

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

**Annual Report 2012 - 2013**

## **1. Summary**

- 1.1 The following report provides Members of the Council, service users, parents and carers, the wider general public and staff members, with information about the effectiveness of the Complaints Procedure for social care services provided by Bath and North East Somerset 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 Education Inclusion, School Improvement and Achievement, Youth Services. Complaints about schools cannot be 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 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013.
- 1.5 During the year a total of 60 complaints were registered at Stages 1, 2 or 3 of the procedure. Two complaints were received from the Local Government Ombudsman. 31 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](http://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 welcomed by the service and are recognised as an opportunity to put things right when they have gone wrong for individuals as well as enabling the service to identify areas for improvement.

3.2 Complaints and compliments are received by each service team, the 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.

#### 3.3 Table 1- Total number of complaints received in 2011/2012

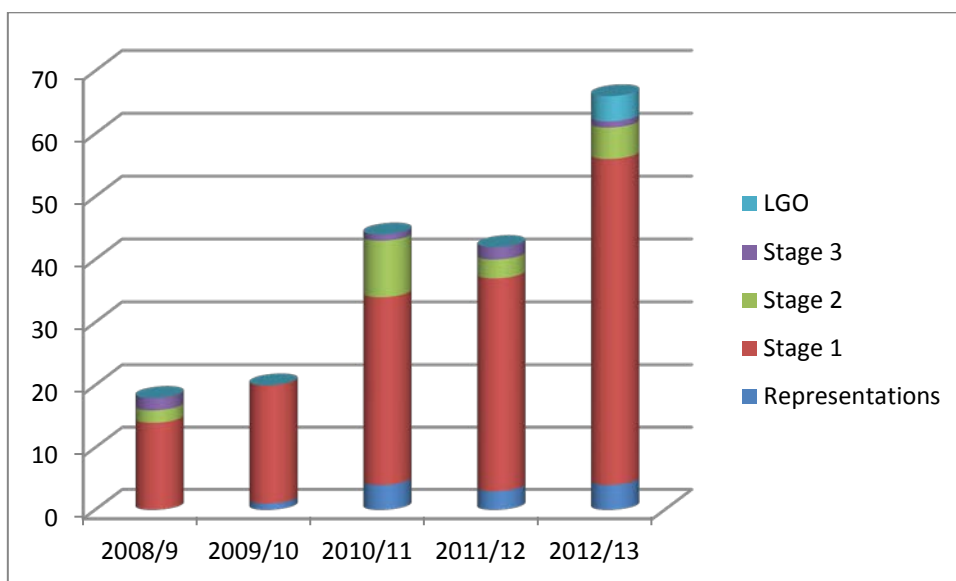
	<b>Representations</b>	<b>Stage 1</b>	<b>Stage 2</b>	<b>Stage 3</b>	<b>LGO</b>	<b>Total</b>
<b>2012-13</b>	<b>4</b>	<b>52</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>64</b>

3.4 There has been a gradual rise in the number of complaints over recent years but the increase is more marked this year. See Table 2 below. The total number of complaints recorded at Stage 1 has increased significantly from 34 complaints in 2011/12 to 52 in 2012/13 which is a 35% increase.

3.5 It is difficult to pinpoint the exact reason for the increase in the number of complaints; however, it has coincided with the increase in the level of service activity such as the number of children with a child protection plan. The increase also occurred during a year when there were changes to the structure of the service. This would have brought about changes which impacted on the children and young people and their families such as a change to the allocated worker.

3.6 Where an issue can be resolved quickly and without the need to enter the formal complaints procedure it will be recorded as a 'representation'.

