

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

**April 2017 – March 2018**

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

**Annual Complaints Report – 2017/2018**

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## 1. Introduction

This report provides information on complaints about our children's social care services from 1 April 2017 to 31 March 2018. We have dealt with the majority of complaints through the corporate complaints process and a smaller number through the social care statutory complaints procedure.

Throughout this report, we refer to the number of complaints we received, investigated and closed in 2017/18. The numbers do not match. This is because we have up to 15 working days to investigate a complaint, which means we often close a complaint the month after we receive it. Therefore, a small number of complaints in this report we received in 2016/17 but investigated and closed in 2017/18.

Complaints are a valuable tool in helping us to understand the experience of our residents and service users about the service we deliver and are central to identifying areas for improvement. This report shows the issues residents and service users complained to us about, how we handled them and some of the lessons we learnt to improve our processes.

We capture a range of information whenever we receive a complaint. This includes the nature of the complaint, the action we took to resolve it, the outcome of the complaint and whether we responded to the complaint on time.

Children's social care have made considerable efforts this year to recognise when things have gone wrong and identifying ways to learn from the complaints to ensure they continually improve their service delivery for all our residents.

Senior managers and the head of complaints held meetings throughout the year to discuss corrective actions and identify learning opportunities. Senior managers also disseminated all learning to social care staff to ensure they change practices and procedures where necessary.

Our Complaints Team provides an open complaints report to every service managers each week to ensure we deal with them on time. If it is not possible to respond to a complaint on time, we inform our resident, explain why and provide them with a new deadline.

By publishing an annual complaints report, we hope to demonstrate a commitment to transparency and a positive approach to dealing with and learning from complaints.

### 1.1 Key Points

- We use the children's social care statutory complaints process for all complaints relating to our core social care responsibilities as set out in the Children Act 1989. The legislation requires us to respond to complaints within 10 working days at Stage 1.
- We handle complaints about children's social care that do not relate to the core (legally defined) social care responsibilities, as corporate complaints. Examples of these include a missed payment to a foster carer or a complaint from a resident because they did not receive a response from a social worker. Our target is to respond within 15 working days for corporate Stage 1 complaints.

- In 2017/18, we received 68 Stage 1 complaints about children’s social care services. We resolved 58% of these within the target of 15 working days.
- Out of the 68 complaints received during the year, 12 progressed to Stage 2 and three complaints progressed to the Local Government Ombudsman.
- We believe that dealing effectively with complaints is essential to providing good services and we use feedback from complainants to improve our services.

## 1.2 Background

Under the Children Act 1989, we are legally required to have a procedure in place to deal with complaints relating to our key social care responsibilities as defined in the Act.

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

**Stage 1:** The relevant Head of Service or Service Manager investigates the complaint and tries to resolve all issues of dissatisfaction at a local level as early as possible. The timescale for resolving complaints is 10 working days, which we can extend to 20 working days in exceptional cases.

**Stage 2:** If the complainant remains dissatisfied with the outcome at Stage 1, they can escalate their complaint to Stage 2. This stage allows for a fresh and independent look at the original complaint. An Investigating Officer (IO) conducts an investigation that an Independent Person (IP) oversees. IP makes sure the process is both fair and transparent.

The IO can be an employee of the local authority or commissioned from outside 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 may also propose how we can rectify any service failure. After considering the findings and recommendations of the investigation team, the 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 is 25 working days but we can extend this depending on complexity of the investigation.

**Stage 3:** If the complainant remains dissatisfied at the end of Stage 2, they can escalate their complaint to a Review Panel review. The panel consists of three independent people from outside the authority. The 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.

There are various timescales at Stage 3 of the complaints progress, which include:

- We have 30 working days to organise the panel upon receipt of the complainant’s request;
- The Panel Chair has five working days after the hearing to produce a report detailing its recommendations;
- Following receipt of the Panel’s recommendations, we have 15 working days to send our response to the complainant.

After Stage 3, the complainant can ask the LGO to review their complaint if they remain dissatisfied. Although they are also entitled to approach the LGO at any time in the process if they are unhappy with the way we are handling their complaint.

## 2. Complaints received

The table below shows the total number of complaints received in from 1 April 2017 to 31 March 2018.

