

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

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**Date of Meeting:** 30 September 2013

**Subject:** Children and Families Services  
complaints annual report 2012-13

**Responsible Officer:** Catherine Doran, Corporate Director,  
Children and Families Services

**Scrutiny Lead  
Member area:** Councillor Christine Bednell, Policy  
Lead Member & Councillor Victoria  
Silver, Performance Lead Member

**Exempt:** No

**Enclosures:** Appendix 1 – Annual Report for  
Children and Families Services  
Complaints for period 2012-13

## **Section 1 – Summary and Recommendations**

This report sets out the statutory Children and Families Services complaints annual report for 2012-13.

**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, Complaints and Information Requests Service Manager, 020 8424 1927

**Background Papers:** None

## ANNUAL REPORT for Children and Families Services Complaints for period 2012-13

<u>Paragraph</u>	<u>Contents</u>	<u>Page</u>
1	Executive summary	4
2	Summary of Activity	4
3	Outcomes for key targets	7
4	Focus for next year	8
5	Stage 1 Complaints	9
6	Equalities information	14
7	Stage 2 Complaints	17
8	Stage 3 Complaints	21
9	Ombudsman Complaints & Enquiries	21
10	Escalation comparison over time	22
11	Mediation	23
12	Advocacy	23
13	Joint NHS and social care complaints	24
14	Learning the Lessons/Practice Improvements	24
15	Compliments	26
16	The Complaints Process explained	27

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## **1. EXECUTIVE SUMMARY**

There were two new Ombudsman investigations this year and both were closed by the Ombudsman in the Council's favour. There have been only 2 Children & Families complaint local settlements in the last 9 years (where the Ombudsman concludes more action should have been taken by the Council) which is a remarkable achievement, considering the Council has agreed 106 local settlements overall with the Ombudsman during this time.

Stage 3 complaint numbers have also dropped from 5 last year to 2 this year, which is good progress.

Overall, the culture is positive with stage 1 complaint levels healthy across services, indicating the complaints process is accessible and there was consistently good complaints resolution work.

The highest profile complaint related to the Vaughan School expansion. Due to some exemplary strategic handling of the complaint, the complainants have chosen not to proceed to the Ombudsman. Independent investigation and both stage 2 and 3 concluded that re-consultation was not justified.

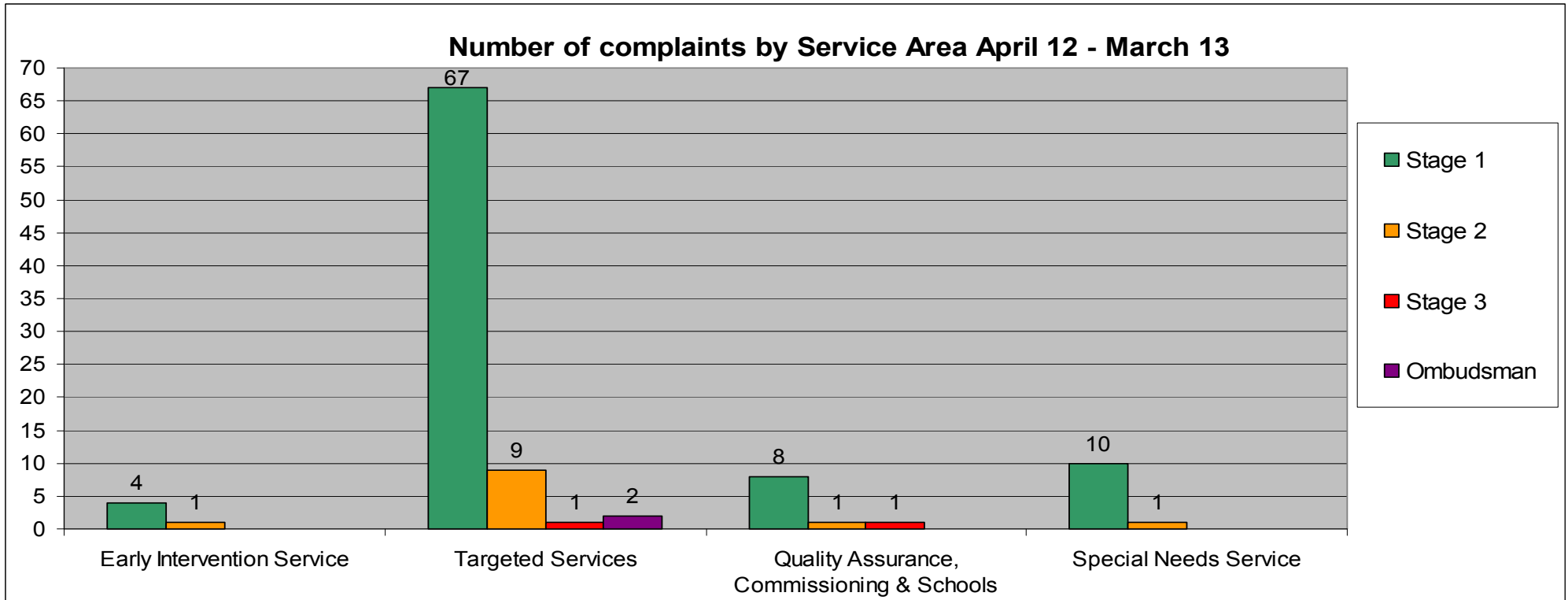
Of Targeted Services 9 stage 2 complaints, 6 were upheld or partially upheld and this reflects an area for improvement going forward. Equally, only 1 of the 9 escalated to stage 3 during this period.

