

## Complaints Annual Report 2022 – 2023

### 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 2022-2023 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 2022 and 31 March 2023 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)
- 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 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 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, 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 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:

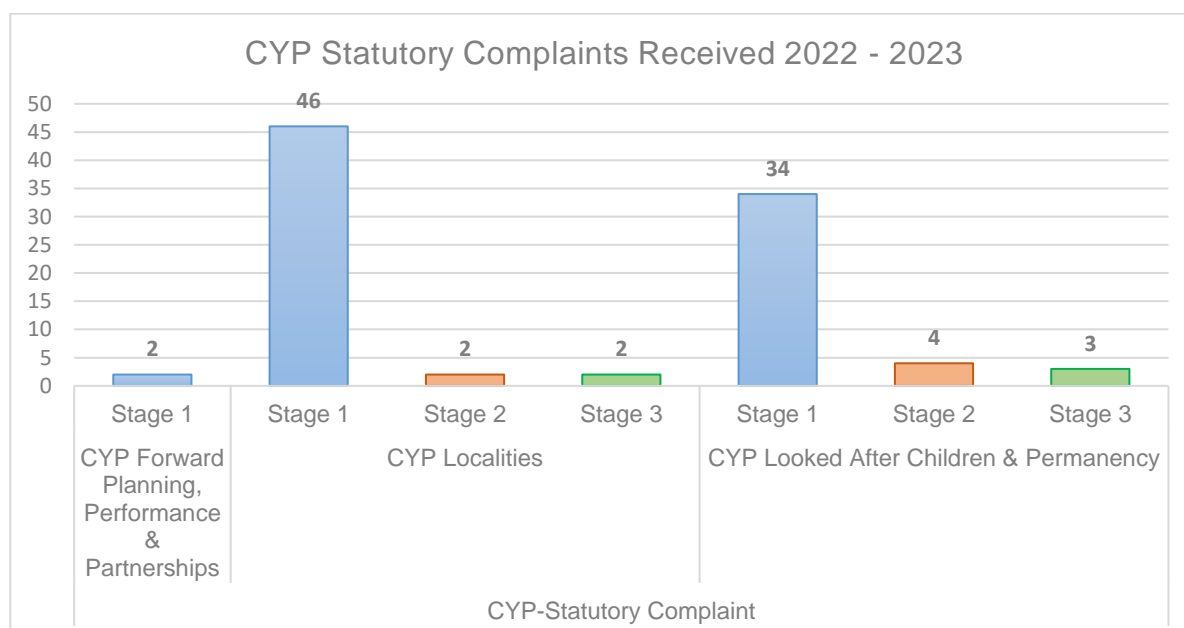
- Stage 1 statutory complaint numbers increased by 9% in 2022/23
- The department received 82 statutory stage 1 complaints in 2022/23
- There was a 7% escalation rate to stage 2 for statutory complaints - 10% less than the previous year
- 85% of stage 1 statutory complaints were responded to within target in 2022/23, against a target of 100% (compared with 63% in 2021/22)
- £13,800 was paid in compensation for the period 2022/23 on fifteen cases, an increase from £900 paid in the previous year.

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

To put some context to the volume of complaints received in 2022/2023, Children’s Social Care received a total of 4,712 referrals and completed 3,680 Child & Family Assessments. As of 31 March 2023, the Council had 3,001 open Children in Need cases and 362 children were the subject of a Child Protection Plan. There were 319 Looked After Children and the Council had 498 care leavers aged 18-25 in receipt of services.

### 5. Complaints Received

5.1 Brent Council CYP received a total of 82 stage 1 statutory complaints in 2022/23, an increase of 9% from last year (7 complaints). There were six stage 2 requests received and five stage 3 panels convened.



