



HARTLEPOOL
BOROUGH COUNCIL

**Children's and Joint
Commissioning Services
Annual Complaint Report
2021-2022**



Contents

1. Introduction	4
2. Background	4
3. Children's social care complaint framework	5
4. Public health complaint framework	7
5. Principles and outcomes	8
6. Public information	8
7. Summary of representations	9
8. Actions taken following complaints	13
9. Conclusions and way forward	13

Appendices

A: Examples of compliments received in children's social care services

B: Examples of actions taken in complaints about children's social care services

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 2021 to 31 March 2022.

The report outlines:

- Details of the complaints and compliments received over the reporting period;
- Performance in relation to handling of complaints;
- Actions implemented, any lessons learned and resulting improvements following enquiry into 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 the subject of 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 Quality and Review 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 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 or young person who make a representation is allocated 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, have a number of elements to them or there is sufficient justification to appoint an external Investigating Officer. 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 Quality and Review Service 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 their 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 their families. They also serve to provide wider lessons regarding the quality of services.

During 2021/22, 29 compliments have been recorded 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. The number of compliments reported to and recorded by the Quality and Review Team has decreased by 17 compliments compared to 2020/21. The decrease in compliments recorded may partly relate to the workforce not forwarding on the compliment they have received to the Quality and Review Team. The Quality and Review Team will continue to remind and reinforce the importance of forwarding expressions of thanks and appreciation from children and their families on to the Quality and Review Team for recording and reporting purposes. Appendix A provides some examples of compliments received during the period.

7.2. Complaints received in 2021/22 – Children's social care

A total of 61 complaints were received in 2021/22. The number of complaints received has increased by 21 from the previous year. Actions implemented to improve services as a result of complaints are outlined in Appendix B. There were 3 complaints carried forward to 2021/22 from 2020/21. Of these:

- 1 complainant, whose complaint was first responded to at Stage 1, progressed their complaint onto Stage 2 investigation. The complainant did not progress their complaint on to Stage 3 Complaint Review Panel following the conclusion of the Stage 2 process.
- 1 complainant, whose complaint progressed straight to Stage 2, progressed their complaint onto Stage 3 Complaint Review Panel.

The complainant was satisfied following the conclusion of the Stage 3 process and did not progress their complaint onto the LGSCO.

- 1 complainant, whose complaint was first responded to at Stage 1 and investigated at Stage 2, progressed their complaint onto Stage 3 Complaint Review Panel. It is not known whether the complainant will progress their complaint onto the LGSCO.

Of the 61 complaints received in 2021/22, 25 complaints were not considered further leaving 36 complaints for investigation. This is an increase of 16 complaints investigated in 2021/22 than the previous year.

Of the 25 complaints not considered further, this was because:

- 15 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. The complainant was informed that their representation could not be considered under the complaints procedure together with the reason(s) why and signposted to the LGSCO if they remained unhappy with the decision not to accept or investigate their complaint.
- 4 complaints were withdrawn by the complainant who had decided they no longer wished for their dissatisfaction to be addressed within the complaints framework.
- 2 complaints related to subject matters which had happened more than 12 months ago. Statutory complaint regulations stipulate that Councils do not need to consider complaints made more than one year after the grounds for the representation arose but they can exercise discretion to accept and investigate a complaint made after the 12 month timescale in certain circumstances. Having considered the detail of the complaint and whether there were any exceptional circumstances or good reasons why the complaint could not have

made within 12 months of the date of the subject matter giving rise to the complaint, the complainant was informed that their representation would not be accepted for investigation together with the reason(s) why and signposted to the LGSCO if they remained unhappy with the Council's decision not to accept and investigate their complaint.

- 2 complaints received related to another organisation. The Council outlined why it could not investigate the complaint and signposted the complainant to the relevant organisation responsible for the subject matter being complained about.
- 1 complaint received related to dissatisfaction with the outcome of an assessment. However, the assessment was not concluded. The complainant was notified the complaint made was premature and advised they could resubmit their complaint if they still remained unhappy once the assessment had been concluded.
- 1 complaint was withdrawn by the Council when the complainant did not communicate further despite repeated efforts by the Council to engage with the complainant.

