

Annual Complaints Report  
Children's Social Care, Achieving for Children  
(London Borough of Richmond)  
2022-23

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## 1. Introduction

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- 1.1 This report is produced annually as a statutory requirement for the London Borough of Richmond: it provides a summary analysis of social care complaints within Richmond Children's Services.
- 1.2 There is a duty on all local authorities to maintain and operate a complaints procedure for children's social care services.
- 1.3 Children's Social Care complaints for Richmond Council (Achieving for Children) are managed within the remit of the Resident Engagement Service. The Statutory Complaints Team currently comprises a Complaints Manager, which is a statutory requirement, supported by two complaints officers. The Statutory Complaints Team sit within the same management structure as the Corporate and Ombudsman Complaints Team.
- 1.4 The Complaints Team is an important corporate function within the Council. Its role is to support the organisation to ensure that the Council and Achieving for Children has effective and efficient complaints procedures, in line with best practice and statutory requirements. The Complaints Team also have responsibility to train and support Council officers to respond effectively to complaints and ensure learning from complaints feeds directly into service improvement.

## 2. Executive Summary

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- 2.1 There is a legal requirement to have in place a complaints procedure and produce an annual report for complaints about the Council's actions under Part 3 and some of Parts 4 and 5 of the Children's Act 1989.
- 2.2 The statutory complaints procedure is a 3-stage procedure with recourse to the Local Government and Social Care Ombudsman if the Council is unable to resolve the complaint.
- 2.3 This year learning from complaints has focused on improving communication with parents to ensure that they fully understand the social care processes they are involved in and likely outcomes, improving the assessment pack and the quality of assessments, and ensuring that assessments are completed and shared on time.
- 2.4 Complaint numbers have decreased by 24% overall, mainly due to a reduction in stage 1 complaints. Most complaints were for Achieving for Children's Safeguarding Team and Referral and Assessment Team.
- 2.5 At stage 1, the two most raised principal issues of complaint were 'staff behaviour' and lack of support'. 16 of the 20 stage 1 complaints were partly upheld. 20% of stage 1 complaints were responded to on time (within 20 working days).

- 2.6 Of the 6 stage 2 complaints, 3 were withdrawn. Of the two that received an investigation, one was partly upheld, and one was not upheld. Neither were completed on time (within 65 working days).
- 2.7 Of the 2 stage 3 complaints, 1 was withdrawn. The complaint that finished the process was partially upheld. The panel was not arranged within the 30-day timeframe, but the Director sent his letter on time; 15 days from issue of the Panel Report.
- 2.8 This year no complaints were received directly from young people; 100% were from parents or guardians.
- 2.9 Achieving for Children responded to 67 corporate complaints which compared to 23 last year. 30 were at stage 1 and 28 at stage 2. All corporate complaints were for Education and SEND services.
- 2.10 Despite the sharp increase in Corporate Complaints, there has been a 50% reduction in Ombudsman decisions for Achieving for Children this year. 8 Ombudsman enquiries and/or investigations were completed compared to 16 last year. 6 were for SEND/Education, 2 were for Children's Social Care.

### 3. Legislation

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- 3.1 There is a legal requirement for the Local Authority to have in place a complaints procedure, in accordance with Sections 24(D) and 26 of the Children Act 1989 and the Children Act 1989 Representations Procedure (England) Regulations 2006 and the accompanying statutory guidance published by the DfE, Getting the Best from Complaints: Social Care Complaints and Representations for Children, Young People and Others ( 01.09.2006) for the management of social care complaints.
- 3.2 The complaints procedure covers complaints about the actions of children's social care services under Part 3 and some of Parts 4 and 5 of the Children's Act 1989. These are Children in Need, Looked after Children/Care Leavers, Special Guardianship Support and post-adoption support. The following areas tend to be exempt; Early Help, Child Protection, S47 enquiries and conferences, assessments for potential foster carers and adopters, foster carer registration and Section 7 and 37 court reports. Achieving for Children may decide to investigate these areas under other procedures, such as the Council's corporate complaints process.
- 3.3 There is also a legal duty for the Local Authority to have in place advocacy arrangements for children and care leavers who wish to make representations or complaints regarding Children's services and their care pursuant to the Advocacy Services and Representations Procedure (Children) (Amendment) Regulations 2004. Alongside these Regulations there is statutory guidance entitled Providing Effective Advocacy Services for Children and Young People Making a Complaint under the Children Act 1989.

## 4. Overview of the Children's Complaints Procedure

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- 4.1 The statutory complaints procedure is a three-stage process. At stage 1 (also known as local resolution stage) complaints are investigated by the team where the complaint issue arose. In these cases, the team manager or service manager will usually investigate and respond to the complaint. The timescale for a stage 1 complaint response is 10 working days. However, where the complaint is complex or requires more time, an extension of up to a further 10 working days can be agreed by the Complaints Manager.
- 4.2 Where the complainant is dissatisfied with the stage 1 response, they can request a stage 2 investigation. This stage requires an independent investigation, and two independent people are appointed by the Complaints Manager for the role of Independent Investigator and Independent Person. The investigation team produce reports which are passed to a senior officer within Children's Services for adjudication and response to the complainant at stage 2. The statutory timescale for this stage is 25 to 65 working days.
- 4.3 It is a statutory requirement to commission an Independent Person (IP) to oversee the integrity of a stage 2 investigation to ensure it remains child focused. It is good practice to appoint an IP who has not been employed by the council for a minimum of three years. Richmond commission external officers to undertake this role.
- 4.4 Stage 3 is the final stage of the complaint procedure. If a complainant remains unhappy following the findings of the stage 2 investigation, they can request that their complaint is reviewed at stage 3 by an independent panel. The panel hearing should take place within 30 working days of the request. The panel is made up of three people, all independent of the local authority; the complainant has an opportunity to present their case to the panel alongside the Local Authority. The Chair of the Panel communicates the panel decision to the complainant and the Director of Children's Services within five working days of the panel hearing and the Director must respond to the complainant within a further 15 working days of the panel date.
- 4.5 A complaint is defined as ***'an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response.'***
- 4.6 Complaints can be made by the young person receiving a direct service from Children's Social Care or by a person on their behalf such as an advocate or family member where the service user has provided their written consent if they are Fraser competent<sup>1</sup>.
- 4.7 Where a service is provided by a contractor on behalf of Achieving for Children, a complaint can either be made directly to the provider service or to the complaints team at Richmond Council. Whilst the complaints team will encourage a provider

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<sup>1</sup> Fraser competent is a term used to describe a child under 16 who is considered to be of sufficient age and understanding to fully appreciate what is involved in their treatment.

service to firstly attempt resolution through its own procedures, if this is not possible, the Quality Assurance and Contract Monitoring team will investigate.

- 4.8 Where a service is provided by a contractor on behalf of the Council, a complaint can either be made directly to the provider service or to the Complaints Team.
- 4.9 Complaints will be considered if they are made within 12 months of the incident although Achieving for Children can apply their discretion to waive this time limit in some instances.
- 4.10 The Complaints Team have the discretion to put on hold a complaint (or certain aspects of a complaint), if there is a concurrent legal process addressing the same issues. Once the concurrent process is complete, the complainant has 12 months to request that their complaint is re-opened.
- 4.11 Complaints are counted in the year in which they were responded to or closed: 2022-23 complaint figures include complaints that will have been initiated in the previous year (2021-22) but then closed in this reporting year.
- 4.12 Achieving for Children commissions its advocacy provision through 'Coram Voice' to assist children and young people when making a complaint or a representation. This year the Complaints Manager has contributed to the quarterly contract monitoring meetings led by our Children's Commissioning Team.

