

Individual Decision

The attached reports will be taken as
Individual Portfolio Member Decisions on:

Thursday 28 July 2016

Ref:	Title	Portfolio Members	Page No.
ID3152	West Berkshire Council Children and Family Services Annual Complaints Report 2015/16	Councillor Lynne Doherty	3 - 36
ID3151	Adult Social Care Compliments and Complaints 2015/16	Councillor Hilary Cole	37 - 52



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Individual Executive Member Decision

West Berkshire Council Children and Family Services Annual Complaints Report 2015/16

Committee considering report: Individual Executive Member Decision

Date ID to be signed: 28 July 2016

Portfolio Member: Councillor Lynne Doherty

Forward Plan Ref: ID3152

1. Purpose of the Report

- 1.1 To provide statutory information about the number and type of complaints.
- 1.2 To highlight the number and nature of compliments received from April 2015 to March 2016.
- 1.3 To illustrate how complaints and compliments are logged and monitored, and review the actions taken as a result of the lessons learned.

2. Recommendation

- 2.1 To note the analysis of the Children's Services Complaints function for the financial year 2015/16.

3. Implications

- 3.1 **Financial:** None
- 3.2 **Policy:** The Children Act 1989
- 3.3 **Personnel:** None
- 3.4 **Legal:** None
- 3.5 **Risk Management:** None
- 3.6 **Property:** None

4. Consultation Responses

Members:

Leader of Council: Councillor Roger Croft

Overview & Scrutiny Management Councillor Emma Webster

Commission Chairman:

Ward Members: All
Opposition Spokesperson: Councillor Mollie Lock

Local Stakeholders:

Officers Consulted:

Trade Union:

5. Introduction/Background

5.1 This report contains a summary of the data produced by the Children's complaints procedure between 1 April 2015 and 31 March 2016. It highlights how the service has performed in relation to statutory timescales as well as in respect of learning and service improvements identified through the analysis of the complaints process in previous years.

6. Supporting Information

6.1 Children Act Complaints process.

7. Options for Consideration

None

8. Proposals

8.1 For Members to accept and sign off the report.

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input checked="" type="checkbox"/>

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

P&S – Protect and support those who need it

The proposals contained in this report will help to achieve the following Council Strategy priority:

P&S1 – Good at safeguarding children and vulnerable adults

Officer details:

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9. Appendices

- 9.1 Appendix A – West Berkshire Children and Family Services Annual Complaints Report 2015/16

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West Berkshire Children & Family Services Annual Complaints Report 2015/16

Executive Summary

This report contains a summary of the data produced by the Children's Social Care complaints procedure between 1 April 2015 and 31 March 2016. It highlights how the Service has performed in relation to statutory timescales and key principles and identifies any learning and practice issues which have been identified through the analysis of the complaints data which has been collated during 2015/16.

During this period 110 initial contacts were received either from adults complaining on behalf of a child or by a child or young person accessing the complaints procedure on their own behalf. During 2015/16 the number of complaints received from young people has remained static, however, an additional 38 initial contacts have been made by adults during 2015/16. To help facilitate the learning from complaints the key themes from each complaint are identified and recorded on an on-going basis. This information is monitored throughout the year in relation to the themes given below. Each of these themes has previously been identified as an issue of concern and so provides a useful means of identifying any persistent or emerging themes within the complaints that are being received.

- Care Planning
- Child Protection Measures
- Communication
- Confidentiality
- Contact
- Delay in paper work
- Family disagreements/Private Law
- Fostering
- The Information contained within an Assessment/Report
- Other
- Professional Decisions
- Professionalism of staff/ Working Relationship
- Service Provision

Complaints investigations focus on both providing an open and honest response to the complainant and identifying the learning which can be drawn from the concerns which are being raised, Following a complaint workers at all levels of Children & Family Services will be asked to reflect on what has, or is perceived, to have gone wrong and how this might be improved in future. Where a simple solution, such as developing a letter template, is

identified as a learning need, this can be implemented quickly and rolled out across all those areas where a similar issue could potentially arise. Any persistent and emerging issues identified from complaints are shared at the Quality Assurance Board on a regular basis, in order to ensure that strategic and operational managers are aware of any learning which has been identified from complaints, to reflect on how this learning can be implemented and to share any processes which have been developed within individual teams in response to complaints learning.

Of the complaints and representations received during 2015/16,

- 6.4% (7) were upheld
- 21.8% (24) were partially upheld
- 46.6% (51) were not upheld.

Of the remaining complaints and representations

- 5 were withdrawn or not progressed by the complainant.
- 5 are recorded as having no finding. In these cases contacts which have initially been framed as a complaint have been resolved with a single conversation.
- 12 complainants were directed to another agency and /or were provided with information only.
- 1 complaint was refused because the person making the complaint did not have permission from the service user to make a complaint on their behalf.
- 1 complaint was not eligible because the matter being complained about had been decided by the court.
- 4 complaints straddled the year end cut off date.

Statutory Timescales

- 98% of Stage 1 complaints/representations were acknowledged within 3 working days
- 58% of complaints/representations were responded to within 10 working days
- A further 37% of complaints/representations were responded to within 11 – 20 working days

Thus in 2015/16, 95 % of Stage 1 Complaints and representations were responded to within the 20 working day timescale allowed under the Children Act (1989). These figures demonstrate an overall increase of 10% for the number of responses being provided within timescales when compared to the previous financial year.

Complaints escalated beyond Stage 1 in 2015/16

- 1 complaint was progressed to Stage 2 of the Children's Services complaints process
- 1 complaint was the subject of an Independent Review
- 1 Stage 3 Review was scheduled to take place in August 2015. However, this was cancelled by the complainant immediately prior to the Review date and the Local Authority has since referred the complaint to the LGO for consideration.

Referrals to the Local Government Ombudsman during 2015/16

- 5 complaints processed via the Children's Services process were escalated to the LGO during 2015/16. (This includes the complaint noted above)
- 3 were not upheld
- 1 was partially upheld, with the LGO finding some fault in the Council's record keeping and processes
- 1 is still subject to adjudication

5 of the complaints received by Children & Family Services were processed via the Corporate Complaints process. All of these complaints were escalated to Stage 2 of the process and in 1 case the complainant has approached the LGO. This complaint is still subject to adjudication.

6 complainants have approached other agencies or made use of processes outside the Children's Services or Corporate Complaints processes to pursue their concerns. These routes have included approaches to the Local Safeguarding Board, MP's and/or the Local Councillor, complaints to the HCPC, Access to Records and/or Freedom of Information requests and approaches to the Information Commissioner. None of the approaches to the HCPC which have been drawn to the attention of the Complaints Manager have been upheld.

Analysis of Complaints data for 2015/16

Overview

During 2015/16 110 initial contacts were received either from adults complaining on behalf of a child or by a child or young person accessing the complaints procedure on their own behalf. Of the 110 initial contacts received, 84 complaints and 18 representations were made by adults and 4 complaints and no representations were made by young people. While the number of complaints received from young people has remained static an additional 38 initial contacts have been made by adults during 2015/16. The implementation of more robust data collection in relation to how complaints are captured is likely to account for some of this increase.

Complaints responses and Statutory Timescales

- 98% of Stage 1 complaints/representations were acknowledged within 3 working days
- 58% of complaints/representations were responded to within 10 working days
- A further 37% of complaints/representations were responded to within 11 – 20 working days

Thus in 2015/16, 95 % of Stage 1 Complaints/representations were responded to within the 20 working day timescale allowed under the Children Act (1989). It is evident from the graph below, that a discernible number of complaints responses are completed on day 20.

While the figure for complaints being responded to within 10 working days has dipped very slightly from 59% in 2014/15 to 58% during 2015/16, over all there has been an increase of 10% in the number of complaints being responded to within the allowable 20 working day timescales.

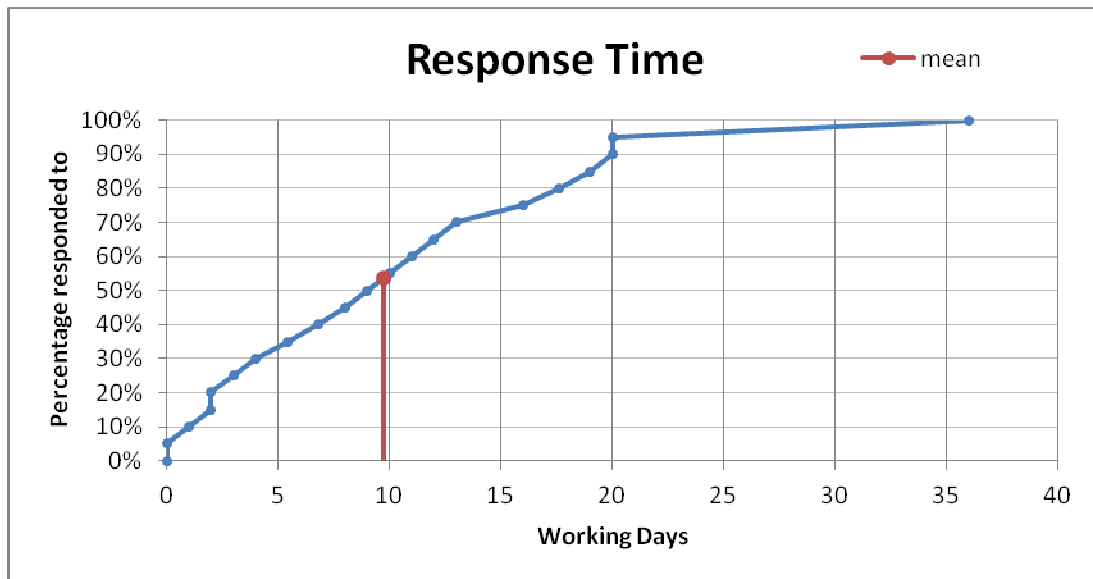


Figure 1 Number of Complaints Received and Response Times for 2015/16

Breakdown of people who made complaints during 2015/16

Complaints received from young people

4 complaints were received from Young People during 2015/16.

