

COMPLAINT REPORT FOR CHILDREN AND YOUNG PEOPLES SERVICES FOR 1 APRIL 2016 TO 31 MARCH 2017

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Purpose of the report

This report provides information and analysis of complaints and Members Enquiries received between 1 April 2016 and 31 March 2017 for Children and Young People Services (including Education Services) and satisfies the requirements to publish annual information about complaints.

OPTIONS OPEN TO THE COMMITTEE

For members of the committee to:

1. note the contents of the annual complaint report; and
2. discuss any concerns with the relevant Cabinet member.

SUMMARY OF ANALYSIS

Children and Young Peoples Services (please see pages 5 to 10)

Informal Complaints

- Informal complaints recorded remains broadly similar when comparing the figure for 2015/16 of 104 with the figure for 2016/17 of 103.

Stage 1 complaints

- 33 Stage 1 complaints registered for 2016/17 which is slightly more than the 2015/16 figure of 32. The average time taken to conclude a Stage 1 complaint is 10.63 working days.

Stage 2 and 3 Complaints

- There were no Stage 2 or 3 complaint investigations.

Local Government Ombudsman (LGO)

- Four complaints were considered by the LGO - one was upheld and in the remaining 3 the Ombudsman decided not to investigate.

Compliments

- Compliments are up 21% (8) when comparing the 2015/16 figure of 38 with the 2016/17 figure of 46.

Education and School Complaints (please see pages 11 to 14)

- Informal complaints are down 22% (5) when comparing the 2015/16 figure of 23 with the figure for 2016/17 of 18.

Formal Complaints

- Six complaints were registered at Stage 1. They were all from parents concerning the way their children had been dealt with by the school. In all complaints we raised this issue directly with the Head Teacher but advised the complainant that this was a matter for the school to consider under their own complaints procedure.
- There were no Stage 2 or 3 complaints registered.
- The Local Government Ombudsman investigated one complaint. The complaint was not upheld.

Compliments

- 4 compliments were received during this period.

Members Enquiries (please see page 15)

- 7% (574) increase in enquiries from Elected Members when comparing the figure for 2015/16 of 8,611 with the figure for 2016/17 of 9,185.

BACKGROUND INFORMATION

1. The Council's Vision

The Council's vision is about 'putting our residents first'. Feedback in the form of complaints and compliments is seen as a very important source of information from residents about the quality of services and care provided by the Council. In cases where something has gone wrong, we are committed to putting it right and ensure that it does not happen again.

2. What is a Complaint?

In general terms a complaint can be considered as:

"an expression of dissatisfaction by telephone, personal visit or in writing, about the standard of service, actions or lack of action by the Council or its staff affecting an individual or group of customers."

3. How Can People Complain?

Complaints can be made in person, by telephone, in writing, via our website or email, either directly to the service area, Contact Centre or to the Complaints and Enquiries Team.

4. Remedies for redress

The purpose of redress is to remedy the injustice or hardship suffered and where possible to return a complainant to the position they would have been before the situation went wrong. Types of redress include:

- an apology;
- providing the service that should have been received at first;
- taking action or making a decision that the Council should have done before;
- reconsidering an incorrect decision;
- improving procedures so that similar problems do not happen again; and
- if after an investigation by council staff or the Ombudsman, it is concluded that as a result of maladministration there is no practical action that would provide a full and appropriate remedy or if the complainant has sustained loss or suffering, financial compensation may be the most appropriate approach.

5. Mediation

For some complaints it will not be appropriate, or possible, to resolve a complaint through the complaint process - particularly where there has been a breakdown in the relationship between the service provider and the service user or where emotions are running high. In such situations the Business Manager, Complaints and Enquiries will consider whether mediation is an

option that should be considered. If both parties are agreeable, mediation by an independent mediator allows both parties to come together to see if they can reach a solution through dialogue.

