

**Children & Young People**

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| **ANNUAL CHILDREN’S SERVICES –**  **SEND & SCHOOL TRANSORT**  **COMPLAINTS REPORT**  **APRIL 2020 – MARCH 2021** |

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**13th August 2021**

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| **PURPOSE/SUMMARY:** | |
| This report has been produced to summarise information in respect of complaints related to Children’s Services (SEND & School Transport). This report looks at the period 1 April 2020 to 31 March 2021. | |
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| **ANALYSIS OF PROGRESS OF COMPLAINTS RECEIVED** | |
| **1.0** | **CHILDREN’S SERVICES (SEND & SCHOOL TRANSPORT) COMPLAINTS RECEIVED** |
| 1.1 | A total of **32** complaints were received across Children’s Services (**29** regarding SEND and **3** regarding School Transport) during the 2020/21 financial year. This reflects a minor decrease in the number received compared to 33 complaints received during the previous financial year (April 2019 – March 2020). **3** complaints were subsequently withdrawn. |
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| 1.2 | There were a further **24** complaints submitted by parents via their local MP. Some of these are duplicates of complaints which were also submitted directly. |
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| 1.3 | Of all 32 complaints received in 2020/21, **19** complaints were fully resolved at Stage 1. There were **10** requests to escalate to Stage 2 following receipt of Stage 1 responses. All Stage 2 requests related to the work of the SEN team. |
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| 1.4 | In February 2021, we commenced monitoring the number of informal concerns/complaints received directly into the Complaints Department. This does not, however, include any informal concerns or complaints which have been raised directly with individual teams. There were **5** informal concerns/complaints logged within the Complaints Department in this period. These were resolved immediately by telephone and did not result in a formal complaint being made. This information was not collected in previous years and therefore we are unable to compare previous figures. |
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| 1.5 | All complainants at Stage 1 receive a written letter of response outlining details of the investigation and any findings. At the end of the letter, complainants are requested to contact the Complaints Team if they wish to discuss any outstanding issues or if they remain unhappy with the response. |
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| 1.6 | There were **10** complaints in 2020/21 where the service user remained dissatisfied with the response they received and requested Stage 2 investigations. A request was made directly to the Chief Executive (as per procedure) and a written response was drafted. |
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| 1.7 | Following receipt of a Stage 2 response, **7** complaints were subsequently referred by the service user for consideration by the Local Government Ombudsman (LGO) regarding Children’s Services (SEND & School Transport) Teams. In the previous year, there was **1** enquiry to the LGO. |
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| 1.8 | This report therefore focusses on the **29** complaints which were investigated and resolved at Stages 1 and 2 of the Children’s Services (SEND & School Transport) procedure this year. |
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| 2.0 | **WHO COMPLAINED?** |
| 2.1 | All **29** complaints received were made by parents/carers of children. |
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| **3.0** | **TIMESCALES OF STAGE 1 COMPLAINTS** |
| 3.1 | Children’s Services (SEND & School Transport) procedures have timescales for responses which are set by the LGO and DfE:  **Formal Stage 1** – 10 working days but can be extended to 20 working days in exceptional circumstances  **Formal Stage 2** – within 20 working days of receipt of a response. The request is made in writing, addressed to the Chief Executive, and must identify what issues remain outstanding together with an indication of the outcome being sought.  **LGO consideration** – within 12 months of initial complaint |
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| 3.2 | The table below shows the number of complaints finalised against statutory timescales. |
|  | |  |  |  |  | | --- | --- | --- | --- | | **Year** | **10 Working Days** | **20 Working Days** | **Out of timescale** | | 2020/21 | 10 (34.4%) | 12 (41.3%) | 7 (24.1%) | |
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| 3.3 | On 30 March 2020, an Operational Decision was taken to put on hold responding to complaints to allow resources to be diverted to undertake critical work related to the pandemic. This decision enabled 2 full time members of staff to assist in the recording and actioning of PPE Requests. Incoming complaints continued to be received. These were monitored closely to ensure any issues requiring urgent attention, including safeguarding related issues, were not overlooked. An explanatory letter was sent to all complainants. |
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| 3.4 | During this holding period, there were **0** Children’s Services (SEND & School Transport) complaints received. The reason for this is probably because the schools were not fully open at that time. |
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| 3.5 | Overall, there were **7** complaints which responded to out of timescale at Stage 1; these were not related to the pandemic. Factors affecting the meeting of timescales in these cases were mostly due to the complexity of issues raised within the complaints and complaints where a request for Stage 2 was received but further discussions and meetings were held to attempt to resolve the matter within Stage 1. |
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| **4.0** | **WHAT PEOPLE COMPLAINED ABOUT** |
| 4.1 | All **29** complaints are categorised as shown within the graph below. |
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| 4.3 | From the above categories, EHCP and communication issues are a consistent theme running throughout complaints relating to late or delayed production of EHC plans together with issues regarding communication and delays in identifying a school. |
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| **5.0** | **HOW WE DEALT WITH COMPLAINTS** |
| 5.1 | All **29** complaints were investigated by the relevant Team Manager and a written response was provided to the complainant explaining the situation or what the service intends to do because of the complaint. |
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| 5.2 | **10** complainants were dissatisfied with the Stage 1 outcome they received and requested to move to Stage 2. All complainants received a formal letter explaining the outstanding issues. |
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| **6.0** | **COMPLIMENTS RECEIVED** |
| 6.1 | It is always positive to receive compliments for work done well. However, most Children’s Services (SEND & School Transport) compliments are sent direct to the individual or Team and are therefore not recorded centrally. This means that the comparison between complaints and compliments is uneven. All managers are encouraged to share any compliments centrally so they can be recorded. It is also especially important that good practice is shared across all the Teams as part of the sharing of wider learning. |
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| **7.0** | **LEARNING FROM COMPLAINTS** |
| 7.1 | To date, we have not sought learning feedback from professionals handling complaints within Children’s Services (SEND & School Transport). However, this may be a useful way to demonstrate learning from complaints and the Department’s commitment to using complaints to improve standards of services. |
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| 7.2 | Information, issues and learning from complaints to be shared with all Team members in Team meetings to try to learn from and avoid repetition of the same mistakes. The Complaints Team is available to support with this if required. |
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| **8.0** | **SPECIFIC RECOMMENDATIONS** |
| 8.1 | Work is required to identify ways to ensure timescales are met consistently. |
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| 8.2 | All compliments to be forwarded for logging centrally and details included in future reports. |
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| 8.3 | Advice to be sought regarding whether Children’s Services (SEND & School Transport) Team Managers should complete and submit learning from complaints centrally for inclusion in reports (example attached as appendix A). |
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| 8.4 | Implementation of a Lessons Learned process for Corporate Children’s complaints for the next financial year (see 7 above). |
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| **9.0** | **GENERAL RECOMMENDATIONS** |
| 9.1 | Ongoing training regarding data protection, email etiquette and customer service skills for all staff to be considered; GDPR training has been completed with SEND Team members. |
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| 9.2 | As a direct result of several data breaches which could possibly have been avoided, a directive has been issued across the whole of the Council reminding people that they must “check, check and check again” prior to pressing the send button in emails. |
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| 9.3 | Additionally, following the recent withdrawal of the option to send emails securely via GCSX accounts (a government gateway), all staff are aware that emails should not send to any address which is not, or may not, be secure, e.g. hotmail, AOL, gmail, etc. Such emails must only be forwarded via the use of Egress which ICT have confirmed is an appropriate and secure platform in these circumstances. |
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| 9.4 | A further check has been introduced whereby colleagues should send a “test” email to check the veracity of the email address and asks the recipient to respond sharing specific information that helps identify the accuracy of the email address used. Once verification of the email address is complete, the information can be securely sent – although the sender should still check the address before pressing send. |
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| 9.5 | When a caseworker leaves, the Team Manager must ensure appropriate communication with families and update them of any changes to ensure the family understand the change and know who they can contact. |
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| 9.6 | Learning from complaints to continue to be shared at Team meetings. |
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| 9.7 | New staff joining all services within the Council should ensure they familiarise themselves fully with the complaints procedures as well as how to ensure the protection of personal and sensitive information. |
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| **10.0** | **CONCLUSIONS** |
| 10.1 | The Complaints process has been, and will continue to be, monitored and evaluated throughout the year to ensure that we not only meet the requirements of the statutory regulations and guidance, but those of the families we work with. |
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| 10.2 | There is scope for significant improvement in response timescales for Children’s Services (SEND & School Transport) complaints thereby avoiding unnecessary requests for Stage 2 investigations brought about by late responses. The agreed response timescale is under 10 working days. |
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| 10.5 | It is essential to the smooth running of investigating and responding to complaints that delays are kept to a minimum, and that any delays in the investigation process do not add to the initial complaint. |
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| 10.3 | Contributions and suggestions for improvements and modernisation of the services provided should continue to be encouraged. |
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| 10.4 | We should endeavour to resolve complaints quickly. The Interim Business Support Manager is happy to offer support in the investigation and response to complaints. |
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| 10.5 | All written responses must have final approval from senior managers and undergo final quality assurance prior to sending the response. |

