

CABINET

DATE	5 th August 2020
REPORT OF	Cllr Ian Lindley Portfolio Holder for Children, Education and Young People
RESPONSIBLE OFFICER	Joanne Hewson, Deputy Chief Executive and Director of Children's Services
SUBJECT	Children's Social Care Statutory Complaints and Compliments Annual Report 2019/20
STATUS	Open
FORWARD PLAN REF NO.	CB 07/20/21

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 2019 to 31st March 2020.

RECOMMENDATIONS

It is recommended that Cabinet:

1. Receives and accepts the Children's Social Care Statutory Complaints and Compliments Annual Report for 2019/20.
2. Refers the Children's Social Care Statutory Complaints and Compliments Annual Report for 2019/20 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 2019/20, the service improvements implemented, and lessons learnt as a result of complaints and representations.

1.3 During 2019/20 the Council received the following representations concerning children's social care statutory services:

Complaints = 152

Compliments = 7

This compares with 112 complaints and 1 compliments in 2018/19.

1.4 Of the 152 complaints responded to at stage one, none escalated to stage two (independent investigation) during 2019/20. Three complaints progressed to stage two (independent investigation) during 2019/20, two of which were the continuation of a complaint investigated at stage one during 2018/19.

At stage one, eighteen complaints (**11.8%**) were responded to outside of the maximum statutory timescale of twenty working days. The three stage two complaint were also responded to outside of the statutory deadline.

1.5 **36%** 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 three stage two complaints in 2019/20 and no stage three panel reviews. Each stage two and three complaint needs to have additional funding found for external and independent investigation and verification.

6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

- 6.1 The report will not have any impact on climate change or environmental implications.

7. CONSULTATION WITH SCRUTINY

- 7.1 Cabinet may wish to refer this report to Scrutiny for consideration.

8. FINANCIAL IMPLICATIONS

- 8.1 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.

9. LEGAL IMPLICATIONS

- 9.1 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.

10. HUMAN RESOURCES IMPLICATIONS

- 10.1 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.

11. WARD IMPLICATIONS

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

12. 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>

13. CONTACT OFFICER(S)

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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 2019 to 31st March 2020

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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'.

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.

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 complaint's 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 (Independent 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 complainant's 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.

Team Structure - the NELC Complaints Team consists of:

Paul Ellis – Head of Information Governance and Complaints
Adele Beharrell – Information Governance and Complaints Officer
Ian Hollingsworth – Information Governance and Complaints Officer

3. Summary of Findings 2019/20

Year	Concern	Stage one	Stage two	Stage three	LGSCO
2019/20	0	152	3	0	9
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

Between 1st April 2019 and 31st March 2020, the Council responded to 152 representations, compared with 112 in the same period for 2018/19. This is an increase of 36%.

For 2019/20 there were 34,503 under 18s living in North East Lincolnshire. As of 1st April 2020, the Council had 2,376 open childcare cases, including 558 looked after children. When compared to the previous year as of 19th April 2019, the Council had 2,535 open childcare cases including 450 looked after children. This is a decrease of 159 open childcare cases, however, there has been an increase of 108 looked after children.

The 152 representations received represents 6% of the open cases based on this figure, however it should be noted that the number of open childcare cases does vary throughout the year.

A total of 152 were processed and responded to at stage one. Three complaints were responded to at stage two and no Panel reviews were held during 2019/20. Two of the three stage 2 investigations carried out related to cases investigated at stage one during 2017/18.

The 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 or team managers may meet with complainants.

Nine complaints were raised with the Local Government and Social Care Ombudsman (LGSCO) during 2019/20, details of which are stated in the below table.

Month of final LGO report	Service Area	Outcome
April 2019	Special Education Needs	Partial fault - no injustice
May 2019	Special Education Needs	No fault
August 2019	Fostering and Adoption Services	No fault
October 2019	Children's Assessment and Safeguarding	No investigation - legal courts
November 2019	Children's Assessment and Safeguarding	No investigation - local remedy
February 2020	Special Education Needs	Fault causing injustice
February 2020	Children's Assessment and Safeguarding	Premature
February 2020	Children's Assessment and Safeguarding	Premature
March 2020	Children's Assessment and Safeguarding	No investigation - legal courts

The LGSCO outcomes are as follows:

