

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

**Annual Report 2017 – 2018**

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

## 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 1<sup>st</sup> April 2017 and 31<sup>st</sup> March 2018. It also provides an analysis of outcomes, trends and learning from complaints which can be used by the service for planning and improved service delivery.
- 1.3 Complaints against schools are governed by different legislation. Each school is required to have its own complaints procedure and complaints about schools are not therefore included in this report.
- 1.4 During the year a total of **115** complaints against the Children's Service were received and recorded under the Children's Social Care statutory complaints procedure and the Council's Corporate Complaints Procedure. The report explains how these were resolved under the procedures. **Five** complaints were referred to the Local Government Ombudsman. In addition, **52** compliments were recorded.

## 2. The Procedure

- 2.1 The report considers complaints and representations received about Children's Social Care Services. These complaints are handled under the Children Act 1989 Representations Procedure (England) Regulations 2006 and accompanying statutory guidance 'Getting the Best from Complaints'.
- 2.2 A summary of the procedure can be found at Appendix 1.
- 2.3 Complaints about the Education Inclusion Service fall outside the scope of the statutory complaints procedure and are dealt with under the Council's Corporate Complaints Procedure. Information about this procedure can be found at [www.bathnes.gov.uk](http://www.bathnes.gov.uk)
- 2.4 The feedback received is recorded under one of the following headings:
  - **A complaint** can generally be defined as an expression of dissatisfaction or disquiet, which requires a response.

- **A representation** is feedback which is either dealt with straight away and does not need a formal response or where the person concerned does not want it to be recorded as a complaint. Children and young people often chose to raise a concern in this way as they do not want to enter into the formal complaints procedure.
- **A compliment** is positive feedback about the service or an individual member of staff. Compliments from service users and other agencies are recorded.

2.5 The key principles of the Complaints Procedure are:

- People who use services are able to 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 for driving improvement.

2.6 Children's Social Care has set out its commitment to responding to the concerns of children and young people who are in care in the Care Pledge. The Pledge has been endorsed by the Council's Corporate Parenting Group.

*We will work hard to sort out any problems or worries 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.*

### 3. Complaints and Compliments – analysis of the data

3.1 Through induction and training all staff are advised of their responsibilities under the Complaints Procedure and they are expected to be ready to receive complaints and compliments when working with young people, families and carers. Staff are also made aware of the importance of sharing all complaints and potential complaints with the Complaints and Data Protection Team to ensure the complaint is correctly recorded and monitored in accordance with the statutory guidance or corporate procedure.

- 3.2 The volume of complaints should be viewed in the context of the work of Children's Social Care in 2017/8.

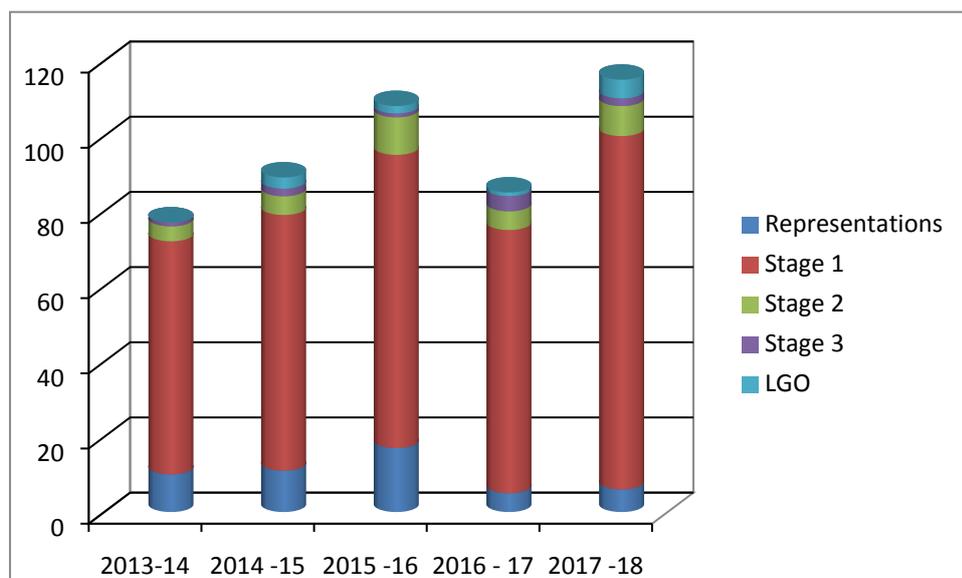
**Table 1: Population and service data**

