



# **Children's Complaints and Representations**

## **Statutory Annual Report 2022 / 2023**

# 1. Introduction

This report has been written to analyse the complaints made against Children and Young People Directorate. Complaints in this directorate can be processed through both the Corporate Policy and the Children's Representations and Complaints Policy. Guidance for which policy is applied is outlined below.

People who use Herefordshire's Children's Services are encouraged to give feedback on the quality and appropriateness of services they receive. This feedback can be in the form of compliments, comments, suggestions, queries or complaints.

A complaint, for the purpose of this report, and within our Policy, is defined as:

*"An expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response."*

The Statutory Children's Representations and Complaints Policy covers complaints about:

- Council's services to children in need or in care(Looked after children)
- How the council applies to take a child into care
- Complaints about fostering, special guardianship and adoption services
- Complaints about services to children leaving care.

The procedure exists to consider complaints **not just by or on behalf of children, but from their parents, foster carers, special guardians, adopters and others who may have an interest in their wellbeing.**

The Corporate Complaints Policy covers complaints about:

- Complaints about child protection matters (including S47 enquiries and conferences)
- Assessments of potential foster carers and adopters
- Foster carer registration
- How the council assesses families and prepares reports for the court in private proceedings (so-called Section 7 or 37 reports).

Councils should be clear about which procedure they are using, and why. This information will be shared to the complainant by the Complaints Team.

Councils may decide not to accept a complaint that is made late but should not impose this restriction rigidly. It may suspend investigation of a complaint if there is ongoing court action or police investigations. The guidance allows councils to decide not to investigate a complaint if it would prejudice a concurrent investigation, including court proceedings. However, the guidance also allows a complainant to resubmit their complaint to the council once the concurrent investigation has ended (and for up to one year afterwards). Before deciding to end an investigation already in progress, councils should consider if it is possible to investigate some or all of the complaint without prejudicing any other investigation. Detailed records should be kept of any decision to end an investigation. Councils should tell complainants in writing the reason for the decision to end an investigation and the concurrent investigation at risk of being prejudiced. Councils should also tell complainants about their right to resubmit the complaint.

## **Appendix 1 – Complaints, regarding Children’s Services, processed through the Corporate Complaints Policy**

Whilst the Children’s Complaints and Representations Annual Report (2022 / 2023) focuses on the statutory reporting under the Children’s Complaints Policy this appendix will identify complaints made under the Corporate Complaints Policy - [Corporate Complaints Policy \(herefordshire.gov.uk\)](https://www.herefordshire.gov.uk/corporate-complaints-policy)

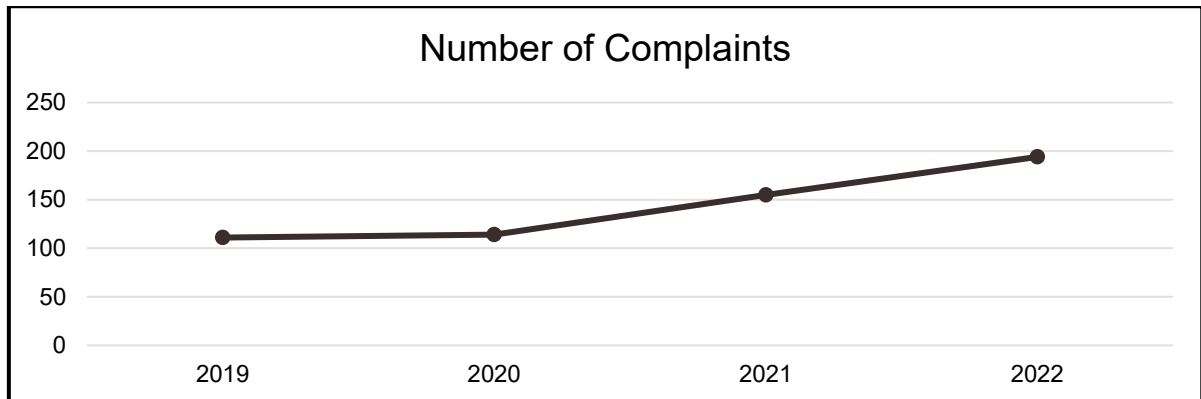
These include complaints from parents, careers and linked professionals regarding their interactions with Children’s Services in Herefordshire.

When handling complaints regarding Children’s Services we review these on an individual case by case basis to establish whether the complaint should be processed through the Children’s Complaints Policy or by the Corporate Complaints Policy. The distinction between the two policies is to determine who is making the complaint and what is the complaint regarding; we often receive complaints from parents careers and linked professionals and these complaints are often around concerns or issues pertaining to themselves and not the child, alternatively they may be regarding the child but they are not representing the voice of the child nor are they indicating any harm to the child. As you will see through the report often the individual is complaining about the lack of communication, a council decision, a services failure or staff attitude in respect of themselves therefore these complaints are handled under the Corporate Complaints Policy.

