

Complaints Annual Report 2020 – 2021

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 during 2020/21 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 2020 and 31 March 2021 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 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.

2.4 The Council will accept complaints in any format, through contact with the Complaint Service Team, 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 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 dissatisfied 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 Children and Young People (CYP) who makes the final decision on the complaint.

3. Headlines

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

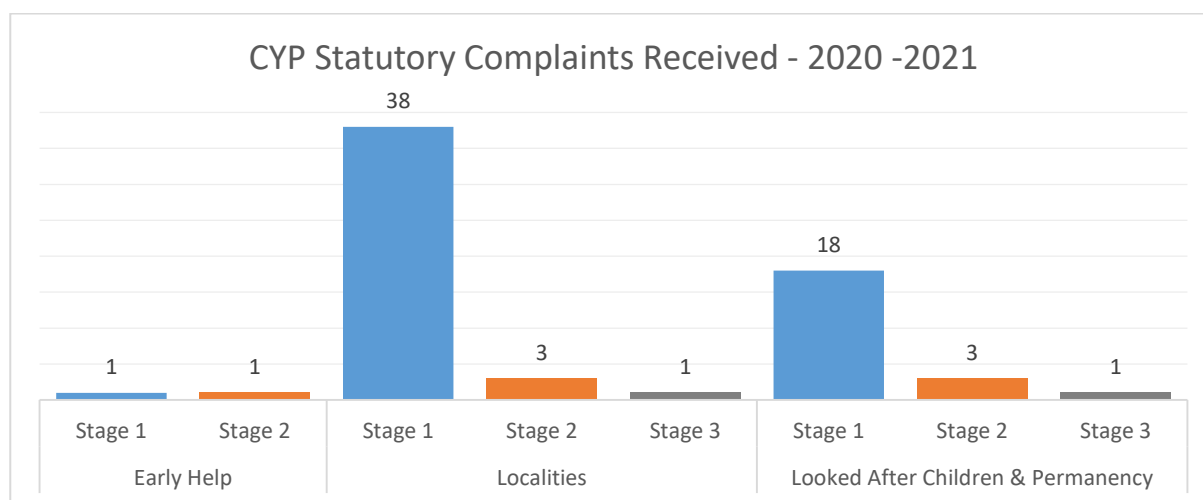
- Stage 1 statutory complaint numbers decreased by 51% in 2020-21
- the service received 57 statutory Stage 1 complaints in 2020/21
- there is a 12% escalation rate to Stage 2 for statutory complaints. This is consistent with previous years
- 60% of Stage 1 statutory complaints were responded to within target in 2020/21 (compared with 77% on time in 2019/20)
- £9,050 was paid in compensation for the period 2020/21 on eight cases, up from £8,150 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 2020/2021, Children’s Social Care received 3,861 referrals and completed 3,304 Child & Family Assessments. As of 31 March 2021, the Council had 2,694 open children in need cases and 280 children were the subject of a child protection plan. There were 288 looked after children and the Council had 416 care leavers aged 18-25 in receipt of services.

5. Complaints Received

5.1 Brent Council CYP received a total of 57 Stage 1 statutory complaints in 2020/21, significant decrease of 51% from last year (117 complaints). There were seven Stage 2 requests received and two Stage 3 panels convened.



5.2 The number of complaints received at Stage 1 for Looked after Children and Permanency has decreased significantly by 64% (33 complaints) from 2019/20 and complaints received for Localities decreased by 32% (18 complaints). Early Help received one complaint which is comparable to last year.

5.3 The Localities service accounted for 38 complaints, 67% of the total number of Stage 1 complaints received. These are split between East Localities, West Localities, Children with Disabilities and Mash/Family Front door/NRPF. These complaints concerned communication and attitude of social workers, reports and records, and information contained within assessments. The amount of complaints received are split evenly between East Localities (13 complaints) and West localities (14 complaints). These teams are involved with public law 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 social workers. The Children with Disabilities team received 11 complaints in 2020/21. These cases commonly related to communication and information contained within records and reports.

