

Democratic Services

Guildhall, High Street, Bath BA1 5AW
Telephone: (01225) 477000 *main switchboard*
Direct Lines - Tel:
mark_durnford@bathnes.gov.uk 01225
394458
Democratic_Services@bathnes.gov.uk
Web-site - <http://www.bathnes.gov.uk>

9th September 2021

To: All Members of the Children, Adults, Health and Wellbeing Policy Development and Scrutiny Panel

Bath and North East Somerset Councillors: Vic Pritchard (Chair), Michelle O'Doherty (Vice-Chair), Ruth Malloy, Mark Roper, Andy Wait, Paul May, Liz Hardman, Gerry Curran and Rob Appleyard

Co-opted Voting Members: Gill Stobart (Diocese of Bath & Wells)

Co-opted Non-Voting Members: Chris Batten and Kevin Burnett

Chief Executive and other appropriate officers
Press and Public

Dear Member

Children, Adults, Health and Wellbeing Policy Development and Scrutiny Panel: Tuesday, 14th September, 2021

Please find attached a **SUPPLEMENTARY AGENDA DESPATCH** of late papers which were not available at the time the agenda was published. Please treat these papers as part of the agenda.

Papers have been included for the following items:

10. **11.05AM COMPLAINTS AND FEEDBACK ANNUAL REPORT FOR CHILDREN'S SERVICES 2020 - 21 (Pages 3 - 24)**

Yours sincerely

Mark Durnford
for Chief Executive

Bath & North East Somerset Council		
MEETING/ DECISION MAKER:	Children, Adults, Health and Wellbeing Policy Development & Scrutiny Panel	
MEETING/ DECISION DATE:	14th September 2021	EXECUTIVE FORWARD PLAN REFERENCE:
		10
TITLE:	Complaints and Feedback Annual Report for Children’s Services and Education 2020 - 2021	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report:		
Children’s Services and Education Annual Report 2020 - 21		

1 THE ISSUE

1.1 This report informs the Panel about the number and type of complaints and representations, including compliments, received between April 2020 and March 2021 by Children’s Services and Education. It demonstrates how they have been managed and how the Service has used the learning from the complaints and representations to inform service improvement.

2 RECOMMENDATION

The Panel is asked to note the contents of the report

3 THE REPORT

3.1 The attached report sets out the number of complaints, compliments and representations received between April 2020 and March 2021.

3.2 A total of 106 complaints about Children’s Services were recorded under the Children’s Social Care statutory complaints procedure or the Council’s Corporate Complaints Procedure and 3 complaints were referred to the Local Government and Social Care Ombudsman. 51 compliments about the service were received.

3.3 The report details the type of complaint received, the response to these complaints and the actions taken by the Services to ensure learning is derived from the complaints and related feedback.

4 STATUTORY CONSIDERATIONS

4.1 The report provides assurance that the Council is meeting the regulatory standards set out in the Children Act 1989 Representations Procedure (England) Regulations 2006 for handling complaints, compliments and representations about Children's Services and Education and demonstrates that the Service is being proactive where failings are identified.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 N/A

6 RISK MANAGEMENT

6.1 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

7 EQUALITIES

7.1 An EIA has not been completed for this report as the report is to provide information only. However, the annual report identifies the need for improved monitoring and the Complaints and Data Protection Manager will work with the Council's Equalities Team to develop the improved monitoring that is needed.

8 CLIMATE CHANGE

8.1 There are no direct impacts on climate change linked to the subject of this report. Wherever possible potential complainants are sign posted to on-line resources and where acceptable to them communication is via email rather than letter, but this is not always possible or appropriate.

8.2 During the past year the Team has embraced remote working and will continue to conduct virtual meetings wherever possible to avoid the need for travel.

9 OTHER OPTIONS CONSIDERED

9.1 None

10 CONSULTATION

10.1 None

Contact person	Sarah Watts, Complaints and Data Protection Team Manager Sarah_watts@bathnes.gov.uk 01225 477931
Background papers	None
Please contact the report author if you need to access this report in an alternative format	

**Children's Services and Education
Complaints and Representations Procedure**

Annual Report 2020 - 2021

**Author: Sarah Watts
Complaints and Data Protection Team Manager**

Index

Number	Section	Page
1.	Summary	2
2.	The Procedure	2
3.	Complaints – analysis of data	4
4.	Learning from Complaints	9
5.	Compliments	11
6.	Complaint handling and monitoring	13
7.	Accessing the procedure	14
8.	An overview of the work of the Complaints & Data Protection Team	15
9.	Development of the Service	16
Appendix 1	Summary of the Complaints Procedure	18
Appendix 2	Children’s Service Teams	19

