

# **Children and Families Services Annual Complaints and Representations**

**Performance Report: 2020/2021**



Essex County Council

# Children and Families Services Annual Complaints and Representations

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# 1. Summary Headlines

## Complaints in 2020/21

In 2020/21 a total of 87 cases were considered through the Children Act Statutory Complaints process with the following outcomes:

- 6 Upheld
  - 2 Assessments, 1 Quality of Care, 2 Staff Conduct, 1 Finance
- 65 Not Upheld
- 13 Partially Upheld
  - 3 Quality of Care, 5 Staff Conduct, 4 Assessments, 1 Finance
- 1 Withdrawn
- 2 cases unable to consider for following reasons:
  - Matter resolved at first point of contact
  - Concerns raised addressed through the Member Enquiry process

## Compliments in 2020/21

### Compliments for 2020/2021 showing comparison for 2019/2020:

| 2019/20 | 2020/21 | % variance   |
|---------|---------|--------------|
| 139     | 183     | 31% increase |

### Summary of outcomes for 2020/21 and comparisons for 2019/20:

| Case Outcome        | Total<br>19/20 | % of Total<br>19/20 | Total<br>20/21 | % of Total<br>20/21 |
|---------------------|----------------|---------------------|----------------|---------------------|
| Not Upheld          | 38             | 42.85%              | 65             | 74.71%              |
| Partially upheld    | 15             | 17.85%              | 13             | 14.94%              |
| Upheld              | 19             | 25%                 | 6              | 6.89%               |
| No Case Outcome     | 10             | 11.90%              | 2              | 2.29%               |
| Withdrawn           | 2              | 2.3%                | 1              | 1.14%               |
| Non ECC             | 0              | 0%                  | 0              | 0                   |
| <b>Grand Total:</b> | <b>84</b>      | <b>100%</b>         | <b>87</b>      | <b>100%</b>         |

## Summary of Children Statutory Stage 1 Upheld Cases 2020/2021:

| Team:   | Issue:  | Outcome Decision:  |
|---|---|--|
| Children in Care South                            | Issue raised by young person stating been in care for 22 months and during that time had 4 different social workers, all of which let her down and did not do what they said they would do.                           | It was acknowledged that there was a lack of consistency in respect of the young person's allocated social workers and explanations provided i.e. 2 decided to leave the authority for health reasons and 1 was only allocated at the initial assessment stage. Review of records also confirmed that she had not been visited regularly enough by the social worker. Apologies given and offer to meet Children in Care Team Manager to talk through concerns |
| Family Hub North                                  | Aunt unhappy with lack of support from social care and family hub, feels pushed from team to team with no help given to aid nephews' living situation.  | After reviewing the child's records and speaking to the complainant, the service opened a contact and sent it across to Special Guardianship Order connected persons team, to support her with her nephews. Complainant thanked service and was happy with outcome.  |
| Children in Care North                            | Customer states that her sister's children came into her care, but she has had problems getting money from social care, left her in debt and why were children left with their mother so long                         | Apology given for the delay in sending outstanding payments to customer and advised that it is always a preference to keep the children with family until no longer safe.  |
| Children and Young People with disabilities West  | Customer states family require additional support which they have recently been turned down for despite child's complex needs   | Customer advised that the service would agree the additional support due to delays and additional pressures due to COVID. Customer informed that the current agreed support may change once assessments completed.   |
| Children and Young People with disabilities South | Young person states social worker was making comments about the way she looked to her mum and nan   | Social worker apologised to her in person and followed this up in a telephone call. Team manager also asked her if she would like this apology in writing, which she declined  |
| Adoption  | Customer states unhappy with the post adoption support, frequent changes in social worker, inappropriate conversation with the children who are already sensitive, leaving them in a bad way and upset after meetings | Service agreed that there had been failures and lessons had been learnt. Matter discussed with team managers and social workers involved to prevent instances occurring again.   |

**During 2020/2021 there were no escalations to Stage 2/3 of the statutory complaints process**

## **What we did well:**

- During COVID lockdown proactively adapted usual working practices to minimise the number of cases progressed to allow frontline teams to focus on delivery of key services
- Undertaken continuous improvement initiatives to reduce avoidable general enquiries by providing relevant information online at point of enquiry
- Tracking complaints effectively through to completion
- Acting swiftly on any identified failings by offering suitable solutions
- Implementing any necessary improvements to prevent recurrence
- Proactive in aiming to resolve matters at first point of contact
- Guidance and support provided by Compliance and Complaints to operational services throughout the complaint process.
- Capturing learning from complaints and implementing any necessary improvements.
- Recognising individual needs, handling issues sensitively and treating everyone respectfully.
- Managing customers' expectations by meeting response deadlines and keeping customers fully updated throughout the complaints process.

## **What do we need to improve?**

- Additional effective complaint handling training programmes to be devised and delivered to key people involved in complaint handling
- Findings from root cause analysis sessions to be shared on a regular basis with Children and Families highlighting failings and recommended actions for improvements
- Additional monitoring of trends to identify specific repetitive problems and share findings on a regular basis with Children and Families
- Compliance and Complaints to further highlight to Children and Families their service offer to ensure they are fully aware of the support they can receive when handling complaints

## **Purpose of the Report:**

The purpose of the Annual Report is to review the operation of the complaints process over a twelve month period, including statistical data, and to provide the local authority with the means by which it keeps itself informed about complaint themes and how effective its current arrangements are for handling customer complaints. It offers an analysis of what the information obtained from the operation of the complaints process means for the Council.

This report has been produced by Essex County Council's (ECC) Compliance and Complaints Team in order to meet this statutory requirement, to be published on the Council's website alongside ECC's policy and procedural guidance referring to complaints, representation, compliments and comments for Children and Families Services.

## **Period covered and data**

This report focuses on Children and Families complaints, compliments, enquiries, and comments received for the period 1 April 2020 to the 31 March 2021. The report makes extensive use throughout of data available from the Case and Complaint Management System which is used by the Customer Service Compliance and Complaints Team to record and manage all statutory social care complaints and feedback received by the Team, as well as insight and learning from operational services. The statistical information presented within this report can be verified by reference to this database and is based on the date received. All percentages and costs are rounded to the nearest whole number.

### **Terms:**

The term 'representations' is applied to:

**Comments:** neutral observations and suggestions

**Compliments:** positive comments, praise, and thanks

**Complaints:** expressions of dissatisfaction, seeking a remedy.

## **Complaints process:**

ECC Children and Families is subject to two representations procedures.

### **1. ECC Corporate Complaints**

This is the voluntary ECC complaints procedure, which is referred to as the ECC corporate procedure. The whole directorate, and indeed the whole authority, is subject to this procedure, which provides for any customer or service user making a representation about any aspect of the operation of the directorate.

### **2. Statutory Social Care Complaints**

Children and Families also operates a statutory procedure that relates to a specific range of its activity related to Social Care services provided under The Children Act 1989 and associated legislation. This procedure provides for representations made by or on behalf of any child or young person who may be entitled to receive a service, by or on behalf of a parent or carer of such a child or young person, and by any other person who is deemed to have sufficient interest in the welfare of the child or young person to warrant inclusion in this procedure. This is referred to as the Children Act procedure. Representations that are eligible for consideration under this procedure may not be handled under the ECC corporate procedure.

