

**Putting children first "Working  
Together with Families to  
Enhance Children's Present and  
Future Lives"  
Vision**

**Annual Complaints Report  
2016-2017**

## Contents

		<u>Page No</u>
<b>1</b>	<b>Complaints Definition</b>	<b><u>3</u></b>
<b>2</b>	<b>Complaint Legislation</b>	<b><u>3</u></b>
<b>3</b>	<b>Complaint Procedure</b>	<b><u>3-4</u></b>
<b>4</b>	<b>Advocacy and Engagement</b>	<b><u>5</u></b>
<b>5</b>	<b>Complaints made by children who are Looked After</b>	<b><u>5-6</u></b>
<b>6</b>	<b>Statistical Analysis</b>	<b><u>6-12</u></b>
<b>7</b>	<b>Themes</b>	<b><u>12-13</u></b>
<b>8</b>	<b>Issues for Learning</b>	<b><u>13-14</u></b>
<b>9</b>	<b>Conclusion</b>	<b><u>15-17</u></b>

## **Introduction**

Lincolnshire County Council is an authority who welcomes all feedback which may serve to increase understanding of the experiences of customers who receive services. With this in mind the authority is keen to make use of complaints as a means of improving services for children and their families. It is anticipated that the speedy resolution of complaints will maximise the prospect of a good outcome.

This report is written in compliance with the statutory complaints guidance issued by the Department of Education – Getting The Best From Complaints. The report deals with complaints received by children, Young People and their families between the period of 1<sup>st</sup> April 2016 and 31<sup>st</sup> March 2017. This report is provided under the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009. This report fulfils the Council's statutory duty to produce a report.

This report seeks to outline the themes which arise from complaints received and identify any learning which may be required and needs to be taken on board in order to improve service provision.

### **1. Complaints definition**

A complaint is considered to be an expression of dissatisfaction about a specific incident or a given situation. All complaints received by Lincolnshire County Council are dealt with under the following procedures;

- Statutory complaints procedures
- The schools complaints procedures
- The council's corporate complaints procedure.

This report focuses on complaints that relate specifically to Children's Social Care (including adoption and fostering). School complaints and corporate complaints are dealt with separately and information about them is not included within the scope of this report.

### **2. Complaints legislation**

The regulations require that every local authority appoint a complaints officer to ensure provision of a robust social care complaints and representation procedure to eligible service users. The framework for handling Children's Social Care Complaints within England is laid out within the Regulations.

### **3. Children's Social Care Complaints Procedures**

#### **Complaints Management:**

Lincolnshire County Council has a dedicated Complaints Officer who is based within the Customer Feedback Team. Complaints can be made at any point in the local authority with all complaints being forwarded to the feedback mail box. The mail box is managed by the

Customer Feedback Team who will view all complaints. Where complaints may be ambiguous, the complainant will be contacted in order to gain greater clarification.

When a complaint is received directly from a child or young person discussions are held with the Social Worker allocated to the child, in order to ascertain whether additional support might be required by the child in order for them to pursue their complaint.

The Complaints Officer's role is to ensure that all complaints which are received are responded to in line with the authority's social care procedure and to this end they will chase responses to ensure that these are sent out within specified timescales. In addition the Complaints Officer will ensure that information in respect of complaints is recorded in order that themes and issues can be identified.

### **Complaints Procedure**

There are various stages to the complaints process which are outlined below. It should be noted that whilst there are clear timeframes for complaints to be addressed at each stage of the complaints process, there will, on some rare occasions, be a need to extend this timeframe. This may include the complainant child requiring an advocate when the complaint is particularly complex. If additional time is required the complainant will be notified of this at the earliest opportunity.

#### Stage one – Local Resolution

Complaints received are forwarded to the appropriate manager to address the concerns. An acknowledgement is sent to the complainant within two working days and in most cases a full response will be provided within ten working days. In some circumstances i.e. where the complaint is particularly complex or the young person might require an advocate a further ten days is permitted to address the complaint. When this is the case the complainant will be notified.

#### Stage two – Independent Investigation

When an individual is unhappy with the outcome of the stage one complaint they are able to request an independent investigation. The timeframe for this stage of the complaints process is 25 working days with an extension to 65 working days.

#### Stage three – Review Panel

If the complainant remains unhappy with the outcome of a stage two complaint they can request an independent panel to review how the complaint was handled. The panel must meet within 30 working days of the request.

