



# **DARLINGTON**

Borough Council

## **Children's Social Care Complaints, Compliments and Comments Annual Report 2021/22**

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## **Introduction**

1. Darlington Children's Social Care welcomes complaints, compliments and comments as a way of improving service delivery to children, young people and their families. The purpose of this report is to inform the service users, carers, the public, Council Members and Children's Social Care staff of the effectiveness of the Children's Social Care Complaints, Compliments and Comments Procedure (the Procedure). The report identifies topics and trends in relation to complaints information, makes suggestions for service improvements, where appropriate and identifies areas of organisational learning that have taken place in relation to people, policy and process.

## **The Law**

2. The Council is required by law to have management arrangements in place for considering children's social care representations, including complaints, under the Children Act 1989. National legislative procedures for social care were amended in September 2006 with the introduction of the Children Act 1989 Representation Procedure (England) Regulations 2006 (the Regulations). It is a requirement of the Regulations that the Council publishes an annual report. In addition to the Regulations the Department for Education and Skills produced some comprehensive guidance for local authorities on managing complaints, called 'Getting the Best from Complaints'.
3. Key features of the Regulations include:
  - (a) A requirement for local authorities to appoint a Complaints Manager;
  - (b) A requirement for review panels to be retained by local authorities but with more robust arrangements for constituting and running them; and
  - (c) A 12 month time limit to make complaints.

## **Complaints and Information Governance Team**

4. The Complaints and Information Governance Manager is appointed as the 'Complaints Manager' in accordance with the requirements of the Regulations. The Complaints and Information Governance (CIG) Team is independent of Children's Social Care operational line management. This ensures a high level of independence in the way children's social care complaints are managed within the Council.

## **Public Information**

5. We are committed to making sure that everyone has equal access to all our services, including the Procedure. To help make the Procedure easily accessible we have produced two leaflets (one for children and young people and one for adults) covering all Council services to reflect the single point of access for complainants within the Council. The leaflets are available in all Council buildings. They have been written in line with the Plain English Campaign standards. The title is written in the most commonly used community languages and it contains details on how to access the information in other formats, for example, large print, audio and Braille.

6. Information is available on the Council's website. There is also an electronic form which people can use to make a complaint, pay someone a compliment or pass comment on Council services. People may make a complaint in any format they wish.
7. This can be in writing, by email, via the web, over the phone, in person or by any other reasonable means.
8. The Complaints Manager can arrange advocates and interpreters (including British Sign Language interpreters) where appropriate.

## **Children's Services Social Care Complaints Process**

### **Stage 1 – Local Resolution**

9. This initial stage allows children's social care managers the opportunity to try and resolve complaints locally, usually within the team being complained about.

### **Stage 2 – Investigation**

10. Stage 2 involves a full and formal investigation. An 'Independent Person' must also be appointed to oversee the investigation and report independently to Children's Social Care Services. Both the Investigating Officer and Independent Person produce reports, which are submitted to a senior manager who writes the final response to the complainant.

### **Stage 3 – Review Panel**

11. A review panel is convened when the complainant is dissatisfied with the Stage 2 response. The panel consists of an independent chairperson and two individuals who are independent of the Council.

### **The Local Government and Social Care Ombudsman**

12. Although complainants can refer complaints at any stage to the Local Government and Social Care Ombudsman (LGSCO) they will not normally investigate until the Council has conducted its own investigation and provided a response.

### **External Support to the Complaints Process**

#### **Advocacy**

13. The Council commissions an advocacy service for children and young people who make a complaint. This is an independent service provided by NYAS.

#### **Investigating Officers**

14. While the Regulations do not require Investigating Officer's to be independent of the Council, we have signed up to a contract for the provision of Independent Investigating Officers.