- All 4 of the young people who made complaints were Looked After.
- 3 of these complaints were receiving service from the Leaving Care Team and 1 was allocated to the East Locality Team.
- 2 of the complaints made by young people were Partly Upheld.
- 1 young person did not progress their complaint.
- 1 complaint was Not Upheld.

2 of the complaints made by young people were in relation to contact with siblings and 2 were in relation to housing decisions at transition.

During this financial year, Children & Family Services opened 3,870 cases in respect of children and young people. Of these children and young people 220 were Looked After.

Advocacy Service

Children & Family Services commission an advocacy service from the locally based Action for Children Here4me project. This service is extremely well used and helps to ensure that any concerns which young people might have are identified and responded to at the earliest possible opportunity.

The following figures have been taken from the Here4me 2015/16 Q4 Quarterly Report. The first table shows the number of contacts between advocates and young people by quarter. The second gives details of the reason for the contact.

Advocacy figures for 2015/16

No of advocacy contacts this quarter	2015/16 Q1	2015/16 Q2	2015/16 Q3	2015/16 Q4
Quarterly total	159	124	136	143
LAC Reviews	40	25	23	28
CPC Meetings	65	56	60	76
ICPC Meetings	33	31	43	31
Complaints / Representations	4	2	2	3
PEP	2			
LAC /PEP	4	2		
Joint CP & LAC Meetings	4		2	
Acting for parent of baby at CPC	2	4	2	4
Acting for parent of baby at Core group		4		
Acting for parent of baby at PLO	2			
Core Group	2			
Age Interview				1
Independent Statement for Court			1	
Section 2 Appeal	3			

	2015/16
Q1 Apr-Jun	159
Q2 Jul-Sep	124
Q3 Oct-Dec	136
Q4 Jan-Mar	143
Totals for year	562

Figure 2 Advocacy provision figures provided by Here4me

84 Complaints and 18 Representations were received from adults during 2015/16.

- The majority of the complaints received from adults were made by parents
- 13 Complaints were received from grandparents

The most common complaints raised by grandparents related to dissatisfaction with the way in which CFS had treated their adult child (the parent of the service user) during the assessment process.

During 2015/16 the complaints department received 5 Complaints and 1 Representation from MP's.

Profile of who made complaints during 2015/16

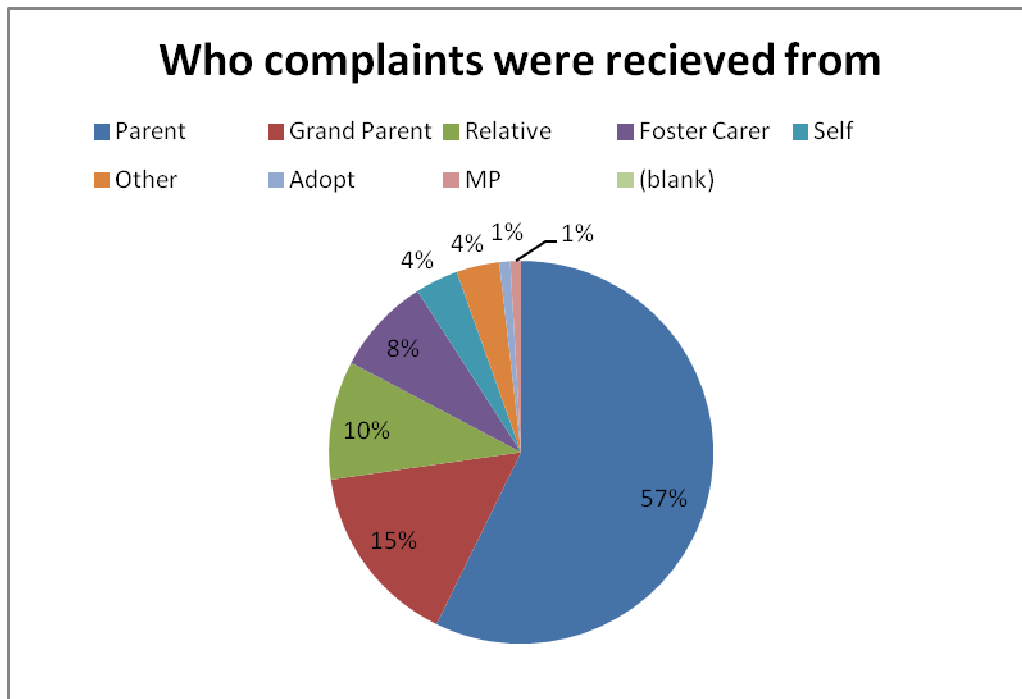


Figure 3 Profile of people who made complaints to Children & Family Services during 2015/16

Profile of which teams were complained about 2015/16

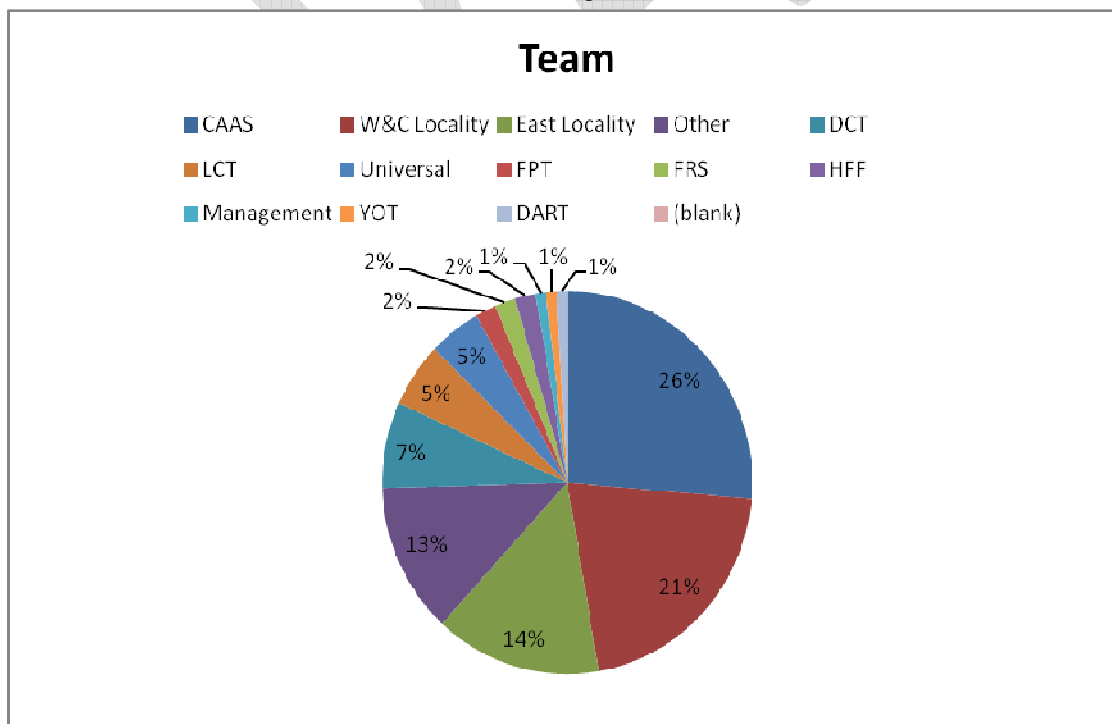


Figure 4 Profile of which teams were complained about

As might be expected the greatest number of complaints (26%) are received in respect of CAAS which acts as the front door service. It is often at this point that families become aware that professionals believe their children might be at risk of harm. During 2015/16 West & Central has received 21% of the total number of complaints and the East Locality team has receiving 14% of the complaints. Those teams who provide non statutory services can be seen to receive the fewest number of complaints.

Profile of how Complaints were received during 2015/16

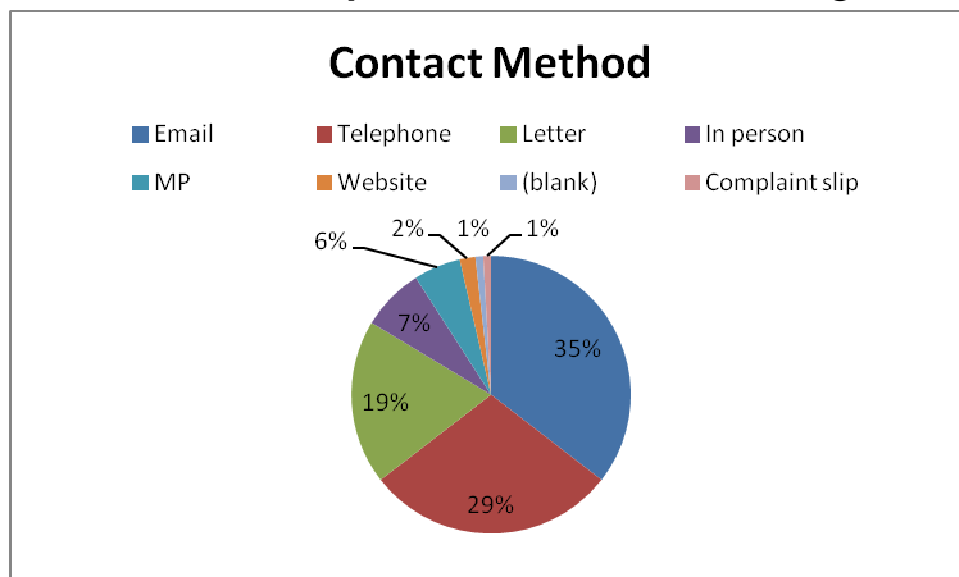


Figure 2 Breakdown of methods used to make complaints during 2015/16

64% of all the complaints received by Children & Family Services are received by either email or telephone with emails and calls being made to, individual social workers, Team Managers, the complaints department, Head of Service, Director of Service and the Chief Executive.

7% of complaints are made in person on a drop in basis. Whenever possible these people will be seen immediately. Whilst this option is used by only a few people this is felt to be a valuable service and is one that is greatly appreciated by those people who choose to make their complaint in this way.

Findings from Complaints Investigation 2015/16

Of the complaints and representations received during 2015/16,

- 6.4% (7) were upheld
- 21.8% (24) were partially upheld
- 46.6% (51) were not upheld.

Of the remaining complaints and representations

- 5 were withdrawn or not progressed by the complainant.

