



Children's Social Care Statutory Representations Procedure

Annual Report
2021-2022

Contents

1. Purpose.....	3
2. Principles of the Complaints Procedure.....	3
3. Outline of the Complaints Procedure.....	4
4. Learning from Complaints.....	5
5. Local Government and Social Care Ombudsman Complaints.....	6
6. Children’s Services Statistical Data.....	7
7. Number of Complaints.....	7
8. Nature of Complaints.....	9
9. Stage 1 Outcomes.....	10
10. Stage 2 Outcomes.....	11
11. Review Panels.....	11
12. Stage 1 Timescales.....	12
13. Stage 2 Timescales.....	13
14. Stage 3 Timescales.....	13
15. Advocacy.....	13
16. Compliments.....	14

1. Purpose

- 1.1 This is the annual report for Worcestershire County Council on the operation of the Social Care Complaints and Representations Procedure for Children and Young People, covering the period from 1st April 2021 to 31st March 2022.
- 1.2 The Children Act 1989 Representations Procedure (England) Regulations 2006 requires the County Council to have a procedure for resolving complaints made by the children and young people it looks after or who are in need, and children leaving care, regarding the services provided to them under The Children Act 1989. Representations and complaints can also be made on behalf of such a child or young person by a parent, a person with responsibility, foster carer, Special Guardian or other person that the authority considers has a sufficient interest in the child's welfare to warrant his representations being considered by them.
- 1.3 Each year local authorities must publish an annual report detailing numbers of complaints and representations, outcomes of complaints and compliance with time scales. It should provide a mechanism by which the local authority can be kept informed about the operation of the complaints procedure.
- 1.4 Worcestershire Children First is responsible for the delivery of services to children and young people across Worcestershire. It is a not-for-profit company and 100% owned by Worcestershire County Council.

2. Principles of the Complaints Procedure

- 2.1 Meeting the following principles should assist the local authority in providing a successful complaints procedure to children and young people. The complaints procedure should:
 - be clear and easy to use.
 - ensure that the people who use the service are treated with dignity and respect, are not afraid to make a complaint, and have their concerns taken seriously.
 - ensure, as far as is possible, even-handedness in the handling of complaints.
 - make sure that as many complaints as possible are resolved swiftly and satisfactorily at the local level.
 - ensure that the child or young person receives a full response without delay.
 - ensure a fair process and adequate support for everyone involved in the complaint.
 - ensure that any concerns about the protection of children are referred immediately to the relevant social care services team or to the Police.
 - ensure that local authorities monitor their performance in handling complaints, deliver what they have promised, learn from complaints and use this learning to improve services for everyone who uses them.

3. Outline of the Complaints Procedure

- 3.1 A complaint may be generally defined as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response. Children and young people often express complaints as 'problems not being sorted out'.
- 3.2 The concerns of children and young people should be listened to. If a child or young person wishes to make a complaint, local authorities are required to provide them with information about advocacy services and offer help to obtain an advocate.
- 3.3 Solving the problems that generate complaints should be at the forefront of the local authority's approach to responding to complaints. Local authorities should consider introducing alternative ways of resolving the complaint while any stage is on-going e.g., mediation, conflict resolution meetings.
- 3.4 Local authorities do not need to consider complaints made more than one year after the grounds to make the complaint arose, although the local authority has the discretion to extend this time limit if it is unreasonable to expect the complainant to have made the complaint earlier and it is still possible to consider the complaint effectively and efficiently. Decisions will be made on a case-by-case basis.
- 3.5 There are three possible stages to the Complaints Procedure:
 - i. The first stage is known as the Local Resolution or Informal Stage. At Stage 1, staff at the point of service delivery, try to resolve the complaint by endeavouring to reach a mutually acceptable and speedy outcome with the complainant. There is a 10-working day timescale for this part of the process; although where the local authority cannot provide a complete response in this timescale it can implement a further 10 days extension. If necessary, the local authority may also suspend Stage 1 until an advocate has been appointed. The maximum amount of time that Stage 1 should take is 20 working days. The timescale can be extended beyond this period with the complainant's agreement or request if, for example, the reason that resolution is delayed is due to a key member of staff being off sick or on leave.
 - ii. The second stage is also known as the Formal Stage. Where the matter is not resolved locally the complainant has the right to request consideration of the complaint at Stage 2. This request should be made within 20 working days of receiving the first stage response so that momentum in resolving the complaint is not lost. At this stage an external investigator is commissioned in order to maintain timescales. An Independent Person must also be appointed to the investigation to ensure that the process of investigation is open, transparent and fair. At the end of the investigation a detailed report will be prepared. The report, which clearly sets out how and why any conclusions and recommendations have been reached, is sent to the complainant together with the response from a senior manager in Children's Services. The Independent Person will also provide a report, commenting on whether the investigation has been conducted in an impartial, comprehensive and effective manner. The investigation should be completed, and the response sent within 25 working days. However, this

