



Corporate Complaints & Compliments Annual Report 2017 - 2018

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1. Purpose and Summary of Report

1. To report statistical information to Members and Officers detailing Leicestershire County Council's (LCC) Children's Social Care complaints activity from 1 April 2016 to 31 March 2017 including any developments and planned improvements.
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.
3. For the current year the following Statutory guidance remains relevant
 - Getting the best from Complaints 2006
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.
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 2016-17

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

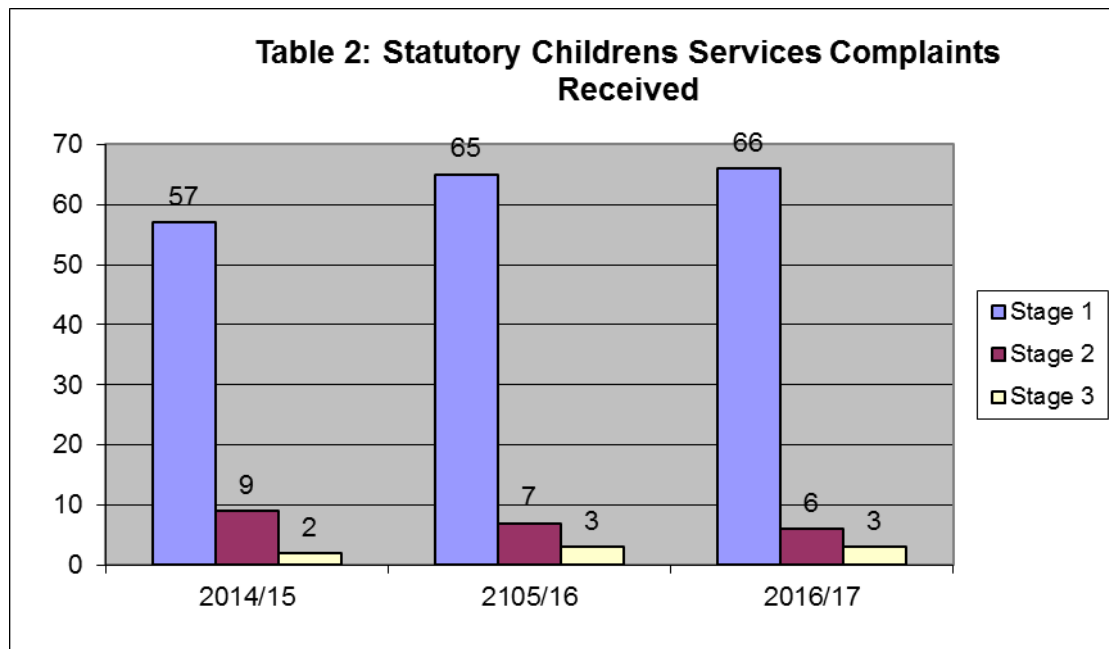
2.2 Complaint Volumes

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 consistently the figures below indicate a significant demand increase to the department.

	2015/16	2016/17	% Change 15/16 to 16/17
Referrals to Children’s Social Care	4448	6836	+53.6%
Single Assessments	2208	3059	+38.5%
Children in Care at 31 March	469	509	+8.5%
Child Protection Plans at 31 March	345	428	+24.1%

As illustrated below (Table 2), the total number of complaints received at stage 1 was almost identical to 2015-16. This is a positive achievement given the sharp increase in demand.

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 0.9% go on to make a formal complaint (1.6% in 2015-16)



2.3 Complaints accepted at stages 2 and 3

The number of requests considered for Stage 2 of the process decreased by one compared with the previous year. As a percentage of Stage 1 complaints this marks a decrease to a 9% 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 six complaints which were considered at Stage 2 of the process, one could not be continued as the scope of the complaint could not be agreed. The complainant was referred to the Ombudsman who ruled it was premature for them to be involved.

Three Stage 3 panel hearing requests were received during the year. One of these did not proceed to a panel hearing preferring to make an early referral to the Ombudsman. The other two completed the process.

