



Customer Relations



Children's Social Care

Statutory complaints and compliments Annual Report 2014/2015

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1. Purpose and Summary of Report

- 1.1 To report statistical information to Members and Officers detailing Leicestershire County Council's (LCC) Children's Social Care complaints activity from 1 April 2014 to 31 March 2015 including any developments and planned improvements.
- 1.2 To meet the requirements of Regulation 18(2) of Statutory Instrument 2006 No. 1681 Local Authority Social Services Complaints (England) Regulations 2006 and Regulation 13(3) of Statutory Instrument 2006 No. 1738 The Children Act (1989) Representations Procedure (England) Regulations 2006.
- 1.3 For the current year the following Statutory guidance remains relevant
 - Getting the best from Complaints 2006
- 1.4 This report provides analysis and comment for Children and Family Services on all complaints managed under the statutory process. Those complainants not qualifying under the statutory process are considered under the County Council's Corporate Complaint Annual Report presented annually to the Scrutiny Commission.
- 1.5 The Customer Relations Manager role is responsible for ensuring that complaints are handled appropriately and providing support to the department in resolving complex cases. In addition, the Customer Relations Manager will highlight key trends that emerge each year and any recommendations that would improve how we work. The Children and Family Services department retain responsibility for actioning any such improvements.

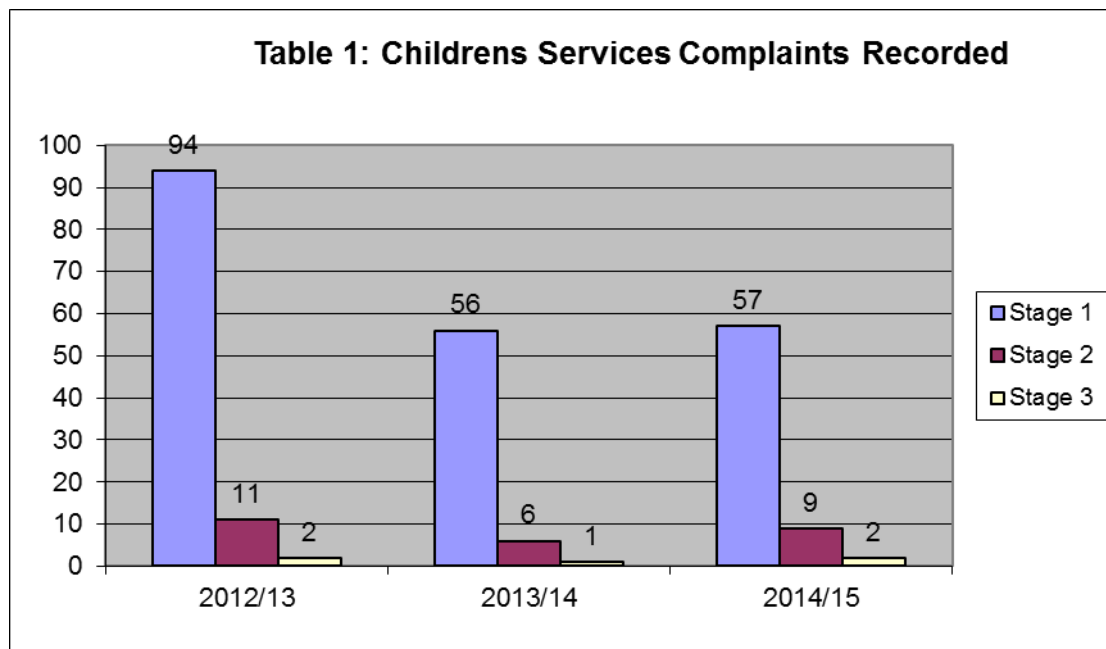
2. Other relevant reports

- 2.1 In March 2015, the Local Government Ombudsman published a report entitled "Are we getting the best from children's social care complaints"
The full report is appended as Appendix C. Whilst the Ombudsman is clear not to take a view on the "fitness for purpose" of the current statutory process, it highlights some of the issues and concerns experienced by both complainants as well as complaints managers.
- 2.2 In June 2015, the Ombudsman published their "Annual Review of Local Government complaints". The key thrust of this report was to highlight concerns that complaints functions are under increasing strain. The report (dated 25 June 2015) can be accessed online at www.lgo.org.uk/news/2015/jun

3. Complaints and compliments analysis 2014-15

3.1 Complaint Volumes

As illustrated below (Table 1), the total number of complaints considered at stage 1 has remained almost identical to last year (2% increase)



Volumes of stage 1 complaints should also be considered in the light of the number of cases which the Children’s Social Care service received during the year. There are a number of indicators which might affect complaint volumes but, in general, there was a reduction in contacts to the department.

To provide some context to complaint volumes, the number of referrals to Children’s Social Care has been used and using this indicator 1.2% go on to make a formal complaint (0.94% in 2013-14)

Although this is a 20% swing from prior year, as a new measure it is too early to say whether this is a significant point. Future reports will look to track the long term trend using this methodology.

