

London Borough of Camden Children's Statutory services Complaints Report 2019/2020

1. Introduction and Background

1.1 Purpose of the report

This is London Borough of Camden's Children's statutory services annual complaints report for the period 1st April 2019 to 31st March 2020.

Children's Social Care Services are processed and monitored under specific statutory frameworks.

1.2 Scope of the report

Many complaints are dealt with informally by officers and managers every day without the need for the formal complaints process to be followed. Officers are encouraged to try to resolve customer dissatisfaction as part of their normal business. These are not formally logged or reported on though services are encouraged to use this to inform the way they provide their services.

Our complaints procedure is for those complaints that require a formal documented response.

The report focuses not only on volumes and timeliness of responses but also identifies themes and lessons learnt that result in service improvements.

Complaints provide a regular source of feedback to the council that informs us when things have gone wrong. If we do not learn from this, the council is missing an opportunity to improve services.

2 The Complaints Procedure

Our complaints procedure is for those complaints that require a formal documented response and is activated when officers are unable to resolve the issue promptly, or the parent, young person or child is not willing to engage with the officers to try and resolve it informally and outside of the formal procedure.

We implemented a new complaints procedure in April 2019 to make the process easier and clearer for residents and staff. The new policy incorporates all services within the council including statutory social services requirements into a single policy and procedure for all complaints coming into the council.

The children services aim to resolve complaints for parents, young person, children and families as quickly and simply as possible.

Stage 1 (local resolution) is dealt with by the officers and managers responsible for the service. The emphasis is on trying to reach a resolution. If that resolution is not reached, the complainant has the right to escalate matters to stage 2 (review).

Stage 2 complaints for children's statutory social care services are handled by an independent investigator. The whole process is overseen and monitored by the complaints service.

Stage 3 is an independent review conducted, in the case of statutory children's services, by a panel of professionals.

3. Context - Services users and provision in 2019/2020

The Children's Safeguarding and Social Work division (CSSW) provides a statutory social work service to support families and help parents to care for their children. We know that bringing up children can be a demanding job, and sometimes parents may need extra help or advice.

We believe that usually, children do better when they live at home, and we aim to work with parents to help them care for their children so that families can stay together.

We have a duty to help any child under the age of 18 years who lives in the borough and who is considered to be 'in need'. This means:

- children who need extra help or services to achieve good levels of health and development
- disabled children
- children who are at risk of harm
- children who, for whatever reason, are unable to live at home.

In 2019/20 there were a total of **1499** referrals received by the children's social work service.

On 31 March 2020 there were **1523** children and young people allocated to workers within Children's Safeguarding and Social Work (CSSW).

Children and Young People's Disability Service also had a further 218 cases who were solely allocated to the Short Breaks co-ordinator and 144 cases aged over 18 who were allocated to the Transition Manager. These cases are not included in the 1523 cases specified above.

Over the 2019/20 financial year there were a total of 3068 children and young people open to the children's social work service.

4 Overview - Complaints Data 2019-2020

4.1 Stage 1 complaints

4.1.1 There were a total of 71 complaints related to children's statutory services that went through the formal stage 1 process. This means that 4% of the children and young people receiving services within CSSW (including CYPDS) made a formal complaint.

4.1.2 The regulations provide a deadline of 10 working days for the council to respond to complaints.

4.1.3 This may be extended to 20 working days if the complaint is complex and the council requires more time to investigate. This extension is legitimate as long as the young person is kept informed of the extension and communication is maintained until the full response is provided. The service must tell the complaints service of the new deadline.

4.1.4 The table below compares volume, performance and outcome data over the last four years for children's statutory services.

