



Sheffield City Council

Annual Report of Complaints and Representations (Children Act 1989 Representations Procedure (England) Regulations 2006)

1 April 2022 – 31 March 2023

1.0 INTRODUCTION

- 1.1 This report provides information about complaints and representations made between 1 April 2022 and 31 March 2023 about Children Social Care services, under the complaints and representations procedures established through the Children Act 1989 Representations Procedure (England) Regulations 2006.
- 1.2 The report has been written by the Council's Complaints Manager (in the role of Complaints Manager as defined by the Regulations) and the Assistant Director with responsibility for Safeguarding and Quality Assurance across the Children and Families Service, on behalf of the Director of Operational Services and the Director of Children and Families.
- 1.3 The provision of an annual report is a statutory requirement. The report provides details of complaints and feedback received across the Children and Families Services covered by the statutory complaints legislation. This covers social work and family support services to children, young people and their families, and provider services, such as children's residential homes and family placements.

2.0 WHAT IS A COMPLAINT?

- 2.1 Statutory guidance, which accompanies the Children Act 1989 Representations Procedure (England) Regulations 2006¹, defines a complaint as "an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response."
- 2.2 This complements Sheffield City Council's definition, which is any expression of dissatisfaction whether justified or not.

3.0 WHO CAN MAKE A COMPLAINT?

- 3.1 Anyone who uses Sheffield City Council services can make a complaint.
- 3.2 The Council's corporate complaints procedure provides a process for all customers to use.
- 3.3 If a complaint is about children's social services, the statutory process, as defined by The Children Act 1989 Representation Procedure (England) Regulations 2006, may be used.
- 3.4 A person can make a complaint under the statutory process if they are an eligible individual (as defined by s26(3) and s24 D of the Children Act 1989 and s3(1) of the Adoption and Children Act 2002) and the complaint relates to Part 3, 4 or 5 of the Children Act 1989. Also included are adoption support services and specialist guardian support services.

¹ Getting the Best from Complaints – Department for Education and Skills

4.0 STAGES OF THE CHILDREN ACT COMPLAINT PROCEDURE

4.1 The Children Act complaints procedure has three stages.

Stage 1 Local Resolution: the focus of this stage is resolution. The timescale for a response is 10 working days, with the option of a further extension of 10 working days where necessary.

Stage 2 Formal Investigation: where a complainant is dissatisfied with the outcome of stage 1, they may choose to progress to stage 2. A formal investigation is then conducted by an Investigating Officer and reported to a Senior Manager in the Children and Families Service, who adjudicates on the findings. The Investigating Officer is usually independent of the Council and, in accordance with the regulations, is accompanied by a separate Independent Person. The timescale for a response is 25 working days, or up to 65 working days where this is required.

Stage 3 Review Panel: this is the final stage of the complaints procedure. A Review Panel will be arranged within 30 working days of the request being made and comprises three independent panellists.

4.2 Customers who remain dissatisfied may refer their complaint to the Local Government and Social Care Ombudsman at any time, although the Ombudsman will usually expect the Local Authority's complaints process to be completed before becoming formally involved.

5.0 COMPLAINTS RECEIVED

5.1 During 2022/23, 62 new complaints were received and considered under the Children Act Statutory Complaints Procedure. This is a 31% decrease on the number received in 2021/22 (90). The majority of complaints received (58%) were in relation to the Area Fieldwork Services Teams. Table 1 below shows a breakdown of the numbers of complaints by service/team.

5.2 The cause of complaint is categorised from the customer's perception upon receipt. A single complaint can be recorded against more than one category, and so the total will usually exceed the number of complaints received. Table 2 shows that from the customer's perspective, the highest overall category of complaint during 2022/23 was staff conduct (53%). The highest detailed category of complaint was poor customer care/lack of customer care (41%).

5.3 During 2022/23, nine complaints were escalated to stage 2 and five complaints were escalated to stage 3. Table 3 shows a comparison between the numbers of complaints received and escalated complaints over the last three years.