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



3.8 Table 3 - Complaints by Service Area

	Representation	Stage 1	Stage2	Stage 3	LGO
Children & Families Assessment and Intervention – Court and CP		21	1		
Children & Families Assessment and Intervention – Duty & Child in Need	1	18	1	1	1
Specialist Children Young People and Families Team		0			
Children in Care Moving on Team		3	2		
Disabled Children’s Team		1			
Family Placement Team		1			
Safeguarding Team		1	1		1
Early Years/Children’s Centres	2	6			
Youth Offending Team	1	1			
<b>Service Area Total</b>	<b>4</b>	<b>52</b>	<b>5</b>	<b>1</b>	<b>2</b>

- 3.9 All complaints are recorded against one of the following criteria to help identify what caused someone to complain:

**Table 4 – the reason for the complaint**

Reason for Complaint	
Quality of Service	<b>13</b>
Attitude or behaviour staff	<b>15</b>
Unwelcome or Disputed decision	<b>7</b>
Inaccurate Information	<b>1</b>
Impact of application of policy on YP	<b>0</b>
Delay in decision making/provision of service	<b>2</b>
Assessment, care management & review	<b>6</b>
Concern about appropriateness service	<b>7</b>
Application of eligibility/assessment criteria	<b>1</b>

Criteria taken from 'Getting the Best from Complaints' Statutory Complaints Guidance for Children's Services

- 3.10 The two categories with the highest number of complaints are 'Quality of Service' and 'Attitude and Behaviour of Staff'. Illustrations of complaints in each category are given below:

#### Attitude and Behaviour of Staff

The member of staff was condescending and insensitive about the complainant's mental health issues.
The social worker arranged a visit and then did not turn up. The social worker had not been in contact since.
The member of staff did not allow the complainant's partner to put her point of view across in a Child in Need Review meeting and his daughter wasn't listened to.

#### Quality of Service

'Your letter was upsetting and a phone call would have been a better way to raise this issues and we feel you did not try hard enough to contact us but expedited this as a piece of business by writing us a letter the same day'.
Children's Service never questioned what my wife told them. She had told lies to Children's Service and this has now been proved.

- 3.11 The data has also been analysed to identify the aspects of the service which attract most complaints. Only complaints which were resolved at Stage 1 have been considered.

**Table 5**

	Number of complaints	Upheld or Partially Upheld
Child Protection processes	8	4
Contact arrangements	6	1
Quality of Assessment	6	2
Issues with placement	5	3
Breach of Confidentiality	3	1
Children in Need	3	1
Actions of staff	6	3
Other	3	0
Total	40	15

#### 4. Learning from complaints

##### Stage 1 complaints

- 4.1 The complaints procedure has two primary functions: it enables the service to put things right for the individual complainant when they have gone wrong, and it provides a tool to improve and develop services and practice.
- 4.2 Table 5 above indicates that 15 of the 40 complaints which received a response at Stage 1 were either upheld or partially upheld. In response to the complaints that were upheld or partially upheld the records indicate that all complainants received a letter of apology for errors and distress caused.
- 4.3 The outcome of 6 complaints resulted in specific action being taken in relation to the individual, for example, corrections made to case records, the social worker was changed, a letter of apology was sent to a third party, an offer to share information with CAFCASS was made.
- 4.4 Two complaints resulted in a review or change to procedures.
- Regular discussion to take place with Police about information that is shared between the two organisations in relation to individual child protection cases.
  - The availability of a worker for young homeless people between the ages of 16 and 17 to contact was reviewed and the staff in the One-Stop Shops were informed of contact arrangements.
- 4.5 Two complaints identified the need for training for individual members of staff and one resulted in training being given to all team members.
- 4.6 As a result of two complaints staff undertook follow up work to ensure that services that had been promised were provided.

## Stage 2 complaints

- 4.7 Between April 2012 and March 2013, 5 investigations of complaints under Stage 2 complaints were completed. Of the 5 complaints, 4 were partially upheld.
- 4.8 Table 6 below gives examples of outcomes from complaint investigations and the recommended actions. This is not an exhaustive list but an illustration of the level of detail that the Stage 2 investigation provides to the organisation.
- 4.9 Investigations at Stage 2 are also beneficial to the organisation as frequently they identify problems and failings which are supplementary to the complaint itself and have not been raised by the complainant. For example, poor or incomplete recording has been identified in more than one complaint. At the same time investigating officers will often comment on very good practice and when this is shared this provides a further opportunity for learning within the organisation.

