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To: Children, Young People and Education Cabinet Committee 8 March 2023

Subject: COMPLAINTS AND REPRESENTATIONS 2021-22

Classification: Unrestricted

Previous Pathway of Paper: None

Future Pathway of Paper: None

Electoral Division: All

Summary: This report provides information about the operation of the Children Act 1989 Complaints and Representations Procedure in 2021/22 as required by the Statutory regulations. It also provides information about the ‘non-statutory’ social care complaints and complaints received about Education Services.

Recommendation: The Children, Young People and Education Cabinet Committee is asked to NOTE the contents of this report.

1. Introduction

- 1.1 This report provides detailed information about complaints and other representations received across the whole of the Children Young People and Education Directorate (CYPE).
- 1.2 There is a statutory requirement on the directorate to operate a robust complaints procedure for children, and those who are eligible to make a complaint on their behalf, about the social care services they receive. The statutory complaints procedure is designed to ensure the rights and needs of the child are at the heart of the process and that young people’s voices are heard. Children in Care in Kent are advised how to make a complaint and are informed of their right to access the advocacy service.
- 1.3 The statutory requirement to produce an annual complaints report in respect of children’s social care services is included in the Children Act 1989 Representations Procedure (England) Regulations 2006. The Regulations are specific about the type of information which must be included in this annual report.
- 1.4 Complaints about children’s social care services that meet published criteria are considered under the Children Act statutory complaints procedure. However, complaints which meet the eligibility criteria but cannot be progressed formally because of concurrent legal proceedings (in family and/or criminal court), active child and family assessment, or an active child

protection enquiry, are progressed as an informal 'representation'. A 'representation' ensures that the concerns of the eligible child, parent or carer can be taken into consideration by the social care team without a risk of being prejudicial to the relevant concurrent proceedings. All informal representations are recorded on the complaints database, and where appropriate, on the child's social care record.

- 1.5 Functions excluded from the complaint procedure include multi-agency child protection decisions and decisions made in a court of law. Complainants are advised of the alternative routes available for challenging such decisions. Complaints which fall outside of the scope of the statutory complaints' procedure are considered under the KCC corporate complaints procedure. Complaints which fall outside of the scope of the statutory complaints' procedure are considered under the KCC corporate complaints procedure, these include complaints about SEN and other non-social care services. All complainants, and those making representations, are routinely advised of their right to challenge the decision of the Council via the Local Government and Social Care Ombudsman.
- 1.6 Complaints which do not fall within the scope of either the corporate complaints procedure or the statutory Children Act procedure are handled as 'Enquiries' and customers are advised of alternative routes to progress their concerns, for example appeals processes, safeguarding referrals and school complaints.
- 1.7 Issues raised by Members of Parliament (MP) and Elected Members on behalf of constituents are registered and responded to as 'Member Enquiries'. However, if there is an active complaint, or the most appropriate way to address the concerns would be to progress them as a formal complaint, then the elected representative is advised of this course of action and subsequently provided with a copy of the complaint response when it is provided to the constituent/complainant.

2. Representations received

Table 1 - Representations received for CYPE Directorate

Type of Record	2018/19	2019/20	2020/21	2021-22	Direction of travel from 2020/21
Children Act complaint	71	48	48	57	↑ 19%
Corporate complaint	794	974	792	981	↑ 24%
Representation ⁽¹⁾	10	3	3	10	↑ 233%
Member Enquiry	465	483	386	524	↑ 36%
Enquiry	296	233	252	227	↓ 10%
Comment	32	45	43	42	↓ 2%
Compliment	94	113	78	90	↑ 15%
Total complaints	865	1022	840	1038	↑ 24%
Total all representations	1762	1899	1602	1931	↑ 21%

⁽¹⁾ 'Representation' – until 2018 this category was used for all complaints not eligible to progress through the formal complaint process. Complaints not eligible for progression are now rejected at the assessment stage, and this category is only used for cases that are eligible but legal processes prevent them being progressed as formal complaints under the Children Act.

