



**Derbyshire County Council**  
**Children's Services Department**  
**Compliments, Complaints and Representations**  
**Annual Report**  
**April 2016 to March 2017**

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## **Introduction**

This report provides information about compliments, complaints and representations received during the 12 months from 1<sup>st</sup> April 2016 to 31<sup>st</sup> March 2017.

Compliments, complaints and representations provide valuable feedback from children and families about the services that we provide. Our objective is to address individual concerns about the delivery, quality and appropriateness of services.

Derbyshire County Council Children's Services Department has a duty to meet the requirements outlined in the following regulations and procedures in respect of services to children:

- The Local Authority Social Services Complaints (England) Regulations, 2006
- The Representations Procedure (Children) Regulations, 2006
- DCC Corporate Complaints Procedure

Those wishing to make complaints in relation to a Child in Care can at any time refer their complaints to the Regulatory Authority.

This report does not include any information relating to complaints of significant harm which are dealt with under the Derbyshire Safeguarding Children Board Procedures.

The Children's Services Department actively encourages feedback, both positive and negative, to allow us to continually improve the service we provide. We do not necessarily equate negative feedback with poor practice or blame. Children and young people and their families should not feel that providing honest feedback will have a negative impact on the support they receive. Instead we use it to accept responsibility where that is appropriate and learn from our mistakes. In addition to access to the formal complaints procedure, children and young people and their families are also encouraged to raise any issues with those directly providing support or their managers.

The Children's Services Department's approach has an initial focus on supporting local staff to resolve issues directly both flexibly and quickly. The process emphasises the need to agree with the complainant what is to be looked into, explain how this will be done, clarify the timescales and what outcomes are reasonable to expect.

Complaints to the Department fall within two broad categories:

- Those relating to Children's Social Care which are dealt with under the Statutory Complaints procedures and;
- Those relating to wider Children's Services which are dealt with under the Council's Corporate Complaints procedures.

The Council has a very limited role in complaints relating to schools and would only become involved in serious matters such as the non-delivery of the National Curriculum, serious safeguarding matters or where the Local Authority has named

the school provision in a child or young person's Statement of Special Education Needs or Education, Health and Care Plan.

### **Context**

The majority of feedback received by Children's Services relates to the quality and effectiveness of direct support provided by workers to Children and Young People and their families. To provide some context to the number of compliments and complaints received in 2016/17:

- Between 1st April 2016 and 31st March 2017, a total of 22,441 initial contacts were received by Safeguarding and Specialist Services. Compared to the previous year, this was a decrease of 18% (4812 contacts).
- This resulted in a total of 8645 referrals, which was broadly in line with the previous year.
- During this period a total of 8037 single assessments were completed which was a 12% increase when compared to the previous year.
- 875 Children in Care were looked after during the year ending 31st March 2017 and received regular visits and reviews during the year (1% increase compared to the previous year).
- 1027 child protection plans were started during the year receiving regular visits and reviews (24% increase compared to previous year).
- There was a total of 5148 children in need (including those on a child protection plan and children in care) as at 31st March 2017. This is a 24% increase compared with information recorded as of 31st March 2016.
- Approximately 112,000 Children and Young People attended Derbyshire Schools (source January 2017 census data).
- 16,820 three and four year olds benefitted from some free early education funding which was a reduction compared to 17,240 in the previous year). In addition, 1,720 two year olds have benefitted from some funded early education.

### **Compliments**

It is pleasing to see that a number of compliments have still been received over the last 12 months despite the continued resource pressures being faced by Children's Services.

During the 12 months ending 31st March 2017, the Children's Services Department received 109 compliments. This represents a decrease of 19 when compared to the 128 received in the previous year.

Of the 109 compliments received:

- 83 (76%) related to services provided by our Early Help and Safeguarding teams.
- 24 (22%) related to services providing by our Schools & Learning Services.