may be impractical in some cases and where it is not possible to complete the investigation within this timescale, Stage 2 may be extended to 65 working days.

- iii. Where Stage 2 of the complaint procedure has been concluded and the complainant is still dissatisfied, they can request further consideration by a Review Panel. Complainants have 20 working days to request a Review Panel, which should then be convened within 30 working days. The Review Panel cannot reinvestigate the complaint nor consider any substantively new complaints that have not been first considered at Stage 2. Its role is to look at the process of the investigation, whether the recommendations are fair given the conclusions reached, whether the response of Children's Services is reasonable and whether anything more could reasonably be done to satisfy the complainant. The three Panel members are independent of the Local Authority. The Review Panel will listen to any relevant information that the complainant wishes to present and will want to hear the perspective of other involved parties; they will also see any documents relevant to the complaint, although no new information that was not available to the Investigating Officer can be introduced at this point. At the end of the meeting the Review Panel will make recommendations to the Director of Children's Services for future action.

- 3.6 It is important that the Panel is customer-focused on its approach to considering the complaint and is child and young person friendly. The complainant has the right to bring a representative or advocate to speak on their behalf. If still dissatisfied, the complainant will be advised of their right to refer the complaints to the Local Government and Social Care Ombudsman.

4. Learning from Complaints

- 4.1 There is a requirement that Children's Social Care Services evidence how learning from complaints feeds into service delivery and development.
- 4.2 A quarterly report on Children's Social Care Statutory Complaints is produced by the Consumer Relations Unit and shared with the Directorate Management Team. Data is also regularly reported to the Overview and Scrutiny Panel.
- 4.3 In most instances outcomes to complaints are specific to the case, and there are no general learning points that would influence policy or procedure. In most cases the relevant policies and procedures are in place and already set 'good practice' standards and do not need to be altered. The need is for more consistent application and early identification of individuals not adhering to the standards. Staff are reminded of the relevant processes where necessary.
- 4.4 Learning from Complaints presentations are made at Worcester Children First's End to End meetings, attended by all front-line staff and led by the Director of Children's Social Care and Safeguarding.
- 4.5 Some of the learning and service improvement that has been taken from complaints completed within the year are detailed below:

- Advanced Social Work Practitioners to undertake stage 1 complaint investigations, leading to centralised complaint responses. We can see from the stage 1 response times further on in this report, that there has been a significant improvement in stage 1 responses being sent within the maximum 20 working day timescale.
- A learning from complaints briefings have been developed which was then sent to Social Care teams detailing what is going well and what areas need to be focused on.
- Learning and improvements as a result of complaints has been shared through the Principal Social Worker Practice Newsletter as well as targeted learning presentations which included messages from complaints and compliments.
- Presentations to the End-to-End Leadership Meeting on key learning – attending by Managers, Advanced Social Work Practitioners, Independent Reviewing Officers, Child Protection Chairs and Senior Leadership.
- All complaints have individual learning for the Team and Manager and feedback is shared with them directly.
- A targeted audit on complaint responses was completed. This has shown a good level of recording learning on case files, learning being shared with Team Managers and good quality complaint responses.

