

**Children's Services Department
Compliments, Complaints and Representations Annual Report
1 April 2019 to 31 March 2020**

Contents

Introduction 3

Compliments 4

Representations 6

Statutory Complaints 10

Acknowledgements of Complaints 11

Statutory Complaints – Stage 1..... 12

Statutory Complaints & Representations – Stage 2 23

Statutory Complaints & Representations – Stage 3 25

Corporate Complaints..... 26

Local Government and Social Care Ombudsman 31

Complaints about Services Commissioned by the Local Authority 32

Learning and Improvement within Children’s Services Complaints..... 33

Introduction

Monitoring customer feedback provides us with valuable insight into where we can improve our service provision and/or delivery. The department has developed a culture of listening and learning in order to drive improvement in services.

This report provides information about statutory and corporate compliments, complaints and representations received during the 12 months from 1 April 2019 to 31 March 2020.

A complaint may be defined as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response. Representations may not always be complaints; they might also be positive remarks or ideas that require a response from the local authority.

Complaints relating to children's social care are dealt with under the statutory complaints procedures set out in *The Children Act 1989 Representations Procedure (England) Regulations 2006* and the accompanying statutory guidance: *Getting the Best from Complaints*. Corporate complaints are in relation to wider children's services provided by the department that are not covered by the statutory framework.

Complaints and representations for children's services are logged and progressed by the complaints manager within the children's services quality assurance team. Young people who complain on their own behalf should be offered the service of an advocate to support them for the duration of their complaint.

Direct comparisons to the children's services complaints report for 2018/19 should not be made due to differing methodologies and reporting periods. Where figures are provided in this report for 2018/19 these are accurate.

Compliments

In the period between April 2019 and March 2020, the complaints team received 139 compliments in relation to children's services. This is a slight decrease on the 143 recorded during the previous year. Of these, 41 were corporate compliments and 98 were statutory; in comparison with 70 corporate and 73 statutory compliments recorded in 2018-2019.

While the complaints team receives a range of compliments about children's services, we are aware that some parts of the service collect and report back separately and so the figures reported here may not capture the full range of compliments to the department as a whole. The department will make improvements in recording compliments across children's services in the next year. A sample of positive feedback is provided below:

Our Social Worker (T) has been there every step of the way going above and beyond to make sure we are OK, even when as we look back the times we were going through were really simple bumps in the road, T always had time to reassure me that we would get through it and offered valuable advice throughout.

Thank you for the very good service from three of your business support staff and I want to highlight that they are always very helpful and go the extra mile and that this is highly appreciated.

Thank you and your team for all their support over the last eighteen years. We couldn't have achieved what we did without your expertise and guidance.

I would like to take this opportunity to thank the SEND team for the wonderful education he has received. From day one we have felt supported and this has helped us immensely as a family.

Representations

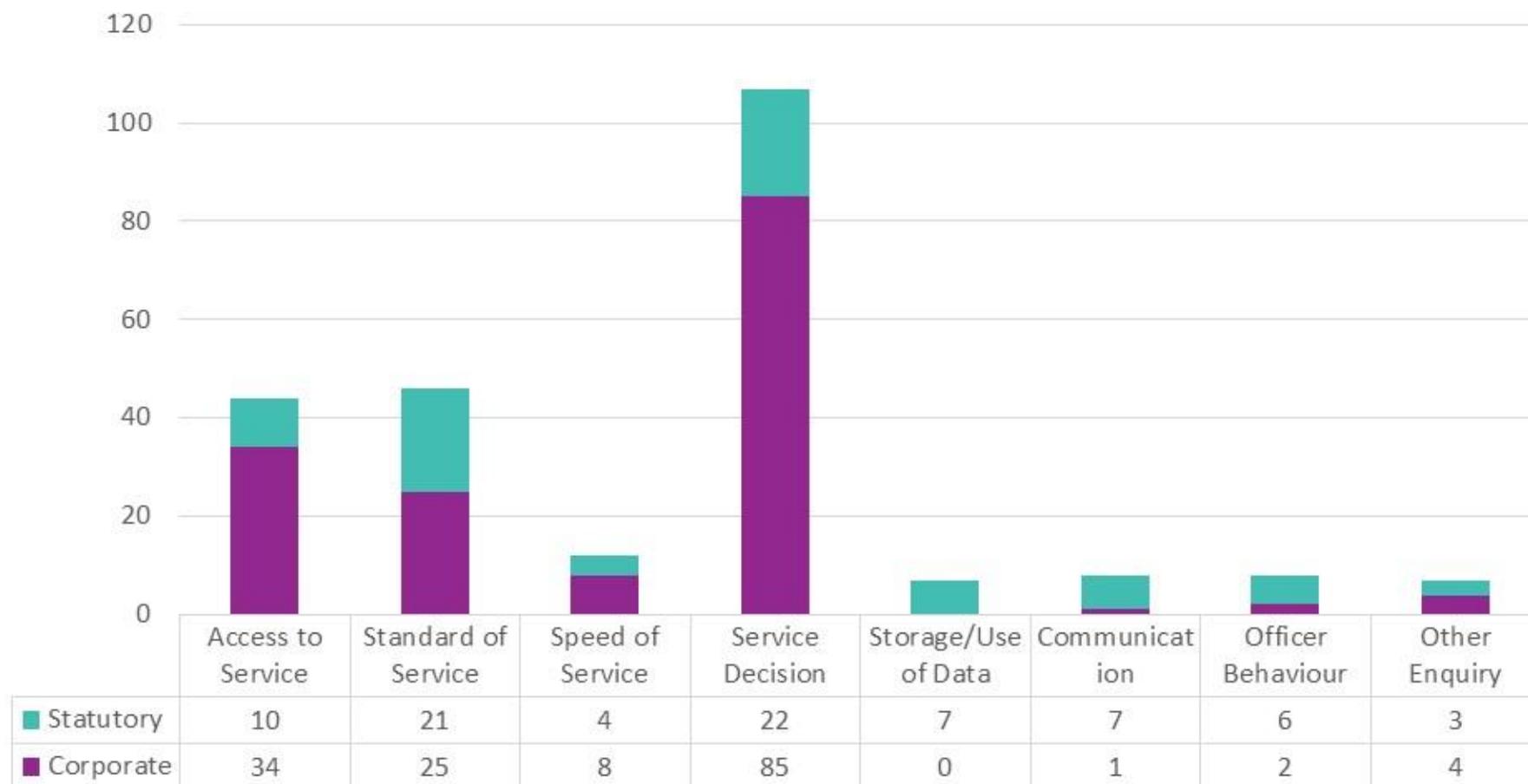
The complaints team tracks representations made to elected members, and collaborates with the relevant administrative support teams in ensuring that responses are provided via the Cabinet Member for Young People, the Leader of the Council, and other elected members when required.

In some cases a complaint may already have been received or may be subsequent to the contact via the elected member. Oversight is given to these responses, and the complaints manager liaises between the relevant council officers and the members' secretary and others in order to record and monitor the progress of the responses.

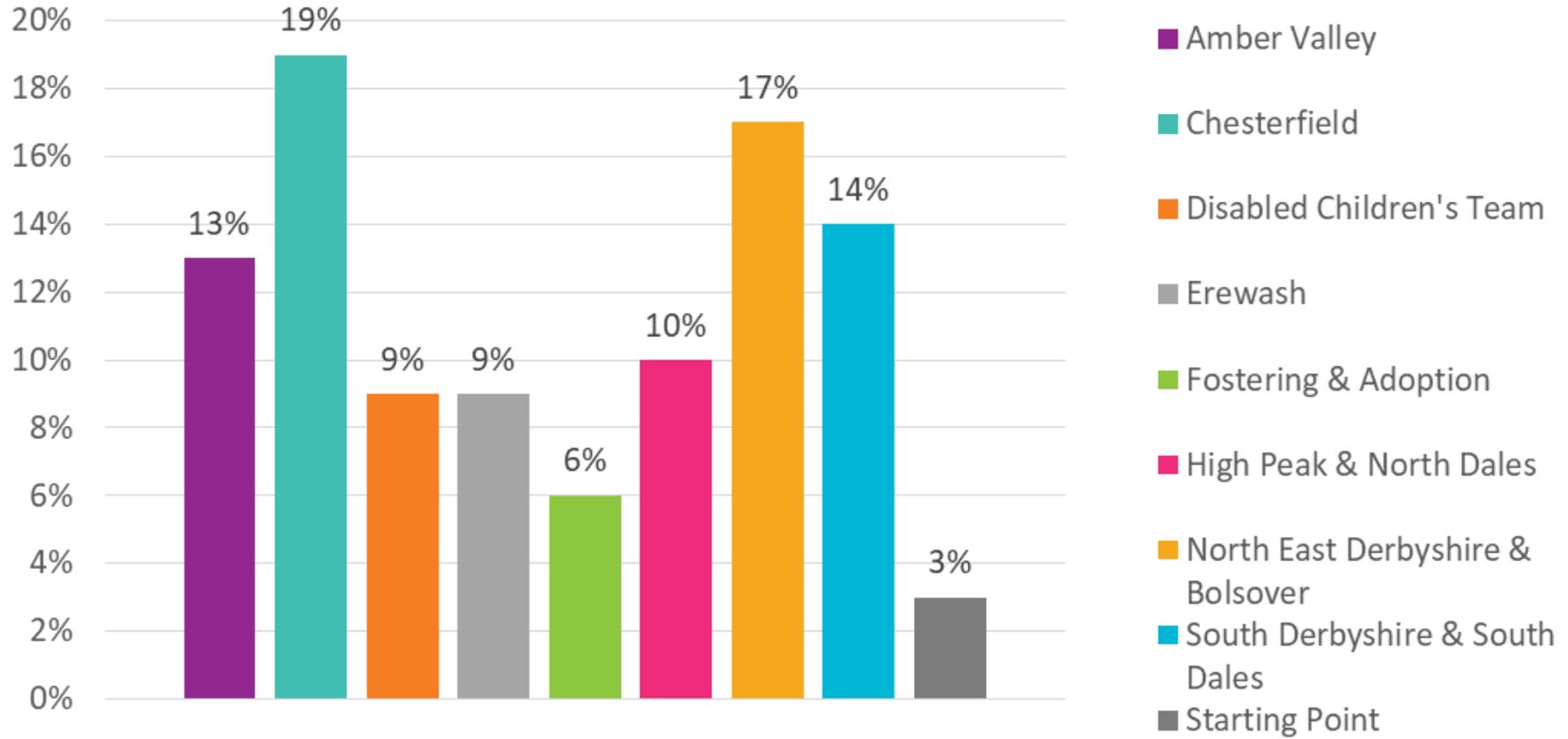
From April 2019 to March 2020, 239 representations were received, 159 of these were corporate, and 80 were statutory. This is a 4% increase from the 229 representations received in 2018/19. Of the 80 statutory representations, only 9 were responded to within agreed timescales, meaning that 71 took longer than 10 days to receive a response, which represents 89% of representations receiving late replies during 2019-2020. This is a substantial decrease in effective response times compared to the previous year, where 52% of representations were responded to within timescale.

