

Meeting:	Overview and Scrutiny Committee
Date:	3 September 2009
Subject:	Children's Services Complaints Annual Report 2008-09
Key Decision: (Executive-side only)	No
Responsible Officer:	Paul Najsarek, Corporate Director of Adults and Housing
Portfolio Holder:	Barry Macleod-Cullinane, Portfolio Holder for Adults and Housing
Exempt:	No
Enclosures:	None

SECTION 1 – SUMMARY AND RECOMMENDATIONS

RECOMMENDATIONS: None. For Information purposes only.

SECTION 2 - REPORT

ANNUAL REPORT for Children's Services for period 2008/09

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1. Context

This report provides information about complaints made during the twelve months between 1 April 2007 and 31 March 2008 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.

1.1 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).

1.2 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.”

2. Stage of the Complaints Procedure and statistics

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.

A further option for complainants is the Local Government Ombudsman (LGO) who is empowered to investigate where it appears that a Council’s own investigations have not resolved the complaint. Complainants can refer their complaint to the LGO at any time, although the Ombudsman normally refers the complaint back to the Council if it has not been considered under our procedure first.

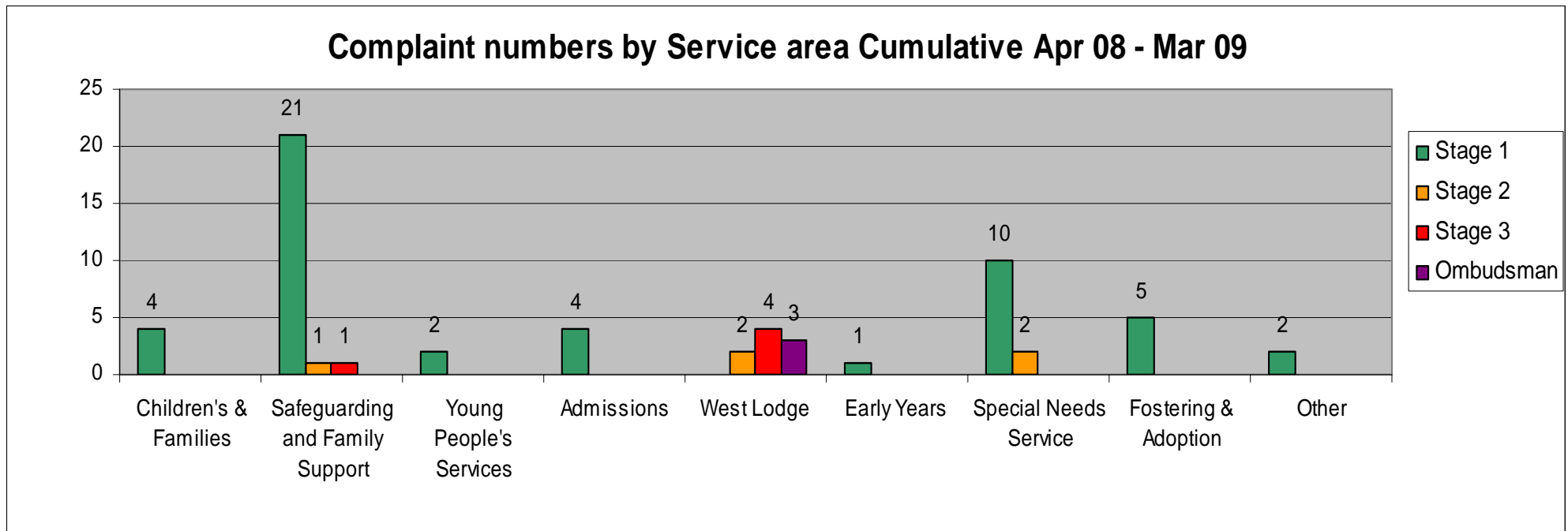
3. Summary of Activity

Total complaints made:

Between 1 April 2008 and 31 March 2009 we received and closed 49 Stage 1 complaints. There were 5 Stage 2 complaints but only 3 non-West Lodge Stage 2 complaints.

4 West Lodge complainants went to Stage 3. In addition 1 other complainant went to Stage 3. 3 West Lodge complainants went to the Ombudsman.

Key message: Bar West Lodge, this has been a very strong year for Children's Services. Only 3 Stage 2 complaints (apart from West Lodge) is the lowest level of escalations in the last 6 years.



