

Children's Services Statutory Complaints Report

1 April 2019 to 31 March 2020



2019/20

Table of contents

1. Introduction
2. Contacts received
3. Who is complaining and how?
4. What are people complaining about?
5. Outcomes
6. Advocacy services
7. Compliance with timescales
8. Learning
9. Conclusion & next steps

1. Introduction

1.1 Thank you for taking the time to access this Statutory Complaints Report for Children's Services in East Sussex which details the complaints, compliments and other feedback received during the reporting year 1 April 2019 to 31 March 2020.

1.2 Whilst this is a report that must be provided by law¹ it has been designed to be accessible and easy to read. It provides the statutory information required² as well as other information that will be useful to elected members and teams within the local authority and of interest to the wider public.

1.3 This report assumes the reader understands what a complaint is defined as and the general procedure that the local authority follows in order to try and resolve complaints. If you require more detail on the above, please see **Annex 1** for a summary of the complaints process and key definitions.

1.4 Due to an in-year change in the case management system in 2018/19 this report will only draw direct comparisons with the last two full year's data. From April 2021 onwards, we will be able to give a rolling three-year picture of the complaints landscape.

2. Contacts Received

2.1 This year, we received a total of 551 contacts (excluding compliments) which was a decrease of 8% on last 2018/19's 598 contacts. This is in line with a general downward trend in terms of the volume of contacts, although this 8% fall is less stark than the 27% reduction in 2018/19. The contacts are broken down overleaf in **Chart 1**.

2.2 Out of the 551 contacts received 258 (47%) were complaints at Stages 1 to 3 from young people and their families. This figure is up 29 (13%) on the 229 recorded in 2018/19. In total, 84% of all complaints received were from young people and their parents. The split was 83% from parents and 1% from young people. This is the same position as in 2018/19.

2.3 Out of these 258 complaints 1 (<1%) was from a young person directly. This is a decrease from 3 (1%) in 2018/19. The sample size is too small to be of statistical significance, although we do know that whilst formal complaints from young people are rare, our children's residential settings receive and resolve low-level issues outside the regulated process.

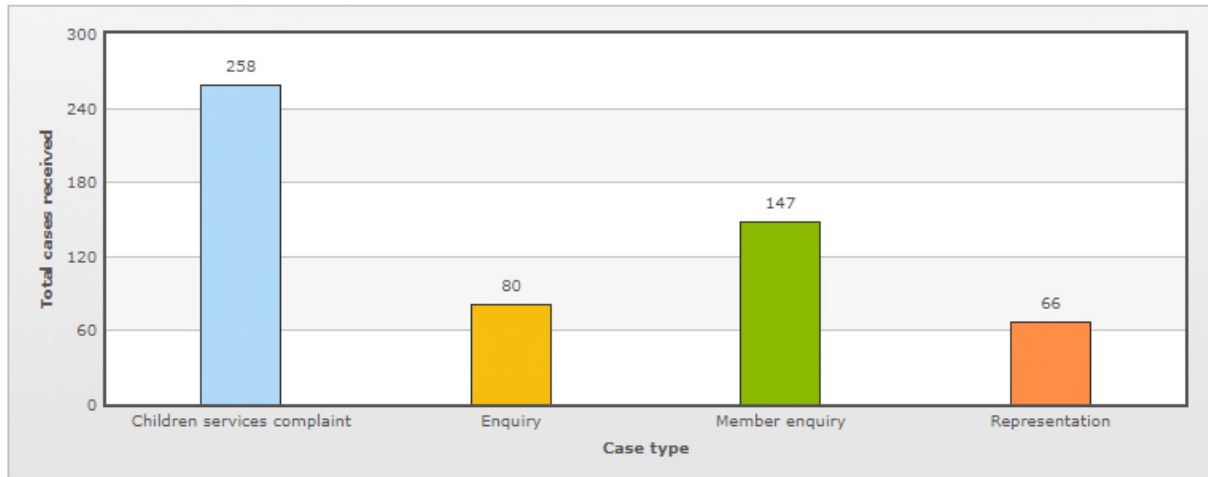
2.4 Member enquiries accounted for 27% (147) of all contacts which is the same proportion as 2018/19. There was a slight decrease in the actual number of enquiries from 159 in 2018/19 but the decrease in overall contacts means the percentage remains flat at 27%.

