



CHILDREN & LEARNING OVERVIEW & SCRUTINY COMMITTEE AGENDA

7.30 pm

Thursday
10 November 2011

Town Hall

Members 14: Quorum 6

COUNCILLORS:

Sandra Binion (Chairman)
Gillian Ford (Vice-Chair)
Dennis Bull

Nic Dodin
Robby Misir
Pat Murray

Billy Taylor
Frederick Thompson
Linda Trew

CO-OPTED MEMBERS:

**Statutory Members
representing the Churches**

Phillip Grundy, Church of
England
Jack How, Roman Catholic
Church

**Statutory Members
representing parent
governors**

Julie Lamb, Special Schools
Anne Ling, Primary Schools
Garry Dennis, Secondary
Schools

Non-voting members representing local teacher unions and professional associations:
Margaret Cameron (NAHT), Keith Passingham (NASUWT) and Bev Whitehead (NUT)

For information about the meeting please contact:

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What is Overview & Scrutiny?

Each local authority is required by law to establish an overview and scrutiny function to support and scrutinise the Council's executive arrangements. Each overview and scrutiny committee has its own remit as set out in the terms of reference but they each meet to consider issues of local importance.

They have a number of key roles:

1. Providing a critical friend challenge to policy and decision makers.
2. Driving improvement in public services.
3. Holding key local partners to account.
4. Enabling the voice and concerns of the public.

The committees consider issues by receiving information from, and questioning, Cabinet Members, officers and external partners to develop an understanding of proposals, policy and practices. They can then develop recommendations that they believe will improve performance, or as a response to public consultations.

Committees will often establish Topic Groups to examine specific areas in much greater detail. These groups consist of a number of Members and the review period can last for anything from a few weeks to a year or more to allow the Members to comprehensively examine an issue through interviewing expert witnesses, conducting research and site visits. Once the topic group has finished its work it will send a report to the Committee that created it and it will often suggest recommendations to the executive.

Terms of Reference

The areas scrutinised by the Committee are:

- School Improvement (BSF)
- Pupil and Student Services (including the Youth Service)
- Children's Social Services
- Safeguarding
- Adult Education
- 14-19 Diploma
- Scrutiny of relevant aspects of the LAA
- Councillor Calls for Action
- Social Inclusion

AGENDA ITEMS

1 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS

(if any) - receive.

2 DECLARATION OF INTERESTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

3 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

4 MINUTES (Pages 1 - 6)

To approve as a correct record the Minutes of the meetings of the Committee held on 10 November 2011 and authorise the Chairman to sign them.

5 UPDATE ON IMPLEMENTATION OF SEN TRANSPORT CHANGES IN SEPTEMBER 2011 - PRESENTATION

6 14-19 UPDATE (Pages 7 - 14)

7 CHILDREN AND YOUNG PEOPLE'S SERVICES ANNUAL COMPLAINTS AND COMPLIMENTS REPORT 2010/11 (Pages 15 - 28)

8 FUTURE AGENDAS

Committee Members are invited to indicate to the Chairman, items within this Committee's terms of reference they would like to see discussed at a future meeting. Note: it is not considered appropriate for issues relating to individuals to be discussed under this provision.

9 URGENT BUSINESS

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.

**Ian Buckmaster
Committee Administration &
Member Support Manager**

**MINUTES OF A MEETING OF THE
CHILDREN & LEARNING OVERVIEW & SCRUTINY COMMITTEE
Town Hall
22 September 2011 (7.30 - 8.45 pm)**

Present: Councillors Sandra Bionion (Chair) Gillian Ford (Vice-Chair), Dennis Bull, Pat Murray, Billy Taylor, Linda Trew, Wendy Brice-Thompson and Lynden Thorpe

Co-opted Members: Phillip Grundy, Julie Lamb and Anne Ling

Non-voting Member: Bev Whitehead

The Chairman advised those present of action to be taken in the event of an emergency evacuation of the building becoming necessary

Apologies for absence were received from Councillor Nic Dodin, Robby Misir and Frederick Thompson, co-opted member Garry Dennis and Margaret Cameron and Keith Passingham

1 MINUTES

The Minutes of the meeting held on 7 June 2011, as well as the special meeting held on 5 July 2011 and the joint meeting held on 28 July 2011 were agreed as a correct record and signed by the Chairman.

2 SCHOOL IMPROVEMENT STRATEGY

The Committee considered a report on Havering's New School Improvement Strategy, presented by the Principal Inspector of the Havering School Improvement Service.

In light of the forthcoming Education Bill, 2011, and the wide-ranging and significant changes to both funding and policy in relation to schools and school improvement, the Department for Education (DfE) directed all Local Authorities to submit detailed plans on their strategy to support all schools, and especially those that were failing to provide a satisfactory standard of education for its pupils/students, or those schools that were performing below the new government floor standards.

The report summarised Havering's response to the DfE request and set out the strategy that would take Havering's school improvement services forward in the coming months and years.

The Committee noted that the 2011 Education Bill, which took forward the White Paper, The Importance of Teaching (November 2010), charged all Local Authorities with a 'strong strategic role as champions for parents and families, for vulnerable pupils and of educational excellence.' The new School Improvement document set out how Havering Local Authority was already ensuring rapid improvements for maintained schools performing below the floor standard, in an Ofsted category and those of some concern - and it set out how all schools would be supported that wish to collaborate to improve educational performance for all pupils. In Havering there was a commitment to high achievement through partnership work with all stakeholders. As an education community Havering was committed to using all resources, both core staff and the great reservoir of skill and expertise present in schools, collectively to enhance pupils' learning and improve the overall quality of provision.

The Committee also considered the specific and general guiding principles underlying the Strategy before looking at the work that Havering Improvement and Advisory Service undertook in schools in the borough. The Committee was informed that as an education community, Havering was using all its resources collectively to enhance pupils' learning and improve the overall quality of provision. There was a collective commitment to open, transparent communication and honest and frank debate. The LA regularly reviewed its practice in relation to its key activities with representative groups of schools and governors, particularly in relation to the nature of the monitoring, challenge, intervention and any core elements of the support provided.

