

Complaints Annual Report 2017 – 2018

Appendix B – Children & Young People Complaints

1. Summary

- 1.1 The Social Services statutory complaints procedure requires that an annual report must be produced for children's social care complaints. This report provides information about complaints made during the twelve months between 1 April 2017 and the 31 March 2018 under the complaints and representations procedures established through the Local Authority Social Services Complaints (England) Regulations 2006, the Representations (Children) Regulations 2006 and the Council's corporate complaints procedure.
- 1.2 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 and 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. Who Can Make a Complaint

- 2.1 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 a parent of his or someone who has parental responsibility for him) 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.

3. Statutory Complaints Process

3.1 There are two types of complaint processes followed by the Children & Young People (CYP) department. The Children Act 1989 Representation Procedure (England) Regulations 2006 for all complaints relating to actions taken under the Children Act (statutory complaints) and the Council's complaint process for all other complaints.

3.2 The Children's Act 1989 Representation Procedure (England) Regulations 2006 has three stages:

- **Stage 1: Local Resolution** – this is the most important stage of the complaint procedure. The heads of service and external contractors provide services on behalf of the Council and are expected to resolve as many complaints as possible at this initial point. The statutory social care complaints procedure requires complaints to be responded to within 10 working days; however heads of service can apply for an extension of a further 10 working days where a complaint is complex.
- **Stage 2: Independent Investigation** – this stage commences when the complainant is dissatisfied with the findings of the Stage 1. The Complaint Service team will consider mediation as a complaint handling tool to resolve ongoing concerns at the end of the Stage 1 process and before commencing the Stage 2 process. Stage 2 is an investigation by an "Independent Investigator" a person external to the service usually independent of the Council. We also have to appoint an "Independent Person" who is independent of the Council and not related to any member or officer of the Council and who represents the complainant in the process. The stage 2 investigation report is then adjudicated by the Operational Director. Stage 2 complaints falling within the statutory process must be dealt with in 25 working days but can be extended to 65 working days.
- **Stage 3 Review Panel** – where complainants wish to continue with their complaint about statutory social services 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, these are appointed by the complaint service team. The Panel makes recommendations through a panel report which the Strategic Director CYP will then adjudicate their decision on the complaint.

4. Corporate Complaints Process

4.1 *Council's Corporate Complaints:*

- Stage 1: responded to by the Head of Service within 20 working days.
- Stage 2: Review / Investigation by the Complaints Service team on behalf of the Chief Executive within 30 working days.

5. Headlines

5.1 The main headlines from CYP complaints performance are:

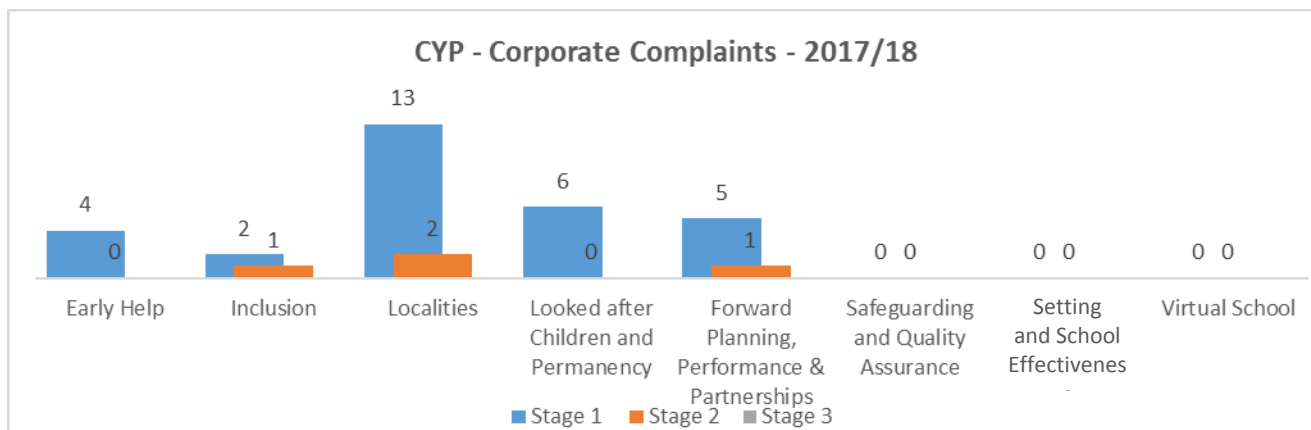
- Stage 1 complaint numbers decreased by 12% (↓)
- 71 statutory stage 1 complaints and 30 corporate stage 1 complaints
- Low 10% escalation rate to stage 2 for corporate and statutory complaints
- Main reasons for complaints received in 2017/18 were poor communication, delays or failure to provide a service, incorrect action taken and staff attitude
- 82% of all complaints responded to within target in 2017/18 (compared with 88% on time in 2016/17) (↓)
- £2,750 compensation paid in 2017/18 on four cases, a 66% decrease in the amount paid in the previous year (↓),

