



# **DURHAM COUNTY COUNCIL CHILDREN AND YOUNG PEOPLE'S SERVICES**

## **ANNUAL REPORT ON THE REPRESENTATIONS PROCEDURE 2007/2008**

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# ANNUAL REPRESENTATIONS REPORT 2007-2008

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## ANNUAL REPRESENTATIONS REPORT 2007/08 EXECUTIVE SUMMARY AND KEY MESSAGES

### A. OVERVIEW

This Annual Report provides details about 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, their carers and/or their representatives.

Children and Young People's Services incorporates six service areas including:-

- Finance Services
- Strategic Commissioning
- Extended Services
- Achievement Services
- Access and Inclusion
- Safeguarding and Specialist Services (SaSS)

The Local Authority's Corporate Complaints Procedure, which is non-statutory, applies to the first five of these service areas; they are referred to in this report as 'non-statutory representations'. SaSS adheres to the statutory Representations Procedure and therefore any Representations made in relation to this service are referred to as 'statutory representations'.

There is no legislative requirement for the reporting of non-statutory complaints, but in order that there is integrity in the governance procedures and as part of our commitment to providing an integrated system, information on both statutory and non-statutory Representations is included in this report.

For clarity and to meet the statutory requirements in children's social care, this report is presented in two discrete sections covering the statutory and non-statutory representations made in the year from 1 April 2007 to 31 March 2008.

Performance in the handling of statutory Representations can be analysed against the data provided via the Social Services Information Database (SSID). Non-statutory complaints are not recorded electronically and as a database was not maintained during the reporting year, only qualitative information is given in this report.

It is important that the qualitative issues that arise in both statutory and non-statutory Representations are reflected upon to obtain an overview of quality of life issues. This is considered from the perspective of children and young people who are receiving social care services; and that of their carers, and other service users and citizens across the breadth of Children and Young People's Services. For this reason, this report also contains details of the 'stories behind' Representations, giving a number of examples of the kinds

of complaints received, as well as the positive comments given in compliments.

An efficient and effective Representation Procedure creates a genuine partnership between service users, their carers and the staff. All Representations create an opportunity for reflection on whether something should have been done differently and whether there are wider implications and lessons to be learnt. In that respect the compliments and comments received are as important as the complaints so that we learn from existing good practice as well as from when things go wrong.

Details about the Representation Procedures, and how and where to access these, are available on Durham County Council's website ([www.durham.gov.uk](http://www.durham.gov.uk)) and are available in leaflet form in key locations throughout the County.

## **B. KEY MESSAGES**

### **Numbers of Representations across CYPS**

In 2007/08, CYPS received a total of 170 Representations, comprising 72 complaints and 98 compliments.

89 of the Representations were statutory. Of these, 61 were complaints, 26 were compliments and 2 were comments. Of the 5,505 contacts\* with service users and carers across Specialist and Safeguarding Services, this represents a very small proportion.

81 of the Representations were non-statutory. Of these, 11 were complaints and 70 were compliments. Non-statutory Representations include a higher number of compliments than statutory Representations, as historically many of these come from other professionals, including Head teachers and staff of schools, and partner organisations.

This year has again seen a decrease in the number of statutory complaints compared with previous years (see Table 5 and Figure 4, p23-24 - *Comparative Trends by Reporting Year*) but there has been an increase in the complexity of complaints. The decrease can be associated with an improved level of screening at the point of receiving a complaint to ensure whether it should be managed through the statutory or corporate framework. Non-statutory complaints across the same period have increased from 4 to 11.

The overall number of Representations received has remained fairly typical and within the range of expectation.

*\* number of under 18 year olds who have received an active provision (of any sort - includes Social Worker, equipment, placement) in the period 1 April 2007- 31<sup>st</sup> March 2008*

## **Statutory Representations by Service**

The service area within SaSS receiving the largest number of representations covering complaints, compliments *and* comments was Children in Need (CiN) at 59.5% followed by Children Looked After (CLA) at 32.6%, and Specialist Services at 7.9%. This is within expectations considering the level of direct contact with service users and carers.

## **Statutory Representations received by Service User Group**

The greatest proportion of statutory complaints (41.9%) were made by parents of the child(ren) or young person/people in receipt of services. (In the previous reporting year this group also formed the highest proportion of complainants, at 40%). Service users (children and young people) constitute the second highest proportion at 32.3%

There is an increase from 13.1% in 2006/07 to 16.1% in 2007/08 of relatives other than parents making complaints on behalf of children and young people. We have seen more grandparents complaining on behalf of their grandchildren, which may account for this increase.

## **Age Profiles of Service Users Making Statutory Representations**

The Representations made by age group reflect demographic trends and are also indicative of the proportions by age of service users. The greatest number of compliments was made by boys and young men aged 17 and under (50%), whereas the highest percentage of complaints were made by girls and young women in the same age group (42%).

## **Ethnicity and Diversity**

59 statutory complaints out of 61 (96.7%) are recorded as being made by people of White British origin (see Table 4). Whilst the proportion of Black and Minority Ethnic Communities in County Durham is low (less than 2.4%), no Representations were received from ethnic groups other than White British. In 2008/09 we will be working to ensure that we are meeting the needs of all potential service users. This will include carrying out a review Equality Impact Assessment of the Statutory Representations Procedure.

## **Causes of Complaint for Service Users in SaSS**

As in 2006/07, the *conduct or attitude of staff* continues to constitute the largest category of statutory complaint at 31.3%. This represents an increase of 2.3% from that year. This is a complex area to analyse, as many complaints show that although the allegation is about a member of staff, that person is actually working appropriately and within the legal framework. Particular examples are given in Part 4 of this report.

*Lack of a service (Other)* also shows a slight increase from the preceding year. Both increases should be noted against the corresponding decrease of 7.9% in the figure for *Other*, as well as the increased number of categories of classification. These show that the recording of the classification of complaints on the Social Services Information Database (SSID) has improved over the reporting year, so that reasons behind complaints are much more specific, which is essential in identifying areas which require improvement.

## **Achieving Timescales**

### **Acknowledgement**

During the reporting year, 86.4% of statutory complaints received were acknowledged within the timescale of 2 days. Further staff have now been trained in the logging and acknowledgement of complaints, so that performance in this area can be further improved as complaints can be logged in the absence of the Complaints Officer.

### **Stage One**

57.4% of statutory complaints were responded to within the 20 working day timescale. This compares with 63.8% in 2006/07 and 49.3% in 2005/06. Account should be taken of the increasing complexity of some of the complaints. The reduction in the overall number of complaints is countered by the fact that those concerns that have progressed to complaints have generally been much more complex and in some cases have involved partner organisations, and in these circumstances the timescales for completion can be unrealistic. Sometimes delays have been at the request or availability of the complainant or delays have been incurred where the Investigating Officer is awaiting information from external sources.

### **Stage Two**

Stage Two statutory complaints investigations have completion timescales of 25 working days from the date that the request to progress to the next stage is received. Extensions can be requested, as per the statutory guidance, up to a maximum of 65 working days. During 2007/2008, one complaint was received which, due to its complexity was taken directly to a Stage 2 investigation. The investigation was very thorough and, with the permission of the complainants, went over the 65 day timescale. This was in part due to the complainants' own non-availability during periods of the investigation.

### **Stage Three**

During the reporting year, no complaints were taken to Stage 3 of the statutory Representations Procedure.

### **Local Government Ombudsman**

The Local Government Ombudsman's (LGO's) annual letter to Durham County Council was published in June 2008. In the reporting year one statutory complaint was considered by the LGO. This compared with 3 complaints in the year 2006/2007 and 3 in 2005/2006. A further 7 non-statutory complaints were referred to the LGO, as compared with 8 non-statutory complaints in 2006/07 and 5 in 2005/06.

**CYPS Representations performance information for the two year period 2006 – 2008 is summarised at Appendix 1 to the report.**

### **C. OUTCOMES AND LEARNING FROM STATUTORY COMPLAINTS AND REPRESENTATIONS**

Examples of the learning that accrues from Representations are provided in the main body of the report, in Parts 4, 5 and 7. The underlying message from these is that communication is key to building and retaining the confidence of service users and their representatives. Lack of communication is the root cause of many of the complaints. The reasons for this are many-fold, and include assumption of service users' knowledge, inability to contact service users during working hours, staff shortages (for example during holiday periods). Although none of these are valid reasons for not keeping service users informed, the relatively low ratio of complaints to contacts suggests that the service is working hard to maintain good levels of communication with children, young people and their representatives.

Much progress has been made over the years in creating an organisational culture that is open and fair and work must continue to secure further development in this area.

### **D. AREAS FOR FUTURE DEVELOPMENT**

#### **National**

The Department of Health (DH) proposals for reforms to the adults' statutory complaints procedures as described in the consultation document *'Making Experiences Count'* were being piloted by Early Adopter Sites. As a result of the success of this pilot, Adult and Community Services will be following the new procedure for adults' services statutory complaints from April 2009, which in basic terms will consist of a 2-stage system of Local Resolution / reference to Local Government Ombudsman. It is anticipated that this procedure will eventually be rolled out across Children's Services statutory complaints, and with this in mind we will be monitoring developments with our colleagues in Adult and Community Services when the new procedure gets underway.

#### **Local Developments**

During the reporting year DCC Corporate Legal Services were establishing a pool of independent persons, trained in the role of Chair and Panel members for Stage 3 Review Panels. Previously, these roles were carried out by appropriately qualified and trained persons from the same private consultancy which provides Investigating Officers and Independent Persons at Stage 2 investigations. The move to skilling and employing these people has been taken to provide an even greater level of transparency and independency of review for complaints taken to this level.

Following the reorganisation of the former Social Care and Health and Education Departments, the management of CYPS non-statutory representations has become a function of the CYPS Planning & Performance (P&P) team, with effect from April 2008. CYPS continues to strive to improve



response times and the quality of responses provided to complainants. With this in mind, and due to the increasing complexity of complaints being received, a more robust tracking system is being created with the aim of ensuring that complainants are kept more fully informed of the status of their complaint, should it go outside the target timescale.

This integration of the two separate systems has led to the development of a Representations Guidance Document for managers and staff throughout the whole of CYPS. 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.

The Derwentside Advocacy Pilot for advocacy services for children and young people making a complaint about *any* service provided to them by DCC will be pursued with colleagues across the Authority, with the aim of launching this service across the whole of County Durham, should the pilot project prove successful.

## **F. CONCLUSION**

Real opportunities are presented for us to change and improve services using lessons learned from the issues raised in complaints – we have a clearer understanding about what works best for service users, and can effect change that ultimately leads to client-centred provision.

This Annual Report indicates many positive achievements in performance in the handling and consideration of Representations, including complaints, during the year 2007/08 and also recognises the need to strive for continuous improvement.

