

North Somerset Council

Report to the Children & Young People Policy & Scrutiny Panel

Date of Meeting: 16 June 2022

Subject of Report: North Somerset's Annual Children's Social Care Complaints and Complements Report for the 2020/ 21 financial year

Town or Parish: All

Officer/Member Presenting: Sheila Smith, Director of Children's Services

Key Decision: No

Reason: This report is for information only

Recommendations

It is recommended the members review the content of the Annual Report on Children's Services Complaints and Complements (attached), referred to this panel for consideration and any further actions.

1. Summary of Report

1.1 The annual report for 2020/21 covers the Council's actions and responses to complaints and complements about Children's Social Care.

2. Policy

2.1 'Getting the Best from Complaints' recommends that an Annual Report on the operation of the Complaints Procedure be presented to the Executive Member for Children's Services. This information, as contained in this report, is referred to this Panel for review and comment before its submission to the Executive Member for Children's Services and Lifelong Learning.

3. Details

3.1 In the twelve months 1 April 2020 to 31 March 2021, twenty-five Children's Services Social Care complaints were administered by the directorate. Whilst 8 were resolved at the pre-complaints stage, nine proceeded to Stage 1, four to stage 2 and none to Stage 3 of the statutory complaint's procedure. Four cases were referred to the Local Government Ombudsman. Further analysis is contained in the attached Annual Report – appendix 1.

A report covering the period 1 April 2021 – 31 March 2022 will be submitted next year.

4. Consultation

4.1 Not applicable.

5. Financial Implications

5.1 The statutory guidelines require the Council to employ an independent Investigation Officer to investigate for all Stage 2 and 3 complaints and to submit their report on recommendations. We used one provider in 2020/21 – South West Region Board – at a cost of £2,900 in the 2020 - 21 financial year.

Costs

See above - £2,900 in the 2020- 21 financial year.

Funding

Costs are funded from Council resources.

6. Legal Powers and Implications

6.1 As set out in 'Getting the Best from Complaints' - <https://www.gov.uk/government/publications/childrens-social-care-getting-the-best-from-complaints>

7. Climate Change and Environmental Implications

7.1 There are no direct outcomes in terms of climate change to the complaints process.

8. Risk Management

8.1 A failure to present annual report is contrary to the guidelines as set out in 'Getting the Best from Complaints (2006)'.

9. Equality Implications

[Have you undertaken an Equality Impact Assessment? Yes/No **No**

9.1 The evaluation and analysis of complaints is an important means of monitoring and improving service standards including service access for groups within local communities.

Monitoring complaints ensures that those with protected characteristics are dealt with fairly.

10. Corporate Implications

10.1 Legislation and guidance requires that an Annual Complaints Report is produced and reported to the relevant organisation.

11. Options Considered

11.1 None – Getting the Best from Complaints recommends that an Annual Report on the operation of the Complaints Procedure be presented to the Executive Member for Children’s Services.

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Appendices:

Appendix 1 attached

Background Papers:

None



Children's Services

Annual Report

Representations and Complaints

1 April 2020– 31 March 2021

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1. Introduction

- 1.1 This report provides service users, their families and other stakeholders with information about complaints and representations received about children's social care. It aims to measure the effectiveness of the Complaints, Compliments and Suggestions. The report provides an analysis of outcomes and trends from the information received during 2020-2021 as well as the impact on service delivery and learning from complaints.
- 1.2 The report also captures compliments and areas of good practice.

2. The Statutory Context

- 2.1 This annual report is a statutory requirement for Children's Social Care Representations, including Complaints and Compliments. This report reflects the data recorded on the Council's Complaints database, Casetracker, during the period from 1 April 2020 to 31 March 2021 based on the following legal guidance:

'The statutory procedure for Children's Social Care is "The Children Act 1989 Representations Procedure (England) Regulations 2006" and accompanying Statutory Guidance "Getting the Best from Complaints".'

