

# **Children's Social Care Annual Complaints Report**

**April 2015 – March 2016**



**London Borough of Bexley  
Children’s Social Care**

**Annual Complaints Report – 2015/2016**

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## 1. Introduction

This report provides information on complaints about Children's social care services in the London Borough of Bexley from 1 April 2015 to 31 March 2016. The majority of complaints have been dealt with through the corporate complaints procedure, and a smaller number through the Children's social care statutory complaints procedure.

Complaints are a valuable tool in helping to understand our residents' and service users' experience of service delivery and are central to identifying service improvements across the Council. This report, which shows the issues residents and service users raised formal complaints about, will further assist the improvement process.

We have an established IT system in place to capture a comprehensive range of complaints information including the nature of the complaint, the action taken, the outcome of the complaint and whether there was compliance with the time periods specified in the legislation.

Children's social care have made considerable efforts this year in working to recognise when things have gone wrong and identifying ways to learn from the complaints received to ensure improvements are made across the service.

Meetings have been held during the year between senior managers within Children's social care and the complaints manager, in which corrective actions that were identified during the year were analysed and learning opportunities were identified. New processes were discussed to ensure any learning from complaints is disseminated to all Children's social care staff.

The complaints manager met with the Children social care Heads of Service to deliver a training session on decision making when responding to customer's complaints, and delivered training on how to identify learning from the outcome of the complaint.

Reports on open complaints are sent to service managers on a more frequent basis by the complaints team. This helps to ensure all complaints are reviewed frequently and are responded to within timescale. When this is not possible, the customer is informed of the delay and given an explanation as to why.

By publishing the annual complaints report, the Council demonstrates its commitment to transparency and a positive approach to dealing with and learning from complaints.

### 1.1 Key facts

- We believe that dealing effectively with complaints is essential to providing good services and we use feedback from complaints to improve our services.
- The Children's social care statutory complaints process is used for all complaints relating to the Council's core social care responsibilities as set out in the Children Act 1989. The legislation establishes an overall target for local authorities to respond to complaints within 10 working days at Stage 1.
- For complaints about Children's social care that are not to do with the core (legally defined) social care responsibilities, we use the Council's corporate complaints procedure. Examples of these include a foster carer not being paid on time or a complaint about someone not receiving a response to a letter they had sent to their social worker. We have set ourselves a target of responding to these complaints within 10 working days at Stage 1.

- In 2015-16, we received 63 Stage 1 complaints about Children’s social care services. 35% of Stage 1 complaints were resolved within the target 10 working days.
- Out of the 63 complaints received during the year, 12 progressed to Stage 2; nine then progressed to Stage 3; and five complaints were referred to the Local Government Ombudsman for resolution.

## 1.2 Background

There is a legal requirement under the Children Act 1989 for local authorities to have a procedure in place to deal with complaints relating to the key social care responsibilities as defined in the Children Act 1989.

The Children’s statutory complaints procedure has three stages (see below). Additionally, if a complainant remains dissatisfied, having exhausted these stages, they can ask the Local Government Ombudsman (LGO) to review their complaint.

**Stage 1:** This stage provides the opportunity for the service area that has responsibility for the case, to try and resolve issues of dissatisfaction at a local level as early as possible. The complaint is investigated by the relevant Head of Service or service manager. The timescale for resolving complaints at Stage 1 is 10 working days, which can be extended to 20 working days in exceptional cases.

**Stage 2:** This part of the procedure is used when the complainant remains dissatisfied after a Stage 1 investigation. This stage allows for a fresh and independent look at the original complaint. The investigation is conducted by an Investigating Officer (IO) and an Independent Person (IP) who oversees the fairness and transparency of the investigation process. The IO may be employed by the local authority or may be commissioned from outside the authority, and appointed specifically for this piece of work. The IP must be independent from the Local Authority. The IO and IP will look at all details surrounding the complaint and make recommendations for a better or improved service, and recommend how any service failings can be rectified. After considering the findings and recommendations of the investigation team, a Deputy Director of Children’s Services provides a written response to the complainant setting out the findings and conclusions. The timescale for responding to complaints at Stage 2 is 25 working days but can be extended when this may be necessary for the complaint to be fully investigated.

**Stage 3:** If there is any remaining dissatisfaction with the outcome at Stage 2, the complainant can request that the issues are taken to a Review Panel consisting of three independent people from outside the authority. The review panel considers the complaint and makes recommendations to the Director of Children’s Services, who will respond to the complainant on the outcome of the review and any actions to be taken.

