

**REPORT FOR: OVERVIEW AND
SCRUTINY COMMITTEE**

Date of Meeting: 26 October 2010

Subject: Children’s Services Complaints Annual
Report 2009/10

Responsible Officer: Catherine Doran, Corporate Director
Children’s Services

**Scrutiny Lead
Member area:** Mitzi Green, Portfolio Holder for
Children’s Services

Exempt: No

Enclosures: None

Section 1 – Summary and Recommendations

This report sets out the statutory Children’s Services complaints annual report for 2009-10.

Recommendations: 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 has 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:

- Deliver cleaner and safer streets
- **Improve support for vulnerable people**
- **Build stronger communities**

ANNUAL REPORT for Children's Services Complaints for period 2009-10

<u>Paragraph</u>	<u>Contents</u>	<u>Page</u>
1	Context/Overview	3
2	Stages of the Procedure	4
3	Summary of Activity	5
4	Focus for next year	8
5	Stage 1 Complaints	10
6	Equalities information	12
7	Stage 2 Complaints	14
8	Stage 3 Complaints	18
9	Ombudsman Complaints & Enquiries	18
10	Percentage escalation	19
11	Compensation Payments	19
12	Mediation	20
13	Advocacy	20
14	Joint NHS and social care complaints	21
15	Learning the Lessons/Practice Improvements	22
16	Ombudsman's new responsibility for school complaints	22

1. Context

This report provides information about complaints made during the twelve months between 1 April 2009 and 31 March 2010 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.

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.

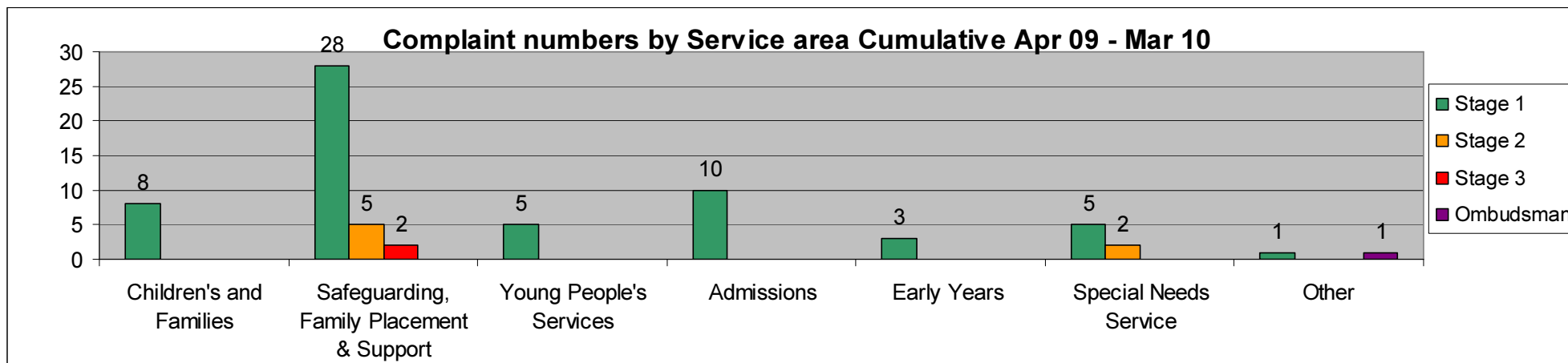
3. Summary of Activity

Total complaints made:

Between 1 April 2009 and 31 March 2010 we received 60 Stage 1 complaints.

There were 7 Stage 2 complaints and 2 stage 3 review panels. 1 complainant went to the Ombudsman (having been through the Council's complaints procedure first) which the Ombudsman did not uphold beyond errors identified by the Council to the Ombudsman.

