



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

**April 2016 – March 2017**

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

**Annual Complaints Report – 2016/2017**

**Contents**

1. Introduction ..... 3

1.1 Key facts..... 3

1.2 Background..... 4

2. Complaints received..... 4

2.1 Complaints by Service Area..... 5

2.2 Causes of complaints ..... 6

2.3 Complaint outcomes ..... 7

2.4 Complaints performance ..... 8

2.5 Improving - Learning from complaints ..... 9

2.6 Complaints to the Ombudsman..... 11

2.7 Improving – Learning from Ombudsman complaints..... 11

2.8 Advocacy service ..... 12

2.9 Subject Access Requests..... 12

3. Work priorities for 2017/18 ..... 12

## **I. Introduction**

This report provides information on complaints about Children's social care services in the London Borough of Bexley from 1 April 2016 to 31 March 2017. 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. Processes were discussed to ensure any learning from complaints is disseminated to all Children's social care staff.

Reports on open complaints are sent to service managers frequently by the Complaints Team. This helps to ensure all complaints are reviewed frequently and are responded to within timescale. If it is not possible to respond to a complaint on time, the customer is informed of the delay and given an explanation as to the reasons 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.

### **I.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 do not relate to 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. In 2016/17 the target of responding to corporate complaints were within 10 working days at Stage 1 but this is due to be changed to 15 working days in 2017/18 as Bexley Council will be reducing its corporate complaints procedure to a two stage process.
- In 2016/17, we received 59 Stage 1 complaints about Children's social care services. 40% of Stage 1 complaints were resolved within the target of 10 working days.

- Out of the 59 complaints received during the year, 10 progressed to Stage 2. There were no complaints progressed to Stage 3; however one complaint was referred early to the Local Government Ombudsman for resolution as it was agreed that nothing further could be added at Stage 3.

## 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 complaint, 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 with the outcome at Stage 1. 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 are appointed specifically for this piece of work. The IP must be independent from the Local Authority. The IO and IP look at all details surrounding the complaint and will make recommendations for a better or improved service, and will propose 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 2016 to 31 March 2017.

| <b>Table 1 - Complaints received</b> |                |                |                |                  |              |
|--------------------------------------|----------------|----------------|----------------|------------------|--------------|
| <b>Total</b>                         | <b>Stage 1</b> | <b>Stage 2</b> | <b>Stage 3</b> | <b>Ombudsman</b> | <b>Total</b> |
| <b>Statutory complaints</b>          | 21             | 5              | 0              | 0                | 26           |
| <b>Corporate complaints</b>          | 38             | 5              | 0              | 1                | 44           |
| <b>Total</b>                         | <b>59</b>      | <b>10</b>      | <b>0</b>       | <b>1</b>         | <b>70</b>    |

Sourced by iCasework

The number of Stage 1 and Stage 2 complaints has slightly reduced in 2016/17 compared to 2015/16 in which we had received 63 Stage 1 and 12 Stage 2 complaints. Children's Social Care received no Stage 3 complaints in 2016/17 compared to nine the previous year and received one Ombudsman complaint compared to five the previous year.

The Local Government Ombudsman has advised that they received a total of eight Education and Children's services complaints in 2016/17; seven of which we have not yet been informed of the outcome and therefore cannot report on. If the Ombudsman makes a decision to investigate these complaints, the outcomes will be provided in the 2017/18 Annual Complaints Report.

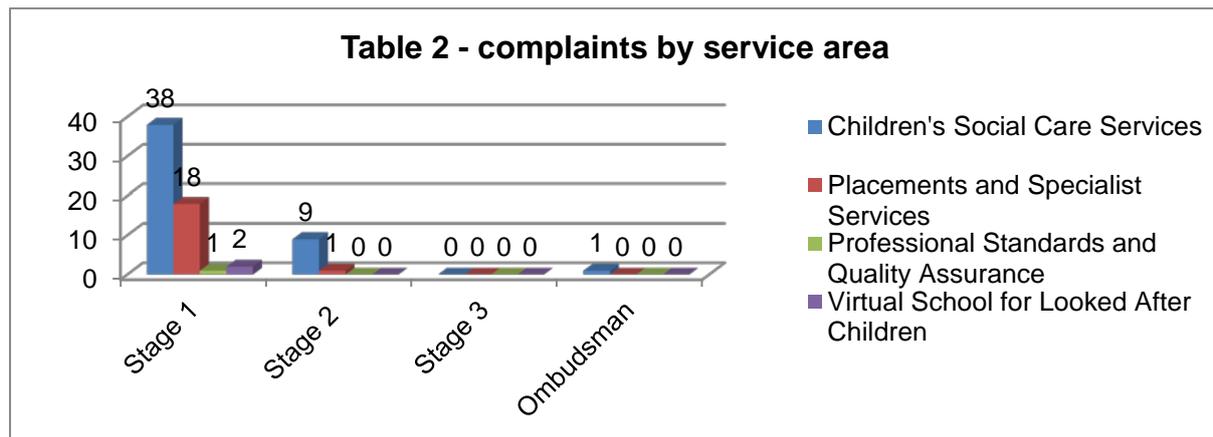
The Local Government Ombudsman reports by category on Children social care and Education complaints together; however Bexley continues to have the lowest number of complaints referred to the Ombudsman in this category, by comparison with our neighbouring local authorities.