	2013/14	2014/15 (provisional)	% Change 13/14 to 14/15
Referrals to Children’s Social Care	5895	4635	-21%
Single Assessments	n/a	3671	
Children in Care at 31st March	455	472	4%
Child Protection Plans at 31st March	439	398	-9%

3.2 Escalations to stages 2 & 3

The number of requests to escalate to Stage 2 of the process increased by three compared with the previous year. As a percentage of Stage 1 complaints this equates to 16%.

Every effort is made to resolve escalated complaints through alternative dispute resolution. This includes conciliation meetings (usually involving both the Customer Relations Manager and a Service Manager) and on occasions externally led mediation.

In keeping with 2013-14, this has again proved successful with four of the nine requests being resolved at this point.

Of the five complaints which completed Stage 2 of the process, four Stage 3 panel hearing requests were received and accepted. It is worth noting that only two were received during the 2014-15 year, the remaining two cases will appear in next year's report.

This means that 80% of complaints which completed Stage 2 of the process escalated to Stage 3. This escalation rate is markedly different to previous years and is influenced by the following

- Changes to the Local Government Ombudsman's policy on early referrals.
- A decrease in the standard of independent investigations carried out.

During previous years, the Customer Relations Manager would discuss cases with the Ombudsman where it was likely nothing further could be achieved through a Stage 3 panel hearing and on most cases, the Ombudsman agreed to accept early referrals. During 2014, a clear statement was issued by the Ombudsman that they would no longer accept such cases and would insist on the complainant completing all stages of the statutory process.

This has implications for the department and highlights the need to ensure every effort is made to resolve complaints at Stage 1 of the process.

During the year, the Customer Relations Manager was compelled to re-assign one internal investigation due to the failure of the Independent Investigator to manage the case effectively. In one other case, quality concerns led to another investigator being removed from our pool. It is proving increasingly difficult to identify external resources who have sufficient and current knowledge of social care processes

It is also interesting to note the failure of Stage 2 investigations to achieve resolution in the majority of the cases. This does raise questions around the effectiveness of this formal stage, themes that have been voiced through a recent Ombudsman consultation and which are explored further in their focus report referenced at section 2.1 of this report (Appendix C)

3.3 Escalations to Local Government Ombudsman

For consistency, this report will use the recently published statistics, which the Ombudsman produces each year as part of her annual report.

In 2014-15, the Ombudsman received 15 complaints under the heading of Childrens and Educations Services. Data is not supplied at a level, which allows for understanding how many of these were complaints falling under the statutory social care complaints procedure, but internal records suggest that none were within this category. One case was accepted back as premature and subsequently has completed all stages of the statutory process.

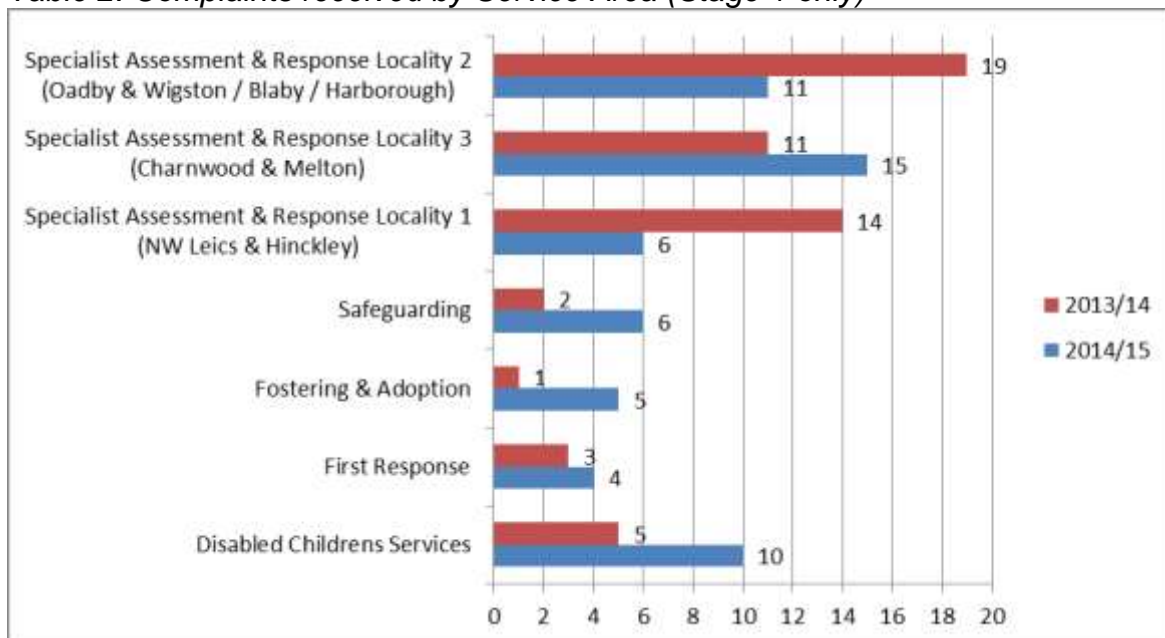
The Local Government Ombudsman also publishes figures on complaints resolved during the year and for 2014-15 there were 16 complaints resolved for Children’s and Education Services, but again internal figures suggest that none of these related to complaints processed under the statutory process.