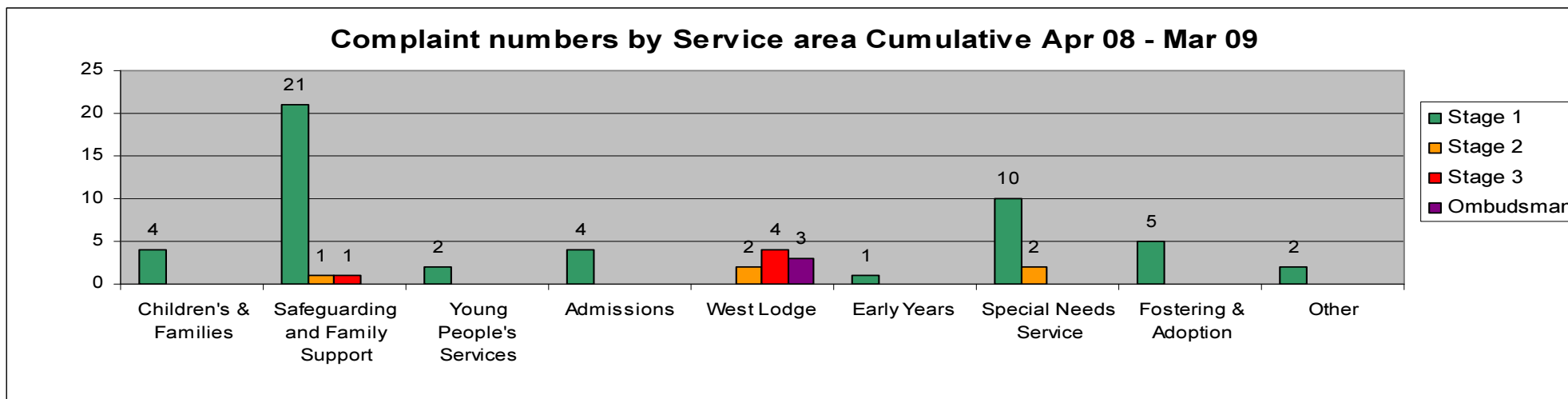
Key message: Strong resolution work overall, with only 3 areas seeing a complaint escalate beyond stage 1 and a healthy number of stage 1 complaints.



Analysis: The quality of complaint responses is generally good and should be recognised. Whilst the escalation rates and the percentage being upheld in Safeguarding and Special Needs indicates areas for improvement.

The Complaints Service are becoming more involved in resolving concerns before they escalate into complaints with 40 potential stage 1's resolved without a Stage 1 needed.

3.2 Comparison with the year before (2008-09)



Analysis: The three most noticeable changes from the previous year are an increase in Safeguarding complaints (a service should not be criticised for having stage 1's), no West Lodge complaints (which was a unique situation) and an increase from 4 to 10 in Admissions complaints.

3.3 Numbers of complaints over time

	Stage 1	Stage 2	Stage 3
2009-10	60	7	2
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: We have a healthy level of Stage 1 complaints (welcoming customer feedback).

3.3 What the complaints team do

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

Virtually no other London borough Complaints Service offers mediation and letter-vetting. Not only has the escalation rate from Stage 1 to Stage 2 dropped from 18% between 2003-06 to 10% between 2006-10 but Members can now also be assured all complainants know their rights if they are unhappy with their complaint response.

Key message: Children's Services social care record for robust and effective handling of complaints is evidenced by the following: Of 117 complainants who approached the Ombudsman about Harrow Council services in 2009-10, only 3 related to Children's social care (two were premature). Given the often unwelcome nature of the work, this is an exceptional achievement.

3.4 Outcomes in 2009-10

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

- To maintain a healthy level of Stage 1 complaints. Outcome: Achieved (recording of Stage 1's has improved by 50% since 2003-04 whilst Stage 2 & 3's have reduced as a percentage).
- Maintain low escalation rates. Outcome: Achieved - 12% is the third lowest escalation rate in 7 years.
- Maintain the improved percentage of escalated complaints not upheld. Outcome: Not achieved. See section 7.2.
- To start complainant satisfaction surveys (A 2008 National Audit Report identified that only 25% of Councils conduct satisfaction surveys of complainants). Outcome: Achieved.
- To exceed the 75% Stage 1 internal timescale standard. Outcome: Not achieved. See 5.1.
- Complete the portfolio of complaints training so all key complaints training themes are covered. For example, Complaint Investigator training. Outcome: Achieved.
- Produce a new format of complaints leaflets with more information and space to write complaints. Outcome: Achieved.
- Introduce a feedback form following mediation which staff and service users can fill in. Outcome: Achieved.
- To reduce the response times for Stage 2 independent complaint investigations. Outcome: Achieved. See 7.3

