

Corporate Parenting Board

Thursday 10th March 2022

Complaints - Annual Report

For Review and Consultation

Portfolio Holder: Cllr A Parry, Children, Education, Skills and Early Help

Local Councillor(s): Cllr

Executive Director: J Mair, Corporate Director, Legal & Democratic

Report Author: Antony Bygrave
Title: Complaints Manager - Assurance
Tel: 01305 225011
Email: antony.bygrave@dorsetcouncil.gov.uk

Report Status: Public

Recommendation: That the Committee scrutinises and notes the Annual Complaints Report for 2020/21

Reason for Recommendation: To have an awareness of the numbers and types of complaints and the organisational learning.

1. Executive Summary

This annual report provides an update on the numbers, types and outcomes of complaints made against services at Dorset Council across the Directorate. There are also appendices that meets statutory reporting requirements of Children's Services.

Key messages for 2020-21 are:

- There have been 1268 complaints across the Directorates in 2020-21 which is a 76% increase year on year
- Of these only 644 have been considered through formal processes

Annual Complaints Report 2020-21

- 624 have been resolved informally with the Complaints Team working with Operational managers towards more agreeable outcomes with less undue process.
- Of the 19 Ombudsman investigations only 6 cases revealed maladministration. 3 relating to SEN delays at a cost of £6,750 to the council, up from just £1800 in 2019-20. The adult social care and place cases required an apology without financial penalty
- 39% of responses exceeded the 20 working day timescale up from 16% 2019-20. This is largely attributed to volumes and the pressures associated with the Covid19 pandemic
- Only 8% of complaints were considered fully justified with 11% part justified.
- There were only 119 learning points collected from complaints suggesting more focus is required on the self-assessment of the services we provide.
- Also we are pleased to report a tremendous increase in compliments across the directorates 633 (up 112%).
- In addition we received 54 code of conduct complaints regarding DC and Town and Parish Councillors in Dorset (some 160 councils and 1,400 councillors). Of these, just 8 were investigated and 3 upheld. In line with our approach to other complaints we will look in the future to how we can learn from complaints about councillors as part of promoting high standards of conduct.

The Complaints Team as an Assurance function continue to make a difference in promoting a culture of learning from complaints despite well documented challenges across the directorates due to the Covid19 emergency. We are also pleased to report that we are able to support managers across the directorates in resolving complaints without undue process, where possible. This is also having a financial benefit with a reduction in Stage 2 complaints and independent investigators fees.

2. Financial Implications

Dorset Council have paid £6750 in LGSCO maladministration charges in 2020-21 compared to £1800 2019-20. This is largely centred around SEN and periods where education was not provided

In 2018-19 **£15,961.75** was spent on independent investigators for the more complex complaints case. Our positive work towards informal resolutions had reduced this figure to just **£30** in 2019-20. Because of the complexity of some Children's Services cases in 2020-21 we have paid £4334.60 to Independent Investigators, but still a great reduction to 2018-19, and historically

3. Well-being and Health Implications

The increase in complaints, coupled with associated vexatious behaviours have had an impact on staff wellbeing and the team area regularly encouraged through line management and other Dorset Council support, to be mindful of themselves and their colleagues in-keeping with our behaviours

4. Climate implications

None

5. Other Implications

None

6. Risk Assessment

Having considered the risks associated with this decision, the level of risk has been identified as:

Current Risk: LOW

Residual Risk: LOW

7. Equalities Impact Assessment

None

8. Appendices









Appendix A – Children's Services Statutory Information

9. Background Papers

None

dorsetcomplaints

2020/21

		Q1	Q2	Q3	Q4	Totals
	Number of FORMAL complaints	10	22	12	7	51
	Number of INFORMAL complaints	27	42	33	29	131
	Upheld approaches to the LGSCO Ombudsman compared to total received	0/0	0/0	0/2	0/2	0/4
	Timescales (overdue)	4%	13%	22%	50%	22%
	% fully justified complaints	4%	8%	8%	4%	6%
	% part justified complaints	15%	16%	11%	8%	13%
	Compliments	30	14	8	20	72
	Learnings	5	10	7	4	26