Further analysis on Ombudsman complaints relating to non-statutory complaints is contained within the Corporate Complaints annual report. It is intended to ask the Ombudsman to consider splitting out statutory complaints for future reports.

3.4 Statutory complaints by Service area

The Customer Relations Manager records all statutory complaints at a service level and table 2 below shows the results for 2014-15 overlaid against the figures from the previous year.

Table 2: Complaints received by Service Area (Stage 1 only)



Whilst some caution needs to be exercised against year on year comparison due to structural changes, there are some noteworthy changes as follows:

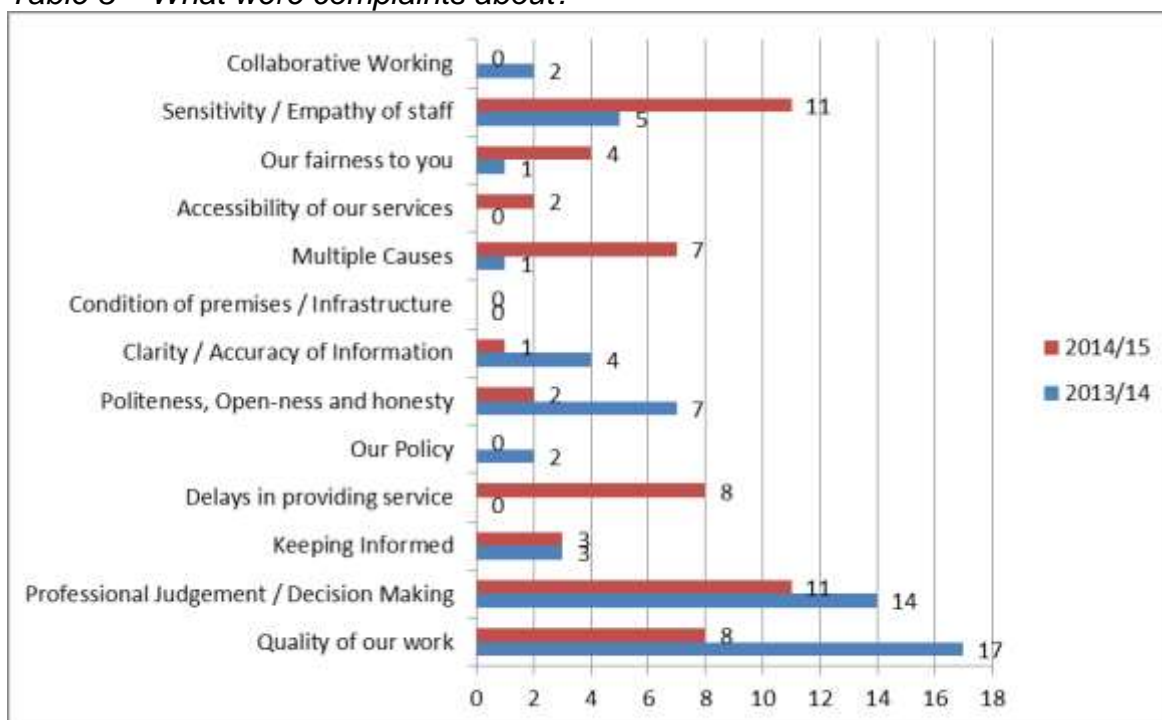
- Increase in Disabled Childrens complaints.

- Increase in Fostering and Adoption complaints.
- Decreases in Locality complaints across most areas.

3.5 Complaint Causes

During 2013/14, a new approach was introduced to try to improve understanding of the main causes leading to complaints. This has been repeated this year and the results for both years are shown below in table 3.

Table 3 – What were complaints about?



There are a number of interesting movements from the previous year shown in the above graph as follows:

- Reduction in complaints about “quality of work”

This is pleasing to see as it was an area highlighted for focus in last year’s report. In particular, notable improvements have been seen in administrative performance around timeliness and quality of case conference materials an area highlighted last year. The Customer Relations Manager is only aware of this issue being raised in two case during 2014-15.

- Increase in complaints regarding sensitivity / empathy of staff

This has now risen to be the joint most significant element prompting complaints, however importantly, only two of the eleven complaints were partly upheld. In both cases it was recognised that the worker was acting with good intent but had

adopted slightly the wrong approach. Discussions were held with both workers during supervision sessions.

The nature of our involvement with families suggests there will always be difficult discussions with families but it is encouraging to see low uphold rates in this area.

- Increase in complaints citing delays in providing service.

There were 8 complaints in this area whereas in 2013/14 this was not identified as the main cause in any.

