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| By:             | Mike Whiting, Cabinet Member for Education, Learning & Skills<br>Patrick Leeson, Corporate Director for Education, Learning & Skills |
| To:             | Education Cabinet Committee – 21 November 2012   |
| Subject         | ELS Complaints, Enquiries and Compliments 2011/12  |
| Classification: | Unrestricted   |

Summary:

This report provides information on the complaints and representations received in 2011/12 about services provided by the Education Learning and Skills Directorate.

## 1. Introduction

1.1 There are no statutory requirements in relation to complaints about education services provided by the Local Authority. All complaints, comments and compliments from people directly affected by the Directorate's services should be handled in accordance with KCC's Corporate Complaints Policy unless the issue can only be resolved by another process such as a statutory appeal.

1.2 The majority of complaints, enquiries, compliments and school issues recorded in 2011/12 were addressed by letter to the Managing Director.

| Type of record | 2007/8 | 2008/9 | 2009/10 | 2010/11 | 2011/12 |
|----------------|--------|--------|---------|---------|---------|
| Complaints     | 217    | 231    | 173     | 88      | 44      |
| Enquiries      | 110    | 180    | 146     | 178     | 82      |
| compliments    | 2      | 0      | 15      | 5       | 4       |

1.3 Complaints data before 2010/11 is not comparable as complaints, enquiries and compliments were not recorded consistently. From April 2010 the process has been managed by the former CFE Customer Care Team currently managed within the Families and Social Care Directorate.

1.4 The higher figures in 2007 to 2010 can be accounted for by the recording of statutory appeals, complaints about schools, and enquiries from MPs as complaints against the Local Authority. Since April 2010 the Customer Care Team has recorded letters from MPs on behalf of constituents as enquiries. Parents complaining about schools have been directed to the schools' statutory process unless there is a role for the Local Authority, for example if the complaint

raises a safeguarding issue. Issues raised for which there is an alternative process for resolving them, such as a formal appeal about a school admission or home to school transport decision or an SEN panel or tribunal, are no longer double-counted as complaints. Care is taken not to mislead parents into thinking that making a complaint can alter a decision that than only be changed via a statutory process.

1.5 There are statutory requirements in respect of handling complaints about schools in which the Local Authority does not have a formal role. Complaints about schools are therefore not included in the data.

1.6 It is not clear why there was a reduction in enquiries from MPs and County Councillors in 2011/12 but the number of enquiries remained higher than the number of complaints received direct by service users.

1.7 It is hoped that the introduction of one telephone number, address and improvements to the website planned for April 2013 under the Customer Service Strategy will make it easier for service users to raise issues and have them resolved at a local level by those responsible for service delivery.

1.8 The number of complaints received about the Local Authority's education services remains very low when viewed in the context of the number of children receiving an education in Kent.

## 2. Comparators

2.1 Comparison with other local authorities is difficult as there is no requirement to publish complaints data about education services, no national, standard process or definition of a complaint and varying organisational arrangements, for example some local authorities include early years and childcare in education services while others are managed within a social care directorate. Some local authorities may include members' enquiries, school transport appeal panels or SEN tribunals in their complaints data.

2.2 Examples of 2011/12 data published by comparator County Councils:

| County Council | Population | Complaints total |
|----------------|------------|------------------|
| Hampshire      | 1,296,800  | 138              |
| Kent           | 1,466,500  | 44               |
| Surrey         | 1,127,300  | 45               |

## 3. Contact method

3.1

|            | Website | Email | Letter | Other | Telephone | total |
|------------|---------|-------|--------|-------|-----------|-------|
| Complaint  | 6       | 8     | 24     | 0     | 6         | 44    |
| Enquiry    | 0       | 10    | 72     | 0     | 0         | 82    |
| compliment | 0       | 3     | 0      | 0     | 1         | 4     |

### 3.2 Compliance with corporate standards

#### Complaints

55% received an acknowledgement within three working days.

64% of complaints were completed within 20 working days.

#### Enquiries

94% received an acknowledgement within three working days.

72% received a response within 20 working days.