- 1. Number of Complaints**
- 2. Reason for Complaints**
- 3. Timeliness to respond**
- 4. Outcome of Complaints**

## 1. Number of complaints and representations regarding Herefordshire Childrens Services

The below information captures those complaints regarding Children's Services, under the Corporate Complaints Policy, over the past four years to provide a reflective analysis.



The number of complaints, regarding Children's Services, processed through the Corporate Complaints Policy have steadily increased over the past four years, since 2019 to March 2023 there has been a 74.7% increase in complaints received.

### **2019 - 2020**

111 Corporate Children's Complaints

### **2020 - 2021**

114 Corporate Children's Complaints

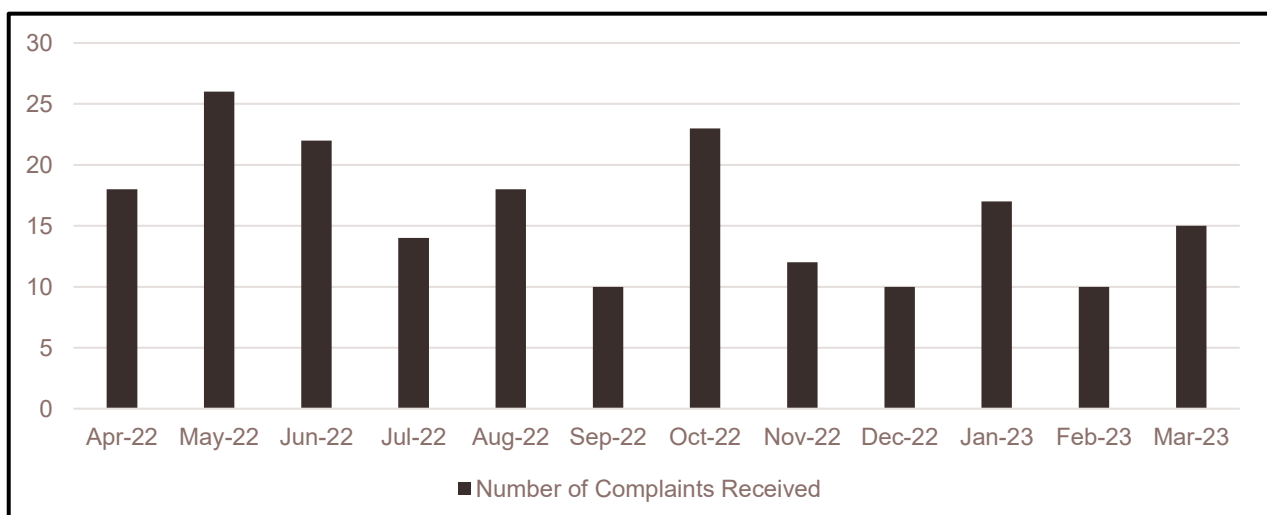
### **2021 - 2022**

155 Corporate Children's Complaints

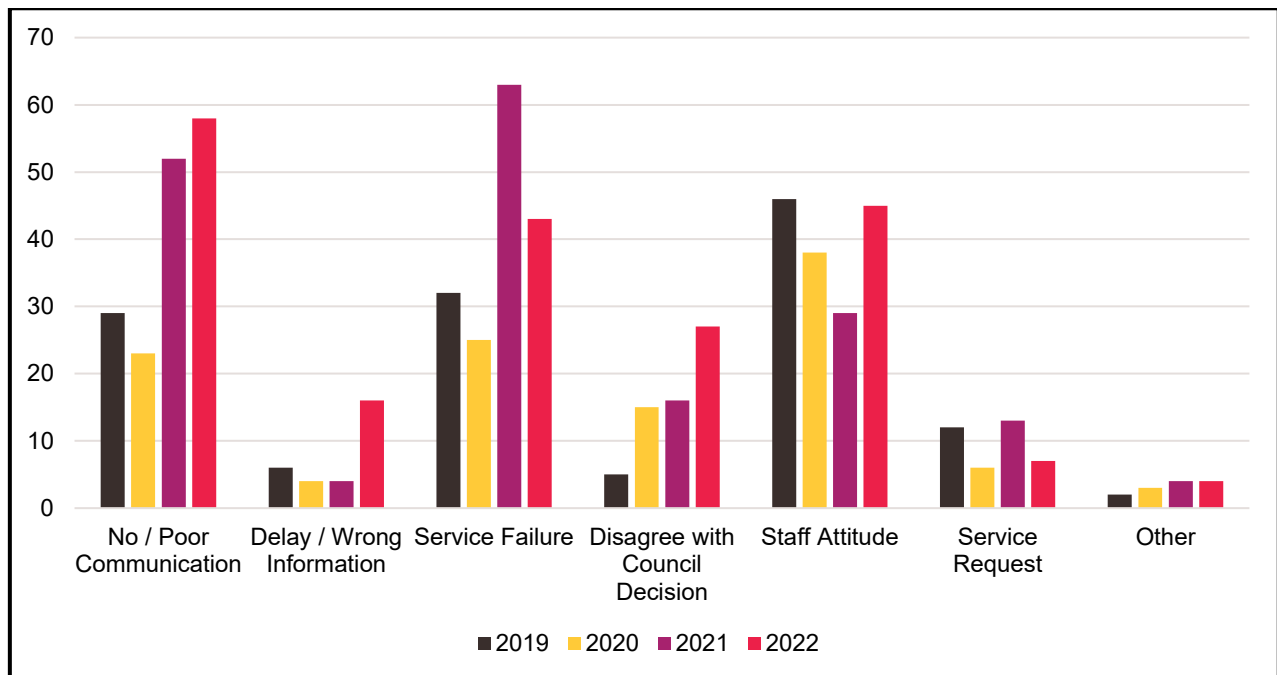
### **2022 - 2023**

195 Corporate Children's Complaints

The below chart highlights the complaints that came in by month;



## 2. Reason for Complaints regarding Herefordshire Children's Services:



The fundamental *reasons* for complaints over the past four years have remained consistent; poor communication, service failure and staff attitude.

There could be a number of reasons for this that are, unfortunately, repeating themes and patterns:

- Staffing has been complex this past 2 years and there has been a number of staff changes in terms of front line delivery. Within this, consistent, effective and high quality communication becomes harder; it has been noted that complainants report that they are not always introduced to new Social Workers or Team Managers as they take over the