BACKGROUND DOCUMENTS

Annex 1 – CHILDREN AND YOUNG PEOPLES SERVICES

The Complaint Procedure

Complaints made by children or on their behalf are governed by the Children's Act 1989, Representations Procedure (England) Regulations 2006 (Statutory Instrument 2006 No. 1738). This sets out the three stage complaint procedure that Local Authorities are required to follow when dealing with complaints made by for example any child or young person, any local authority foster carer, children leaving care, etc. Hillingdon's procedure operates as follows:

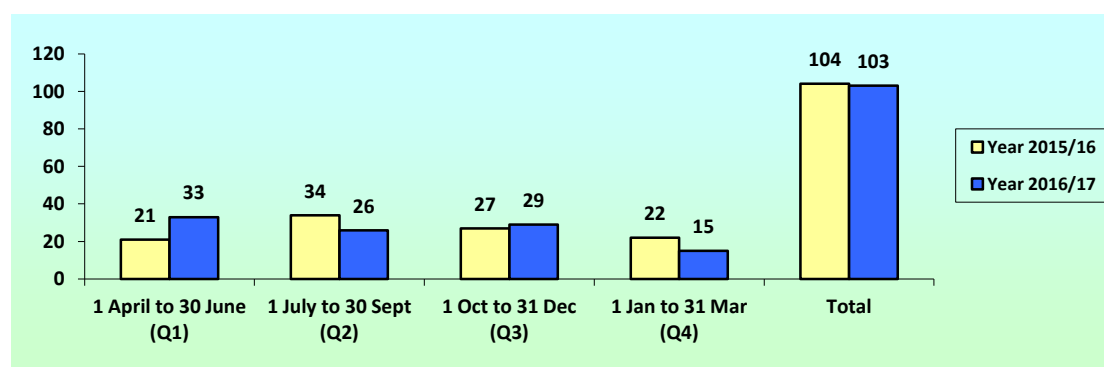
- The Informal Complaint (service request).
- Stage 1 – Local Resolution.
- Stage 2 – Independent Investigation by two people (Investigating Officer and Independent Person).
- Stage 3 – Review Panel.
- Local Government Ombudsman.

A more detailed explanation of how the complaint procedure operates, the main complaint themes and statistical data for each stage of the complaint process is provided below.

1. THE INFORMAL COMPLAINT

The feedback we have received from residents indicate that most want action to resolve their concerns on the spot by discussing the problem with an officer/manager rather than going through the more formal complaint route. If we can resolve a residents issue in this way we will do so, immediately. We will continue to take this approach, wherever possible.

Informal Complaints received – (Service requests)

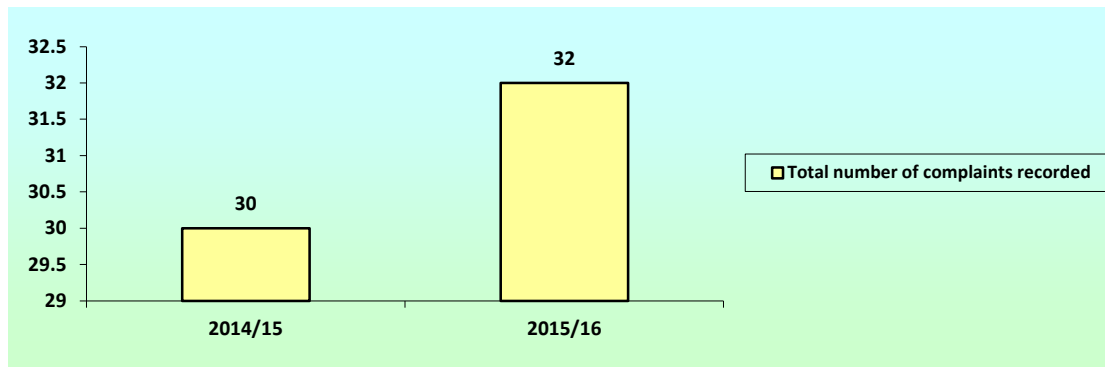


The number of informal complaints remains broadly similar when comparing the figures for 2015/16 of 104 with 2016/17 of 103.

