

**REPORT FOR: CORPORATE  
PARENTING PANEL**

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**Date of Meeting:** 3 October 2011

**Subject:** **INFORMATION REPORT -  
Children's Services complaints  
annual report 2010-11**

**Responsible Officer:** Catherine Doran, Corporate Director,  
Children's Services

**Exempt:** No

**Enclosures:** Appendix 1 - Annual Report for  
Children's Services Complaints for  
period 2010-11

Appendix 2 - KCA Advocacy Annual  
Report 2010-11

## **Section 1 – Summary**

This report sets out the statutory Children's Services complaints annual report for 2010-11.

**FOR INFORMATION**

## **Section 2 – Report**

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

## **Section 3 – Further Information**

All relevant information is contained within the report and appendices.

### **Environmental Impact**

N/A

## **Section 4 – Financial Implications**

There are no specific budget issues associated with this report. The 2010/11 compensation payments, totalling £360, were agreed by Service Managers and were funded within existing budgets.

### **Risk Management Implications**

Risk included on Directorate risk register? No  
Separate risk register in place? No

## **Section 5 – Equalities implications**

There are no equalities implications arising from this report.

## **Section 6 – Corporate Priorities**

- 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

Name: Emma Stabler

on behalf of the  
Chief Financial Officer

Date: 23 September 2011

## **Section 7 - Contact Details and Background Papers**

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

**Background Papers:** None

## Appendix 1:

### Annual Report for Children's Services Complaints for period 2010-11

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## 1. Context

This report provides information about complaints made during the twelve months between 1 April 2010 and 31 March 2011 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.

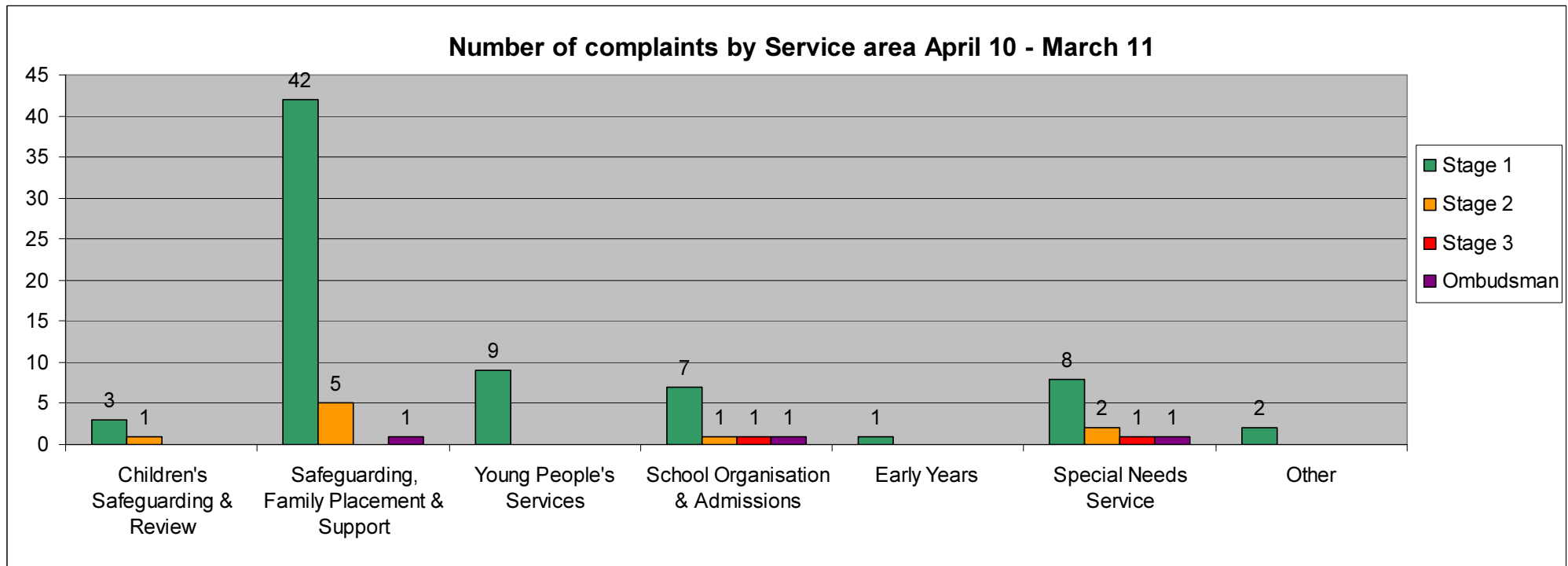
The person making the complaint retains the right to approach the Local Government Ombudsman at any time. However, the Ombudsman’s policy is to allow the local authority to consider the complaint and will refer the complaint back to the Council unless exceptional criteria are met.

### 3. Summary of Activity

Total complaints made:

Between 1 April 2010 and 31 March 2011 we received 72 Stage 1 complaints.

There were 9 Stage 2 complaints and 1 stage 3. 3 complaints were investigated by the Ombudsman and none were upheld.