- 5 are recorded as having no finding. In these cases contacts which have initially been framed as a complaint have been resolved with a single conversation.
- 13 complainants were directed to another agency and /or were provided with information only.
- 1 complaint was refused because the person making the complaint did not have permission from the service user to make a complaint on their behalf.
- 1 complaint was not eligible because the matter being complained about had been decided by the court.
- 4 complaints straddled the year end cut off date.

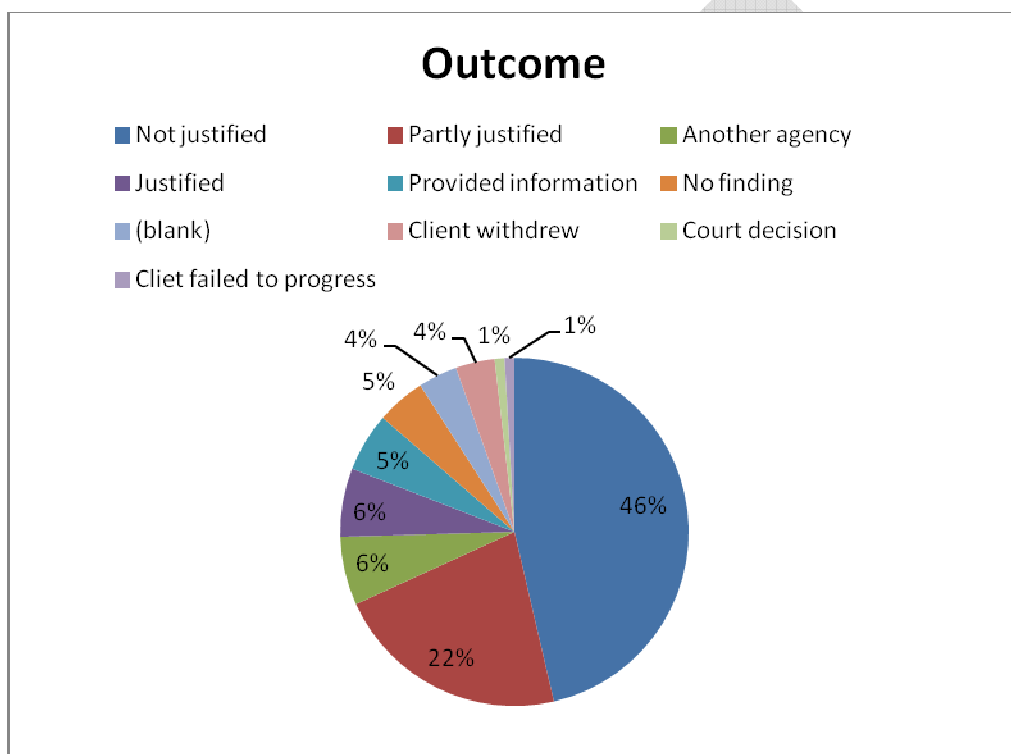


Figure 3 Complaints findings 2015/16

Following an initial analysis of the figures for 2015/16 it appears that during 2015/16 fewer complaints (6%) were Upheld/Justified than in 2014/15 when 8.4% of complaints were recorded as having been Upheld/Justified. However, the figures for 2014/15 need to be treated with caution as only the figures for Q's 3 and 4 are considered to be reliable, therefore, this might not be an accurate interpretation of the figures.

- The most common finding for complaints investigations during 2015/16 was that of Not justified/Not Upheld. (46%)
- The second most common finding was that a complaint was Partly Justified/Partly Upheld (22%)

Partially Upheld/Justified findings account for almost a quarter of the complaints findings made during 2015/16 and this category contains many of the most complex complaints received during the year. This category would benefit from a more in depth analysis and with this in mind; the way in which the data is collected for Partially Upheld/Justified complaints will be reviewed in order to develop a more sophisticated understanding of this category.

Shown below are the themes and resulting actions for Upheld/Justified and Partially Upheld/Justified complaints made during 2015/16.

	Upheld/Justified Complaints	Partly Upheld/Justified Complaints
Q1 2015/16	<ul style="list-style-type: none"> Confidential information shared during a meeting. Discussion with Raise team about how this could be prevented in future. All workers need to be aware of how to restrict access to a particular record. Delay in processing passport application The application form was taken to the passport office in person by SW to ensure travel date was met. Items lost when moving between placements The items were either returned or paid for. 	<ul style="list-style-type: none"> Communication Confidentiality Fostering Information contained within Assessment Service Provision <p>The appropriate Team Manager has addressed these matters with SW/Team. The actions they have taken have included, looking at admin processes, reflective supervision and team discussions.</p>
Q2 2015/16	<ul style="list-style-type: none"> Issues with communication. A number of letter templates have been developed to assist with day to day communications Issues with passport application. A new system for dealing with passport applications has now been introduced 	<ul style="list-style-type: none"> Communication Contact Information contained within Assessment <p>The appropriate Team Manager has addressed these matters with SW/Team. The actions they have taken have included, looking at admin processes, reflective supervision and team discussions.</p>
Q3 2015/16	<ul style="list-style-type: none"> Late payment of foster carers expenses. Outstanding payments made 	<ul style="list-style-type: none"> Late payment of a winter allowance Outstanding payments made Information not being provided in a timely way. <p>The appropriate Team Manager has addressed these matters with SW/Team</p>

Q4 2015/16		<ul style="list-style-type: none"> Confidentiality Training undertaken with social work team. Issues with paperwork. Service Provision <p>The appropriate Team Manager has addressed these matters with SW/Team</p>
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Figure 4 Themes and resulting actions for Upheld/Justified and Partially Upheld/Justified complaints 2015/16. Action are shown in blue

In addition to the actions noted above a Service User focused information series entitled 'What to Expect...' is being developed in conjunction with service users, social workers and senior managers. (See Appendix 1)

Primary Concern raised by the complainant.

During 2015/16 the primary concern raised in each complaint has been recorded.

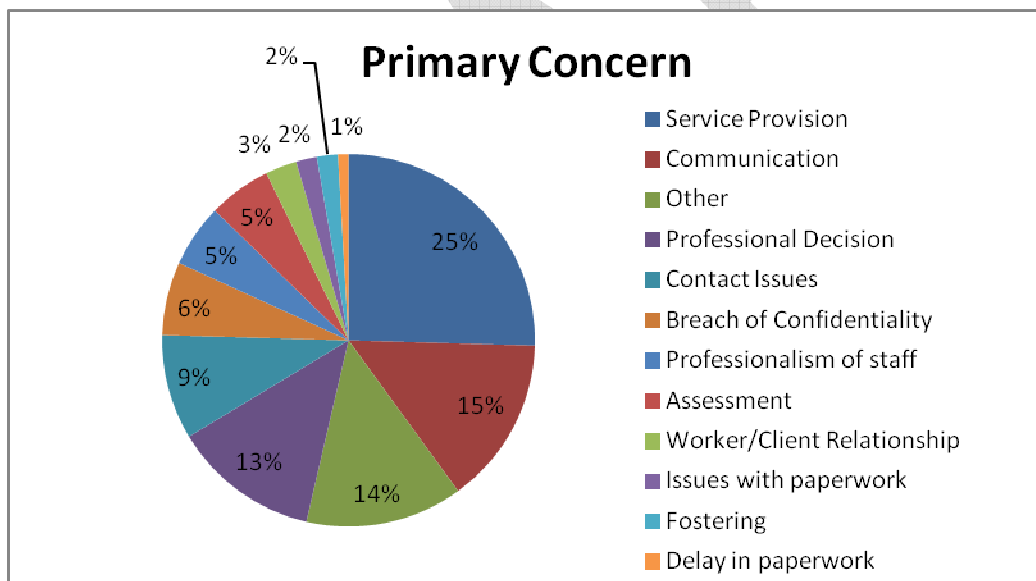


Figure 5 Profile of the primary concerns raised by complainants

Secondary concerns are shown in Appendix 2.

During 2015/16, 5 complaints were refused.

- 4 because CFS complaints process was the wrong process/agency.
- 1 because the adult who wished to complain, was not recognized by the young person on whose behalf they wished to complain, as acting on their behalf.

Complaints escalated beyond Stage 1 in 2015/16

- 1 complaint was progressed to Stage 2 of the Children's Services complaints process
- 1 complaint was the subject of an Independent Review
- 1 Stage 3 Review was scheduled to take place in August 2015. However, this was cancelled by the complainant immediately prior to the Review date and the Local Authority has since referred the complaint to the LGO for consideration.

Referrals to the Local Government Ombudsman during 2015/16

- 5 complaints processed via the Children's Services process were escalated to the LGO during 2015/16. (This includes the complaint noted above)
- 3 were not upheld
- 1 was partially upheld, with the LGO finding some fault in the Council's record keeping and processes
- 1 is still subject to adjudication

Complaints Progressed using the Corporate Complaints Process

Where adult complainants have complained about the impact that their involvement with the Council has had on themselves (or their adult children) rather than on the children who are receiving a service, complaints have been processed using the Corporate Complaints Procedures.

5 of the complaints received by Children & Family Services were processed in this way during 2015/16. All of these complaints were escalated to Stage 2 of the process and in 1 case the complainant has approached the LGO. This complaint is still subject to adjudication.

YOT Complaints

3 Complaints were made to YOT during 2015. These are reported on separately to the YOT Management Group each calendar year. Section 3 of the YOT Annual Report contains the YOT complaints information and has been included in Appendix 3 for information.

Complaints where the complainant has also contacted other agencies

6 complainants have approached other agencies or made use of processes outside the Children's Services or Corporate Complaints processes to pursue their concerns. These routes have included approaches to the Local Safeguarding Board, MP's and/or the Local Councillor, complaints to the HCPC, Access to Records and/or Freedom of Information

requests and approaches to the Information Commissioner. None of the approaches to the HCPC which have been drawn to the attention of the Complaints Manager have been upheld. (See Appendix 4)

Summary

- During 2015/16, 110 initial contacts were received either from adults complaining on behalf of a child or by a child or young person accessing the complaints procedure on their own behalf. 4 of these complaints were made by young people. 6.4% (7) of complaints were upheld, 21.8% (24) were partially upheld and 46.6% (51) were not upheld. While 1 complaint was refused. The remaining complaints were either withdrawn or redirected to the appropriate place.
- 98% of complaints were acknowledged within 3 working days and 95 % of Stage 1 Complaints and representations were responded to within the 20 working day timescale allowed under the Children Act (1989). These figures demonstrate an overall increase of 10% for the number of responses being provided within statutory timescales when compared to 2014/15.

