

# Appendix A – CSC Statutory Complaint Report 2019-20

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## 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

## C. Complaint Data

### 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 1.

Figure 1 – Complaints ineligible under the Statutory process

Complaints Not Logged	2018-19	2019-20
Court Related	9	18
Child Protection	0	0
Insufficient Interest	19	19
Alternative Process (Legal/Corporate)	22	11
General Enquiries	26	37
Out of Time	13	8
Withdrawn	0	0
Consent not gained	0	6
S47	2	2
Safeguarding referral	0	6
Other	0	12
<b>Totals</b>	<b>91</b>	<b>119</b>

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.

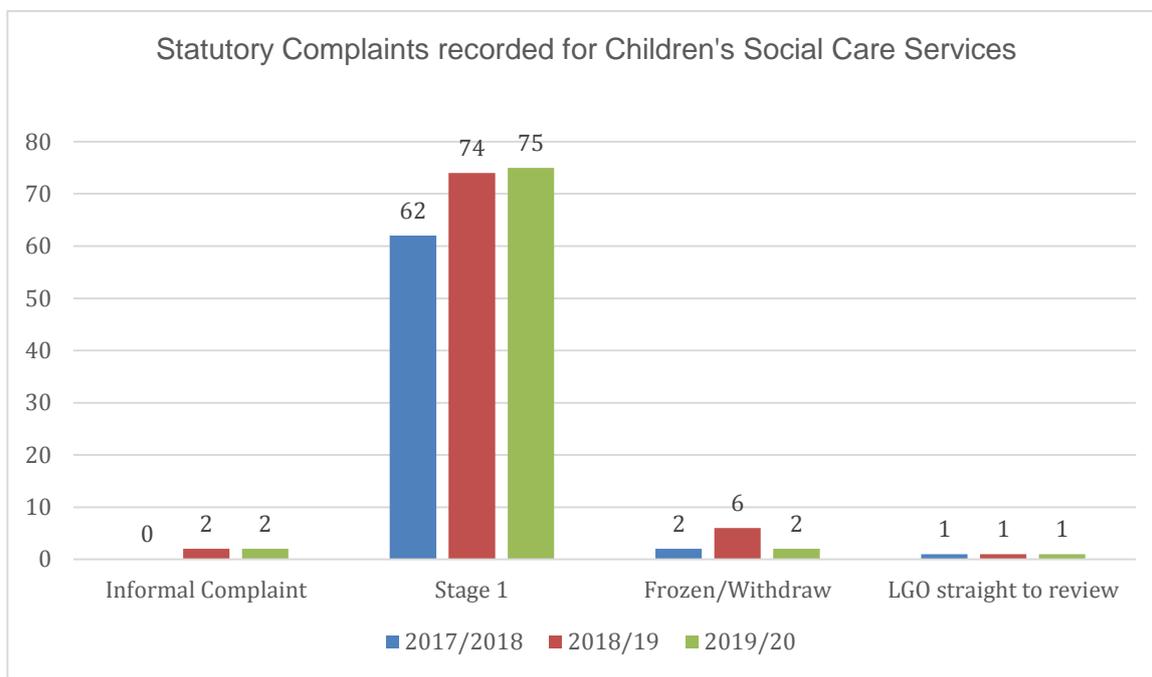
### Accepted Complaints

In 2019-20 there were 80 complaints which could be accepted under the statutory process. This was a small decrease in the number of complaints registered against the previous year's total of 83 complaints.

The majority of complaints logged will be responded to formally as a Stage 1 complaint. Relatively few complaints will be responded to informally which is when the complaint is answered verbally within 3 days and the complainant is satisfied with this outcome.

Figure 2 illustrates the number of complaints responded to informally, with a Stage 1 written response or that were withdrawn before an investigation could be concluded.

Figure 2. Accepted Complaint Volumes 2019-20



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 2 complaints were withdrawn as the complainants decided not to proceed with their complaint.

### 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 if a delay is unavoidable. Sometimes delays are the result of the non-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 17 working days in 2019/20.

