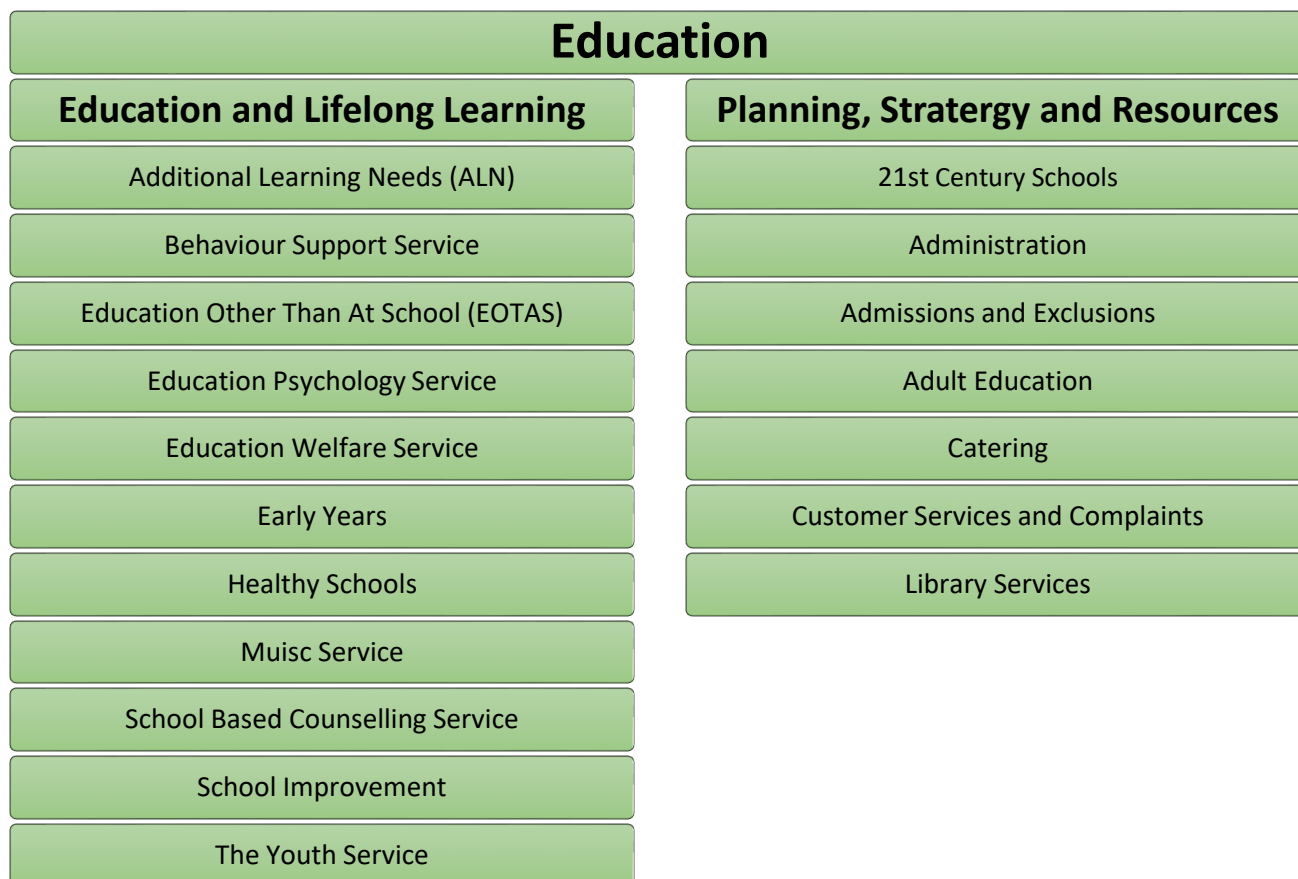


## Appendix 3

### 1. Directorate and Services identified in-scope for this report

#### Diagram of Directorate and Service Framework



#### Brief description of Directorate and Service Framework

There are: 2 Key Services, with 18 Service Departments. Head of service for Education and Lifelong Learning - Keri Cole. Head of service for Head of Education Planning, Strategy and Resource - Sue Richards.

