

Children's Social Care



Statutory Complaints and Compliments Annual Report 2023/2024

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1. Purpose and Summary of Report

- 1.1. To report to Members and Officers on Leicestershire County Council's (LCC) Children's Social Care complaints activity from 1 April 2023 to 31 March 2024.
- 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
 - the Local Government and Social Care Ombudsman (LGSCO) [Practitioner Guidance](#) which should be referenced alongside the existing statutory guidance
- 1.4. This annual report provides analysis and commentary for Children and Family Services on all complaints managed under the statutory process. Those complainants who do not qualify to use the statutory process are considered under the County Council's Corporate Complaint procedure and reported in the Corporate Annual Report presented 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 2023-24

1.1. 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’ procedure are responded to by the Complaints and Information team and are then handled in line with the relevant alternative route which typically includes

- Consideration as a corporate complaint
- Referral to the Leicestershire Safeguarding Children Partnership Board (LSCB) appeals procedure
- Explanation that the matter cannot be considered as the subject matter has / will be adjudicated in Court

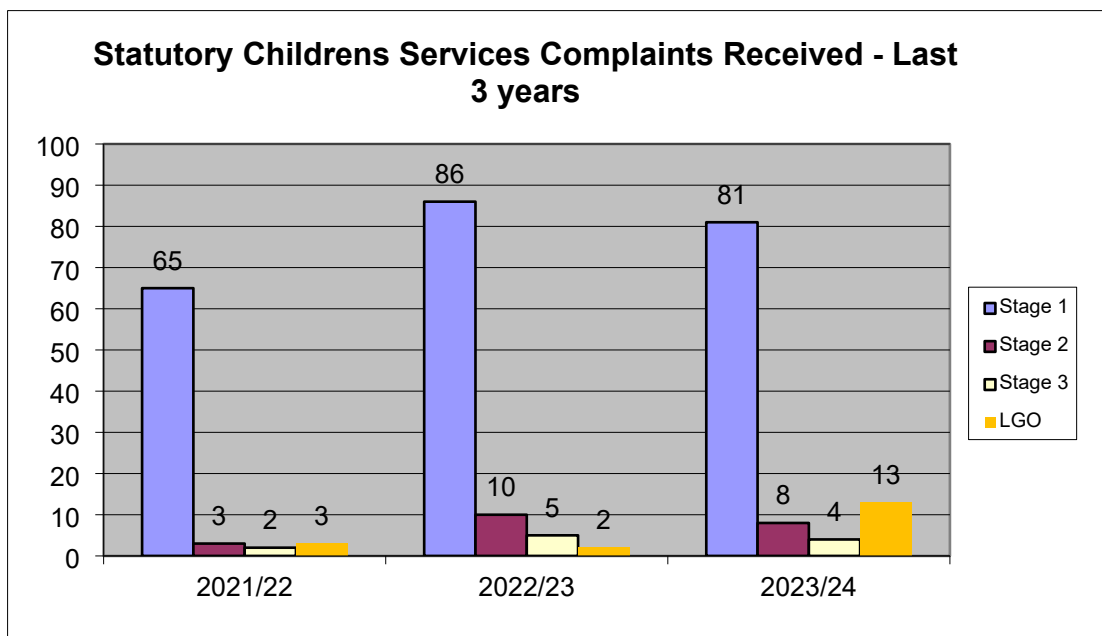
1.2. Complaint Volumes

Volumes of complaints are considered in the light of the number of cases which the Children’s Social Care dealt with during the year. Table 1 shows the key referral categories and the increased demand on services.

Table 1 – Social Care demand	2022/23	2023/24	% Change
Referrals to Children’s Social Care	5435	6190	+13.9
Single Assessments	4083	4507	+10.4
Children in Care at 31 March	680	726	+6.8
Child Protection Plans at 31 March	513	430	-16.2

The above shows a mixed picture but with a significant increase in the number of referrals. Each of these will trigger some action from Childrens Social Care and therefore could form the basis of a complaint.

To provide further context to complaint volumes, the number of referrals to Children’s Social Care in Table 1 has been used and this shows that 1.3% go on to make a formal statutory complaint. This has remained unchanged for the last 2 reporting years.



