

Children's Complaints Report 2021-2022

Introduction

The Children's Act 1989 requires councils which provide children's services to set up a three-stage complaint process for some complaints and produce an annual report to show findings.

The procedure covers complaints about services delivered to children and young people under Part 3 of the 1989 Act and specific functions under Parts 4 and 5 of the Act. This includes services to children in need or in care; about how the council applies to take a child into care; and about fostering, special guardianship, adoption services and services to children leaving care.

Under the procedure, complaints made by the child or young person, their parents, foster carers, special guardians, adopters and others who may have an interest in their wellbeing may be considered.

Complaints about child protection matters or how the council assesses families and prepares reports for court in private proceedings are excluded from the statutory process. These and all other complaints about the council's Children, Schools and Families Department are dealt with under the council's corporate complaints procedure.

The guidance says every council must:

- Follow the process
- Chose the appropriate procedure
- Deal with complaints in a timely manner
- Make it a seamless service
- Look for a swift resolution.

In addition, the annual report about children's social care complaints must be made available to any person on request, and include the following data sets:

The number of complaints received: This is the total of the complaints whereby a formal complaint response is requested, or it can be implied that a formal complaint response is required. Not all complaints received result in a formal complaint investigation. Where we cannot formally investigate a complaint, the complainant will be advised, and signposted, where possible, to the correct procedure.

The outcomes of the complaints: There are generally four outcomes of a complaint, these are:

Upheld – where we agree with the complainant

Partially upheld – where we agree with the complainant in part, but not fully.

Not upheld – where we do not agree that there has been a service failure

Inconclusive – where we do not have evidence to conclude the complaint one way or another.

Whether the complaints were responded to in time: Whether the statutory timescales were kept to.

The number of complaints at each stage: Children’s statutory complaints have a three-stage procedure. The corporate complaints process has a two-stage process.

Under statutory procedure:

Stage 1 complaints are: investigated by service team

responded to by service team manager/head of service

required to be answered within 10 working days, although an extension to 20 working days is allowed.

escalated at the request of the complainant

have no time limit for escalation – (the council ask for escalations within 20 working days).

Stage 2 complaints are: investigated by external/independent investigator and overseen by external independent person.

responded to by Head of Service/Director

required to be answered within 25 working days which may be extended to 65 working days

Are escalated at the request of the complainant

Subject to a 20-working day limit for escalation

Stage 3 complaints are: referred to an external/independent review panel

Required that a panel is arranged within 30 working days.

Responded to by the chair of the review panel within 15 working days of the panel hearing

Escalated to the LGSCO at the complainant’s request

Subject to a one-year limit for escalation to LGSCO

Under corporate complaints procedure:

Stage 1 complaints are: investigated by the service team

Responded to by the service manager

Required to be answered within 20 working days

Escalation is subject to approval by The Complaints Team

Stage 2 complaints are: reviewed by the Complaints Team

Agreed by the service’s assistant director or director

Required to be answered within 25 working days

Escalated to LGSCO at complainant’s request.

Subject to a one-year limit for escalation to LGSCO

Complaints procedures at a glance

	Statutory Procedure	Corporate Procedure
Stage 1	Yes	Yes
Investigated by	Service Team	Service Team
Deadline for response	10 working days /20 days	20 working days
Escalation	As requested by complainant	Subject to approval of Complaints Team
Time limit to escalate	No time limit	25 working days
Stage 2	Yes	Yes
Reviewed by	Independent Investigating Officer/ independent person	Complaints Team
Deadline for response	25/ 65 working days	25 Working days
Escalation	To stage 3	To LGSCO
Time limit to escalate	20 working days	One year
Stage 3 Review	Yes	No
Reviewed by	Independent panel	N/A
Deadline for response	30 Working days	N/A
Escalation	To LGSCO	N/A
Time Limit	One year	N/A

The number of complaints referred to the Local Government and Social Care Ombudsman: The Council will do its utmost to resolve complaints. However, if having received a complaint response at the final stage, the complainant remains unsatisfied, they may refer their complaint to the Local Government and Social Care Ombudsman. There are some circumstances whereby the LGSCO will accept an early referral.

Which customer groups made the complaints: This can be the child or young person, or another party with an interest in their well-being such as a parent, special guardian, foster parent etc.

The type of complaint made: This will include the team and service the complaint is about, and a summary of the issue.

Advocacy services provided: There are a number of advocacy agencies who can assist young people in getting their voice heard. Jigsaw 4 U is commissioned by London Borough of Merton for this purpose, but other advocacy services are also available.

Learning and Service Improvement: How issues identified through the complaints process have been or will be addressed in response to the findings.

A summary of the statistics about complainants: to include age, gender, disability, sexual orientation, and ethnicity of complainants.

A review of the effectiveness of the complaint procedure

This report is written to comply with The Children Act 1989, the expectations of the Local Government and Social Care Ombudsman and the Council's own Complaints, Comments and Compliments Policy.

Putting the data in to context

To put the data included in this report into context it is helpful to know that in 2021 -2022:

2,321 Children In Need (CIN) assessments were completed

198 children were in care/or had periods of time in care as defined by the Department of Education's statutory reporting criteria.

384 Looked After Children reviews were completed

294 Child Protection cases

Key points

It was expected that complaints would rise, following the relaxing of restrictions put in place during the coronavirus pandemic. During the course of the restrictions some services ceased or changed the way they were delivered. There has been an increase in the number of complaints through the Children's Statutory complaints procedure. However, a reduction was seen in the number of complaints regarding children's services and dealt with under the corporate complaint procedure.

