

For general release

<b>REPORT TO:</b>	<b>Children and Young People Scrutiny Sub-Committee 18 September 2018</b>
<b>SUBJECT:</b>	<b>Annual Statutory Children's Complaints Report 17/18</b>
<b>LEAD OFFICER:</b>	<b>Philip Segurola/Clare Davies</b>
<b>CABINET MEMBER:</b>	<b>Councillor Alisa Flemming Cabinet member for Children Young People and Leaning</b>
<b>PERSON LEADING AT SCRUTINY COMMITTEE MEETING:</b>	<b>Philip Segurola-Director of Children's Services</b>

<b>ORIGIN OF ITEM:</b>	<b>This Item is contained in the Sub-Committee's approved work programme.</b>
<b>BRIEF FOR THE COMMITTEE:</b>	<b>To review the performance of the Council in dealing with statutory children's complaints.</b>

## **1. EXECUTIVE SUMMARY**

*This report provides a high level overview of the performance of the Council when dealing with statutory children's complaints, taking into account volumes, number within corporate service level agreements (SLA), number of complaints upheld and the themes and learnings from these. The way in which complaints are used to drive service improvements plays a key role in Croydon Council's drive to be an excellent authority which delivers both a positive resident experience and shows that we are a learning authority.*

## **2. Annual Statutory Complaints Report**

### **CHILD STATUTORY COMPLAINTS UPDATE - 2017/18**

#### **1. INTRODUCTION**

This update provides a summary of the volumes of Statutory Complaints received in 2017/18.

#### **2. CHILD - STATUTORY COMPLAINTS PROCEDURE**

- 2.1 The complaints procedure for children's social care comprises of three stages. Stage 1 is managed by the service or services being complained about. Stage

2 is an independent investigation. Finally, Stage 3 is a Review Panel Hearing. If the complainant remains dissatisfied they can refer their complaint to the Local Government Ombudsman.

- 2.2 Stage 1 is managed by the service or services being complained about. Stage 2 is a review by an independent investigator via the Complaint Resolutions Team on behalf of the Chief Executive. Stage 3 is an independent Review Panel Hearing, If the complainant remains dissatisfied they can refer their complaint to the Local Government Ombudsman.

### 3. CHILD - STATUTORY COMPLAINTS

#### 3.1

Complaint volumes 2014 - 2018:

STATUTORY - Complaint Stage	2014/15	2015/16	2016/17	2017/18
Child - Stage one	69	87	76	88
Child - Stage two	17	10	12	8
Child - Stage three	8	4	4	2

#### 3.2

Complaint volumes, upheld and those answered within statutory timeframes (SLA) 2015 - 2018:

Statutory Children's complaints 2015-18	2015-2016			2016-2017			2017-2018			
	Total	Upheld	In Sla	Total	Upheld	In Sla	Total	Upheld	Partially Upheld	In Sla
Complaint - Stage one	88	7	38	77	4	29	88	20	23	32
Complaint - Stage two	10	1	3	12	0	0	8	0	2	0
Complaint - Stage three	4	0	10	4	1	1	2	0	1	0
Corporate Complaint - Ombudsman	8	5	2	4	0	0	9	2	1	2

## 4. Stage 1

**Response times (SLA):** Over 2017/2018 88 stage one complaints were received and 36% were responded to within the statutory timeframe (SLA), compared to 38% for 2016/17 so a decrease by 2%.

**Upheld:** 23% of cases were upheld for the year 2017/18, compared to 16% for 2016/17 so an increase of 8%. 26% of cases were partially upheld.

LGSOC

#### 4.1 Stage 1 complaints shown by service area

The table below shows the stage one volumes received by Service Area:

<b>Service Area</b>	<b>2017/18</b>
Looked after children (LAC)	36
Care Planning	14
Disability	9
Assessments	8
Fostering	5

4.2 Stage one complaints received by Service Team:

	<b>Total</b>	<b>In SLA</b>	<b>Out SLA</b>	<b>Upheld</b>	<b>Upheld in part</b>	<b>Not Upheld</b>
Care Planning	14	6	6	1	3	8
Child Protection & Proceedings-statutory	9	4	5	1	5	3
Looked After Children & Adoption	9	3	6	3	1	2
Looked After Children	8	5	3	3	3	2
Leaving Care-Statutory Children's	7	4	3	0	2	4
Disability-Children	6	3	2	3	2	0
LAC-Adoption & SGO-statutory	6	3	3	3	3	0
Assessments	8	7	1	1	3	4
Child Protection & Proceedings	3	3	0	0	0	3
LAC-Leaving Care	2	2	0	0	0	2
LAC- Fostering & Children's Placements	2	1	1	0	0	1
Fostering & Children's Placements-statutory	2	1	0	0	0	2
LAC- Adoption & SGO	1	0	1	0	0	1
Financial Assessments-statutory	1	0	1	1	0	0
Early Help &	1	1	0	0	0	1

Partnerships						
MH Safeguarding	1	1	0	0	0	1
Disability-statutory Children	1	0	0	0	0	0
Social Care-Fostering & Children's Placements	1	0	0	1	0	0

### 4.3 Top trends for complaints and Lessons Learned:

#### Trends

Looked after children service received 41% of all statutory children complaints. This biggest cause of complaints is the lack of or quality of communication with customers or delays in providing services or failure to comply with procedures.

