

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

Annual Report 2011 - 2012

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 The report also includes information at Appendix 1 on complaints against other service areas within Children's Services. These complaints are dealt with under the Council's Corporate Complaints Procedure and include complaints about services such as Education Inclusion, School Improvement and Achievement, Youth Services. Complaints about schools are not dealt with under the Council's Complaints Procedure and must be addressed through the school's complaints procedure.
- 1.3 Complaints about adult social care are reported on separately.
- 1.4 The report covers the period 1st April 2010 to 31st March 2012.
- 1.5 During the year a total of 39 complaints were registered at Stages 1, 2 or 3 of the procedure. A further 10 complaints were either dealt with as representations or were found to be outside the scope of the complaints procedure. 10 compliments or letters of thanks were recorded.

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]

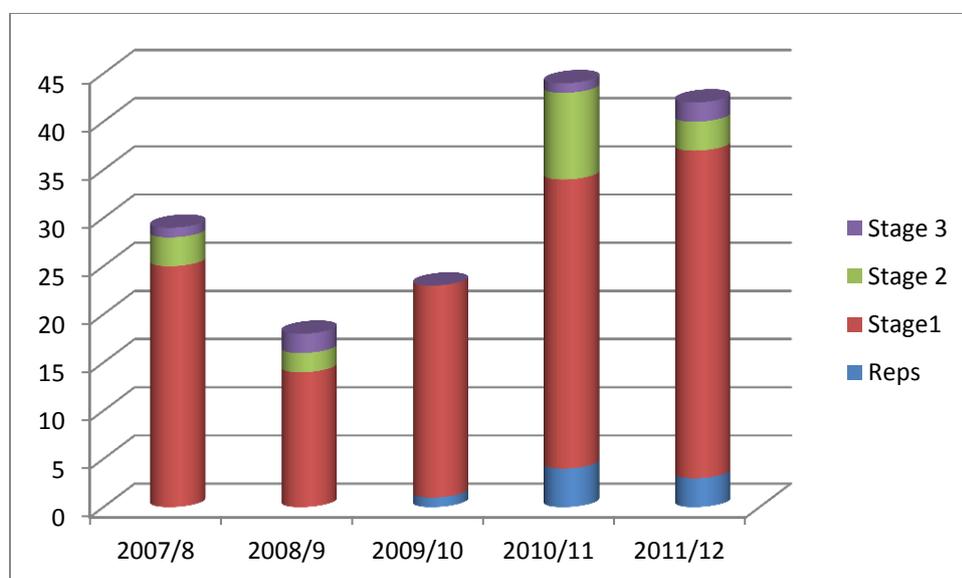
3. Complaints and Compliments data

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 in 2011/2012**

	Representations	Stage 1	Stage 2	Stage 3	LGO	Total
2011/2012	3	34	3	2	0	43

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



Note : Where an issue can be resolved informally without the need to enter the formal complaints procedure this is 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	8	1	1		1
Family Team		5				
North East Somerset Locality Team		6	1	1		
Children in Care & Moving on Team		9	1			
Family Placement Team						
Disabled Children Team						
Early Years	1	4				
Youth Offending Team	1					
Specialist Child & Family Support Team						
CP Independent Chair		2				
Outside the scope of the procedure (no service area)						6
Service Area Total	3	34	3	2	0	7

- 3.5 In July 2011 the front line social care teams were remodelled following the completion of a 'lean' review of the service. This resulted in the setting up of the 'Family Team' which trialled new ways of working with emphasis on early help. In November 2011 the Bath Locality Team was merged with the Family Team to address capacity and resource issues. The complaint has been recorded against the team that was holding the case at the time the complaint was made.
- 3.6 The total number of complaints recorded at Stage 1 has increased for the third consecutive year. This year saw an increase from 30 to 34 Stage 1 complaints. The team which had the largest increase was the Children in Care and Moving on Team (an increase from 1 complaint in 2010/11 to 9 in 2011/12).
- 3.7 Four of the 9 complaints to the Children in Care and Moving on Team were made by a young person. 4 of the complaints concerned payments or allowances for the young person and 3 of these complaints were either upheld or partially upheld. This increase indicates that the service would benefit from looking more closely at these complaints and identifying any further guidance or administrative systems that are needed to prevent a similar number of complaints in future years.