¹ S13(3) - The Children Act 1989 Representations Procedure (England) Regulations 2006

² S 5.6.2 - Getting the Best from Complaints

2.5 In addition to the complaint-related contacts received, we also logged 231 compliments. This is 30% higher than 2018/19's 178 compliments received. This increase is attributed to a new monthly reminder to managers to ensure that compliments and emails/letters of thanks received by teams are logged and shared.

Chart 1 – Breakdown of contacts received

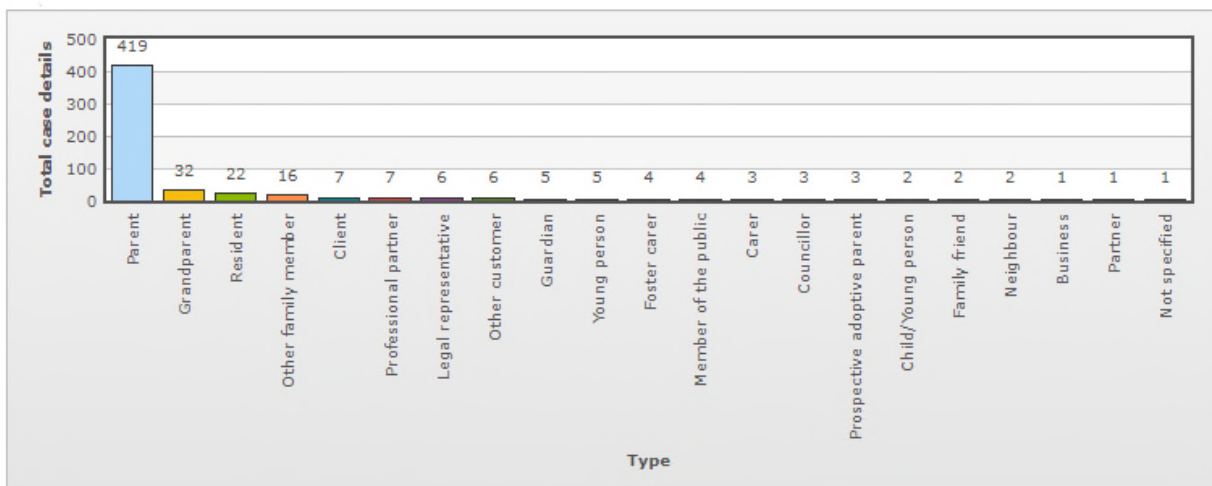


3. Who is contacting us and how?

3.1 The overwhelming majority, 76%, of contacts were made by or on behalf of parents, with 419 contacts being received from this group. In 2018/19, parents made up 70% of all contacts with 421 being received by or on behalf of this group. It is noted that whilst the percentage has altered, the total number of contacts remains flat.

3.2 Grandparents were the second most likely group to contact us with 32 contacts, representing 6% of all contact received being from this group. This is a fall on the 54 contacts in 2018/19 which was 9% of all contacts received. **Chart 2** below shows a breakdown of who is contacting the team.

Chart 2 – Breakdown of contact types



Access channels & digital contact

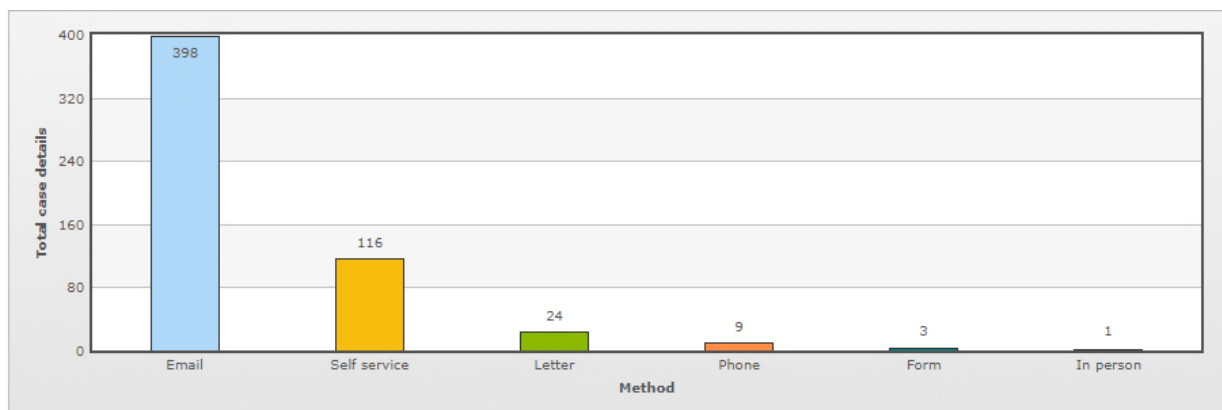
3.3 Digital contact has increased this year from 88% in 2018/19 to 94% this year. This 6% increase is the highest rate of digital contact ever reported. 21% of contacts were made through the self-service portal, this is up 10% from the 11% of self-service contacts in 2018/19. There has been a general upward trend with online contact and this near doubling of self-service complaints is positive in terms of our service users engaging with the tools designed to make contacting us easy and providing an efficient and proportionate complaints service.