## 5. Learning from complaints/Quality Assurance

- 5.1 Getting the Best from Complaints (5.7.1) requires Local Authorities to monitor the operation and effectiveness of their complaints procedures with quality assurance systems that feed complaint outcomes into operational delivery.
- 5.2 Achieving for Children is a learning organisation and recognises that complaints are valuable as they provide an opportunity to improve services for the individual and improve practice to prevent the same mistakes from happening. Outcomes, particularly from stage 2 and 3 statutory complaints are shared at the Performance, Quality and Innovation Board. This is a forum where practitioners and managers across social care, education and SEND services can reflect on the learning from complaints to improve their own practice and their team's performance.
- 5.3 This year the following learning was implemented:
  - Ensuring the processes are fully explained to parents. At the 'front door', where referrals are assessed, social workers have greater awareness of the need to fully explain their role and the reason for their involvement and follow up with families after contact. In Child Protection it is particularly important to ensure families fully understand the process and possible outcomes.
  - The Associate Director for Identification and Assessment has reviewed the information pack for the assessment process including timescales and what is

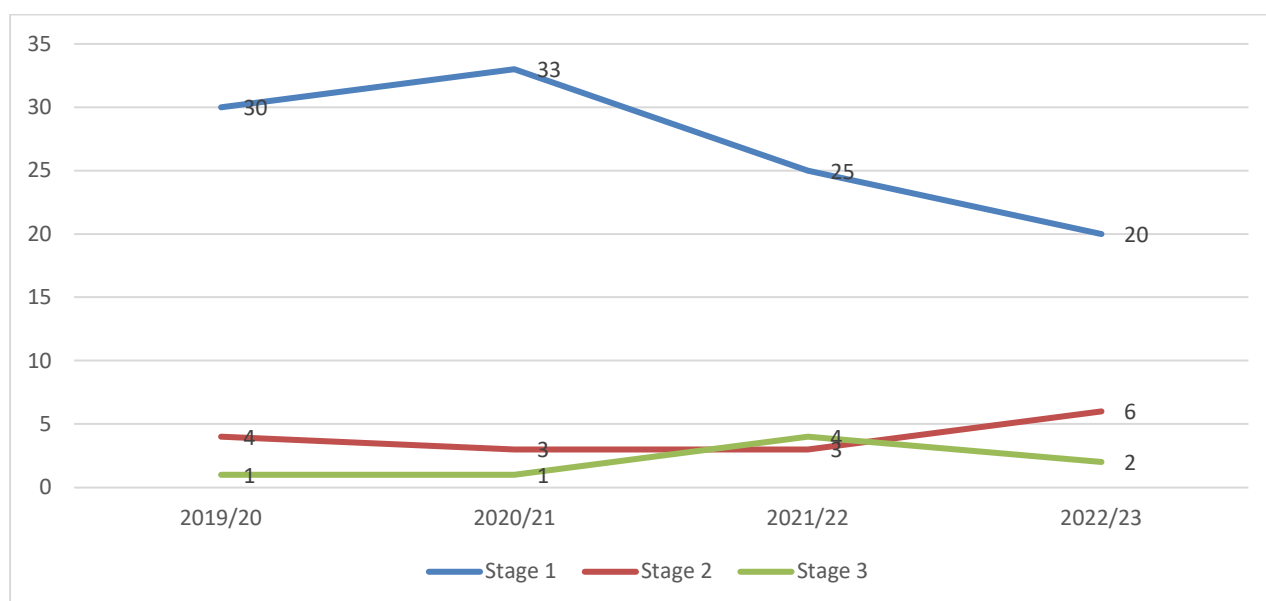
expected from parents to ensure that it includes adequate explanation about the outcome of child protection enquiries under Section 47 of the Children Act 1989, including the meaning of substantiated and unsubstantiated concerns.

- Social workers have been reminded of their responsibilities to information about child protection processes with families and senior leaders will check this is happening through the practice audit programme, which includes conversations with parents and carers to understand their views and experiences.
- Social work teams have reflected on the role of fathers in assessments and social care processes to ensure they are involved throughout.
- Further work has been undertaken to ensure that assessments are written clearly and shared in good time to allow parents/guardians to read them and raise inaccuracies. This was supported by training to maintain good levels of communication so that young people and families can be well informed about meetings and reports that are written and prepared by social workers.
- With regards to improving the stage 2 complaints process, the Complaint Manager has undertaken development work with Independent Officers to ensure statement of complaints are constructed in a way that distinguishes between questions, statements to better manage complainants’ expectations of what the complaints process can investigate and deliver.

## 6. Statutory complaint numbers and representations

6.1 Achieving for Children and the Council welcome all feedback, including complaints and representations about its services. Service users, families and carers can provide their views in an open and transparent way and can easily access the complaints procedure.

**Chart 1: Children’s statutory complaints completed by year and stage 2019/20 to 2022/23**



6.2 In 2022-23, Achieving for Children services completed 28<sup>2</sup> complaints across all three complaint stages, which is a 24% decrease on the 37 completed across all stages in 2021-22. The breakdown of the 28 complaints across all three stages is detailed in **Chart 1** above and **table 1** below.

6.3 The most significant reduction has been at stage 1, which has seen a 20% decrease. At stage 2 and 3 there have been small fluctuations in numbers. Stage 2 complaint numbers have slightly increased, but 3 of these complaints were carried over from the previous year. Stage 3 complaints have decreased by 2 complaints.

**Table 1: Children's statutory complaints received and completed by stage and year 2019/20 to 2022/23**

Stage	2019/20	2020/21 completed	2020/21 received	2021/22 completed	2021/22 received	2022/23 completed	2022/23 Received
S1	30	33	35	25	20	20	19
S2	4	3	5	3	6	6	7
S3	1	1	2	4	2	2	2
<b>Total</b>	<b>35</b>	<b>37</b>	<b>42</b>	<b>32</b>	<b>28</b>	<b>28</b>	<b>28</b>

6.4 4 of the stage 2 complaints and 1 of the stage 3 complaints were withdrawn part-way through the process, after the independent officers were appointed. Complaints are withdrawn at the request of the complainants. Withdrawn complaints are still included in the numbers because the issues raised are important to include in the overall analysis of formal complaints and may still result in changes to how a service is delivered or result in wider practice change.

