

## Complaints Annual Report 2018 – 2019

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

#### 1. Summary

- 1.1 There are two types of complaint process 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 corporate complaint process for all other complaints.
- 1.2 Children’s Social Care complaints have a statutory complaints procedure which requires an annual report to be produced. This report provides information about all statutory complaints made during the twelve months between 1 April 2018 and 31 March 2019 under the complaints and representations procedures established through the Local Authority Social Services Complaints (England) Regulations 2006, the Representations (Children) Regulations 2006.

#### 2. Statutory Complaints Process

- 2.1 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 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 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 requires an investigation by an “Independent Investigator”, a person external to the service and 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 an 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 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. The Chair then consults with the team on the selection of the other two panel members. The Panel makes recommendations

through a panel report following which the Strategic Director for CYP will then adjudicate their decision on the complaint.

2.2 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.’***

2.3 Complaints concerning Child Protection Conferences are dealt with under a separate complaint procedure

#### 2.4 **Who Can Make a Complaint?**

Section 26(3) and section 24D of the Children Act, 1989 and section 3(1) of the Adoption and Children Act, 2002 require Councils to consider complaints made by:

- any child or young person (or their parent or someone who has parental responsibility for them) who is being looked after by the local authority or is not looked after by them but is in need
- any local authority foster carer (including those caring for children placed through independent fostering agencies)
- children leaving care
- special guardians
- a child or young person (or parent of his) to whom a Special Guardian order is in force
- any person who has applied for an assessment under section 14F (3) or (4)
- any child or young person who may be adopted, their parents and guardians
- persons wishing to adopt a child
- any other person whom arrangements for the provision of adoption services extend
- adopted persons, their parents, natural parents and former guardians
- such other person as the local authority consider has sufficient interest in the child or young person’s welfare to warrant his representations being considered by them.

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

### 3. **Headlines**

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

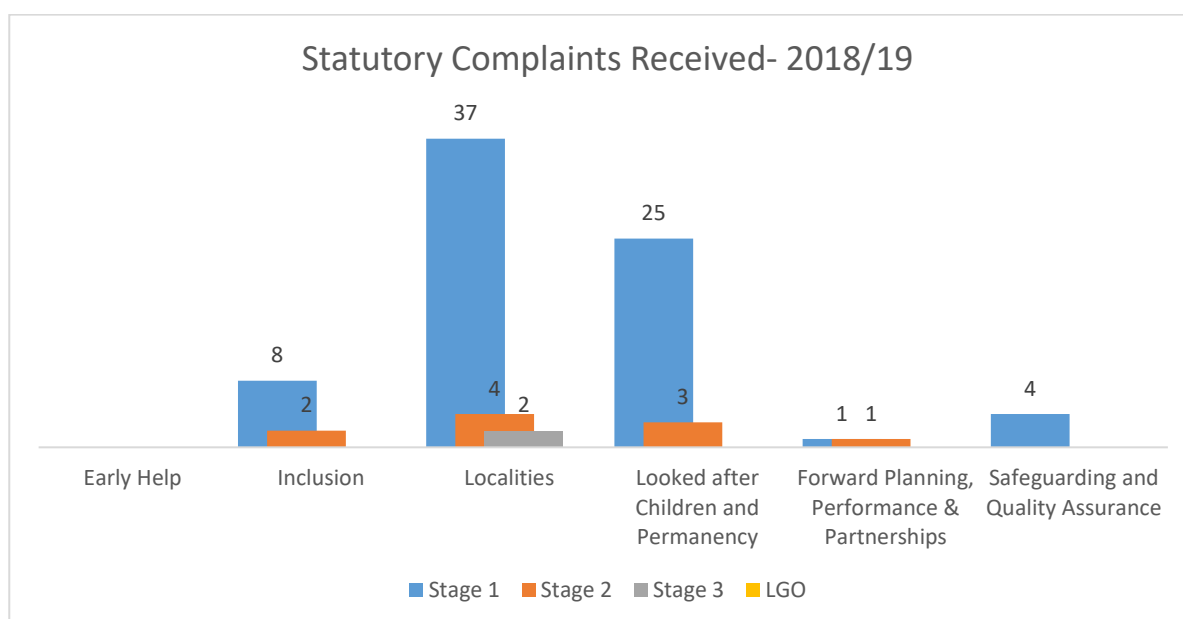
- Stage 1 statutory complaint numbers increased by 6%
- the service received 75 statutory stage 1 complaints
- there is a low 13% escalation rate to stage 2 for statutory complaints
- 84% of all statutory complaints were responded to within target in 2018/19 (compared with 80% on time in 2017/18)
- £13,368 was paid in compensation for the period 2018/19 on five cases, up from £500 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 2018/19, Children Social Care received 3,908 referrals and completed 3,874 Child & Family Assessments. As of 31 March 2019, the Council had 2,502 open children in need cases and 298 children were the subject of a child protection plan. There were 299 looked after children for the year and the Council had 351 care leavers aged 17-25 in receipt of services.

