

# COMPLAINT REPORT FOR CHILDREN AND YOUNG PEOPLES SERVICE FOR 1 APRIL 2015 TO 31 MARCH 2016

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## Purpose of the report

This report provides information and analysis of complaints and Members Enquiries received between 1 April 2015 and 31 March 2016 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 People Service's (please see pages 5 to 12)

- Complaints dealt with informally are up 112% when comparing the figure for 2014/15 of 49 with the same period in 2015/16 of 104.
- Stage 1 complaints are up 7% when comparing the figure of 30 for 2014/15 with the same period for 2015/16 of 32. The average time taken to conclude a Stage 1 complaint is 8.31 working days with 94% of all complaints dealt with within the 10 working day target.
- Two Stage 2 complaints were concluded during this period. One was partially upheld and the other was closed as the independent Investigating Officer failed to deliver his report. The financial cost to the Council of these two independent investigations was £4,327.02.
- There were no Stage 3 investigations during this period.
- The Local Government Ombudsman (LGO) concluded five referrals during this period. One complaint was upheld, two partially upheld, one was not upheld and the remaining complaint was not investigated by the Ombudsman.
- Compliments received are down by 19% from 47 in 2014/15 to 38 for 2015/16.

## **Education and School Complaints (please see pages 13 to 17)**

- Complaints dealt with informally are up 35% when comparing the figure for 2015/16 of 23 with the same period in 2014/15 of 17.
- Stage 1 complaints are up 83% when comparing the figure for 2014/15 of 6 with the same period in 2015/16 of 11. The average time taken to conclude a Stage 1 complaint is 8.73 working days with 82% of all complaints being dealt with within the 10 working day target.
- One complaint escalated to Stage 2. It was not upheld.
- The LGO concluded two referrals during this period, they decided not to investigate both complaints.
- The number of compliments received is 5 for 2014/15 and 2015/16.

## **Members Enquiries (please see pages 18 and 19)**

- Overall, the number of Members Enquiries has risen by 5% from 8,149 for 2014/15 to 8,611 for 2015/16.
- The number of Members Enquiries for Children and Young Peoples Services has risen by 5% from 51 for 2014/15 to 57 for 2015/16.
- The number of Members Enquiries for Education Services has risen by 65% from 32 for 2014/15 to 53 for 2015/16.

## **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 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 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 – Complaints about Children and Young People Service's

#### 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:

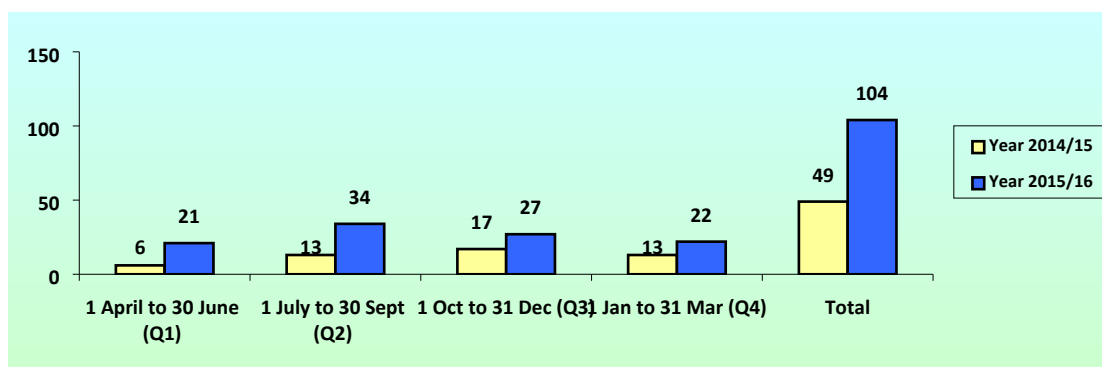
- Stage 1 – Local Resolution.
- Stage 2 – Independent Investigation by two people (Investigating Officer and Independent Person).
- Stage 3 – Review Panel.
- Local Government Ombudsman.

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

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.

