

**Children's Service Social Care  
Complaints and Representations Procedure**

**Annual Report 2013 - 2014**

## **1. Summary**

- 1.1 The following report provides Members of the Council, service users, parents and carers and managers and staff, with information about the handling of complaints and compliments in Bath and North East Somerset Children's Services. This report considers the complaints and compliments received between 1<sup>st</sup> April 2013 and 31<sup>st</sup> March 2014 and provides an analysis of outcomes, trends and learning from complaints.
- 1.2 Complaints against schools are the responsibility of the individual school and not therefore reported on in this report.
- 1.3 During the year a total of 77 complaints were dealt with under the Children's Service statutory complaints procedure or the Council's Corporate Complaints Procedure. No complaints were referred to the Local Government Ombudsman. 24 compliments or letters of thanks were recorded.

## **2. The Procedure**

- 2.1 The report will consider feedback received about Children's Social Care Services under the statutory procedure which is set out in the Children Act 1989 Representations Procedure (England) Regulations 2006 and accompanying statutory guidance 'Getting the Best from Complaints'. It also considers feedback received about other services provided by Children's Services under the Council's Corporate Complaints Procedure.
- 2.2 A description of the statutory procedure can be found at Appendix 2 and further information about the Corporate Complaints Procedure can be found at [www.bathnes.gov.uk](http://www.bathnes.gov.uk)
- 2.3 The feedback that is considered in this report is categorised as a complaint, a representation or a compliment:
  - A complaint can be generally defined as an expression of dissatisfaction or disquiet, which requires a response
  - A representation can be positive feedback and will be recorded as a compliment or it can be an enquiry or comment that is not a criticism, which requires a response. The reason for recording a representation is that it provides valuable feedback on the delivery of services. It has also been found that this is often the way that children and young people chose to give feedback rather than entering the formal complaints procedure.
  - A compliment is positive feedback about the service or an individual member of staff.

2.4 The key principles of the Complaints Procedure are that:

- People who use services are able to tell the local authority about their good and bad experiences of the service.
- People who complain have their concerns resolved swiftly and, wherever possible, by the people who provide the service locally.
- The procedure is a positive aid to inform and influence service improvements, not a negative process to apportion blame.
- The Service has a 'listening and learning culture' where learning is fed back to people who use services – and fed into internal systems for driving improvement.

2.5 The Children's Service commitment to responding to the concerns of children and young people who are in care is set out in the 'Pledge to Children and Young People in Care'. The Pledge has been endorsed by the Council's Corporate Parenting Group. [See Appendix 3]

### 3. Complaints and Compliments data

3.1 Representations, complaints and compliments can be received by the service team, Chief Executive, Strategic Director or the Complaints Procedure Manager. Details of the complaint are passed to the Complaints Procedure Manager and are recorded and monitored using the Respond3 database.