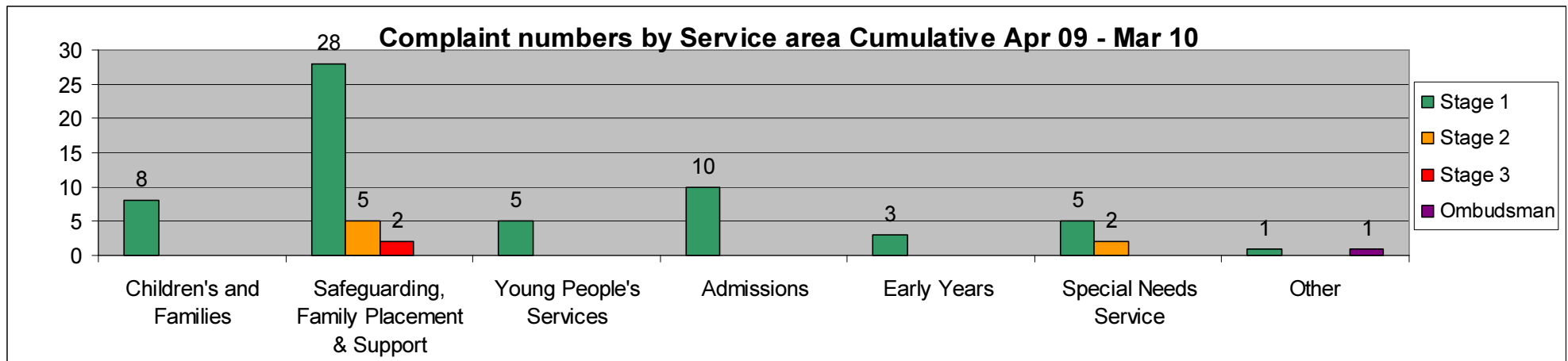
**Key message:** No complaint was upheld at either stage 3 or the Ombudsman, indicating excellent investigative and resolution work.

**Analysis:** 9 stage 2's is slightly higher than usual but only 1 escalated to stage 3 and that was not upheld. 42 is also an exceptional number of stage 1 complaints for a single service area (Safeguarding and Family Placement) although no stage 3's and the one Ombudsman case being closed at Ombudsman's discretion (no case to answer) is equally remarkable from 42 initial complaints.

School organisation had two separate highly challenging complaints at stage 3 and Ombudsman.

The Complaints Service logged 45 potential stage 1's that were either resolved without a Stage 1 needed or the complainant chose not to proceed further.

### 3.1 Comparison with the year before (2009-10)



**Analysis:** Even though there were 3 Ombudsman investigations in 2010-11, none were upheld, compared to 1 Ombudsman investigation but a local settlement in 2009-10. It is positive that there were no stage 3's for Safeguarding in 2010-11 compared to 2 in 2009-10.

**Key message:** Children's Services social care record for robust and effective handling of complaints is evidenced by the following: Of the 13 local settlements agreed between the Ombudsman and the Council, none related to Children's Services. Given the often unwelcome nature of the work, this is an exceptional achievement.

### 3.2 Numbers of complaints over time

	Stage 1	Stage 2	Stage 3
2010-11	72	9	1
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). However, 9 stage 2 complaints is a little high. Equally, only 1 of the stage 2's escalating to stage 3 indicates some excellent complaint resolution work.

**Key action:** Senior management have approved a new approach and training for investigations but asked it is not started until October 2011 after the restructure.

### 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

### 3.4 Outcomes in 2010-11

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

- To trial the reporting of outcomes against the nature of complaint. Outcome: Achieved. See 5.3
- Reduce the percentage of Safeguarding & Special Needs complaints escalating to below 15% (or at least ensuring they are not upheld if they do escalate). Outcome: Achieved for Safeguarding (12%); Special Needs not achieved (25%).



- Implementing a 'Support for staff who are the subject of complaint' strategy [rolled over]. Outcome: Achieved
- To maintain a healthy level of Stage 1 complaints. Outcome: Achieved. See 3.2
- Given the high volumes of potential complaints, to report on potential complaints from April 2010 so they form part of the trend analysis. Outcome: Achieved. See 5.4
- To report on complaints not responded to within 25 working days at Stage 1. Outcome: Achieved. See 5.2
- To improve response times, aiming for 75% Outcome: Not achieved. See 5.1
- For the Complaints Service to carry out a review of cases which went over time to identify any ways to improve timescales. Outcome: Achieved.
- 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. Outcome: Postponed at senior management request
- To set up debrief sessions in both Safeguarding and Special Needs to review patterns and learning around upheld complaints. Outcome: Achieved
- To check Children's Centres are advertising the complaints process and capturing complaints. Outcome: Achieved
- To prioritise complaints surgeries at Alexandra Avenue (Special Needs) Outcome: Achieved and ongoing
- To standardise advocacy monitoring information Outcome: Achieved. See 13
- To identify tangible examples of outcomes for young people as a result of advocacy. Outcome: Achieved. See 13

#### **4. Priorities for 2010/11:**

- If approved, implementing a new joint complaints and HR investigation approach (senior management have asked this is not explored until October 2011 after the restructure).
- Children's Service Management Team consider the causes of rising conduct/attitude complaints and whether levels of complaints being upheld are low and if so possible solutions, such as training.
- The examination of Special Needs complaints that have escalated to stage 2 to examine points that were upheld and how these could be better identified at stage 1.
- The examination of Safeguarding complaints that have escalated to stage 2 to examine if there are patterns of reasons why complaints escalate.
- To raise with Children's Service Management Team adjudication timescales and if any adjustments can be made to help speed up adjudications.
- Changing logging arrangements to ensure the nature of complaint is captured for all potential complaints.
- To highlight to Children's Services Management Team the importance of distinguishing between appeals issues and issues that should be open to the complaints procedure.
- Allocate a complaints officer timescale lead to improve timescale achievement
- To monitor the outcomes from the action plan with Safeguarding management about a) improved timescales b) reduced staff attitude complaints. To review the plan if these outcomes are not achieved.
- Given 3 of 9 Young People's complaints took over 25 working days to respond, to explore causes and solutions.
- Complaints Service to scrutinise complaints more closely at the start to determine at the start if they are 'complex'.
- To capture and report on Councillor and MP complaints/enquiries in the next report.
- To improve stage 1 timescale achievement, aiming for 75%.