In addition, there are procedures for dealing with concerns and complaints about schools. This is different from the above procedures in that, whereas there is no statutory basis for local authorities to handle such complaints, there is an expectation from the Department for Education (DfE) and from parents, carers and the general public that the authority will advise on how to seek resolution

Since complaints against schools are not normally also complaints against the Authority, they are recorded but not reported corporately in the same way as complaints against the authority itself. For this reason, no data on such complaints is included in this report.

Children Act complaints from or relating to children and young people or their representatives are managed through the three staged statutory process. Non statutory complaints from or relating to children and young people are managed through Essex County Council's corporate complaints procedure.

The revised complaints leaflet 'Make Your Voice Heard' specifically for children and young people, their parents, carers are available through various routes, these include online, through social workers, the Rethink Essex Advocacy, and Independent Reviewing Officers. This leaflet is also available in an online format which can be printed and sent to anyone unable to access online facilities. This and further information relating to comments, compliments and complaints, Advocacy and the associated processes is available online.

Complaints and Representations procedures are provided in several formats aimed to facilitate easy access to the complaints process.

Complaints and Representations may also be raised by children and young people or from customers about issues that relate to children and young people by contacting a County Councilor or a Member of Parliament; these enquiries are managed through the Member Enquiries service.

*(Full details of the complaints process can be found in Appendix1)*



## 2. Introduction

### **Background:**

Local Authorities are legally required (Children Act 1989, as amended) to have a system in place for receiving representations by, or on behalf of, children and young people who use the social care services they provide or commission.

Representations are defined as comments, compliments and complaints.

The Children Act 1989 places a duty on all Councils to establish and publicise a procedure for the consideration of representations and complaints made to them about the services provided to them under the Act.

The Act also requires that local authorities responsible for Children and Families Services are produce and publish an annual report on the statutory complaints and representations procedures.

Some complaints received do not meet the criteria to be dealt with under the statutory process. When this is the case, these are registered under the Council's corporate complaints procedure. The arrangements for handling these complaints are different from the statutory process in terms of timescales and the independence of the people who investigate and review the complaints.

In order to contextualise the Children's Act complaints (CA), some information relating to non-statutory complaints, compliments and comments have been included in this report.

### **3. Executive summary**

This report focuses on Children and Families complaints, compliments, enquiries and comments received for the period 1 April 2020 to the 31 March 2021. The report makes extensive use throughout of data, feedback received, as well as insight and learning from operational services.

During the period 1 April 2020 to 31 March 2021 87 Children Act complaints were received and considered under the statutory complaints process, which is in line with 84 for previous period 2019/2020. During 2020/2021 no cases escalated to Stage 2.

32% of statutory stage 1 complaints were responded to within 10 working days, with 38% within 20 working days being the maximum timescale allowed for a stage 1 complaint. 30% were responded to in excess of 20 working days which is recognised as being a direct result of the extreme pressures being experienced by operational services delivering additional community support due to the COVID pandemic.

Whenever timeframes are likely to be exceeded to manage expectations the Compliance and Complaints team will ensure the complainant is updated accordingly and provided with an achievable response time.

The longest working day to resolve was 127 days in connection with Special Guardianship Order funding, although the customer was updated throughout the process. This was not reflective of a typical customer journey as this was an extremely complex case which also coincided with operational services involved in COVID emergency action planning.

Representations received were mainly made by parents, grandparents, other relatives or foster carers on behalf of children and young people. 4 complaints were received direct from the young person, with 2 received via legal representation acting on the young person's behalf, 1 from Essex Advocacy Service Re-Think and 1 from Barnardo's on young person's behalf. The number of direct contacts from children/young people is consistent with those received over the last few years.

A high number of issues are resolved quite swiftly by staff directly involved with children and young people when these are first raised avoiding these being

escalated through the complaints process, hence the fairly low number of concerns being raised direct from children and young people. However, the importance of highlighting the complaints process to children and young people is fully recognised by the Children and Families service and the Compliance and Complaints team who continue to look at different ways of ensuring children and young people know how to access the complaints process when they are unhappy with any aspect of the service they are receiving from Children and Families.

During 2020/2021 a total of 183 compliments/positive comments were received by the Compliance and Complaints team in relation to Children and Families, this shows a 31% increase compared to 139 recorded in 2019/2020.

It is noted that compliments being received tend in the main to be shared with the respective Director of Local Delivery or Service Manager in the first instance who then forward these onto the Compliance and Complaints team to record; although it is possible that whilst individual workers are receiving positive comments these are not necessarily being shared and the relevance of capturing all compliments received continues to be highlighted across all areas.

## 4. Analysis of contacts received

During the period 1 April 2020 to 31 March 2021 87 Children Act complaints were received and considered under the statutory complaints process, which is balanced with 84 for previous period 2019/2020. During 2020/2021 no cases were escalated to Stage 2.

The following data is a summary of cases received each month with comparison for previous period:

| Month by month                       | APR | MAY | JUNE | JULY | AUG | SEPT | OCT | NOV | DEC | JAN | FEB | MAR | Total     |
|--------------------------------------|-----|-----|------|------|-----|------|-----|-----|-----|-----|-----|-----|-----------|
| <b>2019/20 Received and resolved</b> | 11  | 1   | 8    | 10   | 5   | 10   | 6   | 7   | 7   | 8   | 9   | 2   | <b>84</b> |
| <b>2020/21 Received and Resolved</b> | 1   | 1   | 7    | 4    | 2   | 4    | 13  | 14  | 6   | 11  | 11  | 13  | <b>87</b> |

As a result of the COVID pandemic representations received, particularly in April 2020, were managed differently whereby only urgent, or safeguarding issues were able to be fully considered. This is reflective with the statutory complaint volumes recorded for April being significantly lower than previous year. October and November 2020 and March 2021 shows an increase on earlier periods with this rise likely to be a re submission of complaints unable to be reviewed at the start of the pandemic.

The following is a breakdown of complaint type received during 2020/2021:

- Assessments – 29 cases = 33%
- Finance – 8 cases = 9%
- Quality of Care – 22 cases = 25%
- Safeguarding – 2 cases = 2%
- Staff Conduct – 26 cases = 29%

## Method of contact:

The following methods of contact were used during this period:

| Method                 | 2019/2020 | 2020/2021 | % variance from 19/20 |
|------------------------|-----------|-----------|-----------------------|
| Email                  | 37        | 39        | 5.4% increase         |
| Letter                 | 13        | 7         | 46.1% decrease        |
| Online Form            | 31        | 37        | 19.3% increase        |
| Telephone              | 2         | 4         | 100% increase         |
| Have Your Say Leaflets | 0         | 0         | No change             |
| In person              | 1         | 0         | 100% increase         |
| TOTAL:                 | 84        | 87        | 100% decrease         |

Main method of contact continues to be via email, with a slight decrease in contacts received in letter format which is likely to again be due to lockdown as a result of the pandemic. Contact direct from children and young people was received by the online form.

