



## **Children's Services Annual Complaints Report – 1<sup>st</sup> April 2022 to 31<sup>st</sup> March 2023**



## 1. Introduction

- Within Children's services, listening to, and learning from, complaints is an important part of ensuring that our residents voices are always heard, and we continue to deliver high-quality services. We continue to see relatively consistent number of complaints each year, 80% of which are addressed at stage 1 and do not progress.
- This report is produced annually as a statutory requirement for Westminster Council (WCC). The report provides a summary of the **63** complaints responded to by Children's Services. This includes both social care complaints (statutory complaints) as well as wider complaints relating to the breadth of Children's Services (non-statutory complaints). Within this report we also capture compliments and thanks, which this year remains consistent at **51** compliments received by Children's Services.
- Through our systemic focus on practice, we have embedded a relational approach to all we do. This includes the way in which we respond to and learn from complaints. We've found that by offering a meeting to every complainant at the point a complaint is received we can better understand their concerns and more meaningfully respond, and address issues raised.
- For example, last year a key theme was the way in which our statutory services involved fathers especially in domestic abuse related cases. We've looked to respond quickly to this, introducing a male worker from Restart (a Mayor's Office for Policing & Crime funded London wide programme using the Safe and Together model of working with domestic abuse) within our social work teams. We feel confident that practice in this area has improved, and this year no complaints of this nature were received. This coming year ahead actions will focus on finding different ways of engaging with people, particularly those with mental health needs, who display behaviours which are challenging, confrontational or otherwise difficult to respond to.
- The focus of this report is on complaint themes, trends and the volumes received between 1<sup>st</sup> April 2022 and 31<sup>st</sup> March 2023. This report also highlights the learnings identified and service improvements that have already been implemented in response to learnings from last years' annual review.

## 2. Legislation

- 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 Procedures (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



- 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 an unwelcome or disputed decision, delay in the provision of services or the contents of an assessment report 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 different stages of the Statutory complaints process.
- Complaints which 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 include 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 different stages of the non-statutory complaints process.
- Complaints received 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 only in exceptional circumstances.
- Advocacy is provided in-house to assist children and young people when making a complaint.

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

- The Customer Relationship Team (the team) welcomes all feedback including complaints, compliments, and comments about the services provided. Service users, families and carers can provide their views in an open and transparent way, and they can easily access the complaints procedure.
- In 2022/23, the team **received** seventy-four complaints in total but formally **responded** to sixty-three complaints about Children's services. Of the seventy-four complaints received in total, two were rejected for being duplicates, whilst three complaints were withdrawn and six were resolved on receipt and did not require a response. This means that an updated total of sixty-three complaints were formally responded to, at stage 1 of the complaints process. The breakdown of complaints responded to by the various teams is detailed below.
- This is reasonably consistent with the number of complaints received in 2021/22, 63 complaints. This means that there has not been an increase in the number of complaints received this reporting year. The table below shows the relatively stable number of complaints responded to over the last three years.

<b>Reporting year</b>	<b>Numbers responded to</b>
2022/23	63
2021/22	63
2020/21	58
2019/20	85

**Breakdown of complaints received by teams 1st April 2022 to 31st March 2023**

Teams	Volumes of complaints received
Social care teams (made up of 5 teams)	34
Special Educational Needs Team	13
Home to school transport	5
Education – school admissions	4
Short breaks	3
Disabled Children's Team	3
Safeguarding team	1

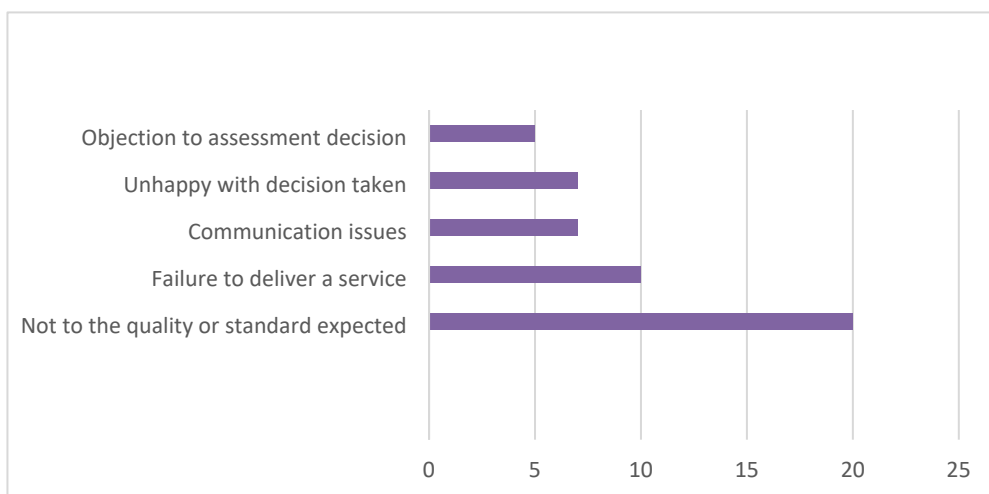
- From the above table, the team with the highest volumes of complaints was the Special Educational Needs (SEN) Team with 13 complaints, followed by the Northeast Social work team within the social care teams with 8 complaints.
- The table below shows the breakdown of complaints received from stages 1 through to 3 and the outcome at each stage.

