

Children's Social Care



Statutory Complaints and Compliments Annual Report 2018/2019

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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 2018 to 31 March 2019 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 2018-19

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 Table 1 indicates the principal ones which can affect demands.

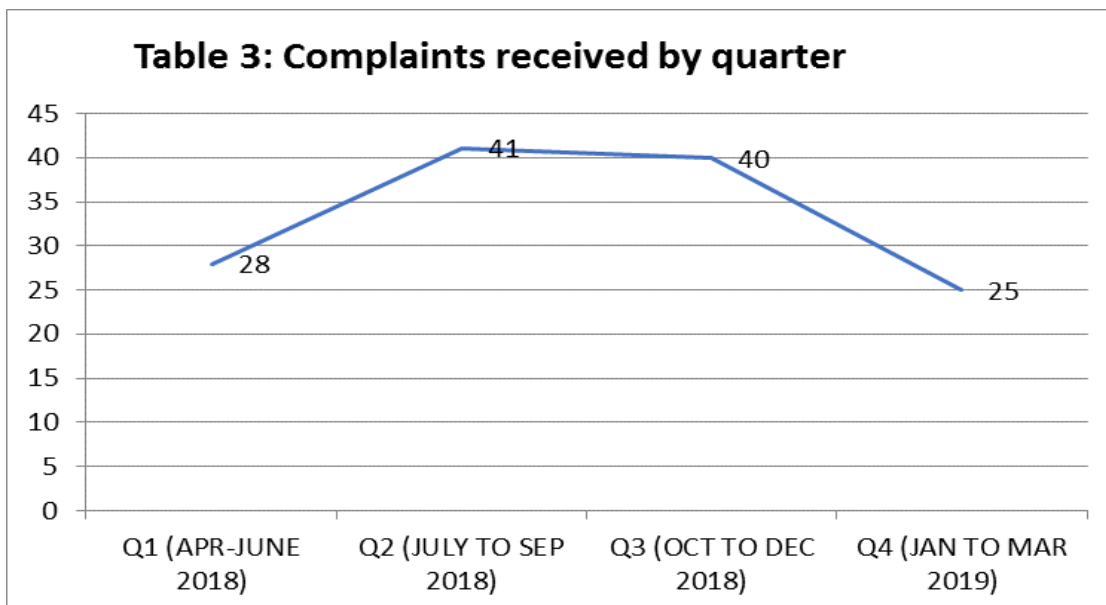
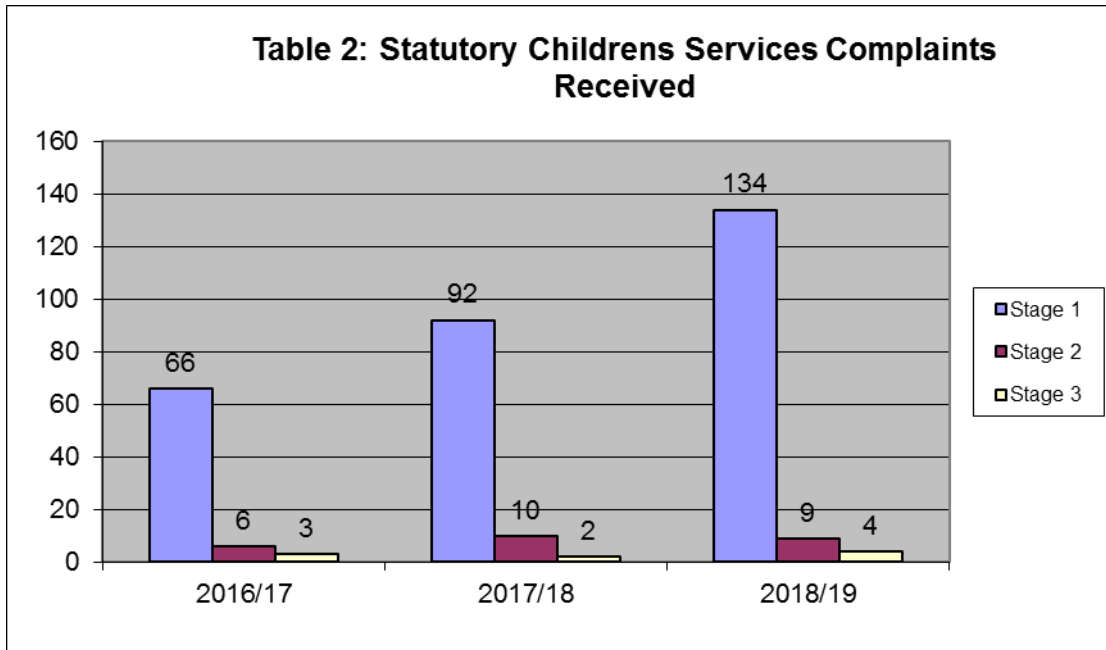
Table 1 – Social Care demand	2017/18	2018/19	% Change 17/18 to 18/19
Referrals to Children’s Social Care	7299	5214	-28.6%
Single Assessments	4417	4152	-6.0%
Children in Care at 31 March	555	584	+5.2%
Child Protection Plans at 31 March	394	388	-1.5%

