

Appendix D – CSC Statutory Complaint Report 2022-23

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 statutory Childrens Social Care Complaints Procedure

This procedure is statutory and 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 children 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 support or dispute the local authority's response

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. A large proportion of complaints are rejected from the Statutory process each year.

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.

The numbers rejected and reasons are shown in Figure 1.

Figure 1 – Complaints ineligible under the Statutory process

Complaints Not Logged	2021-22	2022-23	Example
Court Related	23	18	Care decisions are under the court's jurisdiction
Insufficient Interest (explained below)	6	9	Complaint made by a friend or family member
Alternative Process (Legal/Corporate/GD PR)	13	24	There is an alternative process
General Enquiries	17	27	Anonymous enquiries/requests for data/questions
Out of Time/Jurisdiction (explained below)	9	23	Another LA/organisation has jurisdiction/ Complaint is historic
Consent not gained	1	2	Complainant does not have consent
S47/Child Protection	8	5	Child Protection and Section 47 exempt from process
Safeguarding referral	17	17	Passed to MASH
Other	8	6	Customer not engaging with complaints process/failing to provide detail
Totals	102	131	

Out of Jurisdiction

These are complaints that cannot be accepted as they have another statutory process to follow ie Police Investigation, Legal proceedings, or another organisation has jurisdiction.

There was an increase in these complaints in the past year as the team received some (9) complaints eligible to be considered by Cambridgeshire CC which had to be redirected.

Sufficient Interest

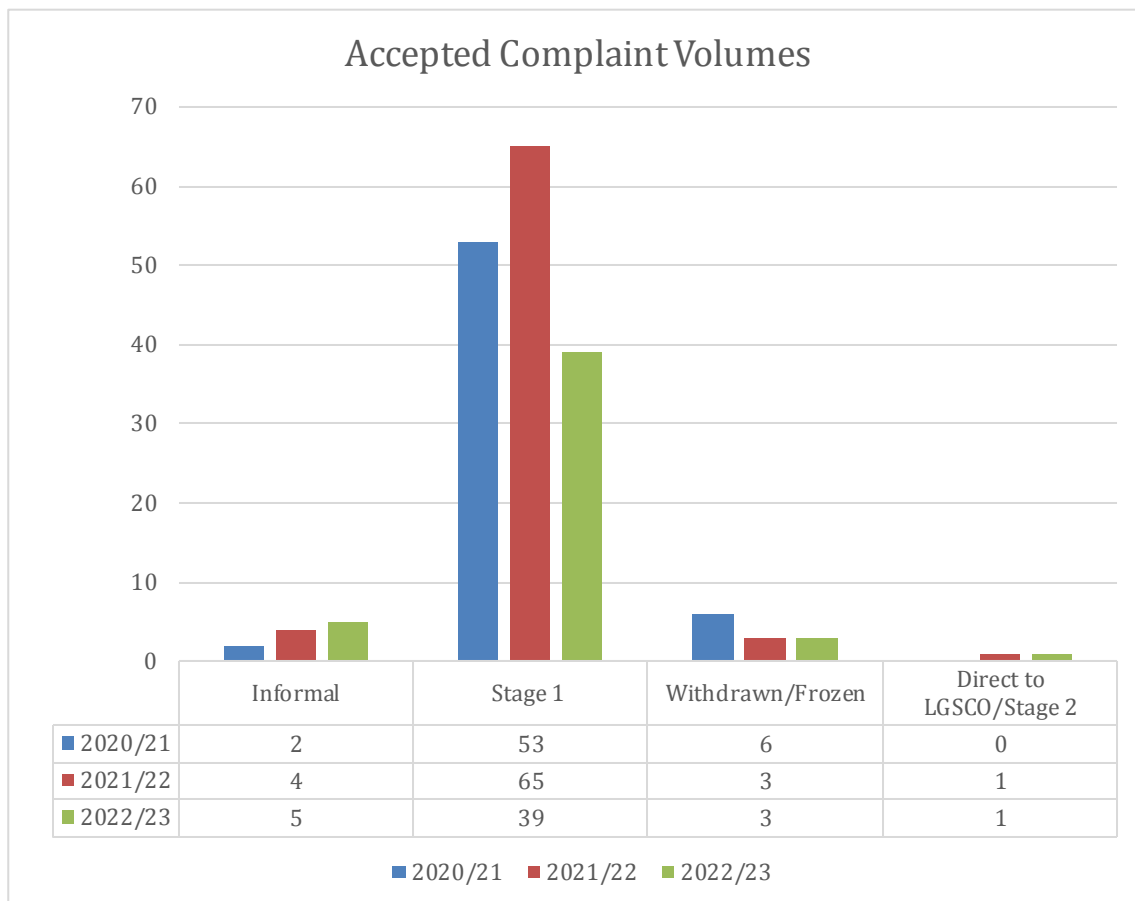
The statutory process defines who can make a complaint as follows: -

