

North Somerset Council

Report to the Children & Young People Policy & Scrutiny Panel

Date of Meeting: 20 October 2022

Subject of Report: North Somerset's Annual Children's Social Care Complaints and Compliments Report for the 2021/22 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 Compliments (attached), referred to this panel for consideration and any further actions.

1. Summary of Report

- 1.1 The annual report for 2021/22 covers the Council's actions and responses to complaints and compliments 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 2021 to 31 March 2022, forty-three Children's Services Social Care complaints were administered by the directorate. Whilst twenty-seven were resolved at the pre-complaints stage, sixteen proceeded to Stage 1, and of those three moved to stage 2 and one to Stage 3 of the statutory complaint's procedure. One case was referred to the Local Government Ombudsman. Further analysis is contained in the attached Annual Report – appendix 1.

A report covering the period 1 April 2022 – 31 March 2023 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. The Council used one provider in 2021/22 – South West Region Board – and external costs of £10,680.23 were incurred in the 2021 - 22 financial year.

Costs

See above - £10,680.23 in the 2021- 22 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.

Author:

Katherine Webb	Sally Varley
Interim Directorate Governance & Complaints Manager	Head of Strategic Planning & Governance
Education Partnerships	
Children's Services	
North Somerset Council	

Tel:	01275 882171	01275 884857 or 07917 587280
E-Mail:	complaints.manager@n-somerset.gov.uk	Sally.Varley@n-somerset.gov.uk
Post:	Castlewood, Tickenham Road, Clevedon, UK BS21 6FW	
Web:	www.n-somerset.gov.uk	

Appendices:

Appendix 1 attached

Background Papers:

None



Children's Services

Annual Report

Representations and Complaints

1 April 2021– 31 March 2022

Katherine Webb
Interim Directorate Governance & Complaints
Manager

Education Partnerships
Children's Services
North Somerset Council

Sally Varley

Head of Strategic Planning &
Governance

Tel: 01275 882171

01275 884857 or 07917 587280

E-Mail: complaints.manager@n-somerset.gov.uk Sally.Varley@n-somerset.gov.uk

Post: Castlewood, Tickenham Road, Clevedon, UK BS21 6FW

Web: www.n-somerset.gov.uk

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 2021-2022 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. It reflects the data recorded on the Council's Complaints database, Casetracker, during the period from 1 April 2021 to 31 March 2022 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. Overview of dealing with initial complaints

- 3.1 The Directorate Governance and Complaints team monitor all incoming complaints, however received. North Somerset Council has an online portal directly into a Case Tracker system whereby service users can register their concerns or provide compliments about Children's Services. The Complaints Manager's email address is published on our website and complaints and compliments can also be registered by emailing the Complaints Manager. Complaints are also received via colleagues who will pass the information to the team for action. On occasions complaints and compliments can be received in writing and the post room staff scan and email the team accordingly.
- 3.2 All complaints, however received, are logged onto the Case Tracker system, and each is assigned to the Team Manager of the appropriate team to investigate and respond within a specified time frame, usually 10 working days although this can be extended should the need arise.
- 3.3 The Complainant is advised of the actions taken by the Directorate Governance and Complaints team with an expected response time, confirmation of who is investigating the complaint and invited to contact the Complaints team should they have any queries.
- 3.4 The system itself sends regular status messages to the individual assigned to the complaint to ensure the complaint doesn't drift. In addition, the Directorate Governance and Complaints team monitor the progress of all complaints and regularly interact with colleagues in the Social Care teams to assist in concluding the complaint.

- 3.5 There have been significant numbers of complaints dealt with at pre-complaint stage which is reflective of the work undertaken by the Social Care teams to resolve issues at the earliest opportunity. In 2021- 22, 64% of complaints were dealt with at pre-complaint stage.
- 3.6 The processes overseen by the Directorate Governance and Complaints Team to support clients and social care colleagues and to provide a greater robustness of internal reporting and lessons learned are under review. A new Directorate Governance and Complaints Manager is due to take up her post on 1 November 2022. It is the intention of the Directorate Governance and Complaints team to further review and introduce new processes once the new manager is in post. Regrettably these updates have been delayed whilst the team has been operating under capacity due staff sickness and vacancy management.