In six cases the complaint was (at least partially) upheld. Specific situations included

- i) Delay in response from First Response
- ii) Delay in production of Life-story book (2 complaints)
- iii) Delay in allocation of Disabled Children's worker
- iv) Delay in assessment for Short breaks
- v) Delay in processing passport application for LAC
- vi) Delay in completing contract for extension work identified to support a prospective SGO

Inevitably as resources become more strained this is an area that will likely see complaint increases. Whilst numbers are predominantly low the Customer Relations Manager would draw attention to the one repeat theme (Life Story books). It is noted that this is an area already subject to action plans to deliver improvements.

The full breakdown of complaint causes and respective uphold rates are shown in table 4 below.

Table 4: Complaint Causes	Number	% Upheld (Partly or Fully)
Sensitivity / Empathy of staff	11	18%
Professional Judgement / Decision making	11	18%
Quality of our work	8	38%
Delays in providing services	8	75%
Multiple	7	43%
Our Fairness to you	4	25%
Keeping informed	3	33%
Politeness, Openness and Honesty	2	50%
Accessibility of our services	2	50%
Accuracy and clarity of information given	1	0%

3.6 Who complains?

In 2014/15, seven complaints were made directly by children and young people. At 12% of the overall number, this is a further increase on previous year (9%) and

continues the upward trend from 2011/12 where no statutory complaints were received from this group.

Despite the above process, it is dis-appointing that the statutory complaints process is rarely used by the very group it has been designed for. This is far from a unique story, indeed other authorities report significantly less complaints brought by young people.

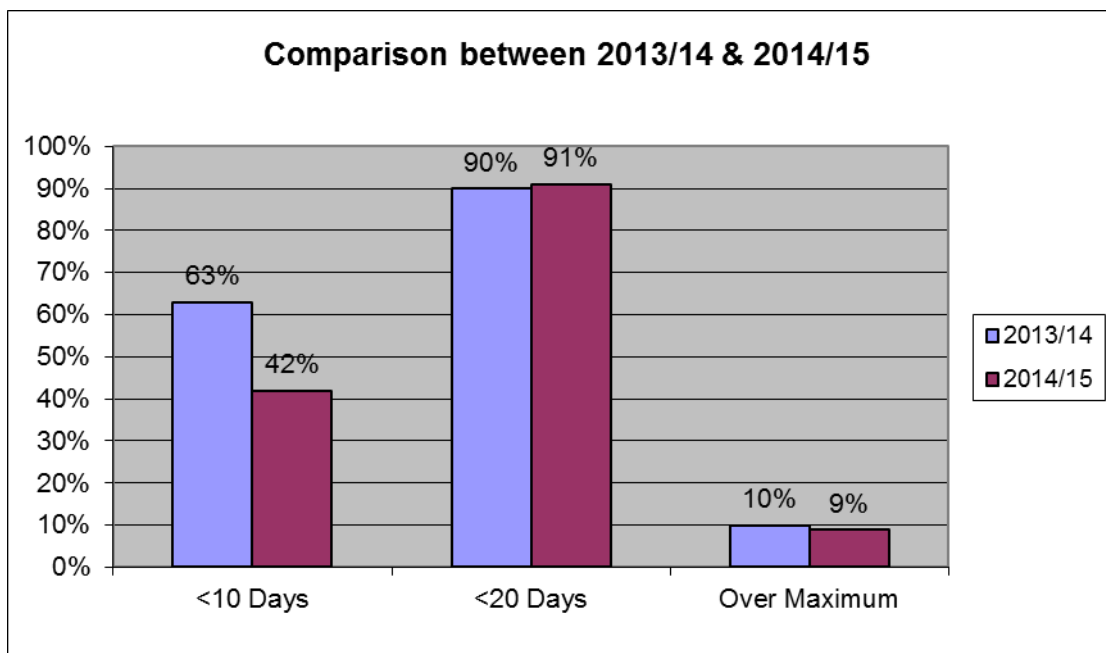
It remains a key priority of the Customer Relations Manager to ensure that everything is being done to improve accessibility of the complaints process to our children and young people and to this end the following steps have taken place this year:

- Continued close working with Corporate parenting unit including quarterly reviews of cases where Children’s Rights Officers are involved
- An away day with representatives of the Children in Care Council to design a new complaints leaflet which looks relevant to them
- A flexible approach to meeting young people to discuss issues and resolve concerns with the emphasis on “sorting things out”

The remaining 50 complaints were brought by parents, foster carers, adopters or anyone else identified as having sufficient interest in the child or young person’s welfare.¹

3.7 Performance against timescales – How responsive have we been?

Table 5: Children’s Services Performance at stage 1



¹ Guidance set out in section 2.6 of Getting the Best from Complaints.

Table 5 above details the time taken to respond to complaints at Stage 1, providing a comparison between the current reporting year and the previous one. Whilst adherence to the statutory maximum timescales (20 working days) is in line with prior year, there has been a significant drop in performance at the best practice indicator (10 working days)

This issue was highlighted in December 2014 with service managers and since this point there has been improvement back to the levels seen in 2013/14.

