



Children's Social Care

Statutory Complaints and Compliments

Annual Report 2015/2016

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1. Purpose and Summary of Report

- 1.1 To report statistical information to Members and Officers detailing Leicestershire County Council's (LCC) Children's Social Care complaints activity from 1 April 2015 to 31 March 2016 including any developments and planned improvements.
- 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
- 1.4 This report provides analysis and comment for Children and Family Services on all complaints managed under the statutory process. Those complainants not qualifying under the statutory process are considered under the County Council's Corporate Complaint Annual Report presented annually 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 2015-16

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 framework are responded to by the complaints unit and are then handled in line with the relevant alternative route which typically includes

- Consideration as a corporate complaint
- Referral to the LSCB appeals procedure
- Explanation that the matter cannot be considered as the subject matter has / will be adjudicated in Court

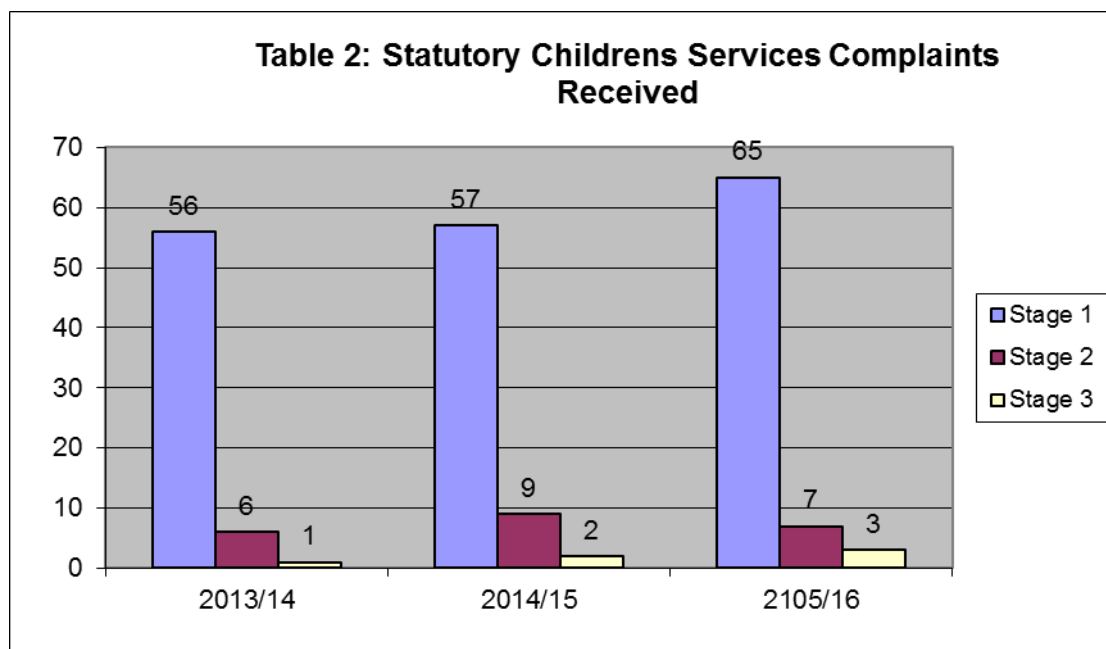
2.2 Complaint Volumes

Volumes of complaints should be considered in the light of the number of cases which the Children’s Social Care service received during the year. There are a number of indicators which might impact on complaint volumes but, in general, there was a reduction in contacts to the department as shown in Table 1 below.

	2014/15	2015/16	% Change 14/15 to 15/16
Referrals to Children’s Social Care	4635	3953	-15%
Single Assessments	3671	2139	-42%
Children in Care at 31st March	472	470	-0.5%
Child Protection Plans at 31st March	398	347	-13%

As illustrated below (Table 2), the total number of complaints received at stage 1 has increased slightly from last year (14% increase)

To provide context to complaint volumes, the number of referrals to Children's Social Care in Table 1 has been used and this shows that 1.6% go on to make a formal complaint (1.2% in 2014-15)



2.3 Complaints accepted at stages 2 & 3

The number of requests considered for Stage 2 of the process decreased by two compared with the previous year. As a percentage of Stage 1 complaints this marks a decrease to an 11% escalation rate.

Every effort is made to prevent Stage 1 complaints escalating through alternative dispute resolution. This includes conciliation meetings (usually involving both the Complaints Manager and a Service Manager) and on occasions externally led mediation. The increased focus on early resolution continues to pay dividends in the relatively low escalation rates.

Of the seven complaints which were considered at Stage 2 of the process, two subsequently withdrew their complaints after discussion around the process. Three are currently open.