It should be noted that whilst the internal process concludes at stage three, if the complainant remains unhappy with the outcome they are able to approach the Local Government Ombudsman. This report does not extend to any issues addressed at this level.

#### **4. Advocacy and Engagement**

In April 2015 Lincolnshire County Council commissioned Voicability to provide independent advocacy for children and young people who might wish to make a complaint. (This represented a change, with the previous advocacy service having been NYAS). All children and young people who wish to take advantage of this service are able to do so. The Complaints Officer ensures that children and young people are aware of this service when they seek to make complaints. The majority of complaints made by young people are supported by advocacy services. In the year 2016-17 Advocates supported three young people to make complaints, the reasons were as follows:

Lack of communication from social worker

Not receiving the financial assistance they were entitled to as a Looked after child

Not getting support from school or the SEND team

There were other cases where young people indicated initially that they may want to complain but did not feel the need once their wishes and feelings were shared. There were also referrals regarding complaints where the young person didn't engage with the advocate.

#### **5. Complaints made by children Looked After**

As soon as a child starts to be looked after by the local authority they are provided with a "coming into care kit." This provides them with information as to how they can express any feelings of dissatisfaction they may have including making formal complaints. There are however a number of informal dispute resolution options which are available to children and young people who are in the care of the local authority. These include the following:-

**Independent Reviewing Officers:** The Independent Reviewing Officer has a duty to engage with children and young people to ascertain their views in respect of their care plans and also to advise them of their entitlements including their right to complain. Children are encouraged to attend their reviews in order that they are aware of their plan and are able to comment on this. Where children's wishes are contrary to the plan the Independent Reviewing Officer is able to escalate matters on behalf of the child in order to resolve matters in a timely manner. Where children and young people continue to be dissatisfied the Independent Reviewing Officer is able to support young people in making formal complaints.

**Regulation 44 Visits:** The Regulation 44 Officer is an Independent Visitor who visits all residential homes within the authority on a monthly basis. An integral part of the role of the Independent Visitor is to talk to children, young people and their families about their experiences of the residential home. The Regulation 44 Visitor is able to engage in discussions with the homes manager in order to resolve any issues which the child may identify. Where this

early attempt at resolution is not successful the Independent Visitor is able to support the young person in making a formal complaint.

**Social Workers:** Social Workers meet with children on a regular basis. A fundamental part of this visiting is ascertaining the wishes and feelings of children and young people. Where children are unhappy with the level of care which they are receiving, their social worker will in the first instance work with the child to see whether changes are able to be made which would comply with the child's wishes. Social Workers are able to direct children to the advocacy service if they wish to pursue a formal complaint.

Level of complaints for children who are looked after have remained very low. For the year 2016 to 2017 there were a total of seven complaints made. Four of these were partly substantiated; this is an increase of 3 complaints on the previous year. It would appear that only one of these complaints was made by a young person whose belongings were lost when he moved between placements.

## **6. Statistical Analysis**

This section provides performance statics relating to the management and handling of all children's social care complaints received in the 2016/2017 financial year.

### **Complaints received**

There were a total of 128 complaints received in 2016/2017 which represents a 12% decrease from the previous year. This is the lowest recorded figure in the last ten years. The previous lowest figure was 130. In relation to the number of complaints made in the year, the breakdown is as follows:

Q1-32

Q2-27

Q3-33

Q4-36

There is some variation in terms of the number of complaints which have been made over a ten year period with the lowest number of complaints being 128 and the highest 188. This year's complaints represent a 32% decrease from the highest number of complaints.