5.4 The Children's Social Care service generally works hard to resolve complaints at the local resolution stage of the procedure and service managers will often, with the agreement of customers, become personally involved and meet customers to address and resolve any outstanding/continued dissatisfaction without the need for formal independent investigation. During 2022/23 however there continued to a high number of complaints escalating to stage 2 and 3.

Table 1: Children Act Complaints Received by Service/Team

Fieldwork Services:	2019/20	2020/21	2021/22	2022/23
Children with Disabilities (including Transitions)	16	11	10	10
Fieldwork Services – East	11	10	10	4
Fieldwork Services – North	24	17	19	16
Fieldwork Services – West	31	17	31	10
Fieldwork Services – South	-	-	-	6
Looked After Children Service	7	6	10	7
Provider Services:				
Adoption Service	7	0	1	1
Care Leaver Service	3	2	1	1
Fostering	2	3	2	0
Residential (LDD & Short Breaks)	1	0		0
Residential (Mainstream)	2	1		0
Prevention and Early Intervention				
Sheffield Safeguarding Hub	8	2	3	3
Edge of Care	2	0	1	1
Family Time Project	-	-	-	1
Amber Project/Service	-	-	-	1
Other:				
Equipment and Adaptations	2	0	1	
EDT	1	0	1	
Independent Reviewing Service				1
Total	117	69	90	62

Table 2: Complaints received 2022/23 by problem category

Problem	Details	Number	Totals
Access			0
Delay	Delay in providing information	2	10
	Delay in delivering a service	4	
	Delay in taking action	4	
Failure or Refusal	Failure or refusal to deliver a service	18	33
	Failure or refusal to give advice/provide information	4	
	Failure or refusal to respond to letters/emails/phone calls or meet	1	
	Failure or refusal to take action/make a decision	5	
	Other failure reason	5	
Quality	Inappropriate or incorrect action taken	11	18
	Incorrect/unreasonable decision	2	
	Poor communication/unclear or misleading information given	5	
Staff Conduct	Discriminatory behaviour	4	68
	Poor customer care/Lack of customer care	53	
	Lack of knowledge/training	3	
	Rude or aggressive behaviour	2	
	Unhelpful attitude	5	
	Staff – Other	1	
	Total		129

Table 3: Complaint Numbers: New/Escalated Complaints

Children Act Complaints	2020/21	2021/22	2022/23
New Complaints	69	90	62
Complaints Escalated to Stage 2	11	10	9
Complaints Escalated to Stage 3	0 (2 put on hold and revisited 2021/22)	2	5

6.0 RESPONSE TIMES

- 6.1 A breakdown of response timescales during 2022/23 is provided in tables 4 to 7 below. Table 4 shows that the average response time at Stage 1 has significantly increased (50 working days compared with 36 working days previous year), with only 20% of stage 1 responses issued within the 20-working day target timescale (29% previous year).

Response timescales at stage 1 continue to be a challenge for the Children and Families Service. Senior Managers continue to work closely with the Customer Feedback & Complaints Team to better understand reasons for delay and reinforce messages to staff around timeliness. Open case reports are discussed regularly at service management meetings.

- 6.2 Response timescales for stage 2 complaints are shown from both the date the stage 2 request was accepted and also the date the stage 2 complaint statement was agreed with the customer. The stage 2 target timescales (25 and 65 working days) continue to be a challenge due to the complexity of the individual complaints, the increase in casework; and the availability of the independent investigation team and those identified for interview.

There were 9 Independent Investigations (stage 2) completed during 2022/23, compared with 11 the previous year. The average stage 2 response time during 2022/23 was 142 working days (from date stage 2 complaint statement was agreed by the customer), which is similar to the 143 working days reported the previous year. No stage 2 complaints were completed within the 65 working day timescale.

- 6.3 The overall stage 3 target response timescale is 50 working days (30 working days to convene a panel and 20 working days to issue the panel report and stage 3 response). There were four stage 3 complaints completed during 2022/23. The average overall stage 3 response time in 2022/23 was 106 working days which is similar to the 107 working days reported the previous year. The average time to convene a panel was 84 working days and the average time to issue a response following panel was 22 days. The delays in convening a panel are mainly due to the availability of the complainant and other key attendees.
- 6.4 Reducing response times at all stages of the statutory complaint procedure continues to be a key priority.