case, they often can't get a hold of a Social Worker and/or they are having to wait a significant period of time for replies, unfortunately, in addition, handover of cases has not always taken place leaving the young person feeling they have to re-explain their history and their case and therefore feeling let down.
- With regard to service failure this is also around the perceived lack of support / or services being provided that had been offered. This is open to interpretation of whether an individual may feel that they have been offered something without explanation as to what that service is or what it entails. However this could be linked to effective communication in a sense of does the individual understand what is expected from them in line with any plans and actions within these, and do they understand what they can expect from support services available.

It has been a complex and challenging year for Herefordshire Children's Services but we need to learn from the feedback and insights our customers and clients provide and embrace complaints to make positive change and improvements.

### 3. Complaints and the time taken to respond:

The timescale for response, under the Corporate Complaints Policy, is 15 working days.

#### 2019

Out of 111 complaints 15 responses were extended to take longer than 15 working days

#### 2020

Out of 114 complaints 16 responses were extended to take longer than 15 working days

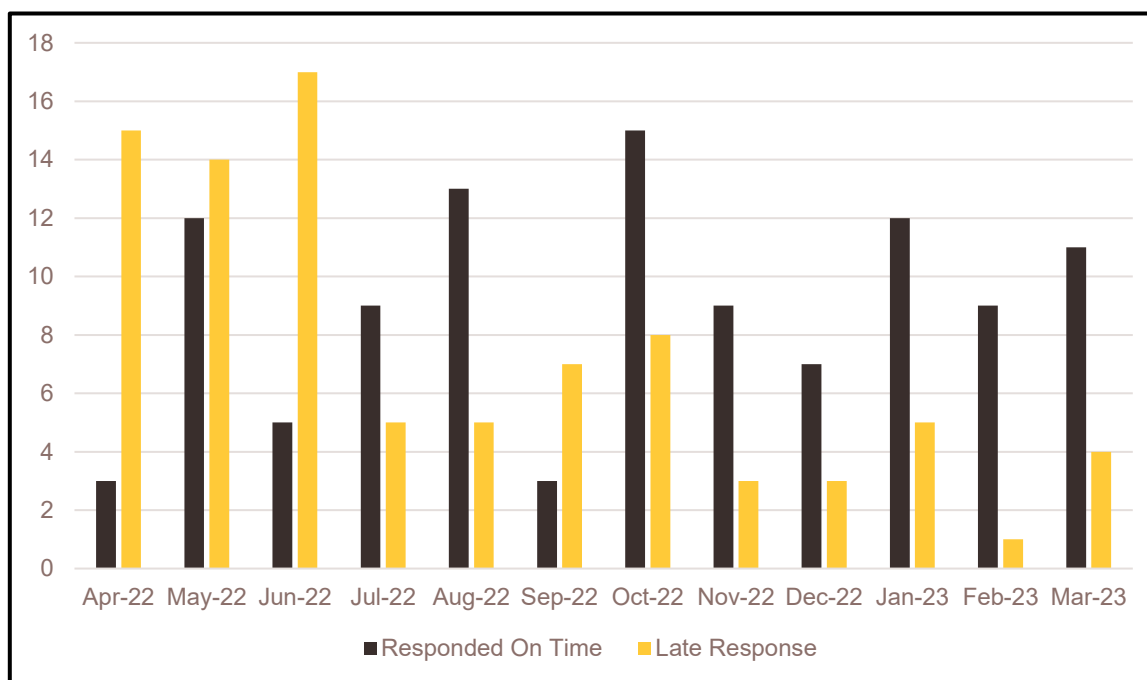
#### 2021

Out of 155 complaints 23 responses were extended to take longer than 15 working days

#### 2022

Out of 195 complaints 87 responses were extended to take longer than 15 working days.

