Annual Complaints Report
2014/2015

An annual review of complaints received by Children’s Social Care

London Borough of Waltham Forest
Families Directorate - Children and Families’ Services
Neighbourhoods and Commissioning Directorate – Complaints Team
<table>
<thead>
<tr>
<th>Table of Contents</th>
<th>Page Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Summary</td>
<td>3</td>
</tr>
<tr>
<td>Background – Statutory Complaints Procedure</td>
<td>5</td>
</tr>
<tr>
<td>Publicity and Information</td>
<td>7</td>
</tr>
<tr>
<td>Advocacy</td>
<td>7</td>
</tr>
<tr>
<td>Confidentiality</td>
<td>10</td>
</tr>
<tr>
<td>Listening to Service Users and learning from complaints</td>
<td>10</td>
</tr>
<tr>
<td>Managing the complaints process</td>
<td>10</td>
</tr>
<tr>
<td>Integrated Services</td>
<td>11</td>
</tr>
<tr>
<td>Compliments</td>
<td>12</td>
</tr>
<tr>
<td>Analysis of complaints</td>
<td>12</td>
</tr>
<tr>
<td>Improvements in 2014/15</td>
<td>23</td>
</tr>
<tr>
<td>Priorities for 2015/16</td>
<td>23</td>
</tr>
</tbody>
</table>
Executive Summary

It is a statutory requirement to produce an annual report about complaints made by, or on behalf of children and young people who receive support or services from Children’s Social Care.

This report provides an overview and analysis of all complaints received during the reporting period 1 April 2014 to 31 March 2015, including a summary of identified issues, examples of service improvement and details of objectives for 2015/16. Comparisons from the previous reporting period, i.e. from 1 April 2013 to 31 March 2014 (Financial Year 2013/14), have been included where available.

This report will be published on the Council’s website, and made available to managers and staff, elected members, residents and inspection bodies.

Graphical information regarding the volume and type of complaints for the period 1 April 2014 to 31 March 2015 can be found from page 12 onwards, from which the following key points are highlighted below.

- **Stage One Complaints**

  During the reporting period of 1 April 2014 to 31 March 2015, the Social Care Complaints Team recorded a total of 72 complaints relating to children’s social care, compared to 71 in the same reporting period in 2013/14.

  The majority of complaints received (63 - 87%) were resolved satisfactorily at the Local Resolution stage, i.e. Stage One of the statutory complaints process, during the reporting period, and did not progress to Stage Two. This compares to 65 (90%) in the previous reporting period of 2013/14, and represents a very small decrease of 3%.

  Nearly three-quarters of complaints (53 - 74%), were made by parents, carers or relatives of the children or young people. Of the 12 complaints made by the child or young person, 6 came via an advocate and 6 were received from the young person directly; this low number is due to informal complaint resolutions facilitated by Barnardo’s Children’s Rights Service (CRS), who contact managers directly to raise the young person’s concerns and resolve issues informally. This is identified as good practice and enables early resolution of problems.

  The Themes and Issues graph on page 9, show the areas that the CRS have dealt with over the reporting period; many of these could have become complaints had they not been resolved locally.

  Of the Stage One responses received during the reporting period, 54% were responded to within agreed timescales, compared to 51% for the same reporting period last year. This represents a small increase of 3% in comparison to last year.

  **Improvement action:**
  During the second half of the reporting period, in order to address the increase in the number of overdue cases, the Social Care Complaints Team has been
working in partnership with the service area to ensure that there is an escalation process in place whereby all due and overdue cases are referred to the relevant Head of Service, the Divisional Director and the Deputy Chief Executive, Families Directorate, so that they can ensure timescales are adhered to. This is done on a weekly basis.

Of the cases responded to at Stage One, 25 (35%) were upheld or partially upheld during the reporting period 2014/15, compared to 18 (25%) in the previous reporting year 2013/14. This means that there has been a 10% increase in the number of complaints found to be justified and requiring remedy.