### 3.3 Who made the complaints

The majority of complaints received (89%) were from parents.

|                       |           |
|-----------------------|-----------|
| Government department | 1         |
| Health professional   | 1         |
| Homeowner             | 1         |
| neighbour             | 1         |
| Other Local Authority | 1         |
| Parent                | 39        |
| <i>Total</i>          | <i>44</i> |

### 3.4 The types of complaints made

The subject matter of the complaints was as follows.

|                                    |           |
|------------------------------------|-----------|
| Assessment                         | 1         |
| Attitude of staff                  | 1         |
| Behaviour of staff                 | 3         |
| Confidentiality breach             | 1         |
| Delay                              | 3         |
| Disputed decision                  | 9         |
| Failure to provide education       | 4         |
| Incorrect information/advice given | 1         |
| Kent Test                          | 1         |
| Lack of information                | 2         |
| Lack of provision                  | 2         |
| Lack of support                    | 3         |
| Needs not met                      | 1         |
| Policy                             | 3         |
| Resource issue                     | 1         |
| Transport                          | 2         |
| Written communication              | 1         |
| <i>Total</i>                       | <i>44</i> |

### 3.5 The services complained about were:

|                          |           |
|--------------------------|-----------|
| Admissions               | 17        |
| Admissions in-term       | 2         |
| Attendance and behaviour | 7         |
| School investment        | 1         |
| SEN                      | 12        |
| Transport                | 4         |
| Other                    | 1         |
| <i>Total</i>             | <i>44</i> |

#### (i) School Investment

The reduction in complaints from the previous year is mainly down to the reduction in complaints about lack of investment in school buildings. In 2010/11 this generated by far the largest group of complaints and 28 complaints were received about the lack of primary school places in Kings Hill alone. Complaints and enquiries about resources and school premises in 2011/12 were not received from parents but from people living next to schools raising boundary issues.

#### (ii) Admissions

There was an increase in complaints in 2011/12 despite the significant reduction in complaints about the in-term admissions procedure. Complaints about in-term admissions were about lack of information and communication. Only one was about system delays which represents an improvement over 2010/11.

14 of the complaints were about primary school admissions and only 5 about secondary admissions including the Kent Test. Two parents alleged unfairness in the Kent Test process for example that concessions were made for one child but not another and that a disruptive child was not moved. Another parent complained that although his son had passed the Kent Test there was no grammar school place available to him. The remainder of the complaints about the admissions process were about children offered primary school places in different schools to their siblings, communication issues and delays. Many complaints about process, systems and staff contact were linked to decisions subject to the appeal process.

#### (iii) Home to school transport

Disagreements with decisions on the funding of home to school transport are handled through the appeal process rather than as complaints. Complaints received were all about communication problems with staff but linked to a disagreement with the decision. One was in relation to a disabled child. Most of the complaints expressed concern about the cost of transport. Overall more complainants voiced issues about financial issues in 2011/12 than in the previous year.

#### (iv) Special Educational Needs

Underlying many of the complaints was dissatisfaction with a decision in relation to a Statement (or lack of a Statement) of Special Educational Needs. Many parents were hoping for more support for their children. The complaints included issues about what evidence was taken into account, alleged incomplete reports and behaviour of staff.

Other complaints were about delays in identifying placements at special schools, the distance from home to school and difficulties with journeys; one was about the supply of specialist equipment.

#### (v) Children out of school

Six complaints were about a child who had been out of school for at least one term. Three were in connection with admissions processes and the remainder were about the attendance and behaviour service. Other complaints about the attendance and behaviour service were in connection with a school's decision to issue a penalty notice.

### **4. The types of enquiries received from MPs**

#### 4.1 (i) Appeals

39 of the enquiries received were about decisions subject to an appeal or tribunal. In a number of cases the appeal had been heard and the constituent did not accept the decision.

#### (ii) Home Education

Two enquiries raised concerns about home education. One parent felt that KCC did not take its responsibilities seriously enough and a father alleged that although the arrangement had been approved, the children were receiving no education from their mother.

#### (iii) Children out of school

Nine MPs raised issues about children without a school place on behalf of their constituents. Four were in respect of children with a disability and/or statement of Special Educational Needs, others cited bullying as a reason for taking their children out of school.

#### (iv) School management

A number of the enquiries received were in respect of school internal management decisions over which the Local Authority has no jurisdiction.

(v) Admissions

Most were about appeal decisions or issues subject to the appeal process. Two were from families with children offered places at different primary schools from their siblings.

(vi) Transport

Four families said they had financial difficulties in getting children to school; two thought the policy not to fund Freedom Passes post-16 was unfair.

(v) Kent Test

Issues of perceived unfairness were raised via MPs: some schools practising for the test and not others, more grammar school places in some areas, lack of places in others.

