

CORPORATE POLICY OVERVIEW COMMITTEE

Wednesday, 14th January, 2009

10.00 am

Darent Room, Sessions House, County Hall, Maidstone

Would Members please bring their copy of the draft budget circulated on 7 January 2009





AGENDA

CORPORATE POLICY OVERVIEW COMMITTEE

Wednesday, 14 January 2009 at 10.00 am Ask for: Denise Fitch
Darent Room, Sessions House, County Hall, Telephone 01622 694269
Maidstone

Tea/Coffee will be available 15 minutes before the meeting

Membership (13)

Conservative (9): Mr E E C Hotson (Chairman), Mr R H C Bliss, Mr R B Burgess,
Mr B R Cope, Mr J A Davies, Mr C G Findlay, Mr R W Gough,
Mr J E Scholes and Mr J D Simmonds

Labour (3): Ms A Harrison (Vice-Chairman), Mr C Hart and Mr D Smyth

Liberal Democrat (1): Mrs T Dean

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

Would Members please note that the committee will break for lunch at 1.00pm and reconvene at 2.00pm. The first item after lunch will be B5 – Use of Resources and the meeting then will continue to consider the remaining items on the agenda.

Item No

A. COMMITTEE BUSINESS

- A1 Substitutes
- A2 Declaration of Interests by Members in items on the Agenda for this meeting.
- A3 Minutes - 14 November 2008 (Pages 1 - 4)
- A4 Notes of the IMG on Medium Term Plan held on 20 November 2008 (Pages 5 - 8)

B. ITEMS FOR CONSIDERATION

- B1 Financial Monitoring Report: Corporate Services 2008/09 (Pages 9 - 22)
- B2 Budget 2009/10 and Medium Term Financial Plan 2009/12 (to follow)
(would Members please bring their copy of the draft budget circulated on 7 January 2009)

- B3 Better WorkPlaces (Office Transformation) – Vision for Future Office Locations (Pages 23 - 34)
- B4 Use of Resources Assessment - Presentation - (this item will start at 2.00pm)
Grahame Brown (Audit Manager) and Darren Wells (District Auditor) from the Audit Commission will be present for this item.

All Members of the County Council have been invited to attend for this item

- B5 Half-year monitoring 2008/09 (Pages 35 - 50)
- B6 KCC Annual Complaints Report 2007/08 (Pages 51 - 126)
- B7 Equality Standard for Local Government (ESLG) – KCC assessment and action plan (Pages 127 - 140)
- B8 CED Risk Register (Pages 141 - 156)
- B9 Staff Survey - Presentation

C. SELECT COMMITTEE WORK

- C1 Select Committees - update (Pages 157 - 162)

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services and Local Leadership
(01622) 694002

Tuesday, 6 January 2009

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

KENT COUNTY COUNCIL

CORPORATE POLICY OVERVIEW COMMITTEE

MINUTES of a meeting of the Corporate Policy Overview Committee held in the Darent Room, Sessions House, County Hall, Maidstone on Friday, 14 November 2008.

PRESENT: Mr E E C Hotson (Chairman), Ms A Harrison (Vice-Chairman), Mr R B Burgess, Ms S J Carey (Substitute for Mr J D Simmonds), Mr B R Cope, Mr J A Davies, Mrs T Dean, Mr C G Findlay, Mr R W Gough, Mr J E Scholes and Mr D Smyth

ALSO PRESENT: Mr A J King, MBE, Mr R A Marsh and Mr R J Parry

IN ATTENDANCE: Mr P Bole (Head Of I C T Commissioning), Miss J Clarke (Head Of Communications & Media Centre), Mr D Cockburn (Executive Director, Strategy, Economic Development & ICT), Mr P Kennedy (Resources Manager), Mr M Lemon (Head of Policy), Ms L McMullan (Director of Finance), Ms T Oliver (Director Of Strategic Development And Public Access), Ms M Peachey (Kent Director Of Public Health), Geoff Wild (Director of Law and Governance), Mr A Wood (Head of Financial Management) and Miss T Grayell (Democratic Services Officer)

UNRESTRICTED ITEMS

111. Minutes

(Item A3)

RESOLVED that the Minutes of the meeting held on 26 September 2008 are correctly recorded and that they be signed by the Chairman.

112. Chairman's Announcements

(1) The Chairman referred to a very helpful paper which had been prepared by Mr R Hardy and sent to all Members of the Policy Overview Committee following consideration of the Complaints item at the September meeting.

(2) All Policy Overview Committees had been asked to consider whether or not they wished to set up an Informal Member Group to look at the Medium Term Plan in more detail and identify priorities and areas for savings. He emphasised that Policy Overview Committees could choose whether or not to have such a group and that discussion at it would supplement and not replace discussion of the Medium Term Plan at the main meeting.

(3) Mrs T Dean added that she and Dr M Eddy had recently attended a meeting with the Leader and Mr A J King about the Policy Overview Committees trialling pre-scrutiny. The Leader had welcomed the idea and would shortly be writing to all Policy Overview Committees about it.

113. Financial Monitoring Report: Corporate Services 2008/09

(Item B1)

(1) Mr Wood introduced the report and pointed out that there had been very little change in the projected outturn since the last meeting, the one small increase being in Democratic Services due to the demands of covering the education appeals season.

(2) In response to a Member's question, he confirmed that the £200,000 saving shown against Kent TV was a genuine saving and had not been generated by the timing of funding. He offered to provide a public/press statement, with the Head of Corporate Communications, to clarify the situation and avoid public misunderstanding.

(3) RESOLVED that the projected outturn figures for the Directorate be noted.

114. Medium Term Financial Plan - 2009/10 to 2011/12: Chief Executive's Directorate

(Item B2)

(1) Mr Wood introduced the report and emphasised that the report did not make any recommendations of where savings should be achieved as Members were asked to offer suggestions in the meeting or at the IMG. He said that the target savings figure for the Directorate was approximately £6-7m. He and colleagues from the Business Units who were also present answered questions of detail from Members. In discussion, Members highlighted the following concerns:-

- (a) The pace of recent economic change was unprecedented and KCC needed to support and reassure the public and the local business economy at a time of great fear and uncertainty. The public would also need somewhere to go for reliable information.
- (b) It was important not to overlook the scope to identify and bring forward items which would be of financial benefit to the County Council for the future, and to look at opportunities as well as threats.
- (c) It was important to look at decisions about services from the public's point of view and consider how the decisions to be taken would appear to the public.

(3) RESOLVED that the information in the report be noted, and pressure set out in Appendix 4 to the report, be acknowledged.

At the end of the meeting, Members agreed to establish an Informal Member Group to look in more detail at the Medium Term Plan and address what is asked in recommendation (c) of the report, namely, to identify and express Members' relative priorities for services and to indicate, broadly, areas and type of savings, efficiencies and income generation that Members consider could realistically be achieved.

115. Effect of the Downturn in the Economy on Corporate Services

(Item B3)

(1) Mr Wood introduced the report and emphasised that Corporate Services and the Chief Executive's Departments' budgets would not be immune from the effects of the rapid change in the national economy.

(2) Members noted that this item was very closely related to the previous items on today's Agenda and the discussion at the Informal Member Group would need to take account of all the related issues.

(3) RESOLVED that the impact that the current economic condition is having, or could have, on the Chief Executive Department's budgets be noted.

116. Information and Communications Technology (ICT)

(Item B4)

(1) Mr Bole introduced the report and answered detailed questions from Members about service provision. He pointed out that KCC's IT team/centre had been awarded a new "Standard of Excellence" award (previously the Charter Mark).

(2) In discussion, Members paid tribute to IT staff for their efficient, patient and sympathetic approach when helping Members with IT problems, and expressed concern that many IT staff are called upon to attend KCC premises out of hours and at weekends to address problems with the system. This attendance was not covered in their contracts of employment and Members expressed the view that sufficient resources should be allocated to cover the service which was expected.

(3) Members also expressed disappointment at the failure of the KCC e-mail system for two and a half working days, plus a weekend, which did not support the Council's stated expectation that all Members subscribe to and use the KCC's central e-mail system.

(4) RESOLVED that the information in the report be noted.

This page is intentionally left blank

KENT COUNTY COUNCIL

Corporate Policy Overview Committee

MEDIUM TERM PLAN (MTP) INFORMAL MEMBER GROUP

NOTES of a meeting of an Informal Member Group to consider Corporate Services MTP held on Wednesday, 19 November 2008 in Sessions House, County Hall, Maidstone.

PRESENT: Mr E Hotson (Chairman), Mr R Burgess, Mr J Scholes and Mr D Smyth.

OFFICERS IN ATTENDANCE: Ms A Beer, Director of Personnel and Development, Mr P Bole, Head of I C T Commissioning, Mr D Cockburn, Executive Director, Strategy, Economic Development & ICT, Mr P Kennedy, Resources Manager, Mr M Lemon, Head of Policy, Ms L McMullan, Director of Finance, Ms T Oliver, Director Of Strategic Development And Public Access, Mr A Wood, Head Of Financial Management and Ms D Fitch, Assistant Democratic Services Manager (Policy Overview),

APOLOGY: Mrs T Dean

1. Medium Term Financial Plan – 2009-12 - CED

(1) Mr Hotson reminded Members of the debate on this item at the meeting of the Corporate POC on 14 November 2008.

(2) Mr Wood gave Members a brief update and referred to the key parts of the paper circulated for the POC meeting.

(3) Members then asked questions in relation to specific budget items and put forward potential areas for further consideration.

(4) The importance of making it clear in finance reports opportunity for Directorate savings behind projects such as Gateways and use of the Contact Centre so that a balanced decision can be taken on the phasing of their roll out, was emphasised. Also consideration should be given to reporting the funding of the International office compared to the amount of money secured should be shown.

(5) The issue of roundabout sponsorship was raised and it was suggested that District Councils should be encouraged to co-operate with this which would not only have financial advantages but also would make areas look tidier.

(6) Reference was made to greater partnership working as expressed in the Kent Commitment.

(7) Mr Lemon gave details of the budget of the Public Health unit

(8) It was noted that Mr Kennedy was producing a paper on property maintenance across the authority.

(9) Members put forward a number of suggested areas for further consideration a copy of this list is attached as an appendix.

AREAS SUGGESTED FOR FURTHER CONSIDERATION

Area for review	Potential target cost / saving (-) £'000	Notes
Healthwatch	-300	Mark Lemon to provide one-page briefing note on role and objectives of Healthwatch
Kent TV	-400	Tanya Oliver to provide one-page briefing note
IT Asset Maintenance reserve contribution	-500	Peter Bole to provide one-page briefing note
Workforce reduction	-500	Andy Wood to provide one-page briefing note
Debt Charges	-500	Needs to be considered as part of the wider strategy for treasury management.
Corporate Communications	-500	There is an on-going review of 'publicity' costs and this will be considered as part of that review. The review is on target to complete before Christmas
Pay	-900	Theoretical saving if nil cost of living increase. Amanda Beer to consider in her pay negotiations
Gateway	?	Accelerate or slow-down the programme? Tanya to provide summary paper of costs/benefits of Gateways
In-source property functions	?	Paul Kennedy to provide an options paper
Joint Sea Fisheries	?	Denise Fitch to investigate if this is a statutory function
Income generation	-1,000	Andy Wood to provide a one-page briefing note on potential increase in net income by Unit
Localism	-400	Consider reduction in either second homes money or Member Community Grant, or combination of both. Andy Wood to provide analysis of budget for local decision
Maintenance of assets	?	Paul Kennedy to provide a copy of the paper currently being written (due by end of November)
General efficiencies	-100	All to examine potential for 'looking after the pennies'
Total	-5,100 (+/- ?)	

This page is intentionally left blank

By: Paul Carter, Leader
 Alex King, Deputy Leader
 Nick Chard, Cabinet Member for Finance
 Alan Marsh, Cabinet Member for Health
 Peter Gilroy, Chief Executive

To: Corporate Policy Overview Committee – 14 January 2009

Subject: Financial Monitoring Report: Corporate Services 2008/09

Classification: Unrestricted

For Information

1. Introduction

1.1 This is the third report to this Committee on the forecast outturn against budget for the Chief Executive’s Directorate and the Financing Items budget for the year 2008/09.

2 Forecast Outturn

2.1 The detailed monitoring reports for the second quarter for the Chief Executive’s Directorate and the Financing Items budget were presented to Cabinet on 1 December, and are attached to this report. Since then, and as reported to Cabinet on 12 January, the position has improved, particularly on the Financing items budget.

2.2 Chief Executive’s Directorate (Revenue)

2.2.1 The forecast variance at year-end showing in the attached detailed reports is an underspend of £0.620m. This position has since improved to a projected underspend of £0.786m. The main reasons for the forecast underspend, after the implementation of management action, can be summarized as:

Unit	£’000	Reason
Legal Services	-632	Additional internal and external legal work
Kent TV	-208	Reflects the anticipated re-phasing of second year spend as the pilot ‘cycle’ runs from September to August rather than April to March
ISG	+164	Demand has not reduced in line with budgeted savings. Negotiations to resolve this continue with Resource Directors
Kent Health Watch	-78	Delayed start to the project
Other	-32	
Total	-786	

2.3 Financing Items (Revenue)

The latest reported forecast for the Financing Items budgets is a net underspend of £2.387m. This reflects:

Unit	£'000	Reason
Debt charges and interest on cash balances	-3,986	Lower levels of borrowing in 07/08 and 08/09 and better rates for new borrowing than assumed, given recent reductions in the bank base rate
Commercial Services	300	Shortfall on income from roundabout sponsorship
LABGI	1,349	Reduction in estimated LABGI grant
Other	-50	
Total	-2,387	

- 2.4 The implications of these projected variances have been fully considered as part of the 2009/10 budget process, and are reflected in the budget proposals as appropriate.
- 2.5 The forecast outturn for the capital programme is detailed in the attached reports. There are no variances on the delivery of projects to report; the variances shown are largely due to changing funding streams or classification of the expenditure.

3 Recommendations

- 3.1 Members of the Corporate POC are asked to note the projected outturn figures for the directorate.

Background Documents:

- 1) Cabinet 15 September 2008 and Corporate Policy Overview Committee 26 September 2008 – Revenue and Capital Budgets, Key Activity and Risk Monitoring
- 2) Cabinet 13 October 2008 and Corporate Policy Overview Committee 14 November 2008– Revenue Monitoring Exception report
- 3) Cabinet 1 December 2008 - Revenue and Capital Budgets, Key Activity and Risk Monitoring
- 4) Cabinet 12 January 2009 - Revenue and Capital Budget Monitoring Exception report

Officer Contact:

Andy Wood, Head of Financial Management. Ext 4622

CHIEF EXECUTIVES DIRECTORATE SUMMARY OCTOBER 2008-09 FULL MONITORING REPORT

1. FINANCE

1.1 REVENUE

1.1.1 All changes to cash limits are in accordance with the virement rules contained within the constitution, with the exception of those cash limit adjustments which are considered “technical adjustments” ie where there is no change in policy, including:

- Allocation of grants and previously unallocated budgets where further information regarding allocations and spending plans has become available since the budget setting process.
- The inclusion of new 100% grants (ie grants which fully fund the additional costs) awarded since the last full monitoring report. These are detailed in Appendix 2 to the executive summary.
- Cash limits have also been adjusted since the last full monitoring report to reflect a number of technical adjustments to budgets, including the transfer of the Contact Centre from Communities portfolio to Corporate Support & External Affairs portfolio, the transfer of the Local Involvement Networks budget from Public Health portfolio to Environment, Highways & Waste portfolio and the transfer of Legal and Democratic Services from Policy & Performance portfolio to Corporate Support & External Affairs portfolio.

1.1.2 **Table 1** below details the revenue position by Service Unit:

Budget Book Heading	Cash Limit			Variance			Comment
	G	I	N	G	I	N	
	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	
Public Health portfolio							
Kent Department of Public Health	949	0	949	-111	-5	-116	£78k delayed start to HealthWatch prog
Corporate Support & External Affairs portfolio							
Personnel & Development	10,053	-4,385	5,668	524	-498	26	Increased costs & income re: Staff Care Services & H&S. HCI Scheme ends Jul09
Information Systems	22,411	-6,975	15,436	3,918	-3,290	628	Increased costs & income re: projects plus unmet targeted savings
Corporate Communications	1,307	-294	1,013	25	-25	0	
International Affairs Group	461	-113	348	-10	10	0	
Strategic Development & Corporate Management	2,917	-14	2,903	-196	-39	-235	Kent TV contract runs to Aug09.
Contact Centre	4,734	-1,986	2,748	107	-107	0	
Legal Services	5,346	-5,726	-380	1,157	-1,789	-632	Costs & income of additional work
Democratic Services	4,574	-18	4,556	205	-37	168	Delayed staff savings
Dedicated Schools Grant		-2,789	-2,789	0	0	0	
Total CS&EA	51,803	-22,300	29,503	5,730	-5,775	-45	
Policy & Performance portfolio							
Policy & Performance	1,266	-340	926	31	-31	0	
Kent Partnerships	456	0	456	4	-4	0	
Kent Works	940	-740	200	-36	58	22	
Total P&P	2,662	-1,080	1,582	-1	23	22	

Budget Book Heading	Cash Limit			Variance			Comment
	G	I	N	G	I	N	
	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	
Finance Portfolio							
Strategic Management	1,530	-184	1,346	-4	4	0	
Finance Group	20,554	-15,623	4,931	-106	106	0	
Oakwood Trading	2,050	-2,050	0	-17	17	0	Creation of Oakwood Park Trading a/c
Property Group	15,342	-6,018	9,324	1,328	-572	756	Corp Property Unit change in accounting treatment
Total Finance	39,476	-23,875	15,601	1,201	-445	756	
Total Directorate Controllable	94,890	-47,255	47,635	6,819	-6,202	617	
Assumed Management Action:							
- CS&EA portfolio					-464	-464	Directorate income £314k, Printer receipt £150k
- P&P portfolio					-22	-22	Attract additional income
- Finance portfolio				-751		-751	Review of MRP
Forecast after Mgmt Action				6,068	-6,688	-620	
Memorandum Item							
Property Enterprise Fund	0	-12	-12	501	-171	330	See section 2.2 Annex 5

1.1.3 Major Reasons for Variance: *[provides an explanation of the 'headings' in table 2]*

Table 2, at the end of this section, details all forecast revenue variances over £100k. Each of these variances is explained further below:

Corporate Support & External Affairs portfolio:

- 1.1.3.1 **Personnel & Development:** Variances on gross spend (**£390k**) and income (**£390k**) are caused by increased charges from Commercial Services for additional services from Staff Care Services, which are then recharged to Directorates. Further variances on gross (**£210k**) and income (**£210k**) arising from the cost of and subsequent income from Health & Safety training for Schools.
- 1.1.3.2 **Information Systems:** Variances on gross spend (**£3,918k**) and income (**£3,918k**) reflect the increased demand for additional IT services and projects, a demand which is difficult to predict during budget setting. (**£314k**) relates to unmet targeted savings for reduced Directorate activity and (**£300k**) implementation of new Corporate Printer contract, the savings from which will be realised within directorates and not within ISG where the savings target sits.
- 1.1.3.3 **Strategic Development:** (**£200k**) relating to the Kent TV contract which will need to be re-phased into 2009-10 as the profile of spend finishes in Aug09.
- 1.1.3.4 **Legal Services:**
- Variances on gross spend (**£572k**) and income (**£1,204k**) reflect the additional work that the function has taken on over and above that budgeted for, responding to both internal and external demand.
 - Variances on gross spend (**£585k**) and income (**£585k**) are a result of additional disbursements incurred. Costs of disbursements are recovered from clients but they are difficult to predict during budget setting.
- 1.1.3.5 **Democratic Services:** Variance on gross spend (**£118K**) as not all of the staffing reductions assumed in the budget have happened. Alternative savings options are being considered.

Finance portfolio:

1.1.3.6 **Property Group:** Variance on income (+£732k) and gross spend (+£19k) is due to a change in the accounting treatment of some staffing costs of the Corporate Property Unit, which were previously capitalised but upon latest guidance, these costs must be charged to revenue.

Variance on gross (+£1,432k) and income (-£1,432k) relates to higher value claims which are recoverable from the Insurance Fund.

Variance on gross (-£120k) and income (+£120k) due to Property freezing fee generating vacancies due to a downturn in project work from Directorates.

Table 2: REVENUE VARIANCES OVER £100K IN SIZE ORDER

Pressures (+)			Underspends (-)		
portfolio		£000's	portfolio		£000's
CS	Information Systems costs of additional services/projects	+3,918	CS	Information Systems income from additional services/projects	-3,918
FIN	Higher value claims recoverable from insurance	+1,432	FIN	Insurance Recovery for cost of higher value claims	-1,432
FIN	Change in accounting treatment of some staffing costs of Corporate Property Unit, previously charged to capital	+751	CS	Legal income resulting from additional work (partially offset by increased costs)	-1,204
CS	Legal services cost of additional disbursements	+585	CS	Legal services costs of disbursements recovered from clients	-585
CS	Legal services cost of additional work (offset by increased income)	+572	CS	P&D - recovery from Directorates of increased costs of Staff Care Services	-390
CS	P&D - increased charges from Commercial Services for additional Staff Care Services	+390	CS	P&D - Income from Schools for Health & Safety training	-210
CS	ISG Unmet savings target for reduced Directorate activity	+314	CS	SDU - Confirmed profile of Kent TV revenue spend to Aug09 (roll forward proposal)	-200
CS	ISG Unmet savings target re: provision of new printer contract	+300	FIN	Unfilled Property vacancies following downturn in project work	-120
CS	P&D - Consultancy costs for Health & Safety training for Schools	+210			
FIN	Property Grp - Reduced fee income following downturn in project work	+120			
CS	Democratic Services delay in budgeted staff savings	+118			
		+8,710			-8,059

1.1.4 **Actions required to achieve this position:**

N/A

1.1.5 **Implications for MTP:**

Finance portfolio:

The consequences of the change in the accounting treatment of the indirect staffing costs of the Corporate Property Unit have been reflected as a pressure in the MTP for 2009-10.

Corporate Support & External Affairs portfolio:

The planned reduction in demand from Directorates for ISG services has not taken place and has therefore caused an underlying pressure of £314k which has been highlighted to Resource Directors. The introduction of a new contract to deliver savings of £300k on printing costs will not be signed until Dec/Jan and will then deliver savings across the Authority but not within ISG where the savings target sits. Hence, there is an underlying Base pressure of £614k. This will be considered as part of the MTP process.

1.1.6 Details of re-phasing of revenue projects:

The following projects are re-phasing into 2009-10:

Public Health: **-£78k** for HealthWatch programme will be required to roll forward to 2009-10 due to a delayed start to the programme.

Strategic Development: **-£200k** for Kent TV, to meet the contractual commitment through to Aug09.

Personnel & Development: **+£26k** Home Computing Initiative. Due to the accounting treatment of this scheme, a scheduled overspend of £26k will be required to roll forward into 2009-10 to be met from staff salary deductions to July 2009, when the scheme is due to complete.

1.1.7 Details of proposals for residual variance: [eg roll forward proposals; mgmt action outstanding]

The following management action is expected to be delivered by the end of the financial year:

Policy & Performance portfolio:

Kent Works is continuing to review its contracts with Schools and aims to attract additional income to offset the current forecast pressure of £22k.

Finance portfolio:

Corporate Property Unit: It is envisaged that a review of the regulations around the minimum repayment of outstanding debt, known as the Minimum Revenue Provision (MRP), the full implications of which are currently being assessed, will release funds to cover the revenue shortfall of £751k.

Corporate Support and External Affairs portfolio:

ISG will be requesting that Directorate Resource Directors find additional funding for the **£314k** which relates to the continued Directorate demand for its services.

ISG anticipate a one-off receipt of **£150k** for the transfer of assets to a new contractor when a new print contract is signed at the end of December/January.

This leaves ISG with a residual pressure of £164k which is largely due to covering unplanned infrastructure pressures of £75k for a new switch at Kroner House and £84k for the rental of servers to support SWIFT.

After management action there is a forecast underspend of £620k of which £252k will be requested to roll forward to 2009/10 as detailed in section 1.1.6 above, leaving a £368k residual underspend.

1.2 CAPITAL**1.2.1 All changes to cash limits are in accordance with the virement rules contained within the constitution and have received the appropriate approval via the Leader, or relevant delegated authority.**

The revised capital cash limits agreed by Cabinet on 13 October 2008 are now being used for monitoring purposes and are reflected in this report. However, these differ from the cash limits shown in appendix 3 of the October Cabinet report, as the cash limits reflected in this report only include those projects starting in the current or previous years, whereas the cash limits approved by Cabinet in October also include projects due to start in future years of the 2008-11MTP.

1.2.2 **Table 3** below provides a portfolio overview of the latest capital monitoring position.

[To include projects starting in the current year and previous years only including the rolling programmes but to **EXCLUDE** PFI projects]

	Prev Yrs Exp	2008-09	2009-10	2010-11	Future Yrs	TOTAL
	£000s	£000s	£000s	£000s	£000s	£000s
Corporate Support & External Affairs Portfolio						
Budget approved at Oct Cabinet	2,571	6,016	2,412	1,227	1,115	13,341
Adjustments:						
-						0
Revised Budget	2,571	6,016	2,412	1,227	1,115	13,341
Variance		2,000	8,000	8,000	14,000	32,000
split:						
- real variance		+2,000	+3,000	+3,000	+5,250	+13,250
- re-phasing						0
Policy & Performance Portfolio						
Budget approved at Oct Cabinet		526	500	500	1,000	2,526
Adjustments:						
-						0
Revised Budget	0	526	500	500	1,000	2,526
Variance		0	0	0	0	0
split:						
- real variance		0	0	0	0	0
- re-phasing		0	0	0	0	0
Finance Portfolio						
Budget approved at Oct Cabinet		4,651	4,186	2,125	4,250	15,212
Adjustments:						
-						0
Revised Budget	0	4,651	4,186	2,125	4,250	15,212
Variance		+97	+50	0	0	+147
split:						
- real variance		+147				+147
- re-phasing		-50	+50			0
Directorate Total						
Revised Budget	2,571	11,193	7,098	3,852	6,365	31,079
Variance	0	2,097	8,050	8,000	14,000	32,147
Real Variance						
		+2,147	+3,000	+3,000	+5,250	+13,397
Re-phasing						
		-50	+50	0	0	0

1.2.3 Main Reasons for Variance

Table 4 below, details all forecast capital variances over £250k in 2008-09 and identifies these between projects which are:

- part of our year on year rolling programmes e.g. maintenance and modernisation;
- projects which have received approval to spend and are underway;
- projects which are only at the approval to plan stage and
- projects at preliminary stage.

The variances are also identified as being either a real variance i.e. real under or overspending which has resourcing implications, or a phasing issue i.e. simply down to a difference in timing compared to the budget assumption.

Each of the variances in excess of £1m which is due to phasing of the project, excluding those projects identified as only being at the preliminary stage, is explained further in section 1.2.4 below.

All real variances are explained in section 1.2.5, together with the resourcing implications.

Table 4: CAPITAL VARIANCES OVER £250K IN SIZE ORDER

portfolio	Project	real/ phasing	Project Status			
			Rolling Programme £'000s	Approval to Spend £'000s	Approval to Plan £'000s	Preliminary Stage £'000s
Overspends/Projects ahead of schedule						
CS&EA	Sustaining Kent (KPSN)	Real		+2,000		
			0	+2,000	0	0
Underspends/Projects behind schedule						
			0	0	0	0
			0	+2,000	0	0

1.2.4 Projects re-phasing by over £1m:

None

1.2.5 Projects with real variances, including resourcing implications:

Corporate Support & External Affairs portfolio:

- Sustaining Kent (Kent Public Services Network) overspend of £2m in 2008/09 which is the higher than expected up-front capital requirement to be funded from a revenue contribution to capital outlay from existing revenue grant monies. In subsequent years, all spend will be capital spend, and will be funded by Revenue Contributions freed up from the replacement of the existing revenue contract.

Finance portfolio:

- Commercial Services underspend of -£95k. The decrease in expenditure on vehicles, plant & equipment will be funded by a reduced contribution to and drawdown from their Renewals Fund.
- Works to Properties for Disposal overspend of +£242k, to be funded by top-slicing earmarked capital receipts.

After allowing for these funding issues there is no real underlying variance and the Directorate will break-even.

1.2.6 General Overview of capital programme:

(a) Risks

N/A

(b) Details of action being taken to alleviate risks

N/A

2. KEY ACTIVITY INDICATORS AND BUDGET RISK ASSESSMENT MONITORING

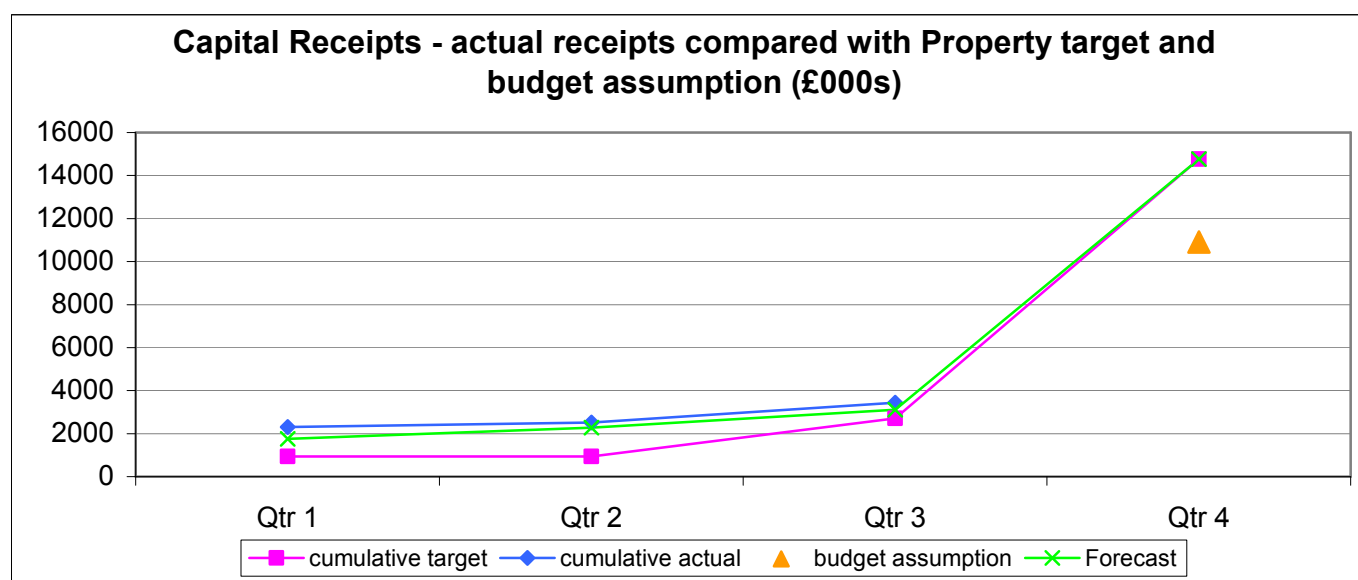
2.1 Capital Receipts – actual receipts compared to budget profile:

	2008-09			
	Budget funding assumption £000s	Cumulative Target profile £000s	Cumulative Actual receipts £000s	Forecast receipts £000s
April - June		945	2,314	1,762
July - September		945	2,521	2,284
October - December		2,702	**3,442	3,111
January - March		14,761		14,761
TOTAL	*10,913	***14,761	3,442	14,761

* figure updated to reflect revised capital budget

** actuals to 31 October

*** The cumulative target profile shows that anticipated receipts for 2008-09 now total £14,761k. The variance between this and the budget funding assumption is due to timing differences between when the receipts are anticipated to come in and when the spend in the capital programme to be funded by these receipts is due to occur. This shows that an element of the receipts due to come in during 2008-09 are not needed for funding the capital programme until 2009-10 or later.



