

## Complaints Annual Report 2019 – 2020

### Appendix B – Children’s Social Care Statutory Complaints

#### 1. Purpose of report

- 1.1 This report provides an overview of complaints made about Brent Council Children’s Social Care Services (CYP) during 2019/20 as required under The Children Act 1989 Representation Procedure (England) Regulations 2006.

This report provides information about all statutory complaints made during the twelve months between 1 April 2019 and 31 March 2020 under the complaints and representations procedures.

#### 2. Statutory Complaints Process

- 2.1 The purpose of the Children’s Act 1989 Representation Procedure (England) Regulations 2006 is to ensure local authorities have a formal complaints 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 Complaints concerning Child Protection Conferences are dealt with under a separate complaint procedure

#### 2.4 **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)
- 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
- 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.

2.5 The Council will accept complaints in any format, through contact with the Complaint Service Team, phone, on line complaint form, or in person.

2.6 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 complaints to be responded to within 10 working days; however, heads of service can apply to the Complaint Service Team for an extension of a further 10 working days where a complaint is considered complex or requires a number of external organisations to be consulted with.
- **Stage 2: Independent Investigation** – this stage is triggered when the complainant is unsatisfied with the findings at Stage 1. As a first step, the Complaint Service Team 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 member or officer 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 Operational Director and an adjudication letter is provided to the complainant to confirm whether they agree with the report and the steps to be taken to address any recommendations. Stage 2 complaints falling within the statutory process must be dealt with in 25 working days. Where it is not possible to complete the investigation within 25 working days it can be extended to a maximum of 65 working days.
- **Stage 3: Review Panel** – where complainants are unsatisfied 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. The Chair is appointed by the Complaint Service Team and is also separate from the council. The Chair consults with the Complaint Service Team on the selection of the other two panel members. The Panel undertakes an investigation and makes recommendations through a panel report. This will then be adjudicated by the Strategic Director for CYP who makes the final decision on the complaint.

### 3. Headlines

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

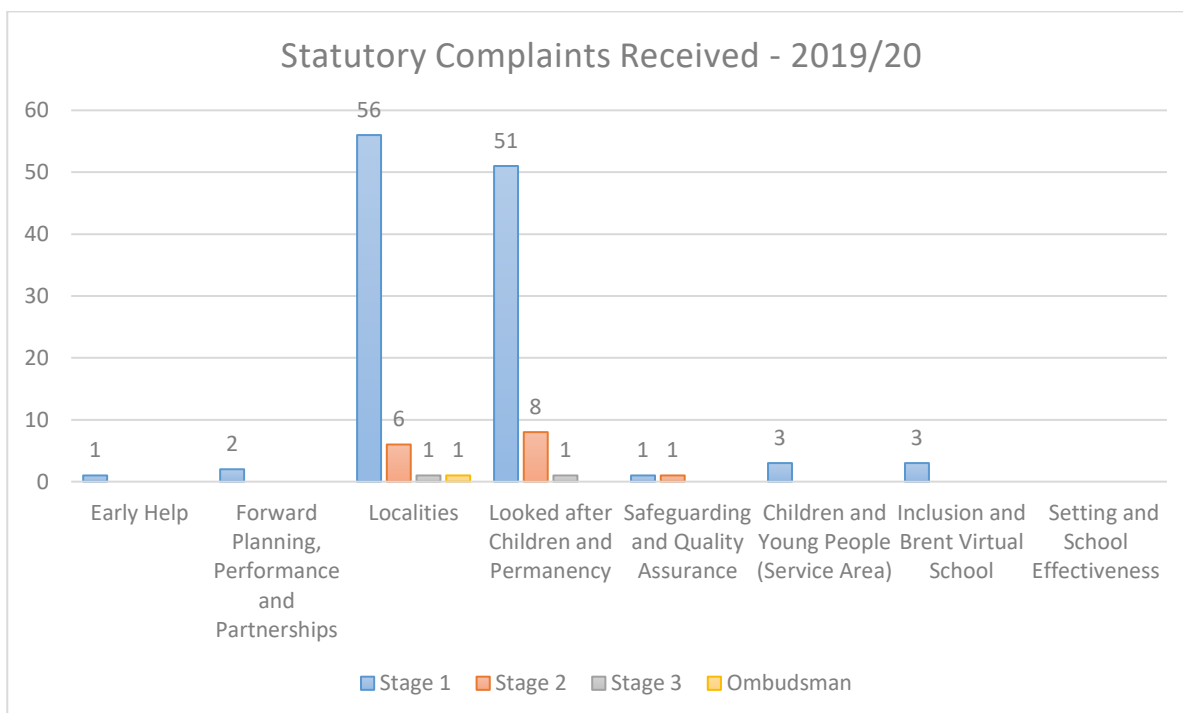
- Stage 1 statutory complaint numbers increased by 56% in 2019-20, (there is increasing awareness among young people of their eligibility and entitlement to services)
- the service received 117 statutory stage 1 complaints in 2019/20
- there is a 13% escalation rate to stage 2 for statutory complaints. This is consistent with the previous year, but slightly higher than the years before
- 77% of stage 1 statutory complaints were responded to within target in 2019/20 (compared with 87% on time in 2018/19)
- £4,170 was paid in compensation for the period 2019/20 on seven cases, down from £13,368 paid in the previous year.

