



Children's Social Care

Statutory Complaints and Compliments Annual Report 2017/2018

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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 2017 to 31 March 2018 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 2017-18

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

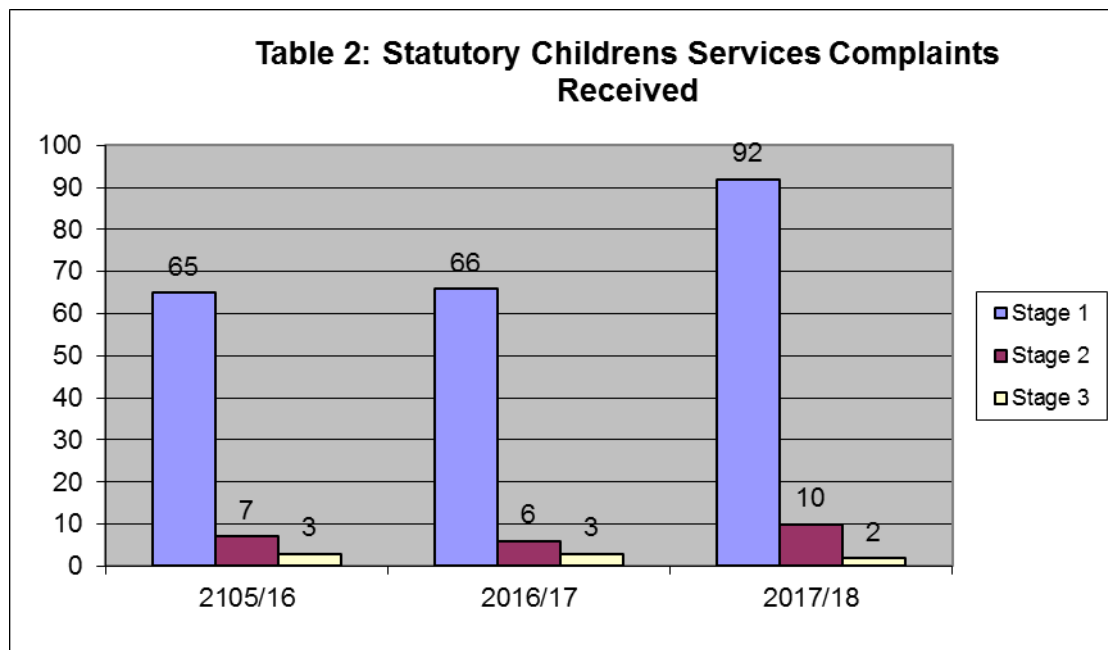
Volumes of complaints should be considered in the light of the number of cases which the Children’s Social Care service received during the year. There are a number of indicators which might impact on complaint volumes but consistently Table 1 indicates a significant demand increase to the department during 2017-18. This is most noticeable in the volume of single assessments carried out.

Table 1 – Social Care demand	2016/17	2017/18	% Change 16/17 to 17/18
Referrals to Children’s Social Care	6836	7299	+6.8%
Single Assessments	3059	4417	+44.4%
Children in Care at 31st March	509	555	+9.0%
Child Protection Plans at 31st March	428	394	-7.9%

As illustrated below (Table 2), the total number of complaints received at stage 1 also increased significantly during 2017-18 (39%)

It is important to recognise that volume increase in itself does not necessarily indicate a deteriorating picture. It could for example indicate that the complaints procedure is more accessible or that managers are “self-referring” more complaints into the formal process

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 complaint (0.9% in 2016-17)



2.3 Complaints accepted at stages 2 & 3

The number of requests considered for Stage 2 of the process increased by four compared with the previous year. As a percentage of Stage 1 complaints this is a slight increase on the volume seeking escalation (+1%)

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 ten complainants who requested escalation to Stage 2 of the process, one was subsequently dis-continued as the scope of the complaint could not be agreed. The complainant was referred to the Ombudsman who ruled that the Council had acted appropriately and the core complaint concerned matters that had been subject to a Court decision.