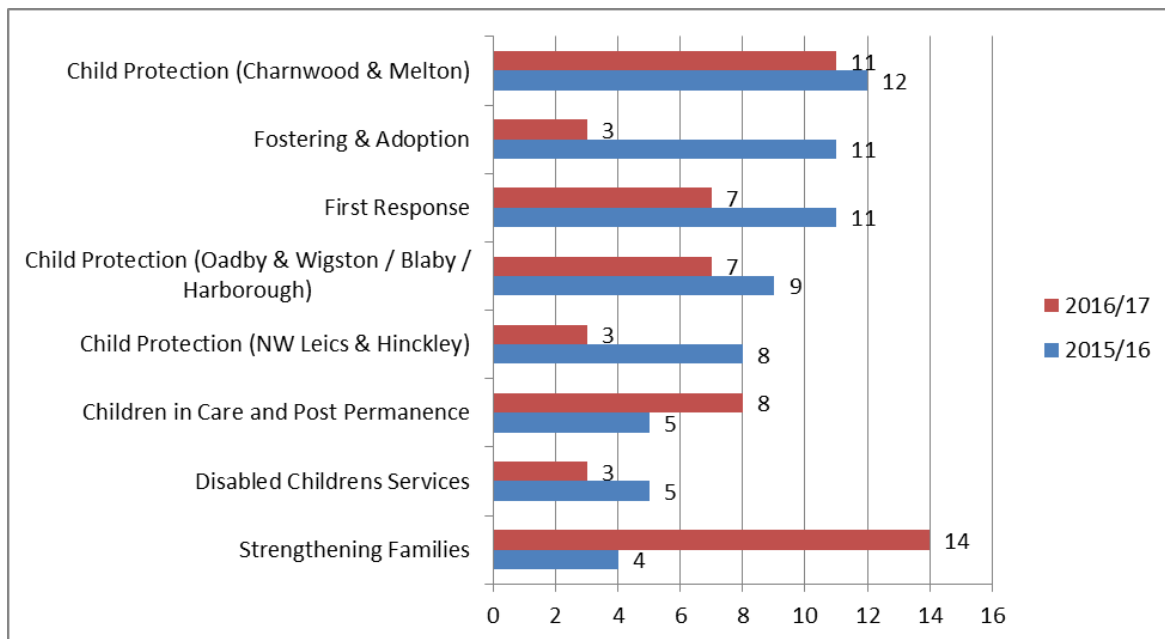
As referenced in last year’s annual report, the Local Government Ombudsman continues to adopt a rigid approach on consideration of early referrals. The implications are that it is more important than ever to be clear at the outset which complaints procedure should be used. Once the statutory procedure has been initiated, the 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 2016-17 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:

- Strengthening Families increase

There has been a sizeable increase in complaints for this area. There are no obvious reasons to explain this.

- Fostering and Adoption team complaints.

In the 2014-15 annual report, fostering and adoption complaints were highlighted as an area of concern. During 2015-16 there was a steady reduction particularly in fostering although still some issues around post adoption support. Encouragingly, complaints in both these areas have now reduced sharply following a number of procedural and structural changes.

- Reduction in Child Protection complaints within NWL and Hinckley area

Whilst somewhat anecdotal, complaints officers have experienced that Team Managers within this area of the business are very proactive in contacting parents when initial issues are referred to them. This may have a bearing on the need for complainants to enter the formal process. It is unclear whether this is indicative of greater management capacity or better working practices.

2.5 Compliments received

During 2016-17 there were 39 compliments recorded regarding Children's Social Care officers. This marks a significant increase from prior year (25). Compliments have been received from across all areas of the business.

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 2016-17

3.1 Foreword

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 ensures 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

