

CABINET

DATE	5 th June 2019
REPORT OF	Councillor Ian Lindley Portfolio Holder for Children, Education and Young People
RESPONSIBLE OFFICER	Steve Kay, Director of Children's Social Care
SUBJECT	Children's Social Care Statutory Complaints and Compliments Annual Report 2018/19
STATUS	Open
FORWARD PLAN REF NO.	FP 06/19/07

CONTRIBUTION TO OUR AIMS

The Children's Social Care statutory complaints procedure supports the Council's aims of a stronger economy and stronger communities and enables citizens to voice concerns. The outcomes sought from the procedure are healthier and happier lives for children and young people.

EXECUTIVE SUMMARY

The Children's Social Care Statutory Complaints and Compliments Annual Report provides an overview of the activity and analysis of complaints and compliments for the period 1st April 2018 to 31st March 2019.

RECOMMENDATIONS

That Cabinet:

1. Receives and accepts the Children's Social Care Statutory Complaints and Compliments Annual Report for 2018/19.
2. Refers the Children's Social Care Statutory Complaints and Compliments Annual Report for 2018/19 to the Children and Lifelong Learning Scrutiny Panel for their consideration.

REASONS FOR DECISION

It is a requirement of The Children Act 1989 Representation Procedure (England) Regulations 2006 to produce an annual report regarding the representations made about social care statutory services. The purpose of the attached report is to inform the general public, elected members and Council officers about the effectiveness of the statutory complaints procedure.

1. BACKGROUND AND ISSUES

- 1.1 The Children Act 1989 Representation Procedure (England) Regulations 2006, Children (Leaving Care) Act 2000, Adoption and Children Act 2002 and the Health and Social Care Act 2003 require the Council to operate and maintain a procedure for resolving complaints and representations from children, young people or their representatives concerning statutory services.
- 1.2 The attached Children's Social Care Statutory Complaints and Compliments Annual Report provides a breakdown of the complaints, concerns and compliments received during 2018/19, the service improvements implemented and lessons learnt as a result of complaints and representations.
- 1.3 During 2018/19 the Council received the following representations concerning children's social care statutory services:

Complaints = 112
Compliments = 1

This compares with 99 complaints and 2 compliments in 2017/18.

- 1.4 Of the 112 complaints received one was withdrawn by the complainant whilst in the stage one process (investigation by the service). Of the 112 complaints processed at stage one none escalated to stage two (independent investigation) during 2018/19. One complaint progressed to stage three (independent review panel) during 2018/19, which was the continuation of a complaint investigated at stage one and two during 2017/18.

At stage one, eleven complaints (**10%**) were responded to outside of the maximum statutory timescale of twenty working days. The stage three complaint received, was responded to outside of the statutory deadline.

- 1.5 41% of stage one complaints were not upheld.
- 1.6 Complaints and compliments provide the Council with useful information in respect of the way Children's Social Services are delivered, identifying good practice and opportunities for improvement which have resulted in changes to our systems. It is to be noted that the greatest number of complaints is with the Children's Assessment and Safeguarding Service. This is to be expected as the service is a frontline service dealing with a large number of cases with very complex issues to address. Further information on the type of complaints and compliments is contained within section four of the annual report.

2. RISKS AND OPPORTUNITIES

- 2.1 The Children's Social Care statutory complaints procedure aims to treat all members of the community equally. The procedure for the handling of complaints is an important contributor to citizen and service user perceptions and informs service improvement, this ensures that an individual's diversity and human rights are promoted through an efficient and effective complaints process.

2.2 The arrangements for dealing with Children's Services complaints are critical in ensuring that customer's views on our services are recognised and that feedback received is acted upon. Children's Service Statutory Complaints procedure complies with the Corporate Policy Framework. This includes confidentiality for complainants and keeping complainants fully informed about the progress of their complaints.

3. OTHER OPTIONS CONSIDERED

3.1 It is a statutory requirement that an annual report is completed for these complaints and the activities undertaken in responding to the complaints follows current guidance. The current approach is set out in the attached report.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

4.1 If the Local Government and Social Care Ombudsman (LGSCO) make a finding of fault against us then we are obliged to make public the findings. All complaints investigated by the LGSCO are available on their website at www.lgo.org.uk

5. FINANCIAL CONSIDERATIONS

5.1 The handling of the Council's complaints is an in-house service funded through the revenue budget. Efficiencies are continuously sought from refining the complaints handling process (better use of systems and expertise) and through making service improvements based on what our customers are telling us, so that any mistakes are not repeated. There have been no stage two complaints in 2018/19 and one stage three panel review. Each stage two and three complaint needs to have additional funding found for external and independent investigation and verification.