A larger than acceptable proportion of the complaints have been about concerns about the quality or timeliness of communication with customers. It is noted that a large number of these relate to decisions on the part of the local authority which are difficult for the service user to accept. Communicating these difficult decisions more clearly would assist. We have seen an increase in complaints about Adoption Support which is in part about managing service user's expectations. Providing adequate business support to the Adoption and Special Guardianship services remains a challenge which has impacted on the teams' ability to process basic requests in a timely manner.

The tone of responses could improve and the managers in the service have a planned meeting to discuss this detail in order to support them to improve the quality of responses.

The number of complaints from foster carers is relatively low given the size of the service and given the foster carers told Inspectors in the last SIF inspection that they felt unsupported. That said, the service has taken action to engage foster carers more routinely.

Complaint responses are not well organised which impacts upon the service's ability to keep track and respond in a timely way. The Executive Support Officer to the Head of Service has created processes to assist in this as far as it is possible to do so.

#### Lessons from Complaints

In this reporting year Children's Services were graded as Inadequate overall in the Ofsted SIF Inspection of June 2018. This context and the disruption that resulted from it may give some background to the poorer performance, year on year, against timely response indicators at Stage 1. Of the 88 complaints received 34 were upheld at Stage 1 and 22 partially upheld. This acceptance of fault in all or part of the complaint at that stage demonstrates a willingness to reflect on and accept our responsibility for the cause of complaint.

That 41% of statutory children’s complaints originate in the LAC population is both a marker for further exploration around the reasons for complaint, but also a strength in that it demonstrates that children and young people or their representatives are aware of the process and are proactive in using it.

Poor progression and communication when informing service users of the outcome of assessments or decisions made, is a major generator of complaints. Significant staff turnover across several services may have impacted on the smooth progressing of a number of core activities when working with children and their families. As a result families are potentially left without update or information for longer than is acceptable. Consistent efforts have been made over recent months to stabilise teams and bring casework back up to expected standards.

As complaints escalated to Stage 2 also deal with similar areas there is a need to work with respondents to ensure that the complaint response at Stage 1 answers the complaint in full, apologises where appropriate and ensures that the cause of the original complaint is actioned swiftly. There is a need to work with staff about the tone and content of first responses to make complainants more receptive to the complaint being settled at that early stage.

Neither of the complaints which progressed to Stage 3 were upheld but this may indicate a need for greater efforts to try and understand and resolve remaining issues for complainants given the real demands that a Stage 3 complaint can make on time and resource. With this goes an acceptance that for some complainants nothing short of a total recognition of the rightness of their position will be accepted.

Given the large volumes of children and families being worked with, the number of complaints is low in comparison. The complaints largely focus on the provision of practical services and support and for some families this will be a source of discontent around decisions made, but these are also areas where real efforts to improve can produce dividends quickly.

During 2017/18 Stage 1 complaints for children’s services can be grouped largely into four areas as can be seen below:

<b>Learnings</b>	<b>Total</b>
Poor Communication - lack of response to emails or request for information	45
Delays completing claims/assessments/referrals	23
Failure/Delay completing agreed actions	18

## **5. Stage 2**

In 2016/17 Children’s service received 12 stage 2 complaints. This compares to 8 in

2017/18. The table below shows the stage two volumes received by Service Area:

<b>Service Area</b>	<b>2017/18</b>
Children in need service (CIN)	2
Assessments	2
LAC-leaving care	2
Child protection & proceedings	1
Early help	1
<b>Grand Total</b>	<b>8</b>

## 5.2 Top trends for complaints at Stage 2

<b>Learnings</b>
Delays completing claims/referrals/assessments
Poor communication
Failure/Delay completing agreed actions

## 5.3 Response times:

Out of 8 stage 2 complaints, 0% met the SLA. This is outside of the Council's control as is investigated by an independent officer, and the investigation should take 25 working days. The percentage above reflects those that have not met 25 working days. However, there is discretion at this stage if a case is complex, to extend this timescale to 65 working days.

3 out of 8 stage 2 complaints went out within 65 working days. 2 were outside of 65 working days and 3 are still under investigation.

## 5.4 Upheld:

0% of cases at stage two were fully upheld. 4 out of the 8 were partially upheld and 1 was not upheld.

## 6. Stage three volumes

In 2016/17 Children's services received 4 stage 3 complaints. In 2017/18 2 stage 3 complaints were received. The table below shows the stage three volumes received by Service Area:

<b>Service Area</b>	<b>2017/18</b>	<b>Upheld/Not</b>
Children-Disabilities	1	Not upheld
Looked after Children (LAC)	1	Not upheld
<b>Grand Total</b>	<b>2</b>	<b>2</b>

## 7. Ombudsman volumes

<b>Service area</b>	<b>2017/18</b>	<b>Upheld/Not</b>
Children in need (CIN)	2	Not upheld
Assessments	1	Not upheld
Child protection & proceedings	1	Not upheld
<b>Grand Total</b>	4	4

---

**CONTACT OFFICER:** Clare Davies, Complaints Manager

**BACKGROUND DOCUMENTS:** None

**APPENDICES:** None