As illustrated above (Table 2), 81 complaints were accepted under the statutory procedure. This represented a slight decrease on the previous year.

Of those 81, 8 requested escalation to Stage 2 and required an Independent Investigation be carried out (10%)

It is encouraging that 90% of statutory complaints were therefore resolved at the 1st stage.

There are also a number of complaints regarding Childrens Social Care matters that are responded to under the Corporate Complaints procedure so to give the full picture of complaints, table 3 sets out all social care complaints for the last 2 years.

This shows that, overall, there has been an increase of 46% in the total number of complaints about Childrens Social Care. It should be noted that this includes complaints regarding the Homes for Ukraine scheme which did not feature in last year's annual report.

The Council follows guidance issued by the LGSCO in assessing eligibility to the statutory procedure and this sees most complaints that are **not** focused on the impact on a child handled under our corporate procedure. This helps control costs incurred should complaints escalate.

Table 3: All Complaints about Childrens Social Care

Financial Year	Statutory Complaints	Corporate Complaints	Total
2022-23	86	57	143
2023-24	81	129	210

1.3. Complaints accepted at stages 2 & 3

The number of requests considered at Stage 2 of the process reduced by 2 compared with the previous year. As a percentage of Stage 1 complaints this represents 10%, very slightly reduced from 2022/23 (12%).

Four Stage 3 panels were convened during the year. 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. Again this is a very slight reduction from 2022/23 (5)

The LGSCO 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 LGSCO 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.

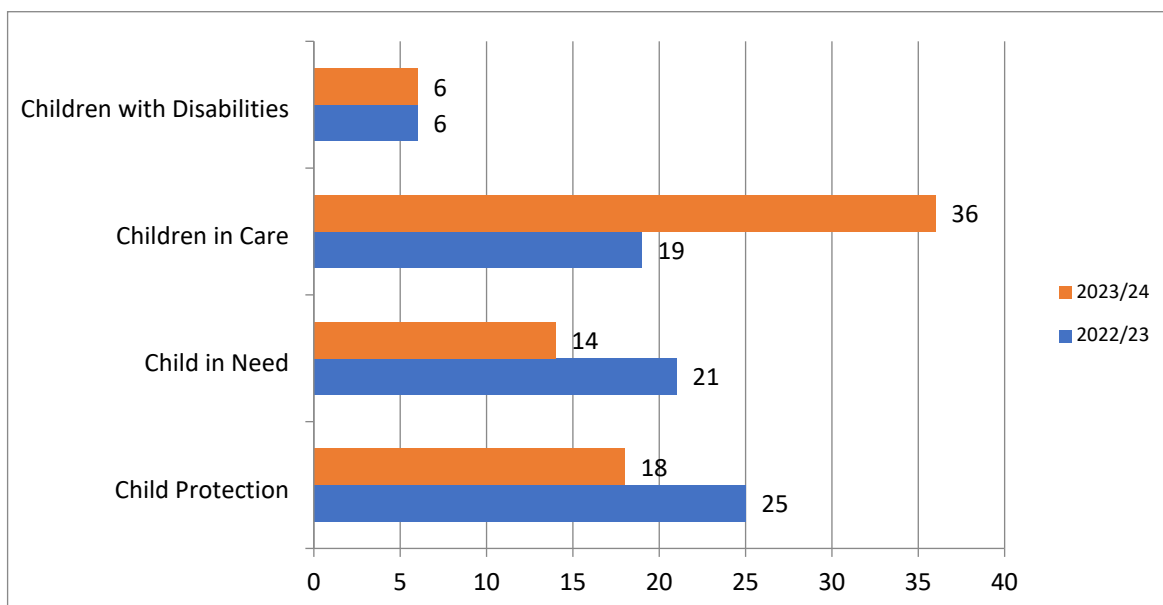
The Ombudsman considered 2 complaints during the year which had exhausted all stages of the statutory complaints procedure.

1.4. Statutory complaints by Service area

The Complaints Manager records all statutory complaints at a service level and table 4 below shows the results for 2023-24 overlaid against the previous year.

The biggest change that presents is an increase of complaints regarding Children in Care. Themes are explored later in this report.

Table 4: Complaints received by Service Area



2.5 Compliments received

During 2023-24 there were 20 compliments recorded regarding Children's Social Care officers. This is a slight increase on last year (18).

