



Committee report

Committee	CHILDREN'S POLICY AND SCRUTINY COMMITTEE
Date	2 SEPTEMBER 2021
Title	CHILDREN'S SERVICES COMPLAINTS REPORT
Report of	DIRECTOR OF CHILDREN'S SERVICES

1.0 SUMMARY

1.1 This report is to update the Isle of Wight Council's Children's Policy and Scrutiny Committee on:

- the production of the 2019/20 and 2020/21 versions of the statutory Annual Complaints Report (ACR) for Children's Social Care Complaints (see Appendix 1 and 2) received into the Isle of Wight Council's Children's Services Department (the department); and
- a summary of Local Government & Social Care Ombudsman (LGSCO) complaints, referred to as Statements or Public Interest Reports (PIRs), in regard to any service within the Isle of Wight Council's Children's Services Department during the 2020/21 reporting period.

1.2 The report provides an overview of the main complaints processes used and identifies how the department has used outcomes and feedback from complainants to identify opportunities for learning.

1.3 The report also provides a comparison of the number of LGSCO complaints received by the department compared to the Council's Statistical Neighbours.

2.0 BACKGROUND

2.1 There are two main processes used by the Council to manage complaints regarding children's services functions:

- **Children's Social Care Complaints process** – focuses on complaints within the remit of the statutory guidance "Getting the Best from Complaints"; or
- **Corporate Complaints process** – focuses on remaining complaints about children's services functions under a two stage procedure where no alternative appeals procedure exists.

2.2 There are also complaints that are received from the Local Government and Social Care Ombudsman (LGSCO), where complainants are either escalating their complaint because they are still dissatisfied with the outcome having exhausted the Council's complaints processes; or have prematurely gone to the

LGSCO before having exhausted the Council's complaints processes and the LGSCO then requires the Council to put the complaint through our process.

2.3 Regardless of the process followed, it is important the department identifies learning from within the complaints process in order to recognise opportunities for improvement to service delivery.

2.4 A Council Complaints Policy is available. The policy is aimed at helping Council staff deal with complaints in ways which are demonstrably consistent and fair and comply with legislation and best practice.

Children's Social Care Complaints Process Overview

2.5 Most complaints about children's social care must follow a series of steps set out in law, known as the children's statutory complaints procedure:

- Stage One – local resolution;
- Stage Two – an investigation, with an Independent Person (IP) overseeing it; and
- Stage Three – a review panel, with an independent chair.

2.6 Hampshire County Council's Children's Services Complaints Team (CSCT), overseen by the Complaints Manager (a statutory role), manage the co-ordination of this process on behalf of the Isle of Wight Council's Children's Services Department.

2.7 The local authority aims to act expeditiously through the procedure; to ensure that the complaint is dealt with as swiftly as possible.

Stages of the Statutory Complaints Process

Stage One – Local Resolution

2.8 Complaints are submitted to the CSCT who co-ordinate the process. In receiving the complaint, the CSCT aim to try and obtain as much information as possible from the complainant to be clear on the specific issues/concerns being raised. This includes, where possible, names of the people involved, dates when incidents occurred etc. This Stage One preparation activity also seeks to be clear about the outcomes the Complainant is looking for by way of resolution to their complaint. The CSCT also look to manage expectations as the department cannot guarantee to meet the complainant's expectations but being made aware of what outcomes they are hoping for will enable the manager at Stage One to respond more appropriately to the complaint.

2.9 Once the complaint has been processed and Stage One preparation completed, it is passed to a senior manager who will investigate the issues raised and respond to the complainant in writing within 10 working days however the statutory guidance allows for an extension of an additional 10 working days if a complete response is unable to be provided.

Stage Two – Investigation

2.10 Once a complainant has received their Stage One response, if they are still dissatisfied, they can request for their complaint to be escalated to Stage Two. This is the case even if all their concerns were upheld at Stage One. The department will still try to resolve any aspects of the complaint that the

complainant is dissatisfied with, if possible, but this will be done alongside progressing the complaint to Stage Two, not in place of it.

