

Report of the Cabinet Member for Business Transformation & Performance

Cabinet – 17 January 2019

**Children's Services Complaints
Annual Report 2017-2018**

Purpose:	To report on the operation of the Complaints Team in relation to Childrens Services for the period 1 April 2017 to 31 March 2018.
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For Information	

1.0 Introduction

1.1 Swansea Council's 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.

1.2 With effect from 1 August 2014 revised 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*'. The Social Services Complaints Policy has been revised 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 legislation requires the reporting of additional information which has been incorporated into this report.

SC Children's 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.

1.4 Our aim is to resolve complaints at the earliest opportunity and teams are encouraged to be proactive in achieving this goal.

1.5 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.

1.6 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 remains broadly in line in with last years' figure.

2.3 Under the Social Services complaints policy, both the old and new legislative framework allow complainants to immediately request a stage 2 investigation. Through efforts to resolve complaints internally wherever possible, the number of stage 2 complaints this year remains relatively low.

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**. Complaints need to be acknowledged within 2 working days, and in 79% of cases where complaints proceeded to conclusion, discussions took place within 10 working days, down 16% on the previous year.

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 were 7 complaints received in this reporting period that went to investigation at Stage 2.

4.9 **Summary of Stage 2 complaints**

Case 1 : Looked after children's team – complainant, family M

Various issues relating to contact, communication, delay in action and updates
8 of 36 complaints upheld, 4 of 36 complaints upheld, 21 of 36 not upheld 3 of 36 unable to make a finding.

Case 2: Swansea Valley Team – complainant, family L

4 of 10 complaints upheld, 4 of 10 complaints not upheld, 2 of 10 complaints partially upheld

Complaint related to handling of case by social worker and various disagreements regarding contact/communication and estranged partner

Case 3: Respite Care – complainant, family E

Lack of clarity re respite care. Assessment not shared. DP's not actioned. negative comments in the CP conference - SW reminded to provide clear guidance re respite. SW to be reminded of words in confidential reports. SW's to be reminded to follow up actions. SW's to be reminded of DPs when looking at options.

2 of 22 upheld, 4 of 22 partially justified, 4 of 22 unable to make a finding, 12 of 22 not upheld

Case 4: Complainant, family D

No further contact or confirmation made since request for Stage 2

Case 5: Corporate Complaint – complainant, Private Advisory Organisation

Not upheld

Case 6: Corporate Complaint – complainant, family O

Breach of confidentiality
£700 redress payment due to data breach;

Made up of:

£100 time & trouble
£600 distress caused

Case 7: Corporate Complaint – complainant, family F

Loss of data upheld, however claim for compensation rejected as complainant did not make any case about injustice / distress caused as result of loss.

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

- 5.1 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>
- 5.2 The PSOW has produced his Annual Report for 2017/18, containing details of cases where the Ombudsman has identified failures in service delivery by public bodies across Wales. Three cases were referred to the Ombudsman this year however there have been no findings of maladministration this year.

The Ombudsman's report can be seen online at <http://www.ombudsman-wales.org.uk/en/publications/Annual-reports.aspx>

6. Reasons for complaints and their outcome

6.1 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.

6.2 Wherever possible, lessons are learned and improvements are made to service delivery when a complaint is upheld. 48 complaints (22%) were found to be justified/partly justified this year, which is slightly higher than the equivalent figure for 2016/17 (19%) but below that of 2015/16 (25%)

7. Advocacy

7.1 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.

7.2 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.

8.0 Compliments

8.1 Children's Services have received in excess of 40 compliments over the course of the year. Set out in **Table 5** are some examples of the 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.

8.2 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.

8.3 Many complaints are often accompanied by compliments for other elements of service provision.

8.4 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.

9. Equality and Engagement Implications

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

10. Financial Implications

10.1 All costs incurred in dealing with complaints have to be covered within existing Budgets in Corporate Services.

10.2 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 2017/18 for Children's Services was **£12,724.49** (an increase of £9559.40 on the previous year)

11. Legal Implications

11.1 Complaints have be administered in accordance with the regulations outlined in paragraph 1.2 above.

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	2015/16	2016/17	2017/18
Service Requests		18	16	20
Corporate		21	28	30
Social Services Stage 1		115	118	172
Social Services Stage 2		3	3	7
Ombudsman		5	4	3
Totals		162	169	232

Table 2 – Stage 1 Social Services complaints by Service Area	Total
Adopt Swansea	1
Bays	2
CCARAT-IAA	11
Child and Family general	2
Child Disability Team	10
Conference Chairing	3
Family Support	2
Foster Swansea	2
Friends & Family	3
IRO	2
LAC	7
LAC 14+	3
Penderry Team	11
Safeguarding Team	2
Safeguarding and well being	1
Swansea East Team	14
Swansea Valley Team	34
Swansea West Team	27
Townhill Team	28
Unknown	6
Western Bay Adoption Agency	1
Total	172