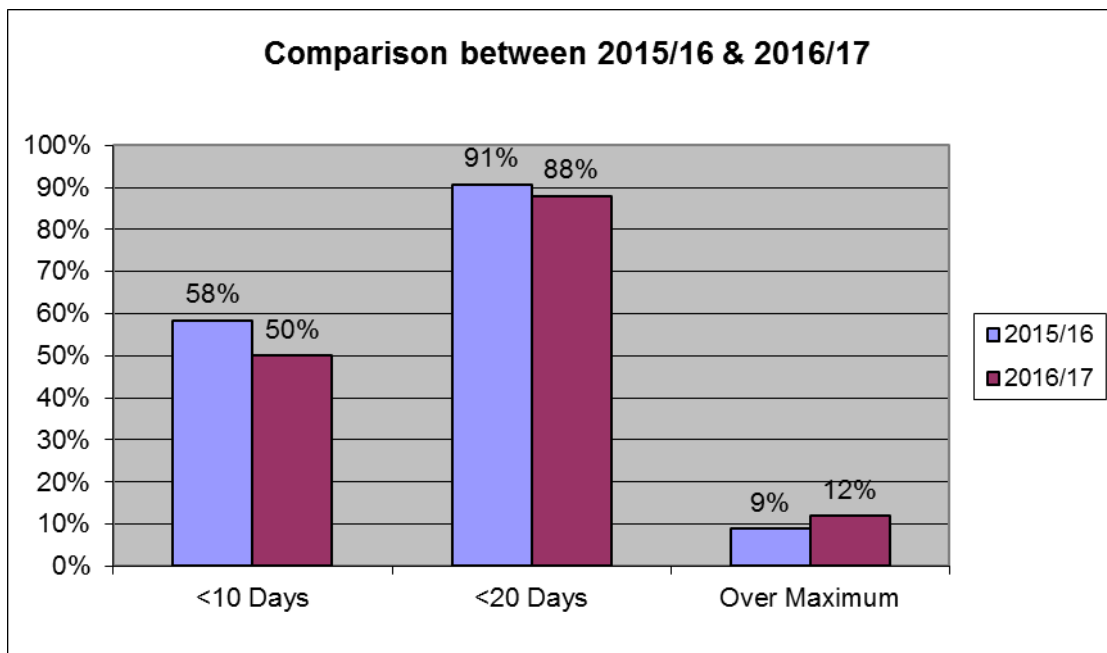


Table 4 above details the time taken to respond to complaints at Stage 1, providing a comparison between last year and the current reporting year.

It is clear that there has been a significant down-turn in performance against our best practice indicator (10 working days). Whilst performance against the statutory maximum (20 working days) fares better, there has been an increase of 3% in numbers of complaints exceeding the statutory maximum.

The increased number of complaints requiring the full 20 working days is impacting significantly on the complaints team’s workloads in managing expectations. Work is required to ensure that managers are proactively coming

back to the complaints team to request extensions where necessary which would allow for the LA to be on the front foot in managing expectations.

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.

It is perhaps unsurprising that there appears to be pressure on response times given the increased demand which will be hitting all areas. Nevertheless, this is an area we can still improve and to aid targeted improvement plans, the following provides a breakdown of responses by service area

Service Area	# responded in 10 working days	# responded in 20 working days	# Outside of statutory timescales
Safeguarding	0	2	0
Strengthening Families	6	3	2
Disabled Childrens	1	1	1
Children in Care	3	2	3
Fostering and Adoption	1	0	0
First Response	3	3	1
CP Bassett	5	1	0
CP NWL / Hinckley	1	1	0
CP Pennine	5	6	0
TOTALS	25	18	7

Response timescales at Stage 2

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

Of the six stage 2 complaints which were adjudicated on during the year, just two were completed within the 65 working days required under the regulations. One further case was dealt with in 67 working days but the remaining 3 cases took over 100 working days each.

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.