#### Informal complaints received – (service requests)

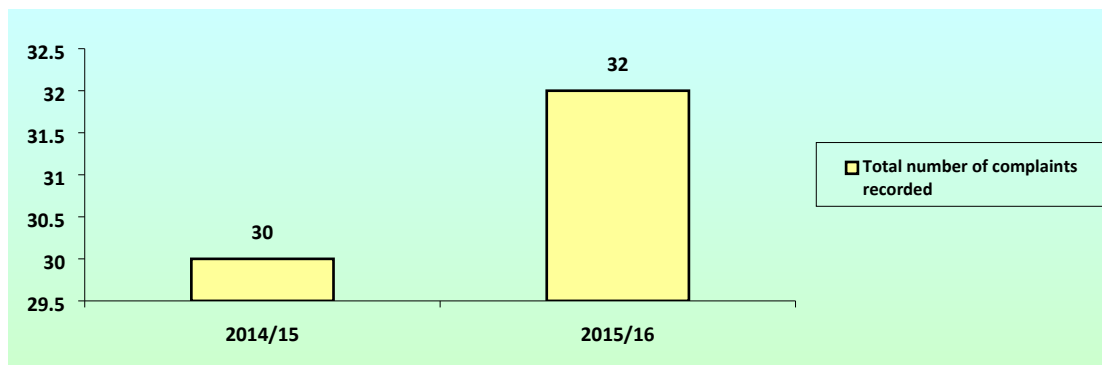


- 112% (55) increase in complaints dealt with informally when comparing the figure for 2014/15 of 49 with the same period in 2015/16 of 104.

## 2. STAGE 1 – LOCAL RESOLUTION

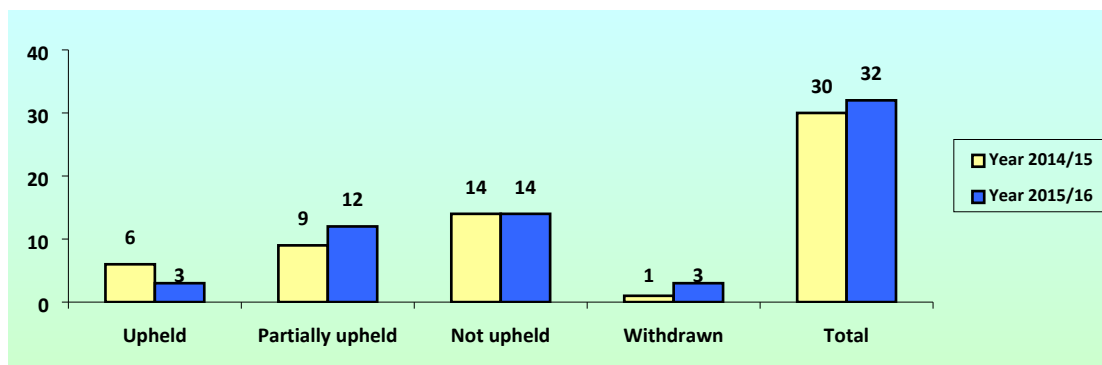
Service Managers will aim to investigate and respond to complaints within 10 working days. Under certain circumstances, the time for response can be extended by a further 10 working days.

### Total number of complaints recorded



- 7% (2) increase in Stage 1 complaints registered when comparing the figure of 30 for 2014/15 with the same period in 2015/16 of 32.
- Our 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 Business Manager, Complaints and Enquiries will intervene to see if a resolution can be achieved through dialogue. This approach generally works well with only 2 Stage 1 complaints escalating to Stage 2.

### Outcome of complaints



- The number of upheld complaints is down from 6 in 2014/15 to 3 in 2015/16 but the number of partially upheld complaints is up from 9 for 2014/15 to 12 for 2015/16.

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

	2014/15	2015/16
Average time taken to conclude a complaint	10.9	8.31
Target	10	10
Variance	+ 0.9	- 1.69

- The average time taken to conclude a Stage 1 complaint is 8.31 working days which compares favourably against the statutory target of 10 working days. This is a significant achievement.
- The two complaints that missed the 10 working day target (4652379 and 4903237) both required contributions from other service areas and this delayed the response.

