

## 2022-2023 Quarter 1 SEND Complaints Report

This report covers the months of April-June 2022 and provides details about the complaints received by SEND Services during this period. These complaints come under several categories, in line with Worcestershire County Council's complaint process. They are Stage 1, Stage 2, LGO and Informal. Stage 1 complaints are investigated and responded to by the SEND Complaints Officer, a role which began in April 2022. At Stage 2, an Independent Investigating Officer is assigned from CRU and at Stage 3 these are referred to the Local Government Ombudsman. Informal complaints can take the form of direct contact from parent carers, MP or Councillor enquiries or concerns raised by other professionals, such as schools. These are investigated by the SEND Complaints Officer.

In this report, an overview is provided of the total number of complaints received at each stage, key themes within these and learning points for SEND Services.

As of Quarter 1 22/23 we have appointment a new Complaints Officer for SEND Services, this is a central point of contact for families and staff, and they oversee the tracking of Complaints, Investigating and Responding to Complaints and following up Action Points.

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## Stage 1

In Quarter 1, we received 13 Stage 1 complaints. These can be broken down into Service Area, SEND Area of Need and Complaint Points, as shown in the tables below.

### Area Teams

Service Area	Number of Complaints	Percentage of Complaints
Assessment Team	0	-
North Team	6	46%
South Team	3	23%
Post-16 Team	4	31%
Review and Monitoring Team	0	-

*Table 1: Total number of Stage 1 complaints by area team.*

### **Key Points:**

The North Team had the greatest number of complaints, at 6. However, 2 of these cases overlapped with the Assessment Team as parents were dissatisfied with timescales or reports used when assessing for an EHCP; as the child had been allocated to North, they were recorded as complaints for this team. This data will be used as a comparative measure in Quarter 2, to determine if there is a theme. Over the year, data will be collected to see if there are specific times where Area Teams receive more complaints, for example at around transition times or Phase Transfer.

### SEND Area of Need

SEND Primary Area of Need	Number of Complaints	Percentage of Complaints
Social, Emotional and Mental Health	4	31%
Communication and Interaction – Speech, Communication and Language Needs	1	8%
Communication and Interaction – Autism	3	23%
Physical Disability/Sensory	3	23%
Profound and Multiple Learning Disabilities	0	-
Cognition and Learning	0	-
No listed SEND	2	15%

*Table 2: Total number of Stage 1 complaints by Primary SEND need.*

### **Key Points:**

The SEND Primary Area of Need that occurred in complaints for Quarter 1 was Social Emotional and Mental Health, at 4. The Primary Area of Need is that which is listed on the ONE System. This data will be used in subsequent quarters to determine if there is a pattern with the children and young people's families who raise formal complaints, and if their complaint points create a theme to be learnt from.

**Individual Complaint Points**

Complaint Categories	Number of Complaint Points	Percentage of Overall Complaint Points
Dissatisfaction with decision making/school placement	3	7%
Dissatisfaction with timelines or content of communication	25	57%
EHCP not being implemented	7	16%
Standard of service	5	11%
Transport (relating to SEND)	0	-
Detail/clarity on mainstream offer	0	-
Case responsibility during transition between education providers	0	-
Request for EHC Needs Assessment or other statutory correspondence (not a complaint)	0	-
Other (not a complaint)	4	9%

**Table 3: Summary of all Stage 1 complaint points, by category.**

**Key Points:**

This table summarises the total number of each complaint point. As many formal complaints contain multiple complaint points, these numbers are higher than the total number of Stage 1 complaints, at 44. The category with the most complaint points was ‘Dissatisfaction with timelines or content of communication’, at 25 complaint points.

The main issues with regards to this complaint point was around SEND Services keeping families updated of any progress or delays in their children’s cases and replying to parent carer enquiries in a timely manner. They have arisen from staffing shortages within SEND Services and delayed EHC Needs Assessments due to reports from professionals not being ready.

