



APPENDIX 2

Social Care and Learning: Learning & Achievement Education Report 2011 - 2012 Complaints

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1. Introduction:

The report provides information about the numbers and types of complaints handled by Learning & Achievement Department within Social Care and Learning. With regards to service areas data this has been captured for the last year (1 April 2011 – 31 March 2012).

Up until 1 January 2012 all enquiries in relation to Special Education Needs Section (SEN) were recorded under Children & Young People's Services. However, since the restructure this data is now captured within the Service Area Learning & Achievement.

Due to restructuring, Schools For The Future is now split into two separate service areas being Asset Management (Finance and Commerce) and Commissioning (Schools – Children's Services). This data is reflected within the report.

This report sets out the types of complaints/compliments received and the effectiveness of our services in meeting requirements, including responses within timescales. However, services are striving towards improvements by using the lessons learnt from complaints to help inform change. The development of the new Customer Relations Management (CRM) system will link actions and recommendations to outcomes and this will assist in evidencing service improvements and having a more joined up service with all data being stored in one place, with integration to other line of business systems.

This report excludes:-

- **Social Care & Learning, Pupil Services - School Admissions & Exclusions Appeals**, which are a statutory requirement and are dealt with by Committee Administration within Legal & Democratic Services. There is a separate report to the Committee at this meeting on appeals and data are submitted to the Department for Education (DfE) on a yearly basis.

Under Section 29 of the Education Act 2002, the governing body of all maintained schools and nursery schools in England are required to have in place a procedure to deal with complaints relating to the school and to any community facilities or services the school provides. The law also requires the complaint procedure to be publicised. Copies of the school complaints procedure are available

- If a complaint remains unresolved by teaching staff or the head teacher, the complaint will go to the school's governing body or trustees as part of the school complaints process.
- If the complaint cannot be resolved at school level or if it is felt that the complaint has not been given fair consideration due to a conflict of interest - complaints can be forwarded to the Department for Education, using the online [school complaints form](#) available on the DfE website. :

Complaints about maintained schools

The Education Act 1996 Sections 496 and 497 were amended with effect from 1 August 2012 to enable the Secretary of State to consider complaints relating to schools. This is likely to have an impact on the complaints process for the current year 2012/13

For the Secretary of State to intervene in a maintained school following a complaint, he needs to be sure either that:

- the school has acted or is proposing to act unreasonably in the exercise or performance of its functions under certain legislation;
or
- The school has failed to discharge a duty at all under certain legislation.

Complaints about Free Schools and academies

The Secretary of State will consider complaints similar to those made about maintained schools and may include where:

- There has been undue delay, or the complaints procedure does not comply with statutory requirements, or has not been followed. For example, there is no independent member involved at the final stage of the complaint.

- There is a breach of the funding agreement. For example, there is no religious education or requirements for provision of information are not being met.
- A statutory duty has not been met, unless another organisation is better placed to investigate. For example, child protection matters would be for the local authority; exam malpractice would be for Ofqual.

The Secretary of State is not required to intervene in every case that is brought to his attention but he must always consider whether, in light of the information provided to him by a complainant, he should exercise his powers.

The Secretary of State cannot intervene just because he would have made a different decision to that of the school and will only do so where he is of the view that there is some practical value or worth or purpose to be served in doing so.

The Secretary of State may consider other options to intervention to help you to resolve a complaint if appropriate, for example it may be possible to resolve the issue by agreement.

More information about school complaints can be found at:

<http://www.education.gov.uk/aboutdfe/complaintsprocedure/b00212240/making-complaint-school>

2. Corporate Complaints:

Since September 2008 the Council implemented a Corporate Complaints Procedure whereby all service areas complaints/compliments are recorded on the Corporate Customer Relations Management System (CRM). The manager of the service area is responsible for ensuring that complaints are dealt with quickly and appropriately. All complaints outstanding for more than 10 working days are reviewed by the Head of Service and escalate to the Group Director and Chief Executive if outstanding for more than 20 working days

If the customer remains dissatisfied after receiving responses through the Corporate Complaints Procedure, the Customer or Service can request that a Hearings Panel look into the complaint.

Hearings Panels are entirely independent of the service about which you are complaining. A panel consists of up to three elected Councillors sitting with an independent person. The Panel will meet at the Town Hall and give the customer an opportunity to explain the problems and to question council staff responsible for the service complained about. The Panel will then decide what action to take and will inform the customer of that decision in writing.

If a customer would like their case considered for a panel hearing they must request this via the person dealing with their complaint (complaint owner). This would usually only be considered once the complaints procedure had been fully exhausted. The case should be considered first by the Head of Service to make sure he/she is satisfied there is nothing further that can be done to resolve the situation before proceeding to a hearings panel.