Table 1: Comparison of complaints for 2014/5, 2015/6 and 2016/7

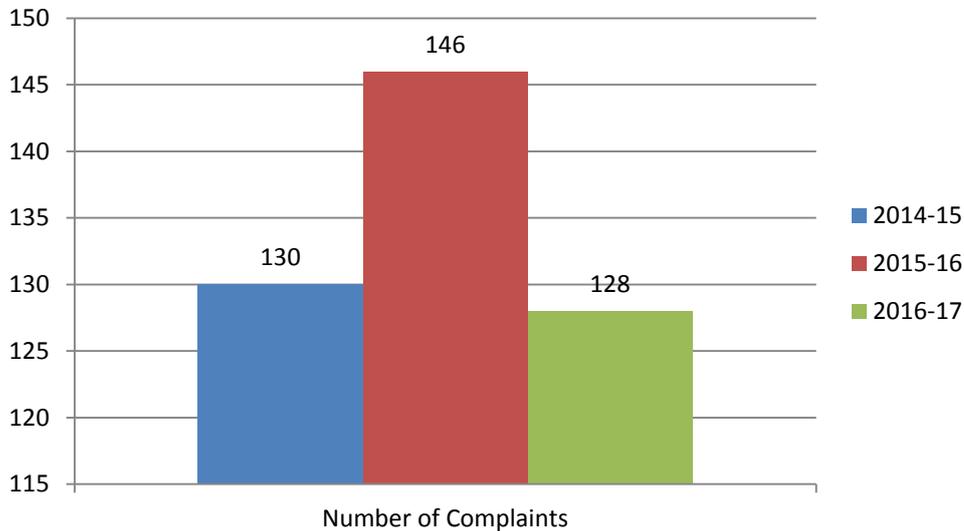


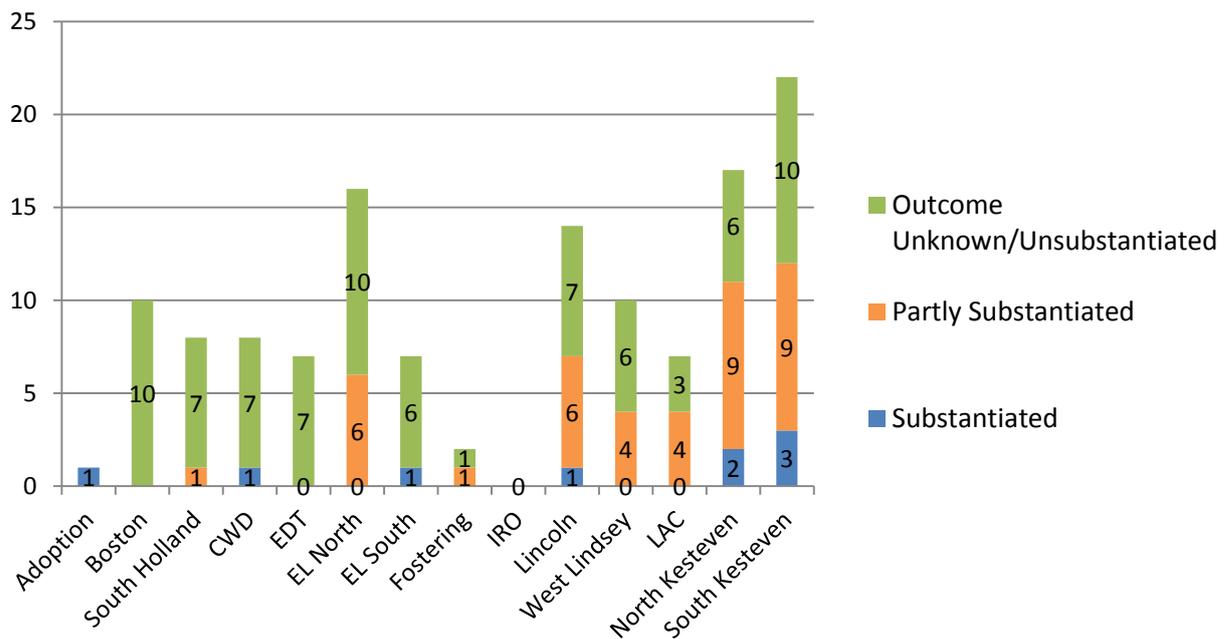
Table 2: Summary of number of complaints over the last ten years

Year	2007-2008	2008-2009	2009-2010	2010-2011	2011-2012	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017
No of complaints	157	139	130	180	158	146	188	130	146	128

**Complaints by service area**

An analysis has been undertaken as to which service areas received complaints. As can be seen in Table 4, no complaints were recorded for the Independent Chairs Team and only one complaint was received for Adoption and two for Fostering. The highest number of complaints were in relation to the South Kesteven Team which recorded 22, of these 3 were substantiated and 9 were partly substantiated.