There was, with the full agreement of schools, a commitment to:

- partnership working;
- support their ongoing development of effective school self- evaluation and school improvement planning;
- offer appropriate challenge and intervention, this being based on rigorous analysis of all available data;
- monitor and evaluate effectively to identify potential weaknesses at an early stage so as to enable early intervention;
- apply the criteria used to determine the need for intervention;

The purpose was to develop ways of working, in partnership, that would build on existing effective practice.

Crucially, there were three strands of work which Havering's School Improvement Service undertook, broken down as follows:

- Core Responsibility: Council Core Funding and School Funding Forum support for SCC
- Traded Service: Packages of brokered support, if appropriate
- Support for Schools by Schools: HT/LA Steering Group setting protocols, recruitment, training and quality assurance

Core Responsibility: Preventing School Failure

The LA had identified three categories of school support. In all cases there was a discussion between the LA and the school prior to the placing of the school in a category, unless it was an automatic category change such as a school going into an Ofsted category or performing below floor standards.

The key criteria for categorisation were:

- Standards and progress achieved since the last Ofsted;
- Capacity for improvement

These were considered and reviewed annually. In addition, the Schools' Monitoring Group (SMG) met once every half-term to consider issues arising from across Social Care and Learning, which may cause additional criteria to be considered as part of the categorisation process.

Both schools and the LA reviewed performance in line with key areas covered by the Ofsted Framework. Regular review and completion of a school based self-evaluation process by the school was strongly encouraged as the foundation of that process.

The key areas currently include:

- current performance in terms of achievement and attainment;
- trends over time;
- teaching and learning;
- leadership and management;
- quality of provision;
- personal development and well being; effective safeguarding procedures;
- Effectiveness of community cohesion, promoting equality of opportunity and tackling discrimination; capacity for improvement; stability; and attitudes.

The Committee was informed of the various categories of support that schools received and the nature of that support as appropriate.

Category 1: Schools on track for good or outstanding at their next Ofsted

Schools in which there are no concerns, where there are some outstanding or good elements, where pupils make good or better progress in terms of value added and where their attainment was normally above or at national average.

Category 2: Schools satisfactory at last Ofsted and improving

Schools in this category might have one of the following:

- schools removed from category 3 which remain Category 2 for a minimum of one year;
- schools that have identified that they need to broker in some additional support to build capacity;
- schools amalgamating or federating;
- no substantive Headteacher, but still with the capability to improve;
- new Headteacher (for first year only); and
- Schools facing difficulties at a particular point in time (e.g. high number of temporary staff, budget).

Category 3A: Schools satisfactory at last Ofsted, potentially vulnerable to remaining satisfactory or an Ofsted category

Schools in this category were at risk of being identified as requiring a notice to improve at their next Ofsted Inspection.

This would normally include significant identified weaknesses in one or more of the following:

- standards/achievement
- leadership and management
- teaching and learning
- behaviour
- personal development and well being
- home-school relationships
- budgetary control

Schools removed from category 3B remain in category 3A for a minimum of one year. Schools within this category could also be identified by the LA as a 'School Causing Concern' in which Statutory Intervention may be needed.

Category 3B: Schools in Ofsted category or performing below the floor standard

- schools served an Improvement Notice by Ofsted;

- schools identified by Ofsted as requiring Special Measures;
- Schools performing below the floor standards;

Schools within this category would be identified by the LA as a 'School Causing Concern' in which Statutory Intervention may be needed.

Category 3C: LA Formal Warning Schools

Schools in this category were identified by the LA and would be subject to a formal warning where it had evidence that:

- the standards of performance of pupils at the school were unacceptably low and were likely to remain so, unless the LA exercises its Statutory Power; and/or
- there had been a serious breakdown in the way that the school was managed or governed which was prejudicing, or likely to prejudice, pupils' standards or performance (e.g. serious financial difficulties); and/or
- the safety of pupils or staff at the school was threatened (whether by breakdown of discipline or otherwise).

Schools within this category would be identified by the LA as a 'School Causing Concern' where a formal warning and Statutory Interventions were in place.

The Committee noted that the following support to schools depending on their category, as follows:

Schools in Category 1: There was an offer of 0.5 day of core entitlement – a 'keep in touch' meeting.

Schools in Category 2: There was an offer of 1.5 days of core whole school improvement entitlement.

Schools in Category 3A: There was an offer of 3 days of core whole school improvement entitlement and a small number of days of subject and aspect support.

Schools in Category 3B: There was an offer of 6 days of core whole school improvement entitlement and a larger number of subject and aspect days of support. Schools in this category were likely to have a variety of Statutory Interventions in place e.g. formal whole School Improvement Partnerships.

The Committee then asked various questions arising from the report; amongst these members asked how many secondary schools in the borough had or were planning to become academies. Officers responded by informing the Committee that so far 11 out of Havering's 18 secondary schools had become academies, with 1 more having announced its

intention to take on academy status. This left 6 schools under the direct control of the LA.

Members queried the role of the LA if academies were not meeting required performance standards and specifically the role of the LA in such cases. It was explained that this remained to be confirmed, as the LA did have to hold academies to account yet possessed no powers of intervention, as academies were accountable to the Department for Education and the Secretary of State.

The discussion turned to focus upon special schools and how, in the absence of the A-C GCSE (including English and Maths) measure used in mainstream schools, performance standards could be assessed. It was explained that in Havering the standard assessment criteria used was routes of progress as no threshold had yet been set by the Department for Education. There was a national benchmarking system known as CASPER.

The Committee noted the report.

3 FUTURE AGENDAS

The Committee discussed the items it would consider at future meetings and agreed the following:

- Update on the take up of college places in Havering
- Careers service being offered in schools in light of the discontinuation of the Connexions Service.
- Provision of Summer Schools
- Budget Variance
- (after Christmas) Update on the success of the post-16 pilot scheme for SEN pupils.