1 complaint was progressed to Stage 2 of the Children's Services complaints process, 1 was the subject of an Independent Review and 1 Stage 3 Review was scheduled to take place. This Review was cancelled by the complainant and the Local Authority has since referred the complaint to the LGO for consideration.

5 complaints processed via the Children's Services process were escalated to the LGO. Of these 3 were not upheld, 1 was partially upheld, with the LGO finding some fault in the Councils record keeping and processes and 1 is still subject to adjudication.

Appendix 1

- ***What to expect: Contact arrangements between parents with Parental Responsibility and Private Law***
- ***What to expect: PLO (Public Law Outline) / Pre-proceedings***
- ***What to expect: Single Assessment***
- ***What to expect: Section 20, Voluntary care***
- ***What to expect: Supervised Contact with Looked After Children***
- ***What to expect: Written Agreements***

What to expect: Contact arrangements between parents with Parental Responsibility and Private Law



Unless the Court has made a judgement about contact, or Children and Family Services have made it clear in a Written Agreement that contact is being limited by Children and Family Services, **contact arrangements between 2 parents with Parental Responsibility are a private arrangement.**

If the relationship between parents has broken down so badly that parents are not able to arrange contact between themselves, it may become necessary for them to peruse this matter in the courts through **Private Law.**

Private Law matters are not something in which Children and Family Services can become involved.

Children and Family Services want you to understand how we can best work together to put the needs of your child or children first.



What to expect: PLO (Public Law Outline) / Pre-proceedings



The PLO process is used when Children and Family Services believe that the risk to a child or children is so great that it might be necessary to ask the court to decide where a child or children will live and who they should live with.

Unless there is an emergency, Children and Family Services have to show the court what work they have done to support you and your family to resolve their concerns before going to court. [Re: B-S (Children) [2013] EWCA Civ 1146]

If you are a parent or you have parental responsibility you will receive a **Pre-proceedings letter** inviting you to a **pre-proceedings meeting**. This letter will tell you;

- When and where the pre-proceedings meeting will be.
- What Children and Family Services are worried about.
- What you must do to show that your child or children are safe.
- What Children and Family Services will do to help you to carry out these actions.

The letter will also tell you

- How to get free Legal Advice.
- Which solicitors can help you.

It is very important that you go to the Pre-Proceedings meeting and that you read the pre-proceedings letter carefully so that you understand what is happening and why.

You must seek the free legal advice you are entitled to immediately. This is the last chance you will have to show Children and Family Services that you can keep your child or children safe. A solicitor will help you to do this.

At the pre-proceedings meeting families are given a final chance to show that they are willing to address the concerns which Children and Family Services have about the safety of their child or children.

People who will be at the pre-proceedings meeting.

- Those with Parental Responsibility and Carers.
- The allocated Social Worker and the Manager who is over-seeing the case.
- The families' Lawyer or Lawyers.
- The Local Authority's Lawyer.

Paperwork which Children and Family Services will bring to the meeting.

- An up-to-date chronology.
- Assessment documents
- Other relevant documents, for example, Child Protection Reports.

At the meeting everyone will agree:

A final plan showing what has to be done to keep a child or children safe, when these changes need to be made and who will check how well children are being cared for

If Children and Family Services still do not believe that your child or children are safe, the next step will be to ask the court to make a ruling on who your child or children should live with and where they should live.

Once a decision has been made by the court, only the court can change this.

Children and Family Services want you to understand how we can best work together to put the needs of your child or children first.



What to expect: Single Assessment



Children and Family Services have a legal duty to investigate all contacts, where it is judged that a child protection concern might exist.

Investigations are carried out using an assessment called The Single Assessment.

This assessment can take up to the statutory limit of **45 days**.

Many assessments can be completed more quickly than this. Following the first visit, or by day 10 after a referral has been received, the Social Worker and a Manager will agree the length of time necessary to carry out the Single Assessment.

During this assessment the Social Worker will need to see the person or people who are caring for the child or children and the child or children themselves.

The Social Worker will also want to talk to any parent who does not live with the child or children.

Each child will need to be seen alone. The child will usually be seen in a separate room in the family home at the time of a home visit or at school. Where a child is seen will depend on the age of the child and the Social Worker's professional judgment.

The Social Worker will usually talk to you about this before seeing your child or children. However, if a Manager considers that a child or children might be put at risk if a parent or carer is contacted before a visit takes place this will not happen.

If the decision not to talk to a parent or carer before a visit is taken, the Social Worker will speak to these adults after having seen the child or children.

During the assessment period the Social Worker will **usually meet with you and the child or children, 2 or 3 times**. More visits will be arranged if the social worker believes this is required. The number of visits will depend on your family's availability and the complexity of the discussions required.

You will be asked to sign a consent form giving us permission to speak to other professionals who are involved with your family, for example, a class teacher or doctor. Any discussions with other professionals will be handled sensitively and will only include information relevant to the referral.

The Single Assessment is a working document which reflects the information which has been shared with the Social Worker by the time the assessment is signed off by the Manager.

By the time the Single Assessment is signed off, the Social Workers will always have met with the child or children. They will also have made every effort to talk to those with Parental Responsibility or those who are caring for the child or children.

If you have been unavailable or unwilling to meet with the Social Worker by the time the assessment is signed off, **it will not be possible to reflect your views in the assessment document**.



What to expect: Single Assessment

As part of the Single Assessment the Manager and allocated Social Worker will **make recommendations about how Children and Family Services will support you to minimize any potential risk to your child or children and/or how to ensure that the needs of your child or children are being met.**

The Assessment and the recommendations will be discussed with you during the assessment period **and should not come as a shock.**

Nevertheless some of the information which Children and Family Services have to share with families can still be upsetting and difficult to hear.

Following the completion of the assessment every effort is made to share this document with you in person, this is to help ensure you understand the conclusions reached and recommendations. If this is not possible, or if you prefer then the assessment document will be posted to you.

The Social Worker will ask you to fill in a feedback form about your experience of the assessment process and your involvement with Children and Family Services.

What to do if you disagree with information in the assessment.

If you believe that the information which has been recorded about you or your family is wrong or incomplete you can have your comments added to the record next to the information you disagree with. This means that your comments can always be read alongside the original information in future. Once added to the record an item cannot be removed. This is to make sure that if there are any questions about what has taken place this can be checked easily.

What Happens Next

The outcome of the Single Assessment could be;

- There is no further need for Children and Family Services to be involved.
- You are offered or continue to use further support from other agencies.
- You are offered additional support from the Family Resources Services.
- There is an on-going Assessment from a Social Worker – If this happens you will be invited to a Child In Need meeting.
- You enter the Child Protection Process, which often starts with a Child Protection Conference

Children and Family Services want you to understand how we can best work together to put the needs of your child or children first.

What to expect: Section 20, Voluntary care



When the Local Authority is worried that there is a risk to your child or children that cannot be managed safely at home, they may ask you to give permission for your child or children to become Looked After under Section 20 of the Children Act 1989.

Legal Advice

- If the Local Authority asks you to consider signing a Section 20 voluntary care agreement, **you will be given a list of solicitors and advised that you should seek legal advice.**
- It is **important that you do seek legal advice**, so that you fully understand the decision that you are being asked to make.
- Being involved in care proceedings or pre proceedings will also mean parents can get free legal advice and representation.
- The Local Authority will also seek their own legal advice at the same time.

Section 20 care is a voluntary care arrangement, based on agreement between; the person or people with Parental Responsibility (PR), the child or children (once they are old enough to express an opinion) and the local authority.

If you have PR and you refuse permission for your child or children to be looked after under Section 20 of the Children Act, your child or children can only be removed from your care by a Court Order or by the Police, who can use special powers to do this.

- Once a young person reaches 16 or 17 they can sign themselves into care without parental consent, as long as they fully understand the decision they are making.
- If you have PR you can ask the Local Authority to take your child into voluntary care.
- Children can also become looked after by the local authority if they have no parent or are lost or abandoned.

Under Section 20 voluntary care arrangements, the court is not involved in making the decision that a child or children should become Looked After.

- Because Section 20 care arrangements are voluntary, **those with PR retain full Parental Responsibility** for their child throughout the time the child is Looked After.
- When you agree for your child or children to become looked after, **the social worker will ask you to sign a consent form** which gives permission for the Local Authority/ Foster Carer to make some agreed day to day decisions without asking you first. (for example making a dentists appointment) This is sometimes called delegated responsibility.



What to expect: Section 20, Voluntary care

How long do Section 20 arrangements last?

- In most cases Section 20 voluntary care arrangements are only expected to last for a short period of time.
- It is important that everyone understands what responsibility they have for looking after your child or children. This means that it is important to formalise a child's legal status is quickly.

Withdrawing Consent

- If you have PR and your child or children are **in voluntary care you can withdraw your consent at anytime.**
- Your decision to withdraw consent can only be challenged by someone who has; a Child Arrangement Order saying, a child should live with them (this used to be called a 'Residence Order'), or a Special Guardianship Order (SGO)
- **If you withdraw consent your child or children must be returned to your care.**
- Young people aged 16 or 17 can sign themselves out of care without parental consent.

Looked After Children

- Every child who is looked after must have a looked after child (LAC) reviewed within 4 weeks of becoming looked after.
- A second LAC review must take place within 3 months of the first review.
- After this LAC reviews must take place at least every six months.
- LAC reviews are chaired by an Independent Reviewing Officer (IRO)

There is a separate leaflet which gives more information about LAC reviews.



What to expect: Supervised Contact with Looked After Children

When the Court rules that your child or children are to become Looked After a ruling will also be made about contact arrangements.

