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# Annual Complaints Report 2020/21

## *Statutory Functions Fulfilled by the Complaints Report*

The purpose of this report is to provide an overview of the complaints which have been received by West Berkshire's Children & Family Services during the financial year 2020/21.

The majority of complaints processed by Children & Family Services within West Berkshire are undertaken using the framework set out within the Children Act (1989). This framework consists of 3 sequential stages: -

- ❖ Stage 1: Local Resolution
- ❖ Stage 2: Independent Investigation
- ❖ Stage 3: Review Panel

In addition to the Children Act complaints, a small number of complaints are processed using the Corporate Complaints framework. This is a 2 Stage process and is used when the concerns being complained about relate not to a child, but to an interaction between an adult and the Local Authority. This process consists of:

- ❖ Stage 1: Local Resolution
- ❖ Stage 2: Investigation by a Senior Manager from an unrelated service within the Council

Where it has not been possible to resolve a dispute using either of the processes outlined above, the complainant will be directed to the Local Government and Social Care Ombudsman.

West Berkshire Council believe that maintaining effective working relationships with families throughout their involvement with Children's Services is an important part of achieving the best outcomes for children and have adopted a Restorative Practise approach to complaints.

Complainants will be offered the opportunity to progress their concerns via a restorative meeting or meetings in the first instance. It is for the complainant to decide if they wish to take this route to try and resolve their concerns. They can, at any point in the process, choose to move back to the appropriate complaints process.

Should it become apparent that a service user or family member, is repeatedly raising the same or similar concerns with the Social Work team or other bodies and that this is having a negative impact on carrying out an assessment or any on-going work, the Complaints Manager has the discretion to enter these concerns into the complaints process to help achieve a resolution. In these circumstances, the concerns do not have to have been presented to the Council as a complaint.

Occasionally the Council may deem that it is necessary to implement the Persistent and Unreasonable Complainants Process. This process can be used;

Where a complaint has been responded to fully and a complainant continues to raise the same or similar issues

Where the frequency and/or length of complaints from an individual is preventing the day-to-day working of the Social Work teams. In these circumstances the Council can introduce a Single Point of Contact (SPOC) arrangement and /or can specify the frequency and method of contact with a particular team or the Council as a whole.

The full details of the Persistent and Unreasonable Complainants process can be found on the Council's website

A copy of the Annual Complaints Report is published on the Council's website each year. This is in-line with the statutory requirement set out in the Children Act.

### ***Matters which fall outside the Children's Services and Corporate Complaints Processes***

Any legal matters – This includes Care Proceedings and parental disputes around contact with children

Education Complaints

## **Complaints Figures and Statistical Analysis 2020/21**

### ***1) Volume of Complaints Received in 2020/21***

During the financial year 2020/21 154 complaints were received by Children & Family Services. This is an increase on the number of complaints received during 2019/20 **143** when **143** complaints were received.

As shown in table 1 below the percentage of referrals to Children's Services which result in a complaint being made has increased slightly from between 8 – 9% in the past four financial years to 10.6% in 2020/21.

|         | Total number of CFS Referrals | Total number of Complaints | % of referrals complained about |
|---------|-------------------------------|----------------------------|---------------------------------|
| 2016/17 | 1667                          | 148                        | 8.8%                            |
| 2017/18 | 1620                          | 160                        | 9.8%                            |
| 2018/19 | 1686                          | 149                        | 8.8%                            |
| 2019/20 | 1654                          | 143                        | 8.6%                            |
| 2020/21 | 1451                          | 154                        | 10.6%                           |

Table 1: Percentage of Children and Family Referrals Complained About

## 2) Breakdown of the Complaint's Processes Used to Investigate Complaints

Of the **154** complaints received **18** were considered using the Children's Services Statutory complaints process, **73** were processed using the corporate complaints process and **1** was processed using the Child Protection complaints process. A further **62** contacts were processed as enquiries. The introduction of a new complaints recording system in April 2020 has enabled enquiries to be identified and recorded separately.

| Process Used                        | Number of Complaint Investigated using each process | Percentage of Complaints investigated using each process |
|-------------------------------------|---|--|
| Children's Statutory Complaints     | 18  | 11.7%  |
| Corporate Complaints Process        | 73  | 47.4%  |
| Child Protection Complaints process | 1   | 0.6%   |
| Enquiries                           | 62  | 40.3%  |
| <b>Grand Total</b>                  | <b>154</b>  | <b>100.0%</b>  |

Table 2: Breakdown of Complaints Processes Used

## 3) Compliance with Timescales

The timescales set out for statutory Children's Services complaints are used to measure compliance for all complaints arising within Children & Family Services.

