

For General Release

CROYDON COUNCIL

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| REPORT TO: | Corporate Parenting Panel 14 January 2015 |
| AGENDA ITEM NO: | 8 |
| SUBJECT: | Looked after children: Complaints and Learning from Complaints |
| LEAD OFFICER: | Ian Lewis, Director of Social Care and Family Support |
| CABINET MEMBER: | Councillor Alisa Fleming, Cabinet Member for Children, Young People & Learners |
| WARDS: | ALL |
| CORPORATE PRIORITY/POLICY CONTEXT: Supports Council aims of “Improving Health and Social Care” and “Providing Better and Fairer Access.” | |
| FINANCIAL IMPACT No implications | |
| FORWARD PLAN KEY DECISION REFERENCE NO.: None | |

RECOMMENDATIONS

Members are asked to note the content of this report

1. Executive Summary

- 1.1. This report comments on complaints about the Looked After Children Service, setting out the messages and lessons to be learned from complaints received, as well as providing key statistical information about the complaints received, based on the statutory reporting requirements of all local authorities.
- 1.2. This report covers the period 1 January 2014 to 30 September 2014.
- 1.3. The Looked After Children Service is currently responsible for 739 looked after children and 794 care leavers¹. During the three quarters this report covers, there were 33 complaints at stage 1, of which 15 (45%) were upheld or upheld in part. There were six stage 2 complaints, three of which were upheld in part, two were outside jurisdiction and one was withdrawn by the complainant. There was

¹ Figures correct as of 28 November 2014

one stage 3 complaint received, which was upheld in part. One complaint was referred to the Local Government Ombudsman.

2. Background: the complaints process

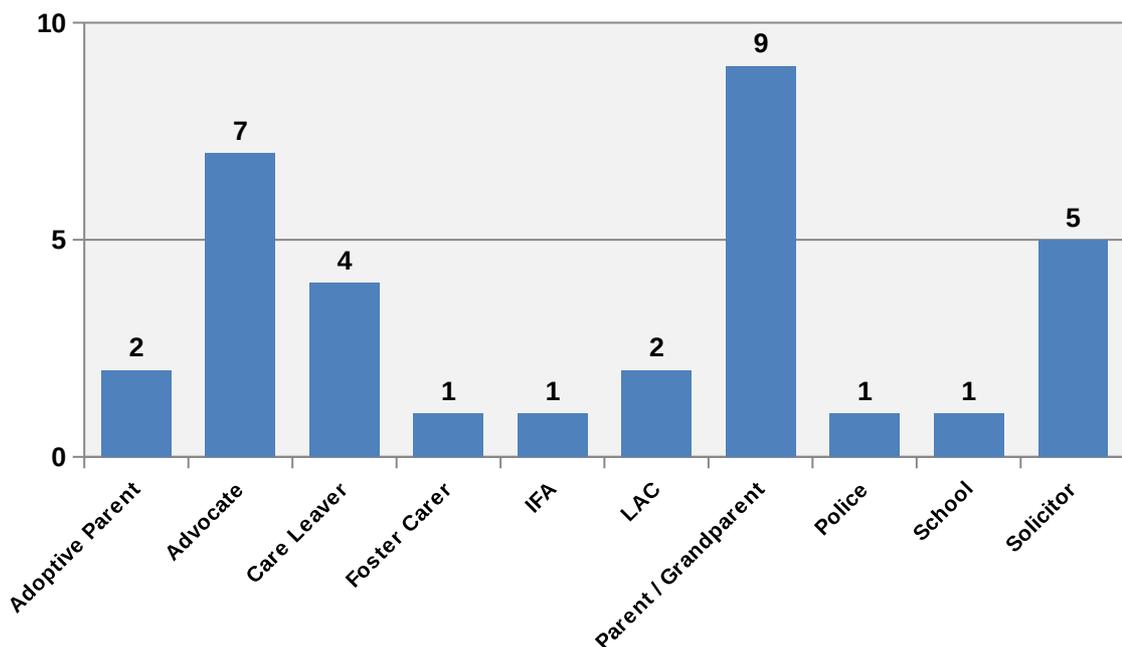
- 2.1. **Statutory complaints:** The complaints procedure for children’s social care comprises of three stages. Stage 1 is managed by the service or services being complained about. Stage 2 is an independent investigation. Finally, Stage 3 is a Review Panel hearing. If the complainant remains dissatisfied they can refer their complaint to the Local Government Ombudsman. An explanation of the statutory complaints procedure is appended to this report (Appendix 1).
- 2.2. **Non-statutory complaints, dealt with under the Council’s complaints procedure:** The council additionally operates a two stage non-statutory complaints procedure for complaints that fall outside the scope of statutory provision issues. Stage 1 is managed by the service or services being complained about. Stage 2 is a review by the Complaint Resolutions Team on behalf of the Chief Executive. If the complainant remains dissatisfied they can refer their complaint to the Local Government Ombudsman.