People - Children's - Social Care
Total Complaints = 182

2020/21

Annual Complaints Report 2020-21

Appendices

Children's Service Statutory Reporting Requirements

To get perspective on the small number of complaints received from our Children in Care it is important to understand the overall numbers for Children's Social Care complaints. Most complaints received are from parents (some estranged) and not necessarily representing the voice or best interest of the child. That is why we need to shine a light on the complaints process and how young people can find it

The figures below show an increase in complaints over all for Childrens Social care, but not limited to Children in Care which feature further down the report. Representations capture the figures for complaints that were resolved informally outside of the Statutory Process

Children's Social Care	2020-21	2019-20	2018-19
Representations	131	83	51
Stage 1	51	40	65
Stage 2	1	0	2
Stage 3	0	1	1
LGSCO approaches	4 none upheld	6 none upheld	7
Children's Whole Authority			
Representations	19	23	31
Formal Complaint	37	37	57
LGSCO approaches	5 with 3 upheld	4 none upheld	14

1 case accepted at Stage 2. This was resolved by the good work from the HoS for Chesil and housing colleagues. No maladministration was found in the few cases that reached the Ombudsman.

The Local Government Social Care Ombudsman (LGSCO) investigates complaints from the public about councils and other bodies providing public services in England. It also investigates complaints about registered social care providers.

Social Care

Of the 4 Social Care complaints to be formally investigated by the Ombudsman, 2 were in relation to contact, and 2 were allegations of shortcomings in children's services with a desire for financial recompense.

Annual Complaints Report 2020-21

Non Social Care

The 5 Non Social Care complaints heard by the Ombudsman related to delays with EHCP and poor communication regarding SEN. 3 were upheld by the Ombudsman with financial penalties amounting to £6750

Which customer groups made the complaints;

Changes in software midway through 2020-21 has made it difficult to accurately report on Customer Groups. We can however report that 'other family members' are equally if not more active than the parents for Children's social care issues.

The types of complaints made;

Most complaints fall under subcategories of Service Provision, largely around delays of perceived failures to deliver a service

Themes	Children's Social Care	Children's Non-Social Care
Communication	11%	12%
Data	0%	2%
Finance	1%	0%
Policy - Disagreement with Decision	5%	12%
Service Provision - Delay	0%	20%
Service Provision - Professional Practice	40%	6%
Service Provision - Quality of Service	33%	20%
Service Provision -Attitude of Staff	10%	12%
Service Provision -Failure to provide service	5%	10%
Service Provision -Inadequate Service	5%	6%

The outcome of complaints;

Of the complaints received for Children's Social Care in 2020-21 only 6% were considered Fully Justified by operational managers shows there is some level of justification as outlined below:

Fully Justified	6%
Partially Justified	13%
Not justified	81%

On 2021-22 the Complaints Team will be feeding in to QAPaudits meetings and looking more into closing the loop on learnings and challenging more on complaints that appear to have no

Annual Complaints Report 2020-21

justification. In many cases they don't as the process is usually used by parents who are unhappy with records held that can't be legally altered. There is more work to do in providing robust assurance of our self assessment of the services we provide.

Focus on Children in Care

Details about advocacy services provided under these arrangements

The table below demonstrates a breakdown of Children in Care complaints. All complaints by young people are coming to the Complaints team via an advocacy service. As the numbers are so low there could be concerns we are not hearing the voice of the Child in Dorset through the complaints process and work in 2021-22 has already highlighted this with the QAROs

Year	Number of Complaints
Children in Care 2020-21	15
Children in Care 2019-20	10
Children in Care 2018-19	20
Children in Care 2016-17	17
Children in Care 2017-18	12

Annual Complaints Report 2020-21

In 2020-21 we have identified 15 cases that related to children in care, all via an advocate representing the voice of the child through the complaints process. You will note the figures are consistently low by comparison to the overall figures.