- A total of 19 Children's Social Care complaints were received, this is an increase of 17 cases compared with the previous year 2020 – 2021, when only 2 cases were received.
- 8 (42%) of the statutory complaints were upheld or partially upheld at stage 1.
- 47% of stage 1 statutory complaints were responded to within the statutory target deadline. This is a decrease on the previous year when 100% of complaints were answered in time.
- 3 statutory complaints progressed to stage 2 of the statutory complaint process
- 2 complaints were partially upheld.
- At stage 2, no complaints were responded to within the statutory deadline.
- There were no escalations to stage 3 of the statutory complaints process
- 51 complaints were dealt with through the corporate complaint process, a decrease of 19%.
- 47% of corporate complaints about Children, Schools and Families upheld or partially upheld compared with 68% in the previous year.
- 53% were answered in time, although this does not meet the target of 90% - it is a significant improvement on the previous year when only 44% were dealt with in time.
- 10 (20%) Corporate complaints escalated to stage 2, which was a slight decrease in the proportion escalating when compared with 2020-2021.
- The LGSCO issued 9 final decisions, 7 were non statutory cases and 2 were statutory cases.
- 3 cases did not proceed to full investigation and were closed in initial stages.
- 5 Were upheld
- The other case was regarding the remedy of following final decision and referred to a remedy being completed and satisfied – this is not usually issued as a final decision.
- The Children. Schools and families' department received 15 compliments.

Dealing with complaints about Children's Social Care in the London Borough of Merton

In London Borough of Merton, Children's Social Care Complaints are managed as a function of the Complaints Team, who similarly manage and co-ordinate other types of complaint. These are corporate complaints and Adult's Social Care complaints. The team also co-ordinate enquiries made on behalf of residents by the Council's members.

In 2021, following a restructure, the Complaints Team moved to sit within the wider Communications Team with a new head of service and a new team manager. A review of the service took place and a number of improvements to the service have been implemented, with further enhancements planned.

The Complaints Team are knowledgeable in the handling of complaints and operate independently of other service teams. Although it is the responsibility of the Service Teams to respond to complaints. The team acts as an impartial conduit for complainants and the council's officers. They remain available to both throughout the duration of a complaint, providing guidance throughout the process.

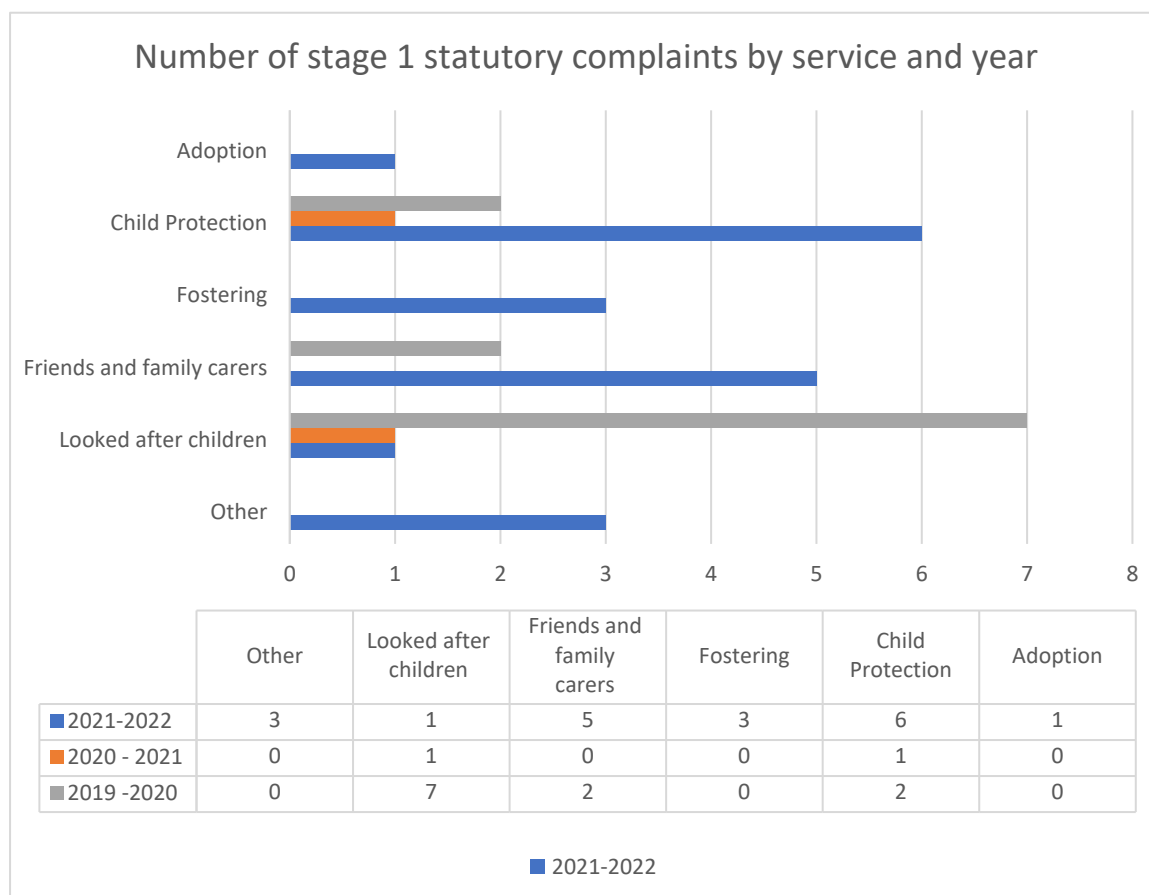
The Complaints Team Manager is also the link person for the Local Government and Social Care Ombudsman.

An important function of the Complaints Team is to collect and collate data from feedback received. This assists the council in preventing recurring complaints, identifying training needs and updating policies and guidance.