Year	Stage 1	Stage 1 upheld	% upheld	Stage 1 % within 10 days	LGSCO
2019/2020	71	6	8%	25%	6
2018/2019	68	7	10%	24%	12
2017/2018	45	5	11%	76%	10
2016/2017	51	10	20%	29%	N/A

4.1.5 Volume and performance data by service area

Service	Team	1-10 wkg days	11-20 wkg days	21-40 wkg days	41+ wkg days	With drawn	Open	Total	2018/2019
LAC & Care Leavers	LAC & Care Leavers	8 (2)	6 (10)	5 (12)	3	1	2	25	24
LAC & Care Leavers	Adoption & Fostering	1	1	1	1			4	
Children in Need	Children In Need	4		2	3	1		10	39
Children in Need	Family Intervention Team	1 (11)	4 (17)	9 (11)	4		3	21	
Children in Need	MASH		2	1	2			5	
Children & Young People Disability	Children & Young People Disability	2 (3)		2 (1)				4	4
Children's Quality Assurance	Children's Quality Assurance	2 (0)	(1)					2	1
Total		18	13	20	13	2	5	71	68
%age		25%	18%	28%	18%	3%	7%		

(2018/2019) figures in brackets

4.1.5.1 Looked After Children & Care Leavers (LAC)

LAC have significantly improved their performance of responding to complaints within 10 working days - 31% as compared to 8% last year.

However there has been a significant decrease in the number of complaints dealt with within the extended timescale of 20 working days – 28% compared to 42% last year.

4.1.5.2 Children In Need (CIN)

CIN have seen a significant decrease in the number of complaints dealt with within the 10 working days – 14% compared to 28% last year.

CIN have seen a significant decrease in the number of complaints dealt with within extended timescale of 20 working days – 17% compared to 44% last year.

4.1.5.3 CSSW Summary

Overall, CSSW is below the aim of responding to 90% of complaints within 10 or 20 working days with 44% responded to within those timescales compared to 65% last year.

This reflects the findings of the systems thinking review of the complaints process in focussing less on the timeliness of a response and more on working with the complainant to ensure a satisfactory resolution.

This is also clearly shown in the data showing a decrease in the number of stage 1 complaints escalating to a stage 2. The service is making sure that stage 1 complaints are satisfactorily responded so avoiding escalation, even if it takes longer to do so.

4.1.6 Outcomes by service area

Service	Team	Upheld	Partly Upheld	Not Upheld	No Finding	With drawn	Open	Total	2018/2019
LAC & Care Leavers	LAC & Care Leavers	3 (3)	3 (4)	16 (17)		1	2	25	24
LAC & Care Leavers	Adoption & Fostering	1		1	2			4	
Children in Need	Children In Need		2	7		1		10	39
Children in Need	Family Intervention Team	1 (3)	4 (11)	13 (25)			3	21	
Children in Need	MASH	1	1	3				5	
Children & Young People Disability	Children & Young People Disability	(1)	1 (1)	3 (2)				4	4
Children's Quality Assurance	Children's Quality Assurance		1	1 (1)				2	1
Total		6	12	44	2	2	5	71	68
%age		8%	17%	62%	3%	3%	7%		

(2018/2019 figures in brackets)

4.1.6.1 Looked After Children & Care Leavers (LAC)

Upheld or partly upheld outcomes of LAC complaints this year (24%) is comparable to last year (29%).

4.1.6.2 Children In Need

Upheld or partly upheld outcomes of CIN complaints this year (25%) have decreased significantly compared to last year (36%). This indicates that whilst complaints are taking longer to resolve, more are found to be not upheld.

4.1.7 Themes

Complaint Type	Total
Unhappy with involved worker/s – poor communication – poor behaviour/practice	31
Unhappy with service provided/not provided	18
Unhappy with records/information held or disclosed	9
Financial/Payment Issue	9
Housing/Accommodation Issue	3
Delay in responding	1
TOTAL	71

4.1.7.1 Case studies - Involved workers actions and communications

Case study 1 – Not Upheld

Issue: The complainant believes the current worker is extremely unprofessional, raises her voice, does not take her seriously and is frustrating to speak with because she does not consider, support or believe any evidence shared with her, shows bias to her ex-partner and fails to put the child's best interest first.