Table 4: Complaints by service area

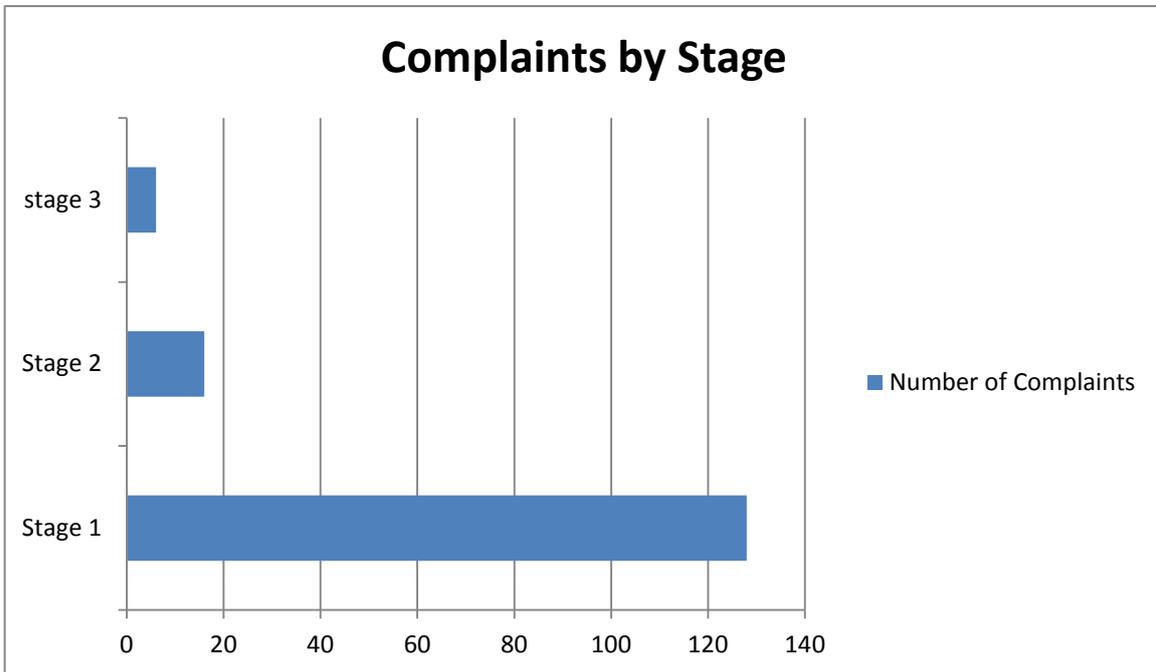


### Complaints by Stage

Of the 128 initial complaints that were made, 16, (12.5%) of these moved on to stage two, and 6 (4.6%) moved on to stage three. In comparison with last year, 14% moved to stage 2 which is a decrease this year and 4% to stage 3, up to 6% this year. Ten of the complaints that moved onto stage two were resolved in this period. Of these ten complaints, each complaint consisted of several elements, referred to as complaints which meant that 110 complaints in total were addressed for these ten complainants. The stage two complaints are investigated by Independent Investigators who conclude whether the complaint is upheld, not upheld, partially upheld or no findings made. Of the 110 elements, 18 were upheld, 1 partially upheld, 73 not upheld and 4 had no findings. In addition there are 4 complaints with no outcomes recorded. Whilst the reasons for the complaints that went to stage two were varied, some learning can be extracted in relation to the upheld complaints. These tended to relate to inappropriate comments made by staff, misinformation, Social Workers not doing what they said they would do, not providing documents when requested (threshold document, complaints leaflet and consent forms). Some of these issues will be addressed by the restorative practice training which is currently being rolled out.

Six complaints went to stage three and eight were resolved in this year. Each complaint had a number of elements but for the purpose of this report only complaints where recommendations were made have been incorporated. The recommendations from these are addressed later in this report.