- 5.2 The number of complaints received at stage 1 for Looked After Children and Permanency increased by 42% (10 complaints) from 2021/22. The number of stage 1 complaints received for Localities remained the same with 46 complaints received in 2022/23. Forward Planning, Performance and Partnerships received 2 complaints whereas last year they received 4. This is a decrease of 50%.
- 5.3 The Localities Service accounted for 46 complaints, 56% 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, reports and records, and information contained within assessments.
- 5.4 The number of complaints received for East Localities was 6 and West Localities 3. 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.
- 5.5 The Children with Disabilities team received 16 complaints in 2022/23. These cases commonly related to communication and information contained within records and reports. The Family Front Door/MASH/NRPF team received 21 stage 1 complaints, these generally concerned unhappiness with social worker assigned and process following a referral to Brent Family Front Door (BFFD).
- 5.6 Looked after Children accounted for 34 complaints, 41% of the total number of stage 1 complaints received. This is a notable increase compared to 2021/22 where 24 stage 1 complaints were recorded. 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. 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.
- 5.7 The Council received 6 Stage 2 requests in 2022/23, compared to 13 in 2021/22. This is a decrease of 54% and shows that improvements have been made to address concerns at the first stage resulting in less escalations.
- 5.8 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 2022/23 the Council received 4 requests for Stage 3 panels, and 5 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 76% by email, 22% by self-service online, and 2% by telephone. The number of complaints received via email remain the same 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.
- 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 Service will continue to record equalities information where available.

## **7. Nature / Reasons for Complaints**

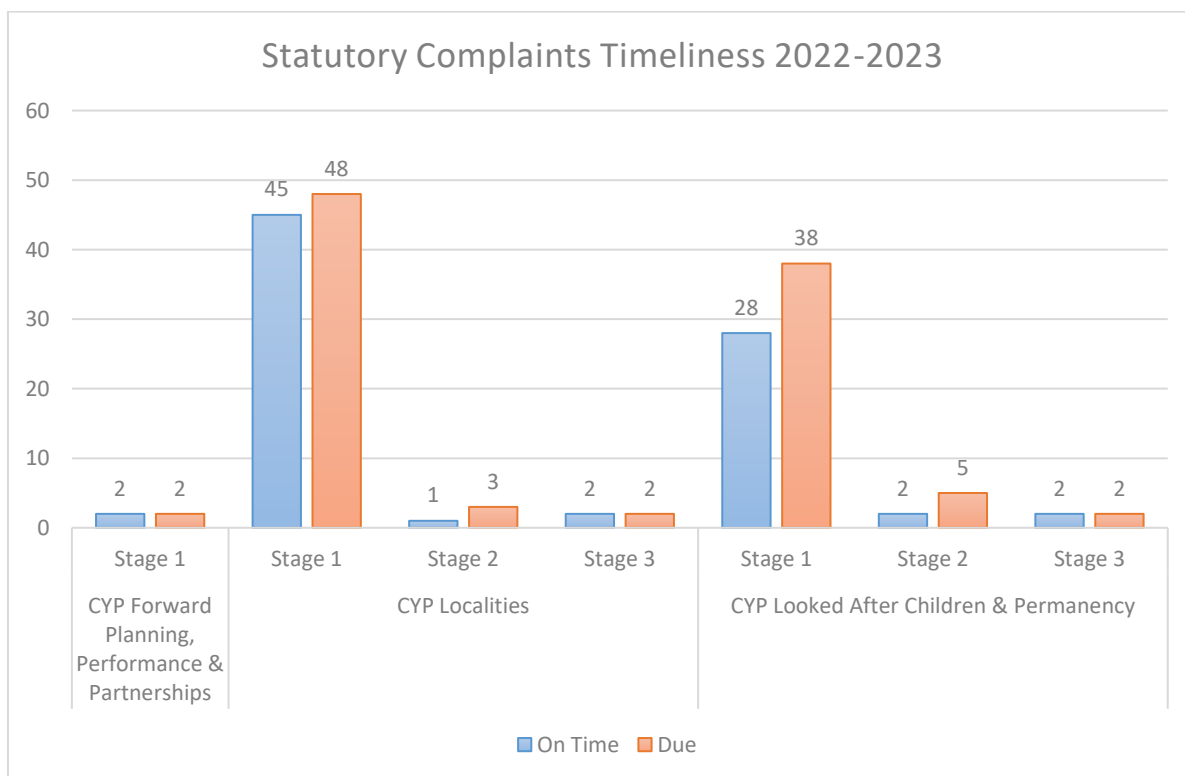
- 7.1 The main reason for complaints received in 2022/23 related to communication which remains a familiar theme from last year. Complaint root causes are categorised in three main categories: Communication, Service Failure and Policy and Procedure. In 2022/23 just over half (53%) of the stage 1 complaints closed were categorised under the category communication. Service failure accounted for 42% of cases and policy and procedure for 4%. 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 Service continue to make improvements on how they communicate with service users to manage expectations.
- 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 usually 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 has been a problem for social workers trying to 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 ICPC, 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 customers 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 82% of all children’s statutory complaints within the appropriate timescales. This is an increase of 26 percentage points compared to the previous year. Although an improvement on the previous year, there is still work to be done to get to the Council’s target of 100%.



