

Children's Social Care



Statutory Complaints and Compliments Annual Report 2020/2021

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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 2020 to 31 March 2021.
- 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

This year the Local Government and Social Care Ombudsman (LGSCO) also published [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 2020-21

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 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 most child protection complaints being managed as corporate complaints will be seen later within this report.

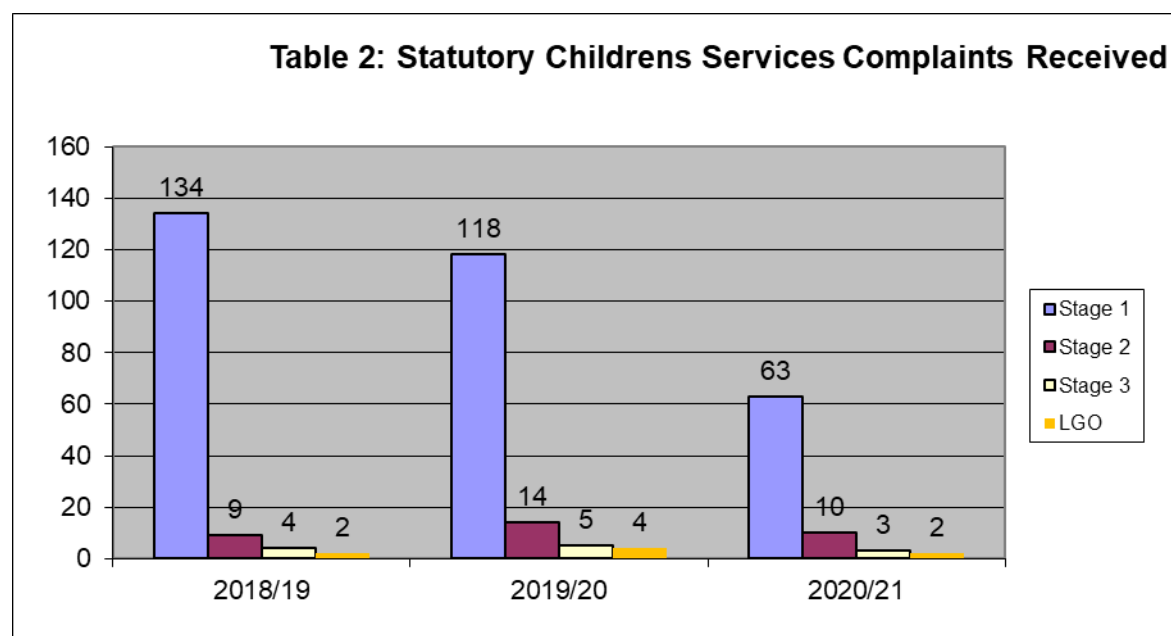
2.3. Complaint Volumes

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 | 2019/20 | 2020/21 | % Change |
|-------------------------------------|----------------|----------------|-----------------|
| Referrals to Children’s Social Care | 5571 | 5163 | -7.3% |
| Single Assessments | 5141 | 4499 | -12.5% |
| Children in Care at 31 March | 642 | 705 | +9.8% |
| Child Protection Plans at 31 March | 504 | 499 | -1.0% |

There has been a general slight decrease in the above categories, this reverses significant increases in the last two years particularly on 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 1.3% go on to make a formal statutory complaint (3.0% in 2019-20).



As illustrated above (Table 2), the total number of statutory complaints reduced from the previous year (-53%).

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.

Table 3: All Complaints about Childrens Social Care

| Financial Year | Statutory Complaints | Corporate Complaints | Total |
|----------------|----------------------|----------------------|------------|
| 2019-20 | 118 | 54 | 172 |
| 2020-21 | 63 | 125 | 188 |

2.4. Complaints accepted at stages 2 & 3

The number of requests considered at Stage 2 of the process reduced by 4 compared with the previous year. As a percentage of Stage 1 complaints this represents 16% an increase of 4% on previous year.