Three Stage 3 panel hearing requests were received during the year. One of these was offered and accepted mediation which achieved closure of the complaint. The other two completed the process.

As referenced in last year's annual report, the Local Government Ombudsman is increasingly taking a firmer line on consideration of early referrals. The implications are that it is more important than ever to be clear at the outset which

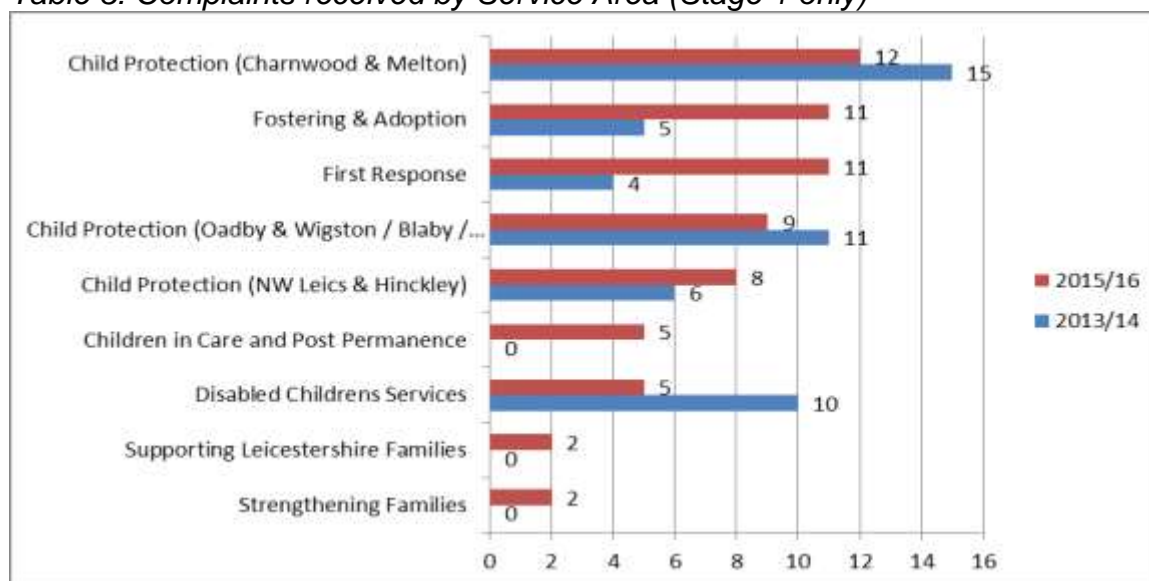
complaints procedure should be used. Once the statutory procedure has been initiated, the LGO expects all stages to be completed.

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.

2.4 Statutory complaints by Service area

The Complaints Manager records all statutory complaints at a service level and table 2 below shows the results for 2015-16 overlaid against the closest equivalent figures for the previous year.

Table 3: Complaints received by Service Area (Stage 1 only)



Whilst some caution needs to be exercised against year on year comparison due to structural changes, there are some noteworthy changes as follows:

- First Response complaints.

This increase is attributed to the growth in scope of this service area which now picks up the work previously carried out by Family Assessment Services within localities. This increase was expected.

- Fostering and Adoption team complaints.

In last year's annual report, fostering complaints were highlighted as an area of concern. Encouragingly, complaints in this area have reduced significantly following a number of procedural and structural changes.

The volume increase for this service area has been predominantly down to post adoption support issues. The majority of these have been linked to delays in processing of applications to the Adoption Support Fund (6). A full review has been carried out and improvements have now been delivered.

- Disabled Childrens Services complaints.

There is no obvious reason for this reduction in volumes. It may simply be that initial enquiries or concerns are being handled better without recourse to the complaints service

2.5 Compliments received

During 2015-16 there were 25 compliments recorded regarding Children's Social Care officers. This marks a slight decrease from prior year (31).

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

3. Complaints resolved 2015-16

3.1 Foreword

This year, to counter historical gaps in reporting on information where complaints remain open, the key performance indicators for speed of response, outcomes, causes and identified learning are now linked to complaints *resolved* rather than received during the reporting period. This change has been reflected in this annual report.

Importantly, this change will ensure that full data sets are able to be presented, both to departments on a quarterly basis, and at year end. It also closes a gap (particularly relevant to Ombudsman complaints) where outcomes did not appear in annual reports as the complaint remained open at the time of issue.

