

Children and Families Services Statutory Annual Complaints and Feedback Report 2022 – 2023

Author: Elaine Hemming

Date Tuesday, 20 June 2023



Introduction

This report provides information for the Statutory Children's Complaints and Representations Service and the Corporate Feedback Procedure for Children and Families services, for the period 1 April 2022 to 31 March 2023. The report and service are provided in accordance with the Complaints and Representations Procedures established under the Children Act 1989 and the Local Authority Act 1970.

The Procedures were amended from 1 September 2006 by The Children Act 1989 Representations Procedure (England) Regulations 2006, and 'Getting the Best from Complaints', the accompanying guidance.

The Statutory Complaints Procedure

The Statutory Procedure provides a Procedure for making representations about the discharge by a Local Authority of its functions under Part 3 and specified functions under Parts 4 and 5 of The Children Act 1989, certain functions under 2002 Act and functions regarding Special Guardianship support services.

There are three stages to the Statutory Complaints Procedure:

Stage 1 – Local Resolution

This stage is usually carried out by a Team Manager, who is required to carry out an investigation by discussing the complaint with the relevant practitioners and the complainant and taking into account any evidence which is held by the Local Authority, before making an informed finding on each specific complaint. There is a timescale of 20 working days to complete this stage.

Stage 2 – Independent Investigation

This stage involves the commissioning of an Independent Investigating Officer (IIO) and an Independent Person (IP) who will carry out an evidence-based investigation by meeting with various practitioners concerned and viewing evidence held on the Local Authority files. The IIO and IP will each prepare a report, including recommendations for the service to consider. The responsible Assistant Director will then consider the reports and recommendations and prepare a response to the complainant detailing whether they accept the findings and recommendations, before all reports and responses are sent to the complainant. There is a timescale of 65 working days to complete this stage.

The Complaints Team are required to accept all requests for a Stage 2 Investigation, however attempts are always made to try and resolve the issues locally, by the Complaints Team offering to meet the complainant along with the relevant District Operational Lead.

Stage 3 – Complaint Review Panel

This stage involves the commissioning of three independent Panel members, who will attend a Panel meeting alongside the IIO and IP, the complainant, a representative from the service, the Complaints Manager, a Clerk to the Panel and anyone else who is considered to be required.



The Panel will consider the adequacy of the Stage 2 Investigation in light of any additional information provided by the complainant. Panel will reach a view as to whether any findings need to be overturned and whether any additional recommendations need to be implemented. The report provided by Panel will be shared with the Local Authority and the Director for Children's Services (DCS) will prepare a response to the complainant which will detail whether the recommendations are accepted. The Panel report and response from the DCS is then shared with the complainant.

The Corporate Complaints Procedure

The Corporate Complaints Procedure can be utilised when the representation does not fit the criteria to be investigated via the Statutory Complaints Procedure and is regarding a non-statutory service or if the representation is being made in the complainants own right about a service which they have personally received, subject to the specific detail of the complaint.

There are two stages to the Corporate Complaints Procedure:

Stage 1: Local Resolution

This stage usually involves a Team Manager investigating the complaint by conducting discussions with staff members and liaising with the complainant. The Team Manager will then reach a conclusion in terms of the findings of the complaint. The timescale of this stage is 20 working days.

Stage 2: Internal Review

A complainant can submit a request for a Stage 2 Review; however, the Complaints Team have discretion in whether this is accepted. The complainant must provide sufficient evidence to warrant this. If accepted, a senior manager will review the stage 1 response alongside the evidence supplied by the complainant and will reach a finding on each aspect of the complaint. The timescale for completing this stage is 25 working days.

Local Government and Social Care Ombudsman (LGSCO)

In the event that a complainant remains dissatisfied following exhaustion of all stages of either complaints procedure they can take their complaint to the LGO. A complainant can access the LGSCO at any point, but the LGSCO normally provides the Local Authority with the opportunity to process through all stages of the complaints procedure unless they decide otherwise. Complaints referred back to the Local Authority to process are classed as 'premature referral' complaints.

If the Local Authority take the decision to refuse to investigate a complaint or refuse to escalate the complaints to the next stage of the procedure, a complainant may then also approach the LGSCO.



Key Numbers and Initial Overview



A total of **375** complaints investigated through the different stages of the Statutory and Corporate Complaints Procedures. An increase of 67% compared to 2021/22 (224 complaints)



193 compliments received for the whole service.



57% of completed complaints responded to within prescribed timescales (2021/22 reported 62%)



28% of completed stage 1 complaints found upheld, **29%** found not upheld, **26%** found partially upheld. At the time of reporting 17% remained outstanding/had been withdrawn.



199 matters recorded under the duty category. An increase of 47% compared to the 2021/22.



39 matters considered by the Local Government and Social Care Ombudsman (LGSCO)



Top three areas for nature of complaint:

- Standard of Service **33%**
- Case Management **19%**
- Delay with EHCP **16%**



Top three areas for who is complaining:

- Parent **65%**
- Advocate **7%**
- Foster Carer **7%**

Wider Scale Overview

	2022/2023	2021/2022	% Difference
Statutory S1 Complaint	142	92	+56%
Statutory S2 Complaint	13	6	+133%
Statutory S3 Complaint	3	3	-
Corporate S1 Complaint	201	118	+72%
Corporate S2 Complaint	14	18	-22%
Duty	199	135	+47%
MP Enquiries	146	117	+24%
LGSCO	39	43	-16%
Compliments	193	199	-3%

The table above shows that there has been a significant increase across almost all aspects of complaints. This report provides the first full twelve months of data since the Children and Families Services underwent a transformation. The style and layout of this report will therefore be as reflective as possible of the services structure and will follow the district-based model where this is possible. In respect of the SEND service, data has been collated for the whole service rather than within the districts as it was felt this provided a clearer overview of their complaints.

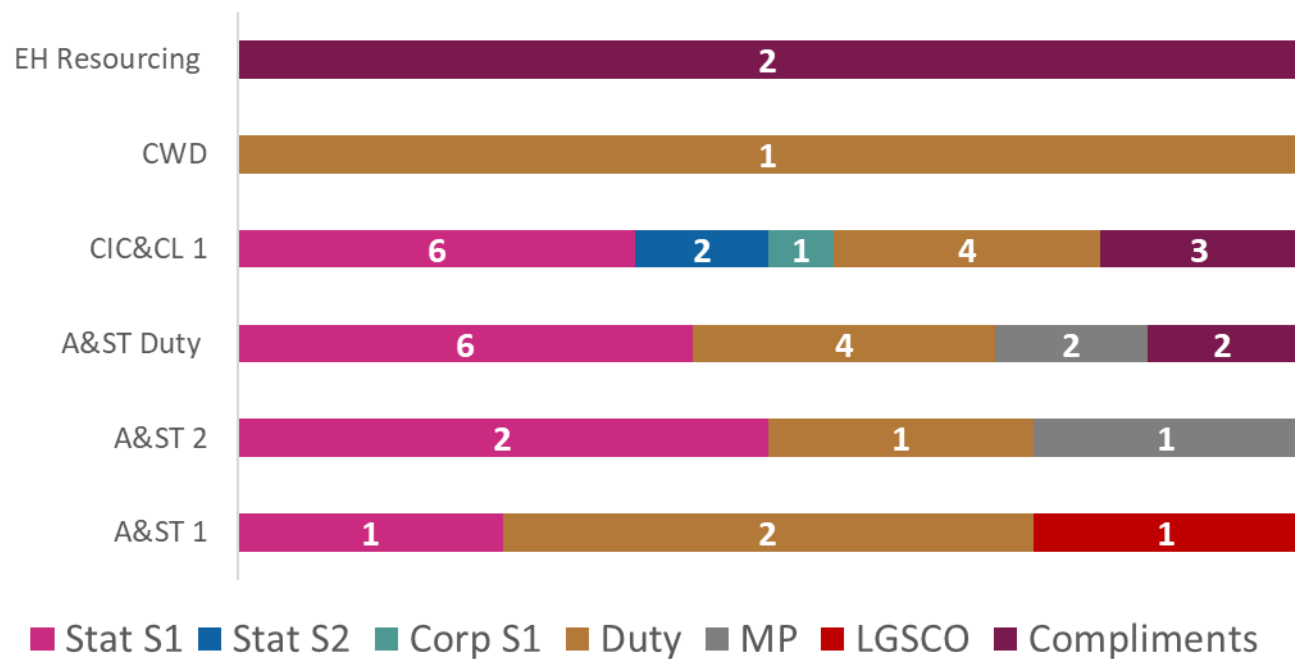


Team Abbreviations Key

A&ST	Assessment and Staying Together
CIC&CL	Children in Care and Care Leavers
CWD	Children with Disabilities
EH Resourcing	Early Help Resourcing
LGSCO	Local Government and Social Care Ombudsman
SEND	Special Educational Needs and Disabilities

Cannock District

Number of Complaints by Team:



Response Timescales:

In Timescale	5
Out of Timescale	6
Withdrawn/Ongoing	5

Outcome of Complaints:

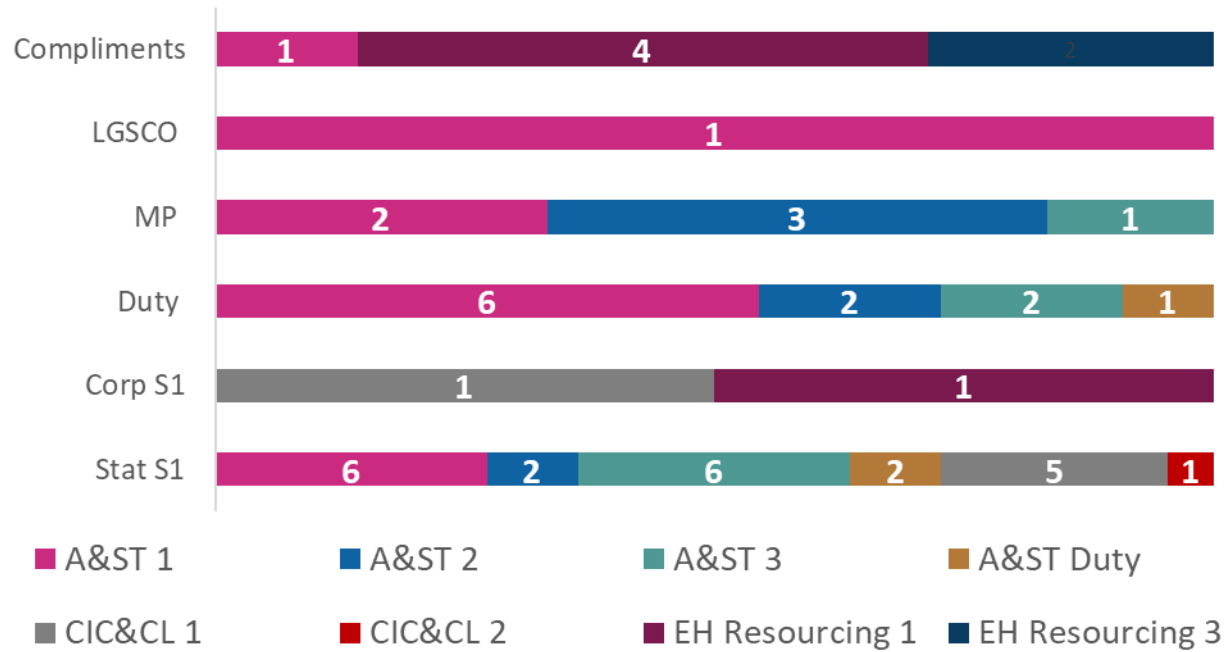
Upheld	4
Not Upheld	1
Partially Upheld	6
Withdrawn/Ongoing	5

Nature of Complaints:

Case Management	7
Standard of Service	3
Staff Conduct	4
Quality of SW Assessment	2

East Staffs District

Number of Complaints by Team:



Response Timescales:

In Timescale	12
Out of Timescale	8
Withdrawn/Ongoing	4

Outcome of Complaints:

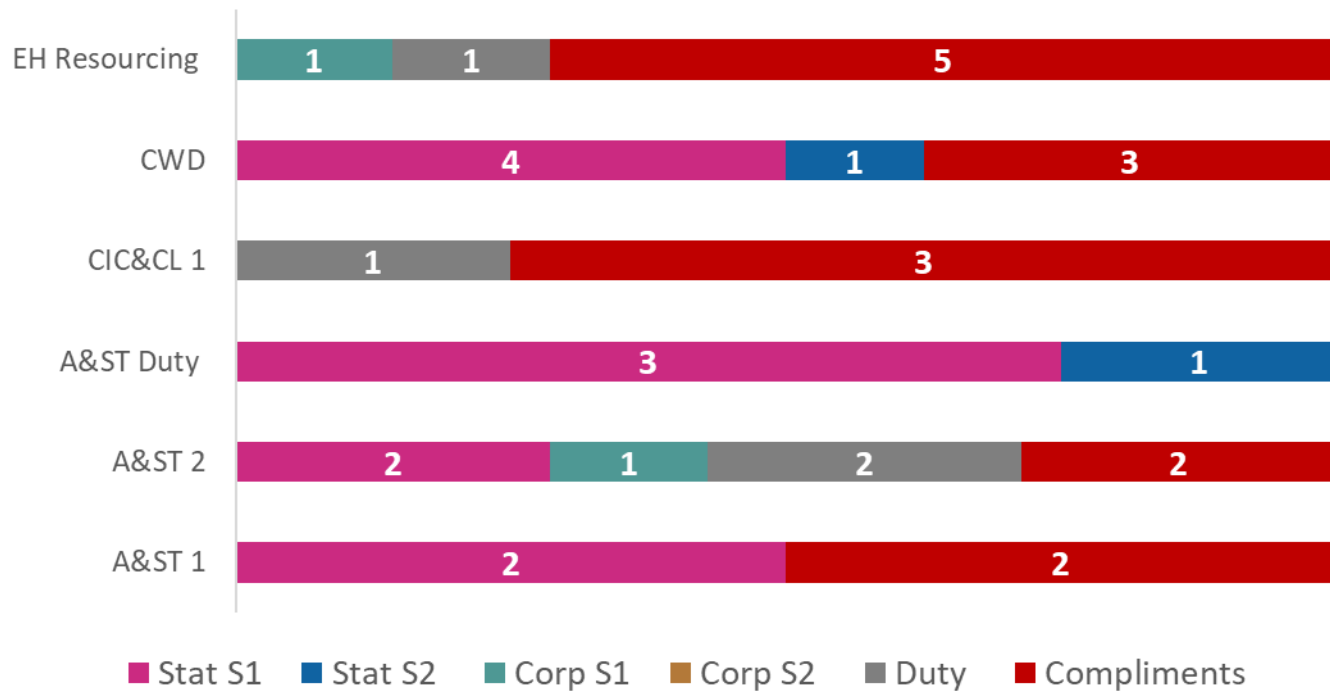
Upheld	2
Not Upheld	10
Partially Upheld	8
Withdrawn/Ongoing	4

Nature of Complaints:

Case Management	9
Standard of Service	9
Staff Conduct	6

South Staffs District

Number of Complaints by Team:



Response Timescales:

In Timescale	3
Out of Timescale	2
Withdrawn/Ongoing	8

Outcome of Complaints:

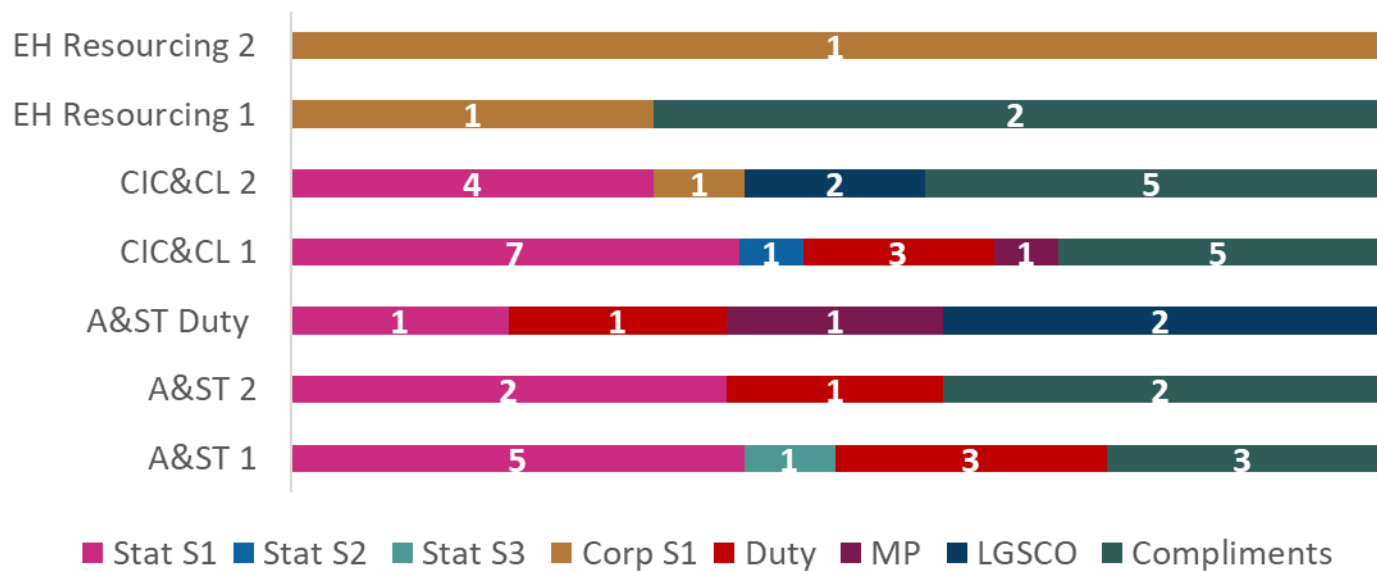
Upheld	2
Not Upheld	1
Partially Upheld	2
Withdrawn/Ongoing	8

Nature of Complaints:

Case Management	4
Standard of Service	4
Staff Conduct	3
Quality of SW Assessment	2

Stafford District

Number of Complaints by Team:



Response Timescales:

In Timescale	3
Out of Timescale	2
Withdrawn/Ongoing	8

Outcome of Complaints:

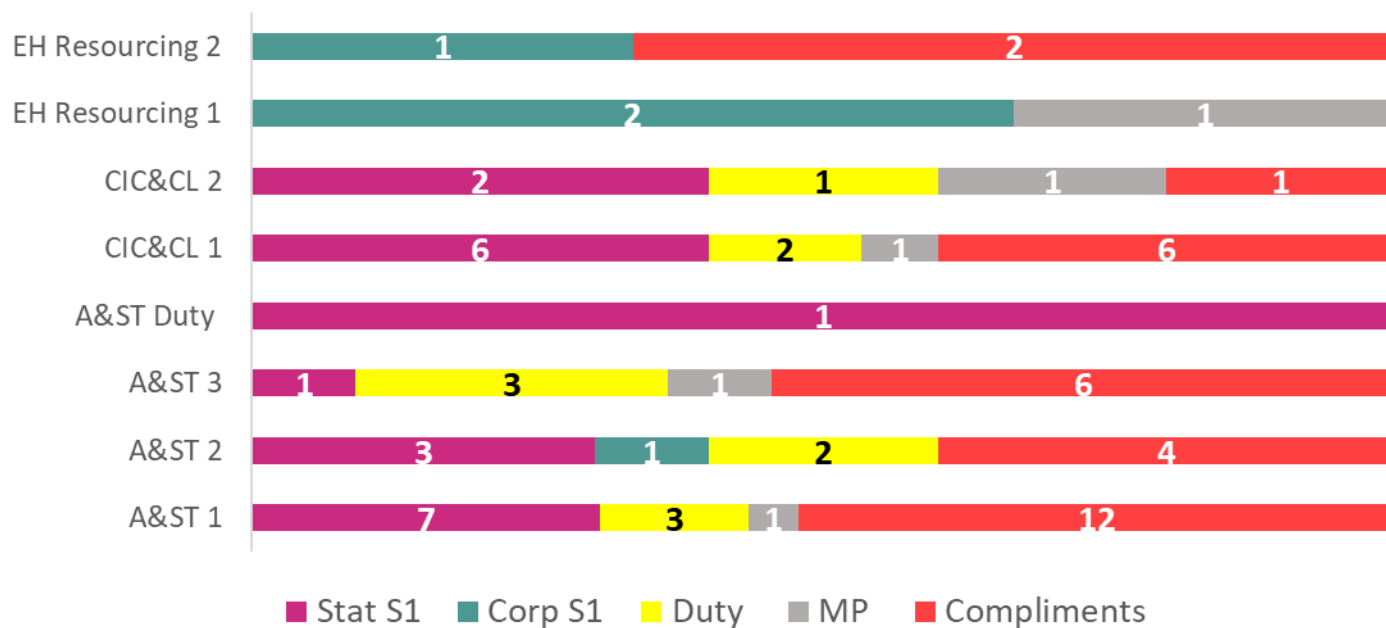
Upheld	6
Not Upheld	2
Partially Upheld	8
Withdrawn/Ongoing	6

Nature of Complaints:

Case Management	7
Standard of Service	14
Staff Conduct	1

Newcastle District

Number of Complaints by Team:



Response Timescales:

In Timescale	3
Out of Timescale	2
Withdrawn/Ongoing	8

Outcome of Complaints:

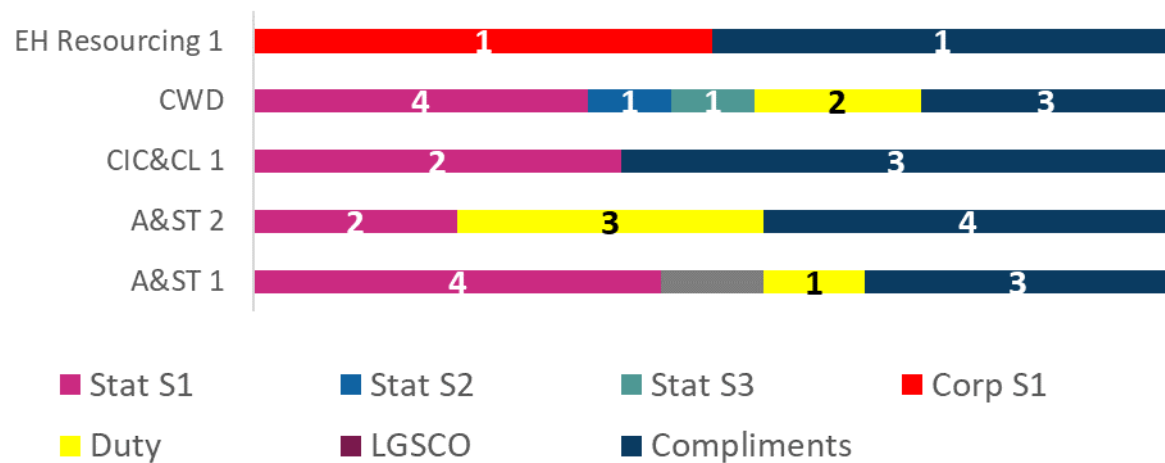
Upheld	2
Not Upheld	10
Partially Upheld	9
Withdrawn/Ongoing	1

Nature of Complaints:

Case Management	9
Standard of Service	12
Staff Conduct	1

Moorlands District

Number of Complaints by Team:



Response Timescales:

In Timescale	6
Out of Timescale	4
Withdrawn/Ongoing	3

Outcome of Complaints:

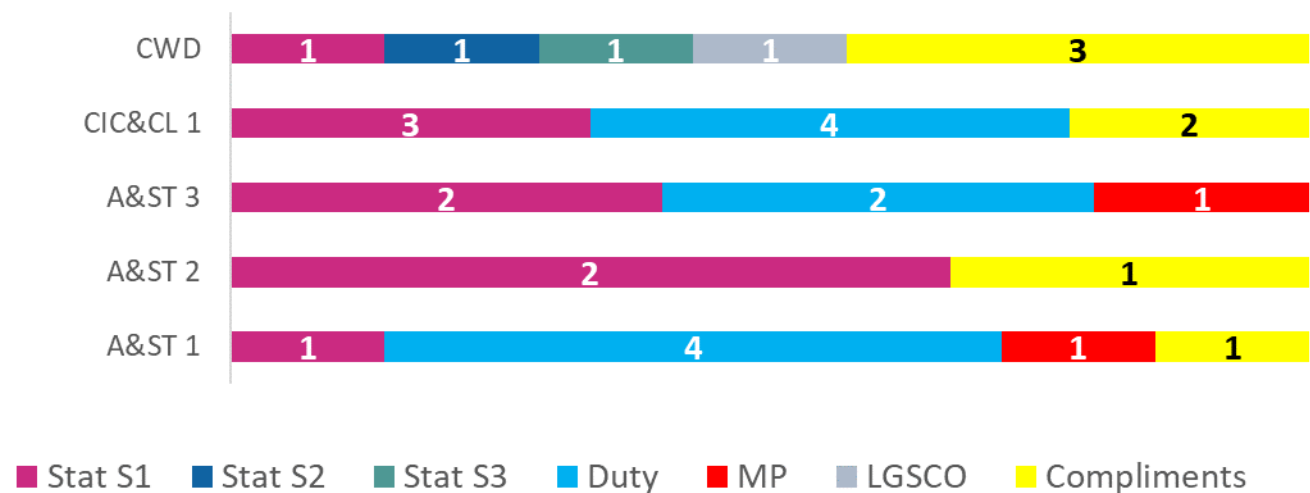
Upheld	5
Not Upheld	3
Partially Upheld	2
Withdrawn/Ongoing	3

Nature of Complaints:

Case Management	1
Standard of Service	6
Staff Conduct	5
Quality of SW Assessment	1

Lichfield District

Number of Complaints by Team:



Response Timescales:

In Timescale	5
Out of Timescale	3
Withdrawn/Ongoing	1

Outcome of Complaints:

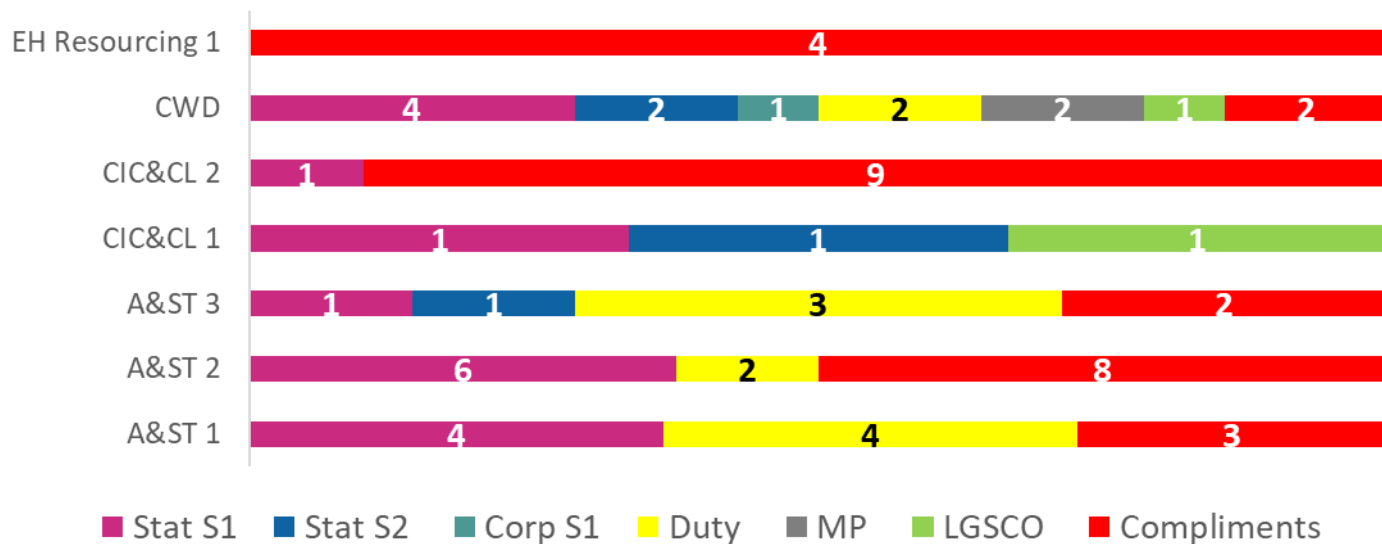
Upheld	3
Not Upheld	3
Partially Upheld	2
Withdrawn/Ongoing	1

Nature of Complaints:

Case Management	2
Standard of Service	5
Staff Conduct	2

Tamworth District

Number of Complaints by Team:



Response Timescales:

In Timescale	13
Out of Timescale	1
Withdrawn/Ongoing	4

Outcome of Complaints

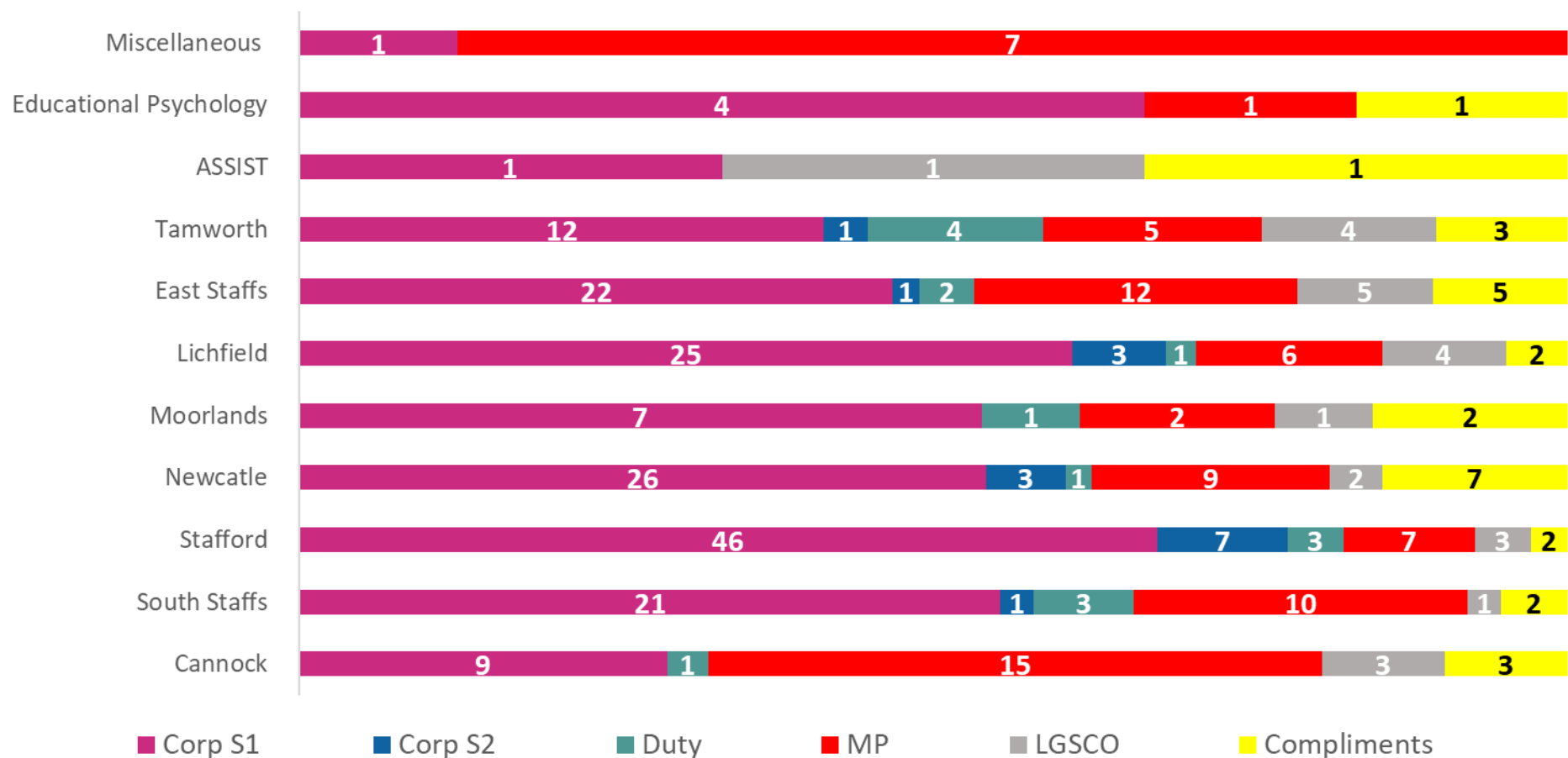
Upheld	3
Not Upheld	9
Partially Upheld	2
Withdrawn/Ongoing	4

Nature of Complaints

Case Management	5
Standard of Service	10
Staff Conduct	1
Quality of SW Assessment	2

SEND Service

Number of Complaints by Team:



SEND Service (continued)

Response Timescales:

In Timescale	112
Out of Timescale	45
Withdrawn/Ongoing	17

Outcomes of Complaints:

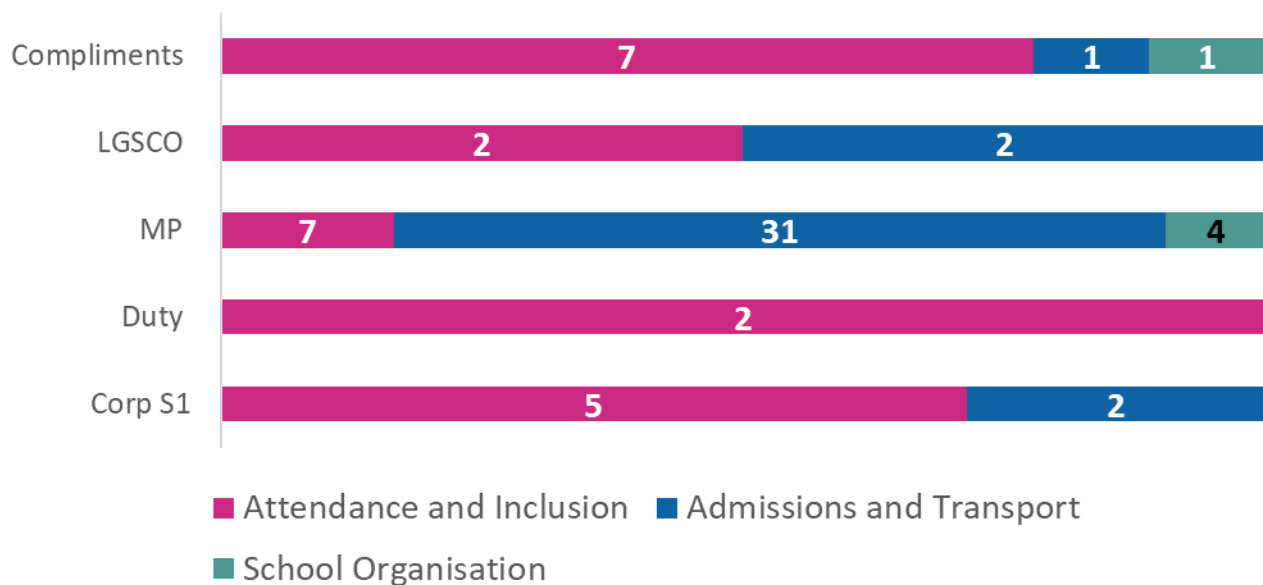
Upheld	67
Not Upheld	45
Partially Upheld	45
Withdrawn/Ongoing	17

Nature of Complaints:

Delay in Annual Review Amendment	21
Staff Conduct	4
Standard of Service	65
Delay in Providing an EHCP	76
Naming of a Provider	4
Transport	3
Refusals to Assess	1

Access to Learning, Inclusion and Attendance

Number of Complaints by Team:



Response Timescales

In Timescale	3
Out of Timescale	1
Withdrawn/Ongoing	3

Outcomes of Complaints

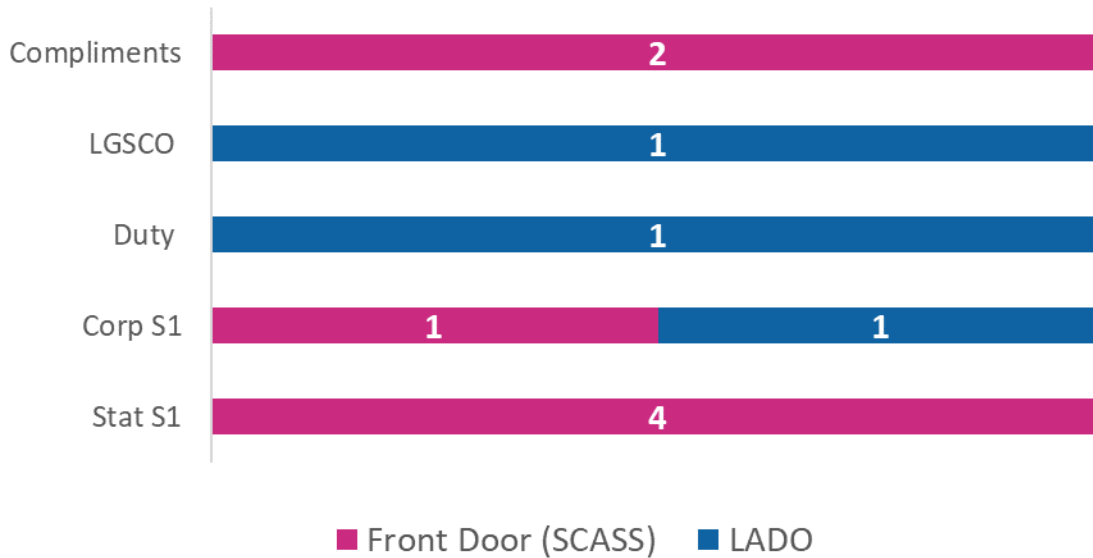
Not Upheld	3
Withdrawn/Ongoing	4

Nature of Complaints

Case Management	3
Standard of Service	3
Staff Conduct	1

Access to Services and Family Support

Number of Complaints by Team:



Response Timescales

In Timescale	5
Withdrawn/Ongoing	1

Outcome of Complaints

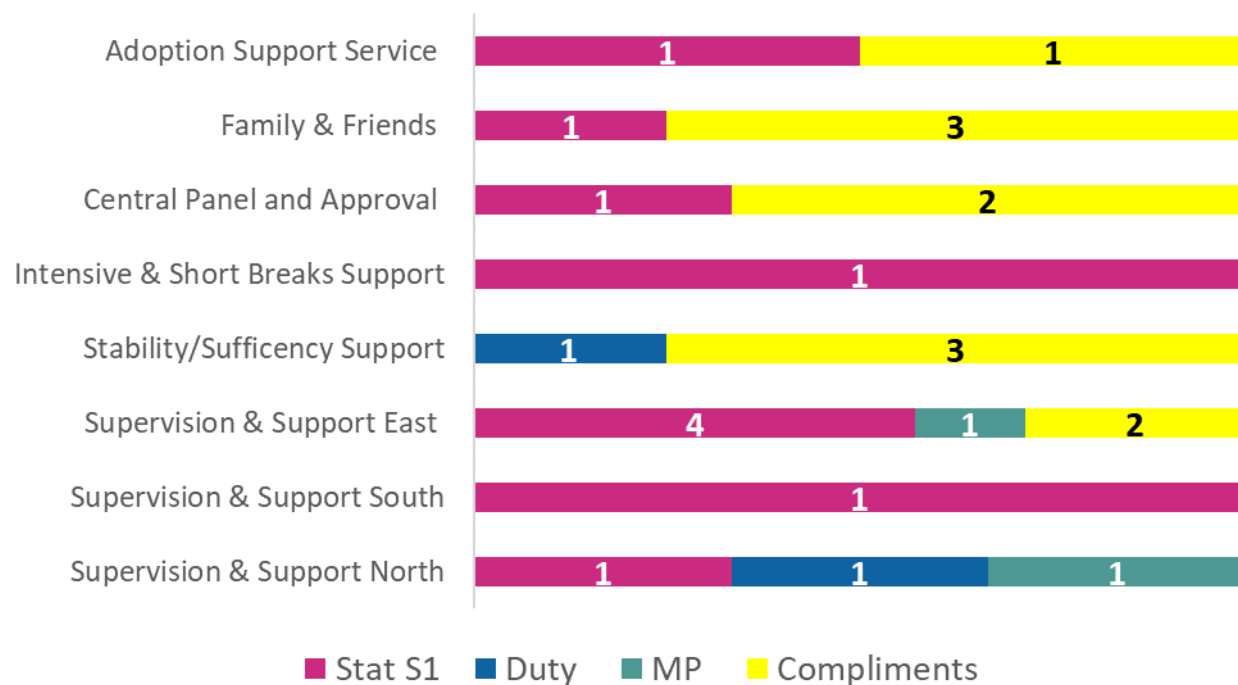
Upheld	1
Not Upheld	2
Partially Upheld	2
Withdrawn/Ongoing	1

Nature of Complaints

Case Management	2
Standard of Service	3
Staff Conduct	1

Fostering and Adoption Service

Nature of Complaint by Team:



Response Timescale

In Timescale	4
Out of Timescale	4
Withdrawn/Ongoing	2

Outcome of Complaints

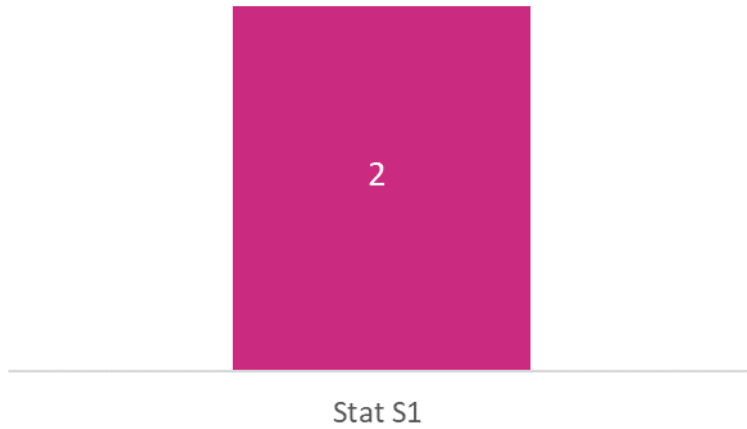
Not Upheld	3
Partially Upheld	5
Withdrawn/Ongoing	2

Nature of Complaint

Case Management	4
Standard of Service	6

Virtual School Service

Number of Complaints



Response Timescale

In Timescale	2
--------------	---

Outcome of Complaints

Not Upheld	2
------------	---

Nature of Complaints

Standard of Service	2
---------------------	---

Commissioning and Placements Service

Number of Complaints



Response Timescale:

In Timescale	5
Out of Timescale	1

Outcome of Complaints:

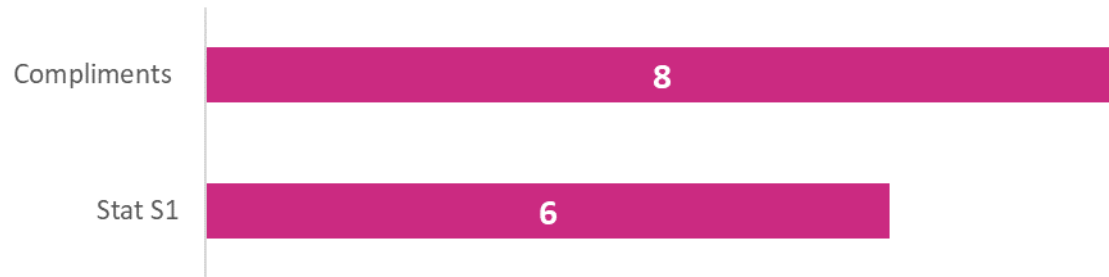
Not Upheld	5
Partially Upheld	1

Nature of Complaints:

Case Management	1
Standard of Service	3
Staff Conduct	2

Independent Conference Chair and Independent Review Officer Service

Number of Complaints



Response Timescale

Out of Timescale	1
------------------	---

Outcome of Complaints

Partially Upheld	1
------------------	---

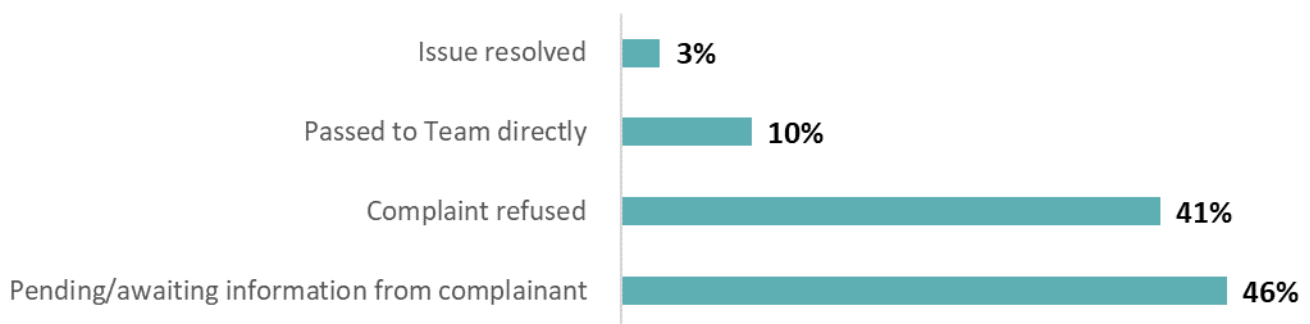
Nature of Complaint

Standard of Service	1
---------------------	---

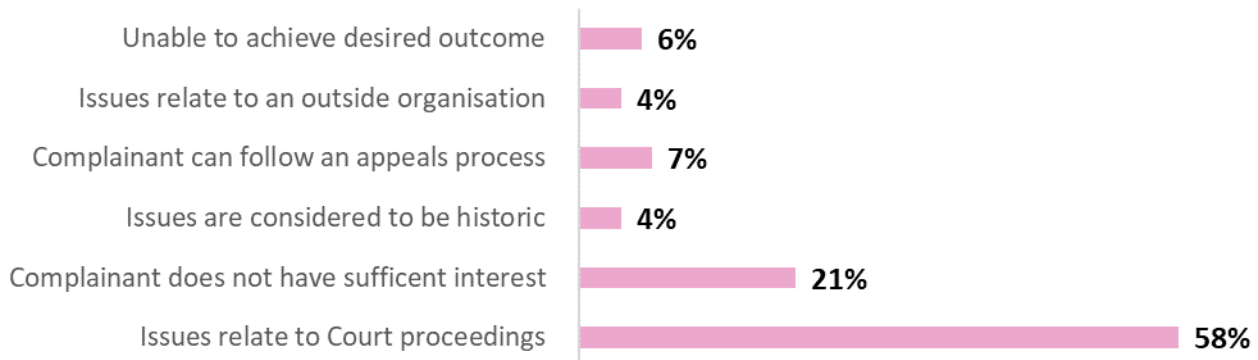


Duty Matters

A total of 199 matters were categorised under the duty system this reporting year. This represents an increase of 47% compared to the 2021/22 report. The chart below provides further detail of how these matters have been categorised.



In terms of those complaints which are refused further investigation, further detail is provided in the following chart:



Statutory Stage 2 Independent Investigations

The individual district charts provided in the earlier sections of this report, provide an overview of the numbers of investigations per service. The charts below provide a brief overview of the learning actions which have been implemented following the investigations concluding. Readers of this report should note that a number of actions arising from the Stage 2 Independent Investigations recommend actions which are specific to the family or individual concerned and detail of those actions have therefore been omitted from the below.



Service: Children with Disabilities

A selection of actions implemented by the service:

All systems procedures and processes in relation to children and young people with a disability are under review following the transformation of children's services in October 2021.

The current Childrens Disability lead for Staffordshire Childrens Services has introduced proposals which have been accepted which will explore how help can be given to families at an early stage to prevent matters from escalating and to predict problems arising in the first instance.

