

Complaints Annual Report 2023 – 2024

Appendix B – Children’s Social Care Statutory Complaints

1. Purpose of report

- 1.1 This report provides an overview of statutory complaints made about Brent Council Children’s Social Care Services during 2023-2024 as required under The Children Act 1989 Representation Procedure (England) Regulations 2006.
- 1.2 This report provides information about all statutory complaints made during the twelve months between 1 April 2023 and 31 March 2024 under the complaints and representations procedures.

2. Statutory Complaints Process

- 2.1 The purpose of the Children’s Act 1989 and Representation Procedure (England) Regulations 2006 is to ensure local authorities have a formal complaint handling procedure in place for children and young people who wish to make a representation or complaint about social care.
- 2.2 It is helpful to be clear on what constitutes a complaint. The guidance “Getting the best from Complaints” produced by the Department for Education and Skills (DfES) provides advice for local authorities on implementing the Children Act 1989 complaints procedure for children and young people. It defines a complaint as: **‘A complaint may be generally defined as an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response.’**
- 2.3 **Who Can Make a Complaint?**

Section 26(3) and section 24D of the Children Act, 1989 and section 3(1) of the Adoption and Children Act, 2002 require Councils to consider complaints made by:

- any child or young person (or their parent or someone who has parental responsibility for them) 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 under section 14F (3) or (4) of the Children Act 1989
- any child or young person who may be adopted, their parents and guardians
- persons wishing to adopt a child
- any other person to whom arrangements for the provision of adoption services extend
- adopted persons, their parents, natural parents, and former guardians

- such other person as the local authority considers has sufficient interest in the child or young person's welfare to warrant his or her representations being considered by them.

2.4 The Council will accept complaints received through any medium, through contact with the Complaints Service, phone, email, online complaint form, by post or in person.

2.5 The regulations set out three stages:

- **Stage 1: Local Resolution** – this is the most important stage of the complaint procedure. The department and external contractors provide services on behalf of the Council and are expected to resolve as many complaints as possible at this initial stage. The statutory social care complaints procedure requires first stage complaints to be responded to within 10 working days. However, Heads of Service can request an extension of a further 10 working days where a complaint is considered complex or there is a need for a number of external organisations to be consulted. They will need to consult with the Complaints Service before an extension can be applied and also inform the complainant of the new timescale.
- **Stage 2: Independent Investigation** – this stage is triggered when the complainant is dissatisfied with the response at Stage 1. As a first step, the Complaints Service will consider mediation to resolve ongoing concerns at the end of the Stage 1 process, and before commencing the Stage 2 process. If a complaint does progress to Stage 2, this requires an investigation by an 'Independent Officer', a person external to the service and usually independent of the Council. In addition, the Council is also required to appoint an "Independent Person" who is independent of the Council and not related to any members or officers of the Council. The purpose of the 'Independent Person' is to represent the complainant in the process. The Stage 2 investigation report is then considered by the Director, who provides an adjudication letter to the complainant to confirm whether they agree with the report and the steps to be taken to address any recommendations. Stage 2 complaints which fall within the statutory process must be dealt with in 25 working days. Where it is not possible to complete the investigation within this timeframe an extension can be applied up to a maximum of 65 working days.
- **Stage 3: Review Panel** – where complainants are dissatisfied with the result of a Stage 2 investigation and wish to continue with their complaint about statutory social service functions, the Council is required to establish a Complaint Review Panel. The Panel consists of three independent panellists who have no connection to the Council; a Chair who is appointed by the Complaints Service and is also separate from the Council. The Chair consults with the Complaints Service on the selection of the other two panel members. The Panel undertakes an investigation and makes recommendations via a panel report. This will then be adjudicated by the Corporate Director for Children and Young People (CYP) who makes the final decision on the complaint.

2.6 If the Complainant remains unhappy with the outcome of their complaint, they have the right to refer their concerns to the Local Government and Social Care Ombudsman (LGSCO). The LGSCO will carry out their own investigation requesting information from both parties and provide an outcome with any recommendations if appropriate.

