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To: Children’s, Young People and Education Cabinet Committee – 21 November 2024

Subject: **COMPLAINTS AND REPRESENTATIONS 2023-24**

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 2023/24 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, 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 | 2020/21 | 2021-22 | 2022-23 | 2023-24 | Direction of travel from 2022/23 |
|----------------------------------|-------------|-------------|-------------|-------------|----------------------------------|
| Children Act complaint | 48 | 57 | 30 | 22 | ↓27 % |
| Corporate complaint | 792 | 981 | 1210 | 1119 | ↓8 % |
| Representation ⁽¹⁾ | 3 | 10 | 0 | 0 | |
| Member Enquiry | 386 | 524 | 739 | 640 | ↓13 % |
| Enquiry | 252 | 227 | 288 | 625 | ↑117 % |
| Comment | 43 | 42 | 36 | 21 | ↓42 % |
| Compliment | 78 | 90 | 39 | 42 | ↑8 % |
| Total complaints | 840 | 1038 | 1240 | 1141 | ↓8% |
| Total all representations | 1602 | 1931 | 2342 | 2469 | ↑5% |

(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 or statutory processes prevent them being progressed as formal complaints under the Children Act.

- 2.1 The total number of complaints and representations received increased by 5% in the year 2023-24, although formal complaints decreased by 8%. The opening of several new reception centres for Unaccompanied Asylum-Seeking Children contributed to an increase in the number of 'enquiries' received. The above table does not include rejected or withdrawn complaints, of which there were an additional 461 cases in 2023-24.
- 2.2 The volume of Member Enquiries has reduced slightly, down 13% from the previous year. A proportion of customers have continued 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. 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 | 12 | 0 | 0 | 10 | 0 | 22 |
| Corporate complaint | 384 | 145 | 553 | 35 | 2 | 1119 |
| Representation | 0 | 0 | 0 | 0 | 0 | 0 |
| Member Enquiry | 85 | 132 | 396 | 24 | 3 | 640 |
| Enquiry | 194 | 76 | 332 | 19 | 4 | 625 |
| Comment | 7 | 14 | 0 | 0 | 0 | 21 |
| Compliment | 16 | 14 | 9 | 1 | 2 | 42 |
| Total complaints | 396 | 145 | 553 | 45 | 2 | 1141 |
| Total representations | 698 | 381 | 1290 | 89 | 11 | 2469 |
| % complaints received | 35% | 13% | 48% | 4% | <1% | |

*Corporate Director's Office, and Commissioning

- 2.3 In 2023-24 there were an additional 425 complaints/enquiries received but not progressed. Of these, 439 were rejected at assessment stage, for the reasons identified below, and 22 were subsequently withdrawn by the customer.

Table 3 – Rejected complaints

| Reason for complaint rejection | Number | % of total |
|---|------------|------------|
| Duplicate complaint | 134 | 31% |
| Complaint subject to legal proceedings | 85 | 19% |
| Representative not authorised to act on behalf of client | 76 | 17% |
| Complaint for another organisation | 40 | 9% |
| Customer refused to provide name and address | 34 | 8% |
| Ongoing social care assessment | 19 | 4% |
| Appeal not a complaint | 17 | 4% |
| Service request not a complaint | 8 | 2% |
| Complaint about an issue more than 12 months old | 8 | 2% |
| Enquiry not a complaint | 7 | 2% |
| Customer declined to provide sufficient information to be able to investigate | 5 | 1% |
| Complaint about council's legal or professional opinion | 2 | <1% |
| Same complaint already dealt with at all stages | 1 | <1% |
| Same complaint already investigated by the Ombudsman | 1 | <1% |
| Signposted to Ombudsman | 1 | <1% |
| Forward to public body | 1 | <1% |
| No. of complaints rejected | 439 | |

