

COMPLAINT REPORT FOR CHILDREN AND YOUNG PEOPLE'S SERVICE FOR 1 APRIL 2014 TO 31 MARCH 2015

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REASON FOR ITEM

This report provides information and analysis of complaints and Members Enquiries received between 1 April 2014 and 31 March 2015 for the Children and Young People's Service (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. Raise any concerns that they have.

SUMMARY OF ANALYSIS

Children and Young People's Service - See annex 1 (pages 4 to 9)

- 88% (23) increase in informal complaints when comparing the 2013/14 figure of 26 with the 2014/15 figure of 49.
- 48% (28) decrease in Stage 1 complaints when comparing the 2013/14 figure of 58 with the 2014/15 figure of 30.
- The average time taken to conclude Stage 1 complaints is 10.90 working days against a target of 10 working days. 63% of Stage 1 complaints were responded to within 10 working days.
- 42% increase in compliments recorded when comparing the figure for 2013/14 of 33 with the figure for 2014/15 of 47.

Education Services - See annex 2 (pages 10 to 16)

- 6 Stage 1 complaints registered during 2014/15, which is 1 less than in 2013/14. All 6 complaints were responded to within 10 working days.
- Six complainants escalated their complaint to the LGO (five complained direct to the LGO) - all six complaints were not upheld.

Members' Enquiries

- 31% (12) increase in CYPS enquiries and 42% (23) decrease in Education and School enquiries from Elected Members when comparing figures for 2013/14 with 2014/15.

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, the Council is committed to putting it right and ensuring 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, by fax, via our website or email, either directly to the service area, Contact Centre or to the Complaints and Service Improvement 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 Complaints and Service Improvement Team Manager 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.

Please see annex 1 (pages 4 to 9) and annex 2 (pages 10 to 16) for detailed analysis and information on complaints, Members Enquiries and compliments received between 1 April 2014 to 31 March 2015.

BACKGROUND DOCUMENTS

Annex 1 – Complaints about Children and Young People’s Services

The Complaint Procedure

Complaints made by children or on their behalf are governed by the Children 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, Special Guardians, persons wishing to adopt a child, etc. Hillingdon’s procedure operates as follows:

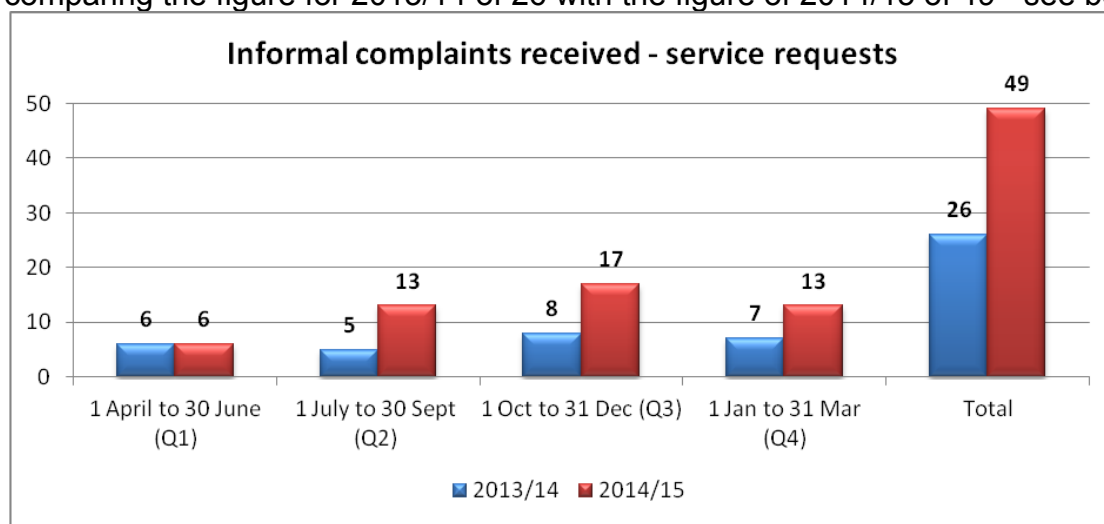
- Stage 1 – Local Resolution.
- Stage 2 – Independent Investigation by two people (Investigating Officer and Independent Person).
- Stage 3 – Review Panel.
- Local Government Ombudsman.

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

1. THE INFORMAL COMPLAINT

We will try to resolve enquiries/concerns on the spot by discussing the problem with a complainant and understanding what it is they are seeking by way of an outcome. If we can solve the problem we will do so, immediately.