2. STAGE 1 – LOCAL RESOLUTION

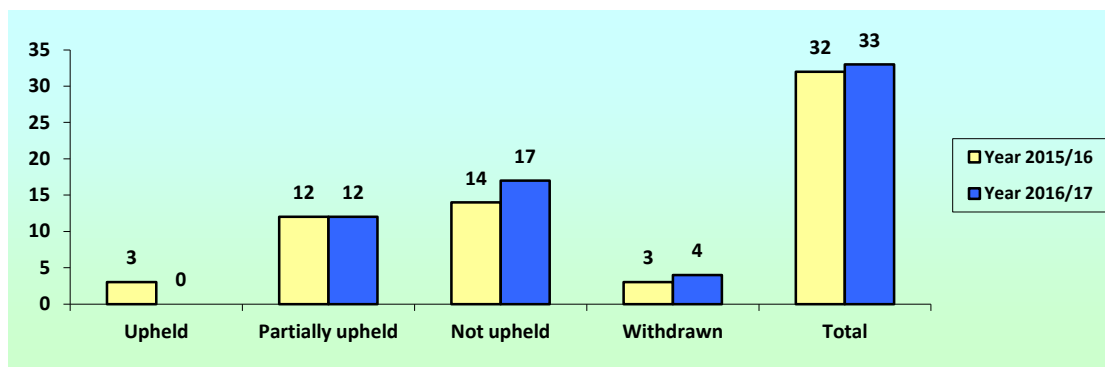
The Head of Service will aim to respond to complaints within 10 working days.

Total number of complaints recorded



The number of formal complaints registered for 2015/16 and 2016/17 remains broadly similar.

Outcome of complaints



When comparing the outcomes for each complaint for 2015/16 with 2016/17, the volume of upheld complaints is down from 3 to 0, partially upheld is the same and the number of not upheld complaints has risen slightly from 14 to 17.

Table 1 – Time taken to conclude a complaint (working days)

	2015/16	2016/17
Average time taken to conclude a complaint	8.31	10.63
Target	10	10
Variance	-1.69	+ 0.63

The average time taken to conclude a Stage 1 complaint is 10.63 working days against the statutory target of 10 working days.

Table 2 - Number and % of complaints dealt with within 10 working days

Period	Total number of complaints	Number dealt with within 10 working days	% dealt with within 10 working days
2015/16	32	30	94 %
2016/17	33	25	76 %

25 (76%) of Stage 1 complaints were dealt with within the 10 working day target. The Complaint and Enquiries Team will be sending reminders to officers on the 7th and 9th working day to remind officers of the date the response is due.

3. STAGE 2 INVESTIGATIONS

A Stage 2 investigation is conducted by an Investigating Officer (IO) and Independent Person (IP) not usually employed by the Council with specialist skills and knowledge of the Children's Act. The timescale to conclude such an investigation is set by statute at 25 working days but this may be extended to a maximum of 65 working days.

There were no formal Stage 2 investigations begun in 2016/17. Where there is a possibility of a Stage 2 investigation the Business Manager for Complaints and Enquiries will intervene to see if a resolution can be achieved through dialogue. This approach generally works well.

4. STAGE 3 INVESTIGATIONS

At Stage 3 of the complaint process, three people independent of the Council, will consider the complaint and wherever possible work towards a resolution. The timescale to conclude such an investigation is 45 working days.

There were no formal Stage 3 investigations begun in 2016/17.

5. INVESTIGATION BY THE LOCAL GOVERNMENT OMBUDSMAN (LGO)

Where it appears that the Council's own investigations have not resolved the complaint, a complainant is entitled to refer their complaint to the Ombudsman.

Four complaints were considered by the Ombudsman and the outcome of each complaint is set out below.

Complaint details	LGO decision
<p>Complaint ref: 4735870 Ms X complained that the Council wrongly deregistered her from being a foster carer. She wanted the Council to compensate her for the discrimination and stress she says it caused her.</p>	<p>Upheld The Ombudsman determined that the Council wrongly stopped Ms X's foster carer status. This decision was reviewed and overturned after an independent review of what had happened. The Council backdated her fostering skills allowance payments so she did not lose out. Ms X paid a sum of money for the upset caused.</p>
<p>Complaint ref: 5424940 Miss X complained that her children had been unfairly taken into care and put up for adoption.</p>	<p>Did not Investigate The Ombudsman informed Miss X that she could not investigate a complaint where the court made a decision that her children should be put up for adoption.</p>
<p>Complaint ref: 5642413 Miss X complained that the Council failed to provide the therapy specified in her child's Education Health and Care Plan (EHCP) and that the Council failed to carry out the required annual review.</p>	<p>Did not Investigate The Ombudsman informed Miss X that she would not investigate her complaint about two missed sessions of therapy specified in an EHCP. It is unlikely an investigation would produce a significantly different outcome.</p>
<p>Complaint ref: 5369900 Mr X complained a) that the Council did not carry out action points agreed during child protection meetings and that the minutes and reports were incomplete; b) that the Council failed to keep him informed about his daughter's progress whilst she lived with her maternal grandmother; and c) about the content of the reports produced by the Council for court.</p>	<p>Did not Investigate The Ombudsman informed Mr X that she would not investigate his complaint as most of the complaint is not within her jurisdiction and a worthwhile outcome could not be achieved through further investigation of other matters.</p>