Comments:

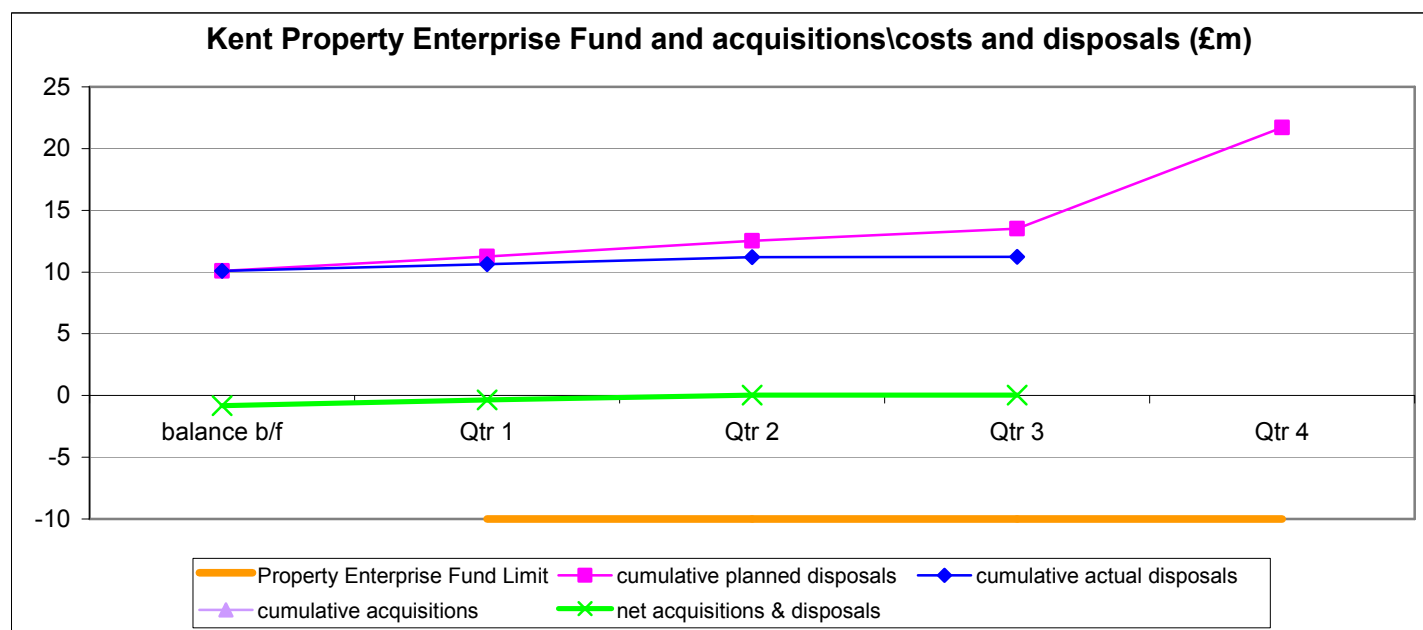
- A review of the capital programme was undertaken to take into account the downturn in the property market due to the global credit crunch. This has resulted in the budget for 2008-09 now only relying on £10,913k of capital receipts, which is more realistic given the current forecasts.
- The table below shows we are currently forecasting a potential surplus of £5,307k for the current year. This in year “surplus” is due to timing differences between when receipts are due to come in and when the projects the receipts are due to fund are forecasting to spend. The current economic position makes it even more difficult to forecast when and how much receipts are expected to achieve, therefore this in year “surplus” should be viewed with caution.

	2008-09 £'000
Capital receipt funding per revised 2008-11 MTP	10,913
Property Group's forecast receipts	14,761
Receipts banked in previous years for use	1,459
Potential Surplus Receipts	5,307

2.2 Capital Receipts – Kent Property Enterprise Fund 1:

	<i>Kent Property Enterprise Fund Limit £m</i>	Cumulative Planned Disposals (+) £m	Cumulative Actual Disposals (+) £m	Cumulative Actual Acquisitions (-) £m	Cumulative Net Acquisitions (-) & Disposals (+) £m
Balance b/f		10.096	10.096	-10.924	-0.828
April - June	-10	11.259	10.642	-10.995	-0.353
July – September	-10	12.526	11.199	-11.173	0.026
October – December *	-10	13.507	11.234	-11.207	0.027
January - March	-10	21.695			

* reflects the position to the end of October



Comments:

- County Council approved the establishment of the Property Group Enterprise Fund No.1, with a maximum permitted deficit of £10m, but self-financing over a period of 10 years. The cost of any temporary borrowing will be charged to the Fund to reflect the opportunity cost of the investment. The aim of this Fund is to maximise the value of the Council's land and property portfolio through:
 - the investment of capital receipts from the disposal of non operational property into assets with higher growth potential, and
 - the strategic acquisition of land and property to add value to the Council's portfolio, aid the achievement of economic and regeneration objectives and the generation of income to supplement the Council's resources.

Any temporary deficit will be offset as disposal income from assets is realised. It is anticipated that the Fund will be in surplus at the end of the 10 year period.

Balance brought forward

In 2005-06, £0.541m of capital receipts were realised from the disposal of non-operational property. The associated disposal costs of £0.054m were funded from these receipts, leaving a balance of £0.487m available for future investment in the Kent Property Enterprise Fund.

In 2006-07, £3.065m of capital receipts were realised from the disposal of non-operation property giving a balance of £3.606m for investment. The Fund was used to acquire land at Manston Business Park. Together with the costs of acquisition and disposal, costs in the year totalled £5.864m, leaving a deficit of £2.312m to be temporarily funded from the £10m borrowing facility.

In 2007-08, £6.490m of receipts were realised of which £3.3m was used for revenue budget support, £1.110m was used to fund expenditure on the Eurokent Access Road and there was £0.596m of acquisition and disposal costs, leaving a balance of £1.484m to offset against the £2.312m deficit brought forward. Therefore the deficit carried forward to 2008-09 was £0.828m.

Actual Disposals

At the start of 2008-09 Property Group identified **£11.599m** worth of potential non-earmarked receipts to be realised this financial year.

Disposals to date this year have been **£1.138m** from the disposal of 10 non-operational properties, but as a result of the credit crunch, the market has hardened affecting the ability to achieve the original target. Property Group is now forecasting receipts of **£3.520m** this year.

Acquisitions\Costs

At present there are no committed acquisitions to report, however forecast outturn for costs of disposals (staff and fees) is currently estimated at **£0.578m**.

Other Fund Commitments

The 2008-09 revenue budget includes £0.7m of receipts to be generated by the Fund in the current year.

The Fund has also been earmarked to provide a further £4.194m of funding for the Eurokent Access Road, £1m for Ashford Library (currently forecast for 2009-10), £2m for Gateways over the MTP (currently forecast at £0.587m in 2008-09, £1.4m in 2009-10 and £0.013m in 2010-11) and £0.3m for Upper Stone Street Lay-by, within the Integrated Transport Programme (currently forecast for 2009-10).

Forecast Outturn

Taking all the above into consideration, the Fund is expected to be in a deficit position of £3.367m at the end of 2008-09.

Opening Balance – 01-04-08	-£0.828m
Planned Receipts (Risk adjusted)	£3.520m
Costs	-£0.578m
Acquisitions	-
Other Funding:	
- revenue budget support	-£0.700m
- Eurokent Access Road	-£4.194m
- Gateways	-£0.587m
Closing Balance – 31-03-09	-£3.367m

Revenue Implications

The Fund also generated £0.096m of low value revenue receipts during 2007-08 but, with the need to fund both costs of borrowing (£0.107m) against the overdraft facility and a small deficit on the cost of managing non-earmarked properties held for disposal (£0.001m), the PEF carried forward a £0.012m deficit on revenue which has been rolled forward to be met from future income streams.

In 2008-09 the fund is currently forecasting £0.052m of low value revenue receipts but, with the need to fund both costs of borrowing (£0.164m) against the overdraft facility and the cost of managing properties held for disposal (net £0.206m), the PEF1 is forecasting a £0.330m deficit on revenue which will be rolled forward to be met from future income streams.

FINANCING ITEMS SUMMARY OCTOBER 2008-09 FULL MONITORING REPORT

1. FINANCE

1.1 REVENUE

1.1.1 All changes to cash limits are in accordance with the virement rules contained within the constitution, with the exception of those cash limit adjustments which are considered “technical adjustments” ie where there is no change in policy, including:

- Allocation of grants and previously unallocated budgets where further information regarding allocations and spending plans has become available since the budget setting process.
- The inclusion of new 100% grants (ie grants which fully fund the additional costs) awarded since the last full monitoring report. These are detailed in Appendix 2 to the executive summary.
- Cash limits have also been adjusted since the last full monitoring report to reflect a number of technical adjustments to budgets.

1.1.2 **Table 1** below details the revenue position by Service Unit:

Budget Book Heading	Cash Limit			Variance			Comment
	G	I	N	G	I	N	
	£'000s	£'000s	£'000s	£'000s	£'000s	£'000s	
Corporate Support & External Affairs portfolio							
Contribution to IT Asset Maintenance Reserve	2,424		2,424			0	
PFI Grant		-656	-656			0	
Total Corporate Support	2,424	-656	1,768	0	0	0	
Finance Portfolio							
Insurance Fund	3,479		3,479			0	
County Council Elections	255		255			0	
Workforce Reduction	1,434		1,434			0	
Environment Agency Levy	359		359			0	
Joint Sea Fisheries	264		264			0	
Audit Fees & Subscriptions	800		800			0	
Interest on Cash Balances / Debt Charges	125,089	-29,896	95,193	-3,064	798	-2,266	treasury management savings
Contribution from Commercial Services		-6,210	-6,210		300	300	roundabout sponsorship shortfall
Public Consultation	100		100			0	
Member Community Grants	848		848			0	
Local Priorities	595		595			0	
Local Scheme spending recommended by Local Boards	656		656			0	
Transferred Services Pensions	22		22			0	
PRG	2,225	-3,951	-1,726			0	
Contribution from Reserves	-2,400	0	-2,400			0	
Income from Kings Hill	-1,000	0	-1,000			0	
ABG Safer Stronger Communities	1,384		1,384			0	
LABGI income	-1,851	-1,349	-3,200		1,349	1,349	reduced level of LABGI income
Total Finance	132,259	-41,406	90,853	-3,064	2,447	-617	
Total Controllable	134,683	-42,062	92,621	-3,064	2,447	-617	

1.1.3 **Major Reasons for Variance:** *[provides an explanation of the 'headings' in table 2]*

Table 2, at the end of this section, details all forecast revenue variances over £100k. Each of these variances is explained further below:

1.1.3.1 Interest on Cash Balances and Debt Charges

As a result of our investments in Icelandic Banks, interest on these deposits will not be received this year as expected, resulting in a potential loss of income. This, however, needs to be considered in light of the whole Treasury Management budget, which is impacted by recent and predicted changes in the bank base rate. Also, the revisions to the capital programme approved by Cabinet in October will have an impact on the treasury management budget. When all of these issues are taken together we expect there to be a broadly neutral impact on the overall treasury management position in the current year.

We are still awaiting advice from CIPFA and the Audit Commission on how we will account for this when we close the accounts for 2008-09 and how we should budget in future years for the impact of this. We are having ongoing discussions with both the CLG and the Icelandic banks via the creditors group, to ensure the best possible outcome for the residents of Kent.

Until the situation becomes clearer we have not reflected the impact of this in the forecast outturn position in this report, therefore the treasury management position remains as previously forecast.

1.1.3.2 Local Authority Business Growth Incentive (LABGI)

The Government has reconsidered all aspects of the approach used to distribute the resources available for year 3 of this scheme. As a result, the worst case scenario is that we will receive £1.349m less income than we previously expected. However, the Government has retained some funding to cover the potential outcomes of existing Judicial Reviews against the LABGI scheme. It is possible that not all of this will be required and that we will receive a further distribution, if so our position could improve to a best case scenario of a £0.595m shortfall.

1.1.3.3 Commercial Services Contribution:

We are currently reporting a £300k shortfall in the budgeted contribution from Commercial Services. This is due to problems with obtaining planning consent from the Districts for the erection of signs for sponsorship of roundabouts; we will therefore not achieve all of the expected income from this initiative this year.

The impact of increased fuel and electricity prices, which mainly affects Transport Services and Landscape Services, is expected to be offset by attracting new business.

Table 2: REVENUE VARIANCES OVER £100K IN SIZE ORDER

Pressures (+)			Underspends (-)		
portfolio		£000's	portfolio		£000's
FIN	Reduction in LABGI income	+1,349	FIN	Treasury Management	-2,266
FIN	Commercial Services - Shortfall in income from sponsorship of roundabouts	+300			
		+1,649			-2,266

1.1.4 **Actions required to achieve this position:**

N/A

1.1.5 **Implications for MTP:**

These are currently being assessed and will be reflected in the 2009-12 MTP.

1.1.6 **Details of re-phasing of revenue projects:**

N/A

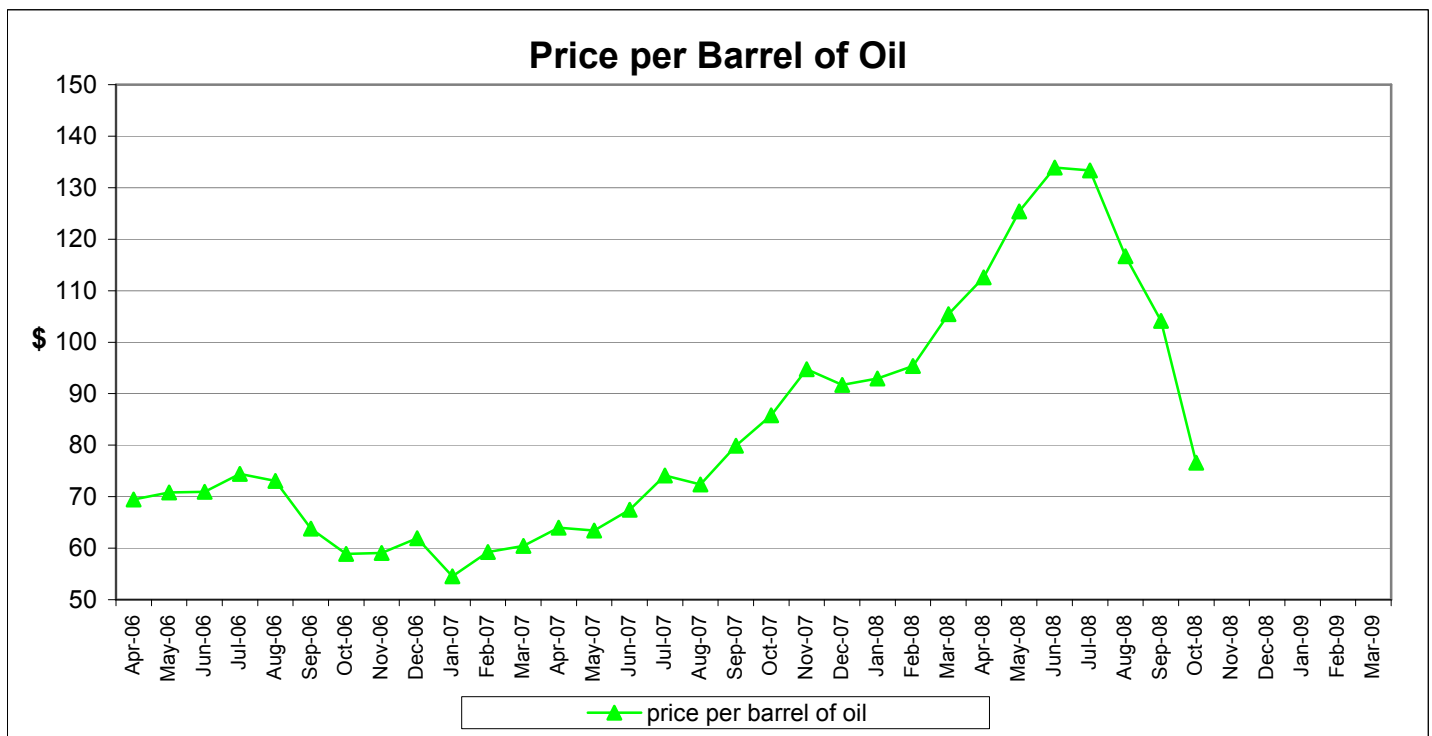
1.1.7 Details of proposals for residual variance: [eg roll forward proposals; mgmt action outstanding]

N/A

2. KEY ACTIVITY INDICATORS AND BUDGET RISK ASSESSMENT MONITORING

2.1 Price per Barrel of Oil - average monthly price in dollars since April 2006:

	Price per Barrel of Oil		
	2006-07	2007-08	2008-09
	\$	\$	\$
April	69.44	63.98	112.58
May	70.84	63.45	125.40
June	70.95	67.49	133.88
July	74.41	74.12	133.37
August	73.04	72.36	116.67
September	63.80	79.91	104.11
October	58.89	85.80	76.61
November	59.08	94.77	
December	61.96	91.69	
January	54.51	92.97	
February	59.28	95.39	
March	60.44	105.45	



Comments:

- The figures quoted are the monthly average of the West Texas Intermediate Spot Price in dollars per barrel.

By: Paul Carter, Leader
 Alex King, Deputy Leader
 Nick Chard, Cabinet Member for Finance
 Alan Marsh, Cabinet Member for Health
 Peter Gilroy, Chief Executive
 Lynda McMullan, Director of Finance
 Andy Wood, Head of Financial Management

To: Corporate Policy Overview Committee – 14 January 2009

Subject: Budget 2009/10 and Medium Term Financial Plan 2009/12

Classification: Unrestricted

Summary: The purpose of this report is to consult the Committee on the budget proposals for the Chief Executive’s Directorate, with reference to the KCC published budget consultation paper issued on 7 January 2009. The report also provides a response to the issues raised at the IMG of this Committee, created in November 2008 to discuss detailed budget issues.

Members are invited to comment on the key issues on the proposed funding changes for the services provided by the Chief Executive’s Directorate, and to note the issues raised by the IMG, and the resulting responses.

1. Introduction

- 1.1 The Autumn Budget Statement report by the Leader, Cabinet Member for Finance, Chief Executive and Director of Finance to Cabinet on 15 September 2008 set out the national and local context for KCC’s Medium Term Plan (MTP) for the period 2009-10 to 2011-12. The report to Cabinet on 12 January 2009 set out the provisional Local Government Finance Settlement, which confirmed that the level of Formula Grant was precisely as announced this time last year.
- 1.2 We reported the national and local context to the last Policy Overview Committee meeting and outlined the existing MTP priorities. The Committee discussed the policy issues from that report, and used an IMG to look at the budget details. The IMG met on 19 November and questioned a number of budget headings and pressures and offered suggestions for possible budget savings. This report provides a response to the issues raised.
- 1.3 Since the November meetings, there have been a number of further developments that have resulted in the budget proposals being presented for consultation. Members are invited to comment on the key issues for the services provided by the Chief Executive’s Directorate, in order that these can be taken into account at the budget meetings of Cabinet on 2 February 2009 and County Council on 19 February 2009.

- 1.4 Members are asked to read this report in conjunction with the draft Medium Term Plan and Budget Book, issued on 7 January 2009.

2. Background

- 2.1 The budget consultation papers include an overall summary of the proposed Portfolio budgets for 2009-10, showing the amounts proposed for each service within the portfolios. This identifies the gross expenditure, income and net expenditure.
- 2.2 The papers also include the proposed capital investment programme and the medium term revenue and capital plan for 2009-10 to 2011-12. All MTP entries and budget book pages are presented in as a consistent format as possible for each Portfolio.
- 2.3 Copies of the draft Budget Book and Medium Term Plan have been distributed to all Members (on the 7 January). You are asked to ensure you bring those to this meeting.
- 2.4 The MTP and Budget Book reflect the new Portfolio responsibilities for Corporate Support & External Affairs and the Policy & Performance Portfolios. Some further adjustments may be necessary as the changes are worked through in detail. It also reflects the 'Delegation of Corporate Budgets' which impacts on all directorates. Further information is provided in Section 5 of this report.

3. Revenue Budget

- 3.1 The overall direction for the CED directorate is now well established, and the current Medium Term Service Priorities for CED are included in Appendix B of the draft MTP (pages 94-101).
- 3.2 We are setting this budget in a period of great economic instability. This Committee received a report at the last meeting on the impact the economic situation is having, or could have, on CED services. This made reference to the fact that with threats comes opportunities, and also that with the potential for savings comes the potential for costs. For example, the fall in the interest rate is good news for borrowing, but bad news for our returns on investment. This is reflected in our budget proposals.
- 3.3 Areas of spending priority in 2009/10 for which significant additional funding is required are:

Financing Costs; £7,686k – this reflects the cost of funding the proposed capital programme. Any changes to the borrowing requirement as a result of changes to the approved capital programme will impact on this pressure

Revised Treasury Management strategy; £3,100k – the Economic Management Group have been discussing our future investment strategy. At this stage, with a very limited number of counter-party options, we anticipate a reduction in interest earned of some £3.1m.

Impact of falling interest rates; £1,900k – the base rate has fallen significantly in the past few weeks and is predicted to stay low for the foreseeable future. This impacts upon our investment income budget.

Gateways; £850k across the 3 years – the current capital funding will provide for 17 Gateways across the County, and the £850k shown here reflects the additional annual revenue costs associated with those Gateways. We expect in the coming year to begin the process of identifying savings elsewhere in KCC budgets resulting from the Gateway model and from the Kent Access programme as a whole.

Change of accounting treatment; £862k – this has been widely reported to this Committee, both in the 2007/08 Final Accounts and the current year's budget monitoring. We can no longer charge these costs to the overall capital programme, therefore revenue funding needs to be found.

Pay; £443k in 2009/10 – this reflects a provision for the 2009 cost of living pay award

3.4 The position on budget increases can be summarised as follows:

	2009/10	2010/11	2011/12
	£'000	£'000	£'000
Base adjustments	-19,982	2,204	152
Budget increased for:			
Pay	443	904	923
Prices	184	357	250
Legislative	862	20	30
Demand	79	1,008	3,429
Towards 2010	250	300	300
Service Improvements	14,546	9,241	5,731
Total Pressures and base adjustments	-3,618	14,034	10,815

Table 1; Summary of value of base budget adjustments and budget pressures

3.5 Provisional cash limits for each Portfolio have been set, and therefore to balance to those cash limits, given the pressures outlined above, we will need to deliver savings, efficiencies and new income streams to deliver a balanced budget. The three-year financial plans, shown in Appendix A of the MTP (pages 61-66), detail the proposed savings required in 2009/10. The major items are explained in the following paragraphs

3.6 Savings and Income generation

3.6.1 The total of the proposed savings and income generation required in order to meet the indicative cash limits, is £9.567m.

3.6.2 Of the £9.567m, £9.369m is proposed to come from savings, the major themes being:

- One-off use of 2008/09 forecast underspend; £3.569m
- Review of Minimum Revenue Provision; £2,820k
- Debt re-phasing and restructuring; £500k
- Re-tender of Insurance cover; £500k
- Efficiencies in procurement; £372k
- Review of Publicity costs; £295k (see Appendix A)

The above items account for £8.1m of the £9.4m savings. The saving from the review of Minimum Revenue Provision (MRP) is dependant upon County Council approval of the MRP policy that is included in the draft MTP at Appendix E (page 116).

3.6.3 A further £0.898m of net income is to be generated by CED Units in 2009/10, although this figure is 'masked' in the MTP by the reversal of last year's 'one-off' £700k contribution from the Property Enterprise Fund.

3.6.4 The proposed net position is therefore as follows

	2009/10	2010/11	2011/12
	£'000	£'000	£'000
Base budget	137,715	124,332	131,638
Total Pressures and base adjustments (from Table 1)	-3,618	14,034	10,815
Savings	-9,567	-6,417	-2,243
Income Generation	-198	-311	0
Revised base budget	124,332	131,638	140,210

Table 2; Total proposed base budget for CED Services, including Financing Items

4 The Committee's IMG to discuss budget issues

- 4.1 The IMG met on 19 November and asked for a number of issues to be considered when setting the draft budget proposals for this Directorate. The list of areas for review, along with our response, is attached at Appendix A.
- 4.2 The POC IMG process has been very useful in shaping the budget, and Members will see from Appendix A that a good number of the ideas put forward by the IMG have resulted in a budget saving proposal (or a reduced pressure) within the draft Medium Term Plan.

5 Delegation of Corporate Budgets

- 5.1 Staff in the Chief Executive's Directorate have been working very closely with the Resource Directors and Heads of Finance in service directorates, to determine how best to engage in a debate about support services' delivery and the resulting budget setting each year. The result is that the budget for services that are provided by CED Units directly to service directorates will be delegated to directorates. This has a number of advantages which, when aggregated, far outweigh the disadvantages of doing so.

- 5.2 Of the £46.4m base budget for CED Units in 2008/09 (excluding Financing Items), some £25.3m has now been formally delegated to directorates in 2009/10. In doing so, a list of protocols have been drawn-up to ensure that proper and timely business decisions are taken about service levels, including quantity and quality, and that these decisions are properly reflected in the budgets and business plans.
- 5.3 The vast majority of the budget is delegated on the basis that all directorates have to make unanimous decisions with regard to service provision. For example, one directorate alone cannot choose to buy their payroll service from an external provider. Nor can another directorate, alone, choose to have an IT help-desk provided by anyone other than ISG. The Resource Directors' Group, on behalf of the Chief Officer Group, will manage these delegated budgets and make collective recommendations as appropriate.

6 Capital Budget

- 6.1 The starting point for the capital programme is the existing published capital programme for 2008-11. This is adjusted for re-phasing of schemes from 2008/09, changes to the total cost or funding of schemes, and new schemes. The detail of the proposed capital programme for this Directorate is provided in the draft budget book on pages 43, 45 and 48.
- 6.2 There are four major new projects in the CED proposed capital programme, and one further project that has historically been included in the revenue budget but now appears in the capital programme:

Sustaining Kent, KPSN WAN replacement; £29.6m – this has previously been funded from the revenue budget, but under the new contract arrangements is now more correctly shown against capital. The funding will still be from revenue sources, so no long term debt is being committed to.

Web Platform; £1.1m – Investment to upgrade to Web 2.0 technologies to deliver National Performance Indicator 14 and reduce transaction costs.

Oracle Release 12, HR and Finance Modules; £1.7m – The current version of Oracle will no longer be supported. With our financial and HR systems totally reliant on Oracle, we have little choice but to upgrade to version 12.

Sustaining Kent, maintaining the infrastructure; £10.1m – This is an ICT investment strategy for the maintenance of line of business systems, significantly reducing the risk of service failure and delivering a net reduction in revenue costs. The solution will comprise:

- A common infrastructure platform for line of business systems
- Multi-agency public sector hosting facilities (data centre)
- Integration of voice and data infrastructure

Better Workplaces; £11.0m – is a programme of change which aims to ensure that we have the right buildings in the right places for the 21st century, for contact with Kent residents and for our staff, in conjunction with partner agencies, and to deliver real efficiencies. Our future office provision will be based on a significantly reduced number of sites, some of which will require redevelopment and/or relocation. Precise details are subject to approval of individual business cases, but are likely to include three key offices in each half of the county, and a focus on just Sessions and Invicta Houses in Maidstone. There will be significant revenue budget savings as this programme is delivered, reaching over £2m per annum by the end of the programme. This makes this a very effective spend-to-save project. A more detailed report on Better Workplaces is also on the agenda for this meeting.

7. Recommendation

- 7.1 Members are asked to note and comment on the revenue and capital budget proposals, and note the issues raised by the IMG, along with the resulting responses.

Background documents:

- Autumn Budget Statement; Cabinet, 15 September 2008
- Medium Term Financial Plan 2009-10 to 2011-12 for the Chief Executive's Department; Corporate POC, 14 November 2008
- Provisional Local Government Finance Settlement; Cabinet, 12 January 2009
- Draft Budget Book and Medium Term Plan 2009-12 (issued on 7 January 2009)

Officer contact:

Andy Wood, Head of Financial Management, Ext 4622

Corporate POC Budget IMG; Areas for possible review of spending

Area for review	Potential target cost / saving (-) £'000	Response
Kent Health Watch	-300	No savings taken
Kent TV	-400	Subject to further review, pending review of the pilot project, which runs until August '09
IT Asset Maintenance reserve contribution	-500	No savings taken; The asset maintenance reserve was established to avoid erratic patterns of spend on desktop IT equipment. Under the current budget proposals, it is intended to extend this strategy to networks and servers, which need significant investment if we are to avoid major down-time and possible risk to service delivery
Workforce reduction	-500	Savings taken; The pressure built-in to the first draft of pressures presented to Corporate POC in November had a pressure of £2m. This has now been removed
Debt Charges	-500	Savings taken; The profile of borrowing has been reviewed in light of the recent changes to base rate and predicted costs of borrowing, and alongside some restructuring of debt, this results in potential savings of £500k
Corporate Communications	-500	Savings taken; A cross-cutting review of publicity spend has resulted in a Council-wide savings target of £1m. This includes a review of staffing and publications. The target saving for CED is £295k
Pay	-900	Savings taken; The assumption of the cost of living pay award has been reduced by £430k
Gateway	?	No savings taken; The gateway model is a fundamental part of our community engagement and public access agenda. The IMG asked that we consider both slowing-down and accelerating the roll-out of Gateways. No change to the planned roll-out is recommended, although it will be kept under constant review. Paper to be provided to a future meeting of this POC
In-source property functions	?	Subject to review by the Interim Director of Property Paper to be provided to a future meeting of this POC
Joint Sea Fisheries	?	No savings taken; This is a statutory function with no immediate prospect for budgetary savings
Income generation	-1,000	Savings taken; A total net additional income target of £898k has been set, to come from Commercial Services, Legal, Personnel & Development, Property and Finance
Localism	-400	No savings taken
Maintenance of assets	?	Subject to review by the Interim Director of Property Paper to be provided to a future meeting of this POC
General efficiencies	-100	Savings taken; A wide range of small savings have been proposed that significantly exceed the £100k target
Total	-5,100 (+/- ?)	

This page is intentionally left blank

By: Nick Chard, Cabinet Member for Finance
 Oliver Mills, Managing Director, Kent Adult Social Services and
 Chair of the Better WorkPlaces Steering Group
 Mike Austerberry, Executive Director, Environment &
 Regeneration

To: Corporate Policy Overview Committee, 24 January 2009

Subject: *Better WorkPlaces* (Office Transformation) – Vision for Future
 Office Locations

Classification: Unrestricted

Summary: *Better WorkPlaces* (formerly known as the Office Transformation Programme) is a programme of change which aims to ensure that we have the right buildings in the right places for the 21st century - for contact with Kent residents and for our staff, in conjunction with partner agencies, and to deliver real efficiencies (including reduced office costs)

Directorates have been working in a coherent and consensual fashion since early 2008 to turn this aspiration into a realistic county-wide plan of action – based on an agreed series of protocols. The Vision Map, which forms the backbone of this report, has been jointly developed to meet their needs.

This report informs Members of the future plans for the office estate, as agreed in December by the *Better WorkPlaces* Steering Group,

Introduction

1. (1) In March 2008, Chief Officer Group signed up to a series of Objectives & Protocols (Appendix Two), including elements of mobile and flexible working, to guide us in transforming our office estate. The publication of the document demonstrated in earnest the commitment of senior officers to this programme of change, with the following key objectives:

- (a) **Improved relationships with the public**
- (b) **Joint working with partner agencies**
- (c) **Fiscal discipline in asset management**
- (d) **Productivity gain**

(2) The Programme is overseen by the *Better WorkPlaces* Steering Group, chaired by the Managing Director of KASS, and with other directorates represented by their Resource Directors. Additional strategy groups and implementation teams exist and meet when needed, comprising experts from those directorates affected by the issues being discussed.

(3) In addition to progress on “bricks and mortar” issues, which has continued apace, significant progress has been made on the cross-cutting issues of Human Resources & Information Systems, and Communication. We are also ensuring themes such as environmental performance, and accessibility, are addressed appropriately.

- (4) A data collection exercise has been carried out across the county to ascertain the number, location category, and potential level of flexibility of all staff in those office buildings to be included in the programme.
- (5) Operational and other non-office buildings are not directly involved in the programme; however, they will form part of the overall solution, and the future face of Kent County Council.
- (6) *Better WorkPlaces* may be considered to be the “back-office”/support complement to the Gateways, and the programmes are in close contact.
- (7) *Better WorkPlaces*’s prime catalysts are the lease expiry/break dates on our existing leasehold estate, which in some cases are as late as 2015. We will vacate buildings considered surplus to requirements at the earliest practicable opportunity, however we anticipate the Programme lasting around seven years.
- (8) Savings are based on the current over-provision of desks, and by extension, office space, given present moves to new patterns of work and improved information systems, and new locations for contact with Kent residents.

