

Resources, Improvement & Partnership (RIP)



**Statutory Compliments, Representations &
Complaints Procedure.**

**Summary Annual
Report
April 2022-
March 2023**

1: Introduction

This is the April 2022-March 2023 Annual Summary Compliments, Representations and Complaints report for Kirklees Children's Social Care. Under the Children's Act 1989, the provision of an annual Complaints report is a statutory requirement, and the full report will be made available before the end of October 2023.

The Complaints Team operates three separate complaints procedures that consider complaints from members of the public related to Children's Social Care.

- Complaints about Children Social Care Services (as per statutory regulations under the Children's Act 1989).
- Corporate complaints procedure: This relates to Complaints which fall outside of the above regulations.
- Enquiries: This relates to Complaint/Enquiries from Cllrs/MP's; other Services; referrals to Duty Service; external agencies; Parents & relatives who want advice; anonymous complainants.

This summary report provides information on Statutory Complaints and Representations and Complaints received by the Compliments and Complaints Unit from the 1st April 2022 to the 31st March 2023 registered under the Statutory Childrens Act 1989 Complaints Procedure. The Final Annual Report will include details of complaints and themes registered under the Children Act; Corporate Complaints Procedure; Enquiries and Compliments.

2: Overview:

Complaints and Compliments registered during 2022/23:

- Compliments: 52
- Corporate Complaints: 38
- Enquiries: 158
- Local Resolution: 85
- Statutory Stage One: 23
- Statutory Stage Two: 4
- Statutory Stage Three: 2
- Stage LGO: 4
- Total: 366

In 2022/23 **23** complaints were registered at Stage One. This is an increase from last year, which was **15**. however, the overall numbers demonstrate a continued aim in complaints being managed and responded to, with the aim to resolve complaints as close to the route as possible. This is evidenced by the number of complaints which were resolved at early stages of the complaints' procedure.

This is due to the commitment of managers to the early resolution of complaints; the appointed responding managers at all levels being able to seek support from the Compliments and Complaints Unit on best practice in responding to complainants; and the quality checks on all response letters completed by the Complaints Managers prior to the response letters being sent to the complainant. This is enhanced by the overall communication, reporting and monitoring of the Compliments and Complaints Unit.

3: Compliments

52 Compliments were received from 1 April 2022 – 31st March 2023: An analysis of these will be provided in the detailed annual report.

4: Childrens Act 1989 Complaints Procedure (Statutory Complaints)

The Complaints team undertake an active role in seeking Local Resolution through engagement and advice to Children's Social Care services and Complainants. The majority of complaints in 2022/23 were resolved by this approach, negating the need to proceed to the next stage of the procedure.

The statutory complaints procedure has three formal stages:

- Local Resolution. Childrens Social Care Service teams and independent providers providing services on the Council's behalf are expected where possible, to resolve complaints at this initial point within 10 Working Days.
- Stage One. The Statutory complaints procedure requires complaints at Stage One to be responded to within 20 working days (However Childrens Complaints Unit have tightened this process and asked responding managers to respond within 10 working day with an extension of a further 10 days if necessary)
- Stage Two. This stage is generally implemented when a Complainant is dissatisfied with the findings of Local Resolution / Stage One. Stage Two is an investigation usually conducted by an Investigating Officer with an Independent Person. An Independent Person must be appointed to the investigation (regulation 17(2)). The Independent Person must be involved in all aspects of consideration of the Complaint, including any discussions about the action to be taken in relation to the child. The Manager responsible for the service which has been complained about, adjudicates on the findings. Stage Two Complaints should be dealt with within 25 days, although in certain cases this can be extended to 65 days.
- Stage Three. This is a Review Panel to which complainants who are not satisfied with a Stage Two response can proceed their Complaint to, which the Council is required to establish. The Panel makes recommendations to the Service Director who makes decisions about the complaint and any action to be taken. Complaints Review Panels are made up of three independent panelists. There are various timescales relating to Stage 3 complaints.
- A further option for Complainant's to progress a complaint is the Local Government Ombudsman (LGO), who is empowered to investigate where it appears that a Council's own investigations have not resolved the complaint. Complainant's can refer their complaint to the LGO at any time, although the Ombudsman normally refers the matter back to the Council if it has not been considered under the Council's procedure.