3.8 Table 4 - **the reason for the complaint** is logged using the categories in the statutory guidance 'Getting the Best from Complaints':

Reason for the complaint	
Concern about quality of service	7
Unwelcome or disputed decision	7
Impact of application of policy on young person	2
Attitude or behaviour of staff	9
Concern about appropriateness of the service	4
Quantity, Frequency or Cost of Service	1
Inaccurate Information	3
Delayed decision or provision of service	1

3.9 These categories help to identify particular areas of concern. For example, complaints about the 'attitude and behaviour of staff' account for nearly one third of the complaints received. This percentage is consistent with the figures for the same category in the previous year and is, therefore, an area that warrants more investigation by social care managers which should identify whether each complaint is about the manner in which a member of staff has carried out their duties or whether it is that the member of staff has had to convey difficult or challenging information.

3.10 An illustration would be where a young person has complained that their social worker stopped them accessing their clothing allowance. The response to the complaint pointed out that the social worker was trying to help the young person manage their money to ensure that it lasted the year.

3.11 The term 'Concern about quality of service' can seem too general. In the main this category is used for complaints where the complainant feels the overall standard of service has fallen below their expectations. Examples of complaints in this category include:

Concern about the lack of communication on an on-going basis about a young person on a child protection plan with other agencies and in particular with the school.
A young person felt that there was a lack of information about support she was entitled to and she was not offered when she presented as homeless on a Friday afternoon.
A complaint was made about a data breach which led to personal and sensitive information being seen by a neighbour and shared with others.

3.12 Table 5 - **Action taken in response complaints at Stage 1.**

3.13 The figures in the shaded area show the outcome of the complaint. The figures on the right hand side show the action taken where the complaint was either upheld or partially upheld.

	No response/ not pursued/on going	Upheld	Partially Upheld	Not Upheld	Apology	Change in Procedure	Provision of service	Change of decision	Change of service	Change of worker	Full explanation	Training
Bath Locality Team		1	5	2	1	2	1	1	1			
Family Team	2		2	1	2							
North East Somerset Team	4		1	1	1							
Children in Care & Moving on Team	2	2	3	2	2		2		1			
Early Years		3	1	1		3	1					
Youth Offending Team												
Independent CP Chair			2		2							
Total	8	6	14	6	8	5	4	1	2	0	0	0

3.14 In 2011/12, 59% of all complaints were either upheld or partially upheld. This indicates that the service has been able to address the issue for the complainant and identify areas for improvement in over a half of all the complaints.

3.15 More detail about the actions taken and the lessons learned by the service is given in Section 5 of this report.

3.16 Compliments

3.17 Managers and staff are encouraged to record compliments as well as complaints as they also provide valuable information about services. At present the majority of compliments are received from colleagues including foster carers. Staff and managers are encouraged to record compliments received from young people, parents and other family members.

3.18 10 compliments were recorded in 2011/2012. Extracts from the compliments include:

The social worker (Children in Care & Moving On Team) was praised for her professional manner and for 'going the extra mile' which the foster carers were 'extremely grateful for'.

The foster carer felt that 'the social worker (Disabled Children's Team) has been really great at working with J and his mum to ensure his needs are met at home'.

The social worker (Family Team) has performed her duties with 'the utmost professionalism and respect of the needs of my daughter, my wife and me'.