**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
2014/15	30	19	63 %
2015/16	32	30	94 %

- 94% (30 out of 32) of complaints were responded to within the 10 working day target. This is good progress when compared against the same period in 2014/15 when 63% of complaints were responded to within 10 working days.

### Learning from complaints

The main theme that emerged from complaints was people's dissatisfaction in the way information/decisions were communicated to them either verbally or in writing. This included not apologising for cancelling appointments, delay in making a back dated payment, not responding to letters or e-mails or telephone calls, lack of empathy, etc. As a result of these complaints managers have spoken to officers individually and collectively to remind them of the need to adhere to customer service standards.

In addition, the following changes were made to our existing procedures as a result of complaints:

- A new template was introduced for communicating with parents when Home to School transport routes are changed.
- The Transport Team is considering whether to install CCTV cameras on vehicles as part of the Transport Review.
- A new internal protocol for dealing with safeguarding concerns received in the Passenger Transport Team was implemented.

- The Complaint Manager acknowledged that when the Independent Investigator failed to deliver his Stage 2 report within the statutory time frame, he should have taken more decisive action to bring the complaint to a close.
- When a teenager was frequently going missing during the early part of 2012, child protection proceedings should have been started at that point.

### **3. STAGE 2 - INVESTIGATION BY TWO INDEPENDENT PEOPLE**

A Stage 2 investigation is conducted by an Investigating Officer (IO) and Independent Person (IP) with specialist skills and knowledge of the Children's Act. The Council has to pay the IO and IP an hourly rate for their professional services as well as travel expenses. The timescale to conclude a Stage 2 investigation is set by statute at 25 working days but this may be extended to a maximum of 65 working days.

There were two Stage 2 investigations commissioned in 2014/15 but concluded during this financial year. Details of both Stage 2 complaints investigations are set out below.

Complaint details	Outcome
<p><b>Complaint ref: 3950102</b> Mr X alleged that the Council knew that he was being abused/at risk of abuse while in care and did not take steps to deal with this appropriately.</p>	<p><b>Complaint closed</b> Mr X was informed in his Stage 1 response that the <i>"information held within the files does not record any concerns relating to any sexual abuse disclosures or comments indicating any knowledge of this from professionals working with you at the time spent in Local Authority Care or by yourself."</i> Mr X requested a Stage 2 investigation. An investigation by two independent people was commissioned but the independent Investigating Officer failed to deliver his report. With the agreement of Mr X an early referral was made to the Local Government Ombudsman (LGO).</p>
<p><b>Complaint ref: 4241312</b> Mr and Mrs X alleged that their son was assaulted by the Passenger Assistant when he was being transported from school to home on 15 December 2014.</p>	<p><b>Partially upheld</b> Mr and Mrs X asked for an independent investigation to be carried out. As a result the complaint was begun at Stage 2 with an investigation by two independent people unconnected with the Council. The Investigating Officer found that the parents should have been informed immediately of the incident and that the Council had carried out a fair and impartial investigation into the allegation against the Passenger Assistant. Mr and Mrs X asked for an early referral of their complaint to the Local Government Ombudsman. The Council agreed to their request.</p>

The financial cost to the Council of commissioning these two independent investigations was £4,327.02 in total (Complaint reference 4241312 cost £3,715.55 and complaint reference 3950102 cost £611.47). The Investigating Officer (in relation to complaint 3950102) failed to deliver his report and as a result he was not paid.

#### **4. STAGE 3 - REVIEW PANEL OF THREE INDEPENDENT PEOPLE**

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.

Of the five complaints considered by the LGO, four investigations commenced in 2014/15 but were concluded by the LGO in this financial year. The findings and decision of the LGO are set out below.

