

# Children's Services Department Compliments, Complaints and Representations Annual Report 1 April 2020 to 31 March 2021

### PUBLIC

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## **Introduction**

Monitoring customer feedback provides us with valuable insight into where we can improve our service provision and/or delivery. The department has developed a culture of listening and learning to drive improvement in services.

This report provides information about statutory and corporate compliments, complaints and representations received during the 12 months from 1 April 2020 to 31 March 2021.

A complaint may be defined as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response. Representations may not always be complaints; they might also be positive remarks or ideas that require a response from the local authority.

Complaints relating to children's social care are dealt with under the statutory complaints procedures set out in *The Children Act 1989 Representations Procedure (England) Regulations 2006* and the accompanying statutory guidance: *Getting the Best from Complaints*. Corporate complaints are in relation to wider children's services provided by the department that are not covered by the statutory framework.

Complaints and representations for children's services are logged and progressed by the complaints manager within the children's services feedback team, (part of the wider quality assurance team). Young people who complain on their own behalf should be offered the service of an advocate to support them for the duration of their complaint.

To support the complaints, compliments, and comments function there has been recognition that a more integrated council-wide approach is required. One element of this has been the procurement of the govService customer relations management (CRM) system. This system will bring about a more effective monitoring and handling and make the operation of the complaints function much more efficient. The govService system will enable the complainant to see the progress of their complaint, generate workflow for response and capture complaints data for better monitoring and analysis. The children's services feedback team has proactively engaged with the project implementation team and has been chosen as an early adopter of the new system.

## **Compliments**

In the period between April 2020 and March 2021, the department received 738 compliments compared to 302 the previous year, a 144% increase. This significant increase can be explained by improved recording of compliments and feedback on the department's response to the coronavirus pandemic. As a result of the shift in focus from complaints to all forms of feedback, the complaints team has rebranded as the feedback team

While the feedback team receives a range of compliments about children's services, we are aware that some parts of the service may not report compliments centrally, therefore the figures reported here may not capture the full range of compliments to the department. The department continues to make improvements in recording compliments across children's services and in the next year will be separating compliments received from service users and professionals and will record more clearly the theme and service area. We have worked with services to promote the sharing of compliments so these can be recorded centrally. A sample of positive feedback is provided below:

"Thank you so much for your continued support. For giving me a chance and believing in us and keeping our family together."

"Thank you for all your hard work and efforts and please know that they are recognised, acknowledged and very much appreciated".

"I write to formally recognise the excellent work you have recently completed to support two children in moving placement."

"You clearly have done some excellent work with the young person which is really recognised by his foster carers so a huge well done to you for the hard work and effort and for having such a huge impact of this families life."

"Thank you so much for the CSE strategy meeting yesterday. I have not attended one of these for a long time and I was very impressed by the thoroughness of the analysis and detail of the matters being explored through your enquiry style approach."

## **Representations**

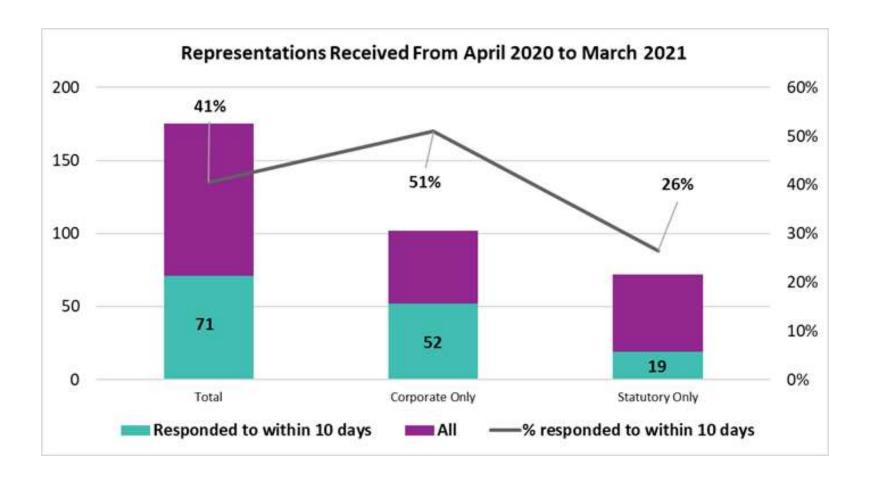
The feedback team tracks representations made to elected members, MPs and senior leaders, and collaborates with the relevant administrative support teams to ensure that responses are provided via the most appropriate council officer or elected member. Representations may not always be complaints; they might also be positive remarks or enquiries that require a response from the council.