The indicator that has significantly changed during 2018-19 is the overall number of referrals made. Despite this reduced initial volume of new work, Single assessments and Child Protection Plans are broadly the same.

As illustrated below (Table 2), the total number of complaints received at stage 1 increased at approximately the same rate as the year before (45%). Volume of new complaints has however started to reduce during the final quarter as depicted in Table 3.

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. The importance and discipline of doing this has been re-emphasised during the year.

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 2.6% go on to make a formal complaint (1.3% in 2017-18).



2.3. Complaints accepted at stages 2 & 3

The number of requests considered for Stage 2 of the process decreased by one compared with the previous year. As a percentage of Stage 1 complaints this is a healthy decrease on the volume seeking escalation (-4%).

Every effort is made to prevent Stage 1 complaints escalating and this report highlights good progress in this area. This has included more focus on conversations with complainants and conciliation meetings. This is paying dividends in the relatively low escalation rates which at 6.7% are the lowest achieved within the last 5 years.

Of the nine complaints considered at Stage 2 of the process, four went on to request a Stage 3 panel hearing. One requested an early referral to the Local Government and Social Care Ombudsman. This equates to a 55% escalation from Stage 2.

Of the four requested panel hearings, all have been resolved with one outstanding at time of writing this report. Following the conclusion of the panel hearings, three complainants remained dis-satisfied and pursued their complaint to the Ombudsman. 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.

The Council also rejected two requests to escalate to Stage 2 as the matters had become intertwined with care proceedings being issued.

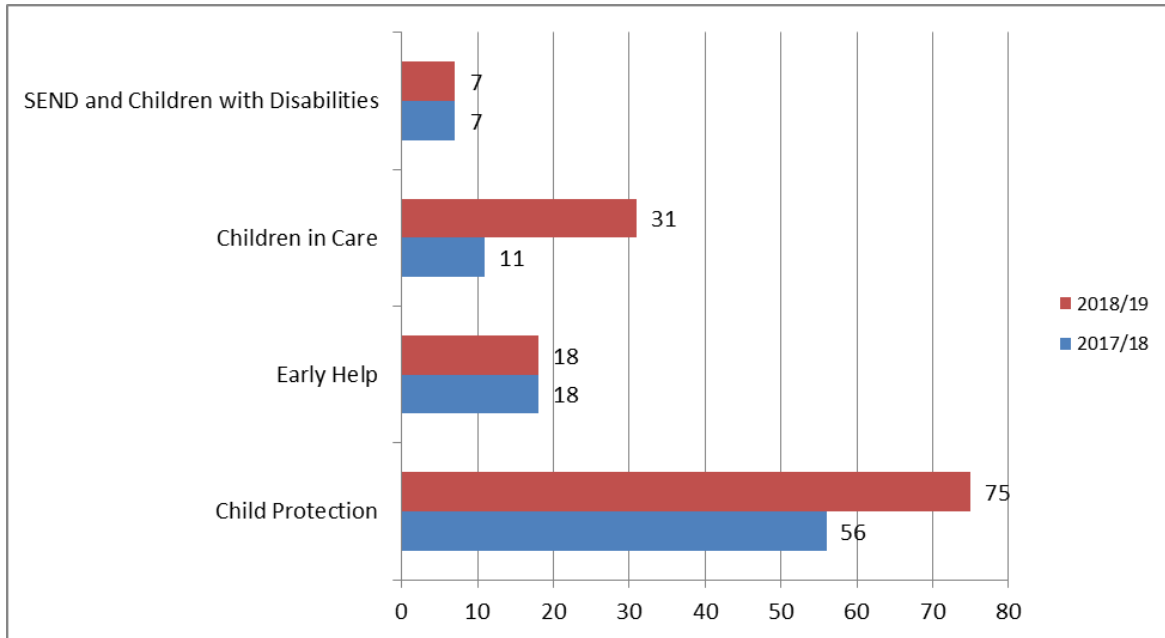
As referenced in last year's annual report, the Local Government and Social Care Ombudsman (LGO) take a rigid approach on consideration of early referrals. The implications are that it is more important than ever to be clear at the outset which complaints procedure should be used. Once the statutory 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 3 below shows the results for 2018-19 overlaid against the previous year.

