

Children's Services Feedback Annual Report

To: Children and Young People Committee

Meeting Date: 18 January 2022

From: Executive Director: People and Communities

Electoral division(s): All

Key decision: No

Forward Plan ref: n/a

Outcome: To provide committee members with a summary of all feedback received in relation to Children's Services, including compliments, enquiries, MP/councillor enquiries and complaints.

Recommendation: To consider the content of the report and appendices and request a further report in twelve months.

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1. Background

- 1.1 In accordance with The Children Act 1989 Representations Procedure (England) Regulations 2006 every Local Authority must;
- Appoint one of their Officers as a designated Complaints Manager to assist the Authority in the co-ordination of all aspects of their consideration of representations;
 - Take all reasonable steps to see that everyone involved in the handling and consideration of representations is familiar with the procedure set out in these Regulations (elected members play a primary role in ensuring local accountability); and
 - Deal expeditiously in the handling and consideration of representations under these Regulations.
- 1.2 Every Local Authority must monitor the arrangements that they have made with a view to ensuring that they comply with these Regulations insofar as they regulate the procedure for the consideration of representations under Section 26 of the Act and must as soon as possible after the end of each financial year compile a report on the operation in that year of the procedure set out in these Regulations.
- 1.3 Please find attached Cambridgeshire's Children's Services Annual Report for 2020/21 in Appendix 1

2. Main Issues

- 2.1 The Annual Report details statistical data on the number of compliments, general public enquiries, Member of Parliament (MP) and Councillor (Cllr) enquiries and complaints received and responded to within 2020/21, as well as themes, learning and actions.
- 2.2 The COVID-19 crisis placed unique pressures on Local Authorities, whilst still required to respond appropriately to complaints received during this time of National emergency. Resources were stretched due to illness or social isolation, many staff had to be redeployed and were operating under emerging and fast changing rules and guidance. During 2020/21, the Local Government and Social Care Ombudsman issued several pieces of new guidance, including the publication of six principles of good administrative practice for Councils to follow when approaching Complaint Management.

Context

- 2.3 There were a total of 6483 children whom a safeguarding referral was received about within the year. This figure was taken from the 'Children in Need' (CIN) Census (our annual return to the DfE).
- 2.4 Despite mentioning last year in my 2019/20 report, following the migration of case records onto Liquid Logic, that we were hopeful at being able to report on the number of complaints received per family rather than per child, unfortunately this has not proved possible. As such the number of new Statutory Stage 1 complaints received remains at 3% of this total.
- 2.5 Immediately prior to the beginning of the new financial year 2020/21, COVID-19 lock down

restrictions had just come into effect which had an immediate effect on the number and type of feedback received.

- 2.6 The Local Government Ombudsman (LGO) temporarily suspended their complaint referral telephone line at the end of March 2020 and promptly produced guidance on how Local Authorities should approach the business of complaint handling with respect to COVID-19.
- 2.7 During Quarter 1 (April -June 2021), 1 enquiry and 9 complaint responses were delayed due to initial capacity issues as a direct result of the pandemic (that is, staff socially isolating due to COVID-19 related symptoms etc). 5 escalation requests for Statutory Stage 2s were suspended as we were unable to proceed due to an inability to facilitate investigations with external investigators. 12 complaints, representations, MP and general enquiries, were received specifically relating to changes in practice / services as a result of COVID-19.
- 2.8 As a result of the new LGO guidance on how Local Authorities should approach complaint handling and following initial lockdown restrictions over visitors accessing Council premises, preventing external investigators from reviewing case records, we suspended all Statutory Stage 2 investigations and Stage 3 Reviews.
- 2.9 As the quarter progressed and capacity increased, we were able to reinstate suspended Corporate Stage 2 investigations, meaning we were able to consider Statutory Stage 2 requests through this route as an alternative means of progression, subject to the complainant's consent, leading to two complainants accepting this option.
- 2.10 On a positive note, despite early capacity concerns, there was an improvement in Quarter 1 in Stage 1 complaint responses being sent within timescale, with only 23% (12) of Statutory Stage 1 and 9% (3) of Corporate Stage 1 being sent outside of timescale.
- 2.11 By the end of Quarter 2, Statutory Complaints had risen back to pre-COVID-19 lockdown rates and compliments exceeded previous levels. However, Corporate Complaints maintained a consistently high level throughout Quarter 1 and into Quarter 2.
- 2.12 As the LGO re-instated their complaint line at the end of Quarter 1 (on 29 June 2020), we started to investigate Stage 2 complaints again with staff interviews being facilitated virtually through Teams.
- 2.13 For a second successive quarter we noticed an improvement in Statutory Stage 1 complaint responses being sent out within timescale, with only 14% (23) being sent outside timescale, whether that be 10 or 20 working days. Unfortunately, there was some slippage in Corporate Stage 1 responses going out in timescale, from 91% to 83% going out on time.
- 2.14 During Quarter 3, due to increasing COVID levels and a tightening of restrictions on families' movements with the second National Lockdown, this resulted in a lack of access for some children to their special education provision, particularly those deemed to be critically vulnerable which caused additional pressures on these families. As a result, we received a series of complaints from parents of affected children, raising concern over respite provision and access to enhanced Personal Protective Equipment (PPE) for carers. To remedy this situation, the Council continued to work in collaboration with the Clinical Commissioning Group (CCG) to ensure concerns relating to PPE supplies and respite support were addressed.