Stages	Volumes received	Statutory	Non statutory	Upheld	Not upheld	Partially upheld
1	63	6	57	17	37	9
2	12	5	7	0	7	5
3	2	2	0	-	1	1

- 17 complaints of the 63 received were upheld, while 9 were partially upheld. This is an increase of 5% this year compared to 36% upheld and partially upheld outcomes in the last reporting year.
- A complaint is upheld where it has been identified that things did not happen as they should have and there was some detriment to the service user. An example of an upheld complaint would be where there was delay in finalising an Education & Health Care plan (EHCP) according to timescales which resulted in the child starting school late. Whilst a partially upheld complaint is where the service is responsible for part of the complaint but not all the issues raised.
- In these cases where the outcome is either upheld or partially upheld, learnings from the complaint and measures taken to improve on the service provided are recorded on the case management system. This ensures that the service does fulfil what has been promised to the service user in the complaint response.

**5 Complaint themes**

- The table below provides an overview of the top five complaint themes identified from the total volume of complaints received.



- Broken down by the type of complaint, the most frequent theme identified this reporting year was about the service provided not being to the standard or quality expected by service users. This accounts for about 32% (20) of the complaints accepted at stage 1. The other common theme identified was the failure to deliver a service in relation to the annual review of Education & Health Care plans (EHCP) for children with special needs by the SEN team.
- These themes serve to give a better understanding of how the service is perceived, what lessons can be learnt from complaints and what training, or refresher courses need to be offered to staff in a bid to improve on the service provided to service users.
- It is worth highlighting that complainants may raise multiple concerns in one complaint. Where this has happened only the primary concern reason is captured on the case management system.

## 6 Response times

- Children's services responded to 64% of stage 1 complaints within the timescale of ten working days. This is a 17% decrease in response times when compared with 81% of stage 1 complaints responded to with timescales in 2021/22. Some complex complaints required an extension of time to 20 working days. 90% of these extended cases were completed within the 20 working days timescale.
- The team continues to proactively work together with Heads of service to improve on the timeliness of complaint responses at all stages of the process.
- In cases where an extension was required or where delays were likely to occur, the team kept complainants updated on the progress of the case and in most of the cases met the revised deadline.

## 7 Complaints at stage 2



- 12 complaints both statutory and non-statutory were escalated to stage 2 of the complaints process compared to 18 stage 2 escalations requests received in 2021/22. This represents a 33% decrease in the escalation requests received.
- Of the 12 stage 2 complaints, five were investigated under the statutory process in this reporting year. Please find below a table detailing the concerns and the recommendations made for each case:

Case details	Recommendations made & Actions taken
Parent complained about an attempt to refer her to the mental health team without her agreement and a malicious referral to the Child Protection team.	<p><b>Recommendation:</b> None</p> <p><b>Action taken:</b> None</p>
Parent complained about the failure to provide housing for her child on his release from Norwich Prison as a leaving care young person.	<p>The complaint was not upheld however, the Council received the recommendation to apologise to the parent for the failure to respond to her email.</p> <p><b>Action taken</b> social workers are reminded to prioritise the prompt acknowledgement of emails and to convey realistic timescales to enquirers for when the response can be expected where applicable.</p>
Foster carer complained about the failure to acknowledge the additional services provided to a Looked After child in her care.	<p><b>Recommendation:</b> None</p> <p><b>Action Taken:</b> NA</p>
Parent complained that the single assessment process was not conducted in an appropriate way.	<p><b>Recommendation:</b> Parent to work with social care team to make any specific changes they may wish to be made to the Single Assessment report.</p> <p><b>Action taken:</b> Parent was invited to provide the changes to reflect an accurate picture of events as they occurred, and a copy of the amended report has been shared with the parent accordingly.</p>
Parent complained about the failure to convene a Child in Need (CIN) review meeting with the parents and the relevant professionals.	<p><b>Recommendation:</b> The service should ensure that the usual CIN Review processes are followed according to timescales.</p> <p><b>Action taken:</b> The parent in this case had left the borough however, the failure was</p>



	acknowledged, and a letter of apology tendered as well.
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## 8 Complaints at stage 3