<b>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	3	0	0	24
<b>Corporate complaints</b>	47	9	n/a	3	59
<b>Total</b>	<b>68</b>	<b>12</b>	<b>0</b>	<b>3</b>	<b>83</b>

The number of Stage 1 and Stage 2 complaints has slightly increased in 2017/18 compared with 2016/17 in which we received 59 Stage 1 and 10 Stage 2 complaints. For the second year running, we received no Stage 3 complaints. Three Ombudsman complaints were received compared with one the previous year. In total, we received 13 more complaints in 2017/18 compared with 2016/17.

The LGO has advised that they received eight Education and Children's services complaints in 2017/18; seven of which we have not yet been informed of the outcome so they are not in this report. If the Ombudsman makes a decision to investigate these complaints, we will provide details about them in our 2018/19 Annual Complaints Report.

### How we compare

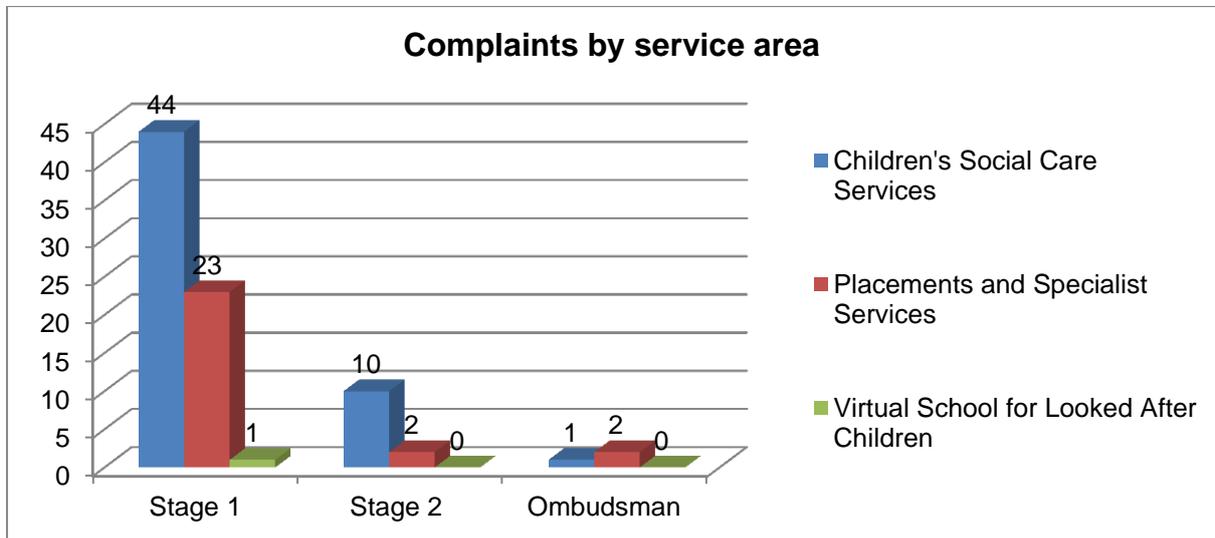
We continue to have the lowest number of complaints referred to the Ombudsman compared with neighbouring local authorities.

<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>
14	30	20	21

Further details of our Ombudsman cases are set out in Section 2.6.

