



CHILDREN & LEARNING OVERVIEW & SCRUTINY COMMITTEE SPECIAL MEETING AGENDA

7.00 pm

Thursday
5 December 2013

Committee Room 2 -
Town Hall

Members 14: Quorum 6

COUNCILLORS:

Sandra Binion (Chairman)
Gillian Ford (Vice-Chair)
Wendy Brice-Thompson

Nic Dodin
Robby Misir
Pat Murray

Frederick Thompson
Melvin Wallace
Keith Wells

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), Ian Rusha (NUT)

**For information about the meeting please contact:
Lorraine Hunter-Brown 01708 432436
lorraine.hunterbrown@havering.gov.uk**

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

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

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 REVIEW OF CHILDREN AND YOUNG PEOPLES SERVICES ANNUAL COMPLAINTS AND COMPLIMENTS REPORT 2012/2013 (Pages 1 - 18)

To approve the report for 2012/2013. (Attached)

5 REVIEW OF COMPLAINTS ANNUAL REPORT FOR LEARNING AND ACHIEVEMENT (Pages 19 - 36)

To approve the report for 2012/2013. (Attached)

6 LOCAL AUTHORITY SCHOOL EVALUATION FORM AND TRAINING FOR OFSTED INSPECTIONS

Power point Presentation by Mary Pattinson. (To follow)

7 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.

8 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.

Andrew Beesley
Committee Administration Manager

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**Children's Services Overview
& Scrutiny Committee
19 November 2013**

REPORT

Subject Heading:

Children Adults & Housing(Children and Young People's Services) Annual Complaints and Compliments Report 2012/13

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 2012/3 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 2012/13.

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 2012 to 31 March 2013. 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 2012/13 are that:

- The overall number of complaints are around 180 and within this figure 46 matters raised by MP's and Councillors
- The Pre Stage 1 process (27) has been very successful in resolving many initial concerns, with 5 escalating to the formal stage 1 process.
- Matters raised through a Councillor or MP are monitored through their own individual corporate processes (page 5 of appendix 1, see table 1 on page 10).
- The overall number of Stage 1 complaints has decreased by 5. There has been a consistent approach with complaints made by the Children's Advocacy Service (pages 6-7 of appendix 1, see table 1 – 4 on page 10 - 12).
- The number of Stage 1 complaints, that escalated to a Stage 2 complaint had increased in 2012/13 by 1 (page 7 of appendix 1, see tables 1, 2, 3 and 4).

- There was one Stage 3 complaint for the financial year 2012/13 This Stage 3 complaint will roll over into 2013/14 (page 8 of appendix 1, see tables 1 – 3 on page 10 -11).
- For 2012/13 43 Compliments were received, these are in relation to the good work Children and Young People's Services have carried out (page 9 of appendix 1 and tables 1 and 7 on page 10 & 13).
- 5 complaints were submitted to the Local Government Ombudsman (LGO). The outcomes from these complaints were: 2 referred back as a premature complaint and investigated locally as a statutory Stage 1 complaint. 1 outside LGO jurisdiction, 1 informal enquiry, 1 complaint was investigated by the LGO with local settlement.
- Most complaints are initiated by parents and very few by children and young people.
- The majority of complaints relate to the quality of service, alleged behaviour of staff and disputed decision (on appendix 1, page 6 provides examples).
- A number of future actions have been identified as a result of the Annual Complaints and Compliments Report 2012/13. These are set out on page 10 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.

IMPLICATIONS AND RISKS

Financial implications and risks:

There is a Complaints, Information and Communication team within the Directorate. This team addresses complaints received and manages associated resource implications, which are funded from within overall service budgets. There are no new financial implications or risks arising from this report, which is for information purposes.

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 bullying, harassment, unfair treatment and/or discrimination against young people, guardians, parents or carers,, to be registered for review and action where required.

The Council monitors the diversity profile of complainants and service users against relevant protected characteristics such as age, disability, ethnicity, etc. This data is captured on the CRM system and forms part of the Complaints Annual Report.

In line with the Council's corporate policy on translation and interpreting services, this service also offers information in other languages and alternative formats on request.

We will continue working towards raising awareness on equality and diversity related issues and improving the access to our Complaints, Comments and Compliments policy and procedure.

