

**Directorate for Education**  
**Number of complaints by stage type, service, and targets met**

**Summary of complaints by stage type reference**

| Stage Type             | Count | Count Completed in Target Times | Percentage Completed in Target Times |
|------------------------|-------|---------------------------------|--------------------------------------|
| Stage 1                | 5     | 5                               | 100                                  |
| Stage 2                | 2     | 2                               | 100                                  |
| Escalated Stage 1 to 2 | 1     | 1                               | 100                                  |
| Totals                 | 8     | 8                               | 100                                  |

**Summary of complaints by service, for each stage type**

| Service                           | Count Stage 1 | Count Completed in Target Times | Percentage Completed in Target Times |
|-----------------------------------|---------------|---------------------------------|--------------------------------------|
| ALN and Inclusions Services (ALN) | 5             | 5                               | 100                                  |
| Totals                            | 5             | 5                               | 100                                  |

| Service                           | Count Escalated Stage 1 to Stage 2 | Count Completed in Target Times | Percentage Completed in Target Times |
|-----------------------------------|------------------------------------|---------------------------------|--------------------------------------|
| ALN and Inclusions Services (ALN) | 1                                  | 1                               | 100                                  |
| Totals                            | 1                                  | 1                               | 100                                  |

| Service                       | Count Stage 2 | Count Completed in Target Times | Percentage Completed in Target Times |
|-------------------------------|---------------|---------------------------------|--------------------------------------|
| Early Years / ALN & Inclusion | 1             | 1                               | 100                                  |
| Youth Service                 | 1             | 1                               | 100                                  |
| Totals                        | 2             | 2                               | 100                                  |

**How the complaints were received**

| By source      | Count Stage 1 | Count Stage 2 | Count Escalated Stage 1 to Stage 2 |
|----------------|---------------|---------------|------------------------------------|
| Telephone      | 0             | 0             | 0                                  |
| Email          | 5             | 2             | 1                                  |
| Letter         | 0             | 0             | 0                                  |
| On-line        | 0             | 0             | 0                                  |
| Contact Centre | 0             | 0             | 0                                  |
| Other          | 0             | 0             | 0                                  |
| Totals         | 5             | 2             | 1                                  |

More detailed information on the above corporate complaints data, is currently maintained, by the Education Customer Service and Complaints officer on a dedicated database.

## 1. Key complaints - identified by type or theme

Schools have their own complaints policy/process that must be dealt with by the school. However, the L.A may provide advice and guidance on the school-based policy but direct complainants back to the school for response.

All governing bodies are required by law to have a procedure in place for dealing with complaints from parents, pupils, members of staff, governors, members of the local community and others in relation to matters for which the governing body has statutory responsibility.

An overview of the complaints received and dealt with are as follows:

- ALN and Inclusion Service – Lack of support
- ALN and Inclusion Service – Lack of education and ALN Involvement/Communication
- ALN and Inclusion Service - Dyslexia testing and The Educational Psychologist Service (EPS)
- ALN and Inclusion Service - Delay in request for an Education, Health, and Care (EHC) needs assessment in breach of its legal duty on the grounds of timescale
- ALN and Inclusion Service – Member of staff from our Advisory / Specialist Teaching Service and the LEA's assessment process to establish if intervention/support was required from our Specific Learning Difficulty (SpLD) Team
- Youth Service - Treatment by two members of staff
- Early Years and ALN/Inclusion Services – Child to continue attending current Early Year setting and Matrix report used by ALN/Inclusion Services

## 2. Number by Category (Commissioner Case Type)

**Complaints by Commissioner Case Type, for prescribed Categories**

| Category  | Count<br>Stage 1, Stage 2<br>& Escalated 1 to 2 |
|---|---|
| 1 Collaborative Working   | 0   |
| 2 Decision Making   | 0   |
| 3 Delay in Service Provision  | 0   |
| 4 Officer/Contractors Conduct with public (including sensitivity/empathy of staff/politeness) | 1   |
| 5a Following Council Policies   | 0   |
| 5b Following relevant Legislation   | 1   |
| 6 Accessibility of Services   | 1   |
| 7 Clarity/Accuracy/Timeliness of information  | 0   |
| 8 Quality of Work   | 0   |
| 9 Openness/ Fairness and Honesty  | 0   |
| 10 Compliance with Complaints procedure   | 0   |
| 11 Combination of categories  | 5   |
| Totals  | 8   |

