

**From:** Roger Gough, Cabinet Member for Children, Young People and Education  
Matt Dunkley CBE, Corporate Director of Children, Young People and Education

**To:** Children's, Young People and Education Cabinet – 1 October 2019

**Subject:** Complaints and Representations 2018-19

**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 2018/19 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. The introduction of a new council-wide Customer Feedback System in October 2017 enabled centrally recording and collating customer feedback about the services we provide. Consequently, this is the first full reporting year since the system was implemented that we have been able to accurately report on the feedback received across the whole 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	2015/16	2016/17	2017/18	2018/19	Variance on previous year
Children Act complaint	210	165	96	<b>71</b>	↓ 26%
Corporate complaint	37	222	550	<b>794</b>	↑ 44%
Representation <sup>(1)</sup>	288	271	96	<b>10</b>	↓ 90%
Member Enquiry	139	318	340	<b>465</b>	↑ 37%
Enquiry <sup>(2)</sup>			350	<b>296</b>	↓ 15%
Comment <sup>(3)</sup>			9	<b>32</b>	↑ 256%
Compliment	68	84	84	<b>94</b>	↑ 12%
<b>Total complaints</b>	<b>247</b>	<b>387</b>	<b>646</b>	<b>865</b>	↑ 34%
<b>Total all representations</b>	<b>742</b>	<b>1060</b>	<b>1525</b>	<b>1762</b>	↑ 16%

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

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

<sup>(3)</sup> '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. The total volume of complaints progressed has increased 124% over two 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. Approval was recently granted to recruit another full time Complaints Adviser on a 12-month secondment to help manage caseloads and improve the quality of work carried out by 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	58	0	0	13	71
Corporate complaint	428	187	162	17	794
Representation	9	0	0	1	10
Member Enquiry	132	151	165	17	465
Enquiry	170	54	59	13	296
Comment	8	22	1	1	32
Compliment	51	13	1	29	94
<b>Total complaints</b>	<b>486</b>	<b>187</b>	<b>162</b>	<b>30</b>	<b>865</b>
<b>Total all representations</b>	<b>856</b>	<b>427</b>	<b>388</b>	<b>91</b>	<b>1762</b>
<b>% of complaints received</b>	<b>56%</b>	<b>22%</b>	<b>19%</b>	<b>3%</b>	

- 2.3 In 2018-19 there were 192 complaints which were received but were not progressed. Of these, 183 were rejected at the assessment stage of the process, for the reasons identified below, and 9 complaints were withdrawn by the customer.

**Table 3 – Rejected complaints**

Reason for complaint rejection	Number	%
Representative not authorised to act on behalf of client	52	28%
Complaint subject to legal proceedings	29	16%
Duplicate complaint	19	10%
Ongoing social care assessment	16	9%
Complaint for another organisation	15	8%
Enquiry not a complaint	15	8%
Service request not a complaint	15	8%
Customer refused to provide name and address	6	3%
Appeal not a complaint	5	3%
Complaint about an issue more than 12 months old	5	3%
Same complaint already dealt with at all stages	4	2%
Complaint about a HR matter	2	1%

<b>No. of complaints rejected</b>	<b>183</b>	
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**Table 4 - Method of receipt – all representations**

<b>Method of receipt</b>	<b>Number</b>	<b>%</b>
Email	624	35%
Contact via MP/Member	367	21%
Telephone	278	16%
Post	180	10%
Self Service (website)	156	9%
Comment Card	98	6%
KCC Contact Centre	29	2%
Face to Face	25	1%
Social Media	4	0.2%
Contact via Corporate Director	1	0.1%
<b>Total</b>	<b>1762</b>	

### **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	2015/16	2016/17	2017/18	2018/19	Direction of travel from previous year
Stage 1 – Local Resolution	210	165	96	71	↓ -26%
Stage 2 – Independent Investigation	36	19	9	16	↑ +78%
Stage 3 – Independent Review Panel	1	3	7	3	↓ -57%

