

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

**Annual Report 2019 – 2020**

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## 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 2019 and 31<sup>st</sup> March 2020 by Children's Social Care and the Education, Inclusion and Children's Safeguarding Service. 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 about schools are governed by different legislation. Each school is required to have its own complaints procedure and this report does not therefore include information about schools' complaints.
- 1.4 During the year **92** complaints were processed under the Children's Social Care statutory complaints procedure or the Council's Corporate Complaints Procedure. There were **6** referrals to the Local Government and Social Care Ombudsman. In addition, **53** compliments were recorded.

## 2. The Procedure

- 2.1 Complaints about Children's Social Care and Children's Safeguarding are dealt with under the Children Act 1989 Representations Procedure (England) Regulations 2006 and accompanying statutory guidance 'Getting the Best from Complaints'. A summary of the procedure can be found at Appendix 1.
- 2.2 Complaints about the Education and Inclusion Service and the Local Authority Designated Officer (LADO) 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)
- 2.3 The feedback received is recorded against one of the following headings:
  - **Complaint** – a complaint can generally be defined as an expression of dissatisfaction or disquiet, which requires a response.
  - **Representation** – a representation is feedback which does not need a formal response, or the person raising the concern does not want it to be recorded as a complaint. Children and young people often prefer to have their concern recorded as a representation as they do not want to enter a formal complaints procedure.

- **Compliment** – a compliment is positive feedback about the service or an individual member of staff from young people and their families or other agencies.

2.4 The key principles of the Complaints Procedure are:

- People who use services can 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 to drive improvement.

2.5 The Council has set out its commitment to responding to the problems or worries of young people who are in care or are care leavers in the Pledge. The Pledge has been endorsed by the Council's Corporate Parenting Group and the In Care Council helps to monitor it.

- ✓ We will work hard to sort out any problems or worries that 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 and we promise to always take your complaints seriously
- ✓ You can contact your IRO if you are worried or don't feel listened to, they will try to help and can support you should you wish to make a complaint

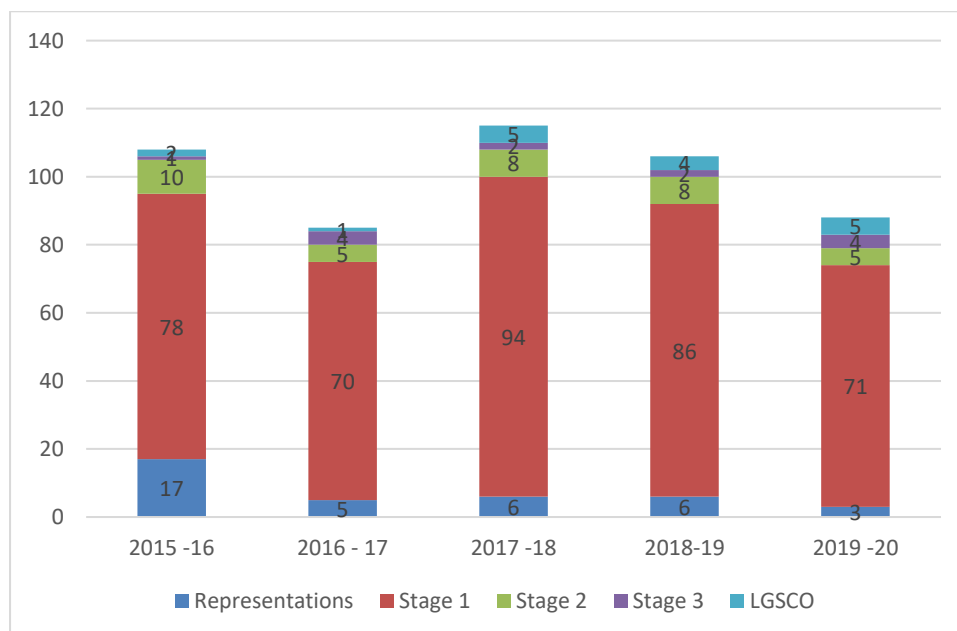
### 3. Complaints and Compliments – analysis of the data

