

## **Annex 1**

### **Complaints Manager for Children's Social Care**

**Annual Report April 2008- March 2009**

**April 2009**

## **1 Introduction**

This is the annual report on the work of the Complaints Manager for children and young people in Bracknell Forest and is a public document. The Complaints Manager has the key responsibility for managing complaints from children and young people (or their representatives) about the quality of service provided by children's social care. 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 2008 to 31 March 2009.

The report will go to the Executive Member for Children and Young People and then to the Social Care and Learning Overview and Scrutiny Panel in June 2009. Complaints about school provision are dealt with under a separate procedure.

The report will also be presented to the Bracknell Forest Overview & Scrutiny Panel in June 2009.

## **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 can 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. It also covers children with disabilities who have the involvement of social workers.

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 Social Care 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 is managed by the Head of Performance Management.

### **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 10 working days, and within 25-65 working days at Stage 2.

### 3 Overview of Work

#### 3.1 Number of complaint investigations

1061 children and young people were referred to the department within this period. They and their parents or carers were eligible to complain.

<p><b>13 complaints were dealt with at Stage 1.</b></p> <p>These were dealt with at service delivery level.</p>
<p><b>3 complaints were dealt with at Stage 2.</b></p> <p>2 complaints made by adults about the service received by them personally were investigated under the local authority procedures by a senior manager.</p> <p>1 complaint was managed by a commissioned service.</p>
<p><b>1 complaint was made to the Local Government Ombudsman.</b></p> <p>This complaint had been previously considered at stage 3 of the local authority procedures employing an external investigator.</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.

#### 3.2 Findings from complaints by stage:

The following findings were made in respect of the 17 complaints raised

At Stage 1 of statutory procedures	<p><b>7 complaints upheld</b></p> <p><b>2 complaint partially upheld</b></p> <p><b>4 complaints not upheld</b></p>
------------------------------------	--

At Stage 2 of the local authority procedures	<b>2 complaints not upheld.</b>
At Stage 2 of procedures of commissioned service	<b>1 complaint not upheld.</b>
At Local Government Ombudsman Stage	<b>1 complaint not upheld by Local Government Ombudsman.</b>

### 3.3 Area of Service Provision

#### At Stage 1 of the 13 complaints:

1 complaint was about the Youth Offending Team Service.
2 complaints were about the Learning Difficulties and Disability Service. 1 complaint was about Direct Payments Service commissioned by Children's Social Care
5 complaints were about the Safeguarding Service.
3 complaints were made about the IT Support Service 1 complaint was about the Looked after Children Service

#### At Stage 2

1 complaint was made about a Commissioned Service. It related to the service area for Children with Difficulties and Learning Disability.
---

### At Stage 3 Local Authority Procedures

2 complaints were made about the Safeguarding Service  
Complaint made by family friend of young person (local authority procedure)  
Complaint made by parent (local authority procedure)

### At Local Government Ombudsman Stage:

1 complaint was made about Looked After Children 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 one.

Access to Services	Service Procedures	Service Standards	Support from Social Workers	Cost and Efficiency
3 received	5 received	2 received	3 received	4 received

At point 6 in this report further commentary is given on these complaints

### 3.5 Timescale for completion within complaint procedure

For the past year the Complaints Service has worked effectively to provide to complainants substantial and objective accounts of their complaint within the specified time frame.

#### 3.5.1 Stage 1

13 complaints at Stage 1 received a response within an average of 9 working days.

#### 3.5.2 Stage 3 Local Authority Procedures

1 complaint from a parent which was considered at Stage 3 of the local authority procedure was registered in June 2008 and took 64 working days for a response to be provided. The delay was due to a concurrent access to records request and holiday of staff and the complainant. The complainant was kept informed throughout the complaint process

1 complaint from informal carer of young person took 9 working days for a response to be provided.

### **3.5.3 Stage 2 Commissioned Service Procedures**

1 complaint took 5 working days for response to be provided.

### **3.5.4 Local Government Ombudsman**

1 complaint referred to the Local Government Ombudsman took 20 working days for a response to be provided. This time scale was set by the Ombudsman.

### **3.6. Cost of complaint investigations**

The cost of investigations for this period was £5,016

### **3.7 The involvement of young people in the complaint process**

The role of the Complaints Manager is to ensure that where a child or young person has the emotional and intellectual capacity to comment on a complaint then his/her view is sought.

Of the **17** complaints considered by the local authority **1** was made by a young person who was offered an advocate. This complaint was about a commissioned service

The **3** complaints about IT Support Services were made by foster carers and Social Workers on behalf of looked after children.

