



Northumberland

County Council

FAMILY AND CHILDREN'S OVERVIEW AND SCRUTINY COMMITTEE

8TH SEPTEMBER 2022

CHILDREN'S SERVICES ANNUAL REPRESENTATIONS 2021-2022

Report of Joint Interim Directors of Children's Services, Graham Reiter and Audrey Kingham

Cabinet Member: Councillor Guy Renner Thompson

Purpose of Report

The Children Act 1989 Representations Procedure (England) Regulations 2006 require the submission of an Annual Report by every local authority which "provides a mechanism by which the local authority can be kept informed of the operation of its complaints procedure."

This report has been prepared in conjunction with regulatory requirements and provides data and analysis of information in relation to feedback from complaints, compliments and other enquiries, submitted to Children's Services and those referred to the Local Government and Social Care Ombudsman. This information is produced with the aim of providing intelligence to show where lessons can be learned and service improvements may be required.

The data used for this report has been received during the period 1 April 2021 to 31 March 2022.

This report will inform members of the Committee of:

- How feedback from complaints, compliments and other enquiries for Children's Services are managed;
- Statistical information from 2021/22;
- Learning arising out of the complaints received including where action has been or is to be taken in order to improve service provision;
- Decisions made by the Local Government and Social Care Ombudsman in respect of complaints they received about Children's Services.

Recommendations

The Committee is recommended to note and agree the content of the report and identify any additional areas for scrutiny.

Link to Corporate Plan

This report is relevant to the “Living & Learning” priority in the NCC Corporate Plan 2021-24.

Key Issues

1. Over 2021/22 the number of children social care complaints reported is lower than last year, however, compliments have increased, particularly those reported by independent providers.
2. Every complaint is handled in a person-centred way, taking into account risk, seriousness, complexity or sensitivity of events.
3. When it is appropriate we are using findings to improve service provision and the experience of service users and their families.

Background

1. Introduction

- 1.1 Children's Services want local people who use social services to have a strong voice in helping to monitor, develop and improve the way we work. Customer experience information helps us understand how our services affect the lives of people who use our services, their carers and families and in turn this helps inform our service development. Complaints handling for children's social care is a statutory function governed by The Children Act 1989 Representations Procedure (England) Regulations 2006 for Children's Services. Complaints falling outside this procedure are handled using the Council's own corporate complaints procedure.
- 1.2 The Representations, or complaints, procedure is for a child or young person involved with social care services to make representations, including complaints, about the actions, decisions or apparent failings of a local authority's children's social services provision; and for any other appropriate person to act on behalf of the child or young person concerned or to make a complaint in their own right.
- 1.3 People who use our services are encouraged to give feedback about their experiences and the service also welcomes comments, compliments, and suggestions to provide a broad and balanced feedback of service user experiences.

2. Making a complaint

- 2.1 Full information on how to make a complaint or provide feedback is available on the Council website.

<https://www.northumberland.gov.uk/Children/Family/Compliments.aspx>

- 2.2 Children's Services staff ensure that all children of an appropriate age, who are in receipt of services as a Looked After Child, are provided with a copy of a complaints leaflet. Information is also readily available to children and young people via the Council website and the Mind of My Own app.
- 2.3 Northumberland County Council have a dedicated team managing all representations received. The Client Relations Team are separate to the main Children's Services department to maintain a level of independence from front line service providers.
- 2.4 In order to raise a concern or make a complaint, children, young people, their parents/carers/guardians/appropriate adult may:
 - talk to their relevant support staff to let them try and resolve the issue with them direct;
 - Email the clientrelations@northumberland.gov.uk team
 - Write to the Complaints Manager for Children's Services at County Hall, Morpeth, Northumberland, NE61 2EF
 - Telephone the Client Relations Team on 01670 628888

- Use the Mind of My Own app.

3. Numbers and Analysis

- 3.1 The Client Relations Team have recorded and responded to 233 enquiries this year. Enquiries are matters where the issue does not necessarily meet the requirements of formal complaint, for example, the individual team have not had the opportunity to attempt to resolve the matter previously; or may be outside the jurisdiction of the Council's own complaint process, such as a school complaint, but still require a response, advice or guidance.
- 3.2 With regard to formal recorded complaints, the table below shows how many complaints have been recorded in relation to Children's Services (both social care and education) and under which process (social care or corporate), broken down into individual financial years. The figures demonstrate an overall decrease in the number of complaints recorded for this year. This could be credited to matters being resolved much earlier at enquiry stage as described in 3.1. Officers are provided with an opportunity to attempt resolution without the need for formal complaint and often manage to do so.
- 3.3 Most complaints received are from adults in relation to their involvement with children's social care where their dissatisfaction relates solely to the impact on themselves and not the child. Where it is clear the adult complaining is not doing so on behalf of or in relation to a child but still require a response, then they are considered under the corporate process. [Getting the Best from Complaints statutory guidance; Sections 2.7 and 2.8]

