

**REPORT FOR: PERFORMANCE AND
FINANCE SCRUTINY
SUB-COMMITTEE**

Date of Meeting:	12 September 2012
Subject:	Children and Families Services complaints annual report 2011-12
Responsible Officer:	Catherine Doran, Corporate Director, Children and Families Services
Scrutiny Lead Member area:	Councillor Christine Bednell, Policy Lead Member for Children and Families Councillor Zarina Khalid, Performance Lead Member for Children and Families
Exempt:	No
Enclosures:	Appendix – Annual Report for Children and Families Services Complaints for period 2011-12

Section 1 – Summary and Recommendations

This report sets out the statutory Children and Families Services complaints annual report for 2011/12.

Recommendations: None. For Information purposes only.

Section 2 – Report

Financial Implications

There are no specific budget issues associated with this report. All compensation payments are agreed by Service Managers and are funded within existing budgets.

Performance Issues

No PAF or BVPI indicators. However, complaints have a significant impact on the customer satisfaction KPI.

Environmental Impact

N/A

Risk Management Implications

Risk included on Directorate risk register? No

Separate risk register in place? No

Corporate Priorities

Please identify which corporate priority the report incorporates and how:

- Keeping neighbourhoods clean, green and safe
- **United and involved communities: a Council that listens and leads**
- **Supporting and protecting people who are most in need**
- Supporting our Town Centre, our local shopping centres and businesses

Section 3 - Statutory Officer Clearance

The Corporate Director determined the report did not require Financial or Legal clearance.

Section 4 - Contact Details and Background Papers

Contact: Report author: Stuart Dalton, Service Manager, Adults & Children's Complaints, 020 8424 1927

Background Papers: None

ANNUAL REPORT for Children and Families Services Complaints for period 2011-12

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1. EXECUTIVE SUMMARY

There were no new Ombudsman investigations this year. There has been only 2 Children & Families complaint local settlements in the last 8 years which is a remarkable statistic, considering the Council has agreed 106 local settlements overall with the Ombudsman during this time.

The culture within Children & Families is overwhelmingly a positive, learning culture that encourages feedback. Children's and Families have introduced a number of learning from complaint improvements over the last 18 months which are significantly improving learning from complaints (auditing completion of agreed actions; changes to the template response letter; capturing learning centrally; learning meetings which invite service users to attend).

Safeguarding received their highest number of complaints (52 stage 1's) in the last 7 years. Whilst there has not been a single adverse Ombudsman finding against Safeguarding in the last 7 years, all 4 of the stage 2 complaints that had parts upheld for the entire Directorate were Safeguarding complaints. It likely some of the 4 Safeguarding stage 3 complaints will proceed to the Ombudsman.

After 2 significant Ombudsman investigations in the previous 4 years, School Organisation has not had an escalated complaint this year which is encouraging.

Special Needs did not have any upheld escalated complaints this year which is a significant achievement. However, the Ombudsman did agree a local settlement for a Special Needs case from the previous year.

The Directorate achieved 75% stage 1 response timescale compliance which is healthy.

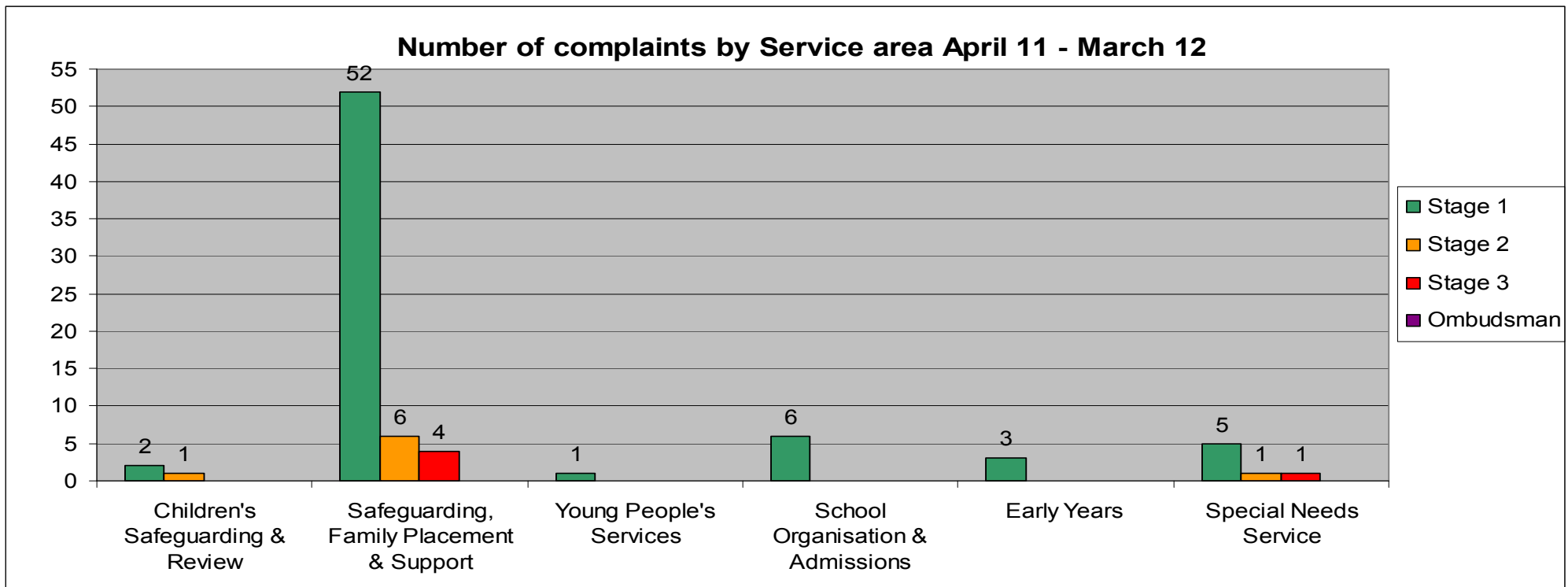
£1,715 compensation paid in the year compares to £2,360 and £6,500 in the previous 2 years. So even though there have been a high level of stage 3's, compensation levels do not indicate significant errors.