- 2.1 The overall number of complaints and representations received increased to the expected level following the easing of restrictions during the Covid-19 pandemic. This number does not include rejected or withdrawn complaints, of which there were an additional 414 cases. The Children's Complaints and Customer Care Team managed 92% of all cases received for the directorate.
- 2.2 The volume of Member Enquiries has increased significantly. This correlates with an increase in cases where customers have chosen to pursue several different routes to seek resolution to their issues and concerns.
- 2.3 Whilst it is important to record the volume of complaints received, performance cannot be measured against this figure as anybody who receives a service from KCC has a right to submit a complaint if they are dissatisfied with that service. However, performance can be measured by the percentage of those complaints subsequently upheld, either in full or part. Section 4 of this report provides an analysis of complaints received, with Tables 8 and 10 focusing on the key themes raised and the proportion of those that were upheld either in full or part.

Table 2 - Representations received by type and service/division

Type of record	Integrated Children's Services	Education Planning and Access	SEN	Disabled Children's Service	Other*	Total
Children Act complaint	43	-	-	14	-	57
Corporate complaint	393	174	390	19	5	981
Representation	8	-	-	2	-	10
Member Enquiry	107	150	251	13	3	524
Enquiry	88	56	67	12	4	227
Comment	13	29	0	0	0	42
Compliment	58	9	8	14	1	90
Total complaints	436	174	390	33	5	1038
Total representations	710	418	716	74	13	1931
% complaints	42%	17%	38%	3%	<1%	

*Corporate Director's Office and Commissioning

- 2.3 In 2021-22 there were an additional 414 complaints/enquiries received but not progressed. Of these, 359 were rejected at assessment stage, for the reasons identified below, and 55 were subsequently withdrawn by the customer.

Table 3 – Rejected complaints

Reason for complaint rejection	Number	% of total
Duplicate complaint	69	19%
Complaint subject to legal proceedings	61	17%
Representative not authorised to act on behalf of client	57	16%
Customer refused to provide name and address	34	9%
Ongoing social care assessment	31	8%
Other reasons	17	5%
Service request not a complaint	15	4%
Complaint about an issue more than 12 months old	9	3%
Complaint for another organisation	8	2%
Complaint about a HR matter	4	1%
Appeal not a complaint	4	1%
Enquiry not a complaint	3	<1%
Same complaint already dealt with at all stages	2	<1%
Insufficient information provided by customer	2	<1%
Complaint about council's legal or professional opinion	1	<1%
No. of complaints rejected	359	

Table 4 - Method of receipt – all representations

Method of receipt	Number	% of total
Email	1037	54%
Self Service (website)	331	17%
Contact via MP/Member	300	16%
Telephone	131	7%
KCC Contact Centre	105	5%
Post	17	<1%
Face to Face	6	<1%
Comment Card	2	<1%
Contact via Corporate Director	1	<1%
Social Media	1	<1%
Total	1931	

3. Consideration of complaints

3.1 Dependent on what is being complained about, there is a legal requirement to handle complaints from Looked After Children and Children in Need, or those eligible to make a complaint on their behalf, through the three-stage procedure specified in the Children Act 1989 Representations Procedure (England) Regulations 2006.

3.2 The three stages for the statutory Children Act complaints procedure are:

- Stage 1 - Local Resolution (up to 20 working days)
- Stage 2 - Independent Investigation (up to 65 working days)
- Stage 3 - Independent Review Panel (30 working days)

3.3 The KCC complaints procedure consists of two stages:

- Step 1 – Local Resolution (up to 20 working days)
- Step 2 – Director Review (up to 20 working days)

The final stage for both procedures is escalation to the Local Government and Social Care Ombudsman.

3.4 The following table shows the number of Children Act complaints dealt with at each stage.

Table 5 – Children Act complaints handled at each stage

Stage	2018/19	2019/20	2020/21	2021/22	Direction of travel from previous year
Stage 1 – Local Resolution	71	48	48	57	↑18%
Stage 2 – Independent Investigation	16	7	9	9	↔
Stage 3 – Independent Review Panel	3	3	1	10	↑90%

