

**Annex 1**



**Children's Social Care**

**Compliments and Complaints**

**Annual Report**

**2011 – 2012**

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## **1. INTRODUCTION**

This annual report covers the period of 1<sup>st</sup> April 2011 through to 31<sup>st</sup> March 2012 and reports on complaints made by, or on behalf of children and young people who receive support / services from Children's Social Care in Bracknell Forest. It is a statutory requirement to produce an annual report which will be published on the Council's website.

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 this report is to provide an overview of this work and to summarise the issues that have arisen, providing a mechanism by which the Department can monitor the quality and effectiveness of services and of its complaints procedure.

The report will be approved by the Executive Member for Children, Young People and Learning, and will also be presented to the Children and Young People and Learning Overview and Scrutiny Panel.

Complaints about school provision are dealt with under a separate procedure.

It is important to note that there has been a change in staffing part way through this year. The Complaints Manager who had been in post for a number of years retired at the end of 2011, and a new Complaints Manager came into post in October 2011.

## **2. CONTEXT**

### **2.1 Legislation**

The arrangements for the statutory procedure and management of complaints from children and young people [or their representatives] are set out in *The Children's Act 1989 Representation Procedure [England] Regulations 2006*.

The legislation requires local authorities to appoint a Complaints Manager with the responsibility for:

- Managing, developing and administering the complaints procedure
- Providing assistance and advice to those who wish to complain
- Overseeing the investigation of complaints that cannot be managed at source
- Supporting and training existing and new members of staff
- Monitoring and reporting on complaints activity/data

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.

### **3. COMPLAINTS PROCEDURES**

#### **3.1 Statutory Complaints Procedure in Bracknell Forest**

Responsibility for the service rests with the Director for Children, Young People and Learning. In order to provide independence from the line management of cases and the allocation of resources, this post sits within the Strategy, Resources and Early Intervention branch of the Department and reports to the Head of Performance Management and Governance.

The purpose of the statutory procedure is to enable the complainant to have access to independent consideration of matters raised.

#### **Complaints Process using the Statutory Procedure:**

##### Stage One: Local Resolution

This initial stage allows Children's Social Care Services the opportunity to try and resolve issues of dissatisfaction at local level with managers and staff who have responsibility for the case.

##### Stage Two: Investigation

This is the next stage, when a complaint has not been resolved to the satisfaction of the complainant at the conclusion of Stage 1 and involves a full and formal investigation by an independent external investigator. The external investigator produces a report, which is submitted to the Chief Officer for their consideration.

An 'Independent Person' may also be appointed to oversee the investigation and report independently to Children's Services.

The final decision rests with the Chief Officer regarding the outcome of the complaint. The Chief Officer will write to the complainant including a copy of the investigation report and the conclusions made.

##### Stage Three: Review Panel

A review panel is convened when the complainant is either dissatisfied with a Stage 2 investigation or the response from the Chief Officer.

The Panel will be made up of three people, all of whom must be independent of the Council.

Final Stage: The Local Government Ombudsman

Although complainants can refer complaints onto the Local Government Ombudsman (LGO) at any stage, the LGO will not normally investigate until the local authority has followed through with the complaint procedure including holding a stage 3 review panel.

### **3.2 The Local Authority Complaints Procedure.**

Complaints not covered by the statutory procedure may be dealt with under the local authority procedure. These are often complaints made by parents or carers or other adults about the impact of a service on them personally. Liaison remains through the Complaints Manager.

#### **Complaints Process using The Local Authority Procedure:**

Stage One

Informal complaint to a member of staff at the first point of contact

Stage Two

Formal complaint to the appropriate manager or Chief Officer, for investigation and response to the complainant.

Stage Three

Formal complaint to the Director of the service area concerned. Any complaint based on discrimination, victimisation or harassment goes straight to this stage.

Stage Four

Chief Executive to consider whether the complaint has been dealt with appropriately and if not, may set up a review panel at the Chief Executive's discretion.

## **4. OVERVIEW OF WORK**

### **4.1 Number of Complaint Investigations & Timescales**

From the 1<sup>st</sup> April 2011 to 31<sup>st</sup> March 2012 there were 5,808 contacts resulting in 1,325 referrals to Children's Social Care. At the end of March 2012 there were 683 open cases for children and young people. All of these were potentially eligible to complain to Bracknell Forest Council. Out of these, there were a total of 24 complaints investigated during this period. This is slightly higher than the figures from 2010 – 2011 [shown in table below] where 22 complaints were investigated.

