

# **Annual Report**

## **Statutory Children Act Complaints**

**1 April 2020 – 31 March 2021**

**Family Services  
The London Borough of Barnet**

## 1. Compliments

- 1.1 In addition to complaints, compliments provide the service with valuable information which inform its service delivery. They tell us when things are working well and highlight the positive impact and importance of our services so that this can be built upon further. This report includes formal written compliments which are recorded.
- 1.2 There were 134 formally recorded compliments which is a 58% increase from 2019-20 and 2018-19. Staff and managers are encouraged to send compliments to be recorded so that they can be shared with the Senior Management Team and colleagues through regular reporting.
- 1.3 The Early Help Service received a total of 53 written compliments directly from families and the professional networks working with families. This highlights the positive work which the service carries out and the regard families have for the service.
- 1.4 Of the 134 compliments 9 were received for the Corporate Parenting Service, recognising the positive impact felt by families and other professionals.
- 1.5 The Duty and Assessment teams and Intervention and Planning teams received 46 compliments collectively, 3 of which were directly from young people. This is a 23% increase in positive feedback from 2019-20. Because of the difficult nature of their work, it is inspiring to see recognition of the positive impact the service has on family's lives.
- 1.6 A third of all compliments were from other professionals such as Judges at family court, schools' staff, Headteachers, and healthcare professionals who formally recognised the exceptional work of social care professionals within Family Services.
- 1.7 Over half of all compliments (68) were from a family member or parent of a child supported by Family Services, or directly from a young person. It is encouraging to hear of the positive impact that services and social care professionals have had on the families they work hard to support.

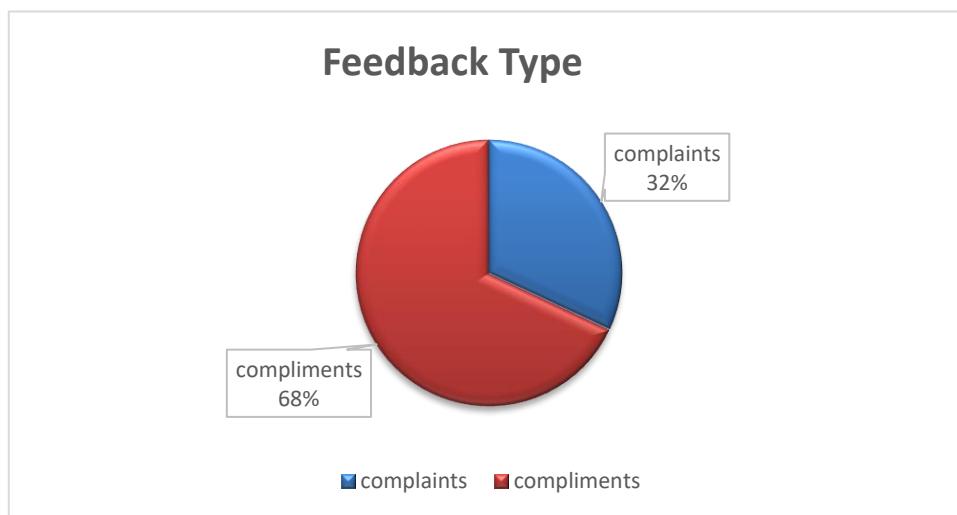


Fig 1: proportion of compliments taken from overall feedback

## Examples of compliments received by staff in Family Services

*Thank you so much for everything you have been such a huge help, we would not have been able to make the positive changes we have made without your help and advice. We so appreciate you and how patient and kind you have been with us."*

*Parent, supported by Early Help*

*Thank you so much for everything you have been such a huge help, we would not have been able to make the positive changes we have made without your help and advice. We so appreciate you and how patient and kind you have been with us."*

*Parent, supported by Early Help*

*I just wanted to thank you for your support & kindness. We have had years of torment & your professional but sympathetic help has been so appreciated. To come to our home in times of adversity is beyond your duty but has given us a lifeline. I'm not exaggerating when I say we have had many dark times but with your support we might make it. Also, you haven't made us feel like failures as parents which is so important. We've done everything by the book but to have that validated has so helped our mental wellbeing.*