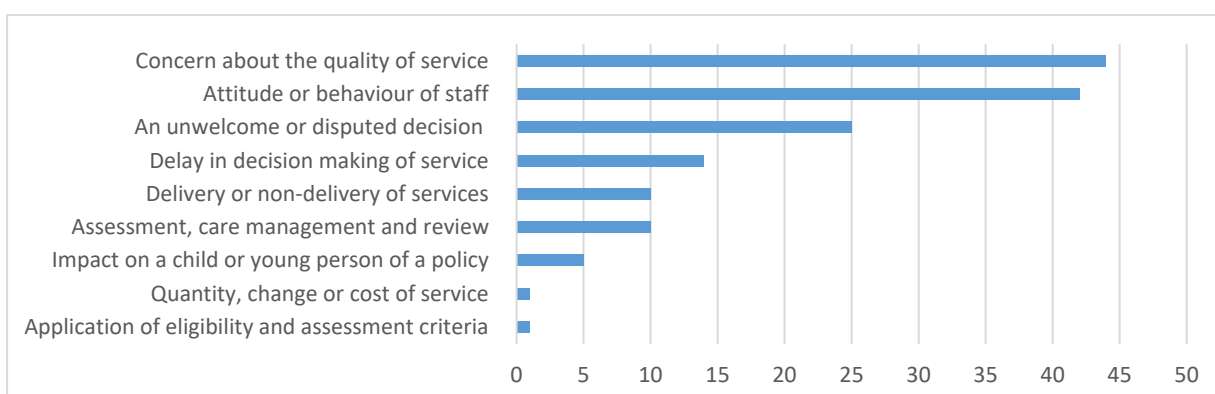
- Premature** – the LGSCO determine that the Council has not been given the opportunity to investigate the concerns and directs the complainant to follow the Council’s complaints process.
- No investigation** – the LGSCO determine that they will not investigate the complaint. This may be because it is outside of jurisdiction (legal courts) or because they cannot add anything to the Council’s own investigation of the issues (local remedy).
- No fault** – following investigation, the LGSCO found no fault in the delivery of services.
- Partial fault** – following investigation, the LGSCO found some fault in the delivery of services.
- Fault** – following investigation, the LGSCO deemed that the service delivery was at fault.
- Injustice caused** – injustice has been caused to the complainant by service failures.
- No injustice caused** – although the service may be at fault, no injustice was caused to the complainant.

Complaints by Service Area

Service Area	2019/20		2018/19	
	No.	%	No.	%
Children’s Assessment and Safeguarding Service (CASS)	130	85.5	97	86
Children’s Disability Service	4	2.6	3	3
Families First Action Point (FFAP)	1	0.7	3	1
Through Care Services	6	3.9	2	2
Fostering and Adoption Services	7	4.6	2	2
Contact Services	1	0.7	0	0
Children’s Safeguarding and Reviewing Service (CSRS)	1	0.7	0	0
Out of hours service	0	0	1	1
Access Pathway	2	1.3	4	4

Nature of Complaints

Complaint Types	2019/20	
	No.	%
An unwelcome or disputed decision	25	17.1
Application of eligibility and assessment criteria	1	0.7
Assessment, care management and review	10	6.6
Attitude or behaviour of staff	42	27.6
Concern about the quality of service	44	28.9
Delay in decision making of service	14	8.6
Delivery or non-delivery of services	10	6.6
Impact on a child or young person of a policy	5	3.3
Quantity, change or cost of service	1	0.7



The Outcome of complaints

Outcome Stage	2019/20						2018/19					
	1		2		3		1		2		3	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Upheld	27	17.8	0	0	0	0	13	12	0	0	0	0
Partially upheld	56	36.8	3	100	0	0	52	46	0	0	1	100
Not upheld	55	36.2	0	0	0	0	46	41	0	0	0	0
Withdrawn	7	4.6	0	0	0	0	1	1	0	0	0	0
No Finding	7	4.6	0	0	0	0	0	0	0	0	0	0