## **2. Summary of Activity**

Total complaints made:

Between 1 April 2012 and 31 March 2013 we received 89 Stage 1 complaints.

There were 12 Stage 2 complaints and 2 stage 3 complaints. Two complaints were investigated by the Ombudsman.



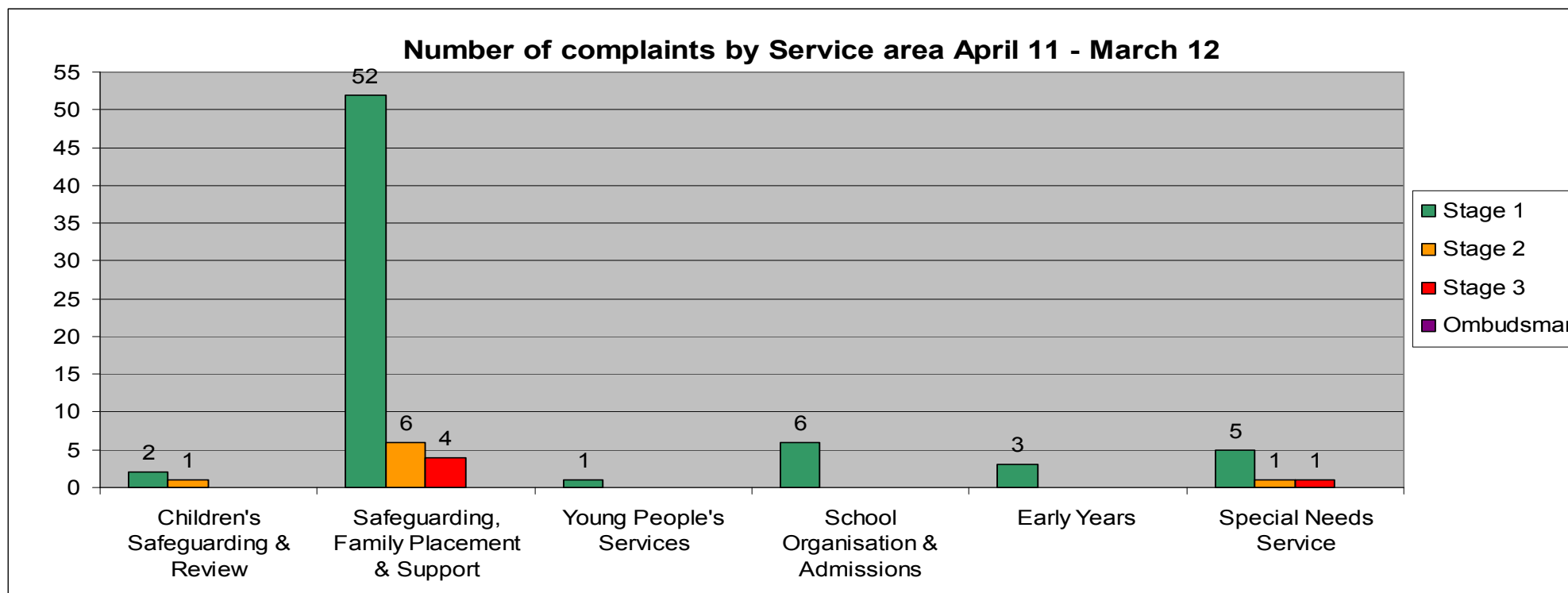
**Key message:** In the context of some very challenging stage 2 complaints, the escalation levels to stage 3 and Ombudsman have been very low.

**Analysis:** 67 is an increase in stage 1 complaints for Targeted Services, following 52 in 2011-12. Services should not be criticised for having high stage 1's per se as it can demonstrate an open accessible culture. Targeted Services will always receive significant numbers of complaints due to the nature of the work. However, the relatively high number of upheld stage 2 complaints for Targeted Services indicates some legitimate points have not always been recognised at stage 1.

The Complaints Service logged 41 potential stage 1's that were either resolved without a Stage 1 needed or the complainant chose not to proceed further.

**Key action:** Targeted Services to reduce stage 2 complaint numbers and particularly, the number of upheld or partially upheld stage 2 complaints.

## 2.1 Comparison with the year before (2011-12)



**Analysis:** Whilst service structures have changed, the patterns remain similar. A healthy level of stage 1's across services, with low escalations, although Targeted Services has much higher levels. Although it is expected that there will be more complaints generally in Targeted it is likely that this also reflects the need for more robust complaint responses and management.

Targeted Services continue to see higher number of complaints at stage 1 and 2 compared to historical levels, though this may be partly explained by them taking on additional functions including leaving care and youth offending.

**Key action:** Children and Families to identify a strategy to reduce the number of concerns escalating to stage 1 (including proactive early attempts at resolution).

## 2.2 Numbers of complaints compared to previous years

	Potential	Stage 1	Stage 2	Stage 3
2012-13	41	89	12	2
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, CQC 2007]

**Analysis:** We have a healthy level of Stage 1 complaints (welcoming customer feedback). A significant number of issues are resolved informally meaning complainants choose not to proceed with a complaint (potentials).

