

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

Annual Report 2010 - 2011

1. Summary

- 1.1 The purpose of this Annual Report is to provide Members of the Council, service users, carers and the wider general public as well as staff members, with information about the effectiveness of the Complaints Procedure for social care services within Children's Services, including Early Years and the Youth Offending Team. The report considers information about complaints and compliments and provides an analysis of outcomes, trends and learning from complaints.
- 1.2 Information on complaints against other service areas within Children's Services is included in this report for the first time [see Appendix 1]. These complaints are dealt with under the Council's Corporate Complaints Procedure. Complaints about schools must be addressed through the school's complaints procedure in the first instance. If the complainant is dissatisfied with the response they can request a review by the local authority. While this separate process is not managed by the Complaints Procedure Manager and therefore does not feature in this report, the Complaints Procedure Manager has provided advice and guidance to parents on accessing the Schools Complaints Procedure on 8 occasions during the past six months.
- 1.3 The report covers the period 1st April 2010 to 31st March 2011.
- 1.4 During the year a total of 44 complaints were registered at Stages 1, 2 or 3 of the procedure. 7 compliments or letters of thanks were received.

2. The Procedure

- 2.1 The Children Act 1989 as amended by the Adoption Act and Children Act 2002, imposes a duty on every local authority to establish a procedure for considering representations, including complaints made by children, young people, parents, foster carers and other adults about the discharge by the local authority of any of its functions in relation to a child. The Children Act 1989 Representations Procedure (England), 2006 and the statutory guidance 'Getting the Best from Complaints' also issued in 2006 set out in detail the operation of the Complaints Procedure. Further information is available on the Council's website www.bathnes.gov.uk
- 2.2 The Complaints Procedure has three stages:

Stage 1 – Local Resolution
Stage 2 – Investigation
Stage 3 – Review Panel

A description of each stage of the process can be found at Appendix 2.

2.3 The key principles of the Complaints Procedure are that:

- People who use services should be 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.

2.4 The Children's Service commitment to responding to the concerns of children in care is set out in the Pledge to Children and Young People in Care. This pledge has been endorsed by the Council's Corporate Parenting Group. [see Appendix 3]

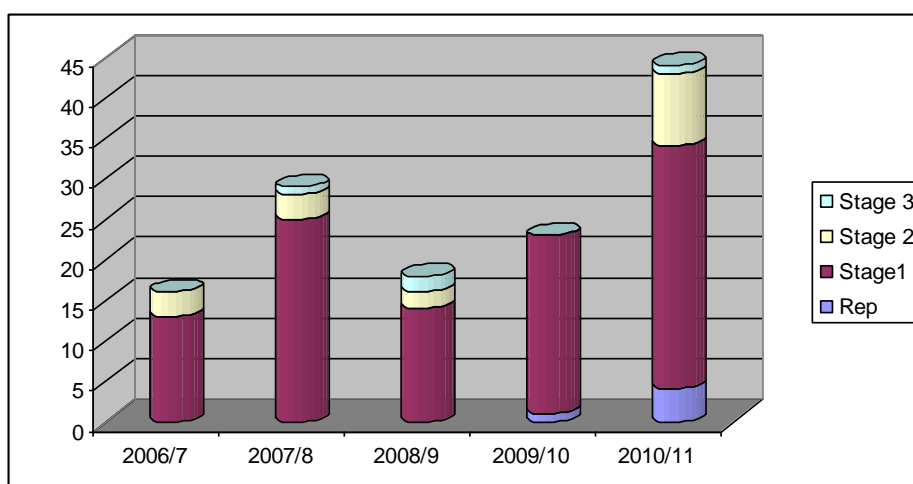
3. Complaints and Compliments

3.1 Complaints and compliments are received by the service team, Chief Executive, Strategic Director and the Complaints Procedure Manager. Details of the complaint are recorded and monitored by the Complaints Procedure Manager using the Respond3 database.