3. Participation, Early Response and Resolution – an overview of the benefits

- 3.1 The Council's Complaints Process aims to be as simple and straightforward as possible for children and young people and their parents/carers to raise concerns and feel that they have been dealt with properly and fairly, even if they do not always agree with or are fully happy with the outcome. The Council aims to learn from all feedback and, where appropriate, act to improve the quality of its services for the individual complainant and for other service users. Complaints can be made from parents, carers and children and young people. In 2020-2021 most of complaints were made by parents and carers.
- 3.2 Within Children's Social Care, the importance of listening to children, encouraging children to make their voices heard and to be involved in active participation is recognised. The complaints system is one of the many ways children and young people can do this.

Social care practitioners are encouraged to routinely seek feedback from children, young people and families, and this is completed during the support and at the end of the support. Practitioners and managers share the learning and recognise what went well to ensure a continuous endeavour to strengthen our services. The practice model of strengths based relational practice ensures that assessments and plans are support are co-produced and when this is not possible, differences of opinion are clearly recorded so that young people's voice is both acknowledged and heard. Quality assurance audits also feature a requirement for the auditor to seek feedback from parents and young people, their voice is clearly recorded and form part of the overall audit report which influences actions plans that arise from the audits

individually and collectively.

The practice model of strengths based relational social work that utilises the signs of safety model allows for partnership working with young people and their families. This model of working seeks transparent conversations about how well the plan of support is working and show commitment to adjusting/reviewing any issues that are identified by the family as barriers to change. This actively seeks to resolve frustrations, concerns and ultimately complaints. Team managers are active in communications and visits to families that raise unease, worries or complaints and this, in combination with the pre-complaint process, is making good progress in both preventing complaints and resolving complaints at an early stage.

- 3.3 The Council is aware of the benefits of learning from engagement from its stakeholders, even when this participation is in the form of a complaint. Problems and concerns can be raised, discussed and, in most cases, resolved quickly and informally. Young people are encouraged to feel that they can speak out and that it can make a difference. Even where a complaint has not been upheld, the feedback gained is an integral part of the quality assurance process which feeds into the development and monitoring of services. A good response to a problem or concern is likely to prevent it becoming a complaint at all; whereas a poor response to a representation or complaint is likely to leave the complainant feeling that their concerns have not been taken seriously or properly investigated.

4. Advocacy

- 4.1 Section 26A **Children Act 1989** requires the authority 'to make arrangements for the provision of advocacy services to children and young people making a complaint under the Act'.

Any child making a complaint under the Act is offered the use of a free advocacy service, through all the stages of the complaint's procedure up to the Local Government Ombudsman. This is an enormously beneficial resource.

- 4.2 Young people in North Somerset can access the services of the Junction 21 Mentoring & Advocacy Coordinator. This post is part of North Somerset's Youth Offending Service. Two young people made use of the advocacy service in 2020-21. One was from a child looked after who felt they were being asked to move into supported housing too early. The engagement of the social worker resulted in a withdrawal of the complaint following an agreed placement move. The second was about a delay in personal allowance payments for which an apology was given to the complainant.

5. The Complaints Procedure

- 5.1 North Somerset does not only act on complaints made in writing. Where responses are not in written form, it is imperative a clear and accessible record is maintained.

Social Care Representations

Representations, (which are potential complaints if not dealt with appropriately) are usually dealt with at point of contact. Representations are recordable when there is a

more detailed or involved response, involving, for example, swift decision making and/or response by Team Management, in order to resolve a concern.

We have a portal available to aide convenience for complainants and transparency. This is being embedded and predicted to assist the swift completion of complaints.

5.2 Stage 1- Local Resolution (Informal Stage)

Most stage 1 representations are actioned by local managers, (normally Team Leaders), or those appointed by the Head of Service or appropriate Assistant Director. The Council's procedure requires that Complainants receive a response within ten working days. This may involve meetings or discussions with the Complainant or other parties in order to clarify issues. The manager will seek to find a practical resolution to the issue and will conclude this with a written response.