Overall compliance with time scales has improved during 2020/21 with an increase from 87% in 2019/20 to **96%** of all complaints being responded to within the allowable 20 working day in **2020/21**.

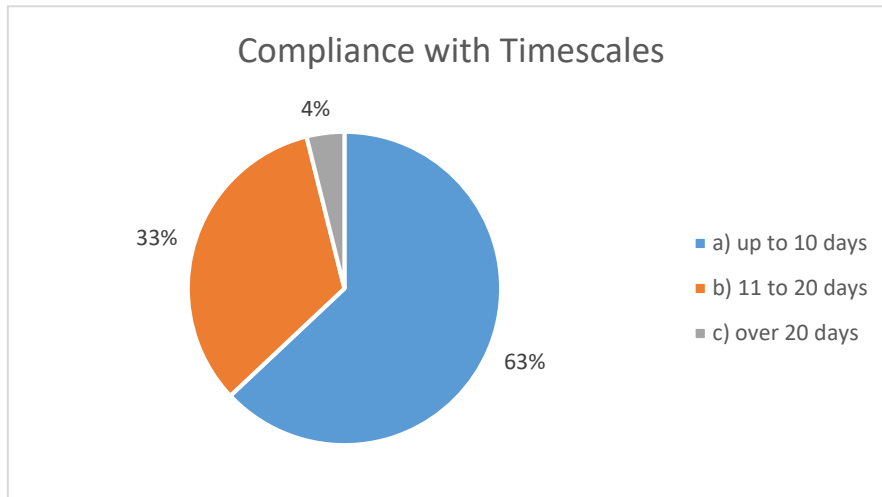


Figure 1: Compliance with Timescales

The number of complaints responded to within 10 working days has dropped slightly with the number of complaints responded to within 10 working days decreasing from 72% in 2019/20 to **63% in 2020/21**.

Where the allowable extended time scale of 20 working days has been used, a consideration of the complaints records shows that the complaints being responded to were complex and required the additional 10 working days to allow for a full investigation to be carried out.