This ruling will make clear

- If contact has to be supervised.
- Who can attend supervised contact sessions.
- How often supervised contact can take place.
- How long each supervised contact will last.
- If the contact is at a family children's centre or out in the community

The contact arrangements for each of your children might be different and the amount of contact for different family members might also be different.

Before your first Supervised Contact the Social Work will write a Contact Agreement with you.

This agreement will set out the Do's and Don'ts for contact sessions and will include

- What you can expect from Children and Families Services.
- What is expected of you in relation to contact. (eg, arriving on time, not being under the influence of alcohol or drugs, etc)
- Where and when contact will take place.
- How long the contact will last.

- Any arrangements which are specific to your family.
- What you can and can't bring to contact sessions.(eg toys or food)
- Who will arrive at contact first.
- Who will leave contact first.
- The use of mobile phones and taking photographs or videoing
- Discussing the case and any Court related issues with the child

This agreement is to make sure that everyone understands what will happen at each contact session. It should be signed by both you and the social worker before the first contact takes place.

If things change then a new agreement must be signed.

It is preferable if your mobile phone is switched off during the entire contact so that you have good quality time with your child.

The Contact Supervisor

You will be allocated a family support worker/ contact supervisor who will attend all contact sessions.

The contact supervisor will be your main point of contact for issues about contact.



What to expect: Supervised Contact with Looked After Children

The Contact Supervisor provides support and advice during contact sessions. They will try to remain in the background as much as possible during contact.

The aim of contact sessions is to provide a positive experience.

The Contact Supervisor will stay in the room for the whole of the contact session.

They will take notes about how the session is going.

If the contact supervisor feels that to continue with the session would be unsafe for your child they can bring the session to an end.

If you are involved in legal proceedings (about your children), your solicitor will give you a copy of these notes. You should receive these notes on a monthly basis.

Nearly all Supervised Contact sessions take place at a Contact Center. In West Berkshire this is usually at North Thatcham Children's Center. However, sometimes other venues will be used for example Call Us House, Didcot Children's Centre or the Rivermead Community Centre. The venue depends on availability and we try to ensure that they are as close to the family as possible.

Occasionally supervised contact can take place in the community. However, **this can only happen if the court has agreed to it.**

How Supervised Contact is reviewed

Supervised Contact is reviewed at each LAC Review.

(If there are problems with the supervision arrangement, the contact supervisor can be invited to the LAC Review to discuss how problems might be solved. **(As long as your child has agreed to this).**

Your Child can refuse to attend contact sessions.

Additional contact review meetings can be arranged if contact needs to be reviewed more frequently.

Children and Family Services want you to understand how we can best work together to put the needs of your child or children first.



What to expect: Written Agreements

Written Agreements are one of the tools used by Children and Family Services to help manage risk and need.

They help to make clear;
What Social Workers are worried about,
What support will be offered to families and
What families are expected to do to show that they are keeping their child or children safe.

Written Agreements are working contracts, so they will be changed in line with the level of risk or need which professionals judge to exist.

Written Agreements should be reviewed at least every four weeks, but can be reviewed more often. Your Social Worker will sit down and talk through the Written Agreement with you.

By signing a Written Agreement you are not saying that you agree with the concerns which have been raised, but you are showing that you are willing to engage with Children and Family Services while an Assessment is being carried out or a plan is being implemented.

Signing a Written Agreement means that you will do what has been agreed to look after your child or children.

You do not have to sign a Written Agreement, but if you do not sign it this might increase the Social Worker's concerns about the risk to your child or children.

If a Social Worker is worried that your child or children might be at risk and they are not reassured that you are taking the necessary steps to manage this risk safely, the Social Worker may feel it is necessary to start Child Protection procedures, to help ensure that your child or children are safe.

This does not mean that your child or children are about to be removed instantly.

Only the police have the power to remove a child without parental agreement or the agreement of the court and this can only happen in an emergency for a short period of time.

Written Agreements are not legally binding documents, but they are good evidence that you are working with Children and Family Services. They are a really good way to show the things you are doing to protect and care for your child or children.

You will be asked to sign 2 copies of the Written Agreement. 1 for yourself and 1 for Children and Family Services.

A Written Agreement will usually be printed out before you are asked to sign it. Occasionally when the Social Worker is given new information during a visit it might be necessary to draw up an agreement on the spot, or make changes to a printed agreement. If this happens you should be sent a typed copy of the new Agreement within 5 working days.

Children and Family Services want you to understand how we can best work together to put the needs of your child or children first.

“Written Agreements are one of the Tools used by Children and Family Services to help manage risk and need.”

Children and Family Services want you to understand how we can best work together to put the needs of your child or children first.



Appendix 2

Secondary issues raised in Complaints/Representations during 2015/16.

- Adoption service
- Autism & Aspergers awareness training
- Calls/emails not being answered
- Cancelled visits
- Care arrangements
- Child being returned home to soon
- Complainant having been considered to be a third parties
- Confidentiality
- Consequences of budget cuts
- Contact
- Data breach
- Discrimination
- Financial support not given
- Inaccurate information recorded in Assessments
- Information not shared in a timely way.
- IRO decisions
- Lack of support
- Late reports/paperwork
- Neighbor dispute
- No longer getting IRO consultations
- Not being informed about changes in staff in a timely way
- Not enough information about processes given
- Not kept informed
- Outcome letter
- Parent not informed about visit to child
- Placed with other parent
- Poor communication between teams when work is being undertaken with large families.
- Private Law issues
- Refusal of permission to talk to parents
- Request for payment of Private Law fees
- Request to maintain contact with a looked after child
- Seating
- Service not offered
- Staff unhelpful to other professionals
- Timing of PLO
- Use of language
- Written Agreements

From 1/4/16 it will be possible to record up to 3 reasons for each complaint. This will help to generate a fuller picture of the reasons for complaints

Appendix 3

YOT

WEST BERKSHIRE



WEST BERKSHIRE YOUTH OFFENDING TEAM

Report to: YOT Management Group

Date: 13th January 2016

Purpose: To Provide Information on Quality Assurance within the YOT and Use of Feedback from Service Users 2015

3. COMPLAINTS

- 3.1 A YOT complaints procedure is in place as agreed by the YOT Management Group. All staff are trained in handling complaints, as are the managers, the complaints manager has regular contact with the YOT manager. A positive and proactive approach is taken to encouraging service users to bring any dissatisfaction to our attention so that it may be acted upon, and, if relevant, learned from. Any negative comments on returned questionnaires leads to further information gleaned from the worker and file, and contact from a YOT Manager if appropriate to give an opportunity to expand on comments, or to formally complain.
- 3.2 The YOT have received three complaints in the past year.
- 3.3 The first complaint was that the YOT had shared information with Childrens Social Care and those comments were negative. The investigation confirmed that an information sharing form had been completed and signed by parent and young person, allowing the YOT to share information with partner agencies. The care record indicated that the information shared was of a factual basis, the complainant was satisfied with the response.
- 3.4 The second complaint was in regard to a young person advised to appear in Court in Reading in writing, subsequently informed informally by the YOT that the hearing had been changed to Newbury, however, no official communication from the court was received to confirm this change. The investigation concluded that there was been a breakdown of communication internally in the court service that has prevented the admin team responding to a decision taken by the Legal Advisor, therefore, the listing was not changed and the young person and parent did not receive any formal communication from the court. The complainant was satisfied with the response.
- 3.5 The third complaint comprises of 22 different components about the YOT and other agencies response to a young person subject to a Youth Caution. The investigation concluded that 19 complaints were not upheld, but two were found, those being that there was a delay in contacting the parents. The parents were also the victims of the offence and had contact with the Victim Liaison Officer and YOT Police Officer during that period but not the YOT Worker until 15 working days after notification, usually this would be within 10 working days. The other aspect that was upheld was that the Victim Liaison Officer was off sick, on that day she was due to visit the victim at home at 6.30pm. A member of staff called at 3.30pm to cancel the appointment and apologised at the time for not notifying the victim sooner in the day.

Dave Wraight
YOT Service Manager
21.12.15

Appendix 4

Complaints Progressed Beyond Stage 1/ Made to Different Bodies

Complainant/ Family	Process	Outcome	Date of complaint	Date of decision
1	CS S1	Refused	02/11/2015	08/01/2016
1	LGO	Dismissed	February 2016	March 2016
1	YOT complaint	Partially Upheld	02/11/2015	11/12/2015
2		Court ruled that any further complaints would be considered vexatious.	23/06/2014	N/A
2	LGO	Declined by LGO as a premature referral.	14/08/2015	17/08/2015
2	S1 conducted at LGO's request	Not Upheld	02/12/2015	08/12/2015
2	HCPC	Dismissed	06/11/2015	08/12/2015
2	LSCB	Dismissed	29/07/2015	August 2015
2	MP		29/07/2015	August 2015
3	CS S2	Partially justified	October 2014	February 2015
3	CS S3 Review	Review booked for 25/08/ 2015	February 2015	Cancelled by complainant 20/08/2015
3	Complaint re S2 Report	Added to Agenda for S3 Review	14/5/2015	Awaiting decision from LGO
3	HCPC	Dismissed	Unknown	December 2015
3	LGO	Awaiting decision	May 2015	Awaiting decision
4	HCPC	Dismissed	unknown	September 2015
5	Independent Review	Partly Upheld	28/10/2015	23/11/15
6	LGO	Dismissed (Advocate notified that he was considered to be vexatious)	08/07/2015	14/09/2015

7	LGO	Partly Justified	04/06/2015	11/11/2016
8	Corporate S2	Not Upheld		
8	LGO	Awaiting decision	27 January 2016	Awaiting decision
9	Corporate S2	Not Justified	31/01/2015	07/03/2016
9	ICO	Awaiting decision	05/05/2016	Awaiting decision
10	Corporate S2	Not Upheld	9/3/2015	13/04/2016
11	Corporate S2	Not Justified/ Court Decision	28/2/2016	21/3/2016
11	Freedom of Information Request	Refused		21/3/2016
13	Corporate S2	Not Upheld. Satisfied with response.	09/03/2016	20/04/2016
14	CS S2	Partly Justified. Complainant remains unhappy. Agreed with complainant that this complaint could now be referred to the LGO for consideration if the LGO is willing to accept the complaint prior to Stage 3 Review.	15/09/ 2015	17/02/2016

Appendix 5

Summary of Compliments 2015/16

I have just had a handover meeting with M who was very impressed by how efficient and on the ball you were. She said that she wouldn't have been able to manage without you and that you were marvelous. Many thanks for all your hard work whilst I was on leave (and of course the rest of the time as well).