Complaints in Quarter 1 around communication included: informing families of cancelled meetings; changes in Casework Officer; ensuring a robust handover takes place before and after meetings if a different SEND representative needs to attend; a detailed handover of cases from SEND Managers if cases transfer to a new Casework Officer; supporting families with transition to Post-16 prior to Phase Transfer taking place; informing families of consultation responses; telling families about delays in the EHC Needs Assessment process; and keeping families informed throughout the EHC Needs Assessment.

**Outcomes of Complaints**

Complaint Category	Number of Complaint Points	Upheld	Partially Upheld	Not Upheld	No finding
Dissatisfaction with decision making/school placement	3	0	0	3	0
Dissatisfaction with timelines or content of communication	25	13	8	2	2
EHCP not being implemented	7	4	2	1	0
Standard of service	5	1	1	3	0
Transport (relating to SEND)	0	0	0	0	0
Detail/clarity on mainstream offer	0	0	0	0	0
Case responsibility during transition between education providers	0	0	0	0	0
Request for EHC Needs Assessment or other statutory correspondence (not a complaint)	0	0	0	0	0
Other (not a complaint)	4	0	0	0	4
<b>Total</b>	<b>44</b>	<b>18</b>	<b>11</b>	<b>9</b>	<b>6</b>
<b>Percentage Total of Outcomes</b>	-	41%	25%	20%	14%

*Table 4: Summary of all Stage 1 complaint points and their outcomes.*

**Key Points:**

Of the 44 complaint points, 18 were upheld, 11 were partially upheld and 9 were not upheld. Where possible, we have tried to avoid No Finding; for those that no finding could be found, this was due a duplication in complaint points from the complainant, or the enquiry point being raised about a school, so these concerns would need to be raised with the individual settings in line with their own complaints policy. The total number of each outcome can be found in the table below. In Quarter 2 we will focus on ensuring we do not have reputative Complaint Points, to reduce those with No Finding.

Outcome	Number	Percentage of All Outcomes
Upheld	18	41%
Partially Upheld	11	25%
Not Upheld	9	20%
No Finding	6	14%

*Table 5: Summary of all Stage 1 complaint outcomes.*

### Key Points:

For all complaint points that were Upheld or Partially Upheld, actions were given to SEND Services in response to the learning from the complaint. These actions were followed up by the SEND Complaints Officer, to ensure we close the loop on completed complaints.

### Response times

Response Time	Total Number of Complaints	Percentage of All Complaints
0-10 Days	4	31%
11-20 Days	6	46%
20+ Days	3	23%

*Table 6: Summary of response times for Stage 1 complaints.*

Overall, since the start of the Complaints Officer role on 25<sup>th</sup> April 2022, all Stage 1 complaint responses were written within the 20-day timescale. On one occasion, the response was completed and sent to admin on Day 20 but was not sent out to the complainant until Day 22. This has been counted within the 20+ Day category and has been taken as a learning point to ensure the Complaints Officer follows up with admin that responses have been both emailed and posted out to complainants. The remaining 2 in the 20+ Day category were complaints within Quarter 1 but were before the start of the Complaints Officer role.

### Learning from Stage 1 Complaints

From the Stage 1 responses, there have been strengths in individual Casework Officers working closely with families and schools to ensure EHCPs are being upheld. They have held implementation meetings and requested Individual Provision Maps from schools to cross-reference with the EHCP and ensure provision is being given to children. These Casework Officers have communicated regularly with parents and phoned them frequently to keep them updated with their child's case, to try and alleviate their anxieties.

In some cases, Casework Officers have worked hard to support schools in finding alternative provision for children, if they are still on roll but unable to attend. This strength needs to be taken on a case-by-case basis and in the context of formal complaints, as there have been occasions where this has not always been true, as some children have been without provision for periods of time.

57% of all Stage 1 complaint points were around quality of communication and meeting statutory timelines in the EHCP process. This highlights a significant area of development, whereby SEND Managers ensure Casework Officers are regularly communicating with their active cases, and in any case respond to enquiries within five working days. Parents have commented that they would like to be kept updated with delays and would appreciate holding emails, so that they know they have been listened to and that somebody is looking into their enquiries for them. Complaints have been based

around parents feeling they have needed to ‘chase’ for responses, with some feeling ignored by the Local Authority.

