

## **Appendix C – CSC Statutory Complaint Report 2023-24**

### 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 statutory Children's 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 this 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.

## **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.

**Figure 1 – Complaint’s ineligible under the Statutory process**

<b>Complaints Not Logged</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>Example</b>
Court Related	23	18	19	Care decisions are under the court's jurisdiction
Insufficient Interest (explained below)	6	9	9	Complaint made by a friend or family member
Alternative Process (Legal-Corporate-GDPR)	13	24	15	There is an alternative process
General Enquiries	17	27	29	Anonymous enquiries-requests for data-questions
Out of Time-Jurisdiction (explained below)	9	23	12	Another LA-organisation has jurisdiction- Complaint is out of time
Consent not gained	1	2	0	Complainant does not have consent
S47-Child Protection	8	5	5	Child Protection and Section 47 exempt from process
Safeguarding referral	17	17	11	Passed to MASH
Other	8	6	8	Customer not engaging with complaints process-failing to provide detail
<b>Totals</b>	<b>102</b>	<b>131</b>	<b>108</b>	

The complaints team handle a high volume of enquiries that cannot be registered as complaints, but they do signpost complainants to alternative solutions where available.

## ***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. The numbers have reduced this year as the complaints team have been receiving less complaints that should have gone to Cambridgeshire.

## Sufficient Interest

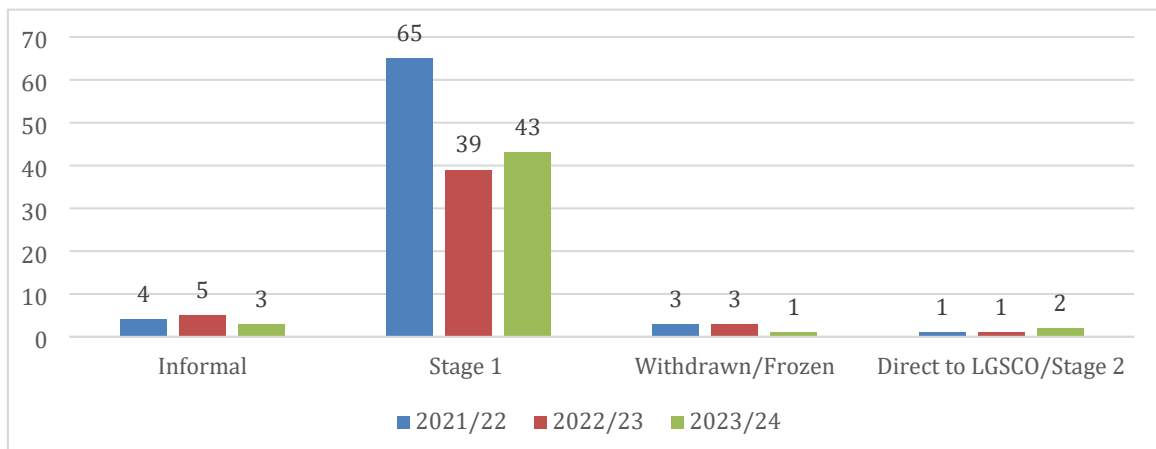
The statutory process defines who can make a complaint as follows: -

- 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 2023-24 the complaint volumes remained at the same level as the previous year with 49 complaints which could be registered under the statutory process (there were 48 in 2022-23). 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. See Figure 2