- **Stage Two Complaints**

Of the 72 complaints recorded during the reporting period, 9 (13%) complaints progressed to Stage Two; however, one complaint was withdrawn half way through the investigation process. Therefore, 8 (11%) complaints were investigated or are still under investigation at Stage Two. This is the same number in comparison to the same period in 2013/14.

None of the complaints that escalated to Stage Two were responded to within the 25 working day timescale. This was due to the complex nature of the complaints and the need to consult fully with all relevant parties.

**Action Point:**

It is recognised that there is room for improvement in this area and the Social Care Complaints Team will continue to work closely with the independent investigating teams in a concerted effort to improve the time taken to investigate the complaint, so that it leaves adequate time for the service to respond to the complaints with their adjudication.

- **Stage Three Complaints**

No complaints escalated to the Stage Three Review Panel stage of the complaints procedure during the reporting period. Four panels were held during the reporting period where the complaint had originated in 2013/2014.

- **Escalation to the Local Government Ombudsman (LGO)**

A complainant can contact the Local Government Ombudsman (LGO), at any point during the complaints process. During the reporting period 2014/15, 10 complaints were considered by the LGO; of these 7 complaints were investigated and 3 closed without further enquiry.

Six complaints were upheld by the LGO, 4 were not upheld. See the table on page 18 for full details. Of the complaints upheld, £500 was paid out in compensation.
Background – Statutory Complaints Procedure

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.

The Social Care Complaints Team 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 fundamental key principles that underpin Waltham Forest’s Children’s Social Care complaints procedure are:

- Ensuring that complaints are managed effectively at all stages of the procedure by having clear and straightforward systems in place to capture complaints and that these processes are readily accessible to all service users, and
- Ensuring decisions are taken as quickly as possible and where fault is found, lessons are learnt which are then fed back into service improvements.

The statutory children’s social care complaints procedure has three distinct stages which aim to resolve complaints and address representations as soon as reasonably practicable, and within specific timescales. These stages are described as follows.

- **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, which can be extended to 20 working days for more complex cases.

- **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 team, the Divisional Director, Children’s Social Care, provides a written response to the complainant setting out the findings and conclusions.

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 appointed by the Social Care Complaints Manager.

The panel considers the complaint and makes recommendations for the consideration of the Deputy Chief Executive for Families, who will 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:

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

Four panel meetings were held during the reporting period; these were carried forward from complaints received in 2013/14. Three of the four panels were held within the required timescale. One was out of time due to the attendees availability over the Summer holiday period.

- **Local Government Ombudsman (LGO) stage**

If a complainant remains dissatisfied after exhausting all three stages of the statutory complaints process they can take their complaint to the LGO.

A complainant can access the LGO at any point but the LGO normally provides the Local Authority with the opportunity to process the complaint through all stages of the statutory procedure before dealing with the complaint.

The timescales for responding to the LGO’s enquiries are set by the LGO and the Council is required to adhere to them. All responses to the LGO were sent to them within the give timescale.
In their publication *CYP Issues*, the LGO highlighted a number of cases that they investigated in relation to complaints about other councils; they identified the main issues as being:

- Fragmented and reactive responses as a parent would
- Follow the Code and protect the child’s welfare
- Finding the best solution for the children
- Keeping parents informed when their child is ‘in need’

Publicity and Information

To encourage and facilitate easy access to the complaints process, publicity and information relating to the complaints process continues to be widely publicised and provided routinely in several formats. This includes providing information in community languages and accessible formats (available on request) which adhere to the Council’s Equal Opportunities Statement. This information is made available through:

- The Council’s website
- Leaflets with a pre-paid slip that can be completed and posted back free of charge in all residential units and public areas of Social Care offices
- Posters in all residential units and public areas of all Social Care offices
- Speaking to their Social worker
- Speaking to the Barnardo’s Children’s Rights Service
- Speaking to the Social Care Complaints Team who can provide additional or more detailed advice and support as requested.
- Speaking to the Independent Reviewing Officer during or after Reviews

In addition, when children and young people are admitted into Local Authority care, as part of the 28-day review meeting, information, leaflets and other guidance on how to make a complaint are included in the ‘Welcome Pack’.