## 5. Complaints Received

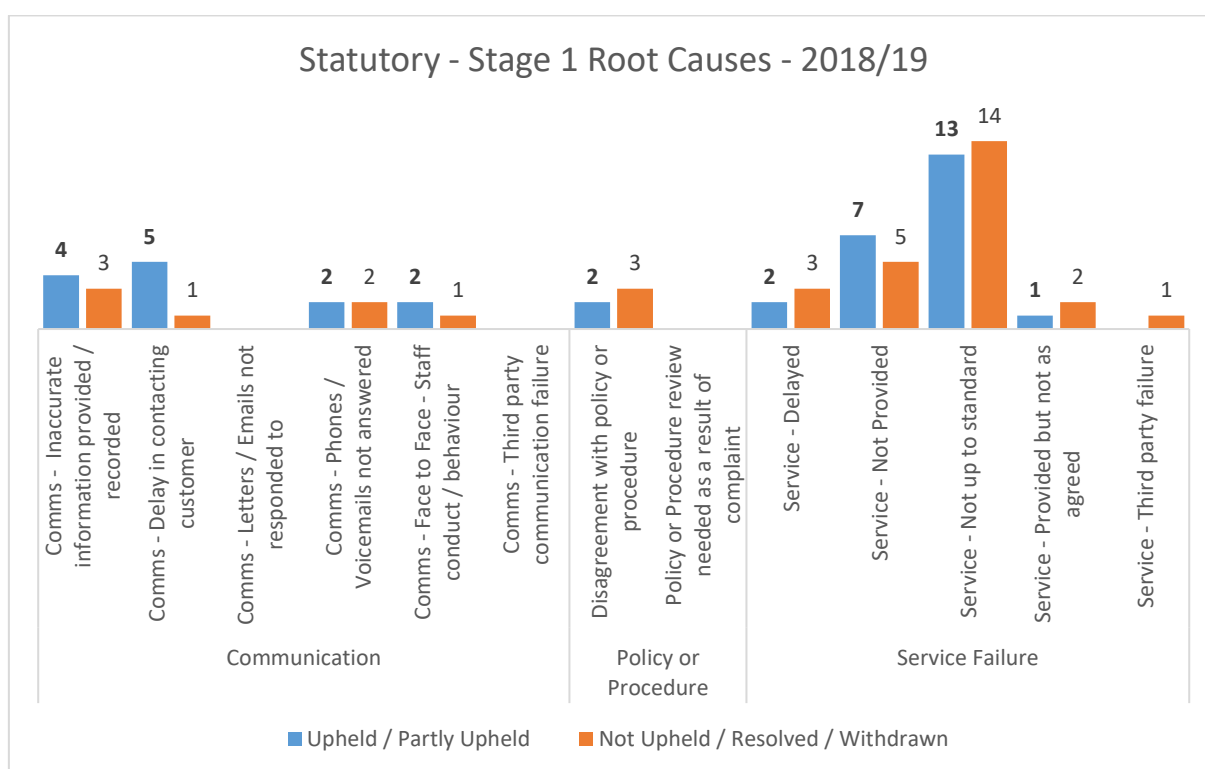
- 5.1 The chart below shows the number of statutory complaints received at Stage 1, Stage 2 and Stage 3 for 2018/19. There were no cases referred to the LGSCO.