3.4 The number of contacts received by letter has decreased marginally from 10% to just 4%. Telephone contact has remained flat at 2% of all contacts.

3.5 By way of context, in 2015-16, 34% of all contacts were received by phone and letter. Whereas previously we were enabling and encouraging our customers to engage with us digitally, we are now seeing growth in this contact without actively promoting it over offline channels.

Chart 3 below shows the breakdown of customer access channels.

Chart 3 – Customer access channels

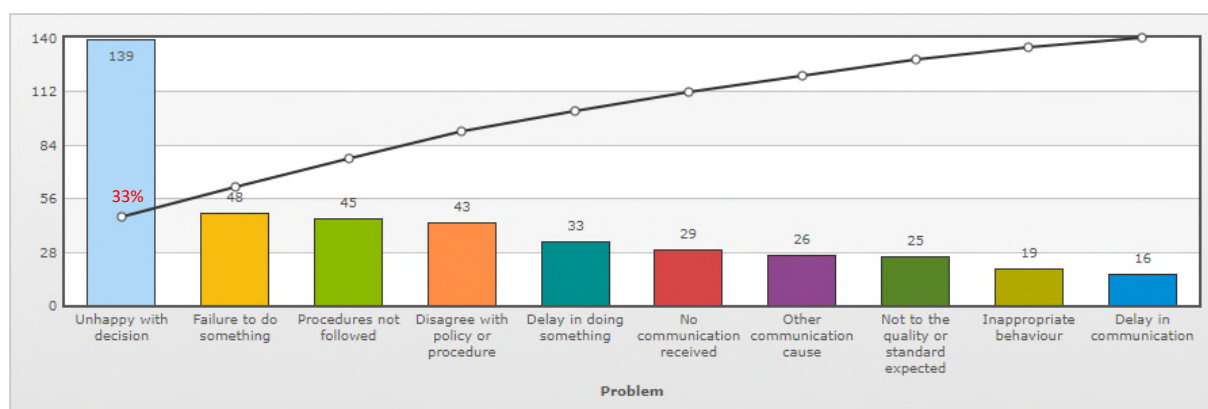


3.6 We will continue to promote our digital channels as our preferred means of contact as this meets the council priority of making best use of resources. We will however also ensure we meet our obligations around equality of access for all customers.

4. What are people complaining about?

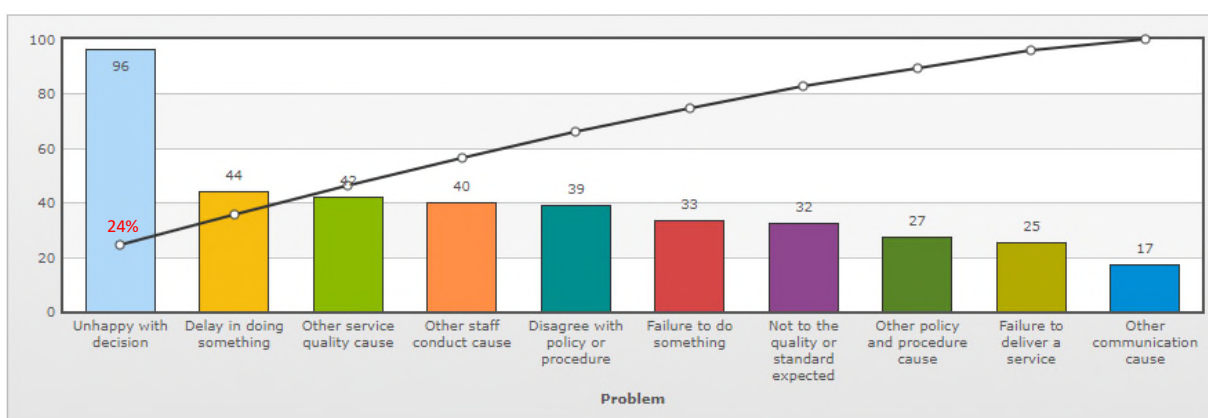
4.1 Our case management system uses a common set of cross-council high-level headline themes and we are able to report on the top 10. **Chart 5** below shows the top 10 themes highlighted this year.

