

Annual Complaints Report

Children's Services

April 2022-March 2023



West Berkshire
COUNCIL

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Annual Complaints Report Children & Family Services 2022/23

Introduction

The purpose of this report is to provide an overview of the complaints which have been received by West Berkshire's Children & Family Services during the financial year 2022/23.

Complaints Processes used within West Berkshire Children & Family Services

Children Act (1989) complaints framework. This consists of 3 sequential stages: -

- Stage 1: Local Resolution
- Stage 2: Independent Investigation
- Stage 3: Review Panel

In addition to the Children Act complaints, a number of complaints are processed using the Corporate Complaints framework. This is a 2 Stage process and is used when the concerns being complained about relate not to a child, but to an interaction between an adult and the Local Authority. This process consists of:

- Stage 1: Local Resolution
- Stage 2: Investigation by a Senior Manager from an unrelated service within the Council

Where it has not been possible to resolve a dispute using the processes outlined above, the complainant will be directed to the Local Government and Social Care Ombudsman (LGSCO).

West Berkshire Council believe that maintaining effective working relationships with service users and their families, throughout the time that they are involved with Social Care, is an important part of achieving the best outcomes for service users. The Council has adopted a Restorative Practise approach to complaints to help promote effective working practices.

Complainants will be offered the opportunity to progress their concerns via a restorative meeting or meetings in the first instance. It is for the complainant to decide if they wish to take this route to try and resolve their concerns. They can, at any point in the process, choose to move back to the appropriate complaints process.

Should it become apparent that a service user or family member, is repeatedly raising the same or similar concerns with the Social Work team or other bodies and that this is having a negative impact on carrying out an assessment, or any on-going work, the Complaints Manager has the discretion to enter these concerns into the complaints process to help achieve a resolution. In these circumstances, the concerns do not have to have been presented to the Council as a complaint.

Occasionally the Council may deem that it is necessary to implement the Persistent and Unreasonable Complainants Process. This process can be used;

- Where a complaint has been responded to fully and a complainant continues to raise the same or similar issues.
- Where the frequency and/or length of complaints from an individual is preventing the day-to-day working of the Social Work teams.

In these circumstances the Council can introduce a Single Point of Contact (SPOC) arrangement and /or can specify the frequency and method of contact with a particular team or the Council as a whole.

The full details of the Persistent and Unreasonable Complainants process can be found on the Council's website

A copy of the Annual Complaints Report is published on the Council's website each year.

Matters which fall outside the Council's Complaints Processes

- Any legal matters – This includes Care Proceedings and parental disputes around contact with children
- Education Complaints
- Complaints about services which are provided by organisations over which the Council has no oversight.

Complaints: A Definition

A complaint is described as an expression of dissatisfaction with a service which the Council has provided. Feedback from service users is important to the Council as this provides not only an opportunity to identify why people have found our services unsatisfactory, but also a means of identifying how the services being provided can be improved.

Any adult or child receiving a service from West Berkshire Council is entitled to use one of the Council's complaints process. The Complaints Managers will determine which process is the most appropriate route for each complaint.

Complaints can also be accepted from a family member or representatives who is deemed to be acting as an agent for the service user. Every child or young person who makes use of the complaints procedure will be advised of their right to assistance from an independent advocate and is given information about how to access the advocacy service if they wish to do so.

Complaints may be presented via any employee of West Berkshire Council. Once received the complaint will be directed to the relevant department within the Council for investigation.

Complaints Figures and Statistical Analysis Children & Family Services 2022/23

During the financial year 2022/23 Children & Family Services received **183** complaints. This is a decrease on the number of complaints received during 2021/22 when **210** complaints were received. However, these figures are slightly misleading due to the particularly high number of repeat complaints which were received during 2021/22. If the figures for repeat complaints are temporarily removed from the total count it can be seen that in 2021/22 there were **45** individual complaints, while in 2022/23 this number was almost double, at **94** individual complaints.

Volume of Complaints Received in 2022/23

Table 1:

As shown in table 1 below the percentage of referrals received by Children & Family Services which result in a complaint being made has fallen slightly since 2020/21.