- 5.2 A total of 75 statutory Stage 1 complaints were received in 2018/19. This is an increase of 6% on complaints received in 2017/18. The majority of complaints received fall within Localities and Looked after Children and Permanency.
- 5.3 The Council has limited information about the ages of complainants. Of the 75 statutory complaints received, age information is contained on 48% of cases, of which 5 complaints were received from the age range of 16-24. The Complaint Service Team is introducing measures to ensure that the ages of complainants are recorded.
- 5.4 The Council received 10 Stage 2 requests in 2018/19, which is an increase of 43% on the previous year, in which only 7 statutory Stage 2 complaint requests were received. The escalation rate to stage 2 in 2018/19 is 13%, this is a 3% increase in cases being escalated when compared to the previous year.
- 5.5 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 2018/19 the Council received two requests for Stage 3 panels, both concerned the accuracy of Child & Family Assessments. Of the two requests, one Stage 3 review panel was concluded in the year 2018/19. However, in both of the Stage 3 requests received, the complainants were insistent on escalating their complaint through the complaints process unless the Council agreed with their views.

## 6. Nature / Reasons for Complaints

- 6.1 The main reasons for complaints received in 2018/19 were: service not up to standard and failure to provide a service.
- 6.2 Children's Social Care has to intervene in the best interest of the child, however families will not always agree with the action that the Council has taken. As a result, they may choose to make a complaint about this and the staff providing the service. Similarly, the most common reasons for complaints against staff members are when parents disagree with a decision that has been made, or then allege general poor service. There has been an increasing number of complaints received from either of the partners in a separated family relationship. Most often this has been where the partners are disagreeing on the care the child or children are receiving by the other parent. Some feel that the Child and Family Assessment has not been completed in an impartial way and that Social Care has not communicated with them earlier.



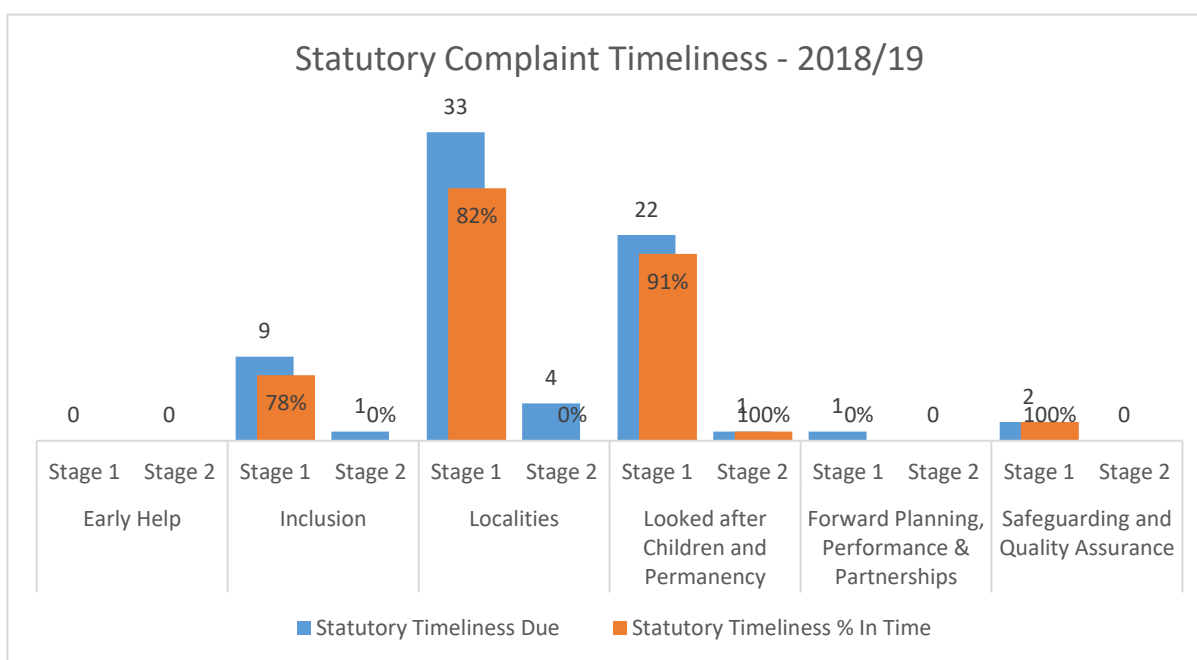
- 6.3 It is probably true to say that many of the Stage 1 complaints reflect the unhappiness of parents and carers about some of the decisions made by Social Care staff acting in the best interest of the child. Whilst the feelings and views of parents and carers about these decisions are often understandable, most of these complaints were not upheld.
- 6.4 Examples of the types of root causes of complaints that arise are listed below: -
- Alleged poor staff attitude*** - much of the work of Localities staff involves them taking actions in connection with highly sensitive child protection or child in need issues, which parents or carers disagree with. This has for example led to complaints concerning the alleged partiality of assessments.