**Table 2: Complaints completed by stage and quarterly reporting period: 2021-22**

	Q1	Q2	Q3	Q4	Total
Stage 1	3	7	3	7	<b>20</b>
Stage 2	2	2	1	1	<b>6</b>
Stage 3	0	0	2	0	<b>2</b>
<b>Total</b>	<b>5</b>	<b>9</b>	<b>6</b>	<b>8</b>	<b>28</b>

6.5 The volume of formal complaints should be set in context by looking at the overall level of contact and interaction Achieving for Children has with partners, residents, and service users. The 27 formal complaints completed this year is a low proportion, given that in 2022-23, the department handled 12,823 contacts from partners and agencies of which 1,204 resulted in social care referrals, 2,295 social care

<sup>2</sup> Four stage 1 complaints were carried over from the previous year. One stage 1 complaint received this year will be carried over and closed in the next financial year. In total 28 new stage 1 complaints were received and 28 completed, though these are not the same complaints.



assessments were undertaken, and 665 new Section 47 (Child Protection) enquires were concluded<sup>3</sup>.

- 6.6 In addition to the 28 formal complaints, during the year the Statutory Complaints Team dealt with 39 enquiries over a wide range of representations or issues or concerns that did not fit within the remit the Statutory Complaints Process. Combined, this means that the team handled and triaged 67 contacts, 28 of which were formal complaints.
- 6.7 Representations are low level complaint matters that have been resolved informally and quickly to prevent escalation to the formal complaints process. Issues or concerns are other matters that residents have sent directly to the Complaints Team for triaging, signposting, or redirecting to another team or process, for example, school complaints or safeguarding issues. These numbers are included in **table 3** below to demonstrate the breadth of the work undertaken by the Complaints Team alongside the formal complaints completed through the statutory complaints process this year.

**Table 3: Representations, issues or concerns handled by the Complaints Team in 2022-23**

Type of case	Number
Formal Complaints completed through the Statutory complaints process	28
Representations: Low level complaints sent to services for quick resolution	7
Statutory complaint requests rejected (redirected) or no consent	11
Non-statutory complaints/issues passed to other services or directorates	3
Complaints specifically about schools/early years provision (for school complaints process)	4
Issues for extender partners/agencies	0
Data Protection/FOI requests/Right to Rectification, redirected to Information Governance Processes	7
Safeguarding issues	7

<sup>3</sup> Last year there were 15,761 contacts from partners and agencies of which 1,437 resulted in social care referrals, 2,585 social care assessments were undertaken, and 599 new Section 47 (Child Protection) enquires were concluded.

Historical abuse	0
Other	0
<b>TOTAL</b> number of cases handled by the complaints team this year (includes the 28 formal complaints)	<b>67</b>

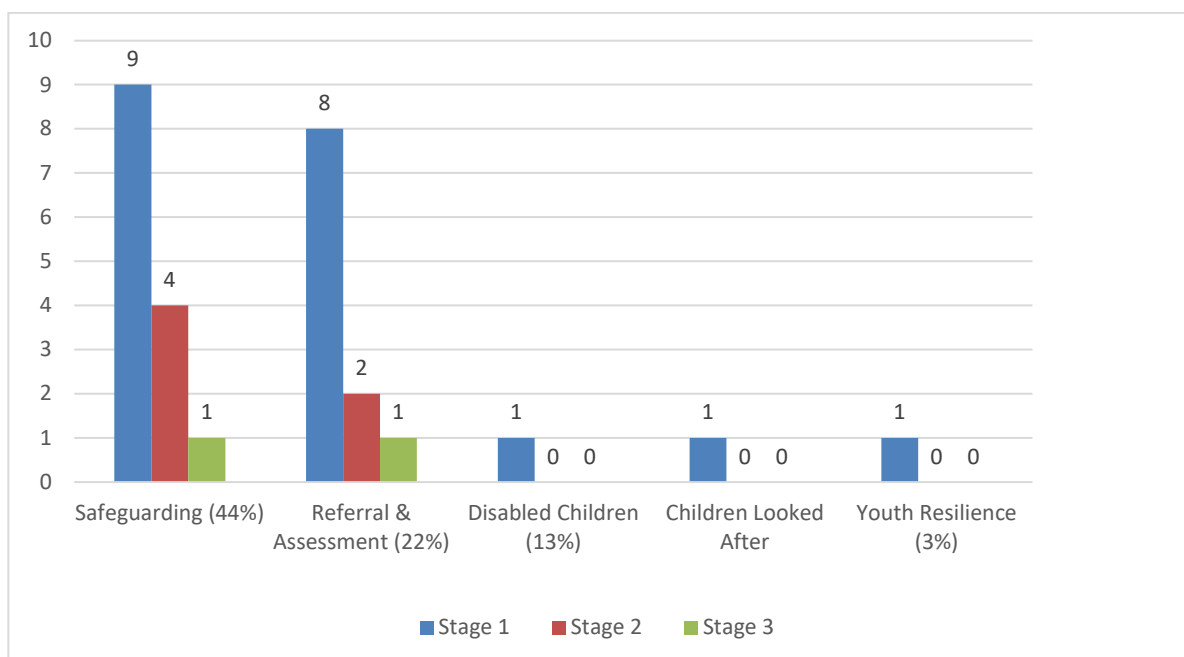
## 7. Complaints by service area

- 7.1 **Table 4** details the breakdown of complaints completed within the wider service area during the reporting year. Of the 20 Stage 1 complaints the majority were for the Safeguarding teams (9 complaints) and Referral and Assessment Teams (8 complaints). All the complaints which escalated to stage 2 and 3 complaints were from these stage 1 complaints investigated by the Safeguarding and Referral and Assessment Teams.
- 7.2 An additional 3 stage 1 complaints were for the Children Looked After, Family and Youth Resilience and Disabled Children Teams. None of these escalated to stages 2 and 3.
- 7.3 Numbers and overall percentages of completed complaints across all three stages and services are set out in **table 4** and **chart 2** below.

**Table 4: Complaints completed by Service, Stage and Quarter 2022/23**

<b>Stage 1</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>	<b>Total</b>
Safeguarding		4	1	4	9
Children Looked After				1	1
Referral & Assessment	3	3	2		8
Family & Youth Resilience				1	1
Disabled Children's Team				1	
<b>Total</b>	<b>3</b>	<b>7</b>	<b>3</b>	<b>7</b>	<b>20</b>
<b>Stage 2</b>					
Safeguarding	2	1	1		4
Referral & Assessment		1		1	2
<b>Total</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>6</b>
<b>Stage 3</b>					
Safeguarding			1		1
Referral & Assessment			1		1
<b>Total</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>2</b>
<b>GRAND TOTAL</b>	<b>5</b>	<b>9</b>	<b>5</b>	<b>8</b>	<b>28</b>

