint



The highest number of complaints was about an alleged breach of confidentiality. A particular theme was referrers, identifiable to the family by the information they had shared, were concerned that their details had been shared with the family by the service. Complaints in relation to communication and social worker conduct tended to be from extended family members who were unhappy that the service could not always share information with them.

Stage 1 corporate complaints registered by an adult are dealt with by an appropriate manager that holds case responsibility.

62% of corporate stage 1 complaints made by adults were responded to within procedural timescale of 15 days. COVID-19 has impacted on response timescales given managers have had to prioritise providing and/or maintaining front line services for our children and families in a safe way.

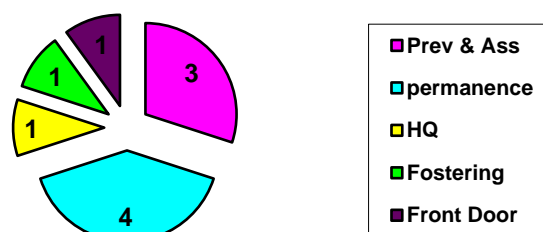
## Stage 2 Complaints

Stage 2 complaint investigations comprise of those investigated under the statutory complaint procedure (for functions under Part III of the Children Act); and the Council's corporate complaint procedure for other matters.

10 Stage 2 complaints were registered by adults with parental responsibility or day to day care of a child/young person receiving a service (1 under the statutory complaint procedure and 9 under the corporate complaint procedure).

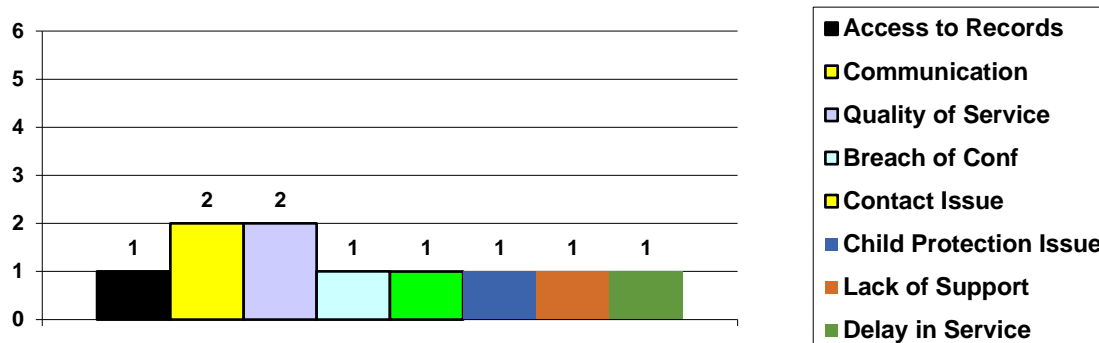
A breakdown of the complaints registered is below: -

### Service with case responsibility





### Reason for Complaint



Statutory stage 2 investigations are carried out by a Complaint Investigating Officer and Independent Person. Investigations are adjudicated and then responded to by a senior manager at Assistant Director level.

Corporate stage 2 complaints are investigated and responded to by a senior manager from another section or department.

Response Timescales	2020/21	2019/20	2018/19
Percentage of Statutory stage 2 complaints responded to in timescale.	100%	100%	60%
Percentage of corporate stage 2 complaints responded to in timescale.	88%	62.5%	

All recommendations from Stage 2 investigations are action planned and reviewed by members of the Departmental Management Team to ensure the Department learns from complaints and to effect service improvement.

### Learning from Complaints

Within the completed stage 2 investigations there were 10 registered points of complaint (each stage 2 being focussed on one issue).

The outcomes of these complaints were as follows:

Outcome	No. & % in 20/21	% in 19/20	% in 18/19
Upheld	3 = 30%	60%	26%
Partially Upheld	0	13%	13%
Not Upheld	5 = 50%	0	60%
Undeterminable	2 = 20%	0	0

Most recommendations made following stage 2 investigations were individual to the complaint, such as an apology, reassessment or an increase in service provision. Recommendations for Departmental action have included: -

- Reviewing the Terms of Reference of the Accommodation Gateway Meeting to ensure written outcomes are placed on the child's file.
- Review how we audit compliance with Child Looked After Review recommendations.

These have been actioned following the outcome of the investigation.

### **Stage 3 Complaints (Independent Review Panel)**

One Independent Review Panel took place [ compared to 0 in 19/20 and 0 in 18/19].

There was no challenge to the stage 2 investigation findings, but Panel were asked to examine the level of financial remedy offered. Panel's recommendations were agreed by the Director for Children, Families and Education and a higher award offered. The complainant has not accepted the higher award and has escalated the complaint to the Local Government and Social Care Ombudsman [enquiries ongoing].

Configuration and organisation of the Panel had to be managed in a different way due to COVID restrictions but due to the flexibility of the complainant and independent persons this was successfully achieved, and all statutory timescales adhered to.