All letters to Complainants from the Complaints Officer give a date by which a response should be received. Fuller responses from Service Leaders or their designated responder should contain advice to contact the Complaints Officer if dissatisfied with the response received.

5.3 Stage 2 - Investigation Stage

When a complainant is not satisfied by the Council's response at Stage 1, they may request that their concerns are escalated. Stage 2 complaints are overseen in line with the Children Act 1989 Representations Procedure (England) Regulations (2006) and associated guidance.

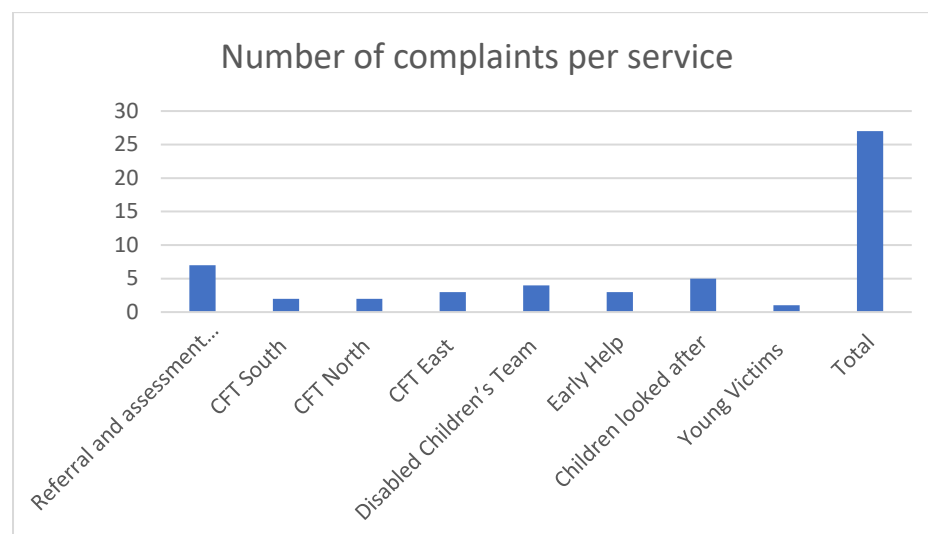
The Stage 2 complaint is investigated by an external Investigating Officer (IO), not associated with the case and further reviewed by another Independent Person (IP). North Somerset engages external IOs and IPs that are appointed from the South West Regional Complaints Register. Reports are shared with the Council and the complainant and their findings are reviewed locally by the Assistant Director for Children Support and Safeguarding, who responds to this stage of the complaint.

The guidance recommends that reports and adjudication should be completed within 25 working days. This can sometimes be complex, noting that external interviews, data gatherings and reviews all need to be undertaken within this timetable. If the review cannot be completed in 25 working days, then 65 working days (approximately 13 weeks) can be given to complete the report and adjudication. There is no specific time for the adjudication letter to be completed by the Council's Assistant Director after the reports have been received but they recommend a response should be done between 5 and 10 days after they have received both reports. The written response to the complainant will detail the decisions on the complaint and will set out any actions to be undertaken by the service or department, including relevant timescales.

In 2020-2021, 2 cases advanced to Stage 2. It is felt the effective resolution of complaints by Teams and Service Leaders within the Stage 1 process has contributed significantly to this low figure.

Name of Service	Number of complaints
Referral and assessment team	7
CFT South	2

CFT North	2
CFT East	3
Disabled Children's Team	4
Early Help	3
Children looked after	5
Young Victims	1
Total	27



5.4 Stage 3 – Review Stage

Where the complaint has not been resolved at Stage 2, the complainant has the right to request that any outstanding complaints are reviewed by a panel at Stage 3.