2. Summary of Activity

Total complaints made:

Between 1 April 2011 and 31 March 2012 we received 69 Stage 1 complaints.

There were 8 Stage 2 complaints and 5 stage 3 complaints. No complaints were investigated by the Ombudsman.



Key message: No complaint was upheld at either stage 3 or the Ombudsman, indicating excellent investigative and governance standards.

Analysis: Whilst 8 stage 2's is average, 5 stage 3's is high.

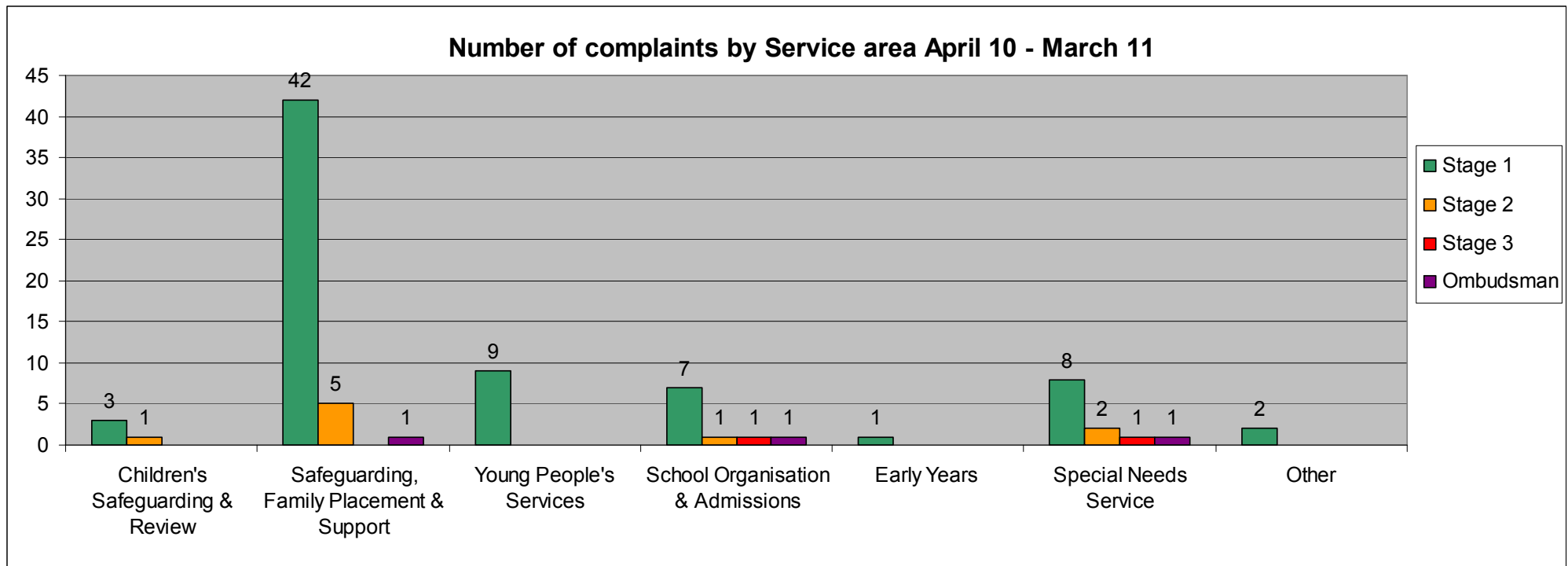
52 is the highest number of stage 1 complaints for Safeguarding in the last 8 years. Services should not be criticised for having high stage 1's per se as it can demonstrate an open accessible culture.

A number of complaints escalated where the complainant disagreed with the decision but the offer of mediation was rejected.

The Complaints Service logged 35 potential stage 1's that were either resolved without a Stage 1 needed or the complainant chose not to proceed further.

Key action: Future reports will report against the new operating model Divisional Directorate structures.

2.1 Comparison with the year before (2010-11)



Analysis: The picture remains similar to the previous year. The biggest differences were the previous year had 3 Ombudsman cases compared to none this year. Safeguarding did not have any stage 3's last year but had 4 this year. Young Peoples had 9 the previous year but just 1 this year.

2.2 Numbers of complaints compared to previous years

	Potential	Stage 1	Stage 2	Stage 3
2011-12	35	69	8	5
2010-11	45	72	9	1
2009-10	40	60	7	2
2008-09 (potential complaints captured)	33	49	5	5
2007-08 (letter-vetting and mediations)		57	9	1
2006-07 (mediations)		56	4	1
2005-06 (pre-mediation)		53	11	2
2004-05 (pre-mediation)		52	7	0
2003-04 (pre-mediation)		40	8	1

Key message: Councils that capture high levels of Stage 1 complaints invariably achieve high Star ratings as it demonstrates a willingness to hear concerns, address them and improve services as a result of them. Whereas Councils that capture lower levels of Stage 1 complaints tend to get lower star ratings. [Source: Jerry White, Local Government Ombudsman & Steve Carney, Head of Complaints, CSCI 2007]

Analysis: We have a healthy level of Stage 1 complaints (welcoming customer feedback). A significant number of issues are resolved informally meaning the complainant chooses not to proceed with a complaint (potentials). 8 stage 2 complaints is about average. 5 stage 3's is high.

Key action: To reduced levels of stage 3's (or at least maintaining low upheld stage 3's).

3. Outcomes for key targets in 2011-12

In the last annual report the following were identified as key focus areas.

- The examination of Special Needs complaints that have escalated to stage 2 to examine points that were upheld and how these could be better identified at stage 1. Outcome: Achieved. Complaints Manager attended a Special Needs management meeting to explore. This is the first year in the last 5 when no Special Needs complaint has been upheld in part at stage 2.
- The examination of Safeguarding complaints that have escalated to stage 2 to examine if there are patterns of reasons why complaints escalate. Outcome: Achieved. Complaints Manager attended a Safeguarding management meeting to explore. Agreement to introduce a staff learning meeting followed by meeting the complainant to hear their experience.
- To raise with Children's Service Management Team adjudication timescales and if any adjustments can be made to help speed up adjudications. Outcome: Partially achieved. Raised and delegation of some adjudications agreed to help speed up the process. However, there have still been 2 delayed adjudications. Carry over as this may still be a risk.
- Changing logging arrangements to ensure the nature of complaint is captured for all potential complaints. Outcome: Achieved.

