

From: Sue Chandler – Cabinet Member for Integrated Children’s Services
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To: Children’s, Young People and Education Cabinet – 1 March 2022

Subject: COMPLAINTS AND REPRESENTATIONS 2020-21

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 2020/21 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’s, Young People and Education Cabinet Committee is asked to **CONSIDER** and **COMMENT** on 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	2017/18	2018/19	2019/20	2020/21	Direction of travel from 2019/20
Children Act complaint	96	71	48	48	↔
Corporate complaint	550	794	974	792	↓ 18%
Representation ⁽¹⁾	96	10	3	3	↔
Member Enquiry	340	465	483	386	↓ 20%
Enquiry	350	296	233	252	↑ 8%
Comment	9	32	45	43	↔
Compliment	84	94	113	78	↓ 31%
Total complaints	646	865	1022	840	↓ 18%

Total all representations	1525	1762	1899	1602	↓ 15%
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⁽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 decreased for the first time since 2016/17. This number does not include rejected or withdrawn complaints, of which there were an additional 327 cases. Approximately 91% of all cases received are managed by the Children's Complaints and Customer Care Team.
- 2.2 The Covid-19 pandemic has impacted the handling of complaints this year. A significant drop in the number of complaints received was noted during the first national lockdown which commenced in March 2020. Along with many other frontline services in the CYPE directorate, there was a need to implement emergency plans and procedural changes. Although the work of the Children's Complaints and Customer Care Team is frontline, it is not a safeguarding role. However, almost half of the complaints we receive are in relation to children's social work services and work needed to change to ensure that support for the most vulnerable children in the county was prioritised. Handling complaints was eased to allow this to happen, and temporary changes were made to the complaints processes, which included risk assessing each case to determine whether complaint handling was a priority or the temporary extended timescale of 3 months (as opposed to 20 working days) could be used. The handling of Children Act statutory complaints was also impacted, this is explained further in paragraphs 3.7 and 3.8 below.
- 2.2 Whilst it is important to record the volume of complaints received, performance cannot be measured against this figure as everyone 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	36	-	-	12	-	48
Corporate complaint	401	145	217	22	7	792
Representation	3	-	-	0	-	3
Member Enquiry	113	150	112	9	2	386
Enquiry	125	64	51	5	7	252

Comment	16	24	1	0	2	43
Compliment	26	9	16	24	3	78
Total complaints	437	145	217	34	7	840
Total representations	720	392	397	72	21	1602
% complaints received	52%	17%	26%	4%	<1%	

*Corporate Director's Office and Commissioning

- 2.3 In 2020-21 there were an additional 327 complaints received but not progressed. Of these, 295 were rejected at assessment stage, for the reasons identified below, and 32 were subsequently withdrawn by the customer.

Table 3 – Rejected complaints

Reason for complaint rejection	Number	% of total
Representative not authorised to act on behalf of client	53	18%
Complaint subject to legal proceedings	44	15%
Complaint for another organisation	40	13%
Duplicate complaint	38	13%
Ongoing social care assessment	27	9%
Customer refused to provide name and address	21	7%
Service request not a complaint	13	4%
Insufficient information provided by customer	9	3%
Complaint about an issue more than 12 months old	7	2%
Complaint about a HR matter	5	2%
Enquiry not a complaint	5	2%
Same complaint already dealt with at all stages	3	1%
Other reasons	30	
No. of complaints rejected	295	

Table 4 - Method of receipt – all representations

Method of receipt	Number	% of total
Email	742	46%
Self Service (website)	287	18%
Contact via MP/Member	276	17%
Telephone	168	10%
KCC Contact Centre	88	5%
Post	30	2%
Face to Face	4	<1%
Comment Card	5	<1%
Contact via Corporate Director	1	<1%

Social Media	1	<1%
Total	1602	

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	2017/18	2018/19	2019/20	2020/21	Direction of travel from previous year
Stage 1 – Local Resolution	96	71	48	48	↔
Stage 2 – Independent Investigation	9	16	7	9	↑ 29%
Stage 3 – Independent Review Panel	7	3	3	1	↓ 67%