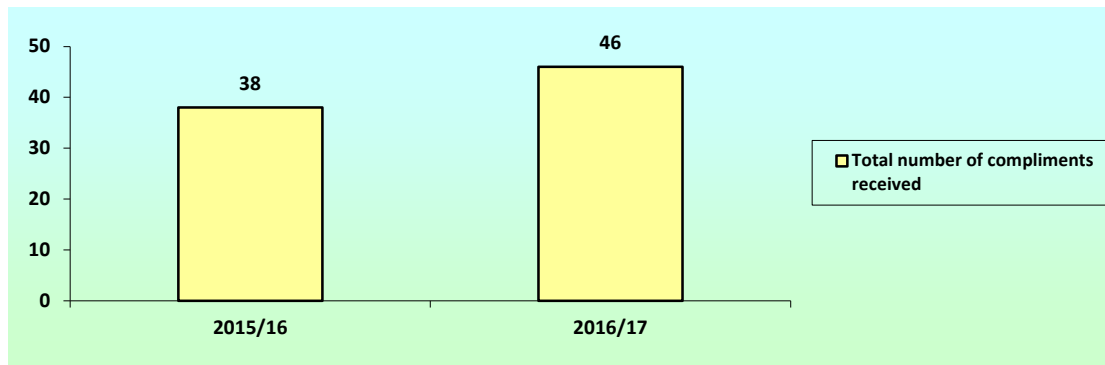
6. LEARNING FROM COMPLAINTS

- Mandatory training was commissioned and delivered for all managers and officers within Children and Young Peoples Services in handling complaints. More training will be delivered on request.
- Minutes of an Initial Child Protection Conference was incorrectly posted to the wrong address. As a result the existing system was reviewed and additional checks were introduced. The issue was also addressed with the member of staff concerned and more widely with the whole team.

- Residents complained that they were not given updates, incorrect or misleading information was given to them verbally or in writing, a placement was ended by text message, etc. We apologised to the complainant on each occasion and spoke to the member of staff concerned as well as the wider team to ensure that it did not happen again.

7. COMPLIMENTS

Number of compliments received



Compliments are up 21% (8) when comparing the same period in 2015/16 of 38 with 2016/17 of 46.

Here's what residents said:

"I am writing to tell you my opinion about my social worker. She is really kind and cares about her young person such as me. She has helped me in different ways:

- *Education (applied for laptop and other stuffs like study lamp and calculator for maths)*
- *Health: when I was in a bad situation she tried to calm me down and we had many appointments to speak with each other and I think she spent a lot of time with me.*

When I received my trafficking letter from the Home Office she booked an appointment with my solicitor as soon as possible. Overall I think she shows me in different ways that she supports me and cares about me. I am not alone here although I live alone".

"I just wanted to give you a quick update. D... is doing really well in school and has recently been having a small packed lunch in the medical room on a Wednesday. D.. wanted me to email you because we have just returned from a PGL weekend run and funded by Meningitis Now. We have had a great time he took part in all the activities and ate 3 meals a day in the canteen with everyone else!!!! He managed to keep his anxieties under control and did brilliantly I'm so proud of him. I'm hoping now we have turned another corner and slowly we are winning!!"

"Our thanks go to you but as you can appreciate, mostly to F.... F.... has been superb and is so patient and good with X...., a real gem, whose small part in X's life is a massive, massive help and relief to us as parents".

"Y's first day at his new School was yesterday, I am pleased to say all went well. Y came out from School smiling and was looking forward to School this morning! It is early days but I am feeling very positive. I would like to thank you sincerely for your support, patience and professionalism throughout my search for a suitable placement".

"You really are a star thank you so much, you have helped our family so much, means the world to us, we can now move forward as a family and work on Z and have the help he may need".