- Implementing a 'Support for staff who are the subject of complaint' strategy. Outcome: Rolled over to 2010-11 due to work pressures.
- Identify a consistent way of reporting on Ombudsman cases. Outcome: Achieved. See 9.1
- To plan for how the new complaint regulations for schools will be implemented. Outcome: Achieved as far as currently possible.
- To increase awareness of the supports to manage difficult complainants. Outcome: Rolled over to 2010-11 due to awaiting new intranet to store guidance documents.
- To progress and embed improved learning practice. Outcome: Excellent progress. Learning from complaints now being centrally recorded and monitored.

4. Priorities for 2010/11:

- To trial the reporting of outcomes against the nature of complaint.
- From 2010-11 we will report on disability for equality monitoring purposes.
- Reduce the percentage of Safeguarding & Special Needs complaints escalating to below 15% (or at least ensuring they are not upheld if they do escalate).
- Implementing a 'Support for staff who are the subject of complaint' strategy [rolled over].
- To maintain a healthy level of Stage 1 complaints.
- Given the high volumes of potential complaints, to report on potential complaints from April 2010 so they form part of the trend analysis.
- To report on complaints not responded to within 25 working days at Stage 1.
- To improve response times, aiming for 75%
- For the Complaints Service to carry out a review of cases which went over time to identify any ways to improve timescales.
- For the Complaints Service to offer places on Complaint Investigator to Safeguarding and Special Needs managers or offer to deliver training to teams if take-up is low.
- To set up debrief sessions in both Safeguarding and Special Needs to review patterns and learning around upheld complaints.
- To check Children's Centres are advertising the complaints process and capturing complaints.
- To identify if the technology for call-quality monitoring can be identified to help improve customer service staff reflection and management scrutiny.
- To prioritise complaints surgeries at Alexandra Avenue (Special Needs)
- To standardise advocacy monitoring information
- To identify tangible examples of outcomes for young people as a result of advocacy.

5. Stage 1 Complaints

Year	Admissions	West Lodge	Children & Families	Safeguarding , Family Placement & Support	Special Needs	Young Peoples Service	Early Yrs Childcare & Parenting	Other	Service Commissioning	Total
2009-10	10	0	8	28	5	5	3	1	0	60
2008-09	4	0	4	26	10	2	1	2	0	49
2007-08	2	3	12	18	10	4	3	4	1	57
2006-07	0	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: The Admissions Service demonstrates the ideal: A healthy level of Stage 1 complaints with none escalating to Stage 2 or beyond through robust, transparent and proactive complaints management. The service receives remarkably few escalated complaints given the potential for dissatisfaction of parents not getting the place they want.

