



Derbyshire County Council
Children's Services Department
Statutory
Compliments, Complaints and Representations
Annual Report
April 2018 to March 2019

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Statutory Complaints and Representations

This report provides information about the statutory complaints and representations received during the 12 months from 1 April 2018 to 31 March 2019.

Complaints relating to Children's Social Care are dealt with under the Statutory Complaints procedures. For more detailed information regarding how a complaint and representation is defined and the general procedure that the County Council follows in order to resolve complaints, please refer to **Appendix 1**.

Complaints and representations for Children's Services are logged and progressed by the Complaints Manager within the Children's Services Quality Assurance Team. Complaints and representations are a mechanism to identify dissatisfaction and resolve issues if things go wrong or fall below expectation. Monitoring customer feedback provides us with valuable insight into where we can improve our service provision and/or delivery.

Children's Services Department received a total of 258 statutory complaints and representations during the 12 months ending 31 March 2019. 186 (72%) of these were statutory complaints and 72 (28%) were statutory representations.

This represents a small increase of 10 (4%) when compared to the number received (248) during the same period of 2017–18. There has been a small decrease (16) in the number of statutory complaints received in comparison to the previous year and a significant increase (26) in the number of representations received.

Communication Type	2017-18	2018-19	% change on previous year
Statutory Complaints	202	186	-8%
Statutory Representations	46	72	57%
Total	248	258	4%

Complaint Outcomes

159 (85%) of the statutory complaints received during 2018-19 were responded to with 27 (15%) remaining open as at 31 March 2019. Of the 159 completed statutory complaints responded to 63 (39%) were upheld or partially upheld, the same proportion seen for the previous 12 months.

The table below shows the number and percentage of complaints responded to by outcome during 2017-18 and 2018-19:

Outcome	2017-18	2018-19
Upheld	33 (17%)	21 (14%)
Partially upheld	43 (22%)	42 (26%)
Not upheld	104 (52%)	61 (38%)
Refused	8 (4%)	20 (13%)
Withdrawn	11 (6%)	15 (9%)

There has been a 14 percentage point reduction in the number of complaints not upheld and an increase in the number of complaints refused (9 percentage points) and withdrawn (4 percentage points). This is a result of our improved triage and focus on remedy and resolution through mediation.

The following chart provides a breakdown of statutory complaint outcomes by reason for complaints during 2018-19:

Focus	Upheld	Partially Upheld	Not Upheld	Other (Refused or Withdrawn)	Total
Service Policy			1		1 (1%)
Use or storage of data	1	1	1		3 (2%)
Standard of Service	12	19	37	23	91 (57%)
Speed of Service		1			1 (1%)
Service decision		2	5	1	8 (5%)
Officer Behaviour	7	14	17	6	44 (27%)
Communication	1	5		5	11 (7%)
Total	21 (13%)	42 (26%)	61 (39%)	35 (22%)	159 (100%)

The largest proportion (57%) of complaints responded to related to the standard of service. Of the 68 (74%) that were adjudicated on:

- 37 (54%) of these were not upheld
- 19 (28%) were partially upheld
- 12 (18%) were upheld

During the previous year 2017-18, the highest proportion of statutory complaints also related to service standards at 35%. A much lower proportion (7%) of these complaints were upheld in comparison to this year.

There were 34 statutory complaints (18%) which had more than one reason for complaint. The table below provides a breakdown of the additional reasons and the outcome recorded.

Additional reason for complaint	Upheld	Partially Upheld	Not Upheld	Total
Standard of service	4	4	3	11 (32%)
Officer behaviour		1		1 (3%)
Communication	11	2	1	14 (41%)
Service decision	2		2	4 (12%)
Speed of service	1	2		3 (9%)
Use or storage of information	1			1 (3%)
Total	19 (56%)	9 (26%)	6 (18%)	34 (100%)

The largest additional reason for complaint related to communication (41%) which also had the highest proportion of upheld complaints (78%) recorded against it.

Acknowledgements of Complaints and Representations

Statutory complaints and representations should be acknowledged within five working days of receipt.

In 2018-19, 238 (92%) of complaints and representations were acknowledged of which 230 (97%) were acknowledged within timescale. This is a small increase of 3 percentage points in comparison to 2017-18 at 94%.