### 6.1) Analysis of Compliance with Timescale by Team

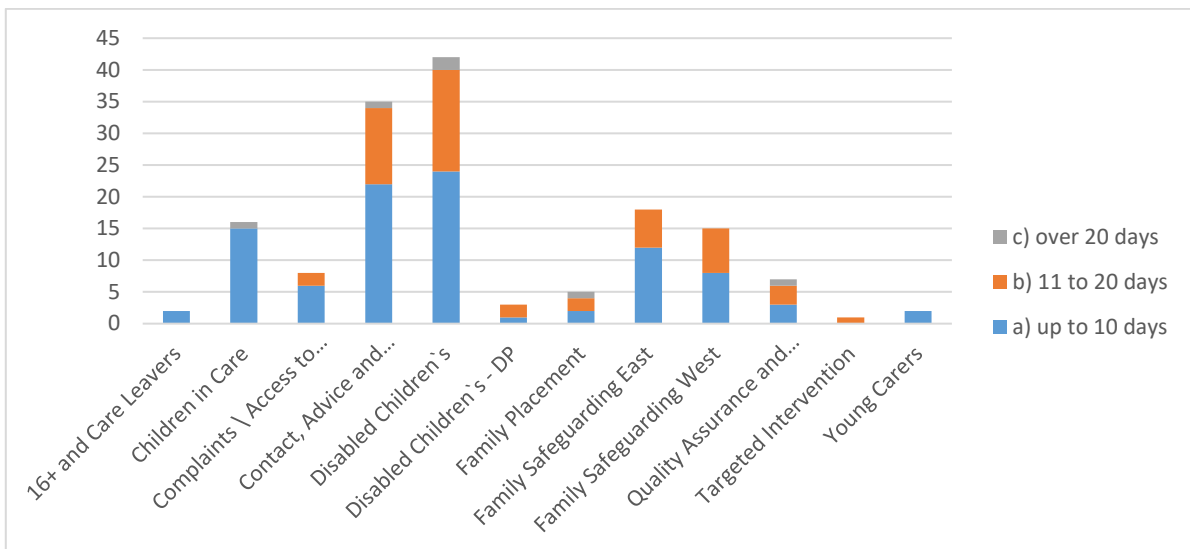


Figure 2: Compliance with Timescales by Team

| Lead Team                              | a) up to 10 days | b) 11 to 20 days | c) over 20 days | Grand Total |
|--|------------------|------------------|-----------------|-------------|
| 16+ and Care Leavers                   | 2                |                  |                 | 2           |
| Children in Care                       | 15               |                  | 1               | 16          |
| Complaints \ Access to Records         | 6                | 2                |                 | 8           |
| Contact, Advice and Assessment Service | 22               | 12               | 1               | 35          |
| Disabled Children's                    | 24               | 16               | 2               | 42          |
| Disabled Children's - DP               | 1                | 2                |                 | 3           |
| Family Placement                       | 2                | 2                | 1               | 5           |
| Family Safeguarding East               | 12               | 6                |                 | 18          |
| Family Safeguarding West               | 8                | 7                |                 | 15          |
| Quality Assurance and Safeguarding     | 3                | 3                | 1               | 7           |
| Targeted Intervention                  |                  | 1                |                 | 1           |
| Young Carers                           | 2                |                  |                 | 2           |
| <b>Grand Total</b>                     | <b>97</b>        | <b>51</b>        | <b>6</b>        | <b>154</b>  |

Table 3: Compliance with Timescales by Team

- ❖ 6 complaints responses exceeded the 20 working day time scale in 2020/21.
- ❖ Extended response periods were agreed in 2 cases. This is in line with the requirements of the complaints process.
- ❖ 1 complaints exceeded timescale due to the complainant's limited availability.
- ❖ A further two complaints were subject to restrictions in response frequency.
  
- ❖ 1 complaint ran overtime without agreement. This complaint was not presented to Children & Family Services via the usual complaints route and took some time to reach the complaints department. On receipt the response was provided within 20 working days.

A year on year comparison of compliance with timescales shows that while the number of complaints responded to within 10 working days during 2020/21 is lower than that achieved in the previous four years, the number of responses within 20 working days is the second highest achieved within the same five year period.

#### Compliance with Time Scales Comparison

|                      | 2016/17 | 2017/18 | 2018/19 | 2019/20 | 2020/21 |
|----------------------|---------|---------|---------|---------|---------|
| 10 Working Days      | 69%     | 70%     | 70%     | 72%     | 63%     |
| 20 Working Days      | 99%     | 94%     | 85%     | 87%     | 96%     |
| Over 20 working days | 1%      | 6%      | 15%     | 13%     | 4%      |

Table 4: Compliance with Time Scale Year on Year Comparison

A review of the underlying complaints records shows that, while the Covid restrictions have had a slight impact on the ability to investigate and respond to complaints within 10 working days, the predominant reason for making use of the extended 20 day response period was the complexity of the complaints being raised.

#### **4) Analysis of Who Made Complaints to Children & Family Services during 2020/21**

As in previous years nearly three quarters of the complaints received were made by the parents of service users.

- ❖ **72.7%** of the complaints received during 2020/21 were made by parents.
- ❖ A further **7%** of complaints were received from either a grandparent, step-parents or other relatives without parental responsibility.
- ❖ **7.8%** of the complaints received were made by young people.
- ❖ **0.7%** of the complaints received were from Foster Carers
- ❖ **9.2%** of complaints were made by professionals (for example by a school or Local MP)
- ❖ The remaining **2.6%** of complaints were from people who were not receiving a services from West Berkshire Children & Family Services. These complainants were directed to the appropriate services or agency.