6. CYP Service Users

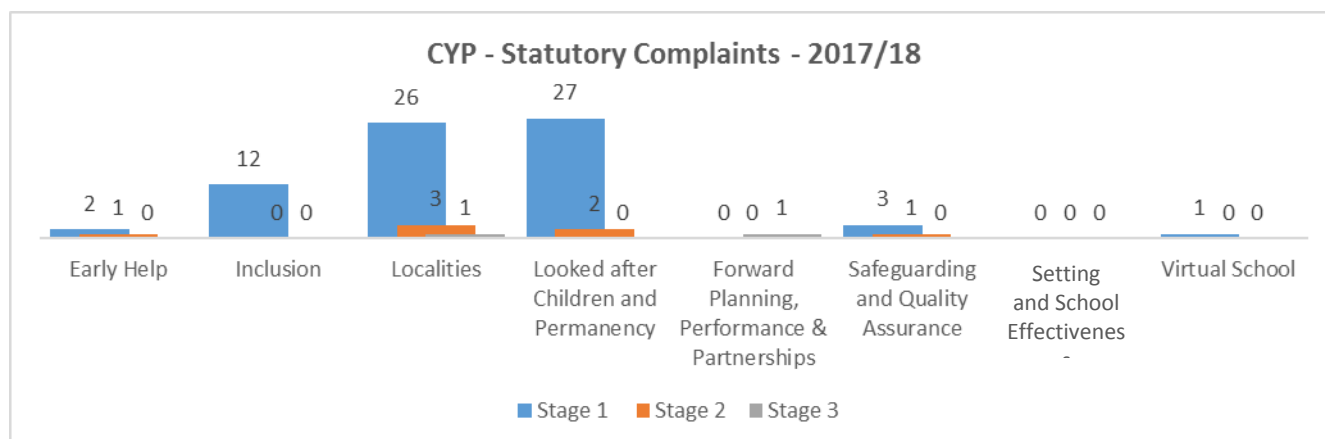
6.1 To be able to put some context to the volume of complaints that we receive, CYP in 2017/18 received 5,346 referrals and completed 5,125 Child & Family Assessments. The Council has 2,852 open children in need cases and 325 children subject to a child protection plan. There were 318 looked after children for the year and we had 354 care leavers aged 17-25. If you take complaints as a percentage of the number of referrals, 1.8% of CYP service users or someone acting on their behalf raised a complaint about a service that they were receiving in 2017/18.

7. Complaints Received

7.1 The chart below shows the number of corporate complaints received at Stage 1, Stage 2 and Local Government Ombudsman for 2017/18.