Table 5: Complaints by stage

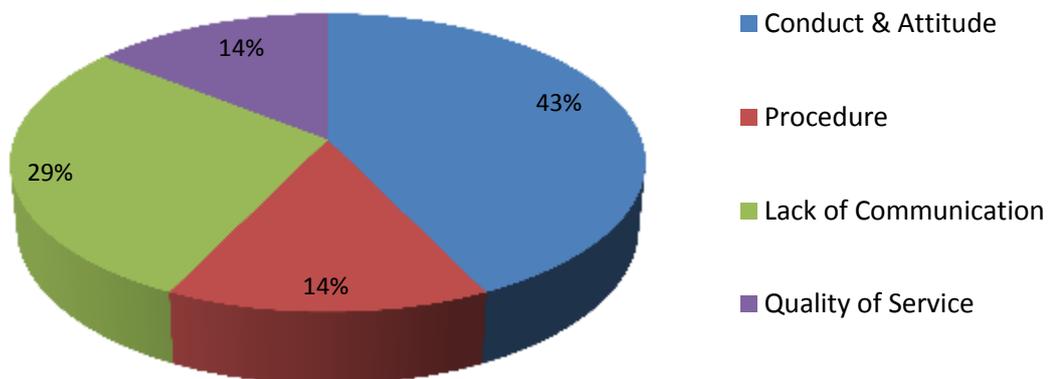


**Complaints by category**

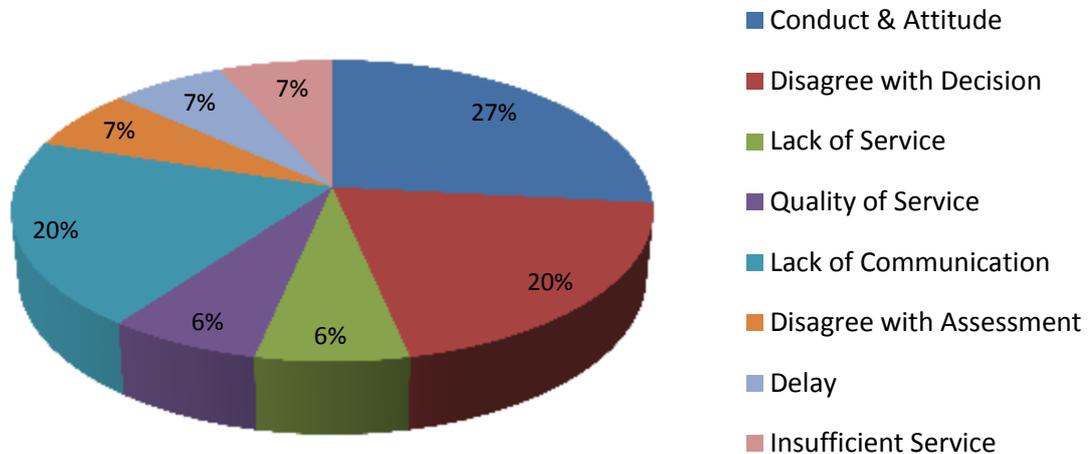
All complaints received are defined by category. In order to ensure that the categories reflect the information received there are a number of broad classifications.

Table 6: Complaints by category

**Substantiated**



## Partly Substantiated



The conduct and attitude of staff members as perceived by children young people and their families is by far the biggest area of complaint, with over a third of complainants having this as their main area of dissatisfaction. 38 of the 128 complaints related to this. The second largest category was disagreement with decision which was 29 complaints. This continues last years trend where the largest category for complaints was about conduct and attitude of staff.

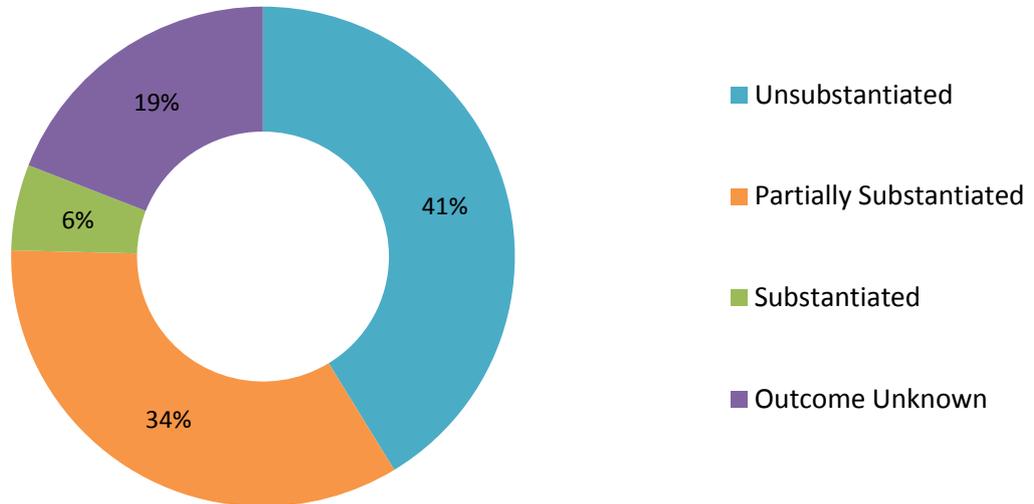
Of the 7 substantiated complaints these related to conduct and attitude (3), procedure (1), lack of communication (2), quality of service (1). 17 were partly substantiated and these were recorded as conduct and attitude (4), disagree with decision (3), lack of service (1), quality of service (1), lack of communication (3), procedure (2), disagree with assessment (1), delay (1), insufficient service (1). Unfortunately 24 out of the 128 complaints did not have an outcome recorded so the data is not accurate.