4. Complaint handling and Monitoring

Response to Stage 1 complaints

- 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. This should also be in agreement with the complainant.
- 4.4 In 2011/12, 79% 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. There is also a capacity issue within the complaints service which has contributed to this.
- 4.5 Table 6 – **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%
2011 - 2012	35%	17%	48%

- 4.6 There has been a very slight increase in the number of complaints receiving a response within the 10 working day timescale and a decrease in the number of responses exceeding 20 working days. The administrative systems put in place in 2009/10 have improved the notification of timescales to managers.
- 4.7 The average time taken to respond to a Stage 1 complaint was 35 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. This has hopefully helped to prevent some complaints escalating to Stage 2.
- 4.8 Unfortunately, despite regular and timely reminders to managers, a response has not been recorded against 4 complaints.

Response to Stage 2 complaints

- 4.9 The number of requests for a Stage 2 investigation dropped to 3 during 2011/12 from 9 the previous year. As 3 investigations were on-going at the end of the previous year the outcome of these complaints has been included in this report (see 5.7).
- 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 number of working days taken to complete the investigations ranged from 63 working days to 146 working days. This is clearly outside the timescales allowed. The reason for the delay in all cases was the commitments of the investigating officer. Investigating Officers are all managers from within the service.

5. Learning from complaints

- 5.1 The complaints procedure has two primary functions: to enable the service to put things right for the complainant when they have gone wrong, swiftly and wherever possible by the people providing the service and to provide a tool that can be used to improve and develop services and practice. Analysis of the reasons for the complaint, the actions taken to address the complaint and lessons that can be learned by the wider service all help to achieve improvement and development of the service.
- 5.2 In addition to the annual report, the Children's Leadership Team receives an interim report at six months and the quarterly report for the Divisional Director and service managers will become a bi-monthly report from April 2012. This move to a bi-monthly report increases the opportunities to give feedback on the operation of the complaints procedure and the lessons learned. Attendance by the Complaints Procedure Manager at the social care managers' meetings also provides an opportunity to reflect on the lessons learned.
- 5.3 The annual report for 2012/13 will evaluate the impact of this increased focus on complaints.
- 5.4 Action taken in response to complaints
- 5.5 Many of the actions taken in response to complaints will relate specifically to the individual complaint, for example, a specific piece of work to be undertaken, or training for a member of staff. Examples of complaints where the outcome has a wider impact include:

Issue to be addressed	Action taken
Data breach following initial assessment	A review of the way that an address is 'pulled through' on the database.
Changes to invoicing arrangements for a placement at a Children's Centre without the mother's knowledge.	Procedure amended to prevent a parent's name being removed from an invoice without the agreement of both parties.
Child not appropriately dressed for outdoor play at a Children's Centre.	Outdoor suits to be purchased for all children.
Care Leaver not given the exact date that his allowance would be ended.	For a reminder to be sent to the young person at the same time that the Finance Team is informed of the date when the allowance will be stopped.

Delay in receiving a response to a Stage 1 complaint	Team Managers to delegate the complaint response to the Deputy Team Manager in their absence.
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5.6 Stage 2 complaints provide a level of detail that is often not available from Stage 1 complaints.

5.7 Learning from Stage 2 and Stage 3 complaints

Issue to be addressed	Action taken
Failure to send notes of a Public Law Outline meeting to the parents.	Procedures to clarify whether the social worker or legal services is responsible for sending the notes of a Public Law Outline Meeting to parents.
Information was wrongly removed from a report before it was shared with a father.	Staff to be provided with further guidance on Data Protection and Information Sharing.
Miscommunication about the complaints to be investigated in an independent complaint investigation.	Complaints Procedure Manager to provide further guidance to investigating officers about reaching agreement on the complaint to be investigated.
Parent unclear about the nature and purpose of a child protection enquiry	Written information to be made available to parents to explain the purpose of the enquiry and the process to be followed.