3.1 Staff are advised of their responsibilities under the Complaints Procedure through induction and training to equip them to receive complaints and compliments when working with young people, their families and carers. Staff are 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 Table 2: Numbers of complaints received and resolved

	Carried over 2018 - 19	Received 2019 - 20	Resolved	Not pursued	Carried forward 2020 - 21
<b>Representation</b>	0	3	3	0	0
<b>Stage 1</b> (Statutory Procedure)	3	51	45	5	4
<b>Stage 1</b> (Corporate Procedure)	3	20	19	2	2
<b>Stage 2</b> (Statutory Procedure)	2	4	5	1	0
<b>Stage 2</b> (Corporate Procedure)	0	1	1	0	0
<b>Stage 3</b> (Statutory Procedure only)	1	4	2	3	0
<b>Referral to Ombudsman</b>	1	5	5	1	0
<b>Total</b>	<b>10</b>	<b>88</b>	<b>80</b>	<b>12</b>	<b>6</b>

### 3.3 Table 3: Comparison with previous years

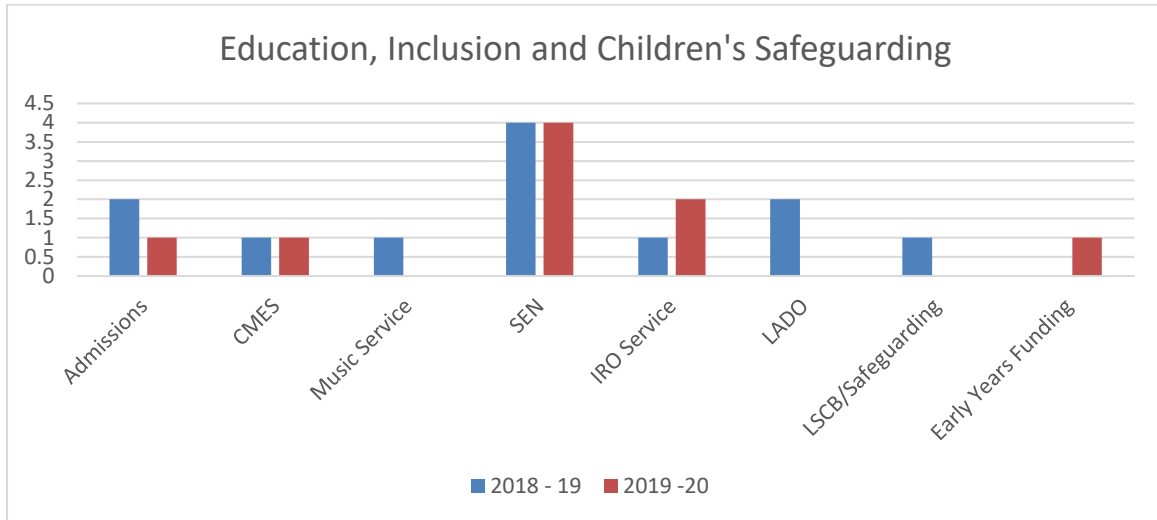


3.4 The total number of complaints received across the service has decreased during 2019 - 20; however, the distribution of complaints across the three stages and referrals to the Ombudsman remain consistent and the

percentage of complaints which are escalated to Stage 2 remains very similar. In 2018 – 19, 9% of Stage 1 complaints were escalated to Stage 2. In 2019 – 20, this figure was 7%.