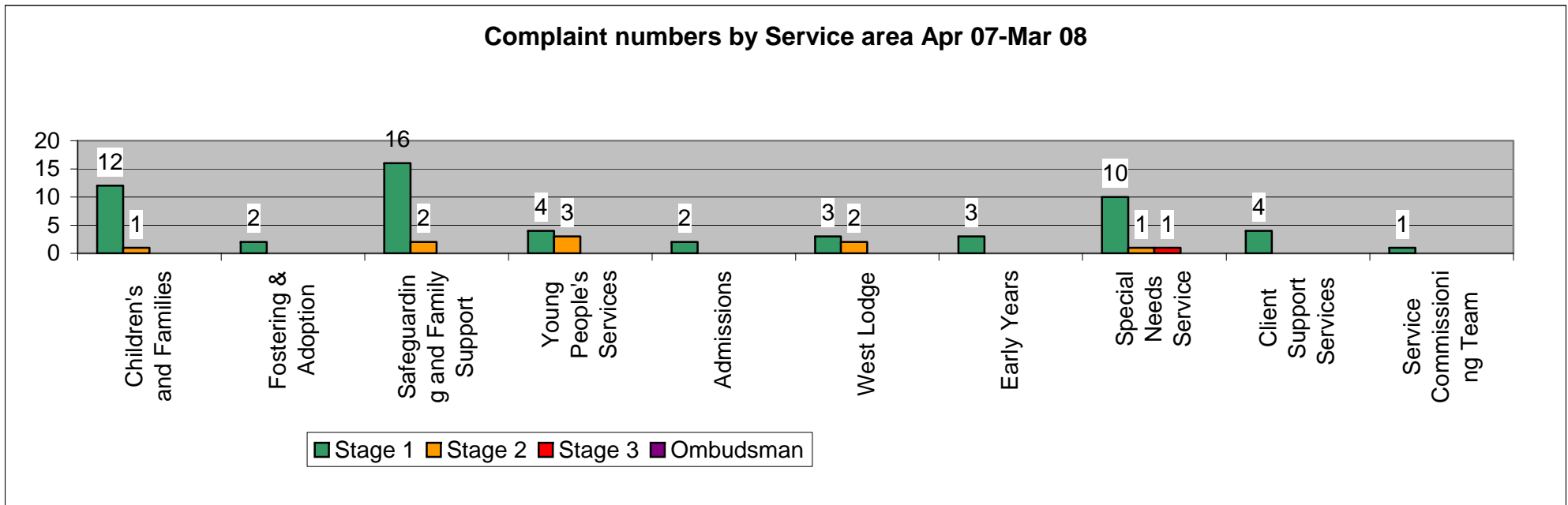
Analysis: Bar West Lodge, we have the perfect scenario. We have a healthy level of Stage 1 complaints (welcoming customer feedback) which are being well-managed and promptly resolved without the need for a Stage 2. West Lodge is the only Children's Services complaint

to escalate to the Ombudsman in the last 4 years. The Ombudsman considered issuing a public report but after deliberation decided on local settlement.

The Complaints Service are becoming more involved in resolving concerns before they escalate into complaints with 33 potential stage 1's resolved without a Stage 1 needed.

The only non-West Lodge Stage 3 related to a vexatious complainant who has been put on the vexatious complainant register after her complaint was rejected by independent investigation and independent review panel.

3.2 Comparison with the year before



Analysis: The Complaints Service recorded 62 complaints during the year, compared with 67 the year before.

The excellent progress over the last couple of years has continued with no major problem areas or serious repeat trends. Managers continue to engage positively with the Complaints team to help us help them to resolve complaints without the need for them to escalate.

3.3 Numbers of complaints over time

	Stage 1	Stage 2	Stage 3
2008-09 (totals with West Lodge in brackets)	49	3 (5)	1 (5)
2007-08 (letter-vetting and mediations)	57	9	1
2006-07 (letter-vetting and mediations)	56	4	1
2005-06 (pre-letter vetting; post-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: The introduction of **mediation** in 2005-06 significantly reduced and continues to significantly reduce the number of complaints that escalate – of 61 social care complaints where mediation has been used since it was introduced in 2005, mediation has resolved the complaint in 47 or 77% of those complaints.

3.4 Key improvements

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

- Systematically monitoring and reporting on agreed actions arising from complaints to ensure they are being carried out: Outcome: Achieved. Learning monitoring reports introduced.
- Improving support and co-ordination of managing difficult client/parent behaviour. Outcome: Achieved. There is now a vexatious complainants procedure. Examples of individual successful interventions include putting a complainant on the vexatious register, excluding a complainant from the process with Director approval and escalating a complaint directly to the Ombudsman without further investigation.
- To increase awareness and use of advocacy both in and outside the complaints process. Outcome: Achieved. See paragraph 13.
- Reviewing training for staff on complaints management to ensure it is effective. Outcome: Achieved. Feedback forms on complaints training consistently 'good' or 'excellent'.
- To reduce the escalation rates from Stage 1 to Stage 2 to below 15% overall. Outcome: Achieved – 10%.
- Agreeing helpful performance targets. Outcome: Achieved (example above and 75% timescale target).
- Offering support and advice to the new corporate complaints lead to help drive forward corporate complaints management, standards, reporting and co-ordination. Outcome: Achieved. Regular meetings are taking place and co-ordinated strategies have started around areas like training and compensation.