6. Accessing the procedure

6.1 Information for the public

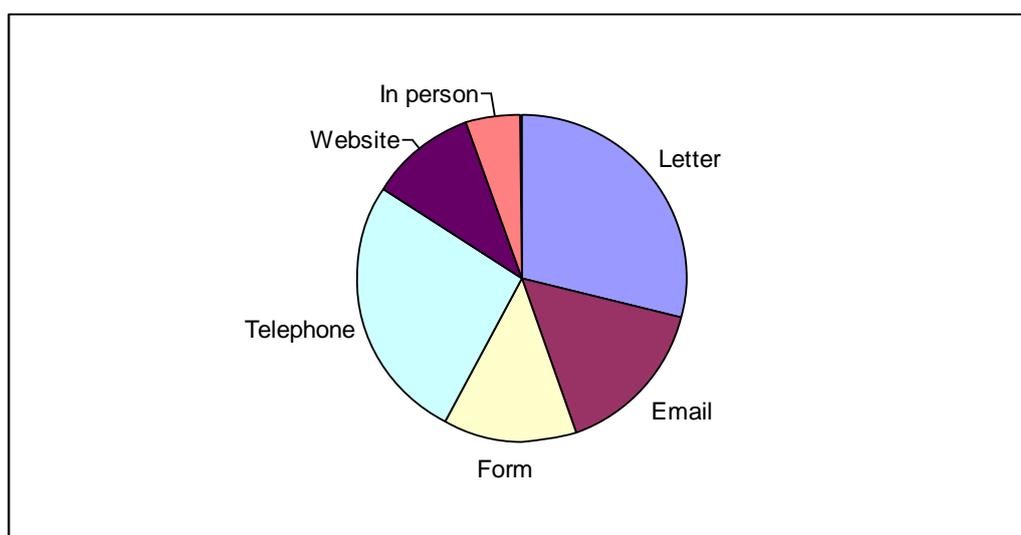
6.1.1 Information about the Complaints Procedure should be given to all children and young people and/or their parents and carers at the first point of contact. Workers are encouraged to check that the child/young person is aware of the complaints procedure when a case is transferred into the team. The Independent Reviewing Officer will also ensure that the young person is aware of their right to make a complaint.

6.1.2 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.

6.1.3 A complaint leaflet has also been designed specifically for children and young people. This is also available on the website.

6.1.4 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 7 – **Methods used to make a complaint**



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 34 Stage 1 complaints, five were made by a child or young person. Two of these young people were supported by an advocate to make their complaint. None of the complaints that were made at stage 2 were made by a young person.

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.

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. 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 8 – **Monitoring information**

Disability	Disability		Ethnicity	Ethnicity		Gender	Gender	
	Service user	Complainant		Service user	Complainant		Service user	Complainant
Disabled	2	0	White British	17	11	Male	9	8
Not Disabled	13	15	Not known	12	4	Female	12	20
Not Declared	5	4	Dual heritage	1	2	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 in Bath and North East Somerset was recommissioned in 2012 and 'Shout Out!' which is part of 'Off the Record' retained the contract. It will provide the service for the next 3 years.
- 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 is working with the advocacy service to review the information that is provided to young people and to consider feedback from young people who have considered making the complaint and have decided not to proceed and those who have accessed the procedure. This will be reported on in the annual report for 2012/13.
- 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 2011 and March 2012 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.

7. An overview of the Complaints Procedure during 2011/12

- 7.1 The Complaints Procedure Manager works part-time and manages the complaints service for Children's Services 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 been available since April 2010. Increasing numbers of complaints at Stage 1 have highlighted that additional administrative and complaint officer time needs to be explored.
- 7.3 The complaints service delivery model will also need to be considered in the light of the Directorate restructure and the separation of the commissioning and provider functions. This will have an impact on the use of social care managers as investigating officers at stage 2 of the procedure. Their capacity to do the investigations is already limited but consideration will need to be given to whether they could demonstrate sufficient independence under the new arrangements.
- 7.4 The Complaints Procedure Manager is a member of the South West Regional Complaints Managers Group and a member of the project group which runs a Register of independent investigators and Stage 3 panel members. Independent contractors on this register could be commissioned to undertake investigations for the local authority.

