

Complaints Annual Report 2021 – 2022

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 2021-2022 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 2021 and 31 March 2022 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 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 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 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 there is a need for a number of external organisations to be consulted.
- **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 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 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 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 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 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.

3. Headlines

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

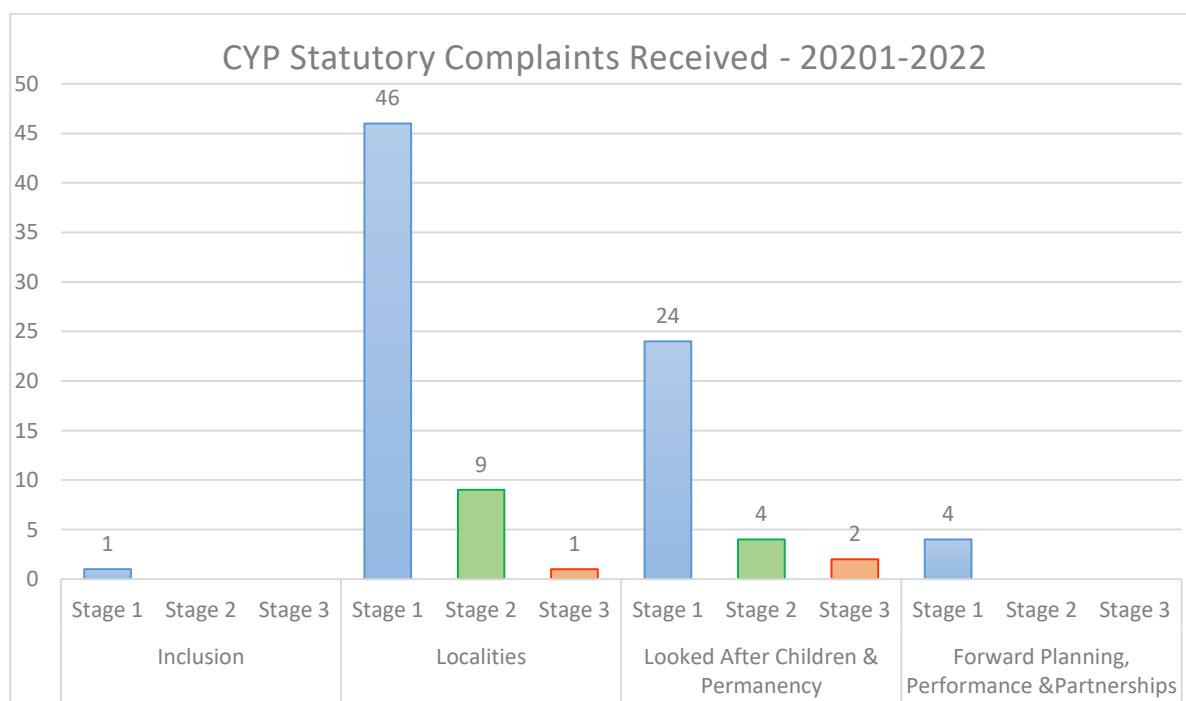
- Stage 1 statutory complaint numbers increased by 32% in 2021/22
- The service received 75 statutory stage 1 complaints in 2021/22
- There was a 17% escalation rate to stage 2 for statutory complaints - 5% higher than for previous years
- 63% of stage 1 statutory complaints were responded to within target in 2021/22 (compared with 60% in 2020/21)
- £700 was paid in compensation for the period 2021/22 on five cases, down from £9,050 paid in the previous year.

4. Children’s Social Care Service Users

To put some context to the volume of complaints received in 2021/2022, Children’s Social Care received a total of 4,669 referrals and completed 3,644 Child & Family Assessments. As of 31 March 2022, the Council had 3,002 open Children in Need cases and 374 children were the subject of a Child Protection Plan. There were 341 Looked After Children and the Council had 430 care leavers aged 18-25 in receipt of services.