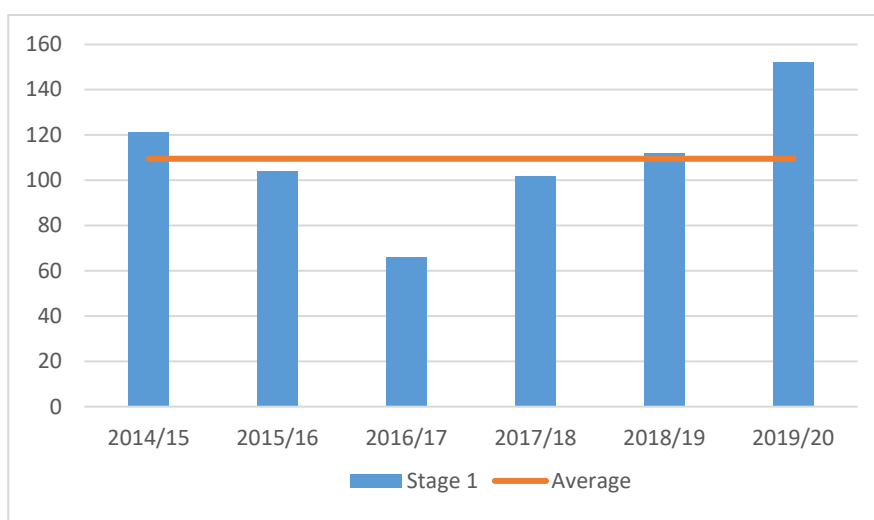
Timescales for complaints

Response Stage	Outcome	2019/20		2018/19	
		No.	%	No.	%
Stage 1	Within 10 days	75	49.3	69	62
	Within 20 days	59	38.8	32	28
	Outside of 20 days	18	11.8	11	10
Stage 2	Within 25 days	0	0	0	0
	Within 65 days	0	0	0	0
	Outside of 65 days	3	100	0	0
	Ongoing	0	0	0	0
	Withdrawn	0	0	0	0
Stage 3	Panel set up within 30 days timescale	0	0	0	0
	Panel report produced within 5 days	0	0	0	0
	Response sent within 15 days	0	0	0	0
	Outside of Timescale	0	0	1	1

There has been a decrease in the number of complaints responded to within 10 days at stage one, during 2019/20. During this time 49% of stage 1 complaints were responded to within 10 working days. The longer investigation times could be due to the increase in the amount of complaints received during 2019/20 which has resulted in responding officers investigating multiple complaints, therefore they have required additional time in order to complete the investigation. There have 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. It should also be acknowledged that the officers allocated to investigate the complaints have also had a number of other competing priorities resulting from increased focus on the activities of the service arising from recent inspections.

The number of complaints has been consistent in recent years although the most recent figures show a significant increase against the average.

2014/15	121
2015/16	104
2016/17	66
2017/18	102
2018/19	112
2019/20	152



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

In the financial year 2019/20, compensation was recommended following an investigation by the LGSCO. The complaint resulted in a decision finding of fault causing injustice and a recommendation was made to provide financial compensation.

Prior to this there have been no compensation payments since 2016.

4. Lessons Learned and Improvements to Service Delivery

A number of actions can arise from a complaint investigation which are specific to the individual complaint. Approximately 38% of complaints had some form of action or improvement identified as a result of the investigation. In some instances, actions are very specific to the case being investigated, below are some examples:

- Offering an apology to the complainant where communication from the service could have been better.
- Social Worker meeting with the complainant to discuss and explain the content of reports in further detail or clarify other aspects of an ongoing case.
- Assigning a new social worker where this is beneficial to the case.
- Financial assistance provided to support an individual caring for a child in her care.
- Social Worker putting further support in place for a child and family.
- Parenting assessments to be completed.
- Keeping families informed of any changes to a case.

Examples of the service improvements made following complaint investigations include:

For children's assessment and safeguarding service, it was identified that transition periods for young people are crucial times to ensure information is shared with those that need it. In the case of transitioning to adult services the information shared is integral to ensuring a smooth transition. As a result of a complaint investigation children's services and adult's services are working together to improve this transition.

The process for informing individuals when they have not been approved for Kinship fostering has been amended to ensure that as well as being informed verbally they are also sent a letter to confirm the decision along with the reasons for this.

The investigation relating to one case identified that a social worker had been allocated to a sibling that was not resident in North East Lincolnshire. The service has therefore ensured that all officers are aware that in these cases the out of area sibling should be referred to the Local Authority where they are resident.

As part of the improvements to services, transfer of cases is being monitored to ensure that they are completed in a timely manner and that relevant information is clearly passed on and recorded. Statutory timescales are also reviewed on a weekly basis by the Head of Service and Service Manager.

To facilitate improved communication with customers social workers now receive support through supervision and ongoing support from their line manager to ensure that calls are returned in a timely manner. In addition, as part of the services continuing development for social workers and managers, development sessions around returning telephone calls and talking to families about

their issues in a timely way will be held. This is a priority for the service to ensure that people are encouraged to engage with the service.

To support the smooth transition of children to a new placement with either foster carers or family members the service has strengthened procedures to ensure that copies of paperwork including a care plan are provided at the point of placement.

