



Durham County Council

Children and Young People's Services

Annual Representations Report 2009/10 (Comments, Compliments and Complaints)



CYPS Annual Representations Report 2009-10

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CYPS Annual Representations Report 2009-10

Key Findings and Messages

1.0 Introduction

- 1.1 This is the fourth Annual Report detailing the performance of Durham County Council's Children and Young People's Services' (DCC CYPS) Representations Procedure. It covers the period 1st April 2009 – 31st March 2010. Representations cover compliments, comments and complaints made by children and young people who are service users; or by their carers and/or representatives on their behalf.
- 1.2 The aim of this report is to provide performance information in a concise manner. Detailed information, such as the aims of and procedures for handling complaints, can be supplied upon request.
- 1.3 Explanations of terms used can be found in Section 1, figure 1; and in the Glossary of Abbreviations at the end of the report.

2.0 Key findings

- 2.1 In 2009/10, a total of **866 representations** were reported as being received across CYPS, comprising
- 70 formal complaints (42 statutory, 28 corporate)
 - 151 complaints which were informally resolved (108 statutory, 43 corporate)
 - 80 comments of a negative nature (78 statutory, 2 corporate)
 - 565 compliments (189 statutory, 376 corporate)
- 2.2 65% of all representations received were compliments.
17% of all representations received were informally resolved complaints.
8% of all representations received were Stage 1 formal complaints
- 2.3 Unsurprisingly, the two service areas which deliver the most 'front line' services received the highest proportion of formal complaints:
- 44 of 70 (**63%**) **were about social care services** (Safeguarding and Specialist Services).
 - 14 of 70 (**20%**) **were about Access and Inclusion services**, which has responsibility for Special Educational Needs provision and general access to education (school places, transport and Education Welfare).
- 2.4 All complaints are taken seriously and will be investigated. This does not necessarily mean that all complaints, or even the majority, will be upheld (justified)*, as the figures for the reporting year show:
- **23.1% of formal complaints were upheld (justified)**
 - 27.7% of formal complaints were partially upheld (partially justified)
 - 46.2% of formal complaints were not upheld (not justified)
 - 3.1% of formal complaints were withdrawn

** (see Appendix A Glossary of Terms and Abbreviations Used)*

2.5 The timescale for sending an acknowledgement of receipt of a complaint to the complainant is 2 working days from receipt of complaint.

93.8% of formal Stage 1 complaints received in CYPS were acknowledged within 2 working days, consisting of:

- 95.0% (38 of 40) of formal statutory Stage 1 complaints
- 92.0% (23 of 25) of formal corporate Stage 1 complaints

2.6 The timescale during the reporting year for resolving formal complaints was 20 working days from receipt for statutory complaints, and 10 working days for corporate. During 2009/10, **78.3% of formal complaints received in CYPS were resolved within timescale**, an improvement on the previous year's figure of 67.1%.

2.7 Where formal complaints are received which are believed to be particularly complex, or when complainants have remained dissatisfied with the response at Stage 1 of the formal procedure, complaints are investigated at Stage 2, by a person who was not involved at Stage 1. During the reporting year **5 complaints were investigated at Stage 2** (2 statutory and 3 corporate).

3.0 Key messages

3.1 **The overall number of negative representations (all complaints and negative comments) has increased by 26.5% from the previous year.** Statutory complaints and comments have increased by 24.6% (from 183 to 228) during the same period; and corporate by 29.1% (from 55 to 71). However, this year has again seen a **decrease in the number of statutory complaints dealt with under the formal procedure**, compared with previous years (79 in 2005/06, 67 in 2006/07, 61 in 2007/08, 57 in 2008/09 and 42 in 2009/10).

3.2 **A higher number of complaints were resolved at first point of contact before entering the formal process in comparison to the previous year.** 68% of complaints received were resolved informally compared with 42% in 2008/09.

3.3 **The percentage of positive representations (compliments) received by the service has remained on par with the previous year.** 65.2% of all representations received were in relation to compliments (an increase of 0.9% on 2008/09). The high levels of compliments recorded mean that for every negative representation received there were over twice as many positive ones.

3.4 **Performance in acknowledging complaints has deteriorated slightly over the past year.** 93.8% of all new stage 1 complaints were acknowledged within 2 working days in comparison to 98.7% in 2008/09.

3.5 **Performance in resolving complaints in timescale has improved, despite an increased workload.** Over the reporting year, 78.3% of all complaints were resolved within timescale in comparison with 67.1% the year previously. SaSS resolved 60.0% (24 of 40) of formal statutory Stage 1 complaints within timescale of 20 working days, an improvement of 3.8% on 2008/09. 92.0% of formal corporate complaints were resolved within 10 working days (compared with 89.5% in 2008/09, when the timescale was 15 working days).

- 3.6 Overall figures for CYPS show that **a perception of poor service accounted for 42.1% of formal complaints** in 2009/10, an increase from the previous year's figure of 31.2%. However, **the majority of complaints (73.8%) were not upheld or only partially upheld**. Many complaints stem from the fact that families disagree with the decisions made by the service, which are made in the best interests of the child or young person. Nonetheless it is still concerning that service users have a *perception* of poor service, and actions to address this will be reflected in individual Service Improvement Plans.
- 3.7 It is pleasing to note that the percentage of formal statutory complaints regarding the **attitude and conduct of staff has again shown a decrease** from the previous year (14.3% from 26.1% in 2008/09).
- 3.8 **The main theme that has been identified from complaints received during 2009/10 is 'communication'**. This is concerning as it has been an underlying message of complaints for the past few years. However it is only since last year that strategic themes from representations have been fully analysed and identified. Heads of Service and senior managers will be recommended to note that improvements in communicating with service users are required when preparing their Service Improvement Plans, as well as cascading this message to their staff.