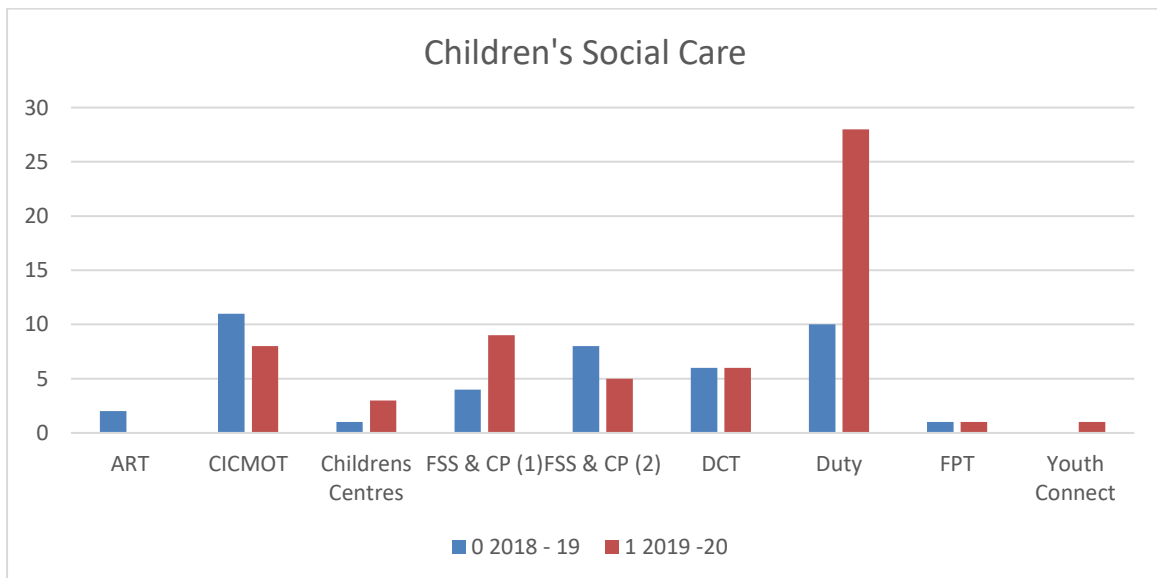
### 3.5 Breakdown of Stage 1 complaints received by Service Area and Team.

**Table 4a:** Education, Inclusion and Children’s Safeguarding



The number of complaints in this service area remains low and distribution of complaints across the Teams is consistent over the past 2 years.

**Table 4b:** Children’s Social Care



A full list of team names is given at Appendix 2.

### 3.6 The number of complaints to each team remains relatively consistent with the exception of the Duty Team which saw a significant increase in the number of

complaints during 2019 – 20. Analysis of the complaints received each month has been carried out to determine whether the increase correlates to any issues with service delivery; however, there is no immediate explanation.

3.7 Commissioning Team - Complex and Targeted Support. There was an additional complaint about the ending of the Holiday Playschemes for children with a disability who are not Bath and North East Somerset residents. This was referred to the Commissioning Team (Complex and Targeted Support) for a response under the Corporate Complaints Procedure.

3.8 **Table 5:** Type of complaint received and outcome. The categories used are taken from the statutory guidance.

Category	Number of Stage 1 complaints	% of Stage 1 complaints	Upheld (UH) or Partially Upheld (PUH)	% of complaints Received UH or PUH
<b>Application of eligibility or assessment criteria</b> <i>includes disputes about the Service accepting a referral</i>	5	7%	2	10%
<b>Application of policy</b> <i>includes the impact this has on a young person</i>	2	3%	1	4%
<b>Assessment, care management or review</b> <i>includes delays in completing an assessment and perceived bias in an assessment</i>	4	6%	0	0
<b>Attitude or behaviour of staff</b> <i>includes issues with poor communication</i>	21	30%	7	33%
<b>Concern about appropriateness of service</b> <i>includes dispute about whether the service should be involved with the family</i>	10	14%	2	10%
<b>Concern about quality of the service</b> <i>Where the service did not meet service user expectations</i>	13	18%	4	19%
<b>Delay in decision making or provision of a service</b>	7	10%	5	24%
<b>Other</b>	1	1%	0	0
<b>Unwelcome or disputed decision</b>	8	11%	0	0
<b>Total</b>	71	100%	21	100%

3.9 Overall 30% of complaints were either upheld or partially upheld. The figure in the right-hand column indicates which type of complaint had the highest percentage of complaints upheld - 'Attitude or behaviour of staff' (33%), Delay in decision making or provision of service' (24%) and 'Concern about the quality of service' (19%).

