



## **Children's Social Care Annual Report: Compliments and Complaints 2019**



## Index

Section	Page
Executive Summary	3
1. The Overall Picture	4
2. Analysis of Overall Figures	5
3. Complaints Delivering Insight to Action	13
4. Major Service Commentary	14
5. Local Government and Social Care Ombudsman	17
6. Equalities Monitoring	21

## Executive Summary

This is the 2019 annual report for Children's Social Care compliments and complaints. The report covers the period 1 January 2019 to the 31 December 2019.

Local authorities are legally required to establish complaints procedures to deal with complaints about their social care functions. The complaints procedure for children and young people is covered by the Children Act 1989 and the Department for Skills and Education produced guidance, 'Getting the Best from Complaints' (2006), which outlines the procedures which local authorities must have in place.

This year, the County Council has produced a dedicated complaints report for both Children's Social Care *and* Adults' Social Care. Historically, the County Council has reported on Children's Social Care complaints as part of a broader *whole Council* annual report. The decision to produce separate reports for Children's and Adults' Social Care was made to enable the County Council to produce a more focussed review of complaints received in respect of our service delivery to our most vulnerable customers.

The purpose of this report is to review the operation of the complaints process over a 12 month period, including statistical data, and to provide the local authority with the means by which it keeps itself informed about complaint themes and how effective its current arrangements are for handling customer complaints.

This report also provides information for decisions issued by the Local Government and Social Care Ombudsman (LGSCO) in 2019, as well as compliments recorded by the Council.

The Council's definition of a complaint is:

***"A complaint is an expression of dissatisfaction, however made, about the standards of service, actions or lack of action by the County Council or its staff, affecting an individual customer or group of customers"***

The Council has two procedures for dealing with complaints about Children's Social Care, the Children's Social Care statutory procedure and the Corporate Complaints procedure. Full details of the procedures can be found on the Council's website, but put simply; the Council's aim is to resolve complaints for our customers as quickly and simply as possible. For this reason the initial stage is dealt with by the Manager responsible for the service, with an emphasis on trying to reach a resolution. If that resolution is not reached, the customer has the right to escalate matters to the next stage, where the complaint is reviewed by someone who has not been directly involved previously.

The Customer Relations Team, which is part of the Customer Experience Service, is the central team supporting customers and staff to ensure that making a complaint is as easy as possible for all concerned. The team consists of:

David Tominey, Complaints Manager, and four Customer Relations Officers.

The team can be contacted by emailing [feedback@westsussex.gov.uk](mailto:feedback@westsussex.gov.uk) or by calling 033 022 28222

# 1 The overall picture

## Complaints recorded against Children's Social Care from 1<sup>st</sup> January 2019 to 31<sup>st</sup> December 2019.

The table below shows the reasons recorded for complaints during 2019 in comparison with 2018 and 2017.

Complaint Nature	2017	2018	2019
<b>Charging/Financial Assessment</b>	<b>7</b>	<b>4</b>	<b>6</b>
Charging/Financial Assessment	7	4	6
<b>Closure/Change/Transition between Services</b>			<b>1</b>
Closure/Change/Transition between Services			1
<b>Conduct of Staff</b>	<b>25</b>	<b>57</b>	<b>51</b>
Behaviour	18	38	30
Competence	7	18	21
Failure Demand		1	
<b>Damage/Nuisance/Loss</b>	<b>1</b>		<b>2</b>
Damage/Nuisance/Loss	1		2
<b>Data Protection/FOI</b>	<b>7</b>	<b>10</b>	<b>9</b>
Breach of Confidentiality	5	10	5
Inaccurate data on file	2		1
Data protection/FOI - Breach of confidentiality			3
<b>Operational Processes</b>	<b>8</b>	<b>15</b>	<b>107</b>
Assessment	6	4	37
Eligibility		1	3
Legal proceedings			1
Safeguarding investigation	1	1	1
Service Request Refused			1
Other	1	7	18
Frequency			3
Level/quality of contact with child		2	26
Standard of report			14
Operational process - other			3
<b>Quality of Service</b>	<b>131</b>	<b>150</b>	<b>73</b>
Communication with service - Avoidable Contact	12	6	
Delays	3	12	16
Delivery	107	123	
Discrimination		1	4
External service Quality Alert			3
Communication with service - Failure Demand	5	5	22
Communication with service - Other	4	3	28
<b>Grand Total</b>	<b>179</b>	<b>236</b>	<b>249</b>

Explanatory notes:

1. *Figures in bold are the headline figures for a complaint category. Where a breakdown is available, the figures are shown immediately below.*
2. *The categories of 'avoidable contact' and 'failure demand' taken together describe complaints arising from situations which were avoidable if the Council was easier to contact, or where contact had been promised but was that promise was not kept. These two categories have now been combined to avoid confusion.*

The table below summarises the complaints and compliments recorded by all directorates or service units in 2019, highlighting how Children's Social Care compares against annual statistics for the rest of the Council. The numbers for the LGSCO reflect the number of *decisions received* in the reporting period.

Complaints by Directorate 2019	Stage One	Stage One Upheld	% Upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO decisions received	Compliments
<b>Adults and Health</b>							
Adult Services	190	44	23%	76%	36	21	244
Social Care Joint Commissioning	3	1	33%	67%	0	0	2
<b>Children Young People and Learning</b>							
Education and Skills	48	7	15%	83%	8	6	114
<b>Children Services</b>	<b>249</b>	<b>59</b>	<b>24%</b>	<b>74%</b>	<b>44</b>	<b>15</b>	<b>45</b>
<b>Place Services</b>							
Communities	19	11	58%	84%	1	3	4744
Environment and Public Protection	107	26	24%	64%	4	2	195
Highways, Transport and Planning	201	33	16%	85%	23	17	127
<b>Resource Services</b>							
Law and Assurance	5	3	60%	80%	1	2	1
Property and Assets	2	0	0%	100%	1	0	0
Finance, Procurement and Business Support	22	5	23%	86%	5	2	23
<b>Fire Service</b>							
Fire Service	4	2	50%	75%	0	0	28
<b>Chief Exec's Office</b>							
Chief Exec's Office	1	0	0%	100%	0	0	2
<b>HR and Organisational Change</b>							
HR and Organisational Change	3	0	0%	100%	0	1	1
<b>Grand Total Complaints</b>	<b>854</b>	<b>191</b>	<b>22%</b>	<b>78%</b>	<b>123</b>	<b>69</b>	<b>5526</b>