Table 3: Complaints received by Service Area



2.5 Compliments received

During 2018-19 there were 49 compliments recorded regarding Children's Social Care officers. This is an increase from 2017-18 (33). Compliments have been received from across all areas of the business. It is likely that the increase is principally down to greater diligence in recording.

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 2018-19

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

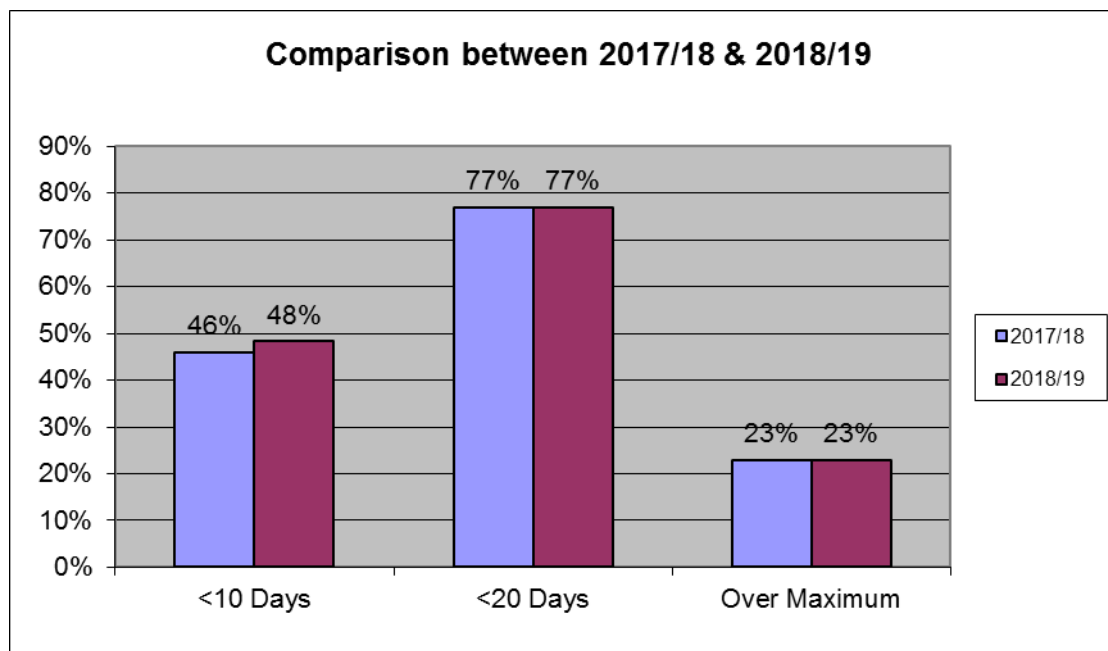


Table 4 above details the time taken to respond to complaints at Stage 1 and provides a comparison between last year and the current reporting year.

There was almost identical performance during 2018-19 and work continues to be 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 remains higher than it should. Work continues with the department to improve performance in this area

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. During 2018-19 the Council were criticised by the Ombudsman around timeliness of processing

the Stage 1 complaint and this has resulted in a review of our procedures and crucially the escalation protocols. This should generate the necessary improvements during 2019-20

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.

