

From: Sue Chandler – Cabinet Member for Children, Young People and Education
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To: Children’s, Young People and Education Cabinet – 9 March 2021

Subject: **COMPLAINTS AND REPRESENTATIONS 2019-20**

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 2019/20 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.
- 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	2016/17	2017/18	2018/19	2019/20	Variance on previous year
Children Act complaint	165	96	71	48	↓ 32%
Corporate complaint	222	550	794	974	↑ 26%
Representation ⁽¹⁾	271	96	10	3	↓ 70%
Member Enquiry	318	340	465	483	↑ 4%
Enquiry ⁽²⁾		350	296	233	↓ 21%
Comment ⁽³⁾		9	32	45	↑ 41%
Compliment	84	84	94	113	↑ 20%
Total complaints	387	646	865	1022	↑ 19%
Total all representations	1060	1525	1762	1899	↑ 8%

⁽¹⁾ 'Representation' - previously used for cases not eligible for progression as a formal complaint. These are now rejected at the assessment stage.

⁽²⁾ 'Enquiry' - replaced 'Miscellaneous' category which was reported alongside 'Representations' in previous years.

⁽³⁾ 'Comment' – captures generic feedback from customers who wish to share their views and opinions about a Council decision or service. New category for CYPE since October 2017.

- 2.1 The overall number of complaints received has continued to rise for the fourth consecutive year. The total volume of complaints progressed has increased by 164% over three years; this increase does not include rejected or withdrawn cases. Approximately 82% of all cases received are managed by the Customer Care Team, so the continued increase has impacted on the work of the team.
- 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	Total
Children Act complaint	41	-	-	7	48
Corporate complaint	515	199	233	27	974
Representation	3	-	-	0	3
Member Enquiry	112	211	149	11	483
Enquiry	95	76	57	5	233
Comment	18	26	1	0	45
Compliment	49	9	16	39	113
Total complaints	556	199	233	34	1022
Total all representations	833	521	456	89	1899
% of complaints received	54%	19%	23%	3%	

- 2.3 In 2019-20 there were an additional 303 complaints which were received but not progressed. Of these, 287 were rejected at the assessment stage of the process, for the reasons identified below, and 16 complaints were withdrawn by the customer.

Table 3 – Rejected complaints

Reason for complaint rejection	Number	%
Representative not authorised to act on behalf of client	69	24%
Duplicate complaint	53	19%
Complaint for another organisation	39	14%
Complaint subject to legal proceedings	29	10%
Customer refused to provide name and address	20	7%
Ongoing social care assessment	19	7%
Service request not a complaint	17	6%
Complaint about an issue more than 12 months old	13	4%
Enquiry not a complaint	12	4%
Complaint about a HR matter	6	2%
Same complaint already dealt with at all stages	4	1%
Complaint about council's legal or professional opinion	4	1%
Appeal not a complaint	1	<1%
Complaint about council policy	1	<1%
No. of complaints rejected	287	

Table 4 - Method of receipt – all representations

Method of receipt	Number	%
Email	853	45%
Contact via MP/Member	295	16%
Telephone	274	14%
Self Service (website)	268	14%
Post	144	7%
KCC Contact Centre	51	3%
Comment Card	5	<1%
Face to Face	4	<1%
Social Media	2	<1%
Text	1	<1%
Premature Ombudsman	1	<1%
Total	1899	

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	2016/17	2017/18	2018/19	2019/20	Direction of travel from previous year
Stage 1 – Local Resolution	165	96	71	48	↓ -32%
Stage 2 – Independent Investigation	19	9	16	7	↓ -56%
Stage 3 – Independent Review Panel	3	7	3	3	↔

- 3.5 There continues to be a decrease in the number of complaints handled through the statutory Children Act complaints procedure, and an increase in the number handled through the KCC corporate complaints procedure. The Customer Care Team continue 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 Almost half of the complaints which progressed to Stage 2 of the statutory procedure during the year, did so because the customer disagreed with the outcome of Stage 1.
- 3.7 The number of Stage 3 Review Panels held in 2019/20 remained the same as the previous year. 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	Number	% of total
Childrens Social Work Services	341	58%
Children in Care	88	15%
Early Help & Preventative Services	36	6%
Front Door Service	35	6%
Children with Disabilities	34	6%
Other (including countywide issues)	22	4%
18+ and Care Leaver's Service	18	3%
Safeguarding & QA Service	10	2%
Adoption Service	1	<1%
Fostering Service	5	<1%
Total number of complaints received	590	