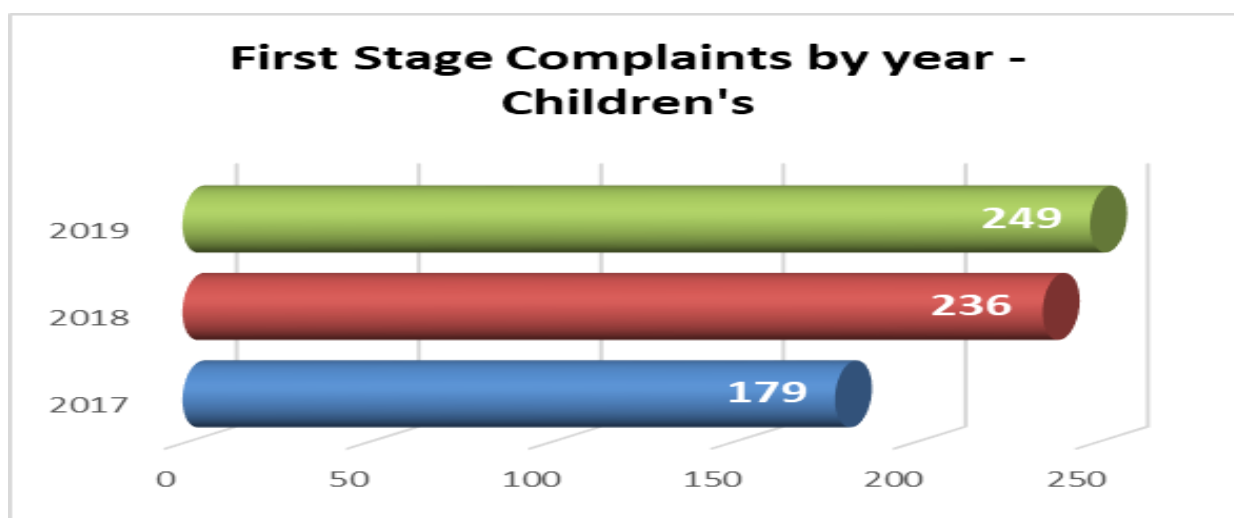
## 2 Analysis of overall figures

### 2.1 Stage One Complaints

In 2019 it was decided that Lifelong Services would be moved from the Adults' Social Care directorate to Children's Social Care. For reporting purposes, all complaints against Lifelong Services are now categorised as Children's Social Care complaints.

The published number of Children's Social Care complaints in 2018 was in fact 208. For reporting purposes, and to ensure meaningful year on year comparisons are possible, the 2018 figures have been restated to include complaints about Lifelong Services.

The number of complaints recorded at the first stage increased from 236 in 2018 to 249 in 2019. This represents an increase of 5.5% in formal complaints received compared to the restated figure recorded in 2018.



It is difficult to say with any degree of certainty what the reasons are for the volume of complaints traffic, but it is possible to comment on potential contributing factors.

The Council advertises the complaints process clearly and the Customer Experience Service has been instrumental in assessing the accessibility of the complaints service to all of our customers in 2019. The improved accessibility for our customers is intended to provide our customers with a platform from which to voice their dissatisfaction with services provided.

The Council works hard to ensure that young people are made aware of the complaints procedures and how to access it should they need to. The Advocacy Service contacts all children at the point when they become 'looked after', providing details of how to complain to the Council. In addition to this, the Council writes to every child in care over the age of seven twice a year to ensure that they and their carers are provided with information on how to make complaints about the services delivered by the Council.

In May 2019 Ofsted published their report into the performance of Children's Social Care and judged it to be 'inadequate'. While the Council continues to take focussed and appropriate action following the Ofsted inspection, the finding has been extensively covered in the media and has subsequently sparked an increase in the traffic of correspondence in complaints, MP enquiries and freedom of information requests received in relation to Children's Social Care.

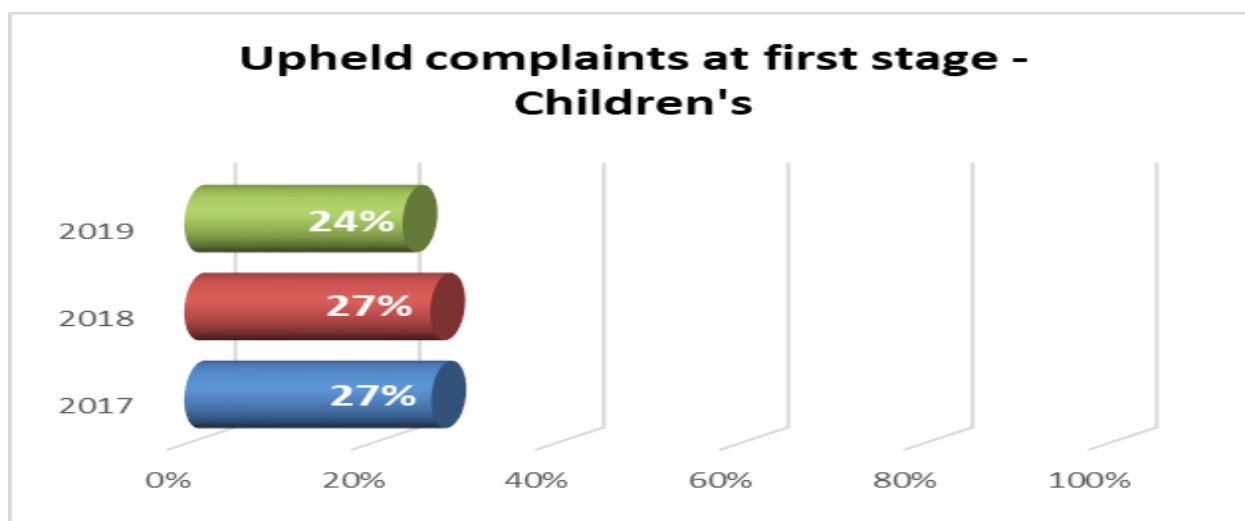
The number of formal complaints received by the Council is a fraction of one percent in proportion to the total transactions with service users and the public. If taken as a percentage of calls to the Customer Service Centre it would be 0.2%, however there are many more customer contacts through other channels.

This comment in no way infers that the Council simply accepts the level of complaints we have received. We want to avoid any customer needing to complain, but also regard every complaint as an opportunity to learn and to implement changes that will avoid future complaints being made, improving our customers' experience and in turn our customers' satisfaction levels with the Council.

There was an increase in complaints received by Children's Social Care in 2019 but the number of complaints upheld at stage one decreased from 27% in 2018 to 24% in 2019. This includes complaints that were 'partially upheld'.

The percentage of upheld complaints has decreased for the first time in three years; the percentage of upheld complaints recorded in 2017 *and* 2018 was 27%.

The percentage of complaints upheld in Children's Social Care (24%) is slightly higher than the whole Council average of 22.2%.

