

# **Children's Services Department**

## **Annual Report on Social Care Complaints and Representations**

**2018/19**

## Executive Summary

The Annual Report is a public document, providing a mechanism by which the Children's Services Department (the department) can be kept informed about the operation and effectiveness of its complaints procedure and support learning from complaints. This document covers the reporting period 01 April 2018 to 31 March 2019. For the purpose of this report a representation is the initial contact from an individual which is then triaged by the Children's Services Complaints Team. Following the receipt of a representation the team will assign a designation which determines the appropriate process, for example, statutory complaint, corporate (non-statutory) complaint or case concern. At this point some representations are identified as being appropriately managed by a different process, for example, individual's data protection rights request or Subject Access Requests and they are forwarded to the appropriate team.

The key findings within the report can be summarised as:

1. The total number of representations recorded by Children's Services Complaints Team (CSCT) in the reporting period was 991. This represents a 0.9% overall increase from the number received in the previous reporting period.
2. The number of statutory complaints show a reduction of 56 (down 15%) on the previous reporting period and the number of corporate complaints received has slightly increased by 13 representations. The number of 'Other' representations has increased (11.4%) on the previous reporting period's number, which includes 'ad-hoc' representations. The type of 'Other' representations are listed in table 1a below.
3. 47% (previously 54% in 2017/18) of statutory Stage One complaints were responded to within the upper time limit, but outside of the standard deadline of 10 working days. This is permissible within the guidance, though it is important that the 10 day extension is viewed as an exception rather than standard practice. Twelve statutory complaints were not responded to within the upper time limit of 20 working days.
4. The number of case concerns has decreased by 38 representations (20.9%) on the previous reporting period. Case concerns are, in effect, case management issues which have been identified by CSCT. One characteristic of a case concern is that it requires more immediate attention and resolution than is afforded by the 10-day time limit for a formal complaint. Case concerns provide an opportunity to facilitate earlier resolution and therefore negating the need for matters to enter the formal complaint process. This approach is only considered when it is advantageous to the individual and/or in the best interest of the child concerned.

5. During the reporting period 16 complaints out of the total of 318 statutory complaints progressed to statutory Stage Two investigation. Five of the 16 progressed to Stage Three of the statutory complaints process in the reporting period. Two of these five completed Stage Three during the period with the remaining three carrying over into the next reporting period.
6. Resource issues resulted in 11 complaints (where the complainant had indicated a wish to progress their complaint) being unable to be progressed to Stage Two investigation within the reporting period.
7. Analysis of the nature of complaints, the social characteristics and the demographic of complainants is routinely carried out. There is no evidence of disproportionate representation of any vulnerable group.

The report also identifies seven recommendations for CSCT or the department to implement or monitor, as appropriate, during the 2019/20 reporting period:

**Recommendation 1** – At the conclusion of the ‘Complaints in the C & F Investigating Officer pilot’, review the effectiveness of the process. The pilot was initiated to address the shortfall in external investigating officers and consisted of the identification and training of suitable level managers from Children and Families branch of Children’s Services to meet the statutory requirements of the investigation officer’s role. The review will enable the identification of strengths and risks of the revised process and inform a decision into future suitability of use.

**Recommendation 2** – Continue to identify a more appropriate approach to effectively capture learning from complaints whilst minimising the impact on practitioners and their managers. A key factor in the delivery of this recommendation will be the configuration and implementation of the new complaints database.

**Recommendation 3** – Implement the revised layout and content of the Annual Complaint Report to ensure that pertinent intelligence is captured whilst still complying with the statutory complaint guidance. A key factor in the delivery of this recommendation will be the configuration and implementation of the new complaints database.

**Recommendation 4** – Develop a coherent department wide approach to what is recorded on ICS when a complaint is made. Liaise with colleagues in the department to assist with this process.

**Recommendation 5** - The independent providers (non-HCC employees) who are engaged to undertake designated roles at Stages Two and Three of the statutory complaint processes also undertake the same role for other Local Authorities so there is a high demand for their services. A review of hourly rates is required to ensure we can compete for scarce independent provider resource.

**Recommendation 6** – Undertake a review of standard templates to assess whether any amendments or additions could be made to encourage service users to state their desired outcomes when making a representation.

**Recommendation 7** – Future Annual Complaint reports to have more specific info on service improvements that result from complaints

The full report follows.

## **1. Introduction**

- 1.1 The Children's Act 1989 *Representation Procedure (England) Regulations 2006* requires Children's Services Departments to operate and maintain a complaints procedure for social care complaints from children, young people or their representatives.
- 1.2 The statutory guidance, *Getting the Best from Complaints, DfES 2006* outlines the required procedures, which the Complaints Manager has responsibility for overseeing. The Annual Report is a public document, providing a mechanism by which the department can be kept informed about the operation and effectiveness of its complaints procedure and support learning from complaints.
- 1.3 To provide an overall picture of Children's Services complaints, some information about non statutory complaints has been included in the report.

## **2. The procedure**

- 2.1 Social care (statutory) complaints from or relating to children and young people are managed through the three-stage statutory process. These complaints relate exclusively to the Children and Families branch of the Children's Services Department (the department). Non-social care (non-statutory) complaints are responded to under the three-stage corporate complaint process. These complaints tend to be predominantly about the Education and Inclusion branch of the department and include complaints about key services such as Special Educational Needs (SEN). The Access, Performance and Business Development branch and Children and Families branch also generate complaints that require managing under the non-statutory complaint process such as complaints about school admission and the complaint process itself. The non-statutory complaint process is used when a complaint is focused on policy and process i.e. compliance with policy, rather than direct intervention with children and their families.
- 2.2 In addition to the above, a third complaint process is involved when responding to complaints that are specifically about the process, outcome or decision of Child Protection Conferences. The Children's Services Complaint Team (CSCT) has a specific role at Stage Two of the Hampshire Safeguarding Children's Partnership (HSCP) complaints process.
- 2.3 Complaints about schools are managed through each individual school's complaint process. CSCT will advise on the general principles and processes if contacted by parents, carers, schools or governors and, on occasions, young people. As in previous reporting periods the number of contacts relating to school complaints continues to decline.

### **3. Publicity and information**

- 3.1 The complaints pages on Hantsweb are now the primary source of information, providing a comprehensive guide to making a complaint, comment or compliment about the Department that falls within the statutory complaint process. Some copies of the complaint leaflet remain available (where stocks last). The decision was made during this reporting period not to re-print. Likewise, it has been identified over time that children and young people more often choose to make complaints in writing (usually via email and with or without the support of a trusted adult) rather than use the 'Making a Complaint' leaflet/form. During this reporting period it was decided that the leaflet would not be re-printed. A secondary benefit of this decision is that there has been a marked reduction of adults erroneously using the young people complaint leaflet to make a complaint. Children's services staff are still expected, during visits to children and their families, to make them aware of the formal complaint process and how to access it. Children and young people can also access the formal complaint process via the designated advocacy service or any other recognised advocacy service as well as with the assistance of family and friends.