## 3. Outcomes for key targets in 2012-13

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

- To reduce levels of stage 3's. Outcome: Achieved (only 2, compared to 5 the year before)
- 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. Outcome: Achieved.
- 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. Outcome: Achieved (feedback is this has helped)
- Future reports will report against the new operating model Divisional Directorate structures. Outcome: Achieved.
- 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). Outcome: Achieved (100% compliance).
- To build on Safeguarding timescale progress and aim for 75% for next year. Outcome: Partially achieved (68% is close to 75% and a vast improvement on the 38% 3 years ago).
- Complaints Service to upload stage 2, 3 and Ombudsman decisions onto HOST. Outcome: Achieved.
- To monitor adjudication timescales and if there are delays to explore further solutions. Outcome: Achieved (The pattern of delays in adjudications has been addressed)

- Random checking to assess if introducing hunt groups and a messaging protocol has fully resolved delay complaints. Outcome: Achieved. (However, random checks suggest this is still an issue)
- 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. Outcome: Not achieved (this remains outstanding).
- To embed holding learning meetings with Safeguarding staff following stage 2 complaints and invite the complainant to these meetings. Outcome: Achieved (All stage 2 responses now strongly encourage the complainant to meet. However, take-up has been low).
- Targeted Services training seminar around escalation themes and getting the tone right. Outcome: Achieved (however, it remains a work in progress).
- Targeted Services training on managing low engagement or non-compliance. Outcome: Achieved (and no further complaints suggests this has been addressed).

#### **4. Focus for 2013-14:**

- Targeted Services to reduce stage 2 complaint numbers and particularly, the number of upheld or partially upheld stage 2 complaints.
- Children and Families to identify a strategy to reduce the number of concerns escalating to stage 1 (including proactive early attempts at resolution).
- Business support to provide timescale reminders to Targeted Services managers.
- A separate communication, information, tone, customer service strategy to be included in the Children and Families Improvement Plan.
- All Children and Families Directorates to surpass the 75% timescale target.
- Priority to be given for Targeted Services staff to access relevant customer service training.
- Targeted Services staff to target robustly identifying and acknowledging errors or poor practice at stage 1 and ensuring this is addressed and learnt from. Agreement interviews for new Team Managers and Senior Practitioners will include a complaints management test.
- Targeted Services Stage 1 responses to be quality assured by the Service Manager to help improve trend identification at stage 1.
- The Complaints Manager meeting with Targeted Services Managers to explore themes from complaints and solutions.
- To review how complainants can be encouraged to engage with learning meetings post stage 2.
- For the Complaints Manager to explore how mediation can be used most effectively, within the context of less mediation capacity.



## 5. Stage 1 Complaints

Year	Quality Assurance, Commissioning & Schools	Targeted services	Special Needs	Early Intervention Services	Other	Total
<b>2012-13</b>	<b>8</b>	<b>67</b>	<b>10</b>	<b>4</b>	<b>0</b>	<b>89</b>
2011-12	8	52	5	4	0	69
2010-11	10	42	8	10	2	72
2009-10	18	28	5	8	1	60
2008-09	8	26	10	3	2	49
2007-08	18	18	10	7	4	57
2006-07	11	30	6	9	0	56

**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, CQC 2007]

**Analysis:** Complaints numbers appear healthy across services with an accessible culture.

Last year's report suggested Special Needs and Early Intervention stage 1's were a little low. As a result the Complaints Manager delivered training to Children's Centre Managers to ensure all complaints are passed on given Early Intervention Service only had 4 complaints last year. That no more have come through this year, indicates low numbers are more likely due to a positive culture and good management. The Complaints Manager also met with both Special Needs management and Parent Partnership to reinforce the importance of correctly identifying all complaints. It is positive to see 10 stage 1 Special Needs complaints this year, especially given some excellent work saw none escalate to stage 3 or Ombudsman.

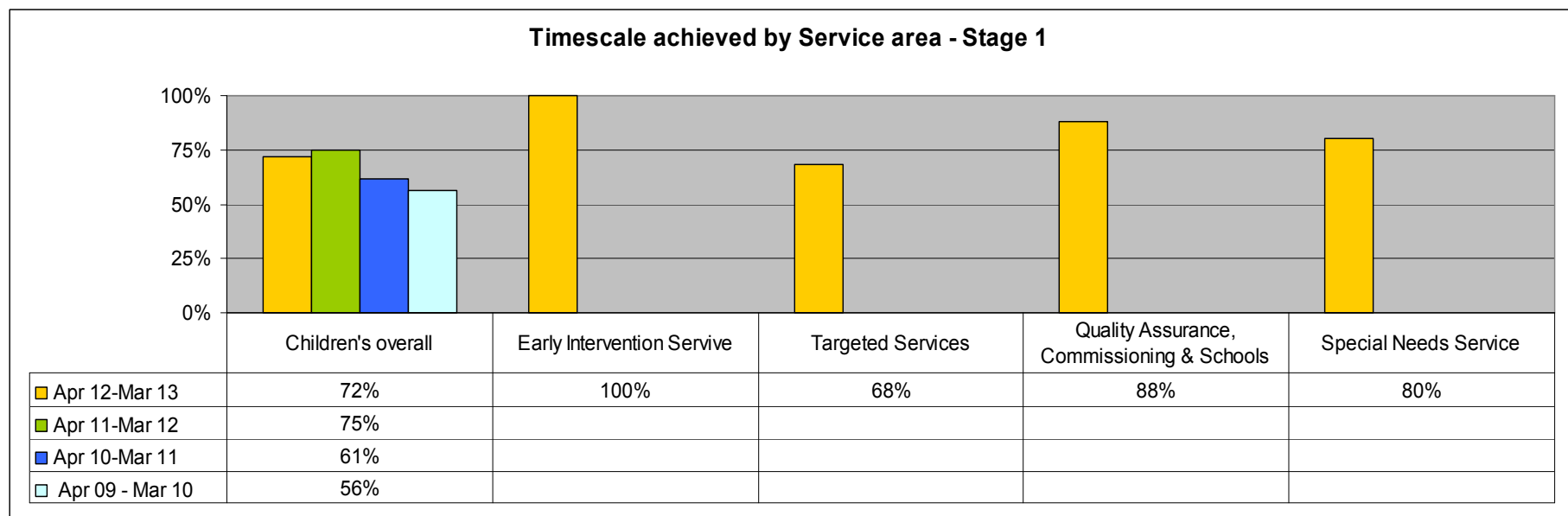
There has been some impressive complaint management in the Quality Assurance, Commissioning and Schools Service (QACS), particularly by the Admissions Service and relating to the Vaughan school expansion complaint.

