



MANCHESTER  
CITY COUNCIL

# Annual Complaints Report

**2022/23**

Children and Families (Children's)

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# 1. Introduction

The Children Act 1989 and NHS and the Community Care Act 1990 require all Local Authorities with social services responsibilities in England and Wales to have a complaints procedure for people dealing with Social Care Services. *Getting the Best from Complaints* provides guidance for local authorities on implementing the Children Act 1989. The regulations require three internal stages to the complaints procedure: Stage 1 - Local Resolution, Stage 2 - Investigation and Stage 3 - Review Panel.

Part of the statutory requirement is the production of an annual report on complaints, which is available to members of the public, our staff, and our elected Councillors. This report contains information on social care complaints received about Children's Services in the financial year 2022/23.

Complaints which contain an element of social care fall under the statutory Children's Social Care guidelines, however, we also have responsibility for dealing with other complaints and political enquiries which relate to customers who may be dissatisfied with services which are not related to social care. These non-social care complaints will follow the Council's two stage complaints process. We have included in this report some information relating to the non-social care complaints and political enquiries that we have dealt with.

## 2. What is a complaint?

A complaint is defined as a written or verbal expression of dissatisfaction about the service provided by the Council.

We aim to acknowledge complaints within three working days and to send a full written response within 10 working days or 20 working days if the complaint is complex and relates to social care. In this case we will advise the complainant of the delay.

If the complainant requires clarity of any of the points in their complaint response, following investigation, they can return to the Council for further information.

We realise that young people may want to also complain, being important users of our services. All young people recording complaints against Children's Services are advised of the Advocacy Service, who work with the Feedback and Complaints Service to progress complaints.

The complaints process has no power to appeal or overturn a decision made by the courts.

### 3. The complaints we received and how we responded.

#### 3.1 A table showing the timeliness of our responses to complaints.

	Target response time	Complaints responded to	Responded within deadline	Average days to respond
Stage 1 Social Care complaints	10 working days	34	56%	14.3
Stage 1 Social Care complaints	20 working days	34	74%	14.3
Stage 2 Social Care complaints	25 working days	6	0%	53.0
Stage 2 Social Care complaints	65 working days	6	100%	53.0
Stage 3 Social Care complaints	50 working days	2	100%	23.5

Stage 1 Corporate complaints	10 working days	537	54%	14.7
Stage 2 Corporate complaints	15 working days	48	35%	19.8

Ombudsman Social Care	28 calendar days	10	40%	48.9
Ombudsman non-Social Care	28 calendar days	4	75%	23.5

#### Stage 1

A total of 34 Social Care complaints were responded to in 2022/23. This is a 56.4% decrease on the previous year (78 in 2021/22), and a year-on-year decrease for a second year in a row. Our 20-day response times have increased slightly from 69% to 74%, as have our 10-day response times (42% to 56%). The average response time now stands at 14.3 days, which is an improvement of previous year's performance which stood at 19.8 days last year and 20.5 days the year before.

Of the 34 social care complaints we handled at Stage 1, 13 (38%) of these were upheld or partially upheld, an increase from 33% in 2021/22.

For the second year in a row, Children's Services saw a significant increase in the number of non-social care complaints, mostly attributed to issues within School Access & Sufficiency, namely Home to School Transport and the EHCP Team. A total of 537 non-social care complaints were responded to in 2021/22. This is a 49% increase on the previous year (361 in 2021/22), causing our 10-day response times to increase from 63% in 2021/22 to 54% this year. Similarly, the average response time now stands at 14.7 days, up from 12.4 days last year.

Of the 537 non-social care complaints we handled at Stage 1, 172 (32%) of these were upheld or partially upheld, which is lower than the percentage upheld in 2021/22 of 37%.

Where we uphold a complaint, we acknowledge that the complaint is justified and provide an apology, and also make recommendations for service improvement. Customer feedback is important to us and we are committed to learning from complaints that have been upheld.

