

**By:** Amanda Beer – Corporate Director - People and Communications  
**To:** Governance and Audit Committee  
**Date:** 7<sup>th</sup> October 2021  
**Subject:** KCC Annual Customer Feedback Report 2020/21  
**Classification:** Unrestricted

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**Summary:** This report provides a summary of the compliments, comments and complaints recorded by the Council. The report includes statistics relating to customer feedback received by the Council and a sample of complaints considered by the Ombudsman.

**Recommendation:** The Committee is asked to note the contents of this report for assurance.

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## **1. Introduction**

- 1.1 This is the Council's eleventh annual report on compliments, comments and complaints. This year has been turbulent with 3 lockdowns in Kent and the majority of the workforce moving to homeworking, although many of those delivering our front line services continued to work in the community. Customer feedback has seen the impact of Covid-19 on volumes, which initially slowed down as the public got to grips with the first lockdown; but following the lifting of restrictions the numbers of complaints and feedback grew exponentially.
- 1.2 Overall complaints volumes are down slightly this year but the themes and topics reflected the year and the decisions that had to be made in light of the restrictions. This report will reflect on the feedback received during the Council's and nation's response to the pandemic.
- 1.3 For the purposes of this report customer feedback only relates to those comments, compliments and complaints received from members of the public and our external customers. It does not include internal feedback between departments or contractors.

## **2. Progress in refining practices within KCC**

- 2.1 The customer feedback system has been in place for over 3 years, enabling us to breakdown data easily, understand trends and react to evolving issues.
- 2.2 We are seeing an increase in customers raising their concerns directly with us using our online form representing a good upwards trend in digital participation.
- 2.3 This year training has been focused on equipping staff in the Special Educational Needs (SEN) department, following the Ofsted report, with the tools to confidently

respond to customers. This included covering customer service skills, example responses and tips for dealing with difficult customers.

- 2.4 Next year's training will focus on investigation training and responding to the Ombudsman. The guidance is intended to impress upon managers the seriousness of an investigation and the expectations of both KCC and the LGSCO in forming our responses. This is in its final stages of development and should be rolled out in the Autumn.
- 2.5 The Customer Feedback Forum meets monthly to discuss best practice, performance and system developments. This group increased the frequency of meetings during the pandemic to assist each other with changes to the Customer Feedback Policy, discuss Ombudsman requirements and approaches to contacting customers regarding service changes.

### 3. Overview of Customer Feedback Received

- 3.1 A compliment is an expression of thanks or congratulations or any other positive remark. (Internal compliments are excluded from this process).
- 3.2 A comment is a general statement about policies, practices or a service as a whole, which has an impact on everyone and not just one individual. A comment can be positive or negative in nature. Comments may question policies and practices, make suggestions for new services or for improving existing services.
- 3.3 A complaint is an expression of dissatisfaction, whether justified or not and however made, about the standard or the delivery of a service, the actions or lack of action by the Council or its staff which affects an individual service user or group of users. This is consistent with the definitions used by other local authorities.
- 3.4 The following table gives an overview of the feedback received by KCC as a whole compared with the previous year.

**Table 1** – Feedback received by KCC compared with previous year

Year	Complaints (Stage 1)	Comment	Compliments	Local Government and Social Care Ombudsman complaints
2020/21	5375	571	1351	152
2019/20	5866	480	1324	218
Difference	-496	91	27	-66
% difference	-8%	19%	2%	-30%

- 3.5 We saw a decrease in the volumes of cases in 2020/21 which reflects a quiet start to quarter one when the country was in lockdown. The nature of complaints and

comments received during the pandemic, were in many cases different to previous years reflecting the decisions that needed to be made at the time. This has made it difficult to draw direct comparisons to previous years. Across all case types we received 1,594 pieces of feedback that mentioned Covid.

- 3.6 It is also important to note that customers also complimented the Council and its employees for work carried out during this time. This included keeping services running, going above and beyond to help and for its response to the pandemic for example the establishment of Kent Together and local testing sites, offering vouchers for those who receive Free School Meals in the holidays and the click and collect service in Libraries.

**Table 2 - Cases received at stages 1 (local resolution)**

Stage 1	Adults Social Care and Health	Children Young People and Education	Growth Environment and Transport	Strategic and Corporate Services (including Public Health)	Total
2020/21	754	867	3585	169	5375
2019/20	1092	1044	3611	119	5866
Difference	-338	-180	-29	52	-495
% difference	-31%	-17%	-1%	44%	-8%

- 3.7 Due to Covid restrictions and regulations, there were a number of changes to the way in which services were delivered during the pandemic. This included closure of services, partial opening of services, advanced booking, the introduction of pilot schemes or new services, as well as refunds or goodwill payments for services not delivered. This resulted in feedback to the Council both in complaints but also in comments from customers who wanted to suggest alternative ways of providing services for example Free School Meals or Active Travel.
- 3.8 Within Growth, Environment and Transport (GET), some services within Environment, Planning and Enforcement saw an increase on last years figures, these were largely due to Country Parks with regards to parking charges for passholders during the pandemic and for Public Rights of Way due to vegetation growth and accessibility of paths.
- 3.9 Adult Social Care and Health (ASCH), saw a decrease last year after a significant increase in 2019/20 due to the changes in eligibility for the Blue Badge scheme and subsequent backlogs, this is now beginning to settle down resulting in fewer complaints about that service.
- 3.10 Whilst Children, Young People and Education (CYPE) saw a reduction in complaints overall, Specialist Children’s Services saw an increase in volumes. This figure also

includes Special Educational Needs (SEN) cases, there was an expected increase in feedback following the SEN Ofsted inspection. These complaints tend to be more complex in nature.

3.11 All directorates bar Strategic and Corporate Services (SCS) saw a decrease in the number of complaints received. The increase in SCS is largely attributed to Public Health. This service is responsible for the Council’s response to Covid with regards to operating local asymptomatic testing sites, applying National Government guidance locally including communications and in some cases enforcement.

3.12 Overall we have seen a 8% decrease in the number of complaints received at stage one. A breakdown of complaints received by division/service can be found in Appendix A.