CYPS Annual Representations Report 2008-09

Section One - Introduction

- 1.1 This is the fourth Annual Report detailing the performance of Durham County Council's Children and Young People's Services (DCC CYPS) Representations Procedure. Representations cover compliments, comments and complaints made by children and young people who are service users; or by their carers and/or other representatives on their behalf.
- 1.2 In the current climate of producing 'value for money' work and documents, the aim of this particular report is to provide performance information in concise manner; therefore some of the detailed information which was included in previous annual reports, such as the aims of and procedures for handling complaints is not given within this report. However this information can be supplied upon request.
- 1.3 A number of terms are used in this report which are explained in Figure 1 below:

Figure 1 – Explanation of terms used

Term	Meaning	Notes
Statutory complaint	Complaints from children and young people (or their representative) about social care services are handled under the statutory complaints procedure. Throughout this report, these are referred to as 'statutory representations'.	This type of complaint can be made about Safeguarding and Specialist Services (SaSS); or about the Independent Reviewing Officers who chair Child Protection Conferences and Looked After Reviews, who are part of Strategic Commissioning.
Corporate complaint	Any other complaint about Children and Young People's Services (CYPS), which is handled under the Council's corporate complaints procedure. This type of complaint can be about any of the 6 service areas of CYPS: <ul style="list-style-type: none"> • Extended Services • Achievement Services • Access and Inclusion • Finance Services • Strategic Commissioning • Safeguarding and Specialist Services (SaSS) 	Most complaints about SaSS would be taken through the statutory complaints procedure; however a few are actioned via the corporate procedure (for example, a citizen who is not eligible to complain on behalf of a child about the social care services received, but is unhappy with the way he was spoken to by a Social Worker, might make a complaint about the conduct of a member of staff of DCC under the corporate procedure).
Informally resolved	Where a complaint is resolved directly by the team involved, quickly and locally, and in collaboration with the complainant.	The complainant will be informed of the result of the complaint; usually this is done verbally in the case of informal resolution.
Formal complaint	Complaints which are logged as formal complaints may not have been able to be resolved informally, or the complainant may wish to make a 'formal complaint' which requires a 3 rd party / senior manager to become involved and carry out an investigation into what occurred and how it can be resolved.	When the complaint has been investigated, a formal written response is sent to the complainant. Formal complaints are taken through different Stages, see below.
Stage 1	Formal complaints are usually taken firstly through 'Stage 1' of the appropriate procedure. An investigation	For response timescales, see figure 2.

	is carried out by a senior manager of the team involved in the complaint.	
Stage 2	If the complaint is particularly complex, or if the complainant is dissatisfied with the Stage 1 response, the complaint will be taken to 'Stage 2' of the appropriate procedure. The person carrying out the re-investigation or review of the complaint will not have been involved at Stage 1 and will be independent of the team involved in the complaint.	In the case of statutory complaints, the Stage 2 investigator will usually be from an independent agency with whom the Council has a Service Level Agreement (SLA) to provide Investigating Officers (IOs) and Independent Persons (IPs). The role of the IP is to ensure the Stage 2 investigation is carried out in a fair and timely manner.
Comment	Where service users send in negative feedback about their experience of CYPS, this is recorded as a comment.	Most comments are received via satisfaction surveys sent out about SaSS.
Compliment	Where service users send in positive feedback about their experience of CYPS, this is recorded as a compliment.	Compliments are received via a variety of media: satisfaction surveys, letters, e-mails, cards, and via the DCC website

- 1.4 Requirements on the procedures for handling and considering statutory representations in Safeguarding and Specialist Services (SaSS) are enshrined in statute; the various Acts set down the procedures that Local Authorities with social care responsibilities must follow when a representation about social care services is made.
- 1.5 The same legislation requires the publication of an Annual Report to inform service users, their carers and/or representatives, elected members, staff, the general public and other statutory organisations such as Ofsted, about how the service has performed in meeting key national and local standards, in respect of handling complaints.
- 1.6 Although there is no legislative requirement for the reporting of corporate complaints, CYPS is committed to making such information available in order that there is integrity in the governance procedures and open and transparent communication with the people who use our services, the wider public and other partners. This report therefore provides information on the full range of representations made across the service.
- 1.7 There are various stages of the complaints process with specific timescales for each stage of the process. These are shown in figure 2 below; the statutory and corporate procedures each have their own timescales, however, the 'customer' (service user / complainant) does not see any difference in the level of service offered.

Figure 2 – Timescales for complaints

	Statutory	Corporate
Acknowledgment of complaint	Within 2 working days of receipt of complaint	Within 2 working days of receipt of complaint
Informal resolution	Immediate	Immediate
Stage 1 (formal) resolution and response	20 working days from receipt of complaint	10 working days from receipt of complaint
Stage 2 (formal) resolution and response	Within 65 working days from agreement to commence Stage 2 investigation	Where possible, within 20 working days from agreement to commence Stage 2 investigation.

Stage 3	Review Panel convened within 30 working days of request	Not applicable (Stage 3 is to the Local Government Ombudsman)
Stage 3 response	Within 5 working days of panel meeting (from Corporate Services)	Not applicable
Stage 3 final response	Within 15 days of final response (from CYPS Head of Service)	Not applicable

For a more detailed overview of the CYPS representations procedures, the CYPS Representations and Quality Officer can be contacted as detailed at the end of this report or further information can be accessed on the intranet.

- 1.8 Whilst there are processes to be adhered to in the handling of complaints, the real issues that arise within people's complaints are rarely reflected in statistical analysis. This report therefore reflects the quality of life issues for CYPS service users that have led them to complain about (or indeed compliment) the services they receive as well as providing data on measurable performance.
- 1.9 Lessons learned from the issues raised in complaints (and comments, suggestions and compliments) are used to inform service improvements, examples of which are detailed in Section Eight of this report.
- 1.10 It should be noted that complaints about school-based matters are dealt with directly by the school and governing body, in line with the former Department for Children, Schools and Families (DSCF) document 'School Complaints Procedure', a copy of which is available from School and Governor Support Services (SGSS). Information about such complaints is therefore not included in this report.

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Section Two – Performance overview

2.1 Breakdown of CYPS representations by type 2009/10

2.1.1 As Figure 3 below shows, 866 new representations were made in relation to CYPS in 2009/10. It is pleasing to note that 65% of all representations received were in relation to compliments (in comparison to 64% in 2008/09). 68% of complaints received were resolved informally compared with 42% in 2008/09, indicating increased levels of staff skill in handling dissatisfied customers effectively. The high levels of compliments recorded mean that for every negative representation received (via a comment or complaint) there were over twice as many positive ones.