Table 4: Stage 1 Response Times

Stage 1 Response Timescales	Number	%
Within 10 working days	4	7%
11- 20 working days	8	13%
1 - 2 months	22	36%
2 - 3 months	9	15%
3 - 6 months	15	25%
6 - 9 months	2	3%
9 – 12 months	1	2%
Total	61	100%
Average response timescale	50 working days (36 working days 2021/22)	

Table 5: Stage 2 Response Times (from date stage 2 request accepted)

Stage 2 Response Timescales	Number	%
Within 25 working days	0	-
Within 65 working days	0	-
3 - 6 months	0	
6 - 9 months	5	56%
9 -12 months	2	22%
Over 12 months	2	22%
Total	9	100%
Average response timescale	217 working days (200 working days 2021/2022)	

Table 6: Stage 2 Response Times (from date statement of complaint agreed with customer)

Stage 2 Response Timescales	Number	%
Within 25 working days	-	-
Within 65 working days	-	-
3 - 6 months	5	56%
6 - 9 months	3	33%
9 -12 months	1	11%
Over 12 months	-	
Total	9	100%
Average response timescale	142 working days (143 working days 2021/22)	

Table 7: Stage 3 Overall Response Times (from date of stage 3 request)

Stage 3 Response Timescales	Number	%
Within 50 working days	0	-
51 – 65 working days		
3 - 4 months	2	50%
Over 4 months	2	50%
Total	4	100%
Average response timescale	106 working days (107 working days 2021/22)	

7.0 OUTCOMES OF COMPLAINTS

- 7.1 In total, 79 Children Act complaints were concluded during 2022/23. A breakdown of complaint outcomes is shown in table 8 below. This information includes outcome details for 17 stage 1 complaints that had remained open from the previous year. The complaints that concluded at stage 2/3 also included some complaints that were escalated from the previous year.

Table 8: Complaint Outcomes

Complaint Outcome	Stage 1	Stage 2	Stage 3	Totals	% of total
Problem solved	13	0	0	13	16%
Agreed Way Forward	12	1	0	13	16%
Misunderstanding Clarified	9	0	0	9	11%
No Action Necessary	7	1	1	9	11%
Service Failure	20	7	3	30	38%
Withdrawn	5	0	0	5	12%
Total	66	9	4	79	100%

- 7.2 The outcome categories are fairly balanced and show a good attitude towards working with complainants to agree resolution.

8.0 LEARNING - REMEDIES/SERVICE IMPROVEMENTS

- 8.1 The table below shows a breakdown of 30 remedies and service improvements recorded on CRM in respect of Children Act complaints that were dealt with during 2022/23:

Table 9: Remedies/Service Improvements

Remedy/Service Improvement	Number
Apology	9
Financial payments	
Improve Customer Care	
Improvement Action/Follow up	
Provide additional information or explanation	4
Provide or review employee training or guidance	2
Provide, review or change a service	4
Review or change customer literature	
Review or change policy or procedure	2
Take action or enforce a decision	9
Total	30

- 8.2 In addition to the above recording, there were 13 detailed action plans drawn up following (9) Stage 2 formal independent investigations and (4) Stage 3 independent complaint review panels concluded during 2022/23.
- 8.3 Financial remedies and other reimbursements totalling £4210.00 were recorded on the complaints system and in action plans as being offered/paid in 2022/23.