3. Stage 1 Complaints

- 3.1. **Volume of complaints at stage 1:** There were a total of 33 stage 1 complaints about the Looked After Children Service between 1 January 2014 and 30 September 2014. This comprises 24 statutory complaints and 9 non-statutory complaints, equating to 11 complaints per quarter.

| | Q4 13/14 | Q1 14/15 | Q2 14/15 |
|----------------------|-----------|-----------|-----------|
| Statutory | 7 | 7 | 10 |
| Non-Statutory | 3 | 3 | 3 |
| TOTAL | 10 | 10 | 13 |

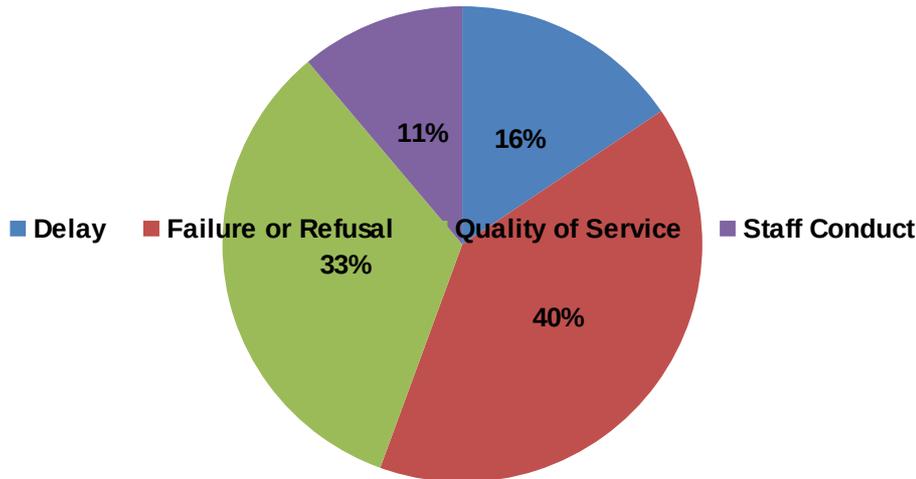
- 3.2. **Source of complaints at stage 1:** Approximately 18% of all complaints received were made by children in care (2) or care leavers (4). The most common complainant type was parent/grandparent (9), advocate (7) and solicitor (5). This is shown in the graph below.



3.3. **Stage 1 complaints by Team:** Permanence Team 2 received the most complaints (15, or 45%) between January and September 2014. Leaving Care received eight complaints (24%) while Permanence Team 1 received six complaints (18%) during the same period.

| | Statutory | Non-statutory | TOTAL |
|-------------------|-----------|---------------|-----------|
| Adoption | 1 | - | 1 |
| Fostering | 0 | 3 | 3 |
| Leaving Care | 8 | - | 8 |
| Permanence Team 1 | 5 | 1 | 6 |
| Permanence Team 2 | 10 | 5 | 15 |
| TOTAL | 24 | 9 | 33 |

3.4. **Stage complaints by reason:** The most common grounds for complaint related to service failure or refusal to provide a service (40%) while complaints about the quality of service provided accounted for 33% of all complaint issues received. A more detailed breakdown of the complaint categories can be found at Appendix 2. In addition, a digest of the complaint summaries for complaints received is also appended (Appendix 3).