**Figure 2. Accepted Complaints by action taken 2023-24**



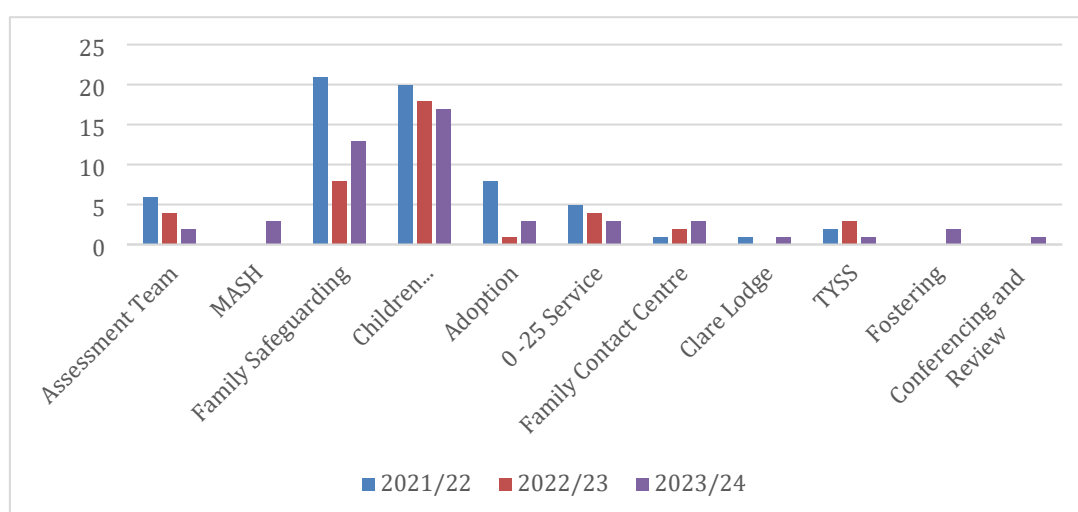
Most statutory complaints are logged formally as Stage 1 complaints. Relatively few complaints will be responded to informally which is when the complaint is answered verbally within 3 days and the complainant confirms they are satisfied with the outcome.

Sometimes complaints are made and then withdrawn/frozen before a response is made and this can be for a variety of reasons. Only one complaint was withdrawn in 2023-24.

## Complaints Received by Team

A high proportion of CSC statutory complaints continue to be accepted about the Children in Care and Leaving Care teams as the statutory process is predominantly aimed at complaints from young people or by advocates on their behalf. Some complaints are accepted from parents if they are about decisions made to support young people and these will often be for Family Safeguarding teams. Sometimes a complaint from a parent is not eligible under the statutory process and is instead registered under the council's corporate process. Illustrated in Figure 3 is the complaints received for each team in Children's Social Care over the past 3 years.

**Figure 3 - Stage 1 Complaints investigated 2023-24 by Team**



When the complaint is accepted, it is sent to the relevant team manager who has 10 working days to complete their investigation and respond. Team managers are encouraged to contact the complainant to discuss their concerns and then follow this up with a written response.

## Stage 1 Complaint Outcomes

In 2023-24 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
2023-24	43	19	15	9

The total percentage of complaints where fault was found at Stage 1 is 79% which is the same as the previous year. This is comparable to the complaints investigated by the Ombudsman nationally about Children's Services where they uphold 81% of complaints in this category. This illustrates that whilst complaint numbers are relatively low, those that are made are because something has gone wrong.

### **Stage 1 Complaint Performance**

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

The statutory timescales state that 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.

Improvement is needed in this area as only 58% of complaints were responded to within the permitted maximum timescale of 20 working days. This is a deterioration in the performance from the previous year which was 66%.

### **Complaint Escalations**

The speed and quality of response are both factors in whether a complaint will escalate. Another factor is whether the customer has been contacted by a manager to discuss their complaint. There has been a further improvement in the number of cases where the team manager has proactively contacted the complainant to discuss their complaint before responding in 2023-24.

69% of cases had either a telephone call or meeting with the complainant to try to reach a resolution before responding. This compares with 56% the previous year.

Contacting the complainant to discuss their complaint can help to build trust and ensure the young person or parent feels 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 is also monitored by the Quality Assurance team.

The escalation rate for complaints this year was 5% (2 cases) which was the same figure as the previous year. 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.

The timescales for Stage 2 are a maximum of 65 working days.

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.

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In 2023-24 from the 49 complaints registered there were only two cases that escalated after a Stage 1 response from the service. This is an escalation rate of only 4%. This low escalation rate can be attributed to the greater focus on engagement with young people and families by team managers as part of the complaints process and the fact that the service is transparent about when they have been at fault and want to put things right.

During the year there was a further case that was received from an adult who had previously been in care to the local authority but had concerns which dated back to their time in care. When historic complaints of this nature are received, they will generally bypass Stage 1 and move directly to Stage 2 as the investigation will be extensive.

But there were also three cases from the previous year which moved onto a Stage 2 investigation in 2023-24.

This resulted in a total of 6 complaints commencing investigation at Stage 2 in 2023-24, but two of these were still under investigation at the end of the year.

Figure 5 shows the four completed cases and their outcomes.

