

Annex 1



Children's Social Care

Complaints and Compliments

Annual Report

2009 – 2010

1 Introduction

This is the annual report on the work of the Complaints Manager for children and young people who receive a service from Children's Social Care in Bracknell. This is a public document.

The Complaints Manager has the key responsibility for managing the statutory process for complaints from children and young people (or their representatives) about the quality of that service. The purpose of the report is to provide an overview of this work and to summarise the issues that have arisen. The report covers the period from 1 April 2009 to 31 March 2010.

The report will go to the Executive Member for Children and Young People and then to the Children's Services and Learning Overview and Scrutiny Panel on 30 June 2010. Complaints about school provision are dealt with under a separate procedure.

2 Context

2.1 Legislation

The arrangements for the statutory management of complaints from children and young people (or their representatives) are set out in The Children Act 1989 Representations Procedure (England) Regulations 2006 (Statutory Instrument 2006 No 1738).

The legislation required local authorities to appoint a Complaints Manager with the remit of:

- Managing and quality assuring the three Stages of the statutory complaint procedure
- Managing the enquiry process where a complaint is considered by the Local Government Ombudsman
- Reporting the complaint data
- Ensuring all staff and service users are aware of the procedure and how it operates

Legislation is supported by detailed guidance from the Department for Children, Schools and Families, which has been taken into account in the Complaint Procedures published by the local authority.

2.2 Who May Complain?

All children and young people who receive or are entitled to a service have a right to access the statutory complaint procedure.

This includes all those who are in an adoptive placement or foster placement, who are the subject of a care order (under section 31 of the Children Act 1989), or who are voluntarily accommodated (under Section 20 of the Children Act 1989). It also covers disabled children who have services from Children's Social Care.

Children or young people about whom a court report for civil proceedings has been prepared by the local authority also have the right to access the statutory procedures. Further, complaints about services delivered on the local authority's behalf can be considered under the statutory complaint procedures.

A parent/carer can also bring a complaint on behalf of that child or young person. The view of the child or young person will be sought wherever possible.

2.3 Statutory Complaint Procedure in Bracknell Forest

Responsibility for the service rests with the Director of Children, Young People and Learning. In order to provide independence from the line management of cases and the allocation of resources (Chief Officer, Children's Social Care), this post reports to the Performance Manager and sits within the Performance and Governance Team.

2.4 The Statutory Procedure

The purpose of the statutory procedure is to enable the complainant to have access to independent consideration of matters raised. The procedure aims to outline to the complainant and the local authority ways in which the issues raised can be resolved. Furthermore, the complaints procedure requires the Local Authority to explain the reasons behind their decisions and actions and, where appropriate, provide an apology and/or remedy. In these circumstances the local authority will also consider the generic learning from specific issues raised and change the way it works where necessary and appropriate.

In managing the procedure the Complaints Manager is required to ensure that:

- the child's complaint is well articulated and investigated
- the complaint investigation considers the matters raised comprehensively and objectively
- the reply of the local authority addresses all the matters raised in the complaint and the investigation and is pro-active in resolving the complaint wherever possible.

2.5 The Local Authority Procedure

Complaints not covered by The Children Act 1989 Representations Procedure (England) Regulations 2006 (Statutory Instrument 2006 No 1738) are dealt with under the local authority procedure. Complaints made by parents or carers or other adults about the impact of a service on them personally is generally considered under the local authority procedure.

2.6 Timescales for resolution of complaints

From the introduction of The Children Act 1989 Representations Procedure (England) Regulations 2006 (Statutory Instrument 2006 No 1738) in September 2006 a complaint from a child or young person should be resolved at the local Stage 1 within ten working days, and within 25-65 working days at Stage 2.

The Complaints Service has continued to provide complainants with substantial and objective accounts of their complaint

Stage 1 Statutory Procedures

Ten complaints at Stage 1 Statutory Procedures received a response within an average of 17 working days. This is outside the standard of ten working days. The timescale is explained by a small number of complaints taking longer to resolve to the satisfaction of the complainant. None of the complaints progressed to stage 2 and so the extra time taken was justified.

Stage 2 Statutory Procedures

Four complaints at Stage 2 met the expected standard of 65 working days for completion of the investigation report and reply of the department.

Stage 2 Local Authority Procedures

13 complaints at Stage 2 Statutory Procedures took an average of 14 working days to resolve. This is outside the standard of ten working days. Again the timescale is explained by a small number of complaints taking longer to resolve to the satisfaction of the complainant. None of the complaints progressed to stage 3 and so the extra time taken was justified.

3 Overview of Work

3.1 Number of complaint investigations

During the period 1st April 2009 to 31st March 2010, there were 5,608 contacts with 1,269 referrals to Children's Social Care. At the end of March 2010 there were 671 open cases for children and young people. All of these potential or actual service users and their parents or carers were eligible to complain to the local authority.