Of the 61 complaints received:

- 46 complaints were received from a parent;
- 7 complaints were received from a grandparent;
- 3 complaints were received from another family relative of the child;
- 3 complaints were received from a child/young person;
- 1 complaint was received from an adopter; and
- 1 complaint was received from a foster carer.

Of the 36 complaints investigated:

- 34 complaints were responded to at Stage 1 in the first instance; and
- 2 complaints proceeded directly to Stage 2 investigation without being first considered at Stage 1.

- Of the 34 complaints responded to at Stage 1:
 - 26 complaints were resolved; and
 - 8 complaints progressed to Stage 2 investigation.
- Of the 10 complaints investigated at Stage 2:
 - 1 complaint was withdrawn at Stage 2 by the Council when the complainant did not engage despite repeated efforts made by the Investigating Officer (overseen by an Independent Person) to engage the complainant;
 - 2 complaints concluded following the completion of the Stage 2 investigation process; and
 - 7 complaints remain ongoing at Stage 2 investigation.

7.3. Advocacy services

Of the 61 complaints received, 2 of the 3 complaints received from a child/young person chose to have an advocate support them during the complaint process. In the case of the 1 remaining complaint received from a child/young person, they chose to discuss their wishes and feelings with their Social Worker rather than an Advocate.

7.4. Complaints considered by the Local Government and Social Care Ombudsman (LGSCO) in 2021/22

There were 4 complainants who approached the LGSCO about their complaint during 2021/22. Of these:

- 3 complaints were from the 15 complaints which were not considered further and related to ongoing or concluded court proceedings. In each complaint, the LGSCO decided that they have no power to investigate the complaint because the substance of the complaint related to a Social Worker's report and/or their evidence given to Court. The LGSCO cannot investigate what happened in Court; and
- 1 complaint was from the 2 complaints which were not considered further because they related to another organisation. The LGSCO decided it could not investigate the complaint because the matters being complained about did not relate to the Council and were outside of the Council's and LGSCO's jurisdiction to investigate.

7.5. Complaints carried forward to 2022/23

A total of 7 complaints from 2021/22 remain at Stage 2 investigation and will be carried forward to 2022/23.

7.6. Complaints in 2021/22 – Public Health Functions

There was 1 complaint received in relation to public health functions during 2021/22 which was partly upheld and resolved following investigation.

8. Actions taken following complaints

Actions implemented following the conclusion of a complaint are an important aspect of the complaints framework. Appendix B outlines 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.

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 2022/23 are as follows:

- Develop a dedicated toolkit for those managers allocated to investigate children's social care complaints.
- Review the training needs of managers and commission training for those managers who are allocated complaints to investigate.
- Continue to raise awareness of lessons learnt from complaints by ensuring:
 - they are collated on a quarterly basis for discussion to inform learning at the continuous improvement group;

- any workforce development needs are identified and training implemented; and
 - the electronic practice manual is updated to reflect any changes to policies and procedures.
- Continue to remind and encourage the workforce to inform the Quality and Review Team when expressions of thanks have been received for recording and reporting purposes. These provide an indication of satisfaction with services and should be recorded and reported.

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

"I want to say how impressed I have been at what you've achieved with the family since you got involved. You've made more positive difference to H's life in that short space of time than any other professionals they've ever met, and it's been really nice to be able to hear in your voice how much it matters to you."

From another professional about a Social Worker's work with a family

"B's knowledge of this case was exemplary, she was child focused and very balanced in her approach. The support offered to mum and the carers has been fantastic. B's verbal evidence was outstanding – her passion and knowledge was evident."

From a Children's Guardian about a Social Worker

"Thanks again for everything you've done for L, your care, support and patience will not be forgotten."

From a parent about a Social Worker

"Just want to say a massive thank you for everything you have done for all of us through all of this you have been amazing and have gone above and beyond. Thank you so much."

From a child's family about a Social Worker

"T has been fantastic. T has taught me how to be a real dad. He's planted a seed in my head and it's grown and grown."

From a parent about a Social Worker

"Just wannsay thanks for everything you've done for me, it was all for the best and without your support I deffo wouldn't be where I am good luck for your next plan. You made me cry when you said you're proud of me."

