

# Local Government & Social Care **OMBUDSMAN**

20 July 2022

*By email*

Mr Cockburn  
Head of Paid Service  
Kent County Council

Dear Mr Cockburn

## **Annual Review letter 2022**

I write to you with your annual summary of complaint statistics from the Local Government and Social Care Ombudsman for the year ending 31 March 2022. The information offers valuable insight about your organisation's approach to complaints. As such, I have sought to share this letter with the Leader of your Council and Chair of the appropriate Scrutiny Committee, to encourage effective ownership and oversight of complaint outcomes, which offer such valuable opportunities to learn and improve.

### **Complaint statistics**

Our statistics focus on three key areas that help to assess your organisation's commitment to putting things right when they go wrong:

**Complaints upheld** - We uphold complaints when we find fault in an organisation's actions, including where the organisation accepted fault before we investigated. We include the total number of investigations completed to provide important context for the statistic.

**Compliance with recommendations** - We recommend ways for organisations to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

**Satisfactory remedy provided by the authority** - In these cases, the organisation upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit organisations that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your organisation with similar authorities to provide an average marker of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data, and a copy of this letter, will be uploaded to our interactive map, [Your council's performance](#), on 27 July 2022. This useful tool places all our data and information about councils in one place. You can find the detail of the decisions we have made about your

Council, read the public reports we have issued, and view the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

### **Your organisation's performance**

This year, we issued a public report about your Council's failure to apply to the Court of Protection to resolve a dispute about placing a woman in a nursing home and failure to authorise a deprivation of the woman's liberty for a six-week period. We also found fault in the Council's system of prioritising Deprivation of Liberty (DOLS) applications and screening out 'low' and 'medium' priority cases. We recommended payments to the complainants, which the Council provided.

We also recommended a retrospective review of DOLS applications made since January 2019 and a review of the current DOLS service to ensure applications are completed within the required timescales. We noted the Council was not able to comply with these recommendations because of a shortage of best interests' assessors, advocates, and Section 12 doctors. We were satisfied the Council had considered our report properly, accepted our findings and presented rational reasons why it could not comply with some of the recommendations. However, we have advised that if we get similar complaints in future, we will take this context into account and consider whether to use our powers to look at wider, systematic failings county-wide through a root and branch investigation. We also informed the Council's Monitoring Officer, its external auditors and the Department for Levelling Up, Housing and Communities.

More generally, I am concerned about an apparent deterioration in the timeliness of your Council's responses to our investigation enquiries. There were 29 out of 68 occasions where we recorded receiving a late response and our records evidence several complicated interactions with your Council. We have had cases where the Council sought a one-month deadline extension, which is double the time we normally allow, and another where it cited staff shortages as a reason for a delayed response. There was a case where your Complaints Team admitted it had not actioned an enquiry letter we sent, one of three documented occasions where your Council failed to respond at all to our enquiries or pre-allocation enquiries. It appears a significant proportion of the delays we noted in the past year occurred on Children's Services complaints.

Delays such as these result in further avoidable distress to complainants and undermine public trust in the redress system. I ask the Council to reflect on its practices and take the necessary steps to improve its liaison with my office in the year ahead.

### **Supporting complaint and service improvement**

I know your organisation, like ours, will have been through a period of adaptation as the restrictions imposed by the pandemic lifted. While some pre-pandemic practices returned, many new ways of working are here to stay. It is my continued view that complaint functions have been under-resourced in recent years, a trend only exacerbated by the challenges of the pandemic. Through the lens of this recent upheaval and adjustment, I urge you to consider how your organisation prioritises complaints, particularly in terms of capacity and visibility. Properly resourced complaint functions that are well-connected and valued by service areas, management teams and elected members are capable of providing valuable insight about an organisation's performance, detecting early warning signs of problems and offering opportunities to improve service delivery.

I want to support your organisation to harness the value of complaints and we continue to develop our programme of support. Significantly, we are working in partnership with the Housing Ombudsman Service to develop a joint complaint handling code. We are aiming to consolidate our approaches and therefore simplify guidance to enable organisations to provide an effective, quality response to each and every complaint. We will keep you informed as this work develops, and expect that, once launched, we will assess your compliance with the code during our investigations and report your performance via this letter.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. We adapted our courses during the Covid-19 pandemic to an online format and successfully delivered 122 online workshops during the year, reaching more than 1,600 people. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

Yours sincerely,



Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