The Children's Disability Service will ensure wherever possible that any enquiries made by a parent, carer or professional relating to a child with a disability receive a timely response, with the aim for this to be responded to within 24 hours. Any individuals contacting the service will speak with professionals with expertise of working with children with disabilities to ensure that families receive the right support at the right time. If the criteria for a child in need assessment under s17 of the CA1989 is not met, then families/professionals will receive signposting to other services that will be able to support them.

Through Care Services have identified that it is important to ensure that where a social worker has requested family members to supervise or monitor contact within a family arrangement, that the social worker should ensure that they seek to obtain other views and opinions from each of the appointed family members. This will form part of their collation of any information and evidence to inform assessments and any required court reports.

In relation to Fostering and Adoption, work has been undertaken to ensure that there is awareness of policies and procedures in place when any person becomes a temporary kinship foster carer. It needs to be assured by case supervisors that social workers are aware of the procedures, and that these are followed when any child is being considered to be placed with a temporary foster carer. This will ensure that payments and support from the fostering team is made at the appropriate time to support children and young people in a placement.

The Fostering and Adoption service have also reviewed the communication in relation to individuals who are not approved as part of a Kinship viability assessment to ensure individuals only receive information that is appropriate to them.

5. Compliments received for 2019/20

Service area	No.	Summary of compliment
Children's Assessment and Safeguarding Service	5	<ul style="list-style-type: none"> Family thanked the social worker for all her hard work and support Inspirational case recordings on the electronic children's social care system from social worker Social worker thanked for all the help and support provided to children Social worker thanked for their professionalism and hard work on a case Social worker complimented for her hard work on a case and for the support they offered to the family.
Children's Disability Service	1	<ul style="list-style-type: none"> The service was thanked for the funding provided and for the help and support offered.
Through Care Services	1	<ul style="list-style-type: none"> A young person thanked their social worker for listening and being kind and helpful.

6. Looking Forward – Priorities for 2020/21

As well as the improvements for the service delivery, the complaints handling service also has a number of priorities to focus on during 2020/21.

The team will continue to raise awareness of the complaints procedure across the Council, ensuring staff are familiar with the procedures and fully equipped with effective complaints handling skills. This will support all customers being dealt with in a timely and appropriate manner.

To ensure feedback is handled within timescales the team will monitor compliance and ensure any issues are raised with the Assistant Director of Children's Services as appropriate. Any improvements identified will be highlighted by providing reports and intelligence to relevant service managers to use in any service reviews or improvement plans. The team will also continue to promote the need for all officers to report feedback as appropriate including compliments and suggestions.

Working closely with the Clinical Commissioning Group will ensure both organisations are able to share learning in dealing with complaints and will also ensure customers are clear how their complaint will be addressed when it involves both organisations. The team will also 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.

To support the use of independent investigators a recruitment pack will be produced to support the role they undertake. This will assist them in their important independent role and also ensure compliance with all relevant legislation and procedures.

All available information in relation to complaints will continue to be reviewed and updated as necessary to ensure it is as clear as possible for all customers.

7. Conclusions

Whilst it has been noted that there has been an increase of 36% in the number of complaints received compared to 2018/19, it is difficult to conclusively determine the cause of this as distribution across the services is similar to past years. It may be a reflection of the increase in the amount of looked after children. As of 1st April 2020, the council had 2,376 open childcare cases, which is a slight decrease when compared to 2018/19 when there were 2,535, however this fluctuates during the year with the highest number being in September at 3247 cases open. There has however been an increase in the amount of looked after children. There are now 558 looked after children compared to 450 for 2018/19.

As part of the improvement work the service has recruited a larger pool of social workers which should result in less changes taking place with the management of cases and much more stable case management. The increased number of social workers also means that there are less cases being handled by each social worker. Significant effort has been put into ensuring the electronic childcare management system, recently implemented, becomes fully embedded and utilised which should ensure further consistency in the recording of information. The service are also implementing a procedures and policies reference system to ensure consistent and easy access to all the information needed for social workers which will support consistency of service and advice to families and carers.

It is recognised that the period reflected in this report has been very challenging for Children's Services due to a number of factors. The service has been on a rapid improvement journey and therefore many of the issues identified in this report will have been addressed and improvements made in terms of the services provided. The improvements identified as a result of complaints broadly reflect those issues identified as part of the service's improvements agenda. The changes arising from service improvements are expected to be reflected in the next annual report.