In 2011/12 there were 20 complaints, 19 against Learning and Achievement and 1 for Commissioning (Schools) which were logged and dealt with under the Corporate Complaints Procedure. Compared to the previous year 2010/11 we received 31 and 6 of those complaints were against Commissioning (Schools).

Service Area	Corporate Complaint
Learning & Achievement	19
Commissioning (Schools)	1

Enquiries broken down into Service Areas:

Service Areas	Learning & Achievement	Commissioning (Schools)
Pupil Support and Services	12	
School Admissions	1	
Early Years	1	
Adult Education	3	
Special Educational Needs	1	
Schools Human Resources	1	
School Buildings		1

Nature of Complaint against the reason of Complaint

	Quality of Service	Delay in Service	Policy Issue	Challenge Council Decision	Other	Service Failure	Attitude of Staff	Total
Feels harassed/bullied by the Education Welfare Department	1	-	-	-	-	-	-	1
Lack of refund when college courses were cancelled	-	2	-	-	-	-	-	2
Unhappy that they are unable to receive help towards there college fees	-	-	1	-	-	-	-	1
Unhappy that unable to purchase school dinner tickets by cheque-	-	-	1	-	-	-	-	1
Unhappy with the prohibition at the school and could not understand why	-	-	1	-	-	-	-	1
Issue with child's school admission	-	-	-	1	-	-	-	1
Unhappy with the dangerous walkway near a school	1	-	-	-	-	-	-	1
Failure to deal with bullying issues	-	-	-	-	1	-	-	1
Concerned that 13 year old children were asked to complete a school survey	-	-	-	1	-	-	-	1
Behaviour/attitude of members of staff	-	-	-	-	-	-	2	2
Unsatisfied response letter	-	-	1	-	-	-	-	1
Lack of response	-	-	-	-	-	2	-	2
Employment issues with Havering Council	-	-	-	-	1	-	-	1
Noise & Disturbance from a school as a football club uses a schools football pitch	-	-	-	1	-	-	-	1
Upkeep of a football pitch	1	-	-	-	-	-	-	1
Dissatisfied with the noise from the children during a 2 minute silence	-	-	-	-	-	1	-	1

3. Members Correspondence:

Since February 2010 the Council adopted new procedures for dealing with correspondence from MP's and Councillors. These procedures now ensure managers are directly accountable for Members enquiries in their area and set a challenging timetable for responding and dealing with correspondence effectively, 10 working days. All correspondence not dealt with within 20 days is referred to the appropriate Assistant / Group Director and the Chief Executive.

Service Area	Members Correspondence
Learning & Achievement	45

Commissioning (Schools)	4
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The number of Members correspondence in 2011/12 was 49 as compared to the previous year 2010/11 when there were 47.

Enquiries broken down into Service Areas:

Service Areas	Learning & Achievement	Commissioning (Schools)
Education/Schools	21	-
School Admissions	20	-
Special Educational Needs	2	-
Schools Human Resources	2	-
School Buildings	-	4

Reason of Enquiry:

Reason for Enquiry	Learning & Achievement	Commissioning (Schools)
Service Required	15	1
Quality of Service	12	1
Comments or Feedback	3	1
Information Requested	15	1

Nature of Enquiry against Complaint Reason:

	Quality of Service	Service Required	Information Requested	Comments or Feedback	Total
Shortage of School places across London	-	-	1	-	1
Inappropriate discipline	1	-	-	-	1
Bullying Issues	2	-	-	-	2
Child's treatment received by a school	1	1	1	-	3
School Placement/Appeals	5	9	6	-	20
Future of Havering Music School	1	-	1	1	3
Access to Funding	-	1	-	-	1
Enquiry of the Ambition AXA Awards Initiative	-	-	-	2	2
Issue with charity/non uniform days	-	-	1	-	1
Financial help for those on low incomes	-	-	1	-	2
HR related matters	-	1	1	-	2
Recycling of flower pots to be used at schools	-	-	1	-	1
Treatment received by the college	1	-	-	-	1
Special Educational Needs issues	-	1	1	-	2
Enquiry/Allegations on ex members of staff	-	1	1	-	2
Treatment from a Educational Welfare Department	1	-	-	-	1
Free school meals been ceased	-	1	-	-	1
Lights at Elm Park School	-	1	-	-	1
The use of the canteen for infants & juniors at Parklands School	1	-	-	-	1
Update on Branfill School	-	1	-	-	1
Matters arising from the construction of the New Hylands School	-	-	-	1	1

Who made the Enquiry:

Who made the Enquiry	Learning & Achievement	Commissioning (Schools)
Councillor	29	3
MP	16	1

4. Pre Stage 1 Enquiries:

Children and Young People's Services have been using a Pre Stage 1 enquiries system since 2005 and it continues to be a very successful process. This process has now been adapted to incorporate education enquiries, whereby service areas at times can cut across directorates. In implementing this process captures data and aims for the service to achieve an early resolution.