Whilst the figures for complaints are slightly higher the number of contacts and referrals has increased this year, therefore the proportion has remained consistently low.

*Contacts and Referrals to Children's Social Care:*

<b>Period</b>	<b>Contacts</b>	<b>Referrals</b>	<b>Open Cases</b>	<b>No of Complaints</b>
2010 -11	5,608	1,269	671	22
2011-12	5,808	1,325	683	24

The table below shows the numbers of complaints in the past year, which have been dealt with using either the Statutory, or the Local Authority complaints procedure.

*Comparative figures for 2010 – 2011 are shown in brackets.*

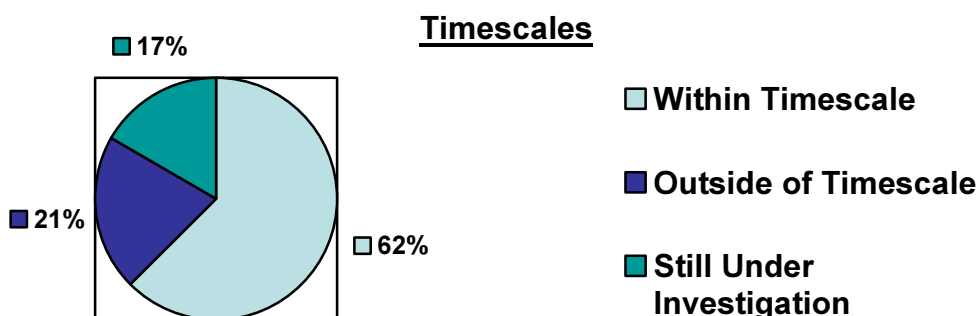
<b>Stage / Procedure Used</b>	<b>Number of Complaints</b>
<b>Stage 1 – Statutory Procedure</b>	<b>11 (7)</b>
<b>Stage 2 – Statutory Procedure</b>	<b>3 (0)</b>
<b>Stage 1 – Local Authority Procedure</b>	<b>5 (0)</b>
<b>Stage 2 – Local Authority Procedure</b>	<b>3 (14)</b>
<b>Stage 3 – Local Authority Procedure</b>	<b>2 (1)</b>
<b>Local Government Ombudsman</b>	<b>1 – Not Upheld</b>

Staff will always try to resolve problems or concerns before they escalate into complaints and this ensures that, wherever possible, complaints are resolved within the stage 1 of the procedure. It is notable that there has been an increase in dealing successfully with complaints at this stage, which reflects the good practice and swift responses of the managers involved.

The aim is always to resolve complaints within timescales.

In some instances, particularly where unforeseen circumstances arise it is necessary to re-negotiate this timescale. In such cases, the Complaints Manager will contact the complainant and seek their agreement. In the past year there have been no incidences where a complainant has not agreed to extend the timescale.

The following chart shows the breakdown of the complaints made during the period of April 2011 to March 2012 and whether timescales were met. It shows that 62% were met within timescales, 21% are outside of timescales, and 17% are still under investigation.



#### 4.2 Findings from Complaints

The following findings were made in respect of the 24 complaints raised that have been finalised – at the time of reporting 4 have yet to be completed and are still under investigation.

<b>At Stage 1 of the Statutory Procedures</b>	<b>7 Complaints were Not Upheld 2 Complaints were Partially Upheld 1 Complaint was Upheld 1 Complaint still being Investigated</b>
<b>At Stage 2 of the Statutory Procedures</b>	<b>1 Complaint was Upheld 2 Complaints were Partially Upheld</b>
<b>At Stage 1 of the Local Authority Procedures</b>	<b>3 Complaints were Not Upheld 2 Complaints still being Investigated</b>
<b>At Stage 2 of the Local Authority Procedures</b>	<b>2 Complaints were Not Upheld 1 Complaint was Upheld</b>
<b>At Stage 3 of the Local Authority Procedures</b>	<b>1 Complaint was Not Upheld 1 Complaint still being Investigated</b>

#### 4.3 Complaints by Areas of Service Provision

The following table shows the service areas where complaints have been made. The area with the highest number of complaints is in safeguarding, which is to be expected given the nature of the work undertaken, which often involves working with families who are unhappy to be receiving such services, but are required to do so to ensure effective child protection.