- 3.5 The number of complaints handled through the statutory Children Act complaints procedure increased by 18%. Previously, only social care complaints from looked after children, care leavers, or children in receipt of support under s17 of the Children Act were progressed through the Children Act complaints procedure. However, the Ombudsman made a finding against KCC in relation to a complaint from a parent where services had been requested under s17 but were subsequently refused. Changes have since been made to the triaging process to ensure that these complaints are also handled through the statutory complaints' procedure, as opposed to the Council's own corporate complaints procedure. The Children's Complaints and Customer Care Team continues to assess each complaint and progress those which do not relate to an alleged injustice to an eligible child or young person through the corporate complaints' procedure. Consideration is given to the type of issues being raised, with complainants being encouraged to allow the local social care team an opportunity to resolve their concerns before requesting progression as a formal complaint. This is particularly the case where services have not been afforded an opportunity to address matters locally before being raised as a formal complaint. Such cases are recorded as 'enquiries', and most are resolved successfully without the need to then progress as a formal complaint.
- 3.6 The two main reasons requests were received for progression to Stage 2 of the statutory procedure, were because the customer disagreed with the outcome of Stage 1, or they felt that not all issues had been adequately addressed at Stage 1. Only one Stage 3 Review Panel was held in 2021/22.
- 3.7 There was a significant increase in the number of complaints which progressed to Stage 3 of the statutory complaints' procedure in 2021/22. Stage 2 investigations and Stage 3 reviews were suspended for several months at the start of the Covid-19 pandemic in 2020, mainly because of social distancing requirements. Subsequently, there was a backlog of cases which required progression once restrictions had been lifted, as well as the new cases that were progressing through the complaints process.
- 3.8 Customers who approach the Local Government and Social Care Ombudsman without first completing all stages of the complaints process are usually referred to the Council by the Ombudsman. As a matter of course, customers are advised of their right to progress to Stage 3 when Stage 2 of the statutory complaints' procedure has concluded, and again they are advised of their right to progress to the Ombudsman on conclusion of Stage 3.

4. Analysis of complaints

4.1 Integrated Children's Services and Disabled Children's Service

Table 6 - Complaints received by service

Service	No. received	% of total complaints	Snapshot of relative service caseload as of 31/3/22	% of complaints as a proportion of service caseload
Childrens Social Work Services	250	53%	6778	4%
Children in Care	58	12%	1554	4%
Front Door Service	36	8%	51616*	<1%
Children with Disabilities	33	7%	1386	2%
Early Help & Preventative Services	32	7%	2987	1%
Other (including countywide issues)	24	5%	n/a	n/a
18+ and Care Leaver's Service	18	4%	1953	<1%
Safeguarding & QA Service	9	2%	2971	<1%
Adoption Service	7	1%	93	8%
Fostering Service	2	<1%	672	<1%
Total number complaints received	469			

*no. of contacts made to Front Door Service (includes Out of Hours Service)

Table 7 - Complaints received by customer type

Customer	Total	% of total complaints
Parent	350	75%
Other customer (incl. providers/professionals)	38	8%
Family member	28	6%
Care leaver/leaving care	19	4%
Adoptive parent/prospective adoptive parent	8	2%
Foster carer	8	2%
Carer (grandparent/special guardian)	7	1%
Child or young person (not in care)	6	1%
Child in care	5	1%
Total number of complaints received	469	

Table 8 - Key themes and outcomes from complaints received

	No. received	No. Upheld/ part upheld	% upheld/part upheld
Communication issues <i>(e.g. delays or failure to communicate, quality of communications, incorrect information/advice given)</i>	126	51	40%
Equalities and regulatory issues <i>(e.g. discrimination, data protection issues, health and safety)</i>	67	22	33%
Issues with service <i>(e.g. delays or failure to do something, quality of service, cancellation or withdrawal of a service)</i>	198	77	39%
Policy and procedure issues <i>(e.g. procedures not followed, disagree with policy or procedure, disagree with decision)</i>	57	13	23%
Staff conduct	69	32	46%
Total number of issues raised	517	195	38%

- 4.2 There is no direct correlation between the number of complaints received and the number of services or issues being complained about. This is due to the multi-faceted and often complex nature of some complaints which can span multiple services.
- 4.3 Overall, 38% of complaints received against Integrated Children's Services and Disabled Children's Services were either upheld in full or part. This is an increase from 33% in the previous year.
- 4.4 The majority of complaints received and progressed through the statutory Children Act complaints procedure were in relation to the children's social work teams responsible for either the delivery of our care leavers services or disabled children's services.
- 4.5 There were 22 complaints received from either children and young people in care, those transitioning from care, or those who already left the care of KCC. We also received complaints from five young people who receive services under s17 of the Children Act, as a child in need.
- 4.6 The following are key themes raised in complaints from children and young people who are currently in or leaving the care of KCC:

Communication – 2 received (none upheld)
Disputed decision – 3 received (none upheld)
Delay in doing something – 4 received (1 partly upheld, 1 upheld)
Failure to do something – 5 received (2 upheld)
Service issues – 8 received (2 upheld)
Staff conduct – 2 received (none upheld)

4.7 Education Planning & Access, and SEN

Table 9 - Complaints received by service

Service	No. received	% of total complaints	Snapshot of relative service caseload as of 31/3/22	% of complaints as a proportion of service caseload
Special Educational Needs (SEN)	387*	69%	18,141	2%
Community Learning & Skills	46	8%	22,592	<1%
Fair Access	42	7%	72,919	<1%
Home to School Transport	81	14%	13,276	<1%
Area Education Officers	5	<1%	600	<1%
Planning and Access	0	0%		n/a
Total number of complaints received	561			

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Table 10 - Key themes and outcomes from complaints received – Education

	No. received	No. Upheld/ part upheld	% upheld/part upheld
Communication issues <i>(e.g. delays or failure to communicate, quality of communications, incorrect information/advice given)</i>	52	22	42%
Equalities and regulatory issues <i>(e.g. discrimination, data protection issues, health and safety)</i>	2	1	50%
Issues with service <i>(e.g. delays or failure to do something, quality of service, cancellation or withdrawal of a service)</i>	73	29	40%
Policy and procedure issues <i>(e.g. procedures not followed, disagree with policy or procedure, disagree with decision)</i>	49	5	10%
Staff conduct	7	4	57%
Total number of issues raised	183	61	33%

Table 11 - Key themes and outcomes from complaints received – SEN

	No. received	No. Upheld/ part upheld	% upheld/part upheld
Communication issues <i>(e.g. delays or failure to communicate, quality of communications, incorrect information/advice given)</i>	87	81	93%
Equalities and regulatory issues <i>(e.g. discrimination, data protection issues, health and safety)</i>	10	6	60%
Issues with service <i>(e.g. delays or failure to do something, quality of service, cancellation or withdrawal of a service)</i>	247	206	83%
Policy and procedure issues <i>(e.g. procedures not followed, disagree with policy or procedure, disagree with decision)</i>	43	30	70%
Staff conduct	2	2	100%
Total number of issues raised	389	325	84%

The top five issues raised against the SEN service were:

1. **Failure to do something** – 102 complaints were received, of which 85% were upheld either partially or in full.
 2. **Delayed service** – 100 complaints were received, of which 88% were upheld either partially or in full.
 3. **Failure to communicate** – 46 complaints were received, of which 91% were upheld either partially or in full.
 4. **Quality of service delivered** – 38 complaints were received, of which 76% were upheld either partially or in full.
 5. **Disagreement with decision** – 33 complaints were received, of which 70% were upheld either partially or in full.
- 4.8 Complaints about schools are managed within each school's own complaints procedure and some disagreements, for example, disputes relating to Education Health and Care Plans, are considered through the appropriate appeals route, including statutory tribunal.
- 4.9 In 2021/22, there were 174 Education complaints received and progressed, a 20% increase from 145 in 2020/21. Of these, 33% were upheld either partially or in full.
- 4.10 In comparison, there were 387 complaints received and logged for Special Education Needs (SEN), a 78% increase from 217 in 2020/21. Of these, 84% were upheld either partially or in full.

5. Complaints considered by the Local Government and Social Care Ombudsman

- 5.1 The number of complaints heard at Ombudsman level increased for the directorate in 2021-22 by 22%.
- 5.2 A total of 96 complaints were received by the Local Government and Social Care Ombudsman in 2021-22 relating to services provided by the Children, Young People and Education directorate. Of these, 48 resulted in further detailed investigation by the Ombudsman, 75% of those being investigated were upheld against Kent County Council, a decline on the directorate's 70% from 2020-21.