	<b>2016-17</b>	<b>2017-18</b>
<b>Number of young people in B&amp;NES 0 – 17</b>	34,700	35,100
<b>Young people in Care</b>	160	168
<b>Young people subject to a Child Protection Plan</b>	152	173
<b>Young people assessed as in need</b>	683	610
<b>Contacts (requests for service) received</b>	6784	8428
<b>Referrals received</b>	1143	1280

3.3 **Table 2: Numbers of complaints received and resolved**

	<b>Carried over 2016 – 17</b>	<b>Received 2017 - 18</b>	<b>Resolved</b>	<b>Not pursued</b>	<b>Carried forward 2018 – 19</b>
<b>Representation</b>	0	6	5	0	1
<b>Stage 1 (Statutory Procedure)</b>	5	80	62	16	7
<b>Stage 1 (Corporate Procedure)</b>	1	14	13	0	2
<b>Stage 2 (Statutory Procedure)</b>	2	7	5	0	4
<b>Stage 2 (Corporate Procedure)</b>	0	1	1	0	0
<b>Stage 3 (Statutory Procedure only)</b>	1	2	2	0	1
<b>Referral to Ombudsman</b>	0	5	5	0	0
<b>Total</b>	<b>9</b>	<b>115</b>	<b>93</b>	<b>16</b>	<b>15</b>

### 3.4 Table 3: Comparison with previous years



3.5 The total number of complaints received across the service has increased during the year having decreased the previous year. The increase in the number of complaints reflects the increase in the number of contacts received (see table 1).

3.6 Table 3 illustrates the increase in the number of complaints received at Stage 1 and although the number of Stage 2 complaint investigations is high (8) this is in proportion to the number of Stage 1 complaints when compared with previous years.

3.7 The service has also seen an increase in the number of cases referred to the Local Government and Social Care Ombudsman. There were 5 referrals during the year compared with 1 – 2 referrals in previous years.

3.8 Table 4 below provides a breakdown of the complaints received by each team.

3.9 The Duty Team has seen an increase in the number of complaints from a total of 17 complaints in 2016 – 17 to 27 complaints in 2017 – 18. Although this represents a significant increase this would be expected given the increase in the number of contacts that the service has received. The number of complaints to the Child Protection and Court Team have dropped from 30 to 19.

3.10 **Table 4: Complaints by stage and service area**

	Rep	Stage 1	Stage 2	Stage 3	LGO
<b>Children's Social care</b>					
Adolescent at Risk Team	1	2	-	-	-
Child in Need Team	-	6	-	-	-
Child Protection and Court Team	-	19	2	2	2
Children in Care & Moving on Team	-	11	-	-	-
Disabled Children's Team	-	9	1	-	-
Duty and Assessment	4	27	3	-	-
Family Placement Team	1	3	1	-	1
Virtual School	-	-	-	-	-
<b>Safeguarding and Quality Assurance</b>					
Child Protection Chair and Safeguarding Administration Team	-	1	-	-	-
Local Authority Designated Officer	-	-	-	-	-
Independent Reviewing Service	-	1	-	-	-
Complaints and Data Protection	-	-	-	-	-
<b>Education Inclusion Services</b>					
Children Missing Education Service	-	4	-	-	-
Educational Psychology	-	-	-	-	-
Hospital Education & Rehabilitation	-	1	-	-	-
Music Service	-	1	-	-	-
SEN Team	-	5	1	-	1
<b>Children and Families Prevention Service</b>					
Connecting Families Service	-	-	-	-	-
Children's Centres	-	1	-	-	-
<b>11 – 19 Outcomes</b>					
Youth Offending Team	-	1	-	-	-
Youth Service	-	1	-	-	-
<b>Parent Support Services</b>					
Schools Admissions and Transport	-	1	-	-	-
<b>Other</b>					
Children's Social Care (historic case)	-	-	-	-	1
<b>Total</b>	<b>6</b>	<b>94</b>	<b>8</b>	<b>2</b>	<b>5</b>

3.11 **Table 5** illustrates the broader themes drawn from the complaints and gives the number of complaints that were upheld or partially upheld in each category.