A summary of these can be found below:

L(Via A4C) Service Provision Representation (Informal) Complaint about Children's Services and foster care placement

Q (Via A4C) Service Provision Stage 1 Complaint about Children's Services & SW

K(CIC) Service Provision Representation (Informal) Complaint about Children's Services & SW

D Service Provision Representation (Informal) Complaint about Children's Services & SW

S - Unhappy with lack of contact from social worker and feels there is a conflict of interests because SW knows his parents

O Unhappy with Children's Services for not allocating a Social Worker to attend LAC reviews

O (Via A4C) Complaint about Children's Service's Social Worker

K (CIC) (now Mr – complaint erroneously in name) Informal Complaint about Children's Services

L – Complaint about foster placement

Q – Complaint about Social Worker

K– Complaint about Social Worker

D– Complaint about Social Worker

G – Complaint about placement and feeling uncomfortable

A – Lack of support from Children's Services

G – General complaint about Children's Services

The majority of these matters were able to be resolved informally through good social work and genuine appetite to understand and resolve concerns.

Closer analysis of the timescales revealed that of the 5 cases have exceeded the Statutory 20 day window for investigation and response. Although perhaps a concern, these delays were largely due to efforts to resolve the complaints informally

Advocacy is described as supporting children to have their say and making sure their views and wishes are taken into consideration on decisions and matters that affect them, it is also about ensuring that rights are upheld. Article 12 of the United Nations Convention on the Rights of the

Annual Complaints Report 2020-21

Child sets out the right of children to be listened to in decisions which affect them. There is a statutory duty to provide an independent advocacy service that supports children and young people to have their views and wishes taken into account when key decisions are being made about their lives.

An advocate can help if:

- something needs to be started, changed or stopped, for example, if the child is unhappy about their treatment by children's social care or there are worries about plans being made, such as a move
- a child needs support during meetings to make sure their voice is heard
- children need advice and want to know their rights
- a child needs support to make a complaint

The contract for advocacy during 2020/21 has been with Action for Children. In accordance with Public Contract Regulations 2015, the Council was required to seek competitive tenders for this service provision at the end of the current contract (31/07/2021). The tender was awarded to the highest scoring bidder, and from 01/08/2021 advocacy will be provided by National Youth Advocacy Service (NYAS).

Referrals to Advocacy by quarter is shown below

Referrals	Q1 (Apr-June 20/21)	Q2(Jul-Sept 20/21)	Q3 (Oct-Dec20/21)	Q4 (Jan-March20/21)
New referrals to advocacy	161	176	197	166

Compliance with timescales, and complaints resolved within extended timescale as agreed;

The table below show the majority of all Stage 1 cases for Children's Services Social Care were over the 20-day statutory timescale.

Timescales	2020-21	2019-20	2018-19
0-20 Working Days	78%	75%	74%
20+ days	22%	25%	26%

The complaints team have worked hard to ensure timescales improved and had put escalation protocols in place for 2019-20. With the engagement of senior staff, earlier in the process we were confident this would improve. This is encouraging despite the challenges of Covid19 across the services.

Annual Complaints Report 2020-21

Learning and service improvement, including changes to services that have been implemented and details of any that have not been implemented;

Learning points are collected at all stages of the complaints procedure. At stage 1, Operational Managers identify learning from complaints and learning actions. At Stages 2 and 3, action plans are compiled based on the recommendations of the investigator's or panel chair's report. In addition, the LGSCO will include recommendations to remedy complaints, and actions are monitored by the complaints team to ensure that they are completed.

How we disseminate learning

Quarterly reports to Children's Services Leadership Team produced by the Complaints team

Dissemination of the quarterly report to Operational Managers to be discussed at Service Team Meetings.