The positive comments received appears in Appendix A and provide an important balance when reviewing the performance of the department.

3. Service Performance 2023-24

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 can 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 the above that the figures presented below will not match the data presented in section two of this report which focused on complaints *received*.

1.5. Responsiveness to complaints

Table 5: Children's Services Performance at stage 1

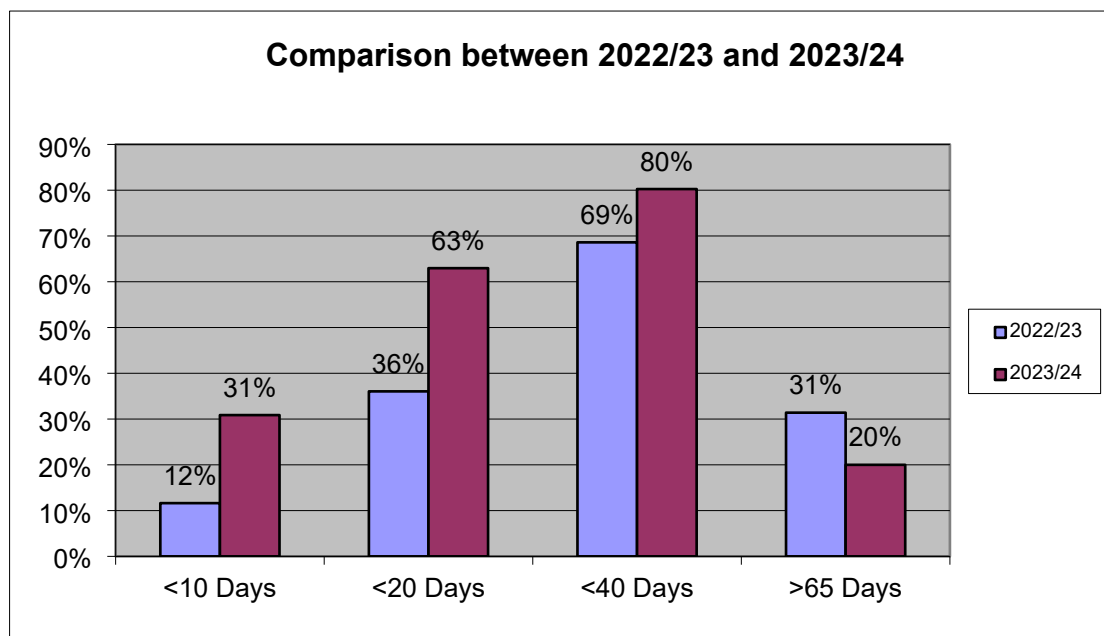


Table 5 above details the time taken to respond to complaints at Stage 1 and provides a comparison between last year and the current reporting year.

It is pleasing to see good improvement in this area following this being flagged as a concern in last year's report. 63% of complaints at Stage 1 were resolved within 20 working days, an increase of 27% from 2022-23.

Statutory guidance sets out an expectation that "the majority" of complaints should be resolved within 10 working days with 20 working days considered reasonable for "complex cases". Whilst improvements are being made this will need to be a continued focus to ensure more complaints are resolved within these statutory timescales.

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.

The Complaints Manager has had to exercise this duty on 2 occasions during the year.

Response timescales at Stage 2

Completion of Stage 2 investigations within the statutory guidelines (65 working days) has continued to be a challenge during the year with 2 of the 8 completed investigations achieving this. This is however an improvement from previous year.

Regional and national benchmarking shows that the Council is very much in line with other authorities and the Ombudsman has indicated that providing the Local Authority is managing the expectations of a complainant and not unduly delaying resolution, there is unlikely to be severe criticism of not meeting this timescale.

During the reporting year, the Council changed its approach to managing Stage 2's with the majority being undertaken in house. The pool of Independent Persons has also been refreshed this year and at year end the position is far more stable than it was in 2022-23.

There have remained challenges with the time taken by the Local Authority in responding to reports though this is a much improved position.

Response timescales at Stage 3

There were 5 requests to escalate to Stage 3 during the year with 4 of them proceeding to panel hearings.

