

## **Children's Social Care**



# **Statutory Complaints and Compliments Annual Report 2022/2023**

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## 1. Purpose and Summary of Report

- 1.1. To report to Members and Officers on Leicestershire County Council's (LCC) Children's Social Care complaints activity from 1 April 2022 to 31 March 2023.
- 1.2. To meet the requirements of Regulation 18(2) of Statutory Instrument 2006 No. 1681 Local Authority Social Services Complaints (England) Regulations 2006 and Regulation 13(3) of Statutory Instrument 2006 No. 1738 The Children Act (1989) Representations Procedure (England) Regulations 2006.
- 1.3. For the current year the following Statutory guidance remains relevant:
  - Getting the best from Complaints 2006
  - the Local Government and Social Care Ombudsman (LGSCO) [Practitioner Guidance](#) which should be referenced alongside the existing statutory guidance
- 1.4. This annual report provides analysis and commentary for Children and Family Services on all complaints managed under the statutory process. Those complainants who do not qualify to use the statutory process are considered under the County Council's Corporate Complaint procedure and reported in the Corporate Annual Report presented to the Scrutiny Commission.
- 1.5. The Complaints Manager role is responsible for ensuring that complaints are handled appropriately and providing support to the department in resolving complex cases. In addition, the Complaints Manager will highlight key trends that emerge each year and any recommendations that would improve how we work. The Children and Family Services department retain responsibility for actioning any such improvements.

## 2. Complaints and compliments received 2022-23

### 2.1. Foreword

This report only considers complaints identified as statutory complaints as defined by the Statutory Guidance outlined within “Getting the Best from complaints”

There are two key tests applied in making the above assessment.

- 1) Is the complainant eligible?
- 2) Is the subject matter within scope of the procedure?

Concerns that fall outside of the scope of the statutory complaints’ procedure are responded to by the Complaints and Information team and are then handled in line with the relevant alternative route which typically includes

- Consideration as a corporate complaint
- Referral to the Leicestershire Safeguarding Children Partnership Board (LSCB) appeals procedure
- Explanation that the matter cannot be considered as the subject matter has / will be adjudicated in Court