3. Headlines

3.1 The main performance headlines from Children’s Social Care are as follows:

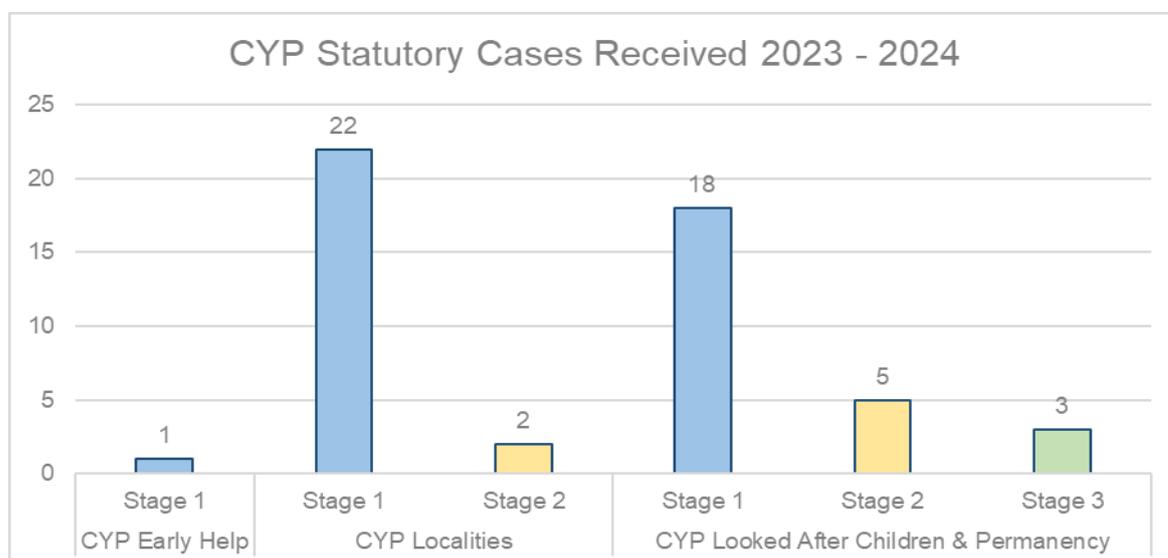
- The department received 41 statutory stage 1 complaints in 2023/24
- Stage 1 statutory complaint numbers decreased by 50% in 2023/24
- There were seven stage 2 investigations completed compared to six the previous year
- 79% of stage 1 statutory complaints were responded to within target in 2023/24, against a target of 100% (compared with 85% in 2022/23)
- £6,095 was paid in compensation for the period 2023/24 on ten cases, a decrease from £13,800 paid in the previous year.

4. Children’s Social Care Service Users

Children’s Social Care received a total of 3777 referrals and completed 3226 Child & Family Assessments. As of 31 March 2024, the Council had 2729 open Children in Need cases and 361 children were the subject of a Child Protection Plan. There were 307 Looked After Children and the Council had 612 care leavers aged 18-25 in receipt of services.

5. Complaints Received

5.1 Brent Council CYP received a total of 41 stage 1 statutory complaints in 2023/24, a decrease of 50% from last year where 82 complaints were received. There were seven stage 2 requests received which is one more than last year and three stage 3 panels convened, which is two less than last year.



- 5.2 Early Help received one complaint whereas last year no complaints were received for this service. The number of stage 1 complaints received for Localities also decreased with 22 complaints received in 2023/24 compared to 46 complaints received in 2022/23 (a decrease of 52%). The number of complaints received at stage 1 for Looked After Children and Permanency decreased by 47% from 2022/23 with 18 complaints received in 2023/24. Forward Planning, Performance and Partnerships did not receive any complaints whereas last year 2 complaints were received.
- 5.3 The Localities Service accounted for 22 complaints, 54% of the total number of stage 1 complaints received. These are split between East Localities, West Localities, Children with Disabilities and Multi-agency Safeguarding Hub (MASH)/Family Front door/ Families with no recourse to public funds (NRPF). These complaints concerned the communication and attitude of social workers, the accuracy of reports and assessments and disagreements over the size of support packages.
- 5.4 The Children with Disabilities team received 14 stage 1 complaints in 2023/24 and two were escalated to stage 2. These cases commonly related to communication and information contained within records and reports and disagreements over care packages. The Family Front Door/MASH/NRPF team received 6 stage 1 complaints, these generally concerned unhappiness with the behaviour of the allocated social worker and the process following a referral to Brent Family Front Door (BFFD).
- 5.5 Looked after Children accounted for 18 complaints, 44% of the total number of stage 1 complaints received. The complaints received are split between Care Planning, Young People in Care, Fostering and Adoption and Kinship. Cases within Looked After Children are typically raised by the young person themselves so the Complaints Service will give the option of an advocate to help them navigate the complaints process, should this be required.
- 5.6 The Council received 7 Stage 2 requests in 2023/24, compared to 6 in 2022/23. Five of these complaints related to the Looked after Children and Permanency Service. The other two cases fell under Localities, more specifically the Children with Disabilities Service.
- 5.7 Under the children's statutory procedure, a complainant has a right for their complaint to be heard by an Independent Review Panel at Stage 3. In 2023/24 the Council received 3 requests for Stage 3 panels, and 3 panels were held during the year. A summary of the complaints that resulted in a Stage 3 Panel has been provided at point 10.3.