Three Stage 3 panels were convened during the year and from these 2 went on to make a referral to the LGSCO.

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 continuing poor resolution rates at this stage of the process.

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.

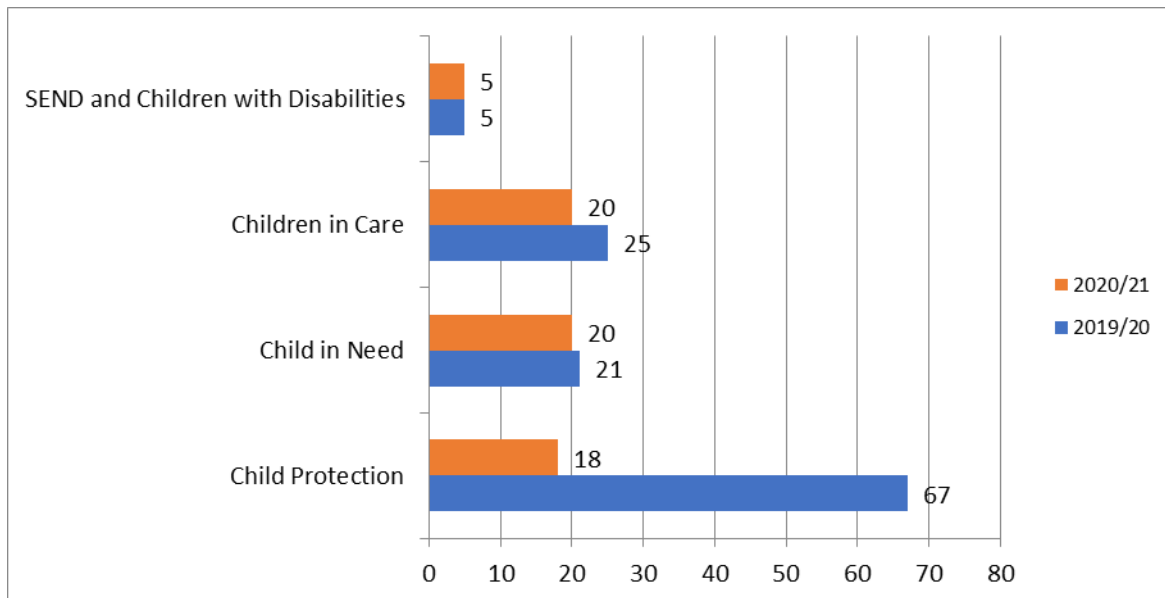
This has implications for the department and highlights the need to ensure every effort is made to resolve complaints at Stage 1 of the process.

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 2020-21 overlaid against the previous year.

The biggest change is the reduction in Child Protection complaints. This is already explained in that many are now managed under the corporate complaints' procedure instead.

Table 4: Complaints received by Service Area



2.5 Compliments received

During 2020-21 there were 17 compliments recorded regarding Children’s Social Care officers. This is a decrease from previous year (39).

