

CHILDREN AND EDUCATION SCRUTINY COMMITTEE	AGENDA ITEM No. 6
20 SEPTEMBER 2018	PUBLIC REPORT

Report of:	Service Director, 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 296324

ANNUAL CHILDREN'S SOCIAL CARE STATUTORY COMPLAINTS REPORT 2017-18

R E C O M M E N D A T I O N S	
FROM: Customer Services Manager	Deadline date: N/A
It is recommended that the Children and Education Scrutiny Committee consider the report and make recommendations for further scrutiny if deemed appropriate	

1. ORIGIN OF REPORT

1.1 This 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	N/A
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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 This 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.
- 4.3 Only eligible people can use this complaints process, eligibility under the regulations is stated as follows

WHO CAN COMPLAIN

- any child 'in need' and/or 'looked after' by the local authority
 - their parent, or anyone with parental responsibility for such a child
 - a foster carer (whether approved by this authority or another or via an independent fostering agency)
 - a child leaving care
 - a Special Guardian or child (or their parent) who is subject to such an order
 - any person applying for a Special Guardian support service s14F(3) or (4)[1] or to adopt a child
 - any child who may be adopted or their parent or guardian
 - any person covered by adoption services
 - people previously adopted, their parents, natural parents or former guardians
 - anyone the local authority accepts has a 'sufficient interest' in a child's welfare
- 4.4 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

- 4.5 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.
- 4.6 The Central Complaints Office has been responsible for the statutory complaints process for Children's Social Care since 2010. The 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. They then ensure the complaint is allocated to the correct manager to provide a response. 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.

- 4.7 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 were 135 complaints made to the service in 2017/18 but a large proportion were not accepted. There are a number of reasons why complaints may not be accepted under the Children’s Social Care statutory process. In total 69 complaints could not be accepted under the statutory process.

Table 1 – Complaints not accepted under the Statutory process

Complaints Not Logged	2016-17	2017-18
Court Related	12	11
Child Protection	9	9
Insufficient Interest	11	15
Alternative Process (Legal/Corporate)	5	12
General Enquiries	11	17
Out of Time	0	2
Withdrawn	0	3
Totals	48	69

- 4.8 Table 1 gives the detail of the complaints which were either rejected or were signposted to another process 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. The complaint manager will assess eligibility and determine how the complaint should proceed. This ensures 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.

- 4.9 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. In the past year there have been 11 complaints which were not eligible to complain under the statutory process but could be accepted under the corporate process, a higher number than in previous years.

COMPLAINT VOLUMES AND PERFORMANCE

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

Total Complaints Received in 2017-18			
	2015-16	2016-17	2017-18
Informal Complaint – Resolved within 72 hours	12	5	0
Stage 1 complaint – Logged as formal complaints	83	74	62
Frozen Not accepted due to court action	0	0	0
Withdrawn	2	4	2
Straight to Stage 2	0	0	1
Only reviewed at LGO	0	1	1
TOTAL	97	84	66

4.10 There has been a continuing decrease in the number of complaints registered for the Children's Social Care statutory complaints process this year. The complaints received were equal to those received in the previous year but a higher number have been assessed by the Complaint Manager as not eligible. There has been an increase in the complaints that have been eligible to follow the Corporate complaints process as an alternative.

4.11 There were no informal complaints logged this year. Formal complaints are logged within 3 working days of receipt, after they are checked for eligibility. 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 it is recommended that they 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 while they are waiting for the response.

4.12 Sometimes complaints are made and then withdrawn before a response is made and this can be for a variety of reasons. This year two complaints were withdrawn by the complainants who decided not to pursue the matter

Stage 1 Complaints Performance

4.13 This year there has been a deterioration in the performance in regard to time taken to respond to complaints. In 2016-17 the average number of days to respond was 15 working days in 2017-18 this fell to 21 working days. 35% of Stage 1 responses were sent within the statutory target of 10 working days. The maximum target for complex cases is 20 working days and 71.4% of cases were responded to within this timeframe. The senior management team in children's services and the complaints service will continue to monitor this position to ensure that all managers understand the importance of meeting these statutory targets.

