

Supplementary Papers for Children's Services Overview and Scrutiny Committee

Date: Wednesday, 24 February 2021



8. Items for Information

- BCP Children's Services Complaints and Representations Annual Report 2019-2020

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CHILDREN'S SERVICES OVERVIEW AND SCRUTINY COMMITTEE



Report subject	Bournemouth, Christchurch and Poole Council Children's Services Complaints and Representations Annual Report 2019 - 2020
Meeting date	26 January 2021
Status	Public Report
Executive summary	To provide an update on the complaints and representations made to BCP Council about Children's Services in 2019/20.
Recommendations	<p>It is RECOMMENDED that:</p> <p>It is RECOMMENDED that Members note the content of the report and agree its publication on the BCP website.</p>
Reason for recommendations	To comply with the Children Act 1989 Representations Procedure (England) Regulations 2006.

Portfolio Holder(s):	Mike White – Portfolio Holder for Children and Young People
Corporate Director	Elaine Redding – Corporate Director – Children’s Services
Report Authors	Neil Goddard - Service Director –Quality and Commissioning - Children’s Services
Wards	Council-wide
Classification	For information and recommendation

1. Background

This is the first BCP Council annual report which includes the complaints and representations across the 3 Children’s Services; Social Care, Inclusion and Family Services, and Quality and Commissioning. Appendix 1 is data extracted from the main report to reflect complaints and learning for SEND.

This annual report for members complies with the statutory requirement for Children’s Social Care complaints. It is produced in accordance with the DfES guidance ‘Getting the Best from Complaints’ which reflects the Children Act 1989 Representations Procedure (England) Regulations 2006.

Complaints are defined as ‘an expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response’. The statutory complaints procedure, which applies to complaints about social work, has 3 stages:

Stage 1 - Local Resolution

These complaints are responded to by the manager who is as close to the point of service delivery as possible.

Stage 2 - Formal investigation

At this stage a full and formal investigation is undertaken by an external investigator and an independent person. The investigations are adjudicated upon and are responded to by a senior manager within the Service.

Stage 3 - Review

A review panel meeting is held to review the processes conducted under Stages 1 and 2, with independent people sitting on the panel. The review is adjudicated and responded to by the Service Director of Children’s Social Care.

If complainants remain dissatisfied at the end of Stage 3, or at any point if they feel that the complaint has not been dealt with correctly, they may pursue the matter with the Local Government and Social Care Ombudsman.

Complaints regarding the services provided by Inclusion and Family Services and Quality and Commissioning follow the corporate process with 2 stages and then progression to the Ombudsman. The exception to this are the social work services provided in Inclusion and

Family Services by the Child, Health and Disability team which follow the Children Act procedure.

2. Complaints and Representations Information

2.1 Numbers received.

	Social Care	Quality and Commissioning	Inclusion and Family Services	TOTAL
Compliments	219	21	82	322
Complainants	136	13	59	208

2.2 Compliments.

As is usual, more compliments were received than complaints. Compliments are received from children and young people, parents, family members and other professionals both inside and outside of the Council.

Below is a sample of some of the compliments received for the 3 services:

- A parent thanked the Family Support Hub stating that she is a much happier person, and that her confidence has come back up a lot. She went on to say that it was nice to have someone that listened and helped with her problems both mentally and emotionally. She stated that the worker had been amazing, and she thanked her for her support and being available when she was upset or having problems with her family issues.
- From a parent complimenting the Child in Care Team saying that she couldn't give these people enough credit for the work & help they have all given her and her children. This parent explained that she had had some ups & downs recently and had feared losing her children. However, the worker never lost her hope for her keeping her children and went out of her way for her to keep her children at home. Another worker also saw a good mum in her and has supported her to keep her children. The parent states that without this good team, God knows where she would be now, that Social Services have a bad reputation but this team are AMAZING.
- An enquirer complimented the Compliance Team by thanking them for the very quick response, and it was very much appreciated.
- A family thanked the Family Outreach Worker for the help that she provided to them, particularly in light of their previous experiences with agencies. The family felt that she had supported them 'from day 1' of her time working with them.
- A parent thanked the Transport team and stated that she was very grateful for the service and that it had made a huge difference to hers and her child's life.
- A parent commented on the 0-5 Parenting Course saying that she actually felt that this course had given her the outline of how to be the best parent she could be and raise a beautiful, confident, happy and loving child. She explained that it had given her

confidence and reassurance and that although they say there is no manual to parenting, there actually is! She strongly believed that every parent should do at least one course on Attachment/ Parenting and it should be compulsory!