*Parent, Duty and Assessment*

*I'd just like to say thank you for all the work you've done and support you've given us all, I understand sometimes me and T were frustrating to an immense level, but you analysed all situations and kept us all on the right track for our child. I understand from our own positions it was easy to get side-tracked as it is personal problems, and we appreciate your advice and work from a professional perspective*

*Parent, Duty and Assessment*

*On a very professional level you have shown me understanding, warmth and kindness. You have explained very thoroughly the process that Social Services must take in order to protect T and I have always been very clear of what has been happening. Thank you for your support.*

*Parent, Intervention and Planning*

## **2. The Complaints Processes**

- 2.1 Family Services operate two different procedures when dealing with complaints. Complaints are either subject to the statutory Children Act complaints procedure or the Council's Corporate complaints procedure.
- 2.2 The Children Act complaints procedure has three stages of escalating formality. (These are defined as Local Resolution, Independent Investigation and Review Panel and are governed by *The Children Act 1989 Representation Procedure (England) Regulations 2006*.)
- 2.3 **Stage 1:** Local Resolution  
This is the most important stage of the process and our aim is to try and resolve as many complaints as possible at this early stage. Team Managers are appointed at this level to resolve the complaints, with oversight from Heads of Services.  
  
The timeframe for concluding this stage is 10 working days and up to 20 working days if the issues are complex or where advocates or young people are involved.

### **Stage 2:** Independent Investigation

The service aims to resolve all complaints at the previous stage (Local Resolution). If the complainant is unhappy with the resolution, they can request that their complaint is investigated under stage 2 of the process. Family Services appoint an independent investigator and an independent person to oversee the investigation. Following a submission of reports by both the investigating officer and the independent person the complaint is adjudicated upon by a Head of Service.

The timeframe for concluding this stage is 25 to 65 working days.

### **Stage 3:** Review Panel

This is the concluding stage of the procedure. If the complainant remains unhappy with independent investigation a review panel is conducted. The role of the panel is to review the process of investigation and findings to ensure it was carried out fairly. The recommendations are provided to a Director for consideration.

This stage of the process should be concluded within 50 working days.

- 2.4 The Council's Corporate Complaints Procedure is a two-step process of escalating formality. Complaints about non-statutory actions or provision of non-statutory services are investigated under this procedure.

### **Stage 1**

This stage is responded to by Team Managers with oversight from an Assistant Head of Service.

### **Stage 2**

This is the concluding stage of the Council's Corporate Procedure. The complaint is investigated and responded to by a senior manager, either the Head of Service or the Director.

- 2.4 Throughout the complaints process staff have due regard to the Council's responsibilities towards equality, and any issues relating to race, gender or disability would be investigated and addressed.

### 3. Number of complaints received in 2020-21

- 3.1 Family Services recorded a total of 63 formal stage 1 complaints during 2020-21. The Coronavirus (Covid-19) pandemic period covered this performance. There was a 29% decrease in the total number of complaints from 2019-20 when the service received 93 formal complaints. Year on year there has been a slight decreasing trend and in 2020-21 the decrease has been more pronounced. A hypothesis is that the more pronounced decrease in complaints may be attributed to the fact that whilst service delivery continued the coronavirus pandemic was the national focus at the time.
- 3.2 A reduction in the number of complaints during the pandemic period is consistent with other London boroughs who have also reported a reduction in the overall numbers of complaints. The reduction in figures was more pronounced during the first 3 quarters, during the start and the midst of the pandemic. The most pronounced reduction in the volume of complaints was during the months, March, April, November, December, and January when there were official lockdowns. Quarter 4 of the performance year (Jan, Feb, Mar) the figures suggest a gradual increase towards numbers of complaints consistent with pre-pandemic levels. This can be seen to be in line with an easing of restrictions, the vaccination programme, and the roadmap out of lockdown.

