

**OVERVIEW PANEL**

**Day:** Monday  
**Date:** 26 September 2022  
**Time:** 2.00 pm  
**Place:** Committee Room 1 - Tameside One

Item No.	AGENDA	Page No
1.	<b>APOLOGIES FOR ABSENCE</b> To receive any apologies for the meeting from Members of the Panel.	
2.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest from Members of the Panel.	
3.	<b>MINUTES</b> The minutes of the meeting of the Overview Panel held on 25 July 2022 to be signed by the Chair as a correct record.	1 - 4
4.	<b>SCRUTINY UPDATE</b> To consider a report of the Chief Executive.	5 - 10
5.	<b>CORPORATE PLAN SCORECARD</b> To consider a report of the Chief Executive.	11 - 18
6.	<b>ASSURANCE REVIEW OF LGSCO FOCUS REPORT</b> To consider a report of the Chief Executive.	19 - 50
7.	<b>UNDERSTANDING OUR CUSTOMER CONTACTS AND LEARNING FROM OUR COMPLAINTS</b> To consider a report of the Chief Executive / Head of Executive Support.	51 - 70
8.	<b>URGENT ITEMS</b> To consider any additional items the Chair is of the opinion shall be dealt with as a matter of urgency.	
9.	<b>DATE OF NEXT MEETING</b> To note the date of the next meeting on 21 November 2022.	

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## OVERVIEW PANEL

25 July 2022

**Commenced:** 14:00

**Terminated:** 14:23

**Present:** Councillors Naylor, M Smith, Cartey, N Sharif, T Sharif, Cooney, Fairfoull and Billington

**In Attendance:** Sandra Stewart      Chief Executive  
Kathy Roe      Director of Finance

**Apologies for Absence:** Councillors North and Kitchen

### 1. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 2. MINUTES

The minutes of the Overview Panel meeting on the 8 November 2021 were approved as a correct record.

### 3. SCRUTINY UPDATE

Consideration was given to a report of the Director of Transformation. The report provided a summary of the work undertaken by the Council's Scrutiny Panels for March to July 2022.

Members of the Panel were presented with a breakdown of activity at the Scrutiny Panel meetings held in March 2022. On the 8 March 2022, the Place and External Relations Scrutiny Panel met with Councillor Allison Gwynne the Executive Member for Neighbourhoods Community Safety and Environment, the Assistant Director for Operation and Neighbourhoods and the Chief Superintendent Rob Cousen for GMP. The Panel were presented with a report following up on the GMICFRS inspection of Greater Manchester Police and received an update on strategic developments for community safety, crime and disorder.

During this meeting the Chair also updated Members on the annual budget letter presented at the joint meeting of Cabinet and Overview Panel on 9 February 2022. Further the Chair presented a summary of scrutiny activity undertaken during the 2021/22 municipal year.

On the 10 March 2022 the Integrated Care and Wellbeing Scrutiny Panel met with the Deputy Executive Leader and the Director of Children's Services to receive a response to specific points related to Ofsted, sustainability, forward strategy, practice quality and key priorities for the next 12 months.

In addition during the meeting the Chair updated Members on the annual budget letter presented at the joint meeting of Cabinet and Overview Panel on 9 February 2022 and presented a summary of scrutiny activity undertaken during the 2021/22 municipal year.

Members of the Panel were presented with a breakdown of planned activity at the July Scrutiny Panel meetings. It was highlighted that the Place and External Relations Scrutiny Panel would receive an update on the transport strategy, delivery plan and picking up on local issues. The Children's Services Scrutiny Panel would receive an update on the improvement plan and the Health and Adult Social Care Scrutiny Panel would receive an update on social care reform White Paper and implications for Tameside.

In regards to training and development, enquiries made with the CfGS to provide a suitable training session for all Scrutiny members in the near future. A plan for this would include the delivery of a one-off session to cover the following:

- The role and potential impact of Scrutiny
- Scrutiny adding value to policy shaping and performance
- Support members to gain specific skills in essential aspects of Scrutiny
- How Scrutiny works collaboratively and constructively with the Executive and officers

Scrutiny Panels continued to review decisions and focus reports published by the ombudsman. Scrutiny activity informed by recently published LGSCO reports included:

- Focus report – Unprecedented pressure: Learning from complaints about council and care provider actions during the Covid-19 pandemic (published February 2022).
- Guidance report – Section 117 aftercare: guidance for practitioners (published April 2022).

## **RESOLVED**

**That the content of the report and summary of scrutiny activity be noted.**

## **4. SCRUTINY WORK PROGRAMMES**

Consideration was given to a report of the Chair of Children's Services Scrutiny Panel / Chair of Health and Adult Social Care Scrutiny Panel / Chair of Place and External Relations Scrutiny Panel / Director of Transformation.

Members were advised that there was a range of options available to each Scrutiny Panel as to how activity was planned and undertaken. Scrutiny Chairs work closely with panel members in order to adopt a combination of approaches to review service and performance updates, respond to formal consultations, focus reports of the Local Government and Social Care Ombudsman and areas in need of more in-depth review.

Each Scrutiny Panel held a work programme session in June 2022, with all members provided with the opportunity to attend, comment and contribute to the list topics included in the annual work programmes.

Scrutiny activity would continue to be undertaken outside of the formal meetings and through working groups, with all findings and recommendations presented to the full panel for comment and approval. This flexibility allowed responsive and timely work to be undertaken, creating an enhanced opportunity to both influence and inform the impact of decisions.

In order to prevent delay, Scrutiny Panels had agreed the topics to be considered at the next round of public meetings in July.

- **Place and External Relations Scrutiny Panel – 26 July 2022**  
Transport for Greater Manchester – delivery plans and supporting local issues (Invitation to the Executive Member for Planning, Transport and Connectivity)
- **Children's Services Scrutiny Panel – 27 July 2022**  
Scene setting regarding children's social care and review of the improvement plan (Invitation to the Deputy Executive Leader – Children and Families)
- **Health and Adult Social Care Scrutiny Panel – 28 July 2022**  
Adult Social Care White Paper and implications for Tameside (Invitation to the Executive Member for Adult Services)

The Chair of Place and External Relations, Chair of Health and Adult Social Care Scrutiny Panel and Chair of Children's Services Scrutiny Panel provided set out the work programme for 2022-2024 for the respective Panels.

## **RESOLVED**

**That the content of the work programmes and planned activity of the Scrutiny Panels be noted.**

### **5. ASSURANCE REVIEW OF LGSCO FOCUS REPORT - LEARNING FROM COMPLAINTS ABOUT COUNCIL AND CARE PROVIDER ACTIONS DURING THE COVID-19 PANDEMIC**

Consideration was given to a report of the Chair of Health and Adult Social Care Scrutiny Panel / Director of Transformation. The report set out the Assurance Review of LGSCO Focus Report Unprecedented Pressure: learning from complaints about Council and Care Provider Actions during the Covid-19 pandemic.

It was reported that the Health and Adult Social Care Scrutiny Panel had made a formal request to the Executive Member for Adult Services, to review a LGSCO Focus Report and to collate a service response to a number of questions aimed to improve local accountability.

Members were advised that in May 2020, the ombudsman issued a short guide to council's and care providers, setting out the approach to considering complaints about the delivery of services during Covid-19. The guide pulled together learning from Covid-19 casework under six principles of good administration and practice.

- Getting it right (process and record keeping)
- Being service-user focused
- Being open and accountable
- Acting fairly and proportionately
- Putting things right (inform, consider, explain)
- Seeking continuous improvement

The focus report summarised common issues identified through cases on which the ombudsman carried out a full investigation. It also provided headline figures and trends from those cases where initial assessment did not prompt a full investigation.

At the end of March 2020, the ombudsman recognised the impact the pandemic was having on councils and care providers, with a decision made to suspend casework investigations. Active investigations restarted after the initial pause, with analysis in the report covering a period of June 2020 to November 2021.

The main categories of Covid-19 complaints investigated were:

- Benefits and Tax (41%)
- Adult Social Care (20%)
- Education and Children's Services (12%)

It was stated that focus reports promote local accountability and included a comprehensive set of questions for Scrutiny to seek assurance at a local level. The service response, attached at Appendix 1, responded directly to questions listed on pages 44 of the focus report, attached at Appendix 2. The Scrutiny Panel requested that a response of the Executive was to consider and review questions in connection to Adult Services and care provision in Tameside.

## **RESOLVED**

**That the content of the report and the ongoing activity of the Scrutiny Panels to review LGSCO decisions to inform and improve local service delivery be noted.**

### **6. CORPORATE PLAN SCORECARD**

Consideration was given to a report of the Director of Transformation. The report set out the corporate plan outcomes scorecard, which provides evidence to demonstrate progress towards

achievement of the Corporate Plan and improving the services provided to residents, businesses and key stakeholders within the locality.

The outcomes scorecard, which contained long term outcome measures that tracked progress to improve the quality of life for local residents, was attached to the report at Appendix 1.

Appendix 2 to the report, was the Tameside Policy & Performance Framework for the organisation, under which the scorecards operated. The framework clearly set out the different elements that contributed towards the achievement of the Corporate Plan priorities.

**RESOLVED**

**That the report be noted**

**7. URGENT ITEMS**

There were no urgent items.

**CHAIR**

<b>Report To:</b>	<b>OVERVIEW PANEL</b>
<b>Date:</b>	26 September 2022
<b>Reporting Officer:</b>	Sandra Stewart – Chief Executive
<b>Subject:</b>	<b>SCRUTINY UPDATE</b>
<b>Report Summary:</b>	To receive for information, a summary of the work undertaken by the Council's Scrutiny Panels for July to September 2022.
<b>Recommendations:</b>	That Overview Panel is asked to note the content of the report and summary of scrutiny activity.
<b>Links to Corporate Plan:</b>	Scrutiny work programmes are linked to the Council's corporate priorities. Scrutiny activity seeks to support effective decision-making and priorities across Tameside.
<b>Policy Implications:</b>	The work programmes comprise activity that seeks to check the effective implementation of the Strategic Commission's policies and if appropriate make recommendations to the Executive with regards to development, performance monitoring, outcomes and value for money.
<b>Financial Implications:</b> (Authorised by the Section 151 Officer)	<b>There are no direct financial implications arising from this report. Any changes to policy or service delivery arising from scrutiny work programmes will need to be accommodated within existing budgets or subject to a separate report.</b>
<b>Legal Implications:</b> (Authorised by the Borough Solicitor)	<p>The Overview Panel supports the role that scrutiny plays in holding the authority's decision-makers to account making it fundamentally important to the successful functioning of local democracy by ensuring the efficient delivery of public services and driving improvements within the authority. In reviewing the summary of the work undertaken the Panel the Panel can consider how this function is being discharged.</p> <p>Both Overview and Scrutiny Committees have statutory powers to scrutinise decisions the executive is planning to take, those it plans to implement, and those that have already been taken/implemented.</p> <p>Recommendations from such scrutiny enable improvements to be made to policies and how they are implemented.</p> <p>Overview and Scrutiny Committees also play a valuable role in developing policy. Effective overview and scrutiny should:</p> <ul style="list-style-type: none"><li>• Provide constructive 'critical friend' challenge;</li><li>• Amplify the voices and concerns of the public;</li><li>• Be led by those independent of the decision makers who take responsibility for their role; and</li><li>• Drive improvement in public services</li></ul>
<b>Risk Management:</b>	Regular updates to Overview Panel provide assurance that scrutiny is progressing with an effective work programme, supporting good decision making and service improvement.

**Access to Information:**

The background papers relating to this report can be inspected by contacting Paul Radcliffe, Policy and Strategy Lead by:



Telephone: 0161 342 2199



e-mail: [paul.radcliffe@tameside.gov.uk](mailto:paul.radcliffe@tameside.gov.uk)

## 1. INTRODUCTION

- 1.1 The Scrutiny Update provides a platform for appropriate insight, activity, outcomes and proposals to be relayed. This method of reporting supports the improved responsiveness of scrutiny work and prevents any delay in the communication of key messages.
- 1.2 The report, by nature, aims to provide members with a general summary of scrutiny activity and proposals. It remains that all reports produced by scrutiny as a result of in-depth review will be tabled separately at the earliest opportunity.

## 2. SCRUTINY ACTIVITY

- 2.1 Scrutiny in practice remains mindful of the suitability and appropriateness of timings with regards to the impact and value of planned activity. This includes the selection and order of topics and updates to be received during the year. The tables below provide a summary and chronology of scrutiny activity.

**Figure 1: Breakdown of activity at the formal Scrutiny Panel meetings**

<b>PLACE AND EXTERNAL RELATIONS SCRUTINY PANEL</b>	
<b>26 July 2022</b>	<b>20 September 2021</b>
<ul style="list-style-type: none"> <li>The Panel met Councillor Jan Jackson, Executive Member (Planning, Transport &amp; Connectivity); Nick Fenwick, Interim Director of Place; Ian Palmer, Head of Modelling and Analysis, TfGM; and Rosalind O'Driscoll, Head of Policy, TfGM, to receive an update on transport strategy and delivery plan</li> <li>Agreed Annual Work Programme and future work priorities.</li> <li>Received the Corporate Performance Scorecard, for information.</li> </ul>	<ul style="list-style-type: none"> <li>The Panel met Councillor Vimal Choksi, Executive Member (Town Centres, Communities, Corporate Land &amp; Community Assets); and Gregg Stott, Assistant Director, to receive a strategic overview and proposals on next steps for Tameside town centres and regeneration.</li> </ul>

<b>CHILDREN'S SERVICES SCRUTINY PANEL</b>	
<b>27 July 2022</b>	<b>21 September 2022</b>
<ul style="list-style-type: none"> <li>The Panel met Councillor Bill Fairfoull, Deputy Executive Leader (Children and Families); and Alison Stathers-Tracey, Director of Children's Services for scene setting with regard to children's social care and to review the improvement plan.</li> <li>Agreed Annual Work Programme and future work priorities.</li> <li>Received the Corporate Performance Scorecard, for information.</li> </ul>	<ul style="list-style-type: none"> <li>The Panel met Councillor Leanne Feeley, Executive Member (Education &amp; Achievement); and Tim Bowman, Director of Education, to receive a response to the Local Government and Social Care Ombudsman Focus Report – Out of School, out of sight? Ensuring children out of school get a good education, published July 2022.</li> <li>The Panel met Tony Decrop, Assistant Director of Children's Social Care, to review the Children's Social Care self-evaluation (SEF).</li> <li>Received the Children's Social Care Scorecard.</li> </ul>

HEALTH AND ADULT SOCIAL CARE SCRUTINY PANEL	
28 July 2022	22 September 2022
<ul style="list-style-type: none"> <li>The Panel met Councillor John Taylor, Executive Member (Adult Services); and Tracy Harrison, Assistant Director of Adult Services, to receive an update on the social care reform White Paper and implications for Tameside.</li> <li>Received Executive Response to the LGSCO learning report: Unprecedented pressure: Learning from complaints about council and care provider actions during the Covid-19 pandemic, specific to Adult Services.</li> <li>Agreed Annual Work Programme and future work priorities.</li> <li>Received the Corporate Performance Scorecard, for information.</li> </ul>	<ul style="list-style-type: none"> <li>The Panel met with Population Health, to receive an overview of strategic priorities for local health outcomes and inequalities, considering aspects of rising cost of living and poverty, future priorities and work streams.</li> </ul>

### Mid-year Budget Update

- 2.2 The independence of scrutiny enables members to seek assurances on the Council's financial position during 2022/23 and looking forward to budget planning, process and priorities for 2023/24. Where appropriate, priorities will continue to inform future scrutiny activity and work programmes.
- 2.3 Mid-year budget update sessions for all Scrutiny members, to include the non-executive members of Overview Panel, will take place on 3 October 2022. The update to be provided by Councillor Jacqueline North, First Deputy – Finance, Resources & Transformation; and Caroline Barlow, Assistant Director of Finance (Deputy Section 151 Officer).