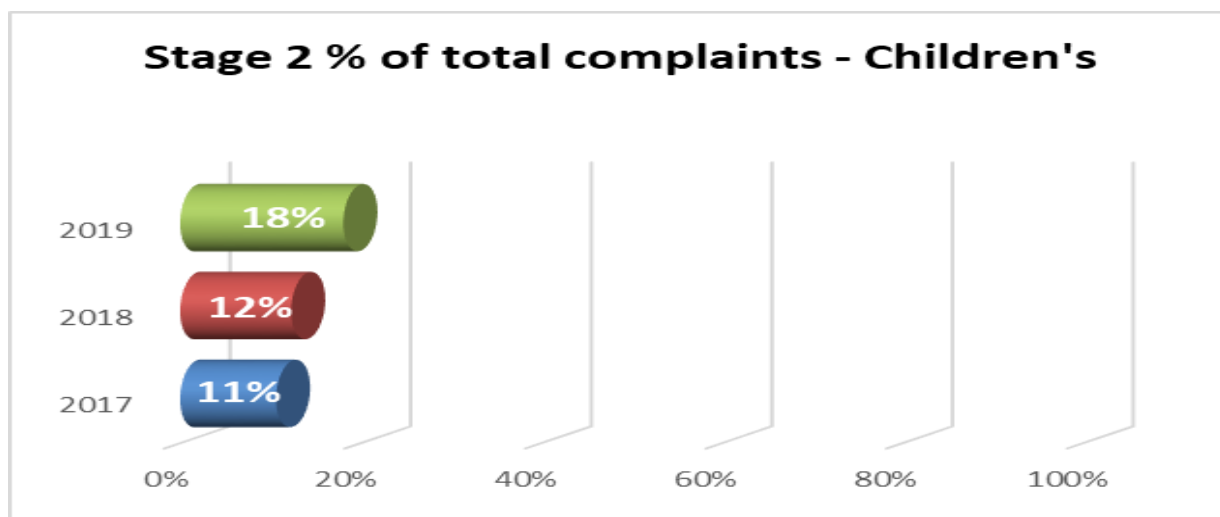


## 2.2 Stage Two Complaints

If a complainant is not satisfied with the response at the initial stage, they have the right to escalate their complaint for consideration at a more senior level.

The number of complaints considered at stage two of the Council's complaints procedure rose from 22 in 2018 to 44 in 2019; a 100% increase.

The number of complaints considered at stage two represents 18% of the total number of complaints received in Children's Social Care at stage one in 2019, compared with 12% of the total in 2018.



The Customer Relations Team has continued to ensure that responding managers are using templates which explicitly advise complainants of their right to escalate. It is likely that including escalation advice with every stage one response may have contributed to the increase in the number of escalated complaints in 2019. It is important that complainants are provided with clear instructions on how to pursue their complaints through the appropriate channels. This transparent approach is applied across the whole Council and is indicative of the integrity employed when managing the complaints process.

The Customer Relations Team reviewed the quality of responses at the early stages of the complaints procedures and a decision was made during 2019 that all responses to stage one complaints would be subject to quality assurance by the Customer Relations Team prior to the response being issued. Furthermore, a dedicated Customer Relations Officer for Children's Social Care was appointed in October 2019 to offer support and advice to responding managers tasked with responding to complaints.

Of the 44 stage two complaints investigated, 6 (14%) have been found to be upheld in full. Details of the operational learning and insight gained from those complaints investigations are listed below. Note that only five cases are referenced below; the sixth case is subject to ongoing review and it is not felt appropriate to refer to that in this report.

### **Assessment and Intervention**

A complaint was made about the advice provided prior to the beginning of a fostering arrangement.

- The service was asked to consider the information is available for potential carers and to clearly set out the varying carer roles and associated financial arrangements.

### **Assessment and Intervention**

A complaint was received from a grandmother who alleged that a child and family assessment contained factual inaccuracies. The grandmother further complained that she was not considered by the Council to be a person who could access the complaints procedures.

- The Service Manager agreed that Families would have the opportunity feedback their views on the assessments completed on families to ensure accuracy of information recorded;
- All managers to be reminded of the complaints procedures and when to seek consent. New workers to receive training as part of the induction process.

### **Family Support and Protection**

A complainant felt that missed contacts with her children had not been rearranged; she had not been notified of changes to arranged contacts; and that assessments carried out required her children to miss school time, which affected their education.



- A planning meeting between the complainant and the Council was recommended to ensure a bespoke action plan was put in place with agreed review dates embedded within it;
- Training was identified by the service in relation to the importance of contact arrangements and promoting family relationships.

### **Assessment and Intervention**

A complaint was made about the manner in which the Council conducted work with a new mother. The complainant expressed concerns about data management and the quality of the response to her initial complaint at stage one.

- Group Managers were instructed to challenge the quality of complaints responses to ensure that all concerns are addressed
- A review of practice was agreed to ensure that families are informed of the assessment process and any safety planning provided during the assessment.

### **Looked After Children**

A prospective adopter raised concerns about delays in correspondence; poor communication between departments; poor record keeping; and failure of the Council to provide requested documents and policies.

- A communication strategy was put in place for the complainant in the event that direct social worker contact was not possible for any reason;
- Commitment to recruitment of social workers to ensure that manageable caseloads are distributed across a full workforce;
- Staff reminded of their obligation to communicate quickly and to provide information when required.

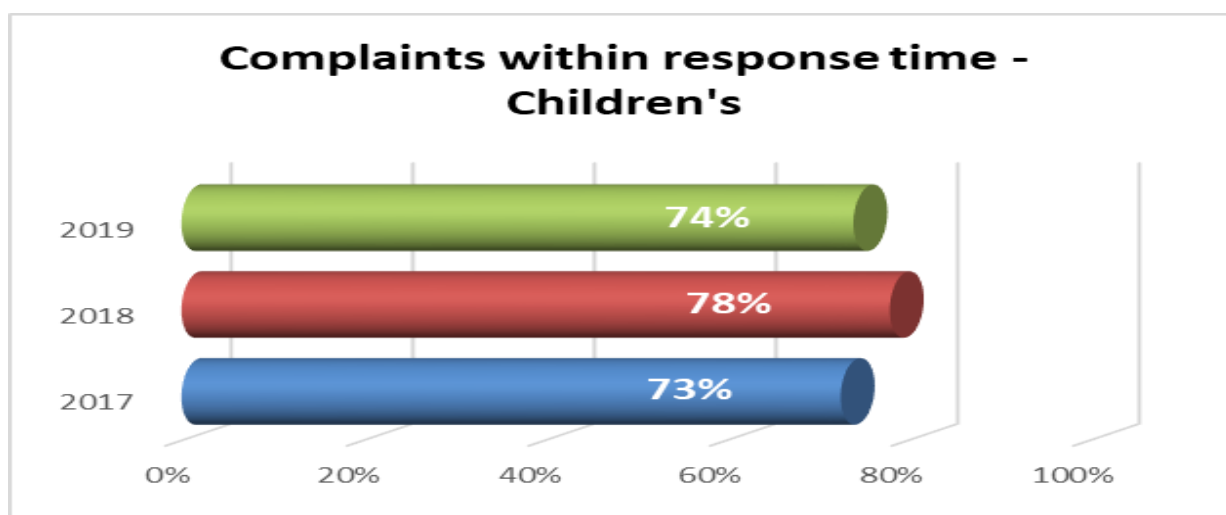
## **2.3 Performance**

The number of stage one complaints recorded has increased across Children's Social Care in 2019 when compared with 2018. It is a concern that the number of compliments recorded has decreased from 126 in 2018 to 45 in 2019.

This decrease has been raised with the senior leadership team and with the Performance Board with the intention of reminding staff of their obligation to present all compliments to the Customer Relations Team for formal recording. It is hoped that the levels of recorded compliments improves in 2020.

The complaints procedure makes clear the Council's expectation of staff responding to a formal complaint at stage one of the complaints procedures:

*The target timescale for response at stage one is up to ten working days from the date of receipt of the complaint, with a maximum of twenty working days.*



In 2019, 74% of stage one complaints responses were issued within timescales or within an extended timescale. This figure is slightly lower than that recorded in 2018 (78%). The timeliness of stage one responses is a priority for Children's Social Care moving forwards into 2020. The complaints procedures do allow for an extended timescale, but complaints should be responded to within 10 working days wherever possible. In 2019 only 60% of complaints about Children's Social Care were responded to within 10 working days.