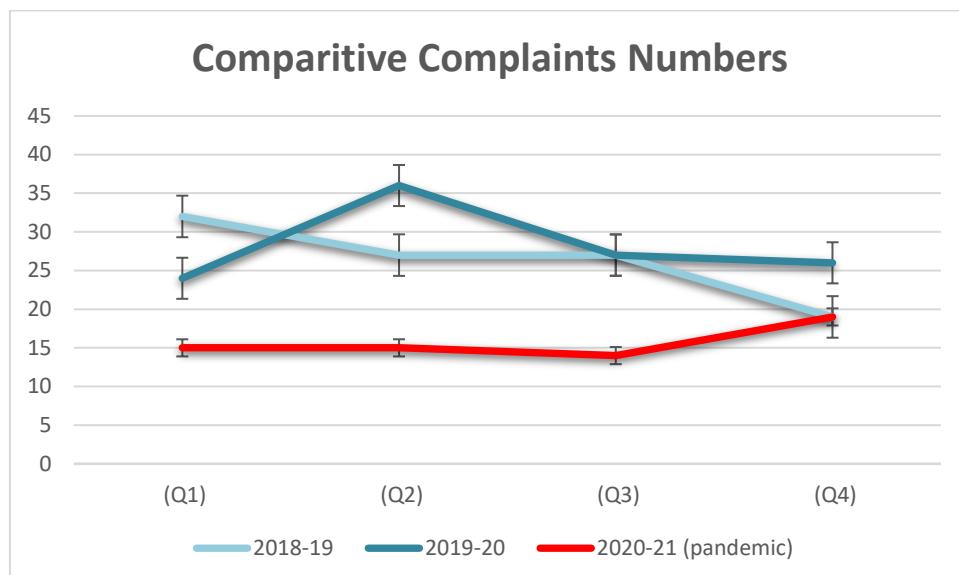


Fig 2. Comparative complaints data for pre pandemic and pandemic period.

- 3.3 Of the 63 complaints, 22 were about statutory social care provision and were dealt with under the statutory social care legislation. 41 complaints were about non-statutory social care provision, and these complaints were investigated under the council's corporate complaints procedures. The gradual year on year decrease is a positive representation of the effective learning from complaints from previous years which is fed through into service improvements and the work by social care managers and the complaints team to resolve issues as they arise preventing them from becoming formal complaints.
- 3.4 It is recognised that in order to obtain a true and more accurate reflection of the reducing trend the service will need to analyse the data from the upcoming performance year as the impact from the pandemic has resulted in a more pronounced decrease than expected.

	Stage 1 complaints 2019/20	Stage 1 complaints 2020/21
Statutory Children Act Procedure	63	22
Councils Corporate procedure	30	41
<b>TOTAL</b>	<b>93</b>	<b>63</b>

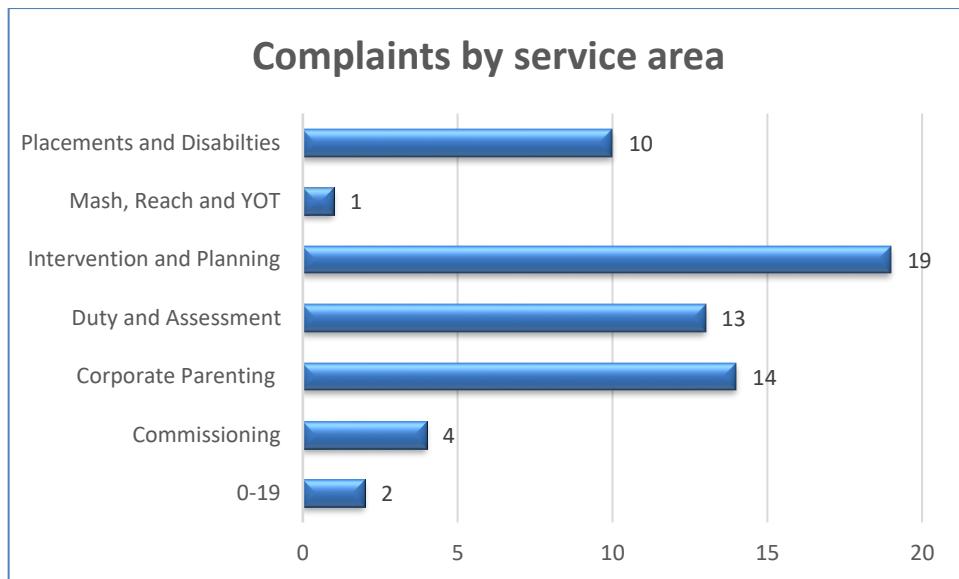
*Fig 3. Number of overall complaints broken down by procedure*