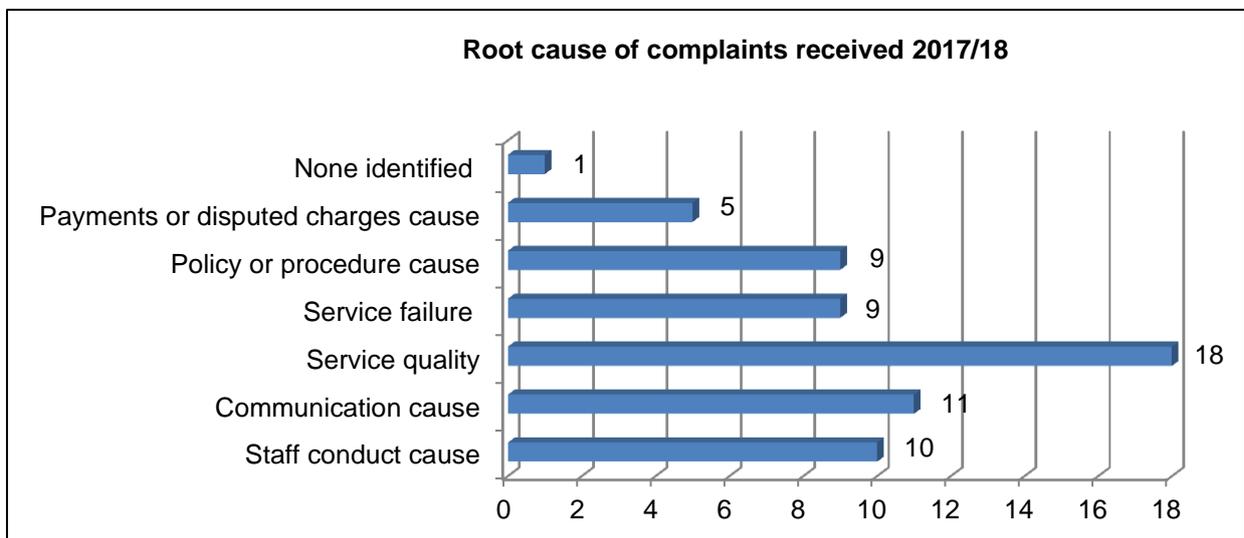
## 2.1 Complaints by service area

The table below shows which service areas we received complaints about in 2017/18.



## 2.2 Causes of complaints

The table below shows the root causes of complaints in 2017/18. *(Please note that the data below does not match the data in section 2 as it is about complaints we “closed” in 2017/18 as opposed to complaints we “received”).*



- Eleven complaints were due to communication issues and a further 10 were due to staff conduct. We could improve this by keeping our residents better informed about any changes we make to their care or service and by better explaining the reasons behind these changes.

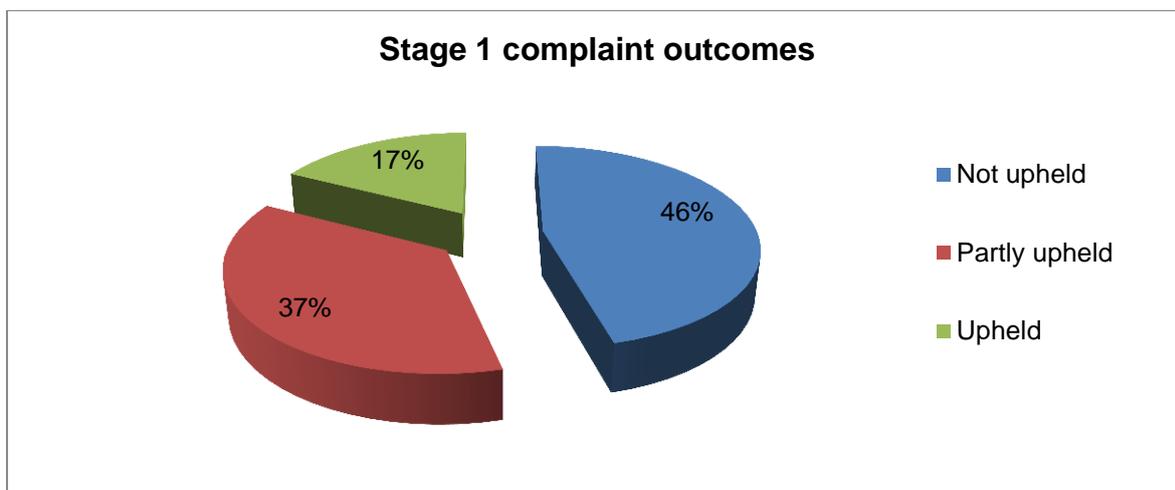
In respect of staff conduct, we will review these on an individual basis and put in place the relevant training where we need it. In all cases where we did not meet the

required standards, we will learn lessons to ensure these errors do not occur in the future and to ensure that our service standards continually improve.