During the reporting period an advocacy service was provided on a contractual basis to the department by Speakeasy advocacy. This service was not accessed by any of the young people to assist them in making a complaint during the reporting period.

### **4. Data and analysis**

#### **4.1 Children's Services Complaints 1 April 2018 – March 2019**

During the reporting period development work was initiated to review and change the way compliance representations (complaints, SAR, FOI, and data breaches and GDPR rights requests) would be recorded. This wasn't progressed and further development was suspended pending a major decision relating to Council servers that directly impacted on the complaints database.

Data specifically relating to Hampshire County Council is separated from other data and extracted for reporting and analysis. Complaint records are held in compliance with the General Data Protection Regulations and the Data Protection Act 2018.

#### **4.2 Representations**

Table 1a below shows the totals for all representations received by or reported to CSCT in the reporting period. Definitions for each are shown in Appendix 1.

Table 1a: Representations Received

Type of representation	Financial Year		
	2018/19	2017/18	2016/17
<b>Statutory</b>			
Complaint	124	131	173
Pre-complaint (to Statutory Stage 1 Complaint)	13	16	8
Joint complaint	1	0	0
Stat complaint (inc RtR)	1	0	0
Case concern	144	182	139
Area initiated complaint	8	12	18
Refused	27	33	60
<b>Total statutory representations</b>	<b>318</b>	<b>374</b>	<b>398</b>
<b>Non-Statutory</b>			
Complaint	100	88	80
Pre-complaint (to Corporate Stage 2 Complaint)	3	2	3
Non-Stat complaint (inc RtR)	1	0	0
Case concern	1	0	0
Area initiated complaint	5	7	12
Refused	19	19	14
<b>Total non-statutory representations</b>	<b>129</b>	<b>116</b>	<b>109</b>
<b>Other</b>			
Pre-complaint	95	76	85
Professional to Professional Complaint	19	7	21
HSCP	3	1	3
LGSCO	19	16	26
Miscellaneous	25	6	25
Compliment	3	6	4
HantsDirect handoff	0	1	3
Data Breach, FOI or SAR	13	0	0
Informal complaints	0	0	0
Request for info	0	0	0
Ad Hoc	348	379	200
<b>Total other representations</b>	<b>548</b>	<b>492</b>	<b>367</b>
<b>Total representations</b>	<b>991</b>	<b>982</b>	<b>874</b>

### 4.3 Number of complaints

- 4.3.1 The total number of representations recorded by CSCT in the reporting period was 991. This represents a 0.9% overall increase from the number received in the previous reporting period.
- 4.3.2 The number of statutory representations show a reduction of 56 (down 15%) on the previous reporting period. The number of corporate complaints received increased by 13 (up 11.2%). The number of 'Other' representations has increased by 56 (up 11.4%) on the previous reporting period's number.
- 4.3.3 The number of case concerns has decreased by 38 representations (20.9%) on the previous reporting period. Case concerns are, in effect, case management issues which have been identified by CSCT. One characteristic of a case concern is that it requires more immediate attention and resolution than is afforded by the 10-day time limit for a formal complaint. Case concerns provide an opportunity to facilitate earlier resolution and therefore negating the need for matters to enter the formal complaint process. This approach is only considered when it is advantageous to the individual and/or in the best interest of the child concerned.
- 4.3.4 Children's social care services continue to register low numbers of direct customer compliments. As in previous years one of the reasons for this could be the large number of interventions which are unsought and often unwelcome by families. In addition, many compliments are delivered verbally and often not captured. Compliments are useful to identify areas which are valued by service users. The number of compliments recorded by CSCT in 2018/19 was three, a decrease of 50% from the previous reporting period.
- 4.3.5 There has been further reduction in the number of 'statutory' refusals (18.1%) as demonstrated in Table 1b below. Most refusals are still due to the individual not having Parental Responsibility. The number of 'non-statutory' refusals has remained constant follow the significant reduction in 2016/17. Statutory and non-statutory refusals are the designation given to representations that, if they had not been refused, would have followed the relevant statutory or non-statutory process.

**Table 1b: Breakdown of representations subsequently refused (subset of Table 1a)**

Refusal reason	Financial Year		
	2018/19	2017/18	2016/17
<b>Statutory</b>			
Court Proceedings	5	6	13
No PR	14	22	33
Not in Best Interest/Age of Child/YP	0	0	1
Out of Time	3	3	6
Outside of Remit	5	1	7



Repeat Complaint	0	1	0
<b>Total statutory refusals</b>	<b>27</b>	<b>33</b>	<b>60</b>
<b>Non-Statutory</b>			
No PR	3	0	3
Not in Best Interest/Age of Child/YP	0	0	2
Out of Time	1	0	0
Outside of Remit	9	14	7
Repeat Complaint	0	0	2
Tribunal/Court Proceedings	1	5	14
<b>Total non statutory refusals</b>	<b>19</b>	<b>19</b>	<b>74</b>

#### 4.4 Timescale compliance

Table 2 below shows the total number of complaints responded to / progressed within the reporting period.

**Table 2: Number of Complaints Responded to / Progressed within Reporting Period (all complaints received in 2018/19 or completed in 2018/19)**

Stage		Financial Year					
		2018-2019		2017-2018		2016-2017	
Statutory complaints	<b>Stage 1</b>						
	Total number of complaints	146		142		182	
	- in 10 working days	65	(45%)	61	(43%)	75	(41%)
	- in between 10 and 20 working days	69	(47%)	77	(54%)	95	(52%)
	- in over 20 working days	12	(8%)	4	(3%)	12	(7%)
	- average time to complete (days)	13.9		12.0		12.5	
	<b>Stage 2</b>						
	Total number of complaints (received)	16		3		3	
	- in 25 working days	0	(0%)	0	(0%)	0	(0%)
	- in between 25 and 65 working days	2	(12%)	0	(0%)	1	(33%)
- in over 65 working days	3	(19%)	3	(100%)	2	(67%)	
- Received but not progressed	11	(69%)					
- average time to complete (days)	152.7		180		161		
<b>Stage 3</b>							
Total number of complaints	2		1		0		
- in under 50 working days	0	(0%)	0	(0%)	0	(-)	
- in 50 working days	0	(0%)	0	(0%)	0	(-)	
- in over 50 working days	2	(100%)	1	(100%)	0	(-)	
- average time to complete (days)	76.5		53.0		0.0		
Non-statutory complaints	<b>Stage 2</b>						
	Total number of complaints	85		2684		79	
	- in 10 working days	26	(31%)	5044	(52%)	19	(24%)
	- in between 10 and 20 working days	50	(59%)	932	(38%)	42	(53%)
	- in over 20 working days	9	(10%)	8	(10%)	18	(23%)
	- average time to complete (days)	13.6		12.0		16.0	
<b>Stage 3</b>							
Total number of complaints	15		3		6		
- in 20 working days	7	(47%)	0	(0%)	0	(0%)	

- in over 20 working days	8	(53%)	3	(100%)	6	(100%)
- average time to complete (days)	29.5		25.3		36.0	

