

Children's Social Care



Statutory Complaints and Compliments Annual Report 2019/2020

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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 2019 to 31 March 2020.
- 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 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 2019-20

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. Local Government and Social Care Ombudsman Fact Sheet on Children Act complaints

In 2019, the Ombudsman issued new guidance on how to assess whether a complaint should be considered as statutory or corporate. The Complaints and Information team use this routinely when triaging complaints.

The key change is the concept of “following the injustice”. This means that if an adult is making the complaint and it is about perceived injustice to them, this will be considered under the corporate process. This has seen a shift towards more Child Protection complaints being managed as corporate complaints will be seen later within this report.

2.3. Complaint Volumes

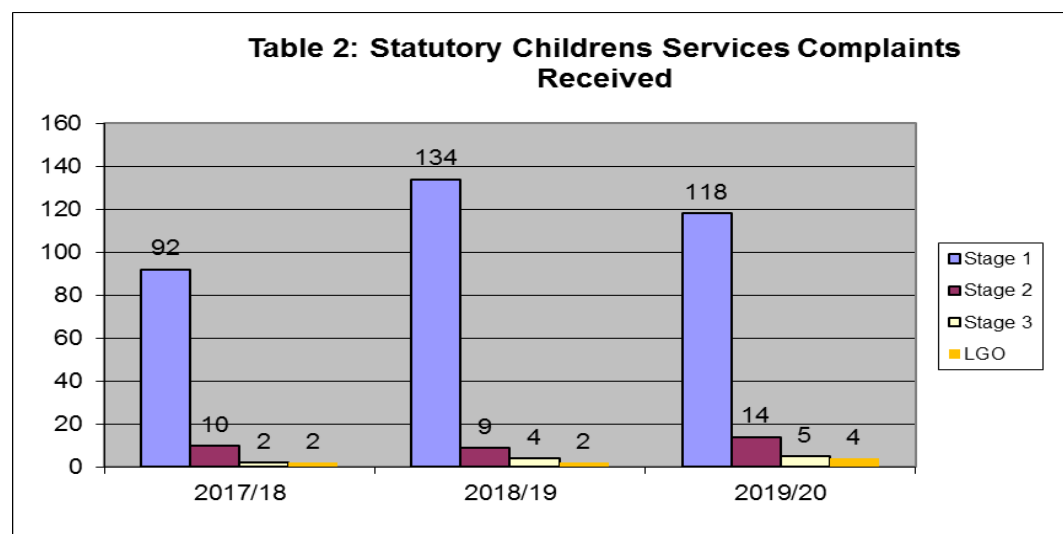
Volumes of complaints are considered in the light of the number of cases which the Children’s Social Care dealt with during the year. Table 1 shows the key referral categories and the increased demand on services.

Table 1 – Social Care demand	2018/19	2019/20	% Change 18/19 to 19/20
Referrals to Children’s Social Care	5214	5571	+6.8%
Single Assessments	4152	5141	+23.8%
Children in Care at 31 March	584	642	+9.9%
Child Protection Plans at 31 March	388	504	+29.9%

There has been an increase in all the above categories, with noteworthy increases for Child Protection Plans and Single Assessments.

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 3.0% go on to make a formal complaint (3.1% in 2018-19).

As illustrated below (Table 2), the total number of statutory complaints reduced from the previous year (-12%). However there has been a significant increase in the number of complainants seeking escalation to Stage 2 and 3 of the process.



Although it is encouraging to see a reduction of Stage 1 complaints this year, some caution must be taken in directly comparing the two figures. This is for the reasons already explained that more are being considered as Corporate Complaints than in previous years.

To demonstrate this better, Table 3 contrasts the breakdown of all social care complaints for the last 2 years. This shows that overall there has been a slight increase in the number of complaints but slower than the rate previously seen.

Table 3: All Complaints about Childrens Social Care

Financial Year	Statutory Complaints	Corporate Complaints	Total
2018-19	134	27	161
2019-20	118	54	172

2.4. Complaints accepted at stages 2 & 3

The number of requests considered at Stage 2 of the process increased by 5 compared with the previous year. As a percentage of Stage 1 complaints this represents 12% an increase of 4% on previous year.

Five Stage 3 panels were convened during the year and from these 3 went on to make a referral to the Local Government and Social Care Ombudsman.

One complainant elected to make an early referral to the Ombudsman instead of requesting a Stage 3 panel hearing.