### Training and Development

- 2.4 There is an ongoing commitment to ensure all scrutiny members receive a suitable level of training and guidance. In addition to online resources, it is important that new and existing members have access to external provision based on scrutiny principles, national guidance and expectations.
- 2.5 All scrutiny members have now received, 'A Councillors Workbook on Scrutiny' published by the Local Government Association (LGA), further supported with links shared to a range of e-learning opportunities for councillors, including a scrutiny module.
- 2.6 Details listed below on training and development sessions delivered since the start of the 2022/23 municipal year.
- 20 July 2022** - Chairs and Deputy Chairs of Scrutiny and Overview Panel invited to attend an afternoon training session delivered by the LGA and Councillor Bryony Rudkin (Political Peer).
  - 5 September 2022** - All Scrutiny Panel members invited to attend a training session delivered by the Centre for Governance and Scrutiny (CfGS) - Essentials of Effective Scrutiny.

- **12 September 2022** - All members of the Children's Scrutiny Panel invited to attend an online training session on Children's Safeguarding, delivered by the Safeguarding and Quality Assurance Team within Tameside Children's Services, to include scene setting delivered by the Assistant Director.
- **14 September 2022** – All members of the Children's Scrutiny Panel invited to a visit of Children's Social Care Multi-Agency Safeguarding Hub (MASH) / Early Help access point.

#### **Local Government and Social Care Ombudsman (LGSCO)**


- 2.7 Scrutiny Panels continue to review decisions and focus reports published by the ombudsman. This ensures learning opportunities are identified and shared with the Executive and services in a timely manner and where necessary, a formal response and/or position statement returned to the appropriate Scrutiny Panel within agreed timescales.
- 2.8 Scrutiny activity informed by recently published LGSCO reports includes:
- Focus report – Out of school, out of sight? Ensuring children out of school get a good education (published July 2022).
    - Report shared with the Executive Member for Education & Achievement and Director of Education. The report and Executive Response is tabled in a separate report to Overview Panel on 26 September 2022.

### **3. RECOMMENDATIONS**

- 3.1 As set out on the front of the report.

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<b>Report To:</b>	<b>OVERVIEW PANEL</b>
<b>Date:</b>	26 September 2022
<b>Reporting Officer:</b>	Sandra Stewart – Chief Executive
<b>Subject:</b>	<b>CORPORATE PLAN OUTCOMES SCORECARD</b>
<b>Report Summary:</b>	<p>The corporate plan outcomes scorecard provides evidence to demonstrate progress towards achievement of the Corporate Plan and improving the services provided to residents, businesses and key stakeholders within the locality.</p> <p>The outcomes scorecard, which contains long-term outcome measures that track progress to improve the quality of life for local residents, is attached at <b>Appendix 1</b>.</p>
<b>Recommendations:</b>	That Overview Panel is asked to note the content of the report and appendices.
<b>Links to Corporate Plan:</b>	The report is relevant to all elements of the Corporate Plan as the scorecards provide data to help track progress towards achieving its aims and objectives.
<b>Policy Implications:</b>	The corporate scorecards provide the evidence for demonstrating the progress being made towards achievement of the Corporate Plan and improving the services provided to residents, businesses and key stakeholders within the locality. The thematic scorecards – which support the corporate scorecards - will enable services to monitor their own performance and their contribution to delivery of the Corporate Plan.
<b>Financial Implications: (Authorised by the Section 151 Officer)</b>	<p>Whilst there are no direct financial implications arising from the recommendations in this report, the scorecard should assist Members in making decisions regarding the prioritisation of the Council's limited resources.</p> <p>The CIPFA Financial Management Code sets an expectation that to remain financially sustainable an authority must have timely information on both its financial and operational performance. Performance information should aid Members understanding as to whether spending decisions are achieving objectives, and enable informed decisions regarding the prioritisation of scarce resources in the face of significant financial challenges</p>
<b>Legal Implications: (Authorised by the Borough Solicitor)</b>	Whilst there are no immediate legal implications arising from this report the corporate scorecards are a critical measure of the council's performance and service delivery as part of the overall delivery of the Corporate Plan.
<b>Risk Management:</b>	Effective use of data, including performance management through scorecards, helps to identify areas where improvement activity is required thus avoiding the risk of service failure. Alongside this services have management information that is used to assess risk and drive improvement.
<b>Access to Information:</b>	The background papers relating to this report can be inspected by contacting Paul Radcliffe, Policy and Strategy Lead by:

 Telephone:0161 342 2199

 e-mail: [paul.radcliffe@tameside.gov.uk](mailto:paul.radcliffe@tameside.gov.uk)

## 1. CORPORATE OUTCOMES SCORECARD

- 1.1 The Corporate Plan Outcomes Scorecard, **Appendix 1**, follows the structure of the Corporate Plan, and contains indicators focused on long-term outcomes across the plan's priorities. There are a number of proxy indicators for issues related to the pandemic which will take significantly longer to be reflected in the regular long-term measures.
- 1.2 According to newly released economic figures, Tameside's regional gross value added, GVA, fell by nearly £200 per head year-on-year to 2020, down to £15,617.50 in current prices. The total rateable value of non-domestic properties in Tameside in June 2022 was £148,475,723, down almost £400,000 on the same month the previous year, a decrease of 0.25%.
- 1.3 The number of Tameside residents receiving universal credit in May was down 5.1 % on the same month last year, with 25,154 people receiving payments. However, the % of Universal Credit recipients getting payments while also in employment has increased from 37.0% in April 2021 to 40.4% in April this year. Tameside currently sits 0.7% points below the national average, which has also been increasing over time.
- 1.4 Starts and achievements of apprenticeships in 2021/2022 were both down significantly on the previous year, both in Tameside and England as a whole. In 2021/2022 there were 1,020 apprenticeships started, equivalent to 72.3 per 10,000 Tameside residents aged 16-64; while above the national average of 57.9, this is much lower than the 112.6 starts per 10,000 in 2020/2021 in Tameside and 91.2 across England. In 2021/2022 there were 230 apprenticeship achievements in Tameside, 16.3 per 10,000 16-64 year olds. In the previous year there were 850 achievements, equal to 60.2 per 10,000; across England, there were 44.4 achievements per 10,000 working age people in 2020/2021.
- 1.5 The latest release of Sport England's Active Lives Survey, which covers the period November 2020 to November 2021 shows that the proportion of Tameside's residents who are classified as inactive has risen from the same period 12 months prior by 1.9 percentage points, with 32.4% of Tameside's population doing less than 30 minutes of exercise each week compared to 27.2% of the population across England. This links to the high proportion of adults in Tameside classified as overweight or obese, with 70.3% of residents aged 18+ falling into one of these categories in 2020/2021, down from 71.3% the year before but above the national average of 63.5%.
- 1.6 The rate of first time entrants into the youth justice system has risen from Quarter 4 2021/2022 to Quarter 1 2022/2023, now sitting at 36.76 per 100,000. The monthly rate of crimes committed in Tameside was 10.9 per 1,000 residents in May 2022, up slightly from 10.4 per 1,000 residents in May of 2021.

## 2. RECOMMENDATIONS

- 2.1 As set out at the front of the report.

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Theme			Priority	Outcome	Metric Reference	Metric	Previous Position	Current Position	National Average	Period	Progress	Targets	
												Apr 2025	Apr 2030
Starting Well	Page 15		Very Best Start	Reduce rate of smoking at time of delivery	V1	% Smoking at time of delivery (CCG)	9.5%	11.0%	9.40%	Q4 2021/2022	↑	10.50%	All expectant mothers to be supported to be smoke free at the time of delivery
				Improve school readiness	V2 (LUI) (GMM)	% achieving a 'good' level of development	65.7%	66.9%	71.80%	2019	↑	75%	All children start school ready to learn
					V3 (LUI)	% achieving expected level in Phonics decoding	79.0%	78.0%	82.00%	2019	↓		
					V4	% 3 & 4 year olds at 'good' or 'outstanding' EY settings		87.99%	N/A	Spring Term 2021/22		98%	All children to attend good or outstanding early years settings
				Take up nursery at 2 Years	V5 (GMFT)	2 year olds in funded early education- % of DfE Target	77% (Spring 21/22)	82%	N/A	Spring Term 2021/22	↑	95%	All eligible 2 year olds benefit from funded early years education
				Childhood Obesity	V6 (LUI) (GMM) (LGI)	% of children in year 6 who are overweight or obese	36.2%	35.9%	35.2%	2020	↓	34%	All children to be a healthy weight at the end of Year 6
			Aspirations & Hope (Educational Attainment Measures Suspended)	Young people going into higher education	A1 (LUI)	% Key Stage 4 going into/remaining in education	85.2%	84.1%	86.9%	2020	↓	90%	All young people going into/remaining in further education after KS4
				Children attending 'good' and 'outstanding' schools	A2 (LUI)	% Primary schools 'good' & 'outstanding'	89.5%	90.8%	89.1%	Ad Hoc	↑	95%	All children attending a good or outstanding primary school
					A3 (LUI)	% Secondary schools 'good' & 'outstanding'	66.7%	66.7%	79.8%	Ad Hoc	↔	80%	All children attending a good or outstanding secondary school
					A4 (LUI)	% Key Stage 2 achieving expected reading standard	73%	72%	73%	2019	↓	80%	All children to be provided with the opportunity to achieve their full educational potential
				Promote a whole system approach and Improving wellbeing and resilience	A5 (LUI) (GMM) (LGI)	Secondary Fixed Term Exclusions	6.66%	10.11%	N/A	Autumn 2021/2022	↑		
					A6 (LUI)	Mean worthwhile ratings (adults 16+)	7.92	7.79	7.71	2020/2021	↓	8.5	All residents 16+ feel that the things they do in life are worthwhile
			Resilient Families & Supportive Networks	Early Help Intervention	R1	Child and Family Assessments completed each quarter	973	1214	N/A	Q4 2021/2022	↑	To be developed	All vulnerable families receive the help they need
				Reduce the number of first time entrants into Youth Justice	R2	First Time Entrants into Youth Justice aged 10-17, rate per 100k	22.96	36.76	N/A	Q1 2022/2023	↑	212.9	No young people entering the youth justice system
				Increased levels of fostering and adoption	R3	% Cared for children adopted each quarter	0.44%	2.84%	N/A	Q4 2021/2022	↑	18.60%	All looked after children provided with the opportunity to be adopted, where its of benefit to the young person, within
				Improve the quality of social care practice	R4	Children's Services Audits Rated 'Good' & 'Outstanding', YTD, End of Quarter	35%	34%	N/A	Q4 2021/2022	↓	50%	All Children Social Care audits rated good or outstanding
			Work Skills & Enterprise	Increase median resident earnings	W1 (LUI) (GMM)	Median Annual Income	£25,825	£27,706	£31,490	2021	↑	£27,492	The median annual income to be in line with the England average
					W2 (LUI) (GMM)	Percentage in Employment (Rolling 12 Month Period)	72.9%	74.6%	75.1%	2021	↑	78%	All people who can work are in work
				Increase the working age population in employment	W3	Job Density (Ratio of Total Jobs to Residents Aged 16-64)	0.60	0.56	0.85	2020	↓		
					W4	Universal Credit Recipients	26,526 (May 2021)	25,154	N/A	May-22	↓		
					W5 (LUI) (GMM)	Universal Credit Recipients in Employment	37.0% (Apr 2022)	40.4%	41.1%	Apr-22	↑		
				Increase the number of people earning above the Living Wage	W6 (LGI)	New enterprises (percentage of total businesses)	12.66%	12.27%	12.12%	2020	↓	18.97%	Tameside is recognised as a vibrant economy where entrepreneurs are supported to start new businesses
					W7	Business Rate Taxbase: Total Rateable Value	£148,845,519 (June 2021)	£148,475,723	N/A	Jun-22	↓		
				Increase number of enterprise / business start-ups	W8 (LUI)	Regional Gross Value Added Per Head (Balanced): NW Current Prices	£15,810.64	£15,617.50	N/A	2020	↓		
					W9 (LUI) (LGI)	Percentage of population with at least level 3 skills	48.6%	49.0%	61.3%	2021	↑	54.90%	Higher proportion of Tameside's population have Level 3 skills than the national average
				Working age population with at least Level 3 skills	W10 (LUI)	Proportion of employed residents in skilled employment (SOC 1-3, 5)	48.9%	47.0%	59.0%	2020/2021	↓		



Theme				Priority	Outcome	Metric Reference	Metric	Previous Position	Current Position	National Average	Period	Progress	Targets	
													Apr 2025	Apr 2030
Great Place & Vibrant Economy		Increase the number of good quality apprenticeships delivered	W11 (LUI)	Number of apprenticeships started per 10,000 residents aged 16-64	112.6 (1,590)	72.3 (1,020)	57.9 (203,990)	2021/2022	↓	2310	Apprenticeships are available to all that seek them			
	W12 (LUI)		Number of apprenticeship achievements per 10,000 residents aged 16-64	60.2 (850)	16.3 (230)	14.5 (50,920)	2021/2022	↓						
			Covid-19 Impact and Recovery	W13 (GMM)	Households Receiving Council Tax Support	18,198 (June 2021)	17,379	N/A	Jun-22	↓				
	Living Well	Infrastructure and Environment	Improve air quality	I1 (GMM)	Particulate Matter Pollution in the Air (PM2.5, ug/m^3)	9.70	7.60	7.54	2020	↓	6	Air quality to be good and at least be in line with the UK average		
				I2 (GMM)	Territorial Carbon Dioxide Emissions (kilotonnes)	810.10	744.50	795.20	2020	↓				
				I3	Trees Planted Annually	15000	16095	N/A	2021/2022	↑				
			Increase the number of net additional dwellings	I4 (LUI)	Net Additional Dwellings per 10,000 Residents	20.93	16.2	38.3	2020/2021	↓	Targets to be agreed			
				I5 (LGI)	New Affordable Homes per 10,000 Residents	8.51	2.51	9.2	2020/2021	↓				
			Increase the number of affordable homes	I6	Maximum Mean Download Speed	56.9 (Q1 21/22)	116.4	92.2	Q1 2022/2023	↑	41.5	All households to have access to high quality internet services		
				Digital inclusion	I7 (GMFT)	Premises with Superfast-Capable (30Mbps) Network Infrastructure	99.6% (Q1 21/22)	99.5%	97.6%	Q1 2022/2023	↔			
			I8 (LUI)		Premises with Gigabit-Capable Network Infrastructure	61.7% (Q1 21/22)	77.7%	70.1%	Q1 2022/2023	↑				
			Reduce tonnes of waste sent to landfill and increase the proportion recycled	I9 (LGI)	Percentage of household waste recycled	49.3%	47.2%	42.3%	2020/2021	↓	57.78%	All household waste recycled where possible		
				I10 (LUI)	% population walking / cycling 3+ times a week	42.0%	39.0%	46.0%	2019/2020	↓	47%	Tameside is a walking/cycling friendly borough		
			Ageing Well	Nurturing Communities	Reduce victims of domestic abuse	N1	Rate of PPIs per 1000	25.6 (2020/2021)	23.8	N/A	2021/2022	↓	25.1	Tameside has low rates of domestic abuse
						N2	Street counts & estimates of rough sleepers	0.13 per 10k Households	0.48 per 10k Households	0.97 per 10K Households	2021	↑	2	Nobody sleeping rough on the streets of Tameside
					Reduce the number of rough sleepers/homelessness	N3	Households owed a prevention or relief duty per 1,000 Households	3.6 (259) (Q3 20/21)	4.0 (286)	3.7 (64,890)	Q3 2021/2022	↑		
	N4 (LUI)	Mean life satisfaction ratings (adults 16+)				7.74	7.43	7.38	2020/2021	↓	8.5	Maintain mean life satisfaction at 8.5		
	Improve satisfaction with local community	N5 (GMFT) (GMM)			Mean GM life satisfaction score, Y10 Students		6.02	N/A	2021					
		N6 (GMM)			Crime Rate per 1,000 residents	10.4 (May 2021)	10.9	N/A	May-22	↑		Tameside is a low crime borough		
	Victims of crime/fear of crime	N7			Deaths due to suicide- rate per 100,000	9.4	8.3	10.4	2018-2020	↓				
		N8			IAPT Referrals	2,525	2,550	N/A	Q4 2021/2022	↑	12383.4	Everyone has access to good quality mental health services		
	Covid-19 Impact and Recovery	N9			Food Bank Enquiries	88 (Jun 2021)	88	N/A	Jun-22	↔				
		N10 (GMM)			Placements in Emergency Temporary Accommodation	557	510	N/A	2020/2021	↓				
		N11			Domestic Abuse Incidents reported to Children's Services	289 (May 2021)	282	N/A	May-22	↓				
		N12			Self Isolation Payments		3,233	N/A	Total					
				L1 (LUI)	Healthy Life Expectancy at birth	M- 61.9 years, F- 58.7 years	M- 61.6 years, F- 58.2 years	M- 63.1 years, F- 63.9 years	2018-2020	↓	Male - 61.2 years, Female - 62.3 years	Healthy life expectancy to be in line with the England average		

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\* Some health data is still provided at the Tameside & Glossop level. Data as of 19th July 2022.