Accessibility of the Complaints procedure.

- a) Complaints Leaflets – new look child friendly leaflets are distributed to children's homes. Children are also given a copy of the complaints leaflet when a Children's Social Care assessment is undertaken and/or at review meetings. These leaflets also detail the support available to a young person wishing to make a complaint.
- b) Complaints leaflets –complaints leaflets are available to all individuals who wish to make a complaint.
- c) Community Languages Leaflets - these are available in Chinese, Gujarati, Punjabi, Urdu and Polish. One of the Complaints Manager speaks Urdu and Punjabi. The complaints procedure is available on the Kirklees website in all languages.
- d) Website – The Complaints procedure is available on the Kirklees Local Authority website and

updates have been made to this page to ensure it is fully up to date and representative of the Compliments and Complaints Team. <https://www.kirklees.gov.uk/beta/contact-the-council/children-young-people-complaints.aspx>

- e) Children's Rights Service - this service advocates on behalf of a young person to access the Complaints procedure and all children and young people who make a complaint are informed of the Children's Rights Service. Relationships have been strengthened between the Compliments and Complaints Team and the Children's Rights Service to ensure, as far as possible, that the processes are reflective and in line with feedback received from the Young People and accessible to ensure their voice can be heard.
- f) Visually impaired – The Complaints procedure is available in braille, CD, video and large print.

5: Early Resolution of Complaints: Local Resolution Stage:

Local Resolution and Stage One uses a restorative approach that encourages the Responding Managers to intervene early, have open and honest communication with the complainant, even if challenging and resolve with a positive outcome. It also allows the service to resolve matters as swiftly as possible, preventing any drift and delay of cases.

Below is the number of complaints registered during the last five years that were registered at Local Resolution Stage.

Local Resolution Stage	2018/19	2019/20	2020/21	2021/22	2022/23
Total	155	274	236	193	85

The number of complainants who were satisfied, without recourse to the formal Statutory complaints' procedure has reduced from last year from 193 to 85. The annual report will provide further detail on this.

The Complaints team play a key role in mediating between complainants and Children's Social Care. Responding managers are encouraged to make early contact with the complainant, to provide reassurance that their complaint is being listened to and establish the feelings of the complainant, which helps to assist in putting measures in place to achieve early resolution. The approach also helps to improve the relationship between the complainant and the service, and enables issues raised to be resolved without the complainant feeling the need to resort to the formal complaints process.

- **Complaints resolved at Local Resolution and Stage One made by Young People:**

Of the total number of complaints registered as Local Resolution and Stage One, 5 complaints from young people were resolved at Local Resolution Stage and 12 at Stage One. Young people continue to be encouraged to share their views and feelings with us either directly or via an advocate from the Children's Rights Service. Regular meetings are also held between a representative of the Compliments and Complaints unit and the Children's Rights Team.

All the complaints made by young people and registered under Local Resolution/Stage One were resolved to the satisfaction of the young person and did not require escalation. When a complaint is made by a young person, the appointed responding manager is asked to hold a discussion with the young person prior to responding to their complaint; to provide reassurance that they are being listened to and ensure that all issues which are concerning the young person are understood and desired outcomes considered at this stage. The advocates from the Children's Rights Service also assist in this approach by providing liaison between young people and Children's Social Care.

The table below shows the issues raised by 5 young people were resolved at Local Resolution Stage. The number of complaints made by young people have reduced. The highest number of complaints referenced are under categories of Failure to consult /communicate / lack of communication. (Table on issues at Stage One is shown later in this report)

Local Resolution: Issue	2020/21	2021/22	2022/23
Delay in Service Provision/ Failure to provide a service/ standard /quality of service provided	0	3	0
Failure to consult / communicate / lack of communication	7	3	3
Welfare Issue	2	0	0
Inappropriate Management	0	0	0
Inaccurate Decision Making	18	2	1
Issues relating to Staff	7	5	1
Access to records	1	0	0
Financial Problems	6	1	0
Contact Arrangements	2	3	0
Loss / Damage to property	0	0	0
Confidentiality	0	1	0
Incorrect/ Inaccurate information	0	0	0
Other	0	0	0
Total	25*	18*	5

NB: *Some young people raised complaints about more than one issue.