- 2.11 It is recommended that the complainant submits their request for escalation to Stage Two within 20 working days of receiving the Stage One response so that momentum in resolving the complaint is not lost. However, this is not a deadline and any requests received after this period are still considered as there is no time limit for a complainant to ask for a complaint to move to Stage Two.
- 2.12 At Stage Two, an Investigating Officer is appointed to look at the issues raised, and a full response should be provided within 25 working days but no longer than 65 working days.
- 2.13 An Independent Person is also appointed to the investigation and must be involved in all aspects of consideration of the complaint including any discussions by Council officers about the action to be taken in relation to the child. The Independent Person is not an employee of the Council and will ensure that the process of investigation is open, transparent and fair; working alongside the Investigating Officer to provide an independent and objective view to the investigation of the complaint.

Stage Three – Review Panel

- 2.14 If the Complainant is still dissatisfied with the outcome at Stage Two, they can request to escalate their complaint to Stage Three.
- 2.15 The complainant will need to contact the CSCT to make this request within the statutory timescales of 20 working days of receiving the outcome of the Stage Two investigation.
- 2.16 At Stage Three, a Review Panel is formed, which consists of three independent people who review the complaint and then make recommendations to the Director of Children's Services.
- 2.17 The appropriate member of the senior management group will respond to those recommendations within 15 working days.
- 2.18 Once the complaint has been through the above stages, the complainant will have completed the children's social care complaint process within the Council.

The Local Government & Social Care Ombudsman

- 2.19 If the complainant is still dissatisfied with the way the Council has dealt with their complaint, they can contact the Local Government & Social Care Ombudsman (LGSCO).
- 2.20 The Ombudsman will usually expect complainants to have taken their complaint through the Council's complaints procedure first. However, the complainant has the right to contact the Ombudsman at any point during the complaints process.

Annual Complaints Report

- 2.21 The Annual Complaints Report (ACR) is a public document, providing a mechanism by which the Isle of Wight Council's Children's Services Department can be kept informed about the operational effectiveness of its Children's Social Care complaints procedure and support learning from complaints.

- 2.22 The production of the ACR is a statutory requirement.
- 2.23 Non-Children's Social Care Complaints are responded to by the Nominated Complaints Officer within the Isle of Wight Council. These types of complaints are currently not included in the ACR.
- 2.24 The ACR covers a reporting period running across the financial year (01 April to 31 March).
- 2.25 The 2019/20 and 2020/21 versions of the ACR have been included within the appendices of this report.

Corporate Complaints Process Overview

- 2.26 The corporate complaints process follows a two-stage procedure:
- Stage One – Service Response; and
 - Stage Two – Head of Service/Strategic Manager Response.
- 2.27 As with the Children's Social Care process, the Council aims to ensure that corporate complaints are investigated rigorously and fairly, taking into account all evidence available.

Stages of the Corporate Complaints Process

Stage One - Service Response

- 2.28 Each service department will have an officer and deputy with responsibility for complaints, referred to as the Nominated Complaints Officer (NCO).
- 2.29 The NCO is responsible for:
- making sure that the relevant service manager receives a copy of the complaint immediately on receipt for Stage One response;
 - referring any complaint which is complex, controversial or may have an impact on the Council's reputation to the Chief Executive, to ensure the appropriate response strategy;
 - ensuring that a written acknowledgement to the complainant has been sent within three working days;
 - recording and updating information about the complaint on the Customer Relationship Management (CRM) system; and
 - monitoring the progress of a complaint to ensure the complainant receives a reply within a maximum of 20 working days, starting from the first working day following the receipt of the complaint.
- 2.30 The Service Manager will be responsible for:
- responding to the complainant within a maximum of 20 working days, explaining what action has been taken in addressing the complaint, what the outcome of that action
 - is and outlining the remedies proposed;
 - specifically addressing any desired outcomes requested by the complainant;
 - confirming the right of appeal to Stage Two if the complainant remains dissatisfied;
 - identifying clear learning outcomes for recording on the CRM system; and