## 5. Stage 1 Complaints

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

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

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

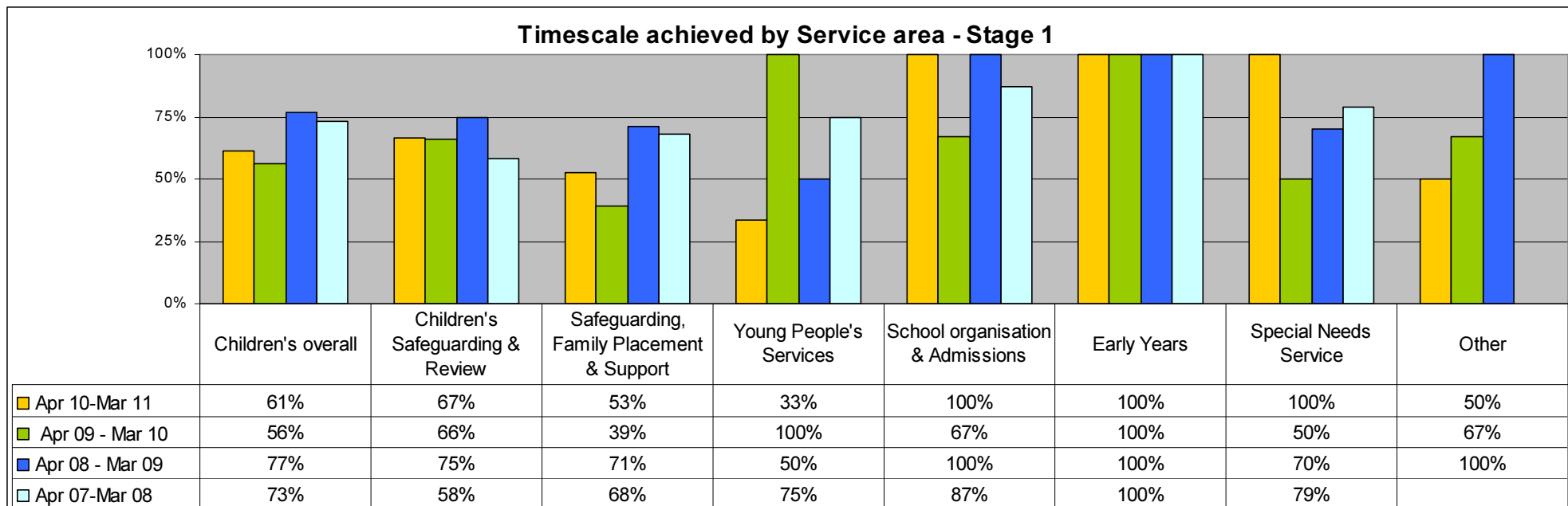
**Analysis:** 42 is the highest number of Safeguarding & Family Placement stage 1 complaints in 5 years, accounting for over half of all Children's Services complaints. The Baby P case and media interest has meant a significant increase in child protection referrals and more challenges from parents to safeguarding interventions. The service should not be criticised just for having high stage 1's as it could just demonstrate excellent accessibility to complaints, especially in the context of none of the 42 complaints progressing to stage 3. However, it could indicate possible customer service issues which is why the Complaints Manager met with managers from the service to explore trends and possible solutions.

Special Needs management have really positively engaged with complaints. It is good to see a more healthy number of Special Needs complaints, after only 5 complaints last year. The Complaints Service committed to surgeries at Special Needs premises (Alexandra Avenue) and this has helped.

Only 3 Children's Safeguarding and Review complaints is low. Anecdotally, it is common in other Councils to get complaints about minutes and speed of documents sent out in relation to Child Protection Conferences. The lack of complaints to the Council indicates some excellent work.

9 complaints for Young Peoples Services is the highest in 5 years but with no stage 2's, this most likely indicates openness to feedback and good resolution work. Early Years continues to see few complaints.

## 5.1 Stage 1 response times



**Analysis:** Early Years deserve special mention for 4 years in a row achieving 100% and no complaints escalating beyond stage 2. There was excellent work by Special Needs to achieve 100% in 8 complaints after 50% last year. School organisation and Admissions also achieved 100%.

Whilst 61% achievement for the Directorate is reasonable, it still means 39% of service users did not get a response in the timescale we committed to. If Safeguarding's complaints are not included the Directorate achieved a more respectable 74%.

Timescale achievement impacts on credibility and trust and can contribute to the increased numbers of stage 2's. Given we had 9 stage 2 complaints, timescales will remain a key focus for next year.

Young People's 33% has been highlighted to the Divisional Director. The reasons for delay were different in each case and these have been reviewed in 'learning from experience' meetings led by the relevant manager. Given issues highlighted to the service have previously resulted in swift action, we would expect to see the figures improve next year.

Safeguarding timescales did not improve in the first 9 months. The Complaints Manager met with Safeguarding management in January 2011 to identify reasons and solutions. The agreed actions appear to be making a significant difference, including changing alerts and introducing timescale leads. In the last quarter only 1 complaint was not in timescale.

**Key action 1:** To raise timescales with Young People's management to identify improvements.

**Key action 2:** Allocate a complaints officer timescale lead to improve timescale achievement (achieved).

**Key action 3:** To monitor the Safeguarding action plan to see if it delivers improved timescales, and review if not.

**Key action 4:** Complaints Service will scrutinise complaints more closely at the start to determine at the start if they are 'complex'

## **5.2 Significant delays (over 25 working days)**

This is a new reporting area, introduced because the Complaints Service were concerned that significant delays have a significant impact for the service user but traditional timescale achievement analysis was not addressing exceptional delay, which is a critical customer service and reputational point.

There were only 5 complaints which took over 25 working days to respond to: 3 in Young People's Service (Leaving Care 1.5 months, Asylum 1.5 months and Youth Offending 2 months); and 2 in Safeguarding, Family Placement & Support (Referral & Assessment 1.5 months and Placement Service 2 months).