8.3 A number of complaints resulted in learning and improvements from an individual practice point of view. Examples of areas of wider learning and improvement actions agreed by the Children and Families Services during 2022/23 are outlined below:

- Presentation given at Joint Service Managers meeting Jan 2023 around new induction pack for newly qualified social workers and workers which provides signposting to all the available guidance and support mechanisms in place (*Fieldwork West*).
- Social Workers were reminded when having initial telephone conversations with parents/carers to ensure the child and other unconnected adults cannot overhear the discussion (*Fieldwork West*).
- Social workers were reminded to of the need to consider how best to manage family meetings where there are hostility/ police conditions between participants. This may include separate meetings (*Fieldwork West*).
- Separate/standalone apology letters (where applicable) are being now issued alongside stage 2 and 3 complaint responses (*Fieldwork*).
- The disparity and disproportionality of ethnic groups, specific to Sheffield demographics, will be included in the child protection training offered to social workers (*Childrens Disabilities*).
- Reminder issued to staff about the role of the LADO so all staff understand the reasons and process for consulting the LADO in and out of area. Staff training delivered in relation to LADO and the processes this involves (*Children with Disabilities*).
- Managers reminded that Stage 1 complaints should be concluded within policy/statutory timescales and where there are unavoidable delays, the complainant must be kept up to date about the reasons why, and when they can expect the response (*Fieldwork North*).
- Managers with role in investigating complaints reminded to enrol/complete L&D Effective Complaints Handling Training available (*Fieldwork North*).

9.0 ACCESSIBILITY/EQUALITY MONITORING

9.1 The tables below show the diversity of customers raising Children Act complaints:

Table 10: Customer Groups

Child/Young Person	Parent	Adoptive Parent	Other Relative	Foster Carer	Other	Total
5	53	-	4	-	-	62

9.2 Table 10 shows that 8% of complaints received in 2022/23 were made by children/young people. This is higher than 4% reported in 2021/22.

9.3 Wider equalities data is significantly limited, and so it is difficult to draw further conclusions in terms of accessibility to the Children Act complaint procedure.

10.0 QUALITY OF RESPONSES

- 10.1 Each quarter, a sample of complaint responses is checked against a Quality Assurance (QA) Framework. During 2022/23, 39 responses were sampled, and the Children and Families Service overall QA score was 90%, with 5 out of 39 responses sampled falling short of the 85% target score.
- 10.2 Based on the responses sampled during the year, quality assurance scores could be improved by more managers having personal contact with complainants as part of their consideration/investigation of the complaint (*no evidence of personal contact in 11 out of 39 complaint responses sampled*).

11.0 COMPLIMENTS AND SUGGESTIONS RECEIVED

- 11.1 The Children and Families Service does receive compliments and suggestions but recording on the central customer feedback and complaints system is limited. Further development of on-line forms and review of the Customer Relationship Management (CRM) system aims to improve central recording and reporting of compliments and suggestions. Table 12 below shows a breakdown of compliments received from customers based on central and local service recording and returns during 2022/2023.

Table 12: Compliments Received by Team

	2022/23
Children with Disabilities	2
Family Intervention Team	13
Fieldwork Services	29
Residential	13
LADO/IROs	10
Business Support	6
Other	5
Total	78

12.0 CORPORATE COMPLAINTS

- 12.1 Some complaints received about Children and Families Services are not eligible for consideration under the statutory Children Act complaints procedure. This may be due to the nature of the complaint or the status of the complainant. Information relating to 100 Children and Families complaints received and logged for consideration under the Council's corporate procedure is included in Sheffield City Council's Customer Complaints and Feedback Annual Report 2022-2023.

13.0 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

- 13.1 Complaints received by the Local Government and Social Care Ombudsman may become the subject of informal enquiry or formal investigation, or the Ombudsman may issue a decision without making any enquiries of the Council. Sometimes the Ombudsman will receive complaints that have not been or are still under investigation by the Council. The Ombudsman may decide that

involvement would be 'premature' in relation to a complaint and will give the Council an opportunity or further time to investigate and respond to the complaint.

13.2 During 2022/23, the Ombudsman received 7 children's social care related complaints.

13.3 The Ombudsman determined 10 children's social care complaints during 2022/23 (some received previous year): 5 complaints were deemed premature and referred back to the council to deal with; 1 complaint was closed after initial enquiries (out of jurisdiction); 1 complaint was Not Upheld (no maladministration); and 3 complaints were upheld. Further details of the upheld complaints are attached at Appendix A.