4. Focus for the near future

- To exceed the 75% Stage 1 internal timescale standard.
- Maintain low escalation rates.
- Maintain the improved percentage of escalated complaints not upheld.
- To reduce the response times for Stage 2 independent complaint investigations.
- To start complainant satisfaction surveys (A 2008 National Audit Report identified that only 25% of Councils conduct satisfaction surveys of complainants).
- Complete the portfolio of complaints training so all key complaints training themes are covered. For example, Complaint Investigator training
- Produce a new format of complaints leaflets with more information and space to write complaints.
- Introduce a feedback form following mediation which staff and service users can fill in.
- Implementing a 'Support for staff who are the subject of complaint' strategy.
- Identify a consistent way of reporting on Ombudsman cases.
- To plan for how the new complaint regulations for schools will be implemented.
- To maintain a healthy level of Stage 1 complaints. E.g. If low complaint levels persist for areas that are prone to getting complaints (Young Peoples and Children's & Families), then exploring why this is.
- To increase awareness of the supports to manage difficult complainants.
- To progress and embed improved learning practice. For example, the complaint trend learning meetings proposed on page 11.

5. Stage 1 Complaints

Complaints	Admissions	West Lodge	Children & Families	Fostering Adoption & Residential	Safeguarding & Family Support	Special Needs	Young Peoples Service	Early Yrs Childcare & Parenting	Other	Service Commissioning	Total
2008-09	4	0	4	5	21	10	2	1	2	0	49
2007-08	2	3	12	2	16	10	4	3	4	1	57
2006-07	0	0	11	12	18	6	8	1	0	0	56

[Please note that the change of database has meant the 2006-07 figures have been transposed as accurately as possible from the previous different service categories.]

Analysis: Safeguarding, Family Placement & Support demonstrate the ideal: A healthy level of Stage 1 complaints with very few escalating to Stage 2 or beyond through robust, transparent and proactive complaints management.

For 2006-07 Fostering was the one area of concern, particularly around inter-country adoption (complaints doubling from the year before). The improvements identified in the last annual report have been maintained.

Special Needs is covered in more detail further in the Stage 2 section of the report.

Early Years is not an area prone to complaints and there are no indications of causes for concern.

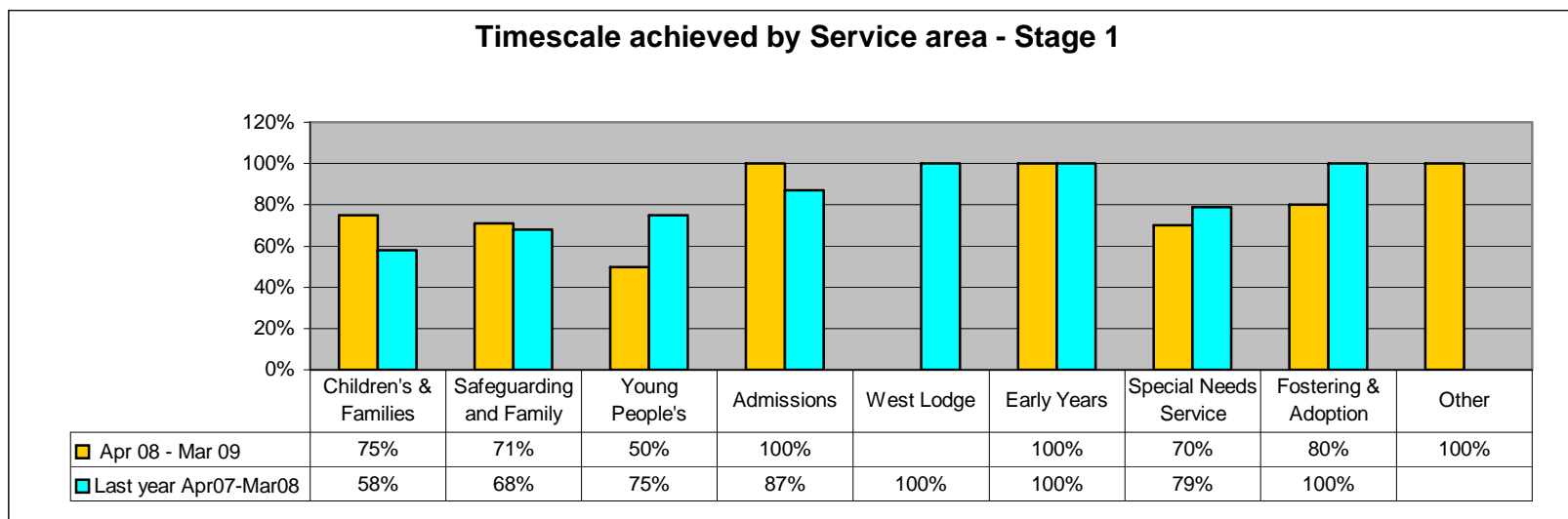
The Admissions Service continues to respond impressively to complaints. The service receives remarkably few escalated complaints given the potential for dissatisfaction of parents not getting the place they want.