Stage 1 Complaint Outcomes

- 4.14 Compared to 2016-17 the percentage of complaints upheld or partially upheld have both increased. In total 78% of complaints responded to at Stage 1 were upheld in some part. As the number of complaints eligible for investigation continues to fall it is increasingly likely that those making eligible complaints will have justification for raising the concerns they have made. The actual number of complaints upheld has risen from 10 to 17, whereas Not Upheld complaints have fallen from 31 to 13 partly due to the decrease in complaints registered.

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	22	3	11	8
0-25 Service	7	0	5	2
Conferencing & Review	0	0	0	0
Family Safeguarding	17	5	8	4
Assessment Team	10	1	6	3
Fostering	0	0	0	0
Clare Lodge	2	1	1	0
TOTALS	62 *	13 (22%)	32 (51%)	17 (27%)
<i>Comparison to 2016/17</i>	<i>74</i>	<i>31 (42%)</i>	<i>33 (44.5%)</i>	<i>10 (13.5%)</i>

* Although 66 cases received only 62 proceeded at Stage 1

COMPLAINT ESCALATIONS

- 4.15 The number of complainants unhappy with their Stage 1 response has increased to 15% this year against a rate of 10% the previous year. The quality of response at Stage 1 can be impacted by whether the customer has been contacted to discuss their complaints by the team manager. As appeared to be the case last year, it does not seem that team managers are proactively contacting complainants to discuss their complaint. Over 63% of complainants were not contacted to discuss their complaint. Of the nine cases who wished to escalate eight of these had not been contacted by the team manager about their complaint before a response was sent. The Complaint manager has highlighted this as an issue with the Social Care senior management team as an area where improved performance by team managers may have a beneficial impact on complaint outcomes.
- 4.16 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 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 often resolves the complaint without the need for further escalation. There were 12 conciliation meetings held this year (4 were in regard to 2016/17 complaints). Following these meetings only two of the complaints escalated their complaint to Stage 2. (However one of these was then resolved before the Stage 2 investigation could commence).

- 4.17 There were 3 cases which proceeded to a full Stage 2 investigation in 2017/18. 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 these three cases only one of the investigations has been concluded. This complaint was upheld and later escalated to Stage 3 panel.
- 4.18 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. Only 1 complainant escalated to a panel hearing this year. The findings of the hearing was that the complaint should be upheld. An action plan was agreed by the Executive Director of People and Communities. As the complainant was not satisfied with the outcome they exercised their right to refer their complaint to the Local Government Ombudsman (LGO). The LGO are now investigating this complaint.
- 4.19 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 may investigate cases over a long period of time and therefore may make a decision about a complaint in a different year to when the council investigated the complaint. In the year 2017/18 the LGO only made a decision on one Children's Social Care case. This was a historic complaint from 2014 which completed the complaints process in 2015. The LGO began investigating in May 2016 and concluded in May 2017. This complaint had been upheld by the council and the complainant was not satisfied with the level of compensation offered. The LGO agreed with the Council's decision and agreed the level of compensation offered was appropriate

ACCESSIBILITY

- 4.20 Complaints received from children and young people equated to a quarter of all complaints received. These were predominantly from young people in care or Leaving Care young people. The majority of young people making a complaint were teenagers and had the support of an advocate to help them voice their complaints. There is evidence that at Child Care reviews young people are reminded of their right to complain and their right to access an advocate. Young people in care also have access to the MoMo APP which is a mobile phone app especially designed so that young people in care can report issues and give feedback easily. Two of the complaints received this year had come in via this App. It is clear that young people find the complaints process accessible. Peterborough City Council consistently see more young people accessing the complaints process than other Local Authorities in our region, which is a positive indication of the extent to which young people feel empowered to make complaints.

Table 5. Who is making Complaints?	2015/16	2016/17	2017/18
Children/Young People	10	6	1
Looked After Children inc Leaving Care young people	0	16	13
Parents/Guardians	73	53	41
Other Carers	0	1	0
Foster Carers	3	2	2
Prospective Adopters	0	0	1
Adoptive Parents	0	3	2
LAC (now Adult)	0	1	1
Friend	2	1	0
Relatives	7	1	5
Total	95	84	66

- 4.21 In common with the majority of Local Authorities, complainants using this process continue to be predominantly 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. It is now also a requirement that young people are consulted over access to their records and consent to these being accessed if the complaint escalates to independent investigation.
- 4.22 Independent Advocacy support is available for any young person considering a complaint. This service is currently provided by National Youth Advocacy Service (NYAS). In 2017-18 50% of the young people making complaints were supported by NYAS. This illustrates that the availability of NYAS advocacy is welcomed by many young people and some are accessing this service, whilst some feel able to make their complaints independently.