- Two stage 3 statutory complaint review requests were received this reporting year, the same number of stage 3 review requests received in 2021/22. One stage 3 review concluded with a “Not upheld” finding, whilst the other review concluded with a partially upheld finding.

Complaint	Recommendations	Actions Taken
Delay in responding to the parent’s complaints.	The team should review its approach in calculating timescales for complaints under the Stage 2 and Stage 3 statutory complaints procedure.	The team now bases the start date of a stage 2 investigation on the date when the local authority receives the Stage 2 complaint (in written format). Formerly, the start date was taken as the date the statement of complaint is agreed and signed.
Amongst other concerns was the complaint about the failure to respond to an email correspondence.	An apology to be made to the complainant for the lack of response to her email of 1 <sup>st</sup> October 2020.	Social workers are regularly reminded of the importance of promptly acknowledging receipt of emails sent to them.

## 9 Ombudsman cases

- A complainant has the right to refer their complaint to the Local Government and Social care Ombudsman (LGSCO). Generally, the Ombudsman first seeks to ensure that the Council has been given the opportunity to respond to the complainant at all stages of the Council’s complaints procedures.
- In this reporting year, nine complaints were escalated to the Ombudsman compared to six in 2021/22.
- Of the nine complaints received, the Ombudsman did not investigate six cases for being out of the LGO’s jurisdiction while three were investigated and all upheld with findings of fault and injustice.
- The table below details the summary of the three complaints investigated and upheld by the LGO.

Complaint details	LGO decision	Recommendations
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Parent complained that the Council delayed amending a child's Education, Health, and Care (EHC) Plan following an annual review in May 2021.	The Council was found to be at fault for not sending out the decision letter on time according to statutory timescales.	Pay £150 each the parent and child, to acknowledge the frustration and uncertainty, caused by the delay in issuing the child's draft EHC Plan and consequent delay in issuing a final plan between May 2021 and January 2022.
Complainant complained about the delay during the Council's investigation of her complaint under the children's statutory complaints procedure.	The Council was found to be at fault for the delay.	the Council to pay Ms X £400 in recognition of the frustration, uncertainty and time and trouble caused by the delays at both stage two and stage three of its investigation into her complaint.
Ms X complained about the Council's failure to support her when she reported domestic abuse	The Council was found to be at fault for failings in a child and family assessment in 2021	Children's service to apologise to the parent and pay £500 for the injustice caused.

## 10 Learnings from complaints

- Westminster Council continues to be a learning organisation which recognises the value of complaints as these provides opportunities to improve on the services provided to individuals and families. The outcomes of stage 2 & 3 complaints are shared with Heads of service so that practitioners and service managers across the service can reflect on these learnings to improve their own practices and team's performance.
- **Listed below are some of the key learnings identified at all stages of the complaints received this reporting year. Some of these action plans have already been implemented.**

Complaints	Recommendations	Action plan
Delay in completing the EHCP annual review.	The completion of the annual review of Education, Health & Care plans (EHCP) within timescales.	Managers from the SEN service met with the parent carer forum to discuss what can be done to reassure parents that the service is actively working on cases. The SEN service has committed to being clearer from the onset about how long an assessment is likely to take in managing parents' expectations.





the wrong use of the term “Child Protection” to identify the correct social care team, created anxiety for a parent.	Social workers must be consistent in the use of what each social care team is called to avoid confusing parents.	Social care teams are reminded to be consistent in the use of what each social care team is called – the use of terms like child protection in the team title as opposed to social work team can be confusing to service users.
a formally looked-after child, who chose to leave care and alleges that all support abruptly ended.	Regarding care leavers, the need to let them know what their rights are under the local offer for care leavers.	The Looked After Children’s (LAC) team has developed a LAC leaving letter to send out to looked after children letting them know their rights under the local offer for care leavers especially in cases where they do not engage with the team as they ought to.