5. Local Government and Social Care Ombudsman Complaints

5.1 There were 11 Children’s Social Care complaints made to the Local Government and Social Care Ombudsman (LGO) in the year.

- 7 were for Safeguarding
- 2 for Assessment Teams
- 1 was for Family Front Door
- 1 for the Through Care Service.

5.2 There were 13 determinations for Children’s Social Care complaints by the LGO in the year. Please note that some may have been received in the previous year and some investigations were on-going at the end of the year.

- 8 were for Safeguarding:
 - 5 were Closed after Initial Inquiries: Out of Jurisdiction
 - 1 was Closed after Initial Investigation: No further action
 - 1 was Upheld: Maladministration and Injustice
 - 1 was Not Upheld: No further action
- 2 were for Child Protection and the Local Authority Designated Officer (both Not Upheld: No Maladministration.
- 1 raised for Assessment Teams was Closed after Initial Investigation: No further Action.

- 1 for the Through Care Service was Closed after Initial Investigation: No further action.
- 1 was for Family Front Door and was Closed after Initial Investigation: Out of Jurisdiction.

5.3 Meaning 1 case was upheld by the LGO; this does evidence that the majority are not, and this shows us that complaint investigations, outcomes and resolutions are appropriate & proportionate.

6. Children’s Services Statistical Data

6.1 There will be some anomalies in the following statistical data. There are two reasons for this:

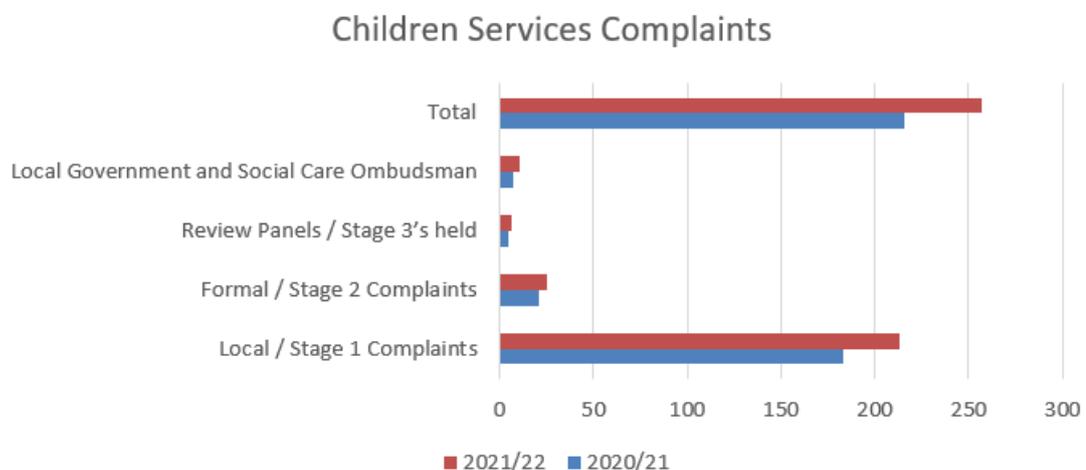
- A complaint that progresses through Stages 1-3 is counted at each stage but only included once in all other criteria.
- Some complaints may concern more than one service and/or issue.

6.2 Please note that the annual report figures will vary from the cumulative totals for the quarterly reports due to the reporting period.

7. Number of Complaints

7.1 Those complaints that go through all 3 stages of the procedure are only counted as one complaint in these categories, although they may cover more than one service.

Children Services Complaints	2020/21	2021/22
Local / Stage 1 Complaints	183	213
Formal / Stage 2 Complaints	21	25
Review Panels / Stage 3’s held	5	6
Local Government and Social Care Ombudsman	7	11
Total	216	257



Children Services Team	2020/21	%	2021/22	%
Family Front Door	31	17%	51	23.94%
Adoption (now ACE ¹)	-	-	-	-
Advanced Practitioners	-	-	-	-
Children with Disabilities	5	3%	15	7.04%
Fostering & Kinship	6	3%	8	3.76%
Safeguarding Teams	96	52.5%	89	41.78%
Safeguarding and Quality Assurance	-	-	-	-
Support Services (including Supervised Contact)	-	-	1	0.47%
Residential and Commissioning	1	0.5%	-	-
Targeted Early Help / Targeted Family Support	6	3%	9	4.23%
Through Care	38	21%	40	18.78%
Total	183	100%	213	100%