Table 12 – Local Government and Social Care Ombudsman involvement

	Detailed investigation		Closed*	Premature	Total
	Upheld	Not upheld			
Integrated Children's Services	12	3	25	2	42
Kent Test/School Admission appeals	1	4	5	0	10
Home to School Transport/Free School Meals	3	4	4	1	12
SEN	20	1	4	6	31
The Education People	0	0	1	0	1
Community Learning and Skills	0	0	0	0	0
Total	36	12	39	9	96

**out of jurisdiction/no further action or withdrawn*

- 5.3 The Local Government and Social Care Ombudsman found fault with 36 complaints relating to the Children Young People and Education directorate in 2021-22. Examples of Ombudsman findings from each relevant division are attached at Appendix A.

6. Advocacy services provided under these arrangements

- 6.1 The Council has a statutory obligation to offer independent advocacy services to any eligible child or young person wishing to make a complaint under the Children Act complaints procedure.
- 6.2 A change was made to Kent's advocacy arrangements on 1 April 2015 so there is one point of contact for independent advocacy for all children and young people in Kent wishing to make a complaint, irrespective of their status as Children in Need, Children in Care, subject to a Child Protection Plan, or as Care Leavers. The advocacy service in Kent is provided by the Young Lives Foundation, and has been since 1 April 2015.

- 6.3 In 2021-22 a total of 27 complaints were received from young people. It is a positive point to note that 24 young people made a complaint without the support of an independent advocate, this would indicate that they felt empowered and confident about raising their concerns. Whilst it is right that children and young people have access to the support of advocates, in recent years there has been an emphasis on advocates supporting young people in trying to resolve issues rather than going direct to the complaints procedure.

7. Compliance with timescales

Table 13 – Response performance – Integrated Children’s Services

Procedure/stage	Timescale (working days)	Total no. of responses made	% of responses provided within timescale	Direction of travel from 2020/21
Statutory complaint (Stage 1)	10	21	49%	↑
Statutory complaint (Stage 1) (maximum timescale)	20	34	79% ¹	↑
Statutory complaint (Stage 2)	65	7	57%	↑
Statutory complaint (Stage 3)	30	8	88%	↓
Corporate complaint (Stage 1)	20	393	78%	↓
Corporate complaint (Stage 2)	20	56	66%	↑
Member Enquiry	20	107	53%	↓

⁽¹⁾ also includes those complaints responded to within 10 working days

Table 14 – Response performance – Disabled Children’s Service

Procedure/stage	Timescale (working days)	Total no. of responses made	% of responses provided within timescale	Direction of travel from 2020/21
Statutory complaint (Stage 1)	10	2	14%	↓
Statutory complaint (Stage 1) (maximum timescale)	20	7	50% ¹	↓
Statutory complaint (Stage 2)	65	2	50%	n/a
Statutory complaint (Stage 3)	30	2	100%	n/a
Corporate complaint (Stage 1)	20	19	37%	↓
Corporate complaint (Stage 2)	20	2	50%	↓
Member Enquiry	20	13	54%	↑

⁽¹⁾ also includes those complaints responded to within 10 working days

- 7.1 The maximum timescale of 20 working days for Stage 1 Children Act complaints was achieved in 79% of complaint responses from Integrated Children's Services, and 50% for Disabled Children's Services. An improvement from 78% from the previous year for Integrated Children's Services, and a decrease in performance from 83% the previous year for Disabled Children's Services.
- 7.2 There has continued to be an issue with completing Stage 2 independent investigations within the statutory timescale of 65 working days. Much of this has been due to the capacity of managers appointed to undertake the role of investigating officer. Investigations are in addition to their substantive role as social care team managers, with the requirements of both roles running alongside each other.
- 7.3 There was a significant increase in the number of Stage 3 Reviews held in the year 2021-22. This was mainly due to the delayed continuation of Stage 2 investigations and Stage 3 Review panels from the previous year, when each were suspended due to the national social distancing restrictions put in place to manage the Covid-19 pandemic.

Table 15 – Response performance – Education

Procedure/stage	No. of responses made	No. of responses in timescale	% of responses provided within timescale	Direction of travel from 2020/21
Corporate complaint (Stage 1)	174	151	87%	↑
Corporate complaint (Stage 2)	8	6	75%	↓
Member Enquiries	150	102	68%	↓

Table 16 – Response performance - SEN

Procedure/stage	No. of responses made	No. of responses in timescale	% of responses provided within timescale	Direction of travel from 2020/21
Corporate complaint (Stage 1)	390	52	13%	↓
Corporate complaint (Stage 2)	64	14	22%	↑
Member Enquiries	251	38	15%	↓

- 7.4 Complaint performance within SEN continues to be an area requiring improvement. Further work is still required to ensure the handling of complaints is effective and parents feel more confident that their concerns are being heard.