Advocacy

Advocacy in its broader sense is about empowering children and young people to make sure that their rights are respected and that their views and wishes are fully considered and reflected in decision-making about their own lives.

Although the role of advocacy is not limited to assisting children or young people when they wish to make a complaint, the purpose of an advocate in the complaints procedure is to ensure that children and young people’s interests are promoted effectively by a personal champion.

To support this process, Waltham Forest Council has commissioned Barnardo’s Children’s Rights Service (CRS) to provide an advocacy support service to all looked after children, care leavers, and children and young people with disabilities. The provision of the advocacy service encourages young people to have their voices heard and their issues discussed at the point of service delivery rather than
progressing to a complaint. They also provide an Independent Visitors service to Waltham Forest.

National consultations with young people have shown that young people do not necessarily want to make complaints, but want to have their issues resolved.

In total, the Children’s Rights Service has provided services to 339 children and young people in 2014/15. The full details of Children’s Rights Service performance and outcome data for the year 2014/15 can be found in their Annual Service Report. A snapshot of their provision to Waltham Forest is as follows:

**Total number of service users and cases in Waltham Forest**

![Graph showing number of service users and cases in Waltham Forest]

**Location of service users**

![Pie chart showing location of service users]

- In borough: 60.50%
- Out of borough: 17.11%
- Out of London: 22.40%
In Waltham Forest, the CRS found a higher proportion of young people who are placed in borough utilising their advocacy service. This may be a reflection of CRS’ presence in the local authority as well as the local community, along with our history of participation services in the borough. As well as this, their office is based in the borough thus making it easier for local children and young people to access and be aware of the presence of the service.

Themes and issues

Parents and carers may also require an advocate to support them through the complaint process; details of relevant agencies are provided in the complaints leaflet and in the Children Services Directory at: http://walthamforest.childrensservicedirectory.org.uk/kb5/walthamforest/fsd/home.page

Further advice and information is provided to the complainant by the Social Care Complaints Team.
Confidentiality

The Council recognises every complainant’s right to confidentiality, requiring adherence to the following principles:

- Information given by the complainant must only be used for the purpose intended;
- Information should only be shared between agencies on a need to know basis;
- Information about the complaint and the complainant should be recorded only where it contributes to the resolution of the complaint;
- Information used for monitoring, review and analysis purposes should never be presented in a way that identifies individual complainants;
- Personal data is protected under the Data Protection Act 1998, and service users have a right to see the information the directorate holds on them.

Listening to Service Users and learning from complaints

Children’s Social Care considers outcomes from complaints as valuable lessons. To improve service quality, managers responding to complaints/representations are encouraged to identify any areas for improvement within the service and to inform the complainant of actions which will be taken to prevent a recurrence of the event which led to the complaint.

All resolution and actions ensuing from complaint investigations are assigned to the responsible manager and progress against those actions is monitored by both the service area and the Social Care Complaints Team over the course of the year.

Examples of identified learning that have led to changes in procedures following complaint investigations during 2014/15 are detailed below:

- The foster carers handbook was revised and updated to include more information relating to the assessment of back-up carers and household reviews
- Children and young people Looked After or subject to a Child Protection enquiry are routinely given information about the complaint procedure and their right to speak to an advocate.
- Parents/carers are given leaflets about the child protection process and kept regularly informed about developments and timescales.

Managing the complaints process

Both Children’s and Adults Social Care Complaints Services are managed by the Neighbourhoods and Commissioning Directorate, on behalf of the Families Directorate. The Social Care Complaints Team consists of a Complaints Manager and Complaints Officer. The Team is responsible for the administration and management of both the adults and children’s statutory social care complaints process.
External consultants are commissioned to investigate Stage Two complaints, and sit on Stage Three Review Panels.

During the reporting year, nearly £17,000 was spent on using external consultants; of this £12,400 was in respect of complaints that originated in 2013/14, and £4,500 for complaints in 2014/15. However, as all the investigations have not been completed, the total amount for this reporting period cannot be shown at present.