7.2 The chart below shows the number of statutory complaints received at Stage 1, Stage 2 and Stage 3 for 2017/18.

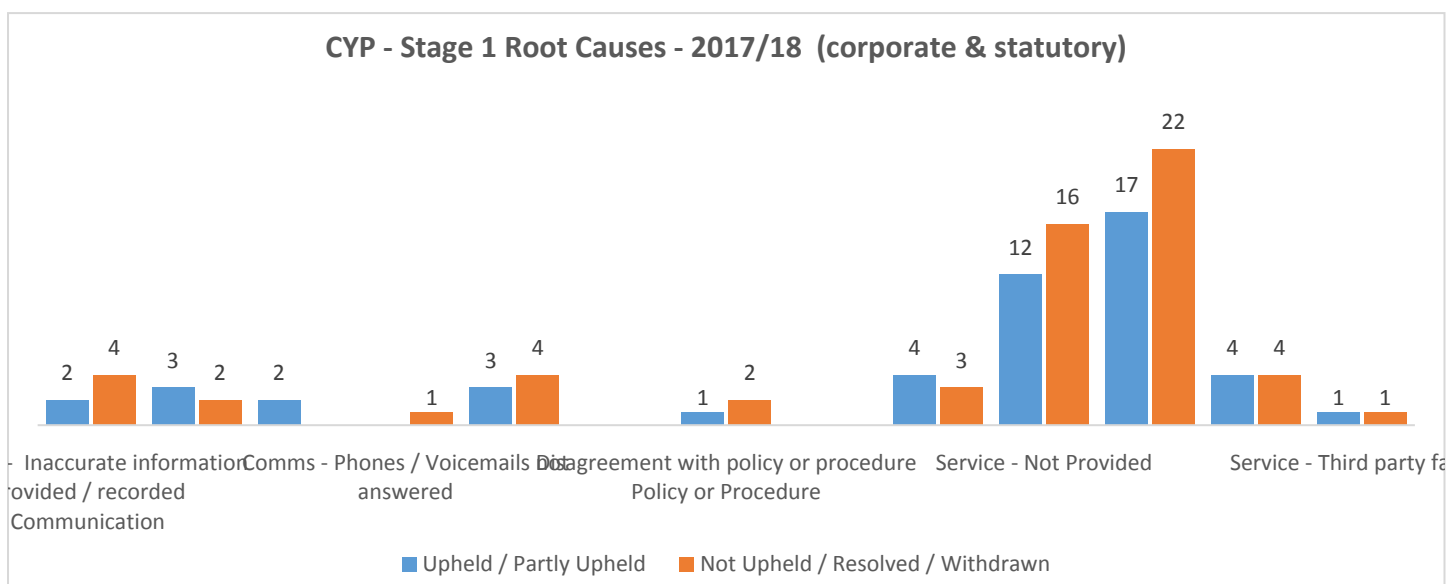


7.3 **A total of 101 statutory and corporate stage 1 complaints were received in 2017/18.** Following an increase in 2016/17 this shows a reduction of 12% in complaints received. Of the 101 complaints received, 71 were statutory complaints and 30 were corporate complaints. There has been a decrease in both types of complaints on the previous year 2016/17. The majority of complaints listed under Early Help and Inclusion teams were corporate complaints with the remaining complaints falling under the Children’s statutory complaint procedure. As the chart above indicates the majority of statutory complaints are from the Localities and Looked after Children teams.

7.4 The Council received ten Stage 2 requests which is a reduction on the previous year and an escalation rate of 10% which is comparable with the previous year. However, in line with the split of complaints at the first stage, 6 of the stage 2s were statutory and 4 were corporate final reviews.

7.5 Under the Children’s statutory procedure the complainant has a right for their complaint to be heard by an Independent Review Panel at Stage 3. In 2017/18 there were two stage 3 review panels held. In both the cases escalated to the review panel the complainants were determined to go through the complaint process. Both of these Stage 3 panel cases were partially upheld by the respective panels, with some recommendations changing from Partially Upheld to Upheld.

8. Nature / Reasons for Complaints



8.1 The main reasons for complaints received in 2017/18 were: delays or failure to provide a service, poor communication, incorrect action taken and staff attitude.

8.2 Social care makes intervention in the best interest of the child, however families do not always agree with the action that has been taken and as a result may choose to make a complaint about this. Similarly the most common reasons for complaints against staff members are when they disagree with a decision that has been made, or alleged general poor service. There has been an increasing number of complaints received from partners or service users. Most often this has been from one of the partners not living in the family home (or they are not the primary carer for their children) and felt that social care services had not communicated with them enough.

8.3 It is probably true to say that many of the Stage 1 complaints reflect the unhappiness of parents and carers about some of the decisions made by social care staff acting in the best interest of the child. Whilst the feelings and views of parents and carers about these decisions are often understandable most of these complaints were not upheld.