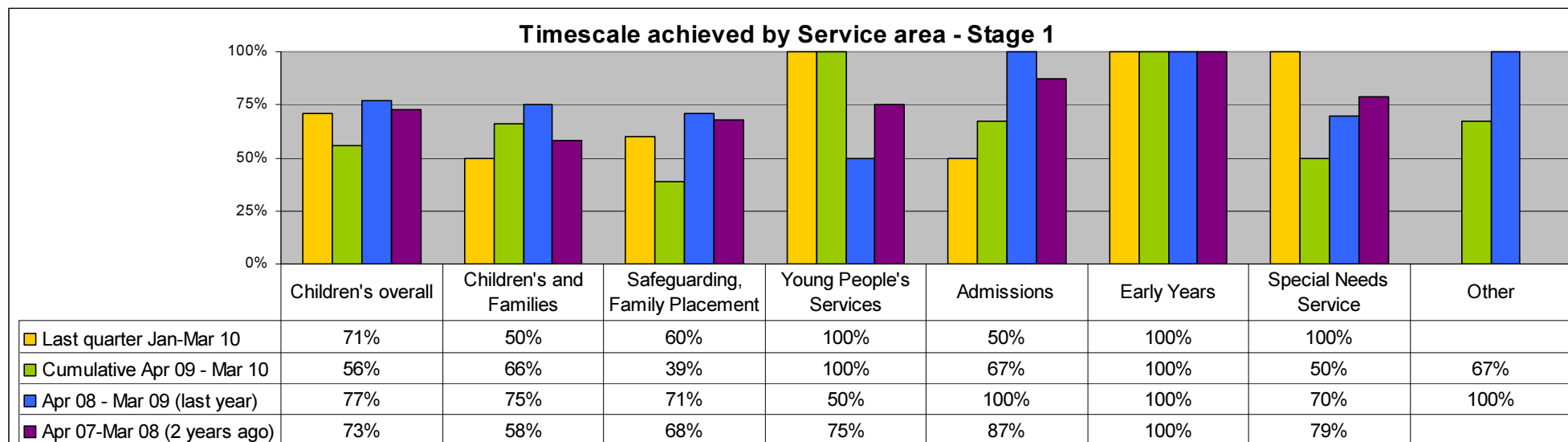
Whilst numbers of stage 1 complaints for Safeguarding, Family Placement & Support have remained stable, it has been a challenging year (covered in Stage 2, 3 and timescale analysis).

Special Needs complaint numbers appear a little low at 5, especially given it had 2 of the 7 stage 2 complaints. The nature of the work means it should always receive complaints.

Despite the introduction of Children's Centres, Early Years has not seen an increase in complaints.

Key action: To check Children's Centres are advertising the complaints process and capturing complaints.

5.1 Stage 1 response times



Analysis: For context, response times are significantly better than they were 5 years ago. If Safeguarding results are not included the Directorate figure is a healthy 73% (we set an internal target of 75%). Early Years management should be congratulated on 100% timescale achievement for 3 years in a row. Safeguarding is the only area that has regularly not achieved the timescale this year (39%) which is likely to have contributed to their high number of Stage 2's. However, the figures improved in the last 2 quarters (71% and 60%) and the appointment of a permanent CIN Service Manager (in April 2010) should help next year.

Safeguarding has faced some unique pressures that can be seen to have resulted in reduced timescale achievement. However, the management of the service have demonstrated commitment to proactive complaints management, so it would be reasonable to expect timescales to improve next year.

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	Overall	Children & Families			Safeguarding, Family PI & Supp			Special Needs			Young Peoples Serv			Early Yrs Childcare & Parenting			Other / CSS/ Commissioning			Admissions & West Lodge			
		09-10	09-10	08-09	07-08	09-10	08-09	07-08	09-10	08-09	07-08	09-10	08-09	07-08	09-10	08-09	07-08	09-10	08-09	07-08	09-10	08-09	07-08
Allocation of Keyworker	1				1	1												1					
Breach of Confidentiality				1																			
Chg To Service - Withdrawal / Reduction				1		1	1		1				1										1
Comms - Failure to Keep Informed/Consult	2		1	1	1	2	1			1											1		
Freedom of Info Act						1																	1
Delay / Failure in Taking Action / Replying	15	4	1	1	5	7	3	1	4	2	1								2	4	1		
Discrimination by an Individual	2				1									1									
Discrimination By a Service	1								1	1										1	2		
Failure To Follow Policy or Procedure	8	1			4	1	3				1		1	1						1			
Level of Service (E.g. Opening Times)	1		2	3	1	5	1											1	2				
Loss or Damage to property																							
Policy / Legal / Financial Decision	2				1	1	1								1		1						1
Quality of facilities / Health Safety													1										
Quality of Service Delivery (Standards)	6			4	5	1		1	2	2						1						1	1
Refusal To Provide A Service	8	1		1	3		2	2	2	4	1	1									1		
Staff Conduct - Attitude / Behaviour	14	2			6	6	5	1			2	1	1	1		1			1	2			1
TOTAL	60	8	4	12	28	26	18	5	10	10	5	2	4	3	1	2	1	2	5	10	4	5	