In line with the previous year, all representations received were acknowledged within timescales. The majority of representations are received by elected members' secretaries or via senior managers' offices, where they are acknowledged on receipt.

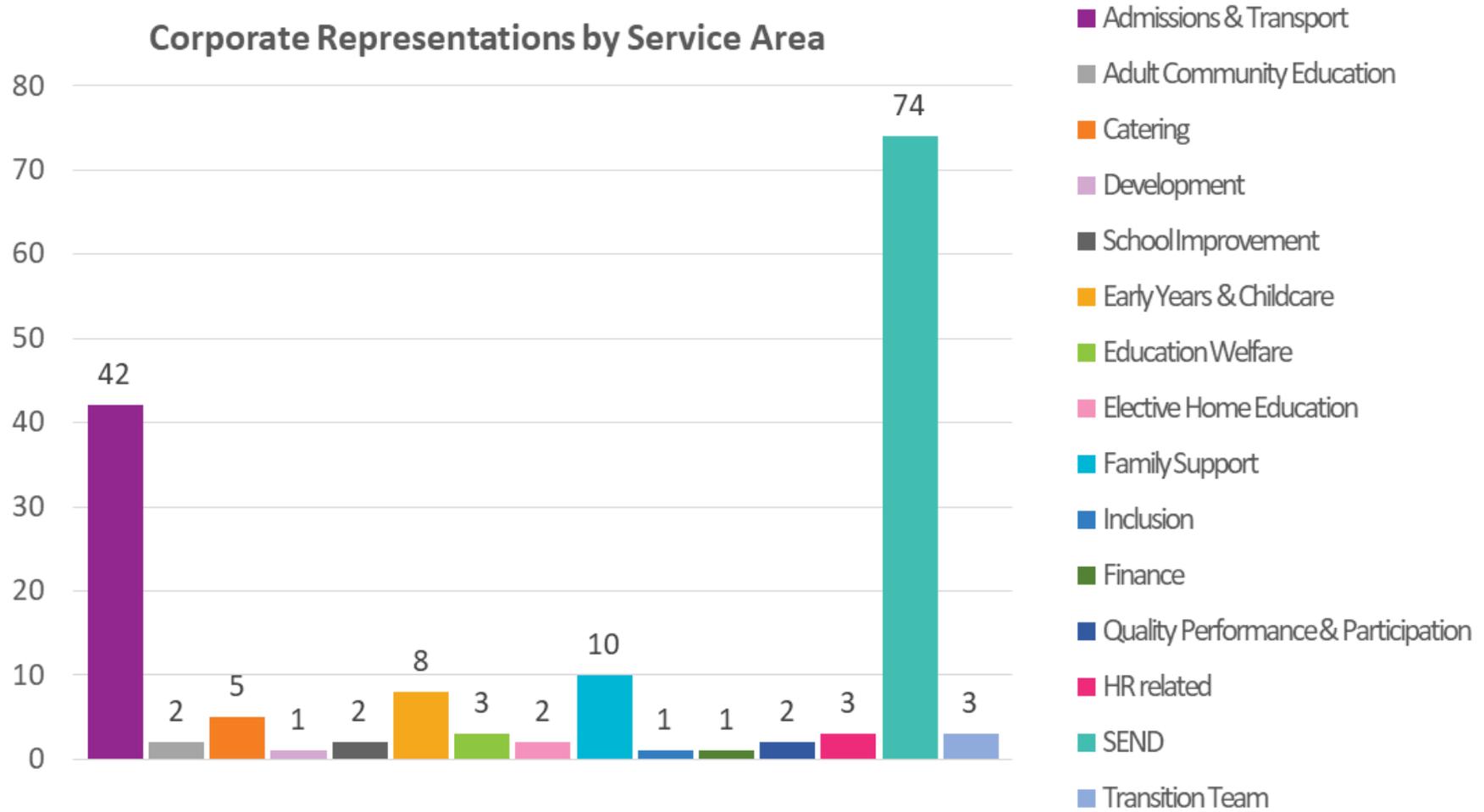
Representations by Theme - 2019 - 20



Statutory Representations by Locality



Corporate Representations by Service Area



Statutory Complaints

The statutory framework sets out a three stage resolution process:

- Stage 1 – Local resolution
Complaints at stage 1 should be completed within 10 working days unless the circumstances are deemed complex in which case this can be extended by a further 10 working days

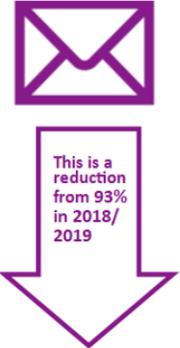
- Stage 2 – Investigation
Where the issue is unable to be resolved locally the complainant has the right to request consideration at stage 2. Consideration of complaints at stage 2 is normally achieved through an investigation conducted by an investigating officer and an independent person. Stage 2 commences either when the complainant requests it or where the complainant and the local authority have agreed that stage 1 is not appropriate. The investigation should be completed and the response sent to the young person within 25 working days though this can be extended to a maximum of 65 working days where it is not possible to complete the investigation within 25 working days.

- Stage 3 – Review panels
Where the complainant remains dissatisfied following an investigation at stage 2 they can request consideration of the complaint at an independent review panel. The review panel should be held within 30 working days, considers the adequacy of the stage 2 investigation and makes recommendations to try and achieve resolution. Alternatively, an early referral can take place to the Local Government and Social Care Ombudsman (LGSCO).

Acknowledgements of Complaints

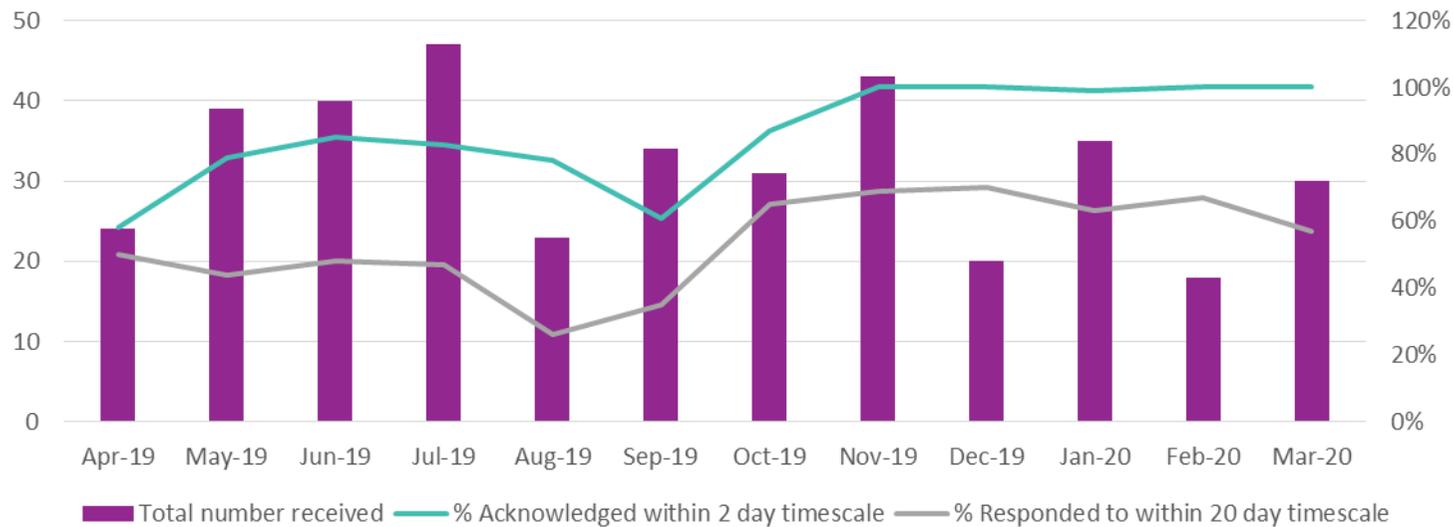
Of the 233 statutory complaints received, 166 were acknowledged within timescales (71%). This represented a significant decrease on the previous year, when 93% of statutory complaints were acknowledged within timescale. Performance improved throughout the year, as the process was changed to complaints being acknowledged centrally rather than locally. For the majority of quarter 3 and all of quarter 4, performance against this target was around 100%.

71%
of statutory complaints were acknowledged to within **20** working days of receipt



Performance against the target to respond to complaints within 20 days also struggled throughout quarters 1 and 2 with significant improvement noted in quarters 3 and 4. There was a significant dip in performance in August and September 2019. This was a period of time where no complaints manager was in post. There was also a slight drop in performance in March 2020 as a result of the COVID-19 pandemic which can be explained by the prioritisation of local authority resource to support front-line services and vulnerable children and families.

