

Appendix A – CSC Statutory Complaint Report 2021-22



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 complaint's 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 data to the senior management team within social care monthly so that complaint performance can be monitored. Complaints officers receive complaints by letter, email and by telephone from children and their advocates, as well as parents and carers, 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. If a complaint cannot be resolved the complainant will have a final right of referral to the Local Government & Social Care Ombudsman.

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:

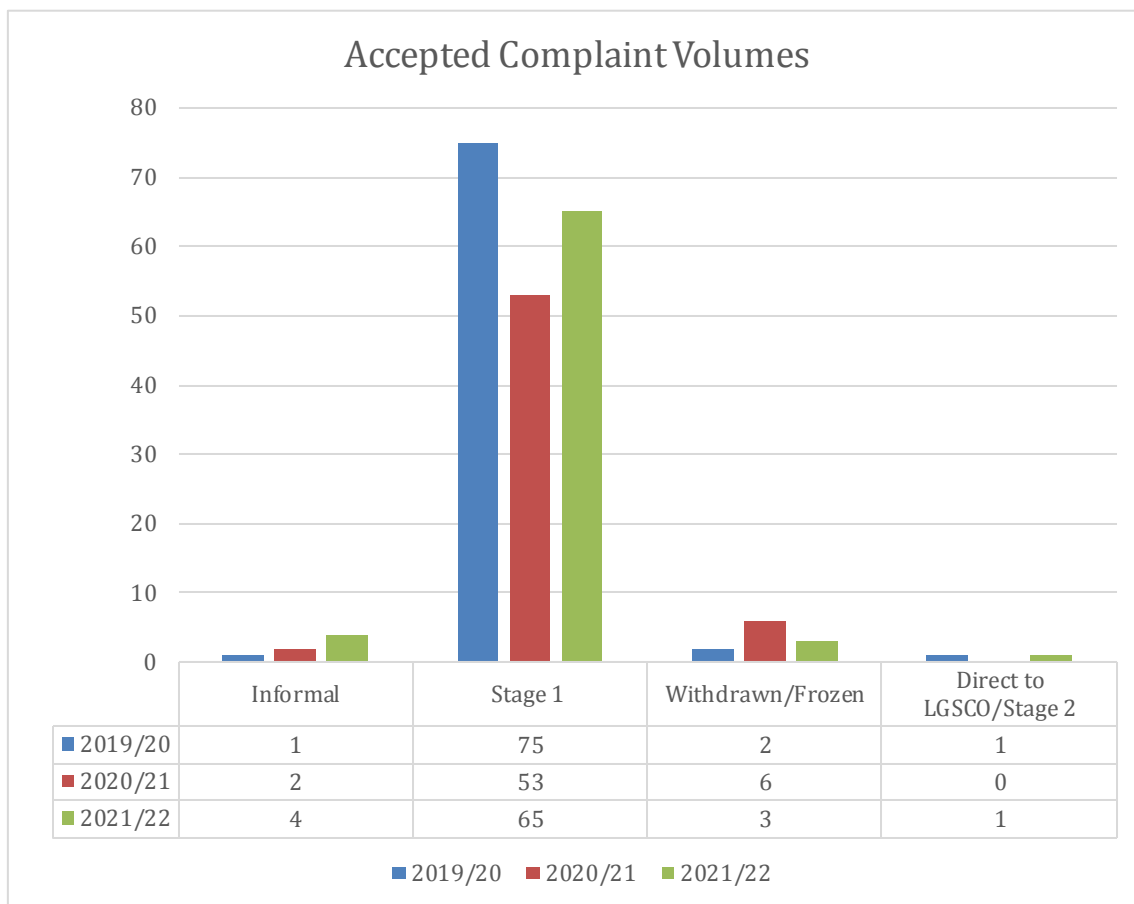
- **Stage 1**, requiring a response within 10 working days and a maximum of 20 if a delay is unavoidable
- **Stage 2**, requiring independent investigation within 25 working days and a maximum of 65 in exceptional circumstances
- **Stage 3**, requiring presentation to an independent complaint review panel within 30 working days.

Where a complaint is not resolved at Stage 3, the complainant may appeal to the Local Government & Social Care Ombudsman who may choose to investigate and may agree with or overturn the local authority's response

Complaint Volumes

In 2021-22 there were 73 complaints which could be accepted under the statutory process. This was an increase in the number of complaints registered against the previous year's (2020/21) total of 61 complaints. This increase was expected as council services returned to normal after the covid pandemic period.

Figure 1. Accepted Complaint Volumes 2021/22



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.