Department / Service Provider	Number
Learning Difficulties & Disability	3
Looked After Children	3
Safeguarding	18

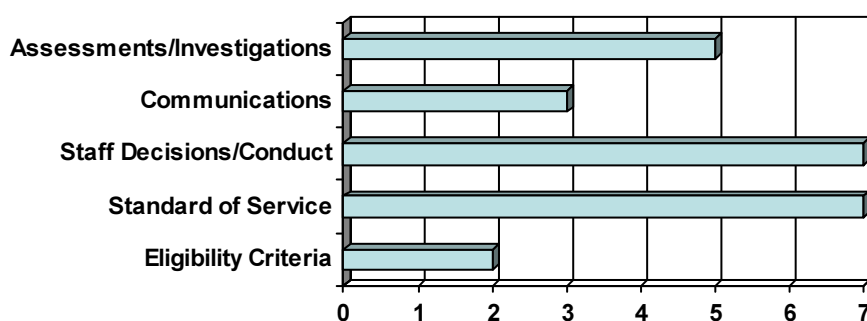
#### 4.4 Member of Parliament Enquiries

MPs cannot make a complaint using the statutory complaints procedure on behalf of their constituent. However, they are able to raise a concern or make a representation acting as an advocate and the Council will reply on this basis.

In view of this, enquiries from Members of Parliament are logged separately from statutory complaints. There were 2 Member enquiries made during this period of reporting.

#### 4.5 Nature of Complaints Received

Complaints received are often complex and can cover a variety of issues. For the purpose of this report the primary issue has been identified in relation to each complaint, these are shown below:



#### 4.6 Commentary on Complaints Received for Period 2011 – 2012

Examples of complaints received regarding assessments and investigations:

- a) Complainant unhappy with the outcome of the Section 47 assessment.
- b) Complainant felt that assessment report prepared for court was inaccurate.



### Comments

The above complaints both progressed to stage 2 of the Statutory Complaints Procedure and were partially upheld. Families place importance on even minor errors in reports which can call into question for them, whether rightly or wrongly, the quality of work overall. As the outcomes indicate, following the investigations some areas of concern were highlighted and practices and procedures have been implemented.

#### Examples of complaints received regarding communications:

- a) Departments did not communicate adequately with each other which led to a delay in the appropriate support being secured.
- b) Complainant was concerned regarding information that was shared in a meeting.

### Comments

The first complaint was upheld and systems have been set in place to ensure that this occurrence does not happen again.

The second complaint was not upheld, but explanations were provided to the family to alleviate the concern raised.

#### Examples of complaints received regarding Staff Decisions / Conduct

- a) Complainant was unhappy regarding the decisions made by their Social Worker and felt that this caused further difficulties within the family.
- b) Complaint received regarding the practice of the Social Worker allocated to their case – felt that preconceived judgements had already been made.

### Comments

Neither complaint was upheld. Regarding the first example, the Manager of the Team involved went to the family home to discuss the situation which fully resolved the situation to the satisfaction of the complainant.

The second complaint reflects the difficult and sometimes complex factors that are present when working with families who are experiencing difficulties, and have not chosen to engage with Children's Social Care voluntarily.

#### Examples of complaints received regarding standard of service:

- a) Complainant feels that they are not receiving an appropriate response every time they contact their Social Worker.
- b) Complaint received regarding the quality of service they received.

### Comments

Complaints will often be made where it is felt that the Social Worker is not working in a way that the families would wish of them. The nature of the work of Children's Social Care is such that families do not choose to engage and

seek to divert or delay the intervention. Complaints are always investigated by the Team Manager and actions taken to work with the complainant to resolve their concerns.

The second complaint was partially upheld and action was taken to provide the relevant support.

Example of complaints received regarding eligibility criteria:

- a) Complaint was made regarding the decision made that the child could not receive services due to the criteria not being met.

Comment

Complaint was not upheld, but the Social Workers worked hard to find alternative solutions to the situations presented.

#### **4.7 Cost of Complaint Investigations for 2011 – 2012**

When a complaint proceeds to stage 2 under the statutory procedures, it is the practice in Bracknell Forest that an independent investigator is appointed. The cost of this varies depending on the length and complexity of the investigation. In this year it should be noted that there have been 3 statutory stage 2 investigations, one of which was very complex. The overall cost of investigations in 2011-12 was £8,200.

