

APPENDIX 1

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

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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:

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

5. 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.

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