This is 45% of complaints received being responded too later than the allocated 15 working days.



Historically, there has been an increase in the number of complaints we are responding too as late – that being beyond the 15 working days response time. The reasons for this can include:

- In the past year we have seen on a number of occasions the Investigating Officer has changed and the Complaints Team has not been told about this to re-allocate; in addition no handover of complaint processing has been provided between the original IO and the person they are passing too. This causes delays but also with no communication to the team we are not able to keep the complainant up to date with what is happening. This concern has been raised on a weekly basis but unfortunately continues to be an issue.
- We have recently seen a number of Team Managers and Service Managers who are not necessarily aware of the complaints handling process or policy; the Complaints Manager and Complaints Team are actively working on this to ensure that any new managers coming

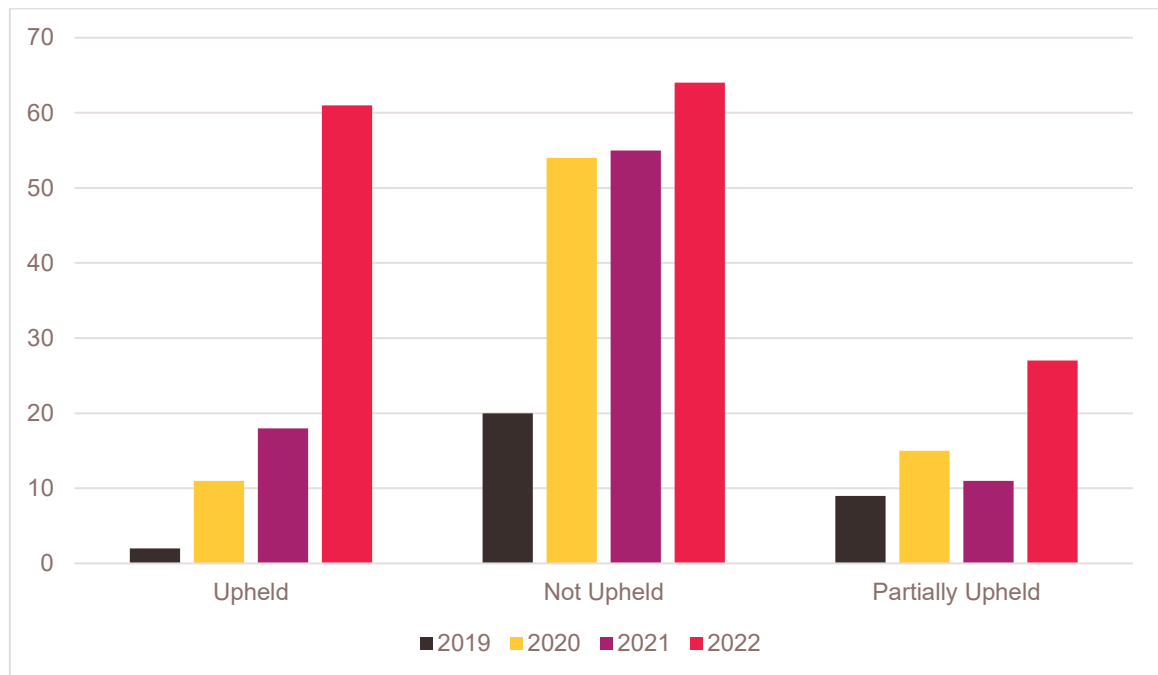
into the Directorate are aware of the team, what the policy and processes are and what support can be provided. Recently a 'best practice' document has been produced to be shared with all seniors in Children's Services.

- We are aware that workload is likely a contributory factor in being able to prioritise and ensure that timescales are met in relation to complaints handling. The Complaints team aim to work with the IO to ensure that the complainant is kept up-to-date with a realistic date of response to ensure no further conflict is caused.

This being said, it should be noted that consistently over the past 6 months we have seen complaints responded too within timescales and this is an improvement that should be commended.

#### 4. Outcomes of complaints:

When appropriate a complaint may be identified as upheld, not upheld, partially upheld or identified as withdrawn; whether an outcome is provided will vary depending on the nature of the complaint.



##### 2019

2 complaints were upheld; 20 were not upheld; 9 were partially upheld.

##### 2020

11 complaints were upheld; 54 were not upheld; 15 were partially upheld

##### 2021

18 complaints were upheld; 55 were not upheld; 11 were partially upheld

##### 2022

61 complaints were upheld; 64 were not upheld; 27 were partially upheld

This is for information purposes only as I would not be able to provide a full analysis as to why the data has increased in relation to what has been upheld and not upheld; whether an outcome would be provided will vary dependant on the nature of the complaint in terms of what concerns the complainant has identified as well as whether they have identified a specific outcome themselves. However, that being said, moving forward we would encourage all complaints to be provided with a final outcome to determine the status of their complaint. It is important that if the investigating officer is *not* upholding the complaint clear reasoning should be given.