5. Complaints Received

5.1 Brent Council CYP received a total of 75 stage 1 statutory complaints in 2021/22, an increase of 32% from last year (57 complaints). There were 13 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 increased by 33% (6 complaints) from 2020/21, and there was also an increase of 21% (8 complaints) received for Localities. Forward Planning, Performance and Partnerships received four complaints whereas last year they received none. Inclusion received one complaint in 2021/22.
- 5.3 The Localities service accounted for 46 complaints, 61% 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 the communication and attitude of social workers, reports and records, and information contained within assessments. The amount of complaints received for East Localities was 17 and West Localities 12. These teams are involved with public law child protection cases as well as dealing with families going through private law proceedings where there is often parental conflict and one parent can be unhappy with decisions made by social workers. The Children with Disabilities team received 14 complaints in 2021/22. These cases commonly related to communication and information contained within records and reports.
- 5.4 Looked after Children accounted for 24 complaints, 32% of the total number of stage 1 complaints received. This is a notable increase compared to 2020/21 where 18 stage 1 complaints were recorded. The complaints received are split 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 themselves. In these cases, the Complaint Service Team will offer and provide an advocate to the complainant, should this be required. Awareness of the complaint process amongst service users has got better so this does need to be taken into consideration when looking at the increased levels of complaints. Additionally, there has been improved communication with care leavers about their rights and entitlements which has led to some carers complaining about these rights and entitlements.
- 5.5 The Council received one stage 1 complaint in relation to Inclusion during 2020/21, however this case was rejected as the complaint was logged anonymously.
- 5.6 The Council received 13 Stage 2 requests in 2021/22, compared to 7 in 2020/21. This is an increase of 86% on the previous year.
- 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 2021/22 the Council received three requests for Stage 3 panels, and two 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 Complaint Service Team for triaging. Of all the statutory children's stage 1 complaints received, the team received 76% by email, 18% by self-service online, and 1% by telephone. There has been a noteworthy shift from last year whereby 60% of complaints were made via the online portal, 35% by email and 5% by telephone. The CYP complaint legislation explicitly states that the Council must receive complaints by any means.

- 6.2 The varied methods 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.
- 6.3 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 to ensure it can capture this data going forward. The Complaints Team will continue to record equalities information where available.

7. Nature / Reasons for Complaints

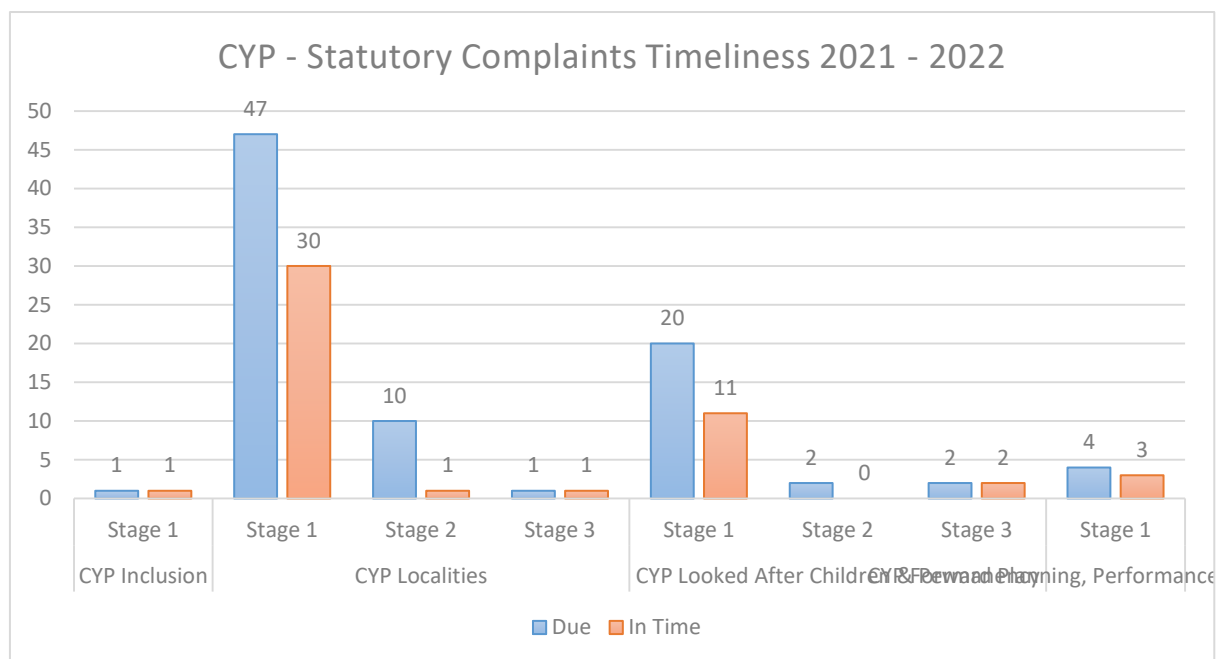
- 7.1 The main reason for complaints received in 2021/22 related to communication which remains a familiar theme from last year. Complainants felt that they were not kept informed/updated on matters or decisions. The majority of complaints where communication was identified as a root cause were "upheld" or "partially upheld". This demonstrates the need for further improvement when engaging with parents and young people to ensure good relationships are established and they are updated with pertinent updates as 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 typically 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 one parent disagrees with a decision that has been made, and subsequently blames 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 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 failed to communicate with them at an early enough stage in proceedings. This has been a problem for social workers trying to find a balanced approach 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 in relation to some of the decisions made by staff including a perceived bias in the reports which favour their partners. This also relates to changes in social worker disrupting the communication with the families.
- 7.5 Complaints handling training will be delivered to all relevant staff members within CYP departments. The training will also include trends analysis from previous complaints and key learning points and improvements.