- 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
- 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.

Complaint Volumes & Performance

In 2022-23 there were 48 complaints which could be accepted under the statutory process. This was a significant decrease in the number of complaints registered against the previous year's (2021-22) total of 73 complaints. This was partly due to an increase in complaints received which were ineligible including an increase in complaints which were accepted under the corporate process.

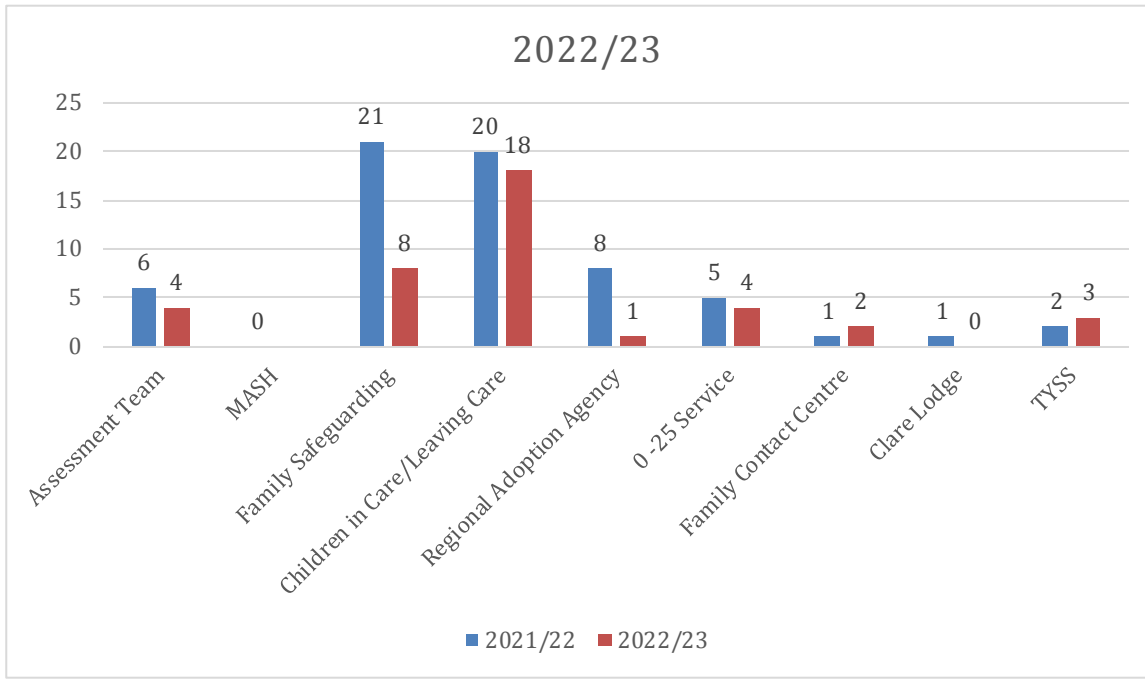
Figure 2. Accepted Complaint Volumes 2022/23



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 were withdrawn/frozen as the complainants decided not to proceed with their complaint or an alternative process had to take precedence.

Figure 3 - Stage 1 Complaints investigated 2022/23 by Team



The chart above illustrates that much of the reduction in complaints in 2022/23 is due to a steep fall in complaints received about Family Safeguarding and the Regional Adoption Agency.

In the previous year we received several complaints about review of Special Guardians allowances which we have not seen this year. Family Safeguarding complaints are less likely to be from children and are generally from parents who are unhappy with social care involvement and are more likely to follow the corporate process – where there has been an increase in complaints this year.

Stage 1 Complaint Outcomes

Complaint outcomes currently fall into 3 categories.