### **3.8 Reports to managers in Children's Social Care**

The Complaints Manager meets each of the Heads of Service (Safeguarding, Learning Difficulty and Disability, Looked After Children) on a six weekly basis. The purpose of the meeting is to track progress with complaint responses.

## **4 Representations received in Children's Social Care**

For the year 2008-9

**22 compliments** were given to the Complaints Manager.

Examples of comments were:

How hard the Social Worker had worked with the family to achieve a positive outcome

Thank you for help in resolving matter of fuel allowance

Can you pass on our thanks to everyone, especially Tony for organising, it was such an enjoyable afternoon and ...was very proud to have received a certificate and to have met a real life Mayor

SW had completed a good conference report for client

Thank you for day out at Syon Park and friends made

Work done in play therapy is fantastic

I am finally getting the exact help I need with my daughter

Got called the second day , very pleased with the service

I have thoroughly enjoyed working with you on my granddaughter's life story book

21 MP enquiries were received

## 5 Development of Policies and Procedures

### 5.1 Development of complaint management expertise

19 new staff received as part of their induction, training in relation to the complaint procedure and their role in resolution of matters at the point of delivery.

The Southern Regional Complaints Manager's 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 support. For the period 2008-9 the key work of the group has been to consider alternative techniques to resolve formal complaints.

## 6 Commentary on complaints received for period 2008-9

**6.1 Examples of complaints received about Access to Services:** eligibility criteria for Direct Payments, closure of Saturday club, access to financial support for private foster carer, family friend of young person.

### Comment of Complaints Manager

Not all of the above complaints were upheld but they do highlight the importance of accurate and timely information and responses being given to clients.

**Examples of complaints received about Procedures:** alleged breaches of confidentiality; 3<sup>rd</sup> party confidential information sent to client in error, parents disputing role of children's social care with young person, consultation with grandparents in assessment

### Comment of Complaints Manager

Complaints about procedures often require the department to explain again its statutory responsibilities and Data Protection principles. As a result of 3<sup>rd</sup> party information being sent in error the department has reviewed its procedures

**Examples of complaints about Service Standards:** reparation programme for young person not properly managed, unreasonable delay in foster panel process,



### Comment of Complaints Manager

Complaints about service standards were both upheld. The department took action in all cases to remedy the situation. .

**Examples of complaints about Support from Social Workers:** the quality of parenting support, alleged bullying of young person in residential accommodation

### Comment of Complaints Manager

Complaints of this nature are complex, often based on perceptions and often best resolved through meetings. The Regional Manager of the Children's Home and the Social Worker met with the young person at earliest opportunity and agreed strategies for him to voice future concerns

**Examples of complaints about Cost and Efficiency:** unacceptable delay in IT provision for looked after children

### Comment of Complaints Manager

The department has reviewed the procedure to monitor IT services for Looked After Children more closely so that we can respond more quickly to IT problems

## **6.2 Learning from Complaints 2008-9**

Two learning sets were held for this period concerning Stage 2 complaints concluded the previous year.

The following improvements to care practice were agreed:

- **Ensuring the use of National Contract for children in residential settings with external agencies**
- **The responsibilities of all Social Workers in adoption cases to be clarified**
- **The Adoption Support plan to be revised and signed off by Head of Service for Looked After Children**

## **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.

It is also her responsibility to work with the Chief Officer to decide whether parent/carers who are making complaints are doing so in the interests of their children and eligible for the statutory procedure. It is worth noting that the department now receives more complaints from parents/carers on their own behalf than it used to.

For the year 2008 to 2009 the following issues were significant within the complaint procedure:

**The importance of strategy meetings where a complaint may impact on operational issues.**

**The value of mediation at onset of complaint process.**

## **7.2 Good practice in complaint management**

For the year 2008-9 staff have improved the response time to clients when a complaint has been made. Speedy responses have helped to prevent escalation of issues which may have no merit.

Staff have also improved their recording in client files where they have resolved issues and prevented matters from escalating.

Staff continue to use the experience of the Complaints Manager to advise how to address written complaints to ensure that complainants receive a comprehensive response

## **8 Areas for future development**

The following areas have been identified for development.

- Further work on Equality Impact Assessment in respect of complaints
- Ensuring that the complaints procedures of commissioned services comply with requirements of the department

## **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 2009 to 31 March 2010.

**Patricia Morris Complaints Manager Children's Social Care**