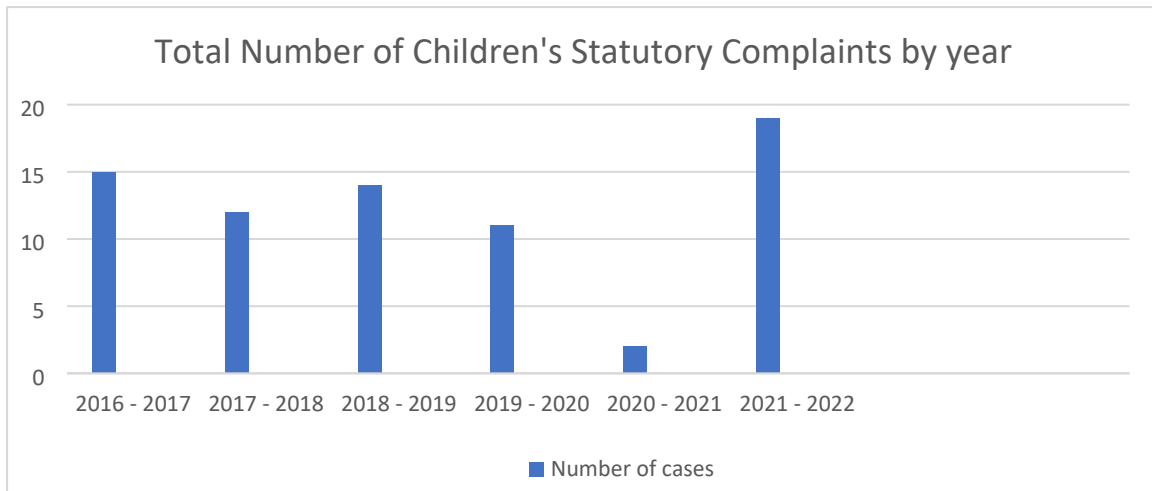
Unlike other types of complaint, complaints about Children's Social Care complaints are dealt with in a three-stage process, and once escalated, rely on investigations from outside of the council. Having completed this process, the complaint maybe referred to the Local Government and Social Care Ombudsman if the complainant remains unsatisfied.

Number of complaints received

The Council received 19 statutory complaints regarding Children’s Social Care, these are broken down into teams as follows:

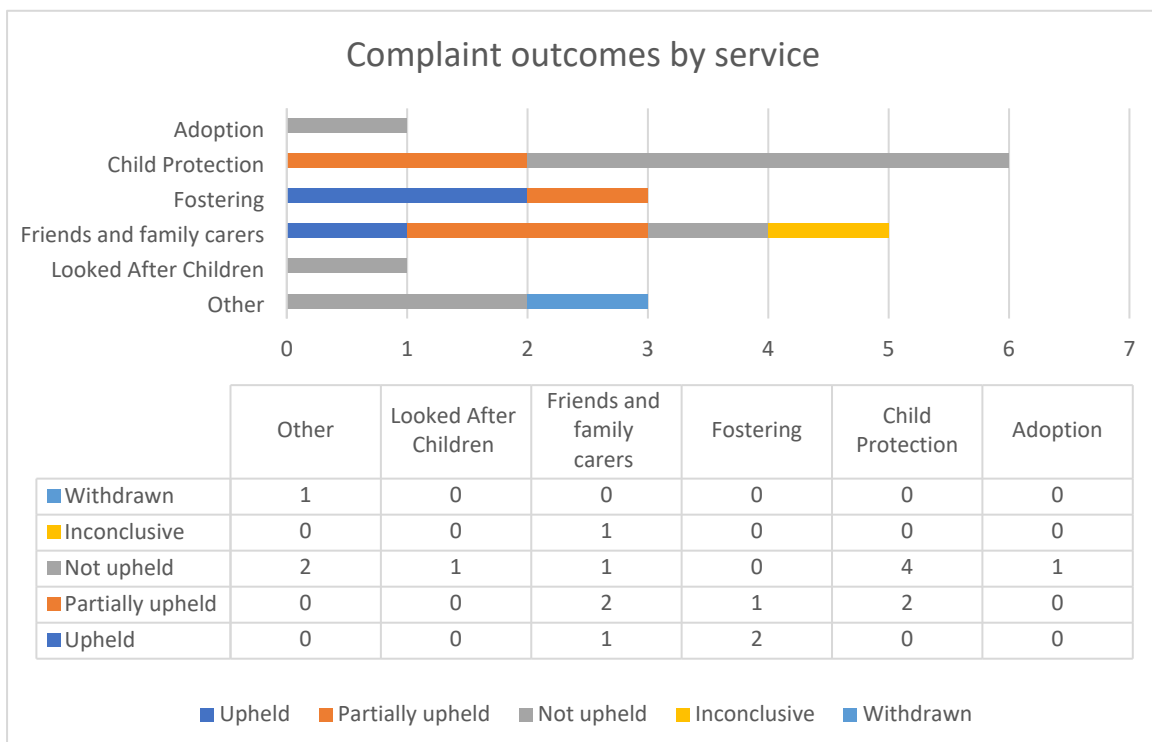


The coronavirus pandemic has had a profound effect on the number of complaints received. A significant drop was seen across almost all council services in the year 2020-2021. With the number of statutory complaints received in the last auditing year amounting to just two cases, no useful comparisons can be made between the numbers recorded in 2020 -2021 and 2021 - 2022. However, the year before (2019-202) saw 11 complaints. The year 2021-2022 saw a jump in the complaints to 19 cases. However, when averaged across the last three years there has been a mean average of 11 complaints per year. Therefore, it could be argued that some complainants have waited until 2021-2022 to submit complaints. This would follow the trend for the past six years, during which the numbers of complaints received have remained fairly stable.