It is important to stress that, where complainants have not agreed an extension and there is no good reason for a complaint to exceed 20 working days, the Customer Relations Manager is duty bound to offer a Stage 2 investigation. This emphasises the importance of prompt response at Stage 1. This situation did not materialise during 2014-15.

Response timescales at Stage 2

In late 2013, an important decision was made by the Ombudsman² which confirmed that a Stage 2 must be considered to start from the point the Council has a written complaint. Previously Leicestershire County Council's approach (mirrored by other authorities) was to start the clock from the point that the Independent Investigator had met with the complainants and agreed with them a record of their complaint.

This has significant implications for completion of Stage 2 investigations within the statutory timescales of 65 working days and of the five complaints completed under Stage 2 during 2014-15, only two (40%) were completed within this timescale. This compares to 57% in 2013/14.

Whilst LCC has changed our processes in terms of the start point for a statutory complaint, it is felt that the introductory meeting with Independent Investigators and the production of a clear "record of complaint" is essential in a robust investigation and as such this practice has not changed

The Ombudsman has indicated that providing the Local Authority is managing the expectations of a complainant and not unduly delaying resolution, there is unlikely to be criticism of not meeting this timescale, the Customer Relations Manager is exploring ways to speed up the process as the Council is at risk of criticism in this area.

² Report on complaint no 12 009 203 against Worcestershire County Council – September 2013

3.8 Complaint Outcomes

Table 6: Children’s Services complaints recorded by outcome

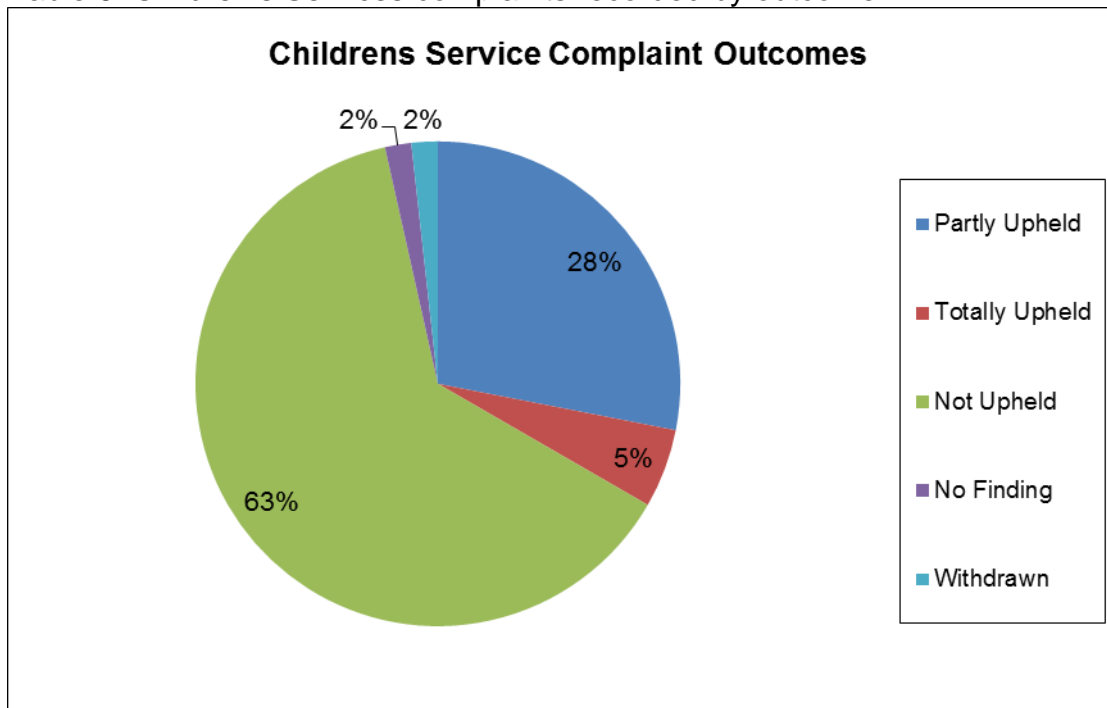


Table 6 above shows that there have been further improvement in the decreasing the number of complaints upheld. 63% were not upheld this year compared to 57% in 2013-14.

Just 5% were fully upheld, with a further 28% having some element of the complaint upheld.

The fact that only 5% of complaints are recorded as “fully upheld” does not necessarily mean that complaints received are not reasonable or have no value. It is always important to listen to what we are being told about our service in order to put matters right at the earliest opportunity, and to learn and improve.

The Customer Relations Manager will review cases and work with the responding manager to look at how we can incorporate any lessons learned. New forms and guidance to help utilise root cause analysis techniques have been implemented this year and a copy of a redacted template is shown in Appendix B.

3.9 Compliments Analysis

During 2014-15 there were 31 compliments recorded regarding Children’s Social Care officers. This marks a recorded increase of six from prior year. A selection of the positive comments received appears in Appendix A and provides an important balance to the performance of the department.