Figure 3 – overview of CYPS representations received 2009/10 (table)

Type of representation	2008/09	2009/10	DOT*
Statutory compliments	148	189	↑
Corporate compliments	280	376	↑
Statutory comments	100	78	↓
Corporate comments/suggestions	Nil	2	↑
Informally resolved statutory complaints**	26	108	↑
Informally resolved corporate complaints**	35	43	↑
Stage 1 statutory complaints (formal)	57	40	↓
Stage 1 corporate complaints (formal)	19	25	↑
Stage 2 statutory complaints (formal)	0	2	↑
Stage 2 corporate complaints (formal)	1	3	↑
Total number of new CYPS representations	666	866	

* *Direction of Travel*

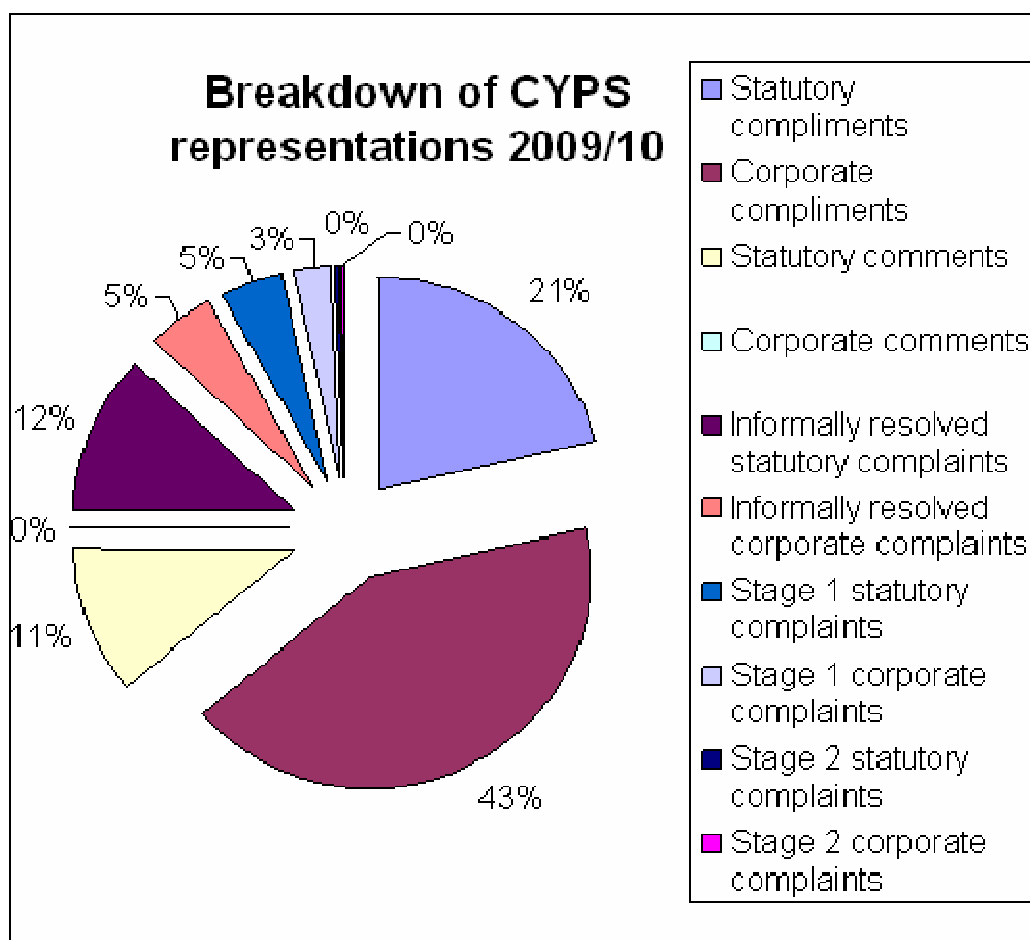
** *Although negative representations in these categories have increased, it demonstrates good performance in that more are being dealt with informally*

2.1.2 The overall number of complaints and (negative) comments has increased from 238 in 2008/09 to 301 in 2009/10; this is an increase of 26.5%. Statutory complaints and

comments (combined) have increased by 24.6% (from 183 to 228) during the same period; and corporate by 29.1% (from 55 to 71). For corporate complaints, this is in part due to a number of complaints which were received in the early part of the year regarding the consultation process surrounding the building/siting of Academies. For statutory complaints, the increase is unsurprising as the number of Children in Need increased substantially during the reporting year, and many complaints stem from the fact that families disagree with the decisions made by SaSS which are made in the best interests of the child or young person.

- 2.1.3 In relation to statutory representations, a total of 417 were received, compared with 331 in 2008/09 and 89 in 2007/08. This is in part due to a more robust recording system for compliments having been put in place, which has seen increases in the numbers from 26 in 2007/08 to 148 in 2008/09 to 189 in 2009/10. A total number of 228 negative representations were received via comments and complaints, but when compared with the total number of contacts made/services provided to children, young people and their families, which is estimated to be between 40-70,000 per year (the number of phone calls, meetings, visits and contacts with service users and families), this represents a tiny percentage.
- 2.1.4 A total of 449 corporate representations were received during the reporting year, compared with 335 in 2008/09. Compliments accounted for 83.7% of corporate representations, compared with 83.6% in 2008/09.
- 2.1.5 Figure 4 below shows this information in a pie chart, clearly illustrating that compliments of a corporate nature make up 43% of all representations received, closely followed by statutory compliments at 22%.

Figure 4 – overview of CYPS representations received 2009/10 (pie)



Section Three – Formal complaints performance

3.1 Formal CYPS Complaints by Service Area 2009/10

3.1.1 Figure 5 below illustrates that the vast majority of formal complaints (62.9%) were received in relation to Safeguarding and Specialist Services (SaSS) which is not surprising given the large number of contacts made with children, young people and their families. Following this are complaints about services provided by Access and Inclusion Services (20%), again which is not surprising as this service provides the second largest number of direct services to children, young people and their families. All Service Areas with the exception of SaSS have seen an increase in *formal complaints* in comparison with 2008/09.

Figure 5 – formal CYPS complaints by Service Area

Service Area	Number 2008/09	Number 2009/10	DOT
Safeguarding and Specialist Services <i>(note: 3 complaints about SaSS in 2008/09 and 4 in 2009/10 were dealt with via the corporate complaints procedure)</i>	60	44	↓
Access and Inclusion	13	14	↑
Extended Services	2	4	↑
Finance Services	2	2	↔
Achievement Services	0	4	↑
Strategic Commissioning	0	2	↑
Total no. of formal complaints	77	70	

3.2 Formal CYPS complaints made by service user group

3.2.1 Figure 6 highlights that, as in previous years, the greatest majority of formal complaints were made by the parents of a child or young person. Many complaints from direct service users (clients) are resolved informally at a local level, for example those from young people in children's homes, and are therefore not recorded in the performance information above. This is in line with the good practice guidance for actioning statutory complaints, which suggests that Local Authorities should attempt to resolve complaints quickly and at the point of delivery.

Figure 6 – formal CYPS complaints made by service user group

Complainant	Number 2009/10	% 2009/10	Number 2008/09	% 2008/09
Parent	37	52.9	46	59.7
Client (child/young person)	6	8.6	8	10.4
Client (adult)	2	2.9	4	5.2
Relative (Non Parent)	5	7.1	8	10.4
Carer	2	2.9	1	1.3
Other	17	24.3	10	13.0
	70		77	

3.3 Formal CYPS complaints by theme

3.3.1 The broad nature of complaints received during the reporting year is clearly illustrated in figure 7 below. Standards Committee has expressed a particular interest in being informed about the numbers and details of complaints regarding poor service and staff attitude.

