



HARTLEPOOL
BOROUGH COUNCIL

Children's and Joint Commissioning Services Annual Complaint Report 2018-2019



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1. Introduction

Welcome to Hartlepool Borough Council's Children's and Joint Commissioning Services Complaints, Compliments and Representations Annual Report. The report covers statutory complaints and compliments received for children's social care services and public health functions for the period 1 April 2018 to 31 March 2019.

The report outlines:

- Details of the complaints and compliments received over the reporting period;
- Actions implemented, any lessons learned and resulting improvements following enquiry into complaints;
- Performance in relation to handling of complaints.

2. Background

Complaints and compliments are valued as an important source of feedback on the quality of services. Each complaint is investigated and, where appropriate, redress made. Equally important is the work to learn lessons to prevent a repeat of failure in service quality and continually improve services.

2.1. What is a complaint?

A complaint is any expression of dissatisfaction about a service that is being delivered, or the failure to deliver a service. The Local Government and Social Care Ombudsman define a complaint as “*an expression of dissatisfaction about a council service (whether that service is provided directly by the council or on its behalf by a contractor or partner) that requires a response.*”

A complaint can be made in person, in writing, by telephone or email or through the council's website. It can be made at any office. Every effort is made to assist people in making their complaint and any member of staff can take a complaint.

2.2. Who can complain?

A complaint can be made by:

- A child or young person
- A parent or carer
- Special Guardians
- Anyone who is or is likely to be affected by the actions, decisions or omissions of the service that is subject to a complaint.

3. Children's Social Care Complaint Framework

3.1. Complaint management arrangements

The statutory complaint function for children's social care sits within the Standards, Engagement and Development Team under the management of the Head of Service (Quality and Review). The remit of the Complaints Manager's function is:

- Managing, developing and administering the complaint procedure.
- Providing assistance and advice to those who wish to complain.
- Overseeing the investigation of complaints that cannot be managed at source.
- Supporting and training staff.
- Monitoring and reporting on complaints activity.

3.2. The complaint regulations and procedure

The Children Act 1989 Representations Procedure (England) Regulations 2006 came into force from 1 September 2006. This procedure is for all representations received from children and young people, their parents, foster carers or other qualifying adults about social care services provided or commissioned by children's social care. The full detail of the complaints procedure is available on the Council's website at:

https://www.hartlepool.gov.uk/info/20004/council_and_democracy/429/complaints_comments_and_compliments

The Regulations and Statutory Guidance '*Getting the Best from Complaints*' are now fully embedded into the children's social care complaints system and

information derived from complaints is included in the annual monitoring of children's social care and made available to the public.

A child, young people or their families/carers who make a representation is offered the services of an Advocate to enable their views to be effectively promoted.

There are three stages to the procedure.

» **Stage 1**

Local Resolution: The aim of stage 1 is to sort out the matter as quickly as possible. The complaint will be allocated to a manager who will contact the complainant to discuss the complaint. Stage 1 of the complaints procedure should be completed within 10 working days but if there are a number of issues to look into, this can be extended up to 20 working days. The complainant will receive a response to the complaint in writing.

» **Stage 2**

Investigation: This part of the procedure is used when the complainant remains unhappy after their complaint has been responded to at Stage 1 or the complaint is sufficiently serious enough to warrant a more formal investigation. Investigations are conducted by an Investigating Officer who must be independent of the service area and/or decision making being complained about. Sometimes, an Investigating Officer external to the Council is appointed when the issues complained about are complex or have a number of elements to them. An Independent Person is also appointed at Stage 2. This is a statutory role and the Independent Person (who is external to the Council) works alongside the Investigating Officer with a remit to ensure that the process is open, transparent and fair.

Reports completed by the Investigating Officer and Independent Person are submitted to an Adjudicating Officer (usually the Assistant Director) for response.

The investigation and adjudication process should be concluded within 65 working days.

» Stage 3

Independent Complaint Review Panel: If the complainant is dissatisfied with the outcome at Stage 2, they may request that the issues are taken to a Complaint Review Panel (Stage 3). The Panel consists of an Independent Chair and two independent panel members. The Panel considers the complaint and can make recommendations to the Director of Children's and Joint Commissioning Services within 5 working days of the Panel meeting.

The Director is required to make a formal response to any findings and recommendations of the Review Panel within 15 working days of receiving the Panel's report.

3.3. Referral to the Local Government and Social Care Ombudsman

If, at the end of the complaints procedure, the complainant remains dissatisfied with the outcome or the way in which their complaint has been handled, they may ask the Local Government and Social Care Ombudsman (LGSCO) to investigate their complaint. Complainants may also approach the LGSCO directly without accessing the complaints process. In these cases it is usual for the LGSCO to refer them back to the Council for their complaint to be examined through the relevant complaints process before they intervene.

