

KCC Annual Customer Feedback Report 2021/22

By: Amanda Beer – Deputy Chief Executive
To: Governance and Audit Committee
Date: 15th November 2022
Subject: KCC Annual Customer Feedback Report 2021/22
Classification: Unrestricted

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.

1. Introduction

- 1.1 This is the Council's twelfth annual report on compliments, comments and complaints. As the organisation settled back into business as usual this year, we saw
- 1.2 Overall complaints volumes are down slightly this year, there were a number of key changes this year that drove complaints in a number of areas.
- 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 4 years, enabling us to breakdown data easily, understand trends and react to evolving issues.
- 2.2 This year training has been focused on investigation training and responding to the Ombudsman particularly in the CYPE directorate.
- 2.3 Next year's training will focus on wider training within Adult Social Care including investigation training. We will also be focusing on improving practices across all Directorates following a difficult year in which the organisation missed Key Performance Indicators (KPIs) in responding to customers.
- 2.4 The Customer Feedback Forum meets monthly to discuss best practice, performance and system developments. This group supports 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
2021/22	5210	285	1208	182
2020/21	5375	571	1351	152
Difference	-165	-286	-153	29
% difference	-3%	-50%	-12%	19

- 3.5 We saw a decrease in the volumes of cases in 2021/22, in the first quarter of the year we were still in restrictions for Covid and quarter 3 saw the introduction of the Omicron variant. 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.

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
2021/22	744	1049	3238	179	5210
2020/21	754	867	3585	169	5375
Difference	-10	182	-347	10	-165
% difference	-1%	21%	-10%	6%	-3%

- 3.6 There were a number of changes to the way in which services were delivered in this year. This included changes to transport provision in SEN which will be reflected in Growth, Environment and Transport (GET) figures.
- 3.7 Adult Social Care and Health (ASCH), saw a slight decrease on the previous year.
- 3.8 Whilst Children, Young People and Education (CYPE) saw a significant increase in complaints overall. The majority of the increase in cases here can be attributed to Special Educational Needs (SEN).
- 3.9 All directorates bar Strategic and Corporate Services (SCS) the increase in SCS is largely attributed to Public Health. This service was responsible for the Council's response to Covid with regards to operating asymptomatic testing sites, applying National Government guidance locally including communications and in some cases enforcement.
- 3.10 Overall we have seen a 3% 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

Stage 2	Adult Social Care and Health	Children, Young People and Education	Growth, Environment and Transport	Strategic and Corporate Services
2021/22	0	140	145	15
2020/21	1**	125	150	23
Difference	-1	15	5	8
% difference		12%	-3%	-35%

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

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**Complaint that was handled under corporate complaints process and not under ASCH process

3.11 We have seen a significant decrease in complaints escalating to stage 2 within all Directorates bar CYPE, the majority of the escalations were in SEN where response times to customers have been particularly challenging this year. Where there are delays in responding to stage one complaints, there is usually an increase in complaints escalating to stage 2.

