

Appendix A – CSC Statutory Complaint Report 2020-21

Content Page

- A. Introduction
- B. The Complaints Procedure
- C. Complaint Data
- D. Compliments



A. Introduction

This report is for the Children and Education Scrutiny Committee. It is a requirement of The Children Act 1989 Representations Procedure (England) Regulations 2006 that the local authority publishes an Annual Report, to provide a mechanism by which the local authority can be kept informed of the operation of its complaints procedure for Children's Social Care (Regulation 13 (3)).

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.

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.

The Complaints Team provide periodic performance data to the senior management team within social care throughout the year. Complaints officers receive complaints by email, phone and in person from children and their parents, providing guidance about the process.

If the customer is not happy at any stage of the complaints process the complaints team can provide help and support with the process until the issue is finally resolved or referral to the Local Government Ombudsman is made.

B. The Complaints Procedure

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.

A young person may make a complaint directly or an adult (parent, carer, relative with sufficient interest 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.

Only eligible people can use the Children's Social Care Statutory Complaints Process as mentioned above.

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.

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

Please note in addition to the three stages above we offer an optional Conciliation process Post Stage 1 to try to reach satisfactory resolution before escalation to the formal stages of the process at Stage 2 and Stage 3. This involves a meeting held between the complainant, the Head of Service or Group Manager and the Complaints Manager.