- 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 carefully and thoroughly assess each complaint and progress those not made either by or on behalf of 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, particularly in cases where they were not afforded the opportunity to do so before raising the matter as a formal complaint. Most 'enquiries' are resolved without the need to then progress as a formal complaint.
- 3.6 The two main reasons for complaints progressing to Stage 2 of the statutory procedure during the year are because of a failure to address all the issues raised and disagreement with the outcome of Stage 1. Improving the quality of responses was identified as an area for further development across the whole directorate, with training sessions taking place throughout 2019 to address the issue.
- 3.7 The number of Stage 3 Review Panels held in 2018/19 reduced by more than half, which would indicate complainants are satisfied with the outcome from an independent investigation into their complaint. Customers who approach the Local Government and Social Care Ombudsman without first completing the full complaints process are usually referred back to the Council for resolution. As a matter of course, customers are advised of their right to progress to Stage 3 when Stage 2 of the statutory complaints' procedure concluded, and again 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**

<b>Service</b>	<b>Number</b>	<b>% of total</b>
Children in Need	156	30%
Child Protection	110	21%
Children in Care	108	21%
Front Door Service	35	7%
Early Help & Preventative Services	19	4%
Children with Disabilities (General)	20	4%
18+ and Care Leaver's Service	15	3%
Other (including countywide issues)	14	3%
CART (Children's Allowance Review Team)	6	1%
Adoption Service	4	1%
Inclusion & Attendance Service	3	1%
Children with Disabilities (OT)	3	1%
Children with Disabilities (Sensory)	3	1%
Lifespan Pathway Disability 0-16 years	2	0.4%
Fostering Service	2	0.3%
Virtual School Kent	1	0.2%
Children's Centres	1	0.2%
Youth Services	1	0.2%
Lifespan Pathway Disability 16-25 years	1	0.2%
Lifespan Pathway Disability (PD/LD) 16-25	1	0.2%
<b>Total number of complaints received</b>	<b>516</b>	

**Table 7 - Complaints received by customer type**

<b>Customer</b>	<b>Total</b>	<b>% of total</b>
Parent	358	69%
Family member	38	7%
Other customer (incl. providers/professionals)	35	7%
Carer (grandparent/special guardian)	22	4%
Child in care	17	3%
Care leaver/leaving care	14	3%
Adoptive parent/prospective adoptive parent	13	3%
Foster carer	11	2%
Resident	5	1%

Child or young person (not in care)	3	1%
<b>Total number of complaints received</b>	<b>516</b>	

**Table 8 - Key themes and outcomes from complaints received**

	No. received	No. Upheld/ part upheld	% upheld/part upheld
Service quality	154	50	32%
Communication	136	54	40%
Disputed decision	108	19	18%
Assessments	59	20	34%
Data Protection	45	13	29%
Needs not met	34	8	24%
Service provision	36	17	47%
Financial issues	23	12	52%
Contact	15	2	13%
Placement	13	8	62%
SEN/education issues	9	0	0%
Other	2	0	0%
<b>Total number of issues raised</b>	<b>634</b>	<b>203</b>	<b>32%</b>

- 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, 32% of complaints received against Integrated Children's Services and Disabled Children's Services were either upheld in full or part.
- 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 children in need and child protection services.
- 4.5 There were 32 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 in care 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 in the care of KCC:
- Communication – 4 received (1 upheld, 2 part upheld)
  - Disputed decision – 10 received (1 upheld, 2 part upheld)
  - Financial issues – 3 received (1 upheld, 1 part upheld)
  - Placement issues – 9 received (3 part upheld)
  - Service provision – 4 received (2 part upheld)



Service quality – 3 received (1 part upheld)

#### 4.7 Education Planning and Access

**Table 9 - Complaints received by service**

<b>Service</b>	<b>Number</b>	<b>% of total</b>
Special Educational Needs (SEN)	175	46%
Community Learning & Skills	95	25%
Fair Access	43	11%
Home to School Transport	32	8%
Early Years and Childcare	16	4%
Area Education Officers	11	3%
Children & Families Information Service	3	1%
Academies	1	0.3%
Other	1	0.3%
Governor Services	1	0.3%
Planning and Access	1	0.3%
School Improvement	1	0.3%
Skills & Employability	1	0.3%
<b>Total number of complaints received</b>	<b>381</b>	