Category	Number of complaints	% Stage 1 complaints	Upheld or Partially Upheld
<b>Attitude or behaviour of staff</b> <i>includes issues with poor communication</i>	41	44%	11
<b>Assessment, care management or review</b> <i>includes delays in completing an assessment and perceived bias in assessments</i>	16	16%	2
<b>Quality of the service</b> <i>Where the service did not meet service user expectations</i>	14	15%	5
<b>Delay in making a decision or providing a service</b>	7	7%	1
<b>Unwelcome or disputed decision</b>	2	2%	1
<b>Appropriateness of service</b> <i>Includes disagreement with the service being involved or failing to be involved with a family.</i>	9	10%	4
<b>Quantity, frequency, charge or cost of service</b>	1	1%	0
<b>Application of eligibility / assessment criteria</b>	4	5%	2

3.12 In line with previous years the highest proportion of complaints were recorded as being about the 'Attitude or behaviour of staff' (44 % of complaints). Examples of responses in this category where the complaint was upheld include:

**Complaint** – In the first core meeting the social worker didn't introduce herself and instead just said that she has taken over from the previous social worker but doesn't know the family and doesn't know what is going to happen.  
**Response** – the manager arranged a meeting between the social worker and the parent and they agreed how they would work together in future and strategies for the

parent to help the social worker get to know the children.

**Complaint** – A young person complained ‘At the next meeting I had to repeat myself to the social worker. I was not happy I had to see her on my own. It didn’t sound like the other social worker had passed on the notes. I didn’t have any awareness the social worker was coming that morning, I asked for my support worker to be with me but she wasn’t told. I was asked the same questions again it made me feel not happy.

**Response** – The Manager apologised and accepted this was not appropriate and the young person’s wishes should have been respected.

3.13 Although the majority of complaints under the heading of ‘Attitude or behaviour of staff’ were not upheld there is clearly learning that managers can take from these complaints. It is acknowledged that staff must have difficult and challenging conversations with parents and young people but analysis of themes within these complaints indicates that not having all the facts or background information to hand can cause tensions and difficulties. Also some of the complaints concerned not being able to contact staff, leaving messages but not hearing anything and having to chase the social worker. These are issues which cause frustration and impact on the relationship between the worker and the family.

3.14 A number of complaints also concerned the quality of assessments and more generally the quality of the service. Examples of these complaints and the response include:

**Complaint about an assessment** - The social worker’s assessment of me as a parent gives contradictory messages about what he perceives to be the issues.

**Response** – The manager responded ‘I have read the report and I agree that it is confusing that you should on one hand be over protective but on the other not be able to supervise and the report does not explain this fully enough to clarify the difference between the two in relation to this matter. Having spoken to the social worker about this he has reflected and accepts that he could have been clearer and I am sorry that this was not the case.

**Complaint about the quality of the service** – The mother of a young person who has a disability complained that a visit to deliver equipment was cancelled at very short notice. She was then told the delivery of the equipment which was required following a hospital discharge would be delayed by a month. When the equipment arrived it was unpackaged and damaged.

**Response** – The manager apologised and explained that the company that was providing the equipment had cancelled the delivery at short notice which resulted in the visit being cancelled. The process for ordering equipment has been reviewed and a new system was implemented from the beginning of August.

#### **4. Learning from complaints**

- 4.1 The primary purpose of the complaints procedure is to allow the service the opportunity to put things right for the individual complainant when they have gone wrong. 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 systems in place to collate and then disseminate information gathered at the conclusion of each stage of the procedure.

#### **Stage 1 complaints**

- 4.2 In 2017 -18, 28% of Stage 1 complaints were either upheld or partially upheld. Each of these complaints will provide some information about where improvements can be made to the service.
- 4.3 A quarterly report is prepared for senior managers which draws together the themes from complaints and the actions that have been taken in response to the complaints.
- 4.4 This is available to all managers who are writing the service and team plans. As mentioned above one of the themes that has emerged during the year is that people contacting the service are frustrated by not being able to contact a worker and not receiving a call back when they leave messages.

#### **Stage 2 complaint investigations**

- 4.5 Between April 2017 and March 2018, 8 requests for Stage 2 complaint investigations were received. Two investigations were on-going from the previous year.
- 4.6 5 investigations were concluded during the year, 1 person withdrew their complaint and 4 were on-going at the end of the year.
- 4.7 There has been some investigation of the reasons why there has been an increase in the number of complaints that have progressed to Stage 2. As the number of Stage 1 complaints has increased it is likely that the number of Stage 2 complaints would also increase. However, in 2016 – 17, 3.5% of Stage 1 complaints progressed to Stage 2 compared to 8.5% of in 2017 -18. Many complainants say they escalate their complaint because they feel the Stage 1 response has not fully addressed their concerns or it has 'missed the

point'. Timescales are also a factor. This is considered further in Section 5, however, the evidence shows that those complaints which took in excess of 30 working days to respond to are more likely to progress to Stage 2. Timeliness of responses is therefore very important.