**Key action:** Given 3 of 9 Young People's complaints took over 25 working days to respond, to explore causes and solutions.

## **5.3 Complaints upheld against nature of complaint**

	Total					Children's Safeguarding & Review	Early Years	Other	Safeguarding, Family Placement & Support	School Organisation & Admissions	Special Needs	Young Person's Services										
	Total	Not Upheld	Partially Upheld	Upheld	Withdrawn							Not Upheld	Partially Upheld	Upheld	Not Upheld	Partially Upheld	Upheld					
Change to an individual's service - withdrawal/reduction	4	3		1					1	1				1								
Communication - Failure to keep informed / consult	6	5	1			1	1		1	1			1		1							
Delay / failure in taking action or replying	11	5	3	2	1				4	2	2	1		1		1						
Discrimination by a Service	2		2							2												
Discrimination by an individual	1		1							1												
Failure to follow policy or procedures	4	1		3					1		2		1									
Level of Service (e.g. opening times)	4	3		1								3				1						
Policy / legal / financial decision	4	3	1			2				1		1										
Quality of Service delivery (stds)	10	5	3	2			1		3	2	1		1	1		1						
Refusal to provide a service	6	5		1					4				1		1							
Staff conduct * attitude / behaviour	20	12	6	2				1	8	4				2	1		1	1	2			
<b>Grand Total</b>	<b>72</b>	<b>41</b>	<b>18</b>	<b>12</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>22</b>	<b>13</b>	<b>6</b>	<b>1</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>6</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>2</b>	<b>3</b>

**Analysis:** This shows the value of analysing type of complaints upheld. Only 12 complaints are upheld (16%) and 41 (57%) of complaints are not upheld at all. Low levels of upheld complaints could be due to a number of reasons. Such as complainants trying to use the complaints process to challenge legitimate child protection interventions; or service users not receiving clear explanations for legitimate decisions so incorrectly believing they are unfair or even services not recognising legitimate concerns.

Safeguarding received 12 of the 20 staff conduct complaints and did not uphold any of theirs (4 were partially upheld). 9 of the 11 delay complaints related to Safeguarding. 2 were upheld. 4 of the 9 Young People's complaints were about conduct/attitude. It is positive to see Young People's were willing to upheld 2 of the 4 and partially upheld 1.

**Recommendation:** Children's Service Management Team consider the causes of rising conduct/attitude complaints and whether levels of complaints being upheld are low and possible solutions, such as training.

#### 5.4 Nature of complaints over time

YEAR	Overall	Children & Families			Safeguarding, Family PI & Supp			Special Needs			Young Peoples Serv			Early Yrs Childcare & Parenting			Other / CSS/ Commissioning			School organisation			
		10 - 11	10 - 11	09 - 10	08 - 09	10 - 11	09 - 10	08 - 09	10 - 11	09 - 10	08 - 09	10 - 11	09 - 10	08 - 09	10 - 11	09 - 10	08 - 09	10 - 11	09 - 10	08 - 09	10 - 11	09 - 10	08 - 09
Allocation of Keyworker						1	1												1				
Breach of Confidentiality																							
Chg To Service - Withdrawal / Reduction	4				2		1			1	1									1			
Comms - Failure to Keep Informed/Consult	6	1		1	2	1	2	1			1						1				1		
Freedom of Info Act							1																
Delay / Failure in Taking Action / Replying	11		4	1	9	5	7	1	1	4	1	1									4	1	
Discrimination by an Individual	1				1	1									1								
Discrimination By a Service	2				2					1											1	2	
Failure To Follow Policy or Procedure	4		1		3	4	1				1			1							1	1	
Level of Service (E.g. Opening Times)	4			2		1	5				1							1		3			
Loss or Damage to property																							
Policy / Legal / Financial Decision	4	2			1	1	1								1		1			1			

Quality of facilities / Health Safety																						
Quality of Service Delivery (Standards)	10				6	5	1	1	1	2	1			1						1		1
Refusal To Provide A Service	6		1		4	3		2	2	2		1	1								1	
Staff Conduct - Attitude / Behaviour	20		2		12	6	6	3	1		4	2	1		1		1				2	
<b>TOTAL</b>	<b>72</b>	<b>3</b>	<b>8</b>	<b>4</b>	<b>42</b>	<b>28</b>	<b>26</b>	<b>8</b>	<b>5</b>	<b>10</b>	<b>9</b>	<b>5</b>	<b>2</b>	<b>1</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>7</b>	<b>10</b>	<b>4</b>

**Analysis:** This is the third annual rise in staff conduct/attitude complaints (20 this year, 14 the year before and 7 two years ago), warranting further consideration

**Key action:** Flagging a trend of rising staff conduct/attitude complaints to senior management to consider.

### 5.5 Complaints upheld

Service	Closed Not Upheld	Closed Partially Upheld	Closed Upheld	Withdrawn	Total
Children's Safeguarding & Review	3				3
Other	1	1			2
Safeguarding, Family Placement & Support	22	13	6	1	42
School Organisation & Admissions	5	1	1		7
Special Needs	6	1	1		8
Young Person's Services	4	2	3		9
Early Years			1		1
<b>Total</b>	<b>41 ( 57%)</b>	<b>18 (25%)</b>	<b>12 (17%)</b>	<b>1 ( 1%)</b>	<b>72</b>