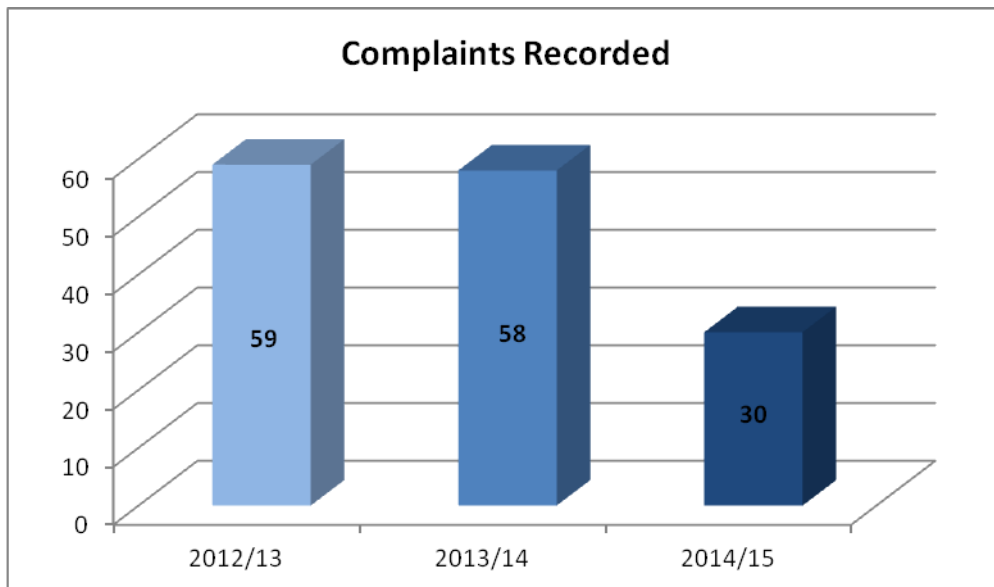
There has been an 88% (23) increase in informal complaints (service requests) when comparing the figure for 2013/14 of 26 with the figure of 2014/15 of 49 - see below.



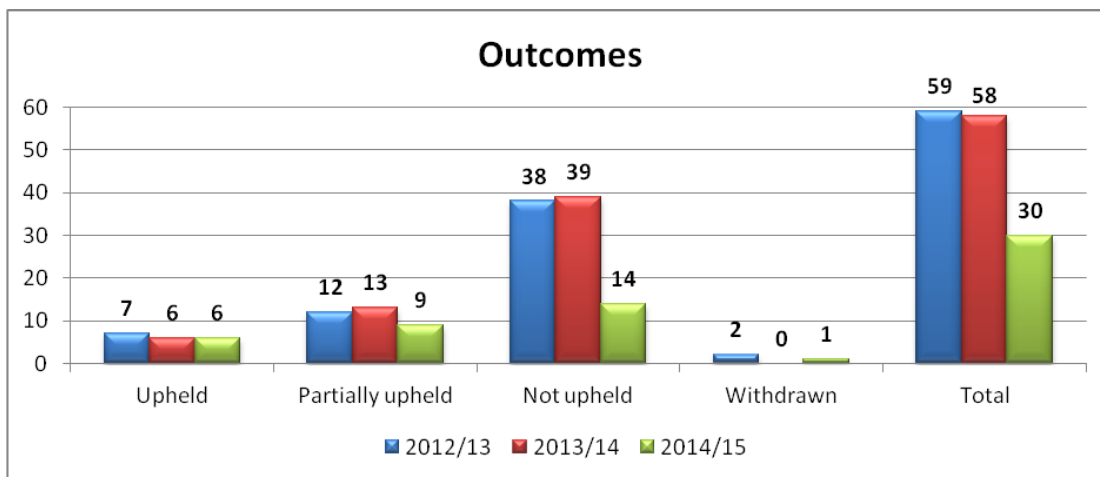
The feedback we have received from residents indicate that most want action to resolve their concerns quickly and are happy for us to deal with their dissatisfaction in this way and this is what we will continue to do, wherever possible.

2. STAGE 1 – LOCAL RESOLUTION

The team leader will aim to respond to complaints within 10 working days.