| <b>Complainant's Relationship to Client</b> | <b>Number of Complaints received</b> | <b>Percentage of total number of complaints received</b> |
|---|--------------------------------------|--|
| Foster Carer                                | 1                                    | 0.7%   |
| Grandparent                                 | 5                                    | 3.2%   |
| Member of Parliament                        | 1                                    | 0.7%   |
| Other                                       | 4                                    | 2.6%   |
| Other External Body                         | 1                                    | 0.7%   |
| Other Relative                              | 3                                    | 1.9%   |
| Parent                                      | 112                                  | 72.7%  |
| Partner                                     | 1                                    | 0.6%   |
| Professional                                | 12                                   | 7.8%   |
| Step Parent                                 | 2                                    | 1.3%   |
| Young Person                                | 12                                   | 7.8%   |
| <b>Grand Total</b>                          | <b>154</b>                           | <b>100.0%</b>  |

Table 5: Breakdown of Who Complaints were received from

##### **4.1) Complaints from Young People**

**12** Complaints were received from young people during 2020/21 this represents 7.8% of the complaints received. This is an increase on the 3 complaints received from young people in 2019/20 and is considered to be more in-line with the numbers of complaints the service

would expect to receive based on the figures for the two years prior to 2019/20 when 8 complaints were received from young people in each years.

It is recognised nationally that the number of complaint from young people is low. Where a young person is undecided about making use of the complaints process, their Social Worker will offer them the opportunity to have a conversation with the Complaints Manager and/or the Advocacy Service to talk through how the complaint service works and how to make a complaint. Children & Family Services welcomes all forms of feedback from the young people making use of their services.

### **5) *Analysis of Repeate Complaints from Individual Complainants and Family Groups***

2020/21 has seen a high number of clusters and repeat complaints being presented by a small number of individual complainants or family groups.

Of the **154** complaints received only **53** were presented on a single occasion. While **15** people or family groups made the same or similar complaint or enquiry twice. The underlying data shows that this number is largely accounted for by both parents raising a concern in relation to a single referral. This pattern of complaint is often seen where parents are separated. In addition,

**2** people or family groups made the same or similar complaint or enquiry **3 times**.

**2** people or family groups made the same or similar complaint or enquiry **4 times**.

- ❖ **1** person made the same or similar complaint or enquiry **6 times**.
- ❖ **1** person made the same or similar complaint or enquiry **10 times**.
- ❖ **1** person made the same complaint or enquiry **11 times**
- ❖ **1** family group raised **30** complaints and enquiries many of which were the same or similar.

As can be seen above **8** complainants or family groups raised **71** of the **154** complaints and enquiries which were brought to the attention of Children & Family Services during 2020/21.

While Children and Family Services always endeavour to work restoratively with complainants to resolve any new concerns, in line with the Councils complaints policy's and expectations of the Local Government and Social Care Ombudsman, any complaints which are considered to have been responded to in full will not be re-entered into the complaints process.

A high number of the repeat complaints received during 2020/21 were in relation to court decisions. It is not possible for the Council to review any decisions made by the court.

### **6) *Nature of the Concern Raised***

The table below sets out the catogaries used to describe complaints and the complaints processes used for investigations. As complainants can raise a number of concerns in a single statement of complaint the number of concerns recorded exceeds that of the number of complaints received.



| Category of concern         | Children's statutory process | Corporate Complaints process | Child Protection process | Enquiry   | Grand Total |
|-----------------------------|------------------------------|------------------------------|--------------------------|-----------|-------------|
| Professional Decision       | 6                            | 12                           |                          | 4         | 22          |
| Court Decision              | 2                            | 15                           |                          | 4         | 21          |
| Poor Communication          |                              | 11                           |                          | 8         | 19          |
| Assessment                  | 2                            | 10                           |                          | 7         | 19          |
| Service Provision           | 2                            | 4                            |                          | 6         | 12          |
| Staff Attitude              | 3                            | 5                            |                          | 4         | 12          |
| Delay in paperwork          |                              | 7                            |                          | 3         | 10          |
| Working relationship        | 2                            | 3                            |                          | 4         | 9           |
| CP Measures                 |                              | 4                            | 1                        | 4         | 9           |
| Contact                     |                              | 3                            |                          | 5         | 8           |
| Direct Payment              |                              | 4                            |                          | 2         | 6           |
| Fostering                   |                              | 2                            |                          | 4         | 6           |
| Care Planning               | 3                            | 3                            |                          |           | 6           |
| Other Agency                |                              | 1                            |                          | 3         | 4           |
| Confidentiality             |                              | 4                            |                          |           | 4           |
| Recording Issues            |                              | 1                            |                          | 2         | 3           |
| Private Law Matter          |                              | 1                            |                          | 2         | 3           |
| Lack of Dignity and Respect |                              |                              |                          | 1         | 1           |
| Lack of Support             |                              |                              |                          | 1         | 1           |
| Joint Education             |                              |                              |                          | 1         | 1           |
| <b>Grand Total</b>          | <b>20</b>                    | <b>90</b>                    | <b>1</b>                 | <b>65</b> | <b>176</b>  |