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

3.2 Responsiveness to complaints

Table 4: Children's Services Performance at stage 1

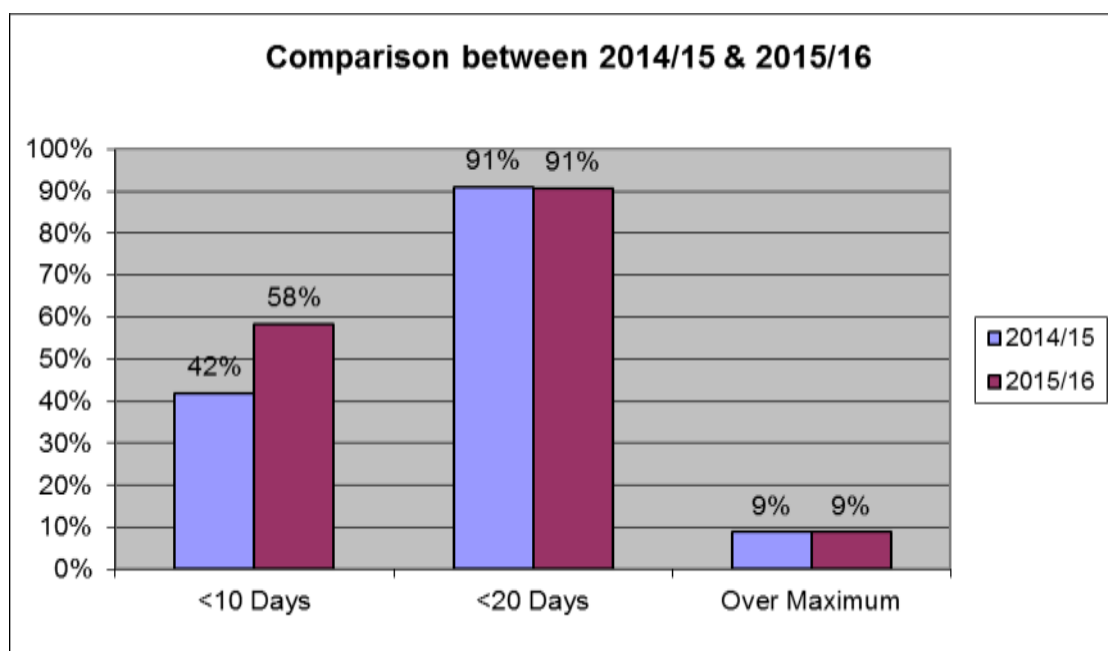


Table 4 above details the time taken to respond to complaints at Stage 1, providing a comparison between last year and the current reporting year. Whilst adherence to the statutory maximum timescales (20 working days) is in line with last year, there has been a significant improvement in performance at the best practice indicator (10 working days)

It is pleasing to see this improvement and evidences that managers are committed to prompt resolution of complaints

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. This emphasises the importance of prompt response at Stage 1. In part due to the improved performance, there were no instances of a Stage 2 needing to be offered solely for these reasons.

Response timescales at Stage 2

Completion of Stage 2 investigations within the statutory guidelines continues to be a challenge for the Council.

Of the three stage 2 complaints which were adjudicated on during the year, just one was completed within the 65 working days required under the regulations.

It is difficult to bring about improvements in this area as, being an 'independent' stage, responsibility for finalising reports rests with commissioned investigators. The key point of delay appears to be at the outset of the Investigation with Investigators wanting to ensure they have an approved record of complaint even if there is already a formal complaint in writing. Whilst it is accepted that the initial meeting is vital in being clear on the scope, it does raise issues about meeting the statutory deadlines.

Discussions with colleagues within the Eastern Region Complaints Managers Group indicates that these are issues facing all local authorities.