**Figure 5: Stage 2 Outcomes during 2023-24**

Case No.	Team	Stage 2 Outcome	Escalated Further
1	Children in Care	Partially Upheld	No
2	0-25	Upheld	No
3	Children in Care	Partially Upheld	No
4	Children in Care	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 consists of three contracted panel members and all parties involved at Stage 2 to discuss the Stage 2 investigation outcomes.

The only Stage 3 held in 2023-24 was s complaint which was received in 2022-23.

**Figure 6 - Stage 3 panel outcomes in 2023-24**

Case No.	Team	Stage 3 Outcome	Escalated Further
1	Fostering	Not Upheld	Yes (to LGSCO)

## **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 2023-24. In both cases (which were from previous years) fault was found and the full details of the cases can be viewed on the following links: -

[22 018 116 - Local Government and Social Care Ombudsman](#)

[23 003 640 - Local Government and Social Care Ombudsman](#)

As Children's 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.

## **Complaint Process Accessibility**

Complaints from young people in care or previously in care account for 32% of complaints in 2023-24. Many of the young people making complaints were supported by an advocate provided under the council's contract with the National Youth Advocacy Services (NYAS). This illustrates the accessibility of the process for young people.

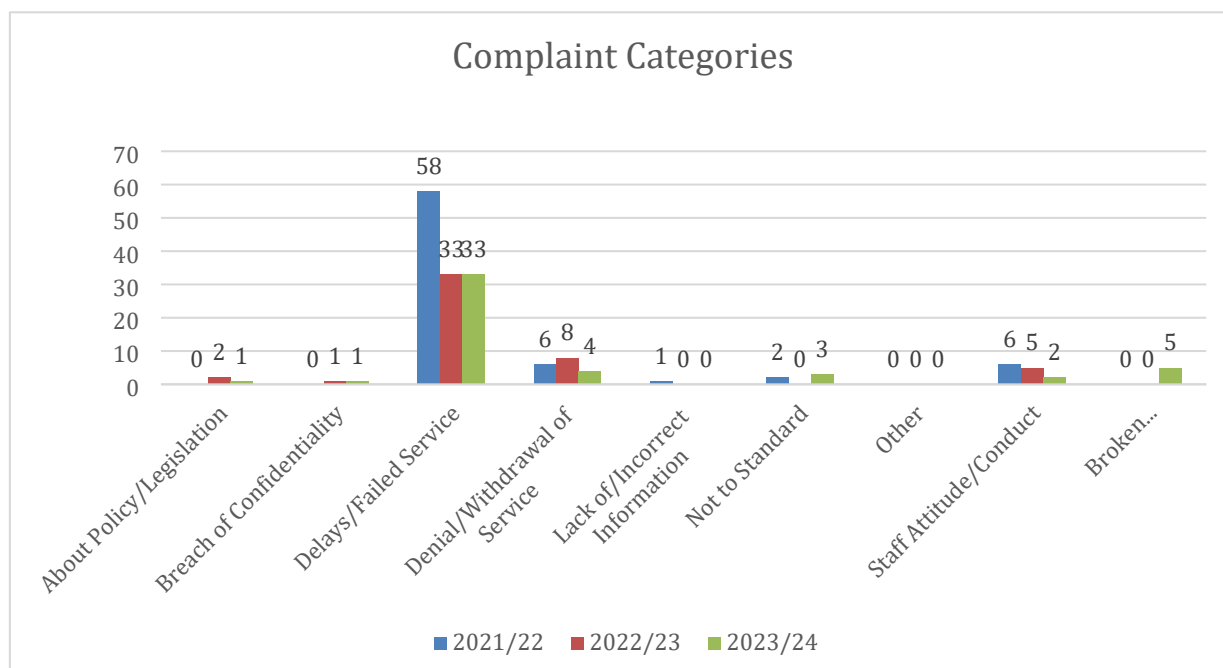
**Figure 7 Who is making Complaints?**

	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>
<b>Children-Young People (not LAC)</b>	2	2	0
<b>Looked After Children- Leaving Care</b>	16	12	14
<b>Parents-Guardians</b>	47	28	27
<b>Other Carers</b>	1	0	0
<b>Foster Carers</b>	3	0	3
<b>Prospective Adopters</b>	1	0	0
<b>Adoptive Parents</b>	1	1	0
<b>LAC (now Adult)</b>	2	3	2
<b>Friend</b>	0	0	0
<b>Relatives</b>	0	2	3
<b>Professionals</b>	0	0	0
<b>Total</b>	73	48	49

## Complaint Categories

A high percentage of complaints continue to be received about delays and failures in providing the service within anticipated timescales

**Figure 8: Complaints Logged by Category**



Below are some examples of the complaints received this year by the most common categories.