Chairman

CHILDREN & LEARNING OVERVIEW & SCRUTINY COMMITTEE

REPORT

10/11/2011

Subject Heading:

14-19 Update

CMT Lead:

Sue Butterworth

Report Author and contact details:

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Policy context:

Education & Skills

SUMMARY

This report gives an update on a range of 14-19 developments, including;

- Introduction of National Careers Service and new duties on schools.
- Participation rates post-16.
- 2011 recruitment.
- Access to higher education.

RECOMMENDATIONS

Members are asked to note the content of the report.

REPORT DETAIL

1. National Careers Service - new duties & responsibilities

1.1 Background

1.1.2 John Hayes, Minister of State for Further Education, Skills and Lifelong Learning, announced on 4 November 2010 that there would be an all-age careers service in England by April 2012, with new arrangements for careers guidance accessible from September 2011.

1.1.3 On 13 April 2011, the Minister made a further announcement giving some details about the proposals. The Department of Business Innovation and Skills (BIS) will continue to fund careers services for adults both online and through helpline services; from September 2011 these will be linked to similar services for young people, so there is a single point of access for all users of each service. The department will also fund a network of public, private and voluntary organisations to provide careers guidance to adults. From April 2012 these services will be known as the *National Careers Service*.

1.1.3 Following this announcement, the Department for Education (DfE) published communications setting out the responsibilities of schools for careers education and guidance under the new provisions in the Education Bill (currently progressing through Parliament) and the duties on local authorities under the proposed legislation. The department also released brief statutory guidance for local authorities.

1.2 Duty on schools

1.2.1 From September 2012, the Education Bill will place a new duty on schools to secure access to impartial and independent careers guidance for every pupil in Years 9 to 11, which must also include information on all 16 to 18 education or training options including Apprenticeships. Schools will have the freedom to decide how best to fulfil this duty, although it is stated that guidance must be provided in an impartial manner and promote the best interests of the person to whom it is given. The term 'independent guidance' is defined as independent and external to the school.

1.2.2 Schools will be able to access the National Careers Service for this purpose, although they will not be limited to obtaining services from these providers. However, this will only offer web based and telephone support, not face to face guidance. The Government intends to promote a national quality standard to help

schools make decisions about which provider to use. Schools will be expected to make provision for careers guidance from within the Dedicated Schools Grant.

1.3 Role of local authorities

- 1.3.1 The duty placed on local authorities by the Education and Skills Act 2008 (Section 68) is to make available to young people support that will “*encourage, enable or assist them to participate in education or training*”. There is no suggestion that this duty is to be repealed; in fact this duty is the basis of Lord Hill’s letter of 17 February to Directors of Children’s Services to continue the process of ensuring that all 16 and 17 year olds receive suitable offers to continue in education or training (previously known as the September Guarantee).
- 1.3.2 On 13 April 2011, the DfE issued statutory guidance to local authorities on targeted support services for young people and a communication to schools on changes to the delivery of careers guidance. Boroughs will not be expected to provide universal careers service once the new careers service is established and the duty on schools has been commenced. However, local authorities will still need to support vulnerable young people (including completing S139a and Learning Difficulty Assessments) to engage in education and training, particularly in light of the intention to raise the participation age to 18 by 2015. Local authorities will be expected to use the Early Intervention Grant for this purpose.
- 1.3.3 Local authorities, working with schools, Academies and colleges will additionally be expected to track and record young people’s participation post-16 on the local Client Caseload Information System (CCIS) in order to ensure there is reliable data available centrally on young people at risk of being NEET. They will also be required to maintain close links with JobCentre Plus to ensure young people NEET are given appropriate support.

1.4 Transitional responsibilities

- 1.4.1 Schools are being encouraged to think about putting in place new arrangements for careers guidance in advance of September 2012. The London Borough of Havering is currently in discussion with the current Connexions contractor (Prospects) with regard to a possible extension to the existing arrangements which come to a conclusion in March 2012.
- 1.4.2 The London Borough of Havering is currently drafting a strategy aimed at helping young people to succeed in learning and finding a job. As part of this process, a draft *Youth Commissioning* document will be published later in 2011. A Positive for Youth Summit will be held later in the year to provide an important opportunity for partners and services to meet with experts, professionals and young people to debate issues around learning and work focused on maximising the participation of 16-24 year olds in education, employment and training. The *Youth Commissioning* document will outline the nature of the commissioned activity that will deliver the Local Authorities responsibilities outlined above from September 2012.

2. Post-16 Participation Rates

- 2.1 The latest information available from the DFE (end of 2009, shown in Table 1 below) shows that 87% of 16 and 17 year olds were in education and work based

learning. This shows a significant improvement in each of the last two years since 2007 when the comparative figures were 81% and 84%. 16 year old participation increased to 91%, and 17 year old participation increased to 83%.