## 2. 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	7	5	71.43
Stage 2	2	2	100
Escalated Stage 1 to 2	1	1	100
<b>Totals</b>	<b>10</b>	<b>8</b>	<b>80.00</b>

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

Service	Count Stage 1	Count Completed in Target Times	Percentage Completed in Target Times
Administration	1	1	100
Catering	1	0	0
Youth Service	2	1	50
ALN and Inclusions Services (ALN)	1	1	100
Early Years	1	1	100
ALN and Inclusions Services (ALN) and Early Years	1	1	100
<b>Totals</b>	<b>7</b>	<b>5</b>	<b>71.43</b>

Service	Count Stage 2	Count Completed in Target Times	Percentage Completed in Target Times
Scrutiny Meeting	1	1	100
School Admissions	1	1	100
<b>Totals</b>	<b>2</b>	<b>2</b>	<b>100</b>

Service	Count Escalated Stage 1 to Stage 2	Count Completed in Target Times	Percentage Completed in Target Times
Administration	1	1	100
<b>Totals</b>	<b>1</b>	<b>1</b>	<b>100</b>

## 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	6	2	0
Letter	1	1	1
On-line	0	0	0
Contact Centre	0	0	0
Other	0	0	0
<b>Totals</b>	<b>7</b>	<b>2</b>	<b>1</b>

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

Where target response times were not met, it has been identified that in one case this was due to the relevant dept. making numerous attempts to contact parent for further information to assist with the investigation (email, telephone, and voicemail). Parent failed to make contact and as a result, the response was issued after 11 working days, not the standard 10-day response timescale for a Stage 1 complaint. In the second case, this was due to the member of staff required to provide information for the investigation was on annual leave. Unfortunately, the member of staff did not use the 'Out of Office' facility within Outlook.

### 3. 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.

In terms of corporate complaints we received complaints regarding the following

- Catering – Lack of school meals
- Scrutiny meeting – Role of LA officers attending
- School admissions – Notification to new school following successful transfer request
- Administration – Disagreed with the outcome of a Stage C school-based complaint
- Youth Service – Inappropriate content shared by email and treatment of two members of staff
- ALN and Inclusion Service – Information provided by a member of staff following a Subject Access Request (SAR)
- Early Years - Discrimination and unfair treatment
- Early Years and ALN/Inclusion Services – Child to continue attending current Early Year setting and Matrix report used by ALN/Inclusion Services

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

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

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

#### 5. Number by Outcome and lessons learned comments

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

Service	Upheld	Not Upheld
Catering	0	1
Scrutiny function	0	1
Schools Admission	1	0
Administration	0	2
Youth Service	0	2
ALN and Inclusions Services (ALN)	0	1
Early Years	0	1
Early Years and ALN/Inclusion Services	0	1
<b>Totals</b>	<b>1</b>	<b>9</b>

### **Stage 1 Complaint - Category 6 (Accessibility of Services). No access to school meal provision**

Complaint received from parent regarding school running out of meals at lunch time. The parent explained that the child received free school meals but because the school ran out of meals for a period of 3 days, the parent has now provided a packed lunch. The Parent states she is aware that her child is not the only one going hungry due to food shortages.

In response the Cook In Charge confirmed the kitchen has never ran out of food, and could it be that the child may not have liked the food choices remaining.

The Cook/team of catering staff always encourage pupils to approach them first thing in the morning so they can pre-order the choice for that day, which allows the staff to prepare and store these items until the pupil approaches the counter for service. The investigating officer apologised if the child was not aware of this.

The deadline for our response was 24th September. The catering dept. made numerous attempts to contact parent for further information to assist with the investigation (email, telephone, and voicemail) but were unsuccessful and so the final response was then issued on 27th September.

#### **Complaint not upheld**

**Actions** - While there was no further action taken with this complaint, staff have been reminded of the importance to adhere to the response timescales, and the importance of notifying the complainant if we expect to exceed these.

**Monitoring** - Ensure all responses are sent via the Education Complaints Officer. This enables an improved/centralised monitoring of timescales. The complaints officer plays an active role to ensure timescales are met and will remind staff the importance of a timely response. Where it is not possible to complete the investigation within timescale, staff are encouraged to use the "extension of time letter" extending the deadline. This ensures the complainant is updated throughout the process of the investigation and the reason(s) why additional time is required.

### **Stage 1 Complaint – Category 4 (Officers Conduct with Public). Inappropriate content shared by email**

The complaint states that an offensive email was shared by a member of staff from the Youth Service

The officer confirmed that during the first lockdown weekly motivational/funny videos were sent to parents in an effort to increase morale. The video the complainant received was part of this effort. The officer confirmed that all videos were checked prior to distribution and deemed those sent to be suitable. The officer also confirmed that in no way would the video have been deliberately shared if they believed this could cause upset/distress. The videos chosen were based on the officer's knowledge of the young people and parents. For example, if someone had a dislike of cats, the officer would ensure that videos of/including cats were not sent to parents. The YouTube video in question was viewed as part of the investigation and at no point were the alleged images visible.