## 4. Responding to Complaints

- 4.1 Services work to resolve issues before they become formal complaints and where appropriate, services are encouraged to resolve issues outside of the formal complaint procedures. Heads of services and team managers meet complainants and work to mediate and resolve issues through sensitive handling of issues. This personal interaction and positive work contributes to a reduction in the overall number of complaints progressing to formal stages.
- 4.2 The decision to deal with complaints outside of formal procedures should be made on a case by case basis and should be balanced against the risk of undesired findings at a later stage or by the Ombudsman. Complainants are made aware that the issues are being dealt with informally and outside of procedure. The Complaints Team has provided guidance and training to support services with complaints handling around this issue.
- 4.3 84% (53) of stage 1 complaints were responded to within given timescales, this marks a performance increase of 21% from the previous year when 63% of complaints were responded to within the given timescale. This is a significant and substantial improvement towards the corporate target of 90%. This increase in performance demonstrates the positive work which is being carried out within the service to prioritise complaints handling. It is important for our service users to know that we actively listen to them and take their concerns seriously.

## 5. Complaints by Service Area

- 5.1 The majority of complaints 19 (39%) were received for the Intervention and Planning Service. This is in line with previous years and in line with expectation. The work undertaken by this team is where the intensity of unwelcome or difficult intervention in the lives of families is concentrated. This is often an emotive period in the journey involving social care and one in which social workers are required to have difficult conversations and work with as much sensitivity as possible with families.



*Fig 4 – Stage 1 complaints by service area*

## 6. Decisions and Outcomes

- 6.1 Of the total 63 complaints almost 50% (30) of complaints were not upheld. A complaint is not upheld when the complaint is found to be unjustified and the actions of staff and/or service delivery are found to have been appropriate.

Complaints Decisions		
Upheld	Partially Upheld	Not Upheld
9	24	30

*Fig 5. Numbers of stage 1 complaints broken down by outcome*

- 6.2 14% (9) complaints were upheld. It is agreed that in these cases the service had not met the high standards it expects of itself. This is consistent with 2019-20 when 13% of complaints were upheld.
- 6.3 A further 38% (24) of complaints were partially upheld. This is where despite the overall complaint being unjustified there may have been elements of service delivery which could have been better.
- 6.4 Despite the reduction in the overall number of upheld and justified complaints it is important to consider the reasons why someone makes a complaint. We should be aware that even if we do not uphold the complaint there may be lessons which can be learnt from the feedback and contribute to our learning culture. (i.e. have we explained decisions to the family in an appropriate way)

## **7. Stage 2 Complaints**

- 7.1 Of the 63 stage 1 complaints 6 complaints progressed to stage 2 of the procedures.
- 7.2 Of the 6 complaints which were investigated at stage 2 of the procedure, only one was under the statutory Children Act procedure.
- 7.3 The complaint investigated under Stage 2 of the Children Act complaints procedure was investigated by an Independent Investigator with the support of an Independent Person who was appointed to ensure impartiality and independence of process. The investigation reports were adjudicated upon by an Assistant Head of Service.
- 7.4 The complaint was made by a mother whose child was made subject to a child protection plan. The complaint centred around elements of the plan not being implemented, including delays in child protection visits, and an unfounded allegation against the child's father being reported by the social worker. Elements of the complaint were partially upheld, and compensation was awarded for delays with assessments and meetings and for the mother's time and trouble.
- 7.5 A further 5 complaints were investigated under stage 2 of the corporate complaints procedure and responded to by the relevant Head of Service. Of these 5 complaints, 3 complaints were logged as stage 2 without being investigated at the prior stage (stage 1). This was due to the seniority of the reporting structure, and the complexity of the issues raised. Of the 5 complaints 2 complainants were a result of the complainant not being satisfied with the response at stage 1 of the procedure.
- 7.6 Two of these complaints were made by non-resident fathers involved in private proceedings. The complainants wanted to ensure social care involvement despite the children's social care cases being closed to the service at the time. In both cases there were no safeguarding concerns and social care involvement was not considered the appropriate route. The complaints were not upheld.
- 7.7 A further 1 complaint was from a mother who wished to be compensated for social care involvement impacting upon her wellbeing. In this case involvement was found to be adequate, necessary and in line with the services responsibilities. The complaint was not upheld.
- 7.8 Another complaint was from a mother whose family became known to the service as there were conflicting allegations of domestic abuse within the home. The mother felt social care had taken an initial view of her, but they should have adapted and changed their view faster in light of their assessments. There was limited evidence available in the case. The complaint was upheld, and an apology was provided to the mother.
- 7.9 The final complaint was made by a young person being supported by Corporate Parenting and his unhappiness with his placement.
- 7.10 It is positive to note that 90% (57) stage 1 complaints were resolved successfully and to the satisfaction of complainants without progressing to stage 2 of the procedure.