- 5.4 Looked after Children accounted for 18 complaints, 32% of the total number of Stage 1 complaints received. This is a reduction of 15 percentage points when compared to the proportion of complaints that related to Looked after Children in 2019/20. The complaints received are spilt between Care Planning, Young People in Care, Fostering and Adoption and Kinship. The majority of complaints concerned children leaving care and were made by the young person. In these cases, the Complaint Service team will offer and provide an advocate to the complainant if they require. There is a better awareness of the complaint process amongst service users and this does need to be considered in the context of the work which is 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 questioning and complaining about their rights and entitlements.
- 5.5 The Council received one Stage 1 complaint in relation to Early Help during 2020/21, this concerned dissatisfaction about the involvement of the keyworker and team manager with the family.
- 5.6 The Council received seven Stage 2 requests in 2020/21, compared to thirteen in 2019/20. This is a decrease of 46% on the previous year. However, the escalation rate to Stage 2 in 2020/21 is 12%, 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 2020/21 the Council received two requests for Stage 3 panels, and four panels were held during the year. A summary of the complaints that resulted in a Stage 3 Panel has been provided at point 9.4.

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 all the statutory children’s Stage 1 complaints received, the team received 60% by self- service online, 35% by email, and 5% by telephone. 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 provided a telephone number on the web site especially for children’s social care complaints but self-service online seems to be the preferred option for complainants. There are three options to log complaints online: anonymously, unregistered or registered on the customer portal which allows complainants to log and monitor the progress of their complaints all in one place.
- 6.2 The Council has limited information about the ages of complainants. 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. Although the new system currently does not record equalities information, work is being done so the system can capture this data going forward. The Complaints team will continue to record equalities information where available.