Complaint outcomes

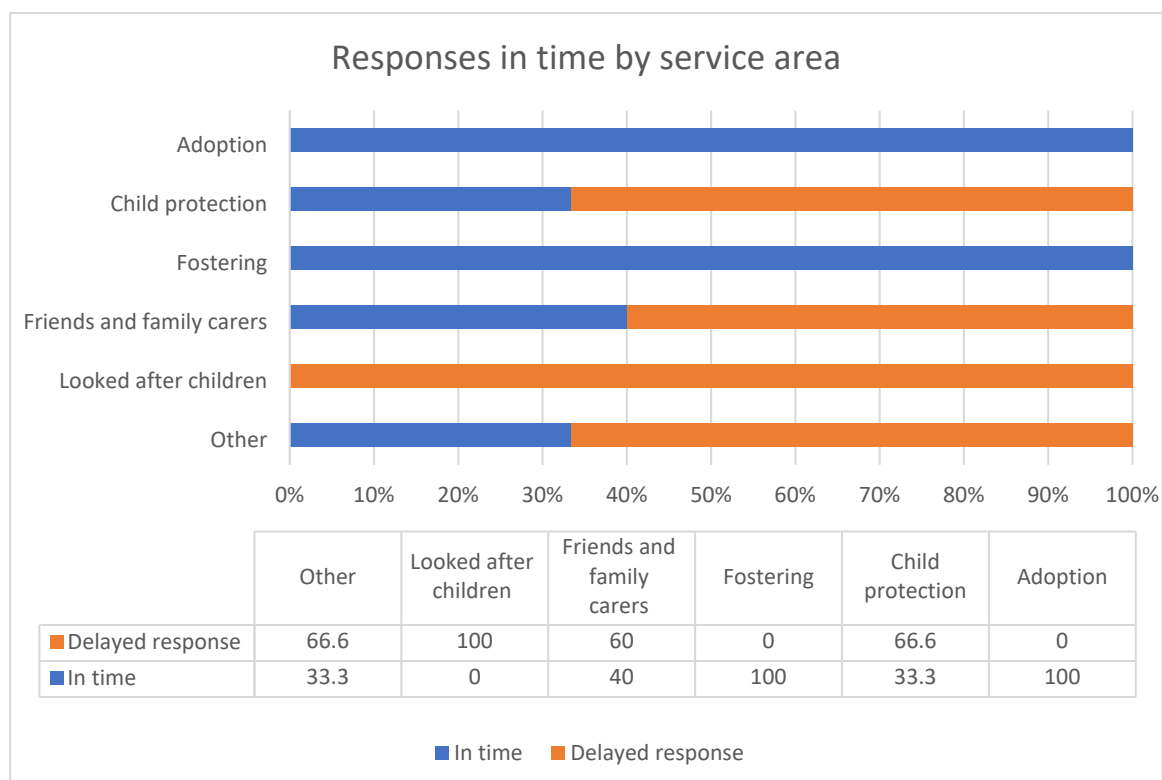
Of the 19 complaints submitted, 3 (16%) upheld, 5 (26%) were partially upheld and 9 (47%) were not upheld. 1 (5%) complaint investigation was inconclusive 1 (5%) complaint was withdrawn during the process.



Child Protection has received the most complaints but only two cases partially upholding, compared with six submitted.

The areas with the most upholds are Fostering and Friends and Family Carers.

Complaints responded to in time



Number of complaints escalating to stage 2

	Total	Upheld	Partially upheld	Not upheld
Adoption	1	0	1	0
Child Protection	1	0	1	0
Friends and family carers	1	0	0	1
Total	3	0	2	1

Escalations to stage 3

No complaints escalated to stage 3 in the year 2021 -2022

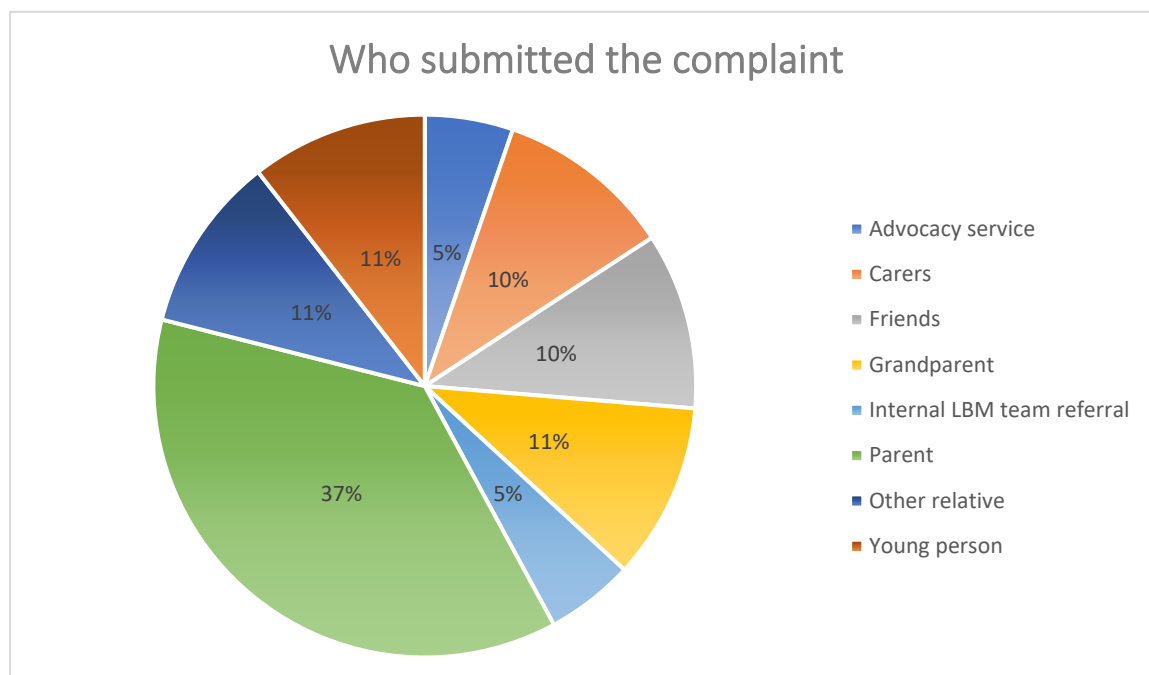
Escalations to Local Government and Social Care Ombudsman (LGSCO)

The LGSCO states that 10 complaints were escalated to LGSCO regarding London Borough of Merton’s children’s services. The LGSCO does not fully investigate all cases that are referred to it. The LGSCO issued nine final decisions in the year 2021-2022.