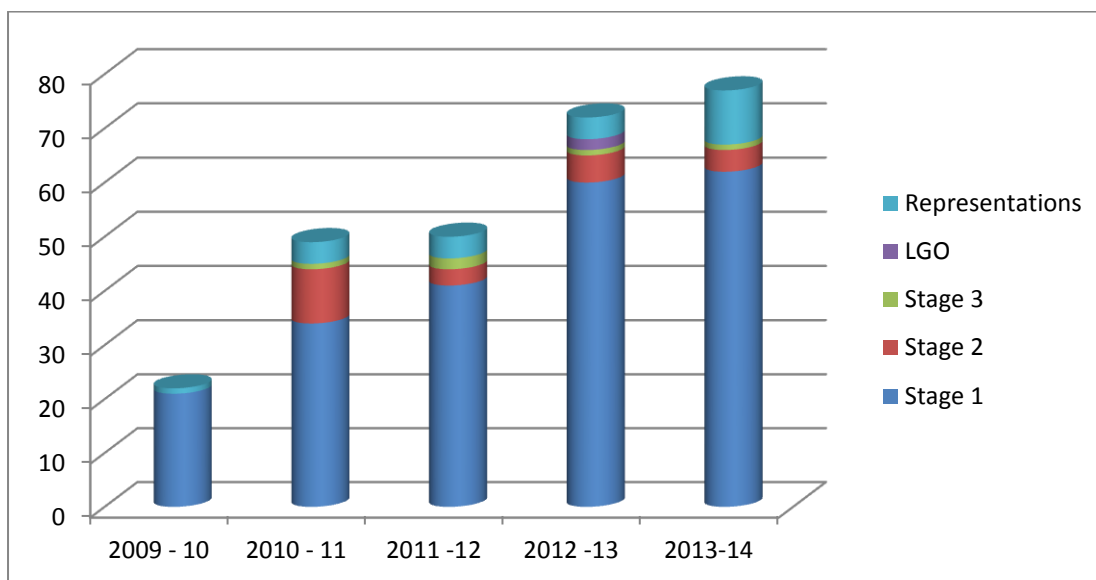
3.2 The format for the presentation of the data in this annual report has been changed from previous years. Previously only complaints against social care services were reported on and information about complaints to other services were included as an appendix to the report. The report now reflects the change of structure within Children's Services.

3.3 Table 1- Total number of complaints received in 2013 - 14

Representations	Stage 1	Stage 2	Stage 3	LGO	Total
10	61	5	1	0	77

3.4 In the past 5 years there has been a significant increase in the number of complaints and representations received. However, despite the increase in the number of complaints received at Stage 1 this has not resulted in a significant increase in the number of complaints escalated to Stage 2. This number of investigations remains relatively stable which it is hoped is an indication that complaints are being resolved successfully at Stage 1.

3.5 Table 2: **Total number of complaints received/comparison with previous years**



3.6 Table 3 - **Complaints by Service Area**

	Representation	Stage 1	Stage 2	Stage 3	LGO
<b>Children and Young People Specialist Services</b>					
Children & Families Assessment and Intervention – Court and CP	2	17	1	1	
Children & Families Assessment and Intervention – Duty & Child in Need	5	18	1		
Specialist Children Young People and Families Team					
Disabled Children’s Team		2			
Family Placement Team		1			
Children in Care & Moving on Team		4	3		
Principal Children & Families Social Worker					
Connecting Families Service					
Early Years and Children’s Centre Services	3	8			
Children Missing Education		5			
Educational Psychology					
Youth Service		1			
Youth Offending Team					
Hospital Education					

Children's and Young People Strategy and Commissioning					
Education strategic lead including statutory SEN and school improvement		1			
Virtual School for Children in Care					
Safeguarding Assurance and QA for CYP, including LSCB		2	1		
Commissioning Specialist Services, including children's health services					
Commissioning Preventative Services					
Commissioning Support & Contracts Management					
Business Support for the Directorate		1			
Miscellaneous		1			
<b>Service Area Total</b>	<b>10</b>	<b>61</b>	<b>6</b>	<b>1</b>	<b>0</b>

### 3.7 Issues complained about

3.8 Summarising the issues complained about and identifying any trends is difficult with such a diverse service. Complaints also often concern more than one issue. **Table 5** (below) illustrates some of the broader themes and gives the number of complaints that were upheld or partially upheld in each category.

	Number of complaints	Upheld or Partially Upheld
Attitude or behaviour of staff (includes issues with poor communication)	24 (36.5%)	13
Issues with assessments (includes delays in completing an assessment)	24 (36.5%)	8
Quality of the service	6 (9 %)	2
Delay in making a decision or providing a service	2 (3%)	2
Unwelcome or disputed decision	6 (10%)	3
Other	3 (5%)	2
<b>Total</b>	<b>65* (100%)</b>	<b>30</b>

\*this figure varies slightly from the total recorded complaints as it includes complaints that were outside the scope of the procedure.