## **Appendix 2 – Complaints, regarding Children’s Services, processed through the Children’s Representations and Complaints Policy**

This report seeks to recognise the determination of children and young people to see that Social Care processes improve and develop and outline not just what complaints were made, but what difference they have made in the work of Herefordshire Children’s Services.

This is the fourth year that the children’s complaints process was administered by the Council’s Complaints Team, taking over its management from Children’s Services in 2019. The team continue to review the policies and procedures for administering Children’s complaints, reporting on complaints to the children’s services senior management team, and arranged training for complaint investigation officers which was delivered by the Local Government and Social Care Ombudsman (LGSCO).

- 5. Representations**
- 6. Volume of Complaints and Representations**
- 7. Complainants**
- 8. Reason for Complaints**
- 9. Outcomes from Complaints**
- 10. Support for Children and Young People complaining**
- 11. Response Time**
- 12. Complaints taken to the LGSCO**
- 13. Learning**
- 14. Key Questions**
- 15. Effectiveness of the Complaints Procedure**
- 16. Financial Implications**
- 17. Considerations and Recommendations**
- 18. What are the Complaints Team doing to support improvement**

## 5. Representations

Children and young people have a variety of methods in which they can feedback, make comments and send complaints. They can submit these through our online form, through their physical or virtual meetings with their Social Worker and/or Family Support Worker or they can request an advocate who can support them through the process. Other ways in which representations can be made are via third parties by way of their School, a family member or a foster carer for example. In 2021, there have been:

- 8 complaints directly from young people
- 11 complaints directly from young people with the support of an Advocate
- 35 complaints from family members, including parents and guardians on behalf of the child or young person;
- 1 complaint from internal meetings, including through the Social Worker and Independent Reviewing Officer

## 6. Volumes of complaints and representations

There were 55 complaints made under the Children's Complaints and Representations Policy in 2022 / 2023

### 2018 – 2019

36 Children's Complaints and Representations

### 2019 - 2020

30 Children's Complaints and Representations

### 2020 - 2021

14 Children's Complaints and Representations

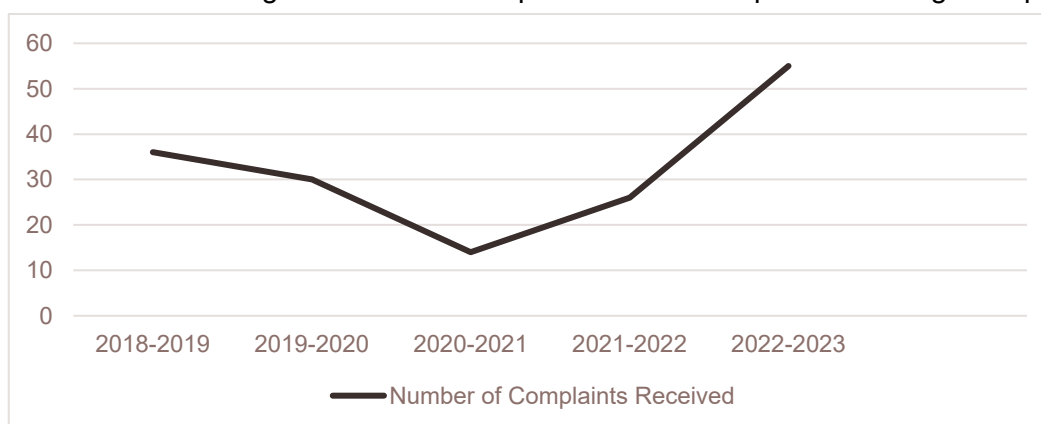
### 2021 - 2022

26 Children's Complaints and Representations

### 2022 - 2023

55 Children's Complaints and Representations

In below chart indicates the increase in complaints that have been received and processed through the Children's Complaints and Representations policy since 2018. I should be noted that this year, in line with LGSCO guidance more complaints have been process through this policy as is the right