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

<b>Theme</b>	<b>No. received</b>	<b>No. Upheld/ part upheld</b>	<b>% of cases upheld</b>
Community Learning & Skills	94	57	61%
Fair Access	39	1	3%
Home to school transport	37	12	32%
Education	13	3	23%
Communication	6	2	33%
School complaint	5	0	0%
Financial issues	4	1	25%
Disputed decision	2	1	50%
Needs not met	2	1	50%
Service quality	1	1	100%
Other	1	1	100%
<b>Total number of issues raised</b>	<b>204</b>	<b>80</b>	<b>39%</b>

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

<b>Theme</b>	<b>No. received</b>	<b>No. Upheld/ part upheld</b>	<b>% of cases upheld</b>
Delayed Service	38	29	76%
Assessment process	33	21	64%
Failure to provide SEN provision	33	13	39%
Other SEN	32	17	53%
Disputed decision	22	8	36%
SEN needs not met	12	6	50%
Lack of SEN provision	8	6	75%
Lack of SEN support	7	0	0%
School application	1	0	0%
<b>Total no. of issues raised</b>	<b>186</b>	<b>100</b>	<b>54%</b>

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 2018/19, there were 381 Education complaints received and logged. This was significantly more than the 231 complaints received and logged in 2017/18, an increase of 65%. It has been recognised the significant increase in the volume of complaints received has particularly put the SEN service under pressure. Closer collaborative working between SEN and the Customer Care Team recently identified some active cases that should not have been accepted and progressed as complaints as the established procedures for appealing decisions had not been pursued, e.g. mediation or Tribunal. Both the SEN and Customer Care Team are working closely to ensure cases are handled in the most effective way for children and their families, with signposting being provided for the most appropriate route of appeal.

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

5.1 A total of 75 complaints were received by the Local Government and Social Care Ombudsman in 2018-19 relating to services provided by the Children, Young People and Education directorate. Of these, 34 resulted in further investigation by the Ombudsman, 59% of those being investigated were upheld against Kent County Council, an increase on 43% for the directorate from 2017-18. Further analysis of cases upheld by the Ombudsman will be undertaken in future; this will enable reporting on the proportion of cases originally upheld by KCC and which consequently resulted in the Ombudsman identifying no further fault.

**Table 12 – Local Government and Social Care Ombudsman involvement**

	Upheld	Not upheld	Closed	Premature	Total
<b>Integrated Children's Services</b>	8	3	20	2	<b>33</b>
<b>Kent Test/ School Admission appeals</b>	0	3	7	0	<b>10</b>
<b>Home to School Transport/Free School Meals</b>	4	4	3	1	<b>12</b>
<b>SEN</b>	8	4	0	7	<b>19</b>
<b>The Education People</b>	0	0	1	0	<b>1</b>
<b>Total</b>	<b>20</b>	<b>14</b>	<b>31</b>	<b>10</b>	<b>75</b>

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

- 5.2 The Local Government and Social Care Ombudsman found fault with 20 complaints relating to the Children Young People and Education directorate in 2018-19. Examples of Ombudsman findings from each relevant service area are attached at Appendix 1.

## **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 2018/19 there were 8 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 was a greater emphasis on trying to resolve the issue 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	57	35%
Statutory complaint (Stage 1) (maximum timescale)	20	57	77% <sup>1</sup>
Statutory complaint (Stage 2)	65	8	88%
Statutory complaint (Stage 3)	30	3	33% <sup>2</sup>
Corporate complaint (Stage 1)	20	445	78%
Member Enquiry	20	132	57%

<sup>(1)</sup> also includes those complaints responded to within 10 working days

<sup>(2)</sup> two Stage 3 Panels were delayed at the request of complainants to enable them to attend

**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	13	23%
Statutory complaint (Stage 1) (extended)	20	13	69%
Statutory complaint (Stage 2)	65	4	75%
Statutory complaint (Stage 3)	30	0	n/a
Corporate complaint (Stage 1)	20	17	41%
Member Enquiry	20	17	59%

\*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 77% of complaint responses from Integrated Children’s Services, Disabled Children’s Services achieved 69%. In the 2017-18 annual report the performance for these two services was combined, for comparative purposes the combined performance for Disabled Children’s Services and Integrated Children’s Services in 2018-19 was 76%, therefore a slight decrease from 78% the previous year.