Table 7 - Complaints received by customer type

Customer	Total	% of total
Parent	445	75%
Family member	41	7%
Other customer (incl. providers/professionals)	33	6%
Carer (grandparent/special guardian)	24	4%
Care leaver/leaving care	17	3%
Child in care	12	2%
Child or young person (not in care)	7	1%
Foster carer	7	1%
Adoptive parent/prospective adoptive parent	4	<1%
Total number of complaints received	590	

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>	130	44	34%
Equalities and regulatory issues <i>(e.g. discrimination, data protection issues, health and safety)</i>	41	15	37%
Issues with service <i>(e.g. delays or failure to do something, quality of service, cancellation or withdrawal of a service)</i>	372	117	31%
Policy and procedure issues <i>(e.g. procedures not followed, disagree with policy or procedure, disagree with decision)</i>	88	19	22%
Staff conduct	12	6	50%
Total number of issues raised	643	201	31%

- 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, 31% of complaints received against Integrated Children's Services and Disabled Children's Services were either upheld in full or part. This is a slight improvement from 32% from 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 29 complaints received from either children and young people in care, those transitioning from care, or those who already left the care of KCC. We are committed to making sure children are aware of their right to make a complaint if they are unhappy with any aspect of their care or how decisions are/were being made about them.
- 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 – 1 received (part upheld)
 - Disputed decision – 6 received (1 part upheld)
 - Financial issues – 5 received (1 upheld)
 - Placement issues – 5 received (1 part upheld)
 - Service issues – 12 received (2 upheld, 1 part upheld)

4.7 Education Planning and Access

Table 9 - Complaints received by service

Service	Number	% of total
Special Educational Needs (SEN)	233	54%
Community Learning & Skills	82	19%
Fair Access	60	14%
Home to School Transport	46	11%
Area Education Officers	8	2%
Corporate Directors Office	2	<1%
Academies	1	<1%
Planning and Access	0	0%
Total number of complaints received	432	

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>	35	17	49%
Equalities and regulatory issues <i>(e.g. discrimination, data protection issues, health and safety)</i>	10	5	50%
Issues with service <i>(e.g. delays or failure to do something, quality of service, cancellation or withdrawal of a service)</i>	97	45	46%
Policy and procedure issues <i>(e.g. procedures not followed, disagree with policy or procedure, disagree with decision)</i>	62	6	10%
Staff conduct	10	6	60%
Total number of issues raised	214	79	37%

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>	33	17	52%
Equalities and regulatory issues <i>(e.g. discrimination, data protection issues, health and safety)</i>	5	3	60%
Issues with service <i>(e.g. delays or failure to do something, quality of service, cancellation or withdrawal of a service)</i>	171	86	50%
Policy and procedure issues <i>(e.g. procedures not followed, disagree with policy or procedure, disagree with decision)</i>	43	20	46%
Staff conduct	9	7	78%
Total number of issues raised	261	133	51%

The top five issues raised against the SEN service were:

1. Failure to deliver a service or something – 82 complaints were received, of which 46% were upheld either partially or in full.
 2. Delayed service – 65 complaints were received, of which 60% were upheld either partially or in full.
 3. Poor communication – 29 complaints were received, of which 52% were upheld either partially or in full.
 4. Disagreement with decision – 23 complaints were received, of which 52% were upheld either partially or in full.
 5. Quality of service provided – 19 complaints were received, of which 47% 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 2019/20, there were 432 Education complaints received and logged. An increase of 13% from 2018/19, when 381 complaints were received and logged.
- 5. Complaints considered by the Local Government and Social Care Ombudsman**
- 5.1 A total of 112 complaints were received by the Local Government and Social Care Ombudsman in 2019-20 relating to services provided by the Children, Young People and Education directorate. Of these, 37 resulted in further

detailed investigation by the Ombudsman, 57% of those being investigated were upheld against Kent County Council, a slight improvement on the directorate's 59% from 2018-19.