However it should be recognised that until the 1<sup>st</sup> March 2020 the average stood at 15 working days and there was every likelihood that this would have been the final position for the year. However the complaints logged in the last quarter and especially the final month of the year were significantly impacted by the pandemic and the priorities of the service in that period.

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.

## Stage 1 Complaint Outcomes

- There has been a similar volume of complaints upheld or partially upheld in 2019/20 compared to the previous year.
- In total 67% of complaints responded to at Stage 1 were upheld fully or partially.
- Not upheld complaint dropped from 37% to 33%,.

Figure 3 – Stage 1 Complaint Outcomes by team

<b>OUTCOME OF STAGE ONE COMPLAINTS BY TEAM</b>				
<b>Team</b>	<b>Complaints</b>	<b>Not Upheld</b>	<b>Partially Upheld</b>	<b>Upheld</b>
Adoption	1	1	0	0
Children in Care/Leaving Care	30	12	11	7
0-25 Service	11	3	5	3
Conferencing & Review	0	0	0	0
Family Safeguarding	15	5	8	2
Assessment Team	8	1	3	4
Fostering	2	1	1	0
Clare Lodge	1	0	1	0
Adolescent/TY SS	2	0	1	1
Family Centres	2	1	0	1
ETCIC	1	0	1	0
MASH	2	1	0	1
<b>TOTALS</b>	<b>75</b>	<b>25 (33.33%)</b>	<b>31 (41.33%)</b>	<b>19 (25.33%)</b>

## Complaint Escalations

The number of complainants unhappy with their Stage 1 response was lower this year at 8 cases (10% against 15% the previous year).

The factors which prevent escalation are

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

In 2019/20, only 35% of complainants had received some form of direct contact from the service before receiving the complaint response, and the complaints service has raised this issue at quarterly performance meetings held with children's services. More positively, the quality of the responses to complainants has improved and the speed of the response has generally been at a reasonable level.

Cases which escalate are offered a conciliation meeting and 6 of these were held in 2019/20.

This 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 often resolves the complaint without the need for further escalation. Of the 6 conciliation meetings 4 cases were resolved successfully without the need for escalation to Independent investigation the other 2 progressed to Stage 2.

Stage 2 complaints can often take several months to be investigated and concluded. It is therefore common for some to be initiated in one financial year and not conclude until the following one.

Only one Stage 2 investigation was concluded during 2019/20. This was a complaint logged in the previous year which had had a conciliation meeting but where the complainant later asked for further escalation to Stage 2 unhappy that previous actions agreed had not been carried out. This complaint was partially upheld at Stage 2 and several actions were recommended.

Four cases requested Stage 2 escalation from complaints registered in 2019/20. This represents 5% of the total complaints received within the 2019/20 period. Of these two had taken part in conciliation meetings but remained dissatisfied. The other two cases were cases where a conciliation meeting was declined by the complainant. Only one of these cases has concluded - in July 2020 - when it was partially upheld. The other three could not commence during 2019/20, one because of court proceedings taking place and the other two due to a hold placed on escalations due to the pandemic. All three have subsequently commenced and are currently under investigation.

Only one Stage 3 panel was held during the year 2019/20. This was from a complaint made in the previous year.

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. 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 and Social Care Ombudsman (LGSCO). The LGSCO were satisfied with the actions of the council and declined any further investigation.

There were no other complaints investigated by the LGSCO for Children's Social Care in 2019/20.

## Accessibility

<b>Figure 4 Who is making Complaints?</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
Children/Young People	1	0	2
Looked After Children inc Leaving Care young people	13	25	25
Parents/Guardians	41	42	43
Other Carers	0	1	0
Foster Carers	2	5	2
Prospective Adopters	1	0	1
Adoptive Parents	2	1	1
LAC (now Adult)	1	2	1
Friend	0	0	0
Relatives	5	7	5
<b>Total</b>	<b>66</b>	<b>83</b>	<b>80</b>