Table 1: LB Havering Participation Rates 2007-09

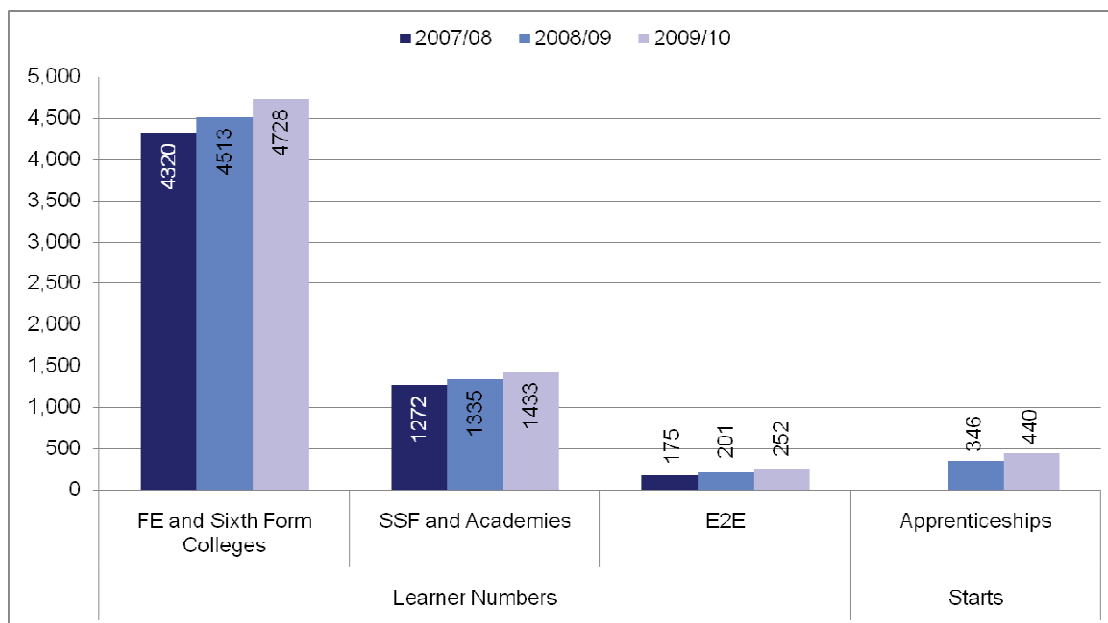
16 year olds									
Full-time education									Total
	Maintained schools	Academies & CTCs	Independent schools	Sixth form college	Other FE	Total	WBL	Part-time education	Education and WBL
2009	25%	0%	0%	30%	29%	84%	3%	4%	91%
2008	23%	0%	0%	31%	28%	82%	4%	3%	89%
2007	22%	0%	0%	29%	28%	79%	4%	3%	85%
17 year olds									
Full-time education									Total
	Maintained schools	Academies & CTCs	Independent schools	Sixth form college	Other FE	Total	WBL	Part-time education	Education and WBL
2009	20%	0%	0%	25%	28%	72%	5%	6%	83%
2008	19%	0%	0%	23%	24%	66%	6%	7%	79%
2007	18%	0%	0%	21%	24%	64%	8%	5%	76%
16 & 17 year olds									
Full-time education									Total
	Maintained schools	Academies & CTCs	Independent schools	Sixth form college	Other FE	Total	WBL	Part-time education	Education and WBL
2009	22%	0%	0%	27%	29%	78%	4%	5%	87%
2008	21%	0%	0%	27%	26%	74%	5%	5%	84%
2007	20%	0%	0%	25%	26%	71%	6%	4%	81%

2.2 The major increase in numbers has been in full-time education with a decrease in the proportion on work based learning both nationally and locally, this is perhaps not surprising in the present financial situation. The numbers in part-time education and in work based learning (WBL) are relatively small compared to those in full-time learning.

2.3 The latest information available from YPLA (shown in table 2 below) shows that Havering resident learner numbers increased in ‘further education (FE) and sixth form colleges’ and ‘school sixth forms and Academies’ in 2009/10. Participation by residents in FE and sixth form colleges rose by 9% to 4,728 between 2007/08 and 2009/10. There was no change regionally. Part year data for 2010/11 shows there are 4,576 participants in FE, a decrease of 4% from the same point in 2009/10. Between 2007/08 and 2009/10, the number of residents accessing Entry to Employment (E2E) and a combination of FE and E2E increased by 44% to 252.

2.4 Participation by Havering residents in school sixth forms and Academies has increased between 2007/08 and 2009/10. Learner volumes rose by 13% to 1,433 from 1,272 in 2007/08. This compares to a regional increase of 10% over the same period and the latest part year figures show 1,505 residents in school sixth forms and Academies, 6% above the position at the same time in 2009/10. Between 2008/09 and 2009/10, the number of residents aged 16-18 starting an Apprenticeship increased from 346 to 440.

Table 2: LB Havering resident learners aged 16-19



2.5 Connexions figures for 2011 show that the proportion of young people aged 16-18 not in education, employment and training (NEET) in Havering decreased from 4.7% to 4.0% (Nov 2009 - Jan 2010 average compared to Nov 2010 - Jan 2011 average). This compares to a 0.3% decrease regionally and 0.4% decrease nationally, and 5.7% of 16-18 year olds were in jobs without training in March 2011, a decrease from 5.9% in March 2010. There was a reduction at both regional and national level.

3. 2011 Recruitment

3.1 Both the YPLA and DMAG data sets for the 16-19 populations predict a steady drop in numbers over the next eight years. This predicted drop would almost cancel out a rise in the participation age to full participation in 2015. Local data from the Census shows a small reduction in the size of the Year 11 cohort in Havering between 2010 and 2014 (about 80 young people by 2014), it then begins to rise again.

3.2 The population measure and the Year 11 cohort sizes are measuring two different groups of young people. There is a view in London that the Census data may provide a more reliable measure for predicting future 16-19 demand in London than the ONS data. The YPLA is presently initiating work on the development of a model to predict future demand in the capital. Population projections for Havering in the 16-18 age range from the YPLA/ONS are shown below (table 3 and 4);