Table 12 – Local Government and Social Care Ombudsman involvement

	Detailed investigation		Closed*	Premature	Total
	Upheld	Not upheld			
Integrated Children's Services	7	6	17	4	34
Kent Test/School Admission appeals	2	4	3	0	9
Home to School Transport/Free School Meals	0	5	4	0	9
SEN	10	1	5	5	21
The Education People	1	0	0	0	1
Community Learning and Skills	1	0	0	0	1
Total	21	16	29	9	75

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

5.2 The Local Government and Social Care Ombudsman found fault with 21 complaints relating to the Children Young People and Education directorate in 2019-20. 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 since 1 April 2015.

6.3 In 2019/20 there were 17 Stage 1 complaints raised by advocates on behalf of children and young people. Whilst it is right that children and young people have access to advocates to support them, in recent years there has been greater emphasis on advocates supporting young people in trying to resolve issues rather than going direct to the complaints procedure. This could be a likely reason for the reduction in formal complaints being submitted by children and young people in care.

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
Statutory complaint (Stage 1)	10	14	34%
Statutory complaint (Stage 1) (maximum timescale)	20	29	71% ¹
Statutory complaint (Stage 2)	65	7	43%
Statutory complaint (Stage 3)	30	1	100%
Corporate complaint (Stage 1)	20	515	77%
Corporate complaint (Stage 2)	20	80	71%
Member Enquiry	20	113	63%

⁽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
Statutory complaint (Stage 1)	10	2	29%
Statutory complaint (Stage 1) (extended)	20	6	86% ¹
Statutory complaint (Stage 2)	65	0	n/a
Statutory complaint (Stage 3)	30	2	0%
Corporate complaint (Stage 1)	20	27	70%
Corporate complaint (Stage 2)	20	8	63%
Member Enquiry	20	12	58%

⁽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 71% (77%) of complaint responses from Integrated Children’s Services, Disabled Children’s Services achieved 86% (69%). Performance from the previous year is contained in brackets.

- 7.2 There has been a significant decline in the number of Stage 2 complaint investigations completed within the maximum statutory timescale of 65 working days. The introduction of a national lockdown because of the Covid-19 pandemic in March 2020 has impacted significantly on the directorate's capacity and ability to progress these investigations. At the time of producing data for this report several of the Stage 2 complaints received in 2019-20 had exceeded the maximum timescale due to the suspension of investigations. Most 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 33% of Stage 3 Reviews were held within the statutory timescale of 30 working days. One Panel was delayed due to a lack of engagement from the customer which made it difficult to secure a date, the remaining two Panels were both held within timescale. However, one of the Panels could not be concluded as it came to light during the Panel meeting that the investigation was flawed, and further work was required before the Panel felt able to reach a conclusion about the complaint. By the time the Panel reconvened the statutory 30 working day timescale had been exceeded. Both delays were out of the control of the Customer Care Team and the delays felt to be reasonable under the circumstances.

Table 15 – Response performance – Education

Procedure/stage	No. of responses made	No. of responses in timescale	% of responses provided within timescale
Corporate complaint (Stage 1)	199	241	89%
Corporate complaint (Stage 2)	9	7	78%
Member Enquiries	200	120	60%

Table 16 – Response performance - SEN

Procedure/stage	No. of responses made	No. of responses in timescale	% of responses provided within timescale
Corporate complaint (Stage 1)	233	136	58%
Corporate complaint (Stage 2)	56	25	45%
Member Enquiries	148	55	37%

- 7.4 Compared with 89% of responses being provided within timescale by other services in Education Planning and Access, only 58% of complaint responses were provided within timescale by the SEN service. However, this is a slight improvement on 56% from the previous year.
- 7.5 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 2019/20 informed wider service development:

Area for development	Identified actions
<p>Improve how Safe Care Plans are used.</p>	<p>Appropriately share Safe Care Plans across teams and services to ensure transparent communication between all professionals involved with a family.</p> <p>As a way of rationalising our decision making, all children present within a family home should be taken into consideration during strategy discussions to identify any potential risk of harm.</p> <p>Safe Care Plans should be updated accordingly following any review meetings.</p>
<p>Ensure staff are aware that a child can be taken off a Child Protection Plan whilst there is an ongoing Public Law Outline process in place.</p>	<p>Update KCC Childcare Handbook to ensure clarity for all staff around the status and how the local authority will support a family going forward from ending pre-proceedings.</p> <p>Create a template letter for use by staff that can be automatically triggered within the legal workspace on children's recording system.</p> <p>Child Protection Chairs to view the letter as they audit cases and ask to see the letter as they review a case.</p>
<p>Improve transition period for young people who are looked after by KCC as they approach their 18th Birthday.</p>	<p>PAs introduced when a young person reaches 17½ years of age. This is to allow more time to support a young person at what we know can be a difficult time, with many changes.</p>

Area for development	Identified actions
Ensure excluded parents are able to contribute to child in care reviews and have their views formally recorded at each review.	Review child in care procedures to ensure all parents are provided with the relevant consultation documents prior to reviews so any views can be considered and recorded, even if they have been excluded from reviews.
Ensure named individuals take responsibility for overseeing situations where a child is out of school so the child does not get lost in the system.	<p>Establish SEN Placement Teams to ensure children no longer 'slip the net'.</p> <p>A designated process ensures an appropriate placement is found.</p> <p>Improve place sufficiency forecasting and strategy for SEN.</p>
Have systems in place to ensure that the required processes following SEN Annual Review meetings are completed.	<p>Review and revise the SEN Annual Review process.</p> <p>Provide training to staff on statutory requirements and timescales for Annual Reviews.</p>
Ensure staff are aware of the published complaints procedure and timescales for responses.	Continue to provide awareness raising and training across the directorate so that all staff are aware of how to handle complaints effectively – including the importance of passing new complaints to the dedicated complaints team as soon as they are received.
Ensure children and young people receive the support agreed in individual Education, Health and Care Plans (EHCP)	All schools to be reminded of the importance of keeping the council informed if there are difficulties in fulfilling the support set out in individual EHCPs – advise via school newsletter from Director.
Professionals within both the Council and Health are aware of their joint duties in relation to SEN.	<p>Develop joint written working protocols so that officers from each KCC, the Clinical Commissioning Group and other providers of health support services have clear written guidance on the SEN process and their joint duties.</p> <p>Use the joint working protocols alongside the SEND Code of Practice to ensure that statutory duties are fulfilled.</p>

9. Review of the effectiveness of the complaints procedure

- 9.1 Management of Children's Complaints and Customer Care transferred from the Safeguarding, Professional Standards and QA service into the Corporate Director's Team in January 2019. The move was in recognition of further development of the team in providing a directorate-wide service. 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 Customer Care Team continues to receive a high 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 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. In addition to managing the complaints, the team also produce complaints reports for management teams and weekly tracker reports.
- 9.4 The Customer Care Team has again experienced some significant challenges during the period 2019-20. A further increase in new cases and decreased capacity, due to retirement and long-term sickness, has placed a considerable amount of pressure on the team. Capacity 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 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 **Training** – several training sessions were arranged for staff in relation to complaints during 2019/20. 'Complaint Investigation' and 'Responding to Customers' training is being provided in collaboration with the KCC Delivery Manager - Engagement & Consultation.
- Individual sessions raising awareness of the complaints process and advising on key themes arising from complaints are provided to local teams and services;
 - Face to Face 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;

- Face to Face 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 2020/21.

- 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, and the Complaints Officer.

10. Compliments

The Customer Care Team also record and share compliments received about staff and services. In 2019/20 the number of compliments formally received and logged increased slightly to 113. 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 2019/20 across the directorate:

Feedback from parent

An anxious parent was very thankful that the Chair of Child Protection conference assisted her to calm down so that she was able to participate in the conference.

Feedback from a young person about to leave care

The young person wrote to their Independent Reviewing Officer and manager, stating "there are not enough thank yous for everything you have done for me".

Feedback from CAF/CASS officer

The officer wanted to compliment the work of a social worker on a recent case. Stating "they completed a thorough and carefully thought through report....and was clearly able to see the complex issues for the children. The report helped for a basis for potentially could have been a protracted contested hearing, but instead an agreed outcome for the children. She

attended court and provided further assistance and attended the school late in the day to facilitate a move for the child. Her personal plans cancelled to assist the court and this family. I feel extremely encouraged to have witnessed such a high standard of social work.”