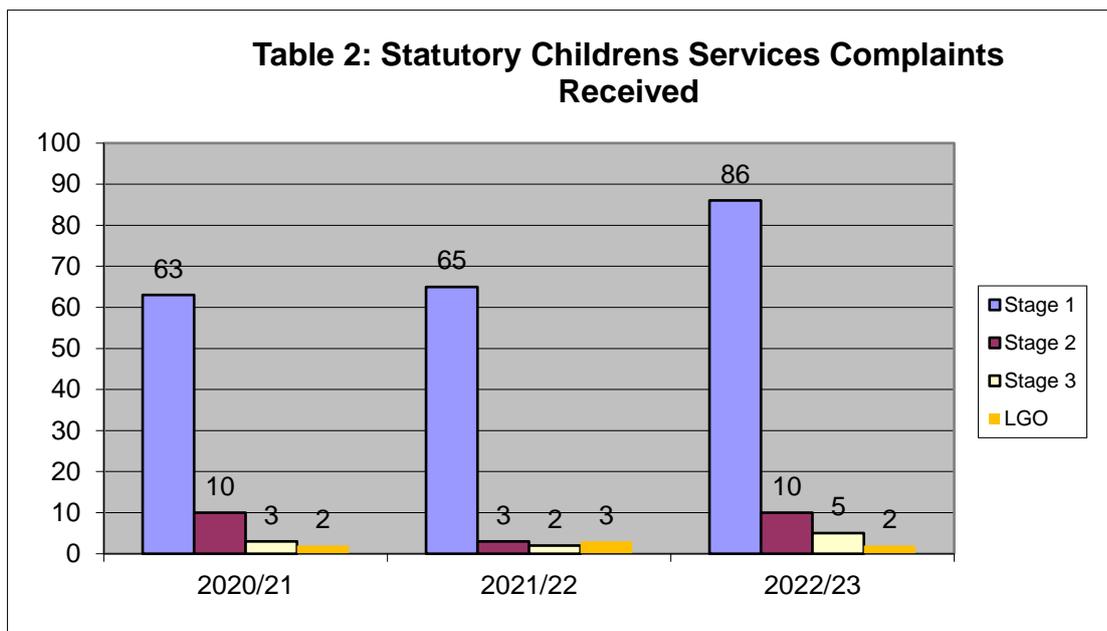
### 2.2. Complaint Volumes

Volumes of complaints are considered in the light of the number of cases which the Children’s Social Care dealt with during the year. Table 1 shows the key referral categories and the increased demand on services.

<b>Table 1 – Social Care demand</b>	<b>2021/22</b>	<b>2022/23</b>	<b>% Change</b>
Referrals to Children’s Social Care	4934	5435	+10.2%
Single Assessments	3993	4083	+2.6%
Children in Care at 31 March	694	680	-2.0%
Child Protection Plans at 31 March	572	513	-10.3%

The above shows a mixed picture but with a significant increase in the number of referrals. Each of these will trigger some action from Childrens Social Care and therefore could form the basis of a complaint.

To provide further context to complaint volumes, the number of referrals to Children’s Social Care in Table 1 has been used and this shows that 1.3% go on to make a formal statutory complaint. This has remained unchanged for the last 2 reporting years.



As illustrated above (Table 2), 86 complaints were accepted under the statutory procedure. This represented a 32% increase on the previous year.

Of those 86, 10 requested escalation to Stage 2 and required an Independent Investigation be carried out (12%)

It is encouraging that despite the volume increase, 88% of statutory complaints were resolved at the 1<sup>st</sup> stage.

There are also a number of complaints regarding Childrens Social Care matters that are responded to under the Corporate Complaints procedure so to give the full picture of complaints, table 3 sets out all social care complaints for the last 2 years.

This shows that, overall, there has been a very small 3% reduction in the total number of complaints about Childrens Social Care.

**Table 3: All Complaints about Childrens Social Care**

Financial Year	Statutory Complaints	Corporate Complaints	Total
2021-22	65	82	<b>147</b>
2022-23	86	57	<b>143</b>

### 2.3. Complaints accepted at stages 2 & 3

The number of requests considered at Stage 2 of the process increased by 7 compared with the previous year. As a percentage of Stage 1 complaints this represents 12%, very slightly reduced from 2021/22 (14%).

Five Stage 3 panels were convened during the year. Stage 3 Panels cannot re-investigate complaints and as such can only look at the quality and comprehensiveness of the Independent report at Stage 2.

The LGSCO take a rigid approach on consideration of early referrals. The implications are that it is more important than ever to be clear at the outset which complaints procedure should be used. Once the statutory procedure has been initiated, the LGSCO expects all stages to be completed.

This has implications for the department and highlights the need to ensure every effort is made to resolve complaints at Stage 1 of the process.