### **Compliments received during 2020/21**

Our staff received 68 compliments during the reporting period from our families, young people and other professionals we work with to support children and families:

*"I just wanted to say a massive thank you again for everything you have done for us. You have been great in every way, support for myself and X, been there for the children and just generally great at your job! We really feel like you cared about our family and wanted the best for the children."*

Compliment from a family about their social worker.

*"He thinks very highly of you, said you were great emailing him and he said you are sound!"*

Compliment from a young person about their social worker.

*"I feel we have created a positive and effective working relationship, but more importantly the support she has shown me in that time has been outstanding... when I have needed support X has always been there to help both me and the children placed with me.... X genuinely does care...."*

Compliment from a foster carer about her supervising social worker.

## SEND COMPLAINTS

The department's SEND Complaint policy was introduced in November 2019. The policy was introduced given the nature of the complaints within SEND (being primarily about communication/responding to emails) and the high number of complaints being taken forward to stage 1. It was considered that a bespoke policy would enable closer gatekeeping at the front door and provide an enhanced local offer of resolution which was not available corporately.

The Complaint policy provides the following stages:

- Local Resolution, if possible, to achieve within 5 working days.
- Stage 1 complaint responded to by the responsible manager (local target of 10 working days - maximum of 20 working days).
- Stage 2 formal complaint review undertaken by a Complaint Investigating Officer (local target 25 working days – maximum 65 working days).

A new complaint management database went live on 6 April 2021 to enable electronic reporting of SEND complaints in the future. Reporting prior to this period has been manual which has impacted on the quality of data available for this reporting year. There is also limited comparable data given that the policy was implemented in November 2019, however, the report next year will provide further analysis from the previous year.

	2020/2021
No. of Local Resolutions	62
No. of Stage 1 complaints	40
Percentage of Stage 1 complaints responded to within timescale	30%
No. of Stage 2 complaints	6
Percentage of Stage 2 complaints responded to within timescale	100%

### Impact of the policy

During 2018/19, prior to the introduction of the SEND complaint policy a total of 112 complaints were registered by corporate Customer Feedback Team in relation to SEND issues.

Since the policy was implemented a high proportion of complaints have been resolved locally without the need for registration at stage 1. The types of issues resolved at this stage include provision of specific information from the service, response to query or communication by the service. Complainants can continue to pursue a complaint at stage 1 but in the most cases, queries have been resolved early without escalation.

The benefits of this are significant:

- reduction in additional resource pressures on the Service (Managers/EHCP Co-ordinators etc)
- reduction in resource required to review and process stage 1 complaints (Customer Resolution and Information Team)

- reduction in overall resource costs to the council and the prevention of further escalation to stage 1 and stage 2.

Whilst the introduction of the local resolution has helped to reduce wider pressures on resources, there remains some challenges in meeting timescales for SEND complaints and further work is required to improve performance in this area.

## **COMPARATORS**

Accessible information from comparator authorities has been impacted upon by the pandemic with only one comparator authority being able to provide an annual complaint report for comparison.

That authority (Manchester) showed similar patterns of demand and performance as Wirral, i.e. a reduction in the overall number of complaints made and a dip in performance in relation to compliance with response timescales.

## **LOOKING FORWARD 2021/2022**

### **Tasks for 2020/2021**

#### **Children's Social Care**

- Continue to work with the Children in Care Council, Advocacy Forum and Children's Involvement Services to ensure all children and young people know about their right to make a complaint and who can support them to do so.
- Continue to provide consistent, good quality responses to all complaints.
- Expand the number of independent persons available to undertake statutory stage 2 complaint investigations [this has carried over from last year due to COVID restrictions impacting on ability to recruit].

#### **SEND Complaints**

- Continue to embed SEND Complaints Policy & Procedure into practice.
- Promote learning from SEND complaints.
- Department to set KPI targets for complaint response timescales.
- Department to introduce monthly complaint reports to Senior Leadership Team.
- Utilise new technology to capture details of themes and trends in SEND complaints and include them in future reports.

## **CONCLUSION**

The Complaints Annual Report 2020-21 provides an overview of complaint activity for Children's Social Care and SEND.

Overall, there has been a significant decrease in the number of complaints received by social care services compared to last year which appears to be because of the COVID pandemic and restrictions that have been in place, despite the Customer Resolution & Information Team having been available to throughout.

Most complaints are made by adults/carers and primarily relate to communication or child protection issues. Complaints made by children and young people primarily related to contact issue or quality of service received.

Work has been undertaken and will continue to encourage children and young people to understand what they need to do to make a complaint. This includes working with advocacy services, ensuring social workers have a good understanding about signposting to complaints and making information and advice about complaints accessible and easy to use.

Work will continue in the new year to embed further learning from complaints.