The leaflet entitled 'Make Your Voice Heard' continues to be shared with Children and Young People by social workers, IROs, Children in Care Council and Essex Advocacy Re-Think. This leaflet provides various ways of contacting the Compliance and Complaints team when things go wrong with the preferred method for children and young people during 2020/2021 being the online form.

Members of the Compliance and Complaints team are always keen to participate in any Children and Families events and take the opportunity to highlight the complaints process to the children and young people in attendance. However, due to the exceptional period in 2020/2021 being experienced by all such opportunities were not a possibility.

## Complaints by location:

Children and Families services are arranged into four quadrants North, Mid, South and West providing services to children, young people and families. Most services are located within these four quadrants and other services such as Quality Assurance and Safeguarding delivered centrally countywide.

The number of complaints received against each quadrant are overall consistent with those received during 2019/2020, with a slight decrease across West, and a significant increase across Mid with the highest up rise in contact being in relation to staff conduct; although from the 10 cases recorded in 2020/2021 against Mid of this nature only one was upheld.

|                  | North          | Mid            | South          | West           | Countywide   | Total: |
|------------------|----------------|----------------|----------------|----------------|--------------|--------|
| <b>2019/2020</b> | 25<br>(29.76%) | 16<br>(19.04%) | 18<br>(21.42%) | 20<br>(23.80%) | 5<br>(5.95%) | 84     |
| <b>2020/2021</b> | 24<br>(27.58%) | 29<br>(33.33%) | 18<br>(20.68%) | 14<br>(16.09%) | 2<br>(2.29%) | 87     |

Representations received are categorised into themes with the number of complaints received against each category for 2020/2021 set out as follows:

## Themes by Quadrant:

|              |                     |                   | 19/20        | 20/21        |
|--------------|---------------------|-------------------|--------------|--------------|
| <b>North</b> | <b>Nature</b>       | <b>Specialism</b> | <b>Total</b> | <b>Total</b> |
|              | Escalated Complaint | Assessments       | 0            | 0            |
|              |                     | Staff Conduct     | 0            | 0            |
|              | Service Failure     | Assessments       | 6            | 9            |
|              |                     | Safeguarding      | 1            | 0            |
|              |                     | Finance           | 1            | 2            |
|              |                     | Quality of Care   | 6            | 5            |
|              |                     | Staff Conduct     | 6            | 8            |
|              | Service Request     | Quality of Care   | 0            | 0            |
|              |                     | Assessments       | 1            | 0            |
|              | Information Enquiry | Assessments       | 0            | 0            |

|  |  |                     |           |           |
|--|--|---------------------|-----------|-----------|
|  |  | Quality of Care     | 1         | 0         |
|  |  | <b>North Total:</b> | <b>25</b> | <b>24</b> |

|            |                     |                   | <b>19/20</b> | <b>20/21</b> |
|------------|---------------------|-------------------|--------------|--------------|
| <b>Mid</b> | <b>Nature</b>       | <b>Specialism</b> | <b>Total</b> | <b>Total</b> |
|            | Service Failure     | Assessments       | 7            | 7            |
|            |                     | Quality of Care   | 5            | 7            |
|            |                     | Finance           | 0            | 4            |
|            |                     | Staff Conduct     | 3            | 10           |
|            | Service Requests    | Assessments       | 0            | 1            |
|            |                     | Safeguarding      | 0            | 0            |
|            | Information Enquiry | Assessments       | 1            | 0            |
|            |                     | <b>Mid Total:</b> | <b>16</b>    | <b>29</b>    |

|              |                     |                     | <b>19/20</b> | <b>20/21</b> |
|--------------|---------------------|---------------------|--------------|--------------|
| <b>South</b> | <b>Nature</b>       | <b>Specialism</b>   | <b>Total</b> | <b>Total</b> |
|              | Service Failure     | Assessments         | 2            | 7            |
|              |                     | Quality of Care     | 3            | 6            |
|              |                     | Finance             | 1            | 0            |
|              |                     | Staff Conduct       | 8            | 3            |
|              |                     | Safeguarding        | 2            | 1            |
|              | Service Request     | Assessments         | 0            | 1            |
|              |                     | Quality of Care     | 0            | 0            |
|              |                     | Finance             | 1            | 0            |
|              | Escalated complaint | Safeguarding        | 0            | 0            |
|              | Information Enquiry | Assessments         | 1            | 0            |
|              |                     | <b>South Total:</b> | <b>18</b>    | <b>18</b>    |

|             |                 |                    | <b>19/20</b> | <b>20/21</b> |
|-------------|-----------------|--------------------|--------------|--------------|
| <b>West</b> | <b>Nature</b>   | <b>Specialism</b>  | <b>Total</b> | <b>Total</b> |
|             | Service Failure | Assessments        | 5            | 4            |
|             |                 | Quality of Care    | 3            | 3            |
|             |                 | Staff Conduct      | 10           | 5            |
|             |                 | Finance            | 0            | 2            |
|             | Service Request | Assessments        | 2            | 0            |
|             |                 | <b>West Total:</b> | <b>20</b>    | <b>14</b>    |

|                   |                     |                   | <b>19/20</b> | <b>20/21</b> |
|-------------------|---------------------|-------------------|--------------|--------------|
| <b>Countywide</b> | <b>Nature</b>       | <b>Specialism</b> | <b>Total</b> | <b>Total</b> |
|                   | Service Failure     | Staff Conduct     | 1            | 0            |
|                   |                     | Safeguarding      | 0            | 0            |
|                   |                     | Quality of Care   | 1            | 1            |
|                   |                     | Assessments       | 2            | 1            |
|                   |                     | Finance           | 0            | 0            |
|                   | Information Enquiry | Quality of Care   | 1            |              |
|                   |                     | <b>Countywide</b> | <b>5</b>     | <b>2</b>     |
|                   |                     | <b>Total:</b>     |              |              |

Of the 87 received cases a total of 79 were recorded as a service failure as perceived by the complainant and/or dissatisfaction with the service provided, although only 6 received an outcome of upheld being 7%. The following shows typical issues raised and recorded as service failure:

- Lack of care and support for foster child
- Lack of communication from service regarding children
- Children and Families assessment biased and contains inaccuracies
- Misled by social worker
- Social worker failed to consider views of child
- Inaccuracies in report and poor communication from social worker
- Concerns raised are not followed through by the social worker
- Incorrect information in reports submitted to court
- Unhappy with post adoption support



There are common themes raised through the complaints process with perceptions on any failings sometimes intensified due to the emotiveness of the situation.

However, in such circumstances action is mostly taken swiftly to successfully resolve matters at first point of contact which may include an offer of a conciliatory meeting to discuss concerns with a view to seeking suitable solutions.

## **Complaints made by young people:**

The majority of representations received regarding the Children and Families Service were made on behalf of children and young people by their parents, grandparents, other relative or foster carers. The 4 complaints received direct from children and young people in 2020/2021 were all made via the online form.