## 3. Number by Outcome and lessons learned comments

**Complaints by Outcome Data sets as categorised by the Complaints Standards Authority.**

| Service                                | Upheld | Not Upheld |
|--|--------|------------|
| ALN and Inclusions Services (ALN)      | 0      | 6          |
| Early Years and ALN/Inclusion Services | 0      | 1          |
| Youth Service                          | 0      | 1          |
| Totals                                 | 0      | 8          |

## **Stage 1 Complaint – (Category 5b). Lack of Support**

The complainant raised a number of concerns in relation to the LEA and school setting.:

- Incorrect information provided by LEA staff
- LEA staff's failure to provide a response to email correspondence
- Safeguarding concern
- After 15 consecutive days of non-attendance, it is the LEA's legal responsibility to provide alternative provision

The investigation was conducted into the LEA provided services only. The complainant was advised to raise school-based concerns with the school directly. In terms of the issues relevant to the local authority they were thoroughly investigated. **Complaint not upheld.**

## **Stage 1 – Category (6), Escalated to Stage 2 – Category 11 (1, 2, 3, 5b, 6, 7). Lack of education and ALN Involvement/Communication**

Stage 1 – Allegation that correspondence received from complainant was filed away and no action taken. Complainant had been liaising with the Lead Officer for Additional Learning Needs (ALN) & Inclusion and her local Assembly Member but was unhappy with the lack of education received by complainant's two children. Delay in finding a suitable education setting for the two children.

The correspondence referred to by the complainant was logged in a timely manner and emails were exchanged subsequently.

(The Lead officer for ALN) and colleagues had been working to explore the best way forward to find solutions to the difficulties the family faced. As part of this process, meetings had taken place with the lead officer, the family and/or the Assembly Member. Any questions raised in the meetings/communication by the family and/or Assembly Member have been investigated by the Local Education Authority (LEA) officers and/or lead officer and a response provided. Where discussions have taken place without the Assembly Member present. The lead officer ensured the Assembly Member was always kept up to date.

The timescale to find a suitable education setting for the children had taken longer than the complainant expected, but the LEA must follow the relevant policies/processes. An essential part of this process is to ensure all information has been received from all parties involved as this enables the LEA to gain a true understanding of how best we can support and identify the appropriate education setting that best suits the needs of the children. A setting for the children was identified.

The correspondence received was recorded in a timely manner by education and communication between the complainant and LA was maintained. The LA worked with the complainant and/or Assembly Member to ensure the appropriate education setting was identified for the children.

Escalation to Stage 2 – A total of 45 points were raised within the Stage 2 complaint. In terms of the issues raised, all points were thoroughly investigated by the Lead for Additional Learning Needs & Inclusion Services. Complaint not upheld.

### **Lessons learned:**

While the decision was not to uphold the complaint in its entirety, there were areas where lessons will be learnt based on the following grounds:

Communication between school(s) and LA and parents can be improved. Expectations need to be clear and agreed between all parties to avoid doubt. Where expectations are not aligned or cannot be met this needs to be communicated clearly and the way forward agreed. Communication can be initiated by all parties, that is, the school, LA or parents.

The rationale for decision making needs to be clear. Where parents are unclear this must be raised in a timely way and clarified for the avoidance of doubt. Where decisions are made that are unclear there must be an agreed mechanism to raise any concerns and for these to be resolved before reaching a point of dispute or formal complaint.

Where requests are made for support or referrals made to other agencies parents should be aware of the outcome of such referrals through the relevant agencies process. If parents make any requests for support / involvement of other agencies through referrals and this is not deemed appropriate, this should be clearly communicated. Where parents are able to make referrals, this should be considered if the rationale provided is not agreed.

Statutory processes should be followed and where there is any change to timescales this should be clearly communicated with parents.

### **Stage 1 – Category 11 (3 & 6). Dyslexia testing and The Educational Psychologist Service (EPS)**

Allegation the LEA would not observe Pupil A, refused a dyslexia test and Information provided by the school that Pupil A was not referred to see an Education Psychologist due to budget cuts and Pupil A not meeting criteria. All issues were thoroughly investigated by the LEA Complaint Officer:

The LEA Complaint Officer was able to establish that officers from our Specific Learning Difficulty (SpLD) Team worked/met with parents and the school for the last 2 years in relation to how best the school could support Pupil A. The SpLD manager confirmed that a request for observation would not be denied if a pupil met the current referral criteria and at no point can the SpLD Team recall denying the request for an observation. The SpLD Team communicated with parent (and the school) regarding the support/interventions the school can/have put in place. The SpLD Team made it clear at every opportunity that neither the SpLD nor Educational Psychology Service (EPS) diagnose dyslexia.