Response: Not Upheld. However, there was acknowledgement that the situation was stressful and the manager arranged a meeting to give the complainant opportunity to communicate everything they needed to. Reassurance that involved worker was listening and did have the child's best interest in mind. This improved communication meant improved co-operation by the parent during the assessment process.

Case Study 2 – Partly Upheld

Issue: The complainant's child was on a child protection plan but workers did not visit more than once a month. The complainant was not informed when a previous worker left who was to be appointed. The complainant had to call the duty team to find out who the new worker was.

Response: Partly Upheld. Agreed that worker will provide fortnightly updates and apology for not informing them of who the new worker would be.

4.1.7.2 Case studies – Service provision/non-provision

Case Study 3 – Not Upheld

Issue: A mother complained about her child's care and raised concerns over marks on the child's head. She wanted to know why she wasn't told of a hospital admission.

Response: Not Upheld. Recognised the mother's concern and thoroughly explained all issues. Attempts were made to contact mother following hospitalisation but she did not respond to calls. Opportunity was taken to check the contact details were correct.

Case Study 4 - Upheld

Issue: A fostered young person complained about problems in their foster home.

Response: Upheld: Acknowledgement of the problems and discussion with YP on how to improve things and how to support them with some change and discussion about what a future placement could look like. Some immediate issues were followed up and resolved. An immediate move was not possible due to current covid situation and without court's agreement.

4.1.7.3 Records/Information held

Case Study 5 – Not Upheld

Issue: The complainant was asked to complete a form under duress and the worker has shared personal/private information with the complainant's children's school.

Response: Not Upheld. Service was clear that complainant did not want information shared with the professional network and there is no evidence that the worker has shared anything personal.

Case Study 6 – Partly Upheld

Issue: The complainant felt that the information held by her and her family was inaccurate and that reports were not sent to the relevant professionals in a timely manner.

Response: Worker agreed to review the information for any factorial inaccuracies and make necessary amendments. Apology for a report being sent late.

4.1.7.4 Learning Outcomes

The above case studies highlight the common themes that feature in all of the complaints and show the importance of improving in the following areas:

- **Communication.** Many of the complaints received have been caused by a lack of communication or miscommunication which have led to confusion and stress leading to breakdown in working relationships.
- **Accuracy of record keeping** and maintaining up to date records. This includes awareness of data protection, including information sharing and data subject rights
- **Timeliness.** It is very important that when an issue is raised about a service or lack of a service being provided then it is looked at in a timely way. That does not necessarily mean having to adhere to rigid targets but to work with the complainant and keep them informed to reach a satisfactory resolution.

5. Stage 2 Complaints

- 5.1 If a complainant remains dissatisfied with the outcome of their complaint, the complainant can request a full investigation, leading to a report. An external Investigating Officer is commissioned and an Independent person is appointed to observe and ensure the investigation is carried out fairly and impartially.
- 5.2 Both the Investigating Officer and Independent Person will submit reports to the Council, making recommendations. A senior officer will then act as Adjudicating Officer and approve a response to the report, either accepting or disputing the findings. These adjudications are prepared by the complaints team with input from the relevant service areas.
- 5.3 There were 5 requests for a Stage 2 Investigation in 2019/2020 - the same number as in 2018/2019. This is 7% of Stage 1 complaints that are escalated to stage 2. Of these just 3% were partly upheld.

Service	Upheld	Partly Upheld	Not Upheld	With drawn	Open	Total
LAC & Care Leavers		1		2	1	4
Children in Need		1				1

5.3.1 Partly Upheld

5.3.1.1 Looked After Children

The case that was partly upheld did not complete the full stage 2 investigation. The investigating officer and service manager agreed that it was straightforward in regard to savings owed to the Young Person whilst she was in Local Authority care and did not see any benefit in progressing a full investigation. An audit of the necessary LAC records was completed by the investigation team and they recalculated the savings owed. The IO wrote to the young person explaining the outcome.

Learning Outcomes

- Review process for calculating finances provided to Looked after Children and Care Leavers
- Understanding of when to apply formal complaints processes.
- Review of escalation from Stage 1 to Stage 2 as this case should have been resolved at Stage 1.