A total of 27 complaints of which 5 were upheld were managed by the Complaints Manager for the period 2009-10 in comparison with:

A total of 18 complaints received for the period 2008-09 of which 7 were upheld

A total of 29 complaints received for the period 2007-08 of which 8 were upheld

There has been an increase in the number of complaints for the period 2009-2010 over the previous years. However, more importantly the number of those complaints upheld remains fairly stable. The increase in numbers is not significant statistically given overall small numbers and indicates that the complaint procedure is accessible and easy to use as the legislation requires.

Complaints on behalf of children and young people have declined from last year. Social Workers, the Reviewing Officer and the Participation Officer all play a role in enabling children and young people to make their views known leaving the complaint procedure as a necessary but last resource.

<p>Ten complaints were dealt with at Stage 1 of the Statutory Procedures. These complaints were on behalf of children or young people and were dealt with at service delivery level.</p>
<p>Four complaints were dealt with at Stage 2 of the Statutory Procedures. All four complaints were made by adults and mainly focussed on the service to children and young people. The department showed discretion and appointed external investigators for all four complaints. The response to the investigation was provided by the Chief Officer for Children's Social Care.</p>
<p>Thirteen complaints were dealt with at Stage 2 of the Local Authority Procedures. These complaints were not primarily on behalf of children or young people and were dealt with at Head of Service level.</p>

The complaints dealt with under the Complaints Procedure do not necessarily represent all the issues raised about the care provided. Many issues are raised by a child or young person with a social worker and are resolved immediately without recourse to the complaint process. Wherever possible, staff will resolve issues before they become formal complaints.

3.2 Findings from complaints:

The following findings were made in respect of the 27 complaints raised:

<p>At Stage 1 of the statutory procedures</p>	<p>1 complaint was upheld 2 complaints were partially upheld 7 complaints were not upheld</p>
<p>At Stage 2 of the statutory procedures</p>	<p>3 complaints were not upheld 1 complaint was partially upheld</p>

<p>At Stage 2 of the local authority procedures</p>	<p>1 complaint resulted in no findings 4 complaints were not upheld 4 complaints were partially upheld 4 complaints were upheld</p>
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3.3 Complaints by Areas of Service Provision

For the ten complaints dealt with at Stage 1:

<p>One complaint was in respect of the Youth Offending Team Service.</p>
<p>One complaint was in respect of the Learning Difficulties and Disability Service.</p>
<p>Five complaints were in respect of the Safeguarding Service.</p>
<p>Three complaints were about the Looked after Children Service</p>

For the four complaints dealt with at Stage 2 of Statutory Procedures:

<p>Two complaints were made in respect of the Under 11s service One was a complaint about an open case. The other was out of time and followed lengthy correspondence with the constituency MP for the complainant. An external investigation was commissioned to progress the complaint.</p> <p>Two complaints were in respect of the Duty Team One complaint was out of time but was allowed into the procedures given the reasons provided why complaints had not been raised before.</p>
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For the 13 complaints dealt with at Stage 2 Local Authority Procedures:

<p>Eight complaints were in respect of the Safeguarding Service</p>
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Four Complaints were in respect of the Looked After Children Service

One Complaint was in respect of the Disability and Learning Disability Service

3.4 Nature of complaints received

Complaints received often contain a variety of issues. However, for the purpose of this report a main aspect has been attributed to each of the 27 complaints raised.

Access to Services	Assessment decision: 1 Eligibility criteria: 1 Service delay: 2 Total: 4
Service Procedures	Confidentiality: 5 Procedures: 8 Total: 13
Standard of Service	Consultation with client: 1 Quality of report: 4 Standard of service: 1 Total: 6
Staff Attitude/Conduct	Support from Social Workers: 2 Staff Behaviour: 1 Total: 3
Cost and Efficiency	Financial assessment: 1 Total: 1

Item 6 of this report provides further commentary on these complaints.

3.6. Cost of complaint investigations for 2009-2010

The cost of independent investigations for this period was £5,794.92.

3.7 The involvement of young people in the complaint process

Of the 27 complaints considered by the local authority, three were made directly by young people.

One child was interviewed as part of a stage 2 statutory investigation. Her Guardian ad Litem supported her at the interview.

Children and young people who are looked after by the Local Authority may bring representations to the attention of the Reviewing Officer. These are then resolved as operational issues. Where resolution fails for whatever reason the children and young people have the right to complain using the statutory complaint procedure. They receive information on how to make a complaint when they first become looked after. Information on how to contact the Complaints Manager is printed in the child and young person's consultation booklet, which they receive before every LAC review.

4 Representations received in Children's Social Care

For the year 2009-10

<p>Compliments given to the Complaints Manager</p> <p>Examples of comments were:</p> <ul style="list-style-type: none">• SW has changed the client's life, she is now working and alcohol free• The Family Centre is always friendly• The Social Worker has been a great support• The Social Worker was nice and polite to me• You have been so supportive in every way• The Social Worker treated me and my daughter with every respect• The After Care Team are very good at what they do• The Social Worker is patient, helpful and non judgmental	<p>27 in total</p>
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MP enquiries	12 in total
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5 Development of Policies and Procedures

5.1 Development of complaint management expertise

25 staff received training in relation to the complaint procedure and their role in resolution of matters at the point of delivery.