A Future Vision for Office Locations

2. (1) We anticipate reducing the number of main office buildings from the current 21 “County Offices”, to 6 “Key Offices” (Appendix One). This is based on detailed discussions with directorates over several months, to ensure that they would be able to deliver services appropriately from those locations. The Vision Map was approved by the *Better WorkPlaces* Steering Group in on 18 December 2008.
- (2) Directorates have borne in mind the likely issues arising from current restructuring processes, and related consultations. The Steering Group will continue to monitor the implementation of the *Better WorkPlaces* Vision Map to ensure it remains fit for purpose.
- (3) Our ability to deliver a reduction on this scale is based on number of factors, including:
- (a) Continued commitment and co-operation from all Directorates;
 - (b) Rigorous implementation of the “Objectives & Protocols”, and future supplementary guidance;
 - (c) Use of other KCC (and partner agency) buildings (including Gateways, libraries, etc) for client contact, touchdown and meeting purposes;
 - (d) Adequate resourcing for the programme, primarily on an invest-to-save basis
- (4) As a significant programme of modernisation, *Better WorkPlaces* represents a financial investment in our services, and will free up significant savings over the entire period. The future office estate will provide benefits for staff and clients, as well as for services, and in terms of finance and property. The exact nature and quantity of these benefits may vary according to specific circumstances, but will include:
- (a) **For Services**
 - Premises fit for purpose in the 21st Century
 - Better situated accommodation
 - Synergy with other organisations

- Flexibility to introduce new working practices
- (b) **For Kent Residents**
 - More convenient, varied access to services
 - More welcoming environment
- (c) **For Staff**
 - Adoption of flexible working practices (with IT support)
 - Improved working environment
- (d) **For Property**
 - Less property
 - Modern, better maintained/managed
 - More sustainable
 - More consistency between office environments
 - Joint use of property
 - Less constrained portfolio
- (e) **For Finance**
 - Potential receipts from disposals
 - Lower operating costs
 - Greater clarity in accounting for office space

The Vision Map in more detail

3. (1) The Vision Map (Appendix One) illustrates shows the proposed distribution of Key Offices (and Intermediate Solutions – see below) relative to County Hall, and current and future Gateways. Please refer to the key on the map. Dates under each logo on the map indicate the anticipated delivery year.
- (2) In **Maidstone**, we envisage making better use of Sessions and Invicta Houses, to enable us to relinquish other sites in and around Maidstone – notably Brenchley House and Bishops Terrace – when their leases expire.
- (3) In **East Kent**, we plan to have **Key Offices** in the following locations:
 - (a) **Whitstable** – the existing Brook House (subject to efficiency review), or a replacement building in a similar location
 - (b) **Dover** – Thistley Hill, *Better WorkPlaces*'s first “new” office - a former primary school at Whitfield currently being converted into offices
 - (c) **Ashford** – the existing Kroner House (subject to efficiency review, and possibly minus the “annexe”), or a replacement building
 - (d) In addition, we will need to consider the case for an **intermediate solution** in **Thanet** to take account of the concentration of service users in that district, and in Swale given the lengthy travel times to **Sheppey** from either Ashford or Whitstable. These solutions are more likely to be small office locations, linked to other KCC services or partner organisations
- (4) In **West Kent**, we plan to have **Key Offices** in the following locations:
 - (a) The **A20 Corridor** between Aylesford and Wrotham – in place of the current office at 17 Kings Hill Avenue, our most costly building, and covering a wider range of staff and services
 - (b) **Gravesham** – the existing Joynes House (subject to efficiency review), or a replacement building nearer the outskirts of Gravesend
 - (c) **Tunbridge Wells** – location to be confirmed, most likely between Tonbridge and Tunbridge Wells
 - (d) In addition, we will need to consider the case for an **intermediate solution** in **Maidstone**, to take account of CFE's Mid Kent area requirements. This solution is more likely to be a small office location, linked to other KCC services or partner organisations

(5) Gateway information is provided on the map to demonstrate the locations of the future “public face” of many of our services as described in 1. (6) above. The Gateway programme is delivered separately from *Better WorkPlaces*, so this report will not provide detail on those locations.

(6) In addition to the *Better WorkPlaces* and Gateway locations indicated on the map, it is important to remember that other front-line buildings (including libraries, adult education centres, youth centres and social care premises) are not affected by this programme, and will continue to provide local services to meet local requirements.

Current Progress

4. (1) A number of projects under the *Better WorkPlaces* programme are already under way:
- (a) **Thistley Hill** (Whitfield, Dover) – see 3. (3) (b) above. This building, due to open fully by June 2009, will enable us to close offices at Cambridge Terrace and the Megger Building in Dover, and co-locate two Local Children’s Services Partnership teams, and provide capacity for future moves.
 - (b) **Lyons House** (Tonbridge) This building will close in March 2008, as part of the future picture for West Kent outlined in 3. (4) above.
 - (c) **Castle Street** (Canterbury) This building will close in March 2008, as part of the future picture for East Kent outlined in 3. (3) above.
 - (d) **Queens House** (Folkestone) Preparations are being made to exercise our option to vacate the Third Floor in 2010, and the remainder of the building in 2012.
- (2) In each of these cases, the Objectives & Protocols (Appendix Two) will be invoked to provide for increased flexible working and improved use of office space.
- (3) The *Better WorkPlaces* Steering Group received reports on these projects in December 2008, and is satisfied with their progress to date.

Consultations

5. (1) The Vision Map has been developed by all directorates working together – and as such, represents a truly corporate and consultative approach.
- (2) Consultation at the local level, including the statutory personnel consultations in the lead-up to any relocations, are carried out by relevant directorate colleagues, reporting in to the Programme.

Local Members

6. (1) Local members will be consulted in accordance with the Property Management Protocol, as is usual in these matters.

Conclusion

7. Members of the Corporate Policy Overview Committee are asked to note the contents of this report.

Background Documents:

Appendix One – *Better WorkPlaces* Vision Map

Appendix Two – *Better WorkPlaces* Objectives & Protocols

8. Author Contact Details

Thomas Molloy, Programme Manager, Office Transformation

✉ thomas.molloy@kent.gov.uk

☎ 01622 221310

This page is intentionally left blank

Key



Key office



Intermediate solution



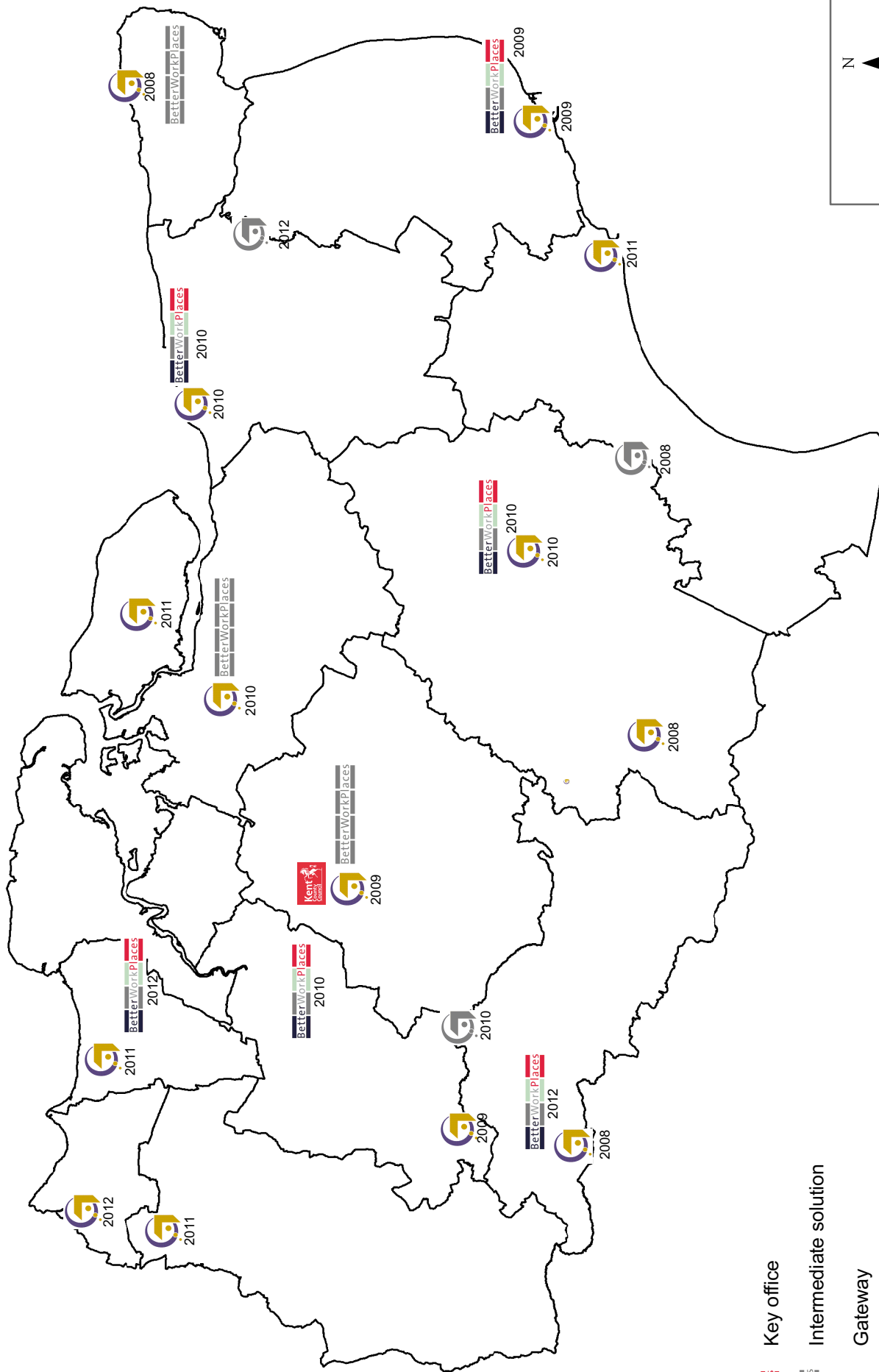
Gateway



Mobile Gateway



Headquarters



Based upon the Ordnance Survey map with the permission of the Controller of Her Majesty's Stationery Office.
(C) Crown Copyright Licence No. LA076708.
Additional information copyright Kent County Council

This page is intentionally left blank



APPENDIX TWO OBJECTIVES & PROTOCOLS

Approved by Chief Officer Group (5 March 2008)

Objectives

For the purposes of this document, transformation in local government can be translated into four key objectives:

- Improved relationships with the public
- Joint working with partner agencies
- Fiscal discipline in asset management
- Productivity gain

The Better WorkPlaces Programme must deliver a series of strategic outcomes and local solutions to address these objectives.

Introduction

This document sets out agreed assumptions and protocols for the Better WorkPlaces Programme, developed for the Better WorkPlaces Steering Group and Property Board, with contributions from across Kent County Council.

The current office portfolio is largely a legacy of piecemeal decisions. It comprises 23 offices under corporate management supporting 5600+ staff and with rental and running costs in excess of £8.4m. In addition there are 36 offices occupied and managed by service directorates.

Significant change drivers are increasingly redefining how and where KCC staff work. For example, the changes the *Gateway* initiative will bring about in respect of client contact will act as enablers for office transformation to take place in other areas of the business. Whilst not part of the immediate scope of this Programme, operational buildings across the organisation will provide positive solutions to local, location-critical needs. Mobile working at all levels, changes in ICT infrastructure and interface, and multi-sectoral/inter-disciplinary working, all have a significant part to play, within and beyond the office estate itself.

The vision for the office estate set out below is concerned with promoting a coherent pattern of accommodation which is fit for the future, and which allows scarce resources tied up as capital or revenue in buildings to be released for service delivery. To achieve such a transformation KCC needs to reduce overall floor-space by increasing the proportion of staff who work flexibly or from home. It will be possible in due course to set clear targets and baseline information to manage future demands.

Initially, these protocols will be implemented as and when office moves happen. When staff move into a new office environment, it is expected that they will work within the parameters set out below.

Assumptions

Work needs to proceed on the basis of some simple, overarching assumptions:

1. A Corporate Headquarters for KCC will be required, and this will continue to be based at Sessions House and Invicta House at County Hall in Maidstone, accommodating staff concerned with strategic management activities and/or close member contact.
2. A strong local presence is required to provide the community with access to a range of public services (for example, via *Gateway* and other local premises).
3. *Location critical* office operations (primarily those delivering or directly supporting front-line services or close client contact) should be located close to the communities they serve.
4. *Location neutral* office operations (support processes and those with no need for close community contact) should be located in such a way as to optimise efficiency, and where appropriate, contribute to regeneration goals.
5. There is a preference for a freehold rather than leasehold estate (the intention being to maximise the use of KCC's existing freehold properties whilst reducing leasehold revenue liabilities, notably expensive sites and inefficient small buildings).
6. All directorates will be prepared to make use of shared accommodation and KCC itself will be prepared to share with other public sector agencies.
7. Appropriate technological solutions are critical success factors, and must therefore be in place to support both the new office environment, and the flexible working around it.
8. There will be a growing use of flexible working arrangements for traditionally office based staff, allowing staff to work at different locations and at different times.
9. All directorates accept the need for a corporate approach which may in some cases require reasoned directive action to ensure that objectives are realised and implementation proceeds quickly. It is recognised that the programme will be taken forward to ensure the least possible disruption to the business.
10. Offices should be provided and managed on a full service basis, with a single unified facilities management operation to secure efficiencies of scale.
11. The transformation should secure financial savings (without detriment to services) through more effective management and use of space.
12. The most pragmatic way to achieve financial savings is to target the release of specific buildings in the existing portfolio and intensify use in retained buildings.

Implications of change

The magnitude of the change required by the above should not be underestimated. It is driven by the vision for future service delivery, will have considerable effect on staff, and requires investment in technology and training to make it happen. It represents a real change in organisational culture involving:

1. Redefinition of the way we work, with a greater separation of customer-facing activities from non-customer facing activities, coupled with aggregation and efficiencies in common support functions.
2. Reappraisal of our relationship with Kent residents, and between Members and officers to ensure greater discipline in terms of communication and collaboration to ensure effective flexible working.
3. Re-evaluation of our approach to resource management to ensure a closer integration of strategies for property, people and information.

For many staff, the workplace may no longer be a specific desk in a specific office between specified hours; rather it will be a known office base, an agreed team space and access to appropriate IT facilities to ensure effective working. Work is the activity not the place. It will be important to take environmental issues into account when developing the strategy.

Anticipated Benefits

The future office estate will provide benefits for staff and clients, as well as for services, and in terms of finance and property. The exact nature and quantity of these benefits may vary according to specific circumstances, but will include:

For Services	Premises fit for purpose in the 21 st Century Better situated accommodation Synergy with other organisations Flexibility to introduce new working practices
For Kent Residents	More convenient and varied access to services More welcoming environment
For Staff	Adoption of flexible working practices (with IT support) Improved working environment
For Property	Less property Modern, better maintained/managed, more sustainable More consistent approach between office environments Joint use of property Less constrained portfolio
For Finance	Potential receipts from disposals Lower operating costs Greater clarity in accounting for office space

Operating Protocols

1. All dedicated office buildings should be coherently procured and subsequently managed through a single unified structure (Property Group). No office space should be procured without the explicit authorisation of the Director of Property.
2. All office moves between buildings outside Corporate HQ should be agreed by the Better WorkPlaces Steering Group.
3. The cost of occupying space should be made clear to its occupants through a charging mechanism.
4. All office space will be open plan. (It is recognised that this may take time to achieve because of the constraints in the existing portfolio).
5. Individually occupied offices within buildings should be treated as an exception, and may only be allocated to members of COG and their immediate Strategic Management Teams. Wherever possible, Directors will be encouraged to share offices.
6. All designated meeting rooms within the office estate will be bookable through a single system, and those individual offices retained must be readily available for meetings when not in normal use.
7. A standard allocation not exceeding 6m² of floor-space per workstation will be adopted. Allocation of desk space per flexible worker will be on a ratio of 1 desk for 2 staff (approx 3m² per flexible worker).
8. Generic designation of staff according to flexible working categories (see Appendices) will be based on Managing Director decisions as to who can work more than 40% of their time away from their base (at meetings/visits).
9. An agreed allocation of team storage per work team, taking account of specific pressures, will be allocated once the detailed survey is completed.
10. Other storage needs for individual and teams should be catered for through dedicated archive areas, on site where practicable.
11. A standard allocation of 1 linear metres of personal storage space (the equivalent of a desk length shelf) per member of staff will be adopted. This is based on one pedestal per person which can be located under desk.
12. For reasons of cost efficiency, there will be no small office buildings (accommodating fewer than 100 people).

It is recognised that there will need to be a limited number of exceptions to some of these protocols. Where these arise, they will be assessed on the basis of business need, and the decision to deviate from the protocols will be made by the Better WorkPlaces Steering Group.

By: Paul Carter, Leader
Peter Gilroy, Chief Executive

To: Corporate Policy Overview Committee – 14 January 2009

Subject: Half-year monitoring 2008/09
Unrestricted

SUMMARY

This report summarises the corporate element of the 2008/09 half-year monitoring results for the Annual Business Unit Operating Plans, and the *KCC Annual Plan 2008/09*, and includes a summary by the Chief Executive of progress to date.

FOR INFORMATION

1. INTRODUCTION

1.1 The Directorates and Chief Executive's Department have completed the half-year monitoring of the priorities set out within the Annual Business Unit Operating Plans and the KCC Annual Plan 2008/09. This report covers the corporate element of the half-year monitoring.

2. SUMMARISED OUTCOMES

2.1. Annual Business Unit Operating Plans

As part of the half-year monitoring, progress was checked against each of the 2008/09 Annual Unit Business Operating Plans.

Most of the projects/developments/key actions set out in these plans are 'On course' or 'Done and ongoing'. Only 4% of these actions are 'not on target' to complete this financial year and are listed with reasons and proposed actions in Appendix 1. The Chief Executive's statement outlining progress is also included in Appendix 1.

2.2. KCC Annual Plan

The half yearly monitoring of the Annual Plan concentrated on Section 2 as Directorate Towards 2010 strategic objectives are consistent with the priorities for improvement published in Sections 3 to 11 of the plan. A report on progress against Towards 2010 targets was checked as part of monitoring process and reported to Cabinet on 13 October 2008 and County Council on 16 October 2008.

Delivering improved services and transforming KCC is the main focus of Section 2 of the Annual Plan. This work is undertaken by the Chief Executives Department and all targets are 'Done and ongoing'. (See Appendix 2)

2.3. Equalities and Diversity Monitoring

Equality and Diversity monitoring has been included within the half year monitoring of the Unit Business Plans this year. KCC was confirmed as meeting Level 3 of the

Equality Standard for Local Government following an assessment on 18/19 March 2008 by the Centre for Local Policy Studies and good progress has been made against KCC's Equality Strategy.

The amount of work required to achieve the next level is actually of a different nature as the new Equalities Framework for Local Government (EFLG) is more 'outcomes' focused. Supplying evidence of real positive differences, which are experienced by the ever changing needs of both communities and individuals will be paramount and next years monitoring will be important to maintain KCC progress to the highest level of assessment.

2.4. National Performance Indicators

The new National Performance Indicators have not been included in the half year monitoring. Many of the indicators are new and work is still underway to establish baselines.

Contact officer:-

Janice Hill, Performance Manager, Chief Executives Dept

Tel 01622 22(1981) Email janice.hill@kent.gov.uk

1. Chief Executives Department Half-Year Summary of Progress December 2008

Kent County Council continues to maintain high performing services while seeking to achieve the best possible value for money both in the use of its own resources and across the public sector in Kent as a whole. During the year, the economic situation nationally and internationally has altered radically and we are in an unprecedented economic climate. We will continue to build on our reputation for excellence, innovation and efficiency to get ourselves in shape to meet the challenges of the inevitable tightening of resources that lies ahead. This journey of transformation will continue to be driven by the Chief Executive, and the Chief Executive's Department will continue to make a very significant contribution to the County Council's progress.

The Chief Executive's Department is making good progress at the half year stage in delivering its business plan actions with 96% complete and ongoing or on course for completion by the end of the year.

The majority of Property Group's business plan targets have either been met or are on course to be met by the target dates. In particular excellent progress has been made with the 'Better WorkPlaces' initiative which will transform KCC's office estate. A strategy for Maidstone has been developed and signed off by the Better WorkPlaces Steering Group and Property Board.

The deteriorating global and UK economic position has impacted dramatically on the property market. Land and property values continue to fall and in the case of residential development land there are very few developers who are willing and able to purchase. These conditions suggest that targets for the delivery of £10m capital income for the Enterprise Fund through the disposal of non operational property and the delivery of the £64.4 million capital receipts programme will not be met.

The launch of the Kent Public Service Network this year has been a major step forward in developing a more flexible and resilient network for KCC and in building a coherent IT solution across public agencies in the County.

In Commercial Services, the effect of the increases in liquid fuels has been absorbed and indications are fuel costs will revert to budgeted levels for the second half. Particular successes include the implementation of flexible purchasing (hedging) for energy which has already reduced exposure for KCC to violently fluctuating energy prices; the outsourcing of delivery of goods from the warehouse and the seamless uptake of the delivery of the Canterbury Park and Ride service through one of the divisions of a limited company, Kent Top Travel. Similarly the new managed service for temporary staff is proving successful.

The Selection and Members' Services Committee has endorsed the direction of travel for the modernisation of the Democratic Services and Local Leadership Unit. On the technological side, the new electronic committee management system, modern.gov, which automates many of the processes

involved in the compilation of committee agendas and reports and publishing to the internet went live in September.

The Schools Legal Insurance Scheme is now live and six schools have signed up so far. Legal Services has also taken on a significant amount of new work for Kent Probation following the retirement of their Board secretary and has been approached by more than 15 Parish Councils to provide their legal requirements in all areas. Legal Services also continues to act for many other external bodies.

A cross-directorate strategic Communications Group is now operating, raising the priority of communication throughout the organisation and the media team has successfully been refocused to work on campaigns and take a more proactive approach. The planning and organisation of the Events Team resulted in another success at the County Show this year, with KCC taking best display of the show for the third year running.

Gateways continue to return very high satisfaction ratings, with Thanet Gateway Plus returning a 94.3% “very satisfied” rating. The Tunbridge Wells, Tenterden and Maidstone Gateways are now open. The Gateway programme is an integral partner to the “Better WorkPlaces” office transformation project. Kent TV reached one million visits in November 2008. This is significantly above expectations. The Contact Centre has transferred successfully to the Strategic Development Unit and this move fits well with the wider Access Kent agenda. Contact Kent now handles initial contact for social care out of hours and October saw the launch of Kent Healthwatch.

There has been good progress on Equality and Diversity. Property Group has nearly completed the DDA re-audit of public buildings including staff areas and the audit of schools is well underway. Addressing inequality is a major priority for the Public Health Unit and the establishment of the Kent & Medway Public Health Observatory will enhance the evidence base for tackling inequality that is already available from Joint Strategic Needs Assessment, Health Equity Audits and Health Impact Assessments. Where more progress is needed, particularly in relation to carrying out impact assessments, staff are currently undertaking training to equip them to carry out assessments with a view to bringing progress against targets back on track.

Our key focus in the coming months will be to ensure that a balanced budget is delivered in this financial year; that planning for next year’s budget achieves a satisfactory conclusion; and that KCC is well prepared to maintain its excellent status in the forthcoming Comprehensive Area Assessment (CAA).

2. Progress against Projects, Developments and Key Actions in the Annual Unit Business Operating Plans

Directorate position = 96% ‘Done and ongoing’ or ‘On course’ for completion by year-end.

The following projects, developments or key actions are not on target:

Project/ development/ key action	Planned outcome/deliverable as per unit business plan	Reason(s) why and actions to rectify
Business Solutions & Policy		
Develop equality and diversity action planning	<p>Assess the impact of all policies, procedures and practices on different equality groups. All policies, procedures and practices screened and priorities set</p> <p>Each high or medium priority policy, procedure or practice has full impact assessment completed</p> <p>Action Plan created from outcomes of assessments</p> <p>Work towards compliance with Level 4 of the Equalities Standard for Local Authorities</p> <p>Diversity training completed by all managers and staff</p>	Impact assessment screening process still underway, to be completed shortly, therefore need for full assessments and action plan not known at this stage
Personnel & Development		
Take on Commercial Services personnel activities	Take responsibilities for the personnel functions currently within Commercial Services providing consistent and compliant service	No longer going ahead
International affairs		
Ensure KCC and Kent organisations continue to benefit from Interreg IIIA and from the new Interreg IVA programme.	<p>KCC represented on Interreg IVA Programme Monitoring Committee (s) and Steering Committee (s)</p> <p>Hosting of new S.E. Interreg IVA 'Contact Point' in KCC</p>	<p>Despite intensive lobbying KCC has not been allocated the committee seat we wanted</p> <p>Government Office decided not to use KCC as the host. Indeed, the post has yet to be filled</p>
Develop equality and diversity action planning	Assess the impact of all policies, procedures and practices on different equality groups. All policies, procedures and practices screened and priorities set	Impact assessment screening process still underway, to be completed shortly, therefore need for full assessments and action plan not known at this stage

Ensure KCC and Kent access opportunities under 'other' EU programmes for which it is eligible (Interreg IVB and IVC, Competitiveness, ESF) and 'thematic' programmes	KCC represented on SEERA's Joint Europe Committee in order to lobby for Kent's interest	The Committee has been disbanded
Property Group		
Deliver earmarked Capital Receipts programme	Generate Capital Receipts of £64.6m during 08/09 through disposal of land and property	Due to the current Financial Climate we are unlikely to generate this level of capital receipts
Deliver capital income for the Enterprise Fund through the disposal of non-operational property	Budget target £10m	Due to the current Financial Climate we are unlikely to generate this level of capital receipts
Contact Centre		
Develop homeworking pilot	Homeworking pilot undertaken and assessed	ISG and Contact Kent are working together to upgrade the ACD system. The pilot is not possible until this is complete.

ANNUAL PLAN PRIORITIES 2008/09

The following table sets out the priorities for 2008/09 as published in this year's KCC Annual Plan. The half-year status is given using the following key and a comment only if the status is RED:

ALL TARGETS ARE COMPLETED OR ON COURSE TO COMPLETE

Red	More progress needed
Amber	On course
Green	Done and ongoing

Delivering Improved Services and Transforming KCC

Priority	Annual Plan page	Monitoring links if applicable	Status (red/amber/green)	Comment (only if status is RED)
Page 49 <p>Supporting Independence Programme (Pauline Smith)</p> <ul style="list-style-type: none"> • Continuing to deliver work that supports KCC's <i>Towards 2010</i> targets (specifically targets nine and 15 to 20), particularly around Kent Success, the Kent Community Programme and work on welfare reform • Working with Jobcentre Plus and other key partners on ways of supporting the <i>Kent Agreement 2</i> target to reduce the number of working age people on out of work benefits • Developing a better understanding of the needs of the people who find themselves in the 10 SIP archetypes by collating more accurate data and working closely with marginalised groups and working with partners to develop better services for those people • Undertaking high level, targeted work with partners in the most 	<p>Page 12</p> <p>Page 12</p> <p>Page 12</p> <p>Page 12</p>		<p>Green</p> <p>Amber</p> <p>Green</p> <p>Green</p>	

Priority	Annual Plan page	Monitoring links if applicable	Status (red/amber/green)	Comment (only if status is RED)
<p>disadvantaged communities in Shepway, Swale and Thanet, and developing an action plan with measurable outcomes to tackle entrenched disadvantage</p> <ul style="list-style-type: none"> Working closely with colleagues in the Environment and Regeneration Directorate, particularly around KCC's Regeneration Strategy 	Page 12		Amber	
<p>Kent Commitment (Debra Exall)</p> <ul style="list-style-type: none"> Build upon the strong working relationships already in place between KCC and the districts and continue to put the residents and service users at its heart 	Page 12		Amber	
<p>Kent Agreement 2 (Graeme Brown)</p> <ul style="list-style-type: none"> Develop a new Local Area Agreement, <i>the Kent Agreement 2</i>, with the wider Kent Partnership and agreed with the Government 	Page 12/13		Amber	
<p>Partnership working (Colin Maclean)</p> <ul style="list-style-type: none"> The Kent Partnership and the Public Service Board (PSB) will focus on new governance arrangements that meet the requirements of the Local Government and Involvement in Public Health Act 2008 and relevant statutory guidance. These arrangements were developed during 2007/08 to deliver the new Local Area Agreement (the <i>Kent Agreement 2</i>). The governance framework sets out new terms of reference for the Kent Partnership and the PSB as well as standard protocols for the working groups 	Page 13		Green	

Page 50

Priority	Annual Plan page	Monitoring links if applicable	Status (red/amber/green)	Comment (only if status is RED)
<ul style="list-style-type: none"> Implementation of the recommendations from the <i>Governance of Partnerships</i> Audit Report completed in February 2008. This will be led by the Kent Partnership team and involve all directorates in designing and delivering workshops for partnership lead officers. The aim will be further to embed the KCC policy guidance <i>Risk Management of Key Partnerships</i>, encourage a common approach to risk management and further review and improve the guidance itself 	Page 13		Amber	
<p>Customer Care (Robert Hardy)</p> <ul style="list-style-type: none"> Make sure we understand what our customers need by consulting them, encouraging communities involvement and developing our services around their expectations Respond positively and promptly to compliments and complaints, using feedback to learn from any mistakes and improve and modernise our services 	Page 13 Page 14		Amber Green	

Priority	Annual Plan page	Monitoring links if applicable	Status (red/amber/green)	Comment (only if status is RED)
<p>Personalising services (Tanya Oliver, Robert Hardy) Continue to innovate and improve by:</p> <ul style="list-style-type: none"> • Giving individuals and communities a stronger voice in the design and transformation of services • Ensuring that we continue to improve access through innovative projects such as <i>Gateways</i> and the self-assessment website so that services are accessible to all • Continuing to find new and innovative ways of offering more choice and individual control in order to meet and surpass public expectations • Making the most of technological innovations to personalise services • Getting the simple things right first time and ensuring an excellent customer experience for all • The Contact Centre will continue to provide quick, easy and high-quality access to all county council information and services • It will continue to look for opportunities to expand the number of services it handles, helping KCC to deliver wider, ever-better customer contact in a cost effective way 	<p>Page 14</p> <p>Page 14</p> <p>Page 14</p> <p>Page 14</p> <p>Page 14</p> <p>Page 14</p> <p>Page 14</p>		<p>Amber</p> <p>Amber</p> <p>Amber</p> <p>Amber</p> <p>Amber</p> <p>Amber</p> <p>Amber</p>	
<p>Information and communications technology (ICT) (David Cockburn)</p> <ul style="list-style-type: none"> • A consolidated public services data network to replace the existing corporate, schools and inter-agency networks that have reached end of their lives • Proposals to bring together public sector machine room provision 	<p>Page 14</p> <p>Page 14</p>		<p>Amber</p> <p>Amber</p>	

Priority	Annual Plan page	Monitoring links if applicable	Status (red/amber/green)	Comment (only if status is RED)
<p>across the county</p> <ul style="list-style-type: none"> • Remote access and home working solutions that will support the office transformation programme across the whole of the council • <i>Webjam</i> – an on-line public/staff consultation system • ICT will continue to support Kent Adult Social Services' <i>Whole Systems Demonstrator</i> project that aims to extend Telecare and Telehealth services in support of some of the most vulnerable members of society • KCC will work with partners to find opportunities to influence and inform the national ICT strategy for public service so that it reflects the priorities and needs of local communities 	Page 14		Green	
	Page 14		Amber	
	Page 15		Amber	
	Page 15		Green	

Priority	Annual Plan page	Monitoring links if applicable	Status (red/amber/green)	Comment (only if status is RED)
<p>Equality and Diversity (Robert Hardy, Amanda Beer)</p> <ul style="list-style-type: none"> We aim to open doors to access and participation and to enable everybody to contribute to the life of the county, whatever their background or circumstances KCC is committed to ensuring that current and potential service users, employees or job applicants will not be discriminated against on the grounds of social circumstances or background, gender, race, colour, ethnic origin, disability, sexuality, age, or religion <p>Delivering the Equality Strategy 2007 - 2010</p>	Page 15		Amber	
	Page 15		Amber	
<p>Our staff (Amanda Beer)</p> <ul style="list-style-type: none"> Deliver the Strategy for Staff Delivering a 'total reward' framework in which staff receive individual statements about their pay and benefits Developing a core skills development programme, <i>Skills for Life</i> that can be accessed by all staff and achieves the national Go Award standard Increasing staff engagement through enhanced use of technology, face-to-face contact and improved feedback mechanisms Achieving the highest level of the Equality Standard for Local Government and recruiting a workforce that reflects the population Inspiring a high performance culture through improved leadership and excellent people management Surveying all staff, using an on-line tool where possible, to gather 	Page 15		Amber	
	Page 16		Amber	
	Page 16		Amber	
	Page 16		Amber	
	Page 16		Amber	
	Page 16		Amber	
	Page 16		Amber	

Priority	Annual Plan page	Monitoring links if applicable	Status (red/amber/green)	Comment (only if status is RED)
<p>key trend data on job satisfaction</p> <ul style="list-style-type: none"> • Creating a healthier workforce, evidenced by improved attendance and Healthcheck feedback • Enabling all staff and managers to access and maintain their own personnel information locally • Introducing new ways of working, including increased flexibility on where and how jobs can be done, in order to keep customers happy, promote a healthy work/life balance and reduce the council's impact on the environment <p>Combine the way talent is managed and 'job families' are organised in order to provide career pathways across the organisation</p>	<p>Page 16</p> <p>Page 16</p> <p>Page 16</p> <p>Page 16</p>		<p>Amber</p> <p>Amber</p> <p>Amber</p> <p>Amber</p>	

Priority	Annual Plan page	Monitoring links if applicable	Status (red/amber/green)	Comment (only if status is RED)
<p>International Agenda (David Oxlade)</p> <ul style="list-style-type: none"> • Maximise the take up of EU funding aligned to KCC’s strategic objectives • Strengthen and further develop key sectors of Kent’s economy through encouraging trade, inward investment and tourism, working with Locate in Kent, Visit kent and other relevant Kent subscribers and organisations • Develop existing strategic international alliances to enhance Kent’s key policy objectives in areas such as innovation, migration and changing demography and create new relationships if appropriate • Utilise student/staff exchanges and educational linkages to provide new life-long learning opportunities • Share and develop international best practice in service development in areas ranging from education, community safety through to social care and health to ensure that Kent services are world-class 	<p>Page 16</p> <p>Page 16</p> <p>Page 16</p> <p>Page 16</p> <p>Page 16</p>		<p>Amber</p> <p>Amber</p> <p>Amber</p> <p>Green</p> <p>Green</p>	
<p>Climate Change (Alison Cambray, Deborah Kapaj)</p> <ul style="list-style-type: none"> • Further reduce the organisation’s own carbon footprint and make progress towards the target of reducing emissions by 10 per cent by 2010 and 20 per cent by 2015. This includes continuing to explore practical ways in which KCC can reduce the wider, indirect emissions associated with its operations and outsourced services. The council has joined the Local Government 	<p>Page 17</p>		<p>Amber</p>	

Page 56

Priority	Annual Plan page	Monitoring links if applicable	Status (red/amber/green)	Comment (only if status is RED)
<p>Information Unit (LGIU's) innovative <i>carbon trading councils</i> scheme for 2008/09. This simulates the idea of operating within carbon budgets and trading with other councils and is designed to help the council prepare for the <i>Carbon Reduction Commitment</i> from 2010</p> <ul style="list-style-type: none"> • Make further progress towards ensuring all KCC services understand the impacts that the changing climate has on the work they do. This includes demand for and delivery of services and the impact the changing climate has on processes, policies, logistics and management. The council will also continue to work towards developing a comprehensive, risk-based adaptation action plan for the whole authority • Continue to lead activities under the <i>Kent Agreement 2</i> to help the county to reduce carbon emissions and adapt to the changing climate. This includes working through the Kent Partnership to deliver carbon reductions and building on the successful <i>low carbon communities</i> pilot scheme. KCC will also lead work on developing a Kent-wide <i>local climate impacts profile</i> to support decision-making related to climate change adaptations across Kent 	<p>Page 17</p> <p>Page 17</p>		<p>Amber</p> <p>Amber</p>	

This page is intentionally left blank

By: Paul Carter, Leader of the Council
Robert Hardy, Director of Improvement and Engagement

To: Corporate Policy Overview Committee

14 January 2009

Subject: KCC Annual Complaints Report 2007/08

Classification: Unrestricted

File Ref:

Summary: This report provides Members with an overview information of the KCC's handling of complaints in 2007/08 and proposals for a new approach from April 2009.