### 4. Children’s Social Care Service Users

4.1 To put some context to the volume of complaints received in 2019/2020, Children’s Social Care received 3,993 referrals and completed 3,660 Child & Family Assessments. As of 31 March 2020, the Council had 2401 open children in need cases and 254 children were the subject of a child protection plan. There were 299 looked after children and the Council had 359 care leavers aged 17-25 in receipt of services.

### 5. Complaints Received

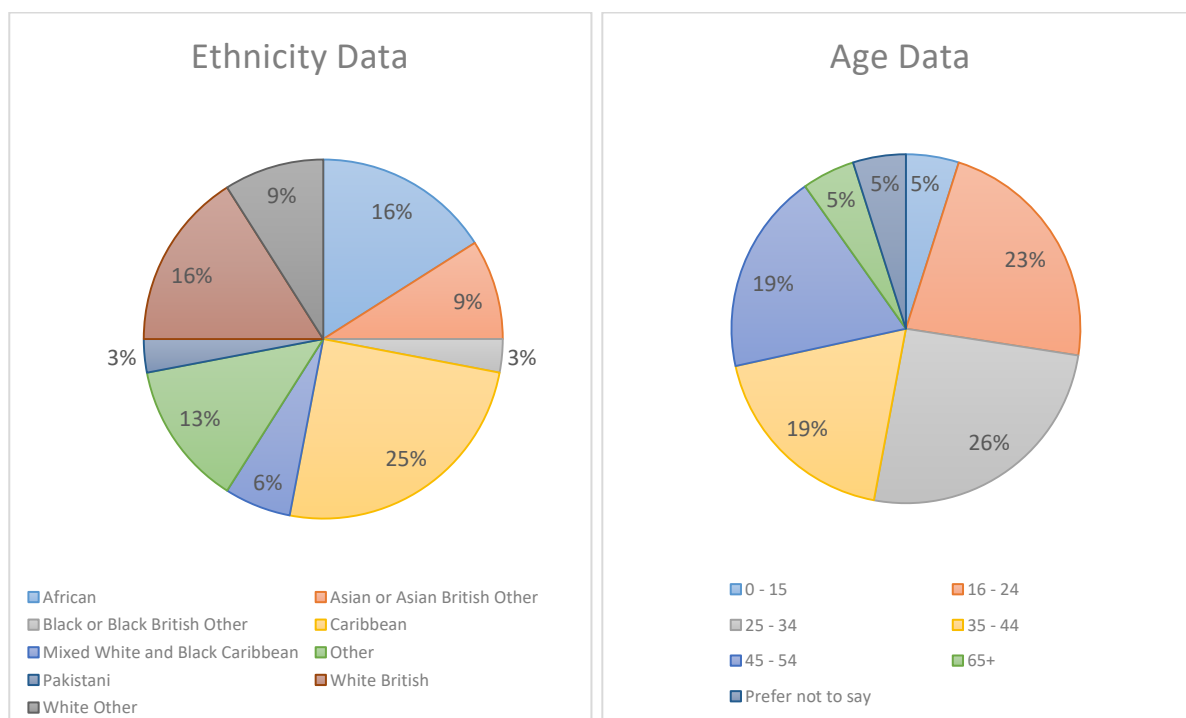
5.1 Brent Council CYP received a total of 117 stage 1 complaints in 2019/20. There were 13 stage 2 requests received and two stage 3 panels convened. There was one case where a detailed investigation was undertaken by the LGSCO.



