

# **Statutory Children Act Complaints and Compliments**

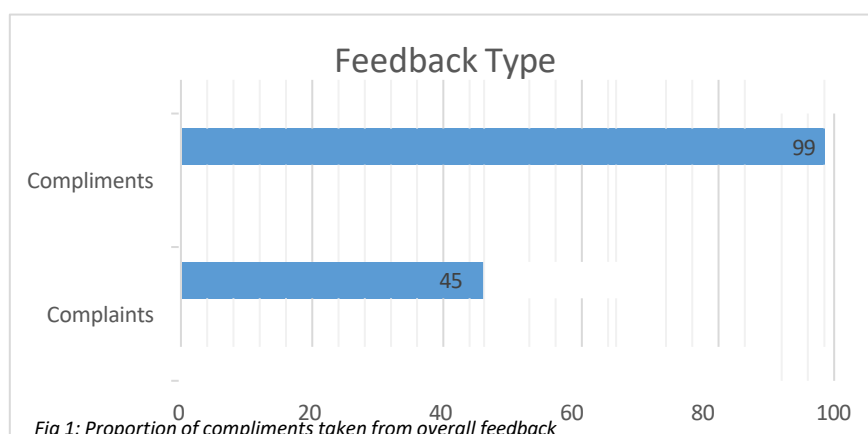
## **Annual Report**

**1 April 2022 – 31 March 2023**

**Family Services  
The London Borough of Barnet**

## 1. Compliments

- 1.1 Feedback in the form of both complaints and compliments provide the service with valuable information which informs its service delivery. Compliments 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 so that they can be shared with the Senior Management Team and colleagues.
- 1.2 There were 99 compliments received in 2022-3 (89 last year) and recognises the hard work of staff and the exceptional work they carry out.



- 1.3 32% (32) of compliments were for the services' Early Help provision. These compliments were directly from families and the professional networks working closely with families. This valued feedback highlights the valued and positive work which the service carries.
- 1.4 The Corporate Parenting service area received 23% (23) of which about three-quarters were from other professionals, the remainder from families and foster carers. Due to the complex nature of the work within these teams, it is inspiring to see recognition of the positive impact the service has on the lives of families.
- 1.5 Just over half of all compliments (58) received were from other professionals who formally recognised the work of social care professionals within the service.
- 1.6 The remaining compliments were received directly from family members or parents of a child supported by Family Services, or from a young person. This highlights the impact that staff have had on the families they work hard to support.

See appendix 1 for a detailed breakdown and examples of compliments received

## 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 from another part of the service and outside the line management of the area that has been complained about. 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' and not to reinvestigate. 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. In the case of complaints about social care the response has oversight by an Assistant Head of Service.

**Stage 2**

This is the concluding stage of the Councils 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 2022-23

- 3.1 The service received 45 formal stage 1 complaints in 2022-23 compared with 67 in the previous year. Overall, the service is experiencing a decreasing trend in formal complaints since 2017-18. The figures for 2022-23 is broadly consistent with this trend.
- 3.2 The year on year decrease in numbers of complaints can attributed to the services' effective learning from complaints from previous years which is fed through into service improvements. The effective work by social care managers and the complaints team to resolve issues as they arise without the need to invoke the use of formal complaints procedures is also a significant contributing factor to the decreasing trend.
- 3.3 In this year there has been a reduction of 33% compared with 32% last year, and in broadly in line with previous trends.