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

3 Service Performance 2020-21

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

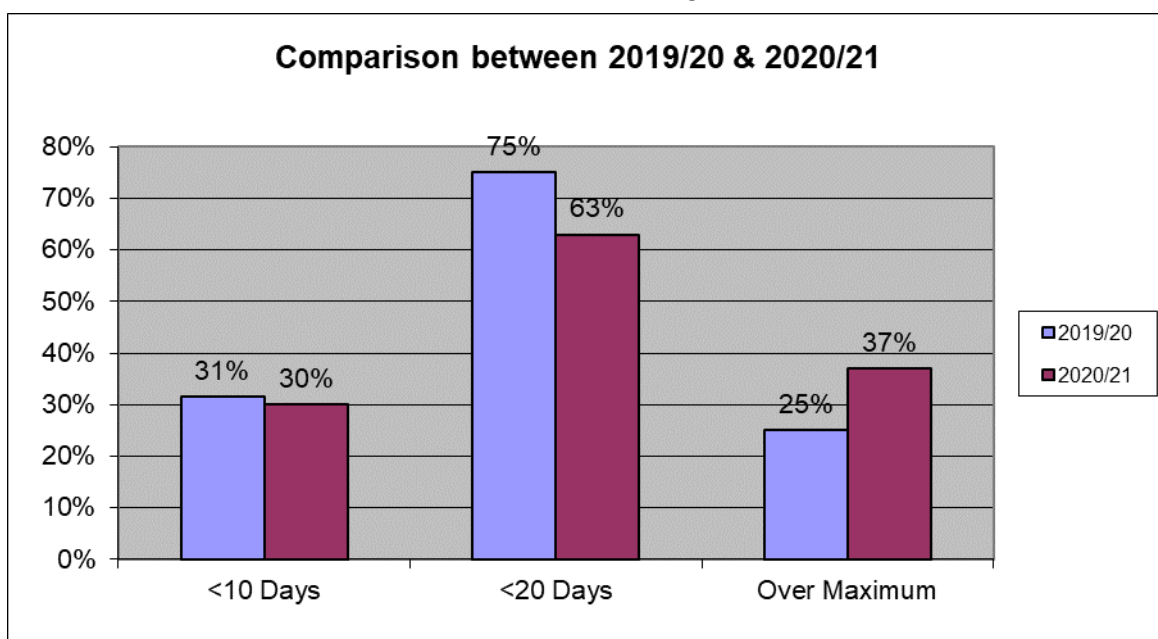
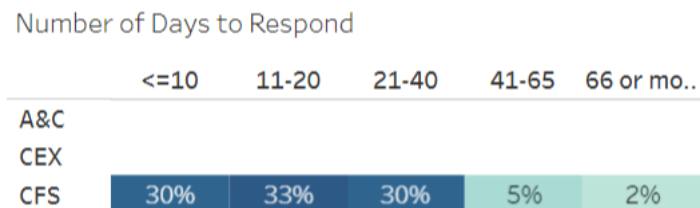


Table 5 above details the time taken to respond to complaints at Stage 1 and provides a comparison between last year and the current reporting year.

It is clear from the above that there have been significant pressures on response times during the year. Whilst data is comparable in terms of numbers resolved within 10 working days, there has been a 12% increase in the number of complaints responded to outside of the 20-working day timescale. The pandemic pressures have clearly been a factor in this.

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.

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 (3) 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 has not had to exercise this duty this 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 just 1 of the 7 completed investigations achieving this. For much of the year, remote working has been in place and this has certainly been a factor in 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.

Response timescales at Stage 3

2 Panel hearings were held during the year and of these both were arranged and responded to within the statutory timescales (100%) Both were conducted virtually.