**Figure 9. Examples of complaints by category**

Category	Examples from 2023-24
Delayed-Failed Service	Young person unhappy about the volume of changes of social workers and not being listened to
Delayed-Failed Service	Young person unhappy with delays in obtaining passport
Delayed-Failed Service	Parent unhappy that social worker has not returned their calls
Delayed-Failed Service	Foster parent unhappy with delays in implementing Staying Put arrangements
Denial-Withdrawal of Service	Young person not happy with decision not to allow them to stay put with foster carers and instead having to go to semi-independent living
Denial-Withdrawal of Service	Parent unhappy with panel decision not to increase care hours for a child with disabilities
Broken Promise-Appointment	Contact session cancelled at short notice when parent had already travelled a long distance



## Service Improvements

Although there is a high volume of complaints that are Upheld often the resolution involves an apology or providing a service that has been delayed. Service improvements are more often identified in complaints which escalate which may be more complex or may need external investigation to identify where there are improvements needed.

**Figure 10 – Service Improvements Identified in 2023-24**

<b>Service Improvements 2023-24</b>		
<b>Team</b>	<b>Complaint Details</b>	<b>Service Improvements</b>
<b>Stage 1</b>		
Regional Adoption Agency	Adoption Support complaint	Changed the way in which referrals into the adoption support services are reviewed to prevent such delays
Family Safeguarding	Complaint about lack of support for family carers	The issues you raised, will be taken forward with all the social workers when placing children in the care of relatives and or family friends. Especially to ensure that the child has their own bed and bedding.
Leaving Care	Unhappy with Staying Put arrangements	Staying put policy to be amended to make it clear LA do not pay 5 weeks rent until UC payments are made. LA pays deposits only.
Assessment service	Unhappy with workers lack of understanding and empathy around domestic abuse situation	Assurance that social workers will receive regular awareness training around domestic abuse.
Leaving Care	Complaint regarding staying put payments, lack of clarity and unfair treatment.	Change of process agreed so that finance will send an email with monthly remittance payments so more information about how payments are calculated is provided.
Corporate Parenting	SGO payments decision, miscommunication and delays in advising outcome.	Service will undertake a review of the Special Guardianship Order financial support policy
<b>Stage 2</b>		
Leaving Care	Lack of information about post leaving care options	Identifying housing options post 18 is now initiated through the pathway plan when a young person is 17. Staff briefed on importance of clarity of plan. Young people should be given written information about all housing options available to them and their individual circumstances. This should be given alongside pathway planning.
0 –25 service	Unhappy assessment has not led to respite being offered	Review of policies and procedures for non-safeguarding referrals. Reinforce to staff the importance of case recording & the importance of explaining right of appeal of panel decisions

Children in Care	Historic complaint – Unhappy with their time in care	Case recording standards workshops to be revisited with the workforce within the next 3 months
Children in Care	Believes that SW caused a delay in them continuing to access therapy sessions.	Meeting to provide reassurance. Apology. Distress payment. Change of worker. Certainty over whether therapy should continue to be provided.
<b>Service Improvements identified by the Ombudsman</b>		
Regional Adoption Agency	Unhappy with reduced SGO payments and requesting review of circumstances.	<ul style="list-style-type: none"> <li>Provide us with evidence of its updated policy regarding special guardians; and provide us with evidence it has updated its website with information about special guardianship and special guardianship allowance.</li> </ul>
Regional Adoption Agency	Unhappy with new module for SGO payments, payments are either removed or lesser. Facing financial difficulties.	<p>The Council should ensure its current review of the special guardianship policy takes into account The Regulations, guidance, previous Ombudsman decisions-focus reports we have issued and caselaw.</p> <p>Within two months of my decision the Council should carry out a training session for officers on:</p> <ul style="list-style-type: none"> <li>the calculation of SGA payments, taking into account The Regulations, guidance and caselaw.</li> <li>the need to ensure a breakdown is provided when an SGA has been awarded so the person receiving the allowance can establish how the figure has been reached.</li> </ul> <p>the action officers need to take when a two-year transitional SGA is coming to an end to ensure the recipient has an opportunity to apply for an extension before the award ceases.</p>

### **Cost of Complaints**

Audit committee have requested that the financial cost of complaints is included in all future complaint reports. The data relevant to CSC complaints is shown here.