In some cases, a complaint may already have been received or may be made following the representation. Oversight is given to these responses, and the complaints manager liaises between the relevant council officers and administrative staff to record and monitor the progress of the responses.

From April 2020 to March 2021, 175 representations were received compared with 239 last year, a 27% decrease. 102 of these were corporate, and 72 were statutory; 1 representation covered both areas. Of the 73 statutory representations, 19 (26%) received a response within the 10-day timescale, this is a 15-percentage point increase compared to the previous year. 52 of the 102 corporate representations (51%) were responded to within 10 days.

Some representations can be extremely complex and require the gathering of information from multiple sources. Where a response will exceed 10 days, a new timescale should be agreed.

The team have developed a process for administrative staff to ensure that representations are recorded and actioned centrally to provide a more streamlined and effective process.



## **Statutory Complaints**

The statutory framework sets out a three-stage resolution process:

- Stage 1 Local resolution
   Complaints at stage 1 should be completed within 10 working days unless the circumstances are deemed complex in which case this can be extended by a further 10 working days.
- Stage 2 Investigation Where the concern is unable to be resolved locally the complainant has the right to request consideration at stage 2. Consideration of complaints at stage 2 is normally achieved through an investigation conducted by an investigating officer and an independent person. Stage 2 commences either when the complainant requests it or where the complainant and the local authority have agreed that stage 1 is not appropriate. The investigation should be completed, and the response sent to the complainant within 25 working days though this can be extended to a maximum of 65 working days where it is not possible to complete the investigation within 25 working days.
- Stage 3 Review panels
   Where the complainant remains dissatisfied following an investigation at stage 2, they can request consideration of the complaint at an independent review panel. The review panel should be held within 30 working days, considers the adequacy of the stage 2 investigation, and makes recommendations to try and achieve resolution. Alternatively, an early referral can take place to the Local Government and Social Care Ombudsman (LGSCO).

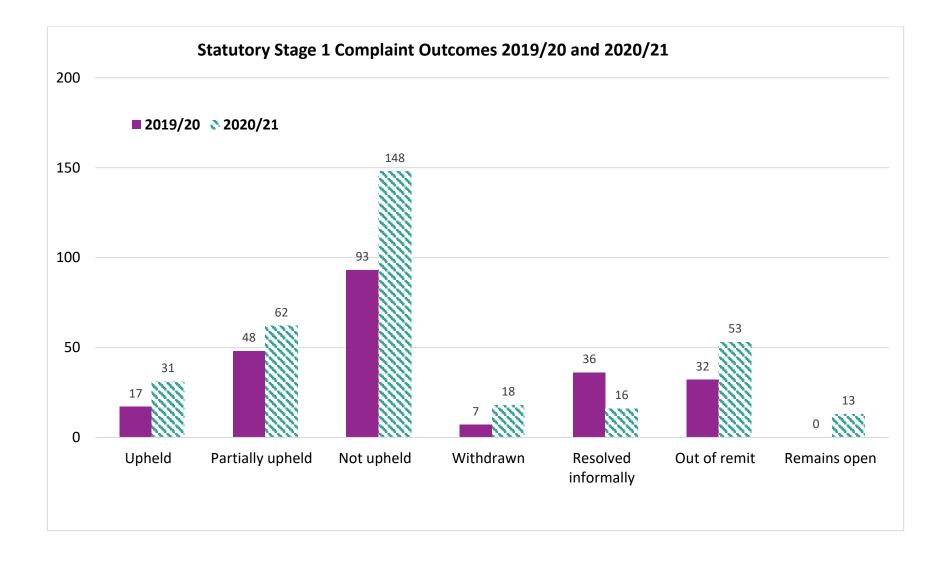
## <u>Statutory Complaints – Stage 1</u>

341 statutory stage 1 complaints were received between April 2020 and March 2021. This represents a 46% increase in comparison with the 233 statutory stage 1 complaints received in 2019/20. Of the 341 statutory complaints received, 255 (75%) proceeded to complete the formal complaint process. The highest number of statutory complaints were received in August 2020 and February and March 2021.

Of the 341 statutory complaints received, 99% were acknowledged within timescales. This represented a 28 percentage point increase on the previous year, when 71% of statutory complaints were acknowledged within timescale.