Figure 7 - formal CYPS complaints by theme

Main reason for complaint	No. received 2009/10	% of total	No. received 2008/09	% of total
Poor Service	30	42.9	24	31.2
Staff Attitude or Conduct	12	17.1	22	28.6
Staff Attitude and Poor Service	5	7.1	5	6.5
Decision regarding service	13	21.4	13	16.9
Decision regarding service and Staff Conduct	5	4.3	0	
Other	5	7.1	13	16.9
Total no. of formal complaints	70		77	

3.3.2 The percentage of complaints received in relation to poor service has increased considerably since the preceding year. Examples of complaints made can be found in the supporting document 'Examples of CYPS complaints and compliments received 2009/10'. It is worth noting that 73.9% of complaints received were either not upheld or only partially upheld, so although service users complained that they had received poor services, in the majority of cases, investigations did not find evidence to support this.

3.3.3 This is particularly so in the case of statutory complaints, where 18 out of 42 (42.9%) were in relation to poor service, compared with 30.6% in 2008/09. Many statutory complaints stem from highly emotive situations, often in cases where parents are unhappy that social care services have become involved in their children's lives; sometimes the children have been removed from their parents care as part of formal child protection proceedings. However, lessons can be learned from the perception of poor service which comes from all complaints, whether upheld or not; this is explored further in Section Eight of this report.

3.3.4 It is pleasing to note that the percentage of formal statutory complaints regarding the attitude and conduct of staff has again shown a decrease from the previous year (14.3% from 26.1% in 2008/09).

3.4 Formal CYPS complaints by outcome

3.4.1 Information about whether complaints were upheld or not was reported in CYPS for the first time in 2008/09. This information shows the balance between the number of formal complaints received and investigated compared with the number where it was found that the service had acted inappropriately. Please refer to the glossary in Appendix A for full definitions.

Figure 8 - formal CYPS complaints by outcome (Stage 1 only)

	No. upheld	No. partially upheld	No. not upheld	No. still outstanding*	No. withdrawn	Total no.
Statutory	10	13	15	0	2	40
Corporate	5	5	15	0	0	25
Total	15	18	30	0	2	65
% of total (65) (2009/10)	23.1%	27.7%	46.2%	0	3.1%	
% of total (2008/09)	7.8 %	37.7 %	42.9 %	5.2 %	6.5 %	

3.4.2 As figure 8 shows, over half (50.8%) of all CYPS formal Stage 1 complaints in 2009/10 were completely or partially upheld (justified), compared with 45.5% in 2008/09. The vast majority of these complaints were not or only partially upheld (justified), or withdrawn (75% of statutory, 80% of corporate).

3.5 Performance indicators – timescales (Stage 1 complaints)

3.5.1 During the reporting year, 93.8% of all complaints received were acknowledged within the required timescale of 2 working days, which is a reduction on the previous year. The late acknowledgements (4 complaints out of 60) all occurred in Quarter 3 (July – September 2009).

3.5.2 Investigations into this drop in performance showed that complaints had been sent directly via e-mail to senior managers who had been off on annual leave and were therefore not in a position to receive the complaints and arrange for them to be acknowledged. Measures have been put in place to minimise the likelihood of this situation recurring.

Figure 10 - Performance indicators – timescales (Stage 1 complaints)

	No. 2008/09	% of total	No. 2009/10	% of total (65)	DOT
Stage 1 statutory acknowledged in timescale	56	98.3%	38	95.0%	↓
Stage 1 corporate acknowledged in timescale	19	100%	23	93.0%	↓
Total CYPS Stage 1 acknowledged in timescale	76	98.7%	61	93.8 %	↓
Stage 1 statutory resolved in timescale	32	56.2%	24	60.0%	↑
Stage 1 corporate resolved in timescale	17	89.5%	23	92%	↑
Total CYPS Stage 1 resolved in timescale	51	67.1%	47	78.3%	↑

3.5.3 78.3% of all complaints taken through the formal complaints process were resolved within the target of 20 working days. This is an improvement on the previous year's performance, in a climate where workloads have increased and increased pressures has placed on particular services such as SASS. A new system was put in place in 2008/09 whereby complainants are informed of any expected delay in writing or by telephone with the reason(s) why, and this has continued during the reporting year.

3.5.4 Performance for resolving corporate complaints within timescale fared better than that for statutory representations. This is to be expected, as statutory complaints are generally about very complex situations, and are investigated by senior managers as an addition to their usual caseload, which may result in complaint investigation being de-prioritised behind issues of a more pressing nature involving child safeguarding. Reasons for the delay in resolving complaints within timescale are explored on a quarterly basis via the quarterly representations reports and senior managers' performance days. A recurring theme this year has been an increased workload for staff in SaSS, as a result of more robust safeguarding measures in the wake of the Baby Peter case and the ensuing Serious Case Review.

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Section Four – Stage 2 Complaints

4.1 Background

- 4.1.1 Where formal complaints are received which are believed to be particularly complex, or when complainants have remained dissatisfied with the response at Stage 1 of the formal procedure, complaints are investigated at Stage 2, by a person who was not involved at Stage 1.
- 4.1.2 The procedures for statutory and corporate complaints taken to Stage 2 differ slightly in that for statutory complaints, an independent Investigating Officer (IO) is appointed. The Local Authority (LA) has a Service Level Agreement (SLA) with North East Consortium (NEC), which is part of the National Youth Advocacy Service (NYAS) which recruits, trains and allocates independent IOs when required. The IO may be assisted by an Independent Person (IP) who is also from NEC. For corporate Stage 2 complaints, the investigation is undertaken by staff within the LA; the Customer Complaints Unit (CCU) within Neighbourhood Services will allocate an appropriate senior manager to carry out the investigation.

For full details of the Stage 2 procedures, the CYPS Representations and Quality Officer can be contacted as detailed at the end of this report or further information can be accessed on the intranet.

4.2 Statutory Stage 2 complaints received 2009/10

- 4.2.1 A complaint which was received and investigated at Stage 1 in February 2009, was taken to Stage 2 at the complainants request in 2009/10 (April 2009). This was the first complaint to be independently investigated under the new SLA with NEC, which was commissioned to provide this service early in 2009. The complaint was from a grandmother, who felt that CYPS had failed to provide an adequate level of service to her granddaughter when she was known to Durham social care services.

The complaint was in a number of parts, some of which were upheld. The re-investigation of the complaint at Stage 2 agreed in the main with the Council's findings at Stage 1. It was concluded that the LA's actions "lacked that necessary detail and rigour that [is expected]". An apology was offered for the poor quality service received.