There are various timescales that apply to Stage 3 complaints, including:

- The local authority organising the panel within 30 working days of the complainant’s request;
- The Panel Chair producing the panel’s report within five working days of the hearing, detailing its recommendations; and
- The local authority sending its response to the complainant within 15 working days of the Panel’s report.

Once Stage 3 has been completed, complainants can ask the Local Government Ombudsman to review their complaint if they remain dissatisfied.

## 2. Complaints received

The table below shows the total number of new complaints recorded in Children's Social Care from 1 April 2015 to 31 March 2016.

<b>Table 1 - Complaints received</b>					
<b>Total</b>	<b>Stage 1 - Local resolution</b>	<b>Stage 2 - Investigation</b>	<b>Stage 3 - Panel</b>	<b>Ombudsman</b>	<b>Total</b>
<b>Statutory complaints</b>	18	1	4	3	26
<b>Corporate complaints</b>	45	11	5	2	63
<b>Total</b>	<b>63</b>	<b>12</b>	<b>9</b>	<b>5</b>	<b>89</b>

Sourced by iCasework

The number of Stage 1 and Stage 2 complaints has reduced in 2015/16 compared to 2014/15 in which we had received 83 Stage 1 and 18 Stage 2 complaints. However, the number of Stage 3 and Ombudsman complaints has risen slightly in which we received seven Stage 3 complaints and four Ombudsman complaints in 2014/15.

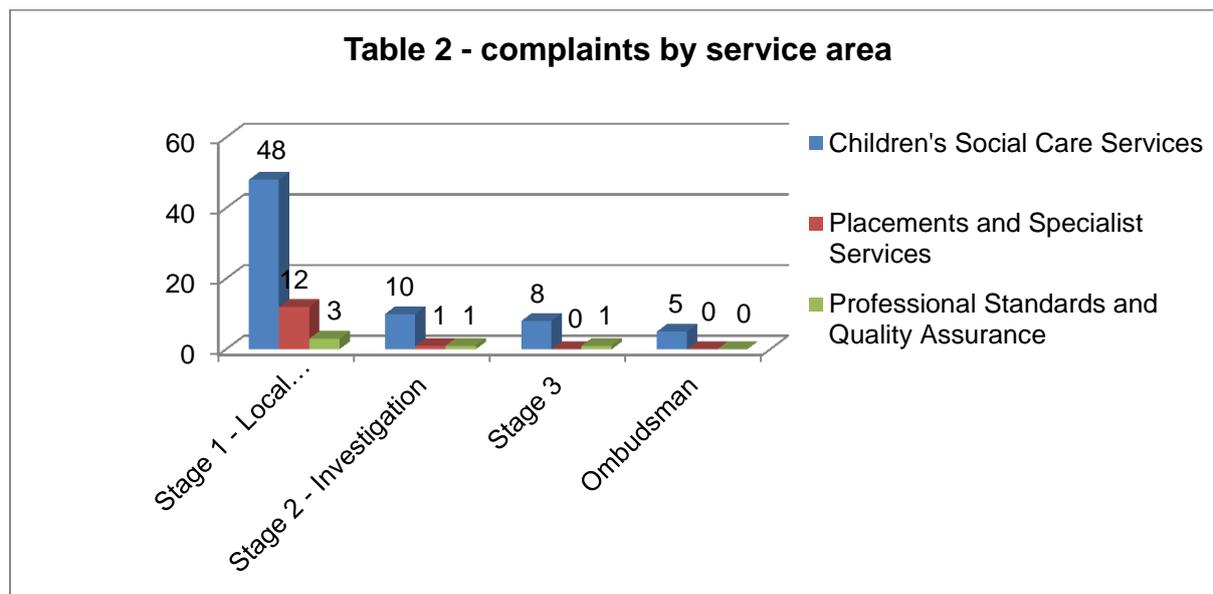
The Local Government Ombudsman has advised that they received a total of 13 Education and Children's services complaints in 2015/16; seven of which we have not yet been informed of the outcome and therefore cannot report on. The Local Government Ombudsman reports by category on Children social care and Education complaints together; however Bexley continues to have the lowest number of complaints referred to the Ombudsman in this category, by comparison with our neighbouring local authorities.