- If approved, implementing a new joint complaints and HR investigation approach (senior management have asked this is not explored until October 2011 after the restructure). Outcome: Not achieved. Complaints Service capacity does not allow.
- To highlight to Children's Services Management Team the importance of distinguishing between appeals issues and issues that should be open to the complaints procedure. Outcome: Achieved. Complaints Manager highlighted to CSMT and provided written guidance.
- Allocate a complaints officer timescale lead to improve timescale achievement. Outcome: Achieved.
- To monitor the outcomes from the action plan with Safeguarding management about a) improved timescales b) reduced staff attitude complaints. To review the plan if these outcomes are not achieved. Outcome: Achieved improved timescales. Attitude complaints remain but customer experience meetings should help in the long-term.
- Children's Service Management Team consider the causes of rising conduct/attitude complaints and whether levels of complaints being upheld are low and if so possible solutions, such as training. Outcome: Achieved. Complaints Manager met with each Divisional Director individually to talk through complaint findings.
- Given 3 of 9 Young People's complaints took over 25 working days to respond, to explore causes and solutions. Outcome: Achieved. Complaints Manager met with Divisional Director. Young Peoples achieved 100% this year.
- Complaints Service to scrutinise complaints more closely at the start to determine at the start if they are 'complex'. Outcome: Achieved.
- To improve stage 1 timescale achievement, aiming for 75%. Outcome: Achieved.

4. Priorities for 2012/13:

- To reduce levels of stage 3's.
- To highlight to the Divisional Director only one Young People's complaint was received and ascertain if there is any raising awareness that the Complaints Service can assist with.
- The Complaints Service to lead a session with Children Centre Managers to ensure all complaints are recognised and dealt with as complaints and explore are we maximising learning from user feedback.
- Future reports will report against the new operating model Divisional Directorate structures.
- To closely monitor Early Years timescales and promptly flag any timescales not met to the Divisional Director (33% this year after 4 years of 100% compliance).
- To build on Safeguarding timescale progress and aim for 75% for next year.
- Complaints Service to upload stage 2, 3 and Ombudsman decisions onto HOST.
- To monitor adjudication timescales and if there are delays to explore further solutions.
- Random checking to assess if introducing hunt groups and a messaging protocol has fully resolved delay complaints.
- Even where complaints escalate to stage 3, there still needs to be a learning meeting at some point to help staff and managers to recognise where mistakes have been made and appreciate the impact on the service user.
- To embed holding learning meetings with Safeguarding staff following stage 2 complaints and invite the complainant to these meetings.
- Targeted Services training seminar around escalation themes and getting the tone right.
- Targeted Services training on managing low engagement or non-compliance.

5. Stage 1 Complaints

Year	School organisation & Admissions	Children's Safeguarding & Review	Safeguarding, Family Placement & Support	Special Needs	Young Peoples Service	Early Years	Other	Service Commissioning	Total
2011-12	6	2	52	5	1	3	0	0	69
2010-11	7	3	42	8	9	1	2	0	72
2009-10	10	8	28	5	5	3	1	0	60
2008-09	4	4	26	10	2	1	2	0	49
2007-08	5	12	18	10	4	3	4	1	57
2006-07	0	11	30	6	8	1	0	0	56

[Changes to structures mean figures have needed to be transposed from the previous different service categories.]

Key message: Councils that capture high levels of Stage 1 complaints invariably achieve high Star ratings as it demonstrates a willingness to hear concerns, address them and improve services as a result of them. Whereas Councils that capture lower levels of Stage 1 complaints tend to get lower star ratings. [Source: Jerry White, Local Government Ombudsman & Steve Carney, Head of Complaints, CSCI 2007]

Analysis: 52 is the highest number of Safeguarding & Family Placement stage 1 complaints in 7 years. All the other areas have a steady but low level of complaints.

5 Special Needs complaints is a little low. The Complaints Manager met with both Special Needs management and Parent Partnership to reinforce the importance of correctly identifying all complaints. However, whilst a few more stage 1's would be a positive, having no upheld stage 2 or above complaints is the most significant result for Special Needs.

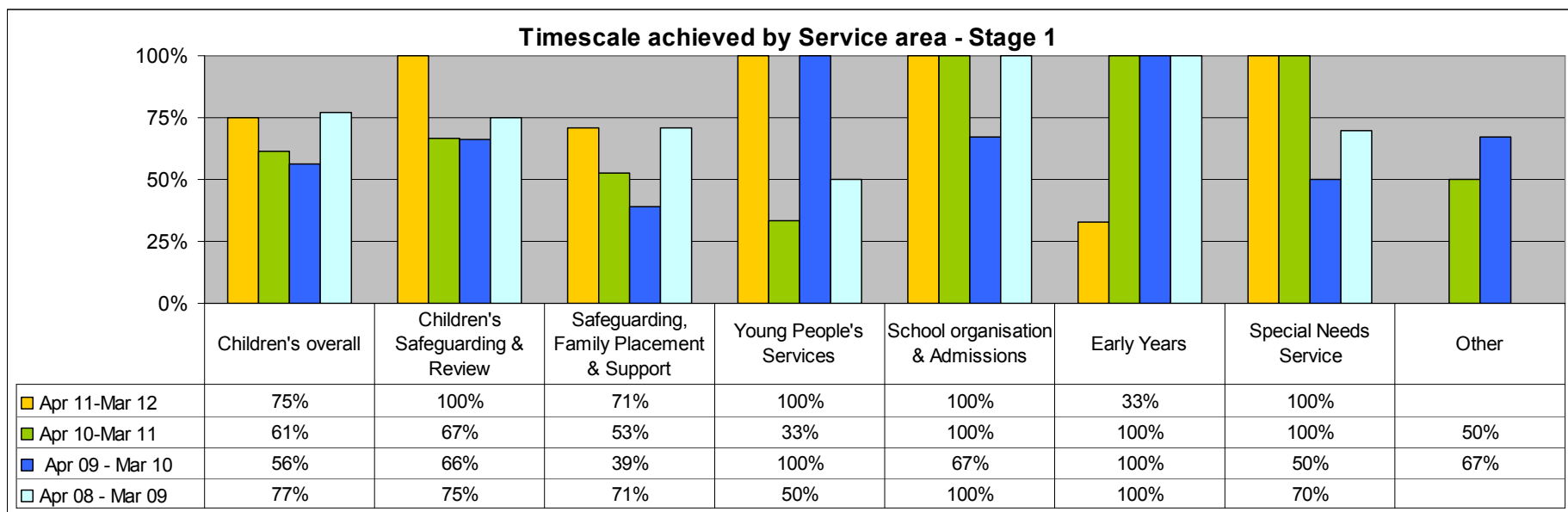
School organisation and Admissions complaints management are functioning well, especially in the context of the changes to Achievement and Inclusion.