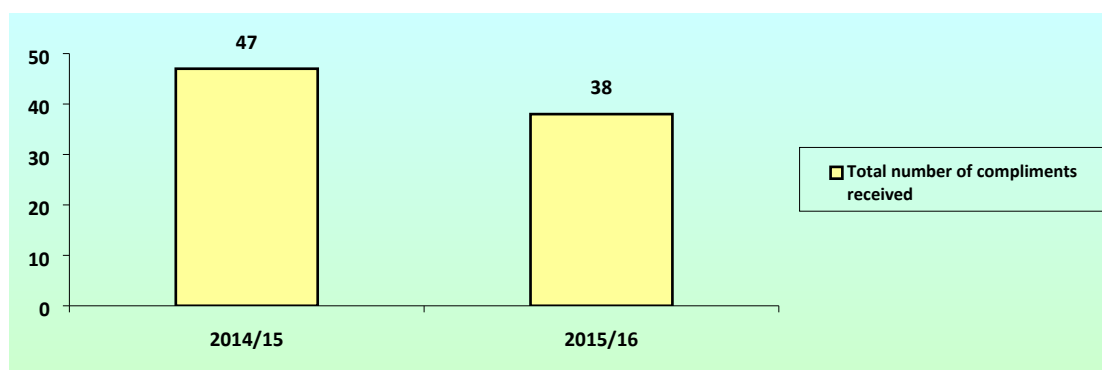
Complaint details	LGO decision
<b>Complaint ref: 3245801</b> Mrs X and her daughter Ms Y complained that the Council failed to a) safeguard and promote Ms Y's welfare during 2012/13 and b) it failed to put in place suitable education for her.	<b>Upheld</b> The Ombudsman found fault in that the Council had failed to safeguard and promote Ms Y's welfare when alerted to concerns about grooming and inappropriate male contact. The Ombudsman also found that the Council failed to put in place suitable education for Ms Y and that it delayed in identifying alternative education provision.
<b>Complaint ref: 3950102</b> Mr X complained that during his time in care, the Council failed to: a) protect him from emotional, sexual, and physical abuse, some of which he alleged was carried out by members of staff; b) seek appropriate medical help and treatment for him, particularly for self harming, drug and alcohol abuse; c) provide family therapy; and d) properly investigate his complaint under its complaints procedure. These failings caused him to suffer distress, stress and frustration.	<b>Partially Upheld</b> The Ombudsman found that the Council failed to investigate Mr X's allegations of physical abuse by family members and that there was a delay in bringing to a close the Stage 2 investigation. The Council agreed to apologise to Mr X for not investigating his allegation of physical abuse in 2002. The Ombudsman found no evidence that Mr X was abused by staff or carers.



<p><b>Complaint ref: 4241312</b> Mr and Mrs X complained that the Council's final response at Stage 2 of the statutory complaints procedure failed to identify the full extent of fault and had offered insufficient remedy for the fault. They also complained that the Council had failed to implement the action plan</p>	<p><b>Partially Upheld</b> The Ombudsman was satisfied that the Stage 2 adjudication response correctly identified fault causing injustice and that the Council had put in place or plans to put in place appropriate remedies in accordance with the action plan.</p>
<p><b>Complaint ref: 3486232</b> Mrs X alleged that:</p> <ul style="list-style-type: none"> <li>• the Council did not provide her family with the support she needed under her children's Child in Need plan and this contributed to her son's suicide attempt;</li> <li>• there were inaccuracies in the Council's records about her and her family;</li> <li>• the social worker involved with her family failed to respond to her properly in the period immediately before her son's suicide attempt; and</li> <li>• that the Council did not deal with her and her family properly when her older son was recovering in hospital.</li> </ul>	<p><b>Not Upheld</b> The Ombudsman did not uphold any of Mrs X's complaints. The Ombudsman also found no evidence that the Council was involved in a decision to detain Mrs X under a section of the Mental Health Act.</p>
<p><b>Complaint ref: 4652379</b> Mr X alleged that the Council had not taken his concerns about child protection seriously and stated that there were errors in a Child and Family Assessment report produced by the Council in 2014</p>	<p><b>Not Investigated</b> The Ombudsman was satisfied that the Council acted correctly in mounting a safeguarding investigation and advised that she cannot change the outcome of that investigation. As the Council had agreed to alter factual inaccuracies, there is nothing more that she would expect the Council to do in this matter</p>

## 6. COMPLIMENTS

### Number of compliments received



- Compliments received are down by 19% (9) from 47 in 2014/15 to 38 for 2015/16.