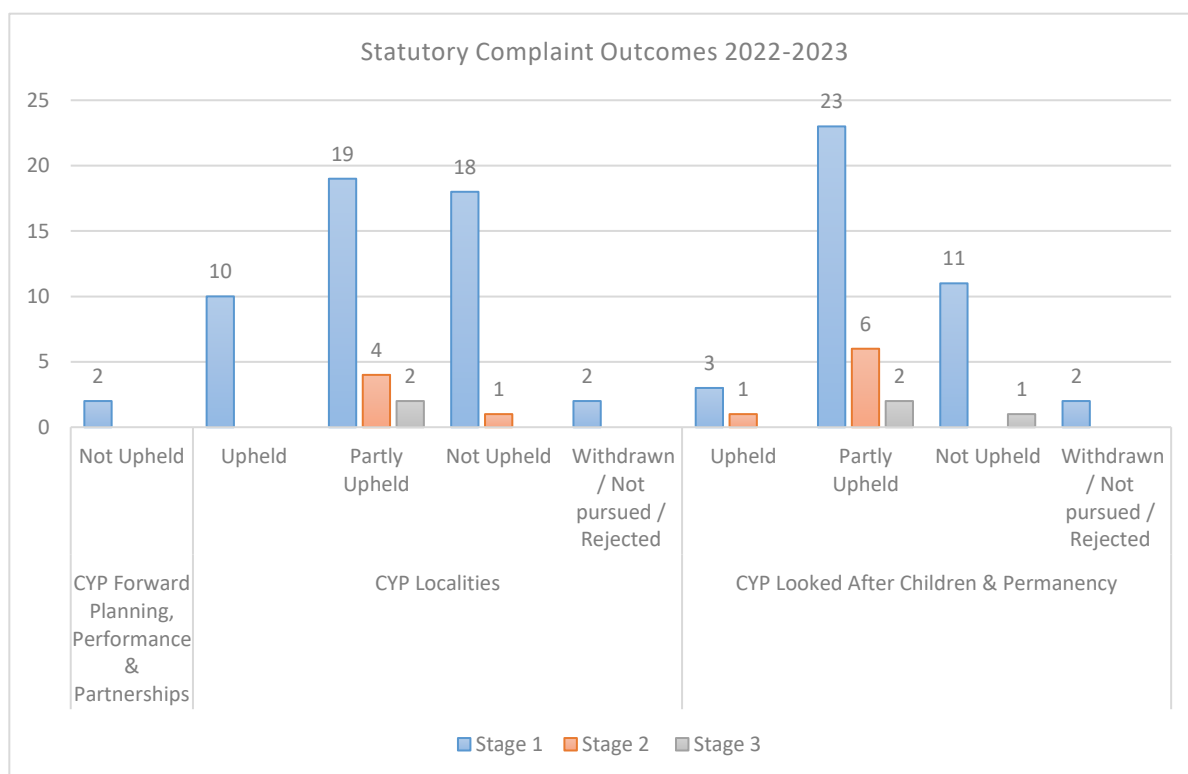


8.2 It is important to note that the statutory children’s complaint legislation allows the Complaints Service to extend the target deadline by 10 working days in complex cases.

8.3 The performance rate at stage 1 was 85%, with 75 out of 88 complaints responded to on time, whereas the performance rate for stage 2 complaints increased on last year with 3 out of 8 cases responded to on time, which is still below the required standard. This was due to the difficulties in finding independent investigators to carry out stage 2 investigations. The Council has now commissioned a company to carry out complaint investigations to prevent similar occurrences in addition to using the North West London pool of investigators.

