

CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE
5 NOVEMBER 2019

**CHILDREN'S SOCIAL CARE STATUTORY COMPLAINTS AND
COMPLIMENTS ANNUAL REPORT 2018-19**

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES

Purpose of Report

- 1 The purpose of this report is to provide the Committee with a summary of the Children's Social Care Statutory Complaints and Compliments Annual Report for 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)).

Background

- 4 The Complaints Team, which sits within the Corporate Resources Department of the County Council, manage and co-ordinate complaints relating to 3 separate complaints system:
 - 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 daily 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. 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.
- 6 The Annual Report for Children's Social Care is attached as Appendix A to the report and provides a summary of the statistical information and headline issues emerging from the analysis of complaints activity for 2018/19, along with the Department's planned activity to respond to this.

Complaints received and outcomes

- 7 The number of complaints in 2018/19 were as follows:
 - 134 complaints considered at Stage 1, compared to 92 in 2017/18
 - 9 complaints considered at Stage 2, compared to 10 in 2017/18
 - 4 complaints considered at Stage 3, compared to 2 in 2017/18
- 8 Using the figures on numbers of referrals made to Childrens Social Care, 2.6% of those using Childrens services needed to make a complaint. This is an increase on last year (+1.3%).
- 9 As shown in paragraph 7, the number of requests received at Stage 1 increased significantly this year, with particular increase between July to December 2018 (Q2 & Q3).
- 10 Despite the above, there was a healthy reduction in complaints escalating to Stage 2. With nine complainants seeking escalation of their complaint (6.7%) this represents the lowest proportion for five years and reflects the increased efforts at local resolution.
- 11 Analysis of the complaints received show the main area complained about continues to be “Professional Decision making”. The biggest change was the increase in complaints citing delay as the primary factor which rose from 10% (10) of the overall volume to 29% (29).
- 12 During the year, four complaints were received directly from children or young people. This is a decrease on previous year (7) and this figure remains low. The Complaints Manager does however meet regularly with Children’s Rights Officers and has access to cases they are supporting informally. This is to ensure and validate that young people are not blocked in any way from accessing the formal complaints procedure.
- 13 97 of the complaints at Stage 1 (77%) were responded to within the statutory maximum of 20 working days. This is identical performance from 2017-18.
- 14 During the year the Council received criticism from the Local Government and Social Care Ombudsman regarding the time taken to resolve a complaint at Stage 1 and this has led to revised procedures for complaints handling being issued. This includes stronger escalation pathways for Complaints Officers.
- 15 There are often good reasons why complaints can exceed 20 working days to resolve, for example meetings being arranged. Whilst personal contact is positive and should be encouraged, statutory guidance makes clear this does not “stop the clock” in terms of the 20-working day deadline. This highlights the importance of prioritising such meetings and where no resolution ensuring right to escalation is offered.
- 16 Timescales for Stage 2 complaints have consistently been a challenge over recent years and this continued in 2017-18 with just 3 of 10 cases (30%) completed within the maximum 65 working days.

- 17 To generate improvements in this area, the Complaints Manager has reviewed the resource pool of Investigators and this has led to the decision to commission a “managed service”.
- 18 The impact of this has been significant with 5 of the 7 complaints commissioned through this route (71%) completed within the maximum 65 working days.
- 19 The Local Government and Social Care Ombudsman investigated eight complaints relating to Children’s Social Care during 2018-19 and found fault in two instances. Financial payments totalling £500 were requested by the Ombudsman this year along with recommendations to review the County Council’s approach to record-keeping and strengthen management oversight of Child Protection cases.
- 20 49 compliments were received and forwarded to the Complaints Manager during 2018-19. This is an increase on last year (33). The Complaints team continue to remind managers of the importance of recognising and sharing positive feedback, which bring balance to the annual report.

Recurring themes

- 21 The following key learning points are highlighted by the Complaints team as recurring themes:
 - General delay in Child Protection case management – notably in one Locality office.
 - Speed of progressing support for post adopters.
 - Delays in updating families on the outcomes of decisions made, particularly where no further action is required.
- 22 These themes have been discussed with senior managers and appropriate actions have been tabled to address the issues.
- 23 Case studies can be a helpful way of setting out actions taken by the department in response to complaints and four examples are set out within the annual report showing clear examples of how complaints are driving service improvement.

Resource Implications

- 24 The annual report outlines that the costs incurred through the complaints procedure were £48,750, an increase of £10,000 on 2017/18. This is driven largely by the increase in Stage 3 panel hearings and two lengthy independent investigations at Stage 2.
- 25 Improvement activity will be carried out within existing resources and therefore there are no resource implications. The Director of Corporate Resources has been consulted on this report.

Conclusions

- 26 There has been a significant increase in the volume of complaints this year and there continues to be some pressure on response timescales.

- 27 A number of themes have been identified and discussed with managers and senior practitioners to inform service improvement. It is a positive that complaints intelligence has been able to inform clear service improvements that are required.
- 28 The low level of complaints upheld by the Local Government and Social Care Ombudsman gives good re-assurance that complaints are, for the most part, addressed appropriately through the complaints procedure, and where applicable appropriate remedies are provided.

Background Papers

None

Circulation under the Local Alert Issues Procedure

29 None.

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List of Appendices

Appendix A – Children’s Social Care Statutory Complaints and Compliments: Annual Report - April 2018-March 2019

Equality and Human Rights Implications

- 30 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.