In 2014/15, the Social Care Complaints Team undertook a tendering exercise to recruit consultants in to a pool of independent investigators/Independent people. This means that a formal procurement process is now in place, based on cost and quality in order to widen competition for the work.

London Complaints Managers Group

The Social Care Complaints Manager is a member of the London Complaints Managers Group. The aim of this regional group, which meets quarterly, is to provide a forum in which peer professionals can discuss and learn about regional and national issues. This forum provides opportunities to develop local practice standards; discuss performance and resolve issues. The group also discusses proposed changes to legislation and procedures and prepare consultation responses where necessary.

Training and Development

A comprehensive e-learning complaint training package is available to all staff, which can be accessed remotely through the Council’s Website. The Social Care Complaints Team is available to support and advise staff; to ensure that best practice is followed during a complaints investigation; and to provide targeted training with individual members of staff and managers on request. In addition, new complaints handling procedures and processes have been introduced and made available on the staff intranet.

Improvement action:

The Social Care Complaints Team will provide complaints workshops for managers, to ensure that that are familiar with the new complaints procedure and processes.

Integrated Services

Many of Waltham Forest’s health and social care services are provided in partnership with health agencies within the borough, primarily; the North East London NHS Foundation Trust, Barts Health NHS Trust and the Waltham Forest Clinical Commissioning Group.

Complaints processes are provided and managed separately by each agency, and performance in this report is specifically about the Waltham Forest Council aspect of complaints procedure.
Compliments

Many compliments are delivered verbally and are not easily captured for reporting purposes. However, where staff have done an exceptionally good piece of work or provided an excellent service, some parents and carers have sent in a written compliment to that worker or team.

During this reporting period, 10 compliments were received; a snapshot of these is outlined below:

- …we appreciate the way you have been forthcoming in providing us with information, and responded timely to our emails and questions. We strongly felt your commitment towards us, and we have been very impressed at how you avidly advocated on our behalf…

- …my experience of dealings with social care had not been a good one… there had been a “massive shift” and a “huge improvement” in terms of the feedback, engagement, availability and responsively of Children’s Social Care…

- …many thanks for all your hard work on this case, which has been a difficult and complex matter… it’s been a real pleasure working with you…

- …they treat me and my daughter with respect in a positive and reassuring manner; they were professional and fantastic in their duty…

- …you are an excellent social worker and it is a pleasure to work with you. I can see and feel that the children are at the heart of what you do…

Analysis of complaints

The following sections of this review provide statistical information on the number of statutory cases recorded and actioned; the performance against statutory timescales for handling complaints and complaint trends between the reporting period to date, and the same period the previous reporting year 2013/14.

This year we have condensed the number of reasons why people have made a complaint; so that we report on the same categories in line with other directorates across the Council. Therefore, there may be a slight difference in last year’s totals shown in this report, because two or three categories have been condensed into one.

During the reporting period 1 April 2014 to 31 March 2015, the Social Care Complaints Team recorded a total of 72 complaints, compared to 71 in the same reporting period in 2013/14.
The following chart shows the reasons for making a complaint during the reporting period, compared with the previous year 2013/14.

Just over three quarters of complaints (78%) relate to one of the following three reasons:

- Disagreements with Quality has been the greatest cause of complaint 24 (33%), this is up from 6 (8%) in 2013/14
- There was a drop in the number of complaints about Policy and Decision making 22 (31%), down from 23 (32%) in the previous year.
- There were also fewer Staff Attitude complaints 15 (21%), down from 18 (25%) last year.

The following chart sets out information about who accessed the statutory procedure during the reporting period.

Nearly three-quarters of complaints, 53 (74%), were made by parents, carers or relatives of the child or young person. Of the 12 complaints made by the child or
The following chart sets out the total number of complaints requiring a response by each service area during the reporting period and the number responded to within timescale:

The complaints received in the reporting period were allocated as follows:
• The Safeguarding and Family Support Services, includes the Referral and Assessment and Disabled Childrens teams.

• Placement and Resources Service, includes the Fostering and Adoption Team

The following chart shows the channel used to contact the council regarding making a complaint during the reporting period, compared with the previous year 2014/15.