8. Learning the lessons from complaints

8.1 Several complaints received in 2021/22 informed wider service development:

Area for development	Identified Actions
Disputed age assessments for Unaccompanied Asylum-Seeking Children (UASC)	Staff working with children who are age disputed, were made fully aware of changes to the policy around the process of how UASC are assessed and supported on arriving in the UK. This is so they can articulate it effectively with young people as soon as possible and that it is clearly documented on the young person's case record.
Accommodated young person	Process of sharing documents and responsibilities was made clearer to district social workers, case note to be entered on to case files once shared to ensure accurate recording.
Working with health partners	Ensure OT's complete initial visits with social workers from the Disabled Children's Service, so that any OT needs are identified at the earliest opportunity. The NHS POD pathway information has been shared widely within the service and a link provided to workers so that families can access support in a timely way and self-refer to the POD as necessary.
Child protection	Procedures changed so that social workers meet with conference coordinator in advance; improved liaison with Police; and committed to improving staff training around communication with fathers.
EHC Plans	<p>Staff were reminded of:</p> <p>Importance of issuing final EHC plans as soon as possible and within the statutory timeframes</p> <p>Importance of sending consultations to schools without delay</p> <p>Importance of holding annual reviews within timeframes set out in Code of Practice</p> <p>Council's duties under S19 of the Education Act 1996, to provide alternative provision for</p>

Area for development	Identified Actions
	<p>children who cannot attend school due to illness, exclusion, or other reasons.</p> <p>Importance of notifying parents in a timely manner, and within statutory timescales, of decisions to reassess, and decisions following reviews to maintain, amend, or cease.</p>
SEN cases being transferred to Kent	<p>Procedures amended and simplified for cases transferring into Kent.</p> <p>Staff were asked to ensure that statutory timescales for issuing transfer EHC plans are adhered to even when a case is under consideration by SEND Tribunal.</p>
Alternative educational provision	Staff were reminded of the need to consider alternative provision when a child reaches compulsory school age
Complaints	Staff were reminded of the importance of attempting to resolve complaints at the earliest opportunity.

9. Review of the effectiveness of the complaints procedure

- 9.1 Management of Children's Complaints and Customer Care transferred from the Corporate Director's office to the Transformation and Innovation Team during the year 2021-22. There is a requirement for the handling of social care complaints to be detached from the delivery of those services being complained about. Having a centrally managed service helps to facilitate delivery of an impartial complaints process.
- 9.2 The effectiveness of the complaints procedure depends on the wider organisational culture and the propensity to learn the lessons where the service has not been to the required standard. The Children's Complaints and Customer Care Team continues to receive a good level of support from Senior Management for the prioritisation of complaints and ensuring the availability of Independent Investigators where a Stage 2 Investigation is required.
- 9.3 On receipt of new representations, the Children's Complaints and Customer Care Team assess each case paying attention to complaints with regards who is making the complaint, what is being complained about, when the alleged injustice occurred, and whether there are any concurrent investigations or legal proceedings taking place. This assessment informs the decision-making process for determining which process is most appropriate for addressing each element of customer feedback. Many of the complaints can be complex and require sensitive handling.

- 9.4 The Children's Complaints and Customer Care Team has continued to experience some significant challenges during 2021-22. The volume of complaints received has increased, along with the complexity of some complaints, with many more crossing over several services and therefore requiring more work to facilitate a response. Capacity within the team remains an issue, leaving the team vulnerable during periods of staff sickness or annual leave. This has impacted on the team's ability to effectively chase responses from services responding to complaints, as well as the amount of time that can be allocated to quality assuring responses.
- 9.6 **Training** – capacity within the complaints service has impacted on the delivery of planned training for staff in 2021-22. However, sessions continue to be provided on demand for those services requiring awareness raising for staff, or for individuals tasked with undertaking independent investigations.
- 9.7 **Young Lives Foundation** - The Young Lives Foundation is an independent organisation which provides an Advocacy Service and the Independent Persons for the Stage 2 complaints. The reports produced by the Independent Persons have generally been to a good standard and delivered within the required timescales. The Advocacy Service has also been proactive in supporting and representing children and young people to make their views known. Regular contract monitoring meetings take place between the Young Lives Foundation, KCC's Commissioning Service, with the Children's Complaints and Customer Care Manager also participating.