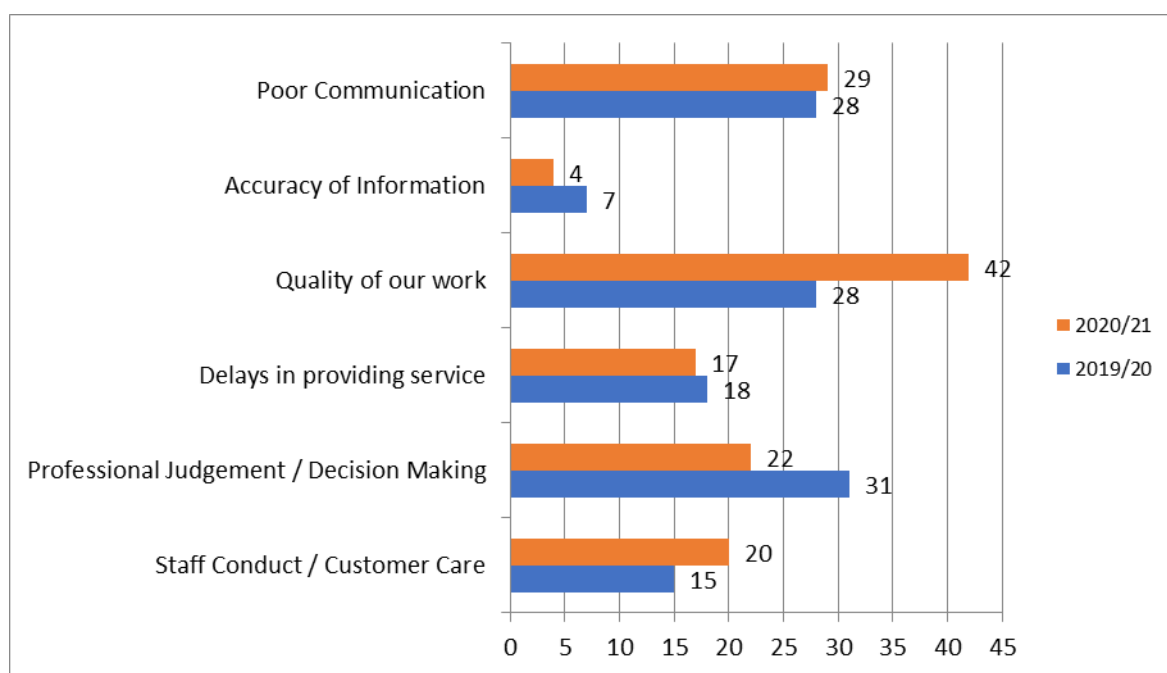
3.2. Complaint Causes

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 2019-20 and 2020-21 are shown below in table 6.

Table 6 – What were complaints about?



The biggest single cause during 2020-21 was “Quality of Work”. This is a broad category that covers the general approach taken by workers in carrying out their work

Complaints that disputed decisions reached were reduced this year perhaps indicating improvements in the discipline and rigour of clearly explaining the basis for decisions reached.

Complaints citing delays and poor communication remained very similar to last year.

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.

3.3. Who complains?

In 2020/21, two complaints were made directly by children or young people. A further 4 were represented by members of the Childrens Rights team taking the total to 6. This is slightly reduced from 2019-20 when 8 cases were received and represents 10% 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