Analysis: Given the exceptional pressures on Safeguarding post-Baby P it is perhaps unsurprising to see complaints in categories that were not so prevalent in previous years such as ‘failure to follow policy’ and ‘quality of service’. Refusal to provide a service is the most likely reason for complaint for Special Needs. After 4 delay complaints last year, it is positive to see only one this year. There were 4 complaints about delay in Children’s & Families (compared to 1 in each of previous 2 years).

Complaints about staff conduct have doubled from 7 last year to 14 this year.

Key action: The Complaints Service has asked the Customer Services Manager to identify if the technology for call-quality monitoring can be identified to help improve customer service staff reflection and management scrutiny.

6. Equalities Information – Service Users

6.1 Stage 1

Gender of Service User

	09-10	08-09
MALE	31	24
FEMALE	27	23
UNKNOWN	2	2

Analysis: No concerns noted.

Ethnic Origin of Service User

	09-10	08-09
White/British	19	12
Black British	7	5
Asian British	6	10
White Other	2	2
Black African	2	
Mixed White & Black Caribbean/ Black African	5	2
Mixed White/Asian	1	1
White Irish	1	
Mixed Other	2	2
Unknown	16	15

Analysis: No concerns noted. 68% of complaints came from ethnic minority complainants (compared to 59% on 2008-09) which indicates accessibility to the complaints process.

Stage 1 Complaint made by

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

Analysis: The number of complaints directly from service users has lowered slightly but it is still positive to see over a quarter of complaints being made directly by the young person. There is a lot of informal advocacy work being done to resolve concerns without the need for them to escalate into complaints (see section 13).

Key action: From 2010-11 we will report on disability as well.

Method of complaint

Over 80% of complaints are made by letter, email or telephone call and this has remained consistent. However, to ensure maximum accessibility, complaints can also be made via a complaints e-form or dedicated complaint fax, minicom or text numbers.

Publicising the complaints procedure

The complaints service has a raising awareness plan that includes a plan for outreach; information on the web; surgeries with staff; training for staff; we also provide leaflets and complaints posters for main service access points.

6.2 Stage 2 complaints

Gender of Service User

	09-10	08-09
MALE	5	2
FEMALE	2	3
UNKNOWN	0	0

Analysis: No concerns noted.

Ethnic Origin of Service User

	09-10	08-09
White/British	2	1
Black British		1
Asian British	1	1
Mixed Black or Asian & White British	1	0
White Other	2	0
Unknown	1	2

Analysis: No concerns noted.

Stage 2 Complaints made by

	09-10	08-09
Service User	0	3
Parent/relative	6	2
Advocate –(instigated by either carer or service user)	1	0
Solicitors	0	0
Friend, Councillor, other	0	0

Analysis: No concerns noted.

7. STAGE 2 COMPLAINTS

There were 7 Stage 2 complaints (compared to 5 in 2008-09 and 9 in 2007-08)

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.

7.1 Percentage of complaints escalating to Stage 2

Service	Admissions				Children's & Families				Safeguarding, Family Placement & Support				Special Needs			
Year	09-10	08-09	07-08	06-07	09-10	08-09	07-08	06-07	09-10	08-09	07-08	06-07	09-10	08-09	07-08	06-07
Number	0	0	0	0	0	0	1	0	5	1	2	3	2	2	1	1
% escalating to Stage 2	0%	0%	0%	0%	0%	0%	8%	0%	18%	5%	12.5%	11%	40%	20%	10%	17%

Service	Young Peoples				Early Years				Other				Commissioning			
Year	09-10	08-09	07-08	06-07	09-10	08-09	07-08	06-07	09-10	08-09	07-08	06-07	09-10	08-09	07-08	06-07
Number	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
% escalating to Stage 2	0%	0%	75%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%

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 ongoing lack of escalations to stage 2 for the majority of services is an outstanding achievement. Whilst Safeguarding and Special Needs are areas always prone to complaints due to the nature of their work.