| <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> |
| 8   | 28             | 26               | 28              |

Sourced by the LGO

## **2.1 Complaints by Service Area**

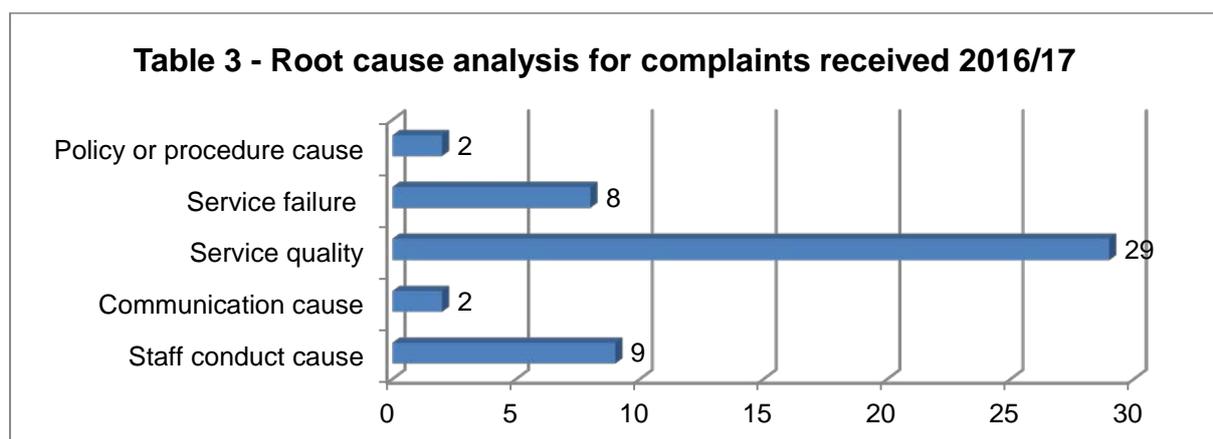
The table below shows the service area that the complaint related to within Children’s social care from 1 April 2016 to 31 March 2017.



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 2016 to 31 March 2017. (Please note that the data below does not match the data in table 1 as it relates to complaints “closed” in 2016/17 and not complaints “received”).



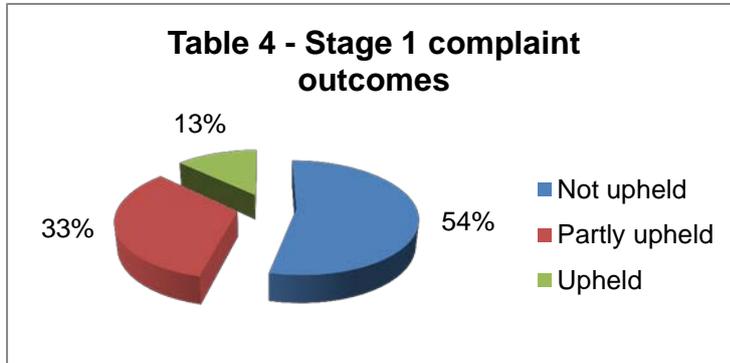
Sourced by iCasework

- The figures above show that the highest numbers of complaints received concerned ‘service quality’ causes of which we received 29 complaints out of a total of 50.
- 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 nine complaints were due to the conduct of staff and a further eight were due to Bexley ‘failing to deliver a service’. This could be improved by keeping the customer informed of any changes that are being made and clearly explaining the reasons behind the change. In respect of staff conduct, these would need to be reviewed on an individual basis and relevant training put in place where necessary. In all cases where Bexley did not meet the required standards, lessons should be learnt to ensure these errors do not occur in the future and to ensure service standards continue to improve.

- Two complaints were due to a delay in the customer receiving information and a further two complaints related to customers disagreeing with Bexley's policies and procedures.

