



City of Westminster

Family Services

Children's social care Annual Complaints report - from 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022.

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Children's service

## **1. Introduction**

- 1.1 This report is produced annually as a statutory requirement for Westminster Council: it provides a summary of the social care complaints received in Children's services.
- 1.2 There is a duty on all local authorities to maintain and operate a complaints procedure for Children's social care services.
- 1.3 The focus of this report is on all complaints about Children's Services (statutory and non-statutory) and on the themes, trends and volumes of complaints received between 1<sup>st</sup> April 2021 and 31<sup>st</sup> March 2022. It also highlights the compliments received as well as learnings identified and the service changes that have already been implemented in response to learning from complaints.
- 1.4 The Customer Relationship Team (The team) manage Westminster Council's children's social care complaints, both Statutory and non-statutory.

## **2. Legislation**

- 2.1 The Children's Social Care Statutory Complaints Procedure stipulates that an annual report must be produced for complaints made under the Children's Act 1989 Representation Procedure (England) Regulations 2006. The procedure further requires that the report should provide a mechanism by which the Local Authority can be kept informed about the operation of its complaint and representations procedure, and that it should be presented to staff; the relevant management committee and be made available to the regulator and the public.

## **3. Overview of the Children's Complaints procedure**

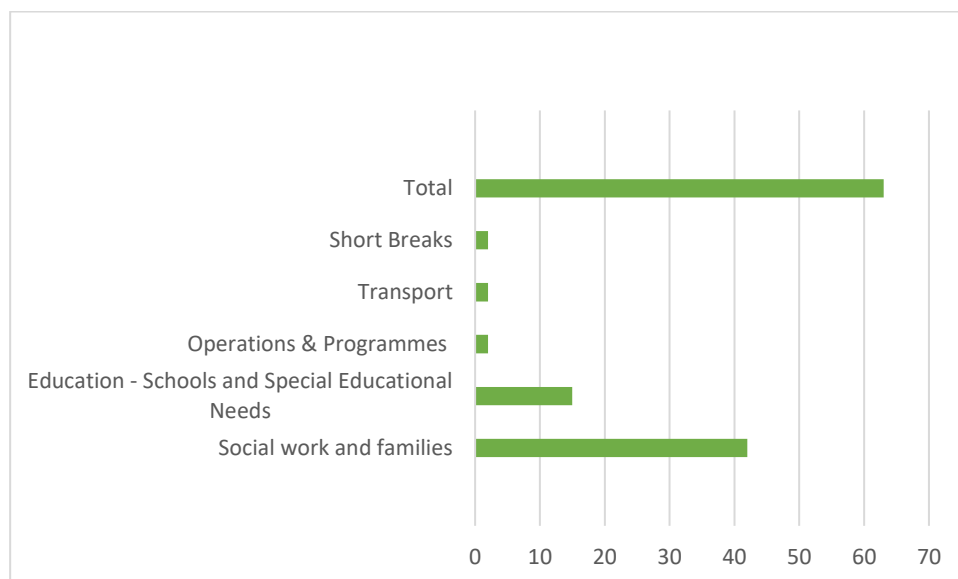
- 3.1 A complaint accepted under the **Statutory Children's complaints** procedure is one that considers services provided to children and young people under Part 3 and some of parts 4 & 5 of the Children's Act 1989, as well as some adoption and special guardianship services, under the Adoption and Children's Act 2002. These could be complaints about contact or accommodation issues or an assessment decision involving looked after children for example. These types of complaints are considered under the Statutory three stage complaints process. See Appendix **A** for an explanation of the various stages of the Statutory complaints process.
- 3.2 Complaints that are outside of part 3 of the Children's Act as well as some parts of part 4 & 5 are categorised as **non-statutory complaints**. These complaints including those about Special Educational Needs (SEN), Transport and Commissioned services are considered under the Council's

two stage corporate complaints procedure. See Appendix B for an explanation of the various stages of the non-statutory complaints process.