<b>Children's Social Care Complaints received by the Local Government Ombudsman</b>			
<b>Bexley</b>	<b>Bromley</b>	<b>Greenwich</b>	<b>Lewisham</b>
13	20	25	31

Sourced by the LGO

## 2.1 Complaints by Service Area

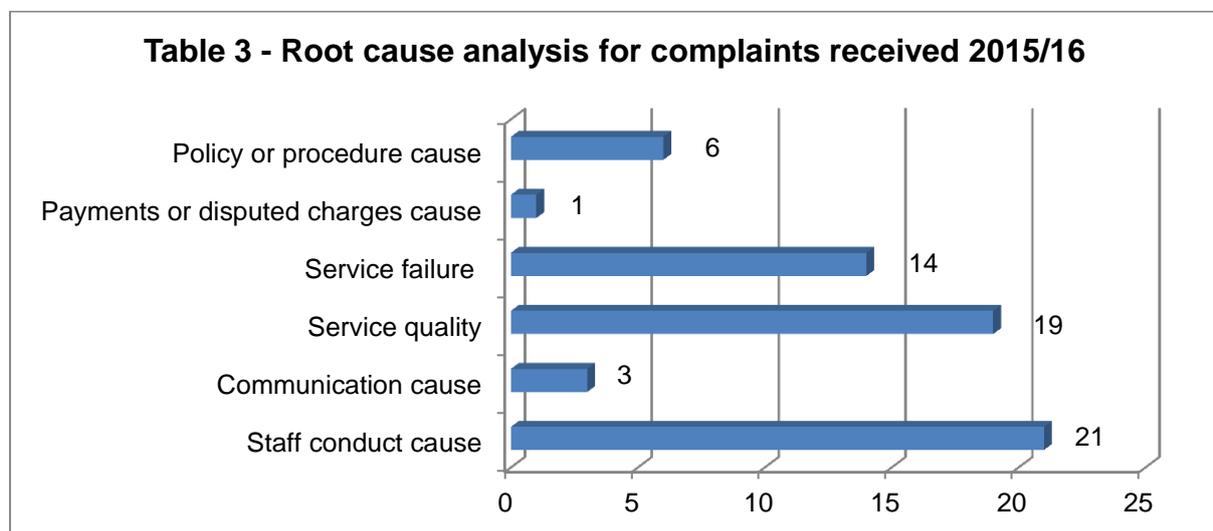
The table below shows the service area that the complaint related to within Children’s social care from 1 April 2015 to 31 March 2016.



Sourced by iCasework

## 2.2 Causes of complaints

The table below shows the root causes of the complaint within Children’s social care from 1 April 2015 to 31 March 2016. *(Please note that the data below does not match the data in table 1 as it relates to complaints “closed” in 2015/16 and not complaints “received”).*



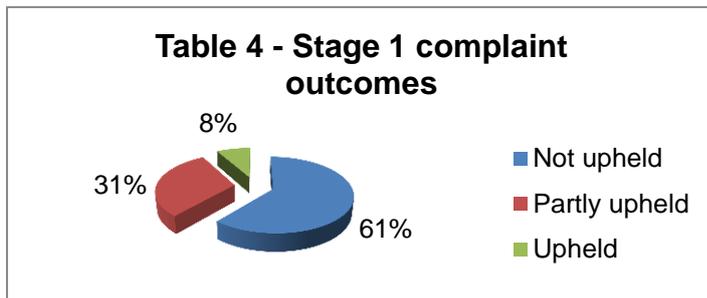
Sourced by iCasework

- The figures above show that the highest numbers of complaints concerned ‘staff conduct cause’ and ‘service quality’, in respect of which we received 40 complaints combined, out of a total 64.
- Service quality causes include allegations of “insufficient service knowledge”, “poor record keeping”, “service not to the quality or standard expected” and “incorrect information or advice given”.

- Records show that 19 complaints were due to customers receiving a service that they felt was 'not to the quality or standard expected' and a further 14 were due to Bexley 'failing to do something'. This could be improved by better communication and keeping the customer informed of any changes that are being made. In cases where Bexley did not meet the required standards, lessons should be learnt to ensure these errors do not occur in the future.
- A total of six complaints were due to customers disagreeing with Bexley's policies and procedures.