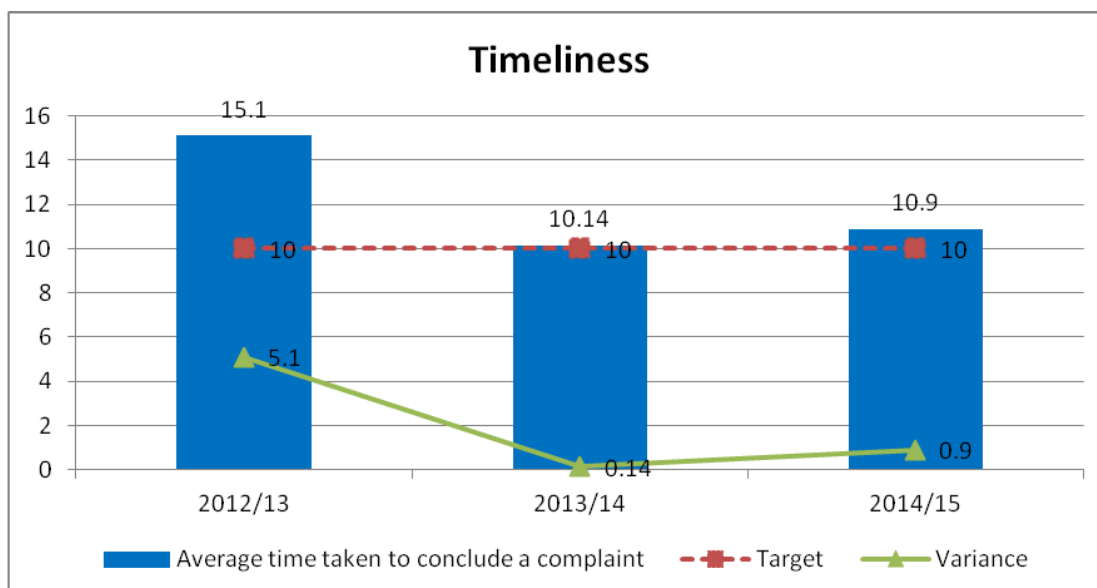


There has been a 48% (28) decrease in Stage 1 complaints when comparing the 2013/14 figure of 58 with the same period in 2014/15 of 30.



The number of upheld and partially upheld complaints remains broadly similar to previous years.

Time taken to conclude a complaint (working days)



The average time taken to conclude a Stage 1 complaint is 10.90 working days against the statutory target of 10 working days. This is a slight dip in performance when compared against the 2013/14 figure of 10.14.

Table 1 - 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
2012/13	59	21	36%
2013/14	58	38	66%
2014/15	30	19	63%

Of the 30 Stage 1 complaints - 19 (63%) were responded to within the 10 working days. This is an area of concern. The Complaints and Service Improvement Team have addressed this situation with managers by impressing upon them the need for investigations and responses to be dealt with within 10 working days. This is working and current performance shows that from 1 October 2014 to 18 August 2015 only 1 of the 23 Stage 1 complaints missed the 10 working day target.

Learning from complaints

Of the 30 Stage 1 complaints, three themes emerged from 12 complaints where there was learning identified:

- **Customer service issues**

In all five complaints, service users complained about social workers, namely that they were not kept updated with the progress of their adoption application, the social worker

was consistently late for appointments, did not follow through with what was agreed and did not give out the name of her manager when requested.

- **Communication**

In four complaints, service users complained that the communication sent was not clear and it led to misunderstandings, the report completed contained errors (incorrect date of birth) and that the explanation provided caused offence.

- **Delays**

In three complaints, service users complained about the delay in completing Stage 2 of the Fostering Assessment, delay in the completion of a special guardianship assessment and delay in responding to their correspondence.

What has been done to improve performance?

- Issues have been raised directly with staff concerned and in two cases social workers were changed;
- Article published in Social Care Health News showing current performance, trends, learning identified, compliments received, etc;
- Reminders to individual officers and teams of the need to comply with customer service standards; and
- Running monthly workshops for managers and relevant staff (via the Learning and Development portal) as part of the suite of customer service courses we offer.

3. STAGE 2

A Stage 2 investigation is conducted by an Investigating Officer (IO) and Independent Person (IP), not 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.

The focus remains on bringing complaints to a resolution at an early stage without the need to escalate to Stage 2. Where there is a possibility of a Stage 2 investigation, the Complaints and Service Improvement Team Manager will intervene to see if a resolution can be achieved through dialogue. This approach generally works well. Two Stage 2 complaints (3950102 and 4241312) were commissioned at the end of 2014/15 and will be concluded during 2015/16.

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 Stage 3 investigations during this period.