Feedback from a parent

Parent wanted to comment on the professionalism of a social worker and how she managed the assessment process and the support she provided to the parent and their children.

“During what has been a very difficult time for me and my children, she has conducted her evaluation of the situation in a manner that is sympathetic to all involved, has engaged with the children at their level (child to child) and at the adult (adult to child) level to enable her to get a better understanding of what they may be going through. She has also interacted with me in a truly professional manner, understanding that some questions may be difficult to answer and has considered and evaluated my concerns, worries and anxieties about the whole process. At every stage she has been approachable and always willing to help in any way she can. I would consider her as an asset to the team she works with.”

Feedback from a parent

Parent wanted to thank social worker for the way he conducted himself in court and the report he provided to the court on behalf of his child. “Although [child] did not have the outcome I wanted he took the time with me to ask me what I wanted, he took the time with me to ask me what I would like with regards to visitation and overnight stays with [child]. The fact that throughout the time spent with [child] and I he always has [child]’s welfare as top priority is a real comfort to me. Knowing he is watching over [child] is priceless.”

Feedback from foster carer

“We care for a young person in foster care who is quite complex in needs, also due to communication difficulties, and throughout [social worker] has been very supportive to us as a foster family but has exceeded expectations with building a relationship with this young person, who really looks forward to her visits. We would like to say a big thank you for her ongoing support.”

Feedback from a carer

Carer wanted to share positive feedback from school with their SEN Assessment and Placement Officer. “I wanted to send you this email that I received today from the school regarding [child] and I wanted to take this opportunity to thank you again for your help in placing [child] in this school. It really does make it all worthwhile and you should be very proud that you have made a massive positive difference to this young man’s life.”

11. Objectives for 2020/21

Objectives for 2020/21 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 provide useful management reports and to develop a coherent approach to learning key lessons and following up on actions from complaints and related feedback.
- 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.
- Resolve complaints from children and young people at an earlier stage.
- Promote the complaints process with children and young people, particularly those who are looked after by KCC, to ensure they are aware of their right to submit a complaint.
- Regularly seek user feedback from individuals who make complaints.
- Reduce vulnerabilities with the Customer Care Team by ensuring adequate staffing is in place.
- Ensure independent Stage 3 Panel Members are provided with opportunities to develop their skills and understanding of the statutory Children Act complaints process.
- Work with SEN and Disabled Children's Services in improving performance in relation to response times.

12. Conclusion

The Council continues 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 – 19 000 816

The complaint

Mr X complains the Council failed to investigate or take action on concerns he raised with it about the actions of his ex-wife and her partner towards his children. He says information in the Council's assessments about the situation is wrong and biased against him. He says this means his children are suffering.

Outcome

The Council has carried out two child and family assessments of Mr X's children's situation. Both assessments considered the issues that the law requires and followed the process required by the Children Act. They included discussion with other professionals working with the family including the police and previous social workers. They included the social worker meeting with the children alone to get their views.

Mr X continues to be seriously concerned the Council is biased against him and that it only believes Ms Z's evidence. Mr X had the opportunity to engage in the assessments but did not do so. The Council considered what Mr X had said in writing as part of its assessments.

The Council concluded, based on the assessments, it did not have concerns for the children's emotional wellbeing or care. It decided the children's needs are being met and do not meet the threshold for it to act further. There is no administrative fault in how the Council carried out the assessments. We therefore cannot question the Council's decision.

The Council has written to Mr X explaining how he should raise concerns in future but asking him to restrict his contact. It has made clear how he can continue to report safeguarding concerns. The Council has explained what action it will take to restrict future contact if it continues. There was no administrative fault in its correspondence with Mr X about future contact and it correctly followed its persistent complaints policy.

I have completed my investigation. The Council is not at fault.

Children Social Care - Upheld example - 18 015 096

The complaint

Mrs X complained about the Council's decision to de-register her and her husband Mr X, as foster carers. She said the Council had failed to:

- provide them with suitable training and support; and
- consider the recommendations of the Independent Review Mechanism (IRM).

Mrs X and Mr X stated they had suffered stress, illness, lack of sleep, worry, and financial loss following the incident that led to their de-registration.