3.5. **Upholding of complaints at stage 1:** 33% of all stage 1 complaints received were upheld while 36% were not upheld. 12% of all complaints received were deemed to be outside the jurisdiction of the complaints procedure. The most common reason for complaints being outside jurisdiction is where the case being complained about is subject to court proceedings.

| | Number of Complaints | Percentage of Total |
|----------------------|----------------------|---------------------|
| Upheld | 11 | 33.3% |
| Partly upheld | 4 | 12.1% |
| Not upheld | 12 | 36.4% |
| Response outstanding | 2 | 6.1% |
| Outside jurisdiction | 4 | 12.1% |

4. Stage 2 Complaints

4.1. **Volume of complaints at stage 2:** there were six stage 2 complaints received during the reporting period, four statutory and two non-statutory. This equates to an escalation rate of 18.1% of complaints from stage 1.

| | Q4 13/14 | Q1 14/15 | Q2 14/15 |
|----------------------|----------|----------|----------|
| Statutory | 1 | 1 | 2 |
| Non-Statutory | - | - | 2 |
| TOTAL | 1 | 1 | 4 |

4.2. **Stage 2 complaints by Team:** 50% of the stage 2 complaints received were about Leaving Care. Permanence Team 2 received two stage 2 complaints while Fostering received one.

| | Statutory | Non-statutory | TOTAL |
|-------------------|------------------|----------------------|--------------|
| Fostering | - | 1 | 1 |
| Leaving Care | 3 | - | 3 |
| Permanence Team 2 | 1 | 1 | 2 |
| TOTAL | 4 | 1 | 6 |

- 4.3. **Upholding of complaints at stage 2:** 50% of all stage 2 complaints were upheld in part. Historically, the majority of stage complaints are found to be upheld in part as it is very rare that a complaint is completely with merit or completely unfounded. The cost of the stage 2 complaint investigations is set out in appendix 4.

| | Number of Complaints | Percentage of Total |
|----------------------|-----------------------------|----------------------------|
| Partly upheld | 3 | 50% |
| Outside jurisdiction | 2 | 33% |
| Withdrawn | 1 | 17% |

5. Stage 3 and LGO Complaints

- 5.1. There was one complaint considered at stage 3 during this reporting period. This was about the Leaving Care Team and broadly related delays implementing actions which the Council had agreed at stage 2. The complaint was upheld in part.
- 5.2. One complaint was referred to the Local Government Ombudsman during the reporting period, about Permanence Team 2. The Ombudsman declined to investigate on the basis that the grounds for complaint had previously been considered as part of court proceedings and was therefore outside their jurisdiction to investigate.

6. Trends arising from complaints and service improvement

- 6.1. The report will now comment on trends and service improvements, broken down by Delivery Unit.
- 6.2. **Adoption:** there one complaint received about the adoption service related to dissatisfaction with the process for approving an application to be an approved adoptive parent. Whilst the complaint was largely without merit, the Adoption Team agreed to consider the complainant's comments on the approach to the preparation of the panel submission in a group reflection session to identify improvements to practice and process moving forward.
- 6.3. **Fostering:** two of the three complaints received related to the backdating of enhanced payments for foster carers. Both complaints resulted in one-off payments being made. The third complaint related to a foster carer's dissatisfaction that her approval was being reviewed.

- 6.4. It is worth noting that a new representations procedure for foster carers has been drafted. This procedure will give foster carers the opportunity to raise complaints and concerns about the service they receive through a dedicated procedure. It is anticipated that this new procedure will be launched in April 2015.
- 6.5. **Leaving Care:** there has been a reduction in the number of complaints about Leaving Care since the last complaints report to Corporate Parenting Panel. While the nature of the complaints were generally varied, there are four common themes arising from the complaints made about the Leaving Care Team:
- Delays processing requests for financial support
 - General concerns about lack of support from personal advisors
 - Concerns about accommodation
 - Communication issues
- 6.6. During this reporting period, there was only one complaint relating to Pathway Planning – which was without merit – which is a significant improvement on previous reporting periods. As referenced in the last complaints report to Corporate Parenting Panel, the Leaving Care management team are closely monitoring Pathway Plans and auditing of Plans remain s ongoing to secure further learning.
- 6.7. In terms of service improvements arising from complaints about Leaving Care, detailed below are actions which have been implemented as a direct result of complaints received during the reporting period:
- Social workers / personal advisors reminded of the need to ensure they are accessible to care leavers and to ensure that care leavers are aware of the duty worker in the absence of their allocated worker.
 - Revised the Staying Put policy to reflect the legislative changes arising from the Children and Families Act 2014.
 - A review of the policy on the payment of Higher Education Bursary to ensure it is consistent with legislation.
 - A Review of the guidance on financial support for care leavers to ensure it is as transparent as possible and gives examples of what items may be covered as one-off items for reimbursement.
 - The setting up of the NEET Reduction Strategic Partnership, a partnership of the Leaving Care Team, Catch22, DWP, Blue Touch Consultancy, KPMG, and the council's HR department. The partnership is aiming to increase apprenticeships for care leavers and work experience across the council and partners.
- 6.8. **Permanence Teams:** by contrast with Leaving Care, there has been an increase in the number of complaints about the Permanence Teams since the last complaints report to Corporate Parenting Panel.
- 6.9. Of the 21 complaints received, eight were made by parents or grandparents who were raising concerns/objections about various aspects of social work practice, i.e. information recorded in social work assessments, information held on the

social work file, disagreement with the council's proposed course of action for the child/children in question.