- 3.3 Complaints will be considered if they are made within 12 months of the incident happening although, the team can apply their discretion to waive this time limit in some instances.
- 3.4 Advocacy is provided in house to assist children and young people when making a complaint or representation.

#### **4. Children's Social care complaints received**

- 4.1 The team welcome all feedback, including complaints, compliments, and representations about its services. Service users, families and carers can provide their views in an open and transparent way and can easily access the complaints procedure.
- 4.2 In 2021/22, the Customer Relationship Team (the Team) received 75 complaints about Children's services. Of the 75 complaints received, 12 were recorded as Statutory Children's services complaints covered by the Children's Act 1989 and the remaining 63 were considered under the non-statutory complaints process.
- 4.3 Of the 75 complaints received, 12 complaints were rejected as they were not relevant to Children's Services, and some were duplicate complaints. This takes the total number of complaints received to 63. This represents a 9% increase from last year (2020/21) total complaint number of 58. Some of this increase can be attributed to the Team receiving 14 complaints in a month from the same complainant.
- 4.4 The table below shows the breakdown of complaints received by departments and responded to in this reporting year, from 1<sup>st</sup> April 2021 to 31<sup>st</sup> March 2022.



4.5 Whilst we always look to deliver the best quality service and avoid the need for a complaint as much as possible, the volume of complaints may also reflect the awareness raising that the Team have continuously been engaged in.

4.6 The table below shows the breakdown of complaints received from stages one through to three and the outcome at each stage.

Stages	Volumes received	Statutory	Non-statutory	Upheld	Not upheld	Partially upheld
1	63	12	51	12	45	11
2	12	4*	8	1	1	0
3	1	1	0	0	1	0

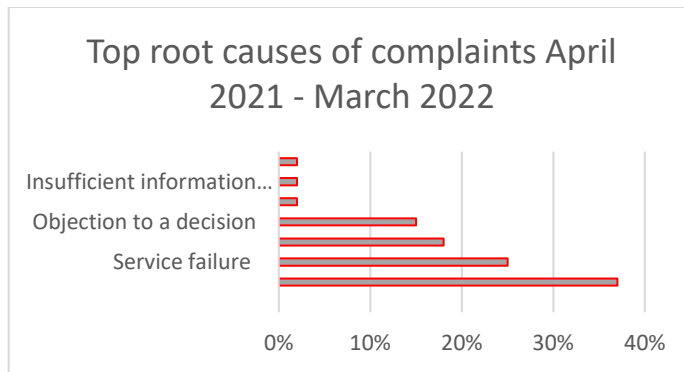
**Key:** \* only two of the four statutory complaints received have concluded. The outcomes of the outstanding two complaints will be reported in the 2022/23 report.

4.7 The team has continued to strengthen their direct engagement with complainants to further explore the issues raised in complaints. During this reporting period, meetings with complainants continued virtually via teams while face to face meetings are now being reintroduced.

4.8 The Team's focus very much remains continuous engagement with complainants prior to accepting complaints at the various stages. This has enabled officers not only to make the complaint experience a good one for the complainants but also to build and sustain rapport with service users. The Team officers have transparent and honest conversations about realistic outcomes and help to manage expectations. These actions taken have helped to reduce the number of requests received to escalate complaints to the next stage.

## 5. Performance overview

5.1 This section of the report provides an overview of the top reasons for making a formal complaint across the total volume of complaints processed.



5.2 37% of the complaints received were about the quality of service provided not being to the standard expected, while the failure to take an action accounted for 25% of the complaints received. These two top root causes continue to be a common theme in the complaints received.

5.3 Complaint issues allow us to better understand how the service is perceived and what can be learnt from complaints to improve the service provided to its users.