- Compliment received from a Judge stating that it had been helpful having the Social Worker in court that day, who is so knowledgeable and experienced in her area. He stated that the report for Court was detailed, evidenced based and showed the harm. The three houses which evidenced the child's voice was powerful and was the best thing he had seen for a long time, and that actually he had not seen anything like this before.
- A parent Mum thanked the Social Worker for saving her life. She explained that the Social Worker had helped her through hell and brought sunshine into her and her son's life; that the worker had gone above and beyond and she thanked the day the worker was assigned to her.
- A young person stated that they had been scared that they would be taken into care or that his words would be exaggerated. However, with his new Social Worker, this is now not a worry and he feels better, rather than anxious after visits. The family have also said that they feel the Social Worker is working with them all to improve things.

2.3 Stage 1 - Who Complained?

	Social Care	Quality and Commissioning	Inclusion and Family Services
Parent	75	10	55
Self (young person)	18	1	1
Other family/friend	14	2	0
Grandparents	13	0	1
Carer	7	0	1
Other (not connected to a child)	6	0	1
Other agency	3	0	0

It is usual for the majority of complaints to be received from parents. However, young people are also complaining on their own behalf and this is to be encouraged. The contracted independent advocacy service Action for Children is available to support any young person receiving a social work service who wishes to make a complaint. This is a legislative requirement under the Children Act.

In relation to diversity and protected characteristics (where this data is recorded):

Complainants	Social Care	Quality and Commissioning	Inclusion and Family Services
Recognised as having a disability	4%	0%	0%

Gave their ethnicity as other than White British		11%	0%	3%
Gender	Female	63%	46%	44%
	Male	31%	38%	20%
	Couple	4%	15%	35%
	Transgender	0.7%	0%	0%

2.4 Categories of complaints and their outcomes.

Although 208 individual complainants made their dissatisfaction known at Stage 1 of the complaint process, each individual may have raised more than one complaint issue. Each complaint is therefore categorised to ensure that outcomes are clear and any learning is taken forward.

The table below identifies the categories and outcomes where complaints have been taken forward and have received a response during this reporting period:

Category	SC			Q&C			I&F		
	Upheld	Partly upheld	Not upheld	Upheld	Partly upheld	Not upheld	Upheld	Partly upheld	Not upheld
Communication	17	7	17	1	0	2	6	2	1
Attitude/conduct	3	4	17	1	0	3	4	1	2
Lack of available services	2	1	9	0	0	1	2	4	2
Disputed decision	0	0	16	0	0	2	0	0	2
Delay/lack of agreed action	4	0	2	0	1	1	7	2	3
Lack of involvement/being kept informed/listened to	1	2	9	0	0	0	3	0	0
Content of report	1	3	8	0	0	1	0	1	0
Practice issues	2	2	7	0	0	0	0	3	1
Assessment process	0	2	6	0	0	0	2	0	2
Data breach	4	1	4	0	0	0	0	0	0
Contact with family	0	2	1	0	0	0	2	0	1
Safeguarding/welfare of child	0	0	6	0	0	0	0	0	0

Inaccurate recording/information	0	0	3	0	0	0	1	1	0
Discriminatory behaviour	0	0	2	0	0	0	0	0	2
Care/welfare concerns notified but not acted on	0	0	3	0	0	0	0	0	0
Child in Care placement	0	0	3	0	0	0	0	0	0
EHCP process	0	0	0	0	0	0	2	0	1
Finance	2	0	0	0	0	0	0	0	1
Disproportionate intervention	1	0	1	0	0	0	0	0	0
Policy	0	0	1	0	0	1	0	0	0
EHCP outcome	0	0	0	0	0	0	1	1	0
Transition to Adult Services	0	0	1	0	0	0	0	0	0
TOTAL Numbers and percentages	36 14%	24 9%	116 46%	2 0.7%	1 0.4%	11 4%	30 12%	15 6%	18 7%

2.5 Timescales at Stage 1

The Children Act Legislation states that the authority should respond to complaints within 10 working days, but can extend this to 20 days if necessary. If the authority fails to respond to the complainant within this timeframe, the complainant has the right to progress to Stage 2 of the procedure if they wish to do so.