- 4.8 Each complaint investigation report makes a number of recommendations or the service to consider. These recommendations are recorded on an action plan for the service manager to ensure the complete with team managers. Some actions are relatively straight forward to complete, others require longer to address and embed within the service.
- 4.9 The completion of the action plan is monitored by the Complaints and Data Protection Team and feedback is given through the quarterly report.

Examples of action that has been taken:

- Guidance was issued to staff within the Duty Team to explain the need to differentiate between a 'contact' and a 'referral'. The importance of this was evident when a parent challenged the retention of information about a 'contact' as opposed to a 'referral'.
- A Task and Finish Group was formed to address inconsistencies in practice when the Court orders a Viability Assessment. A Stage 2 investigation about this process identified a number of detailed learning points.
- Team Managers will ensure that significant meetings such as disruption meetings are properly minuted and recorded on the individual's record.

Examples of action that has been identified as being needed:

- For all staff to receive training on diversity and difference from SARI (Stand Against Racism and Inequality).
- For Children's Social Care to consider whether it needs separate guidance notes for communicating with individuals in prison, or other difficult to reach environments.
- For the Council to encourage its managers to undertake formal risk assessments when staff are feeling threatened.
- For the Council to ensure that as part of the SEND Strategy that holistic, team around the child working is promoted as part of SEN support through schools and other services at the individual child level.

This is not an exhaustive list of the recommended action but examples of the variety of actions recommended as a result of a complaint investigation.

### **Stage 3 Complaints**

- 4.10 Two Stage 3 Review Panels were held during the year. Complainants can ask the Panel to consider complaints which have not been upheld at Stage 2. The majority of the recommendations by the Panel relate to the specific circumstances of the complainant. One Panel also concluded that the

recommendations of the Stage 2 investigation had not been addressed and that this should happen as soon as possible.

- 4.11. One recommendation was made for the Service Manager to explore the possibility of adding a flag to the service user’s case record to alert all workers to the fact there could be sensitivities in relation to significant events in the person’s life.

**Complaints to the Local Government Ombudsman (LGO)**

- 4.12 Five complaints were referred to the Local Government Ombudsman. The Ombudsman found the Council was at fault in three cases and agreed remedial action with the Council. The actions agreed have been completed. In the main the actions related directly to the complaint, for example, an apology for sharing information at a meeting which should not have been shared. Two procedural issues with the Stage 3 process were identified and the procedures for future Stage 3 Review Panels have been amended accordingly.
- 4.13 The Ombudsman was unable to investigate 2 complaints because they were either outside his jurisdiction or because the events complained about happened more than 12 months before the complaint was made.

**Compliments**

- 4.14 Once again members of staff throughout the service have received compliments from the young people and their families and also from colleagues working in a variety of different agencies. A total of 52 compliments were recorded.
- 4.15 Compliments reflect good practice and provide valuable information which can be considered alongside complaints to help establish where the strengths and weaknesses of the service are.
- 4.16 The table below captures examples of the compliments received. These compliments have been selected to show the range of issues and services covered but there are many more that could have been included.

**Table 6 – Examples of compliments received**

From a colleague in an agency working with the Connecting Families Team	Welfare has been fantastic. Polite, understanding and supportive, the positive difference that it has made to our clients is unmeasurable but nonetheless obvious and much appreciated.
From grandparents who reported concerns about	They told me that you were exceptionally supportive, listened well and offered them

their grandson to a Referral and Information Assistant in the Duty Team	reassurance. They also said that you were polite each time they spoke to you and that you appeared interested and asked lots of good questions.
From a parent about a social worker in the Child Protection and Court Team	<i>They were full of praise for M (Social Worker), how well she has built a relationship with the children and the support she has been to them to make changes to their parenting.</i>
From foster carers about a social worker in the Child Protection and Court Team	K (social worker) is a true advocate for the child, tenacious and determined in getting the right outcome for the child, and not distracted or knocked off course by the parent's behaviours.
From a District Judge about the work of the Child Protection and Court Team	<i>DJ M was extremely complementary of the work undertaken by the social work team, stating that LA's often face a great deal of criticism but in this instance B&amp;NES have done a very good piece of social work and this he felt needed to be noted. He acknowledged that without such good social work intervention the outcome for these children could have been very different.</i>

## 5. Complaint handling and monitoring

### Response to Stage 1 complaints

- 5.1 Compliance with timescales is monitored very carefully in recognition of the need to deal with complaints as swiftly as possible. The importance of this is noted above.
- 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 to 20 working days when an advocate is requested or the complaint is particularly complex. This extension should be in agreement with the complainant.
- 5.3 In 2017-18, the target of 95% of acknowledgments to be sent within 2 working days was met.
- 5.4 The average time taken to respond to a Stage 1 complaint was 20 working days for complaints dealt with under the statutory complaints procedure. The

average time taken for complaints dealt with under the Corporate Complaints procedure was 12 working days.