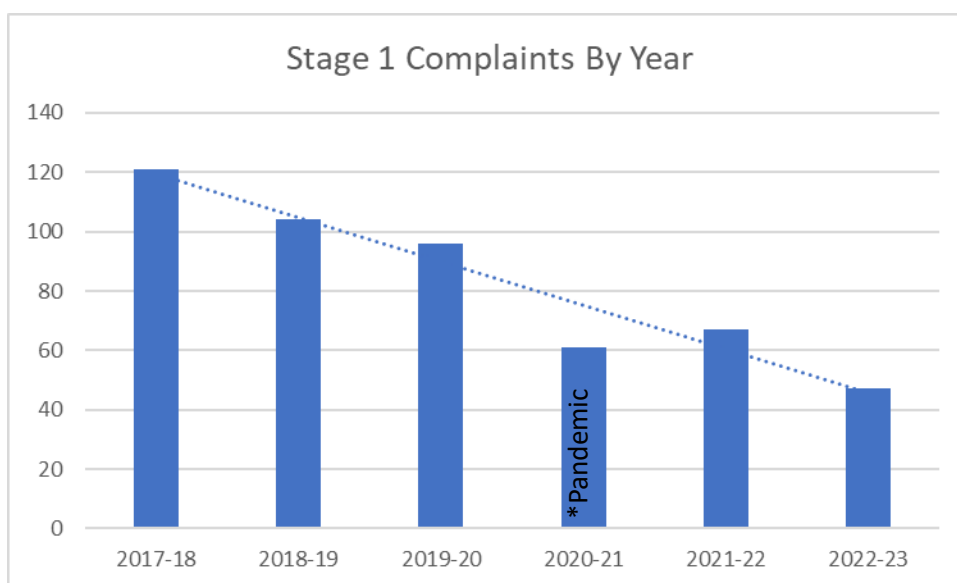


Fig 2. Comparative year on year complaints figures with trend  
\*Pandemic period

- 3.4 Of the total stage 1 complaints received in 2022-23, 19 complaints were about statutory social care provision, and these were investigated with under the statutory social care legislation (35 in 2021-22). 26 complaints were about non-statutory social care provision, and these complaints were investigated under the council’s corporate complaints procedures. (32 in 2021-22)

Procedure	Complaints
Statutory Children Act Procedure	19
Council Corporate Procedure	26
<b>TOTAL</b>	<b>45</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 call or meet complainants and work to mediate and resolve issues through the sensitive handling of issues. This personal interaction and positive work contribute to a reduction in the ongoing overall number of complaints progressing to formal stages.
- 4.2 The decision to deal with issues raised as pre-complaints is made on a case-by-case basis and is 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.
- 4.3 Despite complexities and other priorities, services work to respond to all complaints within given timescale. In 2022-23, 66% (31) of stage 1 complaints were responded to within timescale, compared with 85% in the previous year. This falls below our corporate target of 90% and reflects the increased number of conflicting priorities that managers have to deal with.

## 5. Complaints by Service Area

- 5.1 As in most previous years, more formal complaints were received for the intervention and planning service. In 2022-23 26% (12) complaints were received by I&P. It is recognised that the work undertaken by these teams is where the intensity of unwelcome or difficult intervention in the lives of families is concentrated. They also have very high caseload
- 5.2 The 0-25 team received 20% (9) complaints, followed by corporate parenting at 18% (8).
- 5.3 Teams continue to resolve issues outside of the formal procedures and actively mediate disputes before they become formal complaints, this reduces the number of complaints investigated under formal procedures. Where families are engaged in court proceedings the complaints team and the service risk assess each case. In line with legislative guidance the rightful option to not investigate complaints where they may prejudice the court process is exercised. Complainants are advised and encouraged to ensure issues are considered through the court process. This active work has had an impact resulting in a significant decrease in the numbers of formal complaints for these services.

Team	Number of complaints	Overall %age	%age of area caseload (estimate)
Intervention and Planning	15	33%	2.5%
Children with Disabilities	9	20%	4%
Corporate Parenting	8	18%	4.5%
Duty & assessment	6	13%	0.9%
Onwards & Upwards	2	5%	0.8%
Early Help	1	2%	0.2%
Support Services	2	5%	n/a
MASH	1	2%	n/a
Conference & Review	1	2%	0.2%
Total	45		

## 6. Decisions and Outcomes at end of Stage 1

- 6.1 Of the total complaints at stage 1, 45% (20) 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 at Stage 1		
Upheld	Partially Upheld	Not Upheld
8	17	20

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

- 6.2 A further 38% (17) of complaints were partially upheld. A complaint is partially upheld where despite the overall complaint being unjustified there may have been elements of service delivery which could have been better.
- 6.3 17% (8) of complaints at stage 1 were fully upheld. It is agreed that in these cases the service had not met the high standards it expects of itself. This is an increase from the previous year where 9% were upheld. This is likely because we are resolving more issues raised at an earlier point in the process.
- 6.4 We still need to consider the reasons an individual may feel the need to make a complaint, even if a complaint is not upheld can we learn from the feedback, (for example, could we have communicated why a decision was made in a more appropriate and family friendly way)