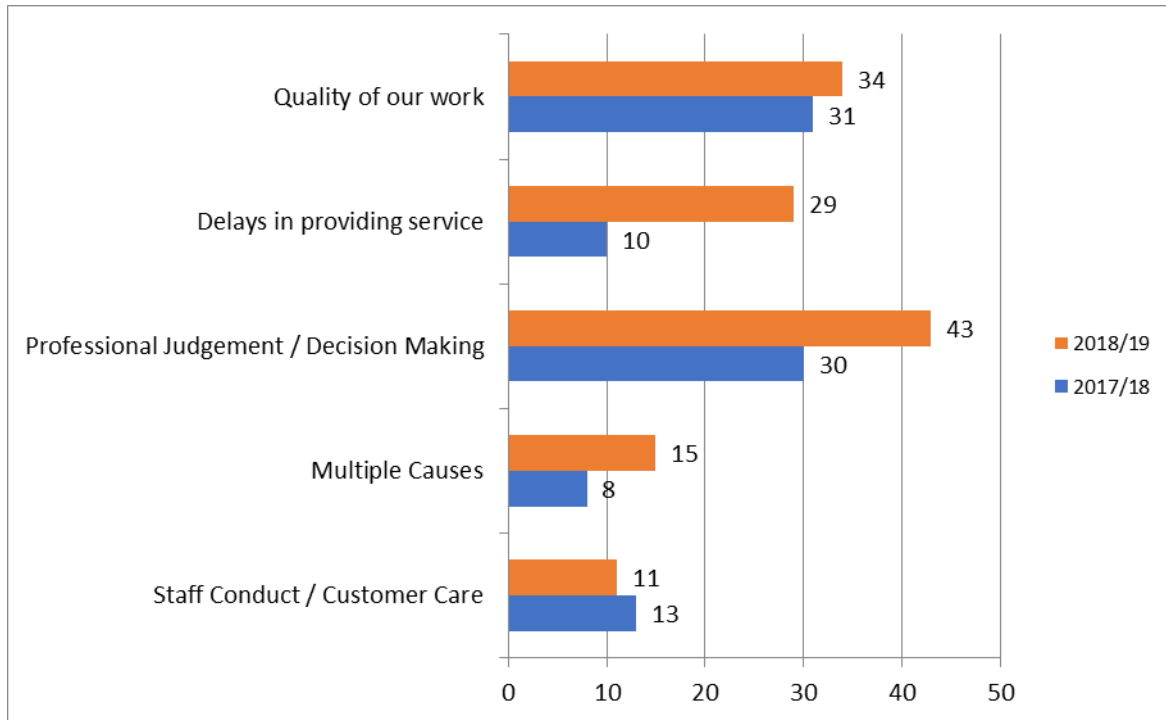
The Ombudsman has however indicated that providing the Local Authority is managing the expectations of a complainant and not unduly delaying resolution, there is unlikely to be criticism of not meeting this timescale.

In order to improve our performance at this stage of the process, the Council now commissions independent investigators differently. We now buy into a managed service for both Stage 2 and Stage 3. This has the benefits of an account manager to monitor and quality assure reports before they are presented to the Council. Although this has some implications to the cost of this stage, there have been clear benefits in the quality and timeliness of reports delivered this year.

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 2017-18 and 2018-19 are shown below in table 5.

Table 5 – What were complaints about?



The biggest single area continues to be disputed decision making or professional judgement which represented the primary theme in 43 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 increase in complaints citing delay which rose from 10% of the volume in 2017-18 to 20% of the volume in 2018-19.

During the year there have been some resourcing issues at different points and this has been a factor in the rise in complaints around delay in progression of cases.

Recurring themes in this area were:

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

It is also important to note that there has been a noticeable reduction in the quality or detail within single assessments. This was an area highlighted within the 2017-

18 annual report and it is pleasing to see the reduction in complaints around this theme.

3.3. Who complains?

In 2018/19, four complaints were made directly by children or young people. This is a similar number to 2017-18 when 6 cases were received.

