

CHILDREN AND EDUCATION SCRUTINY COMMITTEE	AGENDA ITEM No. 5
7 SEPTEMBER 2017	PUBLIC REPORT

Report of:	Director of Children's Services and Safeguarding	
Cabinet Member(s) responsible:	Cabinet Member for Children's Services	
Contact Officer(s):	Belinda Evans, Customer Services Manager	Tel. 01733 296331

ANNUAL CHILDREN'S SOCIAL CARE STATUTORY COMPLAINTS REPORT 2016-17

R E C O M M E N D A T I O N S	
FROM: Customer Services Manager	Deadline date: N/A
<p>It is recommended that the Children and Education Scrutiny Committee:</p> <ol style="list-style-type: none"> 1. Consider the report and make recommendations for further scrutiny if deemed appropriate 	

1. ORIGIN OF REPORT

1.1 Report has been requested as a recurring Annual item for scrutiny.

2. PURPOSE AND REASON FOR REPORT

2.1 This is an Annual requirement and the report is for the Children and Education Scrutiny Committee to scrutinise complaints received under the Children's (Social Care) Services statutory complaints process.

2.2 This report is for the Children and Education Scrutiny Committee to consider under its Terms of Reference Part 3, Section 4 - Overview and Scrutiny Functions, paragraph No. 2.1 Functions determined by Council :

- Children's Services including
- a) Social Care of Children;
 - b) Safeguarding; and
 - c) Children's Health.

2.3 This report links to Corporate Priority: Safeguard Vulnerable Children and Adults

2.4 The Children in Care Pledge includes a promise to give children in care information on how to make a complaint or to give a compliment. This report provides evidence that children in care are being given the required information as complaints are being received from children in care and are being satisfactorily resolved.

3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	
---	-----------	----------------------------------	--

4. **BACKGROUND AND KEY ISSUES**

Background

- 4.1 The statutory complaints process covered by this report applies to complaints presented by or on behalf of ‘children in need’ or ‘looked after’ (meaning in the council’s care) as defined by the Children Act 1989. Effectively this means those children in receipt of social care services.
- 4.2 The complaints process aims to provide additional safeguards for children and young people and to empower them to express their views about services they receive. A young person may make a complaint directly or an adult (parent, carer, relative or advocate) may act on their behalf. This council provides an independent advocacy service, as required by law, and therefore a number of children are supported through that service.

There are three stages to the statutory complaints process:

- Stage 1, requiring a response within 10 working days and a maximum of 20 if a delay is unavoidable
 - Stage 2, requiring independent investigation within 25 working days and a maximum of 65 in exceptional circumstances
 - Stage 3, requiring presentation to an independent complaint review panel within 30 working days.
- 4.3 Where a complaint is not resolved at Stage 3, the complainant may appeal to the Local Government Ombudsman who may choose to investigate and may agree with or overturn the local authority’s response
- 4.4 Complaints data contributes evidence to the Annual Performance Assessment and Ofsted inspections of services. This information demonstrates how far the concerns of service users are reflected in changes to services which improve outcomes for children and young people. Evidence that children and families know how to complain and do make complaints is seen as positive evidence of their empowerment. Complaints therefore must always be investigated in a spirit of openness and learning, although of course not all complaints will be justified and upheld.
- 4.5 The Central Complaints Office has been responsible for the statutory complaints process for Children’s Social Care since 2010. The team are able to provide performance data on a regular basis to the senior management team within social care to ensure overdue complaint responses are prioritised. Their role involves talking with service users who want to complain in order to provide guidance and support, and to make sure the complaint is passed through to the relevant manager for a response and to ensure that timescales are monitored. If the customer is not happy at any part of the complaints process the complaints team continue to provide help and support until the issue is finally resolved or referral to the Local Government Ombudsman is made. One of the important aspects to the role of the Complaint Manager is the ability to make decisions about which complaints made to the service meet the criteria to be considered under the statutory process. There are a number of reasons why complaints may not be accepted under the Children’s Social Care statutory process
- 4.6 There were 48 complaints made to the service which were not accepted in 2016-17 Table 1 below gives the detail of the complaints which were rejected and the reasons that they were not accepted. It is important that all complaints are analysed to ensure they are eligible to use the statutory process. As the experience of the complaints team has increased over the past 5 years this function is becoming increasingly important – ensuring that only eligible complaints are

accepted for the service and ensuring children’s social care management are able to focus on the statutory complaints received from children and young people, as well as from concerned parents and advocates who have a right to have their concerns considered under the statutory process.

