

**Partners in Practice**  
Putting children first

**Everyone Working Together for  
all Children, Young People &  
Families to be Happy, Healthy,  
Safe and the Best they can be**

**Annual Complaints Report  
2022 - 2023**

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## **Introduction**

Lincolnshire County Council is an authority that 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 from children, Young People and their families between the period of 1<sup>st</sup> April 2022 and 31<sup>st</sup> March 2023. 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 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 Manager 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 officer who is based within the Customer Relations Team. Complaints can be made at any point in the local authority with all complaints being forwarded to the Customer Relations email account. The mailbox is managed by the Customer Relations 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 Statutory Complaints 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. 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 one working day 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 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 dissatisfied 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 dissatisfied with the outcome of a stage two investigation, they may 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 dissatisfied 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**

Lincolnshire County Council commission Voiceability Lincolnshire to provide independent advocacy for adults and children and young people who might wish to make a complaint. The children's element of this contract is subcontracted to Barnardo's. All children and young people who wish to take advantage of this service are able to do so, in addition any child or young person who enters care or who becomes subject to Child Protection procedures are provided with an advocate unless they specifically express that they do not want one. The Complaints Officer ensures that children and young people are aware of this service when they seek to make complaints.

This year saw one case where there was involvement from the advocacy service. This case resulted in the complaint escalating no further and service working closely with the complainant to resolve concerns.

There is always concern that children and young people are unaware or not confident enough to make a complaint which is one of the primary purposes for the Children's Statutory complaint process, however children and young people who are in the system have Social Workers and so if they complain the issue should be resolved locally if the Social Worker is in the position to assist them. All Social Workers are aware that children and young people are entitled to an advocate and any children within Child Protection or Children in Care are provided an advocate automatically unless they opt out.

#### **5. Children in Care**

As soon as a child enters care, 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 can 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 unsuccessful, 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 can direct children to the advocacy service if they wish to pursue a formal complaint.

## **6. Complaints received around Children in Care**

This year has seen no complaints made directly by children who are in care. However 3 complaints were received from parents, carers or other family of children in care. The following is a brief summary of those complaints received in relation to this area.

### Quarter 1

- Parent complained that sibling of his child was not being kept with his child despite the courts order that this is maintained. Parent advised that they were not contacted around taking in both children and that there had been a lack of communication from the allocated Social Worker.  
In response to this the complainant was advised that as the child in question was not his child they were not immediately entitled to information pertaining to the child. Additionally a viability assessment for the child's placement with the complainant was still on-going. It was also relayed to the complainant that the court findings referred to were 4.5 years ago and as such the siblings were more independent of each other with individual needs that needed to be met. There was no request for an escalation of this case.

### Quarter 2

- Complainant advised that they were unhappy around their sibling's social worker discussing their personal history with other family members. When raising this with the social worker complainant felt dismissed despite only wanting to act in the best interesting of their sibling who is in care.  
It was explained to the complainant that the matters were raised were around the care provided to them by a grandmother and assessments were being undertaken to assess her ability to provide care for the complainant's siblings. It was agreed that this would remain the sole area discussed in regards to the complainant's history and remain in the context of suitable care for the child in question. This complaint was not escalated any further by the complainant.
- Complaint raised by a foster carer around the lack of support offered to them and a child in their care following allegations made against them by another young person. Complainant also felt that there was a lack of communication from involved workers and as a result has moved to an independent fostering agency. Since doing so complainant was advised that children currently in their care could be removed.  
In response to these concerns the complainant was advised that their transfer has been processed in accordance with the Fostering network protocol arrangements, however there were matters that remain the responsibility of the Local Authority to agree/ negotiate in terms of the new provider particularly when there are Lincolnshire children in placement. Additionally it was explained that with all allegations appropriate procedures need to be

completed to ensure the safety of all involved. These procedures were followed appropriately and there were no further matters to investigate. No request for an escalation of this complaint was made.