Safeguarding have gone above 15% for the first time in 4 years. However, this needs to be interpreted in the context of the short-term spike in workload caused by the Baby P case (in 2008-09 Safeguarding achieved an amazing 7 year low escalation rate of 5%).

Special Needs have had escalation rates over 15% for 3 of the last 4 years. This year it was 40%. Both services are working proactively with the Complaints Service to improve this position. For example, Special Needs management have just asked Complaints to deliver training on letter-writing to CWD and agreed to a regular complaints surgery at Alexandra Avenue. The concern would be if the high percentage of upheld and escalating complaints does not improve by this time next year.

Key action: Complaints surgeries have started at Special Needs to help provide face to face guidance to staff on strategies for resolving complaints at Stage 1. The target is for both Safeguarding and Special Needs to reduce the percentage of complaints escalating below 15% next year.

7.2 Stage 2 Outcomes

Service	Admissions				Children's & Families				Safeguarding, Family Placement & Support				Special Needs			
	09-10	08-09	07-08	06-07	09-10	08-09	07-08	06-07	09-10	08-09	07-08	06-07	09-10	08-09	07-08	06-07
Number	0	0	0	0	0	0	1	0	5	1	2	3	2	2	1	1
Upheld									2			1	2		1	
Partially upheld									3	1	1			1		1
Not upheld											1	2				
Withdrawn																
Awaiting outcome																
% fully upheld							0%		40%	0%	0%	33%	100%	0%	100%	0%
% fully or partially upheld							100%		100%	100%	50%	33%	100%	100%	100%	100%

Service	Young Peoples				Early Years				Other				Commissioning			
	09-10	08-09	07-08	06-07	09-10	08-09	07-08	06-07	09-10	08-09	07-08	06-07	09-10	08-09	07-08	06-07
Number	0	0	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Upheld			1													
Partially upheld			2													
Not upheld																
Withdrawn																
Awaiting outcome																
% fully upheld			33%													
% fully or partially upheld			100%													

Analysis: Both Special Needs complaints were upheld at Stage 2. 2 of the 5 Safeguarding were upheld and 3 partially upheld. It is important to note that many complaints are not escalating to stage 2 from these services, so it is possible that those escalating to stage 2 are the only ones where errors are not being identified at stage 1 but it may indicate more work is needed on identifying legitimate points of complaint at Stage 1.

Key action: The Complaints Service to offer places on Complaint Investigator to Safeguarding and Special Needs managers or offer to deliver training to teams if take-up is low. The target is for Safeguarding & Special Needs to improve the percentage of complaints upheld.

7.3 Stage 2 Response Times:

Service	Children's overall		West Lodge		Safeguarding, Family Placement & Support		Special Needs	
	09 - 10	08-09	09 - 10	08-09	09 - 10	08-09	09 - 10	08-09
Within time	6	3		2	4		2	1
Over timescale	1	2			1	1		

Background: The Council used independent investigators for all Stage 2 investigation this year. At Stage 2, there is more emphasis on thoroughness than ensuring a prompt response.

Analysis: It is positive to see 6 out of 7 were responded to within timescale following an internal lean review of timescale management within the Complaints Service. The complaints service have introduced a requirement for regular updates from independent investigators and a penalty clause introduced into contracts to deduct money for investigations that go over timescale.

The one that went over timescale exceeded the timescale because the adjudicating officer disagreed with the independent investigator's findings and needed to seek legal and specialist advice.