Chart 5 – Top 10 complaint themes 2019/20



4.2 Most of the above categories are self-explanatory and give a clear idea about the overall areas of our service or aspects of our work that receive the most complaints. The black *Pareto Line* is useful in showing the cumulative impact of the various themes. Put simply, the line shows that 33% of all complaints related to dissatisfaction with decisions.

Chart 5.1 – Top 10 complaint themes 2018/19



4.3 Notably, the above chart from 2018/19 shows that complaints about decisions have increased from 96 complaints in 2018/19 to 139 complaints in 2019/20. It is also worth noting that complaints about staff conduct have reduced from 40 complaints in 2018/19 to 19 complaints in 2019/20. Unusually, excluding the top complaints theme (decisions) the remainder of the top 10 issues have changed significantly and do not relate to each other as they have done in previous years.

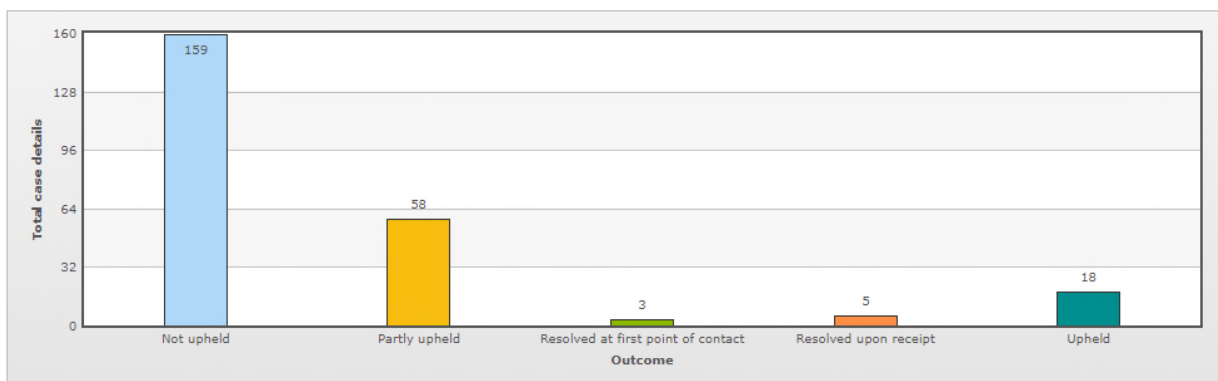
4.4 Complaints about decisions can be difficult to manage, and this being the largest complaints theme does not necessarily mean that we are making poor decisions. Rather, it is an indicator that complainants do not agree with the policy or rationale on which the decision is based.

4.5 This report gives an overview of the service as a whole; individual management reports are shared with service managers on a regular and ad-hoc basis which allow for greater analysis and interpretation of the data.