### Outcomes of complaints

The table below demonstrates the outcomes of complaints at stage one. As can be seen the majority of complaints were unsubstantiated 52 (41%) with a significant number having been partially substantiated 43 (34%). There were 7 (5.5%) complaints which were substantiated. In addition there were 24 (18.75%) complaints where the outcome remains unknown. The member of staff responding to the complaint also should complete a completion form and this generates the data as to whether the complaint has been substantiated or not and any learning required from this. If 24 of the 128 complaints do not have this form completed then any data is inaccurate. This is unacceptable and greater effort will need to be made to improve this figure in order to ensure all outcomes are recorded promptly and within identified timescales. See performance section below.

Table 7: Outcome of complaints made:

## Outcome



The fact that a large proportion of the complaints were unsubstantiated does not diminish the value of each and every complaint received. It remains an important part of service development to listen carefully to issues which may be raised by children and families in order that there can be a proactive response which will serve to minimise an escalation in issues. As 24 outcomes were not provided these figures are not accurate.

Of the 7 complaints which were substantiated there were four categories namely:

- Conduct and attitude 3 (43%)
- Lack of communication 2 (29%)
- Quality of service 1 (14%)
- Procedure 1 (14%)

This is a reduction from 9 substantiated complaints in the previous year. However, there were no substantiated complaints in relation to conduct and attitude last year, whereas the highest number of substantiated complaints relates to this in the current year.

As can be seen above, 33.5% of the complaints were partially upheld, this equates to a total of 43 complaints. A significant number of these complaints are attributed to three main areas namely

- The conduct and attitude of social workers 13 (35%)
- Disagree with decision 9 (21%)
- Lack of communication 5 (12%)

It is of concern that the conduct and attitude of staff was the highest recorded category for both substantiated and unsubstantiated complaints.

## **7. Overall Themes**

Over the course of the year there were no complaints which were received which would lead to any concerns about children being harmed as a result of the actions or inactions of workers.

Children who are looked after have made a very low number of complaints. At the present time there can be no real confidence that this low number reflects the reality of the experiences of children and young people children. Work needs to be undertaken in order to ensure that all children who are looked after are aware of the complaints process and are able to fully access this process.

The overwhelming basis for complaints has been the perception of workers' behaviour towards service users and poor communication. These two broad and general themes have been clearly communicated to workers at regular intervals throughout the year through individual supervision sessions and team meeting. However there is some general guidance which can be offered which would serve to reduce complaints in this area. These include a need to ensure that out of office messages are left on mobile phones indicating when a worker is off on leave. Direct line managers will need to ensure when a worker is off on unexpected leave (sick or family leave), ensuring that the electronic diary of the worker is viewed and appointments cancelled with reasons why, clearly communicated to families.

It is anticipated that as workers begin to engage in more relationship based practice, some of the issues around the perceived attitudes of workers will be addressed. The issue of poor communication is wide ranging. It includes children and families being unaware of social workers being on leave, meeting dates changing, letters arriving which allow 6 minutes for parents to get to contact , to families not being kept informed of developments. Some of these issues can be very easily resolved by way of example when social workers have unexpected absence from work the line manager views their electronic diary and ensures that all necessary people are notified of cancelled appointments. This appears to take place across many teams but there is a lack of consistency. Equally for planned leave, workers need to ensure they leave a message on their out of office phone service explaining this and giving clear instructions as to who should be contacted in their absence.

There is some data which if correlated may prove to be beneficial in terms of allowing for greater analysis and thus increase learning. By way of example when complaints are made the details of who is making the complaint are not routinely collected. We are unable to provide any clear analysis with regard to the age of children who are subject to complaints from family or carers, or the types of relationships, adults complainants may have to children, whether they are carers, parents etc. Such data might help to provide greater analysis as to whether there are any particular customer groups where lessons can be learned.