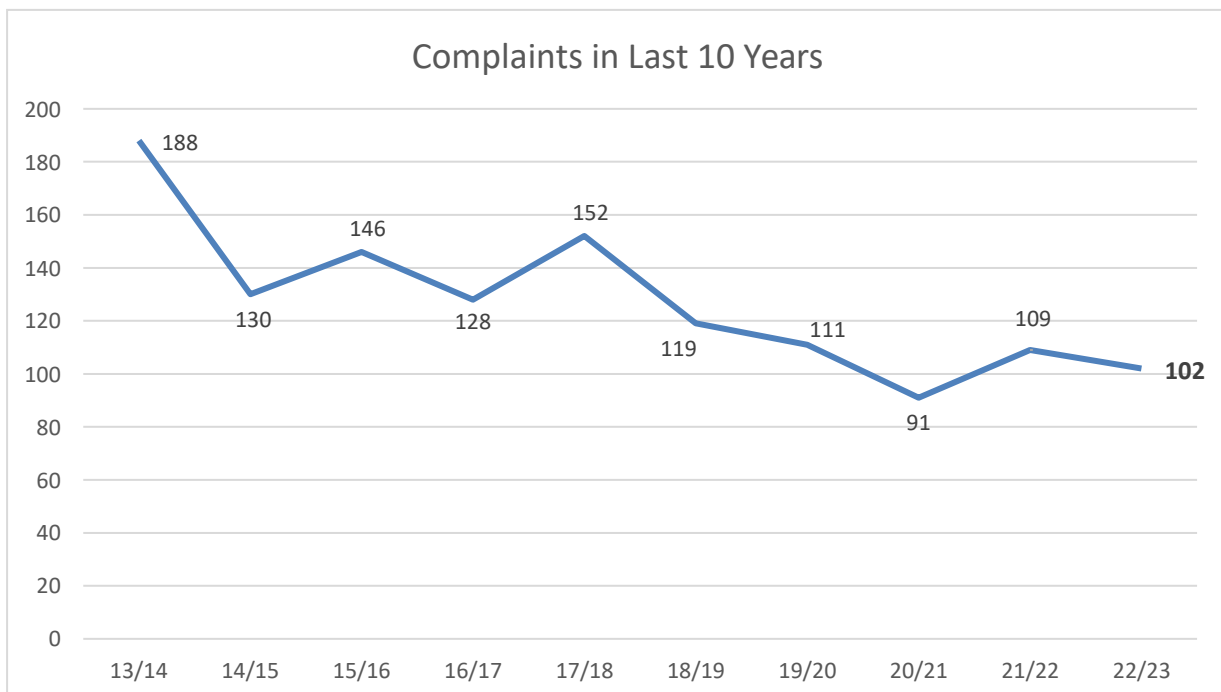
No complaints were raised in relation to this area during the 3<sup>rd</sup> or 4<sup>th</sup> quarters.

## 7. Statistical Analysis

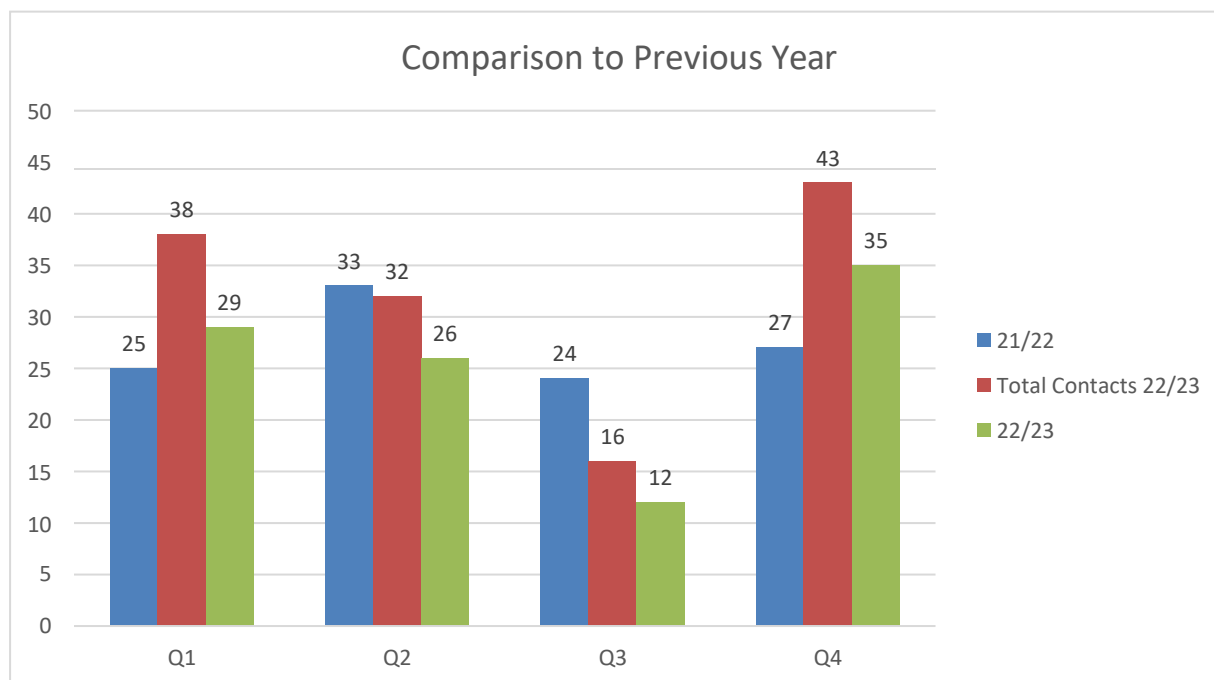
This section will provide an overview and analysis of the handling and management of all Children's social care complaints received in 2022/2023.