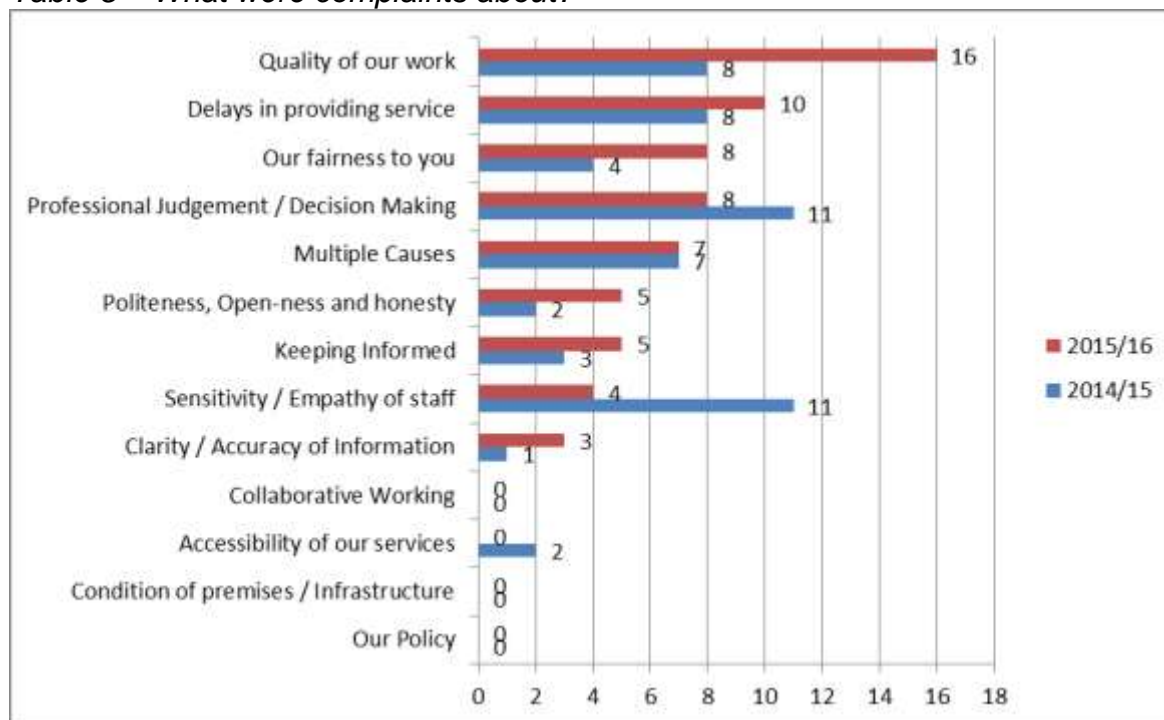
The Ombudsman has indicated that providing the Local Authority is managing the expectations of a complainant and not unduly delaying resolution, there is unlikely to be criticism of not meeting this timescale.

Notwithstanding this, the Complaints Manager will continue to explore how the Council can improve performance in this area.

3.3 Complaint Causes

During 2013/14, a new approach was introduced to try to improve understanding of the main causes leading to complaints. This has been repeated this year and the results for both years are shown below in table 4.

Table 5 – What were complaints about?



There are a number of notable changes from the previous year shown in the above graph as follows:

- Increase in complaints about “quality of work”

This was an area highlighted in last year’s annual report but remains a common source of complaints. Although quite a wide-ranging category, it can be encapsulated as “doing the basics well”. Common issues include:

- I. Provision of Conference reports within the scheduled timeframe. Intelligence from wider performance reports indicates this was achieved on less than 50% of occasions.
 - II. Difficulties contacting allocated workers or phone calls not being returned in a timely fashion.
- Decrease in complaints regarding sensitivity / empathy of staff
 - Decrease in complaints challenging professional judgement and decision making.

The full breakdown of complaint causes and respective uphold rates are shown in table 6 below.

Table 6: Complaint Causes	Resolved	Number Upheld	% Upheld (Partly or Fully)
Sensitivity / Empathy of staff	11	2	18%
Professional Judgement / Decision making	11	2	18%
Quality of our work	8	3	38%
Delays in providing services	8	6	75%
Multiple	7	3	43%
Our Fairness to you	4	1	25%
Keeping informed	3	1	33%
Politeness, Openness and Honesty	2	1	50%
Accessibility of our services	2	1	50%
Accuracy and clarity of information given	1	0	0%

3.4 Who complains?

In 2015/16, six complaints were made directly by children and young people. At 9% of the overall number, this is a slight decrease from last year (12%)

It is not unusual for numbers to be so low and indeed 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 the following work continues:

- Quarterly reviews of cases where Children's Rights Officers are involved
- 6 monthly attendance at Children in Care Council to hear views of looked after children
- A flexible approach to meeting young people to discuss issues and resolve concerns with the emphasis on "sorting things out"

The remaining complaints (59) were brought by parents, foster carers, adopters or anyone else identified as having sufficient interest in the child or young person's welfare.¹

¹ Guidance set out in section 2.6 of Getting the Best from Complaints.