1. Summary

- 1.1 This report is produced in accordance with the statutory guidance for the Children Act 1989 Representations Procedure (England) Regulations 2006 as amended by the Children (Leaving Care) Act 2000, Adoption and Children Act 2002, the Health and Social Care (Community Health and Standards) Act 2003.
- 1.2 The report considers compliments, complaints and representations received between 1st April 2020 and 31st March 2021 by: Children’s Social Care; Young People’s Preventative Services; Connecting Families; and the Education, Inclusion and Children’s Safeguarding Service. It also provides an analysis of outcomes, trends and learning from complaints.
- 1.3 Complaints about schools are governed by separate legislation. Each school is required to have its own complaints procedure and this report does not therefore include information about schools’ complaints.
- 1.4 Colleagues in Children’s Services and Education welcome complaints and will always strive to use all types of feedback to improve practice and service delivery. During the year **106** complaints were processed under the Children’s Social Care statutory complaints procedure or the Council’s Corporate Complaints Procedure. There were **3** referrals to the Local Government and Social Care Ombudsman. In addition, **51** compliments were recorded.

2. The Procedure

- 2.1 Complaints, compliments and representations about Children’s Services are dealt with under either the statutory procedure for Children’s Social Care or the Council’s Corporate Complaints Procedure. The procedure used will depend on the content of the complaint. All complaints are assessed on receipt and allocated to the appropriate procedure.

- 2.2 The Children Act 1989 Representations Procedure (England) Regulations 2006 and accompanying statutory guidance 'Getting the Best from Complaints' set out which sections of the Children Act 1989 fall within the scope of the statutory procedure. A summary of the procedure can be found at Appendix 1.
- 2.3 Complaints which fall outside the statutory procedure as well as complaints about the Education and Inclusion Service and Children's Safeguarding are dealt with under the Council's Corporate Complaints Procedure. Information about this procedure can be found at www.bathnes.gov.uk
- 2.4 Complaints about Connecting Families and Preventative Services will be allocated to the appropriate procedure depending on the reason for the complaint.
- 2.5 The feedback received is recorded against one of the following headings:
- **Complaint** – a complaint can generally be defined as an expression of dissatisfaction or disquiet, which requires a response.
 - **Representation** – a representation is feedback which does not need a formal response, or the person raising the concern does not want it to be recorded as a complaint. Children and young people often prefer to have their concern recorded as a representation as they do not want to enter a formal complaints procedure.
 - **Compliment** – a compliment is positive feedback about the service or an individual member of staff from young people and their families or other agencies.
- 2.6 The key principles of the Complaints Procedure are:
- People who use services can tell the Council 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 to drive improvement.
- 2.7 The Council has set out its commitment to responding to the problems or worries of young people who are in care or are care leavers in the Pledge which has been endorsed by the Council's Corporate Parenting Group and the In Care Council helps to monitor it.

- ✓ We will work hard to sort out any problems or worries that you have
- ✓ If we can't do what you ask, 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 changed
- ✓ We will make sure you have all the information you need to make a complaint and we promise to always take your complaints seriously
- ✓ You can contact your IRO if you are worried or don't feel listened to, they will try to help and can support you should you wish to make a complaint

2.8 Information about how to make a complaint is included in all assessment reports which are shared with the family.

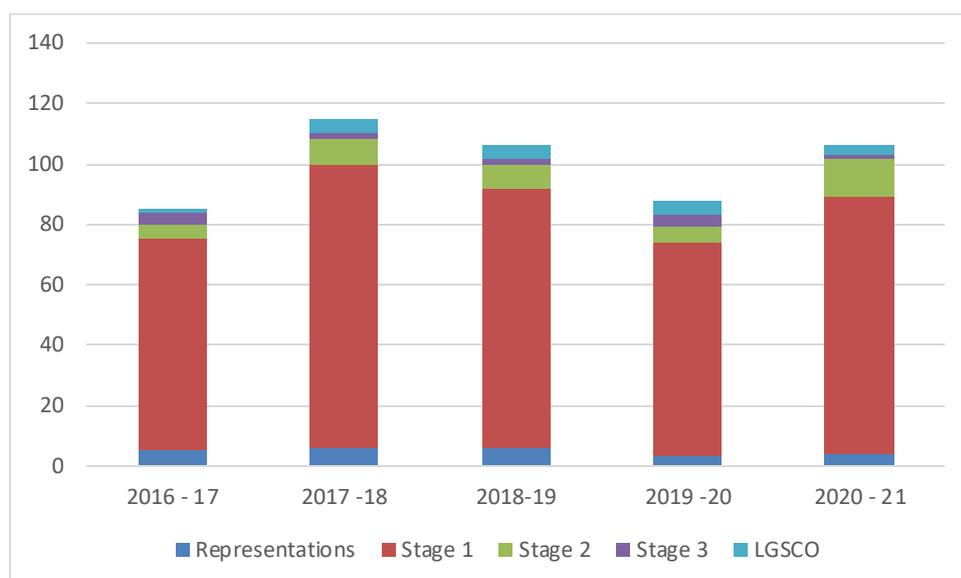
3. Complaints – analysis of the data

3.1 Staff are advised of their responsibilities under the Complaints Procedure through induction and training. They are advised to share all complaints, compliments and representations with the Complaints Team to ensure the complaint is recorded and monitored in accordance with the procedure.