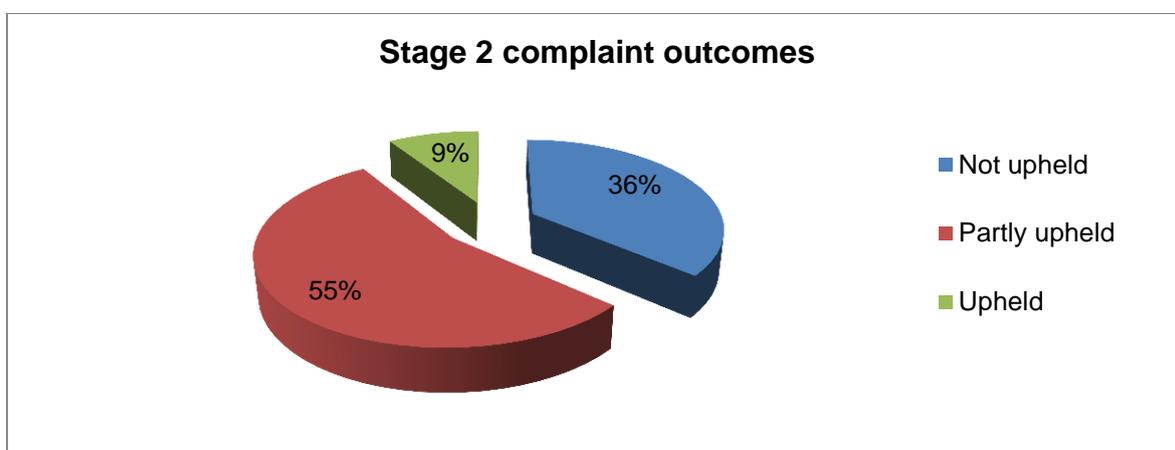
- Nine complaints were about our service failure and a further nine related to customers disagreeing with our policies or procedures.
- Five complaints were due to a dispute with a payment or a charge we had levied.

### 2.3 Complaint outcomes

The tables below show a percentage breakdown of the decisions we made regarding the complaints we investigated in 2017/18. Note, a small number of the complaints in this period, we received in the previous financial year.



Stage 1 complaint outcomes in numbers	
Not upheld	29
Partly upheld	23
Upheld	11
<b>Total</b>	<b>63</b>



<b>Stage 2 complaint outcomes in numbers</b>	
Not upheld	4
Partly upheld	6
Upheld	1
<b>Total</b>	<b>11</b>

### **Analysis**

- The tables above show that we did not uphold the majority of complaints at Stage 1, 23 were partly upheld and 11 were upheld. Of the 63 complaints, 11 progressed to Stage 2.
- At Stage 2, we did not uphold four complaints but did partly uphold six and upheld one.
- No statutory complaints progressed to Stage 3.
- The figures above show the outcomes of complaints “closed” in 2017/18, and will not directly relate to all complaints “received” or the “performance” in the same period.

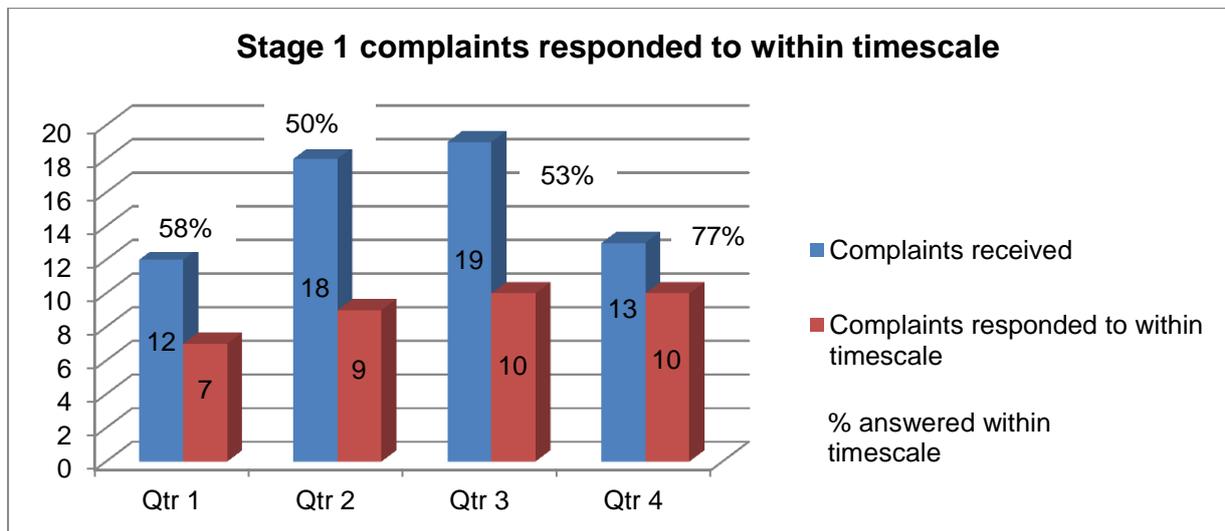
### **2.4 Complaint performance**

The table below shows the total number of complaints we received in 2017/18 and the percentage of Stage 1 complaints we were able to respond to on time.