As complaint issues are increasing in complexity, it is noted that the preferred method of communication for complaint referrals is by email, 31 (43%) in this reporting period, compared to 13 (18%) in 2013/14. This represents a 58% increase on those who contacted us by email last year.

Letter is the second most preferred contact method with 16 (22%) of complainants using this; although there has been a sharp decline in favour of using email.

The use of the contact card has also decreased, and was used by 13% of complainants, compared to 25% last year.
The following chart shows the number of cases that were escalated at each stage of the Complaints Process during the reporting period, compared with the previous year 2013/14.

Nearly all complaints received 63 (87%) were resolved at the Local Resolution stage, i.e. Stage One of the statutory complaints process, during the reporting period, and did not progress to Stage Two. This compares to 65 (90%) in the previous reporting period of 2013/14, and represents a decrease of 3%.

It should be noted that the LGO complaints received in this reporting period relate to complaints originally made in 2013/14. As complainants can contact the Local Government at any time, not all of these complaints went through all stages of the complaints procedure.
The following table shows the reasons for making a complaint during the reporting period and the outcomes at each stage of the complaints procedure.

<table>
<thead>
<tr>
<th>Trend</th>
<th>No of Complaints</th>
<th>Upheld</th>
<th>Partially Upheld</th>
<th>Not Upheld</th>
<th>Awaiting response</th>
<th>% of Complaints Upheld and Partially Upheld</th>
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<tbody>
<tr>
<td><strong>Stage One Complaints</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Policy and Decision</td>
<td>22</td>
<td>1</td>
<td>3</td>
<td>18</td>
<td>0</td>
<td>18%</td>
</tr>
<tr>
<td>Staff Attitude</td>
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<td>4</td>
<td>11</td>
<td>0</td>
<td>27%</td>
</tr>
<tr>
<td>Poor Quality</td>
<td>24</td>
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<td>4</td>
<td>15</td>
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</tr>
<tr>
<td>No Provision</td>
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<td>0</td>
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<td>0</td>
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</tr>
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</tr>
<tr>
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<tr>
<td><strong>Total</strong></td>
<td>72</td>
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<td>1</td>
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<td>Staff Attitude</td>
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<td>0</td>
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<td></td>
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<td><strong>Stage Three Complaints</strong></td>
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</tr>
<tr>
<td><strong>Total</strong></td>
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<td><strong>0</strong></td>
<td><strong>0</strong></td>
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<td><strong>4</strong></td>
<td><strong>1</strong></td>
<td><strong>50%</strong></td>
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The following chart shows the number of complaints responded to within timescale per quarter.
Of the Stage One responses received between 1 April to 31 March 2015; there was a 3% increase in the overall response time between 2013/14 and 2014/15, 54% were responded to within agreed timescales, compared to 51% for the same reporting period in 2013/14.

It should be noted that the regulations allow for complex cases to be responded to using the 20 working days extended timescale. However, we measure performance against the 10 working days timescale, unless the complaint is agreed as being complex when it is allocated for investigation.

This year, there was a 14% increase in the number of complaints responded to within 10 working days; 49% of response, as opposed to 35% in the previous reporting year.

In order to improve the response times further, the Social Care Complaints Team has introduced an escalation process whereby all due and outstanding complaints are escalated to the relevant Heads of Service, the Divisional Director and the Director for Families. This is done on a weekly basis. In addition Managers and members of staff receive reminders of the importance of responding to complaints within timescale.

In a recent report called ‘Are we getting the best from children’s social care complaints?’, the Local Government Ombudsman states ‘Don't delay - The statutory
timescales are designed to ensure complaints are handled effectively, fairly and swiftly throughout the process’.

They go on to say ‘We also receive complaints from people frustrated by delays, often finding the path through the statutory process to be littered with obstacles, coming to us hoping to find a swifter and simpler resolution’.

The following chart shows the outcome of Stage One Complaints received during the reporting period, compared with the previous year 2013/14.

