

Clive Betts MP  
Chair, Housing, Communities  
and Local Government Select Committee  
House of Commons  
London SW1A 0AA

18 December 2018

Dear Mr. Betts,

**LGSCO contribution to Housing, Communities and Local Government Select Committee inquiry into the Funding and provision of local authorities' children's services**

**About the Ombudsman**

1. The Local Government and Social Care Ombudsman (LGSCO) investigates complaints about councils and some other authorities and organisations, including education admission appeal panels and independent adult social care providers. It is a free service. Our role is to investigate complaints in a fair and independent way – we do not take sides.
2. Our experience, of dealing with situations where things have gone wrong, puts us in a unique position to provide insight into what could be done to improve local public services.

**General comments**

3. We investigate complaints about how local authorities discharge their responsibilities regarding children's social care. In responding to this inquiry, we have drawn on our data on the volumes of complaints and enquiries we receive about children's services, the number of those investigated and upheld and the specific issues complained about.
4. We publish all our formal decisions on [our website](#), unless we have concerns that to do so could compromise the anonymity of the people who use our service. The case summaries referenced in this submission include links to the full decision statements for further detail.
5. We also share our findings with Ofsted, as the relevant regulator, when we find fault in the way an authority carries out its duties in this area. This intelligence helps to identify potential risks, inform inspections and highlight emerging issues within the children's services sector.
6. We welcome the opportunity to submit evidence to the committee's inquiry. We have not answered directly the inquiry questions as some of these are outside the remit of an independent ombudsman scheme. However, we hope our evidence which draws upon themes emerging from our investigations may support the committee's inquiry by providing a wider perspective on how well children's services are performing.

## **What our data shows**

7. The most common type of complaint we consider is about Education and Children's Services. Almost one-fifth of the complaints we consider fall into this category (18%) and around 60% of these are about Children's Services.
8. In the year 2017-18, we registered a total of 2,046 new complaints and enquiries about Children's Services – this was an increase of 11% compared to the previous year (1,840). We assign all Children's Services complaints into at least one sub-category. By far the most common of these is child protection (49%). Other sub-categories relate to looked after children, adoption and fostering, family and friends carers or services for disabled children.
9. More importantly, we uphold a considerably higher number of complaints about Children's Services than the average rate across all local government complaints. In 2017-18, we carried out 430 detailed investigations into complaints about Children's Services. Of those, 69% were upheld, compared to 57% average across all local government complaints.
10. The incidence of fault in this area is increasing – the current uphold rate is considerably higher compared to 2010-11 where we were finding fault in just under half of complaints about Children's Services.

## **Common issues – child protection**

11. Complaints about child protection are, by their nature, emotive and sensitive. They often relate to safeguarding procedures intended to protect children from the risk of neglect or abuse. Often complaints are made by parents or family members, about or on behalf of a child or young person. We also receive complaints from people who have been investigated due to child protection concerns being raised.
12. In the cases we have investigated, we have seen examples of delays in councils carrying out an investigation, failure to keep proper records of information gained in an investigation or ensure information contained in reports is accurate, failure to carry out proper assessments, put in place an adequate child protection plan where necessary or implement measures agreed in the plan.
13. **Case reference:** [17 006 785](#), decided on 16 October 2018

A man and woman complained about what happened when their youngest son was admitted to hospital. Their son passed away whilst he was in hospital and whilst the family were subject to ongoing court action by the council regarding their children. The couple argued the council restricted their ability to spend time with their son when he was in hospital which limited the time they could spend with him before he passed away. They also complained the council delayed dealing with their complaint under the statutory children's complaints procedure.

We upheld the complaint and recommended the council should apologise, make a payment to the couple for the time they lost with their son as well as implement several service improvements. The council agreed to review its policies around supervision arrangements and review its handling of statutory children's complaints and any training its officers might need.

14. **Case reference:** [17 014 576](#), decided on 29 August 2018

A woman complained to us about the way the council responded to safeguarding referrals after her son was assaulted by his father. He had some contact with his father. The boy was taken to hospital after sustaining physical abuse. An initial strategy discussion held by the council led to no further action. It made no recommendations about contact arrangements, as these had to be decided by the court.

When we investigated, we found fault in the council not holding a second strategy discussion despite new information about the incident coming to light. We could not say what would have happened had the council arranged the second discussion. We also found there was delay in the council starting the child and family assessment and also subsequently to respond to the mother's concerns that the assessment was flawed and contained inaccuracies. Finally, we found her complaint should have been considered by the council under the statutory children's complaint procedure.