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 3 complaints which were withdrawn/frozen as the complainants decided not to proceed with their complaint.

Ineligible Complaints

Under the statutory process there are only certain functions which can be subject to a statutory complaint and certain people that are eligible to use this process. 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 – Complaint's ineligible under the Statutory process

Complaints Not Logged	2020-21	2021/22	Example
Court Related	14	23	Care decisions are under the court's jurisdiction
Insufficient Interest	11	6	Complaint made by a friend or family member
Alternative Process (Legal/Corporate)	15	13	There is an alternative process
General Enquiries	32	17	Anonymous enquiries/requests for data/questions
Out of Time/Jurisdiction	18	9	Another LA/organisation has jurisdiction/ Complaint is historic
Consent not gained	4	1	Complainant does not have consent
S47/Child Protection	8	8	Child Protection and Section 47 exempt from process
Safeguarding referral	18	17	Passed to MASH
Other	10	8	Complainant does not engage
Totals	130	102	

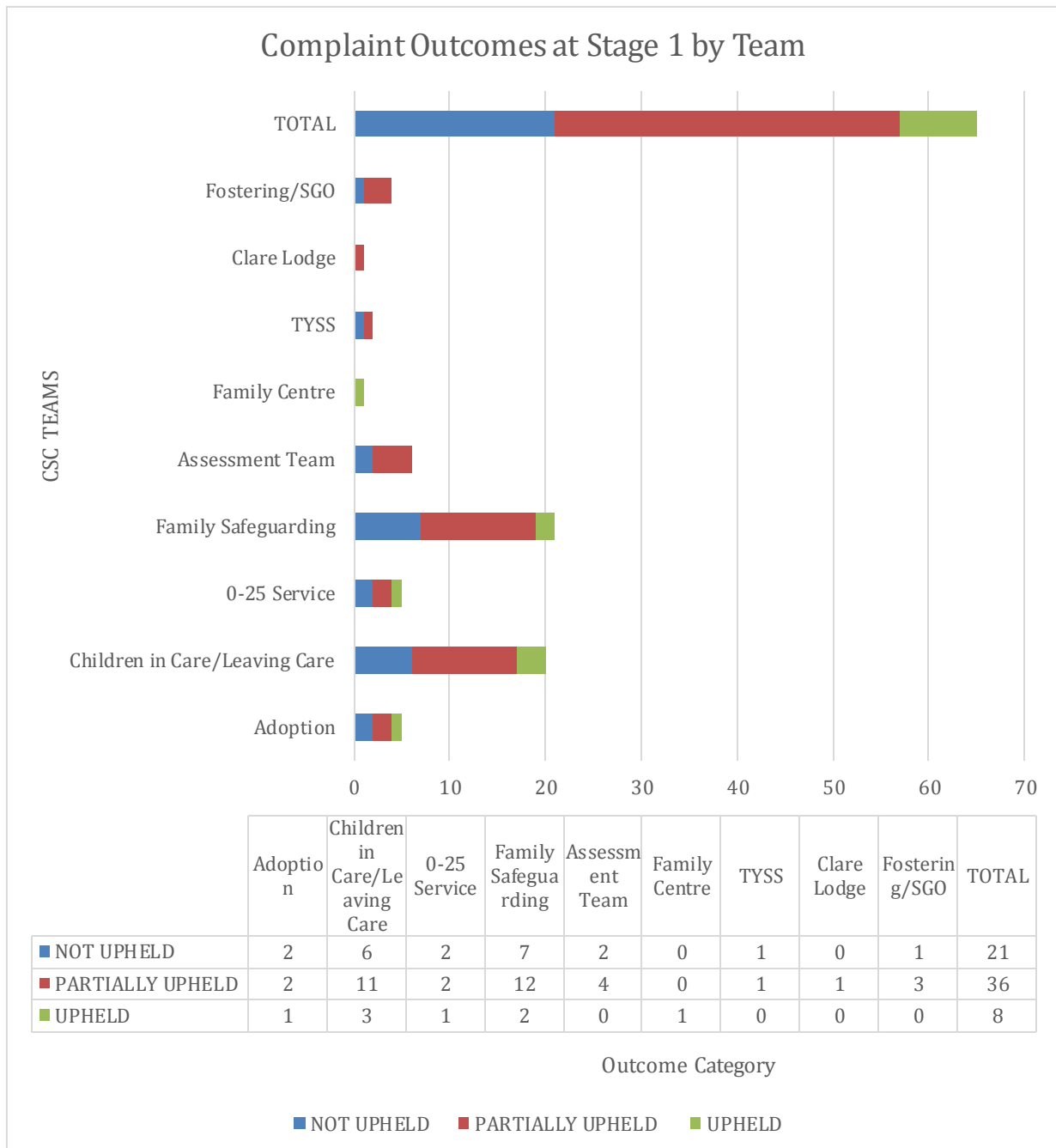
Where a complaint is not accepted the complainant will be advised of the reason why they are not eligible to use the statutory complaints process and what other process may be open to them. If the person is not a category of person eligible to complain they may be advised there is no alternative process.