### 4.10 Table 6 – learning from complaints at Stage 2

Investigation findings	Recommended Action
Children were calling their foster carers “mummy” and “daddy”	The Local Authority to add a section to existing guidelines about how children address their carers’ and the significance of this.
Whilst the outcome of the assessment was that there would be no further action there is no written explanation as to how this outcome was decided.	When a case has come to a conclusion a letter of explanation is sent to the family as appropriate.
The absence of a core assessment translated into a lack of clarity of plan for work with the family.	The Divisional Director investigates, with the Service Manager the conclusion of strategy discussions and completion of core assessments in all cases

### 4.11 Compliments

- 4.12 As well as registering complaints managers and staff are encouraged to record compliments as they also provide valuable information about the delivery of services and what service users consider to be a positive experience.
- 4.13 A total of 31 compliments were recorded in 2012/2013 which is a significant increase from the previous year. They have been received about all aspects of the service and the extracts below give some indication of where service users, families and carers have provided particularly valuable feedback.

*social worker (Disabled Children's Team) has a huge amount of knowledge of appropriate groups and was very sensitive to the siblings needs.*

*We believe that our young person is very fortunate to have had the same social worker for the duration of his placement with us. The consistency and dedication by the social worker in the way she works, listens to his and our needs and goes above and beyond any other social worker we know is a credit to her.*

*Thank you for spending so many loving and joyous times together. Thank you for helping us and sticking by our sides. We wish you the best of luck in your new job and hope you can go on to help other families like you have helped our family. (From three young people to their social worker).*

*The children have thrived and been provided with a wonderful formative experience. Both are different but they have both been recognised and celebrated in their individual strengths.*

## **5. Complaint handling and Monitoring**

### **Response to Stage 1 complaints**

- 5.1 Compliance with timescales is monitored very carefully in recognition of the aim of the service to deal with complaints as swiftly as possible.
- 5.2 An acknowledgement of a Stage 1 complaint should be sent in 2 working days and a full response within 10 working days. This can be extended by a further 10 days when an advocate is required or the complaint is particularly complex. This should also be in agreement with the complainant.
- 5.3 In 2012/13, 71% 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.

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

	Response in 10 w/days	Response in 20 w/days	Response in excess of 20 w/days
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2008 - 2009	40%	25%	35%
2009 - 2010	39%	4%	57%
2010 - 2011	32%	11%	57%
2011 - 2012	35%	17%	48%
<b>2012 - 2013</b>	<b>16%</b>	<b>31%</b>	<b>53%</b>

5.5 There has been a significant decline in the response time to complaints with only 16% receiving a response within the 10 day timescale.

5.6 The average time taken to respond to a Stage 1 complaint was 25 working days. In the main the reason for the delay is recorded as the 'other commitments of the team manager'. Wherever possible, the complainant is informed in advance and is given a revised timescale. It is hoped this has helped to prevent some complaints escalating to Stage 2.

5.7 Unfortunately, despite regular and timely reminders to managers, a response has not been recorded against 2 complaints.

### **Response to Stage 2 complaints**

5.8 Five stage 2 complaint investigations were completed during the year.

5.9 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.

5.10 The average time taken to complete an investigation during the year was 112 working days which exceeds the timescale within the guidance of 65 working days. The reason for the delay in all cases was the commitments of the investigating officer. Investigating Officers were all managers from within the service. This is addressed at the end of this report.