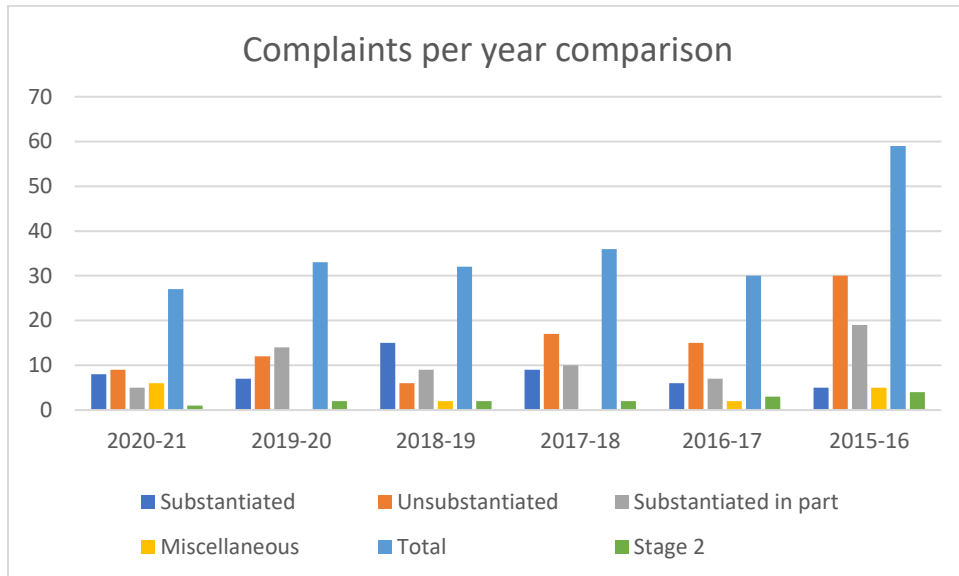
The North Somerset Review Panel has three members. For complaints considered under legislation, all three members must be independent of the Council. The Review Panel does not re-investigate the complaints but acts as an arbitrator and makes recommendations for consideration by the Assistant Director, Support and Safeguarding. The Assistant Director will respond in writing to any findings and recommendations of the Panel.

There were no stage three complaints during 2020-2021.

Summary of complaints 2020 -21

- 5.5 In the twelve months 1 April 2020 to 31 March 2021 of the 9 stage 1 complaints, outcomes were as below:

Year	2020-21	2019-20	2018-19	2017-18	2016-17	2015-16
Substantiated	8	7	15	9	6	5
Unsubstantiated	9	12	6	17	15	30
Substantiated in part	4	14	9	10	7	19
Miscellaneous	6		2		2	5
Total	27	33	32	36	30	59
Stage 2	2	2	2	2	3	4



5.6 Two complaints proceeded to Stage Two. The first centred on whether to initiate care proceeding (upheld), the second a disagreement over decisions made and funding allocated. This remains outstanding.

Outstanding	1
Withdrawn	1
Total	2

5.7 No complaints advanced to a Stage Three Review of the Children’s Complaints Procedure.

5.8 A summary of those groups who have complained in 2020-21 is as below:

Who complained	
Who complained	Numbers
Carer	
Child/young person	2
Parent	19
Relative	5
Grandparent	1
Total	27

Most complaints were from parents who are unhappy with the decision of a social worker about actions taken in relation to the care of their child.

5.11 The reasons why a statutory complaint in 2020-21 was made is shown below (some have more than one reasons for the complaint):

The reasons why a statutory complaint in 2020-21 was made is shown below:

Statutory reason for complaint categories	Numbers
An application of eligibility and assessment criteria	
Contact with Children	2
An unwelcome or disputed decision	1
Quality, frequency, change or cost of a service	
Poor communication	6
Attitude of Staff	2
Delivery - non delivery of service	7
The quality appropriateness of the service	2
A delay in decision-making or the provision of a service	2
Assessment, care management and review	5
Totals	27

6. Local Government Ombudsman

- 6.1 A complainant may approach the Local Government Ombudsman at any time with their concerns. Any complaint needs to have been fully investigated within the Council's procedures before the Ombudsman will undertake an investigation.
- 6.2 Three complaints were made to the Ombudsman. One was upheld.