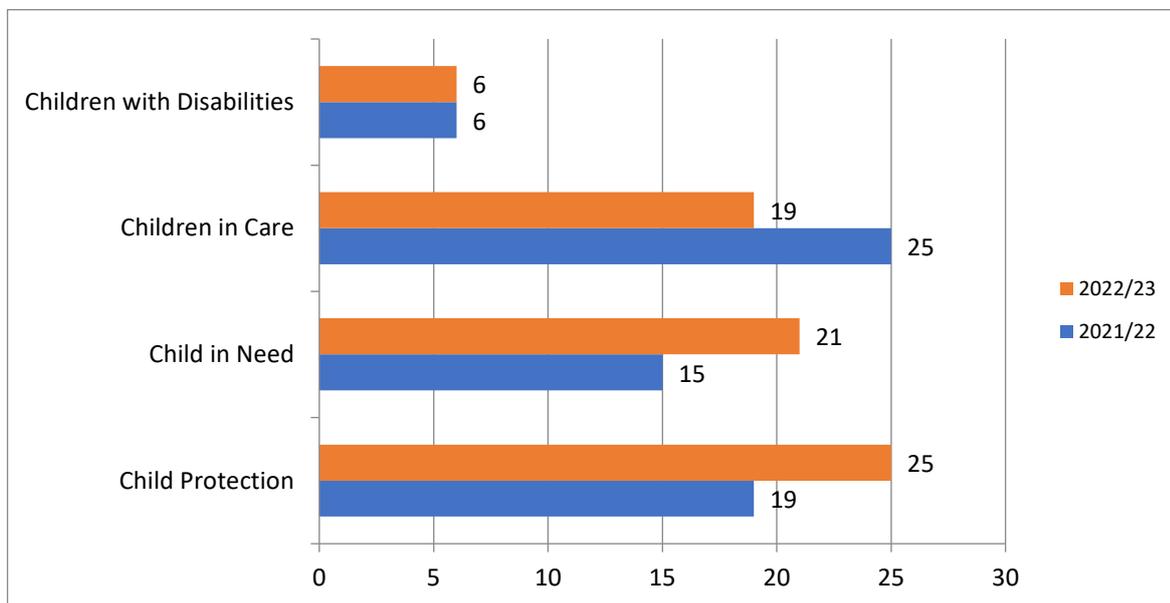
The Ombudsman considered 2 complaints during the year which had exhausted all stages of the statutory complaints procedure.

**2.4. Statutory complaints by Service area**

The Complaints Manager records all statutory complaints at a service level and table 4 below shows the results for 2022-23 overlaid against the previous year.

There are no significant changes this year with complaints fairly balanced across the different areas.

*Table 4: Complaints received by Service Area*



**2.5 Compliments received**

During 2022-23 there were 18 compliments recorded regarding Children’s Social Care officers. This is almost identical to last year (16).

The positive comments received appears in Appendix A and provide an important balance when reviewing the performance of the department.

### 3. Service Performance 2022-23

The key performance indicators for speed of response, outcomes, causes and identified learning are linked to complaints that have been *resolved* within any given reporting period rather than received.

This is important as it ensures that full data sets can be presented, both to departments on a quarterly basis, and at year end. It also avoids the scenario whereby Ombudsman findings of maladministration might not appear in annual reports (where outcomes are not known at the time of production).

It follows from the above that the figures presented below will not match the data presented in section two of this report which focused on complaints *received*.