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. Although the panel's remit is clearly explained to complainants, it is a factor in the poor resolution rates at this stage of the process.

As referenced in last year's Annual Report, the Local Government and Social Care Ombudsman (LGO) 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 LGO expects all stages to be completed.

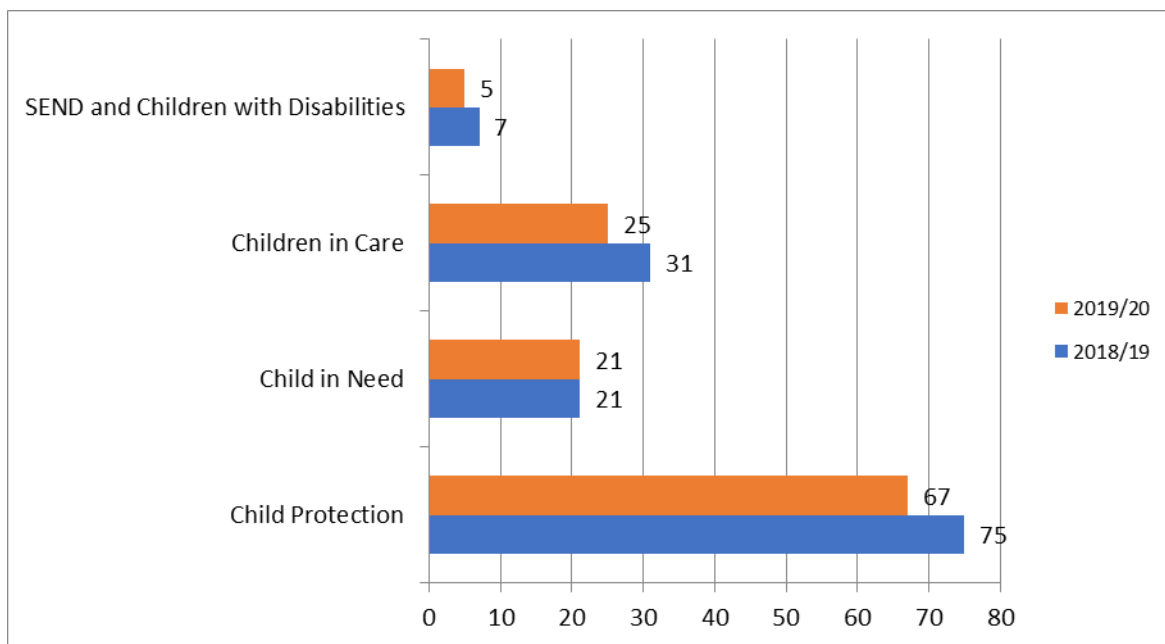
This has implications for the department and highlights the need to ensure every effort is made to resolve complaints at Stage 1 of the process.

2.5. Statutory complaints by Service area

The Complaints Manager records all statutory complaints at a service level and table 4 below shows the results for 2019-20 overlaid against the previous year.

There is little variance from previous year with most complaints about Child Protection matters.

Table 4: Complaints received by Service Area



2.5 Compliments received

During 2019-20 there were 39 compliments recorded regarding Children’s Social Care officers. This is a slight decrease from previous year (49).

Compliments have been received for all services with the majority being received about the Children in Care service (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 Service Performance 2019-20