- sending a copy of the reply and learning outcomes to the NCO for recording purposes.
- 2.31 The NCO or Service Manager may find that another procedure should be invoked such as a request for information (Freedom of Information or Subject Access Request), safeguarding processes (relating either to a child or vulnerable adult) or a disciplinary process.
- 2.32 In such cases, the complainant will be kept informed of progress and given an indication as to the likely response time for the complaint.
- 2.33 The Head of Service/Strategic Manager will be responsible at Stage One for ensuring that there is an NCO and service manager who is trained and able to undertake the role outlined above, whilst monitoring performance and approach in line with this policy. The Head of Service/Strategic Manager is also responsible for ensuring that clear learning outcomes are identified and recorded on the Council's CRM and that there is an action plan for addressing that learning and embedding it into practice through the service planning process or individual Personal Development Review Records, where this is appropriate and proportionate.

Stage Two - Head of Service/Strategic Manager Response

- 2.34 The Stage Two review will be carried out by a Head of Service/Strategic Manager within 20 working days who will consider the complaint and response at Stage One.
- 2.35 The Head of Service/Strategic Manager will respond to the complainant confirming the service response and any actions that will be taken as a result of the complaint. They will also remind the complainant of the right to approach the LGSCO or take legal remedies as appropriate if still dissatisfied. This may include bodies such as the courts in the case of a Judicial Review.
- 2.36 If a Head of Service/Strategic Manager has already responded at Stage One, they will be unable to carry out the Stage Two review. This should be done by another Head of Service/Strategic Manager.

Learning from Previous Complaints

- 2.37 The Council's complaints procedures aim to ensure that individuals who make submissions have their concerns resolved swiftly and, wherever possible, by the people who provide the service locally. The complaints procedure is used as a tool by the department for indicating where services may need improving. They are a positive aid to inform and influence service improvements, not negative processes to apportion blame.
- 2.38 Through effective complaints processes, the department embeds a learning culture to feed into internal systems for driving improvement, which should in turn contribute to improved outcomes for children, young people and families.
- 2.39 The complaints processes give service users, including children and young people, the opportunities to tell the department about both good and bad experiences of the service.

Summary of Learning

2.40 The following section sets out where learning from complaints has been used by the department to make service improvements.

Children's Services Complaints Team

2.41 The Children's Services Complaints Team (CSCT) also looks to improve the service they deliver as part of the wider complaints process, ensuring that it takes any lessons being learnt into account.

2.42 The CSCT has revised its approach to complaints handling given the LGSCO feedback in relation to the Children's Social Care PIR complaint received during the reporting period 2020/21 and reported to Cabinet on 11 March 2021.

2.43 All officers within the CSCT received refreshed training around the revised approach to complaints handling, including covering the option for complainants to contact the LGSCO direct and reinforcing the requirement around the complainants right to escalate to Stage Two and then again to Stage Three, should they remain dissatisfied with the outcome of their complaint at the previous stage.

Children's Social Care

2.44 As a result of feedback from parents and carers (and prior to the final decision by the LGSCO with regards to a complaint about the personal budget process), Children's Services revised its administrative procedure in relation to personal budgets.

2.45 All personal budgets moved to a pre-paid card system which has enabled parents/carers and the Council to monitor spend online, which is more effective and timelier than the previous process.

2.46 At the same time, Children's Services introduced clearer guidance and support on what is considered appropriate spend. All parents/carers now sign an agreement at the start of the personal budget payment process, this details what is considered appropriate spend. Clear procedures are also in place should inappropriate spend be identified.

2.47 The 2019/20 Annual Complaints Report (see Appendix 1 and 3) highlighted the number of complainants that were seeking an explanation of actions undertaken. The service has taken this on board and aims to resolve concerns at the earliest stage by ensuring that thorough explanations are provided by social workers, or team managers, ideally as situations arise, rather than parents/carers/children/young people believing that the complaints process is the only way to achieve this.