6. Profile of complainants and method of contact

- 6.1 When complaints are received, they are directed to the Complaints Service for triaging. Of all the statutory children's stage 1 complaints received, the team received 73% by email, 22% by self-service online, and 5% by telephone. The number of complaints received via email remains similar compared to last year. There also hasn't been much change in the percentage of complaints received by

telephone and the online portal. The complaint legislation explicitly states that the Council must receive children's statutory complaints by any means.

- 6.2 The varied method of contact demonstrates that this is happening. Whilst the team has provided a telephone number on the web site, especially for children's social care complaints, email appears to be the preferred mode of delivery for complainants. There are three options to log complaints online through the customer portal: anonymously, unregistered or registered. The portal allows complainants to log and monitor the progress of their complaints all in one place. There are also other mechanisms in place by which children and young people can raise issues before needing to raise a formal complaint. This is via a commissioned Advocacy service and Looked After CYP have an Independent Reviewing Officer who is able to advocate on CYP's behalf as well.
- 6.3 The Council has limited information about the ages of complainants as many complainants do not provide this information. Only 17 complainants provided their age out of a possible 41 complaints that were received. Two of the complainants were aged 24 and 25, the remaining complainants who lodged complaints were 35 or over. The majority of complaints received in relation to Localities are raised by parents regarding their children, however, the majority of complaints received by the Looked after Children service are raised by the young person themselves.
- 6.4 In terms of ethnicity of complainants, 14 complainants selected an option when submitting their complaints through the portal. The data captured is as follows:

Any other ethnic group	1
Asian Indian	1
Asian Other	1
Asian/Asian British: Indian	1
Asian/Asian British: Pakistani	2
Black British	1
Black/ African/Caribbean/Black British: African	2
Black/ African/Caribbean/Black British: Caribbean	1
Mixed Other	1
Other Arab	1
White British	1
White Other	1

- 6.5 To improve responses around this, the Complaints Service are reviewing ways of implementing a post-investigation feedback form.