1. Introduction

This report contains information on complaints, enquiries and comments received and dealt with by Kent County Council during 2007/08. It outlines the number of complaints received by departments, complaint trends, the source of complaints and the performance on handling complaints. Information, where available, is also provided on improvements taking place as a result of complaints.

2. The Current Complaints Process

KCC has a well-established complaints process for handling complaints, comments and compliments from the public. A complaint is defined as "an expression of dissatisfaction, whether justified or not and however made, about the standard of or the delivery of service, the actions or lack of action by the Council or its staff which affects an individual service user or group of users". This covers:

- Statutory or non statutory services provided to individual customers
- Services provided on a commercial basis (e.g. Home to School transport)
- Services provided to schools.

This definition is in line with those of the Local Government Ombudsman and the British Standards Institute and is consistent with the definitions used by other local authorities.

For complaints, there are 3 stages to the process -

- STAGE 1 Problem solving/Local Resolution
- STAGE 2 Formal/Investigative Stage
- STAGE 3 Appeal Panel

The emphasis in the current complaints procedure is to try to resolve complaints at a local level. If the complaint is not resolved at Stage 1 (problem solving) or if it is particularly serious, then the complaint can progress to Stage 2 (Formal Complaint).

Any individual (or organisation) that uses or receives a council service can make a complaint if they are dissatisfied with the service and they can do so via a number of channels, although letters are still recorded as the medium most used for complaints.

The complaints procedure does not cover complaints from members of staff, trainees, apprentices or persons on work placements, involving working conditions, pay or other internal grievances.

3. Operation of the Complaints Procedure in 2007/08

Complaints are useful customer feedback, not to apportion blame where the service may not have been up to the standard expected but rather to develop a learning and customer responsive culture.

A review of complaints in November 2006 highlighted the need for improved monitoring. When benchmarked with other authorities Kent appeared to receive fewer complaints. On investigation it was found that not all complaints were recorded and steps have been taken to improve this process in all directorates, but more continues to need to be done.

In 2007/08, 1,839 complaints were received compared with 1,732 for 2006/07. This does not necessarily represent a decline in the standard of service, as the increase almost certainly reflects the effectiveness of the improved reporting procedure now in place. It also reflects the fact that people are better informed about our complaints procedure and more willing to exercise their right to complain if they are not happy with the service(s) they received.

The number of complaints and compliments also needs to be considered in the context of the number of people accessing services.

3i. Adult Social Services

Number of Adult Social Services Complaints Received in 2007/2008

In 2007/08, there were over 31,700 referrals to Adult Social Services, there were also over 35,500 people in receipt of services in March 2008. Compared to the number of people accessing services, the number of complaints received is relatively small.

In 2007/08, 346 complaints were received; this is a decrease from the previous year when 440 complaints were recorded. This reflects a 21% decrease in the overall number of complaints received. Whilst it is pleasing to note this significant reduction, which indicates that staff feel more confident and empowered to resolve problems as they arise, we should not be complacent and must continue to ensure service users are given the opportunity to complain when a service falls below the expected standard.

Out of the 346 complaints, 295 of these were logged as statutory complaints under the NHS and Community Care Act, this is a decrease from the previous year when 368 complaints were recorded. The remaining 51 complaints were from “non qualifying individuals” (not service users or carers); these complaints do not fall within the statutory process.

Of the 295 statutory complaints received in 2007/08, 20 were investigated under Stage 2 of the complaints procedure, with only 3 resulting in a Complaint Review Panel.

Services for Adults with a Disability

Last year there were 57 complaints about services for people with a disability. The total number of complaints received has been divided separately between those with physical or learning disabilities.

Those complaints about services for adults with physical disabilities total 10. This can be further broken down with care management accounting for 7 of the complaints received, 2 were about domiciliary care and 1 was about residential care.

Those complaints about services for adults with learning disabilities total 47. Of the number received, 29 related to care management, 5 were about day care, 9 residential care, 2 transitional arrangements and 2 were classified under "other".

Further analysis of the complaints received under disability, both physical and learning, indicates that in comparison to last year, there has been a slight increase overall in the total number of complaints received – 14% (7 additional complaints). The numbers relating to care management have decreased by 12%, although in contrast complaints about residential care have doubled. However this amounts to an increase of 5 complaints for the year.

The common themes that cause people to complain about these services include those who are dissatisfied with; the outcome of their assessment (typically, insufficient service provision), the quality of care, poor timekeeping, and failure of service delivery.

Services for Older People

There were 191 complaints about services for older people, indicating a slight decrease (5%) in comparison to the previous year, when 201 complaints were received. In broad terms the numbers of complaints received within the categories of older people services do not show significant fluctuations, when compared to those received in 2006/07. The exceptions are domiciliary care, where complaints received have decreased by 41% (19 complaints) on the previous year. The reverse is true of residential care complaints, where the numbers have increased by 58% (10 additional complaints) to those lodged in the previous year.

It is pleasing to note the decrease in domiciliary care complaints as a significant amount of work has been undertaken to raise the satisfaction levels of people using these services. It was reported last year that following meetings with a group of service users concerned about domiciliary care services, the Contracting Department had addressed these by:

- Ensuring there are mechanisms in place for addressing issues of concern with a focus to monitor whether these are working.
- A Quality Assessment Framework was introduced enabling the department to target those providers that are not performing as well as expected.
- CSCI have introduced a rating system for providers. This will be effected as a rolling programme with new homes being assessed first.

Occupational Therapy and Sensory Loss

There were 39 complaints about the O.T Bureau, (4 of which related to Deaf Services and 6 were about the Blue Badge scheme). Overall this is a decrease of 22% on the previous year's total of 50 complaints.

The vast majority of these complaints arise as a result of delays in equipment provision or completion of adaptations once an assessment has been completed. Funding for this work is obtained via the Disabled Facilities Grants (available from Borough Councils) and this is where the delays occur.

Other Direct Provision Complaints

In total 32 complaints were received about other Direct Provision services. Included in this figure are 6 complaints about the Adult Services Provider Unit. This is a significant reduction on the previous year when 18 complaints were received.

26 of these complaints were received about in-house registered care centres for older people. Reasons for people complaining typically include poor communication and/or concerns on the quality of care.

Method of Contact

The majority of complaints 247 (71%) were received by letter. 59 (17%) were received by telephone and 26 (7%) were received by email.

Timescales

Acknowledgements **Number of Complaints**

Non-statutory

95.5% done within the standard of 3 days (49)

Statutory stage 1

87.6% done within the standard of 3 days (255)

Statutory stage 2

88.2% done within 3 days (18)

Statutory stage 3

100% done within the standard 3 days (3)

Response Times

Non-statutory

68.8% done within the standard of 20 days (34)

Statutory stage 1

80.3% done within the standard of 20 days (234)

Statutory stage 2

40.0% done within the standard 65 days (9)

Statutory stage 3

66.6% done within the standard 20 days (2)

From April 2009 there will no longer be statutory timescales to answer complaints. Kent Adult Social services will continue to issue acknowledgements within 3 working days and complaints within 20 days for less complex complaints.

Learning the Lessons from Complaints

As a result of a complaint regarding the lack of accurate information regarding a Nursing Home placement, which resulted in the family being liable for a top up fee of over £1,900 for the period of stay a number of improvements were made to the 'Charging for Residential Care' booklet. In addition, a standard letter was developed that gives clear and detailed information in relation to financial contributions and charging.

Improvements were put into place after relatives complained about their experience of collecting the belongings of their deceased relative from an in-house respite/residential home. These include, staff training covering the issues raised; a review of staff training records to ensure staff had undertaken training on support for bereaved relatives; production of an information leaflet for relatives to explain the procedure for collection of belongings. The complainants were involved in this process.

After receiving a complaint regarding quality of care issues following a period of respite, staff arranged a meeting with the complainant to discuss the detail of the complaint. Subsequently, staff training was implemented focussing on the importance of recording service user information, especially when personal care is refused. This stressed the need to complete detailed care plans and risk assessments on admission. A 'lifestyle questionnaire' was also devised, for completion prior to admission. This records specific information about the service user that he/she or the family think will be useful, including their likes/dislikes and/or life history. The information gleaned on service users enables staff to have a better understanding of each individual and ensures consistency of care.

The charging policy is another good example. In previous years, although minimal changes were made to the policy, a large number of complaints were received as a result of poor communication in relation to the proposed changes. In this period, significant changes were made to the policy, but previous complainants were involved in advising on how this should be communicated to other service users. As a result, the number of complaints reduced.

Compliments

There were 455 letters of compliment received during the year. This is a 38% decrease on last year, although on reviewing the previous years compliments, it was clear that one organisation, in particular, was classifying each comment received as a compliment. This practice has now been reviewed, hence the reduction in the overall number of compliments for this reporting period.

Developments

Making Experiences Count – National and Local context. The Department of Health is introducing a single complaints system across Health & Social Care with the aim of increasing people's confidence that their complaints will be taken seriously and that services will improve as a result of their experiences.

The proposal is to develop a single 2-step complaints process across health and social care, ensuring that local resolution is robust and fit for purpose. The focus of which will be to adopt a flexible approach to resolving complaints locally in a more person centred way. The current role of the Healthcare Commission in reviewing NHS complaints will be removed, as will the current requirement within Social Care to hold a Complaints Review Panel.

12 sites representing 93 organisations across the country have been identified as "Early Adopters" and will pilot the new approach for a period of 3-6 months. Originally, it was expected that the single process would come into effect from April 2009, but it is anticipated that there will be some slippage on this timing.

Kent has been identified as one of the Early Adopter sites and representatives from Kent & Medway health and social care organisations have been involved in the pilot. The Department of Health team co-ordinating the pilot have recognised Kent & Medway as

playing a significant role in the national pilot and have judged the Kent & Medway project as being “ahead of the game”.

Kent Health Watch

Kent Health Watch was established by Kent County Council in partnership with the NHS to help local residents express their views about health and social care in Kent. This service will not replace existing feedback mechanisms within health and social care, but enhance what is currently available with the aim of improving services.

It will cover all health and social care services delivered within Kent along with services commissioned for Kent residents but provided elsewhere. Kent Health Watch will operate 24 hours a day, seven days a week, by telephone, texphone and email. It will operate like a Directory Enquiry service, signposting callers to the right contact whenever they want to make compliments, comments, complaints or concerns about health or social care.

In preparation for the launch of Kent Health Watch, contact centre agents have undergone bespoke training in dealing with social care queries. This included, safeguarding, provision of service - how this is funded and the issues around direct payments and self funders. The logging system has been amended to reflect these specific groups to enable the Directorate to monitor the volume of calls specifically from self funders.

Reassuringly, some of the agents who are already experienced in dealing with social care calls have been transferred to the Health Watch number. This will provide consistency and experience of social care services. They will also be able to share this knowledge and experience with newer members of staff.

3ii Children Families and Education

This section is divided into two parts, Children’s Social Services, whose complaints procedure is required by the “Children Act 1989 Representations Procedure (England) Regulations 2006” and then other information regarding the complaints and enquiries received in the wider CFE Directorate.

Number of Children Social Services Complaints Received in 2007/2008

When taking into account the number of new referrals to the service (10,222), the number of existing service users and the number of contacts with the service everyday, the proportion of complaints is relatively small. Statutory complaints received in 2007/08 represent only 2.5% of latest caseload figures.

In 2007/08, there were 267 complaints relating to Children’s Social Services. Of these 178 were statutory complaints logged under the Children Act procedures. The other 89 were non-statutory complaints, complaints that were outside the scope of the legislation. The total number of complaints has increased over previous years however this was the first full year in which the new regulations were in operation and the figures are not, therefore directly comparable.

The new complaint regulations and associated guidance issued in September 2006 has impacted on the complaint procedure in terms of extending the scope of the procedures. Although the number of statutory complaints at Stage 1 has not increased, it is noticeable that there are more Stage 2 complaints, possibly reflecting the greater complexity of issues in the complaints received. With the extended scope of the regulations more child

protection and legal issues are dealt with in the complaints procedure often raising issues that are not easily resolved at an early stage.

When a statutory complaint is received, in the majority of cases it will be logged at the first stage of Local Resolution. At this stage a local manager will endeavour to address the issues and resolve the complaint. In 2007/08, 177 complaints were logged at Stage 1.

Where the complaint is not resolved then the complainant might decide to take the complaint to the next Stage of Formal Investigation. In 2007/08, 42 complaints were logged at Stage 2 (compared to 32 in 2006/07); four of these were subsequently withdrawn. There were also 6 complaints that went to the Complaints Review Panel Stage in 2007/08. The Panels were constituted under the new regulations with 3 Independent Panel Members considering the complaints and making recommendations to the Local Authority.

Some of those accessing Children's Social Services might not be "willing" customers as the reasons for the contact could be due to a statutory intervention as a result of concerns for the welfare of a child. Not surprisingly many of the complaints received reflected the contentious nature of aspects of the service. Approximately 30% of complaints related to the attitude or behaviour of staff. This might include for example instances where service users considered social workers were not taking their views sufficiently into account or where a comment was made that the service user didn't agree with, or where there was a perception that the social worker had not acted fairly regarding a dispute between family members. Some people complained that their social workers did not keep them sufficiently informed of developments and considered the social workers were not communicating frequently enough or responding quickly enough to issues raised.

Disputed decisions also accounted for approximately 30% of complaints. This covers a range of issues including for example decisions about changes of placement or decisions about the provision of a particular service such as Direct Payments.

Another issue that gives rise to complaints is where people want more support than is being offered (19%). An example is where someone has left a family home and wants social services to intervene in the family but the assessment indicates the family does not need social work help. Another example is where people are requesting more financial support such, as where a relative or friend is caring for a child in need. Other examples include where parents of disabled children are requesting more support such as day care or respite care for their child.

Method of Contact

In 2007/08 most statutory complaints were received by letter 65% but increasing numbers of people are using e-mail 11%. Other complaints were made by direct contact with customer care by telephone or in person. Half of the 19 complaints from children and young people were via the *Upfront* children's advocacy service for Looked After Children.

Timescales

The time scales for Stage 1 complaints are 10 working days for most complaints and 20 working days for complex complaints (for example complaints that involve another agency). The majority of Stage 1 complaints were responded to within the statutory time scales with 67.1% responded to within 10 working days and 78.6% of the complex complaints responded to within 20 working days. In 2007/08 there were difficulties in meeting time scales on Stage 2 complaints – there were a number of reasons for this – the

complexity of the complaints, the increased number of Stage 2 complaints and the independent provider of the Independent Person experienced problems meeting the increased demand. This has now been addressed and time scales are improving.

Learning the Lessons from Complaints

In 2007/08 there were occasions where lessons were learned more widely from complaints. One example is where a parent complained that his views had not been properly considered at a case conference – clear advice on this and on the right to complain is now included in the new safeguarding procedures and in leaflets for people being invited to case conferences. Other complainants questioned the difficulty of complying with written agreements, the policy section is now drawing up good practice guidance for social workers to advise on the use and status of written agreements.

During 2007/08 there have been training sessions for staff regarding conducting investigations into complaints and writing responses to complaints. The Local Government Ombudsman's Office assisted with the delivery of complaint investigation training and the Customer Care team has provided training for social work teams, newly qualified social workers and administrative staff in complaints handling.

Compliments

There were 36 "merits" (or letters of compliment). These included instances where others, for example courts, teachers, service users, police officers and foster carers, complimented social workers on the quality of their work.

Enquiries

There were also 94 enquiries (these include letters from MPs or Members to senior managers about an individual or about the service in general).

Developments

There are a number of developments taking place in 2008/09, which are intended to further improve the Children Social Services complaint procedure. This includes: making the procedure more accessible to children and young people (as the number of complaints from this group is relatively low), provide more training for staff on aspects of the complaint procedures, and continue to develop links with colleagues in health to ensure a co-ordinated response to joint complaints.

Complaints Relating to other Children, Families, and Education services.

There are not the same statutory requirements for complaints about education services nevertheless it is still important to have a responsive and robust complaints procedure in place to resolve any dissatisfaction and to learn the lessons where services have not been to a standard that might be expected.

In September 2007, a *Respond* database, based on the one used in Children's Social Services, was developed to log complaints and enquiries. There is not a full year set of data to analyse yet and there are still areas for development, nevertheless it is a useful tool for logging and tracking complaints and should in due course be a useful source of data.

Between 1 September 2007 and 31 March 2008, 218 complaints and "expressions of discontent" have been logged. This is an increase on the previous year but this is probably due to a more systematic approach to logging issues rather than any reflection on the

services delivered. There were also 110 enquiries logged, 55 school issues, and 110 contacts requesting or providing information.

Complaints about schools are passed direct to the schools to be dealt with in the schools complaints procedure. Appeals processes exist for people to challenge decisions they are not satisfied with, for example appeals processes for school admissions, transport and statementing. Consequently not all “dissatisfaction” is handled through the complaints procedure. Where complaints are received that do not fall within the remit of appeals and are not for school complaints procedures, then the complaints are being logged on the Respond database.

Method of Contact

The majority of complaints received were through written correspondence, – either by letter 171(78%) or by e-mail, 37 (17%). Most were initiated by parents or close relatives of children and young people.

Compliments

From April 2009 all Business Units will record compliments.

3iii Communities

Number of Communities Complaints Received in 2007/2008

The number of complaints received in 2007/08 was 457 a reduction in the 634 received in 2006/07. The main decrease in complaints has been in the reduction of the number of complaints received by the Adult Education service. In 2006/07 there had been a number of course cuts which resulted in a high number of complaints. Improved customer care training and staff being better able to deal with complaints when first raised has also reduced the number of complaints received within the Communities Directorate.

Trading Standards

The number of official complaints from both businesses and consumers for 2007/08 totals 15. Four were from businesses and 11 from consumers.

Kent Scientific Services

Within KSS complaints are encouraged and actively sought as they are a way of improving the service. There was 1 complaint in 2007/08

Community Safety

During 2007/08 a total of 20 complaints were received by the Community Safety Unit.

Registration & Coroners

10 formal complaints were received in 2007/08. Four concerned the attitude and behaviour of the Registrar during a birth and death registration and were all upheld. Two concerned delays to the death registration process caused by the death being referred to the Coroner and a full explanation was given in each case. Two related to fees charged for ceremonies for which a full explanation was given in each case. One concerned a request for a refund that was initially refused but subsequently granted. One concerned the lack of appointment availability for which a full explanation was given.

Youth Service

A total of 7 complaints were received during 2007/08.

Youth Offending Service

There were no complaints received in 2007/8. Complaints and Customer Comments are monitored centrally through the Service's Customer Care Manager. Emphasis is placed on early problem solving at team level.

Kent Drug & Alcohol Action Team (KDAAT)

A total of 2 complaints were received from clients regarding Service Providers. KDAAT's Service User Involvement Officer advised clients on how to access provider complaints mechanisms.

Sports Leisure & Olympics

There have been no formal complaints throughout the day to day operation of the service. However, some minor levels of dissatisfaction were expressed in the Customer Satisfaction Survey, which have been addressed through an action plan and where appropriate direct contact, to clarify the issues raised and provide appropriate responses.

Libraries & Archives

1,425 Comment cards were received from the public in 2007/08. 691 were comments or suggestions, 364 were compliments and 370 were complaints. All complaints received were all resolved with an initial response from the appropriate manager.

Kent Adult Education Service

27 complaints were received in 2007/08 compared with 149 in 2006/07. In 2006/07 there had been a number of course cuts which resulted in a high number of complaints. Improved customer care training and staff being better able to deal with complaints when first raised has also reduced the number of complaints received. The main causes of complaints are course cancellations, dissatisfaction with classes, facilities and venues.

Turner Contemporary

There were 5 complaints in 2007/08.

Learning the Lessons from Complaints

Following complaints Trading Standards reviewed and changed a legal process system to ensure that members of the public who may have provided witness statements are kept informed of progress. Written warnings to traders are now more clearly worded and readily identifiable as cautions.

The Youth Service has issued guidance on recruitment. KDDAT now include complaints in service provider quarterly performance monitoring meetings and any outstanding issues are raised in these forums.

Kent Adult Education Service complaints have led to improvement in facilities, centres and teaching delivery as part of our overall approach to raising service standards. These included:

- Additional support for students who were finding their courses of study challenging
- Movement of classes where noise from neighbouring activities caused disruption
- Negotiated favourable car parking rates for students where centre car parking was limited.

Methods of contact

80% of complaints were received by comment card, with 11% received by letter.

Timescales

Communities did not collect detailed information on response times in 2007/08.

Compliments

From April 2009 all Business Units will record compliments, comments and timescales.

3iv. Environment and Regeneration

Number of Environment & Regeneration Complaints Received in 2007/2008

The number of complaints received in 2007/08 was 660 compared with 341 in 2006/07. The increase in the number of complaints recorded reflects the effectiveness of the improved reporting procedure now in place since Environment & Waste applied for and achieved Charter Mark (customer service) accreditation in March 2008 and this process has improved monitoring of customer feedback.

173 of the Environment & Waste 426 complaints for 2007/08 were regarding a policy decision to remove eight bins and stop plastic recycling at Household Waste Recycling Centre's. The contribution to the County's recycling rate made by these bins was 0.03% as the tonnages taken to the site by the public were very small as the twelve districts provide kerbside collections.

The level of complaints and compliments for KHS has also increased over the last year. This is mainly down to improved understanding by the Contact Centre Highways Team about customer feedback and increased information going out by the KHS communications team about how to report feedback to the service.

Learning the Lessons from Complaints

Environment & Waste has conducted customer surveys and mystery shopping at a number of Household Waste Recycling Centres and Customers Surveys at some Country Parks and is using the findings to provide customer led services and as a benchmark to monitor customer satisfaction. There has been improved feedback from being more proactive this year in ensuring its customers can offer feedback by a number of methods e.g. Country Park Comments Cards, Explore Kent website and customer surveys.

Kent Highway Services has improved the handling of customer feedback by ensuring that all feedback is logged and responses managed by the new Customer Liaison Team Leaders and that all customers reporting complaints are contacted in a short period of time to explain the complaints process and next steps.

Within the Business, Performance and Communications service plan a review of service standards to improve response times for complaints is detailed, with measures and expected outcomes. KHS has also implemented an action plan for improving letter response times across the organisation. In addition to these action plans all complaints are now monitored centrally, with actions being sent directly to the Heads of Service.

Method of Contact

The majority of complaints received were through written correspondence – either by letter 33% or by e-mail 32%. 18% were received by telephone and 11% by comment card.

Timescales

In 2007/08 616 (93%) were acknowledged within 5 working days and 638 (97%) were responded to in full within 20 working days.

Compliments

1,398 compliments were received between April 2007 & March 2008. Once again the majority of these were received by KHS (51%) and E&W (46%). Copies of all external compliments are filed and provided to the Managing Director of E&R on a quarterly basis.

3v. Chief Executives Department

Number of Chief Executives Department Complaints Received in 2007/08

In 2007/08, 44 complaints were received compared with 42 for 2006/07.

Business Solutions and Policy

There has been 1 complaint regarding information on a consultation with the public.

Commercial Services

The majority of complaints received are from parents who are not satisfied regarding the mode of transport to school provided for their child.

There have also been a number of complaints in the press by the private sector regarding Commercial Services activity, which have resulted in an on-going dialogue with the Federation of Small Businesses'.

Corporate Finance

Within Corporate Finance there were 12 complaints that our insurers had declined legal liability for paying out on claims for compensation made against the Council and 4 connected to council tax. These related to comments about: multiple council tax leaflets; compensation for a faulty street light; pensioner complaining about overpaid officials; and local facilities - tax paid compared to services personally received.

Finance have also dealt with over 100 enquires about council tax or county spending. The majority of these complaints are received by e-mail. Following articles in the press a number of enquires have been received regarding the Chief Executive's salary and the non-disclosure of senior staff salaries. The majority of these queries have been generated by the Taxpayers' Alliance publicity.

Legal & Governance

Complaints to Legal and Governance are mainly to do with delays in responding to correspondence.

Personnel

Between April 1st 2007 - March 31st 2008 a total of 1,765 posts were advertised and over 24,000 application forms from candidates from candidates. During this period 4 complaints were received regarding issues such as no response from application process, feedback after the interview and information on KCC website.

Property Group

1 complaint was received by a householder concerning building work being carried out a nearby school. This was an on-going complaint during the time work was carried out. In total 7 letters were sent and approximately 12 telephone calls made to answer this complaint.

Strategic Development and Public Access

KCC Gateways are managed by Strategic Development and Public Access department. Complaints about the Gateways service are dealt with by the relevant business service using the Gateway and will not be reported here. As from April 2008 complaints received about the Contact Centre and public access will be reported within the Chief Executives Department complaints report.

Method of contact

The majority of complaints received were through written correspondence – either by letter 86% or by e-mail 11%.

Timescales

All complaints were acknowledged within 5 days and 95% of complaints were answered within 10 working days.

Learning the Lessons from Complaints

Customers have the right to complain. However, there are not always wider lessons from complaints. Some complaints often involve one off administration or human errors. However, services are encouraged to understand and apply the lessons from complaints in terms of service or procedural improvements where clear trends emerge from individual complaints. There have been no policy changes as a result of these complaints.

Compliments

Chief Executives Department will collect comments, compliments and timescale information from April 2009.

3vi. Complaints to the Local Government Ombudsman

The Local Government Ombudsmen (LGO) investigate complaints of injustice arising from maladministration by local authorities and investigates complaints about council matters including planning, education, social services, consumer protection, highways, drainage and council tax.

A complainant must give the Council concerned an opportunity to deal with a complaint against it first. If the complainant is not satisfied with the action the Council takes, they can send a written complaint to the LGO, or ask a councillor to do so on their behalf.

The LGO can investigate complaints about how the council has done something but cannot question what a council has done simply because someone does not agree with it. The LGO's objective is to secure satisfactory outcomes for complainants, where appropriate, and improve administration in local authorities.

Each year the LGO provides a summary of the complaints the Council has received in an Annual Letter. This is reported to Governance & Audit Committee annually in June, with half year progress reported to Governance & Audit Committee in December.

Complaints Received

In 2007/08, 146 complaints were received by the LGO a slight reduction on the 148 complaints received in 2006/07 (The number of complaints received is not the same as the number of complaints determined by the Ombudsman, because some complaints are made one year and decided in the next year).

Decisions on Complaints

During the year decisions on 140 complaints against the Council were made by the LGO. There were 22 premature complaints (the council has not had an opportunity to deal with the complaint itself), 21 complaints outside the LGO jurisdiction, the LGO used discretion and closed 23 with no further action by the Council. There was no maladministration in 49 complaints.

Local Settlements

A 'local' settlement is a complaint where, during the course of our investigation, the Council has agreed to take some action which the LGO considers is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined 25 of complaints by local settlement (excluding 'premature' complaints). Details can be found in the LGO's Annual Letter, Appendix 2.

Compensation

A total of £6,550 was paid in compensation to settle complaints. Details can be found in The LGO's Annual Letter, Appendix 2.

Timescales

The target for responding to LGO complaints is 28 days. The average time for responding to first enquiries is 29.4 days. There has been no improvement from last year when our response time was also 29.4 days.

4. The revised approach for 2009 onwards

Corporate Assessment - Comprehensive Performance Assessment

The Corporate Assessment highlighted a number of areas for improvement in the way the Council handles complaints:

'The Council's use of and response to complaints as a resource to drive improved services is being further developed, but currently - although statutory requirements are met - directorates have inconsistent approaches, and mechanisms for monitoring and using complaints are underdeveloped. This inconsistency is reinforced by the mixed quality and availability of service standards'.

These areas are being addressed by the County Complaints Group who will ensure consistent practice across all Directorates in monitoring and responding to complaints from the public and regarding use of complaints to drive service improvements.

All Directorates now produce an annual complaints report and from 2009 they will all cover the following common areas:

- Number of complaints
- How we received them; phone, letter, e-mail
- % answered within our standards
- What we have learnt and what we have changed and improved
- Equality and diversity information

The Corporate complaint leaflet and the website are also being updated to improve information to the public. Progress will be monitored via the annual Complaints Report to the relevant POC, and the summary report to this POC.

Future Changes

The Council is phasing in a new two step corporate complaint procedure to replace and improve on the former 3 stage procedure in operation since 1991/1992. The first 'Local Resolution' step will be for service departments and the 'Review Step' will be undertaken centrally. As from April 2009 Adult Social Care statutory complaint procedure will no longer have review panels and will also only have 2 steps. The statutory complaint procedures for children will still follow a 3 stage process, with different time scales and procedural requirements.

The revision of the corporate complaints process is one part of the developing strategy to transform customer service by listening to what our customers want and expect. The aim is to reduce the bureaucracy involved. This strategy includes reducing the number of formal stages and changing the culture within the Council by encouraging staff to deal with complaints speedily and sympathetically, apologising when things go wrong and taking action to resolve the source of complaints by learning lessons from what causes them.

A primary object of KCC's corporate complaint procedures is to provide an open, accessible and accountable process that can offer an early resolution of dissatisfaction with council services. A further objective is to protect the Council from receiving any final reports of maladministration and injustice from the LGO, which can be costly and time consuming. Managers and staff are encouraged to recognise service failures, learn the lessons from complaints to improve service delivery and to follow the Ombudsman's guidance on 'Remedies' when dealing with a formal complaint.

Within the Council we have developed a whole range of forums and engagement processes which enable people to express their views, which are then fed into the appropriate development/delivery processes for services. This provides people with alternative avenues, rather than resorting to making a complaint.

Valuing Diversity

The Council collects diversity and equalities information as required by the statutory guidance. A form is issued to people who have made a complaint to seek information on ethnicity, gender and age of the complainants. Not everyone completes and returns the form so the details are not known for all complaints.

Monitoring information is used to inform practice, however due to the relatively low response rate to our equality and diversity monitoring forms it has not been feasible to make judgments and set specific objectives or actions from the feedback received.

Further work will be undertaken in 2008/10 to ensure that all Directorates collect this information for complaints.

Vexatious and Repetitious Complainants

The Council can review a complaint and give a decision without formal Investigation where it considers it to be deliberately repetitious or vexatious.