Upheld, Partially Upheld, Not Upheld,

The Ombudsman is recommending a move away from using partially upheld and makes determinations of either Fault found or not found.

In 2022/23 the Complaint Outcomes were as follows

Figure 4 – Stage 1 outcomes

	Complaints determined at Stage 1	Upheld	Partially Upheld	Not Upheld
2021/22	65	8	36	21
2022/23	44	13	22	9

This year this equates to an increase in fault found from 67.6% of complaints in 2021/22 to 79.5% of complaints in 2022/23. As the number of complaints have fallen significantly this year it is difficult to draw conclusions from this increase.

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

56% of cases had contact compared to 41% 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 also.

Complaints at Stage 1 are expected to be responded to within 10 working days on most occasions unless the matter is complex when the maximum timescale of 20 working days is permitted.

66% of the Stage 1 responses were sent within the permitted maximum timescale but a lower volume (34.1%) were sent a response within the standard timescale of 10 working days. A monthly report is sent to senior managers in Childrens Social Care to highlight complaints that are overdue.

The escalation rate for complaints this year was 5% (2 cases). The proactive contact by team managers and the generally high quality of responses are significant factors in maintaining a low escalation rate to Stage 2.

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. There has also been a backlog of cases during 2020-2022 due to complaints being suspended for a period during the pandemic followed by a lack of investigators, this was resolved in September 2021 when a new contract for investigations commenced.

Stage 2 complaints involve the commissioning of an independent investigation service (contracted to Coram Voice) to investigate then produce a report with findings and recommendations. This is then adjudicated by a senior manager within Childrens Social Care.

In 2022/23 two of the 48 cases escalated to Stage 2. This represents 5% of the complaints received. This is within the anticipated parameters – in the past the annual escalation rate has been between 5 – 10%

But there were also five cases which commenced a Stage 2 investigation in 2022/23 where the original complaint was received in the previous year.

This resulted in a total of 7 complaints commencing investigation at Stage 2 in 2022/23, with six of these being finalised during the year and one was still under investigation at the end of the year.

Figure 5 shows the six completed cases and their outcomes.

Figure 5: Stage 2 Outcomes during 2022/23

Case No.	Team	Stage 2 Outcome	Escalated Further
1	CIC	Partially Upheld	No
2	Leaving Care	Partially Upheld	No
3	SGO	Upheld	Pending
4	SGO	Partially Upheld	Stage 3 panel then LGSCO
5	Family Safeguarding	Partially Upheld	No
6	SGO	Not Upheld	Stage 3 panel then LGSCO

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 consists of three contracted panel members and all parties involved at Stage 2 to discuss the Stage 2 investigation outcomes.

Figure 6 - Stage 3 panel outcomes in 2022/23

Case No.	Team	Stage 3 Outcome	Escalated Further
1	0 – 25 team	Upheld	No
2	SGO	Partially Upheld	Yes (to LGSCO)

Two cases were escalated to a Stage 3 panel in 2022/23 – one was a Stage 2 investigation from the previous year and one from the current year.

Local Government and Social Care Ombudsman (LGSCO)

At the end of Stage 3 the complainant can refer the matter to the LGSCO if they remain dissatisfied. The LGSCO concluded two investigations about Children's Social Care in 2022-23. Both these cases were from previous years.

As Childrens Social Care complaints can take longer than six months to conclude the statutory complaints process and due to waiting times for investigation at the LGSCO this will often be the case.

Fault was found in both cases and the full details of the cases can be viewed on the following links: -

<https://www.lgo.org.uk/decisions/children-s-care-services/other/22-000-753>

<https://www.lgo.org.uk/decisions/children-s-care-services/disabled-children/21-014-757>

Complaint Process Accessibility

We continue to see a percentage of complaints from young people (25%) but a greater percentage 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. Most of the young people making complaints were supported by an advocate provided under the council's contract with the National Youth Advocacy Services (NYAS).