Learning actions from this complaint are detailed in Section Eight of this report.

- 4.2.2 A complaint which was received in September 2008 and resolved at Stage 1 in March 2009 was taken to Stage 2 in May 2009. The complaint was made by the family of two boys who have been in the looked after system for a number of years, having been placed with foster carers and in children's homes. The complaint was in a number of parts and spanned a period of some years.

The complaint investigations (at Stages 1 and 2) took a number of months to complete; in the most part this was due to the family's reticence to engage with both the proper complaints procedure and the officers carrying out the investigations. In December 2009 the family informed the LA that they no longer wished to pursue their complaint;

however as the LA had already funded an independent investigation which had almost been concluded by that time, the decision was made to continue with the investigation and report, in the event that there were any learning outcomes and for future reference, should the family raise further related complaints in the future. The Stage 2 report was produced in April 2009. Of the 12 elements of the complaint, 9 were not upheld, one was partially upheld, one was upheld, and one could not be proved one way or another.

The independent investigating officer recommended that “in future, the Local Authority maintain the position as set out in letter to the complainants ie that any complaint will only be investigated if it is believed that to do so will have a positive effect on the future care of the [children] concerned”; and “that the Social Workers involved with the case continue to foster regular communication with [the boys’ mother], for the ultimate benefit of [the two boys], with the aim of reducing the occasions when a build up of mistrust could occur”.

4.3 Corporate Stage 2 complaints received 2009/10

- 4.3.1 The secretary of a voluntary organisation (club) complained about the way CYPS had treated the club, which had received services from CYPS in the form of a grant for activities for young people. Following a thorough investigation at Stage 1, the complaint was not upheld and the complainant asked for the matter to be taken to Stage 2.

This was the first CYPS complaint to be taken to Stage 2 under the revised (2009) corporate complaints procedure. It was referred to the CCU, whose role is to ensure that a full and fair investigation was carried out at Stage 1. After obtaining some further background information from the service area concerned and considering all the Stage 1 documentation, the Stage 2 response was that due process had been followed and the decision not to uphold the complaint remained.

The complainant remained dissatisfied and referred the complaint to the Local Government Ombudsman, who decided that the Council had not acted with maladministration as the complainant had suggested.

- 4.3.2 A complaint was received from a company which provides services to targeted groups of young people, about the robustness of the procurement process in CYPS, as they had not been commissioned to provide a service that they (and others) had tendered for.

Due to the complex nature of the complaint, the decision was made to take it directly to Stage 2 of the process, where it was independently investigated by Legal Services, who found that the procurement process was extremely robust and had been properly followed. The complaint was therefore not upheld.

- 4.3.3 Parents of a disabled child complained that works to enable her to access her new secondary school, which had been agreed in February 2009, had not been completed when she started at the school in September 2009.

The complaint was upheld at Stage 1 by CYPS. It was found that the main reason for the delay had been some Health and Safety concerns regarding portable ramps. It was concluded that not enough communication had taken place between all the parties involved (school and LA) and an apology was given by the Head of

the Learning Support Service. The child's parents felt that an apology should have come from a more senior member of staff and took their complaint to the Ombudsman.

As the complaint had not been through all stages of the Council's corporate complaints procedure, it was independently reviewed at Stage 2 by the CCU. The family was subsequently offered a further apology by the Head of Service (Access and Inclusion), which the family accepted.

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Section Five – Compliments and Comments

5.1 Compliments

5.1.1 Figure 1 (Section One) shows that during the reporting year there were a total of 565 CYPS compliments (compared with 328 in 2008/09 and 96 in 2007/08) which can be evidenced in the form of letters, e-mails, cards and completed survey forms (customer service questionnaires). There were 189 compliments regarding statutory services, and 376 regarding other CYPS services. Once again, this number shows an improvement on the numbers of compliments reported in previous years.

5.1.2 Copies of compliments received can be viewed on request, for up to one year after the reporting quarter. Compliments highlight that what service users appreciate is:

- feeling respected, listened to and supported
- having decisions explained to them
- being kept informed
- professionalism, care and commitment of staff
- being able to contact staff easily

5.1.3 Some examples of the many compliments received across the service this year are given in the supporting document – *‘Examples of complaints and compliments received in CYPS 2009/10’*.

5.2 Comments

5.2.1 CYPS actively seeks the comments of its service users, in order to inform service improvements and developments. The Planning, Quality and Research team send out a number of surveys to children, young people and their carers in relation to services provided by SaSS, to ask for their comments about their contact experience with staff from that service area. In addition all service users are able to make a comment about any area of CYPS at any time through a range of communication channels.

5.2.2 Since the latter part of 2009, these comments been captured and fed into the representations procedure. Positive comments are recorded as compliments and negative ones are recorded as comments. Any that necessitate action under the appropriate procedure are actioned accordingly.

5.2.3 During 2009/10, there were 78 comments of a negative nature received about SaSS (‘statutory comments’), compared with 100 received in 2008/09. Since 2009, feedback in the form of negative comments has been analysed and any themes are included in quarterly reports to senior managers.

5.2.4 The main themes from the negative comments received in 2009/10 are:

- Families don’t understand why they need the intervention of social services
- Those service users who asked for help felt that they weren’t given it/enough
- Social Workers were difficult to contact
- Professionals didn’t listen properly, and/or didn’t treat parents/carers with enough respect

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Section Six – Equality and Diversity information

6.1 Complainants' age and gender profiles

6.1.1 During the reporting year, formal Stage 1 complaints were made on behalf of the following service users (age and gender):

Figure 11 – complaints made in relation to gender

	Female 0-17	Female over 18	Total female	Male 0-17	Male over 18	Total male	Other
Statutory	26	2	28	11	1	12	0
Corporate	2	6	16	10	5	7	2
Total	28	8	36	21	6	27	2
% of total (65)	43.1%	12.3%	55.4%	32.3%	9.2%	41.5%	3.1%

It should be noted that where complaints are made by parents/carers on behalf of children and young people, if there is more than one child in the family, the complaint details are recorded in the name of the eldest child. The figures and percentages above therefore do not give a full and true picture of the number and genders of children who were involved in formal complaints.

6.2 Complainants' ethnicity profiles

6.2.1 39 formal statutory Stage 1 complaints out of 40 are recorded as being made by or on behalf of children or young people of White British origin. In accordance with 2001 census information, the proportion of Black and Minority Ethnic (BME) communities in County Durham is around 1.4%. As figure 12 shows, one statutory complaint, representing 2.5% of the total, was received in 2009/10. As the numbers are so low, it is difficult to draw any conclusions from this.