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# Agenda Item 6.

<b>Report To:</b>	<b>OVERVIEW PANEL</b>
<b>Date:</b>	26 September 2022
<b>Reporting Officer:</b>	Sandra Stewart – Chief Executive
<b>Subject:</b>	<b>ASSURANCE REVIEW OF LGSCO FOCUS REPORT – ENSURING CHILDREN OUT OF SCHOOL RECEIVE A GOOD EDUCATION</b>
<b>Report Summary:</b>	To receive for information, the Executive and service response to Scrutiny on shared learning detailed within the LGSCO focus report – Out of school, out of sight? Ensuring children out of school get a good education. Scrutiny Panels will routinely review LGSCO decisions, with shared learning reported to the Council's Executive and services in order to gain assurances of practice, delivery and outcomes for residents and service users.
<b>Recommendations:</b>	That Overview Panel is asked to note the content of the report and ongoing activity of the Scrutiny Panels to review LGSCO decisions to inform and improve local service delivery.
<b>Links to Corporate Plan:</b>	The work of Scrutiny is closely linked to the Council's Corporate Plan Priorities. Scrutiny activity seeks to support effective decision making and improvement outcomes across Tameside.
<b>Policy Implications:</b>	Scrutiny work programmes comprise activity that seeks to check the effective implementation of the Strategic Commission's policies and if appropriate make recommendations to the Executive with regards to development, performance monitoring, outcomes and value for money.
<b>Financial Implications:</b> <b>(Authorised by the Section 151 Officer)</b>	There are no direct financial implications arising from the Scrutiny work programme. Where decisions or policy changes are considered or actioned as a result of the information considered by Scrutiny Panel, separate decisions and consideration of specific financial implications will be required.
<b>Legal Implications:</b> <b>(Authorised by the Borough Solicitor)</b>	<b>The attached review provides helpful learning and reflection for the council to assist the continued performance improvements and service development.</b>
<b>Risk Management:</b>	Regular updates to Overview Panel provide assurance that Scrutiny is progressing with an effective work programme, supporting good decision making and service improvement.
<b>Access to Information:</b>	The background papers relating to this report can be inspected by contacting Paul Radcliffe, Policy and Strategy Lead by:  Telephone: 0161 342 2199  e-mail: <a href="mailto:paul.radcliffe@tameside.gov.uk">paul.radcliffe@tameside.gov.uk</a>

## 1. BACKGROUND

- 1.1 The Local Government and Social Care Ombudsman (LGSCO) is the final stage for complaints about councils and other organisations responsible for the provision of public services. The LGSCO also investigates complaints about adult social care providers including care homes and home care agencies. A complaint about an organisation or partner acting on behalf of a council or authority should also be signposted to the ombudsman.
- 1.2 LGSCO Focus Reports highlight subjects or systemic issues arising from case work. This routinely takes the form of shared learning opportunities and methods aimed to improve the approach and management of complaints. The reports make recommendations on good practice to help other authorities and care providers to review internal process and address areas where improvements can be made. The focus reports contribute to public policy debates and has more recently included information and tools for elected members to scrutinise local services and to inform work priorities.
- 1.3 Complaints raised by the public and service users can be an important source of information to help councillors identify issues that are affecting local people. Complaints can therefore play a key part in supporting the scrutiny of public services. In addition to current methods used to inform work priorities, Scrutiny will review decisions made by the LGSCO on a regular basis, to inform in-year work priorities. This will also contribute to the evidence gathered throughout the municipal year when developing the annual work programmes.

## 2. SUMMARY

- 2.1 The Children's Services Scrutiny Panel made a formal request to the Executive Member for Education & Achievement, to review a newly published LGSCO Focus Report and to collate a service response to a number of questions aimed to improve local accountability.
- 2.2 The report titled – Out of school, out of sight? Ensuring children out of school receive a good education, was published in July 2022.
- 2.3 Councils may make alternative arrangements for a child or young person who is not of compulsory school age, but they do not have a duty to do so. This report focuses on council duties to children of compulsory school age. The council must consider the individual circumstances of each child and take account of any medical evidence or advice when deciding what arrangements to make.
- 2.4 In all cases, councils must consider the individual circumstances of each particular child and be able to demonstrate how they make their decisions. They must take account of all available evidence, and record the reasons for decisions. They may need to make decisions in cases where they do not have all the evidence they would like.
- 2.5 The focus report includes case studies and the experiences to highlight the breadth of investigation and identifies common issues and themes associated with the following areas:
  - Taking responsibility for ensuring pupils receive suitable full-time education
  - Making decisions based on the evidence available
  - Providing suitable full-time education
  - Reviewing plans and amending the approach
  - Restricting alternative provision: the meaning of 'otherwise'
- 2.6 Focus reports promote local accountability and include a comprehensive set of questions for Scrutiny to seek assurance at a local level. The Children's Services Scrutiny Panel received the response (**Appendix 1**) and update report (**Appendix 2**) at the panel meeting on 21 September 2022. This responds directly to the focus report and questions listed on page 11 of **APPENDIX 3**.

### **3. RECOMMENDATIONS**

3.1 As set out on the front of the report

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## Out of school, out of sight? Ensuring children out of school get a good education

LGSCO Key Questions (July 2022)	Executive / Service response (September 2022)								
How many children are there in your council's area not attending school, or not attending full-time?	<p>As at the end of term 2021/22, the following pupils are not attending school:</p> <p>EHE numbers <b>204</b></p> <p>CME numbers <b>173</b></p> <p>Medical numbers:</p> <table border="1"> <tr> <td>New referral</td><td>1</td></tr> <tr> <td>Open - Active LA (CMP)</td><td>12</td></tr> <tr> <td>Open - Monitoring (school)</td><td>20</td></tr> <tr> <td>Awaiting more information before decision to open</td><td>4</td></tr> </table>	New referral	1	Open - Active LA (CMP)	12	Open - Monitoring (school)	20	Awaiting more information before decision to open	4
New referral	1								
Open - Active LA (CMP)	12								
Open - Monitoring (school)	20								
Awaiting more information before decision to open	4								
Is there easily accessible information on your council's website for parents who are worried about their child's education or attendance?	<p>Information is available on the Council's website but it is split over several pages and a revamp is programmed as part of the new school attendance service. <a href="https://www.tameside.gov.uk/education-welfare-service">Education Welfare Service (tameside.gov.uk)</a></p> <p><a href="#">Tameside Virtual School Overview</a></p> <p>The School Attendance Support Service Steering Group have identified the need to develop a local offer for school attendance to address the need for better coordination of information.</p>								
How does your council identify children who are not attending school, or not attending full-time?	<p>As we understand it, there is currently no statutory reason to collect information on part time timetables but information is collected on a daily basis through DfE attendance information and B2B. B2B is an automated system that exchanges information between the Council's pupil database and school databases. Not all schools participate as there is no statutory requirement to do so and this is a gap.</p> <p>The Education Welfare Service carry out register audits with most schools on a bi-annual basis which highlights the use of part time timetables and schools are given advice on this by the Service. The new School Attendance Support Service will be required to have termly meetings with all schools where pupils with severe absence (less than 50%) have an individual plan.</p> <p>Parents often contact the Education Welfare Service directly and self refer. The Education Welfare Service will contact the school and discuss the issue and offer advice about meeting individual needs. They may refer to the Children with Medical Needs Panel for support. A self referral may also trigger a discussion about prosecution for non attendance.</p> <p>Schools refer Children Missing Education to the Education Welfare Service and a robust process is followed to track the children as described <a href="#">Children Missing Education and Children with Medical Conditions in Tameside</a></p> <p>Schools also refer parents who have made a decision to electively home educate their children and follow a robust process as described process <a href="https://www.tameside.gov.uk/education-at-home">Education at Home (tameside.gov.uk)</a></p> <p>Other agencies also refer children to the Education Welfare Service for example, health providers, Social Workers, School Nurses, Early Help, CAMHS.</p>								

<p>Does your council have strong links at all levels between different services, such as attendance, education welfare, and special educational needs, to ensure children missing education are identified and their needs are met?</p>	<p>As described above, the Education Welfare Service does have strong links with agencies in the borough but this is an area of focus for the future through the School Attendance Support Service steering group.</p> <p>Children with medical conditions are discussed at a multi agency panel to ensure a rounded conversation about meeting individual pupil needs and includes the Designated Medical Officer; Educational Psychology, SEN;</p> <p>Children Missing Education and Electively Home Educated service works well with multi agency response with schools;</p> <p>The Education Welfare Service facilitates school cluster based Attendance Groups that meet termly with schools and Early Help. There are also neighbourhood Attendance Groups that are multi agency and more strategic.</p> <p>Provision to meet individual needs of children with medical needs is case managed by the Education Welfare Service in conjunction with schools. The focus is on reintegration and/or meeting individual needs (ie through an SEN assessment)</p> <p>Colleagues from Education Welfare act as representatives on Tameside Safeguarding Children Partnership.</p> <p>The Education Welfare Service are involved in individual case audits for children with a social worker on a monthly basis to ensure there is no drift and delay in meeting needs and Children's Social Care Teams are aware of the individual issues where children are on a pathway as described above. The outcomes of these audits are reported to performance and standards.</p>
<p>Does your council have strong links with schools, including academies and other schools which are independent of the council, and clear processes for referring cases for support?</p>	<p>There are clear, well understood and well used processes for referring into children with medical conditions; children missing education and those wanting to electively home educate. Headteacher guidance is updated and issued to all schools on a regular basis. The guidance is also issued to independent schools in the borough. Information on referral processes and pathways are shared through the Attendance Groups.</p>
<p>If your council has agreements with other organisations to fulfil its statutory duties to arrange alternative education, how are these arrangements managed? How does the council ensure the quality of the service?</p>	<p>Alternative provision for children who are excluded is commissioned through Tameside Pupil Referral Service who recently had a 'Good' Ofsted judgement.</p> <p>The Headteacher guidance which is issued to all schools includes a section on commissioning alternative provision and what information to consider before commissioning AP.</p>
<p>Does your council document its decisions in individual cases, including decisions not to provide alternative education?</p>	<p>The children with medical needs process and panel decisions are documented and recorded on individual case files. This may include where the children with medical needs panel decision is to initiate prosecution pathway.</p>
<p>How does your council tailor its offer of alternative education to meet the needs of the individual pupil?</p>	<p>Case study for children with medical conditions</p> <p>The Education Welfare Service work in conjunction with schools as they know where children are up to in their learning. Provision is often secured through schools to ensure the link with school is not lost. The aim of interventions is always for it to be short term</p>

	out of school provision with a view to reintegration back into full time learning.
What has the council learnt from complaints about its service for children missing education? How have complaints led to service improvements?	<p>The establishing of the children with medical needs multi agency panel to discuss and review cases. The involvement of the Educational Psychology Service in children with medical need. Review of the policy children with medical needs policy.</p> <p>LGO complaints <a href="#">20 006 754 - Local Government and Social Care Ombudsman</a></p>

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**CHILDREN'S SERVICES SCRUTINY PANEL  
EDUCATION OTHERWISE  
LOCAL GOVERNMENT OMBUDSMAN FOCUS REPORT (JULY 2022)**

**1. BACKGROUND**

- 1.1 Local authorities have a statutory duty to provide a full time education for every child in their area. For most children, this duty is fulfilled with a place at school. For some children, their parents opt to electively educate their children at home and this is a growing trend nationally as well as in Tameside. Some children are unable to attend school on a full time basis and this can be for a number of reasons. For example, if a child is ill, has a long-term medical condition or high levels of anxiety. In these cases, the local authority has a duty to make alternative arrangements to provide a suitable education. Decisions on these cases must be evidence based and this report outlines the way that Tameside Council meets its statutory duty for these children.

**2. LEGAL BACKGROUND**

- 2.1 Just like local authorities have a duty to ensure that children have a full time education, parents also have a duty to ensure their children receive a suitable, full time education as set out in the Education Act 1996, section 7.
- 2.2 However, councils must "*make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.*" (Education Act 1996, section 19(1))
- 2.3 Suitable education means efficient education suitable to a child's age, ability and aptitude and to any special educational needs he may have. (Education Act 1996, section 19(6))
- 2.4 The education provided by the council must be full-time unless the council determines that full-time education would not be in the child's best interests for reasons of the child's physical or mental health. (Education Act 1996, section 3A and 3AA).
- 2.5 Full-time education ranges from 21 hours per week at Key Stage 1 to 25 hours a week at Key Stage 4. If councils provide one-to-one tuition, the hours of face-to-face provision could be fewer as the provision is more concentrated.
- 2.6 If a child is unable to attend school because of illness, the council must make alternative arrangements once the child has been absent for 15 days, either consecutively or cumulatively. The council must consider the individual circumstances of each child and take account of any medical evidence or advice when deciding what arrangements to make.
- 2.7 If a child has been permanently excluded from school, the council must arrange alternative education from the sixth school day following the exclusion, although it may start sooner.
- 2.8 "Otherwise" is a broad category which covers circumstances other than illness or exclusion in which it is not reasonably possible for a child to take advantage of any existing suitable schooling.
- 2.9 In all cases, councils must consider the individual circumstances of each particular child and be able to demonstrate how they made their decisions. They must take account of all available evidence, and record the reasons for their decisions. They may need to make decisions in cases where they do not have all the evidence they would like.

### **3. LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN FOCUS REPORT**

- 3.1 In July 2022, the Local Government and Social Care Ombudsman (LGSCO) published a focus report entitled 'Out of school, out of sight – ensuring children out of school get a good education'. This report aimed to highlight learning from complaints to the Ombudsman. The report highlighted five common issues and learning points:
- Taking responsibility for ensuring pupils receive suitable full time education
  - Making decisions based on the evidence available
  - Providing suitable full time education
  - Reviewing plans and amending the approach
  - Restricting alternative provision: the meaning of 'otherwise'
- 3.2 The LGSCO report went on to identify seven recommendations for councils in terms of their statutory responsibilities:
1. Consider the individual circumstances of each case and be aware that the council may need to act whatever the reason for absence (except for the minor issues schools deal with on a day-to-day basis) – and even when a child is on a school roll.
  2. Consult all the professionals involved in a child's education and welfare, and take account of the evidence when making decisions.
  3. Choose (based on all the evidence) whether to require attendance at school or provide the child with suitable alternative education.
  4. Keep all cases of part-time education under review with a view to increasing it if a child's capacity to learn increases.
  5. Work with parents and schools to draw up plans to reintegrate children to mainstream education as soon as possible, reviewing and amending plans as necessary.
  6. Put the chosen action into practice without delay to ensure the child is back in education as soon as possible.
  7. Where councils arrange for schools or other bodies to carry out their functions on their behalf, the council remains responsible. Therefore, retain oversight and control to ensure your duties are properly fulfilled.
- 3.3 The LGSCO report also provided a number of key questions for Scrutiny panels to consider asking to ensure that services are meeting their statutory functions.