A total of 129 contacts were received in 2022/2023 from individuals wishing to complain about the service. Of these complaints 27 were resolved informally, outside of the complaints process, accounting for 21% of all contacts received. To put this into context Children's Services received 49974 contacts for social care of which 7140 opened as referrals. 1.4% of all referrals led to a complaint being made.

With the resolution of 27 contacts outside of the complaints process, to the service users satisfaction, 2022/2023 saw an overall decrease of the complaints entering the formal process of 6%. The authority as a whole has seen a significant increase in the number of complaints recorded with the average increase across services being 19%. Children's services have continued to try and resolve concerns as early as possible despite the additional pressures seen over the course of the year.



The following shows a breakdown of all contacts received, and the number of these entering the formal process per quarter, in comparison to the previous year.



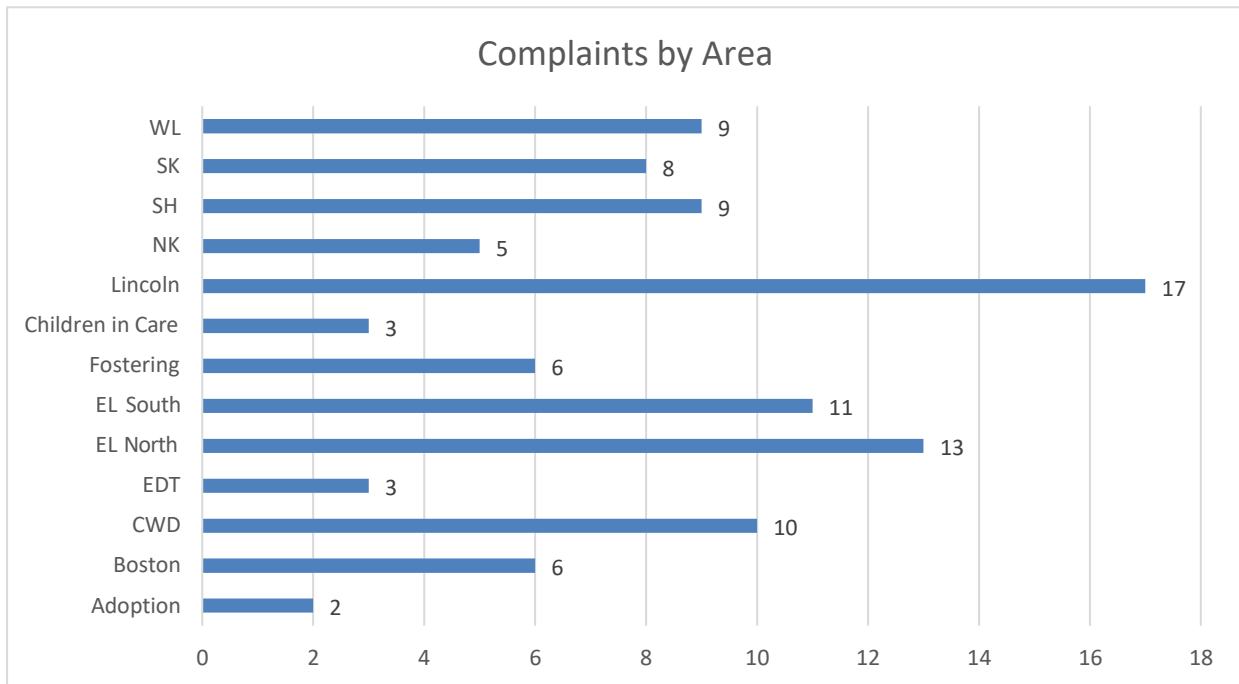
Staff should be commended for achieving a decrease in the number of formal complaints requiring investigation by the Local Authority despite the additional pressures faced during this period and the noted increase of complaints across other services.