There has been a lack of consistency across the authority in ensuring outcomes from stage one are forwarded to the Customer Feedback Team. This needs to take place. In addition it is

important that at this early stage it is recognised what lessons need to be learnt and that this should be documented and circulated across teams.

When complaints escalate to stage two and three of the process, there is a need to ensure that learning takes place and that this is communicated throughout the directorate.

In relation to outcomes from stage 3 complaints there were some recommendations which were case specific such as individuals being provided with particular documents. However, in addition there were a number of recommendations from the stage three complaints which are applicable to Social Care practice and these are as follows:

1. On receipt of a Stage 1 complaint the responding officer should consider if contact with the complainant is necessary to help in formulating a comprehensive reply.
2. Where a person is found to be a 'Low Risk' they should not only be informed verbally but sent a follow up letter explaining the reasoning behind the decision. Furthermore, Children's Services should include the factors that would trigger a review of their assessment
3. Staff should ensure that concerned parents receive adequate and timely feedback where appropriate.
4. Staff should be reminded of the need and importance of timely accurate and comprehensive case recording.
5. Staff should consider the content of the 'cold' closure letter that is sent out when a case is closed.

#### **8. Issues for Learning**

As previously stated much of the learning in terms of complaints takes place at the time of the conclusion of complaints with clear messages being fed back to individuals or teams in terms of changes that might be indicated. The learning from complaints is currently limited to individuals and managers and not collated centrally in a timely way. Some basic awareness raising and implementation of some changes to practice is required. There has been a training course on complaints aimed at individuals who respond to complaints, although not well attended by Children's Services staff. It may be possible for a further course to run next year. In addition it is proposed that the following be implemented (see action plan for detail):

- The annual complaints report to be shared at SMT and CSTM and disseminated throughout the Directorate to raise awareness.
- One minute briefings to be produced and circulated.
- A renewed focus on the preparation which children and their families receive for attending meetings so that they are able to fully participate. This includes literature provided
- Ensuring that all children and their families are aware of who should be contacted when their key worker is not available.

- Work to be undertaken with children who are looked after in order to ensure children and young people are aware of the complaints process and how this can be used.
- All workers ensuring that decisions are clearly communicated to children and their families including written communication where required.
- Workers ensuring that reports are clear accurate and shared with family members prior to meetings.
- All social workers to be reminded of the need to remain respectful of families, particularly when the involvement is as a result of statutory duties.
- Making greater use of action plans to aid learning from complaints.
- Ensure all Managers attend the face to face complaints training and complete the e-learning.
- Managers to ensure they complete the learning from complaints feedback form when responding to complaints.

### **Performance reporting**

There has been a corporate focus on complaints in recent months, which as a result has led to a review of how complaints and data around this are managed. Within Children's Services the plan is to report on the data quarterly to the performance meeting so this can be tracked. An escalation process has also been implemented to ensure feedback forms are completed and received; whereby the Team Manager (or whoever is responding to the complaint) will receive one chase email and the second one will be sent to the Service Manager with the Team Manager copied in. Any outstanding feedback forms will also be addressed at the quarterly meetings. A new database, Lagan is in the process of being commissioned which will support more accurate recording, although as yet timescales have not been confirmed. In the interim there will be amendments to the current reporting system so that data can be obtained and tracked in a more comprehensive way. The proposed data that will be reported on is:

1. Number of new complaints (in a given period i.e. quarter)
2. Number/percentage of complaints acknowledged within one day
3. Relationship to complainant – number/percentage
4. Service type - number/percentage
5. Area type - number/percentage
6. Category of complaint - number/percentage
7. Number/percentage Stage 1 Final responses where timescale was met
8. Number of repeat complainants (recorded on the feedback form)
9. Number of complaints closed in a period
10. Number of complaints closed that were resolved at Stage 1
11. Number of complaints closed that were resolved at Stage 2
12. Number of closed complaints by category/issue

13. Total number of outstanding complaints at Stage 1
14. Total number of outstanding complaints at Stage 2
15. Number of complaints referred to the Local Government Ombudsman)
16. Number/percentage of Feedback/lessons learned documentation completed
17. Number/percentage of complaints which progressed to Stage 3
18. Number/percentage of closed complaints where complainant open to Children's Services  
(broken down by Early Help, CIN, CP & LAC)
19. Compliments

In Children's an action plan will be developed and held within the Quality and Standards Team to track all learning and action required so this can be addressed across the Directorate.