3.10 The chart below gives an illustration of the complaints received in these 3 categories and the responses provided. All complaints were upheld.

**Complaint recorded under Attitude or behaviour of staff** – *A parent complained that she did not feel the social worker communicates openly with her, that she does not work around her son's routine and that she has not made an effort to create a bond with him.*

**Response** – The manager confirmed that she made the Social Worker aware of the concerns. The social worker advised that she had already discussed the situation with the parent and agreed that she would spend more time with her son including time alone with him in order to develop their relationship.

**Complaint recorded under Delay in decision making or provision of service** – the parent felt that the process to arrange a Direct Payment for her son had been badly handled by the Team, actions had not been completed which caused delay and she had been accused of doing things that she hadn't.

**Response** – The manager agreed that there were lessons to be learned from this and gave an apology for all the stress and anxiety that this situation has caused. She agreed several actions that she would take to remedy the situation and ensure processes are improved for the future.

**Complaint recorded under Concern about Quality of Service** - a parent complained that information about her family had been inappropriately shared with members of her extended family during a visit to discuss a different matter.

**Response** – Although this element of the complaint was not upheld, the complaint investigation identified that there were factual inaccuracies in the single assessment which needed to be corrected. The single assessment was re-issued.

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

4.1 The primary purpose of the complaints procedure is to give 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 The number of complaints is relatively small across Children's Services which means it is not always possible to identify trends in the data; however, a new system for recording outcomes from Stage 1 complaints was introduced during the year and it is hoped that this will identify issues or service areas where there are particular concerns or need for improvement.
- 4.3 Senior Managers receive a quarterly report which draws together the reasons for complaints and the actions taken in response. This report will be used to share the detailed learning from Stage 1 complaints in future.

### **Stage 2 complaint investigations**

- 4.4 Between April 2019 and March 2020, four requests for Stage 2 complaint investigations under the statutory complaints procedure were received. Two investigations were on-going from the previous year.
- 4.5 Four investigations were concluded during the year. One complaint was resolved without need for investigation and one request for an investigation was refused and the complainant was referred to the Local Government and Social Care Ombudsman.
- 4.6 One request for a Stage 2 investigation under the Corporate Complaints Procedure was referred to the Corporate Complaints Team for review. The complaint was closed with no further action and the complainant was referred to the Local Government and Social Care Ombudsman.
- 4.7 The number of complaints progressing to Stage 2 under the statutory complaints procedure (7%) is in line with previous years (9% of Stage 1 complaints were escalated to Stage 2 in 2018 -19 compared to 8.5% of in 2017 -18). Many complainants 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, evidence has shown that complaints which took in excess of 30 working days to respond to are more likely to progress to Stage 2.
- 4.8 The recommendations from each complaint investigation report are passed to the Head of Service in the form of an action plan. The completion of the action plan is monitored by the Complaints and Data Protection Team and feedback is given through the quarterly report.



4.9 Some actions are relatively straight forward to complete or are specific to the individual case, others require longer to address and embed within the service.

Examples of recommendations include:

- That consideration should be given to using the example from the investigation of the negative impact of a data breach on a family during staff training on data security;
- That a protocol for when a case record is 'locked' i.e. when access to a child's case record is restricted, is drawn up and shared with staff;
- That clear protocols should be put in place or adhered to for sharing safeguarding concerns between social care and Independent Fostering Agencies;
- That a child or young person subject to Section 20 should be reviewed by the Permanency Panel after the first 3 months and if the care plan includes long term fostering the parents should be formally consulted again and asked to confirm if they still wish their child/young person to remain subject to the Section 20 arrangement;

The above is not an exhaustive list of the recommended actions.