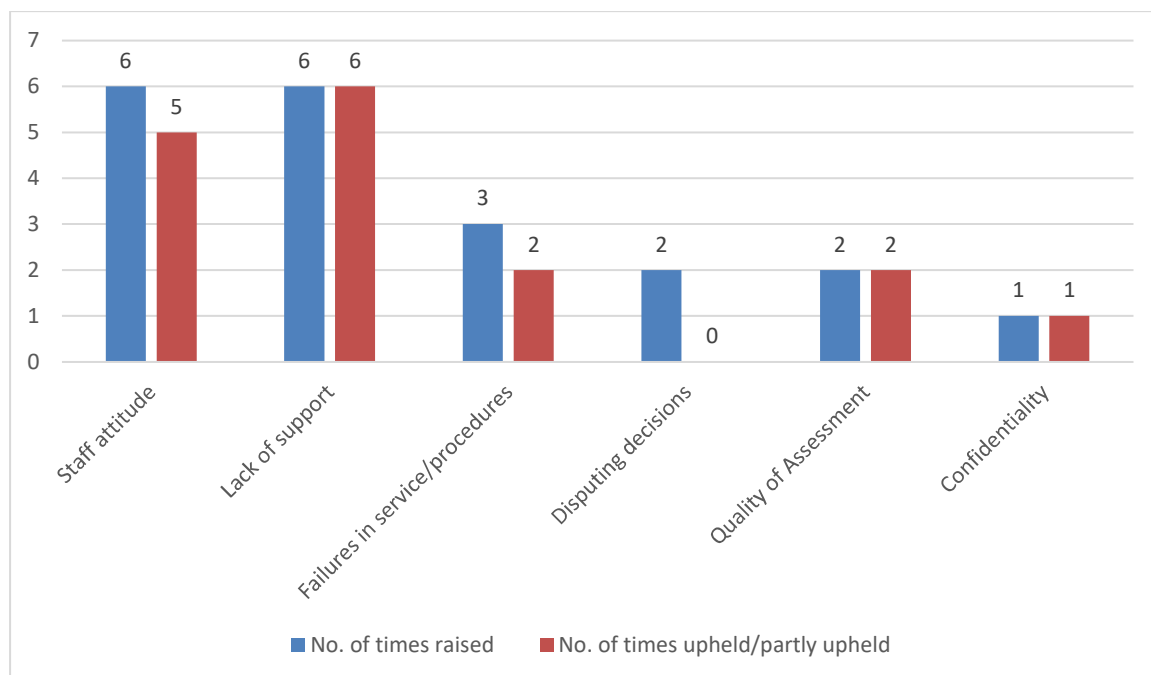
**Chart 2: Complaints completed by lead service area across all stages 2022-23**



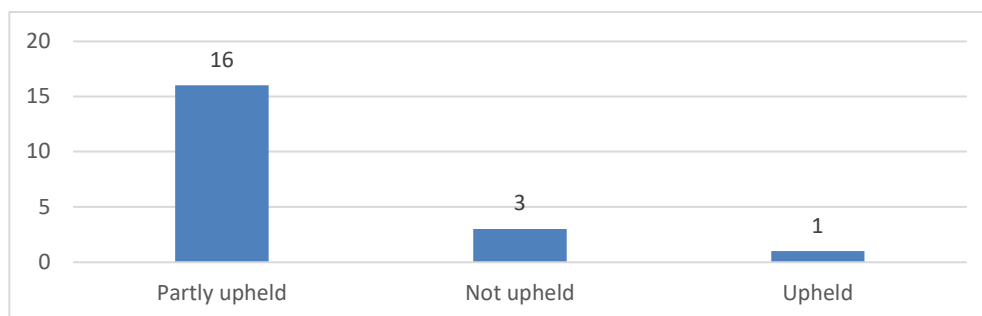
## 8. Complaints by Issue and outcome: Stage 1

- 8.1 Complaint issues allow us to understand how services are perceived by young people and their families, and what can be learnt from complaints to improve service provision. Most complaints for Children's Social Care are complex and contain multiple issues. For the 20 stage 1 complaints, the primary theme and outcomes have been analysed initially but for the first time, we have also provided data on all of the issue raised from the 20 stage 1 complaints to demonstrate the breadth of concerns raised.
- 8.2 **Chart 3** below demonstrates that Achieving for Children have partly upheld the majority of complaints. This evidences that multi-issue nature of social care complaints, and the positive complaints culture in Achieving for Children which recognises that there is learning from most complaints.

**Chart 3: Stage 1 complaints completed by Primary Issue and times upheld/partly upheld 2022-23**



**Chart 4 – Stage 1 overall complaint outcomes 2022/23**



8.3 When broken down by type of complaint the most frequently mentioned primary issue was **staff attitude/conduct** and **lack of support** which individually accounted for 30% (or 6) of stage 1 complaints.

8.4 Last year **staff attitude/conduct** was also the majority primary issue raised from stage 1 complaints. As reported last year, this is explained by the use of agency staff, due to the difficulties in recruiting permanent social workers<sup>4</sup>, which can create an inconsistent approach to social work practice within Achieving for Children.

<sup>4</sup> Recruitment across social care services is a national issue. Community Care (Jan 2023) reported that 83% of authorities said they were experiencing difficulties recruiting social workers, with 72% saying retention was a problem. <https://www.communitycare.co.uk/2023/01/20/most-councils-struggling-to-recruit-and-retain-social-workers-finds->

- 8.5 All the 6 formal complaints about **staff attitude/conduct**, were partly upheld. When concerns about the professionalism of individual staff are raised, Achieving for Children ensure that reflective supervisions take place. Also, Achieving for Children have committed to ensure that processes and the roles of the teams are better explained to parents/guardians, particularly at first contact, and that after fathers are fully included in assessments.
- 8.6 All the 6 formal complaints about **lack of support** were partially upheld. Some of the concerns overlapped with complaints about staff attitude/conduct although complaints about lack of support were more concerned with an overall perception that social work involvement was disruptive, services should have intervened sooner, and lack of clarity about what support is available/poor communication.
- 8.7 The other primary issues combined accounted for 40% of complaints but individually were only accounted for a small number of complaints. They are **failures in service/procedures** (raised 3 times), **disputing decisions** (raised 2 times), **quality of assessment** (raised 2 times) and **confidentiality** (raised 1 time). Learning from these complaints has been included in Section 5 of this report.
- 8.8 Table 5 shows primary issues raised this year, compared to last year. The only notable trend is that **staff attitude/conduct** continues to be the most raised principal issue.

**Table 5 – Stage 1 Complaints completed by Primary Issues 2021/22 – 2022/23**

Stage 1	2021-22		2022/23	
Staff attitude/conduct	9	36%	6	30%
Lack of support	3	12%	6	30%
Failures in service/procedure	4	16%	3	15%
Disputing decisions	0	0%	2	10%
Quality of assessments	3	12%	2	10%
Confidentiality	0	0%	1	5%
Placement issues	3	12%	0	0%
<b>TOTAL</b>	<b>25</b>		<b>20</b>	