BACKGROUND PAPERS

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

APPENDIX 1

Children, Adults & Housing: Children and Young People's Services

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Annual Report 2012 – 2013 Complaints and Compliments

Prepared for:

Joy Hollister, Group Director – Children, Adults & Housing

Kathy Bundred, Head of Children and Young People's Services

**Prepared by: Coral Hayden Complaints, Information & Communication Team Manager
Natalia Knock, Complaints & Information Officer**

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1. Introduction:

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 have a 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. 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.

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 2012 – 31 March 2013) are used here. Tables are included at the end of the report.

The requirements are set out in the Children Act 2004 and Every Child Matters guidance that govern the way in which C&YPS social services complaints are recorded and managed.

Stage 1 - Local Resolution

The complaints procedure requires complaints at stage 1 to be responded to within 10 working days (with a further 10 days for more complex complaints or additional time if an advocate is required); After this deadline the complainant can request consideration at Stage 2 if he/she so wishes. The Complaints Manager should inform the complainant that they have the right to move on to Stage 2 if the time scale has elapsed for Stage 1 and the complainant has not received an outcome. It may be that the complainant is happy to put this off for the time being (for example, if the reason that resolution is delayed due to a key person's availability, so this period can be extended with the complainant's agreement or request. If the matter is resolved, the local authority must write to the complainant confirming the agreed resolution and the Complaints Manager should be informed of the outcome as soon as possible. Otherwise, a letter should be sent by the local authority to the complainant (or a meeting offered, if this is more appropriate) responding to the complaint. Where the matter is not resolved locally, the complainant has the right to request consideration of the complaint at Stage 2. There is a time-limit in which a complainant must request this, which is within 20 working days so that momentum in resolving the complaint is not lost. The local authority is under a duty to operate expeditiously throughout the complaints handling process.

Stage 2 – Formal Investigation

The formal investigation is undertaken by an Independent Investigating Officer and Independent Person. The Head of Service adjudicates on the findings. The timescale for investigation is 25 working days. Where it is not possible to complete the investigation within 25 working days, Stage 2 may be extended to a maximum of 65 working days. All extensions should be agreed by the Complaints Manager. The important thing is to maintain dialogue with the complainant and where possible reach a mutual agreement as to what is reasonable where a response in 25 working days is not feasible.

Stage 3 – Review Panel

A Review Panel is 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 Group Director must consider the recommendations together with the Independent Person and formulate the Authority's response within 15 working days.

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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.

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.

The number of corporate complaints received from 1 April 2012 to 31 March 2013 was 49 in comparison with the previous year where there were 8. The reason for this high number was 39 parents made a complaint in relation to the closure of certain groups held at the Children Centre's. 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 e.g. a complaint against a children centre.

3. Members Correspondence:

Procedures for members correspondence from MP's and Councillors has been in effect since February 2010. These procedures 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 Group Director and the Chief Executive.

The number of Members correspondence in 2012/13 was 46 compared to the previous year 2011/12 when there were 36. The increase resulted from the proposed closure of some of the services within Children's Centres.

4. Pre Stage 1 Enquiries:

Since 2005 Children and Young People's Services have continued to be successful with the Pre Stage 1 Enquiry system. They 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 in 2012/13 was 27 in comparison with the previous year 2011/12 where there were 29.

The majority of Pre Stage 1 enquiries were about welfare concerns and Quality of Service.

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- Out of the 27 Pre Stage 1 complaints there were 7 enquiries recorded against welfare concerns. An example of a complaint against welfare concerns was the complainant had concerns in relation to a young person in the care of LBH.
- 6 enquiries were against quality of service. An example of a complaint against quality of service was where a complainant was unhappy that a social worker arranged a meeting but did not turn up

5 Pre Stage 1 Complaints escalated to a Stage 1 Complaint.

5. Stage 1 Complaints:

From 1 April 2012 to 31 March 2013 the Complaints Section recorded 43 Stage 1 complaints, compared to 48 in the previous year.

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

- Out of the 43 Stage 1 complaints there were 21 complaints recorded against the quality of service – 7 was upheld (either 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.

An example: One of the complaints that was upheld was where a complainant was unhappy about the fact the family have had various social workers

- 3 direct complaints and there were 6 complaints involved an issue relating to incorrect information – 0 were upheld (either fully or partially).

An example of a complaint against incorrect information is where a complainant claims her children's core assessment has incorrect information on it.

- 5 complaints were against behaviour of staff - 0 were upheld (either fully or partially).