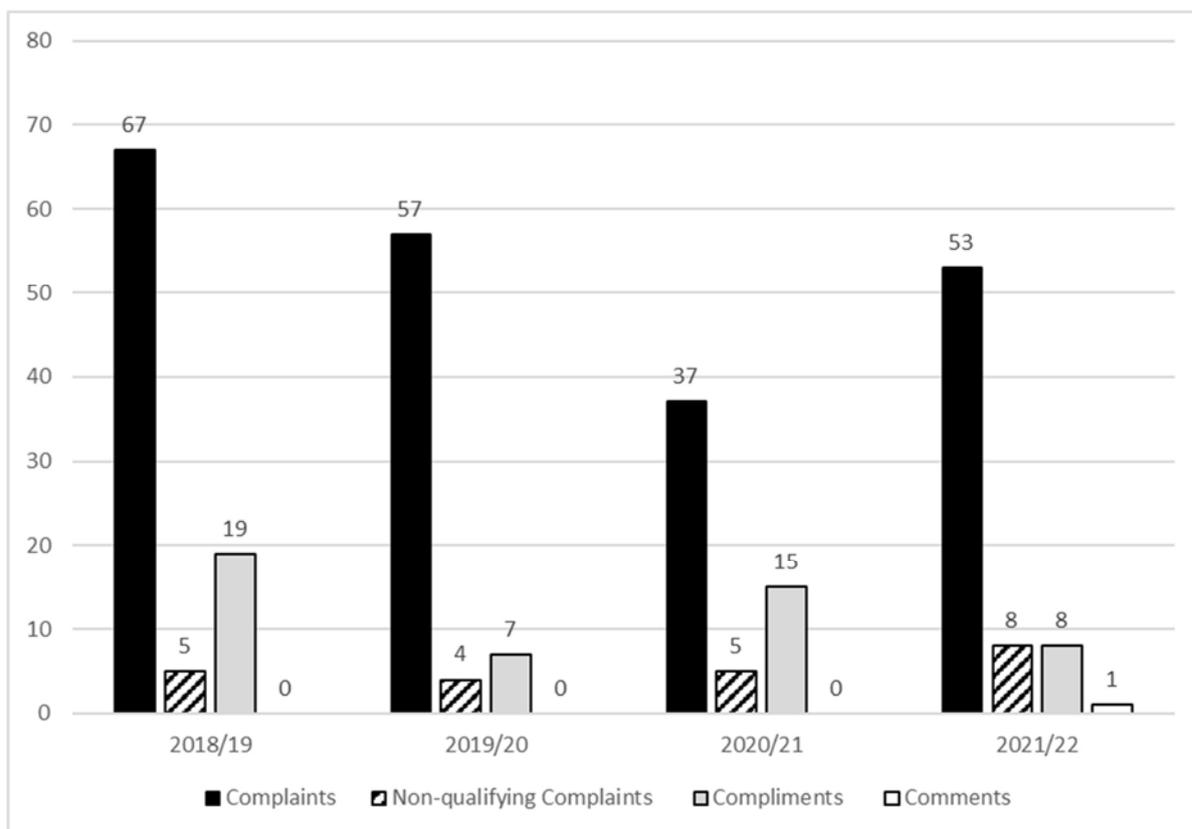
#### **Independent Persons**

15. The Council has signed up to a contract for the provision of Independent Persons.

#### **Review Panels**

16. The Council has also signed up to a contract for the provision of an Independent Chair and Independent Panellist service.