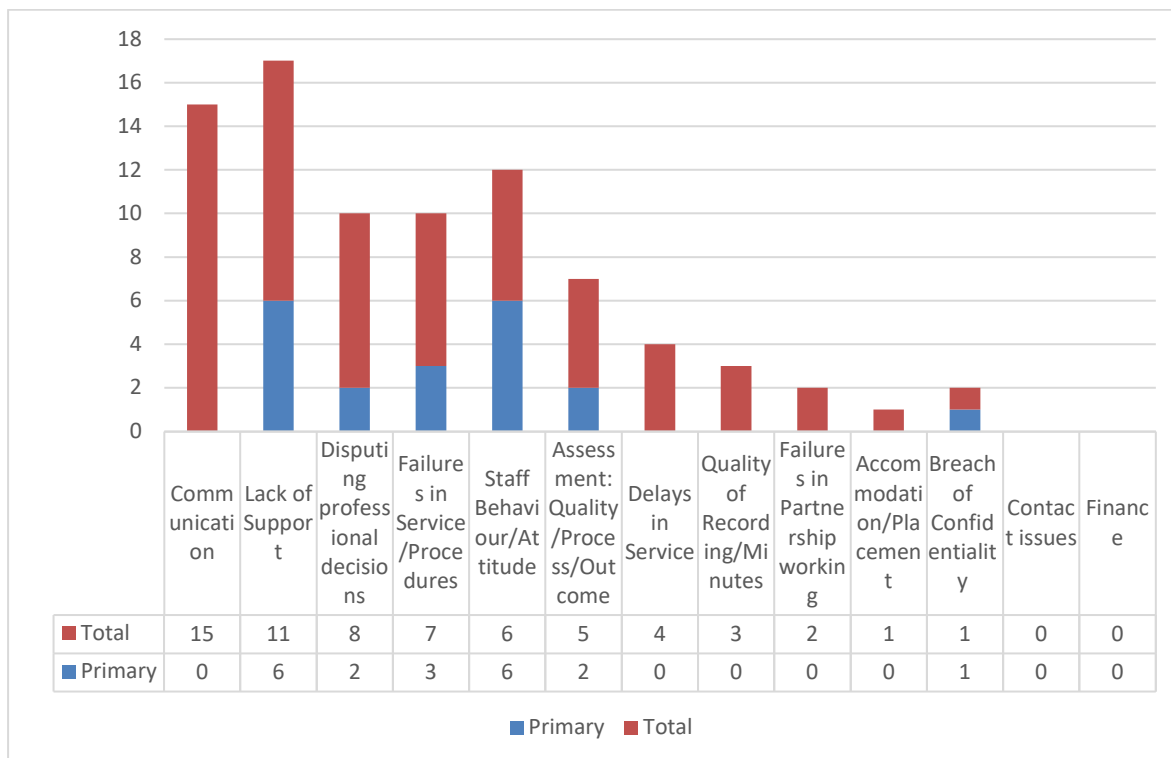
- 8.9 Whilst **Chart 4** on page 12 sets out the primary issues for each stage 1 complaint, **Chart 5** below sets out each issue raised within the 20 stage 1 complaints. Across the 20 stage 1 complaints a total of 62 issues were raised, demonstrating the complexity of children’s statutory complaints. This can present a challenging in determining the key motivation for making the complaint, as often issues like communication and delays are a thread through an entire complaint, yet the

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complainant’s desired outcome is, for example, to have an assessment amended or a professional decision changed.

8.10 Across all issues, lack of support (raised 17 times) and communication (raised 15 times) were raised the most; however, communication was never the primary reason for complaining. This demonstrates that feelings of dissatisfaction about a service can be compounded by the way a person is communicated with or how supported they feel.

**Chart 5: Full data on the issues raised from the 20 Stage 1 complaints**



### **Learning from complaints: Case study Stage 1**

#### **Background**

A parent complained that they did not feel the social worker was taking their concerns seriously whilst investigating a safeguarding incident concerning their children. The infrequent contact felt uncaring and insensitive to the parent.

#### **Learning**

The investigating manager found that there were failings in the timeliness and quality of communication that contributed to the parent's perception. Using the complaint as a framework, the individual member of staff received reflective supervision. Additionally, all team members were reminded of the importance of providing feedback to families following contact with them, to ensure that they fully explain their roles and processes, particularly at first contact when safeguarding concerns have been raised. This is because sometimes parents do not fully understand the implications and possible outcomes of safeguarding (child protection) processes.

## **9. Complaints by Issue and Remedies: Stage 2**

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9.1 Whilst the number of complaints escalating to Stage 2 complaints has risen slightly from 3 to 6, only 2 of the complaints received an investigation as 4 were withdrawn. This is because:

- A complainant asked for their stage 2 to be put on hold until after an upcoming court hearing, as it was too stressful for them to complain. Following the hearing the Complaints Team made contact to progress however the complainant never responded.
- A complainant withdrew after meeting with the Complaints Manager and Head of Services as they felt that they had been listened to and received a personal apology.
- Following receipt of the Statement of Complaint, the Complaints Manager reviewed the listed complaint and determined that some aspects were outside of the statutory complaint regulations and process overlapped with current legal proceedings. When the Complaints Manager advised the complainant of the revised scope of their complaint, they disagreed and disengaged from the process.
- Following request for stage 2 the Head of Service met with complainant to resolve concerns, who confirmed during the meeting that they no longer wanted to proceed with their complaint.

9.2 Both stage 2 complaints that received a full investigation were for the Safeguarding Team. 1 was about how the social work team facilitated contact between the father

and his children and did not fully include him in social work planning. The father felt that the social workers were biased and favoured his ex-wife, provided false information to other services supporting his children and did not pursue advocacy for the children or refer the family for mediation.

- 9.3 The complaint was not upheld but the Independent Officer did suggest that there were failings in recording. AfC apologised for this and committed to discussing this at the Performance, Quality and Improvement Board to ensure that all parties (or parents) are represented, and their views fully recorded on case records.
- 9.4 The second stage 2 for the safeguarding team was that the social work team had failed to correct inaccurate information in the Child and Family Assessment, did not carry out safeguarding investigations appropriately and the complaint was not handled well. The complaint was upheld with regards to some aspects of how the complaint was handled and that the parents had not been able to give comments on the final safeguarding report. This is discussed more in the case study on page 16.
- 9.5 With regards to the 4 withdrawn stage 2 complaints, they raised concerns about:
- The way in which social workers communicated and supported a parent through contact arrangements with their Looked after Child. The complainant asked for their stage 2 to be put on hold until after an upcoming court hearing, as it was too stressful for them to complain. Following the hearing the Complaints Team made contact to progress however the complainant never responded.
  - Unhappiness that a social worker initiated and Legal Planning Meeting without informing the family. Following receipt of the Statement of Complaint, the Complaints Manager reviewed the listed complaint and determined that some aspects were outside of the statutory complaint regulations and process overlapped with current legal proceedings. When the Complaints Manager advised the complainant of the revised scope of their complaint, they disagreed and disengaged from the process.
  - Dissatisfaction that a social worker shared a child's concerns with their father. Following request for a stage 2 the Head of Service met with the complainant to resolve concerns, who confirmed during the meeting that they no longer wanted to proceed with their complaint.
  - Unhappiness with the behaviour and support of a social worker after safeguarding procedures had been carried out. The complainant withdrew after meeting with the Complaints Manager and Head of Services as they felt that they had been listened to and received a personal apology.



## 10. Complaints by Issue remedy: Stage 3

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- 10.1 This year there were 2 stage 3 complaints although one was withdrawn. The complaint that progressed through the independent panel was for the Safeguarding Team and was an escalation of the complaint at stage 2 about the way safeguarding procedures were followed, inaccuracies in the Child and Family Assessment and the way the complaint was handled during the earlier stages. The complaint was partly upheld.
- 10.2 The complaint at stage 3 which was withdrawn was an escalation of the stage 2 complaint against the Referral and Assessment Team about the way social workers facilitated contact between a father and the children and included him in social care planning.

### **Learning from complaints: Case study Stage 3**

#### Background

A complaint progressed to stage 3 from a parent who felt that there were inaccuracies in social work assessment regarding the safeguarding of their children, that the parents had not been able to express their views, and processes were not followed within agreed timescales. The parent also complained about the complaints process, as not all the complaints within the stage 2 statement of complaint, were investigable which resulted in raised expectations.