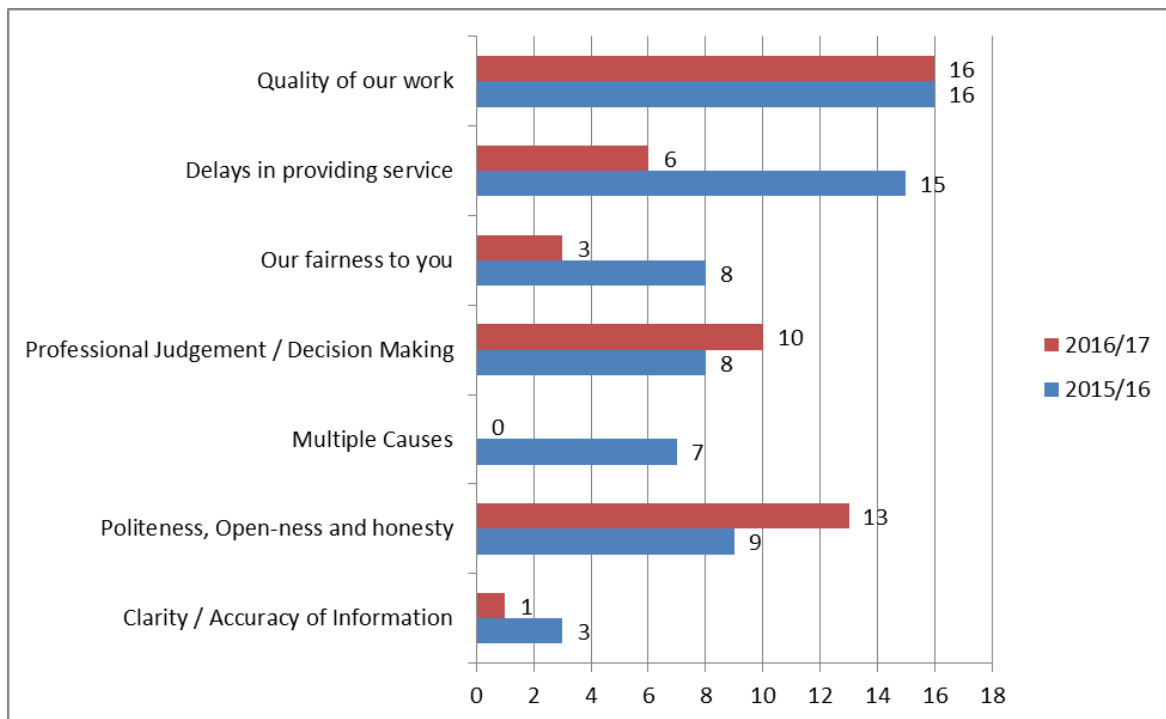
The Ombudsman has indicated that providing the Local Authority is managing the expectations of a complainant and not unduly delaying resolution, there is unlikely to be criticism of not meeting this timescale.

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

3.3 Complaint Causes

To try to understand the main causes leading to complaints, the complaints team assess the underlying principal cause for each complaint determined. The results for both 2016-17 and 2015-16 are shown below in table 5

Table 5 – What were complaints about?



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

- Decrease in complaints citing delay as the main factor

This reduction is principally driven by improvements within the Fostering and Adoption area. Whilst it is an improving position there have been some issues through the year with delay in responding to referrals to the First Response team

- Increase in complaints challenging professional decisions. This tends to be about assessments
- Increase in complaints citing politeness and sensitivity of staff

It is recognised that the nature of our involvement with families will often mean differing viewpoints (and resulting tensions) will be inevitable on some occasions.

It is encouraging that none of these complaints were upheld, although in some instances no findings were made where there was a lack of objective evidence.

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)
Quality of Work	16	3	18%
Politeness	13	0	0%
Professional Judgement / Decisions	10	2	20%
Delays	6	4	66%
Fairness	3	0	0%
Accuracy of Information	2	1	50%

3.4 Who complains?

In 2016/17, four complaints were made directly by children and young people. At 7% of the overall number, this is a slight decrease from last year (9%)

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
- A flexible approach to meeting young people to discuss issues and resolve concerns with the emphasis on “sorting things out”

The remaining complaints (53) were brought by parents, foster carers, adopters or anyone else identified as having sufficient interest in the child or young person’s welfare.¹

There continue to be good links between the Childrens Rights Officers and Complaints.