Stage 1 Complaint Outcomes

- There has been a significant decrease in upheld complaints this year to 12%
- Partially upheld complaints have seen an increase to 55%
- The percentage of complaints recorded as Not upheld has decreased to 32%

This indicates that often complainants will have some validity to their concerns but some of the issues maybe due to unrealistic expectations or a lack of understanding around the role of Children’s Social Care.

Figure 3 – Stage 1 Complaint Outcomes by team



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

There has been an improvement in the number of cases where the team manager has proactively contacted the complainant to discuss their complaint this year.

41% of cases had contact compared to 36% the previous year.

Contacting the complainant to discuss their complaint can help to build trust and ensure the family feel heard and the importance of this is promoted by the complaints team when passing a complaint over to a team manager.

The quality of responses continues to improve, and the speed of response is within acceptable parameters.

The escalation rate for complaints this year was 7% (5 cases), a fall from the 13% escalation rate in 2020/21. The proactive contact by team managers is a significant factor in this improvement.

Conciliation Meetings

Since 2013 a Conciliation meeting has been offered to any complainants who wish to escalate post Stage 1.

This year four of the five escalated complaints agreed to a conciliation meeting, and this resolved all four cases.

Following recent recommendations from the Ombudsman we have been advised to remove the conciliation meeting process from our local procedures as this does not comply with the statutory process. This is regrettable as this has been successful in resolving many cases over the past eight years.

The importance of contacting complainants proactively at the start of the complaint will be emphasised further by the complaints team and by senior management to ensure complaints are resolved at the earliest opportunity making the absence of a conciliation process less detrimental.

Stage 2 Investigations

Due to the timescales involved in investigating Stage 2 complaints under the statutory process it is common for complaints made in one year to continue through the process in a subsequent year.

During the pandemic a backlog of complaint escalations formed as the council had problems with the procurement of Independent Investigators and Independent Persons.

In 2021/22 five cases from the previous year progressed to a Stage 2 investigation. There were also two cases that were already under investigation at the start of 2021/22. In August 2021 a contract for Complaint investigations was awarded to Coram Voice and consequently the backlog of investigations has been cleared.

One complaint made in 2021/22 also escalated to Stage 2 but this was at the end of the year and the investigation had not concluded by the year end.

For 2021/22 the escalation rate was very low – only 1 complaint escalated to Stage 2 from the 73 complaints received. The normal escalation rate has traditionally been between 5 – 10%

Figure 4 -Stage 2 progress in 2021/22

	<i>2020/21</i>	<i>2021/22</i>
Stage 2s Requested	5	6
Stage 2s Completed	3	6
Stage 2s Remaining	2	2

Figure 5: Stage 2 Outcomes 2021/22 cases

Case No.	Team	Outcome at Stage 1	Stage 2 Outcome	Escalated Further
1	CIC	Not Upheld	Not Upheld	No
2	CIC	Partially Upheld	Partially Upheld	No
3	0-25	Partially Upheld	Partially Upheld	Stage 3 panel then LGSCO
4	CIC	Partially Upheld	Partially Upheld	Stage 3 panel then LGSCO
5	0-25	Partially Upheld	Partially Upheld	No
6	0-25	Partially Upheld	Partially Upheld	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. The panel hear from all the attendees and determine if they support the Stage 2 investigation outcomes.

Panel attendees include

- 3 x external panel members,
- The complainant
- The Complaint manager
- A senior manager from Children’s Social Care
- The Investigating officer – from Stage 2
- The Independent Person – from Stage 2

Two cases were escalated to a Stage 3 panel in 2021/22 – both were from cases where the complaint was first raised prior to 2021/22.

Both led to the panel supporting the findings of the Stage 2 investigations. Subsequently both cases have escalated to the Local Government and Social Care Ombudsman (LGSCO), but their investigations were ongoing at the end of the year 2021/22.