7.6 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.
- **Poor communication** - on completion of a Child and Family Assessment, or reports to the ICPC, social workers had not kept all the interested parties updated 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 which may not have been up to standard. This suggests growing awareness of care leavers knowing what they are eligible for and entitled to, as well as having a greater willingness to challenge decisions.

8. Timeliness of Responses

8.1 The Council responded to 56% of all children's statutory complaints within the appropriate timescales. This is a fall of 5 percentage points compared to the previous year, and is below the Council's target of 100%.

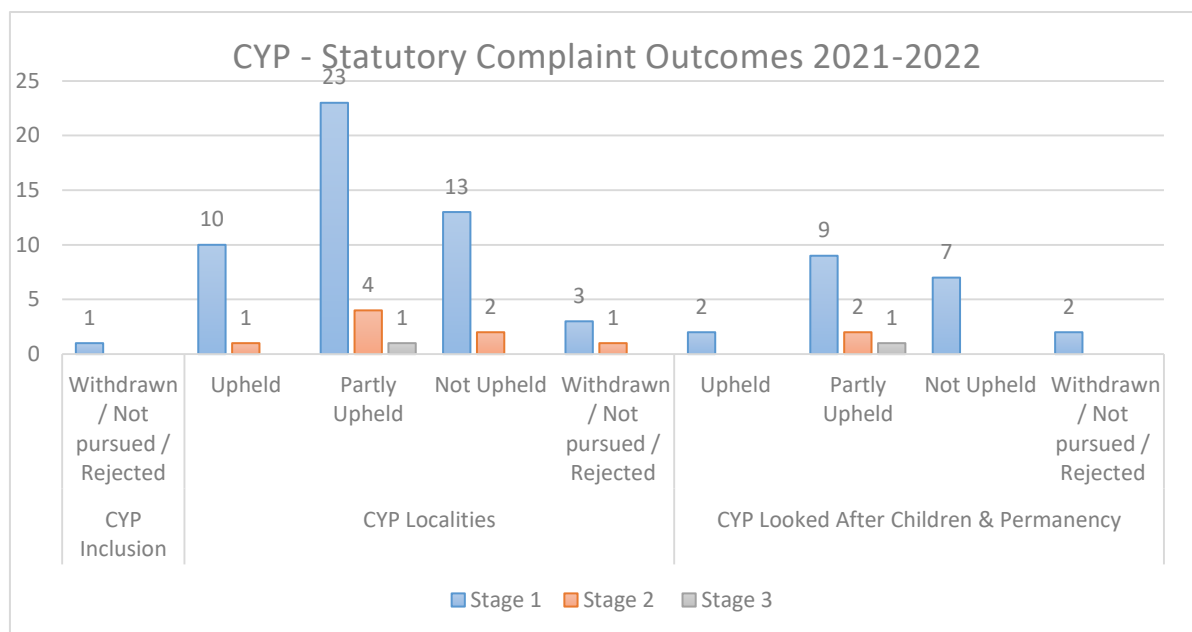


8.2 It is important to note that the statutory children's complaint legislation allows the Complaint Service Team to extend the target deadline by 10 working days in complex cases.

8.3 The performance rate at stage 1 was 63%, with 45 out of 72 complaints responded to on time, whereas the performance rate for stage 2 complaints dropped significantly due to a peak in the amount of complaints received; an increase of 10 cases compared to last year. Of the 13 cases received at stage 2, only 1 was 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 2021/22 as recorded on the Council's case management system.