3.9 The two areas which attracted the most complaints were 'Attitude or behaviour of staff' and 'Issues with Assessments'. Examples of complaints in these categories include:

#### Attitude and Behaviour of Staff

The young person said the way she was questioned made her feel as if she had been interrogated and this happened when her mum was out of the room.

The complainant felt she had been discriminated against because she is deaf. She was not given notice of the meetings and found them hard to follow.

The parent was unhappy with the tone of the letter sent to him and when he challenged this he was given an unsatisfactory response.

#### Issues with assessments

The young person felt that the service had never worked to protect her and the records on her file were inaccurate.

The parent (father) felt social workers had not alerted him to problems with his partner's parenting. He felt he had been excluded because he was working and was not at home when social workers visited during the day. He said no attempt had been made to contact or involve him.

The complainant was unhappy with the accuracy of the viability assessment carried out.

## 4. Learning from complaints

### Stage 1 complaints

- 4.1 The complaints procedure has two primary functions: it enables the service to put things right for the individual complainant when they have gone wrong, and it provides a tool to improve and develop services and practice.
- 4.2 Table 5 above indicates that 30 of 65 complaints were either upheld or partially upheld. Where a complaint is upheld or partially upheld it is standard practice for a letter to be sent apologising for the error and explaining what will be done to correct it.
- 4.3 Examples of actions taken to address the fault included the offer of a meeting to discuss the complaint and to help build a relationship with the service for the future, agreement to make a correction to factual inaccuracies on the record and agreement to change the worker.

4.4 Other specific actions taken to address the complaints were:

- Training for staff on issues such as maintaining confidentiality. The Hearing and Vision Team also agreed to deliver training about difficulties experienced by people who are hearing impaired or visually impaired when caring for children.
- Information for parents on services provided at the Children's Centres was to be reviewed.
- Following a theft at their home, carers were repaid the money that was taken.
- A young person was offered the opportunity to comment on how Child Protection Case Conferences can be improved to help young people to participate more easily.

**Stage 2 complaint investigations**

4.7 Between April 2013 and March 2014, five complaint investigations were started and four of these were concluded by 31<sup>st</sup> March 2014. Elements of all four completed investigations were 'upheld' and actions were recommended to address the faults identified.

4.8 The outcome and recommendations are recorded on an action plan and the Service Manager works with the team manager and team members to address each of the recommendations. The complaints team monitors the actions taken against the action plan.

4.9 Table 6 below gives examples of outcomes from complaint investigations and the recommended actions. This is not an exhaustive list but an illustration of the range of issues considered at Stage 2 and the type of recommendation that is made to the service.

4.10 Investigations often also identify problems and failings which are supplementary to the complaint itself and have not been raised by the complainant. For example, poor or incomplete recording has been identified in more than one complaint investigation. At the same time investigating officers also comment on the good practice that they have seen and sharing this provides a further opportunity for learning.

4.11 **Table 6 – learning from complaints at Stage 2**

Investigation findings	Recommended Action
An assumption was made by the Duty Social Work Team that regular 'Team around the Family' meetings were being held when this was not the case	That all relevant staff including the duty social work team, interface senior practitioner, children's centre and integrated working team are given feedback with the expectation that there is an improvement in co-ordination between

	early help and social care.
Children's Services must ensure that risk assessments are carried out before recommending unsupervised contact with parents where there are recorded concerns.	That relevant managers are made aware of this recommendation and that procedural guidance is issued to address this issue.
There was a lack of support to the trustees of a small organisation when an allegation was made against a senior member of staff within the organisation.	That further guidance is provided to commissioned services and to contract managers, regarding the process for managing allegations against people who work with children, to clarify the role of the LADO and the employer in any investigation.

#### 4.12 Compliments

- 4.13 As well as registering complaints managers and staff are encouraged to record compliments as they also provide valuable information about the delivery of services and what service users consider to be a positive experience.
- 4.14 A total of 24 compliments were recorded in 2013/2014 which is a decrease on the number received the previous year. They have been received about all aspects of the service and the extracts below give some indication of the feedback that is received.