	Total number of CFS Referrals	Total number of Complaints	% of referrals complained about
2016/17	1667	148	8.8%
2017/18	1620	160	9.8%
2018/19	1686	149	8.8%
2019/20	1654	143	8.6%
2020/21	1451	154	10.6%
2021/22	1990	210	10.5%
2022/23	2167 provisional figure	183	8.4%

Table 1: Percentage of Children & Family Referrals Complained About

Breakdown of the Complaint's Processes Used to Investigate Complaints

Of the **183** complaints received **14** were considered using the Children's Services Statutory complaints process, **95** were processed using the corporate complaints process, **0** were processed using the Child Protection complaints process and **1** was processed using alternative resolution.

A further **73** contacts were processed as enquiries. The introduction of a new complaints recording system in April 2020 has enabled enquiries to be identified and recorded separately.

Table 2:

Process Used	Number of Complaint Investigated using each process	Percentage of Complaints investigated using each process
Alternative Resolution (Restorative)	1	0.5%
Childrens	14	7.7%
Corporate	95	51.9%
Enquiry	73	39.9%
Grand Total	183	100.0%

Table 2: Breakdown of Complaints Processes Used

Compliance with Timescales

Figure 1:

The timescales set out for statutory Children’s Services complaints are used to measure time scale compliance for all complaints arising within Children & Family Services.

Overall compliance with time scales has decreased during 2022/23 with a drop from 97% in 2021/22 to **90%** of all complaints being responded to within the allowable 20 working day **in 2022/23**.

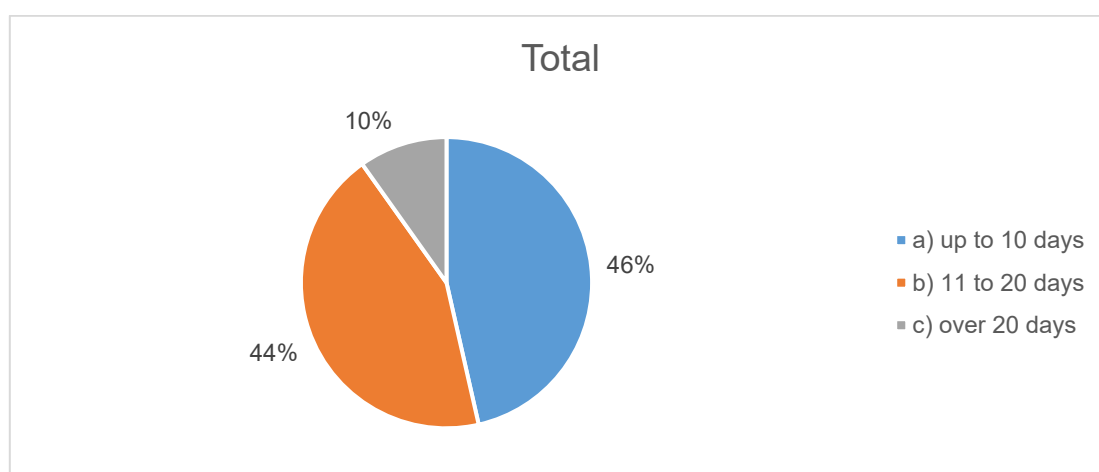


Figure 1: Compliance with Timescales

Table 3 below shows that in a year on year comparison of compliance with timescales, while the number of complaints responded to within 10 working days during 2022/23 (46%) is lower than that achieved in each of the previous six years, the number of complaints responded to within 20 working days (90%) has remained within the middle of the range seen during the same time period.

Table 3:

	Compliance with Time Scales Year on Year Comparison						
	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23
10 Working Days	69%	70%	70%	72%	63%	70%	46%
20 Working Days	99%	94%	85%	87%	96%	97%	90%
Over 20 working days	1%	6%	15%	13%	4%	3%	10%

Table 3: Compliance with Time Scale Year on Year Comparison

During 2022/23 Children & Family Services as seen a high level of staff turn over in some of the long term social work teams, which has at times lead to a significant number of posts being either vacant or being held by locum workers. Where this has been the case, it has been necessary for officers to prioritise the delivery of outward facing safeguarding services rather than the 10 working day complaints response timescale. While it remains the case that there is a national shortage of Social Workers, the Local Authority has worked hard to recruit permanent workers and it is anticipated that this will help to facilitate the stability needed to respond to the majority of complaints within 10 working days.