#### **Complaint not upheld**

**Stage 1 Complaint – Category 4 (Officers Conduct with Public). Information provided by a member of staff following a Subject Access Request (SAR) and information withheld following the SAR.**

The complainant alleged that a member of CCBC staff provided falsified documentation which was then used by the school to confirm a meeting that never actually took place on 20<sup>th</sup> of March 2018 where a Joint Assessment Family Framework (JAFF) referral form was completed in the presence of the complainant's mother

As the meeting took place over 4 years ago, the officer could not agree or disagree that she was present during the JAFF referral meeting on 20<sup>th</sup> March 2018. However, as this meeting was in relation to a JAFF referral, this would have been arranged and recorded by the school.

The recording system used by the school (CORE-NET), confirms the JAFF referral was received by the Child Protection designate (deputy headteacher) on the 13<sup>th</sup> of March and a meeting with the designated officer and parent was arranged for the 20<sup>th</sup> of March 2018. The CORE-NET record dated 20<sup>th</sup> March 2018 confirms the meeting went ahead and the JAFF referral was completed.

As the meeting was arranged by the school, the deputy headteacher was able to provide further details/evidence of the meeting. This evidence placed the CCBC officer, deputy headteacher and complainant's mother at the meeting.

The complainant alleges the same member of CCBC staff was withholding documents requested as part of the SAR relating to a one-to-one meeting with the complainant on the 20<sup>th</sup> of March.

The member of staff confirmed all information relating to this meeting was previously supplied as part of the SAR. The officer was also able to provide the page numbers of documents supplied relating specifically to the meeting that took place on the 20<sup>th</sup> of March 2018.

**Complaint not upheld**

Please note – Advice was sought from Legal Services regarding the serious allegation of falsified documentation. As such, the following sentence was included within our response:

*This is a serious allegation against an employee of the Local Authority and based on the evidence available and lack of evidence from you to support this part of your complaint. I am satisfied XXXX XXXX was present during the JAFF referral meeting on 20<sup>th</sup> March 2018.*

**Stage 1 Complaint – Category 11 Combination of categories. Discrimination and unfair treatment**

The complainant raised a number of concerns in relation to LA and external services. The complainant raised concerns regarding Health Visitors, Speech and Language Therapy – Early intervention, ISCAN (integrated service for children with additional needs), School Admissions, Early Years, Family Information Service, Assisted Placement, pre-school nursery? . The investigation was conducted into the LA provided services only. The external organisations conducted their own investigation and issued their response separately. In terms of the issues relevant to the local authority they were thoroughly investigated. **Complaint not upheld.**

- Why was there a delay in replying to queries?
- Why wasn't contact made regarding a possible care coordinator?
- Why is parent not informed of an update after every panel meeting?

- Why was the parent provided with an out-of-date list of assisted and funded places framework?
- Why does the admission process for schools not work during half term time?
- Parent states her child was removed out of a school on good faith and verbal reassurance everything was in hand for them to be able to be in a placement close by, to then be told that there is no funding.
- Why is there no funding for children with additional needs in the pre-school nursery?

**Stage 1 Complaint – Category 11 combination of categories. 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 to the request for the complainant's child to continue attending his current setting on the grounds that they do not become school statutory age until March 2023. Complainant also made a request for her child to stay in their current setting with the appropriate funding to be granted.

The first element of the complaint was investigated with our Early Years Service and Welsh Government (WG). While the child was not legally required to attend their statutory school placement until the term after they turn 5 years (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 they chose not to accept the reception place offered for the 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. The complainant believes the Matrix document is a tick box exercise and not specific to XXXX needs. As such, how can it be used to write an Individual Development Plan (IDP) for XXXX. The complainant made a request that CCBC overhaul their policies & procedures to offer a truly person-centred approach to ALN.

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 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.**



### **Stage 1 Complaint – Category 4 (Officers Conduct with Public). Treatment by two members of staff**

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, 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.

The deadline for our response was Friday the 25<sup>th</sup> of March 2022. Further information was requested on the 25<sup>th</sup> of March, but the officer required to provide this information was on leave. Unfortunately, the officer did not use the 'out of office' function within Outlook and as a result, the complaints officer was awaiting a response to complete the investigation and respond within timescale. **Complaint not upheld.**

**Due to the number of concerns raised – further information regarding this complaint can be provided upon request from the Education Complaints Officer Liam Miles (Contact details on Page 9 of this report).**

**Actions** - While there was no further action taken with this complaint, staff have been reminded to use the 'out of office' function within Outlook when taking a period of leave.

