

<b>LONDON BOROUGH OF CAMDEN</b>	<b>WARDS: ALL</b>
<b>REPORT TITLE</b> Children's Services' Complaints Annual Scrutiny Report 2017/2018	
<b>REPORT OF</b> Executive Director, Supporting People	
<b>FOR SUBMISSION TO</b> The Children Schools and Families Scrutiny Committee	<b>DATE</b> 23 October 2018
<p><b>SUMMARY OF REPORT</b></p> <p>This report provides information about complaints made to the Children's Services (Supporting People Directorate) in London Borough of Camden during the twelve months between 1 April 2017 and 31 March 2018. It is a statutory requirement to produce an annual report which is published on the Council's website.</p> <p><b>Local Government Act 1972 – Access to Information</b></p> <p>The following software systems have been used in the preparation of this report:</p> <ul style="list-style-type: none"> <li>• Internal monitoring document of the Directorate</li> <li>• ICasework – Our complaints database used for reporting</li> </ul> <p><b>Contact Officer:</b> Jim Read, Service Manager, Business Support Services, LB Camden Tel: 020 7974 6093 Email: <a href="mailto:jim.read@camden.gov.uk">jim.read@camden.gov.uk</a></p>	
<p><b>RECOMMENDATIONS</b></p> <p>The CSF Scrutiny Committee is asked to consider and note the contents of the report.</p>	



Signed:

Date: 10<sup>th</sup> October 2018

## **1. What is this Report about?**

- 1.1 The purpose of this report is to inform service users, the public, Council Members and staff of the activity of the Children Schools and Families (CSF) Complaints Procedure, which operates within the Supporting People Directorate.
- 1.2 This report provides information about complaints made during the twelve months between 1 April 2017 and 31 March 2018.

## **2. Why is this report necessary?**

- 2.1 The Children Act 1989 requires the Council to have a complaints procedure for considering representations about children's social care.
- 2.2 The Children Act 1989 Representation Procedure (England) Regulations 2006 were introduced in 2006. It is a requirement of the Regulations that the Council publishes an annual report.
- 2.3 In addition to the Regulations, the Department for Education and Skills produced some comprehensive guidance for local authorities on managing complaints, called 'Getting the Best from Complaints'.
- 2.4 In 2007, the London Borough of Camden produced a complaints procedure that implemented the regulations and guidance provided by central government.

## **3. Background**

- 3.1 When the Council's complaints procedure was created in 2007, Children's Social Care functions in Camden were part of the CSF Directorate.
- 3.2 The Council's policy was to have a single procedure for all services which were a part of CSF, although it should be noted that not all of the services provided by CSF were qualifying functions. Therefore, only some of the complaints received about CSF were required to follow the regulations but the Council decided to handle all complaints in this way.
- 3.3 In April 2016 the former CSF became a part of the newly formed Supporting People Directorate. However, we have continued to apply the same complaints procedure to all services which were formerly part of CSF. It should be noted that the Supporting People directorate also contains Adult Social Care, which is governed by separate complaints regulations and other services which have traditionally been subject to the Corporate Complaints Policy 2008.
- 3.4 The Council is currently reviewing and updating the statutory and corporate complaints policies to ensure they are in alignment with current Ombudsman guidance and government legislation.

## 4. The Complaints Procedure

4.1 The Local Government and Social Care Ombudsman (LGSCO) carried out informal research in 2015 to seek the views from councils on the subject. The Ombudsman's view is that the three-stage procedure should be adhered to and in accordance with their guidance, Camden Council has a three-stage process as follows:

- Stage 1 – Local Resolution
- Stage 2 – Independent Investigation
- Stage 3 – Independent Review Panel

4.2 Complainants may complain to the LGSCO at any stage of their complaint but the Ombudsman will expect the complainant to have exhausted the Council's complaints procedure. The Ombudsman may instruct the Local Authority to investigate a complaint at Stage 2 of the procedure, even if the complaint was not initially investigated at Stage 1.

4.3 The Formal Enquiries Systems Thinking Review.

The aim of the review is to:

- Re-design and implement an effective whole system response to formal enquiries
- To better understand the root cause of the formal enquiry demand. **This could then inform specific service learning and improvement, thus reducing overall demand volumes.**

### 4.3.1 Learning from formal enquiries

It is critical as a Council that we systematically develop a process for learning from formal enquiries. This is vital to improving services for the people of Camden. Complaints in particular, provide a regular source of feedback to the Council that informs when things have gone wrong. If we do not learn from this, the Council is missing an opportunity to improve services.