The EPS did not see a reduction or cut-back to their budget. While staffing levels reduced in the service by 50%, this was a result of staff leaving the authority. The service was actively seeking to recruit new staff to fill all vacant positions and ensure the service was running at full capacity. Despite a reduction in staffing levels, at no point did the EPS instruct schools to refrain from making referrals due to budget cuts and as such, schools continued to make referrals to the EPS throughout. Taking this information allegedly came from the school, parent was advised they may wish to raise this with the school directly.

In addition to the EPS referrals, schools also have access to cluster consultations with the EPS. The school used their most recent consultation to seek advice around Pupil A. During the consultation, the expectations of the EPS involvement was discussed and what helpful next steps might look like to support Pupil A. The SpLD Team do not refer any pupil to the EPS for Dyslexia diagnoses. The EPS have a planning meeting protocol with schools, the same as the SpLD Team. **Complaint not upheld.**

### **Stage 1 – Category 11 (3 & 5b). Delay in request for an Education, Health, and Care (EHC) needs assessment and as a result, the LEA was in breach of its legal duty on the grounds of timescale**

Allegation parent submitted a request for an Education, Health, and Care (EHC) needs assessment on behalf of Pupil A under section 36(1) of the Children and Families Act 2014. The request was sent by e-mail before 5pm and therefore assumed to have been received on the date on which it was sent. Parent also alleged the LEA breached its legal duty under Regulation 5(1) of the Special Educational Needs and Disability Regulations 2014 (the LEA are required to notify parents/guardians within 6 weeks of receiving this request of the decision as to whether it is necessary to secure an EHC needs assessment) as more than 6 weeks had passed since we received the request and parent had not received notice of the decision. All issues were thoroughly investigated by the LEA Complaint Officer:

The LEA Complaint Officer was able to establish the Lead for Additional Learning Needs & Inclusion Services (ALN) received the email from parent on x date which was passed to the Senior Educational Psychologist (SEP) two days later and contact was made with parent the following day. As a result of the email received, the SEP and Statutory Officer worked and communicated with the school/parent throughout to identify how best to support Pupil A and a Person-Centred Planning meeting (PCP), was arranged. This meeting would identify Pupil A's needs and how best the school could support Pupil A moving forward. This process would also identify if further advice and/or guidance was required from the LEA during/after the process.

The regulation the parent was referring to relates to the Education, Health, and Care Plan legislation for pupils in England, not Wales. In Wales, the Additional Learning Needs (ALN) and Education Tribunal Wales Act 2018 applies. Under the ALN Code schools have 35 days to complete the statutory assessment unless it is impractical to do so due to circumstances beyond their control.

In line with the new ALN reform, schools are gradually moving pupils across to the new ALN system, which has come into effect in Wales from September 2021. This academic year will see all pupils in Year 10 moving over and so it was the appropriate time for Pupil A to be considered for an Individual Development Plan (IDP). As stated above, a PCP meeting was arranged to look at how best to support Pupil A moving forwards and to consider the IDP process. **Complaint not upheld.**

#### **Stage 1 – Category 11 (3 & 5b). Member of SpLD staff and the LEA's assessment process to establish if SpLD intervention/support was required**

Parents raised concerns in relation to a member of staff during a meeting held at school and during the assessment process. Parents also raised concerns regarding the LEA's assessment process for SpLD intervention/support. The LEA Complaint Officer conducted the investigation with the member of staff in question and two members of school staff who were present during the meeting, one of which was present during the assessment process. In terms of the issues raised against the member of staff, they were thoroughly investigated. In terms of the SpLD intervention/support assessment, the Complaint Officer was able to establish that the assessment process was in accordance with the LEA's criteria. **Complaint not upheld.**

#### **Lessons Learned:**

While the decision was made not to uphold the complaint in its entirety, there was an area where a lesson will be learnt on the following grounds:

Staff will have consideration to differences of opinions to the points raised in meetings and allow opportunities for all stakeholders to voice those opinions.