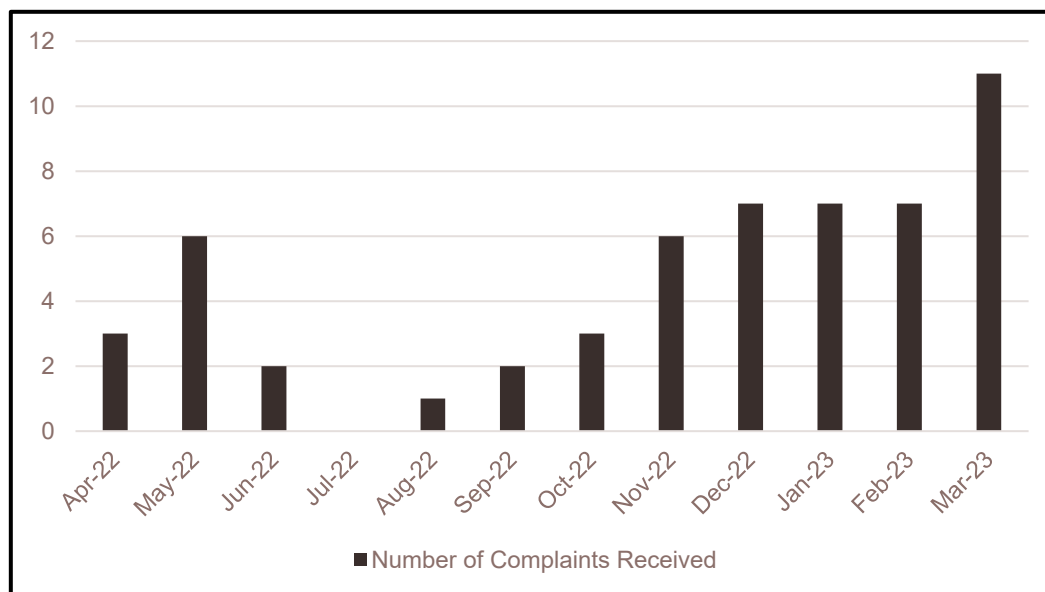


of the Children and Young People and those acting on their behalf.

The below chart highlights the complaints received from April 2022 – March 2023. The increase indicated is due to the change in policy that complainants are processed under. This change came into place in September 2022.

From the 55 complaints received in 2022 / 2023;

- 29 were resolved at stage 1
- 13 were progressed to stage 2 (see point 8 for reasons)
- 3 were progressed to a stage 3



## 7. Who has made complaints?

The majority of complaints were made by children both currently and previously in the care of the local authority, either directly or with support of an advocate; with a further amount being made by parents / carers of children, on their behalf.

Due to the relatively small numbers of complaints it is not possible to provide a breakdown of complainants by age, disability, ethnicity and other personal characteristics due to the risks of identification and subsequent breach of confidentiality.

## 8. Reasons for complaints

There can be multiple reasons for a complaint, which is why the total number of complaints and total number of reasons for complaint will differ. The complaints raised relate to:

- Service failure - This has included quality of service, errors made in assessments or lack of support/services being provided that had been offered;
- Communication – This included not being kept informed or involved through the process, information not being explained, relevant staff not being available at time of contact, the complainant feeling that they are not being listened too;
- Staff attitude – This included complainants feeling that the Social Worker does not involve them in the decision making process;
- Placement – The complainant felt that the process was not effective and they were not supported to seek appropriate placement;
- Wrong Information – The complainant believes that their information had been shared inappropriately (also shared with Information Governance as a data breach).

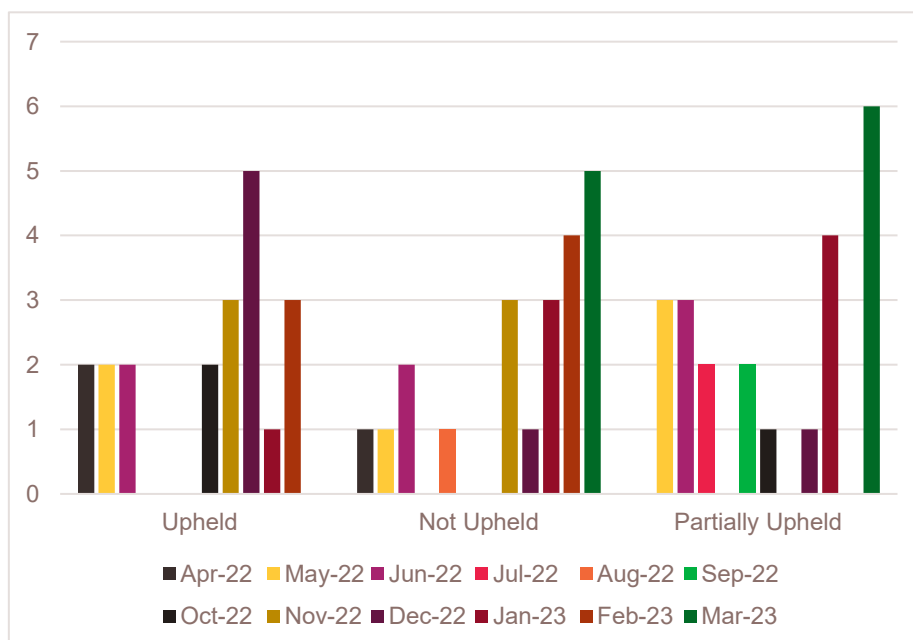
Following the stage 1 internal investigation if a complainant remains dissatisfied they have the right to progress their complaint to stage 2. 13 complaints have / are actively going through the stage 2 complaints process. Reasons for this have been;

- Late response at stage 1
- Lack of response at stage 1
- No actions completed following stage 1

## 9. Outcomes from complaints

Of the 55 complaints received in 2022 / 2023, outcomes from Investigation Officers include:

- 19 were upheld;
- 16 were partially upheld;
- 20 were not upheld;
- No complaints had been withdrawn.