3.2 Table 1: Numbers of complaints received and resolved

	Carried over 2019 - 20	Received 2020 - 21	Resolved	Outside Scope	Not pursued	Carried forward 2021 - 22
Representation	0	4	4	0	0	0
Stage 1 (Statutory Procedure)	5	41	34	6	6	0
Stage 1 (Corporate Procedure)	1	44	32	6	3	4
Stage 2 (Statutory Procedure)	0	10	5	0	3	2
Stage 2 (Corporate Procedure)	0	3	2	0	1	0
Stage 3 (Statutory Procedure only)	0	1	1	0	0	0
Referral to Ombudsman	0	3	2	0	0	1
Total	6	106	80	12	13	7

3.3 Table 2: Comparison with previous years



3.4 The total number of complaints received across Children’s Services is higher than the previous year; however, the number is broadly in line with the numbers received in the past 5 years. This is despite all services being under pressure throughout 2020 – 21 and particularly during the first lockdown. It was anticipated this would have a significant impact on the number of complaints received but this did not materialise.

3.5 Analysis found the number of Stage 1 complaints rose significantly during the second quarter of the year and then dropped back again.

Quarter 1	10 complaints
Quarter 2	22 complaints
Quarter 3	12 complaints
Quarter 4	12 complaints

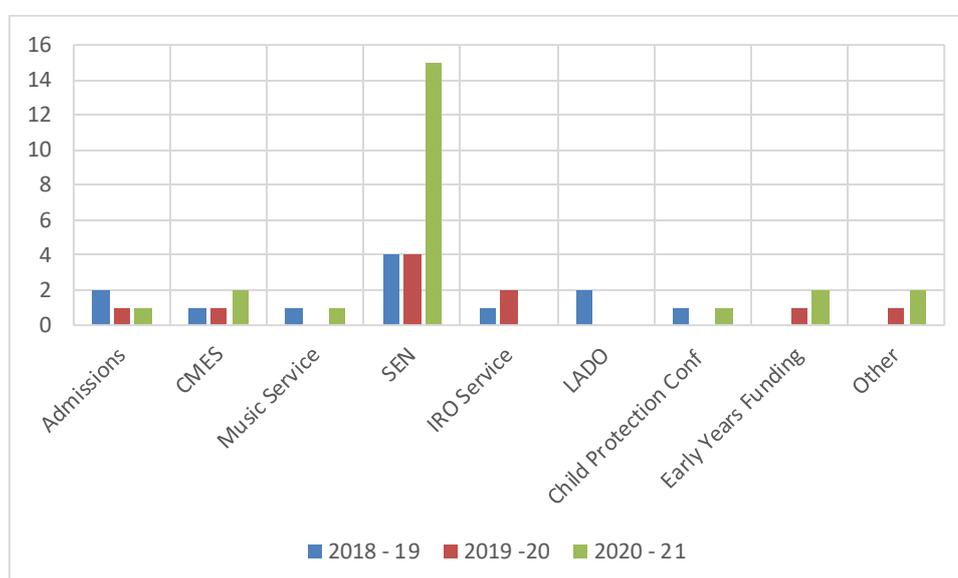
This was the period immediately following the first lockdown and it is likely given the significant impact the lockdown had on families they did not prioritise making a complaint at that time. However, the complaints received in Quarter 2 did not relate specifically to COVID or the changes to service delivery during the pandemic.

3.6 The most significant change is in the number of complainants who were dissatisfied with the initial response to their complaint and escalated their complaint to Stage 2. This resulted in 13 requests for a Stage 2 investigation compared to 5 in the previous year. Although 6 of these complaints did not progress to a full investigation either because the complainant withdrew the complaint (4 complaints) or because the Stage 1 review under the Corporate Procedure found further investigation was not required, 7 investigations were commissioned. Further information about Stage 2 complaints can be found in Section 4.

- 3.7 An exercise has been carried out to compare the number of complaints received by Bath and North East Somerset with the 10 comparator authorities to establish whether the number of complaints is in line with these authorities. Unfortunately, insufficient data has been published by other authorities and the information provided the Ombudsman no longer gives sufficient detail to make a comparison.
- 3.8 The numbers of complaints received at Stage 1 by team or service area are provided below. These have been separated into two charts depending on which procedure is used to handle the complaints.

A full list of the Teams is given at Appendix 2.