Figure 12 – Formal statutory Stage 1 complaints by ethnic group of service user

	White British	Any other ethnic group
Female	28	0
Male	11	1
Total	40	1
% of total (57)	97.5%	2.5%

6.2.2 Citizens who make a corporate complaint via the DCC website are asked for equality and diversity information; however at the present time this information is not subsequently recorded on the CRM (Customer Relations Management) system where all service user contacts with the Council are captured. Where complaints are made directly to CYPS, this information is not sought until the end of the process, when it is included in a satisfaction survey about the complaints process. However complainants may choose not to complete the form or the equality and diversity part. Therefore no information can be reported about the ethnicity of service users who made corporate complaints about CYPS.

6.3 Complaints regarding equality and diversity issues

During the reporting year one complaint was received in CYPS which was about access to buildings by a disabled child. The details are given in Section Four (Stage 2 complaints). Any complaints relating to E&D issues are reported on a quarterly basis to the CYPS Equality and Diversity Group, as one of the local performance indicators.

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Section Seven - Local Government Ombudsman

7.1 Local Government Ombudsman letter 2009/10

7.1.1 The Local Government Ombudsman's (LGO) annual letter to Durham County Council shows the following information about the numbers of complaints received about the County Council, regarding children and family services (SaSS) and education, in 2009/10 in each of the above categories, are shown below:

	Children and family services (SaSS)	Education	Total for Council	CYPS complaints as a % of Total
Total 2009/10	4	8	105	11.4%
Total 2008/09	6	8	40	35.0%
(Total 2007/08)*	1	7	-	-
(Total 2006/07)*	3	8	-	-

*Not directly comparable to subsequent years due to changes made in 2008/09 to the way the LGO operates.

7.1.2 Of the 105 complaints submitted to the LGO about the County Council as a whole, advice was given about 17; 37 were determined to be premature (in the sense that it appeared that the County Council had not been given the opportunity to address the concerns of the complainants involved); and 51 were forwarded to the Ombudsman for consideration.

7.2 CYPS complaints sent to the Ombudsman

7.2.1 Some examples of complaints which had gone through the CYPS representations procedure and which are known to have been brought to the attention of the Ombudsman are given in Section Four of this report. In addition:

- A Freedom of Information (FOI) request was received from a parent, who was trying to find out why his neighbour's children had been allocated free home to school transport. He felt it unfair that his own children were not eligible for free school transport. The FOI request was denied and the matter was forwarded to the Representations Officer to be responded to as a complaint.

Transport applications cannot be the subject of the corporate complaints procedure as there is an appeal process in place. The parent had been through the appeal process, but was given further explanation about the decision made. He remained dissatisfied and contacted the LGO, who directed the matter back to the Council. The Ombudsman was given copies of all correspondence pertaining to the matter and was satisfied that there had been no maladministration and that the Council had acted appropriately.

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Section Eight - Learning from complaints

8.1 Strategic level - key messages

8.1.1 The annual report for 2008/09 identified two clear themes from complaints and comments received in that year: communication and culture. As Section Three shows, during 2009/10 the number of complaints about the service increased from the previous year, and a perception of poor service was the main reason for the vast majority (42.9%) of complaints to CYPS.

8.1.2 An analysis of complaints received during 2009/10 shows that by 'poor service' complainants mean staff not answering or returning calls (particularly Social Workers) and service users feeling that they were not listened to or treated with respect.

8.1.3 From speaking to complainants and managing complaints throughout the reporting year, the Representations and Quality Officer (RQO) has identified that the majority of citizens who make a complaint 'on behalf of' a child are inherently unhappy with a decision that the Local Authority has made regarding the child(ren), be it about the school they are to attend, the refusal to supply transport, or the intervention of social care services, in some cases to safeguard the child(ren) concerned. From this inherent unhappiness can come a negative perception of CYPS, resulting in complaints about poor service and staff attitude, the majority of which are not upheld.

8.1.4 For this reason, and because the nature of corporate complaints was extremely diverse throughout the year, it has been difficult to identify a particular theme in 2009/10. It appears however that some of the same messages continue from the previous year; complainants have illustrated that they feel the Service has:

- failed to give a clear explanation of actions taken, sometimes at the appropriate level of understanding of the child/young person/representative; and
- for various reasons, failed to answer calls and / or return messages, or keep appointments (without cancelling). In all cases, complainants felt frustrated (and in some cases, angry).

Both of the above show failures in **communication**, a message which is being relayed to senior managers for inclusion in their Service Improvement Plans.

8.1.5 The message which was received in 2008/09 from many complainants of an 'us and them' situation (negative culture) has not been repeated in 2009/10. However, as mentioned above 'the Council' may still be viewed negatively and seen as working against the wishes of families/carers, because where any intervention services to children are required, this can be of course be an emotive area with the potential for a conflict of interests.

8.2 Operational level - recommended actions from complaints 2009/10

8.2.1 A major improvement from previous years has been the setting up in 2009 of a system for recording actions resulting from complaints. These actions may be

- recommended by the manager investigating the complaint, or
- recommended by the Representations & Quality Officer, following analysis of the complaint and resolution.

8.2.2 All recommended actions are reported to senior managers on a quarterly basis, and managers are regularly encouraged to implement the actions identified. The identified actions are monitored within the Service Area(s) concerned.

8.2.3 A brief summary of some of the recommended actions from formal statutory complaints received in 2009/10 is given below:

- Families to be given timely explanations where there is a temporary gap in services (for example, when a child's Social Worker leaves the service).
- Assessment reports should be carried out within the recommended timeframe, and should be adequately checked for accuracy prior to sharing with the family. (Latest performance information shows that 82% of Initial Assessment and 90% of Core Assessment reports were completed on time.)
- As a result of one complaint, the Looked After service was reminded that potential adopters should be given all relevant family history details prior to completion of the adoption process, and clear procedures were put in place to ensure this happens.
- All requests for records should be communicated in the first instance to the relevant service area (SaSS Development Support Unit) for prompt coordination and response.
- Social Workers should remember and recognise that the assessment process can be a frightening and confusing experience for children and families.
- Assessment reports must be written in an impartial way, with no bias towards or against any party (only one report was found not to be impartial during the reporting year, and this was stopped from going before Court).

8.2.4 The following actions resulted directly from a formal complaint which was taken to Stage 2 of the statutory procedure:

- The procedures in relation to Section 37* enquiries have been amended and in all cases, Team Managers must hold a strategy meeting* to consider if there are any safeguarding issues about the child concerned (* see appendix A).
- Where there is ill health absence in teams, service managers have been asked to ensure that adequate cover arrangements are made and that appropriate visiting arrangements are in place for all children.
- A review of the way in which the LA and Police work together in cases of domestic abuse, to ensure there is a more consistent response to referrals.