5. Outcomes

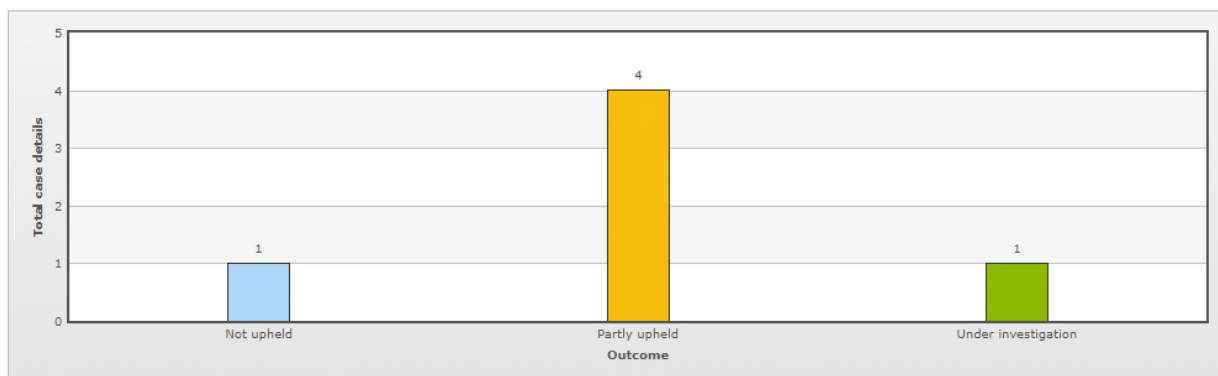
5.1 For complaints at Stage 1 to 3, once a complaint has been concluded it will be recorded as being upheld, not upheld, partly upheld or under investigation. Some matters will be resolved at the point of receipt, these are usually line-of-business queries or complaints that have been easy to resolve. Stage 4 Ombudsman complaints have additional outcomes. The below charts show the outcomes per stage.

Stage 1 outcomes (Chart 6)



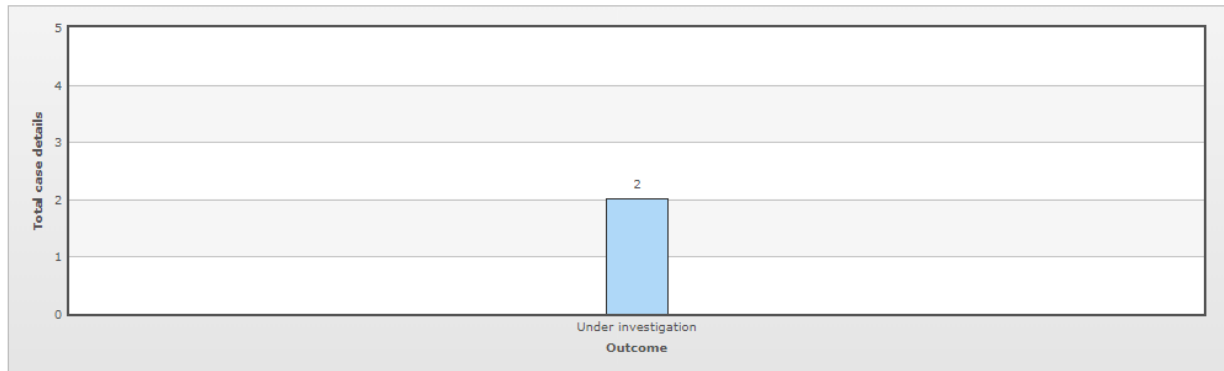
Not upheld: 65% Partly upheld 24% Upheld 7%

Stage 2 outcomes (Chart 7)



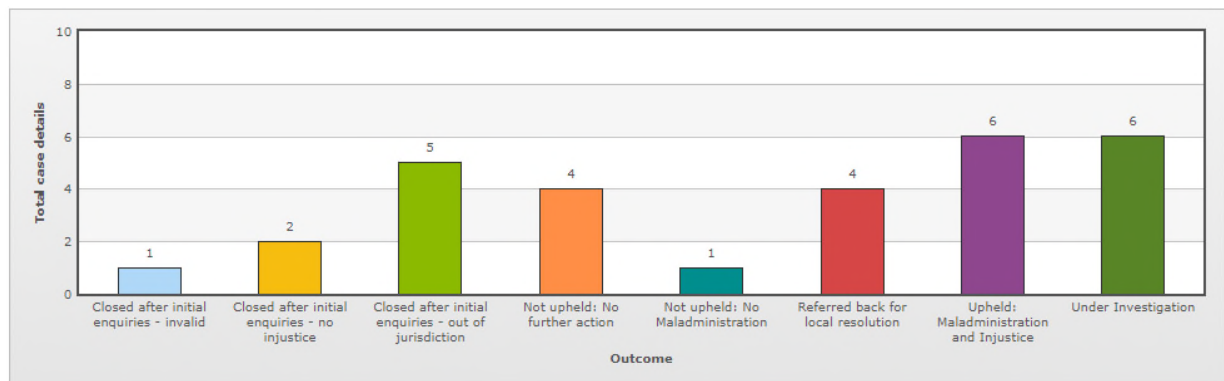
Not upheld 17% Partly upheld: 67% Under investigation: 17%

Stage 3 outcomes (Chart 8)



Under investigation: 100%

Stage 4 Ombudsman outcomes (Chart 9)



3% 7% 17% 14% 3% 14% 21% 21%

5.2 There was one Stage 2 investigation, two Stage 3 review panels and six Ombudsman complaints that remained under investigation at the end of the 2019/20 reporting year. The outcomes for these cases will feature in the 2020/21 report.