\*Percentage calculated to zero decimal places

- 4.4.1 Table 2 also shows the total of statutory and non-statutory complaints received, excluding area-initiated, refused complaints and any representations that did not fall into either the statutory or non-statutory categories.
- 4.4.2 Teams can respond directly to complaints received without involving CSCT. No data is collected in respect of these complaints and therefore a number of complaints across Children's Services are received and responded to but are not included in the data used for this report. This means that the number of complaints received by Children's Services is likely to be underreported, based on knowledge acquired through interactions with service users and their families.
- 4.4.3 Stage One of the corporate procedures (followed for non-social care complaints) is not directly comparable with the statutory complaint process. Stage Two of the corporate process is a more accurate alignment to Stage One of the statutory process. Please see Appendix 2 for an explanation of the social care and corporate complaints procedures.
- 4.4.4 All Stage Two and Three statutory complaints are managed by CSCT. This is also true of the majority of Stage Two complaints in relation to the non-statutory process. CSCT work closely with the Corporate Information Compliance Team on complaints that reach Stage Three of the corporate process. CSCT also manage all complaints referred to the Council by the Local Government and Social Care Ombudsman (LGSCO). As can be seen in Table 2 above, during the reporting period, 92% (compared with 97% in 2017/18) of statutory Stage One complaints were responded to within the statutory timescales (10 working days with a possible extension to 20 working days).
- 4.4.5 47% (previously 54% in 2017/18) of statutory Stage One complaints were responded to within the upper time limit, but outside of the standard deadline of 10 working days. This is permissible within the guidance, though it is important that the 10 day extension is viewed as an exception rather than standard practice. Twelve statutory complaints were not responded to within the upper time limit of 20 working days. This was due to competing priorities the individual service areas. Timescale compliance remains one indication of the high degree of collaborative working between locality teams and CSCT with regard to both statutory and non-statutory complaints. The quality of responses produced by the manager (District Manager or equivalent) at the initial stages of the process is a significant contributory factor in the positive resolution of complaints. However, timescale compliance remains an area of concern in respect of both statutory and corporate complaint processes.

- 4.4.6 During the reporting period 16 complaints out of the total of 318 statutory complaints progressed to statutory Stage Two investigation. Five of the 16 progressed to Stage Three of the statutory complaints process in the reporting period. Two of these five completed Stage Three during the period with the remaining three carrying over into the next reporting period.
- 4.4.7 Resource issues resulted in 11 complaints (where the complainant had indicated a wish to progress their complaint) were unable to be progressed to Stage Two investigation within the reporting period.

#### 4.5 How complaints are made and who makes them

**Table 3a: Method Used to Make Complaints - how received**

Method	2018-2019		2017-2018		2016-2017	
	E-mail	166	54%	159	(52%*)	193
Letter	38	12%	37	(12%)	62	(17%)
Complaint Form	7	2%	14	(4%)	26	(7%)
E-Form	94	31%	77	(25%)	45	(12%)
Telephone	3	1%	18	(6%)	39	(11%)
In Person	0	0%	0	(0%)	1	(0%)
Via LGSCO	0	0%	2	(1%)	1	(0%)
Text Message	0	0%	0	(0%)	0	(0%)
YP Complaint Form	0	0%	1	(0%)	1	(0%)
<b>Total</b>	<b>308</b>	<b>100%</b>	<b>308</b>	<b>(100%)</b>	<b>368</b>	<b>(100%)</b>

\*Percentage calculated to zero decimal places

- 4.5.1 Table 3a above shows the method used to make the complaint received by CSCT directly or via recognised complaint 'routes' such as Hantsdirect. The use of hard copy complaints forms continues to decline and now represents approximately 2% of total complaints received. Email remains the most popular method for making a complaint, with e-form being the third most popular method after communication by letter.
- 4.5.2 Table 3b below provides a breakdown of the methods used by young people to make complaints, with email remaining one of the most common methods for young people to make their complaints.

**Table 3b: Method Use to Make Complaints Young People's complaints (subset of table 3a)**

Method	Financial Year		
	2018-2019	2017-2018	2016-2017
E-mail	3	3 (1%*)	2 (1%)
Letter	2	3 (1%)	2 (1%)
Complaint Form	0	2 (1%)	1 (0%)
E-Form	3	2 (1%)	0 (0%)
Telephone	0	1 (1%)	0 (0%)

YP Complaint Form	0	1 (0%)	0 (0%)
<b>Total</b>	<b>8</b>	<b>12 (5%)</b>	<b>5 (1%)</b>

\*Percentage calculated to zero decimal places

4.5.3 Electronic submission of complaints includes those received via HantsDirect and those made directly by complainants accessing the complaints webpages.

Complaints received electronically via HantsDirect can require further communication with the complainant to obtain necessary details. When HantsDirect take a complaint over the phone it is recorded by the agent on an electronic form before being sent to CSCT. This method is designated as 'telephone' in the tables above to distinguish it from other methods.

4.5.4 Complainants who make initial contact by phone are encouraged to put their complaint in writing. Care is exercised to ensure that individual complainants are able to do this. Where a specific need is identified (literacy levels, disability etc.), a member of CSCT will take details over the phone and then send this to the complainant for confirmation before initiating the complaint process. Occasionally where a clear need is identified, CSCT will meet with a complainant to take their complaint verbally. In circumstances where complainants are unwilling to put their complaint in writing they are given the option of calling HantsDirect.

**Table 4a: Who makes complaints - received from**

Received from	Financial Year					
	2018-2019		2017-2018		2016-2017	
<b>Parent/Adopter</b>						
Parent	240	(78%)	226	(73%)	276	(75%)
Adopter	0	(0%)	0	(0%)	0	(0%)
Ex-Partner	0	(0%)	0	(0%)	0	(0%)
Partner	2	(1%)	2	(1%)	4	(1%)
Step-Parent	5	(2%)	4	(1%)	8	(2%)
<b>Total Parent/Adopter</b>	<b>247</b>	<b>(81%)</b>	<b>232</b>	<b>(75%)</b>	<b>288</b>	<b>(78%)</b>
<b>Non-Parent Relative</b>						
Grandparent	18	(6%)	27	(9%)	40	(11%)
Sibling	0	(0%)	2	(1%)	2	(1%)
Other Relative	8	(3%)	10	(3%)	8	(2%)
<b>Total Non-Parent Relative</b>	<b>26</b>	<b>(9%)</b>	<b>39</b>	<b>(13%)</b>	<b>50</b>	<b>(14%)</b>
<b>Foster Carer/Prospective Foster Carer</b>						
Foster Carer	5	(2%)	12	(3%)	8	(2%)
Private Foster Carer	0	(0%)	0	(0%)	0	(0%)
Prospective Adopter/Foster Carer	6	(2%)	1	(0%)	1	(0%)
Prospective Foster Carer	0	(0%)	0	(0%)	0	(0%)
<b>Total Foster Carer/ Prospective Foster Carer</b>	<b>11</b>	<b>(4%)</b>	<b>13</b>	<b>(4%)</b>	<b>9</b>	<b>(2%)</b>
<b>Service user</b>						
Service user (adult)	0	(0%)	1	(0%)	3	(1%)
Service user (young person)	8	(3%)	12	(5%)	5	(1%)