Table 3a: Education, Inclusion and Children’s Safeguarding Corporate Complaints Procedure

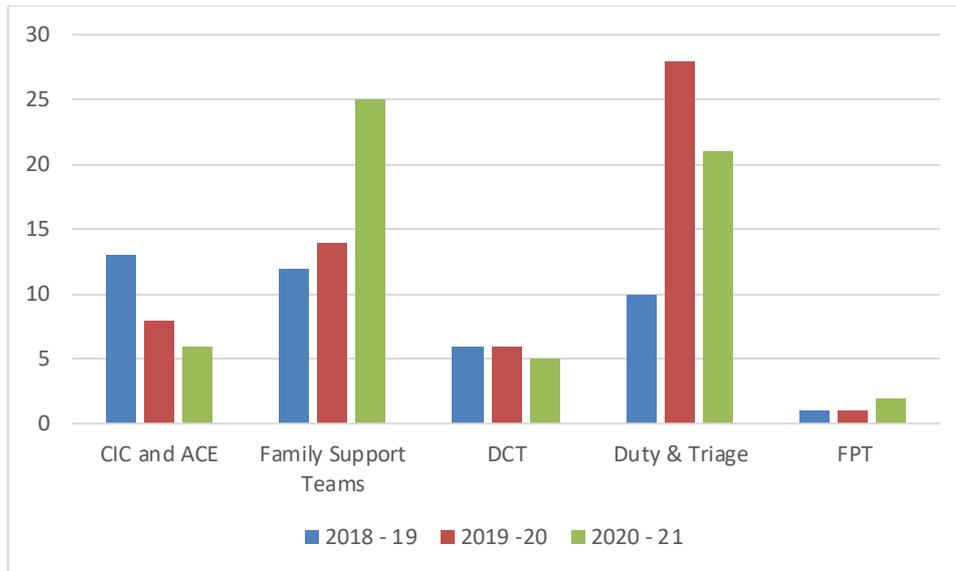


- 3.9 The number of complaints in most service areas remains consistent except for the statutory SEN service. The complaints covered issues such as lack of special school places, the content of the EHC Plan and delivery of provision by the school. The rise in SEND complaints has coincided with the national Covid 19 pandemic. During this time, the requests for new assessment has grown significantly, both locally and nationally. In this calendar year, there have been 77 more requests for assessment (260) than at this time in the previous year (183). This has had a significant impact on the team's ability to process work and adhere to timescales.

Additional support has now been provided to the service, capacity has improved, and demand is being managed. While the increase in complaints is a concern, each complaint has been carefully responded to and no requests for a stage 2 complaint have been received.

Table 3b: Children’s Social Care, Preventative Services and Connecting Families – Statutory Complaints Procedure

3.10 In June 2020, the service redesign in Children’s Social Care resulted in a new team structure. This changed the role of some teams and created new teams. For example, the Triage Team and three new Family Support Teams were introduced. Comparison of the complaints with previous years for individual teams is therefore not possible. To address this the chart below shows the teams grouped by service area.



3.11 The area with the greatest increase is in the Family Support Teams. Complaints to these teams accounted for 45% of all complaints to Children’s Social Care in 2021 – 20.

3.12 In addition to the complaints to Children’s Social Care: one complaint was made to the Head of Young People’s Preventative Services which fell outside the remit of the service area; and one was made to the Connecting Families Team which was upheld and resolved successfully. No complaints were received about the Bright Start Children’s Centres.

3.13 The complaints are monitored on a quarterly basis to identify emerging trends and themes. The categories which are taken from the statutory guidance are listed below. Concern about the Quality of Service, Attitude or Behaviour of Staff and Assessment, Care Management and Review had the highest number of complaints. This is in-keeping with previous years.

Table 4: Categories of complaints and the percentage upheld at Stage 1

Category	Number of Stage 1 complaints	% of Stage 1 complaints	Upheld (UH) or Partially Upheld (PUH)	% of complaints Received UH or PUH by category
Assessment, care management or review <i>includes delays in completing an assessment, errors and perceived bias in an assessment</i>	9	14%	4	44%
Attitude or behaviour of staff <i>includes issues with poor communication</i>	11	17%	1	9%
Concern about appropriateness of service <i>includes dispute about whether the service should be involved with the family</i>	6	9%	2	33%
Concern about quality of the service <i>Where the service did not meet service user expectations</i>	27	41%	7	26%
Delay in decision making or provision of a service	5	7%	2	40%
Unwelcome or disputed decision	8	12%	4	50%
Total	66	100%	21	32%

3.14 32% of all complaints were either upheld or partially upheld. This figure is consistent with previous years.

3.15 41% of complaints were recorded under the category of ‘Concern about the quality of service’. This category covers complaints where there is more than one issue which requires a response. These tend to be the more complex complaints. Of the 27 complaints, 7 (26%) were upheld or partially upheld. An example is given below of the type of complaint in this category.

Complaint recorded under Concern about Quality of Service – a grandparent complained that the concerns she reported relating to her grandchildren had not been actioned. She felt this put them at further risk and requested an explanation in writing but found the recording of the incident in the letter was inaccurate.