Two Stage 3 panel hearing requests were received during the year. Both proceeded to panel hearings.

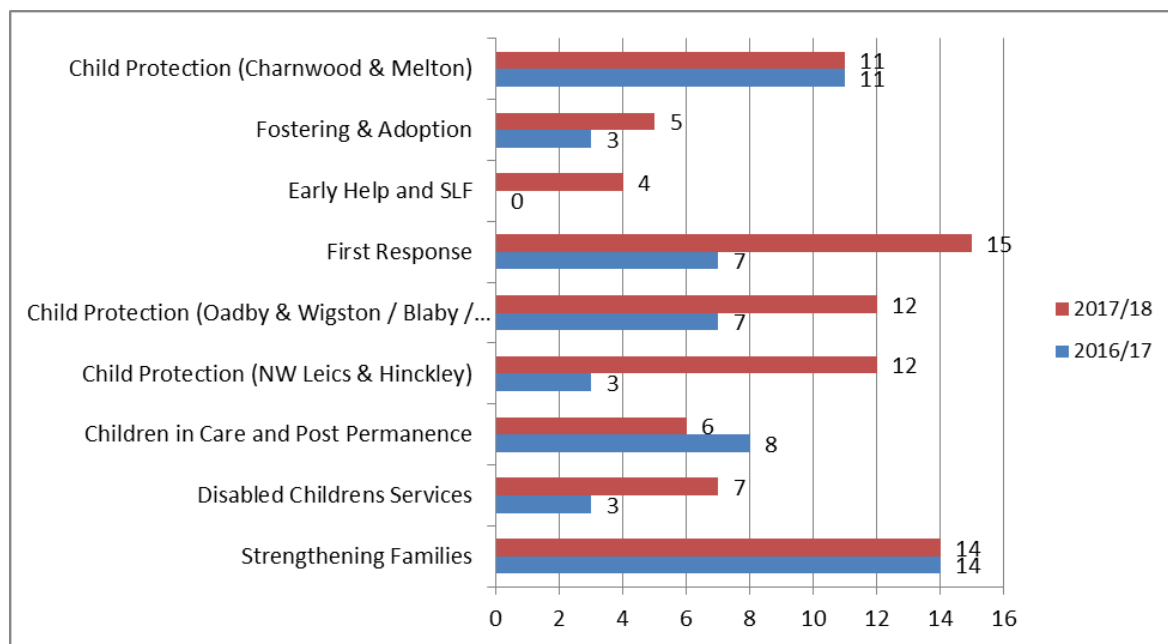
As referenced in last year's annual report, the Local Government and Social Care Ombudsman (LGO) take a rigid approach on consideration of early referrals. The implications are that it is more important than ever to be clear at the outset which complaints procedure should be used. Once the statutory 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.

2.4 Statutory complaints by Service area

The Complaints Manager records all statutory complaints at a service level and table 2 below shows the results for 2017-18 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:

- Increase in complaints regarding First Response

Complaints received for this area has doubled. The rise in volume of single assessments carried out (many of which are undertaken in First Response) is a significant factor here

- Early Help complaints

In the 2016-17 annual report, no formal complaints were received for this area. This was unlikely to have been an accurate picture previously given the nature of the team's work.

- Even distribution of complaints across the 3 Child Protection localities

The principal change has been to the volume of complaints recorded within the NW Leicestershire & Hinckley office which rose significantly from prior year and is now in line with the other offices.

2.5 Compliments received

During 2017-18 there were 33 compliments recorded regarding Children's Social Care officers. This is a slight reduction from 2016-17 (39). 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. Service Performance 2017-18

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 are able to 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 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*.