10. Compliments

The Children's Complaints and Customer Care Team also record and share compliments received about staff and services. In 2021/22 the number of compliments formally received and logged increased from the previous year by 15% to 90. Staff are encouraged to share any compliments they receive; it is important we use positive feedback to help drive improvements as well as use them to celebrate achievements and good practice.

- 10.1 Set out below are a few examples of the compliments received in 2021/22 across the directorate:

Feedback from a prospective foster carer

Prospective foster carer thanking fostering social worker for *“hard work and support with processing the application for fostering.”*

Feedback from a parent

“I would like [SEN caseworker] to be recognised for all her hard work. My daughter had recently had an EHCP awarded and was treated very unfairly and unkindly by her current education provider. Thanks to her amazing work they have finally accepted their responsibilities towards my daughter, and she now has a post 16 placement named for September. She did not give up when everyone wrote her off as a loser.”

Feedback from a parent

"Many thanks to [social worker] for all the help and continued support for our large family. We are very grateful for all the support through this difficult process."

Feedback from a family member

Connected carers have complimented their fostering social workers "they have been marvellous, they have led them all the way, they are sure they have been a pest to them at times because they are not mechanically minded but they have set them up on the computer. They have had so much patience and understanding with them, their support has been fantastic, they cannot praise them enough."

Feedback from a Judge

"I just wanted to commend [social worker] for her work in the above case. This is a case that looked as though it was heading for all of the children being removed and placed in care at several points during the proceedings. I think that the social worker has gone above and beyond in working with this family and has built up an excellent rapport with the mother, who has lost previous children to the care system. Social workers are very often criticised and when I see an example of outstanding social work I do think it is important that it is recognised."

Feedback from a family liaison officer

"I would like to express my appreciation of the support given to one of our families by [Social Work Assistant]. This is a complex situation that has existed for many years and there have been many children's services involvements over that time. We have had only one of the children at our school for the past couple of years and have had cause to make referrals on at least 3 occasions. However, she has done sterling work with the family in difficult circumstances. Her support has been practical, compassionate and - most importantly - robust. She has actually made a difference for children."

Feedback from parent

"Just spoke to the education team and wanted to pass on how helpful she was in addressing my questions and needs. Helpful, empathetic, and concise. A real credit to the Council and a lovely first interaction with Kent that will leave a lasting impression (as someone moving to the area in the next few months)."

Feedback from young person

Compliment from young person, thanking the worker for making him "feel so comfortable and able to share difficulties" with her.

Feedback from a parent

"I just wanted to write an email in recognition of your service throughout the EHCP process. After what was described to me (from other parents) a long winded and painful process. I can honestly say its been a pleasure working through the process with you and that is all down to you. I've had clear instructions from the start of what was expected of us as a family and other

settings and always notified of what the next step is in the process. The whole journey has been a seamless process and you a credit to your organisation.”

Feedback from parent

“I would like to compliment [social worker], she's an amazing lady that work professionally, she is like an angel to me, I met her in June and everything about me changed, even though I was going through depression, she gave me her shoulder to cry on, she sort out my immigration issue, she always go extra mile to sort out situation, there's nothing I brought to her that she doesn't have solution or answer to, very active in responding to messages and email, I never regret meeting her, all my views about social worker changed when I met, she may not know the part she took in my life and that of my children, but I pray almighty God will grant her heart desire and I wish her great in her carer, I think she deserve promotion in her job, i wish you best in everything,.”

Feedback from parent

“I would like to share my gratitude and thanks for [SEN transport officer] as he has dealt with a very difficult and emotional situation and made my daughters life so much happier and I am so grateful. The care and understanding and the way he dealt with how my daughter was being treated during her taxi journeys to school has been amazing. I really appreciate the swiftness to how it's been sorted for her and she came home from school yesterday for the first time in I don't know how long without crying and being upset. I am beyond relieved and happy for her and I cannot thank him enough for how he has helped to make sure she is comfortable and happy and safe. Thank you so very much for sorting her transport out and for having such care and understanding for a struggling little girl. Thank you.”