The Complaints Manager sought to address the timeliness of complaints responses, introducing a reporting tool with a RAG (red, amber, green) warning system for managing open complaints. This has been cascaded to all senior managers within Children's Social Care on a weekly basis.

The Customer Relations Team introduced a new complaints system (Infreemation) on 1<sup>st</sup> November 2019 to facilitate all complaints received within the Council. Infreemation provides responding managers with daily as well as weekly reports reminding staff of outstanding casework and impending deadlines. The RAG reports remain in place and are sent automatically to senior managers via Infreemation.

Despite the introduction of management oversight tools, the timeliness of responses is a continuing concern. Responding to complaints within the specified timescale is a *statutory* obligation and an improvement on the performance reported in 2019 is an absolute priority.

The Customer Relations Team now has a regular attendee on the senior leadership team meeting as well as the Children's Services Performance Board. The purpose of reaching out to senior managers in this way is to drive up the performance in responding to complaints within the expected timescales and to ensure that learning and identified fault in practice is discussed directly at senior management level.

Senior managers are provided with a quarterly snapshot report of complaints, MP enquiries, compliments and Freedom of Information Act request to provide a headline view of performance across all of the casework facilitated by the Customer Relations Team.

A further priority is to ensure that the quality of stage one complaints responses are of a standard that drives down avoidable escalation. It is accepted that complainants have a statutory right to escalate complaints if they disagree with the outcome of the stage one investigation, and that the Council can have little control over this. However, by ensuring that all elements of complaints are considered fairly and thoroughly, the Council can work towards reducing unnecessary escalation. Robust quality assurance of stage one responses is now one of the core responsibilities of the Customer Relations Officers to ensure that all responses are of the expected standard and are fair and accurate in their findings.

## **2.4 Financial remedies**

The complaints process is not designed to facilitate compensation payments. The Council will sometimes offer goodwill gestures, or ex-gratia payments in recognition of identified fault, but this is in itself quite rare. The LGSCO has published guidance on remedies for complaints scenarios, and this guidance is used when payments are considered as a result of a complaint being upheld.

Financial remedy payments are not 'compensation' but they are a method recommended by the LGSCO for resolving complaints where the Council has been found to be at fault and is unable to resolve the situation in another way. The volume of complaints considered by the Council covers a range of issues raised by customers, which means that it will always be hard to predict what overall levels of financial remedy are likely to be offered by the Council.

The amount recorded as paid to complainants as a financial remedy decreased from £17,086.28 paid in 2018 to £6,373.83 in 2019.

The £6,373.83 resulted from two complaints.

An award of £200 was recommended following a LGSCO investigation. The LGSCO instructed the Council to pay £200 to the complainant as it considered his complaint through the corporate complaints procedure as opposed to the statutory complaints procedure.

The financial remedy of £6,173.83 was made as part of a stage two corporate complaints investigation.

The identified fault related to the mismanagement of a fostering arrangement and the subsequent shortfall in payments made to the foster carers. The Council agreed to backdate payments in line with the rate that should have been applied at the start of the placement.

## **2.5 Compliments**

When a customer is so satisfied with the service they have received that they make a special mention of it, the Council records this as a compliment.

Compliments are important when helping our organisation understand what 'good' looks like and to celebrate our successes, supporting the staff recognition platform and helping our organisation live and breathe our customer centre value.

Some examples of the compliments received by Children's Social Care staff in 2019 are listed below:

### **Family Support & Protection**

*"I would like to praise one of your social workers who has been brilliant supporting us. She does tell me and advise me where she feels we need to improve and she is very happy to support us with any changes we may need to do she doesn't discriminate any part of our work together. If there was an employee of the month certificate then I feel she should be put forward to receive it we are as a family going to miss her when it comes to the time of not working with us".*

### **Family Support and Protection**

*"I just want to say you are one of the best social workers I've ever had and I can't thank you enough for all your time your work you are doing for me. I am so stuck for words to say thank you very much for all your help and your time thank you".*

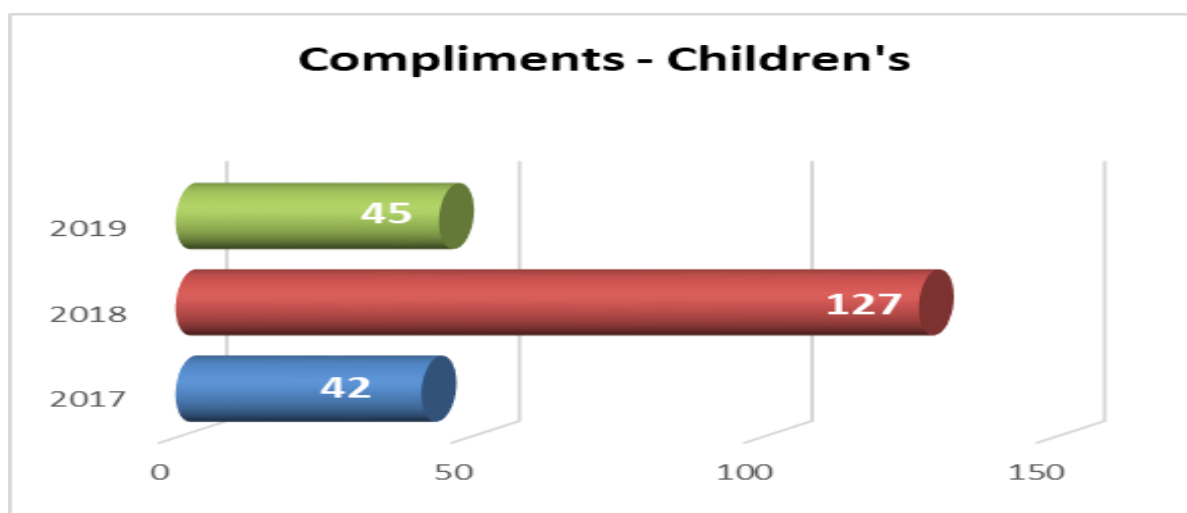
### **Lifelong Services**

*"I would like to say a most sincere thank you to you and the teams that have supported my son. The activities and your support, made possible by West Sussex played such a significant part in his adjustment and recovery after what has been a very difficult diagnosis; we will always be eternally grateful to you".*

### **Leaving Care Service**

*"Mr B has been a brilliant support to me and he has taught me a few things I did not know about the Leaving Care Service for example the setting up housing fund. He has been extremely helpful towards me and pointed me in the right directions, he understands who I am also it is very hard to find someone to understand how your mental illness impacts you but he understands fully. I am so grateful towards all of West Sussex Leaving Care Service but mostly I am grateful towards Mr. B for his honesty and generosity he has put in to finding me the best advice".*

The number of compliments recorded has decreased from 126 in 2018 to 45 in 2019. This represents less than 1% of the total compliments received by the Council as a whole in 2019.