Table 3: LB Havering YPLA population projections

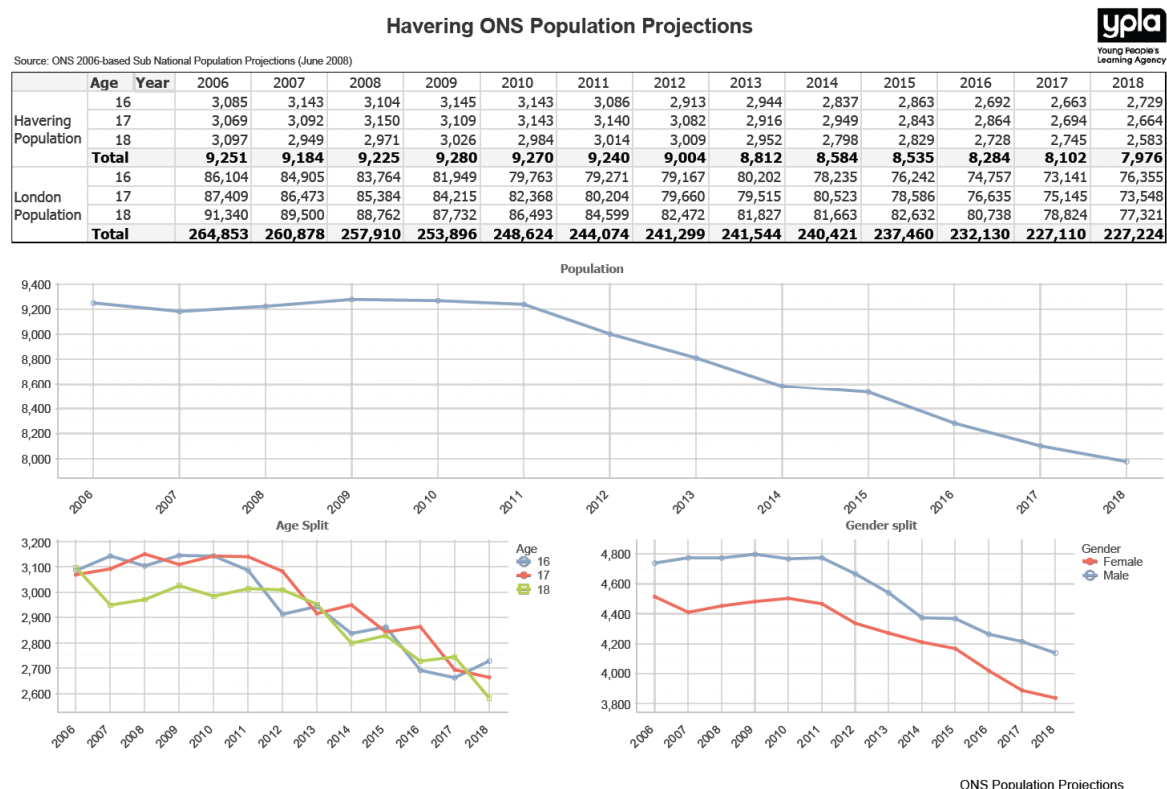


Table 4: LB Havering DMAG population projections

	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Havering	11734	11861	11847	11839	11774	11624	11388	11136	10917	10837	10689	10537

- 3.2 The data available indicates that there is little probability of a rise in the local population of 16-19 year olds in the next few years, there is a higher probability that it will fall somewhat. Whilst this obviously has implications for the roll projections 16-19, other factors such as the popularity of the Havering providers may have a greater influence in a demand led system. Increase in the participation rates would also have an effect.
- 3.3 Havering has complex travel to learn patterns and is a net importer of learners to FE and sixth form colleges and a net exporter to school sixth forms and Academies. The total number of Havering residents 16-19 accessing provision in other local authorities is less than the number from other local authorities coming into providers in the borough. As with all London boroughs, there is significant movement of young people (14-19) to access learning both into and out of the borough.
- 3.4 The official enrolment numbers will not be available until late November, but taking into account the planned reduction in resident cohort shown above, Havering’s schools, Academies, Colleges and Independent Private Providers have anecdotally found it harder to meet their target learner number than in previous years. However, they have also reported that they are likely to meet their learner number targets but are unlikely to repeat the growth they have experienced in previous years.

4. Access to Higher Education

4.1 The latest information available from UCAS (end of 2009 shown in Table 5 below) shows that an increasing number of young people were making applications to University, and whilst the acceptance rate was staying relatively static, the total number of young people being accepted was increasing from 964 in 2003 to 1,233 in 2009.

Table 5: LB Havering HE Applications

Geography	Applicants 2003	Applicants 2004	Applicants 2005	Applicants 2006	Applicants 2007	Applicants 2008	Applicants 2009	Change 2003 to 2009
Havering	1,131	1,008	1,135	1,198	1,196	1,281	1,450	28.20%
London	32,957	34,366	37,532	39,043	40,773	43,919	46,268	40.40%
England	216,967	219,911	234,963	232,272	246,264	264,030	283,010	30.40%

Geography	Accepted 2003	Accepted 2004	Accepted 2005	Accepted 2006	Accepted 2007	Accepted 2008	Accepted 2009	Change 2003 to 2009
Havering	964	861	1,002	1,017	1,001	1,108	1,233	27.90%
London (educated)	27,823	29,061	32,006	32,782	34,135	36,996	38,072	36.80%
England (educated)	184,626	187,853	203,901	197,664	208,528	224,473	235,704	27.70%

Geography	Acceptance rate 2003	Acceptance rate 2004	Acceptance rate 2005	Acceptance rate 2006	Acceptance rate 2007	Acceptance rate 2008	Acceptance rate 2009	Change 2003 to 2009
Havering	85.20%	85.40%	88.30%	84.90%	83.70%	86.50%	85.00%	-0.20%
London (educated)	84.40%	84.60%	85.30%	84.00%	83.70%	84.20%	82.30%	-2.10%
England (educated)	85.10%	85.40%	86.80%	85.10%	84.70%	85.00%	83.30%	-1.80%

IMPLICATIONS AND RISKS

*There is a **corporate** requirement to set out the implications and risks of the decision sought, in the following areas*

Financial implications and risks:

In relation to the changes to careers education information, advice and guidance, there are a number of financial implications and risks associated with the new responsibilities for Local Authorities. However, this report is designed to give Members an update only and therefore these implications are not explored within this paper. Further reports will be brought back to Members as appropriate. There are no further financial implications and risks arising as a direct result of this report.

Legal implications and risks:

In relation to the changes to careers education information, advice and guidance, there are a number of legal implications and risks associated with the new responsibilities for local authorities. However, this report is designed to give the members an update only and therefore are not relevant to this report. There are no further legal implications and risks with regard to the remainder of the report.