We have been dealing with S recently as he placed a young person, SE, at our home – we are foster carers. S has been an absolute pleasure to deal with. He is knowledgeable, kind and clearly only wants the best for the people he looks after. We know that SE was really sad to lose S as his social worker. Please would you pass on our thanks to S, as he really made the whole process of settling SE in a lot easier, during what must have been a very confusing time for him.

Following S's LAC review last night I just wanted to say that the work you have been doing with S has really made an impact and difference to S, she is a lot happier and appears more assertive and confident in herself, within her presentation I have never seen her smile so much and contributing to discussions and making decisions the concerns ...around her emotional needs not being met and that you supported the move to her current placement I believe has made an incredible difference to S and her current life.

When I spoke with S alone she said "P listens and he is always calm"

"...an example of what a difference a well managed professionals meeting made in progressing works and plans and gave you as exemplar from your meeting last week. She spoke about how informed you were and the professionalism you showed gave a real confidence in moving plans forward."

As you know I work with lots of social workers but recently I have worked with 2 really good social workers and felt I should share it with you. Firstly J she went over and above with a really difficult family - she has answered their calls in crisis late into the evening - we did an ... and afterwards at 8.00 pm she was prepared to visit the child to feedback. She was a fantastic social worker - honest with the family even when the info was difficult. It was probably the most difficult family I have worked with and the support that J was able to give made the ... a success. Her sensitivity with the complex mental health issues within the family meant that they could all attend and feel supported.

Secondly today I worked with P who has picked up a case ... We had a very explosive meeting today – P was calm, he explained very clearly children's services involvement and was able to reassure the family. He was honest and direct and did not shy away from difficult subjects and questions. He is obviously very experienced but has a very approachable manner.

"F is amazing –the best social worker ever. I can talk to her about anything because we have a connection"

Excellent children's services work prior to the meeting being held. It was evident you had been in clear communication with him during your through assessment of the family which was only in two weeks of working with them.

The family were prepared before conference in receiving the report in a timely way and being prepared for the possible outcome.

"B is a lovely lady and I feel I can tell her things that I couldn't with my previous social worker. She is honest and supportive and very encouraging She will have a cup of coffee with me and is never in a rush to get out of the door. Also my son , really likes her"

"...was really pleased A was in her life as she found A easy to talk too , she is a really big support and I look forward to her coming to see me", The young person's father agreed with what his daughter was saying. I have chaired the meetings since the initial ICPC and would like to congratulate A on her work with the family, the young person is very vulnerable but I have seen the difference in the young person's confidence and presentation... A has supported this young woman by being available to her, spending time with her, building a relationship which has helped this young person's voice be heard.

"she made me feel like if i had a problem, going to her would make things easier...she was able to come to my house and speak to people for me which made things easier"

"J is a credit to you, she has been an immense help and support over some very difficult times...support was given and listening to what we need as a family...school communication has improved"

"Home visits were so helpful and constructive, we were able to talk without disruptions"

"Overall this service is invaluable to society"

C Thank you too for such a fresh and open approach in the meeting. It was so lovely to have a meeting chaired by someone who truly believes in doing the best for the young person.

'Both S and L have been around when I've needed, S you've been a part of my support network and I hope that no matter how far away I am that you're always be there for me...Keep smiling everyone and thank you for the year, it's been life changing.'

"I am so thankful for the time you spent with my son..Your patience and gentle kind character was what L needed at that time. You really have helped with L choosing a better path. I'll be forever grateful – keep being you, im sure you will help many young people"

Individual Executive Member Decision

Adult Social Care Compliments and Complaints 2015/16

Committee considering report: Individual Executive Member Decision

Date ID to be signed: 28 July 2016

Portfolio Member: Councillor Hilary Cole

Forward Plan Ref: ID3151

1. Purpose of the Report

- 1.1 To provide statutory information about the number and type of complaints.
- 1.2 To highlight the number and nature of compliments received from April 2015 to March 2016.
- 1.3 To illustrate how complaints and compliments are logged and monitored, and review the actions taken as a result of the lessons learned.

2. Recommendation

- 2.1 To note the analysis of the Adult Social Care Complaints function for the financial year 2015/16.

3. Implications

- 3.1 **Financial:** None.
- 3.2 **Policy:** Local Authority Social Services and National Health Complaints (England) regulations 2009.
- 3.3 **Personnel:** None.
- 3.4 **Legal:** None.
- 3.5 **Risk Management:** None.
- 3.6 **Property:** None.

4. Consultation Responses

Members:

Leader of Council: Councillor Roger Croft

**Overview & Scrutiny Management
Commission Chairman:** Councillor Emma Webster

Ward Members: All
Opposition Spokesperson: Councillor Mollie Lock

Local Stakeholders:

Officers Consulted:

Trade Union:

5. Other options considered

5.1 None

6. Introduction/Background

This report contains a summary of the data produced by the Adult Social Care complaints procedure between 1 April 2015 and 31 March 2016. It highlights how the service has performed in relation to statutory timescales as well as in respect of learning and service improvements identified through the analysis of the complaints process in previous years.

7. Supporting Information

7.1 Adult Social Care Complaints process

8. Options for Consideration

8.1 None

9. Proposals

9.1 For Members to accept and sign off the report.

Background Papers:

Please find attached full report.

Subject to Call-In:

Yes: No:

The item is due to be referred to Council for final approval	<input type="checkbox"/>
Delays in implementation could have serious financial implications for the Council	<input type="checkbox"/>
Delays in implementation could compromise the Council's position	<input type="checkbox"/>
Considered or reviewed by Overview and Scrutiny Management Commission or associated Task Groups within preceding six months	<input type="checkbox"/>
Item is Urgent Key Decision	<input type="checkbox"/>
Report is to note only	<input checked="" type="checkbox"/>

Wards affected:

None

Strategic Aims and Priorities Supported:

The proposals will help achieve the following Council Strategy aim:

P&S – Protect and support those who need it

The proposals contained in this report will help to achieve the following Council Strategy priority:

P&S1 – Good at safeguarding children and vulnerable adults

Officer details:

Name: Mary Page
Job Title: Complaints and Public Liaison Manager
Tel No: 01635 503391
E-mail Address: mary.page@westberks.gov.uk

10. Executive Summary

This report contains a summary of the data produced by the Adult Social Care complaints procedure between 1 April 2015 and 31 March 2016. It highlights how the service has performed in relation to statutory timescales as well as in respect of learning and service improvements identified through the analysis of the complaints process in previous years.

During this period 94 complaints were received, 74 were regarding Adult Social Care and 20 were concerning provider agencies. A total of 93 complaints were successfully investigated and resolved with 1 complaint progressing to the Local Government Ombudsman for consideration. This complaint is still being considered by the Ombudsman and therefore the outcome is as yet unknown.

11. Conclusion

In this reporting year there has been a small decrease in the number of complaints made. During this reporting year we have dealt with 94 complaints, with 1 complaint currently being progressed to the Local Government Ombudsman. This compared to 2014/15 when we received and dealt with 97 complaints with two progressing on to the Local Government Ombudsman.

The overall management of the complaints process is considered to be robust with 100% acknowledged within 3 days and 98% responded to within agreed timeframes, meeting the required regulations. Complaints are taken seriously and resolution is sought at the earliest opportunity with the intent that less stress is caused for the complainants and their families. However, the service is not complacent and recognises that good communication and standards of service delivery are areas of ongoing improvement.

Complaints are monitored and reported on quarterly to ensure good understanding and communication is in place across Adult Social Care with actions taken appropriately and in a timely manner.

Compliments currently exceed complaints and are used to establish areas of best practice in order to share across the system.

12. Appendices

12.1 Appendix A – Adult Social Care Compliments and Complaints Report 2015/16

Adult Social Care

Compliments and Complaints

Annual Report
2015 -16



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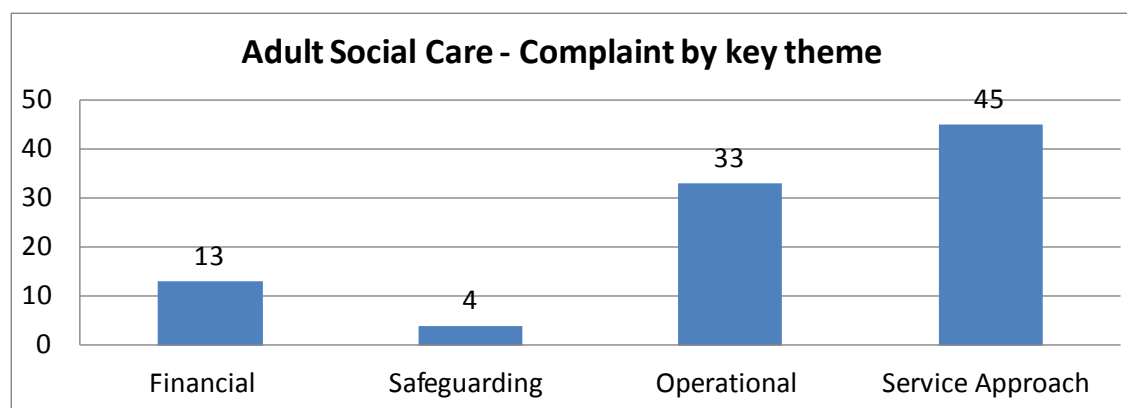
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1. Executive Summary

This report contains a summary of the data produced by the Adult Social Care complaints procedure between 1 April 2015 and 31 March 2016. It highlights how the service has performed in relation to statutory timescales as well as in respect of learning and service improvements identified through the analysis of the complaints process in previous years.