In the previous year's report it was considered that the Local Authority may see a significant increase in the number of complaints raised in this area. This was in line with the trends seen across other local authorities via benchmarking data and information provided by the Local Government and Social Care Ombudsman.

Whilst unable to share the data of other Local Authorities 2022/23 saw an average increase in the number of complaints raised in this area by 18%. This authority's decrease of 6% is extremely positive and a direct result of on-going efforts in achieving informal resolution and taking a restorative approach.

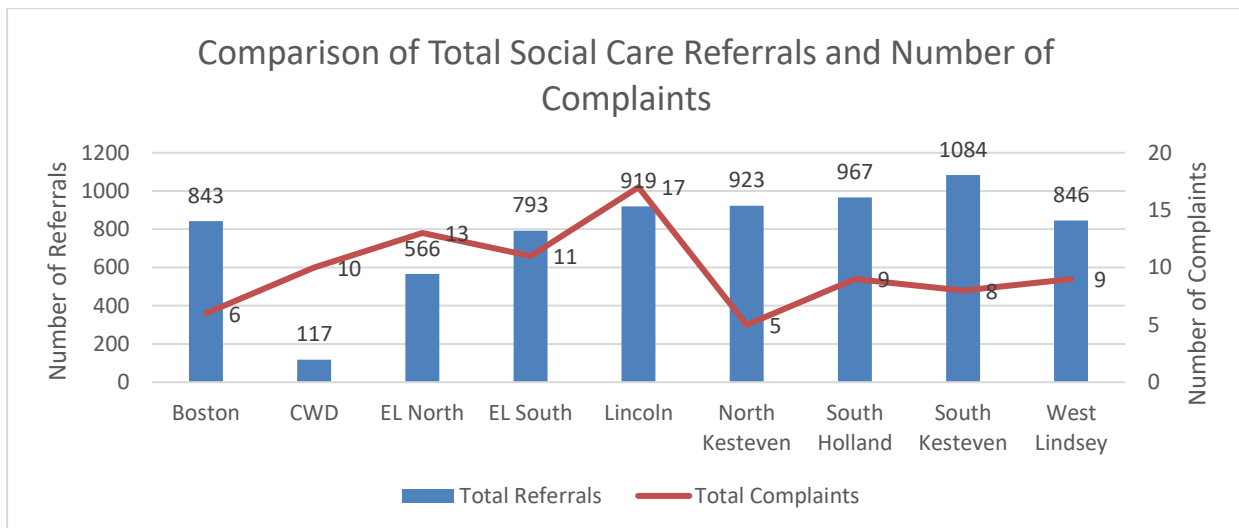
The following shows a breakdown of complaints received by the area they were raised with.





