

## Corporate Parenting Board - 20 March 2023

<b>Title of paper:</b>	Children in Care Social Care complaints	
<b>Corporate Director:</b>	Catherine Underwood – People	<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> 0115 876 5971	
<b>Other colleagues who have provided input:</b>	Ian Hiller - Complaints and Mediation Officer	
<b>Date of consultation with Portfolio Holder</b>	N/A	
<b>Does this report contain any information that is exempt from publication?</b> No		
<b>Relevant Council Plan Key Outcome:</b>		
Clean and Connected Communities	<input type="checkbox"/>	
Keeping Nottingham Working	<input type="checkbox"/>	
Carbon Neutral by 2028	<input type="checkbox"/>	
Safer Nottingham	<input type="checkbox"/>	
Child-Friendly Nottingham	<input checked="" type="checkbox"/>	
Healthy and Inclusive	<input checked="" type="checkbox"/>	
Keeping Nottingham Moving	<input type="checkbox"/>	
Improve the City Centre	<input type="checkbox"/>	
Better Housing	<input type="checkbox"/>	
Financial Stability	<input type="checkbox"/>	
Serving People Well	<input checked="" type="checkbox"/>	
<b>Summary of issues (including benefits to citizens/service users):</b>		
<p>This report includes a summary of the statutory Social Care Complaints procedure, which ensures young people have a robust process to express their dissatisfaction. 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 continues to support the effective complaints handling, and understand the required duties of 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 service

operates a statutory complaints procedure, which includes the production of an annual report on the operation of the complaints 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 to manage the statutory process. The team is required to check that a person who wishes to make a complaint on behalf of a child has sufficiency of interest in respect of making a complaint: it obtains consent where this is required. In respect of children's complaints, consideration may need to be given as to whether a child is Fraser competent; in other circumstances, consideration will need to be given to determine whether a complaint is being made in the interests of the young person, where she or he or the parent may lack the necessary capacity. Where a Power of Attorney is raised as a right to make a complaint on another person's behalf, the complaints team must 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, and to respond to the complaint within the timescales, as defined within the relevant statutory complaints process. At stage 2 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 the Complaints Team arranges a stage 3 complaints review panel, comprised of three independent people, which 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 front-line staff.
- 2.6 The Complaints Team has been indispensable in identifying complaints that have the potential to be escalated to the Local Government Ombudsman; advice is offered to operational staff on how to limit the impact of such complaints, thereby reducing any reputational damage to the Authority.
- 2.7 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, before the Ombudsman investigates the complaint, again this helps to avoid reputational damage.
- 2.8 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 performance.

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

- 2.9 Stage 1 – the department is asked to provide a written response within 10 working days, this may be extended to 20 working days
- 2.10 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

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

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 days, but this may be extended to 65 working days

2.11 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

2.12 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.

**2.13 Complaints Received from Children in Care 01/09/2021 – 12/12/2022**

2.13.1 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.

2.13.2 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.

2.13.3 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.

Complaint	Nature of complaint	Days to resolve	Outcome
1	Quantity, frequency, change or cost of a service	22	Mostly upheld
2	Concern about the quality or appropriateness of the service	20	Mostly upheld
3	Unwelcome or disputed decision	21	Mostly not upheld
4	Unwelcome or disputed decision	18	Upheld
5	Attitude or behaviour of staff	2	Not pursued
6	Attitude or behaviour of staff	30	Not upheld
7	Attitude or behaviour of staff	19	Not upheld
8	Attitude or behaviour of staff	19	Not upheld
9	Delay in Decision Making	29	Upheld
10	Attitude or behaviour of staff	5	Not upheld
11	Attitude or behaviour of staff	1	Not upheld

12	Attitude or behaviour of staff	33	No finding
13	Unwelcome or disputed decision	23	Open
14	Attitude or behaviour of staff	9	Open
15	Concern about the quality or appropriateness of the service	8	Open

## 2.14 Main Points:

- a) The previous reporting period was for 12 months from 01/09/2020 to 31/08/2021. This current reporting period is for 16 months. Despite the longer period, the number of complaints has decreased from 16 to 15.
- b) Of the 15 complaints received, all of the 12 completed complaints were resolved at stage 1 of the complaints procedure, although 3 are still under investigation at the time this report was written.
- c) Previously all the complaints were concluded within the statutory timescale of 20 working days; however, 6 complaints in the current reporting period, including 1 that is still open, will have been completed outside of the timescale.
- d) 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 often felt like this in circumstances where staff did not agree with the young person’s view.

## 2.15 Individual complaint synopsis

- **Complaint 1** staff at a private residential home raised a complaint, with the young person’s consent, about the lack of visits and communication from the young person’s social worker: the young person hadn’t seen a social worker for 5 months; and the social worker had not turned up at meetings. The complaint was investigated by the Service Manager and mostly upheld because visits had not been undertaken due to staff absences. The written response included an apology for the failings. The young person was happy with the outcome and the complaint did not progress to the next stage.

The young person is currently living independently in a one-bedroom flat and working.