25 of the **183** complaints received during **2022/23** exceeded the 20 working day time scale. This equates to **10%** of the complaints received.

Of these **25** complaints an extended response period was agreed in **9** cases. Seeking an extended response period is allowable within the complaints process. The case recording shows that these complaints were responded to within the agreed extended period.

11 of the over timescale responses were provided within 21 – 30 working days.

1 complaint ran significantly over timescale in error.

The remaining **3** complaints ran overtime to enable the complainant to attend a Restorative or Complaints meeting at a time which was convenient to them.

A consideration of the underlying complaints recording shows that where complaint responses took significantly longer than 20 working days to complete this was due to the complexity of the complaints being raised, however, it is also apparent that staffing pressures have made it more difficult to respond within 10 working days and that this pressure was a factor in tipping **11** responses into the 21 – 30 day category.

Difficulties in the recruitment of Social Workers is currently a national issue and is something which West Berkshire Council is working hard to overcome.

Breakdown of Over Timescale Complaints Responses

Table 4:

Days Taken	Number of complaints	Reason
21-30	14	<p>Administrative delay in sending out completed response</p> <p>Finalising details for complex responses</p> <p>Complainant continued to represent aspects of their complaint to different officers or agencies.</p> <p>Third party complaint could not be provided until after the subject had received the primary complaints response.</p> <p>Restrictions on contact in place.</p>
31-40	4	<p>Response delayed by the need to wait for a meeting date which was agreeable to the complainant.</p> <p>Complainant continued to represent aspects of their complaint to different officers within the Council.</p> <p>Staff sickness</p> <p>Length of complaint</p> <p>Capacity</p>
31-40	1	Extension agreed
41-50	1	Extension agreed
Over 50	5	<p>Extension agreed Final part of response delayed due to staff sickness.</p> <p>Alternative Resolution - PWS Review – Alternative timescale agreed</p> <p>Oversight by SW team</p> <p>Extensions agreed</p> <p>This was a very complex complaint covering a number of services.</p> <p>Considered outside complaints process. PSW Review.</p> <p>Alternative timescale agreed</p>

Table 4: Breakdown of Over Timescale Complaints Responses

Analysis of Who Made Complaints to Children & Family Services During 2022/23

Table 5:

Complainant's Relationship to Client	Number of Complaints received	Percentage of total number of complaints received
Foster Carer	2	1.1%
Grandparent	4	2.2%
Member of Parliament (MP)	5	2.7%
Other	2	1.1%
Parent	159	86.9%
Professional	5	2.7%
Young Person	6	3.3%
Grand Total	183	100.0%

Table 5: Breakdown of Who Complaints were received from

Complaints from Young People

Only 6 Complaints were received from young people during 2022/23 this represents 3.3% of the complaints received.

It is recognised nationally that the number of complaint from young people is low. Where a young person is undecided about making use of the complaints process, their Social Worker will offer them the opportunity to have a conversation with the Complaints Manager and/or the Advocacy Service to talk through how the complaint service works and how to make a complaint or make an enquiry. Children & Family Services welcomes all forms of feedback from the young people making use of their services.

Complaints received by team

As in previous years the breakdown of reason for complaint by team is largely reflective of the service which these teams provide with the two Family Safeguarding teams and the Children with Disabilities Team (CWDT) receiving a range of complaints while the Family Placement Team (FPT) received complaints associated with fostering. The level of staff churn which has been experienced during this year can be seen in the number of complaints in which concerns around service provision have been raised, where some families have experienced delays in the allocation of a case and multiple changes of work within a short period of time. As has been seen previous years a significant number of the complaints being raised fall outside the remit of Children & Family Services, because the matters being complained about are matters which fall under the jurisdiction of the court.