## **8. Stage 3 Complaints**

- 8.1 There were no complaints that progressed to stage 3 of the Children Act procedures.

This highlights the robustness of stage 2 investigations. Although complainants may continue to disagree with the decision made, it is recognised that the investigations at the previous stage make comprehensive enquiries and findings of fact.

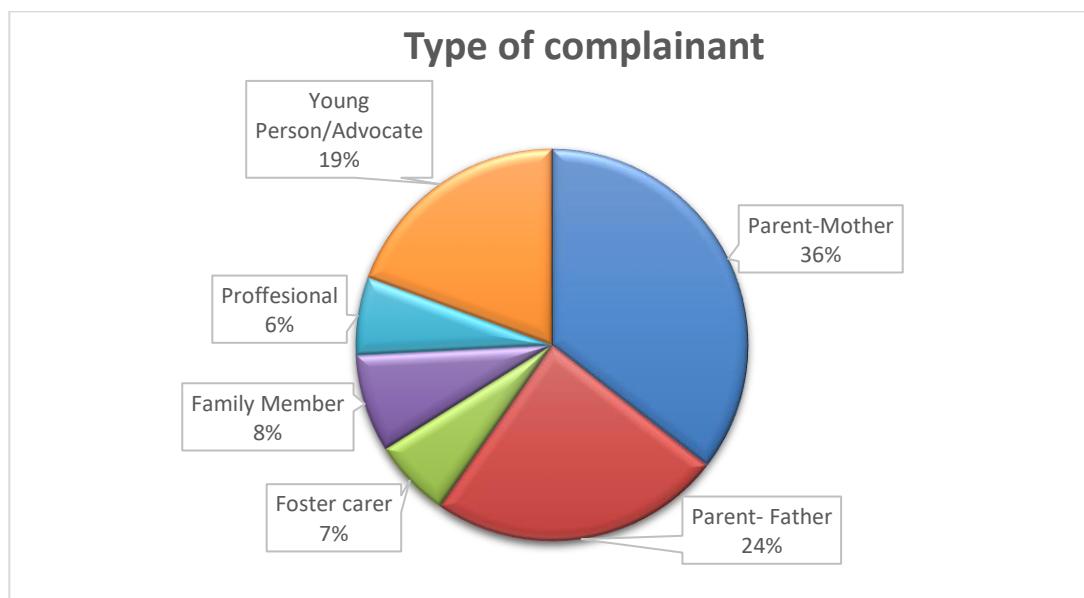
## **9. The Local Government and Social Care Ombudsman (LGSCO)**

