

Supplement to the agenda for

Children and Young People Scrutiny Committee

Tuesday 30 July 2024

2.00 pm

**Conference Room 1 - Herefordshire Council, Plough Lane
Offices, Hereford, HR4 0LE**

7. CHILDREN'S SERVICES COMPLAINTS

Pages

3 - 14



Title of report: Summary of complaints received in relation to children's services from April 2023 – March 2024

Meeting: Children and Young People Scrutiny Committee

Meeting date: Tuesday 30 July 2024

Report by: Complaints and Children's Rights Manager

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose

For children and young people scrutiny committee to note and consider the summary of complaints received in relation to children's services.

Recommendation(s)

That:

The Summary of Complaints received in relation to Children's Services be noted.

Alternative options

The committee could not consider complaints received and their processing within the Council. This is not recommended as the complaints procedure is a key source of understanding gained in to the delivery of the council's frontline children's services. Complaints also provide a source of information that enables the council to improve and develop our corporate parenting responsibilities and service provision for children and families in our care.

Key considerations

1. The subheadings for this report have been taken from the questions asked at the scrutiny briefing. A complaint, for the purpose of this report, and within our Policy, is defined as: *“An expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response.”*
2. The statutory procedure exists to consider complaints not just by or on behalf of children, but from their parents, foster carers, special guardians, adopters and others who may have an interest in their wellbeing. The Statutory Children’s Representations and Complaints Policy covers complaints about:
 - a. Council’s services to children in need or in care (looked after children)
 - b. How the council applies to take a child into care
 - c. Complaints about fostering, special guardianship and adoption services
 - d. Complaints about services to children leaving care.
3. The Corporate Complaints Policy covers complaints about:
 - e. Complaints about child protection matters (including S47 enquiries and conferences)
 - f. Assessments of potential foster carers and adopters
 - g. Foster carer registration
 - h. How the council assesses families and prepares reports for the court in private proceedings (so-called Section 7 or 37 reports).

Complaints that fall under the children's complaints and representations policy are those that have a demonstrable impact on the child or young person and come from a person who is deemed able to complain on behalf of the child or come from the child or young person themselves. For a full analysis of the complaints received in children’s services please see Appendix 1.

Community impact

4. The Herefordshire Council Plan (2024 to 2028) is committed to improving children’s services and supporting families who are in our care. A stated Delivery plan (2024/2025) objective is to develop a revised Children’s Improvement Plan within which we wish to ensure that the views and lived experience of children and young people inform strategic intent and service delivery

Environmental Impact

5. There are no environmental impacts associated with providing this report to the children and young people’s scrutiny committee.

Equality duty

6. Under section 149 of the Equality Act 2010, the ‘general duty’ on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to –

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
7. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. As this is a decision on back office functions, we do not believe that it will have an impact on our equality duty.

Resource implications

8. There are no resource implications for consideration with this report

Legal implications

9. There are no specific legal implications arising from this report.

Risk management

10. Lessons Learnt from Complaints;
- a. IF lessons learnt from complaints are not identified and fed into the council's strategy and planning
 - b. THEN situations about which complaints are made are likely to reoccur with increased likelihood of Local Government Ombudsman findings of maladministration and injustice. Consultees
11. Complaints not being dealt with;
- c. IF complaints are not being investigated in a timely manner by the services
 - d. THEN we potentially fail to address deficits in service provision and overlook improvements to our children's services. We also potentially miss the time scales for dealing with complaints with the consequence that some complaints may be escalated to the Local Government Social Care Ombudsman

Appendices

Appendix 1: Scrutiny Report: summary of complaints received in relation to children's services

Background papers

None.

Report Reviewers Used for appraising this report:

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| Governance | Click or tap here to enter text. | Date Click or tap to enter a date. |
| Finance | Click or tap here to enter text. | Date Click or tap to enter a date. |
| Legal | Click or tap here to enter text. | Date Click or tap to enter a date. |
| Communications | Click or tap here to enter text. | Date Click or tap to enter a date. |
| Equality Duty | Click or tap here to enter text. | Date Click or tap to enter a date. |
| Procurement | Click or tap here to enter text. | Date Click or tap to enter a date. |
| Risk | Click or tap here to enter text. | Date Click or tap to enter a date. |
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| Approved by | Click or tap here to enter text. | Date Click or tap to enter a date. |
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Please include a glossary of terms, abbreviations and acronyms used in this report.