Outcome of final decision	Number of cases	Case references	LGSCO Category
No investigation – out of jurisdiction	2	20 009 719 21 006 143	Child protection Special Educational Needs
Not for investigation	1	21 009 043	Child Protection
Upheld: Fault and injustice	5	20 013 681 21 001 651 21 010 242 21 004 099 20 010 409	Adoption Child Protection Other Looked after children Covid 19
Remedy complete & satisfied	1	21 001 651	Child Protection
Total	9		

The full case outcomes of the cases summarised above are available on the LGSCO website [Decisions - Local Government and Social Care Ombudsman](#). The case numbers can be typed into the search facility.

Breakdown of who brought the complaints



Although parents submitted the greatest number of complaints, their submissions only account for just over a third of the complaints submitted. Just under two thirds of complaints were submitted by other stakeholders including the young people at the heart of the complaints, other relatives,

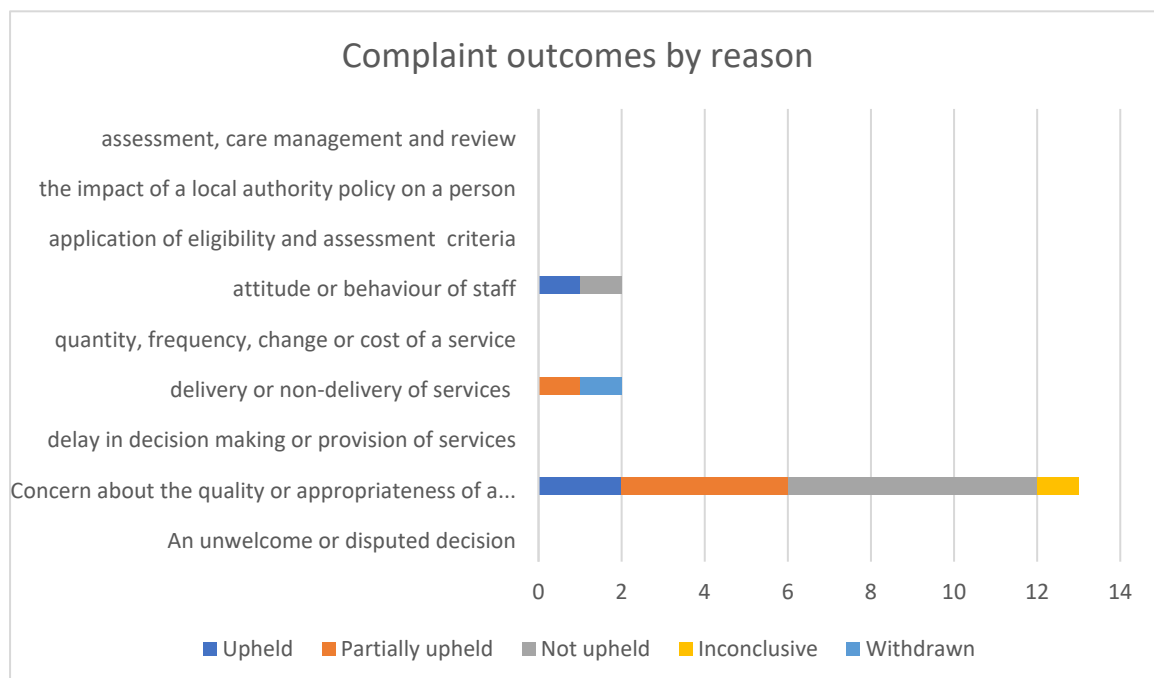
friends, carers and advocacy services. One third of complaints were submitted by people outside of the child/young person’s family group.

Reasons for complaint

The guidance, ‘Getting the Best from Complaints – Social Care Complaints and Representations for Children, Young People and Others’ issued by the Department for Education and Skills identifies eight main reasons for complaint.

These are:

- **An unwelcome or disputed decision:**
- **Concern about the quality or appropriateness of a service:**
- **Delay in decision making or provision of services:**
- **Delivery or non-delivery of services including complaints procedures**
- **Quantity, frequency, change or cost of service:**
- **Attitude or behaviour of staff**
- **Application of eligibility and assessment criteria**
- **Impact of the application of a local authority policy on service user**
- **Assessment, care management and review.**



Advocacy Services

The council commissions the advocacy service Jigsaw 4 U to support children and young people through a number of processes and interactions with the council. Only one complaint was submitted via the advocacy service in 2021 – 2022. However, Children’s complaints that were dealt with through the corporate complaint channel came via four advocacy services : Sunshine Support, Headstart Advocacy, Jenny Maher Special Needs Advice and Advocacy and Cafcass.

Learning from complaints

Team	Learning from complaints
Complaints, Adoption, Child Protection, Fostering, Looked After children	<ul style="list-style-type: none">• Staff training to ensure staff dealing with complaints are aware of the circumstances when the statutory complaints process should be used for children’s social care complaints.
Adoption	<ul style="list-style-type: none">• Review guidance on Adoption Allowances and Support to ensure it is clear on the financial support that is available and when
Adoption	<ul style="list-style-type: none">• Brief relevant staff including those in the Adoption Agency of the procedure for requesting financial support
Fostering	<ul style="list-style-type: none">• Improve guidance available to foster carers around care of older young people to include responsibility for mail, keys etc

Demographics

Data regarding the characteristic of complainants has not been collected. We are not able to report on the age, gender, disability ethnicity etc of the service users who have made complaints.