- **Complaint 2** was from a young person in a private residential unit who complained “about the local authority not addressing or responding to my request for financial support to gain legal advice...” The complaint was responded to in writing by the Service Manager who apologised for the delay in replying to the request. The social worker and team manager then kept the young person and their advocate updated by phone. The young person accepted this and did not pursue the complaint further. Subsequently, the young person was supported to access legal aid.

**Complaint 3** a young person did not want to be moved from the private care facility where they were residing to be placed back with their parents. They felt they would be at emotional harm if this were to happen. The plan for the young person had been for

them to be rehabilitated back to parental care; however, the young person was clearly stating their desire to remain in local authority care until independence.

The response explained the social worker will complete an assessment, and if he is of the same view as the young person, then he will recommend a change in the plan so that they will remain in local authority care until they reach independence.

The young person subsequently moved into a semi-independent placement. It was agreed by the professionals involved that it was not in their best interest to return home to the care of their parents.

- **Complaint 4** a young person, assisted by an advocate, living in a residential home outside of Nottingham complained about the decision that they should return to live independently in Nottingham. Similar to what was described in complaint 3, this young person felt that their views were not being listened to.

The service manager investigated the complaint and responded: "... the wishes and feelings of the children in our care is paramount and I acknowledge that this is not your desired outcome... It has now been agreed that you should remain at your current placement as this is in your best interests."

The young person is now settled.

- **Complaint 5** was from a young person with a disability who lives in a private residential home. They complained about staff at the home. The Whole Life Disability team service manager asked the social worker to follow this up with the carers at the home, and so the young person was happy with this and did not pursue it as a complaint. However, they then made further complaints, see complaints 10 and 11.
- **Complaint 6** was from a young person living with their baby in a mother and baby foster placement. They complained that the social worker had imposed unfair restrictions on them.

The fieldwork service manager investigated and responded to the complaint by explaining these restrictions were in place as a safeguarding measure to ensure that both the young person and their child were kept safe, and so that the social worker could update the Court as to the progress made in the Mother and Baby placement.

Subsequently the child was removed from their care and remains in the care of foster carers.

- **Complaints 7 and 8** were from two young siblings who made their own written complaints, assisted by staff in the private residential home where they were living. They complained that their social worker was rude and did not listen to them.

The children in care team service manager investigated and responded to their complaints separately.

Both siblings continue to reside in their placements, but both are unhappy. They have a new social worker. Neither siblings wish to have contact with their birth family. They have been offered support from CAMHS.

- **Complaint 9** a complaint was made by a young person supported by an advocate. The young person complained that the placement was due to end soon and the young person had no idea where they might be living, which was making them feel increasingly anxious.

The children in care team service manager investigated and apologised to the young person for the confusion and delay. The response to the advocate explained that a request has been made for a semi-independent placement in line with the young person's most recent wishes.

The young person then moved to semi-independent accommodation with support. The move has been positive. The plan is to support and prepare the young person for independent living

- **Complaint 10 and 11** were from the same young person referred to in complaint 5. In two separate complaints the young person complained that different staff in the home had been rude.

The Whole Life Disability team investigated the allegations. They met with the young person but found the allegations were not substantiated.

The young person continues to remain in the residential home and has regular contact with both their social worker and family.

- **Complaint 12** a young person complained about the attitude and lack of communication from their social worker. The service manager and team manager from the children in care team visited to discuss the concerns. The complaint was resolved, and a new social worker was allocated.
- **Complaint 13** a young person complained that they did not want to leave the placement to move to semi-independent living. The service manager for children in care met with the young person and will provide a written response. This complaint is still open.
- **Complaint 14** an advocate has helped this young person aged under 13 to complain about the social worker being rude. This complaint is with the fieldwork service manager and currently being investigated.
- **Complaint 15** is from a young person who was in the process of leaving care. It relates to savings accumulated whilst in foster placements. This complaint is with the relevant service manager for investigation.

### **3 Other options considered in making recommendations**

3.1 None.

### **4 Consideration of Risk**

4.1 None.

### **5 Background (including outcomes of consultation)**

5.1 This is contained within the body of the report.

### **6 Finance colleague comments (including implications and value for money)**

6.1 None.

### **7. Legal colleague comments**

7.1 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

- 7.2 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.

## **8. Other relevant comments**

- 8.1 None.

## **9. Crime and Disorder Implications (If Applicable)**

- 9.1 Not applicable.

## **10. Social value considerations (If Applicable)**

- 10.1 Not applicable.

## **11. Regard to the NHS Constitution (If Applicable)**

- 11.1 No applicable.

## **12. Equality Impact Assessment (EIA)**

- 12.1 This is not required as the report is an update for Board Members.

## **13. Data Protection Impact Assessment (DPIA)**

- 13.1 This is not required as the report is an update for Board Members.

## **14. Carbon Impact Assessment (CIA)**

- 14.1 This is not required as the report is an update for Board Members.

## **15. List of background papers relied upon in writing this report (not including published documents or confidential or exempt information)**

- 15.1 None.

## **16. Published documents referred to in this report**

- 16.1 The Children Act 1989 (S24D & 26[3] & The Local Authority Social Services Representations Procedure (England) Regulations 1991 National Health Service Complaints (England) Regulations 2006

- 16.2 Getting the Best from Complaints National Guidance.