Both Young People's Service and Children & Families complaints are relatively low compared to previous years.

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]

Key action: To maintain a healthy level of Stage 1 complaints. E.g. If low complaint levels persist for areas that are prone to getting complaints (Young Peoples and Children's & Families), then exploring why this is.

5.1 Stage 1 response times



Analysis: Overall 77.5% of Children's Services Stage 1 complaints were completed within time. Achieving the 75% target in the first year is excellent. Equally, this still means 22.5% of complainants did not get a response within timescale so we can improve further. It is important to emphasise that response times are far better than they were a few years ago.

Key action: The aim for next year is to exceed the 75% internal standard Children's Services has set itself.

5.2 Nature of complaint

Tip: A helpful way of analysing this data is to look for high numbers of one type of complaint relative to the overall number of complaints for that service area. Another way of analysing the data is to examine a particular category because you are looking to see the impact of a change or because it is a service priority. For example narrowing criteria is likely to produce more complaints about withdrawal and reduction of service. A third way is to focus on categories that may be more serious like discrimination.

Type of Complaint	Admissions & West Lodge		Children & Families		Fostering Adoption & Res		Safeguarding & Fam Supp		Special Needs		Young Peoples Serv		Early Yrs Childcare & Parenting		Other / Client Support Services		Service Commissioning	
	08-09	07-08	08-09	07-08	08-09	07-08	08-09	07-08	08-09	07-08	08-09	07-08	08-09	07-08	08-09	07-08	08-09	07-08
Allocation of Keyworker							1								1			
Breach of Confidentiality				1														
Chg To Indic Serv - Withdrawal / Reduction		1		1			1	1	1			1						
Comms - Failure to Keep Informed/Consult			1	1	1	1	1			1								
Complaint Reg Freedom of Info Act		1			1													
Delay / Failure in Taking Action / Replying	1		1	1	2		5	3	4	2						2		
Discrimination By a Serv	2								1	1								
Failure To Follow Policy or Proc							1	3				1						
Level of Service (E.g. Opening Times)			2	3		1	5	1							1	1		1
Loss or Damage to property																		
Policy / Legal / Financial Decision		1					1	1					1					
Quality of facilities / Health Safety												1						
Quality of Serv Delivery (Standards)	1	1		4	1				2	2				1				
Refusal To Provide A Service				1				2	2	4	1							
Staff Conduct - Attitude / Behaviour		1					6	5			1	1		2		1		
TOTAL	4	5	4	12	5	2	21	16	10	10	2	4	1	3	2	4	0	1

Analysis: Delay or failure has overtaken attitude of staff as the most common complaint this year. For example, 40% of Special Needs complaints are about delay or failure to take action. This was reflected in a Special Needs complaint escalating to Stage 2 purely because

the agreed actions from a mediation meeting that had resolved the complaint were not carried out in the timescale promised by management. As a result, the Complaints Manager held a learning meeting with Children with Disabilities which identified a number of improvements. There have been no repeats since.

Last year the most common complaint was staff conduct. Safeguarding & Family Support continue to receive significant numbers (6 of the 7 for all Children's Services). Given child protection interventions are rarely welcomed this is perhaps unsurprising. However, Safeguarding & Family Support management may want to consider if training around customer service could help or whether a learning session would be useful. The service is planning mentoring for social workers which will focus on how to be direct whilst still maintaining a positive relationship.

It is positive to see there were no complaints about quality of service for Children's & Families (compared to 4 last year) whilst numbers of complaints about Special Needs refusal to provide a service have halved from 4 to 2.

Key action: The Complaints Service will offer to facilitate learning meetings with services with high levels of particular complaints relative to other departments or as a high percentage of the complaints they receive.

6. Equalities Information – Service Users

6.1 Stage 1

Gender of Service User

MALE	24
FEMALE	23
UNKNOWN	2

Analysis: No concerns evident

Ethnic Origin of Service User

White/British	12
Black British	5
Asian British	10
White Other	2
Mixed Asian/British	1
Mixed Black/British	2
Mixed Other	2
Unknown	15

Analysis: 59% of complaints came from ethnic minority complainants.

