



# Children's Social Care Statutory Representations Procedure

Annual Report  
2022-2023

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## **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 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023.
- 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 (Stage 3). 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, these are attended by all Social Care Senior & Team Managers, IROs, Conference Chairs and Advanced Practitioners, there are led by the Directors 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:

- WCF have updated their Supervision Recording Template to include a specific recording section to evidence reflective discussion from learning from complaints, audits, and feedback.
- Undertook a learning from practice presentations to our End-to-End Leadership, including all senior and team managers, advanced practitioners, IROs (Independent Reviewing Officer) (Independent Reviewing Officer) and Conference Chairs.
- WCF have promoted the Complaints Practice Standards & Guidance and where we centrally save our learning reports as a central repository.
- WCF have written and disseminated learning briefings to all staff to include service specific complaint learning.
- All Complaint Outcomes are shared with the relevant manager and group manager to ensure they are cited on learning, and this can be discussed with individual practitioners.
- Developed a learning/case scenario document that has been shared with all Social Care Teams for a learning/reflective session in all Team Meetings – based on complaints received from children, young people, and care leavers
- In January 2023 WCF undertook a range of Learning from Practice Masterclasses (10 themes were presented) that brought learning from audits, feedback, and complaints into presentations – workshops included Core Groups & CP (Child Protection) Plans, Care Plans for Looked after Children and Signs of Safety & Assessments

## **5. Local Government and Social Care Ombudsman Complaints**

5.1 There were 12 Children’s Social Care complaints made to the Local Government and Social Care Ombudsman (LGO) in the year.

- 4 Through Care
- 3 Safeguarding
- 2 Assessment Teams
- 2 Children with Disabilities Team
- 1 Early Help and Family Support

5.2 There were 9 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.

- 2 were Children with Disabilities Team
  - 1 was Closed after initial inquiries: Out of Jurisdiction

- 1 was Closed after initial inquiries: No Further Action
- 2 were Assessment Teams
  - 1 was Closed after initial inquiries: No Further Action
  - 1 was Closed after initial inquiries: No Further Action
- 2 were Through Care
  - 1 was Upheld: Maladministration and Injustice
  - 1 was Closed after initial inquiries: No Further Action
- 3 were Safeguarding
  - 1 was Closed after initial inquiries: No Further Action
  - 1 was closed as a premature referral (had not been through the complaints process)
  - 1 was closed after initial inquiries: Out of Jurisdiction

5.3 As an outcome of some of the complaints made to the LGO relating to Children's Social Care, Worcestershire Children First agreed to make some ex-gratia payments. Payments this year totalled £1000.

Note: The difference in the number received and the number of determinations is due to some being raised in the previous year, and some that are ongoing.

## 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 and so would be included in several sets of figures.
- 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. How We Received Complaints

There are several different ways in which a person can raise a complaint. It is important that these are accessible and available to everyone who has contact with the service. The below table shows the ways that we have received contacts about complaints.

Method of Contact	2022/23
Email or Online form	79%
Telephone	17%
Letter	2%
In person	1.5%
Leaflet	0.5%
<b>Total</b>	<b>100%</b>

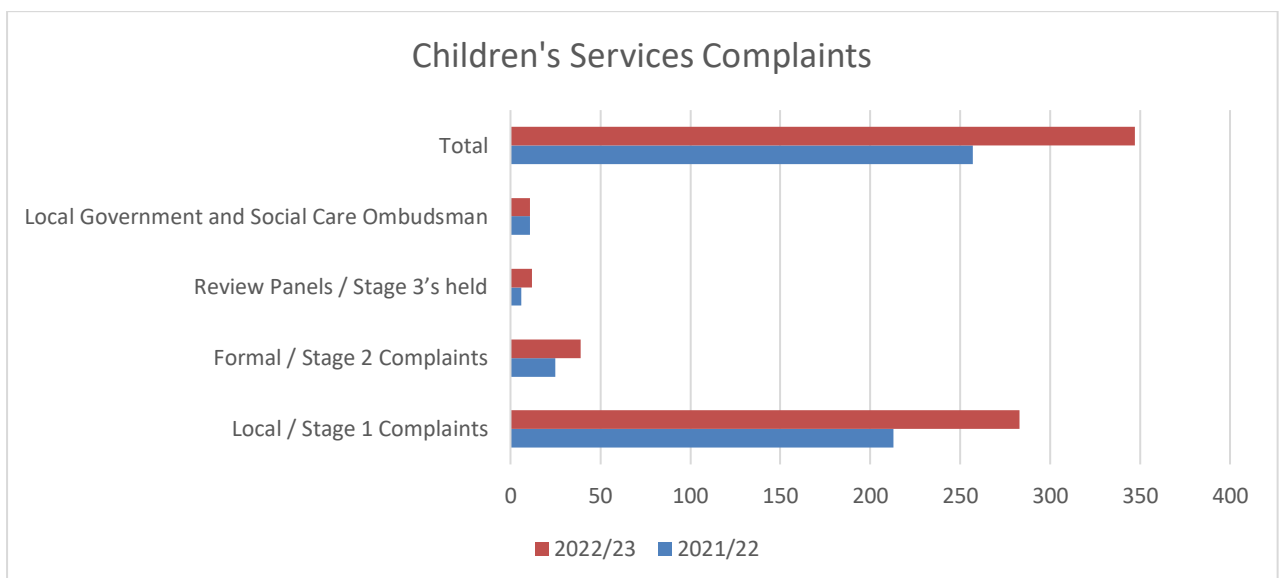
Most complaints are received electronically, but it is important to note that our leaflets are available online and provide a brief overview of how the complaint process works. It also contains our contact details to ensure complainants are aware that there are multiple ways that they can reach us