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 (128) 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

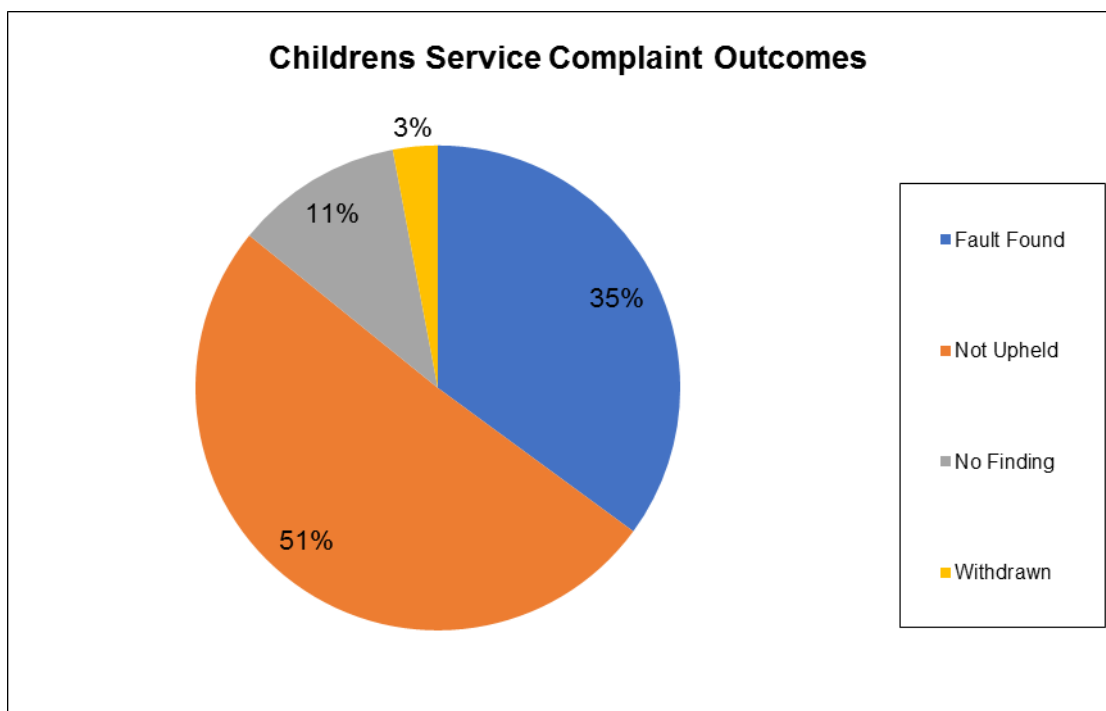


Table 6 above shows that fault was found in 47 (35%) of the complaints considered during the year. This is a very marginal decrease from the previous year (37%)

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

It is important to note that 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.

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 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 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 2016/17	Total 2017/18	Total 2018/19
Stage 2 Costs	£16,540	£31,340	£42,260
Stage 3	£1,810	£7,150	£5,980
Mediation	£0	£0	£0
Financial Redress	£0	£150	£510
Total	£18,350	£38,640	£48,750

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

Costs incurred for 2018/19 represent a further increase on previous year. Largely this reflects the increase in Stage 3 panel hearings held.

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.
- Use of a 3rd party organisation to manage Stage 2 and 3 complaints. Whilst more expensive per hour, cost analysis shows neutral overall due to better management of costs.

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.