### Total Complaints, Compliments and Comments received



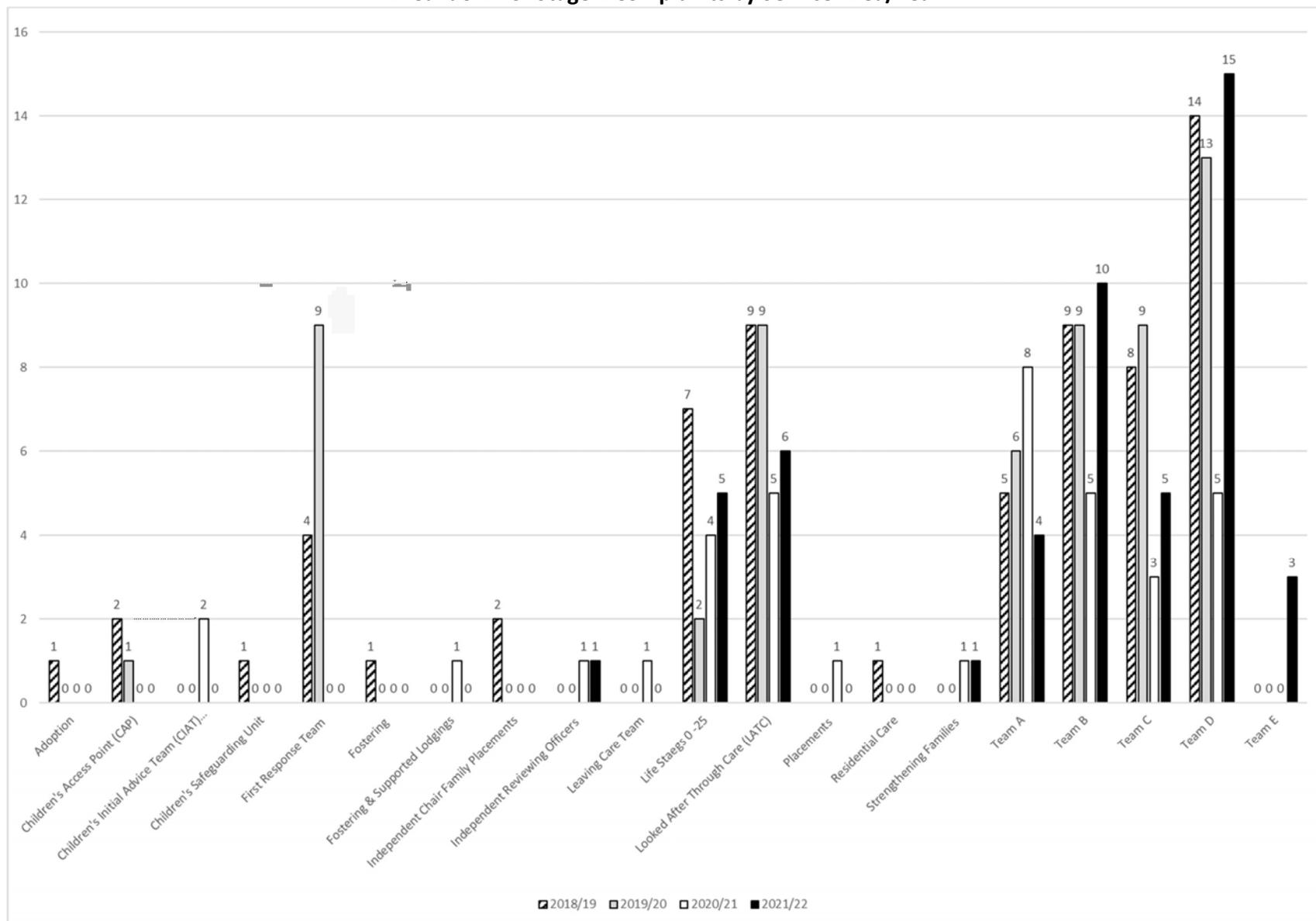
17. The Council investigated 53 complaints, an increase from 37 in 2020/21, however, overall the number of complaints investigated remained lower than pre-pandemic levels. 49 complaints were investigated at Stage 1 of the procedure, while four were escalated directly to Stage 2.