The number of referrals that Targeted Services are managing has gone up significantly in the last 2 years, partly due to adopting a more proactive, preventative model as well as changing demographics in Harrow. These changes have contributed to the increase in

stage 1 complaint numbers. Services should not be criticised for having stage 1 complaints as it shows service users feel confident they can raise concerns. Equally, opportunities for informal resolution should always be considered.

**Key action:** Children and Families to identify a strategy to reduce the number of concerns escalating to stage 1 (including proactive early attempts at resolution).

### 5.1 Stage 1 response times



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

**Analysis:** Quality Assurance, Commissioning and Schools Service, Special Needs and Early Intervention all surpassed the 75% target. Early Intervention achieved 100%. Special Needs achieved 80% (but got 100% in the two previous years). Quality Assurance, Commissioning and Schools Service also scored a healthy 88%.

In 2011, the Complaints Service introduced Leads for timescales which has helped improve timescales.

Encouragingly, Targeted Services timescales have improved. They scored 68% which compares to 38% three years ago. The goal for next year is to surpass the 75% target.

**Key action 1:** All Children and Families Directorates to surpass the 75% timescale target.

**Key action 2:** Business support to provide timescale reminders to Targeted Services managers.

## 5.2 Nature of complaints

YEAR	Children & Families Total		Quality Assurance, Commissioning & Schools		Targeted Services		Special Needs		Early Intervention Service	
	12/13	11/12	12/13	11/12	12/13	11/12	12/13	11/12	12/13	11/12
Allocation of Keyworker	1				1					
Breach of Confidentiality	4	2			3	2	1			
Chg To Service - Withdrawal / Reduction	2				2					
Comms - Failure to Keep Informed/Consult	14	6		2	14	4				
Freedom of Info Act										
Delay / Failure in Taking Action / Replying	21	27	2	5	16	20	3	2		
Discrimination by an Individual										
Discrimination By a Service	1				1					
Failure To Follow Policy or Procedure	5	2	2		2	2	1			
Level of Service (e.g. Opening Times)	1				1					
Loss or Damage to property	1								1	
Policy / Legal / Financial Decision	9	1	4		5					1
Quality of facilities / Health Safety										
Quality of Service Delivery (Standards)	11	17		1	9	12	1	2	1	2
Refusal To Provide a Service		1						1		
Staff Conduct - Attitude / Behaviour	19	13			13	12	4		2	1
<b>TOTAL</b>	<b>89</b>	<b>69</b>	<b>8</b>	<b>8</b>	<b>67</b>	<b>52</b>	<b>10</b>	<b>5</b>	<b>4</b>	<b>4</b>

**Analysis:** The three types of complaint that have seen noticeable increases are communication; policy decisions and staff attitude complaints.

It is positive that withdrawal/reduction in service complaints remain low which is a testament to the Directorate's preventative model and ethos. It is also positive to see delay and quality of service complaints have reduced.

Quality Assurance, Commissioning and Schools Service received 4 policy complaints after none the year before, possibly reflecting a more proactive strategic approach towards policy management.

Special Needs received 4 staff attitude complaints, which was flagged to the Divisional Director mid-year and there have not been any since, demonstrating good proactive action by Special Needs.

Early Intervention's figures do not indicate any strong trends or themes.

53 Targeted Services complaints relate to 4 customer service themes (communication, staff attitude, quality of service and delay). The most noticeable trend in Targeted Services relates to the increase in communication complaints, rising from 4 to 14. Information on the process (such as leaflets) has been a theme within complaints. Phone hunt groups and a messaging protocol have been introduced.

Whilst staff attitude complaints are always likely given the nature of Targeted Services, the Complaints Manager has provided dates for different customer service training to all the Service Managers in Targeted Services to consider for their front-line staff and positively there has been take-up as a result. In addition, the Complaints Manager has delivered training to Targeted Services managers on tone and culture. Delay complaints have reduced slightly from 20 down to 16.

**Key action1:** A separate communication, tone, information, customer service strategy to be included in the Children and Families Improvement Plan.

**Key action2:** The Complaints Manager meeting with Targeted Services Managers to explore themes from complaints and solutions.