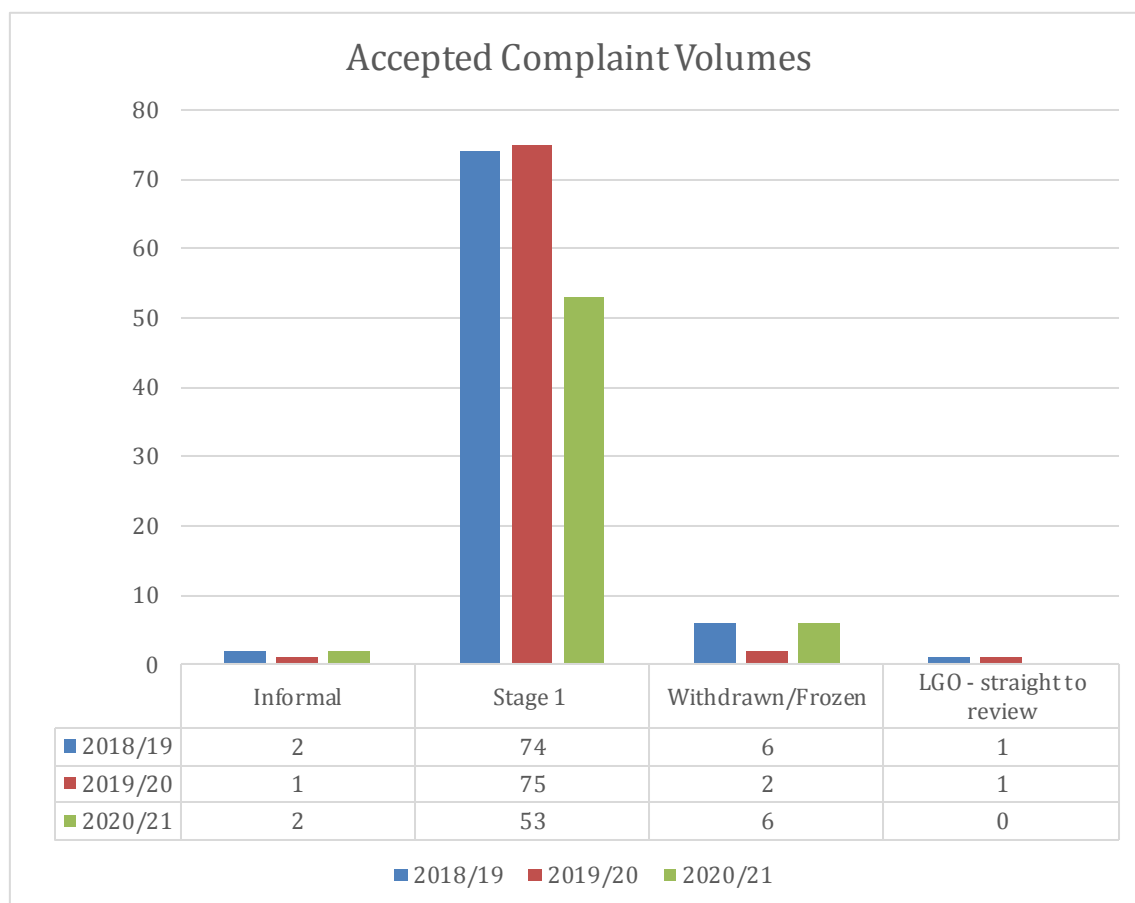
C. Complaint Data

Accepted Complaint Volumes

In 2020-21 there were 61 complaints which could be accepted under the statutory process. This was a decrease in the number of complaints registered against the previous year's (2019-20) total of 80 complaints. In the first quarter of 2020-21 (April – June) there was a significant decrease of contacts regarding Children's Social Care complaints. To relieve pressure on services during the first Lockdown most complaint processes were put on hold during this period. This was supported by the Local Government and Social Care Ombudsman who also suspended their services in the first quarter of 2020/21.

Figure 1 illustrates the accepted complaints in 2020-21 and how they were progressed.

Figure 1. Accepted Complaint Volumes 2020-21



The complaints team spent time prioritising issues that could be resolved without formally logging complaints and advising complainants what steps would be taken to resolve immediate issues. Some complaints were logged in this period but would not be responded to unless the matter was urgent until after the suspension period.

Most statutory complaints are logged formally as Stage 1 complaints. Relatively few complaints will be responded to informally which is when the complaint is answered verbally within 3 days and the complainant confirms they are satisfied with the outcome. Considering the complexity and contentious nature of many of the complaints received this is not unexpected.

Sometimes complaints are made and then withdrawn/frozen before a response is made and this can be for a variety of reasons. On this occasion 6 complaints which were withdrawn/frozen as the complainants decided not to proceed with their complaint.

Ineligible Complaints

Part of the role of the Complaint Manager is the deliberation of each new complaint to determine if the matter meets the criteria to be considered under the statutory process. A large proportion of complaints are rejected from the Statutory process each year.

There are multiple reasons why complaints may not be eligible under the Children's Social Care statutory process. The numbers rejected and reasons are shown in Figure 2.