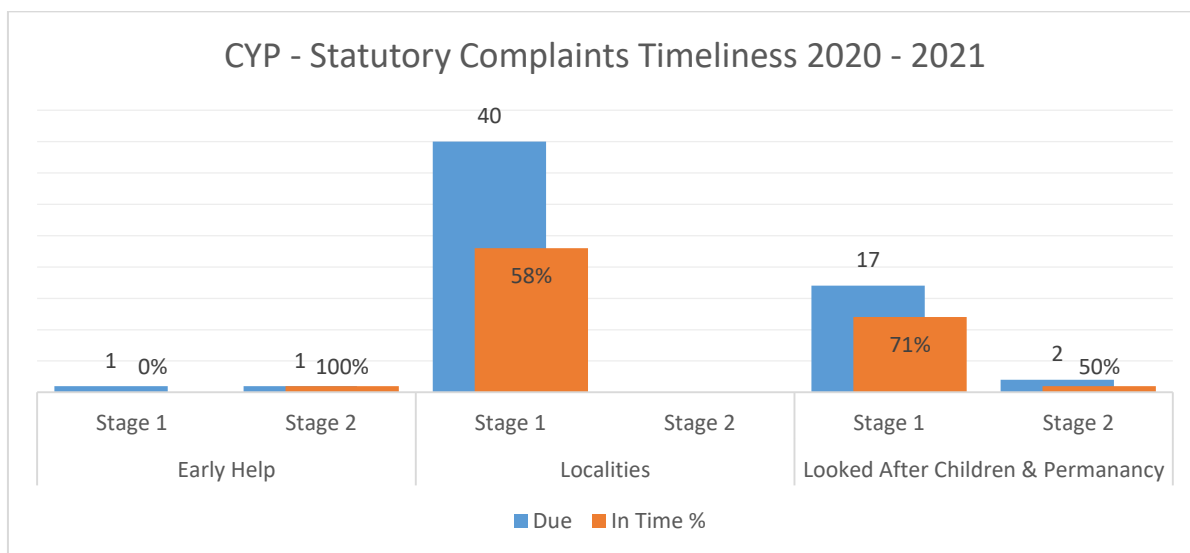
7. Nature / Reasons for Complaints

- 7.1 The main reason for complaints received in 2020/21 related to communication. Complainants felt that they were not kept informed/updated on matters or decisions. The majority of complaints where communication was identified as a root cause were “upheld” or “partially upheld”. This demonstrates the need for improvement in engaging with parents and young people to ensure good relationships are created and ensuring they are updated and kept informed where necessary.
- 7.2 A number of complaints also related to social workers and their behaviour or attitude. 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 then blame the social worker for colluding with the other parent.
- 7.3 Complaints concerning parents who are in a conflict situation in regards to access and care of their children are rising. 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 had not communicated with them early enough. This has been a problem for social workers trying to find a balanced course through these relationships.
- 7.4 The majority of complaints where communication has been classified as a root cause, have been upheld. 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. This also relates to changes in social worker disrupting the communication with the families.
- 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. There have been a number of comments about social workers where the family member perceives bias, leading to complaints concerning the alleged impartiality of assessments.
 - **Poor communication** - upon completion of a Child and Family Assessment, or reports to the ICPC, social workers had not kept all the interested parties up to date with the completed assessment and reports.

- **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 61% of all children's statutory complaints within the appropriate timescales. This is a fall of 12 percentage points compared to the previous year, and is below the Council's target of 100%.



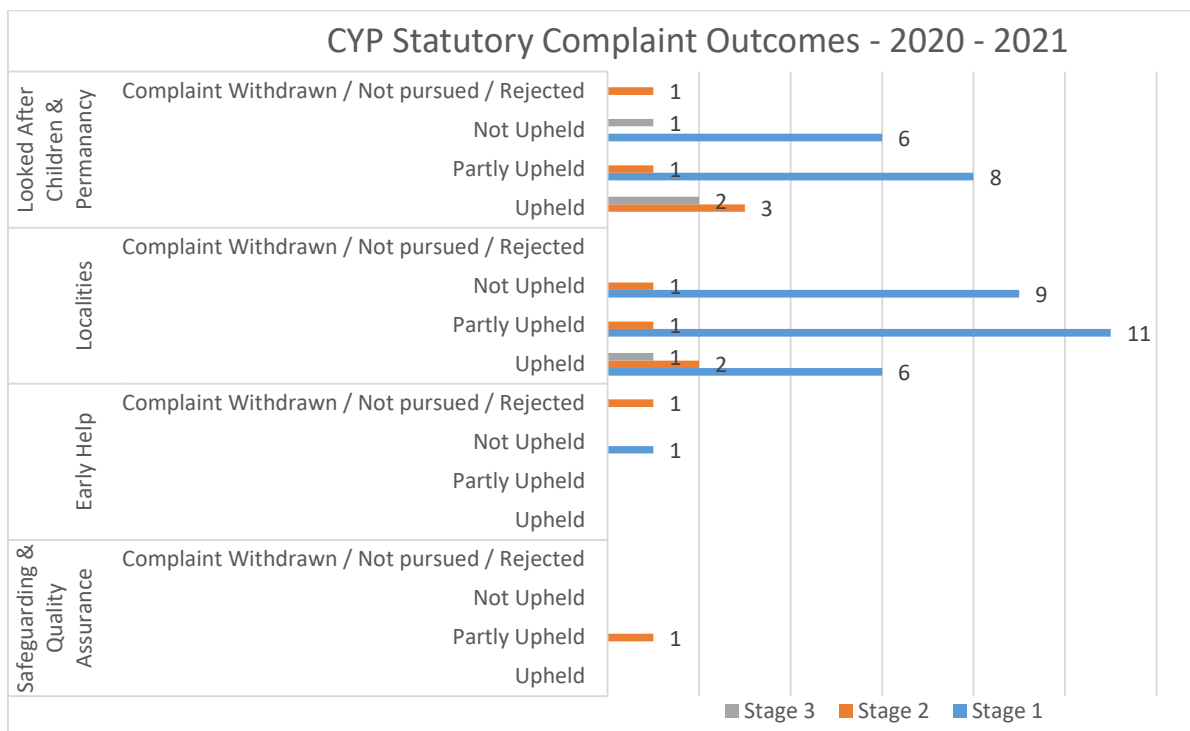
8.2 One of the reasons for the dip in responsiveness was due to the Covid-19 pandemic, where staff have had to adapt to new ways of working during the pandemic and there have been a number of absences in staff.