Children and young people tend to raise issues as and when they arise with staff working closely with them resulting in most problems being resolved quite swiftly at the time without the need for these to be escalated through the complaints process. The majority of complaints received are from family members highlighting things that they believe have gone wrong and sometimes without the knowledge of the child or young person but these types of complaints are always an opportunity to ensure the voice of the child or young person is heard and any failings are put right.

Essex Advocacy, Rethink, also provide support to children and young people resolving problems raised outside of the complaints process.

The complaints received direct from children and young people or via their advocate or legal representative during 2020/2021 were in respect of the following issues:

- Issue regarding funds not being in young person's account
- Young person feels he should be able to move to a place of his choice
- Felt social worker does not listen to her and seemed to rush the court papers
- Lack of support from social worker
- Young person was being supported through university including his rent and personal allowance but did not receive all money from social services
- Young person feels lets down by social services has asked for help which is either turned down or not followed through by the social worker

- Young person upset with comments made by social worker on her appearance
- Young person unhappy with quality of care provided by social worker

## Demographics:

The Compliance and Complaints Team continues to recognise the importance of collecting this data and makes every effort to capture this information for the purpose of analysis and service improvement. Providing such demographic information is reliant on these details being provided by the customer at point of contact as this is not a mandatory requirement. Expressions of concern have been raised in this respect with people feeling they may be discriminated against as a result of their age, ethnic origin, religion, or sexual orientation.

During 2020/2021 100% of complainants provided some demographic details even if this was limited to gender only.

Contact by district (relates to where contact/representation is from and not necessarily where the service is being provided from). Contact volumes per district with comparison for previous period:

| <b>District</b> | <b>Contact<br/>2019/2020</b> | <b>Contact<br/>2020/2021</b> |
|-----------------|------------------------------|------------------------------|
| Basildon        | 11                           | 15                           |
| Braintree       | 6                            | 7                            |
| Brentwood       | 3                            | 1                            |
| Castle Point    | 3                            | 3                            |
| Chelmsford      | 9                            | 14                           |
| Colchester      | 25                           | 11                           |
| Epping Forest   | 3                            | 1                            |
| Harlow          | 10                           | 7                            |
| Maldon          | 1                            | 5                            |
| Rochford        | 1                            | 0                            |
| Tendring        | 4                            | 9                            |
| Uttlesford      | 2                            | 4                            |

|            |    |    |
|------------|----|----|
| Countywide | 6  | 10 |
|            | 84 | 87 |

## Corporate Complaints:

Non-Statutory complaints relating to children and young people managed through the corporate complaints procedure. Issues raised that do not meet the criteria to be considered under the Statutory Children Act complaints process are handled through the Corporate Complaints process for the following reasons:

- No consent to share
- Children Social Services not provided by Council
- Complaints of a general nature i.e. not case/service user specific
- Anonymous complaints
- Issues raised form part of active Court Proceedings

During 2020/2021 a total of 100 cases were handled through this process which is in line with 101 in 2019/2020. 10 cases were Upheld with 1 partially Upheld.

The Upheld cases related to the following issues:

- Mother feels she was treated unfairly by social services
- Childminder unhappy with the way Children and Family Hub dealt with concerns she had raised
- Mother did not receive call back from Social Care Service Centre which they had agreed to do
- Headteacher complained about unprofessional behaviour of SGO Support Team worker during a zoom call where child guardian also in attendance
- Delay in providing laptops under the government scheme for two children
- Mother unhappy that direct payments child no longer eligible for are still being paid into Purple account feels this is a misuse of funding
- Father unhappy did not receive letter from the Children and Families Hub advising of the outcome of referrals made
- Foster carers state Standards of Care report not a true reflection of them as carers

- Father of looked after child unhappy with level of contact he receives from social worker
- Father unhappy with the actions of social worker from Children and Families hub who was shouting and swearing during a telephone conversation

## Local Government and Social Care Ombudsman Investigations:

During 2020/2021 we received a total of 26 enquiries from the Local Government and Social Care Ombudsman relating to Children and Young People's services with a total of 12 escalating to formal investigation. On 26 March 2020 the Ombudsman suspended all casework activity due to COVID and resumed all their existing casework and receipt of new complaints on 29 June 2020.

A summary of the outcomes of those investigations are as follows:

| <b>LGO Investigation Outcome</b>               | <b>Number of cases 2019/2020</b> | <b>Number of cases 2020/2021</b> |
|--|----------------------------------|----------------------------------|
| Not Upheld - No Maladministration or Injustice | 3                                | 4                                |
| Upheld; maladministration and/or injustice     | 5                                | 6                                |

### Awaiting Decision outcomes on 2 cases

### Agreed Outcomes on Upheld Cases:

- Apologies and pay £600 in recognition of stress and uncertainty experienced, pay £1000 to recognise failure to place child with appropriate carers, offer her post-adoption support, complete her personal education plan and maintain accurate records. Place a copy of the final decision on Y's social care file, audit Y's records and add any missing evidence to her file, such as meeting minutes, plans, records of telephone calls and text messages. Remind social workers of the importance of keeping accurate records, remind social workers, IROs and conference chairs of the requirement to involve parents in decisions about their children and the importance of issuing minutes and plans in a timely way. Audit referrals to the post-adoption support team in the previous 12 months and review the time taken from referral to assessment. If the Council identifies frequent delays beyond 28 days it should develop an action plan to reduce this.

- Apologise to Miss Y for failing to consider her complaint through the statutory complaints procedure and make a symbolic payment of £300 to remedy any injustice caused. Remind relevant staff of the need to ensure contemporaneous case recording of their decision making and any information sharing. • Remind staff of timeframes for placement planning documentation and the need to include essential information relevant to the foster care placement in these. Ensure relevant staff are aware of their responsibility to consider complaints under the statutory complaint's procedure.
- Apologise to Ms X for the comments made to the school regarding concerns about her fabricating illness and her disproportionate action and anger towards Y. Write to the school to clarify the comments made in December 2019 were not evidence based. Pay Ms X £100 to recognise the distress caused by the comments made. Remind all relevant staff about the importance of ensuring that information shared with third parties should be evidence based.
- Apologise in writing to Mrs X for the emotional distress and anxiety over the welfare of Child 1 and Child 2 caused by the delays and infrequent statutory visits. Pay Mrs X £300 in recognition of the emotional distress caused. Action should immediately be taken to remind all child protection staff about the importance of meeting the timescales for risk assessments and child protection visits. Within three months of the final decision, complete amendments to the supervision form on the Social Care recording system, setting out how statutory records will be checked and monitored during supervision sessions with managers. All open cases should be audited as part of the supervision process to ensure statutory visits have not been delayed or missed. Action should immediately be taken on any case where a visit has been missed or delayed ensuring the safety of the child concerned. Within two months of the final decision, undertake Mr Z's risk assessment if this is still outstanding. In the event Mr Z cannot be contacted or he is unwilling to engage, undertake a paper exercise assessment of him and address any risks identified.
- Apologise to Ms X and pay her £150 for the avoidable distress and frustration caused by not completing an assessment in 2019 and 2020 after she asked

for support. Confirm it has completed a Parent Carers Needs Assessment for Ms X and if she is eligible for support, begin that support without delay.