9.2 The key findings are:

- Of the 70 cases closed at stage 1 during 2021/22, the Council found some merit in 63% of complaints, with 40 complaints either upheld or partly upheld. This is consistent with the previous year. A 'Not Upheld' outcome was decided in 20 cases at stage 1 and 6 cases were 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 13 stage 2 statutory complaints during 2021/22. One complaint was resolved at this stage and therefore closed as 'not pursued'. Two complaints were not upheld, which accounted for 15% of the overall complaints closed in 2021/22. The majority of complaints at stage 2 were upheld or partly upheld (78% of complaints). This is comparable with the amount of complaints upheld or partly upheld at stage 2 last year.
- In 2021/22 two stage 3 panels were completed, both were partly upheld. The upheld cases at all stages account for 65% of all cases closed during this period.

10. Analysis and Learning from Complaints

- 10.1 Lessons learnt from complaints can help shape and improve services and the customer experience. There is a commitment within CYP for managers and staff to use 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. Learning points and service improvements identified have been summarised at point 14 – Learning from complaints. The Council wishes to learn from its complaints and improve the service it provides.
- Localities had 5 stage 2 investigations, one of which was withdrawn. The general theme around these complaints concerned interactions with social workers and concerns around poor documentation and timeliness. The recommendations that resulted from these complaints included:
 - Better signposting to how processes are followed
 - Clear information provided in a timely manner
 - Children with Disabilities (CWD) – One of the cases concerned a family interacting with social workers in the CWD team and a failure on the part of officers to properly support their child. There were 7 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:
 - Staff and managers within CYP should ensure that information relating to parents' invitations to Children in Need meetings is clearly held within the case records so that an audit trail can be provided which clearly demonstrates invitations were sent to parents and other key members of the network.
 - CYP to put in place a protocol which guarantees that staff and managers ensure parents are informed in a timely manner, both verbally and in writing, when there is a change in worker.
 - Looked after Children and Permanency had two stage 2 investigations – These cases concerned children who were in foster care or placement. Recommendations included:
 - The Council to come to a view as to how they address the issue of covert audio recordings which may contain information in regard to the safety of a child. This has been a reoccurring issue and Children Services has sought legal advice and implemented an appropriate policy.
 - Social worker's to ensure that they make thorough and detailed recordings of significant events within the case records and escalate such matters, as required.
 - Clear notes regarding actions and due date as well as ensuring details of changes in payments are shared in writing.
- 10.3 There were two stage 3 review panel adjudications during the year:

- Case 1: This was in relation to a Child Arrangement Order; there were reported concerns for the welfare of the complainant's child. However, Children Services found no safeguarding concerns and the case was subsequently closed. The complainant was unhappy with the social worker tasked with completing the Section 37 report and raised a number of concerns. In total, there were 8 complaints considered as part of the investigation. The Panel amended two of the decisions from not upheld to upheld and no finding. An apology was offered to the complainant at this stage and recommendations were thereafter implemented.
- Case 2: This concerned a Looked After Child who felt they were not supported during their time in care. As part of this investigation, 11 complaints were considered. The Panel amended 5 of the outcomes; 3 to partly upheld and 2 to no finding. An apology was offered and no further recommendations.

10.4 The CYP leadership team is committed to learning from complaints and this learning is tracked through the Practice Improvement Plan. Practice improvement initiatives based on learning from complaints have included drafting and implementing a Digital Recording Policy and guidance on working with families with children who are subject to Supervision Orders. The CYP Learning and Development Team integrated learning regarding working with interpreters into our training offer and developed a learning tool on the impact on children who interpret for their parents. The CYP Learning and Development Team has also developed workshops on preparing for Child Protection Conferences with a focus on improved communication and engagement with families. The impact of the actions are reviewed through audit activity and practice observations to ensure the service users are benefiting from the lessons learned.

11. Local Government and Social Care Ombudsman (LGSCO) Decisions in 2021/22

11.1 There were fourteen corporate and statutory Education & Children's Services complaints escalated in 2021/22, and eighteen decisions made by the LGSCO during the year. Three cases were referred back to the Council to process through our own complaint process and five cases closed after initial enquiries were made. Eight cases were "Upheld" and two cases were not "Not Upheld."

11.2 There were three Children's statutory complaints upheld in 2021/22. One of these cases had not yet gone through the entirety of the statutory stage 2 process so the Ombudsman referred the case back to the Council and asked that we compensate the complainant for that delay.