The number of such complaints is increasing to such an extent nationally that in Autumn 2007 the Local Government Ombudsman published a Guidance Note on 'Unreasonable and persistent complainants'. The Council has adopted this guidance. (see Appendix 3)

There were no recorded Vexatious and Repetitious Complainants recorded in 2007/08.

Local Involvement Network (LINKs)

Kent and Medway Networks (KMN) have been appointed as the Host organisation for the Kent LINK. KMN has previously been a Forum Support Organisation for the former Patient and Public Involvement Forums and therefore has knowledge and experience of the area. The Kent LINK is not operational at present, although once it is launched it is anticipated that the information received from the public will influence public services in ways that are relevant and meaningful to the public themselves. It should also provide a further opportunity for concerns and complaints to be heard and responded to. (The LINK was launched on 3rd December 2008)

Conclusion

In 2007/08 KCC continued to provide a robust and effective complaints procedure in line with new statutory regulations and guidance. Lessons are learned from complaints and used to improve service delivery.

Further improvements in both process and culture are proposed for April 2009 onwards.

Recommendations

Members of the Policy Overview are asked to note the contents of this report and support the proposed changes for 2009 onwards.

Background Documents

Annual Complaints Report 2007/08, CFE Policy Overview September 2008
Adult Social Services Annual Complaints Report, KASS Policy Overview Committee 18 November 2008
E & R Annual Complaints 2008, E & R Policy Overview Committee, 25 September
Chief Executives Department Annual Complaints, Comments and Enquires Report, Corporate Policy Overview Committee, 26 September 2008
2007/08 Budget Outturn and Outturn Business Plans, Communities Policy Overview Committee, 22 Sept 2008

Other useful information -

It is a statutory requirement under the following items of legislation for local authorities to have in place a complaints and representations procedure:

- Children Act 1989 Representations Procedure (England) Regulations 2006
- NHS & Community Care Act 1990 (section 50)
- Health & Social Care Act 2000
- Local Authorities Social Services Complaint (England) Regulations 2006 (including associated Guidance; Learning From Complaints – Social Services Complaints Procedure for Adults)
- Local Government Act 2000.

**COMPARISON OF COMPLAINTS NUMBERS FOR
2005/06, 2006/07 and 2007/08**

KENT ADULT SOCIAL SERVICES

Service	2005/06	2006/07	2007/08
Contacting	37	39	33
Disability			
Care Management	42	41	36
Day Care	6		5
Domiciliary	5	4	2
Residential	23	5	10
Transition Arrangements			2
Other	2		2
Older People			
Care Management	112	132	128
Day Care	5	1	3
Domiciliary	33	46	27
Residential	34	17	27
Respite			4
Other	6	5	2
Specialist Services			
Adult Provider Unit	19	18	6
Homecare	1	4	
Older People	21	24	26
Social Economy		3	
OT and Sensory Loss			
Deaf Services	1	1	4
OT	(inc Blue Badge) 41	(inc Blue Badge) 49	29
Blue Badges			6
Mental Health	2	4	4
Planning			1
County Benefits	1	1	
Finance	4	18	18
Hospitals	11	22	17
Out of Hours	2		2
Supporting People		1	
Direct Payments	3	1	
HQ Learning Disability		2	
County Duty Service		1	2
Others	2	1	4
TOTAL	413	440	400

CHILDREN FAMILIES AND EDUCATION

Service	2005/06	2006/07	2007/08
AEN & Resources	36	5	
Admissions & Transport	0	5	
Advisory Service Kent	3	0	
Attendance & Behaviour	3	10	
Capital Strategy	0	2	
Children's Safeguards Unit	1	0	
Children and Families	228	239	
Client Services	1	0	
Communication and Information	0	2	
Early Years and Childcare	4	0	
Educational Psychology Service	1	2	
LAC Education Adviser Team	3	0	
School Governance	1	0	
School Organisation	0	6	
Specialist Teaching Service	8	0	
Student Awards	0	4	
TOTAL	289	275	485

89 non-statutory

178 statutory

218 education (01/09/07-31/03)

Due to changes in the way complaints are logged and the introduction of the new database part way through 2007/08, It has not been possible to give an accurate breakdown of the complaints stats for the various services for 2007/08.

COMMUNITIES

Service	2005/06	2006/07	2007/08
Contact Centre	0	44	0
Arts Development	0	6	0
Community Safety	0	14	20
Emergency Planning	0	0	0
Kent Adult Education	152	149	27
KDAAT	0	1	2
Kent Volunteers	0	0	0
Kent Scientific Services	0	4	1
Libraries	389	388	370
Registration & Coroners	11	6	10
Sports	0	0	0
Trading Standards	12	12	15
Turner Contemporary	0	6	5
Youth Offending Service	1	4	0
Youth Service	0	0	7
TOTAL	565	634	457

ENVIRONMENT & REGENERATION

Service	*2005/06	2006/07	2007/08
Environment & Waste	17	148	220
Kent Highway Services	25	190	232
Strategy & Planning	1	0	1
Regeneration & Economy	2	3	0
Resources	0	0	0
Change & Development	0	0	0
TOTAL	45	341	453

*Formal monitoring reviewed in October 2005 and new procedures implemented to improve data quality in January 2006

CHIEF EXECUTIVES

Service	*2005/06	2006/07	2007/08
Commercial Services	6	4	1
Finance	11	22	16
Information Services	1	6	16
Legal & Democratic Services	1	0	5
Personnel	0	4	4
Property	7	6	1
Policy & Performance	2		1
TOTAL	28	42	44

Complaints information 1 April 2007 – 31 March 2008

How complaints were received

	Total No.	How complaint was received								
		Phone	Letter	E-mail	On-line	KMS	Face-to-face	Comment Card	Fax	Other
COMMUNITIES										
2007/08	457	21	51	14			1	370		1
ENVIRONMENT AND REGENERATION										
2007/08	660	119	215	213	6	29	1	75	2	0
CHILDREN, FAMILIES AND EDUCATION										
Children's Social Services	178 statutory	43 stat. (by phone or f to f)	116 stat.	19 stat.						
Education (01/09/07 – 31/03/08)	218		171	37	3				6	1
TOTAL	396	43	287	56	3				6	1
KENT ADULT SOCIAL SERVICES										
2007/08	346 (51 non-stat.)	50 (9)	210 (37)	24 (2)	4 (2)		2 (0)		0 (1)	5 (0)
CHIEF EXECUTIVE'S DEPARTMENT										
2007/08	44	1	38	5						

Acknowledgement and Response Times against standards

	COMPLAINTS	COMPLIMENTS	ENQUIRIES	% answered within our standards	
				ACKNOWLEDGEMENT	RESPONSE
COMMUNITIES					
2007/08	457	-	-		
ENVIRONMENT AND REGENERATION					
2007/08	660	1398	-	93%	97%
CFE					
Children's Social Services	267 (178 statutory, 89 non- statutory)	36	94		78.6% (within 20 days)
Education (01/09/07 – 31/03/08)	218	2	110	DO NOT HAVE THIS INFORMATION	
KENT ADULT SOCIAL SERVICES					
2007/08	346 - 295 statutory (51 non-statutory)	455	264	96% (98%)	92% (88%)
CHIEF EXECUTIVES DEPARTMENT					
Business Solutions and Policy	1	-	-	100%	100%
Commercial Services	16	-	-	100%	100%
Corporate Finance	16	-	100+	100%	94%
Legal & Governance	5	-	-	100%	80%
Personnel	4	-	-	100%	100%
Property Group	1	-	-	100%	
Strategic Development & Public Access	1	-	-	100%	100%
TOTAL	44	-	-		

No figures for Kent Volunteers or the Contact Centre

Local Government
OMBUDSMAN

**The Local Government Ombudsman's
Annual Letter**

Kent County Council

**for the year ended
31 March 2008**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about Kent County Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

Complaints received

Volume

In 2007/08, I received 146 complaints against your Council. This represents a slight reduction on the 148 complaints I received in the previous year.

Character

Education continues to produce the largest number of complaints, rising from 65 to 79. The number of complaints about children and family services issues also increased from ten to 22.

Complaints about transport and highways issues fell from 28 to 23. Complaints about planning and building control fell from 27 to two (although the previous year's figure had been inflated by complaints linked to the same issue). Complaints about adult care dropped slightly from 14 to ten.

Decisions on complaints

During the year, we made decisions on 142 complaints against your authority. We found no maladministration in 49 complaints, and we exercised discretion to close a further 23 without requiring action by the Council. We found that 21 complaints were outside my jurisdiction.

Reports and local settlements

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

None of the complaints we investigated this year justified the issue of a report. My office settled 25 complaints. The Council's action to settle complaints included the payment of compensation totalling £6,550.

/...

Social services

One complaint related to adult care services. It concerned the way in which the Council handled an increase in domiciliary charges, contrary to Government guidance. The Council agreed to refund the backdated charge to the complainant. In a further complaint about private housing grants, the Council did not tell an applicant of her right to use her own managing agent, rather than the Home Improvement Agency funded by the Council to oversee adaptation works to her home. The Council acknowledged the complainant's loss of opportunity by paying her £500, and undertook to review its arrangements with the Agency.

Three complaints related to children and family services. In one case, the Council paid the complainant £1,000 to acknowledge its failure to allocate a social worker to her for one year while she was in care. In a second case the Council paid the complainant £100 and apologised for its failure to explain the application process for its adult placement scheme. In a third case, the Council delayed in finding a suitable placement for a young adult, and in considering his parents' complaint about that. This complaint was settled by the Council's relatively swift agreement that the young man could move, on appropriate terms, to supported living when a place became available.

Planning and building control

Five complaints related to the continuation of building work on a new school where the Council had been one of the joint applicants for planning permission. The Council might reasonably have been expected to put a stop to the wrongly sited building, but it delayed in doing so. An application for retrospective planning permission to permit the deviation from the original approval was successful. The Council agreed to pay a total of £1,950 to recognise the complainants' distress at its delay in taking appropriate action.

School admissions

13 complaints related to applications and appeals for admission to Community and Voluntary Controlled schools, where the Council is the admissions authority. In four cases, a school (wrongly, as it was not the admissions authority, but the Council was) offered places to applicants. Another school (which was also not the admissions authority) failed properly to maintain its waiting list. In all five cases, the Council, very properly, offered places to the applicants' children and gave advice to the latter school on how to maintain a waiting list.

In an unusual case, a member of the public was able to obtain information about a child's test results for admission to a selective school, by misleading the Council on the telephone. The Council apologised to the child's mother, and has put in place procedures to prevent a recurrence.

Five complaints were settled by the Council offering to arrange rehearings of appeals by Panels consisting of completely different members and with a different Clerk, and agreeing to be bound by the outcome. Two other complaints were settled by the Council agreeing to the admission of the child to the school in question. These were among complaints where Panels took account of wrong, incomplete, or irrelevant information, or Panels did not fully test whether the Council had correctly applied its admissions arrangements. In some instances, the Council's cases opposing appeals for places in infant classes contained guidance which was more restrictive than was appropriate. In other cases, the Council's composite prospectus for transfers to secondary schools contained inadequate guidance on detailed points, a situation which the Council has agreed to reconsider.

/...

In another case, the Council declined my suggestion that it should admit a child to an infant class where the mother said she had relied, in relation to the distance between her home and a school, on an inaccurate distance on a website sponsored by the Council for that purpose. The Council, as an alternative, arranged a rehearing of the mother's appeal, which was successful. I am pleased that by this means the matter was resolved.

Special educational needs

One complaint concerned the Council's delay over two years in specifying hydrotherapy in a child's statement of special educational needs. The Council agreed to pay £2,000 to recognise the delay and £1,000 to recognise the complainant's time and trouble. The Council also agreed to discuss with the health authority ways of avoiding difficulties in delivering the hydrotherapy.

Your Council's complaints procedure and handling of complaints

During the past year, my office referred 22 'premature complaints' to your Council for consideration, as we did not believe that it had had a full opportunity to deal with them through its own procedures. At 16% of all decisions, this was well below the national average. We do not, however, treat complaints about school admissions and some other educational complaints as premature, because complainants have usually exercised a right of appeal before coming to me.

During that period, four premature complaints were resubmitted to me. I pursued none of these complaints.

Liaison with the Local Government Ombudsman

The Council replies reasonably promptly to my first enquiries about complaints. Last year, the Council's average time for responding to first enquiries was 29.4 days, almost exactly the same average time as the previous year. This remains just outside my target of 28 days, I should be grateful if the Council would do what it can to reduce the time taken to respond to my first enquiries.

We appreciate the regular contact between our offices by telephone, email and fax. This contact saves the time of both our offices and assists complainants.

I note that on occasion the Council, in responding to our enquiries, does not consider as fully as it might whether the Council or an Appeal Panel has been at fault and if so how it might resolve matters. I would encourage the Council to be more proactive in dealing with my enquiries and in identifying settlements where appropriate.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

/...

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I note that in the past year we have run six courses in all for the Council. I hope the Council found these useful. I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

We run, from time to time, seminars for Council staff who liaise directly with my office. I am pleased that the Council's link officer was able to join the seminar last October.

LGO developments

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Again I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

Conclusions and general observations

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services.

Tony Redmond
Local Government Ombudsman
 10th floor, Millbank Tower
 Millbank
 London SW1P 4QP

June 2008

Enc: Statistical data
 Note on interpretation of statistics
 Leaflet on training courses (with posted copy only)

Notes to assist interpretation of the LGO's local authority statistics 2007/08

1. Complaints received

This information shows the number of complaints received by the LGO, broken down by service area and in total within the periods given. These figures include complaints that are made prematurely to the LGO (see below for more explanation) and that we send to the council to consider first. The figures may include some complaints that we have received but where we have not yet contacted the council.

2. Decisions

This information records the number of decisions made by the LGO, broken down by outcome, within the periods given. **This number will not be the same as the number of complaints received**, because some complaints are made in one year and decided in the next. Below we set out a key explaining the outcome categories for 2007/08 complaints.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because the authority has agreed to take some action which is considered by the Ombudsman as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the Ombudsman's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the Ombudsman's jurisdiction.

Premature complaints: decisions that the complaint is premature. The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will usually refer it to the council as a 'premature complaint' to see if the council can itself resolve the matter.

Total excl premature: all decisions excluding those where we referred the complaint back to the council as 'premature'.

3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

4. Average local authority response times 2007/08

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

Complaints received by subject area	Adult care services	Children and family services	Education	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	11	22	79	8	2	1	0	23	146
2006 / 2007	14	10	65	4	27	0	0	28	148
2005 / 2006	14	15	90	10	8	0	3	15	155

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2007 - 31/03/2008	0	25	0	0	49	23	21	22	118	140
2006 / 2007	1	17	0	0	33	40	25	26	116	142
2005 / 2006	0	29	0	0	42	37	13	23	121	144

See attached notes for an explanation of the headings in this table.

Average local authority response times 01/04/2007 to 31/03/2008

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2007 - 31/03/2008	78	29.4
2006 / 2007	62	29.5
2005 / 2006	86	23.5

Types of authority	<= 28 days %			29 - 35 days %			> = 36 days %		
	District Councils	56.4	24.6	19.1	41.3	50.0	8.7	58.3	30.6
Unitary Authorities	47.1	38.2	14.7	45.5	27.3	27.3	71.4	28.6	0.0
Metropolitan Authorities									
County Councils									
London Boroughs									
National Park Authorities									

COMPLAINTS AGAINST KCC RECEIVED BY AND DECIDED ON BY LOCAL GOVERNMENT OMBUDSMAN OVER LAST 3 YEARS

(EXCLUDES PREMATURE COMPLAINTS AND ONES OUTSIDE THE OMBUDSMAN'S JURISDICTION)

Year		Chief Executives Dept	Children, Families & Education	Communities	Environment & Regeneration	Kent Adult Social Services	Total	Percentage Change from Previous Year	
								Kent	England
05/06	Total Complaints (Decision made)	3	83	0	11	11	108	-15%	-1.5%
	Settled Locally	0	26	0	0	3	29		
	Formally investigated	3	57	0	11	8	79		
	Maladministration Found	0	0	0	0	0	0		
06/07	Total Complaints (Decision made)	3	57	0	19	12	91	-16%	-0.4%
	Settled Locally	0	13	0	3	1	17		
	Formally investigated	3	43	0	16	11	73		
	Maladministration Found	0	1	0	0	0	1		
07/08	Total Complaints (Decision made)	0	64	1	24	8	97	+07%	-1.7%
	Settled Locally	0	17	0	6	2	25		
	Formally investigated	0	47	1	18	6	72		
	Maladministration Found	0	0	0	0	0	0		



GUIDANCE ON UNREASONABLY PERSISTENT AND VEXATIOUS COMPLAINANTS

Introduction

Generally, dealing with a complaint is a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Council. This can happen either while their complaint is being investigated, or once the Council has finished dealing with the complaint.

It is important to distinguish between:

- people who make a number of complaints because they really think things have gone wrong
- people who make unreasonably persistent complaints.

If the complainant is persisting because his complaints have not been considered in full then we must address this (normally by invoking the next stage of the complaints procedure).

However, if the Council has already done so and has demonstrated this to the complainant, then we need to consider whether the complainant is now inappropriately persistent.

Principles

The Council is committed to dealing with all complaints equitably, comprehensively and in a timely manner. It does not normally limit the contact which complainants have with Council staff and offices. The Council does not expect staff to tolerate unacceptable behaviour which is abusive, offensive or threatening and will take action to protect staff from such behaviour.

Aim of guidance

The aim of this guidance is to contribute to the Council's overall aim of dealing with all complainants in ways which are demonstrably consistent and equitable.

It sets out how the Council will decide which complainants will be treated as vexatious or unreasonably persistent, and what the Council will do in those circumstances.

This guidance runs alongside existing corporate policies and guidance relating to equalities, health & safety and dignity and respect at work and should only be pursued where absolutely necessary.

Definition of unreasonably persistent and vexatious complainants

The Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts

with the Council, hinder the Council's consideration of their or other people's complaints. The descriptions 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

There is a difference between 'unreasonably persistent' and 'vexatious' complainants.

A vexatious person in this context is someone who is not seeking to resolve a dispute between themselves and the Council but is seeking to cause unnecessary aggravation or annoyance to the Council.

Unreasonably persistent complainants or vexatious complainants may have justified complaints or grievances but are pursuing them in inappropriate ways. Alternatively, they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and settled. Their contacts with the Council may be amicable but still place very heavy demands on staff time, or they may be distressing for all involved.

Actions and Behaviours

These are some of the actions and behaviours of unreasonably persistent complainants and vexatious complainants which the Council may experience. A combination of some of these trigger actions may cause this policy to be invoked depending on the specific case by case circumstances. This list is not exhaustive and one single feature on its own will not necessarily imply that a person will be considered persistent and/or vexatious

1. refusing to specify the grounds of a complaint, despite offers of assistance with this from staff
2. refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved
3. refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope
4. refusing to accept that issues are not within the power of the Council to investigate, change or influence (examples could be something that is the responsibility of another organisation
5. making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced
6. changing the basis of a complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage
7. introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered
8. electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved
9. persistently approach the Council through different routes about the same issue
10. adopting a 'scattergun' approach; pursuing a complaint(s) with the Council and at the same time with a department, the Chief Executive, an M.P., Councillor, Auditor, Standards Board, Police, Solicitors or the Local Government Ombudsman

11. making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff, writing lengthy complex letters every few days and expecting immediate responses
12. submitting repeat complaints after the complaints process has been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure
13. refusing to accept the decision – repeatedly arguing the point and complaining about the decision

Being reasonable

Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.

Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

The Council will offer the complainant appropriate support, as it would any other customer.

It may be helpful to both parties if the complainant has an advocate. If the complainant feels that they would like an advocate, the Council must consider offering to help find an independent one. If the complainant has specific needs, the Council will offer relevant support. There are specialist bodies (such as the Royal National Institute for the Blind, Age Concern) which the Council can contact for advice and help

The decision

Before making the decision, some or all of the following steps need to be taken:

- The Council will ensure that the complaint is being, or has been, investigated properly according to the Council's complaints procedure
- Although each complaint is unique, the Council will deal with the complaint in line with other complaints of a similar nature in order to apply a consistent approach
- The Council will contact the complainant to:
 - discuss his or her behaviour
 - explain why this behaviour is causing the Council concern
 - ask him or her to change this behaviour
 - explain about the actions that the Council may take if his or her behaviour does not change
- If the complainant has not already had a meeting about the complaint with a member or members of staff, and provided that the Council

knows nothing about the complainant which would make this inadvisable, the Council will consider offering the complainant a meeting with a member of staff of appropriate seniority. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution.

The decision to declare a complainant as unreasonably persistent and/or vexatious will be an exceptional step, and should be made by the Resource Director/ Monitoring Officer/ Head of Service who has not been directly involved in the complaint or with the complainant. They should make a written note of the considerations and decisions.

The complainant should be told in writing:

- why we believe their behaviour falls into that category
- what action we are taking
- the duration of that action
- how the complainant can challenge the decision if they disagree with it (this should normally include information regarding the Local Government Ombudsman, see Appendix A).

Options

The precise nature of the action should be appropriate and proportionate to the nature and frequency of the complainant's contacts with the Council at that time.

The following is a list of possible options:

- Placing time limits on telephone conversations and personal contacts.
- Restricting the number of telephone calls that will be taken (for example, one call on one specified morning/afternoon of any week)
- Limiting the complainant to one medium of contact (telephone, letter, email etc.) and/or requiring the complainant to communicate only with one named member of staff
- Requiring any personal contacts to take place in the presence of a witness
- Refusing to register and process further complaints about the same matter
- Banning a complainant from one or more Council premises
- Where a decision on the complaint has been made, providing the complainant with acknowledgements only of letters, faxes, or emails, or ultimately informing the complainant that future correspondence will be read and placed on the file but not acknowledged. A designated officer should be identified who will read future correspondence
- Where a complainant's complaint is closed and the complainant persists in communicating about it, it may be decided to terminate contact with that complainant.

These options are not exhaustive and often local or other factors will be relevant in deciding what might be appropriate action. For instance, any arrangements for limiting a complainant's contact must take account of the

complainant's individual circumstances, bearing in mind such issues as age, disability, gender, race and religion or belief.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, the Council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the Council may not give the complainant prior warning of that action.

Further actions

Adequate records of all contacts with unreasonable persistent and vexatious complainants must be kept and information needs to be shared on a 'need to know' basis only in order for staff to carry out their role at work.

Personal details about the complainant and about the complaint will be managed and stored appropriately in line with data protection and records management principles and procedures.

When unreasonable and unreasonably persistent complainants make complaints about new issues these should be treated on their merits, and decisions will need to be taken on whether any restrictions which have been applied before are still appropriate and necessary.

Reviews of decisions to restrict a complainant's contacts or the Council's responses to them, should be taken by the Complaints Manager/ Resource Director/ Monitoring Officer/ Head of Service

Source documents:

LGO Guidance on persistent and unreasonably persistent complainants

Information Commissioner's guidance on vexatious requests

Hantsnet – corporate policy on dealing with difficult/vexatious complainants

Referring unreasonable and unreasonably persistent complainants to the Local Government Ombudsmen

In some cases, relations between unreasonable and unreasonably persistent complainants break down badly while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances there is often little purpose in following through all stages of the Council's complaints procedure and where this occurs the Ombudsman may be prepared to consider complaints before the Council's complaints procedures have been exhausted. This is the case even in respect of statutory complaints procedures.

A complainant who has been designated an unreasonably persistent complainant may make a complaint to the Ombudsman about the way in which he or she has been treated. The Ombudsman is unlikely to be critical of the council's action if it can show that its policy has been operated properly and fairly.

In extreme cases the council may consider the following actions:

- referring the complaint to the Local Government Ombudsman before the complaints procedure has been exhausted
- advising the complainant that it cannot assist further and informing them of their right to approach the Local Government Ombudsman.

The distinction between the two options above is that early referral to the Local Government Ombudsman is a positive action that can only be undertaken in agreement between the KCC and the complainant. This is therefore the less likely option with persistent complainants.

Option 2 may arise where the KCC does not agree with the complainant that the complaints are substantively valid and the two parties disagree on the way forward. This is more likely with a persistent complainant.

Should the authorised manager take this option, do not contact the Local Government Ombudsman directly, but indicate to the complainant that he may make this approach and confirm to the complainant that the council is not responding to the complaint further.

The Local Government Ombudsman is likely to apply the test of reasonableness over our response in a similar manner to an early referral and will have a range of options open to him.



Complaints Pack

Complaints, Comments and Compliments Policy

Complaints Procedure

Complaints, Comments and Compliments Leaflet

Flow Chart

Guidance for the Equalities Monitoring Form

Guidelines for Unreasonably Persistent and Vexatious Complaints

Procedure for handling Local Government Ombudsman Complaints

KCC COMPLAINTS, COMMENTS AND COMPLIMENTS POLICY

Introduction

This policy sets out KCC's position on complaints, comments and compliments management.

KCC has a genuine desire to learn from what our customers tell us and use it to improve:

- the services we provide
- the policies we develop
- how we behave as an organisation.

We are committed to operating an effective complaints and customer feedback system, that demonstrates to the public that we:

- are "putting our customers first" (one of the Kent First pledges)
- listen to what residents have to say
- are open, honest and transparent
- are responsive and fair

KCC, in general, has a devolved approach to complaints, comments and compliments management. Individual Directorates and business units are responsible for developing, operating and monitoring their own procedures and processes, but they must comply with the KCC Complaints, Comments and Compliments Policy and provide regular monitoring statistics.

Aim of policy

The purpose of this policy is to:

- clarify how the public may make a complaint about us
- define the standards the public can expect when they make a complaint
- recognise the importance of complaints, comments and compliments in providing feedback about council services and performance
- set out how the council will monitor complaints, comments and compliments and use that information to improve services and identify training needs.

What is a complaint, comment and compliment?

A complaint is an expression of dissatisfaction, however made, about the standard of / or the delivery of service, the actions or lack of action by the Council or its staff which affects an individual service user or group of users.

This definition is in line with those of the Local Government Ombudsman and the British Standards Institute and is consistent with the definitions used by other local authorities.

A comment is any suggestion made by customers that they believe would improve the service delivered.

A compliment is an expression of thanks or congratulations or any other positive remark. (Internal compliments are excluded from this process)

Who can make a complaint, comment or compliment?

Any individual or organisation who uses or receives a Council service can make a complaint if they are dissatisfied with the service. This definition includes:

- Statutory or non statutory services provided to individual customers
- Services provided on a commercial basis (e.g. Home to School transport)
- Services provided to schools

The Complaints, Comments and Compliments Policy does not cover complaints from members of staff, trainees, apprentices or persons on work placements, involving working conditions, pay or other internal grievances.

How a complaint can be made

A complaint can be accepted in any form (including face to face or by phone). However, for the sake of clarity, any complaint and the steps taken to deal with it should be recorded in writing. We must take account of the complainant's individual circumstances and specific needs when communicating during the complaint process, bearing in mind such issues as disability and first language.

Stages of the complaints procedure

Step 1: Local Resolution

The first step in the complaints procedure is step 1: Local Resolution. The aim of local resolution is to try to sort out the problem directly and as quickly and easily as possible. The County Council's leaflet on complaints (also available on the website) therefore advises members of the public, if they have a complaint, to take it up initially with the service concerned.

If the complainant remains dissatisfied then they can ask for their complaint to be considered at step 2.

Step 2: Complaint Investigation

If the complainant remains dissatisfied after completion of step 1, there is the option to request that the complaint proceeds to step 2 of the process. This involves a formal investigation of the complaint with a report being produced by the investigating officer appointed to the case. **The timescale for dealing**

with this step is 20 working days up to a maximum of 65 working days, for more complex cases.

The customer themselves would usually make the decision on whether they want their complaint to be investigated at step 2 (this option is openly published in the KCC Complaints, Compliments and Comments leaflet and on www.kent.gov.uk/complaints).

Step3: External referral or review

The third step is for the customer to take the complaint to the Local Government Ombudsman or a Complaints Review Panel for Kent Adult Social Services (until April 2009) and for Children's Social Services.

Complaints Equalities Monitoring

KCC policy is to send all complainants a copy of our Equalities Monitoring Form (EMF) with the first written response. The County Council has separate guidelines on equalities monitoring. [LINK](#)

Guidance on unreasonably persistent and vexatious complainants

The County Council's guidance on handling unreasonably persistent and vexatious complainants is set out in separate guidelines issued by the Chief Executive. [LINK](#)

Involvement of Members

If a complainant has chosen to involve a Member of the Council in their complaint, then the response to the complaint should be copied to that Member, c/o Members' Desk, Sessions House, County Hall.

Involvement of Monitoring Officer

The Director of Law and Governance is the Council's Monitoring Officer under section 5 of the Local Government and Housing Act 1989. It is not necessary for all complaints to be reported to him, but, so that he can fulfil his statutory duties, he does need to be involved wherever the internal investigation of a complaint reveals evidence of illegality or maladministration. The Director of Law and Governance is based at Sessions House, County Hall (01622 694302).

Procedure for Handling of Local Government Ombudsman Complaints

The County Council's procedure for handling complaints from the Local Government Ombudsman is set out in separate guidelines issued by the Chief Executive. [LINK](#)

Confidentiality

Any complaint processed through the procedure will be dealt with in accordance with the requirements of the Data Protection Act 1998 and Freedom of Information Act

KCC Complaints Standard

We will acknowledge receipt of your complaint within 3 working days.

We will use plain language.

We will give you a contact name and telephone number.

We will answer all complaints within 20 working days or explain why a reply may take longer.

Complaints, Comments and Compliments Monitoring

All complaints, comments and compliments should be logged, including those that are resolved at first point of contact. The purpose of this policy is to improve our services for our customers. This information is valuable customer feedback and should be used within the business planning process

Complaints reports

Policy Overview Committees will receive an annual report on complaints activity. The report will contain:

- number of complaints
- how complaints are received; phone, letter, e-mail
- % answered within standards
- Identified improvements to service delivery introduced in response to complaints
- recommend action to minimise or avoid similar complaints in future
- recommend procedural improvements for handling and resolving complaints
- identified training and information needs
- equalities information

Governance and Audit Committee will receive a KCC Complaints, Comments and Compliment report annually.

KENT COUNTY COUNCIL COMPLAINTS PROCEDURE

Aims of Procedure

1. The complaints procedure aims to ensure that:-
 - (a) all staff are aware of what they need to do if they receive a complaint from a member of the public
 - (b) the customers of the County Council are aware of their right to complain and of the procedure for doing so
 - (c) the County Council responds to complaints within a reasonable time and in a courteous and efficient manner
 - (d) the complainant feels that his/her complaint is being treated seriously regardless of whether the outcome is to his/her complete satisfaction
 - (e) the County Council learns from complaints and takes appropriate measures to improve its services

Categorisation of Complaints

2. The word "complaint" is often used to describe both complaints to the County Council (e.g. reports of potholes in roads, requests for advice, etc) and complaints about the County Council.

This Complaints Procedure is concerned only with complaints about the County Council (i.e. complaints about things which the County Council has done which the complainant feels it ought not to have done; or complaints about things which the County Council has not done which the complainant feels it ought to have done).

Complaints about the County Council can be broadly categorised as follows:-

- (a) Policy

Complaints about decisions by Members on matters of **policy** (e.g. level of expenditure in general, or on a particular service), or on **regulatory** issues (e.g. decisions on planning applications).

- (b) Standards

Complaints about **standards** of work, delay, discourtesy, etc.

- (c) Personal

Complaints about the refusal of applications - by officers or Members - for **personal** services (e.g. school admissions, school transport). Many such complaints will be dealt with through a formal **appeals** process. The 'Personal' category also includes **claims for compensation** for damage caused by highway defects, etc, which have been refused by the County Council's insurers, and complaints about refusal to accede to **demands** for provision or removal of a particular facility (e.g. new roundabout, street-lighting, traffic-calming, etc).

Individual complaints will often fall into more than one category and, indeed, it is sometimes difficult to distinguish between a complaint to the County Council and one about the County Council. The answer must be to take the broadest possible view of the definition of complaint, and, if there is the slightest hint in any contact from a member of the public that it may involve some criticism of the County Council which that individual intends to pursue, it should be treated as a complaint.

Advice to Public

3. Every effort should be made to resolve complaints as close to their source as possible. The County Council's leaflet on complaints (also available on the website) therefore advises members of the public, if they have a complaint, to take it up initially with the Directorate concerned. The leaflet includes contact points for each Directorate. Copies of the leaflet are available from the Information Office at Sessions House, County Hall (01622 694016).

Complaints from Customers and how to deal with them

4. Ideally, we would like to run our services so well that none of our customers ever had any cause to complain. However, despite all our efforts to improve our services, it is unrealistic to expect that we will ever be able to eliminate complaints entirely, simply because the County Council is such a large, diverse and political organisation.

