

### CHILDREN SOCIAL CARE COMPLAINTS ANNUAL REPORT 2017/18

#### Executive Summary

- A. Children's Social Care complaints are investigated under the statutory provisions of the Children Act 1989 Representations Procedure (England) Regulations 2006. The legislation is supported by detailed guidance from the Department for Education, 'Getting the Best from Complaints', and used in the development of the Children and Families Social Care complaints procedure published by the Council. Customer Care has the key responsibility for managing the statutory process for complaints from children and young people (or their representatives) about the quality of the service they receive. The Council's procedure establishes a framework for dealing with complaints about the Council. It provides those who complain with assurance that their concerns will be treated fairly and sensitively. It enables officers to find ways of improving performance when things go wrong and to be clear and confident about managing situations where a complaint is investigated and not upheld. Complaints regarding services provided by Children's Social Care are subject to statutory complaint procedures initiated by Children Act 1989. This report covers the period 1 April 2017 - 31 March 2018.
- B. During the year a total of 36 enquiries were received:
- 36 enquiries concerning children's social care have been logged with the customer team out of the 36 enquiries 22 were logged as complaints.
  - 9 complaints concerning Education and Children's Services was logged with the LGO
- C. In this period there were nine referrals concerning Education and Children's Services to the Local Government Ombudsman (LGO) which is an increase of nine cases as there was no cases logged the previous year with the LGO.
- D. AfC, (Achieving for Children) is responsible for Children's Services across Kingston and Richmond boroughs. However, complaints relating to Kingston's children's social care continue to be managed and monitored by the Customer Care Team.

#### Stage One – Local Resolution

This stage provides the opportunity for managers and staff who have responsibility for the case, to try and resolve issues of dissatisfaction at a local level as early as possible. The Social Care Complaints Team also provides support and guidance to both the complainant and the service manager, to help achieve early resolution and, where things have gone wrong, ensure that matters are put right quickly with lessons learned captured and fed back into service improvements.

The timescale for resolving complaints at Stage One is 10 working days, but can be extended to 20 working days for more complex cases.

The timescale in which a complaint is to be responded to is decided by Customer Care and agreed with the complainant, based upon the information in the complaint and the best way to try and resolve it. For example, a parent may want to have a meeting with the team manager to discuss the issues first. It is not always possible to arrange this and respond within 10 working days

### Stage Two Investigation

This part of the procedure is used when the complainant remains dissatisfied after a Stage One investigation, or the complaint is sufficiently serious to warrant a more formal investigation.

This stage allows for a fresh and independent look at the original complaint. The investigation is conducted by an external Investigating Officer (and an Independent Person when required) who oversees the fairness and transparency of the investigation process.

The Investigating Officer and Independent Person will look at all details surrounding the complaint and make recommendations for a better or improved service, and how any service failings can be rectified.

After considering the findings and recommendations of the investigation, the Assistant Director Children's Social Care Achieving for Children provides a written response to the complainant setting out their view of whether or not they accept the outcome of the investigation.

The timescale for responding to complaints at Stage Two is 25 working days. This can be extended to 65 working days if necessary; but this is always done with the agreement of the complainant.

### Stage Three Review Panel

If there is any residual dissatisfaction with the outcome at Stage Two, the complainant can request that the issues are taken to a Review Panel consisting of three independent panellists.

The panel considers the complaint and makes recommendations for the consideration of the Director Children's Social Care Achieving for Children; who will then respond to the complainant on the outcome of the review and any actions to be taken.

There are various timescales relating to Stage Three complaints, including:

- o Organising the panel within 30 working days of the complainant's request;
- o Producing the Chairperson's report within 5 working days detailing its recommendations; and
- o Sending the local authority's response to the complainant within 15 working days of the Panel's report.

## **2. Complaints summary**

During this reporting period, the Council received twenty two stage 1 complaints, and three stage 2 complaints which is a decrease on the previous reporting period when we received thirty stage 1 complaints.

The summary of complaints received for all three stages of the statutory complaint process is as follows:

- 22 Stage 1 Complaints
- 3 Stage 2 Complaints
- 0 Stage 3 Complaint logged with in this period

### **Stage 1 complaints:**

Summary of stage 1 complaints logged during this reporting period:

- Stage 1 complaint logged - 25 Jan 2018

Summary: Miss B would like to make a complaint about her experience as a parent since the care order was made for her two younger children in 2016 about the way that Children's Services have engaged with her as a disabled parent during the adoption process. Miss B feels that she has been treated unfairly and she is particularly unhappy about her children's Social Worker.