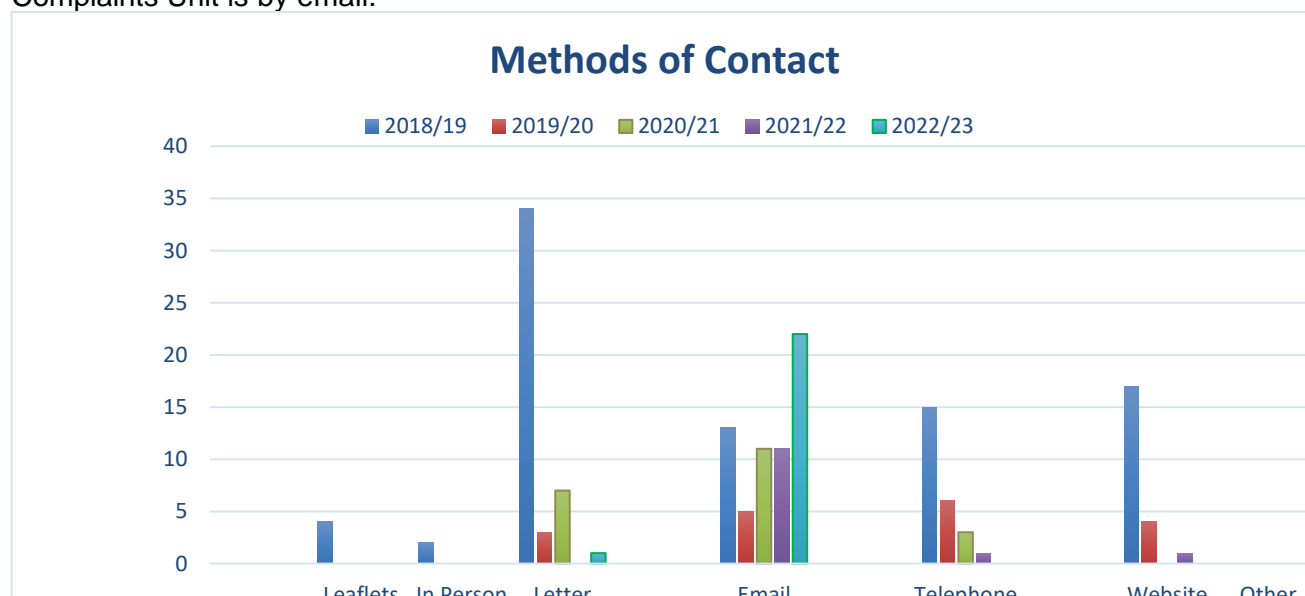
6: Statutory Childrens Act Complaints Procedure:

Statutory: Stage 1 Complaints.

There were **23** complaints registered at Stage One of the Childrens Act Complaints Procedure.

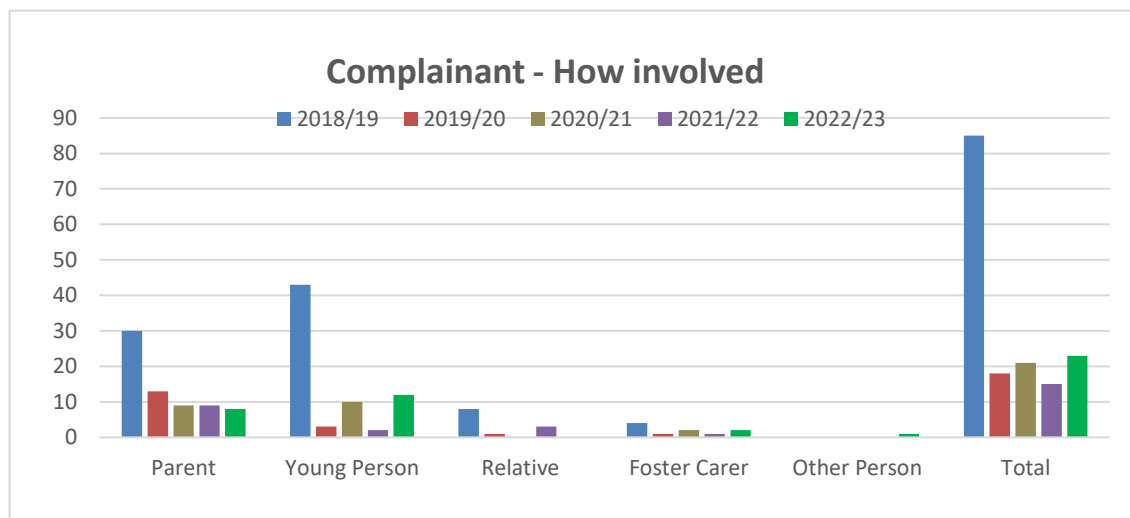
- **Statutory: Stage 1 Complaints Preferred methods of initial contact:**