Chart 10 – Comparisons of complaint outcomes over time by stage

Year	Stage 1 Complaints		
	Upheld	Not upheld	Partly upheld
2019/20	18	159	58
2018/19	17	152	48

Year	Stage 2 Investigations		
	Upheld	Not upheld	Partly upheld
2019/20	0	1	4
2018/19	0	0	1

Year	Stage 3 Reviews		
	Upheld	Not upheld	Partly upheld
2019/20	0	0	0
2018/19	1	0	0

5.3 The outcomes at Stage 1 remain similar year-on-year, with a partial increase in complaints partly upheld.

Chart 11 – Comparisons of Ombudsman outcomes over time by stage

Year	Ombudsman Complaints				
	A: Referred	B: Accepted	B1: Upheld	B2: Not upheld	B3: Under investigation
2019/20	29	17	6	5	6
2018/19	34	17	12	5	0

5.4 The total number of referrals to the Ombudsman for the year was 29 (column A), which is down 5 from 2018/19's 34. A total of 17 (Column B) proceeded to investigation, this is the same number as 2018/19. The outcomes of the 17 cases are detailed in columns B1-3. The reduced number of referrals to the Ombudsman is welcomed and the increased proportion that are accepted for investigation demonstrates that referrals to the Ombudsman are not being made prematurely.

6. Advocacy Services

6.1 We currently work with Change, Grow, Live (CGL) to provide children and young people with a free advocacy service. All young people (under 18) are offered an advocate upon contact with the Complaints Service and will either be referred directly or provided details to self-refer if that is their preference.

6.2 The one complaint we received from a young person this year was not received with the assistance of an advocate.

6.3 Direct contact from young people to the Complaints Service has reduced, with the majority of complaints coming in directly from Children's Homes after the complaint has been investigated and responded to. Advocacy services are available to children and young people living in our children's homes.

6.4 All young people in contact with the team are offered the support of an advocate. Our complaints case management system features a field which prompts the user to offer an advocate and select whether the offer is accepted or not. This is to guarantee every child or young person is given the opportunity to speak to an advocate so that they may be appropriately supported in raising concerns and to meet our statutory obligations.³

7. Compliance with timescales

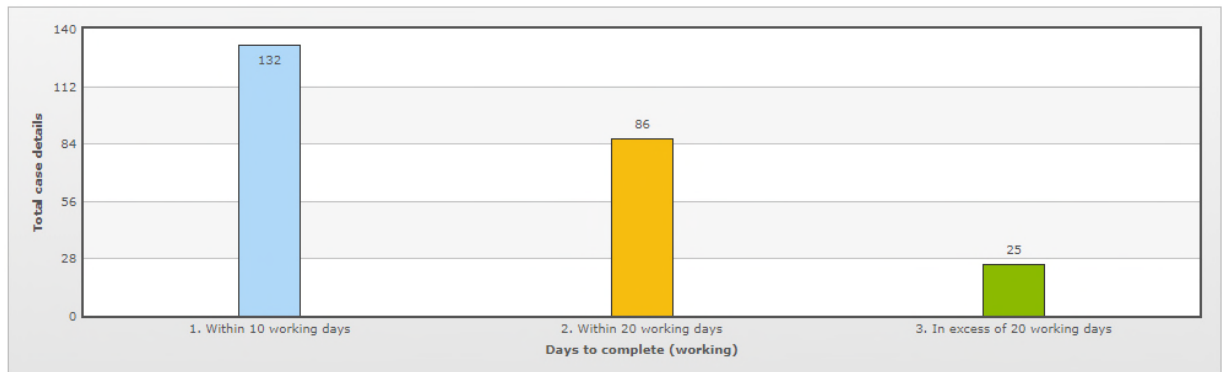
7.1 The maximum time allowed to respond to Stage 1 complaints under the regulations⁴ is 20 working days. 90% of Stage 1 complaints were responded to