#### **Learning**

The stage 3 panel considered the complaint and found that there had been failures with regards to timescales and the way that child protection processes were explained to the parents. There were also some failings with the way that the stage 2 complaint was handled by the Independent Officer.

As a result, the timescale of assessment completion is now out more clearly and social workers and managers were reminded of the importance of sharing timescales with parents and carers. In fact, the information pack explaining the assessment process, timescales and what to expect, was reviewed by the Associate Director to ensure that it includes adequate explanation about the outcome of child protection enquiries under Section 47 of the Children Act 1989, including the meaning of substantiated and unsubstantiated concerns.

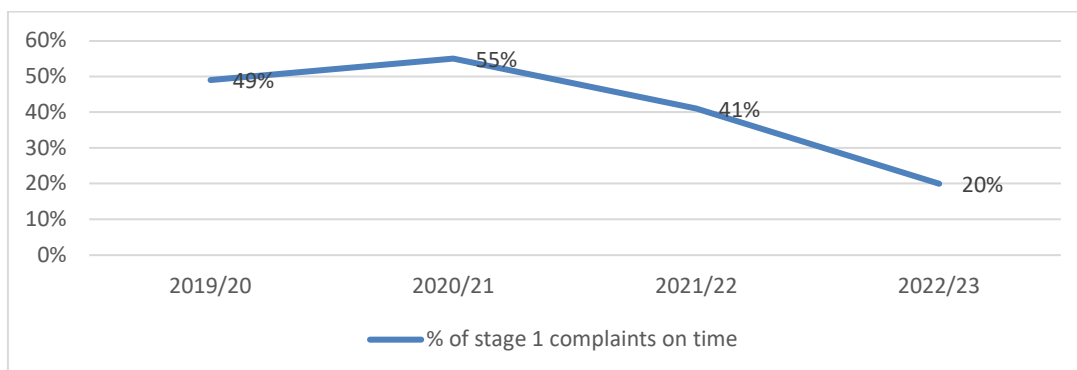
Social workers were reminded of their responsibilities to share this information during formal supervision and team meetings. Senior leaders will check this is happening through the practice audit programme, which includes conversations with parents and carers to understand their views and experiences.

The Complaints Team will ensure that in future, statement of complaints, constructed by Independent Officer, are written in a way that distinguishes between questions, statements, and complaints.

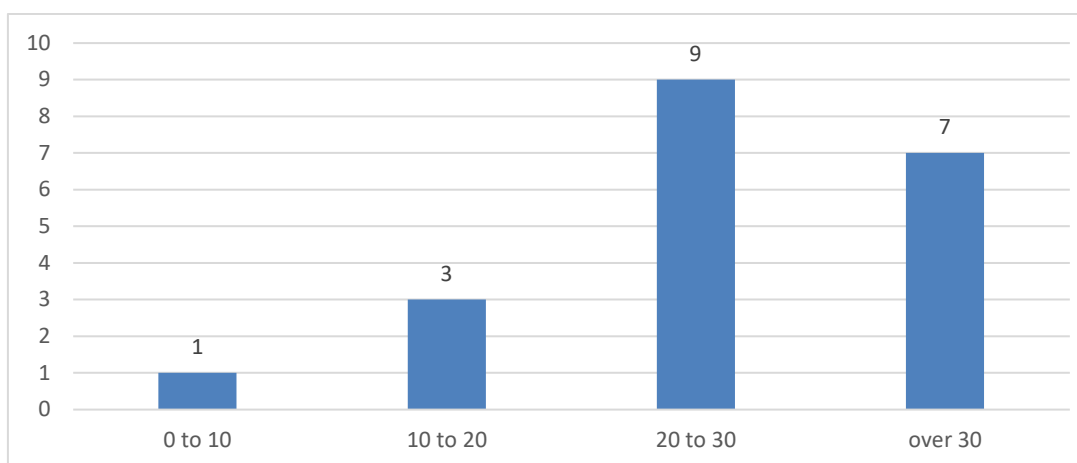
## 11. Response times

11.1 This year 20 stage 1 complaints were completed. 20% (or 4) of stage 1 complaints received a response on time which is shown on **Chart 6**. This is a 51% decrease on the 41% responded to on time in 2021-22.

**Chart 6 percentage of stage 1 complaints on time 2022-23**



**Chart 7 Stage 1 response times completed complaints 2022/23**



11.2 ‘On time’ means complaints that received a response within 20 working days. Stage 1 complaints should be investigated and completed within a timescale of 10 working days. This can be extended up to 20 working days for more complex complaints or in other instances where an extension is agreed by the Complaints Manager. Where complaints are delayed, the complaints team always ensure that complainants are advised of extensions to deadlines and kept informed about the progress of their complaint.

11.3 Stage 2 complaints have a statutory timescale of 25 to 65 working days. Neither of the 2 Stage 2 complaints that received a full investigation were completed in time. They took 107 and 125 days respectively. Five Stage 2 complaints are open at year end and will be closed in 2023-24.

- 11.4 The 1 stage 3 complaint that received a Panel hearing this year was not arranged with the 30-day timeframe due to the availability of panel members but the Director's response was sent to the complainant within 20 days of the panel as per the process.

## 12. Complaints from young people

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- 12.1 The Complaints Team are always keen to receive complaints from children and young people directly as the statutory complaints process is in place for them. If it is considered that a complaint is best made from a child or young person, and they are Fraser competent, we aim to work directly with them alongside advocacy support.
- 12.2 This year the Complaints Team have not received any complaints directly from young people. Whilst the number of complaints directly from young people is expected to be low, last year we supported 3 young people through the complaints process. Whilst it is positive that social work teams are proactive in having conversations to resolve concerns quickly with young people, it is disappointing that this year that no young people have made formal complaints directly and that all complaints have been made by parents or guardians.
- 12.5 Over the next year, the Complaints Team will meet with the social care teams to consider new ways of working with services to engage with children and young people to ensure they are made aware of the complaints process during their involvement with Achieving for Children and find it easily accessible.

## 13. Young people: equalities data

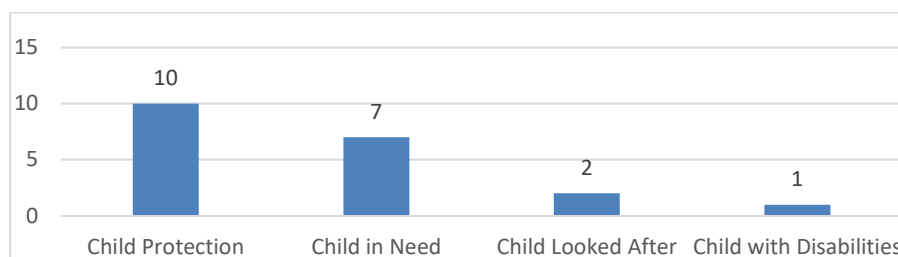
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- 13.1 The following section reviews the breakdown of the 28 complaints completed at all stages by the category of support that the young people have received. The section will then go onto review the breakdown of equalities data of these young people.
- 13.2 At stage 1, this year:
- 10% (or 2) of complaints were about Looked After Children
  - Child Protection accounted for 50% (or 10) complaints
  - Child in Need accounted for 35% (or 7 complaints)
  - 1 One complaint was about a Child with Disabilities<sup>5</sup>
- 13.3 At Stage 2, all 6 complaints were from families either in Child Protection or at the stage of initial safeguarding assessment (carried out by Referral and Assessment) and one was from a family on behalf of a disabled child. Two escalated to Stage 3.