#### Quality assurance

A corporate complaints group has been established which meets each quarter and reviews a sample of complaints from across the Directorate. This highlights good practice and well written responses to complaints but in addition raises issues where the complaints do not appear to have been responded to in a satisfactory manner. Each Directorate lead takes these issues back to the person who dealt with the complaint as learning. There is also a plan to ensure each Directorate receives timely complaints reports and Lagan will be used as the database going forward.

#### **9. Conclusion**

The number of complaints received in 2016/17 was lower than those received in the preceding year but has not been significantly out of line with the numbers of complaints received over the last ten years. It is clear that the perceptions of conduct of staff members alongside a lack of good communication are significant areas of concerns for complainants. Greater care needs to be taken to engage with families in a manner which is both supportive and challenging of them.

It is also clear there is the potential for further lessons to be learnt if the data collection process is reviewed and there is an emphasis placed on the demographics of the complainant.

#### **Action plan**

What we are worried about	What needs to happened	Time frame	Measure
Profile of complaints and learning from them is not well embedded throughout the Directorate	DMT to agree how often they want feedback about complaints, comments and compliments.	February 2018	Attendance at DMT
Profile of complaints and learning from them is not well embedded throughout the Directorate	Presentation of report and findings to SMT and CSTM. To include a reminder about best practice. This report to be on the agenda of all social care teams.	To commence in February 2018 and to be completed by June 2018	Confirmation from team managers that this has taken place.

	One minute briefings to be completed and circulated		
There are a very low number of complaints made by children who are looked after and it is unclear whether this is because they have no complaints to make or that they lack knowledge and confidence in respect of the process.	IROS to ensure at each review children are aware of the complaints process. Regulation 44 visitor to ensure that children in homes have confidence to make complaints.	March 31 <sup>st</sup> 2018	Data from IROs
The IROs and Regulation 44 Officer may be masking complaints by engaging in early resolution within their roles.	IRO and Regulation 44 visitor to ensure that they do not mask complaints but assist young people to make formal complaints as appropriate. Where early resolution takes place devising a system that allows for these to be recorded as complaints	March 2018	Records of complaints from looked after children to be clearly recorded even when there is early resolution.
Lack of clarity in respect of the demographics of complainants	Ensuring the relationship between complainant and child is clearly identified to gain greater information about demographic, i.e. resident parents, non-resident parents, carers etc.	Immediately	Data available for annual report 2017/18
Ensuring that all responses to complaints at stage one, are forwarded to the complaints team as a matter of routine.	Performance report to OMG on a quarterly basis. Escalation process to be followed  All managers to be reminded of the need to send responses to the complaints team.	Immediately	Complaints manager will have responses for all complaints where this does not happen this to be escalated to service lead.
Lack of consistency across county in sharing learning from stage one.	Team managers to ensure that they are able to identify lessons learnt at stage one and that this information is provided to the Quality and Standards Manager who will manage an action plan and disseminate learning.	Immediately	Greater understanding as to how practice can be improved.
Ensuring that children and their families are made aware of the nature and format of all meetings which they attend.	Worker to communicate clearly to families about the nature and purpose of meetings.	Immediately	Fewer complaints to be received in this regard.
Poor communication particularly when key workers	All key workers to ensure that when they are not at work	Immediately	Reduction in complaint in respect of this issue.

are on unexpected absence from work.	they have an out of office mobile response so families are aware when they might be back at work. Where workers take unexpected leave the direct line manager to review the electronic diary and ensure that families are contacted and updated.		
Poor communication and understanding by families as to why assessments are undertaken. Outcomes of these to be provided in writing and criteria for reassessment to be included.	All key workers to ensure that they clearly communicate to families the reasons for assessment and ensure that families are able to engage and participate in the process in line with the sign of safety model.	Immediately	Supervision Case closure audits Updated procedures
Lack of consistency in ensuring that information is shared across all social care teams.	At stage two and three of the complaints process, learning to be collated and an action plan to be developed by the Quality and Standards Manager for monitoring and dissemination.	Immediately	Reduction in the number of complaints made.

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