Figure 2 – Complaints ineligible under the Statutory process

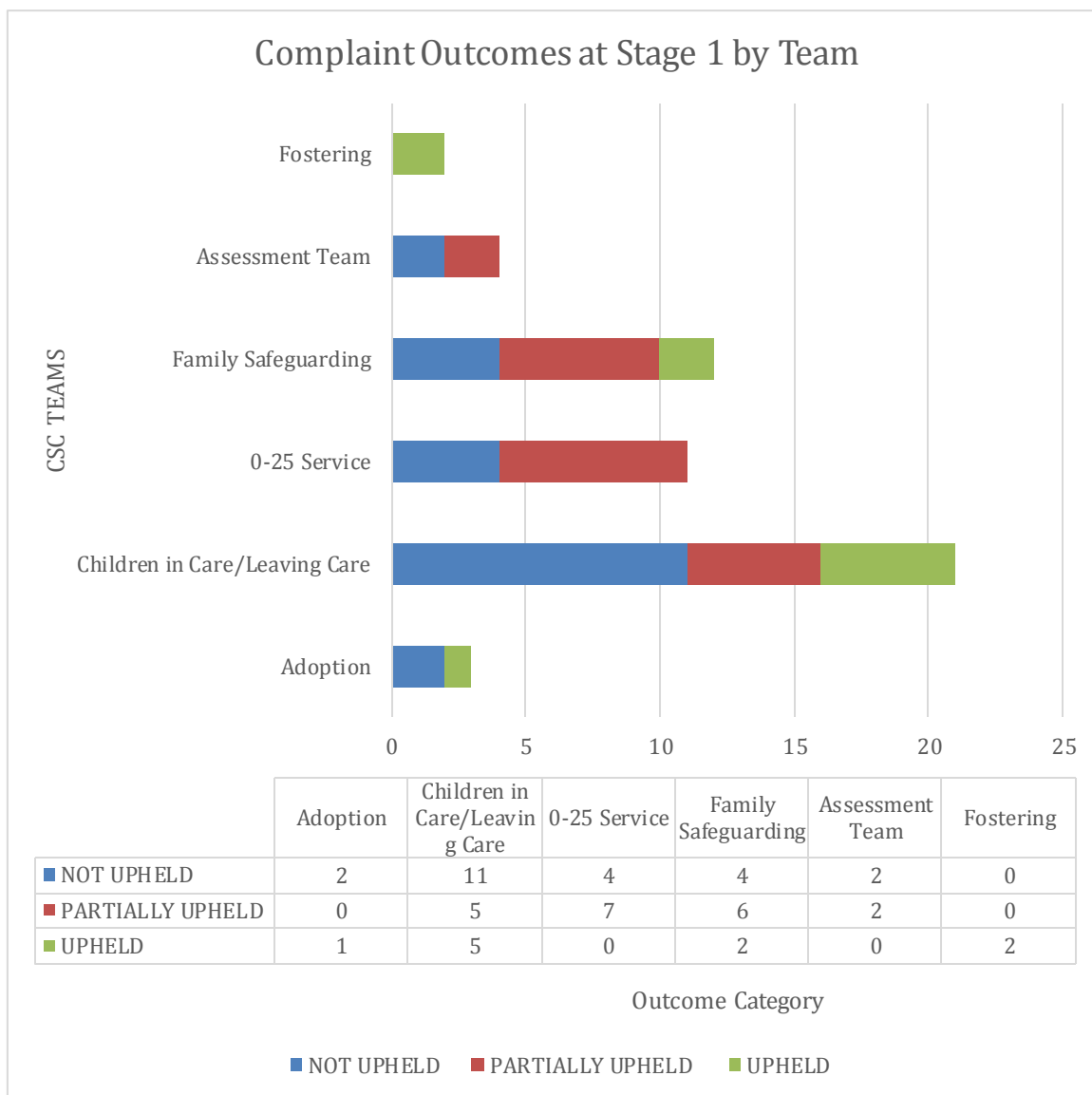
Complaints Not Logged	2019-20	2020-21	Example
Court Related	18	14	<i>Care decisions are under the court's jurisdiction</i>
Insufficient Interest	19	11	<i>Complaint made by a friend or family member</i>
Alternative Process (Legal/Corporate)	11	15	<i>There is an alternative process</i>
General Enquiries	37	32	<i>Anonymous enquiries/requests for data/questions</i>
Out of Time/Jurisdiction	8	18	<i>Another LA/organisation has jurisdiction/ Complaint is historic</i>
Consent not gained	6	4	<i>Complainant does not have consent</i>
S47/Child Protection	2	8	<i>Child Protection and Section 47 exempt from process</i>
Safeguarding referral	6	18	<i>Passed to MASH</i>
Other	12	10	<i>Complainant does not engage</i>
Totals	119	130	

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 the person is not a category of person eligible to complain they may be advised there is no alternative process.

Stage 1 Complaint Outcomes

- There has been a decrease in upheld or partially upheld complaints again this year.
- The percentage of complaints recorded as **Not upheld** increased from 33% in 2019/20 to 43% in 2020/21. Whilst Upheld complaints fell from 25% to 20%.

Figure 3 – Stage 1 Complaint Outcomes by team



Time taken to respond to Complaints

At Stage 1 the expectation from the statutory process is that complaints will be requiring a response within 10 working days and a maximum of 20 days if a delay is unavoidable. Sometimes delays are experienced due to the availability of a key member of staff who must be questioned as part of the investigation.