8. **Recommendations**

- 8.1 For the capacity of the complaints and data protection service to be addressed. This includes administrative capacity as well as the capacity of the manager.
- 8.2 For consideration to be given to using independent complaint investigators to carry out investigations.
- 8.3 For options to improve the learning from complaints within the service to be explored. The Complaints Procedure Manager takes a strategic lead for embedding the learning from complaints across the service. During 2012/13 the possibility of using a reflective practice workshop to identify learning for some particularly complex complaint examples will be explored.
- 8.4 For complaint handling to be included in the Common Induction Training Programme. The Complaints Procedure Manager delivers targeted induction for all new social care staff and the take up of this has been good. At present the Common Induction programme does not include a specific section on dealing with complaints.
- 8.5 For the Complaints Procedure Manager to work with the Advocacy Service to consider the uptake of the service by young people who might want to make a complaint and identify the barriers to this.

Sarah Watts
Complaints Procedure Manager

August 2012

Summary of Complaints against non-social care services

1. During 2011/2012 a total of 8 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	Number	Stage	Reason	Outcome
Children Missing Education	1	Informal Stage 1	Attitude or behaviour of staff	Not upheld
Admissions and Transport	1	Representation	Attitude or behaviour of staff	Apology given
Education Inclusion	1	Informal Stage 1	Delay in decision making/provision of service	Not upheld
Education Inclusion	1	Informal Stage 1	Concern about appropriateness of service	Not upheld
School Reorganisation	1	Informal Stage 1	Attitude or behaviour of staff	Not upheld
School Reorganisation	1	Informal Stage 1	Concern about appropriateness of service	Upheld
School Reorganisation	1	Informal Stage 1	Concern about appropriateness of service	Upheld
Outside the scope	1	Outside the scope	Complaint about a school	None

2. Lessons Learned from the complaints:

Analysis of these complaints did not identify any trends or issues that needed to be addressed by the wider service.

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. During 2011/ 2012, 69 requests were received in the following categories:

	Completed	On-going
Subject Access request (closed cases)	24	9
Subject Access request (open cases)	2	2
Information sharing (requests from police and other agencies)	25	7

2. An additional 10 requests were received for access to adult social care files.
3. There has been an increase in the overall number of requests for Children's Service from 36 to 69. Although there has been an increase in the number of subject access requests there has been a significant increase in the number of information sharing requests (8 requests in 2010/11 increased to 32 in 2011/12).
4. Timescales
- 4.1 Subject Access Requests (SARs) made under the Data Protection Act should receive a response in 40 days. The average time taken to respond to the requests during the year was 47 days. This is an improvement from the previous year when the average time was 57 days. This has been achieved despite the increase in the number of requests.
- 4.2 The introduction of new photocopiers/scanners has helped to streamline the process and it is hoped that new software purchased at the end of the year will improve the process and timescales further.
- 4.3 Information sharing requests which relate to child protection/safeguarding concerns are given priority within the system.
5. Overview of the Data Protection/Information Sharing
- 5.1 It has been possible to improve the system for preparing files requested under the Data Protection Act by using the new scanners and the impact of the new software will be monitored during the year. The use of GCSx also means that information can be transferred more securely to other agencies using GCSx.
- 5.2 The Complaints Procedure Manager has delivered 2 half day training sessions on Information Sharing with the Information Governance Manager (Compliance) and the Training and Development Manager. The programme for the training is being reviewed and the next session is planned for the autumn. A session aimed specifically at managers is being considered.
- 5.3 Training for staff on data protection issues was identified as the outcome of a stage 2 complaint investigation. The Complaints Procedure Manager and the Information Governance Manager are considering how to raise awareness,

develop procedures and deliver training for staff but capacity issues for both has prevented this from being progressed.