Of the 4 complaints heard by panel, 2 of these were managed within the statutory timescales. One was only very slightly outside of timescales and in the other case the panel hearing was delayed at the complainants request whilst she awaited disclosure of records from the Council.

There are no concerns with the timeliness of this stage of the process.

1.6. Complaint Causes

To try to understand the main causes leading to complaints, the complaints team assess the underlying causes for each complaint determined.

Very often there are multiple factors being complained about and to reflect this the Complaints team now record against multiple categories.

The biggest single cause during 2023-24 was around staff conduct / customer care. Inevitably these were often interlinked with poor communication.

1.7. Who complains?

In 2023/24, nine complaints were made by children or young people¹. This is very similar to 2022/23 and represents 11% of the overall volume. The remaining complaints were made by parents or others who were deemed to have sufficient interest in the child's well-being.

It is not unusual for numbers of complaints made by young persons to be proportionally 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 to resolve issues.

Most complaints continue to be made by parents or family members (where they have sufficient interest in the child or young person's welfare.²)

1.8. Complaint Outcomes

Table 6: Children's Services complaints recorded by outcome

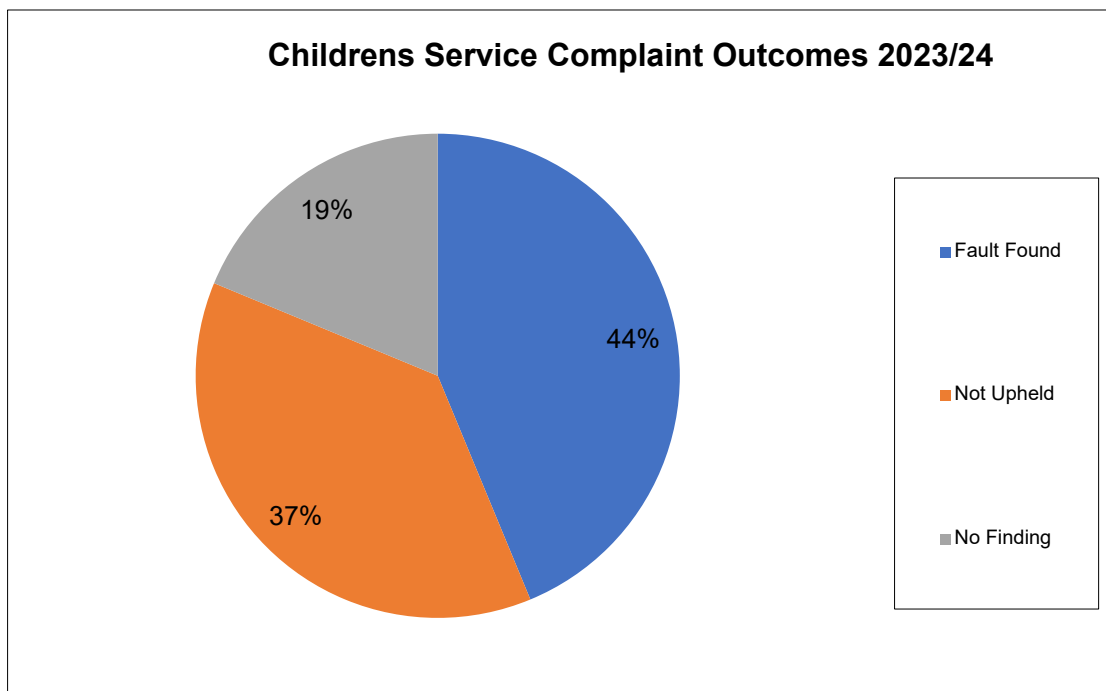


Table 6 above shows that fault was found in 36 (44%) of the statutory complaints considered during the year. This is very similar to 2022-23 (45%)

¹ 5 of these were represented by advocates

² Guidance set out in section 2.6 of Getting the Best from Complaints.

It is important to note that a finding 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 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. This will also include some complaints whereby the Court process is the appropriate forum to make a finding.

2. 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 policy has historically been to do so.

As referenced in last year’s annual report, the Council changed this position and for the bulk of the reporting year, investigations were undertaken by an “in house” Investigator.

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, and this person cannot work for the Council.

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.