#### 3.1. Responsiveness to complaints

Table 5: Children's Services Performance at stage 1

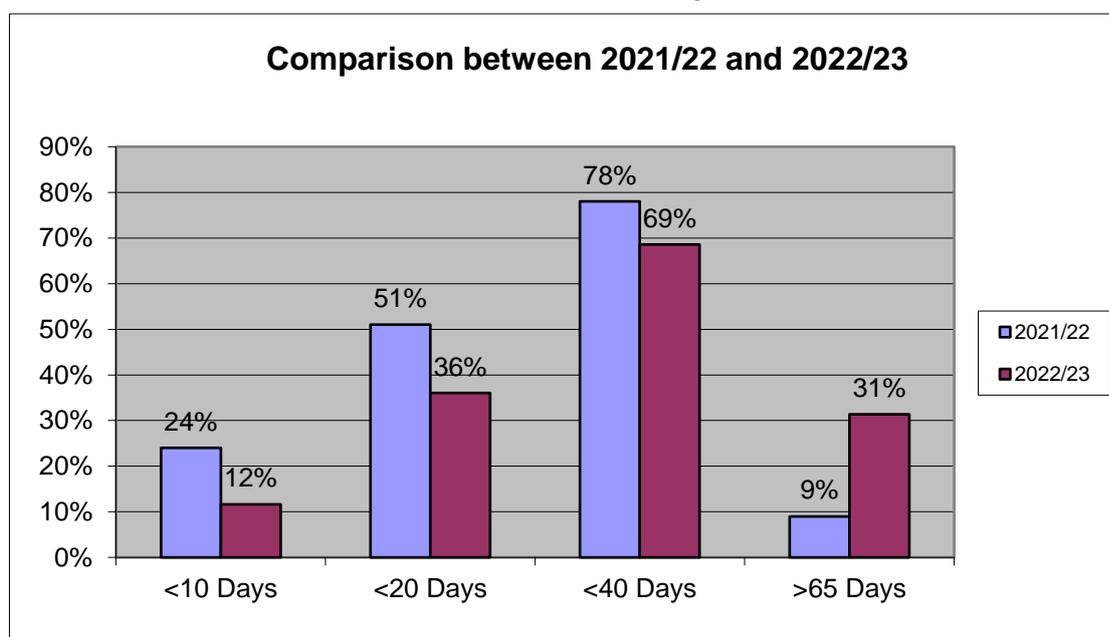


Table 5 above details the time taken to respond to complaints at Stage 1 and provides a comparison between last year and the current reporting year.

It is clear from the above that there have been significant pressures on response times during the year. Most notably there has been a 22% increase in the number of complaints responded to in excess of 65 working days.

Statutory guidance sets out an expectation that “the majority” of complaints should be resolved within 10 working days with 20 working days considered reasonable for “complex cases”. Whilst the nature of social care complaints often has complexity, more work needs to be done to raise the number of complaints responded to within the statutory timescales.

It is important to stress that, where complainants have not agreed an extension and there is no good reason for a complaint to exceed 20 working days, the Complaints Manager is duty bound to offer a Stage 2 investigation.

The Complaints Manager has had to exercise this duty on 3 occasions during the year.

### **Response timescales at Stage 2**

Completion of Stage 2 investigations within the statutory guidelines (65 working days) has continued to be a challenge during the year with none of the 10 completed investigations achieving this.

The Ombudsman has however indicated that providing the Local Authority is managing the expectations of a complainant and not unduly delaying resolution, there is unlikely to be criticism of not meeting this timescale. The Complaints Manager is satisfied that in all cases expectations were well managed by Independent Investigators.

Investigations have been undertaken through a mixture of in house and externally commissioned resource. There have been clear improvements seen with those complaints investigated internally and this should be the default model moving forwards. There have however remained challenges with the time taken by the Local Authority in responding to reports which further elongates the response timescales.

### **Response timescales at Stage 3**

There were 5 requests to escalate to Stage 3 during the year with 4 proceeding to panel hearings. In the other case, the Council sought to exercise discretion to early refer to the Ombudsman on the grounds that the complaint had been fully upheld and it could not achieve the outcome sought.

Of the 4 complaints heard by panel, 3 of these were managed within the statutory timescales.