Table 4 - Method of receipt – all representations

| Method of receipt | Number | % of total |
|--------------------------------|---------------|-------------------|
| Email | 1393 | 56% |
| Self service | 520 | 21% |
| Contact Centre | 246 | 10% |
| Telephone | 206 | 8% |
| Contact via MP/Member | 76 | 3% |
| Post | 19 | <1% |
| Face to face | 4 | <1% |
| Comment Card | 2 | <1% |
| Contact via Corporate Director | 1 | <1% |
| Premature Ombudsman | 1 | <1% |
| Online | 1 | <1% |
| Total | 2469 | |

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 requested and accepted at each stage

| Stage | 2020/21 | 2021/22 | 2022/23 | 2023/24 | Direction of travel from previous year |
|-------------------------------------|---------|---------|---------|---------|--|
| Stage 1 – Local Resolution | 48 | 57 | 30 | 22 | ↓27% |
| Stage 2 – Independent Investigation | 9 | 9 | 4 | 10 | ↑150% |
| Stage 3 – Independent Review Panel | 1 | 10 | 1 | 1 | ↔ |

- 3.5 The number of complaints accepted and handled through the statutory Children Act complaints procedure decreased by 27% from the previous year. There is no clear identifiable reason for less complaints being received and progressed under the statutory Children Act complaints procedure. Several cases were identified, both through team auditing and via feedback from the Ombudsman, to have been incorrectly progressed as corporate complaints when they met eligibility criteria for consideration under the statutory Children Act complaints procedure. Consequently, further training has been provided to Complaints Advisers on triaging/assessing new complaints and identifying those that should be progressed under the statutory complaints procedure.
- 3.6 Triaging new cases involves giving consideration to who is making the complaint, the type of issues being raised, and when the issue being complained about occurred. Complaints which do not relate to an alleged injustice to an eligible child or young person are progressed through the corporate complaints' procedure.
- 3.7 Complainants are 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 it appears that 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.
- 3.8 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 not all issues had been appropriately addressed at Stage 1. One Stage 3 Review Panel was requested in the reporting period for 2023/24.
- 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 how they can escalate their complaint if they are dissatisfied with the outcome at each stage of the process.

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 31/3/24 | % of complaints as a proportion of service caseload |
|---|--------------|-----------------------|---|---|
| Children's Social Work Services | 236 | 54% | 6615 | 4% |
| Children with Disabilities | 45 | 10% | 1429 | 3% |
| Children in Care | 41 | 9% | 1671 | 2% |
| Early Help & Preventative Services | 30 | 7% | 2725 | 1% |
| Front Door Service | 27 | 6% | 50506^ | <1% |
| UASC | 17 | 4% | | |
| 18+ and Care Leaver's Service | 15 | 3% | 1893 | <1% |
| Other (including countywide issues) | 9 | 2% | n/a | n/a |
| Fostering Service | 8 | 2% | 636 | 1% |
| Adoption Service | 7 | 2% | 106 | 7% |
| Safeguarding & QA Service | 6 | 1% | 3138 | <1% |
| Total number complaints received | 441 | | | |

^number 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 | 338 | 77% |
| Other customer (incl. providers/professionals) | 40 | 9% |
| Family member | 21 | 5% |
| Foster carer | 16 | 4% |
| Care leaver/leaving care | 8 | 2% |
| Adoptive parent/prospective adoptive parent | 8 | 2% |
| Child in care | 6 | 1% |
| Carer (grandparent/special guardian) | 3 | <1% |
| Child or young person (not in care) | 1 | <1% |
| Total number of complaints received | 441 | |

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> | 86 | 40 | 47% |
| Equalities and regulatory issues <i>(e.g. discrimination, data protection issues, health and safety)</i> | 32 | 16 | 50% |
| Issues with service <i>(e.g. delays or failure to do something, quality of service, cancellation or withdrawal of a service)</i> | 229 | 100 | 44% |
| Policy and procedure issues <i>(e.g. procedures not followed, disagree with policy or procedure, disagree with decision)</i> | 59 | 16 | 27% |
| Staff conduct | 72 | 31 | 43% |
| Total number of issues raised | 478 | 203 | 42% |