Confirm the provision of light-touch services in Ms X's area and if there are any gaps in provision, how these will be met.

- Within one month of the date of my final decision, the Council will apologise to Mrs X for failing to give her sufficient information about her caring options and for failing to consider her complaint properly. Within three months of the date of my final decision, the Council will: remind staff they must share appropriate information about the different arrangements for caring for someone else's children with potential carers; and remind staff parental responsibility is not a requirement for an adult to make a corporate or statutory complaint on behalf of a child. The adult's interest in the child should be considered on a case by case basis. Many councils have information leaflets or factsheets which set out the types of care arrangements for children who are not living with their parents and the support available to their carers. If the Council does not have a leaflet, it will consider whether to produce one; and if it decides to produce one, send the Ombudsman an action plan for its completion.

The Compliance and Complaints team continues to work closely with the Ombudsman's office, learning from any failings, appropriately challenging decisions, offering viable solutions that the Ombudsman would consider to be suitable remedies to discontinue investigations and being compliant with deadlines set by the Ombudsman

**(Brief summaries of the Ombudsman Final Decisions received during 2020/2021 detailed in Appendix 2)**

## Member Enquiries:

Children and Families complaints/enquiries represented by a County Councillor or MP are handled under the Member Enquiries process with a current service level agreement of responding within 10 working days.

Upon receipt of such enquiries the Member Enquiries team liaise with Compliance and Complaints to determine whether the issues raised meet the criteria to be considered under the Children Act Statutory Complaints process. In such circumstances, whilst the complainant has written to and is expecting a response from the Councillor/MP it is important that they are made aware of and given the opportunity for their concerns to be considered through the Statutory process.

During 2020/2021 a total of 86 cases were received and recorded as a Member Enquiry being a slight decrease as in 2019/2020 this was recorded as 118 cases.

The following is a breakdown of the types of enquiries received and responded to as a Member Enquiry during 2020/2021 with a comparison for 2019/2020:

| <b>Member Enquiries</b> | <b>Total 2019/20</b> | <b>Total 2020/21</b> |
|-------------------------|----------------------|----------------------|
| Assessments             | 38                   | 36                   |
| Finance                 | 9                    | 3                    |
| Quality of Care         | 20                   | 15                   |
| Safeguarding            | 23                   | 30                   |
| Staff Conduct           | 28                   | 4                    |
| Grand Total             | 118                  | 86                   |



## 5. The Independent Advocacy Service

121 referrals were received for the period 2020/2021.

### 3 Most Common Issues (All CYP Referrals)

|   |    |
|---|----|
| Information / exploring options for decision making | 32 |
| Housing / Accommodation Related Issues              | 27 |
| Support at or Representation at Meetings (Lac/CP)   | 21 |

### Source of Top 5 Referrals

|                               |    |
|-------------------------------|----|
| Essex County Council          | 69 |
| Family Member or Friend       | 11 |
| Self-Referral                 | 11 |
| Other Voluntary organisations | 10 |
| Residential/Education         | 8  |

### Demographics - Ages

|               | All CYP referrals | Complaints |
|---------------|-------------------|------------|
| 0 - 4 Years   | 1                 |            |
| 5 - 9 Years   | 2                 |            |
| 10 – 14 Years | 25                |            |
| 15 – 19 Years | 82                | 3          |
| 20 – 24 Years | 11                | 2          |
| 25 – 29 Years |                   |            |
| <b>Total</b>  | <b>121</b>        | <b>5</b>   |

Of the 5 complaints 2 were from Coram Legal Services, 2 from the Local Authority and 1 from a friend/relative. 4 have been resolved/closed with 1 still ongoing.

### CYP Complaint Issues and Outcomes

|   |   |
|---|---|
| Housing/landlord issues - ongoing   | 1 |
| University Fee - resolved with reimbursement of all rent and personal allowance fees incurred | 1 |
| LA Decision to move CYP out of area – issue resolved complaint not escalated                  | 1 |
| Complaint to Police – Cases closed due to no engagement/instruction from YP.                  | 2 |

### Demographics - Location of CYP

|               | All CYP referrals | Complaints |
|---------------|-------------------|------------|
| Mid Essex     | 21                | 2          |
| West Essex    | 17                |            |
| South Essex   | 20                | 1          |
| North Essex   | 35                | 2          |
| Out of County | 28                |            |
| <b>Total</b>  | <b>121</b>        | <b>5</b>   |

### Demographics - Ethnicity

|   | All CYP referrals | Complaints |
|---|-------------------|------------|
| Asian or Asian British - Any Other Asian Background | 2                 | 1          |
| Black or Black British - African                    | 1                 |            |
| Black or Black British - Other Black Background     | 1                 |            |
| Mixed - White and Black African                     | 6                 |            |
| Mixed - Any other mixed background                  | 4                 |            |
| Mixed - White and Asian                             | 3                 |            |
| Mixed - White and Black Caribbean                   | 2                 |            |
| Other Ethnic Group - Arab                           | 1                 |            |
| White - British                                     | 93                | 4          |
| White - Any Other White Background                  | 6                 |            |
| Not Provided  | 2                 |            |
| <b>Total</b>  | <b>121</b>        | <b>5</b>   |

### Demographics - Gender

|              | All CYP referrals | Complaints |
|--------------|-------------------|------------|
| Male         | 72                | 2          |
| Female       | 48                | 3          |
| Unanswered   | 1                 |            |
| <b>Total</b> | <b>121</b>        | <b>5</b>   |

Advocates have continued to provide advocacy during the pandemic with the majority of support being given via telephone or video call. This has not been ideal and when there was a break in travel and work restrictions between August – December 2020 face to face visits recommenced with priority being given to the Children and Young people with communication difficulties to facilitate every opportunity of them being able to express their views and wishes. Where decisions could be delayed some of the referrals requiring face to face visits were put on hold. Even with restrictions lifted there have been additional complications with finding suitable venues to meet with the young people as school is often the child's preference and due to their own safety measures have significantly reduced the number of 'non-essential' visitors to school. Young adults prefer to meet in the community in cafes which has been weather dependent as these have had to be conducted outside until recently. In one case the advocate arranged to meet the young person in a park and walked and talked at a safe distance dressed in wellies and raincoats.

A success story of the year has been where an advocate supported a young person to challenge the Local Authority's decision to decline paying living costs and personal allowance while attending university. The Young Person had been assured these costs would be covered from the outset of his university placement. Due to the reversal of this decision the Young Person accrued a significant amount of debt they were unable to pay back which resulted in them having County Court Judgements registered against them. This caused a great deal of stress and anxiety and was preventing them from moving on to the next stage of their life. The young person has recently received a payment of £12,000 which has enabled them to clear the debts and CCJ.

## 6. Compliments Analysis

During 2020/2021 a total of 183 compliments/positive comments were recorded by Compliance and Complaints in relation to Children and Families.

