

# **Sheffield City Council**

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

1 April 2020 – 31 March 2021

## **1.0 INTRODUCTION**

- 1.1 This report provides information about complaints and representations made between 1 April 2020 and 31 March 2021 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 Human Resources and Customer 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 2006<sup>1</sup>, 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.

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<sup>1</sup> 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 2020/21, **69 new complaints** were received and considered under the Children Act Statutory Complaints Procedure. This is a 41% decrease on the number received in 2019/20 (117). The majority of complaints received (64%) 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 2019/20 was **staff conduct** (34%). The highest detailed categories of complaint were poor customer care (21%) and Inappropriate/Incorrect Action (14%).
- 5.3 During 2020/21, **eleven complaints were escalated to stage 2** and two stage 3 Panel requests were put 'on hold' due to remote working and practical difficulties convening panel. **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 2020/21 however there was a **significant increase in complaints escalating to stage 2**.

Table 1: Children Act Complaints Received by Service/Team

Fieldwork Services:	2018/19	2019/20	2020/21
Children with Disabilities (including Transitions)	11	16	11
Fieldwork Services – East	29	11	10
Fieldwork Services – North	27	24	17
Fieldwork Services – West	35	31	17
Looked After Children Service	11	7	6
Provider Services:			
Adoption Service	5	7	0
Care Leaver Service	7	3	2
Fostering	6	2	3
Residential (LDD & Short Breaks)	0	1	0
Residential (Mainstream)	0	2	1
Prevention and Early Intervention			
Sheffield Safeguarding Hub	6	8	2
Edge of Care	-	2	0
Safeguarding Children Service:			
Safeguarding Service	1	0	0
Independent Reviewing Service	1	0	0
Other:			
Equipment and Adaptations	1	2	
EDT	0	1	
<b>Total</b>	<b>140</b>	<b>117</b>	<b>69</b>

Table 2: Complaints received 2020/21 by problem category

Problem	Details	Number
Access (3)	Other access to service or information problem	3
Delay (15)	Delay in delivering a service	9
	Delay in providing information	4
	Delay in taking action	2
Failure or Refusal (47)	Failure or refusal to deliver a service	17
	Failure or refusal to give advice/provide information	10
	Failure or refusal to respond to letters/emails/phone calls or meet	5
	Failure or refusal to take action/make a decision	15
Quality (52)	Breach of confidentiality	2
	Inadequate or incorrect advice/information given	6
	Inappropriate or incorrect action taken	25
	Incorrect/unreasonable decision	3
	Poor communication/unclear or misleading information given	15
	Service provided but then changed or withdrawn	1
Staff Conduct (61)	Discriminatory behaviour	6
	Poor customer care	37
	Lack of knowledge/training	6
	Rude or aggressive behaviour	2
	Unhelpful attitude	7
	Other staff conduct issue	3

Table 3: Complaint Numbers: New/Escalated Complaints

Children Act Complaints	2018/19	2019/20	2020/21
New Complaints	140	117	69
Complaints Escalated to Stage 2	7	6	11
Complaints Escalated to Stage 3	5	2	0 (2 put on hold and revisited 2021/22)

## 6.0 RESPONSE TIMES

- 6.1 A breakdown of response timescales during 2020/21 is provided in **Tables 4 to 7** below. **Table 4** shows that the average response time at Stage 1 has significantly increased from 29 working days the previous year to 51 working days during 2020/21. The percentage of stage 1 responses issued within the 20 working day target timescale has also reduced (25% compared with 37% previous year). **Response timescales at stage 1 continue to be a challenge for the Children and Families Service.** Covid-19 and the roll out of IT to support remote working will have impacted on complaints processing/response times particularly at the start of the Pandemic. 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. Weekly open case reports are discussed regularly at Team 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 general increase in casework; and the availability of the independent investigation team and those identified for interview. **There were five Independent Investigations (stage 2) completed during 2020/21 with an average response time of 134 working days** (from date stage 2 complaint statement was agreed by the customer). This is significantly higher than the 106 working days reported previous year. **Only one stage 2 response was completed within the 65 working day timescale.** Covid-19 and the roll out of IT to support remote working will have impacted on complaints processing/response times particularly at the start of the Pandemic.
- 6.3 Two stage 3 requests were received but not progressed during 2020-21 due to covid restrictions; remote working and practicalities involved with convening a panel. We successfully held a Stage 3 Panel via video conferencing in Spring 2021 and have adjusted our offer/approach accordingly. Each outstanding request has since been revisited and progressed as appropriate.
- 6.4 Reducing response times continues to be a key priority, although the impact of Covid-19 and the need to prioritise essential/critical services has negatively impacted on response time performance during 2020/21.