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 The performance rate at Stage 1 was 60%, with 35 out of 58 complaints responded to on time, whereas the performance rate for Stage 2 complaints was 67%, 2 out of 3 investigations completed 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, Stage 2 and Stage 3 in 2020/21 that have been recorded on the Council's case management system.



9.2 The key findings are:

- Of the 41 cases at Stage 1 where outcome data was available, the Council found some merit in 64% of complaints, with 25 complaints either upheld or partly upheld. This is an 18 percentage point increase on the previous year, 2019/20. A 'Not Upheld' outcome was decided in 16 cases at Stage 1. Service areas continue to show a willingness to admit errors or mistakes and to remedy concerns raised.
- The Council closed 11 Stage 2 statutory complaints during 2020/21. Two complaints were either withdrawn, not pursued or rejected at this stage. Only one complaint was not upheld, which accounted for 9% of the overall complaints closed in 2020/21. The majority of complaints at Stage 2 were upheld or partly upheld (78% of complaints). This is 10 percentage points less than the amount of complaints upheld or partly upheld at Stage 2 last year.
- In 2020/21 four Stage 3 panels were completed, of which 3 were upheld and one was not upheld. The upheld cases account for 75% of all cases closed during this period.

Stage 2 Complaint Analysis

9.3 Detailed below is a summary of the cases that were escalated to Stage 2 and a detailed investigation was undertaken. There were some learning points and service improvements that were identified and these have been summarised at point 14 – Learning from complaints. The Council wishes to learn from its complaints and improve the service it provides.

- Case 1 – This concerned a family interacting with social workers in the Localities team, as there were concerns for the protection of their children.

There were 13 complaints in total, and in the majority of the complaints some fault was found. The issues in the complaint related to the complaints process and quality of practice. Recommendations included:

- Audit Programme to look at quality of social work practice
 - Briefing around obtaining consent from parents and carers
 - Staff to be reminded how to effectively communicate through electronic means
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- Case 2 – This complaint concerned a Looked after Child (LAC), and whether they had been classified correctly as a LAC in 2010 and received relevant services since then. There were eleven complaints in total and some fault was found in one complaint. The fault related to the delay in dealing with the complaint, although we were trying to resolve the issues for the young person at the time.
 - Case 3 – This concerned a care leaver and the support they had received from the Looked after Children’s service. There were 21 complaints of which some fault was found in six complaints. The LAC service agreed to review the Pathway Plan; ensure savings are paid in full to all care leavers and further consultation with the virtual school.
 - Case 4 – This complaint concerned a care leaver and the support they had received from the Looked after Children’s service. There were twelve complaints of which fault was found in two complaints. The complainant believed he was owed further savings and there were differences around expenditure. The complainant was advised that they had received all savings and Personal Advisors were reminded to keep clear communications around expenditure and bills.
 - Case 5 – This complaint concerned the completion of a child and family assessment and whether the children should be considered as children in need. There were fourteen complaints of which all were upheld. It was agreed that all factually incorrect information would be removed from the child and family assessment file, accurate records need to be maintained and minutes taken of meetings.
 - Case 6 – This complaint concerned the Council sharing a test result with the service user. There were three complaints of which fault was found in all three complaints. The Council agreed that we should share reports and officers were reminded of this.
 - Case 7 – There were two complaints received from the parents which concerned their son being placed with the Council under a section 20. There were over forty-three individual complaints. Two investigations were completed which concerned their son’s placements, communication with the Council and the parent’s expectations of the Council in looking after their son. The majority of the complaints were upheld and compensation was offered together with an apology.
 - Case 8 – This complaint concerned a request for assistance for the family following the release of an abusive boyfriend from prison. The family requested

help to move out of the borough, away from the abusive boyfriend. There were eight complaints of which six complaints were upheld and two had no finding. There were delays in dealing with the request. The council apologised and offered compensation for the failures in service.

- Complaint 9 – This complaint concerned an acrimonious split in relationship in which the complainant was unhappy that the Localities service would not investigate his allegations against his partner. There were four complaints and none were upheld as satisfactory steps had been taken in this matter.