Compliments received per quadrant:

North – 72

South – 33

West – 31

Mid – 47

Further positive feedback may have been received by individuals within each quadrant, but the above only highlights those compliments forwarded onto Compliance and Complaints to record.

Typical themes from compliments received:

- Professional
- Efficient
- Passionate
- Caring
- Goes above and beyond
- Transparent and honest
- Supportive
- Understanding
- Patience
- Empathy

### **Learning:**

Compliments received by individual teams across Children and Young People's service are usually shared with the quadrant Team or Service Manager who then forward these onto the Compliance and Complaints team.

Compliments received are also shared in team meetings for recognition, learning and discussion.

The Council actively encourages and welcomes feedback both negative and positive for continuous improvement. Compliments received are extremely valuable as they identify areas of good practice and ensure good experiences are maintained and shared across the organisation.

Positive feedback received is encouraging for the Children and Families service, helps put any complaints received into context and demonstrates that the hard work undertaken by the service and their commitment is valued and appreciated by the people they support.

## **Feedback:**

A highlight of some of the positive feedback received is set out below:

*'X's massively traumatic past and emotional wellbeing issues have to my knowledge meant that her high distrust of others in particular professionals has led to strict non engagement on her part. I can't tell you how highly impressed I am with Y that she has forged a relationship with an extremely vulnerable young person who historically, has never allowed this to happen. You will know the huge significance of this. In my view, Y must have the exact mixture of qualities required that are inherent inside a person in order to do this. I wish that this was something we could train everybody in, but some people just have that X Factor and I can't tell you how highly I hold Y in my regard. I have been in children's services for 20 years and whilst I recognise that there are many brilliant workers out there, sometimes you just come across one that really shines'.*

*X's social worker Y is amazing, supportive, understanding and so good with X'.*

*'Just wanted to say thanks again I will never forget you for your help could not have done it without you'.*

*'Just a quick note to say thank you for your continued support and care that you give to both X and our family. It is during time such as we find ourselves in currently, that we should take time to appreciate what people do, and for their kindness. So - thank you, for all you do for us! Very best wishes and keep safe and well'.*

*'X brings a smile to young adults face even during really difficult period and family want to highlight what a good job she is doing despite the circumstances.*

*'I would just like to say a massive thank you to X my son's social worker. Since my son has been in my care we have had a real lack of support but since X has been signed to us our lives are finally starting to change for the better. My son feels comfortable for the first time ever speaking to a social worker. I can't say enough good things about this women, she has gone beyond the call of duty for our family and for that I thank you from the bottom of our hearts. if it was not for you I dread to think we're we might be. Thank you once again for everything '.*

*'I have found your work to be professional and very efficient which is great for the family and easier on school! Thank you very much for your support'.*

*'Social worker is great, easy to talk to and has given a better experience of the service than other people they know'.*

*'You've just helped me grow into the person I am of it wasn't for you I wouldn't have the amazing people in my life so I thank you. You'll definitely be hearing from me every so often after I have an episode and I've honestly been thinking about it lately and I really feel like social working is something I'd like to do in the future helping kids that have gone through what I have and maybe worse. So thank you again I'm going to miss you so so much but I'll keep smiling every day like I have for the past 6 months'.*

*'I am extremely pleased to write this personal statement for X. I have recently had the pleasure of working with a family alongside X who at the time was in the process of completing her social worker training course. I have personally witnessed X to be calm, rational and to be an excellent communicator, which I feel is an essential quality for a social worker. I believe that X was a tremendous support to the family that she was supporting and I feel that she made a real difference to the lives of the children in that family unit, ensuring that all the relevant agencies were involved with the family. X's commitment to social work is about more than just work: it's a devotion to helping others and providing care to those in need of both protection and support'.*

*'X has made a huge difference to the whole family, easy to talk to and so much gratitude for all support given'.*

*'I just wanted to say a huge, personal thank you to you both for all your hard work and support to X. I know this has been really tough and you have both done brilliantly. Thank you also for taking X to her new placement. The care and time you have given to her has been exceptional and so important – you have really made a difference'.*

*'We both do want to say thank you for your continuous support and all of your support throughout this case we both feel that everyone who has worked with us during the happy and difficult times you being a big part of that has really helped us in becoming a strong family unit and X has become such an individual a happy little spirit and even though the case is not yet over we just want to thank you for your time investment and amazing support'.*

*'X did everything she could and was happy for me to call at any time, you're amazing and do a great job'.*

*'Thank you so much for pairing myself and boys with X she has gone all out for us being there for me after hours so I can reflect on the day and helping me get strong has also done everything' she said she would do. Thank you so much for believing in me means so much to me. Thank you'.*

*'I haven't been able to see you lately but thank you so much for giving me a reason to live, you keep me alive, you're the best. Thank you for being such a great social worker'.*

*'Thank you very much for your time today, it was lovely to meet you and we are really grateful for your phenomenally professional approach and support'.*

## 7. Next Steps

The mission of Compliance and Complaints is to work in collaboration with operational services to deliver a seamless experience for those customers that need us. Listening and acting on what they tell us and use learning to help improve and evolve service delivery. Our objective is to recognize where we have failed, seek suitable resolutions within agreed timescales and ensure our obligations are fully met in line with the formal complaints process and Local Government and Social Care Ombudsman expectations.

Complaints received should always be viewed as an opportunity to learn from any failings and make necessary improvements and should never be considered a nuisance or an interruption to the delivery of services. We must embrace complaints to improve services and respond to these openly and honestly.

Complaints do not only highlight failings as upon review these also show very good examples of good practice and therefore, we should also not lose sight of what we do well.

The following points highlight areas for improvement going forward:

- Repetitive trends to be monitored and regularly shared with Children and Families to prevent recurrence
- Continue to be responsive, listen to concerns and act on any failings
- Avoid any lack of communication complaints by continuing to engage with the service user/representative throughout any process
- Compliance and Complaints to continue to work in collaboration with Children and Families identifying any working practice improvements benefitting both service areas
- Compliance and Complaints to continue to ensure the sustainability of all aspects of the performance of complaint handling



- Compliance and Complaints to identify opportunities that reduce avoidable demand, time and effort and improve the customer experience
- Further complaint training opportunities made available to all staff within Children and Families to ensure thorough and transparent complaint investigations are carried out.
- Continue to make best use of resources to deliver on our statutory obligations whilst continuing to embed the vital learning culture to manage demands, improve services and ensure better outcomes for children and young people in Essex.
- Compliance and Complaints to continue to work with Children and Families to look at different ways to engage with children and young people, raising awareness of the complaints process and how they can get their voice heard.
- Continue to work closely with the Local Government and Social Care Ombudsman, ensuring any Ombudsman enquiries are responded to within the timescale given, all recommendations are actioned promptly and any learning from the Ombudsman complaints are disseminated across the service area.
- Continue to work collaboratively with the Children and Families service to ensure the consistent good complaint quality and response times are maintained.