7. Nature / Reasons for Complaints

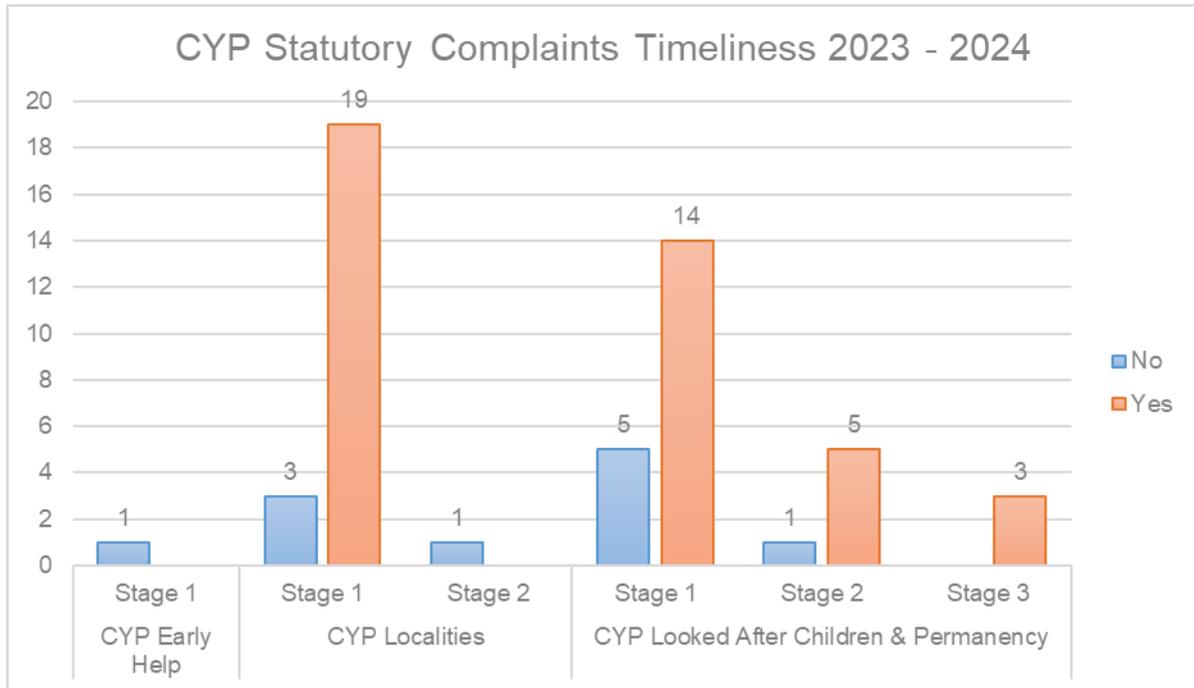
- 7.1 The main reason for complaints received in 2023/24 related to service failure which is a change from the last two years where communication was the main reason for complaints. Complaint root causes are categorised in three main categories: Communication, Service Failure and Policy and Procedure. In 2023/24 just over half (51%) of the stage 1 complaints closed were categorised under the category service failure. Communication accounted for 46% of cases and policy and procedure for 2%. Complaints concerning communication generally related to complainants not feeling they were kept informed or updated on key issues, with 54% of cases being

upheld or partly upheld as a result. The Directorate continue to make improvements on how they communicate with service users to manage expectations. In response to learning from a complaint, one of the changes made for care leavers over the age of 21 years is to offer them the option of continuing to have an allocated personal advisor. The letters sent out to care leavers once they reach 21 years have been amended accordingly. This takes account of the diversity of need amongst care leavers in discharging our corporate parenting responsibility.

- 7.2 Numerous complaints also concerned social workers' conduct or attitudes. Families may not always agree with the Council's decision, but Children's Social Care has a legal obligation to assist and act in the child's best interests. As a result, complaints are often directed at specific social workers who frequently have to walk a difficult line between parents who are at odds. Complaints against social workers are most frequently made when one parent disagrees with a decision and accuses the social worker of siding with the other parent. In the majority of cases where staff conduct was identified as a root cause, the complaint was not upheld.
- 7.3 Complaints concerning parents who are in a conflict situation, with regards to access and care of their children, are on the rise. Usually this has been where the partners disagree about the care the child or children are receiving from the other parent. Some feel that the Child and Family Assessment or court reports are not completed in an impartial way and that the social worker has failed to communicate with them at an early enough stage in proceedings. This presents a challenge for social workers who must find a balanced approach through these relationships.
- 7.4 The Complaints Service provide complaints handling training to relevant staff members within CYP and attend team and management meetings to discuss key themes and learning from complaints.
- 7.5 Examples of the types of root causes of complaints that arise are listed below: -
- ***Alleged poor staff attitude*** - much of the work of Localities staff involves them taking actions in connection with highly sensitive child protection or child in need issues, which parents or carers may often disagree with. There have been a number of comments about social workers where the family member perceives a bias, leading to complaints about the alleged impartiality of assessments.
 - ***Service failure*** - on completion of a Child and Family Assessment, or reports to the Initial Child Protection Conference, social workers had not kept all the interested parties updated with the completed assessment and reports. In addition to this, not all parties agree to the information within reports which has been recorded as 'not up to standard.'
 - ***Looked After Children*** - the main area of complaints related to leaving care. Most of the root causes are recorded as young people not being kept informed. This suggests the need for more awareness around time scales and procedures which need to be made clearer to customers.

8. Timeliness of Responses

8.1 The Council responded to 79% of all children’s statutory complaints within the appropriate timescales. This is a decrease of 3 percentage points compared to the previous year.