An example of a complaint against behaviour of staff was where a complainant was unhappy that the social worker contacted one of the child's parents as the complainant had sole custody

Of the 43 complaints:

Page 17 were upheld (either fully or partially)
21 were not upheld
2 Withdrew
0 On-going

During 2012/13 43 complaints were received, 24 complaints were responded to within the 10 working days timescale, 10 complaints were responded to within 20 working days, 4 outside the timescale. 2 complaints withdrew and 3 are on-going and rolled over to 2013-14. Those complaints that were dealt with within 20 working days, or went outside of timescale the complaints team sent out relevant holding letters.

The majority of complaints were made by parents and only 2 were made by children/young people directly. The Children Advocacy Service made 6 complaints on behalf of young people.

5. Outcomes and Recommendation from Stage 1 Complaints – 2012-13

Below is a list of outcomes and recommendations which have come from the Stage 1 complaints. In all cases the complainant would receive an explanation and majority of cases would receive an apology. The apology may not be for the failure of the service but for how they felt the service was received.

Explanation Given	Change of social worker	Apology Given	Hours Increased
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6. Stage 2 Complaints:

From 1 April 2012 to 31 March 2013 there were 5 Stage 2 complaints that fell within the Statutory Complaints Process. This being an increase of 1 in comparison to the previous year (2011/12) when there were 4 Stage 2 complaints.

Within 2012-13 there was 1 Stage 1 request to go to a Stage 2 however this was dealt with locally.

2 Stage 2 Investigations have rolled over into the next financial year 2013/14 due to the complexity of the complaints, and remains on going.

1 Stage 2 complaint rolled over from 2011/12.

6. Outcomes and Recommendation from Stage 2 Complaints – 2012-13

Below is a list of outcomes, recommendations and lessons learnt which have come from the Stage 2 complaints. In all cases the complainant would receive an adjudication letter from the Heads of Service along with the Independent Investigators Officers and Independent Persons Reports. In the adjudication letter it would address each individual complaint points and suggested outcomes or recommendations.

Explanation Given	To convene a face-to-face meeting with complainants to talk through how they might best work together with the Local authority in the future to ensure the child's best interests
Apology Given	To commission a children's advocate to undertake a piece of work with the young person & their parents
Pathway Plan to be completed	To consider using an alternative telephone contact with siblings
Meaningful participation work	Direct contact sessions to be supported where possible by the same contact workers
To produce a clear timetable for contact	To feedback to complainants that they have recently agreed to contact supervised by one worker and this is a positive step forward.

7. Stage 3 Review Panels:

- No Stage 3 Review Panel was held in 2012-13.
- One Stage 2 complaint has escalated to a Stage 3 Review Panel but this data will roll over to 2013/14.

8. Local Government Ombudsman complaints, enquiries and decision:

There were 5 complaints submitted, compared to 10 in 2011/12. The significant decrease is as a result of SEN complaints no longer falling under Children and Young People's Services. Please see the table below which sets out the details/outcomes:

Service Area	Ombudsman Discretion - no or insufficient Injustice	Premature Complaint	Outside Jurisdiction	Investigation Discontinued	No Maladministration after Investigation	Investigation with Local Settlement	Informal Enquiry
Duty and Assessment Team		1				1	
Looked After Children Team			1				1
Children with Disabilities Team		1					
TOTAL	-	2	1	-	-	1	1

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9. Expenditure on Investigation of Complaints:

There are on-going 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 2012/13 for independent people was £7,712.72 against a budget £14,460.

10. 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.

Within 2012/13 Children and Young People's Services incurred compensation totalling £6,000.00 compared to £1,180.00 in the previous financial year 2011/12. The reason for this high compensation is due to a very complex complaint and this was the remedy advised by the Local Government Ombudsman.

11. Compliments:

In 2012/13 43 compliments were received, compared to 34 in 2011/12. 10 of these compliments were included in the Corporate Complaints regarding Children Centre's. Staff have been reminded the importance of making the Complaints Team aware of any compliments which they have received in relation to their Service. This also can include professional staff complimenting another staff member, altogether there were 10 internal compliments and 4 external staff compliments.

12. Future Actions to Learn and Improve from Complaints:

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

- To continue training/supporting new and existing staff.
- The complaints section to continue working with service teams by monitoring and reviewing the implementation of all recommendations made at Stage 1 and 2.
- 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.
- DPA awareness has raised the need for all data to be sent securely when sending correspondence via email.