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

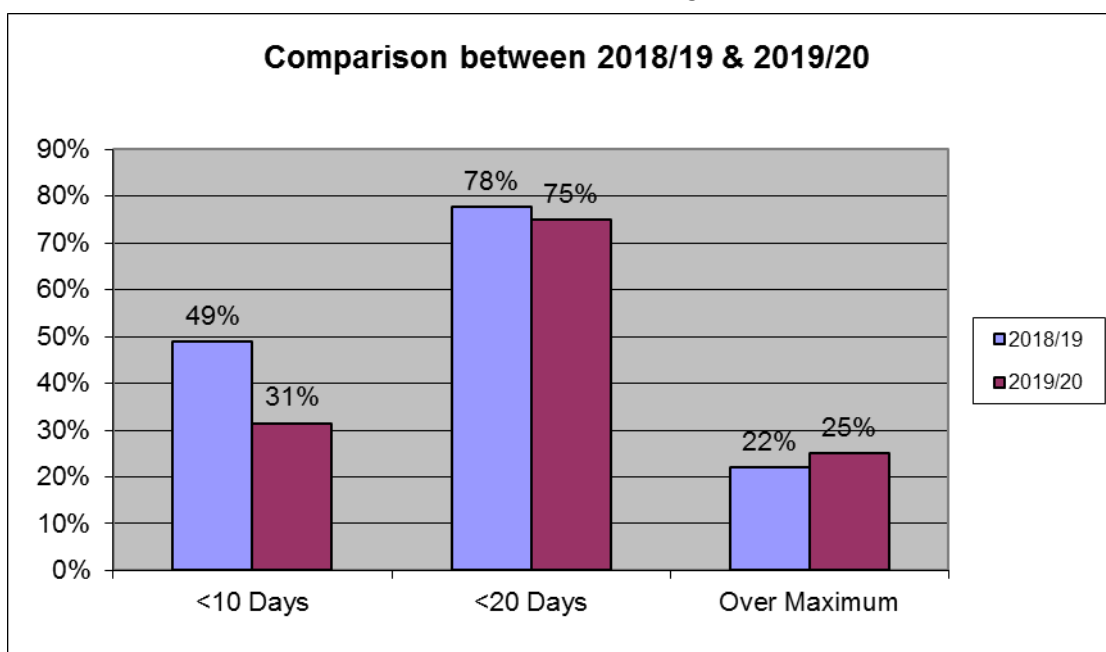
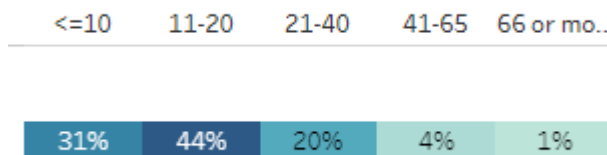


Table 5 above details the time taken to respond to complaints at Stage 1 and provides a comparison between last year and the current reporting year.

Whilst performance remains comparable at the 20-working day mark, it is important to note that there are significantly less complaints responded to within 10 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 with the department is planned to improve the response rates in the year ahead including running workshops with the department.

In last years report, it was agreed to add some further detail showing the response rates for those complaints over 20 working days and this detail is set out below



The above provides re-assurance that very low levels of complaints at Stage 1 (5) are exceeding 40 working days to respond to. This includes those cases where alternative dispute resolution is agreed (e.g. meetings)

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 had to exercise this duty once during the year.

Response timescales at Stage 2

Completion of Stage 2 investigations within the statutory guidelines (65 working days) was flagged in last year's report as in need of improvement with just 3 out of the ten completed investigations meeting the statutory 65 working days.

This has improved during the year following the changes made to commissioning arrangements with 4 of 7 completed investigations within statutory timescales (57%) The longest was 107 working days.

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, the Ombudsman has issued decisions making clear that the clock cannot be stopped at this point.

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.

Response timescales at Stage 3

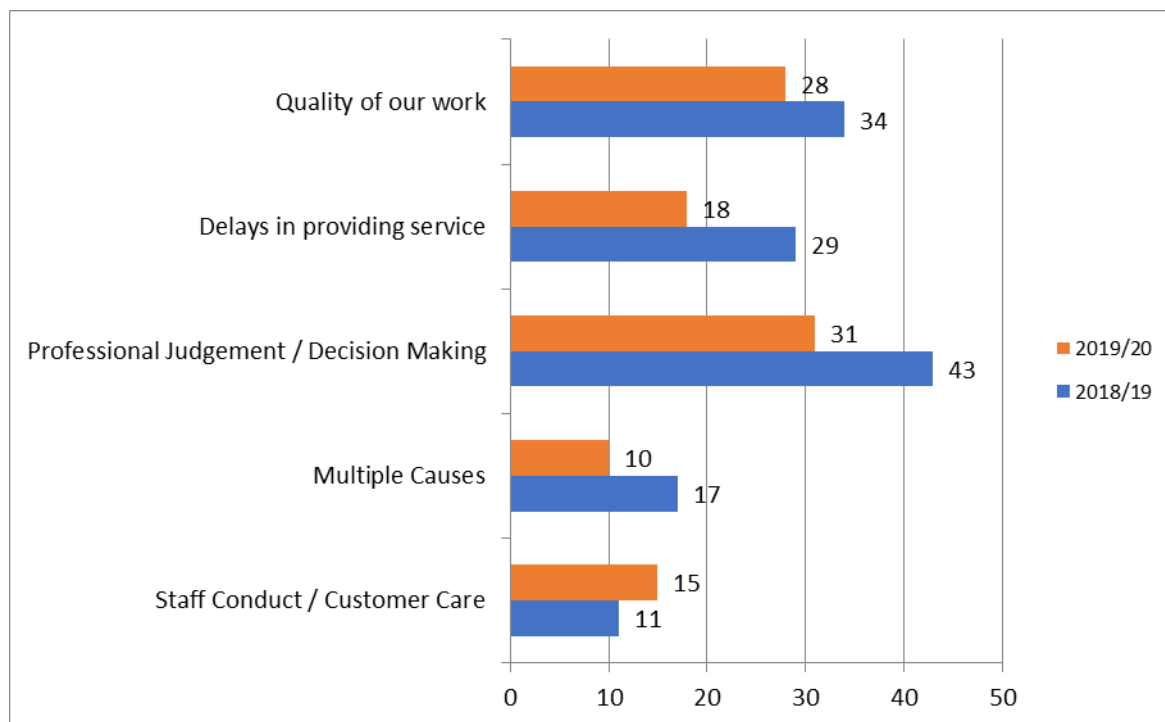
5 Panel hearings were held during the year and of these 4 were arranged and responded to within the statutory timescales (80%)