## Stages 2 and 3

There were 6 Social Care complaints responded to at Stage 2, 3 of which were upheld or partially upheld (50%). The investigations were completed within the permitted 65 working days (as were all cases in this category last year and the year before). Additionally, the average response time has decreased to 53 days from 47 days last year.

There were two social care complaints that progressed to Stage 3. Both of these were upheld or partially upheld, and they were both completed within the statutory deadline.

There were 48 non-Social Care complaints responded to at Stage 2 (60% increase compared to 2021/22), 52% of which were upheld or partially upheld (53% in 2021/22). 35% of the responses were completed within our initial target of 10% working days (10% in 2021/22), No further cases were completed within the extended target of 15 working days (6.7% in 2021/22). However, the average response time has significantly decreased to 19.8 days from 25.1 days last year. This is the second year in a row the average response time has decreased.

## Local Government and Social Care Ombudsman

The Council are given a timescale of 28 calendar days to provide a response to the Local Government and Social Care Ombudsman (LGSCO).

Children's Services responded to a total of 14 LGSCO complaints during 2022/23, a slight decrease from the previous year's total of 15. Following investigation by the LGSCO, 6 were upheld (9 in 2021/22). Regarding the upheld complaints, the following table shows what the Council were required to do to remedy to the complaint:

Decision	Complaint and Remedy
Case A: Upheld: maladministration and injustice	The complaint was that the Council did not make a child being cared for a 'looked after child'. The Council said it was a private family arrangement before the Interim Care Order was made. It was found that the Council should have carried out an assessment sooner. We apologised and backdated the support that should have been received as well as a payment for stress and inconvenience.
Case B: Upheld: maladministration and injustice	This was regarding the way the Council dealt with allegations about the foster carers care of two young children, which resulted in the children being removed without following due process. The Council agreed with the Ombudsman's view, apologised and made symbolic payments to the complainants and to the children. We also made service improvements.
Case C: Upheld: maladministration and injustice	This related to the Council refusing to provide free home to school transport to the complainant's child who has a learning disability. The Council failed to assess the child's ability to walk the required distance and applied the wrong legal test. This cast doubt on the decision reached. The Council agreed

	<p>to review its decision, make service improvements and offer a financial remedy if it decided to overturn its previous decision. We also made a time and trouble payment. The previous decision was not overturned when the application was reconsidered.</p>
<p>Case D: Upheld: maladministration and injustice</p>	<p>This complaint was about the Council's Supported Needs Monitoring Group (SNMG) process and related to the provision of supported accommodation for young people. The complainant felt his company missed out on the chance to provide the service. We apologised, offered a payment and reviewed the SNMG process.</p>
<p>Case E: Upheld: maladministration and injustice</p>	<p>The family complained that the Council failed to ensure their child received a suitable alternative education while out of school that met the child's special educational needs. It was found there was fault in how the Council reviewed the child's Education Health and Care plan (EHCP), re-assessed their Education Health and Care needs, and considered its duties to provide suitable alternative education. We apologised, issued an amended EHCP and paid a financial remedy. The service also reviewed the procedures and issued reminders to its staff to ensure: (i) when reviewing EHC plans we do so without delay, and issue amendment notices and final amended plans within the correct statutory timescales following the review meeting; (ii) where we decide we do not have enough information about a child's needs to progress an EHC plan review, we should consider, without delay, whether we need to re-assess their EHC needs; (iii) when re-assessing EHC needs we issue a final amended plan as soon as is practicable, and within a maximum of 14 weeks from the decision to reassess; and (iv) we keep families updated, respond to their queries, and follow up on any agreed actions in good time.</p>
<p>Case F: Upheld: maladministration and injustice</p>	<p>This complaint was regarding the way the Council reconsidered a transport application made on the grounds of special educational needs / mobility need following a previous Ombudsman decision. It was a repeat of the previous fault and non-compliance with an Ombudsman remedy. The Council apologised and made a further remedy payment. The service also made a fresh decision based on further evidence.</p>

### 3.2 Complaints received from children and young people

15 Complaints (10 Social Care, 5 non-Social Care) were made by young people in their own right in 2022/23 (2.4% of total complaints received).