3.5 The number of complaints handled through the statutory Children Act complaints procedure remained the same this year, despite a decrease in the overall number of complaints received and those progressed through the KCC 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 2020/21.
- 3.7 The Covid-19 pandemic had a significant impact on the handling of complaints across CYPE, other local authorities were also reporting the same difficulties. Stage 2 investigations were suspended for several months to allow frontline social work staff to prioritise their work and protect the most vulnerable children in Kent. Children Act complaint investigations are undertaken by social work team managers and overseen by an Independent Person external to KCC. One of the main requirements for the role of Independent Person is that they oversee all aspects of the complaint investigation, including participation in interviews and also viewing the same records and information as the Investigating Officer. Social distancing caused problems in being able to do this effectively, so investigations were suspended until we could identify a safe way of undertaking them whilst ensuring that confidential and sensitive personal information could be protected.
- 3.8 National restrictions in terms of working from home and social distancing also impacted our ability to safely hold Stage 3 Review Panels in the initial stages of the pandemic. This was overcome once we were able to securely share digital complaint information externally with independent Panel Members, and were able to hold secure virtual meetings with external participants. The delays in handling complaints and temporary changes to complaints procedures in response to the pandemic also impacted on the number of cases that were progressing beyond Stage 1 in the first few months of the pandemic. Our ability to conduct investigations remotely, and the relaxation of government restrictions, resulted in a sudden rise with complaint investigations, some of which had been suspended because of the pandemic.
- 3.9 Customers who approach the Local Government and Social Care Ombudsman without first completing all stages of the complaints process are usually referred back 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
Childrens Social Work Services	267	57%
Children in Care	70	15%
Early Help & Preventative Services	23	5%
Children with Disabilities	33	7%
Front Door Service	26	6%
Other (including countywide issues)	23	5%
18+ and Care Leaver's Service	21	4%
Safeguarding & QA Service	1	<1%
Adoption Service	3	<1%
Fostering Service	4	<1%
Total number complaints received	471	

Table 7 - Complaints received by customer type

Customer	Total	% of total complaints
Parent	331	70%
Other customer (incl. providers/professionals)	41	9%
Family member	31	7%
Care leaver/leaving care	16	3%
Carer (grandparent/special guardian)	15	3%
Child in care	14	3%
Adoptive parent/prospective adoptive parent	11	2%
Foster carer	9	2%
Child or young person (not in care)	3	<1%
Total number of complaints received	471	

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>	123	38	31%
Equalities and regulatory issues <i>(e.g. discrimination, data protection issues, health and safety)</i>	78	33	42%
Issues with service <i>(e.g. delays or failure to do something, quality of service, cancellation or withdrawal of a service)</i>	155	48	31%
Policy and procedure issues <i>(e.g. procedures not followed, disagree with policy or procedure, disagree with decision)</i>	68	20	29%
Staff conduct	105	37	35%
Total number of issues raised	529	176	33%

- 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, 33% of complaints received against Integrated Children's Services and Disabled Children's Services were either upheld in full or part. This is a slight increase from 31% 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 the delivery of children in need and child protection services.
- 4.5 There were 30 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 three 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 (1 partly upheld, 1 upheld)
Disputed decision – 5 received (none upheld)
Delay in doing something – 5 received (2 partly upheld)
Failure to do something – 6 received (2 partly upheld)
Service issues – 6 received (2 partly upheld, 1 upheld)
Staff conduct – 2 received (1 partly upheld)

4.7 Education Planning & Access, and SEN

Table 9 - Complaints received by service

Service	Number	% of total complaints
Special Educational Needs (SEN)	217	60%
Community Learning & Skills	26	7%
Fair Access	56	16%
Home to School Transport	49	14%
Area Education Officers	9	2%
Planning and Access	5	1%
Total number of complaints received	362	

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>	38	15	39%
Equalities and regulatory issues <i>(e.g. discrimination, data protection issues, health and safety)</i>	3	2	67%
Issues with service <i>(e.g. delays or failure to do something, quality of service, cancellation or withdrawal of a service)</i>	53	20	38%
Policy and procedure issues <i>(e.g. procedures not followed, disagree with policy or procedure, disagree with decision)</i>	50	4	8%
Staff conduct	3	1	33%
Total number of issues raised	147	42	29%