"Thank you for validating my parenting skills in your parenting course and giving me the confidence that I do have the knowledge and ability to parent and that I need a parenting course that deals with how to parent an autistic child. Thank you for listening to me talk about all the things that were overwhelming me. Please say thank you to your staff who let me do 3 blocks of Attention Hillingdon in the past two years whilst P... was on a waiting list for Speech and Language. I am also looking forward to the summer programme and any other courses that you set up regarding autism

8. BENCHMARKING AGAINST OTHER LOCAL AUTHORITIES

Table 2 - Comparative benchmarking data on how Hillingdon compares against other neighbouring Local Authorities.

Local Authority	Total number of Stage 1 complaints	Total number of Stage 2 complaints	Total number of Stage 3 complaints	Total Number of Ombudsman investigations
Barnet	38	1	0	4
Brent	79	12	0	1
Ealing	90	2	0	4
Buckinghamshire	44	11	3	3
Hillingdon	32	0	0	1
Islington	80	4	0	1

In comparison with the Local Authorities near to us, the volume of formal children complaints is low. This is mainly due to the effort made by staff to bring about early resolution of a complaint at the informal stage and Stage 1 of the complaint procedure. This approach is effective in ensuring that a complaint is resolved to the satisfaction of the complainant and results in the vast majority of complaints not escalating to the Local Government Ombudsman.

Annex 2 - EDUCATION AND SCHOOLS

Complaints about education and schools are governed by the Education Act 2002.

The Local Authority will only deal with complaints that are education related but not about a specific school such as the provision of the national curriculum, school admission appeals, exclusions, special educational needs assessments, child protection issues and allegations of child abuse.

Complaints about the internal management of a school must initially be made in writing to the Head Teacher of the school. If this fails to resolve the issue, concerns should then be raised with the chair of governors. If a complainant remains dissatisfied they can then escalate their complaint to the Department for Education and beyond that to the Parliamentary and Health Service Ombudsman via a Member of Parliament.

The Complaint Procedure

For those complaints where this local authority has a statutory duty to investigate, we will deal with these complaints under the corporate complaints procedure as follows:

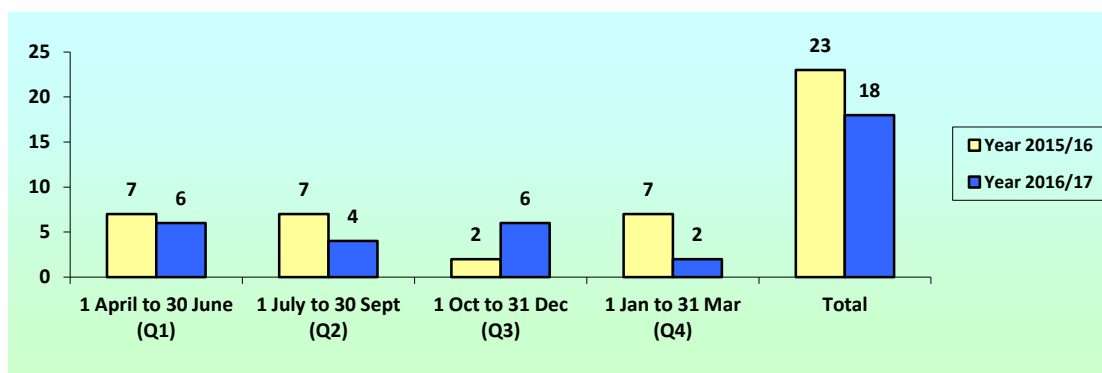
- The Informal Complaint (service request)
- Stage 1 – response from the Deputy Director, Housing, Environment, Education, Health and Wellbeing.
- Stage 2 – response from the Deputy Chief Executive and Corporate Director of Residents Services.
- Stage 3 – response from the Chief Executive of the Council.
- Local Government Ombudsman.

A more detailed explanation of how the complaint procedure operates, the main complaint themes and statistical data for each stage of the complaint process is provided below.

A. THE INFORMAL COMPLAINT

This local authority will attempt to consider all concerns as close to the point of contact as possible, and in cases where minor or day-to-day concerns are raised these are dealt with as service requests.