Complaints can be about:

- the standards of our services (e.g. time taken to answer a letter)
- the policies which govern the availability of services
- decisions taken by the County Council in a regulatory capacity (planning permissions) or on applications for services or grants
- our refusal to provide some facility (e.g. a new roundabout or village by-pass)

What to do if you receive a complaint

Whenever you deal with a complaint

- **be positive**
Show that you are interested in the customer's problem and want to try to find a solution
- **be open**
Tell the customer your name, job title and telephone number so that they know who to contact if they need to follow-up their complaint or check progress
- **be honest**
Do not be afraid to say sorry if a mistake has been made or if the customer has suffered inconvenience
- **be polite**
Never criticise or blame the customer. Even if the problem arises from a misunderstanding on the customer's part, try and clarify the situation without directing personal criticism at the customer
- **offer advice**
If the customer remains dissatisfied, advise them on how they can take their complaint further by offering them a copy of the County Council's Complaints Procedure leaflet

- **make use of complaints**

Complaints are a useful form of customer feedback. They may highlight an area where action is needed by the County Council, so let your line manager have brief details of any complaint received

Complaints about the County Council can be received as a telephone call, as a visit from the complainant to a County Council office, or as a letter, fax or e-mail. Directorates need to maintain separate, but inter-related, procedures for dealing, on the one hand, with telephone or personal caller complaints and, on the other hand, for dealing with written complaints.

Telephone and Personal Caller Complaints

Complainants who telephone or personally call with their complaints often do so because they are seeking an urgent remedy. They are sometimes angry about the cause of their complaint. If they do not already have a contact within the office concerned, or if their complaint is about that contact, they need to speak to somebody who is sympathetic and who is prepared to take responsibility for dealing with their complaint and for keeping them informed.

For this purpose, therefore, all Directorates should ensure that within every office which has direct contact with the public (whether an individual service unit, or an area or local office) one or more senior officers are designated to deal with telephone and personal caller complaints on behalf of the relevant Manager. Of course, at smaller offices, the manager/officer-in-charge may have to take responsibility for handling complaints themselves. Clearly, whoever is designated to deal with complaints needs to be reasonably 'available', and Switchboard Operators and Receptionists need to know who the 'Complaints Duty Officer' is at any given time. In addition, each Directorate should designate one officer at its headquarters office as its Lead Officer on Complaints. It will be part of the Lead Officer's role to deal with telephone and personal caller complaints on behalf of the Managing Director.

The complainant must be advised at the time of making the complaint who will respond, how and when. Calls must be returned when promised even if it is only to tell the complainant that his or her complaint is still being investigated. Staff who deal with telephone or personal caller complaints must, except in the most exceptional circumstances (e.g. where there is a threat of violence) identify themselves by name and job title. A detailed file note should be made of all telephone and personal caller complaints and of any subsequent discussions with the complainant.

Written Complaints

Complainants who send their complaints by letter, fax or e-mail need to know that their complaint has been received and is being acted upon. For this reason, all written complaints will be acknowledged within 3 working days of the date of receipt and investigation of the complaint will be put in hand immediately and completed as swiftly as possible, with a view to providing the complainant with a full response within 20 working days of the date of receipt.

Where it is not possible to meet this deadline, an interim reply will be sent within 20 working days of the date of receipt explaining the reasons for the delay and stating when a full response will be provided and by whom. Further interim replies may be necessary but the complainant must be kept informed of the progress of the

investigation at intervals of no more than 20 days and, in any event, a full response must be provided within three months of the date of receipt of the complaint.

All correspondence will clearly indicate the name and telephone number of the officer dealing with the complaint. That officer should also sign the letters over their own name and/or job title - letters signed by somebody else in another officer's name, or signed "pp" another officer, are bad practice at the best of times, but are completely unacceptable when dealing with complaints.

A Complaints Equality Monitoring form (EMF) and prepaid envelope **MUST** be sent out with the acknowledgement of the complaint. This information will only be used to help improve our services and access to services. (see KCC Complaints Equalities Monitoring Guidance Appendix 1). This data is confidential and anonymous and must not be kept in the complaints file. EMFs should not be sent out with subsequent correspondence.

Correspondence with a complainant by e-mail should be printed off for retention on file.

Complainants must be informed of their right to refer the complaint to the Ombudsman, or - for certain Adult (until April 2009) and Children's Social Services functions only - to an Independent Review Panel, if they are dissatisfied with the Directorate's response.

Handling of complaints made to the Chief Executive

5. The Corporate Access to Information Coordinator in the Chief Executive's Directorate is responsible for dealing with all complaints addressed to the Chief Executive.

The Chief Executive will adhere to the timetable for acknowledgement of, and response to, complaints, set out in paragraph 4 above.

Where a complainant to the Chief Executive indicates that they are dissatisfied with the Chief Executive's response, they will be informed of their right to refer the complaint to the Local Government Ombudsman.

Procedure for Handling of Local Government Ombudsman Complaints

6. The County Council's procedure for handling complaints from the Local Government Ombudsman is set out in separate guidelines issued by the Chief Executive. These are available on Knet.

Involvement of Members

7. If a complainant has chosen to involve a Member of the Council in their complaint, then the response to the complaint should be copied to that Member, c/o Members' Desk, Sessions House, County Hall.

Involvement of Monitoring Officer

The Director of Law and Governance is the Council's Monitoring Officer under section 5 of the Local Government and Housing Act 1989. It is not necessary for all complaints to be reported to him, but, so that he can fulfil his statutory duties, he does need to be involved wherever the internal investigation of a complaint reveals evidence of illegality or maladministration. The Director of Law and Governance is based at Sessions House, County Hall (01622 694302)

Redress

As stated in paragraph 3 above, one of the aims of the complaints procedure is to resolve complaints as close to their source as possible. The ways in which this can be done vary according to the category of complaint and suggestions for appropriate redress in each category are set out below:-

(a) Policy

Any response should explain why the County Council has adopted the policy concerned. In some cases, consideration may need to be given to informing Members if a large number of complaints are received about a particular policy (e.g. by copying correspondence to the appropriate Cabinet Member)

Any response to a complaint about a decision taken by Members acting as a regulatory body should explain the County Council's decision and inform the complainant of any rights of appeal that may exist.

(b) Standards

Any response should, if appropriate, include an apology; an explanation of why things went wrong (but not just a list of excuses); an assurance that the error has been corrected; and details of the steps that have been taken to prevent similar errors occurring in the future. In certain circumstances (see paragraph 10 below) monetary compensation may be offered.

If it is considered that an apology is justified, it should be genuine and unconditional. It will often be appropriate for the Service Unit Manager concerned to sign letters of apology personally. If an explanation is required, it may in some circumstances, be useful to give the explanation to the complainant at a face-to-face meeting.

(c) Applications

Any response should explain fully why the County Council is unable to grant the applicant's request and inform the complainant of any rights of appeal that may exist.

Monetary Compensation

Monetary compensation should normally only be offered in the following circumstances:-

- (a) where the County Council is legally liable (the Director of Law and Governance or our Insurers must be involved in such cases)
- (b) as a refund of a direct payment made for a specific County Council service which has not been provided (except, of course, where payment is in respect of the processing of an application rather than for the service applied for, e.g. library book reservations, highways stopping-up orders)
- (c) where the Local Government Ombudsman recommends it following a finding of maladministration
- (d) where the relevant senior manager accepts that his or her unit has been in the wrong, and that, if the Local Government Ombudsman (LGO) was to investigate, a finding of

maladministration and recommendation for compensation would be likely. (This is permitted under s92 of the Local Government Act 2000). Also see [‘Remedies: Guidance on good practice 6’ produced by the LGO.](#)

On (a) an increasing number of complainants now demand monetary compensation for what they see as negligence by the County Council. If the service unit/directorate concerned receives a complaint which makes a definite request for compensation, then the complaint should be referred immediately - **and without acknowledgement** - to the Corporate Risk and Insurance Manager in the Finance Department at Sessions House, County Hall (01622 694632). Where a complaint just contains a suggestion that the complainant might pursue a claim for compensation, the service unit/directorate concerned can respond direct to the complainant, but only after consulting the Corporate Risk and Insurance Manager about the wording of the reply, to ensure that the Council’s position is not prejudiced.

On (d) compensation should aim to put the complainant back in the position they would have been in had the failing by the County Council not occurred. It should take account of factors such as:-

- (a) the time, effort and expense which the complainant has had to spend in pursuing his or her complaint
- (b) the anxiety and distress which the complainant has suffered as a result of the County Council's wrongful actions or inaction
- (c) in cases where there has been a delay in making a payment properly due, the interest forgone by the complainant on the sum.

Advice on whether compensation is appropriate in any case, and on the amount which should be paid, is available from The Corporate Access to Information Coordinator (01622 694002). Because of the danger that it could be seen as an admission of liability the Corporate Risk and Insurance Manager (01622 694632) should be consulted whenever such a payment is proposed.

Guidance on unreasonably persistent and vexatious complainants

11. Generally, dealing with a complaint is a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Council. This can happen either while their complaint is being investigated, or once the Council has finished dealing with the complaint. The County Council’s guidance on handling unreasonably persistent and vexatious complainants is set out in separate guidelines.

Monitoring

All service units/directorates must monitor the complaints they receive so that they can identify areas in which services can be improved, identify trends, etc. At the end of the financial year this information is collated to feed into the business planning process and reported to Members of the Policy Overview Committees (POCs) and Governance & Audit Committee.

In line with legislation, guidance from the Equal Opportunities Commission (EOC), the Commission for Racial Equality (CRE) and the Disability Rights Commission (DRC), Kent County Council is committed to ensuring that it is operating fairly and equitably in Service Delivery. The Council’s Corporate Equality Commitment and Equal Opportunities policy, by themselves, will not bring about equality – the Council must have a system for checking whether their policies are being carried out and whether they are working.

Equality monitoring is part of all fundamental performance reviews, service planning and reporting processes. Service areas are, therefore, expected to report annually on how they are embedding equality objectives and performance indicators in service plans.

Equalities information must form part of annual complaints reports.

Staff Training

All front-line staff should be given advice on how to deal with complaints. This is available on KNet.

All staff who deal directly with members of the public should receive "Customer Care" training on a continuing basis, and those who may come into contact with aggressive or offensive complainants should receive appropriate training for dealing safely and successfully with such situations. To discuss training needs contact your Directorate's Senior Training and Development Officer.

Disciplinary Procedure

In certain circumstances complaints by members of the public may occasionally lead to disciplinary action being taken against a member of staff. Any such disciplinary action will only be undertaken in accordance with the County Council's published Disciplinary Procedure, or Regulations applicable to the member of staff concerned.

Further Information

Further information about the County Council's Complaints Procedure can be obtained from the, County Hall (01622 221981).

Chief Executive
Revision 8, December 2008

Guidance on the KCC monitoring form, to be used as part of our customer complaints procedures.

KCC's policy is to send all complainants a copy of our Equalities Monitoring Form (EMF), together with a self addressed envelope, with the **first written response** you send them.

- **Complaint**

The EMF applies to all complaints

- **Customers**

This policy applies to individual customers only. There is no need to send the EMF where the complainant is complaining on behalf of a business or organisation.

- **Initial response**

We leave it up to customers to send us their feedback in a way that suits them (e.g. face to face, over the phone, by email, via a website or in writing). We also encourage customers to first raise issues with the person they have been dealing with or their line manager. This means that it's simply not always practical to gain equalities data about the complainant in all situations. However, we are legally required to try to collect this information.

The most practical way of doing this is to send the complainant a form whenever you first send them a written response. This response could be:

- a. The acknowledgement that you have to send out within 3 working days, in line with KCC's Complaints Procedure.
- b. A letter or email which you may send to confirm the outcome of a complaint that was dealt with within 20 working days.

- **Written acknowledgement**

Written acknowledgements can be sent as either a letter or as an email. If you're sending a letter, include a paper copy of the form together with a self addressed envelope with the freepost address already on it. If you're sending an email send them a Word version or a form-enabled PDF version of the form, so they can fill it in and return it to us electronically, or print it out and post it to us using the freepost address.

- **Drawing the customer's attention to the form**

Please include one of the following paragraphs, or something similar, in your acknowledgement or first response letter or email:

Letter:

We are keen to ensure that everyone has an equal opportunity to raise a complaint. It would therefore be really helpful if you could complete the attached questionnaire and return the form to us in the enclosed pre paid envelope. This information will help us to make sure we are treating everyone fairly and equally and will be used to improve our services.

Email:

We are keen to ensure that everyone has an equal opportunity to raise a complaint. It would therefore be really helpful if you could complete the attached questionnaire and return the form to us. You can email it to or print a copy and send it (free of charge) to the address shown on the form. This information will help us to make sure we are treating everyone fairly and equally and will be used to improve our services.

- **Who gets the data and what will be done with it?**

The EMF will be sent to a central point within each directorate. This should help reassure complainants that the information supplied in the form is used only for statistical purposes, and will not be used as part of any investigation into their complaint.

The data will be collected and analysed. Regular reports will be prepared on the data and these will be sent to Directorate Equality Leads, Unit Heads and all complaints lead officers. From time to time, the lead equalities officer will review the data (alongside other sources of customer and market information) and report findings to specific services and managers.

- **What if people don't return the form?**

While KCC is legally obliged to gather equalities monitoring data, we can't force complainants to complete the form, and we can't make completion of the form a condition of investigating their complaint. The important thing is to actively seek the information, and to make good use of any information we do get.

Complaints Equalities Monitoring Form

Kent County Council is committed to promoting equality and preventing discrimination across all of its services. You can help us monitor our progress towards achieving this aim by filling in this form and sending it to us. This information is for monitoring purposes only and is part of our statutory duty under The Race Relations (Amendments) Act 2000. Information will be processed in compliance with The Data Protection Act 1998 and will be treated in confidence and will not affect how your comment / complaint is dealt with.

Gender (please tick)	Male <input type="checkbox"/>	Female <input type="checkbox"/>
-----------------------------	-------------------------------	---------------------------------

Age Range (please tick)	Up to 19 <input type="checkbox"/>	46 – 55 <input type="checkbox"/>
	20 – 25 <input type="checkbox"/>	56 – 65 <input type="checkbox"/>
	26 – 35 <input type="checkbox"/>	Over 65 <input type="checkbox"/>
	36 – 45 <input type="checkbox"/>	

Ethnic Origin (please tick one box only, indicating the category that best describes your ethnic origin)			
White	British <input type="checkbox"/>	Irish <input type="checkbox"/>	
	Any other White background (please specify)		
Mixed	White & Black Caribbean <input type="checkbox"/>	White & Black African <input type="checkbox"/>	
	White & Asian <input type="checkbox"/>		
	Any other Mixed background (please specify)		
Asian or Asian British	Indian <input type="checkbox"/>	Pakistani <input type="checkbox"/>	
	Bangladeshi <input type="checkbox"/>		
	Any other Asian background (please specify)		
Black or Black British	Caribbean <input type="checkbox"/>	African <input type="checkbox"/>	
	Any other Black background (please specify)		
Chinese	Chinese <input type="checkbox"/>		
Other	Any other ethnic background (please specify)		

Disability (please tick)			
Do you consider yourself to be disabled?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
If yes, do you consider yourself to be disabled under the terms of the Disability Discrimination Act?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
The Disability Discrimination Act 2005 defines disability as 'a physical or mental impairment which has a substantial and long-term adverse effect on an individual's ability to carry out normal day-to-day activities'.			



Protecting your personal information

Access to such data is restricted, in accordance with Data Protection requirements and is used solely to ensure KCC meets its obligations under equality legislation. Data is not attributed to an individual in any reporting.

Complaints, Comments and Compliments

Kent County Council

countyhall@kent.gov.uk

www.kent.gov.uk

08458 247 247

At Kent County Council we are committed to putting you, our customer, at the heart of everything we do. We understand that the best way to improve our services is to listen to our customers. We welcome comments, complaints and compliments.

If you are particularly pleased with a member of staff or service, please let us know. You can contact the member of staff you have most contact with or if you prefer, write to the relevant Managing Director.

We also value complaints because we need to know when things are going wrong, so that we can put them right and learn from them. That way we can improve our services for all our customers.

How to complain about KCC services

There are separate procedures for complaints about Kent Adult Social Services and Children's Social Services, for complaints about schools and for complaints relating to the Freedom of Information Act and the Data Protection Act. These are described on page X. For all other KCC Services:

1. Please start by talking to, writing to or e-mailing the person you have been dealing with at the county council, or their immediate manager. Most problems can be resolved this way.

If the problem can't be resolved straight away, you can expect to receive an acknowledgement to your complaint within three working days of receipt, and normally a full reply within 20 working days. If your complaint raises complex issues which cannot be answered within 20 working days, we will keep you informed of progress at four-weekly intervals until we are able to respond fully to your complaint.

2. If you feel you need to pursue your complaint further, then please contact the managing director responsible for the service you have been dealing with (the addresses can be found at the back of this leaflet).

Alternatively you can e-mail your complaint to county.hall@kent.gov.uk, or telephone/typetalk our Contact Centre on 08458 247 247 or minicom 08458 247 905, or complain via our website at www.kent.gov.uk/complaints.

3. If you are still not satisfied after these steps have been taken, you have the right to take your complaint to the Local Government Ombudsman (except for Freedom of Information and Data Protection complaints – see page X).

The Local Government Ombudsman is an independent and impartial person, appointed by central government to investigate complaints of maladministration

by local authorities. A leaflet explaining how to complain to the Local Government Ombudsman is available direct from the Ombudsman's office.

The Local Government Ombudsman
Millbank Tower
Millbank
London SW1P 4QP
www.lgo.org.uk
Advice-line: 0845 602 1983

Kent Adult Social Services and Children's Social Services

If you are a customer of Adult Social Services or Children's Social Services, or a carer for a customer, there is a separate procedure if you wish to make a complaint about the service that you or the person you care for have received. Please ask our Contact Centre on telephone/typetalk 08458 247 100 (minicom) 08458 247 905 for the separate leaflet which gives full details of this procedure, or visit our website www.kent.gov.uk or write to the contact address on the back of this leaflet.

The relevant Social Services Customer Care Team will be able to explain the complaints procedure to you.

Schools

If you have a complaint about one of the County Council's schools, the procedure is different:

- 1.** Please start by telling the Headteacher about your problem.
- 2.** If you feel you need to pursue your complaint further, or if your complaint is about the Headteacher, then contact the clerk to the governing body (the Headteacher or school secretary will be able to provide you with the clerk's name and address). The governing body will arrange for your complaint to be fully investigated in accordance with the school's own complaints procedure.
- 3.** If you are not satisfied with the way the governing body has dealt with your complaint you can contact our Children, Families and Education Directorate at the address on the back of this leaflet, by telephone on 01622 694031 or by e-mail to communicationcfe@kent.gov.uk
- 4.** Finally, if you believe that the school's governing body or the council has acted unreasonably, you can complain to the Secretary of State in the Department for Children, Schools and Families. To do this, write to the Secretary

of State at DCSF Sanctuary Buildings, Great Smith Street, London SW1P 3BT or telephone 0870 000 2288 (textphone/minicom 01928 794274).

Data Protection Act and Freedom of Information Act

If you are unhappy with the response you have received to a request for information made under the Freedom of Information Act 2000 or the Data Protection Act 1998, and you believe KCC has not complied with legislation, you should ask for a review by writing to the Chief Executive. Please quote your request reference number wherever possible.

If you remain dissatisfied with the outcome, you can complain to the Information Commissioner. Advice on the Information Commissioner's role is available from his office (telephone /typetalk 01625 545700) e-mail mail@ico.gsi.gov.uk or visit the website: <http://www.ico.gov.uk/complaints.aspx>

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Who can help me make a complaint?

You can get help from people like your County Councillor or MP, or from a specialist advice or advocacy organisation.

Your local County Councillor may be able to help resolve your complaint by pursuing it on your behalf. You can find out the name and address of your County Councillor from our Contact Centre on 08458 247 247 or by logging on to our website www.kent.gov.uk, go to the 'Council and Democracy' page and follow the "Find your Councillor" link.

The address to write to your County Councillor is:

Members' Desk
Kent County Council
Sessions House
County Hall
Maidstone ME14 1XQ

You can find out who your MP is at:

www.parliament.uk/directories/hciolists/clnonmetro.cfm or by calling the House of Commons Information Office on 020 7219 4272.

You can write to your MP at the following address:

House of Commons
London
SW1A 0AA

Complaining about a County Councillor

Kent's County Councillors all adhere to a Code of Conduct. If you want to complain about the conduct of a councillor of Kent County Council you can:

Complete the online Councillor complaints form or print out the Councillor complaints form at www.kent.gov.uk/councillorcomplaints, complete and send it to us.

E-mail your complaint to democratic.services@kent.gov.uk

Write to:

Head of Democratic Services & Local Leadership
Kent County Council
Sessions House
County Hall
Maidstone
Kent ME14 1XQ

The Standards Committee, chaired by an independent person, will investigate the complaint. The Committee is responsible for promoting and maintaining high standards for councillors' code of conduct as well as resolving complaints about individual councillors. It will not deal with complaints about things that are not covered by the members' Code of Conduct. If you make a complaint to the Standards Committee it must be about why you think a member has not followed the Code of Conduct.



Kent Health Watch

Kent Health Watch operates 24 hours a day, seven days a week by telephone, textphone and e-mail. It operates like a Directory Enquiry service helping people to get through to the right contact whenever you want to make comments, compliments or concerns about Health or Social Care.



Telephone: 08458 247 103
E-mail: kenthealthwatch@kent.gov.uk
Textbox 08458 247 905

Treating everyone fairly

We want to make sure that everyone can use the complaint procedure. To help us do this we'll ask you some questions about yourself (gender, age, ethnic origin and whether you have any disabilities). The information you provide is treated confidentially and handled outside of the process used to deal with your complaint. We only use it to make sure we're treating all groups of people fairly and are not discriminating against you.

Please telephone/typetalk our contact centre on 08458 247 247 (minicom 08458 247 905) if you would like this leaflet:

- in another language
- in Braille
- in larger print; or
- on audio cassette.

Listen to page 

 **Languages**



Contact names and addresses

If you wish to put your complaint about one of the County Council's services in writing, please send it to the person you have been dealing with at the county council, their immediate manager or to one of the following:

Service	Who you should contact
Access to Information	Chief Executive
Adult Education	Communities
Adult Social Services	Kent Adult Social Services
Arts Development	Communities
Children, Families and Education	Children, Families and Education
Commercial Services	Chief Executive
Community Safety	Communities
Country Parks	Environment & Regeneration
Finance	Chief Executive
Household Waste Recycling Centres	Environment & Regeneration
Information Systems	Chief Executive
Law and Governance	Chief Executive
Libraries and Archives	Communities
Media & Communications	Chief Executive
Minerals and Waste Planning	Environment & Regeneration
Personnel & Development	Chief Executive
Policy & Performance	Chief Executive
Property	Chief Executive
Public Rights of Way	Environment & Regeneration
Registration of Births, Deaths and Marriages	Communities
Roads and Pavements	Environment & Regeneration
Sports Development	Communities
Streetlighting	Environment & Regeneration
Trading Standards	Communities
Youth Service	Communities

For **Chief Executive**, write to:

Chief Executive, Sessions House, County Hall, Maidstone, ME14 1XQ

The Chief Executive will normally arrange for your complaint to be investigated by the head of the service concerned.

For **Kent Adult Social Services** write to:

Managing Director – Kent Adult Social Services, Brenchley House, County Hall, Maidstone, ME14 1RF

For **Children, Families and Education** write to:

Managing Director – Children, Families and Education, Sessions House, County Hall, Maidstone, ME14 1XQ

For **Communities** write to:

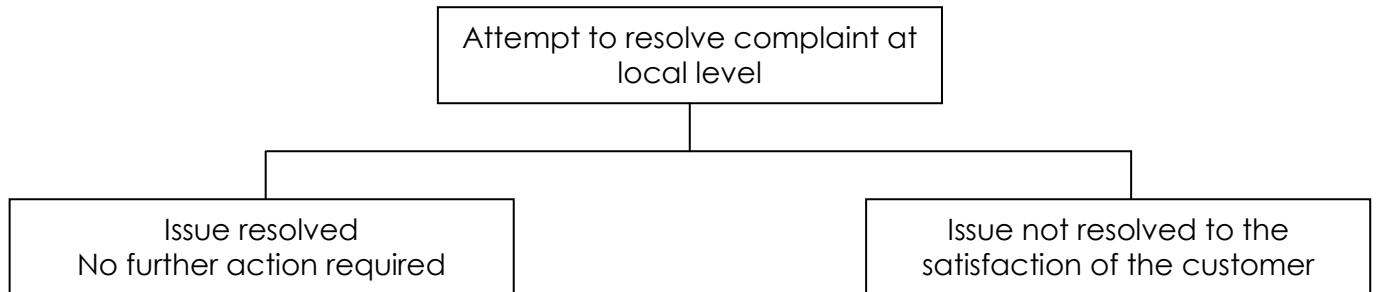
Managing Director - Communities, Invicta House, County Hall, Maidstone, ME14 1XX

For **Environment and Regeneration** write to:

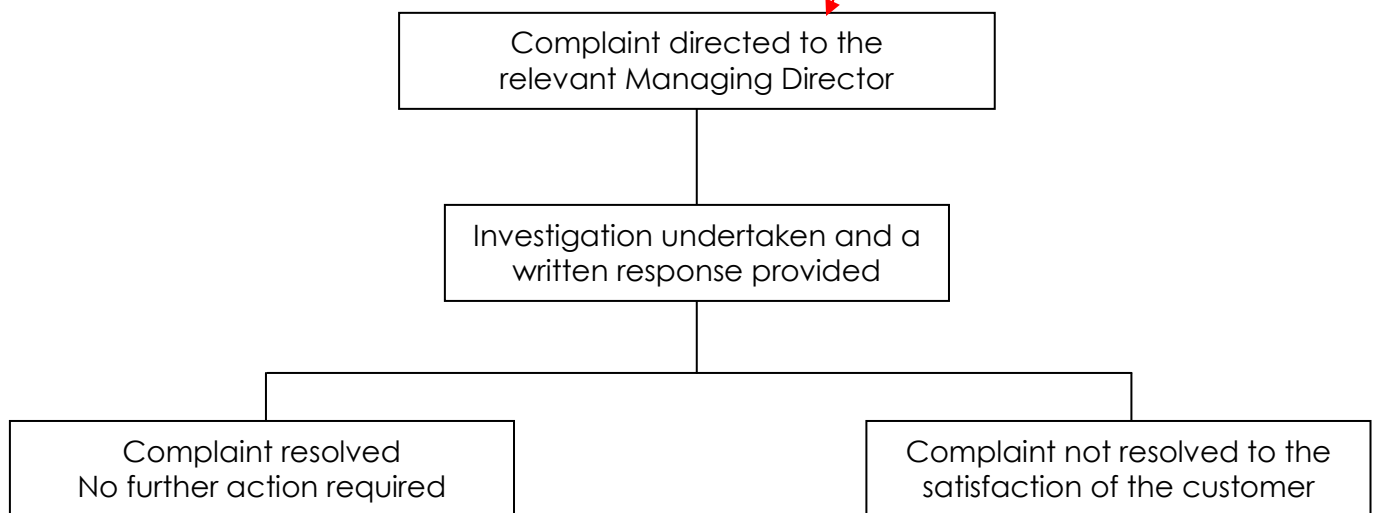
Managing Director - Environment and Regeneration, Invicta House, County Hall, Maidstone, ME14 1XX

Proposed Corporate Complaint Procedure flowchart

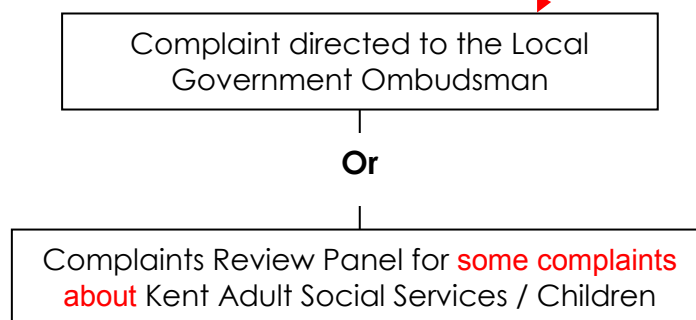
Step 1: Local Resolution



Step 2: Complaint Investigation



Step 3: External referral or review



Guidance on the KCC equalities monitoring form, to be used as part of our customer complaints procedures.

KCC's policy, formally introduced in November 2006, is to send all complainants a copy of our Equalities Monitoring Form (EMF), together with a self addressed envelope, with the **first written response** you send them.

- **Complaint**
The EMF applies to all complaints
- **Customers**
This policy applies to individual customers only. There is no need to send the EMF where the complainant is complaining on behalf of a business or organisation.
- **Initial response**
We leave it up to customers to send us their feedback in a way that suits them (e.g. face to face, over the phone, by email, via a website or in writing). We also encourage customers to first raise issues with the person they have been dealing with or their line manager. This means that it's simply not always practical to gain equalities data about the complainant in all situations. However, we are legally required to try to collect this information.

The most practical way of doing this is to send the complainant a form whenever you first send them a written response. This response could be:

- c. The acknowledgement that you have to send out within 3 working days, in line with KCC's Complaints Procedure.
 - d. A letter or email which you may send to confirm the outcome of a complaint that was dealt with within 20 working days.
- **Written acknowledgement**
Written acknowledgements can be sent as either a letter or as an email. If you're sending a letter, include a paper copy of the form together with a self addressed envelope with the freepost address already on it. If you're sending an email send them a Word version or a form-enabled PDF version of the form, so they can fill it in and return it to us electronically, or print it out and post it to us using the freepost address.
 - **Drawing the customer's attention to the form**
Please include one of the following paragraphs, or something similar, in your acknowledgement or first response letter or email:

Letter:

We are keen to ensure that everyone has an equal opportunity to raise a complaint. It would therefore be really helpful if you could complete the attached questionnaire and return the form to us in the enclosed pre paid envelope. This information will help us to make sure we are treating everyone fairly and equally and will be used to improve our services. It is anonymous and confidential and it only takes a few moments to fill in and will be treated in strict confidence under the Data Protection Act and will be used for statistical monitoring only.

Email:

We are keen to ensure that everyone has an equal opportunity to raise a complaint. It would therefore be really helpful if you could complete the attached questionnaire and return the form to us. You can email it to or print a copy and send it (free of charge) to the address shown on the form. This information will help us to make sure we are treating everyone fairly and equally and will be used to improve our services. It is anonymous and confidential and it only takes a few moments to fill in and will be treated in strict confidence under the Data Protection Act and will be used for statistical monitoring only.

- **Who gets the data and what will be done with it?**

The EMF will be sent to a central point within each directorate . This should help reassure complainants that the information supplied in the form is used only for statistical purposes, and will not be used as part of any investigation into their complaint.

The data will be collected and analysed. Regular reports will be prepared on the data and these will be sent to Directorate Equality Leads, Unit Heads and all complaints lead officers. From time to time, the lead equalities officer will review the data (alongside other sources of customer and market information) and report findings to specific services and managers.

- **Do we keep trying to get the data?**

EMF information is confidential and anonymous, therefore do not send EMFs with subsequent correspondence.

- **What if people don't return the form?**

While KCC is legally obliged to gather equalities monitoring data, we can't force complainants to complete the form, and we can't make completion of the form a condition of investigating their complaint. The important thing is to actively seek the information, and to make good use of any information we do get.

Complaints Equalities Monitoring Form

Kent County Council is committed to promoting equality and preventing discrimination across all of its services. You can help us monitor our progress towards achieving this aim by filling in this form and sending it to us. This information is for monitoring purposes only and is part of our statutory duty under The Race Relations (Amendments) Act 2000. Information will be processed in compliance with The Data Protection Act 1998 and will be treated in confidence and will not affect how your comment / complaint is dealt with.

Gender (please tick)	Male <input type="checkbox"/>	Female <input type="checkbox"/>
-----------------------------	-------------------------------	---------------------------------

Age Range (please tick)	Up to 19	<input type="checkbox"/>	46 – 55	<input type="checkbox"/>
	20 – 25	<input type="checkbox"/>	56 – 65	<input type="checkbox"/>
	26 – 35	<input type="checkbox"/>	Over 65	<input type="checkbox"/>
	36 – 45	<input type="checkbox"/>		

Ethnic Origin (please tick one box only, indicating the category that best describes your ethnic origin)				
White	British <input type="checkbox"/>	Irish <input type="checkbox"/>		
	Any other White background (please specify)			<input type="checkbox"/>
Mixed	White & Black Caribbean <input type="checkbox"/>	White & Black African <input type="checkbox"/>		
	White & Asian <input type="checkbox"/>	Any other Mixed background (please specify)		
Asian or Asian British	Indian <input type="checkbox"/>	Pakistani <input type="checkbox"/>		
	Bangladeshi <input type="checkbox"/>	Any other Asian background (please specify)		
Black or Black British	Caribbean <input type="checkbox"/>	African <input type="checkbox"/>		
	Any other Black background (please specify)			<input type="checkbox"/>
Chinese	Chinese <input type="checkbox"/>			
Other	Any other ethnic background (please specify)			

Disability (please tick)				
Do you consider yourself to be disabled?				
	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
If yes, do you consider yourself to be disabled under the terms of the Disability Discrimination Act?				
	Yes <input type="checkbox"/>	No <input type="checkbox"/>		
The Disability Discrimination Act 2005 defines disability as ‘a physical or mental impairment which has a substantial and long-term adverse effect on an individual’s ability to carry out normal day-to-day activities’.				