It can be noted from the table below that most of the preferred methods of initial contact with the Complaints Unit is by email.



- **Statutory: Stage One Complaints – How Involved (relationship with child):**

52% of all complaints registered at Stage One, were from young people, with the support of Childrens Rights Service. The Compliments and Complaints Team have continued to ensure that the complaints process is open and accessible to young people both directly and through an advocate from the Children’s Rights Service. 34.8 % of all complaints registered at Stage One, were from Parents.



- **Statutory: Stage One Complaints – Service Area:**

Below is a breakdown of the 23 complainants whose complaints were registered at Stage One by service area, in comparison with the last four years. Most of the complaints received relate to; Assessment and Intervention and Looked After and Care Leavers Services. This is attributed these being the services most likely to be involved with children and young people whose complaints made up 52% of those at Stage One.

Service Area	2018/19	2019/20	2020/21	2021/22	2022/23
Assessment and Intervention	25	9	6	6	8
Disabled Children’s Service	6	3	2	3	1
Children Residential	4	0	1	0	0
Children & Disability Residential	0	0	0	1	1
Fostering/ Placement	4	2	1	3	1
Looked After and Care Leavers	48	3	12	3	10
Family Support /Early Help	1	0	0	1	0
Child Protection & Review	28	1	0	1	0
Contact Centre	1	0	0	0	0
Emergency Duty Team	0	1	0	0	0
Integrated Youth Support	0	0	0	0	0
Other	1	0	0	1	2
Total	94	19	22	19	23

One complainant raised issues about more than one service.

Statutory: Stage One Complaints – Issues Complained about:

The table below highlights the types of issues raised at Stage One by the 23 complainants whose complaints were registered at Stage One (NB: One complainant can raise more than one issue).

Issue	Total 2018/19	Total 2019/20	Total 2020/21	Total 2021/22	Total 2022/23
Delay in Service Provision/ failure to provide a service/ standard/ quality of service provided.	1	10	3	6	3
Failure to consult/communicate/ lack of communication.	36	14	4	10	8
Welfare Issue	0	0	0	0	0
Inappropriate Management	0	0	0	3	1
Inaccurate Decision Making	4	5	1	1	6
Issues relating to Staff	26	11	8	7	0
Bullying by Service User	1	0	0	0	0
Service Provision/Assess	24	5	0	0	3
Provision /accuracy of Information	11	0	6	3	1
Financial Problems	10	1	6	6	2
Contact Arrangements	13	6	1	2	2
Other	0	4	0	6	2
Total	126	56*	29*	44*	28*

Outcome of Statutory: Stage One Complaints:

There were 23 complainants who had complaints registered at Stage One. Below is a breakdown of the outcome of the investigations into their complaints and what issues the outcome related to. The outcomes of complaints are categorised as: Not upheld; Partially upheld; upheld. *Some of the complainants made complaints about more than one issue, hence the total number of issues is greater than the number of complainants.