**Figure 11 – Cost of CSC Statutory complaints**

<b>Complaint Compensation</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>
<b>CSC Statutory Complaints</b>	£650 (2)	£28,939 (4)	£41055 (5)

(Number of cases included in each total is shown in brackets after the amount)

## 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. Feedback is also recorded between teams where good practice is observed.

In 2023-24 there were 29 compliments recorded. This was lower than in the previous year when 56 compliments were received.

**Figure 12 – Examples of Compliments for Childrens Social Care in 2023-24**

Compliment	For Team	From
<p>Firstly, we would like to thank you for your detailed report which captures all the information and facts correctly.</p> <p>We really appreciate your duty and the concern you have shown for our children in this contradicting situation we are put in.</p> <p>Also, we like to thank you for visiting our home at such short notice, and taking time to rectify and verify our family well-being.</p>	Assessment team	Parents
<p>I just wanted to send a quick email of praise for xx and xx, with the way they kept me informed and feel supported whilst sorting out some temporary care for the night for two children at the school.</p> <p>When it is out of hours it can sometimes just be a waiting game, but regular messages kept me informed so I knew who would arrive and by when which really helped me support the children.</p>	Assessment team	School staff
<p>I went through some tough time roughly 2 weeks ago and I was contacted by xxxxx who assisted me. I just wanted to say a big thank you to her as she was so kind and caring. She gave me relevant information that I wasn't even aware of. She was incredibly patient, supportive and kind. I found it really helpful talking to her as the level of support she gave me was remarkable. She spoke to me in a very kind voice and made me feel that I'm a human too. I cannot express my gratitude to her. But just to say thank you!</p>	MASH team	Parent
<p>I just wanted to drop you a quick email to say how impressed I was with xxxx in the xxx' siblings initial CCR this morning. Despite being allocated late into the proceedings, xxx has developed a good understanding of the issues and of the children's individual needs and articulated these well during the review meeting.</p> <p>xxxx has also created a good working relationship with all of the professionals involved in what has been a difficult set of circumstances, for not only the children but the professionals managing the risks whilst the children remained in the care of their mother.</p> <p>I am looking forward to seeing the progress these children make, as they have certainly made a positive start already.</p>	Family Safeguarding	Independent Chair
<p>"I just wanted to share some positive feedback I have received in relation to xxxx from the mother of xxx and xxx.</p> <p>The mother described xxx to be brilliant to work with, she is pleased that she takes the children's views into consideration, rather than making decisions based on what she thinks is best for them. She also feels that she has brilliant communication with the worker.</p>	Children In Care Team	IRO passing on comments of a Parent

## **Corporate Complaints for Childrens Services – 2023-24**

Whilst corporate complaints are reported to a different committee 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.

There were 43 complaints about Children’s Services which followed the council’s corporate complaints process. These are detailed in two separate sections below.

### **Children Social Care Corporate Complaints 2023-24**

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 12 complaints received about Children Social Care that followed the corporate process in 2023-24 (21 in 2022-23). This has decreased primarily because there have been no complaints registered for the Early Help service who had 6 complaints from parents the previous year.

**Figure 13 – Childrens Social Care complaints following corporate process by Team**

<b>Stage 1 Complaints – Childrens Social Care - 2023-24</b>			
<b>Team</b>	<b>Number Received</b>	<b>Fault Identified</b>	<b>Escalated to Stage 2</b>
Assessment Team	1	0	0
TYSS	2	2	0
Children in Care	2	2	0
Adoption	2	2	0
Family Safeguarding	5	5	0
<b>TOTALS</b>	<b>12</b>	<b>11</b>	<b>0</b>

These were mostly complaints from parents about communication issues, delays and some about overdue payments and were resolved by apologising and-or delivering the service that had been delayed.

## **Education Complaints following the corporate process 2023-24**

Schools have their own complaints process and parents can also raise concerns with Ofsted. Many Education services managed by the council have statutory appeals processes including 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 31 complaints recorded for Education teams in 2023-24 which is an increase from 21 received the year before. Both the Attendance and the SEN team saw an increase in complaints.