³ The Advocacy Services and Representations Procedure (Children) (Amendment) Regulations 2004

⁴ The Children Act 1989 Representations Procedure (England) Regulations 2006

within this timeframe. This figure is up from 79% in 2018/19. 55% of complaints were responded to within the primary target of 10 working days (this figure was 41% in 2018/19). **Chart 11** below shows the compliance with timescales

Chart 11 – Compliance with timescales



Within 10 w/days 54% Within 20 w/days 35% In excess of 20 w/days 10%

7.2 The improvement in compliance is pleasing and in part can be attributed to the revised approach to how statutory social care complaints are managed and an increase (1.0 FTE to 1.5 FTE) in capacity within the team.

7.2 The Complaints Service is now less reliant on the responsiveness of service managers to contribute towards a high compliance and this is reflected in the improved speed of responsiveness.

8. Learning

8.1 Throughout the year we record the learning identified from each complaint in order to build a picture of common themes or trends. Below are examples of learning themes identified and improvement actions taken as a result.

8.2 Learning from complaints is vital to ensure high levels of service. Since the last report we have implemented a new system for requesting, chasing, logging and sharing learning outcomes, however we are still be reliant on teams having the capacity to advise on and deliver improvements as a result.

8.3 Social Care learning: Front line staff availability

We identified that a number of customers raised complaints when they could not get in touch with their allocated social worker directly. This was often not the main issue of concern for the customer but added to an overall feeling of dissatisfaction and frustration.

The social care teams have put a number of measures in place to ensure that customers are able to speak to a social work team and get advice if their allocated social worker is unavailable. This includes managers being able to access social

workers' calendars to ensure appointments are not missed and team email and phone numbers being given to all families.

In some cases, allocated social workers could not respond as quickly as they would have liked due to heavy caseloads. Managers addressed this by assigning student social workers to support social workers with heavy caseloads and where appropriate reallocating social workers to balance caseloads evenly across a team.

Managers also reviewed how to manage communication with parents and their expectations over the Christmas period and with part-time workers. Staff were reminded of the importance of ensuring that parents and young people understand that when social workers are working part-time or on leave, they will not be responded to immediately if the worker is off. Parents are advised that they should contact the team or duty cover in this situation and contact details for them are provided.

8.4 Social Care learning: Family Assessments

A theme of this year's complaints was a rise in detailed, complex complaints regarding Family Assessments. Customers complained about inaccuracies, but the main theme was that they disagreed with the opinion of the social worker and the conclusions reached during the assessment process.

The Complaints Team collaborated with the Information Governance Team to consider how the errors could be rectified and how to address differences of opinion between customers and professionals. Whilst it is understandable that a lengthy report such as a Family Assessment may have a few minor errors such as a misspelling of a name or an incorrect date, it is recognised that this may undermine customers' confidence in the assessment process. A new process is now in place and any identified factual errors, such as misspellings, can now be rectified quickly and amended.

A clear explanation is offered to customers stating that social workers can use professional judgement to form opinions when making assessments and explaining the legal basis for carrying out assessments and recording them. Whilst we are not able to amend an assessment following a complaint of this nature, the Complaints Team are now able to offer to add the customer's views onto the records and note that they should be read alongside the assessment. This approach provides greater transparency into the process and enables customers to feel that their voice has been heard, logged, and kept on record.

8.5 Inclusion, Special Educational Needs and Disability Service (ISEND) learning: Delayed annual reviews

A number of complaints were received by the Complaints Team relating to Education, Health and Care Plans (EHCP), centred on delays in the annual review process.

Some delays were identified to be a consequence of complex EHCP modification requests based on parental preference, resulting in delays in naming a school.

The analysis of these complaints reveals a correlation between some gaps in the communication of the delay by the Local Authority and the escalation of the issue by the service user through the complaints process. This kind of gap in communication added to the root cause of delay, resulting in complaints.

Some delays were caused as a result of input needed by third parties outside the control of the Local Authority. The Local Authority put in place a number of steps as a response to individual complaints. Apologies were offered to the service user for delays in consulting all options which has taken an extended amount of time and for not providing a timely update. Appropriate positive interventions have also been implemented to remedy the situation, for example by raising the annual review timeframe with the relevant school.