3.2 Table 1- Total number of complaints received for 2010/2011

	Representations	Stage 1	Stage 2	Stage 3	LGO	Total
2010/2011	4	30	9	1	0	44

3.3 Table 2 - Total number of complaints received/comparison with previous years



Note : Where an issue can be resolved informally without entering the formal complaints procedure this will be recorded as a 'representation'.

3.4 Table 3 - Complaints by Service Area

	Representation	Stage 1	Stage2	Stage 3	LGO	Outside scope/ not pursued
117 Project	-	-	-	-	-	-
Bath Locality Team	2	12	4	1	-	3
North East Somerset Locality Team	2	8	3	-	-	-
Children in Care & Moving on Team	-	1	1	-	-	-
Family Placement Team	-	1	-	-	-	-
Disabled Children Team	-	1	-	-	-	1
Early Years	-	4	1	-	-	-
Youth Offending Team	-	3	-	-	-	-
Specialist Child & Family Support Team	-	-	-	-	-	-
Service Area Total	4	30	9	1	0	1

3.5 Outcome of complaints

3.6 Table 4 - Action taken in response complaints at Stage 1.

	No response/ not pursued	Upheld	Partially Upheld	Not Upheld	Apology	Change in Procedure	Provision of service	Change of decision	Disciplinary Action	Change of worker	Full explanation	Training
117 Project	-	-	-	-	-	-	-	-	-	-	-	-
Bath Locality Team	3	3	1	5	4	-	-	-	-	-	-	-
North East Somerset Team	4	1	2	1	2	-	-	-	-	-	1	-
Children in Care & Moving on Team	1	-	-	-	-	-	-	-	-	-	-	-
Family Placement Team	-	-	-	1	-	-	-	-	-	-	-	-
Disabled Children Team	-	1	-	-	-	1	-	-	-	-	-	-
Early Years	1	1	2	-	1	1	-	-	-	-	-	1
Youth Offending Team	-	1	1	1	-	1	-	1	-	-	-	-
Specialist Child & Family Team	-	-	-	-	-	-	-	-	-	-	-	-
Total	9	7	6	8	7	3	-	1	-	-	1	1

- 3.7 The figures in the shaded are show the outcome of the complaint. The figures on the right hand side show what action was taken where the complaint was either upheld or partially upheld.
- 3.8 In many cases an apology is sufficient to resolve a complaint but in other cases remedial action is needed. More detail about the actions taken and the lessons learned by the service is given in Section 5 of this report.

3.9 Compliments

- 3.10 Managers and staff are encouraged to record compliments as well as complaints as they also provide valuable information about services. The low number of compliments recorded is unlikely to be representative of the positive feedback given by service users and colleagues from other services and agencies.
- 3.11 7 compliments were recorded in 2010/2011. Extracts from the compliments include:

'This case is a great example of the department's hard work. The social worker has been exceptional and well supported by her manager and service manager'.

'a good social worker who is more advanced than her two and a half years qualification'

Thanks to the member of staff for her visit and 'providing more advice in one visit than I've had in total from all professionals'.

4. Complaint handling and Monitoring

Response to Stage 1 complaints

- 4.1 The total number of complaints recorded at Stage 1 is higher than previous years. This increase should not be seen as negative but as an indicator that people are aware of the procedure and their right to have their complaint listened to if they are unhappy with the service. It is important however that the lessons learned from these complaints are considered and that any patterns and trends in the information identified (see section 5).
- 4.2 Compliance with timescales is monitored very carefully in recognition of the aim of the service to deal with complaints as swiftly as possible.
- 4.3 An acknowledgement of the 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 required or the complaint is particularly complex.
- 4.4 With the input of additional administrative support since April 2010 there has been a marked improvement in the time taken to acknowledge the complaint. The acknowledgment is an important part of developing confidence in the complaints procedure. As long as the complaint is passed directly to the

Complaints Procedure Manager it is possible to acknowledge all complaints within 4 working days and the majority within 2 days.