- 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, 42% 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 36% in the previous year, indicating a possible decline in the quality of services provided or an increase in client expectations.
- 4.4 The majority of complaints received and progressed through the statutory Children Act complaints procedure were in relation to the disabled children’s services. Many of these were disputed outcomes, where parents believed that their children were eligible for support from the service.
- 4.5 Eight complaints were received from children and young people who are either in care, transitioning from care, or who have already left the care of KCC. We also received one complaint from a young person who receives 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 – 3 received (3 upheld)
 Disagreement with decision – 4 received (1 partly upheld, 3 not upheld)
 Delay in doing something – 1 received (1 not upheld)
 Failure to do something – 3 received (1 upheld, 1 partly upheld, 1 not upheld)
 Service issues – 1 received (1 not upheld)
 Staff conduct – 1 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 31/3/24 | % of complaints as a proportion of service caseload |
|--------------------------------------|--------------|-----------------------|---|---|
| Special Educational Needs (SEN) | 531 | 79% | 19,736 | 3% |
| Home to School Transport | 44 | 7% | 13,996 | <1% |
| Community Learning & Skills | 63 | 9% | 22,194 | <1% |
| Fair Access | 37 | 5% | 16,188 | <1% |
| Area Education Officers | 0 | 0% | 600 | n/a |
| Planning and Access | 1 | <1% | | n/a |
| Total no. complaints received | 676 | | | |

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> | 27 | 16 | 59% |
| Equalities and regulatory issues <i>(e.g. discrimination, data protection issues, health and safety)</i> | 5 | 0 | 0% |
| Issues with service <i>(e.g. delays or failure to do something, quality of service, cancellation or withdrawal of a service)</i> | 81 | 45 | 56% |
| Policy and procedure issues <i>(e.g. procedures not followed, disagree with policy or procedure, disagree with decision)</i> | 29 | 9 | 31% |
| Staff conduct | 5 | 3 | 60% |
| Total number of issues raised | 147 | 73 | 50% |

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> | 161 | 87 | 54% |
| Equalities and regulatory issues <i>(e.g. discrimination, data protection issues, health and safety)</i> | 2 | 2 | 100% |
| Issues with service <i>(e.g. delays or failure to do something, quality of service, cancellation or withdrawal of a service)</i> | 483 | 210 | 43% |
| Policy and procedure issues <i>(e.g. procedures not followed, disagree with policy or procedure, disagree with decision)</i> | 33 | 13 | 39% |
| Staff conduct | 4 | 2 | 100% |
| Total number of issues raised | 683 | 314* | 46%* |

*At the time of writing the report the outcome from 333 reported issues remained outstanding

Top five issues raised against the SEN service (with known outcome*):

1. **Delay in doing something** – 169 complaints were received, of which 56% were upheld either partially or in full.
2. **Failure to do something** – 92 complaints were received, of which 52% were upheld either partially or in full.
3. **Failure to communicate** – 84 complaints were received, of which 74% were upheld either partially or in full.
4. **Quality of service delivered** – 52 complaints were received, of which 60% were upheld either partially or in full.
5. **Delay in communicating** – 35 complaints were received, of which 66% 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 2023-24, there were 145 Education complaints received and progressed, a 62% decrease from 235 in 2022-23. Of these, 50% were upheld either partially or in full, an increase from 44% in 2022-23.

4.10 In comparison, 531 complaints were received and logged for Special Education Needs (SEN), a 0.5% decrease from 2022/23, and a cumulative increase of 96%

from 271 received in 2020/21. Of the complaints received in 2023/24, 46% were upheld in part or full. A decrease from 68% 2022/23. This figure is not an accurate reflection of the outcome of complaints. At the time of writing the report, 333 issues reported in SEN complaints were yet to have an outcome recorded. These complaints form part of a backlog of overdue SEN complaints.