### 3 Complaints delivering insight to action

Within the Customer Experience space we have a number of corporate measures which will help us focus on improving the service we provide our customers:

- *Level of Satisfaction with the services received by our residents*
- *Residents finding it easy to access information service and support they need*
- *Freedom of information requests responded to within time*
- *The County Council response to recommendations from customer complaints.*

Insight from complaints plays a key role in how we deliver the right outcome to our customers and in continually improving our service delivery. To achieve this there has been much activity within the way we collate and learn from our customer complaints. The Customer Experience team improved the way we report to senior managers with the continued development of the Compliments and Complaints Dashboard which informed improved reporting and learning from complaints, locally and across the Council.

2019 marked a departure from the previously established Working Together Focus Group, which was established in the summer of 2017 to consider operational learning and service improvement identified in the analysis of complaints received across the Council.

The effectiveness of these quarterly whole Council meetings was reviewed in 2019 and a decision was made to present updates on complaints and organisational learning to already established focus groups. The Customer Relations Team now attends the senior leadership team meeting as well as the Performance Board to discuss specific issues relating directly to the senior managers in attendance.

The focus remains on ensuring that our customers benefit from the recommendations made as a result of a complaints investigation, but also that operational managers are empowered to make organisational improvements as a direct result of those recommendations. While systemic improvement is not always a by-product of an upheld complaint, the Customer Relations Team is committed to

ensuring that remedies and learning are recorded, reported and monitored to completion.

Insight from complaints plays a key role in how we deliver the right outcome to our customers and assists the Council to continually improve our service delivery. To further empower managers to keep up to date with service performance, the Customer Relations Team have taken steps to improve the availability of performance statistics through formal reporting, and by continually developing and updating 'real time' management tools.

The Customer Relations Team and the Customer Experience Analyst maintained a Compliments and Complaints Dashboard in 2019, which allows the user to examine performance, in terms of numbers, timescales and outcomes, from Council-wide down to individual teams and from a number of years down to individual months. Although of particular interest to managers, this is open to all staff.

Work is also underway to benchmark our performance with statistical neighbours to ensure we are in a place where we know what 'good' looks like and to be able to measure our performance against other authorities.

All of this insight will feed into the Customer Relations Team's presentations to the Performance Board and the Senior Leadership Team meeting, helping to paint a full picture of why our customers complain and to have a framework in place that will help us continuously improve where we can avoid a complaint being made.

A programme of complaints training for Team Managers was rolled out in 2018 and is due to be repeated in 2020. The Complaints Manager and the Customer Relations Manager have revised and improved guidance for responding managers; this guidance is provided by the Customer Relations Team to all responding managers when complaints are allocated for response.

## 4 Service Commentary

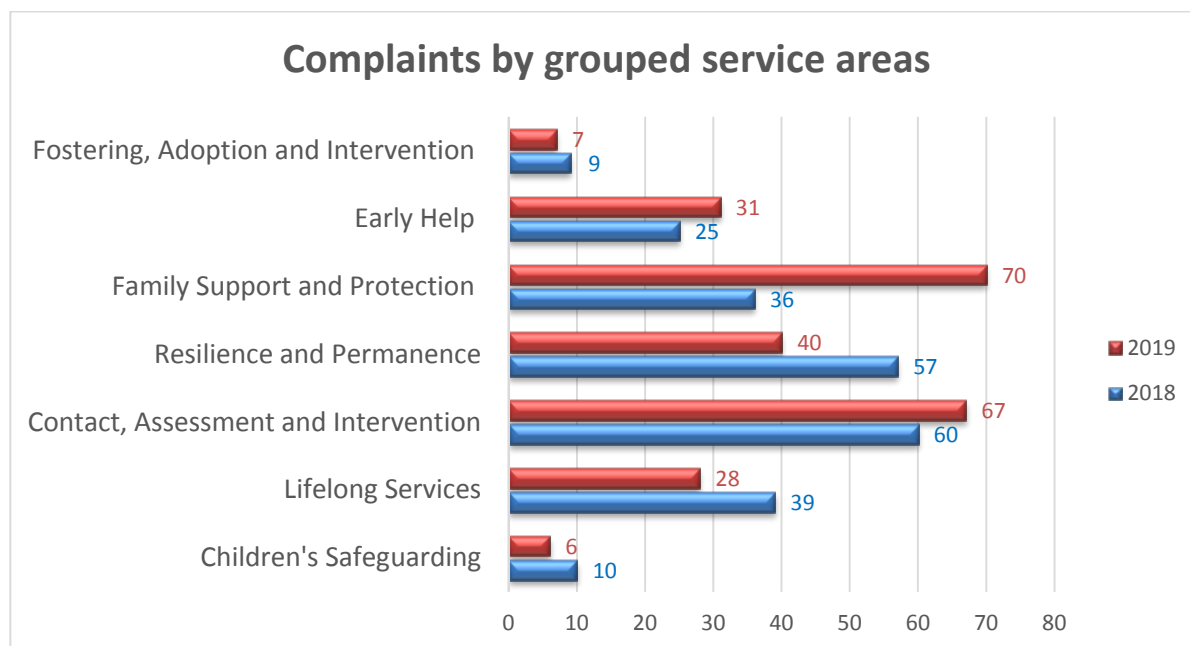
Children's Services	Stage One	Stage One Upheld	% Upheld	Stage One % within 10 days or notified extension	Stage Two	LGSCO	Compliments
2019	249	59	24%	74%	44	15	45
2018	236	63	27%	78%	29	17	127

Historically, Children's Social Care is one of the areas where the number of complaints is significantly higher than the number of compliments. The nature of the work undertaken by Children's Social Care in relation to ensuring the welfare of children and young people can be perceived to be intrusive by the families the Council works with. It is to be expected that the work Children's Social Care staff are obliged by statute to pursue creates an imbalance in the amount of complaints and compliments received in comparison to other areas of within the Council.

To understand the headline figure of 249 complaints recorded against Children's Social Care, it is necessary to drill down into the data, to add appropriate context.

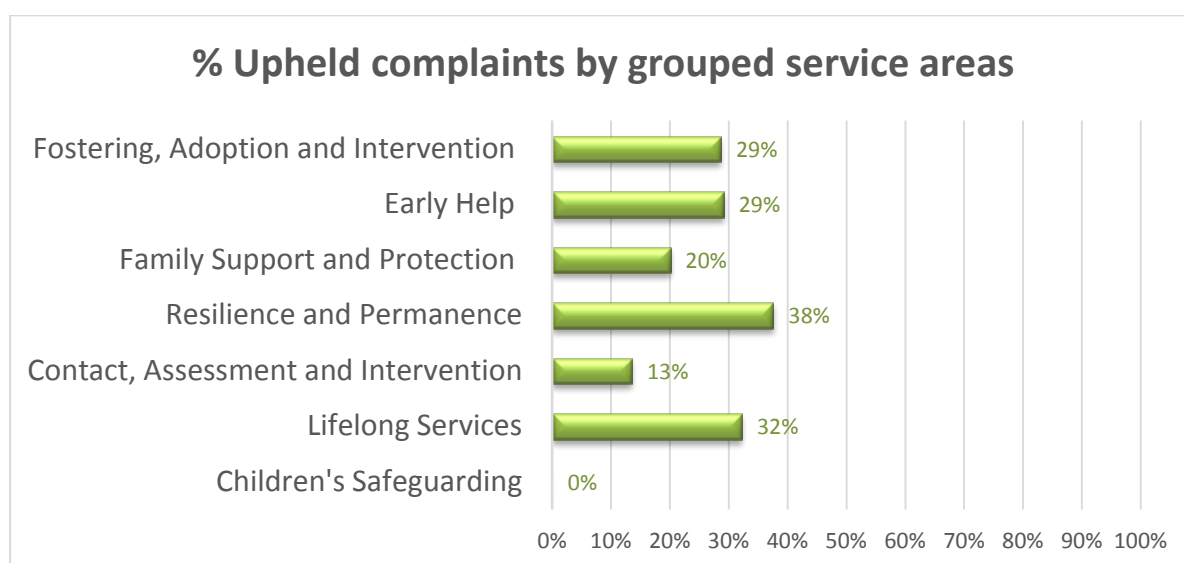
The table below shows a breakdown of complaints by grouped service for 2018 and 2019. One notable increase is the number of complaints recorded against Family