Stage 1 Complaints - April 2019-March 2020

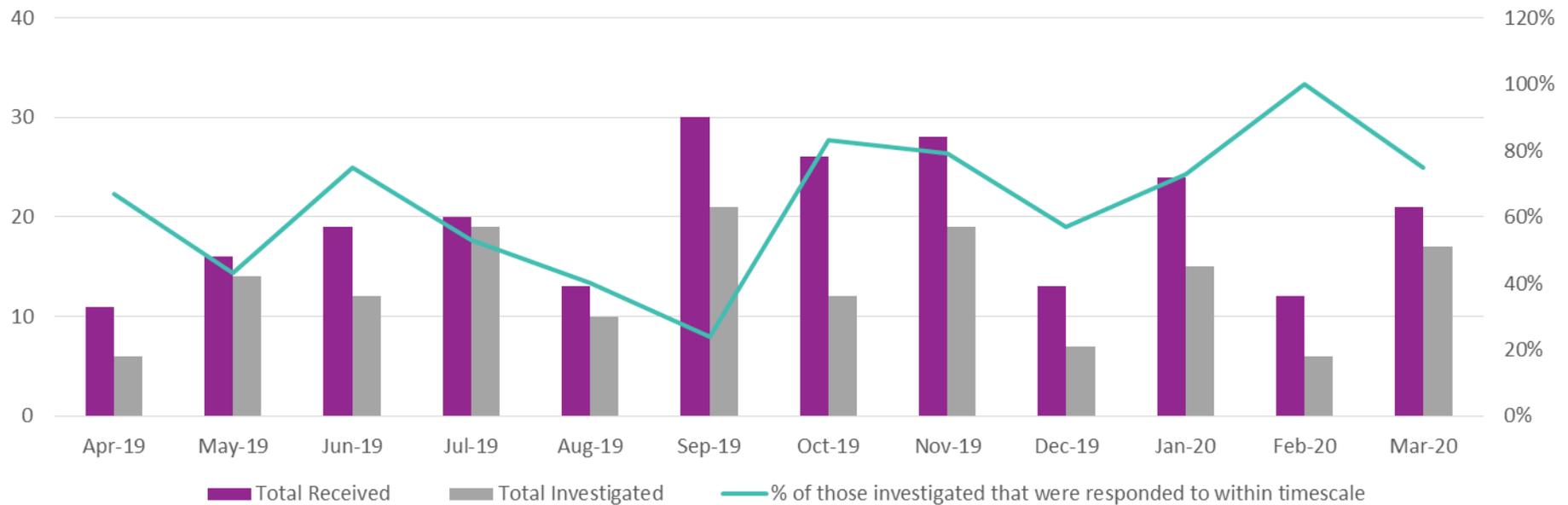


Statutory Complaints – Stage 1

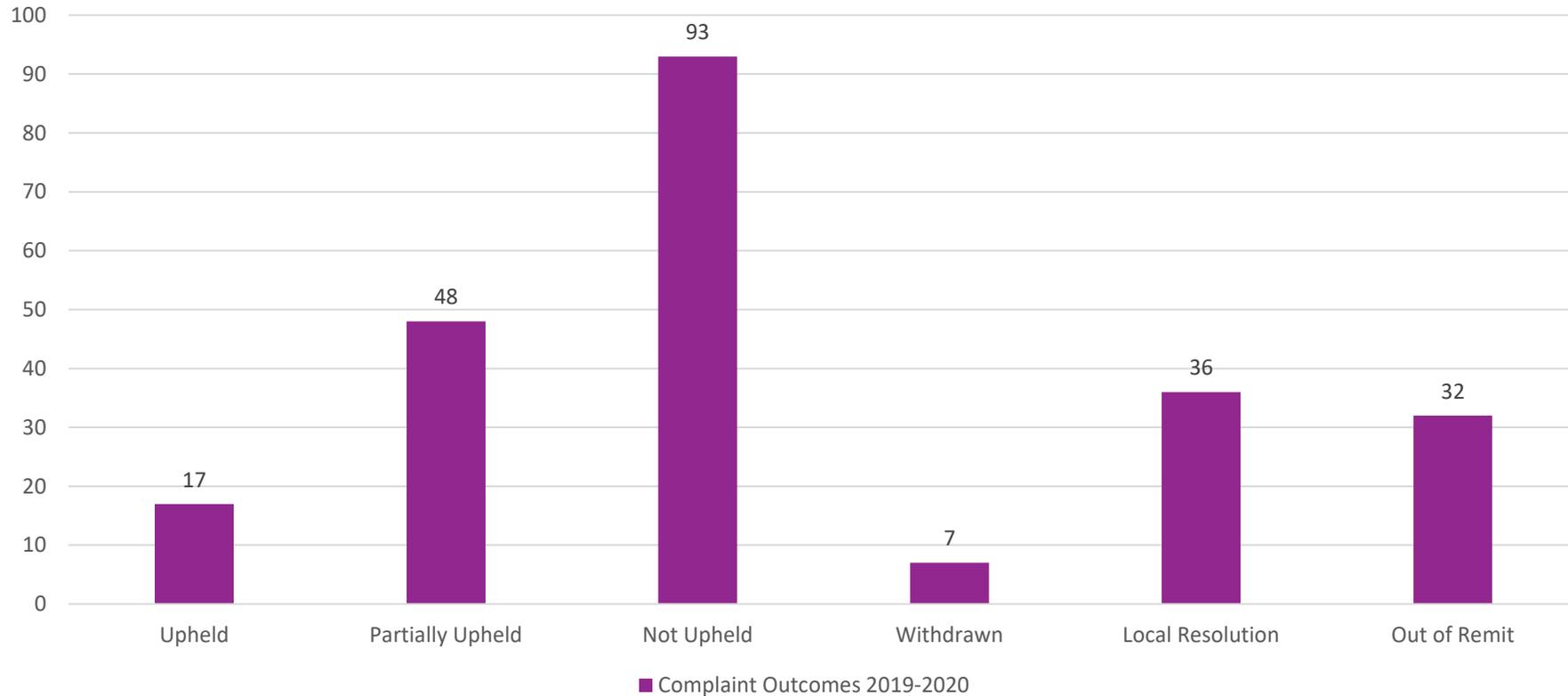
233 statutory stage 1 complaints were received between April 2019 and March 2020. This represents a 25% increase in comparison with the 186 statutory stage 1 complaints received in 2018/19. Of the 233 statutory complaints received, 158 (68%) proceeded to complete the formal complaint process. The highest number of statutory complaints were received in September, October and November.

Of the 158 statutory stage 1 complaints that were responded to formally, 96 were responded to within 20 working days, 61% of the total. The majority of complaints were found to be complex, with only 27 (17%) therefore being responded to within the shorter timescale of 10 days from receipt of the complaint. This is an improvement on response times from the previous year, with 59% of statutory complaints being responded to overall within timescale in 2018/19.