5.3.1.2 Children In Need

The case that was partly upheld was in relation to a young person (YP) accruing significant utility debt while in LA Care and requesting assistance to live in independent accommodation. The LA was found to have provided all the necessary assistance and guidance in helping the YP to manage debt, to gain the required skills to sustain a tenancy and write to the utilities companies.

However, the LA was found to have partially failed to plan and review YP's transition into independent accommodation.

The main area the LA failed was in relation to the actual complaint and was found not to have responded in a timely fashion to the Stage One complaints and then causing delays in not progressing the complaint to a Stage Two investigation. These delays were found to be partially due to the Child in Need Team and the Looked After Children Service passing the complaint from one to the other for a response. In order to address these failings it was recommended that an independent Service Manager review the issue of the professional network being split, particularly how the Child in Need service appeared to hold a differing perspective from the Looked After Children service and their refusal to share meeting minutes. The council apologised to the YP for not responding to her complaint in a timely fashion and made a time and trouble payment.

Learning Outcomes

- Review of complaints handling and reasons for delays.
- Review issue of professional network relationships.

5.3.2 Withdrawn

5.3.2.1 Looked after Children

Case 1

It was decided by the Director that this was not a complaint but a request to change the placement so should not go through a formal complaints process. It was agreed that the service should speak to the YP and advocate and discuss more of the YP's family history.

Case 2

This was to be progressed to a Stage 2 due to the extensive delays in responding to the Stage 1 complaint. However, the complainant has agreed to put the complaint on hold whilst the service deal with the Child Protection issues of this case.

Learning Outcomes

- Review of escalation from Stage 1 to Stage 2 as cases could have been resolved at Stage 1 and saved expense of commissioning an investigator and independent person. The average cost of a Stage 2 investigation is £5,400.
- Review of complaints handling and reasons for delays.
- Review issue of professional network relationships.

5.3.3 Open

5.3.3.1 Looked After Children

This went to stage 2 on 10th May 2019 and related to the relationship between the YP and their Personal Assistant. The YP felt the PA was hostile and did not understand the complainant’s disability. The YP was unhappy with the Stage 1 response which was not upheld and continued to request a change of worker and compensation.

The stage 2 was nearing completion in November 2019 when unfortunately the Investigating Officer had serious health issues which have continued into 2020. In May 2020 the complaints officer considered options of either waiting for IO, re-starting the investigation with a new IO or referring to LGSCO and the complainant has been asked their preference. The complainant now wishes to be compensated for the extended delay in addition to the compensation already requested for the failings of her previous PA which are subject to the original complaint.

Throughout this period, the service has continued to work with the complainant and have changed her PA. The service continues to work with the YP on a number of matters in regard to her education, housing and finances. The YP has continued to make new complaints about current services and historic matters. They have an ongoing LGO investigation. There is another recently requested Stage 2 complaint investigation and the 16+ Service are also working with Health and Care Professional council in relation to the YP’s complaint around a worker’s fitness to practice.

6. Local Government and Social Care Ombudsman (LGSCO)

6.1 Residents may complain to the LGSCO at any stage of the complaints process, however they expect the resident to utilise the Council’s procedure before they begin their investigation.

6.2 LGSCO Cases Reviewed for 2019/2020.

Year	Cases Reviewed	Upheld
2019/2020	6 (12)	2 (0)

(2018/2019 figures in brackets).

The reduced number of cases reviewed compared to the previous year cannot be attributed to Covid19 as the LGSCO did not “close” until late March which was right at the end of this financial year 2019/2020. The decrease in cases going to the ombudsman is attributable to higher satisfaction levels at Stages 1 and 2 of the process and therefore are not escalated to the Ombudsman.

7. Case Study: Journey through the complaints procedure

7.1 Case summary

A family of parents who are separated with four children who have care plans in place. An initial family assessment was done by another London borough in October 2015 following two domestic violence incidents. The mother moved to LB Camden and support to the family transferred to Camden.