Statutory: Stage One Complaints Not Upheld:

Issue	2018/19	2019/20	2020/21	2021/22	2022/23
Delay in Provision/failure to provide a service/standard/ quality of service provided	0	7	2	2	0
Failure to consult /communicate	6	3	2	2	0
Welfare Issue	0	0	0	0	0
Inappropriate Management	0	0	0	0	1
Inaccurate Decision Making	3	4	1	0	3
Issues relating to Staff	14	9	3	3	0
Bullying by Service User	0	0	0	0	0
Service Provision/Assess	11	0	0	0	0
Provision/accuracy of information	2	1	1	0	0
Financial Problems	5	0	4	2	0
Contact Arrangements	9	6	1	1	0
Other	0	1	0	2	0
Total	50	31*	14	12	4

Statutory: Stage One Complaints Partially Upheld:

Issues	2018/19	2019/20	2020/21	2021/22	2022/23
Delay in Service Provision/failure to provide a service/standard/quality of service provided	1	8	1	0	0
Failure to consult/listen/communicate	15	0	0	3	2
Welfare Issue	0	0	0	0	0
Inappropriate Management	0	0	0	0	0
Inaccurate Decision Making	1	0	0	1	1
Issues relating to Staff	9	0	4	3	0
Bullying by Service User	0	0	0	0	0
Service Provision /Assess	6	0	0	0	0
Provision/accuracy of information	8	0	3	1	0
Financial Problems	3	1	0	1	0
Contact arrangements	2	1	0	2	1
Other	0	0	0	1	2
Total	45	10*	8	12	6

Statutory Stage One Complaints Upheld:

Issue	2018/19	2019/20	2020/21	2021/22	2022/23
Delay in Service Provision/ Failure to provide a service/ standard /quality of service	0	8	0	0	3
Failure to Consult /communicate	15	19	2	1	6
Welfare Issue	0	0	0	0	0
Inappropriate Management	0	0	0	0	0
Inaccurate Decision Making	0	0	0	0	2
Issues relating to Staff	3	1	1	0	0
Bullying by Service User	1	0	0	0	0
Service Provision /Assess	7	0	0	0	3
Provision/accuracy of information	1	4	2	0	1
Financial Problems	2	0	2	0	2
Contact Arrangements	2	0	0	0	1
Other	0	0	0	2	0
Total	31	32*	7	3	18

Statutory: Childrens Act: Stage Two Complaints

Prior to complaints being considered at Stage Two, Complaints Managers explore with the Complainant and the Service all reasonable options for resolution. Where this is not feasible Complaints are registered at Stage Two. Of the Stage One complaints in the last five years:

- In 2018/19: 5 of the 85 at Stage One proceeded to Stage Two
- In 2019/20: 3 of the 18 at Stage One proceeded to Stage Two.
- In 2020/21: 4 of the 21 at Stage One proceeded to Stage Two.
- In 2021/22: 3 of the 15 at Stage One proceeded to Stage Two.
- In 2022/23: 4 of the 23 at Stage One proceeded to Stage Two.

The number of complaints registered at Stage Two have remained consistent in comparison with the last four years.

Statutory: Stage Three complaints - Review Panel Hearings.

Complainants who are not satisfied with Stage Two responses have a right to have their complaints considered by three independent people who form the Stage Three Panel. However, prior to complaints being considered by a Stage Three Panel, a Complaints Manager explores all reasonable options for resolution with the Complainant and the Service.

In 2022/23, 2 complainants proceeded to Stage Three.