3.12 Cases closed by Directorate at Stage 1

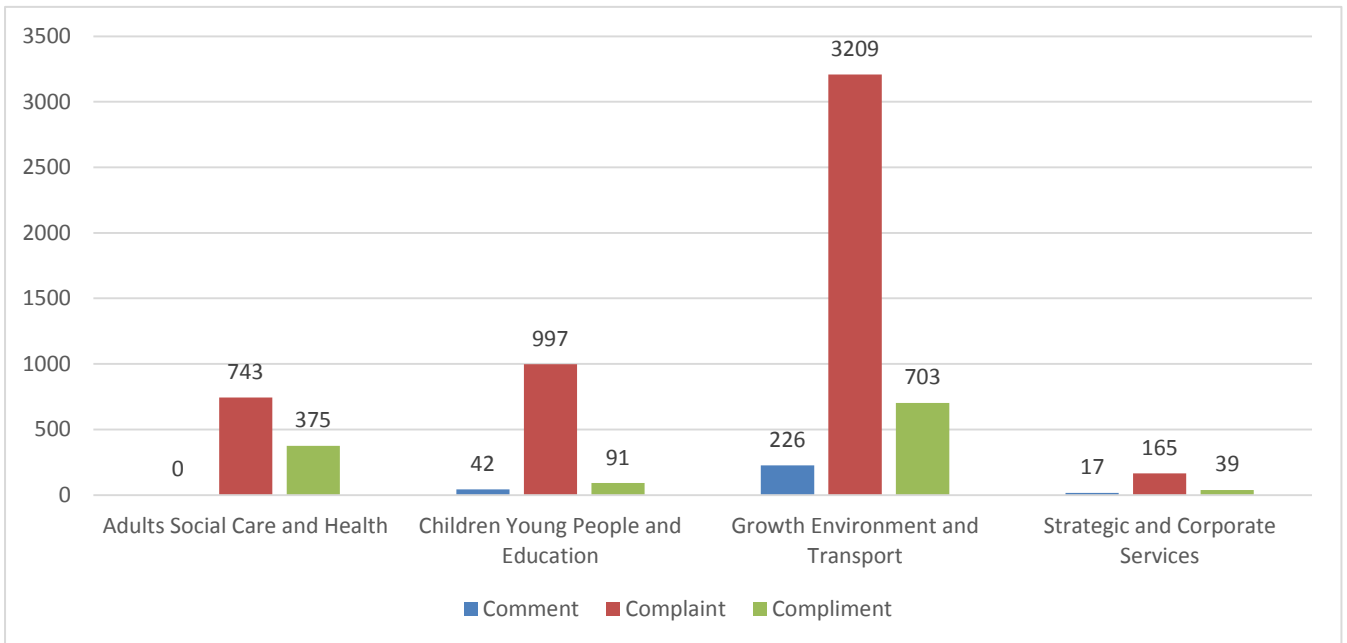
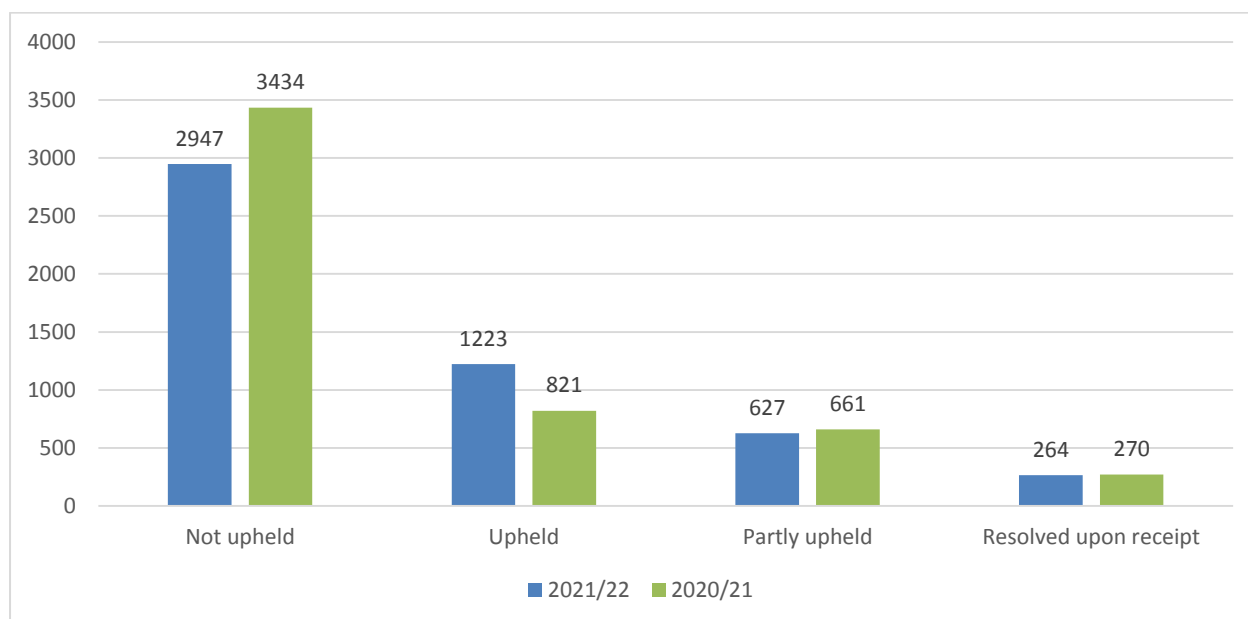