## 8. Number of Complaints Received

8.1 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	2021/22	2022/23
Local / Stage 1 Complaints	213	283
Formal / Stage 2 Complaints	25	39
Review Panels / Stage 3's held	6	12
Local Government and Social Care Ombudsman	11	11
<b>Total</b>	<b>255</b>	<b>345</b>

8.2 The above demonstrates that there has been a rise in complaints of just over 33% from last year at Stage 1.





<b>Children Services Team</b>	<b>2021/22</b>	<b>%</b>	<b>2022/23</b>	<b>%</b>
Family Front Door	51	23.94%	63	22.26%
Adoption (now ACE <sup>1</sup> ), Care leavers and Young Adults Team (YAT)	0	0	6	2.12%
Children with Disabilities	15	7.04%	24	8.48%
Fostering & Kinship	8	3.76%	4	1.41%
Safeguarding Teams	89	41.78%	97	34.27%
Safeguarding and Quality Assurance	0	0	9	3.18%
Support Services (including Supervised Contact)	1	0.47%	0	0
Targeted Early Help / Supporting Families First	9	4.23%	20	7.08%
Through Care	40	18.78%	60	21.2%
<b>Total</b>	<b>213</b>	<b>100%</b>	<b>283</b>	<b>100%</b>

8.3 Complaints progressing through the stages have increased, a 2% rise from stage 1's being escalated to stage 2 and an 11% increase from stage 2 to stage 3.

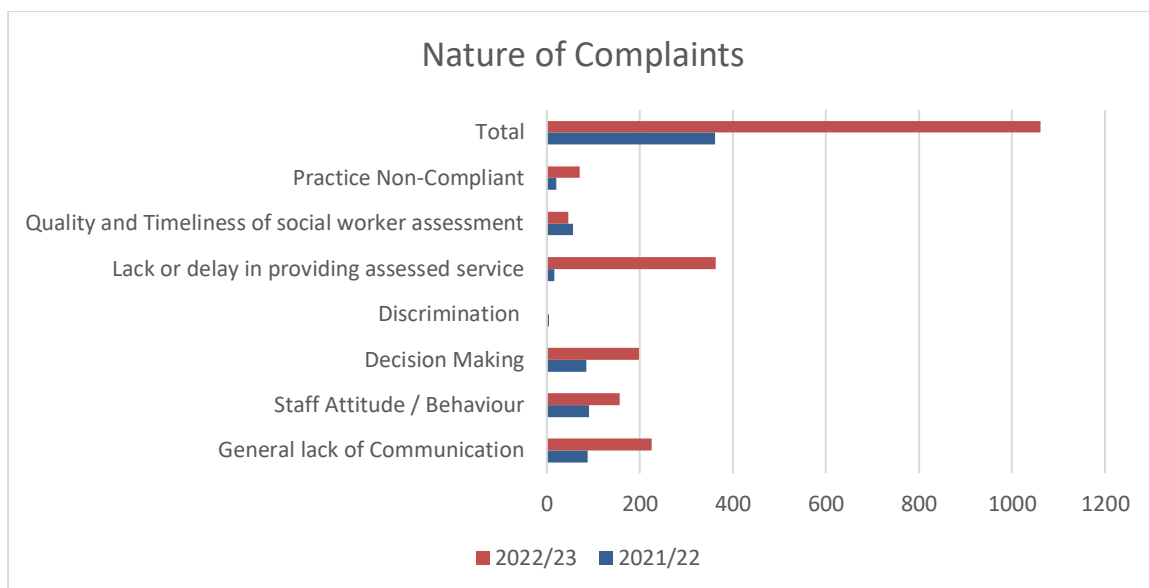
8.4 However, 13.7% of all Stage 1s progress to a Stage 2 investigation; this is evidence of the quality of the responses and resolutions at stage 1.