3.5 Complaint Outcomes

Table 7: Children's Services complaints recorded by outcome at Stage 1

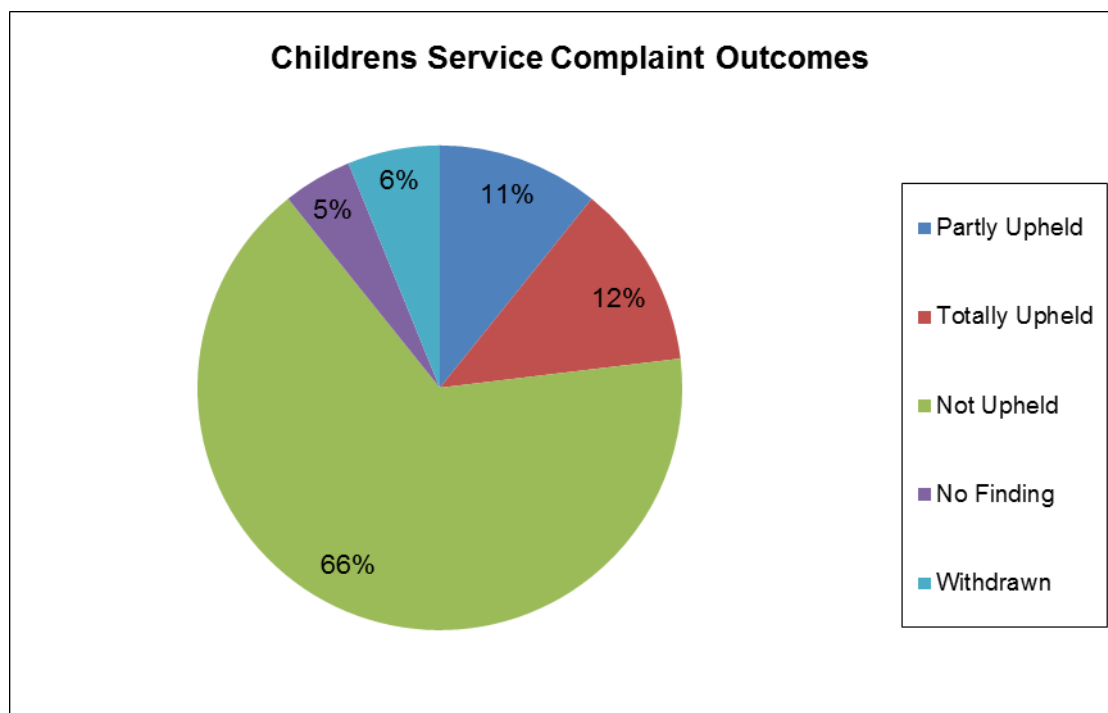


Table 7 above shows that there have been further improvement in the decreasing the number of complaints upheld. 23% were upheld this year compared to 33% in 2014-15

11% were fully upheld, with a further 12% having some element of the complaint upheld.

The fact that only 11% of complaints are recorded as “fully upheld” does not necessarily mean that complaints received are not reasonable or have no value. It is always important to listen to what we are being told about our service in order 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 allocated workers have been changed despite no fault being found.

4. Financial Implications

Children's Service Complaints expenditure

Both Stages 2 & 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 current policy is to do so. 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 no matter if the Investigating Officer is also independent.

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 also offers independent mediation as an alternative form of redress through Stages 2 or 3.

There have been limited opportunities this year to utilise mediation with just 1 externally run mediation session being arranged. This prevented a Stage 2 escalation.

In addition, eight conciliation meetings chaired by the Customer Relations Manager have been held with six of these achieving resolution of the complaint. This emphasises the power of a well-planned meeting and the opportunities this offers for successful complaint resolution.

Finally, on rare 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 procedure²

Spend	Total 13/14	Total 14/15	Total 15/16
Independent Persons	£4,040	£2,870	£3910
Investigative Officers	£7,160	£7430	£8200
Stage 3	£0	£2410	£1790
Mediation	£900	£420	£930
Financial Redress	£0	£0	£300
Total	£12,100	£13,130	£15,130

Costs incurred for 2015/16 are slightly higher than previous years but this is proportionate with the increase in numbers. Costs have been controlled through a number of ways including :

- the increased diligence of the Complaints Team in offering alternative dispute resolution
- Ensuring that complainants are eligible to use the statutory complaints procedure
- Introduction of lower hourly rate of pay for Independent Persons