Informal Complaints received – (Service requests)

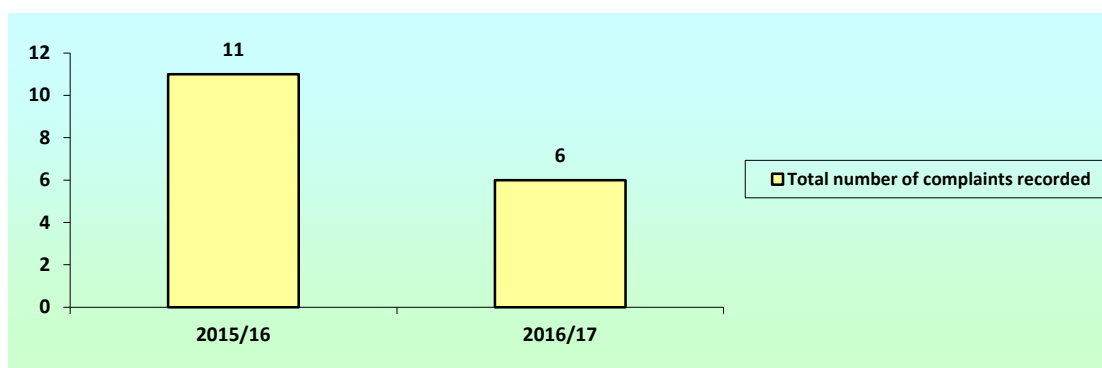


Informal complaints are slightly down when comparing the figure for 2015/16 of 23 with the same period in 2016/17 of 18.

B. STAGE 1 – LOCAL RESOLUTION

The Deputy Director, Housing, Environment, Education, Health and Wellbeing will aim to respond to Stage 1 complaints within 10 working days.

Total number of complaints recorded



Six complaints were registered at Stage 1. They were all from parents concerning the way their children had been dealt with by the school. In all complaints we raised this issue directly with the Head Teacher (safeguarding) but advised the complainant that this was a matter for the school to consider under their own complaints procedure.

c. STAGE 2 COMPLAINTS

The Deputy Chief Executive and Corporate Director of Residents Services will aim to respond to Stage 2 complaints within 10 working days.

There were no Stage 2 complaints during this period.

d. STAGE 3 COMPLAINTS

The Chief Executive commissions an investigation by an officer in Democratic Services and the aim is to respond to complaints within 15 working days.

There were no Stage 3 complaints during this period.

e. LOCAL GOVERNMENT OMBUDSMAN (LGO) INVESTIGATIONS

Where it appears that a Council's own investigations have not resolved the complaint, the complainant is entitled to refer their complaint to the Ombudsman and at any stage of the complaint process.

One complaint was considered by the Ombudsman and the outcome of this complaint is set out below.

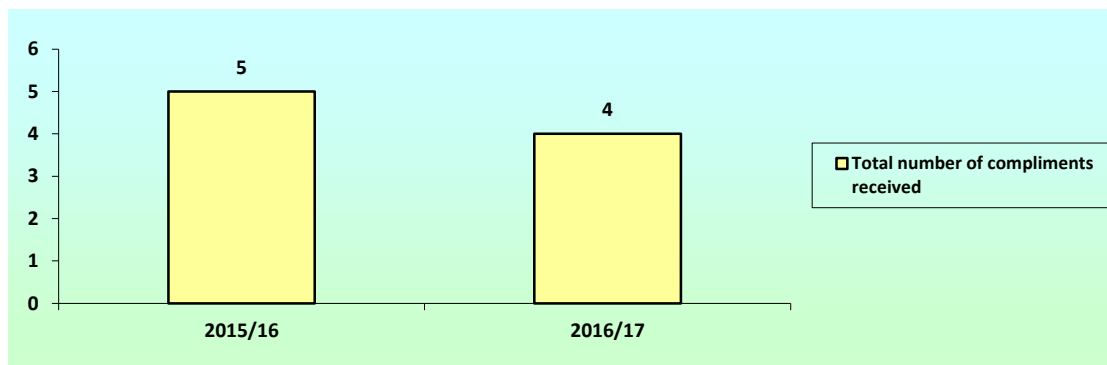
Complaint details	LGO decision
Complaint ref: 5334981 Ms X complained that the Council issued a penalty notice because of her son's unauthorised absences from school. Ms X says her son is being bullied and therefore refuses to go to school. She has tried to get her son to attend without success and says the fine from the Council has caused her financial difficulty.	Not Upheld The Ombudsman determined that there was no fault in the Council's decision to issue a penalty notice to Ms X for her son's unauthorised absence from school.

f. LEARNING FROM COMPLAINTS

None.

g. COMPLIMENTS

Number of compliments received



Here's what some residents said:

"We love independent learning, it is so beneficial to us all. The amount of progress these children are already making and the amazing people they are growing into is so inspiring. Thank you for being a head, brave and strong enough to do what is right for these children. Thank you for standing up for education and putting yourself out there. There are 60 very thankful children whose lives will be changed forever because you had enough courage to say yes".