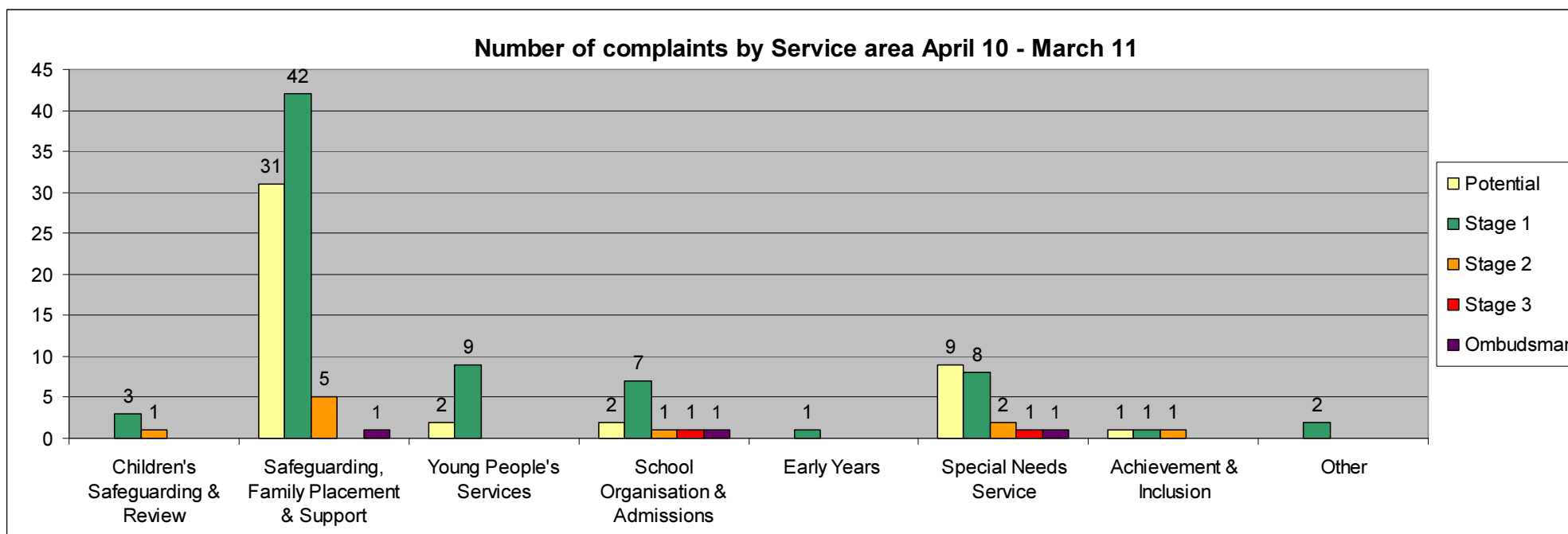
**Tip:** All services make mistakes and it is the mark of a healthy complaints system that complaints are upheld at stage 1. A service should not be criticised even if 100% are upheld at stage 1. However, high percentages of upheld stage 2's compared to low levels of upheld stage 1's can indicate, legitimate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

**Analysis:** In the Complaints Manager’s experience it is rare for complainants to raise wholly erroneous complaints, unless there is an underlying motive, such as money or trying to challenge child protection interventions. With 57% of complaints not being upheld even in part it will be interesting to see next year’s figures for comparison.

**Key action:** To build up data over time to see if there is there a link bet areas less likely to uphold complaints and where complaints escalate.

## 5.5 Potential complaints

This is another new area of reporting promised in the last annual report. This shows potential complaints that were either resolved informally or the complainant decided not to proceed with their complaint.



**Analysis:** Seeing more Special Needs potential complaints than stage 1’s may indicate good resolution work so a stage 1 is not needed. The goal is to see higher potential complaints than actual complaints, indicating strong early resolution work.

### Potential complaints – reason for dissatisfaction



	Safeguarding, Family Placement & Support	School Organisation & Admissions	Special Needs	Young Person's Services	Total
Change to an individual's service - withdrawal/reduction		2			2
Communication - Failure to keep informed / consult	3				3
Delay / failure in taking action or replying	7		2		9
Discrimination by a Service			1		1
Failure to follow policy or procedures	3		2		5
Quality of Service delivery (stds)	2	1	1		4
Refusal to provide a service	3		2	1	6
Staff conduct * attitude / behaviour	5		1	1	7
Unknown	8				8
Grand Total	31	3	9	2	45

**Analysis:** Delay (7) and staff conduct (5) were the pre-dominant Safeguarding reason. Whilst Special Needs had a mix with no dominant reasons.

**Key action:** Changing logging arrangements to ensure the nature of complaint is captured for all potential complaints.

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

### **6.1 Stage 1**

#### **Gender of Service User**

	<b>10-11</b>	09-10	08-09
MALE	<b>42</b>	31	24
FEMALE	<b>30</b>	27	23
UNKNOWN	<b>0</b>	2	2

**Analysis:** No concerns noted.

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

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

**Analysis:** No concerns noted. 71% of complaints where ethnicity was identified (55 of 72) came from ethnic minority complainants. This compares to 59% in 2008-09 indicating good accessibility to the complaints process.

#### **Stage 1 Complaint made by**

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

**Analysis:** 21 young people chose to make a complaint directly, which is great progress, indicating efforts to make the complaints process more accessible to young people is working. 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:** To report on Councillor and MP complaints/enquiries in the next report.

### 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.

## 6.2 Stage 2 complaints

### Gender of Service User

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

**Analysis:** No concerns noted.

### Ethnic Origin of Service User

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

**Analysis:** No concerns noted.

### Stage 2 Complaints made by

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

**Analysis:** No concerns noted.

## 7. STAGE 2 COMPLAINTS

There were 9 Stage 2 complaints (compared to 7 in 2009-10, 5 in 2008-09 and 9 in 2007-08)

### 7.1 Percentage of complaints escalating to Stage 2

Service	Stage 1	Stage 2	% escalating to stage 2
Children's Safeguarding & Review	3	1	33%
Other	2	0	0%
Safeguarding, Family Placement & Support	42	5	12%
School Organisation & Admissions	7	1	14%
Special Needs	8	2	25%
Young Person's Services	9	0	0%
Early Years	1	0	0%
<b>Total</b>	<b>72</b>	<b>9</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:** Whilst 12.5% escalating from stage1 to 2 is acceptable, equally the goal should be fewer escalations.