- 6.10. Five complaints were raised by Looked After Children (or parties advocating for them) where the child did not want to leave their foster placement.
- 6.11. A number of the complaints raised contained elements about delays taking action on the case and information not being provided.
- 6.12. The Permanence teams provide services to 710 children and although there has been an increase in complaints, they remain a very low percentage. Pressures of workload increase in the teams and staff and unit manager turnover in this part of the service (there is a very high degree of permanence elsewhere in the LAC services) may have contributed to complaints about delays.
- 6.13. In terms of service improvements arising from Permanence Team complaints, detailed below are actions arising during the reporting period:
 - A review of how pre-18 and post-18 social work teams work together to ensure a more co-ordinated approach and seamless transfer from Permanence to Leaving Care.
 - A review of practice to ensure Staying Put arrangements are given due consideration once a LAC turn 16.
 - More effective liaison with Business Relationships Team to ensure that LAC moves are better planned.
 - Although not a service improvement, one complaint resulted in the LAC being invited to the Child in Care Council to share his experiences with other LACs.
 - Increase in staffing in the Permanence Teams to alleviate workload pressures
 - More proactive engagement by unit managers to address complaints at an informal stage and as they arise

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Appendices:

Appendix 1: The Children Act Complaints Procedure

Appendix 2: Types of Complaint Received

Appendix 3: Digest of Complaints Received

Appendix 4: Timeliness of Complaint Response

Appendix 5: Costs Arising from Stage 2 and Stage 3 Complaints

APPENDIX 1 – THE CHILDREN ACT COMPLAINTS PROCEDURE

What is a Complaint?

Complaint: any expression of dissatisfaction or disquiet by a service user or their representative which requires a response in writing.

Corporate Complaints Procedure: complaints not relating to Children Act services are considered through the council's corporate procedure.

Who may make a complaint?

- Any child or young person (or a parent of his or someone who has parental responsibility for him) who is being looked after by the local authority or is not looked after by them but is in need;
- Any local authority foster carer (including those caring for children placed through independent fostering agencies);
- Children leaving care;
- Special Guardians;
- A child or young person (or parent of his) to whom a Special Guardian order is in force;
- Any person who has applied for an assessment ;
- Any child or young person who may be adopted, their parents and guardians;
- Persons wishing to adopt a child;
- Any other person whom arrangements for the provision of adoption services extend;
- Adopted persons, their parents, natural parents and former guardians; and
- Such other person as the local authority consider has sufficient interest in the child or young person's welfare to warrant his representations being considered by them.

Complaints made on behalf of a child

Where a complaint is received from a representative acting on behalf of a child or young person, the local authority will normally confirm where possible that the child or young person is happy for this to happen and that the complaint submitted reflects his/her views.

What may be complained about?

- Complaints may relate to the following:
- An unwelcome or disputed decision;
- Concern about the quality or appropriateness of a service;
- Delay in decision making or provision of services;
- Delivery or non-delivery of services including complaints procedures;

- Quantity, frequency, change or cost of a service;
- Attitude or behaviour of staff;
- Application of eligibility and assessment criteria;
- The impact on an individual of the application of a local authority policy; and
- Assessment, care management and review.

This is not an exhaustive list and the Complaints Manager may use the Corporate Complaints Procedure where the complainant is ineligible to use these procedures.

Stages of the Complaints Procedure

The complaints procedure has three stages

Stage 1

This is the most important stage of the complaints procedure. The department's staff are expected to resolve as many complaints as possible at this initial point.

The emphasis is to resolve a complaint as effectively as possible involving those people who know most about the complaint. At the first stage of the procedure local managers will normally respond to problems. The objective of the local manager is to resolve the complaint and take any appropriate remedial action. Legislation dictates that this stage of the procedure should be completed within 20 working days. However, more complex complaints may take longer but we endeavour to keep the complainant informed of progress.