The complaints team also feed into the performance data for SLT each quarter

How we learn from complaints

Improvement in Stage 1 responses - Additional Training to be provided to Team Managers on how to complete and present and stage one investigations. The Complaints Team Manager will be attending meetings to advise and update

Improvement in communication, sharing of Assessments and CIN Plans - Practice issue raised. Notes from Meetings to be completed in a timely manner and a copy sent to the attendees, including the family. Operational Managers to ensure that Team Managers and Social Workers are clear about the need to record meetings. Robust quality assurance processes put in place.

Improved use of complaints as a measure of performance and quality control:

Evidence of sharing of quarterly reports and using to track individual team performance. The Senior Assurance Officer will be leading on this

Examples of learning from Complaints:

We have collected 26 organisational learnings in 20-21 which is a disappointing return and a reflection of the pressures on the Complaints Team and Children's Services during an unprecedented operational period

Apologies given and worker involved no longer works for DC. New worker allocated and the follow to be arranged: A Family Group Conference to discuss future contact arrangements. Direct work 1:1 sessions with both girls, to complete 'Keep Safe' work with them. An advocate for one child, as requested; one to be arranged for other child should she want this. Provision of contact details of the author of the Lucy Faithful Foundation Report.

Manager spoke to the worker involved to ask her permission to hold a small workshop on 'learning from an investigation following concerns being raised' anonymously with the team. Manager to set out the learnings found and ask them to contribute on their views of good practice within each area to learn from each other and to devise their own templates etc to help with this if they feel they would be beneficial.

Annual Complaints Report 2020-21

Manager confirmed that she will share learning from this investigation with the relevant staff, and wider service, to support improving practice.

Commissioning Officer, has acknowledged error in withholding payment for LF's education and that payment has now been made.

Text sent to complainant in error. Manager has spoken to social worker about managing work and personal phones and shared learning with team to prevent this from occurring again.

Manager is now keeping a record of all 'un-met needs' for all service users to ensure that social workers update parents on current position, with regard to how we are trying to meet the needs of their children.

Action for Children (AfC) advocate made a complaint on behalf of (obo) a young person (YP), however the YP completed a signed authorisation form, giving his Personal Advisor (PA) permission to be sent all complaint documents. This was agreed on the understanding the PA was aware of the arrangement, however they were not. On reflection, the PA should have been contacted to ensure they were aware, before agreeing the arrangement with AfC. AfC will continue to be copied in on complaint correspondence sent to the YP to ensure there is an independent eye. The PA cannot advocate obo the YP as they are not independent from Children's Services.

To ensure a similar thing doesn't happen again it will be raised in team meetings as a learning topic and request an audit sample to test further.

Simple bullet point letters with key points - Request to social workers to wear a mask when visiting

Manager will be speaking to the team to ensure everyone knows when a Pathway Plan should be completed.

It is important as a social work team that we endeavour to include parents' views as accurately as possible within assessments. Manager to remind team of this best practice with a view to ensuring that in future such a scenario as can be avoided.

Change in our admin support caused problem with telephone numbers. This is being rectified and should not be a problem in future. Email address for contact also provided.

The learning for the Fostering Service, which manager will share in Service Meeting, is around how team communicates with foster carers and partner agencies. This will prevent this situation repeating itself in the future.

The learning from this will be shared with service, with a focus on how we communicate information and processes with children and their families. This will be done in our next team meeting.

Annual Complaints Report 2020-21

Reminder to managers of the importance of sharing such letters with our Complaints Team when they are received, to ensure they are responded to within a timely manner.

Manager to remind all staff of the importance of logging all contact with customers on appropriate database.

There is learning for us as a service about how we manage very difficult meetings in this new virtual way of working

Manager has spoken to the social worker about ensuring that contact details are shared so that parents can make contact easily.

Manager has spoken to the social worker about their practice on this occasion and the need to ensure that parents are given information to allow for understanding, to ask questions and to challenge whether appropriate decisions have been made.

Information leaflets should have been provided to complainant as a matter of routine. In reviewing the availability of such documents on the back of the complaint it is apparent that this is not something that is adequately available to social workers to provide families. Manager will be raising this within the department so that changes are made and that information leaflets about areas such as protocol's, Section 17 and Section 47 and parental rights are made clear for families to understand and consider.