**Here's what some residents have said:**

*"On behalf of my husband and I, I am writing to express our gratitude for the help provided by Y. Thanks to Y's observations and plan for the nursery staff and us, X has come a long way. His most current achievement is counting to 10 and singing the ABC's. He can better express his needs, and that makes our job as parents and nurturers more successful".*

*"We are great! T is loving school, and gets up every morning smiling. Apparently he has a really good vocabulary and understanding of language - it's amazing what the right setting can do. His teachers are very happy with him, and say he's had no problems... other than the fact he loves to chat through lunch rather than eat lol. I can't express our thanks enough to you. He's looking forward to every day now and wants to go to school instead of saying he wants to stay at home, and he's loving the fact that he gets homework too! I attached a picture of him in his uniform - that smile is down to you - it's only fair you get to see the up side too!"*

*"I just wanted to give you some feedback regarding mine and my husband's recent meeting with X from the Hillingdon Youth Offending Service. Meeting him was tremendously beneficial to us both!! To be honest, up until that point, we had felt very much "abandoned" by the so called services employed to help us after the attack which occurred in November 2014. X's visit changed all that. He was genuine and kind and compassionate and showed a real interest in how we felt which had been sorely lacking up until then. I cannot tell you how much it has meant to us to have someone ask us how the attack affected us! And then listen attentively!"*

*"I was most impressed upon reading the social work assessment completed by X with respect to Y. I found this to be a comprehensive and analytical assessment which clearly sets out the concerns."*

*"Thank you so much for everything you have done for us. You have been one of the biggest support pillars in our lives and we are so grateful to you for giving us the chances to be together as a family unit. Thank you for giving us the most amazing opportunity to grow and blossom in our new lives. You made all this happen and without your belief and faith in me, we wouldn't be where we are right now; happy, safe and free. I know I disappointed you and let you down but thank you for trusting and believing in me and not giving up on us."*

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

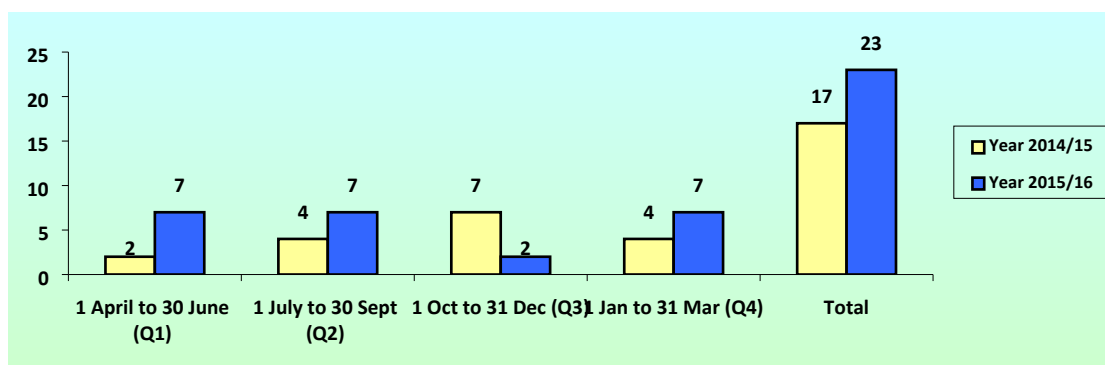
- Stage 1 – response from the Head of Business Performance, Policy and Standards.
- Stage 2 – response from the Corporate Director Adult, Children and Young Peoples Services.
- Stage 3 – response from the Chief Executive of the Council.
- Local Government Ombudsman.