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<sup>5</sup> This child was not under Child Protection or Child in Need

**Chart 8: Stage One complaints received by category of support for the young person 2022/23**



13.4 Additionally, seven of the young people who were the subject of a complaint this year (at all stages) were registered as Disabled. Two children were from the same family. Complaints concerning children with a disability accounted for:

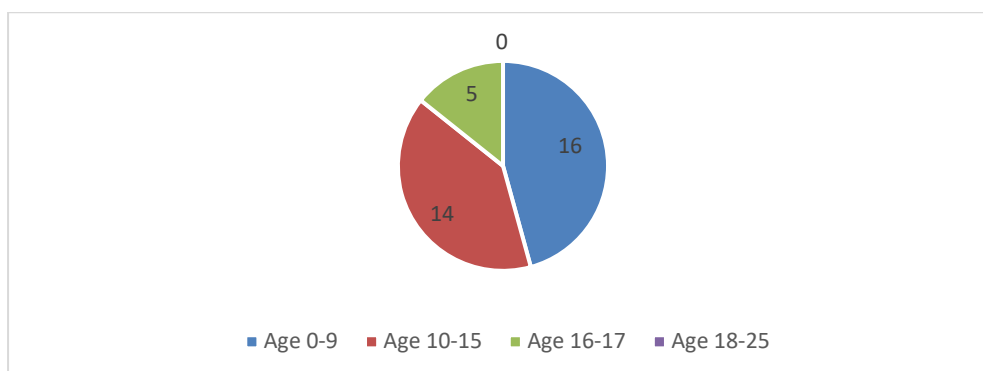
- Two families relating to child protection (three children).
- Four families with children on Child in Need plans (four children).

13.5 Most complaints concerned children aged 0-9 years old (16 children), followed by children between 10-15 years of age (14 children). Complaints concerning children in the 16-17 age range accounted for 5 young people. No complaints concerning young people in the 18-25 category were received.

13.6 There is very little difference in complaints split by gender. There were 18 young males compared to 16 young females who were subject of a complaint. Additionally, one young person self-identified as male.

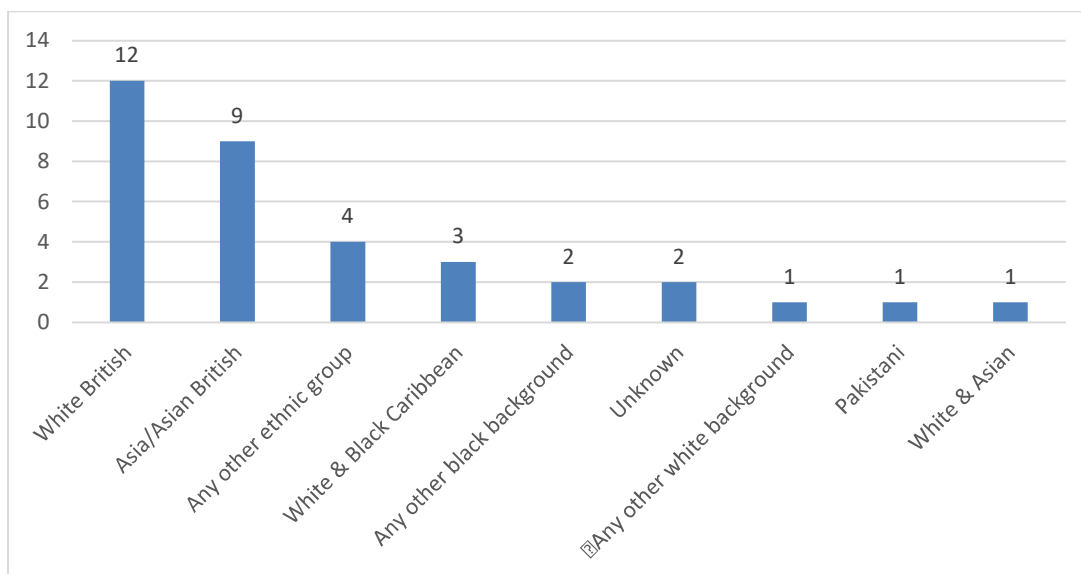
13.7 **Charts 9, 10 and 11** below provide equalities data concerning the age, ethnicity and religion of young people that were the subject of a complaint this year<sup>6</sup>.

**Chart 9: Age range of young people subject of a complaint 2022/23**

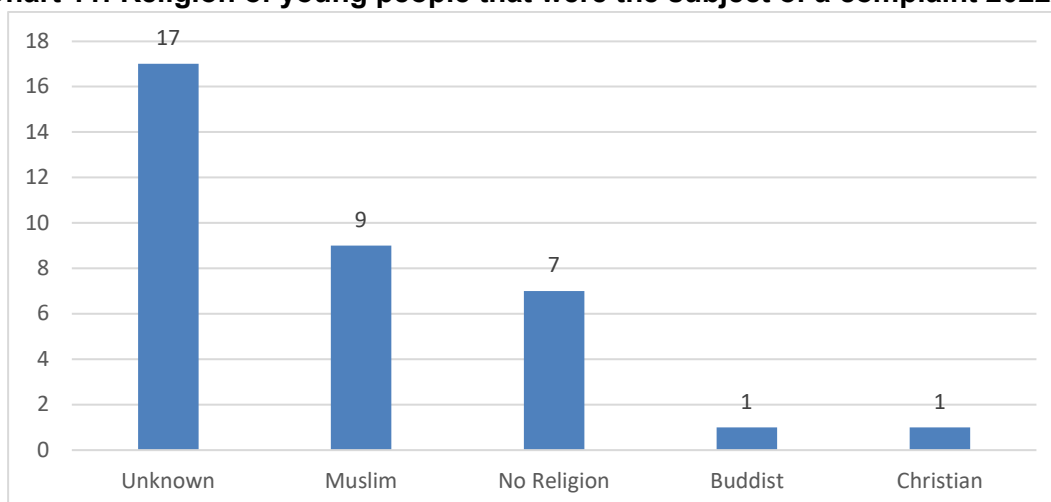


<sup>6</sup> The number of young people that are the subject of a complaint this year is 35. This is higher than the 28 complaints at all stage, because some complaints concerned multiple siblings within one family.

**Chart 10: Ethnicity of young people that were the subject of a complaint 2022/23**



**Chart 11: Religion of young people that were the subject of a complaint 2022/23**



13.8 The volume of these complaints should be taken in the context of the overall level of interaction. This year, 127 new Child Protection plans were instigated (compared to 138 last year), the department supported 126 (129 last year) Looked after Children (72 starting care), and there were 260 (287 last year) children on a Child in Need plan as at end of March 2022.