- **Poor communication** - on completion of a Child and Family Assessment, Social Care had not kept all the interested parties up to date with the completed assessment.
- **Care Leavers** - in relation to care leavers, the main area of complaints was 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.

## 7. Timeliness of Responses

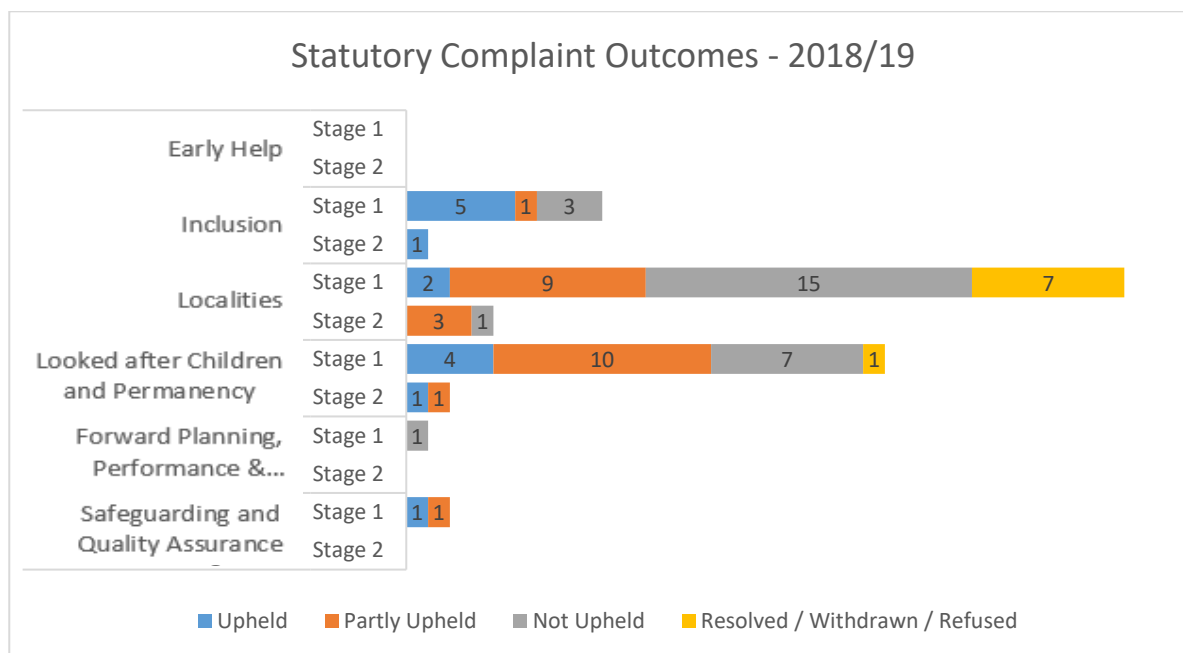
7.1 The chart below shows complaint response times by service area in 2018/19. The Council responded to 84% of all children's statutory complaints within the appropriate timescales. This is an increase in performance of 4% points on the previous year, but still below the Council's target of 100%. It 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. A request for an extension is made to the Statutory Complaint Manager for any complaints that require more time to investigate. These should be identified at an early stage in the process, so that the complainant is supplied with sufficient notice of the delay.