- 7.2 The above demonstrates that there has been a rise in complaints of 16% from last year at Stage 1 and minimal progressing through Stage 2, Stage 3 and LGO.
- 7.3 It is worth noting that due to Covid-19, the decision was taken to only accept complaints made by children or young people, or those that related to safeguarding. This was only reversed in June 2020, meaning that the increase from last year to this year may be exaggerated.

¹ ACE is a regional adoption agency

8. Nature of Complaints

8.1 There is an increase in the nature-of complaints as shown above. This will be due to a larger number of overall complaints, but also reflects a change in the way that complaints are being more accurately recorded between Worcester Children First and The Consumer Relations Unit.

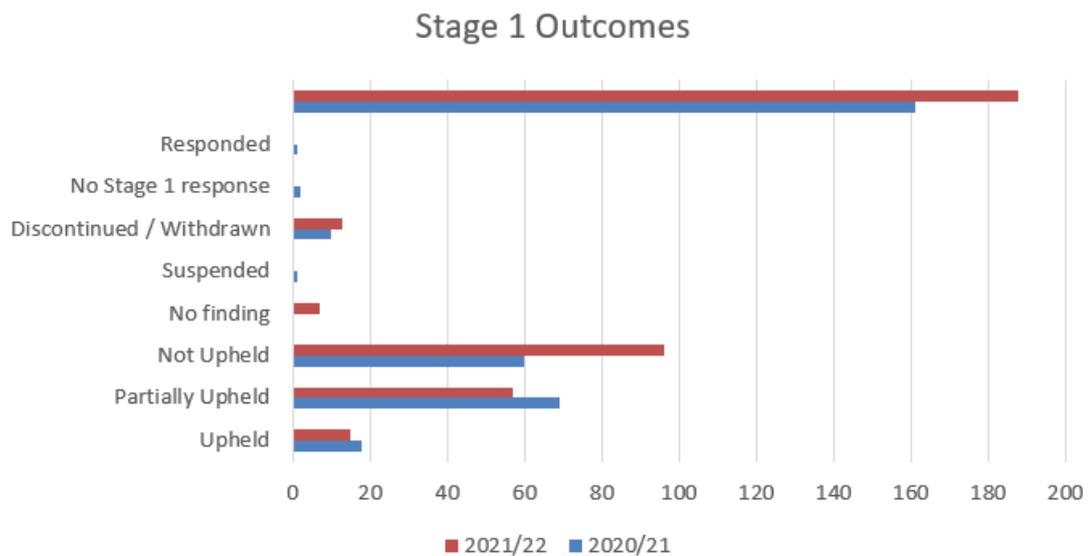
Nature of Complaints	2020/21	%	2021/22	%
General lack of Communication	63	31.5%	77	21%
Inadequate Information Sharing	1	0.5%	11	3%
Staff Attitude / Behaviour	76	38%	91	25%
Decision Making	41	21%	85	24%
Discrimination	2	1%	4	1%
Lack or delay in providing assessed service	4	2%	16	4%
Quality and Timeliness of social worker assessment	7	3.5%	56	16%
Practice Non-Compliant	5	2.5%	21	6%
Total	199	100%	361	100%



9. Stage 1 Outcomes

9.1 These are the outcomes for the Stage 1 complaints that have been completed this year.

Stage 1 Outcomes	2020/21	%	2021/22	%
Upheld	18	11.2%	15	8%
Partially Upheld	69	42.9%	57	30%
Not Upheld	60	37.3%	96	51%
No finding	-	-	7	4%
Suspended	1	0.6%	-	-
Discontinued / Withdrawn	10	6.2%	13	7%
No Stage 1 response	2	1.2%	-	-
Responded	1	0.6%	-	-
	161	100%	188	100%