## 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 90 cases closed at stage 1 during 2022/23, the Council found some merit in 61% of complaints, with 55 complaints either upheld or partly upheld. A ‘Not Upheld’ outcome was decided in 31 cases at stage 1 and 4 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 12 stage 2 statutory complaints during 2022/23. One complaint was not upheld (9% of complaints). The majority of complaints at stage 2 were upheld or partly upheld which accounted for 91% of complaints closed in 2022/23. This is slightly higher than the amount of complaints upheld or partly upheld at stage 2 last year.
- In 2022/23 five stage 3 panels were completed, one was not upheld and the other 4 were partly upheld. The upheld cases at all stages account for 65% of all cases closed during this period which is comparable to last year.

## 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. 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 5 stage 2 investigations in 2022/23. The general theme around these complaints concerned interactions with social workers including poor communication and delays. One complaint concerned recording of meetings. The recommendations that resulted from these complaints included:
  - Sharing of learning points from complaints
  - Review literature for families undergoing assessment and review child protection processes
  - Introduce a revised policy on digital recording
- Looked after Children and Permanency had seven 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 asylum seeking children and ensuring age assessments are completed in a timely manner to ensure children/young people are put into accommodation and education promptly.
  - 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 five stage 3 review panel adjudications during the year:

- Case 1: The complainant raised various concerns relating to the involvement of Early Help and his children, and not being told he was subject to a section 47 child protection investigation. In total, there were 26 complaints considered as part of the investigation. The Panel did not change any of the outcomes and were happy with the stage 2 investigation. However they did make some recommendations which have since been implemented and an offer of compensation.



- Case 2: This concerned two Looked After Children who felt they were not supported during their time in care and had raised concerns about a foster carer but felt the matter was not properly investigated. As part of this investigation, 5 complaints were considered. The Panel amended 3 of the outcomes to upheld. Further recommendations were made and an offer of compensation to both children.
- Case 3: 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. As part of the investigation, 3 complaints were considered. The Panel amended 2 of the outcomes; one from partly upheld to upheld and the other from not upheld to partly upheld. An apology was sent to the complainant. Further recommendations were made and an offer of compensation.
- Case 4: This case related to a number of asylum-seeking children. The complainant raised concerns about the timeliness of the age assessment, suitable accommodation and appropriate educational provisions. The stage 2 investigation reviewed 17 complaints of which 16 were upheld and one no finding. The Panel agreed to these outcomes however made further recommendations which included constructing a Practice Guidance document and ensuring appropriate staff training around asylum-seeking (putative) children.
- Case 5: This case related to a Child Protection Plan put in place following concerns raised by the school and was investigated by the Police. The complainant raised issues regarding a breach in timescales for the ICPC and the conduct of social workers, including misinformation in the reports. The stage 2 investigation reviewed 20 complaints. 18 of the complaints were not upheld and there were no findings for the remaining two complaints. The Panel changed the outcome of one of the complaints to upheld as the complaint point related to delays in logging a complaint for which compensation was offered in the stage 2 adjudication. Additional recommendations were made by the Panel.

10.4 The Children and Young People's department has recently relaunched a Practice Framework which sets out the way in which social work professionals are expected to work collaboratively and constructively with families. A new set of 'Practice Promises' were also launched in February 2022, setting out standards and expectations of what families can expect to receive. A round of case audit activity took place from April-July 2022 which measured current practice against these 'Practice Promises' to ensure that standards were being consistently met or exceeded.

## **11. Local Government and Social Care Ombudsman (LGSCO) Decisions in 2022/23**

11.1 There were nine corporate and statutory Education & Children's Services complaints escalated in 2022/23 which is five less than the previous year 2021/22. The LGSCO made decisions on eleven cases during 2022/23 of which seven were closed after initial enquiries were made, one was referred back to the Council for local resolution, two were upheld and one was not upheld. In summary, from the 11 cases decided, fault was found in two of the cases, which provides a 18% uphold rate. This an

improvement on last year where the uphold rate was 23% (eight cases upheld out of 18 decided).