Where the concerns being raised are complex and cover more than one team, or where there is a pattern of one complainant or family group presenting multiple complaints these complaints will be held by the Complaints Team. (A breakdown of repeat complaints is given in table 7 below)

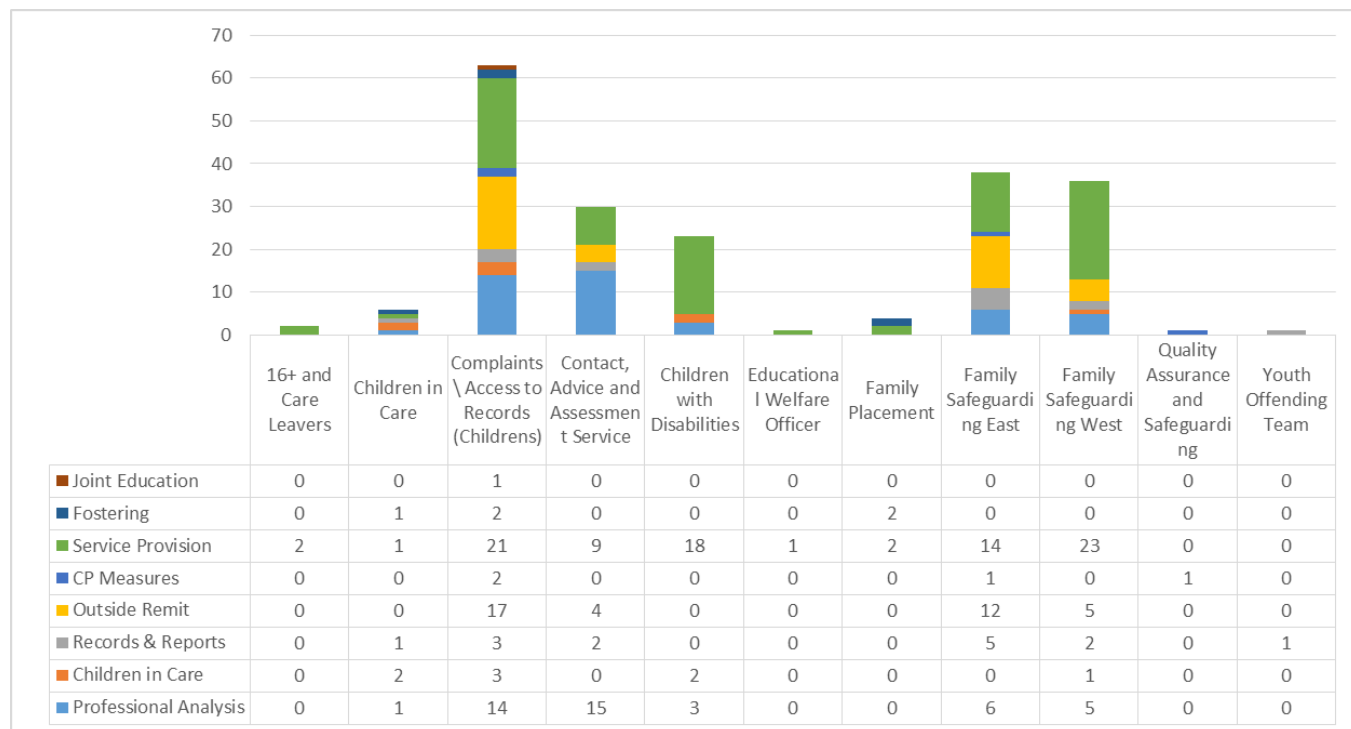


Figure 2: Volume and primary reason for complaint by team

Nature of the Concern Raised

The table below sets out the categories used to describe complaints and the complaints processes used for investigations. As complainants can raise a number of concerns in a single statement of complaint, the number of concerns recorded exceeds that of the number of complaints received.