The other case required two panel hearings taking it outside of timescales

3.2. 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 2018-19 and 2019-20 are shown below in table 6.

Table 6 – What were complaints about?



The biggest single area continues to be disputed decision making or professional judgement which represented the primary theme in 31 instances.

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.

The biggest change was the reduction in complaints citing delay or lack of communication which decreased by 38%. In particular; significant improvements were seen at First Response.

3.3. Who complains?

In 2019/20, two complaints were made directly by children or young people. A further 6 were represented by members of the Childrens Rights team taking the total to 8. This is higher than in 2018-19 when 4 cases were received and represents 7% of the overall volume.

It is not unusual for numbers of complaints made by young persons to be 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.

Most complaints continue to be made by parents or family members (where they have sufficient interest in the child or young person’s welfare.¹)

3.4. Complaint Outcomes

Table 7: Children’s Services complaints recorded by outcome

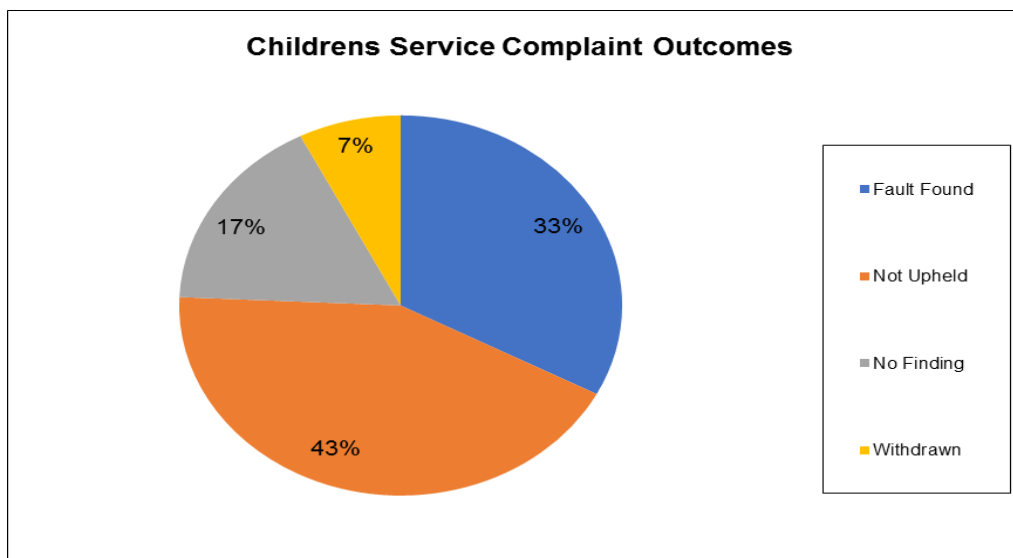


Table 7 above shows that fault was found in 35 (33%) of the complaints considered during the year. This is slightly down from 2018-19 (35%)

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.

¹ 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 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.

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.

