

Report of the Complaints Manager to the Chief Social Services Officer
20 July 2015

CHILDRENS SERVICES COMPLAINTS
ANNUAL REPORT 2014-2015

Purpose:	To report on the operation of the Complaints Team in relation to Childrens Services for the period 1 April 2014 to 31 March 2015.
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FOR INFORMATION	

1.0 Introduction

- 1.1 The City and County of Swansea (CCS) Social Services Complaints Procedure seeks to empower service users or those eligible to speak on their behalf to voice their concerns in relation to the exercise of Social Services functions as defined in the Health and Social Care (Community Health and Standards) Act 2003.
- 1.2 Until 31 July 2014 this procedure had been produced in accordance with the Welsh Assembly Government's 2005 social services complaints guidance "Listening and Learning".
- 1.3 With effect from 1 August 2015 new legislation came into effect, bringing the Social Services complaints procedure into line with other complaints procedures across public services, in particular the process for NHS '*Putting Things Right*'. A new Social Services Complaints Policy has been adopted to accommodate the requirements of the new legislation and full details of the new policy can be viewed online at: www.swansea.gov.uk/complaints . The new legislation requires the reporting of additional information which has been incorporated into this report.
- 1.4 CCS Childrens Services are committed to ensuring that concerns raised are listened to and resolved quickly and efficiently. Lessons learned from this process are fed back to relevant teams and used wherever possible to improve future service delivery.

- 1.5 Our aim is to resolve complaints at the earliest opportunity and teams are encouraged to be proactive in achieving this goal.
- 1.6 Where someone has been deemed 'not eligible' to utilise the social services complaint procedure in accordance with guidance/legislation, their complaints may be dealt with under the corporate complaint procedure. This ensures that everyone is able to voice their concerns and that a complaints mechanism is accessible to everyone.
- 1.7 Appendix 1 contains all tables referred to in this report.

2. Total Complaints received during the reporting period

- 2.1 **Table 1** shows this year's total complaints received by the Complaint Team in respect of Childrens Services with the previous two years' figures for comparison.
- 2.2 The number of Stage 1 complaints received this year has fallen in comparison with figures for the two previous financial years, possibly due to the efforts being made at first point of contact to resolve issues before they become complaints.
- 2.3 Under the Social Services complaints policy, both the old and new legislative framework allow complainants to immediately request a stage 2 investigation. Despite best efforts to resolve complaints internally wherever possible, there has been a significant increase in the number of stage 2 complaints this year.
- 2.4 In addition to the complaints received by the Complaints Team, two complaints were made at Ty Nant by young people residing there, both of which were resolved internally. Two anonymous complaints were also made this year.

3. Analysis of Stage 1 Complaints

- 3.1. A detailed breakdown of the Stage 1 Complaints received by Service Area is shown in **Table 2**. 86% of complaints were acknowledged within 2 working days, and in 96% of cases (where a discussion was required) discussions took place within 10 working days.
- 3.2 Complaints have been broken down by individual service team this year, in order to provide greater clarity on specific areas where complaints are being received. This will help with the identification of systemic issues and trends which can then be scrutinised more closely within those teams affected.
- 3.3 Due to continuing changes in the structure of Childrens Services it is possible that the teams shown below have since been reorganised and may no longer exist as the teams set out below. Adjustments will be made to the team names year on year as required to reflect any such changes.

4. Stage 2 Complaints

- 4.1 Complaints are considered at Stage 2 of the complaints procedure either where we have not been able to resolve the issues to the complainant's satisfaction at stage 1, or the complainant has requested that the matter be immediately considered at Stage 2.
- 4.2 Both the old and new social services complaint regulations give an eligible complainant a statutory right to request Stage 2 of the process. Complainants are able to request that their complaint is dealt with directly at Stage 2 should they wish, and is not dependent on having been investigated at stage 1 or the outcome at stage 1.
- 4.3 An independent investigator person is commissioned for a Stage 2 investigation, with the work of the investigator overseen by an independent person to ensure the investigation is carried out in a fair and proper way. A formal report is produced which presents the facts and considers the feelings around the difficulties to suggest ways to move forward. Resolution and applying lessons learned is the prime objective of the complaints procedure.
- 4.4 **Table 3** provides a summary of the complaints handled at Stage 2 of the complaints process.
- 4.5 The Social Services Complaints Procedure has set criteria as to who can raise a complaint under that policy. Where an individual is not eligible to make a complaint under the Social Services complaints policy, their concerns will be handled through the Authority's Corporate Complaints Procedure.
- 4.6 The timeframe for dealing with Stage 2 complaints is 25 working days under the Social Services complaints policy, or within a reasonable time agreed with the complainant due to the complexity of a case or where enquiries could be extensive to provide a comprehensive review. For complaints made after the implementation of the new regulations, where an extension of time is sought this will normally only be granted with the permission of the Chief Social Services Officer or other delegated officer on their behalf. All investigations this year were subject to extended periods of time.
- 4.7 Whether the complaint is upheld or not, staff need to reinstate confidence in a good working relationship with the service user or their representatives, to move forward following the formal Stage 2 Process.
- 4.8 There have been 12 complaints taken to Stage 2 in this reporting period.
- 4.9 **Summary of Stage 2 complaints**
- 4.15 **Case 1: Children's Central Advice, Referral and Assessment Team (CCARAT): 2 out of 7 complaints upheld**