### **4. LEARNING FROM THE REPORT FOR TAMESIDE**

- 4.1 As can be seen from response, the Education Service has well developed and understood processes for many children who are not in school on a full time basis. Attached are three case studies that highlight how the service currently works with some of our young people:
- Case study one (Appendix 1) is where we have supported a young person with cancer
  - Case study two (Appendix 2) is where we have supported a cared for child with alternative provision
  - Case study three (Appendix 3) is where we have supported a young person with special educational needs
- 4.2 Things the Education Services does well include:
- Identify when children are not receiving a suitable education at home and quickly implement remedial action for example school attendance orders
  - Ensuring the welfare of children educated at home is a priority
  - Effective identification of children who are or have been known to Children's Social Care and who are being home educated.
  - Good partnership with Children's Social Care to ensure the needs of vulnerable children being educated at home are a priority including colleagues attending core groups and strategy meetings for individual children

- Good multi agency working to support children educated at home including with health colleagues and Positive Steps
- Creating good networking opportunities for parents who are choosing to home educate their children for example coffee mornings
- Good communication with all families who home educate including regular newsletters
- Effective and well understood children missing education procedures and good referral rates from schools
- Effective tracking and identification of children missing from education
- Alternative provision for children who are excluded is commissioned through Tameside Pupil Referral Service who recently had a 'Good' Ofsted judgement
- Effective system for schools to refer children with medical conditions who are unable to attend school on a full time basis or for a period of time for example whilst receiving chemotherapy
- Effective multi agency case management panel to advise on an individual education plan to meet the needs of children with medical conditions that is agreed with families and schools
- Good support for the individual learning needs of children with medical conditions through appropriate provision for example home tuition or alternative provision
- Effective process to reintegrate children with medical needs back into school after period of absence from school
- Effective use of home tuition and /or alternative provision to support cared for children who are moving schools following placement breakdowns
- Appropriate use of education otherwise than at school for some children with EHCPs
- Regular register audits with schools to identify trends in non attendance and provide bespoke advice on addressing issues
- Training programme for schools on thematic attendance issues based on collated feedback from systematic register audits

#### 4.3 Things the service needs to develop further include:

- Develop register for children not in school
- Investigate the possibility of developing an exam centre for children who are home educated
- Better tracking of children who are allocated a school at the normal point of entry (Reception and Year 7) and then fail to start school
- More timely referral and tracking process for pupils who are absent from school for a period of 15 days or more due to reasons other than medical conditions
- Support to ALL schools to monitor and challenge pupil absence
- More timely identification of and support for children with SEN who are not attending school due to their needs not being met through the EHCP process or whilst on the SEN assessment pathway
- More effective use of data to inform process improvement and ensure resources are effectively deployed to support children not in school
- Develop more consistent recording of decisions on provision for individual children following discussion at the multi agency case management panel
- Better reintegration of pupils back into school following a period of in patient Tier 4 CAMHS provision
- Developing a borough wide, shared attendance strategy to ensure a consistent understanding of what good attendance looks like
- Develop consistent information for parents who are worried about their child's attendance on the website
- Develop a consistent recording process across Education Services to ensure children not in school are appropriately recorded
- Ensure individual EHCPs reflect actual provision for example, part time or alternative provision and are reviewed annually

## 5. FUTURE GUIDANCE

### Schools Bill 2022

- 5.1 The Department for Education has recently published its Schools Bill 2022 [School attendance - Schools Bill Factsheet \(publishing.service.gov.uk\)](https://publishing.service.gov.uk) and sections of this bill will assist the Council in meeting the needs of children not in school. New school attendance guidance [Working together to improve school attendance - GOV.UK \(www.gov.uk\)](https://www.gov.uk) will help the Council to identify and support children not attending school regularly.
- 5.2 **Schools attendance: general duties on local authorities** The guidance that local authorities will be required to have regard to will include minimum components of attendance support that local authorities are expected to deliver to schools in their area, regardless of school type and including independent schools, for example Trinity School in Stalybridge.
- 5.3 The local authority will be required to establish a School Attendance Support Team to support schools to improve attendance. The requirements include a named contact within the Council for attendance and termly meetings all with schools to identify strategies and signpost on to support for children and families. Children who are severely absent from school (less than 50% attendance) will be discussed individually and a multi agency plan devised to support improved attendance.
- 5.4 It will also make clear that legal intervention, including fixed penalty notices, should only be used where support has not worked, has not been engaged with or is not appropriate. This will help to ensure that schools and families across England receive a consistent standard of support.
- 5.5 **School attendance policies** This requires schools to publish and publicise an attendance policy covering specified components will help set clear attendance expectations for staff, pupils and parents. Further, it will encourage schools to think strategically about their attendance processes and efforts to improve attendance. Based on the existing effective attendance practice of some schools, the guidance will provide further detail on implementing these components. It will also cover how proprietors should ensure they meet their obligations, for example on accurately completing attendance and admission registers which is crucial to enable schools and local authorities to quickly identify pupils who require attendance support and put it in place before absence becomes deep-rooted.
- 5.6 **Guidance (non-statutory and statutory)** Whilst the intention is that the legislation will not take effect until 1 September 2023, the related guidance will be issued as non-statutory guidance for schools and local authorities to use in academic year 2022/23, allowing them to be ready for the legislative requirement to have regard to statutory guidance in 2023/24.
- 5.7 In response to a 2019 consultation on children not in school, the recommendations have been included in the Schools Bill [Children not in School - Schools Bill Factsheet \(publishing.service.gov.uk\)](https://publishing.service.gov.uk).
- 5.8 Should the Bill become law, there are several provisions that will help the Council to improve provision for children not in school. These include
- local authorities to maintain registers of Children Not in School
  - parents to provide necessary information to local authorities for inclusion on their registers; local authorities will be required to start School Attendance Order proceedings should parents not comply with providing this information
  - providers of out-of-school education to provide information to the local authority, on request, in cases where they are providing education to an eligible child above a prescribed threshold (which will likely represent a substantial proportion of a child's education), or where the local authority reasonably believes them to be – this includes local authorities being able to impose a civil penalty should providers not comply with such a request

- local authorities to provide support to registered home-educating families where it is requested
- local authorities to share information from their registers

## **6. CONCLUSION**

- 6.1 Education Services have appropriate provision in place for many children who are unable to attend school for a number of reasons. There is still some work to do to ensure that all children not in school are identified and supported into education be that alternative provision; being educated at home or supported to return back to school.

**BACKGROUND INFORMATION**

- Pupil lives at home with both parents
- Mother currently abroad with sibling –no expected date of return
- Pupil subject to child in need plan
- Year 2 student

**Medical condition**

- Pupil has 2 types of cancer and has undergone a bone marrow transplant
- Required to be absent from school as a result of low immunity

**Concerns**

- Social worker recommended that pupil seen daily by professional
- English is not family's first language
- Father has struggled to support pupil academically

**Panel & Reviews**

- LA were informed about pupil from hospital
- First panel convened 22/09/2021
- Review 17/11/2021
- Review 24/01/2022

**Blended Education provision**

- School provided differentiated work programme
- School to carry out home visits to do reading and other assessments (1 hour per fortnight)
- Staff from Pupil Support Service (PSS) to do home tuition, delivering the work set by school (6.5 hours per week)
- School provided access to online learning programmes which pupil can access in her own time
- Music service provided keyboard tuition
- School considered creating opportunities for pupil to have virtual interaction with peers but this was not possible due to Father's unpredictable behaviour. This was replaced by school finding creative ways for pupil to continue to feel part of the school ie: staff make a recording of pupil which was included in school nativity play. School held a "special hat day" to link with pupil losing her hair and photos of all pupils were shared with pupil

**Outcome**

- Advice from hospital that pupil was safe to return to school
- Clear plan put in place to reintegrate pupil back into school at appropriate time
- Case closed to medical panel
- Child in need plan continued

**Case Study – Cared for child alternative provision****Context**

- Student A is a year 3 child who is cared for to Tameside Local Authority on a Full Care Order.
- A resides in an out of borough residential setting.
- A is on roll at a mainstream primary school. A was taken onto their roll in Sept 2021.
- A has an EHCP with a primary need of SEMH. A's EHCP is maintained by the residing authority and funded by Tameside.

**Strengths**

- A settled well into school and was well supported.
- School were supported in the early days by a Tameside EP who provided advice and support through transition.

**Concerns**

- A's presentation in school deteriorated and she was at risk of exclusion.
- A was unable to access the mainstream classroom despite considerable support offered by school.
- School, carers and social worker were concerned that school were unable to meet her needs.
- The impact of additional transitions for A was a worry if there was a need to consider specialist provision.

**Chronology**

- March 2022 – the Head teacher at A's school contacted Tameside Virtual School for advice and support as A's presentation was putting her at risk of exclusion.
- School had put in extensive 1:1 support however it was not safe for A to be in the mainstream classroom. A was working from home with input from school while professionals met to plan suitable provision.
- Tameside Virtual School contacted the authority responsible for maintaining A's EHCP and asked for advice around suitable provision in the area.
- Professionals met to plan a phased reintegration for A, following time working at home to ensure A continued to have contact and did not feel rejected by school.
- Reintegration plan was monitored weekly initially and a clear plan to increase time in school was formulated. School worked closely with carers, social care and Virtual School to plan a blended learning offer of home learning, 1:1 time in school and time within the classroom.
- Tameside EP contacted A's school to arrange further consultations and work with A to support a reintegration into school.
- Meanwhile an emergency EHCP review was scheduled.
- April 2022 – EHCP review was held.
- School and other professionals – OOB SEN, Social Care and Virtual School worked together to devise a blended curriculum for A including, specialist teaching, equine therapy, mainstream class provision and nurture sessions.
- This provision aimed to maximise opportunities for success, known strengths and opportunities to access core curriculum areas, as well as provision aimed at supporting SEMH needs.
- Tameside SEN have been liaised with and have supported to QA and agree funding.

**Outcome**

- A had a successful end to the year and their EHCP has been amended to describe specialist with bespoke curriculum offer.
- A engaged with the offer and attendance and engagement increased.
- Professionals from both boroughs continue to work together to ensure A has suitable provision for the next academic year, which meets need.

**Case Study – Young person with an Education, Health and Care Plan****Context**

- Student A is a year 11 student enrolled at Tameside Local Authority Mainstream Secondary School
- A is on roll at a mainstream secondary school. A was taken onto their roll in September 2017
- Student A has not attended school full time since the second coronavirus lockdown January – March 2021. It is important to add that she was also struggling with her attendance before the lockdown periods.

**Strengths**

- Student A is currently known to CAMHS and is on the Multiagency Autism Assessment Team (MAAT) pathway due to her social communication needs.
- She is a really good reader.
- A is very good at expressing herself and has a good vocabulary.
- She is very good with animals and enjoys looking after her dogs at home.
- Student A knows that she would like to work in the area of criminology when she is older.
- A has recently worked really hard towards her English and maths GCSEs.

**Concerns**

- Student A experiences special educational needs primarily within the area of Communication and Interaction due to social communication difficulties – however at present her presenting needs are in the area of Social, Emotional and Mental Health
- A also has needs in the area of Sensory and Physical as she can find certain environments difficult to manage. She then has needs in the area of Cognition and Learning Student A displays high levels of anxiety and panic attacks. She is also supported by psychiatry and takes medication to support her sleep.

**Chronology**

- A parental request for statutory assessment was issued in February 2022
- June 2022 – the LA was notified of a registered appeal with the First Tier Tribunal
- June 2022 The LA conceded to the appeal agreeing to proceed with a statutory assessment
- August 2022, statutory assessment of student A's Education, Health and Care Needs has been completed and a decision issued to award an Education, Health and Care Plan (EHCP)

**Outcome**

- A statutory assessment of student A's Education, Health and Care Needs has been completed. Student A's needs have been fully identified, to date, through this process and whilst neurodevelopmental assessments are concluded.
- An Education, Health and Care Plan is to be issued outlining student A's special educational needs and the provision that must now be secured to enable the student with every opportunity experience success in all aspects of learning and developmental, which is sensitive to her current needs and which will enable A to make progress.
- In the process the LA has secured the offer of a tutor, which has worked well and the EPS has supported the school with a reintegration plan. This initially began with 1 hour per week, outside of school hours, and whilst the school environment was quieter. This is due to be extended to 3 hours at the beginning of the autumn term. Alongside this student A will access a bespoke educational offer alongside access to AP in line with her specific interest and which aim to promote engagement.

# ***Out of school, out of sight?***

**Ensuring children out of  
school get a good education**

**Focus report: learning the lessons from complaints**  
Page 35  
**July 2022**

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# Ombudsman's foreword



Every child has the right to a good, full-time education. But for some children who cannot fully attend a school to access their education, the reality is different.

Our investigations show that some children in this situation are struggling with little or no education, robbing them of their potential to thrive.

When a child (of the compulsory age) cannot go to school, the local authority must find out why. If there is a duty for it to act, it must make alternative arrangements to provide a suitable education.

This report shares a number of case studies where things have gone wrong with this process and aims to shed light on how to learn from them.

In it, we highlight examples such as:

- > a boy suffering with anxiety, unable attend school, being left with no education for three months. This was due to the council not retaining sufficient oversight of the organisation it had outsourced its alternative provision services to
- > a boy who received just five hours a week of online tuition in English and maths for a year. There was no evidence the council properly considered how this would meet his

needs or how a balanced curriculum might allow him to study all his GCSE subjects

- > a girl who was without a school place for nearly 14 months after moving into an area mid-term where no places were available. The case illustrates the difficulty for parents and councils in admitting a child when all the local schools are academies

The key learning point we want to highlight in this report is that the local council has the duty to arrange alternative education, not the school a child attends. Councils need some way to identify when their duty has arisen, and some will have arrangements with schools to carry out assessments or arrange alternative provision themselves. However, responsibility remains with the council, and we will hold councils to account if things go wrong. Councils can contract out their services, but not their responsibility for their statutory duties.

From the complaints that reach us about children missing education, we often find local authorities did something wrong. Last year, we upheld nearly 9 out of 10 (89%) investigations on this topic. This compares with a finding of fault in two thirds (66%) of our investigations across all topics over the same period.

We published a similar report on children missing education a decade ago. And while much has changed since, with schools being increasingly autonomous and many now academies, we wanted to reiterate that local councils remain responsible for ensuring pupils who cannot attend school receive suitable full-time education.

We also hope to help make parents and carers more aware of the council's duties to children out of school. We have seen examples where councils have directed parents and carers back to their schools even when they have approached the council for help.

***The key learning point we want to highlight in this report is that the local council has the duty to arrange alternative education, not the school a child attends.***

The reasons a child may not receive suitable education at school are often complex, as the case studies in this report show. There is often not a single reason. There may be several council departments involved, such as education welfare, special educational needs, and children's social care. It is vitally important councils coordinate these services if they are to fulfil their duties and meet the needs of children missing education.

Some children struggle to cope with full-time education because they have health problems. We are seeing increasing numbers of cases where children are unable to attend school because of anxiety. Often, these cases involve children with special educational needs which have yet to be fully understood. There may be little, or even conflicting, evidence about the child's needs. Nevertheless, councils must assess the available evidence and decide for themselves whether they have a statutory duty to make other arrangements for the child's education. They should take action without delay.

I hope this report will help councils to reflect on their services and consider what improvements may be necessary in their area, to ensure they don't lose sight of children who are out of school.



**Michael King**  
**Local Government and**  
**Social Care Ombudsman**  
**July 2022**

# Legal background

Parents have a duty to ensure their children receive a suitable, full-time education. Most do this by sending their children to school. (*Education Act 1996, section 7*)

However, councils must “*make arrangements for the provision of **suitable education** at school or otherwise than at school for those children of **compulsory school age** who, by reason of **illness, exclusion from school or otherwise**, may not for any period receive suitable education unless such arrangements are made for them.*” (*Education Act 1996, section 19(1)*)

Suitable education means efficient education suitable to a child’s age, ability and aptitude and to any special educational needs he may have. (*Education Act 1996, section 19(6)*)

The education provided by the council must be full-time unless the council determines that full-time education would not be in the child’s best interests for reasons of the child’s physical or mental health. (*Education Act 1996, section 3A and 3AA*)

Full-time education ranges from 21 hours per week at Key Stage 1 to 25 hours a week at Key Stage 4. If councils provide one-to-one tuition, the hours of face-to-face provision could be fewer as the provision is more concentrated.

Compulsory school age is from five to 16. (*see Education Act 1996, section 8 for the precise dates*)

Councils may make alternative arrangements for a child or young person who is not of compulsory school age, but they do not have a duty to do so. This report focuses on council duties to children of compulsory school age.

If a child is unable to attend school because of illness, the council must make alternative arrangements once the child has been absent for 15 days, either consecutively or cumulatively. The council must consider the individual circumstances of each child and take account of any medical evidence or advice when deciding what arrangements to make.

If a child has been permanently excluded from school, the council must arrange alternative education from the sixth school day following the exclusion, although it may start sooner.

“Otherwise” is a broad category which covers circumstances other than illness or exclusion in which it is not reasonably possible for a child to take advantage of any existing suitable schooling.

In all cases, councils must consider the individual circumstances of each particular child and be able to demonstrate how they made their decisions. They must take account of all available evidence, and record the reasons for their decisions. They may need to make decisions in cases where they do not have all the evidence they would like.