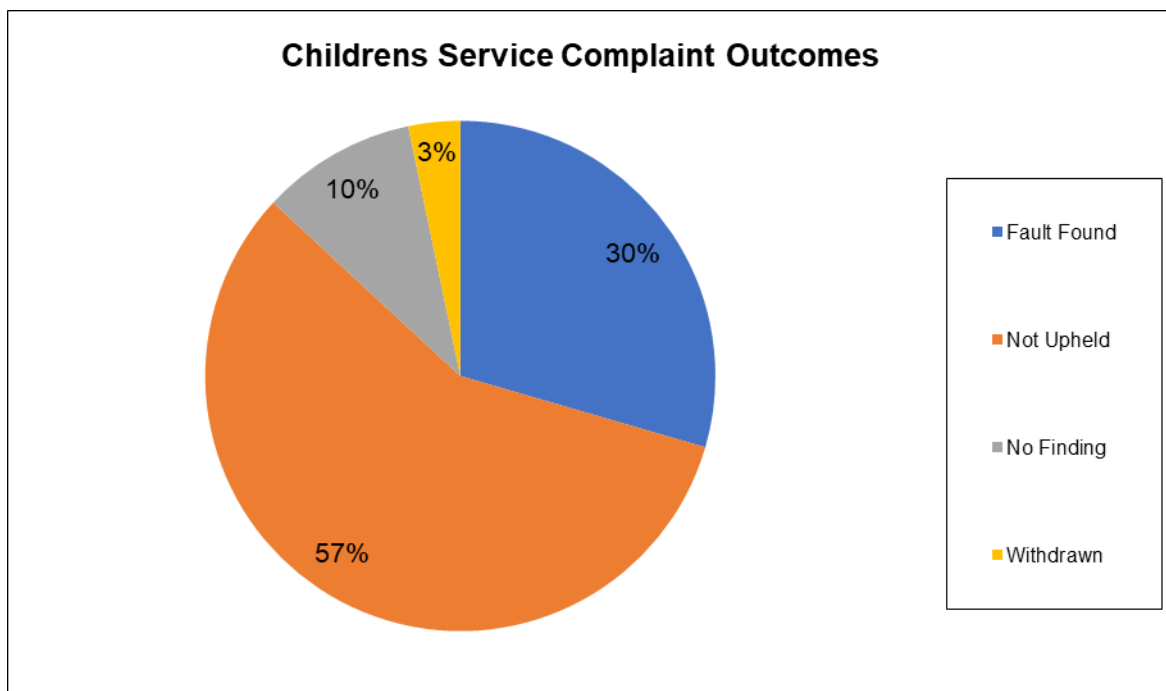


Table 7 above shows that fault was found in 18 (30%) of the complaints considered during the year. This is slightly down from 2019-20 (33%)

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

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

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.

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.

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 procedure²

| Spend | Total 2018/19 | Total 2019/20 | Total 2020/21 |
|-------------------|----------------------|----------------------|----------------------|
| Stage 2 Costs | £42,260 | £46,050 | £29,020 |
| Stage 3 | £5,980 | £17,000 | £7,520 |
| Mediation | £0 | £0 | £0 |
| Financial Redress | £510 | £2,200 | £12,650 |
| Total | £48,750 | £65,250 | £49,190 |

Costs incurred for 2020/21 represent a reduction 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 2019-20 may be included and some costs not recorded until 2021-22

Stage 2 costs have largely been controlled by more concise investigations being undertaken. Stage 3 costs have remained costly on a pro-rata basis. The other notable increase is financial redress issued this year. This is largely the result of

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

payments made following 2 final decisions of the LGSCO. Details are set out in section 6 of this report.

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

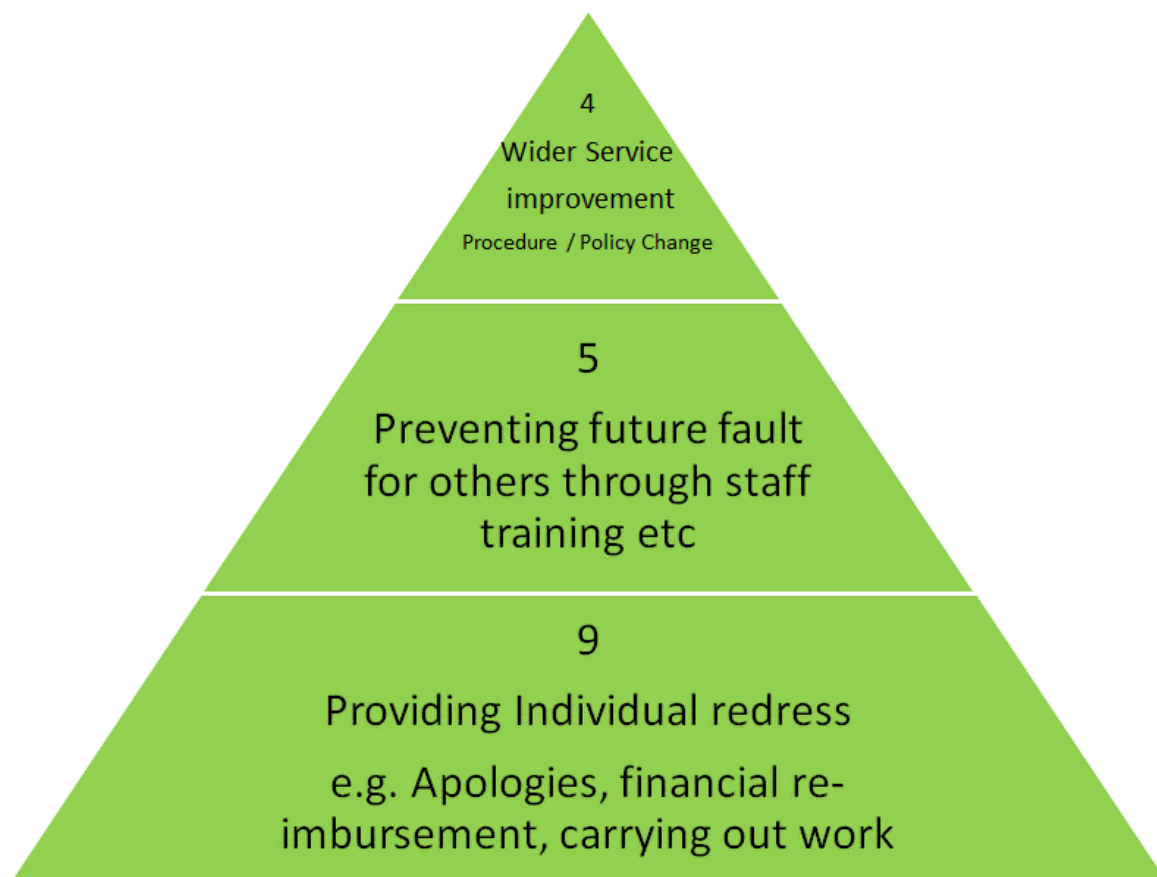
All the 18 complaints where fault has been found have been reviewed by the Complaints Team to ascertain what action the relevant department has taken, both in remedying the fault, and any wider learning to avoid such issues occurring in the future.