Feedback to a social worker from the Adoption Panel

*Well done for your report and presentation today. Panel were fulsome in their praise for the work you'd so obviously done with P and M. They also commented on the way you responded when P became upset - noting that you clearly had to be tough with him during assessment but had also reached out to support emotionally at the same time.*

Sent to a social worker from staff at a school

*I just wanted to write an email to thank you for all your help on Tuesday. I would also like to pass on huge thanks to T who was truly amazing and without whom we would not have been able to support the family properly. She was extremely professional and went above and beyond to help us get the mother and children to the hotel safely.*



Sent from a mother to St Martin's Gardens Children's Centre

*The Children's Centre has helped me so much over the last few years, they have done a lot for me and my son. My two year old boy has learnt a lot from coming to Nursery and his speech and communication skills have come a long way very nicely and that's because of the staff at the centre. Whenever I have needed help with sorting bills or anything my support worker has always been there to give me a hand and any support I need and so have the staff at the nursery. They always sit and listen if I have any issues and try to give me advice and don't rush me even if they are busy. My Son loves all the ladies at the nursery and is so excited every Monday and Tuesdays to go. The way they treat the children is brilliant and I wouldn't have my son at any other nursery. I have struggled over the years being a single parent and if I didn't have the centre I would have found it very difficult. The centre is amazing and so are the staff*

## 5. Complaint handling and Monitoring

### Response to Stage 1 complaints

- 5.1 Compliance with timescales is monitored very carefully in recognition of the need to deal with complaints as swiftly as possible.
- 5.2 An acknowledgement of a Stage 1 complaint should be sent in 2 working days and a full response within 10 working days. This can be extended by a further 10 days when an advocate is requested or the complaint is particularly complex. This should be in agreement with the complainant.
- 5.3 In 2013/14, 72% of complainants were sent an acknowledgment within 2 working days. Late notification of some complaints resulted in failure to meet the target of 95% acknowledgments sent within 2 days.

### 5.4 Table 7 – Response to Stage 1 complaints

	Response in 10 w/days	Response in 20 w/days	Response in excess of 20 w/days
2009 - 2010	39%	4%	57%
2010 - 2011	32%	11%	57%
2011 - 2012	35%	17%	48%
2012 - 2013	16%	31%	53%
<b>2013 - 2014</b>	<b>32%</b>	<b>15%</b>	<b>53%</b>

- 5.5 There has been an improvement in the number of complaints receiving a response within 10 working days but the response to 53% of complaints took more than 20 working days.
- 5.6 The average time taken to respond to a Stage 1 complaint was 26 working days. In the main the reason for the delay is recorded as the 'other

commitments of the team manager'. Wherever possible, the complainant is informed in advance and is given a revised timescale. It is hoped this has helped to prevent some complaints unnecessarily escalating to Stage 2.