During this period 94 complaints were received, 74 were regarding Adult Social Care and 20 were concerning provider agencies. A total of 93 complaints were successfully investigated and resolved with 1 complaint progressing to the Local Government Ombudsman for consideration. This complaint is still being considered by the Ombudsman and therefore the outcome is as yet unknown.

The complaints received encompass multiple issues, the key themes of which have been categorised under 4 primary headings



Note - The number of reasons is greater than the actual number of complaints as a complaint can have more than one reason.

Financial - Relates to charges, financial assessments, invoicing & personal budgets

Safeguarding - Relates to safeguarding and DoLs

Operational- relates to confidentiality, respite, transition, professional decision, MP complaints, eligibility, assessment, OT assessment waiting for assessment, care planning, inadequate equipment, placement choice and service provision including new care package and delayed discharges

Service approach - Relates to lack of support, staff attitude, lack of communication, poor communication with client, lack of dignity and respect, lack of recording, delayed / cancelled hospital appointment, poor overall quality of care, poor handovers and lack of stimulation

Please note – Does not include ‘other’ reasons. The number of reasons is greater than the actual number of complaints as a complaint can have more than one reason.

The above key themes list has been used throughout the year to track the nature of the complaints and is now monitored quarterly, with the most pressing concerns identified and included in a quarterly report which is presented to the Adult Social Care management team. This enables any necessary changes to processes to be discussed and implemented during the year.

Of the 74 ASC complaints 19 were raised directly by the client, the remaining 55 were made by either family or advocates on behalf of the client. 100% of complaints were acknowledged within the statutory 3 working days timescale. As well as all complaints being responded to within the agreed timescale with the complainant

In 2015/16 the Service received 236 compliments from service providers, families and partner agencies. A small selection of these are shown later in the report.

2. Complaints Process

The framework for managing complaints is set out within the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.

The fundamental principles that underpin the Adults Social Care complaints procedure are:-

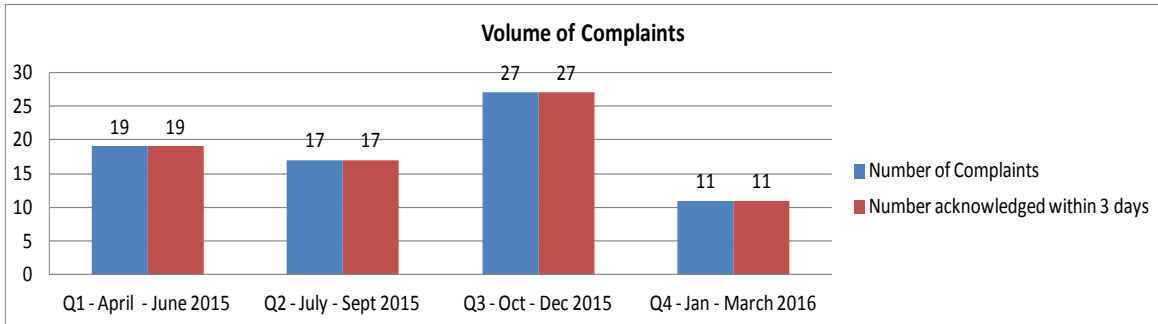
- Listening
- Responding
- Improving

If, having exhausted all reasonable avenues within the Council's complaints procedure, the complainant still remains dissatisfied; they may ask the Local Government Ombudsman (LGO) to consider their complaint.

A summary of the Adult Social Care Complaints Process is at Appendix A.

3. Analysis

During 2015 -16, 94 complaints were received. Of these 74 were about Adult Social Care and 20 were about external service providers, where care is commissioned via the Local Authority.



Of the 74 complaints in 2015/16, 73 were successfully resolved by the Adult Social Care Team. One complaint progressed to the Local Government Ombudsman – at the time of writing this report that decision is still outstanding

The number of provider Complaints has fallen slightly from 23 in 2014/15, to 20 this reporting year. This is partly due to more robust early intervention and proactive visits carried out by the Care Quality team, who work with, and support providers, to improve their services and improve the quality of care being delivered.

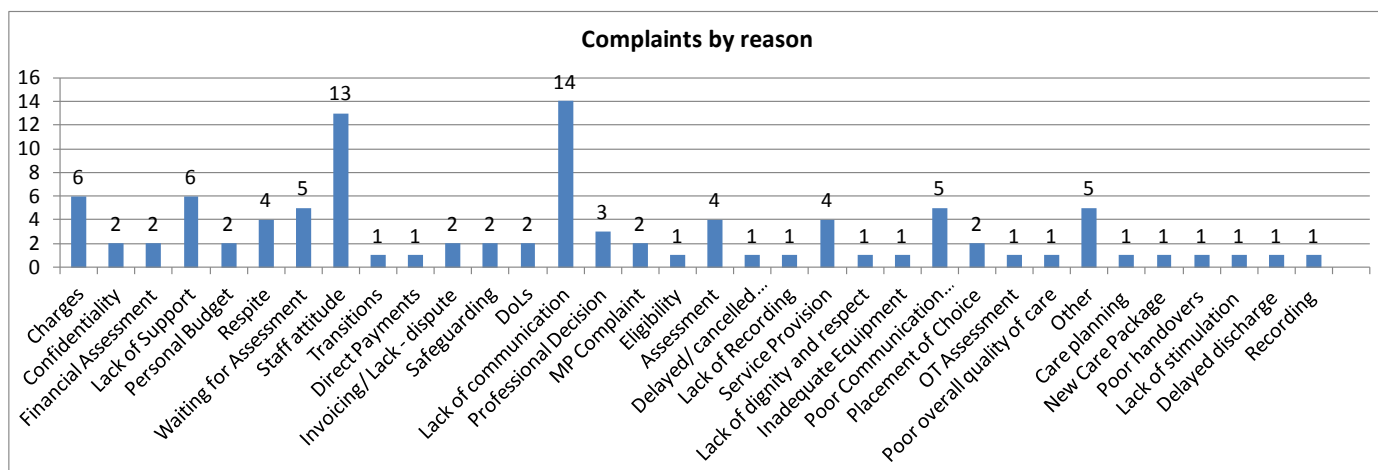
4. Timescale for Responses to Complaints

100% of complaints were acknowledged within 3 days and 98% of complaints were responded to within the agreed timescales, with a revised timescale agreed for the remaining 2%.

5. Themes

In addition to producing an annual report, the Complaints Manager also prepares quarterly reports which are produced and presented to Adult Social Care Management Team. These reports highlight the volume of complaints and reasons these complaints are arising with a view to enabling services to address and take appropriate action where necessary. These quarterly reports pick out themes and the annual analysis of those themes are reported below.

Complaints referred to in the executive summary are generic categories which have been used to cluster complaint types. The complaints received will typically encompass multiple issues, the key themes of which have been categorised in the graph below.



Staff attitude and lack of communication are the predominant feature of the complaints received during this reporting year. Analysis of the content of individual complaints within these categories has indicated that staff sometimes have to deliver difficult and unwelcome messages to their clients and families, particularly where funding and choice of placements are concerned. Due to the nature of these conversations those messages are not always welcome or favourably received. On some occasions these difficult conversations have generated a complaint.

In relation to those complaints which identify lack of communication as a feature, it is noted that language barriers can cause difficulties. Care staff who originate from overseas may have a very good grasp of the English language but may struggle with understanding colloquialisms used and accents their client group may have. Similarly clients with hearing impairments sometimes struggle to process the accents of those staff come to support them. These difficulties have, on occasions precipitated complaints. Providers work hard with their staff teams to develop their language skills and address cultural differences that might exist. The Care Quality team proactively support agencies to address issues of this nature and develop a flexible workforce. As part of the learning and looking forward a recruitment project, coordinated by the Care Quality team and made up of representatives from the Local Authority and Providers, was started in the 2016/17 reporting year. This project aims to support the development locally of a committed and skilled workforce and strengthen the quality of staff recruited into the care industry. It is hoped a by product of that approach will reduce the number of complaints in which lack of communication is a feature.

6. Lessons Learned

Lessons learned are an important feature of the complaint process. A recognition that when things go wrong it is important to analyse the complaint and consider systems, procedures and actions taken, to ensure, where possible, such a complaint is less likely in the future.

The table below sets out some examples of complaints, the learning and management actions to be rolled out across the service to ensure learning is captured.

Complaint	Learning	Management Action
<p>DoLS Assessment Process Son complained that the DoLS assessor did not consult with family before carrying out assessment Carried out assessment at 6pm when his 96 year old mother was asleep and had to be woken</p>	<p>It's important that an accurate assessment is carried out when the client is at their best i.e. not bedtime. Family can supply important information</p>	<p>Ensure that assessors have all relevant information i.e. next of kin details Also sleeping patterns are respected</p>
<p>Charging for Care When discharged from hospital, care manager had told daughter that her Mother would get 6 weeks free care. The family then received invoices for care from the date of discharge.</p>	<p>The family have lost confidence in care manager and would like a change of care manager. Family had not budgeted for 6 weeks of care, resulting in stress due to debt.</p>	<p>Cost of care waived. Change of care manager Reminder to all staff at staff meeting the importance of advising clients and their families about charging. Staff instructed of the need to record on system they have advised families about charging</p>
<p>Service user was admitted to a residential home under Emergency Safeguarding procedures. SU's carer felt that she was ignored when she first entered the home. Carer talked about taking a body map later. SU and carer were not familiar with this terminology.</p>	<p>Manager to write new process for admissions - detailing actions and areas of responsibility. Look at use of language and terminology.</p>	<p>Will continue to monitor to confirm guidelines suitable. To look at training around communication and how we improve practice. New admission policy has been rolled out to all 4 WB homes</p>

<p>Provider home gave notice to service user with aggressive behaviour – not because they could no longer meet his needs, but due to a gap in the contract which allowed them to terminate, causing stress to both the service user and his family.</p>	<p>To look at updating the contract to ensure that any termination is due to home no longer being able to meet service users needs.</p>	<p>New contracts being rolled out to providers to ensure new contracts are robust / close gaps.</p>
<p>Daughter not informed that her mother’s case worker was leaving. Family left feeling anxious about who would pick up their mother’s case and had no point of contact.</p>	<p>Care manager knew the date that she was leaving and, was expected to advise all of her clients of this date and what would be happening with their case</p>	<p>Checks will be conducted via supervision in future to ensure that out of general courtesy families are informed of change of social worker or teams and are given contact details of new point of contact.</p>
<p>Service user was booked to go into respite – unfortunately two days before this there was an outbreak of diarrhoea and vomiting in the respite home. As his wife had booked a holiday, an alternative respite bed was sought at short notice, however the home was not secure and the service user was found wandering</p>	<p>Due to unavailability of the original respite home and shorttimescales there were limited options available. Up to date information regarding clients condition was not made sufficiently clear in the care plan and a lack of clarity in the process lead to the inappropriate respite placement</p>	<p>Procedures for ongoing requests for respite placements have been reviewed and a clear process has been developed between Adult Social Care and the Care Placement Team to clarify roles and responsibilities, as well as lines of communication, to ensure that this does not happen again.</p>

7. Compliments

Whilst it is important to reflect on the themes of complaints and areas for ongoing improvement, we also need to recognise where the service has worked well. During 2015/16 the Service received 236 compliments from service providers, families and partner agencies; this outnumbers the amount of complaints, supporting a view that generally services are delivering a good standard of care.