Human Resources implications and risks:

In relation to the changes to careers education information, advice and guidance, there are a number of human resources implications and risks associated with the new responsibilities for local authorities. However, this report is designed to give the members an update only and therefore are not relevant to this report. There are no further human resources implications and risks with regard to the remainder of the report.

Equalities implications and risks:

An Equality Impact Assessment has been conducted covering all aspects of 16-19 Commissioning but no risks directly relating to this report arose.

BACKGROUND PAPERS

None relevant.



**Children's Services Overview
& Scrutiny Committee**
10 November 2011

REPORT

Subject Heading:

Social Care and Learning (Children and Young People's Services) Annual Complaints and Compliments Report 2010/11

Report Author and contact details:

Coral Hayden
Complaints, Information & Communication Team Manager

Policy context:

Tel: 01708 433056
Service Quality and Customer Relationships

SUMMARY

The report provides information about the numbers and types of complaints handled by the Children and Young People's Service during 2010/11 and how they were dealt with to minimise the impact of justifiable concerns and to reduce the likelihood of future complaints.

RECOMMENDATIONS

To note the content of the report and the attached appendix 1 that sets out the position for 2010/11.

REPORT DETAIL

1.0 Introduction

The separate Appendix 1 contains the summary report on the position regarding service complaints handled in relation to the Children and Young People's Services during the period 1 April 2010 to 31 March 2011. It also shows the compliments received.

2.0 Key Issues

The reason for reporting complaints on Children and Young People's Services separately is because they are handled under specific regulations that individually define the statutory process into 3 formal stages (Stage 1, 2 and 3). Havering introduced an informal Pre Stage 1 process in 2005 to support a better complaints practice and avoid complaints escalating to statutory processes.

Some of the key messages that arise from the report during 2010/11 are that:

- The overall number of complaints are around 176 (46 matters raised by MP's and Councillors). There has been a significant increase in statutory Stage 1 complaints in comparison to the previous year 2009/10 (table 1 page 7 of appendix 1).
- The Pre Stage 1 process (40) has been very successful in resolving many initial concerns, with both more handled through that process and with none moving from that stage to the formal stage 1 process.
- Matters raised through Councillor or MP routes are monitored through these processes (page 4 of appendix 1, see table 1 on page 7).
- The overall number of Stage 1 complaints has increased from the previous year by 32. The reason being the Children with Disability Team have reviewed service user's packages of care which have led to numerous complaints from parents. There has been an increase in complaints made by the Children's Advocacy Service (page 7 of appendix 1, see table 1 - 4).

- The number of Stage 1 complaints, that escalated to a Stage 2 complaint had increased in 2010/11 by 6 complex complaints (page 7 - 8 of appendix table 1, 2, 3 and 5).
- There were two Stage 3 complaints for the financial year 2010/11. However one has rolled over to 2011/12 due to the complexity. (pages 7- 8 of appendix 1, see table 1, 2, 3 and 6).
- For 2010/11 7 Compliments were received, these are in relation to the good work Children and Young People's Services have carried out (page 7 & 9 of appendix 1 and table 1 and 7).
- 7 complaints were submitted to the Local Government Ombudsman (LGO). The outcomes from these complaints were: 4 referred back as a premature complaint and investigated locally as a statutory Stage 1 complaint. 1 complaint was investigated by the LGO and no maladministration was found. 1 LGO Discretion – no or insufficient injustice. 1 LGO on going.
- Most complaints are initiated by parents and very few by children and young people.
- The majority of complaints relate to the alleged behaviour of staff or the quality of service.
- A number of future actions have been identified as a result of the Annual Complaints and Compliments Report 2010/11. These are set out on page 7 of the appendix 1. Most are continuous development matters, but with one or two specific new actions. Key is the continuation of a staff training programme.

3.0 Future Arrangements

Currently, the Council has a corporate complaints model that captures non social care complaints, principally education, children services activity. Attached to that are separate regulated processes, for the Children's Social Care and Adult Social Care (inc. health aspects) Service. These complaints systems are statutory and have separate defined and differing regulated processes.

There has been a major restructure within Social Care & Learning Directorate, whereby Children's and Adult complaints have now merged. It is envisaged that the annual report of 2011/12 will include combined data and more effective comparisons about performance in managing and dealing with complaints across all services. Proposals are being considered to bring complaints services within Social Care and Learning (Learning and Achievement, Adult Social Care and Children and Young People's Services) together in the future and as part of that change consideration will be given to how a wider service report can be provided.



IMPLICATIONS AND RISKS

Financial implications and risks:

The Children's Complaints Service has a small annual operational budget of £14,460. That includes the need on occasion to commission Independent People, which is the least predictable cost associated with the service. There are no new financial implications or risks arising from this report.

Legal implications and risks:

There are no apparent legal implications from noting this Report. The complaints process is governed by the Children Act 1989 Representations Procedure (England) Regulations 2006.

Human Resources implications and risks:

There are no new HR implications or risks arising from this report.

Equalities implications and risks:

The report demonstrates that there is a transparent and structured (both informal and formal) route for concerns or complaints, including those relating specifically to matters of equality of treatment, to be registered for review and action where required.

BACKGROUND PAPERS

Appendix 1 attached which draws on the electronic and paper recording systems held within the Social Care and Learning Directorate.

APPENDIX 1

Social Care and Learning: Children and Young People's Services

Annual Report 2010 – 2011 Complaints and Compliments

Prepared for:

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1. Introduction:

There has been a major restructure within Social Care & Learning Directorate, whereby Children's and Adult complaints have now merged. This will ensure complaints are streamlined and monitored more effectively ensuring prompt responses are met within timescale. This infrastructure has brought together Information Governance and Communications under one team and ensure consistency in every day practice is maintained. It is envisaged that the annual report of 2011/12 will include combined data and more effective comparisons about performance in managing and dealing with complaints across all services. Proposals are being considered to bring complaints services within Social Care and Learning (Learning and Achievement, Adult Social Care and Children and Young People's Services) together in the future and as part of that change consideration will be given to how a wider service report can be provided.