## Advocacy Service

During the course of making a complaint the child or young person is entitled to advocacy support that is independent and confidential. If a young person makes a complaint without advocacy support they are still offered the option of receiving advocacy support at the start of the process. The advocacy support is commissioned externally and is currently delivered by Coram Voice Advocacy Service.

## 4. Political enquiries received and how we responded

**A table showing our timeliness of responding to political enquiries.**

	Target response time	Enquiries responded to	Responded within deadline	Average days to respond
MP/Cllr Social Care Enquiries	10 working days	79	59%	13.2
MP/Cllr non-Social Care Enq's	10 working days	398	71%	10.1

During the reporting period, the directorate responded to a total of 477 political enquiries. This was an increase of 7% on 446 in the previous year.

328 (69%) of these enquiries were responded to within the 10-day deadline for responding to enquiries, which is 4% higher than the previous year. The target for dealing with enquiries within 10 days is 96%.

The majority of enquiries were seeking advice or support. The main themes for these enquiries were:

- Issues regarding school places
- Free Travel to School
- EHCP Issues

## 5. How we have improved our service as a result of complaints

### 5.1 Learning actions from complaint investigations

We recognise that when things do go wrong, we need to learn from the mistakes to reduce the likelihood of the same thing happening again. From the information given in complaints and their responses, we identified actions and potential service improvements and allocated them to service managers to be implemented within a set deadline. During 2022/23 we recognised 185 opportunities for service improvement for the directorate as a result of complaints made about our services.

We also categorise the learning actions depending on their severity and the implications for the service user. The actions that are identified as having major implications, such as those that require procedural changes or where something needs to be implemented across the whole of the city, are closely monitored and evidence of their implementation is collated and fed back to senior managers, with a clear line of responsibility for the actions required.

## 5.2 What you told us and what we did...

Other learning actions have been carried out throughout the year that are case-specific, and the following table gives examples of outcomes from complaint investigations.

You said	We did
The 'later in life' letters for my two adopted children were not good enough.	We recognised how important this is for the children. It was agreed to pull the additional information together and amend the letters.
I was incorrectly advised that a place had been offered for my child and I didn't receive a letter confirming that no offer of a place could be made.	All officers were reminded of the process i.e. that where an error is made, they should contact the parent by phone to apologise and to explain the next steps. Also, officers have been reminded of the need to send out 'No Offer' letters to parents when they cannot be offered a place at the requested school.
The social worker did not phone me back to update about a referral.	The social care team were reminded to ensure updates are given to parents/carers with regard to key information, including referrals.
I am not happy with Home to School Transport's travel solution of a seat on a multi pick up vehicle.	The parent was offered a Personal Travel Budget instead.
You should have made the child I'm caring for a "looked after child" sooner.	We reconsidered the decision and agreed to backdate any support to the carer.
My fostering payment was late causing hardship.	We apologised for the delay and the payment was made. The reason for the delay was identified and discussed with the service to ensure it does not happen again.
You refused to provide free home to school transport to my child and you failed to follow your own policy correctly.	We agreed to review the application and make a fresh decision.



<p>I informed the Local Authority about an EHCP review that had taken place in school, and they were not aware of it taking place.</p>	<p>The Local Authority (LA) has a duty to ensure schools are notified when EHCP reviews are due. The EHCP team now have a reporting system that enhances communication between school and the LA about progressing reviews.</p>
<p>I raised concerns about the Local Authority's involvement in the renewal of passports for Looked After Children.</p>	<p>The service were reminded of the importance of applying for ID for children at the earliest opportunity and that it is an expectation that all children have ID in place, using this case as a learning point.</p>
<p>My child's Home to School Transport bus was stood down numerous times, usually due to illness. I felt no reasonable effort was made to cover any sickness or absence.</p>	<p>Home to School Transport is working on significant changes to improve its service. The service is developing a system that will support effective route optimisation and the deployment of staff.</p>

## 6. Compliments and customer feedback

During the year 1 April 2022 to 31 March 2023, Children's Services received a total of 68 written compliments, compared to 116 the previous year.