Table 4: Stage 1 Response Times

Stage 1 Response Timescales	Number	%
Within 10 working days	8	12%
11- 20 working days	9	13%
1 - 2 months	23	34%
2 - 3 months	10	15%

3 - 6 months	13	19%
6 - 9 months	3	5%
9 – 12 months	1	2%
<b>Total</b>	<b>67</b>	<b>100%</b>
Average response timescale	51 working days (29 working days 2019/20)	

*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	2	40%
9 -12 months	2	40%
Over 12 months	1	20%
<b>Total</b>	<b>5</b>	<b>100%</b>
Average response timescale	213 working days (150 working days 2019/2020)	

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

Stage 2 Response Timescales	Number	%
Within 25 working days	0	
Within 65 working days	1	20%
3 - 6 months	1	20%
6 - 9 months	3	60%
<b>Total</b>	<b>5</b>	<b>100%</b>
Average response timescale	134 working days (106 working days 2019/20)	

*Table 7: Stage 3 Response Times*

Stage 3 Response Timescales	Number	%
Within 50 working days	0	
Within 3 months	0	
Over 3 months	0	
<b>Total</b>	<b>0</b>	
Average response timescale	N/A (64 working days 2018/19)	

## 7.0 OUTCOMES OF COMPLAINTS

- 7.1 In total, 72 Children Act complaints were concluded during 2020/21. A breakdown of complaint outcomes is shown in **Table 8** below. This information includes outcome details for 17 complaints that had remained open from the previous year. The complaints that concluded at stage 2 included some complaints that were escalated from the previous year.

*Table 8: Complaint Outcomes*

Complaint Outcome	Stage 1	Stage 2	Stage 3
Agreed Way Forward	23	2	0
Misunderstanding Clarified	24	1	0
No Action Necessary	10	0	0

Service Failure – Remedy Offered	10	2	0
Withdrawn	0	0	0
<b>Total</b>	<b>67</b>	<b>5</b>	<b>0</b>

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 **Table 9** below shows a breakdown of 167 remedies and service improvements captured in respect of 64 Children Act complaints during 2020/21:

*Table 9: Remedies/Service Improvements*

Remedy/Service Improvement	Number
Apology	59
Financial payments	3
Improve Customer Care	5
Improvement Action/Follow up	2
Provide additional information or explanation	16
Provide or review employee training or guidance	26
Provide, review or change a service	14
Review or change customer literature	1
Review or change policy or procedure	10
Take action or enforce a decision	31
<b>Total</b>	<b>167</b>

8.2 Financial remedies and other reimbursements totalling £4120 were recorded on the complaints system as being paid in 2020/21.

8.3 A number of complaints resulted in learning and improvements from an individual practice point of view. In 2020/21 there were a number of complaints regarding delays and insufficient/poor quality communication/information sharing with families where managers intervened as part of the complaints process in order to get things back on track and to address practice issues with the individual workers involved.

Examples of areas of wider key learning and improvement actions agreed by the Children and Families Services during 2020/21 are outlined below:

- Reminder to staff of the need for all telephone and email correspondence to be recorded electronically within the required timescales, as outlined in Sheffield's Practice Standards (*Fieldwork West*).
- Review of practice when the relationship between Care Leaver and PA breaks down – complaint highlighted learning point around ensuring temporary arrangements are put in place to ensure Care Leaver continues to have access to a PA (*Care Leaver Service*).
- Meeting with Legal Services colleagues to review current practice/process and to understand delay in receiving court order and put in place any further measures required to something similar happening again (*Fieldwork East*).
- Processes improved to ensure carers are kept updated re placement moves either by the allocated fostering social worker or duty team and that if children/young people are placed outside of a carers terms of approval that

this is noted on file and reviewed within 6 working days and if this change is to continue beyond this timeframe to be formalised through a review meeting (*Fostering*);

- All social workers reminded that minutes of meetings need to be shared in a timely way and if they cannot be hand delivered, they should be sent via alternative secure method to ensure they are received (*Fieldwork East*).
- Principal Social Worker to review and improve generally the information available to parents and carers, including the development of a suite of leaflets, which will further help to explain the role of the services in a certain situations and manage expectations about how things will be dealt with (*Fieldwork North*).
- Review of case to identify the reasons why the assessments took so long and produce a SMART action plan to address any issues its review identifies, with the aim of preventing recurrences (*Preparation for Adulthood*).
- Guidance/reminder issued to staff across service regarding statutory complaints timescales (*Fieldwork West*).

## 9.0 ACCESSIBILITY/EQUALITY MONITORING

9.1 **Tables 10 & 11** below show the diversity of customers raising Children Act complaints and the various ways in which these complaints are made.