Table 4 - Cases closed by Directorate at Stage 1

	Comment	Complaint	Compliment	Total
Adults Social Care and Health	0*	743	375	1118
Children Young People and Education	42	997	91	1130
Growth Environment and Transport	226	3209	703	4138
Strategic and Corporate Services	17	165	39	221
Total for 2021/22	285	5114	1208	6607
Total for 2020/21	569	5250	1391	6968
Difference	-284	-136	-183	-361
% Difference	-50%	-3%	-13%	-5%

*ASCH log informal concerns and feedback of this nature under other categories

3.13 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
2021/22	2947	1223	627	264
%	59%	24%	12%	5%
2020/21	3434	821	661	270
%	66%	16%	13%	5%

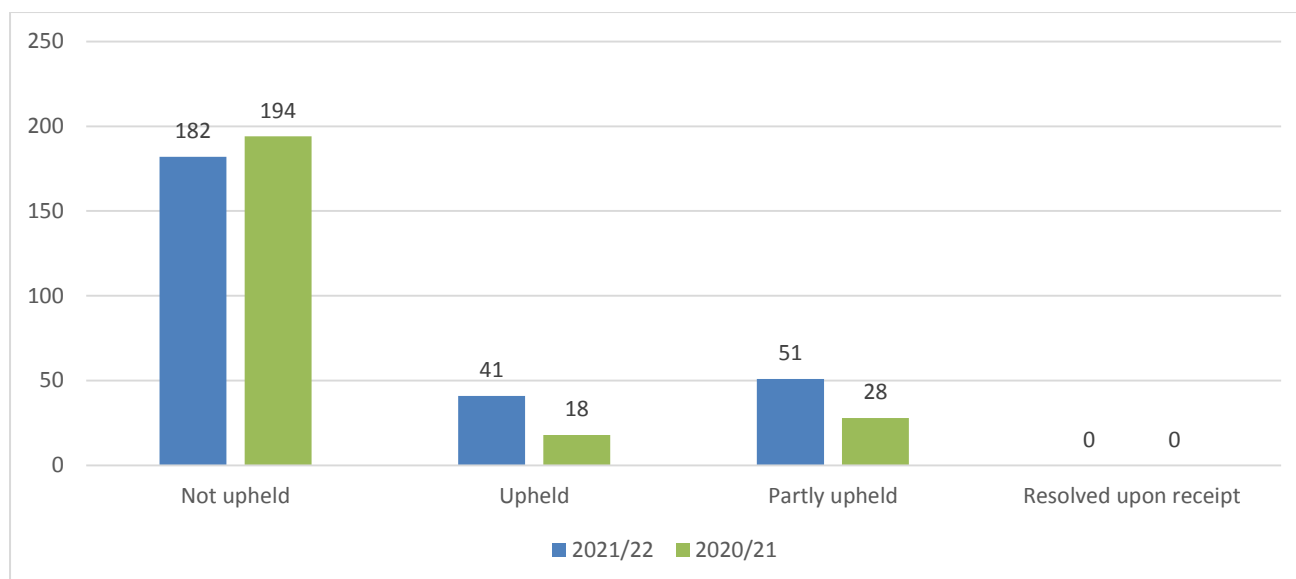
3.14 24% of cases were upheld this year, compared with 16% in 2020-21. We are starting to see outcomes returning to pre-pandemic levels in 2019-20 30% of complaints were upheld in 2019/20.

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

In the previous year customers disagreed with the booking centres at Household Recycling and Waste sites. As this is a policy decision taken in light of the restrictions this would have been not upheld.

Partially upheld cases will be where some elements of the complaint were not upheld, as in the example above but other elements, for example if they had cause to complaint about staff behaviour and this was found to be upheld, then this would cause the overall complaint to be partially upheld.