Of the cases responded at Stage One, 25 (38%) were upheld/partially upheld in the reporting period, compared to 20 (28%) in the previous reporting year 2013/14.

With regards to those complaints that were upheld, the service offered apologies and advised the service users of any actions that would be taken to prevent the incident that led to their complaint from recurring.
Child Protection – safeguarding, plans and conferences

The majority of complaints in relation to child protection were primarily around communication with their allocated worker or about information written about them that they felt misrepresented their views.

The chart below shows Children’s Social Care involvement with the child of the complainant during the reporting period

41 (57%) of the complaints received in this reporting period were in relation to safeguarding and family support. This includes cases where at the time of the complaint, the child may have initially been subject to a Child Protection Plan, but subsequently became subject to a Child In Need Plan. For many complainants the child protection enquiry is the first contact that they may have had with ‘Children’s Social Care’, so they initially refer to the information leaflets that they are given, which state:

‘The law also says that Children’s Social Services must work with parents and carers and keep them involved with what is happening’.

When they feel that they are not kept informed regularly or fully involved in what is happening with their child; they use the appropriate mechanisms to raise this.
It is acknowledged that a child protection enquiry can be upsetting and difficult for parents/carers to come to terms with, especially if they are the subject of any allegations. The snapshot below is representative of the majority of the issues raised in complaints to child protection procedures.

For example, some complainants expressed dissatisfaction about the child protection investigation, poor communication, and the attitude of the social worker all in one complaint.

It is evident that when concerns are not dealt with at the time the issue is raised, this causes frustration which leads to a greater level of dissatisfaction. An example of this is when telephone calls and messages are not returned, complainants feel that they are being ignored and they cannot find out what is happening.

Children in Care

The Children in Care Service is primarily split between two types of service users; those who are in care (Looked After Children) and those who have left care (Care Leavers). During the reporting period, 16 (22%) complaints were received compared to 19 (27%) in 2013/14; this amounts to a 5% decrease.

The chart below shows which group of young people complained about the Children in Care Service during this reporting period compared to 2013/14.

Only 3 complaints came from the Looked After Child themselves; the majority (14) came from a parent or other relative. Whereas 3 of the 8 complaints regarding leaving care services came for the actual care leaver.
As alluded to early in this report, the low number of complaints received directly from children in care or their advocates, could be partially due to informal complaint resolutions facilitated by Barnardo’s CRS, who contact managers directly to raise the young person’s concerns and resolve issues informally; this is identified as good practice and enables early resolution of problems.

The chart below shows what Looked After Children and Care Leavers complained about in the Children in Care Service in the period compared to 2013/14.

![Bar chart showing complaints]

The main issues raised in relation to the above complaints can be expressed as:

- Dissatisfaction about the lack of leaving care support around housing, finance and education.
- Birth parents feeling unfairly treated by social workers in respect of not providing regular communication about their children.
- Lack of regular contact sessions being set up, while some were cancelled at short notice.
- Young people’s requests to move to more suitable accommodation were not supported.
- Parents felt that they were not being listened to once their children went into foster care.
Improvements in 2014/15

- Either the Heads of Service or the Social Care Complaints Team quality check all Stage One responses before they are sent to complainants, to ensure that they meet the required standards.

- The Social Care Complaints Team developed new Quarterly Complaints Reports which were presented to the Children and Families Management Team and disseminated to Service Managers directly. These provide consistent access to complaints information and can be used as the basis for discussion and training, and allow for more timely action to be taken.

- The Children in Care Team set up an email address, whereby Looked After Children can email the Director of Children’s Social Care directly with any concerns they may have.

Priorities for 2015/16

- In the coming year, through targeted work between social work staff and Barnardo’s Children’s Rights Service, we aim to look at ways we can reach more children and young people, especially those who are in out of borough placements and children with disabilities. This will done so that children and young people can feel fully engaged in service provision and know how to voice their wishes and feelings.

- The Social Care Complaints Team will provide complaints workshops for managers, to ensure that that are familiar with the new complaints procedure and processes, and better logging of complaints.

- The Social Care Complaints team will continue to work with the service to increase the response time to stage one complaints.