It is pleasing to note so many positives have been achieved in 2007/08 and these areas will continue to be built upon for the forthcoming year.

## ANNUAL REPRESENTATIONS REPORT 2007-2008

### SECTION ONE - INTRODUCTION

#### PURPOSE OF THE REPORT

**1.1** This Annual Report provides details about the performance of Durham County Council's Children and Young People's Services (DCC's CYPS) Representations Procedure. Representations cover compliments, comments and complaints received from service users, their carers and/or their representatives,

**1.2** Where representations are made about children's and young people's social care services, that is Safeguarding and Specialist Services (SaSS), a statutory procedure has to be followed. Throughout this report, these are referred to as 'statutory representations'.

**1.3** Representations about other services to children, young people and their families, provided by Children and Young People's Services are dealt with under the Local Authority's Corporate Complaints Procedure and are referred to in this report as 'non-statutory representations'.

**1.4** Some representations from children, young people and their representatives are not dealt with by the CYPS Complaints Officer (CO). These include

- Representations regarding school staff or incidents in schools. These are recorded and handled by the School and Governor Support Service (SGSS), which is part of CYPS Achievement Services. Complaints are actioned in accordance with the School Complaints Procedure, a Department for Children, Schools and Families (DCSF) document which has been adopted by SGSS.
- Representations regarding School Crossing Patrols. These are recorded and handled by DCC Environmental Services, and actioned under the remit of the Authority's Corporate Complaints procedure.
- Complaints received regarding the outcome of appeals regarding school admissions and exclusions, and school transport. The former are handled by DCC Corporate Legal Services; the latter through a staged process within CYPS Access and Inclusion Services.

This report therefore does not include any information about the above categories of representation.

**1.5** For clarity and to meet the statutory requirements in children's social care, this report is presented in two discrete sections covering the statutory and non-statutory representations made in the year from 1 April 2007 to 31 March 2008.

## SECTION TWO – THE CHILDREN AND YOUNG PEOPLE’S REPRESENTATIONS PROCEDURES EXPLAINED

### PART 1 - BACKGROUND

**2.1.1** Requirements on the procedures for handling and considering Statutory Representations in Safeguarding and Specialist Services (SaSS) are enshrined in

- Children (Leaving Care) Act 2000;
- The Adoption and Children Act 2002;
- The Health and Social Care (Community Health & Standards Act) 2003; and
- The Children Act 1989 Representations Procedure (England) Regulations 2006.

These acts set down the procedures that Councils with Social Services responsibilities must follow when a representation is made.

**2.1.2** The Department for Children, Schools and Families (DCSF) guidance document *‘Change for Children – Every Child Matters – Getting the Best from Complaints’* has become the essential tool for children’s services Complaints Officers. It sets out the changes to and requirements of the children’s social services representations procedure as a result of this legislation.

**2.1.3** 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 the Commission for Social Care Inspection (CSCI), about how the service has performed in meeting key national and local standards, in respect of handling complaints.

**2.1.4** The Corporate Complaints Procedure, which is non-statutory, applies to those complaints that fall outside of the statutory procedures. Whilst there is no legislative requirement for the reporting of these complaints, Durham County Council is committed to making available such information 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.

**2.1.5** 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 analyses. As well as providing data on measurable performance it is crucial that the report reflects the quality of life issues for the users of our services that have led them to complain about the services they receive or indeed to compliment those services. Real opportunities are presented for us to change and improve services using lessons learned from the issues raised in complaints – we have a clearer understanding about what

works best for service users, and can effect change that ultimately leads to client-centred provision.

## **PART 2 - AIMS OF THE REPRESENTATION PROCEDURES**

**2.2.1** The primary aims of the procedures are to:-

- recognise and value the needs and rights of service users and others to express their views and concerns about the actions and decisions taken by SaSS and CYPS as a whole;
- enable individuals, who are eligible to make appropriate complaints or positive comments to have easy access to the Representations Procedure;
- enable and empower staff to listen to the experiences of service users and carers, take seriously their concerns and complaints and use best customer care practice to try and resolve or remedy any problems to their satisfaction;
- provide information about important lessons learned, from complaints in particular, to make quality improvements to performance and service delivery.

**2.2.2** An efficient and effective representations procedure creates a genuine partnership between service users, their carers and the staff. All representations create an opportunity for reflection on whether something should have been done differently and whether there are wider implications and lessons to be learnt. In that respect the compliments and comments received are as important as the complaints so that we learn from existing good practice as well as from when things go wrong. However, when things do go wrong we have to remember that there is an impact on quality of life for individuals and we need to continually strive to be responsive in these situations.

## **PART 3 - WHO MAY USE THE STATUTORY CHILDREN'S SOCIAL CARE PROCEDURES?**

**2.3.1** The *statutory* Representations [Complaints] Procedure in SaSS can be accessed and used by individuals who are in receipt of social care services, including their carers and/or representatives. Legislation recognises the following:

- *“Any person to whom the local authority has a power or duty to provide, or secure the provision of, a service [in children’s social care], and whose need or possible need for such a service [provided by children’s social care] has, by whatever means, come to the attention of the Local Authority”.*

- Anyone representing or acting on behalf of a person, as described above, in any case where that person:
  - is a child or young person
  - has requested the representative to act on his/her behalf
  - is not capable of making the complaint by him/her self
- Individuals who have parental responsibilities are carers, advocates and others, whom Children and Young People's Services consider as having sufficient interest in the person's welfare, will also be eligible to use the Procedure.

#### **PART 4 - WHO MAY USE THE NON-STATUTORY REPRESENTATIONS PROCEDURES IN CHILDREN AND YOUNG PEOPLE'S SERVICES?**

**2.4.1** The non-statutory procedures can be accessed and used by any citizens who have complaints, comments or compliments about all services, other than SaSS, provided by Children and Young People's Services.

#### **PART 5 - MANAGEMENT AND OPERATIONS OF THE REPRESENTATIONS PROCEDURE**

**2.5.1** The statutory complaints function was previously managed under Social Care and Health, however due to the restructure, this function transferred to CYPS. The Complaints Officer (CO) became part of the CYPS Strategic Commissioning, Planning and Performance Team (P &P) as part of the organisational restructure. The role of the CO has now broadened and increased to a full time post to include the management of non-statutory complaints.

**2.5.2** The receipt and initial recording of statutory representations is managed through several locations. During the reporting year the majority were logged and acknowledged by the CYPS CO at County Hall; the initial recording of a few was carried out by locality Administrative Officers. Statutory complaints are allocated to the Strategic Manager of the service area concerned, for investigation by an appropriate Service Manager.

**2.5.3** For most of the reporting year (until January 2008), the acknowledgement of non-statutory representations was carried out within former Education. Complaints were allocated to the Head of Service of the service area concerned, for investigation and response by an appropriate Senior Manager.

**2.5.4** Since the organisational restructure, the responsibility for publicising and promoting information and related materials, leaflets and booklets about the statutory representations procedure is co-ordinated by the CYPS Communications team. 'How to complain' leaflets are provided to all children's social care service users. Additionally, staff are expected to provide verbal

information and advice to service users. Details about the Representation Procedures, and how and where to access these, is available on Durham County Council's website ([www.durham.gov.uk](http://www.durham.gov.uk)), and via the intranet for DCC staff.

**2.5.5** Leaflets, information and other publicity material are available and widely distributed across the wider CYPS locations and services where the corporate procedures apply.

## **PART 6 - HANDLING COMPLAINTS**

**2.6.1** For statutory complaints, the current legislation and guidance, which became effective in September 2006, provides for complaints to be heard in three different stages.

- **Stage One**

The local resolution stage. In some cases if the matter complained about can be put right immediately to the satisfaction of the complainant, it will progress no further. If the matter cannot be put right immediately an investigating officer from within the Authority will be appointed by the senior responsible manager to look into the complaint and try to put things right. If this is not possible the complainant can progress to:-

- **Stage Two**

This involves a formal independent investigation of the complaint. Some complaints, for example those that are particularly complex or involve a range of agencies, can progress immediately to Stage Two if the complainant agrees. An independent Investigating Officer (IO) is recruited. This person will be assisted by an Independent Person from outside of the authority to ensure transparency and no conflict of interest. They will agree with the complainant the elements of the complaint; interview all relevant people involved; review all relevant records and conduct the investigation within the parameters agreed. At the conclusion of the investigation the IO will produce a written report with findings detailing whether a complaint was upheld, partially upheld, unproven or not upheld. The IO will also make recommendations as to how upheld complaints can be put right. The recommendations can include changes to how services are provided; policy and practice changes; the offering of apologies; and, in certain circumstances, compensatory redress. If the complainant remains unhappy with the IO's findings they can request that these be referred to:-

- **Stage Three**

This stage involves the complaint being referred to a Review Panel of 3 people who are independent of Durham County Council. The Panel cannot re-hear a complaint. They will review the evidence obtained during the investigation, make a judgment as to whether the investigation was conducted fairly, thoroughly and rationally and that the findings and recommendations were reasonable and reasoned. The Panel hearing involves the complainant and staff involved and gives all parties the opportunity to present their respective accounts. The panel deliberates findings and produces recommendations at Director level.

- **Local Government Ombudsman**

The complainant can approach the LGO at any stage, but the complaint will be referred (back) to the Authority if sufficient opportunity has not been given for it to be fully and/or appropriately investigated.

2.6.2 The non-statutory complaints procedure mirrors that of the statutory procedure above but the time limits differ slightly. Table 1 below shows time limits for both procedures.

**Table 1 – Timescales for complaints**

	<b>Statutory Complaint</b>	<b>Non-statutory Complaint</b>
<b>Acknowledgement of complaint</b>	Within 2 working days of receipt of complaint	Within 5 working days of receipt of complaint*
<b>Stage 1 - full response</b>	20 working days from receipt of complaint	15 working days from receipt of complaint
<b>If dissatisfied, request for Stage 2 investigation</b>	Must be received by CYPS within 20 working days of date of response letter from DCC	No timescale specified **
<b>Stage 2 - interim response</b>	Within 25 working days from agreement to commence Stage 2 investigation	-
<b>Stage 2 - final response</b>	Within 65 working days from agreement to commence Stage 2 investigation	Within 20 working days from agreement to commence Stage 2 investigation
<b>Acknowledgement that complaint will go to Stage 3</b>	Within 2 working days of request to go to Stage 3	-
<b>Stage 3</b>	Review Panel convened within 30 working days of request	-
<b>Stage 3 - final response</b>	Within 5 working days of panel meeting	Within 25 working days of commencement of stage 3 investigation
<b>Action to agree issues to be addressed</b>	Within 15 days of final response	-

\*good practice dictates that we aim to acknowledge *all* CYPS complaints within 2 days of receipt.