Year	Social Care	Corporate	Total
2019/20	46	4	50
2020/21	33	14	47
2021/22	29	7	36

- 3.4 Of the 36 complaints received, there were only 2 from Looked After young people. The majority of complaints received in relation to Children's Services are from parents/carers or other involved relevant adults.
- 3.5 It is generally understood that Looked After children and young people tend to raise concerns through the many other routes available to them. This includes their allocated social worker, IRO, through care team meetings or advocates. Concerns raised through these routes are generally dealt with either the Care Home Managers or by working with the individual child/young person to ensure matters are fully resolved promptly and effectively.
- 3.6 Individual residential units record any concerns raised direct with them, how they are managed and the outcome achieved. For 2021/22 figures were recorded as below.

Unit	Complaints 2019/20	2020/21 (Covid impact)	2021/22
Barndale	0	0	0
Coanwood	0	5	0
Kyloe	24	44	20
Phoenix	2	1	4
Thorndale	4	4	1

2.7 Although the figures are considerably higher for Kyloe House in comparison to the other residential units; it is considered that this is due to the fact it is a secure children's home and often deals with the most challenging young people who are unhappy with their situation. Examples of the complaints received by Kyloe House staff and their resolution are below:

Issue	Resolution
Young person states they heard a staff member swear.	Although this is not a common occurrence this was raised at the staff meeting.
Young person complained staff did not explain their actions fully.	Discussion had with the individual staff member to explain the reasons for actions.
Young person accused of taking an item from the art class.	Young person apologised too when item was found not in their possession.
Young person complaining their peers make a mess.	The complainant helped to produce a poster to encourage tidiness on the unit.

2.8 The complaints received at Phoenix House related to internal resident disputes and after investigation all were Not Upheld. The complaint received at Thorndale was also Not Upheld following investigation but there was evidence of good practice in that notifications were made to the social worker and LADO, with the young person being offered further support from advocacy services. This ensured the young person's voice was clearly heard and evidenced.

2.9 Formal Complaints recorded

2.10 Of the 36 complaints received during 2020/21; 4 social care were refused. Reasons for not progressing or refusing a complaint include the relevant child/young person being the subject of a concurrent investigation such as court proceedings (Regulation 8) or being outside the 12 month timescale for making a complaint (Regulation 9). A complaint can also be refused if there is a more appropriate, alternate process such as a statutory appeal or Tribunal.

2.11 Of the 32 complaints that were accepted and then progressed:

- 2 are ongoing, progressed to Stage 2
- 1 was stopped as the young person withdrew consent for the adult to deal with the complaint on their behalf and stated they did not want the complaint to progress

- 1 was stopped and referred to LADO process
- 8 were partially upheld
- 5 were fully upheld; and
- 15 of these complaints were not upheld

2.12 Work is now being undertaken to improve the quality of investigation and response provided at Stage 1 to increase customer satisfaction, embrace a learning culture from customer feedback and to reduce overall costs that independent investigations inevitably incur.

2.13 Complaint response timescales

2.14 At Stage 1 children's social care complaints, in accordance with statutory requirements, should be responded to within 10 working days, with an extension to 20 working days in certain circumstances. For the 2021/22 year where 29 social care complaints were accepted and taken forward, the response figures are as below:

- 11 were responded to within 10 working days
- 12 were responded to within 20 working days
- 6 took over 20 working days to respond to

2.15 This demonstrates that 79% of social care complaints were responded to within statutory timescales. Of the remaining 4 that went over timescales, further extensions were agreed with the complainant and were necessary due to the arrangement of meetings with the complainant to agree a suitable way forward in terms of remedy.

2.16 At Stage 1 of the corporate complaint process, complaints should be responded to within 15 working days.

2.17 For the 2021/22 year 7 corporate complaints were accepted and progressed. 6 were responded to within the 15 working days. Where more time was required beyond the 15 working days this was agreed and communicated with the complainant.

2.18 This demonstrates that 85.7% were responded to within the council agreed corporate procedure.

2.19 Further work will be undertaken this year around the timescales for response at stage 1 of both complaints processes to ensure improvements are made wherever possible.

2.20 Complaints at Stage 2

2.21 At Stage 2, statutory legislation states that an independent investigation should be undertaken. The Council commission the services of an independent investigation officer (IIO) and independent person (IP) who look into the complaint, review records, interview involved officers and consider council policies/procedures. They

then analyse their findings and provide outcomes to the Council in a report for the Council to consider and adjudicate.