² Figures are rounded up to nearest £10

5. Learning from Complaints

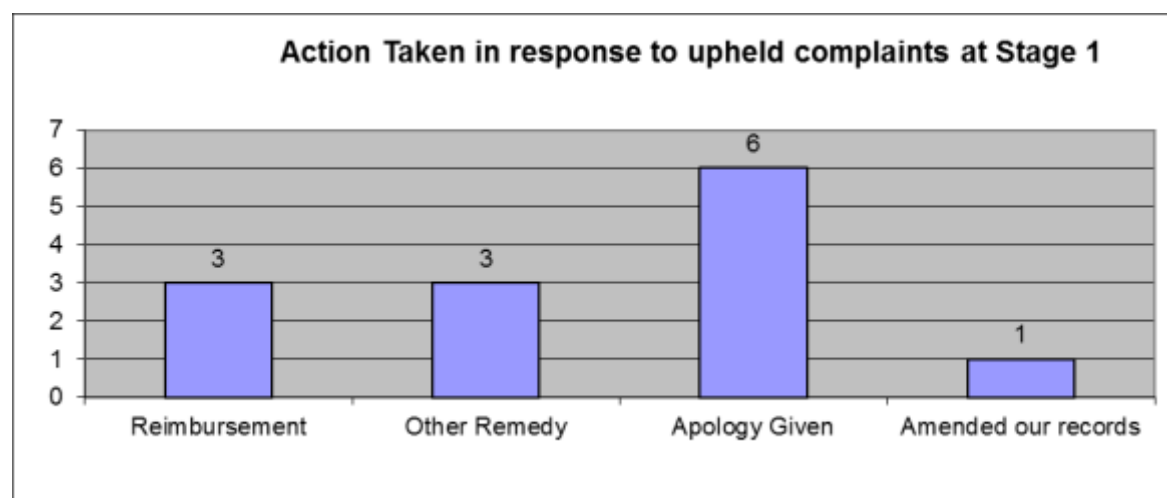
5.1 Corrective action undertaken for complaints upheld at Stage 1

All of the fifteen complaints that were partly or fully upheld have been reviewed to ascertain what action the department has taken to learn from the complaints and avoid such issues occurring in the future.

It is worth stating that, in all cases, an apology was issued, but in six cases there was felt to be no other preventative actions that could be taken.

Table 9 below provides a breakdown of the action taken for the remaining 7 cases. Actions included 3 cases whereby financial re-imbursement was made, agreeing to amend incorrect records and commissioning independent assessments

Table 9: Actions taken in response to upheld complaints



Whilst there is some good evidence of managers using complaints to pro-actively change future service provision, there is still scope to improve in this area, specifically in identifying preventative actions in all cases.

This remains a key work priority for the Complaints Manager to ensure that managers are fully equipped to effectively probe and analyse complaints. This theme is not unique to children's social care and continues to be prioritised as a corporate work priority.

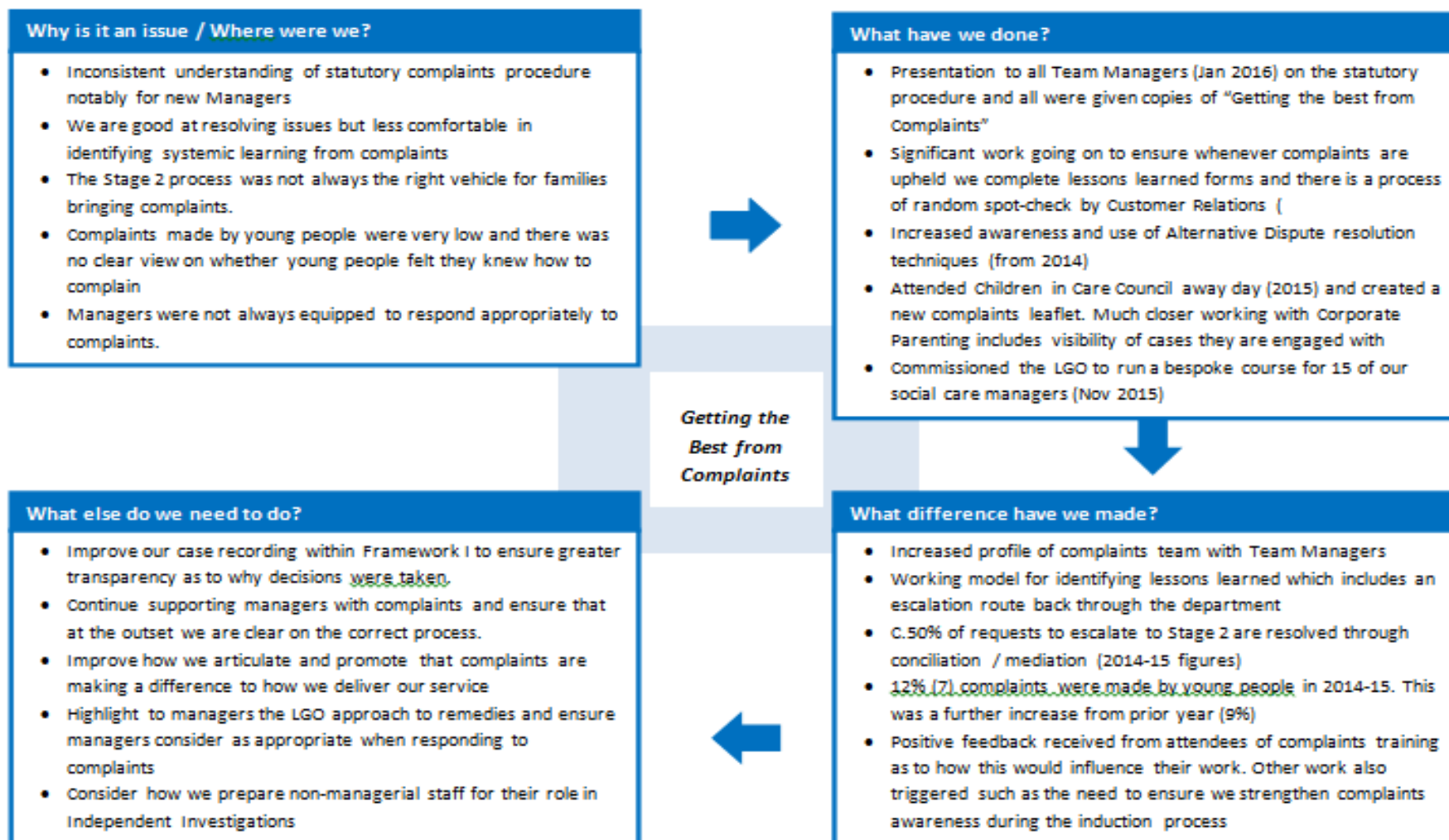
5.2 Longer-term improvements realised in complaints handling