Figure 7 Who is making Complaints?	2020/21	2021/22	2022/23
Children/Young People (not LAC)	2	2	2
Looked After Children/ Leaving Care	14	16	12
Parents/Guardians	40	47	28
Other Carers	2	1	0
Foster Carers	1	3	0

Prospective Adopters	0	1	0
Adoptive Parents	0	1	1
LAC (now Adult)	1	2	3
Friend	0	0	0
Relatives	0	0	2
Professionals	1	0	0
Total	61	73	48

Service Improvements

If an investigation establishes the service is at fault managers at every stage of the complaints process should be looking to identify Service Improvements which could prevent complaints of the same nature occurring in the future. Such changes may be a process or policy change or a training workshop.

Figure 8 – Service Improvements Identified in 2022/23

Service Improvements 2022/23		
Team	Complaint Details	Service Improvements
Stage 1		
Regional Adoption Agency	Support Plan did not cover tax status of foster carer and caused issues when claiming child benefit.	Direction given to workers that they must consider if Special Guardians may be in higher tax threshold as this will have tax implications in their claim for child benefit
Family Contact Centre	Worker breached confidentiality about a user of the service	Disciplinary procedure invoked to resolve this with the worker, importance of confidentiality being reiterated at staff briefing.
Leaving Care	Young person required to report homeless to obtain accommodation after placement ends post 18.	To provide more detailed housing information to young people to manage their expectations of social housing. To ensure that young people understand the alternative post 18 options available to them. To ensure that the Housing service are aware of any changes to a young person's circumstances in good time. To ensure that all housing applications are made by a young person's 17 and half year mark to avoid any delays in post 18 accommodation being allocated
Child in Care	Delays in obtaining a driving licence	Service manager will discuss with team ways to stop delays in obtaining identification documents
Stage 2		
Regional Adoption Agency	Dispute about calculation of	PCC to increasing the contribution towards payment of legal fees when there is

	allowances for Special Guardians	more than one child involved in a Special Guardianship Order. Review of council's allowance policy to be undertaken.
Stage 3		
0 – 25 service	Unhappy with 0-25 decision about payment for adaptations to a disability vehicle	Briefing note to staff about this issue. LA to organise a meeting with Health colleagues to discuss the eligibility criteria for a Continuing Care package of support Transfer tracker to be introduced to ensure the smooth transfer of cases between teams
Regional Adoption Agency	Dispute about calculation of allowances for Special Guardians	Review of Special Guardianship Order Financial Assistance arrangements to include consultation with Carer groups

