



CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE
05 SEPTEMBER 2023

CHILDREN'S SOCIAL CARE STATUTORY COMPLAINTS AND
COMPLIMENTS ANNUAL REPORT 2022-23

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 2022/23.

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 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 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 our 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 2022/23.
7. At the request of the Scrutiny Commission at the meeting 12 June 2023, also appended is the Corporate Complaints Annual Report for 2022/23 and analysis is included of complaints about Children and Family Services. This is to allow the Committee to scrutinise and further explore all the departmental areas highlighted in both reports.

Childrens Social Care Statutory Complaints received and outcomes

8. The number of complaints in 2022/23 were as follows:
 - 86 complaints considered at Stage 1, compared to 65 in 2021/22
 - 10 complaints considered at Stage 2, compared to 3 in 2021/22
 - 5 complaints considered at Stage 3, compared to 2 in 2021/22
9. Using the figures on numbers of referrals made to Childrens Social Care, 1.3% of those using childrens services needed to make a complaint. This is identical to the previous year.
10. The number of requests accepted at Stage 1 increased this year by 32%.
11. It is important to note that some complaints regarding Childrens Social Care are not considered through the statutory procedure. The Council follows guidance from the Local Government and Social Care Ombudsman in determining such cases. This can be either because the complainant is not eligible or the subject matter falls outside of the scope of the statutory procedure.
12. 57 complaints were considered under the corporate procedure a reduction of 31% from previous year (82)
13. Taking this all into consideration, the overall number of complaints saw a very small decrease as shown below.

Financial Year	Statutory Complaints	Corporate Complaints	Total
2021-22	65	82	147
2022-23	86	57	143

14. The number of complaints escalating to stages 2 and 3 both increased this year with ten complaints (12%) requesting independent investigation. Five requested escalation to Stage 3 after completing Stage 2.
15. Analysis of the complaints received show the main areas complained about were staff conduct / customer care and poor communication. These were very often interlinked.
16. During the year, ten complaints were received directly from children or young people with six represented by Children's Rights Officers or other advocates. This is an increase from 2021-22 and represents 12% of the overall volume.

17. 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.
18. 31 of the complaints at Stage 1 (36%) were responded to within the statutory maximum of 20 working days. This is significantly down from 2021-22 (33 or 51%).
19. 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.
20. Timescales for Stage 2 complaints also continued to be a challenge during the year with none of these completed within the statutory timescales of 65 working days.
21. During the year the Council has changed the way it manages Stage 2 investigations with the appointment of an in house "arms-length" investigator. This did see some positive improvements and is now the preferred model. It is anticipated this will generate a much improved position during 2023-24.
22. Three of the four Stage 3 review panels held were convened and responded to within statutory timescales (75%). The remaining case was complicated by the complainant's availability to attend a panel hearing.
23. The Local Government and Social Care Ombudsman investigated ten complaints relating to Children's Social Care during 2022-23 and found fault in three instances. This shows that the majority of complaints are being resolved appropriately at a local level.
24. Financial payments totalling £2,500 were requested by the Ombudsman this year along with recommendations to review policies and procedures, strengthen complaint handling and take steps to improve record keeping and documenting key conversations with partner organisations.
25. Eleven compliments were received and forwarded to the Complaints Manager during 2022-23. This is a decrease 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.
26. There is evidence of greater learning from complaints at a local level with 24 of the 39 upheld complaints having clearly articulated actions to improve wider performance. This is a good increase on previous years and may help explain the reduction in adverse decisions made by the Ombudsman

Resource Implications

27. The annual report outlines that the costs incurred through the statutory complaints procedure were £44,150 an increase of £22,000 from 2021/22. This is driven largely by the increased costs of externally commissioned investigations.

28. Both to mitigate costs and improve the quality and consistency of investigations, Children and Family Services are funding a full time complaints investigator during the year 2023-24
29. Other 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.

Corporate Complaints

30. Outside of the statutory procedure, and reported through the Corporate Complaints Annual Report, there were two services generating significant complaint volumes during the year.

School Admissions

31. This service saw 237 formal complaints during the year which represented 30% of the overall total of corporate complaints.
32. The complaints have almost exclusively been about delays in responding to and processing midterm requests for school transfers.
33. There have been a number of factors affecting service performance this year including loss of long-term experience within the team, recruitment and retention issues, unprecedented demand for school places and the introduction of a new software system
34. The Service has been supported at various points through the year by the Transformation Unit to look at ways of delivering the service differently and better respond to the increasing demand for places. In parts of the County there is now far more demand for places than local schools can offer. Inevitably this leads to increased numbers of complaints and appeals.

Special Education Needs Assessment

35. It has again been a very challenging year for this service with a further sustained increase in complaints. 193 formal complaints were received during the year.
36. Whilst a significant amount of these complaints are about delay, there are often inter-related and more complex issues that also require investigation. It follows that these can be some of the most resource intensive complaints to investigate
37. To assist with this, a dedicated complaints investigator post was created and commenced in July 2022. Whilst this is a positive and is enabling Team Managers in the service to focus more time on case oversight and direction, the volume of complaints is currently exceeding the amount of resource available to respond. This is leading to significant volumes of complaints exceeding our policy timescales and escalating to the Ombudsman
38. The key to reducing this lies in being able to manage the increased demand. There is a comprehensive transformation programme in place and the Council has also

implemented an Accelerated Progress Plan which focuses on ensuring greater compliance with the statutory timescales for completion of work at all stages.

39. The number of Case Managers has been increased and additional EP capacity generated. This is starting to impact positively on complaints but volumes will very likely remain high through 2023-24.

Circulation under the Local Alert Issues Procedure

40. None.

Equality Implications

41. 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.

Human Rights Implications

42. There are no human rights implications arising from this report.

List of Appendices

Appendix A – Childrens Social Care Statutory Complaints and Compliments: Annual Report 2022-23

Appendix B – Corporate Complaints and Compliments Annual Report 2022-23

Background Papers

Report to Scrutiny Commission: 12 June 2023 – Annual Corporate Complaints and Compliments Report 2022/23:

<https://politics.leics.gov.uk/ieListDocuments.aspx?CId=137&MId=7101&Ver=4>

Officers to contact

Jane Moore
Director, Children and Family Services
Tel: 0116 305 7441
Email: jane.moore@leics.gov.uk

Sharon Cooke
Assistant Director, Children and Family Services
Tel: 0116 305 5479
Email: Sharon.cooke@leics.gov.uk

Simon Parsons
Complaints and Information Manager,
Corporate Resources Department
Tel: 0116 305 6243
Email: simon.parsons@leics.gov.uk

This page is intentionally left blank