Statutory Stage 1 Complaints Received by Month 2019 - 20

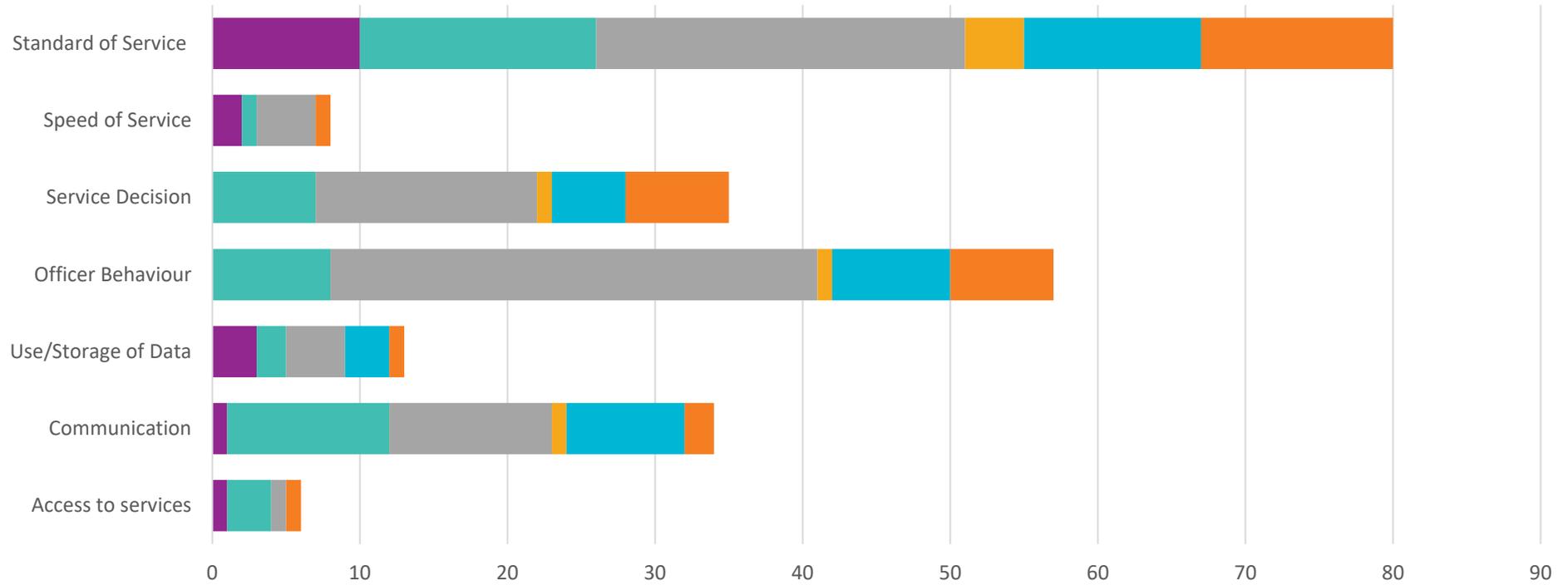


Statutory Complaint Outcomes 2019 - 20



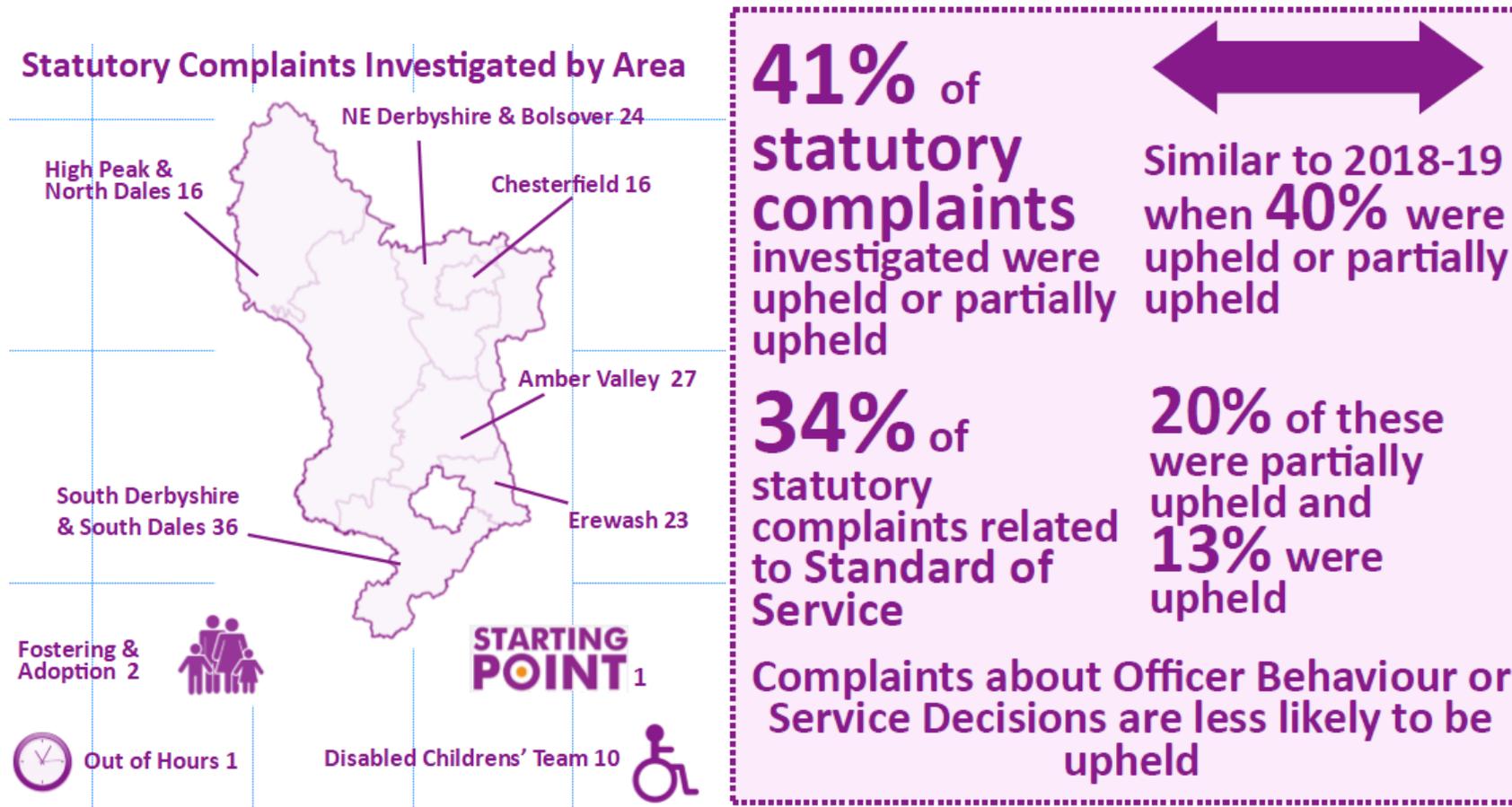
Of the 233 statutory stage 1 complaints received in 2019/20: 17 were upheld; 48 partially upheld; 93 not upheld; 7 withdrawn; and 36 completed by local resolution without formal process. 32 complaints received were classed as outside the remit of the complaints process for example where the person making the complaint did not have the right to do so, by means of parental responsibility, significant interest or consent or where the complaints were historic, or where the subject of the complaint was not receiving a service from children’s services and therefore was not eligible to be considered under the formal complaints process.

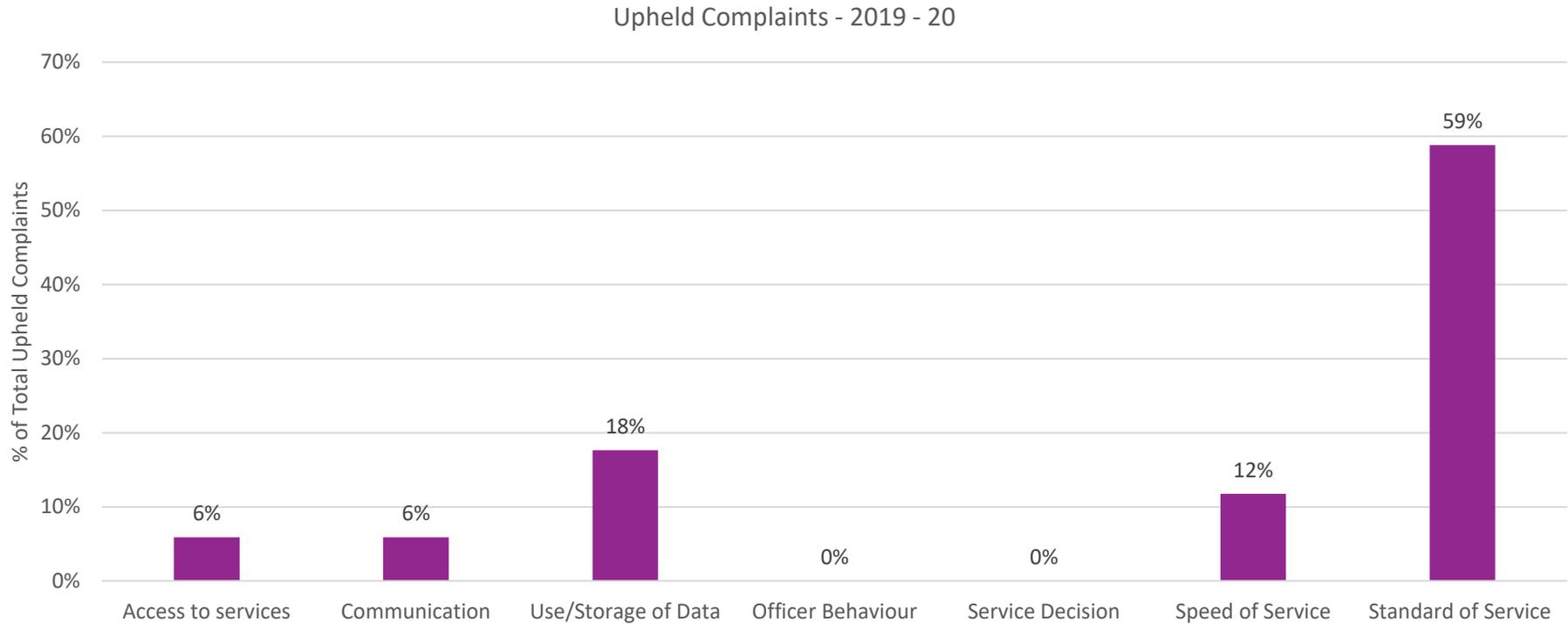
Statutory Stage 1 Complaints by Theme and Outcome 2019 -20



| | Access to services | Communication | Use/Storage of Data | Officer Behaviour | Service Decision | Speed of Service | Standard of Service |
|------------------|--------------------|---------------|---------------------|-------------------|------------------|------------------|---------------------|
| Upheld | 1 | 1 | 3 | | | 2 | 10 |
| Partially Upheld | 3 | 11 | 2 | 8 | 7 | 1 | 16 |
| Not Upheld | 1 | 11 | 4 | 33 | 15 | 4 | 25 |
| Withdrawn | | 1 | | 1 | 1 | | 4 |
| Resolved | | 8 | 3 | 8 | 5 | | 12 |
| Out of remit | 1 | 2 | 1 | 7 | 7 | 1 | 13 |

During the previous year, 2018/19, the highest proportion of statutory complaints also related to standard of service, with 91 received in this category. Of these: 12 were upheld; 19 partially upheld; 37 were not upheld and 23 were refused/withdrawn or out of remit. Officer behaviour also represented the second highest number of statutory complaints received in 2018/19, with 7 of these complaints being upheld, 14 partially upheld, 17 not upheld and 6 withdrawn or out of remit.