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 2020-21. This shows that in 9 complaints (50%), 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 slightly lower than in 2019-20 (54%) but still demonstrates 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 2020-21



5.2 Service Improvements during 2020-21

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. Delays in decision making approving adoption application

A prospective adopter raised complaints about the delays in the Agency Decision Maker (ADM) reaching a final decision.

The complaint investigation found there had been a number of errors along the way. Clear actions agreed after approval at Stage 1 had not been progressed by the social worker and this had resulted in a poor report. There were issues with

the level of management oversight and approval of this report by the Team Manager and Panel Advisor. A deferral should have been considered rather than the resultant frustration caused by the ADM having to decide to request more work rather than ratify the decision.

Actions taken

The complaint was used as a case study within the team and reminders issued to all staff about the need to ensure all agreed actions had been completed prior to reports being submitted.

Work has also been undertaken around improving the consistency and rigour of the approval process before referral to the ADM

5.2.2. B's Story – Lack of clarity around who was dealing with request for review of Short Break provision

Several complaints were received around this area during the year with the common theme being lack of communication and clarity provided to parents.

Actions taken

The Council had recently made changes to this area to improve the decision making around this area through the Short Breaks panel process.

Our findings indicated that there was a lack of clarity for the Disabled Childrens Service and Childrens and Families Wellbeing Service around who would lead and crucially make sure parents were updated.

In response the Council reviewed our processes and guidance to staff. There is also increased capacity to consider Short Breaks which should reduce the delays in considering reviews being requested in the future.

5.2.3. C's Story – Frustration with progression of contact with son following Court order

Following court proceedings, the Local Authority was asked to work with the respective parties to help facilitate contact. This did not happen in a timely way and communication with C was poor.

Actions taken

Following an Independent Investigation, the Council accepted both that there had been shortcomings in practice work and the adequacy of supervision.

It was clear that the guidance available was fit for purpose but the issues (and this was not an isolated case) were around capacity of the workforce in the area.

The Council has taken this and other insight to ensure greater management support available and taken action to reduce caseloads for workers within the team. Longer term work continues retention and recruitment though this is a challenging area both regionally and nationally.

6. Local Government and Social Care Ombudsman

The LGSCO made 5 new enquiries of the Council during 2020-21. This included complaints around Child Protection, Child in Need, Adoption and First Response. This was a significant decrease from twelve in 2019-20.

The Ombudsman made decisions on seven complaints which related to children's social care during the year, with fault found in two instances (29%). This is again a significant decrease from last year where findings of fault were received in 6 cases.