<b>Total Service User</b>	<b>8 (3%)</b>	<b>13 (5%)</b>	<b>8 (2%)</b>
<b>Professional</b>		0	
Head Teacher	0 (0%)	0 (0%)	0 (0%)
Health Staff	0 (0%)	0 (0%)	0 (0%)
Other Agency	0 (0%)	0 (0%)	0 (0%)
Principal Transport Officer (HCC)	0 (0%)	0 (0%)	0 (0%)
Other HCC Staff	1 (0%)	0 (0%)	0 (0%)
Other Professionals	2 (1%)	1 (0%)	2 (1%)
<b>Total Professional</b>	<b>3 (1%)</b>	<b>1 (0%)</b>	<b>2 (1%)</b>
<b>Advocate</b>	<b>1 (0%)</b>	<b>0 (0%)</b>	<b>0 (0%)</b>
<b>Miscellaneous</b>			
Birth Parent of Adopted Child	0 (0%)	0 (0%)	0 (0%)
Friend/Neighbour	3 (1%)	3 (1%)	4 (1%)
Other	4 (1%)	1 (0%)	4 (1%)
<b>Total Miscellaneous</b>	<b>7 (2%)</b>	<b>4 (1%)</b>	<b>8 (2%)</b>
Unknown	5 (2%)	6 (2%)	3 (1%)
<b>Total</b>	<b>308 (100%)</b>	<b>308 (100%)</b>	<b>368 (100%)</b>

\*Percentage calculated to zero decimal places

4.5.5 Most representations continue to be made by family members, with the largest number being from parents followed by grandparents, as demonstrated in Table 4a above and Table 4b on the following page.

4.5.6 The proportion of complaints received directly from children and young people decreased to eight in this reporting period (twelve in 2017/18). Any complaint from a young person no matter how it is received is accepted and responded to as a priority. However, the reasons for the low number of complaints received from young people remains un-researched and therefore unknown.

## 4.6 Nature of complaints

Table 5a: Statutory Complaints - complaint nature

Nature	Number of representations		
	2018/19	2017/18	2016/17
Actions of Staff	21	0	0
Application of Policy	2	0	0
Assessment Outcome	4	12	11
Assessment Process	3	2	2
Change of Placement Decision	0	3	0
Change to Service	3	2	3
Child Protection Conference Outcome	1	1	0
Child Protection Conference Process	1	1	0
Delay in Provision of Service	6	4	4
Finance	4	1	3
Funding	2	2	0
Non Fulfilment of Duty	32	51	51
Policy	1	0	0

Poor Communication	25	9	24
Professional Conduct	18	31	74
Quality of Service	52	56	68
Refusal of Service	1	6	2
Safeguarding	0	2	1
Other	1	5	17
Unknown	8	4	1
<b>Total</b>	<b>179</b>	<b>192</b>	<b>261</b>

4.6.1 For statutory complaints, the most frequent nature of complaint in this period were related to the 'Quality of Service' provided by Children's Services staff working with them. As with previous years, 'professional conduct/actions of staff', 'non fulfilment of duty' and 'poor communication' remain the other most frequent causes of complaints.

4.6.2 The low number of complaints received from young people in the reporting period, as set out in table 5b below, means that any analysis is problematic. Also, by accepting 'quality of service' and 'non fulfilment of duty' cover the same concerns, the data highlights that these continue to make up almost half of the complaints made by young people.

**Table 5b: Young People's Complaints – complaint nature (subset of table 5a)**

Nature	Number of representations		
	2018/19	2017/18	2016/17
Assessment Outcome	0	1	1
Change of Placement Decision	1	1	0
Change to Service	0	1	0
Funding	2	0	0
Non Fulfilment of Duty	2	3	2
Professional Conduct	0	3	0
Quality of Service	1	2	1
Other	1	1	2
<b>Total</b>	<b>7</b>	<b>12</b>	<b>6</b>

4.6.3 Complaints solely relating to Children and Families policy and procedures come under the non-statutory (corporate) complaint process. Table 5c below provides a breakdown of non-statutory (corporate) complaints received into the department.

**Table 5c: Non-statutory (Corporate) Complaints - complaint nature**

Nature	Number of representations		
	2018/19	2017/18	2016/17
Access to Service	1	0	0
Application of Policy	0	1	2
Assessment Outcome	1	8	6
Assessment Process	2	2	5
Change to Service	2	6	0
Child Protection Conference Outcome	0	1	1
Child Protection Conference Process	0	1	0

Delay in Provision of Service	30	14	29
Finance	2	5	7
Funding	1	2	3
Non Fulfilment of Duty	7	8	5
Out of Education	1	0	2
Policy	1	0	1
Poor Communication	25	15	6
Professional Conduct	5	5	2
Quality of Service	34	38	19
Refusal of Service	3	3	4
Safeguarding	0	3	0
Other	5	3	16
Unknown	9	1	1
<b>Total</b>	<b>129</b>	<b>116</b>	<b>109</b>

4.6.4 Non-statutory complaints include those made in relation to the SEN Service, School Admissions and Home to School Transport. The most frequent nature of non-statutory complaints during the period, as set out in Table 5c, concerned 'Quality of Service' closely followed by 'Delay in Provision of Service' and 'Poor Communication'. These themes made up 70.6% of non-statutory complaints received.

## 4.7 Service

4.7.1 In respect of statutory complaints the largest number of complaints received concern core business areas for the Children and Families Branch as set out in Table 6a, namely 'Children in Need', disabled children and 'Children Looked After'. Complaints about child protection conferences are managed in line with the HSCP complaint process.

**Table 6a: Statutory Complaints - service involved**

Service	Number of representations		
	2018/19	2017/18	2016/17
Adoption/Permanence	6	2	9
Care Leavers	5	3	2
CAST 1	36	22	1
CAST 2	29	11	0
CAST 3	18	4	0
CAST 4	25	5	0
Child in Need	2	66	149
Children Looked After	21	21	12
Disabled Children's Team	14	14	22
Early Help Hub	0	2	6
Family Placement	0	0	0
Family Support	5	1	0
HantsDirect / Out of Hours	0	0	1
Independent Reviewing Service	0	0	0
Intensive Support Service (ISS)	0	0	0

MASH/CRT	8	11	14
Occupational Therapy	0	1	1
Not receiving a service	0	2	1
Reception & Assessment	0	15	36
Safeguarding Team	0	1	0
Services for Young People / YSS	0	0	1
Specialist Residential Provision	0	0	2
YOT	1	0	1
Other/Unknown	9	11	3
<b>Total</b>	<b>179</b>	<b>192</b>	<b>261</b>

**Table 6b: Young People's Complaints – service involved (subset of table 6a)**

Service	Number of representations		
	2018/19	2017/18	2016/17
Care Leavers	2	3	0
CAST 1	1	1	0
CAST 2	2	0	0
CAST 4	1	0	0
Child in Need	0	4	4
Children Looked After	1	2	1
Disabled Children's Team	0	0	1
Not receiving a service	0	1	0
<b>Total</b>	<b>7</b>	<b>12</b>	<b>6</b>

4.7.2 Of the seven complaints received in this reporting period, none concerned services for disabled children which was the highest percentage in the previous reporting period.