4. Financial Implications

Children's Service Complaints expenditure

- There are a number of ways in which the County Council incurs costs as part of the statutory complaints process.
- Stages 2 & 3 of the statutory complaints procedure require independent investigation to take place.
- Stage 2 places a requirement on the authority to appoint an Investigative Officer who must not work in the same area as the complaint being investigated and be suitably trained to carry out investigative work.
- Whilst it is not mandatory that this role is appointed externally, Leicestershire's current policy is to do so. In addition to the Investigative Officer, the Regulations also require an Independent Person to be appointed to ensure the investigation is carried out fairly.
- At Stage 3, the procedure is for a panel hearing to be held to review the Stage 2 investigation. This involves the appointment of 3 external panel members.
- Leicestershire County Council also offers independent mediation as an alternative form of redress through Stages 2 or 3.
- 1 externally run mediation session was arranged this year which prevented a Stage 2 escalation. In addition, eight conciliation meetings chaired by the Customer Relations Manager have been held with six of these achieving resolution of the complaint. This emphasises the power of a well planned meeting.
- Finally, on rare occasions, financial redress is offered as part of the Complaints procedure. Usually this is by way of a Local Settlement with the Ombudsman, but can also be recommended at either Stage 2 or 3 of the procedure.
- Table 7 below details the total costs incurred during the last 3 financial years. Costs are re-charged directly to the department.

Table 7 Costs incurred through complaints procedure³

Spend	Total 12/13	Total 13/14	Total 14/15
Independent Persons	£7,040	£4,040	£2,870
Investigative Officers	£18,820	£7,160	£7430
Stage 3	£1,280	£0	£2410
Mediation	£630	£900	£420
Financial Redress	£1,100	£0	£0
Total	£28,870	£12,100	£13,130

- Costs incurred for 2014/15 remain broadly in line with prior year. Costs have been controlled through:
 - the increased diligence of the Customer Relations team in offering alternative dispute resolution
 - Ensuring that complainants are eligible to use the statutory complaints procedure
 - A review of rates of pay for all Independent Persons (now charged at a lower rate than Investigating Officers)
 - Standard hourly rate agreed with Investigators – reviewed annually

³ Figures are rounded up to nearest £10

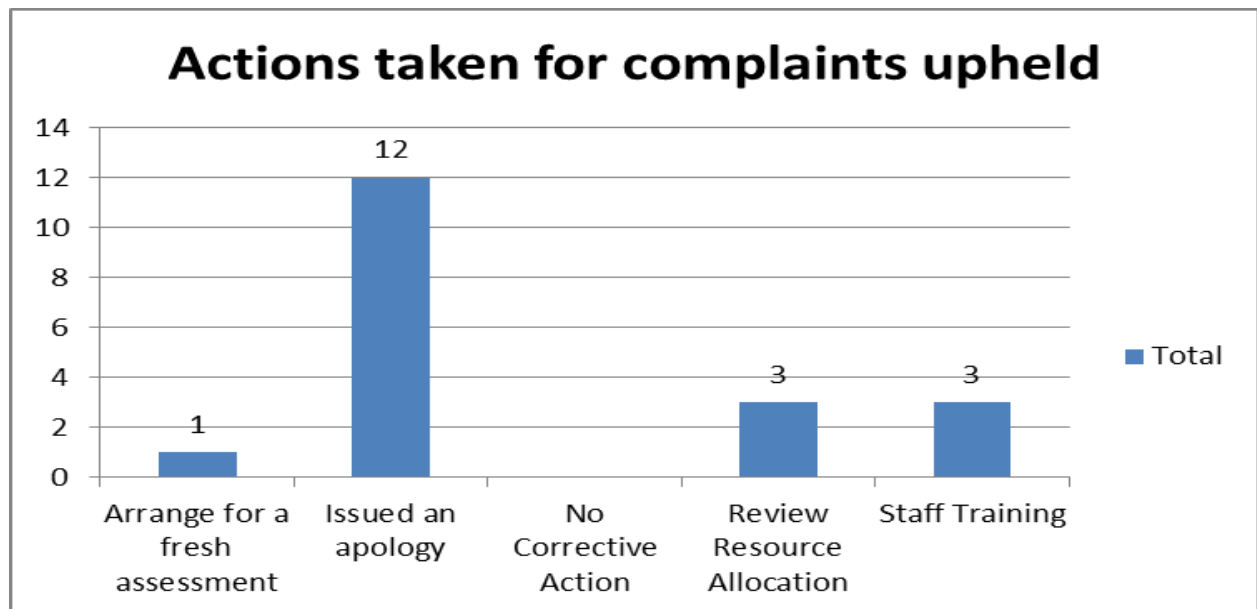
5. Learning from Complaints

5.1 Corrective action undertaken for complaints upheld at Stage 1

All of the nineteen complaints that were partly or fully upheld have been reviewed to ascertain what action the department has taken to learn from the complaints and avoid such issues occurring in the future.

It is worth stating that, in all cases, an apology was issued, but in twelve cases there was felt to be no other preventative actions that could be taken.

Table 8 below provides a breakdown of the action taken for the remaining 7 cases. Actions include reviewing respite arrangements and changing the allocated social worker. These appear under the heading Review resource allocation.