3.16 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
2021/22	182	41	51	0
%	66%	15%	19%	0%
2020/21	194	18	28	0
%	81%	8%	12%	0%

3.17 15% of cases were upheld this year compared with 8% the previous year at stage two. There is also an increase 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.

3.18 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
2021/22	1682	13364	208	10
2020/21	1216	16708	242	3
Difference	466	-3344	-34	7
%	38%	-20%	-14%	

- 3.19 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.
- 3.20 There were some additional topics that caused an increase in residents reaching out to their Members these included the Boxing Day Hunt, Public Transport, including changes to bus routes, cost increase for bus passes and SEN Transport and SEN in general
- 3.21 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.

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Table 8 - Reasons for complaints this year

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
21-22	Total	900	239	81	1191	13	7	282	42	63	2667	5485
	% of total complaints	16%	4%	1%	22%	<1%	<1%	5%	1%	1%	49%	
20-21	Total	785	265	92	1392	51	25	285	97	283	2079	5354
	% of total complaints	15%	5%	2%	26%	1%	>1%	5%	2%	5%	39%	

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

3.21 During the pandemic it was also decided that a new category 'impact of major incident' should be added, the volume of these complaints has significantly decreased. We would expect these types complaints to decrease over the coming year.

3.22 The biggest topic was 'issues with service' which accounted for 49% of cases. Table 10 shows the breakdown of the root causes of these complaints where they were upheld. To provide greater clarity in next years report, this category has now been split into 'Quality of Service' and 'Service not Provided'.

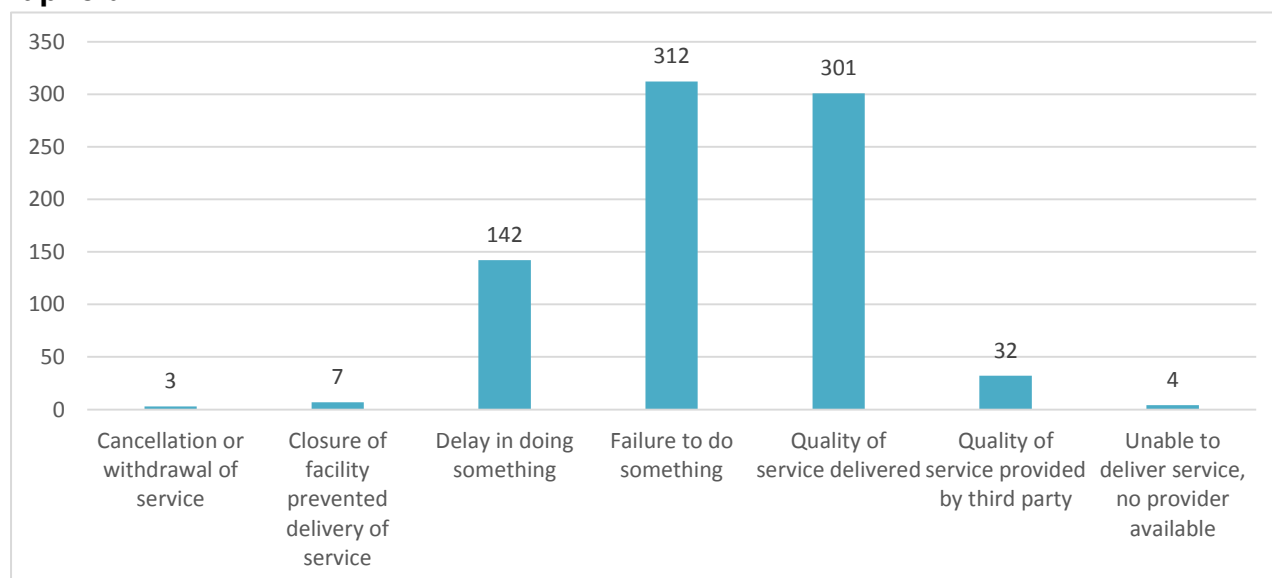
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Table 9 – Breakdown of reasons for upheld* complaints by Directorate Stage one and two**