\*\* we will accept requests to go to Stage 2 of the non-statutory complaints procedure within 1 year of the date of the original complaint, although it is in the best interests of the complainant to lodge his/her dissatisfaction with the Stage 1 response as soon as possible after the response is received.

**SECTION THREE – STATUTORY REPRESENTATIONS -  
COMPLAINTS, COMMENTS AND COMPLIMENTS  
1 APRIL 2007 TO 31 MARCH 2008**

**PART 1 - DATA ANALYSIS AND METHODOLOGY**

**3.1.1** The data provided for statutory complaints within this document is taken from the Social Services Information Database (SSID). SSID is a live database that is constantly being updated.

**3.1.2** Whilst every effort is made to ensure the accuracy of the information contained in this report, the live nature of the database can cause some anomalous results when providing reports on representations over a period of time, as data can be entered retrospectively.

**PART 2 – STATUTORY REPRESENTATIONS - ANALYSIS**

**3.2.1** In order to contextualise the Statutory Representations, it is important to appreciate the level and complexity of the services provided by the Local Authority. Data from SSID reveals that some 5,505 children and young people in County Durham received services from Specialist and Safeguarding in 2007/08.

**3.2.2** In 2007/08, CYPS received a total of 89 Statutory Representations which were recorded on SSID. Of these, 61 were formal complaints (one of which was a Stage Two complaint). Of the total number of contacts with service users and carers this represents a very small proportion; even if each individual service user had only one contact, these figures would mean that 1.1% of service users made a complaint in 2007/08.

The number of complaints received shows a decrease from the 67 received in 2006/07; and the number of recorded compliments has increased from 22 in 2006/07 to 26 in 2007/08. 2 comments were received and recorded, the same number as in 2006/07.

**3.2.3** In 2007/08, 20 complaints (32.3%) were made by children and young people themselves. This reflects a slight decrease from the 2006/07 figure of 35%. It may be that children and young people are more satisfied with the services they are receiving. Plans are underfoot to engage in further direct discussion with groups of young people, in an effort to determine if this is the case, and to find ways of making the complaints process more accessible and easier to use.

**3.2.4** Whilst the numbers of complaints are relatively small this should not lead us to devalue the complaints that have been made. Safeguarding and Specialist Services provide services to families at difficult times in their lives, often in contested and emotionally charged situations. It is imperative that children, young people and their representatives have a voice and that we listen to their views. People who make complaints, in our experience, do not do so lightly or frivolously. Bringing a complaint can be time-consuming, takes



effort and can be very stressful and distressing even when the best efforts are made to make the procedures accessible and straightforward.

We are therefore duty-bound to listen, learn and change as a result of the complaints we receive and to create an organisational culture where complaints are valued and used as examples of practical learning and to develop the quality of our services with policies and planning processes that continuously reflects this. Equally important is the need to have open and honest dialogue with clients and to see them as experts when it comes to understanding need and what works best. CYPS positively encourage Representations in the form of complaints. Any decline in the number of complaints received could mean that service users are extremely happy with the services being provided, or, more likely, that service users were not able to access our Representations process or were not inclined to do so.

### **PART 3 - NUMBERS OF STATUTORY REPRESENTATIONS IN SAFEGUARDING AND SPECIALIST SERVICES 2007/08, BY SERVICE AREA**

**3.3.1** In 2007/2008, of the 89 recorded Statutory Representations, (shown at Table 2 below), 61 (68.5%) were complaints, 26 (29.2%) were compliments and 2 (2.3%) were comments.

**Table 2**

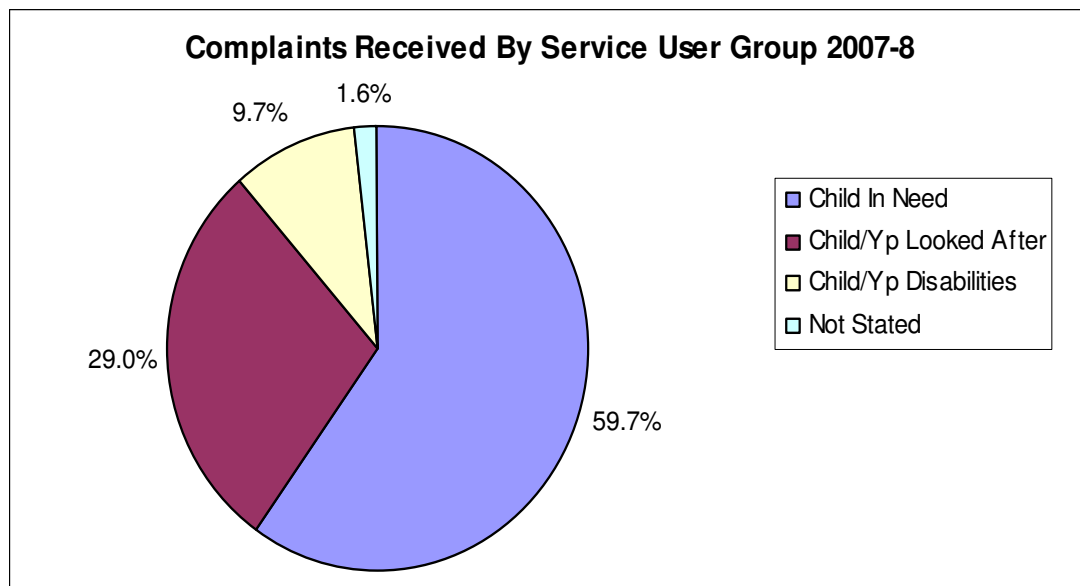
SERVICE AREA	COMMENTS RECEIVED	COMPLIMENTS RECEIVED	COMPLAINTS RECEIVED	
			Stage 1	Stage 2
Children / Young People in Need (CiN)	2	14	37	0
Looked After Children / Young People (CLA)	0	11	17	1*
Specialist Services (Disabled Children/Young People) (Specialist)	0	1	6	0
<b>TOTAL (89)</b>	2	26	60	1

\* this complaint entered directly at Stage 2 of the procedures

**3.3.2** The service area receiving the largest number of representations covering complaints, compliments *and* comments was Children / Young People in Need (CiN) at 59.5% followed by Children / Young People Looked After (CLA) at 32.6%, and Specialist Services (Children / Young People with Disabilities) at 7.9%.

**3.3.3** The service area receiving the largest number of complaints was CiN representing 60.7% of the total number of complaints, followed by CLA at 29.5 and Specialist Services at 9.8% (see Figure 1).

**Figure 1 - Complaints**

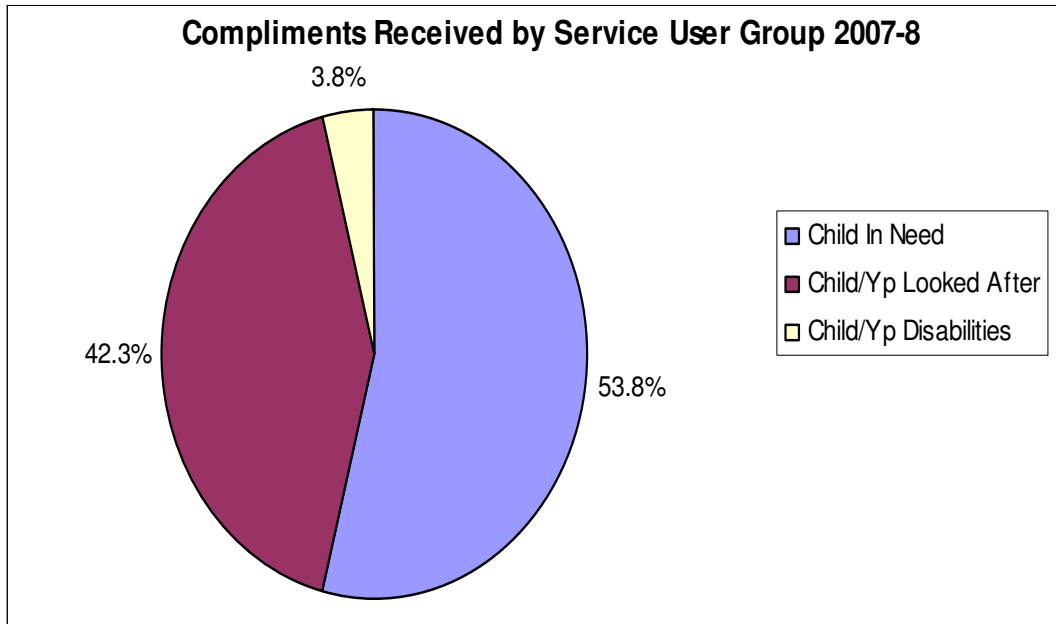


**3.3.4** The service area receiving the greater number of compliments was CiN at 53.8%, followed by CLA at 42.3%, and Specialist at 3.8% (see Figure 2).

**3.3.5** Compliments are historically not well recorded in CYPS SaSS. Last year much attention was focussed on this area, resulting in an increase in recorded compliments from 4% in 2005/06 to 22% in 2006/07. This year has seen a further increase, to 29.2% of all recorded representations. The number of compliments is expected to improve further in the next reporting year, with the introduction of recording onto SSID those compliments received through user surveys regarding SaSS.

**3.3.6** The only service area which received any comments was CiN. Comments can be suggestions as to how a service may be improved and in that regard are neither critical nor complimentary.

**Figure 2 - Compliments**

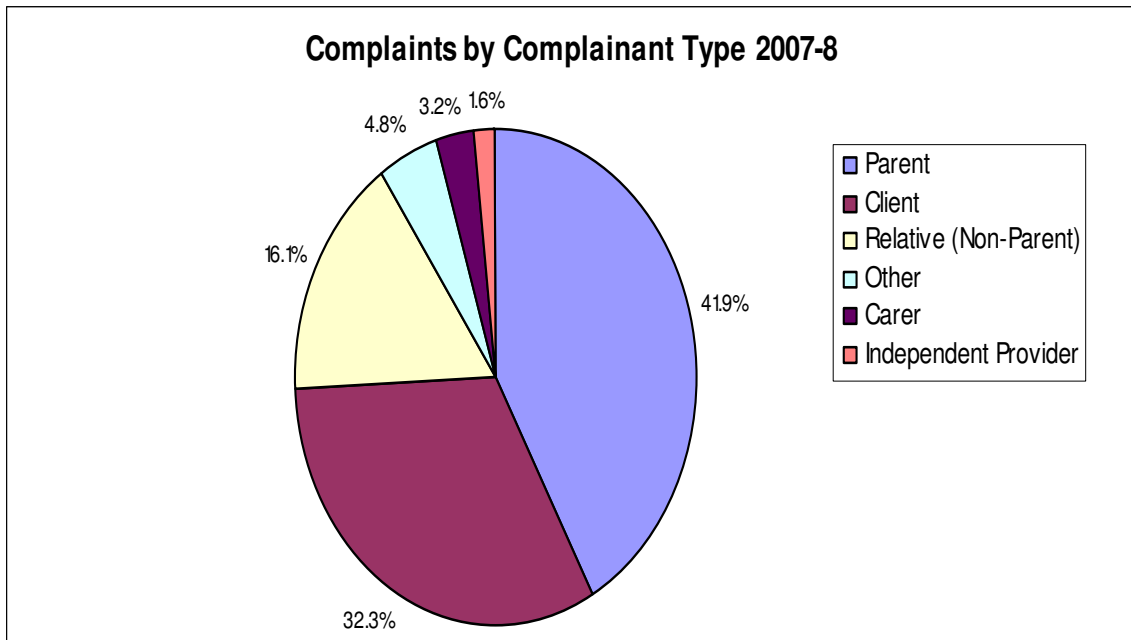


**COMMENTS, COMPLIMENTS AND COMPLAINTS RECEIVED FROM SERVICE USER GROUPS**

**3.3.7** Figure 3 (below) shows that the greatest proportion of complaints (41.9%) were made by parents of the child(ren) or young person/people in receipt of services. (In the previous reporting year this group also formed the highest proportion of complainants, at 40%). Service users (children and young people) constitute the second highest proportion at 32.3% (in comparison with 36% of complainants last year). There is an increase from 13.1% in 2006/07 to 16.1% in 2007/08 of relatives other than parents making complaints on behalf of children and young people. We have seen more grandparents complaining on behalf of their grandchildren, which may account for this increase.