4.15.1 This was a complaint concerning a decision to refer a case for Initial Assessment and dissatisfaction with the actions taken by officers throughout the referral process.

4.15.2 The investigation concluded that the complainant should not have been given to understand that the case could not be closed unless the matter was referred to Team Around The Family. The investigation also found that errors were made on documentation and that there were failures in rearranging a cancelled meeting.

4.15.3 Lessons from this complaint resulted in a new procedure being developed to ensure that errors made would not be repeated together with additional training for staff to ensure correct information is given out in future.

4.16 Case 2: Children's Central Advice, Referral and Assessment Team (CCARAT): Referred to Public Services Ombudsman for Wales

4.16.1 An allegation was made that Social Workers had lied to a complainant in follow up conversations to a Stage 2 investigation that had been conducted. The complainant was referred to the Ombudsman as the investigation had been completed.

4.17 Case 3: Child Disability Team: 0 out of 2 complaints upheld

4.17.1 A complaint was received in relation to an officer telling lies and being rude on the telephone. There was no evidence to support these allegations and a number of officers witnessing the conversation strongly refuted the allegation.

4.18 Case 4: Child Disability Team: 1 out of 4 complaints upheld

4.18.1 This complaint was regarding a Social Worker questioning contracted care providers about the health of a family member of a child in need. A complaint was also made about the poor management of handover arrangements between parents of the child in need who were now separated.

4.18.2 The investigation showed that mistakes had been made in the handover process and arrangements were subsequently put in place to ensure that future handovers would be undertaken more smoothly.

4.19 Case 5: Child Disability Team: Ongoing

4.19.1 This case involves over 30 complaints regarding ongoing care provision for a child in need. Some of the issues identified relate to court matters which cannot be investigated under the complaints procedure.

4.20 Case 6: Foster Swansea Team: 2 out of 14 complaints upheld

4.20.1 This complaint was regarding actions taken by social workers when assessing the suitability of foster carers to continue providing care for a sibling group.

4.20.2 The investigation acknowledged that there were a number of delays in responses to complainants and a failure to request a retainer payment that should have been made.

4.20.3 As a result of the complaint, staff were reminded of the importance of timely responses to enquiries / correspondence and an apology was provided for the failings identified.

4.21 Case 7: Friends and Family Team: Contact Resolved

4.21.1 A complaint was received from a grandparent dissatisfied with their level of contact with their grandchild. Although the complainant was not eligible to complaint under the Social Services complaints policy, a response was sent providing a clear explanation of the grandparent's rights regarding contact.

4.22 Cases 8 & 9: Looked After Children Team: Ongoing

4.22.1 Two related complaints have been received regarding lack of support from Social Workers, one from a parent and one from a grandparent of the same children.

4.23.1 Due to a number of complexities in relation to family circumstances, the full details of each complaint are yet to be established. An investigation will be conducted upon final confirmation of the issues to be addressed.

4.23 Case 10: Looked After Children 14+ Team: Not Pursued

4.23.1 A looked after child complained that Social Services did not listen to concerns expressed by the child about a placement which allegedly resulted in the child being subject to mental and physical abuse. After contacting the complaints department, the complainant decided to take the matter to the police, at which point the complaint investigation was suspended to allow for a criminal investigation. The complainant later decided not to pursue the complaint.

4.24 Case 11: Swansea East Team: 4 out of 11 complaints upheld

4.24.1 This was a complaint from a birth mum who expressed a number of concerns regarding the actions of Social Workers during an adoption process.

4.24.2 Following investigation a number of failings were identified, which included the incorrect interpretation of data contained in a report, poor advice being given to adoptive parents, failure to provide the children with their forever boxes at an appropriate time and delays in responses to complaints.