Protecting your personal information

Access to such data is restricted, in accordance with Data Protection requirements and is used solely to ensure KCC meets its obligations under equality legislation. Data is not attributed to an individual in any reporting.



GUIDANCE ON UNREASONABLY PERSISTENT AND VEXATIOUS COMPLAINANTS

Introduction

Generally, dealing with a complaint is a straightforward process, but in a minority of cases, people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for the Council. This can happen either while their complaint is being investigated, or once the Council has finished dealing with the complaint.

It is important to distinguish between:

- people who make a number of complaints because they really think things have gone wrong
- people who make unreasonably persistent complaints.

If the complainant is persisting because his complaints have not been considered in full then we must address this (normally by invoking the next stage of the complaints procedure).

However, if the Council has already done so and has demonstrated this to the complainant, then we need to consider whether the complainant is now inappropriately persistent.

Principles

The Council is committed to dealing with all complaints equitably, comprehensively and in a timely manner. It does not normally limit the contact which complainants have with Council staff and offices. The Council does not expect staff to tolerate unacceptable behaviour which is abusive, offensive or threatening and will take action to protect staff from such behaviour.

Aim of guidance

The aim of this guidance is to contribute to the Council's overall aim of dealing with all complainants in ways which are demonstrably consistent and equitable.

It sets out how the Council will decide which complainants will be treated as vexatious or unreasonably persistent, and what the Council will do in those circumstances.

This guidance runs alongside existing corporate policies and guidance relating to equalities, health & safety and dignity and respect at work and should only be pursued where absolutely necessary.

Definition of unreasonably persistent and vexatious complainants

The Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of their or other people's complaints. The descriptions 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

There is a difference between 'unreasonably persistent' and 'vexatious' complainants.

A vexatious person in this context is someone who is not seeking to resolve a dispute between themselves and the Council but is seeking to cause unnecessary aggravation or annoyance to the Council.

Unreasonably persistent complainants or vexatious complainants may have justified complaints or grievances but are pursuing them in inappropriate ways. Alternatively, they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and settled. Their contacts with the Council may be amicable but still place very heavy demands on staff time, or they may be distressing for all involved.

Actions and Behaviours

These are some of the actions and behaviours of unreasonably persistent complainants and vexatious complainants which the Council may experience. A combination of some of these trigger actions may cause this policy to be invoked depending on the specific case by case circumstances. This list is not exhaustive and one single feature on its own will not necessarily imply that a person will be considered persistent and/or vexatious

1. refusing to specify the grounds of a complaint, despite offers of assistance with this from staff
2. refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved
3. refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope
4. refusing to accept that issues are not within the power of the Council to investigate, change or influence (examples could be something that is the responsibility of another organisation
5. making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced
6. changing the basis of a complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage
7. introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered
8. electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved
9. persistently approach the Council through different routes about the same issue
10. adopting a 'scattergun' approach; pursuing a complaint(s) with the Council and at the same time with a department, the Chief Executive, an M.P., Councillor, Auditor, Standards Board, Police, Solicitors or the Local Government Ombudsman
11. making unnecessarily excessive demands on the time and resources of staff whilst a complaint is being looked into, by for example excessive telephoning or sending emails to numerous council staff,

- writing lengthy complex letters every few days and expecting immediate responses
12. submitting repeat complaints after the complaints process has been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure
 13. refusing to accept the decision – repeatedly arguing the point and complaining about the decision

Being reasonable

Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant.

Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

The Council will offer the complainant appropriate support, as it would any other customer.

It may be helpful to both parties if the complainant has an advocate. If the complainant feels that they would like an advocate, the Council must consider offering to help find an independent one. If the complainant has specific needs, the Council will offer relevant support. There are specialist bodies (such as the Royal National Institute for the Blind, Age Concern) which the Council can contact for advice and help

The decision

Before making the decision, some or all of the following steps need to be taken:

- The Council will ensure that the complaint is being, or has been, investigated properly according to the Council's complaints procedure
- Although each complaint is unique, the Council will deal with the complaint in line with other complaints of a similar nature in order to apply a consistent approach
- The Council will contact the complainant to:
 - discuss his or her behaviour
 - explain why this behaviour is causing the Council concern
 - ask him or her to change this behaviour
 - explain about the actions that the Council may take if his or her behaviour does not change
- If the complainant has not already had a meeting about the complaint with a member or members of staff, and provided that the Council knows nothing about the complainant which would make this inadvisable, the Council will consider offering the complainant a

meeting with a member of staff of appropriate seniority. Sometimes such meetings can dispel misunderstandings and move matters towards a resolution.

The decision to declare a complainant as unreasonably persistent and/or vexatious will be an exceptional step, and should be made by the **Resource Director/ Monitoring Officer/ Head of Service** who has not been directly involved in the complaint or with the complainant. They should make a written note of the considerations and decisions.

The complainant should be told in writing:

- why we believe their behaviour falls into that category
- what action we are taking
- the duration of that action
- how the complainant can challenge the decision if they disagree with it (this should normally include information regarding the Local Government Ombudsman, see Appendix A).

Options

The precise nature of the action should be appropriate and proportionate to the nature and frequency of the complainant's contacts with the Council at that time.

The following is a list of possible options:

- Placing time limits on telephone conversations and personal contacts.
- Restricting the number of telephone calls that will be taken (for example, one call on one specified morning/afternoon of any week)
- Limiting the complainant to one medium of contact (telephone, letter, email etc.) and/or requiring the complainant to communicate only with one named member of staff
- Requiring any personal contacts to take place in the presence of a witness
- Refusing to register and process further complaints about the same matter
- Banning a complainant from one or more Council premises
- Where a decision on the complaint has been made, providing the complainant with acknowledgements only of letters, faxes, or emails, or ultimately informing the complainant that future correspondence will be read and placed on the file but not acknowledged. A designated officer should be identified who will read future correspondence
- Where a complainant's complaint is closed and the complainant persists in communicating about it, it may be decided to terminate contact with that complainant.

These options are not exhaustive and often local or other factors will be relevant in deciding what might be appropriate action. For instance, any arrangements for limiting a complainant's contact must take account of the complainant's individual circumstances, bearing in mind such issues as age, disability, gender, race and religion or belief.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, the Council will consider other options, for example reporting the matter to the police or taking legal action. In such cases, the Council may not give the complainant prior warning of that action.

Further actions

Adequate records of all contacts with unreasonable persistent and vexatious complainants must be kept and information needs to be shared on a 'need to know' basis only in order for staff to carry out their role at work.

Personal details about the complainant and about the complaint will be managed and stored appropriately in line with data protection and records management principles and procedures.

When unreasonable and unreasonably persistent complainants make complaints about new issues these should be treated on their merits, and decisions will need to be taken on whether any restrictions which have been applied before are still appropriate and necessary.

Reviews of decisions to restrict a complainant's contacts or the Council's responses to them, should be taken by the **Complaints Manager/ Resource Director/ Monitoring Officer/ Head of Service**

Source documents:

LGO Guidance on persistent and unreasonably persistent complainants

Information Commissioner's guidance on vexatious requests

Hantsnet – corporate policy on dealing with difficult/vexatious complainants

Referring unreasonable and unreasonably persistent complainants to the Local Government Ombudsmen

In some cases, relations between unreasonable and unreasonably persistent complainants break down badly while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances there is often little purpose in following through all stages of the Council's complaints procedure and where this occurs the Ombudsman may be prepared to consider complaints before the Council's complaints procedures have been exhausted. This is the case even in respect of statutory complaints procedures.

A complainant who has been designated an unreasonably persistent complainant may make a complaint to the Ombudsman about the way in which he or she has been treated. The Ombudsman is unlikely to be critical of the council's action if it can show that its policy has been operated properly and fairly.

In extreme cases the council may consider the following actions:

- referring the complaint to the Local Government Ombudsman before the complaints procedure has been exhausted
- advising the complainant that it cannot assist further and informing them of their right to approach the Local Government Ombudsman.

The distinction between the two options above is that early referral to the Local Government Ombudsman is a positive action that can only be undertaken in agreement between the KCC and the complainant. This is therefore the less likely option with persistent complainants.

Option 2 may arise where the KCC does not agree with the complainant that the complaints are substantively valid and the two parties disagree on the way forward. This is more likely with a persistent complainant.

Should the authorised manager take this option, do not contact the Local Government Ombudsman directly, but indicate to the complainant that he may make this approach and confirm to the complainant that the council is not responding to the complaint further.

The Local Government Ombudsman is likely to apply the test of reasonableness over our response in a similar manner to an early referral and will have a range of options open to him.



HANDLING COMPLAINTS MADE TO THE LOCAL GOVERNMENT OMBUDSMAN

Procedure for handling complaints from the public that have been sent to the Local Government Ombudsman.

Introduction

The Corporate Access to Information Coordinator in the Chief Executive's Department acts as the point of contact in the Council for the Ombudsman. This has advantages both for the Council and for the Ombudsman. It helps to ensure that there is a consistent approach to the way in which Ombudsman complaints are handled within the Council; and it is much more convenient for the Ombudsman's staff to deal with one person in the organisation rather than with each individual directorate. The Corporate Access to Information Coordinator will therefore, on behalf of the Chief Executive, conduct all correspondence with the Ombudsman's office about complaints. However, correspondence direct with the complainant if, for example, efforts are to be made to achieve a local settlement of the complaint; or if an apology has to be given following a finding of maladministration, will normally be handled by the directorate concerned.

The Ombudsman publishes information about its service on the [Local Government Ombudsman website](#) as well as in a booklet. Stocks of this booklet are held by the Corporate Access to Information Coordinator (freecall 7000 1652 or 01622 221652) for issue to complainants on request.

Initial enquiries by Ombudsman

When the Ombudsman receives a complaint against the County Council, he will ask the Council to submit its comments on it within 28 days. The Corporate Access to Information Coordinator will then seek the comments of the appropriate manager in the directorate concerned. This may be the Managing Director, County Officer or Service Unit Manager depending on the nature of the complaint, but will be referred to simply as "the appropriate manager" in the remainder of these guidelines. Comments, together with any appropriate background documents, should be passed to the Corporate Access to Information Coordinator as quickly as possible so that she can formally respond to the Ombudsman in accordance with the Ombudsman's timetable.

Please bear in mind that the Ombudsman will normally wish to show our comments to the complainant, so responses from directorates should indicate to the Corporate Access to Information Coordinator which, if any, of their comments need to be withheld from the complainant. The Corporate Access to Information Coordinator will then pass this material to the Ombudsman under separate confidential cover.

Once he has received the Council's comments on a complaint and, in some cases, after carrying out a preliminary inspection of the files, the Ombudsman will decide whether or not to pursue the complaint and inform the Council accordingly. The Corporate Access to Information Coordinator will then notify the appropriate manager in the directorate concerned of the decision.

Local settlement

The fact that a complaint has been referred to the Ombudsman should not prevent us from trying to reach a local settlement, placing the complaint before the appropriate Cabinet Member, if necessary, if this has not already been done. As indicated above, correspondence with a complainant in an effort to achieve a local settlement will normally be handled by the directorate concerned, although the Corporate Access to Information Coordinator should be provided with a copy of all correspondence so that she can keep the Ombudsman informed.

In many cases, the Ombudsman himself will suggest to us the basis on which a local settlement might be achieved. There may be some room for negotiation but it is almost always in the Council's interest to accept the Ombudsman's proposal.

At the end of the day it is for the Ombudsman - and not the complainant - to decide whether a settlement offer by the Council is satisfactory.

"Premature" complaints

If the Ombudsman receives a complaint but feels that the complainant has not yet exhausted the County Council's internal complaints procedure, he will reject it as premature and refer it to the Council to be put through our procedure. The Corporate Access to Information Coordinator will arrange for this to be done and will notify the Ombudsman of the outcome. If the complainant is dissatisfied with the outcome they can refer the matter to the Ombudsman again but normally the Ombudsman will, by then, be in a position to decide whether or not he should take up the case without the need to seek any further comments from us.

Investigation of complaints by the Ombudsman

If the Ombudsman decides to pursue investigation of a complaint, the Ombudsman's Investigator will ask to see all of the Council's files on the complaint. At this stage, the appropriate manager in the directorate concerned should alert the appropriate Cabinet Member and consider whether any additional action needs to be taken to try to resolve the complaint.

In order to inspect the files, the Investigator will normally visit the Council office where the bulk of the files are held, and all the arrangements for this will be made by the Corporate Access to Information Coordinator. Where files on the complaint are held in a number of different locations, the Corporate Access to Information Coordinator will ask appropriate managers in the

directorate concerned to arrange for their files to be delivered to, and collected from, the office being used by the Investigator. The Investigator will ask for photocopies of relevant documents to be provided.

The Ombudsman's Investigator may also wish to interview those Members and officers who have been involved in the case. The Corporate Access to Information Coordinator will arrange the interviews direct with the individuals concerned but will, of course, keep the appropriate manager fully informed. All those to be interviewed have to be provided with a copy of the complaint and of the Ombudsman's "Notes for Council Interviewees", and the Corporate Access to Information Coordinator will ensure that this is done. Interviewees can ask to be accompanied by a "friend". The "friend" can be a Union representative or work colleague, but should not be the interviewee's line manager.

Interviews may take place at County Hall Headquarters or area or local offices, whichever is most mutually convenient for the Ombudsman's Investigator and the interviewee. However, the Ombudsman requires all interviews to take place on "neutral ground", i.e. in a committee or interview room, not in the interviewee's own office.

When the investigation is completed, the Ombudsman will prepare a draft report on the investigation, without conclusions, which will be sent to the Council in confidence so that we may comment or suggest amendments. Twenty-one days are normally allowed for this purpose. When a draft report is received, the Corporate Access to Information Coordinator will seek comments direct from all the Members and officers who were interviewed or who are mentioned in the report, and from the appropriate manager in the directorate concerned. The Corporate Access to Information Coordinator will then pass a summary of all the suggested amendments, together with any general comments, to the Ombudsman.

The Ombudsman can decide to terminate an investigation at any stage if it becomes clear to him that there has been no maladministration, or if a local settlement is achieved.

The Ombudsman's report

After receiving the comments of the Council - and of the complainant - on the draft report, the Ombudsman will prepare his final report and conclusions and send a copy to the Council. The report may find:

- maladministration causing injustice
- maladministration but no injustice
- no maladministration.

When a report is received, the Council is required to make a formal press announcement about it within two weeks, and then to make it available for public inspection for a period of three weeks. The Corporate Access to Information Coordinator will arrange for the press announcement to be

inserted in an appropriate newspaper and for the report to be made available for inspection at the Sessions House Reception Desk at County Hall and, if appropriate, at a local office in the area to which the complaint related. The Corporate Access to Information Coordinator will also pass copies of the report to the Corporate Communication Unit so that they can deal with any media enquiries which may arise, and to the Director of Law and Governance in his role as Monitoring Officer under section 5 of the Local Government and Housing Act 1989.

Consideration of the Ombudsman's report by the county Council

The Council has three months in which to consider the Ombudsman's report and inform him of what action it proposes to take as a result. The Corporate Access to Information Coordinator, in consultation with the appropriate manager in the directorate concerned, will prepare a timetable for consideration of the Ombudsman's report and, if necessary, seek an extension of the three month time limit.

The appropriate manager in the directorate concerned will need to prepare a formal report for the appropriate Cabinet Member on the Ombudsman's findings recommending the course of action to be taken as a result. The report will have to be published in the normal way and will be subject to scrutiny.

If the action proposed in the report to the Cabinet Member corresponds with the Ombudsman's recommendations, and if the Cabinet Member agrees to the proposed action, then it should be implemented by the appropriate manager in the directorate concerned as soon as the report has completed its passage through the decision making process. If, however, the action proposed by the appropriate manager does not correspond with the Ombudsman's recommendations, then the Corporate Access to Information Coordinator should be consulted as early as possible so that discussions can take place with the Ombudsman with a view to reaching a compromise. If no compromise can be reached, or if the Cabinet Member concerned refuses to accept an officer proposal that the Ombudsman's recommendation should be complied with, then the whole matter must be referred to the Leader for decision.

In all cases, the Head of Corporate Performance will report the findings of the Ombudsman's report; the Cabinet Member's decision on them; and the views of the Director of Law and Governance, as Monitoring Officer, to the Governance and Audit Committee so that the Committee can consider whether there are any general lessons to be learned from the Ombudsman's findings and any action which needs to be taken as a result. The Head of Corporate Performance will liaise with the appropriate manager in the directorate concerned and the Director of Law and Governance in the preparation of this report.

The Ombudsman's reports never reveal the true name of the complainant. In turn, throughout the processing of any Ombudsman's report, we are required

not only to treat the complainant's name as confidential, but also not to reveal any information which could lead to them being identified.

It will normally be for the appropriate manager in the directorate concerned to implement the decisions of the Council arising from an Ombudsman finding of maladministration where these involve direct contact with the complainant, e.g. sending letters of apology and arranging for any compensation to be paid, but the Corporate Access to Information Coordinator will notify the Ombudsman of the Council's decision and keep him informed of follow-up action as it is taken.

Further action by Ombudsman

If the Ombudsman is happy with the way in which we have responded to a finding of maladministration, he will write to say that he is formally ending his involvement in the case. This has happened with every finding of maladministration we have had so far, and part of the purpose of these guidelines is to ensure that it continues to happen in the future. However, there is a provision for the Ombudsman to issue a second report where, in his opinion, the Council fails to respond satisfactorily, or within the agreed time limit, to a first report of a finding of maladministration.

Further information

The Corporate Access to Information Coordinator submits a report to the Governance and Audit Committee every six months setting out the latest position on all "live" complaints to the Ombudsman.

Further information about the procedure for handling Ombudsman complaints can be obtained from the Corporate Access to Information Coordinator at Sessions House, County Hall (freecall 7000 1622 or 01622 221652).

By: Kevin Lynes, Lead Member for Equality and Diversity
Robert Hardy, Director of Improvement and Engagement

To: Corporate Policy Overview Committee 14th January 2009

Subject: Equality Standard for Local Government (ESLG) – KCC
assessment and action plan

1. Introduction

This report formally confirms KCC's successful achievement of Level 3 against the existing Equality Standard makes it one of only 12 County Councils to hit this mark (with none at Level 4).

This report identifies the key actions needed to consolidate this achievement and the challenges to be addressed in reaching the 'Excellent' level of the proposed Equalities Framework for Local Government (EFLG)

- A summary of the key elements of the new draft Equality Framework is attached as Appendix 1 of this report

2. Consolidating performance at Level 3 of ESLG - the 'Achieving' level of the new EFLG

The assessment report recognised that over the past 2 years a great deal of work has been undertaken by the KCC to secure achievements in equality areas; that KCC has made detailed public commitments to equality improvement and in many ways has made good progress in setting a wide range of equality objectives for both employment and service delivery.

In general and taking account of the evidence presented by the Council, the assessors felt that KCC should set out a programme of work that addresses the improvements that it needs to make for ensuring that level 3 of the Standard is fully embedded. Whilst the assessors acknowledged the progress made by the Council, it was felt that there were a number of areas requiring considerable improvement.

The assessment report offers a series of suggested actions to ensure that achievement at Level 3 of the current standard is consolidated. These are -

- i. The Chief Officer Group and elected Members need to continue to encourage and lead a culture across the organisation which ensures that strategies and actions are implemented that eliminate discrimination and promote equality of opportunity.
- ii. The Impact assessment process needs to be strengthened. Currently the focus has been primarily on initial screenings with limited analysis. Even where full impact assessments have been conducted they appear

to lack the necessary rigor to challenge institutional discrimination and secure meaningful outcomes. Attention should be paid to impact assessment team membership (to include sufficient 'challenge' in the process); the quality and breadth of data used including that which derives from consultation and engagement exercises; as well as the various types of data available from partners, surveys and from direct equality monitoring

- iii. The Business Planning Guidance should in future ask each service to set equality objectives and targets flowing from the equality impact assessments that have been conducted within the framework of Business Plans. This would then provide the 'golden thread' in terms of mainstreaming equalities
- iv. Similarly, in the area of employment, there is need to conduct robust equality impact assessments (with sufficient challenge, meaningful data and proper analysis) to better understand the reasons for lack of success in recruitment and retention of some equality groups, for example in the retention of disabled people. This would contribute to achieving the council's ambition of having a workforce that is more closely representative of the communities served.
- v. Equality monitoring should be a feature of the general systems for performance managing service delivery in each business unit, not a separate mechanism.
- vi. The same applies to the processes adopted by service units for awarding and monitoring contracts with organisations that supply goods and services to the Council.
- vii. The Council needs to improve the processes for involving a much more broad range of external groups in commenting on policy and procedures in order to improve the opportunity for dialogue and external challenge from equality communities and interest groups
- viii. There is a need to consolidate the recent initiatives introduced as part of meeting Level 3 requirements to ensure that they are effective in achieving key objectives, for example, the Blank Sheet consultation (see previous bullet point), Positive Action training programmes and initiatives to recruit and retain staff from key equality groups

3. Achieving EFLG 'Excellent' by 2010/11

To achieve an EFLG rating of 'Excellent by the end of 2010/11, the Council will have to show that it has consolidated its ESLG Level 3 achievements and achieved significant progress against the new Framework. Much of this new Framework cross-refers to the new national Customer Service Excellence standards and to the evidence base for the Comprehensive Area Assessment.

The authority should set itself a realistic time-frame for achieving this and follow up with a self-assessment as described below. Kent County Council should continue its progress towards the 'Excellent' standard, and is well placed to achieve this, given the resources and high level of commitment identified throughout the Council, allied to the improved engagement of stakeholders set out in para 2 vii above.

The four priority areas that the ESLG Level 3 assessment report suggests that KCC focus on, fit directly into the new EFLG framework. They are -

3.1 Leadership and Corporate Commitment

- The Member development programme should be strengthened to cover key areas of the equality and diversity agenda. These include overview and scrutiny, customer insight in public policy making/review and improving advocacy. The programme should acknowledge and meet the needs of the differing Member roles, for example, front-line councillor, scrutineer and Cabinet Member.
- KCC should continue to revise and consolidate business planning processes to ensure effective action on equality is part of the process. This will enable the Council to track and learn from those service areas that are performing well and improve those areas that are lagging behind. Support will need to be given to service managers to meaningfully input equalities considerations into Business Plans
- KCC needs to put in place a clear and robust system for annual review, monitoring and reporting against the new EFLG standards across workforce and service delivery issues. This could take the form of a self assessment, but must include input from Diversity Staff groups and external organisations.
- KCC should establish and monitor targets for all diversity strands in service delivery, based on robust impact and needs assessment. This will enable the council to understand and take a more coherent approach to meeting the needs of the people of Kent and the challenges required by changing legislation.

3.2 Consultation and External Scrutiny

- The Council should improve its systems for review and scrutiny of service delivery and employment reports – particularly at middle management levels where evidence was somewhat patchy - by designated consultation and community groups.
- There is an urgent need to improve links with key external groups and designated forums across all diversity strands. At the same time groups that are currently under-represented within the existing

consultation structures need to be more pro-actively engaged in mainstream activities.

- It seemed to the assessor that some of the current relationships between the external groups and the Council may be quite fragile. Attendance at the arranged session was disappointing with a substantial number of participants not attending some of the sessions. The current 'Blank Sheet Consultation' should be reviewed to assess the extent to which it has resulted in the active engagement, participation and involvement of those groups that are currently under-represented and what new structures or mechanisms need to be in place to formalise these relationships.

3.3 Service Delivery and Customer Care

- Develop robust monitoring systems for all aspects of service delivery including those services delivered by other organisations on behalf of the Authority to record the involvement of and take-up by diversity groups. This also applies to monitoring of complaints/compliments to better understand the experiences of customers from different backgrounds.
- Service managers need to be fully involved in monitoring and review processes and in the setting of equality and diversity targets.
- Equality Impact Assessments should focus on access to services and the customer experience across all diversity strands.
- Additional effort is required to improve sophistication around equality monitoring in those areas where data is not readily available or currently collected. Local citizen "intelligence" and customer insight data could be developed further to feed the policymaking and scrutiny process.
- All monitoring reports should be published widely and shared with stakeholder groups

3.4 Employment and Training

- Address under-representation both in the wider workforce and at senior levels in the organisation through positive action particularly through review and scrutiny of recruitment and selection and talent management
- Priorities for action in terms of addressing the existing workforce demographic and future service need to be determined by reference to available data about the Kent community whenever possible.

- Generic and equality-specific training to be reviewed with the aim of enhancing the understanding of all staff on diversity and work and improving customer care standards
- Enhance KCC's people management capacity through the review of the equalities elements of management selection, induction, training and performance appraisal
- Actions resulting from impact assessment for employment policy to be made widely available to staff quarterly and assessments broadened to encompass the wider definition of policy.
- Explore potential for extending the staff group network to identify the potential for representation of under heard or represented groups within the workforce.
- Develop KCC's 'dignity at work' philosophy through the enhancement of support and reporting facilities and improvement in managerial handling and response to complaints from staff.
- Integrate the framework for equality in service delivery and employment within the Member development programme

3.5 Diversity Mapping

There fifth element of the new EFLG relates to 'Diversity Mapping', to ensure that and accurate picture is created of the differing needs and backgrounds of all Kent communities.

Further work is being developed on this to link it to the wider customer profiling work related to Access Kent and to the data held by KCC and public sector partners in projects such as the Public Health Observatory.

Progress on 'Mapping' will form part of future reports on progress toward the EFLG 'Excellent' standard.

4. Recommendations

Members are asked to note the actions at paras 2i to viii and agree the proposals at paras 3.1 to 3.5

This page is intentionally left blank

Appendix 1

Extract and summary from the draft Equalities Framework for Local Government

1. The new Framework

The new Equality Framework for Local Government is constructed around five areas of change management. These reflect the four major areas of the Equality Standard for Local Government, but in addition relate more directly to the new performance framework and the new CAA.

The **five** areas of change management are:

- a) Knowing your community – equality mapping**
- b) Place shaping, leadership, partnership and organisational commitment**
- c) Community engagement and satisfaction**
- d) Responsive services and customer care**
- e) A modern and diverse workforce**

a) Knowing your community - equality mapping

Understanding the profile of your communities and the life chances and opportunities of different groups will be a crucial in identifying priority outcomes that can shape strategic planning and service delivery.

Equality mapping is the term used for collecting information about communities and individuals. This information is used throughout the equality process. It is collected on the basis of not only people's race, gender, disability, religion or belief, sexual orientation and age, but also other relevant demographics, such as socio-economic, health and education status, the availability of transport and whether communities live in a rural or urban setting. It will identify people's needs, not just the equality strands or background. The data has to be understood and analysed not just collected. This will lead to integration with and provide an important evidence base for plans such as the Sustainable Community Strategy (SCS), Local Development Framework (LDF) and the LAA (local Area Agreement).

b) Place shaping, leadership, partnership and organisational commitment

The new performance framework is designed to give local authorities, and their partners, greater freedom to determine local priorities and shape the future of an area.

We know that strategic leadership is key to improving equality outcomes and that it needs to be

- expressed in the local vision of place and strategic plan as well as the SCS

- central to the delivery of priorities that impact on inequality.

It is increasingly important for authorities to work in partnership with other public service providers and the voluntary sector to identify inequality and work together to achieve equality outcomes.

c) Community engagement and satisfaction

Most local authorities recognise the importance of community engagement and participation and have moved far beyond simple consultation exercises, important as they can be, to find innovative ways of involving communities. However, communities of place are not always synonymous with communities of interest, and it remains important to have structures in place that involve the latter in corporate decision making, service planning and workforce planning.

The CAA will put the experiences of citizens, people who use services and local taxpayers at the centre of the new local assessment framework, with a particular focus on the needs of those whose circumstances make them most vulnerable.

d) Responsive services and customer care

Service provision remains a central function of local authorities. The Framework will help authorities personalise services to meet the needs of people from different backgrounds. This requires:

- greater cultural understanding on the part of service providers
- using Equality Impact Assessments (EIA) to ensure that authorities understand the impact of service provision on different communities.

e) A modern and diverse workforce

The ability to deliver responsive, personalised services will depend in a large part on the skills, understanding and commitment of the workforce. The Equality Framework therefore looks at ensuring:

- fair employment practices that comply with the legislation, including equal pay legislation
- training on equality issues, including Equality Impact Assessments
- ensuring that the workforce profile reflects the diversity of the community and that measures are in place to monitor diversity and promote equality of opportunity.

2. Smarter working: the relationship with other frameworks

The new Equality Framework for Local Government is also designed to complement other frameworks. Resources are limited, so there is a premium on reducing duplication.

Legal obligations – the public duties

The obligations of local authorities are set out in the **Race** Equality Duty, the **Gender** Equality Duty and the **Disability** Equality Duty. Over time new obligations may arise.

The new framework helps local authorities to meet their obligations under the law and to minimise duplication. . To achieve **Emerging** status authorities also need to be compliant with the legal duties.

Community cohesion

As the Commission on Integration and Cohesion recognised, there is a strong relationship between equality, social justice and community cohesion. The EFLG is therefore designed to dovetail with the Community Cohesion Framework being developed by Communities and Local Government and the migration good practice guidance being developed by IDeA and CLG.

Customer service excellence

The Government wants public services accessible for all, that are efficient, effective, excellent, equitable and empowering. With this in mind it has developed ‘Customer Service Excellence’¹ as a practical tool for driving customer-focused change within organisations.

Comprehensive Area Assessments

The experience of citizens, people who use services and the need to reduce inequalities and improve accessibility will be at the centre of the new local assessment framework, the CAA.

The EFLG will provide useful evidence when preparing for the CAA, since it will enable local authorities to demonstrate that they have understood and acted on the needs of the communities they serve. As mentioned, local authorities have legal duties, both general and specific, relating to race, gender and disability and wider duties under legislation, such as the Children Act.

When the final CAA Guidance is published we will highlight those actions in the Framework that are relevant to CAA.

3. Simplification

The original Equality Standard consisted of five levels:

- Level 1** Commitment to a Comprehensive Equality Policy
- Level 2** Assessment and community engagement
- Level 3** Setting equality objectives and targets
- Level 4** Information systems and monitoring against targets
- Level 5** Achieving and reviewing outcomes

These have now been consolidated into three levels:

- Level 1 Emerging**
- Level 2 Achieving**
- Level 3 Excellent**

At each level authorities will be assessed on the five change management areas. The EFLG sets out the key achievements for each level and then provides a more detailed check list for self-assessment at each level.

4. Migrating achievements under the Equality Standard

We want to ensure that the achievements of authorities under the ESLG are recognised. Authorities who have reached levels 1 and 2 will be classified as **Emerging**. Those that have achieved level 3 will be treated as **Achieving**. Authorities at level 4 will be classified as **Moving towards excellence** and those at level 5 as **Excellent**.

Levels 1 and 2	→	Emerging
Level 3	→	Achieving
Level 4	→	Moving towards excellence
Level 5	→	Excellent

To recognise the achievements of authorities who have achieved level 4 of the ESLG, but would not qualify as **Excellent** under the new framework. The **Moving towards excellence** classification is intended to recognise achievements of level 4, but is not a level under the new framework. We hope that authorities at level 4 will strive for **Excellent** status in the new framework.