**Figure 14 – Education complaints following the corporate process by service**

<b>Stage 1 Complaints - Education 2023-24</b>			
<b>Team</b>	<b>Number Received</b>	<b>Fault Identified</b>	<b>Escalated to Stage 2</b>
SEN	<b>23</b>	17	3
Attendance	<b>4</b>	3	1
Admissions	<b>3</b>	3	0
School Transport	<b>1</b>	1	0
<b>TOTALS</b>	<b>31</b>	<b>11</b>	<b>4</b>

## **Stage 2 Outcomes**

It is more common for complaints about missed education to escalate through the complaints process. Here are the outcomes of the complaints that escalated to Stage 2

**Figure 15 Education Complaints Stage 2 Outcomes**

<b>Education Team</b>	<b>Complaint</b>	<b>Outcome</b>	<b>Resolved</b>
Attendance	Missed Education due to delays in sourcing alternative provision	Upheld – payment made to parent to compensate for missed education	Yes
SEN	Failure to seek advice as part of a EHCP needs assessment	Not Upheld - but apology given for misspelling of name	No Escalated to LGSCO
SEN	Alternative provision implementation delays	Partially Upheld - Apology for delays in sourcing health support – compensation offered	No Escalated to LGSCO
SEN	Alternative provision implementation delays	Partially Upheld – Apology for lack of clarity about provision only being during term time	No Escalated to LGSCO

## **LGSCO Decisions – Education**

There were 2 decisions made by the LGSCO in 2023-24 about Education complaints.

The first case was from a previous year and the outcome was that the council should pay compensation for delays in making provision out of school for a child that had moved into the area. Further details on the case can be found via this link:-

<https://www.lgo.org.uk-decisions-education-special-educational-needs-22-012-675>

The second case was about an application from a parent delayed entry to reception for a summer born and the outcome was that the council needed to review and revise its policy to ensure this reflects the Admissions Code and non-statutory guidance. Further details on the case can be found via this link:-

<https://www.lgo.org.uk-decisions-education-school-admissions-23-008-638>

## **Cost of Complaints**

Audit committee have requested that the financial cost of complaints is included in all future complaint reports. The data relevant to CSC complaints is shown here.

**Figure 16 Cost of CSC & Education Corporate complaints**

<b>Complaint Compensation</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>
<b>Children’s Services Corporate Complaints</b>	£1400 (1)	£2000 (2)	£2250 (3)

(Number of cases included in each total is shown in brackets after the amount)

## Compliments for Education Teams 2023-24

The Education 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 2023-24 there were 29 compliments recorded.

**Figure 17 – Examples of Compliments for Education Teams in 2023-24**

Compliment	For Team	From
Thank you xxx for explaining everything in detail and being simply wonderful !	SEN & Inclusion	Parent
"Thank you so much for everything you are doing xxx, really you are so patient with all my questions and the way you take time to explain everything really does make me feel so much better, I can't thank you enough."	SEN & Inclusion	Parent
The officer's approach to all consultations and meetings is fantastic - she listens to school and home and takes into consideration what is already in place for the child as well as gives feasible and useful advice as to what else we can put in place to support the child.	SEN & Inclusion	School SenCo
"Everything went well. xxx is an amazing person who listen to me and understand my worries. She had huge knowledge about xx. I'm pleased I could talk with her. "	SEN & Inclusion	Parent
"I just wanted to thank you and the team for the EHA support you offered. From point of referral made by the service regarding my son to the point of his autism diagnosis the pathway has been simple and straightforward. The time you took in the early stages of panel hearing and re-hearing was so supportive and the time you spent in discussion with me providing feedback from the initial panel hearing and plans to have him heard again was really helpful, professional, caring and supportive. The whole process took just over 9 months which I am so grateful for as I'm acutely aware that had we of not had the support from the team, yourself, nursery and the 0-19 service to support him through the gateway and being heard at panel we certainly would not have got his diagnosis so quickly. Since this point you have also provided valuable information following his diagnosis and possible further concerns we have relating to ADHD. Thanks again and please do pass this on to whomever it may benefit being shared with."	Early Support	Parent
"We absolutely loved it! Before we had even left the hall at the end, a child asked me 'When are they coming again?'. All the members of staff loved it as well and enjoyed seeing their children so engaged. Thank you for organising this great opportunity. I have posted on x (twitter) today and tagged PMH in."	Music Hub	School Staff

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