Of the 238 acknowledged complaints and representations, 173 related to statutory complaints of which 161 (93%) were acknowledged within timescale. This is in line with performance in 2017/18 (94%)

Of the 65 statutory representations acknowledged, 100% were acknowledged in timescale. This is a small increase of 4 percentage points when compared to 2017/18 (96%)

Response Times

Stage 1 Complaints and Representations

The Children Act 1989 Representations Procedure (England) Regulations 2006 require Local Authorities to try and resolve the complaint or representation as soon as is reasonably practicable and in any event within 10 working days from the start date. The start date is defined as:

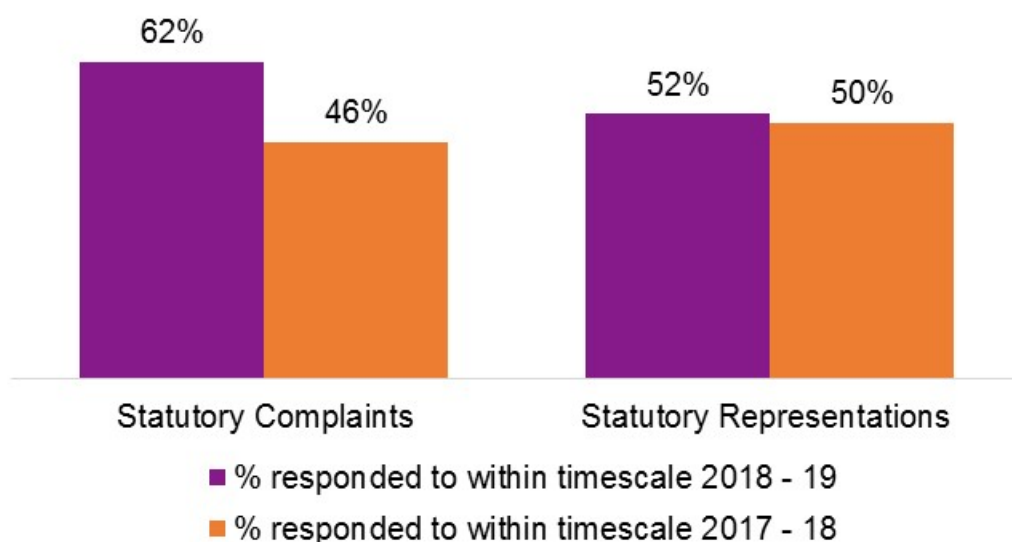
- The date on which the local authority decide the person making the complaint or representation has sufficient interest in the matter to warrant his or her complaint or representation being considered or
- Where the person making the complaint has requested assistance from an advocate the date upon which the advocate is appointed or
- The date on which the complaint or representation was made.

The Local Authority may extend the period for considering the complaint or representation by a maximum of 10 working days where they consider the representation is considered to be complex.

Of the 258 statutory complaints and representations received during 2018-19, 224 were responded to and 34 were still open as at the 31 March 2019. Of the 224 completed statutory complaints and representations:

- 40 (17%) were responded to within 10 working days
- 55 (25%) were classified as complex and responded to within 20 working days
- 37 (17%) were classified as complex and responded to in more than 20 working days but on a date agreed with the complainant.
- 132 (59%) were therefore responded to within timescale. This is an improvement of 12 percentage points in comparison to 2017-18 at 47%.

The table below shows the increasing proportions of statutory complaints and representations that have been responded to within timescale in comparison to 2017-18.



Stage 2 Complaints

If a complainant remains dissatisfied with the outcome of their complaint at Stage 1 they can request an independent investigation under Stage 2 of the Statutory Complaints Procedure. All requests to go to Stage 2 are triaged by the Complaints Manager and authorised by the Head of Quality, Performance and Participation.

During 2018-19 the department received 34 requests for statutory complaints to be escalated to Stage 2 of the statutory complaints procedure. This is a significant increase compared to the 2 received during the previous year.