11. Objectives for 2022/23

Objectives for 2022/23 include:

- Continue to improve the quality of data entered on the customer feedback system to ensure accurate and informative performance and learning data is captured.
- Continue to ensure the operation of the complaints procedures in line with statutory requirements and monitor performance standards.
- Continue to provide training on demand for managers to ensure quality complaint responses are provided.
- Reduce vulnerabilities with the Children’s Complaints and Customer Care Team by ensuring adequate staffing is in place.
- Work with SEN in improving performance in relation to response times.

12. Conclusion

This year, the Children’s Complaints and Customer Care Team saw a 24% increase in the volume of complaints handled in comparison to the previous year. In addition, there was a 22% increase in the number of complaints heard at Ombudsman level, these cases are often more complex and take priority as there is a risk of reputational damage for KCC.

The increase in complaints, does not necessarily indicate a reduction in performance, as anybody who receives a service from KCC has the right to submit a complaint if they are dissatisfied with the service. However, performance can be measured by the percentage of those complaints being upheld, either full or in part. Of the complaints received and handled on behalf of Integrated Children's Services and Disabled Children's Services, 38% were upheld or partly upheld, a slight increase from 33% in 2020-21. Education had a similar outcome, with 33% of all complaints being upheld or partly upheld. In comparison, the SEN service is an outlier with 84% of complaints handled being upheld or partly upheld this year.

13. Recommendations

Recommendation: The Children's, Young People and Education Cabinet Committee is asked to NOTE the contents of this report.

14. Background Document

None

15. Report Author

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Children Social Care - Not upheld example – 21 001 676

Complaint

Ms B complains that the Council has failed to take action to support her relationship with her daughter, C, and has failed to act in C's best interests as a result of which she is currently living with her father.

Outcome

Summary: Ms B complained that the Council failed to take action to support her relationship with her daughter, C, failed to act in C's best interests as a result of which she is currently living with her father. The Ombudsman found no fault on the Council's part

Children Social Care - Upheld example – 21 010 429

Complaint

The complainant, who I refer to as Mrs X, says that when carrying out an EHC assessment for her daughter, referred to as A, the Council failed to:

- Comply with statutory timescales for preparing Educational Psychology (EP) advice;
- Consider her request to replace an EP assessment with the less formal consultation;
- Provide in a timely manner a funding agreement for A's Communication Support Worker (CSW) and involved Health in the funding discussions;
- Arrange support from the CSW within required timescales; and
- Have a regular and meaningful communication with Mrs X.

Mrs X considers the Council's failings resulted in the lack of sufficient support for A at the critical stage of her development.

Mrs X complains about the way the Council handled her complaint.

Outcome

Mrs X complained about delays with assessments and issuing a final Education Health and Care Plan (EHCP) for her daughter. She said the delays had detrimental effect on her daughter's progress especially in view of her age and the nature of her special educational needs. We find the Council at fault for the delay in completing the EHCP and delivering special educational provisions to Mrs X's daughter. We also find fault in the way the Council communicated with Mrs X and how it handled the complaint. The Council accepted our recommendations.

Education - Not upheld example – 21 002 304

Complaint:

Mrs X complains about an unsuccessful school appeal for her daughter, Y. She says the appeal panel overlooked evidence of Y's academic ability. She is also unhappy the appeal was decided on written submissions only and she did not have an opportunity to present her case. She would like the panel to reconsider its decision.

Outcome

We did not uphold Mrs X's complaint about an unsuccessful school appeal for her daughter. There was no fault in the Council's decision to hold appeals based on written submissions and the appeal panel took account of the evidence Mrs X provided.

Education - Upheld example – 21 004 769

Complaint

Mrs X asked the Council to provide her daughter (Y) with transport to the secondary school she will attend from September 2021 (School Z). Y has special educational needs set out in an Education Health and Care (EHC) Plan. The Council originally refused Mrs X's request because School Z is not the closest school to her home.

Outcome

We will not investigate this complaint about the Council's decision not to provide Mrs X's daughter with free transport to school. This is because the Council has now agreed to Mrs X's request and an investigation could not achieve anything more.