In relation to Children’s Safeguarding and Review complaints, it is common in other Councils to get complaints about minutes and speed of documents sent out in relation to Child Protection Conferences. The lack of complaints to the Council indicates high standards.

After a healthy 9 Young People’s stage 1’s last year there was only 1 stage 1 this year. Equally, Young People’s managed what was a high escalation risk complaint superbly to resolve it at stage 1.

Key action: To highlight to the Divisional Director only one Young People’s complaint was received and ascertain if there is any raising awareness that the Complaints Service can assist with.

5.1 Stage 1 response times



Key message: Timescale achievement impacts on credibility and trust and indicates wider customer service standards.

Analysis: The Complaints Service introduced leads for timescales which has helped improve timescales and achieve the stated target from last's years report of 75% overall for the Directorate.

The timescale drive has particularly helped Safeguarding. The Complaints Manager met with Safeguarding management to identify reasons and solutions. The agreed actions appear to be making a significant difference. After 2 years of hitting 53% and 39% respectively, Safeguarding achieved over 75% for the first 3 quarters, only dropping below during the move from Pinner Road and the focus on embedding the new operating model in quarter 4.

Special Needs have achieved 100% two years in a row.

Young People's achieved 100% after 33% last year.

Early Years after 4 years of achieving 100%, missed the timescale in 2 cases. The Complaints Manager met with the Divisional Director and the Director asked to know if any timescales slip at the time in the future so she can act immediately.

Key action 1: To flag to the Divisional Director for Early Years if any timescales are not met.

Key action 2: To build on Safeguarding timescale progress and achieve 75% for next year.

5.2 Nature of complaints

YEAR	Children & Families overall	Children Safeguarding & Review		Safeguarding, Family PI & Supp		Special Needs		Young People's Services		Early Yrs		Other / Commissioning		School Organisation & Admissions	
	11/12	11/12	10/11	11/12	10/11	11/12	10/11	11/12	10/11	11/12	10/11	11/12	10/11	11/12	10/11
Allocation of Keyworker															
Breach of Confidentiality	2			2											
Chg To Service - Withdrawal / Reduction					2				1						1
Comms - Failure to Keep Informed/Consult	6		1	4	2		1		1				1	2	
Freedom of Info Act															
Delay / Failure in Taking Action / Replying	27	2		20	9	2	1		1					3	

Discrimination by an Individual					1										
Discrimination By a Service					2										
Failure To Follow Policy or Procedure	2			2	3										1
Level of Service (E.g. Opening Times)									1						3
Loss or Damage to property															
Policy / Legal / Financial Decision	1		2		1					1					1
Quality of facilities / Health Safety															
Quality of Service Delivery (Standards)	17			12	6	2	1	1	1	1				1	1
Refusal To Provide A Service	1				4	1	2								
Staff Conduct - Attitude / Behaviour	13			12	12		3		4	1			1		
TOTAL	69	2	3	52	42	5	8	1	9	3			2	6	7

Analysis: The most striking trend is 27 ‘delay/failure to take action complaints’ compared to 11 last year. Safeguarding received 20 delay complaints compared to 9 last year with half in the final quarter. However initial and core assessment timescales are better than the national average. An analysis has indicated this may relate to message-leaving. Senior management have agreed phone hunt groups and to introduce a protocol for message-taking to address this. The Local Safeguarding Children’s Board have offered to carry out mystery shopping.

There were two breach of confidentiality complaints in Safeguarding. The Caldicott Guardian sent a letter to all social care staff reminding them of their duties in relation to confidential information and how to access training.

Staff attitude complaints have reduced to 13 (compared to 20 last year and 14 the year before). 12 of 13 staff attitude complaints relate to Safeguarding. Positively there were no staff attitude complaints in either Special Needs or Young People’s Services after 3 and 4 respectively last year.

3 types of complaint made up 44 or 85% of Safeguarding’s 52 complaints (Delay, quality of service and staff attitude).

Key action1: Introduction of phone hunt groups and a messaging protocol in Safeguarding.

5.3 Complaints upheld

Service	2011-12 Not Upheld	2010-11 Not Upheld	2011-12 Partially Upheld	2010-11 Partially Upheld	2011-12 Upheld	2010-11 Upheld	2011-12 Withdrawn	2010-11 Withdrawn	2011-12 Total	2010-11 Total
Children's Safeguarding & Review	1	3			1				2	3
Other		1		1						2
Safeguarding, Family Placement & Support	30	22	10	13	11	6		1	51	42
School Organisation & Admissions	3	5	2	1	1	1			6	7
Special Needs	2	6	1	1	1	1	1		5	8
Young Person's Services		4		2	1	3			1	9
Early Years	2		1			1			3	1
Total	38 (56%)	41 (57%)	14 (20.5%)	18 (25%)	15 (22%)	12 (17%)	1 (1.5%)	1 (1%)	68	72

Tip: All services make mistakes and it is the mark of a healthy complaints system that complaints are upheld at stage 1. A service should not be criticised even if 100% are upheld at stage 1. However, high percentages of upheld stage 2's compared to low levels of upheld stage 1's can indicate legitimate concerns are not being identified at stage 1.