- Also included in this report are some of the learnings identified in the 2021/22 reporting year and the improvements put in place as a result. This demonstrates that the service not only listens but is also proactive in making changes as needed.
- **Learnings identified in 2021/22 and service improvements already introduced as a result.**

<b>Complaint</b>	<b>Learnings</b>	<b>Actions taken</b>
A male parent incorrectly assumed to be the perpetrator of domestic abuse	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.	Social workers have attended training sessions on working with both male and female victims of domestic abuse.
An unsigned Multi Agency Referral Form (MARF) allegedly containing inaccurate information was shared with professionals without the parent’s consent.	The social workers must ensure that the MARF is shared with the relevant service user and obtain the required signature from the parent before it can be shared with other professionals.	The MARF has been updated. On the form, there is a mandatory field asking the referrer to confirm that information contained in the referral has been shared with family, as well as the narrative explaining why this is important.



- Other service improvements already implemented, is the completion of the SEND systemic training across the whole SEN service. This training has provided a framework for developing strong partnerships between parents, the school, health & social services, voluntary organisations, and the Council.
- The SEN service continues to hold face to face 'surgeries' (usually monthly during term time) in the borough. The surgeries provide the opportunity for parents to meet with representatives from the SEN Service alongside the parental support groups such as Full of Life and Make it Happen.
- The SEN service also continues to offer 'next steps' meetings with parents when an Education & Health Care (EHC) needs assessment has declined. The next steps meeting has a high take up and positive feedback from parents, schools and parental support groups has been received.

## 11 Compliments

- Children's services also welcome and receives compliments from its service users in addition to learning from complaints. A compliment is a courteous remark expressing admiration either for an entire team or in relation to a specific person, whilst feedback is the helpful information received from service users about the actions of the social work team or the behaviour of a specific individual.
- These compliments serve as indicators of good practice and reflect the type of service that families find helpful and enable the service to further improve on the activities that are working well. Examples of the compliments received by the different teams within the service is listed in Appendix C.
- These compliments are received from various sources such as – children, families, extended families, other professionals etc and highlight the compassion and dedication to duty demonstrated by social workers. This reporting year, a total of 51 compliments were sent to the Team compared to 58 received in 2021/22.
- The table below shows the distribution of compliments received by different teams across the service. The Special Educational Needs team received the highest number of compliments (10), followed by the Access & Assessment team with 8 compliments. This is reflective of the good work being carried out by the teams.
- Compliments received by the different teams.

Team	Numbers received
Special Educational Needs	10
Access & Assessment	08



Northeast Social work team	07
Early help	06
South Social work team	05
Short breaks	04
Northwest social work team	04
Looked after Children	03
Home to school transport	03
Intensive Support team	01
<b>Total</b>	<b>51</b>

## 12 Customer Relationship Team – Delivery against service priorities for 2022/23

- The progress made against the priorities set for the team in this reporting period is outlined below:
- **To continuously improve on using the newly introduced maturity model to provide a positive complaint experience and outcome for service users.**

The Corporate team quality assures a sample of the complaints received to ensure that the actions required to investigate and respond to complaints in a timely and effective manner are adhered to.

- **To track complaint outcomes on the Integrated Casework System (ICW – the in-house recording system used to record complaints received, lessons learnt, remedies etc).**

The team checks in with service managers and heads of service, to ensure that measures put in place in response to a complaint are carried out as stated and the dates of completion are being noted on the system. This has served to further promote a culture of accountability within the teams and wider service.

- **To further enhance the vexatious complaints policy.**

The team collaborates with colleagues in the corporate team to develop a better policy with regards to handling persistently unreasonable complainants. This is because of reflections on cases that are in court proceedings which are very adversarial in nature, and where representations are best made via legal advocates and placed before the Court. This is an ongoing project with a view to completion in the next reporting year – 2023/24.

## 13 Customer Relationship Team service priorities for 2023/24

- Working with colleagues in the corporate team to ensure that in cases where the response deadline is extended beyond 10 working days due to the complex nature of the complaint, the extension is accepted as the complaint still being processed within the Service level agreement (SLA) and not classed as being out of time.



- To continue to work with service managers and deputy service managers to improve on the timeliness of complaint responses and the overall SLA rates.
- The continuous sharing of complaint themes and learnings identified with the Director and relevant heads of service to drive change and continuous improvement within the service as required.
- Finding different ways of engaging with people, particularly those with mental health needs, who display behaviours which are challenging, confrontational or otherwise difficult to respond to.
- To continue to produce robust responses to complaints at stage 1 with a view to reducing the number of escalations to stage 2 and 3 of the statutory complaints process. This will be measured by the number of escalation requests received.