"Just a brief run down on this young lady as you know I took this case over in January 2016 at this point X.... was not attending school properly and looked as though she would not be taking any exams. X.... did take her exams this year albeit a fraught time for all she managed to attend extra tuition and attend every session/exam she should have done. X.... has secured a place in a Music College where she will be studying her passion. She was offered an unconditional place after her interview. Initially mother and daughter could not be seen together as the atmosphere was so volatile with a lot of hard work and persuasion to try different techniques both parties have changed the way they approach each other and now are able to discuss things through in a more positive fashion".

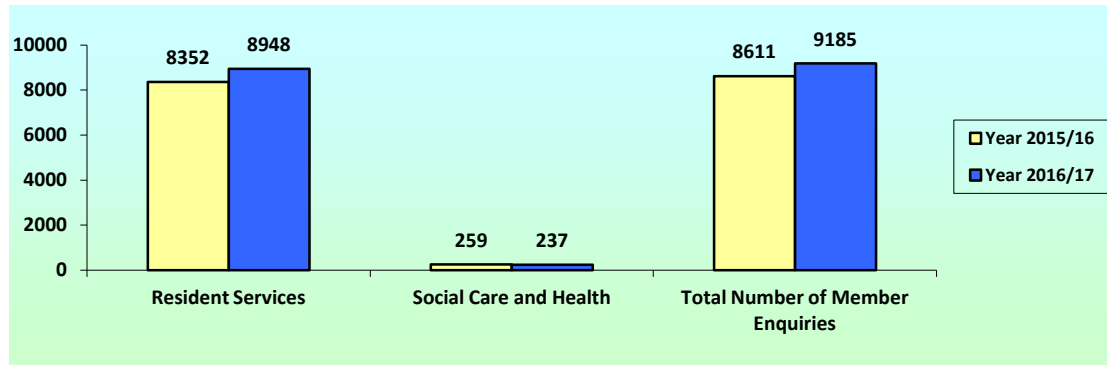
"I thought I would drop you an email regarding a success story of which you helped to create. We had a meeting with Mr. Y.... and he agreed that M.... could return to school in April, into normal lessons. He said he would enter her into all her exams and if she attended every lesson and every exam without any hiccups then she would be allowed to go to the Prom. M.... returned to school at the end of April and did exactly what he said. M.... has changed so much. She does not entertain drama of any kind any more. She has grown up overnight. When you 1st came to us, we were a total mess but now, oh my, I'm so proud to have M.... as my daughter. From both myself and M.... we would like to thank you for all your help and hard work you put into repairing our family and for helping me guide my daughter back from a very dark place. Attached are some photos from her Prom and yes of course we went big as no-one ever expected her to get this far. She asked for a Princess Prom and I provided it. That's the way family's work".

"I am writing to inform you of the outstanding service and support I have received from P.... regarding our daughter Z.... who attends the above school. I had great concerns about my daughter having to take time away from school particularly during her Sats due to ongoing bullying to which the school refused to deal with. I felt so much better after receiving advice and support from P.... regarding my concerns, as we had received no support or help from the school. I am truly thankful that P.... was on the other end of the phone to give the support and advice during a very difficult and stressful time for us and our daughter".

Annex 3 - MEMBERS ENQUIRIES

Enquiries can be submitted to officers by Elected Members on behalf of their constituents.

Total number of Enquiries from Elected Members



- 7% (574) increase (overall) in enquiries from Elected Members when comparing the figure for 2015/16 of 8,611 with the figure for 2016/17 of 9,185.
- 8% (22) fewer ME's for Social Care were recorded when comparing the figures for 2015/16 of 259 with the same period in 2016/17 of 237.
- 57% (30) fewer ME's for Education Services were recorded when comparing the figure for 2015/16 of 53 with the figure for 2016/17 of 23.