Complaint reason	Adults Social Care Services & Health	Children Young People & Education	Growth Environment & Transport	Strategic & Corporate Services	Total	%
Communications or Information	48	99	88	31	266	20%
Equalities & regulatory	4	13	16	4	37	3%
Policy and procedure	48	21	80	1	150	11%
Staff Conduct cause	6	7	38	10	61	5%
Impact of major incident	0	0	16	0	16	1%
Issues with service	73	207	492	20	792	60%
Total	179	347	730	66	1322	
%	14%	26%	55%	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’

	Adults Social Care Services and Health	Children Young People and Education	Growth Environment and Transport	Strategic and Corporate Services	Total	% of total
Cancellation or withdrawal of service	2	0	1	0	3	<1%
Closure of facility prevented delivery of service	2	0	5	0	7	1%
Delay in doing something	13	105	20	4	142	18%
Failure to do something	27	72	202	11	312	39%
Quality of service delivered	9	43	246	3	301	38%
Quality of service provided by third party	18	2	11	1	32	4%
Unable to deliver service, no provider available	3	0	1	0	4	<1%
Total	74	222	486	19	801	
% of total	9	28	61	2		

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

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 eligibility for 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 77%** of complaints within corporate timescales which compares to **82%** the previous year. The KPI for complaints responses is 85%.
- 4.2 This year services struggled with meeting deadlines for handling complaints within timescales. Staff have been reminded of the importance of keeping customers up to date and of meeting timescales. Performance has been challenging with staff and services still dealing with the impact of Covid on service delivery, change in customer habits/behaviours and the return to business as usual.
- 4.3 This year, **13%** of the total number of complaints received, were not responded to within timescale as a result of either staff availability or workload. This is a significant increase on the 2020/21, when this figure equated to **7%** of the total number of complaints received.

Table 11 - Delay reasons

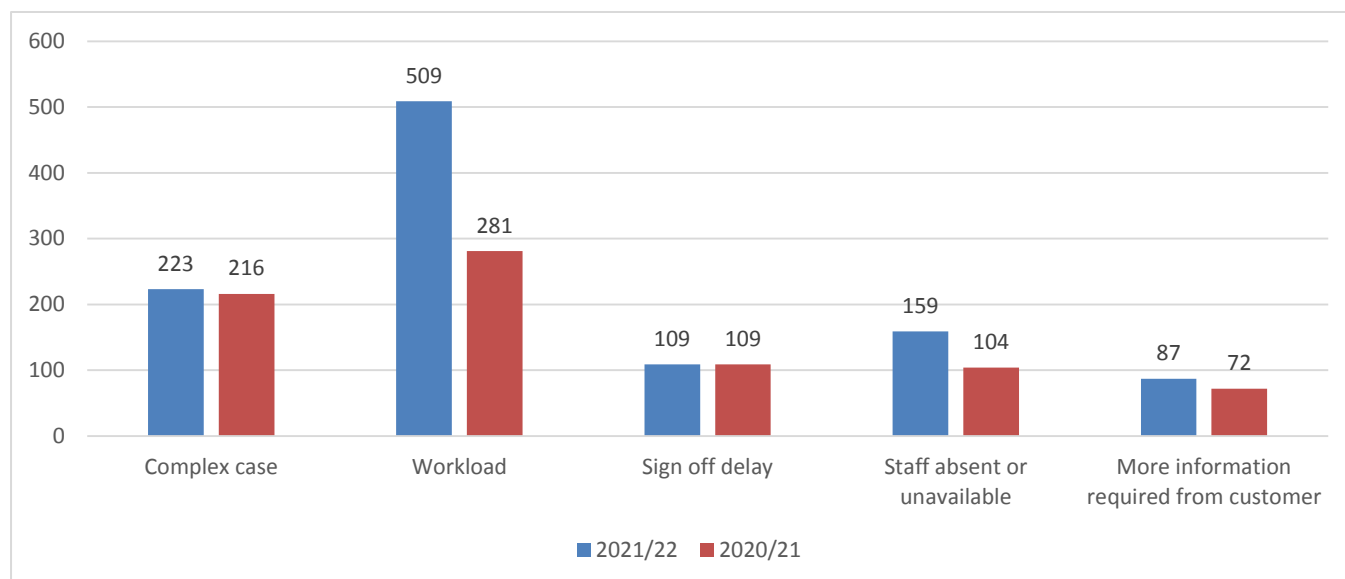


Table 12 - Top five overall delay reasons

	Complex case	Workload	Sign off delay	Staff absent or unavailable	More information required from customer
2021/22	223	509	109	159	87
2020/21	216	281	109	104	72
% of total complaints rec'd	4%	10%	2%	3%	2%