18. The Council also received eight non-qualifying complaints, an increase from five in 2020/21, four in 2019/20 and five in 2018/19. While fewer complaints were investigated, the overall number of complaints considered by the Council under the procedure was 61, the same number as in 2019/20.

19. The Council received 8 compliments, a reduction from 15 in 2020/21, an increase from seven in 2019/20 and a decrease from 19 in 2018/19.

20. The Council received one comment, compared to zero in 2020/21, 2019/20 and 2018/19.

### Breakdown of Stage 1 Complaints by Service Area/Team

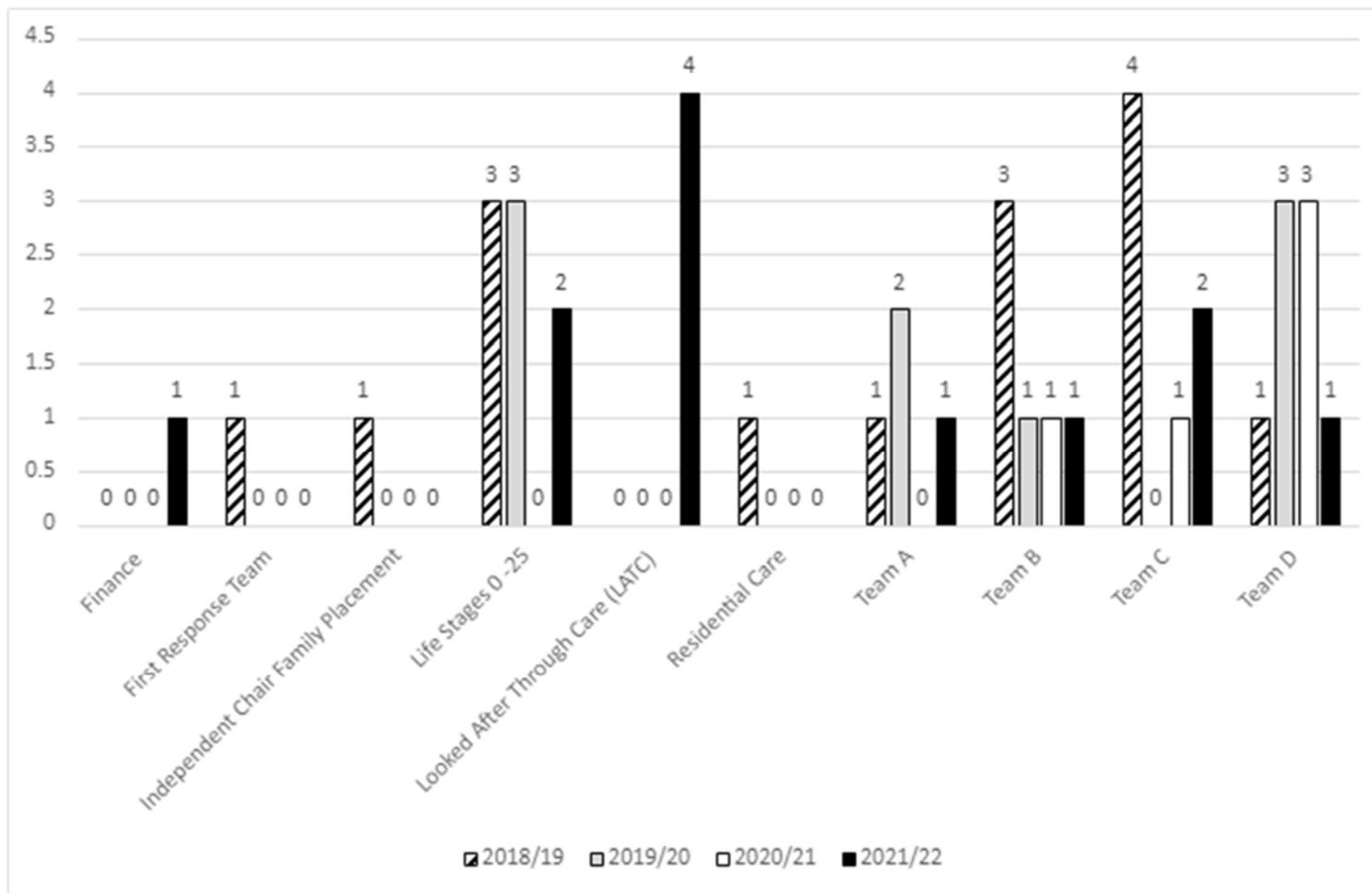


*N.B. Those teams that are not listed did not receive any complaints during 2021/22.  
Comparison data is not available for all teams due to changes in the Council's organisational structure.*

21. Independent Reviewing Officers received one complaint during 2021/22, the same number as in 2020/21, an increase from zero in 2019/20 and 2018/19.
22. Life Stages 0 – 25 received five complaints during 2021/22, an increase from four in 2020/21, two in 2019/20 and a decrease from seven in 2018/19. Two complaints, in part, concerned communication and two concerned direct payments.
23. Looked After Through Care (LATC) Team received six complaints during 2021/22, an increase from 5 in 2020/21, although a decrease from nine in 2019/20 and 2018/19. There were no identifiable themes.
24. Strengthening Families received one complaint during 2021/22, the same number as in 2020/21, an increase from zero in 2019/20 and 2018/19.
25. Team A received four complaints during 2021/22, a decrease from eight in 2020/21, six in 2019/20 and five in 2018/19. There were no identifiable themes.
26. Team B received 10 complaints during 2021/22, a significant increase from five in 2020/21, and higher than the nine received in 2019/20 and 2018/19. Team B received more complaints than in the years preceding the pandemic. The most common cause of complaint was people's dissatisfaction with the behaviour of, treatment by and their relationship with the social worker.
27. Team C received five complaints during 2021/22, an increase from three in 2020/21, although less than the nine received in 2019/20 and the eight received in 2018/19. The attitude and behaviour of the social worker was the most common theme running thorough the complaints received by Team C.
28. Team D received 15 complaints during 2021/22, a significant increase from five in 2020/21, and higher than the thirteen received in 2019/20 and fourteen received in 2018/19. Team D also received more complaints than it did in the years preceding the pandemic. Again the most commonly identifiable theme was people's dissatisfaction with the attitude and behaviour of and their treatment by the social worker.
29. Team E received three complaints during 2021/22, compared to zero in 2020/21, 2019/20 and 2018/19. Again Team E received more complaints than it did in the years preceding the pandemic, although there were no identifiable themes.

### Breakdown of Stage 2 Complaints by Service Area/Team

30. Twelve complaints were investigated at Stage 2, an increase from seven in 2020/21, 10 in 2019/20, although a decrease from 16 in 2018/19.