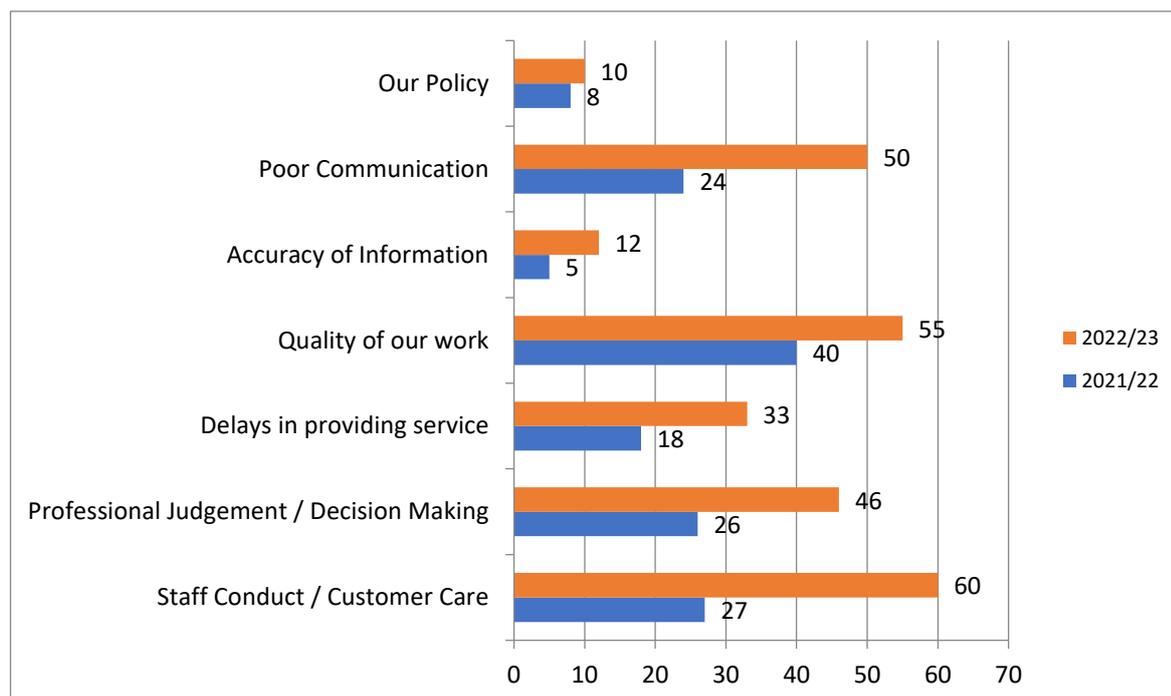
## **3.2. Complaint Causes**

To try to understand the main causes leading to complaints, the complaints team assess the underlying causes for each complaint determined.

Very often there are multiple factors being complained about and to reflect this the Complaints team now record against multiple categories. It follows that the numbers below will not match the overall complaints resolved.

The results for both 2021-22 and 2022-23 are shown below in table 6.

*Table 6 – What were complaints about?*



The biggest single cause during 2022-23 was around staff conduct / customer care. Inevitably these were often interlinked with poor communication hence the increased volume in this category.

It is clear that complaints often spanned multiple issues and have been increasingly complex during the year.

### **3.3. Who complains?**

In 2022/23, ten complaints were made by children or young people<sup>1</sup>. This is an increase on 2021/22 and represents 12% of the overall volume. The remaining complaints were made by parents or others who were deemed to have sufficient interest in the child’s well-being.

It is not unusual for numbers of complaints made by young persons to be proportionally low and this mirrors the situation reported by regional colleagues.

It remains a key priority of the Complaints Manager to ensure that everything is being done to improve accessibility of the complaints process to our children and young people and there continue to be good links between the Children’s Rights Officers and Complaints. Regular discussions are held to ensure and check that appropriate processes are followed to resolve issues.

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<sup>1</sup> 4 of these were represented by advocates

Most complaints continue to be made by parents or family members (where they have sufficient interest in the child or young person’s welfare.<sup>2</sup>)