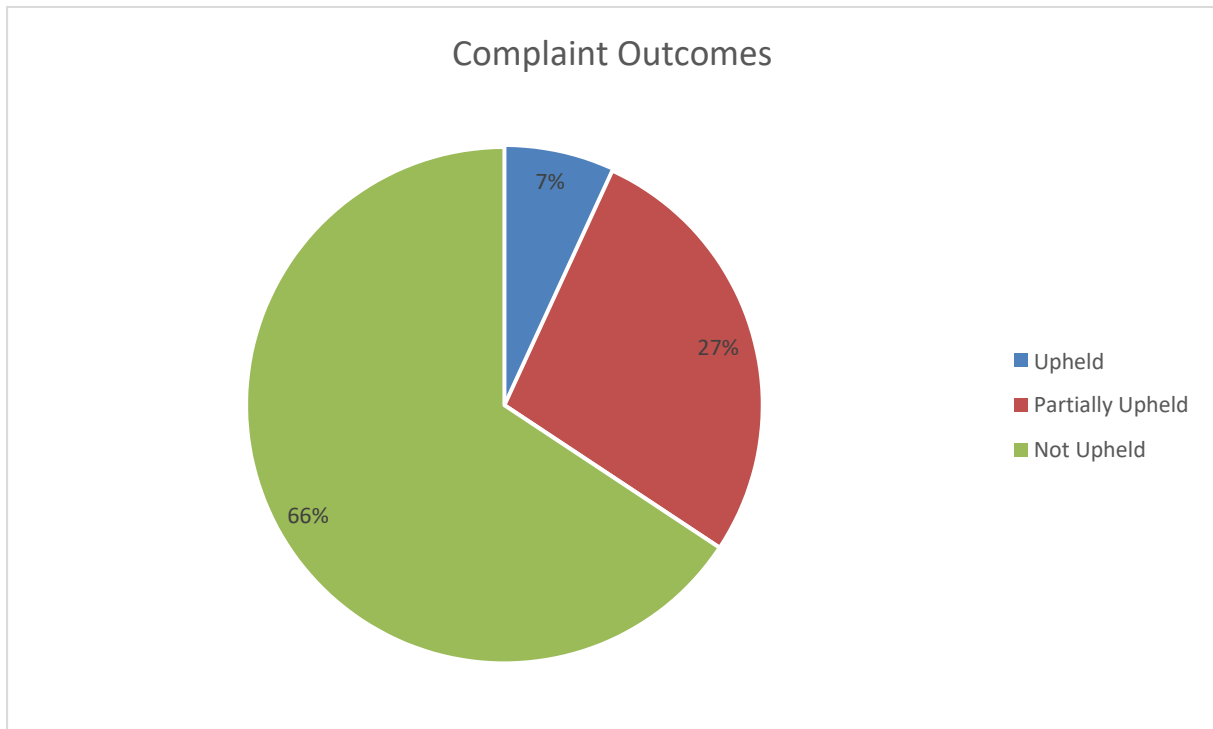
This break down is proportionally consistent with previous years. Given its comparability to both the previous year and pre-pandemic year staff should be commended on their consistency in tackling concerns raised in the most difficult of circumstance.

The proportional number of complaints that we see above are likely to be a reflection of the number of families being provided services in those areas.