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 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. No young people made use of the advocacy service in 2021-22. Only one young person submitted a complaint on their own behalf during 2021-22 and support was provided by a Social Worker.

5. The Complaints Procedure

- 5.1 North Somerset does not only act on complaints made in writing. Where responses are not in 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.

Stage 1 Complaints Summary	
Name of Service	
Referral and Assessment team	
Early Years	1
CFT South	1
CFT North	2
CFT East	3
Disabled Children	4
Looked after Children	3
Care Leavers	
Fostering	1
SPA	1
Total	16

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 2021-22, 3 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.

Stage 2 Complaints Summary	
Name of Service	
Referral and Assessment team	
Early Years	
CFT South	
CFT North	
CFT East	1
Disabled Children	1
Looked after Children	
Care Leavers	
Fostering	
SPA	1
Total	3

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.

Currently there is one stage three complaint during 2021-2022. The Panel Review is scheduled to take place 19 October 2022. The reason for the complaint is based on a perceived failure to act on accusations made by a parent regarding the safety of their child. The complaint has been progressed to this stage as the complainant is dissatisfied with the Adjudicating Officer's findings

Summary of complaints 2021 -22

- 5.5 In the twelve months 1 April 2021 to 31 March 2022 the 16 stage 1 complaints outcomes were as below:

Year	2021-22	2020-21	2019-20	2018-19	2017-18	2016-17
Upheld	1	8	7	15	9	6
Not Upheld	3	9	12	6	17	15
Partially Upheld	7	4	14	9	10	7
Miscellaneous**	5	6	0	2	0	2
Total	16	27	33	32	36	30
Stage 2	3	2	2	2	2	3
LGO	1	4	2	3	2	2
Stage 3	1	0	0	1	1	1

** Miscellaneous includes: resolved, inconclusive and withdrawn cases

- 5.6 Three complaints proceeded to Stage Two. The first centered on the alleged failure of the LA to meet the needs of a disabled child (partially upheld). The

second related to NSC's handling of a safeguarding issue within an extended family (partially upheld), and the final has now progressed to stage 3 (due to be heard 19 October).

Outstanding	1
Closed	2
Total	3

5.7 One complaint has advanced to a Stage Three Review of the Children's Complaints Procedure. The grievance is in relation to a perceived failure by the Council to act on accusations made by a parent regarding the safety of their child. The outcome is outstanding at the time of writing this report.

5.8 A summary of those groups who have complained in 2021-22 is as below:

Who Complained	Numbers
Carer	1
Child/Young person	1
Parent	12
Relative	2
Total	16

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

5.9 The reasons why a statutory complaint in 2021-22 was made is shown below:

Statutory reason for complaint categories	Numbers
An unwelcome or disputed decision	4
Poor communication	5
Attitude or behaviour of Staff	3
Delivery - non delivery of service	1
The quality or appropriateness of the service	3
Totals	16

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 One complaint was made to the Ombudsman in 2021/22. The Ombudsman declined to investigate the grievance as it was outside their jurisdiction.

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.

- 7.2 A review of monitoring will be undertaken by the new Directorate Governance & Complaints Manager once in post from 1 November 2022. Reviewing the way in which we monitor complaints will be an early first tasks.

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 2021 -22 there was 19 recorded instances of complimentary feedback about the hard work and care taken by officers working in Children's Social Care. This is a decrease on last years' figure of 36 and is, we believe reflective of the difficulties of working through the pandemic and having very little face to face contact with clients.
- 8.3 We look to provide an easier way to capture positive feedback, acknowledging that the interactions with families within Children's Social Care are often very complex and the interventions more significant than counterparts in other Service areas.
- 8.4 Compliments received from service users, professionals and co-workers are recorded as part of a staff member's appraisal

Name of Service	Number
CFT South	6
CFT North	4
CFT East	3
Disabled Children	1
Looked after Children	1
Fostering	3
Safeguarding	1
Total	19

- 8.4 Examples of compliments received in this period:

1. I have been really impressed with the speed and diligence given to the work undertaken by Kate and Rose. They have worked really hard to include the views of all those involved, and this has resulted in the children feeling listened to. All three sisters desperately wanted to spend Christmas with their family. Kate and Rose worked hard and within tight timescales and difficult negotiation with foster carers to make this happen. They have also completed an assessment of mum to explore whether the child could return to mum's care. I am so pleased that this opportunity is being given to her and her mum. I realise that the outcome isn't yet finalised, and difficulties are likely to still arise, but as ISRO I am so grateful to Kate and Rose's hard work to make this a possibility. The wide grin on the child's face at her Child in Care Review is testament to her mutual support and appreciation of her Social Work team.