2.48 The 2020/21 Annual Complaints Report (see Appendix 2 and 4) highlighted the number of complainants that were seeking better communication as an outcome to their complaint. The report also put forward examples of where learning was already being put in place demonstrated by the responding Senior Manager recognising the importance of having effective communication and ensuring their staff also understood this.

2.49 Through our strengths based 'Hampshire and IW approach', Children's Services endeavours to ensure communication is clearer, child focused and that we take an opportunity to reflect and learn from the concerns raised.

Education & Inclusion Services

2.50 As can be seen in Table 1.2 under the 'Key Issues and Metrics' section of this report, there were no Complaints (Statements or PIRs) received from the LGSCO during the 2020/21 reporting period for Education Services.

2.51 During Quarter One of the current reporting period (2021/22), however, the Council has received one PIR and one Statement and the timing of this report has enabled the department to update the committee on these complaints. Both complaints were in regard to the Council's Special Educational Needs Service.

2.52 The Statement was regarding a complaint where the Council failed to properly review and update the Complainant's child's Education, Health and Care Plan (EHCP) and as a result did not provide complete information when consulting a proposed school placement. To provide context the Council finalised 1,693 EHCPs in the financial year 2020/21. The Council is currently awaiting the final decision from the LGSCO.

2.53 The PIR was in response to a complaint (see Appendix 5) where the Council was delayed in sending the complainant a copy of the final EHCP for their son following the Tribunal's decision, and wrongly removed agreed provision from Section G of the final EHCP. The LGSCO upheld the complaint and found fault causing injustice. Recommendations were put in place requiring an apology, 'distress' and 'time and trouble' payments and reminders/training for staff. These recommendations have all been completed and the Ombudsman was satisfied with the Council's response. The PIR was published to the media by the LGSCO.

2.54 In learning from these complaints, the Council intends to address the broader issue of its ability to respond to Annual Reviews within the four week deadline by analysing the relevant roles and responsibilities of staff within the Assessment and Review Team to ensure sufficient staffing. The Council is also introducing an electronic hub system to support the EHCP process, which will enable the system to be streamlined and therefore improve efficiency.

Key Issues and Metrics

2.55 Alongside considering the Council's individual number of LGSCO complaints, it is also important to consider these in context against other Councils.

2.56 Having received and reviewed a complaint, the LGSCO will make one of the following decisions:

- Uphold the complaint and recommend how the organisation should put things right;
- Uphold only part of the complaint;
- Uphold the complaint but not make any recommendations because the Council may have put things right by the time the LGSCO decide the complaint;
- Uphold the complaint but not make any recommendations as the LGSCO considers the fault didn't have a significant effect on the complainant;

- Not uphold the complaint; or
- The LGSCO cannot or will not investigate the complaint.

2.57 The decisions are released to the Council as either a 'Statement' or a 'Public Interest Report' (PIR).

2.58 The Statement sets out the complaint, findings, recommendations and timescales for completion but is only made available in its full version to the Complainant and the Council. A PIR is a detailed report of the investigation and the LGSCO make it available for public reading. Depending on the individual circumstances, the LGSCO may also send the report to the media with a press release.

2.59 Table 1.1 below sets out the total number of complaints (statements and PIRs) received by the LGSCO in regard to the Isle of Wight Council's Children's Services Department, the Council's Statistical Neighbours Children's Services Departments and all Councils Children's Services Departments during the period 01st April 2020 to 31st March 2021.

2.60 Statistical neighbours are used by Central Government to provide a method for benchmarking progress. For each Local Authority (LA), these models designate a number of other LAs deemed to have similar characteristics. These designated LAs are known as statistical neighbours.