- Stage 1 complaint logged -17 November 2017

Summary: Mr X raised a complaint about his son's social worker and her manager, Mr X explained that he feels that the social worker has a bullying attitude towards him and that she is aggressive in her manner. He feels that the way he is treated is supported by her manager.

- Stage 1 complaint logged - 13 July 2017

Summary: Miss B is a Care Leaver supported by the Royal Borough of Kingston and was placed at a residential unit but Miss B was offered a place at a University where she was able to continue her studies.

Miss B stated that her Pathway Plan stated that, at the end of her current College placement, she would be moved to semi-independent accommodation however, she has been informed that she is to leave her current placement at the end of June 2017 and transfer to a foster placement Miss B complain this as a backward step rather than a sequential move towards independent living.

### **Summary of Findings at Stage 1:**

- 3 Upheld
- 12 Not upheld
- 7 Partially upheld

73% of the stage 1 complaints were responded to within the statutory timeframe.

### **3. Stage 2 complaints:**

Stage 2 complaints received during this reporting period:

- Stage 2 complaint logged - 27 Feb 2017

Summary: Miss X believes that the council has dealt with her family in the in the wrong manner and that the council refused to look in to the case where she felt the children was at risk from Mr X.

Conclusion to Complaint: **Not Upheld**

- Stage 2 complaint logged - 13 March 2017

Summary: Mr S originally asked the LA to apply for an EHCP and felt that if his children had earlier intervention and assessments, they would not have suffered so much. They would have had appropriate MH support and appropriate education and their outcomes would have been so much better than they currently are.

Conclusion to Complaint: **Not Upheld**

- Stage 2 complaint logged - 7 April 2017

**Summary :** Miss M complained that the lack of allocated Personal Adviser during April/May 2015 and June/July 2015, at such a critical time (when trying to arrange to live/work/study abroad as part of her University degree) was detrimental to my health and wellbeing, as no effective communication or trusting relationship could be established.

### **Summary of Findings:**

7 of the complaints were **upheld**, 2 **partially upheld** and 2 **not upheld**

### **4. Stage 3 complaints:**

No complaints progressed to stage 3 during this period.

### **5. Ombudsman cases:**

During this reporting period, the Local Government Ombudsman received 9 referrals regarding Education & Childrens Services.

The summary of complaints received is as follows:

- 4 Closed after initial enquiries
- 2 Upheld
- 3 Referred back for local resolution

Some examples of the Ombudsman enquiries that was published during this reporting period:

- **Closed** after initial enquiries - Child protection 14-Feb-2018

Summary: Ms X's complaint about the conduct of two social workers and a report they produced. The report was used as part of court proceedings and the matter is therefore outside the Ombudsman's jurisdiction. The Ombudsman has no powers to consider Ms X's complaint about the school year her son is educated in.

- Final decision: **Upheld** Looked after children 13-Feb-2018

Summary: The Council was at fault in how long it took to process Miss B's complaint under the Children Act 1989 complaints procedure. It has agreed to apologise for the delay. Miss B also complains that the Council was refusing to pay a financial remedy - agreed during the complaints procedure - to her, and was instead intending to pay it into her student loan account. The Council has now agreed to pay the money to her directly.

- Final decision: **Upheld** Special educational needs 19-Dec-2017

Summary: Mrs B complains the Council failed to issue an Education, Health and Care Plan (EHCP) for her son in a timely manner. She says he was not supported appropriately because of this. There is evidence of fault and the Council has been asked to apologise, make a payment and review its procedures.

- Final decision: **Closed** after initial enquiries Child protection 18-Oct-2017

Summary: The Ombudsman should not investigate Mr B's complaint about the content of a report prepared by the Council as part of a child protection case. This is because the Ombudsman cannot consider complaints about evidence submitted in court, and it is reasonable to expect Mr B to pursue his own court action if he believes the report is libellous or defamatory. As the substantive issue is outside the Ombudsman's jurisdiction, we would not normally investigate associated concerns about the complaints process in isolation.

- Final decision: **Closed** after initial enquiries Child protection 17-Sep-2017

Summary: The Ombudsman will not investigate Ms A's complaint that the Council has failed to take action in response to her concerns about her children's safety. The care of the children has been considered in court and it would have been appropriate for her to bring her concerns to the court's attention.

## **6. Learning from complaints**

For this reporting period, the learning was focused complaints raised with the LGO:

- Review the complaints process and ensure staff are aware on the process if they receive a complaint.