11.3 In another case, the Ombudsman deemed the outcome of the stage 2 investigation as satisfactory with £2000 compensation having already been awarded at this stage. The Ombudsman found no other fault on the Council's part and was satisfied by the remedies already implemented.

11.4 The third case relates to the lack of support to maintain direct payments for the care of the complainant's disabled child. The Ombudsman found that the complaint should have been reviewed under the statutory process and instructed the Council to carry out a stage 2 investigation and pay £200 for the delay in undertaking the investigation.

12. Compensation

12.1 Children's Social Care paid out £900 in compensation in 2021/22 on six cases. This is a significant decrease of £8,150 from 2020/21. This breaks down as follows:

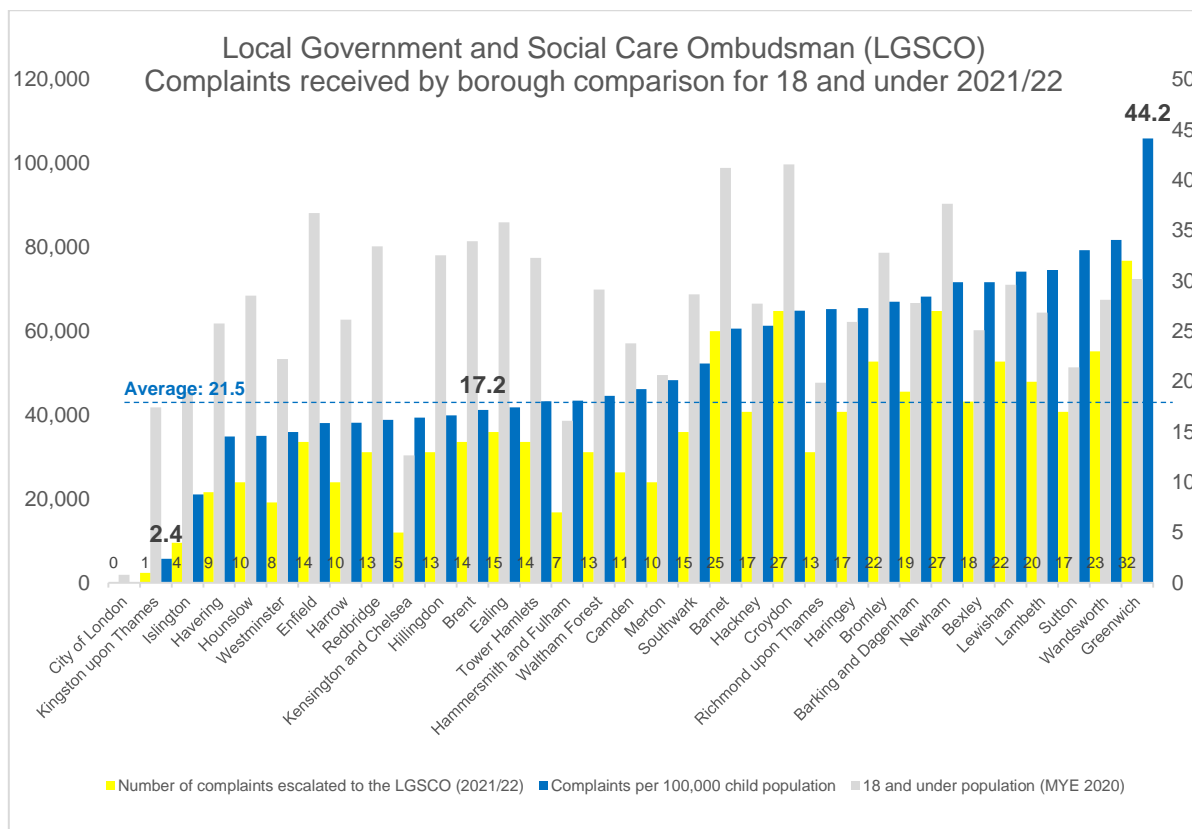
- £100 was offered in one case at stage 1 of the statutory complaint procedure. This was to cover paint costs to redecorate a young child's room.
- A total of £600 was paid out at Stage 2 across four cases. In three of these cases, £100 each was offered due to the delay in the stage 2 investigation. In the remaining case £300 was offered due to service failure and distress this caused.
- Compensation was not awarded at stage 3 of the statutory complaints process.
- The Ombudsman instructed the Council to pay £200 compensation for the delay in undertaking an investigation.