Service Area	TOTAL
Learning & Achievement	11
Commissioning (Schools)	-

The number of Pre Stage 1 Enquiries in 2011/12 was 11 as compared to the previous year 2010/11 when there were 12.

Enquiries broken down into Service Areas:

Service Areas	Learning & Achievement	Schools for the Future
School Admissions	1	-
Schools and Education	10	-

Nature of Enquiry against Reason of Complaint:

	Quality of Service	Eligibility	Access to Information	Behaviour of Staff	Dispute Decision	Data Protection	Total
Prohibition from a school	-	-	-	-	1	-	1
Use of a school for polling	-	1	-	-	-	-	1
Issue with Payroll Administration	1	-	-	-	-	-	1
Treatment of a tutor	1	-	-	-	-	-	1
Issue with child being excluded from school	1	-	-	-	-	-	1
Bullying Issue	1	-	-	-	-	-	1
School placement/Appeals	-	-	1	-	-	-	1
Attitude of a Head Teacher	-	-	-	1	-	-	1
Data Protection	-	-	-	-	-	1	1
Request for child's information	-	-	1	-	-	-	1

Responsibility of sending out information on appeals	-	-	1	-	-	-	1
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8. Local Government Ombudsman (LGO) complaints and enquiries.

Complaints made to the Local Government Ombudsman and Decision

One complaint submitted to the LGO. The table below sets out the details:

There was 1 complaint submitted in 2011/12, compared to 3 in 2010/11. Please see the table below which sets out the details/outcomes:

Service Area	Ongoing Investigation	Ombudsman Discretion - no or insufficient Injustice	Premature Complaint	Local Settlement with a Penalty	No Investigation	No Maladministration after Investigation
Commissioning (Schools)	0	0	0	0	0	1
Learning & Achievement	0	0	0	0	0	0
TOTAL	0	0	0	0	0	1

9. Special Educational Needs Tribunals

Under the 1996 Education Act and associated legislation parents have a right of appeal to the Special Educational Needs and Disability Tribunal (SENDIST) either if they feel their child has been subject to discrimination in a school setting or if the Local Authority refuses to assess a child under the 1996 Act, refuses to draw up a statement following such an assessment or against the contents of the assessment. The two Tribunal routes are separate in that the responsible body for a disability appeal is the Governing Body of the school, whilst for a special needs tribunal it is the Local Authority who has to defend their decisions. Havering has extremely few disability tribunals and very few SEN tribunal's, however the indications are that there is an increasing number of appeals. The rulings of the tribunal are binding of the Local Authority.

In 2011/12 the Local Authority received 5 SEN Tribunal's.

10. Compliments:

In 2011/12 there has been 1 compliment recorded on the system. The Complaints Team has raised the profile by circulating an e-mail to all services of the importance of capturing compliments in whatever form they come in e.g. telephone, e-mail etc.

11. Compensation Payments:

The Council can provide compensation if, after a complaint has been investigated, or as an outcome of a Local Government Ombudsman's investigation (LGO), it is concluded that:

- the Ombudsman finds that there has been maladministration by the Council causing injustice to the complainant; and
- he would recommend that compensation should therefore be paid to the complainant.

For the period of 1 April 2011 to 31 March 2012 there was no compensation claim, compared to the previous year 2010/11 whereby there was a payment of £250.00 following a LGO Complaint.

12. Future Actions:

As a result of pulling this data together it has been agreed to enforce the following action points:-

- Learning and Achievement will implement an internal service improvement pack for senior managers which will help to assist with future planning for any areas that may need to be improved. Providing a general overview on trends, themes gaps etc;
- There will be continued training/support to new and existing staff.
- To review and revamp the Education internet web page to be more accessible/informative to the members of the public in relation to complaints/school matters.
- The complaints section will continue to work with service areas by monitoring and reviewing the implementation of all recommendations made.

TABLES RELATING TO 2011/12 ENQUIRIES/COMPLAINTS AND COMPLIMENTS

13. Table 1 – Complaint Activity:

Complaint Stage	Learning & Achievement	Commissioning (Schools)
Members Correspondence (from MP's & Cllrs)	45	4
Corporate Complaints	19	1
Pre-Stage 1 Enquiries	11	-

Compliments	1	-
Corporate Ombudsman	1	1

15. Table 2 – Response Times of Complaints

	Members Correspondence	Corporate Complaints
Within 10 Working Days	31	16
Outside of Timescale	18	4
Withdrawn	-	-

16. Table 3 – How Complaints were Received