Finally, on some 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 procedure³

Spend	Total 2021/22	Total 2022/23	Total 2023/24
Commissioned Investigations	£21,100	£41,650	£7,050
Mediation	£0	£0	£0
Financial Redress	£1,050	£2,500	£5,700
Total	£22,150	£44,150	£12,750

Costs incurred for 2023/24 through commissioned investigators represent a significant decrease on previous year. This reflects the in house investigations and

³ Figures are rounded up to nearest £10.

reduced spend following recruitment of an Independent Pool rather than use of agencies to supply these people.

Financial redress payments increased but were inflated by one complex case resolved locally with a payment of £4000.

Costs continue to be controlled through several 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.
- Recruitment of a casual pool of Independent Investigators. This both saves money but is helping ensure consistency of work.

3. 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 and, in some instances, where no fault was found and where the Authority identifies that improvements to services can be made.

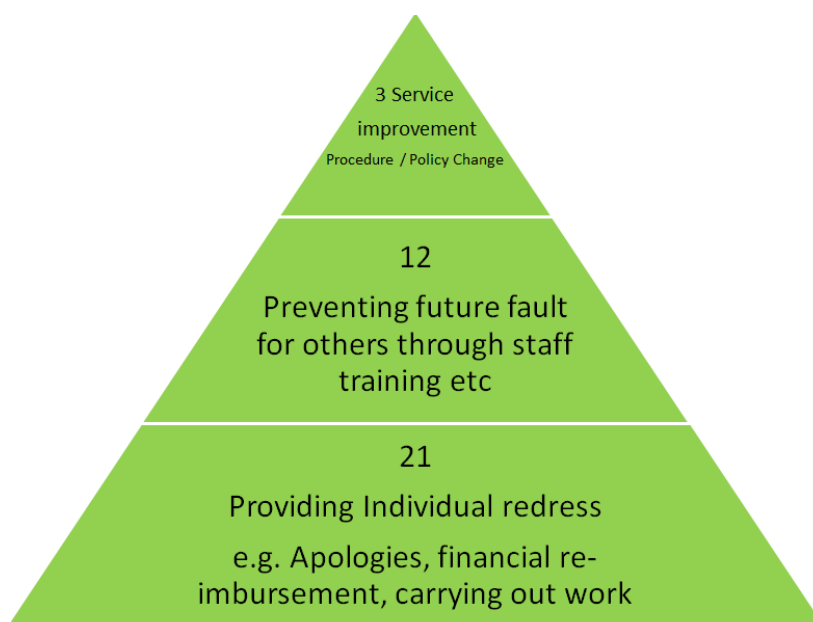
Occasionally during an investigation issues will be identified that need to be addressed over and above the original complaint. The Complaints Team will always try to look at the “bigger picture” to ensure that residents receive the best possible service from the Council.

5.1 Corrective action taken

All the 36 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. The diagram below shows the actions taken during 2023-24. 41% of complaints upheld resulted in clear actions that should improve service for other residents.

Graph 7: Actions taken for upheld complaints 2023-24



The most common action taken was staff training. There are lots of good examples of this taking place both at individual and team level. These included:

- reminding teams of the need to record rationale for decisions made
- refresher training on use of the LSCB Practitioner Dispute framework
- reminder on need to cross-check information provided in referrals from partner agencies
- reminder to escalate cases where there are concerns with a lack of action from other agencies involved

The most powerful are whole system changes, where it is identified that a process or policy needs amending. These included:

- Commitment to develop training on involving fathers.
- Development of information leaflets explaining what to expect during S.47 investigations.
- Reviewed guidance around Harmful Sexual Behaviours (HSB) pathway

6. Local Government and Social Care Ombudsman

The Ombudsman made decisions on thirteen complaints which related to children's social care⁴ during the year.

A summary of the complaints considered, and their respective outcomes appears below.

- 4 Outside of Jurisdiction or where at an assessment stage the Ombudsman felt unlikely it would achieve anything through further investigation.
- 2 Premature for the Ombudsman as the complaint had not fully exhausted the Council's complaints procedure.
- 6 findings of Fault with Injustice.
- 1 No fault found with the Council's actions

It should be noted that where the Ombudsman was satisfied that the Council had already recognised fault and acted appropriately to remedy this, it will still be recorded as Fault with Injustice.

Brief details of the 6 cases where fault was identified are set out below.