5 stage 2 complaints for any area is exceptional (Safeguarding) but needs to be read in the context of being only 12% of all Safeguarding stage 1's. None of Safeguarding's stage 2's progressed to stage 3 in this year, which is an achievement.

### 7.2 Escalation levels over time

Service	School Organisation & Admissions				Children's Safeguarding & Review				Safeguarding, Family Placement & Support				Special Needs			
	10-11	09-10	08-09	07-08	10-11	09-10	08-09	07-08	10-11	09-10	08-09	07-08	10-11	09-10	08-09	07-08
Number	1	0	2	0	1	0	0	1	5	5	1	2	2	2	2	1
% escalating to Stage 2	14%	0%	50%	0%	33%	0%	0%	7%	12.5%	18%	5%	12.5%	25%	40%	20%	10%

Service	Young Peoples				Early Years				Other			
	10-11	09-10	08-09	07-08	10-11	09-10	08-09	07-08	10-11	09-10	08-09	07-08
Number	0	0	0	3	0	0	0	0	0	0	0	0
% escalating to Stage 2	0%	0%	0%	75%	0%	0%	0%	0%	0%	0%	0%	0%

**Analysis:** This is the fourth year in a row Early Years have not had a complaint escalate to stage 2 and third year for Young Peoples.

Safeguarding and Special Needs are areas always prone to complaints due to the nature of their work. Safeguarding have seen rising numbers of stage 1 and 2 complaints for the last couple of years and needs to be interpreted in the context of Baby P and increased referrals.

Special Needs is the only service to consistently see escalation rates over 15% (4 of the last 5 years). Equally, there has been some really positive work in Special Needs to engage with complaints resolution with some excellent work by the Children with Disabilities Service Manager to resolve two sensitive complaints through mediation that would otherwise have gone to stage 2. In addition, Special Needs complaints at stage 1 were in timescale compared to 50% the year before.

The aim for both Special Needs and Safeguarding should be to reduce numbers of stage 2's.

**Key action 1:** The examination of Special Needs complaints that have escalated to stage 2 to examine points that were upheld and how these could be better identified at stage 1.

**Key action 2:** The examination of Safeguarding complaints that have escalated to stage 2 to examine if there are patterns of reasons why complaints escalate.

## 7.2 Stage 2 Outcomes

Service	School Organisation & Admissions				Children's Safeguarding & Review				Safeguarding, Family Placement & Support				Special Needs			
	10-11	09-10	08-09	07-08	10-11	09-10	08-09	07-08	10-11	09-10	08-09	07-08	10-11	09-10	08-09	07-08
Year	10-11	09-10	08-09	07-08	10-11	09-10	08-09	07-08	10-11	09-10	08-09	07-08	10-11	09-10	08-09	07-08
Number	1	0	2	0	1	0	0	1	5	5	1	2	2	2	2	1
Upheld	1								1	2				2		1
Partially upheld			2		1				1	3	1	1	2		1	
Not upheld									3			1				
Awaiting outcome																
% fully upheld	100%		0%		0%			0%	20%	40%	0%	0%	0%	100%	0%	100%
% fully or partially upheld	100%		100%		33%			100%	40%	100%	100%	50%	100%	100%	100%	100%

Service	Young Peoples				Early Years				Children's overall
	10-11	09-10	08-09	07-08	10-11	09-10	08-09	07-08	10-11
Year	10-11	09-10	08-09	07-08	10-11	09-10	08-09	07-08	10-11
Number	0	0	0	3	0	0	0	0	9
Upheld				1					2
Partially upheld				2					4
Not upheld									3
Awaiting outcome									
% fully upheld				33%					22%
% fully or partially upheld				100%					66%

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

**Analysis:** For the Directorate, it is very encouraging that only 2 complaints were fully upheld (22%) after 57% the year before.

It is positive that 3 of the 5 Safeguarding complaints were not upheld at all. All 7 Special Needs stage 2's over the last 4 years have been either upheld or partially upheld, indicating the need to recognise errors sooner.

**Key action:** The examination of with Special Needs and Safeguarding cases that have escalated to examine points that were upheld and why these were not identified at stage 1 and if there are patterns explaining why complaints escalate.

## 7.2 Stage 2 Response Times:

Service	Children's overall		Children's Safeguarding & Review		Safeguarding, Family Placement & Support		Special Needs		School organisation & admissions
	10-11	09 - 10	10-11	09 - 10	10-11	09 - 10	10-11	09 - 10	10-11
<b>Within time</b>	3	6	0		0	4	2	2	1
<b>Over timescale</b>	3	1	1		5	1	0	0	0

**Background:** The Council used independent investigators for all Stage 2 investigation this year. At Stage 2, there is more emphasis on thoroughness than meeting the timescale.

**Analysis:** Given the only complaint to escalate to stage 3 was investigated within timescale but internally investigated, it indicates that at stage 2 what is more important for both the complainant and Council is robust, credible investigation findings above speed.

Whilst it is disappointing that all 5 Safeguarding cases exceeded the timescale, it is important to remember none escalated to stage 3 or the Ombudsman. In 2 instances, the complainant significantly delayed agreeing a statement of complaint (by months), which meant the independent investigators had reasonably taken on other work.