5. INVESTIGATION BY THE LOCAL GOVERNMENT OMBUDSMAN (LGO)

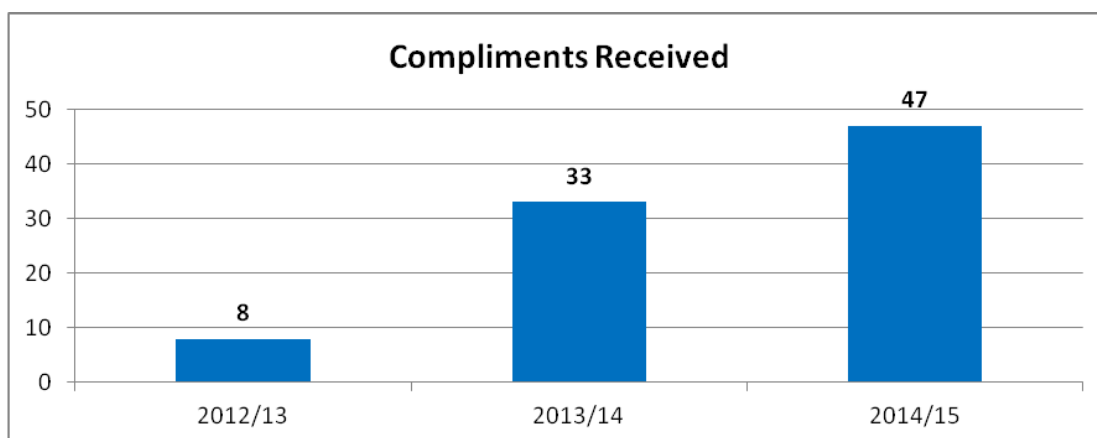
Where it appears that a Council's own investigations have not resolved the complaint, the complainant is entitled to refer their complaint to the Ombudsman and at any stage of the complaint process. However, the Ombudsman normally refers the complainant back to the Council if a complaint has not first been fully considered by the Council.

One complaint escalated direct from Stage 1 to the LGO. The findings and decision of the LGO is set out in table 2 below.

Table 2 - Outcome of LGO referrals

Complaint details	LGO decision
<p>3178607 Ms X complained that the Council failed to take proper account of Y's wishes and feelings when making plans for her long term care arrangements.</p>	<p>Upheld The LGO found fault causing injustice and they recommended that a looked after child review take place as soon as possible, reconsider options for Y including revoking the placement order, review social work practice, consider the need for appropriate therapeutic help for Y and pay Mr and Mrs Z £500 in compensation to spend on Y.</p> <p>The Council accepted the recommendations of the LGO in full.</p>

6. COMPLIMENTS



- 42% (14) increase in compliments received when comparing the 2013/14 figure of 33 with the figure for 2014/15 of 47.
- 17 more compliments (47) than complaints (30) were recorded during 2014/15.

Here's what five people said and the difference it has made to their lives.

"We are all doing very well, X is very fine, he's been very well and sound, he's started to enjoy his school even more now, Y too has been brilliant and enjoying his football academy too. My College is going very well as expected though it is becoming more challenging by the day, but I am loving it, I've improved a lot and I have been attending to customers now in the college saloon. We had so much fun at Wembley, the boys really enjoyed themselves especially when their dad told them how historic Wembley Stadium is, it was exciting even though the English team lost, we ate and drink, everything was properly arranged, the boys had the opportunity to take pictures with one of their favourite England player (Toni Duggan), I've attached few copies to this email. We truly appreciate the gesture, giving us the opportunity to visit Wembley, on behalf of the Family of Z we say thank you so very much and God bless".

"Thank you for the FIESTA evaluation report. I would also like to thank you and congratulate you and the team for achieving such outstanding outcomes through the programme this year. The attendance, participation and satisfaction levels are excellent and the evaluative comments from both participants and parents are very impressive indeed. They bring the numbers to life in a manner that leaves the reader in no doubt that the programme is greatly valued by all beneficiaries.

I was particularly pleased to see the difference the programme made to some of our more vulnerable children and young people. I know this has been an area you and the team have worked hard on in terms of supporting and enabling access. I'm sure you are as pleased and proud as I am of the impact the programme has had on so many children, young people and families during the summer holidays."

"I just want to thank X for being there for me. Through the tough times I had. Thank you for trying your best to try and sort things out at home, even though it didn't work because Dad and Y were not interested. Knowing you believed me and supported me meant so much to me."

"I feel that attending YOT with X has helped me express my emotions and I don't feel that I could have done this with anyone else apart from her. She came down to my level and spoke to me as a young adult instead of a young offender."