An approach based around forming positive working relationships with families is needed, to build their trust in the Local Authority and to alleviate any anxieties that they may have. It has been acknowledged that this can be difficult with large caseloads but communicating with active cases could help to reduce the number of formal complaints we receive, this would also support relationship-based practice and outcomes for children and families. Furthermore, logging phone conversations and following up discussions with an email would not only provide a paper trail, but it would also help other SEND staff picking up the case to understand exactly what is happening with each child. The move to Liquidlogic in the coming months will help with this.

Some aspects of complaints have highlighted areas where communication has not always been clear, leading to misunderstandings from parents. SEND staff must ensure they fully explain any decisions and respond to all enquiry points from parents or send a holding email if they need to speak with other professionals to be able to do this. It is then imperative that they respond to parents with this information and offer to speak with them over the phone to clarify the points.

Several complaint points in this category have been around SEND Services not meeting statutory timescales in the EHCP process. This includes the EHC Needs Assessment process, with parents not being informed of a decision to issue an EHCP within the 16-week deadline, and not issuing Amendment Notices and final EHCPs following Annual Reviews of existing cases. Delays in the EHC Needs Assessment process are sometimes due to the shortage of Educational Psychologists; while parents are anxious about these delays, often informing them of them helps them to know their child’s case has not been forgotten about. A key learning point here is for Casework Officers to ensure Amendment Notices are issued within 4 weeks of an Annual Review, and a final EHCP within 8 weeks of that, in line with the SEND Regulations 2014.

Some learning can and has been actioned at an individual or Area Team level. However, for whole-service actions and learning, it has been raised that there needs to be a monthly system for doing this. Moving forward, the SEND Complaints Officer will produce a monthly bulletin, to provide the director for All Age Disability and the SEND Group Managers with actions that need to be disseminated to all staff in one, clear message.

## Stage 2

Of the 13 Stage 1 complaints, 5 requested to progress to Stage 2. 4 were declined, by CRU, and 1 was accepted, which will be assigned an Investigating Officer soon. A Stage 2 request was also accepted from a previous Quarter 4 complaint, bringing the total of complaints requested at Stage 2 to 6. This is currently being considered by Consumer Relations. The number of requests declined at Stage 2, by CRU, is that they have agreed that the quality, outcomes, and resolutions of Stage 1 complaints is robust and thoroughly addresses complainants' concerns – therefore does not meet criteria for a Stage 2 Investigation – these are when Complaint Points have been upheld and our resolutions agree clear actions & timescales.

There is currently 1 existing Stage 2 complaint in progress, and we are waiting on the outcome of this from the Investigating Officer.

## LGO

1 family has requested an LGO investigation following the complaints process during Quarter 1. This was accepted and the investigation is ongoing. During Quarter 1, we also received the outcome for 1 LGO investigation. As part of this outcome, Worcestershire Children First will review the procedures for when students with EHCPs transfer to Worcestershire from another Local Authority. This review is currently underway, and we anticipate the outcome in September 2022.

As part of this LGO outcome, there were 4 actions for Worcestershire Children First; these actions have been completed – not all actions were completed as timely as they could have been, the new Complaints Tracker identifies actions and timescales to ensure we are easily able to identify required actions and ensure follow up.

## Informal Complaints

In Quarter 1, we received 39 informal complaints. Of these, 17 were sent through the Director of Children’s Services or Director of All Age Disability, 12 were MP or Councillor enquiries, and 10 came through SEND Services or were sent directly to the SEND Complaints Officer.

24 informal complaints were responded to within 0-5 working days, and 9 were responded to within 6-10 working days. 4 were responded to outside of 10 working days, with these delays being due to: gaining consent to share information with CAMHS; the complaint being passed through different Worcestershire Children First directors and requiring information from them; parents adding to the complaint; and, on one occasion, the complaint being dealt with directly by SEND Services, who were trying to arrange a meeting with the parent. 2 complaints were ongoing at the end of Quarter 1; 1 had been answered within 7 days but parents were not satisfied with the response and the communication is ongoing. The second was due by 13<sup>th</sup> July 2022 but the SEND Manager has been on Annual Leave and a decision about the child’s school placement is needed before the response can be sent.