7.2 Looked After Children and Permanency have the highest performance rate for responding to statutory complaints, 91% of complaints were responded to on time.



## 8. Complaint Outcomes

- 8.1 The chart below shows the outcomes of statutory complaints at Stage 1 and Stage 2 in 2018/19.



- 8.2 There were 67 cases decided at stage 1 during the year, and in 49% of Stage 1 complaints, the Council fully or partially upheld the complaint, which is a 1% increase on the previous year's rate. Service areas continue to show a willingness to admit errors or mistakes and to remedy concerns raised.
- 8.3 There were 8 cases which the service area managers and the Complaint Service Team were able to resolve following the initial approach to the Complaints Service Team. The team worked with managers in Localities and Looked after Children and Permanency to resolve the service users' concerns.
- 8.4 The Council closed 7 statutory stage 2 complaints during 2018/19. Some fault was found in 86% of cases (up from 71% previous year) and 14% of cases were not upheld.
- 8.5 Of the cases in which fault was identified at Stage 2, there was 1 case decided at Stage 3. The Panel agreed with the investigating officer's report and did not uphold the complaint. The complainant was always going to take this complaint through the complaint process as long as the Council disagreed with their complaint. Detailed below are cases where fault was found at Stage 2 and the learning points / service improvements that were identified. The Council wishes to learn from its complaints and improve the service it provides.
- In a number of cases, the complaint was concerned with the way the Council had completed the Child & Family Assessment and the inconsistencies of the social workers when completing the assessment. These cases concluded that the child and family assessments were incomplete and that clear notes should include details of information recorded on the assessments. The investigations also concluded that there were delays in sending assessments to the families and that communication could be clearer.

- A complaint concerned the way a social worker communicated with the complainant in dealing with the Council's intervention with the family. The complaint was partially upheld and staff were reminded of the Council's customer promise in relation to correspondence and communication with customers. Social workers are to endeavour to keep customers updated where possible.
- Another complaint concerned a young person who felt they should have been identified as a Child in Need or Looked After Child between 2009 – 2012, and that since this time the service had failed her. The complaint legislation states that there is only a need to look at events that have occurred in the last 12 months, but the Council has discretion to investigate cases where they may be concerned with the vulnerability of the young person, as in this case. The complaint was partially upheld as it was felt that the young person should have been classed as a qualifying child and the Council has discretion to assist. As a result, compensation was paid.

A number of Independent Investigations at stage 2 of the statutory complaint process has identified the need for further training on complaint handling at stage 1. The Complaint Service Team has attended a number of management team meetings to discuss complaint handling and has also offered a series of training courses around the investigation and responding to complaints.

## 9. Compensation

- 9.1 Children's Social Care paid out £13,368 in compensation in 2018/19 on five cases. This is an increase of £12,868 from 2017/18. There was a total of £13,000 paid out at Stage 2 which comprised of a payment of £9,500 to a complainant who was a qualifying young person who complained that they should have been a looked after child. The complaint went back to the period 2009 - 2012, but the Council used its discretion to investigate the complaint. The Council has a power under the 1989 Children Act (sections 24A (2)(3) and 24B) to assist qualifying young people with expenses associated with education and training. This is a discretionary power as opposed to a duty placed on the Council as a local authority. The Council determined that the young person qualified for assistance and as they had been in full time education, compensation was offered. A second award was for £200 for the delay in completing the stage 2 investigation. The third award of £3,300 was made where a Special Guardianship allowance had been incorrectly stopped by the Council, therefore the allowance was refunded and compensation was paid.