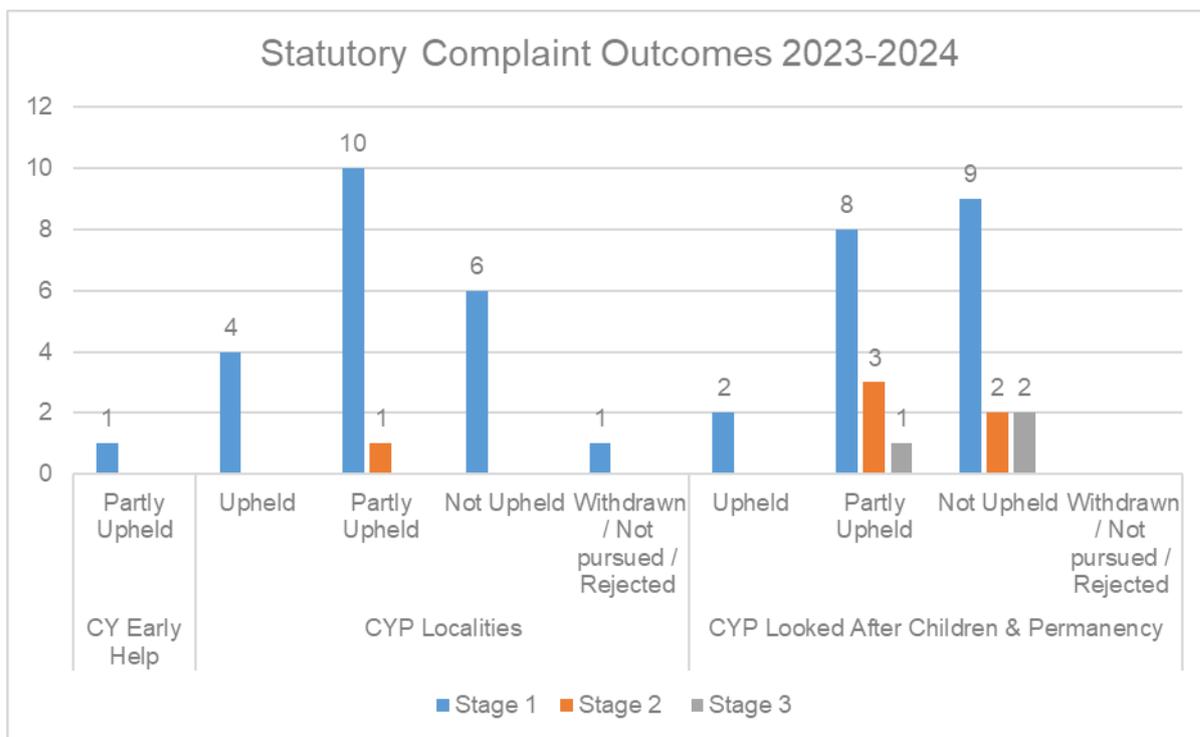


8.2 It is important to note that the statutory children’s complaint legislation allows the Complaints Service to extend the target deadline by 10 working days in complex cases.

8.3 In 2023/24, 42 stage 1 statutory complaints were due for a response. The performance rate at stage 1 was 79%, with 33 out of 42 complaints responded to on time, whereas the performance rate for stage 2 complaints increased on last year with 5 out of 7 cases responded to on time, which is below the required standard but an increase of 50% compared to the previous year. This was due to delays in independent investigators providing their reports due to the complexity of the cases. We have since managed the relationships with the independent investigators to encourage reports being completed in a timely manner.

9. Complaint Outcomes

9.1 There are four possible outcomes for complaints: withdrawn/not pursued/rejected, not upheld, partly upheld and upheld. The chart below shows the outcomes of statutory complaints at stage 1, stage 2 and stage 3 in 2022/23 as recorded on the Council’s case management system.