### **Stage 3 Review Panel**

4.10 Five requests for Stage 3 Review Panels were received. Three of these were not pursued by the complainant.

4.11 Complainants can ask the Panel to consider complaints which were not upheld at Stage 2 and they can ask for the remedy that has been offered to be reviewed. Most recommendations from a Panel relate to the specific circumstances of the complainant. However, examples of more general recommendations include:

- A review of the actions from the Stage 2 investigation should be held within 6 months and progress on these actions reported to the complainants;
- That allocation of advocates (to support parents whose children are subject to care proceedings) to be addressed on a case by case basis and ensure there is a checklist or criteria in place to assist allocation;
- The Local Authority should ensure and reassure itself that all relevant professionals are consulted in parental assessments.

4.12 Again, this is not an exhaustive list. The action plan is shared with the Head of Service as with Stage 2 complaints above.

4.13 Frequently the most effective way to share the recommended action is for it to be raised at management/staff meetings. The meeting note is used as confirmation that the recommendation has been actioned. Where the

recommended action results in a change to procedures this will be shared with staff.

### Complaints to the Local Government Ombudsman (LGSCO)

4.13 The LGSCO considered 6 complaints during 2019 – 20. The Council was required to respond to the Ombudsman’s enquiries on two of these complaints. One complaint was upheld. The Ombudsman closed three complainants without any further investigation and the complainants did not pursue the final complaint.

4.14 **Table 6:** a summary of the findings on all cases.  
The decisions are all published the LGSCO website.

Service Area	Outcome
Education, Inclusion and Children’s Safeguarding  Children Missing Education	There was fault by the Council in failing to provide education to a child who, due to anxiety and depression, could only attend school intermittently. There was also fault in the Council’s commissioning arrangements for alternative education and its advice to schools. This caused the complainants distress, loss of education and unnecessary legal fees. <b>The complaint is upheld</b>
Education, Inclusion and Children’s Safeguarding  Admissions and Transport	<b>The Ombudsman cannot investigate this complaint</b> about the refusal of admission to the complainant’s preferred school. This is because the School is an Academy and its actions are out of jurisdiction for the Ombudsman.
Children’s Social Care  Duty Team	Mr X complains about the way the Council handled an urgent child protection matter, particularly the actions two social workers. <b>The Ombudsman will not investigate this complaint</b> because it is unlikely he could add to the Council’s previous investigation, nor can he achieve the outcome Mr X wants.
Children’s Social Care  Disabled Children’s Team	Mr Y complained the Council did not offer a reasonable remedy for the distress he experienced during the care proceedings for two of his grandchildren. <b>The Ombudsman will not pursue this complaint</b> further as it is unlikely investigation will lead to a different outcome.
Commissioning  Complex and Targeted Support	Mr X complains about the Council’s decision to change the eligibility criteria for its short breaks services. The new policy means only Council residents can access the services. He also complains about the Council’s handling of the complaint. <b>The Ombudsman finds no fault with the way the Council considered its decision.</b>
Education, Inclusion and	The parents complaint concerns the provision for

Children’s Safeguarding Special Educational Needs	their son in his EHCP. The Ombudsman will cease work on the complaint until the outcome of the Tribunal is known and there is a final response from the Council. <b>The complainants did not pursue this complaint.</b>
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- 4.15 The remedies required by the Ombudsman on the complaint about the Children Missing Education Service have all been completed. This included a financial remedy and a review of policy and procedure.
- 4.16 The Ombudsman publishes an Annual Review of Complaints and has also launched an interactive map which provides figures for every council showing the number of complaints upheld, compliance with Ombudsman recommendations and satisfactory remedies provided by the Council.  
<https://www.lgo.org.uk/your-councils-performance/bath-and-north-east-somerset-council/statistics>

### Compliments

- 4.17 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. A total of 53 compliments were recorded during the year from children, young people and their families and colleagues working in partner agencies. This is a significant increase from the previous year when 36 compliments were recorded. This is possibly due to the Celebration Newsletter that has been introduced in Children’s Social Care which celebrates positive feedback and encourages staff to share the feedback they receive.
- 4.18 The table below captures examples of the compliments received. These compliments have been selected to show the range of issues and services covered. There are many more that could have been included.