Children's Social Care	Total	
	No of Cases	Amount
Stage 1	2	£368
Stage 2	3	£13,000
Stage 3	0	£0
Ombudsman	0	£0
£ per Case	£2,674	

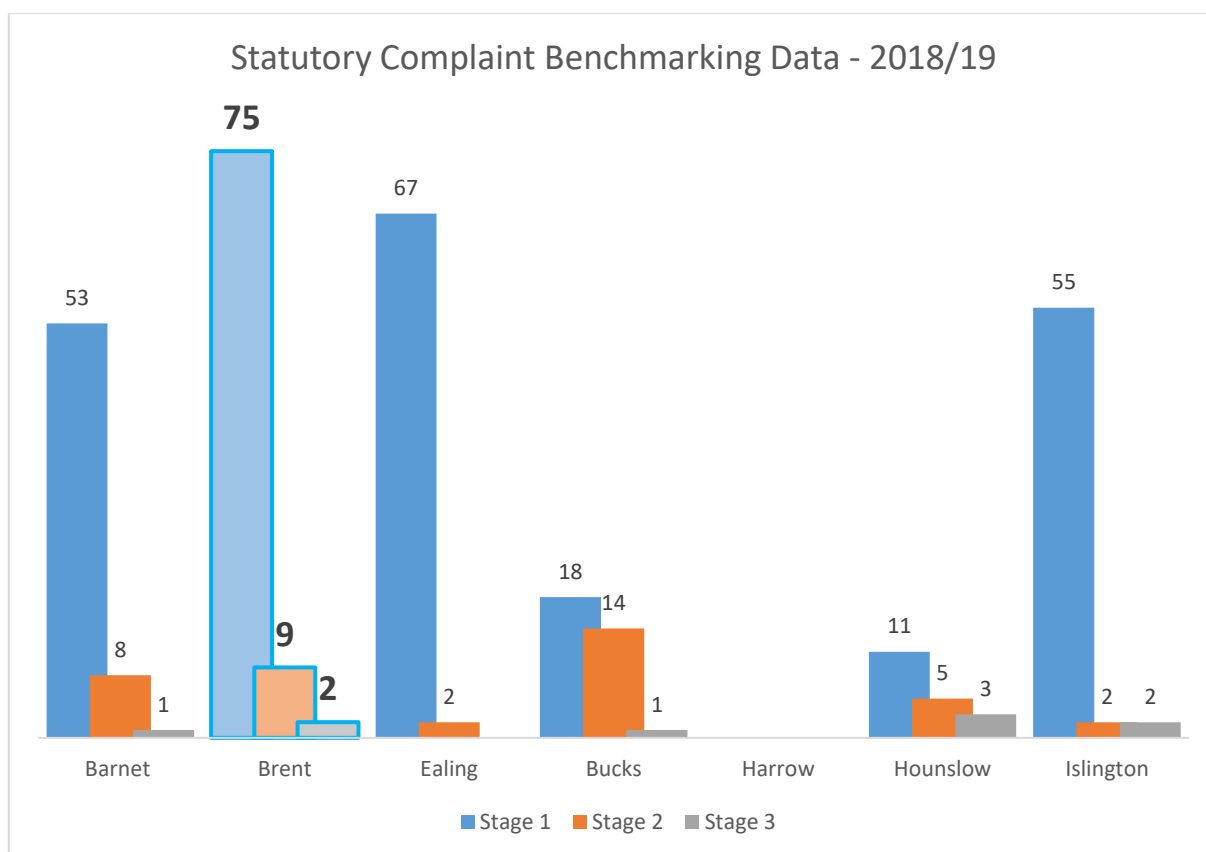


## 10. Local Government Ombudsman

- 10.1 The Local Government Ombudsman (LGO) made a decision on 1 Children's Social Care complaint. The complaint was upheld by the Ombudsman and supported the decision of the Stage 3 panel, where evidence of fault had been identified and remedied by the Council. The LGO agreed that the Council investigated the complaint correctly when it looked into concerns about the assessment process for a Child and Family Assessment. No further action was required.