This report covers the complaints, representations and compliments received about children and young people services (C&YPS). It covers complaints made by children or young people. It also applies to parents, foster carers and people in which the local authority consider has an sufficient interest in the child or young person's welfare to warrant his/her representations being considered by them, under the complaints and representations procedures established through the Local Authority Social Services Complaints (England) Regulations 2006.

The report sets out the types of complaints/compliments received and the effectiveness of our services in meeting statutory requirements, including timescales, independence and the processes set out in the regulations.

The requirements (as set out in the Children's Act 2004 and Every Child Matters guidance) that govern the way in which C&YPS social services complaints are recorded and managed mean that they have to be separately recorded from the Council's CRM – Customer Relations Management System. (For further information see "**Getting the Best from Complaints**" web link:-

<https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFES-2055-2006>

Complaints that relate to Children and Young People's Services that do not fall within the statutory requirements are recorded on the Council's Corporate CRM system.

There are a number of different codes (attributes) which can be used to identify the nature of Children and Young People's Services complaints. Only those that relate to the specific data recorded over the reported year (1 April 2010 – 31 March 2011) are used here. Tables are included at the end of the report.

2. Corporate Complaints:

The Corporate Complaints Procedure has been in existence since September 2008. All service areas complaints/compliments are recorded on the Corporate Customer Relations Management System (CRM) and responded within 10 working days. All complaints outstanding for more than 10 working days are reviewed by the Head of Service. All complaints outstanding for more than 20 working days are reviewed by the Group Director and Chief Executive.

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Due to the Statutory Complaints Procedure, Children and Young People's Services would normally be exempt from the corporate procedures. In 2010/11 there were 18 complaints logged under the Corporate Complaints Procedure, out of them 18 complaints 11 were dealt with as a Corporate Complaint. In the previous year 2009/10 we received 17 and 5 of these complaints were dealt with as a Corporate Complaint. These complainants were not technically eligible to make a complaint under the Statutory Complaints Procedure, but could do so in relation to a service received by Children and Young People's Services.

3. Members Correspondence:

Since February 2010 the Council set up 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.

The number of Members correspondence items in 2010/11 was 46 as compared to the previous year 2009/10 when there were 37.

4. Pre Stage 1 Enquiries:

Children and Young People's Services introduced a Pre Stage 1 Enquiry system in 2005 which continues to be a success. Pre Stage 1 Enquiries deal with complainant's issues at an early stage, enabling the services to achieve a quick resolution. Although it is not a statutory requirement to resolve dissatisfaction at Pre Stage 1 this process has been found to be very effective in reaching a speedy resolution to concerns and avoid matters escalating into formal complaints.

The number of enquiries received at Pre Stage 1 from an eligible person in 2010/11 was 49 in comparison with the previous year 2009/10 where there were 45.

The majority of Pre Stage 1 complaints were about the quality of service and level of service.

5. Stage 1 Complaints:

Stage 1	Local Resolution	The complaints procedure requires complaints at stage 1 to be responded to within 10 working days (with an automatic extension to a further ten days where agreed with the complainants).
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From 1 April 2010 to 31 March 2011 the Complaints Section recorded 63 Stage 1 complaints, compared to 31 in the previous year, this is an increase of 100%. The reason being the Children with Disability Team have reviewed service user's packages of care which have led to numerous complaints from parents. There has been an increase in complaints made by the Children's Advocacy Service.

The majority of Stage 1 complaints were about the alleged behaviour of staff and quality of service.

- Out of the 63 Stage 1 complaints there were 14 complaints recorded against the behaviour of staff – 7 were upheld (fully or partially). An example of a complaint

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against behaviour of staff was where a complainant claimed they were dissatisfied with the treatment by the social worker and in particular how the social worker had spoken to them.

- 29 complaints were against quality of service - 15 were upheld (fully or partially). It is evident that many complaints of this type arise because of the nature of the service interventions rather than the way issues are handled.

Of the 63 complaints:

28 were upheld (either fully or partially)

35 were not upheld

During 2010/11 63 complaints were received, 51 complaints were responded to within the 10 working days timescale, 12 complaints were responded to within 20 working days.

The majority of complaints were made by parents. There are a low number of complaints made by children or young people directly. The Children Advocacy Service made 7 complaints on behalf of these young people and 4 complaints were made by young people under the age of 25.

Social work staff and the Action for Children Advocacy Service continue to work to ensure that children and young people have access to the processes that result in their complaints being heard.

6. Stage 2 Complaints:

Stage 2	Formal Investigation (by an Independent Investigating Officer and Independent Person)	The Head of Service adjudicates on the findings. The timescale for investigation is 25 working days, although in certain cases this can be extended to 65 days.
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From 1 April 2010 to 31 March 2011 there were 7 Stage 2 complaints that fell within the Statutory Complaints Process. This being an increase of 6 in comparison to the previous year (2009/10) when there were 1 Stage 2 complaints. Two complaints rolled over into the next financial year 2011/12. These complaints were unable to be resolved at a local level and due to the complexity of the complaints, these remain on going.

7. Stage 3 Review Panels:

Stage 3	Review Panel (managed independently of Children and Young People's Services and conducted by Havering's Democratic Services). The panel consists of an independent Chairperson and two independent members.	The Panel will review the complaint within 30 working days of the complainants request to go to Stage 3. The complainant will receive a letter of finding and recommendations from the chairperson of the panel within 5 working days. The complainant will then be given a copy of the minutes and receive a final response from the Group Director within 15 working days.
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- In 2010/11 there were two Stage 2 complainants that requested to go to a Stage 3. One of the Stage 3 Review Panels took place within timescale.
- The other Review Panel requested to go to Stage 3 and rolled over into the next financial year 2011/12.