3.1 Responsiveness to complaints

Table 4: Children's Services Performance at stage 1

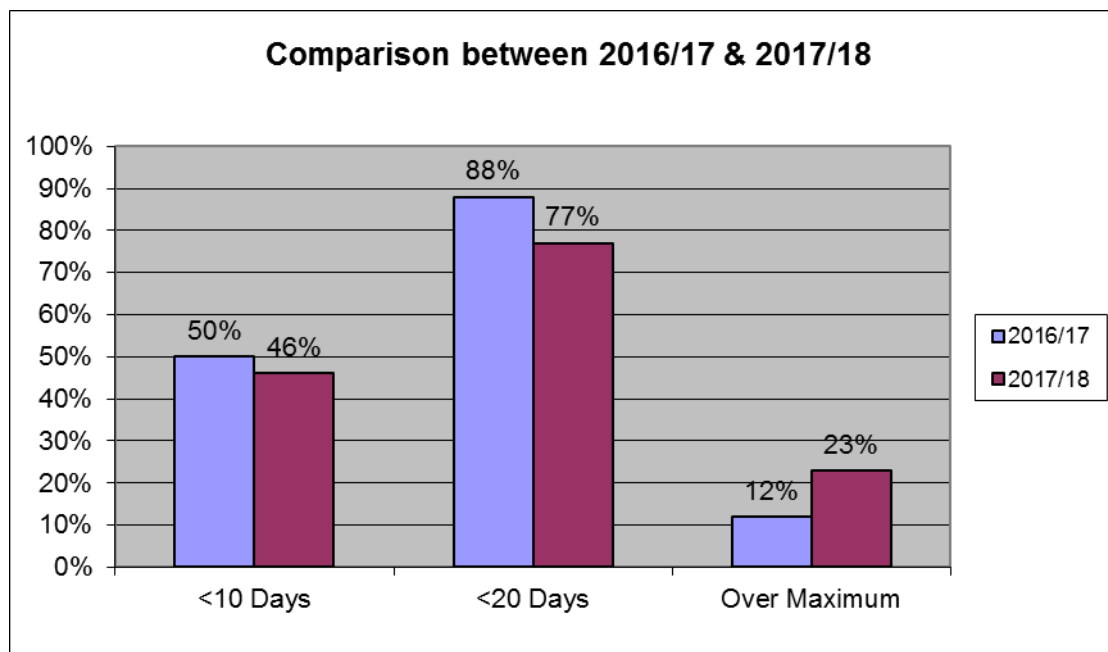


Table 4 above details the time taken to respond to complaints at Stage 1 and provides a comparison between last year and the current reporting year.

There has been a reduction in complaints resolved both within 10 and 20 working days and work is required to improve our position here. Whilst on occasions there are good reasons for complaints taking over the 20 working days to resolve (usually where meetings are being arranged) at 23% of the overall volume this figure needs to be reduced.

Work is also required to ensure that managers are proactively coming back to the complaints team to request extensions where necessary which would allow for the Council 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. 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	5	0	1
Strengthening Families	8	4	2
Disabled Childrens	3	2	2
Children in Care	4	2	0
Fostering and Adoption	1	2	4
First Response	3	6	4
Early Help	3	1	0
CP Bassett	7	4	1
CP NWL / Hinckley	5	4	4
CP Pennine	3	5	3
TOTALS	42	29	21

Response timescales at Stage 2

Completion of Stage 2 investigations within the statutory guidelines (65 working days) continues to be a challenge for the Council.

Of the ten stage 2 complaints which were adjudicated on during the year, just three (30%) were completed within timescales. 3 cases took over 100 working days each to resolve