## 7.4 Nature of complaint

Type of Complaint	Overall	Children's Safeguarding & review	Safeguarding, Family Placement & Support	Special Needs	Young Peoples Service	Early Yrs Childcare & Parenting	School organisation & Admissions

YEAR	10-11	10-11	09-10	08-09	10-11	09-10	08-09	10-11	09-10	08-09	10-11	09-10	08-09	10-11	09-10	08-09	10-11	09-10	08-09
Allocation of Keyworker	1				1														
Breach of Confidentiality																			
Chg To Service - Withdrawal / Reduction	2				1			1	1										
Comms - Failure to Keep Informed/Consult							1												
Freedom of Info Act																			
Delay / Failure in Taking Action / Replying	2				1												1		
Discrimination by an Individual																			
Discrimination By a Service																			
Failure To Follow Policy or Procedure						3													2
Level of Service (E.g. Opening Times)																			
Loss or Damage to property																			
Policy / Legal / Financial Decision	1	1																	
Quality of facilities / Health Safety																			
Quality of Service Delivery (Standards)	1				1	1													
Refusal To Provide A Service	1							1	1	2									
Staff Conduct - Attitude / Behaviour	1				1	1													
<b>TOTAL</b>	<b>9</b>	<b>1</b>			<b>5</b>	<b>5</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>							<b>1</b>		<b>2</b>

**Analysis:** There are no strong patterns from 2010-11. However, refusal to provide a service or withdrawal/reduction of a service accounts for 4 of the 6 Special Needs stage 2's over the last 3 years.

Interestingly only 1 of the 20 stage 1 conduct complaints escalated to stage 2 despite only 2 being upheld at stage 1. Safeguarding have had the only stage 2's about conduct (2 in the last 2 years).



## **8. STAGE 3 COMPLAINTS**

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

<b>Service Unit</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>Outcome</b>
School organisation	n/a	n/a	n/a	Not upheld

**Analysis:** There were no Children’s Act statutory complaints during the year. There was one corporate stage 3 relating to agreed actions at a mediation not being carried out in the agreed timescale. The agreement related to monitoring and supporting a pupil’s statementing progress. The main point of complaint was upheld at stage 2. The complainant was unhappy not all the complaint was upheld. The stage 3 review agreed with the stage 2 and did not uphold any further points of complaint.

A resolution meeting with the complainant, Corporate Director, Director of Legal Services and Assistant Chief Executive helped resolve the complaint without it escalating to the Ombudsman (the complainant had complained to the Ombudsman about different matters the year before. Those complaints were not upheld).

## **9. Ombudsman complaints and enquiries**

**Key message:** The Ombudsman has not issued a public report against Children’s Services in the last 8 years. There has been only 1 Children’s Services complaint local settlement in the last 6 years (a remarkable achievement considering the Council has agreed 85 local settlements with the Ombudsman during this time).

During the year, 2 complaints were investigated by the Local Government Ombudsman and 1 closed without investigation at the Ombudsman’s discretion. None were upheld.

### **9.1 Complaints made to the Ombudsman and Decision**

<b>Service Area</b>	<b>Total</b>	<b>Outcome of Ombudsman Consideration</b>					<b>Awaiting outcome</b>
		<b>Public report</b>	<b>Local settlement</b>	<b>No or insufficient injustice</b>	<b>Outside jurisdiction</b>	<b>Closed at Ombudsman’s discretion</b>	
Special Educational Needs	1						1 (Mediation)
School organisation & Admissions	1			1			
Safeguarding, Family Placement & Support	1					1	

**Analysis:** The Ombudsman chose to investigate one complaint that the statement for supporting a deaf pupil was not being implemented properly by the school and local authority. The Ombudsman recommended a mediation meeting between the parents, school and Special Needs Service to help improve relations.

Re: School organisation: A parent complained a cross-party members panel should have investigated further her request that two Council appointed governors be removed. The Ombudsman rejected the complaint.

Re: Safeguarding: The Complaints Manager advised the complainant he was out of time to raise 10 year old issues he could reasonably have complained about at the time. The Ombudsman agreed and closed the case using his discretion.

**Key action:** Children’s Services Management Team to be reminded of the importance of distinguishing between appeals issues and issues that should be open to the complaints procedure.

### **Comparative data**

There were 13 local settlements agreed by the Council with the Ombudsman for all Council services in 2010-11. None of these related to Children’s Services. A local settlement is where the Council agrees there is more the Council should have done do to resolve the complaint. Any local settlement is disappointing as it indicates errors were made that were not identified by the Council.

Outside of the complaints procedure, 9 Schools admissions and school exclusions appeals were considered by the Ombudsman during the year. None were upheld.

## **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.

<b>Year</b>	<b>Average % escalation rate Stage 1- Stage 2</b>	<b>Average % escalation rate Stage 1- Stage 3</b>	<b>Ombudsman local settlements</b>	<b>Ombudsman public reports</b>
<b>2010-11</b>	<b>12.5%</b>	<b>1.4%</b>	<b>0 (13)</b>	<b>0</b>
<b>2009-10</b>	12%	3%	1 (12)	0
<b>2008-09</b>	10%	2%	0 (22)	0
<b>2007-08</b>	16%	1.75%	0 (14)	0
<b>2006-07</b>	7%	1.75%	0 (15)	0
<b>2005-06</b>	21%	4%	0 (9)	0
<b>2004-05</b>	13.5%	0%	Unknown	0
<b>2003-04</b>	20%	2.5%	Unknown	0

**Analysis:** 12.5% for stage 1 to stage 2 is very similar to the year before and continues the pattern of reduced stage 2 percentages from 5-8 years ago.

**Key message:** There has been only 1 Children’s Services complaint local settlement in the last 6 years which is a remarkable statistic, considering the Council has agreed 85 local settlements with the Ombudsman during this time. That’s only 1%.