4.5 Table 5 – Response to Stage 1 complaints

	Response in 10 w/days	Response in 20 w/ days	Response in excess of 20 w/days
2007 - 2008	55%	35%	10%
2008 - 2009	40%	25%	35%
2009 - 2010	39%	4%	57%
2010 - 2011	32%	11%	57%

4.6 Three complaints are not included as the complainants did not receive a full response from the team and were subsequently closed with incomplete data. This was despite several reminders.

4.7 Table 5 shows a year-on-year decline in the response time for a Stage 1 complaint which means that only one third of complainants can now expect to receive a response within the timescale set out in the regulations. It is acknowledged that the number of complaints has risen sharply during the year, however, the number remains comparatively low and this increase should not impact on the response time for each individual complaint.

4.8 The average time taken to respond to a Stage 1 complaint was 36 working days. The reason for the delay has mainly been recorded as the other commitments of the team manager.

Response to Stage 2 complaints

4.9 There has been a significant increase in the number of complaints at Stage 2. One Stage 2 complaint was received in 2009/10 and concluded in 2010/11 and is, therefore, included in this report. Of the nine investigations, six investigations were completed in 2010/11 and three were on going at the end of the year.

4.10 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 investigation has not been completed within the timescale.

4.11 The average number of days taken to complete a stage 2 investigation was: 98 working days. This figure is skewed by one investigation that took 154 working days due to the unavailability of the complaint. Other investigations took between 68 working days and 105 working days which means all took longer than the maximum 65 working days allowed.

5. Learning from complaints

5.1 Complaints and compliments can be used as a tool to help improve and develop services and practice as well as providing an opportunity to put things right when they have gone wrong. Identifying the reasons for the complaint, the

actions needed to address the complaint and the implications for the wider service can all help towards improving and developing the service.

- 5.2 In addition to the annual report, the Children’s Leadership Team is given an interim report at six-months and the service managers have been provided with a monthly report during the year. This will become a quarterly report in 2011/12. Regular reporting has proved helpful in addressing issues as they occur with complaint handling or service delivery.
- 5.3 Reasons for making a complaint –
- 5.4 The reason for each complaint is logged using the categories in the statutory guidance ‘Getting the Best from Complaints’ (Table 6):

Reason for the complaint	
Quality Service	8
Disputed Decision	2
Application of Policy	1
Attitude/Behaviour of staff	11
Appropriateness Service	4
Assessment, Care Management, Review	1
Inaccurate Information	1
Delayed decision or provision of service	2

- 5.5 Concern about the quality of the service and the behaviour and attitude of staff accounted for more than two thirds of all complaints.
- 5.6 Quality of service is difficult to define but is used when a complainant has a range of issues which indicate they feel the standard of service fell below their expectations. Examples complaints in this category include:

The complainant said the social worker was not available when the yp arrived for appointments on a number of occasions and failed to undertake the work they were required to do.
The complainant was unhappy that the social worker had not done a number of things they said they would, in particular they did not liaise with Housing or invite them to a meeting.
The complainant felt none of the help offered was suitable, the social worker failed to do what she said she would do and contacted the school without her permission.
The complainant was concerned about arrangements for a meeting. There was confusion over the time, no-one was available to greet her and it was unproductive.

- 5.7 Examples of ‘attitude and behaviour of staff’ include:

The complainant was unhappy with a breach of confidentiality by a member of staff.
The complainant was unhappy that the social worker did not respond appropriately when she made a disclosure and then her identity was shared by the social worker which put her at risk.

The complainant was unhappy that negative verbal comments were made about her by a member of staff to an agency requesting a reference.

The complainant was unhappy that information about her past were shared without her consent and the social worker was rude, unprofessional and misrepresented her views.

5.8 Figures indicate that 7 of the 8 complaints about the quality of the service were either upheld or partially. 6 of the 11 complaints about 'attitude or behaviour of staff' were not resolved. (3 complainants did not receive a response, 2 complainants did not pursue their complaint and 1 was on-going on 31st March 2011). Of the remaining 5, 4 were upheld or partially upheld.