Table 6: *Reasons Given for Raising a Complaint*

The top six categories of concern raised as part of a complaint during 2020/21 were, professional decisions with **12.5%** of the concerns raised fall within this category.

As in previous years the case recording which sits behind these figures demonstrates that complainants tend to identify differences in the way in which information is perceived as poor professional decision making, particularly where a significant difference of perspective exists between family members. This is particularly apparent where there has been an acrimonious relationship breakdown and each parent feels that they are being unfairly treated.

Court decisions, with Public Law findings accounting for **11.9%** of concerns and Private Law matters accounting for a further **1.7 %**. As noted above it is not within the gift of Children & Family Services to alter a court finding. Where complaints of this sort are received complainants are directed to the court.

An analysis of the underlying complaints data shows that this finding needs to be treated with caution as more than half of the concerns within this group were raised by a single complainant and were in relation to a court order.

**10.8%** of concerns highlighted poor communication, a further **10.8%** of concerns were around dissatisfaction with one or more aspect of an assessment and a further **6.8%** of concerns raised a dissatisfaction with the provision of service. **6.8%** of concerns raised staff attitude and **5.7%** of concerns raised a delay in receiving paperwork.

It is acknowledge that the Covid working arrangements which have been in place during this financial year have caused some unavoidable delays in sending out paper corespondance. The case records suggest that while families have been notified of Social Work decisions either verbally or by email, some families have found waiting for written conformation of this information unsettling.

While the findings setout above are considered to be broadly representative of the concerns received, the very high numbers of complex repeat complaints received during 2020/21 are likely to have distorted the findings on complaints theames.

### **6.1) Reason for Complaint by Team**

As in previous years the breakdown of reason for complaint by team is largely reflective of the service which these teams provide. As would be expected, the greatest number of complaints in relation to the Single Assessment are received by the Contact Advice and Assessment Service (CAAS). This team receives all incoming referrals and therefore, is the service which carries out the majority of Single Assessments undertaken by West Berkshire.

CAAS and the Disabled Children's Team (DCT) can be seen to have received the highest number of complaints about professional decision making. For many families, their first experience of Children's Services is being told that CAAS has received a referral in relation to their family. The underlying complaints records show that many of these complaints can be resolved through case management conversations. As in 2019/20 the figures for DCT for 2020/21 are misleading in that a high number of the complaint recorded have been made by a single complainant. This said DCT is involved in the decision making process for education and the setting of budgets. These are often emotive decisions and it is appropriate that parents should be able to challenge the decision making process and to advocate for their children.

