



CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY
COMMITTEE
5TH MARCH 2019

UPDATE ON COMPLAINTS HANDLING WITHIN CHILDREN AND
FAMILY SERVICES

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY
SERVICES

Purpose of Report

1. The purpose of this report is to provide the Committee with an update on complaints received and responded to within the Children and Family Services department during 2018-19.

Policy Framework and Previous Decisions

2. The Children Act 1989 Representations Procedure (England) Regulations 2006 sets out the policy framework against which children's social care complaints should be considered.
3. Local authorities must, each financial year, publish an Annual Report (Regulation 13(3)). The Annual report for 2017-18 was presented to the Committee on 10 September 2018, where it noted the increase in complaints volumes and asked for an update to be provided in six months.

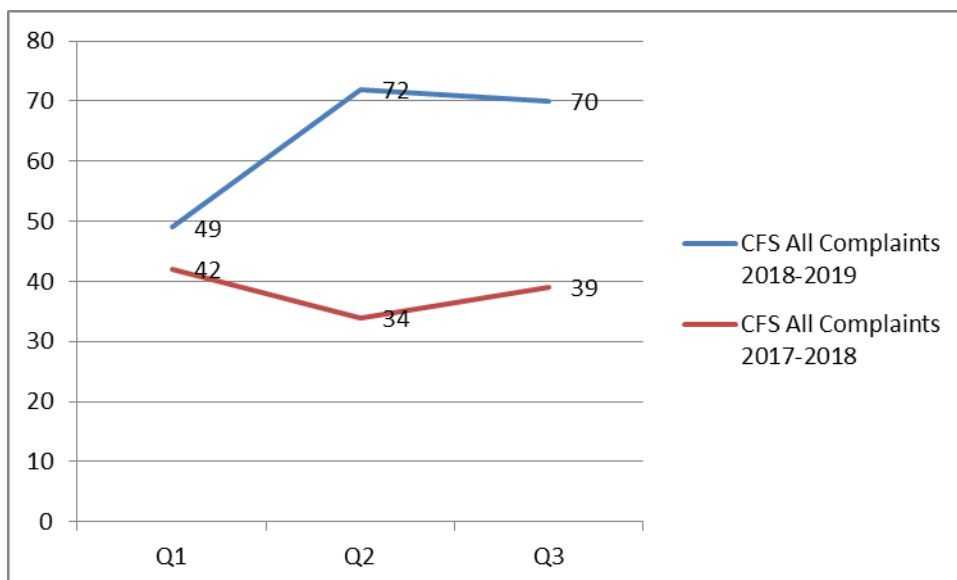
Background

4. The Complaints Team, which sits within the Corporate Resources Department of the County Council, manages and co-ordinates complaints relating to three separate complaints systems:
 - a) Adult Social Care - a statutory process
 - b) Children's Social Care – a statutory process
 - c) Corporate Complaints – a non-statutory process, which considers complaints relating to other services provided by the Council and where there is no other form of redress.
5. The Children and Family Services Department is contacted on a daily basis by service users, carers and other parties with concerns or requests for information. These queries are dealt with at a local level within care teams or through the Director's office without recourse to the formal complaints process.

6. The complaints team do, on occasion, also receive queries and concerns that suggest a child or young person may require immediate support or which raise safeguarding concerns. Such reports are best handled outside of the formal complaints procedure and are referred into the First Response team or allocated workers for urgent consideration as appropriate.
7. This report provides a summary of the statistical information and headline issues emerging from the analysis of complaints activity for both statutory and corporate complaints relating to Children and Family Services received between 1 April 2018 to 31 December 2018 (Quarters 1 to 3).

Complaints received and outcomes

8. The number of all complaints received over the first three quarters is shown in the graph below with comparative data for the 2017-18 year:



9. A total of 191 complaints have been received within Children and Family Services during this period. This marks an increase of 66% on the equivalent reporting period for 2017-18.
10. Complaints can be further segmented to those considered as statutory social care complaints and corporate complaints regarding other children's services. The relative mix is shown below.

Complaint Type	Volume 2017-18	Volume 2018-19	% Increase
Social Care	72	109	51%
Corporate	43	82	90%

11. Corporate Complaints have seen the biggest increase this year. This is likely to be a combination of better recording as well as increased volumes.

12. It is important to note that complaint volumes themselves do not tell the whole picture. This can equally be indicative of improvements in the capturing of complaints. Of more importance is how those complaints are resolved and what learning can be taken.

Statutory Social Care complaints analysis

13. Despite the increased volume, there has been a sustained improvement in response timescales for social care complaints during 2018-19 with 62 (87%) resolved within the statutory maximum of 20 working days. This is a 10% improvement from 2017-18 and reflects both improved monitoring and tracking as well as cultural improvements in complaints handling. This includes greater willingness to engage in dialogue around the complaint and stronger focus on resolution.
14. The number of requests escalating from Stage 1 to Stage 2 has also slightly decreased this year. At the end of Q3, eight complaints had progressed to independent investigation at Stage 2 which marks an escalation rate of 7%. This represents a 4% reduction from 2017-18.
15. There has been a significant drive within the department to increase the level of personal contact with complainants. Complaints intelligence is clear that this is helping to reduce escalations and improve response timescales and should continue to be encouraged.
16. 30 (42%) of the complaints were upheld. This is a slight, but not significant increase on 2017-18 (37%).