- 2.15 Despite the tightening of COVID restrictions again, the LGO advised Councils to continue investigating complaints. Therefore, having reinstated Statutory Stage 2s, we continued to stagger initiating new investigations around our limited access to Council buildings to view children's records.
- 2.16 Also during Quarter 3, the LGO issued revised guidance to Local Authorities; 'Effective Complaint Handling for Local Authorities – October 2020' and as a result of this guidance we amended some of our working practices, for example we will no longer consider how the Council assesses families and prepares reports for Court in private proceedings (Section 7 or 37 reports) under the Statutory Procedure, instead these concerns will now be dealt with under the Council's Corporate complaint procedure.
- 2.17 The LGO also advised Councils to be cautious in deciding which is the most appropriate complaint procedure route to follow at the outset. As such, we have started to investigate more Children's Social Care complaints through the Corporate Complaint Procedure, particularly when the issues raised do not relate directly to or are not made on behalf of the child. As such, the reduction in Statutory Stage 1 complaints reported is partly due to this change in approach, rather than a reduction in complaints relating to Social Care per se.
- 2.18 In Quarter 4, we continued to address the backlog of Statutory Stage 2 complaints, resulting in our first virtual Stage 3 Review Panel. At year end we had two remaining Statutory Stage 2s suspended, both of which have been investigated in 2021/22.
- 2.19 Over the year the Customer Care Team have seen an overall 5% decrease in compliments (242), however, Special Education and Disability (SEND) Services received the most compliments at 34% of the total (83) (Appendix 2 refers).
- 2.20 We saw an overall decrease of 22% in the number of enquiries, with less than half of the previous year's Councillor enquiries and almost half the number of enquiries received via an MP.
- 2.21 There has been a 31% decrease in Statutory Stage 1 complaints (188) partially due to the change in working practices explained earlier, with the number of Statutory Stage 2 investigations worked on throughout the year staying the same as was seen in 2019/20 (8), and a reduction in Statutory Stage 3 Review Panel's held from four to one.
- 2.22 The highest District Service area for Statutory complaints was South Cambridgeshire Children and Assessment Teams at 18% (34) complaints, followed by Children in Care and Care Leaver (South) Teams with 14% (27) complaints received this year. The highest Function area for Statutory complaints was Children in Care and Care Leavers with 33% (62) complaints; followed by 30% (57) complaints relating to Children in Need.
- 2.23 Out of the 188 Statutory complaints received this year, 78% (146) were made by parents or step-parents and only 11% (21) were made by young people, the rest were received by extended family members or others.
- 2.24 Out of the 198 Statutory complaints concluded this year; 10 were upheld, 82 were partially upheld, 37 were not upheld, 4 were not determined (due to lack of supporting evidence either way), 13 were withdrawn, 11 were dealt with as enquiries and 41 received were deemed

outside of the complaint remit, as issues had already been investigated, were historic, or were being dealt with within the Court arena.

- 2.25 Due to the recent change in working practices, we have seen a 41% (179) increase in Stage 1 Corporate complaints throughout this year, with a 100% (16) increase in Corporate Stage 2s and a 67% (5) increase in Corporate Stage 3s.
- 2.26 The highest volume of Corporate complaints received for a fourth year in a row was regarding the Statutory Assessment process at 21% (38) followed closely by Children in Care and Care Leavers with 18% (33).
- 2.27 Out of the 173 Corporate complaints which concluded in this year; 29 were upheld, 54 were partially upheld, 50 were not upheld, 1 was not determined, 12 were withdrawn, 6 were dealt with as an enquiry and 21 did not qualify as they were outside of the complaints remit.
- 2.28 Positively, we saw a 11% (16) decrease in the number of complaints the Local Government Ombudsman worked on which was probably due to their complaint referral line being suspended between March and June 2020, 5 LGO enquiries remained ongoing as of the end of the year. Of those 11 investigated and concluded, 0 were fully upheld, 3 were partially upheld, 2 not upheld and 6 were deemed to be outside of remit.
- 2.29 The total number of Statutory and Corporate Stage 1 complaints in 2020/21 was 8% lower than the total number of these complaints in the previous year.
- 2.30 Also on a positive note, the rate at which Statutory complaints have re-opened due to dissatisfied feedback being received following an initial response, reduced again for a second year from 20% to 18%, however 36% of Corporate complaints were re-opened which is an increase on the previous year's rate of 16%.
- 2.31 Impressively, the number of Statutory complaint responses being sent outside of timescale in 2020/21, has significantly reduced from 42% to 18% compared with 2019/20, with the proportion of Corporate complaint responses going out late reducing also for a second year from 36% to 18%.