Of the 255 statutory stage 1 complaints that were responded to formally, 120 were responded to within 20 working days, 47% of the total. This is a decrease from the previous year of 14 percentage points. Most complaints were found to be complex, with only 40 (16%) being responded to within the shorter timescale of 10 days from receipt of the complaint. During the COVID-19 pandemic, the complaints function has remained open. As locality resources were reallocated to support the safeguarding response to families requiring support, complaint responses and stage one investigations have remained the responsibility of frontline teams whilst support in response to the pandemic was also provided. This has undoubtedly impacted on the timeliness of stage 1 responses.

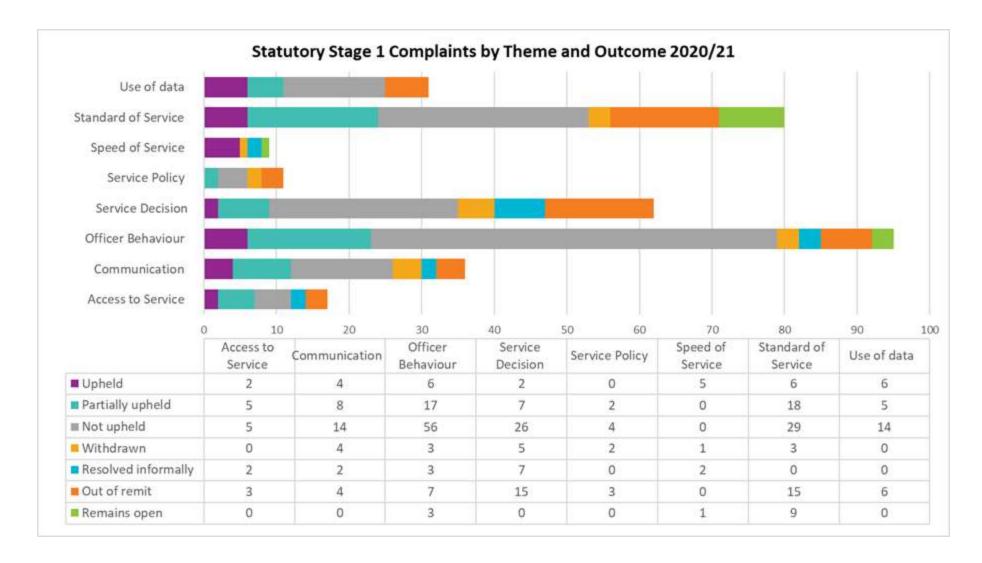
Of the 341 statutory stage 1 complaints received in 2020/21: 13 cases were still active at the end of March; 31 were upheld; 62 partially upheld; 148 not upheld; 18 withdrawn; and 16 completed by local resolution without formal process. 53 complaints received were classed as outside the remit of the complaints process for example where the person making the complaint did not have the right to do so, by means of parental responsibility, significant interest, or consent or where the complaints were historic, or where the subject of the complaint was not receiving a service from children's services and therefore was not eligible to be considered under the formal complaints process.



The highest proportion of statutory complaints related to officer behaviour with 95 being received in this category representing 28% of all complaints received. 6 of these complaints were upheld, 17 were partially upheld, 56 not upheld and 13 withdrawn, resolved informally or were out of remit. Standard of service represented the second highest number of statutory complaints with 80 in this category representing 23% of all complaints received. Of these: 6 were upheld; 18 partially upheld; 29 were not upheld and 18 were refused/withdrawn or out of remit. Nine remained open on 28 April 2021.

During 2020/21 31 complaints were upheld out of the 255 investigated (12%); this is a slight increase compared to the previous year where 11% were upheld. 62 complaints were partially upheld, representing 18% of the total received, and 24% of the total investigated. In the previous year, there were 42 complaints partially upheld, representing 26% of the total investigated. The largest number of partially upheld complaints in 2020/21 related to standard of service (18), representing 29% of all partially upheld complaints, this was closely followed by officer behaviour (17), representing 27% of all partially upheld complaints.

Of the 255 complaints investigated, 148 were not upheld, meaning that 58% of all complaints investigated were not upheld compared to 59% the previous year. Of the complaints not upheld in 2020/21, 56, (38%) related to officer behaviour.



#### Out of remit

Of the 341 complaints received, 53 (16%) fell outside the remit of children's services statutory complaints procedures.

These included complaints from people without parental responsibility for the children receiving a service or being identified as having significant interest. Some complaints were redirected to adult social care, others were considered historic complaints, and some were complaints for other local authorities, district councils or services. All received appropriate responses or were signposted to the correct point of contact for their complaint.

#### <u>Withdrawn</u>

18 (5%) of complainants rescinded their complaint before it went to formal investigation.