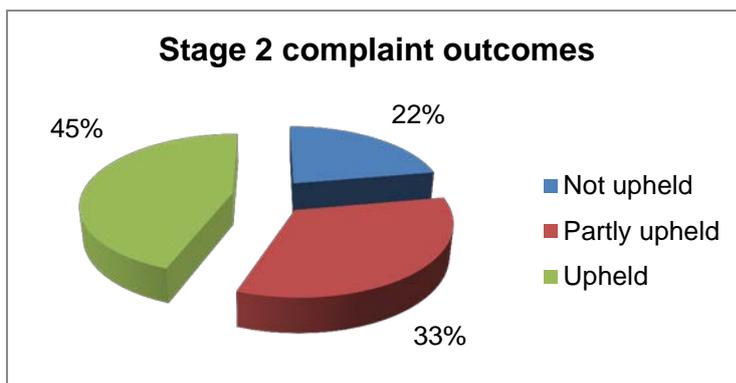
### 2.3 Complaint outcomes

The tables below show the number of Children's social care complaints that were submitted from 1 April 2016 to 31 March 2017 that were upheld, partially upheld and not upheld.



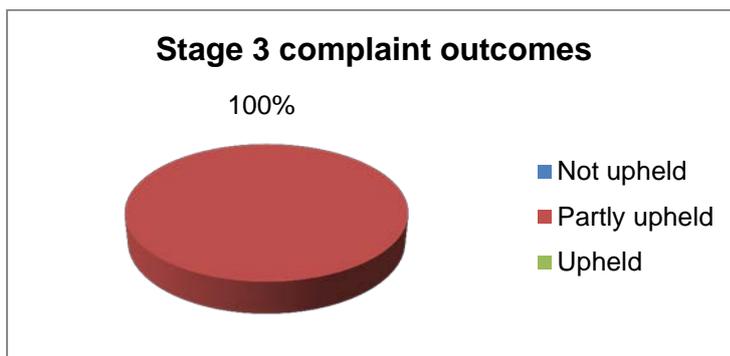
Sourced by iCasework

- 29 complaints were not upheld
- 18 were partly upheld
- Seven were upheld



Sourced by iCasework

- Two complaints were not upheld
- Three complaints were partly upheld
- Four complaints were upheld



Sourced by iCasework

- One complaint was partly upheld

The tables above show that the majority of complaints at Stage 1 were not upheld. 18 were partly upheld and seven were upheld. Of the 54 complaints, nine progressed to Stage 2.

At Stage 2, two complaints were not upheld, three complaints were partly upheld and four complaints were upheld.

One complaint progressed to Stage 3, which was partly upheld.

Please note that the figures above show the outcomes of complaints “closed” in 2016/17, and will not directly relate to all complaints “received” or the “performance” in the same period.

Comparing this data to previous years, the outcomes suggest that complaint investigations are now being more thoroughly conducted and that the overall performance of Children’s social care has improved, although there are still areas of improvement that need to be made, based on the complaints that have been either partly upheld or upheld in full.