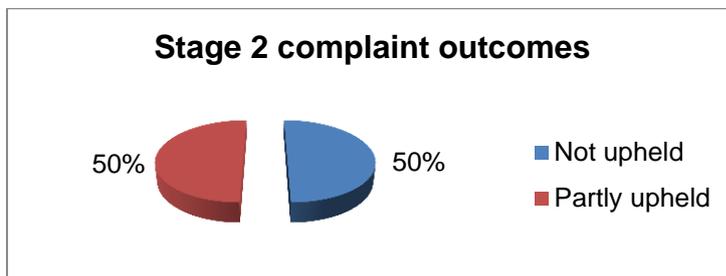
## 2.3 Complaint outcomes

The tables below show the number of Children's social care complaints that were submitted from 1 April 2015 to 31 March 2016 that were upheld, partially upheld and not upheld.



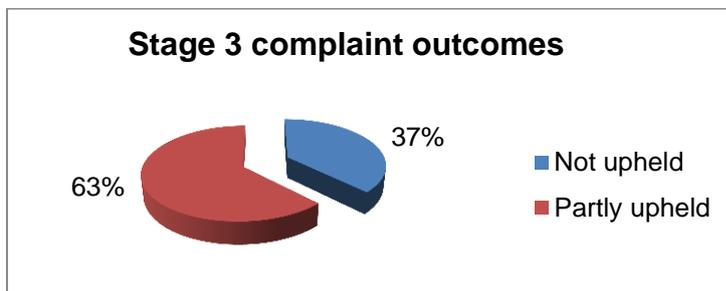
Sourced by iCasework

- 30 complaints were not upheld
- 15 were partly upheld
- Four were upheld



Sourced by iCasework

- Six complaints were not upheld
- Six complaints were partly upheld



Sourced by iCasework

- Three complaints were not upheld
- Five complaints were partly upheld

The tables above show that the majority of complaints at Stage 1 were not upheld. Of the 49 complaints, 12 progressed to Stage 2.

At Stage 2, six complaints were not upheld and six were partly upheld.

Eight complaints progressed to Stage 3. Three complaints were not upheld and five complaints were partly upheld.

Please note that the figures above show the outcomes of complaints “closed” in 2015/16, and will not directly relate to all complaints “received” in the same period.

Comparing this data to previous years, the outcomes suggest that Stage 1 investigations are now being more thoroughly conducted and that the overall performance of Children’s social care has improved, although there still areas of improvement that need to be made, based on the complaints that were upheld.

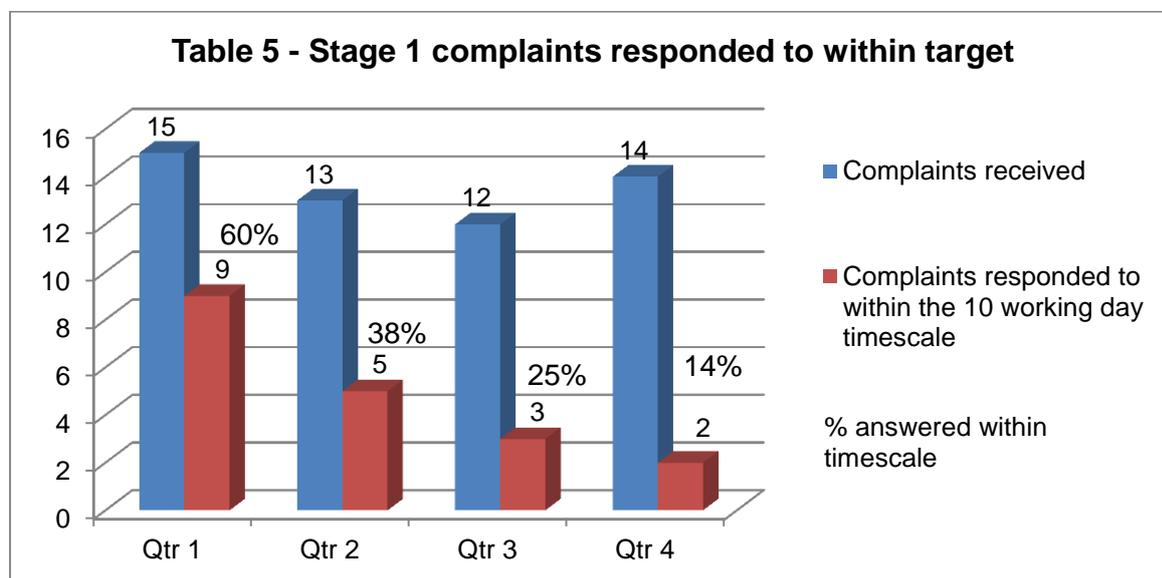
## 2.4 Complaints performance

The table below shows the total number of complaints recorded in Children’s Social Care from 1 April 2015 to 31 March 2016 and the percentage of how many Stage 1 complaints were responded to within target.