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

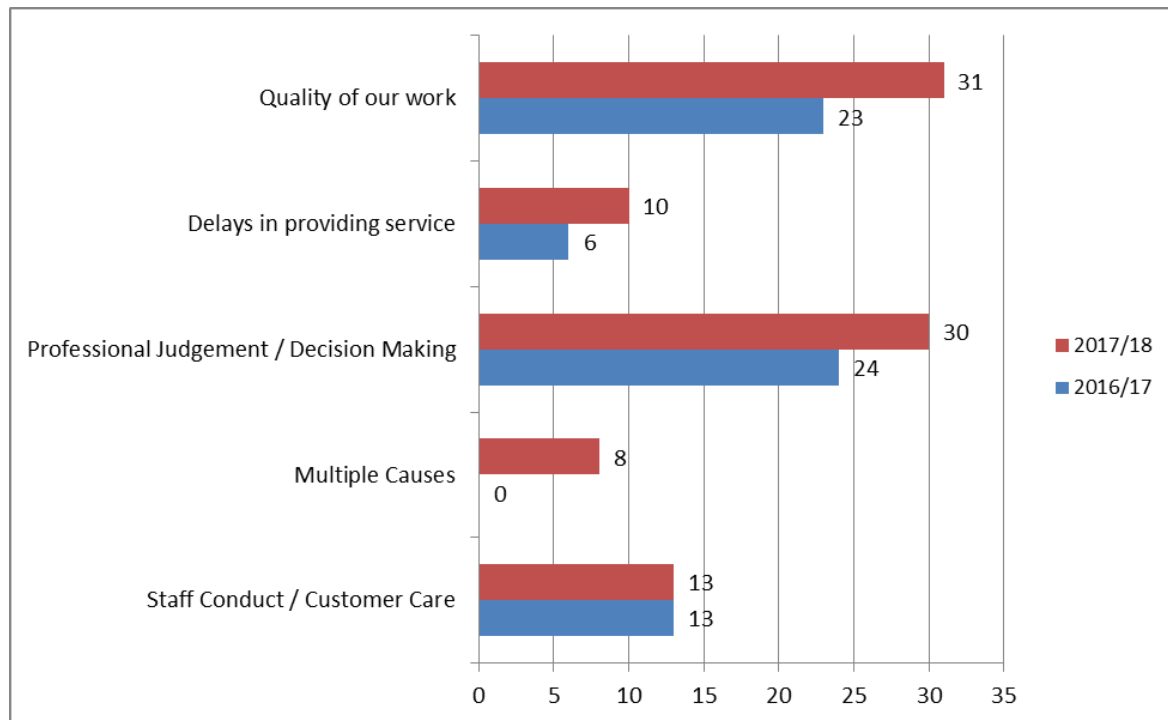
The Ombudsman has however indicated that providing the Local Authority is managing the expectations of a complainant and not unduly delaying resolution, there is unlikely to be criticism of not meeting this timescale.

Notwithstanding this, the Complaints Manager will continue to explore how the Council can improve performance in this area. During 2018-19, a trial of an agency will be undertaken to see whether this approach helps facilitate faster investigations being undertaken.

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 2016-17 and 2017-18 are shown below in table 5

Table 5 – What were complaints about?



There are no noteworthy differences this year with the main source of complaints continuing to relate to perceived quality of work and professional decision making.

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 2017/18, seven complaints were made directly by children or young people. At 8% of the overall number, this is a slight increase from last year (7%)

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 in order to resolve issues.

The remaining complaints (85) were brought by parents, foster carers, adopters or anyone else identified as having sufficient interest in the child or young person’s welfare.¹