Stage 2

This stage can be implemented where the complainant is dissatisfied with the findings of Stage 1. Stage 2 is a formal investigation by an external Investigating Officer, accompanied by an Independent Person. The Investigating Officer and Independent Persons present a report to the Director of Development and Care, who will adjudicate upon the findings. Complaints falling within the Stage 2 of the complaints procedures should be dealt with in 25 working days from the date the complaint is agreed, although this can be extended to 65 working days.

Stage 3

The third stage of the complaints process is the Review Panel. Where complainants wish to proceed with complaints about statutory functions, the Council is required to establish a complaint Review Panel. The panel makes recommendations to the Executive Director who then adjudicates the complaint and authorises any remedial action.

Timescales

- Set up the Panel within 30 working days of request;
- Produce the Panel's report within a further 5 working days; and
- Produce the Executive Director's response within 15 working days of receiving report.

After Stage 3 has concluded, the complainant can ask the Local Government Ombudsman to consider the complaint.

APPENDIX 2 – TYPES OF COMPLAINT RECEIVED

| Complaint Category | Complaint Sub-Category | Complaints |
|--------------------|--|------------|
| Delay | Delay in Taking Action | 7 |
| Failure or Refusal | Failure or Refusal to Deliver a Service | 2 |
| | Failure or Refusal to Meet with Customer | 1 |
| | Failure or Refusal to Provide Information | 5 |
| | Failure or Refusal to Respond to Letters or Emails | 2 |
| | Failure or Refusal to Return Phone Calls | 1 |
| | Failure or Refusal to Take Action | 7 |
| Quality of Service | Disagreement with Assessment | 1 |
| | Inadequate or Incorrect Advice Given | 1 |
| | Incorrect Decision | 1 |
| | Poor Communication | 1 |
| | Poor or Misleading Information Given | 1 |
| | Unreasonable Decision | 9 |
| | Other Quality Issue | 1 |
| Staff Conduct | Rude or Aggressive Behaviour | 4 |
| | Unhelpful Attitude | 1 |
| TOTAL | | 46 |

NB. The number of complaint categories exceeds the number of complaints received as some complaints may contain more than one complaint issue.

APPENDIX 3 – DIGEST OF COMPLAINTS RECEIVED

This appendix provides a digest of the cases received during the past seven quarters, broken down by Delivery Unit.

Adoption

| | |
|---|--|
| 1 | Complaint about the handling of application for approved adoptive parent status; poorly handled from the start, through panel and onto family finding. |
|---|--|

Fostering

| | |
|---|--|
| 1 | Non response to communication and historical dispute about payment of enhanced fostering allowance for two children with ADHD diagnoses. |
| 2 | Unhappy with how the de-registration process was managed. |
| 3 | Disappointed with the lack of information provided prior to a placement. |

Leaving Care

| | |
|---|---|
| 1 | Concerns with how Leaving Care have processed a request from a care leaver to enable him to travel to college. |
| 2 | Unhappy with how a care leaver's application for assistance was dealt with. |
| 3 | Concerns raised with regard to a care leaver's housing situation. |
| 4 | Complaint about the service received at the Turnaround Centre reception following a visit to the office. |
| 5 | Care leaver generally unhappy with the support he is receiving from Leaving Care. |
| 6 | Complaint about the Leaving Care not taking action in relation to a care leaver. |
| 7 | Complaint regarding failure to provide financial support, accommodation and update Pathway Plan. |
| 8 | Complaint that a manager in Leaving Care was rude and put the phone down on a care leaver. Allegation that manager also lied to care leaver about payment made to landlord. |

Permanence 1

| | |
|---|---|
| 1 | Complaint that social worker inappropriately made a complaint/referral to an IFA about an IFA foster carer. |
| 2 | LAC unhappy about the decision to move him from foster family before he finishes his A levels. |
| 3 | LAC unhappy that he has been his seventh different foster placement and fifth or sixth different social worker since November 2012. Allegation that he has had no help with contacting his mother even though mother has made contact with the social worker about contact. Social worker has promised to arrange contact but done nothing. |
| 4 | LAC distressed to learn that he will shortly be moved from his current foster placement. |
| 5 | Unhappy that foster placement is going to be ended. LAC wants to stay with |

| | |
|---|---|
| | foster carer beyond 16. |
| 6 | LAC unhappy that he has had to move at short notice. Would like to stay somewhere in Streatham. |
| 7 | LAC unhappy with how the social work team has processed the request for stolen items to be replaced. Also unhappy about the lack of progress with Pathway Plan and the failure to provide clarification about where he will live after he turns 18. |