Introduction

The subheadings for this report have been taken from the questions asked at the scrutiny briefing.

A complaint, for the purpose of this report, and within our Policy, is defined as:

“An expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response.”

The statutory procedure exists to consider complaints not just by or on behalf of children, but from their parents, foster carers, special guardians, adopters and others who may have an interest in their wellbeing.

The Statutory Children’s Representations and Complaints Policy covers complaints about:

- a. Council’s services to children in need or in care (looked after children)
- b. How the council applies to take a child into care
- c. Complaints about fostering, special guardianship and adoption services
- d. Complaints about services to children leaving care.

The Local Authority’s policy for this procedure can be found below;

[Children's representations and complaints policy and procedure \(herefordshire.gov.uk\)](https://www.herefordshire.gov.uk/children-representations-complaints-policy-procedure)

The Corporate Complaints Policy covers complaints about:

- e. Complaints about child protection matters (including S47 enquiries and conferences)
- f. Assessments of potential foster carers and adopters
- g. Foster carer registration
- h. How the council assesses families and prepares reports for the court in private proceedings (so-called Section 7 or 37 reports).

The Local Authority’s policy for this procedure can be found below;

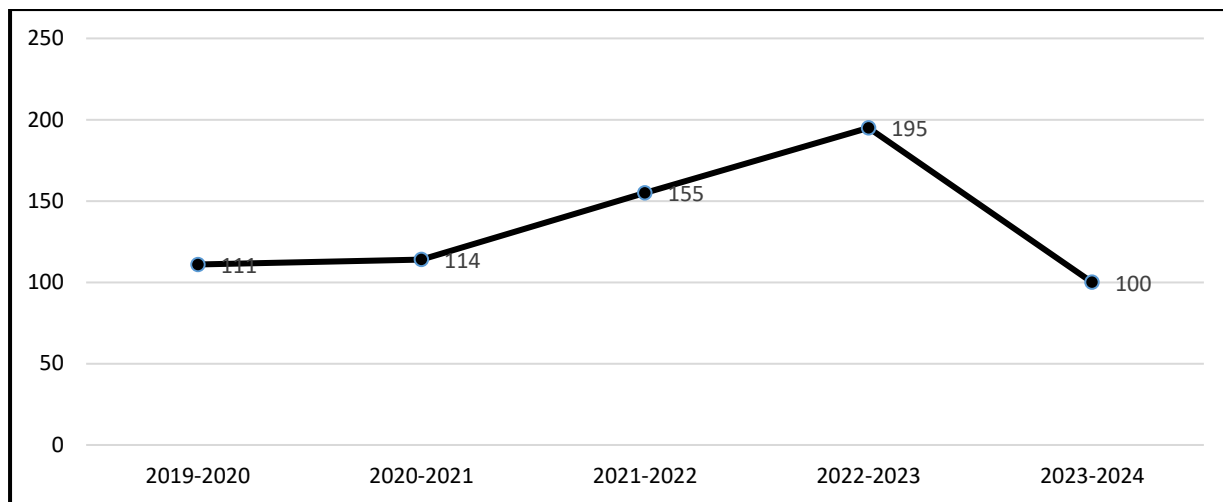
[Corporate Complaints Policy \(herefordshire.gov.uk\)](https://www.herefordshire.gov.uk/corporate-complaints-policy)

Number of corporate complaints received in previous five years

The below information captures those complaints regarding Childrens Services, under the Corporate Complaints Policy, over the past five years to provide a reflective analysis.

- 2019 – 2020, 111 Corporate Children’s Complaints
- 2020 – 2021, 114 Corporate Children’s Complaints
- 2021 – 2022, 155 Corporate Children’s Complaints
- 2022 – 2023, 195 Corporate Children’s Complaints
- 2023 – 2024, 100 Corporate Children’s Complaints

The number of complaints, regarding Childrens Services, processed through the Corporate Complaints Policy had steadily increased over the past four years, saying this, this municipal year there is a notable decrease in corporate complaints received, that relate to children’s services with a 48.7% decrease, this can be seen in the chart below.