## 9. Nature of Completed Complaints

9.1 There is an increase in the nature of complaints. There are a higher number of complaints last year will which account for some of the increase. Also, part way through last year, Consumer Relations and Worcestershire Children First aligned their reporting process, which also explains the dramatic increase from the previous method of reporting. Previously CRU only captured 1 complaint category, whereas there may have been multiple complaint categories, although we see an increase in these categories, this is an accurate reflection of our Stage 1 Complaints.

<b>Nature of Complaints</b>	<b>2021/22</b>	<b>%</b>	<b>2022/23</b>	<b>%</b>
General lack of Communication	88	24%	226	21.3%
Staff Attitude / Behaviour	91	25%	157	14.8%
Decision Making	85	24%	198	18.7%
Discrimination	4	1%	0	0%
Lack or delay in providing assessed service	16	4%	363	34.2%
Quality and Timeliness of social worker assessment	56	16%	46	4.3%
Practice Non-Compliant	21	6%	71	6.7%
<b>Total</b>	<b>361</b>	<b>100%</b>	<b>1061</b>	<b>100%</b>

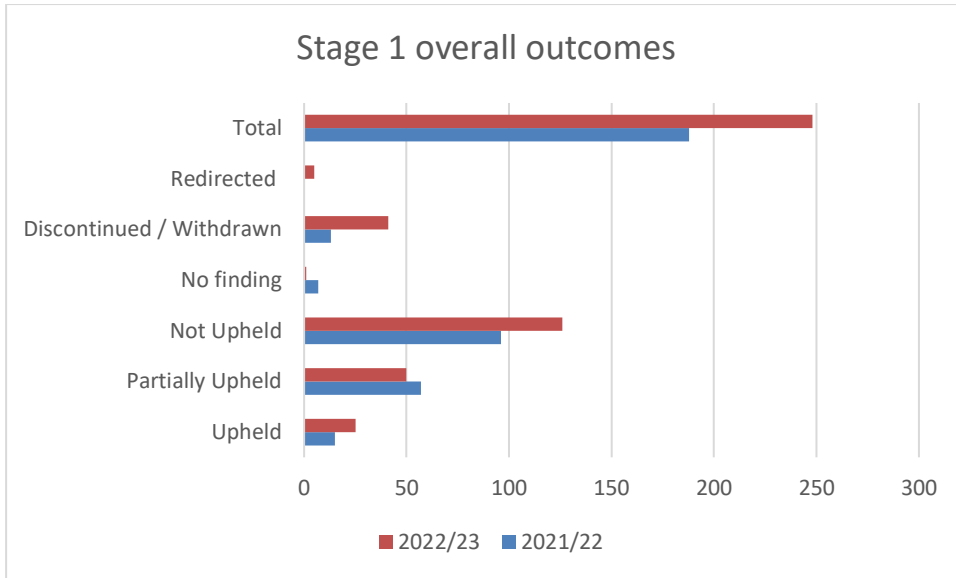
<sup>1</sup> ACE is a regional adoption agency



## 10. Stage 1 Overall Outcomes

10.1 These are the overall outcomes for the Stage 1 complaints that have been completed this year. This will be different to the number received as some will have been raised in the previous year but completed in 2022/2023, as well as some that have been raised but are currently still being investigated.