Complaints following the corporate procedure should be responded to at Stage 1 within 20 working days.

Complaints raised regarding Children's Services are often emotive and reflect the complexity of the often statutory intervention undertaken by the three services. Complaints are managed sensitively with a view to resolving as many as possible in the early stages. However, it is inevitable that sometimes it can take longer to resolve the difficult issues raised and managers are expected to keep the complainant informed of progress and expected timescales.

	Within 10 days	Within 20 days	Longer	Total numbers of complainants responded to

Social Care	29	41	24	94
Quality and Commissioning	8	5	0	13
Inclusion and Family Services	17	14	13	44
TOTAL and percentages	54 36%	60 40%	37 24%	151

75% of complainants received a response to their complaints within the 20 day timescale.

Across Children's Services, 57 of the 208 complainants have not received a response to their complaint in 2019/2020 by 31.03.2020:

- 20 where the issues either have or will be considered within a court process and they have been informed of this
- 31 where the response was outstanding as of 31/3/20
- 4 complainants chose not to pursue their complaints
- 2 are on hold at complainant's request

For Social Care, 35% of complaints received that did not receive a response, are those where the matter either has or will be considered within the court process. Increasingly we are finding that because Legal Aid has been withdrawn for those in the family courts, more service users are representing themselves or are trying to use the complaints process to challenge court decisions. The complaints process is unable to accept those complaints where a 'higher body' i.e. the court, is likely to, or has already made a finding.

2.6 Numbers progressed to Stage 2.

The vast majority of the complaints that are received are managed and resolved at Stage 1.

	Social Care	Quality and Commissioning	Inclusion and Family Services
Percentage of complainants who did not progress their complaints to Stage 2	94%	85%	87%
Number of complainants	12	2	8

who progressed to Stage 2			
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2.7 Categories and outcomes at Stage 2

As at Stage 1, complainants can raise a number of issues within their complaints at Stage 2. These are categorised separately to ensure that outcomes are clear and any learning is taken forward.

54 separate issues of complaint were investigated and responded to this year.

Category	SC			Q&C			I&F		
	Upheld	Partly upheld	Not upheld	Upheld	Partly upheld	Not upheld	Upheld	Partly upheld	Not upheld
Practice issues	2	1	1	1	0	0	3	0	0
Communication	2	1	1	0	0	0	2	0	1
Disputed decision	0	0	2	0	0	0	1	1	4
Attitude / conduct	0	0	1	0	0	0	1	0	0
Lack of involvement/being kept informed/listened to	0	0	1	0	0	0	0	0	0
Delay/lack of agreed action	4	1	2	0	0	0	0	0	1
Assessment process	0	1	1	0	0	0	1	0	0
Content of report	3	0	0	0	0	0	0	0	0
Inaccurate recording/information	0	1	0	0	0	0	0	0	0
Subject Access Request process	0	0	0	0	0	0	1	0	0
Safeguarding/welfare of child	0	1	6	0	0	0	0	0	0
Lack of available services	0	2	0	0	0	0	0	0	0
TOTAL numbers and percentages	11 20%	8 15%	15 28%	1 2%	0	0	9 17%	1 2%	6 11%

3 complaints (5%) were found to be 'unable to be determined' due to lack of evidence. These were in the categories of Attitude/conduct, Communication and Delay.

2.8 Timescales at Stage 2

Complaints managed under the Children Act legislation (Social Care and CHAD complaints) should complete the Stage 2 process within 25 working days (roughly 1 month). However, guidance allows for an extension of up to 65 working days (roughly 3 months). The Stage 2 process begins with the Terms of Complaint being agreed and concludes with the response to the investigation report by the Adjudication Officer. Complaints managed under the Corporate Stage 2 process (Quality and Commissioning and Inclusion and Family Services) should be completed within 15 working days. However, complaints can cross services and where they do so with social work, the legislative process is applied.