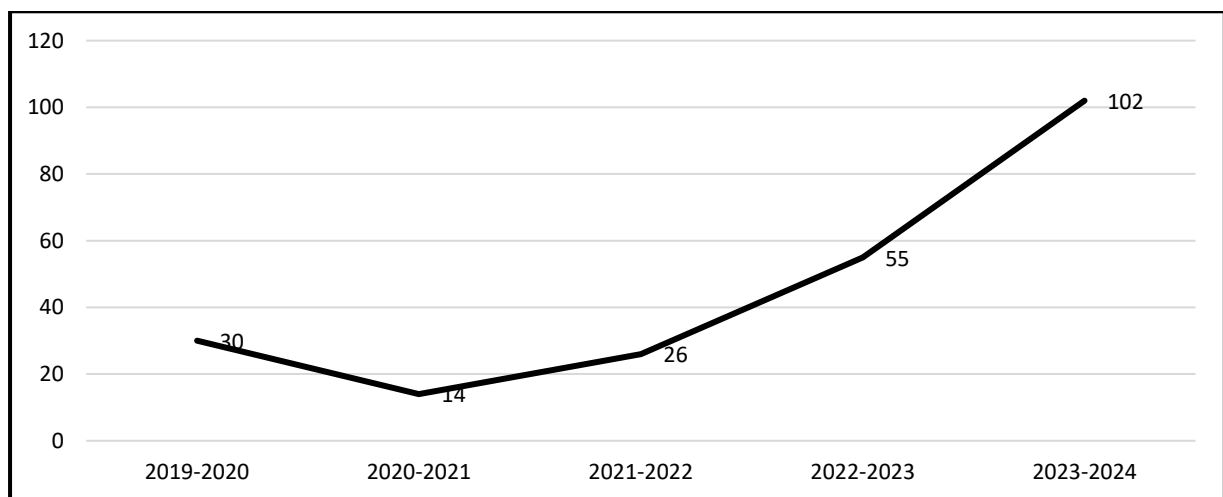


Number of statutory children’s complaints received in previous five years

The below information captures those complaints regarding Childrens Services, under the Statutory Representations and Complaints Policy, over the past five years.

- 2019 – 2020, 30 Children’s Complaints and Representations
- 2020 – 2021, 14 Children’s Complaints and Representations
- 2021 – 2022, 26 Children’s Complaints and Representations
- 2022 – 2023, 55 Children’s Complaints and Representations
- 2023 – 2024, 102 Children’s Complaints and Representations

This year there has been an 85% increase from the previous years, reasons why are suggested later on in this report.



Stage of Children's Statutory Representations and Complaints Procedure – Stage 1, Stage 2 and Stage 3 Complaints

For the purpose of this report I have outlined below the three stages of the children's statutory representations and complaints procedure.

Stage 1 – Local Resolution

Complaints will initially be dealt with under Stage 1 of the complaints procedure. Once a complaint has been received and it has been determined that the complaint falls under the Children's Representations and Complaints Policy, an Investigating Officer will be identified and the Complaints Team will log the complaint and acknowledge receipt with the complainant within 5 working days.

Stage 1 investigations should be investigated and responded to by the appropriate manager which will usually be the line manager for the practitioner who holds the relevant child's / young person's case. If the complaint includes elements relating to the practice of the manager, the next line manager above should investigate and respond to the complaint.

The Investigating Officer will investigate the complaint, write a response and complete a lessons learned template which they will return to the Complaints Team. If they require more time to complete their investigation they will inform the Complaints Team who will liaise with the complainant.

The initial attempt to resolve matters must be made within 10 working days of receipt of the complaint, unless an extension is required or an advocate is being engaged. Extensions for a maximum of an additional 10 working days (i.e. 20 working days in total) are allowed. At all stages, complainants will be kept informed in writing by the Complaints Team of any delays that have occurred in the progression of their complaint and the reasons why this has occurred. Complainants will be provided with a revised date for the relevant stage to be concluded where this has been extended. The Complaints Team will quality check the response and send it to the complainant.

Where a complainant remains dissatisfied following a Stage 1 investigation, in all cases a mediation meeting should be offered before a Stage 2 investigation is instigated. This supports the overarching principle that all complaints should be satisfactorily resolved as quickly and constructively as possible, for the benefit of children and young people. If a meeting is declined by the complainant, their complaint will move to Stage 2 of the process.