TABLES RELATING TO 2012/13 COMPLAINTS AND COMPLIMENTS

13. Table 1 – Complaint Activity:

Complaint Stage	2011/12	2012/13
Corporate Complaints	8	49
Members Correspondence (from MP's & Cllrs)	36	46
Pre-Stage 1 Enquiries	29	27
Pre Stage 1 escalated to a Stage 1	-	3
Direct Stage 1 Complaints	48	43
Stage 1 escalated to Stage 2	2	5
Direct Stage 2 Complaints	1	
Stage 2 Withdrawn	1	-
A Stage 2 rolled over from 2011/12 into the financial year of 2012/13		1
Stage 2 escalated to Stage 3	-	1
Stage 3 Review Panel	1	-
Local Government Ombudsman	10	5
Compliments	34	43

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	17	21	2
**Stage 2	2	1	
***Stage 3	-	-	-

*Three Stage 1 complaints are still on-going due to the nature of the complaint.

** 2 Stage 2 investigations are still on-going due to the nature of the complaint.

***A Stage 2 complaint has escalated to a Stage 3 Review Panel but this data will roll over to 2013/14.

15. Table 3 – Response Times of Complaints

	Stage 1	Stage 2	Stage 3
Within 10 Working Days	24	-	-
Within 20 Working Days	10	-	-
Within 25 Working Days	-	1	-
Within 30 Working Days	-	-	-
Within 65 Working Days	-	-	-
Outside of Timescale	4	2	-
Withdrawn	2	-	-
On-going	3	2	1

16. Table 4 – Stage 1 Complaint's – Nature of Complaint against the Team:

	Children In Need	Family Link	Duty and Assessment Team	Children with Disabilities Team	Leaving Care	Looked After Children Team	Intensive Family Intervention Team	Safeguarding & Service Standards Unit	IFIT/ DAAT	St Kilda's Children Centre/ DAAT	TOTAL
Behaviour of Staff	1		1				2		1		5
Delay to Implement a Service	1	1									2
Quality of Service	3		4	2	5	3	1	2		1	21
Dispute Decision				1	3						4
Level of Service				1		2					3
Incorrect Information			2			1					3
Access to Information						1					1
Lack of Communication					1	1					2
Incorrect Assessment			1								1
Welfare Concerns						1					1
TOTAL	5	1	8	4	9	9	3	2	1	1	43

17. **Table 5 – Stage 2 Complaints – Nature of Complaint against the Team:**

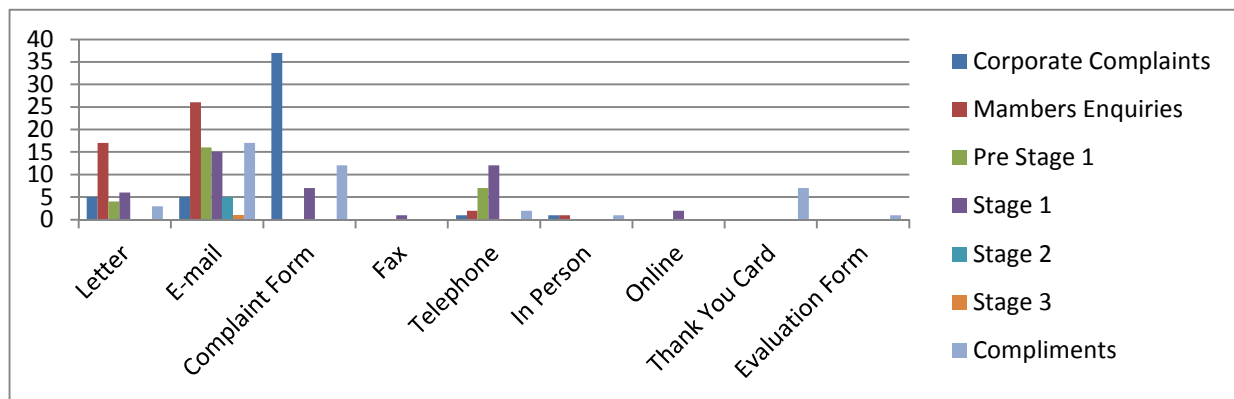
	Looked After Children	Leaving Care	Children with Disabilities Team	Duty and Assessment Team	Total
Quality of Service			2		2
Dispute Decision		1			1
Incorrect Information				1	1
Level of Service	1				1
Total	1	1	2	1	5