## **6. Accessing the procedure**

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

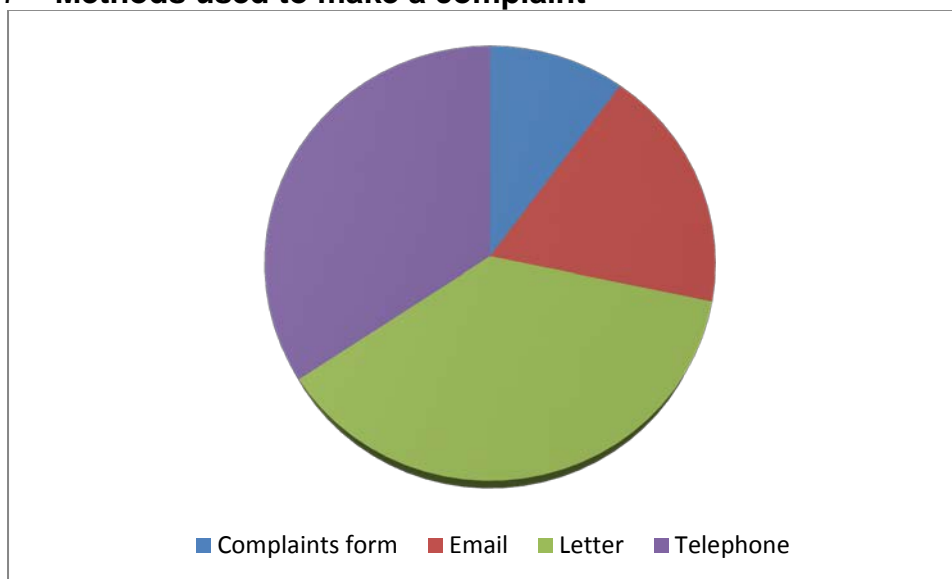
6.1.1 Information about the Complaints Procedure should be given to all children and young people and/or their parents and carers at the first point of contact. Workers are encouraged to check that the child/young person is aware of the complaints procedure when a case is transferred into the team. The 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 Use of email to make a complaint (either directly or via the Council's website) is increasing but letter and telephone remain the most popular methods. As the low number of complaints from young people remains a concern the Complaints Procedure Manager is exploring other options available that would be more accessible to young people.

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

6.2.1 Of the 52 Stage 1 complaints, one complaint was by a young person. The remainder of the complaints were made by adults complaining about their own contact with the service or on behalf of children. The majority of complainants were parents, but three were made by a grandparent, one by an aunt, one by a godparent and one by a foster carer.

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

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

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

### 6.3.3 **Table 8 – Monitoring information**

<b>Disability</b>		<b>Complainant</b>	<b>Ethnicity</b>		<b>Complainant</b>	<b>Gender</b>		<b>Complainant</b>
Disabled		1	White British		10	Male		9
Not Disabled/Not declared		51	Not known		41	Female		18
			Black/British Caribbean		1	Not known		

## **6.4 Advocacy**

- 6.4.1 Section 26A of the Children Act, 1989 requires the local authority to 'make arrangements for the provision of advocacy services to children or young people making or intending to make complaints under the Act'. The advocacy service commissioned by Bath and North East Somerset is 'Shout Out!' which is part of 'Off the Record'.
- 6.4.2 Information about the support provided by Shout Out! is given to children and young people by their social workers, Independent Reviewing Officers and is in The Children in Care Pack. Shout Out has produced a wallet sized card on 'the Pledge' and this includes information about the Complaints Procedure Manager with contact details.
- 6.4.3 In 2012/13 one young person accessed the advocacy service for assistance with a complaint. The issue was later considered under safeguarding procedures.
- 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 2012 and March 2013 two complainants had support from this advocacy service to pursue their complaint. Two more parents accessed the service but did not pursue the complaints.

## **7. An overview of the Complaints Procedure during 2012 -13**

- 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 both services. She is supported by a part-time administrator who primarily under takes data protection work. A short report on the data protection work is included at Appendix 4.

- 7.2 Due to the increasing number of complaints, the growing complexity of complaints received and the complexity of the service it was agreed in December 2012 that an additional part-time Complaints Officer post would be created to provide support to the complaints procedure. The focus of this post will be to work with managers to improve the effectiveness of Stage 1 of the procedure and to provide support to Stages 2 and 3 of the procedure. .
- 7.3 It was also recognised that team managers do not have the capacity to carry out all Stage 2 complaint investigations (currently around 5 a year). A Stage 2 investigation can take up to 50 hours to complete and this is hard to achieve whilst continuing with other work. A small budget has been allocated to commission independent investigating officers for some investigations.
- 7.4 The Complaints Procedure Manager is a member of the South West Regional Complaints Managers Group and a member of a group with neighbouring local authorities which runs a Register of Independent Investigators and Stage 3 Panel Members.
- 7.5 There is now a regular programme of training in place. The Complaints Procedure Manager delivers targeted induction for all new social care staff and the take up of this has been good over the past year. A twice yearly half-day course on effective complaint handling and a course on information sharing are also now included on the Work Force Training Programme.