The outcomes from these Stage 3 Review Panels were:

- The complainant received a formal apology.

8. Local Government Ombudsman complaints and enquiries.

Complaints made to the Local Government Ombudsman and Decision

There were 7 complaints submitted. Please see the table below which sets out the details/outcomes:

Service Area	Ombudsman Discretion - no or insufficient Injustice	Premature Complaint	Local Settlement with a Penalty	No Investigation	No Maladministration after Investigation	Still Ongoing
Children with Disabilities Team	1	3	0	0	0	0
Looked After Children Team	0	1	0	0	0	0
Psychology Service	0	0	0	0	1	1
TOTAL	1	4	0	0	1	1

9. Compliments:

In 2010/11 7 compliments were received, compared to 22 in 2009/10.

10. Expenditure on Investigation of Complaints:

There are ongoing costs attached to the delivery of an effective complaints service in line with government regulation. The major part of the costs are associated with the staff resource time spent receiving, handling and resolving complaints which include the hidden cost of social work staff. There are thus service and budgetary benefits from reducing complaints. A small budget is held separately to commission Independent People to carry out investigations and determine outcomes at the later stages. Expenditure in 2010/11 for that element was £5,706.00 against a budget £14,460. Compared to the cost in 2009/10 where the cost was £14,000.94 and this amount was due to the quantity of Stage 2 complaint invoices that had rolled over from 2008/09

For 2010/11 the Complaints Section had introduced a new system, whereby we only commission one External Investigating Person and use an Internal Independent Person, who is independent of the service area to investigate Stage 2 complaints.

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

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- he would recommend that compensation should therefore be paid to the complainant.

Within 2010/11 Children and Young People's Services incurred one compensation payout following a Local Government Ombudsman investigation about a Special Education Needs case. This was recorded in the Complaints Annual Report for 1 April 2009 to 31 March 2010, as this case was still open as at 31 March 2010. The final decision from this investigation was made in April 2010 which resulted in a Local Settlement with a penalty and a payment of £15,000.00 plus £300.00 compensation was paid.

12. Future Actions to Learn and Improve from Complaints:

As a result of the annual review of complaints and compliments:

- There will be continued training/support to new and existing staff.
- The complaints section will continue to work with service teams by monitoring and reviewing the implementation of all recommendations made at Stage 1 and 2.
- Continuation of Satisfaction' survey forms will be distributed to complainants at the closure date of Stage 1. Analysis of the data will be filtered into suggested outcome/s to improve processes.
- Continuation of the internal Service Improvement Report which will examine more closely data in detail around themes, trends and gaps. This report will assist the service and highlight specific areas that need to be improved.
- The Head of Service will continue to monitor the effectiveness of the adjudication meetings with the Independent People on their investigation findings to identify any gaps in service and future needs.
- There will be continued joint working with the Action for Children Advocacy Service, as the organisation supports being the voice of young people.

TABLES RELATING TO 2009/10 COMPLAINTS AND COMPLIMENTS

13. Table 1 – Complaint Activity:

Complaint Stage	2009/10	2010/11
Corporate Complaints	5	18
Members Correspondence (from MP's & Cllrs)	37	46
Pre-Stage 1	45	49
Pre Stage 1 to Stage 1	-	-
Direct Stage 1 Complaints	31	63
Stage 1 escalated to Stage 2	1	6
Direct Stage 2 Complaints	-	1
Stage 2 Withdrawn	-	-
Stage 2 rolled over from 2009/10 into the financial year of 2010/11	-	-
Stage 2 escalated to Stage 3	-	2
Stage 3 Review Panels rolled over from 2009/10	-	-
Local Government Ombudsman	4	7
Compliments	22	7

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14. Table 2 – Outcome of Complaints

Stages	Upheld (either fully or partially)	Not upheld	Withdrawn
Pre Stage 1	As this is not a statutory requirement this is not recorded.		
Stage 1	28	38	-
*Stage 2	6	-	-
**Stage 3	1	-	-

*A Stage 2 investigation is still ongoing due to the nature of the complaint.

**A Stage 3 review panel is still pending this is due to the complexity.

44% Stage 1 Complaints were upheld (either fully or partially)

56% Stage 1 Complaints were not upheld

15. Table 3 – Response Times of Complaints

	Stage 1	Stage 2	Stage 3
Within 10 Working Days	51	-	-
Within 20 Working Days	12	-	-
Within 25 Working Days	-	-	-
Within 30 Working Days	-	4	
Within 65 Working Days	-	-	-
Outside of Timescale	-	2	1
Withdrawn	-	-	-
Ongoing	-	1	1

16. Table 4 – Stage 1 Complaints – Local Resolution

Stage 1 – How complaints were received:

	TOTAL
Complaint Form	14
E-Mail	17
In Person	3
Letter	20
Telephone	8
Online	1
TOTAL	63

Stage 1 – Nature of complaint:

	TOTAL
Behaviour of Staff	14
Data protection	2
Dispute Decision	8
Incorrect Information	2
Level of Service	5
Quality of Service	29
Lack of Communication	2
Non Delivery of a Service	1
TOTAL	63

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17. Table 5 – Stage 2 Complaints – Formal Investigation:

Stage 2 - How complaints were received:

	TOTAL
E-mail	3
Letter	3
Telephone	1
TOTAL	7

Stage 2 - Nature of Complaint:

	TOTAL
Quality of Service	7
Totals	7

18. Table 6 – Stage 3 – Review Panels:

Stage 3 – How Review Panels were received:

	TOTAL
E-mail	2
TOTAL	2

Stage 3 - Nature of Complaint:

	TOTAL
Quality of Service	2
TOTAL	2

19. Table 7 – Compliments:

Compliments – How Compliments were received:

	TOTAL
Complaint Form	3
E-Mail	3
Letter	1
TOTAL	7

Compliments – Nature of Compliment:

	TOTAL
Help and Support	2
Professional Staff	1
Level of Service	3
Attitude of Staff	1
TOTAL	7

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