#### Resolution

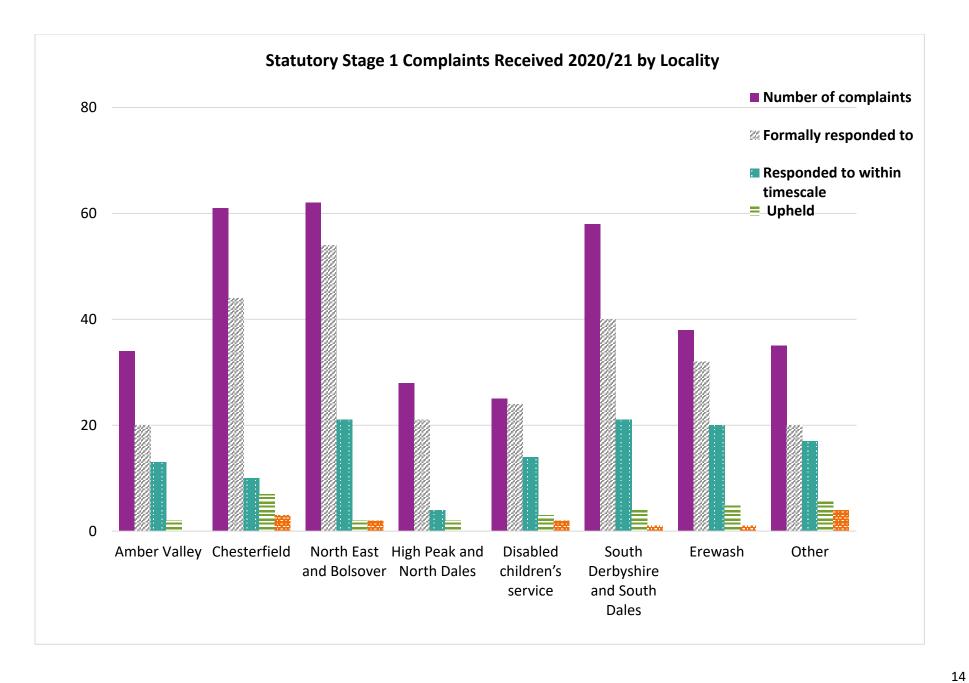
16 complaints (5%) were resolved by mediation or by local action/resolution without proceeding to the formal complaints process. This involved additional visits, phone calls or other actions which resolved the complainant's concerns. One locality has rebuilt the relationship with a family of a complainant who wanted to progress their complaint to stage two of the process. The team manager has met with the parent, discussed the concerns, and rebuilt trust, enabling social care to continue to work with the family. The parent has also chosen to withdraw their stage two complaint request. This support to the complainant was offered by the team manager in the complainant's home which gave the complainant the opportunity to talk openly in a safe space. The team manager listened empathically and then investigated the concerns fully. The team manager ensured the complainant was kept up to date with progress and communication concerns were addressed immediately to support the family. The team manager ensured that all workers involved reflected on the complaint and gave advice to the workers involved for their learning and development.

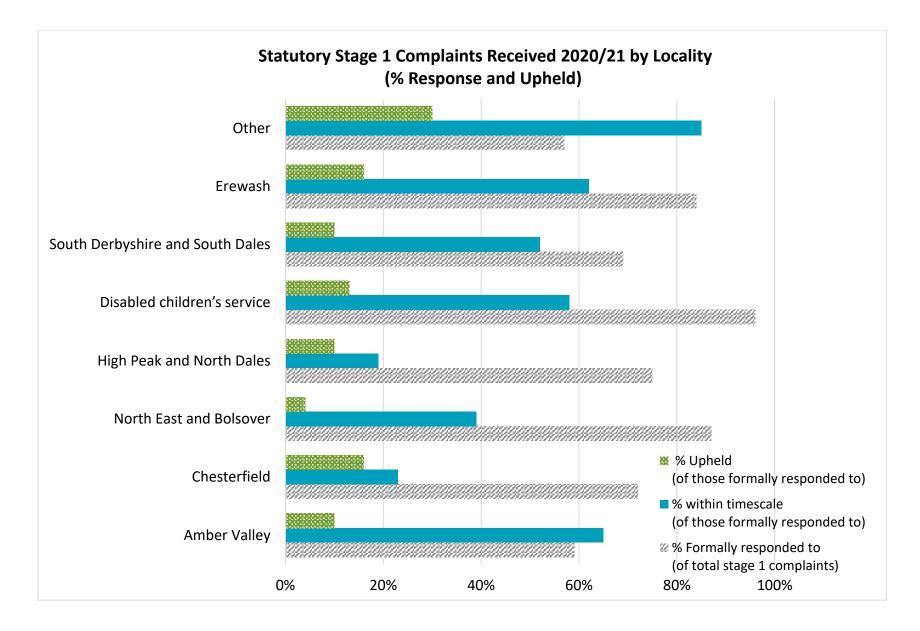
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## Number of complaints received by locality:

Locality/ Service	Amber Valley	Chesterfield	North East and Bolsover	High Peak and North Dales	Disabled children's service	South Derbyshire and South Dales	Erewash	Other
Number of complaints	34	61	62	28	25	58	38	35
Formally responded to	20 (59%)	44 (72%)	54 (87%)	21 (75%)	24 (96%)	40 (69%)	32 (84%)	20 (57%)
Responded to within timescale	13 (65%)	10 (23%)	21 (39%)	4 (19%)	14 (58%)	21 (52%)	20 (62%)	17 (85%)
Complaint upheld	2 (10%)	7 (16%)	2 (4%)	2 (10%)	3 (13%)	4 (10%)	5 (16%)	6 (30%)
Number that remained open at year end	0	3	2	0	2	1	1	4

Included in the 'other' category starting point, fostering and adoption services, leaving care service, Child Protection and LADO.





#### **Amber Valley**

Of the 34 complaints received in Amber Valley, 4 were regarding access to service, 3 regarding communication, 9 regarding officer behaviour, 9 regarding a service decision, 1 regarding service policy, 6 regarding standard of service and 2 regarding the use or storage of data. 20 were formally investigated with 2 complaints upheld, 4 partially upheld and 14 not upheld. Complaints about officer behaviour were less likely to be upheld. The 2 complaints that were fully upheld were regarding the speed of service and communication.

#### Chesterfield

Of the 61 complaints received in Chesterfield, 2 were regarding access to service, 7 regarding communication, 18 regarding officer behaviour, 8 regarding a service decision, 4 regarding service policy, 1 regarding speed of service, 13 regarding standard of service and 8 regarding the use or storage of data. Of those formally investigated, 7 were upheld, 8 were partially upheld and 26 were not upheld. 3 remained open at year end. Complaints about officer behaviour were less likely to be upheld. The upheld complaints were mostly in relation to the standard of service and the use or storage of data.

#### **Erewash**

Of the 38 complaints received in Erewash, 1 was regarding access to service, 3 regarding communication, 7 regarding officer behaviour, 8 regarding a service decision, 2 regarding service policy, 3 for speed of service, 11 for standard of service and 3 regarding the use or storage of data. Of those formally responded to, 5 were upheld, 6 were partially upheld and 20 were not upheld. 1 remained open at year end. Of those that were upheld, 2 related to officer behaviour, 1 regarding service decision, 1 regarding speed of service and1 regarding the use or storage of data. Complaints about the standard of service were less likely to be upheld.

#### **High Peak and North Dales**

Of the 28 complaints received in High Peak and North Dales, 2 were regarding communication,11 regarding officer behaviour, 8 regarding a service decision, 5 regarding standard of service and 2 with regarding the use or storage of data. Of those formally responded to, 2 were upheld, 9 were partially upheld and 9 were not upheld. Complaints about officer behaviour were less likely to be upheld. The 2 complaints upheld were in relation to officer behaviour.

#### **North East and Bolsover**

Of the 62 complaints received in North East and Bolsover, 2 were regarding access to service, 9 regarding communication, 28 regarding officer behaviour, 6 regarding a service decision, 1 regarding service policy, 11 for standard of service and 6 regarding the

use or storage data. Of those formally responded to, 2 were upheld, 15 were partially upheld and 36 were not upheld. Complaints about officer behaviour were less likely to be upheld. The 2 upheld complaints were regarding communication and the use or storage of data.

#### **South Derbyshire and South Dales**

Of the 58 complaints received in South Derbyshire and South Dales, 3 were regarding access to service, 8 regarding communication, 18 regarding officer behaviour, 8 regarding a service decision, 2 for service policy, 14 for standard of service and 5 with regards to the use or storage of data. Of those formally responded to, 4 were upheld, 8 were partially upheld and 27 were not upheld. 1 remained open at year end. Complaints about officer behaviour were less likely to be upheld. The upheld complaints were in relation to standard of service (2), officer behaviour (1) and the use or storage of data (1).