2. I am just in awe of all the help we have had to get us where we are . To see the progress we have made and how differently we all tackle things. I'm very proud of my family we are going to make it . I will miss everyone especially Emily who has been my rock

3. I'm the DSL / Deputy at Silver Bridge School in Taunton and have been working closely with Ashlee for the last 6 months or so, with a young person from N Somerset. We have a new DSL starting, so I will be stepping away from this role, however I really wanted to contact you to feedback on working with Ashlee.

Obviously being a SW is a challenging job, however Ashlee manages this exceptionally well. She is extremely diligent and conscientious and always goes the extra mile to support our student. I don't think people necessarily get enough positive feedback, but I really think she deserves it!

9. Adoption

9.1 The Adoption Services are provided by Adoption West.

10. Lessons Learned

- 10.1 Staffing complexities in 2021/22 has led to a recognition that this has not been an area of strength in terms of capturing the lessons learned in a meaningful way. This, in itself, is a lesson learned. A new Directorate Governance & Complaints Manager begins in post on 1 November 2022 and this postholder will be looking at ways to improve this aspect of our responsibilities.
- 10.2 The complications of Covid have, in part, had an effect on our ability to capture learnings, as has resource issues within the Directorate Governance & Complaints Team due to a long term staff absence and subsequent resignation from post. In the interim we have put in place a bi-monthly reporting function and this provides Quality Assurance & Performance Monitoring that is reported at team meetings.
- 10.3 In order to develop a consistent approach to responding to compliments and complaints we will ensure Team Managers are confident in their use of case tracker and use this consistently going forward. Training and development will need to be considered.
- 10.4 Lessons learned will be extrapolated from every complaint irrespective of the stage it concludes. This will be the responsibility of the respective Team Manager alongside the Directorate Governance & Complaints Manager, a separate recording mechanism will need to be devised as case tracker currently doesn't record quantitative information.
- 10.5 Bi-monthly reports will be produced by the Directorate Governance & Complaints Manager for the Quality Assurance and Performance Monitoring Meeting. This will report on the previous two months of activity and will reflect the thematic nature of the lessons learned.
- 10.6 The voice of children and families will be reported within this bi-monthly report in a separate sub-section so it is obvious and easy to review.

- 10.7 Lessons learned from stage 2 and 3 will be forwarded immediately upon conclusion, to the respective Head of Service so any changes of practice can be considered and implemented.
- 10.8 Communication works best when it is regular, accessible and we are clear. Sometimes our professional language, professional position and tone can make people feel judged and criticised. We need to ensure that we learn from the complaints we have had and ensure we consistently use language that cares when people are in a place of struggle.
- 10.9 Reliability, we know that when we do not do what we have been asked, have agreed or have been tasked with when we should, this causes frustrations, disappointment and delay in decisions. Compliments consistency tell us that when we are reliable this is relay helpful, allows people to trust us and supports us to demonstrate the value of our support.
- 10.10 Transparency and explanation as to why we are required to do what we do - complaints often raise frustrations seeking a change to the plan of support or the conclusion of the support/assessment of need. It's crucial we are clear on our policies and procedures so people understand our role and duties.

11. Report Summary and Suggestions

- 11.1 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.

- 11.2 The Case Tracker database is not designed to deal with social care complaints. In conjunction with Customer Services and ROL (the suppliers), we are looking into whether the functionality of the system can be improved to help improve the reports/information which can be obtained from Case Tracker. In this way the database can be used by Team managers and Heads of Service regularly to review complaints and compliments and to better understand the frequency and nature of concerns to inform service improvements.
- 11.3 The Complaints Officers can provide support and assistance to Heads of Service, Team Leaders as well as Business Support Staff. Increased interactions between the Social Care teams and the Directorate Governance & Complaints team can only serve to improve service and provision both for staff and for the service users