Inevitably, some improvements can take time to show benefits and as such, a storyboard has been developed this year to articulate the achievements and opportunities realised over the last three years together with any opportunities for further improvement.

Whilst prepared to support our forthcoming Ofsted inspection, this provides an effective overview of some of the positive developments made since 2014

CFS – STATUTORY COMPLAINTS STORYBOARD

Development work 2014 - 2016



6. Local Government Ombudsman

The Local Government Ombudsman (LGO) made new enquires of the Council on 10 new cases during 2015-16 this included complaints around Child Protection, Disabled Childrens Services, Fostering and Adoption and First Response.

The Ombudsman made decisions on nine complaints which related to childrens' social care during the year, with fault found in two instances. A brief summary of the complaints considered and their respective outcomes appears below.

Case 1: A Complaint that the Council's actions directly led to the complainant being estranged from his daughter.

The LGO concluded that they could not achieve the outcome being sought

OUTCOME: Closed After Initial Enquires (No Further Action)

Case 2: Complaint regarding alleged comments made at a SEN Tribunal by a Disabled Childrens' Worker

The LGO found no fault in how the Council had acted

OUTCOME: Not Upheld: No maladministration

Case 3: Complaint regarding the financial offer made by the Council in support of a Special Guardianship Order

The LGO found fault in that the Council had failed to make a clear written financial offer in line with statutory requirements. The Council agreed to do this

OUTCOME: Upheld: Maladministration with no Injustice

Case 4: Complaint regarding the conduct of child protection officers and lack of financial re-imbursement for attending meetings

The LGO concluded that they could not achieve the outcome being sought

OUTCOME: Closed After Initial Enquires (No Further Action)

Case 5: A Complaint regarding how the Council handled a referral from Health regarding suspected Fabricated Illness

The LGO referred this back to the Council and Health as a premature complaint

OUTCOME: Closed After Initial Enquires (No Further Action)

Case 6: A Complaint regarding how the Council handled an application to become a foster carer

The LGO found a number of procedural faults with how the assessment had been undertaken and delays in responding to the complaint. The Council accepted the recommendations and agreed a comprehensive action plan and a payment of £300 to the complainant in recognition of the distress caused.

OUTCOME: *Upheld: Maladministration with Injustice*

Case 7: A Complaint regarding the conduct of an officer during a scheduled child protection visit

The LGO concluded they could add nothing to the response already given by the Council

OUTCOME: Closed After Initial Enquires (No Further Action)

Case 8: A Complaint regarding the accuracy of comments written in a social work assessment

The LGO concluded they could add nothing to the response already given by the Council

OUTCOME: Closed After Initial Enquires (No Further Action)

Case 9: A Complaint regarding the lack of assistance from Children's Services in a private family dispute

The LGO accepted there was no role for the Council on this matter

OUTCOME: Closed After Initial Enquires (No Further Action)

7. Monitoring the Process

The Customer Relations 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. Mediation
3. Production of Performance Reports
4. Liaison with Local Government Ombudsman
5. Quality Assurance of complaint responses
6. Complaint handling training for Operational Managers

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

Quarterly performance reports are produced and presented to the Departmental Management Team (DMT). The Customer Relations Manager also attends the Children's Social Care Services Senior Management Team meeting every 6 months to talk through complaints matters.