Stage 3 Complaint Analysis

9.4 There were four Stage 3 review panel adjudications during the year:

- Case 1: This concerned the placement of a young person and communication with the parents. There were 43 complaints considered in the investigation. The Panel amended a number of decisions from No finding to Not Upheld and Partially Upheld to Upheld. The adjudicating officer considered the findings of the Panel and agreed with their decision. Compensation was increased from £600 at Stage 2 to £1,300 at Stage 3.
- Case 2: This concerned the child protection process and the support for the family. There were 13 complaints investigated at Stage 2 and the Panel considered 3 complaints that had not been upheld. The Panel decided that one complaint would be amended to upheld whilst the remaining two would remain as not upheld. There were no further recommendations
- Case 3: This concerned a young care leaver who in 2007 had been accepted under section 17 of the Children Act 1989, but stated they should have been accepted under section 20. However, since engaging with the Council in 2015, the Council had been providing support. There were 8 complaints considered in the Stage 2 investigation of which only one complaint was upheld. The panel agreed that the young person should have been accepted under section 20 and amended a further three complaints to upheld and the remaining complaints were unchanged. As the complaint was so old there have been a number of changes in practice in the intervening years. The Council awarded £2000 compensation.
- Case 4: This concerned a care leaver who had complained about the support they had received. The Panel decided to change one decision to partially upheld in regards to how the complaint was dealt with initially and for a short period of time when the case had been closed. The remaining complaints were unchanged.

10. Local Government and Social Care Ombudsman (LGSCO) Decisions in 2020/21

10.1 There were fourteen complaints escalated, and nine decisions made by the LGSCO during the year, of which seven cases were referred back to the Council to process through our own complaint process. One case was “Not Upheld” and one case closed without any action.

10.2 There were no children’s statutory complaints upheld in 2020/21. This is an improvement from last year, where one complaint was upheld by the LGSCO.

11. Compensation

11.1 Children’s Social Care paid out £9,050 in compensation in 2020/21 on eight cases. This is a significant increase of £4,880 from 2019/20. This breaks down as follows:

- £500 was offered in one case at Stage 1 of the statutory complaint procedure.
- A total of £5,850 was paid out at Stage 2 in five cases which consisted of:
 - £500 awarded for time and trouble
 - £800 for delays in addressing complaints
 - £1,050 service failures
 - £2,000 for distress
- Compensation was awarded in two cases at Stage 3 of the statutory complaints process. In one case £2,000 was awarded, which took into account the Council’s failure to consider the complainant under section 20 of the Children’s Act 1989 as a Looked after Child for a period of time. In the other case £700 as an additional consideration of compensation that had already been awarded at Stage 2. This gives a total of £2,700 for Stage 3 compensation.