### 3.4. Complaint Outcomes

Table 7: Children’s Services complaints recorded by outcome

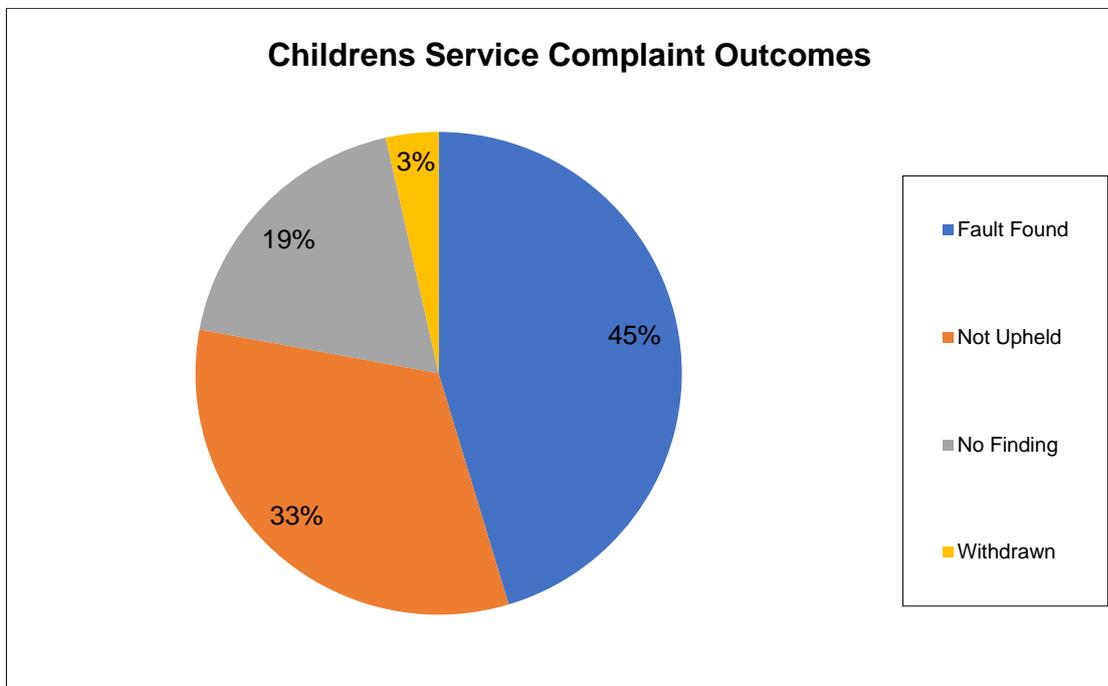


Table 7 above shows that fault was found in 39 (45%) of the statutory complaints considered during the year. This is very similar to 2021-22 (43%)

It is important to note that a finding of fault is not necessarily a bad thing as it can also be a sign of greater maturity within complaints handling. It is always important to listen to what we are being told about our service to put matters right at the earliest opportunity, and to learn and improve. Managers are also encouraged not to handle complaints defensively and this is evidenced in a number of cases whereby we have accepted that there are opportunities to improve.

In some cases, complaints are not able to be determined as there are irreconcilable versions of events. In these situations, rather than record the complaint as “Not Upheld”, the complaints team will instead record them as “No Finding” which more accurately reflects the outcome. This will also include some complaints whereby the Court process is the appropriate forum to make a finding.

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<sup>2</sup> Guidance set out in section 2.6 of Getting the Best from Complaints.

## 4. Financial Implications

### Children’s Service Complaints expenditure

Both Stages 2 and 3 of the statutory complaints’ procedure require independent investigation to take place.

At Stage 2, the authority is required to appoint an Investigative Officer who must not work in the same area as the complaint being investigated and be suitably trained to carry out investigative work. Whilst it is not mandatory that this role is appointed externally, the County Council’s policy has historically been to do so.

As referenced in last year’s annual report, the Council changed the way it commissioned this resource to ensure this was compliant. This has increased the overall costs in this area.

As noted already within this report, to help mitigate this, an in-house “arms length” complaints investigator was recruited and was in post for approximately 6 months of the reporting year before leaving. This post has now been re-filled and in house investigations will again the default position during 2023-24.

In addition to the Investigative Officer, the Regulations also require an Independent Person to be appointed to ensure the investigation is carried out fairly. This is a mandatory requirement, and this person cannot work for the Council.

At Stage 3, the procedure is for a panel hearing to be held to review the Stage 2 investigation. This involves the appointment of 3 external panel members.

Leicestershire County Council can also explore independent mediation as an alternative form of redress through Stages 2 or 3. Mediation has not been used this year for any cases.

Finally, on some occasions, financial redress is offered as part of the Complaints procedure. Usually this is by way of a Local Settlement with the Ombudsman but can also be recommended at either Stage 2 or 3 of the procedure.