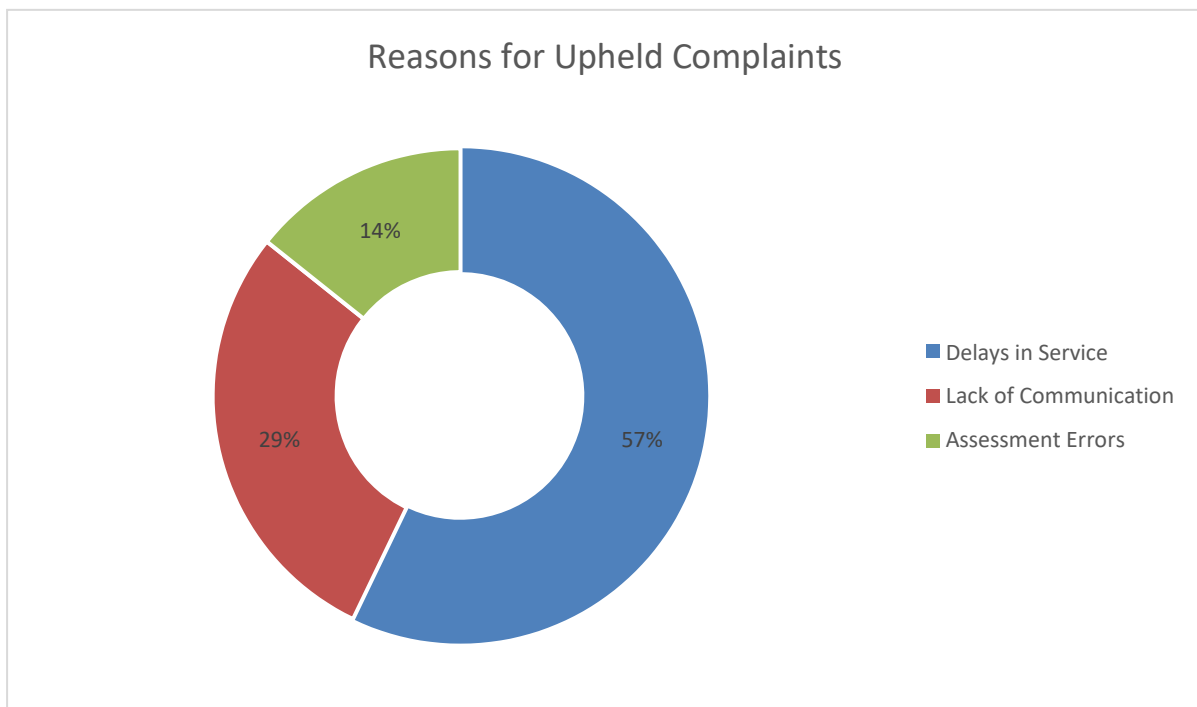


Teams which do not receive referrals (children in care, Fostering, EDT and Adoption) have been omitted from this diagram.

The following shows a breakdown of the outcomes of all complaints received.



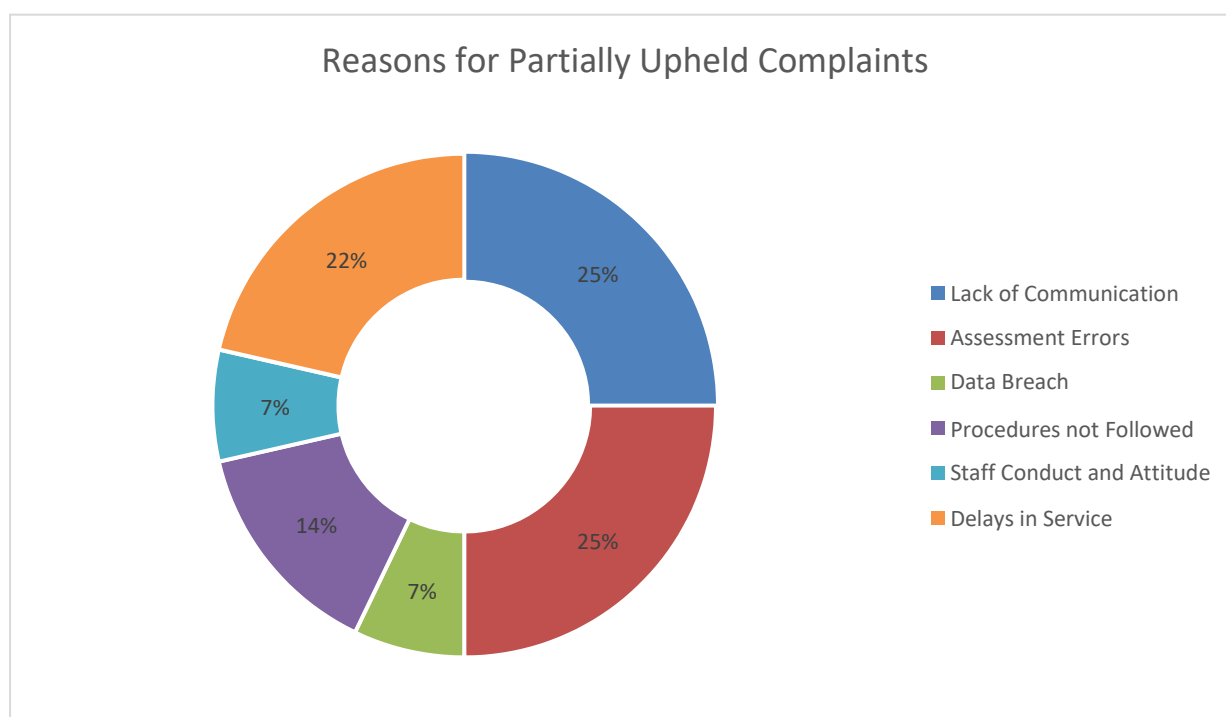
It is positive to note that the majority of complaints, 66%, identified no fault with the service provided. Analysis was completed on all complaints which were fully or partially upheld in order to determine if there were any common areas or trends which needed to be considered and improved moving forward, however this has been completed with the low number in comparison to the number of individuals services are being delivered to.