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 Local Authority 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.

#### Informal complaints received – (service requests)

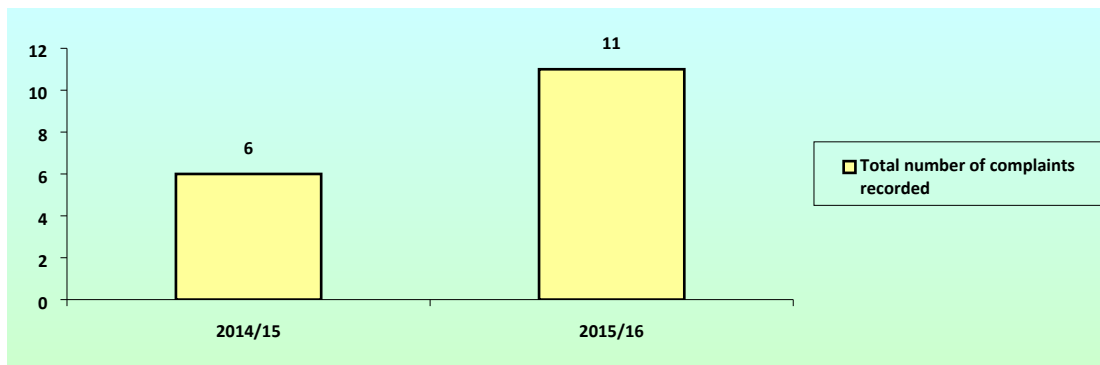


- 35% (6) increase in informal complaints recorded when comparing the figure for 2015/16 of 23 with the same period in 2014/15 of 17.

## **B. STAGE 1 – LOCAL RESOLUTION**

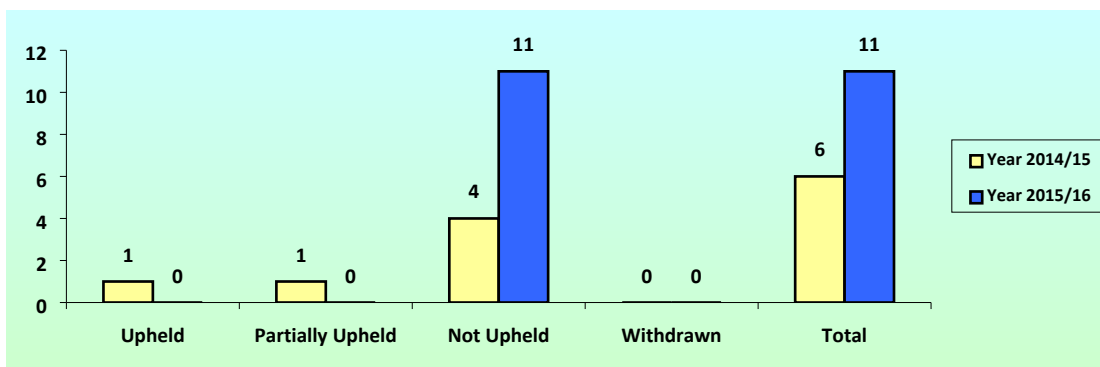
The Head of Business Performance, Policy and Standards will aim to respond to Stage 1 complaints within 10 working days.

### **Total number of complaints recorded**



- 83% (5) increase in the number of Stage 1 complaints when comparing the figure for 2014/15 of 6 with the same period in 2015/16 of 11.

### **Outcome of complaints**



- All eleven Stage 1 complaints were not upheld.

### **Table 3 - Time taken to conclude a Stage 1 complaint**

	2014/15	2015/16
Average time taken to conclude a complaint	7.8	8.73
Target	10	10
Variance	- 2.2	- 1.27

- The average time taken to conclude a Stage 1 complaint is 8.73 working days against a target of 10 working days.

- 82% (9) of Stage 1 complaints were responded to within the 10 working day target.

**C. STAGE 2 COMPLAINTS**

The Corporate Director Adult, Children and Young Peoples Services will aim to respond to Stage 2 complaints within 10 working days.