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>	66	53	80%
Equalities and regulatory issues <i>(e.g. discrimination, data protection issues, health and safety)</i>	4	3	75%
Issues with service <i>(e.g. delays or failure to do something, quality of service, cancellation or withdrawal of a service)</i>	179	137	77%
Policy and procedure issues <i>(e.g. procedures not followed, disagree with policy or procedure, disagree with decision)</i>	33	21	64%
Staff conduct	4	2	50%
Total number of issues raised	261	216	83%

The top five issues raised against the SEN service were:

1. Failure to deliver a service or do something – 83 complaints were received, of which 70% were upheld either partially or in full.
 2. Delayed service – 81 complaints were received, of which 83% were upheld either partially or in full.
 3. Poor communication – 55 complaints were received, of which 85% were upheld either partially or in full.
 4. Disagreement with decision – 27 complaints were received, of which 67% were upheld either partially or in full.
 5. Quality of service provided – 25 complaints were received, of which 76% 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 appeals to a statutory tribunal.
- 4.9 In 2020/21, there were 145 Education complaints received and progressed, a 27% decrease from 199 in 2019/20. There were 217 complaints received and logged for Special Education Needs (SEN), a 7% decrease from 233 in 2019/20. This is in line with the overall decrease in complaints identified as a result of national Covid restrictions that were in place for the majority of 2020.

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

- 5.1 The number of complaints heard at Ombudsman level reduced in 2020-21, however this is an anomaly as the Ombudsman suspended their own complaint handling and did not investigate any new complaints during the first three months of the financial year due to Covid.
- 5.2 A total of 79 complaints were received by the Local Government and Social Care Ombudsman in 2020-21 relating to services provided by the Children, Young People and Education directorate. Of these, 27 resulted in further detailed investigation by the Ombudsman, 70% of those being investigated were upheld against Kent County Council, a decline on the directorate's 57% from 2019-20.

Table 12 – Local Government and Social Care Ombudsman involvement

	Detailed investigation		Closed*	Premature	Total
	Upheld	Not upheld			
Integrated Children's Services	7	5	16	5	33
Kent Test/School Admission appeals	0	0	1	0	1
Home to School Transport/Free School Meals	1	2	2	0	5
SEN	11	1	3	2	17
The Education People	0	0	0	0	0
Community Learning and Skills	0	0	0	0	0
Total	19	8	22	7	56

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

- 5.3 The Local Government and Social Care Ombudsman found fault with 19 complaints relating to the Children Young People and Education directorate in 2020-21. 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 2020/21 a total of 33 complaints were received from young people. It is a positive point to note that 27 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 2019/20
Statutory complaint (Stage 1)	10	15	42%	↑
Statutory complaint (Stage 1) (maximum timescale)	20	28	78% ¹	↑
Statutory complaint (Stage 2)	65	8	13% ²	↓
Statutory complaint (Stage 3)	30	1	100%	↔
Corporate complaint (Stage 1)	20	401	79%	↑
Corporate complaint (Stage 2)	20	64	53% ³	↑
Member Enquiry	20	113	57%	↓

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

⁽²⁾ Stage 2 investigations were suspended during Covid restrictions (see para. 3.7)

⁽³⁾ Stage 2 corporate complaints were suspended (unless high risk/urgent) to allow frontline staff to focus on safeguarding the most vulnerable children

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 2019/20
Statutory complaint (Stage 1)	10	8	67%	↑
Statutory complaint (Stage 1) (maximum timescale)	20	10	83% ¹	↓
Statutory complaint (Stage 2)	65	0	n/a	n/a
Statutory complaint (Stage 3)	30	0	n/a	n/a

Corporate complaint (Stage 1)	20	21	86%	↑
Corporate complaint (Stage 2)	20	4	75%	↑
Member Enquiry	20	9	44%	↓