5.9 Action taken

5.10 Many of the actions taken in response to complaints will relate specifically to the complaint, for example, for a specific piece of work to be undertaken, a letter written, training for a particular member of staff. Other complaints result in wider learning for the service. Examples of some actions that were identified include:

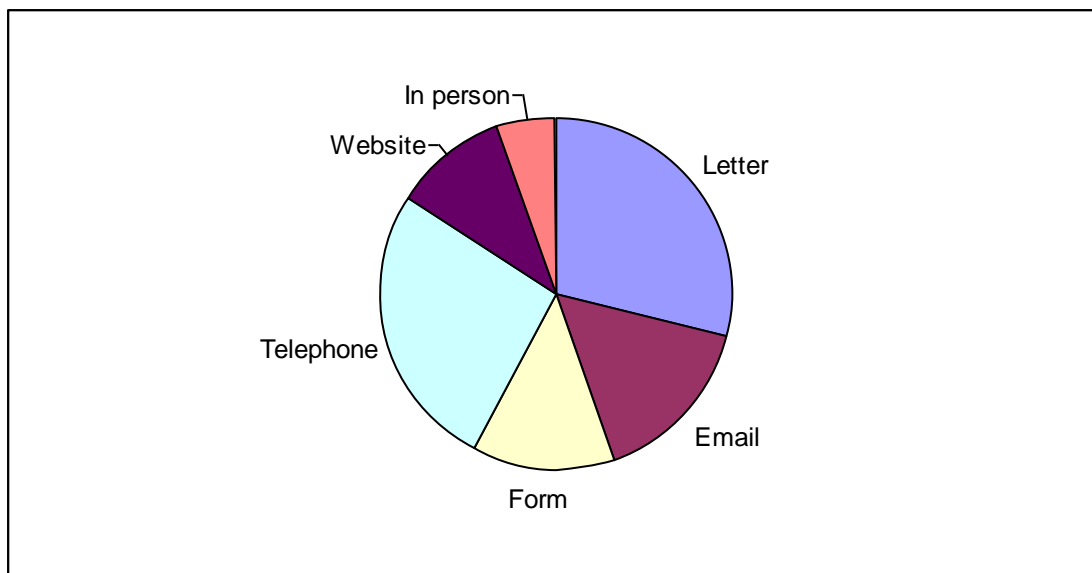
Issue to be addressed	Action taken
Delay in delivery of sling by OT service	Review of system for ordering equipment under a certain amount – agreed with Adult Care.
Complainant unhappy with the length of time records kept for.	Full review of schedule for retention of records undertaken. To be amended in Child Care Quality Manual.
Father not kept informed about his son	Initial assessments to be sent out promptly. Staff reminded to inform individuals when a case has been closed and record when they have done so.
Delays in obtaining a place at Children's Centre	Review of the policy and process for the waiting list. Administrators to ensure notification about the waiting list is sent out at the appropriate time.

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 and/or their parents and carers at the first point of contact. Workers are encouraged to check that children and young people are aware of the complaints procedure when they first start working with them, particularly when the case has been transferred from another team. The Independent Reviewing Officer will also ensure that the young person is aware of their right to make a complaint at each review.

- 6.1.2 An information sheet is available on the Local Authority’s website which includes a version of the information in large print format, The information can also be provided in Braille and can be translated into other languages.
- 6.1.3 A complaint leaflet has also been designed specifically for children and young people. This is also available on the website.
- 6.1.4 There are a range of options available for making a complaint to ensure the complaints procedure is accessible to service users. During the year complaints were made in the following ways (Table 6):



6.1.5 Although a stage 1 complaint does not have to be made in writing, the majority of complainants chose to make their complaint by letter. Use of email and the Council Connect website is increasing.

6.2 Complaints made by children and young people

6.2.1 Of the 30 Stage 1 complaints, two were made by a young person. Of the 9 Stage 2 complaints one was made by a young person. Two of these young people were supported by an advocate.

6.2.2 The remainder of the complaints were made by adults complaining about their own contact with the service or on behalf of children. With the exception of 3 complainants all were parents of children who are service users. The remainder were a foster carer, a teacher and a grandparent. Only one complaint did not relate directly to a child or young person.

