



APPENDIX 3

CHILDREN'S SERVICES COMPLAINTS ANNUAL REPORT 2019-2020.

Purpose:	To report on the operation of the Complaints Team in relation to Children's Services for the period 1 April 2019 to 31 March 2020
Report Author:	Sarah Lackenby
Finance Officer:	Janet Morgan
Legal Officer:	Debbie Smith
Access to Services Officer:	Rhian Millar
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:
<https://www.swansea.gov.uk/sscomplaints>
The legislation requires the reporting of additional information which has been incorporated into this report.

Swansea Council's Children's Services is 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 A contains all the 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 Complaints Team in respect of Children's Services with the previous two years' figures for comparison. The number of Stage 1 complaints received this year has dropped **11%** compared to 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 is equal to last year's figure of 7 received.

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 73% of cases where complaints proceeded to conclusion, discussions took place within 10 working days, down 6% on the previous year.
- 3.2 Complaints have been broken down by individual service teams 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 Children's Services it is possible that the teams shown below have since been reorganised and may no longer exist as set out. 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 and suggests 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 – Child Disability Team and West Team

The complaint was made as the parents were unhappy with both teams and the Direct Payments process and decision making made by the teams resulting in the family not receiving Direct Payments for their 2 children and poor communication and assessments not shared. Of the 10 complaints made 2 were upheld, 7 upheld in part and 1 not upheld.

Case 2 – Looked After Children's Team

This stage 2 complaint investigation exceeded the timeframe due to the number of agencies involved. A complaint made by a young person regarding their

experience when in foster care. This encompassed the care received from the foster carers that was looked at via a police investigation and the social work support during this period. There were 17 complaints in total, 9 were looked at via the police previously, therefore the investigator was unable to investigate these points, 1 complaint upheld, 1 partly upheld, 5 unable to make a finding.

Case 3 - Looked After Children's Team

This stage 2 complaint was made by the sibling of the above young person also regarding their experience when in foster care by the same carers. There were 19 complaints in total, 1 looked at via the police, 1 partially upheld and 17 unable to make a finding.

Case 4 - West Team

This complaint was brought by a father unhappy with the PLO reports not containing his view, social work interaction and alleged lack of police incidents being reported. In all, 8 complaints were made, 2 of which were upheld, 4 not upheld and 2 unable to make a finding.

Case 5 – West Team

Further complaint that escalated to stage 2 made by the above complainant later in the year. The complaint related to what was perceived to be a contradiction in a decision made regarding contact arrangements with his children. There was one complaint that was not upheld.

Case 6 – Child Disability Team

This complaint was made due to numerous referrals made to the Child Disability Team from mother and other agencies. Eligibility criteria to receive support was not met. Of 17 complaints made 2 were upheld and 15 not upheld.

Case 7 - Child Disability Team

A complaint made by parents regarding Direct Payments being denied as the children did not meet eligibility criteria for support and a delay with assessments and poor communication. There were 10 complaints in total, 1 upheld, 9 partially upheld.

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 the Annual Letter for 2019/20, containing details of cases where the Ombudsman has identified failures in service delivery by public bodies across Wales. 11 cases were referred to the Ombudsman this

year, 2 of which were referred back into the complaint process to be investigated via stage 2 of the complaint process. However, there have been no findings of maladministration. The Ombudsman's letter can be seen online at:

<http://www.ombudsman.wales/wp-content/uploads/2021/02/Swansea-Council.pdf>

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. 34 complaints (25%) were found to be justified/partly justified this year, which is slightly lower than the equivalent figure for 2018/19 though the number of complaints received actually fell slightly.

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 Children's 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 Children's Services teams should be encouraged by their successes having regard to compliments received.

9. Equality and Engagement Implications

- 9.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of its functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.

Our Equality Impact Assessment (EIA) process ensures that we have paid due regard to the above.

- 9.2 An EIA Screening Form has been completed with the agreed outcome that a full EIA report was not required as this is a retrospective report on complaints already handled and closed. The screening form is attached at Appendix 7.

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 2019/20 for Children's Services was £26,734.38 (up £1,289.38 on the previous year).

11. Legal Implications

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

Background papers: None

Appendices: Appendix A – Statistical Data Tables

Appendix A – Statistical data in Tables

Table 1 - Total number of complaints received by Complaints Team				
	Year	2017/18	2018/19	2019/20
Service Requests		20	20	12
Corporate		30	26	13
Social Services Stage 1		172	125	123
Social Services Stage 2		7	7	7
Ombudsman		3	10	11
Totals		232	188	166

Table 2 – Stage 1 Social Services complaints by Service Area	Total
Bays	4
CCARAT-IAA	6 (1 corporate)
Child and Family general	1
Child Disability Team	32 (2 corporate)
Conference Chairing	3
Contracting	1
EDT	1
Evolve	1
Family Partnership	1
Foster Swansea	2
Friends & Family	3
LAC	19 (3 corporate)
LAC 14+	3 (2 corporate)
Penderry Team	10
Safeguarding Team	1 (corporate)
Safeguarding and Well Being	2
Swansea Valley Team	13 (3 corporate)
Swansea West Team	14 (1 corporate)
Supported Care Planning	1
Townhill Team	4
Unknown	13
Valley Team	1
Total	136