5.4 Some complaints received covered more than one primary category. For example, complaints about the quality of services and lack of communication, sometimes also raised issues with perceived bias towards the alleged victim in Domestic abuse complaints. Where this has happened only the primary concern has been captured on the case management system.

## **6. Response times and outcomes of complaints**

6.1 In this reporting year, Children's services responded to 81% of stage 1 complaints within the statutory timescales, compared to 74% in 2020/21. This represents a 7% increase in the timeliness of responses at stage 1. Stage 1 complaints should be investigated and completed within ten working days, and this can be extended for another 10 working days for more complex cases.

6.2 Where delays are likely to occur due to ongoing investigations, the Team maintains contact with the complainant providing them with updates and working towards an agreed revised deadline.

6.3 Of the total number of complaints investigated 36% were either upheld or partially upheld. A complaint is upheld where it has been identified that process or practice did not happen as it ought to. For example, some of the complaints identified not receiving regular updates about their children as previously agreed in some child protection (CP) cases.

## **7. Complaints at stage 2**

- 7.1 In this reporting year, 12 complaints (statutory and non-statutory) of those responded to, at stage 1, were considered at stage 2.
- 7.2 Of the 12 stage 2 complaints received, four were considered under the Statutory complaints process. These four complaints ranged from allegations of sexism, religious discrimination, subterfuge, and dismissive behaviour against a social worker, to inaccuracies in a report presented to the Court and consent not given in the completion of a Multi-Agency Referral Form (MARF) before sharing the information with other professionals.
- 7.3 Two of the stage 2 statutory complaints investigations have concluded with a partially upheld outcome in both cases.
- 7.4 Recommendations made by the investigating team in relation to the two complaints already concluded are listed below:
- a) The necessary steps are to be taken to ensure that, in all cases going forward, emails and a summary of telephone discussions (relevant to the decision making in an individual case) are entered into the case file records.
  - b) Children's services to review and provide guidance for relevant staff that relates to the way consent is obtained from a service user. In all circumstances Children's Services must ensure that where verbal consent is agreed the person giving that consent is:
    - made aware that verbal consent has been obtained and advised of this within a short period of time and
    - provided with written information outlining what the consent relates to
  - c) in relation to the Multi Agency Referral Form (MARF) Children's Services may wish to:
    - Review the wording of the MARF form in so far as it relates to consent
    - Remind their partner agencies on the use of consent.
- 7.5 The details of the outstanding stage 2 complaint will be reported in the 2022/23 complaints report.

## **8. Complaints at stage 3**

- 8.1 The number of stage 3 complaints has remained consistent with only two stage 3 statutory complaint review requests received this reporting year.
- 8.2 Recommendations made following the stage reviews are listed below:

- The leaving care team to provide the care leaver with details of the up-to-date breakdown of her Leaving Care Grant.
- An apology to be tendered to the complainant for the delay in providing her with details of the grant when initially requested.
- staff to be reminded of the need to be sensitive to the circumstances of individuals at the point of first contact.
- Compensation to be made to the complainant in recognition of the avoidable distress the unfair impact caused.

## 9 **Ombudsman cases**

- 9.1 A complainant has the right to refer their complaint to the Local Government and Social care Ombudsman (LGSCO). The Ombudsman will seek to ensure that the Local Authority has been provided with the opportunity to first respond to the complainant in accordance with the Council's own complaints process.
- 9.2 In this reporting year, six new Ombudsman complaints were received compared to three received last year. Three of these were not investigated due to one complaint being out of the Ombudsman's jurisdiction to investigate, in the other complaint, the complainant had the right of appeal which had not yet been exercised, and in the 3<sup>rd</sup> case, which was about the decisions made by the Council's Local Authority Designated Officer (LADO), the Council's complaints process had not yet been exhausted.
- 9.3 This brings the total number of cases investigated by the LGO with outcomes to three. The table below shows the breakdown and summary of the three complaints investigated by the LGO.