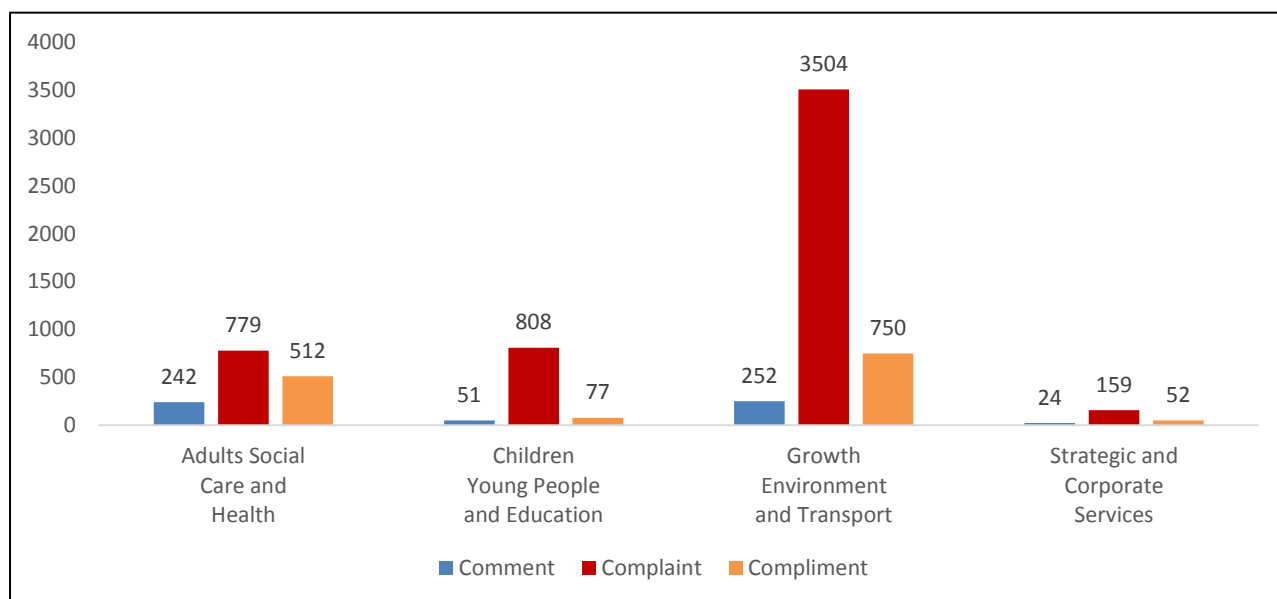
**Table 3 – Feedback received at Stage 2 compared with the previous year**

<b>Stage 2</b>	<b>Adults Social Care and Health</b>	<b>Children Young People and Education</b>	<b>Growth Environment and Transport</b>	<b>Strategic and Corporate Services</b>
<b>2020/21</b>	<b>1</b>	<b>125</b>	<b>150</b>	<b>23</b>
2019/20	2	158	86	9
Difference	-1	-33	64	14
% difference	-50%	-21%	74%	156%

\*ASCH operate a 2-stage process with the Local Government Ombudsman acting as the second stage

3.13 We have seen a significant increase in complaints escalating to stage 2 within the GET and SCS Directorates, however this is largely due to services using the complaints procedure where conversations with customers have resulted in on going correspondence despite a response being provided previously.

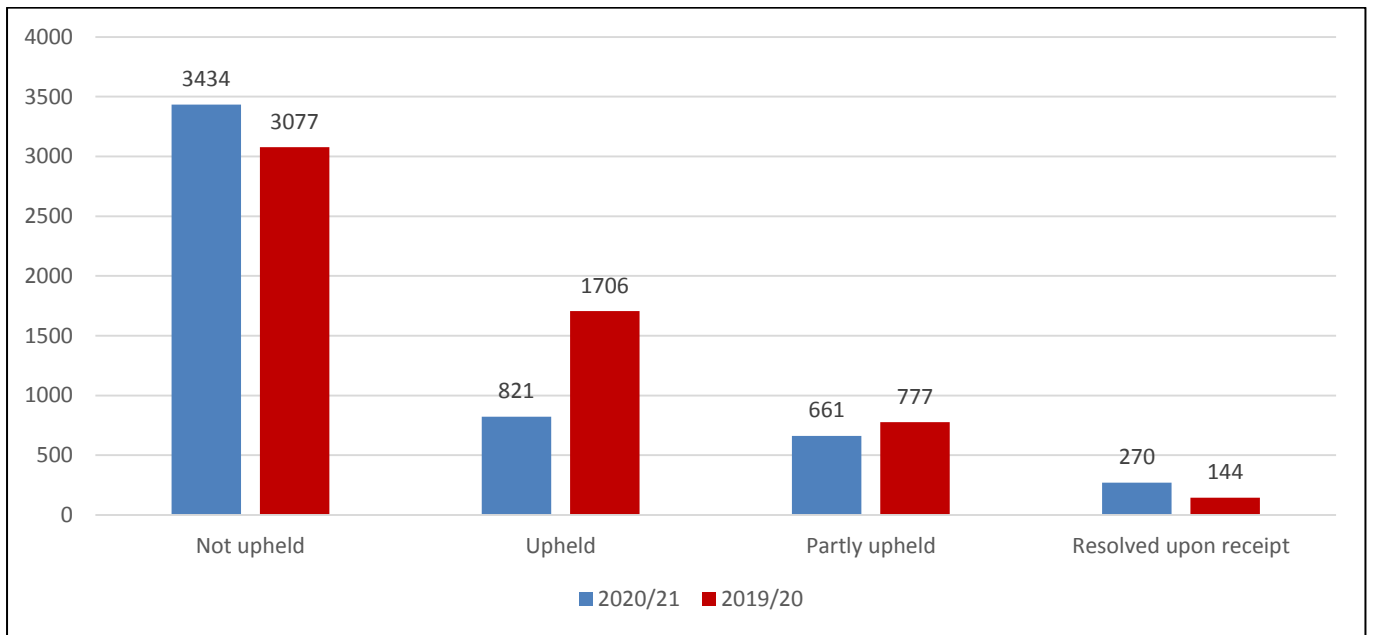
### 3.14 Cases closed by Directorate at Stage 1



**Table 4 - Cases closed by Directorate at Stage 1**

	<b>Comment</b>	<b>Complaint</b>	<b>Compliment</b>	<b>Total</b>
Adults Social Care and Health	242	779	512	1533
Children Young People and Education	51	808	77	936
Growth Environment and Transport	252	3504	750	4506
Strategic and Corporate Services	24	159	52	235
<b>Total for 2020/21</b>	<b>569</b>	<b>5250</b>	<b>1391</b>	<b>6968</b>
Total for 2019/20	471	5844	1254	7569
Difference	98	-594	137	-601
% Difference	21%	-10%	11%	-8%

### 3.15 Case outcomes at Stage 1\*



\*Number of cases closed will not equal the number received

**Table 5 – Stage one - cases not upheld, upheld, partly upheld and resolved upon receipt**

Stage 1	Not upheld	Upheld	Partly upheld	Resolved upon receipt
2020/21	3434	821	661	270
%	66%	16%	13%	5%
2019/20	3077	1706	777	144
%	54%	30%	14%	2%