Table 6:

By Area of Complaint	Alternative Resolution (Restorative)	Children's	Corporate	Enquiry	Total
Assessment			10	4	14
Care Planning		1	1	1	3
Confidentiality	1	1	7		9
Contact			1	4	5
Court Decision			27	5	32
CP Measures		1	2	1	4
Delay in paperwork		1	7	7	15
Eligibility				2	2

Fostering		2		3	5
Health and Safety				1	1
Joint Education		1			1
Lack of Dignity and Respect			2	1	3
Lack of Support		2	1	4	7
Other Agency			2	1	3
Poor Communication		2	6	11	19
Private Law Matter			3		3
Professional Decision			15	13	28
Quality of Care		1			1
Recording Issues		1	3	1	5
Service Provision		5	17	9	31
Staff Attitude		1	4	2	7
Working relationship			3	4	7
Grand Total	1	19	111	74	205

Table 6: Reasons Given for Raising a Complaint

For the purpose of this analysis the complaints identified as arising from decisions made by the court have been removed. As shown in table 5 above this category accounts for **35 (17%)** of the complaints received during 2022/23. As the matter being complained about relates to a decision made by the court these complaints are not eligible for consideration via any of the Council's complaints processes.

Of the remaining categories the top **five** issues raised by complainants were;

- Service Provision (**15.2%**)
- Professional Decisions (**13.7%**)
- Communication (**9.26%**)
- Delay in Paperwork (**7.31%**)
- Assessment (**6.82%**) – which includes disagreements around the accuracy of information included within reports.

Underlying concerns around delays in service provision/allocations, decision making, communication and the provision of paperwork have been a notable element in many of the complaints received during 2022/23 and complaints investigations have highlighted the detrimental impact which staffing pressures have had on the way in which Council officers have been able to interact with the families members of service users.

As in previous years the case recording which sits behind these figures demonstrates that complainants tend to identify differences in the way in which information is perceived as representing, poor report writing, poor professional decision making, or poor practice. Complaints of this sort are particularly prevalent where there has been an acrimonious relationship breakdown between those with Parental Responsibility. This tends to give rise to significant differences in perspective between family

members. Where this is the case it is not uncommon to receive multiple complaints from either a single complainant or from several members from within a family groups.

Analysis of Repeat Complaints from Individual Complainants and Family Groups

While the number of repeat complaints has dropped to **89** in 2022/23 from **165** in 2021/22. This number remains high with clusters of complaints and repeat complaints being presented by a small number of individual complainants or family groups.

As show in table 6 below **2** individuals made **51** of the **183** complaints and enquiries received during 2022/23.

As in previous years a high number of the repeat complaints which were received by Children & Family Services were made in relation to matters which fall outside the remit of the Council's complaints processes, predominantly Family Court matters and matters which had been decided within Public Law proceedings.

Table 7:

	Number of repeat complaints and enquiries received during 2022/23	Complaints made in previous or subsequent year	Complaint escalated beyond Stage 1	Restrictions or Single Point of Contact arrangement in place
Family1	2	Yes	No	No
Family 2 -	26	Yes	No	Yes
Family 3 -	7	Yes	No	No
Family 4 -	4	Yes	Family Law	Yes
Family 5 -	24	Yes	Yes	Yes
Family 6 -	3	Yes	No	No
Family 7 -	5	Yes	Court Decision	Yes
Family 8 -	5	Yes	Family Law	No
Family 9 -	3	Yes	Court Decision	No
Family 10 -	2	Yes	Yes	No
Family 11 -	5	Yes	No	No
Family 12 -	3	Yes	Court Decision	No

Table 7: Repeat complaints

While Children & Family Services always endeavour to work restoratively with complainants to resolve any new concerns, in line with the Council's complaints policy and expectations of the Local Government and Social Care Ombudsman, any

complaints which are considered to have been responded to in full will not be re-entered into the complaints process.

Complaint Findings/Outcomes

As show in table 8 below

- 3.8% (7) of the complaints received in 2022/23 were upheld. This is an increase from 1.4% in 2021/22
- 6% (11) of the complaints were partially upheld. This in-line with the figure from 2021/22 where 5.7% of complaints were partially upheld
- 9.3% (17) were not upheld. Again this is in-line with the figures from the previous year when 9.0% (19) were not upheld

Table 8:

Volumes Received By Final Outcome	Total	%
Not eligible for entry into the complaints process	1	0.5%
Complaint completed - Complainant remains unhappy	8	4.4%
Court Decision	23	12.6%
Justified/ Upheld	7	3.8%
NFA - Complaint Refused	14	7.7%
NFA - Information provided	66	36.1%
No Finding	25	13.7%
Not Justified/ Upheld	17	9.3%
Partly Justified/ Upheld	11	6.0%
Progressed to Litigation	2	1.1%
Restorative Meeting	1	0.5%
Withdrawn	8	4.4%
Total	183	100.0%

Table 8: Complaints Findings / Outcomes

Of the remaining complaints:

In **4.4% (8)** of cases, the complainant either withdrew their complaint or did not progress their concerns and a further **8.2%** or 15 complaints were refused as not being eligible for entry into the available complaints processes.