Analysis: The percentage of not upheld complaints remains virtually identical at 56% compared to 57% the year before.

4 of the 8 escalated complaints had significant parts upheld. All 4 were Safeguarding. It is positive to see an increase in stage 1 Safeguarding complaints upheld from 6 to 11 whilst indicating Safeguarding need to be rigorous when assessing errors at stage 1.

Key action: Even where complaints escalate to stage 3, there still needs to be a learning meeting at some point to help staff and managers to recognise where mistakes have been made and appreciate the impact on the service user.

6. Equalities Information – Service Users

6.1 Stage 1

Gender of Service User

	11-12	10-11	09-10	08-09
MALE	32	42	31	24
FEMALE	33	30	27	23
UNKNOWN	4	0	2	2

Analysis: No concerns noted.

Ethnic Origin of Service User

	11-12	10-11	09-10	08-09
White/British	6	16	19	12
Black British	6	3	7	5
Asian British	8	7	6	10
White Other	2	6	2	2
Black African	4	4	2	
Mixed White & Black Caribbean/ Black African	11	4	5	2
Mixed White/Asian		3	1	1
White Irish	1	1	1	
Mixed/Any Other mixed Background	2	2	2	2
Unknown	18	17	16	15
Black Caribbean	11	6		
Other		3		
BME percentage where known	88%	71%	68%	65%

Analysis: The Complaints Manager identified improving access to the Complaints process for seldom heard communities as a target 4 years ago. The percentage of Children & Families Services users from BME communities is 74.5%. That 88% of complainants come from a BME background and there is a healthy spread across ethnic groups indicates efforts to improve accessibility are working.

Stage 1 Complaint made by

	11-12	10-11	09-10	08-09
Service User	16	21	16	19
Parent/relative	42	41	39	22
Advocate – (instigated by either carer or service user)	7	9	4	4
Solicitors	2	1	1	2
Friend, Councillor, other	2	0	0	2

Analysis: The vast majority of complainants are unsurprisingly the parent/relative on the young person's behalf. Equally, it is positive that a steady number of young people are happy to complain directly or through a professional advocate.

Publicising and making the complaints procedure accessible

The complaints service has a raising awareness strategy that includes a plan for outreach; information on the web; a freephone and texting facility; child-orientated literature; surgeries with staff; a wide training portfolio; we also monitor that leaflets are available at main service points and a complaints poster is available. The Council's also funds a local advocacy service to assist young people in raising concerns which covers all of Children and Families unlike most Councils who only provide advocacy for children in need.

6.2 Stage 2 complaints

Gender of Service User

	11-12	10-11	09-10	08-09
MALE	5	4	5	2
FEMALE	3	5	2	3
UNKNOWN	0	0	0	0

Analysis: No concerns noted.

Ethnic Origin of Service User

	11-12	10-11	09-10	08-09
White/British	0	0	2	1
Black British	1	2		1
Asian British	2	2	1	1
Mixed Black or Asian & White British	1	4	1	0
White Other	1	0	2	0
Other Ethnic Group	0	1	0	0
Unknown	2	0	1	2
White Irish	1	0	0	0

Analysis: No concerns noted.

Stage 2 Complaints made by

	11-12	10-11	09-10	08-09
Service User	3	2	0	3
Parent/relative	5	6	6	2
Advocate	0	1	1	0
Solicitors	0	0	0	0
Friend, Councillor, other	0	0	0	0

Analysis: It is positive that 3 young people felt able to escalate their complaint personally.

7. STAGE 2 COMPLAINTS

There were 8 Stage 2 complaints (compared to 9 in 2010-11 and 7 in 2009-10)

7.1 Percentage of complaints escalating to Stage 2 2011/12

Service	Stage 1	Stage 2	% escalating to stage 2
Children's Safeguarding & Review	2	1	50%
Other	0	0	0
Safeguarding, Family Placement & Support	52	6	11.5%
School Organisation & Admissions	5	0	0
Special Needs	5	1	20%
Young Person's Services	1	0	0
Early Years	3	0	0
Achievement & Inclusion	1	0	0
Total	69	8	11.6%

Tip: As a rough indicator, for services that get regular complaints having under 10% escalating from Stage 1 to 2 is impressive. Over 15% indicates work needs to be done.

Analysis: Whilst we should aim for lower numbers of stage 2's as 6 for Safeguarding is high, the escalation rate is not exceptionally high at 11.5% from the 52 stage 1's.

Children's Safeguarding and Review had 1 stage 2 which was not upheld. No negative view should be drawn from this. The service endeavoured to resolve the complaint amicably, including holding a joint mediation with the police and complainant.

Special Needs saw one escalation but given it was not upheld and the family had already unsuccessfully appealed to the independent SEN Tribunal, no negative conclusions should be drawn from their 20%.

7.2 Escalation levels over time

Service	School Organisation & Admissions				Children's Safeguarding & Review				Safeguarding, Family Placement & Support				Special Needs			
Year	11-12	10-11	09-10	08-09	11-12	10-11	09-10	08-09	11-12	10-11	09-10	08-09	11-12	10-11	09-10	08-09
Number	0	1	0	2	1	1	0	0	6	5	5	1	1	2	2	2
% escalating to Stage 2	0%	14%	0%	50%	50%	33%	0%	0%	11.5%	12.5%	18%	5%	20%	25%	40%	20%

Service	Young Peoples				Early Years				Other			
Year	11-12	10-11	09-10	08-09	11-12	10-11	09-10	08-09	11-12	10-11	09-10	08-09
Number	0	0	0	0	0	0	0	0	0	0	0	0
% escalating to Stage 2	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

Analysis: This is the fourth year in a row Early Years and Young People's have not had a complaint escalate to stage 2 which is impressive. For context, 5 years ago Young People's had 3 stage 2's in one year so it shows that all areas can see complaints escalate if not handled well.