Table 3 – Total Stage 2 complaints by Service Area		
Service	Outcome	ID
Looked After Children	8 of 36 complaints upheld 4 of 36 complaints upheld 21 of 36 not upheld 3 of 36 unable to make a finding	Case 1
Swansea Valley Team	4 of 10 complaints upheld, 4	Case 2

	of 10 complaints not upheld, 2 of 10 complaints partially upheld	
Respite Care	2 of 22 upheld, 4 of 22 partially justified, 4 of 22 unable to make a finding, 12 of 22 not upheld	Case 3
Corporate Complaint	has not made contact re stage 2	Case 4
Corporate Complaint	Not Justified	Case 5
Corporate Complaint – breach of confidentiality	£700 redress payment due to data breach; Made up of: £100 time & trouble £600 distress caused	Case 6
Corporate Complaint – loss of data	Loss of data upheld, however claim for compensation rejected as complainant did not make any case about injustice / distress caused as result of loss	Case 7

Table 5 – Examples of Compliments Received

Teams	Nature of Compliment
16+ LAC	Michelle was the best social worker I ever had, and I haven't stopped crying about it. if it wasn't for Michelle I'd still be taking drugs and doing the wrong things, she helped me so much...
Child Protection	She said that she did not feel judged by you and that she thought you were 'amazing'
Domestic Abuse Team	There are not enough words or gratitude in the world to describe how much Karen and Dean's support means to us. If it hadn't of been for their professional experiences we never would of seen how different life can be. We owe Karen, Dean and the domestic abuse team everything.
Family Finding	Adoption Panel today asked me to pass on how pleased there were with the excellent Family Finding you have done in finding a Family for X. Well Done!!
Foster Swansea	<ul style="list-style-type: none"> • Just a quick e-mail to express my gratitude and compliment Rachel (in CC) and everyone at Foster Swansea for being so helpful over the last few weeks • During the visit X spoke very highly of Kate and all the support they have had from her over the past year and feel that they would never have managed what they went thought without her support and are so happy they transferred to Foster Swansea. • Thank you Dean for all the hard work you have put in with the foster carer's, they have really turned full circle in a short amount of time and you are building their confidence again to crack on with fostering. • It is testament to Kathryn's skill and empathy that that the children's mother continued to feel supported by her and had confidence that she was focussed on the children's best interests, despite the decision for permanence being that of adoption. • They spoke highly of the support that Laura provides them and they fully understand the fostering requirements, which is completely down to Laura explaining it all in a sensitive way and have motivated them to meet the requirements.
IRO	Just wanted to say that I thought the way you managed the two conferences I've had with you were excellent, I found some of your questions/ideas were very focussed on the children which were quite powerful in their effect
LAC	<ul style="list-style-type: none"> • I wanted to praise you for the way you led and managed the Review and did your best to look after T and help her understand the situation in very challenging circumstances.

	<ul style="list-style-type: none"> • Melanie was a fierce advocate for the children and ensured that this child got the therapy that was needed and required. It is my opinion that Melanie went above and beyond for these children to ensure not just they were supported but also that the carers looking after them had the additional support that was needed to ensure this placement was stabilised • Thank you card received - just wanted to thank you for all your help and support, you're a great social worker
Safeguarding	Just emailing to thank you both for today; it's been quite difficult getting some professionals to recognise how well the family have been doing. I feel that despite some negative comments all professionals were able to reflect which prevented the children being re-registered. Thank you for all your support with this case Kel, I can't believe how far the family have come.
Supported Care Planning	<ul style="list-style-type: none"> • I worked with Lyndsay Cox from Swansea on the X case which concluded at the end of June. She was excellent and did lots of ground work and kept me informed about what went on regularly. She had an excellent relationship with the two children involved and she was a great advocate for them - Note: Praise from Guardians is praise indeed as they see tremendous amounts of social work practice – you should be very proud of a job extremely well done. • I have had a very good experience with Amy on the X case. Mother was living in a refuge and there a number of parties to the proceedings. Amy has worked very hard on this case and it has many layers because of mother's personality issues and issues of domestic violence • I have worked on a case X with Lauren where there were issues of long term neglect and mother's personality issues. Lauren is very proactive and tireless about her work on behalf of these very needy children. Her work is an example of good practice • The Judge was very complimentary of Charlotte's hard work on this case.
West Team	I think you're doing an amazing job and urge you to pass this on to the people below you, so people that are in the same situation as me will also hopefully see the light and come out stronger. Thank you Rachael, I sincerely mean that
Western Bay Adoption	<ul style="list-style-type: none"> • From the start we were so impressed with Phillipa. She quickly built up a rapport with X but also took time to get to know and care for the rest of the family. I found it so comforting when she asked "How's Mum?" and knew that she wanted to support me too. Her level of expertise was excellent. When we told her about specific issues we were having, she was able to suggest strategies we could use and also provided theraplay sessions • John and I would like to say a big heartfelt thank you to yourself for coming out to see us and for giving us your invaluable help and advice