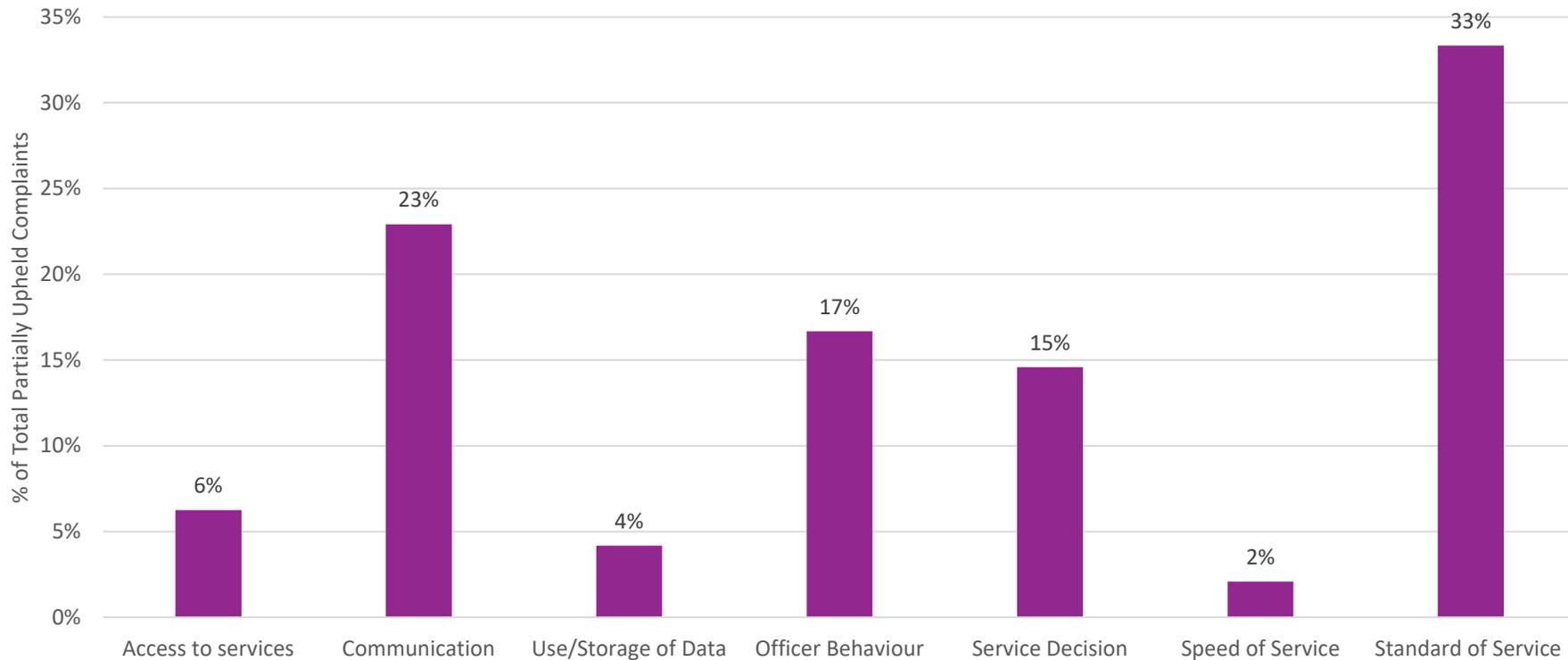




17 complaints were upheld out of the 158 investigated (11%). In the previous year, 2018/19 there were 21 statutory complaints upheld, representing 13% of the total investigated. The largest number of upheld complaints in 2019/20 relate to standard of service (10), representing 59% of all complaints upheld.

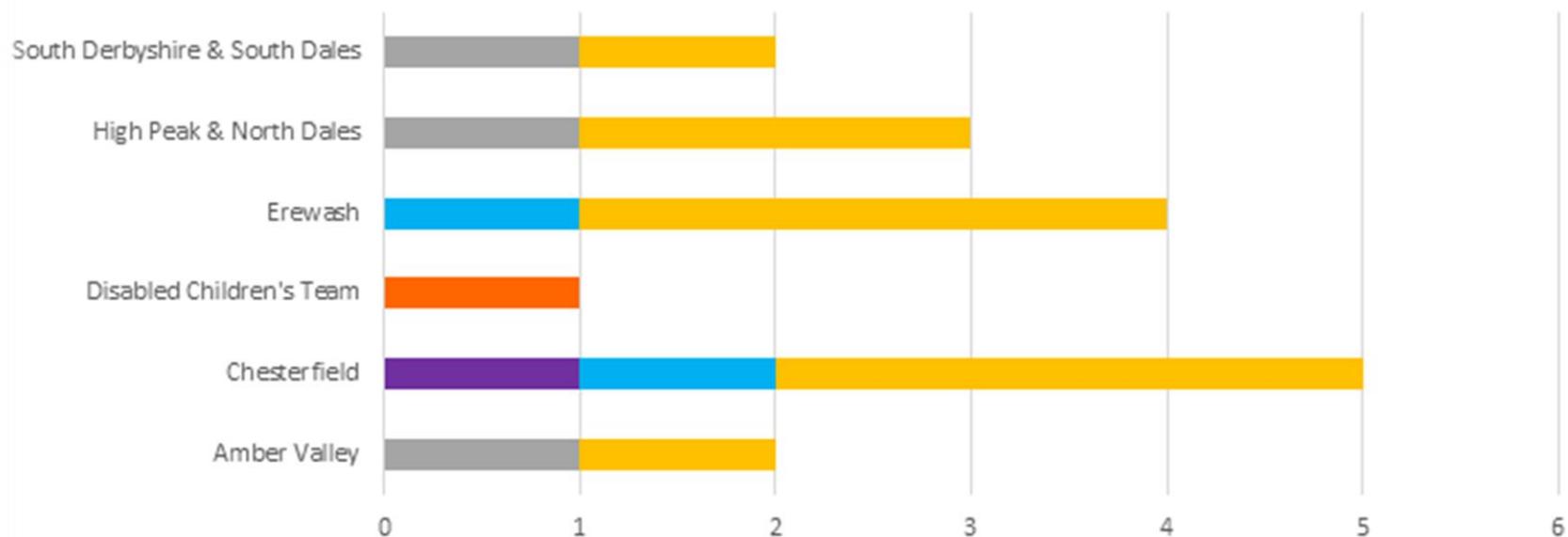
Complaints about standard of service are most likely to be upheld

Partially Upheld Complaints - 2019 - 20



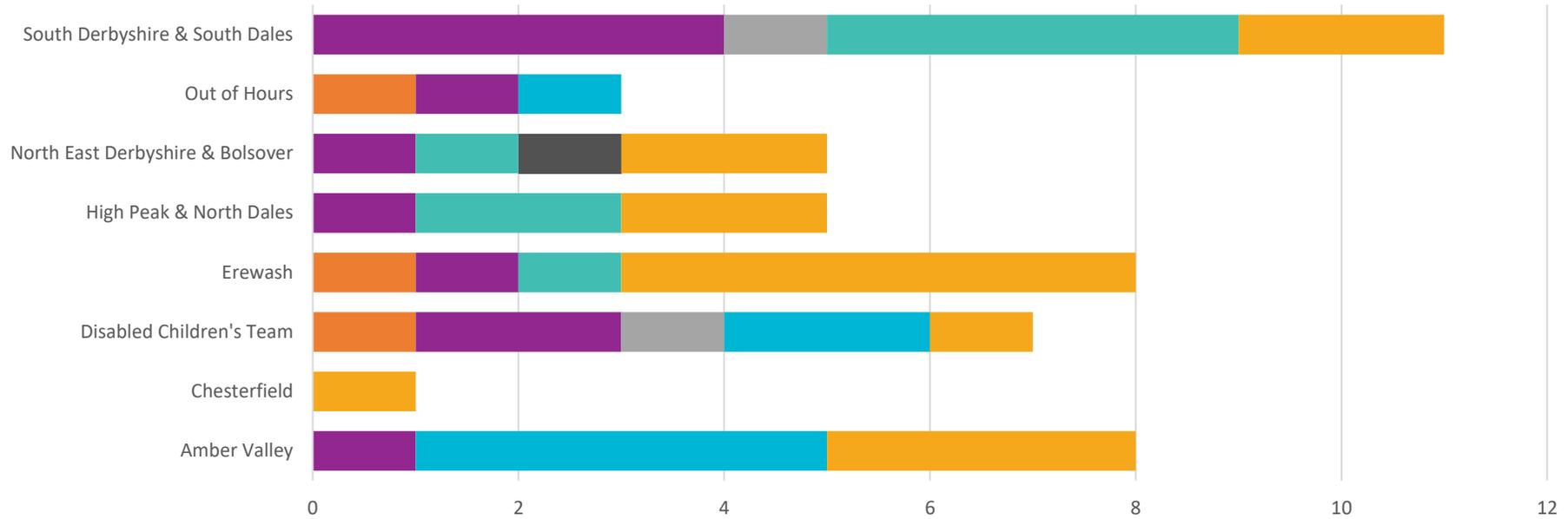
48 complaints were partially upheld, representing 21% of the total received, and 30% of the total investigated. In the previous year, there were 42 complaints partially upheld, representing 26% of the total investigated. The largest number of partially upheld complaints in 2019/20 related to standard of service (16), representing 33% of all partially upheld complaints.

Upheld Complaints by Locality - 2019/20



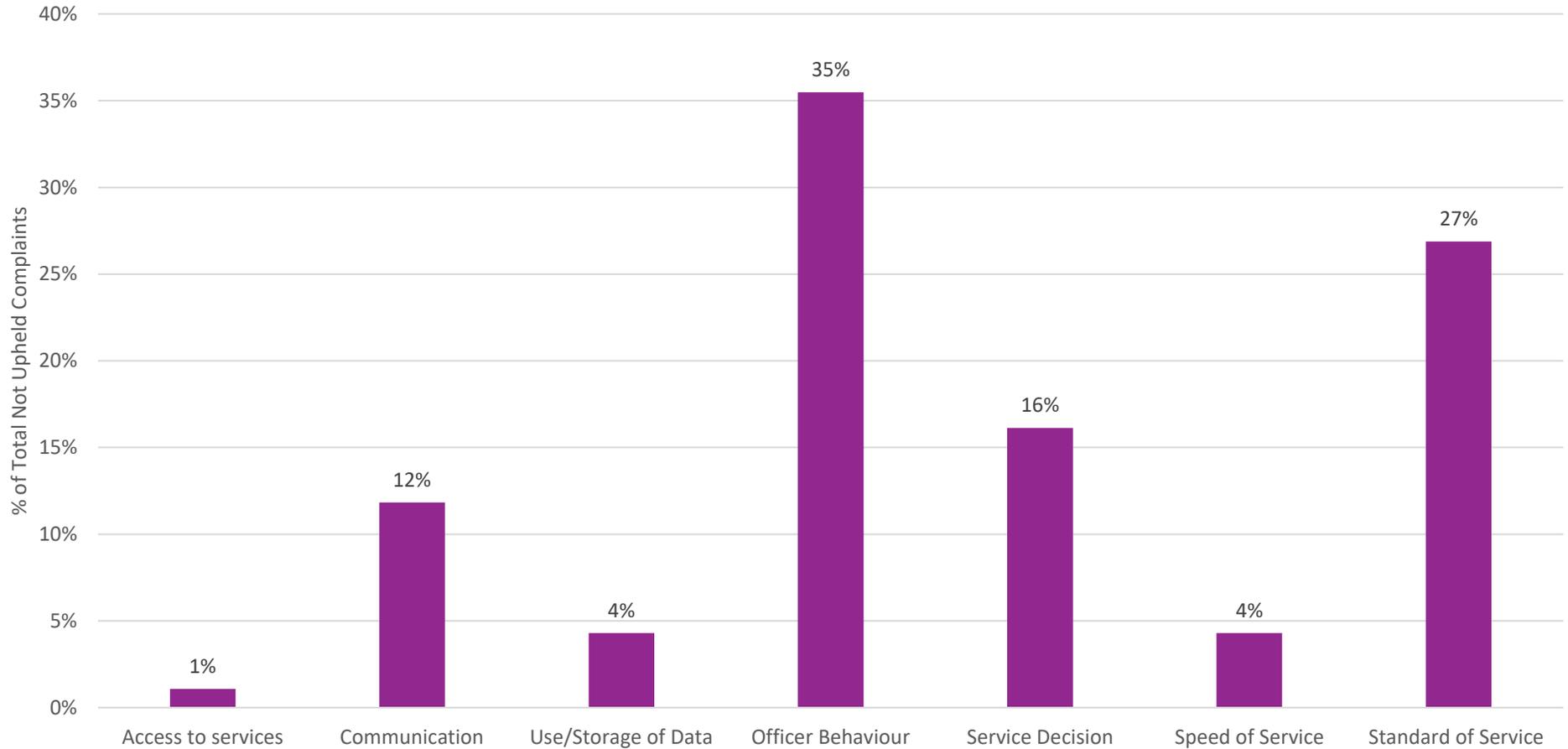
| | Amber Valley | Chesterfield | Disabled Children's Team | Erewash | High Peak & North Dales | South Derbyshire & South Dales |
|---------------------|--------------|--------------|--------------------------|---------|-------------------------|--------------------------------|
| Access to services | | | 1 | | | |
| Communication | | 1 | | | | |
| Use/Storage of Data | 1 | | | | 1 | 1 |
| Service Decision | | 1 | | 1 | | |
| Standard of Service | 1 | 3 | | 3 | 2 | 1 |