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 findings of Fault with Injustice

CASE 1: – a Child Protection complaint that the Council failed to properly follow safeguarding procedures to ensure the safety and welfare of a child.

The LGSCO criticised the Council for using the statutory complaints procedure when, in most cases, Child Protection matters should instead be considered under the Corporate Procedure. It also found that the quality of both the Stage 2 Investigation and Stage 3 panel hearing was poor. The Council is responsible for ensuring independent investigators are appropriately trained.

The Council agreed to making a compensatory payment of £1,450 to the family. It also agreed to review information that the Council provides to families about Section 47 processes.

The Council also reviewed its policy and guidance around supervision and issued reminders to all staff of the importance of unannounced visits. Finally, the Council took steps to improve the quality of Independent Investigations and implemented fresh guidance to Complaints Officers to ensure the correct procedure was determined at the outset.

CASE 2: - a complaint that the Council failed to provide sufficient financial support to help with accommodation needs for a family caring for looked after children.

The LGO found fault with how the Council had carried out assessments of need and how it had assessed affordability of loan re-payments that it had offered.

The Council accepted the findings and committed to a fresh financial assessment. It also agreed to a financial redress of £10,500 in respect of storage and other incurred costs. The Council agreed to cover rental costs whilst a final offer is made regarding accommodation improvements.

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 has been paused this year due to the pandemic. It is expected training will resume in 2022.

8. Concluding Comments

It is positive to see a reduction in Stage 1 complaints this year. Although the principal factor here is the revised LGSCO guidance and more being handled under the corporate procedure.

Although it should be recognised that the LGSCO paused casework for 3 months during the year, the reduction in complaints escalating to them is also positive.

As highlighted within this report, there are good examples of process change and staff training this year. There remain some challenges around ensuring timely communication with parents and families which would contribute further to reducing complaints. The principal factor here appears to be capacity of teams and significant work continues to address this.

APPENDIX A – compliments received

CHILD PROTECTION SERVICES

- “Thank you Georgie and Pamela for everything you have helped me achieve so far” **CHILD PROTECTION (BASSETT ST)**
- “Thank you to Patience for all your support following the recent CIN meeting and always being cheerful and available to help me” – **CHILD PROTECTION (BASSETT STREET)**
- Thank you Linda (SW) for the excellent social work and making positive changes by effective work and time spent with children and their family – **CHILD PROTECTION (HINCKLEY)**
- “Thank you so much Hayley for being such an amazing social worker & giving me the chance to prove that I could be a good mum” – **CHILD PROTECTION (BASSETT ST)**

CHILDREN IN CARE SERVICES

- “Thank you to Sheryl for all your help and support” – **ADOPTION**
- “Thank you to the Adoption Service for your brilliant and invaluable sessions” - **ADOPTION TEAM**
- “Thank you to Katie Bancroft from member of the Child Psychology service for all your help and support” – **ADOPTION TEAM**
- “Thank you to Sam and Children in Care service for your recent letter” – **CHILDREN IN CARE TEAM**
- “Thank you Elliot for doing an amazing job, it has been an absolute pleasure working alongside you” – **KINSHIP TEAM**
- “Thank you to the adoption service for bringing the children into our lives” – **ADOPTION TEAM**
- “Thank you Abubaker for being an absolute legend and brilliant in supporting the children when they came into care” – **ADOPTION TEAM**
- “Thank you for the exceptional hard work that Jen, Dawn, Victoria and Sharon have displayed by supporting this SU in his placement” – **PLACEMENTS TEAM**
- “I just wanted to express my appreciation at how thorough the safety plans are. They are brilliant. Thank you to CIC team involved” – **CHILDREN IN CARE TEAM**

- “Thank you, Leesha, for everything you have done for us, we would not be where we are today without your support and understanding” – **POST ADOPTION SUPPORT**
- “Thank you, Sheryl, for all your wonderful advice, support and great humour” - **FOSTERING**