Action: To obtain the ethnic breakdown of service users of the different services to help inform whether complainants are reflective of all ethnic groups.

Stage 1 Complaint made by

Service User	19
Parent / Carer / Family member	22
Advocate	4
Solicitors	2
Friend, Councillor, other	2

Analysis: The most interesting fact is the number of complaints coming from the advocacy service has dropped from 14 last year to 4 this year. One explanation might be both Your Voice Your Choice and the relevant services have got better at resolving concerns informally without the need for them to escalate into complaints.

6.2 Stage 2 complaints

Gender of Service User

Male	2
Female	3

Ethnic Origin of Service User

White/British	1
Black British	1
Asian British	1
Unknown	2

Stage 2 Complaints made by

Service User	3
Relative/Partner (often informal carer)	2
Advocate	0
Solicitors	0
Friend, Councillor, other	0

7. STAGE 2 COMPLAINTS

There were 5 Stage 2 complaints (compared to 12 in 2007-08 and 10 in 2006-07)

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 or not and what learning is identified from complaints.

7.1 Percentage of complaints escalating to Stage 2

Service	Admissions			West Lodge			Children's & Families			Fostering & Adoption			Safeguarding & Family Support		
	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07
Number	0	0	0	2	2	N/A	0	1	0	0	0	1	1	2	2
% escalating to Stage 2	0%	0%	0%	100%	100%	N/A	0%	8%	0%	0%	0%	8%	5%	12.5%	11%

Service	Special Needs			Young Peoples			Early Years			Other (Client Support)			Commissioning		
	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07
Number	2	1	1	0	3	0	0	0	0	0	0	0	0	0	0
% escalating to Stage 2	20%	10%	17%	0%	75%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

Key message: As a rough indicator, for services that get regular complaints having under 10% escalating from Stage 1 to 2 is excellent. Over 15% indicates work needs to be done. Due to the often emotive nature of Children's Services complaints, escalation rates tend to be higher than in Adults.

Analysis: A target was set to reduce the escalation rates from Stage 1 to Stage 2 to below 15% overall. This was achieved with escalation rates dropping from 16% last year to 10% this year. When the exceptional West Lodge figures are removed, a figure of 6% is exceptional (only 3 statutory social care Stage 2 complaints in a year).

Safeguarding & Family Support having only 1 Stage 2 complaint is a remarkable achievement (or only 5% of complaints escalating) given both historical escalation rates and the nature of the work under-taken. A member of the Complaints Service sits with this service one morning a week. This has helped managers with complaint strategies, responses and the speed of responding.

After 3 Young People's Stage 2's last year, it is positive to see no Stage 2's this year. The only note of caution is Stage 1 levels are low.

Special Needs had a 20% escalation rate. One of these complaints escalated to Stage 2 purely because the agreed actions to resolve the complaint that were agreed at mediation were not carried out. To address the escalation rates in Children with Disabilities and issues around delay (covered in 7.2 below); the Complaints Manager held a learning meeting with relevant staff which identified a number of ways of improving practice. The positives that can be drawn from this are firstly, senior management and staff responded very quickly and positively to address the situation once it was highlighted and secondly, feedback since seems to indicate a marked improvement.

7.2 Stage 2 Outcomes

Service	Admissions			West Lodge			Children's & Families			Fostering & Adoption			Safeguarding & Family Support		
	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07
Number	0	0	0	2	2	N/A	0	1	0	0	0	1	1	2	2
Upheld	-	-	-				-		-	-	-	1			
Partially upheld	-	-	-		2		-	1	-	-	-			1	
Not upheld	-	-	-				-		-	-	-			1	2
Withdrawn	-	-	-				-		-	-	-				
Awaiting outcome	-	-	-				-		-	-	-				
% fully upheld	-	-	-	0%	0%		-	0%	-	-	-	100%	0%	0%	0%
% fully or partially upheld	-	-	-	100%	100%		-	100%	-	-	-	100%	100%	50%	0%

Service	Special Needs			Young Peoples			Early Years			Other (Client Support)			Commissioning		
	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07
Year	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07	08-09	07-08	06-07
Number	2	1	1	0	3	0	0	0	0	0	0	0	0	0	0
Upheld		1		-	1	-	-	-	-	-	-	-	-	-	-
Partially upheld	1		1	-	2	-	-	-	-	-	-	-	-	-	-
Not upheld				-		-	-	-	-	-	-	-	-	-	-
Withdrawn				-		-	-	-	-	-	-	-	-	-	-
Awaiting outcome				-		-	-	-	-	-	-	-	-	-	-
% fully upheld	0%	100%	0%	-	33%	-	-	-	-	-	-	-	-	-	-
% fully or partially upheld	100%	100%	100%	-	100%	-	-	-	-	-	-	-	-	-	-

[One Special Needs Stage 2 is awaiting an outcome]

Analysis: The West Lodge complaints relate a misleading amalgamation policy which was identified at Stage 2 and the policy has since been amended.