Table 1.1: LGSCO Complaints Comparison – Statistical Neighbours

Period:	01/04/2020 - 31/03/2021	Number of LGSCO Complaints
DfE No.	Local Authority	
925	Lincolnshire	11
908	Cornwall	4
845	East Sussex	13
830	Derbyshire	23
935	Suffolk	38
926	Norfolk	27
839	Bournemouth, Christchurch & Poole	5
882	Southend-on-Sea	5
879	Plymouth	5
880	Torbay	4
921	Isle of Wight	5
-	All Councils	1426

Source: Decision Search Tool, LGSCO Website

2.61 When compared to the Council's Statistical Neighbours, the Council received a significantly lower number of complaints (five in total) than almost half of the group, during the reporting period 01st April 2020 to 31st March 2021, with only two of the Council's Statistical Neighbours receiving less complaints overall (four complaints each).

2.62 Table 1.2 below sets out the number of complaints (statements and PIRs) received by the LGSCO in regard to services within the Isle of Wight Council's Children's Services Department whose complaints would be processed under

the Corporate Complaints process. The table also shows this same information for the Council's Statistical Neighbours and a summary total for all Councils during the reporting period 01st April 2020 to 31st March 2021.

Table 1.2: LGSCO Complaints Comparison – Statistical Neighbours: Corporate Complaints

Period:	01/04/2020 - 31/03/2021	Statements				PIRs		
DfE No.	Local Authority	No.	Upheld	Closed after Initial Enquiry	Not Upheld	No.	Upheld	Not Upheld
925	Lincolnshire	5	4	1	0	0	0	0
908	Cornwall	2	2	0	0	1	1	0
845	East Sussex	8	6	0	2	0	0	0
830	Derbyshire	17	9	8	0	1	1	0
935	Suffolk	23	7	11	5	0	0	0
926	Norfolk	11	9	0	2	0	0	0
839	Bournemouth, Christchurch & Poole	4	2	2	0	0	0	0
882	Southend-on-Sea	4	2	2	0	0	0	0
879	Plymouth	0	0	0	0	0	0	0
880	Torbay	0	0	0	0	0	0	0
921	Isle of Wight	0	0	0	0	0	0	0
-	All Councils	656	348	229	79	14	14	0

Source: Decision Search Tool, LGSCO Website

2.63 As mentioned earlier in the report, there were no Complaints (Statements or PIRs) received from the LGSCO during the 2020/21 reporting period for the Council for these services, which only two of the Council's Statistical Neighbours also achieved.

2.64 Table 1.3 below sets out the number of complaints (statements and PIRs) received by the LGSCO in regard to services within the Isle of Wight Council's Children's Services Department whose complaints would be processed under the Children's Social Care Complaints process. The table also shows this same information for the Council's Statistical Neighbours and a summary total for all Councils during the reporting period 01st April 2020 to 31st March 2021.

Table 1.3: LGSCO Complaints Comparison – Statistical Neighbours: Children's Social Care Complaints

Period:	01/04/2020 - 31/03/2021	Statements				PIRs		
DfE No.	Local Authority	No.	Upheld	Closed after Initial Enquiry	Not Upheld	No.	Upheld	Not Upheld
925	Lincolnshire	6	2	3	1	0	0	0
908	Cornwall	1	0	1	0	0	0	0
845	East Sussex	5	2	3	0	0	0	0
830	Derbyshire	5	1	2	2	0	0	0
935	Suffolk	15	4	9	2	0	0	0
926	Norfolk	16	3	9	4	0	0	0

839	Bournemouth, Christchurch & Poole	1	0	1	0	0	0	0
882	Southend-on-Sea	1	1	0	0	0	0	0
879	Plymouth	5	2	3	0	0	0	0
880	Torbay	4	2	0	2	0	0	0
921	Isle of Wight	4	2	2	0	1	1	0
-	All Councils	751	229	434	88	5	5	0

Source: Decision Search Tool (LGSCO Website) and CSCT Records (RESPOND Database)