There have however been several conciliation meetings chaired by the Complaints 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 2017/18	Total 2018/19	Total 2019/20
Stage 2 Costs	£31,340	£42,260	£46,050
Stage 3	£7,150	£5,980	£17,000
Mediation	£0	£0	£0
Financial Redress	£150	£510	£2,200
Total	£38,640	£48,750	£65,250

² Figures are rounded up to nearest £10. One Stage 3 panel costs remain outstanding at date of issue

Costs incurred for 2019/20 represent a further increase on previous year. It is important to note that there can sometimes be a lag between complaint completion and invoices being received hence some costs from 2018-19 may be included.

Stage 2 costs have largely been controlled despite the increased activity. This reflects more concise investigations being undertaken. Stage 3 costs have however increased significantly both due to volume and complexity.

Costs of £2,200 have also been incurred following adverse findings of the Local Government and Social Care Ombudsman in 2019-20. Further details on these cases appear in section 6

The above highlights the importance of resolving complaints as early as possible

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

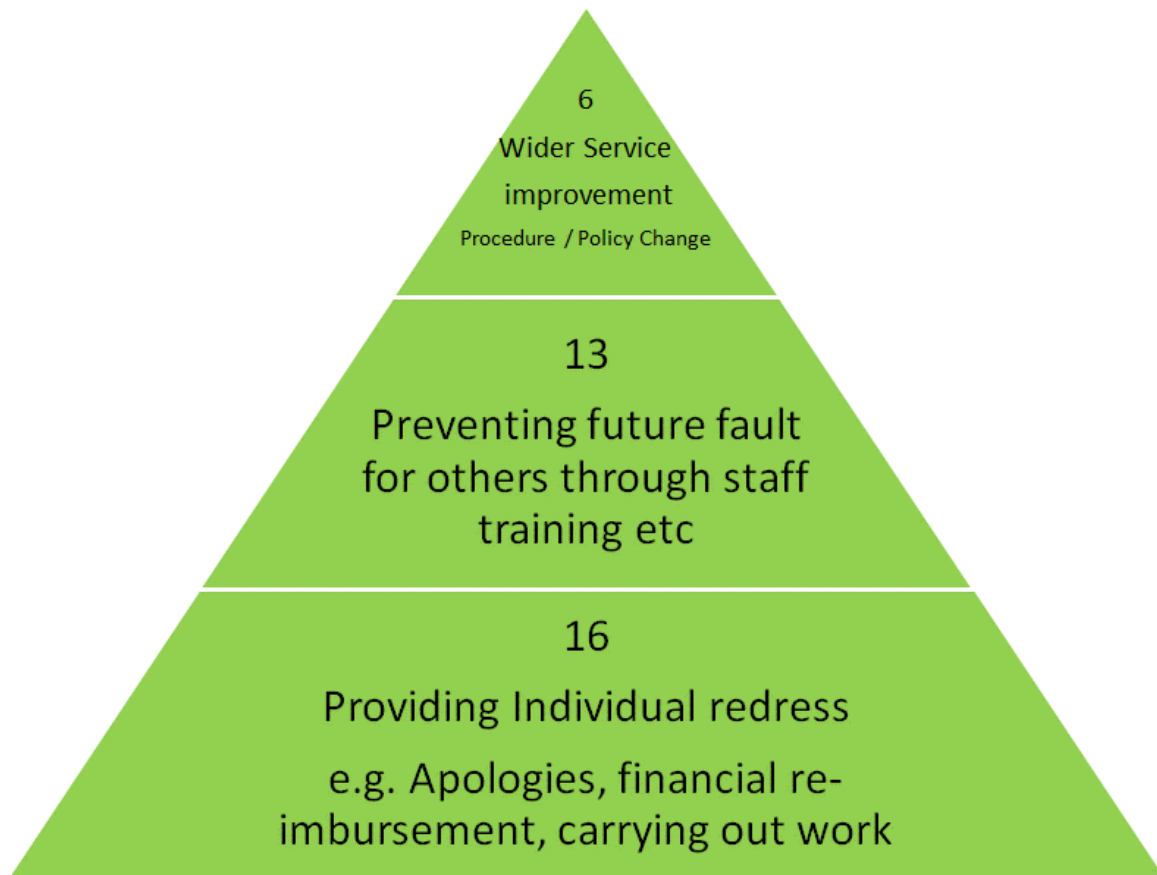
All the 35 complaints where fault has been found have been reviewed by the Complaints Team to ascertain what action the relevant department has taken, both in remedying the fault, and any wider learning to avoid such issues occurring in the future.