Service: Children in Care and Care Leavers

A selection of actions recommended and implemented by the service:

For the Local Authority to review its supervision practices as investigation into these complaints has highlighted a lack of professional curiosity and challenge by Team Managers when supervising the actions of their social workers. A new process has been introduced in respect of management oversight, which would achieve this recommendation.

Service: Children in Care and Care Leavers

A selection of actions recommended and implemented by the service:

Findings from this complaint were discussed with the Management Team and the policy and procedures review will be overseen by our Principal Social Worker of Staffordshire Children's Service in conjunction with Head of Service for Quality Assurance. The learning from this complaint will be shared widely across Children's service to inform further practice improvement.

We have taken the learning from this matter and emphasised the need for using restorative language in every mode of communication with children, families and carers. This has been achieved across the service.

Stage 3 Complaints Review Panels

There has been a total of three Stage 3 Panels convened this reporting year. Given the increase of Stage 2 Independent Investigations upon comparison to the preceding year, it should be noted that there has been no increase to complaints progressing to Stage 3. This should



indicate that complainants are happy with the investigation carried out at Stage 2, and do not feel the need to progress to the final stage of the Statutory Complaints Procedure.

The tables below provide an overview of the recommendations and actions which have been implemented through this process.

Service: Childrens Disability Service

A selection of actions recommended and implemented by the service:

It is recommended that thought be given to the way in which parents can be informed that they may need to ask for an assessment. In these particular circumstances where SEND are involved at the beginning of an EHCP process it is suggested that it is an ideal opportunity to inform parents that an assessment by Social Care may need to be requested, if they are not already involved. The process surrounding a SEND Needs Assessment (also referred to as an Education, Health and Care Needs Assessment/EHCNA) has now altered; additional posts were created, and their role is to carry out an initial assessment through a telephone discussion with parents to identify whether there are any unmet social care needs. Information from the telephone assessment and any resulting actions from this are provided to the SEND Team as part of the EHCNA process, with any other information shared with Social Care if there are any unmet needs. This recommendation is therefore considered to be complete.

Service: Childrens Disability Service

A selection of actions recommended and implemented by the service:

- It is recommended that a leaflet or letter template is produced within one month of this report, to clearly explain that when a Care Needs Assessment is requested by a parent or carer, these needs are considered as part of a bigger, more holistic Early Help or Child in Need assessment, rather than being undertaken as a separate stand-alone assessment. This will prevent confusion in future cases and prevent the belief that the request for a needs assessment has been ignored by the local authority. The Local Authority already have in production as a working document, the Threshold Document. This outlines the following:

8. Parents as Carers – their Needs:

8.1 Children’s Disability Service will offer carer’s assessments to comply with the Care Act (2014), and in line with Children Services’ and Adult Social Care Policies and Procedures. Any services offered will also align with the holistic approach of the Framework for the Assessment of Children in Need and their Families.

Many of these assessments will be incorporated into the child social work assessment rather than as a stand-alone document if agreed by carers.



The Local Authority do not consider that a standalone leaflet or document would aid in peoples understanding, however we propose to ensure that workers will clearly outline the above as part of their initial visits and when gathering information for the Child Social Work Assessment. This will be done through the learning from this complaint and detailed within reports which can be shared across the workforce. This will also be cascaded to senior managers who can disseminate the learning through their individual teams.

Service: Childrens Disability Service

A selection of actions recommended and implemented by the service:

- That all social workers are aware of the requirement to record changes to factual inaccuracies in assessments when such claims are made by service users.
I can confirm that all workers within the Children's disability service have been informed via e-mails learning from this complaint and the need for factual inaccuracies to be changed within documents, and the differences between this and their professional opinion/ analysis.

Corporate Stage 2 Reviews

The detail in respect of individual Stage 2 Reviews for each service has been detailed in the earlier sections of this report. The tables below provide an overview of some learning which has been identified through these investigations.

Service: SEND

A selection of actions implemented by the service:

I wanted to take the opportunity to share that we have increased the number of SEND keyworkers working across Staffordshire. You will have seen reference to this in the inspection letter published in March. This is to respond to the increase in the number of initial requests we received as well as the increased number of EHC plans we maintain. We have increased this number from 28 (full time equivalent staff) to 35. New staff are continuing to receive training in our systems and processes which we hope will allow us to provide a better-quality service to children, young people and their families. We are also reviewing the systems and processes of Annual Reviews and have successfully appointed a Principal SEND Family Practitioner Lead to oversee the performance of the SEND systems and processes so that they are delivered in a professional and timely manner. This will include clarification of the evidence required to support decision making as part of an annual review as well as responsibilities for ensuring appropriate evidence is provided. We continue to develop our performance reporting mechanisms and I want to assure you that Staffordshire does not manipulate data to present a more positive picture. You will see that there is an increasing pressure on the SEND system which is being reported nationally. To present a more positive



picture does not aid our requests for additional support and resource. I apologise again and trust that this responds to the issues and complaints you raised as part of the Stage 2 Review.

Service: SEND

A selection of actions implemented by the service:

Work has begun to review the process between Global Mediation and the Family Practitioner Leads by the SEND Manager as this case has highlighted a gap between asking for the Mediation and a timely response. The letter for the 'Not Agreed Decision' has been altered to a more simplified format. Family Practitioner Leads are now being encouraged to ask for cover from a colleague for leave. A new Business Support post to organize agendas and minutes is now in place with a focus upon timeliness of responses.

Service: SEND

A selection of actions implemented by the service:

I again am sorry that you did not feel that you had a resolution to the concerns that you raised in your stage one complaint or that you have not received a response further to your communication. I will speak with the team and reiterate the importance of communication and ensuring that parents are advised of the steps being taken and that the process is transparent. I hope the meeting scheduled is productive in working towards a longer-term solution for XXXX to enable him to engage in education with reduced anxiety and the right support enabling him to meet the outcomes detailed within his plan.

Service: SEND

A selection of actions implemented by the service:

We will be working our team around the moved in and out process for children and young people with EHCP's. We will also be supporting our teams around those children with EHCP's who are also in care to ensure understanding and confidence when working through the process and supporting young people.

As a result of your complaint the Family Practitioner Lead will ensure in future there is no delay in parents receiving the monies for their child's personal budget. This will be achieved by liaising between SEND and the Finance departments once it is agreed. If there is going to be a delay the Family Practitioner Lead will inform parents.

Local Government and Social Care Ombudsman (LGSCO)

The LGSCO has processed 39 individual matters for the services during this reporting period. The LGSCO will make a judgement on whether they chose to investigate the complaint themselves or make enquiries with the Local Authority before making a decision.



The below table provides further detail; the finding is reported as stated by the LGSCO themselves:

Refusal to Investigate	
Service	LGSCO Findings
Assessment & Staying Together	We cannot investigate this complaint about alleged lies by a social worker in a court case. A legal bar prevents us investigating matters that are not separable from court proceedings.
Assessment & Staying Together	We cannot investigate this complaint about the content of a court report and the Council's actions in creating a conflict of interest that delayed a court case. The matters complained of are not separable from matters that form part of court proceedings.
Assessment & Staying Together	We cannot investigate this complaint about the Council's actions in assessing Mr X and his family as part of child protection work. This is because the complaint does not meet the tests in our Assessment Code on how we decide which complaints to investigate. The matters complained of are not separable from matters that have or could reasonably have been raised during court proceedings.
Assessment & Staying Together	We cannot investigate this complaint about what a social worker has done. A bar in law stops us doing this because the things complained about cannot be separated from things that form part of action in court.
Children in Care & Care Leavers	We will not investigate this complaint about the production and accuracy of a social work assessment. This is because our intervention would achieve nothing significant.
ASSIST	We will not investigate this complaint about an alleged breach of confidence by a council officer. This is because the complaint does not meet the tests in our Assessment Code on how we decide which complaints to investigate. There is no evidence the complainant has been caused a significant personal injustice by the matter complained about. Also, it is unlikely we could add anything to the response the Council has already provided.
Early Help & Support	We will not investigate this complaint about the involvement of the Council's Early Help Team with the complainant and her family. This is because we could not add to the investigation already carried out by the Council. Also, some matters happened too long ago, and some are better dealt with by the Information Commissioner.
SEND	We will not investigate this complaint about the Council's decision not to carry out an assessment of a child's special educational needs. This is because the complainant has used her right of appeal to a tribunal which places the matter outside of our jurisdiction.
SEND	We will not investigate this complaint about delays in the Education Health and Care Plan process. This is because there is not enough evidence of fault by the Council or significant personal injustice to Mrs X. We cannot look at what happens in schools and will not consider complaint handling as a standalone issue.
LADO	We will not investigate this complaint about a safeguarding failure by the Council. There is not enough evidence of fault to warrant



	investigation. We cannot investigate the actions of the school in this case.
Adoption	We cannot investigate this complaint about an adoption assessment. This is because the issues raised will need to be discussed in the court which considers the adoption order. We cannot consider issues that are related to court proceedings.
Premature Complaint	
Service	LGSCO Findings
SEND	Referred to Complaints Team for assessment as a potential complaint.
SEND	Referred to Complaints Team for assessment as a potential complaint.
SEND	Referred to Complaints Team for assessment as a potential complaint.
Children with Disabilities	Referred to Complaints Team for assessment as a potential complaint.
Children in Care & Care Leavers	Referred to Complaints Team for assessment as a potential complaint.
Investigation	
Service	LGSCO Findings
Children in Care & Care Leavers	Remains in investigation process.
Attendance and Inclusion	Remains in investigation process.
SEND	Remains in investigation process.
SEND	Remains in investigation process.
SEND	Remains in investigation process.
SEND – Maladministration and Fault	Mrs X complained the Council failed to properly consider her application for travel assistance for her son, C. Mrs X says that without the travel assistance, C is unable to receive the bespoke educational package in his Education, Health and Care Plan. There is fault in how the Council considered the application and the Council has agreed to reconsider the application and make a payment to remedy the injustice caused to Mrs X and C.
SEND – Maladministration and Fault	There is no evidence of fault in how the Council managed the implementation of provision in a child’s education, health and care plan, nor in matters arising from his move to a new area and school. We have therefore completed our investigation.
SEND/Admissions & Transport - - Maladministration and Fault	The Council failed to apply the correct legal test when deciding an application for free home to school transport for a child with an Education, Health and Care Plan. The complainant says this has had an adverse financial impact and caused his son anxiety. The Council