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

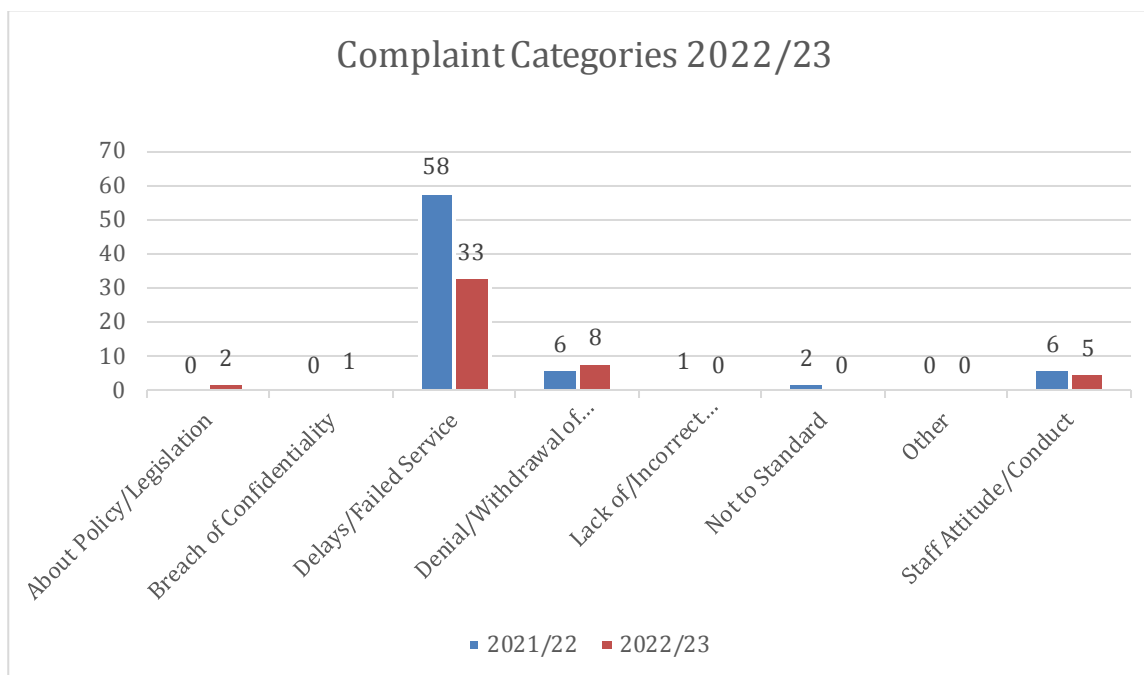


Figure 10: Examples of Complaints by top 3 categories

Category	Complaint Detail	Impact of Complaint
Delay/Failed Service	Delay in Bursary	Young Person leaving care had financial shortfall and lost a few weeks of payments until being re-imbursed
Delay/Failed Service	Delay in processing British Citizenship application	<i>Young Person could have missed holiday opportunity</i>
Delay/Failed Service	Short notice notification about a placement move	<i>Caused unnecessary stress and worry for Young Person</i>
Delay/Failed Service	Delays in workers returning calls	<i>Stress and frustration, lack of faith in worker</i>
Delay/Failed Service	Assessment Delays	<i>Anxiety caused regarding residency as assessment was not progressing. Relationship with worker became strained due to the delays</i>
Denial/withdrawal	Leaving Care grant not received	<i>Risk of financial debt causing instability in Leaving Care Arrangements</i>
Denial/withdrawal	Reductions in SGO allowances	<i>Financial strain causing risk of placement breakdown</i>
Staff Conduct	Alleged Impartiality	<i>Strain on mental well-being. Feels they are not being listened to or their feelings being considered</i>
Staff Conduct	Lack of empathy from worker	<i>Distress and concern caused by lack of understanding and empathy for situation</i>

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.

In 2022/23 there were 56 compliments recorded. This was lower than in the previous year when 86 compliments were received.

Figure 11 – Examples of Compliments for Childrens Social Care in 2022/23

Compliment	For Team	From
<p>Thank you for all your hard work and guidance to make us the family we have become. 'X' will always be your first and we are immensely grateful. A social worker is someone who works tirelessly to help strangers, families and their entire community to become the best version of themselves through unconditional love.</p> <p>Thank you for being that person to us</p>	Children In Care Team 1	Adoptive Family
<p>We couldn't thank X enough for the support she offers with our foster child. She always works within a high professional friendly manner, she very flexible (even with a busy working schedule), she is very approachable and always acts within the child's best interest. X is a massive credit to Peterborough city council social care. If the council could have 10 more X's working and managing their work loads, then Peterborough city council would never have a complaint ever again.</p> <p>She goes above and beyond all the time. We couldn't thank her enough for the ongoing support for our foster child and us as foster parents</p>	Children In Care Team 1	Foster carers
<p>Just wanted to pass on that each YP I speak to who has X as their social worker, think he is great and want him to be their social worker forever!</p> <p>I have found X to be proactive and conscientious in his decision making and he shows the right level of professional curiosity and challenge where necessary.</p>	Children In Care Team 2	Independent Chair
<p>Feedback from a care leaver when asked 'What plans do you have for the future?</p> <p>For my foreseeable I want to be a social worker like mine she is my inspiration and I want to have a family of my own."</p>	Leaving Care	Young Person
<p>I wanted to sing X praises after I's CCR yesterday. It was an extremely positive meeting, and lovely to hear how well I is doing.</p> <p>The icing on the cake was the news that I has now achieved permanency with his carers who he considers to be his family. I'm aware this was no mean feat for X due to I's level of need, and something she had been working on for some time in conjunction with the fostering agency. All parties at the review were thrilled with the news, in particular I's mum and nan who were full of praise for the carer with how well she meets I's needs. This was an excellent piece of work which has benefited I very much.</p>	Children In Care Team 2	Independent Chair

Corporate Complaints for Childrens Services – 2022-23

Whilst corporate complaints are reported to a different committee it was it was agreed in 2022 that this committee would also welcome the opportunity to comment on complaints for Childrens Social Care and Education teams that follow the corporate process.

Children Social Care Corporate Complaints 2022-23

Corporate complaints for Children’s Social Care are generally from parents or foster carers about matters that do not affect the child and are not eligible for the statutory process.