Safeguarding and Special Needs are areas always prone to escalated complaints due to the nature of their work.

It is exceptionally positive to see only one Special Needs escalated complaint this year which is the lowest in the last 4 years, especially as the complaint was not upheld by the independent investigator.

Key action 1: To embed holding learning meetings with Safeguarding staff following stage 2 complaints and invite the complainant.

7.3 Stage 2 Outcomes

Service	School Organisation & Admissions				Children's Safeguarding & Review				Safeguarding, Family Placement & Support				Special Needs			
	11-12	10-11	09-10	08-09	11-12	10-11	09-10	08-09	11-12	10-11	09-10	08-09	11-12	10-11	09-10	08-09
Number	0	1	0	2	1	1	0	0	6	5	5	1	1	2	2	2
Upheld		1							1	1	2				2	
Partially upheld				2		1			3	1	3	1		2		1
Not upheld					1				2	3			1			
Awaiting outcome																
% fully upheld		100%		0%	0%	0%			17%	20%	40%	0%	0%	0%	100%	0%
% fully or partially upheld		100%		100%	0%	33%			67%	40%	100%	100%	0%	100%	100%	100%

Service	Young Peoples				Early Years				Children's overall
	11-12	10-11	09-10	08-09	11-12	10-11	09-10	08-09	11-12
Number	0	0	0	0	0	0	0	0	8
Upheld									1
Partially upheld									3
Not upheld									4
Awaiting outcome									0
% fully upheld									13%
% fully or partially upheld									50%

Tip: Some of the best indicators as to how well services are managing complaints are the percentage of complaints that escalate from Stage 1 to Stage 2, whether Stage 2 complaints are upheld and what learning is identified from complaints.

Analysis: No stage 2 complaints outside of Safeguarding were even partially upheld. This is a significant achievement, indicating good stage 1 investigation standards. Particular mention should go to Special Needs where historically it has been normal to see some complaints upheld or partially upheld at stage 2. No stage 2 was even partially upheld for Special Needs this year.

Of 6 Safeguarding complaints 1 was fully upheld and identified some significant errors but also some useful service improvements (the main error was identified at stage 1). Whilst 2 found no errors, 3 of the remaining complaints identified errors not picked up at stage 1. The better a service is at transparently and rigorously identifying and acting on errors at stage 1, the less likely it is that complaints will escalate.

7.4 Stage 2 Response Times

Service	Children's overall		Children's Safeguarding & Review		Safeguarding, Family Placement & Support		Special Needs		School organisation & admissions
	11-12	10-11	11-12	10-11	11-12	10-11	11-12	10-11	10-11
Within time	5	3	1	0	4	0	0	2	1
Over timescale	3	3	0	1	2	5	1	0	0

Context: At Stage 2, there is more emphasis on thoroughness than speed.

Analysis: 2 corporate complaints were not investigated to timescale due to the competing demands of the investigating managers. The one statutory complaint that went over timescale was due to the investigator not being able to access social care records on 2 visits, the investigator being ill and the adjudicating officer being on leave. Time to complete adjudications was highlighted in last year's report.

Key action: To monitor adjudication timescales and if there are delays to explore further solutions.

7.5 Nature of complaint

Type of Complaint	Overall	Children's Safeguarding & review			Safeguarding, Family Placement & Support			Special Needs			Young Peoples Service			Early Yrs Childcare & Parenting			School organisation & Admissions			
		11-12	11-12	10-11	09-10	11-12	10-11	09-10	11-12	10-11	09-10	11-12	10-11	09-10	11-12	10-11	09-10	11-12	10-11	09-10
Allocation of Keyworker						1														
Breach of Confidentiality																				
Chg To Service - Withdrawal / Reduction						1			1	1										
Comms - Failure to Keep Informed/Consult	1				1															
Freedom of Info Act																				
Delay / Failure in Taking Action / Replying	3	1			2	1													1	
Discrimination by an Individual																				
Discrimination By a Service	1				1															
Failure To Follow Policy or Procedure	2				2		3													
Level of Service (E.g. Opening Times)																				
Loss or Damage to property																				
Policy / Legal / Financial Decision			1																	
Quality of facilities / Health Safety																				
Quality of Service Delivery (Standards)	1					1	1	1												
Refusal To Provide A Service									1	1										
Staff Conduct - Attitude / Behaviour						1	1													
TOTAL	8	1	1		6	5	5	1	2	2								1		

Analysis: The discrimination complaint was investigated by an investigator from the same BME background and was not upheld.

Two Safeguarding stage 2 complaints identified a theme where staff practice could improve in cases of low engagement or non-compliance by the family.

Key action: Safeguarding training on managing low engagement or non-compliance.

8. STAGE 3 COMPLAINTS

8.1 Stage 3 complaints by Service Area, Timescales and Outcome.

Service Unit	Corporate/ Statutory	Setting up Panel (30 day timescale)	Panel report produced (5 day timescale)	Council Response (15 day timescale)	Corporate timescale met	Outcome
Safeguarding Family Placement & Support	Corporate	n/a	n/a	n/a	No	Not upheld
Safeguarding Family Placement & Support	Corporate	n/a	n/a	n/a	No	Not upheld
Safeguarding Family Placement & Support	Statutory	No (at complainant's request)	Yes	Yes	Yes	Not upheld
Safeguarding Family Placement & Support	Statutory but Panel declined	n/a	n/a	n/a	n/a	Partially upheld
Special Needs	Corporate	n/a	n/a	n/a	Yes	Not Upheld

Analysis: There have been unusually high levels of stage 3 complaints this year.

The 3 corporate complaints were all about decisions and the decision in each instance was clearly sound. These were more a case of service users trying to use the complaints process to try and get a legitimate decision over-turned.