Whilst there is some good evidence of managers using complaints to pro-actively change future service provision, it is a concern that we are not able to identify preventative improvements in more cases. This indicates that managers may not be fully equipped to effectively probe and analyse complaints. This theme is not unique to children's social care and will be prioritised as a corporate work priority for 2015-16.

To illustrate some of the complaints made and actions taken, three case studies are included overleaf. These help bring some of the individual stories to life and show how the department flexibly responds.

CASE STUDY 1 – DISABLED CHILDREN’S SERVICES

Eliza’s Story – A request for additional support

Eliza made a complaint as she was struggling to support her disabled son and feeling very exhausted.

Eliza requested some additional support for her son particularly during school holidays and preferably some overnight support.

Actions Taken

- Complaint was not upheld – did not meet the criteria for overnight support and we had offered other support for holiday periods
- Although no fault, Team Manager used discretion to authorise additional daytime support and extra lunch call.
- Complainant also signposted to Adult Social Care for support for older son

CASE STUDY 2 – Specialist Assessment & Response

Nancy's story – Concerns about social worker

Nancy made a complaint about the handling of her case by her child's allocated Social Worker.

Nancy complained that the social worker had not followed up actions which they said they would such as carrying out visits and providing the relevant paperwork at least 24 hours prior to meetings.

Actions Taken

- **Case discussion with worker**
- **Worker reminded of departmental expectations and Customer Service Standards**
- **Additional monitoring checks being made by Team Manager**

CASE STUDY 3 – Specialist Assessment & Response

Sonia's story – Concerned that Social Worker gave false information to school

Sonia had asked her children's Social Worker not to disclose her husband's medical information to the children's school when they contacted them as part of an assessment, in order to protect her husband's privacy.

However the Social Worker then gave the school a false reason for contacting them.

Sonia complained about the Social Worker giving false information and requested that they correct this.

Actions Taken

- **Team Manager agreed that the Social Worker should not have given the school false information. Although she understood that he was trying to protect her husband's privacy, as had been requested.**
- **The Team Manager explained that it is important that Children and Family Services are open and honest regarding child protection concerns. Therefore, the Social Worker would contact the school to correct the misinformation and be honest with the school.**
- **Apology given for any inconvenience or distress caused.**

6. **Monitoring the Process**

The Customer Relations team continues to support Children's Services to manage and learn from complaints. The key services offered to CFS are -

1. Complaints advice and support
2. Mediation
3. Production of Performance Reports
4. Liaison with Local Government Ombudsman
5. Quality Assurance of complaint responses
6. Complaint handling training for Operational Managers

Assistance continues to be routinely provided to Heads of Strategy in drafting adjudication responses to Stage 2 investigations. This helps ensure a consistency of response and that clear action plans are created.

Quarterly performance reports are produced and presented to the Departmental Management Team (DMT). The Customer Relations Manager also attends the Children's Social Care Services senior management team meeting every 6 months to talk through complaints matters.

Quarterly meetings are held with the corporate parenting team to discuss and review their caseloads and any support that is required.

From April 2015, the Customer Relations Manager is also proactively attending Service Manager team meetings on a rolling 12 month basis (more often if requested) to explore any thorny issues and network directly with team managers. These sessions also provide a platform to continue to promote the corporate customer service standards which if followed by officers would prevent a number of complaints arising.

7. Customer Relations – Work Priorities for 2015-16

During 2015/16, the Customer Relations team will focus on:

- Continuing to ensure the complaints procedure is accessible, particularly to young people.
- Utilise new executive role on regional complaints management group to help inform future debates around the suitability (or otherwise) of the statutory complaints process.
- Continuing to promote alternative dispute resolution, notably to complainants seeking escalation to Stage 2 and 3.
- Promoting improvements to how managers are able to translate complaints into service improvements through the roll-out of root cause analysis techniques.
- Working with the department to help ensure that all managers understand the statutory complaints procedure as well as the support and guidance available to them.

8. Key Learning Points

The Customer Relations Team would specifically highlight 3 key themes which have emerged from this year's annual report process –

- **Timeliness of responding to complaints**

During the 1st 6 months of the year it was evident that the department was in a state of adjustment following structural changes. This began to have a knock on impact to responsiveness to complaints. Whilst the department responded well during the second half of the year, it is important to highlight the importance of making sure that during subsequent re-organisation focus is maintained on complaints which if managed well at the outset will both enhance the department's reputation and save money.

- **Data Protection concerns**

Whilst often combined with other complaint issues, the Customer Relations Manager has become increasingly aware this year of inter-related DP issues / breaches which have not on all occasions been managed appropriately. A reminder has been sent out to all Service Managers of the importance of early liaison with the Business Partner (Information Management) who will assist with ensuring such issues are appropriately handled.

- **The importance of apologising effectively**

For the most part complaints are well managed and appropriate responses sent. However there are some opportunities to improve the quality and in particular how an apology is delivered. There have been several cases this year whereby un-necessary escalation has occurred simply because an apology has not been made effectively. Examples include it appears grudgingly given or fails to take responsibility for the errors.