- 7.2 There is an improvement with the number of Stage 2 complaints completed within the maximum statutory timescale of 65 working days, up from 75% in 2017-18 to 88% in 2018-19. The need for improvement in this area was identified in 2017-18 and a greater emphasis placed on Investigating Officers to complete investigations as near as possible to 25 working days (the lower timescale). This enabled flexibility with concluding Stage 2 within timescale, particularly when complaints evolved into complex or lengthy investigations or staff were unavailable to participate in the investigation because of annual leave or sickness.
- 7.3 Only 33% of Stage 3 Reviews were held within the statutory timescale of 30 working days. The decline in performance was due to requests from two separate complainants to delay their respective Review Panels to allow them to attend in person. These were out of the control of the Customer Care Team and the delay was felt to be reasonable in the circumstances.
- 7.4 In terms of the KCC complaints procedure, Integrated Children's Services demonstrate commitment in responding to complaints within the required timescale, regardless of which procedure is being used, with 78% of Stage 1 corporate complaints being responded to within the Council's published timescale of 20 working days. Disabled Children's Services responded to 41% of Stage 1 corporate complaints within timescale. Efforts are being made to improve this performance by raising awareness within Disabled Children's Services of the importance of complaints, and more notably, the importance of handling them correctly and in a timely manner. The Complaints Officer attended meetings to discuss concerns about the handling of complaints as well as providing advice on how they can be handled more effectively.

**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)	326	241	74%
Member Enquiries	140	93	66%

**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)	162	90	56%

Member Enquiries	164	64	39%
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7.5 Compared with 74% of responses being provided within timescale by other services in Education Planning and Access, only 56% of complaint responses were provided within timescale by SEN. These delays contributed to parents and carers feeling they are not being heard and the issues they raise are not being taken seriously. Complaint performance within SEN is highlighted as an area for improvement. An escalation procedure was introduced in late 2018-19 by the Customer Care Team to ensure complaints and other representations across the directorate are escalated as high as Director level if there are difficulties with matters being addressed in a timely manner. It is anticipated this procedure should help improve response performance across the directorate.

## 8. Learning the lessons from complaints

8.1 Several complaints received in 2018/19 informed wider service development:

Area for development	Identified actions
Improve how we fully involve and/or consult with fathers throughout the involvement of Integrated Children's Services.	<p>Being explicit with mothers about the importance of speaking to the father and including him in the process, while also making sure she would not be put at risk by doing so;</p> <p>Speaking separately to the father rather than gathering information solely through the mother;</p> <p>Arranging separate home visits if necessary, to explain the relevance of his involvement with the child, communicating a willingness to include him in decisions.</p>
Ensure we routinely share draft assessments with parents so they can comment on accuracy and content that has included their full involvement.	<p>Practicing partnerships and participation with families;</p> <p>Including all family members in assessments that can make a real impact on the family's willingness to work collaboratively.</p>
Ensure Life Story Books and Later Life Letters are completed in agreed timescales.	<p>Planning this work within the statutory requirements so the Life Story Book is ready for the second review of the adoptive placement;</p> <p>Later Life letters are to be given to adopters no later than 10 days after the ceremony to celebrate the making of the Adoption Order.</p>

Area for development	Identified actions
Ensure details of anonymous referrers are not shared with families.	Front Door Officers to explicitly record if a caller wishes to remain anonymous.
Ensure children with disabilities are supported fully in identifying the best accommodation in their transition for leaving care that will provide them with the best outcomes for their long-term care.	<p>Considering a range of options available (0-25 Service, Shared Lives, Adult Services, Staying Put) that ensures individual transition plans are as effective as possible;</p> <p>Social Workers within the Children in Care teams who are working with children with complex needs should consult with the Disabled Children's team prior to the age of 16. This is so timely decision making and intervention can be achieved;</p> <p>IRO's should be informed from the outset of any disputes so they can monitor the progress towards a resolution, and where needed, support the escalation process to ensure all teams within KCC fulfil their Corporate Parenting responsibilities.</p>
Ensure KCC's 'Values and Behaviours' are firmly embedded when in direct contact with customers.	<p>Offering training to staff on a variety of customer focussed behaviours;</p> <p>Encouraging staff to be open, invite contribution and challenge and be accountable within their own service delivery.</p>