- 5.5. Although the time taken by Children's Social Care to respond to complaints is higher than the target of 10 working days it is permissible to respond within 20 working days. The timescale for the response had shown a significant improvement in the fourth quarter of 2017 – 18. It is hoped this can be sustained as the comments in Section 4 indicate those complaints which are delayed are more likely to escalate to Stage 2.
- 5.6 The Complaints and Data Protection Team assist managers to keep to the timescale by sending reminders and assisting with drafting the response. Where there is likely to be a delay the team will inform the complainant on behalf of the manager responding to the complaint.

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

- 5.7 The response to a complaint which has escalated to Stage 2 should be sent within 25 working days from the date the complaint is agreed with the complainant. The timescale of 25 working days is very challenging for the investigating officer and independent person as most investigations require a significant amount of reading and time spent interviewing staff and other agencies. The time allowed can be extended up to a maximum of 65 working days with the agreement of the complainant and this is required on most investigations.
- 5.8 Six investigations were concluded during the year. The average time taken to complete this investigation was 52 working days.

### **Response to Stage 3 complaint**

- 5.9 A Stage 3 Review Panel should be held within 30 working days of the request being received. There were two Panels during the year which were held within 99 and 104 working days. Both exceeded the timescale by a considerable amount. This was influenced by a number of factors including the availability of key staff in the Local Authority and the availability of the complainant.

## **6. Accessing the procedure**

- 6.1 The statutory Complaints Procedure was first introduced to give children and young people a way of telling the Local Authority when they are unhappy about something that is affecting their life. The Service offers many different ways for young people and their families to make a complaint or representation.

- 6.2 Information is available on the Council’s website and there is an information sheet for staff to share with young people and families when they begin working with them and when an issue arises.
- 6.3 A complaints leaflet has been designed specifically for children and young people. It is available on the website and is included in the Child in Care Pack which is given to each young person when they become ‘looked after’. The MOMO ‘app’ which was available to young people to log their concerns directly with the service has been discontinued because of a lack of up-take.
- 6.4 A young person who is looked after will have the chance to raise any concerns they have with the Independent Reviewing Officer (IRO) at their regular review and the IRO will explain to them how to access the complaints procedure if this is appropriate.

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

Email	27%
Letter	9%
Telephone	49%
Complaint form	6%
Website	8%
In Person	1%

- 6.6 Of the 94 Stage 1 complaints, four were made by young people. One of these complaints has been escalated to Stage 2. Based on learning from previous complaints managers are required to meet with the young person if they are agreeable rather than rely on a written response. The meeting should help understanding on both sides.
- 6.7 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 (84 complaints), but complaints were also received from foster carers, grandparents, an aunt, step-parents, siblings and a neighbour.
- 6.8 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’ however support can be provided by any agency that the young person is working with if this is their preference.
- 6.9 Information about the advocacy service is available to children and young people through the information mentioned above. In addition Children and Young People who become looked after are automatically referred to Shout Out and an advocate will contact the young person before their first review to ask if they want any support. Advocacy support is also offered to children/

young people to support them to attend a Child Protection Case Conference. Shout Out! will support any of these young people to make a complaint if they want to. The Complaints and Data Protection Team will always make young people aware that they can have help from and advocate with their complaint.