One statutory complaint was largely upheld at stage 2 but no further points were upheld at stage 3. The family declined to meet with senior managers after both stage 2 and stage 3 to try to resolve their outstanding concerns.

The partially upheld stage 3, concluded that the independent investigator had placed too much weight on the views of managers over the view of what happened from the service user's perspective.

Key action: The Complaints Manager flagged to the Safeguarding Divisional Director the level of escalations and whether this indicated more strategic input to the resolution strategy earlier in the process.

9. Ombudsman complaints and enquiries

Key message: The most crucial test of successful complaints management is whether the Ombudsman issues reports of maladministration against the Council. The Ombudsman has not issued a report in the last 7 years relating to Harrow Social Services (Children’s or Adults). The second test is whether the Ombudsman recommends local settlement (doing something additionally to resolve the complaint, indicating that something was missed internally).

9.1 Complaints made to the Ombudsman and Decision

Service Area	Total	Outcome of Ombudsman Consideration					Awaiting outcome
		Public report	Local settlement	No or insufficient injustice	Outside jurisdiction	Closed at Ombudsman’s discretion	
School organisation & Admissions	1					1	

Analysis: The parent had changed her stated school preference over 15 times. The complainant went direct to the Ombudsman unhappy that a school had not been found. A place had been found by the time the Ombudsman contacted the Council. The Ombudsman closed the case with no further action.

There was one outstanding Ombudsman case from last year which resulted in a local settlement where the Council agreed to pay for a pupil’s British Sign Language training. The learning from this case was examined in the last annual report.

10. Escalation comparison over time

The following table indicates the percentage of complaints that have escalated from Stage 1 to Stage 2 and from Stage 1 to Stage 3. By measuring these figures as a percentage we can gauge customer satisfaction with our responses to their complaints. By measuring the level of Ombudsman local settlements and reports we can gauge how well the Council identifies fault and adequately addresses it.

Year	Average % escalation rate Stage 1- Stage 2	Average % escalation rate Stage 1- Stage 3	Ombudsman local settlements	Ombudsman public reports
2011-12	11.5%	7%	0 (21)	0
2010-11	12.5%	1.4%	1 (14)	0
2009-10	12%	3%	1 (12)	0

2008-09	10%	10%	0 (22)	0
2007-08	16%	1.75%	0 (14)	0
2006-07	7%	1.75%	0 (15)	0
2005-06	21%	4%	0 (9)	0
2004-05	13.5%	0%	Unknown	0
2003-04	20%	2.5%	Unknown	0

(The Ombudsman local settlements figures are in brackets for the whole Council)

Analysis: 11.5% for stage 1 to stage 2 is the third lowest escalation percentage in the last 9 years and slightly lower than last year. However, 7% escalating to stage 3 is the second highest in 9 years.

Key message: There has been only 2 Children & Families complaint local settlement in the last 7 years which is a remarkable statistic, considering the Council has agreed 107 local settlements with the Ombudsman during this time. That's only 2%.

11. Compensation/Reimbursement Payments

Payments or offers related to the following service areas:

Service	Stage	Amount
Safeguarding	2 & 3	£1,000 & £600 for counselling (delayed initial assessment)
Young People's	1	£65 (phone theft)
Safeguarding	2	£50 (delayed adjudication)
Total		£1,715

Analysis: £1,715 compares to £2,360 last year and in 2009-10 we paid £6,500. So even though there have been a high level of stage 3's, this indicates that this has been a low year for significant errors.

12. Mediation and Alternative Dispute Resolution

Analysis: Mediation resolved 5 of 7 mediations where it was used (compared to 7 out of 8 complaints the year before).

Key message: The introduction of mediation in 2005-06 significantly reduced and continues to significantly reduce the number of complaints that escalate. Of 112 social care complaints where mediation has been used since it was introduced in 2005, mediation has resolved the complaint in 86 or 77% of those complaints.

13. Advocacy

Free independent advocacy is delivered for all Children & Families service users (bar school issues) by Kids Can Achieve.

Services advocacy related to:

Asylum (UASC)	3
Benefits BEN	3
Children in Need CIN	22
Children Looked After CLA	13
Children with Disabilities Service CWDS	8
Duty & Assessment D/ASS	18
Education Welfare Service EWS	2
Health HEA	6
Housing HOU	20
Leaving Care Team LCT	13
School/Further Education SCH/FE	21
Special Educational Needs (LEA) SEN	19
Other	14
TOTAL	162

85 cases related to non-Safeguarding services which is very positive considering Harrow is one of very few Councils in the country to offer an advocacy service across Children & Families, when most Councils only provide advocacy for children in need.

Reason for referral

Information, Signposting, Advice	A	8	Discrimination	K	0
Financial issues	B	1	Risk of exclusion (incl. eviction)	L	3
Complaint	C	12	Staff conduct – attitude/behaviour	M	3
CP Plans	D	18	Communication – delay or failure to keep informed/consult/take action	N	1
Support	E	51	Refusal to provide a service (incl. housing & CIN)	O	6
Failure to follow policy or procedures	F	7	Change to an individual's service – withdrawal/reduction	P	6
Client's inability to access provision (due to mental health/emotional needs)	G	7	Education/Statement provision	Q	20
Quality issues of placement (incl. schools & housing)	H	18	Policy Decision	R	0
Allocation/Re-allocation of Keyworker	I	0	Other	S	1
Breach of confidentiality	J	0	TOTAL		162

Notable outcomes during 2011-12

- No waiting list with 90% of clients contacted within 24 hours.

- 89% feedback forms rated service as 'excellent' and 81% rated the service as 'excellent' for ease of access.
- Multi-agency advocacy example: All family off child protection plans, school place found for child, CAMHS diagnosis and housing needs assistance.
- Family successfully rehoused. Housing eviction avoided. Free nursery place secured for the daughter.
- Successfully engaged two clients from traveller community with education welfare.
- Secured a Social Worker with the Children's Disability Team and young person now self advocating.
- Secured asylum status, passport and national insurance number for a young person with disabilities.
- Service now receiving referrals from CAMHS for advocates to assist patients.