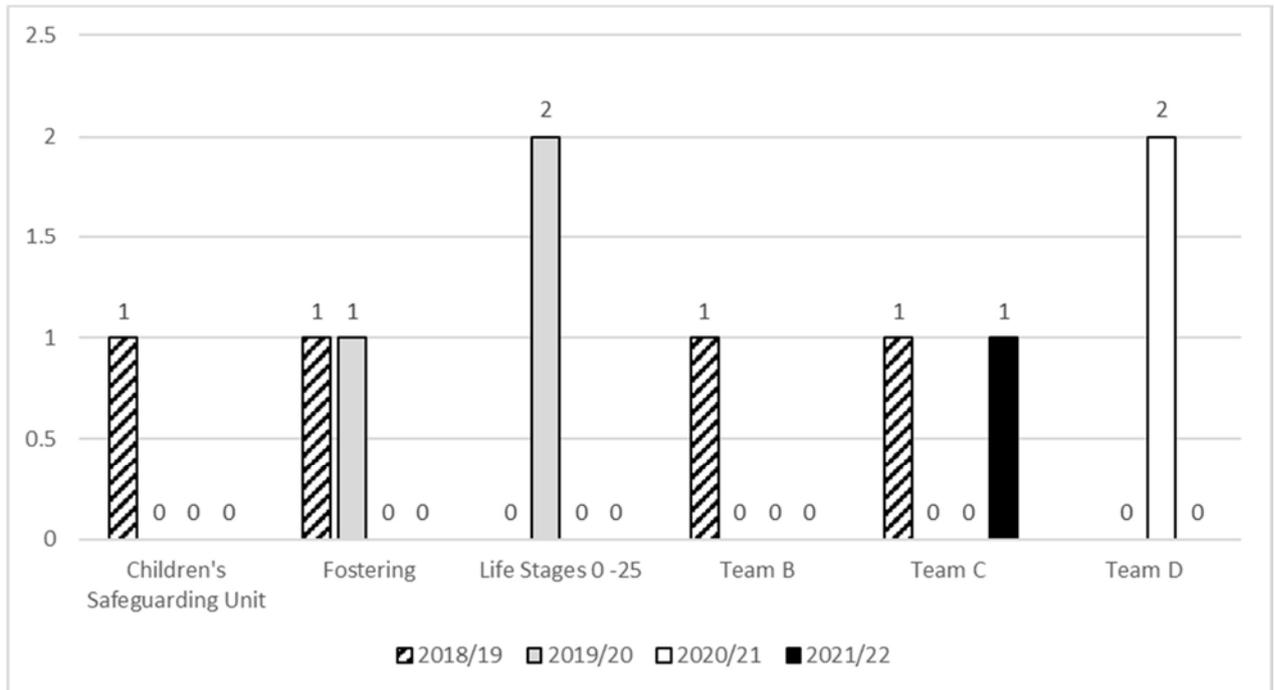


*N.B. Those teams that are not listed did not receive any complaints during 2021/22. Comparison data is not available for all teams due to changes in the Council's organisational structure.*

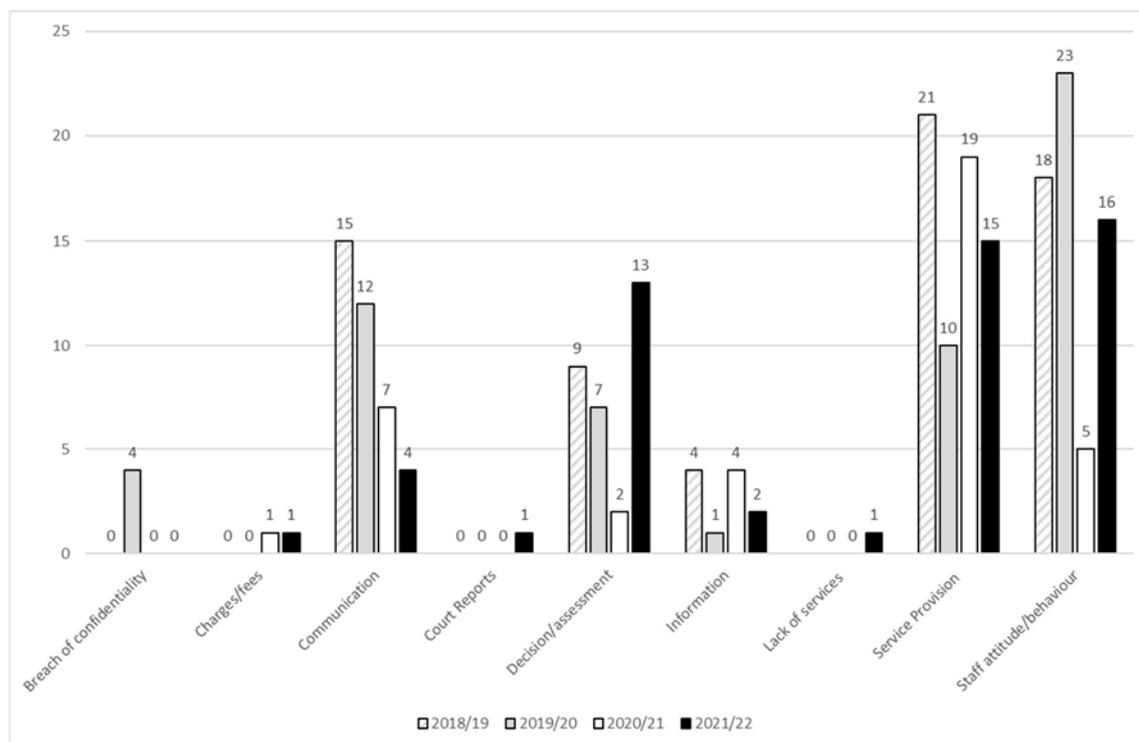
31. Finance received one complaint during 2021/22, compared zero in previous years.
32. Life Stages 0 – 25 Team received two complaints during 2021/22, an increase from zero in 2020/21, although less than the three received in 2019/20 and 2018/19.
33. Looked After Through Care (LATC) Team receive 4 complaints during 2021/22, a significant increase from zero in 2020/21, 2019/20 and 2018/19.
34. Team A received one complaint during 2021/22, an increase from zero in 2020/21, a decrease from two in 2019/20 and the same number as in 2018/19.
35. Team B received one complaint during 2021/22, the same number as in 2020/21 and 2019/20 and a decrease from three received in 2018/19.
36. Team C received two complaints during 2021/22, an increase from one in 2020/21, zero in 2019/20 and a decrease from four in 2018/19.
37. Team D received one complaint during 2021/22, a decrease from three in 2020/21 and 2019/20 and the same number as in 2018/19.