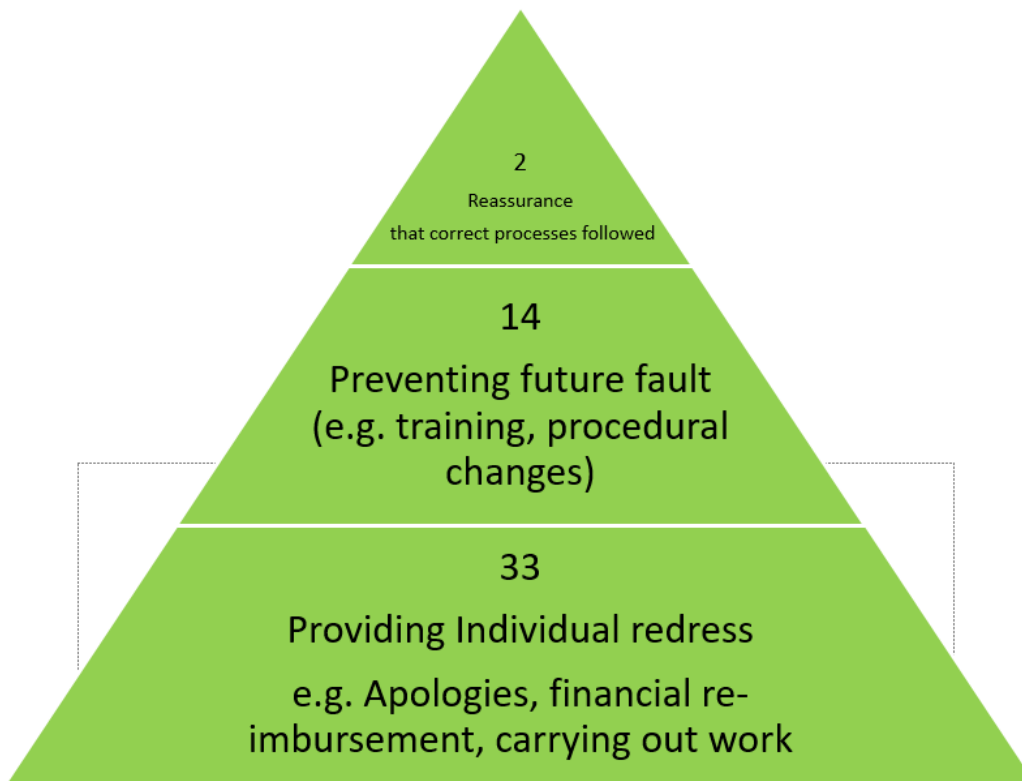
Occasionally during an investigation issues will be identified that need to be addressed over and above the original complaint. The Complaints Team will always try to look at the “bigger picture” to ensure that residents receive the best possible service from the Council.

5.1 Corrective action taken

All the 47 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 2018-19. This shows that in 14 complaints (30%), 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 2018-19

5.2 Service Improvements during 2018-19

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. Frustration over delays in accessing post-adoption fund

A contacted the Council experiencing significant frustration with an apparent lack of progress in an assessment being completed to enable access to financial support through the post adoption fund

Actions taken

These concerns arose in several complaints during the year and the Council's investigations found both resourcing and knowledge issues were contributing factors.

In response a business case was developed which would see ownership of this matter move from the locality teams to the Adoption service. This was approved and is now in place. This will bring advantages of specialist resource and simplify the processes for families

In addition to the above the Adoption service now benefits from a dedicated Business Support offer which is helping with prompt turnaround of administrative requests.

5.2.2. B's Story – Frustration with lack of contact with social work team

B contacted the Council unhappy with the lack of updates and communication he was having with our Child Protection team. There appeared to be limited progress being made on actions that arose from core group meetings.

Actions taken

The Council's investigation found that there were issues with consistency of both the allocated worker and Team Manager. This coupled with poor case recording and a lack of timely supervision had allowed the case to drift outside of what we considered to be acceptable.

This was not an isolated case during the year and improvements were required to be made in several areas

I. Improving our retention rates for workers and managers

Recruitment and retention of social workers is a significant challenge both for Leicestershire and nationally. It is also clear from complaints analysis of this and other cases that it has significant impact on how well cases are progressed.

The Council has in place a dedicated strategy and over the last year have made good progress with reductions in turnover and vacancy rates as set out below

Measure	Baseline (2017)	December 2018	March 2019
Turnover rate	19.6%	13.3%	13.3%
Vacancy rate	18.5%	9.8%	4.6%
Agency rate	18.7% (49)	17.5% (48.5)	14.2% (41)

Driving the above improvements are developments such as:

- The introduction of a market premia for key social care roles

- A refreshed AYSE programme to strengthen support for new workers
- Introduction of “protected learning” time for Managers and teams to ensure capacity to create a safe learning culture.

This remains a vital area and a clear strategy is in place to maintain and further improve the progress made to date.

II. Improving our case recording standards

This is another theme that featured in several cases. Clear practice standards are already in place covering this area and the Council has also purchased a new suite of case recording forms which are aligned to our practice methodology (Signs of Safety).

Once these are implemented, this should promote significant improvements in recording discipline.