Local Government and Social Care Ombudsman (LGSCO)

The LGSCO only investigated one case about Children's Social Care in 2021-22. This complaint was made in 2020 but due to the delay procuring investigators, previously mentioned, did not proceed to Stage 2 until 2021/22. The complainant approached the LGSCO at this early stage and the LGSCO found the council at fault for not proceeding promptly to Stage 2 and asked the council to pay a compensation payment to the complainant for the stress caused by that delay. The complaint was then investigated at Stage 2 and the matter was resolved to the complainant's satisfaction at that stage.

As indicated above there were two other cases that the LGSCO decided to investigate in 2021/22 about Children's Social Care but those investigations were ongoing at the end of the year and so will be reported in the year when the final decision is received.

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.

The level of Upheld complaints is low this year at 12% and this does impact the volume of Service improvements that are likely to be identified. Where complaints are Partially Upheld only certain elements may need to be corrected and this is commonly in the form of an apology or ensuring the service is provided where there have been delays.

Where a more definite service improvement is proposed this will be identified by the service.

The table below displays service improvements identified from complaints responded to by team managers in 2021/22.

Figure 6: Service Improvements at Stage 1 2021-22

CSC Team	Complaint Detail	Service Improvement Identified
Leaving Care	Not received passport as agreed.	Team manager confirmed the complaint had highlighted the support needs of Care Leavers in prison which will be shared and discussed with the team.
Adoption	Unhappy with the information they received from the Adoption Service regarding timescales of adoption process.	Team would be advised to be clearer around potential timescales with prospective adopters
Children in Care	Unhappy with Service's handling of potential adoption	Team manager confirmed the team would meet to discuss this case to ensure a clearer process from the start of the request
Children in Care	Delays in handling of a post - 18 assessment	The manager confirmed a review would take place of how assessments are undertaken by service.
0-25 service	Unhappy with the lack of communication regarding requests for assessment.	Introducing new practices within team to prevent delays.
Children in Care	Unhappy with the information provided by the Social Worker	The team manager confirmed they would discuss with the worker about the importance of clear and transparent communication with foster carers
Children in Care	Complaint about delays in adoption process and not being kept informed.	Case would be discussed with all workers to improve practice for the future.
Contact Centre	Unhappy with the conduct of the contact supervisor at a contact session.	Team would meet to discuss the importance of workers remaining impartial.

Where complaints escalate an independent investigation takes place and this is more likely to result in service improvements being identified.

Figure 7: Service Improvements Recommended during Stage 2 Investigations 2021-22	
CSC Team	Service Improvement Identified
Children in Care	3-monthly meetings should be implemented to ensure birth mother is updated more regularly in between statutory reviews for children in care which are 6-monthly
0-25 Team	The Disability Social Care 0-25 Service will review the information available on their council web pages regarding assessments to ensure there is clear guidance for parents regarding the various stages, including the opportunities for parental input.
Children in Care	Complaint Adjudication form to be revised to ensure that recommendations made are SMART
0-25 Team	The investigating officer recommended that the Short Breaks Panel rewords the expectation to include 'up-to date' assessments with the panel paperwork, so that this becomes a clear procedural requirement. They also recommend that a separate section is added to the Short Breaks Panel application form for parental views, to be written in their words only, and not paraphrased by the social worker. The final recommendation was that the panel continues to accept letters from parents as supporting correspondence and to ensure that parents are aware of this option.
0-25 Team	Revise DLA policy so that it is clear to foster carers how these funds can be utilised