The complainant alleged that the Council failed to regard her service user, who she cares for permanently, as a child in care and, if it had, the Council would have had to provide both financial and other support to her and to her the child

The LGO found it is more likely than not that the child would have been regarded as a looked after child, and the Council would have assessed carer as a family foster carer. The LGO concluded, it is likely she would have been approved and therefore experienced injustice

One complaint the local authority declined to investigate as it was in the realm of the court. The ombudsman agreed with the local authority's position . One complaint was declined by the authority as a significant amount of years had passed and it would have been a challenge to conduct a considered investigation, the Ombudsman agreed with the authorities position.

7. Monitoring

- 7.1 This monitoring information is provided for inclusion in the Corporate Feedback, Complaints & Ombudsman Annual Report. It is submitted to Councillors and the Directorate's Directorate Leadership Team for review. The relevant teams and Heads of Service are informed about individual complaints when received. Team Leaders

provide feedback on action taken to resolve the complaints they have dealt with. The report, once agreed, is available on the Council's web site.

8. Compliments

- 8.1 In addition to receiving complaints, the Council also receives compliments for good service. This feedback is shared with the staff concerned and used to demonstrate where things are going well.
- 8.2 In the period 2020 -21 there was 36 recorded instances of complimentary feedback about the hard work and care taken of an officer and their student when looking after looked-after children. This is a significant increase on last years figure of 20 and represents a success in capturing the good work achieved
- 8.3 Compliments received from professionals and co-workers are recorded as part of a staff member's appraisal.

Service	Number of compliments
CFT North	6
CFT East	4
CFT South	7
Children's Centre	1
Children Looked ad After	9
Early years	2
Fostering	4
Care leaving team	2
Children with disabilities	3
Total	38

- 8.5 Examples of compliments received in this period have been:

1. I would just like to sincerely thank Miriam Dean, as well as her student, Gemma Rawlings, who have been working tirelessly on behalf of my twin daughters (who are currently 'looked after') since last Autumn. It has been a long, bumpy journey, but I have always liked and admired both women; they are warm, kind, respectful, decent woman and have always been wonderful with my daughters. Difficult decisions have been made and tough conversations had. However, both Miriam and Gemma have always been considerate towards me as the birth mother and been open to hearing my feedback, concerns etc. I will be sad when both cease to work with my daughters, due to moving on, however I will never forget everything they have done for my family and wish them both the best in their career pathways.

The agency has been brilliant with the support of my twins, including MJJ services. I managed to trust CSC. Catherine style is calm she is happy she sat on the floor with me and my children. We did 5 to thrive together and it's stuck in my head to give my children 20 mins a day. I do this every day.

She helped me get the medication the babies needed from hospital as I am a single mum with twins. I took advice I had the opportunity to change and realised I needed

to, I took control they boosted my confidence and told me I am doing well. Linda is amazing at her job.

2. Court today agreed LA plan for Pearl and proceedings finalised. Some of the comments made in Court were lovely. CG said that the work was an example of very good social work practice. Judge Cronin commented that she was “delighted” to see the social work team and felt the outcome was a credit to the “enthusiastic determination of the team” She also acknowledged how hard Toni had worked with CSC.

3. Gilly helped an awful lot, it used to annoy me with how much at first x 3xs a week and when I have MH I didn't want people around me. She helped me manage J behaviour, especially when out and about, she helped go for walks and manage in the home and give me ways to do this. Gilly helped me when I moved, and the house was in disrepair because of housing. Robyn has been great and supportive SW, honest and helpful I can relate to her really well. Everyone thinks social is bad and if they hadn't walked into my life, my life would have been a mess not getting out of bed or tidying. It was CSC that made me realise this PND not acted on and I split up with E dad and I was heartbroken and in a bad place. I had hassle from dad's family. They helped me through this.