Of the 102 complaints received, 7 were upheld. Of these 7 complaints 4 were in relation to delays in service, specifically in relation to the completion of assessments. These were all dealt with appropriately and assessments completed as a matter of urgency. None of these cases were escalated any further in the process. 2 cases were as a result of a lack of communication from involved staff. This has been an on-going theme and is already an area of improvement that the service is aware of however given the extremely low number of cases in relation to this area being upheld it should be considered that the work completed by service area to improve this has been very successful.

The final upheld case was in relation to assessment errors, these errors were rectified and it was identified that these had been made as a result of miscommunication; this case was not escalated any further.

The following shows a breakdown of the areas of Partially Upheld complaints where fault was found.



In total 28 complaints were found to be Partially Upheld. The above shows the aspects of those complaints where fault was found.

7 cases were as result of a lack of communication. As stated previously this is an area which is already being addressed appropriately and the low number is once again reflective of the significant work undertaken to improve this area. Delays in service accounted for 6 of the partially upheld cases with 7 cases arising as a result of assessment errors, these cases resulted in corrections being made to any factual inaccuracies and no further escalation of these complaints.

The above areas were also present in cases fully upheld. Cases recorded as partially upheld in these areas were due to some of the concerns raised not being accurate. An example of this being a case where an individual indicated 4 instances of a lack of response to correspondence. Upon investigation it was identified that only one of those instances saw communication not returned; the remaining instances raised were actioned appropriately.

2 cases were as a result of data breaches. These cases were assessed appropriately by the Data Protection Officer, alongside the relevant service manager and no further action was required by the Information Commissioners Office.

4 of these complaints were as a result of procedures not followed. To clarify these cases were not as a result of procedures and processes being ignored but instances where a step within a procedure was missed or delayed. These were rectified as a result of the complaint with support and guidance being provided to involved staff. No cases in relation to this were escalated to the next stage of the complaints process.

The final 2 partially upheld cases were as a result of Staff Conduct and Attitude. Both of these cases were as a result of miscommunication with the relevant staff being provided further guidance. No workers were changed as a result of these complaints and neither of these cases was escalated any further.

### **Escalations**

2022/2023 saw two complaints escalated to the second stage of the statutory complaints process. The main aspects of these complaints were the following:

- Disagree with assessment outcome
- Lack of Service

At stage one of the complaints process the complaint was not upheld in either of these cases. Following the completion of the independent investigation to these complaints one resulted in an outcome of not upheld, with the Investigating Officer agreeing that the Local Authority had delivered services in line with their statutory duty. The second complaint had much the same outcome however it was highlighted that there were missed opportunities for communication which could have resulted in the complainant being more informed around processes. This feedback has been provided to staff in order to improve communication moving forward.

At the time of writing of this report this case remains open at stage 2 independent investigation

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

In total 12 referrals were made to the Local Government and Social Care Ombudsman in regards to Children's statutory complaints. In two of these cases fault was found. 10 cases saw no fault in the way in which this authority had delivered its services.

## **9. Learning and Recommendations**

Learning has already been undertaken by the service given the on-going work in early resolution of concerns raised, the low number of cases in which fault is found and the significantly lower number of cases where individuals remain dissatisfied with the outcome of their complaint and request an escalation.

The significant improvements made in communication is identifiable through the low numbers of cases where fault has been identified as a result of this. As this remains one of the highest areas around which complaints are raised work should continue in order to achieve any further improvements.

Some individual learning has also been identified through the complaints received and this has been undertaken by the relevant team manager.

## **10. Summary**

What can be surmised from the data presented in this report is the on-going investment and work in resolving issues informally wherever this is possible. Children's services, despite the difficult circumstances and additional pressure of increased workloads, has remained focused on achieving early resolution for individuals dissatisfied or concerned around what is being delivered. This is reflected in the maintaining of number of complaints entering the formal process, with no significant increase, despite challenges.

In addition to the above the Children's services focus on providing robust responses, addressing all concerns, at the first stage of the formal complaints process, has seen only two cases enter the statutory stage 2 process. The area should continue to focus on the informal resolution of cases in early resolution in order to maintain the positive figures achieved.

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