

Sheffield City Council

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

1 April 2023 – 31 March 2024

1.0 INTRODUCTION

- 1.1 This report provides information about complaints and representations made between 1 April 2023 and 31 March 2024 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 Customer Experience & Communities 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 2023/24, 102 new complaints were received and considered under the Children Act Statutory Complaints Procedure. This is a 67% increase on the number received in 2022/23 (62). The majority of complaints received (65%) were in relation to the North and South 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 2023/24 was staff conduct (63%). The highest detailed category of complaint was poor customer care/lack of customer care (40%).

5.3 During 2023/24, thirteen complaints were escalated to stage 2 and six 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 2023/24 however there continued to a high number of complaints escalating to stage 2 and 3.

Table 1: Children Act Complaints Received by Service/Team

(*N.B. Service restructure - Fieldwork East and West amalgamated into South and North 2023/24)

Fieldwork Services:	2021/22	2022/23	2023/24
Children with Disabilities (including Transitions)	10	10	18
Fieldwork Services – East*	10	4	-
Fieldwork Services – North	19	16	42
Fieldwork Services – West*	31	10	-
Fieldwork Services – South	-	6	24
Looked After Children Service	10	7	9
Provider Services:			
Adoption Service	1	1	1
Care Leaver Service	1	1	1
Fostering	2	0	3
Residential	0	0	0
Prevention and Early Intervention			
Sheffield Safeguarding Hub	3	3	1
Edge of Care	1	1	1
Family Time Project	-	1	
Amber Project/Service	-	1	
QAIS			2
Other:			
Equipment and Adaptations	1		
EDT	1		
Independent Reviewing Service		1	
Total	90	62	102

Table 2: Complaints received 2022/23 by problem category

Problem	Details	Number	Totals
Equality	Discrimination	2	2
Delay	Delay in providing information	1	2
	Delay in delivering a service	1	
Failure or Refusal	Failure or refusal to deliver a service	8	14
	Failure or refusal to give advice/provide information	1	
	Failure or refusal to respond to letters/emails/phone calls or meet	1	
	Failure or refusal to take action/make a decision	3	
	Other failure reason	1	
Quality	Inappropriate or incorrect action taken	12	28
	Incorrect/unreasonable decision	8	
	Poor communication/unclear or misleading information given	7	
	Service provided but then changed/withdrawn	1	
Staff Conduct	Discriminatory behaviour	1	78
	Poor customer care/Lack of customer care	50	
	Lack of knowledge/training	2	
	Rude or aggressive behaviour	4	
	Unhelpful attitude	18	
	Staff – Other	3	
Total			124

Table 3: Complaint Numbers: New/Escalated Complaints

Children Act Complaints	2021/22	2022/23	2023/24
New Complaints	90	62	102
Complaints Escalated to Stage 2	10	9	13
Complaints Escalated to Stage 3	2	5	6

6.0 RESPONSE TIMES

- 6.1 A breakdown of response timescales during 2023/24 is provided in tables 4 and 5 below. Table 4 shows that the average response time at Stage 1 has slightly increased (52 working days compared with 50 working days previous year), with only 20% of stage 1 responses issued within the 20-working day target timescale (20% 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 time performance at stage 2 of the statutory complaint procedure is shown in Table 5. The overall 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 6 Independent Investigations (stage 2) completed during 2023/24. The overall average stage 2 response time during 2023/24 was 175 working days (from date stage 2 complaint statement was agreed by the customer), which is an increase on the 142 working days reported the previous year. Overall response times at stage 2 range from 85 working days to 358 working days. 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; 5 days for Panel to issue their report and 15 days for Director to issue stage 3 response). There were three stage 3 complaints completed during 2022/23. The average overall stage 3 response time in 2022/23 was 171 working days which is a significant increase on the 106 working days reported the previous year. The average time to convene a panel was 152 working days and the average time to issue a response following panel was 19 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	1	2%
11- 20 working days	12	18%
1 - 2 months	22	34%
2 - 3 months	15	23%
3 - 6 months	12	18%
6 - 9 months	2	3%
9 – 12 months	1	2%
Total	65	100%
Average response timescale	52 working days (50 working days 2022/23)	

Table 5: Stage 2 (Independent Investigations) response time performance

	Stage 2: Independent Investigations (target 25–65 working days)
	2023/24
Number decided	6
Ave days to commission investigation/agree stage 2 statement of complaint (working days)	75 days
Ave investigation time from stage 2 agreed statement of complaint to adjudication meeting (working days)	154 days
Ave days to respond following stage 2 adjudication meeting (working days)	21 days
Number open stage 2 complaints as at period end	9

Table 6: Stage 3 (Independent Reviews) response time performance

	Stage 3: Independent Review Panel
	2023/24
Number decided	3
Ave days to convene Stage 3 Panel (target 30 working days)	152 days
Ave days to issue Stage 3 Panel report (target 5 working days)	5 days
Ave days to respond following Stage 3 panel report (target 15 working days)	14 days
Number open stage 2/3 complaints as at period end	4

7.0 OUTCOMES OF COMPLAINTS

- 7.1 In total, 79 Children Act complaints were concluded during 2023/24. A breakdown of complaint outcomes is shown in table 7 below. This information includes outcome details for 10 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 7: Complaint Outcomes

Complaint Outcome	Stage 1	Stage 2	Stage 3	Totals	% of total
Problem solved	15			15	19%
Agreed Way Forward	7			7	9%
Misunderstanding Clarified	2			2	3%
No Action Necessary	11			11	14%
Service Failure (Upheld/Partly Upheld)	30	6	3	39	49%
Withdrawn	5			5	6%
Total	70	6	3	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 13 remedies and service improvements recorded on CRM in respect of Children Act complaints that were dealt with during 2023/24:

Table 9: Remedies/Service Improvements

Remedy/Service Improvement	Number
Apology	10
Financial payments	
Improve Customer Care	
Improvement Action/Follow up	
Provide additional information or explanation	1
Provide or review employee training or guidance	
Provide, review or change a service	
Review or change customer literature	
Review or change policy or procedure	
Take action or enforce a decision	2
Total	13

- 8.2 In addition to the above recording, there were 9 detailed action plans drawn up following the conclusion of (6) Stage 2 formal independent investigations and (3) Stage 3 independent complaint review panels during 2023/24.
- 8.3 Financial remedies and other reimbursements totalling £10,900.92 were recorded on the complaints system and in action plans as being offered/paid in 2023/24 (*compared with £4210.00 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 2023/24 are outlined below:
- Email reminder sent to staff confirming Child in Need process must be followed in cases where a child is open to Social Care solely for the purpose of writing a court report. (*Fieldwork/Hub*).
 - Email to all social workers sharing complaint outcome and highlighting the importance of involving fathers and all absent parents when completing assessments and ensuring that all parents are kept up to date with any plans for their children (*Fieldwork*).

- Reminder sent to whole workforce of the placement with parents process – follow up discussions in team meetings around what this means in practice to ensure staff are aware of this process (*Children with Disabilities*).
- Developments in training around workers writing case notes and to ensure background information that is used in previous assessments is reviewed to ensure it is updated in line with current practice. Training to explore issues around cutting and pasting and the negative impact that can have. Language day already planned which will explore the impact of the language social workers use (*Fieldwork*).
- Review undertaken and clear pathway defined for referring of potential child protection cases from Adoption Support to Fieldwork (*Adoption/Fieldwork*).
- Reminder issued to all managers in the children's social care service who respond to complaints, to remind them of expectations when dealing with a complaint that involves another service; and to reinforce their responsibility to around sharing outcomes and learning with officers involved (*Service wide*).
- Work underway to improve the quality/structure of referrals received from the Police - quality of SYP referrals embedded in OFSTED action plan December 2023 (*Safeguarding Hub*).
- Introduction of an additional step in the legal process so draft SWET is reviewed in a joint meeting with legal services to consider quality, evidential base and written style which could identify evidence of bias from the author (*Fieldwork*).
- Working with colleagues in Adults Services to ensure that an independent advocacy service is available to support parents/carers in complaints process, where appropriate – commissioning work ongoing to ensure call off contract in place (*Fieldwork*).

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
6	78	4	12	2	0	102

- 9.2 Table 10 shows that 6% of complaints received in 2023/24 were made by children/young people. This is lower than 8% reported in 2022/23 but 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 2023/24, 37 complaint responses were sampled, and the Children and Families Service overall QA score was 86%, with 16 out of 37 responses sampled falling short of the 85% target score. QA scores range from 60% - 84%.
- 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 17 out of 37 complaint responses sampled*). Three responses sampled lacked a clear explanation of the complaint investigation carried out and the findings reached.

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 2023/2024.

Table 12: Compliments Received by Team

	2023/24
Children with Disabilities	9
Family Intervention Team	30
Fieldwork South	1
Fieldwork North	7
Residential	8
Family Time	1
Adoption Service	7
Connected Persons/Fostering	1
SNIPS	1
Total	65

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 135 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 2023-2024.

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 2023/24, the Ombudsman received 8 children's social care related complaints.
- 13.3 The Ombudsman determined 8 children's social care complaints during 2023/24: 3 complaints were deemed premature and referred back to the council to deal with; 4 complaints were closed after initial enquiries (out of jurisdiction/no further action); and 1 complaint was upheld. Further details of the upheld complaint are attached at Appendix A.

14.0 IMPROVEMENTS AND ONGOING DEVELOPMENTS 2024/25

- 14.1 The following provides an update on improvements completed and ongoing developments:
- Complaints (CRM) case management system reviewed to improve user compliance and timeliness of complaint responses: Mandatory fields introduced within CRM to ensure key data is recorded by officers which will improve reporting outputs including recording of remedies/service improvements. Unassigned and open case reports issued weekly to case coordinators and responding/accountable managers [*Completed*].
 - Complaints policy and procedures updated in response to Ombudsmen complaint handling codes: New Housing Service Ombudsman Code implemented from 1 April 2024 and soft launch and implementation of new LGSCO Ombudsman Code in Sept 2024 [*Completed*].
 - Complaints information/resources on SharePoint site and Intranet/Internet pages updated following policy/procedure updates. Additional Guidance published for Reviewing Managers reinforcing approach to resolution/learning prior to escalation to Ombudsman [*Completed*].
 - To continue to embed culture of a listening council via regular reminders, bulletins and communications to staff [*Ongoing*].
 - To continue to deliver monthly IT training, advice and support workshops for staff [*Ongoing*].
 - To review of complaints case management recording system: Further review of system and forms required as part of CRM upgrade work [*Ongoing*].
 - The Complaints Manager/Assistant Complaints Manager are regularly attending C&F leadership/management meetings to discuss and review status of open complaints to support timely response and effective resolution [*Ongoing*].

- The contracts for the provision of Independent Investigators and Independent People (Stage 2 formal complaint investigations) are being revisited in order to increase pool of available independent investigators (contracts due to expire April & September 2025) [*Ongoing*].
- Reporting of complaints performance is to be produced timelier to better inform the Children & Families Service of volumes, trends and learning [*Ongoing*].

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 complaint 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.