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

- 9.1 The Customer Care Team transferred back into the Children, Young People and Education Directorate in April 2018, the team forms part of the wider Safeguarding, Professional Standards and QA service. This move has facilitated a closer working relationship with those officers tasked with improving service delivery across Integrated Children's Services.
- 9.2 The effectiveness of the complaint's 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 item of customer feedback. Many of the complaints can be complex and require sensitive handling. In addition to managing the complaints the team also produce regular complaints reports for management teams and weekly update reports.

9.4 There were some significant challenges within the Customer Care Team over the last 12 months due to the increased capacity of cases being received and also because of a number of long-term staff absences within the team.

9.5 **Training** – several training sessions were arranged for staff in relation to complaints during 2019. ‘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 2019/20.

9.6 **Complaints Database** – This is the first full year all services in the directorate actively logged complaints, comments and compliments on the council’s wide customer feedback system, iCasework. Some of the new data in this report will form a baseline for future reports and performance.

The previous dedicated Customer Care database, Respond, is being decommissioned with support from colleagues in ICT. In line with KCC data retention policies some documents, specifically those relating to complaints about children in care, adoption or child protection matters, need to be kept longer than the published complaint retention period of 6 years. Complaints Advisers are working on the extraction of relevant data to ensure we meet our obligations in terms of data retention policies and General Data Protection Regulations (GDPR). All remaining records and data will be destroyed in line with KCC procedures.



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, the Head of Service for Safeguarding and Quality Assurance and the Complaints Officer.

## 10. Compliments

The Customer Care Team also record and share compliments received about staff and services. In 2018/19 the number of compliments formally received and logged increased slightly to 94. 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 2018/19 across the directorate:

### **Feedback from parent about social worker**

A parent stated they previously made several complaints however their new social worker treated the family "with respect, dignity, fairness and honesty". The social worker has always been genuine and open which helped the family through a very difficult period and helped the social worker to gain their trust and build a very effective working relationship which they hope will lead to a successful outcome for the family.

### **Feedback from a parent about a social worker**

Mother thanked social worker for "having faith" in her and her family and giving them "the chance of a normal life again."

### **Feedback from a young person who had previously been in care**

"I hated social workers just because I had them pretty much all my life being in care. My social worker has been amazing, she understands a lot and is always there when she can be, she's great at her job! It took a lot for me to trust her but I do and honestly wouldn't want anyone else working with me to be the best mum I can be to my child."

### **Feedback from a Guardian about a social worker**

"A big well done for how prepared [the child] was for their likely move to foster care. She is accepting of what is the likely outcome of Court and I consider that this is due to the work you have completed with her."

### **Feedback from Head Teacher about a social worker**

"I felt I just had to contact you to let you know how wonderful [the social worker] has been in her work with, and support of a family at my school. Her

"can do" positive attitude and sheer hard work and tenacity has made a real difference to [the child] and her parents and I felt it was important that you were made aware of the brilliant job that [the social worker] has done in supporting the family."

#### **Feedback from foster carers about a social worker**

"She works above and beyond her duties, super efficiently in ensuring everything is put in place for the children. We are so grateful in her commitment, time, kindness all done with a smile. Her devotion to ensuring her children have the best of the services that can be provided is commendable and she deserves all the praise she can be given."

#### **Feedback from parent about a Child Protection Chair**

"They have allowed me to have a voice."

### **11. Objectives for 2019/20**

Objectives for 2019/20 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;
- Extend the production of management reports beyond Integrated Children's Services to also include SEN;
- Continue to ensure the operation of the complaint's 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 robust and responsive service for people making complaints about Children's Services. 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**

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**

Claire Thomson  
Complaints Officer  
03000 411626  
[Claire.thomson@kent.gov.uk](mailto:Claire.thomson@kent.gov.uk)

**Lead Director**

Sarah Hammond  
Director, Integrated Children's Services (Social Work)  
03000 411488  
[Sarah.hammond@kent.gov.uk](mailto:Sarah.hammond@kent.gov.uk)