## **Response to Stage 2 complaints**

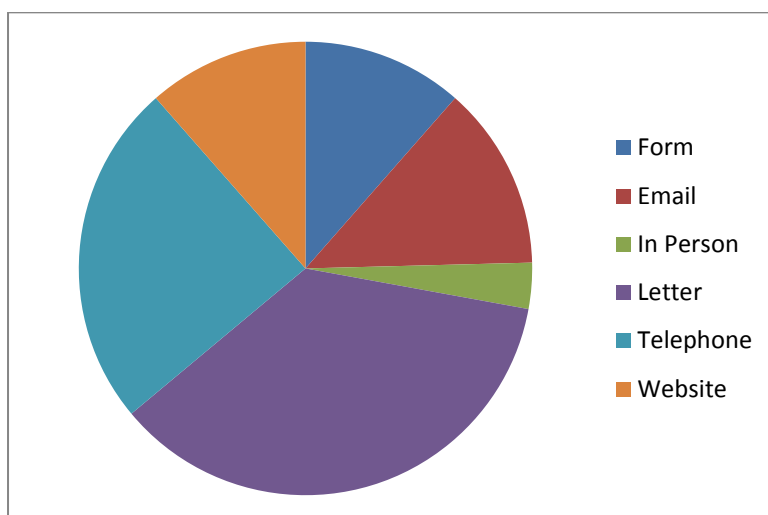
- 5.7 Four stage 2 complaint investigations were completed during the year.
- 5.8 A stage 2 investigation should take 25 working days from the date the complaint is agreed with the complainant. This can be extended up to a maximum of 65 working days with the agreement of the complainant if the investigator requires more time.
- 5.9 The timescale of 25 working days is very challenging for the investigating officer as most investigations require a significant amount of reading and time spend interviewing.
- 5.10 Analysis shows that one investigation was completed within the 25 working day timescale. The average time taken to complete the investigations was 55 working days which is within the timescale set out in the guidance of 65 working days. The improvement in the timescale from 112 working days in the previous year is due primarily to the use of external investigators rather than managers from within the service.

## **6. Accessing the procedure**

### **6.1 Information for the public**

- 6.1.1 Information about the Complaints Procedure should be given to all children and young people, their parents and carers at the initial contact. Workers are encouraged to check that the child/young person is aware of the complaints procedure when a case is transferred to them.
- 6.1.2 The Independent Reviewing Officer will also ensure that the young person is aware of their right to make a complaint at each review. A recent audit of IRO reports has confirmed that children and young people are routinely informed at their review of their right to make a complaint.
- 6.1.3 An information sheet is available on the Local Authority's website. The information can also be provided in large print and Braille and can be translated into other languages.
- 6.1.4 A complaint leaflet has been designed specifically for children and young people and is available on the website. It is also included in the Child in Care Pack which is given to each young person when they become 'looked after'.
- 6.1.5 A complaint can be made in a number of different ways e.g. by telephone, in person, by email, which ensures that the complaints procedure is as accessible as possible. During the year complaints were made in the following ways:

**Table 8 – Methods used to make a complaint**



6.1.6 Use of email and the Council Website is increasing as a way of making a complaint but letter and telephone remain the most popular methods. As the low number of complaints from young people is a concern a mobile number to encourage young people to contact via text has been set up.

## **6.2 Complaints made by children and young people**

6.2.1 Of the 61 Stage 1 complaints, four complaints were made by a young person. The remainder of the complaints were made by adults complaining about their own contact with the service or on behalf of children. The majority of complainants were parents, but four were grandparents, one was a foster carer and two complaints were received from other agencies.

6.2.2 The Complaints Procedure was written and developed to enable children and young people to tell the Local Authority when they are dissatisfied with something that is affecting their lives. It is important, therefore, that the Service finds every means possible to enable children and young people to tell the Service when they are unhappy with something. Being able to use text will help but it is not the full answer.

## **6.3 Gender, ethnicity and disability**

6.3.1 Complainants are invited to provide information about their ethnicity, gender and disability if they make a complaint using the complaint form (on line or paper format). If the complaint is made by any other method the complainant is not asked for this information.

6.3.2 This is an indicator of who is accessing the complaints procedure (the complainant). The table below illustrates that there are gaps in the information about the complainant.