Stage 2 – Independent Resolution

If a complainant is dissatisfied with the Stage 1 response (and the mediation meeting, if taken up), then the Complaints Team will inform the Complaints Manager. The complainant has 20 working days to request a Stage 2 investigation from the date of the Stage 1 response. The Complaints

Manager will appoint an appropriate independent Investigating Officer and meet with them to agree an investigation plan. The details of the complaint and the desired outcomes should be agreed with the complainant. The Complaints Team will confirm arrangements with the complainant.

Stage 2 investigations are undertaken by an Investigating Officer who may be employed by the local authority but who does not manage the service or person against whom the complaint is being made. An Independent Person who is not employed by the local authority must be appointed for every Stage 2 investigation to work alongside the Investigating Officer to provide an independent

and objective view of the investigation. The Investigating officer / Independent person will conduct an investigation, referring to the investigator’s good practice guide, Annex 2 of the statutory guidance, and provide a report to the social care Adjudicating Officer who will carry out the adjudication and write a response letter within 25 working days from the date on which the written complaint was received. An extension may be agreed with the complainant if the matter is complex but the process should be completed within a maximum of 65 working days.

The Complaints Team will send the response letter and investigation report to the complainant.

Stage 3 – Review Panel

If the complainant remains unhappy and is in disagreement with the outcome reached at Stage 2, they are entitled to request that their complaint goes to a review panel. This request must be made within 20 days of the adjudication letter. The Complaints Team will confirm to the complainant that this will proceed to Stage 3.

The Complaints Manager will convene a Stage 3 panel within 10 days. Stage 3 panels consist of an independent chair and two independent panel members, none of whom can be employed by the local authority or have a close personal connection with an employee of the local authority. In appointing the Panel Chair, former members or officers of the council may be considered on a case-by-case basis, but good practice suggests that 3 years should have elapsed since.

By day 30 a panel meeting will be held. The panel will consider whether the complaint was properly investigated, whether the report has a clear logic and whether the evidence presented supports conclusions and recommendations made at Stage 2. The Panel will focus on the complainant’s desired outcomes, with a view to a resolution.

After the Panel meeting takes place, the Panel must produce a written report including recommendations to the Director within 5 working days of the Panel. The Director has a further 15 working days in which to respond to the complainant on the Panel’s recommendations. The Complaints Team will send out the response letter with details of the actions to be taken and the Chair’s report to the complainant. On completion, should the complainant remain dissatisfied they will be advised on how to contact the LGSCO.

This link to the ‘getting the best from complaints’ document can be found below;

[Children's social care: getting the best from complaints - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/children-social-care-getting-the-best-from-complaints)

Number of complaints resolved at each stage of the process

From the 102 complaints received in 2023 / 2024;

- 79 were resolved at stage 1
- 19 were progressed to stage 2 (see point 8 for reasons)
- 4 were progressed to a stage 3

Over 81% of complaints were resolved at the local resolution stage, stage 1, this highlights significant improvement from previous years and another notable improvement from the previous year which saw 52% of complaints received were resolved with local resolution. This increase would indicate that Children’s Services are working with families to resolve their concerns and this is being supported by the complaint procedure where we attempt to exhaust all internal avenues of

resolution before escalating the complaint to stage 2. This being said, should the complainant not wish to engage with any internal attempts to resolve their complaint it is their right to escalate their complaint to the second stage, and where there is a lack of response or attempt at resolution by the Local Authority at stage 1, complainants have the right to escalate to stage 2 and they are made aware of this by their allocated complaints officer.

Number of referrals to the Local Government and Social Care Ombudsman in previous five years

Any analysis you might have of how our rates compare with similar/neighbouring local authorities

The Local Government and Social Care Ombudsman (LGSCO) looks at complaints about councils and some other authorities and organisations, including education admissions appeal panels and adult social care providers (such as care homes and home care providers). The service is free, independent and impartial. In 2022-23 the LGSCO changed their investigation processes, contributing towards an increase in the average uphold rate across all complaints.