**Key action 3:** Priority to be given for Targeted Services staff to access relevant customer service training.

### **5.3 Complaints upheld**

<b>Service</b>	<b>2012-13 Not Upheld</b>	<b>2011-12 Not Upheld</b>	<b>2012-13 Partially Upheld</b>	<b>2011-12 Partially Upheld</b>	<b>2012-13 Upheld</b>	<b>2011-12 Upheld</b>	<b>2012-13 Withdra wn</b>	<b>2011-12 Withdra wn</b>	<b>2012-13 Total</b>	<b>2011-12 Total</b>
Quality Assurance, Commissioning & Schools	7	4	1	2		2			8	8
Targeted Services	35	30	17	10	14	11	1		67	51
Special Needs	6	2	2	1	2	1		1	10	5
Early Intervention Service	1	2	1	1	1	1	1		4	4
Total	<b>49 (55%)</b>	38 (56%)	<b>21 (24%)</b>	14 (20.5%)	<b>17 (19%)</b>	15 (22%)	<b>2 (2%)</b>	1 (1.5%)	<b>89</b>	68

**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 55% (compared to 56% and 57% in the previous 2 years).

## **6. Equalities Information – Service Users**

### **6.1 Stage 1**

<b>Gender of Service User</b>	<b>12-13</b>	11-12	10-11	09-10	08-09
Male	<b>43</b>	32	42	31	24
Female	<b>43</b>	33	30	27	23
Unknown	<b>3</b>	4	0	2	2

**Analysis:** No concerns noted.

#### **Ethnic Origin of Service User**

<b>Ethnic Origin 2012-13</b>	<b>Total</b>
Afghani	2
African	2
Any other Asian Background	5
Any other Black Background	4
Any other mixed background	1
Any other White Background	2
Asian or Asian British*	4
Black or Black British Caribbean	1
Black or Black British*	7
Caribbean	6
Indian	2
Mixed*	1
Not known	31
Pakistani	3
Romanian	1
White & Black African	1
White & Black Caribbean	5
White or White British*	10
White Other*	1
<b>Grand Total</b>	<b>89</b>

**Analysis:** New corporate ethnic minority categories have been introduced, making individual comparisons to previous years not possible. However, overall complaints from BME complainants remain healthy, indicating an accessible service.

	<b>12-13</b>	11-12	10-11	09-10	08-09
BME percentage where known	<b>81%</b>	88%	71%	68%	65%

<b>Disability</b>	<b>Grand Total</b>
No	23
Unknown	52
Yes	14
<b>Total</b>	<b>89</b>

**Analysis:** No concerns identified. It is healthy to see those with disabilities able to access the complaints process.

### Stage 1 Complaint made by

	<b>12-13</b>	11-12	10-11	09-10	08-09
Service User	<b>19</b>	16	21	16	19
Parent/relative	<b>60</b>	42	41	39	22
Advocate (instigated by either carer or service user)	<b>6</b>	7	9	4	4
Solicitors	<b>2</b>	2	1	1	2
Friend, other	<b>1</b>	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 during this period covered all of Children and Families unlike most Councils who only provide advocacy for children in need.

## 6.2 Stage 2 complaints

<b>Gender of Service User</b>	<b>12-13</b>	11-12	10-11	09-10	08-09
Male	<b>6</b>	5	4	5	2
Female	<b>5</b>	3	5	2	3
Unknown	<b>0</b>	0	0	0	0

**Analysis:** No concerns noted.

<b>Ethnic Origin of Service User</b>	<b>2012-13</b>
African	1
Any other Asian Background	1
Any other Black Background	1
Any other White Background	1
Caribbean	1
Indian	2
Not Known	2
Pakistani	1
White or White British*	1
White Other*	1
<b>Grand Total</b>	<b>12</b>

**Analysis:** No concerns noted.

### **Stage 2 Complaints made by**

	<b>12 - 13</b>	11-12	10-11	09-10	08-09
Service User	<b>3</b>	3	2	0	3
Parent/relative	<b>5</b>	5	6	6	2
Advocate	<b>1</b>	0	1	1	0
Solicitors	<b>3</b>	0	0	0	0
Friend, Councillor, other	<b>0</b>	0	0	0	0

**Analysis:** It is positive that 3 young people felt able to escalate their complaint personally. Harrow Law Centre is becoming more active in Children's work.



## 7. STAGE 2 COMPLAINTS

There were 12 Stage 2 complaints (compared to 8 in 2010-11 and 9 in 2009-10).

### 7.1 Stage 2 Outcomes

Service	Quality Assurance, Commissioning & Schools				Targeted Services				Special Needs				Early Intervention Service				Children's overall
	12-13	11-12	10-11	09-10	12-13	11-12	10-11	09-10	12-13	11-12	10-11	09-10	12-13	11-12	10-11	09-10	
<b>Number</b>	<b>1</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>9</b>	<b>6</b>	<b>5</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>12</b>
<b>Upheld</b>			<b>1</b>		<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>				<b>2</b>					<b>2</b>
<b>Partially upheld</b>	<b>1</b>		<b>2</b>		<b>4</b>	<b>3</b>	<b>1</b>	<b>3</b>			<b>2</b>						<b>1</b>
<b>Not upheld</b>		<b>1</b>			<b>3</b>	<b>2</b>	<b>3</b>		<b>1</b>	<b>1</b>			<b>1</b>				
<b>Awaiting outcome</b>																	<b>1</b>
<b>% fully upheld</b>	<b>0%</b>	<b>0%</b>	<b>33%</b>	<b>N/A</b>	<b>22%</b>	<b>17%</b>	<b>20%</b>	<b>40%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>	<b>0%</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>17%</b>
<b>% at least partially upheld</b>	<b>100%</b>	<b>0%</b>	<b>100%</b>	<b>N/A</b>	<b>67%</b>	<b>67%</b>	<b>40%</b>	<b>100%</b>	<b>0%</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>	<b>0%</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>	<b>25%</b>