The best place to resolve complaints and then learn from them is within the service. Learning works best when services learn for themselves rather than having someone else provide the information or impose something on them. However, it may not always be easy for a service to see where an issue has gone wrong, and so an independent investigation may be needed in order to achieve this.

Therefore, there will be a Council wide focus on creating a continuous learning ethos. The emphasis will be on making learning from complaints easily accessible and reportable with support from the Corporate teams, IRM and Organisational Development.

Regular Corporate complaints reports will no longer focus on performance against a target date but will provide analysis of key learning points and areas for improvement. There is an opportunity for this insight to be incorporated into the

bigger Council picture to bring about wider improvements. It is to be noted that in some cases there are statutory performance measures that we are will continue to measure and report on. This will be put in place for the annual report 2018/19.

## **5. Performance Data 2017-2018**

### **Context - Services users and provision in 2017/2018**

In 2017/18 there were a total of **1807** referrals received by the children's social work service.

On 31 March 2018 there were **1628** children and young people allocated to workers within CSSW

Children and Young People's Disability Service also had a further 184 cases who were solely allocated to the Short Breaks co-ordinator and 126 cases aged over 18 who were allocated to the Transition Manager. These cases are not included in the 1628 cases specified above.

There were a further 750 cases allocated to social workers in Great Ormond Street Hospital.

Over the 2017/18 financial year there were a total of **3363** children and young people open to the children's social work service.

#### **5.1 Stage 1 complaints**

5.2 The regulations provide a deadline of 10 working days for the Council to respond to complaints.

5.3 This may be extended to 20 working days if the complaint is complex and the Council requires more time to investigate. The service must tell the Complaints Manager and the customer of the new deadline.

5.4 The table below shows how the different service areas have performed against these deadlines.

**Table 1 – Response Performance**

(2016/2017 in brackets)

Service	Within 10 working days	Within extended 20 day deadline	Over 20 working days	Grand Total
Children and Young People Disability Service	2 (0)	1 (1)	1 (1)	4 (2)
Children in Need	19 (9)	2 (5)	4 (12)	25 (26)
Looked After Children/Care Provision	10 (3)	0 (6)	3 (8)	13 (17)
Children’s Quality Assurance	3	0	0	3
Grand Total Number = percentage of total	<b>34 = 76%</b> (29%)	<b>3 = 6%</b> (28%)	<b>8 = 18%</b> (43%)	<b>45</b> (51)

5.5 In 2017/2018, London Borough of Camden received 45 complaints that required a response at Local Resolution Level (Stage 1).

5.6 Of these, 34 (76%) were responded to within the timescales. This is a marked improvement compared to last year, where only 29% of complaints were responded to within the timescales in 2016/2017.

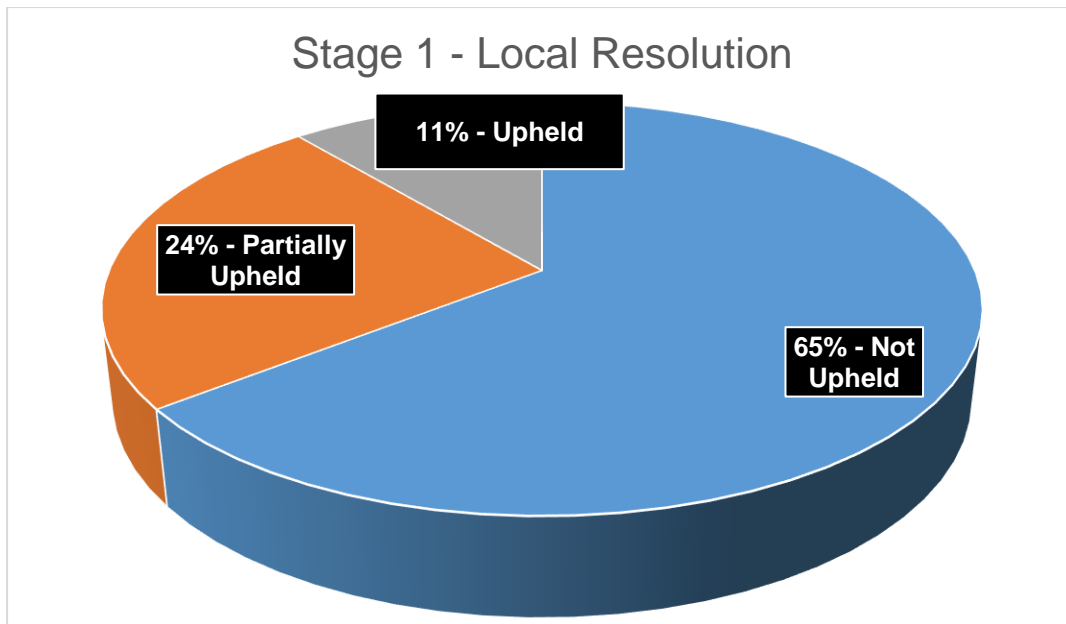
5.7 This is due to:

- better collaboration and communication between Children’s services and the IRM team.
- more focus on improving communication with the complainant and working with them to resolve the issues and agreeing a way forward.
- Work done to ensure support throughout the complaints’ process for young people.

5.9 Whilst there is improvement, it is noted that we are still below our aim of responding to 90% of complaints within 10 working days.

6.0 **Table 2 – Outcomes**

Service	Not upheld	Partially upheld	Upheld	Grand Total
Children and Young People Disability Service	3	1	0	4
Children in Need	16	6	3	25
Looked After Children/Care Provision	9	3	1	13
Children’s Quality Assurance	1	1	1	3
Grand Total	29 (65%)	11 (24%)	5 (11%)	45



## **7. Children's Safeguarding and Social Work (CSSW)**

7.1 In general, complainants raised the following issues:

- Complainant was not advised of 'Child and Family' assessment
- Actions of social worker (SW)
- Incorrect advice from SW
- Handling of case by SW
- Quality of service
- Issues raised with SW not dealt with
- Delay in actions of SW

7.2 The main issue was parents or guardians disagreeing with decisions made by their children's social workers. They either asked for a decision to be changed in their favour or requested a new social worker. In one case the complainant asked us to overturn a decision made by the Court. Most investigations found the social worker had made the correct decision.

7.3 The five upheld complaints were the result of poor communication between Council officers and the complainant, and/or Council officers and third party organisations. This led to officers:

- Recording incorrect information
- Incorrect information being passed on to a third party organisation
- A parent not being kept informed about issues affecting their child
- A grandparent not being informed of financial help for a Looked After Child.

## **7.4 Learning Outcomes**

As a result of these complaints, CSSW have recognised:

7.4.1 The need and requirement to obtain continual and ongoing consent when working with a family. Officers have been reminded to involve and engage fathers who hold or share parental responsibility.

7.4.2 When assessing care arrangements for a looked after child the social worker must ensure that they consider the child's needs. This needs-led assessment should also include a financial assessment of the carer and their ability to provide for the child.

7.4.3 The importance of accurately recording information provided by a family. The family may disagree with the assessed outcome. These views are key to facilitating ongoing and trusted relations between the family and the social worker and officers have been reminded to ensure the family's views are considered and accurately recorded.

## **8. Stage 2 Complaints**

- 8.1 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.
- 8.2 Both the Investigating Officer and Independent Person will submit reports to the Council, making recommendations. A senior officer will then act as Adjudicating Officer to provide a response to the report, either accepting or disputing the findings.
- 8.3 There were two requests for a Stage 2 Investigation in 2017/2018. These investigations are still ongoing.

## **9. Trends**

- 9.1 The number of complaints has remained consistent from the previous year.
- 9.2 There has been a significant improvement in the response times with 76% of the total complaints answered within the required timescales which is a significant improvement on last year. The IRM team monitors complaints and notifies the team and service managers of any complaints at risk of not being sent on time.

## **10. Learning from complaints**

- 10.1 The Local Government & Social Care Ombudsman (LGSCO) wants Councils to focus on learning from complaints to prevent the same issues being repeated.

10.2 Complaints provide managers with useful information in respect of the way that services are delivered.

10.3 In general the following have been actioned as a direct response to the complaints received:

10.3.1 Social workers have been reminded of the importance of listening to the voice of the young person and wherever possible ensuring that service provision and plans are in accordance with these views.