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

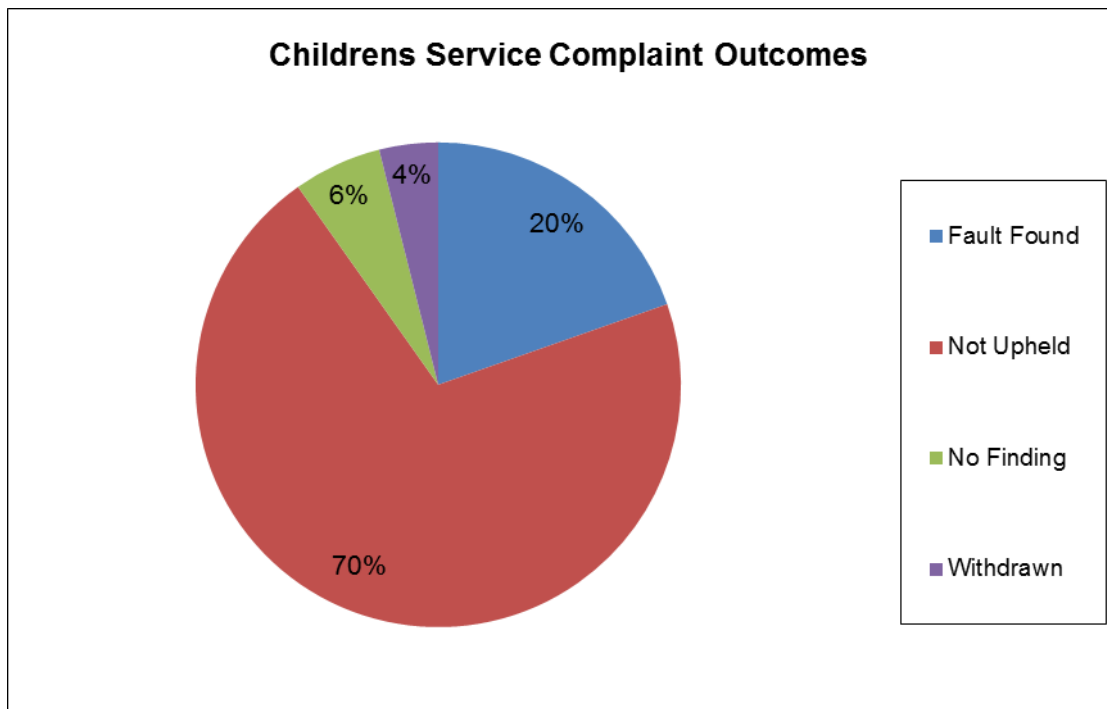


Table 7 above shows that there have been further improvement in the decreasing the number of complaints where fault was found. 20% were upheld this year compared to 23% in 2015-16

The fact that fault was identified in only 20% of complaints 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.

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.

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 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.

Mediation has not been used this year for any cases.

There have however been a number of conciliation meetings chaired by the Customer Relations Manager with the emphasis on resolving complaints between Stages 1 and 2. A well-planned conciliation meeting can offer a better and more appropriate remedy for complainants

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 14/15	Total 15/16	Total 16/17
Independent Persons	£2,870	£3910	£5,050
Investigative Officers	£7430	£8200	£11,490
Stage 3	£2410	£1790	£1,810
Mediation	£420	£930	£0
Financial Redress	£0	£300	£0
Total	£13,130	£15,130	£18,350

² Figures are rounded up to nearest £10

Costs incurred for 2016/17 are again slightly up on previous year. Volumes of Stage 2 and 3 complaints were broadly similar but depending on complexity, costs incurred can vary. The increase is within tolerances expected.

Costs continue to be controlled through a number of 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

5.1 Corrective action undertaken for complaints upheld at Stage 1

All of the ten complaints where fault was found by the investigating officer 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 seven cases there was felt to be no other preventative actions that could be taken.

There were therefore just three cases where clear actions were recorded. Two of these related to specific staff training and one to reviewing our local procedures.

Based on the above, there is clearly scope to improve in this area and in identifying preventative actions in all cases where fault was found.

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 but resourcing pressures are having an impact in dedicating sufficient time to this area

6. Local Government Ombudsman

The Local Government Ombudsman (LGO) made new enquires of the Council on 8 new cases during 2016-17 this included complaints around Child Protection, Strengthening Families, Fostering and Adoption and First Response. This was a reduction of two from 2015-16

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

Case 1: A Complaint regarding how a fostering application was considered by the Council

The LGO concluded that there was no fault with the decision making of the fostering panel or the complaint handling but that there was administrative fault in that the Council failed to carry out follow-up work which the Fostering panel and

ADM recommended. The Council accepted the Ombudsman's recommendation to carry out an 'appreciative enquiry'