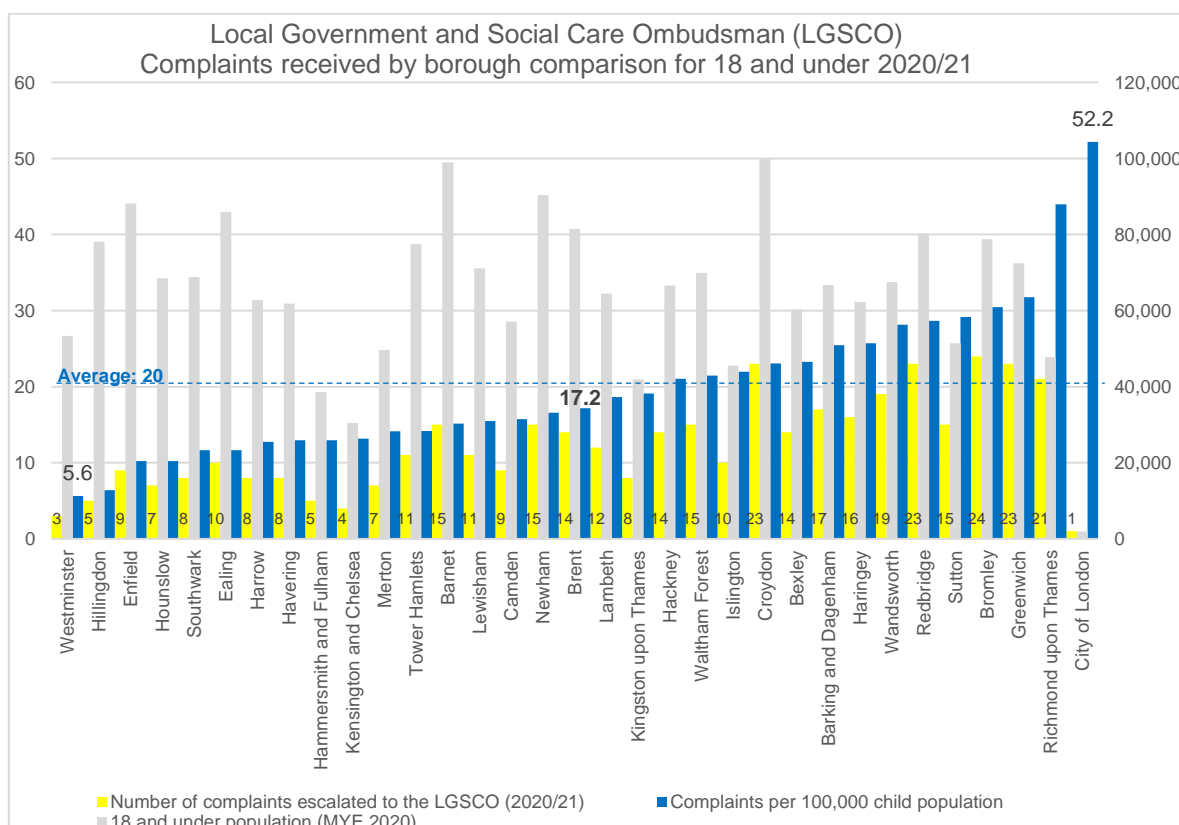
Children’s Social Care	Amount
Stage 1	£500
Stage 2	£5,850
Stage 3	£2,700
Ombudsman	£0
Total	£9,050

12. Benchmarking

12.1 Brent Council belongs to the North West London Social Care Complaint managers group. The majority of London Councils have confirmed that the number of children’s statutory complaints received have decreased, with the Covid-19 pandemic being the likely cause. During 2020/21 the Local Government and Social Care Ombudsman (LGSCO) stopped accepting new complaints from March to June 2020. However comparative data has been provided below on those cases that were received by the by the LGSCO during 2020/21 in relation to Children and Young People. Data has also been provided from the Office of National Statistics to illustrate the number of complaints received against size of population of children within each borough. The average for all London Councils is 20 per 100,000 population whereas Brent is at 17.2.

12.2 This means that Brent Council is performing slightly better than average for complaints received by the LGSCO when compared to its projected population in 2020 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 2020 was 81,501. When factoring complaints

received per 100,000 children population this is relatively good and consistent with the previous year.



13. Compliments

13.1 The service learns from both complaints and positive feedback. Children’s Social Care logged 31 compliments on the Council’s complaints and compliments database. This is an increase of 20 compliments compared to last year, in which 11 compliments were recorded. Managers are encouraged to log any compliments they receive. Below are examples of some of the compliments received in 2020/21.

- **Localities - East**

“Firstly I would like to say many thanks to yourself for allocating xxx to my case after the traumatic time I had, I feel that your decision was the best that could of came out of that situation and I’m extremely thankful for all your part in my case and taking the time to understand me meant more than you will ever know. Secondly I would like to just tell you how wonderfully happy I am to say xxxx is not a child subject to child protection any more that gives me the most joy and again thank you for your part in this. Lastly I would like to say to you how wonderful xxx is, if the ss team had more people like yourself and xxx the world would be a better place and I can’t thank her enough for everything literally everything and I never thought I would say this about a social worker but I will miss her eventually when she will have to go but on behalf of myself and xxxx many many thanks.”