- 2.65 As can be seen in Table 1.3 above, there were five Complaints (four Statements and one PIR) received from the LGSCO during the 2020/21 reporting period in regard to Children's Social Care, with only three of the Council's Statistical Neighbours receiving less during the reporting period.
- 2.66 50% of LGSCO complaints categorised as Statements resulted in the complaint being 'Closed after Initial Enquiry'. LGSCO complaints will fall under this outcome for various reasons including:
- there are no good reasons for the Ombudsman to investigate it at that point;
 - the complaint is outside of timescales making it difficult to investigate at that point;
 - it is unlikely the Ombudsman will find fault by the Council (e.g., no evidence);
 - the complaint is outside the Ombudsman's jurisdiction;
 - the complainant does not have permission to make the complaint (e.g., it is about another family);
 - the alleged fault has not caused the complainant/their dependent any significant personal injustice; or
 - the issue can only be challenged/rectified at court.
- 2.67 The remaining 50% of Statement complaints were upheld with recommendations being set by the LGSCO, which were accepted and undertaken by the Council.
- 2.68 The one PIR showing within Table 1.3 is for the LGSCO complaint previously reported to cabinet on 11 March 2021, where the individual complained to the Council that it delayed reassessing the complainant's child's needs and deciding about the child's personal budget, meaning the child's needs were not met and they were caused uncertainty and distress. The PIR also claimed the Council refused to consider the complaint at Stage Two of the Children's Social Care Complaint procedure.
- 2.69 Despite challenging these claims, the LGSCO found fault with the Council's management of the child's personal budget and decided that the Council refused to consider the complaint at Stage Two of the Children's Social Care Complaint procedure.
- 2.70 The LGSCO set recommendations within the PIR, which the Council delivered, and the Ombudsman was satisfied with the Council's response.

2.71 As can be seen across Tables 1.1 to 1.3, the Council compares favourably to our Statistical Neighbours in terms of the number of complaints made to the Ombudsman during the 2020/21 reporting period.

Actions and Next steps

2.72 The Council will continue to capture and look to learn from feedback from complainants and service users to aid service improvement.

2.73 Actions include:

- reviewing and revising the current model of complaints to ensure, where possible, concerns are addressed early and fully in order that complainants feel listened and to assist in reducing the number of complaints needing to be escalated through the stages of the complaints processes;
- finalising the new 'Children's Social Care Complaints' module being developed alongside workforce development before rolling out across the department to support all managers in responding to complaints to ensure staff are fully aware of their responsibilities through these processes and establishing consistent practice around responses;
- updating the Council's ACR to incorporate data and observations around the department's corporate complaints received during the reporting period, in order to provide the Departmental Management Team with a full picture of children's services complaints within the Council, allowing oversight and collation of learning in a single approach; and
- addressing the broader issue of the Council's ability to respond to Annual Reviews within the four week deadline by analysing the relevant roles and responsibilities of staff within the Assessment and Review Team to ensure sufficient staffing; and
- introducing an electronic hub system to support the EHCP process, which will enable the system to be streamlined and therefore improve efficiency.

2.74 The 2019/20 and 2020/21 versions of the ACR will also be published on the Council's website making them available to the public in line with statutory guidance.

3.0 APPENDICES ATTACHED

- Appendix 1 – Annual Complaints Report (2019/20)
- Appendix 2 – Annual Complaints Report (2020/21)
- Appendix 3 – Annual Complaints Report (2019/20): Data Appendix
- Appendix 4 – Annual Complaints Report (2020/21): Data Appendix
- Appendix 5 – LGSCO - IWC - PIR - 19012699

4.0 BACKGROUND PAPERS

- Council Complaints Policy
(<https://www.iow.gov.uk/documentlibrary/download/complaints-policy>)

- Children's Services Response to LGSCO Report, Restricted Report to Cabinet, 11/03/2021 ([Agenda for Cabinet on Thursday, 11th March, 2021, 5.00 pm - Modern Council \(modern.gov.co.uk\)](#))
- Getting the Best from Complaints (https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwiM4JTl16vyAhVCY8AKHcRgAnkQFn_oECAIQAQ&url=https%3A%2F%2Fassets.publishing.service.gov.uk%2Fgovernment%2Fuploads%2Fsystem%2Fuploads%2Fattachment_data%2Ffile%2F273895%2Fgetting_the_best_from_complaints.pdf&usq=A_OvVaw12JHcv0hemyllCv4bwdmQX)

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