(vi) Disabled children

Issues were raised in relation to the difficulty in identifying a special school place near enough to home and problems with travelling distances.

(vii) Policies

Policy issues raised were: home tutoring, parents wanting their 15 year old child to be placed in a school where he could take A levels early, and parents of a reception child wanting child to start school a year later. Some enquiries indicated concerns from constituents about future funding of early years services.

## 5. The outcome of complaints and enquiries

complaints and enquiries closed in 2011/12

|                                     |           |
|-------------------------------------|-----------|
| <b>outcome</b>                      |           |
| Advice                              | 4         |
| Apology                             | 3         |
| Decision changed                    | 1         |
| Explanation                         | 55        |
| Financial settlement                | 1         |
| Other agency or other process issue | 2         |
| Issue resolved                      | 8         |
| Policy change                       | 1         |
| Practice issue addressed            | 2         |
| <i>Total</i>                        | <i>77</i> |

5.1 It should be noted that apology is only recorded as an outcome when fault is identified and not when sympathy expressed with the complainant's situation. Issue resolved is recorded when the matter was rectified before the reply was sent to the complainant.

Most upheld complaints were resolved quickly. One child was offered an infants school place in error and should have been offered a place in a junior school. Another complainant had not received confirmation of a school place in writing.

5.2 One complaint about how a Team Around the Child (TAC) meeting was conducted led the service to look at ways that a more effective transition process could be achieved for children with complex learning difficulties and disabilities across the county including the review of training for staff chairing TAC meetings.

5.3 Some complaints led to dialogue with schools on advising parents about referrals made to the Attendance and Behaviour Service and the possibility of fines for non-attendance at school.

## **6. Complaints made to the Local Government Ombudsman**

6.1 As in previous years the majority of complaints about Kent County Council received by the Local Government Ombudsman in 2010/11 were in respect of education services. However, the largest group of settlements were not in respect of complaints but about decisions for which there is a statutory appeal process or were complaints about the handling of statutory appeals for which the LGO, rather than the Local Authority, holds jurisdiction.

6.2 The LGO received 11 complaints in 2011/12 about Kent education services which were not in respect of appeals (cp 8 received in 10/11). Eight were about SEN services and the remainder about admissions and lack of school investment.

6.3 People who have complaints about the Local Authority may contact the Local Government Ombudsman at any time but the Ombudsman will usually refer them back to the Local Authority as premature if it has not had the opportunity to consider the complaints under its own procedures. Only two of the complaints received by the LGO last year were premature. Four complaints resulted in a local settlement, the LGO exercised its discretion not to pursue two, two were outside the LGO's jurisdiction, no maladministration was found in respect of one and another investigation was discontinued.

6.4 Agreement was reached with the LGO on the proposed resolution of the following complaints before the LGO issued a report.

- (i) Failure to finalise the proposed Statement of Educational Needs within timescales resulting in delays in moving the child to an appropriate 52 week placement

6.5 The main issues were: delays in asking Social Services to commence a core assessment, insufficient consideration given to education in hospital, no evidence that the proposed Statement had been explained to the parent, inaccurate statement made about the basis of the child's admission to psychiatric

hospital and missed opportunities by the Council for social services and education services to work together leading to delay and drift. The Council made a financial remedy of £500 to the family.

(ii) Delay in amending SEN Statement.

There was a delay in making amendments following the annual review and to provide additional support in the form of a specialist dyslexic teacher, specialist numeracy teacher and a Team Around the Child. This had also been subject to an SEN tribunal and complaint against the school. There was a delay in ensuring that a changed literacy strategy was implemented. A financial remedy of £500 was made to support the child's special needs.

(iii) Disabled child excluded from school

The LGO found no fault in respect of the Council's efforts to seek an alternative school and there was no delay. However, no suitable alternative provision was made following the exclusion. Tuition was provided via an agency without proper evaluation of the service and subsequent concerns were raised. A financial remedy of £1,000 was made and the Council reviewed its procedures for the assessment of outside agencies offering alternative educational provision.

(iv) Failure to implement Statement of Special Educational Needs

There was an identified failure to provide the learning support assistant needed for five months and a delay in making an offer of tuition on medical grounds. A financial remedy of £1,000 was made.

In her Annual Letter the Local Government Ombudsman stated that she has no concerns about the timeliness of responses from Kent County Council.

**Recommendation**

Members are asked to note the content of the report.

**Background Documents**

None

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