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

**Analysis:** Early Intervention's one stage 2 related to a stolen IPAD and was not upheld. Early Intervention have not had an upheld stage 2, 3 or Ombudsman case in 5 years. For context, 6 years ago Young People's Services (part of Early Intervention) had 3 stage 2's in one year so it shows that all areas can see complaints escalate if not handled well.

Special Needs also had no stage 2 even partially upheld this year or the year before. For the context of this achievement, the above chart shows between 2009-2011, all 4 Special Needs stage 2 complaints were at least partially upheld.

The only QACS stage 2 related to the Vaughan school expansion and independent investigation saw 2 points of complaint upheld, 3 partially upheld and 12 points not upheld, out of 17 points. Independent investigation concluded re-consultation was not justified. The

strategic management of this complaint by QACS senior managers at stage 2 was instrumental in the case not proceeding to the Ombudsman.

Last year's annual report highlighted room for improvement of Targeted Services complaints partially or fully upheld (4 of the 6 Targeted Services complaints, equating to 67%). This issue persists with 6 of the 9 Targeted Services complaints this year fully or partially upheld so this is the key target for Targeted Services. Equally, for context that is still only 6 out of 67 stage 1 complaints. Probably the most important measures of Targeted Services standards is the Ombudsman has not found fault with Targeted Services (either local settlements or public reports) in 9 years, indicating robust Targeted Services complaint management overall.

**Key action:** Targeted Services staff to target robustly identifying and acknowledging errors or poor practice at stage 1 and ensuring this is addressed and learnt from. Agreement interviews for new Team Managers and Senior Practitioners will include a complaints management test.

## 7.2 Percentage of complaints escalating to Stage 2 2012/13

Service	Stage 1	Stage 2	2012-13 % escalating to stage 2	2011-12 % escalating to stage 2	2010-11 % escalating to stage 2
Quality Assurance, Commissioning & Schools	8	1	13%	50%	20%
Targeted Services	67	9	13.5%	11.5%	12.5%
Special Needs	10	1	10%	20%	25%
Early Intervention Service	4	1	25%	0%	0%
<b>Total</b>	<b>89</b>	<b>12</b>	<b>13%</b>	<b>11.6%</b>	<b>12.5%</b>

**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:** The value of looking at percentages is it shows that the percentage of Targeted Services complaints escalating to stage 2 remains stable and has not exceeded 15% in the last 3 years, indicating a lot of good work at stage 1 to resolve complaints.

Both Special Needs and QACS have delivered strong complaints resolution in recent years, with both achieving their lowest escalation rates this year out of the last 3 years. This is particularly impressive for Special Needs given the nature of their work will always involve some unhappy parents. The only stage 2 was an informed management choice to immediately escalate the complaint to

stage 2 without a stage 1, given the serious conduct nature of the allegations. Independent and HCPC investigation both concluded the complaint was unfounded.

**Key action 1:** To review how complainants can be encouraged to engage with learning meetings post stage 2 (to help reduce escalations to stage 2).

#### 7.4 Stage 2 Response Times

Service	Children’s overall		Quality Assurance, Commissioning & Schools		Target Services		Special Needs		Early Intervention Service
	12-13	11-12	12-13	11-12	12-13	11-12	12-13	11-12	12-13
<b>Within time</b>	8	5	1	1	5	4	1	0	1
<b>Over timescale</b>	4	3	0	0	4	2	0	1	0

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

**Analysis:** Two thirds of stage 2’s this year were within timescale. The good news is there have not been any significant delays with adjudications this year.

#### 7.5 Nature of complaint

Type of Complaint	Over all	Quality Assurance, Commissioning & Schools			Targeted Services			Special Needs			Early Intervention Service			
		12-13	12-13	11-12	10-11	12-13	11-12	10-11	12-13	11-12	10-11	12-13	11-12	10-11
<b>YEAR</b>														
Allocation of Keyworker							1							
Breach of Confidentiality	1							1						
Chg To Service - Withdrawal / Reduction							1			1				
Comms - Failure to Keep Informed/Consult						1								
Freedom of Info Act														
Delay / Failure in Taking Action / Replying	1		1	1		2	1							
Discrimination by an Individual														
Discrimination By a Service						1								
Failure To Follow Policy or Procedure	2	1			1	2								
Level of Service (E.g. Opening Times)														
Loss or Damage to property											1			
Policy / Legal / Financial Decision				1										
Quality of facilities / Health Safety														
Quality of Service Delivery (Standards)	4				4	1		1						
Refusal To Provide A Service										1				
Staff Conduct - Attitude / Behaviour	4				4	1								
<b>TOTAL</b>	<b>12</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>9</b>	<b>6</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>			

**Analysis:** After 2 Safeguarding stage 2 complaints last year identified a theme where staff practice could improve in cases of low engagement/non-compliance by the family, it is positive this appears to have been addressed through training, with none this year.