### 6.3.3 Table 9– Monitoring information

Disability	Complainant	Ethnicity	Complainant	Gender	Complainant
Disabled	2	White British	12	Male	20
Not Disabled/Not declared	63	Not known	51	Female	43
		Black/British Caribbean	0	Not known	

## 6.4 Advocacy

- 6.4.1 Section 26A of the Children Act, 1989 requires the local authority to ‘make arrangements for the provision of advocacy services to children or young people making or intending to make complaints under the Act’. The advocacy service commissioned by Bath and North East Somerset is ‘Shout Out!’ which is part of ‘Off the Record’.
- 6.4.2 Information about the support provided by Shout Out! is given to children and young people by their social worker, Independent Reviewing Officer and is in The Children in Care Pack. Shout Out has produced a wallet sized card on ‘the Pledge’ and this includes information about the Complaints Procedure Manager with contact details. Advocacy support is also offered to children/young people to support them to attend a Child Protection Case Conference.
- 6.4.3 In 2013/14 one young person accessed the advocacy service for assistance with their complaint.
- 6.4.4 Parents and carers who want to make a complaint do not have the same automatic right to an advocate as children and young people do but they can receive support from Complaints Procedure Advocacy at the Care Forum in Bristol if they meet certain criteria.
- 6.4.5 Between April 2013 and March 2014 two complainants had support from this advocacy service to pursue their complaint.
- 6.4.6 Surveys carried out by the advocacy service indicate that parents and carers who receive advocacy support with their complaint feel that they achieve a better outcome than they would if they had pursued the complaint on their own.

## **7. An overview of the Complaints Procedure during 2013 -14**

7.1 The Complaints Team now has three members of staff:

- The Complaints Procedure Manager works part-time and manages the complaints service for People and Communities and she is the Data Protection Liaison Officer.
- The Complaints Officer is part-time and is the first point of contact for complainants wanting to make a complaint. She also works with managers to ensure Stage 1 complaints are responded to in accordance with the procedures. The Complaints Officer also provides administrative support for Stage 2 independent investigations and Stage 3 Review Panels.
- The Data Protection Officer is also part-time and deals with Subject Access Requests under the Data Protection Act 1998 and responds to requests to share information from the Police under the 2013 Protocol for Disclosure of Information and from other Local Authorities (see 7.7 below).

7.2 The expansion of the Complaints Team has allowed more direct work with managers to help improve response times for complaints, check complaint response letters for quality and accuracy and also support managers at meetings with complainants

7.3 During the year the Complaints Team has been involved in the implementation of the CRM system for logging and monitoring Corporate Complaints.

7.4 The Complaints Procedure Manager continues to provide data on the complaints procedure for many aspects of the service. A detailed quarterly report is produced as part of the monitoring of the SLA with Specialist Services. Draft standards for handling complaints in line with the legislation have been developed and the report includes an analysis of each standard.

7.5 The Complaints Procedure Manager continues to deliver targeted induction for all new social care staff. 11 new members of staff attended during the year. The majority of those attending are social workers or students new to Bath and North East Somerset. Not many managers are attending the sessions. The lack of attendance is often reflected in the quality of responses provided by new managers.

7.6 The Complaints Procedure Manager is currently the Chair of the South West Regional Complaints Managers Group and a member of the National Complaints Managers Group representing the South West Region at meetings and events. She also links with complaints managers in 8 neighbouring authorities to operate a Register of Independent Investigators and Stage 3 Panel Members.

7.7 In addition to the complaints work, the team also deals with Data Protection and Subject Access requests. The numbers of contacts have increased during the

year from 76 in the previous year to 113 in the current year. They have been recorded under the following categories.

	Completed	On-going
Subject Access request (closed cases)	23	8
Advice and signposting	14	0
Information sharing (requests from police and other agencies)	64	0
Court Order	1	0
Response to ICO enquiry	1	0

The greatest increase is in the number of requests for information from the Police. The number in this category rose from 37 to 64 requests. There has been a clear increase in the number of enquiries relating to historic child abuse and this is expected to rise again in the coming year. .

## **8. Areas for development in 2014 - 5**

- 8.1 To continue the development of the protocol for learning lessons from complaints and compliments and ensure it is embedded in the response to complaints.
- 8.2 To continue work with the Advocacy Service to consider the best way to ensure that Children and Young People are aware of, and confident to access, the Complaints Procedure.
- 8.3 To consider what further training is required to equip staff and managers to respond positively to complaints received.
- 8.4 To continue to develop the information on the website about complaints and ensure information is available about how to complain about all aspects of children Services including the SEND reforms, Connecting Families.