Children's Services' complaints are managed to ensure that a robust, evidence-based investigation is carried out and a considered response to the complaint issues is given. We strive to keep within timescales, but the complexity of issues can sometimes lead to revised timings. Complainants are kept informed of delays and the reasons for them.

	Social Care	Quality and Commissioning	Inclusion and Family Services
Within 28 days (1 month)	0	1	0
Between 28 and 65 days (1 – 3 months)	3	0	1
Between 65 and 86 days (3 – 4 months)	1	1	1
Longer	1	1	1

Some Stage 2 complaints commenced in 2019/2020 will be completed and reported in 2020/2021.

2.9 Stage 3 Review Panel numbers and outcomes (Children Act process only)

Four Stage 3 Panel meetings were held during this year. Three for Social Care services and one for CHAD services. The outcomes of these panels are set out below.

	Upheld	Part upheld	Not upheld
Communication	1	1	0
Attitude/conduct	0	0	1
Content of report	0	0	0
Lack of involvement/being kept informed/listened to	0	1	0
Practice issues	0	1	0
Care/welfare concerns	0	0	0

notified but not acted on			
Delay/lack of agreed action	4	1	0
Disputed decision	1	0	1
Safeguarding/welfare of child	0	1	2
TOTAL	6	5	4

1 complaint regarding Communication was found to be 'unable to be determined' due to lack of evidence.

2.10 Local Government and Social Care Ombudsman (LGSCO) numbers and outcomes.

The Ombudsman considered the issues raised by 3 complainants with the following outcomes:

- **Inclusion and Family Services**
Fault causing injustice found for the delay in providing Makaton training to school staff resulting in the child missing out on SEN provision for more than a term.
Remedy – offer to pay £1000 for the parent to use for the benefit of the child to remedy the lack of Makaton provision for 5 months.
- **Inclusion and Family Services / Social Care**
Fault found in delaying to arrange the recommended assessment, which delayed the return of children to their mother's care.
Remedy – to pay £750 to recognise the distress caused by impact of the delay and £250 to recognise her time and trouble in pursuing her complaint.
- **Social Care**
Investigation concluded that although there was some fault by the Council in the complaint about the lack of supports for a young person placed with the family and the Council's actions in deregistering them as carers, this did not cause injustice to the complainant or her family. Case closed with no further action.

3. Learning

3.1 SOCIAL CARE

- Staff have been made aware through a 'whole service email' of the processes in place to acquire passports for Looked After Children who do not have British citizenship.
- Staff have been made aware through a 'whole service email' of the process in place to apply for National Insurance numbers for young people, in particular those who do not have British citizenship.
- The service will use various forums where different authorities meet to raise issues and seek information regarding any common issues arising in relation to nationality.
- The Looked After Children review proforma now incorporates a direction to establish a child's citizenship at the earliest opportunity as it will inform and impact future entitlements. Staff have been made aware through a 'whole service email'.

- Staff have been advised that the voice of the child and the child's wishes should be acted on early in the process so that options can be fully explored to enable the child to make an informed choice. Staff have been made aware through a 'whole service email'.
- Staff have been reminded that workers must obtain signed delegated authority from parents in voluntary care cases to allow for appropriate welfare actions to be taken by foster carers. Staff have been made aware through a 'whole service email'.
- Staff have been advised to make sure that extended family members are not given unsupported information in relation to attending meetings or receiving minutes / care plans etc when consent from parents may not be in place. Learning includes:
 - a) The importance of obtaining and documenting parental consent clearly at the beginning of the assessment process.
 - b) Making sure that family members are provided with clear and accurate information regarding the assessment process and where possible have this in writing to them.
- Staff have been advised that parental consent must be obtained when necessary. For example, taking a child home after a meeting. Staff have been made aware through a 'whole service email'.
- Staff have been advised that they must make sure that it is clear exactly what has been agreed with parents about workers seeing their children, especially on their own.
- Managers will monitor and record as part of staff supervision when training has been undertaken including as part of the induction process. Managers have been requested by email to monitor and record in supervision records.
- Staff will consider, where appropriate, talking to parents about children from previous relationship separately rather than with the parent's new partner. Staff have been made aware through a 'whole service email'.
- The process has been revised concerning step-parent adoption applications and emphasises that the child's birth father will be contacted, if possible, even if he isn't named on the birth certificate. The two team managers and practice manager for this service have been made aware and have implemented changes.
- Communication pathways have been reviewed concerning the Looked After Children's Team and the Special Education Needs and Disability Team. A further meeting is planned to embed practice. This is to ensure that:
 - a) In holiday times there is enough capacity in the teams to ensure effective information sharing and that staff can escalate concerns if necessary.