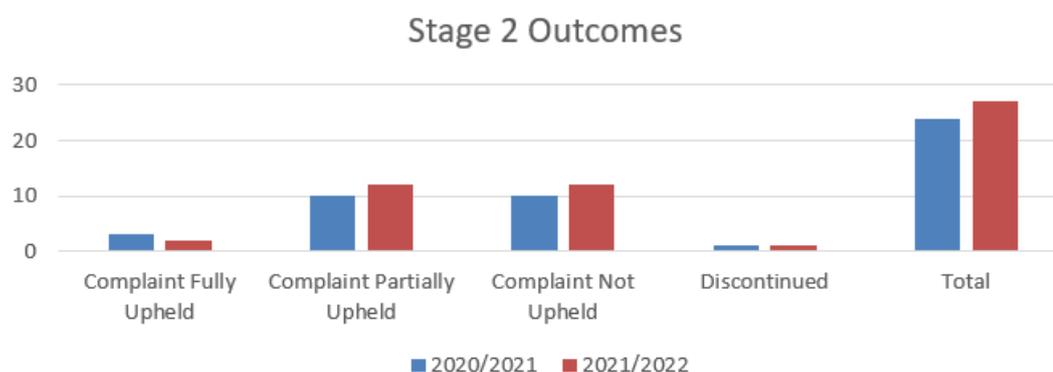
9.2 This figure is lower than the complaints received as some will have still been in progress at the time of this report and so will not have an outcome yet.

9.3 Complaints may be suspended when further information is required from the complainant or when court proceedings are underway.

10. Stage 2 Outcomes

10.1 These figures are for all Stage 2 complaints completed during this reporting year. Some may have been received in the previous year and some investigations were on-going at the end of the year.

Stage 2 Outcomes	2020/2021	2021/2022
Complaint Fully Upheld	3	2
Complaint Partially Upheld	10	12
Complaint Not Upheld	10	12
Discontinued	1	1
Total	24	27



10.2 The stage 2 complaint figures are similar to the previous year, showing a slight increase in stage 2's processed. Most stage 2 complaints were either Not Upheld or Partially Upheld.

10.3 The top 3 reasons for stage 2 complaints are:

- Decision Making
- General Lack of Communication
- Staff Attitude/Behaviour

11. Review Panels

11.1 Six Review Panel Hearings were held during 2021/22. Two of these relating to Assessment teams, three for Safeguarding and one for Children with Disabilities.

11.2 In all six cases, the Panel were satisfied with the stage 2 investigations and made some additional recommendations such as:

- Worcester Children First to consider whether it is reasonable not to corroborate information that is provided by a party.

- Worcester Children First to consider triangulating information obtained during interviews with family members and give practice advice accordingly to all its social workers.
- A panel also recognised that more effort could have been made to engage with the complainant to have discussed different wording on a document.
- Additional apology to the complainant acknowledging that, whilst Worcester Children First's actions were done with the best of intention, considerable stress has been caused.
- The Adjudicating Officer for Worcester Children First initially disagreed that one aspect of the complaint should be upheld, however, after a full explanation from the Investigating Officer, the Adjudicating Officer confirmed she had misinterpreted part of the complaint and that it would be upheld. A recommendation by the Panel was for the Adjudicating Officer to put that formally in writing for the complainant.

12. Stage 1 Timescales

- 12.1 The timescale for responding to a complaint at Stage 1 is 10 working days, with a possible extension of a further 10 working days if a response cannot be provided within that timescale. If necessary, Stage 1 may also be suspended until an advocate has been appointed.
- 12.2 It is recognised that due to the complexity of some complaints it is not possible to resolve all complaints within statutory timescales and provide the complainant with the resolution they need, even with the extension to 20 days.
- 12.3 We have seen a decline in the amount of stage 1 responses being completed within 10 working days, from 30% to 15.5%.
- 12.4 We have seen improvement in stage 1 complaints being responded to within the maximum 20 working day timeframe, from 91% the previous year to 97.5%, but it should be noted that extending the timeframe to 20 working days should be the exception, not the rule.