We dealt with 58% of Stage 1 complaints on time, which was an increase of 18% from last year.

Complaint performance fluctuated throughout the year with quarter four being the highest, with 77% of complaints answered within target. The lowest performance was quarter two, where we dealt with nine out of 18 complaints on time.

The Complaints Team provide weekly reports of all open complaints including due dates to all senior managers within our children’s social care service. These reports provide an overview of all open complaints, including those that are overdue or running close to the deadline. We are confident that we will see an improvement in performance next year by continuing to produce an opening weekly complaints report, by regularly discussing cases with senior managers and discussing overdue cases at our monthly leadership meetings.



Please note that the figures above show the outcomes of complaints “closed” in 2017/18. As explained earlier this number does not relate to the number of complaints we “received” in the same period.

The table below shows the Stage 2 and Stage 3 complaint performance in 2017/18.

<b>Stage 2 and Stage 3 complaints performance</b>	
	<b>Stage 2</b>
<b>Statutory complaints</b>	0% (0/4)*
<b>Corporate complaints</b>	50% (4/8)
	<b>Stage 3</b>
<b>Statutory complaints</b>	n/a (none received)
<b>Corporate complaints</b>	n/a (none received)

\*(0/4) equates to 4 complaints received and none responded to within target

The Complaints Team manage the statutory Stage 2 and Stage 3 complaint processes. They are responsible for coordinating and overseeing the investigations, ensuring that we adhere to the relevant procedures and legislation.

With regard to the Stage 2 complaints process, the Complaints Team is responsible the following duties:

- Appointing an independent Investigating Officer (IO) and Independent Person (IP) to investigate all statutory complaints
- Sending the information pack that contains the Stage 1 complaint, Stage 1 response, the Stage 2 request, and any other relevant information to the investigating team
- Sending all case file paperwork to the investigating team or arranging for the files to be viewed in person
- Arranging staff interviews
- Keeping in regular contact with the investigating team to ensure the IO and IP report is received within the statutory timescale

- Drafting the adjudication response at Stage 2 and passing the report and draft response to the Deputy Director in a timely manner. This helps ensure that our Stage 2 responses are consistent and that we carry out any actions
- Ensuring we send the Stage 2 adjudication response to the complainant within the statutory timescales.

With regard to the Stage 3 complaints process, the Complaints Team carries out the following duties:

- Organising the panel within 30 working days of the receipt of the complainant's request. Appointing the Chair, sending the information pack to all attendees within 10 working days and booking a hearing room
- Keeping 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
- Drafting the Stage 3 response, passing on the panel report and draft Stage 3 response to the Director the day we receive the panel's report
- Making sure, we send our Stage 3 response to the complainant within 15 working days of receiving the panel's report

## **2.5 Improving and learning from complaints**

Complaints provide a vital source of insight about people's experience of our social care services. They help to show us what we do well and how we can improve them.

The complaints process enables us to identify service issues that affect our service users and to make improvements. It also helps us improve staff learning and enhance professional development.

To improve service quality, we encourage managers who respond to complaints to identify areas of improvement within their service and to inform the complainant of any actions they have taken to prevent a recurrence of the event that led to the complaint.

We assign all resolution and actions arising from our complaint investigations to the service manager responsible and we monitor progress against those actions through our complaints management system. This ensures that we have an accurate record of any improvements we identify during the complaints process, and the service area is aware of any outstanding tasks. Using iCasework to record corrective actions also makes sure that they are completed and carried out on time.

Examples of learning we have identified that have led to changes in procedures following complaint investigations during 2017/18 are set out below:

### Complaint 1

Following a complaint investigation, we identified faults in the way we carried out a family and friends care assessments, which resulted in some undue problems for the family involved.