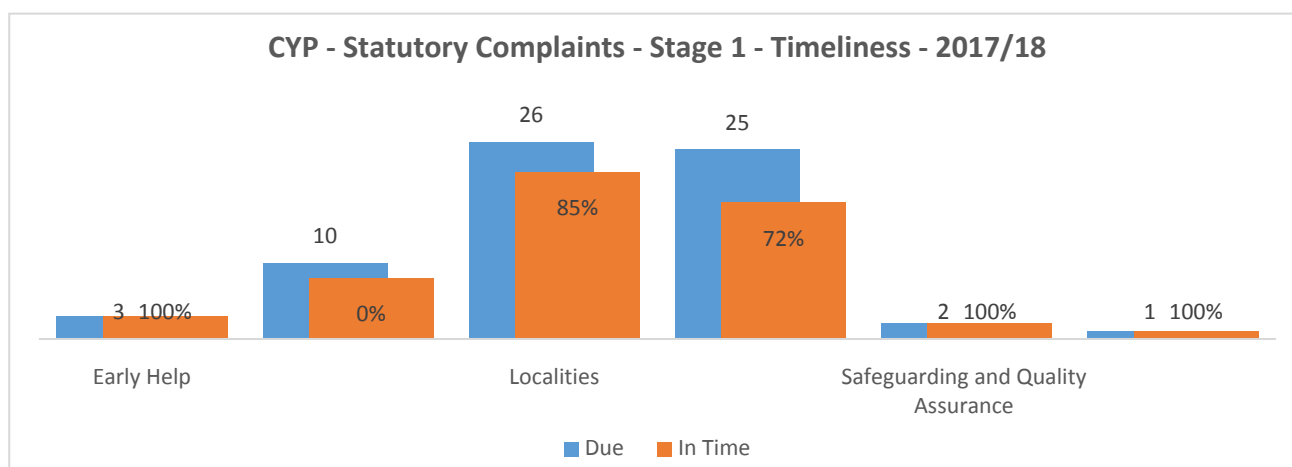
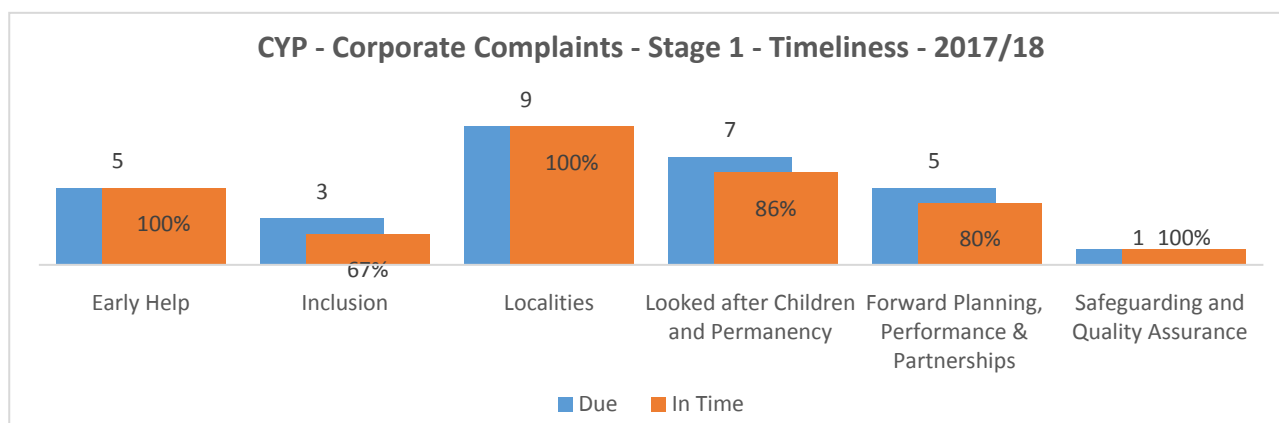
8.4 Examples of the types of issues that fall under each of the main reasons for a complaint are listed below:-

- **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 not be in agreement with. This has for example led to complaints concerning the alleged partiality of assessments.
- **Poor communication** - on completion of a child and family assessment CYP had not kept all the interested parties up to date with the completed assessment.
- **Care Leavers** - in relation to care leavers the main area of complaints were about leaving care and the main bulk about their entitlements and the support

they had requested. This is evidence that young people are aware of their entitlements and that they can challenge decisions.