4.4 The above table shows the overall delay reason cited alongside the percentage of complaints that represents the number of total complaints received. Workload is the most cited reason.

4.5 In Adult Social Care, complex case is the primary reason for delay against KCC timescales. The complaints team has worked closely with the services within ASCH, to improve performance significantly over the last year and therefore there is now a reduction in the number of cases that cite a delay.

4.6 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

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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.

- 4.7 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.
- 4.8 Within CYPE this year, there has been a significant increase in workload cited as a reason for those delays. This is particularly evident in areas already under significant pressure such as SEN, where 200 of the 347 cases closed were recorded as late due to workload. The impact of the Ofsted report continues to be felt and a continual increase in referrals to the service, means that complaint responses are often delayed due to ongoing work pressures.
- 4.9 In GET, there was a significant increase in workload and complex cases being cited as the reason for delay. This is partly due to the recommissioning of SEN Transport and with services such as Drainge and Soft Landscapes which were impacted by seasonal demand on the services.

Table 13 - Top three delay reasons by directorate

Adults Social Care and Health

	Complex case	Sign off delay	More information required from customer
2021/22	55	38	35
2020/21	147	36	18
% of total complaints rec'd by Directorate	7	5	5

Children Young People and Education

	Workload	Sign off delay	Complex case
2021/22	241	63	56
2020/21	136	39	40
% of total complaints rec'd by Directorate	23	6	5

Growth Environment and Transport

	Workload	Staff absent or unavailable	Complex Case
2021/22	226	120	109
2020/21	96	74	29
% of total complaints rec'd by Directorate	7	4	3

Strategic and Corporate Services

	Workload	Complex Case	Internal information or records missing
2021/22	9	3	3
2020/21	8	4	2
% of total complaints rec'd by Directorate	5	2	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 & 2021/2022.

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

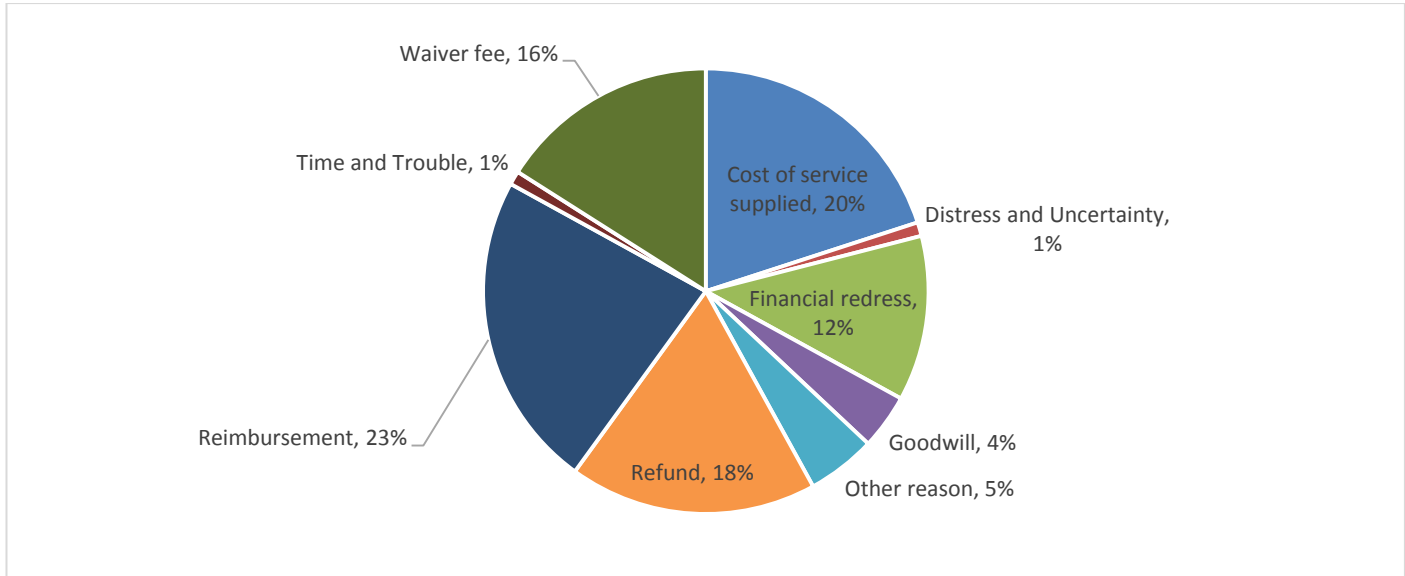
	Phone	Letter	Email	Comment card/ Face to Face	Online	Contact via Corporate Director, Member or MP	Other
2021/2022	17%	3%	35%	2%	44%	<1%	<1%
Volume	1160	189	2381	108	2992	11	14
2020/2021	16%	2%	32%	1%	49%	<1%	<1%
Volume	1154	154	2316	78	3546	29	13