9.2 The key findings are:

- Of the 41 cases closed at stage 1 during 2023/24, the Council found some merit in 61% of complaints, with 25 complaints either upheld or partly upheld. This percentage is the same as the previous year although 20 less complaints were upheld or partly upheld. A 'Not Upheld' outcome was decided in 15 cases at stage 1 and 1 case was either withdrawn, not pursued or rejected. Service areas continue to show a willingness to admit errors or mistakes and to remedy concerns raised.
- The Council closed 6 stage 2 statutory complaints during 2023/24 which is 50% less than the previous year. Four complaints were partly upheld (67% of complaints) and two were not upheld. Last year 91% of stage 2 complaints were upheld so there has been a positive decrease of 24% compared to this year.
- In 2023/24 three stage 3 panels were completed, one was partly upheld and the other two were not upheld. This provides an uphold rate of 33% at stage 3 which is better than the previous year where the uphold rate was 65%.

10. Analysis and Learning from Complaints

- 10.1 Lessons learnt from complaints can help shape and improve services and the customer experience. CYP for managers and staff are committed to using this learning to improve outcomes for service users.
- 10.2 Detailed below is a summary of the cases escalated to stage 2 and where a detailed investigation was undertaken. It also includes any learning points and service improvements identified as a result of the complaint. The Council wishes to learn from its complaints and improve the service it provides.

- Localities had one stage 2 investigation in 2023/24. The theme of this complaint was contact with the social worker and supervisor and information recorded in contact reports. The recommendations resulting from this complaint included:
 - Staff were reminded that it is essential that all communication relating to a case is entered on the electronic system, this would include letters, emails, telephone calls and texts.
 - Staff were reminded of their responsibilities to ensure that commitments given in complaint responses (including adjudications) are implemented

- Looked after Children and Permanency had five stage 2 investigations – Three of the five cases related to a lack of support from the care leaver’s allocated Personal Advisor. The other two cases related to long standing issues raised by the parents of young people who are placed in care. Recommendations included:
 - Letters to Care Leavers being updated to reflect their right to have a PA allocated to them beyond 21 years old and up to 25 years old.
 - Ensuring processes are followed in a timely manner and in line with the statutory duty.
 - Social workers to ensure that they make thorough and detailed recordings of significant events within the case records and escalate such matters, as required.

10.3 There were three stage 3 review panel adjudications during the year:

- Case 1: The complainant raised various concerns regarding the lack of support received by the Leaving Care Team between 2019 and 2021 and that his allocated PA did not do enough to secure a suitable property via Housing Needs. In total there were 9 separate points of complaint. The Panel changed two of the outcomes from the stage 2 investigation and made some additional recommendations.

- Case 2: This case was made by a father of a child under a Special Guardianship Order. The complainant was concerned about the welfare of the child and lack of confidence in the social work team. The Panel did not change the outcome of the stage 2 however they did make some additional recommendations.

- Case 3: This case was made by an Unaccompanied Asylum Seeker via an advocate. The complainant felt he was not adequately supported in his education, pursuing an insurance claim and applying for travel documents. The Panel did not change the outcome of the stage 2 however they did make some additional recommendations.

10.4 The Children and Young People’s department has recently launched a new Practice Framework called “This is Brent CYP, This is How We Grow” which sets out the way in which staff are expected to work collaboratively and constructively with

families. The Brent CYP ‘Practice Promises’ were launched in February 2022 and set out standards and expectations of what families can expect to receive. ‘Practice Promises’ are reviewed as part of the CYP core audit programme to ensure that standards are being consistently met or exceeded. Children Services also have a Quality Assurance and Performance meeting to track activity and service improvement. Children Services also have a Quality Assurance and Performance meeting to track activity and service improvement.

11. Local Government and Social Care Ombudsman (LGSCO) Decisions in 2023/24

11.1 There were twenty-four corporate and statutory Education & Children’s Services complaints escalated in 2023/24 which is fifteen more complaints than the previous year 2022/23. The LGSCO made decisions on twenty-two cases during 2023/24 of which thirteen were closed after initial enquiries were made, two were invalid or incomplete, four were referred back to the Council for local resolution, three were upheld. In summary, from the twenty-two cases decided, fault was found in three of the cases, which provides a 14% uphold rate. This an improvement on last year where the uphold rate was 18% (two cases upheld out of 11 decided).

11.2 All three of the cases upheld fall under the corporate complaints process so are summarised in the covering Annual Complaints Report.