Whilst social worker reports are always going to be a common complaint, 3 stage 2's upheld or partially upheld points relating to social worker reports. This is covered in the Section 15 (Learning from Complaints).

Some good learning was extracted from the 3 Targeted Services cases relating to information provided to families. Leaflets have been produced on the child safeguarding process for families as a result. This is covered in the Section 15 (Learning from Complaints).

**Key action:** Targeted Services Stage 1 responses to be quality assured by the Service Manager to help improve trend identification at stage 1.

## **8. STAGE 3 COMPLAINTS**

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

<b>Service Unit</b>	<b>Corporate/ Statutory</b>	<b>Setting up Panel (30 day timescale)</b>	<b>Panel report produced (5 day timescale)</b>	<b>Council Response (15 day timescale)</b>	<b>Corporate timescale met</b>	<b>Outcome</b>
Targeted Services	Statutory	No	Yes	Yes	n/a	Partially Upheld
Quality Assurance, Commissioning and Schools	Corporate	n/a	n/a	n/a	Yes	Not upheld

**Analysis:** Having only 2 stage 3's overall and only 1 for Targeted Services is low, which owes a great deal to the combination of robust investigation at stage 2 and sensitive adjudication by Divisional Directors.

**Targeted Services:** The independent panel concluded the maternal grandparents should have been included in safeguarding discussions, even if their daughter did not want them involved. However, the Panel did not uphold the primary complaint around compensation. The Director offered a meeting and £1,000 compensation which the complainants declined, choosing to proceed to the Ombudsman instead.

**Quality Assurance:** The complainants did not want the proposed Vaughan school expansion to go ahead. They believed there was not proper consultation before it went to Planning and therefore wanted the proposals for the expansion re-consulted on. The independent reviewer at stage 3 did not uphold any additional complaints and concluded re-consultation was not justified. The complainants stated they are not proceeding to the Ombudsman.

## **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 8 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	Outcome of Ombudsman Consideration					Awaiting outcome
	Public report	Local settlement	No or insufficient injustice	Outside jurisdiction	Closed at Ombudsman's discretion	
Targeted Services			1			
Targeted Services			1			

**Analysis:** The first complaint related to a delayed initial assessment. The Ombudsman closed the case following initial investigation, concluding there was no further case to answer following the use of independent investigators by the Council.

The second case was the first stage 3 complaint above where the grandparents were seeking significant compensation. The Ombudsman did not uphold the complaint and closed the case.

The Ombudsman also chose not to investigate a complaint where the complainant had approached the Ombudsman where the complainant had raised over 70 complaints raised at different times with the Council. The Chair of the LSCB had chaired a multi-agency complaint panel for robustness.

## **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
2012-13	13.5%	2%	0 (Unknown)	0
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:** Whilst 12 stage 2's is a high number of stage 2's, the stage 1 to 2 escalation rate of 13.5% is not exceptional. The number of stage 3's escalating is only 2% so average.

**Key message:** There has been only 2 Children & Families complaint local settlement in the last 8 years which is a remarkable achievement, considering the Council has agreed 107 local settlements (or 2%) with the Ombudsman during this time.

## **11. Mediation and Alternative Dispute Resolution**

**Analysis:** Mediation was used only 4 times and resolved 3 of those 4 complaints, compared to resolving 5 of 7 mediations the year before.

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

Equally, it is noticeable that mediation is being used less which may be due to reduced Complaints Service mediation capacity having taken on FOI and Access to Records. Reduced mediations may be a contributor to the number of escalations.

**Key action:** For the Complaints Manager to raise how mediation can be used most effectively, within the context of less mediation capacity.

**Key message:** The introduction of mediation in 2005-06 significantly reduced and continues to significantly reduce the number of complaints that escalate. Of 126 social care complaints where mediation has been used since it was introduced in 2005, mediation has resolved the complaint in 98 or 78% of those complaints.

## **12. 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)	<b>3</b>
Benefits BEN	<b>4</b>
Children in Need CIN	<b>15</b>
Children Looked After CLA	<b>17</b>
Children with Disabilities Service CWDS	<b>9</b>
Duty & Assessment D/ASS	<b>9</b>
Education Welfare Service EWS	<b>2</b>
Health HEA	<b>2</b>
Housing HOU	<b>14</b>
Leaving Care Team LCT	<b>10</b>
School/Further Education SCH/FE	<b>29</b>
Special Educational Needs (LEA) SEN	<b>12</b>
Other	<b>1</b>
<b>TOTAL</b>	<b>127</b>

## Reason for referral

Information, Signposting, Advice	A	3	Discrimination	K	2
Financial issues	B	3	Risk of exclusion (incl. eviction)	L	4
Complaint	C	12	Staff conduct – attitude/behaviour	M	2
CP Plans	D	8	Communication – delay or failure to keep informed/consult/take action	N	0
Support	E	36	Refusal to provide a service (incl. housing & CIN)	O	4
Failure to follow policy or procedures	F	4	Change to an individual's service – withdrawal/reduction	P	4
Client's inability to access provision (due to mental health/emotional needs)	G	4	Education/Statement provision	Q	12
Quality issues of placement (incl. schools & housing)	H	27	Policy Decision	R	1
Allocation/Re-allocation of Keyworker	I	0	Other	S	1
Breach of confidentiality	J	0	<b>TOTAL</b>		<b>127</b>

## **13. Complaints dealt with by the local authority and NHS Bodies**

There was one joint stage 1 investigation during 2012-13 which related to breach of confidentiality and was upheld (which compares to one the year before).