**3.3.8** CYPS contract with the National Youth Advocacy Service (NYAS), through a Service Level Agreement (SLA). Under the SLA, NYAS will provide advocacy in the representations procedure (and for service users in a range of other situations) for those complainants who request it. The small number of complaints brought by advocates (1.6%) is not to be interpreted as the number of complainants supported by advocates. Complainants are advised upon receipt of their complaint of the service available to them through NYAS. Advocacy support can be essential in enabling a complainant to have their concerns articulated and thoroughly aired and explored in a supportive environment. We need to continue to ensure that all those who might benefit from advocacy are pro-actively encouraged to access it.

**Figure 3 - Complaints by Complainant Type**



**PART 4 - DEMOGRAPHIC AND EQUALITY AND DIVERSITY OVERVIEW**

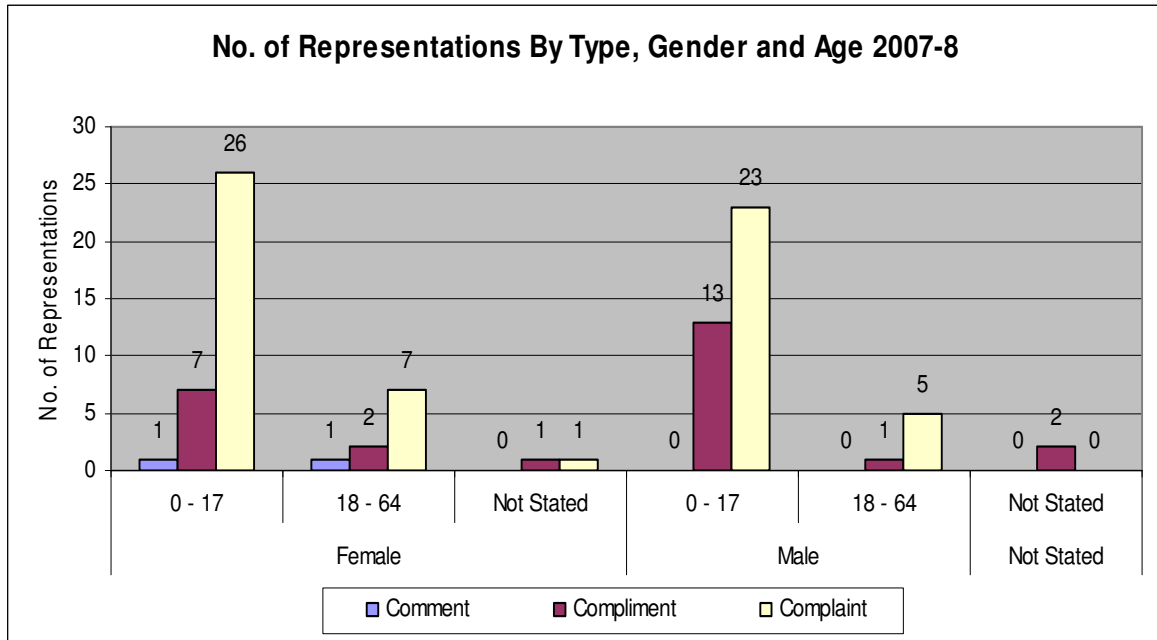
**Age and Gender Profiles of Service Users Making Representations**

**3.4.1** The Representations made by age group reflect demographic trends and are also indicative of the proportions by age of service users. The greatest number of compliments was made by boys and young men aged 17 and under (50%), whereas the highest percentage of complaints were made by girls and young women in the same age group (42%) (see Table 3 and Figure 4 overleaf).

**Table 3**

	Female			Male		Not Stated	Total
	0 - 17	18 - 64	Not Stated	0 - 17	18 - 64	Not Stated	
<b>Comment</b>	1	1	0	0	0	0	2
<b>Compliment</b>	7	2	1	13	1	2	26
<b>Complaint</b>	26	7	0	23	5	0	61

**Figure 4 – Representations by Type, Gender and Age**



**Ethnicity and Diversity**

**3.4.2** 59 complaints out of 61 (96.7%) are recorded as being made by people of White British origin (see Table 4). The proportion of Black and Minority Ethnic Communities in County Durham is less than 2.4%. As communities become settled and their demographic profile changes to include, for example, Polish families, the proportions would be expected to change over a number of years. As Table 4 shows, no Representations were received from ethnic groups other than White British, in 2008/09 we will be working to ensure that we are meeting the needs of all potential service users. This will include carrying out a review Equality Impact Assessment of the Statutory Representations Procedure.

**Table 4**

<b>Ethnicity</b>	<b>Total Representations</b>	<b>Comment</b>	<b>Compliment</b>	<b>Complaint</b>
<b>White British</b>	81	1	21	59
<b>White/Other Background</b>	0	0	0	0
<b>Any Other Ethnic Group</b>	0	0	0	0
<b>Not Recorded</b>	8	1	5	2
<b>Total</b>	<b>89</b>	<b>2</b>	<b>26</b>	<b>61</b>

**3.4.3** There were no complaints recorded specifically in relation to bullying, harassment and/or discrimination.

**3.4.4** To achieve more comprehensive monitoring, the recording of ethnicity became a mandatory field to be completed on the SSID for all clients in the reporting year. Previously it was a mandatory field only when entering new client details. It is pleasing to note that complainant ethnicity was recorded for 97% of complaints received.

**3.4.5** It should be noted that the recording of ethnicity for compliments and comments is not always practicable due to the variety of methods that are used to communicate them and how they are received. This accounts for the fact that 9% of Representations had no recorded ethnic status. Future developments include sending a ‘Satisfaction Survey’ form to all complainants with the complaint response letter, which will include equalities information.

**3.4.6** As County Durham currently has a relatively small population of Black and Minority Ethnic communities, we are mindful that levels of isolation, lack of knowledge about services and absence of family and community support may be greater than in other areas where communities are larger. We will continue to monitor ethnicity information with regard to Representations, as well as developments regarding expanding communities (for example, the Polish community in Derwentside), with a view to ensuring that we are meeting their needs.

## **PART 5 - FORMAL COMPLAINTS IN SAFEGUARDING AND SPECIALIST SERVICES**

### **Comparative Trends by Reporting Year**

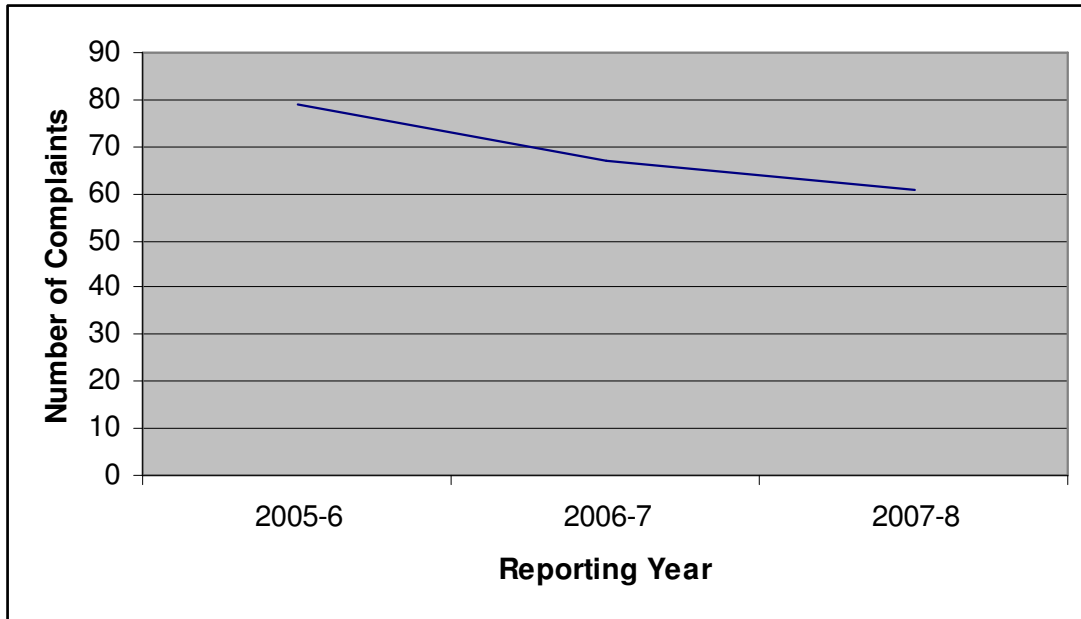
**3.5.1** This year has seen a decrease in the number of complaints received in children’s social care, continuing the trend of the past couple of years, as illustrated in Table 5 and Figure 4 below. The most likely reasons for this are a combination of;

- The focus on the early resolution of concerns by staff. This is a most welcome development and acknowledgement is given to the hard work, improved communications and commitment shown by staff to improving their responsiveness to service users and carers.
- Improvements in services to children and young people, as exemplified in Part 8 of this report.