Permanence 2

| | |
|----|--|
| 1 | Parent unhappy with "false information" held on a LAC's social work records. |
| 2 | Sittingbourne Police Safeguarding Team unhappy with a lack of response from social worker following enquiries. |
| 3 | Parent unhappy with poor communication by a social worker during a meeting. |
| 4 | Grandparent unhappy with actions of social worker in relation to grandchildren's case. |
| 5 | Parent unhappy with suggestion in a social work report that she had abused / neglected child. Allegation of dishonesty by social workers involved on the case; failure to provide a contact schedule; failure of latest social worker to contact parent; poor management of contact and breach of confidentiality. |
| 6 | Parent unhappy that daughter is being adopted. |
| 7 | Social worker has not provided sufficient information to parent concerning mid to long term plans for daughter. |
| 8 | Unreasonable decision by the council not to share client information with the uncle and aunt of a deceased LAC. |
| 9 | Social worker has cancelled meeting with LAC three times; unhappy that social worker has advised that she is not looking for a placement; allegation that social worker has only visited LAC at as secure unit twice in five months. |
| 10 | Carer for LAC (based in Devon) has been trying to obtain support to get a CAMHS assessment but social work team is not listening. |
| 11 | Social worker dismissive of concerns raised about staff at a contact centre. Social worker then unobtainable after offering to meet to discuss. |
| 12 | Complaint concerning delays processing a CICA application for a Croydon LAC. |
| 13 | Relative of a LAC very unhappy with social worker. |
| 14 | LAC placed in an interim foster placement following breakdown of a long-term placement. LAC wants to stay with interim carer (in Worcester Park) but social worker says he has to move back to Croydon. |

APPENDIX 4 – TIMELINESS OF COMPLAINT RESPONSE

Stage 1 complaints considered through the statutory procedure should be responded to within ten working days although the Regulations make provision for this deadline to be extended for up to 20 working days if the complaint is complex (or if an advocate is required). Stage 1 of the non-statutory procedure requires a response within 20 working days for all cases.

When a complaint is not going to be responded to within the aforementioned deadline, the council’s case management (CRM) automatically generates a holding letter to send to the child/young person (or their advocate) to advise them of the delay. Where possible, the letter will contain a revised deadline by which the complainant can expect to receive a reply to their concerns.

The Looked After Children Service responded to approximately 55% of all complaints within deadline, while the average length of time it took to respond was 20.9 working days (NB. This figure does not include the two cases where a response is currently outstanding).

| | Number of Complaints |
|--|-----------------------------|
| 0-10 working days | 7 |
| 11-20 working days | 10 |
| More than 20 working days | 14 |
| Average response time (in working days) | 20.9 days |

Stage 2: The statutory procedure states that stage 2 complaints should be concluded within 25 working days from the date the complainant agrees their complaint. Due to the nature and complexity of the issues being complained about, this deadline is often difficult to achieve and there is provision within the complaint Regulations for this deadline to be extended up to 65 working days if required. Stage 2 of the non-statutory procedure requires a response within 20 working days for all cases.

| | Number of Complaints |
|----------------------------------|-----------------------------|
| Within 25 working days | 3 |
| 26-65 working days | 3 |
| More than 65 working days | - |

APPENDIX 5: COSTS ARISING FROM STAGE 2 AND 3 COMPLAINTS

When a statutory complaint is escalated to stage 2, the council commissions an external Investigating Officer and an Independent Person to investigate.

While there is no requirement in law to commission an external Investigating Officer, it is considered good practice by the Local Government Ombudsman to commission externally.

However, there is a cost implication for commissioning an external investigation. There is also a cost for convening a stage 3 Review Panel, albeit this is a fixed cost of £1,600 per panel.

The table below sets out the costs incurred to date for stage 2 and 3 complaints received between 1 January 2014 and 30 January 2014.

| | Investigating Officer Costs | Independent Person Costs | Stage 3 Review Panel Costs | TOTAL |
|--------------|------------------------------------|---------------------------------|-----------------------------------|------------------|
| Leaving Care | £2,806.25 | £1,144.00 | £1,600.00 | £5,550.25 |