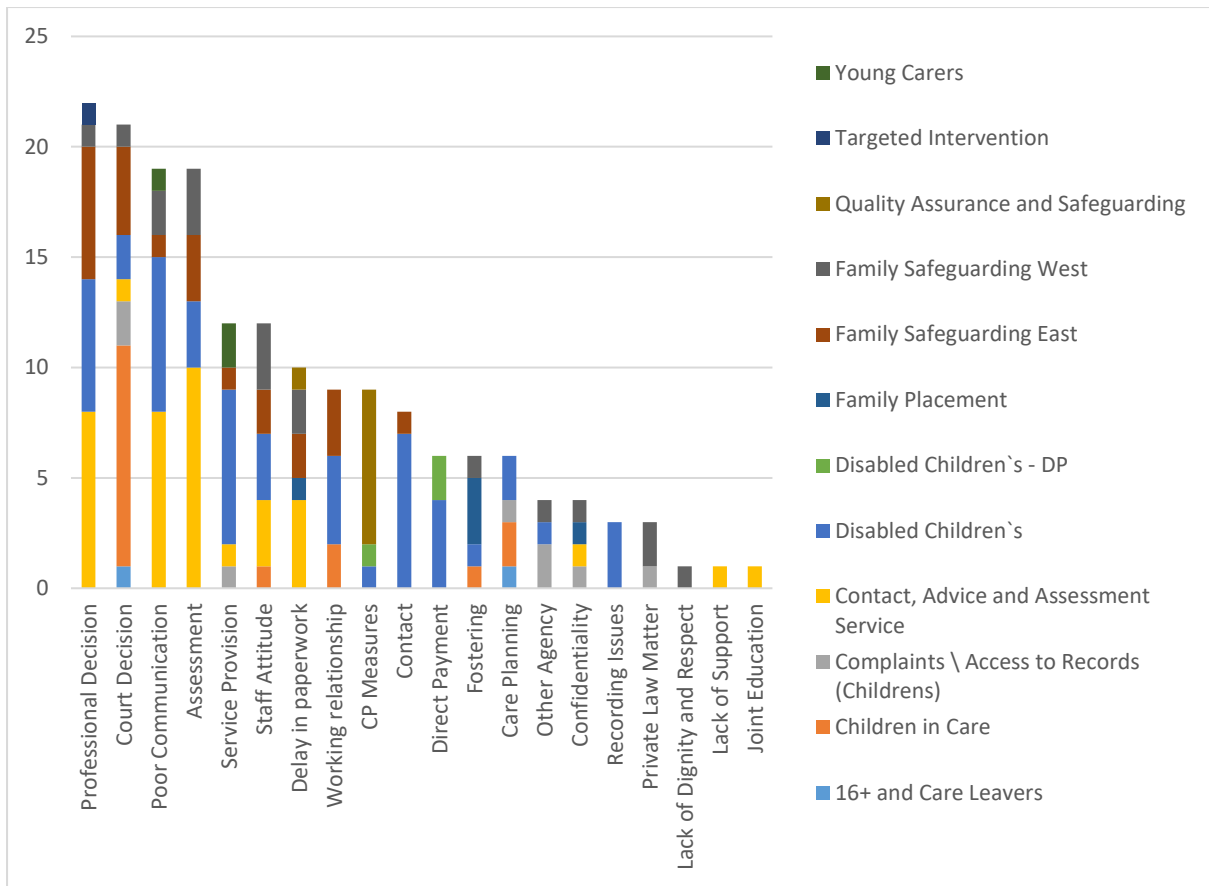


Figure 3: Reasons for Complaint by Team

## 7) Complaint Findings/Outcomes

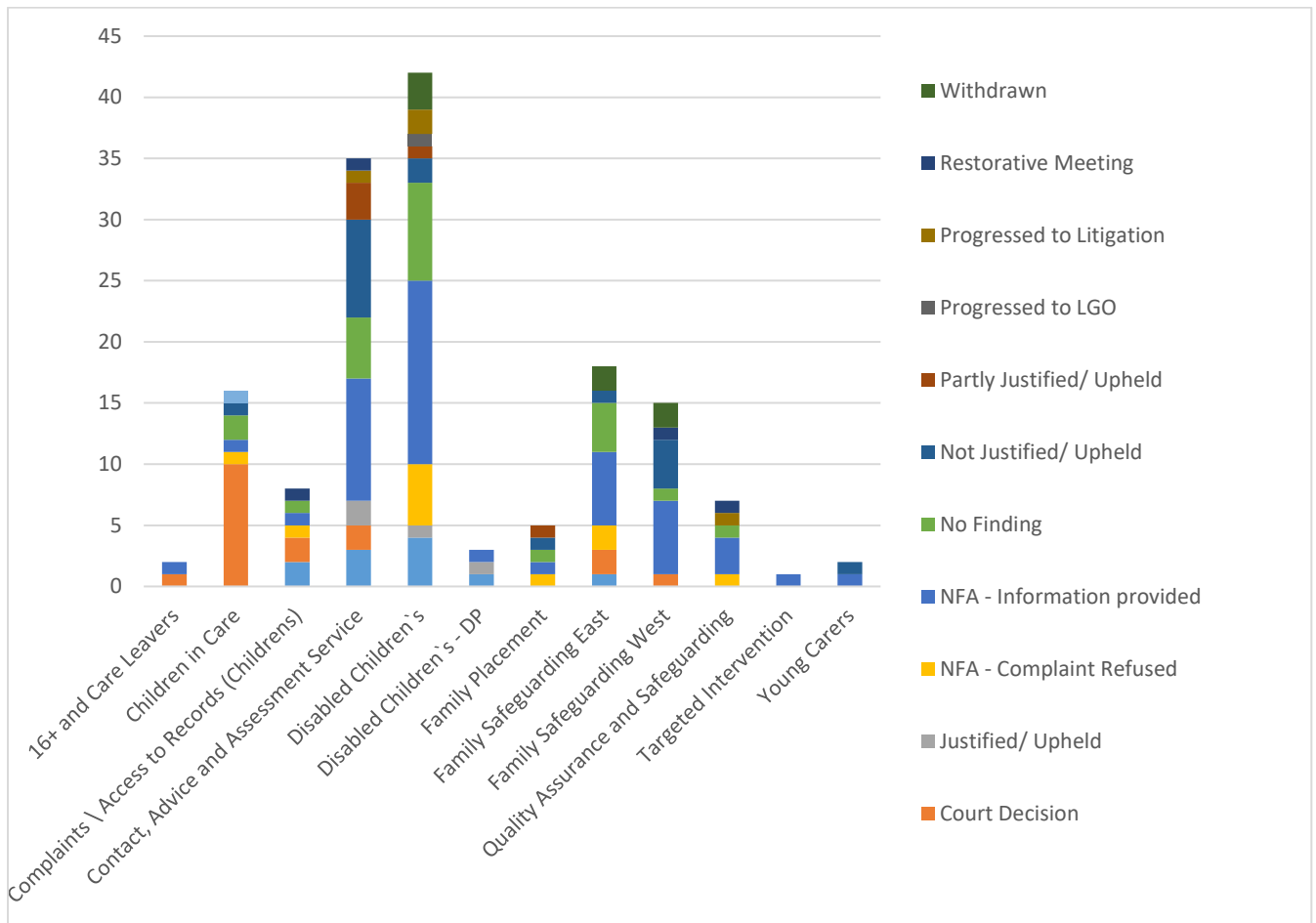


Figure 4: Findings/Outcomes from Complaints Investigations

In summary:

- ❖ **2.60%** of the complaints received in 2020/21 were upheld
- ❖ **3.25%** of complaints were partially upheld
- ❖ **11.69%** of the complaints received in 2020/21 were not upheld
- ❖ **2.60%** of complaints were resolved via a restorative meeting
- ❖ **7.14%** of complainants reported that they were dissatisfied with the outcome of their complaint, but chose not to escalate their concern to the next stage of the complaints process. This was a new reporting category in 2020/21.

Of the remaining complaints:

In **4.55%** of cases, the complainant either withdrew their complaint or did not progress their concerns.

In **0.65%** of complaints the complainant approached the Ombudsman directly.

**21.43%** of complaints were refused as not being eligible for entry into either the Children's Services or Corporate Complaints process. The number of complaints within this category is

unusually high and can be accounted for by the high number of repetitive complaints being presented by two persistent complainants.

**30.52%** of the concerns raised resulted in the complainant being directed back to the social work team, or the complainant being provided with additional information. This figure includes those concerns which were presented as enquiries rather than complaints.

In a further **14.94%** of cases, no finding was made; this outcome has been recorded where families were not looking for their complaint to be upheld, but rather to receive an explanation in relation to an unresolved issue. In some cases, this resulted in a complainant having their comments and views on the content of an assessment or report added to the electronic record, whilst in other cases Children's Services processes and legislation were discussed more fully with the complainant, who was then satisfied that due process had been correctly followed.

The flexibility in our complaints process, to work with our families and complainants, to seek to understand their experience, perspective and concerns is an important feature of our local approach. It helps inform our learning culture as an organisation. This learning has directly informed our 'What To Expect' series.

### ***8) Complaints Progressed Beyond Stage 1 during 2019/20***

Where it has not been possible to resolve a complaint via restorative practice or at Stage 1 of the complaints process complaints will be escalated to the appropriate Stage 2 process for further investigation. In 2020/21 **1** complaint was escalated to Stage 2 of the Children's Services complaints process. This complaint is currently frozen and will be revisited on the conclusion of the current legal proceedings. **4** complaints were escalated to Stage 2 of the corporate complaints process.