Apology letter sent. (This action is now complete)

Manager to ensure that when messages from a parent are passed onto the allocated SW that the parent is called back.

Manager to ensure that all information from both parents is included in the referral form and subsequent early help information request. Email sent to whole team.

Better care should have been taken to consult with complainant following meeting.

Manager to ensure that this point is reiterated to team of social workers with a view to ensuring that similar situations do not occur in future.

Ensure Staff are following up on actions from meetings i.e. making referrals when they say they will.

Ensure staff return calls and emails in a timely manner. Add line to out of office to say " we will reply within X amount of days". Time scale to be advised by senior managers. This will give a clear message to recipient.

As a result of investigations, it was found that some aspects of the complaint are justified, and we will have a look at the OT processes to ensure that this does not happen again. It is important that the complainant is kept up to date with OT progress and informed in writing following visits and assessments to ensure that they have the relevant information that they require. Any involvement from an OT manager perspective will then be followed up in writing to from the manager directly to ensure that there are no misunderstandings on either part and that the complainant clearly understands the outcome of assessments, home visits and or meetings.

Annual Complaints Report 2020-21

Again in 2021-22 the Complaints Team will be feeding in to QAPaudits meetings and looking more into closing the loop on learnings and challenging more on complaints that appear to have no justification so we can ensure service improvement where possible

Sharing Information

Professionals need to ensure they have explicit permission to share information, either through statutory guidance or with the consent of the children and family involved. This includes when sharing information with other family members.

Maintaining confidentiality within a family is complex and checks should always be made of the records to confirm what can and cannot be shared with each family member. A handover of key information between practitioners and their managers in respect of any changes in family's circumstances should take place after periods of absence to ensure clarity about what has happened and what information can be shared with whom.

Data Protection and Appropriate Action to take

Managers need to contact Data Protection Team as soon as possible following a potential breach to seek advice about immediate actions to mitigate risk and distress to the family. When aware that a data breach has occurred, advice must be obtained from the Data Protection Team about immediate actions required. Information on how to report a data breach can be found at <https://intranet.dorsetcouncil.gov.uk/task/report-a-data-breach/> Unless advised otherwise, contact should be made with the family to alert them to the breach and to provide apologies, reassurance and information about what the service will be doing to rectify the situation and mitigate the risks.

Safeguarding, the Legal Framework and Good Practice

Reference Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers.

A summary of statistical data about the age, gender, disability, sexual orientation and ethnicity of complainants

All complainants to Dorset Council are sent an equality and diversity monitoring form as part of the complaint process. Complainants are asked to complete this form but it is completely voluntary. If complainants contact us via the online form, we currently collect any information offered. We will need to introduce manual collection for postal complaints in future. The percentages are based on those who completed the form only and not specific to Children's Services as they are anonymous

Annual Complaints Report 2020-21

Female	53%	British White	87%
Male	40%	Mixed Ethnic Background	3%
Prefer not to say	7%	Indian	3%
		Prefer not to say	7%
Heterosexual	76%	Christian (including Church of England, Catholic, Protestant and other Christian denominations)	44%
Gay	1%	None/no religion	40%
Bisexual	3%	Other	1%
Prefer not to say	20%	Prefer not to say/didn't complete form	15%
16-24	1%	Learning disability	4%
25-34	2%	Mental health illness	18%
35-44	16%	Hearing impairment	5%
55-64	44%		
65 and older	37%	Physical Illness	31%
		Prefer not to say	42%

A review of the effectiveness of the complaints procedure (see section 5.7 on Monitoring and Quality Assurance).

The Complaints Team send out forms to gather feedback from complainants about their experience of complaining in order to continually improve the service. Regrettably there has been very little uptake on this and there is no reportable data of any value established.

Monitoring the effectiveness of the Complaints Procedure

We need to improve on current arrangements for collecting this information and the Complaints Team are aware that customer feedback on the complaints process is important.