- 9.1 Where complainants have exhausted the council's internal complaints procedures and they remain unhappy, complainants have recourse to the Local Government and Social Care Ombudsman (LGSCO).
- 9.2 Complainants are actively advised of their right to contact the LGSCO at the completion of the complaints process. Complainants who contact the LGSCO prematurely are usually referred back to the Council so that the complaint can be adequately considered under the Council's complaints procedure or the statutory Children Act complaints procedure. In a small number of cases the LGSCO may choose to investigate matters which have not completed the Council's corporate complaints procedures. In such instances the Council is advised of the decision to investigate by the LGSCO.
- 9.3 On 26 March 2020, because of the coronavirus pandemic, the LGSCO suspended all its activity including all casework. Both Councils and potential complainants were advised of this through a press release and a notification on the LGSCO website.
- 9.4 On 29 June 2020 the LGSCO commenced their activities. There was a decrease in the number of formal LGSCO enquiries from 9 in 2019-20 to 5 in 2020-21, this may be attributed to their closure of services for 3 months.
- 9.5 In 2020-21 the LGSCO investigated 5 complaints for Family Services.
- 9.6 Of the 5 complaints investigated by the LGSCO, 3 (60%) were upheld. Although there is a slight percentage decrease, the findings are broadly in line with 2019-20, when the number of upheld cases by the LGSCO was 64%.
- 9.7 The decision to uphold a complaint is made by the LGSCO when there is a finding of fault with the actions by the service. Complaints can be upheld without there being injustice to the complainant or they can be upheld where the LGSCO determines there was injustice to the complainant.
- 9.8 Of the 5 complaints investigated by the LGSCO, there was *no finding* made in 2 cases. In the first case the LGSCO found the issues of complaint were more relevant to the actions and decisions of another Local Authority and in the other case the LGSCO found that the matter had already been considered and decided by the LGSCO previously.
- 9.9 Of the 5 complaints investigated by the LGSCO, fault was found in 3 cases and these were upheld. Of these 3 cases the LGSCO decided that in 2 cases the fault had led to injustice for the complainant. The service remedied the complaints and where appropriate compensated the complainants.
- 9.10 In the first case of the 3 upheld complaints, the LGSCO agreed that the service had previously apologised and had attempted to adequately remedy a complaint through an offer of financial compensation. Despite the complaint being upheld, there was *no injustice* to the complainant and the LGSCO agreed with the service's earlier remedy and no further action was suggested.

- 9.11 In the second case of the 3 upheld complaints, the service recognised that a complainant had not had the opportunity to have matters considered under a statutory complaint investigation. The service remedied this by carrying out a statutory complaint investigation and the LGSCO recognised and agreed this as an adequate remedy. To allow for consistency in their approach the LGSCO made a finding of fault leading to injustice to the complainant.
- 9.12 In the case of the final upheld complaint, the LGSCO made a finding of fault for delays in the assessment and planning process which led to uncertainty for the family. The LGSCO suggested compensation to remedy this finding which was agreed by the service.
- 9.13 In 2020-21, the service awarded £2,300 compensation to complainants whose complaints were investigated by the LGSCO.
- 9.14 Decisions made by the LGSCO are published in the Ombudsman's annual letter to the Council. The Ombudsman's Annual letter for 2020-21 will be published around mid-July 2021.

## 10. Who are our Complainants?

- 10.1 The majority of the complaints (60%) received in 2020- 21 were from parents of a child or young person supported by Family Services, 36% of which were from mothers as opposed to 24% from fathers. This trend is in line with the role of mothers generally, who are more likely to be primary care givers within families.



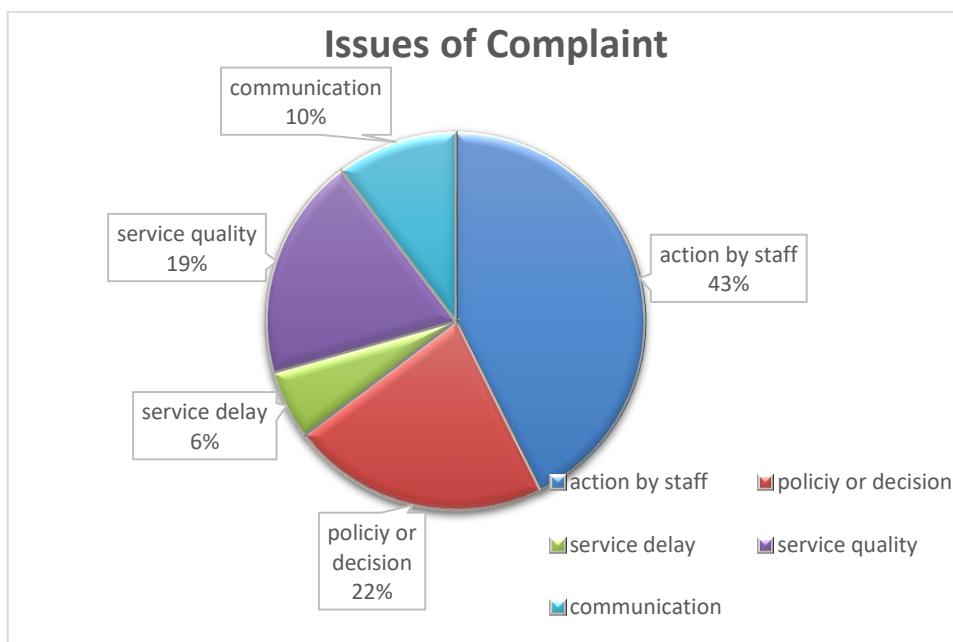
*Fig 7. Proportion of complaints broken down by complainant type*