**Table 7 – Examples of compliments received**

From parents to social worker in Disabled Children’s Team	We met with L (social worker) yesterday. She was extremely professional and thorough. L has made changes that will make a big difference to A.
From a Pre-School about a member of staff at Bright Start Children’s Centre	D was able to identify where these children needed help and how we could build on the work that we had already started with them, in order to better support them on a daily basis, to become more integrated members of the Pre-School.

	These two children are now able to trust members of staff, make friends with other children, begin to negotiate to avoid confrontation (with support), identify when they are not feeling safe and where possible join in with small group activities.
From a parent to a social worker in the FSS&CP (1) Team	Dad called V (Social Worker) today after the step down CHIN meeting to thank her for her involvement. He commented especially about how hard she had worked with them and how this work 'held' them. He also told her he appreciated her professionalism.
From a family to their key worker in the Connecting Families Team	It has been like a breath of fresh air having R in our lives. We don't feel alone and it's reassuring knowing someone is listening at last.
From retiring foster carers to social workers in the Family Placement Team and Children in Care Teams	We have thoroughly enjoyed our role and working with "The Team" to achieve the best possible outcome for the boys. We would especially like to thank you and S for your hard work and lovely sense of humour. All of our social workers were a great help during our time with BANES.
From a young person to his social worker in the Children in Care/Moving on Team	Hey to be honest I don't know what to say it was great to spend my life with you but sometime things happen we can't do anything life is to hard, I do appreciate what u have a done and supporting me everywhere. U are a great social worker and best to talk about things. I'm sorry if I ever made u upset or headache or anything because I know sometime I'm too much, that was said to say goodbye and I hope all the best

## 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 For children's social care complaints the full response should be sent within 10 working days. This can be extended to 20 working days when the

complainant requests an advocate, or the complaint is particularly complex. This extension should be agreed with the complainant.

- 5.3 In 2019 – 20, the average time taken to respond to a Stage 1 complaint was 20 working days; however, there was a wide variation in the actual time taken to respond. Further analysis shows that 28% of complaints received a response within 10 working days and a further 37% received a response within 20 working days giving a total of 65% of complainants receiving a response within 20 working days. The remainder of the complaints fell outside this timescale.
- 5.4 It was noted in Section 4 that a delay in responding to a complaint can increase the likelihood that the complaint will escalate to Stage 2 and therefore the Complaints and Data Protection Team assists managers by sending prompts and drafting responses. Where there is an unavoidable delay the Team sends a holding letter to the complainant. There are also occasions when the complainant contributes to the delay by, for example, being unavailable to speak to.
- 5.5 In March 2020 the Covid-19 pandemic started to impact on the service and at this point all complainants were advised that the timescale for a response was 20 working days and that they would be kept informed if there was likely to be a further delay.
- 5.6 For Corporate Complaints a response is required within 15 working days. The average time taken to respond to a complaint was 16 working days.

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

- 5.7 The response to a complaint at Stage 2 complaint should be sent within 25 working days from the date the complaint is agreed with the complainant. This timescale is very challenging for the investigating officer and independent person as the time needed for file reading and interviewing staff is considerable. The time allowed can be extended up to a maximum of 65 working days with the agreement of the complainant and this is required with most investigations.
- 5.8 Four investigations were concluded during the year. Two investigations were carried over from the previous year and the average time for these investigations was 88 working days. The average time taken to complete the two investigations completed during 2019/20 was 64 working days. The Complaints Manager continues to work with each Investigating Officer and Independent Person to reduce the time taken as far as possible but there are a number of factors which affect this including the availability and engagement of the complainant.

## Response to Stage 3 complaints

5.9 A Stage 3 Review Panel should be held within 30 working days of the request being received. There were two Panels held during the year neither of which was within timescale; however, this was due to the availability of the complainants and key members of staff. The timescale for both panels was negotiated with the complainant.

### 6. Accessing the procedure

6.1 The statutory Complaints Procedure was introduced in the Children Act 1989 to give young people who are either 'looked after' or deemed to be a 'child in need' a way of telling the Council about things they are unhappy or worried about. There are 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 first start working with them or when an issue arises. There is a complaints leaflet that has been designed specifically for children and young people.