The average number of days to respond to complaints at Stage 1 was 19 working days in 2020/21.

The complaints team provide the CSC senior management team with a monthly report to highlight cases in progress so that any complaints that are overdue can be prioritised.

Complaint Escalations

It is the aim of the Children's statutory complaints process to reach a resolution on complaints at the earliest opportunity.

The factors which prevent escalation of complaints are

- Proactive contact with the complainant to discuss their complaint
- Quality of written responses
- Timeliness of response

The number of complaints where contact is made with the complainant by the team manager as part of their investigation continues to be in the minority as in 64% of cases there was no contact made or attempted with the complainant by the team manager. Making contact with the complainant to discuss their complaint can help to build trust and ensure the family feel heard and should be encouraged.

However, the quality of responses continues to improve, and the speed of response is within acceptable parameters, particularly when considering the pressure put on these services by the pandemic.

The number of complainants wishing to escalate their complaint after receiving their Stage 1 response showed an increase this year at 7 cases (an escalation rate of 13% against 10% the previous year).

Conciliation Meetings

Cases which escalate are offered a conciliation meeting. The conciliation process was introduced 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 optional to the complainant who can insist on an independent investigation under the statutory process. However, where the customer is prepared to engage with this process it can often resolve the complaint without the need for further escalation.

Four out of the seven escalation cases agreed to a conciliation meeting. Of these two were successfully resolved and the remaining two escalated to Stage 2. Of the three cases which declined a conciliation meeting, two escalated directly to Stage 2 but the other one was suspended due to court action. In 2020/21 all conciliation meetings were held virtually due to Covid restrictions.

Stage 2 Investigations

There were five complaints of the 53 which had received a Stage 1 response in 2020/21 which were escalated to Stage 2. This equates to 10% of the complaints. In previous years the percentage has been between 5% and 7%.

Factors which may have impacted on this increase are

- The low number of conciliation meetings/missed opportunities to engage with the customer
- The decrease in Upheld complaints – customers more likely to be dissatisfied

A further four cases have requested an investigation at Stage 2 this year when the original complaint was received in a previous year. Stage 2 complaint investigations can often be conducted over several months and it is common for them to be completed in a year subsequent to when the original complaint was received. This year a backlog of complaint escalations due to a shortage of investigation personnel and the suspension of some services due to the first Lockdown has compounded this issue. There have also been two cases which have not proceeded to investigation straightaway due to court proceedings.

Figure 4

Stage 2 Complaints in 2020/21 overall			
	Year of Complaint		Totals
	2019/20	2020/21	
Stage 2s Requested	4	5	9
Stage 2s Completed	2	3	5
Stage 2s Remaining	2	2	4

Figure 5: Stage 2 Outcomes 2020/21 cases

Case No.	Team	Outcome at Stage 1	Conciliation Meeting	Stage 2 Outcome	Escalated Further
1	LAC	Not Upheld	Refused	On Hold due to court	Not Yet
2	LAC	Not Upheld	Held	Under Investigation	Not Yet
3	0-25	Partially Upheld	Refused	Partially Upheld	Stage 3 panel held and now with LGSCO
4	0-25	Not Upheld	Refused	Partially Upheld	No - Resolved
5	0-25	Partially Upheld	Held	Partially Upheld	Yes – request made for Stage 3 panel

Figure 6: Stage 2 Outcomes 2019/20 held over cases

Case No.	Team	Outcome at Stage 1	Conciliation Meeting	Stage 2 Outcome	Escalated Further
1	LAC	Not Upheld	Held	Under Investigation	Not Yet
2	LAC/Leaving Care	Not Upheld	Held	Under Investigation	Not Yet
3	Family Safeguarding	Not Upheld	Refused	Not Upheld	Did not engage with Stage 3 panel process
4	0-25	Partially Upheld	Held	Partially Upheld	Yes – Stage 3 panel

Stage 3 Panels

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. A panel involves three external panel members, and they will review whether the Stage 2 investigation was fair and robust.