Response – the complaint was upheld. The complainant was provided with a correct version of the letter, an apology for the errors and was assured that her concerns were correctly recorded on the children’s records.

- 3.16 Complaints about the adequacy of a single assessment accounted for 9 complaints and of these 44% were upheld.

Complaint recorded under the category of Assessment Care Management & Review – a grandparent made a complaint about the accuracy of information recorded in a single assessment as she felt this reflected badly on her and could be used against her in the future if she was to care for her grandchild.
Response – the complaint was partially upheld. It was accepted there were some inaccuracies. Information stating the grandparents view was put on the children’s record and the Core Group were notified.

4. Learning from complaints

- 4.1 The primary purpose of the complaints procedure is to give the service the opportunity to put things right as far as possible for the individual complainant. The statutory guidance also states that:

All local authorities should provide a system for:

- The dissemination of learning from complaints to line managers;
- The use of complaints procedure as a measure of performance and means of quality control; and
- Information derived from complaints to contribute to practice development, commissioning and service planning.

To achieve this there are processes in place to collate and then disseminate information gathered at the conclusion of each stage of the procedure. Actions agreed as an outcome to a complaint are now monitored via the Service Improvement Board.

Stage 1 complaints

- 4.2 A more effective system for recording the outcomes of Stage 1 complaints has been introduced. This is now used to highlight recommended actions for individual teams and the wider service.
- 4.3 Examples of improvements identified include:
- A change to the recording procedures within the Triage Team to ensure a record is made of a contact even where no further action is taken
 - Measures introduced to double check post before it is sent and promotion of secure email to help avoid data breaches being caused by incorrect addresses on letters

Stage 2 complaint investigations

- 4.4 Between April 2020 and March 2021, 10 requests for a Stage 2 complaint investigation under the statutory procedure were received. This is significantly higher than the 4 received the previous year and represents an increase from 7% of all Stage 1 complaints in 2019 – 20 to 21% in 2020 -21 escalating to

Stage 2. It was found that 5 of these 10 requests related to the completion of a Single Assessment. Complainants raised concerns that the assessment used inaccurate or inappropriate information indicating a failure to make a proper assessment or bias towards another person.

- 4.5 Three complaints were not pursued by the complainant and five complaints were on-going at the end of the year. Two investigations were concluded during the year
- 4.6 Examples of actions that were recommended to the Service from these two investigations include:
- The social worker should ensure there is written agreement with a foster carer on what duties the foster carer will engage in. For example, attending Health Visitor appointments. This should be undertaken either at the initial placement meeting or through agency-to-agency arrangements.
 - Managers should ensure that notes of meetings, such as Child in Need meetings, are shared with parents in a timely way following the meeting and requests for information should be responded to promptly.
- 4.7 In the same period, three requests for Stage 2 investigation under the Corporate Complaints Procedure was referred to the Corporate Complaints Team for review. Complainants do not have an automatic right to an investigation under the Corporate Complaints Procedure as they do under the statutory procedure. Of the 3 requests, one was not pursued by the complainant and two complainants were assessed to have been fully dealt with at Stage 1 and no further response was required. The complainants were referred to the Local Government and Social Care Ombudsman.

Stage 3 Review Panel

- 4.8 One Stage 3 Review Panel was held during the year.
- 4.9 The Review Panel can consider complaints which were not upheld at Stage 2 and the remedy offered to the complainant. In this case the Panel found errors had occurred in the completion of the Single Assessment which were specific to the family, for example, the extent of the involvement of the father with his son was misrepresented. The Panel felt that the Service should consider the full report and identify learning to prevent this happening for other families. The Panel also reinforced that providing notes of meetings to those attending the meeting is a requirement of the service.

Complaints to the Local Government Ombudsman (LGSCO)

- 4.10 In March 2020 the Ombudsman temporarily stopped all casework to allow local authorities to concentrate on providing front line services during the first national lockdown. Casework restarted in late June 2020. It was decided that it was unnecessary to pause casework again during the further lockdowns. This pause, and the pressure of dealing with complaints

specifically related to COVID, has caused delays in the Ombudsman's response times.

- 4.11 Three complaints about Children's Services were referred to the LGSCO during 2020 – 21. One complaint was closed as 'out of time'; one was referred back to the Council as it had not exhausted the Council's Complaints Procedure and one complaint had not been resolved by the end of the year and will be included in the next report.
- 4.12 The LGSCO sends an Annual Review letter to each Council which includes figures on Complaints Upheld; Compliance with Ombudsman recommendations and Satisfactory Remedy. The Ombudsman has launched an interactive map which provides figures for every council.
<https://www.lgo.org.uk/your-councils-performance/bath-and-north-east-somerset-council/statistics>
- 4.13 Children's Services had one complaint upheld by the LGSCO in the previous year which required service improvement. The LGSCO confirmed it was satisfied that the Council had successfully implemented its recommendations in 100% of cases.
- 4.14 In March 2021 the Ombudsman published a guide to help local authorities handle complaints under the children's services statutory complaints process. The guide was written using lessons from previous investigations about how councils apply the regulations and statutory guidance as this is the area where the LGSCO receives the most queries from councils. The guide aims to address the common questions received.