- b) There is clarity amongst the various workers involved as to whose responsibility it is to communicate formally with the school to share information.
- Staff will make sure that young people are advised if their allocated worker has longer term unplanned leave. This information was disseminated in a team meeting.
 - Staff are reminded to cancel visits to young people in cases where staff have unplanned leave. This information was disseminated in a team meeting.
 - Staff have been reminded that when a case is still open to a team, even if closure imminent, that any newly arising issues are dealt with by allocated worker / team.
 - Staff have been advised that they will ensure that when friends / family are reporting concerns, that they are specifically asked if they wish to remain anonymous and ensure that this is clearly recorded.
 - Staff will make sure that both parents are informed of social care involvement and are enabled to attend meetings even where Court orders prevent direct contact with other family members.
 - Workers have been reminded that meetings with service users are to be held in appropriate and 'private' areas, not in 'porch' areas of buildings that other workers / service users can access.
 - All team members have been instructed to add service user's names and addresses when giving instructions for letters to Business Support and other team members.
 - All team members to join Cyber & Information Security training and refresher Data Protection training if not already done so. An email to the MASH and OOHS was used to address this issue.
 - Staff will make sure that private Special Guardianship Order applicants are advised from the outset of the Council's policy that financial support is discretionary. Processes and forms have been amended in Aspire Regional Adoption Agency. The Team were alerted to this and agreed best practice.
 - Staff have been reminded that both parents must always be included in any assessment process, even if evidence points to one parent being a perpetrator of violence. Both parents' views must be sought and included in any assessment. Staff have been made aware through a 'whole service email'.
 - People who provide information to Social Care regarding a child possibly being harmed or abused should be informed that Social Care will share the information they have given. Reminder given to all Social Workers that this is a practice standard we expect to be upheld.
 - Workforce Development Team will develop a training workshop

- to ensure that workers fully understand the effects and impact that can result from thoughtless or incorrect comments contained in reports.
- to remind social workers to take very careful note of accurate information before drawing conclusions to inform statements in reports.
- To remind social workers and others who prepare reports to carefully proof-read their documents for typographical errors before finalisation.
- Team Managers throughout the Unit have been asked to focus on the need for accuracy and clarity in report writing in their team meetings
- Areas of service improvement identified for the Supported Lodgings (SL) service:
 - The team is reminded to record when information about a young person is given to a SL provider and actions are being taken to address on which systems recordings are made.
 - Consideration is to be given to providing a leaflet for parents and young people about SL's.
 - The Service's sufficiency strategy has identified the need for recruitment of specialist SL providers.
 - Staff have been reminded that Placement Support Plans should always be signed.
 - The SL handbook will be updated to include the storage of medication.
 - Suitable training is to be made available for those working with young people over 16yrs.
 - Consideration to be given that SL providers keep daily logs for under 18yrs.
 - Proper transitioning to Adult Social Care practices to be picked up as a key theme in CSC training needs analysis.
 - Staff are reminded of the need for clear communication when explaining complex issues and signposting to sources of independent advice.

3.2 INCLUSION AND FAMILY SERVICES

- Agency (Commissioned service) has asked worker to undertake further training re: tutoring vulnerable learners.
- To address the delays experienced across multiple areas of work, primarily but not exclusively, linked to the impact of Bournemouth team taking on the Christchurch area.