Of the 2020/21 Stage 2 investigations two have escalated to a panel – one of which has been held and the other is being arranged.

Of the 2019/20 Stage 2 investigations two panels were requested. One of these is scheduled for later in November and the other case the customer refused to comply with the arrangements for the Stage 3 panel and we advised them we could not proceed.

Once the council have investigated complaints through all three stages of the statutory process the complainant can approach the Local Government and Social Care Ombudsman (LGSCO) if they remain dissatisfied.

Local Government and Social Care Ombudsman

The LGSCO only investigated one case about Childrens Social Care in 2020-21. This complaint was made in 2017 and did not proceed past Stage 1. The complainant did not escalate the complaint with the council until 2 years later and the council rejected further investigation through the statutory process which it was permitted to do due to the time that had elapsed. The LGSCO exercised their discretion to investigate the case even though it was late and found some fault with communication and documenting decisions but on the substantive issues the LGSCO did not find that the Council was at fault in deciding to pursue a child protection investigation. The council agreed to an apology and a small compensation payment at the request of the LGSCO.

Accessibility

Figure 4 Who is making Complaints?	2018/19	2019/20	2020/21
Children/Young People	0	2	2
Looked After Children inc Leaving Care young people	25	25	14
Parents/Guardians	42	43	40
Other Carers	1	0	2
Foster Carers	5	2	1
Prospective Adopters	0	1	0
Adoptive Parents	1	1	0
LAC (now Adult)	2	1	1
Friend	0	0	0
Relatives	7	5	0
Professionals	0	0	1
Total	83	80	61

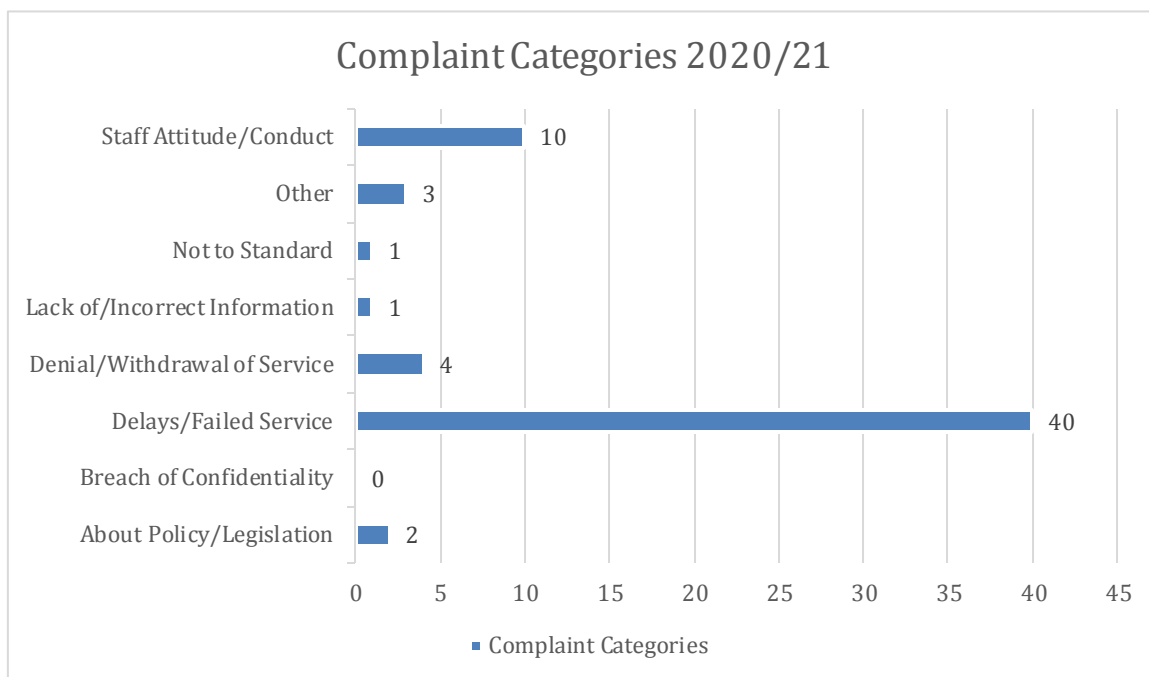
Although the Statutory Children's complaints procedure is aimed at young people most neighbouring councils report a minimal volume of complaints from children. However, in Peterborough we see a higher proportion of complaints coming from children and young people than many other councils. This illustrates that there is clear signposting of young people in care to the complaints process and to advocacy services by our social workers.

