

**CHILDREN AND FAMILY SERVICES OVERVIEW AND SCRUTINY
COMMITTEE**

1ST SEPTEMBER 2020

**CHILDREN'S SOCIAL CARE STATUTORY COMPLAINTS AND
COMPLIMENTS ANNUAL REPORT 2019-20**

REPORT OF THE DIRECTOR OF CHILDREN AND FAMILY SERVICES

Purpose of the 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 2019/20.

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 three 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.

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

- 5 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 2019/20, along with the Department’s planned activity to respond to this.

Complaints received and outcomes

- 6 The number of complaints received in 2019/20 were as follows:
- 118 complaints considered at Stage 1, compared to 134 in 2018/19
 - 14 complaints considered at Stage 2, compared to 9 in 2018/19
 - 5 complaints considered at Stage 3, compared to 4 in 2018/19
- 7 Using the figures on numbers of referrals made to Children’s Social Care, 3.0% of those using children’s services needed to make a complaint. This is a very slight reduction on last year (-0.1%).
- 8 The number of requests accepted at Stage 1 decreased this year, the first time for three years that this has been the case.
- 9 Following fresh guidance from the Local Government and Social Care Ombudsman during the year, many complaints that would previously have been considered under the statutory procedure were responded to under the single-stage corporate procedure.
- 10 Despite the above there has still been an overall reduction as detailed below

Financial Year	Statutory Complaints	Corporate Complaints	Total
2018-19	134	27	161
2019-20	118	54	172

- 11 Complaints escalating to stages 2 and 3 both increased this year with 14 complaints (12%) requesting independent investigation. This includes one instance where the Complaints Manager exercised his duty to escalate after delay at Stage 1.
- 12 Analysis of the complaints received show the main area complained about continues to be “Professional Decision making” cited in 36 cases. After a significant rise last year, pleasingly complainants focusing on delays in completing work fell from 29 to 18 instances reflecting some positive changes made to working practices and increased stability within locality teams.
- 13 During the year, two complaints were received directly from children or young people with a further six represented by Children’s Rights Officers. This is an increase of one from 2018-19 but as ever this figure remains quite low. The Complaints Manager continues to have good links with Children’s Rights Officers. This is to ensure and validate that young people are not blocked in any way from accessing the formal complaints procedure.
- 14 79 of the complaints at Stage 1 (75%) were responded to within the statutory maximum of 20 working days. This is very slightly down from 2018-19 (97 or 77%)
- 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.

- 16 Similarly, the statutory procedures allow for the local authority to pause a complaint whilst attempts are made to resolve matters through other processes (alternative dispute resolution)
- 17 The County Council received criticism by the Local Government and Social Care Ombudsman this year that there was too much time taken on alternative dispute resolution. Since then the procedures have been amended to have a three-month time limit unless expressly agreed by both parties.
- 18 Timescales for Stage 2 complaints have improved this year with four of the seven completed investigations meeting the very tight statutory timescale. This builds on the positive progress made last year following the new commissioning arrangements.
- 19 Four of the five Stage 3 Review Panels held were convened and responded to within statutory timescales (80%). The exception was a challenging case that required two panel hearings and pre-dates changes in use of independent resources.
- 20 The Local Government and Social Care Ombudsman investigated eleven complaints relating to Children's Social Care during 2019-20 and found fault in six instances. This is a significant increase on 2018/19 where fault was found in just two instances.
- 21 Financial payments totalling £2,200 were requested by the Ombudsman this year along with recommendations to review policies and procedures, strengthen joint complaint handling with partner organisations and take steps to improve management oversight of cases.
- 22 39 compliments were received and forwarded to the Complaints Manager during 2019-20. This is a slight decrease on last year (49). The Complaints team continue to remind managers of the importance of recognising and sharing positive feedback, which bring balance to the annual report.
- 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 £65,250, an increase of £16,500 from 2018/19. This is driven largely by the increase in Stage 3 panel hearings.
- 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 slight reduction in overall complaints regarding Children's Social Care this year. This marks the first such reduction for several years.

- 27 Several 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 There has also been important learning from complaints considered independently this year and although this has resulted in additional cost pressures, a number of positive actions have been taken as a direct result of this learning.

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List of Appendices

Appendix A: Childrens Social Care Statutory Complaints and Compliments: Annual Report - April 2019-March 2020

Equalities and Human Rights Implications

- 29 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.