# Appendix 1

## The Complaints Procedure

The Children Act 1989 Representations Procedure (England) Regulations 2006 applies to all representations received from children and young people, their parents, foster carers or other qualifying adults about the Council's Children and Young People's Services.

Some of the key features of the procedure are:

A 12-month time limit for service users or their representatives to make complaints

A requirement for local authorities to appoint a Complaints Manager, independent of operational line managers and of direct service providers

A requirement for local authorities to make arrangements for the provision of advocacy services to children and young people making or intending to make representations, including complaints

### Three Stage Complaints Procedure

The Local Authority should actively seek to resolve a complaint for a member of the public as early in the procedure as possible. The Department for Education and Skills guidance document "*Getting the Best from Complaints*" which accompanies "*The Children Act 1989 Representations Procedure (England) Regulations 2006*" provides us with robust and structured steps to not only assist us in implementing our obligations under the Statutory Complaints Procedure but also supports us to have a member of the public's concerns and complaints resolved swiftly and wherever possible by officers responsible for providing the service locally.

The three stage process provides members of the public with a statutory right to progress through the Stages should they remain dissatisfied with the Local Authorities response and whilst we should always seek to resolve a complaint expeditiously, we also have a duty to inform a complainant of their right to progress to the next stage of the complaints procedure.

The philosophy of the three stage process is to provide a Local Authority with ample opportunity to investigate complaints and put things right for a complainant should

we find that the service to them has been less than Statutory Expectations or our own localised procedural standards and to minimise the need for a complainant to take their issue up with the Local Government Ombudsman.

### **Stage 1 - Local Resolution**

This gives operational managers the opportunity to resolve the complaint at a local level. The procedure requires that Stage 1 complaints are concluded within 10 working days, however, with the agreement of the complainant this can be increased to 20 working days. The maximum time for a Stage 1 investigation is 20 working days and will often be required for more serious complex complaints and provides managers with the opportunity to meet with complainants in order to mediate a complaint to resolution.

Where the matter is not resolved or if the complainant requests it, the complaint can be formally investigated at Stage 2. The complainant has 20 working days to request consideration at Stage 2 following receipt of the Stage 1 outcome letter.

### **Stage 2 – Independent Investigation**

When the complainant remains unhappy after a Stage 1 investigation or the complaint is serious enough to warrant a more formal investigation the Complaints Manager can commission an Independent Investigation. Stage 2 investigations have a statutory timescale of 25 working days and can be conducted by an Internal Investigator or an Independent Investigator [external to the Local Authority but with experience of undertaking Social Care Investigations].

However, where it isn't possible to complete the investigation in these timescales, a further extension can be negotiated with the complainant. The investigation and adjudication process should be concluded within 65 working days.

An independent person, external to the Council is appointed by the Complaint's Manager to oversee the objectivity and fairness of the investigation and to also keep the child's interests at the centre of an investigation.

At the end of a stage 2 Independent Investigation the department can offer the complainant an Adjudication Meeting facilitated by the Complaints Manager where the appointed senior manager [in the role of Adjudicating Officer] can discuss the Investigators' findings and recommendations and inform the complainant of what action the Local Authority is going to take to resolve the complaint. Following this the

Adjudicating Officer will formalise and confirm its position to the complainant in writing.

### **Stage 3 – Review Panel**

If the complainant is dissatisfied with the outcome at Stage 2, the complainant can request that the Independent Investigation is reviewed by a panel which consists of 3 independent panel members external to the Local Authority and appointed by the complaints manager.

The panel considers the complaint’s investigation and can make recommendations for the consideration of the Director of Children’s and Young People’s Services. Such consideration forms the end of the statutory requirement.

### **Summary of Stage 3 Timescales**

| Action:  | Timescale:   |
|--|--|
| Complainant requests Review Panel  | Up to 20 working days after receipt of the Stage 2 adjudication      |
| Complaints Manager acknowledges request  | Within 2 working days  |
| Complaints Manager appoints Chair and confirms attendees and contents of panel papers with Chair | Within 10 working days of the complainant’s request for Review Panel |
| Local authority agrees the other Panellists and date for Review Panel                            | Within 30 working days of the complainant’s request for Review Panel |
| Local authority circulates panel papers  | Within 10 working days of the date for the Review Panel              |
| Review Panel produces written report (including any recommendations)                             | Within 5 working days of the Review Panel                            |
| Relevant Director issues their response  | Within 15 working days of the Review Panel’s report                  |

### **Local Government and Social Care Ombudsman (LGSCO)**

If a complainant remains dissatisfied following exhaustion of all three stages of the complaints process, they can take their complaint to the Ombudsman. A complainant can refer to the Ombudsman at any point, but the Ombudsman normally provides the Local Authority with the opportunity to process through all stages of the complaints

procedure. Although there are occasionally exceptions depending on the nature of the case when the Ombudsman decides to still investigate even if the Council has not had the opportunity to try and resolve the issue in the first instance. These exceptions are as follows:

- Issue extremely urgent
- Complainant is particularly at risk if issue not resolved quickly
- Complainant is vulnerable
- Complainant has severe disabilities
- 

The LGSCO can look at complaints about most Council services and will look at where things have gone wrong in the way a service has been delivered, if a service has not been delivered at all, or the way a decision has been made. Although they cannot question what a Council or Care Provider has done simply because the complainant does not agree with it.

The LGSCO will look for any maladministration or injustice caused, and the following is an example of fault:

- took too long to do something
- did not follow its own rules or the law
- failed to meet expected standards of service
- gave the complainant wrong information
- did not tell the complainant of their right of appeal against a decision, or took a decision in the wrong way, such as, not taking all the relevant information into account or taking into account irrelevant information or not following its own procedures properly.

The LGSCO will not normally investigate a complaint if they consider a complainant has not suffered significant personal injustice, or if the Council or Care Provider has already taken, or is willing to take, satisfactory action to resolve it.

If the LGSCO find that something has gone wrong which has caused problems for the complainant, they can ask the Council or Care Provider to take action to put the matter right. Such remedies can be an apology, a system or process change or a financial reward.

**Examples of problems caused to the complainant:**

- did not get a service or benefit they were entitled to or there was a delay before receiving it
- suffered financial loss, or
- were put to a lot of avoidable expense, trouble or inconvenience.