- All staff have been reminded by email of the requirement for staff to communicate with service users and carers in an appropriate manner and to take in to account a wide range of factors when doing so.
- The Transport team will liaise with families to ensure that their preferred method of contact is logged on their records to make sure that families can be contacted appropriately regarding any changes. Staff have been informed of this expectation by their manager.
- The process has been amended to ensure that if an Education, Health and Care assessment request is not received directly from the parent, then the family is contacted for consent to share at the time the request is received. The process has been revised implanted and cascaded.
- A new robust policy has been adopted by BCP Council to address the previous omission regarding the consideration of EHCP re-assessments. A SEND Operations Handbook is being prepared.
- Before private contractors such as architects are employed by the team, a thorough evidential check is conducted upon their qualifications and their experience in relation to the work they are contracted to carry out.
- Links and communications with the Housing Grants Team has been tightened in cases where contractors are required.
- If not already included, procedures will clarify that the practice of arranging visits to other properties for families should not occur. For any deviance from this practice, advice and approval should be sought. Staff are advised of this procedure.
- Introductory pack of information for families re the Child in Need (CIN) process to be produced and given to all families at initial reviews. Plans will be talked through with families at the beginning of the review process. Consent forms to be re-visited 6 monthly.
- Teams have been reminded of the CIN process to follow and that families should be made aware of their status at the point of referral
- CIN plans contain the required visiting frequency and this is followed up at all review meetings. CIN reviews now include the date of the next visit and the following review date.
- Requirements of CIN plans are discussed in supervision to ensure that the necessary visits are carried out and the children are seen.
- The above are included in managers' supervision so issues can be escalated.
- These are also included in performance statistics for auditing and escalating scrutiny to corporate level

3.3 QUALITY AND COMMISSIONING

- Implementation of a process which means parents are contacted within the 15 school days regardless of whether all school preferences have responded to requests. This means that parents will be able to access their right of appeal to any school which has refused them a place as soon as possible.
- Ensure that applications are followed up and formal offer or refusal letters are sent out as quickly as possible.
- A separate recording process for a Child in Care review and a Child in Care plan will be built on the systems. Awareness raising of the different approaches and responsibilities undertaken with Social Workers and Independent Reviewing Officers.

4 Advocacy

BCP Council contracts with Action for Children to provide an advocacy service for young people involved with Social Care services. The contract with Action for Children fulfils the council's obligations under the Children Act '89 and the Advocacy Services and Representations Procedure (Children) (Amendment) Regulations 2004. The service follows the DfES guidance 'Get it Sorted' 2004. The legislation and its guidance state that independent advocacy must be available and offered to all children and young people who may wish to make a complaint.

5 Training and Support

The Complaints Team provide support for teams, individuals and managers across Children's Services as necessary, ensuring that practice is compliant with legislation, guidance, procedures and best practice. They can check responses, guide with the process and expectations and support with keeping complainants updated.

52 members of staff attended training on the Children Act complaints procedure this year. The objectives of this training are:

- That the different stages and the process of the procedures are made clear.
- How the complaints procedure links with other procedures, such as health, corporate complaints, disciplinary and grievance procedures, and whistleblowing.
- How the knowledge gained during the process can help develop and improve services.
- That employees are made aware of some of the feelings that can emerge during the process for everyone involved.

6 managers attended training on the Children Act complaints procedure this year. The objectives of this training are:

- To clarify the different stages of the procedure.
- To consider good practice in the first stage investigations.

- To look at resolution and redress issues.
- To consider good practice in first stage responses.
- To consider how the service learns from complaints.

From the feedback given, the expectations of both sets of the training were either met or exceeded in all areas.

Comments about the training included:

- Thorough and clearly delivered.
- Gave me a better understanding of the process.
- I found the statistics really interesting.
- Renewed my confidence in how I deal with complaints.

On-line training is also available for staff as a refresher of the process.

The future need and delivery of staff and manager training will be reviewed in 2020. Changes will be included in next year's annual report.