The most common outcome to an enquiry or complaint being raised (**36.1%**) was that the complainant was provided with additional information. In most instances the person raising the enquiry was clear that they did not wish to raise a complaint at this stage, but that they felt that this might become necessary if their concerns were not addressed at this point. The restorative approach which has been adopted by Children & Family Services has helped to create a very open attitude towards passing concerns to the complaints department and is considered to be beneficial in helping to recognise and respond to what might otherwise be hard to identify areas of concern and learning.

In **13.7%** of complaints no finding was made. An analysis of the background data shows that in the majority of these case the outcome which was being sought was for additional information from the complainant to be added to the record.

In 8 cases where a complaint has been recorded as completed at Stage 1, the complaint advised that they were dissatisfied with the outcome, but that they did not wish to escalate the complaint further.

Complaints Progressed Beyond Stage 1 during 2022/23

Where it has not been possible to resolve a complaint via restorative practice or at Stage 1 of the complaints process complaints will be escalated to the appropriate Stage 2 process for further investigation.

In 2022/23

- **0** complaint were escalated to Stage 2 of the Children’s Services complaints process.
- **6** complaints were escalated to Stage 2 of the corporate complaints process.

Complainants may also choose to approach external regulatory bodies such as; The Local Government and Social Care Ombudsman (LGSCO), Social Work England (SWE) and Ofsted. It is for these bodies to determine if the complaints which are presented to them meet their criteria for investigation.

Table 9:

Escalations 2022/23

Family	Overseeing Body	Outcome
Family 1 –		
-	Stage 2	Partially Upheld
-	LGSCO	Refused - Insufficient evidence of fault
-	Pre Action Judicial Review Letter	This is not considered to be the appropriate route of recourse
-	Pre Action Judicial Review Letter	This is not considered to be the appropriate route of recourse

-	LGSCO	Refused
-	LGSCO	Upheld
-	LGSCO	Refused
-	Stage 2	Not Upheld
-	Stage 2	Partially Upheld
-	LGSCO	Repeat complaint
-	LGSCO	Refused/Repeat Complaint
-	LGSCO	Refused
-	LGSCO	Premature escalation
-	LGSCO	Upheld (OT)
Family 2 -		
-	Pre –action JR	Settled
Family 3		
-	LGSCO	Service user advised of escalation, but no notification received from LGSCO
Family 4 -		
-	LGSCO	Premature escalation
-	SWE	Refused
Family 5 -		
-	Stage 2	Not Upheld
Family 6 -		
-	Stage 2 – 02/08/2022	Not Upheld

Table 9: Escalations

Emerging Areas of Concern

- The need to create a new form on the case recording system to ensure that any amendments which partner agencies wish to make to the information which they have provided to Children & Family Services is easily identified.
- The need to create additional information around the Young Carers programme.(see appendix 1)
- The need to review how meeting invitations are being sent out to family members who were no longer living at the same address.
- Delays in allocations, frequent changes of social worker and delays in providing paperwork.

What Have We Done Differently?

- We have developed an Amendments Chronology which will be integrated into the new case recording system when available.
- We have reminded officers that both Fathers and Mothers can be the main carer for a child and that it is important to be aware of this information when inviting parents to attend regular daytime meeting.
- The Children & Family Services recruitment and retention policy has been reviewed and a package of measures has been introduced to attract new permanent workers to Children & Family Services.

The complaints process continues to highlight hard to identify issues and where there are differences in expectation between families and professionals and

Children & Family Services. The feedback received from the complaints process has enabled us to continue to develop the 'What to Expect' information series for families.