**Table 5**

Reporting Year	2005-6	2006-7	2007-8
Complaints	79	67	61

**Figure 4 - Comparative Trends by Reporting Year**

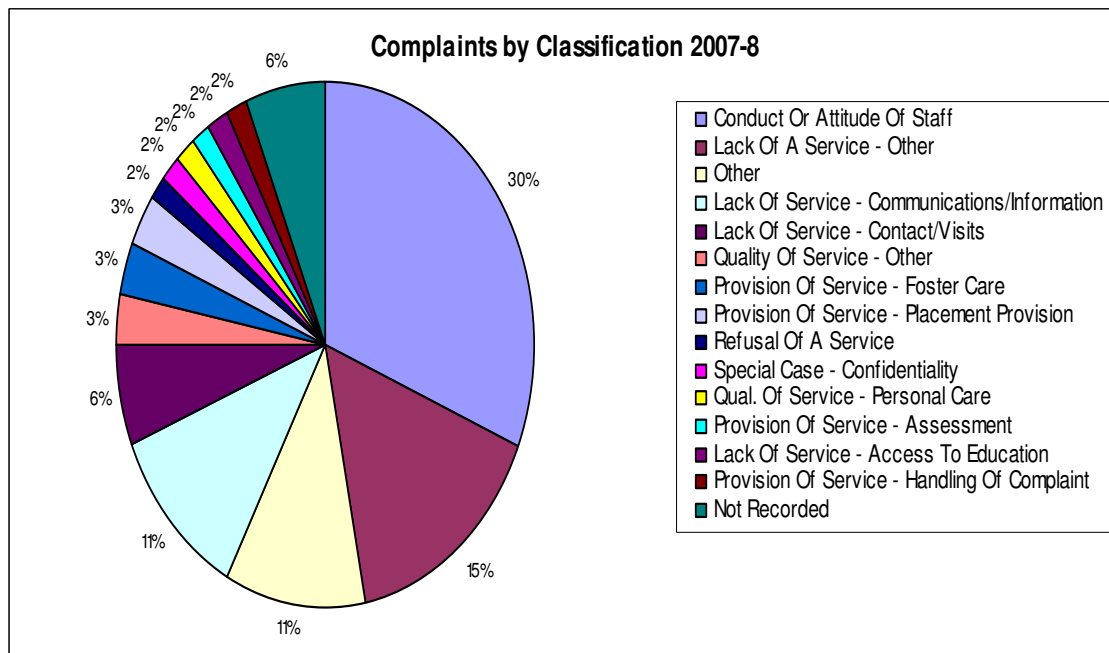


Note: This equates to a drop of 22.8% in complaints over 3 years.

**PART 6 - CAUSES OF STATUTORY COMPLAINTS**

**3.6.1** Throughout the period from 1 April 2007 to 31 March 2008, statutory complaints were received from service users and their representatives about a wide range of issues. Table 6 and Figure 5 below indicate a summary of the causes of complaints received. It should be noted that complaints can have more than one cause, therefore these will exceed the number of actual complaints. One complaint may refer to several incidents and may therefore be recorded several times (see Part 4 of this report for examples of complaints received).

**Figure 5 – Complaints by Cause/Reason**



**Table 6**

<b>Classification of Complaint</b>	<b>No. of Complaints</b>	<b>% (of total by Cause) 2007/08</b>	<b>% (of total by Cause) 2006/07</b>
Conduct Or Attitude Of Staff	20	31.3	26.1
Lack Of A Service - Other	10	15.6	15.9
Other	7	10.9	18.8
Lack Of Service - Communications/Information	7	10.9	4.4
Lack Of Service - Contact/Visits	4	6.3	1.5
Quality Of Service - Other	2	3.1	7.3
Provision Of Service - Foster Care	2	3.1	-
Provision Of Service - Placement Provision	2	3.1	1.5
Refusal Of A Service	1	1.6	-
Special Case - Confidentiality	1	1.6	-
Qual. Of Service - Personal Care	1	1.6	1.5*
Provision Of Service - Assessment	1	1.6	-
Lack Of Service - Access To Education	1	1.6	-
Provision Of Service - Handling Of Complaint	1	1.6	-
Not Recorded	4	6.3	
<b>TOTAL NO OF CAUSES</b>	<b>64</b>		

\*2006/07 percentage recorded as 'Quality of Service – Privacy'

**3.6.2** The only service area which received any comments was CiN. Comments can be suggestions as to how a service may be improved and in that regard are neither critical nor complimentary.

**3.6.3** As in 2006/07, the *conduct or attitude of staff* continues to constitute the largest category of complaint at 31.3%. This represents an increase of 5.2% from that year. This is a complex area to analyse as many complaints show that although the allegation is about a member of staff, that person is actually working appropriately and within the legal framework. Particular examples are given in Part 4 of this report.

**3.6.4** *Lack of a service (Other)* also shows a slight increase from the preceding year.

Both increases should be noted against the corresponding decrease of 7.9% in the figure for *Other*, as well as the increased number of categories of classification. These show that the recording of the classification of complaints on SSID has improved over the reporting year, so that reasons behind complaints are much more specific, which is essential in identifying areas which require improvement.



## **PART 7 - ACHIEVING TIMESCALES**

### **Acknowledgement**

**3.7.1** During the reporting year, 86.4% of complaints received were acknowledged within the timescale of 2 days. Further staff have now been trained in the logging and acknowledgement of complaints, so that this can be done in the absence of the CO. This should result in an improved figure for the next reporting year.

### **Stage One**

**3.7.2** Table 7 below shows the completion timescales for Stage One Complaints. Stage One Complaints should be completed within 20 working days of receipt. This can be extended if there are prevailing reasons why completion cannot be within the minimum period, and if agreed with the complainant.

**Table 7**

#### **Stage 1 Complaints Received in 2007-8 Completed Within:**

	<b>0 - 10 Days</b>	<b>11 - 20 Days</b>	<b>21 - 30 Days</b>	<b>31 - 40 Days</b>	<b>41 Days or More</b>
<b>No. of Complaints</b>	21	14	7	6	13
<b>Percentage</b>	34.4	23.0	11.5	9.8	21.3

**3.7.3** The overall performance may appear disappointing as only 57.4% of complaints were responded to within the maximum target of 20 working days. This compares with 63.8% in 2006/07 and 49.3% in 2005/06. Account should be taken of the increasing complexity of some of the complaints. The reduction in the overall number of complaints is countered by the fact that those concerns that have progressed to complaints have generally been much more complex and in some cases have involved partner organisations, and in these circumstances the timescales for completion can be unrealistic. Sometimes delays have been at the request or availability of the complainant or delays have been incurred where the Investigating Officer is awaiting information from external sources.

### **Stage Two**

**3.7.4** Stage Two complaints investigations have completion timescales of 25 working days from the date that the request to progress to the next stage is received. Extensions can be requested, as per the statutory guidance, up to a maximum of 65 working days. During 2007/2008, one complaint was received which, due to its complexity, was taken directly to a Stage 2 investigation.

There were a total of 18 areas of concern within the one complaint, relating to the Foster Care placement of 3 children, some of which were broken down further into sub areas. The Investigation was very thorough and, with the

permission of the complainants, went over the 65 day timescale. This was in part due to the complainants' own non-availability during periods of the investigation.

### **Stage Three**

**3.7.5** During the reporting period there were no Stage 3 Review Panels.

**3.7.6** Where there are complex issues to be investigated a balance has to be struck between achieving a thorough and comprehensive report and completion within timescales. In these circumstances the timescales can be unrealistic. It is interesting to note that this issue is being addressed in the Department of Health's changes to the statutory complaints procedure for *adults* social care services, to be introduced in April 2009.

## SECTION FOUR – OUTCOMES AND LEARNING FROM SAFEGUARDING AND SPECIALIST SERVICES REPRESENTATIONS

### PART 1 - COMPLAINTS

**4.1.1** The following examples aim to give a flavour of the diverse range of complaints that were received in the reporting year regarding Safeguarding and Specialist Services. Only very brief details are given in an effort to maintain confidentiality. The examples provided illustrate a snapshot of the issues complained about, and show how outcomes are provided to the benefit of the service user, in addition to highlighting learning points that have informed future policy and practice.

#### **Conduct or Attitude of Staff**

- A father was unhappy with his perceived lack of contact from his Social Worker, whom he felt was not keeping him informed about his daughter. Investigation revealed that there had been some problems with his telephone; once these had been resolved the Social worker was able to keep him informed.
- A grandmother complained on behalf of her mentally disabled grandson, about a carer who got into a minibus with a hot drink which was accidentally spilled onto the boys legs. As a result of this complaint, strict instructions were given to staff that under no circumstances should hot drinks be taken onto buses where there were children.
- A father was interviewed by a Social Worker regarding allegations of physical abuse made by his son. He complained about the Social Worker's conduct, which he felt to be inappropriate and intimidating. The Team Manager arranged a meeting with the complainant and following a discussion, in which he was made aware of the facts regarding safeguarding children, he was satisfied that the Social Worker had acted appropriately.

#### **Lack of Service – Communications/Information**

- A mother complained about misinformation given to her regarding a plan of action for her teenage son with Aspergers syndrome. Whilst the complaint was not upheld, as a direct result of discussions with the mother, additional training was provided for staff about autism and Aspergers syndrome.
- A father complained as he felt that his family, and in particular his eldest son, were not receiving any help, and that the Social Worker had failed to attend for appointments on numerous occasions. The family were allocated a different Social Worker; and as a result of this complaint decisions were taken that Care Team meetings would be

held every 4 weeks to enable appropriate information sharing, and a written agreement would be drawn up between service user and Social Worker outlining their role and the frequency of their visits.

#### **Lack of Service – Contact/Visits**

- A mother was concerned about the lack of information regarding her son who was in care. The Complaints Officer 'phoned the mother and was able to recall the dates of contact, telephone calls and meetings which Social Workers had arranged; on reflection the mother felt that perhaps they were doing their job and she was happy to withdraw the complaint. Further to this the mother was informed of her son's new placement, which she was delighted with.

#### **Lack of Service – Other**

- A grandmother complained that her grandson arrived late for a contact meeting; she had also witnessed the driver of his transport leaving him unattended in the car. Investigations revealed that the driver had left the child momentarily in the car as the weather was very bad, while he checked that he was at the correct place; the car was locked and the child was in his view throughout. He appeared to be late due to an administrative error. Both the driver and the time had been organised by a partner agency and action was taken to bring these matters to their attention. The complainant was given a full apology; whilst being reassured that this was an exceptionally rare occurrence (over 108,000 journeys of this nature are made each year).

#### **Provision of Service**

- A relative caring for a child under a residence order was very unhappy regarding lack of information given to her, and lack of support to the child's mother; and also wished to find out if she was eligible for any financial assistance as the child's new carer. The complainant, who lived outside County Durham, was offered a full apology. An assessment confirmed she was eligible for financial assistance (backdated). Within the service concerned, action was taken to ensure that in future situations of this complexity, a suitably qualified Social Worker is allocated to the case. Consideration was also given to partnership working with families in crisis situations, and a decision was made that early intervention by way of Family Group Conferencing should take place.