Annex 2 – Complaints about Education and Schools

Complaints about education and schools are governed by the Education Act 2002. The complaint procedure for Schools is as follows:

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, the provision of religious education and collective worship (with the exception of church aided schools), 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

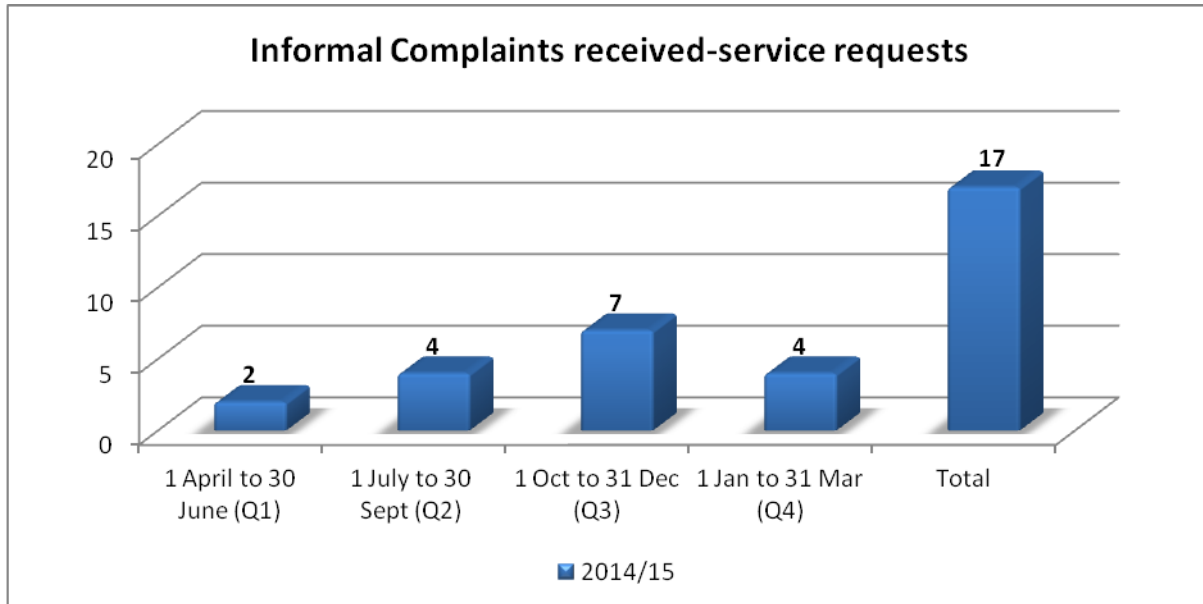
For those complaints that the Local Authority has a statutory duty to investigate we will deal with under the corporate complaints procedure:

- Stage 1 – response from the Head of Business Performance, Policy and Standards or a Head of Service
- Stage 2 – response from the Deputy Chief Executive and Corporate Director, 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. INFORMAL COMPLAINTS

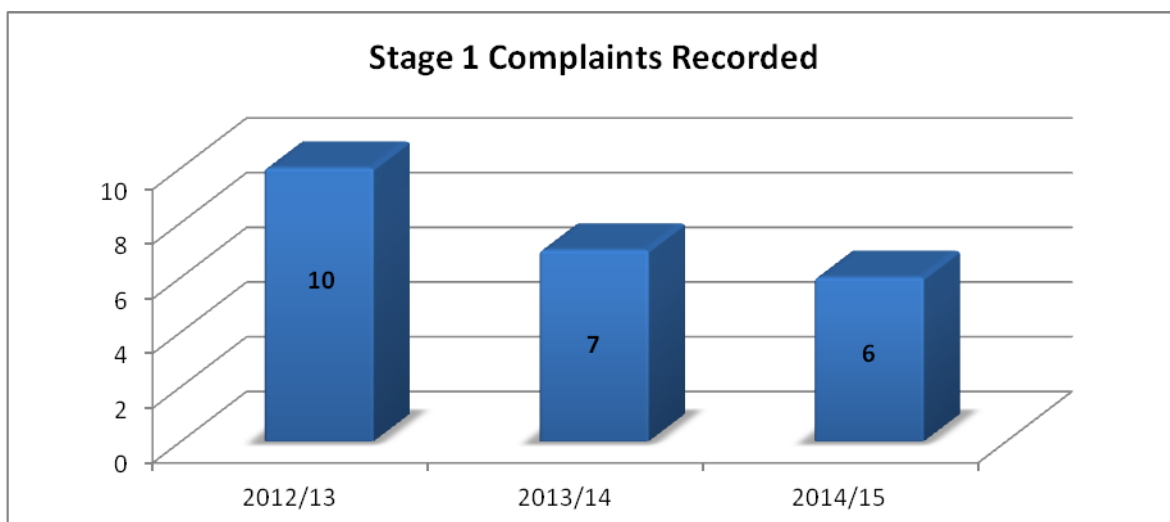
The Council will attempt to consider all complaints/concerns as close to the point of contact as possible, and in cases where minor or day-to-day concerns are raised these are dealt with as service requests. The graph below shows the total number of service requests received.