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 in a letter, in person etc the complainant is not asked for this information. Information about the service user is taken from CareFirst.

6.3.2 This is an indicator of who is accessing the complaints procedure (the complainant) and the person the complaint is made on behalf of (the service user). The table below illustrates that there are gaps in the information about the complainant and also about the service user on Care First.

6.3.3 Table 7

Disability	Complainant		Ethnicity	Service user		Gender	Complainant	
	Service user	Complainant		Service user	Complainant		Service user	Complainant
Disabled	0	0	White British	12	9	Male	12	16
Not Disabled	12	1	Not known	16	21	Female	17	14
Not Declared	18	29	Dual heritage	1	0	Not known	1	
			Asian/ Asian British	1	0			

6.4 Advocacy

6.4.1 Section 26A of the Children Act, 1989 requires local authorities to ‘make arrangements for the provision of advocacy services to children or young people making or intending to make complaints under the Act’. In Bath and North East Somerset the advocacy service is provided by ‘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 workers, Independent Reviewing Officers and is in The Children in Care Pack.

6.4.3 The Complaints Procedure Manager asks the advocacy service for feedback from young people to find out if they have any views that they would like to pass on about the complaints procedure, such as, how easy it is to access, whether they would think it would be helpful to them, etc. No specific feedback has been received this year.

6.4.4 Parents and carers who want to make a complaint can contact Complaints Procedure Advocacy at the Care Forum in Bristol. They do not have an automatic right to receive support in the same way as children and young people and the advocacy service uses its own criteria for determining who is eligible for their service.

6.4.5 Between April 2010 and March 2011 two complainants had support from this advocacy service. One was supported with their complaint at Stage 2 and the other asked for support following an investigation before moving to Stage 3.

6.4.6 Complaints Procedure Advocacy surveys complainants at the conclusion of the complaint. The results indicate that complainants are very satisfied with the support provided by the advocacy service and would feel more able to pursue an issue with the service without support in the future.

7. An overview of the Complaints Procedure during 2010/11

- 7.1 The Complaints Procedure Manager works part-time and manages the complaints service for Children's Services with the exception of the statutory schools complaints procedure and Adult Social Care. She is also the Data Protection Liaison Officer for Children's Service. A part-time administrator prepares the files for subject access requests and supports the complaints procedure. A short report on the data protection work is included at Appendix 4.
- 7.2 Additional administrative support for the complaints procedure has also been available since April 2010. This has made it possible to improve all administrative systems and in particular the monitoring and follow of complaints and co-ordination of stage 2 investigations.
- 7.3 The sharp rise in the number of complaints at Stage 2 is concerning. As the number of Stage 1 complaints has risen during the past year an increase in the number of Stage 2 complaints can be expected but the number of investigations is high. Although no single cause can be identified it appears that a combination of factors such as the time taken to respond to the stage 1 complaint, not offering a meeting at stage 1 to the complainant and the brevity of the stage 1 response have all contributed to complainants wanting to move to Stage 2. Complainants often sum this up by saying they don't feel they have been listened to. This was picked up by the Stage 3 Review Panel which described the stage 1 response as 'negative in its presentation'
- 7.4 The Complaints Procedure Manager has discussed this with the service managers and team managers. Each Stage 2 investigation has a significant impact on the time of the investigating officer, usually a team manager from another team, on the time of managers and staff to be interviewed and the use of the independent person is costly. An average investigation will take in the region of 40 hours of the team manager's time which places additional pressure on the manager themselves and their team. The time invested in a robust response at Stage 1 is, therefore, beneficial to the service and to the complainant who will receive a more satisfactory response.
- 7.5 Last year a customer satisfaction survey was carried out to ascertain the views of complainants on the complaints procedure. The response to the survey was very poor with most complainants choosing not to respond. This is not entirely surprising given the service area. Alternative ways of seeking customer feedback are being considered and will be developed during the next year.