- 2.22 Legislation states that complaints at this stage should be responded to within 25 working days or 65 working days depending on complexity. All complaints at stage 2 within Northumberland have been extended to the maximum 65 working day timeframe due to various issues including complexity of the complaint, the number and availability of staff to be interviewed, contact having to be made with former employees, availability of complainants and the investigating officers.
- 2.23 2 complaints recorded in 2021/22 have been escalated to Stage 2 and are currently ongoing.
- 2.24 5 stage 2 complaint investigations were ongoing at the time of the new financial year and were carried over.

2.25 Complaints Escalated to Stage 3 - Review Panels

- 2.26 1 complaint received during 2021/22 progressed to Stage 3 Review Panel, however, a further 3 have been held during 2021/22 which resulted from escalation of complaints carried forward from the previous year.
- 2.27 The purpose of the Review Panel is to consider the standard and quality of investigation undertaken at Stage 2, highlight any problems in that investigation and to provide the complainant with an opportunity for further reconsideration of their complaint points. The Review Panel can offer further suggestion on remedy for the Council to consider.
- 2.28 Review Panels should be held within 30 working days of request but this has proved difficult to achieve due to the conflicting diary availability of all those involved. Although all the Review Panels were held outside the 30 working day time, all dates were negotiated and agreed with the complainants and their support/representatives.
- 2.29 Review Panel notes must be provided within 5 working days of the Panel meeting. A final letter from the Council must then be provided by the Director of Children's Services within 15 working days to respond to the Panel findings and recommendations. On all 4 occasions, these statutory timeframes have been met.

3. External Review

3.1 Local Government and Social Care Ombudsman

- 3.2 The Local Government and Social Care Ombudsman (LGSCO) look at complaints about Local Authorities once a complaint has completed all stages of the Local Authority complaint process. If a complaint has not been considered by a Local Authority, the LGSCO will usually refer it back to the Authority to look into and class this as a "premature" complaint. They are independent of all Government departments and have the same powers as the High Court to obtain information

and documents. If they find the Authority has done something wrong they will make recommendations to put things right.

- 3.3 The LGSCO produce an Annual Letter in relation to every Local Authority to indicate how many complaints have been received during the year, with the outcome of each complaint and an indication of how each Local Authority has performed. All information can be found via

<https://www.lgo.org.uk/your-councils-performance>

- 3.4 The 2021/22 Annual Letter provides general feedback to every Council which covers all departmental complaints they have looked at. In relation to Children's Services the LGSCO received 12 complaints and have issued 10 decision notices; 3 complaints were Upheld; 3 were closed after initial enquiries; 4 were referred back to NCC for consideration (known as premature referral to the LGSCO); 2 remain under investigation.
- 3.5 Of the 3 complaints that were Upheld; the LGSCO were satisfied that NCC had already appropriately remedied 1 of the complaints. The remedies recommended by the LGSCO in relation to the remaining 2 complaints were accepted and implemented.
- 3.6 In their Annual Letter, the LGSCO has praised Northumberland County Council for displaying "a positive culture about the benefits of responding to and learning from complaints".
- 3.7 The LGSCO additionally urge Councils to "consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery."

4. Categorisation of Complaints

- 4.1 When complaints are recorded, the Client Relations Team assess and determine the nature of the complaint and what the content relates to. At the present time the complaints can only be allocated one category, however, a number of the complaints involve more categories and it is hoped that future system changes will support improved intelligence gathering.
- 4.2 The following table indicates how the complaints were categorised according to the content and nature of the complaint being made.

Category	Number
Communications/Information	7
Delay in Service	2

Failure to follow policy/procedure	0
Standard of service	9
Staff manner/attitude	2
Breach of confidentiality	4
policy	0
Issue with social worker	3
Disagree with officer decision	5

4.3 Standard of service has been the biggest categorisation of complaints, however, this includes complaints where there are maybe several issues being considered and they cannot all be categorised individually. Of the 9 complaints categorised as standard of service, only 1 was upheld in full with a further 3 being partially upheld.