6.3 A young person who is looked after can raise concerns with the Independent Reviewing Officer (IRO) at their regular review and the IRO will explain how to access the complaints procedure if this is appropriate.

#### 6.4 Table 8: Methods used to make a complaint

Email	30%
Letter	7%
Telephone	33%
Complaint form	19%
Website	9%
In Person	2%

6.5 Of the 51 Stage 1 complaints made under the statutory Complaints Procedure, 4 were made by young people. One of these young people was supported by an advocate. None of the complaints were 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. A meeting will help understanding on both sides.

6.6 The majority of the complaints were made by adults complaining on behalf of, or in relation to, a child or young person. Most complainants were parents (76%), but complaints were also received from grandparents, an uncle, and a friend.

6.7 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' although advocacy support can be provided by any agency that the young person is working with if this is their preference.

- 6.8 Information about Shout Out! is available on the Council website and in the information sheet. Young People who become looked after are automatically referred to Shout Out and an advocate will contact them before their first review to offer support. Advocacy support is also offered to young people to support them to attend a Child Protection Case Conference. Shout Out! will provide information and support to make a complaint if needed. The Complaints and Data Protection Team always makes young people aware that they can have help from an advocate with their complaint.
- 6.9 Shout Out promotes information about the Pledge and this includes contact details for the Complaints and Data Protection Team.
- 6.10 Parents and carers wanting to make a complaint do not have an automatic right to an advocate but Bath and North East Somerset commissions a specialist advocacy service at the Care Forum in Bristol to provide a service to parents who meet their criteria.
- 6.11 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.
- 6.12 When making a complaint, complainants are invited to provide information about their ethnicity, gender and disability on the complaint form. Complainants are not currently asked for this information if the complaint is made by letter, email, telephone or on the website so this information is incomplete. Alternative ways of collating this information is currently being explored.

## **7. An overview of the work of the Complaints and Data Protection Team**

### **7.1 Team Structure:**

- **Complaints and Data Protection Team Manager** manages the complaints and data protection service for Children's Services, Adult Social Care and Public Health. The data protection service includes processing Subject Access Requests under the Data Protection Act 2018 and requests from the police under a joint information sharing protocol. She also works closely with the Information Governance Team and Caldicott Guardian on information security issues (data breaches).
- **Information Governance Officer (Data Protection)** dealing primarily with Subject Access Requests under the Data Protection Act 2018 and with requests from the Police under the 2013 joint Protocol for Disclosure of Information.

- **Information Governance Officer (Complaints)** dealing primarily with complaints and representations and MP and Councillor enquiries about Children’s Services, Adult Social Care and Public Health.

7.3 **Monitoring of the procedure:** The Complaints and Data Protection Team Manager produces quarterly and annual monitoring reports on the management of complaints. Data is also available to all service areas on request to assist with service planning. The Complaints and Data Protection Team Manager is also a member of the Ofsted Preparation and Service Improvement Board and provides monitoring information as required.

7.4 **Training:** The Complaints and Data Protection Team Manager takes part in the regular induction sessions for Children’s Social Care staff and attends management and team meetings to discuss specific issues and provide updates.

7.5 **Liaison with other Councils: Regional Meetings** The Complaints and Data Protection Team Manager is a member of the South West Region Complaints Managers Group and was the Vice Chair of the Group in 2019 – 20. The Group is currently developing a toolkit to assist Councils evidence the learning from complaints and feedback.

7.6 **Liaison with other Councils: Register of Independent People** The Complaints and Data Protection Team Manager also links with complaints managers in 7 neighbouring authorities to operate a Register of Independent Investigators and Stage 3 Panel Members. This Register has been running for several years and ensures that the Council has access to appropriately appointed and trained independent investigators and Stage 3 Panel Members. The Group holds an annual Network Meeting to support the development of those people in the independent roles.