Table 8 below details the total costs incurred during the last 3 financial years. All costs are re-charged directly to the department.

*Table 8 Costs incurred through complaints procedure<sup>3</sup>*

<b>Spend</b>	<b>Total 2020/21</b>	<b>Total 2021/22</b>	<b>Total 2022/23</b>
Commissioned Investigations	£36,540	£21,100	£41,650
Mediation	£0	£0	£0
Financial Redress	£12,650	£1,050	£2,500
<b>Total</b>	<b>£49,190</b>	<b>£22,150</b>	<b>£44,150</b>

<sup>3</sup> Figures are rounded up to nearest £10.

Costs incurred for 2022/23 represent a significant increase on previous year. In part this is because of the higher costs for externally commissioned resources and in part due to volume increase at Stage 2 and 3.

Financial redress payments continue to remain low.

Costs continue to be controlled through several ways including:

- Complaints Team proactively looking for opportunities to resolve via meetings if any prospect of success.
- Ensuring that complainants are eligible to use the statutory complaints procedure
- Imposition of restrictions to the scope of some independent investigations. Typically, around matters that have been determined in the Court arena.

## 5. Learning from Complaints

Complaints are a valuable source of information which can help to identify recurring or underlying problems and potential improvements. We know that numbers alone do not tell everything about the attitude towards complaints and how they are responded to locally. Arguably of more importance is to understand the impact those complaints have on people and to learn the lessons from complaints to improve the experience for others.

Lessons can usually be learned from complaints that were upheld and, in some instances, where no fault was found and where the Authority identifies that improvements to services can be made.

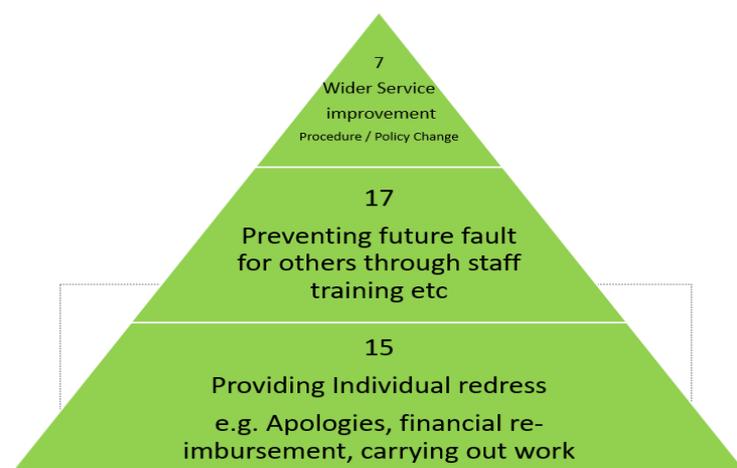
Occasionally during an investigation issues will be identified that need to be addressed over and above the original complaint. The Complaints Team will always try to look at the “bigger picture” to ensure that residents receive the best possible service from the Council.

### 5.1 Corrective action taken

All the 39 complaints where fault has been found have been reviewed by the Complaints Team to ascertain what action the relevant department has taken, both in remedying the fault, and any wider learning to avoid such issues occurring in the future.

Remedial action typically consists of both individual redress (e.g., apology, carrying out overdue work) and wider actions that may affect many. The diagram below shows the actions taken during 2022-23. 61% of complaints upheld resulted in clear actions that should improve service for other residents. This is a significant increase on the previous year (33%)

*Graph 7: Actions taken for upheld complaints 2022-23*



The most common action taken was staff training. There are lots of good examples of this taking place both at individual and team level. These included:

- reminding teams of the need to keep accurate records
- refresher training on threshold assessment
- refresher training on tackling racism
- reminder re sharing medical reports with families

The most powerful are whole system changes, where it is identified that a process or policy needs amending. There were 7 such scenarios during the year arising from local investigation. These included:

- Development of improved guidance for kinship carers
- Reviewed processes for linkages between Social Care and Early Help
- Reviewed guidance around maintenance of adoption family books

## 6. Local Government and Social Care Ombudsman

The Ombudsman made decisions on ten complaints which related to children's social care during the year, with fault found in three instances (30%).