12. Compensation

12.1 Children’s Social Care awarded a total of £6,095 in compensation in 2023/24 across ten cases. This is a decrease of 56% from £13,800 which was awarded in 2022/23, across fifteen cases. This breaks down as follows:

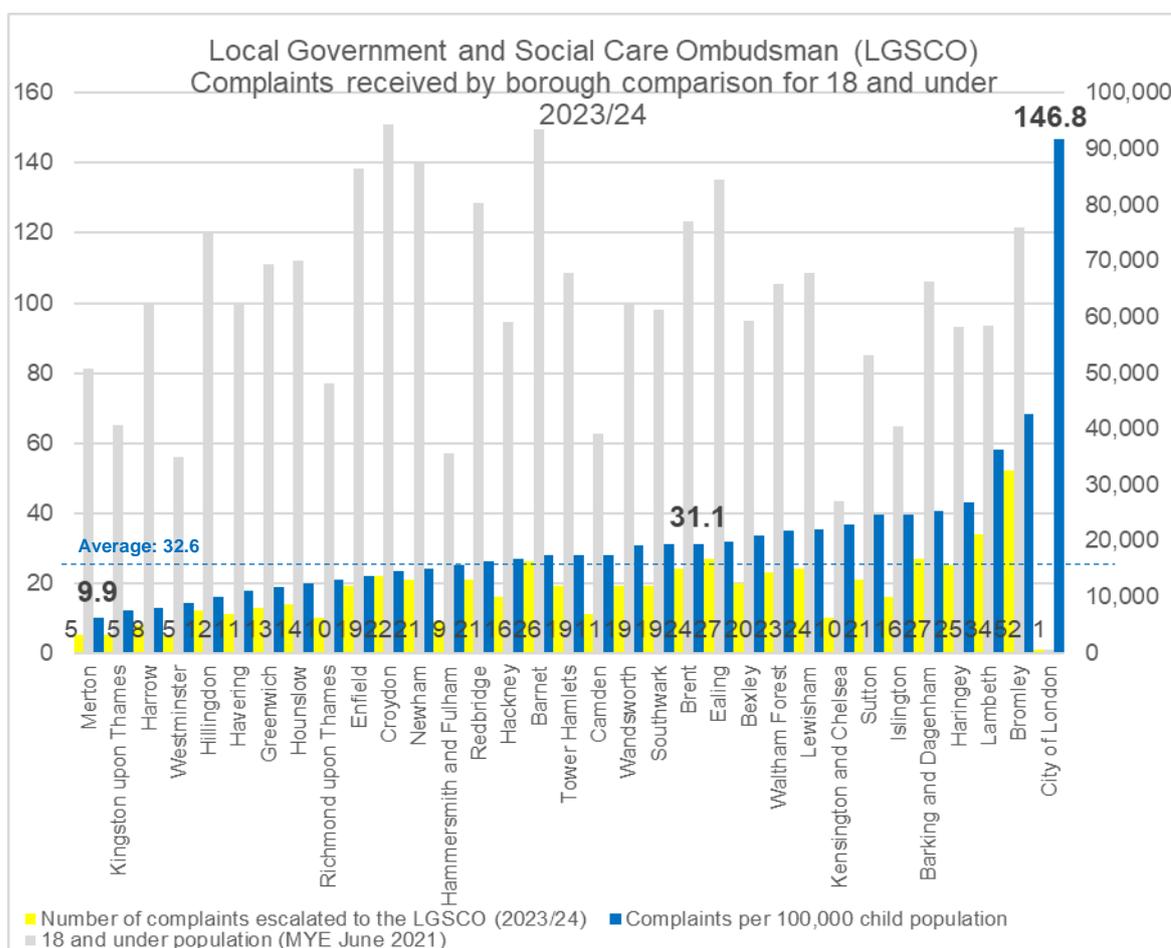
- A total of £4,300 was offered in three cases at stage 1 of the statutory complaint procedure. The compensation was paid for loss of accommodation, loss of earnings and a lack of meaningful PA support.
- A total of £1,345 was paid out at stage 2 across five cases. In three of these cases, compensation was paid due to a failure or delay in providing a service. In one case compensation was paid due to time and trouble. There was also one case where £95 was awarded at mediation stage for a historic savings payment that there was no evidence had been paid.
- Compensation of £450 was awarded at stage 3 of the statutory complaints process in two cases. One payment of £250 related to distress and the other payment of £200 related to a delay or lack of service.
- The Ombudsman did not recommend the Council pay any compensation in 2023/24.