- 2 (2%) related to services provided by our Quality, Performance & Partnerships Teams

The following table provides a breakdown of compliments received by service area:

Service Area	Service*	Number of Compliments received	% of total compliments received **
Early Help & Safeguarding	Social Work & Family Support	33	30%
	Fostering & Adoption Service	25	23%
	Multi Agency Teams	22	20%
	Adaptations	2	2%
	Youth Offending Team	1	1%
	<b>Total</b>	<b>83</b>	<b>76%</b>
Schools & Learning	SEND Services	9	8%
	Virtual School	2	2%
	School Improvement Service	4	4%
	Educational Psychology Service	3	3%
	Education Welfare Service	1	1%
	Integration Pathways team	1	1%
	Out of School Tuition	1	1%
	Outdoor Education Service	1	1%
	Childcare Improvement Service	1	1%
	School Support Teams	1	1%
	<b>Total</b>	<b>24</b>	<b>22%</b>
Quality, Performance & Partnerships	Advocacy Service	1	1%
	School Support	1	1%
	<b>Total</b>	<b>2</b>	<b>2%</b>

\* Service Type relates to historical structures

\*\* NB: Small percentages subject to rounding

The following section provides some examples of the compliments received praising the quality of support offered within the last 12 months:

### **Childcare Improvement Service**

*“Many thanks for facilitating this positive solution. We really appreciate the time you have put into help us achieve this.....  
Many thanks”*

### **Multi Agency teams**

*"I just wanted to thank you for all of the help and support you've given to C and myself.... I can't thank you enough for your support and any family is lucky to have you.*

*Thank you so much"*

### **Youth offending Service**

*"From my perspective I will be eternally grateful that Derbyshire has a system in place which avoids criminalising children where ever possible and instead works with children and families on preventative strategies."*

### **Childrens Centres**

*"My twin boys were X months old yesterday..... We regularly attend the multiple births group at X, it is a lovely group and the staff are wonderful. I think it is easy to sit at home rather than venture out with twins but from the very first group they welcomed us in, let me bring my pushchair into the group, they would help me feed the babies, there is always someone on hand to help put on and take off the boys coats and there is always a cuddle and lap available when it is time for a sing song.*

*These are small touches but the help and consideration given by all the staff is pretty special. The boys and I really look forward to going to the groups and have learnt a lot from the staff and speakers....."*

### **Complaints and Representations**

A complaint is an expression of dissatisfaction or disquiet by a service user or their representative which requires a response in writing. This can be made by the complainant directly or from a representative such as an MP, friend or advocate. Those received from a representative are classed as a representation; these include requests for information and/or clarification on matters relevant to the person they are representing.

The Department operates two complaints procedures:

- Statutory Complaints are those received about services provided by social care. This procedure includes three stages:
  - Stage 1: Local resolutions. The statutory timescale to respond is within 10 working days of receipt. However, given the complex nature of most complaints received and the requirement of detailed investigation or liaison with other agencies it has been agreed that all responses are made within 20 working days.
  - Stage 2: An independent investigation and adjudication process. The statutory timescale to respond is within 12 weeks from the agreement to proceed to stage 2. In this procedure an independent person is also allocated to undertake the investigation with the allocated investigating officer.
  - Stage 3: An independent complaints review panel. The statutory timescale requires the panel to meet within 30 days, or a mutually

agreed date from the request for a complaint to be escalated to stage 3.

- Corporate complaints are those received about services other than social care. This procedure includes two stages:
  - Stage 1: Local resolution. The timescale to respond to these complaints is 20 working days
  - Stage 2: An Independent investigation and adjudication process. The timescale to respond to this process is 12 weeks from agreement to proceed to stage 2.

Children's Services Department received a total of 283 complaints and representations during the 12 months ending 31st March 2017. This includes an overall increase in the number of complaints from 170 to 189 (11%) and an overall decrease in the number of representations from 113 to 94 (-17%).

Comparative analysis of complaints and representations received during the last four years is presented below:

Communication Type	2013/14	2014/15	2015/16	2016/17	% change on previous year
Complaints	234	201	170	189	11%
Representations	128	80	113	94	-17%

Of the 189 complaints received during 2016/17:

- 140 (74%) related to services provided by our Early Help and Safeguarding teams.
- 49 (26%) related to services providing by our Schools & Learning Services.