The following table demonstrates the number of complaints for each category. Unlike formal complaints, informal complaints are not separated into individual complaint points and so this will only reflect the total number of complaints for each category.

<b>Complaint Categories</b>	<b>Number of Complaint Points</b>	<b>Percentage of Overall Complaint Points</b>
Dissatisfaction with decision making/school placement	10	25%
Dissatisfaction with timelines or content of communication	12 (1 related to CME Team)	31%
EHCP not being implemented	2	5%
Standard of service	9	23%
Transport (relating to SEND)	0	-
Detail/clarity on mainstream offer	0	-
Case responsibility during transition between education providers	0	-
Request for EHC Needs Assessment or other statutory correspondence (not a complaint)	1	3%
Other (not a complaint)	4	10%
No reason listed	1	3%

**Table 7: Summary of all informal complaint points, by category.**

### **Key Points:**

As with Stage 1 complaints, the category of complaint with the highest number is timelines and communication. Towards the end of Quarter 1, there was an increase in informal complaints around the delays in allocating an Educational Psychologist as part of the EHC Needs Assessment process. Due to these delays, there has been an increase in cases exceeding the 16-week timescale for deciding if a child requires and EHCP.



**Learning from Informal Complaints**

Following an informal complaint; there have been many occasions of SEND Services acting quickly to resolve issues and support families. This has included issuing EHCPs quickly after receiving an informal complaint and contacting parents to provide them with more information.

A high proportion of informal complaints have focused on families feeling they have not been kept updated with the EHC Needs Assessment process, particularly with delays in gaining professional advice. As with Stage 1 complaints, SEND Managers will need to ensure Casework Officer are regularly contacting their open cases and respond within five working days to any enquiries that come through. Open and transparent channels of communication need to take place to keep parents informed of any updates or delays in their children's cases. Letters have been altered to state that there are delays in the EP service, although many parents still feel SEND Services should reach a decision about if their child requires and EHCP within the 16-week timescales. Further communication is needed with parents, to clearly explain that as the EHC Needs Assessment is a statutory process, an EP assessment is required and that the process cannot be completed without this.

Several complaints around Standard of Service have involved children and young people under a Section 19. There is sometimes an overlap with the Children Missing Education Team, if an EHC Needs Assessment is still underway. Once a child has an EHCP, SEND Services are responsible for ensuring suitable alternative provision is in place for that child if they are unable to attend school. If a child is on roll at school, the school must provide this alternative provision using the funding they receive for that child. SEND Services must then have an overview of this provision and must hold schools accountable to ensure they are meeting need. However, it has been highlighted through some informal complaints that this has not always happened, and children have not been in school or alternative provision or SEND have not always supported schools in finding this alternative provision. Moving forward, SEND Managers need to ensure Casework Officers are regularly monitoring Section 19 provision if a child is on roll in school but unable to attend, to fulfil the Section 19 duty. If a child is not on roll, the Casework Officer must source suitable alternative provision to help re-engage the child or young person and meet their needs as stated in their EHCP.

As previously mentioned, this needs to be considered on a case-by-case basis, as there has also been evidence of good practice in this area, with individual Casework Officers holding schools accountable for sourcing suitable alternative provision.

## Compliments

During Quarter 1, we received 21 compliments. 11 of these came from parent carers, and 10 were from other professionals. These professionals ranged from school staff, health colleagues and from other professional teams within Worcestershire Children First.