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 2023/24 by 54%.
- 5.2 A total of 186 complaints were received by the Local Government and Social Care Ombudsman in 2023/24 relating to services provided by the Children, Young People and Education directorate. Of these, 62 resulted in further detailed investigation by the Ombudsman, 90% of those being investigated were upheld against Kent County Council, in improvement on the directorate's performance of 95% the previous year.
- 5.3 The Ombudsman has noted that the way in which they choose which complaints they will investigate has changed, leading to a higher number of complaints being upheld vs not upheld. The below is the Ombudsman's explanation of the change.
- 5.4 *"Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall. Our average uphold rate for all investigations has increased this year and you may find that your organisation's uphold rate is higher than in previous years. This means that comparing uphold rates with previous years carries a note of caution. Therefore, we recommend comparing your authority's uphold rate with that of similar organisations, rather than previous years, to better understand performance."*

Table 12 – Local Government and Social Care Ombudsman involvement

| | Detailed investigation | | Closed* | Premature | Total |
|---|------------------------|------------|-----------|-----------|------------|
| | Upheld | Not upheld | | | |
| Children’s Social Work Services | 12 | 1 | 23 | 3 | 39 |
| Kent Test/ School Admission appeals | 3 | 1 | 8 | 0 | 12 |
| Home to School Transport/Free School Meals | 0 | 1 | 3 | 0 | 4 |
| SEN | 41 | 3 | 14 | 41 | 99 |
| The Education People | 0 | 0 | 0 | 0 | 0 |
| Community Learning and Skills | 0 | 0 | 1 | 0 | 1 |
| Closed by LGSCO – not sent to KCC | 0 | 0 | 3 | 28 | 31 |
| Total | 56 | 6 | 52 | 72 | 186 |

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

- 5.5 The Local Government and Social Care Ombudsman found fault with 56 complaints relating to the Children Young People and Education directorate in 2023/24. 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 2023-24 a total of 9 complaints were received from young people. It is a positive point to note that 4 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 their concerns rather than going direct to the complaints procedure.

7. Compliance with timescales

Table 13 – Response performance – Integrated Children’s Services

| Procedure/stage | No. of responses made | No. of responses in timescale | % of responses provided within timescale | Performance Direction of travel from 2020/21 |
|--|-----------------------|-------------------------------|--|--|
| Statutory complaint (Stage 1) (standard timescale) | 12 | 4 | 33% | ↓ |
| Statutory complaint (Stage 1) (extended timescale) | 12 | 7 | 58% ¹ | ↓ |
| Statutory complaint (Stage 2) | 3 | 0 | 0% | ↓ |
| Statutory complaint (Stage 3) | 0 | 0 | n/a | |
| Corporate complaint (Stage 1) | 384 | 186 | 48% | ↓ |
| Corporate complaint (Stage 2) | 64 | 32 | 50% | ↓ |
| Member Enquiry | 86 | 45 | 52% | ↓ |

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

Table 14 – Response performance – Disabled Children’s Service

| Procedure/stage | No. of responses made | No. of responses in timescale | % of responses provided within timescale | Performance Direction of travel from 2020/21 |
|--|-----------------------|-------------------------------|--|--|
| Statutory complaint (Stage 1) (standard timescale) | 10 | 1 | 10% | ↑ |
| Statutory complaint (Stage 1) (maximum timescale) | 10 | 3 | 30% ¹ | ↓ |
| Statutory complaint (Stage 2) | 7 | 2 | 29% | ↓ |
| Statutory complaint (Stage 3) | 1 | 1 | 100% | n/a |
| Corporate complaint (Stage 1) | 35 | 8 | 23% | ↓ |
| Corporate complaint (Stage 2) | 8 | 1 | 13% | ↓ |
| Member Enquiry | 23 | 5 | 22% | ↓ |

⁽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 85% of complaint responses from Integrated Children’s Services, and 25% for Disabled Children’s Services. An improvement from 79% from the previous year for Integrated Children’s Services, and a decrease in performance from 50% the previous year for Disabled Children’s Services. The standard timescale for responding to Children Act Stage 1 responses is 10 working days, which can be extended up to 20 working days if required.