Complainants may also choose to approach external regulatory bodies such as; The Local Government and Social Care Ombudsman (LGSCO), the Social Work England and Ofsted. It is for these bodies to determine if the complaints which are presented to them meet their criteria for investigation.

Table 7: Complaints Escalated Beyond Stage 1

| <b>Complainant</b> | <b>Process</b>      | <b>Outcome</b>                |
|--------------------|---------------------|-------------------------------|
| Family 1           | ICO                 | Not Upheld                    |
| Family 1           | Corporate Stage 2   | Frozen – PLO                  |
| Family 1           | LGSCO               | Upheld                        |
| Family 1           | LGSCO               | Refused                       |
| Family 1           | LGSCO               | Not Upheld                    |
| Family 1           | LGSCO               | Refused                       |
| Family 1           | LGSCO               | Refused                       |
| Family 1           | LGSCO               | No Fault                      |
| Family 1           | LGSCO               | Refused                       |
| Family 1           | LGSCO               | No Fault                      |
| Family 1           | LGSCO               | Upheld                        |
| Family 1           | LGSCO               | Refused                       |
| Family 1           | ICO                 | Not Upheld                    |
| Family 1           | Social Work England | Awaiting Decision             |
| Family 2           | LGSCO               | Awaiting Decision             |
| Family 2           | Social Work England | Awaiting Decision             |
| Family 3           | Corporate Stage 2   | Not Upheld                    |
| Family 4           | Corporate Stage 2   | Not Upheld                    |
| Family 5           | Corporate Stage 2   | Not Upheld                    |
| Family 6           | LGSCO               | Withdrawn                     |
| Family 7           | LGSCO               | Remedy Complete and Satisfied |
| Family 8           | Social Work England | No Fault                      |

### **9) Areas of Concern Identified during 2020/21**

- ❖ The learning from complaints has highlighted the need to have robust processes in place for joint working with geographically distant Local Authorities to ensure the smooth implementation of emergency transport arrangements.
- ❖ Complaints findings show that a more robust process is needed to ensure parents remaining on site throughout assessments in preparation for respite visits.
- ❖ Complaints findings have highlighted the need for more effective information sharing between teams in relation to the progress of orders made by the Occupational Therapy Service.

### **10) What have we Done Differently?**

- ❖ During 2020/21 Children & Family Services have undertaken group reflective learning sessions for those professions involved in Stage 2 complaints and complex complaints investigations. This has provided a forum for officers from different areas of Children & Family Services to work together to reflect on learning and service future service improvements.
- ❖ The respite service has reviewed and updated policies and procedure in relation to pre-respite visits. These policies and procedure have now been implemented.
- ❖ New recording systems have been introduced to ensure that all appropriate officers are regularly updated on the progress of any orders which have been placed for equipment.
- ❖ The complaints process continues to highlight where there is a difference in expectation between families and professionals and Children's Services have continued to develop the 'What to Expect' information series for families. These information leaflets directly respond to the areas of learning identified from complaints and are intended to improve communication between Children & Families Service and family members. This information continues to be designed in partnership with families, to ensure that the information provided by Children & Family Services is useful, clear, transparent and accessible.

### **11) Some of the Compliments Received During 2020/21**

***Parent – 'Thank you, I feel safe knowing I can ask L for advice.'***

***Parent – 'The Social worker went above and beyond today, she stayed with me the whole time my statmet was taken.; I couldn't have done it without her. R was so supportive.'***

***Parent – ‘Again thank you for your understanding, after talking to you via the phone it was like a weight nhad been lifted and I felt relief for the first time after 3 years...’***

***Young Person –‘When talking to L it was clear why, she fully understood everytime. L was brilliant, she communicated well and was excellent with advice.’***

***Professional - I would just like to say that J was amazing yesterday, it was really tricky to arrange the assessment with the translator by conference call and so quickly. J arranged everything and made it happen. Y has been accepted for supported lodgings and we have a few possibilities to explore.’***

***External Trainer –‘The best Social work lead interview we have seen...the icing on the cake..A’s work will be used as an example [during training]Well done A absolutely amazing!’***