Remedial action typically consists of both individual redress (e.g. apology, carrying out overdue work) and wider actions that may affect many. This very often includes staff re-training but also on occasions consists of policy / procedural changes.

Table 8 (overleaf) depicts the actions taken during 2019-20. This shows that in 19 complaints (54%), clear actions were identified which should improve service for other members of the public. The most common of these is staff training, followed by carrying out a review of local policies and seeking additional resources to help with demand.

This figure is higher than in 2018-19 (30%) showing good evidence that Managers are not just focused on responding to the issues but are looking at what needs to happen to prevent repeat occurrence.

Table 8: Actions taken for upheld complaints 2019-20



5.2 Service Improvements during 2019-20

Research shows that a primary driver for making complaints is so that lessons can be learned, and processes improved. It is also a key part of an effective complaints procedure to demonstrate this organisational learning so that in turn the public can feel confident that complaints do make a difference.

Case studies can be a powerful way of promoting this and to illustrate some of the positive action taken this year from complaints, four such examples are set out below:

5.2.1. Lack of clear and effective communication with family

A parent raised complaints about the lack of continuity of case management and repeated calls not being returned. They lacked clarity on the trajectory planning for the case

The complaint investigation found there had been several changes of social worker and this had impacted on the continuity. There were also clear examples of calls not being returned and documents not being sent as promptly as they should.

Actions taken

The locality office was struggling with stability of the workforce during this period and several unexpected events led to worker changes. To mitigate against this the Manager reminded all her team of the need to ensure 3 monthly case summaries were completed so that should others need to step in the picture was clear without repeated conversations with the family.

Practice standards have been created and launched which set out the expectations of all workers around timely communications with families. Additional manager capacity was also brought in to help monitor cases and provide targeted support as required.

5.2.2. B's Story – Insufficient understanding and recognition of Domestic Abuse

As part of a broader complaint, B contacted the Council unhappy that she felt compelled to attend a Conference with her ex-partner who she had suffered domestic abuse from. She felt that throughout working with Childrens Services the allocated worker had not given due consideration to Domestic Abuse within assessments.

Actions taken

The Council's investigation found that a split conference should clearly have been offered in this instance. Although our policy allowed for this and indeed there have been many examples where this is used, there was a need for refresher training with all IROs to ensure they were offering this provision appropriately.

There were also wider learning needs identified for the department around strengthening how we work with families where domestic abuse may be a factor which have been taken forward following this learning.

5.2.3. C's Story – Frustration with delay in responding to a complaint

C contacted the Council unhappy with the support being offered to their disabled son. The Council were in the process of carrying out a fresh assessment and sought to place the complaint on hold whilst this process was carried out. There followed a protracted period of correspondence over the assessment which ended in a formal complaint again being submitted some 7 months later.

Actions taken

Following an Independent Investigation, the Council accepted that it had not managed this period of “alternative dispute resolution” tightly enough. This led to a lengthy period before the complaint was then made.

In response the Council changed its complaints procedure and guidance to add a maximum period in which any attempts at alternative dispute resolution should be finalised and thereby mitigating timely resolution of the issues.

5.2.4. A lack of information on support that is available to adopters

Mr and Mrs E complained that there was insufficient knowledge and hence communication of the support that the LA could provide adopters. E’s experience was of lots of chasing and very little clear action. There was a lengthy delay in accessing Adoption Support Fund and seemingly a lack of knowledge of this within the social work team

Actions taken

The Council’s investigation accepted that there was insufficient communication with the complainants.

It was known that there was an issue with the lack of specialist knowledge of this area within the locality teams. This had already been fixed by the time this complaint was made with the creation of a specialist unit in the Adoption service.

The value of this new team was recognised by the complainants who could clearly see the benefits of working with the new team.

6. Local Government and Social Care Ombudsman

The Local Government and Social Care Ombudsman (LGO) made 12 new enquiries of the Council during 2019-20. This included complaints around Child Protection, Child in Need, Adoption and First Response. This was an increase of four from 2018-19.

The Ombudsman made decisions on eleven complaints which related to children's social care during the year, with fault found in six instances (55%). This is a significant increase from last year where just two findings of fault were received.

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

Four of these complaints focused on reports that had already been considered within the Court arena. These were not recorded as Stage 1 complaints for the same reasons. The Ombudsman accepted the Council's position in each instance.