7.4 Nature of complaint

Type of Complaint	Overall	Children & Families			Safeguarding, Family Placement & Support			Special Needs			Young Peoples Service			Early Yrs Childcare & Parenting			Others/ Commissioning			West Lodge			
		09-10	09-10	08-09	07-08	09-10	08-09	07-08	09-10	08-09	07-08	09-10	08-09	07-08	09-10	08-09	07-08	09-10	08-09	07-08	09-10	08-09	07-08
Allocation of Keyworker																							
Breach of Confidentiality																							
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			2											
Discrimination by an Individual																							
Discrimination By a Service																							
Failure To Follow Policy or Procedure	3				3							1									2	2	
Level of Service (E.g. Opening Times)				1																			
Loss or Damage to property																							
Policy / Legal / Financial Decision																							
Quality of facilities / Health Safety																							
Quality of Service Delivery (Standards)	1				1																		
Refusal To Provide A Service	1							1	2														
Staff Conduct - Attitude / Behaviour	1				1		1																
TOTAL	7			1	5	1	2	2	2	1			3									2	2

Analysis: The most noticeable trend was upheld Safeguarding complaints about failure to follow policy/procedure (please see compensation in section 11). One of the Special Needs complaints related to refusal to provide a service (both last year related to this).

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 (Case 1)	Y	Y	N	Not upheld.
Safeguarding & Family Support (Case 2)	Y	N	Y	Partially upheld.

Analysis: Safeguarding case 1: The complainant was seeking £7,000 compensation stating Children’s Services should not have intervened in a marital dispute. The independent panel did not uphold any further points and no compensation was awarded.

Safeguarding case 2: The Adjudicating officer at stage 2 did not agree with some of the independent investigator findings at stage 2. The review panel agreed with the independent investigator and the Panel’s findings were accepted. The Director met with the family to apologise. £2,500 compensation was accepted by the family.

9. Ombudsman complaints and enquiries

During the year, 3 complaints were considered by the Local Government Ombudsman.

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
Harrow Tuition Service	3			1		2

Analysis: The Council challenged the Ombudsman’s initial recommendation of a new Exclusion appeal panel and £6,000 compensation for the complainant. The matter was decided by the Deputy Ombudsman who accepted the Council’s main position bar a couple of points, making 4 recommendations which the Council accepted.

Key message: The Ombudsman has not issued a report against Children’s Services in the last 7 years. There has been only 1 local settlement in this time (in 2008-09 relating to West Lodge).

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
2009-10	12%	3%	0%
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: 12% for stage 1 to stage 2 is the third lowest escalation rate in 7 years.

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 or offers related to the following service areas:

Service	Stage	Amount
Children in Need (Safeguarding & Family Placement)	2	£2,000 (rejected)
Children in Need (Safeguarding & Family Placement)	2	£1,000 (rejected)
Referral & Assessment (Safeguarding & Family Placement)	3	£2,500 (accepted)
Children with Disabilities (Special Needs)	2	£1,000 (accepted)
	Total	£6,500

Analysis: It is rare to have a year with 4 significant claims. The 2 areas that the claims refer to are prominent in escalated complaints and complaints not being upheld at Stage 1.

12. Mediation and Alternative Dispute Resolution

Analysis: Mediation resolved 10 out of 13 complaints where it was used, including one case that would otherwise have escalated to the Ombudsman (compared to 9 out of 9 in 2008-09).

Key message: The introduction of mediation in 2005-06 significantly reduced and continues to significantly reduce the number of complaints that escalate. Of 83 social care complaints where mediation has been used since it was introduced in 2005, mediation has resolved the complaint in an overwhelming 65 or 79% of those complaints.

13. Advocacy

Background: Free independent confidential 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. Since November 2009, the advocacy service has been extended to cover all of Children's Services.

13.1 Statistics from Your Voice Your Choice

Number of interventions (Broken down)

New **71**
 Re-referrals **11**
 Ongoing **131**

The **213** interventions were for a total of **110** clients.