#### **Stage 2 – Category 4. Treatment by two members of staff at the Young Mums Group**

The complainant provided a number of concerns raised between November 2021 and March 2022 in relation to the treatment she received from two members of staff at a group setting.

Each concern was individually investigated by the Senior Youth Service Manager, and the appropriate evidence obtained.

The information provided by the two officers, managers and daily logs confirmed there was no evidence to substantiate the complaint. **Complaint not upheld.**

## **Stage 2 – Category 11 (5a & 5b). Child to continue attending current Early Year setting and Matrix report used by ALN/Inclusion Services**

The first element of the complaint was in relation for Pupil A to continue attending his current setting on the grounds that they do not become statutory school age until March 2023.

This element of the complaint was investigated by the Early Years Manager:

While the child was not legally required to attend their statutory school placement until the term after they turned 5 years of age (April 2023). The reception placement is offered from the September in the academic year in which the child turns 5 (Sept 2022). For clarification, the query was raised with WG. The response from WG confirms the Childcare Offer would not be eligible after August 2022 should the parent(s)/guardian(s) chose not to accept the reception place offered for your child:

*At the start of the school term when a child is eligible to receive a full-time education place, the child will no longer be eligible to access the Offer. In the majority of local authorities, children will be offered a full-time education place from the September after they turn 4. Where a school offers a staggered start to the term, parents will not be eligible to use the Offer for these term-time day(s) / week(s) when their child is not actually in the school.*

The second element of the complaint was in relation to the ALN Matrix document designed for children/young people aged 3-19yrs on roll at Local Authority and Grant Maintained Schools and Referral Units. Parent believed the Matrix document is a tick box exercise and not specific to a pupils needs. As such, how it can be used to write an Individual Development Plan (IDP) for Pupil A? Parent also requests that CCBC overhaul their policies & procedures to offer a truly person-centred approach to ALN.

This element of the complaint was investigated by the Lead for Additional Learning Needs and Inclusion Services:

The Matrix document is the first edition and the South East Wales Consortia (SEWC) are continuing to develop the Matrix for different interfaces. Comments relating to Early Years will be considered as part of future developments. The LA previously confirmed that the Matrix has been developed as an 'online' tool. The purpose of the Matrix is not to categorise or diagnose, but to identify the barriers to learning a pupil may be experiencing. The ALN Assessment Matrix is a pupil centred tool, which identifies the complexity and interrelationship of difficulties, which require Additional Learning Provision (ALP). The ALN policies and procedures have been produced regionally in line with the ALN Code and follow a person-centred approach to ALN. **Complaint not upheld.**

### **4. Identified relationships to Equalities or Welsh Language**

#### **Complaints that relate to the Equalities or Welsh Language protected characteristics**

| <b>Characteristic Strand</b>   | <b>Count<br/>Stage 1, Stage 2<br/>&amp; Escalated 1 to 2</b> | <b>Count<br/>Completed in<br/>Target Times</b> | <b>Percentage<br/>Completed in<br/>Target Times</b> |
|--------------------------------|--|--|---|
| Age                            | 0  | 0  | 0   |
| Disability                     | 0  | 0  | 0   |
| Gender Reassignment            | 0  | 0  | 0   |
| Marriage and Civil Partnership | 0  | 0  | 0   |
| Pregnancy and Maternity        | 0  | 0  | 0   |
| Race                           | 0  | 0  | 0   |
| Religion/Belief or Non-belief  | 0  | 0  | 0   |
| Sex                            | 0  | 0  | 0   |
| Sexual Orientation             | 0  | 0  | 0   |
| Welsh Language                 | 0  | 0  | 0   |
| Totals                         | 0  | 0  | 0   |

No specific characteristics links have been identified for this reporting period

**5. Annex – Referrals to Ombudsman, complaints resulting from appeals and examples of relevant items (points to note) specific to this reporting period**

A complainant contacted the Ombudsman on three separate occasions in relation to the LEA failing to provide a response under Stage 2 of the Corporate Complaint's Policy. The Ombudsman were issued with a copy of the response sent to the complainant and as a result, no investigation was required.

It is important to recognise that the changes currently being made to the ALN and Inclusion Service are due to the implementation of the new curriculum for Wales and the ALN Act which has led to a lot of confusion and frustration of some of our stakeholders, especially parents. The LA will continue to listen and adapt its processes in line with feedback.

**For further information, please contact**

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