5.2.3. Taking too long to progress adaptations to a property

C contacted the Council unhappy with the lack of progress made in arranging for adaptations to the family home which they said was required to help a disabled child.

An independent Investigation found that the Council was failing to work collaboratively with the housing authority and that this had led to both delay and a lack of clarity on the family’s behalf as to what needed to happen.

It was recognised that an assessment had not been completed which would determine whether there were needs that required a Disabled Facilities Grant, but the Council accepted that improvements were required to how the Council holistically looked at cases such as this.

In response, we have improved the collaboration between Childrens and Adults OT sections and introduced a new joint working protocol with the Lightbulb service hosted by Blaby District Council. This should prevent future cases becoming caught between two sections and provides clear pathways for escalation and response.

5.2.4. Uncertainty around the outcome of a referral made to First Response

D had to make a formal complaint to understand the outcome of a referral that they made alerting the Council to potential welfare concerns for their son. There had been no feedback from the team as to the status of the case

The Council's investigation found that the case had been correctly considered and appropriate agency checks made. This concluded that there was no further action required but the referrer was not informed of the decision.

This was not an isolated case during the early part of the year and in response the First Response service has taken steps to ensure we offer outcomes to families and professionals when there is a decision to take no further action (NFA).

Team Managers are auditing these cases and ensuring that Single Assessments are being given to families at the end of assessment. Through the final two quarters of 2018-19 there has been a clear reduction of such complaints.

6. Local Government and Social Care Ombudsman

The Local Government and Social Care Ombudsman (LGO) made 8 new enquiries of the Council during 2018-19. This included complaints around Child Protection, Strengthening Families, Fostering and Adoption and First Response. This was a decrease by six from 2017-18.

The Ombudsman made decisions on eight complaints which related to children's social care during the year, with fault found in two instances (25%). This is an increase from the previous year but not one considered significant.

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

Two 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 both instances.

- 1 Not Upheld after LGO detailed Investigation
- 2 findings of Fault with Injustice

CASE 1 – Concerned the Council's consideration of a referral about incidents at a School. Fault was found in the failure to provide evidence of school visits or conversations with the School.

The Council accepted the decision and made a formal apology to the parent. It also agreed to carry out a review of procedures in managing Ofsted referrals. Reminders to all staff of the importance of record-keeping were also sent.

CASE 2 – A complaint regarding Child Protection Service failing to adequately safeguard a grand-daughter.

The Ombudsman concluded that the Council had failed to work effectively in partnership with the grand-mother along with finding fault with the Council's record-keeping, quality and measurability of Child Protection Plans and lack of appropriate oversight when actions were not being progressed.

The Council accepted the findings and agreed a financial payment of £500 along with reviewing our procedures in this area. A number of improvements have since been implemented in response. This includes the launch of revised practice standards and strengthening management oversight of cases.

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. Production of Performance Reports
3. Liaison with Local Government and Social Care Ombudsman
4. Quality Assurance of complaint responses
5. 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. 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 clear that there has been significant demand increase this year of complaints.

At the same time there is evidence of cultural improvement to the management of social care complaints. There are signs of greater willingness by Team Managers to have more personal contact at an early stage of resolution and this is translating to a decrease in the escalation rates of complaints.

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

There are 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 2018-19 year.

- Thanks so much for organising the party. R had a fantastic time – **CHILDREN IN CARE TEAM**
- Thank you all for all the help and support I get. The end of last year hasn't been the easiest time for us but we've got through it. A special thank you to V and H who have listened to me and supported me through this tough time – **FOSTERING**
- Really good work from the adoption social worker - brilliant manner and approach **ADOPTION TEAM**
- Compliment re the work undertaken on promoting online child safety – **SAFEGUARDING UNIT**
- Thanks very much for the assistance provided to the family... really well chaired conferences in difficult circumstances – **SAFEGUARDING**
- X has quickly got to the bottom of my daughter's challenging behaviour and built good rapport. She is also very approachable and never judgemental of my circumstances – **CHILD PROTECTION LOUGHBOROUGH**
- Thanks to A SW who has been a really great help and changed my view of social services – **CHILD PROTECTION HINCKLEY**
- Really good work from the adoption social worker - brilliant manner and approach- **ADOPTION TEAM**