

## Corporate Parenting Board – 16 November 2020

<b>Title of paper:</b>	Children in Care Social Care Complaints	
<b>Director/ Corporate Director:</b>	Helen Blackman Catherine Underwood	<b>Wards affected:</b> All
<b>Report author and contact details:</b>	Patrick Skeete - Social Care Complaints Manager <a href="mailto:Patrick.skeete@nottinghamcity.gov.uk">Patrick.skeete@nottinghamcity.gov.uk</a> 01158765971	
<b>Other colleagues who have provided input:</b>	Ian Hillier	
<b>Relevant Council Plan Strategic Priority:</b>		
Cutting unemployment by a quarter		<input type="checkbox"/>
Cut crime and anti-social behaviour		<input type="checkbox"/>
Ensure more school leavers get a job, training or further education than any other City		<input type="checkbox"/>
Your neighbourhood as clean as the City Centre		<input type="checkbox"/>
Help keep your energy bills down		<input type="checkbox"/>
Good access to public transport		<input type="checkbox"/>
Nottingham has a good mix of housing		<input type="checkbox"/>
Nottingham is a good place to do business, invest and create jobs		<input type="checkbox"/>
Nottingham offers a wide range of leisure activities, parks and sporting events		<input type="checkbox"/>
Support early intervention activities		x
Deliver effective, value for money services to our citizens		x
<b>Summary of issues (including benefits to citizens/service users):</b>		
<p>This report includes a brief summary of the statutory Social Care Complaints procedure, which ensures young people have a robust process to share worries or concerns about the service and/or support they receive. The report highlights complaints made specifically by Children in Care, in accordance with the statutory Social Care Complaints procedure. This report also focuses on the nature of the complaints made and whether the complaints were addressed within the statutory timescales.</p>		
<b>Recommendation:</b>		
<b>1</b>	That the board continue to support the effective complaints handling of young people in care and act as corporate parents in relation to addressing the concerns of young people in care.	

### **1. REASONS FOR RECOMMENDATIONS**

- 1.1 Nottingham City has a legislative duty to ensure all young people have a robust complaints process to address any concerns that that they are responsible for.

### **2. BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)**

- 2.1 The aim of the Social Care Complaints Team is to resolve service user dissatisfaction and learn from complaints in order to improve service delivery. The Complaints Team operates a statutory complaints procedure, which includes the

production of an annual report on the operation and implementation of the procedure.<sup>1</sup>

- 2.2 Complaints which are made and resolved within 24 hours are not logged as complaints. This is in line with national guidance.
- 2.3 The remit of the Complaints Team is not simply to receive calls. The team is required to check that, if a person wishes to make a complaint on behalf of a child, they have sufficiency of interest in respect of making a complaint and it obtains consent from the citizen/service user, where this is required. In respect of children's complaints, consideration may need to be given as to whether a child is Fraser competent (able to consent). In other circumstances, consideration will need to be given to determine whether a complaint is being made in the interests of the citizen, where she or he may lack the necessary capacity, as determined under the Mental Capacity Act. Where a Power of Attorney is raised as a right to make a complaint on another person's behalf, the Complaints Team has to establish whether such a Power is registered or not
- 2.4 It is only after these matters have been considered that the Social Care Complaints Team asks a Service Manager or Team Manager to provide a written response to a complaint (Stage One), and to respond to the complaint within the timescales, as defined within the relevant statutory complaints process. The timescales are outlined below. At Stage Two of the procedure, independent investigators are commissioned by the Complaints Team to investigate complaints and to provide reports to the Authority detailing their findings and recommendations. Where a complainant remains dissatisfied, a Stage Three complaints review panel, comprised of three independent people, is asked to review the Authority's response to the complaint, as well as the stage 2 findings.
- 2.5 The Complaints Team provides advice to the operational teams on how to avoid unnecessary escalation of complaints to the Local Government Ombudsman. Further support is provided to the Department in managing complaints from the Local Government Ombudsman, along with training for all front line staff.
- 2.6 Where a complaint reaches the Ombudsman, the Complaints Team is highly skilled at risk assessing complaints in order to identify potential failings, so that they may be rectified and resolved at the earliest opportunity.
- 2.7 The expectation from Ofsted is that the Local Authority does not operate a one dimensional view of quality & practice. Complaints provide a particular perspective on the quality of practice and performance.

### **Children's Statutory Social Care Complaints Procedure.**

- 2.8 Stage 1 – the department is asked to provide a written response within 10 working days, this may be extended to 20 working days.
- 2.9 Stage 2 – the complainant, usually where s/he remains dissatisfied following a response at stage 1, may request an investigation of their complaint; this is usually undertaken by an Independent Investigator, overseen by an Independent Person, both commissioned by the Complaints Team. Records are scrutinised and staff are interviewed by the investigator, after which the stage 2 outcome is provided in the form of a detailed investigation report, which should be available within 25 working

---

<sup>1</sup> The Children Act 1989 Representations Procedure Regulations 2006

days, but this may be extended to 65 working days, with the agreement of the complainant.

2.10 Stage 3 – if the complainant remains dissatisfied after receiving the investigator’s findings and any recommendations, s/he may request that an independent panel (comprised of 3 independent people) review the complaint and investigation. The complainant and any representative, and a representative from the department, along with the investigator and independent person are invited to the panel too. Whilst there is no specific timescale for a complainant to request that their complaints be reviewed at stage 3, by an Independent Complaints Review Panel, good practice guidance recommends that the request should be made within 20 working days. Complainants are advised of this when they receive a copy of the stage 2 report. The Local Authority then has 30 working days to convene the stage 3 Panel.