Support and Protection. The figure has almost doubled when compared with the number recorded in 2018 and represents 28% of the total complaints about Children's Social Care. Together with Contact, Assessment and Intervention, these grouped services account for over half of the reported complaints (55%)



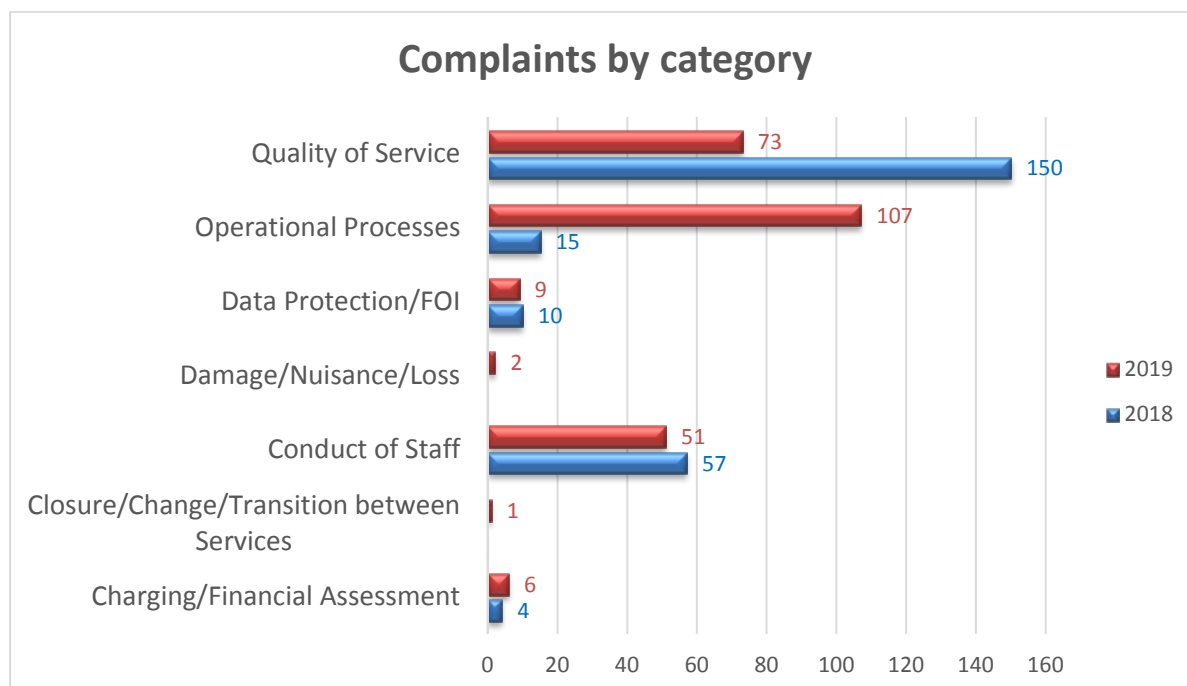
It has already been reported that the percentage of upheld complaints in Children's Social Care (24%) is slightly higher than the whole Council average of 22.2%. The graph below shows the upheld rates across the grouped service areas in 2019.

Resilience and Permanence has the highest recorded rate of upheld complaints, with Family Support and Protection recording a relatively low number of upheld complaints when considering the number of formal complaints logged (70).

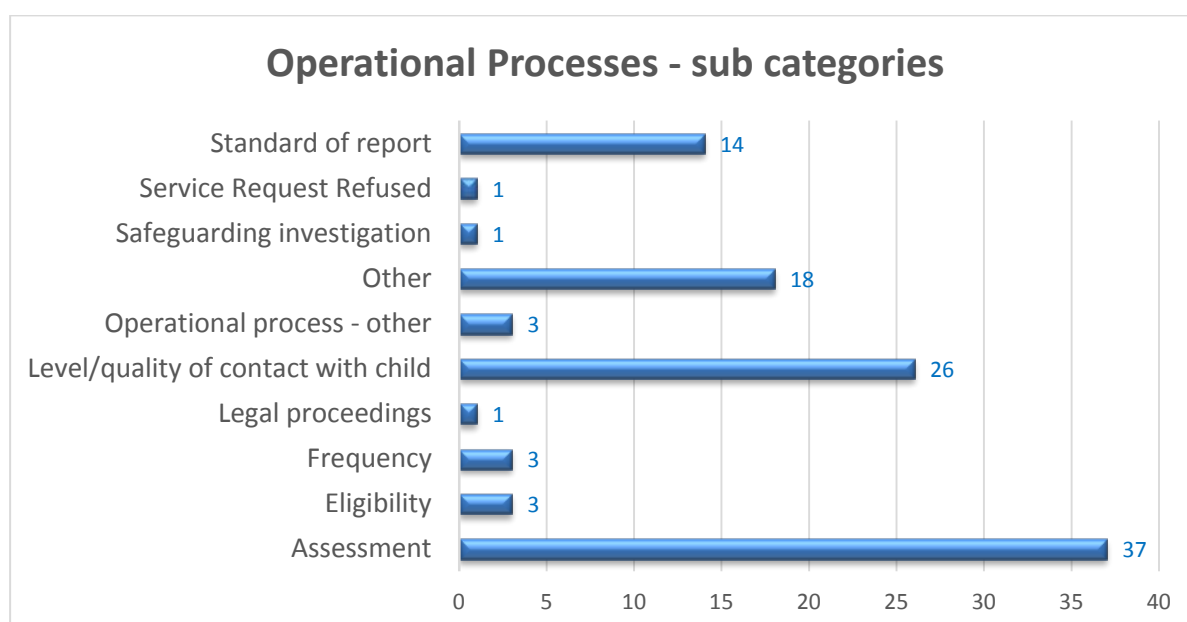


The graph below shows the category of complaints received about Children's Social Care. Complaints about social care provision are often complex and can include

dissatisfaction about many elements of the service provided. For reporting purposes, the assigned category is a reflection of the salient or substantive issue complained about.