Children's Social Care	Amount
Stage 1	£100
Stage 2	£600
Stage 3	£0
Ombudsman	£200
Total	£900

13. Benchmarking

13.1 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 increased since the pandemic. Comparative data has been provided below on those cases that were received by the LGSCO during 2021/22 in relation to Children and Young People. The Office of National Statistics also provided data to illustrate the number of complaints received relative to size of population of children within each borough. The average for all London Councils is 21.5 per 100,000 population whereas Brent is 17.2.

13,2 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 in 2021/22 which is the consistent with the number of complaints referred in 2020/21. 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.



14. Compliments

14.1 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 consistent with the amount of compliments logged last year. Managers are encouraged to log all compliments they receive. Below are examples of some of the compliments received in 2021/22.

- **Looked After Children and Permanency**

“I am contacting you in order to express the thanks and appreciation of xxxxxx and xxxxxx NHS Trust for the diligence and professionalism of two of your Officers in facilitating an appropriate Transfer of Care for Ms xxx from this hospital yesterday. As you can see from the letters below, my professional qualification was obtained in a different age but this means that I am well placed to recognise ‘Good Old Fashioned Social Work’ and that is exactly what your SW, xxxx has exhibited throughout this Young Person’s care episode at xxxx. The hard work, tenacity and pragmatism of xxxx in your Placements team was also telling in achieving the right result in this case. Both xxxx and xxxx are a credit to the London Borough of Brent and have certainly gone the extra mile on behalf of the Authority as a Corporate Parent whilst maintaining excellent lines of communication with clinicians and managers at this hospital.”

- **Localities – Children with disabilities**

“xxxx from day one when she first visited took time to understand and get to know xxxx who is non verbal and has severe learning and physical disabilities and looked at her needs and us as a family.

I found her to be very empathetic and caring, had good communication with us, and engaging with xxxx where possible. She was very efficient and always very friendly. She will be a loss to the team at Brent and we wish her all the best in her new job.”

- **Localities**

“Thank you very much for your excellent service within short time. I am so pleased with all the help and support you have provided me in the last two days.”

- **Inclusion – SEND Specialist services**

“I took the liberty of asking xxxx for her contact, as I have long felt the spontaneous urge to praise her work.

My name is xxxxx and I am the mother of a child with autism and I am in a great fight for the right to a place in a special school for my son. xxxxx has been an angel in our lives.

Besides being extremely kind and polite, she is very professional, ethical and committed to the function she exercises.

She has treated us with immense respect and cordiality, always making herself available to help us, advising us and showing us the way so that we can achieve this goal.

I couldn't just keep thanking her anymore, without being able to bring this to your attention, so that you know you have a good-hearted person on your team and that this is a jewel that must be preserved.

I thank you all for the assistance you have given us and wish that xxxxx will soon become even greater in her profession, for the undeniable recognition of her wonderful work. Thank you for the opportunity to say this.”

- **Inclusion – SEND Specialist service**

“I just wanted to make you aware of the great service I received this morning from xxxxx, SEND Case Officer. This gentlemen went above and beyond the remit of his role.

I was making enquiries about my son xxx, who currently has an EHCP, the information was not readily available, but with his persistence he tried all options, to make sure there was a satisfactory outcome. Hopefully making things more achievable to get on an Apprenticeship programme that he would like.

I have never spoken to this man before but:

He gave me is details, confirming this via email just in case of any misspelling.

He confirmed my details provided contact details of the team dealing with my son. He also engaged with me, checked on my wellbeing, held on the phone while I was looking for information. His colleagues he sourced help from responded almost immediately (great team work).The information required was directed to the relevant parties. His attention and attitude given to me as a service unit, is something your team should be very proud of.”

- **Localities – Family Front Door**

“I hope this email finds you well and you are having a good week. I wanted to reach out to share some positive feedback in relation to xxxx and xxxx. Please do pass this email on if you are not the correct contact. I have worked with them both for several months now and I've been thoroughly impressed with their professionalism. xxxx has always come across as incredibly polite, efficient and isn't shy of going above and beyond for our children and young people. I was in a meeting with xxxx yesterday and was impressed with his ideas and the way he articulated his views in a way that was firm, fair and constructive. Both are a real breath of fresh air and I look forward to working with both in the future. Many thanks for your time & have a lovely day.”