OUTCOME: Maladministration with Injustice

Case 2: Complaint that the Council failed to inform the complainant following an allegation being made and that the Council failed to offer any support to the family

The LGO identified that the Council had already apologised for administrative failings. The Ombudsman accepted that this was a satisfactory outcome but also requested that the Council make an additional payment of £200 to remedy distress caused. The Council accepted this finding

OUTCOME: Maladministration with Injustice

Case 3: Complaint regarding the work of Child Protection team

The LGO considered the decision of the Stage 3 Independent Panel which had found some fault around a failure to carry out a timely review of contact arrangements. No additional fault was found

OUTCOME: Upheld: Maladministration with Injustice

Case 4: Complaint regarding delay in considering a referral made to First Response

The LGO concluded that there was undue delay but that no injustice was caused to the complainant and an apology was sufficient redress

OUTCOME: Maladministration, No Injustice

Case 5: A Complaint that the Council colluded with other agencies to block access to his partner

The LGO determined that the actions complained about were decisions made by LPT and any complaint should be made to them.

OUTCOME: Closed After Initial Enquires (Out of Jurisdiction)

Case 6: A Complaint regarding a decision by the Council to initiate Child Protection Proceedings

The LGO found no fault with how the Council had acted.

OUTCOME: Not Upheld: No maladministration

Case 7: A Complaint that the Council refused consent for the family to arrange a medical consultation with a GP of their choice

OUTCOME: Withdrawn following Draft Decision (No Fault identified)

Case 8: A Complaint regarding the handling of a referral made by a School

The LGO concluded that this was premature as had not fully exhausted the Council's complaints procedure

OUTCOME: Premature

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 Service 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.

Historically, the Complaints Manager has also arranged for complaints training to be delivered by the Local Government Ombudsman. With the recent structural changes and number of new Team Managers this may be something that should be considered further during 2017-18

8. Concluding Comments

Whilst complaints volumes have remained largely stable this year, there are some signs of pressure within the system which has started to manifest in longer response times.

The Complaints Manager is aware that there are additional resources being deployed across the service which should help to ensure improvements are realised in the year ahead

The relatively low level of fault found by the Local Government Ombudsman provides validation that where required, appropriate remedial action is being taken by the Council to remedy any faults.

The key area for improvement remains harnessing learning from complaints and demonstrating how this is driving service improvement forwards.

APPENDIX A – Sample of compliments received

Below are a selection of the positive recognition the social care department has received during the 2016-17 year

- Chantelle, you are such an amazing social worker...so great to have you - **STRENGTHENING FAMILIES**
- When I first met different Social Workers I thought that they would not be very helpful...but Lisa has been an excellent source of support. I now feel that Social Workers unfairly get a bad reputation and my experience has been very positive since working with Lisa – **STRENGTHENING FAMILIES**
- I wanted to compliment Dawn and say how lucky I am that she is involved in my contacts. – **FOSTERING AND ADOPTION**
- Really impressed she was with our kinship team's drive and commitment to getting it right for children and owning their assessments and recommendations. – **CHILDREN IN CARE TEAM**
- Just a note to thank you for your support over the phone on Friday with regard to one of my students. In addition I would also like to thank Iona who was clear, calm and very supportive to both myself and my student. I am sure that although in the early stages of her career Iona will be a credit to her profession. – **FIRST RESPONSE**
- Everything was brilliant and a fantastic help to my daughter...thanks so much – **DISABLED CHILDRENS TEAM**
- I wanted to thank you (Diane) for all the extra time/effort that you have spent in bringing this case to panel – **CHILD PROTECTION NWL**
- I am writing to thank you for your commitment within your professional role as a Social Worker. (Leah) Whilst we have worked together on the above case, you have always endeavoured to communicate with me either by email or telephone to inform me of any changes that have occurred which are relevant to our involvement. This is crucial when organisations are working together with high risk cases to ensure good practice – **CHILD PROTECTION (PENNINE)**
- Just wanted to say thanks for the Easter hunt today. The children had a fantastic time. All your hard work is much appreciated. – **CORPORATE PARENTING**
- 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 – **CHILDREN IN CARE**