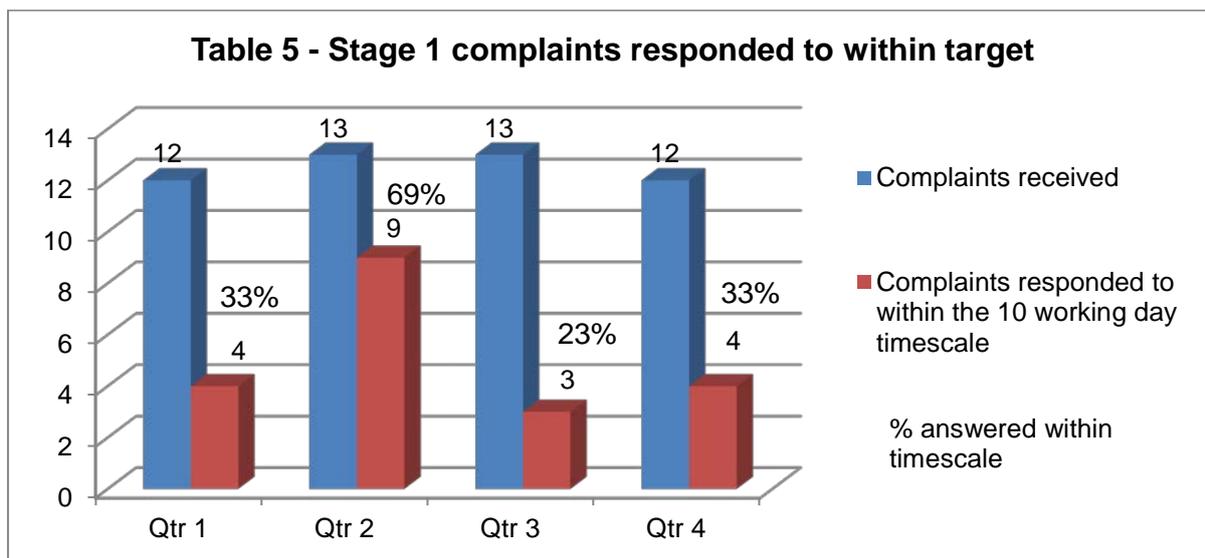
## 2.4 Complaints performance

The table below shows the total number of complaints recorded in Children’s Social Care from 1 April 2016 to 31 March 2017 and the percentage of how many Stage 1 complaints were responded to within target.

Out of 50 Stage 1 complaints that were submitted, 40% were responded to within target. This is an increase of a 5% performance from last year.

Complaint performance fluctuated throughout the year with quarter two being the highest, with 69% of complaints answered within target. The lowest performance was quarter three, with 13 complaints received but only three answered within target (23%).

Weekly reports of all open complaints, along with timescales, are provided to senior managers in Children’s social care. These reports show an overview of all open 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

Please note that the figures above show the outcomes of complaints “closed” in 2016/17, and will not directly relate to all complaints “received” in the same period.

The table below shows the Stage 2 and Stage 3 complaint performance recorded in Children’s social care from 1 April 2016 to 31 March 2017.

| <b>Table 6 - Stage 2 and Stage 3 complaints performance</b> |                |
|---|----------------|
|   | <b>Stage 2</b> |
| <b>Statutory complaints</b>                                 | 33% (1/3)      |
| <b>Corporate complaints</b>                                 | 0% (0/6)       |
|   | <b>Stage 3</b> |
| <b>Statutory complaints</b>                                 | 0% (0/1)       |
| <b>Corporate complaints</b>                                 | None received  |

Sourced by iCasework

The statutory Stage 2 and Stage 3 complaint processes are managed by the Complaints Team who coordinate and oversee the Stage 2 and Stage 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:

- Appoints an independent Investigating Officer (IO) and Independent Person (IP) to investigate the statutory complaint.
- Sends the information pack that contains the Stage 1 complaint, response, Stage 2 request and any other relevant information to the investigating team.
- Sends case file paperwork to the investigating team or arranges for the files to be viewed in person.
- Arranges staff interviews.
- Keeps in regular contact with the investigating team to ensure the IO and IP report is received within the statutory timescale.
- Drafts the adjudication response for the Stage 2 investigation and passes the report and draft response to the Deputy Director in a timely manner. This helps ensure a consistency of Stage 2 responses are sent and that clear action plans are completed.
- Ensures 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.
- Keeps in regular contact with the Panel Chair to ensure the panel’s report is produced within five working days of the panel hearing, and checking that the report clearly details its recommendations;
- Drafts the Stage 3 response and passes the panel report and draft response to the Director on the same day of receiving the panel hearing report.
- Ensures that 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 issues 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 arising from complaint investigations are assigned to the service 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 ensuring that they are carried out within the timescales set.

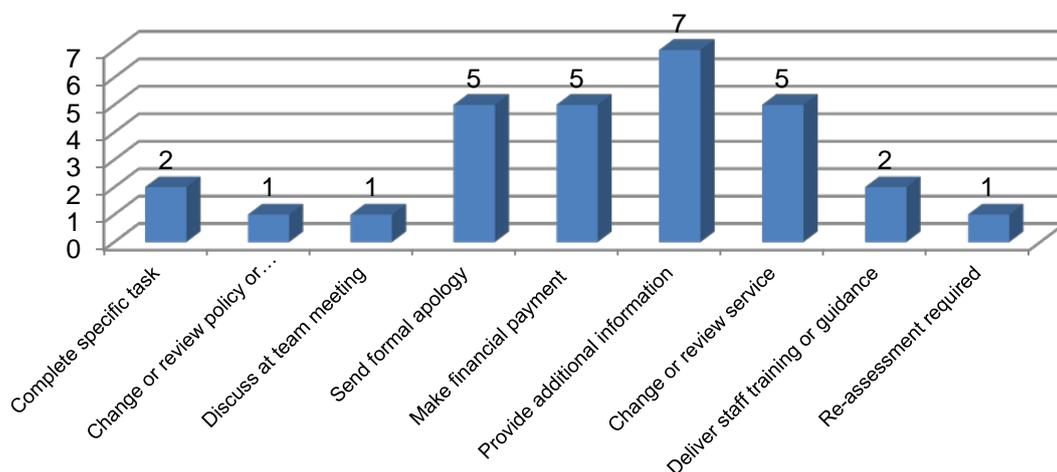
As well as recording any corrective actions on our IT system, the corrective actions and/or learning from complaints are recorded on a spreadsheet. A monthly meeting is held with the complaints manager and senior colleagues within Children's social care to discuss these cases individually in order to 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 2016/17 are detailed below:

- Standards and accuracy of case recordings have been addressed and improved.
- Bexley reviewed its procedures for restricting parental contact in child protection cases.
- Staff were reminded that minutes of core group meetings must be recorded and sent out in a timely manner.
- Procedures were reviewed to ensure any decision-making processes around foster placements are clearly explained to the persons affected.
- One to one meetings were held with children and young people who had made a complaint to discuss what went wrong and to enable Bexley to consider how it might be put things right. At these meetings, children and young people were asked to provide feedback and to give ideas that would help Bexley record the wishes of children and young people.
- Procedures were reviewed to ensure assessments are shared with families, their views recorded and any agreed amendments are to be made before the assessment is finally signed by the team manager.
- Training and staff guidance was provided to the Family Wellbeing Team to ensure better inclusion of fathers in social work support and intervention. This will ensure fathers do not feel excluded in the future when working with the Family Wellbeing Team.
- Shortcomings identified in practice standards and management oversight has been addressed across the service.

The table below shows the corrective actions that arose from all complaints that were closed from 1 April 2016 to 31 March 2017 within Children's social care.

**Table 7 - Corrective actions arising from complaints**



Sourced by iCasework

## 2.6 Complaints to the Ombudsman

In 2016/17 one complaint for Children’s Social Care was received from the Local Government Ombudsman. In this case the Ombudsman found maladministration and injustice. This figure has decreased compared to the five cases from the Ombudsman in 2015/16.

In the one case that was received from the Ombudsman, maladministration and injustice was found. Although the Ombudsman agreed that the Council acted properly to safeguard a child and offered suitable support to the parent during the process, it failed to ensure it processed an application for benefits for the parent and delayed unduly in dealing with her complaints on these matters.

**Table 8 - Complaints via Local Government Ombudsman (LGO)**

| LGO          | Number of decisions | Outcome                         |
|--------------|---------------------|---------------------------------|
| Complaint    | 1                   | Maladministration and injustice |
| <b>Total</b> | <b>1</b>            |                                 |

Sourced by iCasework

## 2.7 Improving – Learning from Ombudsman complaints

The case in which maladministration and injustice was found by the Ombudsman has been discussed with senior managers of Children’s social care and key learning issues and improvements to the service have been identified from this complaint.

The key learning issues that have been identified from this complaint are:

- Record keeping for key issues such as Discretionary Housing Payments for highly vulnerable clients has been reviewed to ensure systems are robust to prevent and minimise human errors.

- Performance issue around responding to complaints at all stages have been addressed with managers to ensure the service keeps to timescales and customers are informed if there are any unavoidable delays, in line with Bexley's complaints policy.

## 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 38 children and young people in 2016/17. The age of the young person at point of referral ranged from six to 21. The highest number of referrals was from 17 year olds, of which they received 11 cases. Nine of the 38 referrals were from 14 year olds. 45% of referrals were male and 55% female.

The main root cause for referral was due to 'wishes and feelings in relation to Care Plan', 'education provision', 'anger about history of social services involvement' and 'access to leaving care grant/savings issues about transition to adult services or independence'.

## 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 2016 and 31 March 2017, Children's social care received 40 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 did not receive any internal reviews on subject access requests between 1 April 2016 and 31 March 2017.

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 2016/17, 40 of the overall total of 99 subject access requests were for Children's Services. This means that Children's Services received 40% of the total amount of requests received, significantly more than the other directorates combined.

## 3. Work priorities for 2017/18

During the year 2017/18 the Complaints Team will focus on:

- From the 3<sup>rd</sup> July 2017, the Complaints Team will have appointed a new member of staff whose main role will be to work with colleagues within Children's social care to help ensure the quality of complaint responses and timescales are adhered to. They will also oversee all subject access requests received for Children's social care.
- Working with Children's social care managers to ensure that 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 the London Borough of Bexley and it is essential 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 all 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 accurate and 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 any learning is recorded on iCasework.
- 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 are to be actioned promptly and any learning from the Ombudsman complaints are to be disseminated across the service area and recorded on iCasework.
- 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. These meetings provide 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.

*Please note that if there is anything in this report which requires further clarification please contact the complaints team at [Complaints@bexley.gov.uk](mailto:Complaints@bexley.gov.uk)*