## 7. Stage 2 Complaints

- 7.1 Of the overall number of stage 1 complaints, 87% (41) were resolved successfully and to the satisfaction of the complainant. A small percentage, 13% (6) of complaints progressed to stage 2 of the procedure and were investigated at this stage. The small number of complaints which escalate to the next stage of the procedure demonstrates the effectiveness of the investigations by Managers at previous stages.
- 7.2 Of the 6 complaints escalated to stage 2 of the procedure, 1 complaint was investigated under the statutory Children Act procedure. This was investigated by an Independent Investigator with the support of an Independent Person, appointed to ensure impartiality and independence of the process. The investigation reports were adjudicated by a Head of Service.
- 7.3 This complaint was from a Special Guardian (SGO), who was unhappy with a reduction in the financial allowance. The complaint was partially upheld as the correct, updated policy was not properly published online. All policies and procedures were subsequently audited.
- 7.4 The other 5 complaints were investigated under the Council's Corporate Complaints procedure. These were investigated by the relevant Head of Service.
- 7.5 Of these complaints, 4 complaints were about the action of staff as the complainant believed that they had been misrepresented in reports or given inaccurate information. One complaint was from a Fostering agency about financial compensation.
- 7.6 Three of these stage 2 complaints were not upheld, and two partially upheld.

- 7.7 Of those partially upheld, one outcome was to ensure that Social Workers clearly recorded what was professional opinion rather than factual, and the other was about keeping families updated on case progression and actions.

## **8. Stage 3 Complaints**

- 8.1 There were no stage 3 complaints recorded in this period.

## **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 once the Service has investigated the complaint and completed the relevant complaints procedure. 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 procedure. In such instances the Council is advised of the decision to investigate by the LGSCO.
- 9.3 The decision to uphold a complaint is made by the LGSCO when there is a finding of fault in 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.
- 9.4 In 2022-23, Family Services received 6 LGSCO enquiries, of which 3 were investigated. Two of those investigated had been dealt with as a stage 2 complaint (see section 7), and the other at stage 3 in the previous reporting period (2021-22). Two other enquiries were deemed premature by the Ombudsman, and the other complaint was referred back to the council to conduct a corporate stage 2.
- 9.5 One of the enquiries was closed after the LGSCO found no evidence of fault. The father of a child claimed that the council failed to properly consider the welfare of his child by allowing the child to live with the mother. This eventually resulted in private law proceedings.
- 9.6 In the second investigation, the complainant was a Foster Carer who claimed that information was not shared with her about a child that was placed with her, and that she would have not agreed to the placement had full details been disclosed. This led to the placement breaking down and has caused stress. Whilst this had been upheld in the stage 2 investigation, and £250 as offered as a remedy, this still progressed to the LGSCO. The final settlement was agreed at £600 and a full written apology to the complainant.
- 9.7 The third case had been investigated at stage 3 in the previous year. The complaint was complex and there were significant delays in finalising the response to the Ombudsman. The complaint was about how a safeguarding referral was handled and the impact that it had on the parents' relationship. The stage 3 had partially upheld the complaints and had recommended compensation of £1,450. The LGSCO investigation recommended that this be increased by £500 and that 6-8 counselling sessions be arranged.
- 9.8 In 2022-23, the service paid a total of £2,550 plus the costs of counselling sessions as

compensation following LGSCO investigations. Please see 9.6 and 9.7.

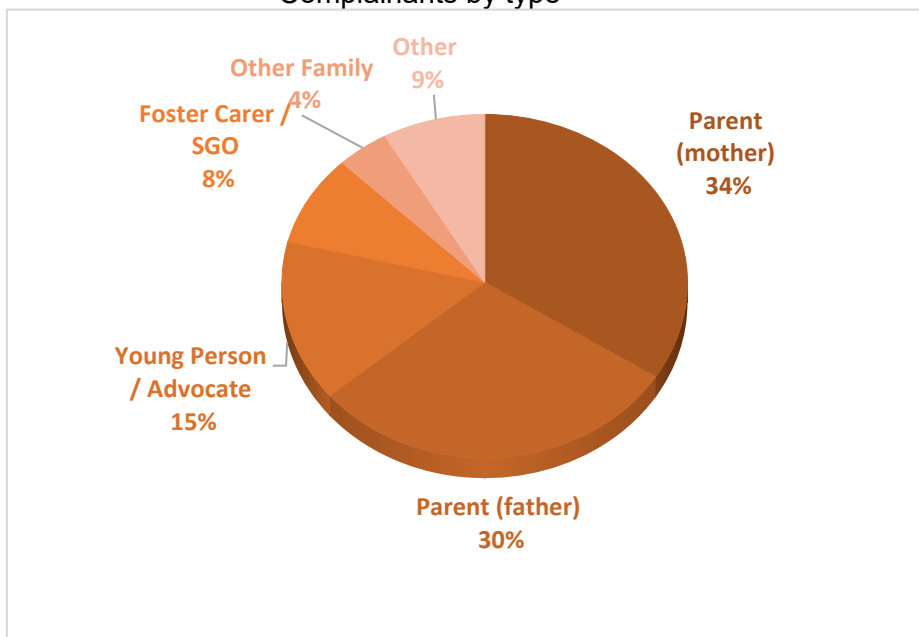
- 9.9 The original amounts offered were calculated using LGSCO guidance, but the LGSO assessed level of stress caused differed.
- 9.10 Decisions made by the LGSCO were published in the Ombudsman's annual letter to the Council. The Ombudsman's Annual letter for 2022-23 was published in October 2023.