Corporate complaint analysis

17. 57 (82%) of corporate complaints have been resolved within 20 working days. This is a slight improvement on previous year (+3%). This figure is impacted by Special Educational Needs (SEN) complaints which saw 12 complaints resolved outside of this timescale (50%).
18. SEN has been the predominant area of growth with 24 complaints received about this service and representing 35% of the overall volume.
19. To add context to the above figures, it is important to note that the local authority has around 4000 Education and Health Care Plans (EHCP) in place, all reviewed annually. This therefore represents a complaint rate of just 0.6%.
20. The subject matter of SEN or Education and Health Care Plan (EHCP) cases can equally be very complex and there is often overlap to the SEND Tribunal process. Complaints are most often disputes around placements or support provisions.
21. Although complaints around SEN have a low proportion of fault found, there is a recurring theme around contact difficulties with SEN Officers. It is

recommended this is an area of focus for the department to review any improvements that can be made to avoid further rises in complaint volumes.

22. In the annual review of Local Government Complaints in 2017-18, the Ombudsman reported that it was upholding 80% of complaints it had received about EHCPs. This was the highest category recorded. Leicestershire County Council received no such adverse decisions during this reporting period.
23. Whilst clear that there remain opportunities to improve the timescales for responding to complaints, it should also be flagged that in many cases meetings have been arranged to try to resolve matters. Inevitably, not all meetings can take place within the 20 working day period but this personal approach is both positive and likely to be a factor in preventing complaints escalating to the Ombudsman. This should be noted when considering resolution timescales.

Compliments

24. Seven compliments have been formally recorded for the Children and Family Services department. This marks a significant reduction from 2017-18 (33) but it is likely that there are compliments being collated locally and not passed to the Complaints team for central recording.

Local Government and Social Care Ombudsman complaints

25. The Local Government Ombudsman has made enquiries on eight complaints during 2018-19. This is on track to be a significant reduction from the previous year (19).
26. In addition the Ombudsman has made Final decisions on 15 complaints during 2018-19. Fault has been found in three cases with the details set out below:
 - I. A failure to adequately follow-up legitimate child protection concerns raised by a family member.
A number of actions have been progressed to strengthen management oversight in such cases. These include the launch of revised practice standards within the Child Protection teams and strengthening how cases are tracked and overseen.

The Ombudsman was satisfied with the remedial actions taken.

- II. A failure to record information from a safeguarding visit undertaken with a School

The Council has issued reminders within the team of the importance of recording visits made. A number of other administrative improvements were also made to how the Council records and responds to Ofsted alerts regarding schools.

- III. A failure to follow Leicestershire's policy with regards to School Admissions arrangements

The Council accepted that inaccurate advice was given which the complainant relied on. This led to a preferred school place not being secured. The Council exercised its discretion to offer a place at the school and offered re-imbusement for uniforms purchased.

27. The relatively low numbers of complaints upheld by the Ombudsman is further evidence that, on the whole, complaints are investigated appropriately and where necessary remedies provided locally.

Recurring themes emerging from complaints 2018-19

28. The following are highlighted by the Complaints team as recurring themes:

- Lack of timely contact with parents
- Delays in dispatch of assessments and other requested information
- Difficulties contacting allocated workers

29. There has been significant improvement around complaints relating to the quality or detail of single assessments. This was flagged as a priority area in the 2017-18 annual report and a clear reduction has been seen.

Learning and Service Improvements

30. There have been improvements within the department which, whilst not solely driven by complaints data, provide clear evidence that learning is identified from complaints. These include by way of example:

- a. A review of the working arrangements between Children's and Adults Occupational Therapy services to ensure more collaboration
- b. Revised team structures within Child Protection services and to ensure greater continuity of case work.
- c. Improved practice guidance for the fostering team in handling applications from applicants with protected characteristics
- d. Improved access for social workers to senior management oversight and decision making through creation of Case Decision Meetings (CDM)

31. The complaints team is also developing a framework for monitoring and ensuring that agreed actions have been carried out by investigating managers. This will be piloted during the final quarter of 2018-19 and will further add resilience to the process.

Resource Implications

32. The complaints team has maintained the same level of resources this year. Additional cost increases depend on the number of social care complaints

escalating to Stages 2 and 3 and where Independent Investigations are required. It is projected that there will be a reduction on costs incurred this year.

Conclusions

33. Although there continues to be a significant increase in the volume of complaints, there is evidence of improvement in how the department is responding. Particularly within social care, there is clear evidence of more personal contact with complainants and this is translating to quicker response times and less escalation.
34. This report highlights a significant rise in complaints regarding SEN and EHCPs and, notwithstanding the relatively low proportion of families that do complain, it is recommended that further analysis is undertaken of the complaints data to help inform service delivery.
35. The low level of complaints upheld by the Local Government and Social Care Ombudsman gives good re-assurance that complaints are addressed appropriately through the complaints procedure, and where applicable appropriate remedies are provided.
36. Further work is required to ensure that all compliments are being recorded.

Background Papers

37. None

Circulation under the Local Alert Issues Procedure

38. None

Equality and Human Rights Implications

39. The Children and Family Services Department supports vulnerable children and young people from across all communities in Leicestershire. Complaints and compliments are a way of ensuring that service responses are fair and equitable to all. This report does not highlight any specific equal opportunities implications.

List of Appendices

40. None

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