- 10.2 The service received 19% (12) of complaints from young people. This is broadly in line with previous years, 2019-20, when the service received 13 complaints from young people. In 11 of these cases young people were supported through the process by professional advocates, highlighting the awareness and success of the council's advocacy provision in providing support.

- 10.3 The main area of complaint from young people this year, 2020-21 has been the suitability of their placements or their accommodation. This is generally a consistent theme which emerges most years as it has done in 2018-19 and 2017-18. These complaints were resolved through further exploration and supporting young people to develop independent living skills.
- 10.4 A second theme which emerged from complaints from young people is that they do not always feel supported by social workers and personal advisors in accessing their savings or additional funds. In these instances, it was identified that the process of accessing funds was not as simple as young people often think it may be and some involve applications to third parties. The service recognises frustrations felt by young people and not having clarity around their savings. In the past it has been a complicated process especially when young people have changed placements, the service has made changes to the way it collects savings to ensure a clearer process.
- 10.5 In previous years, a consistent theme of complaint from young people was having numerous changes of allocated workers. However, in 2019-2020 and in 2020-21 the service did not receive any complaints from young people about this and this no longer appears to be a reoccurring theme.

## 11. Themes and trends from complaints

- 11.1 Themes arising out of complaints are reported to senior management through regular reporting. Many of the themes overlap and correlate with issues raised in other service areas. The information from complaints contributes to improvement work within service areas and provides a further indication and support for improvement activity.



*Fig 6. Complaints by issue and categorisation*

- 11.2 A common and reoccurring theme of complaint in 2020-21(43%) is about the actions of social work staff. This is broadly consistent with 2019-20 when the service received 40% of complaints in this category. Complainants may feel that a staff member has been judgemental or unsympathetic or they may feel unsupported by the service. Often these complaints were a result of initial meetings or unannounced visits with families or ongoing meetings where there were social work concerns resulting in uncomfortable or difficult discussions. It is worth noting that often these complaints may result out of families not accepting the need for social care intervention and a result of the content of the conversation rather than the social work practice. Social care workers undertake continuous training through the services Learning and Workforce Development Programme to explore better ways of working with families in complex situations. The Learning and Workforce Development Service has continued to provide development training to social workers through the pandemic period.
- 11.3 The second highest category of complaint during 2020-21, is where complainants are unhappy with a social care policy or the decision made in line with a policy. This is a change from 2019-20 when service quality was the second highest category of complaint. Often these are about the complainant's unhappiness with decisions especially relating to court action or where parents involved in private proceedings want social care intervention despite a lack of safeguarding concerns. This performance year, 2020-21, there have been complaints specific to actions and decisions as a result of the pandemic. There have been complaints about the decision for children at risk or in need to attend school during lockdown periods. This service directive was in line with government guidance and the evidence that children's needs particularly vulnerable children are best met by attending school.
- 11.4 The third highest category of complaint (19%) is service quality. In these instances, the complainant may have felt that they have not been provided with the level of support they should have received or are unhappy with the quality of assessments. These are dealt with delicately as they are often made by families who do not agree with social work intervention. In many cases parents are unhappy with the way they, as an individual or as a family were perceived from the report or believe the report is biased against them. The impact and influence of the report in informing child protection conferences and court decisions mean that this is often a heavily contested issue of complaint. At times there may be factual inaccuracies which need to be amended. However, often the disagreements are about the social workers professional assessment of the situation and the social workers professional judgement, which is quite common when families are receiving assessments of their parenting and which is often difficult for them to hear. In previous years this was the second highest category of complaint and the slight reduction from previous years could demonstrate a better delivery of the rigorous assessments by social workers
- 11.5 In 2020-21 there were a number of complaints received from non-resident fathers involved in the assessment process. As a result of the finding and lesson from one such case, the services agreed to ensure fathers are actively involved earlier in the assessment process even when they are not the resident parent.
- 11.6 This year, 2020-21, there have been complaints specifically because of the pandemic. Complaints include those about changes to meeting dates and complaints from foster carers and families who were not happy with interactions with social workers or felt more social distancing was required. In these cases, government guidelines were observed but families wished to exercise more caution.