4.7.3 In respect of non-statutory complaints received, the SEN Service continues to receive the most complaints (58.1%) during this period, the majority of which relate to Education, Health and Care Plans (EHCP). Table 6c provides a full breakdown of non-statutory complaints for the reporting period by service.

**Table 6c: Non-statutory Complaints - service involved**

Service	Number of representations		
	2018/19	2017/18	2016/17
Adoption/Permanence	2	4	2
Care Leavers	1	2	2
CAST 1	3	3	0
CAST 2	2	1	0
CAST 3	2	0	0
CAST 4	1	0	0
Child in Need	0	8	14
Children Looked After	4	2	2
Complaints Team	2	4	1
Disabled Children's Team	1	8	5
Education	5	5	4



Early Help Hub	0	0	1
Early Years Services	0	1	0
EMTAS	1	0	0
Family Placement	0	2	1
Family Support	2	0	0
HantsDirect / Out of Hours	0	0	0
Inclusion Team	3	0	0
Independent Reviewing Service	0	1	1
Intensive Support Service (ISS)	0	0	0
MASH/CRT	2	4	6
Non HCC	1	0	1
Not receiving a service	0	3	4
Reception & Assessment	2	5	4
Safeguarding	0	0	2
SAR	0	0	2
School Admissions Team	0	7	3
School Transport	17	14	10
SEN	75	40	39
Services for Young People / YSS	0	0	1
Strategic Development	1	0	0
Other/Unknown	0	2	4
<b>Total</b>	<b>129</b>	<b>116</b>	<b>109</b>

#### 4.8 Resolution of complaints

Table 7a: Statutory and Non-statutory Complaints - outcome sought

Outcome sought	2018-2019			2017-2018		
	Statutory Stage 1	Non-statutory Stage 2	Total	Statutory Stage 1	Non-statutory Stage 2	Total
Agreed Service Implemented	0	0	<b>0</b>	1	0	<b>1</b>
Apology	0	1	<b>1</b>	0	3	<b>3</b>
Apology & Explanation	4	0	<b>4</b>	8	0	<b>8</b>
Assessment / Review / Reassessment	5	0	<b>5</b>	1	1	<b>2</b>
Assurance of Non-Reoccurrence	0	1	<b>1</b>	1	1	<b>2</b>
Change Made to Contact Arrangements	1	0	<b>1</b>	3	0	<b>3</b>
Change of Social Worker / Worker	6	0	<b>6</b>	20	1	<b>21</b>
Compensation	3	0	<b>3</b>	0	0	<b>0</b>
Direct Payments / Personal Budget	0	0	<b>0</b>	3	0	<b>3</b>
Disciplinary Action Against Staff	1	1	<b>2</b>	1	0	<b>1</b>
Explanation	0	1	<b>1</b>	0	3	<b>3</b>
Financial Reimbursement	1	0	<b>1</b>	2	2	<b>4</b>
Improved Practice	0	0	<b>0</b>	0	0	<b>0</b>
Kept Informed by CS	1	0	<b>1</b>	2	0	<b>2</b>
Not Known	120	92	<b>206</b>	89	51	<b>140</b>

Offer of a School Place	0	2	2	0	0	0
Other	0	0	0	1	1	2
Payment	0	0	0	0	1	1
Policy / Procedure Review	0	0	0	0	2	2
Remedial Action	0	0	0	0	0	0
Removal of Child Protection Plan	0	0	0	1	0	1
Request for Meeting	0	0	0	0	0	0
Request Fulfilled	43	30	73	59	49	108
Service Delivery	0	1	1	0	1	1
Training for Staff	0	0	0	0	0	0
<b>Total</b>	<b>179</b>	<b>129</b>	<b>308</b>	<b>192</b>	<b>116</b>	<b>308</b>

4.8.1 Table 7a sets out the main outcomes being sought by complainants making statutory complaints. Approximately two thirds of the complaints made by adults during this reporting period did not state the outcome they were seeking (66.9%) when making a complaint (not known). This is an increase from the previous reporting period (45%).

4.8.2 A re-occurring theme in respect of the outcomes sought by complainants is to have their request fulfilled. This can take several forms, for example, provision of a service, withdrawal of CSD involvement with a family.

**Table 7b: Outcome Sought in complaint by Young People (subset of table 7a)**

Outcome sought	2018-2019			2017-2018		
	Statutory Stage 1	Non-statutory Stage 2	Total	Statutory Stage 1	Non-statutory Stage 2	Total
Apology & Explanation	0	0		0	0	0
Change of Social Worker / Worker	0	0		3	0	2
Kept Informed by CS	0	0		1	0	1
Not Known	5	1		3	0	5
Request Fulfilled	2	0		5	1	4
<b>Total</b>	<b>7</b>	<b>1</b>		<b>12</b>	<b>1</b>	<b>13</b>

4.8.3 Tables 7a and 7b set out the outcomes being sought by complainants, tables 8a and 8b provide a breakdown of the actual outcomes of the complaint process. As demonstrated, the most common actual outcome is an 'Explanation' from the department clarifying actions and decisions that the department has taken. These are different to the 'Apology and Explanation' responses, which often require some form of remedial action. These two outcomes comprise 70.6% of all

outcomes delivered within the reporting period. Request fulfilled was 11.7% of the total. This is the outcome when a complaint has been upheld in part or full and remedial action taken by the service as a result.

**Table 8a: Statutory Complaints - actual outcome**

Actual Outcome	2018-2019			2017-2018		
	Statutory Stage 1	Non-statutory Stage 2	Total	Statutory Stage 1	Non-statutory Stage 2	Total
Apology	3	10	13	0	1	1
Apology & Explanation	42	13	55	43	28	71
Assessment / Reassessment for a Service	2	1	3	2	0	2
Assurance of Non-Reoccurrence	0	0	0	1	0	1
Change of Social Worker / Worker	0	0	0	4	0	4
Complaint Refused	0	1	1	1	3	4
Complaint Withdrawn	0	0	0	2	1	3
Escalated to S3	0	4	4	N/A	3	0
Explanation	72	36	108	68	27	95
Financial Reimbursement	2	3	5	1	2	3
Management Action (Operational)	1	3	4	0	1	1
Management Action (Staff)	0	0	0	0	0	0
Meeting / Offer of a meeting	8	3	11	2	1	3
Not recorded	0	0	0	1	4	5
Request Fulfilled	16	11	27	17	13	30
Training for staff	0	0	0	0	3	3
<b>Total</b>	<b>146</b>	<b>85</b>	<b>231</b>	<b>142</b>	<b>87</b>	<b>226</b>

**Table 8b: Actual outcome - Young People (subset of Table 8a)**

	2018-2019	2017-2018
Actual Outcome	Statutory Stage 1	Statutory Stage 1
Apology & Explanation	0	1
Assessment / Reassessment for a Service	1	0
Change of Social Worker / Worker	0	1
Complaint Refused	2	0
Explanation	1	6
Other (meeting)	2	1
Not recorded	0	1
Request Fulfilled	0	1
<b>Total</b>	<b>6</b>	<b>11</b>

4.8.4 CSCT continue to prioritise timely communication with customers. The team also continues to assist complainants in making their complaints and, where necessary, understanding the response. At all times, CSCT is mindful that the welfare of the child is paramount and remains the central focus in relation to any complaint. On occasions this results in a decision being made (in consultation with the service) that means a complaint from an adult is not taken forward because it would be detrimental to the child's welfare.