#### Specialist safeguarding and disabled children's service

Of the 25 complaints received in the specialist safeguarding and disabled children's service, 4 were regarding access to service, 1 regarding communication, 4 regarding officer behaviour, 8 regarding a service decision, 1 regarding the speed of service and 7 regarding standard of service. Of those formally investigated, 3 were upheld, 7 were partially upheld and 12 were not upheld. Complaints about officer behaviour were less likely to be upheld. The partially upheld complaints were mostly in relation to the standard of service, access to service and service decision. The 3 complaints upheld were in relation to access to service (2) and speed of service (1).

## **Statutory Complaints & Representations – Stage 2**

52 requests for escalation to stage 2 of the statutory complaints process were received between April 2020 and March 2021. This represents a 40% increase from the 37 requests for escalation received in 2019/20.

Although 52 requests were made, the total number of statutory stage 2 investigations in 2020/21 was 26, with 13 of these remaining open at year end. This represents a 44% increase compared to the 18 which proceeded to investigation in 2019/20. The reasons why some stage 2 requests did not proceed to investigation are detailed in the table below. Where a complaint is recorded as refused,

this is because there was another concurrent investigation (e.g. a court process) which prevented the complaint being investigated in accordance with statutory guidance.

Most stage 2 complaints were responded to outside the extended 65 working day timeframe in 2020/21, but in all cases, complainants were contacted, and agreement was sought to extend the target dates for the responses to be with them. The reason for the extended timeframe relates to the increase in stage 2 activity, the impact of the coronavirus pandemic, investigating officer capacity and in some cases, the complexity and volume of the information required to undertake a robust investigation. Of the 13 completed stage 2 complaints, 5 (38%) were responded to before the 65-day initial target date. This has fallen compared to 2019/20 when 64% of stage 2 statutory complaints were responded to within the 65-day timescale.

Received	On Hold	Refused	Withdrawn	Resolved by Mediation	Total Investigated	Upheld	Partially Upheld	Not Upheld	Open at time of report
52	11	3	7	5	26	1	9	3	13

# <u>Statutory Complaints & Representations – Stage 3</u>

2 complaints were heard by a stage 3 panel during 2020/21. There had been no requests for a stage 3 panel review of a complaint in the previous year. The department uses independent panel members and panel chairs contracted through a provider of independent social workers.

Both review panels were convened at a time agreeable to the complainant. Both took place on a virtual basis via Microsoft Teams. There were a further 4 requests for a stage 3 panel. 1 complaint was resolved to the satisfaction of the complainant and therefore was withdrawn from the process. 2 withdrew due to early referral to the LGSCO and 1 was rescheduled until after year end. The review panel does not reinvestigate the complaints, nor does it consider any substantively new complaints that have not been first considered at stage 2.

In the 2 review panels held, the panel had no concerns with the adequacy of the investigation itself. In one complaint one of the outcomes was changed from the original stage 2 and this was because it was felt the investigator had not considered all available evidence. Other recommendations from the panels were as follows:

- That the department ensures that all stage 2 investigations include a statement of complaint and desired outcomes from the complainant. These should be explicitly recorded in line with the statutory guidance "Getting the Best from Complaints."
- That all named practitioners should be interviewed, and reasonable steps should be taken to locate them including contacting Social Work England where necessary.
- The department should ensure that any deviation from statutory guidance "Getting the Best from Complaints" is explained, and defensible/logical decision making is evident in the investigation report.

The panels were reassured that a new pro forma that will be used on all future investigations has been devised for the record of complaint. This will assist with managing complainant expectations regarding both the scope of the investigations and outcomes that can be achieved. A new process has also been devised with human resources to track former employees after they have left employment with the council to ensure their views are gathered and that they contribute via interview in investigation process. Planning and 'halfway' meetings have been established with investigating officers and the complaints manager to ensure that the investigation is progressing in line with procedure. The complaints manager has also established a process of consulting with the independent person overseeing investigations to gather their independent view throughout proceeding investigations.

## **Corporate Complaints**

Under the current policy, attempts should be made to respond to complaints in a timely manner and will usually involve the complaint being:

- Dealt with at the time by the officer receiving the complaint with no need for an additional response
- Passed to the appropriate line manager or senior manager for consideration and response

Where the complaint is not resolved at the time, within 3 working days of receipt an acknowledgment will be sent including the expected date for the response. A full response should be made at the earliest possible time and in general this should not exceed the standard target of 28 calendar days. To ensure all the relevant facts are available and enable a full investigation to be carried out

the target date can be extended. If the complainant is unhappy with the initial response this may be passed to a senior manager for consideration and a final response.

The department recognises that whilst it may not uphold some complaints received, it can and should acknowledge the feelings of service users. Wherever possible the department encourages complainants to meet with staff to resolve concerns locally. Where necessary the department provides advocacy services to those children and young people who would like to make a complaint themselves. Operational teams are also supported by the children's services quality assurance team to resolve disputes and provide objective oversight of complaints being considered through the relevant complaint procedure.

