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**QUARTERLY COMPLAINTS AND REPRESENTATIONS REPORT  
QUARTER 3 2015-16**

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**Reason for the Report**

1. The Committee's terms of reference state that it will receive Children's Services Complaints reports.
2. This Quarter 3 Report covers complaints and representations from 1<sup>st</sup> October 2015 through to 31<sup>st</sup> December 2015.

**Introduction**

3. The current Welsh Government guidance and regulations in relation to social services complaints and representations came into being on 1<sup>st</sup> August 2014.
4. The procedure places the emphasis on the initial local resolution stage – Stage 1 - with complainants being offered a discussion to resolve the matter. The second formal stage (Stage 2) provides for independent investigation. If the outcome of Stage 2 does not satisfy the complainant s/he has recourse to the Public Services Ombudsman for Wales.
5. Citizens making complaints have a right to be listened to properly and have their concerns resolved quickly and effectively. Children's Services emphasis is on listening to concerns and using this learning to improve services for everyone who uses them.
6. Complaints should be handled in such a way that the complainant is the focus, not the process, and that the particular circumstances of the complainant are taken into account (including their age or disability). Where the complaint relates to a looked after child, a child in need or a care leaver the local authority has a duty under the Children Act 1989 to provide an advocate as required. All

children or young people who make complaints are offered a meeting and all children and families will receive a written response to the concerns they have raised.

7. The Social Services and Wellbeing (Wales) Act 2014 devotes Part 10 to complaints and this reflects Welsh Government guidance and regulations and the Councils procedures. The Council is mindful that the Act will further promote people's rights and collaborative working will be actively encouraged.

### Summary of Complaints Activity During the Period

8.

| Item  | Q2 2015-16   | Q3 2015-16      |
|---|--------------|-----------------|
| Number open at start of period                          | 28           | 29              |
| Number received (overall)                               | 25           | 34              |
| Number received directly from children and young people | 4            | 8               |
| Number closed   | 24           | 41 (39 Stage 1) |
| Number outstanding at end of period                     | 29           | 22              |
| % responded to within 17 working days                   | 6 / 24 = 25% | 15 / 39 = 38%   |

9. During this quarter Children's Services has seen an increase in the number of complaints received (25 to 34).
  - a. 59% (20) of the complaints received were in relation to the Social Worker or the service received. 15% (5) of the complaints received were in relation to decision making. The remaining 26% (9) of complaints were in relation to other issues including communication, finance and placement.
  - b. 7 complaints were received about the Intake & Assessment Service, compared with 5 in Quarter 2. 11 complaints were received regarding the Child in Need Service compared with 7 in Quarter 2; 1 of which was received from a child in need via an advocate. 10 complaints were received about the Looked After Children Service compared with 9 in Quarter 2; 6 of which were received direct from looked after children or

an advocate. The remaining 6 complaints were in relation to Fostering, the Personal Adviser Service, Safeguarding & Review, Transition and Protection of Vulnerable Adults.

10. An example of a complaint received and resolved during the quarter is:

*An advocate from NYAS represented a young person who was in a foster placement. The young person did not wish to meet with the Complaints Officer and was happy for his views to be represented by his advocate.*

*The young person's complaint was in relation to decision making. He recognised that he was much younger when the decisions about his future were made, but was reflecting on his earlier years and wanted an understanding of who had made the decisions and why. The young person did not feel that his wishes were listened to at the time he was removed from his parent's care as he had wanted to remain at home.*

*The Team Manager and Complaints Officer agreed that the young person's concerns would best be addressed by undertaking Life Story Work with him. The young person has been in care for 7 years and has remained in the same placement. It was agreed that the young person's social worker would visit the young person to discuss Life Story Work and what this would entail, i.e. going through all information held about the young person and putting together a chronology with an emphasis on decision making and why he could not remain living at home.*

*The young person was in full agreement with this plan and felt that his complaint could be properly addressed with this course of action. He was made aware that the process may take some time and that he would be fully involved during all stages.*

*Work on the young person's Life Story continues. He is now fully aware of the reasons why he could not remain living with his parent and understands why his views were not taken into account.*

## **Stage 2 Independent Investigations**

11. If complainants remain unsatisfied at the conclusion of the informal Stage 1, they are entitled to seek a formal Independent Investigation under Stage 2 of the procedure.
12. At 30<sup>th</sup> September 2015 there were 6 complaints open at Stage 2. During Quarter 2, 2 of these complaints were closed.
13. 1 new Stage 2 investigation was initiated during the quarter so at 31<sup>st</sup> December 2015 there were 5 complaints being investigated under Stage 2 of the complaints procedure.