#### **Refusal of a Service**

- A mother was unhappy with the lack of response from social workers to place her daughter in a safe environment. The daughter was on medication, had tried to take her own life and kept running away from home. The mother had taken time off work but was now in a situation where she felt unable to control her daughter, who she felt was a risk to herself. The complainant was very happy when her daughter was taken into one of the local Children's Centres for 6 weeks where she could receive 24 hour care and supervision.

## **Other**

- A young person in a children's residential home complained about one of the other residents, saying that he was disrupting her sleep most nights by shouting and banging things. A meeting was arranged with the complainant, who was informed that a Care Planning Meeting would be arranged to look at how best to meet the other young person's needs, whilst maintaining a more settled environment for the other residents of the children's home.

This latter example is quite typical of many of the complaints which come in from young people; often they are about other children and young people who share their residential accommodation. Managers and Social Workers endeavour to address these complaints as best they can. Even if the final outcome is not always an ideal solution, the complainants are usually happy that their complaint was addressed and that they were listened to.

**4.1.2** The underlying message from these examples is that communication is key to building and retaining the confidence of service users and their representatives. Lack of communication is the root cause of many of the statutory complaints received. The reasons for this are many-fold, and include assumption of service users' knowledge, inability to contact service users during working hours, staff shortages (for example during holiday periods). Although none of these are valid reasons for not keeping service users informed, the relatively low ratio of complaints to contacts suggests that, in the main, the service is working hard to maintain good levels of communication with children, young people and their representatives.

### **4.1.3 Compensatory Redress**

Compensatory redress will only be considered where there is some evidence of shortcomings that may be construed in the Local Government Ombudsman's definition of maladministration. There were no statutory complaints involving compensatory redress during the reporting year. We recognise, however, that where our responsibility for failings, that have caused losses and significant emotional distress, is clear, our duty is to acknowledge that and avoid further distress to the complainant.

**4.1.4** Responsiveness to representations, and an organisational culture that receives and deals with representations positively and creatively, will ultimately result in a genuine partnership with service users. This will produce services that are led by the needs of users, rather than the needs of the organisation. For staff, learning from representations, especially complaints, which can be very stressful for those involved, should be conducted in a supportive environment to ensure that lessons learnt are valued and implemented.

**4.1.5** Much progress has been made over the years in creating an organisational culture that has shifted from a blaming and closed culture to one that is open and fair and work must continue to secure further development in this area.

## **PART 2 - COMPLIMENTS**

**4.2.1** Compliments are historically not well recorded in SaSS. During the year 2006/07, attention was focussed on this area, with SaSS staff being made aware that where compliments were received, for example in the form of cards from service users, these should be brought to the attention of the CYPS Complaints Officer for recording. As a result, the figure for recorded compliments, as a percentage of total representations, rose from 4% to 22%; this figure has shown further improvement during the reporting year, to 26%.

It is expected that this figure will increase further during the next reporting year, as a procedure of recording onto SSID any compliments received via completed survey forms will be fully embedded. It is important that staff know they are appreciated and acknowledged.

**4.2.2** Examples of compliments received during the reporting year are given below:

- I simply want to offer my gratitude to the significant effort that you and your staff have made with the care of this child with complex needs and challenging behaviour.
- I commend Durham County Council in its commitment to ensuring [child's] best interests are served.
- [Young person] was very grateful to staff for changing their rotas so he could go away on holiday.
- Thank you to all staff for support and help to achieve the reunion of the family.
- Thank you to [Social Worker] for help in an emergency situation and for keeping a young person safe.
- [Young person] thanks the CATs team for all their help and opportunities.
- Quality of work provided to the Courts by [Social Worker] in relation to [two children].

## **PART 3 - COMMENTS**

**4.3.1** CYPS actively seeks the comments of its service users, in order to inform service improvements and developments. CYPS P&P team send out a number of surveys to children, young people and their carers, to ask for their comments about their contact experience with staff from SaSS. At the time of writing this report, the procedure of recording onto SSID any comments received via completed survey forms has recently begun. We also continue to work closely with colleagues in Investing in Children (IIC), in order to gain at first hand the comments and views of young people in the County.

## **SECTION FIVE – NON-STATUTORY REPRESENTATIONS IN CHILDREN AND YOUNG PEOPLE’S SERVICES 2007/08**

### **PART 1 - BACKGROUND**

**5.1.1** Children and Young People’s Services incorporates six service areas:-

- Finance Services
- Strategic Commissioning
- Extended Services
- Achievement Services
- Access and Inclusion
- Safeguarding and Specialist Services (SaSS)

**5.1.2** The Corporate Complaints Procedure, which is non-statutory, applies to the first five of these service areas; SaSS adheres to the statutory Representations Procedure.

**5.1.3** Complaints outside the jurisdiction of the CYPS Complaints Officer (as mentioned in section 1.4 of this report – school-based complaints, complaints about school crossing patrols, disagreements regarding appeal decisions, and so forth) are not included in this report. It is worth noting however that the CYPS Complaints Officer receives numerous enquiries about such matters, which are then forwarded on to the relevant service area. In an effort to provide good customer service, it is often necessary to spend time listening to complainants by phone, to appropriately assess who they should be re-directed to.

### **PART 2 – NON-STATUTORY REPRESENTATION ANALYSIS**

#### **5.2.1 Number of Representations**

A total of 11 non-statutory complaints, two of which went to Stage 2, and over 70 compliments were received during the reporting period. Many of the compliments come from other professionals, including Head teachers and staff of schools, and partner organisations.

**5.2.2** In addition to these figures, a number of complaints were received which were informally resolved, with the agreement of the complainant, without the need to progress to Stage 1 of the Corporate Complaints Procedure. This is an example of the good practice encouraged in the Department for Children, Schools and Families (DCSF) document ‘Getting the Best from Complaints’. Although this document was intended as guidance for implementing the Children Act 1989, with regard to social care complaints, the messages it portrays as part of the Every Child Matters (ECM) agenda can also relate to non-statutory complaints, as there is “an emphasis on resolving problems quickly and effectively.”

**5.2.3** As mentioned in Part 2 of this report, during the reporting year, the acknowledgement of non-statutory representations was carried out in the former Education department, under the previous organisational arrangements. Complaints were allocated to the Head of Service of the service area concerned, for investigation and response by an appropriate Senior Manager. Due to the relatively small number of complaints received, a non-statutory complaints database was not maintained. However, paper copies of all complaints received during the period are retained.

## **PART 3 - OUTCOMES AND LEARNING**

### **Complaints**

**5.3.1** The following examples aim to give a flavour of the diverse range of complaints that were received in the reporting year regarding Children and Young People's Services, and which were actioned at Stage 1 of the Corporate Complaints Procedure. As with the examples of statutory complaints, only very brief details are given in an effort to maintain confidentiality. The examples provided illustrate a snapshot of the issues complained about, and show how outcomes are provided to the benefit of the service user, in addition to highlighting learning points that have informed future policy and practice.

- A complaint regarding the non-payment of invoices to a taxi operator (employed to take a pupil to the Pupil Referral Unit) resulted in the complainant being provided with an explanation of the processing of claims and why the delay had occurred. The complainant was not satisfied with the outcome and requested that the complaint be investigated under Stage 2 of the procedure. Following this, recommendations were made which included a Contract for Passenger Transport Services being applicable to all transport operators, and the complainant was satisfied.
- A second complaint related to the Local Authority's handling of a request for transfer of a child to a special school placement. The complaint was referred to DCC by the Local Government Ombudsman (LGO) for investigation. On completion of the Local Authority investigation and in an attempt to resolve the complaint, the Authority apologised for the delay which had occurred between the Annual Review meeting and the date of issue of the Proposed Statement. Arrangements were made for the complainant's child to be admitted to a special school of choice in advance of the original date indicated.
- A National Youth Advocate complained on behalf of a young person who had previously attended a Special Educational Needs (SEN) Centre. The young person felt that, as he did not have behavioural difficulties, he should not have been sent to this particular school. The investigation, which went to Stage 2, found that the professional involved had taken care to ensure that the young person was well placed at the correct school, that he made progress and that he had



seemed to be happy there; that he was well supported and that his views had been sought during his time at the school.

- A parent felt that a school had been neglectful in their duties in not providing necessary support for her daughter whose grades were being negatively affected. She was requesting an assessment by the Educational Psychologist. The child's learning needs were identified by the Educational Psychologist who deemed that an assessment would not benefit the child, whose grades were in line with targets.
- A parent complained about a lack of provision of Speech and Language support which was refused to her child at an appeals panel. The child was reassessed by the panel who were provided with more information and hence were able to consider the child's complete spectrum of needs. The panel felt that, on balance, the child met the criteria of specific language impairment and provided a Learning Support Assistant for 30 minutes, twice a week.
- A parent attempting to claim back travel expenses criticised the lack of communication from staff and objected to being passed from one department to another before receiving any assistance. The parent felt that the member of staff was unprofessional with poor customer relations. There had been a misunderstanding and it had not been the intention of the member of staff concerned to avoid the complainant. Sincere and unreserved apologies were offered.
- A mother complained about the attitude and tone of an Educational Welfare Officer on the phone. A meeting was arranged with the complainant to discuss her complaint, and a number of individuals were interviewed about the incident. There appeared to be different perceptions of the same conversation, but as customer care is a high priority of the service, apologies were offered to the complainant, and the issues she had raised were followed up in service staff development arrangements.

## **Compliments**

**5.3.2** Over 70 compliments were received during the reporting year, including a letter of congratulations from the then Prime Minister Tony Blair when the Council gained Beacon Status for School Improvement; and a poem about her experience with Sure Start written by a parent. Further examples of compliments received during the reporting year are given below:

- Many thanks for taking part in the session this morning with Councillor [name]. He was very appreciative and although the session overran he indicated he would have been quite happy to stay all day!
- We could not have used our roles as governors effectively without the excellent service provided by the School and Governor Support

Service. Link Officers and Heads of Service have carried out their duties professionally, cheerfully and at all hours of the day and night!

- I am writing to say thank you for the support we received, both before and during our recent Ofsted inspection, from a number of personnel within the LA.
- I would like to say thank you to whoever got the school a technician out yesterday.
- I am writing on behalf of [school] to acknowledge the impact of the recent exhibition on Anne Frank hosted by the school...The feedback from all concerned, including students, staff, governors, his Worshipful Mayor of [town] and members of the local community was very positive.

## SECTION SIX – LOCAL GOVERNMENT OMBUDSMAN

**6.1** The Local Government Ombudsman's (LGO's) annual letter to Durham County Council was published in June 2008.

**6.2** In the reporting year one complaint was considered by the LGO about children's social care services. This compared with 3 complaints in the year 2006/2007 and 3 in 2005/2006. A further 7 non-statutory complaints were referred to the LGO, as compared with 8 non-statutory complaints in 2006/07 and 5 in 2005/06.