2019-2020

9 complainants took their complaints to the LGSCO for review:

- 3 were not upheld
- 3 were closed after initial enquiries
- 1 was deemed as premature
- 2 were upheld and the complainant(s) was awarded £2500 and £300

2020-2021

6 complainants took their complaints to the LGSCO for review:

- 1 was not upheld
- 2 were closed after initial enquiries
- 3 were upheld and the complainant(s) was awarded £1000 and £300 and upheld but no injustice

2021-2022

13 complainants took their complaints to the LGSCO for review:

- 2 were not upheld
- 7 were closed after initial enquiries
- 1 was deemed as premature
- 2 were upheld and one complainant was awarded £600
- 1 concluded complaint in 2020 was reviewed by the LGSCO in 2021, with an outcome of: Upheld - Maladministration & Injustice, awarding £4,270.00 and £600.00

2022-2023

9 complainants took their complaints to the LGSCO for review:

- 1 was not upheld
- 4 were closed after initial enquiries
- 2 were deemed as premature
- 1 was upheld and the complainant was awarded £100
- 1 was upheld with no further action

2023-2024

In April 2023 to March 2024 56 complainants took their complaint to the LGSCO for review;

(2 remain under investigation)

7 were fully investigated, of those 7;

- 3 Upheld: Fault and Injustice
- 1 Not upheld: no injustice
- 1 Upheld: Fault and Injustice, financial redress of £250 plus cost of doorbell
- 1 Upheld: no further action, organisation already remedied.
- 1 Not upheld, no further action

The below link provides further information from the LGSCO about our Local Authority.

[Herefordshire Council - Local Government and Social Care Ombudsman](#)

Breakdown of the types of complaint received

Categories of complaint follows the most common categories for complaints identified by the Local Government and Social Care Ombudsman: Service failure to follow procedures, poor communication, negative staff attitudes, giving out wrong or misleading information, and poor decision making. As such we categorise our complaints local into the below themes;

- No/poor communication
- Delayed/wrong information
- Staff attitude
- Service failure
- Disagree with council decision

The breakdown of categorisation for both corporate complaints and statutory children’s complaints is as follows;

No/poor communication

Corporate Complaints – 28

Statutory Complaints - 8

Delayed/wrong information

Corporate Complaints - 10

Statutory Complaints - 3

Staff attitude

Corporate Complaints - 24

Statutory Complaints - 31

Service failure

Corporate Complaints - 31

Statutory Complaints - 49

Disagree with council decision

Corporate Complaints - 7

Statutory Complaints - 11

In addition to the above and in an attempt to resolve local, some ‘complaints’ are managed at enquiries or service requests depending on the nature of the contact and content of the complaint.

Your understanding of the reason for the persistent increase in the number of complaints

The second chart indicates an increase in complaints that have been received and processed through the Children’s Complaints and Representations policy since 2018/2019. It should be noted that, as with the previous year, in line with LGSCO guidance more complaints have been process through this policy as is the right of the Children and Young People and those acting on their behalf.

Although the number of complaints is significantly higher it could be suggested that since the necessary changes to the complaints procedure and its accessibility have been implemented it has made submitting a complaint less daunting and it has offered families, children and young people reassurance that Children’s Services will listen to their concerns, learn from them and take them seriously.

This change came into place in September 2022 following a discussion with the Complaints Manager and Corporate Director, Children and Young People and continues to be the practice followed and I believe the increase to be a positive reflection of the improvement being made to ensure our families feel listened too.

We recently received feedback from a parent recognising that the complaints process is not what it used to be with feedback stating;

“The parent acknowledged that the current complaints service is not what it was before as practice had improved under new management. The parent went on to say that when she is speaking with other parents and they express dissatisfaction, she is now confident about advising the parent to make contact with the Complaints Team as she believes they will receive a helpful response. “

The National Complaints Manager Group (NCMG) agreed that the children's complaint regulations are not fit for purpose and require a review by Government. In order to achieve this, NCMG agreed that a sub group would capture views nationally regarding the regulations by approaching complaints managers who cover children’s social care complaints across the country to seek their views on what works, what doesn’t, how much it costs, and how things might be improved. Concerns include the sheer cost of operating the process, the length of time it takes to conclude, and the fact that it is being used far more by adult complainants, such as disgruntled parents, rather than the children for whom the process was intended. Herefordshire Council will be involved in the consultation document that will be requesting a review by Government.

Factors causing any escalation of complaints

The following reasons have been identified as cause for escalation. It should be noted that the LA may have exhausted all attempts to local resolve the complaint for the complainant but they remain dissatisfied.

- Delayed response at stage 1
- Lack of response at stage 1
- No actions completed following stage 1
- Continued dissatisfaction following a mediation meeting
- Not wishing to work with the LA at stage 1
- Dissatisfied with the response at stage 1
- Dissatisfied with the outcome at stage 1