4. Public Health Complaint Framework

4.1. The complaint regulations

The NHS Bodies and Local Authorities (Partnership Arrangements, Care Trusts, Public Health and Local Healthwatch) Regulations 2012 cover the statutory complaint handling arrangements relating to public health functions of a Local Authority. These regulations also cover the provision of services by a service provider where the complaint relates to public health functions for which the Local Authority Director of Public Health has responsibility for.

4.2. Complaint management arrangements

The statutory complaint function for public health also sits within the Standards, Engagement and Development Team under the management of the Head of Service (Quality and Review).

5. Principles and outcomes

Good handling of complaints and representations involves:

- Keeping the complainant at the centre of the complaints process;
- Being open and accountable;
- Responding to complainants in a way that is fair;
- Being committed to try to get things right when they go wrong;
- Seeking to continually improve services.

Statutory complaints are underpinned by the following:

- A procedure that aims to be fair, clear, robust and accessible;
- Support being available to those wishing to make a complaint;
- Timely resolution following enquiry into complaints/representations;
- Lessons learnt following complaints and services improved;
- Monitoring being used as a means of improving performance.

6. Public information

Information about the complaints and representations framework is accessible via the Council's public access points and also the Council's website at: https://www.hartlepool.gov.uk/info/20004/council_and_democracy/429/complaints_comments_and_compliments

Children, young people and carers are provided with factsheets explaining the procedure.

Information in other formats such as large print or Braille or translation in languages other than English are made available upon request.

7. Summary of representations

7.1. Compliments

Compliments are generally recognised to be an indicator of good outcomes for children, young people and families. They also serve to provide wider lessons regarding the quality of services.

During 2018/19, 8 compliments have been received relating to children's social care. These range from an expression of thanks and appreciation in the form of a thank-you card to written communication. However, when reminding the workforce about the recording of compliments after 31 March 2019, a further 5 compliments from 2018/19 were brought to the attention of the Standards, Engagement and Development Team. In addition to this, verbal expressions of thanks and appreciation were received from families who have participated in providing feedback about newly qualified social workers and during 'practice week' engagement. Appendix A provides some examples of compliments received during the period.

7.2. Complaints received in 2018/19 – Children's social care

A total of 31 complaints were received. The number of complaints received has increased by 13 from the previous year. Actions implemented to address complaints that were either partly upheld or upheld are outlined in Appendix B.

Although there has been an increase in the number of complaints received, 16 of the 31 complaints received were not considered leaving 15 complaints for investigation. Overall, this is a decrease of 3 complaints investigated from the previous year.

Of the 16 complaints not considered further, this was because:

- 11 complaints related to ongoing or concluded court proceedings. Any dissatisfaction about legal proceedings cannot be considered within the complaints framework. These should be raised during the

court proceedings before decisions are reached by a Judge or, in the case of disagreement with decisions made within proceedings, via the legal appeal process. In these 11 cases, the complainant was informed that their representation could not be considered under the complaints procedure and signposted to the LGSCO if they remained unhappy with the decision not to investigate their complaint.

- 1 complaint was not accepted for investigation because the outcome the complainant was seeking could not be achieved through the complaints procedure. The reason for the decision was explained and the complainant was signposted to the LGSCO if they remained unhappy with the decision not to investigate their complaint.
- 4 complaints were withdrawn by complainants and were therefore not considered any further.

Of the 31 complaints received:

- 3 complaints were received by grandparents;
- 2 complaints were received from young persons;
- 1 complaint was received from a prospective adopter;
- 1 complaint was received from adopters;
- 1 complaint was received from a prospective connected carer;
- 1 complaint was received from a special guardian; and
- 22 complaints were received from parents.

Of the 15 complaints investigated, 12 have been concluded. The 3 remaining complaints, which remain subject to investigation at stage 2, have been carried forward to 2019/20. Of these:

- 14 of the 15 complaints were responded to at stage 1 in the first instance. Of these 14 complaints:
 - 9 complaints were resolved at stage 1; and
 - 5 complaints progressed to stage 2 where 2 remain ongoing and the other 3 have been resolved following the conclusion of stage 2.

- 1 of the 15 complaints proceeded directly to stage 2 without being first considered at stage 1 which remains ongoing.

There were 4 complaints that were carried forward from 2017/18 and concluded within 2018/19.

7.3. Advocacy services

Of the 31 complaints received, one young person chose to have an advocate to support them during the complaint process. However, the young person later withdrew their complaint.