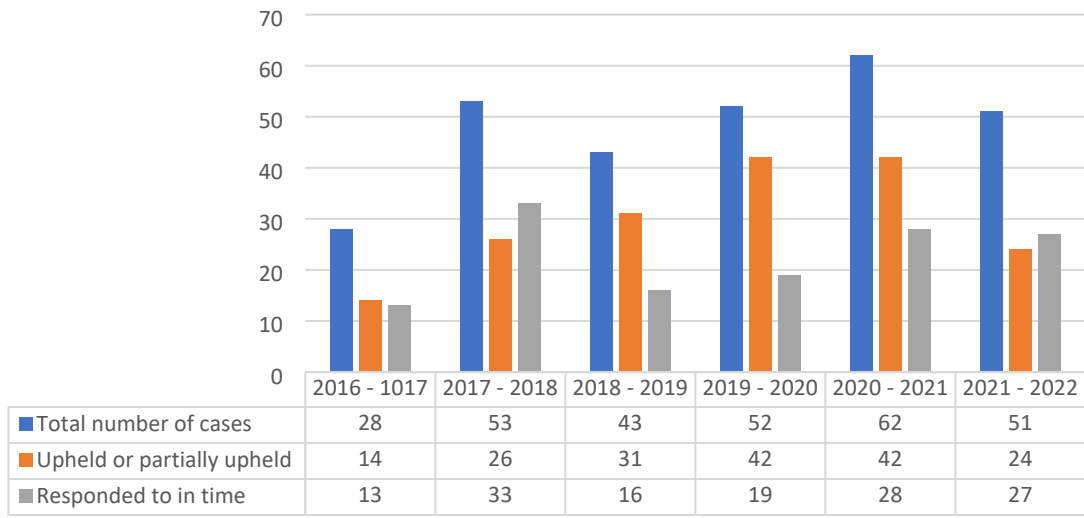
Corporate Complaints

In 2021-2022, the Complaints Team received 51 complaints regarding children’s services that were dealt with through the corporate complaint channel.

The indicators are positive as the data comparisons with the previous year show:

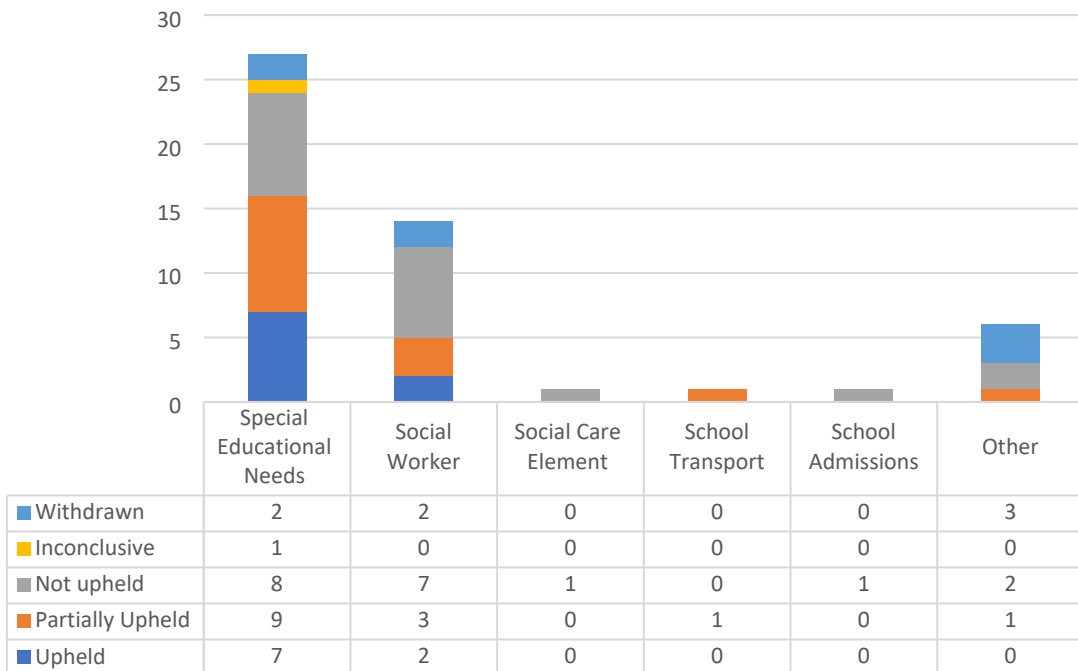
- A reduction in the number of complaints received (18% decrease in number of complaints)
- Proportionally less complaints being assigned an upheld or partially upheld outcome. (43% decrease in number of complaints fully or partially upholding)
- An increase in the percentage of complaints being responded to in time. (In 2021-2022 47% of complaint were answered in time, compared with 45% in 2020 -2021).