111 corporate complaints were received in 2020/21 compared to 150 the previous year: a 26% decrease. A total of 93 were formally investigated and a response provided under the corporate complaint procedure. 105 (95%) were acknowledged within 3 days and 75 (81%) of the 93 formally responded to were responded to within the target of 28 days. 28 (25%) were responded to within a shorter timescale of 10 days.

The corporate procedure would be used when issues/ concerns giving rise to complaint fall outside of the scope of the statutory procedure and this means that some social care teams have received corporate complaints.

#### Number of corporate complaints received by service:

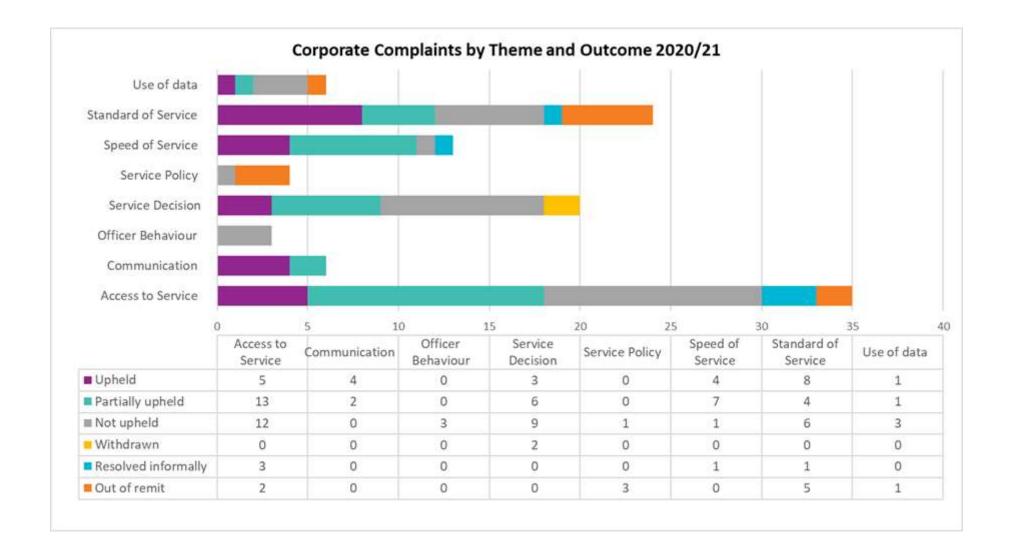
Locality/ Service	SEND	Early years	Educational psychology	School placement and transport	School catering services	Locality teams	Other
Number of complaints	73	1	1	17	1	11	7
Formally responded to	69	1	1	10	0	7	5
Responded to within timescale	58 (84%)	1 (100%)	1 (100%)	8 (80%)		3 (43%)	4 (80%)
Complaint upheld	18	0	0	3		3	1

Number that	0	0	0	0	0	0	0
remained							
open at year							
end							

Other includes starting point, fostering and adoption, the quality assurance team and LADO.

The highest number of corporate complaints related to access to service (35), followed by standard of service (24). Many of the complaints relating to standard of service were in relation to education, health, and care plans (EHCPs) in the special educational needs and disabilities (SEND) service. 73 corporate complaints(66% of the total) related to the SEND service with 69 formally responded to and 58 (84%) of these being responded to within the 28 day timescale and 21 (29%) of the 73 being responded to within 10 days.

2020/21	Access to Service	Communication	Officer Behaviour	Service Decision	Service Policy	Speed of Service	Standard of Service	Use of data
Upheld	5	4		3		4	8	1
Partially upheld	13	2		6		7	4	1
Not upheld	12		3	9	1	1	6	3
Withdrawn				2				
Resolved informally	3					1	1	
Out of remit	2				3		5	1
Remains open								



Specific work was completed within the SEND service during the second half of 2020/21 to address delivery, communication, speed of service, and prompt response to complaints which has led to a significant reduction in both the number of complaints and the response time by the service. The head of service has undertaken a review of the statutory assessment procedures within the service to consider the timing of communications with families at key decision points, including how this is managed within the team. A programme of refresher training is being delivered to all SEND service staff relating to the 0-25 SEND Code of Practice with reference to statutory assessment, annual reviews, and dispute resolution. The head of service has also undertaken a review of the induction information for all new staff and work has been completed this year to improve the recording. Data is regularly reviewed by senior management and operational staff to improve practice and performance and inform service priorities.