Accessibility of the Complaints Process

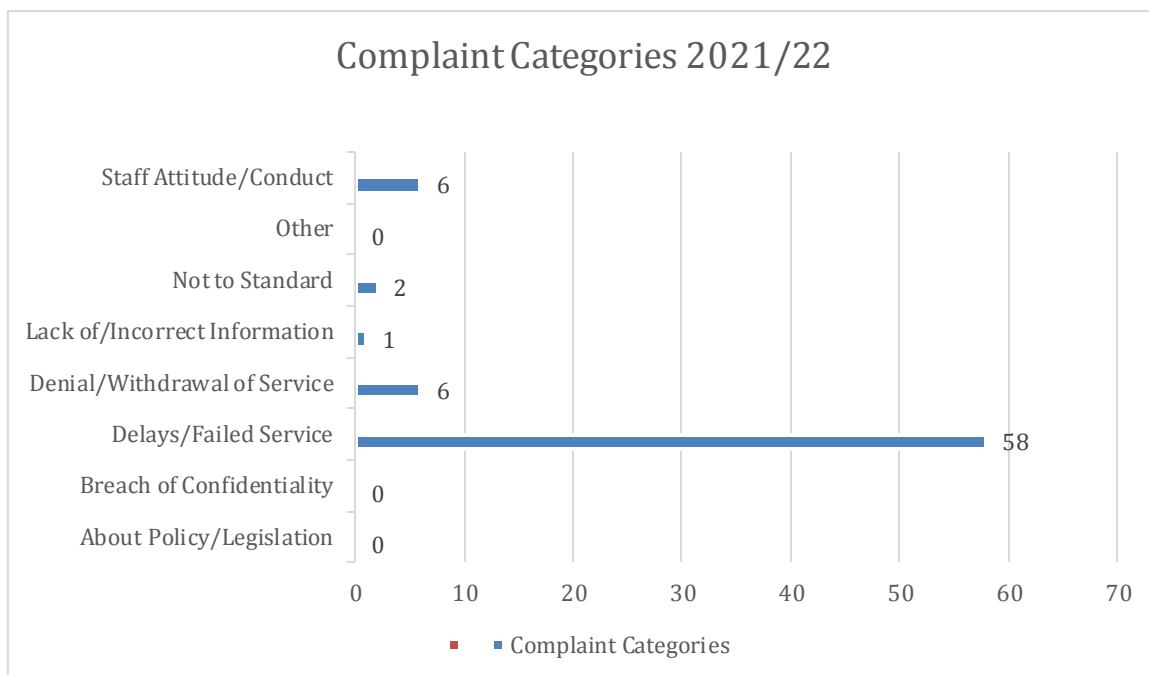
In common with other Local Authorities most complaints received about children social care services continue to be from parents. If the complaint is not on behalf of the child or about the services provided to the child, then the complaint will not follow the statutory process. However, complaints from young people or former LAC adults remains significant at 27% of statutory complaints received. Many of the young people making complaints are supported by an advocate (75%) which are provided under the council's contract with the National Youth Advocacy Services (NYAS).

Figure 8 Who is making Complaints?	2019/20	2020/21	2021/22
Children/Young People (not LAC)	2	2	2
Looked After Children/ Leaving Care	25	14	16
Parents/Guardians	43	40	47
Other Carers	0	2	1
Foster Carers	2	1	3
Prospective Adopters	1	0	1
Adoptive Parents	1	0	1
LAC (now Adult)	1	1	2
Friend	0	0	0
Relatives	5	0	0
Professionals	0	1	0
Total	80	61	73

Complaint Categories

Figure 9 below shows the category of complaints recorded in the current year using 10 nationally recognised categories. This helps with analysis of themes and trends.

Figure 9: Complaints Logged by Category



Most complaints this year have been about alleged service delays or failures. Due to the nature of the service families often have urgent issues and they may have unrealistic expectations of how the service will be delivered. It is therefore important that the service gives clear information on how the service will be delivered but equally that the work levels of individual workers is monitored to ensure they can provide the right level of support to the families they are assigned to.

Figure 10: Examples of Complaints by top 3 categories

Category	Examples of complaints
Delay/ Failed	<ul style="list-style-type: none"> • Delays in workers returning calls • Delays in requesting assessments • Delays in processing applications for British Citizenship • Short notice notification about a placement move
Denial /Withdrawal	<ul style="list-style-type: none"> • Leaving Care Grant not received • Reductions in SGO allowances
Staff Conduct	<ul style="list-style-type: none"> • Alleged Impartiality • Lack of empathy from workers

Compliments

Children's Social care record Compliments they receive so that they can share the positive feedback with staff.

Compliments are received both from young people and their families but also from other agencies who are involved in cases in a professional capacity, including teaching staff, health visitors, and police officers. Where a complaint is from a service user or an external professional organisation this is recorded as an external compliment. Compliments received from internal colleagues from different teams are recorded as internal compliments.

In 2021/22 the following compliments were received

External - 37

Internal - 49

Appendix B – Shows examples of both type of Compliment received in 2021/22

Corporate Children's Complaints

Historically the complaints service has provided a separate annual complaints report for Children's Statutory complaints to this committee. Any complaints that are non-statutory are investigated under the corporate process and these complaints are included in the annual report on corporate complaints which is annually presented to Audit committee.

It has been proposed that non-statutory complaints about Children's Services should also be reviewed by Children's and Education committee and therefore an appendix to this report includes data on the non-statutory complaints registered for Children's services & Education in 2021/22 for the first time.

The level of data provided this time can be expanded upon in future years if the committee requires it.

Appendix C - shows these complaints for 2021/22