## **Learning from Complaints**

14. Stage 2 reports undertaken by Independent Investigators include recommendations if required. In response, an Action Plan is initiated to ensure that the recommendations are implemented and lessons are learned. An example recommendation from one of the Stage 2 reports that was received during Quarter 2 was that Children's Services have a view on the use of audio recordings in Child Protection cases and that this is translated into a written policy. In response to this, Children's Services are currently exploring the available options.

## **Ombudsman Investigations**

15. Following on from a previous Ombudsman investigation, a referral for Child Practice Review was not accepted, however an Independent Management Review has been undertaken and the report is being finalised. The Public Service Ombudsman is currently investigating one complaint and liaising with Children's Services in relation to two other complaints.

## **Themes Emerging During the Quarter**

16. There are no new themes emerging from complaints received during the quarter.

## Update on Progress from Themes Identified in Previous Periods

17. No new themes emerging from complaints were identified during Quarter 2.

## Early Resolution

18. Eight individuals have contacted the Children's Services Complaints Officer to share concerns. By placing an emphasis on resolving issues at the earliest possible opportunity, these concerns have been dealt with immediately and therefore have not been opened as a formal complaint. On these occasions, the issues have been brought to the attention of relevant Team or Operational Managers who have acted promptly to address the issues raised to the satisfaction of the individual.

## Summary of Compliments

19. Teams are more readily sharing the compliments they receive from a variety of sources, e.g. service users and professionals, although it is recognised that further work is required to ensure that all compliments are captured and reported.

20. 13 compliments were received in Quarter 3 compared with 12 in Quarter 2. A breakdown of compliments by team is provided below. This will help Children's Services build upon positive work and could identify improvements.

| Team  | No. of Compliments |
|-------|--------------------|
| I&A   | 1                  |
| CiN   | 6                  |
| LAC   | 1                  |
| Other | 5                  |

21. Example of compliments received during the quarter are:

*A father who had previously declined to attend child protection conferences and core groups contacted Children's Services to praise the Independent Reviewing Officer saying that he felt listened to and that his views were discussed around the table. He will now attend future core groups as a result. The individual had previously made several complaints which were considered independently and he said that without the process he would not have made these beneficial changes. He was thankful to the complaints staff for their assistance and*

*understanding throughout the process.*

*A social worker in the Child in Need Service received feedback from a Judge acknowledging that she was a committed and conscientious social worker and that the paperwork provided for the proceedings were of an exceptionally high standard. This court documentation is now available to all staff as a best practice example and to assist newly qualified social workers.*

### **Responses to AM / MP / Councillor Enquiry Letters**

22.9 AM / MP / Councillor enquiry letters were received by Children's Services during the quarter. These included reference to Flying Start catchment areas and destitute circumstances in which a mother and her 4 children were living.

### **Subject Access Requests**

23. A Subject Access Request is a request from an individual to see a copy of the information an organisation holds about them, or their children. These requests should be responded to within 40 calendar days of receipt. Some types of personal data are exempt from the right of subject access and so cannot be obtained by making such a request. On receipt of the request work is undertaken to ensure that individuals are only provided with information that they are entitled to receive.

24. Children's Services received 10 Subject Access Requests in Quarter 3 2015-16. 3 were responded to on time, 4 were closed because no fee was received, 2 are on hold awaiting receipt of identification / fee and 1 is in process. Work has been undertaken by Children's Services and the corporate Improvement and Information Management Team to determine the arrangements for managing this work due to the high level of requests and the capacity required to respond in a timely manner. An arrangement for this work to be managed corporately is currently being piloted. The pilot has been successful and agreement has been reached that the arrangement will be made permanent.

25. In addition to this, Children's Services received:

- a. 3 Subject Access Requests that related to more than one Directorate.
  
- b. 17 requests from the Police under Section 29 of the Freedom of Information Act. These requests relate to the prevention or detection of crime, or the apprehension or prosecution of crime.
  
- c. 16 requests from other Councils, Solicitors, Court, Insurance and other agencies (Domestic Homicide Review) for access to records under Section 35 of the Freedom of Information Act. These requests relate to cases in legal proceedings.

### **Financial Implications**

26. There are no direct financial implications arising from the report.

### **Legal Implications**

27. There are no legal implications arising from this report.

### **RECOMMENDATION**

28. The Committee is recommended to:

- i. To endorse the report.

**MARIE ROSENTHAL**

**TONY YOUNG**

**Director Governance and Legal Services**

**Director of Social Services**

**16 February 2016**