18. **Table 6 – Compliments - Nature of Compliment against the Team:**

	Leaving Care Team	DAAT	YISP	CWDT	Adoption	LAC	Chippenham Road Children Centre	Rainham Village Children Centre	Elm Park Children Centre	St Kilda's Children Centre	Collier Row Children Centre	S&SU	Ingrebourne Children Centre	TOTAL
Level of Service			1						9	1	1	1	1	14
Help and Support			9	3	1		1		1			1		16
Professional Staff	1	1	1	1		1		1	4	1				11
Quality of Service										1	1			2
TOTAL	1	1	11	4	1	1	1	1	14	3	2	2	1	43

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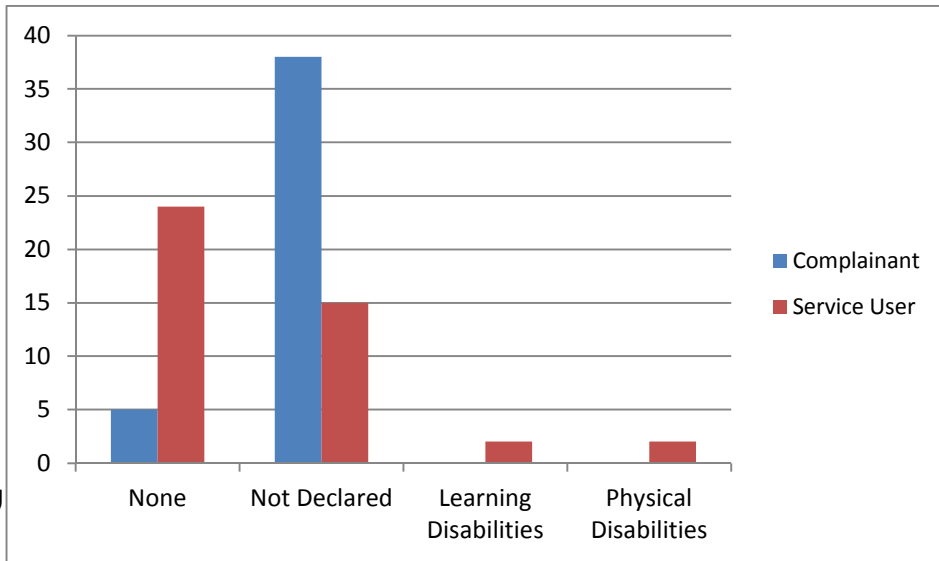
19. **Table 7 – How Complaints & Compliments were Received**



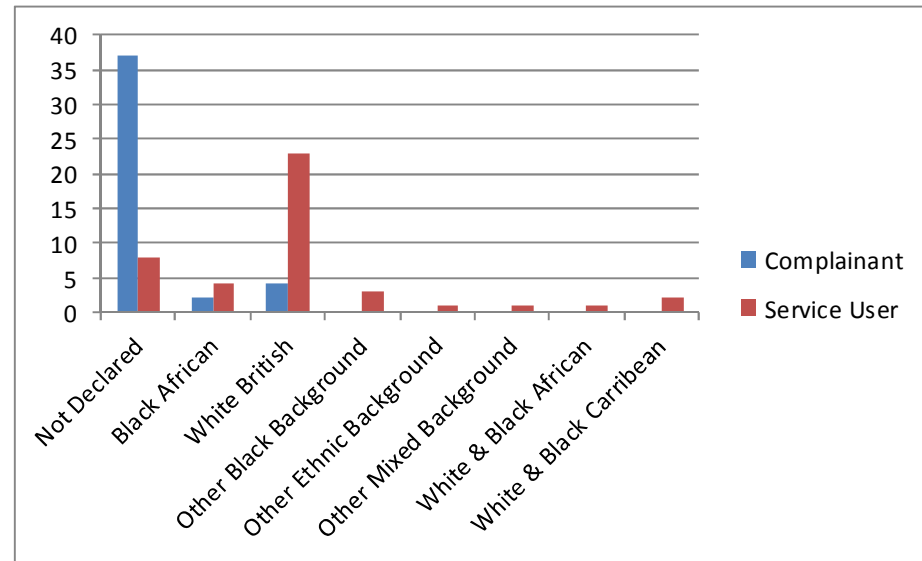
20. **Table 8 – Disability, Ethnicity and Age for both Complainant and Service User for Stage 1 Complaints**