Following our investigation, the council agreed to convene a strategy discussion to consider whether the boy was likely to suffer significant harm. If that discussion did not decide to carry out a section 47 enquiry, it agreed to update the child and family assessment to reflect the mother's concerns, as well as apologise and pay a sum for the distress caused.

15. **Case reference:** [17 015 650](#), decided on 21 August 2018

A man complained to us that the council failed to carry out a safeguarding investigation properly. His daughter was made subject to a child protection plan by the council. We found the council included inaccurate information in its reports, failed to provide context for some information included and failed to properly analyse the information gathered. This undermined his trust in the process and led him to feel his views were not represented. We recommended the council apologise, make a payment of £500 for the distress caused and draw up an action plan to address the faults identified in this case.

16. **Case reference:** [17 010 476](#), decided on 29 August 2018

The council decided to impose restrictions on a man's contact with his grandchildren after receiving allegations that he posed a risk to them. He and his wife complained to us. We found the council was at fault for not carrying out a risk assessment before continuing restrictions on his contact with his grandchildren and it delayed responding to a complaint. That has left the couple with uncertainty and distrust in the council's procedures. To remedy the injustice, the council agreed to carry out a risk assessment to establish whether he posed a risk and then communicate that to the family. The council also agreed to apologise for failing to carry the risk assessment earlier and make a payment to them for the distress caused.

17. **Case reference:** [17 007 098](#), decided on 28 August 2018

A couple complained to us about the council's actions when dealing with a child protection matter concerning their children. We found the council was at fault in failing

to provide advocacy support to the couple to enable them to attend or be represented at child protection conferences. The council also failed to provide social workers' reports five days before child protection conferences, which caused them further injustice. The council also delayed sending them conference minutes until several weeks after the conference. The council has agreed to remedy the injustice these failings caused to the couple.

### **Common issues – looked after children**

18. We can investigate whether the council is at fault in the way it carries out assessments, prepares care plans and provides services and whether this has caused any harm or injustice.
19. Some of the issues we have seen include delays in carrying out an assessment, preparing a care plan or carrying out a looked after child (LAC) review or failures to follow government guidance. Other common faults include failure to keep proper records of information, communicate with those involved or cooperate with other agencies. In some cases, we have seen examples of councils preparing assessments or care plans that are inadequate or failing to monitor arrangements for a looked after child to make sure their needs are being met or to respond to any concerns raised. Such failures can lead to children's placements being disrupted.
20. **Case reference:** [16 014 981](#), decided on 2 July 2018

A man had three children who were taken into care by the council. The council decided to change the contact arrangements at a looked after child (LAC) review meeting. The Council changed his contact with his children to only take place in school holidays, but to last for three hours. He complained to us about the changes in the arrangements for contact with his children and the council's response to a stage two independent investigation into these issues.

The stage two investigation identified a failure by the council to involve him in decisions about the children's care. It also found the council failed to invite him to LAC reviews, and gave him late notice for contact sessions and only allowed supervised contact with two people.

When we investigated, we found the council was entitled to change the contact arrangements, however the failure to invite him to the LAC reviews was fault. This was exacerbated by the council's failure to implement the recommendations from the independent stage two investigation. The council agreed to apologise and pay him a sum for the distress he faced. It also agreed to provide copies of school photos and other information about his children and provide with a yearly planner of contact dates and clarifies who will be supervising contact. It also agreed to ensure it invites him to future LAC reviews with at least ten working days' notice.

Finally, it agreed to review its procedures to ensure it carries out recommendations from stage two investigations and share learning from this complaint with its staff.

21. **Case reference:** [17 004 963](#), decided on 27 February 2018

A young woman complained the council failed to consider her welfare properly when she sought support after being made homeless and failed to offer her adequate support after it accommodated her for a short period. She also argued the council failed to deal with her complaint about these issues properly by refusing to allow her to take the complaint to stage 2 of the children's social care complaints procedure.

The council accepted it should have treated her as a person qualifying for leaving care services. We found that the fact the council did not at first accept she was a qualifying person indicated it had not previously considered its duties towards her in this way. We said the council should have provided her with information about services she might be able to receive as a qualifying person.

Following our investigation, the council agreed to write to her to explain how she can seek any support she might be eligible for as a young person previously accommodated for less than 13 weeks and remind staff of the need to consider the duties council owed to young people in such circumstances. It also agreed to review its material for care leavers to ensure that the issue of support available to those accommodated for less than 13 weeks was appropriately addressed.

**22. Case reference:** [15 012 105](#), decided on 6 July 2017

A family complained to us the council did not provide them with the support they needed for their young son, who had autism. The family said they were without support for several years. The support they were offered was too little, too late. A residential home the council placed the boy in was unsuitable and the family had to threaten the council with legal action before it placed the boy in a residential school. The council then delayed responding to the family's complaint.