*Table 10: Customer Groups*

Child/Young Person	Parent	Adoptive Parent	Other Relative	Foster Carer	Other	Total
4	55	2	2	5	1	69

9.2 Table 10 shows that 6% of complaints received in 2020/21 were made by children/young people. This is slightly lower than 7% reported in 2019/20.

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. Work is being undertaken to improve the level of equalities data that is being captured.

9.4 The Children Act complaint procedure can be accessed by the range of different channels shown in Table 11 below – 84% of complaints were received in a written format.

*Table 11: Access Channels*

Access Channel	Number
Email	37
Form	15
Letter	6
Phone Call	11
In person	-
<b>Total</b>	<b>69</b>

## 10.0 QUALITY OF RESPONSES



- 10.1 Each quarter, a sample of complaint responses is checked against a Quality Assurance (QA) Framework. During 2020/21, 39 responses were sampled, and the Children and Families Service overall QA score was 90%, with only 4 out of 39 responses sampled falling slightly short of the 80% 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 6 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. Development of on-line forms and the Customer Relationship Management (CRM) system aims to improve central recording and reporting of compliments and suggestions from 2022/23. **Table 12** below shows a breakdown of compliments received from customers based on central and local service recording and returns.

*Table 12: Compliments Received by Service/Team*

<b>Fieldwork Services:</b>	<b>2020/21</b>
<b>Children with Disabilities (including Transitions)</b>	9
<b>Fieldwork Services – East</b>	13
<b>Fieldwork Services – North</b>	24
<b>Fieldwork Services – West</b>	18
<b>Looked After Children Service</b>	
<b>Provider Services:</b>	
<b>Adoption Service</b>	
<b>Care Leaver Service</b>	
<b>Fostering</b>	3
<b>Residential</b>	5
<b>Prevention and Early Intervention</b>	
<b>Sheffield Safeguarding Hub</b>	
<b>Edge of Care</b>	
<b>Quality Assurance and Improvement Service (QAIS)</b>	4
<b>Total</b>	<b>76</b>

- 11.2 The majority of compliments were in respect of named individual workers highlighting the help and support that they had provided.

## 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 52 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 2020-2021.

### **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 2020/21, the Ombudsman received 3 children's social care related complaints.
- 13.3 The Ombudsman determined 6 children's social care complaints during 2020/21 (some received previous year): 1 complaint was deemed premature and passed back to the Council to deal with; 2 complaints were closed after initial enquiries (out of jurisdiction) and 3 complaints were upheld (maladministration and injustice).
- 13.4 A summary of the three upheld complaints is attached at Appendix A.

### **14.0 IMPROVEMENTS 2020/21 AND FUTURE DEVELOPMENTS 2021/22**

- 14.1 The following provides an update on actions and areas identified for improvement in 2020/21 and ongoing/future developments for 2021/22.
- The Complaints Manager has continued to attend Quality Assurance Service meetings to share learning from complaints which continues to feed into service improvement and professional development work.
  - The Assistant Complaints Manager continues to regularly attend Fieldwork Management Team meetings to discuss and review status of open complaints.
  - The Customer Feedback and Complaints Team have attended some ad-hoc service level meetings to deliver complaints briefings/refresher sessions.
  - Statutory complaint handling has been maintained throughout 2020/2021 despite disruptions to service delivery and challenges of remote working due to Covid-19.
  - Complaints Manager invited to deliver complaints presentation to City Wide Managers Event in Summer 2021 focussing on timeliness and learning from complaints.
  - An overhaul of the complaints process is included in the Council's One Year Plan so that customers are able to challenge and help us drive improvement in all of our services.
  - The ongoing complaints project focuses on the transformation of how we record and manage customer feedback and complaints across the organisation. It aims to improve the customer journey as well as our internal

case management processes. The new Customer Relationship Management (CRM) system to improve recording and reporting of complaints, compliments and suggestions is due to go live in November 2021.

- As part of the ongoing project all employees will be provided with the support and training needed to professionally manage complaints, by taking ownership and accountability from the day the complaint is received. Existing on-line and remote classroom training is being refreshed and relaunched. Complaint and feedback procedures, information/guidance available to all employees and managers around resolving, investigating, reviewing and responding to complaints; and letter templates are all being refreshed and information will be made available to all staff via a complaints and feedback SharePoint site.
- The contract for the provision of Independent People (stage 2 formal complaint investigations and stage 3 complaint review panels) will be revisited in 2021/22 (the current contract is due to expire at the end of March 2022).