	<p>will review its decision, consider if financial redress is due, apologise and provide a time and trouble payment. The Council will also review whether other families have been similarly affected.</p>
<p>SEND - Maladministration and Fault</p>	<p>The Council avoidably delayed by six months in finalising Mr X's child, Z's, Education Health and Care Plan (EHC Plan). This delayed Mr X's right of appeal to the Special Educational Needs and Disabilities (SEND) Tribunal. The Council also delayed in putting tutoring provision in place for Z which led to Z missing one month of education. The Council has agreed to pay Mr X £500 in recognition of the frustration and uncertainty caused by these faults. We find the Council not at fault in how it produced a draft, amended EHC Plan, nor for allocating several different key workers for Z as this was due to staff absence.</p>
<p>SEND/Admissions & Transport - Maladministration and Fault</p>	<p>The Council failed to apply the correct legal test when deciding an application for free home to school transport for a child with an Education, Health and Care Plan. The complainant says this has had an adverse financial impact and caused his son anxiety. The Council will review its decision, consider if financial redress is due, apologise and provide a time and trouble payment. The Council is already in the process of reviewing whether other families have been similarly affected.</p>
<p>SEND - Maladministration and Fault</p>	<p>Ms X complained the Council delayed reviewing her son's Education Health and Care Plan and did not handle her complaint properly causing distress. We found the Council at fault. We recommended it apologise to Ms X, makes payments for time and trouble, distress and loss of opportunity and, acts to prevent further injustice to others.</p>
<p>SEND - Maladministration and Fault</p>	<p>Ms B complained about the way the Council handled the EHC plan process for her son, X. Ms B said the Council delayed in completing the assessment and EHC plan following the direction of the SEND tribunal. She said that as a result X missed nursery provision and his start at the specialist provision he needs was delayed by a year. She said it had an impact on the whole family. There was fault by the Council which caused injustice. It will apologise and make a payment to Ms B.</p>
<p>SEND - Maladministration and Fault</p>	<p>Ms B complained about delays reviewing her son's education, health and care plan, failure to follow the special educational needs code of practice, failure to provide education to her son, failure to properly consider her request for education other than at school and failure to consider her complaint properly. The Council delayed completing the review of the education, health and care plan, failed to act on Ms B's notification that she no longer wanted to home educate her son, failed to identify a request for a reassessment and failed to consider her complaint properly. There is no fault in how the Council considered the request for education other than at school. An apology, payment to Ms B, introduction of a process for identifying when reviews of education, health and care plans are due and reminder to officers is satisfactory remedy.</p>



SEND – Maladministration and Fault	Mrs X complained about the Council’s response to her request for an Education, Health and Care Plan, for her son who has special educational needs. We have found the Council to be at fault because it took too long to carry out an assessment. This caused distress and uncertainty about her son’s transition into secondary education. To remedy this injustice, the Council has agreed to apologise, make a payment and confirm the action it has taken to improve its capacity to carry out assessments without delay. We have been unable to investigate some of Mrs X’s complaint because she appealed to the Tribunal.
SEND – Maladministration and Fault	The Council ended the special educational provision in B’s Education, Health and Care (EHC) Plan before amending the Plan. B appears to have been without education for two terms as a result. Ms M did not appeal the changes, but there was a good reason. B remains out of education and the situation appears deadlocked. The Council has not given cogent reasons for the changes to B’s Plan, and has now agree to reinstate the provision and make a symbolic payment to recognise the education B has missed.
SEND – Maladministration and Fault	There was a four-month delay by the Council in issuing a final Education, Health and Care plan after a successful appeal. This caused unnecessary uncertainty, time and trouble and delayed access to special educational provision. The Council will apologise and make a payment to acknowledge the impact of the fault. The complaint is upheld.
Attendance & Inclusion – Maladministration and Fault	Mrs Y complains about the Council not providing any alternative education when her daughter was not well enough to attend school. The Ombudsman’s provisional view is we cannot investigate most of the period when Mrs Y’s daughter was out of school. This is because Mrs Y had appealed a decision that was linked to the matter under complaint. We find no fault for the period we can consider.
Complaints Team/Children with Disabilities Service – Maladministration and Fault	Ms X complained her son, Y, did not receive the support he was assessed as needing and the Council did not deal with her complaint appropriately. Ms X says this has caused distress to Y, his family and she has been put to time and trouble to complain. The Council was at fault in the way it dealt with this complaint. The Council should now reconsider the complaint and make a payment in recognition of the frustration caused by this fault and the delay.
Complaints Team – Maladministration and Fault	Miss X complained about delays in the Council’s investigation of her stage two statutory children’s complaint. The Council was at fault for more than eight months delay. It was also at fault for failing to comply with a previous Ombudsman’s investigation into the same issue within the agreed timescale. The faults caused Miss X avoidable frustration and distress but also meant the Council delayed in taking action to resolve the substantive issues she complained to it about. To remedy this injustice, the Council will apologise to Miss X and pay her £400. The Council was also at fault for delays in carrying out the stage two investigation into twelve other complainants’ statutory children’s complaints. This caused them distress and frustration also. To remedy their injustice, the Council will apologise, make payments



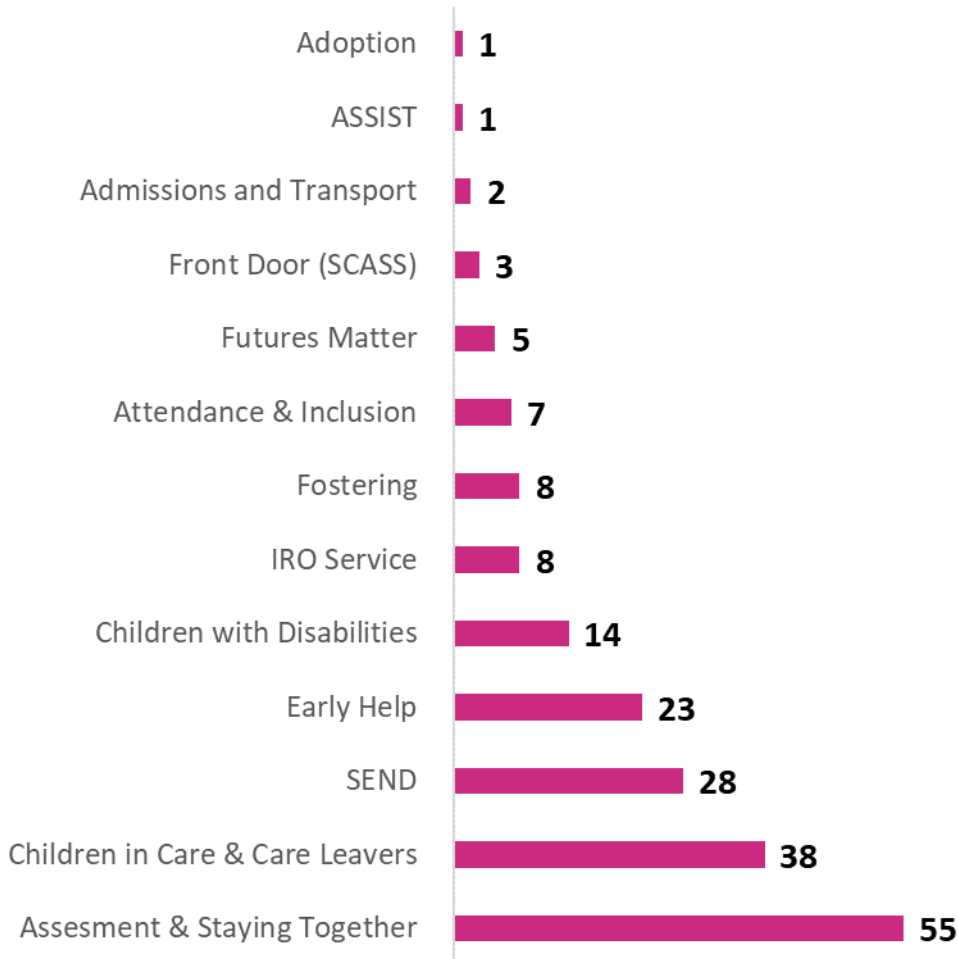
	in recognition of the delay, and complete the stage two investigations within 65 working days of my final decision. To prevent the faults occurring again, the Council will review its practices and carry out staff training.
Enquiry	
Service	LGSCO Findings
SEND	Investigation commenced.
SEND	We will not investigate this complaint about delays in the Council providing alternative provision for Ms X's son when he could not attend school. This is because the Council has agreed to resolve the complaint early by providing a proportionate remedy for the injustice caused.
SEND	We will not investigate this complaint about the Council's decision not to carry out an assessment of a child's special educational needs. This is because the complainant has used her right of appeal to a tribunal which places the matter outside of our jurisdiction.
Attendance and Inclusion	We will not investigate Miss X's complaint about the Council refusing to provide an alternative education as we are unlikely to find fault.
Total	39

From the 39 complaints which the LGSCO have considered, 36% have reached a finding of fault. It should be noted that a number of matters remain pending further detail and as such the above figure is subject to change. The complaints which have identified fault, shape learning for the Local Authority in the same way that learning identified from all complaints is taken forward. The LGSCO will monitor any recommendations and their case shall remain open until they are satisfied that a proposed remedy has been implemented.