## **14. Learning derived from complaints**

Examples of learning identified from complaints during the year include:

Problem Identified	Lesson Learnt - Action required
Three breach of confidentiality complaints	CalibottGuardian agreed to send reminder to all Children's staff of importance of protecting confidential information and how to access training.
Targeted Services were unaware a family were at risk of eviction	Produce a written protocol between Housing Resident Services, Children Services and Adult Care Services for when there is a child or vulnerable adult in the household and eviction action is being proposed.
2 escalated complaints involved staff not managing non-compliance effectively	Safeguarding training on managing low engagement or challenging behaviour
Inaccurate advice given about	Access Harrow advised to put complex calls through to Admissions to



Admissions process by Access Harrow	answer
Independent investigator recommendation: Senior Managers should consider setting up a multi-agency forum /panel which considers the needs of children who have been subject to a Child Protection Plan over a period which includes two Review Child Protection Conferences. The purpose of the forum is to consider whether the Child Protection Plan is the best way of meeting the child's needs.	Agreed by Divisional Director
Phone calls not being returned trend	To produce a messaging procedure
IPAD stolen at a Children's Centre. With many people now carrying expensive personal equipment like IPADs and smartphones, more such claims are likely.	To produce a robust policy in conjunction with the Insurance Department to cover thefts at Children's Centres.
A compliance audit of agreed actions by the Complaints Manager identified some Targeted Services stage 2 actions not being allocated or stage 2/3 letters uploaded onto social care database	Business Hub staff to monitor agreed stage 2 actions to ensure they are completed  Re uploading stage 2 & 3 complaint responses: Complaints Service to do from now on
A young person faces significantly increased university costs after the Home Office asked the wrong question of Children and Families. If staff had queried why the information was being asked this could have been avoided.	1. Write to the Home Office advising them that future enquiries would benefit from an explanation as to why the information is being requested so that if Councils are asked a similar question on the future, the worker responding would understand and be able to provide a fuller more relevant response.  2. Employing a Connexions advisor.
Dissatisfaction with the school expansion consultation process	A review of the consultation procedure and processes including: -future consultations to include details about the building proposals at the earliest possible point. -future consultations engage those residents potentially most affected by the proposals at the earliest stage, and in line with the Council's consultation standards. -clear statements about the distinctions and links between the educational consultation and the planning processes  To produce written guidance in relation to public questioners at Cabinet
Lack of a policy on financial support made defending refusal of financial support unnecessarily hard and repeat referrals not being analysed together	1. To produce clear guidance on the framework for agreeing financial support packages (including means testing) 2. Work on thresholds to consider how repeat referrals are considered to assess whether there may be a higher need than the single referral considered in isolation may suggest, including the need for management scrutiny of repeat referrals

The financial difficulty a service user was in was not identified because she claimed everything was okay. If her income and outgoings had been examined this would have highlighted debts.	Changes to the assessment procedure on the social care database so that details of clients' income are scrutinised where appropriate
The weekly list of names of children put on Child Protection plans sent to Northwick Park had stopped when the responsible member of staff left.	This was addressed and a new responsible lead put in place before the complaint was made.
Three stage 2s upheld complaints about the quality/accuracy of assessment Social Work records and reports, including fair representation of the facts in reports	The Divisional Director to strongly reinforce the learning with her management team  The Complaints Manager has been asked by the Director to hold a learning session with the four Service Managers to explore these themes
Three stage 2's upholding complaints lack of information provided / leaflets on the child safeguarding process for families	The development of a comprehensive set of leaflets for all elements of investigative and assessment work
A young person should have been given Leaving Care status	Targeted Services Divisional Director committed to liaising with the Divisional Director responsible for SEN to ensure co-ordination between the services is robust
Difficulties with contact sessions	When terminating a contact a risk assessment should be carried out and a letter to parents explaining the reasons sent

## **15. Compliments**

16 compliments were passed to the Complaints & Information Service this year (compared to 15 last year).

- Children with Disabilities received a compliment for 'helping make me a better mother and happier person'
- Catherine Alderson in Early Intervention received seven compliments about workshops she ran for parents.
- Shirin Kapasi in Children's assessment received two compliments, including for the 'exceptional way she treated us'
- The Complaints Service received two compliments
- Lynne Woodley in the Children with Disabilities Service received 'Been my heroine. This could not have happened without you so thank you SO very much for all your help with the assessment and making the recommendations that you did. Thank you also for your support and always for keeping X's best interests at the forefront of your mind. Much like mine.'
- John Crispin in Early Intervention, 'Providing an invaluable support not only to the Young people but also to X in challenging times'
- Samira Lafa 'Helpful. Highly cooperative, good personality and knowledge of culture, religion, ethics'
- Special Needs Transport: Sensitive to individuals needs providing an outstanding standard of service.

- The Commissioning Team received a 'Friendly, approachable and supportive' compliment

## **16. The Complaints Process explained**

This report provides information about complaints made during the twelve months between 1 April 2012 and 31 March 2013 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.

### **16.1 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).

### **16.2 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."

### **16.3 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

### **16.4 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.