Sarah Watts  
Complaints Procedure Manager

## **Appendix 1**

### **Summary of the Complaints Procedure**

#### **Stage One – Local Resolution**

The majority of complaints should be considered and resolved at Stage 1. Staff at the point of service delivery and the complainant should discuss and attempt to resolve the complaint as quickly as possible.

Complaints at Stage 1 should be concluded within 10 working days. This can be extended by a further 10 days where the complaint is complex or the complainant has requested an advocate.

If the complaint is resolved at Stage 1 the manager must write to the complainant confirming what has been agreed. Where the complaint cannot be resolved locally or the complainant is not satisfied with the response, the complainant has 20 working days in which to request a Stage 2 investigation.

There are some complaints that are not appropriate to be considered at Stage 1 and these can progress directly to Stage 2.

#### **Stage Two - Investigation**

Once the complainant has decided to progress to a Stage 2, the Complaints Manager arranges for a full investigation of the complaint to take place. The investigation is carried out by someone who is not in direct line management of the service or person about whom the complaint is made.

The complainant should receive a response to their complaint in the form of a report and adjudication letter within 25 days of making the complaint. This can be extended up to a maximum of 65 working days where the complaint is particularly complex or where a key witness is unavailable for part of the time.

The Adjudicating Officer should ensure that any recommendations contained in the response are implemented. This should be monitored by the Complaints Manager.

#### **Stage Three - Review Panel**

Where Stage 2 of the procedure has been completed and the complainant remains dissatisfied, he can ask for a Review Panel. The purpose of the Panel is to consider whether the Local Authority adequately dealt with the complaint in the Stage 2 investigation. The Panel will be made up of three people who are independent of the local authority.

The Panel should focus on achieving resolution for the complainant and making recommendations to provide practical remedies and solutions.

The complainant has 20 working days in which to request a Review Panel from receipt of the Stage 2 report and adjudication letter and the Panel must be held within 30 days of receiving the request.

If the complainant remains dissatisfied he can refer his complaint to the Local Government Ombudsman.

Extract from the **Pledge to Children and Young People in Care**

We promise we will work hard to sort out any problems or worries you have.

We can't always promise to do what you ask, but we will explain the reasons why.

We will make sure you know how to get an independent advocate. That's someone who will listen to you and work with you to get things stopped, started or changed.

We will make sure you have all the information you need to make a complaint, including the name and contact details of the complaints procedure manager.

We promise to take all complaints seriously and deal with them fairly and as quickly as possible.

**Are we keeping our promises?**

You can let us know how well we are doing by sending your comments to:

Charlie Moat, Care and Young People Service Manager

Email [charlie\\_moat@bathnes.gov.uk](mailto:charlie_moat@bathnes.gov.uk) or phone 01225 477914

Or to Sarah Watts, Complaints Procedure Manager

Email [sarah\\_watts@bathnes.gov.uk](mailto:sarah_watts@bathnes.gov.uk) or phone 01225 477931

Write to one or both of us at PO Box 25, Riverside, Keynsham, Bristol BS31 1DN

You can also contact Shout Out! Children's Rights and Advocacy Service. Shout Out! is Free, Independent and Confidential and can help you have your voice heard to STOP, START or CHANGE something. Shout Out! Off the Record, Milward House, 1 Bristol Road, Keynsham BS31 2BA. Phone: 0117 986 5604/Freefone; 0800 389 5551 (free from landlines), email [advocacy@offtherecord-banes.co.uk](mailto:advocacy@offtherecord-banes.co.uk) or text 07753 891 745 [www.offtherecord-banes.co.uk/advocacy.aspx](http://www.offtherecord-banes.co.uk/advocacy.aspx)

**We promise to use your feedback to improve our services for children and young people in care.**