Stage 1 Outcomes	2021/22	%	2022/23	%
Upheld	15	8%	25	10%
Partially Upheld	57	30%	50	20.2%
Not Upheld	96	51%	126	50.8%
No finding	7	4%	1	0.5%
Discontinued / Withdrawn	13	7%	41	16.5%
Redirected	0	0	5	2%
<b>Total</b>	<b>188</b>	<b>100%</b>	<b>248</b>	<b>100%</b>



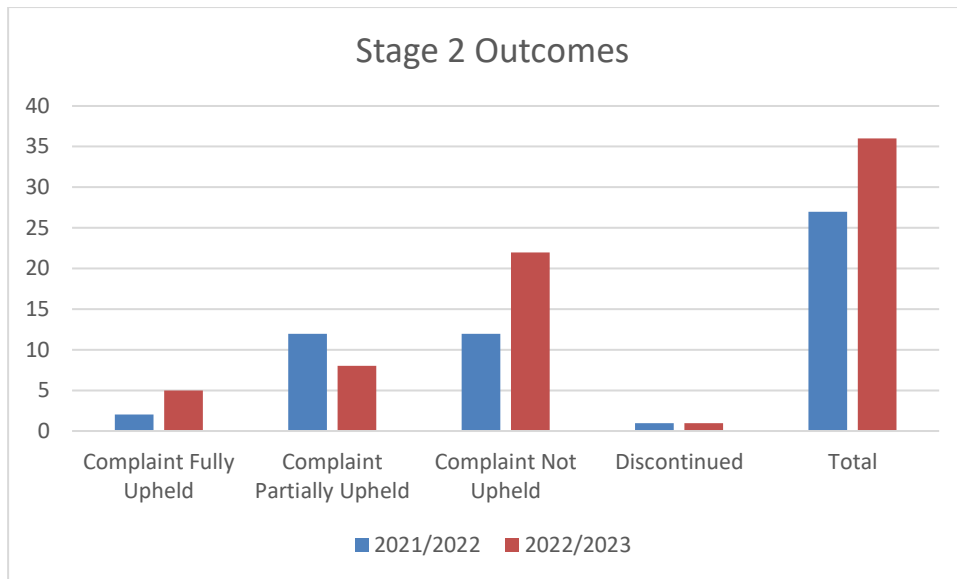
This figure is lower than the complaints received as some will have still been in progress at the time of this report and so will not have an outcome yet.

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

## 11. Stage 2 Outcomes

11.1 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	2021/2022	2022/2023
Complaint Fully Upheld	2	5 (14%)
Complaint Partially Upheld	12	8 (22%)
Complaint Not Upheld	12	22 (61%)
Discontinued	1	1 (3%)
<b>Total</b>	<b>27</b>	<b>36</b>



11.2 The stage 2 outcomes show that the majority of complaints (over 61%) are Not Upheld. It is important to note that the stage 2 investigations are conducted with an Independent Person present, ensuring a totally nonbiased approach to investigations.

11.3 The top 3 reasons for stage 2 complaints are:

- Decision Making
- General Lack of Communication
- Lack or delay in providing an assessed service

## 12. Review Panels (Stage 3)

12.1 12 Review Panel Hearings were held during 2022/23.

1 was in relation to Fostering, 1 for supporting families first, 1 for Children with disabilities team, 3 of these were in relation to Through care, 2 for Safeguarding, and 4 for Assessment Teams.

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

- WCF give serious and timely consideration to any suggestion made for alternative activities and venues for contact, even if such alternatives would exceed the time allocation.
- Contact dates and times should be communicated to the complainant in writing well in advance.
- For WCF to provide separate more detailed apologies to complainants in relation to poor service experienced.

- That WCF might consider advising families of the process that was to follow in the fostering process and of any potential access to support services.
- For WCF to hold a meeting with the complainant, allowing them to advise of errors they believed were contained in case notes and that any errors be corrected.
- The Panel recommend that consideration is made to sending complaint responses by a recorded delivery letter in the post as well as by e-mail.
- The Panel recommend that WCF give careful consideration to how they currently send assessment reports and other important documents to parents and carers. Recorded Delivery or Signed For mail or secure email with a delivery receipt may be more appropriate in order to evidence that paperwork has been properly received.

### 13. Stage 1 Timescales

- 13.1 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.
- 13.2 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.
- 13.3 We have seen an increase of stage 1's being completed within 10 working days, from 15.5% last year, to 23% this year.

<b>Timescales of Stage 1 Complaint Resolutions</b>	<b>2021/22</b>	<b>2022/23</b>
Within 10 working days	15.5%	23%
Within 20 working days	82%	74.5%
Within 40 working days	2%	2.5%
After 40 working days	0.5%	0

- 13.4 Overall, 97.5% of all stage 1 Complaints have been dealt with in the required timescales, this is the same figure as last year, which must be commended considering the 33% increase in complaints received. Those over 20 working days do not go over an additional 5 days, the reason for this will be due to the complexity of the case issue or requiring to interview specific people who were not available in the initial 20 day period.