Table 1 – Rejected complaints

Reason Rejected	2015-16	2016-17
Court Related	7	12
Child Protection	4	9
Insufficient Interest	9	11
Alternative Process	7	5
General Enquiries	16	11
Totals	43	48

- 4.7 Where a complaint is not accepted the complainant will be advised of the reason why they are not eligible to use the statutory complaints process and what other process may be open to them. If a complaint is about matters which are under the jurisdiction of the court they will be advised of this. If the complaint is about a case which is subject to Child Protection investigation or criminal investigation the complainant will be advised that the complaint cannot be considered at the same time but that they may approach the complaints service again when the other matter is concluded if they still have areas of complaint which they would like to be considered

COMPLAINT VOLUMES AND PERFORMANCE

Table 2 - Statutory Complaints recorded for Children’s Social Care Services:

Total Complaints Received in 2015-16			
	2014-15	2015-16	2016-17
Informal Complaint – Resolved within 72 hours	5	12	5
Stage 1 complaint – Logged as formal complaints	105	83	74
Frozen Not accepted due to court action	0	0	0
Withdrawn	4	2	4
Straight to Stage 2	2	0	0
Only reviewed at LGO	0	0	1
TOTAL	116	97	84

- 4.8 There has been a continuing decrease in the number of complaints registered for Children's Social Care this year. As shown last year this is partly due to an increase in the number of complaints assessed by the Complaint Manager as not eligible, but there has also been a decrease in the number of concerns being raised overall. This may be contributable to improved practice overall within Children's Social Care.
- 4.9 Only 6% of complaints were resolved informally this year, which is a drop from the previous year. It is often impractical for a Team Manager to contact and resolve a complaint within three working days due to other work pressures, however, where the Complaints Team feel there is a possibility of resolving the matter quickly they will have a conversation with the Team Manager to try and facilitate this. The majority of complaints cannot be resolved in this way and these will be recorded and sent to the appropriate Team Manager on the day of receipt. The Team Manager will be given a deadline for response and the complainant will be sent a written acknowledgement from the Complaints Team by Day 3. The Team Manager will investigate the matter, and in most cases should make contact with the complainant to discuss their concerns and will then produce a letter responding to the concerns raised. Complainants have access to the complaints team whilst they are waiting for the response.
- 4.10 Sometimes complaints are made and then withdrawn before a response is made and this can be for a variety of reasons. This year four complaints were withdrawn by the complainants, one of which was due to lack of consent by a young person for their Mother to make a complaint on their behalf. It is the role of the Complaints Team to make sure that where a child is old enough or has the capacity to give consent to a complaint being made on their behalf, that this happens.
- 4.11 **Stage 1 Complaints Performance**
- There has been an improvement this year in the average number of days to respond to a complaint at Stage 1. This has reduced slightly to 15 working days on average in the past year from an average of 16 working days the year before. Performance is monitored weekly against this target by the senior management team. The regulations require that the majority of complaints at Stage 1 of the process should be responded to within 10 working days and the aim is to bring the average down to this level.

Table 4 – Stage 1 Complaint Outcomes

OUTCOME OF STAGE 1 COMPLAINTS				
OUTCOME	Complaints	Not Upheld	Partially Upheld	Upheld
Adoption	4	3	1	0
Children in Care & Leaving Care	28	14	10	4
0-25 Service	5	1	2	2
Conferencing & Review Team	1	1	0	0
Family Support	17	6	9	2
First Response	15	4	9	2
Fostering	4	2	2	0
TOTALS	74	31 (42%)	33 (44.5%)	10 (13.5%)

4.12 Compared to 2015/16 the percentage of complaints upheld, partially upheld and not upheld has not changed substantially in the current year.