The LGSCO have not considered it necessary to issue any formal public reports this reporting year.

Compliments

The service has received a total of 193 compliments this reporting year. The chart below provides a breakdown of the individual services:



Any compliments which are received are routinely shared with senior management, who will offer their appreciation and congratulatory messages to the practitioner and service.

It is not possible to provide a list of all the compliments which have been received this reporting year, a small selection are provided below:

Early Help Resourcing and Family Support:

- I wanted to share feedback from parent, being supported by us. We are approaching the end of intervention, which started within the social work team Mum has said "you've made a real difference to the way we live"
- We both found her approachable, and friendly, yet professional and able to prioritise the best course of action for the whole family. Just the fact that she acknowledged the other pressures affecting each member of our family was refreshing. Her positive, caring attitude shone through, and her friendly approach and understanding was just what was needed. She then checked how we all were this morning and has arranged to see X again tomorrow. She is a credit to your service, and in the short time we have known her, she has positively influenced our experience of The Early Help Team.



- I just wanted to highlight a piece of excellent practice within the Family practitioner Service. They have completed a Safe and Well check as part of our emergency arrangements for the Homes for Ukraine scheme. This whole process been very much a work in progress and we appreciate these visits have been requested from the already stretched FPS teams. South Staffs have completed this quickly and efficiently and have followed the process to the letter. his example is written (and was clearly undertaken) in a very restorative way, The family would not have felt like this was a tickbox exercise, as it was clear that she was genuinely interested in their circumstances and journey. These families have been through so much, and this visit was undertaken respectfully and within the ethos of the scheme and ultimately the way we want to be practising in Staffordshire. I was really moved reading the visit and feel you have captured the voices of the children and Mum perfectly.

Childrens Disability Service:

- Just wanted to let you both know some positive feedback I received from trial counsel. He said the social work team have done a first-class job and that you both gave evidence extremely well.
- Thank you so much for such in depth brilliant assessments. No doubt this will help us endlessly! Thanks for all of your work and support to our family! Hope you're well and will speak soon hopefully when things are moving :)
- Just done a review of some adaptations that were completed for XXX, Mum reports what a difference they have made and how much more independent XXX now is, Mum wanted me to tell you how much she appreciated it.

Assessment & Staying Together:

- I write to let you know that the judge was very complimentary about the input from Social Worker and said that she had found her reports to be comprehensive, informative, and extremely helpful in informing the Court's decision making, which was entirely in line with the LA recommendations. It was also clear that the mother, whom I represented, has a very good relationship with Social Worker which has no doubt been of much assistance to XXX in turning things around so that the child is thriving in her care.
- That online option is now ready for him, his Mum's engaged with the process and is talking to him about it on Monday. That's a massive win and says something about how you've stuck with it and gained his trust.
- I want to give praise to Social Worker for her professionalism when coordinating and chairing the meetings I have been asked to contribute to. She communicates effectively with families and partnership agencies alike. It really comes over how passionate she is about empowering and supporting families who require help from Children's Services. All meetings are structured and time managed extremely well and she ensures that everyone knows that their input, opinions, feelings and feedback is valued. Away from meetings and joint visits she makes regular contact to keep up to speed with any developments that may affect the family. Sara leads by example, demonstrating how we



can achieve positive outcomes for the families and she ensures that all support needs are considered, and appropriate options for support are explored. It has been a real pleasure working on this case due to her drive and enthusiasm and her persistence in improving the families wellbeing.

- You are doing a fab job in a difficult situation. Just wanted to say thank you for your hard work 😊
- The hard work of all involved professionals has also been captured in the Conference minutes in terms of Parents Response to a unanimous decision that threshold was no longer met for a Child Protection plan and to step down to Child in Need – “that is so good to hear as we have been working hard for a year now and not stopped. We have done everything everyone has asked and beyond. It is nice to hear that it will end soon, and we can get on with our lives. I want to say a bit thank you to everyone who has helped us.

Children in Care & Care Leavers:

- I know I have contacted you in the past to pass on praise for your amazing team - but I again feel that they deserve praise for the amazing work they are doing with our UASC young people. I personally work very closely with the UASC Team and communicate with them daily - I always feel confident in knowing that these workers will always go above and beyond to get the best result and outcomes. They are an absolute pleasure to work with and make my role even more enjoyable. The young people I work with speak of them so highly and always remark on their enthusiasm and positive attitude. They are a true credit to Staffordshire Local Authority.
- One of the PA's young people invited her to a mother's day event at college, they had afternoon tea and the PA had her hair done at the college salon. The young person gave the PA a lovely letter. She is an excellent PA, she really does care about all her young people and goes above and beyond to support them.
- I just wanted to make you aware of a compliment that PA has received from one of his young people who recently closed as he is 23 and no longer needs a PA service...Sent a text saying '*Thank you for all your support. You saved my life*'.

Fostering Service:

- They were very complimentary both re the worker, but also the service as a whole they said they were impressed and appreciative of all the help and support that they have been given and would like it pass it on to all the professionals that they really appreciate all the work that they do.

Early Help Resourcing SEND Education:

- Can I just say XXX, XXX'S new case worker has been fantastic, and I feel since she has been on the case we have finally got somewhere! She is so kind and always happy to help, she is a credit to your team!



- XXX was on 'top form' giving us all instructions so that made our introduction to XXX very easy, as quickly, XXX recognised how she communicates and what she likes and how to engage with her! XXX begins her first session tomorrow at 10am (carers present of course). XXX is absolutely the most perfect selection. She understands XXX and has a wealth of experience of working with young people like XXX.

Admissions:

- I just wanted to pass my thanks on to you and your team - from start to finish you have all been so helpful, calming and reassuring. I have never been in this position before, and with 4 children you would think I would have clocked this mishap earlier, or maybe it's because I have 4 that I didn't!. Once again thank you.

Strategic Safeguarding:

- A heartfelt and sincere THANK YOU to you and all your teams who have helped put some very bad men away.

Futures Matters:

- Well done everyone as you have all had a part to play in supporting the family but equally the family have also embraced our work and have worked with all professionals to enable the boys to return to their mums care.

Independent Review Officers:

- Thank you so much for your informative email - very useful. Can't believe XXX is now 18! Thank you so much for being there us as a family. You have been a constant support and so professional and committed to ensuring things are done and without your life would without doubt, have been far more challenging. We do very much appreciate everything, and you will be so missed.

Attendance and Inclusion:

- Amazing! That's great news.... She gets married on Saturday and she's had to buy a new dress today, busy and stressed lady! Thank you so much for your patience and hard work to push it through for me.

Commissioning:

- XXX has literally put in blood, sweat and tears! The reactions of our most vulnerable when they have received the slow cookers this week has been extremely heart-warming and hearing the difference they think they will make. The project has made a real impact so again thank you for all your efforts.



Annual Report Analysis and Commentary:

The data contained within this report shows that there has been a significant increase in complaints investigated and matters which have been recorded within the duty category. This increase in complaints investigated mainly relates to the SEND Service, who recorded a total of 85 complaints in 2021/22 and this reporting year record a total of 180 complaints which is a 112% increase.

The outcomes of the complaints which have been investigated differ significantly to those of the previous reporting year, showing that more complaints are being found upheld, with less concluding as not upheld.

	2021/22	2022/23
Upheld	20%	28%
Not Upheld	38%	29%
Partially Upheld	41%	25%

The timescales for responding to complaints within the prescribed timescale have dropped slightly from the previous reporting year. It is fully understood that with such an increase in complaints being received that services may be unable to complete an investigation within a prescribed timescale, however it would be pleasing to see if this figure (57%) could be improved upon in the next reporting year.

The LGSCO continue to investigate a high number of SEND complaints. When accessing the LGSCO website, this does appear to be a theme nationally and Staffordshire are not the only Local Authority who are experiencing an increased volume of investigations. The SEND Service have been welcoming of the recommendations which the Ombudsman set and it is a positive to note that the service were already achieving some of the recommendations before they had been set, as part of their own service development work.

The Complaints Team would ask that it be noted the amount of resource which is taken up within our own team through assessing complaints and processing them. The significant increase in numbers does affect capacity as each piece of feedback received needs to complete a screening assessment to determine the most appropriate route for it to follow. The fact that complaints have increased by 67% and duty matters by 47% would impact the Complaints Team as well as those services responsible.



Staffordshire
County Council

We continue to work well with the services who have now been settled within the new district footprint for over 12 months, our aim is to build upon the professional links which have been made and to develop these further through an increased level of reporting and deepening our understanding what data and information might help with ongoing service improvements.

Staff are thanked for their cooperation in respect of all complaints communications this reporting year. It is always acknowledged and appreciated that investigating complaints or providing responses to the LGSCO is a high-level task which will inevitably impact an individual's workload. The Complaints Team continue to receive exceptional support from managers at all levels within the department and despite the ongoing pressures faced by all staff within the services, their cooperation and willingness to investigate and respond to complaints is routinely noted.

Compliments for the Local Authority have slightly decreased upon the previous year, however positive feedback should not be measured in this way as each individual compliment should be held in the highest possible regard. It is known just how valuable and appreciated each compliment is to staff members, who are working in areas which can be demanding and challenging. It should also be noted that senior managers are equally as thankful for each positive piece of feedback received and will celebrate the practitioner's achievements and congratulate them personally. During a time where staff have had to significantly adapt and alter their working patterns, positive feedback is appreciated more than ever.

Report Author: Elaine Hemming, Complaints Officer – Children and Families Services.