Of the 94 representations received during 2016/17:

- 55 (59%) were associated with school related matters
- 17 (18%) related to a lack of support from children's services
- 22 (23%) related to other general matters

### **Focus of Complaints**

The following table provides a year on year breakdown and comparison of the areas of complaint:

Reason for complaint	Number received during 2016/17	Number received during 2015/16	Actual Change	% Change
Communication	77	42	+35	+83%
Decision	46	26	+20	+77%
Staff behaviour and attitude	21	39	-18	-46%
Insufficient service	17	24	-7	-29%
Breach of confidentiality	12	15	-3	-20%
Delay in provision of service	12	12	0	0%

Non-provision of service	1	8	-7	-88%
Quality of Care - Personal	0	3	-3	-100%
Policy	3	1	+2	+200%
Total	189	170	+19	+11%

The highest number of complaints received related to communication issues, accounting for 41% (77) of the 189 complaints received. This was an increase of 83% (35) when compared to the previous 12 months of 42. Complainants cited the following three reasons as their main areas of dissatisfaction in relation to communication:

- Telephone calls not being answered and messages not responded to.
- Lack of being listened to, involved in or consulted on decisions being made, particularly where the complainant holds parental responsibility but is not the main carer.
- Disagreement with third party statements contained within Section 7 reports and Assessments written by social workers.

The second highest number of complaints received related to case decisions reached. This accounted for 24% (46) of the 189 complaints received. This is an increase of 77% (20) complaints compared to the previous 12 months of 26. Complainants cited the following three reasons as their main areas of dissatisfaction in relation to case decisions:

- Decisions taken to start proceedings based on disputed facts
- Decisions taken not to assess Children and Young People for an Education, Health Care Plan (EHCP)
- Not being listened to or believed, not considering all the information provided and placing a greater emphasis on the information provided by one party or another.

The third highest number of complaints related to the behaviour and attitude of staff. This accounted for 11% (21) of the 189 complaints received. This is a significant reduction of 46% (18) compared to the previous 12 months of 39. Complainants cited the following three reasons as the main areas of dissatisfaction in relation to the staffs behaviour and attitude:

- Bias towards one partner or another
- Rudeness and harassment by workers
- Not being believed, being interrupted when talking and being talked over

### **Focus of Representations**

The following table provides a breakdown of the areas of representation:

Reason for representation	Number received during 2016/17	% of total representations
School admissions/places	34	36%
Lack of support from children's services	17	18%
School/Post 16 transport	11	12%
General School matters	10	11%
Other general matters	9	10%

Data Breaches	8	9%
Timeliness of Education, Health & Care Plans (EHCP)	5	5%
Total	94	

Reasons for representations show that school matters account for the majority made throughout the year. Within this category those relating to school admissions and the number of places available in the local area are by far the highest.

### **Complaint outcomes**

During 2016/17 the following outcomes were recorded against complaints:

Complaint type	Upheld	Partially Upheld	Not Upheld	Referred to another agency	Withdrawn	Refused
Corporate	20 (41%)	1 (2%)	28 (57%)	0 (0%)	0 (0%)	0 (0%)
Statutory	39 (28%)	22 (16%)	69 (49%)	1 (1%)	8 (6%)	1 (1%)
Total	59 (31%)	23 (12%)	97 (51%)	1 (1%)	8 (4%)	1 (1%)

Analysis by service type for statutory complaints is as follows:

Service type	Total	Upheld	Partially Upheld	Not Upheld	Referred to another agency	Withdrawn	Refused
Safeguarding	103	23 (22%)	18 (17%)	55 (53%)	0 (0%)	6 (6%)	1 (1%)
Fostering & Adoption	10	7 (70%)	1 (1%)	1 (1%)	0 (0%)	1 (1%)	0 (0%)
Child Protection	8	3 (38%)	2 (25%)	3 (38%)	0 (0%)	0 (0%)	0 (0%)
Family Support	6	2 (33%)	0 (0%)	3 (50%)	1 (17%)	0 (0%)	0 (0%)
Adaptations	2	1 (50%)	0 (0%)	1 (50%)	0 (0%)	0 (0%)	0 (0%)
Out of Hours	2	0 (0%)	1 (50%)	1 (50%)	0 (0%)	0 (0%)	0 (0%)
Residential	1	1 (100%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)	0 (0%)
Other	8	3 (38%)	0 (0%)	5 (63%)	0 (0%)	0 (0%)	0 (0%)
Total	140	39 (28%)	22 (16%)	69 (49%)	1 (1%)	8 (6%)	1 (1%)



Analysis by service type for corporate complaints is as follows:

Service type	Total	Upheld	Partially Upheld	Not Upheld
Special Needs	17	5 (29%)	1 (6%)	11 (65%)
School Admissions	13	3 (23%)	0 (0%)	10 (77%)
School Transport	4	4 (100%)	0 (0%)	0 (0%)
Other	15	8 (53%)	0 (0%)	7 (47%)
Total	49	20 (41%)	1 (2%)	28 (57%)

The Local Authority 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 Council 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

### **Complainants**

The majority of complaints are made by children and young people and their families who are receiving a direct service from the Department. As expected, the majority of complaints were received from a parent with parental responsibility.

Gender: The following table provides the number of complainants by gender and the percentage change from last year:

Complaints	Female			Male		
	%	%	%	%	%	%
	2015/16	2016/17	change	2015/16	2016/17	change
	48	57	+19	49	40	-18

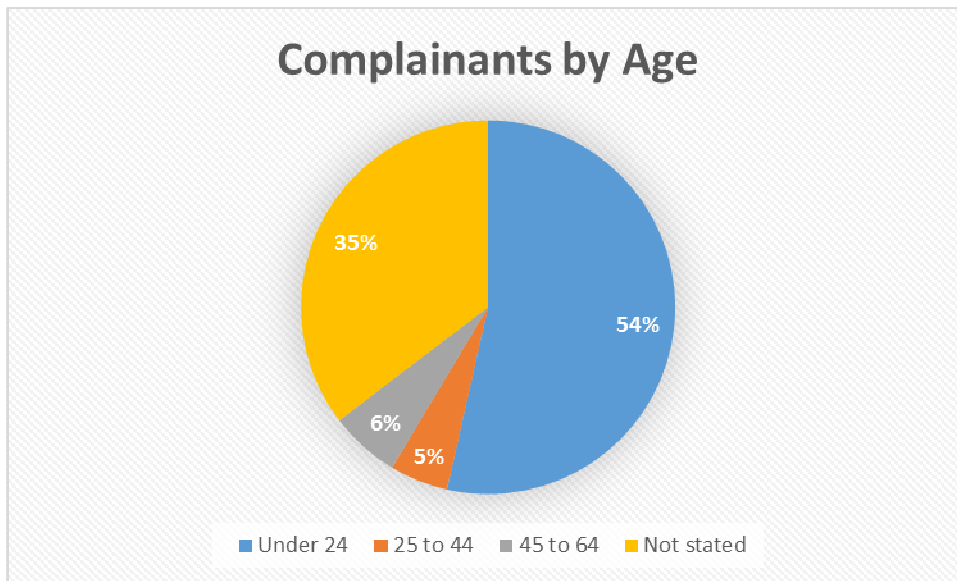
Age: The following table provides the number of complainants by age and the percentage change from last year.