Timescales of Stage 1 Complaint Resolutions	2020/21	2021/22
Within 10 working days	30%	15.5%
Within 20 working days	61%	82%
Within 40 working days	8%	2%
After 40 working days	1%	0.5%

- 12.5 Overall, 97.5% of all stage 1 Complaints have been dealt with in the required timescales, this is an incredible achievement.
- 12.6 60% of the complaints over the 20 working days missed the deadline by just 1 day, due to issues such as not posting in time. We also saw some delays caused by complaints not coming in through the correct channels and so less time being available when it reached the Advanced Social Work Practitioners team.

13. Stage 2 Timescales

- 13.1 The timescale at Stage 2 is 25 working days with a maximum extension to 65 working days, which includes sign off of the Investigator's Report by Senior Management.

Timescales of Stage 2 Complaint Resolutions	2020/21	2021/22
Within 25 working days	0%	0%
Within 65 working days	17%	70%
More than 65 working days	83%	30%

- 13.2 There is a clear improvement in the amount of stage 2's that have been completed in the maximum timeframe of 65 working days, going from 17% to 70%.
- 13.3 The Consumer Relations Unit recruited additional Investigating Officers which has had a positive impact on this. In addition, the introduction of deadlines of 5 working days for returning paperwork has also contributed to this improvement.
- 13.4 40% of the responses that were over 65 working days were delayed due to a single Investigating Officer having a health issue which impacted on his ability to complete his reports. The Consumer Relations Unit supported the Investigating Officers to complete these.
- 13.5 This is an area that still needs improvement, and the Consumer Relations Unit are monitoring stage 2 responses to ensure that this continues to improve.

14. Stage 3 Timescales

- 14.1 Once a Review Panel has been requested it should be held within 30 working days. Six Review Panels took place during this reporting period, and none were held within the timescale. Covid -19 outbreaks and restrictions have had a clear impact over the last year in relation to this.
- 14.2 Complainants were offered virtual panels to try and assist with reducing delays but not all complainants were prepared to participate on this basis.

15. Advocacy

- 15.1 There is a duty on local authorities to enable children / young people who wish to make a complaint on their own behalf to access advocacy services. Coram Voice are contracted to provide this service for Worcestershire, but young people can also choose their own advocate should they wish to do so.
- 15.2 Of the 4 children and young people (0-17) who raised complaints, 2 were already represented by an advocate and the other 2 were offered support to access advocacy if they wished.

- 15.3 4 young people (18-24) made complaints, 1 was being supported by an advocate and 1 was offered support to access an advocate if they required. There were 2 young people (18-24) who were not offered advocacy.
- 15.4 One of these complaints was received during a change in staffing meaning that the offer of an advocate was unfortunately missed. The second was missed due to human error.

16. Compliments

- 16.1 Compliments relating to Children’s Services have come from people independent of the local authority. Most compliments received are about staff members, with a few complimenting the service provided.

Service Area	2020/2021	2021/2022
Children with Disabilities	2	4
Fostering & Kinship	9	2
QA and Independent Review	-	9
Advanced Social Work Practitioners	-	2
Safeguarding Area	46	33
Family Front Door	18	15
Targeted Early Help	2	10
Through Care	20	6
Child Protection Chairs and Local Authority Designated Officer	-	1
Total	97	82

- 16.2 The following are a selection of the compliments received:

Feedback from a young person about their social worker:

“ [REDACTED] the best social worker ever, she is part of my family and who is most important to me.”

Feedback about an Independent Reviewing Officer (IRO):

“You have always been ultra efficient and have always put the children first. We have been very fortunate to have had you as our IRO”

Feedback from an Independent Advocate about a social worker:

“Yes I've done this job for 15 years and she is a pleasure to work with and [REDACTED] has come out of assessments with her saying how relieved and calm she felt as she makes her feel at ease which is brilliant , she is a great social worker”

Feedback from a parent about a social worker:

“Honestly she is absolutely incredible; she has helped her so much. I'm glad we are still working with her, she is the best social worker we have had - she took things at my children pace and did not force anything. She saw things as a whole.”

Comments on this report are welcomed and requests for further information should be directed to:

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