- 5.2 Looking at the complaints received at stage 1, Looked after Children and Permanency have had an increase of 104% (19 complaints) and Localities have an increase of 51% (26 complaints). The rest of Children's services accounted for 10 complaints in total.
- 5.3 Localities accounted for 56 complaints, 48% of the total number of stage 1 complaints received. These are split between East Localities, West Localities, Disabled Children's services and Mash/Family Front door/NRPF. These complaints concerned incorrect child and family assessments, complaints about the bias of social workers, care packages for disabled children and care assessments. Complaints are split evenly between East and West localities who are involved with child protection cases and dealing with families where there is often parental conflict in private law proceedings and where one parent can be unhappy with decisions made by a social work team.
- 5.4 Looked after Children accounted for 51 complaints, 44% of the total number of stage 1 complaints received. These are split between Care Planning, Young People in Care, Fostering and Adoption and Kinship. Most of the complaints concerned children leaving care and the majority of these complaints were made by young people. In these cases the complaint service team will offer and provide an advocate to the complainant. Although there has been an increase in complaints, there is a better awareness of the complaint process and this does need to be considered in context of the work carried out by the team. There has been improved communication to care leavers about their rights and entitlements, supported by initiatives such as the introduction of a "Whatsapp" group for care leavers which has meant that there is greater discussion and sharing of information. Improved communication has led to some carers to questioning and complaining about their rights and entitlements.
- 5.5 The Council have been encouraging young people to get in contact if they are unhappy with the service they have received. It is good to see that care leavers are sharing experiences, advice and information and are willing and have the knowledge to raise concerns with the Council. This can also be seen in the age statistics below.
- 5.6 The Council received 15 Stage 2 requests in 2019/20, compared to 10 in 2018/19. This is an increase of 50% on the previous year. However, the escalation rate to stage 2 in 2019/20 is 13%, this is consistent with the amount of cases escalated when compared to the previous year and within our expectations.
- 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 2019/20 the Council received two requests for Stage 3 panels, one concerned the perceived lack of support from the Council given to a care leaver. The other concerned delays in taking appropriate action to a safeguarding concern and delays in reviewing evidence. For these failings, the distress and time and trouble expended the Council agreed to pay £2,000 compensation.

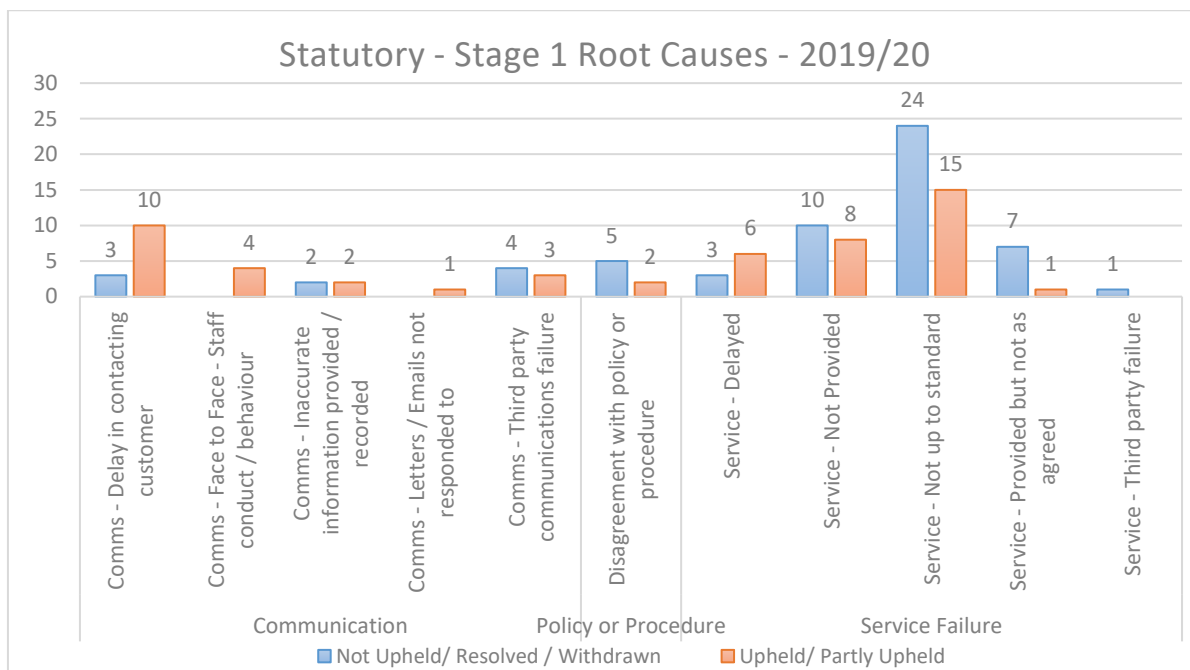
## 6. Profile of complainants and method of contact