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| **Appendix A** |
| **WHAT IS A COMPLAINT?** |
| 1. A complaint may be generally defined as ‘an expression of dissatisfaction or disquiet’ in relation to an individual child or young person, which requires a response. A complaint may be made by a written or verbal expression. |
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| 1. Complaints principally concern service delivery issues, including the perceived standard of these services and their delivery by service providers. These recorded figures only represent a percentage of complaints received as many complaints/concerns are managed daily on an informal basis operationally and not registered formally by the complaints section. |
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| 1. The Children’s Services (SEND & School Transport) Complaints Procedure is not designed to deal with allegations of serious misconduct by staff. These situations are covered under the separate disciplinary procedures of the Council. |
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| 1. This procedure provides the means for a child or young person to make a complaint about the actions, decisions or apparent failings of a Local Authority’s Children’s Services (SEND & School Transport) provision. It also allows an appropriate person to act on behalf of the child or young person concerned or to make a complaint in their own right. |
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| 1. For some service users, and for children and young people in particular, it is not easy to make a complaint. This can be the case when the person using the service may be apprehensive about what may happen if they do complain. It is important, therefore, that all complaints are treated seriously, in confidence, investigated and are given due attention. It is therefore the role of the Interim Business Support Manager to provide a degree of independence and support to the complainant whilst ensuring the complaint follows the statutory procedure. Responses to complainants about their complaint is essential. |
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| 1. A prime objective of the Children’s Services (SEND & School Transport) Complaints Procedure is to ensure the Local Authority listens and learns from feedback received from those who use services. Complaints present an opportunity for the Local Authority to learn why people who are using our services find them unsatisfactory, and how we can improve the services we provide. |
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| **Appendix B**  **THE COMPLAINTS PROCEDURE** |
| 1. The Children’s Services (SEND & School Transport) Complaints procedure applies to departments within these areas such as Special Educational Needs, Inclusion and School Transport. |
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| 1. Complaints received at source are responded to by the relevant Team Manager as an informal complaint. However, when a formal Stage 1 complaint is received, it is logged and formally acknowledged. It is then allocated to the relevant Team Manager with a request to investigate and draft a response to the issues being complained about. All correspondence must have Senior Manager oversight and approval before sending. |
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| 1. The formal handling and consideration of complaints consists of two stages:    1. Stage 1: Local Resolution, written response    2. Stage 2: Request for Chief Executive to review the matter, written response |
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| 1. Local Resolution requires the Local Authority to resolve a complaint as close to the point of contact with the service user as possible (i.e. through front line management of the service). Emphasis is placed on resolving complaints under Stage 1, local resolution, because this should provide a timelier response and is user friendly. The Department strives to investigate and resolve complaints within 10 working days although the procedure does allow 20 working days timescale for more complex complaints. In most circumstances, complaints are considered at Stage 1 in the first instance |
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| 1. Where the complaint is not resolved locally, e.g. Stage 1, or the complainant remains dissatisfied with aspects of the Local Authority’s response, the complaint can be considered at Stage 2. Stage 2 involves the complainant writing to the Chief Executive outlining the issues which remain unresolved and the outcome they would wish to see. The complaint is reviewed by a senior manager from the Local Authority to ensure a full and fair investigation was carried out. We aim to respond to Stage 2 requests in writing within 10 working days of the request. |
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| 1. If, when Stage 2 of the Children’s Services (SEND & School Transport) Complaints Procedure has been concluded, the complainant remains dissatisfied, they are eligible to request further consideration of the complaint by the Local Government Ombudsman (LGO). The LGO undertakes an independent investigation into all parts of the original complaint and makes enquiries regarding any issues it identifies. 2. The LGO seeks information from all parties involved in the complaint. The LGO makes a final decision, which can include recommending the Local Authority provides financial compensation to the complainant depending upon their findings. The LGO generally make a series of recommendations and follows this up later to ensure the recommendations have been fully implemented. |
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| 1. If, however, the complaint has not completed both stages of the Children’s Services (SEND & School Transport) Complaints Procedure, the LGO will refer the matter back to the Local Authority for all stages to be properly completed. |
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| 1. The LGO will not take on cases where the complainant contacts them directly without allowing the Local Authority the opportunity to try to resolve the matter first. |
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| 1. The LGO publishes outcomes of cases on a regular basis together with their findings, recommendations and details of any compensation recommended. They also provide information regarding the details of the Authority concerned. This could attract the attention of the media. |