7.2 There 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.

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) | 145 | 109 | 75% | ↓ |
| Corporate complaint (Stage 2) | 6 | 2 | 33% | ↓ |
| Member Enquiries | 132 | 49 | 37% | ↓ |

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) | 553 | 36 | 7% | ↓ |
| Corporate complaint (Stage 2) | 86 | 13 | 15% | ↑ |
| Member Enquiries | 396 | 15 | 4% | ↓ |

7.4 Complaint performance has declined across all divisions of the directorate during 2023/24. A proportion of the delays with complaint handling in 2023/24 can be attributed to capacity issues. A significant backlog of SEN complaints impacted the workload of staff; this coupled with a significant increase in Ombudsman cases for SEN has impacted on the handling of the majority of customer feedback cases across the directorate.

7.5 A public report was issued in June 2023 which identified problems with the delayed handling of SEN complaints. Steps have since been taken to address the issue, specifically the introduction of a temporary team dedicated to responding to the backlog of SEN complaints. Combined efforts and support from across the wider KCC customer feedback service have also contributed to a positive shift in clearing the backlog. Regular progress reports have been provided to the Local Government and Social Care Ombudsman as part of the monitoring of the issues identified in the public report.

7.6 Work is continuing within the SEND service 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 2023/24 informed wider service development:

| Area for development | Identified Actions |
|----------------------|---|
| EHC Plans | <p>Staff reminded of:</p> <p>The Council's duty to decide whether to keep, cease or amend the EHC plan within four weeks of the review meeting, and to notify the parents in writing and include what the proposed changes are.</p> <p>The Council's duty to issue an amended plan as quickly as possible and within eight weeks of the original amendment notice.</p> |
| Communication | <p>Staff reminded of:</p> <p>The importance of ensuring that parents understand the processes we use, and the outcome of assessments.</p> <p>The need to be professional in all communications, both external and internal.</p> |
| Complaint Handling | <p>Staff reminded of:</p> <p>Communicate properly with families and respond fully to complaints within the timescales set out in its complaints procedure.</p> <p>The importance of responding to all issues raised in a complaint, so complainants do not need to escalate their concerns to get a response.</p> <p>The importance of sending complaints to the Children's Complaints Team for handling.</p> |
| EHCP Annual reviews | <p>Action plan developed to indicate how it intends to address ongoing delays and issues with EHCP annual reviews.</p> |

9. Review of the effectiveness of the complaint's procedure

- 9.1 Management of the children's complaints team transferred over to form part of a wider centralised KCC customer care and complaints function in April 2023. Social care complaints are required to remain detached from the delivery of those services being complained about. Having a centrally managed service has helped facilitate delivery of an impartial complaints process. Additional resources from the wider centralised customer care service have also been utilised during what has been a challenging year for CYPE customer feedback. The ability to draw on centralised resources has been key in supporting the progression of overdue cases for SEN, and in ensuring that the handling of customer feedback for CYPE has been able to continue despite the challenges.
- 9.2 The effectiveness of the complaints procedure depends on the wider organisational culture and the tendency to learn the lessons where the service has not been to the required standard. The Children's Complaints and Customer Care Team continue to receive support from Senior Management for the prioritisation of complaints, and in 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 further significant challenges during 2023-24. The volume of overdue complaints and Member Enquiries continued to rise until January 2024, when we started to witness a decrease in the number of overdue SEN complaints. The complexity of complaints and managing customer expectations continue to be one of the more challenging areas of work for the team. An increase in requests for support with the management of challenging behaviours from customers indicates that this is not limited to the handling of complaints, but instead a shift in behaviours from the public towards KCC staff. Recent media reports would suggest that this behaviour is replicated across the country, particularly in public services such as local authorities, healthcare, and public transport.