Complaint details	LGO decision	Recommendations
Mishandling of an application for assistance with school transport	Fault found with the Council the way the application was handled.	the Council was asked to pay the parent £800 for transport costs incurred between the time the application was made and when the transport provision subsequently started.
the Transport Independent Appeal Panel's refusal to help with home to school transport for a child.	Fault found with the Council for not clearly stating reasons why the application was refused.	Revision of the Home to School transport policy to make sure it is clear to staff that decision letters should include the full reasons why an application does not meet the eligibility criteria (with clear referencing of the

		applicable part of its policy;
Complainant unhappy with the support she has received from the Care Leaving team	Fault found with the Council for the delay in processing the stage 3 request in 2020.	Pay the complainant £300 for the delay in arranging the stage three panel between September 2020-2021

## 10 **Learning from Complaints**

- 10.1 Westminster Council is a learning organisation, and it recognises that complaints are valuable as they provide an opportunity to improve on services for the individual and to improve practice to prevent repeating the same mistakes.
- 10.2 Outcomes from stage 2 complaints are shared with Heads of service so that practitioners and managers across the service can reflect on the learning from complaints to help improve their own practice and the team's performance. Listed below are some of the key learnings taken at all stages of complaints during this reporting year:
- 10.3 Giving services users enough time to read and comment on an assessment report. In some complaints, the service recognised that it is important for service users to have had the opportunity to read and comment on reports before the final version is issued and signed.
- 10.4 In one complaint, it was recognised that there is sometimes an issue with the timeliness of complaint investigations. This was in the case of a complaint where the Team took longer than usual to organise a stage 2 investigating team. Officers have been reminded about the need to promptly process escalation requests.
- 10.5 The need for social workers to be aware that men may sometimes be the victim as opposed to being the perpetrator in domestic abuse cases. Training sessions on domestic abuse have been arranged for social care teams.
- 10.6 The need to review and update the information contained in the appeal section of the home to school transport assistance policy. This exercise was completed in January.
- 10.7 Included in this report are also some of the learnings identified in the 2020/21 reporting year and the improvements put in place. This shows that the service is actively listening and is proactive in making the changes as is required.