## **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](mailto:complaintsmanagers@sheffield.gov.uk)

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

## Appendix A – Breakdown of 3 Children & Families complaints upheld by Local Government and Social Care Ombudsman 2020/21

Complaint	Date of Ombudsman Decision	Ombudsman Finding/Investigation Outcome	Agreed Remedy/Service Improvements	Remedy implementation detail and learning outcomes	Ombudsman compliance outcome
<b>Miss B complained the Council did not meet timescales for responding to her, did not address all her complaints in its response or provide a satisfactory remedy which she said caused her distress and frustration.</b>	26/06/2020	The LGSCO found fault with the Council for an unnecessary delay in the complaint procedure and this caused Miss B injustice	The Council agreed (within one month of the final decision) to pay Miss B £300 for the distress caused by the delay in processing her complaint and completing the file audit and chronology. This is in addition to any reimbursement the Council makes to Miss B for avoidable costs incurred as a result of service actions. The Council also agreed (within two months of the final decision), to review its complaint procedures to ensure they are compliant with statutory guidance, including timescales and issue complaint staff with guidance about timescales for the statutory complaint procedure.	Miss B did not wish to accept £300 payment. Review of complaint procedures completed and further guidance/reminder issued to staff across service regarding statutory timescales.	12/10/2020 - LGSCO issued <i>'Remedy not complete but satisfied'</i> outcome
<b>Ms X complained the Council delayed providing a care package for her adult son, Mr Y, so his needs were not met, and inappropriately questioned Mr Y's proposed personal assistant as part of the process. This caused her and Mr Y distress and frustration. Ms X also complained the Council failed to review the care package since its introduction and it was not sufficient to meet Mr Y's needs. In particular, it did not include any access to transport or mileage provision.</b>	15/02/2021	LGSCO found the Council was at fault. It took too long to complete needs assessment and support plan; failed to properly consider whether to award transport costs, failed to review the plan and inappropriately questioned a prospective personal assistant as part of the process.	The Council agreed (within one month of final decision) to apologise to Mr Y and pay him £500 to acknowledge the loss of support, frustration and distress caused by the identified faults. It has also agreed to apologise to Ms X and pay her £250 to acknowledge the frustration, distress and missed respite caused by the identified faults. The Council also agreed (within two months) to review Mr Y's needs assessment and support plan. In particular, consider whether to provide transport costs as part of his care and support plan.	05/03/2021 - Apology letter posted  16/03/2021 - Agreed payments made - confirmation sent to LGSCO 24/03/2020.  16/04/21 - Copy of updated support plan sent to LGSCO.	16/04/2021 - LGSCO issued <i>'Remedy complete and satisfied'</i> outcome.

<p><b>Mrs A complained about the Council's and the CCG's actions in relation to arranging and funding care for two of her children, Mr Y and Ms Z. Specifically, Mrs A complained about a) an unreasonable and avoidable delay in agreeing home-based support plans for Mr Y and Ms Z; from 2016 to 2019 for Mr Y and from 2018 to 2019 for Ms Z; and b) An unreasonable delay in responding to her complaints about these matters.</b></p>	<p>08/03/2021</p>	<p>The Ombudsmen found there was an extensive avoidable delay in the Council assessing two young adults' needs and producing a support plan for their care at home. This situation caused their mother significant avoidable stress which is an injustice.</p>	<p>The Council agreed (within one month of final decision) to write to Mrs A to acknowledge the full extent of the avoidable delays in its assessments of Mr Y's and Ms Z's need for support at home; to reiterate its acknowledgement of delays in the complaints process; and apologise to Mrs A for the avoidable stress, frustration, time and trouble these delays caused her.</p> <p>The Council also agreed within two months to pay Mrs A £1,000 to serve as a tangible, symbolic recognition of the injustice she suffered, and the prolonged nature of it, as a result of the delays in this case.</p> <p>The Council further agreed (within three months) to review the circumstances of this case to identify the reasons why the assessments took so long and should produce a SMART action plan to address any issues its review identifies, with the aim of preventing recurrences.</p>	<p>26/03/2021 - Letter sent to Ms A and copy shared with LGSCO 09/04/2021.</p> <p>20/04/2021 - Payment of £1,000 processed via BACS and LGSCO updated.</p> <p>21/05/2021 - Further letter including apology sent as initial letter not received - LGSCO updated.</p> <p>07/06/2021 - Update sent to LGSCO outlining ongoing review/project looking area of transitions, when children transfer into adult services. New transitions team to be set up which will work alongside Social Workers from year 9 and they will continue to work the case until the child reaches 18. Also looking into an Occupational Therapist being part of the Team.</p> <p>Changes to the way the Service works are due to be implemented by September 2021 with aim that families have a better and more holistic response to the additional challenges faced by parents of children with complex needs. This will ensure that information is shared at an earlier stage in the process and plans are in place ensuring a smooth transition.</p>	<p>10/06/2021 - LGSCO issued 'Remedy complete and satisfied' outcome.</p>
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