- 6.1 When complaints are received they are directed to the Complaint Service team for triaging. Of the all the statutory children’s complaints received, the team received 48% by email, 42% by self- service on line, 6% in person, 2% by telephone and 1% by letter. The CYP complaint legislation is explicit that the Council must receive complaints by any means. The varied methods of contact shows that this is happening. The team have also provided a telephone number on the web site especially for children’s social care complaints.
- 6.2 The Council has limited information about the ages of complainants. Of the 117 statutory complaints received, age information is contained on 37% of cases, of which 2 complaints were received from the age range of 0-15, 10 complaints were received from the age range of 16-24, and 11 complaints received from the age range 25-34.
- 6.3 Information regarding gender was captured in 64 cases, of these 77% were female and 23% were male. In 32 cases where ethnicity was record, 25% were of Caribbean origin. The Complaint Service Team will to continue to record equalities information where available.



## 7. Nature / Reasons for Complaints

- 7.1 The main reasons for complaints received in 2019/20 were: a) service not up to standard; and b) failure to provide a service.



7.2 Children’s Social Care has a statutory duty to support and intervene in the best interests of the child, however families will not always agree with the action that the Council has taken. As a result, they may choose to complain, and this is often focused on individual social workers who often need to navigate a challenging path between parents in dispute. The most common reasons for complaints against staff members are therefore where parents disagree with a decision that has been made, and/or then allege general poor service.

7.3 There has been an increasing number of complaints received from a parent in a separated family relationship. Most often this has been where the partners disagree about the care the child or children are receiving by the other parent. Some feel that the Child and Family Assessment has not been completed in an impartial way and that the social worker had not communicated with them early enough.

7.4 The majority of complaints where communication has been classified as a root cause, have been upheld. This confirms that improvement needs to be made when dealing with customers to ensure they are kept updated and informed of any delays. Many of the Stage 1 complaints reflect the unhappiness of parents and carers about some of the decisions made by staff including a perceived bias in the reports in favour of their partners.

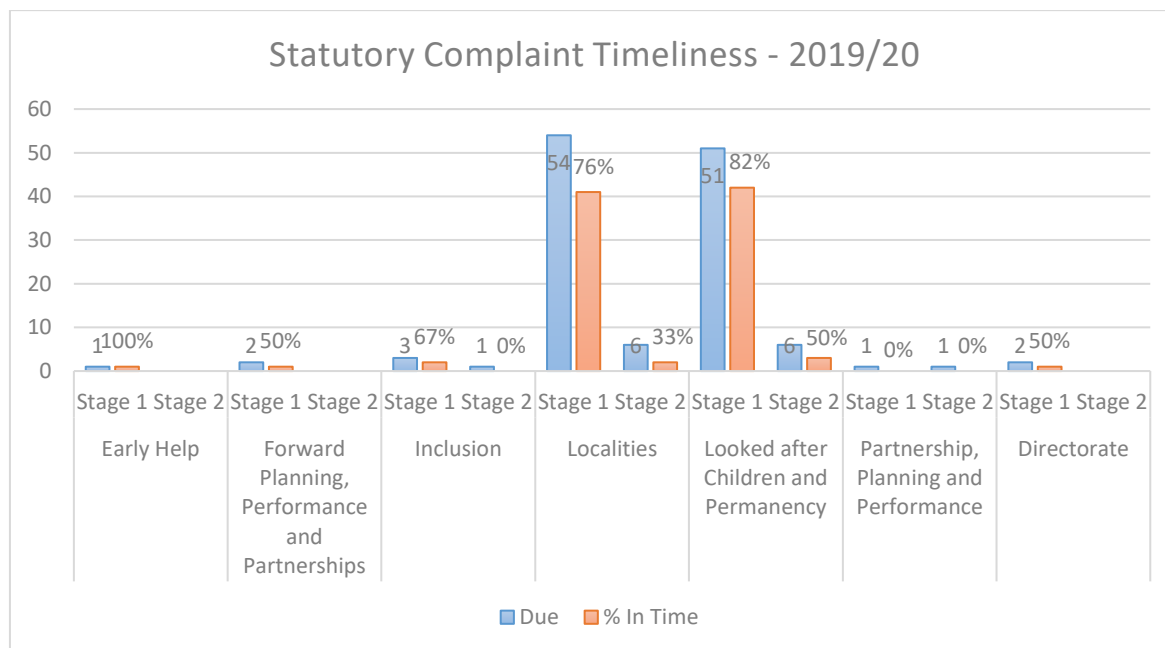
7.5 Examples of the types of root causes of complaints that arise are listed below: -