6. CONSULTATION WITH SCRUTINY

6.1 Cabinet may wish to refer this report to Scrutiny for consideration.

7. FINANCIAL IMPLICATIONS

7.1 The report is providing information on complaints, concerns and compliments received. As such there are no direct additional financial implications arising from the report itself. However as the report makes clear each stage two and three complaint requires further funding which although met from existing budgets the current processes and procedures need to restrict the number of these to assist with maximising budgets to front door delivery of services.

8. LEGAL IMPLICATIONS

8.1 Section 13 (1) of the Children Act 1989 Representation Procedure (England) Regulations 2006 requires that for the purposes of monitoring, every Local Authority must as soon as possible after the end of the financial year compile a report of representations. This report ensures that the Council meets the statutory requirement within the regulations. The attached report is thorough and contains within it lessons to be learned from this valuable process.

9. HUMAN RESOURCES IMPLICATIONS

- 9.1 The lessons learnt and improvements in practice contained within Section four of the annual report, includes reference to actions taken with employees to address concerns/issues highlighted via the statutory complaints process. Remedial action has been taken in the provision of additional training, re-emphasising effective communication and improving procedural processes.

10. WARD IMPLICATIONS

- 10.1 People who might make use of the complaints process may live in any ward of the Borough.

11. BACKGROUND PAPERS

The Children Act 1989 Representations Procedure (England) Regulations 2006
<http://www.legislation.gov.uk/uksi/2006/1738/contents/made>

Department for Education and Skills –‘Getting the Best from Complaints’. September 2006.

<https://www.gov.uk/government/publications/childrens-social-care-getting-the-best-from-complaints>

The Children (Leaving Care) Act 2000.

<https://www.legislation.gov.uk/ukpga/2000/35/contents>

Adoption and Children Act 2002.

<http://www.legislation.gov.uk/ukpga/2002/38/contents>

Health and Social Care (Community Health and Standards) Act 2003.

<https://www.legislation.gov.uk/ukpga/2003/43/contents>

12. CONTACT OFFICER

Paul Ellis, Head of Information Governance and Complaints, North East Lincolnshire Council, Telephone: (01472) 323372

COUNCILLOR IAN LINDLEY
PORTFOLIO HOLDER FOR CHILDREN, EDUCATION AND YOUNG PEOPLE

North East Lincolnshire Council

Children's Social Care Statutory Complaints and Compliments Annual Report

**1st April 2018
to
31st March 2019**

Issue date: April 2019

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1. Context

The Children's Act 1989 Representation Procedure (England) Regulations 2006, Children (Leaving Care) Act 2000, Adoption and Children Act 2002 and the Health and Social Care Act 2003 require the Council to operate and maintain a procedure for resolving complaints and representations from children, young people or their representatives.

This report provides an overview of Children's Social Care complaints and representations made to North East Lincolnshire Council during the period 1st April 2018 and 31st March 2019, in accordance with the Children's Act 1989 Representation Procedure (England) Regulations 2006 and the accompanying guidance 'Getting the Best from Complaints'.

1.1 What is a Complaint?

A complaint can be generally defined as 'any expression of dissatisfaction or disquiet about a service that is being delivered or a failure to deliver a service'.

The Statutory Complaints Procedure aims to ensure those children, young people and their parents or carers who make representations have their concerns resolved swiftly and wherever possible by the people who provide the service.

1.2 Who can make a Complaint?

Section 26(3) and section 24D of the Children Act 1989, section 3(1) of the Adoption and Children Act 2002 and the Adoption and Support Services Regulations 2005 require the responsible authority to consider representations including complaints made to it by:

- any child or young person (or a parent of them or someone who has parental responsibility for them) who is being looked after by the local authority or is not looked after by them, but is in need
- any local authority foster carer (including those caring for children placed through independent fostering agencies)
- children leaving care
- Special Guardians
- a child or young person (or parent of them) to whom a Special Guardian order is in force
- any person who has applied for an assessment under section 14F(3) or (4), (Adoption and Support Services Regulations 2005)
- any child or young person who may be adopted, their parents and guardians
- persons wishing to adopt a child
- any other person for whom arrangements for the provision of adoption services extend
- adopted persons, their parents, natural parents and former guardians
- such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant their representations being considered by them.