Children’s Social Care	Amount
Stage 1	£4,300
Stage 2	£1345
Stage 3	£450
Ombudsman	£0
Total	£6095

13. Benchmarking

13.1 Brent Council belongs to the North West London Social Care Complaint Managers Group. The majority of Councils have not yet done completed their Annual Complaints report or have chosen not to share data. Comparative data has therefore been provided below on Education and Children’s services cases that were received by the LGSCO during 2023/24. Data from the Office of National Statistics was also used to illustrate the number of complaints received relative to size of population of children within each borough. The average for all London Councils is 32.6 per 100,000 population whereas Brent is 31.1.

13.2 This means that Brent Council is performing better than average for complaints received by the LGSCO when compared to its projected population in 2021 of children 18 and under. There were 24 complaints escalated to the LGSCO in relation to Education and Children’s Services in 2023/24, which is an increase of fifteen complaints compared to 2022/23. The Ombudsman did highlight there would be an increase and this can be seen across the majority of London boroughs. The estimated population for children 18 and under within Brent for mid-year 2021 was 77,113.



14. Compliments

14.1 The Service doesn’t just learn from complaints. Positive feedback can also provide useful insights. In the period covered by this report, the Children and Young People department logged 65 compliments on the Council’s complaints and compliments database, which is 49 more compliments logged than the previous year. Managers

are encouraged to log all compliments they receive. CYP Good News is a regular forum where CYP staff hear about, celebrate and learn from positive feedback. Below are examples of some of the compliments received in 2023/24.

- **Localities – East Locality team**

“sometimes we as humans meet people who are a complete stranger to us in terms of social rules, we categories them as (strangers) because they're different from us, not related to us and of course they're not part of the family, you came into my life and my kids's life as a stranger, but you were so close to my heart and soul, I really wish if I can keep you in my life for longer and longer, I wish if I can listen to your opinion and advice, you took your place in my lonely life as a soul sister, I appreciate you , I appreciate your advice and I take this advice seriously, in my 13 years living in this country, you were the only one who understood me , my position, and took my kids seriously, I am definitely not the best mummy in the world, but I am doing my best , I will always keep you and your advice close to my heart , I am very thankful to God that he made you come to my life , I am thankful to you because you understood me, my kids , and our circumstances. You'll always be remembered, and listened to, even if you are not part of our life any longer. I wish you the happiest life , I wish you a safe and peaceful future, and I pray for God to protect you and guide you throughout your journey and wherever your life takes you....”

- **Early Help – Early Years**

“We just want to acknowledge all xxxx hard work and effort she put into making childrens and families lifes that much better due to her Triage intervention.”

- **Looked after Children & Permanency - Fostering & Adoption Team**

“just want to thank you for all you did for me and my boys. I feel that you are so approachable! you were so empathetic to my situation, such a warming, kind and down to earth lady you wouldn't have even thought you were a social worker it felt as though we had known each other for a long time! I really appreciate all you've done honestly from when I first came to you I was a big mess but you made sure me and my boys were safe and were able to move on with our next chapter and you are the first and only social worker I have ever met and I will remember you forever!”

- **Localities – NRPF and Homeless Team**

“We greatly thank you and the team so much. Thank you for the good works you still continue to do for other families in need. God bless you all for the immense efforts and also grant you all your heart desires. A big thank you NRPF/H Team.”

- **Inclusion – Inclusion Service**

“I would like say a massive thank you to xxx for supporting my son xxx. xxx has been extremely supportive and constantly communicating with me. xxx has been

able to explore all the options available, helping us to make the right choice regarding my son and stopped a permanent exclusion from being finalised at xxxxxx. It is well appreciated all the hard work that he has put in for my son to be in education regardless the end outcome.

I hope the team recognises how amazing xxxx is. Many thanks !.”

- **Inclusion – SEND Service**

“I can't thank you enough for your help in securing a place for my son xxxxx at the xxxxx school. You have been amazing throughout this process and kept me up to date at each stage.

I am truly grateful for everything that you have done for us.”

- **Early Help – Early Years**

“Xxxx is truly amazing positive early years practitioner and team member. We all value xxxxx so much and feel blessed to have xxxxx in our FWC and community, always ensuring the quality delivery and Start for Life for our children and families.”