3.4 Complaint Outcomes

Table 6: Children’s Services complaints recorded by outcome at Stage 1

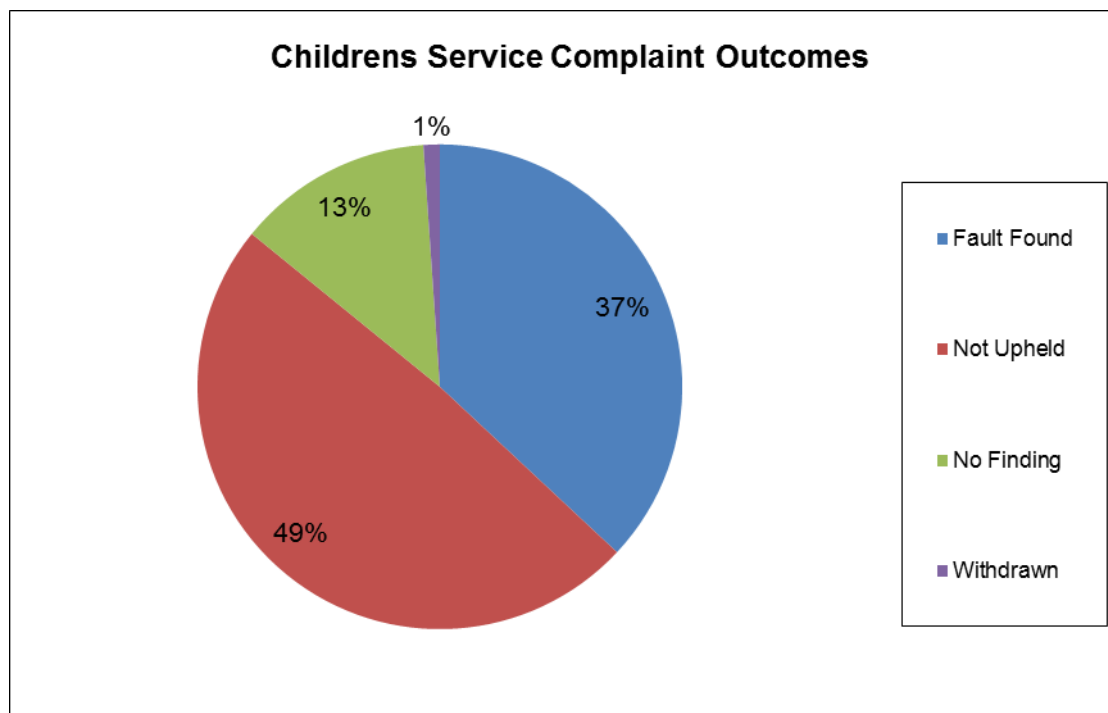


Table 6 above shows that fault was found in 37% of complaints considered during the year. This is a rise of 17% on the previous year.

The increase in findings 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 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 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.

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 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 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 2015/16	Total 2016/17	Total 2017/18
Independent Persons	£3910	£5,050	£7,960
Investigative Officers	£8200	£11,490	£23,380
Stage 3	£1790	£1,810	£7,150
Mediation	£930	£0	£0
Financial Redress	£300	£0	£150
Total	£15,130	£18,350	£38,640

² Figures are rounded up to nearest £10

Costs incurred for 2017/18 are significantly up on previous year. In part this is because of increased volume but also reflects two large independent investigations carried out and which both went to Stage 3.

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

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 but also in some instances where no fault was found but the Authority recognises that improvements to services can be made.

Occasionally during the course of 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

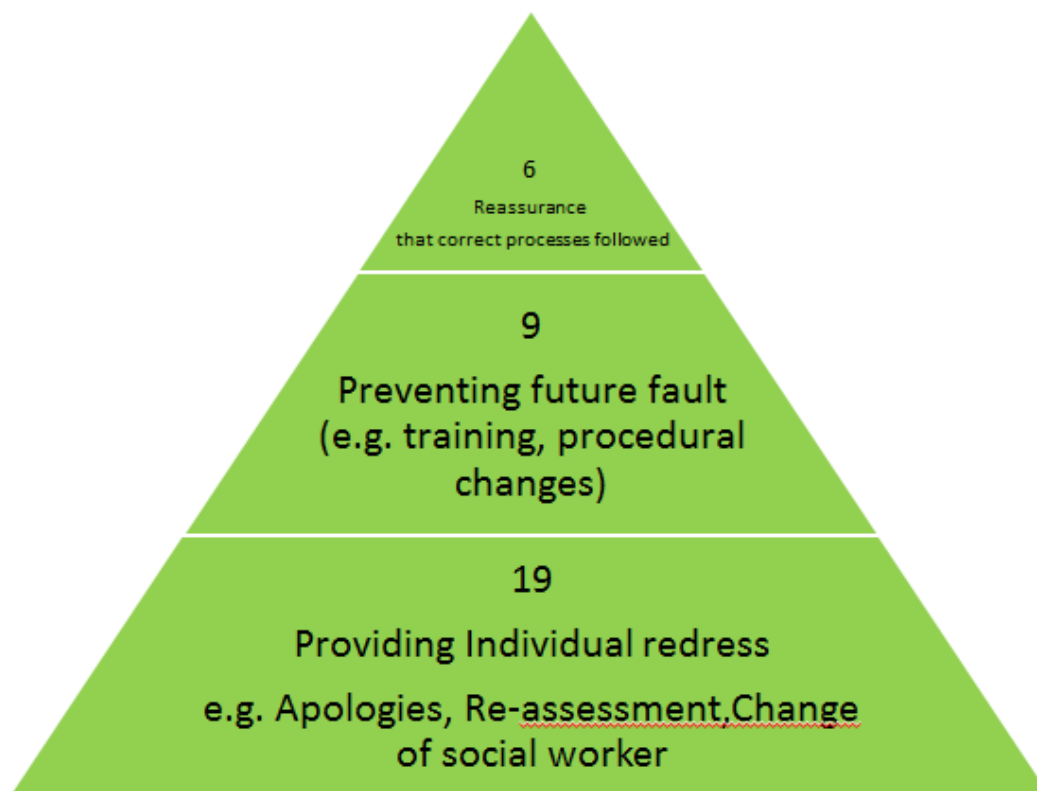
All of the 34 complaints where fault has been found have been reviewed by the Complaints Team to ascertain what action the relevant department has taken, both in remedying the fault, and any wider learning to avoid such issues occurring in the future.