⁽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 78% of complaint responses from Integrated Children's Services, and 83% for Disabled Children's Services.
- 7.2 There had been a significant decline in the number of Stage 2 complaint investigations completed within the statutory timescale of 65 working days during 2020/21. The introduction of a national lockdown, because of the Covid-19 pandemic, in March 2020 impacted significantly on the directorate's capacity and ability to progress these investigations. Several of the Stage 2 complaints received in 2019-20 exceeded the maximum timescale due to the suspension of investigations. Many local authorities across England faced the same challenges, which resulted in the Local Government and Social Care Ombudsman also suspending all casework to help ease the pressure on local authorities whilst emergency services were executed.
- 7.3 Only 1 Stage 3 Review was held during the year. This again was because of the national restrictions linked to the Covid-19 pandemic. Stage 2 investigations were suspended, which in turn reduced the number of Stage 3 requests being made. Stage 2 must be completed before a complaint can progress to Stage 3. It also took time to consider the safest way of conducting Reviews because of social distancing restrictions.

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 2019/20
Corporate complaint (Stage 1)	145	113	78%	↓
Corporate complaint (Stage 2)	14	13	93%	↑
Member Enquiries	150	121	81%	↑

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 2019/20
Corporate complaint (Stage 1)	218	43	20%	↓
Corporate complaint (Stage 2)	35	5	14%	↓
Member Enquiries	112	22	20%	↓

7.4 Complaint performance within SEN continues to be an area requiring improvement. Further work is needed 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 2020/21 informed wider service development:

Area for development	Identified actions
Young people making their own decisions.	Staff reminded of the need to be explicit when discussing the impact of different policies and procedures with young people who are faced with making their own decisions.
Transparency with families.	Staff reminded of the importance of transparency and it being key to a good working relationship. If mistakes have been made then we need to own the errors and not avoid having to address them. It is important that families can have faith and trust in the processes that we follow, and that they can be confident that decision have been based on factual, evidence-based information.
Parental understanding of decision making.	With complex cases, where safety plans are implemented, it is good practice to follow up with letters detailing why decisions have been made. This would provide a point of reference for families to help them understand the decision making.
Accurate case records.	Staff reminded of the importance of case records being updated in a timely manner. Particularly where a member of staff is leaving KCC and may have outstanding information not yet uploaded onto a case record.

Area for development	Identified actions
Meetings for families.	Staff reminded that when meetings for families are taking place, it is important that the family is updated around who will be attending. The meetings should consider the sensitivity of information being shared and who should be party to this in such a forum.
Better handling of complaints.	Staff reminded of the importance of contacting the customer to discuss their concerns from the outset. This should be done as a minimum by telephone, with a written record of what was discussed/agreed sent as a follow-up.
Child safeguarding – cross authority	<p>Clearer position developed by the Front Door Service on how we respond and engage when an incident has taken place for a Kent child in another local authority.</p> <p>Work has taken place with partners to review and update s47 Child Protection guidance, particularly procedures for cross border child protection referrals.</p>
Child safeguarding – Disabled Children’s Service	<p>After identifying that staff within the Disabled Children’s Service would benefit from further safeguarding training, mandatory refresher training was facilitated.</p> <p>Child Analysis Outcome focused work undertaken by the Safeguarding Unit will give further insight into the DCYPT and will highlight areas of good practice and areas that require further development. If there is an identified further need regarding safeguarding training, bespoke training will be delivered to the service via the Practice Development Team within the Safeguarding Unit.</p>
Statutory Children Act complaints procedure	Team guidance reviewed to take into consideration that the consent of a young person does not need to be sought if a parent wishes to make a complaint. Any concerns or issues around confidentiality and sharing of the young person’s personal information should be reviewed and resolved before responding to the parent.