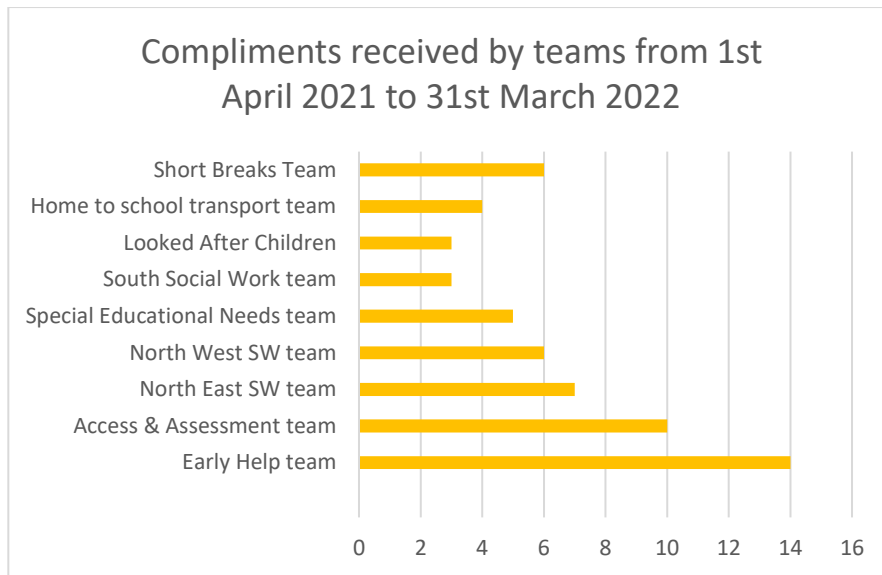


## **Learnings identified and service improvements introduced in 2020/21**

- **Recommendation:** The need to provide domestic abuse training for social workers to enable them to identify male survivors of domestic abuse and signpost them to relevant support as required.
- **Service Improvement:** As a participant local authority in the Restart Programme, we now have access to very comprehensive training using the Safe and Together model of domestic abuse, a model which incorporates both men and women as potential victims. We now have a male worker embedded as part of the Restart programme, who in addition to delivering training also provides consultation to practitioners in the social work teams and Early Help teams.
- **Recommendation:** The need for Social Workers to produce a leaflet that details information on how an assessment is carried out and which informs the service user of their right to view the draft report and make comments where they disagree with what has been written.
- **Service Improvement:** The assessment team has been working on the process of how assessments are carried out, thinking particularly about better engagement with referrers, and how to improve engagement with families and professionals together. The leaflet which explains what an assessment entails and what the service can expect has been produced, social workers take copies of this leaflet with them to give to families they meet with on a first visit.

## **11 Compliments**

- 11.1 In addition to learning from complaints, Children's services also welcome compliments and feedback from its service users. These act as indicators of good practice and are reflective of the type of service that families find helpful. These compliments and feedback enable the service to further improve on the activities that are working well. Some examples of the compliments and feedback received by different teams within the service is listed in Appendix C.
- 11.2 In this reporting year, 58 compliments were sent to the Team. These compliments highlight the compassion and dedication to duty shown by social workers and in some cases going the extra mile in assisting families.
- 11.3 The chart below shows the distribution of these compliments received across the various teams. The Early Help team recorded the highest number of compliments with 14 in total while the Access and Assessment team followed closely with 10 compliments received.



## **12 Customer Relationship Team – Delivery against Service priorities for 2021/22.**

Information on the progress made against the priorities set for the Team in the last financial year is outlined below:

- **To review the current process being adopted when a new complaint is received to ensure that the investigation and drafting of the response happens at the earliest possible stage. This will assist in reducing the number of cases responded to out of time.**
- In reviewing the current process, the Team uses the complaints maturity model in processing all new complaints received. The model sets out the various actions required to investigate a complaint and provides a good complaint experience for the complainant. Using the model has served to improve the overall quality and timeliness of responses.
- **To reduce the number of complaint escalation requests received for stage 2 and 3 complaints.**
- This has been achieved by active engagement with the complainant. The Team calls, emails, arranges virtual meetings with the complainant to better understand their concerns where needed, keep them updated where delays are likely to occur, promptly assesses of a complaint received and rejects it where appropriate. The Team also ensures that complaint responses are fair and honest, where things have gone wrong, we encourage the service to put measures in place to prevent a reoccurrence, we inform the complainants of what actions have been taken as a way of service improvement.

- **To promote good systemic practise within social care teams and among service users.**
- The team regularly communicates with the complainant to better understand their concerns and facilitate meetings between them and the relevant team. This leaves the complainant feeling listened to and in some cases, the complainants are satisfied with the outcome of the meeting and will not take the complaint any further.
- **To seek continuous improvement by attending relevant courses and training sessions as required.**
- The Team continues to improve on the services offered to the public by attending relevant training sessions and courses such as the Ombudsman's Effective complaints handling course, effective writing etc. The learnings from these courses enhance the quality of complaint responses.

### **13 Customer Relationship Team – Service Priorities for 2022/23**

- 1) The Key priorities for the Customer Relationship team over the next 12 months are as follows:
- 2) To continuously improve on using the newly introduced maturity model to provide a positive complaint experience and outcome for service users. This is measurable by the scores received each quarter.
- 3) To track complaint outcomes on the Integrated Casework System (ICW the inhouse recording system used to record complaints received, lessons learnt, remedies and responses)-where lessons have been learnt and to ensure that proposed measures put in place are firmly embedded in practise – to check with the service that what was promised has been carried out.
- 4) To continue to share learnings identified with the relevant Heads of service and Director quarterly to drive change where needed.
- 5) Prompt acknowledgment of complaints within three working days to assist in achieving prompt resolutions within the statutory deadlines of 10 working days for all stage 1 complaints.