7.4. Complaints considered by the Local Government and Social Care Ombudsman (LGSCO) in 2018/19

The LGSCO made decisions on 4 complaints about children's social care during 2018/19. Of these:

- 1 complainant, from the 11 complaints received in 2018/19 whose complaint related to the matters being considered within legal proceedings, contacted the LGSCO about their complaint. The LGSCO decided it could not investigate the complaint because the same issues were being heard before the Court.
- 1 complainant, from the 15 complaints investigated in 2018/19 who did not progress their complaint beyond stage 1, approached the LGSCO some months later about their complaint. The LGSCO decided not to investigate the complaint because it was unlikely they would find fault with children's services involvement with their family.
- 1 complainant, from the 18 complaints investigated in 2017/18 who did not progress their complaint beyond stage 1 about matters they were eligible to complain about, contacted the LGSCO about court-related matters that they were not eligible to complain about. The LGSCO decided not to investigate the complaint because the Ombudsman is unable to investigate matters decided in court.
- 1 complainant, whose complaint related to matters in 2017/18, contacted the LGSCO directly about their complaint in 2018/19. The LGSCO used their discretion to investigate the complaint about children's social care and community safety without the Council

having considered the complaint first. Following their investigation, the LGSCO did not find fault with the Council's actions.

7.5. Complaints carried forward to 2019/20

Of the 15 complaints investigated in 2018/19, 3 complaints remained subject to investigation at stage 2 as at 31 March 2019 and will be carried forward to 2019/20.

7.6. Compliments and complaints in 2018/19 - Public Health

There were 3 compliments received about public health functions in 2018/19. One compliment received related to the health visiting service whereas the other 3 compliments received were about the drug and alcohol service.

There were 3 complaints received in relation to public health functions during 2018/19 compared to none received the previous year. Of these, one complaint related the health visiting service whilst the other 2 complaints were about the drug and alcohol service. All 3 complaints were responded to and have been resolved during 2018/19.

Appendix C provides an example of the compliments received during the period and where action was implemented to address complaints that were either upheld or partially upheld about public health functions.

8. Actions taken following complaints

Actions implemented following the conclusion of a complaint are an important aspect of the complaints framework. Appendices B and C outline the context of some actions that have been put in place to improve services as a direct result of complaints and representations received in children's social care and public health.

9. Conclusions and way forward

9.1. Going forward

We continue to ensure that a person-centred approach is adopted for the handling and investigation of each complaint. We will continue to focus on ensuring we monitor that: complainants receive appropriate and timely feedback on complaints; appropriate apologies are offered; and any service improvement recommendations are delivered.

9.2. Action plan

Actions for 2019/20 are as follows:

- Continue to raise awareness of and promote the relevant statutory complaints procedure for children's social care and public health services.
- Continue to remind and encourage the workforce to inform the Standards, Engagement and Development Team when expressions of thanks have been received. These provide an indication of satisfaction with services and should be recorded and reported.
- Conduct a complaint training needs analysis to determine any learning and development gaps and implement any relevant training to meet the needs of the workforce as well as those managers who investigate complaints.
- Continue to raise awareness of lessons learnt from complaints and ensure they are fed into policies, procedures and practice.

Appendix A: Examples of compliments received across Children's Social Care Services

"Thank you for the help, guidance and support you have given to the children and me over the last nearly 2 years and got us to where we are today."

From a parent about a Social Worker

"... I haven't got enough words to thank you and tell you how much we appreciate how you supported us as a family since we moved to Hartlepool. When everyone else let us down, you come to us and gave us some hope when we needed it, you are there for us more than anyone else."

From a parent about a Family Support Worker

"... we were at a loss what to do with 'A' to try and get him back on the right path and no one seemed to be able to help but 'Z' has really taken the time especially with 'A' to get us all communicating and was genuinely interested. ... without your help and support I didn't have much hope for 'A' but now we have nothing but hope."

From a parent about a Social Worker

"The clear and focussed approach of the social work support and coordinated multi agency team support and communication is to be commended. This has ensured 'B' has increased confidence and been able to fully engage and understand and make appropriate changes to ensure her children's needs are met."

From a Children's Guardian about social workers across children's safeguarding and adult learning disability teams

“Just a little thank you for guiding me along the way, the support and also putting up with my frustrations at times. I very much appreciate everything even though it's been hard at times.”

From a parent about a Social Worker

“Thank you for all your help you've gave me and my children. I really appreciate it. We were really lucky to have you as our Social Worker and we will miss you. Good luck in your future, it's now time to go help another family the way you have mine.”

From a parent about a Social Worker

“Helpful to 'N' to allow her to see her dad without only seeing arguments and violence.”