Some examples of compliments received are detailed below.

Praise for a social worker from a solicitor described as being 'brilliant' when giving evidence, balanced and knowledgeable.

Praise for a social worker from a judge and guardian for the excellent social work carried out on a case, developing a trusting working relationship, and achieving an excellent outcome.

Praise for two social workers from a Consultant Paediatrician on a case for their calmness, professionalism, knowledge and efficiency and their support.

Praise for a social worker for leading a multi-agency piece of work, keeping a young person safe whilst in hospital and described as pleasant, respectful, and professional.

Praise for an Early Help Practitioner for their help and hard work and making a difference to the family's lives, having a non-judgemental approach and going above and beyond.

Praise for a social worker from the mother's solicitor and from the judge himself for work carried out on a case.

Praise for a social worker from a young person stating, "I don't know what to say and I don't think I have enough words to express how much I appreciate your help you are a wonderful social worker and I want to thank you from the bottom of my heart".

Praise for a social worker from a foster carer for always keeping her in the loop, trusting her judgements and making her feel part of the plan.

Praise for a social worker "She is fair and respectful, and it is evident that caring for children/young people and their families is at the forefront of everything she does".

Praise for a social worker from a parent, "Thank you for all your support over the last year. You are an exceptional social worker, you dealt with what was a very tough situation very sensitively and thoughtfully. You managed to build a very positive relationship with our child and importantly with both the parents. You are a credit to the Local Authority".

Praise for a social worker from a young person's guardian described as 'excellent, dedicated and passionate' in what she does. Social worker went 'above and beyond' to support the young person.

Praise for a social worker from a young person asking, "if she ever became a foster carer could she go and live with her". The social worker also received praise from a foster carer saying, "they were the best social worker they had ever worked with".

Praise for a social worker for being efficient and having excellent communication, overcoming barriers with minimal fuss and written work is of a high standard and thorough. Has nurtured positive relationship with the young persons.

Praise for a social worker from a parent for help turning their life around and building a positive relationship. Parent bought the social worker some flowers.

## **7. Final comments**

Overall, we note that, for 2022/23, caseload has continued to increase year on year. Despite the increase, timeliness of responses across Social Care Complaints and MP/Councillor Enquiries, as well as non-Social Care Stage 2 Complaints and Ombudsman, has remained the same or improved in comparison to last year's performance. In the main, this is a direct result of the regular, targeted reporting to senior management of carefully-selected areas, as capacity allowed.

Children's Services and the Feedback and Complaints Service will continue to work to improve our performance for responding to complaints. To help us improve, we recognise the need to continually review our processes and improve the quality and timeliness of our responses. The following examples highlight the steps we are taking to improve this year:

## **Process improvements**

- Manchester Feedback & Complaints are working with Senior Managers to closely monitor the high-risk complaints, and the learning required, through action plans and we are ensuring the actions are shared to ensure wider learning across the Council.

## **Guidance and Training**

- The content of our training briefings is updated regularly, to include changes made in internal practices directed by senior managers and to highlight areas of weakness and any recurrent themes in complaints. We normally provide briefings for new managers or those who would benefit from a refresher and highlight the importance of effective complaints handling and good practice.

## **Performance**

- Our target for resolution of social care complaints within 20 working days is 80%. This year we achieved 74% from 69 % the previous year. Although still short of the target the performance continues to improve in this area. The percentage of non-social care complaints responded to within 10 working days decreased this year to 54% from 63% last year. This could partly be due to the increase in number of non-social care complaints received from 361 last year to 537 this year.

## **Communication with customers**

- The complaint forms for children and young people are made available to all children in contact with the service.
- The complaints-related information on Manchester City Council's internet pages is under constant review to improve clarity and access, particularly for children.
- A poster is displayed in all reception areas to help sign post customers who wish to make a complaint.