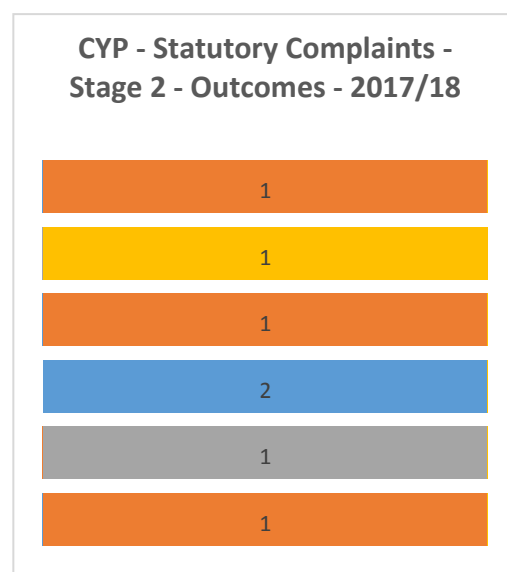
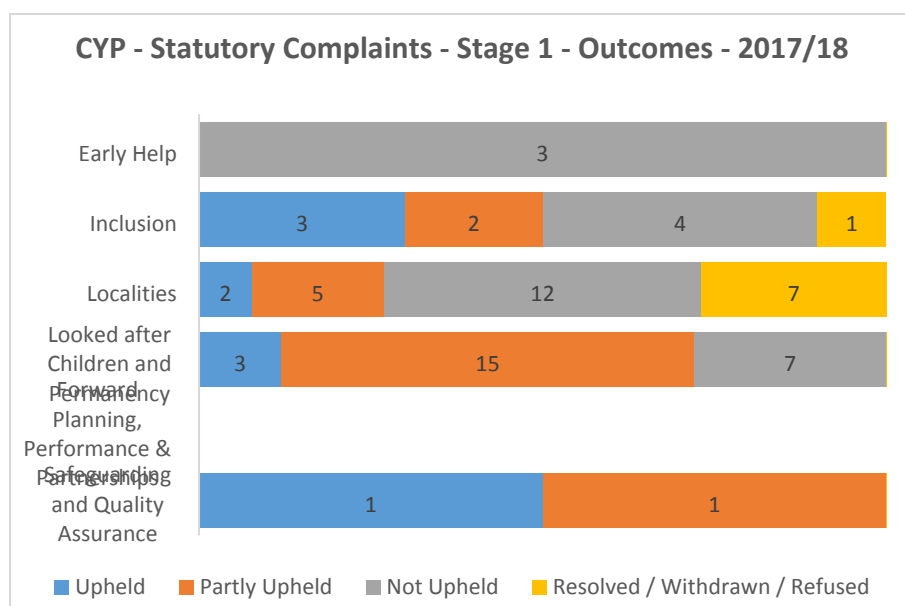
9. Timeliness of Responses

9.1 The chart below shows Stage 1 complaint response times by service area in 2017/18. CYP responded to 82% of all complaints within appropriate timescales. This is a reduction of 6% points in performance on the previous year and is below the target of 100%. In total 80% of statutory complaints and 87% of corporate complaints were answered within time. There has been a drop in performance of 6% points on statutory complaints. The statutory legislation does allow us in complex cases to extend the target by 10 working days. To improve performance CYP are carrying out weekly monitoring of complaints due to ensure timescales are improved.



10. Complaint Outcomes

10.1 The chart below shows the outcome of complaints at Stage 1 And Stage 2



10.2 There were 95 cases decided during the year and in 46% of Stage 1 complaints CYP fully or partly upheld the complaint which is similar to last year. This does demonstrate a willingness by the service areas to admit errors or mistakes and to remedy the concerns raised.

10.3 A further 12% of complaints were resolved following the initial approach to the Complaints Service Team, who worked with managers in Localities and Looked after Children to resolve the service users concerns.

10.4 The Council received 7 statutory stage 2 complaints and 5 corporate stage 2 complaints during 2017/18. Some fault was found in 58% of cases and 33% of cases were not upheld. One case was resolved prior to an investigation. The Complaints Service Team are working with managers in CYP, to improve investigation, complaint handling and correspondence skills.