**Monitoring** – If information has been requested on the deadline date and this has not been supplied by the end of the working day. The complaints officer will use the "extension of time letter"

### **Stage 2 Complaint - Category 2 Decision Making (Scrutiny Meeting). Investigation conducted by Lisa Lane (Head of Democratic Services and Deputy Monitoring Officer)**

The complainant states that it is their understanding the role of Officers attending a scrutiny committee meeting is not to inform members how they must vote or express personal views, but rather to support the decision-making process by answering questions when asked by members. The complaint raised concerns about the number of questions asked by members that were avoided or left unanswered during the meeting, but of most alarm was the officer's involvement at the end of the Trinity Field expansion discussion when a motion was tabled to explore options for a new build on a brownfield site.

Despite a motion being tabled and the Chair having closed the debate, 3 officers intervened at this point and informed the members that they should not be voting on this or against the report.

The planning officer was correct in their comments as they related to the role of the Local Planning Authority in its consideration of the mitigation as part of the planning process and the consideration of the Planning Application. The setting aside of the sum of money referred to in the second recommendation (i.e the funding only) in the report was a function of Cabinet. The Scrutiny Committee's role in this matter was to make recommendations to Cabinet, it is not the final decision maker. In terms of the decision made by Cabinet on 7th April, it was noted the detailed minutes on the Council's website which culminated in its decision to support the recommendations in the report. **Complaint not upheld**

**Stage 2 Complaint – Category 11 Combination of categories. Late application by parents and human error as staff failed to email school confirming placement.**

Unfortunately, this child's application form was received after the closing date for school placement. All places available were allocated in the first round of admissions. As such, the child's name was not included on this list of children allocated a place.

The family appealed and the hearing took place during the summer holidays, schools are unfortunately not available for contact during this time. Emails are sent to schools during the holidays advising of any further pupils, however, they will not open these until the first day of term. Schools then normally make contact with parents to arrange a start date. In this child's case, an email was not sent due to human error, however, when the family arrived at the school with their child, contact was made with the admissions team and the matter was resolved quickly, with the school admitting the child immediately.

This was an unusual case as the admissions officer originally dealing with the case was on maternity leave. The officer responsible for taking over the case was unaware the new school had not been notified of the placement and as result, this caused confusion when the child attended her new school in September. **Complaint upheld**

**Actions** - The admission team has taken note of this human error and staff have been reminded that there must always be an effective line of communication to ensure instances like this do not happen again.

**Monitoring** - Handover meetings are undertaken when staff take a planned period of leave. Workload is discussed and officers are informed of any outstanding cases that require action/follow-up.

**Stage 1/2 Complaint - Category 10 Compliance with Complaints procedure.**

The complainant made a request for an independent investigation into the decision of a school's complaint committee (members from the Governing Body) and LA complaints staff following a Stage C hearing (final process of a school-based complaint).

Stage 1 - Parent unhappy with the outcome reached by governors following a Stage C hearing. Parent made a request for the LA to investigate.

The complaints officer at the time addressed the points raised within the correspondence but explained that the LA was unable to proceed with the request to conduct an independent review of the governor's decision as there is no appeal to the Governing Body's decision; Welsh Government circular 011/2012 Complaints procedure for school governing bodies Wales, page 31 paragraph 6.20: '*the governing body complaints committee is the final arbiter of complaints*'. **The complaint was not upheld** on the grounds that the complaints officer carried out an appropriate investigation within the realms of their responsibility as an Education Officer and in line with WG procedure details stated above '*the governing body complaints committee is the final arbiter of complaints*'.

Stage 2 – Parent remains dissatisfied with the outcome of the Stage 1 complaint and wished to progress to Stage 2 on the grounds that the LA failed to intervene with the complaint against the complaints committee. Decision was not upheld on the grounds that all local authority officers have responded to the parent appropriately and within their remit. **Complaint not upheld**

I can report that the use of the “extension of time letter” has been fully embraced by staff and is working effectively as and when required.

## 6. Identified relationships to Equalities or Welsh Language

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

Characteristic Strand	Count Stage 1, Stage 2 & Escalated 1 to 2	Count Completed in Target Times	Percentage Completed in Target Times
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
<b>Totals</b>	<b>0</b>	<b>0</b>	<b>0</b>

No specific characteristics links have been identified for this reporting period

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

No complaints were referred to the Ombudsman for the April 2021 to March 2022 period.

**For further information, please contact**

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