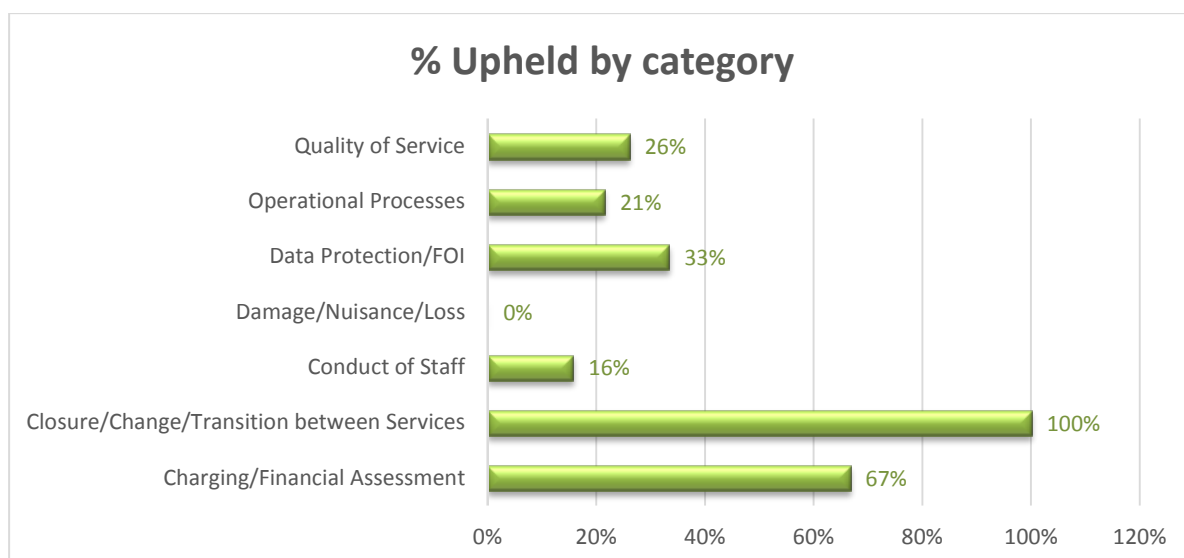


The category 'operational process' was broadened in 2019 to include sub-categories to enable management to better understand what areas of operational processes were the subject of complaints; the sub-categories are detailed in the graph below.



The graph below shows the percentage of complaints upheld in each category. The 100% recorded is the result of a very small data set, with the only complaint being logged against that category being upheld.

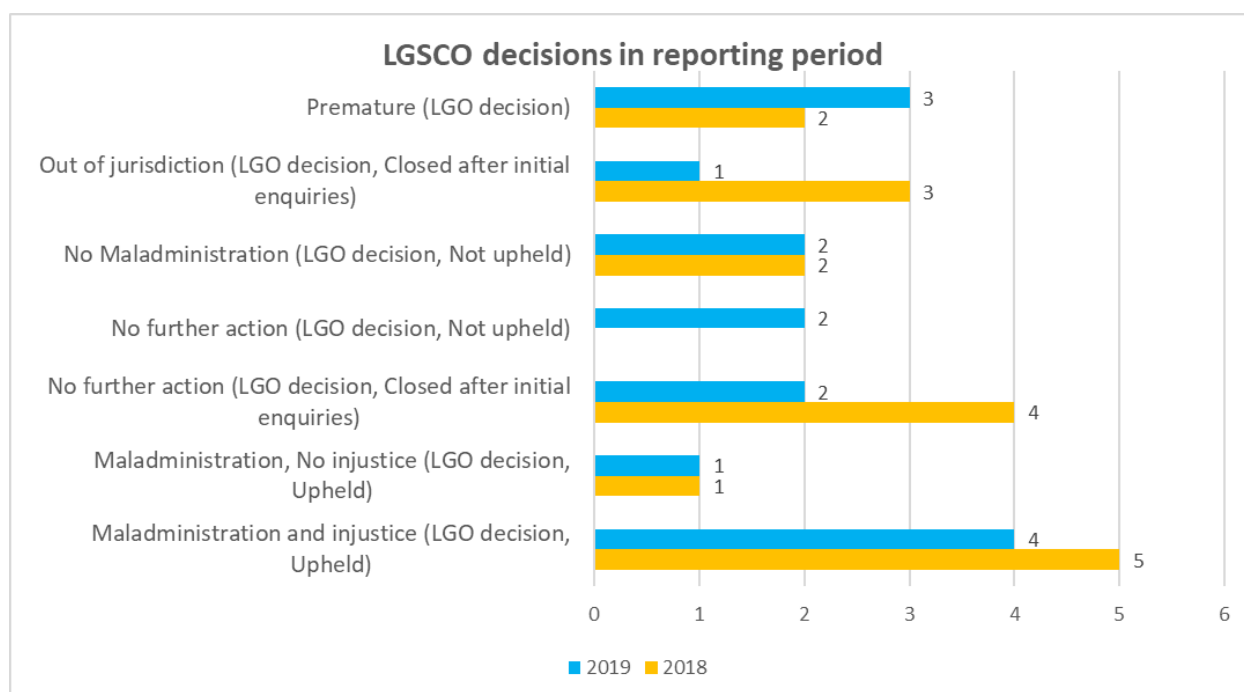




## 5 Local Government and Social Care Ombudsman

Once a customer has exhausted the Council's complaints procedures, they have the option to ask the Local Government and Social Care Ombudsman (LGSCO) to consider their complaint. This report focusses on the number of LGSCO decisions reached in the reporting period, as it is from these decisions that meaningful data and learning can be analysed.

The number of *decisions reached* by LGSCO decreased from 17 decisions recorded in 2018 to 15 decisions recorded in 2019.



The LGSCO has three different upheld categories:

- Upheld: Maladministration and injustice;
- Upheld: Maladministration, no injustice;

- Upheld: No further action

In 2019, the LGSCO returned an upheld decision on 5 of the 13 complaints considered; this represents a 33% upheld rate, which represents a slight increase in the percentage of upheld complaints recorded in 2018 (30%).

It is not possible to predict accurately how many complaints will be escalated to the LGSCO, as all complainants have the right to request their complaint is reviewed by the LGSCO.

Local resolution is key to improving the customer experience, and escalations to LGSCO will remain a focus for continual monitoring and review, as we try to resolve complaints for customers as quickly and simply as possible.

It is pleasing to note that the number of decisions reported has decreased in 2019

Details of these upheld complaints and associated learning are outlined below.

## **Upheld: Maladministration and Injustice**

### **1. Assessment and Intervention**

The complaint was considered as a representation under the corporate complaints procedures. In line with that process, the matter was escalated directly to LGSCO following the issue of the formal Council response.

Mr X complained that the Council disclosed his confidential information without consent. The Ombudsman did not find fault with the Council's decision to disclose the information. However, they did find fault in the way the Council set out its rationale and for not telling Mr X it would disclose the information.

The Council acted on a S47 but failed to check:

- *Whether it should get Mr X's consent before sharing the information;*
- *Whether doing so would create or increase risk of harm;*
- *Whether telling Mr X that it had shared the information without his consent would create or increase risk of harm*

These actions were not compliant with the *Working Together to Safeguard Children* guidance and Council policies.

The Council was found to be at fault because it did not clearly document its lawful basis for disclosing the information without Mr X's consent. It did not tell Mr X that it had, or was going to, disclose the information, or evidenced why doing so would create or increase risk of harm.