**6.3** It is pleasing to note that Durham County Council's performance against the 28 day target set by the LGO on response timescales have steadily and continuously improved. Responses now average 23.3 days, in comparison with 30.0% in 2006/07 and 33.9% in 2005/06. The percentage of County Councils responding to Ombudsman enquiries within the 28 day target in 2007/08 was 47.1%.

**6.4** The Ombudsman's Annual Letter reported three cases of 'maladministration causing injustice' in relation to children's social care provided under the contracts of three other local authorities. An examination of this council's existing systems, procedures and safeguards is taking place in order to establish whether or not they are robust or if additional safeguards needed to be introduced to ensure that similar incidents do not occur in county Durham. The examples given are shown below:

- A Council failed to make even basic checks before placing two young children with a man and his adult daughter for fostering. The Council also failed to provide financial or other support, or make social work visits to the children for several weeks after the placement began.
- A Borough Council acted unfairly over additional payments to different categories of foster carers. The Ombudsman said that the Council "unreasonably discriminated" in that it did not make the same additional payments to foster carers who were related to the children they fostered as it did to other foster carers. The Council accepted the Ombudsman's recommendations for resolving the complaint, and agreed to pay £2,872.39 to the complainant and review its kinship care policy.
- A County Council mishandled the social care needs of a family, and failed to provide properly for one of their daughters' special educational needs. The Ombudsman said "...education and social care professionals did not work together effectively with one another and with the health care professionals involved, to ensure that not only [the girl]'s needs, but those of her parents and siblings were met."

**6.5** In particular, the implementation of the Common Assessment Framework (CAF) as part of the Every Child Matters agenda will help to alleviate instances like the latter example. The CAF was developed to promote more effective, earlier identification of additional needs, particularly in universal services. It is intended to provide a simple process for a holistic assessment of a child's needs and strengths, taking account of the role of parents, carers and environmental factors on their development. Practitioners are then better placed to agree, with the child and family, about what support is appropriate. The CAF will also help to improve integrated working by promoting co-coordinated service provision. Over the course of the reporting year, the CAF has gradually become more embedded in the working practices of SaSS.

**6.6** Anne Seex, the LGO for the North of England included the following message in her annual letter to DCC:

“As a result of Secretary of State’s decisions on the future structure of local government in Durham this is the last Annual Letter that I shall be sending to the Council in its present form. I should like to take this opportunity of thanking all the members and officers who have dealt with my office for their courtesy and co-operation and wish you well for the future.”

## SECTION SEVEN – NATIONAL AND LOCAL DEVELOPMENTS

### PART 1 - NATIONAL DEVELOPMENTS

**7.1.1** During the summer of 2007 the Department of Health (DH) published a consultation on new proposals for health and *adult* social care statutory procedures, detailing the commitment to reform complaints handling in the NHS and *adult* social care. The DH has now published its response to the consultation, '*Making Experiences Count*', on reforms to the Health and Social Care Complaints' Procedures. As a result, from April 2009, the complaints framework in health and *adults* social care will be reduced to two stages, Local Resolution and the Ombudsman. Timescales for Local Resolution will be as agreed between the complainant and the service. It is anticipated that this procedure will eventually be rolled out across children's services statutory complaints, and with this in mind we will be monitoring developments with our colleagues in Adult and Community Services when the new procedure gets underway. If this is eventually adopted by CYPS, one implication will be that recording/reporting of meeting timescales may become more complicated, as each individual case will have a different target timescale. However, service users should benefit, as the exact details, required outcomes and timescales of complaints will be agreed at the outset.

### PART 2 - LOCAL DEVELOPMENTS

**7.2.1** The County Council's Standards Committee continues to be involved in the scrutiny of complaints. Members monitor the numbers and content of all representations. Particular focus is placed on complaints that relate to staff conduct/attitude issues, in particular, to ensure that there are no recurring themes that are not being addressed.

**7.2.2** The Authority has continued with its Service Level Agreement with the National Youth Advocacy Service (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 covers advice and support in respect of non-complaints issues.

**7.2.3** During the reporting year DCC Corporate Legal Services were establishing a pool of independent persons, trained in the role of Chair and Panel members for Stage 3 Review Panels. Previously, these roles were carried out by appropriately qualified and trained persons from the same private consultancy which provides Investigating Officers and Independent Persons at Stage 2 investigations. The move to employing people from a Durham pool has been taken to provide an even greater level of transparency and independency of review for complaints taken to this level. It will also result in financial savings.

## **PART 3 - SERVICE IMPROVEMENTS – ‘GOOD NEWS STORIES’**

**7.3.1** There have been a number of improvements made across CYPS over the reporting year, which may help to reduce the number of complaints. Brief details of a few of these are given below.

### **7.3.2** In Safeguarding and Specialist Services:

- Successful Permanence Strategy which has placed over 30 children in permanent foster placements since January 2007.
- Post Care Support to facilitate children leaving the care system and moving to Special Guardianship, without losing social work support.
- Exclusion Pilot to support foster carers dealing with children who have been excluded from school.
- Implementation of Staying On policy - more young people remaining in children's homes until the age of 18 or almost 18.
- Expansion of Supported Lodgings service to provide increased placement choice for young people leaving care.
- Review of financial assistance to care leavers in higher education - supported by increased investment from DCC.
- Changes made to a residential home - a bedroom closed and made into additional sitting area, changes in furniture and lighting; and increased training for staff to increase ability to cater for those children on the Autistic spectrum with associated challenging behaviour
- Within the Disabled Children and their Families team, agreement to reconfigure the service to 0-13yrs and 14-18yrs, with additional social work resources. This means less delay for parents because of an additional Social Worker (SW) for initial assessments, the ability to meet a 7 day timescale, and improved transition work because of an additional SW in transition work.

**7.3.3** In the area of providing fair and equal access to high quality services, CYPS is proud to announce that:-

- 100% of all children and young people with a disability have access to a school place.
- Admissions and school transport literature is now available in 7 languages accessible directly from the School Choice Advisers.

In addition, within the Countywide Children's Admin Team

- Reception staff have attended 'language is everything' training (formerly known as Essential Interpreters Translations International training).
- Admin staff are able to access interpreter services if visited by any member of the public who does not speak English.
- Meeting facilities are available on ground floor (and toilets are also accessible on the ground floors of offices).
- Panel admin hold a mobile loop system for anyone attending premises to panel with hearing difficulties.

**7.3.4** In the area of providing fair and equal access to employment and learning,

- An audit has been undertaken to establish a profile of children and young people who use our services by age, gender, disability, ethnicity and religion. This has shown that the increase in the numbers of children for whom English is a second language entering Durham schools is accelerating. The number of inductions for first time entrants to Durham Schools by the Ethnic Minority and Traveller Achievement Service has increased from 68 in 2004/05, to 190 in 2005/06, to 265 in 2006/07
- In 2006, the percentage of Gypsy, Roma and Traveller students achieving five or more GCSEs, including English and maths, was twice as high in County Durham as it was nationally in 2006. (Attendance 2006 88% primary/77% secondary against national GRT average of 75%); and attainment among seven and 11 year olds from Gypsy, Roma and Traveller families was also higher in County Durham than it was nationally.
- One of the pilot schools on the Gypsy Roma Traveller Achievement Programme has been singled out as an area of national best practice and will be featured on a DVD that will be used by schools across the country.

Developments in the Countywide Children's Admin Team include

- Foster carers or Adopters who apply to Durham where their first language is not English are able to access Interpreter services.
- Re references supplied for applicants who have lived in other countries and whose references are supplied in other languages, Team arrange translation and liaise with Embassy etc.

- Re applicants who are visually impaired, information is produced in larger fonts, transferred to tapes etc.

In addition, within the Student Support Team

- Advice and guidance to are provided County Durham students and, by working in partnership with Higher Education Assessment Centres throughout the UK, a further 112 Durham County students with disabilities entering Higher Education are eligible and in receipt of funding from the Disabled Student Allowance, which provides support for specialist equipment, travel, non-medical helpers, specialist tuition and other resources throughout their course of study.
- Work has taken place with the Home Office, solicitors, National Society for the Prevention of Cruelty to Children (NSPCC), social workers and foster carers to make an assessment of loan, grant, fees and disability support to two students (brothers) with severe disabilities who were originally refused financial support due to their asylum seeker status and application for discretionary leave to remain in the country.

**7.3.5** In the area of improving information and communication, improvements include:

- Education Welfare Service (EWS) correspondence with parents about non-school attendance has been translated into Polish.
- More children with Learning Difficulties and Disabilities are now educated closer to home as an outcome of the work of Communities of Learning and capacity building in special schools and mainstream schools. Out-of-County placements have reduced from 121 in 2003 to 74 at present.
- Reception staff in the Countywide Children’s Admin Team have been nominated to attend the ‘Understanding Deafness and Communication Tactics’ one day course.

**7.3.6** In our work with communities, partners and other organisations, DCC is proud to say that County Durham’s Fostering Service in an Annual Inspection was judged as Excellent. The inspection report recognised that “The service works to provide carers that value issues of equality and diversity ....”.

- A Primary School was the first school in County Durham to be given the opportunity to hold the Family Learning Course “Everyone is Equal”, fifteen parents/carers and their children from Y5 and Y6 took up the opportunity to attend the course.
- Funding was secured to make four short films with children 12 years and under, living in County Durham and inspired by local architecture



and the built environment. The subject of the film is regarding a Gypsy family moving into a new school and it was felt that working with other young people on the film project would have multiple benefits for all concerned.

- Anne Frank Story - The Anne Frank Trust UK has subsidised this pilot project in County Durham which enjoyed high levels of multi agency support (with 35 participants from 8 different agencies attending CPD). The pilot project worked in Sedgefield Community College, Sunnydale College for Maths and IT and Ferryhill BEC. It also spent 1 day in the Pupil Referral Unit. Using the Anne Frank story, the exhibition explores the horrors of the Holocaust and through this examines bullying, prejudice, racism and wider issues of democracy. It has been used in a cross curricular way by the schools involved and has enhanced and developed the History, Drama, RE Citizenship and English curriculum.

### 7.3.7 In CYPS Extended Services

- County Durham Youth Engagement Service (CDYES) and Durham Constabulary, supported by the Children's Executive Board and Local Criminal Justice Board, have developed an innovative pre reprimand disposal to reduce the numbers of First Time Entrants to the Youth Justice System. This three year pilot, which commenced from 1 May 2008, has the aim of will targeting young people aged from 10 up to their 14<sup>th</sup> birthday, who commit their first offence and who would otherwise receive a Police reprimand. This targeted intervention will improve outcomes for young people.
- CDYES works alongside criminal justice partners to ensure that the most high risk/high need young people access mainstream services to address offending behaviour. This is done via a multi agency Prolific and Priority Offenders (PPO) Premium Specification ensuring fast track access to services to positively impact on the rate of re-offending. This youth intervention strategy is based upon research by Henry Giller (Social Information Systems), and has been commended as good practice by Bernard Laine (Home Office PPO Premium lead).
- An (Outreach) Children's Centre is engaging with Polish parents/carers in their services.
- The Enhanced Youth Service Inspection found that "The Youth Service is good and provides good value for money, allowing young people to achieve well. Youth workers deliver consistently high standards across a wide range of provision in conjunction with partners." [Ofsted December 2007]
- A congratulatory letter was received from Beverley Hughes, Minister of State for Children, Young People and Families, on achieving designated status for all 43 Children's Centres ahead of the deadline.