Of the 11 Stage 1 complaints, only one (4391789) escalated to Stage 2. Please see the table below for the outcome of this complaint.

Complaint details	Decision
<p><b>Complaint ref: 4391789</b>            Ms X complained about the handling of her son's application for a school place - she felt that officers gave her conflicting and inaccurate information during this process.</p>	<p><b>Not Upheld</b>            Ms X was advised that legal regulations are quite prescriptive on the subject of securing a place for a 'statemented' child or young person. It is only a Local Authority who can apply for a place at a school and that is why she was advised not to contact schools. She was also advised that the school would not be offering a place to her son as they do not believe that they can meet his needs.</p>

**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. INVESTIGATION BY THE LOCAL GOVERNMENT OMBUDSMAN (LGO)**

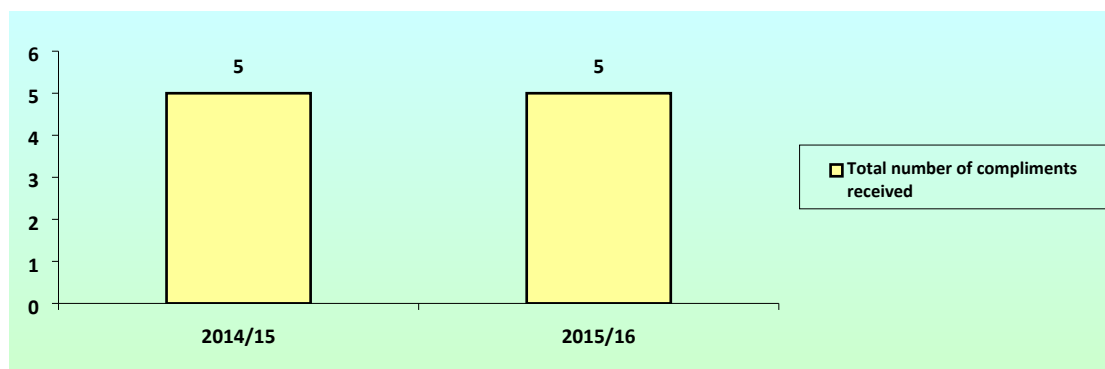
Where it appears that a Council's own investigations have not resolved the complaint, the complainant is entitled to refer their complaint to the Ombudsman and at any stage of the complaint process. However, the Ombudsman normally refers the complainant back to the Council if a complaint has not first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

Two complainants complained direct to the LGO. The findings and decision of the LGO is set out below.

Complaint details	LGO decision
<p><b>Complaint ref: 4682512</b>            Mr X complained that the Council had not named a suitable school for his son on his Education, Health and Care (EHC) Plan.</p>	<p><b>Did not investigate</b>            The Ombudsman decided not to investigate Mr X's complaint because he could appeal the Council's decision, on which school to name in an Education, Health and Care Plan, to a Tribunal.</p>

<p><b>Complaint ref: 4016067</b> Mrs X complained that the Council had not made appropriate provision for her son's special educational needs (SEN). Since January 2015, her son had not attended the school named in his Statement.</p>	<p><b>Did not Investigate</b> The Ombudsman decided not to investigate this complaint as Mrs X had appealed to the Tribunal about the educational provision for her son's educational needs.</p>
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**F. COMPLIMENTS**



- 5 compliments were received for 2014/15 and 2015/16

**Table 12 – Number of compliments received**

Period	Total number
2014/15	5
2015/16	5

**Here's what some residents have said.**

*"I have started an apprenticeship at the same place in Eastcote at xxx. They decided to take me on as an apprentice. Finally got somewhere with all the trying. Thank you for being really supportive during the stage of trying to achieve something you have been very helpful".*