An Excellent Authority has the following characteristics:

- members and officers have a reputation for championing equality issues and ensure that the equality issues relevant to their communities are embedded in strategic plans, LAAs and local delivery plans
- the local authority works with all strategic partners and the third sector to achieve defined equality outcomes
- it has good evidence of the equalities profile of the community based on national and local data that is regularly reviewed
- it is measuring progress on equality outcomes, is able to disaggregate data on relevant performance indicators and can demonstrate real outcomes that have improved equality in services and employment
- it identifies the changing nature of its communities and their expectations and then prioritises its activities and explains its decisions
- it provides good customer care by ensuring that services are provided by knowledgeable and well-trained staff, who are equipped to cater to particular needs of clients where necessary
- it has improving satisfaction and perception indicators from all sections of the community
- it uses Equality Impact Assessments to review all major new changes in policy and regularly conducts service Equality Impact Assessments
- all relevant data on service access is monitored against the equality strands
- equality groups are integrally involved in community engagement programmes
- there are forums for all equality stakeholders to share experiences and evaluate the authority's progress
- all parts of the authority can show tangible progress towards achieving outcomes which address persistent inequalities
- members, officers, key stakeholders and community members are confident about equality issues and their relevance for the authority and their own responsibilities
- the authority has implemented action for equal pay outcomes and demonstrates progress on under representation, flexible working, access to training and development and promotes an inclusive working culture based on respect
- it reviews its equality strategy and public duty equality schemes every three years and seeks innovative, improvement challenges
- through its achievements it is an exemplar of good practice for other local authorities and agencies and works with others to share best practice

Table 1. The 10 dimensions of equality	
Longevity	including avoiding premature mortality
Physical security	including freedom from violence and physical and sexual abuse
Health	including both well-being and access to high quality healthcare
Education	including both being able to be creative, to acquire skills and qualifications and having access to training and life-long learning
Standard of living	including being able to live with independence and security; and covering nutrition, clothing, housing, warmth, utilities, social services and transport
Productive and valued activities	such as access to employment, a positive experience in the workplace, work/life balance, and being able to care for others
Individual, family and social life	including self-development, having independence and equality in relationships and marriage
Participation, influence and voice	including participation in decision-making and democratic life
Identity, expression and self-respect	including freedom of belief and religion
Legal security	including equality and non-discrimination before the law and equal treatment within the criminal justice system

By: Nick Chard Cabinet Member – Finance
Lynda McMullan – Director of Finance

To: Policy & Overview Committee – 14 January 2009

Subject: **CED RISK REGISTER**

Classification: Unrestricted

Summary: To report on the 2008/09 CED risk register

FOR INFORMATION

INTRODUCTION

1. Business units within CED have recently refreshed their risk registers as part of the business planning process. The CED risk register has subsequently been refreshed to take account of changes in the profile of key risks across the directorate as reported by business units. The revised CED risk register was approved by CEDMT on 9th December 2008 and is now presented to the Committee for information as part of the annual risk management process.
2. Following this Committee the CED risk register will be presented to the Governance & Audit Committee in March 2009 along with all other directorate risk registers.

CED RISK REGISTER

3. The risk register for 2008/09 is attached at Appendix One. It is a revised version of the 2007/08 register taking account of a refreshed risk assessment to reflect internal arrangements and the current economic climate.
4. The main changes from the 2007/08 register are:
 - .1 Deletion of two sources of risk as shown at the end of the register. These risks relate to KCC retaining a level four in the Corporate Assessment and the delivery of major projects. These risks are still recorded within the respective business units' own registers.
 - .2 Variation of the remaining entries
 - .3 Inclusion of ten new sources of risk. New entries have been italicised within the register for easy identification and are summarised below:-
 - CED2 - KCC receives negative Audit criticism of its data collection procedures
 - CED5 - Loss of Personnel related systems and data
 - CED7 - Non delivery of planned capital receipts

- CED9 - Pressures of economic downturn upon KCC
- CED10 - Treasury Management and potential loss of principal sum
- CED12 - Targeted savings around ICT many not be fully realised
- CED14 - Service development compromised through implementing disparate and incompatible ICT solutions
- CED15 - Attack on ICT infrastructure leading to loss of data
- CED16 - Loss of systems etc in relation to Contact Centre
- CED17 - Risk of the unknown

5. The new risk, CED 17, has been included at the request of the Governance & Audit Committee held on 2nd December 2008.
6. This year there is a noticeable increase in the number of risks with a financial implication. This reflects the current economic situation and potential impact upon KCC.
7. The key risks within the register are spread across the following business units:

Business Unit	No of risk entries	Detail
Corporate Finance	4	CED7, CED8, CED9, CED10
Commercial Services	3	CED3(b), CED6(b), CED11(b)
Property Group	1	CED11(a)
Personnel & Development	4	CED3(a), CED4, CED5, CED6(a)
Business Solutions & Policy	6	CED1, CED2, CED12, CED13, CED14, CED15
Strategic Development	1	CED16
CEDMT	1	CED17

8. Members will be aware that the inclusion of risks on this register does not necessarily mean there is a problem. On the contrary it reflects the fact that officers are aware of them and have devised strategies for implementation of mitigating controls.
9. The CED register will be reviewed by Resource Directors in early 2009 and any cross cutting themes will be considered for incorporation into KCC's Strategic Risk register.

MONITORING & REVIEW

10. During 2009 the controls in the register will continue to be tested and checked and new actions monitored. Any additional management action required during the year will be integrated into the respective business unit's planning process and again reviewed as part of the 2009/10 planning cycle.

RECOMMENDATION

Members are asked to note the report and Appendix One.

Darryl Mattingly
Corporate Risk & Insurance Manager
☎ 01622 694632

This page is intentionally left blank

CHIEF EXECUTIVE'S DEPARTMENT RISK REGISTER

DATE: Final November 2008

APPENDIX 1

This register summarises the notable risks within the Chief Executive's Department. Risks are recorded as HIGH, MEDIUM or LOW. The matrix used to assess the level of likelihood and impact is provided for information.

This register has been compiled from the registers prepared by individual Business Units.

Summary of risks	Inherent	Residual
	15 High	7 High
	4 Medium	12 Medium
	0 Low	0 Low

Risk Ranking Matrix

Likelihood	Impact				
	5 Low	10 Medium	15 Medium	20 High	25 High
Very likely	5	10	15	20	25
Likely	4	8	12	16	20
Possible	3	6	9	12	15
Unlikely	2	4	6	8	10
Very Unlikely	1	2	3	4	5
	1 Minor	2 Moderate	3 Significant	4 Serious	5 Major

Ref Page	Source	Event	Planned Outcome	Acc'table manager	Existing controls	New tasks / action plans	Date	Inherent rating	Residual rating
CE1 51 1	Professional	Event funding from KCC/partners is substantially reduced leading to down sizing of capacity	Manage	Head of Partnerships	<input type="checkbox"/> Improvement programmes for KCC involvement in District LSPs and partner development of CDRPs <input type="checkbox"/> Dedicated lead roles e.g. Nbhnd projects which support corporate working	<input type="checkbox"/> SSCG/CDRP focus in planning partnership approach for 2009 - 2010	Ongoing	I = 5 L = 4 R = 20 HIGH	I = 5 L = 3 R = 15 MED
CE2	Professional	KCC receives negative Audit criticism of its data collection procedures leading to greater scrutiny and inspection	Manage	Head of Corporate Performance	<input type="checkbox"/> Standardised collection process for BVPIs. <input type="checkbox"/> Guidance for accountable managers <input type="checkbox"/> Reporting to COG/Cabinet <input type="checkbox"/> Rigorous procedures for Towards 2010 reporting <input type="checkbox"/> Directorate data quality champions <input type="checkbox"/> Data quality (DQ) policy adopted from March 2008	<input type="checkbox"/> Engage national debate, influence Audit Commission expectations - risk based approach <input type="checkbox"/> Adopt ONS procedures <input type="checkbox"/> Directorates to deliver own DQ strategies <input type="checkbox"/> Accountabilities for new NIS	Ongoing	I = 4 L = 4 R = 16 HIGH	I = 4 L = 3 R = 12 MED

Ref	Source	Event	Planned Outcome	Acc'table manager	Existing controls	New tasks / action plans	Date	Inherent rating	Residual rating
3 (a)	KCC has a statutory responsibility to maintain the health & safety of employees, service users and contractors	Failure to prevent and avert major accidents / breaches of legislation may result in an inability to deliver services and trade. Severe breaches would result in legal action against KCC	<input type="checkbox"/> Assess likelihood & manage <input type="checkbox"/> Compliance with legislation <input type="checkbox"/> Effective H&S practice and a managed safe working environment	Director of Personnel & Development for Corporate Policy / strategy & statutory obligation Director of Property for property / assets	<input type="checkbox"/> Corporate Policy <input type="checkbox"/> Corporate H&S action plan <input type="checkbox"/> Monitoring <input type="checkbox"/> Training & Development <input type="checkbox"/> Corporate H&S Board + KCC Jt H&S Committees <input type="checkbox"/> Dedicated H&S staff corporately + within directorates <input type="checkbox"/> Directorate H&S groups <input type="checkbox"/> Risk Assessments <input type="checkbox"/> Public notices <input type="checkbox"/> Construction Design & Management Regulations <input type="checkbox"/> Asbestos policy	<input type="checkbox"/> Legionella policy under review <input type="checkbox"/> Legionella register to be fully populated <input type="checkbox"/> Asbestos central register to be developed	Ongoing	I = 5 L = 3 R = 15 MED	I = 3 L = 3 R = 9 MED
4	As above People Reputation	As above	As above	Commercial Services Director	<input type="checkbox"/> Local H&S risk assessments <input type="checkbox"/> Use of lost time/ accident KPI at SMT	<input type="checkbox"/> Continued focus supported by SMT leadership and improved CSD wide communications and briefings	Ongoing	I = 4 L = 4 R = 16 HIGH	I = 4 L = 4 R = 16 HIGH
4	Service delivery is dependant on a healthy workforce and maximization of attendance People	Higher levels of sickness than tolerable could impact on the organization and effectiveness of service delivery	Manage	Director of Personnel & Development	<input type="checkbox"/> Attendance Management policy, procedures and training <input type="checkbox"/> Review and revise corporate sick pay policy <input type="checkbox"/> Staff care package <input type="checkbox"/> Absence recording <input type="checkbox"/> Return to work interviews <input type="checkbox"/> 3 year health check programme for non-schools based staff	<input type="checkbox"/> Positive Attendance Guidance <input type="checkbox"/> New programme of health promotion and wellbeing activity <input type="checkbox"/> Working group developing new attendance strategies including absence information for managers at service unit and directorate level on HR Business Intelligence data	Ongoing	I = 4 L = 5 R = 20 HIGH	I = 5 L = 3 R = 15 MED

Ref	Source	Event	Planned Outcome	Acc'table manager	Existing controls	New tasks / action plans	Date	Inherent rating	Residual rating
CED 5	The accurate payment and maintenance of information of KCC staff is reliant on the IT systems, namely Oracle HR Payroll. Expenses and associated systems to ensure requirements are met People / systems	Loss of systems or data would result in lack of ability to meet organizations and business statutory responsibilities relating to the employment and remuneration of staff	Manage	Director of Personnel & Development	<input type="checkbox"/> Disaster, recovery and contingency plans for Oracle <input type="checkbox"/> Regular local & offsite backups <input type="checkbox"/> Skilled internal IT resource pool <input type="checkbox"/> Use of contracting staff where required <input type="checkbox"/> Flexible/night/weekend working where required <input type="checkbox"/> Sharing information and development with other local authorities <input type="checkbox"/> Critical users and emergency data centres identified <input type="checkbox"/> Regular updating of systems based on latest release of software <input type="checkbox"/> Detailed training and guidance for staff <input type="checkbox"/> Extensive exception reporting and monitoring <input type="checkbox"/> Fully documented systems and processes <input type="checkbox"/> Detailed development plan based on prioritization of requirements <input type="checkbox"/> Robust project control of new developments <input type="checkbox"/> Robust technical and user testing for new developments, patches and enhancements <input type="checkbox"/> Structured project management and documented change procedure controls	<input type="checkbox"/> Update existing disaster recovery plans <input type="checkbox"/> Production and monitoring of HR system development plan <input type="checkbox"/> Review of systems in the light of emerging internal and external requirements (including new statutory reporting)	Ongoing	I = 5 L = 4 R = 20 HIGH	I = 4 L = 3 R = 12 MED

Ref	Source	Event	Planned Outcome	Acc'table manager	Existing controls	New tasks / action plans	Date	Inherent rating	Residual rating
6(a)	KCC service delivery is dependant on workforce and succession planning People	Loss of key skills and knowledge would have an impact on remaining staff and their ability to deliver services. Failure to recruit and retain high calibre staff would lead to a negative impact on service delivery	<input type="checkbox"/> Manage Clear Succession Planning <input type="checkbox"/> Improved management and organizational resilience	Director of Personnel & Development	<input type="checkbox"/> Mgt Development Progs <input type="checkbox"/> Contract with external recruitment agency <input type="checkbox"/> Recruitment practices/policies <input type="checkbox"/> Induction pack and training <input type="checkbox"/> Workforce Development plan <input type="checkbox"/> Talent management Prog. <input type="checkbox"/> Benefits package <input type="checkbox"/> Total Contribution Pay <input type="checkbox"/> Strategy for Staff <input type="checkbox"/> Reward Strategy <input type="checkbox"/> Links with best practice organizations <input type="checkbox"/> Work & Wellbeing Prog. <input type="checkbox"/> Recruitment/Selection tr'ing <input type="checkbox"/> 2 nd phase - Equal Pay Audit <input type="checkbox"/> Appraisal <input type="checkbox"/> Staff care package <input type="checkbox"/> Link with interim mgt. agencies (Kent Success) <input type="checkbox"/> Ready for Practice Scheme <input type="checkbox"/> Teacher Recruitment team <input type="checkbox"/> Exit interview records <input type="checkbox"/> Range of staff groups (UNITE, Stonewall etc) <input type="checkbox"/> Extended new Kent Graduate Programme <input type="checkbox"/> Management team awareness and minor organisational changes	<input type="checkbox"/> Recruitment hotspots identified & strategies developed to address <input type="checkbox"/> Strategy for staff development <input type="checkbox"/> Reward strategy <input type="checkbox"/> Development recruitment management system & strategy <input type="checkbox"/> Strategic workforce plan <input type="checkbox"/> Exit interviews analysis and action	Ongoing	I = 4 L = 4 R = 16 HIGH	I = 4 L = 3 R = 12 MED
6(b)	As above	Over reliance on limited group of officers Gaps in capability		Commercial Services Director		<input type="checkbox"/> Further organisational development with a robust forward plan <input type="checkbox"/> Much greater emphasis of succession planning <input type="checkbox"/> Improved and consistent use of TCP and Peer review forums to link into development planning activities		I = 4 L = 4 R = 16 HIGH	I = 4 L = 4 R = 16 HIGH

Ref	Source	Event	Planned Outcome	Acc'table manager	Existing controls	New tasks / action plans	Date	Inherent rating	Residual rating
CED 7	Financial	<p>Non delivery of planned capital receipts (property unsold or does not reach estimated value)</p> <p>Lack of clarity around alignment of revenue/capital budgets</p>	<input type="checkbox"/> Manage <input type="checkbox"/> Increased awareness around issues <input type="checkbox"/> Clarity and consistency regarding capital -v- revenue	<p>Director of Finance</p> <p>Director of Property (with directorate Resource Managers)</p>	<input type="checkbox"/> PEF2 Fund created to allow properties to be held short term (5 years) to allow market to improve <input type="checkbox"/> Prudential Equilisation Reserve <input type="checkbox"/> Regular review meetings with Cabinet Member <input type="checkbox"/> Regular meetings with Finance <input type="checkbox"/> Policies developed and communicated <input type="checkbox"/> Continual management review of processes and performance	<input type="checkbox"/> Set up PEF2 management committee <input type="checkbox"/> Regular Section 106 reports to FSB <input type="checkbox"/> Reports to Cabinet & Property Board monitoring property market	Ongoing	<p>I = 4 L = 5 R = 20 HIGH</p>	<p>I = 3 L = 3 R = 9 MED</p>
CED 8 155	<p>Spending review 09 – constraints on government funding due to significantly deteriorating public finances</p> <p>Financial</p>	<p>Government Grant fails to increase in line with inflation, demographic, legislative changes etc</p> <p>Risk of funding shortfall cost shunted to local government</p> <p>Major funding shortfall risks on function transfers – e.g. Learning Disability from NHS, concessionary fares from districts</p>	<p>Manage</p>	<p>Director of Finance</p>	<input type="checkbox"/> Lobbying of Central Government <input type="checkbox"/> Working with LGA, SCT, CCN etc.	<input type="checkbox"/> Continued lobbying of Central Government <input type="checkbox"/> In depth financial scrutiny of negotiations over LD transfer	Ongoing	<p>I = 4 L = 5 R = 20 HIGH</p>	<p>I = 4 L = 5 R = 20 HIGH</p>

Ref	Source	Event	Planned Outcome	Acc'table manager	Existing controls	New tasks / action plans	Date	Inherent rating	Residual rating
CED 9	Financial and economic deterioration of UK wide economy (probably into recession) spills over into wider fabric of society with consequential pressure across all KCC services Financial	Increased unemployment Increased homelessness Increased crime Increased fraud Higher inflation Reduced income generation "Wealth depleters" depleting wealth more rapidly etc. adding substantial demand pressures onto KCC services at a time of high price inflation and limited ability to raise KCC income to offset price rises Reduction in Council Tax collection	Manage	Director of Finance (permeates across the council so CX, all of COG too)	<input type="checkbox"/> Lobbying of Central Government for additional resource <input type="checkbox"/> Robust MTP <input type="checkbox"/> Peer review of pressures and savings <input type="checkbox"/> Economic development and regeneration activity	<input type="checkbox"/> Continued lobbying of Central Government <input type="checkbox"/> Policy led budgeting approach <input type="checkbox"/> Refocusing of priorities to target action to address financial, health wider socio-economic impacts of major recession	Ongoing	I = 4 L = 5 R = 20 HIGH	I = 4 L = 5 R = 20 HIGH
CED 10	Treasury Management Financial	Potential loss of principal sum	Manage	Director of Finance	<input type="checkbox"/> Treasury strategy <input type="checkbox"/> Treasury Management practices <input type="checkbox"/> Governance arrangements	<input type="checkbox"/> Full review of all elements	February 2009	I = 4 L = 5 R = 20 HIGH	I = 4 L = 5 R = 20 HIGH

Ref	Source	Event	Planned Outcome	Acc'table manager	Existing controls	New tasks / action plans	Date	Inherent rating	Residual rating
11 (b)	Scale and variety of physical assets property and equipment	Poor condition & building facilities on main sites may lead to unplanned loss of office provision & reduced access to physical assets, including equipment, IT infrastructure, and office would impact upon service delivery and income generating activities Client financial constraints inhibits ability to effectively maintain & keep FM management buildings to desired standards which could impact on service delivery	<input type="checkbox"/> Maintenance and minor works programmes to minimize risk and improve building condition <input type="checkbox"/> Well managed lower risk environments	Director of Commercial Services	<input type="checkbox"/> Regular checks of known areas of risk <input type="checkbox"/> Small scale routine maintenance and focus on H&S only in CSD locations <input type="checkbox"/> Sites security <input type="checkbox"/> Insurance <input type="checkbox"/> Business Continuity Planning including IT fall back arrangements <input type="checkbox"/> Effective H&S processes	<input type="checkbox"/> Continued identification of risk areas and minor remedial/mitigating actions. <input type="checkbox"/> Continued business continuity planning, including IT resilience <input type="checkbox"/> Constant monitoring of building condition, seeking funding and works authorization from clients <input type="checkbox"/> Establish a managed programme for planning and delivery of relocation from CSD Gibson Drive which will take place in 2011 to deliver more stable and contemporary environments.	April 2009 2011	I = 5 L = 5 R = 25 HIGH	I = 5 L = 5 R = 25 HIGH
12	Financial	Targeted savings may not be fully realized (by up to 40%) due to demand for ICT services not reducing in line with directorate predictions	Manage	Heads of ICT Commissioning and Operations	<input type="checkbox"/> Situation notified to Finance via budget monitoring <input type="checkbox"/> Escalated to Resource Directors for action to reduce demand		Ongoing	I = 5 L = 5 R = 25 HIGH	I = 5 L = 5 R = 25 HIGH

Ref	Source	Event	Planned Outcome	Acc'table manager	Existing controls	New tasks / action plans	Date	Inherent rating	Residual rating
CEC 13	Technological & Social	Increased reliance and demand on technology in the delivery of direct service not matched by increased investment in capacity and resilience of ICT infrastructure	Manage	Heads of ICT Commissioning and Operations	<input type="checkbox"/> Medium term plan for technology agreed by COG and Cabinet. <input type="checkbox"/> Contingency planning – in consultation with the business. <input type="checkbox"/> Disaster Recovery considered on a system by system basis. <input type="checkbox"/> Regular interface/liaison with resource directors. <input type="checkbox"/> Change management process includes risk assessment and handover requirements. <input type="checkbox"/> Provision of professional advice to facilitate the assessment of risk.	<input type="checkbox"/> Monitor implementation of agreed medium term plan for technology. <input type="checkbox"/> Maintain key business needs as identified by all business units. <input type="checkbox"/> Regular reassessment of business risk as a consequence of systems failure. <input type="checkbox"/> Review options for sourcing of DR provision.	Ongoing	I= 4 L= 5 R= 20 HIGH	I= 3 L= 4 R= 12 MED
CEC 14 CP 159	Professional	Service development compromised through implementing disparate and incompatible ICT solutions	Manage	Heads of ICT Commissioning and Operations	<input type="checkbox"/> Corporate asset maintenance, <input type="checkbox"/> Enterprise Architecture methodology, strong governance through ICT (Strategy) Board. <input type="checkbox"/> ICT Operations Board	<input type="checkbox"/> Review and revise Enterprise Architecture to reflect changes to corporate and business targets. <input type="checkbox"/> Develop roadmap to identify how to build on existing investment to deliver new targets. <input type="checkbox"/> Monitor consistency of IT platform across organization	Ongoing	I= 4 L= 4 R= 16 HIGH	I= 3 L= 3 R= 9 MED
CEC 15	Technological	Attack on ICT infrastructure, or inappropriate action by a user, leading to a loss of data.	Manage	Heads of ICT Commissioning and Operations	Dedicated security officer to identify and remedy potential security risks. Provision of professional advice to facilitate the assessment of risk and the development of appropriate policies (see IT Policies on KINet).	<input type="checkbox"/> Assess all new activity and change from a security perspective.	Ongoing	I= 5 L= 3 R= 15 MED	I= 5 L= 2 R= 10 MED

Ref	Source	Event	Planned Outcome	Acc'table manager	Existing controls	New tasks / action plans	Date	Inherent rating	Residual rating
CEED 16	Systems	<p>Major system failures e.g.: CRM, EBS, Galaxy etc</p> <p>Major telephone system failure where no customer can contact KCC contact centre</p> <p>Shortage of staff to manage call volume (due to normal business or major incident)</p> <p>Total loss of building for CC</p> <p>Lack of budget to provide level of service expected</p> <p>Unable to provide high risk/profile services</p>	Manage	Director Of Strategic Development And Public Access	<p><input type="checkbox"/> Plan documented in CC Business Continuity Plan, timescales for system recovery arranged by ISG or Business unit.</p> <p><input type="checkbox"/> Risks managed through CC Business Continuity Plan, Triangulation of lines arranged to reduce single point of failure at exchange level</p> <p><input type="checkbox"/> Close links with staffing agencies to obtain staff at short notice. Existing staff offered overtime if budget allows</p> <p><input type="checkbox"/> Short term loss can be managed in Cantium House, Maidstone assuming building in close proximity is unaffected. No other contingency site identified.</p> <p><input type="checkbox"/> Budget and service levels closely monitored</p> <p><input type="checkbox"/> All contact centre services graded so high risk services prioritised in any risk situation.</p>	<p><input type="checkbox"/> The Access Kent project will ensure increased resilience as we work more closely with other public sector contract centres.</p> <p><input type="checkbox"/> New systems for phone and CRM are currently being organized and implemented</p> <p><input type="checkbox"/> Increasing joint working between the KCC website and Gateways will ensure other channels of access are available and expertise shared</p>	Ongoing	<p>I= 4 L= 3 R= 12 MED</p>	<p>I= 3 L= 3 R= 9 MED</p>

Ref	Source	Event	Planned Outcome	Acc'table manager	Existing controls	New tasks / action plans	Date	Inherent rating	Residual rating
CE17	Reliance is placed upon good quality and timely information to inform direction and decisions	Economic downturn and credit crunch could create previously unknown or unexpected risks. Inspections may provide false assurances or fail to highlight potential weaknesses	Manage	CEDMT	<input type="checkbox"/> Inspections and Audits <input type="checkbox"/> Links with external advisors, peer and national groups	<input type="checkbox"/> Sense check of services	Ongoing	I = 4 L = 3 R = 12 MED	I = 4 L = 3 R = 12 MED

Note: Risks considered to be commercially sensitive have been omitted

Risks previously on register removed in November 2008 refresh

Risk	Residual Ranking	Reason for removal
Ensure KCC retains a level four in the Corporate Assessment	Med	Reported within Business Solutions & Policy register only
Delivery of major projects with appropriate management of financial and borrowing risks – Manston, Eastern Quarry, London Array, Ashford development	Med	Reported within Corporate Finance register only

This page is intentionally left blank

By: Overview, Scrutiny and Localism Manager

To: Corporate Policy Overview Committee
14 January 2009

Subject: **SELECT COMMITTEES - UPDATE**

Classification: Unrestricted

Summary: This report updates Members on the Select Committee on Accessing Democracy and invites suggestions for future topic reviews.

Select Committee: Accessing Democracy

1. (1) This Select Committee under the Chairmanship of Mrs Angell produced its report which was considered by Cabinet on 15 September 2008. This report was considered at the County Council meeting on 11 December 2008 where it was well received.

(2) As part of the County Councils monitoring process for Select Committee recommendations the Select Committee will be reconvened in September 2009 to receive a report on progress with each of the recommendations. In the meantime a this Policy Overview Committee will receive, at its next meeting, an action plan showing how it is proposed to take the recommendations forward.

Suggestions for future Select Committee topic reviews

2. (1) The current Select Committee topic review programme is coming to an end and there is not sufficient time to commence any more reviews prior to the Elections in June 2009. However, it is important that topics are available to be considered early in the new Council so that a work programme can be approved and reviews started as soon as possible.

(2) Members are therefore requested to consider whether there are any potential topics that fall within the remit of this Policy Overview Committee, which they would like to put forward for consideration by the Policy Overview Co-ordinating Committee (POCC) at their meeting on 28 April 2009. At this meeting the POCC will be asked to indicate which potential topics could be included in a future work programme and a priority order. Initial work will then be carried out to scope these potential reviews before a final decision is taken on the work programme at a meeting of the POCC in July 2009.

(3) The Committee are reminded of the recent decision of the County Council that once a Topic Review has been included in the Work Programme as agreed by the POCC the detailed terms of reference each review will be developed by a cross party Member Group (one from each Group) for approval by the Select Committee.

(4) The POC will be kept informed of potential topics which are within its remit.

Recommendations

3 The Committee are asked to:-

(a) Note the update on the Select Committee on Accessing Democracy ;and

(b) Invite suggestions for potential Select Committee Topic reviews for consideration by the Policy Overview Co-ordinating Committee at its meeting on 28 April 2009

Denise Fitch

Assistant Democratic Services Manager (Policy Overview)

01622 694269

denise.fitch@kent.gov.uk

Background Information: *Nil*

ACCESSING DEMOCRACY: SELECT COMMITTEE

Executive Summary and Recommendations

1.0 In January 2008 an eight Member Select Committee was established to carry out a review on Accessing Democracy with the following terms of reference:

- To understand why many people do not participate in and influence decision making in Kent
- To discover what would/could encourage more people to participate in and influence decision making in Kent
- To discover what Kent County Council can do to increase participation

1.1 The Members of the Accessing Democracy Select Committee were:

Mrs Christine Angell (Chair)
Mr Mike Snelling
Mr David Brazier
Mrs Ann Allen

Mrs Eileen Rowbotham
Mr Roland Tolputt
Mr George Koowaree
Mr Bill Hayton

1.2 This report considers the steps needed to revive involvement in local decision making. It looks at the use of new technology and participation methods to facilitate two way communications with the public on local service policies and priorities, the localism agenda and structures and the role of elected members within a mix of representative and participative democracy. The review focuses on the themes of how to get people interested, how to encourage people to participate and improving knowledge and understanding of the opportunities to participate. The Select Committee used a number of evidence sources to inform the investigation, including hearings, discussion groups, insight gathering with local residents, written evidence, key documents and national research. This is written in the context of Kent County Council (KCC) and KCC elected members, with recognition that as a two-tier authority in Kent there is similar debate with District partners.

1.3 Our report contains a number of recommendations, which if agreed by Cabinet and the County Council will hopefully reinvigorate local democracy in Kent and result in people becoming more involved and influencing decision making, in both the short and longer term.

1.4 Key points are

- Empowering elected members to be as accessible and responsive as possible is key and needs the imaginative use of both traditional methods and new technology.

- Two-way communication is a key component if we are to successfully engage with local people in local democracy.
- Elected member roles are fundamental to the development of effective local involvement.
- There needs to be greater opportunity for the further development of the role of frontline elected members, empowering them to make locally evidenced based decisions.
- There needs to be an enabling of Local Forums to become increasingly targeted on local priorities and outcomes, through dialogue, action planning, joint commitment and the ability to respond.
- Need to use new technology and opportunities presented by e-democracy to broaden input into local decision making processes, making it easier for some and develop dialogue with local people, and support the development of a range of tools. These won't necessarily engage uninterested people and an outreach approach may still be needed – a combination of tools is essential.
- Need positive, adaptable and flexible approach.
- Whilst there are diverging views amongst members, it is clear that one key factor is that however challenging, representative and participative processes are both key components of a healthy local democracy.
- Also need to consider how local people would like to take this agenda forward - One size does not fit all – within the framework Kent County Council and elected members should use innovation and flexibility to achieve best outcomes.

Recommendations

R1: Raise profile of elected members and use other strategies to change public perception.

R2:

- a) A 'menu of options' of how local people can get involved in local democracy in Kent should be promoted.**
- b) All proposals taken through County Council or Overview and Scrutiny should be required to state the degree of public involvement to date. This would improve accountability and demonstrate how information from consultations is used (especially the effect on decision making).**
- c) Existing good practice should be advertised and promoted, identifying future priority issues for local action/campaign with elected members and/or highlight possible areas for review.**

R3: The Member Charter, and programme of member development to help ensure Kent has high calibre effective community leaders, should incorporate media training and public speaking skills.

R4: As part of the Communications Strategy KCC should actively promote the role of elected members as community leaders and advocates within their community using a range of communication tools.

R5:

- a) Embrace democracy in secondary schools and school councils should be encouraged to operate through age range - advocate school councils in primary school.**
- b) All elected members should be involved in schools democracy week.**
- c) Ensure all teaching staff are firmly encouraged to undertake Continuous Professional Development on democracy.**
- d) Linkage between School Councils, Kent County Council and District, Town and Parish Councils should be promoted.**

R6: Citizenship pack should include information on how to register to vote, the role of local elected members and how to contact local member at District, County and National level.

R7: Need to ensure that induction and information pack for new staff includes information on how to have your say and get involved in local decision making and how public involvement has made a difference.

R8: KCC should provide subtitles and British Sign Language option on all DVDs produced.

R9:

- a) Elected members should have a hard copy summary of all the planned KCC consultations.**
- b) Information regarding consultations and the need to inform and involve elected members needs to be highlighted and included within future plans to develop a discreet section of information for members on the web and clear commitments reflected within the Consultation and Engagement Strategy.-**
- c) Information on consultations should include note on method of engagement to be used.**

R10:

- a) Facilities for video conferencing should be utilized, maximizing opportunities in Kent with KCC and partners.**
- b) Elected members should be supported in using this service through current resources, training and support mechanisms.**

R11:

- a) Need effective promotion of E-consultation and decision making to raise profile and encourage local people to have their say and voices heard.**

- b) All engagement activities and weblinks should be brought under easily recognisable umbrella and portal e.g. 'Ask Kent' , to ensure two way interactive communication.**
- c) Facilities for blogs, emails, online surgeries, plus training and support should be available for elected members.**

R12: In promoting the role of elected members and interaction with communities KCC should embrace e-democracy/ technological solutions to make elected members activities more visible and to open up dialogue and debate, for example e-petition, e-campaigns generated by Local Boards and local people, and e-debate.

R13: Raising interest in both the opportunity and how to become an elected member needs to be clear and transparent. Agree more diversity in elected members is seen to be beneficial but is complex and worthy of separate study.

R14: 'Top tips' and contact details on making contact with seldom heard/ perceived hard to reach communities should be included in all new ward packs.

R15:

- a) The introduction of role descriptions for all elected members needs to be supported.**
- b) The IDEA Councillors guide should be actively promoted and need to ensure all elected members have a copy.**
- c) Training for elected members in ways of local government and ongoing training to help elected members carry out their role effectively should be actively supported.**

R16: To effectively strengthen local structures for community engagement and encourage involvement in local decision making need

- a) Localism to be more outcome focussed.**
- b) mechanism for prompt feedback to the public on specific issues.**
- c) to explore further with District, Town and Parish Councils and other local partners what they believe would improve community engagement.**
- d) to devolve power and resources to support local priorities and action, from discretionary funds being delegated to local forums for decision making.**
- e) Chief Officers and Cabinet should identify which services can be delegated to local level and be influenced by members in their representative capacity based on views of community priorities and preferences.**

R17: The opportunity for participatory budgeting from devolved discretionary funds should be provided within the next budget year, with delivery mechanism to be determined, and a sum of underpinning monies to enable local people to determine how the resource should be spent.