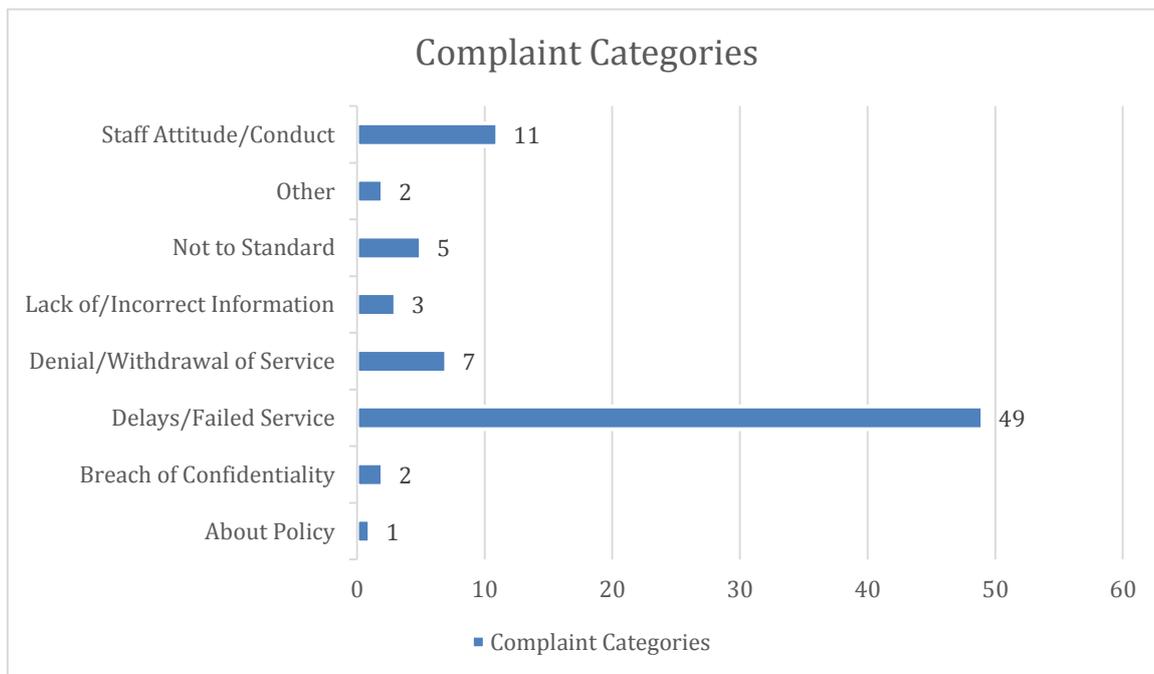
Although the Complaints service continues to see a higher volume of complaints from parents than children we also see a higher proportion of complaints coming from children and young people than many other councils. This illustrates that there is clear signposting of young people in care to the complaints process and to advocacy services by our social workers.

Under the statutory process the right of complaint is primarily intended to be for the 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.

Independent Advocacy support is available for any young person considering a complaint. This service is currently provided by National Youth Advocacy Service (NYAS). Over 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 many are accessing this service, whilst some feel able to make their complaints independently or through another trusted adult.

## 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 majority of complaints are about service delays or failures which can be from delays in communication or assessments. The QA team are provided with this data every quarter and this helps them to formulate training and briefing notes to the service to address specific issues.

## Service Improvements

Where a complaint is upheld either fully or partially it is often necessary for some remedial action to be undertaken to rectify the problem.

Appendix B Service Improvements and Actions Taken 2019-20 – gives some examples of the type of remedial actions and service improvements that have been taken forward following complaint investigations this year. 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.

## Benchmarking

In 2018/19 the Complaint Manager provided details of a peer review undertaken with Milton Keynes Council showing similar complaint volumes between the two councils. It has not been possible to undertake wider analysis this year due to restrictions around visiting other councils and the pressure on resources caused by the Covid pandemic but it is hoped that further analysis of this type can be undertaken in future years.

## 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 2019/20 the department received 219 compliments about the work of the various teams in Children's Social Care. 67 were received from service users or external agencies and the other 152 were from internal partners towards social care team workers. This is an increasing volume of thanks being directed at Children's Social Care which helps to put the number of complaints received into context.

Compliments are recorded as either external or internal and examples of both types are evidenced in Appendix C

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.