- 9.6 **Training** – capacity within the complaints service continues to impact the delivery of complaints training for staff. Sessions are 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 2023/24 the number of compliments formally received and logged increased from the previous year by 10% to 43. 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 2023/24 across the directorate:

Feedback from parent

'I would like to take the time to compliment my social worker! During the time with our family and during our assessment I really feel V listened to each and everyone of us where as previous social workers never did that. I think she did her job professionally and took in to account all of our feelings. I'm happy we had [social worker] as a social worker. So thank you.'

Feedback from headteacher

'We have been working closely with a social work team. They supported us as a school in a particularly complex safeguarding case. The team went over and above to support this family and us as a school. Their tireless efforts to protect 5 children has transformed the lives of these children, at least in the short term. They deserve recognition for all of their hard work and professionalism.'

Feedback from parent

'I would like to acknowledge [SEND Manager] who took time to call me regarding my son's application to School. Last week I sent in a complaint about the length of time it has taken for my son's application to be assessed (7 month's) [SEND Manager] took time to explain to me the situation of her team and also to call to say that our application was successful. Please pass on my gratitude for resolving things.'

Feedback from prospective foster carer

'We would like to take this opportunity to thank all staff involved in the training course; they were amazing, very helpful and openly shared their experiences. The feedback assessment shows just how attentive and observant they were throughout the 3 days. We couldn't thank them enough & thank you again for your kind words. [Fostering social worker] made this course, interesting, and the content itself is very valuable.'

Feedback from a parent

'I want to say thank you so greatly for your support towards myself and especially my children. I do not know how to thank you enough.

All I can say is you are an angel in human form

My children would probably have been all over the place and be vulnerable if not for your firm and positive impact .

I couldn't have fought for them on my own without your intervention.

Feedback from parent

'I would just like to say thank you so much for your help with my application. I must say that the level of correspondence and assistance thus far has been outstanding.

Given the SEN journey we have been on for the last 5 years has been such a battle, it is really refreshing and reassuring that this part of the process is so well handled.'

Feedback from young person and their sister

'I'm not sure if you remember me and my younger sister, you worked with us around 2 years ago. Me and my sister want to thank you so much for everything you did for us, you have really changed our lives and honestly we can't thank you enough.

We will honestly never forget you, thank you for being so kind. I hope you're well, just wanted to send an email as we're constantly thinking about how lucky we got to get such a lovely social worker.

Thank you!'

Feedback from parent

'Many thanks for your email and the attached letter with offer of places for my children at [school].

We are so glad this has been resolved and we are extremely grateful to your team for this. [Admissions and Placement Officer] and your team performed exceptionally well in this matter and my family is so delighted and thankful.'

Feedback from parent

'I really hit the jackpot when you got involved with sorting A's EHCP and securing him a place.

You have been persistent, kind and understanding from start to finish and we can't thank you enough for that.'

Feedback from Headteacher

'[Early Help worker] is simply a phenomenal early help worker. She has transformed the lives of one particular family and has achieved more in her time working with them than social workers were able to do throughout child protection and child in need. Her dedication and nurturing approach should be an example to all. I have worked with lots of brilliant early help workers and social workers and X is up there with the best!'

11. Objectives for 2024/25

Objectives for 2024/25 include:

- Focus on improving 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.
- Increase the provision of training for staff across the CYPE directorate on the effective handling of complaints.
- Focus on developing the skills of the Children's Complaints and Customer Care Team to ensure effective and good quality handling of customer feedback.
- Continue to work with all services, particularly SEN, in improving response times for customer feedback.

12. Conclusion

This year, the Children's Complaints and Customer Care Team saw an 8% decrease in the volume of complaints handled in comparison to the previous year. In addition, there was a 54% increase in the number of complaints heard at Ombudsman level, these cases are often more complex and carry a risk of reputational damage for KCC.