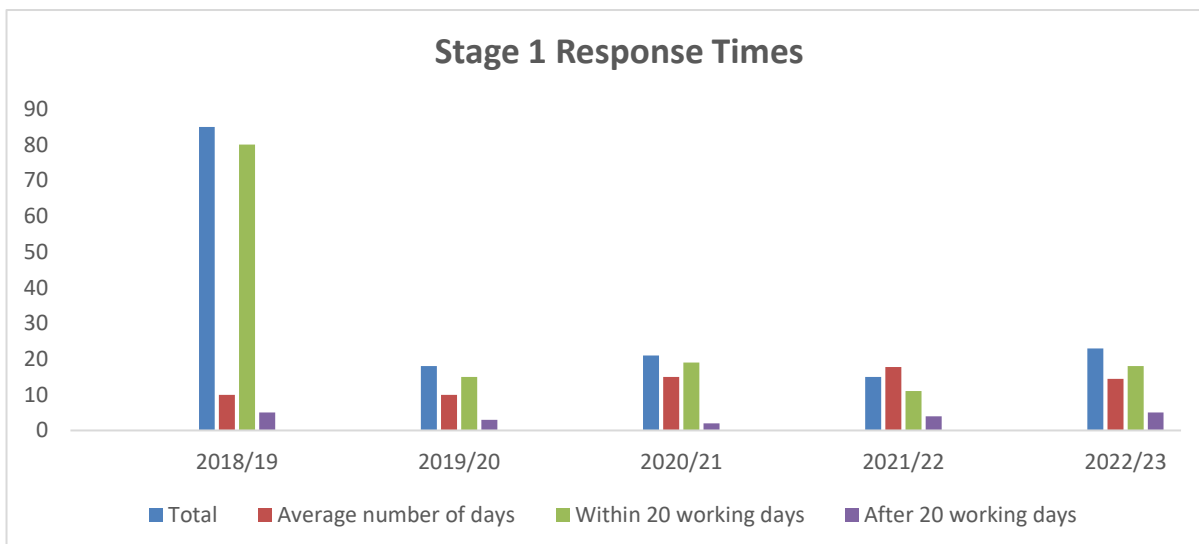
Ombudsman Complaints and Enquiries:

Complainants have the right to refer their complaint(s) to the Local Government Ombudsman at any time. The Ombudsman will decide whether to investigate for maladministration. There were four Complaints Considered by the Local Government Ombudsman regarding Children Social Care.

7: Performance.

The majority of complainants responded to under the Local Resolution process and Stage one of the Statutory Complaints Procedure process were responded to within 20 working days. The complaints that took longer than 20 working days to respond to the complainant, were complex and related to more than one service. However, the complainants were updated regularly with regards to delay and response times.

Response times to all Stage One Complaints:



The above table evidence that the measures taken by the Childrens Complaints Unit to advise the appointed responding managers; monitor and prioritise the importance of meeting the statutory timescales, have ensured that **over 79% of the complaints were responded to within the statutory 20 working days**. This is an improvement from the previous year.

The Childrens Act requires complaints from children and young people registered at Stage one to be responded to within 20 working days including any permitted extension. As a matter of good practice and in acknowledgement that children and young peoples' voices must be heard and responded to in a timely manner, the Complaints team has reduced this time scale, and all responding managers are asked to respond to children /young people within 6 working days, where possible.

Response times to all Stage Two Complaints:

It is common practice for the Compliments and Complaints Team to appoint both independent investigating officers and independent persons at Stage 2 and this was the case for 2022/23.

The maximum permitted time for a Stage 2 investigation to be carried out is 65 working days. Adherence to timescales is influenced by external factors such as the number of people to interview, and the availability of the Investigating Officer and the Responding Manager, when delay is incurred, Complainants are kept informed.

One complaint was responded within the statutory timescale. 3 complaints took longer than 65 days, to investigate and respond to the complaint. This was due to complexity of the issues being investigated, the availability of staff and the complainant.

8: Service Improvements /Learning from Complaints

At all stages, any lessons / findings identified from complaints are expected to be followed up by managers with the relevant staff to inform individual learning and development; whilst themes and patterns for learning identified from complaints are shared with the Learning and Development Service. To strengthen embedding learning across the service, the Complaints team and Learning and Development team have strengthened pathways to review complaints and compliments to ensure that key messages influence practice.

On conclusion of Stage 2; 3 and LGO of the complaint's procedure the line managers of service/staff sighted in the complaint discuss the findings and learnings. The Complaints Managers monitor the implementation of recommendations agreed and learning at the Stage Two and Three process of the complaints' procedure, and those made by the Local Government Ombudsman.

9: Conclusion

Kirklees Childrens Social Care Service continues its restorative approach to complaints.

We continue to encourage complainants to be involved in the resolution to their complaints throughout the process, leading to more lasting solutions and stronger relationships. The Compliments and Complaints Unit is committed to ensuring learning is shared widely across the service and leads to real improvements.

If you would like to comment on this report, please contact Children Complaints Management on:

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