### Breakdown of Stage 3 complaints by Service Area/Team

38. One complaint was escalated to Stage 3 during 2021/22, a decrease from two during 2020/21, three in 2019/20 and four in 2018/19.



### Breakdown of complaints by Issue



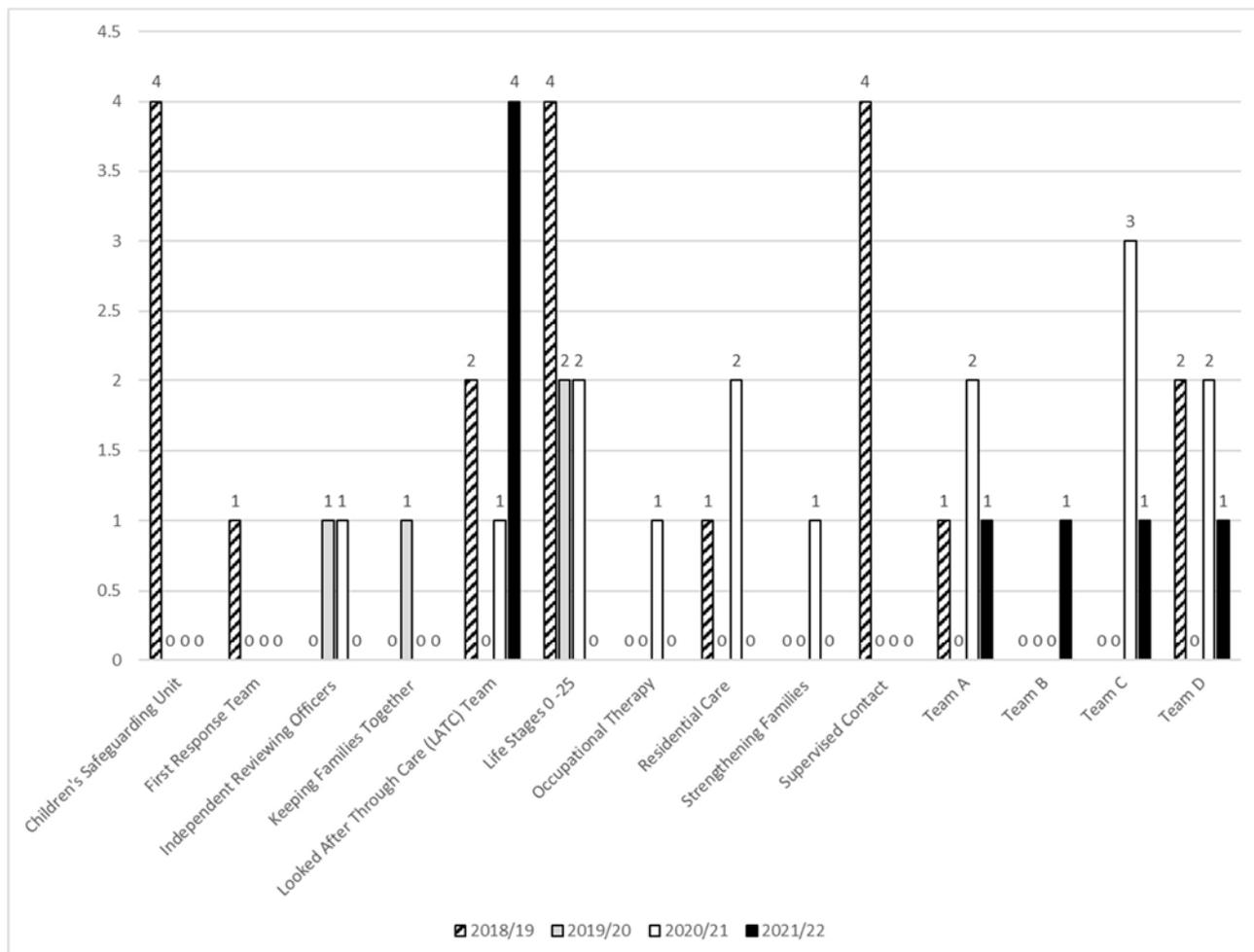
39. Staff attitude/behaviour was the most commonly complained about issue during 2021/22. The Council received 16 complaints about this issue, a significant increase from five in 2020/21, although complaints about this issue remained lower than pre-pandemic levels when the Council received 23 complaints in 2019/20 and 18 complaints in 2018/19.
40. Service/provision was the second most commonly complained about issue in 2021/22. The Council received 15 complaints about this issue, a decrease from 19 in 2020/21, an increase from 10 in 2019/20 and a decrease from 21 in 2018/19.
41. Decision/assessment was the third most complained about issues in 2021/22. The Council saw a significant increase in complaints about decision/assessment, compared to two in 2020/21. Complaints about this issue were higher than they were before the pandemic, when the Council received seven complaints about this issue in 2019/20 and nine complaints in 2018/19.
42. Communication was the fourth most complaint about issue in 2021/22. The Council received four complaints about this issue, a decrease from seven in 2020/21. Complaints about this issue remained lower than pre-pandemic levels when the Council received 12 complaints in 2019/20 and 15 complaints in 2018/19.
43. The fifth most complaint about issue was information. The Council received two complaints about this issue during 2021/22, a decrease from four in 2020/21, an increase from one in 2019/20 and a decrease from four in 2018/19.
44. Charges/fees, court reports and lack of services were the least complained about issues during 2021/22. The Council received one complaint in relation to each. The Council