7.7 **Table 9:** Data Protection – requests for information

<b>Completed</b>					
	2015/ 2016	2016/ 2017	2017/ 2018	2018/ 2019	2019/ 2020
<b>Subject Access Requests</b>	30	36	51	57	86 (115)
<b>Internal Review</b>	0	2	1	1	1
<b>Information sharing</b> (requests from police & other agencies)	43	81	76	68	27

7.8 The number of Subject Access Requests has risen significantly during the year. The two figures in the box indicate (a) the number of Subject Access Requests (86) and (b) the number of files that were prepared for disclosure. Previously the number given was the total number of Subject Access Requests made in one year. The second figure now indicates the total number of files that needed to be prepared. Where there are 2 or more



children in a family this increases the number of files which have to be prepared. It is felt this second figure is a better indication of the workload.

- 7.9 The timescale for responding was amended with the introduction of the GDPR in May 2018. The Council must respond within one month of receiving a request. Where the request is complex this can be extended by a further 2 months but the requestor must be advised of this extension within one month. The timescale has been complied with on all requests during the year.

## **8. Areas for development identified for 2019 – 20 and progress made**

### **8.1 Complaints:**

- Continue to work with managers to improve the response times for complaints at Stage 1.  
*This work is ongoing. There has been improvement over the year but the impact of the pandemic at the end of the year impacted on the ability of managers to respond to complaints.*
- Continue to support managers with the handling of complaints through individual support sessions and meetings and develop a programme to provide bespoke training as required.  
*Plans to deliver training for managers and staff are currently on hold.*
- Develop the internal web page to provide a resource for managers on all aspects of the Complaints Procedure.  
*This will be a target for 2020 – 21.*
- Ensure that the outcome of all complaints is captured and shared with the service in a way that enables it to identify where improvements should be made and record when this has happened in order to evidence the learning.  
*The process for developing an action plan at the conclusion of an investigation has progressed during the year and the system for evidencing the learning is more robust. This needs to be developed and embedded over the coming year.*
- Review the information available to the public to ensure it is accurate and accessible for children, young people, their parents and carers.  
*This will be a target for 2020 – 21.*
- Contribute to the work of the South West Region Complaints Managers Group to develop a toolkit for ensuring that the service can learn from complaints and evidence this.  
*This work has been on hold since March 2020 but will be restarted during 2020-21.*

## 8.2 Data Protection/Information Sharing:

- Continue to review the implementation of GDPR/Data Protection Act 2018 and revise procedures accordingly. This includes reviewing the way the SARs and information sharing requests are recorded and monitored.  
*This will be a target for 2020 – 21.*
- Support the implementation of the Caldicott Function Plan through the Complaints and Data Protection Service. In particular record and assist the Information Governance Team with the monitoring and investigation of data breaches within the Service to prevent recurrence wherever possible.  
*This work will be on-going during 2020 – 21.*

Sarah Watts  
Complaints and Data Protection Team Manager  
September 2020

## **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 requests 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**

If the complainant escalates the complaint to Stage 2, the Complaints Manager arranges a full investigation of the complaint. 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 investigation is overseen by an Independent Person who must be involved in all aspects of the investigation to ensure it is fair, thorough and transparent.

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 and Social Care Ombudsman.

## **Appendix 2 - Children's Service Teams**

**Admissions** – Schools Admissions and Transport

**ART**- Adolescent at Risk Team

**Children's Centres** – Bright Start Children Centre Services

**CMES** – Children Missing Education Service

**Connecting Families**

**Music Service**

**SEN**- Special Educational Needs

**IRO** – Independent Reviewing Officer

**Safeguarding** – Child Protection Case Conference Chair

**CICMOT** – Children in Care/Moving on Team

**LADO** – Local Authority Designated Officer (Managing Allegations)

**FSS and CP (1) and (2)** – Family Support Services and Child Protection (Teams 1 & 2)

**DCT** – Disabled Children's Team

**Duty** – Duty and Assessment Team (including Referral and Information Officers (RIOs))

**FPT** – Family Placement Team

**Early Years Funding**

**Commissioning** – Complex and Targeted Support