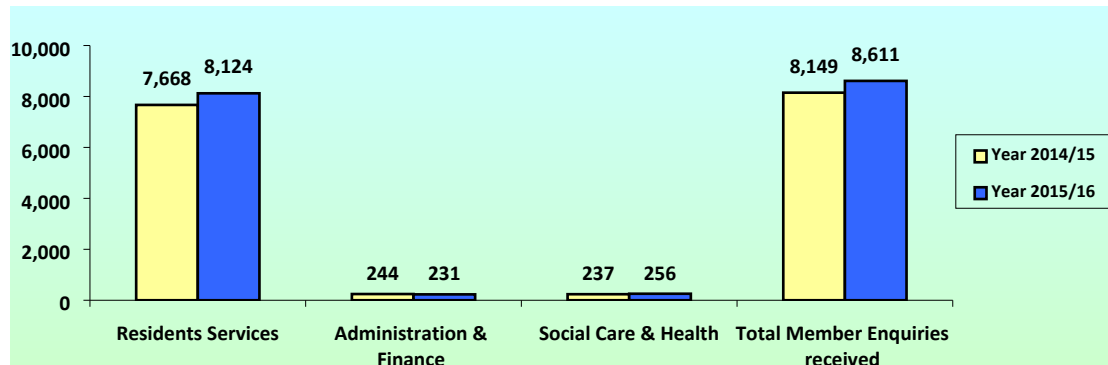
*"I just wanted to drop you an email because I am very pleased about the joint work F has engaged in with me to support a boy with learning disabilities at xxxx school. It has been a complicated case involving several multi agency meetings. I have been impressed at F's understanding of how to support the family and by her enthusiasm and energy. It just shows what we can do for young people who are often deemed to be outside our thresholds for one reason or another".*

*"I am writing to you to acknowledge how impressed and pleased the .... team has been with X in her capacity as the school's education welfare officer. The Academic Director, has worked very closely with X for the past two years and has found her professional and efficient, which was extremely valuable when dealing with a number of highly complex and sensitive cases."*

## MEMBERS ENQUIRIES

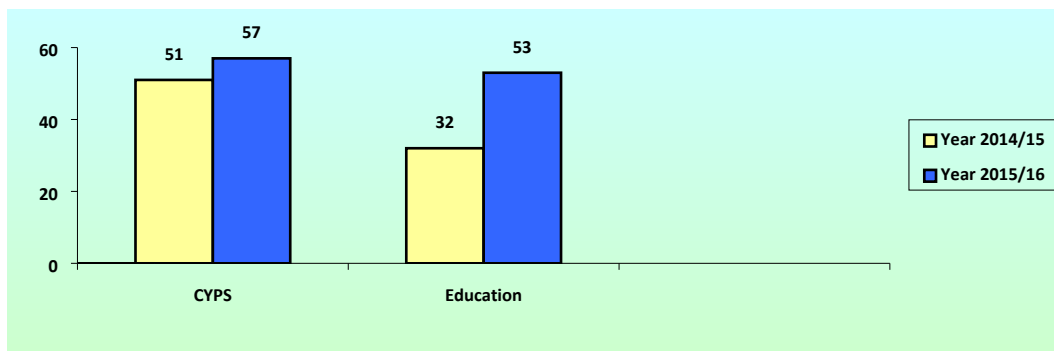
Enquiries can be submitted to officers by Elected Members on behalf of residents for further information.

### Total number of Enquiries from Elected Members



- 5% increase in enquiries from Elected Members when comparing the figure for 2014/15 of 8,149 with the figure for 2015/16 of 8,611.
- Residents Services accounts for 94% of all Members Enquiries.

### Enquiries from Members for Children and Young People Services and Education and School Services



### Children and Young People Services (CYPS)

- 12% (6) increase in enquiries from Elected Members when comparing the 2015/16 figure of 57 with the figure for 2014/15 of 51.
- CYPS received more enquiries from Elected Members (57) than Stage 1 complaints (32) during 2015/16. This is consistent with previous years.

### Education and School

- 65% (17) increase in enquiries from Elected Members when comparing the 2015/16 figure of 53 with the figure for 2014/15 of 32.

- Education Services received more enquiries from Elected Members (53) than Stage 1 complaints (11) during 2015/16. This is consistent with previous years.