9. Review of the effectiveness of the complaints procedure

- 9.1 Management of Children's Complaints and Customer Care is part of the Corporate Director's Team. Having a centrally managed service helps to facilitate delivery of a robust and 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 2020-21. Whilst the volume of complaints received has reduced slightly, the complexity of some complaints has risen, 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 the responses. The Children's Complaints and Customer Care Team was to be included in a comprehensive review of support services within the directorate, which proposed strengthening the capacity and role of the team, unfortunately the review was suspended as a result of the Covid-19 pandemic, leaving the team with unresolved capacity issues.
- 9.5 In June 2020 management of the complaints element of four SEN Complaints and Complex Case Officers transferred over to the Children's Complaints and Customer Care Team, with the complex case side of their role remaining under the management of the local Area SEN Teams. This has enabled the distribution of complaints to be shared more evenly across the team rather than each taking responsibility solely for their own area's complaints.
- 9.6 **Training** – several training sessions were arranged for staff in relation to complaints during 2020/21. 'Complaint Investigation' and 'Responding to Customers' training is provided in collaboration with the KCC Delivery Manager - Engagement & Consultation. These sessions continue to be offered on demand. A further 11 training workshops were run between

October and March for staff in SEN, these were specifically on 'Customer Service'.

The following are training sessions that have been, and continue to be, arranged on demand:

- Individual sessions raising awareness of the complaints process and advising on key themes arising from complaints are provided to local teams and services;
- Virtual training sessions for those managers tasked with undertaking complaint investigations at Stage 2 of the statutory Children Act complaints procedure. Individual support and advice are also provided to all new Investigating Officers appointed to undertake complaint investigations at Stage 2;
- Virtual training sessions on 'Responding to Customers', which covers good practice in relation to the wording and content of responses, good customer focus, and expectations in terms of the process itself;
- Individual sessions on the customer feedback system for support staff who facilitate complaint responses in local offices.

Each of the above training sessions will continue to be provided for staff as required throughout 2021/22.

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 2020/21 the number of compliments formally received and logged decreased from the previous year by 31% to 78. 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 2020/21 across the directorate:

Feedback from a parent

Parent thanking SEN officer for all her help and guidance through the EHCP process.

Feedback from a parent

“Would just like to say what an amazing lady she [child’s social worker] is and how supportive she was in this difficult situation for me and my family. She made me feel very comfortable when talking to her and especially when I’m not a good talker over the phone. She was very friendly and helpful during this hard time.”

Feedback from a parent

Parents stated it’s always a pleasure to talk to this member of staff in SEN and thanked them for their openness and honesty and willingness to try to make things work for their son.

Feedback from a grandparent

Grandmother who has recently moved into Kent thanking SEN staff for the efficient service they have received and being able to place grandson into a school placement for September.

Feedback from a family member

Compliment received by social worker. “Thanks for today, we thought it was really helpful and gives us a focus going forward. Let’s sincerely hope that we can action the points successfully and significantly improve our lines of openness and communication between the wider family and social services. This is obviously with the clear objective of providing the children with a much more stable, happy and secure life, and for [parent] to proactively seek help for her mental health and support from us all so that she can improve her parenting and all lead a happy and secure family life. Having these action points on record gives us all focus.”

Feedback from a parent

I would really love for [SEN officer] to be praised for his hard work and dedication to his job. He explained things so well when it initially came down to my daughter having her EHCP sorted and guidelines that her education provider at the time should be following. When I recently had to contact him due to my daughter changing her education, he was yet again amazing and full of knowledge and understanding, he knows his job really well and deserves recognition for it.”

Feedback from parent

“I would just like to say how impressed I have been with [social worker’s] involvement with the current ongoing case regarding my children. Her professionalism, communication and work ethic has been outstanding throughout. She has gone over and above her line of work in my opinion; visiting us late to accommodate with work and school, replying promptly to calls/messages, always looking at situations from a professional and 'real life' perspective and ensuring that all areas have been covered to achieve a fair outcome. A true asset to your team!”

Feedback from parents

Parents thanking OT for helping and supporting them with their disabled son and for getting him all the equipment they needed to care for him.

Feedback from a parent

“So many heartfelt thanks for all your help, as I said earlier you've been my rock, and guided me along the way, I really do appreciate you, thankyou so much for everything. I promise I'll do my utmost best for my babies. Thanks again, you're doing a great job !!”

Feedback from parent

“[SEN officer] has been a godsend throughout the EHCP process, especially given the Covid circumstances which have affected the normal way of working. [SEN officer] has been really professional and friendly, she has guided me through the whole process which I really have found refreshing and have thoroughly appreciated. I have confidence in the system because of [SEN Officer's] approach to her work and would like to thank her and wish her all the best.”