Guidance notes have been circulated offering top tips in this important area and this will be followed up by workshops with identified team managers.

The Customer Relations Team believes that improvements in these 3 areas would help further reduce the number of complaints received as well as fulfilling some of the key promises to customers within the Council's Customer Service Standards.

9. Concluding Comments

Overall this has been a positive year for complaints management across children's social care services. During the year, there have been a number of positive improvements, such as building ever closer working links between Customer Relations and the Children's Rights service, reduction in number of upheld complaints and continued absence of referrals to the Ombudsman.

It is anticipated that by addressing the themes highlighted in this report, further improvements will be seen next year, particularly around the challenge of evidencing lessons are learned.

The Customer Relations team continues to receive good support from managers at all levels within the department.

APPENDIX A – Sample of compliments received

Below are a selection of the positive recognition the social care department has received during the 2014-15 year

- The people who work in Social Care are brilliant - they SO go above & beyond their job descriptions. Hugely valuable – **FIRST RESPONSE**
- I wanted to let you know how much I appreciated and gained from the safeguarding training delivered by Simon and Inga...I felt like it was one of the most comprehensive but not overwhelming presentations of safeguarding I have been to in some time – **SAFEGUARDING UNIT**
- I was very impressed by Anna on this case. She was diligent and thoughtful and it was a pleasure working with her – **SPECIALIST ASSESSMENT & RESPONSE**
- Many thanks to Tom for working on the case and standing up to X. I really appreciated the patience he showed when trying to understand the 'hold' X had over me. Also thanks to Michaela for her very perceptive Parenting Report. Finally thanks to Wendy for her understanding and support and for being so clear about my options for the future – **SPECIALIST ASSESSMENT & RESPONSE**
- I would like to say what excellent work Linzie has done with my son X. Our family and especially X would not have got through the difficult time last year. X was withdrawn and quiet , he wouldn't of disclosed any information if Linzie wasn't working with him I am sure. He is now a very confident and open happy boy now and i cant thank Linzie enough – **STRENGTHENING FAMILIES**
- I wanted to write to you about our positive experience of Direct Payments and the impact it has had on our family. The entire process, from referral, by Abu, who was our named social worker and wonderfully supportive and helpful, to Kerry's visit and the help you gave us to best understand how to proceed and our options – **DISABLED CHILDREN'S**
- K and J had their annual review yesterday and fed back how proactive you (James) have been since taking this case over. They have been really pleased with the support you have provided and also commented on how well you had picked up the case, dealt with issues raised efficiently and effectively, making sure the IRO was aware of relevant information prior to J's review meeting – **FOSTERING**
- I wanted to get in touch to express how impressed I am with the dedication and support of Lucy who is based within the CSE team....Ayshea, Donna and Lucy are are incredibly supportive and open

a fantastic line of communication between all of the local social workers and other specialists – **SAFEGUARDING UNIT**

- It's been a real pleasure to work alongside you (Danielle). I have got to know K and care about her a great deal. I can only imagine the journey you have been on with her over these last 6 years, but I see how important you are to her. She's very lucky to have you as her social worker in all that is so difficult in her life – **SPECIALIST ASSESSMENT & RESPONSE**
- Card received from J to say thank-you for everything you have done...he is over the moon to be getting his own space after nearly 2 years of fighting for it and being turned down twice. – **DISABLED CHILDREN'S SERVICE**

Appendix B: Example of new Lessons Learned Form

Initial Information (To be completed by Complaints Team)	
Customer Name:	XXX
Complaint Reference Number:	2711
Acknowledgement sent date:	8/6/15
Response due:	15/8/15
Service investigating the complaint:	Welland House
Assigned to:	K S
Brief Details of the complaint:	Ill-judged comments by Welland House Worker
Final Response Information (To be completed by responding Manager)	
Complaint outcome:- Upheld / Not Upheld / Partially Upheld / No Finding:	Partly Upheld
Were there any lessons learnt (i.e. could this have been avoided)	Yes <input type="checkbox"/> X <input checked="" type="checkbox"/> No <input type="checkbox"/>
Details of lessons learnt (including factors of how the issue could have been avoided):	Residential Officer needs to avoid using language that could be construed negatively
Actions to be taken by service due to lessons learnt: (e.g. policy/practice changes, staff training)	Consider whether any role for LADO Issues to be discussed with Residential Officer and recorded on file
Date actions will be implemented by:	29/6/15
Person overseeing, implementation of actions:	K S
<i>N.B. The customer relations team will contact you to check if actions have been implemented by the deadline date you have set and will be looking for evidence of this.</i>	
Other Comments:	
Completed by:	K S
Please send this completed form to the customerrelations@leics.gov.uk mailbox	

APPENDIX C: “Are we getting the best from Children’s Social Care complaints”

Filed as an attachment available online at www.lgo.org.uk/news/2015/mar report dated 10 March 2015