Outcome

The Ombudsman is not an appeal body. We cannot say whether a Council's decision is right or wrong, only check that it has considered all relevant information in making its decision.

The IRM Panel felt the Council could have provided Mr and Mrs X more training and support with Y and Z when they were struggling with their behaviour. The Council has accepted fault and partially upheld this part of Mr and Mrs X's complaint. The Council has apologised and made several improvements to the Fostering Service as explained below;

In response to my enquiries the Council said it had learnt from Mr and Mrs X's complaint and had:

- reviewed its training offer for foster carers to ensure all carers and staff are aware of the training and support packages available to them;
- commissioned extra training for foster carers who work with children with significant behavioural difficulties;
- created a Placement Stability Team where foster carers can access immediate clinical psychology advice at times of crisis; and
- started monitoring all allegations and complaints monthly to ensure it is working within timescales and to identify any delays.

This remedies the injustice caused.

The Ombudsman's role is not to speculate about what might have happened but to consider what did happen. It is not possible for the Ombudsman to say whether Mr X would have smacked Y if the Council had provided extra support and training.

The IRM Panel recommended Mr and Mrs X should continue to foster. The Council chose to de-register Mr and Mrs X as foster carers. The Council was not bound by the IRM's Panel recommendations and was entitled to make that decision. It has provided reasons for it. The Ombudsman cannot question a Council's decision if taken without fault. The Council was not at fault.

The Council was at fault for failing to provide Mr and Mrs X the training and support needed as foster carers. However, it was not at fault in its decision to de-register them. The Council has already remedied the injustice caused, therefore, I have completed my investigation.

Education - Not upheld example – 19 004 268

The complaint

The complainant, whom I refer to as Mrs X, complains the admissions appeals panel did not properly consider her son's appeal for a grammar school place. Mrs X says:

- The school was not oversubscribed.
- Her son would be able to cope with the pace and level of work at a grammar school based on his previous test scores.
- The panel did not consider her son had an older sibling at the school.

Outcome

The role of the Ombudsman is to consider procedural fault. We do not question the professional judgement of the appeal panel, unless it is flawed by procedural fault. This means I cannot replace the panel's views about whether Y is at the required standard for grammar school or should be offered a place at school Z, with my own views. Provided the panel made its decision in a way which is procedurally sound, I cannot criticise the judgment it eventually reached.

Mrs X says the panel did not properly consider her appeal. I do not find fault in how the panel considered the appeal. The Clerk's notes show the panel considered the points Mrs X presented as part of the appeal and decided Y was not of the required standard for admission to a grammar school. While I acknowledge Mrs X disagrees with the panel's decision, it was a decision it was entitled to make.

From the evidence I have seen, school Z did not fill all its school places. The Code says grammar schools may leave places unfilled if there are insufficient eligible applicants. As the panel concluded Y was not a grammar school pupil, the panel did not need to consider whether admitting Y to school Z would cause prejudice to school Z.

Mrs X says the Council did not refer to her other child attending school Z in its decision letter and this was part of the admissions criteria. The Clerk's notes show the panel considered this as it is listed under a key point of the appellant's case. However, in response to my enquiry about this point, the Council said the panel did not refer to the sibling link in its decision letter as a sibling link did not make any difference in the outcome of the appeal. I find this reasonable as the panel found Y not to be a grammar school pupil.

I have completed my investigation and found no fault in how the admissions appeal panel considered the appeal.

Education - Upheld example – 18 010 476

The complaint

Mr X complained about:

- a. the delays by the Council in transferring his child, C, from a Statement of Special Educational Needs (Statement) to an Education Health and Care Plan (EHC Plan) and then further delay in the annual review; and
- b. the Council's failure to act on professional advice about C's need for a communication support worker and the consequent failure to include such support in C's EHC Plan.

Mr X says as a result of the Council's failures C has been unable to achieve their full academic potential and has felt isolated at school. He says he and his wife have had to put more work into the process than they should have had to and been put under a lot of pressure.

Outcome

The Council has agreed that within one month of this decision it will pay Mr and Mrs X £200 to acknowledge the frustration caused by its delays in transferring C from a Statement to an EHC Plan and in deciding to maintain C's EHC Plan after the first annual review.

I have now completed my investigation because the Council's action will remedy the injustice caused by its fault