Partially Upheld Complaints by Locality - 2019/20



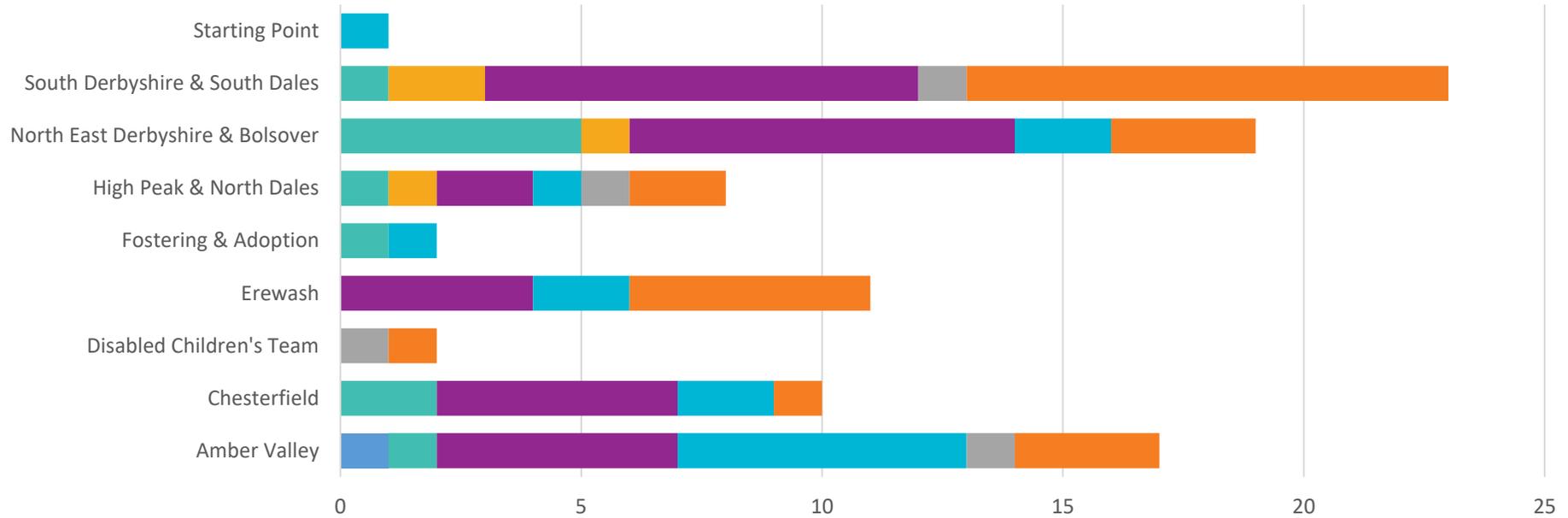
| | Amber Valley | Chesterfield | Disabled Children's Team | Erewash | High Peak & North Dales | North East Derbyshire & Bolsover | Out of Hours | South Derbyshire & South Dales |
|---------------------|--------------|--------------|--------------------------|---------|-------------------------|----------------------------------|--------------|--------------------------------|
| Access to services | | | 1 | 1 | | | 1 | |
| Communication | 1 | | 2 | 1 | 1 | 1 | 1 | 4 |
| Use/Storage of Data | | | 1 | | | | | 1 |
| Officer Behaviour | | | | 1 | 2 | 1 | | 4 |
| Service Decision | 4 | | 2 | | | | 1 | |
| Speed of Service | | | | | | 1 | | |
| Standard of Service | 3 | 1 | 1 | 5 | 2 | 2 | | 2 |

Not Upheld Complaints - 2019 - 20



Of the 158 complaints investigated, 93 were not upheld, meaning that 59% of all complaints investigated were not upheld. In the previous year there were 61 complaints not upheld, representing 39% of those investigated. Of the complaints not upheld in 2019/20, 36% related to officer behaviour.

Not Upheld Complaints by Locality - 2019 - 20



| | Amber Valley | Chesterfield | Disabled Children's Team | Erewash | Fostering & Adoption | High Peak & North Dales | North East Derbyshire & Bolsover | South Derbyshire & South Dales | Starting Point |
|-----------------------|--------------|--------------|--------------------------|---------|----------------------|-------------------------|----------------------------------|--------------------------------|----------------|
| ■ Access to services | 1 | | | | | | | | |
| ■ Communication | 1 | 2 | | | 1 | 1 | 5 | 1 | |
| ■ Use/Storage of Data | | | | | | 1 | 1 | 2 | |
| ■ Officer Behaviour | 5 | 5 | | 4 | | 2 | 8 | 9 | |
| ■ Service Decision | 6 | 2 | | 2 | 1 | 1 | 2 | | 1 |
| ■ Speed of Service | 1 | | 1 | | | 1 | | 1 | |
| ■ Standard of Service | 3 | 1 | 1 | 5 | | 2 | 3 | 10 | |

Out of remit

Of the 233 complaints received, 32 (14%) fell outside the remit of children's services statutory complaints procedures.

These included complaints from people without parental responsibility for the children receiving a service or being identified as having significant interest, some complaints were redirected to adult social care, others were considered historic complaints and some were complaints for other local authorities, district councils or services. All received responses where appropriate or were signposted to the correct point of contact for their complaint.

Withdrawn

7 complainants rescinded their complaint before it went to formal investigation.

Resolution

36 complaints were resolved by mediation or by local action/resolution without proceeding to the formal complaints process. This was by means of additional visits, phone calls or other area actions which satisfied the complainant and their concerns. This represents 15% of all statutory stage 1 complaints received being resolved informally.

Statutory Complaints & Representations – Stage 2

All requests to go to stage 2 are triaged by the complaints manager and authorised by the head of quality, performance and participation. 37 requests for escalation to stage 2 of the statutory complaints process were received between April 2019 and March 2020. This represents a small increase from the 34 requests for escalation received in 2018/19.

Although 37 requests were made, the total number of statutory stage 2 investigations in 2019/20 was 18. This represents a 20% increase compared to the 15 which proceeded to investigation in 2018/19. The reasons why some stage 2 requests did not proceed to investigation are detailed in the table below.

The majority of stage 2 complaints were responded to outside the extended 65 working day timeframe in 2019/20, but in all cases, complainants were contacted and agreement was sought to extend the target dates for the responses to be with them. The reason for the extended timeframe relates to the increase in stage 2 activity, investigating officer capacity and in some cases, the complexity and volume of the information required to undertake a robust investigation. Of 18 stage 2 complaints investigated, 7 (39%) were responded to before the 65 day initial target date.

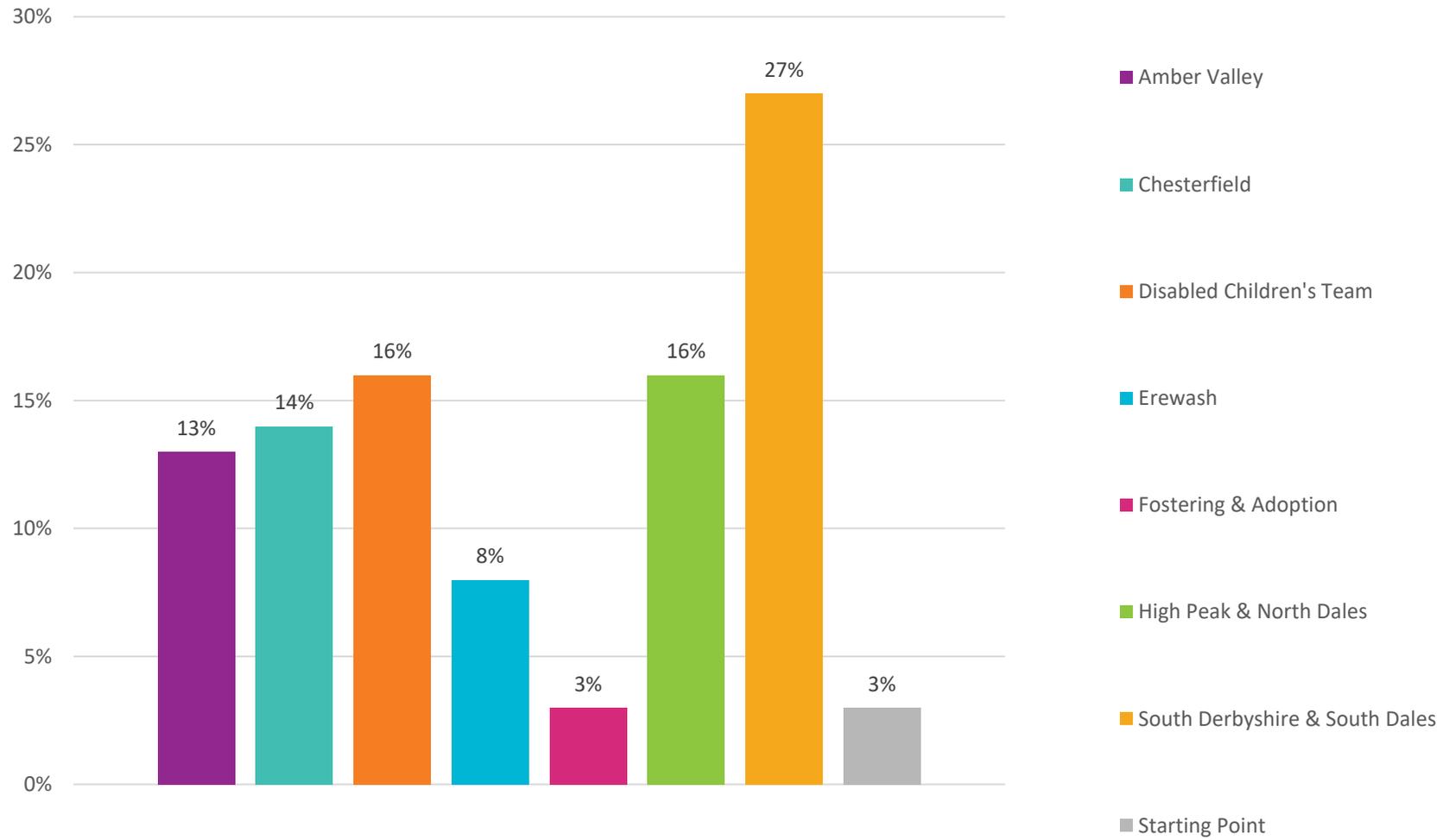
18 of the 37 requests for statutory complaints to go to Stage 2 of the process were investigated