- 7.6 An exercise to develop a customer journey map was carried out during the year which can be found at <http://intranet/Teams/children/cfs/Pages/ComplaintsProcedureforYoungPeople.aspx>
This exercise helped to identify where feedback from complainants on the procedure would be useful and the CPM is currently exploring ways of developing an on-line survey to gather feedback on the complaints procedure. Complainants would be told about the survey when they receive the complaint response at each stage.
- 7.7 The Complaints Procedure Manager continues to work with managers across the service to consider how the complaints procedure operates within each team or service. For example, she has met with the social care team managers at their business meeting and with the management team of the YOT to discuss the operation of the procedure in a multi-disciplinary team.
- 7.8 The Complaints Procedure Manager delivers targeted induction for all new social care staff and the take up of this is good. She also delivers the information sharing as part of the integrated working training programme and will be exploring input into Year 2 of the Common Induction.
- 7.9 The CPM is also a member of the South West Regional Complaints Managers Group and is part of a project which operates a register of independent investigators and stage 3 panel members. 50 independent people have now been recruited to the register and are available for use in investigations and for stage 3 panel work.

Sarah Watts

Complaints Procedure Manager

June 2011

Summary of Complaints against non-social care services

1. During 2010/2011 a total of 5 complaints were recorded against non-social care services within the Children's Service. These complaints are handled under the Council's Corporate Complaints Procedure.

Service area	Stage	Reason	Outcome
School Improvement	Stage 2 investigation (suspended - carried over from 2009/10)	Disputed decision & attitude/behaviour of staff	Not Upheld
Youth Services	Informal Stage One	Unsatisfactory service	Not upheld
Admissions and Transport	Informal Stage One	Application of policy	Upheld
Student Support	Informal Stage One	Attitude or behaviour of staff	Not upheld
School Re-organisation	Informal Stage One	Delayed response	Partially Upheld

2. Lessons Learned from the complaints:

The complaints against the Admissions and Transport Unit was upheld and the complainants were informed that the Local Authority would review its procedures to endeavour that in any future cases where circumstances change between the initial refusal of a place and the appeal hearing date the parents will receive earlier notification of the change.

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 or phone 01225 477914

Or to Sarah Watts, Complaints Procedure Manager

Email 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 or text 07753 891 745 www.offtherecord-banes.co.uk/advocacy.aspx

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

Data Protection

1. Originally the data protection work concentrated on responding to Subject Access Requests (SARs) from people who had been in care (closed cases). In recent years this work has broadened to include other areas of information work such as information sharing requests and support and advice on subject access requests for open cases and general advice on information.
2. During 2010/ 2011, 36 requests were received in the following categories:

	Completed	Ongoing
Subject Access request (closed cases)	18	4
Subject Access request (open cases)	6	0
Information sharing	8	0

3. These figures relate to Children's Service only (Social Care and Wider Children's Service). The same arrangements are in place for Adult Social Care, but the numbers are lower (6 requests received during 2010/2011). The Information Governance Manager for NHS BANES will respond to some requests which cross across health and social care.
4. Timescales
 - 4.1 SARs made under the Data Protection Act should be responded to within 40 days. The average time taken to respond is 57 days due to capacity issues within the team. Some files are also extensive – 20 or 30 files in total and these can take up to 167 days.
 - 4.2 Priority will be given to information sharing requests from the police or other local authorities relating to child protection issues and these are usually responded to within 7 days.
5. Developments planned for 2011/2012
 - 5.1 The introduction of the new managed print service has meant that rather than copying documents it is now possible to scan them and redact the information on the scanned copy. This is faster and costs less in paper. It is possible the use of scanning can be extended further with some inexpensive software which is being investigated.
 - 5.3 A joint information sharing protocol between the CPS, Avon & Somerset Constabulary, and local authorities was issued in January 2011. This needs to be embedded to ensure the service is complying with the protocol.
 - 5.2 At present there are no consistent arrangements in place for disclosing a file. This usually falls to the Complaints Procedure Manager but this is not necessarily the most appropriate arrangement. A meeting is to be held with managers of the Children in Care/Moving on Team to discuss this and other concerns about the amount of work required for a subject access request.