In August 2016 Camden convened an Initial Child Protection Conference and the decision was made that the children would be made subject to Child Protection Plans. The children were also the subject of private law proceedings to help define residence and contact. In February 2017, one child began to reside with the father in another London borough and a transfer Child Protection Conference was held and it was decided she would remain subject to a Child Protection Plan in that London Borough.

7.2 Complaint summary

The father is the complainant. He complains about the actions of social workers and their perception of information that was discussed during the private law proceedings, and later introduced into the Review Child Protection Conference process.

He feels that they do not accurately record facts about him and that this has had a negative impact on him and his relationship with the children. He feels the service has failed to protect his children.

7.3 Chronology of complaint

Date	Action type	Notes
22/02/2017	Complainant Request - Stage 1 complaint	
10/03/2017	LBC Response – Stage 1 complaint	Partly upheld
22/03/2017	Complainant Request – Stage 2 complaint	No record of what happened to this request
22/02/2018	Complainant Request – Stage 1 complaint	2 nd complaint at stage 1
04/04/2018	LBC Response – Stage 1 complaint	Partly Upheld
09/04/2018	Complainant Request – Stage 2 complaint	
03/05/2018	LBC Commission - Stage 2 investigation	
27/08/2018	IO/IP Investigation report – stage 2	Partly Upheld
07/01/2019	LBC Adjudication Manager's response	Partly Upheld
09/01/2019	Complainant Request – Panel review (Stage 3)	
17/01/2019	LBC Refusal – Panel review	A PR would not produce any demonstrably different outcome to Stage 2)
17/01/19	LBC Request – Early referral to LGSCO	
21/01/19	LGSCO Agreement – early referral	
18/03/19	LGSCO Confirmation of investigation	
29/03/19	LGSCO Enquiries to LBC	
13/06/19	LGSCO Final decision	Partly Upheld

7.4 Timescales

- The Council took over 10 working days and the permitted extended period of 20 working days to respond to the stage 1 complaints on both occasions. [12 working days and 29 working days].
- The stage 2 investigation took over 65 days to investigate the complaint. [81 days]
- The Council took four months to respond to the complainant about the findings of the stage 2
- There was a significant gap of 19 working days between receiving the stage 2 request to commissioning the investigation.
- LGSCO took 2 months to confirm they would investigate the complaint and a further 11 weeks to complete their investigation and issue a decision.

7.5 Reasons for delays

- For Stage 2 investigations an Independent Investigating Officer and Independent Person are required. The council has a small pool to draw on so sometimes delays are due to availability of these officers.
- The service area attributed some delays to internal structural changes unrelated to the complaint.
- The relationship between the complainant and the service area was difficult and the complainant did not always engage in a timely way with the process.
- Other service priorities meant that managers and other staff involved in the case were not always to respond in a timely way and were not always available to the investigating officer.

7.6 Outcomes

At all stages of the complaint the overall outcome was partly upheld. There were three key issues within the complaint:

Complaint	Stage 1	Stage 2	LGSCO
Errors in the information held about the complainant which were not corrected and then used to make decisions about the care of the children and reflected badly on the complainant	Partly Upheld	Upheld	Upheld
The council did not fully consider the impact on the complainant of this errors and the negative consequences these errors have had.	Not Upheld	Not Upheld	Partly Upheld
There were lots of delays by the service in informing the complainant about conferences and decisions made and a lengthy delay in dealing with the complaint.	Upheld	Upheld	Upheld

7.7 Recommendations and actions

7.7.1 Stage 1

- Assurance was given that incorrect information would be corrected.
- An apology for the delays in dealing with the complaints

The complainant requested his complaint go to stage 2 as he disputed the outcome that he breached a court order and the stage 1 response did not consider the impact on the complainant of the errors and the consequences of this.

7.7.2 Stage 2

- An apology was given for the incorrect information and for delays in informing the complainant of meetings and decisions.
- That records to be corrected and that it would be recorded that the complainant had not breached a court order as previously recorded.
- £200 time and trouble payment made for the delays in handling the complaint.