## **12. Learning from Complaints**

- 12.1 The findings, trends and themes from complaints provides a wealth of information which the service uses to implement improvements as part of its learning from complaints culture.
- 12.2 The complaints team shares trends and themes with senior managers through regular reporting. This provides the opportunity for senior managers to note issues and proactively identify trends and themes.
- 12.3 The information is also fed into the services Learning and Workforce Development Programme through complaints reporting and builds into the processes for identifying areas for improvement.
- 12.4 Family Services complaints staff are active members of the London Complaints Managers Group, and the North West London Complaints Managers group, both of which are used to share ideas and experiences with peers across the London boroughs, and allow Barnet to keep up to date with changes to policies and guidance.
- 12.5 Family Services complaints team keep up to date with information published by the Local Government Ombudsman, including changes to polices and case studies, which are shared with managers within the service as appropriate.

## **13. Member Enquiries**

- 13.1 In 2020-21 Family Service's received 51 enquiries from Elected Members. This was a slight decrease in numbers of enquiries, but broadly in line with the previous year, 2019-20, when the service received 54 enquiries.
- 13.2 The enquiries are a way for Members of Parliament (MP) and Councillors to provide necessary assistance and support to their constituents by seeking an overview of the family's involvement with services. Effective involvement by MPs and Councillors ensure that decisions are made fairly and in line with appropriate policies and procedures. It is understood and appreciated that elected Members do not seek to influence decisions made under statutory processes, however they are able to ensure that these processes are followed correctly and that their constituents are treated fairly and justly.
- 13.3 The corporate target for responding to Members is 5 working days, and this target was achieved in 75% of cases. This is consistent with 2020-21 when the service responded to 75% of all enquiries.
- 13.4 Where the responses were out of time, this was mainly due to the complexity of the family's involvement with services and the feasibility of the manager gathering the relevant information within the very short timeframe of 5 days. In such cases the Member was advised that there would be a delay.

## **14 Forward Look 2021-22**

- 14.1 Learning from Complaints  
The service continues to learn from complaints and compliments. Trends, themes and learning are considered on a quarterly basis by the Senior Management Team (SMT). The themes and trends are incorporated into the services Learning and Workforce Development Programme.

**14.2 Training**

The Complaints Team provided a complaints training workshop with colleagues in Intervention and Planning and Learning and Development team in 2020-2021. It will continue to work with service areas and its Learning and Development Team to identify complaints training needs and provide relevant training.

**14.3 Local Government and Social Care Ombudsman (LGSCO) visit**

The Council hosted a visit from the Local Government and Social Care Ombudsman in November 2020. This was a high-profile event and Family Services was represented by the Executive Director of Children's Social Care. The LGSCO shared their thoughts on best practice which the service continues to implement in its practice of complaints handling.

**14.4 A new Improvement Lead was appointed corporately in 2020.** Their role is to provide strategic oversight of Ombudsman Enquiries and to support the Council on building and fostering a positive working relationship between the Ombudsman and the Council. Family Services is actively working with the corporate lead to improve its working relationship with the Local Government and Social Care Ombudsman.

**14.5** The LGSCO have published a guidance report titled '*Helping to improve Council services to children in care*'. The report uses LGSCO case studies to highlight common issues relating to children in care. The report provides recommendations and examples of good practice which the service will be working to ensure is imbedded in its service delivery.

**14.6** In March 2021, the LGSCO published guidance titled, *Practitioners guide to the Children's Statutory Complaints Process*. This provides an insight into the LGSCO's handling of cases particularly around their involvement in early referral to the LGSCO and escalation timelines. The service will be imbedding the key new points from this guidance into its complaints handling practice.