Table 3 – Total Stage 2 complaints by Service Area		
Service	Outcome	ID
Child Disability Team/West Team	The complaint was made as the parents were unhappy with both teams and the Direct Payments process and decision making made by the teams resulting in the family not receiving Direct	Case 1

	Payments for their 2 children and poor communication and assessments not shared. Of the 10 complaints made 2 were upheld, 7 upheld in part and 1 not upheld.	
Looked After Children's Team	This stage 2 complaint investigation exceeded the timeframe due to the number of agencies involved. A complaint made by a young person regarding their experience when in foster care. This encompassed the care received by the foster carers that were looked at via a police investigation and the social work support during this period. There were 17 complaints in total, 9 were looked at via the police previously, therefore the investigator was unable to investigate these points, 1 complaint upheld, 1 partly upheld, 5 unable to make a finding.	Case 2
Looked After Children's Team	This stage 2 complaint was made by the sibling of the above young person also regarding their experience when in foster care by the same carers. There were 19 complaints in total, 1 looked at via the police, 1 partially upheld and 17 unable to make a finding.	Case 3
West Team	This complaint was brought by a father unhappy with the PLO reports not containing his view, social work interaction and alleged lack of police incidents being reported. In all, 8 complaints were made, 2 of which were upheld, 4 not upheld and 2 unable to make a finding.	Case 4
West Team	Further complaint that escalated to stage 2 made by the above complainant later	Case 5

	in the year. The complaint was what was perceived to be a contradiction in a decision made regarding contact arrangements with his children. There was one complaint that that not upheld.	
Child Disability Team	This complaint was made due to numerous referrals made to the Child Disability Team from mother and other agencies. Eligibility criteria to receive support was not met. Of 17 complaints made 2 were upheld and 15 not upheld.	Case 6
Child Disability Team	A complaint made by parents regarding Direct Payments being denied as the children did not meet eligibility criteria for support and a delay with assessments and poor communication. There were 10 complaints in total, 1 upheld, 9 partially upheld.	Case 7

Table 5 – Examples of Compliments Received

Teams	Nature of Compliment
Foster Swansea	I just wanted to let you know that X's has contacted Foster Swansea to share how fantastic her child's foster carers are. She told us she is so happy that her child is settled with them. She is grateful for everything that the foster parents have done for her and that they always put her daughter first. She finished the conversation stating that they were awesome and brilliant foster carers and she would like you to receive an award for all what they have done. IA letter of thanks has been sent to the foster carers and we will be putting them forward for national fostering awards.
Looked after Children	I just wanted to praise again the work undertaken by social worker L with child X to date. L has developed a strong and mutually respectful working relationship with X who very much values being consulted with and involved in decision making. I have seen X articulate her views and communicate her thoughts more openly since working with L. The multi-agency team around X also communicate far more effectively with regular updates being shared and all expressing their gratitude towards L for coordinating this.
Townhill team	Thank you card - Just wanted to say thank you for all the support and kindness you have shown while supporting our family
Looked after Children	Just a quick thanks to social worker J for planning the quite complicated trajectory for X's move into her new flat. X is delighted with her new home and it was lovely to see such a transformation in her overall appearance yesterday from an angry despondent young person to a very glamorous and confident young lady who is very much focused on her future. Really lovely example of excellent social work enabling X to stick with her difficulties, persevere in times of frustration (due to system delay) and still remain focused on the future .
Young Peoples Services	Text from a young person regarding support provided: "Thanks M, helping me do the best think that's happened in my life so far... really appreciate it! Your amazing!! I know it's a bit late but better late than never."
Mr X Team	Thanks so much for your amazing Mr X Appeal. What an achievement. Our families have been overwhelmed by the kindness of everyone.
Mr X Team	Thank you so very much for arranging the gifts, I apologise for crying but I was completely overwhelmed by people's generosity. (Client's name) was absolutely blown away when I made the delivery and she started crying too!

Domestic Abuse Hub	I just wanted to give you an update as to how we are getting on with S, and wanted to thank you again, because the last couple of months we have all noticed a massive change in him, he is so much more chilled like he used to be, and his sense of humour is shining through. Life is so so much easier now, and thank god with them all home from school with the current situation, it wouldn't have been possible without the work that u did with him. So I just wanted to thank u again from the bottom of my heart
LAC West	I want to share with you how proud I felt of J sat in court this morning.....the guardian was chatting to us about J's case, which has been a very long, tiring and difficult case to manage. The guardian was so complimentary of J and her work throughout the proceedings, the guardian spoke of a similar case she has in another authority where she said she feels like sharing J's wonderful work in the hope the other case could be managed so well. It was so lovely and heart-warming to hear the guardian speak about J's amazing practice and social work skills! I had a huge smile on my face and felt so proud!
Permanence	I just wanted to provide feedback from the Hard to Place panel on Monday. HH from education commented in relation to Child X that you had made a significant difference and were an excellent SW. So well done you.
Young Peoples Services	Email from a young person, "Hi just contacting you regarding your employee M. I just wanted to say how much of a help he has been to me already and how quickly and efficiently he has got the ball rolling with regards to helping me gain the qualification that I need to obtain work, been a great help already."
Supported Care Planning	Email to social worker. We reviewed X medical yesterday and the consultant team praised you/your team for your flexibility and commitment to the process