Of the 34 requests received:

- 10 (29%) related to service decisions
- 8 (24%) related to service standards
- 8 (24%) related to officer behaviour
- 7 (21%) related to use or storage of data
- 1 (3%) related to access to services

Of these 34 requests:

- 6 were refused on the grounds that we were unable to achieve the resolution requested and/or we were unable to make any other finding than that provided at stage 1.
- 7 were withdrawn as a result of achieving resolution through mediation.
- 15 were investigated and responded to.
- 6 were awaiting decision as at 31 March 2019

Of the 15 investigation 13 (87%) were responded to either within the statutory timescale of 65 days or within a timescale agreed with the complainant. The level of complexity, volume and scale of the stage 2 investigations has been significant during the period and the above performance reflects a significant achievement.

The following adjudicated outcomes were recorded against the 15 investigations completed:

- 2 (13%) were not upheld
- 8 (53%) were partially upheld
- 5 (33%) were upheld

Stage 3 Complaints

There were no requests for a stage 3 complaint review panel during 2018-19.

Complaints about Services Commissioned by the Local Authority

All services commissioned by the Local Authority are required to have their own complaints procedure within the terms of their contract with DCC. 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 Authority's complaints procedures.

When Derbyshire County Council investigates complaints about commissioned services it will routinely inform Ofsted of their investigation and outcomes where the service is regulated.

Local Government Ombudsman Complaints

Complainants who approach the Local Government Ombudsman (LGO) are expected to have completed the Local Authority's complaints process before submitting their complaint. Where the complainant remains dissatisfied the LGO will consider whether or not to investigate further and where this is the case they will provide a final decision and remedy/recommendations where they feel this is appropriate.

During 2018-19 the LGO considered 11 statutory complaints about services provided by the Council. This is a reduction of 4 (27%) when compared to the 15 considered in 2017-18.

Of the 11 requests submitted:

- 7 (64%) were premature referrals sent to Children's Services to consider. This represents a reduction of 4 (31%) when compared to the 11 considered premature in 2017-18
- 2 (18%) were not investigated and closed.
- 2 (18%) were investigated and fault found.

The remedies agreed for those investigated and a finding of fault made included:

- Apologies to complainants
- Compensation payments
- Requests for the Council to consider the complaint under Stage 3 of the Council's Statutory Complaints Procedure.

Further information regarding the Local Government Ombudsman is available on the following link www.lgo.org.uk

Compliments

It is pleasing to see that a number of compliments have still been received over the last 12 months.

During the 12 months ending 31st March 2019, the departments statutory services received 73 compliments, an increase of 21 (29%) in comparison to the 52 received the previous year.

The following are a selection of the compliments made about the work of our statutory services:

- *"You have helped us through some extremely difficult times and have shown us that we are strong enough to do this on our own."*about a social worker
- *"Just wanted to say thank you for everything you have done for us all and for giving us our lives back. I don't think we could have done it without you."* about a social worker
- *"We love the house! It's so well thought out and spacious. I am so happy that I can get into the kitchen and bring She is so excited at dinner to help me to prepare food. Even the hall is great and the extra width and widened doors make it possible for to access all areas of the house. The new house is life changing and we are very grateful for all the hard work that was put into making it happen".....* about our Disabled Children's Team

- *“Thank you for facilitating students being able to access and attend different levels of social care meetings, such as strategy and child protection meetings. Being able to allow students to access these types of meeting really helps to improve their experience during placement so thank you.”about our Child Protection Service*
- *“Your clear commitment to getting it right for children and passion for this, your warmth, empathy and calm nature and what they called ‘kindness with rigour’ in ensuring that things were thoroughly done, that there was challenge and this was done from a position of seeking to understand.”about an adoption social worker.*

Learning and Improving

Children’s Services understands the value of compliments and complaints in helping to learn from the experiences of children, young people and their families. The comments 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. Our priorities remain similar to those identified in last year’s annual complaints report, as we continue to embed and build upon the progress already made:

- We continue to remind staff at all levels of the importance of:
 - Good communication including receiving and returning telephone calls, emails and other forms of contact in a timely way.
 - Communicating with all parents who hold parental responsibility to establish positive actions they can take to support and care for their child.
 - Ensuring, wherever possible, our families have continuity of worker.
 - Meeting timescales set out in our policies and procedures and where we cannot achieve this, provide an explanation and agree a revised date with service users.
- We have embedded our complaint tracking and monitoring system which has resulted in improved response times. We will continue to drive further improvement in this area during 2019/20 and explore the introduction of a complaints case management system.
- We have provided operational teams with a complaints toolkit to help them produce effective responses that address the issues raised, provide a clear adjudication and where appropriate share information about actions already taken to maintain confidence in the system.
- We will continue to embed our briefing process to support the dissemination of learning from complaints, in particular the outcomes of stage 2 investigations. This encourages services to reflect on their practice and that of others and consider whether and/or where they can make improvements.
- Our intention is to continue to work with children and young people to raise awareness and look at new ways for them to access the complaints process easily and safely, in the knowledge that they will be listened to.