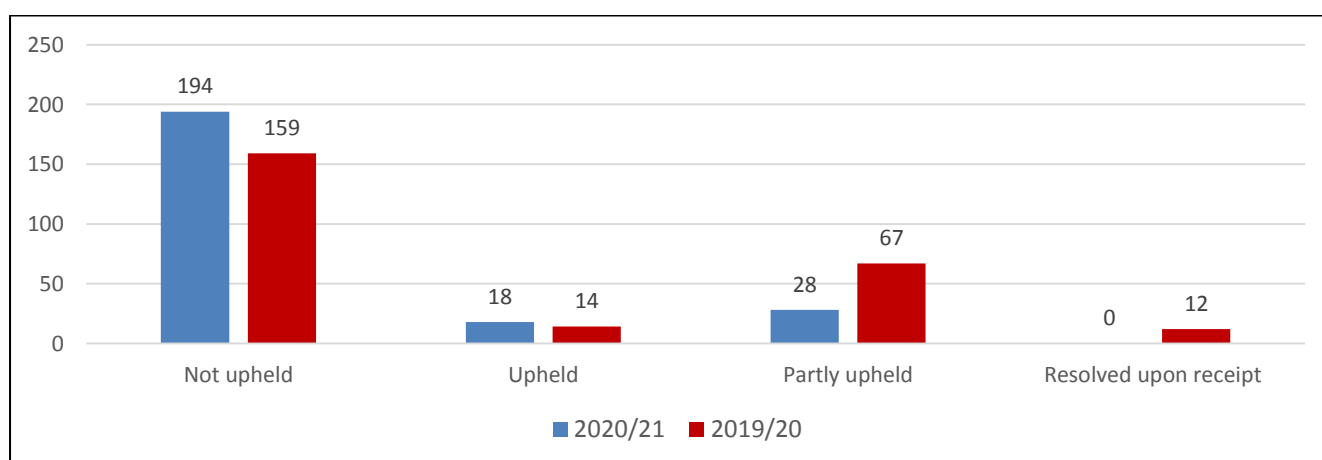
3.16 16% of cases were upheld this year, compared with 30% the previous year at stage one. This decrease can largely be attributed to customers disagreeing with policy changes or encountering issues with a service as a result of Covid beyond our control i.e. Household Recycling and Waste site bookings and provision of school meal vouchers during holidays.

3.17 An example of a not upheld and partially upheld case.

A customer disagrees with a decision the Council has made, an example this year, includes implementing a booking system for Household Recycling and Waste sites.

This was a policy decision taken in light of the necessary restrictions at the time. If however, a customer also has issues booking a slot online or whilst on site they have cause to complain about staff behaviour, this will be investigated and responded to accordingly. If fault is found these cases are likely to be partially upheld, as their policy complaint is not upheld but their additional complaints are upheld.

3.18 Case outcomes at Stage 2\*



\*Number of cases closed will not equal the number received

**Table 6 – Stage two – Not upheld, upheld, partly upheld, resolved upon receipt**

Stage 2	Not upheld	Upheld	Partly upheld	Resolved upon receipt
<b>2020/21</b>	<b>194</b>	<b>18</b>	<b>28</b>	<b>0</b>
<b>%</b>	<b>81%</b>	<b>8%</b>	<b>12%</b>	<b>0%</b>
2019/20	159	14	67	12
%	63%	6%	26%	5%

3.19 8% of cases were upheld this year compared with 6% the previous year at stage two. There is an decrease in the number of those partly upheld, where there are some areas of fault identified on the Council in the complaints raised but not in all the issues raised.

3.20 Table 7 below tracks the other types of feedback received by the Council including Member and MP enquiries and informal concerns compared with the previous year. Enquiries include Ask a Kent Librarian service requests which account for a significant proportion of the volumes received below.

**Table 7 – Volumes received for other types of feedback.**

	Member/MP enquiry	Enquiry (includes Ask a Kent Librarian)	Informal Concerns	Representation
<b>2020/21</b>	<b>1216</b>	<b>16708</b>	<b>242</b>	<b>3</b>
2019/20	1035	14424	234	3
Difference	181	2284	8	0

3.21 The increase in Member/MP enquiries is closer to expected volumes, following the decrease last year when work was carried out to ensure that Member Enquiries, where the source is from an MP or a Council Member, are logged appropriately.

3.22 A representation is a procedure for cases where a complainant wishes to complain about something eligible for progression through the statutory Children Act complaints procedure, but there is something else in progress which prevents them from having it accepted. This would include a Section 47 child protection enquiries, legal proceedings, a Child and Family Assessment, Tribunal, disciplinary etc.



**Table 8 - Reasons for complaints this year**

**Full breakdown for 2019/20\***

Year	Break-down	Communications or Information	Equalities & regulatory	Not for KCC	Policy and procedure	Service failure	Service Quality	Staff Conduct cause	Value for money	Impact of major incident	Issues with service	Total
20-21	<b>Total</b>	<b>785</b>	<b>265</b>	<b>92</b>	<b>1392</b>	<b>51</b>	<b>25</b>	<b>285</b>	<b>97</b>	<b>283</b>	<b>2079</b>	<b>5354</b>
	<b>% of total complaints</b>	<b>15%</b>	<b>5%</b>	<b>2%</b>	<b>26%</b>	<b>1%</b>	<b>&gt;1%</b>	<b>5%</b>	<b>2%</b>	<b>5%</b>	<b>39%</b>	
19-20	Total	826	81	63	929	2158	1263	520	270			6110
	% of total complaints	14%	1%	1%	15%	35%	21%	9%	4%			

\*Some cases will have more than one reason for the complaint

3.21 'Service failure' was recatecogrised following feedback from Audit in 2020, staff felt 'failure' was subjective. The majority of those that were categorised under 'service failure' are now logged under 'issues with service', this has allowed us to drill down into the data to provide greater insight into the issues raised (these are examined in table 10). During the pandemic it was also decided that a new category 'impact of major incident' should be added.

3.22 Policy and procedure saw an increase largely due to the changes to services and access to those services during Covid. This includes booking to access Household Waste and Recycling Sites, goodwill payments for freedom passes and implementation of temporary cycle lanes through the Active Travel scheme.

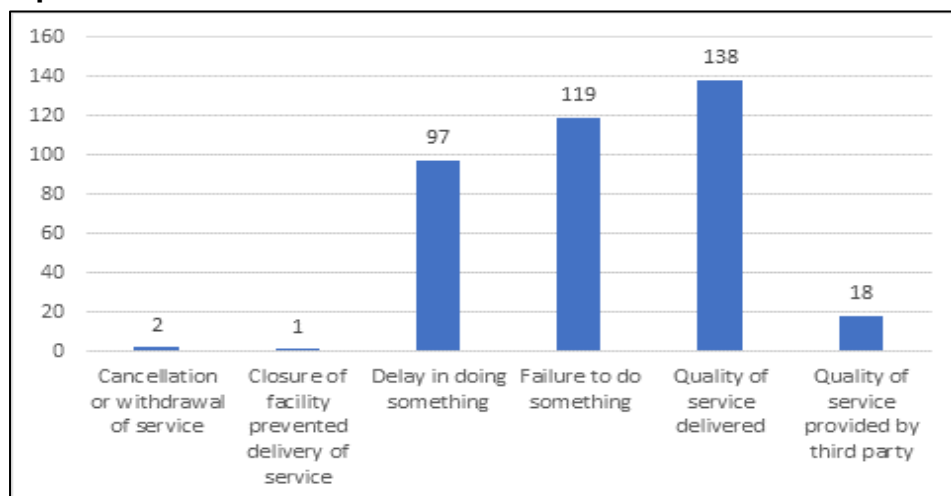
**Table 9** – Breakdown of reasons for upheld\* complaints by Directorate Stage one and two\*\*