4.13 Although the number of complaints being received by the department overall has fallen there has been some variations this year in the services receiving the majority of complaints. There has been a considerable reduction in complaints about First Response and Family Support as both services saw their complaint volumes reduce by approximately 50%. The number of complaints received by the combined Children in Care and Leaving care service has risen by 40% as well as an increase in complaints for Adoption service from one complaint in 2015/16 to four in 2016/17.

COMPLAINT ESCALATIONS

4.14 The conciliation process was established in 2012 to give complainants the opportunity to meet with a senior manager along with the complaint manager if they were unhappy with the response to their complaint received at Stage 1. The aim is to try to reach a resolution as early as possible without the need to progress to independent investigation (Stage 2). This process is being successfully used to resolve complaints where complainants agree to use it. There were nine complainants who requested a further review of their complaint having been dissatisfied with the first response. All of these were offered a conciliation meeting which is optional for the customer and seven complainants agreed to engage with this process. In four of these cases the complaint was resolved at the meeting without further escalation.

4.15 There were 5 cases that were escalated to Stage 2 this year. This is comparable to the numbers seen in the previous two years. Stage 2 complaints are investigated by two independent persons working in collaboration and commissioned by the Complaint Manager. They interview the complainant and interview staff and other witnesses. They write a report of their findings and submit this for adjudication by a senior manager within Children’s social care. Of the five cases

where the complainants requested a Stage 2 investigation one customer withdrew their complaint. The four remaining cases are currently under investigation.

4.16 Stage 3 panels are the final stage of the process and can be requested by a complainant who is not satisfied with the outcome of the independent investigation which is conducted at Stage 2. If a complaint is escalated through every stage of the complaints process it can take in excess of six months before it is considered at Stage 3. In 2016/17 there was only 1 complaint panel held. This was in regard to a complaint that was investigated in the previous year. The findings of the investigation were that the complaint should be partially upheld. The Panel agreed with this outcome. As the complainant remained dissatisfied they referred their complaint to the Local Government Ombudsman service who were satisfied with the Council's decision and declined to investigate the matter further.

4.17 When a complainant is not happy with the outcome of their complaint at the end of the complaints process they have the right to approach the Local Government Ombudsman (LGO) with their concerns. The LGO is independent and can make various decisions in respect of the complaints his office receives. The LGO made decisions in two cases where decisions were made to investigate Children's Social Care services in Peterborough in 2016-17. Both cases were upheld and resulted in apologies by Children's Services and agreement to pay compensation.

ACCESSIBILITY

Table 5. Who is making Complaints?	2014/15	2015/16	2016/17
Children/Young People	18	10	6
LAC			16
Parents/Guardians	84	73	52
Carers	1	0	1
Foster Carers	1	3	2
Prospective Adopters	1	0	0
Adoptive Parents			3
LAC (now Adult)	2	0	1
Friend	0	2	1
Relatives	9	7	1
Total	116	95	84

4.18 There has been a substantial increase this year in the percentage of complaints received from young people, which represented 26% of the overall complaints received. This is the highest percentage direct from young people by Children's Social Care in recent years. Of the 22 complaints received from young people – 16 were young people currently in care and 6 were other young people. These were made up of Leaving Care young people and some young people who were on Children in Need plans. All but one of the 22 complainants who were categorised as Children/Young People were teenagers.

4.19 Currently Peterborough see a higher volume of complaints from young people than other Local Authorities in the Eastern Region. The complaint manager meets with the complaint managers from other Authorities in the Eastern Region on a quarterly basis and they are generally concerned with the lack of complaints from young people and they are looking for ways to improve

the accessibility of the complaints process in their Local Authorities. They are interested in the mobile App that has recently been introduced for Peterborough Children in Care. This is loaded onto a mobile phone and allows a young person to give general feedback to the service which includes complaints. This has already been used by a young person to make a complaint in 2016/17, and a further two in the current year. In this way Peterborough is further improving the accessibility of the complaints process for young people.