Themes, Learning and Actions

- 2.32 The issues and themes raised in complaints are inevitably similar at all three stages of both the Corporate and Statutory Complaints Process. Whilst there may be some common emergent themes, the majority are not indicative of systemic practice issues.
- 2.33 The largest areas of concern relate to Assessments, Reports and Plans (that is, accuracy and/or outcome) constituting 34% of all complaints and enquiries received throughout the year with Communication (such as lack of updates, reply following request) following in second place at 21%.
- 2.34 We also received 22 complaints specifically relating to COVID-19, which as mentioned earlier were largely from parents of disabled children struggling without respite support to care for their disabled child whilst home educating their other children but also related to the use of and supply of Personal Protective Equipment (PPE), changing supervised contact arrangements and parental participation in Child Protection Conferences.

2.35 Here are some of the outcomes/improvements to service delivery as a result of lessons learned;

- Changes to the application process for prospective adopters who will now be contacted within three working days of a negative decision to ensure that the decision and next steps are clearly understood.
- Core Group meetings to now offer separate dial-in numbers for parents to participate via, when they are unable to be present at the same time or to have contact with each other.
- Chronically Sick and Disabled Person's Act (CSDPA) plan wording to be updated to specifically state allocated hours must be used within timescale of plan and are not transferable or able to be carried forward to avoid misunderstanding.
- Change of Policy due to COVID-19 to allow parental participation in statutory meetings via teleconference calls.
- Changes to Threshold and Resource Panel (TARP) process, so when placements of birth parents are considered, the location of any previously removed children is checked first.
- Local Authority to use uplift following new Government guidance on weekly support payments due to COVID-19, to boost support to young people through grants and extra visits.
- A review to be held into the Adoption Service's arrangements for completing Carer allowance reviews, including ensuring that further Panels are scheduled to catch up with outstanding decisions. Business Support to upload these decisions onto the IT system and ensure that letters are promptly sent out confirming decisions made.
- Welcome (information) Pack for families to be reviewed with a view to including relevant information about what the Assessment Team does and the possible outcomes of our involvement.
- Residential Placement to review their allocations process and establish clear timeframes for response to requests that that have been received from families. Topic of extended stays and approvals to be raised at the Children's Homes Update Meeting and discussed with all Registered Managers, with a view to improving communication about allocations

3. Alignment with corporate priorities

3.1 Communities at the heart of everything we do

There are no significant implications for this priority.

3.2 A good quality of life for everyone

There are no significant implications for this priority.

3.3 Helping our children learn, develop and live life to the full

There are no significant implications for this priority.

3.4 Cambridgeshire: a well-connected, safe, clean, green environment

There are no significant implications for this priority.

3.5 Protecting and caring for those who need us

There are no significant implications for this priority.

4. Significant Implications

4.1 Resource Implications

There are no significant implications for this priority.

4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

There are no significant implications for this priority.

4.3 Statutory, Legal and Risk Implications

Following the suspension of all Stage 2 complaint investigations and Stage 3 reviews in March 2020, this resulted in a backlog of Stage 2s requiring investigation. As the LGO reinstated their complaint referral telephone line at the end of June 2020, we too reinstated investigations/reviews into Corporate Stage 2 and 3s but were unable to reinstate Statutory Stage 2s immediately due to building access issues. Whilst we have now reinstated Statutory Stage 2 investigations, some complainants have had to wait to several months as we cleared the backlog based upon priority of concern.

The Children Act 1989 Representations Procedure (England) Regulations 2006 suggests the following in relation to timescales:

3.1.5 Where a complaint is accepted at Stage 1, the complainant is entitled to pursue their complaint further through this procedure if that is the complainant's wish.

3.5.8 Where the matter is not resolved locally, the complainant has the right to request consideration of the complaint at Stage 2. The Local Authority is under a duty to operate expeditiously throughout the complaints handling process (regulation 10).

3.6.3 The Complaints Manager should arrange for a full and considered investigation of the complaint to take place without delay.

3.1.3 The regulations place a duty on the local authority to act expeditiously through the procedure; this is to ensure that the complaint is dealt with as swiftly as possible.

4.4 Equality and Diversity Implications

There are no significant implications for this priority.

4.5 Engagement and Communications Implications

There are no significant implications for this priority.

4.6 Localism and Local Member Involvement

There are no significant implications for this priority.

4.7 Public Health Implications

There are no significant implications for this priority.

4.8 Environment and Climate Change Implications on Priority Areas:

There are no significant implications for this priority.

Have the resource implications been cleared by Finance? Yes

Name of Financial Officer: Roger Brett

Has the impact on statutory, legal and risk implications been cleared by the Council's Monitoring Officer or LGSS Law? Yes

Name of Legal Officer: Fiona Mc Millan

5. Source documents

5.1 None

6. Accessibility

6.1 Accessible versions of Appendices 1 and 2 are available on request from [Jo Shickell](#).