A 20% increase compared to 2018-19

| Received | On Hold | Refused | Withdrawn | Resolved by Mediation | Total Investigated | Upheld | Partially Upheld | Not Upheld | Open at time of report |
|----------|---------|---------|-----------|-----------------------|--------------------|--------|------------------|------------|------------------------|
| 37* | 7 | 5 | 3 | 8 | 18 | 1 | 9 | 1 | 7 |

* 4 further cases were also being investigated that rolled over from the previous year hence outcomes totalling 41

Stage 2 Complaints Received by Locality



Statutory Complaints & Representations – Stage 3

4 complaints were heard by a stage 3 panel during 2019/20. There had been no requests for a stage 3 panel review of a complaint in the previous year. The local authority uses independent panel members and panel chairs contracted through a provider of independent social workers.

All 4 review panels were convened at a time agreeable to the complainant. The review panel does not reinvestigate the complaints, nor does it consider any substantively new complaints that have not been first considered at stage 2. Of the four panel reviews held, the panel had no concerns with the findings of the stage 2 investigations into each case or the adequacy of the investigation itself. However, in one case there was a recommendation for follow-up information to be provided to the complainant following a complaint being upheld. The local authority received challenge that the desired outcome of the complainant (for learning to be implemented in practice), had been addressed, but had not been effectively been communicated back to the complainant. This action, if completed earlier, could have prevented a stage 3 panel being required. The local authority was found to have addressed the concerns and clearly evidenced that the learning from the complaint had been actioned and taken seriously, including working to amend policy and procedures and further audit activity taking place. This was not however communicated effectively with the complainant. The recommendation from the panel was that actions following other upheld complaints should be communicated back to complainants on completion.

The panel for another of the cases concluded that the length of time to draw the complaint to conclusion was excessive and the panel proposed the local authority make financial remedy in response.



There were 4
stage 3
panels

Corporate Complaints

The corporate complaints procedure changed mid-way through the year resulting in changes in terminology throughout the process; for the purposes of this report, the current terminology will be used. Under the current policy, attempts should be made to respond to complaints in a timely manner and will usually involve the complaint being:

- Dealt with at the time by the officer receiving the complaint with no need for additional response
- Passed to the appropriate line manager or service manager for consideration and response

Where the complaint is not resolved at the time or within 3 working days of receipt an acknowledgment will be sent including the expected date for the response. A full response should be made at the earliest possible time and in general this should not exceed the standard target of 28 calendar days. To ensure all of the relevant facts are available and enable a full investigation to be carried out the target date can be extended. If the complainant is unhappy with the initial response this may be passed to a senior manager for consideration and final response.

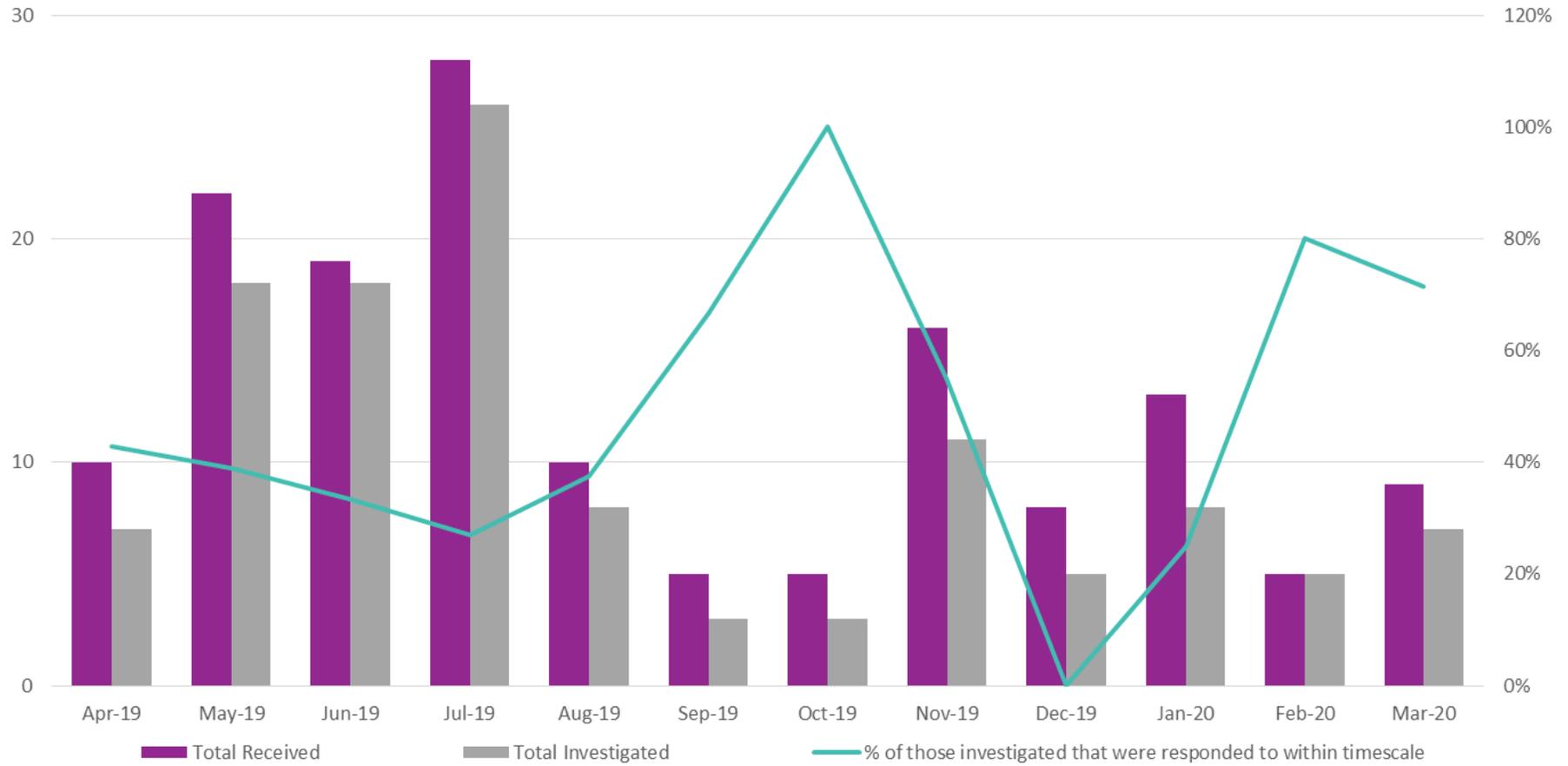
Derbyshire County Council continues to recognise that whilst it may not uphold some complaints received, it can and should acknowledge the feelings of service users. Wherever possible the local authority encourages complainants to meet with service staff to resolve issues locally. Where necessary the local authority provides advocacy services to those children and young people who would like to make their complaint themselves. Operational teams are also supported by the children's services quality assurance team to resolve disputes and provide objective management oversight of complaints being considered through the relevant complaints procedure.

150 corporate complaints were received in 2019/20 compared to 167 the previous year; a 10% reduction. A total of 119 were formally investigated and response provided under the corporate complaints procedure. 21 final responses were provided to complainants. This compared to 23 corporate complaints which were answered at stage 2 of the previous corporate complaints process in 2018/19.