### **Learning Completed**

- Management to remind staff of the process to be followed in all disclosure strategy meetings and to ensure that decisions made are clearly documented in the minutes/social care record;

- Council to inform all Practice Managers of the outcome of the complaint and the findings;

The remedy was formally recorded as 'completed' by the LGSCO. An apology letter was sent to Mr. X explaining the rationale for sharing the information without his consent.

## **2. Children's Safeguarding – LADO (Local Authority Designated Officer)**

A stage two complaints investigation was undertaken by the Head of Safeguarding. The matter was referred to the LGSCO by the complainant and the outcome of the stage two complaint was overturned.

Mr Y complained on behalf of his daughter about the way the Council dealt with an allegation against her. The LGSCO found that the Council was at fault in the way it decided the outcome of the allegation. The Council agreed to carry out a review of the evidence and the decision.

The LGSCO found fault in the LADO recording the decision before the outcome of the employer's investigation was made clear. In short, the LADO made a finding on the allegation in the absence of an investigation. The Council decided early in the process what the outcome of their investigation would be. The complainant's record shows the allegation to have been substantiated by the Council and this was felt to represent injustice.

The LADO actions were not compliant with the *Working Together to Safeguard Children* guidance

### **Learning Completed**

- Principal Safeguarding Lead role appointment made to provide regular tracking of progress on individual cases;
- LADO reminded of the possibility to peer review cases with the Assistant LADO.

### **Remedy**

The Council agreed to carry out a full review of the evidence about the allegation.

The LGSCO wrote to the Council to confirm the remedy actions had been completed.

## **3. Looked After Children**

The complaint was considered at stage two of the corporate complaints procedure and was escalated to the LGSCO by the complainant.

Ms Z, who was a child in the Council's care, complained that the Council was at fault for offering to fund her accommodation at university only if she lived with her former foster family from whom she was estranged. The LGSCO found that the Council was at fault. The LGSCO found that the Council could not effectively insist

that Ms Z continue to live with the foster family against her will. This fault represented an injustice.

The Council was reminded of its duty to provide accommodation for Ms. Z while she was studying.

#### Learning Completed

No operational learning was completed as a result of this complaint.

#### Remedy

A small financial remedy was imposed, to be provided alongside a formal apology from the Looked After Children Service. The Council was instructed to fund alternative accommodation for Ms. Z.

The LGSCO wrote to the Council to confirm the remedy actions had been completed.

### **4. Lifelong Services**

Mr. H complained that the Council had failed to provide him and his daughter with the support they needed.

The LGSCO made the unusual finding of 'Upheld: Maladministration and Injustice – No Further Action' despite the final decision concluding that *'the evidence does not support the claim that the Council's actions have caused injustice'*.

The finding is formally recorded as 'Upheld: Maladministration and Injustice' by the LGSCO, which is why it is included in this report.

#### Learning

Mr. H turned down the Council's initial offers of additional support and the Council took no further action to arrange such support before updating Mr H's daughter's care plan.

This isolated issue was discussed in team meetings and in individual supervision sessions with the social worker.

#### Remedy

The LGSCO considered no appropriate remedy was applicable.

**Upheld: Maladministration, No Injustice**

### **5. Looked After Children and Customer Relations**

Mr. B complained that the Council did not support him adequately as he moved out of care and this led him to make poor life choices. Mr. B complained that the Council gave him too little support in his career. The Council was not at fault as it gave Mr. B advice but could not make him take it. However, the LGSCO found fault

for a failure to use the statutory complaints process for Mr. B's complaint but this fault caused him no injustice.

### Learning Completed

The Customer Relations Team was reminded of the importance of considering the eligibility of complainants when applying the appropriate complaints procedure.

### Remedy

No remedy was set by the LGSCO.

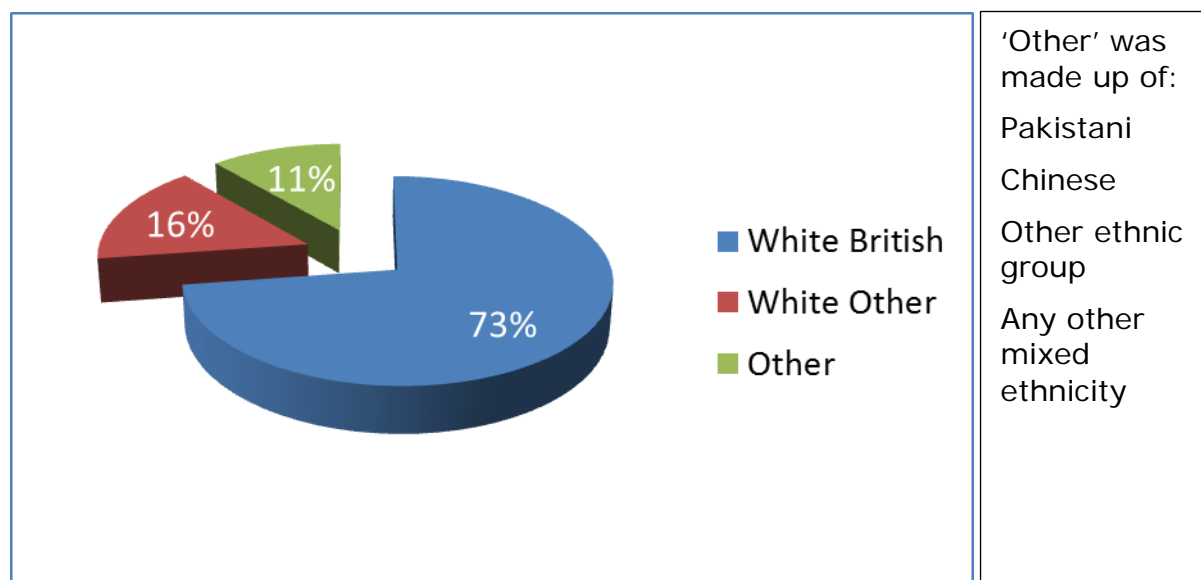
In all five of the cases where fault was identified, the LGSCO and the Council agreed a suitable remedy, usually an apology or a review of decision. Any financial remedies resulting from an LGSCO investigation are set out in the synopsis in section 2.2.

An anonymised list of cases considered by the LGSCO is available from the Complaints Manager [David.Tominey@westsussex.gov.uk](mailto:David.Tominey@westsussex.gov.uk); all anonymised decision reports are held on file and accessible on request.

## 6 Equalities Monitoring

The process for monitoring complaints by age, sex, race, disability, religion or belief, and gender reassignment has historically produced insufficient data to form any realistic judgement as to the effectiveness of the procedure for individual groups.

Ethnicity was recorded for 44 complainants, with the following outcome:



Throughout 2019 all complainants were surveyed regarding their customer experience of the complaints process. That survey also requested equality data. Of 32 complainants who completed the survey, 28 (87.5%) said that they were White British, 1 (3.1%) defined as 'Black' and 1 (3.1%) as 'White Other'. Two respondents

chose not to answer. All the respondents in the survey were over 20. Of the 31 who gave their gender, 19 (61.3%) defined as Female and 12 (38.7%) as Male.