It was highlighted last year that all complaints were at least partially upheld indicating some complaints are escalating unnecessarily to Stage 2 because mistakes/fault are either not being recognised at Stage 1 or there is a reluctance to admit fault at Stage 1 (particularly the two cases that were fully upheld). Whilst it is encouraging that no complaints were fully upheld this year, all Stage 2 complaints were partially upheld so it remains a focus area.

All Stage 2 Special Needs complaints over the last 3 years have been at least partially upheld which may indicate more work is needed on identifying legitimate points of complaint at Stage 1.

Key action: The Complaints Service to introduce Complaint Investigator training.

7.3 Stage 2 Response Times:

Service	West Lodge	Children & Families	Safeguarding & Family Support	Special Needs	TOTAL
Within 25 days (simple complaints)					
Within 65 days (complex)	2				2
Over timescale			1	1	2
Awaiting		1 (within timescale)			1

Analysis: All the Stage 2 complaints this year were complex.

Given timeliness is a key desire for complainants it is disappointing that two went over timescale: The Special Needs complaint was delayed due to difficulties in obtaining information from the school. For the Safeguarding case, the independent investigator had not been used by Harrow before (but had been by other Councils) and simply took too long despite repeated chasing from the Complaints Service. It is unlikely we will use her again.

Key actions: 1) To reduce the response times for Stage 2 independent complaint investigations the Complaints Service will carry out a Lean Kaizen analysis; 2) Independent investigators have been asked to provide updates as a minimum of every two weeks; 3) The Complaints Service is exploring the benefits and work involved in reporting on end-to-end timescales for complaints to be resolved. 4) Complaint recording systems were changed in June 2009 to capture and monitor each step of the Stage 2 process.

7.4 Nature of complaint

Type of Complaint	West Lodge		Children & Families		Fostering Adoption & Res		Safeguarding & Fam Supp		Special Needs		Young Peoples Serv		Early Yrs Childcare & Parenting		Other / Client Support Services		Service Commissioning	
	08-09	07-08	08-09	07-08	08-09	07-08	08-09	07-08	08-09	07-08	08-09	07-08	08-09	07-08	08-09	07-08	08-09	07-08
Allocation of Keyworker																		
Breach of Confidentiality																		
Chg To Indic Serv - Withdrawal / Reduction																		
Comms - Failure to Keep Informed/Consult							1											
Complaint Reg Freedom of Info Act																		
Delay / Failure in Taking Action / Replying								1	1		2							
Discrimination By a Serv																		
Failure To Follow Policy or Proc	2	2									1							
Level of Service (E.g. Opening Times)				1														
Loss or Damage to property																		
Policy / Legal / Financial Decision																		
Quality of facilities / Health Safety																		
Quality of Serv Delivery (Standards)																		
Refusal To Provide A Service									2									
Staff Conduct - Attitude / Behaviour								1										
TOTAL	2	2	0	1			1	2	2	1		3						

Analysis: It was highlighted that 4 of the 9 complaints last year related to delay or failure to take action. So it is positive to see no Stage 2 complaints relating to delay or failure to take action. Both Special Needs complaints relate to refusal to provide a service.

8. STAGE 3 COMPLAINTS

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

Service Unit	Setting up Panel (30 day timescale)	Panel report produced (5 day timescale)	Council Response (15 day timescale)	Outcome
Safeguarding & Family Support	N (at the request of the complainant)	Y	Y	Not upheld.
West Lodge (3 complainants)	N (at the request of a complainant)	Y	Y	Partially upheld.

Analysis: Safeguarding case: The complainant had made repeated complaints against any social worker intervention and the social worker had been changed 4 times. Management asked for the Complaints Service to assist in managing a vexatious complainant. After the Stage 3 Panel rejected the complaint, the complainant was added to the vexatious complainant register for 18 Months and advised of her right to go to the Ombudsman.

West Lodge: Some additional points of complaint were upheld by the Panel but none as significant as the need to change the policy identified at Stage 2. The decision on amalgamation was made by the Schools Adjudicator rather than the Council and the Adjudicator concurred with the Council decision to amalgamate the schools (as did the High Court following judicial review).

9. Ombudsman complaints and enquiries

During the year, 2 complaints were considered by the Local Government Ombudsman (both about West Lodge).