Remedial action typically consists of both individual redress (e.g. apology, carrying out overdue work) and wider actions that may affect many. On some occasions, fault has already been remedied so the complaints process is used to re-assure that appropriate action has been taken.

Table 8 (overleaf) depicts the actions taken during 2017-18. This shows that in 27% of instances, clear actions were identified which should improve service for other members of the public. The most common of these is staff training but this

category would include reviewing local policies and providing additional resources to help deal with demand.

Table 8: Actions taken for upheld complaints 2017-18



5.2 Service Improvements during 2017-18

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, two such examples are set out below:

5.2.1 Claire's Story – Frustration over lack of timely action

Claire contacted the Council experiencing significant frustration with an apparent lack of progress in actions agreed across core groups and child protection conferences.

After making a number of unsuccessful attempts to discuss the case with the Team Manager she contacted our Complaints team.

Actions taken

The Council's investigations found a number of issues with the way this case had been handled. There was evidence of a number of calls not being returned and patchy case-recording.

There was also significant "drift" on the trajectory planning for this case and 4 different Team Managers had been involved over a relatively short period. This contributed to a lack of continuity and heightened frustrations.

During the year a number of positive steps have been taken to help avoid others suffering a similar experience. This includes:

- Launch of new practice standards which clearly set out the expectations for all social care workers
- Instated Case Decision Meetings (CDM) which provide a senior forum for cases that are suffering potential drift to be discussed and help define clear and timely trajectories
- Launched our Growing Excellence team which focuses work on trajectory planning
- Recruitment of a Principal Social worker who provides targeted support for complex cases

5.2.2 Clive's Story – Unsuitable placement

Clive contacted the Council unhappy with the suitability of a shared accommodation placement and which wasn't meeting his needs. He was seeking an alternative placement through the complaints process

Actions taken

The Council's investigation agreed that this was not a suitable placement for Clive and arranged for an alternative placement to be found.

After deeper analysis, it emerged that there was an opportunity to improve our procedures and allow access for the Placements team to broader information of potential other residents and to consider when making matching decisions

This led to a change in procedures which should help avoid similar issues in the future

6. Local Government and Social Care Ombudsman

The Local Government and Social Care Ombudsman (LGO) made 14 new enquiries of the Council during 2017-18. This included complaints around Child Protection, Strengthening Families, Fostering and Adoption and First Response. This was an increase by six from 2016-17

The Ombudsman made decisions on thirteen complaints which related to childrens' social care during the year, with fault found in just one instance (8%). This is a significant reduction from last year when fault was found in four of the eight cases investigated

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

- 1 Premature – relating to delay in consideration of a kinship assessment.