8.2.5 The following actions were recommended as a result of formal corporate complaints:

- Schools and the LA should try to ensure that they are aware of children's personal circumstances so that when parents live apart, relevant info can be sent to both parties if appropriate.

- School Special Educational Needs Coordinators (SENCOs) should be reminded that, should there be any problems regarding their work with SEN children, they should seek advice in a timely manner from the LA.

8.2.6 Where managers allocated to investigate complaints (particularly statutory) go on holiday during the investigation, it has been recommended that the following actions are taken:

- Wherever possible, the complaint should be re-allocated to a colleague or referred back to the service Strategic Manager for re-allocation
- The RQO should be informed of the period of holiday, the current situation regarding the complaint, and the re-allocation contact person
- The RQO can then inform the complainant that there will be a delay in response; and/or may be able to coordinate a response during the absence of the allocated manager

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Section Nine – National and local developments relating to representations

9.1 Complaints about schools

- 9.1.1 In April 2010 the LGO launched the first pilot phase of a complaints service extending their jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning (ASCL) Act 2009.
- 9.1.2 The first phase has involved schools in Barking and Dagenham, Cambridgeshire, Medway and Sefton. The Secretary of State no longer considers complaints about schools in these areas. In September 2010 the schools in a further 10 local authority areas were to join the pilot phase.
- 9.1.3 The LGO have been working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 their jurisdiction will cover all state schools in England.
- 9.1.4 A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.
- 9.1.5 Further information can be found on the new schools pages on the LGO website at www.lgo.org.uk/schools/

9.2 Children and young people's right to appeal decisions

- 9.2.1 In 2009 the former DCSF (Department for Children Schools and Families, now Department for Education) launched a 3 month consultation on giving children and young people a right to appeal decisions regarding exclusions, SEN statements and assessments, and to make disability discrimination claims in England.
- 9.2.2 On 1st April 2010 information was published which said that, following analysis of the consultation feedback, Ministers had agreed that secondary school age pupils will have a right to appeal their SEN assessment and statement decisions made by local authorities to the First-tier Tribunal (Special Educational Needs and Disability); and that disabled secondary school age pupils in maintained schools will be able to make disability discrimination claims about permanent exclusions and admissions to the Independent Appeals Panels. Disabled secondary age pupils from independent and non-maintained special schools will be able to make claims to the Tribunal relating to admissions and permanent exclusions; and disabled secondary age pupils from all types of schools will be able to make claims to the Tribunal about fixed period exclusions.
- 9.2.3 To help the implementation of this new right, the Department agreed to establish a working group to address issues which need to be resolved before the right comes into effect.

- 9.2.4 In relation to permanent exclusions appeals, Ministers decided not to proceed with the consultation proposals to change the current age of appeals from 18 to 16 at the present time. Parents' right to appeal remains unchanged.
- 9.2.5 The Department was to consider alternative ways for ensuring that young people are able to participate more effectively in the decision-making and appeal processes relating to permanent exclusion. As a first step the Department was to publish new information, tailored specifically for parents and young people, on the exclusions appeals process to enable parents and pupils aged 18+ to take forward appeals; detailing how to appeal and will be in an easy to understand format. Parents and young people were to be consulted and their views sought to ensure that their needs are effectively targeted and met. Free advice on exclusions and appeals will continue to be provided by the Advisory Centre for Education (ACE).

NOTE: Since the establishment of a new Government in May 2010, the above information may be subject to change.

9.3 Local developments 2009/10

- 9.3.1 Following on from the 2008/09 Annual Representations Report, a presentation was made to SaSS senior managers, in which the key themes from that report (communication and culture) were discussed. The key messages from the 2009/10 report will be similarly disseminated. As a result of last year's discussion, it was felt appropriate that, for future years, rather than formulating an extraneous plan (Strategic Plan of Actions from Representations, as mentioned in last year's report), learning from representations will instead be incorporated into existing plans (Service Improvement Plans).
- 9.3.2 Further to this, the Planning, Quality and Research team has written an options appraisal for the future reporting of *all* feedback from service users, including that received via surveys and case file audits (feedback about social care services), as well as representations. For example, if all the information is captured in one report, cross-cutting themes can be more clearly identified.
- 9.3.3 Representations guidance documents for managers and staff throughout the whole of CYPS have been developed. By ensuring that all staff are aware of their responsibilities regarding CYPS comments, compliments and complaints, service users will experience an improvement in the service they receive.
- 9.3.4 Updated leaflets were produced (adult and 'child-friendly' versions), following work with young people from Investing in Children (IiC) and the CYPS Communications team. The leaflet includes information about how to complain/enquire via text message, which goes to Social Care Direct for them to forward messages as appropriate.
- 9.3.5 The SaSS Workforce Learning and Development Officer continued to work on an e-learning training program about the complaints process, for access by all CYPS staff. This will be used initially as part of the induction training for Social Workers and staff working in children's residential settings. It is expected that this program will be available during 2011.
- 9.3.6 A working group was set up (led by Neighbourhood Services) to improve the corporate complaints policy and procedure which was drafted prior to Local Government Reorganisation (LGR), and to ensure the continued smooth running of complaints systems across all services of the Council.

9.3.7 The Derwentside Advocacy Pilot for advocacy services for children and young people making a complaint about *any* service provided to them by DCC CYPS was put on hold whilst the Unitary Council was being formed, and the signs are that this piece of work will not be pursued further in the current economic climate. However, the Authority has continued with its SLA with NYAS. Independent advocacy services are provided to service users, carers and their representatives who wish to pursue complaints. The service is free of charge and is made available to all complainants who wish to be supported in the process. The service also gives advice and support in respect of non-complaints issues, especially regarding corporate complaints. This free service continues to be available for children and young people who are receipt of social care services all across the County.

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Section Ten - Conclusion and Acknowledgements

- 10.1 CYPS receives a number of representations each year. This is predictable given the nature of the services, which are provided at difficult times in people's lives. Representations are a valuable source of feedback to inform service improvement. The number of representations is very small as a percentage of the total number of contacts made with children, young people and their representatives.
- 10.2 This Annual Report indicates positive achievements and improvements in performance in the handling and consideration of representations, including complaints, during the year 1st April 2009 – 31st March 2010, and also recognises the need to strive for continuous improvement.
- 10.3 Acknowledgements are made and thanks given to the following contributors to representations during the reporting year:
- All service users who have contributed to our service developments by making representations.
 - Staff and managers who have increasingly recognised the importance of addressing concerns responsively and been prepared to learn from the compliments and concerns of service users.
 - The National Youth Advocacy Service which provides invaluable support and advice to service users and enables concerns to be clarified and articulated.
 - The Systems Development Team who have enabled data to be more accurately recorded and collated.
 - Members of the Local Authority's Standards Committee who objectively scrutinise representations and ensure that trends are recognised and acted upon.
 - Counterparts in Adults Well-being and Health, Neighbourhood Services and in neighbouring Local Authorities for their advice and support throughout the reporting year.