## 14. Corporate complaints

14.1 This report provides a brief overview of corporate complaints closed by Achieving for Children. Detailed reporting on corporate complaints is within Richmond council’s Corporate Complaints Report 2021-22.

- 14.2 This year Achieving for Children completed 39 stage 1 corporate complaints which is a 70% increase on the 23 stage 1 corporate complaints last year. 28 escalated to stage 2 compared to 9 last year which is a 211% increase.
- 14.3 All the corporate complaints were for Education and SEND. SEND accounted for most corporate complaints (29 at stage 1 and 19 at stage 2). The higher volume of complaints are due to delays or dissatisfaction with the EHCP process and complaints largely stem from dissatisfaction with the SEND system rather than the SEND Service.
- 14.4 With regards to timescales, 76% (or 30) were on time at stage 1. 26% (or 12) were completed on time at stage 2.

## 15. Ombudsman Cases

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- 15.1 This report provides a brief overview of Local Government and Social Care Ombudsman (LGSCO) closed by Children’s Services. Detailed reporting on Corporate and Ombudsman Complaints is within Richmond Council’s Annual Corporate Complaints Report 2022-23.
- 15.2 A complainant has the right to refer their complaint to the Local Government and Social Care Ombudsman (LGSCO) at any time. Generally, the Ombudsman will seek to ensure that the Local Authority/Achieving for Children, has been provided with the opportunity to first respond to the complaint in accordance with the Council’s own statutory complaints process.
- 15.3 When the LGSCO find fault, AfC always provide an apology and commit to learn from the complaint. Sometimes financial remedy is also provided to put the complainant or their family member, back to the position they were in before the injustice was caused.
- 15.4 During 2022/23 8 Ombudsman enquiries and/or investigations were completed compared to 16 last year. This is a 50% decrease. 6 were for SEND/Education, 2 were for Children’s Social Care.
- 15.5 The outcomes and status for the 8 complaints completed this year are set out in Tables **6 and 7**:

**Table 6: SEND/Education Ombudsman cases:**

Quarter	Complaint details	LGSO decision
1	About the alleged failure to providing the special educational need provision from the EHCP and respond to safeguarding concerns	Some fault was found. AfC paid £2600 for distress and uncertainty and loss of opportunity due to the faults, and the loss of

		educational provision due to delays for 13 months.
1	AfC failed to complete a young person's transition from a Statement of Special Educational Needs to an EHCP within a reasonable timeframe which led to delays and the need for the complainant funding more provision than they might have needed to.	Fault was found. AfC paid £1500 to remedy the injustice.
1	Complaint that AfC caused distress, did not keep accurate records and did not adhere to Government guidelines when a parent reported allegations and requested a change of placement through the SEN Tribunal.	Some fault was found in the way AfC communicated in a statement about the assessment and because of delay in taking action when the complaint was first made. This caused distress, frustration, time and trouble. AfC paid £500 to remedy the injustice.
2	Complaint about an out-of-date EHCP plan and lack of response from AfC when concerns were raised.	Premature
3	AfC failed to ensure a young person received education and therapeutic interventions in line with the EHCP plan.	A £23,000 financial remedy was provided
4	Failure to provide education and support in line with the EHCP plan and delays in informing the complainant that AfC would not amend the EHCP plan following a review.	Fault was found, but the LGSCO were satisfied that AfC had already taken sufficient steps to remedy the injustice.

**Table 7: Children's Social Care cases:**

<b>Quarter</b>	<b>Complaint details</b>	<b>LGSO decision</b>
2	Failure to act on a promise to return children home to the family within an agreed timeframe.	Premature
3	AfC failed to implement Child Protection and Child in Need plans and respond to concerns raised by a parent about their child's welfare.	Fault was found with how the Council recorded information. However, apologies and an adequate remedy were provided as part of the stage 3 complaint in the previous reporting year.

## 16. Going forward and the key priorities for 2022/23

16.1 Below are some of the key achievements from this year:

- We have introduced the use of consortiums to commission our independent officers for stage 2 and 3 complaints. Consortiums commit to producing high quality investigations that are completed within statutory timeframes. Whilst the Complaints Manager still approves any independent reports before they are released, this new way of working has reduced the administrative burden on complaint officers with regards to sourcing independent officers, arranging dates for stage 3 panels and carrying out audits of insurances and DBS checks.
- Our external webpages, complaint leaflets, and internal staff guidance on complaints handling have been reviewed and improved to ensure the complaints service remains inclusive and accessible.
- We have worked with services to drive up complaints performance which has resulted in stronger adherence to timescales across all complaint types. Of particular note are corporate stage 2 complaints; 68% were responded to on time across the year (against a KPI of 50% on time) compared to 36% on time in 2021-22. The co-ordinated focus on performance by the central team and directorates resulted in particularly strong results in the last two quarter of 2022/23 with 78% and 83% of stage 2 complaints responded to on time.
- The new Unreasonable Complainant Behaviour Policy was launched and has been put into practice. The policy provides a structure for the Complaints Team to manage complainants that take up a disproportionate amount of time, freeing up resource to other complainants to ensure a fair and equitable service. The policy has been aligned with the Unreasonable Customer Behaviour policy and there is now bi-month high level working group which reviews customers that have been had their communication restricted under both policies to ensure that decisions have been made fairly, reviewed regularly and staff are applying consistent approaches.
- Information on the Council's complaints processes is now included in Member Induction (following 2022 elections) and will be included in mandatory staff induction for all new starters from 1<sup>st</sup> April 2024. Both of these actions help to support a healthy complaints culture within the organisation.

16.2 In 2023-24 our priorities will be to:

- Support directorates through the changes to the stage 2 corporate complaints process so that their current high performance continues. From 1<sup>st</sup> April 2023 the new timeframe of 25 working days (from 15 working days) will allow more time provide quality reviews and identify further learning. However, the KPI of



'50% on time' will be increased to 80% on time, which following a benchmarking exercise, is in line with other Boroughs.

- Work closely with the Ombudsman to ensure our complaint handling remains effective. This includes reviewing, updating and publishing the Council's self-assessment against the Housing Ombudsman's complaint handling code and preparing to respond to a consultation from the Local Government and Social Care Ombudsman who are proposing a new joint complaint handling code with the Housing Ombudsman.
- Further strengthen our complaint training offer to Directorate. The Complaints Team are already planning, in liaison with the Children's Services Quality Assurance and Multi Agency Safeguarding Lead, to host a training event for team managers and supervisors on good complaints practice and with Adult Services, a bespoke complaints training session for the Learning Disabilities service.
- Developing complaints procedures, policies and literature into Easy Read to further improve the accessibility of the complaints service.
- Creation of public facing adult and children's statutory complaint procedures that set out how the Council apply the Statutory Complaint Regulations when making decisions on how to manage complaints, and any exceptions or cross-over with other policies/rights of appeal.
- Work with colleagues in the Consultation Team to explore opportunities to engage with residents to obtain feedback on the accessibility of complaints processes.
- Further role out of Respond Case Management System to Corporate complaints to enhance strategic oversight and streamlined responsive reporting. The system has now operational for Adult complaints and Freedom of Information Requests.
- Enhance work on learning from complaints to include detailed learning case studies in reports and ensure that learning from ombudsman complaints are included in quarterly complaint insight reports for senior managers.