

London Borough of Bromley

PART 1 - PUBLIC

Briefing for Education, Children and Families Select Committee

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1. Summary

- 1.1 The Children Act 1989 Representations procedure (England) regulations 2006 s.13(3) and Local Authority Social Care and Health National Service Complaints (England) regulations 2009, s.18 (1),(3) place a duty on the Council to prepare an annual report each year. The Regulatory Reform (Collaboration etc. between Ombudsmen) Order 2007 amended the 1974 Act and clarified the powers of the Local Government Ombudsman and the Parliamentary and Health Service Ombudsman. This report is available to any person on request. The Local Government and Social Care Ombudsman (LG&SCO) has changed their name following feedback from their annual survey.
- 1.2 Approval was granted to change the Corporate Complaints Procedure at the General Purposes and Licensing Committee on 6 February 2017. There were no changes made to the children social care complaints procedure.
- 1.3 The annual report 'Getting It Right,' content provides an overview of the ECHS Department, the Chief Executive's Department and all Local Government Ombudsman enquiries to the Council from 1 April 2016 to March 2017.
- 1.4 The highlights of the report are the Department received 525 complaints; three less than last year, of which 145 (28%) were partially or fully upheld. A slight reduction in complaints and a variance of 2% of complaints upheld when compared to preceding year. The number of compliments received by the Department has increased to 234 (222:15/16).
- 1.5 During this period, there has been a sharp increase in cases referred to us from the Ombudsman to investigate. Eighty cases were referred to the Council to investigate and of these 56 were for ECHS Department, an increase of 22 (34:15/16) cases on the preceding year. Housing and both adult social care and children services received more cases to investigate. However, local resolution remains at 90% and the percentage rate of cases escalated to LG&SCO remains at 10%.

- 1.6 The majority of cases settle without a financial remedy; however, on occasion it is the most appropriate decision. The Council made payments of £8,200 in this period (£7,450:15/16). Precisely £800 was paid from Children Care Services to one complainant and no compensation payments were made on behalf of education services.
- 1.7 This year the complaints service commissioned one stage two independent investigation, as children care services were unable to resolve the case locally. Supported by the advocacy service the young person took their complaint further to a stage 3 review panel where the matter was finalised.

2. Getting it Right! Annual Report 2016-17

- 2.1 The annual report (Appendix 1) details compliments, and complaints information received by the Education, Care & Health Services Department.

	Complaints			Compliments			MP Enquiries		
	2014-15	2015-16	2016-17	2014-15	2015-16	2016-17	2014-15	2015-16	2016-17
Adults	186	267	245	26	45	50	23	46	16
Children	76	87	96	59	48	25	15	14	11
Education	23	39	26	12	18	6	9	2	9
Housing	110	135	126	35	111	146	78	116	83
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- 2.2 In Children Social Care, there is a slight increase in the number of complaints made related to the quality of service and attitude of staff. There were fewer complaints received over this period for concerns related to disputed decisions and we received a small number of concerns about how we communicate with families who use our services. One specific example was the Council had refused financial assistance to enable the complainant to care for her nephew; did not give her clear information about the long-term care options and failed to ensure the child had suitable educational provision. Although no fault was found, the advice provided to the complainant by a social worker as to the legal options and procedures available was not correct and led to delay.
- 2.3 A case referred to the Local Government and Social Care Ombudsman (LG&SCO) noted that the Council made its decision to reduce its Fostering Allowance following the correct process and committee approvals. Mrs X complained that from 2012 the Council failed to keep to an agreement made in 2003 to pay her the full Residence Order Allowance for caring for three of her grandchildren. The Council had agreed to reinstate the full Residence Order Allowance rate from 1 March 2016, but refused to backdate payments to 2012. Mrs X claimed this had caused her a significant financial loss. The LGO's investigator analysed the record of payments made to the complainant by the Council and established that overall, she had suffered no disadvantage and the Council was not at fault.

2.4 Education only received 26 complaints and nearly half related to SEN provision and one-third of these were upheld. The SEN Transport team had half of their complaints upheld. Complaints involving SEN matters may not be the most numerous, but are amongst the most complex and time-consuming matters to investigate and consider.

3.Supporting Documents

3.1 Appendix 1. Getting It Right, Annual Report 2016/17