### Our response

To prevent this issue recurring, we have produced some guidance for our staff to help them deal with placing child with extended family or foster placement as part of a viability assessment.

### Complaint 2

A complaint escalated to Stage 2 of our complaints process because our initial response did not address all the issues raised by the complainant.

### Our response

To try to avoid this happening again, we provided extra training to some of our staff about the tone and style of their responses. In particular, we wanted them to demonstrate in their reply that they had understood the complainant's issues, demonstrate empathy and explain our position clearly, even if they weren't providing good news.

### Complaint 3

A complainant was unhappy about the minutes we took during an Initial Child Protection meeting. Our investigation found that the minutes did not clearly show the reason why the complainant didn't consent to a Child in Need Plan.

### Our response

We briefed officers about the importance of making sure they take detailed and accurate minutes. The records must be a true reflection of what attendees said in the meeting, which we can rely upon in the future in case we need to refer to them as part of a complaint investigation or a Subject Access Request.

### Complaint 4

A family was unhappy with the way we conducted their family assessment. They felt they were not properly included, didn't get the chance to speak during some of the meetings and our final assessment contained errors.

### Our response

We agreed that we hadn't given the family involved sufficient opportunity to participate in our assessment. We have subsequently provided further training to the officers who conduct these assessments to make sure families feel included in the process, and we include their views properly in our final assessment.

### Complaint 5

We received a complaint that one of our social workers failed to carry out a home visit to family to discuss the welfare of a young child.

### Our response

We were unable to establish if our social worker agreed to the home visit or failed to carry it out as promised. However, we recognised that we needed to keep better records of home visits and ensure we undertake them as promised. We also need to communicate our intentions more clearly with families to avoid a similar breakdown of communication in the future. We addressed this issue by highlighting the case with several key service areas and carrying our regular monitoring of our social workers through supervision sessions.

The table below shows the corrective actions that arose from all complaints we closed in 2017/18.



## 2.6 Ombudsman complaints

In 2017/18, we received three complaints for Children's Social Care from the LGO.

Out of the three complaints, the Ombudsman found that two cases were not in its jurisdiction and they had no discretion to investigate.

One case is still under investigation and the outcome will be reported in next year's annual complaints report.

Complaints via Local Government Ombudsman (LGO)		
LGO	Number of cases	Outcome
Complaint	3	2 x Not in jurisdiction and no discretion 1 x Still under investigation
<b>Total</b>	<b>3</b>	

Details of the three Ombudsman complaints are summarised below:

1. A resident complained that a social worker behaved unprofessionally. He said the social worker was manipulated by his ex-wife to act in her favour during his divorce proceedings. The Ombudsman did not investigate his complaint as they cannot consider any information considered by the court. Also, they advised that the Health and Care Professions Council was better placed to consider his complaint about the social worker's conduct.
2. A resident complained to the Ombudsman that the Council had not responded to their Subject Access Request. The Ombudsman did not investigate the complaint as complaints regarding data protection matters are for the Information Commissioner to consider.

3. The third Ombudsman complaint is still under investigation and the outcome will be reported in next year's annual complaints report.

## 2.7 Advocacy service

The specific aim and objective of the advocacy service is to provide an independent issue-based advocacy service for young people who are in the care of Bexley Children's Services by:

- Ensuring that children and young people who are looked after have access to the service and are 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, we have commissioned NYAS (National Youth Advocacy Service) to provide an advocacy support service to all looked after children, former 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.

If necessary, it can provide support and guidance when a child or young person wishes to submit a formal complaint. NYAS also provide an independent visitor service to 'looked after children'.

In total, NYAS has provided services to 21 children and young people in 2017/18. The age of the young person at point of referral ranged from nine to 20. The highest number of referrals was for children who were 17 or above, of which they received six cases. Five of the 21 referrals were from children who were 15 year olds. 67% of referrals were male and 33% female.

The main root cause for referral was due to the following causes:

- 'Wishes and feelings in relation to Care Plan'
- 'Proposed placement move/failure to offer new placement'
- 'Anger/disappointment about history of social services involvement'
- 'Issues about transition to adult services or independence'.