<b>Complaint reason</b>	<b>Adults Social Care Services &amp; Health</b>	<b>Children Young People &amp; Education</b>	<b>Growth Environment &amp; Transport</b>	<b>Strategic &amp; Corporate Services</b>	<b>Total</b>	<b>%</b>
<b>Communications or Information</b>	51	33	63	16	<b>163</b>	19%
<b>Equalities &amp; regulatory</b>	2	9	29	1	<b>41</b>	5%
<b>Policy and procedure</b>	63	20	83	0	<b>166</b>	19%
<b>Service failiure</b>	4	1	2	0	<b>7</b>	1%
<b>Staff Conduct cause</b>	7	8	36	5	<b>56</b>	7%
<b>Value for money</b>	4	0	14	0	<b>18</b>	2%
<b>Impact of major incident</b>	4	2	30	2	<b>38</b>	4%
<b>Issues with service</b>	62	107	183	20	<b>372</b>	43%
<b>Total</b>	<b>197</b>	<b>180</b>	<b>440</b>	<b>44</b>	<b>861</b>	
<b>%</b>	23%	21%	51%	5%		

\*table only includes upheld complaints and not those partially upheld

\*\*some complaints will have multiple reasons as to why they were upheld

**Table 10 – Breakdown of ‘Issues with Service’ category where complaint was ‘upheld’**



	<b>Adults Social Care Services and Health</b>	<b>Children Young People and Education</b>	<b>Growth Environment and Transport</b>	<b>Strategic and Corporate Services</b>	<b>Total</b>	<b>% of total</b>
Cancellation or withdrawal of service			1	1	2	1%
Closure of facility prevented delivery of service			1		1	0%
Delay in doing something	17	54	23	3	97	26%
Failure to do something	21	35	53	10	119	32%
Quality of service delivered	12	20	102	4	138	37%
Quality of service provided by third party	13		3	2	18	5%
<b>Total</b>	<b>63</b>	<b>109</b>	<b>183</b>	<b>20</b>	<b>375</b>	
%	17	29	49	5		

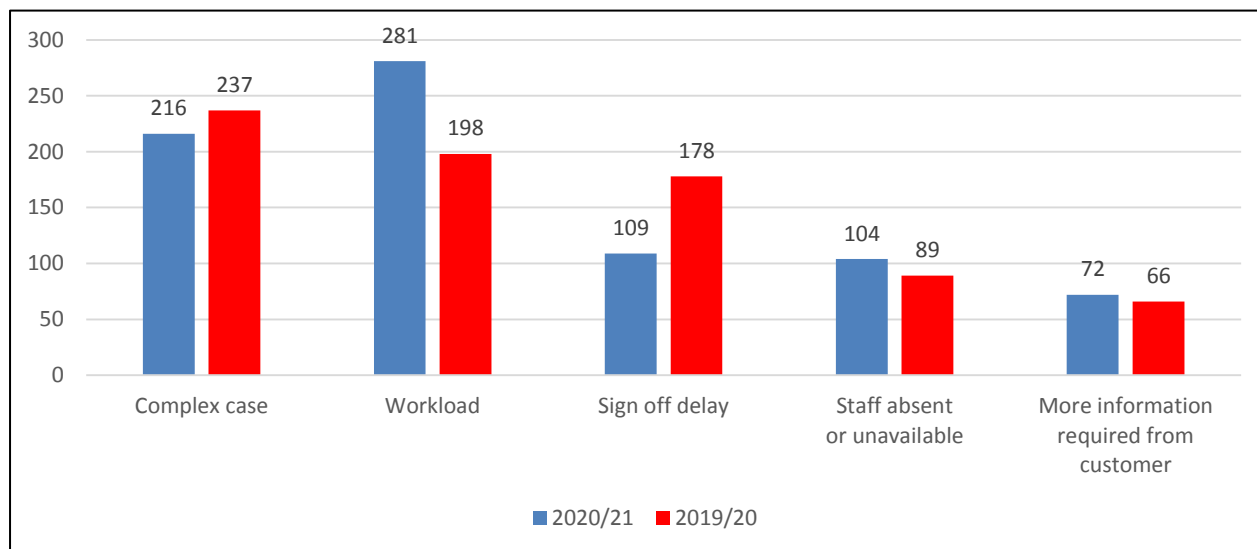
Of those upheld under the category 'Issues with Service'

- Adult Social care reasons cited were delays in carrying out an assessment. Financial/Needs/Carer, or that services were not provided or provided late.
- Children, Young People and Education reasons include delays including in receiving Education, Health and Care Plans (EHCP) and arranging home to school transport.
- In Growth, Environment and Education reasons for complaints included cleanliness and help at Household Waste and Recycling Centres and quality of repairs made to highways.

#### 4. Compliance with standards

- 4.1 KCC is committed to acknowledging any complaints received within 3 working days and to provide the customer with a response within 20 working days. As a whole KCC **responded to 82%** of complaints within corporate timescales which compares to **85%** the previous year.
- 4.2 This year services struggled with meeting deadlines for handling complaints within timescales. Quarter 3 saw a significant dip in performance with only 78% responded to within timeframe, the standard is 85%.
- 4.3 Whilst we saw a decrease in complaints from April to June during the first lockdown, services saw a significant increase in complaints being received from September. During this third quarter, Kent was placed in Tier 4; resources were stretched partly due to the complexity of cases but also due to staff availability either through sickness or frontline demands.
- 4.4 A temporary complaints policy was put in place during the first initial lockdown and was reinstated again in January following the announcement of an additional lockdown. This suspended the 20-working day target, enabled work to be triaged, put on hold or to complete a complaint in one stage. Staff were reminded of the importance of keeping customers up to date with their complaint regardless of the extended timescales.

**Table 11 - Delay reasons**



**Table 12 - Top five overall delay reasons**

	<b>Complex case</b>	<b>Workload</b>	<b>Sign off delay</b>	<b>Staff absent or unavailable</b>	<b>More information required from customer</b>
<b>2020/21</b>	<b>216</b>	<b>281</b>	<b>109</b>	<b>104</b>	<b>72</b>
2019/20	237	198	178	89	66
% of total complaints rec'd	4%	5%	2%	2%	1%

4.5 The above table shows the overall delay reason cited alongside the percentage of complaints that represents the number of total complaints received. Complex case is the most cited reason. In Adult Social Care, The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 makes provision for customers and the complaints team to set the timescales for responding. This can be up to 6 months for the most complex of cases, and means that complaints will often not meet the 20 working day KCC standard. This is because an agreement with the customer has been formed to allow for more time to investigate and respond.