Out of 54 Stage 1 complaints that were submitted, 35% were responded to within target. This is an increase of a 5% performance from last year.

Complaint performance fluctuated throughout the year with quarter one being the highest, with 60% of complaints answered within target. The lowest quarter performance was quarter four, with 14 complaints received but only two answered within target (14%).

Weekly reports of all active complaints, along with timescales, are provided to senior managers in Children’s social care. These reports show an overview of all active complaints, and allow for early resolution of issues as well as identifying where timescales are not being met. The overall performance in responding to Children’s social care Stage 1 complaints within target is quite poor and, although it has been noted that the performance has progressed since last year, further improvements need to be made by service managers to ensure Stage 1 complaints are responded to within target.



Sourced by iCasework

The table below shows the Stage 2 and Stage 3 complaints performance recorded in Children’s social care from 1 April 2015 to 31 March 2016.

Please note that the figures above show the outcomes of complaints “closed” in 2015/16, and will not directly relate to all complaints “received” in the same period.

<b>Table 6 - Stage 2 and Stage 3 complaints performance</b>	
	<b>Stage 2</b>
<b>Statutory complaints</b>	100% (2/2)
<b>Corporate complaints</b>	10% (1/10)
	<b>Stage 3</b>
<b>Statutory complaints (Panel hearing arranged within 30 days)</b>	100% (3/3)
<b>Corporate complaints</b>	60% (3/5)

Sourced by iCasework

The statutory Stage 2 and 3 complaints processes are managed by the complaints team who coordinate and oversee the Stage 2 and 3 investigations and ensure the procedures are adhered to.

With regards to the Stage 2 complaints process, the complaints team carries out the following duties:

- Appoint an independent Investigating Officer (IO) and Independent Person (IP) to investigate the statutory complaint.
- Send the information pack that contains the Stage 1 complaint, response and any other relevant information to the investigating team.
- Send case file paperwork to the investigating team or arrange for the files to be viewed in person.
- Arrange staff interviews.
- Keep in regular contact with the investigating team to ensure the IO and IP report is received within the statutory timescale.
- Draft the adjudication response for the Stage 2 investigation and pass the report and draft response to the Deputy Director in a timely manner. This helps ensure a consistency of responses are sent and that clear action plans are completed.
- Ensure the Stage 2 adjudication response is sent to the complainant within the statutory timescales.

With regards to the Stage 3 complaints process, the complaints team carries out the following duties:

- Organises the panel within 30 working days of the complainant’s request; this includes appointing the panel hearing panellists and panel chair, collating and sending the information pack to all attendees within 10 working days of the panel hearing and booking a panel hearing room.
- Ensure the panel’s report is produced within five working days of the panel hearing, and checking that the report clearly details its recommendations;
- Draft the Stage 3 response and pass the panel report and draft response to the Director on the same day of receiving the panel hearing report.

- Ensure the local authority's Stage 3 response is sent to the complainant within 15 working days of receiving the panel's report.

## 2.5 Improving - Learning from complaints

Complaints provide a vital source of insight about people's experiences of social care services, and how those services can be improved.

The complaints process enables us to identify service problems and to make improvements to the service. It also helps us improve staff learning and enhance professional development.

To improve service quality, managers responding to complaints are encouraged to identify any areas for improvement within the service and to inform the complainant of actions which will be taken to prevent a recurrence of the event which led to the complaint.

All resolution and actions ensuing from complaint investigations are assigned to the manager responsible and progress against those actions is monitored by both the service area and the Complaints Team via our complaints management IT system, iCasework. This ensures that, not only do we have an accurate record of any improvements that are identified during the complaints process, but that the service area is informed of any outstanding tasks. Using iCasework to record corrective actions ensures that improvement actions are completed and assists in making sure that they are carried out within the timescales set.