5. Compliments

5.1 Compliments are a very important way of reflecting good practice and provide valuable information which is used alongside complaints to identify where the strengths and weaknesses of the service are. A total of 51 compliments were recorded during the year from children, young people and their families and colleagues working in partner agencies.

5.2 The Teams receiving the compliments were:

The Administration Team – 12 compliments
ACE – 9 compliments
Child in Care Team – 4 compliments
Commissioning Team – 1 compliment
Connecting Families – 7 compliments
Disabled Children's Team – 8 compliments
Duty – 2 compliments
Family Placement Team – 9 compliments
Young Persons Preventative Services – 3 compliments.

- 5.3 The table below captures examples of the compliments received. These compliments have been selected to show the range of feedback received. There are many more that could have been included.

Table 5 – Examples of compliments received

<p>Compliment to the Family Support Plus Team and one of the administrators in particular</p>	<p><i>I just wanted to let you know how amazing the FIT team have been in the organisation of the food deliveries to families. It was like a military operation, extremely organised, efficient, families were so grateful and I felt privileged to be able to help with deliveries. The FIT team were just fantastic. We would arrive, receive the boxes and bags of pre organised food and a list of the families, off we would go</i></p>
<p>From a young person working with a social worker in the ACE Team</p>	<p>She always listened and heard me – she would always say when she didn't agree with me which was also helpful. She understood me and genuinely cares and wanted the best for me. I think if I didn't have T I would be in a different head space and probably wouldn't be with my family now – I feel lucky to have had her.</p>
<p>From parents to a social worker in the Disabled Children's Team.</p>	<p><i>Just to say again a big thank you. You have worked miracles in the short time we've known you and we couldn't feel more understood or supported. You have no idea what a lifeline you have thrown us all. We are so grateful.</i></p>
<p>Compliment from a foster carer attending the carers coffee catch up session</p>	<p>I was able to see carers I hadn't seen for over a year. I hope it will continue and grow in numbers and I will encourage others to attend.</p>
<p>Compliment from a parent to a worker in the Duty/Triage Team</p>	<p><i>I wanted to acknowledge her knowledge and wisdom on the matter, and how she handled me when I was upset about the situation that both my kids and I am in. I felt she really listened to me, respected me, my position and that my concerns were valid and she gave some good advice about trying to move things forward positively. I came off the phone, much more clear-minded and peaceful than when I had phoned and extremely glad to have spoken to her.</i></p>

6. Complaint handling and monitoring

Response to Stage 1 complaints

- 6.1 Compliance with timescales is carefully monitored in recognition of the need to deal with complaints as swiftly as possible.
- 6.2 For statutory complaints the full response should be sent within 10 working days. This can be extended to 20 working days when the complainant requests an advocate, or the complaint is complex. This extension would normally be agreed with the complainant; however, during the first national lockdown a temporary revision to the procedure was put in place to allow up to 20 working days for all complaints. Since then the complaint response time has been decided on a case by case basis according to current pressures on the service.
- 6.3 In 2020 – 21, the average time taken to respond to a Children’s Social Care Stage 1 complaint was 18 working days; however, there was a wide variation in the actual time taken to respond. Further analysis shows that 56% of complaints received a response within 20 working days. The remainder of the complaints fell outside the timescale. It is encouraging to see, however, that overall timescales are improving and in Quarters 3 and 4 only 2 complaints were outside the agreed timescale.
- 6.4 It is known that a delay in responding to a complaint can increase the likelihood that the complaint will escalate to Stage 2 and therefore the Complaints and Data Protection Team works closely with managers to avoid unnecessary delay and the Team keeps the complainant informed.
- 6.5 For Corporate Complaints a response is required within 15 working days. The average time taken to respond to a complaint was 13 working days. 24% of complaints took longer than the 15 working day timescale.

Response to Stage 2 complaints

- 6.6 The response to a complaint at Stage 2 complaint should be sent within 25 working days from the date the complaint is agreed with the complainant. This timescale is very challenging as the complaints are complex and the time needed for file reading and interviewing staff is considerable. The timescale can be extended up to a maximum of 65 working days with the agreement of the complainant and this is required with most investigations.
- 6.7 Two investigations were concluded during the year. The average time taken to complete the two investigations was 69 working days. This exceeded the timescale; however, one investigation was delayed due to lockdown preventing a meeting taking place and the other was delayed as the complainant was not responding to requests for information. The Complaints

Manager continues to work with the Investigating Officer and Independent Person to manage their time effectively during the investigation.