The service recognises that by reviewing and analysing compliments it is possible to learn lessons in the same way we can learn from complaints. To summarise compliments come in for all Adult Social Care Teams, including back office/support teams within the Communities Directorate. The data collected does not break them down into individual teams.

Below is a small selection of the 236 compliments we received about the service our staff provide from families and partner agencies: -

“Thank you so much for what you are doing. She said that you are a lovely, lovely man and she feels that you really care about x. She feels very lucky and blessed to have you supporting her.”

“I would like to compliment xxxx for her professionalism, kindness and understanding while supporting our family with their needs and care package. - she is always smiling and ever so positive. She listens to people, she always takes in to account what they are telling her and tried to find the right solution”

“You provided a sense of safety for us with the combination of your knowledge and experience. You’re always calm, with a positive approach to things. You are probably one of the most efficient social workers I’ve ever known – you get on and do things!”

“Just to say a big thank you for all the kindness and happy times mum has had at The Home. When Mum first arrived she was very nervous and not sure what it would be like, over the months mum started to feel “this is all ok”, enjoying activities, making friends and settled in. Thank you very much. We will all miss you, having chats when we came in and a cup of tea made for me to enjoy with mum, it all meant so much.”

“Just wanted to thank you SO SO much for everything you have done to get Mum out of hospital and for all your efforts in organizing the relevant care packages to ensure she is so well looked after. You have no idea how grateful I am to you for all your help and support and for going beyond the call of duty to make things run so smoothly. Getting home for Christmas was the best ever Christmas present for Mum, I'm sure if she had stayed there much longer, things would not be quite as good as they are now. Thank you so much, I cannot begin to tell you how much we appreciate everything you have done. I know you are really busy and to think that you made all that effort for one family is just, well, overwhelming.”

“My family and I would like to express our sincere thanks to you all for the wonderfully professional care, the kindness and thoughtfulness and your helpful advice at all times during your visits to my mother. Your concern for her needs, and ours, was shown right to the end and made a very difficult time very reassuring.”

8. Conclusion

In this reporting year there has been a small decrease in the number of complaints made. During this reporting year we have dealt with 94 complaints, with 1 complaint currently being progressed to the Local Government Ombudsman. This compared to 2014/15 when we received and dealt with 97 complaints with two progressing on to the Local Government Ombudsman.

The overall management of the complaints process is considered to be robust with 100% acknowledged within 3 days and 98% responded to within agreed timeframes, meeting the required regulations. Complaints are taken seriously and resolution is sought at the earliest opportunity with the intent that less stress is caused for the complainants and their families. However, the service is not complacent and recognises that good communication and standards of service delivery are areas of ongoing improvement.

Complaints are monitored and reported on quarterly to ensure good understanding and communication is in place across Adult Social Care with actions taken appropriately and in a timely manner.

Compliments currently exceed complaints and are used to establish areas of best practice in order to share across the system.

Appendix A – Adult Social Care Procedure

From 1st April 2009, a single approach to handling complaints across Health and Adult Social Care was introduced. The new regulations:

- 1- enable organisations to develop more flexible and responsive complaints process, providing a more personalised response
- 2- Introduce single local resolution stage, replacing the tiered stages
- 3- Introduce a new single system for independent review (Health Service Ombudsman or Local Government Ombudsman)

The statutory complaints procedure is structured around three main principles: 'LISTENING', 'RESPONDING', 'IMPROVING'

These principles help the Authority to take a more active approach to deal with complaints more effectively and use the information received to learn and improve services for all its service users.

LISTENING

A proactive approach will be taken to LISTEN to people about their complaint, to:-

- make sure that we really understand the issues
- find out what they want to happen as a result
- obtain the right information to assess the seriousness of a complaint

In doing this, people will feel more valued, they will have more confidence in our organisation, and we will be able to manage their expectations, so that the outcome is more likely to be to the satisfaction of everyone involved.

It is a statutory requirement for all complaints to be acknowledged within **3 working days**.

A clear statement of the complaint and **Action Plan** of how it is proposed to investigate the complaint will be sent to complainant.

The Complaints Manager will negotiate timescales for responses on an individual basis.

RESPONDING

The Complaints manager will risk assess the seriousness of each complaint, to assist in ensuring the right action is taken.

The Investigating Manager will respond to the complainant within the agreed timescales.

If a complaint is established as very serious or of high complexity or has not been resolved by a local investigation an independent investigator/ mediator will be appointed.

If after completion of the independent investigation the complainant is still not happy they have the right to ask the Local Government Ombudsman to consider their complaint.

IMPROVING

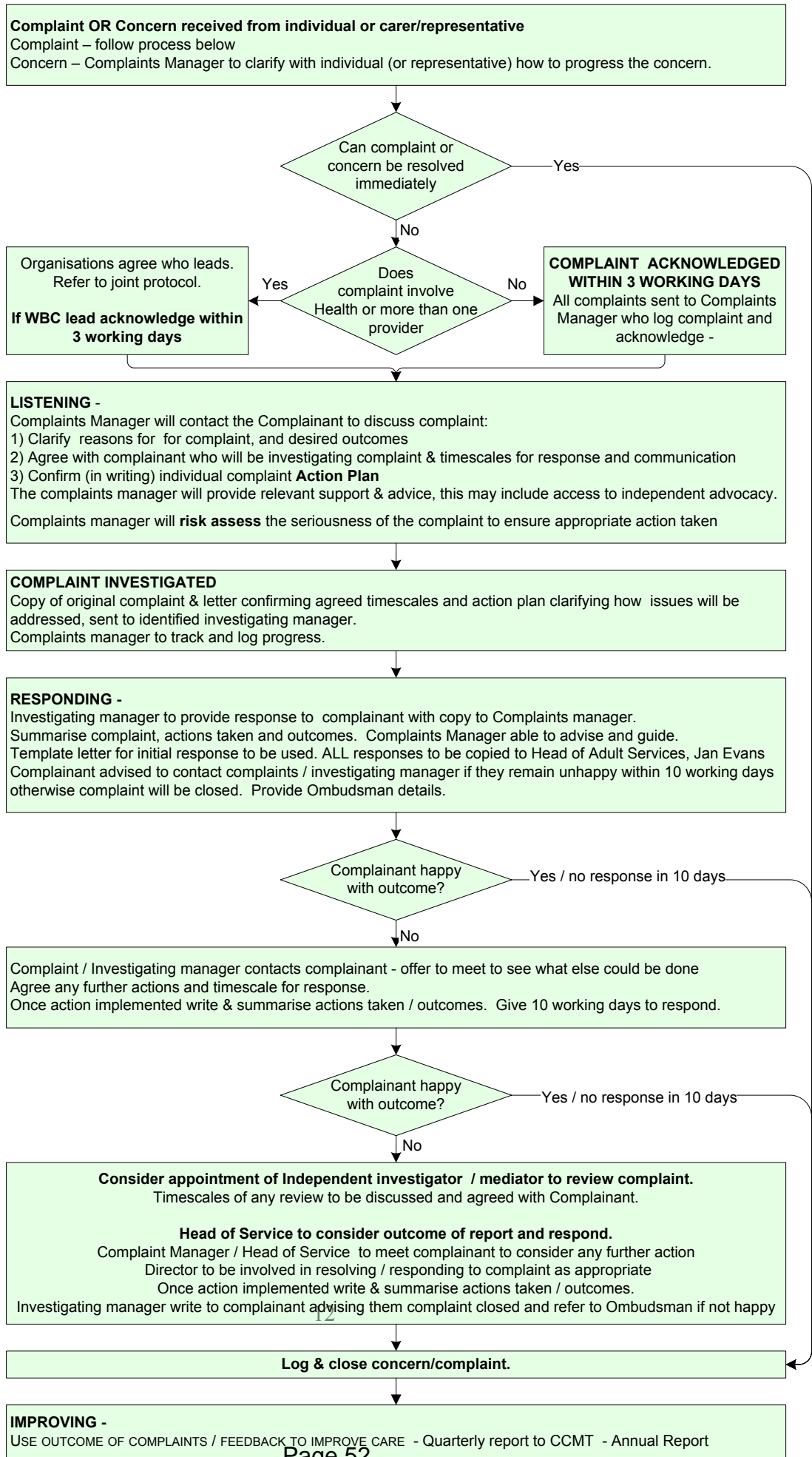
Complaints provide a vital source of insight about peoples experiences.

We will use this feedback to assist in making improvements to the service we work in and improve staff learning and professional development.

The resolution of any complaint is seen as a continuous process responding to individual needs, ***please refer to the flowchart overleaf***

Listening, Responding, Improving – WBC Adult Social Care complaints process

LISTENING
RESPONDING
IMPROVING



Safeguarding Adults
If any Safeguarding issues are identified then the Safeguarding process is activated & the complaints process frozen until the Safeguarding issues are resolved.
Complaints Manager to notify complainant in writing.