## **10. Themes and Trends**

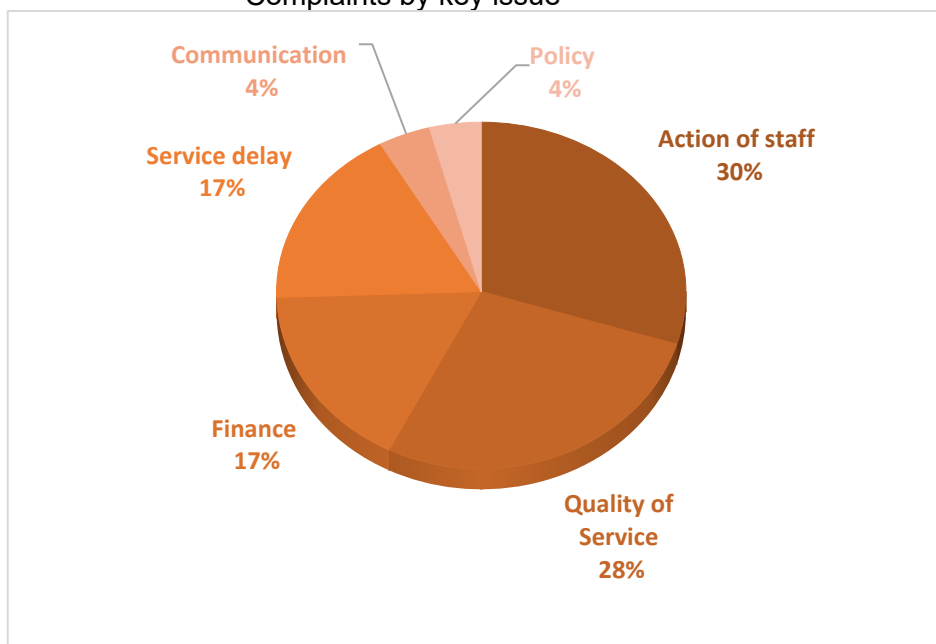
- 10.1 Information from complaints is extremely valuable to our services. It provides opportunities for continuous learning and improvement and no matter how well a service is doing it is important to seek out learning opportunities and strive to build upon and improve services. Many of the themes from complaints information will overlap and correlate with feedback received in other areas of the service. The information from complaints contributes to improvement work within service areas and provides a further indication of areas which may benefit for improvement and provides support for improvement activity.
- 10.2 Feedback is actively encouraged. The service works well to ensure information about how to make a complaint is clear, visible and age appropriate. Advice and literature on the advocacy service and complaints procedures is provided to children and young people via avenues including social workers, personal advisors and children's homes. Attendees at all conference and review meeting are actively advised of their right to access the complaints procedures and are provided with details and contact details.
- 10.3 Fig 7 provides an overview of who our complainants are. As expected, the vast majority of complaints (64%) were received in 2022-23 were from parents of a child or young person supported by Family Services. This broadly in line with previous years (61% in 2021-22 and 60% in 2020-21).
- 10.4 What has changed is the percentage of complaints coming from fathers. In 2021-22, of the 61%, 43% were from mothers and 18% were from fathers. In 2022-23 it was more evenly split – 34% from mothers and 30% from fathers
- 10.5 It is usual for mothers, who are more often the primary care givers, to be more involved with their children. There is some evidence that fathers are getting more involved with the care of their children, which is positive, but there is an emerging trend for absent fathers to use the complaints process to undermine the mother, either to gain access / more access to the child or as part of a pattern of abuse.



Complainants by type



Complaints by key issue



10.6 A consistent and common element of complaints are actions by staff, 30% of all complaints featured this as a key element of complaint, fig 8. This is an expected outcome but is lower than in previous years. In 2021-22, 39% of complaints related to this, 2020-21, 43% and in 2019-20, 40% of all complaints featured this as a key element of complaint.