#### **4.8 Involvement of Young People in the Complaint Process**

Children and young people are informed on how to make a complaint when they first become looked after; they receive a child friendly leaflet which explains clearly what to do if they are unhappy. Information is also provided on how to contact the Complaints Manager within the 'Children's and Young Person's Consultation Booklet', which they receive before every LAC review. In addition, they may bring representations to the attention of the Independent Reviewing Officer.

Laminated 'text' cards have recently been developed with the support of the Child Participation Officer giving simple instructions on how to 'text' a complaint through to the Complaints Manager.

In some circumstances children and young people may require additional support to make a complaint. Help may be best provided by a relative or friend or by the provision of an advocate from an Advocacy Service who will be independent of the department. The Complaints Manager can advise about this and help secure a service where requested.

#### **4.9 Complaints Relating to Child Protection Conferences**

There were two complaints received and investigated at stage 1 in respect of the Child Protection Conference Process. One of these has been investigated and has not been upheld. The other remains under investigation at the time of reporting.

## **5. REPRESENTATIONS RECEIVED IN CHILDREN'S SOCIAL CARE**

In addition to formal complaints, people often provide feedback in the form of comments, and suggestions, some examples of these are listed below:

- "We didn't ask for help and felt that we didn't need it".
- "I would suggest all written information is spell checked by the author before sending!"
- "I was told that a 'Child Protection' assessment had to be carried out on my child, but I was never advised as to whether this had ever been done".
- "The school did not communicate with me before making contact with you. I feel this was wrong".

**5.1** Similarly, people often provide positive comments and compliments. Some examples of these are listed below:

- "(Name of worker) could not have more helpful and supportive"
- "She introduced herself and showed us identification. Then went through what she was here for and how she can help us. She was easy to understand and very helpful. We always knew what to expect".
- "I can't thank you enough for all your support and guidance over the last 11 weeks. You all do an amazing job. Keep up the good work, as there are many who will benefit from your knowledge, guidance and encouragement".
- "I was responded to very quickly".

## **6. DEVELOPMENT OF POLICIES AND PROCEDURES**

### **6.1 Staff Training in Managing Complaints**

Regular training is provided by the Complaints Manager and is available to all staff in children's Social Care and this will continue to be provided, in particular targeting new staff as they begin their employment.

### **6.2 Networking and Sharing Policy and Practice**

It is important to continue to network, share practice and contribute to Regional policy and practice. The Complaints Manager attends the Southern Regional Complaints Managers Group three times a year. The network aims to raise standards for complaints management across the region to promote consistency of practice and to provide a source of mutual support.

### **6.3 Learning from Complaints 2012**

The department holds formal learning sets for all Stage 2 Statutory and Stage 3 Local Authority complaints at the end of the process. The learning sets may lead to changes in policy and practice and form a valuable evidence base for continual improvement.

Key Learning points and services improvements implemented during 2011 – 2012 include:

- ✓ Continue to ensure that data protection training is available for all staff.

- ✓ Continue to circulate information to all partner agencies regarding safeguarding information [Safeguarding Cue Card 'What to Do if you are worried']
- ✓ Further consideration in referrals – whether to appoint one worker for both children or one worker per child [specifically when children from separate families are involved]

## **7. AREAS FOR FUTURE DEVELOPMENT**

Complaints provide an opportunity to consider practice and identify ways to improve on areas identified. In the coming year the Complaints Service will focus on the following areas for development:

- Continue to deliver training to Social Workers and Managers to ensure the process is managed and understood
- Review Complaints Policy to ensure it remains fit for purpose, and reflects the learning identified.
- Contribute to the ongoing development of the Quality Assurance Strategy which maintains an overview of the quality of services delivered and supports ongoing improvement and development.
- Further develop the systems in place to secure Independent Investigators, and consider how to reduce the costs of investigations.
- Developing mechanisms for recording and analysing compliments.

## **8. CONCLUSION**

The complaints function for Children's Social Care has met the requirements of the relevant guidance and regulations. Overall management of complaints is robust, managed well and undertaken with sensitivity.

Children's Social Care do not receive a high number of complaints, however the nature of those complaints that are received are often complex, and reflect the fact that families may be very distressed at the interventions of Children's Social Care.

Whilst a complaint may be distressing to the individuals affected, [which includes the staff involved] they are a valuable mechanism for ensuring ongoing quality of our work. This ensures policies and procedures are followed appropriately and children, young people and families are receiving the best possible services in difficult and challenging circumstances.

The next report will cover the period from 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013.

**Sue Horton**  
**Complaints Manager for Adult & Children's Social Care.**