## 10. How are children and young people supported to raise concerns?

All children and young people making complaints are offered support from a professional advocacy service; [Hear Me](#) is a service provided for Children and Young People in care, care leavers aged under 25 years, young people aged over 5 years who are under Child Protection, Children with Disabilities (in an instructed capacity), Homeless Children aged 16-17 and Children in Need. The service has supported a large number of young people in making their complaints this year and it is predicted this will continue to be a developing area into 2023.

Of the 55 complaints received in 2022 / 2023, 11 of these were made by the child or young person, supported by an Advocate.

## 11. How quickly have we responded to complaints?

The statutory timescale for response at the first stage of investigation of a children's complaint is 10 working days, though this can be extended to 20 working days if the complaint is complex or a large investigation would need to be carried out.

- 37 complaints were extended to take longer than 10 working days. This is a significant area for improvement. If we can respond to complainants and resolve the concerns within 10 working days we are less likely to receive more complaints due to a lack of response. The extension of a further 10 working days should only be used for large / complex / collaborative responses.
- 34 complaints were responded to late at the first stage. That's 62% of complaints being responded too out of timescale, a huge increase from the 4 that were identified as being late in 2021. Reasoning for being late have included; capacity, IO leaving, IO not responding and suggesting stage 2, IO not knowing the case
- 21 complaints were responded to within timescales

Stage 2 investigations should take 25 working days, and can be extended to 65 working days for more complex investigations. As I write this report, 10 complaints are being processed at stage 2, this is the highest number we have had at one time in recent years, particularly with 5 of those having escalated since February.

## 12. Complaint responses taken to the LGSCO:

The Local Government and Social Care Ombudsman (LGSCO) looks at complaints about councils and some other authorities and organisations, including education admissions appeal panels and adult social care providers (such as care homes and home care providers). The service is free, independent and impartial.

### 2019

9 complainants took their complaints to the LGSCO for review:

- 3 were not upheld
- 3 were closed after initial enquiries
- 1 was deemed as premature
- 2 were upheld and the complainant(s) was awarded £2500 and £300

### 2020

6 complainants took their complaints to the LGSCO for review:

- 1 was not upheld
- 2 were closed after initial enquiries
- 3 were upheld and the complainant(s) was awarded £1000 and £300 and upheld but no injustice

### 2021

13 complainants took their complaints to the LGSCO for review:

- 2 were not upheld
- 7 were closed after initial enquiries
- 1 was deemed as premature
- 2 were upheld and one complainant was awarded £600
- 1 concluded complaint in 2020 was reviewed by the LGSCO in 2021, with an outcome of: Upheld - Maladministration & Injustice, awarding £4,270.00 and £600.00

### 2022

9 complainants took their complaints to the LGSCO for review:

- 1 was not upheld
- 4 were closed after initial enquiries
- 2 were deemed as premature
- 1 was upheld and the complainant was awarded £100
- 1 was upheld with no further action

### 13. Learning: what difference have complaints made?

Learning from complaints helps social care practitioners in their practice development and wider service improvement, which benefits other children and young people receiving services. When complaints are seen as, constructive, feedback and tools for improvement they can shape the way to making things better for all.

Some examples of where things have changed as a result of the complaints made in 2022 are as follows:

- Communication is an ongoing issue for Children's Services and is a key area of learning and improvement; this is a part of wider learning across Children's Services currently, embedded into the Quality Improvement Plan.
- There is an increase in the recognition and use of the interpreter services and ensuring this is in place consistently for those where English is not the individuals first language.
- There is wider recognition that information needs to be passed to families in a timelier manner to ensure that they are able to review and process this prior to meetings; in addition communicating information in an effective way that makes sense to the family involved.
- For all staff to utilise the information recording systems held to ensure that all information is logged appropriately and is correct. When Investigating Officers have investigated complaints, it is advised that the complaint reference number is added to the case file of the complainant so that, should it be needed, professionals can request complaint information from the Complaints Team.

An area for improvement is to review the 'Learning Template' form to provide a more reflective tool and a more comprehensive response to lessons learnt following a complaint.

### 14. Key questions

- Do we adapt our communication to meet the needs of individuals and explain things in a way that makes sense to them?
- Do we provide consistent communications when there has been a change to a child or young person's Social Worker and / or Team Manager and is that done in a supportive way to provide reassurance?
- Do we make the process of Children's Services involvement clear and easy to understand for the child, young person and their family and/or support network?
- Do they understand the journey they may go through with us and what each stage means?

## **15. The effectiveness of the complaints procedure**

It is difficult to draw conclusions from much of the data this year as we have seen a relatively low number of lessons learnt being completed making it challenging to draw on what improvement and changes have been made and how we can ensure that in fact the right improvements are made and processes are developed to support such improvements.