- **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 disagree with. This has for example led to complaints concerning the alleged partiality of assessments.
- **Poor communication** - on completion of a Child and Family Assessment, Social Care had not kept all the interested parties up to date with the completed assessment.

- **Care Leavers** - the main area of complaints related to leaving care and in particular care leavers' entitlements and the support they had requested. This suggests growing awareness of what care leavers are eligible for, and a greater willingness to challenge decisions.

## 8. Timeliness of Responses

8.1 The Council responded to 73% of all children's statutory complaints within the appropriate timescales. This is a fall of 11 percentage points compared to the previous year, and is below the Council's target of 100%.



8.2 One of the reasons for this apparent fall in responsiveness was moving to a new complaints database in November 2019. This resulted in staff having difficulty in logging and recording responses.

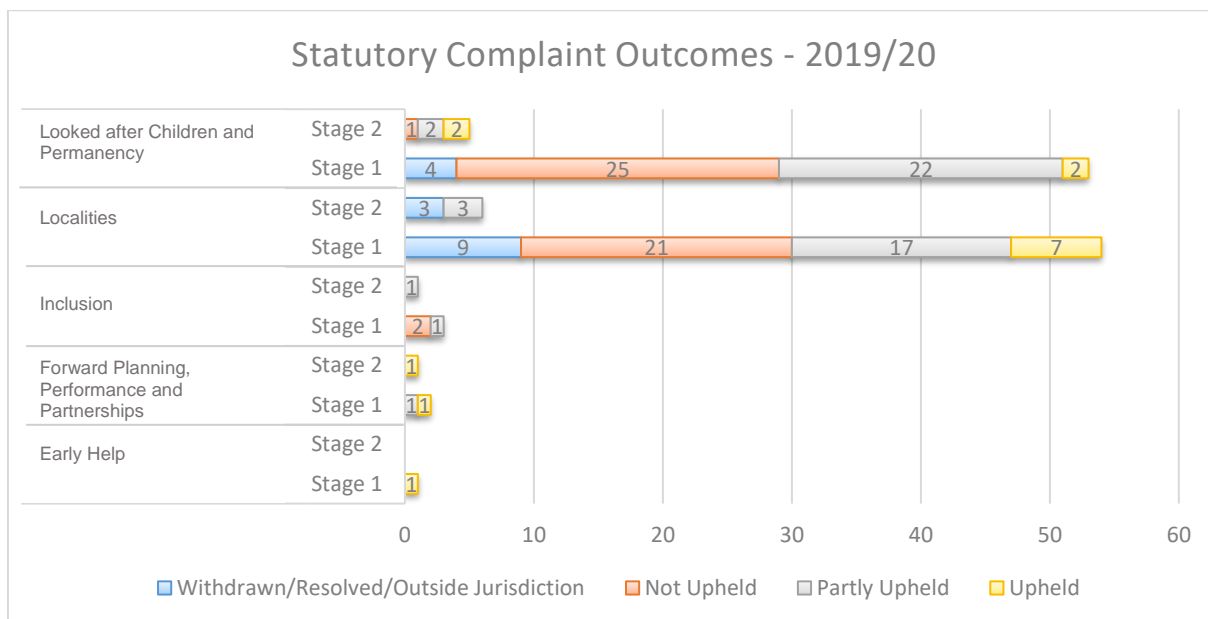
8.3 It is important to note that the statutory children's complaint legislation allows the Complaint Service Team to extend the target deadline by 10 working days in complex cases.

8.4 There was notably strong performance in Looked after Children and Permanency where 42 out of 51 complaints were responded to on time.