A summary of the complaints considered, and their respective outcomes appears below.

- 5 Outside of Jurisdiction or where at an assessment stage the Ombudsman felt unlikely it would achieve anything through further investigation.
- 2 Premature for the Ombudsman as the complaint had not fully exhausted the Council's complaints procedure.
- 3 findings of Fault with Injustice.

**CASE 1:** – a Child Protection complaint that the Council acted in a biased manner towards a parent, and which then led to unwelcome social care involvement.

The Ombudsman found no fault with the social care actions but did find administrative fault around the complaint handling and asked the Council to apologise and make a symbolic payment of £100 in recognition of this.

**CASE 2:** - also a Child Protection complaint about the Council's decision to initiate child protection enquiries and to implement a Child Protection plan

The Ombudsman found no fault in the Council's decision making but there was some fault around record keeping. Whilst this fault did not cause any injustice, the Council agreed to issue reminders to staff about the importance of appropriately documenting discussions with partner organisations.

**CASE 3:** - A complaint regarding the Council's failure to provide sufficient living space for a family which included 4 looked after children.

This was a second complaint following earlier consideration by the LGSCO. The Ombudsman found that the Council had made a largely satisfactory offer but that there was delay in concluding this.

The Council accepted the findings and agreed to apologise, make a further payment of £2,400 and defer collection of a contribution towards rental costs which the Council was paying.

## **7. Monitoring the Process**

The Complaints team continues to support Children's Services to manage and learn from complaints. The key services offered to CFS are -

1. Complaints advice and support
2. Commissioning and administrative support for all Independent Investigations
3. Production of Performance Reports
4. Liaison with Local Government and Social Care Ombudsman
5. Quality Assurance of complaint responses
6. Complaint handling training for Operational Managers

Assistance continues to be routinely provided to Heads of Service in drafting adjudication responses to Stage 2 investigations. This helps ensure a consistency of response and that clear action plans are created.

The Complaints Manager meets regularly with the Heads of Service and periodically also attends the Children's Social Care Services Senior Management Team to talk through complaints matters.

Complaints training resumed during the year and will continue during 2023-24 to help ensure managers understand their role and are supported in managing complaints effectively.

## **APPENDIX A – compliments received**

- “Thank you, Z, you have played a pinnacle role in my daughters long term safety and neither of us will ever forget what you have done for us”
- “Thank you, C, for all your help and support and being interested in X’s thoughts, feelings and for supporting him, no matter what.”
- “Thank you, R, for everything you have done for me. You are always available whenever I needed to speak or needed any advice”
- “Thank you, C, for all your help and support and for going 'above and beyond' when needed.”
- “Thank you, J it was such a pleasure, to work with you on this case to make sure that these children get the best they can get”
- “Thank you, S, for addressing areas of improvement within my sons school and also for helping my son to be a happy settled child.”
- “Thank you, R., You helped a lot in every decision from the first day to the end of my case. Your work is very professional and child focused”
- “Thank you, J, We really appreciate all that you've done over the many years and can't thank you enough”
- “Thank you, B, for all your help and support with this family”
- “To S and team, thank you for all you have done for me, for being loving, caring and funny and for showing me that I deserve a loving family.”
- “Thank you to the Carers Leavers Team for never giving up on me, when everyone else did. I cannot thank you enough for all that you did.”
- “Thank you to S & the Post SGO service for all you help and support empowering both grandma and her grandkids”
- “Thank you for the amazing support we have received from C, who has worked so hard for us as a family.”
- “Compliment re quality of work and advice from G in First Response.”
- “Thank you, J, for being so AMAZING. Having a social worker who is straight down the line about everything was so refreshing.”
- “Thank you, D, for all you help and support towards my young person and for being caring, friendly and an approachable person.”