Although there has been a decrease in the total volume of complaints received, the number of complaints that have been upheld has increased across the directorate. Integrated Children's Services saw the number of complaints upheld rise from 36% in 2022/23, to 42% in 2023/24. The number of complaints upheld in the relation to the Education Service also increased, from 44% in 2022/23, to 50% in 2023/24. Although the SEN service saw a drop in the number of upheld complaints in 2023/24, down from 68% in 2022/23 to 46% in 2023/24. However, as with the previous year, there is a significant number of overdue complaints still to be addressed for SEN, which will inevitably impact performance statistics for response times and outcomes as they are closed. The increase in complaints being upheld across the directorate is potentially an early warning sign of issues that may need to be resolved.

This high volume of overdue complaints, and a continued increase in the complexity of some complaints has continued to impact performance. Capacity issues and the backlog of cases, also had an impact on the progression of new cases for a short period of time at the beginning of 2024. The delays in triaging and logging the new cases had a knock-on effect on the available time to respond to cases.

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 - Upheld example – 22 015 191

Complaint

Miss X complained about the Council's actions and decision in relation to her daughter, F's care in 2020 when she was discharged from a mental health hospital.

Outcome

The Council has upheld Miss X's complaints after investigating them under the statutory children's complaints procedure. It agreed to pay Miss X and F £250 each to acknowledge the distress and uncertainty caused by poor placement planning upon F's discharge. It agreed to pay Miss X a further £500 to acknowledge the significant delays in completing stage 2 of the complaints procedure.

Children Social Care – Not upheld example – 22 013 930

Complaint

Miss X complained the Council has failed to properly consider an application she made for a blue badge for her son. She said without a blue badge, it limits the opportunities he has to access the community. The Ombudsman does not find fault in the Council's actions.

Education - Not upheld example – 23 003 616

Complaint:

Mr X complains:

- a. about the Council's decision to refuse to carry out an education, health and care needs assessment for his son and the conduct of officers who dealt with the matter. Mr X says the actions of the Council caused significant distress to him and his family.
- b. that the Council delayed in carrying out the needs assessment following the Tribunal order and in issuing the education, health and care plan. As a result, Mr X's son's special education needs were not met for longer than necessary.

Outcome

The Council did not issue Y's final EHC plan within the statutory timescale. But, on balance, I do not consider the Council is at fault for the delay.

The delays were caused by the need to rearrange the educational psychology assessment on two occasions. This was because Mr X could not attend the assessment arranged for December 2022 and Y could not be at school for the assessment scheduled for January 2023. The educational psychologist then

could not carry out the assessment until late February but, on balance, I do not consider this is fault. It is inevitable that the assessment would take some time to rearrange due to the educational psychologist's work commitments.

The educational psychologist took a month to send their report to the Council. On balance, I consider the time taken to produce the report was not excessive and does not amount to fault. The Council then issued the draft EHC plan and the final EHC plan within appropriate timescales.

Education - Upheld example – 23 001 283

Complaint

Mrs X complains the Council did not issue her son, Y's, Education, Health and Care plan (EHCP) within the required timescales. Mrs X complains Y was unable to receive a suitable education until his EHCP was issued at the end of June 2023.

Mrs X says this has caused distress and frustration for her and Y. She says that he has lost out on provision he should have received if the plan had been issued on time.

Outcome

To remedy the injustice caused by the faults I have identified, the Council has agreed to take the following action within four weeks of the date of my final decision:

- apologise to Mrs X for the delay in finalising Y's EHCP, the delayed appeal rights and the lost opportunity for Y to access the educational provision set out in his EHCP;
- pay Mrs X £250 to acknowledge the distress and frustration caused by the wait for the EHCP to be issued;
- pay Mrs X £900 to acknowledge Y's lost opportunity to access specialist educational provision set out in his plan, whilst it was delayed.