## 9. Complaint Outcomes

9.1 There are four possible outcomes for complaints: withdrawn/resolved/Outside jurisdiction, not upheld, partly upheld and upheld. The chart below shows the outcomes of statutory complaints at Stage 1 and Stage 2 in 2019/20.





## 9.2 The key findings are:

- 113 cases were decided at stage 1 during the year, and in nearly half (46%) of these complaints, the Council found some merit in the complaint, a 3 percentage point decrease on the previous year's rate. Service areas continue to show a willingness to admit errors or mistakes and to remedy concerns raised.
- There were 16 cases which were either withdrawn, fell outside of the Council's jurisdiction or were resolved at the first point of contact. Service area managers and the Complaint Service Team work together to try to resolve complaints as soon as they are received.
- The Council closed 13 stage 2 statutory complaints during 2019/20. Three of the complaints were withdrawn, outside of jurisdiction or resolved at first point of contact. Of the remaining 10 statutory stage 2 complaints investigated, some fault was found in 90% of cases (up from 86% previous year) and 10% of cases were not upheld. The Complaint service is working with CYP to ensure that there are improvements in the stage 1 investigations in order to resolve complaints where the service is at fault.

### Stage 2 Complaint Analysis

9.3 Detailed below are cases where fault was found at Stage 2 and the learning points / service improvements that were identified. The Council wishes to learn from its complaints and improve the service it provides.

- In a number of cases, the complaint concerned the way the Council had completed the Child & Family Assessment and the inconsistencies of the social workers when completing the assessment. These cases concluded that the child and family assessments were incomplete and that clear notes should include details of information recorded on the assessments. The investigations also concluded that there were delays in sending assessments to the families



and that communication could be clearer. Staff have been reminded of the importance of ensuring assessments are provided in a timely manner.

- A complaint concerned a financial support package for a young care leaver who had turned 18. The carer had a staying put agreement which had been stopped and the young person who had learning disabilities was not being provided with any support towards their living costs. The investigation concluded that the allowance should be reinstated and that records of decisions made at placement panels should be detailed on how decisions are reached.
- There has been a consistent comment concerning adherence to the statutory complaint process from the Independent stage 2 investigations. This has highlighted the need for further training on complaint handling especially at stage 1. The Complaint Service Team has attended a number of management team meetings to discuss complaint handling and is arranging a number of training courses which has been delayed due to the pandemic.

### Stage 3 Complaint Analysis

9.4 Of the cases in which fault was identified at Stage 2, there were 2 cases decided at Stage 3:

- Complaint one: The Panel reviewed the investigating officer's report and recommended that the decision on two of the complaints, be changed from not upheld to upheld. However, the adjudicating officer considering all the facts decided to partially uphold and uphold the two complaints. It was agreed that the child and family assessment be amended and £2,000 compensation was paid.
- Complaint two: The Panel recommended that the Council should review the case closure procedure, resulting in decisions to close cases involving care leavers so that they are monitored effectively. The Panel also determined that the stage one response should have been more centred on the complainants needs. The Complaint Service team have a programme of training sessions with managers and staff and addressing stage one complaints will be part of the training provided.

## **10. Compensation**

10.1 Children's Social Care paid out £4,170 in compensation in 2019/20 on seven cases. This is a significant decrease of £9,198 from 2018/19. This breaks down as follows:

- A total of £310 was offered at stage 1 of the statutory complaint procedure.
- There was a total of £1,860 paid out at Stage 2:
  - one payment of £1,560 to a complainant for the delay and mismanagement by the Council that had impacted upon their financial position. The compensation payment covered time and trouble, distress and any interest accrual during the period mentioned in the complaint.
  - one of £50 for the delay in dealing with the stage 2 complaint
  - another was for £250 for the lack of clarity and due to the length of time in resolving the issues identified.

- The award of £2,000 compensation at Stage 3 consisted of £500 in recognition of time and trouble and £1500 in respect of impact and distress caused.