11.2 Both 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 £13,800 in compensation in 2022/23 across fifteen cases. This is a significant increase of £12,900 from 2021/22, where six cases were awarded compensation. This breaks down as follows:

- £3,050 was offered in three cases at stage 1 of the statutory complaint procedure. The compensation was paid for lack of provision, and time and trouble. In one case £2,500 was awarded at mediation stage for various errors that had occurred.
- A total of £7,750 was paid out at stage 2 across nine cases. In seven of these cases, compensation was paid due to a failure or delay in providing a service. In two cases compensation was paid due to time and trouble or distress caused.
- Compensation of £3,000 was awarded at stage 3 of the statutory complaints process in three cases. Compensation was offered in two cases for delay or failure to provide a service and in one case compensation was offered for time and trouble.
- The Ombudsman did not instruct the Council to pay any compensation in 2022/23.

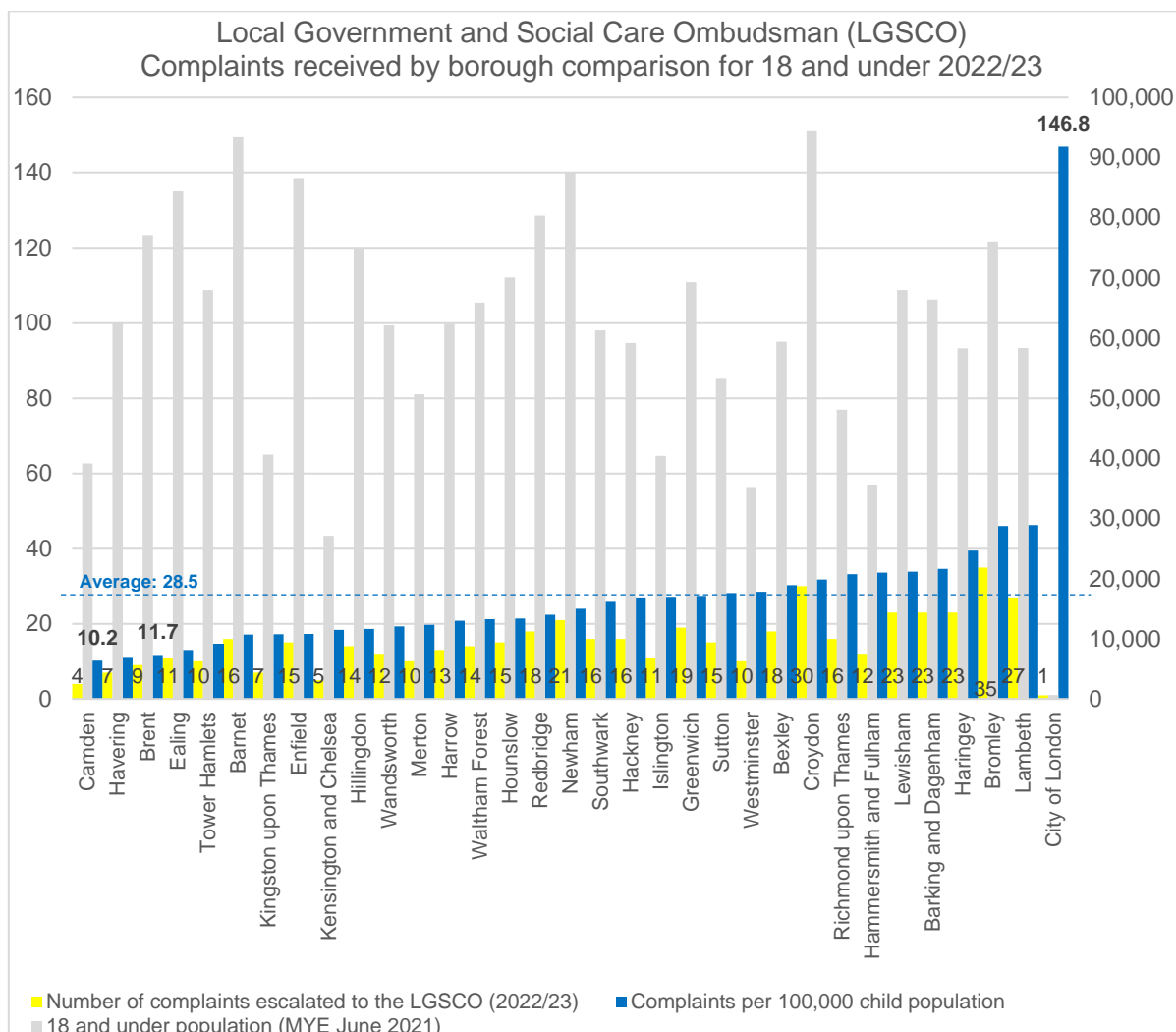
Children's Social Care	Amount
Stage 1	£3,050
Stage 2	£7,750
Stage 3	£3,000
Ombudsman	£0
<b>Total</b>	<b>£13,800</b>