4.24.3 Several recommendations were made in the investigators report (all of which were accepted). The outcome of this investigation resulted in an apology being sent to the complainant for the failings identified and clear guidance being provided to staff to ensure such failings would not recur in future.

4.25 Case 12: Swansea West Team: 2 out of 3 complaints upheld

- 4.25.1 A parent complained that a core assessment carried out following a child protection enquiry was not completed in a timely fashion and when completed contained spelling mistakes and lacked clarity. The complainant required assurances that further relevant enquiries would be made with other organisations as a result of the information contained in the assessment.
- 4.25.2 The investigation found that the core assessment had been subject to undue delay and that the quality of the report was below the standard that could reasonably be expected. A number of recommendations were made, all of which were accepted by Social Services.
- 4.25.3 As a result of the complaint apologies were provided to the complainant for the shortcomings identified in the report together with an assurance that relevant checks would be made as requested.

5. Stage 3 Complaints (Independent Panel Reviews)

- 5.1 Until 31 July 2014, where a complainant remained dissatisfied after Stage 2, the complainant could progress the issues for an independent panel hearing (Stage 3).
- 5.2 Stage 3 was part of the internal social services complaints procedure but is administered by an external body, the Independent Complaints Secretariat (ICS) for the Welsh Government (WG). Panels consisted of three people appointed from a pool of people retained by the ICS for this purpose, a layman, lay chairman and expert member.
- 5.3 Following the introduction of new legislation with effect from 1 August 2014, Stage 3 has been removed from the complaints procedure in order to streamline the complaint process. Only one complaint was dealt with by the independent panel this year.
- 5.4 **Summary of Stage 3 complaint – Adopt Swansea: Upheld**
- 5.4.1 This complaint related to dissatisfaction with a number of procedural and communication issues, identified during the placement of a sibling group with adoptive parents living outside the Swansea area.
- 5.4.2 The relevant matters for consideration included the quality and accuracy of Life Story books for the children, together with poor communication between Swansea Social Services, Families For Children and the adoptive parents (in relation to respective roles/responsibilities and financing arrangements).
- 5.4.3 The Independent Panel upheld these complaints and recommended that the Authority ensure:
- a) Clear and effective communication is maintained at all times
 - b) That adoption file records include telephone calls

- c) For out of County adoptions there must be absolute clarity in the roles undertaken by the host Authority as well as any contracted agency
- d) There is close monitoring of all contracts relating to adoption services

5.4.4 The Authority subsequently wrote a letter of apology to the complainant confirming that all of the recommendations were accepted, confirming that action plans to address each issue were being implemented.

6.0. Complaints made to the Public Services Ombudsman for Wales (PSOW)

6.1 The remit of the Public Services Ombudsman for Wales is to identify whether a member of the public has suffered hardship or injustice through maladministration, or identify where services have fallen below a reasonable standard. There is an obligation for a report to be produced on any investigation the office accepts. The reports produced are defined under two separate headings. Section 16 (Public Interest) Reports, for which there is a requirement for the Authority to publish details and Section 21 Investigation Reports which do not need to be published. Further details of the role of the PSOW can be found at <http://www.ombudsman-wales.org.uk>

6.2 The PSOW has produced his Annual Report for 2014/15, containing details of cases where the Ombudsman has identified failures in service delivery by public bodies across Wales. The Ombudsman's report can be seen online at <http://www.ombudsman-wales.org.uk/en/publications/Annual-reports.aspx>

7. Reasons for complaints and their outcome

7.1 Further analysis of the reasons for complaints is shown in **Table 4**. Whilst service users have unique and complex individual circumstances, complaints have been grouped under 'best fit' generic headings for reporting purposes.

7.2 Wherever possible, lessons are learned and improvements are made to service delivery when a complaint is upheld. (25%) of complaints were justified/partly justified this year, slightly higher than the equivalent figure for 2013/14 (20%).

8. Advocacy

8.1 Advocacy services exist to represent children's views and feelings when dealing with organisations. Social Services engage in statutory arrangements to ensure the welfare of clients with mental health and learning disability needs where capacity is compromised and provide signposting to other organisations providing such services.

8.2 The Complaints Officer will work with groups and organisations providing advocacy services, to address issues and promote the provision of assistance to service-users through the complaints process. Effective engagement with

advocacy services empowers more individuals and groups to make use of the complaints process at the earliest opportunity.