Children’s Social Care	Total	
	No of Cases	Amount
Stage 1	3	£310
Stage 2	3	£1,860
Stage 3	1	£2,000
Ombudsman	0	£0
£ per Case	£695	

## 11. Local Government and Social Care Ombudsman (LGSCO)

11.1 One statutory complaint was upheld by the Local Government and Social Care Ombudsman in 2019/20:

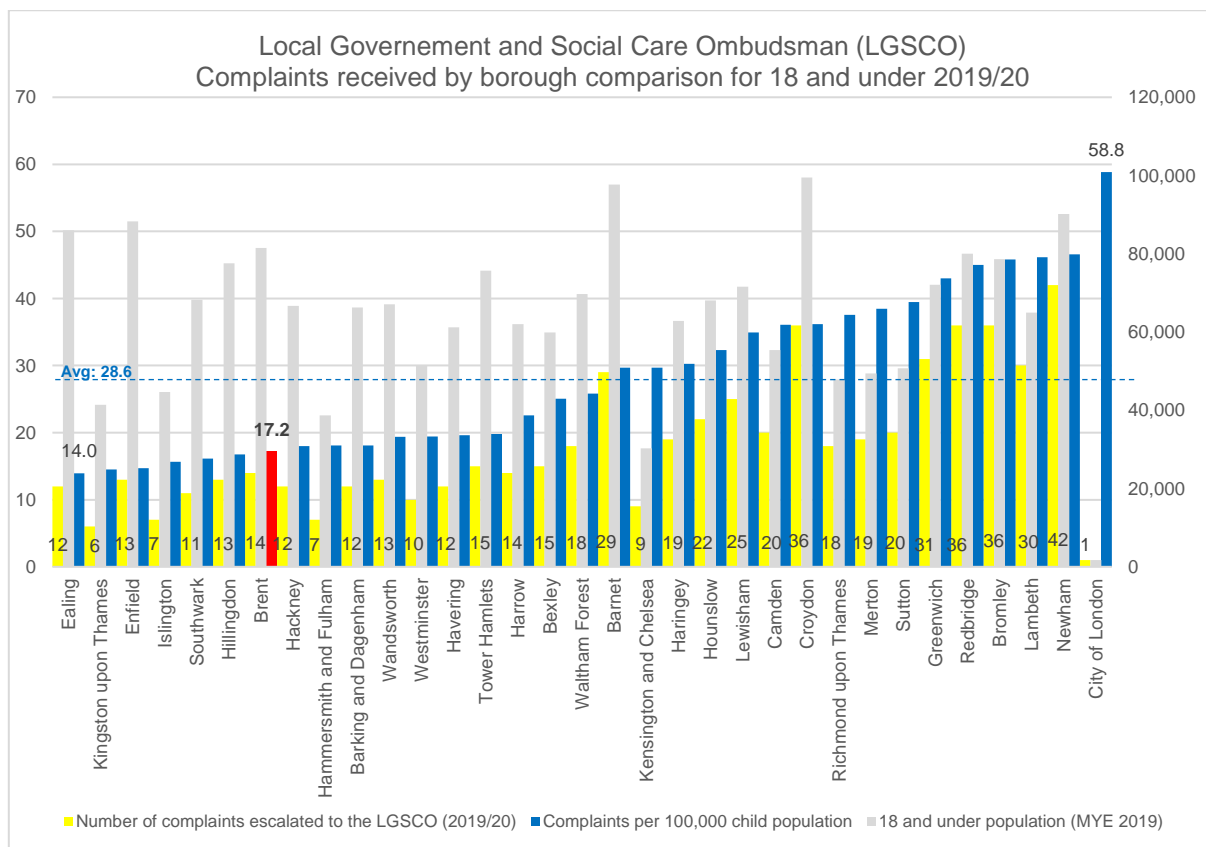
11.2 The complaint related to the handling of a safeguarding investigation. The complaint had been investigated through the statutory three stage process and the Council followed the findings and recommendations outlined by the process. The Ombudsman did not reinvestigate the issues the complainant complained about and was satisfied that there was no fault in how the investigation was undertaken, and the remedies identified through the process were judged to be sufficient. The Council took some learning points from the complaint listed below:

- The Council should investigate the possibility of a reciprocal arrangement with another Council around Stage 1 investigations where staff members are involved.
- Staff training and guidance will arranged around identifying and recording family strengths in reports to give a more rounded view.

## 12. Benchmarking

12.1 Brent Council belongs to the North West London Social Care Complaint managers group. As a result of the Covid-19 pandemic, it has been difficult to gather benchmarking data. Instead data has been gathered from a number of different sources including the Local Government and Social Care Ombudsman and the Office of National Statistics. The graph below illustrates the number of complaints received against size of population of children within each borough. The average for all London Councils is 28.6 per 100,000 population whereas Brent is at 17.2.