10.3.2 A review of the case transfer process has taken place to ensure that all information is passed across from one social worker to another in a clear manner.

10.3.3 Further training and support for staff to ensure actions arising from cases are implemented and monitored as appropriate.

10.3.4 An understanding to be reached with young people and families about how best to communicate with the social worker so that any exchange is effective and positive.

[Please also refer to section 7.4 above for Learning Outcomes]

## **11. Remedy Outcomes**

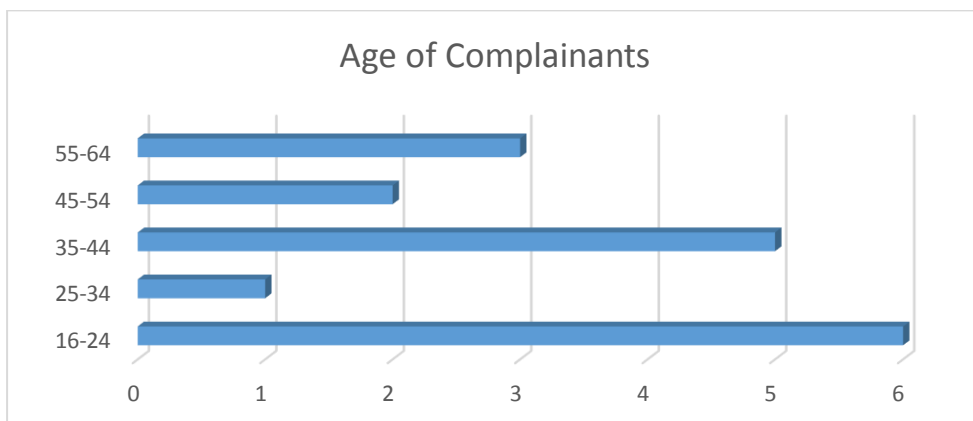
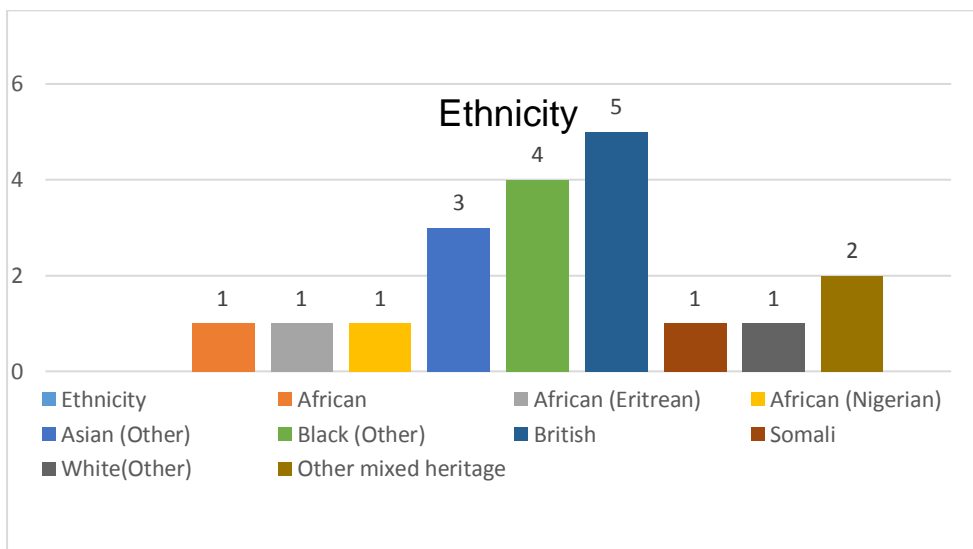
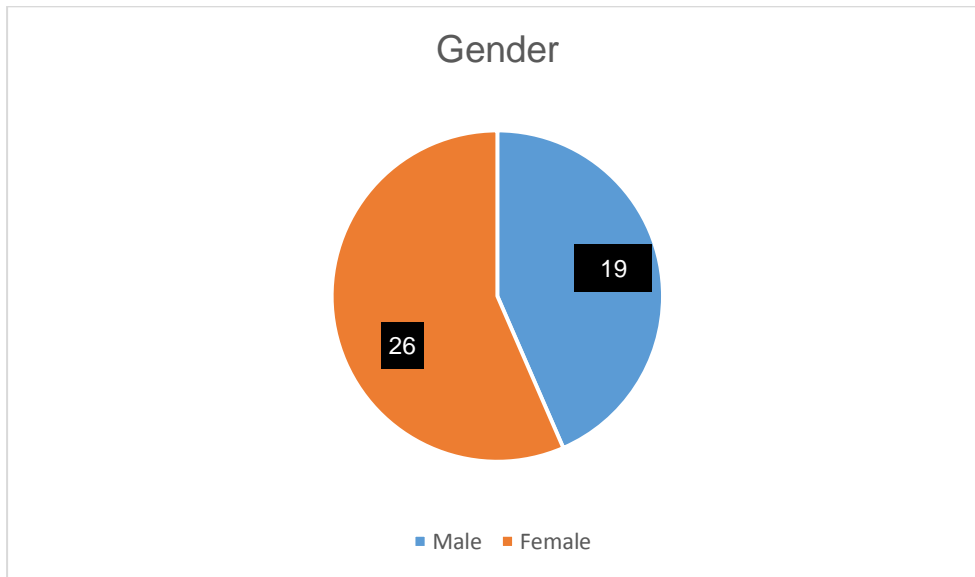
11.1 The LGSCO now asks for evidence that agreed steps have been taken to remedy personal injustice and Councils have improved the way services are delivered. The Ombudsman will report if they are satisfied with our response and from next year report on this data as part of their annual statistics to show how well each council has complied with their recommendations.