14.0 IMPROVEMENTS 2022/23 AND FUTURE DEVELOPMENTS 2023/24

14.1 The following provides an update on actions and areas identified for improvement in 2022/23 and ongoing/future developments for 2023/24.

- The new complaints module in the Customer Relationship Management (CRM) has transformed how we record and manage customer feedback and complaints across the organisation. Further guidance/training is being provided to Investigating/accountable managers in the Children & Families Services to reinforce their responsibilities in terms of recording and keeping complaint records updated.
- Open case reporting is being further developed to assist investigating/accountable managers with the monitoring and tracking of complaints and to help improve timeliness of response.
- The Complaints Manager/Assistant Complaints Manager are regularly attending leadership/management meetings to discuss and review status of open complaints to support timely response and effective resolution.
- The contracts for the provision of Independent Investigators (Stage 2 formal complaint investigations) were revisited in 2022/23. New contracts were issued and are now in place until September 2025. The pool of independent investigators however remains small and may need to be revisited again in 2023/24 to increase numbers.
- Reporting of complaints performance is to be produced timelier to better inform the Children & Families Service of volumes, trends and learning.
- A Council Wide Learnings Dashboard is to be in place by the end of April 2024 (An organisational view). This will be published internally and externally and will demonstrate to citizens how learning has been implemented (You said, We did).
- The Council will develop and implement the new 'Statutory Joint Ombudsman Handling Code' from the 1st April 2024 and update the Council's Complaint Policy and Procedures to adhere to this.

Contact Us

If you would like to make a complaint, suggestion, or compliment, you can do this by completing an on-line form on Sheffield City Council's website:

<https://www.sheffield.gov.uk/content/sheffield/home/your-city-council/complaints.html>

You can also telephone us on 0114 273 4567, or write to: Customer Services, Sheffield City Council, Town Hall, Pinstone Street, Sheffield S1 2HH.

If you would like to comment on this report, or have any questions about the complaints procedure, please contact the Customer Feedback and Complaints Team at:

Email complaintsmanagers@sheffield.gov.uk

Telephone 0114 273 4567 or write to us at the address given above.

Appendix A: Summary of Upheld Ombudsman Complaints

Portfolio/ Partner	Complaint	Date of Ombudsman Decision	Ombudsman Finding/Investigation Outcome	Agreed Remedy/Service Improvements	Remedy implementation detail and learning outcomes	Ombudsman compliance outcome
People - SEND/Social care - ref 20012533	Mrs B complained the Council failed to provide appropriate support to meet her daughter's (Ms C's) care and support needs following problems with her care provider. The Council delayed completing a safeguarding investigation into concerns about the care provision, and victim blamed Ms C in the outcome of the safeguarding investigation. The Council produced an action plan which it failed to follow, which further compounded the distress to Mrs B and Ms C and allowed poor service to continue for many years. Because of the problems with care services, and lack of appropriate support, Ms C could not attend college due to her anxiety and depression. The Council failed to properly review her Education, Health and Care plan between 2016 and 2021. It did not provide her with education from September 2017 to 2021, as it failed to consider alternative provision.	24/05/2022	The LGSCO was pleased to see the Council had accepted its failings in this case, had apologised, and is reviewing and changing its procedures. Overall the LGSCO found the Council failed Ms C with her social care and educational support for a prolonged period, and this was at a time when she was feeling particularly vulnerable and transitioning to adulthood.	<p>Council required to formally consider LGSCO public report and report back to LGSCO on action taken within 3 months.</p> <p>In addition to action already taken the LGSCO has recommended the Council:</p> <ul style="list-style-type: none"> •refund £605.12 which Ms C wrongly paid towards her care support, plus interest on this amount based on the retail price index; • pay both Mrs B and Ms C £1,500 each to recognise their distress, and the time and trouble Mrs B has had trying to get the Council to put things right over many years; • pay Ms C £500 a month for every month where the Council failed to provide her with education, from September 2017 until the current provision was put in place; • consider any discretion to provide educational support to Ms C beyond the age of 25, to support her completing any course she is undertaking. Write to Ms C to explain what it has decided in terms of post-25 support and its reasoning. If the Council cannot provide this from its education budget, perhaps it can from its adult social care budget; and • provide us with evidence of the actions it has taken to improve its services following the learning from this complaint. 	<p>30/08/2022 - LGSCO's report considered at Resources and Strategy Committee - covering report provides update on progress made to improve transitions to adulthood for children and young people.</p> <p>04/10/2022 - Evidence of financial payments shared with LGSCO (Ms C £1,500 and 48 months at £500 = £25,500 in total) and payments made to Mrs B (£1,500 and £605.12 = £2105.12) plus an additional RPI uplift payment of £70.</p> <p>04/10/2022 - Background correspondence shared with LGSCO confirming Ms C now enrolled as an adult learner with Lifelong learning and will receive all necessary support to help her maintain engagement for as long as required.</p>	02/11/2022 - LGSCO issued compliance outcome <i>"remedy complete and satisfied"</i> .