6 Southern Region Complaints Managers Group (SRCMG).

BCP Council is represented on this group by the Complaints Managers and Officers who are all active members. This group contributes to the development of guidance and best practice in complaint management which feeds into the National Complaints Managers' Group, the Ombudsman, the Association of Directors of Adult Social Services (ADASS), the Association of Directors of Children's Services (ADCS) and relevant government bodies.

Attendance also ensures that the Council is up to date with developing practice in complaint management whilst affording the opportunity to consider particular practice issues with others and to share best practice and learning.

7 Local Government Reorganisation

The Complaints Managers and Officers previously employed by Bournemouth Borough Council and the Borough of Poole continue to align processes and work together as much as possible across complaint management in Children's Services. A restructure of the service is planned for 2020/21 to bring the employees into one team and service.

8 Complaint Recording Systems

All complaint case records are to be held on the system electronically with essential data i.e. complaints and outcomes to be held in a secure area of MOSAIC. Although this is not a case management system, it does allow for records to be retained alongside other records in accordance with the General Data Protection Regulations (GDPR). Legacy data from Borough of Poole, some of which is held in paper copy and will need to be transferred in 2020/21.

9 Summary of Financial Implications

Financial payments can be made as a result of a complaint if this redress is considered appropriate. Any costs in this respect are accepted as the responsibility of the relevant service against which the complaint is made. Financial redress can be offered at any point within the process if identified, or can be recommended by the Ombudsman.

For Social Care, a financial payment of £35,150 has been made this year to a complainant at Stage 1 in order to recompense the lack of Special Guardianship payments and to redress the issues arising from this delay.

For Inclusion and Family Services, an offer to pay £1,000 was made to the parent of a child who missed out on SEN provision for more than a term.

For a joint complaint for Inclusion and Family Services and Social Care, payment was made of £1,000 for the delay in returning a child to her mother's care and the time and trouble of bringing the complaint.

The Complaints Service provides value for money by effectively discharging the complaint process under the Children Act by promoting and supporting the resolution of complaints at the lowest levels and ensuring that expensive Stage 2 investigations and Stage 3 panels are limited.

There are costs of employing stage 2 external investigators and independent people and stage 3 review panels which fluctuates with demand.

10 Summary of legal implications

The statutory framework for complaints about Children's Social Care services are:

- The Local Authority Social Services Act (1970)
- The Children Act (1989)
- The Human Rights Act (1998)
- Children Act 1989 Representations Procedure (England) Regulations 2006.

Alongside this, government guidance is also relevant including Getting the Best from Complaints (DfES 2006), Get It Sorted (DfES 2004) and the Children Act 1989 Guidance and Regulations Vol 2: Care Planning, Placement and Case Review (2010).

The guidance requires the complaints function for Social Care to be at 'arms length' from the operational delivery. The legislation also requires complaints at stage 2 and 3 to include an independent (of the council) function within the process.

11 Summary of human resources implications

None

12 Summary of environmental impact

None

13 Summary of public health implications

None

14 Summary of equality implications

Many of the service users of children's services will be vulnerable, or from potentially disadvantaged groups. The complaints process is a vital part of the council's quality assurance function to ensure all service users receive fair treatment and reasonable adjustments. The Complaints Service will ensure complainant's individual requirements are supported, for example through interpreting services or by appointing an independent investigator with a specialist background or knowledge.

The EQIAs for Complaints and Representations will be updated as the services align for BCP Council.

15 Summary of risk assessment

The Complaints Service manages complex, high risk complaints which if not effectively managed could result in scrutiny by the Local Government and Social Care Ombudsman, Central Government, Ofsted, or through the courts via judicial review. The implications of this scrutiny could negatively affect the Council's reputation and result in major financial costs.

Practice issue complaints can include elements of safeguarding which require effective management and proactive action. The Complaints Service must be able to recognise these issues when they arise within a complaint context and action them appropriately.

16 Background papers

None.