9.0 Compliments

- 9.1 Set out in **Table 5** are some examples of the 88 compliments which have been passed to the complaints team this year in relation to Childrens Services. The individual staff members have been made aware of the compliments concerning them as has the Head of Service.
- 9.2 As well as substantial acknowledgements of thanks from service users that are given to staff at the point of service delivery, service users, relatives or friends can convey their appreciation more formally through the Comment or Compliment process.
- 9.3 Many complaints are often accompanied by compliments for other elements of service provision.
- 9.4 Compliments received are an equal reflection of individual and team efforts and Childrens Services teams should be encouraged by their successes having regard to compliments received.

10. Equality and Engagement Implications

- 10.1 There are no direct equality and engagement implications arising from this report.

11. Financial Implications

- 11.1 All costs incurred in dealing with complaints have to be covered within existing Budgets in Corporate Services.
- 11.2 External Independent Investigators and Independent Persons may be appointed to deal with some complaints in accordance with legislation. The cost to the Authority of providing this service in 2014/15 for Childrens Services was £24,124

12. Legal Implications

- 12.1 Complaints should be administered in accordance with the regulations outlined in paragraph 1.2 above for all complaints received until 31 July 2014 and paragraph 1.3 above for complaints received thereafter.

Background papers: None

Appendices: Appendix 1 – Statistical Data Tables

Appendix 1 – Statistical data in Tables

Table 1 - Total number of complaints received by Complaint Team			
Year	2012/13	2013/14	2014/15
Information Purposes	35	12	14
Child Protection	0	1	0
Corporate	42	15	19
Stage 1	166	214	150
Stage 2	11	14	12
Stage 3	3	4	3
Ombudsman	7	2	6
Totals	265	262	204

Table 2 – Total Stage 1 complaints by Service Area	
Adopt Swansea	1
BAYS	3
CCARAT	14
Child Care Legal	1
Child Disability Team	29
Complaints Re: Other Local Authorities	2
Foster Swansea	7
Friends & Family	1
Looked After Children	11
Looked After Children (14+)	10
Penderry Team	15
Swansea East Team	15
Swansea Valley Team	24
Swansea West Team	8
Townhill Team	18
Unknown	10
Totals	169

Table 3 – Total Stage 2 complaints by Service Area		
Service	Outcome	ID
CCARAT	Partially Upheld	1
CCARAT	Referred to Ombudsman	2
Child Disability Team	Not Upheld	3
Child Disability Team	Partially Upheld	4
Child Disability Team	Ongoing	5
Foster Swansea	Partially Upheld	6
Friends & Family	Contact Resolved	7
Looked After Children	Ongoing	8 & 9
Looked After Children 14+	Not Pursued	10
Swansea East Team	Partially Upheld	11
Swansea West Team	Partially Upheld	12

Table 4																	
Reason for Complaints and their outcome	No. of Complaints	Justified	Not Justified	Partially Justified	Not Pursued	Not Eligible	Withdrawn	Refer to Safeguarding	Dept to Respond	Contact Resolved	Impasse	Ongoing	Directed to another Forum	Referred to another Agency	For Information Only	Out of Remit	Referred to legal
Breach of confidentiality	8	2	3	1									1			1	
Continuing care issues	1		1														
Child protection concerns	3		1					1					1				
Delay in assessment	4	3											1				
Delay following assessment	1	1															
Disagreement with rules set	1		1														
Dissatisfaction with contact	16	6			1	2				1		1	1	2		1	1
Excessive waiting time	2	1	1														
Failure to action information	1			1													
Financial issues / Direct Payments	8	3	4								1						
Lack of consultation	3	1			1								1				
Lack of support	12	1	4	2	2	1	1								1		
Not following procedure / policy	9	4		2	2								1				
Poor Communication	6	2	3	1													
Request for placement move	3				2										1		
Staff Attitude / Misconduct	5		3	1							1						
Unhappy with action taken	57	2	24	6	8	7	1		1		1	2	1	2		1	1
Unhappy with assessment	3		2			1											
Unhappy with decision	5		1									1	1		1	1	
Unhappy with level of service	18	2	4	1	7							1		1	2		
Unknown / Unspecific	3				3												
TOTALS	169	28	52	15	26	11	2	1	1	1	3	5	8	5	5	4	2