9. Adoption

9.1 The Adoption Services is now provided by Adoption West.

10. Lessons Learned

10.1 Monitoring and analysing representations, complaints and compliments provides an opportunity to learn and improve both in relation to the individual case and in some circumstances across teams or services. Consequently, the complaints process is important in improving team and departmental performance and should be an important part of the quality assurance process within the Department.

10.2 Where failure to follow good practice and procedures is highlighted in individual complaints, Service Leaders have been instructed to make the necessary improvements.

10.3 Council officers can deal with representations on a regular basis. Not all are necessarily reported to the Complaints Officer. On review of the complaints during the period 2020-21, issues relating to communication are a common theme that can be broken down into key areas:

- Whilst practitioner workloads are noted, in terms of good practice, where possible the importance of maintaining appointments and returning calls should be prioritised. This will prevent complaints where the complainant feels their needs have not been considered fully despite action being taken
- Some communication complaints are based around the accuracy of report writing. Clear instructions with regards to the nature of the Council's interventions must be given. This will inform parents of their rights and manage expectations.

- Sensitivity of work remains a priority. Service leads have developed measures through the process of staff supervision. This has highlighted the need for additional training and support in some areas.

- 10.4 Overall the statistics show that the complaints process for children is robust, managed with required levels of sensitivity by the members of staff involved. Service Leaders should continue to inform the complaints lead of complaints and compliments to ensure data is captured and logged as a matter of best practice. This will ensure the data recorded provides an accurate reflection of the service as perceived by the service user.
- 10.5 The nature of complaints is varied with some being more complex than others. Responses must be full and clear to avoid the need to respond again to a matter previously investigated. In such instances it is important there is a recognition that the response provided previously may not have been as comprehensive or as clear as it could have been. Due to the nature of the service, some complaints may also be a manifestation of a vexatious complaint. It is important that a full record is kept so that a fair and proper assessment of the quality of the complaint can be made under the Unreasonable Complainant Behaviour Policy.
- 10.6 In 2020 - 21 some complaints have been dealt with directly by Team Leaders and the then Interim Assistant Director for Children's Support and Safeguarding. It is not necessary that all complaints should come through the Complaints Officer, although such responses should be forwarded to the Complaints Officer to the necessary details are recorded and any findings record an accurate and true picture of service provision and where improvements may be needed.
- 10.7 Service Leaders should reinforce the importance of capturing verbal complaints. Staff should be further encouraged to record and analyse comments or concerns they are made aware of as many young people will not wish to engage in a 'formal procedure'.
- 10.8 The Council still receives only a small proportion of complaints directly from children. Most of complaints are from family members, parents or friends. This represents a challenge departmentally in keeping the child's interests central to the complaint. The guidance set out clear definitions for who may complain.

11. Report Summary and Suggestions

- 12.1 In conclusion, most complaints were resolved at the pre and Stage 1 points. Stage 1 responses often utilise a number of resources putting additional demands on staff time. A concerted effort is needed to recognise the importance of an early resolution. By listening to complainants and their experiences, managers and Team Leaders can help to prevent or resolve mistakes earlier and learn new ways to improve and prevent problems from happening in the future. This in turn will lead to an improvement in services.

Recommendation: when complaints are made, the local manager should arrange a face-to-face meeting or a telephone conversation with the complainant as soon as practically possible to, where possible, resolve the concerns and prevent escalation.

- 12.2 The Casetracker database was not designed to deal with social care complaints. Engagement to review the use of this system and its functionality is currently being

undertaken. This way the database can be used by Team managers and Heads of Service regularly to review complaints and complements and to better understand the frequency and nature of concerns to inform service improvements.

- 12.3 The Complaints Officer can provide support and assistance to Heads of Service, Team Leaders as well as Business Support Staff.