11.2 To prepare for this the IRM team and service areas will monitor the status of recommendations to ensure they are carried out.



## 12. Demographics

Where known, of the 45 new stage 1 complaints:



### **13. Advocacy and Independent Persons**

- 13.1 The IRM and CSSW teams continue to commission and work with Coram Voice, a voluntary organisation, which provides an independent advocacy service for children and young people wishing to make representations or complaints. The benefit of this service is that children and young people are given direct access to Coram-Voice.
- 13.2 Often, complaints are made by parents and the young person's voice is not heard. In some cases, the IRM Complaints Manager will want to know the views of the young person as it is not always clear that a parent or other adult is acting in their best interest. The use of an independent advocate is to ensure the young person is properly represented.
- 13.3 109 Camden children and young people were supported by Coram Voice advocacy in 2017/2018
- 13.4 There were 15 cases concerning a complaint where an advocate had been allocated which is a small proportion of the overall advocacy services provided.
- 13.5 This contract was also used for 59 cases where representation has been allocated but was not related to a complaint. This is now the biggest demand on advocacy services and the overall contract no longer relates directly to complaints. The current contract ends in June 2019 so its purpose and function will be under review.

### **14. Legal Implications (comments from the Borough Solicitor)**

- 14.1 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.

### **15. Resource Implications (Finance comments from the Executive Director Corporate Services)**

- 15.1 The budget for the complaints service sits within Business Support Services and consists of staffing budgets (ERB), complaints investigations and complaints advocacy services (contract with Coram Voice).
- 15.2 Any compensation payments are paid from Directorate services' budgets.
- 15.3 There are no financial implications to add to this report

## **16. Conclusion**

- 16.1 Overall, the complaints procedure informs the Council that our services for Children and Young People are, for the most part, getting it right. There have been no serious failings identified.
- 16.2 However, improvements need to be made in the following areas:
- timeliness of responses
  - a reduction in unnecessary delays
  - communication between professionals involved and the complainant
  - use of the advocacy service and better collaboration between services and the advocates with the young person's best interests at the centre.
  - record-keeping
  - learning from complaints
  - carrying out recommendations
- 16.3 Further work still needs to be undertaken with services to ensure investigations address all the issues raised and identify improvements to service delivery. It is only through the identification of the real causes of dissatisfaction that improvements can be identified and implemented in a way that will see services improve practices and procedures, therefore resulting in a reduction in complaints.
- 16.4 We are also keen to continue to improve our response times for stage 1 and stage 2 complaint investigations, therefore further work needs to be undertaken with the services and independent investigators to see how we can improve this.
- 16.5 The re-design and new model for formal enquiries processes from the systems thinking review will significantly contribute to these improvements, alongside continued staff training and focus on learning from complaints

## **17. APPENDICES**

None

**REPORT ENDS**