## 8. **Work programme for 2013 - 2014**

- 8.1 To appoint a new member of staff to the Complaints Officer post and develop this post to address process issues with complaint handling and monitoring.
- 8.2 To liaise with all service areas to ensure that the complaints procedure is implemented according to the guidance and to pay particular attention to areas where the staff have experienced the greatest change in the restructure of the service.
- 8.3 To work with colleagues across the authority on the implementation of the Council's new complaints policy and procedure and CRM system.
- 8.4 To develop standards for handling complaints for all commissioned services.
- 8.5 To continue the development of the protocol for learning lessons from complaints and compliments. The Complaints Procedure Manager will attend the Improvement Board as part of this work
- 8.6 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

November 2013

## Summary of Complaints against non-social care services

1. During 2012/2013 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. One complaint fell outside the scope of the procedure.

Service Area	Number	Stage	Reason	Outcome		
				Upheld	Not upheld	Partially upheld
Children Missing Education	3	Stage 1	<ul style="list-style-type: none"> <li>Concern about quality of service</li> <li>Attitude or behaviour of staff</li> <li>Unwelcome or disputed decision</li> </ul>		3	
Admissions and Transport	3	Stage 1	<ul style="list-style-type: none"> <li>Attitude or behaviour of staff</li> <li>Attitude or behaviour of staff</li> <li>Attitude or behaviour of staff</li> </ul>		2	1
SEN	1	Stage 1	<ul style="list-style-type: none"> <li>Assessment care management/ review</li> </ul>		1	
Youth Services	1	Stage 1	<ul style="list-style-type: none"> <li>Attitude or behaviour of staff</li> </ul>	1		
Catering Services	1	Outside scope	<ul style="list-style-type: none"> <li>Concern about quality of service</li> </ul>	-	-	-

## 2. Lessons Learned from the complaints:

The analysis of these complaints did not identify any trends: The complaint against Youth Services resulted in a review of parking arrangements at the Youth Hub.

### Summary of the Complaints Procedure

#### Stage One – Local Resolution

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

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

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

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

#### Stage Two - Investigation

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

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

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

#### Stage Three - Review Panel

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

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

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

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

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

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

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

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

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

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

**Are we keeping our promises?**

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

Charlie Moat, Care and Young People Service Manager

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

Or to Sarah Watts, Complaints Procedure Manager

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

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

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

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



## Data Protection

1. During 2012/ 2013, 76 requests were received in the following categories:

	Completed	On-going
Subject Access request (closed cases)	23	8
Subject Access request (open cases)	1	4
Information sharing (requests from police and other agencies)	37	3

2. There has been an increase in the overall number of requests for Children's Service from 69 to 76. For the second year in a row there has been a significant increase in the number of information sharing requests (8 requests in 2010/11, 32 in 2011/12, 37 in 2012/3). The majority of these requests are received from the Police.
3. Timescales
- 3.1 Subject Access Requests (SARs) made under the Data Protection Act 1998 should receive a response in 40 days. The average time taken to respond to the requests during the year was 37 days. This is a good improvement from the previous year when the average time was 47 days. This has been achieved despite the increase in the number of requests.
- 3.2 Specialist software was purchased at the end of the previous year to assist with the preparation of the files and the reduction in the number of days taken to produce the record indicates that this has been beneficial. .
- 3.3 Information sharing requests which relate to child protection/safeguarding concerns are given priority within the system.
4. Overview of the Data Protection/Information Sharing
- 4.2 Information Sharing training is run twice a year by the Complaints Procedure Manager and Information Governance Manager (Compliance). The training is available to staff across the children's workforce.
- 4.3 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.