From a young person about a Social Worker

"I felt compelled to email you to thank you and A for the amazing support you have given us. A has been incredibly thorough and understanding about our needs and has given us the support and advice we have needed and above all else has listened with compassion and professionalism. I am well aware of the pressure and workload social services teams are under and thus to receive the support and guidance we needed in a very timely way is something my wife and I are very grateful for."

From a parent about a Social Worker

"I just wanted to say I was very impressed with the planning of the placement and introductions for the girls. I was previously LA SW for looked after children and the focus on planning with intention to place for permanency is fantastic."

From another professional about the Fostering and Placement Team

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

Details of complaint/Outcome	Actions following findings
<p>The complainant was unhappy that a Social Worker had shared incorrect information with the Emergency Duty Team and expressed that the Social Worker had not visited the children whilst they were in her care in accordance with relevant procedures and timescales.</p> <p>Concluded at Stage 1</p>	<p>The Team Manager looked into the matters raised and was able to resolve these with the complainant. The Team Manager apologised for incorrect information being shared and reminded the Social Worker concerned of the need to thoroughly check information being shared to ensure it is accurately reported.</p> <p>Additionally, as the children resided across multiple households, it was agreed planned and unannounced visits would alternate between the households so the children could be seen in all their environments.</p>
<p>The complainant was unhappy that her child had been denied an assessment for a specialist bed.</p> <p>Concluded at Stage 1</p>	<p>A Team Manager explored the issue raised in conjunction with Occupational Therapy (OT) and found that an OT assessment had been completed but a specialist assessment from CAMHS was required before any further OT recommendations could be made. This was explained to the complainant and a proposal on how the matter could be moved forward was offered to the complainant.</p>

Details of complaint/Outcome	Actions following findings
<p>The complainant (a young person supported by an Advocate) expressed that her Social Worker was unreliable and she was unhappy about this.</p> <p>Concluded at Stage 1</p>	<p>The Head of Service visited the complainant who had pre-prepared some examples and her reasons why she believed the Social Worker was unreliable to discuss with the Head of Service and asked for a new Social Worker. The Head of Service agreed to allocate another Social Worker and expressed that she was sorry to hear the Social Worker had made her unhappy. The name of the new Social Worker was confirmed to the complainant in writing who was happy with the outcome of her complaint.</p>
<p>The complainant expressed concerns that the Social Worker was arriving late for planned appointments sometimes close to the children's bedtime.</p> <p>Concluded at Stage 1</p>	<p>The Team Manager assured the complainant that the Social Worker will send a message to let her know if she is going to be delayed and will seek to avoid visits late in the day so as not to disrupt the children's bedtime arrangements.</p>
<p>The complainant (a young person) expressed that he had been asking for a new placement for a long time but nothing had been done and was unhappy about this.</p> <p>Concluded at Stage 1</p>	<p>The Social Worker talked to the complainant about his wishes and feelings together with what he was unhappy about with his placement. The complainant was able to express his frustrations and later confirmed that he wanted to stay in his existing placement to finish his education.</p> <p>The complainant expressed he was happy to talk to his Social Worker and felt much happier.</p> <p>The Team Manager sent a letter to the complainant about what was discussed and agreed in relation to his complaint.</p>

Details of complaint/Outcome	Actions following findings
<p>The complainant was unhappy about her child's respite provision and expressed she had not informed this would stop or why it had been stopped.</p> <p>Concluded at Stage 1</p>	<p>The Team Manager looked into what had happened and although it was found the complainant had been informed together with the reason why within meetings, the written plans and minutes had not been shared with the complainant as they should have been.</p> <p>The Team Manager apologised for this and copies were provided to the complainant. The Social Worker also offered to meet the complainant to apologise in person for not sharing the plans and minutes in a timely way and explain the process again given the complainant may not have fully understood this.</p>
<p>The complainant was unhappy with the actions of a foster carer who she believed had breached HM Government's Covid guidance around isolation and, as a consequence, placed another family at risk.</p> <p>Concluded at Stage 1</p>	<p>Although the Team Manager found Covid guidance around isolation had been breached, there was no reason to believe there had been deliberate intent to cause harm but simply the foster carer had not wanted to disappoint the children.</p> <p>All foster carers were reminded of their duty to abide by HM Government Covid guidance around isolation and the foster carer provided an apology to the complainant.</p>