Where a complaint is made by a child or young person, an advocate is offered to support the young person through all stages of the complaints procedure.

2. The Statutory Complaints Procedure

The complaints procedure has three stages, with a strong emphasis on resolving complaints at the first stage:

Concern

When a customer contacts us with an issue which can quickly be resolved prior to going through the statutory complaints procedure, these are logged as a concern.

Stage one – Local Resolution

This stage of the complaints procedure is where we would aim to resolve all issues through a quality and timely response, reducing the need for further stages. Council social care service teams and external contractors providing social care services on our behalf are expected to resolve as many complaints as possible at this level.

Team managers provide a written response to the complainants within 10 working days. This can be extended to 20 working days if the complaint involves complex matters, or to allow time for appointing an advocate where a vulnerable person is involved. The complaints team work in partnership with managers to ensure that quality responses are provided within the specified timescales.

Stage two – Investigation

This stage is usually implemented where the complainant is dissatisfied with the findings of stage one. Stage two is an investigation conducted by an external investigating officer together with an independent person who oversees and ensures the fairness and transparency of the investigation process. The findings from the investigation and any recommendations are set out in a report to the head of service who provides a written response to the complainant on behalf of the Council.

The timescale for responding to a complaint at stage two is 25 working days, with an extension of up to 65 working days for complex cases.

Stage three – Independent Review Panel

Where complainants wish to proceed with complaints following dissatisfaction with the outcome of the complaint at stage two, the Council is required to establish a Complaints Review Panel. Complaints Review Panels are made up of three independent panellists. The Panel's role is to ensure that the process has been followed and to consider the complaint/s and wherever possible work towards a resolution. The Panel makes recommendations to the Deputy Chief Executive (Communities) who then makes a decision on the complaint and on any action to be taken.

There are various timescales relating to stage three complaints. These include:

- setting up the Panel within 30 working days of the complainants request
- producing the Panel's report within five working days
- sending the Council's response to the complainant within 15 working days of the Panel's report.

Local Government and Social Care Ombudsman

If the complainant is not satisfied with the outcome of the Independent Review Panel they have the right to take their complaint to the Local Government and Social Care Ombudsman (LGSCO), who is empowered to review or investigate where it appears that the Council's own investigations have not resolved the complaint or not been handled appropriately. Complainants can refer their complaint to the LGO at any time, although the Ombudsman normally refers the complaint back to the Council if it has not been considered under the relevant procedures in the first instance.

3. Council activity - representations

3.1 Number of representations

Between 1st April 2018 and 31st March 2019 the Council responded to 112 representations, compared with 99 in the same period for 2017/18. This is an increase of 13% at a time when the number of open child care cases and looked after children have also increased. When compared to the previous year as of 19th April 2017, the Council had 2072 open childcare cases including 358 looked after children. This is an increase of 463 open childcare cases and 92 looked after children..

For 2018/19 there were 34,292 under 18s living in North East Lincolnshire. As of 19th April 2019, the Council had 2,535 open childcare cases including 450 looked after children.

112 representations received represents 4% of the open cases based on this figure, however it should be noted that the number of open child care cases does vary throughout the year.

Of the 112 representations, 1 was withdrawn whilst within the stage one process.

A total of 112 were processed at stage one, none progressed to stage two. We held one stage three Panel Review which related to a case investigated at stage one and two in 2017/18.

Two complaints were raised with the Local Government and Social Care Ombudsman (LGSCO) however these were both deemed to be premature complaints. In such cases the complainant is requested to complete the council's internal complaints process.

Years	Concerns	Stage one	Stage two	Stage three	LGSCO
2018/19	0	112	0	1	2
2017/18	0	99	3	0	2
2016/17	1	66	2	0	0
2015/16	7	106	4	2	6
2014/15	5	120	3	0	3
2013/14	1	89	5	0	2
2012/13	2	76	7	0	1
2011/12	6	47	2	1	0

The very high percentage of complaints resolved at stage one reflects the time and effort put in at this stage to address the complaint without the need for escalation to stage two. The emphasis of the complaints process is to reach a resolution and efforts made to resolve complaints at stage one focus on ensuring the complainant understands the response they have received and what outcome can be realistically achieved. This may be done through further correspondence if it is felt that this might resolve the issue, or the service managers may meet with complainants.