# Our role in complaints



We look at the actions of councils in making alternative arrangements for the education of children who would not otherwise receive suitable education because of illness, exclusion and other reasons (“the section 19 duty”).

We check councils consider the individual needs of each particular child; take account of all the evidence available to them; make decisions in the best interests of the child and without delay; and review their decisions to ensure any alternative education they arrange continues to meet the child’s needs.

Where councils make arrangements with others, such as schools, to carry out any of their functions, including assessments or provision of alternative education, we will hold the council to account if things go wrong.

Access to education is a fundamental right , so where a council is unable to arrange the alternative provision a child needs despite its best efforts, we may still find fault.

Where we find a council at fault, and this has caused injustice, we will recommend how it should put things right. This might include:

- > apologising
- > making a decision that it should have made before
- > reconsidering a decision that it did not make properly in the first place
- > making a symbolic payment to recognise the impact of fault where this is not possible

Most importantly, we can make recommendations for the council to improve its services. We do this when our investigations identify a practice or policy fault, and are aimed avoiding similar problems reoccurring, therefore benefiting everyone in the area.

Our ‘service improvement’ recommendations often comprise things like reviewing procedures, updating public information, and training staff. These are mapped out for every council on the [Your Council’s Performance](#) page of our website.

Normally we require parents to use a council’s complaints procedure before we investigate, but we may waive this requirement if a child is out of school.

We may not be able to investigate a complaint, or part of a complaint, if the reason a child is not receiving suitable education is closely linked to an appeal to the SEND Tribunal about special educational provision for the child.

We have published Focus Reports about issues facing children with Special Educational Needs and/ or disability (SEND).

## Complaints to the Ombudsman

Last year (April 2021 – March 2022) we carried out 38 detailed investigations regarding alternative education for children out of school. We upheld 34 of these investigations (89%), meaning we found fault in how the council had acted.

# Common issues and learning points

## Taking responsibility for ensuring pupils receive suitable full-time education

Schools are increasingly autonomous and many, such as academies, are now independent of local councils. Nevertheless, councils remain responsible for ensuring pupils who cannot attend school receive suitable full-time education, regardless of the type of the school they attend.

Councils must work with schools and parents to identify children who need alternative education and make suitable arrangements. Sometimes, councils arrange for schools or other bodies to carry out their functions on their behalf. However, the council remains responsible. It is important,

therefore, that councils retain oversight and control to ensure they fulfil their duties.

We want to help make more parents aware of the important role councils have in making arrangements for pupils who cannot attend school. It is natural for parents to deal directly with the school if their child's attendance becomes an issue, and they may not know about the council's responsibilities. To make matters worse, we sometimes see examples of councils directing parents back to their children's school even when they approach the council for help.



### Billy's story

Case reference: [19 008 091](#)

Billy was a pupil at an academy in an area where most the secondary schools are academies. Councils have no control over academies.

Billy experiences anxiety, and when his mental health deteriorated, his school attendance declined. The school proposed an alternative timetable and measures to support Billy's return to school, but it was not successful.

Billy's father asked the council for help. He was concerned Billy was not receiving any education. The council's education welfare officer attended meetings at the school.

Three months later, with Billy still out of school, the council told the academy to make a referral to the Community and Hospital Education Service (CHES) for an assessment.

CHES is an academy that provides alternative education on behalf of the council. The council has 'outsourced' its duties to CHES, but it must retain sufficient oversight to ensure they are met.

Our investigation found the council had not assessed Billy's needs when he first stopped attending school, or considered whether it had a

duty to arrange alternative education for him. The council relied on Billy's school to make a referral and CHES to carry out the assessment. As Billy was unable to attend school, the council should have made alternative arrangements and could have arranged tuition for him, but he received no education at all for three months.

### How we put things right

The council agreed to make a payment to Billy's father for the education he had missed, and to review its policies and procedures to make sure it retained sufficient oversight and control of the outsourced arrangements, allowing it to take action when things go wrong. The council has made a significant investment in the management and oversight of the service, which we welcome.

### Learning point

The council must decide whether alternative education is necessary, not the school or parents. Councils can ask schools to make referrals or carry out assessments, but the council remains responsible.

# Common issues and learning points

## Making decisions based on the evidence available

Sometimes we find councils have not made alternative arrangements for a child's education because the parent has not produced evidence to explain why the child cannot attend school. In some cases, children have been out of school for many months without alternative education. The council may even have threatened the parents with prosecution.

Councils must make decisions based on all available evidence. If a child is not attending school and the council decides not to prosecute the parents, the council is likely required to make alternative arrangements for the child's education. The longer a child is out of education, the more likely it is the council should take action that is in the best interests of the child.



### Fareen's story

Case reference: [19 000 476](#)

Fareen has autism. Like many girls with autism, her condition was diagnosed relatively late when she was soon to transfer to junior school. She was good at masking her difficulties at school, and it was not until she got home that she would have 'meltdowns'. Problems came to a head when Fareen refused to go to school.

The council initially threatened Fareen's parents with prosecution. Councils can prosecute parents for failing to ensure their children receive suitable education. However, the school decided not to go ahead with the prosecution.

Our investigation found the council relied on Fareen's schools to make referrals for alternative education. Even when her parents asked the council directly for help, it told them to ask the school instead of providing the support it should have done. We found the council failed to assess Fareen's needs and consider whether she needed help.

The council was aware of problems because it was responsible for Fareen's special educational provision and knew she was not attending school. At the annual review of Fareen's Education, Health and Care (EHC) Plan (the document setting out her needs and the arrangements needed to meet them), Fareen's school told the council it could not meet her needs. There was no coordination between different services at the council. The council should have taken action quickly, but it did not.

Another problem was the lack of medical evidence to explain why Fareen could not attend school. The council decided not to provide alternative education because there was no evidence to justify Fareen's absence from school. This was wrong. While councils must take account of any available medical evidence, they must make their own decision about alternative education, even when there is no medical evidence.

The council's faults meant Fareen missed a considerable amount of school and her education was disrupted for more than two years. The way it handled Fareen's case caused her parents significant anxiety and distress. They were particularly upset by the threat of prosecution when they asked for help. They were left largely to themselves to sort out problems the council should have taken in hand.

### How we put things right

The council agreed to apologise to the family and make a symbolic payment for the disruption to Fareen's education and the distress caused. It also agreed to review its policies and procedures to ensure it was properly supporting children unable to attend school.

### Learning point

Councils must make their own decisions about a child's need for alternative education, even if there is no evidence or conflicting evidence from other professionals.

# Common issues and learning points



## Luke's story

Case reference: [19 004 305](#)

Luke has autism and severe learning disabilities. He had an Education, Health and Care (EHC) Plan maintained by the council and was a pupil at a special school. His mother withdrew him from school because she said he was being bullied. She complained to the Governors and then to Ofsted. Both concluded the school had managed the incidents properly.

Luke's mother decided to try home schooling. Two months later, she asked the council to arrange home education. The council said it needed medical evidence before it could arrange home education. Luke's mother did not provide the evidence the council needed.

The council arranged a meeting with the school and made plans for Luke's return. It said it would prosecute Luke's mother if he did not return to school. Luke's mother asked for a different school, or permission to educate Luke herself at home.

Fifteen months after Luke's mother withdrew him from school, she complained to the council he was still out of education. The council said it had tried to help her find a school she was happy with, but it was satisfied he could return to his original school place. It was another six months before Luke returned to education.

Our investigation found there was no fault by the council in the early stages of Luke's absence from school. There was a school place available for him, which was reasonable for him to access. His mother's decision to withdraw him from school did not make the council responsible for his education.

However, the longer he remained out of school, and the more the council became involved, the more we found problems with the council's actions. The council decided not to prosecute Luke's mother, but there was no rationale for the council's decision or alternative plan of action recorded in the council's files. Eventually, the council appears to have decided Luke could not return to his school, but it did not arrange any alternative education until he started college.

Luke was out of education for two terms once the council decided he could not return to his school. The council should have considered alternative education provision for him during this time.

## How we put things right

The council agreed to apologise and make a symbolic payment to recognise the education Luke missed after it decided he could not return to his school and until he started college. It also agreed to review its policies and procedures, and draw up an action plan to ensure swift action is taken on similar cases in future.

## Learning point

Just because a child is out of school, the council does not necessarily have to arrange alternative education. The council must evaluate the alternatives and consider the child's needs. It should keep its decisions under review.

# Common issues and learning points

## Providing suitable full-time education

Where councils make alternative arrangements for a child's education, we sometimes see them offering what looks like a 'standard package' of alternative educational provision. This can be as little as five hours of tuition a week.

The law says the education provided by the council must be full-time unless the council determines that full-time education would not be in the child's best interests for reasons of the child's physical or mental health.

Full-time education ranges from 21 hours per week at Key Stage 1 to 25 hours a week at Key Stage 4. If councils provide one-to-one tuition, the number of face-to-face hours could be fewer because the provision is more concentrated. But children are still entitled to a full-time education.

Education provision must be based on an assessment of the individual child's needs. The council should be able to demonstrate how it considered the child's needs and decided what provision to make.



### Jadon's story

Case reference: [20 000 747](#)

Jadon has an Education, Health and Care (EHC) Plan maintained by the council. He attends a mainstream secondary school. He has autism and severe anxiety.

Jadon had stopped attending school. At the time, his parents were appealing his special educational provision to the SEND Tribunal. Following the hearing some months later, the council agreed to arrange suitable alternative provision as part of efforts to help him integrate back into school.

Jadon was due to start his GCSE courses. The council arranged five hours a week of online 1:1 tuition in Maths and English. It said it could not offer tuition in the other subjects he had chosen for his GCSEs. Jadon's school also sent work home. This arrangement continued for a whole school year.

Our investigation found the council had no evidence to show it had properly considered providing Jadon with a broad and balanced curriculum allowing him to study all his GCSE subjects, or that its offer of five hours of tuition a week would meet his needs.

The council should have considered how to provide a broad and balanced curriculum, and as much tuition as Jadon needed.

### How we put things right

The council agreed to apologise and pay more than £3,000 towards Jadon's educational benefit, which was to recognise his missed education when he should have been studying the full range of GCSE subjects. The council also agreed to show us how it had reviewed its procedures for providing GCSE learning for children unable to attend school or engage with tutors.

### Learning point

Councils must provide a broad and balanced curriculum, and the education must be of a standard a child would receive in school. The education must be full-time education unless the council decides it is not in a child's interests.

# Common issues and learning points

## Reviewing plans and amending the approach

Councils may provide help even when they do not have a duty to arrange alternative education. Education Welfare Officers and specialist teachers may provide support and advice to a child's school, for example.

Where their involvement does not rapidly secure a child's return to full-time education, the council may need to consider making alternative arrangements.



### Janine's story

Case reference: [19 005 803](#)

Janine's family moved to a new area and needed to find school places for her and her two siblings. This proved difficult, as all the schools were academies and many were selective grammar schools.

It took eight weeks for the family to find school places for the three children. We found the council provided the family with appropriate advice and support. The delay in securing school places was due to the family's choice of schools, not fault by the council. We did not find the council should have arranged alternative education.

Once enrolled, Janine missed a considerable amount of school. Her attendance was poor. She was later assessed as having special educational needs.

Our investigation carefully examined the council's extensive involvement. The council provided significant input through its Early Help service, but it did not arrange alternative education when Janine did not attend school. We did not criticise the council for the lack of alternative education and recognised it was pursuing a strategy to secure her return to a suitable school.

However, we were concerned the council allowed the case to drift when its Early Help strategy was not successful. We found fault with the council's failure to change tack.

Janine ended up without education for almost two years at a critical time in her education in Years 10 and 11. Every day she did not attend school, it reinforced a pattern for her, making it more difficult to return as she fell increasingly behind with her academic work in relation to her peers.

### How we put things right

Following our investigation, the council agreed to make a symbolic payment to help Janine catch up with the education she missed. It also agreed to make a number of procedural improvements to ensure other cases were not allowed to drift if Early Help interventions were unsuccessful.

### Learning point

Councils may decide alternative education is not appropriate and provide other forms of support. They should keep plans under review and not allow cases to drift if plans are not successful.

# Common issues and learning points

## Restricting alternative provision: the meaning of ‘otherwise’

The duty to make alternative arrangements applies to those who cannot access education “by reason of **illness, exclusion from school or otherwise**”.

“Otherwise” is a broad category and includes the scenario where a child is unable to take advantage of any available suitable schooling, or does not have a school place.

Councils often have no direct involvement in school admission decisions. However, they have a vital role coordinating Fair Access Protocols. These aim to ensure children without school places are quickly enrolled. When children are without places, the council may need to arrange alternative education.



### Grace's story

Case reference: [19 017 034](#)

Grace's family moved house in January when she was in Year 10. Her mother applied for school places before they moved, and also completed the council's mid-term transfer form. None of the schools, which were all academies, offered Grace a place. The council did not offer any help.

Grace's mother continued to apply for school places and asked the council for help. Later she contacted the council's Children Missing Education team for advice. The council agreed to prioritise Grace's case. Again, Grace's mother heard nothing. She tried to enrol Grace at college, but she was not old enough for college.

The next month the council referred the case to its Fair Access Panel. Some months later the Panel secured a place for Grace but shortly before she was due to start, the school withdrew the offer. Almost 13 months after Grace's mother first asked for help, the council arranged alternative education for Grace until a suitable school place could be found. Grace was admitted to a school some three months later.

Our investigation found the council at fault for a lack of coordination between its services. It led to Grace being without a school place for five terms, and without education for almost four terms. This happened at a critical stage of her education when she should have been preparing for GCSEs.

Grace's story illustrates the difficulties that parents – and councils – can face when all schools are academies. Councils have no power to direct admission to an academy (although they can apply to the Secretary of State). Nevertheless, councils have a role in coordinating the admission of hard to place pupils, including those unable to find school places. Where they cannot do so quickly, councils may need to arrange suitable alternative education themselves.

### How we put things right

The council agreed to make a substantial payment of more than £7,000 to acknowledge the education Grace missed at a critical stage of her schooling. The council also agreed to review its service and share an action plan that was already underway to improve procedures, which included training for staff on the Fair Access Protocol and when to escalate cases.

### Learning point

Councils may need to arrange alternative education for a pupil who moves into the area and cannot find a school place.

# Promoting good practice



Drawing on the experience from our investigations, we have identified six recommendations for councils:

- > Consider the individual circumstances of each case and be aware that the council may need to act whatever the reason for absence (except for the minor issues schools deal with on a day-to-day basis) – and even when a child is on a school roll.
- > Consult all the professionals involved in a child's education and welfare, and take account of the evidence when making decisions.
- > Choose (based on all the evidence) whether to require attendance at school or provide the child with suitable alternative education.
- > Keep all cases of part-time education under review with a view to increasing it if a child's capacity to learn increases.
- > Work with parents and schools to draw up plans to reintegrate children to mainstream education as soon as possible, reviewing and amending plans as necessary.
- > Put the chosen action into practice without delay to ensure the child is back in education as soon as possible.
- > Where councils arrange for schools or other bodies to carry out their functions on their behalf, the council remains responsible. Therefore, retain oversight and control to ensure your duties are properly fulfilled.

# Encouraging local accountability – questions for scrutiny



Councils should be accountable to the people who use them. The Ombudsman was established by Parliament to support this. We recommend a number of key questions that councillors, who have a democratic mandate to scrutinise the way councils carry out their functions, can consider asking.

- > How many children are there in your council's area not attending school, or not attending full-time?
- > Is there easily accessible information on your council's website for parents who are worried about their child's education or attendance?
- > How does your council identify children who are not attending school, or not attending full-time?
- > Does your council have strong links at all levels between different services, such as attendance, education welfare, and special educational needs, to ensure children missing education are identified and their needs are met?
- > Does your council have strong links with schools, including academies and other schools which are independent of the council, and clear processes for referring cases for support?
- > If your council has agreements with other organisations to fulfil its statutory duties to arrange alternative education, how are these arrangements managed? How does the council ensure the quality of the service?
- > Does your council document its decisions in individual cases, including decisions not to provide alternative education?
- > How does your council tailor its offer of alternative education to meet the needs of the individual pupil?
- > What has the council learnt from complaints about its service for children missing education? How have complaints led to service improvements?

## Local Government and Social Care Ombudsman

PO Box 4771  
Coventry  
CV4 0EH

Phone: 0300 061 0614

Web: [www.lgo.org.uk](http://www.lgo.org.uk)

Twitter: [@LGOmbudsman](https://twitter.com/LGOmbudsman)

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# Agenda Item 7.