These information leaflets directly respond to the areas of learning identified from complaints and are intended to improve communication between Children & Families Service and family members. This information continues to be designed in partnership with families, to ensure that the information provided is useful, clear, transparent and accessible. The most recent addition to this series is the 'What to Expect' - Young Carers leaflet.

Summary

During the financial year 2022/23 Children & Family Services have seen a doubling of the number of single complaints being received, while there has been a substantial decrease in the number of repeat complaints which have been presented. The high number of single complaints combined with the high level of staff churn in a number of the social work teams, has had a direct impact on the ability of the service to respond to complaints within the initial 10 working day timescale. While the overall number of complaints responded to within 20 working days has remained at 90% the time which it has taken to provide individual complaints with a written responses has increased. A high number of the complaints received have included concerns which can be directly attributed to staffing issues. These concerns appear to have been reducing towards the end of the year, however, there is not yet enough data to determine if this is the case.

Compliments

'Thank you K and R. The report is really useful and so thorough'.

(EMTAS)

'Thank you and your wonderful team for all the support we have had this year. Its literally been life changing'.

(Parent)

'I'd like to take this opportunity to send some positive feedback ... Firstly E for how amazing she always has been and will be and the support and guidance we are always receiving from her. She is forever replying to us however late or early she's at the end of the phone with guidance for us. We truly wouldn't be the people we are for L now without E'.

(Parent)

Thank you for being part of our fostering journey

(Foster carer)

'Your professionalism was outstanding. You are both a Credit to West Berkshire Council'.

(Public Protection Partnership)

'Your focus on the child and safeguarding is always clear, your knowledge and skills are outstanding.'

(Royal Berkshire Hospital)

'This Social Work report was particularly well prepared and of substantial value. The author was thanked at the commencement of the proceedings by the presiding judge.'

(Magistrates Court)

The allocated Social Worker was able to challenge the family but also showed empathy towards their situation, including recognising the progress mum has made.'

(Independent Reviewing Officer/Child Protection Chair)

What to expect: Young Carers



A Young Carer is anyone who is under 18 who provides regular and on-going care and emotional support to a family member who is physically or mentally ill, disabled or who misuses substances.

The care which is being provided by a young person must be over and above everyday help or occasional help.

Young Carers will have caring responsibilities which persist over time and are important in maintaining the health, safety or day to day well-being of the person being cared for and/or the wider family.

Young Carers youth clubs and activities are intended to help support young people who might be at risk of suffering from emotional or physical harm as a result of their caring responsibilities and to help support young people to fulfil their educational achievements and life changes.

The Local Authority has a duty to undertake a Young Carer's Needs assessment to identify if there is any support which can be offered to the families of Young Carers to ease the difficulties which they are facing. This may include,

- Making a referral to Adult Services to help ensure that any adults who are being supported by their children are receiving the support which they are entitled to.

- Undertaking a Children and Families, Single Assessment to identify any unmet needs which a child or children, who have persistent caring responsibilities might have.
- Signposting young people, who have been identified as Young Carers, to local community groups which might be able to offer support. For example, the Young Carers Youth Club.

For additional information about the Young Carers Project, our website is

<https://www.westberks.gov.uk/article/38183/Refer-a-Young-Carer>

It is for the family and young person to decide if they wish to make use of any of the services which are suggested.



What to expect: Initial Contact with Children & Family Services

West Berkshire Council employs a Young Carers Project Worker who completes the assessment and makes a recommendation for an appropriate support plan which may include youth club and/or activities as well as other community services.

While the Council will try to signpost families to organisations which they might find helpful. Families and young people will need to decide if they want to make use of any of the services which are on offer. These services are run by voluntary organisations, rather than by the Council.

If you have any concerns about the service which is offered by a voluntary organisation, this should be raised with the organisation providing the service.

Each organisation will have its own complaints process and they will be able to address any concerns which you might have about their organisation. If you have a concern about the organisation which relates to a member of staff working at the organisation and you are concerned that a child or young person has been exposed to significant harm by that member of staff you need to call Contact, Advice and Assessment Service Triage on 01635 503090 in order to make a LADO referral (Local Authority Designated Officer). The LADO is responsible for concerns raised about people who work in a position of trust with children.