Appendix A - Glossary of terms and abbreviations and terms used

ASCL	Apprenticeship, Skills, Children and Learning
BME	Black and Minority Ethnic
CCU	Customer Complaints Unit
CRM	Customer Relations Management (management information system)
CYPS	Children and Young People's Services
DCC	Durham County Council
DCSF	Department for Children, Schools and Families
DE	Department for Education
E&D	Equality and Diversity
FOI	Freedom of Information
IIC	Investing in Children
IO	Investigating Officer (statutory complaints Stage 2)
IP	Independent Person (statutory complaints Stage 2)
LA	Local Authority
LGO	Local Government Ombudsman
LGR	Local Government Reorganisation
NEC	North East Consortium (part of NYAS)
NYAS	National Youth Advocacy Service
RQO	Representations and Quality Officer
SaSS	Safeguarding and Specialist Services
SCD	Social Care Direct
Section 37 enquiry	A Section 37 investigation is an enquiry in to a child's circumstances by a Social Worker. If the Court has cause to feel concern for the welfare of a child during the course of proceedings in a private law application then it can ask an Independent Social Worker to conduct a Section 37 investigation. The information gathered during the Section 37 investigation will assist in the decision making and care planning for a child, determining whether a child needs to be made subject to a Care or Supervision Order in accordance with The Children Act 1989 significant harm criteria.
SEN(CO)	Special Educational Needs (Coordinator)
SGSS	School and Governor Support Service
SLA	Service Level Agreement
Strategy meeting	If there is reasonable cause to suspect a child is suffering, or is likely to suffer significant harm, children's social care should convene a strategy discussion. Depending on the nature of the child's needs and the urgency of the situation, this might take the form of an actual meeting , or might be a series of telephone conversations.
SW	Social Worker
upheld	Where a complaint is ' upheld ', this means that, following investigation, CYPS agrees with the complainant's accusation; or that the complaint was justified.

Appendix B - Summary of performance Trends over 4 year period 2006 - 2010

	2006-2007	2007-2008	2008-2009	2009-2010	Change since last year
Total Number of Representations	160	170	666	866	+139
Number of Formal Complaints	71	72	77	70	- 7
Number of Informal Complaints	-	-	61	151	+ 90
Number of Compliments	87	96	428	565	+ 137
Number of Comments	2	2	100	80	- 20
Formal Complaints as a % of total	44.4%	42.4%	11.6%	8.1%	- 3.5%
Compliments as a % of total	54.4%	56.4%	64.3%	65.2%	+ 0.9%
Comments as a % of total	1.2%	1.2%	15.0%	9.2%	- 5.8%
Total number of Statutory Representations	89	89	331	417	+ 112
Number of Formal Statutory Complaints	67	61	57	42	- 15
Number of Informal Statutory Complaints	-	-	26	108	+ 82
Number of Statutory Compliments	22	26	148	189	+ 41
Number of Statutory Comments	2	2	100	78	- 22
Formal Statutory Complaints as a % of total	76%	68.5%	17.2%	10.1%	- 7.1%
Statutory Compliments as a % of total	22%	29.2%	44.7%	45.3%	+ 0.6%
Statutory Comments as a % of total	2%	2.3%	30.2%	18.7%	- 11.5%
Total number of Corporate Representations	71	81	335	449	+ 114
Number of Formal Corporate Complaints	4	11	20	28	+ 8
Number of Informal Corporate Complaints	-	-	35	43	+ 8
Number of Corporate Compliments	67	70	280	376	+ 96
Number of Corporate Comments	0	0	0	2	+ 2
Formal Corporate Complaints as a % of total	5.6%	13.6%	6.0%	6.2%	+ 0.2%
Corporate Compliments as a % of total	94.4%	86.4%	83.6%	83.7%	+ 0.1%
Corporate Comments as a % of total	0	0	0	0.5%	+ 0.5%
Statutory complaints – Who complained?					
% of male complainants	43%	45.9%	47.4%	30.0%	- 17.4%
% of female complainants	57%	54.0%	52.6%	70.0%	+ 17.4%
% of White British complainants	93.2%	96.7%	98.3%	97.5%	- 0.8%
Other ethnic origin/unrecorded	1.1%	3.3%	1.7%	2.5%	+ 0.8%
Main Causes of CYPS Complaints:					
Conduct or Attitude of Staff	26.1%*	31.3%*	28.6%	17.1%	-11.5%
Poor Service	30.6%*	42.2%*	31.2%	42.9%	+ 11.7%
Decision regarding services		3.2%*	16.9%	21.4%	+ 4.5%
Meeting Statutory timescales					
Acknowledgement within 2 working days	-	86.4%	98.3%	95.0%	- 3.3%
Response to complaint at Stage 1 within 20 working days	63.8%	57.4%	56.2%	60.0%	+ 3.8%

* Statutory complaints only

If you need this information summarised in another language or format such as Braille, large print, CD or talking tape, please call the number below.

إذا اردت معرفت ملخص هذه المعلومات باللغة العربية اتصل علي الرقم التالي

Arabic

আকারে এই তথ্যটি পেতে নিচের নম্বরে ফোন করুন:

Bengali

假如您需要這份資料的中文摘要，請致電下面的號碼。

Chinese

यदि आप यह जानकारी का संक्षेप हिन्दी में चाहते हैं, तो कृपया निचे दिए हुए नम्बर में सम्पर्क करें।

Hindi

Jezeli potrzebujesz streszczenia tych informacji w jezyku polskim zadzwon prosze na ponizszy numer

Polish

ਜਾਂ ਤੁਸੀਂ ਇਹ ਖ਼ਬਰ ਦਾ ਨਿਚੋੜ ਪੰਜਾਬੀ ਵਿਚ ਚਾਹੁੰਦੇ ਹੋ, ਤਾਂ ਕਿਰਪਾ ਥੱਲੇ ਦਿੱਤੇ ਹੋਏ ਨੰਬਰ ਤੇ ਸੰਪਰਕ ਕਰੋ।

Punjabi

اگر آپ کو یہ معلومات اردو میں درکار ہیں تو اس نمبر پر کال کیجیے۔

Urdu



(0191) 383 3981

Any comments or queries about this report can be made to:-

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