- 4.6 In addition, Mental Health complaints have an agreed 30 working day response time when requiring a joint response from Kent and Medway Partnership Trust. This is reviewed regularly.
- 4.7 This year there has been a reduction in complaints delayed due to sign off, but a significant increase in those late due to workload which is now the main reason for delays. Quarter three was particularly challenging following a significant influx of complaints in Quarter two following the easing of restrictions.

**Table 13 - Top three delay reasons by directorate**

**Adults Social Care and Health**

	<b>Complex case</b>	<b>Workload</b>	<b>Sign off delay</b>
<b>2020/21</b>	<b>147</b>	<b>44</b>	<b>36</b>
2019/2018	141	82	101
% of total complaints rec'd by Directorate	19%	6%	5%

**Children Young People and Education**

	<b>Workload</b>	<b>Complex case</b>	<b>Sign off delay</b>
<b>2020/21</b>	<b>136</b>	<b>40</b>	<b>39</b>
2019/20	61	12	17
% of total complaints rec'd by Directorate	16%	5%	5%

**Growth Environment and Transport**

	<b>Workload</b>	<b>Staff absent or unavailable</b>	<b>More information required from customer</b>
<b>2020/21</b>	<b>96</b>	<b>79</b>	<b>45</b>
2019/20	58	74	13
% of total complaints rec'd by Directorate	3%	2%	1%

## Strategic and Corporate Services

	Sign off delay	Workload	Complex case
<b>2020/21</b>	<b>23</b>	<b>8</b>	<b>4</b>
2019/20	1	2	10
% of total complaints rec'd by Directorate	13%	5%	2%

### 5. Customer communications channels

- 5.1 Information on 'How to complain' is available on our website and on our Complaints, Comments and Compliments leaflets. The public can provide feedback to the Council through a number of different channels including via our online form, phone, email and through Social Media.
- 5.2 The breakdown below indicates by percentage which channel customers have chosen to communicate feedback (compliments, comments & complaints) during 2020/2021 & 2019/2020.

**Table 14** - Channels used to communicate compliments, comments, informal concerns and complaints

	Phone	Letter	Email	Comment card/ Face to Face	Online	Contact via Corporate Director, Member or MP	Other
<b>2020/2021</b>	<b>16%</b>	<b>2%</b>	<b>32%</b>	<b>1%</b>	<b>49%</b>	<b>&gt;1%</b>	<b>&gt;1%</b>
Volume	1154	154	2316	78	3546	29	13
2019/2020	23%	5%	28%	5%	39%	1%	>1%
Volume	1819	379	2177	381	3008	17	0

- 5.3 The above table shows that there has been a continual increase in the submitting of compliments, comments and complaints via our online systems. This was perhaps helped by necessity during Covid. Customers were encouraged where possible not to write in as obtaining mail during lockdown resulted in additional delays.
- 5.4 We have seen a significant decrease people opting to feedback via phone. 81% of feedback received is now arriving digitally either by email, through social media or via the online form.

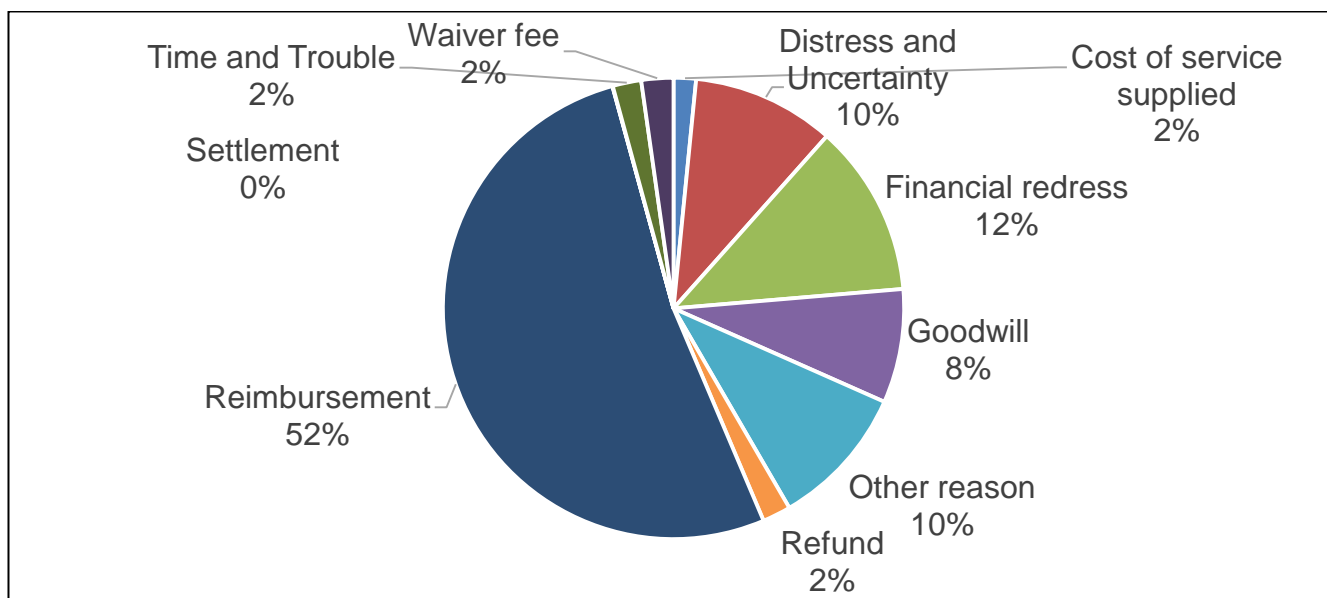
## 6. Compensation across all complaints received by KCC

6.1 In 2020/21, £64,966.05 was paid in compensation, settlements, changes to the amount we charge and waived charges as a result of complaints to the organisation this includes;

- £26,660.44 has been paid or waived as part of local resolution in Adult Social Care and Health.
- £200.00 has been paid out by Strategic and Corporate services including Legal Services, Insurance and Property & Infrastructure.
- £1,634.90 has been paid out for Growth, Environment and Transport
- £3,320.00 has been paid out for Children, Young People and Education Directorate including Community Learning and Skills and Children Social Work Services
- £33,150.71 additional payments were made following Local Government and Social Care Ombudsman Decisions found against KCC.

6.2 This is a decrease of £16,986.74 from 2019/20 when £81,952.79 was paid out in settlements or through waived charges.

**Table 15** - Compensation complaint reason chart



6.3 It is important to note that monies paid out during the 2019/20 financial year may relate to complaints recorded in previous years. This is due to the time that elapses



between the date the complaint was lodged and achieving resolution. This is particularly true of Ombudsman complaints.