## 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 2022/23. 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 28.5 per 100,000 population whereas Brent is 11.7.

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 9 complaints escalated to the LGSCO in relation to Education and Children's Services in 2022/23 which is five less than the number of complaints referred in 2021/22, even though the Ombudsman have confirmed that

complaints about Children’s services are on the increase. The estimated population for children 18 and under within Brent for mid-year 2021 was 77,113. When factoring complaints received per 100,000 children population this is a good rate and third lowest out of all London boroughs.



## 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 16 compliments on the Council’s complaints and compliments database, which is 15 less compliments logged than the previous year. Managers are encouraged to log all compliments they receive. Below are examples of some of the compliments received in 2022/23.

- **NRPF Team**

*“This is to formally express our profound gratitude for your inestimable support and help Sir. My self, xxxx, xxxx and xxxxx want to use this opportunity to say a big thank you to you, the management and the entire NRPF team of the Brent Council. It has been a great privilege knowing you and working with you. We really appreciate everyday, every week, every month and years of our journey with you. More importantly, we have benefited without measure from your wealth of*

*experience, high level of professionalism and very high sense of duty of care. May the good Lord bless your team and families.  
Thank you so much and God bless you.”*

- **Localities – Referral and assessment team**

*“I would like to thank you and your team for all your support to my family. Specially (xxxxxx xxxxxx ) he was excellently supportive throughout our difficult time he is a good person and honest . I would like to request you to recognise him for his professional support towards a family that really needed. We are really thankful for the support we got.”*

- **Localities - East Locality Long Term Team**

*“I would like to take this opportunity to commend a member of your team. xxxxxx xxxxxx was my allocated social worker, she stepped into my life and as far as I was concerned turned it upside down as she put me straight onto child protection. My first thought was “who does this woman think she is???... I hate her! Today I cannot even find the words to explain how grateful I am. xxxx is a force to be reckoned with. She knows her job and she does it well, she cares and this is genuine, my children adore her, anytime I engaged with her I always had her undivided attention and her insight was second to none. xxxxx had a way of lifting my spirits and reassuring me at the hardest of times and definitely made me feel like she went above and beyond for my family. I could toot her horn all day but really I just wanted to let you know you have a brilliant member of staff on your team, and I am grateful to her.”*

- **Inclusion – SEND team**

*“I just wanted to say thank you for your support with the situation at xxxxxx xxxxxx. With your help, we were able to raise key points which meant the xxxxx had to investigate. The investigation is pending but we have received an email from his teacher stating they will revert back to last years timetable. Your help behind the scenes was much appreciated. The situation has caused our family an additional stress and we were struggling with the situation. We had approached many professionals who did not act, but you listened and supported us and helped resolve the situation in a short space of time. I know my mum was extremely grateful that you were able to give her the time and listen to her over the phone. She said you were very calming and gave her strength to continue addressing the situation. We cannot thank you enough and are grateful that people like you still exists in the world to make lives better.”*

- **Localities – East Locality Long Term Team**

*“I would like to express my gratitude to xxxx xxxx the social worker, for his excellent work commitment to me, my family and the school. xxxx xxxxx went above and beyond the call of duty to ensure my son and the family felt safe and secure.  
I wish all social workers could work with xxxxx xxxxxxxx level of respect and compassion while maintaining their professionalism.”*

- **LAC and permanency – Fostering Support and assessment team**

*“I thought you might want to know. Your SW xxxxx is an absolute STAR!!! She called xxxxx at 7pm (UK time) to check-in and make sure that we’re all alright. And all is going well by the way, better than expected.”*