<b>Report to:</b>	<b>OVERVIEW PANEL</b>
<b>Date:</b>	26 September 2022
<b>Reporting Officer:</b>	Sandra Stewart – Chief Executive/Director of Pensions Julie Speakman – Head of Executive Support
<b>Subject:</b>	<b>UNDERSTANDING OUR CUSTOMER CONTACTS AND LEARNING FROM OUR COMPLAINTS</b>
<b>Report Summary:</b>	The report provides an update and strategic overview in relation to dealing with and responding to customer contacts. This report also provides a summary of complaints received by the organisation, those that escalated to a statutory panel and or Local Government and Social Care Ombudsman. The report also provides a summary of how the review and management of these contacts can help drive system improvement.
<b>Recommendations:</b>	Overview Panel are asked to note: <ul style="list-style-type: none"><li>(a) the content of the update and strategic overview of complaint system/process</li><li>(b) support the refreshed training offer being promoted across the organisations; and</li><li>(c) receive further more detailed reports in relation to the top 5 key areas of complaints.</li></ul>
<b>Corporate Plan:</b>	Putting people at the forefront of services is a key element of the Council's Corporate Plan. An effective and robust complaints handling procedure is a necessary step to achieving this.
<b>Policy Implications:</b>	An effective complaint function means that residents who do not receive the best quality service can notify the Council for the purposes of redress and the improvement of services in the future. It is important for the Council to take notice of findings and guidance on complaint handling to aid best practice. As a leader for the Customer Service Excellence standard it is also important to use this as an improvement tool to inform our custom and practice for service delivery.
<b>Financial Implications:</b> <b>(Authorised by the statutory Section 151 Officer &amp; Chief Finance Officer)</b>	This report is an update on our performance in relation to complaints. Dealing with service failure has a financial impact both in terms of the consequences of the complaint and the significant resource required to respond to the complaint process.
<b>Legal Implications:</b> <b>(Authorised by the Borough Solicitor)</b>	<p>The report provides Members with an overview of the council's performance dealing with and responding to customer contacts.</p> <p>In 2020, the Local Government and Social Care Ombudsman stated: <i>The best authorities use complaints as a barometer of external opinion and as an early warning of problems that might otherwise stay unseen. They take that a step further and use critical feedback to drive a sophisticated culture of learning, reflection and improvement.</i></p> <p>Not only is having an effective process for managing contacts and complaints advisable for the effective delivery of services and to</p>

support the continuing drive for improvement it is also a legislative requirement with regard to the Ombudsman's role.

The Ombudsman's role is covered by the Local Government Act 1974 which defines the main statutory functions for the Ombudsman as:

- to investigate complaints against councils and some other authorities
- to investigate complaints about adult social care providers from people who arrange or fund their adult social care (Health Act 2009).

The Ombudsmen's jurisdiction under Part III of the Act covers all local authorities (excluding town and parish councils); police and crime bodies; and school admission appeal panels.

The LGO corporate strategy is based upon twin pillars of remedying injustice and improving local public services.

The Ombudsman is confident that the continued publication of decisions, focus reports on key themes and the data in the annual review letter is helping the sector to learn from its mistakes and support better services for citizens. The Ombudsman also urges the scrutiny of data on complaints to improve services.


In addition in 2020 the Local Government and Social Care Ombudsman issued new guidance on effective complaint handling for local authorities which provides practical advice and guidance on running effective complaints handling processes to which all councils are expected to comply.

**Risk Management:**

Failure to understand complaints received by the Council and analyse volumes and themes overall will lead to a risk of poor service delivery.

**Access to Information:**

The background papers relating to this report can be inspected by contacting the report writer Julie Speakman Head of Executive Support.

 Telephone: 0161 342 2142

 email: [julie.speakman@tameside.gov.uk](mailto:julie.speakman@tameside.gov.uk)

## 1. INTRODUCTION

- 1.1 Tameside Council strives to deliver excellent customer service. The Council delivers a wide range of services and whilst endeavouring to provide a consistent, high quality service, with good outcomes for our customers, we also recognise that occasionally issues can occur and things can go wrong.
- 1.2 We recognise the importance of listening to any feedback we receive, as this provides a valuable source of information; it lets us know what we are doing well and equally where service improvements can possibly be made. The information that customers request is also a useful tool to understand what is important to them and what information we should be ensuring is readily available through our channels of communication including one of our main assets, our websites.
- 1.3 The iCasework complaints and information case management system is managed and maintained by the Information & Improvement Team for records, processes and monitors contacts received by the organisation which include:-
- Corporate Complaints
  - Social care complaints (Children's & Adult's)
  - LGO & ICO Enquiries & Complaints
  - MP Enquiries
  - Freedom of Information Requests (FOI)
  - Subject Access Requests (SARs)
  - PSI – Applications for re-use
  - Compliments
  - Suggestions (customers & staff)
  - General Customer Enquiries
  - Whistleblowing concerns

- 1.4 Table 1 outlines the case work volumes per theme.

**Table 1**

	Work Areas	Case Volumes		
		2020	2021	2022 **
	<b>Information &amp; Data Team</b>			
	Freedom of Information requests - TMBC	1091	1069	663
	Freedom of Information requests - CCG/ICS	177	178	84
	FOI Internal Reviews	10	6	4
	ICO Enquiries / Investigations	1	2	1
	Subject Access Requests - TMBC	230	265	181
	Subject Access Requests - CCG	4	3	5
	Subject Access Internal Reviews	0	3	1
	Disclosure Request/Missing Person requests	8	13	7
	Coroners	3		
	<b>Complaints &amp; Customer Care Team</b>			
	Childrens Complaints - Stage 1	102	221	102
	Childrens Complaints - Stage 2	41	67	38
	Childrens Complaints - Stage 3	4	2	0
	Adults Complaints - Stage 1	76	92	56
	Adults Complaints - Stage 2	21	32	12
	Corporate Complaints - Stage 1	457	606	563
	Corporate Complaints - Stage 2	84	154	90

LGO enquiries / complaints	42	56	21
MP enquiries - TMBC	1130	875	574
MP enquiries - CCG	40	88	14
Complaint telephone calls	805	1574	1050
Complaint web chats	935	2727	916
Whistleblowing	21	24	13
Enquiries / service requests - TMBC	1991	4250	2221
Compliments	16	87	14
CCG/ICS Enquiries/Complaints	47	175	79

\*\*as at 31/07/2022

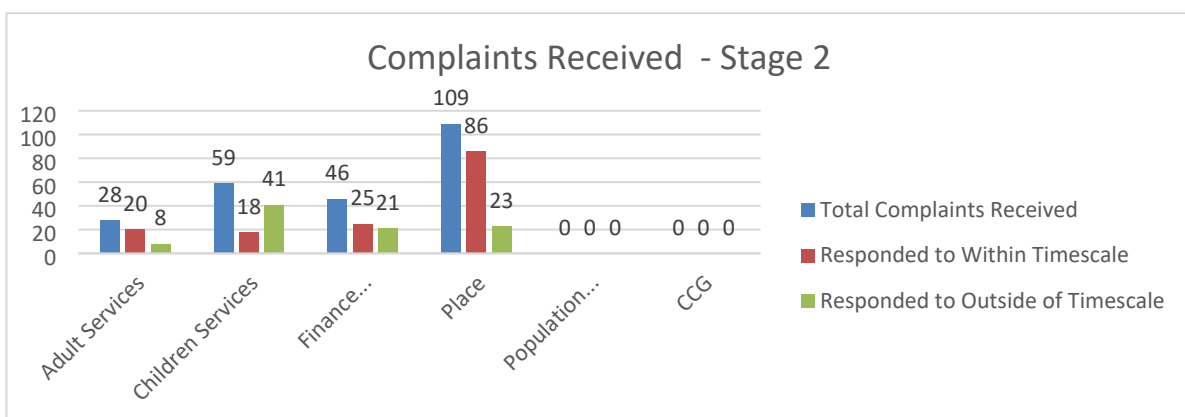
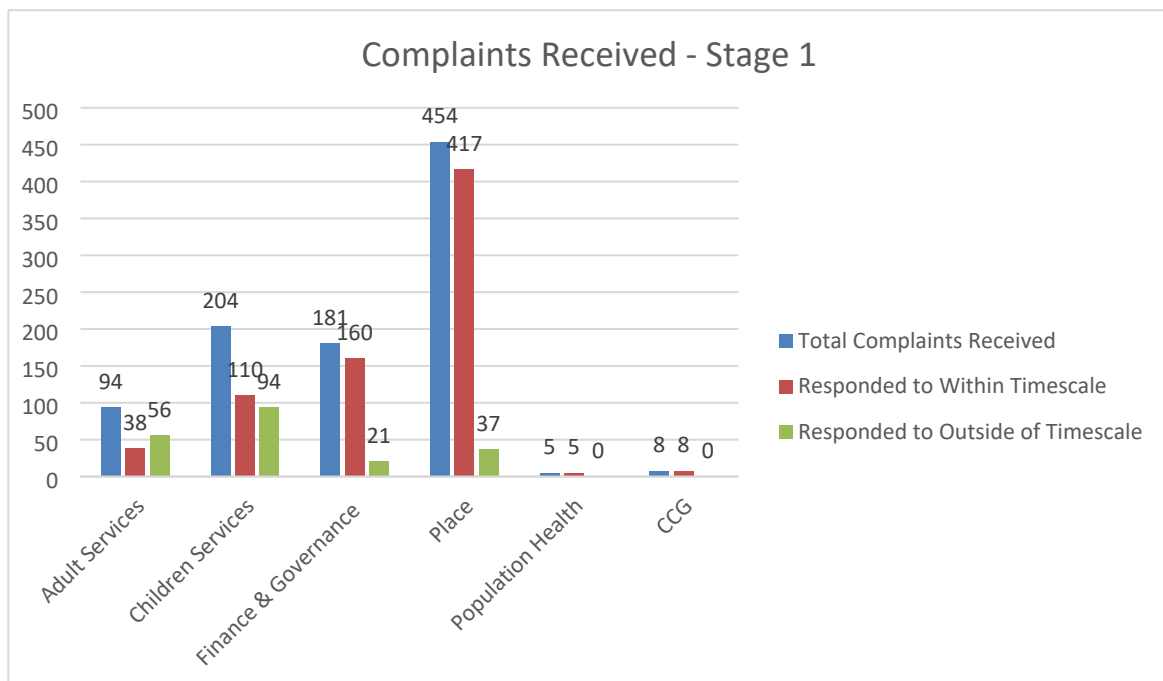
## 2. COMPLAINTS AND CUSTOMER CARE

- 2.1 In most cases, before any issues are considered via the formal complaints process, they must have been highlighted to the appropriate Council service through the service request process. By raising the issue as a service request initially, it allows us the opportunity to resolve the matter quickly and efficiently, so that customers can get the service that they want.
- 2.2 A complaint is generally defined as any expression of dissatisfaction specifically relating to a council service, or a body acting on behalf of the council, about the actions the service has taken, or a lack of action that has occurred. If at the end of the service request process, if the customer remain dissatisfied, they can contact the Complaints & Customer Care Team to raise a formal complaint. We will provide an impartial, fair and structured process for dealing with complaints.
- 2.3 It is our aim to make sure customers get a response as soon as possible, and where we can resolve issues quickly we will always endeavour to do so. Where cases are more complex, customers might be asked to agree a statement of complaint to ensure that all issues are fully understood and can be investigated; in these cases resolution may take a little longer.
- 2.4 There are three distinct areas in terms of the Council's complaints process that customers can access; these are the statutory processes for a) Children's Social Care,(Stage 1, 2 and 3 process) Adults Social Care and the corporate complaints(Stage1 and 2 process) relating to issues regarding to any other council wide service.
- 2.5 For any customer that remain dissatisfied in the handling or response to their council complaint then they can escalate their concerns to the Local Government and Social Care Ombudsman (LGSCO) who are independent from the council and investigate complaints and maladministration. The customer retain the right to approach the LGSCO during any stage of the complaints process, however the Ombudsman would ordinarily expect that contact is made with the council in the first instance, so that any issues raised can be considered locally and an attempt to reach a suitable resolution can be made.
- 2.6 Focusing on complaints for the period 1 April 2021 to 31 March 2022, the organisation has received and processed a total of 1,188 complaints of which 946 were Stage 1 and 242 were Stage 2.

## Complaints Received 1 April 2021 - 31 March 2022



2.7 The breakdown of the complaints received at Stage 1 and Stage 2 together with the volume received per service directorate is outlined in the table below. This also identifies if these were fully responded to within the 20 working day timescale.

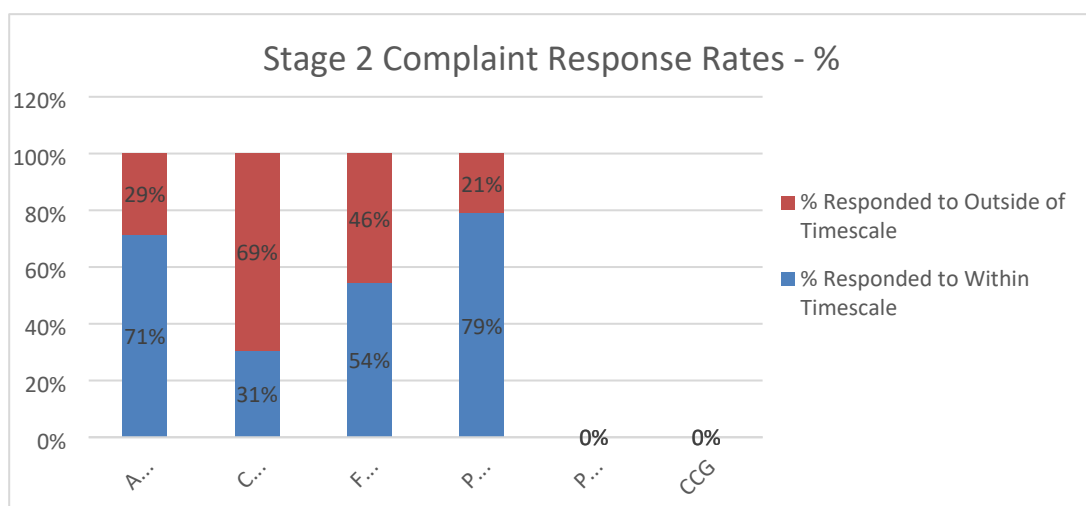
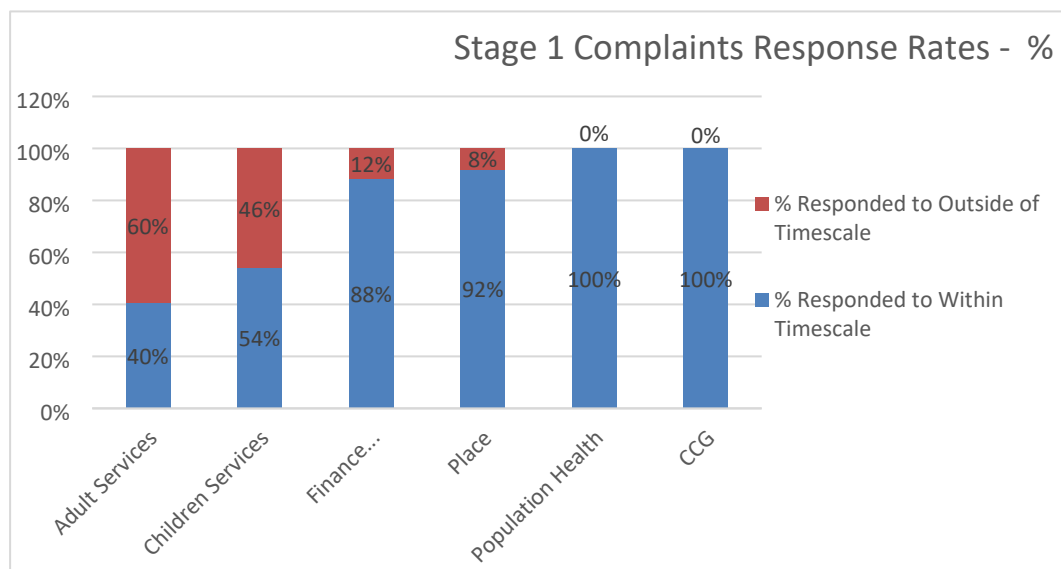