4.20 In common with the majority of Local Authorities, complainants using this process continue to be mainly parents of children receiving Children’s Social Care services. Under the statutory process the right of complaint is by a child or by an adult on their behalf about services they are receiving. The complaints team have a duty to ensure that when complaints are received by parents or carers on behalf of a child that the person has ‘sufficient interest’ and are complaining in the best interests of the child. If a child or young person has capacity to make their own decisions they are contacted to ensure they are in agreement to make the complaint or have signed a consent form.

4.21 Independent Advocacy support is available for any young person considering a complaint. This service is currently provided by National Youth Advocacy Service (NYAS). In 2016-17 10 young people were supported by NYAS in raising their complaints which is an increase from the previous year. This illustrates that the availability of NYAS advocacy is welcomed by many young people and some are asking for their help, whilst some feel able to make their complaints independently.

COMPLAINT CATEGORIES

Table 6: Complaint Categories

Nature of Complaint	2014/15	2015/16	2016/17
About Legislation	0	0	0
About Policy	3	5	4
Breach of Confidentiality	4	5	1
Broken Promise/Appointment	1	3	7
Delay/Failed Service	64	46	28
Denial/Withdrawal/Change Service	6	3	9
Lack of /Incorrect Information	3	1	3
Not to Standard	16	6	14
Staff Attitude/Conduct	19	27	13
Other	0	1	5
Total	116	97	84

4.22 Table 6 above shows how complaints were categorised into 10 nationally recognised categories by the complaints service to help identify why complaints occur and to allow focus on the main areas of contention. Further analysis by team and by outcome allows the identification of themes which may impact on specific teams or across the service and allows for tailored improvement plans.

4.23 Appendix A gives more detailed analysis on the type of complaints received.

SERVICE IMPROVEMENTS

4.24 Where a complaint is upheld either fully or partially it is often necessary for some remedial action to be undertaken to rectify the problem. Sometimes there may also be a recommendation from the investigating manager to improve the service for the future. This could, for example, be in relation to a change in the service delivery or a procedure. This information is captured by complaints team and reported to the Quality Assurance team on a quarterly basis to monitor that actions are taken and improvements are made. The details of actions taken and service improvements identified in 2016-2017 are detailed in Appendix B.

COMPLIMENTS

4.25 In the past it has not been possible to report on the number of compliments received by the department as there was not a clear process for recording these centrally. There is now a Quality Assurance team who ensure that any compliments received by the service are sent through to complaints team to record – therefore compliments are now being recorded more consistently.

4.26 There were 12 compliments received in the past year. Compliments are categorised into “External” which are those received from service users (members of the public) or “Internal” which are those received from other professionals that workers come into contact with.

The compliments received are detailed in Appendix C.

5. CONSULTATION

5.1 None Required

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 That the report will highlight areas for service improvement.

7. REASON FOR THE RECOMMENDATION

7.1 The Scrutiny Committee are requested to consider the report and make recommendations for further scrutiny if deemed appropriate.

8. ALTERNATIVE OPTIONS CONSIDERED

8.1 Not Applicable.

9. IMPLICATIONS

Financial Implications

9.1 No Financial Implications

Legal Implications

9.2 The processes used by the Complaints Team when investigating complaints fully comply with the Children Act 1989 Representations Procedure (England) Regulations 2006 and the statutory guidance (link below) which has been issued by the DfE under the Local Authority Social Services Act 1970.

Equalities Implications

- 9.3 No Equalities implications, as the processes followed by the Complaints Team ensure that service users are treated equally.

Rural Implications

- 9.4 No rural implications

10. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 <https://www.gov.uk/government/publications/childrens-social-care-getting-the-best-from-complaints>

11. APPENDICES

- 11.1
- Appendix A – Category Analysis 2016-17
 - Appendix B - Service Improvements 2016-17
 - Appendix C – Compliments 2016-17.

This page is intentionally left blank