The complainant requested an escalation to Stage 3 as the responses at stage 2 hadn't considered the impact and the long term consequences of the errors in the information used by the council. A referral to LGSCO was made instead.

7.7.3 LGSCO

LGSCO found maladministration and injustice.

The Council was at fault because it did not ensure information about the complainant breaching a court order was corrected and did not deal with the complaint quickly enough. The complainant suffered distress because he did not know whether inaccurate information sent by the Council was still being relied on. The Council has apologised and offered to pay £200 for his time and trouble because of the delays in dealing with his complaint. The Council should also pay £100 for the distress the complainant suffered and take steps to correct any outstanding information that is wrong.

The council should write to all other professionals and organisations the Council sent copies of the inaccurate information to, referencing the complaint made and the outcome of the investigation so they can update their records.

7.8 Learning Outcomes

- Review of record keeping practices and process for correcting inaccuracies. [This has become increasingly important since the new Data Subject Rights under GDPR came into effect in 2018].
- Increase pool of Independent Investigating Officers. [This was looked at in 2019 and a couple of new investigators were added but unfortunately an existing one left for health reasons so the pool remains small].
- Review of complaints handling processes to reduce delays and provide more timely responses. The complaints process has been looked at through systems thinking over the last 18 months and a new case management system to make the process more effective is in development due for launch in Autumn 2020.

8. Comments from the Service

Managers have taken forward learning from complaints and have focused on improving communication to reduce the number of complaints and to act more effectively to resolve problems at an early stage. There has been an increase in the number of ways in which children and families can raise issues. The children and young people with disabilities service meet with parents on a regular basis. All social work services have regular feedback from children and young people and there have been 2 service meetings led by young people to feedback their views. This helps services improve their response to families when concerns are raised.

During the next year the services plan to ensure those from black, asian and minority ethnic groups are provided with services that are equal to others and that any disadvantage is addressed as part of their routine service delivery. It is important that the council monitors the ethnicity of those making complaints so we can ensure there is proportionate use of the services.

9. Advocacy and Independent Persons – Coram Voice

9.1 [Extract from the Coram Voice Advocacy Annual Report 2019/2020].

The Coram Voice advocacy service support all young people to explore options for resolving their concerns via informal resolution and representation or via the complaints process.

Cases have been marked as complaint cases where substantive advice and complaints work has been undertaken and there are instances where a complaint has not been submitted due to issues being resolved informally or the young person changing their mind.

Period 2019/2020 (2018/2019 shown in brackets)	Q1	Q2	Q3	Q4	Year to date totals
Number of new cases regarding a complaint where an advocate has been allocated	5 (4)	2 (6)	6 (1)	5 (7)	18 (18)

Over the last year, advocates have found that young people's complaints have been subject to significant delays, with slow responses and timescales not being met.

[Note: In addition there were 42 cases where **representation** has been allocated but not related to a complaint so these are detailed in this report but can be found in the Coram Voice Advocacy report 2019/2020].

10. Legal Implications (comments from the Borough Solicitor)

10.1 Under Regulation 13(3) the Children Act 1989 Representations Procedure (England) Regulations 2006, the Local Authority must each financial year publish an Annual Report. The Annual Report is a means by which the Local Authority can be kept informed about the effectiveness of its complaints procedure. The report is required to be presented to the relevant Local Authority committees, the Regulator and the public. The contents of this Annual Report is in accord with the recommended contents as outlined in the Getting the Best from Complaints Guidance

11. Resource Implications (Finance comments from Director of Finance)

11.1 The budget for the complaints service sits within Business Support Service and consists of staffing budgets (ERB) and complaints investigations. The complaints advocacy services is located within Children's Care Provision budgets.

11.2 Any compensation payments are paid from Directorate services' budgets.

11.3 There are no financial implications to add to this report

12. Appendices

Coram Voice – Advocacy Services Report 2019/2020