12.2 This means that Brent Council is 7<sup>th</sup> lowest for complaints received by the LGSCO when compared to its projected population in 2019 of children 18 and under. There were 14 complaints escalated to the LGSCO in relation to Education and Children’s Services. The estimated population for children 18 and under within Brent for mid-year 2019 was 81,500. When factoring complaints received per 100,000 children population this is relatively good and lower than other boroughs.



### 13. Compliments

13.1 The service learns from both complaints and positive feedback. Children’s Social Care logged 11 compliments on the Council’s complaints and compliments database. Managers are encouraged to log any compliments they receive. Below are examples of some of the compliments received in 2019/20.

- **Localities (Children with disabilities)**

*“I would like to thank you both for your all your help, responsiveness and hard work done on behalf of xxxx.  
Hopefully his progress will be onward and upwards from here on in and in due course we will see him attending his health appointments and in education.”*

- **Localities (Children with disabilities)**

*“I would like to compliment how xxxx has worked with us and taken the time to listen to our needs. We want the very best for our son in life and would like him to access community life as much as he can.*

*xxxx has answered all our queries and has come back to us quickly with any questions we have.*

*We do hope we can continue to work collaboratively to ensure the best for our son.”*

- **Safeguarding and Quality Assurance (Child Protection)**

*“I want to thank you for all the work that you've done. I've worked with 3 different social workers including yourself, in two different boroughs and I can truly say I felt really supported whilst dealing with you.....You've always made xxxx feel comfortable, and have always interacted well with him. To the point where he gets excited every time we go to the office. I also want to thank xxx, she has also been very supportive, always been straight up with me and has given me good advice. Last but not least, a big thanks to xxxx who has been there from the start. She's seen how xxxx has grown from a baby to the boy that he's is now and it has been a pleasure working with her.”*

- **Localities (Children with disabilities)**

*“I should like to thank you for all your support in ensuring a smooth and successful transition for xxxx.*

*As you very much aware this was highly complex and challenging and we felt very frustrated with the lack of progress until your intervention when everything was dealt with promptly and professionally.*

*I am confident that xxxx is in a placement that will help him to develop as a young man and can only express my sincere gratitude for your full cooperation and support.”*

## 14. Learning from Complaints

14.1 Lessons learnt from complaints can help shape and improve services and the customer experience. There is a commitment in CYP for managers and staff to use this learning to improve outcomes for service users.

14.2 Examples of how the learning points from complaints helped to improve services are provided below:

Learning From Complaints	Service Improvements
The Council should review the case closure procedure, resulting in decisions to close cases involving care leavers so that they are monitored effectively.	The Head of Service was asked to review the current procedures and changes were implemented.
Responses should acknowledge the difficulties and show an understanding of how complainants are affected by the issues and that with any young person the Council should be looking at how we can resolve the complaint.	Complaint Service team have a programme of training sessions with managers and staff and addressing stage one complaints will be part of the training provided.

Learning From Complaints	Service Improvements
<p>The Council to ensure young people are correctly supported to find suitable accommodation which meet their presenting needs and takes account of known risk factors in regard to location.</p>	<p>The Local Authority has recently updated its 'Sufficiency Strategy', a document that sets out how appropriate accommodation for children in care and care leavers is sourced and quality assured to ensure that, wherever possible, accommodation and placements meet all of the needs of the young person. A recent initiative with Barnardo's has established a quality assurance project that will work with semi-independent placement providers to help them improve the quality of their work with young people.</p>
<p>The Council to ensure it has a clear published policy as to how young people in Staying Put Arrangements will contribute to their accommodation and living costs within their foster home.</p>	<p>An updated policy that sets out more clearly the expectations of care leavers and former foster carers will be published on the Brent website by the end of 2020 and produced jointly with Care Leavers in Action, the organisation run for and by care leavers to promote their rights and views to the Council.</p>
<p>Managers to ensure they respond to Stage 1 complaints within the required timescale and actions stated they will undertake are delivered.</p>	<p>The Operational Director receives a weekly update from the Complaints' Service regarding open cases and works directly with the relevant Head of Service to ensure that timescales are met. The Head of Service now also reviews the actions that his managers commit to in their responses to ensure there is effective follow up.</p>
<p>Problems with identifying placements for children</p>	<p>The placement team are using the WLA DPV to search for residential placements. Commissioning officers are building relationships with a small number of providers so that they will support the LA when emergency placements are required.</p>