

Annex 1



Children's Social Care

Complaints and Compliments

Annual Report

2010 – 2011

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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 Forest. 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 2010 to 31 March 2011.

The report will go to the Executive Member for Children and Young People and then to the Children Young People and Learning Overview and Scrutiny Panel in June 2011. 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 Education [formerly 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 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 sits within the Performance and Resources Branch of the Department and reports to the Head of Performance and Governance.

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

7 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

No complaints went to stage 2 during this period

Stage 2 Local Authority Procedures

12 complaints at Stage 2 local authority Procedures took an average of 9.5 working days to resolve. This is within the standard of ten working days.

2 complaints were dealt with in conjunction with the General Social Care Council. They took 40 working days. The complaints did not progress to stage 2.

Stage 3 Corporate Procedures

1 complaint took 21 working days to resolve. This complaint was complex and also concerned an agency, The Learning and Skills Council, which was no longer in existence and therefore no longer had a complaint procedure.

3 OVERVIEW OF WORK

3.1 Number of complaint investigations

During the period 1st April 2010 to 31st March 2011, there were 5,833 contacts with 1,291 referrals to Children's Social Care. At the end of March 2011 there were 644 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 22 complaints were managed by the Complaints Manager for the period 2010-2011 in comparison with:

- *A total of 27 complaints for the period 2009-10*
- *A total of 18 complaints received for the period 2008-09*
- *A total of 29 complaints received for the period 2007-08*

Seven complaints were dealt with at Stage 1 of the Statutory

<p>Procedures.</p> <p>These complaints were on behalf of children or young people and were dealt with at service delivery level.</p>
<p>No complaints were dealt with at Stage 2 of the Statutory Procedures.</p>
<p>Twelve complaints were dealt with at Stage 2 of the Local Authority Procedures.</p> <p>Two complaints were dealt with at Stage 2 of the Local Authority Procedures alongside a General Social Care Council investigation</p> <p>These complaints were not primarily on behalf of children or young people and were dealt with at Head of Service level</p>
<p>One complaint was dealt with at Stage 3 of the Local Authority Procedures.</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. Staff will try and resolve issues before they become formal complaints.

3.2 Findings from complaints:

The following findings were made in respect of the 22 complaints raised

<p>At Stage 1 of the statutory procedures</p>	<p>3 complaints were partially upheld 4 complaints were not upheld</p>
<p>At Stage 2 of the local authority procedures</p>	<p>11 complaints were not upheld 2 complaints were partially upheld 1 complaint was upheld</p>
<p>At Stage 3 of the local authority procedures</p>	<p>1 complaint was partially upheld</p>

3.3 Complaints by Areas of Service Provision

For the seven complaints dealt with at Stage 1 of the Statutory Procedures:

<p>Two complaints were in respect of the Learning Difficulties and Disability Service.</p>
<p>Five complaints were in respect of the Safeguarding Service.</p>

For the 14 complaints dealt with at Stage 2 Local Authority Procedures:

Ten complaints were in respect of the Safeguarding Service

Three Complaints were in respect of the Looked After Children Service

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

The one complaint at Stage 3 of the Local Authority Procedures 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 complaints raised.

Access to Services	Assessment decision: 1 Eligibility criteria: 1 Service deficit: 1 Total: 3
Service Procedures	Confidentiality: 3 Procedures: 3 Total: 6
Standard of Service	Communication with client: 3 Consultation with client: 4 Quality of report: 2 Standard of service: 1 Safety/Protection: 2 Standard of Service:1 Total: 13
Staff Attitude/Conduct	Staff Behaviour: 1 Total: 1

Paragraph 6 of this report provides further commentary on these complaints

3.5 Cost of complaint investigations for 2010-2011

The cost of independent investigations for this period was nil. There was a £302 cost for printing. The allocated budget for this period was therefore able to be redistributed at the end of the year.

3.6 The involvement of young people in the complaint process

Of the 22 complaints considered by the local authority, none were made directly by young people.

Children and young people who are looked after by the Local Authority may bring representations to the attention of the Independent 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 COMPLAINTS RELATING TO CHILD PROTECTION CONFERENCES

There were three complaints at stage 1 in respect of the child protection conference process. Two complaints related to the decision reached by the conference that the children are placed on a Child Protection Plan and requesting an early review of the decision. These complaints were not upheld. One complaint related to confidentiality issues in the conference paperwork and meeting process. This complaint was upheld and procedures have been improved as a result of the complaint.