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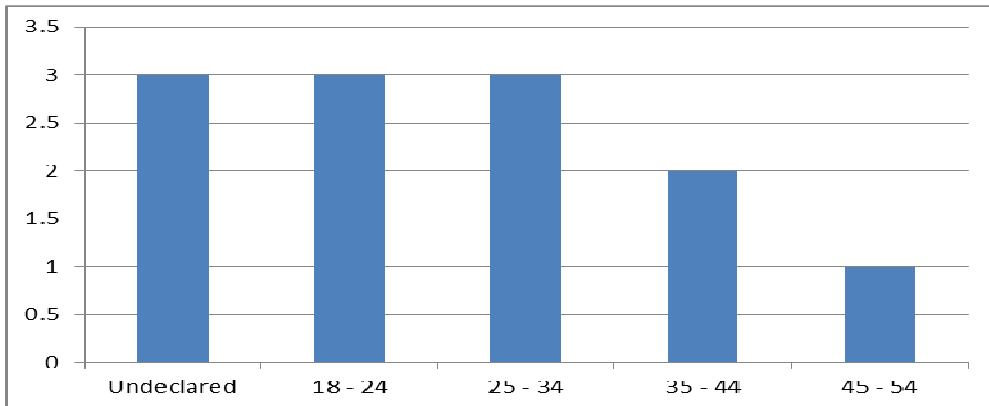
Disability



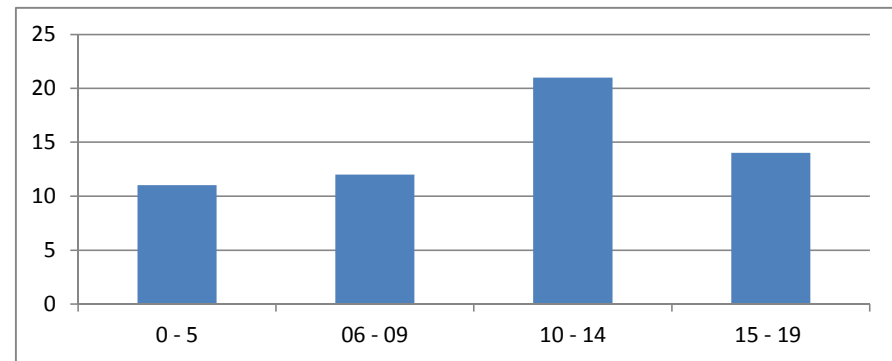
Ethnicity



Age of Complainant's



Age of Service User



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**Children's Services Overview
& Scrutiny Committee
October 2013**

REPORT

Subject Heading:

Children, Adults & Housing:- Learning & Achievement

Report Author and contact details:

Complaints Report 2012/13

Coral Hayden

Complaints Information & Communication

Team Manager

Tel: 01708 433056

Policy context:

Service Quality and Customer

Relationships

SUMMARY

The report provides information about the numbers and types of complaints handled by the Learning & Achievement during 2012/13 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 2012/13.

REPORT DETAIL

1.0 Introduction

The separate appendix 1 contains the summary report on the position regarding service complaints handled in relation to the Learning and Achievement for the period 1 April 2012 - 31 March 2013.

2.0 Key Issues

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 that goes to Committee in relation to school appeals and this data is submitted to the Department for Education (DfE) on a yearly basis
- **Maintained Schools** – The 2002 Education Act determined that all governing bodies must have complaints procedures in place by September 2003 and must have regard to guidance given by the Secretary of State, which included a model process. The London Borough of Havering, in consultation with schools decided to recommend a different model and the Department for Education (DfE) subsequently confirmed that it met statutory requirements. Most governing bodies adopted this model. However, in the light of outcomes of specific cases this model has now been revised to assist governing bodies when they review their current arrangements.
- **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.

Some of the key messages that arise from the report during 2012/13 are that:

- All corporate complaints are captured on the Customer Relations Management System (CRM) Please refer to page 4,5,10 & 11.
- Matters raised through Councillor or MP routes are now monitored through the new processes (pages 5,6,7,10 & 11 of appendix 1).
- The Pre Stage 1 – This process is used within Children and Young People's Services who have been using a Pre Stage 1 enquiries system since 2005 and continues to be a very successful process. This process has now been adapted to incorporate education enquiries. (Page 7,8,9,10 &11 of appendix 1).
- 5 complaint has been submitted to the Local Government Ombudsman (LGO) and this is an on going investigation.
- The majority of complaints relate to the quality of service.
- A number of future actions have been identified as a result of producing this report. These are set out on page 10 of the appendix 1.

3.0 Future Arrangements

Currently, the Council has a corporate complaints model that captures non-social care complaints which captures complaints/compliments received by Learning and Achievement.