A key aim of the complaints procedure is to inform service users of the outcome of their complaints and the use of any lessons learnt to improve services. Details of lessons learnt and improvements to practice can be found in section four.

3.2 Complaints by service area

Below is a service breakdown in respect of the complaints received.

Service Area	Complaints received
Children's Assessment and Safeguarding Service	97
Through Care Services	2
Children's Disability Service	3
Fostering & Adoption Service	2
Families First Action Point	2
Access Pathway	4
Out of hours service	1
Families First Action Point	1

3.3 Nature of Complaints

Service Area	Attitude / Behaviour of staff	Concern about the quality of service	Delay in Decision Making	Delivery / Non delivery of service	Quantity , frequency, change or cost of a service	Unwelcomed or disputed decision	Assessment, care management and review	Impact on child or young person of a policy	Other	Total
Fostering & Adoption Service	1			1						2
Children's Assessment & Safeguarding Service	20	46	8	12	2	2	2	2		94
Through Care Services	1	2								3
Children's Disability Service	1	1			1					3
Out of hours service									1	1
Families First Action Point	1								1	2
Residential Unit										0
Integrated Family Service										0
Access Pathway						4				4
Childrens safeguarding and reviewing	1	2								3
Total	25	51	8	13	3	6	2	2	2	112

3.4 The outcome of complaints

Stage one outcome	2018/19		2017/18	
	Number	%	Number	%
Upheld	13	12	10	10
Partially upheld	52	46	41	41
Not upheld	46	41	42	42
Withdrawn	1	1	6	6

Stage two outcome	2018/19		2017/18	
	Number	%	Number	%
Upheld	0	0	0	0
Partially upheld	0	0	3	100
Not upheld	0	0	0	0

Stage three outcome	2018/19		2017/18	
	Number	%	Number	%
Upheld	0	0	0	0
Partially upheld	1	100	0	0
Not upheld	0	0	0	0

3.5 Timescales for complaints

Stage one response	2018/19		2017/18	
	Number	%	Number	%
Within 10 days	69	62	63	63
Within 20 days	32	28	32	32
Outside of 20 days	11	10	4	4

Stage two response	2018/19		2017/18	
	Number	%	Number	%
Within 25 days	0	0	0	0
Within 65 days	0	0	0	0
Outside of 65 days	0	0	3	100
Ongoing	0	0	0	0
Withdrawn	0	0	0	0

Stage three response	2018/19	2017/18
Panel set up within 30 days timescale)	0	0
Panel report produced within 5 days	0	0
Executive Director's Response sent within 15 days	0	0
Outside of Timescale	1	0

There has been a decrease in the number of complaints responded to within 10 days at stage one. Throughout 2018/19 up until February 2019, all stage one complaints have been responded to by one of the two team managers. This has impacted on response times. There has also been some complex issues raised which has resulted in officers requiring more time to complete an investigation and further ongoing work and dialogue following the initial response.

Since February 2019 complaints are investigated by larger pool of managers this should have a positive impact on timescales for 2019/20.

The complaints team will continue to closely monitor timescales and raise any issues with the Assistant Director of Children's Services as appropriate.

3.6 Profile of Complainant - How involved

Profile of complainant	No.
Child/young person being looked after/ receiving services	3
A parent of the child	72
Person with parental responsibility	5
Persons with sufficient interest in the child's welfare	32

3.7 Gender Complainants

Gender	Number	%
Female - Adult	87	78
Male - Adult	21	19
Joint - Adult	1	1
Male – Young Person	3	2
Female – Young Person	0	0

The term 'Joint' has been used where a representation has been made by more than one individual i.e. both parents / carers.

No independent advocates were used in the complaints process during 2018/19.

3.8 Compensation Payments

Compensation can be provided to a complainant by the Council as either part of the investigation or on the recommendation of Local Government and Social Care Ombudsman following their investigation, where it is concluded that there has been maladministration by the Council causing injustice to the complainant.

- No compensation payments were made during 2018/19
- No compensation payments were made during 2017/18
- No compensation payments were made during 2016/17
- One compensation payment was made for £7,000 during 2015/16

4. Lessons Learnt and Improvements to Practice

Complaints provide managers with useful information in respect of the way that services are delivered. The table below shows the lessons learnt from the investigation of the representations we have received and the actions that have been taken to implement improvements and prevent any recurrence.