The complaints manager has a duty to ensure that when complaints are received 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 have agreed to make the complaint or have signed a consent form.

Independent Advocacy support is available for any young person considering a complaint. This service is currently provided by National Youth Advocacy Service (NYAS). Many young people making complaints are supported by NYAS but some older children are confident in making complaints without support.

Complaint Categories

Figure 5 below shows the category of complaints recorded in the current year using 10 nationally recognised categories. This helps with analysis of themes and trends.



The two main categories are Delay/Failed Service and Staff Attitude or Conduct.

A high volume of complaints are about alleged service delays or failures but 52% of these complaints were Not Upheld. This indicates that sometimes the expectations of the services by their service users are unrealistic. Examples of the Upheld or Partially Upheld cases in this category are:-

- Delays in assessments being finalised
- Calls not being returned within a reasonable period

The only other category of note was Staff Attitude or Conduct. There were 10 complaints registered with this category. Of these 50% were not Upheld, 3 were Partially Upheld and 2 Upheld. Examples of the Upheld/Partially Upheld cases in this category are:-

- Parent unhappy stereotypical language used by worker
- Young person unhappy social worker spoke to them in an abrupt tone
- Parent unhappy that the worker showed them no empathy

Service Improvements

During the investigation of a complaint Service Improvements can be identified when the manager has found that there has been a service failure and that they can propose a change which will prevent this type of issue from reoccurring. Such changes may be a process or policy change or a training workshop.

As the volume of complaints which have been Upheld has fallen significantly in the past year there has been a corresponding effect on the identification of Service Improvements.

Whilst there were 38% of complaints Partially Upheld in the year this will often be where there are only minor elements where the service is found to be at fault and in these cases the type of action is most commonly an apology or a reminder to staff about the correct procedure to be followed.

Appendix B - Service Improvements and Actions Taken 2020-21 –gives examples of some of the service improvements that have been identified during complaint investigations.

This information is captured by the complaints team and reported to the Quality Assurance team on a quarterly basis to monitor that actions are taken, and improvements are made. This helps the QA team to formulate training and briefing notes for Children’s social care to address specific issues.

Due to the prioritisation of essential functions due to the pandemic the Quality Assurance Manager has recently confirmed that the normal programme of workshops for social workers was suspended for over a year but that this is now in the process of being reinstated.



D. Compliments

To provide a complete picture of feedback received by the service Children's Social care began keeping comprehensive Compliment records in 2016. These could be by young people, families and often other agencies who are involved in cases in a professional capacity, including teaching staff, health visitors, court and police officers. This has resulted in all compliments being available to the complaint manager in one place for review and analysis.

In the year 2020/21 there were 224 compliments received about Childrens Social Care teams. Of these 88 were external and 136 internal. This is comparable to the volume in 2019/20 when a total of 219 was received (67 external & 152 internal).

Compliments from parents, children and external professional colleagues helps social workers to feel rewarded for their efforts but internal feedback is also very useful to help workers to improve their practice and to highlight the importance of their work.

With the pressures that all services have been under in 2020/21 it is gratifying for staff to receive this level of appreciation.

Examples of both types of Compliment can be reviewed in Appendix C

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