## **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 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 perhaps a complaint about the length of time taken by an allocated worker to return calls which is dissatisfaction with the service provided.

#### **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 day 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 escalate 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 – Flavour of compliments received across different teams within the service.**

### **Short breaks – Tresham Centre**

- *The staff members are amazing, thank you.*
- *I would like to thank you from the bottom of my heart for all the help and support you have given B and my family.*
- *R has been very professional in her work I have never worked with any short break practitioner or even social workers so active and doing her job properly like it should be.*

### **Access & Assessment team**

- *May I just add, you are that one person who has managed to soothe the deep, painful afflictions of an entire institution for me. I am so thankful that WCS employs people like you. God bless you.*
- *L for what it's worth: you have done a wonderful job working with N and building his trust in you as well as working with me. I will forever appreciate your perseverance, attention, and skill at your job. I'm truly grateful that his case landed in your lap. You will make an excellent psychotherapist! Thank you, thank you, thank you!*
- *C said she felt listened to and appreciated my approach of listening to her and the network involved with J.*

### **SEN team**

- *Further to our conversation Honestly words can't describe how delighted we are to have a yes for my sons EHCP plan. It really bought tears of happiness to both me and my husband.*
- *I appreciate your help. I am so very grateful for your time.*
- *You outlined these very clearly, so we now have a good understanding of what is going on. That is greatly appreciated.*

### **Looked After Children's team.**



- *I'm very, very touched. Thank you for all your help over the past year 1 and a half. I will keep in touch if I need any advice. I cannot thank you and RC enough.*
- *Since leaving my family home, the Westminster Leaving Care Team have been able to steer me in the right direction and I'm now in my penultimate year of studying Civil Engineering at university.*

### Home to school transport team

- *I would also like to take this opportunity to feedback how fantastic the staff on this transport route have always been. They are so kind and positive with the boys (and the staff) and we are so pleased they are in such good hands. It makes such a difference to their school day having such understanding and friendly support to and from school. Thank you!*
- *Many thanks for an excellent service and a happy summer break to you all too.*
- *Just wanted to say transport is working very well for V. His chaperone R is so kind, professional and reassuring with V. He has helped V and I feel at ease with his traveling transition. It is very much appreciated.*

### Northeast Social work team

- *You are such a great social worker and so extremely committed.*
- *Thank you for your support and help in arranging our flights for both myself and I to Gran Canaria. You were very supportive and made sure everything was sorted out as quickly as possible.*
- *The human side of your professionalism was clearly evident. In my 25 years as a GP, I have not read such a lovely letter directed at the client and this was heart-warming ,*

### Early help

- *This was the case that was transferred to me from R, young person at UCL had been excluded for having a knife and needed an EHCP, which we got. She rang to tell me that A passed all of his GCSEs, has a job in Burger King and is applying to Westminster Kingsway College to do the electricians course. She thanked me for the help and support that Early Help gave which she feels was instrumental in him achieving his GCSEs and his well-being improving so that he is able to work and that things in the family are now working well.*
- *I just would like to express my feedback regarding the support I've received from C in the past year. C was always there for me and my daughter when needed , she helped me through a very difficult time after splitting with my ex husband. She sets up online*





*meetings with me and my daughter and helped us to understand each other more, giving me her best advices ever. She also made sure G. was ok addressing her to dream heart for therapy. I can't thank her enough for all the support I've received.  
Thank you so much C.*

#### **Northwest Social care team**

- *I have every confidence Westminster will deal with it properly. They seem to have been generous and exercised their responsibility under ICO responsibly and well and has to go into the future.*
- *I will like to appreciate you for your supports and tolerance.*
- *Thank you very much for all the support you gave him and us at that time.*

#### **South Social work Team**

- *Thank you for everything you have done for M B.*
- *A is absolutely phenomenal and I take the strong view that his great work, efforts and input definitely shaped the outcome on this case. It is very rare to see and he ought to be commended.*
- *Dear A and dedicated people working at Bessborough Children's centre team, we thank you for working tirelessly in these difficult times for us.*

#### **Intensive support team**

- *T is so genuine, compassionate and one of a kind and we appreciate that always. (You are very lucky to have T with you).*

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