## 7 Levels of complaints to the standards committee (Member complaints)

### Complaints recorded in 2019/20

- 7.1 During 2020/21 the Monitoring Officer has responded to 8 complaints of alleged misconduct of the breach of the Elected Member Code of Conduct.

**Table 16**

Number of Complaints			Outcome
2020/21	2019/2020	2018/2019	
8	8	12	No Action or resolved upon receipt. Dismissed by the Monitoring Officer
0	0	0	Action taken by party

## 8 The Local Government and Social Care Ombudsman complaints review 2020/21

### Overview of Ombudsman

- 8.1 In cases where a customer is unhappy with the responses received about their complaint from the Council they can exercise their right to involve the Local Government and Social Care Ombudsman (LGSCO). The Ombudsman will investigate cases where a customer has exhausted the Council's own complaints policy and feel that their case has not been appropriately heard or resolved.
- 8.2 Each year, in July, the Ombudsman issues an annual review to each local authority. In his letter he sets out the number of complaints about the authority that his office has dealt with and offers a summary of statistics to accompany this.
- 8.3 The annual review statistics are publically available, allowing councils to compare their performance on complaints against their peers; copies of the Annual Review letter as well as any published Ombudsman complaints are issued to the Leader of the Council and Head of Paid Service to encourage more democratic scrutiny of local complaint handling and local accountability of public services.
- 8.4 Decision statements made are published on the Ombudsman's website six weeks after the date of the final decision. The information published will not name the

complainant or any individual involved with the complaint. Cases in which the complainant, despite redaction of names, can be easily identified are not published.

## **9 KCC Performance – Ombudsman complaints**

- 9.1 It should be noted that there will be discrepancies between the volume recorded by the Ombudsman and the authority. This is due to the Ombudsman recording complaints that it does not progress to Kent County Council, as it is able to resolve the issue at first point of contact, either through referring the customer to the Council or it is identified as out of jurisdiction.
- 9.2 During 2020/21 KCC received a total of 152 decisions from the Ombudsman this included 40 referred back for local resolution. The full letter and Ombudsman statistics can be found in Appendix B.
- 9.3 The level of complaints received by KCC for the size of population, volume of services and interaction is low. Each complaint provides an opportunity to learn from our customers and improve our systems and we need to focus on those complaints that are upheld to ensure that lessons are learned.
- 9.4 The Ombudsman's report noted that the national average that the Ombudsman upheld is **67%** of complaints they investigated; this is up nationally from 61% last year. This is a record high for the Ombudsman.
- 9.5 The average upheld rate for other County Councils increased from 66% to **71%**, Kent County Council's average is 74%; this was an increase from last year's 59% upheld
- 9.6 In **13%** of upheld cases the Council had provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to an average of **8%** in similar authorities.
- 9.7 It is also worth noting that the number of KCC cases the Ombudsman investigated and upheld in Education and Children's Services is lower than the national, where 77% are nationally upheld, compared with **70%** in Kent.

### **LGSCO and Covid Response**

- 9.8 The Ombudsman halted case work in March 2020 but began opening cases in May, KCC were one of the first Councils that indicated they were willing to take on casework. Decisions made during the pandemic are now being heard at Ombudsman level.
- 9.9 The pause on complaints from the Ombudsman has had a knock on effect on both the LGSCO and the Council. The Ombudsman is experiencing significant delays in their investigations due to volumes of complaints. The delays to their investigations is a risk to the Council, some cases are taking in excess of 6 months to be fully heard and responded to by the Ombudsman's office.

- 9.10 Our upheld rate with Ombudsman cases is especially high this year, this is also reflected in the increase in the upheld rate for similar Councils. We believe this is, in part, as a result of a knock on effect of the delays to investigation, a number of cases that were due to have an outcome last year, that have had not upheld judgements have been given in the 2021/22 financial year instead.
- 9.11 The Ombudsman in a webinar to Link Officers, said that the upheld rate has increased year on year in the last 10 years, their research has led them to believe that this is in part due to the financial and external pressures felt by Councils following 10 years of austerity measures.

## **10. Public Report**

- 10.1 The Council received one public report in 2020/21. Public reports are released by the Ombudsman where they believe that there is an issue that has significant public interest and that the learning from that issue could be applied to other authorities.

### **Complaint**

Mrs B complains about the way Kent County Council and London Borough of Croydon council responded when her daughter, child C, disclosed sexual abuse.

Kent County Council.

Mrs B says Kent County Council:

- delayed in offering C support and failed to provide appropriate support;
- incorrectly considered referring Mrs B to the Local Authority Designated Officer (LADO); and
- failed to provide Mrs B with appropriate support.

Mrs B says this caused significant distress to C and she missed out on the support she needed. As a result, C experienced the effects of ongoing trauma and blamed herself for her mother's distress.

Mrs B suffered her own distress from the way the Council failed to meet her needs. She says the threat of the LADO referral caused her significant distress, worry and loss of sleep. She also suffered significant distress because the Council failed to meet C's needs and provide support. Mrs B says the Council's failures have had a significant and lasting impact on C and her family.

London Borough of Croydon

Mrs B says London Borough of Croydon failed to:

- convene a strategy discussion following C's disclosure of sexual abuse;
- carry out an investigation into the potential risk posed by the alleged offenders; and
- share information with Kent County Council.

She says this caused a delayed and uncoordinated response and caused additional distress. She also says it placed other children at risk.

### **Finding Fault**

Fault found causing injustice and recommendations made.

### **Recommendations**

To remedy the injustice caused, we recommend the Councils take the following action.

Kent County Council

Kent County Council should

- pay C £ 1,000;
- pay Mrs B £1,000 to acknowledge the distress and impact of the faults;
- pay Mrs B £150 for the additional time and trouble she experienced pursuing her complaint; and
- remind all staff dealing with children's services complaints when the statutory complaints process should be used. It should also ensure its staff understand who can make a complaint in this process.

Kent County Council and London Borough of Croydon

Both Councils should:

- share the learning points from this case across its organisation to ensure staff are aware of their responsibilities in respect of information sharing, professional curiosity, and cross border child protection referrals; and
- conduct an audit of 50 cases closed in similar circumstances between 2018 to date. If more than 25% of those cases identify similar issues the Council should make resources available to conduct a full case audit. The full audit should review all cases closed in similar circumstances between 2018 to date.

Both Councils must consider the report and confirm within three months the actions they have taken or propose to take. The Councils should consider the report at a full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

**The full report** – Can be accessed at the following link -

<https://www.lgo.org.uk/decisions/children-s-care-services/child-protection/19-010-981>

**Lessons Learned** – a report was heard at the Children's, Young People and Education Committee on the 9<sup>th</sup> March 2021. (Item 252) For more information about

the service's response to the report please visit  
<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=894&MId=8728&Ver=4>

## 11 Local authority report – Kent County Council

11.1 For further information on interpretation of statistics click on this link to go to  
<http://www.lgo.org.uk/information-centre/reports/annual-review-reports/interpreting-local-authority-statistics>

### Complaints and enquiries received

11.2 The following table examines the number of complaints received by the Ombudsman over the last three years against the LGSCO's service categories.