As well as recording any corrective actions on our IT system, the corrective actions and/or learning from complaints are recorded on a spreadsheet and a monthly meeting is held with the complaints manager and senior colleagues within Children's social care to discuss these cases individually in order to agree what actions will be undertaken for service wide improvements to Children's social care and to ensure learning from complaints is disseminated to all Children's social care staff.

Examples of identified learning that have led to changes in procedures following complaint investigations during 2015/16 are detailed below:

- Review of procedures to be undertaken to ensure correct process is carried out when allegations have been made and to ensure any medical evidence is obtained where necessary.
- Policy reviewed to ensure we seek parents' informed consent when social care wishes to speak to a child alone.
- Decision-making to be improved overall and for the information and evidence from when informing customers of the decision should be clearly recorded.
- Training to be provided on the London Child Protection Procedures in respect of convening a conference and the requirement to share information and promote participation involving children and family members.
- A review of Bexley's correspondence to be undertaken, ensuring that the need to secure the views and participation of parents and their children is clearly set out.
- Bexley to provide standard information, letters or leaflets regarding assessments and Section 47 enquiries, which can accompany any 'personalised' letter of introduction.
- Social Care staff to communicate difficult information in a timely manner.
- Core group meetings to be recorded consistently and for child protection chairs to regularly audit the quality, frequency and impact of core group monitoring on the child protection plan.
- Managers to report monthly to the Director on their most complex cases.
- Social Care staff to receive further training in respect of domestic violence, mental health and substance misuse for both parents and children.

The table below shows the corrective actions that arose from the Stage 3 complaints that were made from 1 April 2015 to 31 March 2016 within Children’s social care.



Sourced by iCasework

## 2.6 Complaints to the Ombudsman

This year, we received a total of five complaints for Children’s Social Care from the Local Government Ombudsman.

Out of the five complaints received from the Ombudsman, maladministration and injustice was found in two cases, two cases were not investigated and one case was out of the Ombudsman’s jurisdiction.

- 1) In the first case, in which maladministration and injustice was found, the Ombudsman found fault as the Council had not fully investigated the provision of services to the family when their child was subject to a Child Protection Plan, during the Stage 2 complaints process. It was agreed that a remedy could be achieved by the Council re-investigating this complaint to assess whether provision of suitable services might have reduced the likelihood of the situation. The Ombudsman also recommended that a formal apology was sent.
- 2) In the second case, in which maladministration and injustice was found, the Ombudsman found fault in the way the Council requested a father to leave his property. It was agreed that a remedy could be achieved by the Council apologising to the father and for the Council to review its procedures to ensure that action is only taken to restrict contact between parents and children when it is supported by a formal application to the courts.
- 3) In the third case, the Ombudsman decided not to investigate a complaint about the Council’s response to a mother’s request to remove statements from her son’s social care records. This is because there was nothing further the Ombudsman could add to the response already provided by the Council. The Council had explained it could not amend or remove the statements as they had been presented to, and considered by the court and form a record of events to date. However, the Council offered to place a note on the file showing that the mother disagrees with the statements and

had requested they be removed. This note would be seen by anyone viewing the records.

- 4) In the fourth case, the Ombudsman decided not to investigate a complaint about matters relating to the complainant’s grandchildren. This is because there was nothing further the Ombudsman could add to the response already provided by the Council. The Council had advised the grandfather that the question of contact with his grandchildren was a private matter and not one in which it could intervene. The Council investigated the concerns he raised about the children’s welfare. The Council interviewed the children’s mother and also met with the children alone and obtained their views. The Council found that there were no safeguarding concerns regarding the children.
- 5) In the final case, the Ombudsman was unable to investigate the complaint about the actions of a social worker. This is because the action related to court proceedings, which are not within the Ombudsman’s jurisdiction

Table 8 - Complaints via Local Government Ombudsman (LGO)		
LGO	Number of decisions	Outcome
Complaints	5	2 x maladministration and injustice 2 x not investigated 1 x not within LGO jurisdiction
<b>Total</b>	<b>5</b>	

Sourced by iCasework

## 2.7 Improving – Learning from Ombudsman complaints

The two cases in which maladministration and injustice were found by the Ombudsman have been discussed with senior managers of Children’s social care and key learning issues and improvements to the service have been identified from these two complaints.