**Appendix C**

**Children’s Services (SEND & School Transport)**

**Complaints Learning Proforma**

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| **Details of Complainant** | | |
| **Complaint Reference No** |  | |
| **Name of complainant** |  | |
| **Telephone Number** |  | |
| **Details of Service User (if different from the complainant)** | | |
| **Name** |  | |
| **Address** |  | |
| **Telephone Number** |  | |
| **Relationship to Complainant** |  | |
|  |  | |
| **Summary of Complaint** |  | |
| **Service Provided By** | SEND Team | |
| **Team Manager Complaint Allocated to** |  | **Date Response due** |
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| --- | --- | --- |
| **Date complaint received** | **Date complaint acknowledged & passed to Team Manager** | **Date complaint responded to** |
|  |  |  |
|  | **Within 2 days** | **Within 10 days** |

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| --- | --- | --- | --- | --- | --- | --- |
| **Was this complaint: (please tick)** | | | | | | |
| **Justified** |  |  | **Part justified** |  |  | **Unjustified** |  |
|  | | | | | | |
| **What have you learnt from this complaint?** (e.g. has this complaint raised policy, resource management, staffing, training or other issues?) **(YOU SAID)** | | | | | | |
| **What are we going to do?** (e.g. how can we use this learning to improve) **(or WE DID)** | | | | | | |
| **Monitoring** (**what** lessons **have been** learnt and **what** changes **should** be implemented)  **(WHAT ELSE CAN WE DO?)** | | | | | | |