## 14. Stage 2 Timescales

- 14.1 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.

<b>Timescales of Stage 2 Complaint Resolutions</b>	<b>2021/22</b>	<b>2022/23</b>
Within 25 working days	0%	0%
Within 65 working days	70%	83%
More than 65 working days	30%	17%

- 14.2 Stage 2's completed within the extended timescale of 65 working days have improved again this year, up to 83%, with those going over the timescale reducing from 30% to 17%.
- 14.3 The Consumer Relations Unit is in the process of recruiting further Investigating Officers to further improve these figures.
- 14.4 Although there have been significant improvements in this area, further development is needed. We will be focussing on responding to stage 2 complaints within 25 working days, although it is appreciated that this is a tight timescale. The increase in Investigating Officers and the continued collaboration between Consumer Relations and Worcestershire Children First will be key to this goal.
- 14.5 The increase in the timescales of Stage 2 Investigations is evidence of the impact the joint tracking and monthly meeting between Social Care and CRU to ensure a greater focus on Stage 2 Complaints.

## 15. Stage 3 Timescales

- 15.1 Once a Review Panel has been requested it should be held within 30 working days. 12 Review Panels took place during this reporting period.
- 15.2 4 of these were held within the 30 working day timescale, 8 were held outside of this.
- 15.3 There were a number of reasons why some of these stage 3's were not held in time. Some examples of these are:
- Lack of response from the complainant once the stage 3 had been requested
  - The complainants agreeing to a date but then having to postpone
  - Difficulty in arranging a date that the complainant, panel members, WCF staff, the Investigating officer, Independent Person can all attend.
  - There is also at times delays by Legal and Democratic Services in arranging these panels and this is an area of learning moving into year 23/24

## 16. Advocacy

- 16.1 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.
- 16.2 Of the 9 children and young people (0-17) who raised complaints, 3 were already represented by an advocate and the other 6 were offered an advocate.
- 16.3 2 young people (18-24) made complaints; both were offered an advocate.

## 17. Compliments

- 17.1 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. This is an increase of 14% in compliments received.

Service Area	2021/2022	2022/2023
Children with Disabilities	4	1
Fostering & Kinship	2	2
QA and Independent Review	11	10
Safeguarding Area	33	49
Family Front Door	15	11
Supporting Families First/Targeted Early Help	10	6
Through Care	6	12
Child Protection Chairs and Local Authority Designated Officer	1	0
Care Leaver and Outreach	0	1
Other	0	2
<b>Total</b>	<b>82</b>	<b>94</b>

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

### Feedback from a young person to a Social Worker

*" Thank you for everything you have done for means a lot, and thank you for the Birthday Wishes "*

### Feedback from a fostering agency:

*" can we just say you have been a fantastic manager to work with. Your oversight on this case has helped us support our carers and achieve a settled and successful Match for the children.*

*Thank you for working so closely with us as a multi-agency team.”*

**Feedback from a grandparent to a Social Worker:**

*“I wanted to say a huge big thank you for your involvement in safe guarding my grandson.*

*You have worked closely with me as well as ■ himself to ensure his well being. I have found you to be honest and professional at all times and I don't know where we would be had you not come on board with this case.*

*I am going to miss your input and genuine concern for ■ and myself, but want to wish you luck as you move forward with your career and your life.”*

**Feedback about a Social worker from a Children’s guardian:**

*“I just wanted to send a quick email to let you know of my very positive experience of working with ■ on the ■ case which concluded today at court.*

*■ communication with me during the proceedings has been so helpful, and I have been kept informed at every stage of the process.*

*■ final evidence was clear, concise and child focussed. It is evident from my work with the family that she has built up positive working relationships with the parents and paternal grandmother.*

*In these very challenging times for front line SW staff I just wanted to raise and share my thoughts and experiences with you.”*

**Feedback from a Judge to a Social Worker:**

*“I also commend the social work team, particularly the social worker who has been the allocate social worker to the children throughout. It is unusual for the same social worker to be allocated to a family for such a lengthy time. I appreciate the demands on children’s services, but this case goes to show what a difference it makes and how it helps families and the court.”*

**Feedback from a parent in relation to a call to the Emergency Duty Team (EDT):**

*“EDT call was extremely beneficial and he found you to be really helpful, explaining you advice helped to calm the situation.”*

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

The Consumer Relations Officer (Children's Social Care Services)



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