Purpose of the report:
The report is provided to assist the Education Select Committee review Children, Schools and Families (CS&F) complaints performance as recommended by the Council Overview & Scrutiny Committee. Further, to inform the committee about the factors affecting complaints performance in the CS&F directorate and to consider if the current corporate performance indicators are providing an accurate reflection of performance.

Introduction:

1. This report is in response to the Education Select Committee undertaking to investigate complaints performance following a meeting of the Council Overview & Scrutiny Committee on 16 November 2011 which noted “that the indicators for .... customer complaints for Children, Schools and Families were red”.

Complaints performance for Children’s Services and Schools & Learning and Services for Young People: Stage one only

2. In the year 2011 – 2012 the Children’s, Schools and Families (CS&F) Directorate received 333 complaints. The majority of these complaints (303) related to Children’s Social Care Services. Children and young people receiving social care services and their carers have a statutory right to make complaints and representations about those services. The Local Authority is required to operate a three stage complaints procedure to respond to these complaints, to appoint independent advocates and, at stages two and three appoint independent persons to investigate and review the complaints. The statutory guidance for responding to complex stage one complaints is up to 20 working days.

3. The county performance target is for 90% of complaints to be responded to within 10 working days. Of the complaints received by the CSF Directorate last year 60% were responded to within 10 working days and 82% within 20 working days. The indicator for the directorate is therefore red. The CS&F Directorate monitors performance at 10 days
for the county indicator but measures performance at 20 days with a Directorate target of 80%. This year’s figures show that overall the Directorate exceeded the performance target set by the CS&F Leadership Team.

3. For the same reporting period, the escalation rate, where there is a request to progress from stage 1 (local response) to stage 2 (independent investigation) was 5%. This indicates that of those complaining 95% were satisfied with the response at the first stage of the process. It is important that complaints are resolved at the earliest possible stage. This is of benefit to the complainant and the service. Complaints that escalate to stage 2 and 3 have a financial impact both on officer time, complainant time and to meet the requirement to appoint independent persons.

4. The directorate has not met the corporate performance target which may lead to the belief that there has been a failure to provide a good quality complaints service. However, when considered against both the low escalation rate and the specific characteristics of the directorate’s services, (and therefore its complaints), it could be that the red indicator is not an accurate representation of actual performance.

**Specific Characteristics of the service impacting on complaints performance:**

5. Complaints managed within the CS&F directorate are about individuals, complex personal relationships and critical decisions about young people’s future. Working to respond to complaints requires officers to consider the needs and capacity of the complainant and make adjustments to their approach accordingly. For example, a response to a parent with learning disabilities will be different to the response to a 5 year old looked after child, to that of a 17 year old asylum seeker to that of a disabled care leaver. How well we respond as an organisation to these matters cannot be measured in the same way we measure performance in other business areas of the council such as Highways, Libraries, Environment, Fire & Rescue, and so on. CS&F complaints performance needs to be evaluated in the light of the services it delivers and the service users it supports. Therefore a successful response to a complaint may well take longer than 10 working days especially when working at the service users pace.

6. The majority of CSF complaints last year were responded to within 10 working days. Below are examples the types of complaints received by the directorate where it is likely that a 10 day timescale will not be met. Methods for responding are tailored to meet the needs of the individual complainant and are child led.

- A young person is complaining that they have to move from their out of county foster care placement where they are settled and doing well at
school. The response requires that the decision is frozen and for a multi agency review and assessment to take place.

- A care leaver is complaining that she was inappropriately examined by a social worker when she was a child a number of years ago. The social worker is still employed by Surrey. The complaint cannot be progressed until the police have completed their investigations and decided their next steps.

- A 7 year old child is complaining that they are being adopted without their 5 siblings. The response requires, amongst other things a further attachment assessment to take place involving all the children and for professionals to review and confirm the decision.

- A young person is complaining, with the support of an advocate that they have not been able to contribute to a statutory assessment for a court ordered welfare report. Time is needed for the young person to understand and accept the assessment process and to be supported in talking openly about his relationship with both his parents. He is nine.

- A young person is complaining that they have not had successful contact with their mother. This is because the contact venue keeps changing to protect the family from a violent ex partner. The service is not able to disclose to the young person why the venue keeps changing. The response requires staff to work with the young person, her mother and other agencies to identify a safe alternative to provide consistent contact.

- During a family breakdown, estranged parents are complaining separately about the social worker who completed their statutory assessment. The complaints relate in the main to the social workers professional opinions and assessment of parenting skills. The allegation is that the social worker is biased and that his decisions are based on his own prejudices. The response is to review the work and for the parents to be given the opportunity to voice and record their feelings and objections to the assessment.

- Parents are unhappy with a decision relating to home to school transport for their disabled child. Their complaint is reviewed internally by members and ultimately scrutinised by the Local Government Ombudsman.

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**Conclusions:**

7. Such concerns raised as complaints are not straight forward matters and users of our services deserve to have their complaints properly heard and fully and thoroughly responded to.

8. Whilst full responses to complaints may be delayed, the Directorate continues to achieve a very good rate of early resolution as demonstrated by the low rate of escalation.
Financial and value for money implications

9. On average a stage 2 investigation costs £2700 excluding officer time. Last year the complaints team received 23 stage 2 requests where complainants remained dissatisfied with the response at stage one. Across the directorate only 8 of these complaints progressed to full investigation as alternative resolutions were found in the other cases. Usually this situation arises where the stage one response has been inappropriate or inadequate and has not answered the complaint fully enough. By measuring satisfactory performance based solely on the speed of the response rather than its quality we are risking a higher escalation rate in the Directorate. This will have a direct financial and quality impact.

Equalities Implications

10. The majority of complaints received by CSF relate to looked after children and children in need. In line with our Corporate Parenting responsibilities it is important that responses to this potentially vulnerable group are fit for purpose and meet their individual needs.

Risk Management Implications

11. There is a central link between complaints management and safeguarding. For example the young person who made a “complaint” that his foster carer pushed him down the stairs and swore at him. Operational teams receive these types of “complaints” directly – in addition the complaints team received five complaints last year that led directly to safeguarding action.

Implications for the Council’s Priorities or Community Strategy

12. n/a

Recommendations:

13. Education Select Committee to note the information provided in this report and consider if they are satisfied to accept that a red indicator in this area may not be indicating a poor performance. In addition the committee may wish to consider advocating for the revised performance indicator for the CS&F Directorate.

Next steps:

14. The committee to consider their response to this information and identify any further actions.

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Sources/background papers: Customer Feedback Database, Draft Children’s, Schools & Learning Annual Complaints reports 2011-12