Following our investigation, the council agreed to apologise to the family for the faults we have identified; refund their legal costs and pay the family a sum to recognise the significant distress suffered by the family as a result of the council's faults. It also reviewed its policies so that education and children's services work better together to consider cases that require a coordinated response.

**23. Case reference:** [17 012 169](#), decided on 11 July 2018

A couple complained to us they were not sent looked after children reviews. They also said the council had unreasonably restricted their ability to communicate with the council, and that it has failed to deal with their complaints satisfactorily. When we investigated, we found the council could not demonstrate it had shared the reviews with the couple on three occasions, which we said it was fault. We did not find any other fault with the council's actions.

**Common issues – adoption and fostering**

24. Complaints we receive often relate to delays and fault in adoption assessments, failure to provide sufficient information to prospective adopters about a child, introductions to the child being poorly prepared, failure to consider properly and transparently concerns about the proposed placement or plan for the removal of a child after placement. We can also receive complaints from birth parents.

25. After an adoption is approved, we have seen examples of councils failing to undertake an assessment for adoption support or delays in arranging this. We have also seen cases of financial support being unreasonably removed or without giving sufficient notice.

26. **Case reference:** [16 016 634](#), decided on 19 Jul 2017

A couple adopted two children. The council agreed adoption allowances would be made available to support them. The funding agreement sent to them, once the children were already placed in the household, said that support would be offered until the children reached the age of 18. This however would be subject to annual review. The council subsequently changed its policy and decided to remove support payments.

We found the council should have made it clearer there was no guarantee funding would continue beyond the initial two-year period and that any decisions made would primarily be based on the needs of the children. We said the council should apologise to the couple that it did not do so in this case. They were caused avoidable uncertainty by the lack of clarity in the information sent to them.

27. **Case reference:** [17 013 555](#), decided 15 May 2018

A woman complained the council delayed unacceptably in providing post adoption support services to her adopted son. The council prepared a pre-adoption report which said the child was likely to need therapeutic support in future. When we investigated, we found the council was at fault for an unacceptable delay in providing the support it had promised to the child. The council also took considerably longer to prepare the later in life letter. We recommended the council review its adoption assistance procedures, create a system to ensure similar failures were less likely to happen in future and publish a set of service standards on its website.

28. **Case reference:** [17 007 600](#), decided on 7 March 2018

A woman complained about the council's administration of the post adoption letterbox contact arrangement she had with her biological granddaughter. She complained about the poor communication from the council regarding delays, the process in place to monitor the content of the letters and delays in responding to her complaints. We found some fault about the way the council handled the letterbox contact arrangement, for which it agreed to apologise.

### **Common issues – friends and family carers**

29. Common faults we see when we investigate include councils failing to provide sufficient information to allow the family and friends carer to make an informed decision about agreeing to such arrangements or to failing to pay family and friends foster carers fostering allowance or pay it at the correct rate.

30. **Case reference:** [17 002 928](#), decided 27 February 2018

A woman complained the council paid her an incorrect allowance as special guardian for her two granddaughters. The council was paying her a special guardianship allowance which it calculated as a percentage of its fostering allowance. She complained to the council, arguing the calculation was incorrect and asking for correct payments to be made and backdated.

When we investigated, we found the council's approach was flawed. Following our investigation, the council agreed to calculate and backdate all special guardianship allowance payments for which she was eligible, identify all existing special guardians affected by this fault and make backdated payments to those special guardians, calculated using the correct new policy.

31. We regularly publish thematic reports that highlight common or systemic issues we see and draw together learning from the complaints that come to us. Two of our recent reports are relevant to the committee's present inquiry:

[Firm foundations: complaints about council support and advice for special guardians](#), published in May 2018, highlights issues we have seen in our casework that relate to the experience of special guardians and the children they look after. The report outlines some examples from our casework about issues including: poor advice to potential special guardians, wrongly calculating, changing or cutting special guardianship allowance.

[Are we getting the best from children's social care complaints system?](#), issued in March 2015, was published to help inform the debate about the effectiveness of the children's social care complaints system. It also outlines some example complaints we have investigated about issues including: the failure to recognise when a complaint has been made; unnecessary delays in the complaints process; and the refusal to go through all stages of the procedure.

32. We hope this evidence and information will be of use to the inquiry. We would also be pleased to give oral evidence to the committee if it would be helpful to expand on our experience of investigating complaints relating to children's services.

Yours sincerely,



**Michael King**  
**Local Government and Social Care Ombudsman for England**  
**Chair, Commission for Local Administration in England**

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