- **Looked after children**

“I thought you would like to know that as usual I was really impressed with the work xxxx has been undertaking on this case and the care she took to ensure that all relevant information was available prior to the Review. All Review participants were complimentary about xxxx's inclusive approach which they valued. She works very hard at keeping everyone updated with xxxxx's progress and developments affecting her. Her case recording reflects this. She has particularly worked at engaging xxxx's mother who has previously found it very difficult to work with Social Workers. xxxxx's mother explained that xxxx 'is the best Social Worker we've had-she's approachable and keeps me up to date. She involves me when making decisions about xxxx. Other Workers have not done this'

- **Looked after children**

“xxxxx you've made me cry, that letter I'll keep till the day I die u mean so much to me and I know I don't show it but I'm so grateful for you. You're the only person that has stuck by me and had so much faith in me that I was gonna make it. Look at where I am now thanks to you. If I never had you in my life xxxx I'll still be the same xxxx but you've made me realise how to be an adult even tho I grew up fast, I just needed to know the right way in life and u taught me. You've been a mother to me and I appreciate that so much coz you took me on like I was your own and I trust you with all my heart and I'll always care about u xxxx your the person that's made me who I am and even myself. I'm happy that now I'm 18 I get to start my new chapter of life and here I go into the big world. Thank you so much xxxx for everything I wouldn't make it without you, love you and I'll still contact you even when I'm 23 lol. Thank you xxxxx your the best Social worker ever the next person that's gonna have u they better be grateful lol keep well x”

- **Looked after Children**

“I would like to bring to your attention the level of support my personal advisor has provided me over the past six years.

I am a care leaver, currently studying at University. It is difficult to manage the feelings of isolation associated with this, since I do not have family to lean on. However, my PA has always been there for me, going above and beyond to ensure that I am comfortable, secure, and cared for. They have got me through difficult times with their words of wisdom and encouragement. Have fought for me to be able to have the opportunity to study a semester abroad at the University of xxxxx.

More recently, they worked tirelessly to organise a semi-independent placement for me, allowing me to focus on my studies free from disruptions. My PA helped me move from a highly stressful environment in xxxxx to a safer and more peaceful one in London, and I cannot thank them enough for that; for sincerely keeping my needs and interests at heart. More importantly, they treat me like one of their own daughters, and that is an invaluable gift I cannot appreciate enough.”

- **Localities - CWD**

“When we approached in November 2019 we were in a desperate state as the behaviour had drastically changed since adolescence. There has been a change from a happy boy into someone who was not coping with the changes to his body, which also impacted on his learning difficulties and autism. His behaviour on a daily basis was unpredictable and his school, which, only recently had high hopes for him, felt they could no longer accommodate this behaviour.

He started to destroy belongings and things around the house, which led eventually to breaking point, when he became violent towards us, which was something that had never happened before.

We believe that without the constant communication and support from you, and xxx our family would have completely broken down and we very much appreciate your concern for the situation and especially the detrimental effect it was having on xxxxx. Moreover, we very much appreciate the introduction of XXXX and his team in January to look after xxxx on a more regular basis, which quickly stabilized his erratic behaviours.

Previously xxxxx was not happy with the constant change of his carers, as he does not deal well with change that the last council had put in place, which made him much more challenging. Thank you again for everything- we appreciate every bit of support you have given us! “

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 consider how it deals with the standard of placements for children.	CYP are working closely with the West London Commissioning Alliance to improve and sustain standards around placements. A forum for semi-independent providers has been established to improve standards of provision within the borough.
Complaint 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 1 complaints is part of the ongoing work.

Learning From Complaints	Service Improvements
<p>There have been complaints concerning communication with service users around emails and texts.</p>	<p>Staff have been briefed on how to effectively communicate with families using electronic means.</p>
<p>In cases where consent is required from someone with parental responsibility before initiating work, it is important to ensure sure both sides understand what actions are being taken and why.</p>	<p>The Safeguarding and Quality Assurance service to produce a briefing for staff on this area to make sure professionals apply the same standard consistently.</p>
<p>Complaint concerning the completion of child and family assessments and reports.</p>	<p>Ensure supervision occurs between social worker and team manager on a monthly basis. Regular performance reporting to senior managers enables oversight of this process.</p>
<p>Problems with identifying suitable placements for children</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>