Snapshot of complaint outcomes/performance by year

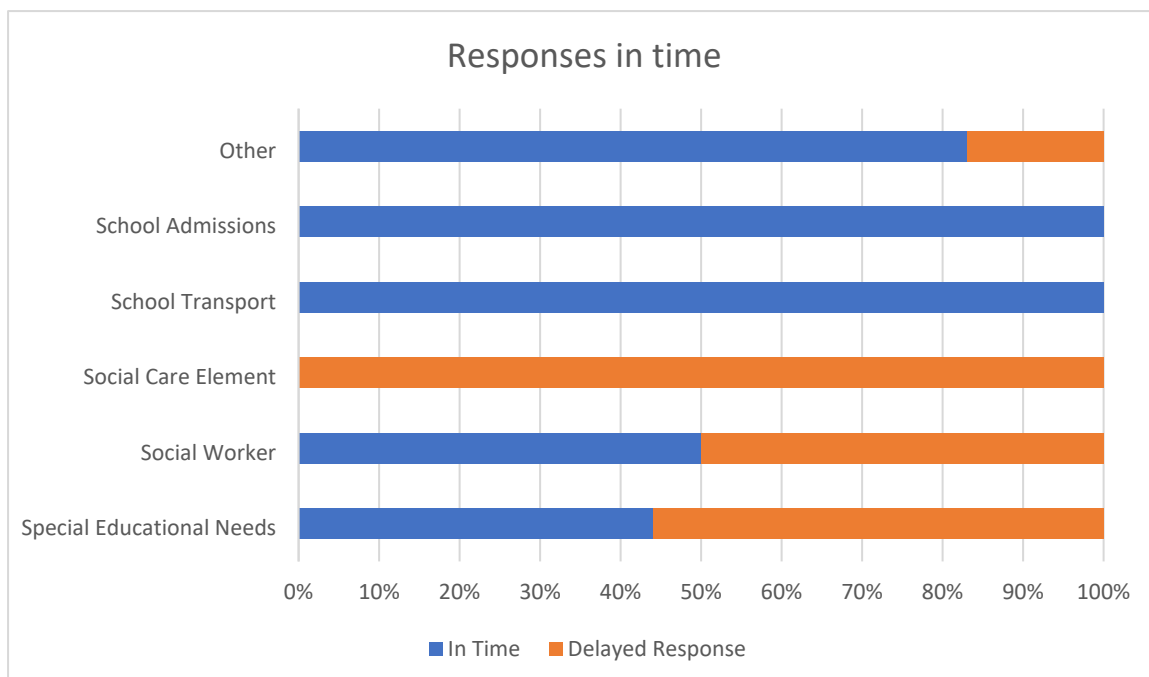


■ Total number of cases ■ Upheld or partially upheld ■ Responded to in time

Corporate Complaints by Team and Outcome



■ Upheld ■ Partially Upheld ■ Not upheld ■ Inconclusive ■ Withdrawn



Compliments

The council encourages all types of spontaneous feedback from those using its services. Children, Schools and Families received 15 compliments in the year 20221-2022, highlighting good practice and individuals who have gone above and beyond.

Team	Compliment
Child Protection	<i>"My first contact with _____ was not long after our Mum and brother passed away 3 years ago.</i>

_____ has always done her best for my brother and sister despite having what I imagine is a huge workload.

_____ has always done her best for my brother and sister despite having what I imagine is a huge workload.

She always returned my calls and emails and when she said she'd chase something up or find out more information she always did.

_____ and I had a good relationship and we both want the best for my siblings. I'm so grateful for _____'s help with their relocation specifically as this was a huge undertaking and _____ did her best to support us with this and in particular was keen to take on some responsibility for certain things during the process to help me so I could concentrate on other aspects of the move.

_____ went above and beyond for us and in what sometimes was a fairly difficult situation, she still maintained her involvement and support throughout.

Now that my siblings have relocated we will still keep in touch with _____, so they can tell her all about their new lives.

October 2021

Family & Adolescent	<i>"I just wanted to extend my compliments for the hard work undertaken by _____ and _____ during the course of their very new involvement with the _____ Family. We were able to step down at RCPC today, and the family were very complimentary about _____'s work with them and her ability to engage with the children in the way she has."</i>
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May 2021

"Good afternoon, _____. Was just calling to say thank you. It feels like all the assistance you have given to _____ and to us is paying off well. We do hope to see it continue, and we're always ready to support which ever way we can. Thanks again"

June 2021

I just wanted to acknowledge that having _____ on board makes my life easy!

It is refreshing to see professionalism and a calm and logical approach to situations that present themselves.

I have attended two CIN meetings over the last 2 days with VERY different families and complexities, but I am impressed but such a levelheaded and calm approach.

We don't often take the time to acknowledge or inform each other of what we think of them and their work and I believe _____ has already used the word 'invaluable' to describe the work and support that is provided.

I cannot think of a word to surpass that!

October 2021

_____ 's mother was complimentary about the service she received from you. I would like to share her views which were as follows:

- Initially my idea of the support I needed was different to what I received. I was unhappy with the school's negativity on occasions, but the social worker was amazing and I was happy with the service I received.*
- Jennifer was brilliant! I could contact her whenever I needed to and if she was not available, she would always get back to me.*
- She made things clear and made me aware of things I did not even know we were entitled to. I did not feel alone and I felt I was able to pick up the phone and talk to her.*
- She really was good and the best out of all the social worker's I have dealt with. No, I do not think that there could have been anything further which could have been done to improve things in our case.*
- She made a difference. She knew what she was doing. This is what I needed, at a time when my husband and I went through a difficult period and separated. I needed this for my own mental health.*

February 2022

"Hi _____

I hope you are well.

Many thanks for the completion of the SW report for _____'s First CLA.

I would like to complement you for the hard and quality work so far with _____ . Also for the comprehensive , thorough and reflective report written in a child/YP friendly way. The report was completed a few days prior the CLA meeting which is great and your manager signed it off. Thanks both."

March 2022

LAC

"_____ recently had an interview for a part time management position in a Covid testing facility. _____ supported him to prepare for the interview and he was provided with financial assistance by the 14+ team to buy a suit and get a haircut. He was successful in interview and has accepted the position. The company have also already indicated that they would like to keep him on once the current Covid contract ends as they have a position for him in events management. Glen has advised that he was very grateful for the support. He is an intelligent and motivated young man and is thriving with the support of his PA, _____ ."

May 2021

Safeguarding

"I am emailing in praise of a member of your team, _____. She has been working with the family of one of my students, _____.

I've been really impressed with how well Tanya formed a positive working relationship with the father, which we struggle with a lot. _____ and I spoke today and as she described the work she's been doing with the family, I was bowled over by how well she seems to have judged the situation and got the parents on board (particularly the father) and achieved what seem to be some phenomenal outcomes. Things seem much brighter for _____ as a result and I'm so pleased about that. I also really appreciated Tanya speaking with me today on her study day.