Age Group	% in 2015/16	% in 2016/17	% Change
Under 24	58%	54%	-7%
25 to 44	6%	5%	-17%

45 to 64	3%	6%	100%
Not stated	32%	35%	9%

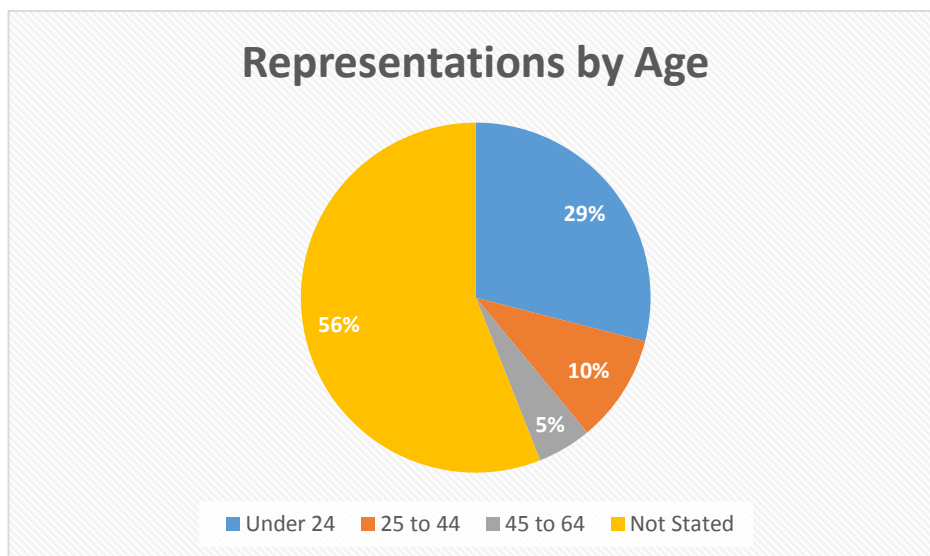
The % of complainants who do not state their age has remained fairly static and has been identified as an area for development during 2017/18.

### Age Breakdown of all Complainants 2016 – 2017



The following table provides the number of representations by age during 2016/17.

This is a new area of reporting for 2016/17 and year on year comparative data will be included from 2017/18 onwards.



### **Response times - acknowledgements.**

In 2016/17, 73% of complaints were acknowledged within the departmental timescale of 2 working days from receipt, showing an increase of 18 percentage points compared to the previous year of 55%. There was also a reduction in the percentage of complaints which did not receive an acknowledgement from 8% in 2015/16 to 7% in 2016/17.

The statutory timescale for the acknowledgement of complaints is 5 days but locally this has been set at 2 working days. This remains a challenging target with the number of options available to service users in making their complaint. This remains a priority for improvement during 2017/18.

### **Response times - Complaints**

#### **Stage 1 Complaints**

Our departmental standard is to respond to complaints within 20 working days of receipt. This reflects the complex nature of the complaints the department receives and the operational context within which the responses are made.

During 2016/17, 65% of complaints were responded to within 20 working days of which is broadly in line with the previous year of 67%. This remains an area for improvement during 2017/18.

Complaint Type	Number responded to within 20 working days	Total number of complaints	% of complaints responded to within timescale 2016/17
Corporate	39	49	80%
Statutory	83	140	59%
Total	122	189	65%

#### **Stage 2 Complaints**

If the complainant is dissatisfied with the outcome of their complaint at Stage 1 they may request a formal investigation of their complaint. All requests to go to Stage 2 of the complaints process are considered by the Head of Quality, Performance and Participation.

During 2016/17 the department received 12 requests for their complaint to be escalated to Stage 2 of the corporate or statutory complaints procedure. 65% of these investigations were completed within the agreed timescale. The reasons for late responses included staff absence and a lack of clarity regarding the detail of the complaint, resulting in additional areas being added as the investigation was underway. This remains a priority for improvement during 2017/18.

### **Stage 3 Complaints**

There were no stage 3 complaints during 2016/17.

### **Representations**

During 2016/17 the department received 94 representations from MPs and representatives of complainants. Of these 60 were responded to within timescale (64%). This is an improvement of 16 percentage points from 48% during 2015/16. This remains a priority for 2017/18

### **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 DCC. 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.

When Derbyshire County Council investigates complaints about commissioned services they will routinely inform Ofsted of their investigation and outcomes where the service is regulated.