Quarterly meetings are held with the Corporate Parenting Team to discuss and review their caseloads and any support that is required.

During the last year an Ombudsman-led training event was hosted by the Complaints Manager and was well received.

In addition, a briefing session has been run providing clarification on the statutory regulations to all Team Managers.

8. Customer Relations – Work Priorities for 2016-17

During 2016/17, the Customer Relations team will focus on:

- Continuing to ensure the complaints procedure is accessible, particularly to young people.
- Development of a series of model templates for responding to common complaints and to support managers ensure a consistent and appropriate style of language is used.
- Continue to utilise new executive role on regional complaints management group to help inform practice and ensure full compliance with the statutory complaints process.
- Continuing to promote alternative dispute resolution, notably to complainants seeking escalation to Stage 2 and 3.
- Promoting improvements to how managers are able to translate complaints into service improvements through the roll-out of root cause analysis techniques.

9. Key Learning Points

The Customer Relations Team would specifically highlight 2 key themes which have emerged from this year's annual report process –

- **Failure to generate significant improvement in administration of conference reports**

It cannot be ignored that this continues to be an issue central to a number of complaints and that limited progress has been made in meeting our aspirational standards to ensure social work reports are with parents 3 days in advance. A further review needs to be undertaken to understand why progress is not being made in addressing this matter.

- **Issues with contacting social care workers**

Whilst it is fully recognised that social care officers will regularly be mobile, there remain clear opportunities to improve the general ability to contact officers at all levels. Intel received from complaints continues to highlight this as a source of frustration.

Comprehensive guidance has been issued corporately on how to manage customer contact to ensure compliance with our customer service standards, but consideration needs to be given to how this can be practically be applied in the social care field.

The Customer Relations Team believes that improvements in these two areas would help further reduce the number of complaints received as well as fulfilling some of the key promises to customers within the Council's Customer Service Standards.

10. Concluding Comments

Overall, this has been a positive year for complaints management across Children's Social Care services. The Complaints team continues to receive good support from managers at all levels within the department, and despite the challenging financial backdrop, timeliness in responding to complaints at Stage 1 has improved from prior year.

The low level of fault found by the Local Government Ombudsman provides validation to the reduction in volumes of complaints upheld and assurance that where required, appropriate remedial action is being taken by the Council.

APPENDIX A – Sample of compliments received

Below are a selection of the positive recognition the social care department has received during the 2015-16 year

- Wanted to highlight how impressed he has been with the support of the Social Worker Emma. He commented that the focus is on the needs of the child and that Emma is compassionate and the best social worker he has worked with – **STRENGTHENING FAMILIES**
- The school were impressed with the support that Bronwen provides and that she responds quickly – **CHILDREN IN CARE TEAM**
- Always get really good support and advice from us. Sandie's support and advice was exemplary. Also commented that Demetrius has been very supportive on the advice line in the past – **FIRST RESPONSE**
- I wanted to thank you (Diane) for all the extra time/effort that you have spent in bringing this case to panel..... It was really helpful to work with accommodating and understanding professionals (including trips to LRI on days off) – **CHILD PROTECTION NWL**
- Very pleased with how quickly we (ourselves and the police) responded to the referral that she made through to us and also whilst we were talking said that she found the CDT advice line really helpful and a good resource– **FIRST RESPONSE**
- Just a quick email to say how wonderful I thought the Beacon Voices performance was on wednesday night. If being a corporate parent means feeling the same way we do about looked after children as we do about our own I couldn't have been any more proud, the enthusiasm for the performance and the thrill of performing on De Montfort Hall stage was visible on the faces of everyone in the choir. – **CORPORATE PARENTING UNIT**
- Panel were extremely positive about Michael – the depth of his knowledge of the boys, the quality of his work and the CPR's in particular.... – **FOSTERING**
- We have continued support from Angela who should be commended on her maintained level of communication and personal care that she shows towards each individual case, Angela goes above and beyond when it comes to the care of her young people and this does not go unnoticed – **CHILD PROTECTION BASSETT STREET**
- Thanks for never giving up on me and showing me the right path...you (Danielle Marsden) have done an amazing job and are brilliant at what you do – **CHILDREN IN CARE TEAM**

- I like talking to Leah because she knows what's best for me".
So happy she is here for me – **CHILD PROTECTION PENNINE**