**Table 17**

	Adult care Services	Benefits and Tax	Corporate and other services	Education and children's services	Environmental services	Highways and transport	Housing	Planning and Development	Other	Total
<b>2020/21</b>	<b>56</b>	<b>0</b>	<b>4</b>	<b>79</b>	<b>5</b>	<b>9</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>156</b>
2019/20	66	0	8	112	3	23	0	4	2	218
2018/19	56	0	11	83	8	17	0	1	3	179

### Decisions made

11.3 The following table examines the number of complaints decided by the Ombudsman over the last three years and decision category given by the LGSCO.

**Table 18 – LGSCO complaints received**

	<u>Detailed investigation carried out</u>		Advice given	Closed after initial enquiries	Incomplete / Invalid	Referred back for local resolution	Total
	Upheld	Not upheld					
<b>2020/21</b>	<b>40</b>	<b>14</b>	<b>0</b>	<b>49</b>	<b>9</b>	<b>40</b>	<b>152</b>
2019/20	39	27	2	69	14	61	212
2018/19	36	23	2	59	11	45	176

11.4 The number of complaints heard at Ombudsman level has reduced in 2020/21, however this is an anomaly as the Ombudsman did not investigate any new complaints during the first three months of the financial year due to Covid.

## 12 Ombudsman Complaints – Themes and Outcomes

12.1 The following section examines some cases that were investigated by the Ombudsman. The complaint and the subsequent decisions are taken from the Ombudsman’s website where all decisions (in which the complainant cannot be identified) are published.

**Table 19 - Children, Young People and Education**

	<b>Upheld</b>	<b>Not upheld</b>	<b>Closed: out of jurisdiction/ no further action or withdrawn</b>	<b>Premature</b>	<b>Total</b>
<b>Children Social Work Services</b>	7	5	16	5	<b>33</b>
<b>Kent Test/ School Admission appeals</b>	0	0	1	0	<b>1</b>
<b>Home to School Transport/ Free School Meals</b>	1	2	2	0	<b>5</b>
<b>Special Educational Needs</b>	11	1	3	2	<b>17</b>
<b>The Education People</b>	0	0	0	0	<b>0</b>
<b>Community Learning and Skills</b>	0	0	0	0	<b>0</b>
<b>Total</b>	<b>19</b>	<b>8</b>	<b>22</b>	<b>7</b>	<b>56</b>

### **Children Social Care - Not upheld example – 19 020 166**

#### **Complaint**

The complainant, whom I shall call Mr C, complains the Council failed to offer his son, E, an assessment from the Disabled Children’s Service. He said E met their criteria for support and needed the help that the service could offer. The Council agreed to assess E under Early Help, which Mr C refused.

**Outcome**

There is no evidence of fault in the Council refusing to assess E for a service from the Disabled Children's Service as he has no diagnosis of a disability.

**Children Social Care - Upheld example - 19 017 019****Complaint**

The complainant, whom I shall call Miss T complains the Council failed to treat her properly through the child protection process and failed to investigate safeguarding allegations, and her complaints, appropriately. This caused her significant distress.

Miss T also asked us to look at the actions of the Council in relation to a Section 7 report and child protection meetings. She also complained about 'aggressive action' by the Council following allegations of fabricated and induced illness and the refusal of the Council to become involved their father's failure to return the children.

**Outcome**

For the Council to apologise for the fault identified in this statement within a month of my decision.

For the Council to make a payment of £300 for the distress caused to Miss T from the Council's failure to circulate documents or to explain why it would not circulate them, for the delayed circulation of meeting notes and for its failure to consider supporting the family under Section 17 of the Children Act 1989 when the family was without hot water or heating. It should also make a payment of £200 for the time and trouble experienced by Miss T because of the Council's complaints handling. The Council should do this within three months of the date of my decision.

For the Council to explain how it will ensure meeting notes are issued in accordance with the timescales it has set going forward. It has told me it has changed its procedures in order to do this. It should send me a copy of these procedures within three months of the date of my decision.

For the Council to tell me what action it will take going forward to ensure all complaints are logged with the complaints team. The Council has said it has embarked on an awareness campaign for all staff and has reviewed the relevant documents. It should send me evidence of this within three months of the date of my decision.

## **Education - Not upheld example – 19 009 689**

### **Complaint**

1. Mr B complains that the Council:
  - has wrongly refused to provide home to school transport for his younger son, D to his grammar school;
  - has wrongly refused to consider the alternative safe routes which he has provided which demonstrate that the grammar school is the nearest school to his home when using the nearest available route; and
  - has an unclear and contradictory policy which does not comply with the law and statutory guidance in the way it determines the nearest suitable school.

### **Outcome**

There was no fault in the way that the Council refused transport for D or Mr B's subsequent appeal.

## **Education - Upheld example – 19 005 926**

### **Complaint**

Ms X complained the Council:

- agreed to make amendments to her son, Z's draft EHC Plan, wait for a trial place at Ms X's preferred school and wait for professional reports but then failed to do any of these; and
- delayed or failed to consult with relevant professionals, in particular an educational psychologist, when drafting Z's EHC Plan.

Ms X said these faults resulted in the Council delaying issuing Z's EHC Plan. She said this caused her and Z significant distress. In addition, she said the school Z attended during the EHC Plan process was unable to meet his special educational needs, causing Z additional distress.

Ms X also made a number of complaints about the actions of the school Z attended.

### **Outcome**

Within one month of the date of the final decision, the Council has agreed to pay Ms X £150 to acknowledge the uncertainty and frustration caused by the Council's faults.

Within three months of the date of the final decision, the Council has agreed to provide evidence of the actions it is taking to ensure EHC plans are being completed within the statutory timescales.



**Table 20 - Growth, Environment and Transport**

	<b>Upheld</b>	<b>Not upheld</b>	<b>Closed: out of jurisdiction/no further action or withdrawn</b>	<b>Premature</b>	<b>Total</b>
<b>Environment, Planning and Enforcement</b>	0	0	2	1	<b>3</b>
<b>Highways, Transportation and Waste</b>	1	0	7	1	<b>9</b>
<b>Total</b>	<b>1</b>	<b>0</b>	<b>9</b>	<b>2</b>	<b>12</b>

**Not Upheld example – 19 008 141**

**Complaint**

Mrs X says that the Council:

- Failed to properly address her safeguarding and other concerns about a taxi company used by Miss D
- Failed to address her complaint properly because she complained about other issues.

Mrs X says the Council’s approach has caused her and Miss D an injustice. She says it has meant that they do not have confidence the Council will properly address any future concerns that may arise.

**Outcome**

As Mrs X has not responded to our correspondence, we have discontinued our investigation into this complaint.