Response to Stage 3 complaints

6.8 A Stage 3 Review Panel should be held within 30 working days of the request being received. One Panel was held during the year which took place within 22 working days of the request being received

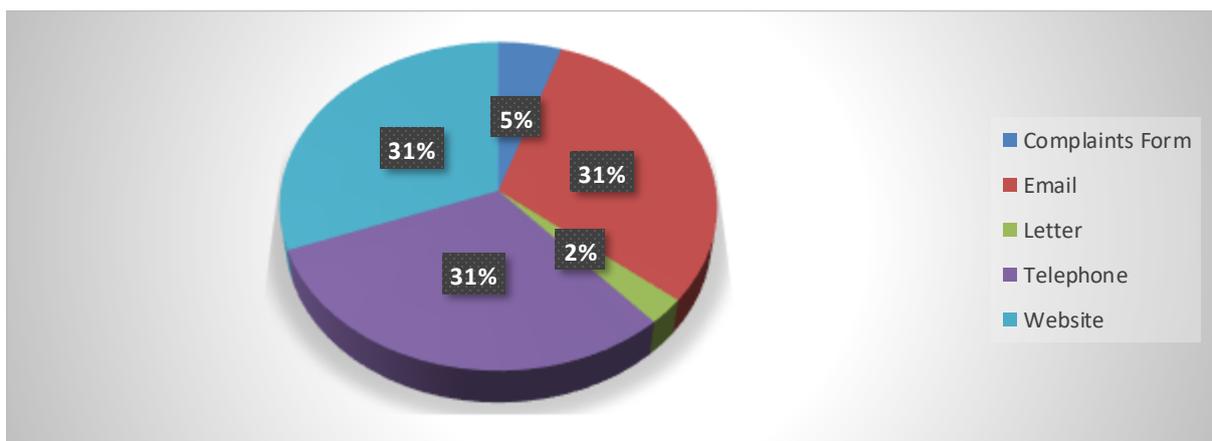
7. Accessing the procedure

7.1 There are many ways available for young people, their families and carers to make a complaint or representation:

- Information is available on the Council's website and a complaint can be made on-line
- They can speak with their allocated worker and an information sheet is available for staff to share when working with young people and their families
- A complaints leaflet has been designed specifically for children and young people
- Information about the complaints procedure is available on the Single Assessment document.
- All children in care have an opportunity to raise concerns with the Independent Reviewing Officer (IRO) at their regular review.

Table 6 methods used to make a complaint

7.2 In the past year there has been a move towards making a complaint by email or via the website away from letters and telephone calls.



7.3 Of the 91 complaints received at Stage 1, 2 were made by young people both of whom are care leavers. Three complaints were made by adults who were known to the service as children.

- 7.4 The majority of the complaints were made by adults complaining on behalf of, or in relation to, a child or young person. Most complainants were parents (72), but complaints were also received from foster carers, grandparents, an uncle, and a friend.
- 7.5 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'. 'Shout Out!' at Off the Record is commissioned by BANES to provide this service and the Complaints and Data Protection Team ensures information about the service is available to all young people who consider making a complaint if they are not already aware of it.
- 7.6 Both care leavers who made a complaint were offered support by Shout Out. One decided that she wanted support from a different agency and the Complaints and Data Protection Team assisted her to access another service.
- 7.7 Advocacy is not available to parents and carers in the same way although there are organisations such as Citizens Advice Bureau and POhWER who can offer some support.
- 7.8 When making a complaint, complainants are invited to provide information about their ethnicity, gender and disability on the complaint form. Complainants are not currently asked for this information where the complaint is received by letter, email, telephone or on the website so this information is incomplete. Alternative ways of collating this information are currently being explored.
- 7.9 The information available indicates that for complaints made under the statutory complaints procedure 69% of complainants were female and 31% were male. One person identified themselves as Caribbean, one person as Black Caribbean and one person as Chinese. Where the information is known all other complainants were White British. No-one indicated they had a disability. Providing improved monitoring information is an area for development.

8. An overview of the work of the Complaints and Data Protection Team

- 8.1 **The Complaints and Data Protection Team Manager** manages the complaints and data protection service for Children's Services, Adult Social Care and Public Health and is supported by two Information Governance Officers. One supporting the Data Protection service and the other the Complaints Service.

The data protection service includes processing Subject Access Requests under the Data Protection Act 2018, responding to requests from the police under a joint information sharing protocol and working closely with the Information Governance Team and Caldicott Guardian on information security issues (data breaches).

The Team also logs and co-ordinates responses to enquiries from MPs and Councillors.

8.2 Monitoring of the procedure: The Complaints and Data Protection Team Manager produces quarterly and annual monitoring reports on the management of complaints. Data is also available to all service areas on request to assist with service planning. The Complaints and Data Protection Team Manager is also a member of the Service Improvement Board and provides monitoring information as required.