Team	Lesson Learnt
Children's Assessment and Safeguarding Service	<ul style="list-style-type: none"> The service must ensure the timely transfer of cases There are plans for a text / outlook diary approach to notify of contact arrangements rather than letters. This will notify all parties including the contact workers instantly. It will also mean people only have to consider their electronic diary. It will reduce some of the existing bureaucracy and enable better focus. Consider having meetings at the beginning of contact arrangements so people can build a better understanding of how contact should work. Message reiterated with officers that Single Assessments must not exceed the 45 day timescale. All social workers need to respond to phone calls in a timely manner and are to keep carers informed about the current situation. There is a requirement for staff to be transparent regarding contact with family members and how information provided may be used. All case supervisors to be informed of the need to inform parents when there is any reason for a delay in proposed visitation and when there are any delays in changes of social worker. Ensure social workers fully understand the Special Guardianship Order process. Ensure cases are not closed when further support is required from the service. Social workers will be informed that they must return telephone calls in a timely manner.
Children's Disability Service	<ul style="list-style-type: none"> Families will be asked which key professionals/support they wish to be invited to their meetings, and if appropriate, this will happen with invite lists being checked by supervisors.
Through Care Services	<ul style="list-style-type: none"> Social workers will be informed that they must return telephone calls in a timely manner.
Fostering and Adoption Service	<ul style="list-style-type: none"> Social workers have been informed that they should be completing life story books and letters for later life within timescales that are closely monitored by Independent Reviewing Officers (IROs). If the work is not done then concerns should be escalated at an earlier stage.

5. Compliments

The Council welcomes compliments from its users and partners. Compliments help to highlight good quality service and encourage staff to continue delivering high quality services. Between April 2018 and March 2019, one compliment was received relating to social care statutory services.

Date received	How compliment was received	Details of the compliment	From
Children's Disability Service			
31.03.19	Card	Thanking the service for all the support that has been provided to their family over the past 12 years.	Service User

6. Development of Complaints Service

The main priorities for the developing our complaints service during 2019/20 are as follows:

- 6.1 The complaints team will continue to closely monitor timescales and raise any issues with the Assistant Director of Children's Services as appropriate.
- 6.2 Continue to raise awareness of the complaints procedure across the Council, ensuring staff are familiar with the procedures and know where to direct customers ensuring all feedback is recorded. Assist staff to ensure they are fully equipped with effective complaints handling skills, so that all customers are dealt with in a timely and appropriate manner.
- 6.3 Draw attention to any improvements identified by providing reports and intelligence to relevant service managers to use in any service reviews or improvement plans.
- 6.4 Maintain networks with other local authorities and our local partners, to share good practice and contribute to the development of policy and practice, both locally and nationally.
- 6.5 Continue to review and update the complaints leaflets and relevant webpages on the council's website.
- 6.6 Expand the pool of independent investigators to undertake complaint investigations.
- 6.7 Ensure independent investigators are complying with data protection/Information security.
- 6.8 Promote the need for officers to report all feedback as appropriate including compliments and suggestions.

7. Conclusion

- 7.1 Whilst it has been noted that there has been an increase of 13% in the amount of complaints received compared to year 2017/18, it is difficult to conclusively determine the cause of this as distribution across the services is similar to last year. It may be a reflection of the increase in the amount of looked after children and open child care cases. As of 19th April 2019, the Council had 2535 open childcare cases including 450 looked after children. When compared to the previous year as of 19th April 2017, the Council had 2072 open childcare cases including 358 looked after children. This is an increase of 463 open childcare cases and 92 looked after children.
- 7.2 It is recognised that the turnover of staff within the service has stabilised which has led to minimal changes taking place with the management of cases. The electronic child care management system has recently been replaced which once established should ensure further consistency in the recording of information.
- 7.3 Further work still needs to be undertaken with services to ensure investigations address all the issues raised and identify improvements to service delivery. It is only through the identification of the real causes of dissatisfaction that improvements can be identified and implemented in a way that will see services improve practices and procedures, therefore resulting in a reduction in complaints.
- 7.4 Changes have recently taken place to the stage one allocation process, we have expanded the pool of officers, therefore we are envisaging that this will assist with reducing timescale for responding to complaints for 2019/20.