CASE 1: – a Child Protection complaint that had exhausted all stages of the statutory complaints procedure. The Council was at fault as it delayed writing to Mrs X and explaining its reasons which led to a safeguarding investigation which caused Mrs X frustration.

The Council had accepted this fault in its local response and apologised to Mrs X, offering a remedy payment of £300 which was not accepted by Mrs X. This was considered an appropriate remedy by the Ombudsman.

CASE 2: - also a Child Protection complaint about historic physical and sexual abuse and about the way the Council dealt with his complaint.

The Council felt this was outside of the scope of the statutory complaints procedure both because of the elapsed time and a concurrent claim being made.

The Ombudsman was critical in that the Council had not properly explained why it did not exercise discretion to investigate Mr D's complaint at stage two of the statutory children's complaint procedure. It agreed to write to him clearly setting this out.

⁴ This includes 1 Homes for Ukraine complaint, a service managed within the department.

CASE 3: - A complaint regarding significant delays in the process to adopt D's long-term foster daughter.

Whilst there was no fault in how the Council investigated D's complaint, the financial remedy provided was not sufficient as they caused significant distress. The Council agreed to increase the offer by £700 to remedy this injustice (a total of £1000)

CASE 4: - A complaint about the Council's dealings and communication with a member of the public regarding his role as a host for guests under the Government's Homes for Ukraine scheme.

The Council had already found fault in its communication about its decision on his suitability as a host. The Ombudsman considered that the Council had already taken suitable action to remedy any injustice.

CASE 5: - A complaint about the Council's failure to arrange a carer's assessment and an assessment of need for her child.

The Ombudsman determined that the Council has responded to the complaint in the manner it would expect, and an investigation would be unlikely to result in a different outcome.

CASE 6: - A complaint about the Council's early referral of a complaint to the Ombudsman following a Stage 2 Independent Investigation.

The Council had refused a Stage 3 Panel arguing that all substantive elements of the complaint had been upheld already and that there was nothing further that could be achieved through further consideration.

The Ombudsman disagreed with this assessment and asked the Council to ensure early referrals are only considered when strict criteria are met. It investigated the complaint and determined that there was fault over and above that already identified and asked the Council to make a payment of £1000 in recognition of this.

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. Commissioning and administrative support for all Independent Investigations
3. Production of Performance Reports
4. Liaison with Local Government and Social Care Ombudsman
5. Quality Assurance of complaint responses
6. 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.

Work has also started to help improve oversight and tracking of actions agreed within Stage 1 responses which was identified as a weakness during the year

APPENDIX A – compliments received

- “I just wanted to say how fabulous R is. She was professional and caring and went the extra mile to make me smile again”. – **Child Protection**
- “A huge thanks to F and your team . We had a wonderful time at the festival, I was so impressed.” – **Children in Care**
- “E has inspired me to go for the Supported Lodgings role, seeing the young lady she is turning into has been a joy” – **Children in Need**
- “G is the best social worker, she is wonderful, caring and has gone over and above for the family.” – **Children in Need**
- “Rang today to sort out a couple of things, the lady I spoke to was brilliant, helped me and gave me a number to comeback if it didn't work. Thank you so much” – **Child Protection (First Response)**
- “F has ensured that I has arrived at Contact and facilitated a last minute change.” – **Child Protection**
- “Thank you C, the foster panel thought your work was extremely clear, concise and exemplary, providing exactly what they needed” – **Child Protection**
- “Thank you to Social Services for all the help & support you have given to our family” – **Child in Need**
- Compliment re customer care of First Response worker – **Child Protection**
- “Thank you to D & the rest of the staff who have been helping me through a difficult time with regards to my leave to remain.” – **Child in Need**
- “Thank you for the support you guys have put in, especially K who has been a breath of fresh air. She has taken so much pressure off me.” – **Child in Need**
- “Thank you so much Y for your contribution in our family restoration”. – **Child Protection**
- “Thank you to R for keeping me informed and advising me in the best interest of my boys.” – **Child in Need**
- “Thank you to L & S for providing me with the triple teen parenting course. It really has helped family life & our daughter.” – **Child in Need**
- “I will be forever grateful for the support I received from R, she went above and beyond to accommodate my situation and also checked in on me.” – **Child in Need**

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