- We acknowledge that it is essential that parents and carers also have access to good quality information in relation to making a complaint on behalf of a child and it is our intention to complete the review of our public facing information relating to complaints this year to ensure that it remains fit for purpose.

Conclusion

This reporting year shows a small increase in the overall number of complaints and representations received. It is encouraging that the number of complaints has reduced slightly from 202 in 2017-18 to 186 in 2018-19.

Representations have seen a significant increase from 46 in 2017-18 to 72 in 2018-19. This provides an important route for local people to raise their concerns with Elected Members, who in turn will actively make enquiries and seek relevant information on behalf of their constituents on which to make a response.

Our ambition moving forward is to further improve and develop the process and practice of complaint handling, and our arrangements to share the learning from complaints, so that we can offer children and families even higher quality services and support in the future.

Appendix 1- Details of the Complaints Process

A complaint is an expression of dissatisfaction or disquiet from a service user or their representative which requires a response in writing. This can be made by the complainant directly or from a representative such as an MP, friend or advocate. Those received from a representative are classed as a representation; these include requests for information and/or clarification on matters relevant to the person they are representing.

Compliments, complaints and representations provide valuable feedback from children and families about the services that we provide. Our objective is to address individual concerns about the delivery, quality and appropriateness of services.

Derbyshire County Council Children's Services Department has a duty to meet the requirements outlined in the following regulations and procedures in respect of services to children:

- The Local Authority Social Services Complaints (England) Regulations, 2006
- The Representations Procedure (Children) Regulations, 2006
- DCC Corporate Complaints Procedure

Those wishing to make complaints in relation to a Child in Care can at any time refer their complaints to the Regulatory Authority.

This report does not include any information relating to complaints of significant harm which are dealt with under the Derbyshire Safeguarding Children Board Procedures.

The Children's Services Department actively encourages feedback, both positive and negative, to allow us to continually improve the service we provide. We do not necessarily equate negative feedback with poor practice or blame. Children and young people and their families should not feel that providing honest feedback will have a negative impact on the support they receive. Instead we use it to accept responsibility where that is appropriate and learn from our mistakes. In addition to access to the formal complaints procedure, children and young people and their families are also encouraged to raise any issues with those directly providing support or their managers.

The Children's Services Department's approach has an initial focus on supporting local staff to resolve issues directly both flexibly and quickly. The process emphasises the need to agree with the complainant what is to be looked into, explain how this will be done, clarify the timescales and what outcomes are reasonable to expect.

The Department operates two complaints procedures:

- Statutory Complaints are those received about services provided by social care. This procedure includes three stages:
 - Stage 1: Local resolutions. The statutory timescale to respond is within 10 working days of receipt. However, given the complex nature of most complaints received and the requirement for a detailed

investigation and/or liaison with other agencies it has been agreed that all responses at this stage are made within 20 working days.

- Stage 2: An independent investigation and adjudication process. The statutory timescale to respond is within 12 weeks from the agreement to proceed to stage 2. In this procedure an independent person is also allocated to undertake the investigation with the allocated investigating officer.
- Stage 3: An independent complaints review panel. The statutory timescale requires the panel to meet within 30 days, or a mutually agreed date from the request for a complaint to be escalated to stage 3.
- Corporate complaints are those received about services other than social care. This procedure includes only one stage:
 - Stage 1: Local resolution. The timescale to respond to these complaints is 20 working days.
 - Stage 2: An Independent investigation and adjudication process. The timescale to respond to this process is 12 weeks from agreement to proceed to stage 2.

The Council has a very limited role in complaints relating to schools and would only become involved in serious matters such as the non-delivery of the National Curriculum, serious safeguarding matters or where the Local Authority has named the school provision in a child or young person's Statement of Special Education Needs or Education, Health and Care Plan.