### **Local Government Ombudsman Complaints**

Complainants who approach the Local Government Ombudsman (LGO) are asked to raise their complaint with the Council before the LGO will consider it. Following our investigation into the matter; if the complainant is still not satisfied with our response, the Ombudsman will scrutinise the process used for handling the complaint and provide a response on their findings.

10 complaints were considered by the LGO during the year 2016 /17. Of these:

- The LGO found fault in 1 case (10%) and awarded a sum of compensation.
- The LGO investigated and found no fault in 1 case (10%).
- The LGO ceased to continue investigating 8 cases (80%).

The reasons stated for not continuing their investigation were:-

- 4 (50%) complainants had not completed all stages of the Local Authority's complaints procedures.
- 2 (25%) cases were closed by the LGO after an initial assessment, and
- 2 (25%) cases fell out of the jurisdiction for the LGO to investigate.

Further information regarding the Local Government Ombudsman is available on the following link [www.lgo.org.uk](http://www.lgo.org.uk)

## **Learning and Improving**

Children Services understands the value of compliments and complaints in helping to learn from the experiences of children, young people and their families. The comments below highlight some of the learning and what steps have been taken to develop the quality of service in response to dealing with complaints.

- Following a complaint about communication by a service user with high functioning autism, the department produced formal guidance on how to communicate effectively when discussions take place. This has resulted in a more positive dialogue with the service user and a reduction in the number of complaints received.
- One locality now actively contacts each complainant after their complaint has been acknowledged to offer a meeting. This approach provides the opportunity for the issue to be resolved quickly and effectively. Following the meeting a formal letter is sent summarising the details of the discussion and the agreed outcome. This process is carried out in a respectful and courteous manner by workers and ensures timelines are adhered to. This has resulted in both fewer complaints being made and a reduction in the number of requests to escalate complaints to stage 2 from the locality.
- Complaints is a regular agenda item at most management meetings at a local level and this is helping to both improve response times and the quality of responses at a local level. This approach highlights to staff the importance of responding within timelines and will continue to be a priority for 2017/2018.
- A significant number of complaints received relate to a lack of communication between service users and staff. Staff need to be more specific when working with service users and clearly explain the support they can expect. This needs to happen on a regular basis to ensure expectations are appropriately managed.
- A significant number of complaints highlight a lack of response to telephone calls. The use of answerphones rather than re-directing the call to the service manager or team clerk is resulting in frustration at not being able to speak to someone and/or leaving a message and not being responded to. This continues to be a priority for 2017/18.

## **Conclusion**

We are continually seeking to improve our processes and the quality of service provision and recognise that complaints are a key source of service user feedback. We will continue to develop and use complaints and feedback from service users to identify themes and areas for development.

Improving communication across the Department and particularly in front line services continues to be a focus for work in 2017/18. Continuing to embed systemic practice across safeguarding and specialist services, along with improved quality assurance processes will help to reduce the overall number of complaints.

### **Recommendations**

The Quality Assurance team will continue to review the mechanisms used to gather feedback from service users. Based on the analysis of complaints received during 2016/2017 the following recommendations are made:

- The Quality Assurance Team will continue to ensure that robust systems are in place for tracking and monitoring complaints, compliments and representations.
- The Quality Assurance team will work collaboratively with all service leads to ensure a robust suite of reports is developed and real time complaints information is available consistently within the department.
- All staff will be reminded to ensure that children and young people are informed about how to make a complaint and the support which can be provided by advocates and significant adults in the child/young person's life.
- The Quality Assurance Team will develop a training and support programme in relation to complaints to ensure that all managers are aware of the procedures and criteria for accepting complaints; that good communication with the complainant is maintained during the handling of their complaint and that effective responses are made.
- Operational managers will be reminded to put in place effective cover arrangements for responding to complaints when workers are in court or away from the office e.g. sickness, annual leave
- The Quality Assurance Team will consider and agree an approach to obtaining satisfaction levels from complainants regarding the effectiveness of complaint handling.
- The Quality Assurance Team will review and amend Service Type descriptions to align with current structures within the Department.