TABLE 5 – Examples of compliments received by Childrens Services

Team	Nature of Compliment
General	<ul style="list-style-type: none"> • Head of Service received feedback from the Safeguarding Board on the quality of our social workers in Swansea. A health colleague also commented to HoS what fantastic social workers we have in Swansea. Her feedback was prompted by contributions to a recent learning event. Described as enthusiastic, insightful, reflective and analytic.
CAST	<ul style="list-style-type: none"> • Letter from a young person complimenting social worker for being there and talking to her when she needed it most. "She was like my friend that I could always look up to" . • Compliment from mother praising worker, finding her very easy to talk to and work with the family. 'She is an asset to the company and will be sadly missed by us all . Thank you so much for letting such a wonderful person come into our lives'.
Child Disability Team	<ul style="list-style-type: none"> • Compliment from Action for Children regarding social worker being understanding and supporting of both parent and carer. Praised her passion and commitment to her work. • Praise from Independent Reviewing Officer and Foster Carer for social workers report which was very detailed and provided an excellent appraisal of the child's progress over the last 6 months. The foster carer also commended social worker for his commitment to child's well-being. • Card from school thanking CDT team for their hard work and commitment. • Comments from a parent wishing all dealings with social services had been so positive. 'Honestly don't know where we would of been as a family without your support!
Family Support Team	<ul style="list-style-type: none"> • From Promoting Inclusion Manager at Cockett police station. Praising staff who attended a residential. Staff were at all times very professional and made the residential possible, • Thank you card and present received from a family thanking support worker for all the support she gave them over the last three months

Foster Swansea	<ul style="list-style-type: none"> • (from BAAF Cymru Director): (re tv programme) Praising social worker capturing both the complexity of search and reunion but also the uplifting difference adoption can make to the lives of children .
Looked after Children	<ul style="list-style-type: none"> • Compliment from Stepping Stones : ‘It has been a pleasure working with this social worker over the last two years. I cannot speak highly enough of her approach and outlook to the development of the young people that she is responsible for.
Swansea West	<ul style="list-style-type: none"> • Feedback from Head Teacher stating that social worker was excellent, was straight to the point and direct in a respectful manner. • Thank you card from family to social worker showing how well respected she was with this family and the time and commitment she has shown to them. • Positive comments made at Conference from parents stating how helpful and supportive social worker has been and their willingness to continue to work cooperatively with her in the future.
Penderry Team	<ul style="list-style-type: none"> • Guardian complimented social worker’s quality of work and relationship with the family. • Thank you card to social worker from an adoptive family, thanking her for her support. • Compliment from Magistrates on social workers very thorough documentation and Guardian commended the skill shown in managing to keep in contact with these parents who have totally disengaged from all other professionals and the court process generally. • Magistrate’s comments on SW – ‘SW was an extremely impressive witness. She was praised by the Guardian later and I have to say that I concur with everything that the Guardian has said. SW has worked extremely hard with the maternal family and, in particular, the Mother to secure the best possible outcome for the child. It is a tribute to both her and the Mother that they have such a good relationship. I have formed the clear view that the child is in safe hands with SW in charge of his case’
Swansea East	<ul style="list-style-type: none"> • Comments from Guardian ‘Congratulations – the most comprehensive and insightful assessment I have read for years’ • A social worker received praise for the excellent high quality evidence she gave on the stand. Also the carer involved has given social worker a thank you card for all her efforts and support.

	<ul style="list-style-type: none"> • Judge was very complimentary of social worker and said that her evidence both the first time around and the second time around and the way she conducted herself was excellent he also commented that her reports/assessments were exceptional. • Praise from adoptive parents regarding life story book in that it is very sensitively written. • Social worker commended by Judge on the high quality of her evidence in this case. • Comment from Head Teacher who said that SW is a credit to the team
Townhill Team	<ul style="list-style-type: none"> • Positive comments from IRO regarding social worker assessments that have been detailed and her analysis skilled and considered. Professional and committed throughout the case. • Compliments from IRO regarding social worker being very clear and direct with the parents about what the concerns were. Assessments have been detailed and her analysis skilled and considered.
Valley Team	<ul style="list-style-type: none"> • Thank you from mum praising support worker on her commitment to the family. • Both the Guardian and the Court complimented social worker on the quality of his work and its because of this we were able to bring 9 months of proceedings to a relatively painless end.
Youth Offending Service	<ul style="list-style-type: none"> • I just wanted to thank you again for taking the time to engage with my students so enthusiastically and sensitively. I wanted to wait until they'd given me their feedback before I got in touch. • You really surprised them with your relaxed and non-punitive approach which made them re-evaluate their perception of the criminal justice system. They found you funny and friendly and all told me that they'd enjoyed their visit to the YOS.