People Children & Families - 21 007 520	Mr S complained the Council did not suitably consider his concerns about the care his daughter was receiving when in care and did not recognise the impact of the issues he raised.	30/06/2022	The LGSCO found fault with the Council for failing to consider suitable recommendations during the stage three review of his complaint which caused Mr S and Child P significant injustice and meant the Council did not fully address Mr S's concerns.	The Council agreed (within 4 weeks) to write to Mr S and Child P and apologise for the fault identified and pay Child P £500 in recognition of the distress caused to them by the failure to provide support and pay Mr S £300 in recognition of the distress caused to him and the time and trouble taken to pursue the complaint. The Council further agreed (within 12 weeks) to: a) review how stage three review panels make recommendations and ensure there are actions to address upheld complaints; b) share the LGSCO's final decision with the stage three panel; c) review whether further visits were recorded that did not take place, and audit other cases where the social worker may have populated visits. If the Council finds that other visits were recorded, it should consider whether a referral to the appropriate regulatory body is necessary. The Council should tell the Ombudsman of the result of this audit and d) review how and when it communicates with parents about health concerns and developments for children, and consider providing further training to staff in this area.	13/07/2022 - £300 Payment made to Mr S 20/07/2022 - £500 Payment made to child P 25/08/2022 - Letter of apology issued. 16/09/2022 - Evidence shared a) that Complaints Manager will be incorporating a standard prompt/reminder to panel members at the pre-meeting to ensure that if they decide to 'uphold' any points of complaints they also consider any resulting impact/injustice and reach a view on whether further additional remedy is appropriate/should be recommended. This information has also been shared with Panel Members; b) that LGSCO final decision had been shared with Panel members; and d) that communication issue was raised in a Children & Families Fieldwork Senior Management Team Meeting on 28th June 2022 and minuted action agreed for Service Managers to share learning/issue reminder with Senior Fieldwork Managers and Social Workers. 22/09/2022 - c) Outcome of audit shared with LGSCO - explaining social worker has not deliberately tried to mislead anyone- visiting approach adjusted during covid lockdown but there should have been more oversight by manager - no evidence to suggest that this has happened on any other of SW's cases.	26/09/2022 - LGSCO issued compliance outcome "remedy complete and satisfied".
People Children & Families - ref 22 005 513	Miss X complained about the Council's decision to refer her to the Local Authority Designated Officer after it received a safeguarding referral.	26/08/2022	LGSCO did not investigate the complaint because they were satisfied with the action the Council agreed to take to remedy the outstanding injustice. The Council's complaint response to Miss X, had already accepted that the decision to refer her to the LADO was flawed and the threshold for a LADO investigation was not met. The response apologised to Miss X for failing to follow the correct procedures and the impact that had on her emotional wellbeing and further reassured her that it had since strengthened its LADO arrangements.	The Council agreed to pay Miss X £300 for the avoidable distress caused by its actions to remedy the outstanding injustice.	16/09/2022 - £300 payment raised via cheque and posted.	11/10/2022 - LGSCO issued compliance outcome "remedy complete and satisfied".