Further work is planned to improve parental satisfaction during the statutory assessment and review processes and to develop a framework to moderate the quality of education, health and care plans. It is anticipated that these measures will continue to reduce the numbers of SEND tribunals and complaints that are received about service decisions.

22 final responses were provided to complainants (1 more than the previous year): 6 were upheld; 8 partially upheld and 8 not upheld.

## **Local Government and Social Care Ombudsman**

Complainants who approach the LGSCO are asked to raise their complaint with the council before it will be considered by the Ombudsman. If the complainant is not satisfied with the response following the council's investigation into the matter, the Ombudsman will scrutinise the process used for handling the complaint and provide a response on their findings. The LGSCO suspended its complaints function on 26 March 2020 due to COVID-19 restrictions and resumed investigations on 29 June 2020.

There were 46 LGSCO enquiries from complainants considered between 01 April 2020 and 31 March 2021 compared with 67 the previous year. Of these, 20 were premature referrals which required the department's complaints process to be completed before the Ombudsman would consider the case. A total of 27 of the complaints received were refused by the Ombudsman as they were considered outside their remit. The reasons for refusal included tribunal and court decisions, out of timescale complaints or premature referrals.

Of the 46 enquiries considered from 01 April 2020 to 31 March 2021, 19 progressed to full and detailed investigation, with 13 being upheld (68% compared to 71% in similar local authorities). In 15% of upheld cases the LGSCO found that a satisfactory remedy had already been provided by the council before the complaint reached the Ombudsman; this is compared to 8% in similar local authorities.

## **Complaints about Services Commissioned by the Local Authority**

All commissioned services are required to have their own complaints procedure within the terms of their contract with the council. Ofsted regulate many of these services and set out how they manage complaints regarding these services on their website. All services provided under Ofsted regulation must have an internal complaints procedure, however, where complainants remain dissatisfied with the response provided by the commissioned service, they may use the council's complaints procedures.

When the department investigates complaints about commissioned services regulated by Ofsted it will routinely inform Ofsted of its investigation and outcomes where the case is reviewed or resolved.

The department received one corporate complaint in 2020/2021 related to a commissioned service which concluded at the final response stage.

## **Learning and Improvement within Children's Services Complaints**

The department is committed to learning from complaints and strives to ensure that the complaints procedure is clear, easy to use and drives service improvement. Responding to compliments and complaints appropriately is also key within an organisation with a listening and learning culture. Wherever possible, local resolution will be sought to address the issues raised and reduce escalation through statutory and corporate processes. The paragraphs below highlight some of the learning that has been taken from complaints, and what steps we are taking to improve the quality of our services.

Some complaints fell outside of statutory process during 2020/21. This was due to several factors, exacerbated by the COVID-19 pandemic. Frontline services were prioritised, and stage 1 timescales were not adhered to in 53% of statutory stage 1 complaints. The quality assurance team also experienced challenges in relation to capacity and increased the number of relief quality assurance managers in November 2020, which meant greater emphasis could be placed on learning from complaints and the improving the

quality of responses. Recruitment to increase the number of relief quality assurance managers and independent people is ongoing, however the increase in requests for stage 2 investigations meant there were several complaint investigations where statutory timescales were not achieved and, in a few cases, investigations did not adhere fully to all aspects of the statutory guidance. This was for a combination of reasons including investigators' lack of experience, insufficiently robust oversight of the investigation process and interpretation of the guidance. Work is underway to ensure these complaints are resolved to the satisfaction of all complainants. To address these issues, the quality assurance team has also:

- Used area briefings to highlight the importance of the quality of stage 1 responses and timescales.
- Designed mandatory training for team managers to be implemented in Autumn of 2021.
- Attended further training and developments sessions on effective complaints handling.
- Developed our performance reporting so that heads of service are sighted on current open complaints at stage 1 and quarterly performance statistics on response timescales, complaint theme and the outcome of complaint.
- Continued to undertake area briefings to support the dissemination of learning from of stage 2 investigations to facilitate service improvement; this has been developed further with an action tracker and reporting function for heads of service and senior leaders.
- Improved our adjudication process and ensured a key focus is on resolution with clear reference to the LGSCO remedies guidance.
- Implemented a "twin tracking" approach for any complaints that have entered an alternative dispute resolution to ensure statutory timescales continue to be met whilst keeping a focus on resolution and mediation.
- Continued to support the introduction of the govService customer relationship management system, and it is hoped this will be fully implemented within the next financial year, significantly streamlining the administration of complaints management.