IMPLICATIONS AND RISKS

Financial implications and risks:

There are no financial implications or risks arising from this report.

Legal implications and risks:

There are no apparent legal implications from noting this Report.

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 bullying, harassment, unfair treatment and/or discrimination against pupils, guardians, parents or carers, to be registered for review and action where required. The Council monitors the diversity profile of complainants and service users against relevant protected characteristics such as age, disability, ethnicity, etc. This data is captured on the CRM system and forms part of the Complaints Annual Report.

In line with the Council's corporate policy on translation and interpreting services, this service also offers information in other languages and alternative formats on request.

We will continue working towards raising awareness on equality and diversity related issues and improving the access to our Complaints, Comments and Compliments policy and procedure.

BACKGROUND PAPERS

Appendix 1 attached which draws on the electronic and paper recording systems held within the Children, Adults & Housing Directorate.



**PROCESS SHEET FOR ALL
REPORTS TO MEMBERS**

REPORT SUBJECT	Children, Adults & Housing – Learning & Achievement - Complaints Annual Report 2012-13
MEETING AND DATE	19 November 2013
DEPARTMENT	Children, Adults & Housing
CHECKED FOR ACCURACY: (content checked by person preparing the report)	Coral Hayden - Complaints, Information & Communication Team Manager
CHECKED FOR LEGAL ASPECTS: (give details, including name of Legal Services staff member)	Stephen Doye
CHECKED FOR FINANCIAL ASPECTS: (give details, including name of Finance staff member. In all instances Corporate Finance must be made aware of the report but otherwise deal in accordance with the Financial Framework)	Caroline May
CHECKED FOR HUMAN RESOURCES IMPLICATIONS AND RISKS: (give details, including name of HR staff member. In all instances Corporate HR must be made aware of the report)	Eve Anderson
CHECKED FOR EQUALITIES IMPLICATIONS AND RISKS: (give details, including name of Equality & Diversity staff member. In all instances Equality & Diversity must be made aware of the report)	Claire Thompson
CHECKED FOR ICT IMPLICATIONS (if appropriate) (give details including name of ICT staff member)	N/A

SIGNED

Author of Report or Head of Service(if author):

Date: October 2013

READ AND APPROVED BY

Group Director for Children, Adults & Housing

Date: October 2013

Date and time received by Democratic Services

APPENDIX 1

Children, Adults & Housing: Learning & Achievement Education Report 2012 - 2013 Complaints

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Prepared for:

Joy Hollister, Group Director, Children, Adults & Housing

Mary Pattinson, Head of Learning & Achievement

Prepared by:

Coral Hayden Complaints, Information & Communication Team Manager

Natalia Knock, Complaints & Information Officer

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1. Introduction:

The report provides information about the numbers and types of complaints handled by Learning & Achievement Department within Children, Adults & Housing. With regards to service areas data this has been captured for the last year (1 April 2012 – 31 March 2013).

The 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 that goes to Committee in relation to school appeals and this data is 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 on the schools individual websites. However the following would apply:-

- 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 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 2012/13 there were 8 complaints, compared to the previous year 2011/12 we received 20 and 1 of these complaints were against Commissioning (Schools).

Service Area	Number of Complaints
Learning & Achievement	8

How these complaints were received:

	Learning & Achievement
Complaint Form	1
E-Mail	1
Telephone	3
Online Form	1
Letter	2

Reason of Complaint:

Reason	Number
Quality of Service	3
Challenge Council Decision	2
Dispute Decision	1
Council is Unreasonable	1
Policy Issue	1

Nature of Complaint

Summary of Complaint	TOTAL
The detriment and damage of an e-mail sent	1
Situation of a steel container within the grounds of a school	1
Secondary School transfer	1
Unhappy with the Service received from SEN	1
Closure of Bretons Preschool	1
Using non-qualified teachers	1
Various issues with Harold Court Primary School	1
Unhappy with the treatment from Havering RE child's school situation	1

3. Members Correspondence:

In 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.

This is a corporate requirement, not statutory and data is captured on to the Corporate Customer Relation Management (CRM) System to ensure a uniformed approach across directorates and the compliance of timescales.

The number of Members correspondence in 2012/13 was 50 as compared to the previous year 2011/12 when there were 49.