We do need to consider that Children's Services are still going through a period of considerable and significant change; the Complaints Team and the Children's Directorate will continue to review the process of Complaints to ensure that it is fit for purpose, that Children, Young People and their families can make comments and complaints about the services they receive and that we learn from these in an effective and timely manner.

The Complaints procedure will continue to be reviewed, training has been provided for investigating officers and further training will be provided as the teams stabilise, senior management are regularly updated on complaints received and the reporting process will be reviewed in line with changes to the Senior management team to ensure this continues to capture what they require to make informed changes and improvements.

In addition, further work will be carried out in 2023 to provide more awareness of the Complaints procedures, ensuring that the processes continue to be person centred and accessible to all children and young people, and that that the process both empowers and shapes the wider Quality Improvement Strategy of Herefordshire's Children's Services Directorate.



## 16. Financial Implications

Concluded stage 2 complaints have cost a total of; **£20,585.20**

Investigation 1 cost; **£1500.20**

Investigation 2 cost; **£6462.50**

Investigation 3 cost; **£2852.50** *IP invoice pending*

Investigation 4 cost; **£1125**

Investigation 5 cost; **£2825**

Investigation 6 cost; **£3045**

Investigation 7 cost; **£2775**

Stage 3 Panel Review 1 cost; **£1625** *this combined with the cost of the stage 2 totals £2750*

*Total financial implication to date from April 2022 - £23,335.20*

Please note; this figure does not include the nine current complaints that are being investigated at stage 2 and two pending stage 3 review panels

Given the complex nature of six of the nine current stage 2 complaints I would predict that the projected figure for the current stage 2 complaints would be in the region of **£32,000**

## 17. Considerations and Recommendations

Unfortunately the Court Judgement in April 2021 has continued to have a negative impact on Children's Services, there is no denying that; through published Court documents and media coverage that was in the public domain and had a negative impact on how Children's Services has been viewed, by both families we work with but also the wider community. The Ofsted report that was issued in September 2022 confirmed to those members of the public doubting the abilities of Children's Services to provide the right care for the Children and Young People of Herefordshire. However, the release of the Improvement Plan and the Commissioners Report earlier this year indicated that there has, and continued to be, significant improvements within Children's Services, including the appointment of several permanent members of senior staff. The increase in complaints in this directorate should not, in its entirety, be considered a negative. It is evident that with the introduction of new services and improved communication, the public feel more confident to raise concerns with the hope they will be resolved. One family gave recent feedback stating she had complained because she wanted to make sure decisions that had been made about her family didn't happen to anyone else, so learning could be taken by the service, and she wanted to be part of the change in how the public view children's services.

There has been a significant change to both the Senior Management and Leadership structure in the past year. We are now fortunate to have a highly experienced permanent Director and Service Director in place; and the new senior management and leadership structure is being formed following a period of review, including permanent Heads of Services, Service Managers and Team Managers, with the addition of a Service Director who is leading on Improvement and an Assistance Chief Executive for Children's Improvement. Commissioning work continues with the support to improvement from Eleanor Brazil, the Children's Commissioner as well as regular monitoring visits from Ofsted which are providing valuable feedback to the service.

There has been a significant change in terms of front line staff, including the introduction of additional teams in services areas, a developing recruitment campaign to source permanent Social

Workers through the Social Work Academy and a Quality Improvement Plan in place for the coming years to focus on quality improvement, including within frontline staff.

A key recommendation would be the consideration of an independent complaint investigator being sourced to action investigations within the Children's Directorate; this would be a person who is separate of any specific team within the Directorate and could fall within the wider Quality Improvement Team. This is something that could be embedded but further review would be needed to make a valued assessment of how effective this would be.

A further recommendation would be that following the investigation into a complaint that the reference number is added to the case file of the complainant so that, should it be needed, professionals can request complaint information from the Complaints Team. This also indicates whether issues being raised may have already been addressed via the complaint procedure.

## **18. What are the Complaints Team doing to support improvement?**

Growth to the Hear Me Advocacy services, following a successful bid of funds to develop the service:

- Increase in advocacy staff (additional 90 hours to provide additional services and grow our offer)
- Introduction of a administrative post to support the team and manage all administrative functions that are currently managed by the Manager
- Increase in capacity to support children and young people to make complaints and ensure their voice is heard in all aspects of their journey

Growth of the Complaints Team to act as dedicated support for Children's complaints:

- Supporting the organisation to remain compliant and meeting our statutory responsibilities
- Protecting the organisation from reputational and financial damage

A newly appointed Complaints & Children's Rights Manager, offering support and guidance to Heads of Services, Service Managers and Team Managers in relation to complaints process and policy.

Embedding into the Engagement & Communication Group, through the Safeguarding Partnership, to review how effectively we 'put ourselves out there' to ensure all members of the community know how to make a complaint.

The Complaints Team will continue to work with Social Care teams to ensure that awareness is raised amongst children and young people regarding making complaints if they feel the need to.