8.3 Data Protection and Information Sharing requests: The Council must respond to all Subject Access Requests within one month of receiving the request. For complex requests this can be extended to 3 months, but the size of the record alone does not justify using the extension period. The requestor must be advised of this extension within one month.

Table 7: Requests for information received

Number of requests received by year					
	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020	2020/ 2021
Subject Access Requests	36	51	57	86	99
Internal Review/ Request to delete	2	1	1	1	1
Information sharing (requests from police & other agencies)	81	76	68	27	27

8.4 The number of Subject Access Requests risen over the past 5 years whereas the number of requests from the police and other agencies has fallen sharply. The timescale has been complied with on all requests during 2020 - 21.

8.5 Liaison with other Councils: The Complaints and Data Protection Team Manager is a member of the South West Region Complaints Managers Group. She is also currently co-managing the Register of Independent Investigators and Stage 3 Panel Members (South West) with South Gloucestershire Council. This Register was set up to ensure that the Council has access to appropriately appointed and trained independent investigators and Stage 3 Panel Members. The Group holds regular on-line Network Meetings to support the development of Register Members in the independent roles.

9. Development of the Service

9.1 Complaints:

- Continue to work with managers to improve the response times for complaints at Stage 1.

This work is ongoing; however, there have been significant improvements in most service areas. This is despite the impact of the pandemic.

- Continue to support managers with the handling of complaints through individual support sessions and meetings and develop a programme to provide bespoke training as required.
Plans to deliver training for managers and staff are currently on hold.
- Develop the internal web page to provide a resource for managers on all aspects of the Complaints Procedure.
This work will be completed during 2021 - 22
- Continue to develop the process for capturing the learning from complaints through the use of action plans. Evidence of service improvement should be available.
This work is support by the Service Improvement Board and will continue through the year.
- Review the information available to the public to ensure it is accurate and accessible for children, young people, their parents and carers.
This was not achieved during 2021 – 21 due to other work pressures but will remain a target for 2021 – 22.
- Review the collection of equalities monitoring data.
This work will continue during 2021 - 22
- Contribute to the work of the South West Region Complaints Managers Group to develop a toolkit for ensuring that the service can learn from complaints and evidence this.
This work has been on hold since March 2020

9.2 Data Protection/Information Sharing:

- Continue to review the implementation of GDPR/Data Protection Act 2018 and revise procedures accordingly. This includes reviewing the way the SARs and information sharing requests are recorded and monitored.
This will be a target for 2021 – 22.
- Support the implementation of the Caldicott Function Plan through the Complaints and Data Protection Service. In particular record and assist the Information Governance Team with the monitoring and investigation of data breaches within the Service to prevent recurrence wherever possible.
This work will be on-going during 2021 – 22.

Sarah Watts
Complaints and Data Protection Team Manager
September 2021

Appendix 1 - Summary of the Complaints Procedure

Stage One – Local Resolution

Most complaints should be considered and resolved at Stage 1. Where possible staff at the point of service delivery should attempt to resolve the complaint as quickly as possible. There are some complaints that are not appropriate to be considered at Stage 1 and these can progress directly to Stage 2.

A written response from the manager should be provided within 10 working days. This can be extended to 20 working days where the complaint is complex, or the complainant requests an advocate.

If the complainant is not satisfied with the response, they have 20 working days in which to request a Stage 2 investigation.

Stage Two – Independent Investigation

The Complaints Manager will arrange a full investigation of the complaint. The investigation is carried out by someone who is independent of the service and the person complained about.

The investigation is overseen by an Independent Person and they must be involved in all aspects of the investigation to ensure it is fair, thorough and transparent.

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 a key witness is unavailable for part of the time.

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

Stage Three - Review Panel

At the end of the Stage 2 process if the complainant remains dissatisfied, they can ask for a Review Panel within 20 working days. The purpose of the Panel is to consider whether the complaint has been adequately dealt with at Stage 2. 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.

If the complainant remains dissatisfied, s/he can refer their complaint to the Local Government and Social Care Ombudsman.

Appendix 2 - Children's Service Teams

Admissions – Schools Admissions and Transport

ART- Adolescent at Risk Team

ACE – Adolescent and Care Experience Team

Children's Centres – Bright Start Children Centre Services

CIC – Child in Care Team

Commissioning – Complex and Targeted Support

CMES – Children Missing Education Service

Connecting Families

DCT – Disabled Children's Team

Duty – Duty and Assessment Team (including Referral and Information Officers (RIOs))

Early Years Funding

FSS and CP (1) and (2) – Family Support Services and Child Protection (Teams 1 & 2)

FPT – Family Placement Team

FST – Family Support Teams

IRO – Independent Reviewing Officer

LADO – Local Authority Designated Officer (Managing Allegations)

Music Service

SEN - Statutory Special Educational Needs Team

Safeguarding – Child Protection Case Conference Chair

Triage

This page is intentionally left blank