4.8.5 There is a cost associated with the processing of any complaint. In monetary terms the cost of each statutory Stage Two investigation is between £3,000 and £5,000 depending on size and complexity. Each Stage Three Complaint Review Panel costs between £1,500 and £3,000. With some complaints, additional work undertaken by CSCT along with the complainant has resulted in the cost of the Stage Two investigation being reduced. The move to using Internal Investigating Officers has also seen a reduction in costs. However, the change of approach has led to an increase in costs per complaint in respect of the additional hours required from the Independent Person (IP) to support the Internal Investigating Officer (IO).

#### **4.9 Local Government and Social Care Ombudsman (LGSCO)**

4.9.1 Table 9 below does not include school admissions appeals investigated by the LGSCO which are traditionally managed by Corporate Services.

**Table 9: Complaints referred to Children's Services by the LGSCO**

<b>Local Government and Social Care Ombudsman (LGSCO) complaints</b>
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Number of referrals received by CSCT from LGSCO in period	20
Number of final decisions received when referral was received outside of period	1
<b>Type of LGSCO referral</b>	
Education / Non Social Care (LGSCO Complaint)	6
Social Care (LGSCO Complaint)	8
LGSCO – Assessment (referred back for local resolution)	6
<b>Outcome</b>	
Not Upheld - No Evidence of Maladmin	2
Upheld – Maladministration - remedy complete and satisfactory	13
Upheld - Maladministration – no injustice	2
Awaiting outcome	3

4.9.2 The LGSCO has again amended the reporting categories, which continues to make direct comparison with previous years difficult.

4.9.3 The number of complaints received from the LGSCO has increased by 5 (15 in 2017/18). In 15 instances the LGO upheld the complaint, finding fault (either with or without causing injustice) by the Local Authority.

4.9.4 Outcomes (recommendations) resulting from complaints made to the LGSCO vary. There is a continued trend towards financial recompense as an outcome. This takes the form of either direct reimbursements (when monies that the LGSCO deemed should have been paid were not) or recompense for distress etc.

## 5. Profile of complainants

5.1 It is helpful, in order to be able to support complainants, for CSCT to have a profile of who makes complaints. Tables 10a to 10d set out the characteristics of the 308 complainants who were asked to provide this information, though not all complainants submitted these details.

5.2 However, there has been an increase in complainants disclosing information in relation to all categories.

The following tables contain data that is self-reported by the complainant.

**Table 10a: Disability – all complainants**

Disability	Number of representations	
	2018-2019	2017-2018
Not Stated	295	308
No	11	0
Yes	2	0
<b>Total</b>	<b>308</b>	<b>308</b>

**Table 10b: Profile of Complainants – Gender**

Gender	Number of representations	
	2018-2019	2017-2018
Not Stated	220	295
Male	33	2
Female	48	11
Male & Female	7	0
<b>Total</b>	<b>308</b>	<b>308</b>

**Table 10c: Profile of Complainants – Age**

Age	Number of representations	
	2018-2019	2017-2018
0 - 16	2	10
16 - 19	8	5
20 - 24	5	2
25 - 59	32	0
60 - 64	3	0
65 and over	1	0
Not known	257	291
<b>Total</b>	<b>308</b>	<b>308</b>

**Table 10d: Profile of Complainants - Ethnicity**

Ethnicity	Number of representations	
	2018-2019	2017-2018
Not Stated	269	305
Not Asked	0	3
White British	31	0
Other White	6	0
Asian/Asian British	1	0
Black/Black British	1	0
Mixed	0	0
Other Ethnic Group	0	0
<b>Total</b>	<b>308</b>	<b>308</b>

### 5.3 Representations from children and young people

Tables 11a to 11d below are a subset of Tables 10a to 10d and provide a breakdown relating specifically to children and young people. In respect of young people, the age and legal status as recorded on case management systems (at the time of making the complaint) have been used to populate the following tables.

**Table 11a: Disability – Young People**

Disability: complaints made by young people	Number of representations	
	2018-2019	2017-2018
Unknown	8	12

No	0	0
Yes	0	0
<b>Total</b>	<b>8</b>	<b>12</b>

**Table 11b: Gender - Young People**

Gender: complaints made by young people	Number of representations	
	2018-2019	2017-2018
Not Stated	2	4
Male	4	1
Female	2	7
Male & Female	8	0
<b>Total</b>		<b>12</b>

**Table 11c: Profile of Complainants – Age - Young People**

Age: complaints made by young people	Number of representations	
	2018-2019	2017-2018
0 - 16	1	4
16 - 19	6	4
20 - 24	1	2
Not known	0	2
<b>Total</b>	<b>8</b>	<b>12</b>

**Table 11d: Profile of Complainants – Ethnicity - Young People**

Ethnicity: complaints made by young people	Number of representations	
	2018-2019	2017-2018
Not Stated	7	12
Not Asked	0	0
White British	1	0
Other White	0	0
Asian/Asian British	0	0
Black/Black British	0	0
Mixed	0	0
Other Ethnic Group	0	0
<b>Total</b>	<b>8</b>	<b>12</b>

## **6. Advocacy services**

- 6.1 Two of the eight young people who made complaints involved an advocate from a recognised advocacy service. In both cases NYAS (Young People's Advocacy Service) was already supporting both young people prior to making a complaint. When they make complaints, young people often seek the support of a trusted adult to do so.
- 6.2 None of the complaints made by young people progressed beyond the initial stage.

## **7. Learning from complaints and service improvements**

- 7.1 Complaints can provide both opportunities for learning and indications that Children's Services practice is appropriate. In some instances, specific areas for service improvement are identified.
- 7.2 Key learning points and service improvements identified from complaints received in 2018/19 were, in general, comparable to those for the previous period indicating a trend. A useful correlation can be drawn in respect of some common re-occurring practice issues, opportunities for learning and the cause of a significant number of complaints:
- recording practice including recording or otherwise of key decisions on case files and issues such as cut and pasting and grammatical errors.
  - the importance of good communication and ensuring agreed actions are completed as agreed with service users.
  - timely replies to communications from service users and correspondence (minutes and case paperwork) sent to service users as agreed.
  - adherence with CSD's own policies and procedures particularly but not exclusively relating to timescales.
- 7.3 The learning from individual complaints is, as a point of good practice, usually included in the response letter to the complainant by the senior manager, who also implements and monitors any required action.
- 7.4 The examples below demonstrate the learning that occurs in relation to complaints. They are also illustrative of what and how learning results from complaints. Learning can occur when a complaint is not upheld and likewise can be absent where a complaint is upheld. Also, whilst an apology (often alongside an explanation) is a fairly common occurrence, in itself it doesn't necessarily indicate learning is present. For example, an apology for a delay does not automatically indicate that learning is



present, required or not already known. Learning from complaints can take the form of a specific action relating to an officer or team or the service.