**Maladministration:**

- Delay
- Incorrect Action or Failure to take any action
- Failure to follow procedures or the law
- Inadequate record keeping
- Failure to reply
- Misleading or inaccurate statements
- Inadequate consultations
- Broken promises

**Injustice:**

- Hurt feelings
- Distress
- Worry
- Inconvenience
- Financial loss or unnecessary expense
- Time and trouble in pursuing a justified complaint
- Not receiving an entitled service

## Appendix 2

### Local Government and Social Care Ombudsman summary of Decisions received for Children and Families 2020/2021:

|  |
|--|
| <b>CLOSED AFTER INITIAL ENQUIRIES – CHILD PROTECTION – 01 APRIL 2020</b>   |
| The Ombudsman cannot investigate Miss X's complaint about information given to a Court, or the Court's decisions, or a school's actions. It is also reasonable to expect Miss X to tell the Court of her safeguarding concerns about her child.  |
| <b>UPHELD – CHILD PROTECTION – 16 APRIL 2020</b>   |
| Ms F complains about the way the Council handled safeguarding allegations relating to her children. There was fault in the way meetings were arranged. The Council has already apologised for this which remedies the injustice caused. The Ombudsman has found no fault in the rest of the complaint.   |
| <b>CLOSED AFTER INITIAL ENQUIRIES – CHILD PROTECTION – 04 MAY 2020</b>   |
| The Ombudsman will not investigate this complaint about the Council's actions in relation to the complainant's children. This is because the majority of the matters raised have been previously considered and decided so the substantive matter is invalid. There is no fault in the Council's refusal to respond to continued contact about issues relating to court proceedings. |
| <b>CLOSED AFTER INITIAL ENQUIRIES – CHILD PROTECTION – 20 AUGUST 2020</b>  |
| Mr X complained about the Council's children's social care department's involvement with his family. We cannot investigate his complaint at this time. This is because the case is in court and the issues Mr X raises are not separable from those proceedings.   |
| <b>CLOSED AFTER INITIAL ENQUIRIES – CHILD PROTECTION – 26 AUGUST 2020</b>  |
| The Ombudsman cannot investigate Ms X's complaint about the Council's involvement with her son. The courts have already considered this matter.  |
| <b>NOT UPHELD – CHILD PROTECTION – 01 SEPTEMBER 2020</b>   |
| Mr and Mrs X complain about the actions of children social services and their involvement with their granddaughter. They also complain their granddaughter's foster carer was unsuitable and provided inadequate care. The Ombudsman does not find fault with the Council's actions and decisions.   |
| <b>CLOSED AFTER INITIAL ENQUIRIES – FOSTERING – 08 SEPTEMBER 2020</b>  |
| The Ombudsman will not and cannot investigate X's complaint about events surrounding children X fostered. The Court made the crucial decisions, the  |

Information Commissioner's Office is better placed to consider data inaccuracy complaints and the remaining injustice from an allegation of poor communication is not significant enough to justify an investigation.

**CLOSED AFTER INITIAL ENQUIRIES – CHILD PROTECTION – 10 SEPTEMBER 2020**

The Ombudsman will not investigate Mrs B's complaint that the Council has unreasonably refused to investigate her complaints about the actions of social workers. This is because the substantive complaint does not fall to the Ombudsman to consider, so there is nothing to be gained by investigating the Council's response to it.

**CLOSED AFTER INITIAL ENQUIRIES – COURT REPORT – 28 SEPTEMBER 2020**

The Ombudsman cannot investigate Mr X's complaint about a social worker because it lies outside his jurisdiction. This is because the matters complained about have been considered in court proceedings. The law prevents us from considering such matters. We have no discretion to do so. The complaint also lies outside the Ombudsman's jurisdiction because it is about matters that happened more than 12 months ago.

**NOT UPHELD – GRANDCHILDREN VISIT – 30 SEPTEMBER 2020**

Mr C complained an appointment for contact with his grandchildren was cancelled at the last minute by the Council. The Ombudsman finds the Council was not at fault.

**CLOSED AFTER INITIAL ENQUIRIES – CHILD PROTECTION – 21 OCTOBER 2020**

We will not consider Mr X's late complaint the Council did not provide him with appropriate support in 2009 when it was involved with safeguarding his child. There is not a good reason Mr X did not complain sooner, and we could not now carry out a fair investigation.

**CLOSED AFTER INITIAL ENQUIRIES – PLACEMENT – 27 OCTOBER 2020**

The Ombudsman cannot investigate Mrs B's complaint that the Council is at fault in refusing to place her grandchildren with her. This is because the care of the children has been considered and decided in court.



**CLOSED AFTER INITIAL ENQUIRIES – CHILD PROTECTION – 5 NOVEMBER 2020**

The Ombudsman will not investigate Miss X's complaint that the Council failed to take action to return her children to her care and provided information to a third party without her consent. It is unlikely we could find Council fault caused her children to be not living with her and the Information Commissioner's Office is better placed to consider her data breach allegation.

**UPHELD – CHILD PROTECTION – 18 NOVEMBER 2020**

Ms X complains about the actions of children services. She says the service did not investigate the fact her son had made numerous false allegations against her. She also says the Council made comments about her to her son's school that was untrue and passed on inaccurate information to another Council. The Ombudsman finds fault with the Council for the comments it made to her son's school. We have made some recommendations.

**CLOSED AFTER INITIAL ENQUIRIES – COURT REPORT – 8 DECEMBER 2020**

We will not investigate Mr X's complaint that the Council's report and information to the family court is flawed. We cannot investigate actions which relate to court proceedings.

**UPHELD – CHILD PROTECTION – 16 DECEMBER 2020**

Mrs X complained the Council failed to deal with her safeguarding concerns about her grandchildren. The Council was at fault in delaying statutory visits and delaying or failing to conduct risk assessments. This caused Mrs X significant distress about the safety of her grandchildren. The Council will take action to remedy this injustice.

**CLOSED AFTER INITIAL ENQUIRIES – COURT REPORT – 26 JANUARY 2021**

We will not investigate Mr X's complaint about the content of a court report and a social worker's actions in preparing it. These matters are not separable from the decision of the court and Mr X has a right to return to court it would be reasonable to use.

**CLOSED AFTER INITIAL ENQUIRIES – CHILDREN SERVICES – 26 FEBRUARY 2021**

We will not investigate Mrs X's complaint about the Council's children services team not supporting her nine years ago and her mother's employment contract terms. There are no good reasons why the late complaint rule should not apply

**CLOSED AFTER INITIAL ENQUIRIES – FRIENDS AND FAMILY CARERS – 02 MARCH 2021**

On the evidence currently available, we will not investigate Mrs X's complaint about the lack of financial support from the Council to help her look after her nephews. This is because the complaint is late. We will not exercise discretion to investigate it because Mrs X could have complained sooner. There are no good reasons why the late complaint rule should not apply.

**CLOSED AFTER INITIAL ENQUIRIES – CHILD PROTECTION – 10 MARCH 2021**

I will not investigate this complaint about what happened when the complainant was taken into care in 1974. This is because the complaint is late and there are no good reasons to exercise the Ombudsman's discretion to investigate it now.

**UPHELD – LOOKED AFTER CHILD – 22 MARCH 2021**

Miss Y complained about the Council's actions after it received safeguarding referrals about her and the support it provided when she was subsequently made a looked after child. She said it failed to consider her complaints through the statutory complaint's procedure. We find the Council was at fault for failing to record its decision making and delays in completing the required assessment when Miss Y was looked after. It also failed to consider Miss Y's complaint under the statutory complaint's procedure. That put Miss Y to avoidable time and trouble pursuing her complaint with the Ombudsman. The Council has agreed to make a symbolic payment to Miss Y to remedy any injustice caused. We have also recommended service improvements.

This information is issued by:  
**Compliance and Complaints**  
**Statutory and Regulated Customer Services**

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