9.1 Complaints made to the Ombudsman and Decision

Service Area	Total	Outcome of Ombudsman Consideration				
		Public report	Local settlement	No or insufficient injustice	Outside jurisdiction	Premature Complaint
West Lodge	2		2			

Analysis: Given the sensitivity of the case, the decision has been passed to the Ombudsman himself to make the final decision, which at time of drafting was not finalised. However, the Ombudsman investigator is recommending to the Ombudsman local settlement with compensation of £250 per complainant for the time and trouble to pursue the points of complaint that were legitimate.

Key message: Children’s Services social care record for robust and effective handling of complaints is evidenced by the following: Of 120 complainants who approached the Ombudsman about Harrow Council services in 2008-09, only 1 related to Children’s social care (advice was given and no further action taken). Given the often unwelcome nature of the work, this is an exceptional achievement.

10. Percentage escalation

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 adverse rulings 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 published adverse ruling
2008-09	10%	2%	0%
2007-08	16%	1.75%	0%
2006-07	7%	1.75%	0%
2005-06	21%	4%	0%
2004-05	13.5%	0%	0%
2003-04	20%	2.5%	0%

Analysis: Unlike most London Councils, Harrow complainants are always explained the right to go to the next stage if they are unhappy so 10% going from Stage 1 to Stage 2 is a healthy position.

Key message: The most crucial test of success is whether the Ombudsman issues public reports of maladministration against the Council. The Ombudsman has not issued a report in the last 4 years relating to Harrow Social Services (Adults or Children’s).

11. Compensation/Reimbursement Payments

The Council provides compensation if after a complaint has been investigated or as part of an Ombudsman’s investigation, it is concluded that:

- the Ombudsman would find that there has been maladministration by the Council causing injustice to the complainant; and
- he would recommend that compensation should therefore be paid to the complainant.

Payments related to the following service areas:

Service	Stage	Amount
West Lodge	Ombudsman	£750
	Total	£750

Analysis: The Council has offered £750 compensation on the recommendation of the Ombudsman for the time and trouble of pursuing points of complaint that were upheld.

£750 compensation compares to £ 8,650 last year and £14,686.64 in 2006-07.

12. Mediation and Alternative Dispute Resolution

Harrow Council continues to deliver pioneering work in this field. The success of internal mediation noted in the last two annual reports at resolving complaints and thus preventing complaint escalation continues.

Mediation resolved 9 out of 9 Children's Services complaints.

However, one of these (a Children with Disabilities complaint) subsequently unnecessarily proceeded to Stage 2 independent investigation when the agreed actions in the mediation agreement were not carried out in the timescale promised by the manager.

Harrow Council continues to deliver pioneering work in this field. Given mediation has resolved 77% of the 61 complaints where it was used in the last 4 years, it is crucial we continue to utilise mediation as much as possible.

Key message: The message is the more we mediate, the fewer complaints escalate.

13. Advocacy

Free advocacy is a statutory right for Children in Need and is delivered via an SLA by Kids Can Achieve. The service is called Your Voice Your Choice.

Only 4 complaints were made with the support of an advocate this year (compared to 14 last year) which may be due to growing co-operation between services and the advocacy service to attempts by the advocacy service to resolve issues without the need for them to escalate into complaints.

13.1 Statistics from Your Voice Your Choice

Breakdown of 151 interventions:

New	51
Re-referrals	16
Ongoing	84

The 151 interventions were for a total of 78 clients.

Method of referral (51 new interventions):

Drop-in	21
Out-reach	0
In writing (letter, fax, email, text)	0
Over telephone	30
Total:	51

Analysis: Drop-in's account for 42% of all referrals which demonstrates how important it is for an advocacy service to have a local office. Most Councils use national advocacy services that do not have local offices.

Source of referral (51 new interventions):

Self	11
Parent/Relative	23
Social Worker	5
Representative/friend	0
Other organisation	12
Total:	51

Services the 51 new interventions relate to (often more than one service involved):

Children in Need (CIN)	3	Health (HEA)	6
Referral & Assessment (REFASS)	3	Education Welfare (EWO)	0
Schools (SCH)	22	Other	6
Special Educational Needs (SEN)	5		
Looked After Child Team (LACT)	7		
Leaving Care Team (LCT)	4		
Children With Disabilities (CWDT)	3		
Housing (HOU)	14	Total:	73

Analysis: The above figures demonstrate how advocacy is requested when dealing with multiple areas of Children's Services. The Corporate Director is exploring extending the scope of the advocacy service to cover all Children's Services.