A number of complaints related to delays in EHCP annual reviews particularly as a result of change of placement requests and ongoing negotiations. As a result, management reviewed the understanding and implementation of the process and these were discussed with the appropriate team members. The annual review process flowchart is now displayed in poster form for quick and easy reference for any staff, if required. This process was refreshed for all existing staff and covered in detail for all new staff, with clear steps highlighted for Assessment and Planning Officers, with the aim to further embed the process.

The Local Authority also offered reassurance to service users that all relevant staff have undergone an extensive Continuing Professional Development (CPD) programme over recent months; the learning from these complaints has been analysed to inform any future staff training and service development, with further advice and support for staff as necessary.

A further learning outcome for the Local Authority is the provision of more effective communication and regular update on delays for the service user, stating the reasons for the delay and acknowledging the impact of the delay. In these cases, providing appropriate information and acknowledgement would maintain direct dialogue, beneficial for parental involvement in the EHCP delivery, avoidance of uncertainty for the service user and prevention of escalation to the complaints process.

8.6 Communication, Planning & Performance learning: Complex complaints

We received a number of complex complaints, some of which have several of these characteristics: large complaints often spanning over a number of service areas, vague complaints lacking sufficient detail therefore clarity, different variations of complaints received through different channels, complaint evidence submitted in an unmanageable volume or form, and structurally complex, multi-layer complaints.

As a result of these complaints, we identified a number of areas within our complaints policy to review and develop further, with the aim of stating our expectations in more

detail, to define clearer boundaries to help the service user in presenting the complaint with the desired outcome and facilitate the efficient processing of this type of complaint. Our complaints policy is being further developed to provide improvements for clearer direction in transparent, efficient and methodical processing of complex complaints, with the targeted outcome of improved service user experience and satisfaction.

Particularly important for complex complaints, we reviewed and improved our complaints process. We now provide a more consistent and clearer pathway across all types of complaint for legal rights of escalation and reference with a link to the applicable complaints policy and a clear statement of outcome. This standardised approach has the overall effect of ensuring uniformity of service in a structured form for all complainants with the benefit of improving the service user's confidence in our complaints management and the quality of our response.

9. Moving forward & next steps

9.1 The complaints service continues to be delivered effectively and as part of the Customer Relations Team. The front-line customer service function acts as a filter or triage for new complaint queries to see if the issue could be better resolved with advice or signposting, before escalating to the formal complaints process.

9.2 We have seen an easing of social care complaints being escalated to Stages 2 and 3 of the statutory process since December 2019. We believe this is due to increased capacity within the team as well as a more closely managed service, with individual Complaints Officers managing the contact with the customer, raising enquiries with service teams and responding directly with their findings. We will continue to work proactively alongside managers where we can to help catch issues quickly and resolve dissatisfaction locally to prevent unnecessary escalation.

9.3 We will continue to make best use of resources to deliver on our statutory obligations whilst continuing to embed the vital learning culture to manage demands, improve services and ensure better outcomes for children and young people in East Sussex.

Annex 1 – Details of the complaints process

1. A complaint is defined as "an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response". For Children's Services this relates to children and young people in receipt of services or where it is considered they are eligible for services which are not being provided.
2. The term "representation" is used to capture contacts made by individuals who do not wish to make a complaint but do have a concern that needs a response, enquiries made by MPs or Councillors on behalf of their constituents and those seeking guidance from the Complaints Service about particular issues, for example parents and carers raising concerns about their child's school.
3. The information in this report is taken from complaints, compliments and representations made directly to the Complaints Service and also those made directly to staff and their managers. The Complaints Service regularly asks managers for the information they hold about complaints they have resolved directly. The numbers of reported complaints are small.
4. The statutory Children's Services social care complaints procedure sets out a 3-step process with timescales for each step, with the Local Government & Social Care Ombudsman providing external scrutiny at the end of the internal process if the complainant wishes it. Complaints about non-social care Children's Services are dealt with under the council's complaints procedure. This means that following the initial response from the council, complainants can then refer their complaints directly to the Local Government & Social Care Ombudsman.
5. The Complaints Service can be accessed by phone, email, letter, free phone, free post and text messaging. Contact details and information about the complaints process is provided in the form of leaflets for young people and adults and on the council's website. Information is also in the booklet given to children coming into the council's care. Additionally, staff inform families they are working with about the complaints procedure and looked after children Reviewing Officers and Chairs of Child Protection Conferences regularly inform young people and their families of how to complain.