<i>Just wanted to say a HUGE THANK YOU for your efforts in getting L's EHCP finalised and at long last a new direction in sight. New beginnings and opportunities await.</i>	<i>Parent</i>
<i>I spoke to a lovely lady yesterday who was really really helpful...</i>	<i>Parent</i>
<i>Thank you for the update. I really appreciate how you have kept me in the loop so far.</i>	<i>Parent</i>
<i>Brilliant, thank you so much for your help Y!</i>	<i>SENDCO, The Coppice Primary School</i>
<i>Thanks so much for all your hard work...massively appreciated as always</i>	<i>Deputy Head/SENCO, The Beacon PRU</i>
<i>Again thank you to you and Y for your help in getting A the EHCP. It's been a long and at times confusing processes!</i>	<i>Parent</i>
<i>That is fantastic news! I am so please for D and mum as I know they really wanted X school. Many thanks for all support in moving this forward.</i>	<i>Assistant Head/SENCO, King Charles I School</i>
<i>Just want to say thanks ever so much for following that up so quickly...I really appreciate your help...</i>	<i>Teacher, Early Years Language Class</i>
<i>He is doing AMAZING at his new placement – we could not be happier</i>	<i>Parent</i>
<i>Many, many thanks for your hard work. I genuinely appreciate it. It all sounds like a very positive and much needed step for G.</i>	<i>Parent</i>
<i>That's amazing news, thank you for letting me know.</i>	<i>Parent</i>
<i>Thanks Y (and thank you wider team for being brilliant and so patient with all the chasing you do)</i>	<i>DCO for SEND, NHS Hereford and Worcestershire CCG</i>
<i>I just wanted to thank you personally for all you have done to promptly help us resolve our situation with the recent referral we have been trying to push through . It is much appreciated as I cannot begin to imagine the admin workload challenges you face at this stage in the year.</i>	<i>Speech and Language Unit Manager/Teacher, Upton-Upon-Severn CofE Primary and Pre-School</i>

<i>You have been most kind. I cannot thank you enough</i>	<i>Parent</i>
<i>Further to your most recent email, firstly I want to thank you...thank you for listening to my daughter's case.</i>	<i>Parent</i>
<i>Thank you for your swift response.</i>	<i>Social Worker; Herefordshire Local Authority</i>
<i>Thank you too, it's really great to work together towards supporting a young person to reach their full potential.</i>	<i>Deputy Head/DSL/SENCO, Nurture Learning</i>
<i>Thank you for letting me know about this and I'm grateful for your help, it's nice to receive some good news.</i>	<i>Deputy Headteacher, Beaconside Primary and Nursery School</i>
<i>A big Thank you</i>	<i>Speech and Language Therapist (NHS)</i>
<i>Thank you so very much for all your help Y. I'm so relieved and happy with the result. Very much appreciated from us as a family for all yours and X's work.</i>	<i>Parent</i>
<i>A compliment for CME as part of a multi-agency approach: Thank you for your time today. I just want to say that in 10 plus years of SEND meetings...with schools and professionals I have never felt so supported...It's refreshing when schools and professionals listen, accept and understand. I wish all SEND meetings were like this. I really do appreciate and value your support...it is important to me that when people get it right that's recognised as much as poor practice is (which sadly I have experienced more than I should) it really takes so much stress out of advocating for X to feel heard. It means a lot to know X is being supported.</i>	<i>Parent</i>

### Action Points

To close the loop with these complaints, the following actions will be completed.

<b>Action</b>	<b>Responsible Person</b>	<b>When</b>
Present Quarter 1 report to SEND Management Team	SEND Complaints Officer	First SLT meeting in August
Dissemination of Quarter 1 report to SEND Casework teams through Team Meetings	SEND Complaints Officer	Attending Area Team meetings in August
Development of a monthly Complaints Key Messages Bulletin	SEND Complaints Officer	Week commencing 25 <sup>th</sup> July
Development and dissemination of a case study on key learning	SEND Complaints Officer	Finalise case study week commencing 25 <sup>th</sup> July Disseminate in Area Team meetings in August

*Table 8: Summary of actions from Quarter 1 complaints with completion timescales.*

The SEND Complaints Officer will follow up with SEND Managers and Area Teams to ensure these learning points are actioned and will ask for evidence of this.

### Conclusion

Through the compilation of SEND complaints and compliments, there has been evidence of individual Casework Officers communicating well with stakeholders and finding suitable provision for children. Going forward, more work needs to be done to improve the overall quality of the communication with families from a whole-service perspective, and ensuring they are kept updated with any progress or delays in their children's cases. Communication needs to be clear and concise, with clear processes in place for all SEND staff to follow. This will ensure a consistent and robust approach is taken with all families and will help to build trust in the service.