14. Complaints dealt with by the local authority and NHS Bodies

There was one joint stage 1 investigation during this financial year and none in the previous 2 years.

15. Learning derived from complaints

Children's and Families have introduced a number of learning from complaint improvements over the last 18 months which are significantly improving learning from complaints (auditing completion of agreed actions; changes to the template response letter so managers are expected to identify and set out improvements garnered from the complaint; capturing learning centrally; agreement to hold learning meetings which invite service users to attend).

Examples of learning identified from complaints during the year include:

- To produce written recording standards and retention of records guidance which will be added to the Social Care Procedures Manual
- The Caldicott Guardian sent a letter to all social care staff reminding them of their duties in relation to confidential information and how to access training
- Youth worker procedures were updated so if there is an incident, it must be reported to centre duty manager combined with an announcement at the start of sessions if the young person has any valuables to hand-over for safe-keeping
- The registration form was amended so parents sign to say whether children allowed outside for voluntary youth events
- Guidance to be issued to staff requiring them to give priority to providing parents with feedback/ information & copies of assessments so that they can feel part of the assessment process and can challenge the assessment prior to it being completed
- To use a translation service when service users first language is not English to confirm significant events and expectations
- To use framework-i as an alert system when contact supervisors have a concern regarding a contact session
- To produce a corporate customer risk register and written policy which H&S will manage that ensures that if one part of the Council identifies a service user presents a risk that the rest of the Council are systematically informed
- Guidance provided to SEN areas setting out areas that are complainable outside of the SEN Tribunal process

- Safeguarding to review case management system to improve timescale monitoring and for timescales to be a focus of quality assurance
- Agreement to revise literature/leaflets to clarify what services the new golden number does and does not cover
- Adding staff phones onto hunt groups so that phones do not go unanswered
- Agreement to produce a messaging protocol combined with mystery shopping to ensure messages are being passed on
- Memo issued to all special needs transport drivers reminding them of their responsibilities as representatives of the Council following a rudeness complaint
- Letters advising service users/families to collect belongings will now state a deadline and advise that belongings will be destroyed after this date
- Complaints Service offered to upload stage 2, 3 and Ombudsman decisions onto HOST
- To review how invitations are sent for core group meetings to ensure they are systematically received by the parent
- To review how we can improve parental attendance at core group meetings, particularly in cases of low-engagement
- To develop or review guidance and/or training for staff on dealing with non-compliance
- Information leaflets reflecting the new operating model structure to be produced
- Record of Outcome of Section 47 Safeguarding and Enquiries' templates be revised in line with the guidance in the London Child Protection Procedures
- Standard Admissions email amended to give contact name for any queries
- Early Years staff reminded on the need to provide a copy of the code of practice re Provision of free nursery places for 3-4 year olds when an enquiry is made regarding provision

16. Compliments

There have been 15 compliments this year passed on to the Complaints Service (compared to 10 the year before). The most inspiring compliments related to Young People's staff who 'risked their own safety to reduce the threat of disturbances' during the London riots. Adeline Abraham received 4 separate compliments about her work on the Young Voices Project.

17. The Complaints Process explained

This report provides information about complaints made during the twelve months between 1 April 2011 and 31 March 2012 under the complaints and representations procedures established through the Representations Procedure (Children) Regulations 2006, and the Council's corporate complaints procedure.

All timescales contained within this report are in working days.

Text in quotation marks indicate direct quotations from the 2006 Regulations or Guidance unless otherwise specified.

17.1 What is a Complaint?

"An expression of dissatisfaction or disquiet in relation to an individual child or young person, which requires a response."

However, “The Children Act 1989 defines the representations procedure as being for ‘representations (including complaints)’.” Therefore both representations and complaints should be managed under the complaints procedure (unlike for Adult social services, where only complaints need be captured).

17.2 Who can make a Complaint?

The child or young person receiving or eligible to receive services from the Council or their representative e.g. parent, relative, advocate, special guardian, foster carer etc

“The local authority has the discretion to decide whether or not the representative is suitable to act in this capacity or has sufficient interest in the child’s welfare.”

17.3 What the complaints team do

- Letter-vetting
- Liaising with services to try resolve the issue informally
- Mediation
- Training
- Raising awareness / staff surgeries
- Learning facilitation and agreed actions monitoring
- Deliver a unique complaints support SLA to schools
- Advocacy commissioning and support

17.4 Stages of the Complaints Procedure

The complaints procedure has three stages:

Stage 1. This is the most important stage of the complaints procedure. The Service teams and external contractors providing services on our behalf are expected to resolve as many complaints as possible at this initial point.

The Council’s complaints procedure requires complaints at stage 1 to be responded to within ten working days (with an automatic extension to a further ten days where necessary).

Stage 2. This stage is implemented where the complainant is dissatisfied with the findings of Stage 1. Stage 2 is an investigation conducted by an independent external Investigating Officer for all statutory complaints and an internal senior manager for corporate complaints. A senior manager adjudicates on the findings.

Under the Regulations, the aim is for Stage 2 complaints falling within the social services statutory complaints procedures to be dealt within 25 days, although this can be extended to 65 days if complex.

Stage 3. The third stage of the complaints process is the Review Panel under the statutory procedure. Under the corporate complaints process, the Chief Executive reviews the complaint.

Where complainants wish to proceed with complaints about statutory Children’s Services functions, the Council is required to establish a complaints Review Panel. The panel makes recommendations to the Corporate Director who then makes a decision on the complaint and

any action to be taken. Complaints Review Panels are made up of three independent panellists. There are various timescales relating to stage 3 complaints. These include:

- setting up the Panel within 30 working days;
- producing the Panel's report within a further 5 working days; and
- producing the local authority's response within 15 working days.

Local Government Ombudsman

The Ombudsman is an independent body empowered to investigate where a Council's own investigations have not resolved the complaint.

The person making the complaint retains the right to approach the Local Government Ombudsman at any time. However, the Ombudsman's policy is to allow the local authority to consider the complaint and will refer the complaint back to the Council unless exceptional criteria are met.