Enquiries broken down into Teams:

Team	Learning & Achievement
Education and Schools	17
School Admissions	22
Early Years	1
Special Educational Needs	1
Speech and Language Therapy (SALT)	2
Commissioning (Schools)	7

How these were received:

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Method of Contact	Learning & Achievement
Letter	17
E-Mail	32
Telephone	1

Reason of Enquiry:

Reason for Enquiry	Learning & Achievement
Service Required	10
Quality of Service	5
Comments or Feedback	3
Information Requested	32

Nature of Enquiry:

Learning & Achievement	TOTAL
Advice on school transfer	3
Position of a Pre School & Children Centre	1
Bullying Issues	1
School Issues	7
School Placement/Appeals	17
Future of Europe Centre	1
Future of RAGS	2
Issue on oversubscribed schools	1
Information requested on school insurance	1
Information on New funding formula's on schools	1
Issue raised RE Admission – possible national scandal	1
Impact from a briefing	1
Issues RE Speech and Language Therapists	2
Special Educational Needs issues	1
Radical changes at Rise Park School	1
Expanse of Branfill School	3
Management of asbestos in schools	1
Closure of Elm Park School	1

Who made the Enquiry:

Who made the Enquiry	Learning & Achievement
Councillor	23
MP	27

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.

The number of Pre Stage 1 Enquiries in 2012/13 was 20 as compared to the previous year 2011/12 when there were 11.

Service Area	TOTAL
Education & Schools	17
Commissioning (Schools)	1
Psychology Service	2

Enquiries broken down into Teams:

Team	Education & Schools	Commissioning (Schools)	Psychology Service
Learning & Achievement	17	1	2

How these were received:

Method of Contact	Education & Schools	Commissioning (Schools)	Psychology Service
Letter	7		1
E-Mail	8	1	1
Telephone	2		

Reason of Enquiry:

Reason for Enquiry	Education & Schools	Commissioning (Schools)	Psychology Service
Lack of Communication	1		
Quality of Service	8		1
Change of Service		1	
Dispute Decision			1
Behaviour of Staff	2		
Safeguarding Issues	1		
Welfare Concerns	3		
Need of Service	1		
Access to Information	1		

Nature of Enquiry:

Learning & Achievement	TOTAL
Lack of communication contacting the children's licence officer	1
Complaint against a Head Teacher	2
Information on Bower House School	1
Treatment from a school	6
Request with help with their tuition fees	1
Bullying Issue	2
An unhelpful meeting held at a school	1
Issue with sex education held in year 6 at Branfil School	1
Expansion of Branfil School	1
Complainant feels parents request & wishes are being ignored	1
Concerns with a safeguarding matter at a reception class	1
Disputes the decision that their child does not fit the criteria for a sixth form placement at their school	1
Concerns with their child's placement within the school	1

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Local Government Ombudsman (LGO) complaints, enquiries and decisions

There were 5 complaints submitted, compared to 1 in 2011/12. The significant increase is as a result of SEN complaints falling under Learning and Achievement. Please see the table below which sets out the details/outcomes:

Service Area	Enquiry	Ongoing Investigation	Ombudsman Discretion - no or insufficient Injustice	Premature Complaint	Local Settlement with a Penalty	No Investigation	No Maladministration after Investigation
Special Education Needs	1	0	0	1	1	0	0
Learning & Achievement	0	0	0	0	0	2	0
TOTAL	1	0	0	1	1	2	0

6. Compliments:

In 2012/13 there was 10 compliments received as compared to the previous year 2011/12 when there were 1. The reason for the increase is the Complaints, Information and Communication Team attends regular Team Meetings where the reporting of compliments are raised.

7. 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 2012 to 31 March 2013 SEN incurred compensation totalling £300.00 compared to £0 in the previous financial year 2011/12.

8. Future Actions:

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

- Continuation of the internal Service Improvement Pack 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.
- To continue training/support to new and existing staff.
- The complaints section will continue to work with service areas by monitoring and reviewing the implementation of all recommendations made.
- DPA awareness has raised the need for all data to be sent securely when sending correspondence via email.

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TABLES RELATING TO 2011/12 ENQUIRIES/COMPLAINTS AND COMPLIMENTS

9. Table 1 – Complaint Activity:

Complaint Stage	2011/12	2012/13
Members Correspondence (from MP's & Cllrs)	49	50
Corporate Complaints	20	8
Pre-Stage 1 Enquiries	11	20
Compliments	1	10
Local Government Ombudsman	2	5

10. Table 2 – Response Times of Complaints

	Members Correspondence	Corporate Complaints
Within 10 Working Days	41	5
Outside of Timescale	9	3

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