10.5 Of the cases in which fault was identified at Stage 2, there were 2 cases which progressed to Stage 3. Detailed below are examples of the complaints that were decided and their learning points / service improvements that have been identified. The Council wishes to learn from its complaints and improve the service we provide to our clients. Cases are described below:

- In a number of cases, the complaint was concerned with the way the Council had completed the Child & Family assessment and the inconsistencies of the social workers when completing this assessment. These cases concluded that the child and family assessments were incomplete and that clear notes should record details of information recorded on the assessments. The investigations also concluded that there were delays in sending assessments to the families and that communication could be clearer.
- The complaint concerned a Family support worker where one of the parents was claiming bias. The complaint was partially upheld and it was agreed that the council should improve record keeping and write to confirm actions agreed.
- This complaint was that the Council had not followed the Staying Put Policy. The complaint was upheld and the council held a briefing workshop for fostering support social workers and the Staying Put arrangements were updated on the web site. The council met with the complainant to agree payments.
- The complaint related to the actions of the Council when receiving a request from the Police for overnight secure accommodation, whilst the young person was in custody. The complainant alleged that secure accommodation should have been available. This was not upheld at stage 2
- Some of the stage 2 complaints identified issues with delays in the complaint handling process and the quality of complaint responses at the first stage. The complaint service team have introduced quality checks of complaint responses which are being referred back to management teams. Training courses are being arranged for CYP managers and staff around complaint handling and investigation. Complaint service team officers are attending team meetings to upskill staff on complaint handling and provide regular feedback to management teams.

11. Compensation

- 11.1 CYP paid out £2,750 compensation in 2017/18 on four cases. This is a decrease of £5,000 from 2016/17. At Stage 1 the Council made one payment of £600, which was paid to a Care Leaver in regards to a fee for a course. The remaining three payments were awarded at Stage 2. A payment of £1,500 was made due to our delay in progressing appropriate adaptations to an offer of permanent accommodation. A payment was made due to a delay in responding to a complaint and a further payment for deficiencies in social work practice when completing a child and family assessment.

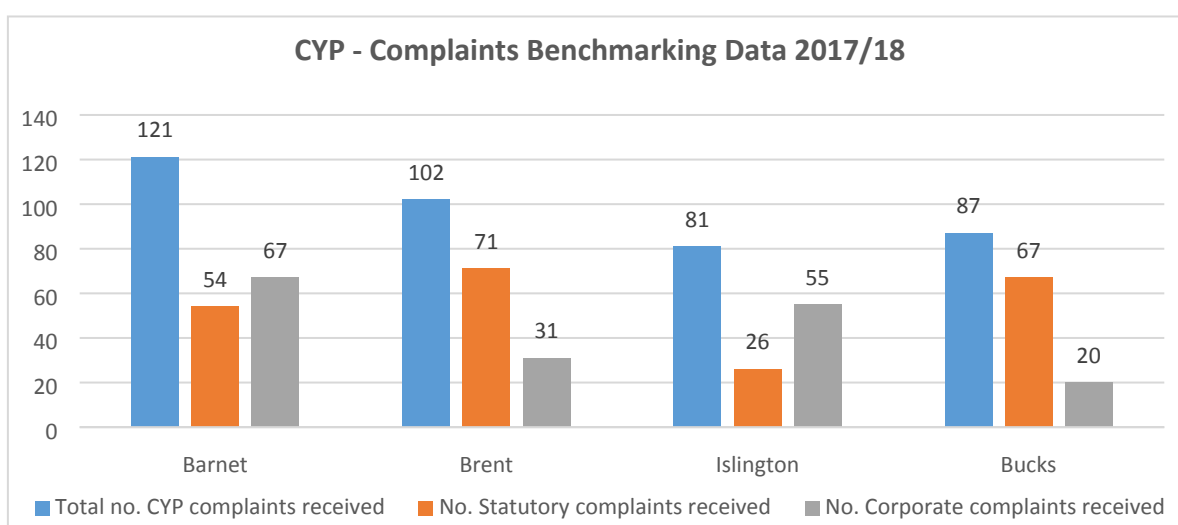
12. Local Government Ombudsman

12.1 The Local Government Ombudsman (LGO) received 11 referrals for CYP throughout the year and made decisions on 10 cases. This is a reduction of 38% on the preceding year. Of the cases decided, 1 referral was closed after initial enquiries, 2 were referred back to the Council’s own complaint procedure, 1 closed with advice given, 2 were incomplete, 1 was not upheld and 3 upheld. The three complaints that were upheld were as follows:

- **Case 1:** the council was at fault when it delayed a request for a child to delay their entry into the school reception year. The complainant had believed the Council had agreed to the request when it had not considered it. The Council agreed to apologise and accept a late appeal for their preferred school option.
- **Case 2:** the Council failed to consider the complainant’s concerns around a child with SEND going missing from the home. The LGO agreed that the action the Council had already taken provides a suitable remedy.
- **Case 3:** the council was at fault when it provided accommodation which was too small for the complainant and family and too far away from the secondary school. The LGO awarded £800 compensation, advised the council to review its practices, apologise to the family and begin a search for a more appropriate property. (Compensation recorded under housing).

13. Benchmarking

13.1 Brent Council belongs to the North West London Social Care Complaint managers group. The Council has benchmarked the volume of complaints received against five of our Central and West London neighbours for 2017/18. With regards to statutory complaints we have come fourth in the table behind Islington; Barnet and Bucks. In regards to all complaints we have come third behind Islington and Bucks.



14. Learning from Complaints

- 14.1 Lessons learned from complaints can help shape and improve our services and the customer experience and there is a commitment in CYP for managers and staff to use this learning to improve services.
- 14.2 A few examples of how the learning points from complaints helped to improve services are provided below:

Customer Feedback - 'You Said'	Service Area Changes - 'We Did'
<p>You told us about delays that had occurred in progressing appropriate adaptations following the offer of permanent accommodation.</p>	<ul style="list-style-type: none"> • Recruitment of a second Children's OT has successfully been achieved. • Joint operational supervision and clinical supervision has been pre-planned with both OTs and the Team Manager, and with the Clinical Supervisor. • Remedial action has been taken in ensuring minimum delays in progressing adaptation cases during periods of staff turnover.
<p>Two Care Leavers told us about our failure to properly deal with bank accounts for looked after children.</p>	<ul style="list-style-type: none"> • We reviewed our processes which highlighted the need to tighten arrangements. New systems were put in place to commence from April 2018.
<p>A care leaver told us about the quality of support around immigration status and support required for LAC without British Citizenship.</p>	<ul style="list-style-type: none"> • We reviewed the status and support required for all LAC without British citizenship. • We increased management oversight and supervision on individual cases. • As of March 2018 all LAC had their immigration status and relevant support reviewed.

15. Compliments

- 15.1 CYP logged 8 compliments on the ICasework complaints and compliments database. This is up on last year but lower than other Councils that we were benchmarked with. However this is not to say that we do not receive more compliments but we are not capturing them on the system. Managers are being encouraged to log any compliments. Here is an example of the compliments received in 2017/18.

- *"I would like you to know how grateful and blessed my family and I were to have a SW. I was apprehensive when the SW contacted me for first time. However he showed understanding, empathy and willingness in helping us. I remember going home that day and telling my son and my husband about the conversation I had with him. I remember how nervous and anxious we all felt as we did not know what to expect from the visit. We, as a family, knew that*

we needed to openly discuss our personal issues and concerns with a total "stranger" but the SW made it easier. His effective communication skills, his patience, his caring nature, his ability of being sensitive to other people's emotions, his ability to analyse situations and achieve the best outcome enabled us to fully trust him and express any worries or doubts. The SW was always very professional and organised in keeping accurate records of our conversations and gave constructive advice and we never felt judged or criticised".

- *"The SW is a good listener, action/result orientated person with a high level of communication skills. Thank you for all the support to my daughter and my family wholeheartedly. The great role you have played in my daughter's case was immeasurable. I'm grateful for all your help and continued support. I don't agree with the way of handling my daughter's case but would like to thank you for being open-minded and your positive approach. I count myself lucky that you have been involved in my daughter's case".*