## Examples

Following a complaint about drift and not being kept informed, the Adoption Service developed and implemented a transfer protocol when responsibility for a case moves from one authority to another. The service also acknowledge that this would not benefit the complaints but as a direct result of the learning from their complaint, others would benefit in future. No further complaints of a similar nature have been received subsequently.

A complaint was received about the way a social worker was communicating/working with a family. The complainant had requested a change of social worker, however this was not considered appropriate in the professional judgment of the investigating manager. As a direct consequence of the complaint, a plan addressing these practice deficits was put in place. No further complaint has been received from the complainant.

A complaint was received from a young adult concerning their siblings' social worker. On investigation no error or omissions were identified and the complaint was not upheld. However, although there was no fault, the investigating manager felt that a change of social worker was appropriate and would result in a better working relationship between the individual and Children's Services and would therefore directly benefit the siblings. This illustrates that complaints can sometimes provide a catalyst for positive change and the re-setting of the crucial working relationship between families and professionals. The ability to recognise this is learning in its own right. This complaint is one example where change/service improvements have been initiated as the result of a complaint without fault having been identified.

- 7.5 When a complaint escalates to the later stages of the process and/or to the Local Government and Social Care Ombudsman the process and practice of Children's Services Department is examined further and it is the learning resulting from these complaint that provide additional and specific learning for the Department (the original complaint may or may not have been upheld). In the example below the potential for learning was identified as part of the latter stages of the relevant complaint process.

Stage Three Statutory Complaint – recommendations identified by Stage Three Complaint Review Panel endorsed by CSD Adjudication. Both actions were subsequently confirmed as complete.

*Children's Services should take this case as an opportunity to review the format and wording of the standard agreement (actions required of a parent by CSD to ensue or promote a child's welfare and or safety). This should include how a review and end of*

*agreement stage can be put in place to return to a position in which those with parental responsibility can mutually agree safe access arrangements.*

*In cases where the parents of children (who are subject to Children's Services' procedures) themselves have additional needs, Children's Services should have in place arrangements for the parent to be offered an advocate at least for the first meeting and reviewed as needed if the contact is ongoing.*

Local Government and Social Care Ombudsman Complaints. The external scrutiny provides an opportunity for learning as shown in the below examples. The first example highlights learning, whilst already known to the service, focusses attention on a specific area of practice. The second example provides a validation of learning and the benefits of good practice.

**Example 1:** Fault identified by LGSCO in respect of ECHP completion (complaint was upheld at previous stages and an apology and explanation given). Children's Services Department accepted the recommendations in full and payments (amounts decided by the LGSCO) in relation to injustice and time and trouble made to the complainant.

**Example 2:** Parents complained that Children's Services unnecessarily held an Initial Child Protection Conference in respect of their child. The Local Government and Social Care Ombudsman found no fault and said that the Council had applied its own procedures appropriately.

## **8. Effectiveness of the complaints procedure**

- 8.1 Promoting a positive model of complaints handling helps to ameliorate some of the negativity naturally generated by complaints for both complainants and Children's Services staff. The current approach, whilst operating within the constraints of the guidance, is flexible and allows for an individual response to each complaint. Areas for improvement have been identified and are provided in Section 9. The nature of complaint management impacts on the time of both operational managers and teams, as well as CSCT, when investigating and responding to complaints, disseminating learning and addressing core causes of complaints.
- 8.2 Attention to the above is crucial if overall numbers of complaints received and, subsequently, complaints escalated (both through the processes and to the LGSCO) are to be appropriately reduced in numbers. Whilst a proportionate reduction in numbers of statutory complaints in particular is desirable, the impact on Children's Services core business (of a reduction in numbers in both financial cost and operational manager time) is essential in the current climate.
- 8.3 Any representations that identify a safeguarding issue are immediately referred to the Referral and Assessment Team or the Local Authority Designated Officer (LADO) for appropriate action. After the safeguarding concerns have been

addressed and if there are remaining matters that can appropriately be considered within the complaint process then CSCT resume management of the representation.

- 8.4 Difficulty in accessing suitable independent providers to undertake Stage Two investigations resulted in a departmental decision to have managers (within the Children and Families Branch) fulfil the Investigating Officer role. This approach was initiated during the reporting period and was in keeping with the requirements of the statutory complaint guidance. The Independent Person role continued to be fulfilled by an independent provider (non-employee).
- 8.5 The complex nature of the of complaints that escalate to Stage Two and the time taken to complete investigations (caused in part on occasions by complainants themselves) is adding to the delays in progressing complaints. Alongside this the number of complainants, who are dissatisfied with the initial response to their complaint places significant demands on the resources of the team. CSCT will continue to review this process to ensure best practice is achieved.
- 8.6 The statutory guidance states that once a complaint has entered Stage One the local authority is obliged to ensure that the complaint proceeds to Stage Two if that is the complainants wish. Generally, where resolution is possible this is achieved before complaints reach Stage Two. The complaints that progress usually do so because there is an unbridgeable distance between the view of the complainant and that of Children's Services, in terms of what parties believe is accurate and/or achievable.

## 9. Progress – 2017/18 Annual Complaint Report Recommendations

### Recommendation 1.

Review efficacy and therefore need for hard copy complaint leaflet/form.

**Progress** - The decision not to reprint either of the existing complaint leaflets was made after reviewing the trend (over several reporting periods) that individuals indicated the use of email, letter and e-form were the preferred method to make a complaint. The CSD complaint webpages provide more detailed information that could be explained in the leaflets. The complaints website was also revised during this period.

### Recommendation 2.

Review resources required for Stage Two complaint escalation, specifically in respect of having enough Investigating Officers to escalate, within timescales, and the increasing number of Stage Two investigations.

**Progress** - The departmental decision to use CS managers to undertake the Investigation Officer role was made during the reporting period. This was

introduced as a pilot to be reviewed and amended as required in the next reporting period.

### **Recommendation 3.**

Identify how potential complaints could be resolved by the service prior to entering the formal complaints process.

**Progress** – The CS Complaints Manager is currently working with workforce development colleagues to design and deliver a one-day module on the Assistant Team Manager Pathway development program which, when delivered, will impact positively on early resolution.

### **Recommendation 4.**

Identify a more apt approach to effectively capture learning from complaints whilst minimising the impact on practitioners and their managers. This may necessitate reviewing how resources are utilised in other areas of complaint management.

**Progress** – Given database configuration issues this recommendation has not been able to be completed in full. Manual interrogation of records on the database has enabled the identification of learning.