**Table 21 - Strategic and Corporate Services**

<b>Upheld</b>	<b>Not upheld</b>	<b>Closed: out of jurisdiction/no further action or withdrawn</b>	<b>Premature</b>	<b>Total</b>
0	0	3	0	<b>3</b>

**Upheld example – 19 020 328**

**Complaint**

The complainant, Miss X, complains the Council used her email address to log a fictitious pothole report. She is also unhappy about the Council’s handling of the matter. She says the incident has upset her and caused her stress.

## Outcome

The Ombudsman will not investigate this complaint. This is because the Council has provided a suitable remedy for Miss X and it is unlikely we could achieve anything more.

**Table 22 - Adult Social Care and Health**

Upheld	Not upheld	Closed: out of jurisdiction/no further action or withdrawn	Premature	Total
20	6	14	0	40

### **Not Upheld example – 19 014 121**

#### **The complaint**

The complainant, whom I shall refer to as Mrs D, is represented by her daughter (Ms E). Ms E makes the following complaints.

- a. The Council refused to provide a deferred payment arrangement, to act as a bridging loan. They needed this, to pay nursing home fees, until they sold Mrs D's home.
- b. In its needs assessment, the Council disregarded evidence about Mrs D. It did not take account of:
  - o her dementia and mental health needs;
  - o that her mental health had improved after she moved to the nursing home;
  - o her anti-anxiety drugs, that mask her underlying mental health needs;
  - o the fact she often called emergency services when she was at home and was a regular visitor to the accident and emergency department;
  - o her risk of falls when she was at her own home; and
  - o her wellbeing.
- c. The Council has not listened to them; for example their evidence of Mrs D's frequent falls when she was still at home.
- d. The Council has not taken account of the nursing home's view that Mrs D is unsafe to return home.
- e. Ms E feels they are being penalised for managing, before Mrs D moved, without Council involvement.

## Outcome

The Ombudsman finds no fault with the Council's assessment, so cannot question the merits of its decision.

## **Upheld example – 19 013 241**

### **Complaint**

Mrs X complains the Council has reduced her weekly support hours from 29 hours per week to 16 hours per week. She says the information the Council relied on when completing the assessment was inaccurate, and it failed to take account of the reason she had unspent direct payments.

### **Outcome**

The Council will within four weeks of the final decision

- apologise to Mrs X for the faults highlighted above
- offer Mrs X a fresh assessment of her care needs
- offer Mr X a carers assessment.

There is evidence of fault by the Council in this complaint. The reassessment of Mrs X's care needs was flawed. It was incomplete and took account of factors it should not. The Council failed to establish if Mrs X's husband was willing and able to provide support and it failed to offer him a carers assessment. The Council then reduced Mrs X's support hours based on a flawed assessment. Mrs X has been denied a fair assessment of her needs.

The above recommendations are a suitable remedy for the injustice caused. It is on this basis; the complaint will be closed.

## **13 LESSONS LEARNED**

13.1 Where the Ombudsman has made a decision against the Council, steps are taken by officers in the service to ensure that any lessons learned are applied across the service to improve the customer experience and avoid any further complaints of a similar nature.

13.2 With regards to lessons learned across the Council, the following table shows a list of actions that have been recorded where they exceed 100 complaints.

**Table 23** - Top remedy actions

<b>Action taken</b>	<b>Stage 1</b>
Arrange staff training or guidance	151
Change or review communications	175
Discuss at team meeting	246
Explanation	393
Formal apology	432
Provided service requested	148

13.3 Other actions taken include changing or reviewing services, a financial remedy and changing or reviewing policies or procedures.

13.4 We are seeing a greater emphasis on sharing the learning within Directorates with more training now available either on Delta or through bespoke sessions such as those delivered for CYPE.

## **14 RECOMMENDATIONS**

14.1 The Committee is asked to note the contents of this report for assurance.

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## Appendix A – Directorate overview of Customer Feedback Received

### Children, Young People and Education

#### All Feedback Reported

	Complaints (Stage One)	Comments	Compliments	Resolved Local Government and Social Care Ombudsman enquiries & complaints*
<b>2020/21</b>	<b>867</b>	<b>51</b>	<b>77</b>	
2019/20	1,044	43	113	75
2018/19	862	32	94	65

The below table compares the number of complaints received in 2020/21 with those received in 2018/19 and 2019/20

Service	2018/19	2019/20	2020/21
Specialist Children Service/Children's Social Work Services	490	592	<b>698</b>
Community Learning & Skills (was Adult Education)	94	77	<b>24</b>
Education Services	259	351	<b>143</b>
The Education People	19	24	<b>2</b>
<b>Total Complaints</b>	<b>862</b>	<b>1044</b>	<b>867</b>

### Growth, Environment and Transport

### All Feedback Reported

	Complaints (Stage one)	Comments	Compliments	Resolved Local Government and Social Care Ombudsman enquiries & complaints*
<b>2020/21</b>	<b>3585</b>	<b>252</b>	<b>750</b>	
2019/20	3611	361	664	20
2018/19	2658	486	828	16

The below table compares the number of complaints received in 2020/21 with those received in 2018/19 and 2019/20

Service	2018/19	2019/20	2020/21
Environment, Planning and Enforcement	79	133	242
Economic Development	3	5	1
Highways and Transportation and Waste Management	2059	3147	3106
Libraries, Registrations and Archives	517	326	236
<b>Total Complaints</b>	<b>2658</b>	<b>3611</b>	<b>3585</b>

(\* Data not previously collected) (^ Q1 data not captured)

### Adult Social Care and Health

**All Feedback Reported**

	<b>Complaints (Stage One)</b>	<b>Comments</b>	<b>Compliments</b>	<b>Resolved Local Government and Social Care Ombudsman enquiries &amp; complaints*</b>
<b>2020/21</b>	<b>754</b>	<b>252</b>	<b>512</b>	
2019/20	1092	65	518	46
2018/19	777	15	480	29

The below table compares the number of complaints received in 2020/21 with those received in 2018/19 and 2019/20

<b>Service</b>	<b>2018/19</b>	<b>2019/20</b>	<b>2020/21</b>
Adult Social Care and Health	777	1092	754
<b>Total Complaints</b>	777	1092	754

## Strategic and Corporate Services

### All Feedback Recorded

	Complaints (Stage One)	Comments	Compliments	Resolved Local Government and Social Care Ombudsman enquiries & complaints*
2020/21	169	52	24	
2019/20	119	10	22	6
2018/19	154	6	11	4

The below table compares the number of complaints received in 2020/21 with those received in 2018/19 and 2019/20

Service	2018/19	2019/20	2020/21
Finance	52	30	28
FOI	7	4	3
Gateways and Contact Point	55	28	33
Insurance	5	2	1
Infrastructure, Property and Total Facilities Management	23	10	28
Public Health	-	-	59
Other	12	45	17
<b>Total Complaints</b>	<b>154</b>	<b>119</b>	<b>169</b>



## **Appendix B**

### **Ombudsman Letter**