## **APPENDIX A**

### **COMPLAINTS PROCEDURES FOR STATUTORY COMPLAINTS**

The Children's Act 1989 Representations Procedure (England) Regulations 2006, Children (Leaving Care) Act 2000, Adoption and Children Act 2002 and the Health and Social Care Acts 2003 require the Local Authority to have a procedure for resolving complaints and representations received by, on behalf of, or relating to children and young people.

To facilitate the procedure in a fair and consistent way the Local Authority follows guidance provided by the Local Government and Social Care Ombudsman (LGSCO), who also provide practical information on how processes can be improved. The Council also follows the principles outlined in the publication 'Getting the Best from Complaints' which was produced by the Department for Education.

The Statutory complaints procedure has three stages and has a strong emphasis on resolving complaints quickly and informally.

#### **Stage 1 – Local Resolution**

This is the most important stage of the complaint's procedure, and we aspire to resolve as many complaints as possible at this initial point; within ten working days, but no more than 20 working days as this is the maximum extension that is permitted.

#### **Stage 2 – Investigation**

This stage is usually initiated when the complainant is dissatisfied with the findings of Stage 1, has not received a response within the timescales and or because it has been agreed that Stage 1 is not appropriate. An independent Investigating Officer (IO) is commissioned to investigate the complaint, and an Independent Person (IP) to oversee the fairness and transparency of it. Both the IO & IP are not employees of the Council. Following their reports, the Council will write an adjudication letter responding to the findings and any recommendations made. The end-to-end process should take no more than 65 working days.

#### **Stage 3 - Independent Review Panel**

Where complainants remain unhappy with the Stage 2 Investigation, the Council will consider arranging a complaints Review Panel. These are made up of three independent panel members, who will ask the IO, IP, and representatives of the Council (normally a Head of Service) questions to establish if the Stage 2 Investigation was robust and findings were reached in full consideration of all available information. The panel makes recommendations to the Executive Director of Children's Services who then reaches a decision on the matter and any actions to be taken.

There are various timescales relating to Stage 3 complaints which include:

- Organising the Panel within 30 working days of the complainant's request
- The Chair should produce the panel's report within 5 working days of the Review Panel

## **APPENDIX B**

### **Non-Statutory complaints**

In line with the Council's complaints procedure, the Team also accepts complaints that are not covered by the Children's Act 1989 but relate to the involvement of Family Services. For example, complaints made by the grandparent of a child who does not have parental responsibility but is unhappy with the actions taken by Family services or a complaint about the length of time taken by an allocated worker to return calls which is dissatisfaction with the service provided.

The Council has a two stage complaints procedure for non-statutory complaints.

#### **Stage 1**

This is the most important stage of the complaint's procedure, and we aspire to resolve as many complaints as possible at this initial point; within ten working days. This stage is signed off by the Head of Service

#### **Stage 2**

This stage is usually initiated when the complainant is dissatisfied with the findings of Stage 1 or has not received a response within the timescales and or because it has been agreed that Stage 1 is not appropriate. The stage 2 response is signed off by the Director and has a 20 working days deadline.

#### **Advocacy**

We observe best practice, in line with "Getting the best from complaints." The Team provides children and young people with information about advocacy services and offer them help to get an advocate. Advocacy can be provided by friends, relatives, advocacy groups or legal representatives.

#### **Local Government and Social Care Ombudsman**

If the complainant is not satisfied with the outcome of a statutory or non-statutory complaint, they have the right to take their complaint to the Local Government and Social Care Ombudsman (LGSCO).

Complainants can refer their complaint to the Ombudsman at any time, although they may be referred to the Local Authority if the complaint has not been considered or escalated through the Council's complaint process.