- 6.10 Shout Out has produced a wallet sized card on 'the Pledge' and this includes information about the Complaints and Data Protection Team Manager with contact details.
- 6.11 Parents and carers wanting to make a complaint do not have the same automatic right to an advocate as young people but Bath and North East Somerset has commissioned a specialist advocacy service at the Care Forum in Bristol to provide a service to those parents who meet their criteria.
- 6.12 Feedback collected by the advocacy service is always very positive and indicates that complainants who use the service feel well supported with their complaint and achieve a better outcome than they would if they had pursued the complaint on their own.
- 6.13 When making a complaint, complainants are invited to provide information about their ethnicity, gender and disability on the complaint form. If the complaint is made by letter, email or telephone the complainant is not currently asked for this information and so this information is incomplete.
- 6.14 The data that is available is a helpful indicator however of the make-up of the population which is accessing the complaints procedure. An analysis of the data provided by complainants indicates:

- 67% of complainants are women
- 33% of complainants are men

- 6% of children were identified as having a disability
- 1% of adults making a complaint identified themselves as having a disability

- 76% of complainants identified as White British
- 6% of complainants identified as Black/ British – other black
- 12% of complainants identified as Mixed White/ Black Caribbean
- 6% of complainants identified as Chinese

## **7. An overview of the Complaints Procedure during 2017/18**

- 7.1 The Complaints and Data Protection Team has three members of staff. All are part-time and work in the following roles:
  - The Complaints and Data Protection Team Manager manages the complaints and data protection service for People and Communities.

- The Complaints Officer is the first point of contact for complainants and works with them to ensure their complaint is accurately recorded before it is passed to a manager for a response. She also works with managers to assist them to respond to complaints in accordance with the procedures. The Complaints Officer provides administrative support to Stage 2 investigations and Stage 3 Review Panels.
- The Data Protection Officer deals with Subject Access Requests under the Data Protection Act 1998 and with requests from the Police under the 2013 Protocol for Disclosure of Information and from other Local Authorities (see 7.7 below) as well as general information sharing requests.

7.2 The Complaints and Data Protection Team Manager produces quarterly monitoring reports on complaints against social care services and corporate complaints. Data is also available to other service areas on request to help with service monitoring and planning.

7.3 The Complaints and Data Protection Team Manager delivers a session on Complaints and Data Protection as part of the induction programme for social care. During 2017 -18 she ran a 'bitesize' training session for managers on providing an effective response to complaints. She also attended a meeting of Deputy Team Managers many of whom were new in post.

7.4 The Complaints and Data Protection Team Manager has been the Chair of the South West Regional Complaints Managers Group and a member of the National Complaints Managers Group representing the South West Region at meetings and events for the past 3 years. She also links with complaints managers in 7 neighbouring authorities to operate a Register of Independent Investigators and Stage 3 Panel Members.

7.5 In addition to the complaints work, the team also deals with Subject Access Requests (SARS) under the Data Protection Act 1998.

7.6 **Table 9 – Requests for information**

<b>Completed</b>				
	2014 - 15	2015 - 16	2016 - 17	2017 – 18
<b>Subject Access Requests</b>	44	30	36	51
<b>Advice and signposting</b>	5	37	73	77
<b>Information sharing</b> (requests from police & other agencies)	64	43	81	76
<b>Court Order</b>	5	4	3	6
<b>Response to internal review</b>	1	0	2	1

7.7 The number of requests for information continues to rise. Unfortunately the average response time has exceeded the time allowed under the Data Protection Act 1998 which was 40 calendar days. It was 54 days for the year. The GDPR has introduced a 30 day timescale which can be extended to 90 days for complex cases. The Complaints and Data Protection Team will be reviewing the process to ensure these new timescales are achieved.

## **8. Areas for development in 2017 – 18**

8.1 Many of the areas for development are a continuation of the work already being undertaken.

8.2 Complaints:

- Continue to work with managers with the support of the Divisional Director to improve the response times for complaints at Stage 1.
- Continue to support managers with the Complaints Procedure through individual support sessions and meetings and develop a programme to provide bespoke training as required.
- Develop the internal web page to provide a resource for managers on all aspects of the Complaints Procedure.
- Ensure that the outcome of individual complaints is captured and shared with the service in a format that can be incorporated into service planning and delivery.
- Review the information on the website to ensure it is accurate and accessible for children, young people and their parents and carers.
- Contribute to the work of the South West Region Complaints Managers Group to develop a toolkit for ensuring that the service is able to learn from complaints and that this can be evidenced.

8.3 Data Protection

- Prepare for the implementation of GDPR on 25<sup>th</sup> May 2018. This will include a review of Data Protection procedures and will be carried out in conjunction with the Council's Information Governance Team.
- Support the implementation of the Caldicott Function Plan through the Data Protection Service. In particular record and assist with the monitoring of Data Breaches within People and Communities.

Sarah Watts  
Complaints and Data Protection Team Manager

## **Appendix 1 Summary of the Complaints Procedure**

### **Stage One – Local Resolution**

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

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

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

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

### **Stage Two - Investigation**

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

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

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

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

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

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

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

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