5. Lessons Learned

- 5.1 Children's Services embrace the opportunities provided by the collation of feedback from service users whether positive or negative and use it to feed into continual service improvement. Complaints are very much part of that and any learning identified from the investigation of a complaint is considered and taken forward in the most appropriate way.
- 5.2 To make sure required learning is embedded into practice, a quarterly report is now provided to the Children's Service leadership team who consider the identified points of learning and decide on the best way for this to be taken forward. This could be in the form of team training or amendments to policy/practice.
- 5.3 The issue of complaints/feedback is now a standard item on team meeting agendas to make sure there is discussion and learning taken from not only the outcomes of complaints but the complaint management, handling and investigation also.
- 5.4 Examples of the lessons learned can be seen below:

Complaint	Outcome/lesson learned
Concerns over sharing of detail in relation to those who make referrals into Children's Service regarding child concerns. Complainant advised mother of child, who they made a referral about via a third party had been informed that they made the referral. Mother arrived at their door "kicking off" causing upset to another child present in the home of the referrer. Complainant advised that their child	Work undertaken with the Information Governance Team in relation to referral process and how this information should be shared with families. Information Governance working with social care teams about what information should and shouldn't be shared to reduce risk to others. Financial remedy provided to one of the complainants.

<p>babysat for a neighbour's baby and during this, noticed issues of concern around the child's wellbeing. Complainant on behalf of their child reported to children's services. Their details were shared by social worker leading to aggressive confrontation and threats from child's mother.</p>	
<p>Concerns over sharing email contacts via Teams invitations. Complainant advised that their email address had been shared with their former abuser in a domestic abuse case.</p>	<p>Work undertaken with IT and Information Governance to find suitable resolution to hide all email addresses from Teams invites to avoid any potential confidentiality breaches and protect those at risk from domestic abuse.</p>
<p>Complaints from Special Guardian in relation to historical payments and lack of annual review.</p>	<p>Review of special guardianship policy is underway.</p>
<p>Complaint regarding delays in adoption process and experience of potential adopter. Adopter felt they had "jumped through hoops" to comply with all requirements of council to ensure the adoption could go through. Towards the end of the process, due to a problem with the delay in the process, they were told they had "breached" the requirements by booking a holiday before the process was complete during what they described as an upsetting contact. Adopter felt this was inappropriate at a stressful time and caused considerable distress.</p>	<p>Complaint was partially upheld. Complainant is providing the Council with an impact statement that can be used for staff training event to raise awareness of how language can create negativity.</p>

6. Summary

- 6.1 Response times at Stage 1 are improving but work is required again to try and ensure that responses are provided, wherever possible, within the 10 working days timeframe rather than having to extend.
- 6.2 Work is also to be undertaken in relation to officers investing more time at the early Stage 1 investigation point, to try and improve their understanding of the complaint issue and achieve resolution more quickly for the customers.
- 6.3 Lessons learned will remain the focus of Children's Services to make sure service provision is continually reviewed and improved moving forward. This supports the ethos and focus of both OFSTED and the LGSCO. In addition to complaint and enquiry information, the department will be looking at compliments received in order to capture where there are examples of good practice and promote these within the department.

- 6.4 In the forthcoming year, the Client Relations Team will be working to make improvements to the training provided to officers and others including Elected Members in relation to complaint investigations and the capturing of learning and feedback.
- 6.5 **Further information regarding complaints**
- 6.6 Should further information be required in relation to any aspect of this report or the handling of children's social care complaints, please do not hesitate to contact the Complaints Manager for Children's Services on 01670 628888 or via email clientrelations@northumberland.gov.uk
- 6.7 Information can also be found on the Council website www.northumberland.gov.uk

Implications

Policy	Complaints contribute to monitoring the impact of the Council's policies and the effectiveness with which they are being implemented.
Finance and value for money	There are no direct implications.
Legal	There are no direct legal implications although arrangements are in place to ensure that if complaints suggest that someone is being abused, or a crime may have been committed, there is an appropriate response.
Procurement	There are no direct implications, however, Stage 2 independent complaint investigations require the commissioning of independent officers to undertake the works. This is currently done through a regional NEPO arrangement.
Human Resources	There are no direct implications.
Property	There are no direct implications.
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/>	There are no direct implications.
Risk Assessment	Individual complaints are risk-assessed on receipt, and appropriate actions are taken if someone is at immediate risk of harm.
Crime & Disorder	Arrangements are in place to ensure that if complaints suggest that someone is being abused, or a crime may have been committed, there is an appropriate response.
Customer Considerations	Complaints are one of a range of methods by which we receive feedback on the quality and consistency of our services. They are also invaluable for learning lessons and quality improvement.
Carbon reduction	There are no direct carbon reduction implications.
Health and Wellbeing	Our learning from complaints is used to continuously improve our services for the benefit of users of our services.
Wards	All

Background Papers

There are no background documents for this report within the meaning of the Local Government (Access to Information) Act 1985.

Report Sign Off

Monitoring Officer/Legal	Suki Binjal
Executive Director of Finance & S151 Officer	Jan Willis
Executive Director	Graham Reiter
Chief Executive	Rick O'Farrell
Portfolio Holder(s)	Guy Renner-Thompson

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