received one complaint about charges/fees in 2020/21, but did not receive any other complaints about any of these issues back to 2018/19.

**Breakdown of Comments by Service Area/Team**

45. The Council received one comment during 2021/22, an increase from zero during 2020/21, 2019/20 and 2018/19. The comment was for Looked After Through Care (LATC) Team.

**Breakdown of Compliments by Service Area/Team**



46. The Council saw a decrease in compliments, eight compared to 15 in 2020/21. This remained higher than the seven received in 2019/20, although it was a decrease from the 19 received in 2018/19.

### Complaint Outcomes

**Stage 1** - The below table shows the decisions reached on Stage 1 complaints during 2021/22.

Service Area/Team	Escalated to Stage 2 (No S1 Response)	Inconclusive	Not Upheld	Partially Upheld	Upheld	Withdrawn	Total
Independent Reviewing Officers	0	0	0	0	1	0	1
Life Stages 0 - 25	0	0	1	2	1	0	4
Looked After Through Care (LATC) Team	1	0	2	2	0	0	5
Strengthening Families	0	1	0	0	0	0	1
Team A	0	0	2	0	1	0	3
Team B	0	0	6	2	1	0	9
Team C	0	0	4	0	0	0	4
Team D	0	0	4	0	1	5	10
Team E	0	0	0	1	0	2	3
<b>Totals</b>	<b>1</b>	<b>1</b>	<b>19</b>	<b>7</b>	<b>5</b>	<b>7</b>	<b>40</b>

**Stage 2** - The below table shows the decisions reached on Stage 2 complaints during 2021/22.

<b>Service Area/Team</b>	<b>Inconclusive</b>	<b>Not Upheld</b>	<b>Partially Upheld</b>	<b>Upheld</b>	<b>Withdrawn</b>	<b>Total</b>
Children's Initial Advice Team (CIAT) at the Front Door	0	0	0	1	0	<b>1</b>
Finance (Childrens/Resources)	0	0	1	0	0	<b>1</b>
Looked After Through Care (LATC ) Team	0	0	2	1	0	<b>3</b>
Team A	0	1	0	0	0	<b>1</b>
Team B	0	0	0	0	1	<b>1</b>
Team C	0	0	2	0	0	<b>2</b>
Team D	0	0	0	1	0	<b>1</b>
<b>Total</b>	<b>0</b>	<b>1</b>	<b>5</b>	<b>3</b>	<b>1</b>	<b>10</b>

**Stage 3** - The below table shows the decisions reached on Stage 3 complaints during 2021/22.

<b>Service Area/Team</b>	<b>Inconclusive</b>	<b>Not Upheld</b>	<b>Partially Upheld</b>	<b>Upheld</b>	<b>Withdrawn</b>	<b>Total</b>
Team C	0	0	1	0	0	<b>1</b>
<b>Total</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>

### **Local Government and Social Care Ombudsman (LGSCO) Complaints**

47. One complaint was referred to the LGSCO during 2020/21, a decrease from two in 2020/21 and the same number as in 2019/20 and 2018/19.

48. One complaint was determined by the LGSCO during 2021/22, compared to two in 2020/221 and one in 2019/20 and 2018/19.

### **Organisational Learning**

49. All resolution and organisational learning actions identified as a result of complaints are assigned to a responsible manager and progress against those actions is monitored by the Complaints Manager. In addition to those actions taken to resolve individual complaints several service improvements were made following complaint investigations during 2021/22. Some examples of these are detailed below.

### **Children's Initial Advice Team (CIAT) at the front door**

50. Following a complaint for CIAT, the importance of verifying information contained within assessments and verifying this with parents prior to finalisation was reinforced with social workers. The importance of including birth fathers within assessments and ensuring that all information recorded is current and accurate as per Working Together to Safeguard Children 2018 was also reinforced with social workers.