The Southern Regional Complaints Managers Group aims to meet quarterly. It is well attended and considered to meet its aims. The network aims to raise standards for Complaints Management across the region to promote consistency of practice and to provide a source of mutual advice. Over the past year the group has considered dispute and conflict resolution strategies.

6 Commentary on complaints received for period 2009-2010

6.1 Examples of complaints received about access to Services: *exclusion from safeguarding review, child who received statement of educational needs should have been offered assessment as child in need, delay in process for prospective adopters, LAC not receiving appropriate treatment for mental health condition.*

Comment of Complaints Manager

Not all of the above complaints were upheld but they do highlight the importance of timely updating and consultation with clients.

Examples of complaints received about Procedures: *actions during safeguarding enquiries, alleged breaches of confidentiality; consultation with non resident parents/ others, safety of child living with parent.*

Comment of Complaints Manager

Many of the complaints under this heading were answered by the Duty Team who often have to make sudden and rapid interventions in families. These families are less familiar with the statutory responsibilities of the department and therefore more likely to use the complaints procedure prematurely. Again for the most part the complaints were not upheld.

Examples of complaints about Service Standards: *quality of assessment reports, quality of care from foster carers.*

Comment of Complaints Manager

The complaints about the quality of reports were upheld. In some cases complainants were unhappy that facts were wrong, e.g. spelling of names.

Errors of this kind can be seen by clients as a lack of respect and do not help working relationships.

Examples of complaints about Support from Social Workers: *Foster Panel hostile to prospective carers, Social Worker unsupportive of Foster Carers, refusal to change Social Worker.*

Comment of Complaints Manager

Complaints of this nature are complex and often based on perceptions for which there might not be evidence. The Head of the Looked after Children Service took action in respect of the complaint about the Foster Panel. The other two complaints were resolved and involved staff in working with complainants to resolve issues.

Examples of complaints about Cost and Efficiency: *residence allowance not offered.*

Comment of Complaints Manager

This complaint was not upheld.

6.2 Learning from Complaints 2009-2010

The department holds formal learning sets for all Stage 2 statutory and Stage 3 Local Authority complaints at the end of the process. One learning set was held for this period concerning a Stage 2 statutory complaint concluded the previous year.

The key issues from the learning set were lack of support for foster carers from Social Worker through an investigation process, delay in foster carer panel review, and delay into investigation following an allegation. It was agreed that the procedures in place for dealing with this matter were not flawed but the way it had been managed by staff then in place led to the complaint. The complaint learning also reinforced the importance of strategy meetings to manage the complaint investigation.

All complaints at stage 1 are also reviewed for learning points. For the year 2009-2010, a recurring theme in a number of complaints was the quality of assessment reports. This was discussed with Heads of Service who have arranged 3 lunchtime training sessions for staff on Report Writing and Assessment and Analysis.

Another recurring theme for 2009-2010 in stage 1 complaints to the Duty Team was the provision of information to non resident parents. The Duty Team held a specific learning session with the Assistant Solicitor, Information Management in respect of this matter.

All complaints whether upheld or not upheld provide the department with useful feedback about the expectations of its clients. 6.1 above indicates some of the quality issues which complainants have raised. Heads of Service meet with the Complaints Manager on a 6 weekly basis where these matters

are discussed. Heads of Service will then take appropriate action such raise them at team meetings or through the supervision procedure.

The Complaints Manager also attends Team Manager Meetings on a twice yearly basis to discuss quality issues arising from complaints.

7 Issues about the Complaint Procedure from Complaints received

7.1 The Parameters of the Complaints Process

In accordance with the guidance, the Complaints Manager has a responsibility to put in place a process which is transparent and set apart from operational management of the care service.

For the year 2009 to 2010 the following issues should be noted within the complaint procedure:

Two complaints went into the stage 2 statutory procedures although they were outside the new one year eligibility timescale. The Complaints Manager considers that, given both complaints were on behalf of vulnerable children, it was good practice to undertake external investigations.

Thirteen complaints for this period were not primarily on behalf of children or young people. Nevertheless these complainants did require substantive responses to the issues raised and the learning from these complaints is as useful as those raised within the statutory procedure.

The Complaints function has been increasingly involved in providing advice on the appropriate route for matters raised to be resolved. The complaints procedure is not the only route available.

7.2 Good practice in complaint management

The Equality Impact Assessment carried out during this period identified the use of advocacy and support for children to resolve complaints as good practice.

The contract for services commissioned externally now outlines the department's requirements for how those services should manage complaints received.

8 Areas for future development

The following area has been identified for development for 2010-2011:

- To consult with other local authorities of similar size to Bracknell Forest to compare approaches used for analysis of complaint data.

9 Conclusion

Over the period of this review, the Complaints service for Children's Social Care has met the requirements of the relevant guidance and regulations. Overall management of complaints is managed well and with sensitivity. The Council does not receive a high number of complaints but those that it does receive are becoming increasingly complex. The Council learns from complaints made and there is evidence that changes to processes have been made where appropriate.

The next report will cover the period from 1 April 2010 to 31 March 2011

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