Nb Figures were not collated for previous years.

B. STAGE 1 – LOCAL RESOLUTION

The Head of Policy and Standards or a Head of Service will aim to respond to Stage 1 complaints within 10 working days.



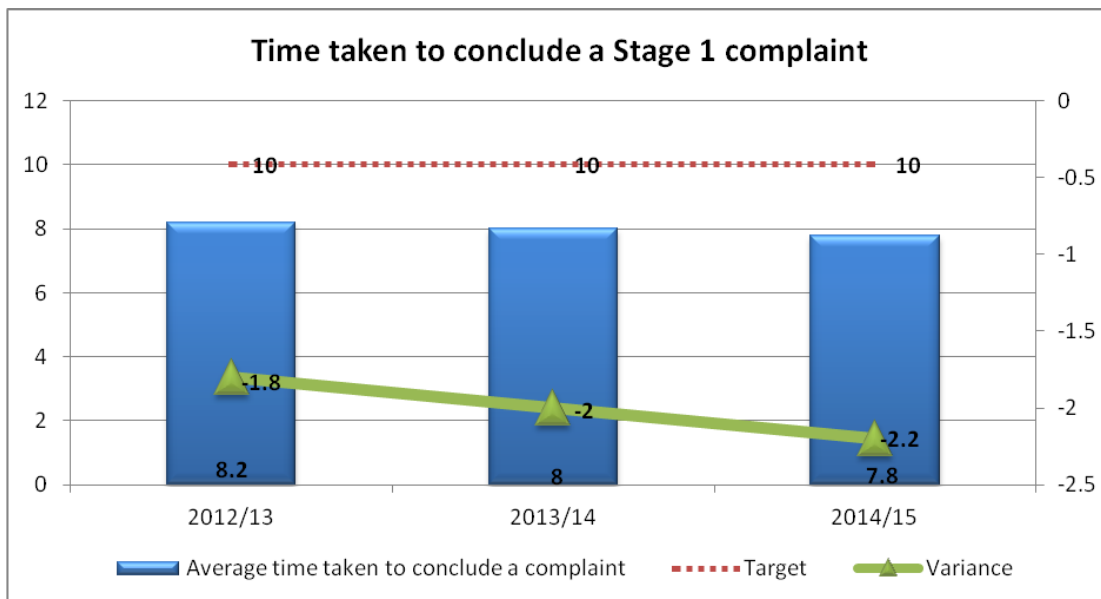
The number of Stage 1 Education and Schools complaints has decreased by one when comparing the 2013/14 figure of 7 with the 2014/15 figure of 6.

Table 3 below provides details of all six Stage 1 complaints and their outcome.

Table 3 - Outcome of Stage 1 complaints

Complaint details	Decision
<p>3825730 Ms X complained about the way a nursery calculates fees when a child is attending over and above the 'free 15 hours entitlement' given by the government.</p>	<p>Upheld We agreed that in presenting the free entitlement as money off her fees, the nursery had not followed the requirements of the Code of Practice. They should have been clear that this was not a monetary subsidy but an allocation of free hours of early education. The nursery was contacted and advised what is expected.</p>
<p>3893932 Mrs X complained that she applied for her daughter to go to school but had been told that her application had not been received and was asked to complete it again. She hand delivered her proof of address but a few weeks later she called for an update and her address had not been updated.</p>	<p>Partially Upheld We advised Mrs X that we had no record of an application having been submitted by her. The only application form we received was dated 12 March when we offered her daughter a place at the school nearest to where she resided. When a response was not received to this offer her daughter's name was removed from the waiting list. Mrs X's daughter now has a school place. However, we apologised that as a result of an oversight we did not update her address on the admissions database.</p>
<p>3752074 Mrs X complained that she wanted to end home elective education but was not informed that medical proof was required and that SENCO could proceed if a child was not in school.</p>	<p>Not Upheld Mrs X was advised that there were no medical circumstances that necessitated a place at a particular school. Children will only be considered under medical criterion if supporting medical evidence is provided. However, this does not guarantee a school offer, if for example, the school is full. An alternative school was offered.</p>
<p>4016067 Ms X complained that her son was given detention for handing in homework late and that her son's Special Education Needs have not been taken into consideration.</p>	<p>Not Upheld Ms X was advised that local authorities are unable to deal with complaints about the internal management of a school as there is a separate complaints procedure that parents need to follow. She was also advised that her son's needs were taken into consideration as part of the "support plan" produced in September 2014.</p>

<p>4174854 Solicitors on behalf of Mrs X complained that the Council had not arranged an annual review.</p>	<p>Not Upheld We advised the solicitors that it was for the school to arrange the annual review. We also advised that we did not contribute or cause a delay in the school carrying out the annual review.</p>
<p>3989703 Mrs X complained about a telephone call made to her daughter regarding an annual activity survey.</p>	<p>Withdrawn The Team Manager called Mrs X and explained what had happened and why the call was made. Mrs X decided to withdraw her complaint.</p>



- All six complaints were responded to within the 10 working day target;
- The average time taken to conclude a Stage 1 complaint is 7.80 working days.