If I need to refer another young person to Merton, I sincerely hope I end up working with _____ again. I also hope this email helps with any appraisal process she may undergo - I can't speak highly enough of the approach she has taken in this case and the work she has done."

August 2021

Special
Educational
Needs

"Many thanks for providing such a detailed breakdown of the plan for CKM and costs involved with his education now and for September 2021. It is extremely helpful to see information passed on like this and in advance. It is unusual that we come across communication from a borough who retains administrative responsibility of one of LACs EHCP be so efficient."

May 2021

"I just wanted to feedback that we had a looked after review for the S family today and the family were grateful and complimentary about _____'s work with the family.

They found her intervention helpful, she communicated well with the family and they found her reliable, in that she followed up on things and did what she said she would do. It was clear the family felt well supported by _____.

_____ has worked hard with this family and I have also appreciated her good communication and her knowledge of the children and the family situation. Thank you so much for ringing earlier and for all you have done over the many years you have been case worker for _____ and _____. It really has made such a difference and you have made it all a much easier journey and are always so supportive and great communication. “

May 2021

“Thank you so much for ringing earlier and for all you have done over the many years you have been case worker for _____ and _____. It really has made such a difference and you have made it all a much easier journey and are always so supportive and great communication.”

September 2021

“You have been amazing. Thank you for all the help and support you have given us over the years. I really appreciate everything you have done. My family will miss you very much. You have been our tower of strength for us.”

October 2021

“I just wanted to email you to thank you for all of the help that you have given us in the past.

Absolutely gutted that you are not our case officer anymore but these things cannot be helped.

Just to let you know that I was at an NAS Merton meet up (made up of local mums) and someone asked me who our case worker was. When I said your name they replied that you are the best case worker in Merton. Just wanted to let you know that you are appreciated.

Thanks again for all of your previous help.”

December 2021

You are by far the most efficient caseworker we've worked with and we will miss you. Thanks for everything you have done this year and thanks for knowing the kids more than them being a piece of paper, it means a lot.

July 2021

Effectiveness of the complaint procedures

It has been established that no stage 2 complaints following the statutory procedures have been responded to within the statutory time limits. There have been issues with securing independent officers to carry out the investigations, and work carried out has been of varying standards. To rectify this issue the Complaints Team has engaged with RRC, a company who find, locate and train independent investigating officers specifically for the purpose of investigating statutory complaints.

With a wide database of officers available, they are able to quickly assign cases and reduce delays. It is hoped that this process will become a lot more efficient and effective as a result.

The role of the Adjudicating Officer has also been identified as an area of weakness in the stage 2 process, and therefore, training options are being looked at to provide managers with training to increase their confidence whilst acting in this role.

There has been an initial review of the complaint resolution service. As part of the review a number of high-level recommendations were made. These were:

1. A revision of the Complaints, Comments and Compliments Policy should be carried out
2. Improve access to the Complaint Service
3. Introduce a case management System
4. Additional staff resource for the Complaints Team
5. Support culture change in attitudes to complaints

1. A revision of the Complaints, Comments and Compliments Policy should be carried out

The Complaints Policy has been reviewed and further recommendations have been made to make the policy clearer. A new document has been drafted to sit alongside the policy with comprehensive complaint handling guidance to be made available to all staff. This high level recommendation will be finalised once some of the other recommendations have been completed.

2. Improve access to the Complaint Service

The Complaints Team has approached the council's Participation and Engagement manager to engage with Merton's Children in Care Council – called "Our Voice". Our Voice is a group of young care leavers who now engage with the council to input into services. Two questions were posed to the young people with respect to the complaints process:

1. How can we reach young people, so that they know there is a complaints process?
2. How would they want to contact us?

They came back with the following responses:

How can we reach young people, so they know there is a complaints process?

- Promoting the complaints through Jigsaw
- Having social workers/support staff inform them of the complaints process
- Having the complaints process advertised on care guide
- Having the complaints process made known in meetings like PEP meetings and reviews
- Having the complaints process on the bottom of forms
- Encourage feedback good or bad

How would they want to contact us?

- Being able to go straight to the person (complaints team) face to face (in civic)
- Phone, text, email, social media

- Go through Jigsaw
- Through the Merton website
- Other suggestions were
- Using online forms (One that gets emailed back to you so you have a copy of it)

Other suggestions were

- Using simple language in the complaint form
- Having set questions
- Having someone support/help with filing a complaint

The Complaints Team will now work with the wider Communications and IT teams to develop these suggestions.

3. Introduce a case management System

The Complaints Team are working with the IT team and Infosys to develop a Microsoft Dynamics based case management system. This project includes:

- A webform for submitting complaints – which will help us to capture the information required to fully investigate a complaint at the first point of contact, we will also request the characteristics of the complaint, which is a data set missing at present.
- The complaints form should be accessible across a range of devices such as mobiles, tablets, laptops and in hard copy.
- Improved reporting and tracking of complaints and resolutions
- Ability to link complaints to gain full picture.

4. Additional staff resource for the Complaints Team

A new, full-time, Complaints Officer has been recruited into the Complaints Team. All Complaints Officers will receive training in Children’s Statutory Complaints handling.

5. Support culture change in attitudes to complaints

The Complaints Team has done a huge amount of work to change its image within the Council, and to raise its profile as a support to residents and service teams.

The way in which complaints are received and acknowledged has been revised. Complainants now receive a document with a detailed summary of their complaint points. They are invited to check the complaint points and discuss any amendments prior to investigation.

Service teams now have clarity over the points to be investigated and have access to in person or video guidance to complete complaint responses.

All complaint responses are quality checked and sent out via the complaints team mailbox, which helps to prevent escalations.

Service Teams are encouraged to consider lessons to be learned through complaints.

The Complaints Team run Team Development Sessions every week, to which other services are invited to take part.

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