Outcomes of referral (51 new interventions):

Information given on the law/ rights/ procedures	A	7
Resolved through liaising with operational service – resulted in a service change	B	1
Resolved through liaising with operational service –no service change	C	6
Complaint – no initial liaison with operational service	D	0
Complaint – following efforts to resolve with operational service	E	0
Unresolved – but no complaint made	F	2
Ongoing	G	24
No Follow Up	H	10
Closure letter sent	I	5
Notice sent of completed piece of work / leaving door open for future contact	J	5
Total: (Current monitoring methods do not enable us to show both the outcome and the ongoing / closed status. From 1/4/09 this information will be broken down.)		60

The following is an anonymised example in the words of the young person of a positive outcome achieved through the advocacy work of Your Voice Your Choice:

“Emma came prepared to meetings and was always available; she did in- depth research into my case which drew from other similar previous cases. Emma’s strong knowledge of disabled rights within the community helped give me confidence. Emma was highly professional and I felt was honestly on my side. Emma stood out fantastically as an advocate as she has a natural ability to work and communicate with challenging conditions which reflected strongly in her communication skills. I felt extremely confident in her control.

From the time my case was won, it only took a week for all my promised help and equipment to be in place. I personally could not have asked for anymore”.

Key message: The above statistics demonstrate a number of positive outcomes to resolve the query or difficulty. The volumes being resolved are far higher than when young people or their carers needed to approach the Council for advocacy support.

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

Please note that there were no joint investigations during this financial year.

15. Learning derived from complaints

Examples of learning include:

- Schools amalgamation policy and guidance amended.
- Introduction of a formalised dispute resolution mechanism between Governing bodies and the Council.
- The wording of the Early Years charging document was amended.
- Additional checks added to the adoption procedure to identify delays.
- A practice note was issued to social care practitioners and managers reminding them that attendees at child protection meetings are given the minutes of previous meetings or reports in advance of the next meeting.
- Once the Ombudsman closes West Lodge, a learning meeting will be held.
- The Complex Needs Panel for Children with Disabilities (CWD) is reviewing its appeals procedures to make them more transparent/independent, including consulting parental views.
- Introducing a CWD consultative forum with parents.
- CWD agreeing clear criteria for entitlement/eligibility for services.
- Special measures against two unreasonably difficult/persistent complainants that saved a great deal of Council time.
- Introducing direct payments monitoring.
- Exploring increased Council monitoring of school exclusion panels.
- Updating the information leaflet for parents about Rapid Intervention Team (RIT).
- Review mechanisms for ensuring parents are aware and consent to RIT meeting. e.g. a tear off slip with signature.
- Training for schools on exclusions.
- Plus numerous individual remedial actions.

16. Update on new schools complaint Bill

The Apprenticeships, Skills, Children and Learning Bill, which is expected to receive Royal Assent in the autumn of 2009, will mean the Ombudsman will have the jurisdiction to re-investigate a complaint made against a school by a parent or a pupil.

Key message: This is likely to have significant implications for schools where before complainants had little option but to accept the findings of the school. It is likely to be a challenging transition for schools to adjust to such external scrutiny of complaints. It is likely there will be instances where complaints that have not been upheld by the school will be upheld by the Ombudsman and the Ombudsman can issue public reports and recommendations.

Key action: Harrow Council had anticipated this change by offering a Complaints SLA with schools including training and complaint support. Harrow is the only London Borough to offer a complaints mediation service to schools.

17. Ombudsman's role change

From 1 April 2009, the Ombudsman's official policy has changed so he will only accept complaints that have been through all the stages of the local authority's complaints procedure. However, the Ombudsman retains the power to make exceptions and has set out a number of examples of exceptions including:

- **Complaints made by children**
- **Complaints about education (apart from transport)**
- Complaints about more than one body
- Complaints where referral to the Council would disadvantage an already disadvantaged complainant
- Where there has been unreasonable delay by the Council
- Complaints about homelessness (where the complainant is currently, or will imminently be, homeless)

It is unlikely that significantly more complaints will be investigated straight away by the Ombudsman but the exceptions are quite wide so the Ombudsman has left himself a great deal of latitude to do so.

Stuart Dalton

Complaints Manager, Children's Services

Date: 22 June 2009

Financial Implications

There are no specific budget issues associated with this report. All compensation payments are met by the appropriate service within base budgets.

Performance Issues

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

SECTION 3 - STATUTORY OFFICER CLEARANCE

Name: Emma Stabler	<input type="checkbox"/>	on behalf of the* Chief Financial Officer
Date: 02/07/09		
Name: Sharon Clarke	<input type="checkbox"/>	on behalf of the* Monitoring Officer
Date: 05/08/09		

SECTION 4 - CONTACT DETAILS AND BACKGROUND PAPERS

Contact: STUART DALTON, ADULTS AND CHILDREN'S COMPLAINTS MANAGER (020 8424 1578)

Background Papers: NONE

IF APPROPRIATE, does the report include the following considerations?

1.	Consultation	YES/ <u>NO</u>
2.	Corporate Priorities	YES / <u>NO</u>
3.	Manifesto Pledge Reference Number	