## 2.8 Compliments received

Between 1 April 2017 and 31 March 2018, we received 20 compliments; a selection of these is detailed below:

- *"I would like to compliment the work of SG. My social worker has given me the upmost trust and support concerning my family and our current situation and I don't know what we would have done without her help. She is a credit to Bexley Council and she has restored my faith in social services. She has always been there at the end of the phone or even face to face when I've needed her. She has gone out of her way to help us to the best of her ability and reassure us along the way. Not having my own support network here it's been a great ease of mind to know S has been there to help me as I suffer from depression and along with my partner she has*

*kept my spirits up. During our times in the Civic Centre when I felt I wasn't being heard or reasoned with, S has always been there to mediate and explain or help get my point across. Any family are lucky to have her as the social worker allocated to them as she doesn't judge at all."*

- *"I have been at Bromley County Court for the last two weeks representing a customer at the fact finding hearing. I wanted to take this opportunity to let you know how impressed I have been with the two social workers in the case CC and HP. Their work has been exemplary and their assistance with a range of potentially derailing problems at court during the fact finding has been invaluable. In particular, CC managed to obtain information from the school and the foster carer which was relevant to a very late Part 25 application on behalf of the Guardian. HP volunteered to accompany the customer to Ilford which enabled the video link evidence to be effective. It is not often (if ever) that I am moved to send an email commending social workers or other advocates but the quality of the work done in this case has moved me to do so."*
- *"I just wanted to give feedback my experience working with C. Throughout CB's three year placement at Greenfields House, C has demonstrated an exceptional collaborative working arrangement with us and had the child's best interests in mind the whole time. When handed the unenviable task of finding a new placement with 28 days' notice, C was seen to be very proactive and understanding of our position and understood the importance of working with us to ensure the best possible outcome for the child. She has worked in a continuously thoughtful and pragmatic manner, not only with us, but the child and his family too. As a service we have been able to see the benefit to CB of this stability and understanding from social services. I would like to place on record our gratitude for her professionalism and support throughout this time."*
- *"K, LA and PL have been amazing, not only with timekeeping and keeping me informed, but also listening and giving advice. Most importantly, the way they have come into our home and made us all feel at ease, as well as being fantastic with the children. As this is my first ever real experience with something like this I would just like to say a big thank you and that your team are amazing."*

## **2.9 Subject Access Requests**

Section 7 of the Data Protection Act 1998 allows individuals the right to access 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 (SAR).

In 2017/18, we received 64 SARs, a significant increase from the 40 requests we received in 2016/17. If the requester is not satisfied with the information we provide to them in the first instance they can request an internal review. We received four internal reviews in 2017/18

SARs are often received in conjunction with a complaint as they provide a wider context for all complaint-related activity. In 2017/18, 57% of all SARs we received related to only our Children Service.

### 3 Work priorities for 2018/19

During the year 2018/19, the Complaints Team will focus on:

- Work with social care managers to ensure we deal with all complaints correctly, as a statutory or corporate complaint and we support people who decide to complain are through the process correctly and fairly.
- To work closely with officers to increase the number of complaints closed on time. This includes sending weekly open case reports to all managers and attending a monthly meeting with senior officers to discuss outstanding or complex cases.
- To ensure the complaints procedure is easily accessible, particularly to young people. This involves regularly reviewing our complaints literature and web pages to make sure our information is accurate, accessible and up-to-date.
- Continue to work closely with NYAS, our Children's Advocacy Service. Meet with NYAS every two months to discuss open and/or complex cases and work with them when required to ensure we continue to provide fair and accurate complaint responses so that young people feel that we are considering their views, they feel we are listening to them and they are valued.
- To monitor all corrective actions from our complaint investigations and implement changes quickly. To make sure we record all learning on our case management system and disseminate it to all the officers concerned. We will also work closely with the Deputy Directors and the Head of Strategy to review any identified learning. And where possible, the service will involve complainants in this process to obtain a clearer understanding of what we did wrong and how we can improve our service to prevent similar failings happening again.
- Work closely with the Local Government Ombudsman by assisting them with their investigations, explaining our actions clearly and where necessary, defending them robustly to maintain the integrity of the council. When the Ombudsman makes recommendation, we'll make sure we pass them on swiftly and help to implement any changes to our policy or procedures where directed.

*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)*