## **11. Compensation/Reimbursement Payments**

Payments or offers related to the following service areas:

<b>Service</b>	<b>Stage</b>	<b>Amount</b>
Safeguarding, Family Placement & Support	2	£200 (offset against money owed to the council)
School organisation	3	£160 (for anger management counselling costs)
<b>Total</b>		<b>£360</b>

**Analysis:** £360 is an exceptionally low compensation year (in 2009-10, we paid £6,500). Particularly as the £160 contribution to anger management costs was not strictly required by the complaint findings. The Director agreed to the payment as a goodwill gesture.

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

**Analysis:** Mediation resolved 7 out of 8 complaints where it was used (compared to 10 out of 13 complaints the year before).

**Key message:** The introduction of mediation in 2005-06 significantly reduced and continues to significantly reduce the number of complaints that escalate. Of 97 social care complaints where mediation has been used since it was introduced in 2005, mediation has resolved the complaint in 76 or 78% of those complaints.

## **13. Advocacy**

Free independent advocacy is delivered by Kids Can Achieve.

**Services advocacy related to:**

Asylum	<b>1</b>
Benefits	<b>0</b>
Children in Need	<b>31</b>
Children Looked After	<b>18</b>
Children with Disabilities Service	<b>1</b>
Duty & Assessment	<b>6</b>
Education Welfare Service	<b>0</b>
Health	<b>5</b>
Housing	<b>24</b>
Leaving Care Team	<b>7</b>
School/Further Education	<b>16</b>
Special Educational Needs	<b>22</b>
Other	<b>7</b>
<b>TOTAL</b>	<b>138</b>

## Reason for referral

Information, Signposting, Advice	6	Discrimination	0
Financial issues	3	Risk of exclusion (incl. eviction)	2
Complaint	15	Staff conduct – attitude/behaviour	1
CP Plans	17	Communication – delay or failure to keep informed/consult/take action	1
Support	38	Refusal to provide a service (incl. housing & CIN)	4
Failure to follow policy or procedures	0	Change to an individual's service – withdrawal/reduction	7
Client's inability to access provision (due to mental health/emotional needs)	13	Education/Statement provision	16
Quality issues of placement (incl. schools & housing)	9	Policy Decision	0
Allocation/Re-allocation of Keyworker	0	Other	6
Breach of confidentiality	0	<b>TOTAL</b>	<b>138</b>

## Notable outcomes during 2010-11

- 4 clients successfully moved from child protection plan
- 1 client went on to obtain a university degree following use of the service; we secured appropriate learning resources to meet her additional needs
- 3 cases resolved by assisting the service user access services
- 1 client successfully moved into their own property
- 4 cases resulted in desired changes to the individual's service without going through the complaint process
- Positive feedback in 20 of 22 feedback forms returned. For example, *"I couldn't have achieved the end result without the advocacy support; my son has an opportunity for a better future because of this service"*

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

There were no joint investigations during this financial year and none in 2009-10. Given the nature of Children's Services work it is rare for find over-lapping complaints.

## **15. Learning derived from complaints**

Examples of learning include:

- A framework to be published re attendance at Complex Needs Panel covering how parental representations can contribute to the Complex Needs Panel
- A specific lead person identified to look after cases where children are temporarily out of school (Tuition Service)
- A supporter for parents & young people to be offered at a YOT Referral Panel in the future

- YOT training to cover the importance of explaining the role of the Panel to parents
- Agreement with the Foster Carers Association to produce a dispute resolution procedure that applies if a dispute cannot be resolved informally
- Members panels procedure amended so the rationale is more fully explained for investigation decisions on whether to remove LA appointed governors
- Review clarity of details of process re LOCATA scheme given to Asylum Team service users
- Providing a standard letter to all new & existing Children in Need service users to cover contact details and emergencies/out of hours services
- A Caldicott Guardian identified following confidential information accidentally being published on the Council website [since removed]
- A joint working protocol between Young People's Services and Mosque youth leaders re how concerns are handled (bullying allegation on a DofE trip).
- Producing a mediation leaflet to explain what mediation is and a service users rights
- Designing an alternative appeals process where the person subject to child protection investigations objects to the child protection conference outcome - Chairperson to meet the complainant and review the decision and a multi-agency review panel if that does not resolve the situation (based on Ombudsman guidance)
- A review of exclusions
- Action plan with Safeguarding management agreed around improving timescales, training and tone of response
- Re Early Years Intervention Programme: A revised system is to be implemented for recording initial enrolment to individual services which includes a section for prospective users to keep
- Amending the Complex Needs Panel's recording procedures to ensure that third party contributions to reports are clearly attributed and retrospective additions to case notes are explained fully

## **16. Ombudsman powers to investigate school complaints to be removed**

The Apprenticeships, Skills, Children and Learning Act 2009 gave 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. It has been piloted in some local authorities but not Harrow.

The Education White Paper 2010 indicates these powers will be stopped stating 'Schools are best placed to address parents' concerns – and in almost every case teachers and head teachers can resolve concerns and issues quickly and easily. Sometimes parents and schools have issues that cannot be resolved locally, and so we will make sure that parents have a route to complain in the most cost effective way, repealing recent legislation that introduced a role for the Local Government Ombudsman.'

It is likely it will revert to the previous system, where parents could go to the Secretary of State if unhappy with the school response.

The type of cases the Ombudsman dealt with in the first year pilot may be of interest, indicating the type of cases that parents are most likely to remain dissatisfied with after the school's response:

Bullying 24%

Other 24%

Teacher conduct 20%

SEN 11%

Curriculum and Teaching 6%

Behaviour & Discipline 6%

Temporary exclusion 4%

Pupil safety 4%

Fair Access 1%

## **17. Compliments**

There have been 10 compliments this year. Half of them related to the Safeguarding Service, which is impressive considering how likely it is that their interventions will not be welcomed.