- The NEETs target was achieved for the first time in County Durham – actual performance was 10.4% against the target of 10.5%. The rate of improvement was over twice the national rate of improvement.

**7.3.8** Improvements in other areas of CYPS over the reporting year include:-

- 'Student Support Open Evenings' have been initiated by the Student Support Team, as a result of requests by service users. Previously, presentations on the delivery of Higher Education financial support were made on one evening, at County Hall. Now, presentations take place over a number of evenings in various schools and colleges. The feedback, mainly from parents has been very positive.

## SECTION EIGHT – AREAS FOR FUTURE DEVELOPMENT

**8.1** We continue to strive to improve response times and the quality of responses provided to complainants. With this in mind, and due to the increasing complexity of complaints being received, a more robust tracking system is being created with the aim of ensuring that complainants are kept more fully informed of the status of their complaint, should it go outside the target timescale.

**8.2** The integration of what were formerly two separate systems for the receipt, logging, acknowledgement, tracking and investigation of complaints will lead to the development of a Representations Guidance Document for managers and staff throughout the whole of CYPS. 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.

**8.3** As a further development in the integration of CYPS statutory and non-statutory complaints, it is intended to send a copy of a 'Satisfaction Survey' form with the response letter to *all* complainants. This form was previously sent out with responses to non-statutory complaints; it has been recognised as an example of good practice. The form will also include equalities information, to enable improved recording and monitoring of this information.

**8.4** The CYPS P & P team issue a number of surveys to children and their families regarding the services they have received from CYPS SaSS. A procedure of recording onto SSID any comments and compliments received via the completed surveys will be fully established, resulting in an increase in the number of compliments and comments regarding statutory services.

**8.5** The CYPS P & P team co-ordinate the reviewing all CYPS documents, and of the Equality Impact Assessment (EIA) process. Where complaints and comments received result in changes to procedures and working practices, changes to the relevant documentation will be initiated and applied more quickly. Where Equality Impact Assessments identify areas where the needs of all potential groups of service user are not being met, including those identified as a result of complaints, the P&P team will forward this information on to the CYPS E&D Steering Group. This group will co-ordinate an action plan which will help reduce the risk of complaints regarding equality issues.

**8.6** There will be greater accessibility for service users, with the aim of making it easier for children and young people to make a Representation. The relationship with Investing in Children (IiC) will be further cultivated so that young people will be further involved in the consultation process regarding how best to meet their needs regarding making a complaint about the services they receive from CYPS. This may include designing an updated child-friendly leaflet and/or poster, updating of the DCC website to include easy-to-follow links to CYPS Representations information. Another option to be considered is the creation of a system to allow children and young people to

complain/enquire via text message. This is currently being trialled by Middlesbrough Council and will be monitored by the Northern Regional Complaints Officers Group (NRCOG) to assess its effectiveness.

**8.7** The Derwentside Advocacy Pilot for advocacy services for children and young people making a complaint about *any* service provided to them by DCC will be further pursued, with colleagues across the Authority, with the aim of launching this service across the whole of County Durham, should the pilot project prove successful.

**8.8** The existing SLA with a private consultancy which provides Investigating Officers and Independent Persons for Stage 2 investigations will be reviewed. The current contract is between a Consortium consisting of seven local authorities in the North East plus North Yorkshire, and the Elsi Hampton Consultancy, which is based in Stockton-on-Tees. The contract is due to end in March 2009 and will be offered for tender by contracts services from the eight authorities concerned.

**8.9** As a result of Local Government Review (LGR), an updated Corporate Complaints Policy and Procedure document will be created. Although there will be little change in the principles and required actions of the procedure, there may be differences in existing timescales for non-statutory CYPS complaints.

**8.10** Finally, it is intended to establish stronger links with children's services complaints staff counterparts in neighbouring Local Authorities, including being more proactive in the membership of the NRCOG, to assist in the sharing of advice, information and good practice.

## SECTION NINE – CONCLUSION AND RECOMMENDATIONS

**9.1** Children and Young People's Services receives a number of statutory and non-statutory 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 small as a percentage of the total number of contacts made with children, young people and their representatives.

**9.2** This Annual Report indicates positive achievements and improvements in performance in the handling and consideration of representations, including complaints, during the year 2007/2008, and also recognises the need to strive for continuous improvement.

**9.3** In order to further improve the service given regarding CYPS Representations, the following recommendations are made:-

**9.3.1** that the CYPS P&P team record brief details of enquiries/complaints received which are outside the jurisdiction of the CYPS Complaints Officer (as mentioned in section 5.1.3 of this report), in order that a wider view of Representations can be understood.

**9.3.2** that a copy of a 'Satisfaction Survey' form is sent with the response letter to *all* complainants. This form was previously sent out with responses to non-statutory complaints; it has been recognised as an example of good practice which should be extended across the whole of CYPS.

**9.3.3** that a procedure of recording onto SSID any comments and compliments received via completed surveys is established within CYPS. This will result in an increase in the recorded number of compliments and comments regarding statutory services.

**9.3.4** that the Derwentside Advocacy Pilot for advocacy services for children and young people making a complaint about *any* service provided to them by DCC be pursued with colleagues across the Authority, with the aim of launching this service across the whole of County Durham, should the pilot project prove successful.

**9.3.5** that the findings and recommendations of the LGR Complaints Project Group be given appropriate consideration. An updated Corporate Complaints Policy and Procedure document will be created, which may include differences in existing timescales for non-statutory CYPS complaints. Early indications are that these will replicate the timescales for statutory CYPS complaints, thus more closely aligning the 2 processes.

**9.4** Acknowledgements are made and thanks given to the following contributors to Representations in the 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 Authority's Standards Committee who objectively scrutinise Representations and ensure that trends are recognised and acted upon.
- Counterparts in A&CS and neighbouring Local Authorities for their advice and guidance in producing this report.

## Appendix 1

### Summary of Performance – Trends Over 2 Year Period 2006 - 2008

	2006/07	2007/08	Change
Total Number of Representations	160	170	+ 10
Number of Complaints	71	72	+ 1
Number of Compliments	87	96	+ 9
Number of Comments	2	2	same
Complaints as a % of total	44.4%	42.4%	- 2.0%
Compliments as a % of total	54.4%	56.4%	+ 2.0%
Comments as a % of total	1.2%	1.2%	same
Total number of Statutory Representations	89	89	same
Number of Statutory Complaints	67	61	- 6
Number of Statutory Compliments	20	26	+ 6
Number of Statutory Comments	2	2	same
Statutory Complaints as a % of total	76%	68.5%	- 7.5%
Statutory Compliments as a % of total	22%	29.2%	+ 7.2%
Statutory Comments as a % of total	2%	2.3%	+ 0.3%
Total number of Non-statutory Representations	71	81	+ 10
Number of Non-statutory Complaints	4	11	+ 7
Number of Non-statutory Compliments	67	70	+ 3
Number of Non-statutory Comments	0	0	
Non-statutory Complaints as a % of total	5.6%	13.6%	+ 8.0%
Non-statutory Compliments as a % of total	94.4%	86.4%	- 8.0%
Non-statutory Comments as a % of total		0	
<b>Statutory complaints – Who complained?</b>			
% of male complainants	43%	45.9%	+ 2.9%
% of female complainants	57%	54.0%	- 3.0%
% of children/young people complaining	35%	32.3%	- 2.7%
% of White British complainants	93.2%	96.7%	+ 3.5%
Mixed Race Asian	1.1%		
Unrecorded ethnic origin	5.6%	3.3%	- 2.3%
<b>Main Causes of Statutory Complaints:</b>			
Conduct or Attitude of Staff	26.1%	31.3%	+ 5.2%
Lack of a Service - Other	15.9%	15.6%	- 0.3%
Other (not categorised)	18.8%	10.9%	- 7.9%
Lack of Service – Communications/Information	4.4%	10.9%	+ 6.5%
<b>Meeting Statutory timescales</b>			
Acknowledgement within 2 working days		86.4%	
Response to complaint at Stage 1 within 20 working days	63.8%	57.4%	- 6.4%

## **Appendix 2 Glossary of Abbreviations**

<b>A&amp;CS</b>	<b>Adult and Community Services</b>
<b>BST</b>	<b>Business Support Team</b>
<b>CAF</b>	<b>Common Assessment Framework</b>
<b>CiN</b>	<b>Children in Need</b>
<b>CLA</b>	<b>Children Looked After</b>
<b>CO</b>	<b>Complaints Officer</b>
<b>CSCI</b>	<b>Commission for Social Care Inspection</b>
<b>CDYES</b>	<b>County Durham Youth Engagement Service</b>
<b>CYPS</b>	<b>Children and Young People's Services</b>
<b>DCC</b>	<b>Durham County Council</b>
<b>DCSF</b>	<b>Department for Children, Schools and Families</b>
<b>DH</b>	<b>Department of Health</b>
<b>EWS</b>	<b>Education Welfare Service</b>
<b>iiC</b>	<b>Investing in Children</b>
<b>IO</b>	<b>(Stage 2) Investigating Officer</b>
<b>LGO</b>	<b>Local Government Ombudsman</b>
<b>LGR</b>	<b>Local Government Review</b>
<b>NEETs</b>	<b>Not in Education, Employment or Training</b>
<b>NRCOG</b>	<b>Northern Regional Complaints Officers Group</b>
<b>NSPCC</b>	<b>National Society for the Prevention of Cruelty to Children</b>
<b>NYAS</b>	<b>National Youth Advocacy Service</b>
<b>PPO</b>	<b>Prolific and Priority Offenders</b>
<b>P&amp;P</b>	<b>Planning and Performance</b>
<b>SaSS</b>	<b>Safeguarding and Specialist Services</b>
<b>SGSS</b>	<b>School and Governor Support Service</b>
<b>SLA</b>	<b>Service Level Agreement</b>
<b>SSID</b>	<b>Social Services Information Database</b>
<b>SW</b>	<b>Social Worker</b>



**If you require this information summarised in other languages or formats, such as Braille or talking tapes, please contact: (0191) 383 3034**

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यदि आप इस सूचना का सार हिन्दी में चाहते हैं, तो कृपया 0191 383 3034 पर फोन करें।

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