Feedback from parent

Compliment for the quality of service provided to family by the social worker. “They had a balanced and supportive view and has helped to resolve the issues within the family.”

11. Objectives for 2021/22

Objectives for 2021/22 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 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

Despite the challenges faced by the Covid-19 pandemic, the Council has strived to operate a responsive service for people making complaints about services provided by the Children, Young People and Education directorate. The Children Act and subsequent regulations and statutory guidance are prescriptive about the procedures for handling complaints from and on behalf of children in receipt of services under the Children Act. This includes complaints from children in care, care leavers and children in need. It is important children and families feel able to complain if they are dissatisfied

with the service received as it provides an opportunity to resolve issues, and where the service has not been to the expected standard, it is also an opportunity to learn lessons and put things right.

13. Recommendations

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

14. Background Document

None

15. Report Author

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Children Social Care - Not upheld example – 19 020 166

Complaint

The complainant, whom I shall call Mr C, complains the Council failed to offer his son, E, an assessment from the Disabled Children's Service. He said E met their criteria for support and needed the help that the service could offer. The Council agreed to assess E under Early Help, which Mr C refused.

Outcome

There is no evidence of fault in the Council refusing to assess E for a service from the Disabled Children's Service as he has no diagnosis of a disability.

Children Social Care - Upheld example - 19 017 019

Complaint

The complainant, whom I shall call Miss T complains the Council failed to treat her properly through the child protection process and failed to investigate safeguarding allegations, and her complaints, appropriately. This caused her significant distress.

Miss T also asked us to look at the actions of the Council in relation to a Section 7 report and child protection meetings. She also complained about 'aggressive action' by the Council following allegations of fabricated and induced illness and the refusal of the Council to become involved their father's failure to return the children

Outcome

For the Council to apologise for the fault identified in this statement within a month of my decision.

For the Council to make a payment of £300 for the distress caused to Miss T from the Council's failure to circulate documents or to explain why it would not circulate them, for the delayed circulation of meeting notes and for its failure to consider supporting the family under Section 17 of the Children Act 1989 when the family was without hot water or heating. It should also make a payment of £200 for the time and trouble experienced by Miss T because of the Council's complaints handling. The Council should do this within three months of the date of my decision.

For the Council to explain how it will ensure meeting notes are issued in accordance with the timescales it has set going forward. It has told me it has changed its procedures in order to do this. It should send me a copy of these procedures within three months of the date of my decision.

For the Council to tell me what action it will take going forward to ensure all complaints are logged with the complaints team. The Council has said it has embarked on an awareness campaign for all staff and has reviewed the relevant documents. It should send me evidence of this within three months of the date of my decision.

Education - Not upheld example – 19 009 689

Complaint

Mr B complains that the Council:

- has wrongly refused to provide home to school transport for his younger son, D to his grammar school;
- has wrongly refused to consider the alternative safe routes which he has provided which demonstrate that the grammar school is the nearest school to his home when using the nearest available route; and
- has an unclear and contradictory policy which does not comply with the law and statutory guidance in the way it determines the nearest suitable school.

Outcome

There was no fault in the way that the Council refused transport for D or Mr B's subsequent appeal.

Education - Upheld example – 19 005 926

Complaint

Ms X complained the Council:

- agreed to make amendments to her son, Z's draft EHC Plan, wait for a trial place at Ms X's preferred school and wait for professional reports but then failed to do any of these; and
- delayed or failed to consult with relevant professionals, in particular an educational psychologist, when drafting Z's EHC Plan.

Ms X said these faults resulted in the Council delaying issuing Z's EHC Plan. She said this caused her and Z significant distress. In addition, she said the school Z attended during the EHC Plan process was unable to meet his special educational needs, causing Z additional distress.

Ms X also made a number of complaints about the actions of the school Z attended.

Outcome

Within one month of the date of the final decision, the Council has agreed to pay Ms X £150 to acknowledge the uncertainty and frustration caused by the Council's faults.

Within three months of the date of the final decision, the Council has agreed to provide evidence of the actions it is taking to ensure EHC plans are being completed within the statutory timescales.