The Council agreed to consider as a formal complaint which was then successfully resolved at Stage 1

- 7 Outside of Jurisdiction

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 all instances

- 4 Not Upheld after LGO Investigation

CASE 1 – Concerned a perceived lack of support from Disabled Children's Team and decisions made to reduce care package.

The Council had considered this matter at Stage 2 and had received a request from the complainant to early refer to the Ombudsman. The Ombudsman found no fault with the way the Council had considered the matter.

CASE 2 – Alleged that the Child Protection team gave inaccurate advice which led to a Housing debt building up

The Ombudsman concluded that the Council could not be held at fault and had acted appropriately based on the information available to them

CASE 3 - A Complaint that the Council refused to agree allocation of case to specialist Disabled Children Team as requested.

The Ombudsman found that the Council had assessed the case in line with local threshold documents and determined that Early Help could provide appropriate support. Subsequently a social work assessment had been carried out in any event.

CASE 4 - A Complaint regarding lack of engagement by Child Protection team.

Although the Council was concerned that this case strayed into matters that had been before the Court, it did agree to commission an Independent Investigation into limited matters.

The resulting Independent Investigation was dis-continued as the scope of the complaint could not be agreed.

The Ombudsman concluded that there was no fault by the Council in seeking to limit the scope and the desired outcomes could not be achieved through the complaints procedure.

- 1 Maladministration with Injustice

This relates to the loss of possessions following transition of a looked after child from foster care placement to Shared Lives placement.

The Ombudsman found fault in that the Council did not have a procedure for checking inventories when children moved from placements. The Council agreed to revisit our procedures and provide appropriate financial redress to the family.

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. Mediation
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 monthly with the Head of Service for Social Care (Fieldwork) and periodically also attends the Children's Social Care Services Senior Management Team to talk through complaints matters.

Dedicated complaints training has been arranged this year for social care managers and this will continue to ensure all Managers have the opportunity to attend.

8. Concluding Comments

It is clear that there has been significant demand increase both at front line social work and within the formal complaints process. This has also led to additional costs being incurred to respond to the expected increase in Stage 2 complaints.

There are some signs of pressure within the system which has started to manifest in longer response times and this is a key area to improve over the next year.

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

There are some good examples this year of how we have taken complaints learning to help improve our practice. The challenge is to ensure we can harness more of this learning from Stage 1 resolutions.

The complaints training being delivered to Team Managers provides a number of tools and techniques to help with this and also 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 2017-18 year

- Our worker J has been amazing and most definitely our rock over the past few weeks allowing us to express our feelings whilst offering strategies to try...what an amazing service – **SUPPORTING LEICESTERSHIRE FAMILIES**
- I have to say that B has been fantastic. She is always available for me to speak to and has come to college as soon as she's been able to if we've had an issue. Her concern and compassion for K has been evident and in my opinion her professionalism has been outstanding. She has made a really good connection with K, who has felt able to confide in her – **FOSTERING**
- I would like to take this opportunity to say a very big thank you for all your help and support over the last 4 weeks with JSI didn't realise how isolated I had become due to the behaviour of JS and just sharing our concerns with you and your ideas on how to manage him we're all worthwhile. I'm sure J enjoyed your visits and I'm sure your early visits to his new placement must be reassuring for him ...a fantastic service and thanks again – **FOSTERING**
- Message received from a young person. When asked by the IRO what was the best thing that had happened to him in the last 3 months since the previous meeting, he said that man getting me my place in school. – **CHILDREN IN CARE TEAM**
- Thanks very much for the assistance provided to the family... Both C and B are very happy indeed – **SAFEGUARDING**
- Message received from police who made contact with Social Services in Hinckley and had the pleasure to work alongside Social Worker D. They found her to be of great assistance despite her busy work load and her knowledge of the case was of great use – **STRENGTHENING FAMILIES**
- Everything was brilliant and a fantastic help to my daughter...thanks so much (Completed Adaptation) - **DISABLED CHILDRENS**
- Just a wee note to say L is doing really well and turning into a loveable, cheeky and non-stop boy. We continue to appreciate all your (IRO team) efforts to get where we are today - **SAFEGUARDING**

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