## 11. Benchmarking

- 11.1 Brent Council belongs to the North West London Social Care Complaint managers group. The below chart shows the volume of complaints received in 2018/19 compared to five boroughs who were willing to share their data. Brent received the highest amount of Stage 1 statutory cases when compared to the other boroughs. It is important to note that although very high, the way different councils report and record complaints can vary considerably.
- 11.2 Brent Council record all Stage 1 complaints received including complaints which may have been resolved at first point of contact or withdrawn at a later stage. The Council received the second highest amount of Stage 2 complaints after Buckinghamshire Council. When compared to the amount of complaints received this is a relatively low escalation rate (12%) when compared with other boroughs who were willing to share their data. The Council received two Stage 3 complaints, the same as Islington Council, and at Ombudsman Stage the Council fared well with only one case upheld.





## 12. Learning from Complaints

- 12.1 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.
- 12.2 A few examples of how the learning points from complaints helped to improve services are provided below:

Learning From Complaints	Service Improvements
The complaint concerned a Child and Family assessment carried out on a family who did not agree with the phrasing of aspects of the report	<ul style="list-style-type: none"> <li>All staff were reminded that when completing Child and Family assessments, that they should pay more attention to identifying and recording family strengths</li> </ul>
The complainant was unhappy with the quality and content of the complaint response	<ul style="list-style-type: none"> <li>The Operational Director introduced a programme for reviewing all Stage 1 complaint responses within their area.</li> </ul>
The complaint concerned the intervention by Social Care and the ongoing process and completion of the Child & Family Assessment	<ul style="list-style-type: none"> <li>Staff were reminded to ensure that they work collaboratively with both parents</li> <li>The purpose of meetings is fully considered before these are agreed</li> <li>Launched a new practice framework that will help social work practitioners and other professionals to receive the right training to work more effectively with families. Alongside this Children's Social Care are continuing to embed an approach called 'Signs of Safety' with all staff – this aims to support and work with families in a collaborative way.</li> <li>The realignment of social work services to ensure caseloads are manageable and staff are able to receive 1-1 supervision of a higher quality</li> </ul>

## 13. Compliments

- 13.1 Children's Social Care logged 13 compliments on the Council's complaints and compliments database. This is more than last year but lower than other councils that were benchmarked. However, this is not to say that the department does not receive more compliments that are not captured on the system. Managers are being encouraged to log any compliments. Below are examples of compliments received in 2018/19 regarding different services.

- **Early Help (Youth Offending Service)**

*"I would like to bring to your attention the hard work and dedication that xxx showed towards her role and to ensuring that suitable provisions were in place for xxxx upon release. It was clear that xxx had developed excellent rapport with and an understanding of xxxx in the meetings. Her assessments on AssetPlus and the T1FR were the most detailed that I have received to date. The T1FR provided a range of community appointments covering a one-month period and in-depth licence conditions which provided xxx with a clear idea of what was expected of him and provided him with the opportunity to ask any questions that he had. xxxx showed a genuine interest in any concerns that xxx had and demonstrated empathy when trying to address a couple of issues/queries that xxx had."*

- **Localities (West Locality Teams)**

*"Express my approval of the degree to which the local authority has been supportive rather than punitive and efforts plainly successful to work in cooperation with the parents. Not easy particularly if there are parents who had their own difficulties and can come with suspicion of authorities, credit to LA being able to reassure, support and engage parents rather than alienate. Hope that continues. Don't want the order to upset the co-operating between parents and local authority"*

- **Looked after Children and Permanency**

*"I am writing to give my feedback on my personal advisor xxxx. These past few weeks have been very challenging but xxxx has supported me. She has given me emotional support, she has encouraged me and she has been there when I have needed her. xxxx goes the extra mile, she has taken time to get to know me, my needs and preferences. xxxx has worked hard to make sure I have what I need. She has been amazing assisting me with my housing and all my furniture. She has also assisted me with my business. xxxx has had my back and spoke on my behalf when I needed her to. She has guided me and advised me on personal issues. I am happy xxxx is my personal advisor, she has kept me in line and been strict when I needed her to be. I am very great full for all of xxxx hard work and advised."*