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 was one Stage 2 complaint during this period. Table 4 below provides details of the complaint and the outcome.

Table 4 - Outcome of complaint

Complaint details	Decision
3580154 Mrs X complained that the chronology provided at Stage 1 was one sided and ignored significant events that prove there was a service failure by the Schools Placement and Admissions team.	Not Upheld Mrs X was advised that she was asked to provide evidence that she had completed the purchase of the property by 14 February. As she did not provide proof in time, we could not accept her new address for the purpose of processing her son's school application. We advised Mrs X of the appeal procedure and the timeline for submitting an appeal. Mrs X decided to withdraw her complaint.

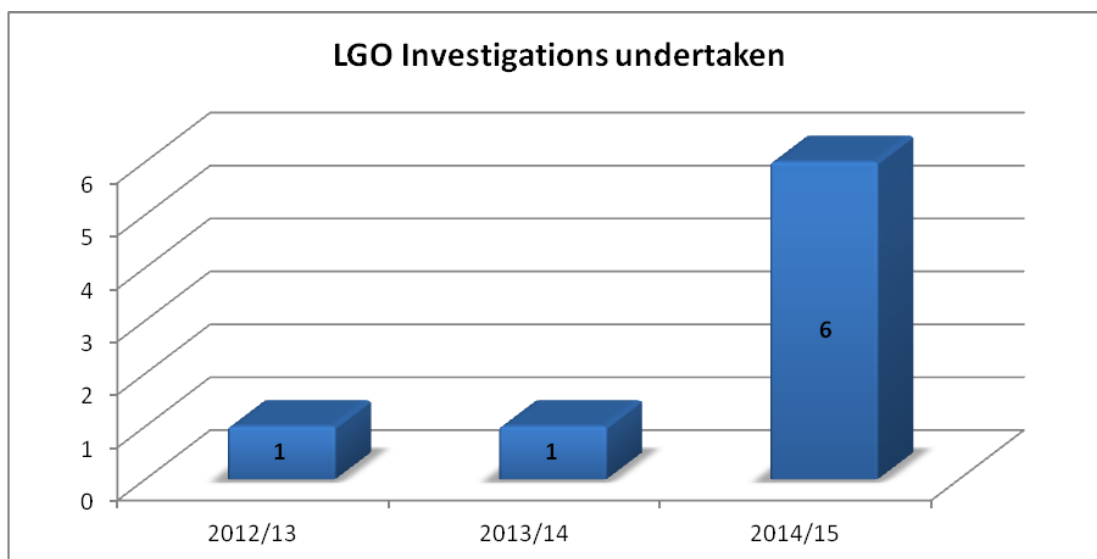
D. STAGE 3 COMPLAINTS

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

One complaint (3580154) escalated to Stage 3 but the complainant withdrew her complaint when her son was offered a school place. See table 4.

E. LOCAL GOVERNMENT OMBUDSMAN (LGO) INVESTIGATIONS

Where it appears that the Council's own investigations have not resolved a complaint, the complainant is entitled to refer their complaint to the Ombudsman and at any stage of the complaint process. However, the Ombudsman normally refers the complainant back to the Council if a complaint has not first been fully considered by the Council.



Of the 6 complaints investigated by the LGO, 5 complainants complained direct to the LGO. The remaining complaint (4174854) escalated direct from Stage 1 to the LGO.

Table 5 below provides details of all the complaints investigated by the LGO and their findings.