There were **20** complaints received about Children Social Care that followed the corporate process in 2022/23 (13 in 2022/23). The increased numbers were in Family Safeguarding and Early Help.

Figure 12 – Childrens Social Care complaints following corporate process by Team

Team	Number Received	Fault Identified	Escalated to Stage 2
Assessment Team	1	1	
0-25 Team	0	0	
Children in Care	3	3	1
Fostering	3	3	
Family Safeguarding	6	6	
Early Help	6	2	1
Contact Centre	1	1	
LADO	1	1	1
TOTALS	21	17	3

Service Improvements Identified

There were a high number of service improvements identified in regard to these cases as follows:

- Team briefing to explain the importance that parents are promptly updated about changes of social workers and changes to dates/times of meetings.
- Reviewing internal processes to ensure more timely responses are made to families as part of the Early Help process.
- Reminding staff of the importance of correct matching between a child and a foster carer/placement to meet children’s needs and ensure promotion stability and longevity of placements.
- Offer training to all Social Workers regarding benefits and when to claim or stop claiming.
- Reminder to the staff about the importance of promptly sharing and explaining assessments & how home visits should be arranged.
- Reminder to staff about impartiality.

- A review of the LADO policy to clearly outline the role of the LADO and offers specific guidelines relating to when a LADO outcome differs to the outcome agreed at a disciplinary hearing. A leaflet will also be devised and provided to individuals who are referred to LADO, clearly outlining the role of the LADO and their right to raise concerns and complain.

Education Complaints following the corporate process 2022-23

The council are not responsible for complaints made about schools. Schools have their own complaints process and parents can also raise concerns with Ofsted. Also, many Education services have statutory appeals processes which require the complainant to use that process rather than making a complaint. This includes EHCP appeals, School Admission Appeals etc. Issues that arise for parents that do not carry a right of appeal can be considered under the corporate complaints process.

There were 21 complaints recorded for Education teams in 2022/23 (25 in 2021/22)

Figure 13 – Education complaints following the corporate process by service

Team	Number Received	Fault Identified	Escalated to Stage 2
SEN	15	5	2
Attendance	1	0	0
Admissions	2	3	1
School Transport	3	3	0
TOTALS	21	11	3

Service Improvements

There were no service improvements identified in regard to Education complaints but actions were taken in regard to the complaints where fault was identified including

- Apology for delays
- Reimbursement of transport costs

LGSCO Decisions – Childrens Services Non-Statutory

There were 2 decisions made by the LGSCO in 2022-23 about non-statutory Childrens Services complaints.

Fault was found in both cases and the full details of the cases can be viewed on the following links: -

<https://www.lgo.org.uk/decisions/education/special-educational-needs/21-008-178>

<https://www.lgo.org.uk/decisions/education/special-educational-needs/22-008-825>

Compliments for Education Teams 2022/23

The SEND & Inclusion teams record compliments that they receive both from parents they are working with and professionals such as school staff. They share this positive feedback with staff.

In 2022/23 there were 26 compliments recorded. Compliment numbers have been captured for the first time for this team but other Education teams are now being encouraged to keep a register of compliments they receive so these can be included in future reports.

Figure 14 – Examples of Compliments for Education Teams in 2022/23

Compliment	For Team	From
I just want to say thank you so much to xx for being there, for my family, she did a big job with my child, xx helped my son to walk and to be more confident on the road, so I just want to say thank you so much may God bless you. xx I will give you 10 out of 10 keep up with your job!	SEN & Inclusion	Parent
Good morning - I just did the survey and all I can say to you is a big thank you for everything, the support and the help you have been given to me and my child. Keep doing what you do because you are great . God bless you and your family. Have a lovely week xx	SEN & Inclusion	Parent
"Both of us wanted to say thank you very much for your professional help to our son & our family in regard to your home visits for xx. I appreciate your efforts to educate us that how we should engage xx & how we can help him in little things at home. I believe this help & involvement is definitely playing a role in xx's development & understanding. "	SEN & Inclusion	Parent
I would like to say what a pleasure it's been to work with you over the last 2 years & what a wonderful support & listening ear you've been when I've needed advice as to how to improve things for the children I work with & I've appreciated your support & enjoyed working with you!	SEN & Inclusion	Teaching Assistant

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