10.7 It is important to understand why this features prominently as an issue of complaints despite the complaints being found to be unjustified. Complainants may feel that a staff member has been judgemental or unsympathetic or they may feel unsupported by the service. Often these complaints are a result of initial meetings or unannounced visits with

families or ongoing meetings where there are 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 workers undertake continuous training through the services Learning and Workforce Development Programme to explore better ways of working with families in complex situations.

- 10.8 As in 2021-22, Service Quality features as the second highest category of complaint in 2022-23 at 29%. 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 complaints 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 are 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 means 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.
- 10.9 The third highest category of complaint during 2022-23, is about social care policy or the decisions which have been made in line with a particular policy at 19%. This is consistent with 2021-2022 which was at 17% and in third place. This year the complaints relating to policy decisions have been from parents and foster carers who have been unhappy with decisions especially relating to the support offered, including financial support.

## 11. Complaints from Children & Young People

- 11.1 Action for Children are commissioned to provide advocacy for our [children in care and care leavers](#). All children are informed of the opportunity to access an advocate in their [introduction pack](#), and during work with Social Workers and IROs.
- 11.2 The service received 15% (7) of complaints from young people, 5 of which came in with the support of an advocate. This broadly the same as previous years: 10% in 2021-22, 19% in 2020-21 and 13% in 2019-20.
- 11.3 Two complaints related to finance, and young people being owed savings and asking for discretionary funding requests. One service request (therapy), and the others to do with actions of staff.

## 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 information obtained through complaints handling is fed into the Services Learning and Workforce Development Programme through reporting and builds into the processes for identifying areas for improvement.
- 12.3 The complaints team shares trends and themes with senior managers through its annual reporting function. This provides senior managers with opportunity to note issues and proactively identify trends and themes.

- 12.4 Complaints staff are active members of the All-London Complaints Managers Group, and the Northwest London Complaints Managers Group, both of which are used to share ideas, experiences and best practice with peers across London boroughs, and allow Barnet to keep up to date with changes in policy and guidance.
- 12.5 Family Services complaints team keep up to date with information published by the Local Government Ombudsman, including changes to policy and case studies, which are shared with managers within the service as appropriate.

### 13. Member Enquiries

- 13.1 Elected Members may assist and support their constituents by seeking an overview of a family’s involvement with the service. Members of Parliament and Councillors may contact the Council on behalf of their constituents and these enquiries are dealt with under the Council’s Member Enquiries process.
- 13.2 In 2022-23 Family Services received a total of 54 enquiries from Elected Members. This is broadly in line with previous years.

Year	Number ME received
2021-22	43
2020-21	53
2019-20	54

- 13.3 The corporate target for responding to Members is 5 working days, and this target was achieved in 50% (27) of cases, and 81.5% (a further 17) within 10 days

Year	Responded within 5 days
2021-22	79%
2020-21	75%
2019-20	75%

- 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 or because of staff absence. In such cases the Member was advised that there would be a delay.
- 13.5 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.

### 14 Forward Look 2023-24

- 14.1 Learning from Complaints – The Service continues to learn from complaints and compliments. Trends, themes and learning, including the findings in this report will be incorporated into the Services’ Learning and Workforce Development programme.
- 14.2 Reporting: The complaints team is reviewing its quarterly complaints reporting to Senior Management Team (SMT) with a view to ensuring the reporting is needs driven, effective and valuable to the needs of its Senior Management Team.

- 14.3 Complaints Training: New staff within the wider team have been trained on social care complaints handling. The complaints team will continue to work with service areas and its Learning and Development Team to identify complaints training needs and provide relevant training.
- 14.4 The complaints team will work with the service to improve timeliness.
- 14.5 Review the approach to complaints raised post court proceedings (known as s7) in cases where it is believed that the complaints process is being used as a form of coercive control.

## Appendix A

### Compliments received by service area

Service Area	
Eary Help	32
Corporate Parenting	23
DATS and I&P	18
BICS	9
0-25 team	8
MASH, Reach &YOS	6
SENDIASS	1
Conference and Review team	1
SLT	1
Total	99

Thank you for helping me deal with my problem and fears in and out of school. Ever since I started working with you, I became happier in and out of school . I will be sad when this all stops but am forever grateful to you.

Dad thanked us all for our support at the FRC and said it had been very much appreciated. He said it had helped change his way of thinking and that this would help him and A in the future.

I also spoke with A who said he was very happy to be home with Dad and he too thanked us all.

I wished them well for the future, and dad said he would call in to the centre when they had settled in. I told him we look forward to seeing