## **APPENDIX C**

### **Access and Assessment**

*the support you have provided has be amazing and I saw A yesterday and he seems in a better place. He told me he is now speaking with T, and I have no doubt that is down to your hard work.*

*"The meeting was great. I am very happy to have been included, I want to thank you!! And everyone that attended the meeting, please convey this message to as many of the participants as you can, including my sister J for having me present. Thank you again for your support, you are and have been very helpful."*

*Thank you for your care and support. Z is amazingly improving. I really appreciate your help.*

### **Short Breaks**

*I want to thank you for the support from the local offer as it has been a massive help in my recovery and as I am gradually getting better, I can see I could not have done without it.*

*You offer amazing opportunities and a safe place to play for Children.*

### **SEN**

*Thank you very much for this and the hard work that you and F have put in to get LM's EHCP in place.*

*L stopped the conversation to tell me how fantastic you have both been. She said she can really see how great the service is and how much it has grown over the last few years*

*Just a quick note to say thank you for listening to me, for your suggestions and words of reassurance. It makes a very big difference*

### **Northeast Social Work team**

*she experienced J as a highly professional social worker who is willing to be flexible and has a good understanding of the needs of the young person and the family she is working with. She stated that she has been impressed and finds her the best social worker with whom she has ever worked.*

*Thank you for trusting me and for the sweets*

*This was a positive conference; C said she has a positive relationship with C and enjoys working with C and spoke highly of you. Well done C – this is lovely feedback from C.*

## **Early help**

*fantastic service - S and P was amazing. they helped me so much .*

*Before I met R things were very different; I wasn't getting on very well at school. I look at things very differently since R has been working with me. She is the best. On a scale of 1 – 5 (1 being not very good – 5 being amazing) I would rate things being 4.5. The young person shared that R 'helped me a lot, makes things better'. She 'helped me think differently and I have changed so much since working with R'.*

*Dear M, it has taken me so long to send this email. I think about you all the time and what you have done for me and my kids. You believed in me from the start, you helped me, and my kids get away from domestic violence. I owe my life to you. The kids are doing well. T was put forward for a maths masterclass in Mayfair and it is going so well. Whenever I feel like I am failing as a parent I think about you and the words you told me. We really miss u so much (well I do) and would love to speak to you for a catch up. Thanks again for saving me and my family.*

## **South Social work team**

*They asked me to pass on their best wishes and gratitude to the whole team for our support.*

*E has a real passion for my children and wants the best for them....."*

*"Feels that Westminster have a really caring attitude towards the children in their borough and a passion in the work they do"*

## **Northwest Social Work team**

*I spoke with RS today – mother of HA. A and I wanted to pass on the positive feedback she offered regarding previous involvement. She offered really lovely feedback, particularly in relation to NE and her support. R expressed that she felt N 'really understood the family and their situation'*

*Thank you so much. The support we have received from you and your team has been amazing.*

*It has been a pleasure being able to get to know you both professionally over the past eight months.*

## **Looked After Children and Leaving Care**

*Thank you so much for help and support you have done it to me since I came to uk I really appreciate everything; I would like to thank everyone in Westminster who did something for me 😊🙌🙌*

*Since you came into my life it changed for the better*

*I have just been on the phone to A, and he informed me that his SW M has been brilliant and very supportive – he was appreciative of her support through this difficult time.*

### **Customer Relationship team**

*Hello again. I cannot believe how quick you all work. I wish one or two other Local Authorities (who shall remain nameless) were equally efficient. THANK YOU*

### **Home to School transport**

*that you are always so responsive and helpful*

*Thank you for your care and I hope you have a good weekend*

*I must say that you guys are always super helpful! Thank you very much.*

### **Disabled Children's team**

*I just wanted to comment on how positive the RCPC went this morning and how well S is doing, despite the challenges and difficulties in this case. L you clearly have a good working R/ship with Mother and are doing a great job on the case - well done.*