From a parent about a Social Worker

Appendix B: Examples of actions taken in complaints about Children's Social Care Services

Details of complaint/Outcome	Actions following findings
<p>The complainant (the father of a child) was unhappy with aspects relating to a child protection enquiry.</p> <p>Concluded at Stage 1</p>	<p>Agreed to:</p> <ul style="list-style-type: none"> • remind Social Workers that they should be aware of the length of time a child(ren) had last eaten and look to find a resolution to ensure children are fed during lengthy medical examinations as part of child protection enquiries. • remind Social Workers that if they are driving and a parent is giving them directions and it is difficult to hear what the parent is saying, stop the car at an appropriate place to gather the information rather than raise their voice to be heard.
<p>The complainants (the children's parents) were of the view that the children's social worker was overwhelmed with the complex needs of their children and family and, as a desired outcome, wished for a more senior social worker to be allocated.</p> <p>Concluded at Stage 1</p>	<p>The Head of Service explored with the complainants their views about the allocated social worker. It was considered that it would be helpful for a fresh start with a different social worker. A new social worker was allocated to the case.</p>
<p>The complainant (a parent of a child) expressed concerns about whether an Occupational Therapy assessment had been carried out properly and whether the proposed works had been costed properly.</p> <p>Concluded at Stage 1</p>	<p>The Team Manager reviewed the assessment and procurement processes followed. It was found that the complainant's case was only part way through the procurement process and resolution was achieved at stage 1.</p>

<p>The complainant (the child's grandparent) expressed her dissatisfaction with aspect concerning her granddaughter's care.</p> <p>Concluded at Stage 1</p>	<p>Resolution was achieved through a change of social worker and a meeting between all professionals and family which was chaired independently.</p>
<p>The complainant (the child's parent), was unhappy, amongst other things, about a lack of adequate clothing being provided at a contact session for her child.</p> <p>Concluded at Stage 1</p>	<p>The Team Manager was able to achieve resolution by:</p> <ul style="list-style-type: none"> • speaking to the foster carers; • reminding all foster carers about a spare set of clean clothes.
<p>The complainant (a prospective adopter) was unhappy about a failed adoption process which included, amongst other things, discussions about a baby moving in and preparations for the baby's arrival.</p> <p>Concluded at Stage 1</p>	<p>The Head of Service visited the complainant to understand her perspective about what had happened and the impact the situation had on the complainant's adopter journey before looking into her complaint.</p> <p>The Head of Service was able to achieve resolution by an agreement to review the foster-to-adopt process and to ensure social workers explained their discussions in writing as well as highlighting the risks attached to foster-to-adopt process.</p>
<p>The complainants (the adopters of a child) were unhappy with some aspects of the child's transition between his foster carers and themselves.</p> <p>Concluded at Stage 2</p>	<p>The Investigating Officer found that some aspects of the complaint were upheld or partially upheld and recommended that:</p> <ul style="list-style-type: none"> • an apology be provided for the delay in the provision of photographs; • written guidance to prospective adopters and adoptive parents with regard to the process of introductions and that involved social workers ensure the main care giver is always in attendance at the planning introductions meeting;

	<ul style="list-style-type: none">• when a move to an adoptive placement is planned the practice of linking the foster carers with an experienced “buddy”, which often happens informally, becomes part of routine established practice; and• in situations where there is conflict between sets of carers in the introduction process, direct mediation and if appropriate professional changed is raised to address the identified issues. <p>These recommendations were accepted the Council has liaised with the Regional Adoption Agency about the implementation of those recommendations that relate to developing guidance and the ‘buddy’ scheme.</p>
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Appendix C: An example of compliments and actions taken in complaints about public health functions

Compliments

"...J' gave excellent advice, she made me feel I wasn't doing anything wrong but gave some useful tips and suggestions. I now feel able to keep going and will happily ring the health visiting service again in the future." – From a parent about the health visiting service.

"Thank you for restoring the faith and hope." – From a service user about the drug and alcohol service.

Complaints partly upheld or upheld

Details of complaint/Outcome	Actions following findings
<p>The complainant (the father of a child) was unhappy about information being used inappropriately as well as the arrangements and logistics of a proposed visit to the family home.</p> <p>Concluded after formal investigation</p>	<p>The investigation into the complaint found that:</p> <ul style="list-style-type: none"> • professionals needed to be mindful about phrases and terminology used to avoid any confusion; • managers needed to be reminded to record decisions about visiting in pairs and the rationale for the decision to be fully documented; • managers consider amending practice so that any telephone conversations that may have ended abruptly are followed up in written correspondence. <p>An apology was provided the complainant about the arrangements for the proposed visit.</p>

<p>The complainant (a service user) was unhappy that no one had contacted her to advise her appointment had been cancelled and to rearrange another one.</p> <p>Concluded</p>	<p>An apology was provided to the complainant for the oversight and her wasted journey. The complainant was offered another appointment at the first available opportunity.</p>
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