COMPLAINT CATEGORIES

- 4.23 Table 6 below 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.

Table 6: Complaint Categories

Nature of Complaint	2015/16	2016/17	2017/18
About Legislation	0	0	0
About Policy	5	4	2
Breach of Confidentiality	5	1	0
Broken Promise/Appointment	3	7	1
Delay/Failed Service	46	28	32
Denial/Withdrawal/Change Service	3	9	5
Lack of /Incorrect Information	1	3	2
Not to Standard	6	14	11
Staff Attitude/Conduct	27	13	12
Other	1	5	1
Total	97	84	66

4.24

Appendix A provides further analysis by team and by outcome allowing the identification of themes which may impact on specific teams or across the service and allows for tailored improvement plans.

SERVICE IMPROVEMENTS

4.25

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 2017-2018 are detailed in Appendix B.

4.26

The Quality Assurance team track if service improvements are then carried out and have provided feedback on the improvements that have been delivered following complaints in 2017-18. This is attached as Appendix C.

COMPLIMENTS

4.27

Until last year it had 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. Then in 2016/17 a process was put in place to record all compliments received by Children's Social care. 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.

4.28

In the year 2017/18 the department have received 121 compliments about the work of the various teams in Children's Social Care. 61 were received from service users or external agencies and

the other 60 were from internal partners towards social care team workers. For the first time a clear picture is available of the high volume of thanks being directed at Children's Social Care which helps to put the number of complaints received into context. It is not possible to reproduce all of the compliments for data protection reasons but the type of compliments received are typified by the examples below.

External Compliments

- They stated that it "was good to have a social worker that wants to help and knows what she is doing"
- You always go over and above what is required from your position and this is truly appreciated by the families and professionals that you work with (even though it may not always feel that way). You'll be truly missed.
- It is good to know that the travel and transition plan worked so well. The SW needs to be commended for the sensitive way she dealt with the transfer and settling in period.

Internal Compliments

- Excellent report. Clear and child focused.
- Can I just say a massive thank you to everyone for the speed with which this has been sorted this so quickly - an excellent example of joined up working which has very effectively met the needs of this little chap
- Thank you for this, I really appreciated watching you run the meeting and I just hope I am as succinct as you in future meetings. Really good to learn from someone so organised and focused.

4.29

BENCHMARKING & COMPLAINT VOLUMES IN CONTEXT

In previous years the Committee members have asked the Complaint Manager if Benchmarking is available to compare the performance in regard to Children's Social Care complaints with other Local Authorities. The Complaint Manager is currently conducting a peer review with Milton Keynes Council. This is a reciprocal arrangement with both Councils complaint managers visiting each other's offices to review their respective operations which should provide useful insights for both councils. Milton Keynes is comparable in many respects, being a Unitary Authority with a fast growing population of a similar size to Peterborough. The Complaint Manager will write up a comparison report which can be included in next year's complaints report. If the exercise is successful it may be possible to make a similar arrangement with other Local Authorities in the future.

4.30

Committee members also made a request to put the number of complaints made about this service in context. It was agreed that in future reports information on the numbers of young people receiving services in the Year could be provided to allow members to compare this to the number of complaints received.

The number of referrals open during 2017/18 was 4397, so the 66 statutory complaints investigated represent 1.5% of the total caseload.

5. CONSULTATION

5.1 None Required

6. ANTICIPATED OUTCOMES OR IMPACT

6.1 That the report will highlight areas of 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

Insert Any Other Relevant Implications

9.5

Does this report have any implications for Children In Care and Care Leavers? If so, include these in this section.

This report does have implications for both Children in Care and Care Leavers. The CSC statutory complaints process is designed specifically for children and young people who are in receipt of Children's Social Care services, it would therefore be of particular relevance to these young people to be aware of the right of complaint, how complaints are responded to and what service improvements result from the complaints that are made.

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> - Children Social Care: getting the best from complaints

11. APPENDICES

11.1 Appendix A - CSC complaints Category Analysis 2017-18
Appendix B - Service Improvements Identified 2017-18
Appendix C - Service Improvements Delivered from 2017-18