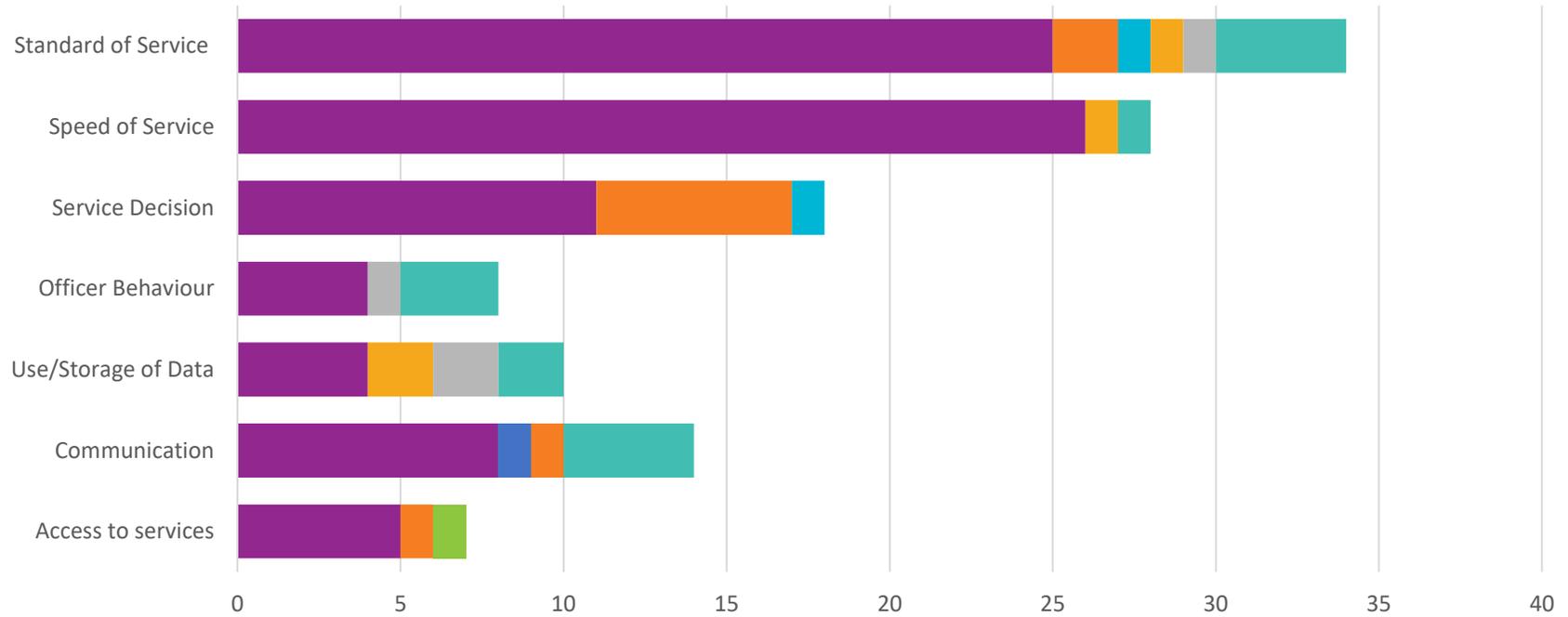
21 Final Responses were provided for Corporate Complaints due to changes in the corporate complaints policy

This compares to **23** corporate stage 2 complaints answered in 2018-2019

Corporate Complaints Received by Month 2019 - 20

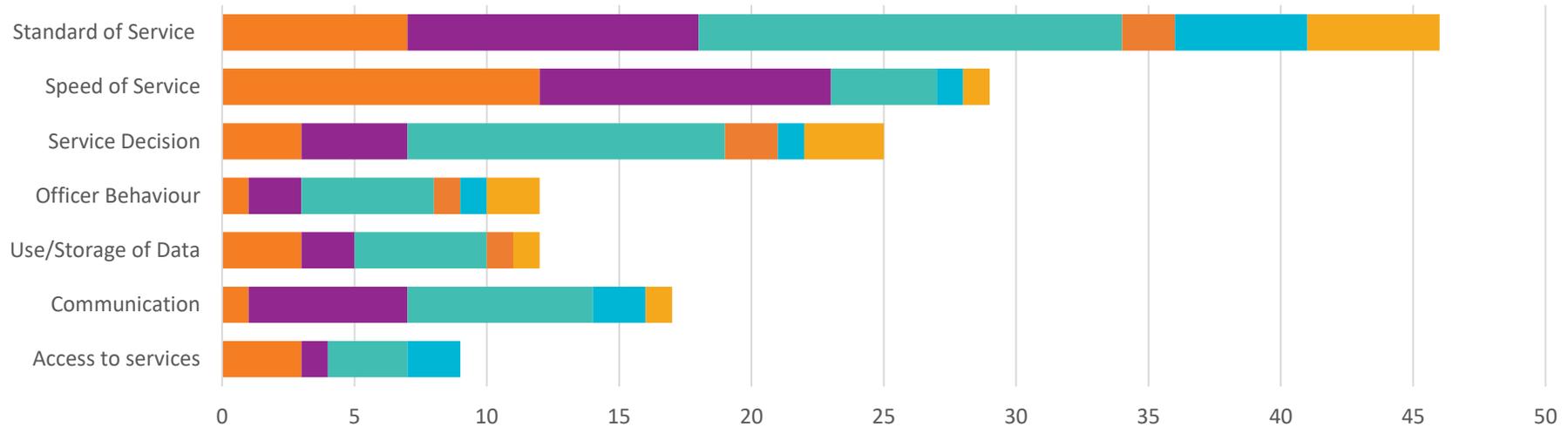


Corporate Complaints Investigated (by area and theme) 2019 - 20



| | Access to services | Communication | Use/Storage of Data | Officer Behaviour | Service Decision | Speed of Service | Standard of Service |
|-------------------------------|--------------------|---------------|---------------------|-------------------|------------------|------------------|---------------------|
| SEND | 5 | 8 | 4 | 4 | 11 | 26 | 25 |
| LADO | | 1 | | | | | |
| School Admissions & Transport | 1 | 1 | | | 6 | | 2 |
| Education Welfare | 1 | | | | | | |
| Information & ICT | | | | | 1 | | 1 |
| Early Years & Childcare | | | 2 | | | 1 | 1 |
| Commissioning & Partnerships | | | 2 | 1 | | | 1 |
| Family Support | | 4 | 2 | 3 | | 1 | 4 |

Corporate Complaints by Theme and Outcome 2019 - 20



| | Access to services | Communication | Use/Storage of Data | Officer Behaviour | Service Decision | Speed of Service | Standard of Service |
|---------------------|--------------------|---------------|---------------------|-------------------|------------------|------------------|---------------------|
| Upheld | 3 | 1 | 3 | 1 | 3 | 12 | 7 |
| Partially Upheld | 1 | 6 | 2 | 2 | 4 | 11 | 11 |
| Not Upheld | 3 | 7 | 5 | 5 | 12 | 4 | 16 |
| Withdrawn | | | 1 | 1 | 2 | | 2 |
| Resolved Informally | 2 | 2 | | 1 | 1 | 1 | 5 |
| Out of remit | | 1 | 1 | 2 | 3 | 1 | 5 |

The highest number of corporate complaints related to standard of service, as was the case in the previous year. Many of the complaints related to standard of service were related to education, health and care plans (EHCP) in the special educational needs

and disabilities (SEND) service. 83 corporate complaints (70% of the total) related to the SEND service with 43 (52%) of these being upheld. There has been work done within the SEND team during the last half of this year to address delivery, communication, speed of service, and early response to complaints which has led to a significant reduction in both the number of complaints and the response time by the service. The timeliness of service delivery has improved to be well above the national and regional average for every month since February 2020, meaning a reduction in complaints of this nature. Further work is planned to provide earlier parental engagement and so address high numbers of SEND tribunals which will affect the number of complaints made about service decisions.



Local Government and Social Care Ombudsman

Complainants who approach the LGSCO are asked to raise their complaint with the local authority before it will be considered by the Ombudsman. If the complainant is not satisfied with the response following the local authority's investigation into the matter, the Ombudsman will scrutinise the process used for handling the complaint and provide a response on their findings. The LGSCO suspended its complaints function on 26 March 2020 due to COVID-19 restrictions and resumed investigations on 29 June 2020. This has affected the data available this year, and more complete records will be available in the next year, when all cases carried over will be concluded.

There were 67 LGSCO enquiries from complainants between April 2019 and March 2020 compared with 58 the previous year. Of these, 34 were premature referrals which required the local authority's complaints process to be completed before the Ombudsman would consider the case. 16 of the complaints received were refused by the Ombudsman as out of their remit. The reason for refusal included tribunal and court decisions, and out of timescale complaints.

Of the 67 enquiries received from 01 April 2019 to 31 March 2020, 12 complaints were upheld before closure on 26 March 2020. 2 of these complaints required no further action as they had already been remedied. Where cases were upheld, this related to timeliness and access to services.

In the previous year, a total of 58 complaints were received by the LGSCO. Of these, 7 were upheld.



Complaints about Services Commissioned by the Local Authority

All services commissioned by the local authority are required to have their own complaints procedure within the terms of their contract with Derbyshire County Council. Ofsted regulate many of these services and set out how they manage complaints regarding these services on their website. All services provided under Ofsted regulation must have an internal complaints procedure, however, where complainants remain dissatisfied with the response provided by the commissioned service, they may use the Authority's complaints procedures. In 2019/20, there were no complaints registered about commissioned services.

When Derbyshire County Council investigates complaints about commissioned services it will routinely inform Ofsted of its investigation and outcomes where the case is reviewed or resolved.

Learning and Improvement within Children's Services Complaints

The department is committed to learning from complaints and wants to ensure that the complaints procedure is clear, easy to use and drives service improvement. Responding to compliments and complaints appropriately is also key within an organisation with a listening and learning culture. Wherever possible, local resolution will be sought in order to address the issues raised and reduce escalation through statutory and corporate processes. The points below highlight some of the learning that has been taken from complaints, and what steps we are taking to improve the quality of our services:

- We have used area briefings to highlight the importance of:
 - High quality, timely communication including receiving and returning telephone calls, emails and other forms of contact effectively
 - Ensuring our work is child-focussed and that we produce high quality plans, assessments and reports that reflect the needs and aspirations of the child or young person.
 - Ensuring that the voice of the child is heard
 - Meeting timescales in relation to complaints and, where we are not able to do so, the importance of providing an explanation and agreeing a revised date with complainants

- We have developed our complaint tracking and monitoring system which has resulted in a sustained improved performance for our response times in the second half of the year. We will continue to drive further improvement in this area during 2020/21, working collaboratively with other council departments. .

- We will continue to undertake our area briefings to support the dissemination of learning from complaints, in particular the outcomes of stage 2 investigations in order to facilitate service improvement
- We will review our internal complaints policy and our publicity materials on the complaints procedure and advocacy, in order to make the process as accessible as possible for children, young people and families.
- We will ensure our complaints tracking system monitors when actions from upheld complaints are communicated back to complainants