Table 5 - Outcome of LGO referrals

Complaint details	LGO decision
<p>3919153 Mr X complained that the Council unreasonably added his name to its 'restricted persons register.'</p>	<p>Not upheld The Ombudsman found no fault on Mr X's complaint about the Council adding his name to its 'restricted persons register'.</p>
<p>3789458 Ms X complained that the Council failed to properly consider her applications for: a) Blue Badge; b) Short respite break from caring for her autistic son; and c) Freedom Pass for her son.</p>	<p>Not Upheld The Ombudsman did not uphold any of Ms X's complaints that the Council failed to properly consider her various applications.</p>

<p>3724748 Mr X complained that (1) the Council failed to provide support and assistance when he removed his daughter from school to educate her at home and (2) that we did not act on his reports that his wife was abusing their children.</p>	<p>Not Upheld The Ombudsman found no fault by the Council when Mr X elected to home educate his daughter - officers visited and took account of the family views but concluded it was in Y's best interests for her to return to school. The Ombudsman did not uphold his allegation that the Council was at fault for not investigating his allegation of abuse by his wife - this was being considered as part of on-going child protection proceedings.</p>
<p>3823861 Mrs X complained that (1) admissions appeal panel did not take account of the points she raised; (2) failed to provide clear reasons for its decision to reject the appeal; and (3) the decision letter suggests the panel acted with bias towards the admission authority.</p>	<p>Not Upheld The Ombudsman found no evidence of fault in how the Council dealt with Mrs X's appeal, or in how it dealt with her subsequent request for her son to be prioritised on the school's waiting list.</p>
<p>4141974 Mrs X complained to the Ombudsman that the Council failed to provide school places for her daughters.</p>	<p>Not Upheld The Ombudsman determined that the Council was not at fault for failing to do more to secure school places for her daughters.</p>
<p>4174854 Mrs X's solicitor's complained that the Council failed to ensure an annual review of her son's statement of Special Educational Needs and that it was not carried out in line with statutory guidelines.</p>	<p>Not Upheld The Ombudsman found no evidence of fault in the Council's actions.</p>

F. COMPLIMENTS

Table 6 – number of compliments received

Period	Total number
2014/15	5

Nb Figures were not collated for previous years.

Here's what two people said:

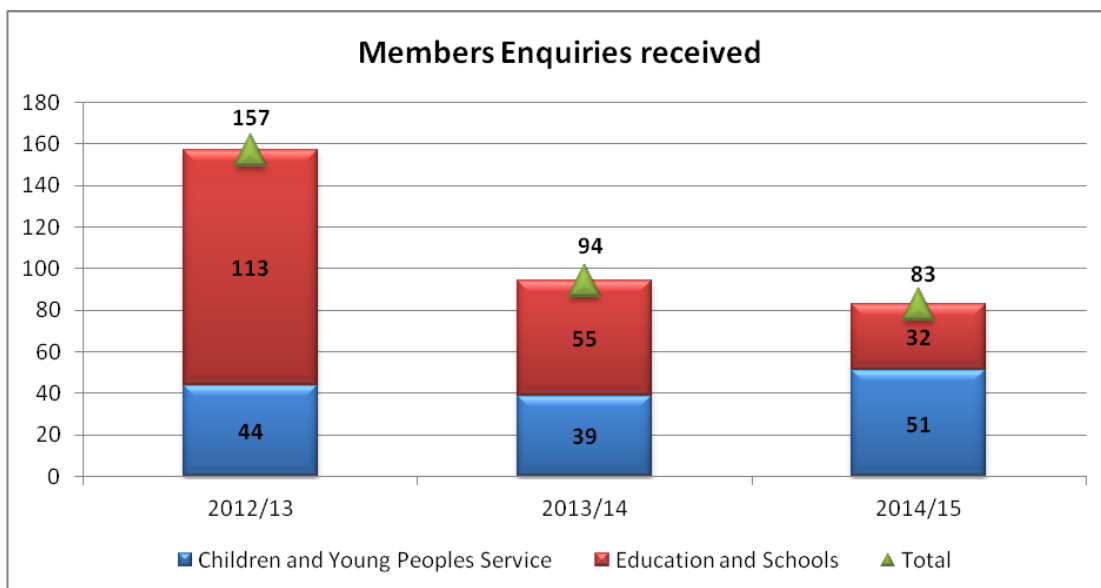
"We've been really pleased with X and she is a great asset to the School". "X continues to give excellent support and guidance to our School, which enables us to support our families with all issues arising from attendance. We always receive prompt and clear guidance when contacting your service by phone."

"Thank you to the team for all their support and a big thank you to X for always responding quickly and efficiently to our calls".

G. MEMBERS ENQUIRIES

Enquiries can be submitted to officers on behalf of residents to Elected Members for further information.

Total number of Members Enquiries



- 31% (12) increase in Children and Young People's Service enquiries from Elected Members when comparing 39 received in 2013/14 with 51 in 2014/15.

- 42% (23) decrease in Education and School enquiries from Elected Members when comparing 55 received in 2013/14 with 32 in 2014/15.