2.11 The relevant director then writes to the complainant to explain if the department accepts the findings and recommendations of the Stage 3 Panel; the director also explains what action plan has been agreed to be put in place so as to complete any recommendations.

2.12 Complaints Received from Children in Care 01/01/2020 – 01/09/2020

Complaint	Nature of complaint	Days to resolve	Outcome
1	Concern about the quality or appropriateness of the service	16	Not upheld
2	Attitude or behaviour of staff	2	Not upheld
3	Concern about the quality or appropriateness of the service	meeting	Not upheld
4	Concern about the quality or appropriateness of the service	-	Not pursued
5	Out of jurisdiction	1	-
6	Out of jurisdiction	1	-
7	Out of jurisdiction	1	-
8	Out of jurisdiction	1	-
9	Concern about the quality or appropriateness of the service	23	Not upheld
10	Delay in decision making	2	Upheld
11	Concern about the quality or appropriateness of the service	14	Still open
12	Concern about the quality or appropriateness of the service	Stage 2 29	Not upheld
13	Attitude or behaviour of staff	6	Still open

Complaints frequently have more than one issue, as such, some parts may be upheld and some not upheld. Therefore, the outcome of the overall complaint may be mostly upheld or mostly not upheld; but in situations where none of the complaints are upheld then the overall complaint is “Not upheld” or conversely, it is “Upheld” where the complaints are all upheld.

Out of jurisdiction complaints (OOJ) include those where the same complaint has been made more than once. Under the complaints regulations we cannot investigate the same matter twice. OOJ complaints may also include complaints about non-social care services or complaints received where the necessary consent is not forthcoming.

There are times where there is a 'No Finding' outcome. This is usually where there is no evidence to support a view, or where we are unable to come to a definitive decision.

### 2.13 Main Points:

- Compared with the previous reporting period, which was from April to December 2019, the number of complaints increased by 1.
- Of the 13 complaints received, 12 were resolved at Stage 1 of the complaints procedure. One which was investigated at Stage 2 by an independent investigator, after which a virtual meeting was held between the department, the complainant, the investigator etc. to resolve the complaint.
- 12 complaints (92%) were concluded within the statutory timescale of 20 working days. The complaint that was out of timescale was late by three days, but this complaint was made and responded to during the Covid-19 lockdown, and it was only to be expected that there might be some delays.
- No strong themes were identified during this reporting period, as no two complaints were the same. Although, "not feeling listened to" and "not feeling supported" were commonly raised concerns. However, when investigated, it was found that young people could feel like this in circumstances where staff did not agree with the young person's view.

### Individual complaint synopsis

- **Complaint 1** was about a perceived lack of support provided to the young person. This was not upheld.
- **Complaint 2** was from a young person in a care facility who felt that she was not being listened to. This was not upheld. The matter was addressed by the Service Manager for Children in Care and the Young person accepted the outcome.
- **Complaint 3** was about how the young person felt about being in care. It was addressed and resolved by way of a virtual meeting with the parties involved, including staff from the unit where the young person resides.
- **Complaint 4** was withdrawn and not pursued by the young person.
- **Complaints 5 to 8** were all out of jurisdiction. Three were repeat complaints and one related to services outside of the remit of the statutory complaints procedure.
- **Complaint 9** was from a young person who complained she was not being listened to and she was unhappy about the apparent lack of sibling contact. This was not upheld.
- **Complaint 10** was from a young person who lives in a residential setting who complained that there had been undue delay in completing an outstanding

assessment. This complaint was upheld and a written apology was provided; steps were also taken to complete the assessment without further delay.

- **Complaint 11** is about the amount of a leaving care grant. This complaint is still under consideration.
- **Complaint 12** consisted of a stage 2 independent investigation, which was completed within 29 working days i.e. well within the 65-working-day timescale. The young person had complained about feeling unsupported by children's social care; the investigation sought to demonstrate what support had been provided. The complaint was not upheld.
- **Complaint 13** - made by a young person who is unhappy with the social worker's attitude. This complaint is still under consideration at the time of writing this report.

### **3. OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS**

3.1 None.

### **4. FINANCE COMMENTS**

4.1 None.

### **5. LEGAL AND PROCUREMENT COMMENTS**

5.1 The Children Act 1989 (S24D & 26[3] & The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 require each Local Authority to establish formal procedures for considering complaints in respect of services to children. Government Regulations were introduced in 2006 and the Secretary of State issued statutory guidance under the Local Government Social Services Act 1970. Failure to adhere to timescales could mean maladministration payments being made to the complainant

5.2 If the above legislation is not adhered to the Local Authority will fail to fulfil its statutory duty and this will impact on service delivery to complainants resulting in the involvement of the Local Government Ombudsman with a potential outcome of the Department being requested to make maladministration payments if the LGO feels there has been undue delay in progressing the complaint, this in turn may cause reputational risk to the Department.

### **6. EQUALITY IMPACT ASSESSMENT**

Not needed (report does not contain proposals or financial decisions).

### **7. LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS**

7.1 None.

### **8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT**

8.1 The Children Act 1989 (S24D & 26[3];  
Local Authority Social Services Representations Procedure (England) Regs 1991;  
National Health Service Complaints (England) Regulations 2006;  
Getting the Best from Complaints National Guidance.