- 6 findings of Fault with Injustice

CASE 1 – Concerned the Council's failure to engage appropriately with a parent through the Child Protection Process and delay in dealing with his complaints. Specific concerns included inaccurate record-keeping and a lack of consideration of mental health needs.

The Council had already accepted several failings and apologised within our local complaints process, but the Ombudsman recommended an additional compensatory payment of £900 and reviews of their complaints handling procedure and file supervision arrangements.

The Council accepted the decision and carried out the above actions.

CASE 2 – A complaint from a family member regarding use of inaccurate information about him within the context of assessments.

This was handled under our Corporate Complaints procedure and it was accepted that we had recorded wrong information. An apology was provided, and the assessment corrected. The Ombudsman were satisfied with the actions taken by the Council and did not recommend any further action

CASE 3 – A complaint that the Council un-necessarily delayed in making decisions within the context of a Child Protection plan. The Council had already accepted there was undue delay and mis-communication, but the complainant remained dis-satisfied.

The Ombudsman asked the Council to provide a further apology and to make a small financial payment of £300 in recognition of the delay.

CASE 4 – A joint investigation of Leicestershire Partnership Trust and the Council into how they responded to a case of alleged Fabricated Induced Illness (FII).

The Ombudsman found several faults in how the organisations worked collaboratively and some failure in following the statutory procedures.

The LSCB oversaw a full review of procedures and a payment of £500 was made in recognition of the distress caused to the complainant.

CASE 5 – A complaint about the Council's handling of disabled facilities grant applications for her, her husband and two children. The Ombudsman found there was fault with the Council's approach to the process, leading to unnecessary delay and distress. However, it was entitled to decide it needed more evidence to conclude her son's assessment.

The Council accepted the Ombudsman's recommendation to remedy the injustice caused by making a financial payment of £500 and writing to confirm where matters currently stood.

CASE 6 – A complaint that the Council left her to deal with a building contractor after 2015, when shoddy works to adapt their home were carried out and that it has since failed to re-assess her daughter as a child-in-need

The Ombudsman found that the Council failed for six months, after it unequivocally knew about the failed adaptations, to recognise its duties to re-assess to determine whether threshold was met for Child in Need support.

The Council agreed to carry out this assessment and apologise to the parent.

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. Following some criticism of the quality of one response this year, revised templates are now in use.

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. The Complaints Manager also attends an annual Practice Summit for all practitioners to share and discuss the key complaint themes.

8. Concluding Comments

It is positive to see a reduction in Stage 1 complaints this year. Although a factor behind this is the revised LGO guidance and more being handled under the corporate procedure, there is overall a reduction for the first time in 3 years.

As there is often a lag between escalation through the stages so it remains to be seen whether this will translate to reduced activity at Stages 2 and 3.

As highlighted within this report, there are good examples of process change and staff training this year across the board including extensive work done on practice standards and how we manage case conferences. These should help reduce complaints moving forwards.

The complaints training being delivered to Team Managers provides a range of tools and techniques to help with this and to help improve consistency and quality of complaint responses across the board.

APPENDIX A – Sample of compliments received

Below is a selection of the positive recognition the social care department has received during the 2019-20 year.

CHILD PROTECTION SERVICES

- “Thank you to B for your excellent work and professionalism with CAFCASS”– **CHILD PROTECTION (LOUGHBOROUGH)**
- “Lovely feedback in relation to care proceedings” **CHILD PROTECTION (HINCKLEY)**
- “Thankful to B for such a great positive experience. Dealt with query rapidly” – **CHILD PROTECTION**
- “Thanks to A SW who has been a really great help and changed my view of social services” – **CHILD PROTECTION (BASSETT STREET)**

CHILDREN IN CARE SERVICES

- “Care Home Manager impressed by Participation Officer achieving great result with resident engaging with the Children in Care Council” – **CHILDRENS RIGHTS TEAM**
- “Really good work from the adoption social worker - brilliant manner and approach” - **ADOPTION TEAM**
- “New adoption magazine well received. Thanks very much” – **ADOPTION TEAM**
- “Really good work from the adoption social worker - brilliant manner and approach” - **ADOPTION TEAM**
- “Compliment for L who has made huge difference to child's life as adoption social worker” – **ADOPTION TEAM**
- “Felt the adoption social worker was really good and engaged well with all the family” – **ADOPTION TEAM**
- “Compliments on the SGO Newsletter really well put together” – **ADOPTION TEAM**