17 Appendices

Appendix 1 – SEND Annual Report Appendix

SEND Annual Report Appendix 2019-2020



4. Complaints and Representations Information

4.1 Numbers received.

Compliments	11
Complainants	39

4.2 Stage 1 - Who Complained?

Parent	35
Self (young person)	0
Other family/friend	0
Grandparents	0
Carer	0
Other (not connected to a child)	0
Other agency	1

In relation to diversity and protected characteristics (where this data is recorded):

Recognised as having a disability		0
Gave their ethnicity as other than White British		0
Gender	Female	18
	Male	4
	Couple	11
	Transgender	0

4.3 Categories of complaints and their outcomes.

The table below identifies the categories and outcomes where complaints have been taken forward and have received a response during this reporting period:

Category	Upheld	Partly upheld	Not upheld
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Communication	1	0	1
Attitude/conduct	0	0	1
Lack of available services	2	3	2
Disputed decision	0	0	0
Delay/lack of agreed action	7	1	2
Lack of involvement/being kept informed/listened to	1	0	0
Content of report	0	0	0
Practice issues	0	2	0
Assessment process	1	1	0
Data breach	0	0	0
Contact with family	1	0	0
Safeguarding/welfare of child	0	0	0
Inaccurate recording/information	0	0	0
Discriminatory behaviour	0	0	0
Care/welfare concerns notified but not acted on	0	0	0
Child in Care placement	0	0	0
EHCP process	1	0	0
Finance	0	0	1
Disproportionate intervention	0	0	0
Policy	0	0	1
EHCP outcome	1	0	0
Transition to Adult Services	0	0	0
TOTAL Numbers and percentages	15	7	8

4.4 Timescales at Stage 1

Within 10 days	Within 20 days	Longer	Total numbers of complainants responded to
10	13	5	28

One complaint was withdrawn.

4.5 Numbers progressed to Stage 2.

The vast majority of the complaints that are received are managed and resolved at Stage 1.

Percentage of complainants who did not progress their complaints to Stage 2	90%
Number of complainants who progressed to Stage 2	4

4.6 Categories and outcomes at Stage 2

Category	Upheld	Partly upheld	Not upheld
Practice issues	1	0	0
Communication	2	0	0
Disputed decision	0	0	0
Attitude / conduct	0	0	0
Lack of involvement/being kept informed/listened to	0	0	0
Delay/lack of agreed action	1	0	0
Assessment process	0	1	0
Content of report	0	0	0
Inaccurate recording/information	0	0	0
Subject Access Request process	0	0	0
Safeguarding/welfare of child	0	0	0
Lack of available services	1	0	0

TOTAL numbers and percentages	5	1	0
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4.7 Timescales at Stage 2

Within 28 days (1 month)	1
Between 28 and 65 days (1 – 3 months)	2
Between 65 and 86 days (3 – 4 months)	0
Longer	0

4.8 Local Government and Social Care Ombudsman (LGSCO) numbers and outcomes.

- SEND
Fault causing injustice found for the delay in providing Makaton training to school staff resulting in the child missing out on SEN provision for more than a term.
Remedy – offer to pay £1000 for the parent to use for the benefit of the child to remedy the lack of Makaton provision for 5 months.

5. Learning

- Communication pathways have been reviewed concerning the Looked After Children's Team and the Special Education Needs and Disability Team. A further meeting is planned to embed practice. This is to ensure that:
 - c) In holiday times there is enough capacity in the teams to ensure effective information sharing and that staff can escalate concerns if necessary.
 - d) There is clarity amongst the various workers involved as to whose responsibility it is to communicate formally with the school to share information.

Agency (Commissioned service) has asked worker to undertake further training re: tutoring vulnerable learners.

- To address the delays experienced across multiple areas of work, primarily but not exclusively, linked to the impact of Bournemouth team taking on the Christchurch area.
- All staff have been reminded by email of the requirement for staff to communicate with service users and carers in an appropriate manner and to take in to account a wide range of factors when doing so.
- The Transport team will liaise with families to ensure that their preferred method of contact is logged on their records to make sure that families can be contacted appropriately regarding any changes. Staff have been informed of this expectation by their manager.

- The process has been amended to ensure that if an Education, Health and Care assessment request is not received directly from the parent, then the family is contacted for consent to share at the time the request is received. The process has been revised implanted and cascaded.
- A new robust policy has been adopted by BCP Council to address the previous omission regarding the consideration of EHCP re-assessments. A SEND Operations Handbook is being prepared.

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