### **Recommendation 5.**

Develop (with departmental leads) advocate information that can be shared with children and young people (Children Looked After and Children in Need) as appropriate.

**Progress** – The CS Complaints Manager has made several enquiries about providing information to young people about the advocacy available to them. This remains an ongoing piece of work.

### **Recommendation 6.**

Review the layout and content of the Annual Complaint Report to ensure that pertinent intelligence is captured whilst still complying with the statutory complaint guidance.

**Progress** – A draft layout for the revised annual complaint report has been completed however, it has not been able to be put into effect due to the database and training issues.

## **10. Recommendations for 2019/20**

- 10.1 The following recommendations have been identified for CSCT or the wider department to develop, implement or monitor, as appropriate, during the 2019/20 reporting period:

**Recommendation 1** – At the conclusion of the ‘Complaints in the C & F Investigating Officer pilot’, review the effectiveness of the process. The pilot was initiated to address the shortfall in external investigating officers and consisted of the identification and training of suitable level managers from Children and Families branch of Children’s Services to meet the statutory requirements of the investigation officer’s role. The review will enable the identification of strengths and risks of the revised process and inform a decision into future suitability of use.

**Recommendation 2** – Continue to identify a more appropriate approach to effectively capture learning from complaints whilst minimising the impact on practitioners and their managers. A key factor in the delivery of this recommendation will be the configuration and implementation of the new complaints database.

**Recommendation 3** – Implement the revised layout and content of the Annual Complaint Report to ensure that pertinent intelligence is captured whilst still complying with the statutory complaint guidance. A key factor in the delivery of this recommendation will be the configuration and implementation of the new complaints database.

**Recommendation 4** – Develop a coherent department wide approach to what is recorded on ICS when a complaint is made. Liaise with colleagues in the department to assist with this process.

**Recommendation 5** - The independent providers (non-HCC employees) who are engaged to undertake designated roles at Stages Two and Three of the statutory complaint processes also undertake the same role for other Local Authorities so there is a high demand for their services. A review of hourly rates is required to ensure we can compete for scarce independent provider resource.

**Recommendation 6** – Undertake a review of standard templates to assess whether any amendments or additions could be made to encourage service users to state their desired outcomes when making a representation.

**Recommendation 7** – Future Annual Complaint reports to have more specific info on service improvements that result from complaints

## **Appendix 1 - Glossary**

### **Complaint**

*Getting the Best from Complaints, DfES 2006* defines a complaint as:

*'an expression of dissatisfaction or disquiet, in relation to an individual child or young person, which requires a response'.*

Within Hampshire Children's Services, both the statutory and non statutory complaints processes use this definition.

### **Case Concern**

The definition of a case concern, as developed by CSCT, is:

*'An operational / case issue which is current, has a 'here and now' impact and requires a 'same day' intervention.'*

This is in contrast to complaints which will nearly always have a historical element and, whilst significant, do not require immediate intervention. Correctly identifying representations as concerns enables them to be passed swiftly to the appropriate team for action. The option to have their concern dealt with as a complaint is explained and remains an option at any point.

### **Pre-complaints**

Representations received by the complaints team that could become a formal complaint in the future, or where further clarification is needed from the originator before the matter can be responded to, are recorded as pre-complaints.

### **Area Initiated**

Complaints which are managed at a local level, that CSCT become aware of, and may have some input into.

### **Enquiries**

The complaints team is also involved with enquiries received by the Director's Office, from MPs, Councillors and the Department for Education (DoE).

### **HantsDirect Handoff**

Calls made to HCC's contact centre where the caller wants to speak to a manager, but they are either unavailable or not found. Request is passed to CSCT who identify manager and ask for contact to be made within three days whilst also advising that if concern is not resolved a formal complaint can be made.

### **Miscellaneous**

Representations received by the team that do not fall within its remit are

recorded on Respond under 'miscellaneous'. These include disciplinary issues, non-Children's Services complaints, complaints about other agencies and local authorities.

## **Appendix 2 – The complaints process**

### **Social care complaints process**

Social care complaints are managed under a three-stage process. The full statutory process is contained within the guidance '*Getting the best from complaints*' <http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00152/>

#### **Stage 1 – Local Resolution**

The Department aims to resolve as many complaints as possible at Stage 1. Local teams are responsible for responding to these complaints, with support from CSCT as required. Responses are from, or signed off by, a senior member of staff at District Manager level.

CSCT will receive and clarify complaints and encourage local teams to respond within the 10-day timescale (with a possible extension to 20 days).

Complaints need to be made within 12 months of the problem occurring.

#### **Stage 2 – Investigation**

If the complainant remains dissatisfied with the response, they receive at Stage 1, they can ask for their complaint to be investigated at Stage 2. The complaint is then investigated by officers independent to the County Council (the Investigating Officer (IO) and Independent Person (IP)). During this reporting period the IO could be either an independent provided (non-employee) or an appropriate manager from within Childrens Services.

The IO, accompanied by the IP, conducts an investigation through meeting with the complainant, key officers and other relevant individuals. They produce a report of their findings to the Department. The Adjudicating Officer (normally the relevant Area Director) will send a response to the complainant within 25 working days, or if that is not possible agree to send the response within 65 working days.

The Complaints Team engage both IO (internal or non-employee) and IP (non-employee) and liaise with officers. They will act as a point of contact for all involved and advise on specific issues as they arise, ensuring adherence to the guidance.

Before a complaint is escalated to Stage 2, the complaints team offer a face to face meeting with any complainant who is dissatisfied at the conclusion of Stage 1.

### **Stage 3 - Review Panel**

If the complainant is dissatisfied at the conclusion of Stage 2, they can have their complaint heard by an Independent Review Panel. This is the final stage of the statutory complaints process.

The Review Panel consists of three independent providers, commissioned by CSCT, who consider the handling of the complaint by the Department and adherence to the statutory complaints procedures. The panel convenes and hears directly or indirectly from the complainant. The Adjudicating Officer for Stage 2 and other key staff attend, along with the IO and IP. The Complaints Manager also has a defined role in the panel process. After sitting, the Panel Chair produces a report which is responded to by the Director of Children's Services.

This is the end of the Department's complaints process

### **Non-social care complaints**

Non-social care complaints are managed under the corporate process, which also has three stages. Stage 1 is local resolution. Complaints received by CSCT have often already received a response under Stage 1. The Team then manage the complaint through Stage 2, which is roughly equivalent to Stage 1 for social care (response by senior manager). Any complaint that progresses to Stage 3 is independently investigated by a member of the Corporate Compliance team.

### **Local Government and Social Care Ombudsman (LGSCO)**

When the complaints process has been exhausted, people may ask for their complaint to be looked at by the Local Government and Social Care Ombudsman (LGSCO). They need to do this within 12 months of receiving the final response from the Department.

The LGSCO looks at complaints about councils (all departments) and some other authorities. Usually it is required that all complaints are taken through all stages of the Council's own complaints procedures before the LGSCO will consider the complaint, providing the Council with opportunities to resolve the complaint at an earlier stage. However, the LGSCO will make exceptions.