### **Independent Reviewing Officers**

51. Following a complaint for Independent Reviewing Officers, it was agreed that when a Fostering Social Worker is not available the carer should be provided with a named contact in the Fostering Team and be provided with support visits from the duty worker. It was also recommended that consideration is given to either establishing a clear signposting in procedures so that all Foster to Adopt placements are managed in line with embedded adoption processes.

### **Life Stages 0 -25**

52. Following a complaint for Life Stages 0 -25, it was agreed an information leaflet would be produced outlining the financial/review process, various options, timescales and outcomes.

### **Looked After Through Care (LATC) Team**

53. Following a complaint for LATC, it was agreed Children's Services should ensure that attendance records for Looked After Reviews (LAR) clearly evidence attendees of the LAR meeting. It was also agreed that Children's Services would ensure that details of the records of advocates work with a child are referenced within case records and relevant LAR records to ensure a transparent record of involvement from external agencies. It was also agreed that LAR minutes should contain information shared by a young person's advocate to ensure there is a transparent record of a young person's views, wishes and feelings captured at that point in time.

54. Following a further complaint for LATC, it was agreed Children's Services would ensure written contact plans are in place for looked after children and make this a matter of priority for those who have recently moved placement and are in a more unsettled state.

### **Team C**

55. Following a complaint for Team C, it was agreed that as per the Placement and Review Regulations 2015, social workers would ensure parents/carers are consulted prior to any significant social worker actions or changes to agreed care plan actions.
56. Following a further complaint for Team C, social workers were reminded of the use of, and need, to involve independent advocates and/or other representatives for young children involved in similar situations to that subject of the complaint. Social workers were also reminded that case recording and other record keeping must provide accurate information of processes followed. It was also agreed and that lessons learned in relation to capturing and incorporating the financial impact of being a carer in the assessment and care plan process would be shared with the workforce to inform future practice. It was also agreed that for Foster to Adopt placements, when a review meeting is being scheduled a process should be established that includes communication between the child's social worker, fostering social worker, independent reviewing officer and admin officer so that a clear decision can be made regarding who should attend and who will/will not receive documentation. Furthermore, it was agreed that an existing function within Liquid Logic should be used to modify the content of CLA documentation that relates to Foster to Adopt (and Adoption Placements) to prevent the automatic insertion of information into documentation that is distributed to birth family members, and that instruction on how to do this would be provided to the Children's Safeguarding Unit Admin Team. It was also agreed mandatory training would be established for social workers, social work team managers, advanced practitioners and independent reviewing officers on Foster to Adopt Placements.

## **Performance against the Children's Social Care Complaints, Compliments and Comments Procedure**

57. The below performance measures are in relation to those complaints responded to during 2021/22.

### **Timescales**

#### **Stage 1**

58. The target for responding to a complaint at Stage 1 is 10 working days, with a possible extension of up to 20 working days if the complaint is complex.

- (a) 36.84% of Stage 1 complaint responses were sent within 10 working days. This was an decrease in performance from 53.66% in 2020/21.
- (b) A further 44.74% of Stage 1 complaint responses were sent within 20 working days.
- (c) In total 81.58% of Stage 1 complaint responses were sent within the maximum 20 working day timescale, an increase in performance from 70.73% in 2020/21.

#### **Stage 2**

59. The target for responding to a complaint at Stage 2 is 25 working days, extendable up to a maximum of 65 working days.

- (a) 0% of Stage 2 complaint responses were sent within 25 working days during 2021/22, as was the case in 2020/21.
- (b) 11.11% of Stage 2 complaint responses were sent within the maximum timescale allowed (65 working days), an decrease in performance from 37.5% in 2020/21.
- (c) 88.89% of Stage 2 complaint responses were sent after 65 working days, an decrease in performance from 62.5% in 2020/21.

#### **Stage 3**

60. At Stage 3 the Review Panel should be held within 30 working days of the request. 100% of Review Panels were held within 30 working days.

61. The Review Panel should write to the Director within 5 working days of the panel. They did so in 100% of cases.

62. The Director should write to the complainant within 15 working days of receiving the Panel's response. The Director wrote to the complainants within 15 working days in 100% of cases, an increase in performance from 66.66% of cases in 2019/20.

### **Performance against key performance indicators**

63. In relation to children's social care complaints the Council's key performance indicator is the number of maladministration decisions received from the Local Government and Social Care Ombudsman (LGSCO). Children's Services did not received any maladministration decisions during 2021/22, a decrease from one in 2020/21, the same number as in 2019/20 and a decrease from one in 2018/19.

Full details of those complaints determined by the Local Government and Social Care Ombudsman are included in the Cabinet reports of 7 December 2021 and 6 September 2022 entitled [Review of Outcome of Complaints Made to Ombudsman](#).

### **Further recommendations**

64. Children's Services should work to improve performance against the Stage 2 timescale for Children's Social Care complaints.