5 REPRESENTATIONS RECEIVED IN CHILDREN'S SOCIAL CARE

For the year 2010-2011

Compliments given to the Complaints Manager

Examples of comments were:

I would like to thank all of the after care team and people who have supported and worked with me for the past 5 years. Sorry for all the stress and the paperwork I've caused you.

Everything was explained so well

The whole team was very helpful and supportive. Moreover very professional

At the meeting all my views were written down

Very polite and understanding lady Gave a full insight into views and how the system works

Assessment was fair, realistic and understanding

We are grateful for help in all of this, we feel optimistic

There is nothing missing from the assessment and I am very happy

The assessment was carried out professionally and supportively with all needs listened to

My new house wouldn't have been possible without your hard work. Even though M can't speak I know she is very grateful and can now play safely

22 in Total

MP enquiries

10 in total

Representations and Concerns

Examples of Representations and Concerns:

Young person wishes to stay in placement where feels settled

Concern that Social Worker not mature enough to deal with family situation

Mother wants to put her views on care record

12 in total

Comment of Complaints Manager

It is noticeable how more compliments this year remark on the professionalism of Social Workers in carrying out duties and their clarity in explaining their role

6 DEVELOPMENT OF POLICIES AND PROCEDURES

6.1 Development of complaint management expertise

18 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.

7 COMMENTARY ON COMPLAINTS RECEIVED FOR PERIOD 2010 – 2011

7.1 Examples of complaints received about access to Services: *refusal to provide initial assessment for child with ME, respite care offered not appropriate to child's needs*

Comment of Complaints Manager

None of the above complaints were upheld but Social Workers worked with families to look at possible solutions to problems presented by complainants

Examples of complaints received about Procedures: *disclosures of confidential information, management of section 47 assessments, exclusion of grandmother from access to child*

Comment of Complaints Manager

Many of the complaints under this heading were answered by the Safeguarding Team. For the most part the complaints were not upheld. But again the Social Workers worked with families to provide explanations for actions.

Examples of complaints about Service Standards: *quality of assessment reports, parental involvement in assessments, misinformation re placements, communication between Social Worker and client, quality of reports, concerns raised about safety not followed up*

Comment of Complaints Manager

The complaints about the quality of reports were partially upheld. Families place importance on even small errors in reports which can call into question for them the quality of the work overall. There will be a learning set within the department to address what lessons can be learned from these complaints

Examples of complaints about Support from Social Workers: *Social Worker discourteous*

Comment of Complaints Manager

There was only 1 complaint in this area which was not upheld

7.2 Learning from Complaints 2011

The department holds formal learning sets for all Stage 2 statutory and Stage 3 Local Authority complaints at the end of the process.

Two learning sets were held for this period concerning a Stage 2 statutory complaint and Stage 3 Local Authority complaint concluded the previous year.

The following actions were agreed

Complaints process learning:

Where it is unclear whether a matter is eligible for the complaint procedure clarification should be sought as a matter of urgency so as not to disadvantage both complainants and staff

Where complaints involve young people the right of the young person to give a view on the complaint should be clearly addressed with parents and carers.

Communication with other professionals involved in a complaint should be managed via the Complaint Procedure to ensure consistency of approach.

Staff need to be reminded of the need to prepare for formal complaint investigations and interviews

Social Care Practice learning:

Referral timescales from MAPPA to Childrens Social Care need to be improved.

Discussions and reasons for decisions need to be recorded clearly.

The distinction between fact and professional opinion needs to be clearly made.

Where advice is asked of other Professionals there should be some recording of what is asked for.

Accuracy of core recording (names/relationships) needs to be emphasised to all staff, with a process to correct errors.

8 ISSUES ABOUT COMPLAINTS PROCEDURE FROM COMPLAINTS RECEIVED

8.1 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 2010 to 2011 the following issues should be noted within the complaint procedure:

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

Mediation and conflict resolution techniques to help resolve complaints are becoming increasingly important in helping to resolve complaints

8.2 Good practice in complaint management

An evaluation process to get feedback from users of the procedure on its accessibility and effectiveness is ready to be put in place for 2011-2012

9 Areas for future development

The following area has been identified for development for 2011-2012:
To include all relevant staff at all levels of responsibility in the process of learning from complaints. This is to encourage ownership of learning at all levels and not just the responsibility of senior managers to identify.

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 increasingly more complex and as a result take up more time and resource. 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 2011 to 31 March 2012

Patricia Morris
Complaints Manager for Children's Social Care