The key learning issues that have been identified are:

- Stage 2 investigations must be more thorough and be clearly set out and presented in such way that enables detailed review and analysis of the complaints. Stage 2 reports will go through a robust process of quality control in the future to ensure the investigation process has been concluded to a higher standard.
- Procedures to be reviewed to ensure reports are shared with parents before an Initial Child Protection Conference meeting (ICPC) in order for them to have an opportunity to comment on the contents of the report before the ICPC meeting.
- Procedures to be reviewed to ensure that action is only taken to restrict contact between parents and children where it is supported by a formal application to the courts. Where formal action is considered unnecessary, parents should be informed that any agreement to restrict contact is voluntary. The Council should keep clear records of any voluntary agreement on its file.

## 2.8 Advocacy service

The specific aims and objectives of the advocacy service are to provide an independent issue-based advocacy service for young people who are in the care of Bexley Children’s Services. This will be achieved by:

- Ensuring that children and young people who are looked after by the council have access to the service and given a voice in decisions made about their lives
- Ensuring young people with complex needs and disabilities have access to the service and a voice in decisions made about their lives
- Providing access to an independent advocate for children when making or intending to make a complaint.

To support this process, Bexley Council has commissioned NYAS (National Youth Advocacy Service) to provide an advocacy support service to all looked after children and former relevant young people and care leavers. The provision of the advocacy service encourages young people to have their voices heard and their issues discussed at the point of service delivery and if necessary, provide support and guidance when a child or young person wishes to submit a formal complaint. NYAS also provide an independent visitors service to currently Looked after Children.

In total, NYAS has provided services to 31 children and young people in 2015/16. The age of the young person at point of referral ranged from nine to 21. Out of 31 cases, nine cases were for 17 year olds and six were for 15 year olds. 55% of referrals were male and 45% female.

The main root cause for referral was due to “wishes and feelings in relation to a Care Plan” followed by “issues relating to placement moves” and “the level of contact with family members”.

## **2.9 Subject Access Requests**

Section 7 of the Data Protection Act 1998 allows individuals the right to access a copy of the information an organisation holds about them. When an individual asks to see what personal information we hold about them, this is known as a subject access request.

Between 1 April 2015 and 31 March 2016, Children’s social care received 69 subject access requests. If the requester is not satisfied with the information provided to them by the Council, they can request an internal review. Bexley received four internal reviews on subject access requests between 1 April 2015 and 31 March 2016.

Subject access requests are often received relating to complaints in Children’s social care as it provides a wider context for all complaints-related activity. As noted, during 2015/16, 96 of the overall total of 137 subject access requests were for Children’s Services. This means that Children’s Services received 71% of the total, significantly more than the other directorates combined.

## **3. Work priorities for 2016/17**

During the year 2016/17 the Complaints Team will focus on:

- Working with Children’s social care managers to ensure they understand the statutory and corporate complaints procedure and the support and guidance available to them from the complaints team. This is particularly important this year as we have several new managers that have joined Bexley Council and it is important that the quality of the Stage 1 responses is maintained to a high standard.
- Continue to work closely with Children’s social care managers to increase the response time performance for Stage 1 complaints. This work will include sending weekly reports of open cases to each service manager, together with the complaints manager attending a monthly meeting with senior members of the team to discuss any outstanding or complex cases.

- Continue to ensure the complaints procedure is easily accessible, particularly to young people. This work will include reviewing Bexley Council's complaints literature and online web pages to ensure the information provided is up to date.
- Continue to work closely with NYAS, Bexley Council's Children's Advocacy Service. This work will include meeting with the NYAS advocate on a two-monthly basis to discuss any open and or complex cases together with working together on an ad-hoc basis when required.
- Continue to monitor any corrective actions that have arisen from complaints and ensure they are completed in a timely manner. Also to ensure any 'learning from complaints' are disseminated across the service area and that evidence of the learning is recorded.
- Continue to work closely with the Local Government Ombudsman. This work will include ensuring that any Ombudsman enquiries are responded to within the timescale given. All recommendations to be actioned promptly and any learning from the Ombudsman complaints to be disseminated across the service area.
- The complaints manager to continue attending the London Complaints Managers Group. This is a quarterly meeting, in which complaint managers discuss and learn about regional and national issues. This provides opportunities to develop local practice standards; discuss performance and resolve issues. The group also discusses proposed changes to legislation and procedures and prepare consultation responses where necessary. Given the national profile of Children's issues, welfare and wellbeing, the group spends a large proportion of its time discussing complaints matters relating to Children's social care.