Services the 71 new interventions relate to (often more than one service involved):

Children in Need (CIN)	20	Health (HEA)	3
Referral & Assessment (REFASS)	10	Education Welfare (EWO)	
Schools (SCH)	16	Other	20
Special Educational Needs (SEN)	15		
Looked After Child Team (LACT)	3		
Leaving Care Team (LCT)			
Children With Disabilities (CWDT)			
Housing (HOU)	15	Total:	102

Reason for referral for the 71 new interventions (often more than one reason):

Access	A	6	Discrimination by an individual	L	
Financial decision	B	5	Discrimination by a Service	M	2
Complaint	C	6	Staff conduct – attitude / behaviour	N	

Legal decision	D	4	Communication - Failure to keep informed / consult	O	2
Support	E	28	Refusal to provide a service	P	5
Failure to follow policy or procedures	F	2	Change to an individual's service - withdrawal/reduction	Q	
Loss or damage to property	G		Delay or failure in taking action or replying	R	
Quality of Facilities / Health and Safety	H	13	Level of Service (e.g. opening times)	S	13
Allocation / Re-allocation of Keyworker	I		Quality of Service delivery (standards)	T	4
Breach of confidentiality	J		Policy decision	U	7
Information on policy/procedure/law	K		Total:		107

Outcomes of referrals

Information given on the law/ rights/ procedures	A	25
Resolved through liaising with operational service – resulted in a service change	B	2
Resolved through liaising with operational service –no service change	C	36
Complaint – no initial liaison with operational service	D	1
Complaint – following efforts to resolve with operational service	E	11
Unresolved – but no complaint made	F	13
Ongoing into 2010 - 2011	G	30
No Follow Up	H	30
Closure letter sent	I	19
Notice sent of completed piece of work / leaving door open for future contact	J	67

Key message: The above statistics demonstrate a number of positive outcomes to resolve the query or difficulty. The volumes being resolved are vastly higher than when young people or their carers needed to approach the Council for advocacy support, when only 5 young people asked for advocacy support in the two years before the SLA was brought in.

Key action: 1) Standardising advocacy recording (1 case, 1 reason for referral rather than multiple recordings skewing figures). 2) To obtain specific/tangible examples of outcomes for young people as a direct result of advocacy support for future reports.

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

There were no joint investigations during this financial year and none in 2008-09.

15. Learning derived from complaints

Examples of learning include:

- An audit of accommodation episodes to randomly sample & evaluate parental consent for children going into care.
- Agreement to produce clear and transparent eligibility criteria for the Children with Disabilities Service
- Memo to staff to ensure that foster carer's details are not given in any documents shared with birth parents. To assist with this the Children's birth family addresses will be recorded as the main address.
- Guidance reissued to telephone operators that all calls for emergency duty social worker should be passed to the social worker.
- Individual service improvements. For example, redrafting the 'Consent Form' for Asylum Seekers so that the form is clear with special attention given to the section entitled 'Other' .
- Referral to the Admissions Forum to review the Nursery Admissions policy criteria after a complaint highlighted grounds for possible legal challenge
- Protocol for referrals to Contact Centre written
- Review of Risk policy (M6.16) with recommendation of producing a succinct checklist of actions for individuals to take when they feel they have been threatened with violence
- Booking procedure reviewed at Pinner Wood Children's Centre.
- Agreement to produce an framework for Children with Disabilities Complex Needs Panel covering a) how parental views will contribute to Panel decisions b) Reasons for decisions made at Panel should be given c) more accurate records to be taken d) In future all reassessments of needs should take place with family knowledge & involvement
- In light of West Lodge, a strategy checklist has been agreed for managers to consider when dealing with high level/public interest or difficult challenges/complaints
- Issuing a practice note to remind staff of legal framework & required practice standards concerning children coming into care.
- Where a child has an accident in a nursery and there is no visible mark the incident will now be recorded.

16. Ombudsman new powers to investigate school complaints

The Apprenticeships, Skills, Children and Learning Act 2009 gives the Ombudsman the jurisdiction to investigate a complaint made against a school by a parent or a pupil, in the same way the Ombudsman has been able to investigate complaints about Council services.

The Ombudsman is currently piloting the new service in 4 Council areas. The anticipated go-live date for Harrow Schools is September 2011.

The Complaints Manager has delivered presentations to both Headteacher and Chairs of Governors Forums and provided training on the implications of the new framework and how schools can adjust.

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 which 35 Harrow schools have signed up to. Harrow Council is the only London Borough to offer such an SLA, which includes a free mediation service.

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