2.8 It should be noted that high volumes of complaints received, does not necessarily indicate the quality of the council's performance. High volumes of complaints can be a sign that we are an open organisation and complaints can act as an early warning of wider problems developing. Low complaint volumes, rather than always being an indicator that all is well, can be a worrying

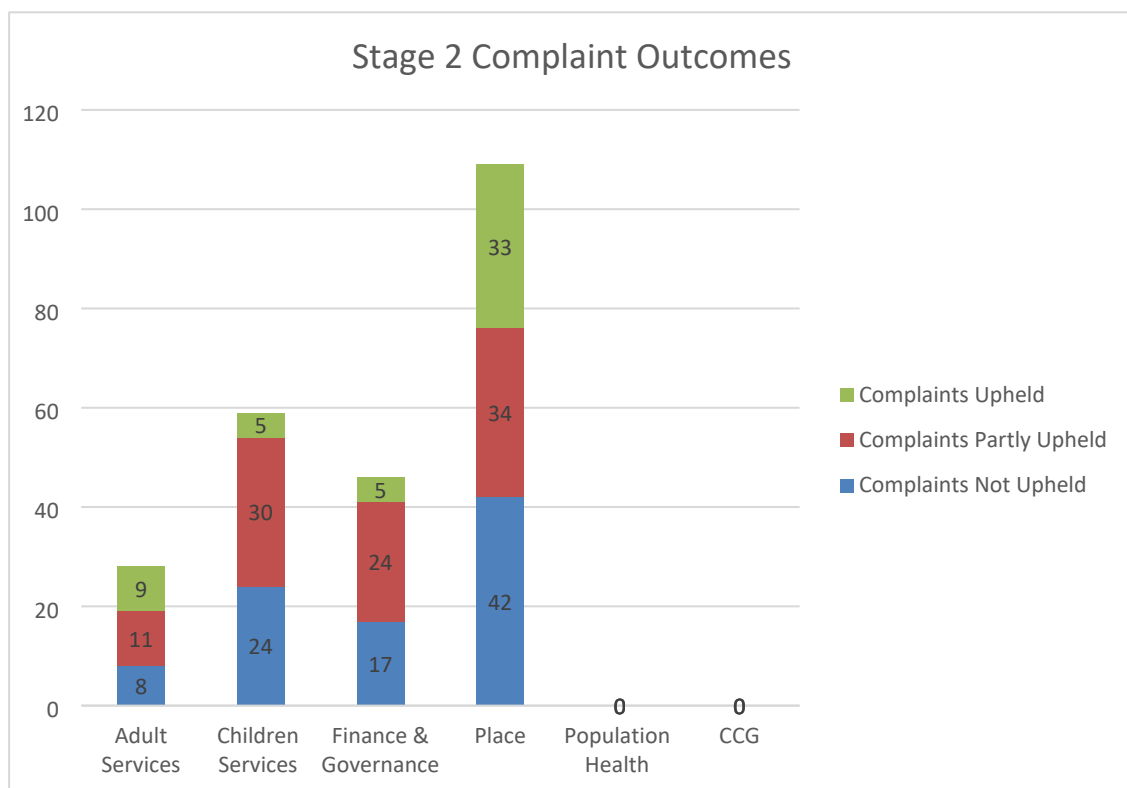
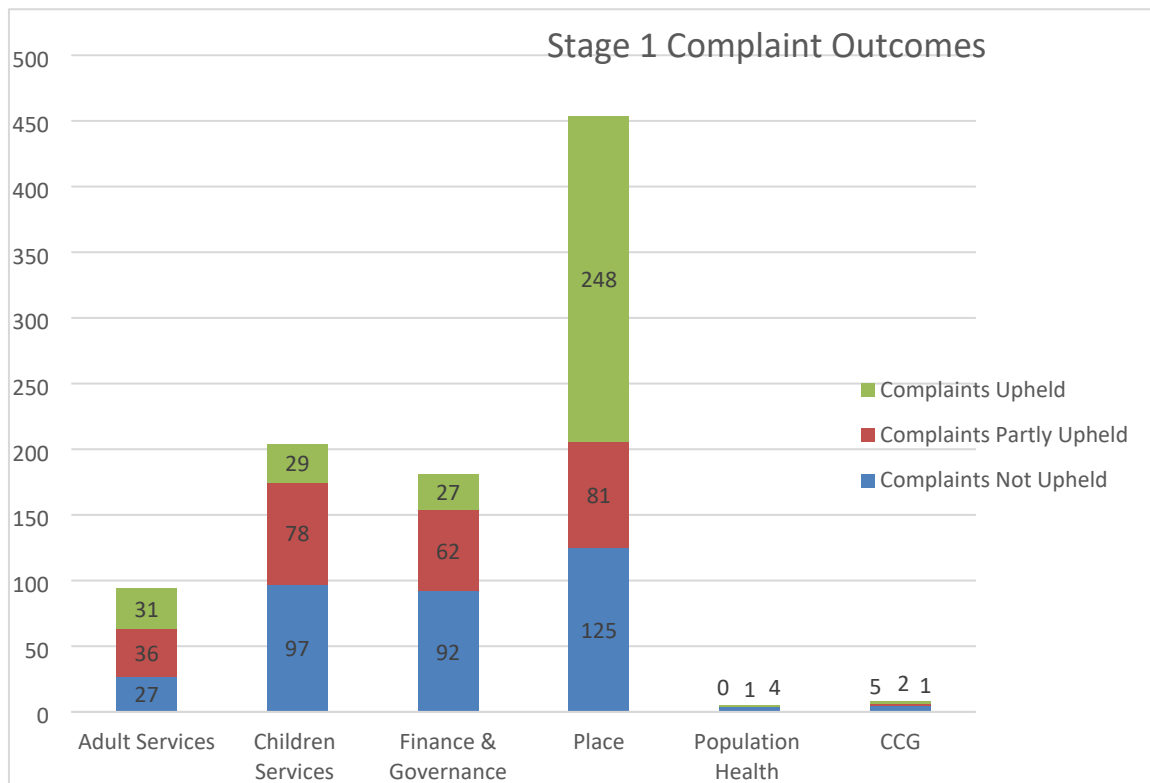
indicator that the authority is not alert to customer feedback and that service users do not believe that complaining will have an effect.

2.9 From the total complaints received during this reporting period, 78% of cases were responded to within the prescribed timescale compared with 57% from the previous reportable year for Stage 1 complaints. This is a pleasing improvement however, we cannot be complacent and must continue to work hard to increase this response rate. It is important to note that although there was 28% outside of the prescribed timescales there will be many reasons for this however active dialogue with customers will have taken place to keep them update on progress of when they would be likely to receive their responses. For Stage 2, 62% were responded to within the prescribed timescale and 38% outside of.

2.10 The following tables show the response rates of Stage 1 and 2 complaints by service directorate.



2.11 From the complaints processed and completed during the reporting period, the following complaint outcomes were recorded.



2.12 A summary of complaints currently in the system are attached to **Appendix A** and this also identifies at the top level the type and root cause of the complaint.

2.13 Understanding why customers (service users, residents) complain, is an important factor of the complaints process. Collecting and analysing this information, allows us to identify where

service failure is occurring, emerging patterns then helps provide us with the opportunity to put things right. Recognising where things are going wrong and implementing changes and improvements, will in turn reduce the number of complaints received and the improve the quality and experience that customers receive.

2.14 In relation to the top 4 issues/root causes we can see general themes coming through across the organisations this reportable period namely:-

- a) Failure or delay in doing something – 335. This is predominantly in Waste, Children's and Adults
- b) Not to the quality or standard expected – 74. This is predominantly in Children's, Adults and Waste.
- c) Disagree with charges – 39. This is predominantly in Exchequer Services.
- d) Inappropriate behaviour/staff conduct – 17. This is predominantly in Waste.

2.15 The data that is held within the system will also identify the specific issues that will help to inform service improvement and where additional staff training may be required across specific areas. During the last reporting period we can outline where the data has enabled improvements to be made which some are identified below.

<b>Children's Social Care</b>	
a)	As a result of complaints about the number of different social workers young people were experiencing, as well as delays in tasks being completed as a result of staff leaving, the Service gave a commitment to addressing the wider issues surrounding the recruitment and retention of social workers.
b)	As a result of a number of complaints about difficulties and delays in the process for obtaining passports for children and young people who are looked after by the local authority, amendments to that process were made to ensure that all documents received into the Council regarding the applications were logged and sent by Recorded Delivery to the Passport Office.
c)	Following a complaint about a failure to ensure parents were informed in a timely manner when the cancellation of a meeting is unavoidable, the need to ensure families were consulted at the earliest opportunity was raised with Teams in Children's Social Care.
d)	As a result of a complaint that concerns raised with a Manager had not been dealt with as a complaint, as had been expected, the Local Authority gave an undertaking that it would ensure managers in Children's Services attended Customer Care and Complaints Handling Training. It is anticipated that bespoke sessions will be provided to staff commencing in Autumn 2022.
e)	Following a complaint about a Risk Assessment document containing a number of errors, Children's Services agreed that training for staff in this area would be considered when setting the Children's Social Care training plan.
f)	Children's Social Care also gave a commitment to ensuring that its electronic recording systems remained compliant with General Data Protection Regulations (GDPR) thorough its thematic audits, supervision and quality assurance processes.
<b>Adult Social Care</b>	
a)	As a result of a complaint that information had been shared with a family member without the consent of either the Service User or the named Next of Kin. The Service recommended that a pre-existing consent form, which was ordinarily used for sharing information between professionals, be utilised to ensure explicit consent for information sharing with family members and other carers was sought.
b)	In addition to A) above, a recommendation was made for the Information Governance (UG) Team to provide additional IG training for Adult Social Care staff. This was above and beyond what is already provided for all Council employees as mandatory data protection training, in conjunction with the Caldicott Guardian, to ensure that it meets the needs of social workers and also recognises the need to share in appropriate circumstances, as well as not to share.

c)	There was also a commitment to a refreshed training programme regarding the owner of personal data, when an individual has capacity and when capacity is lacking.
<b>Education</b>	
a)	As a remedy for a complaint, it was agreed that the Early Years provider agreement be reviewed so that providers are not left out of pocket should placements be terminated early in circumstances where safeguarding concerns need to be reported. A commitment was given to asking the Early Years Funding Team to put a proposal together to include a notice period appeal mechanism should a parent choose to leave a provider without notice for exceptional reasons.
b)	A complaint about the delays in the School Admissions Team not having dealt with a school placement application within 20 school days, resulting in no school place being offered, a more timely process for following up applications was implemented to ensure this situation did not arise again.
c)	Following a complaint that the Special Education Needs (SEN) Team did not provide clear guidance on the process for re-assessment, this was discussed with the Team Manager, who agreed to reflect on this with the team, and consider how they could work more constructively with families in the future.
d)	A complaint that a SEN Caseworker did not reply within an agreed timeframe to questions raised by a parent, and the worker having no recollection of having committed to the timeframe, led to a concern that officers were not keeping good enough notes of discussions or sharing agreed actions with families. The Head of SEN was asked to address this in a training session for the team.
e)	In a complaint that information provided by a paediatrician, which a parent sent to the Council in support of her application for her child's EHCP, had not been included in the evidence submitted as part of the Panel process due to the Caseworker having left the Council's employment and not having undertaken a proper handover, the handover protocols for staff leaving the Council were reviewed to ensure that this cannot happen in the future.
<b>Place</b>	
a)	Waste – following an increase in the number of waste enquiries and/or complaints this triggered a service improvement plan to be instigated. Officers from the Service Directorate Support Team working closely with the Information & Improvement Team have been working with the service to understand in more detail the background to some of the issues being reported. A work programme has been developed with key areas including staffing hours, round routes, missed bins and complaint analysis, benchmarking with nearest neighbours and exploration of technology all under review.
b)	Planning – similarly with the Planning service a spike in service enquires, elected member contact and/or complaints has also triggered some service improvement work to be instigated which commenced in early August to gain understand the nature and patterns of the contacts and what can be put in place to alleviate this.

### 3. THE LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN (LGSCO)

- 3.1 The Local Government and Social Care Ombudsman (LGSCO) is the final stage for complaints about councils and some other authorities and organisations, including education admissions appeal panels and adult social care providers (such as care homes and home care providers).
- 3.2 Every July the Ombudsman publishes information on the complaints and enquiries received by individual local authorities and the decisions made during that financial year as part of an Annual Letter. A copy of this can be found at **Appendix B**. This information can be valuable in helping local authorities assess their performance in handling complaints. Intrinsic to the learning from this process the annual report is reported to Overview/Scrutiny to provide further challenge and inform learning of systems and process for improved outcomes for service delivery and customer experience from these.
- 3.3 The Annual Letter for the period 1 April 2021 to 31 March 2022 provides an update on the

current performance and how this compares with other local authorities in relation to number of cases, type and learning for example and this report outlines this additional information.

- 3.4 For the reportable period, the LGSCO received a total of 74 compared with 43 complaints for the previous year across the service themes below. The number of complaints escalated to the LGSCO is in line with what we would have expected and similar to those that we would have received pre Covid pandemic.

Authority	Adult Social Care	Benefits and Tax	Education and Children's Services	Environmental Services, Public Protection & Regulation	Highways and Transport	Planning & Development	Housing	Corporate & Other	Total
Tameside	10	10	22	17	3	7	2	3	74

- 3.5 Of the complaints received by the Ombudsman the following outcomes were determined. Some of those cases determined though could have been from a previous reporting year.

Outcome	Adult Social Care	Benefits and Tax	Education & Children's Services	Environmental Services, Public Protection & Regulation	Highways and Transport	Planning & Development	Housing	Corporate & Other	Total
Advice Given	1	0	1	0	0	0	0	1	3
Upheld	4	4	4	1	1	1	2	0	17
Not upheld	0	0	2	2	0	0	0	0	4
Closed after initial enquiries	2	7	12	6	1	3	0	1	32
Referred back for local resolution	1	3	4	8	0	4	0	1	21
Incomplete/invalid	0	0	2	0	0	0	0	0	2
Total	8	14	25	17	2	8	2	3	79

- 3.6 The LGSCO uphold complaints when they find fault in an organisation's actions, including where the organisation accepted fault before they investigated. There was an upheld rate of 81% (based on 17 of 21 cases) detailed investigations compared with 56% (9 of 16 cases) the previous year. This compares less well to the average uphold rate of similar authorities of 68%.

- 3.7 In addition for some cases where the LGSCO upheld the complaint the service area will have been asked to remedy the situation and of the 74 cases received there were 12 requiring further action.

Remedy	Adult Social Care	Benefits & Tax	Education and Children's Services	Environmental Services, Public Protection & Regulation	Highways and Transport	Planning & Development	Housing	Corporate & Other	Total
Apology/financial redress – Time & Trouble	1	0	0	0	0	0	0	0	1
Apology Provide training and/or guidance	1	1	0	0	0	0	0	0	2
Apology Financial redress: Avoidable distress/time and trouble Financial Redress: Quantifiable Loss	0	1	0	0	0	0	0	0	1

Procedure or policy change/review									
Apology Financial redress: Avoidable distress/time and trouble Procedure or policy change/review Provide training and/or guidance	2	0	0	0	0	0	0	0	2
Financial redress: Avoidable distress/time and trouble New appeal/review or reconsidered decision	0	1	0	0	0	0	0	0	1
Apology Financial redress: Avoidable distress/time and trouble Provide training and/or guidance	0	0	1	1	0	0	0	0	2
Apology Financial redress: Avoidable distress/time and trouble Provide services to person affected	0	0	1	0	0	0	0	0	1
Financial redress: Avoidable distress/time and trouble	0	0	1	0	0	1	0	0	2
Total	4	3	3	1	0	1	0	0	12

- 3.8 In 100% of cases the Ombudsman was satisfied the authority had successfully implemented their recommendations (based on 12 compliance outcomes). In 24% of upheld cases the Ombudsman found that the authority had provided a satisfactory remedy before the complaint had reached them (based on a total of 17 upheld decisions), this compares favourably to an average of 11% in similar authorities.
- 3.9 The reportable period for the annual report and the comparative data contained in this report is 1 April 2021 – 31 March 2022. As part of the annual report local authorities receive data in relation to the service areas, the complaints received by the LGSCO relate. Table below shows the breakdown of complaints received by local authorities by service theme in addition to the overall total number of complaints received.

GMCA - Local Government & Social Care Ombudsman - Complaints and Enquiries Received (by category) 2021/2022										
Local Authority	Adult Social Care	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environmental Services, Public Protection and Regulation	Highways and Transport	Housing	Planning and Development	Other	Total
Bolton MBC	15	5	2	16	3	7	4	13	1	66
Bury MBC	4	9	2	24	11	10	2	4	2	68
Manchester CC	15	19	12	31	23	15	10	5	4	134
Oldham MBC	8	10	3	7	7	6	2	11	1	55
Rochdale MBC	8	3	2	6	4	0	2	5	0	30
Salford CC	7	15	2	15	8	4	5	7	0	63
Stockport MBC	20	7	3	25	11	10	3	15	3	97
Tameside MBC	10	10	2	22	17	3	2	7	1	74
Trafford	19	4	1	11	21	10	3	6	0	75
Wigan MBC	7	5	4	16	11	2	3	11	3	62

3.10 Table below outlines the number of detail investigations carried out by the LGSCO across GM local authorities.

GMCA - Local Government & Social Care Ombudsman - Investigations 2021/2022								
Local Authority	Number of details investigations	Number upheld	% Upheld	% Compliance with LGO recommendations	Number of Satisfactory remedies provided by council prior to LGO involvement	% Satisfactory remedies provided by council prior to LGO involvement	Public Reports Published by LGO in last 5 Years	Number of service improvements agreed by Council since April 2018
Bolton MBC	22	14	64%	100%	2	14%	2	20
Bury MBC	15	11	73%	100%	2	18%	1	12
Manchester CC	47	33	70%	100%	3	9%	1	19
Oldham MBC	17	13	76%	100%	0	0%	0	8
Rochdale MBC	18	13	72%	100%	2	15%	1	11
Salford CC	21	10	48%	100%	3	30%	1	10
Stockport MBC	14	9	64%	100%	0	0%	1	18
Tameside MBC	21	17	81%	100%	4	24%	3	10
Trafford	14	10	71%	100%	1	10%	1	21
Wigan MBC	7	5	71%	100%	0	0%	0	5
Average performance rates; (%)			68%	100%		11%		

3.11 In summing up in his Annual Review letter – ***the power to change*** it was reported that the LGSCO has directed more improvements to local councils in the past year than ever before with a view to help councils learn and improve services. Michael King, Local Government and Social Care Ombudsman, said:

***“One complaint can have immense power to change things for the better, and we’re increasingly focusing on to how we, and the local authorities we investigate, take the learning from those complaints and improve service provision.***

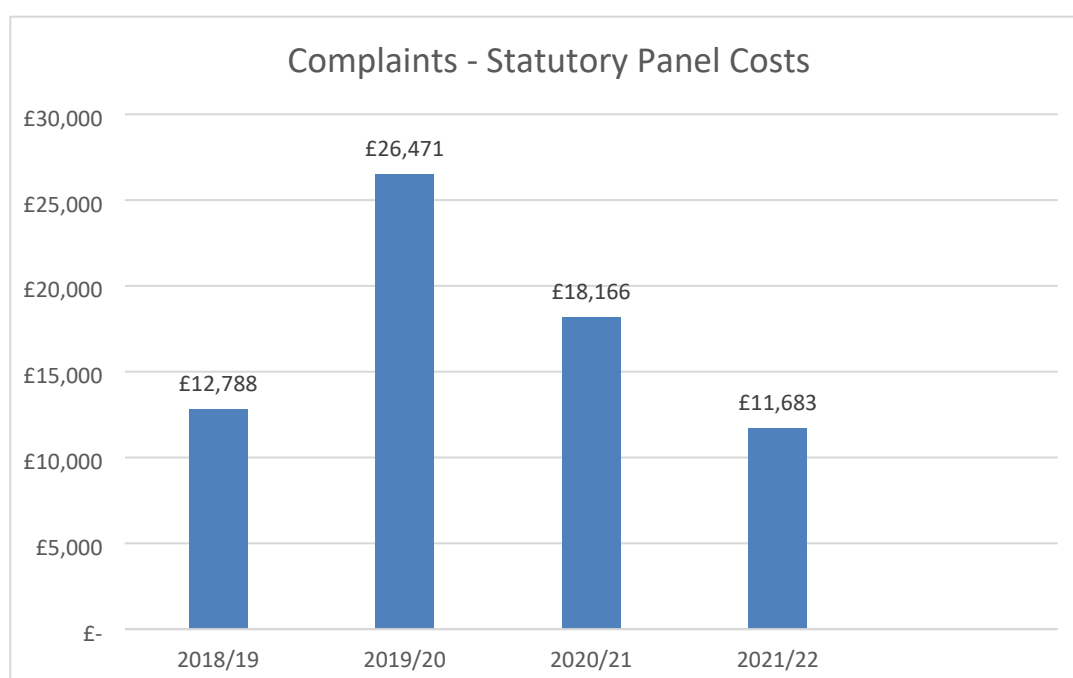
***“The vast majority of councils agree to the recommendations we make and see them as common-sense ways of providing better services for people in their area. However, this can only happen when councils act swiftly when they have committed to do so.***

***“Unfortunately we are seeing some councils taking longer to make those changes, which put them at risk of making the same mistakes again. In 18% of cases we found compliance was late.***

***“While I welcome the professional way in which the majority of councils continue to work with us, I would urge those authorities who are having problems to pay close attention to this final, but crucial, step in the complaints process.”***

3.12 Finally, in relation to complaints and the learning there are many costs (some hidden for example staff time) that can also be a driver for system improvement. Where complaints move either into a Statutory Stage 2 or 3 Panel and or move to the LGSCO there are in most instances additional costs incurred. Convening panels for independent reviews, report writing, holding of panels cost additional money and over the years, we have seen increases in this area of work and in costs. Once panels have concluded, some recommendations could be to make a remedy payment and this is similar to the LGSCO following some of their investigations.

3.13 There is an annual budget of £13k set aside to manage statutory Stage 2 and Stage 3 panels which sits within the Information and Improvements budget, the costs incurred for the last four as shown below. Although it is pleasing to see a reduction of costs for panel costs and within the allocated budget, these costs are still too high.



3.14 These costs are in addition to any “remedy costs” that might be paid out directly by the service as a result of the panel and any “remedy costs” incurred via any LGSCO involvement.

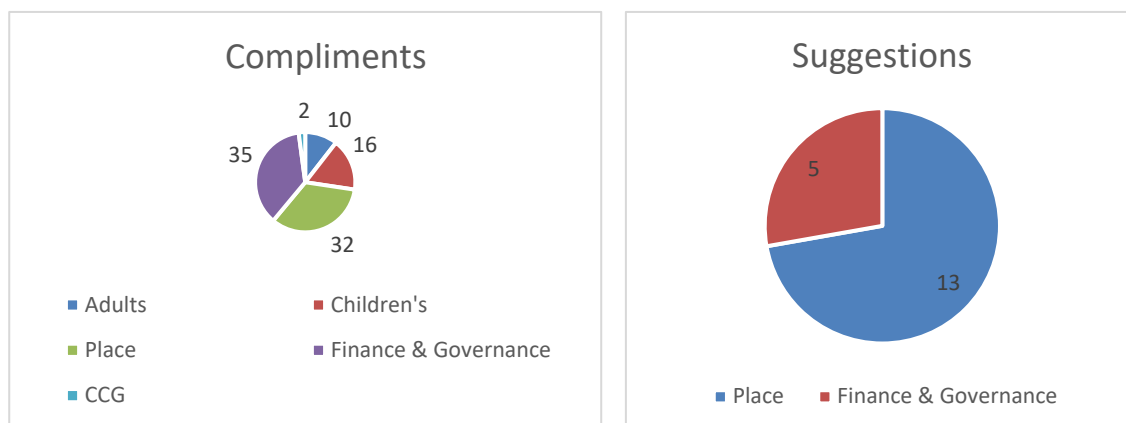
3.15 In relation to remedy costs as a result of the LGSCO involvement for the reportable period this totals an amount of £4625 which relates to 5 cases. These costs are borne directly by the service area budget.

Service	Reason	Amount
Adults	Uncertainty due to poor communication	200.00
Adults	Delays in provision and a shortfall in activities	700.00
Adults	Refund of costs £3025 Time and trouble payments £150 x 2	3325.00
Adults	Failure to provide consistent services	300.00
Growth	Time and trouble resulting from defective repair work	100.00

<b>TOTAL</b>		<b>4625.00</b>
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#### 4. CUSTOMER SERVICE EXCELLENCE, COMPLIMENTS AND SUGGESTIONS

- 4.1 As challenging it can be in effectively dealing with complaints and customers reports of dissatisfaction, it is also important to record Compliments and Suggestions received internal and externally. For the reportable period of 1 April 2021 – 31 March 2022 there have been 95 compliments logged and 18 suggestions. The compliments received have been regarding a range of services of the council and in the majority of cases were reporting on the help, support and excellent customer service individuals had received.



- 4.2 In addition the organisation has held the Customer Service Excellence standard for over 16 years, each year achieving with 100% compliance and with additional areas of compliance plus (areas of best practice).
- 4.3 During July 2022 the onsite surveillance took place and it is pleasing to report the organisation continues to meet the standard with 100% compliance and a reported the 12 areas of compliance plus awarded last year still stood, with a further 3 new areas being awarded for are criteria
- 1.1.1 *We have an in-depth understanding of the characteristics of our current and potential customer groups based on recent and reliable information.*
  - 1.1.2 *We have developed customer insight about our customer group to better understand their needs and preferences.*
  - 3.3.2 *We evaluate how customers interact with the organisation through access channels and we use this information to identify possible service improvements and offer better choices.*

This is a remarkable achievement and one to be proud of.

- 4.4 Learning and development is an intrinsic element of good customer service, service improvement and staff development
- 4.5 During the reportable period we have delivered Customer Care and Complaints Handling Training to 97 staff across the organisation and attendees have included Assistant Directors and Heads of Service, as well as front line staff, including staff from the very front-facing Call Centre, and Library Services. The team has also delivered bespoke training sessions to colleagues from the Pension Service, and from the Control and Out of Hours Service, which have been tailored to the needs of the service. Feedback across all the sessions has been very positive. With further sessions booked in for the remaining of the calendar year, we expect to have delivered to over 150 staff.

- 4.7 In additions, 34 staff attended an Effective Complaint Handling workshop that the LGSCO have delivered this year with a waiting list for further sessions. Attendees included Assistant Directors, Heads of Service, Deputy Heads of Services, Service Managers, Development Managers, and Team Managers and attendance was from across all service areas.

## **5. NEXT STEPS**

- 5.1 Ongoing work will continue with the root cause analysis which will help identify service areas where system process reengineering support might be of assistance or where staff training in particular areas of service delivery may be warranted.
- 5.2 The analysis work will also look at how demand is presenting itself into the organisation and what it is telling us and review which channel customers are making contact in addition to the monitoring and addressing any unreasonable complainant conduct.

## **6. RECOMMENDATIONS**

- 6.1 As set out on the front of the report.

## APPENDIX A

Service Area	Number of S1 Complaints Analysed	Most Common Causes of Complaints with volumes					
Operations	84	Failure to do something	19	Not to the quality or standard expected	13	Inadequate services provided by a third party	11
Transformation	6	Failure to do something	4				
Joint Commissioning & Performance Management	0	SMALL NUMBERS & NO COMMON THEMES					
Access Learning	9	SMALL NUMBERS & NO COMMON THEMES					
Cared for Children Services	38	Not to the quality or standard expected	11				
Child Protection and Children in Need	121	Failure to do something Count	30	No communication received Count	12	Not to the quality or standard expected Count	15
Early Help and Youth Offending	3	SMALL NUMBERS & NO COMMON THEMES					
Pupil Support Services Learning	27	Failure to do something	12				
Safeguarding and Quality Assurance	2	SMALL NUMBERS & NO COMMON THEMES					
School Performance Standards	1	SMALL NUMBERS & NO COMMON THEMES					
Financial Management (GOV)	0	SMALL NUMBERS & NO COMMON THEMES					
Risk Management & Audit Services	1	SMALL NUMBERS & NO COMMON THEMES					
Assess and Pay Income and Collection	173	Disagree with charge received	39	Not to the quality or standard expected	20	Failure to do something	18
Executive Support/Business Support	2	SMALL NUMBERS & NO COMMON THEMES					
Community Safety & Homelessness	20	Failure to do something	7				
Cultural and Customer Services	9	SMALL NUMBERS & NO COMMON THEMES					
Design & Delivery	24	Failure to do something Count	12				
Employment and Skills	0	SMALL NUMBERS & NO COMMON THEMES					
Environmental Development	1	SMALL NUMBERS & NO COMMON THEMES					
Environmental Services (Management & Operations)	8	SMALL NUMBERS & NO COMMON THEMES					
Environmental Services (Public Protection)	33	Failure to do something	9	Dissatisfied with response to reported issues	5		
Estates	3	SMALL NUMBERS & NO COMMON THEMES					
Highways and Transport	14	Not to the quality or standard expected	4				
Investments and Development	3	SMALL NUMBERS & NO COMMON THEMES					
Operations and Greenspace Planning	22	Failure to do something	8				
	30	Failure to do something	10	Service delays	8		
Strategic Infrastructure	2	SMALL NUMBERS & NO COMMON THEMES					
Waste Management	278	Service Failure	206	Inappropriate behaviour / Staff conduct	17	Not to the quality or standard expected	11
Population Health	5	SMALL NUMBERS & NO COMMON THEMES					
Commissioning	5	SMALL NUMBERS & NO COMMON THEMES					
Joint Commissioning	2	SMALL NUMBERS & NO COMMON THEMES					
Quality and Safeguarding	1	SMALL NUMBERS & NO COMMON THEMES					

# Local Government & Social Care OMBUDSMAN

20 July 2022

*By email*

Ms Stewart  
Chief Executive  
Tameside Metropolitan Borough Council

Dear Ms Stewart

## Annual Review letter 2022

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

## Complaint statistics

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

**Complaints upheld** - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

**Compliance with recommendations** - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your

Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

### **Supporting complaint and service improvement**

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

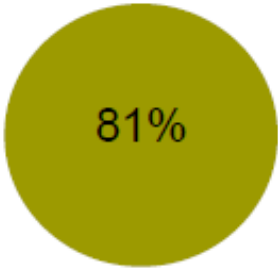
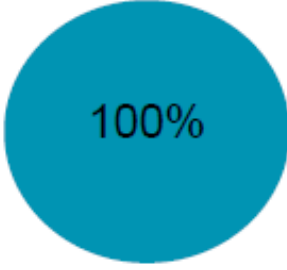
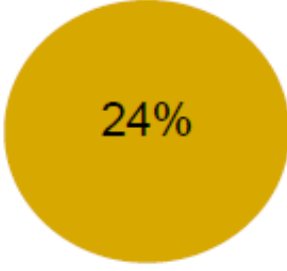
An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

We were pleased to deliver two online complaint handling courses to your staff during the year. I welcome your Council's investment in good complaint handling training and trust the courses were useful to you.

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

Complaints upheld		
	<p>81% of complaints we investigated were upheld.</p> <p>This compares to an average of 68% in similar organisations.</p>	<p>17 upheld decisions</p> <p>Statistics are based on a total of <b>21</b> investigations for the period between 1 April 2021 to 31 March 2022</p>
Compliance with Ombudsman recommendations		
	<p>In 100% of cases we were satisfied the organisation had successfully implemented our recommendations.</p> <p>This compares to an average of 100% in similar organisations.</p>	<p>Statistics are based on a total of <b>12</b> compliance outcomes for the period between 1 April 2021 to 31 March 2022</p>
<ul style="list-style-type: none"> <li>Failure to comply with our recommendations is rare. An organisation with a compliance rate below 100% should scrutinise those complaints where it failed to comply and identify any learning.</li> </ul>		
Satisfactory remedy provided by the organisation		
	<p>In 24% of upheld cases we found the organisation had provided a satisfactory remedy before the complaint reached the Ombudsman.</p> <p>This compares to an average of 11% in similar organisations.</p>	<p>4 satisfactory remedy decisions</p> <p>Statistics are based on a total of <b>17</b> upheld decisions for the period between 1 April 2021 to 31 March 2022</p>

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