- 5.3 The above table shows that there has been a slight decrease in the submitting of compliments, comments and complaints via our online systems. This was perhaps driven by necessity during Covid but it is likely that some customers may revert back to methods they are more comfortable with.
- 5.4 Nonetheless there is a significant proportion of complaints now being submitted via digital methods. 79% 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 2021/22, £245,410.82 was paid in compensation, settlements, changes to the amount we charge and waived charges as a result of complaints to the organisation this includes;
- £147,136.98 has been paid or waived as part of local resolution in Adult Social Care and Health. This figure also includes the adjustments to the cost of care provided. The service has adapted their processes to ensure that this information is consistently calculated and recorded as part of the complaint outcome.
 - £748.70 has been paid out for Growth, Environment and Transport.
 - £28,998 has been paid out for Children, Young People and Education Directorate including Community Learning and Skills and Children Social Work Services
 - £68,527.14 additional payments were made following Local Government and Social Care Ombudsman Decisions found against KCC.
- 6.2 This is an increase of £180,444.77 from 2020/21 when £64,966.05 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 2021/22 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 2021/22

7.1 During 2020/21 the Monitoring Officer has responded to 9 complaints of alleged misconduct of the breach of the Elected Member Code of Conduct.

Table 16

Number of Complaints			Outcome
2021/22	2020/21	2019/20	
9	8	8	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 2021/22

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 Chief Executive 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 2021/22 KCC received a total of **182** decisions from the Ombudsman this included 10 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 upheld is **66%** of complaints they investigated; this is down nationally from 71% last year.

- 9.5 The average upheld rate for other County Councils remained at 71%, the same as the previous year. Kent County Council's average is **68%**; this was an decrease from last year's 74% upheld
- 9.6 In **15%** 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 Adult Social Care and Health is lower than the national, where 69% are nationally upheld, compared with **58%** in Kent.

10. Public Report

- 10.1 The Council received one public report in 2021/22. 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

Mr C complained there was fault in Kent County Council's (the Council's) decision to place his late partner Ms D in a care home. He complained about:

- inadequate arrangements in a best interests' meeting and a lack of consultation before placing Ms D in the care home;
- the appointment of an Independent Mental Capacity Advocate;
- a standard authorisation to deprive Ms D of her liberty; and
- the failure to apply to court. Mr C said the Council's actions caused him and Ms D distress as it meant they could not live together.

Finding

Fault found causing injustice and recommendations made.

Recommendations

The Council should apologise to Mr C and pay him £500 to reflect his avoidable distress. It should also, within timescales set out later in this report:

- ensure all current and future requests for standard authorisations are completed within prescribed timescales, including low and medium risk cases currently held as pending;
- provide us with written evidence showing it has monitored all requests for standard authorisations post-dating our final report and completed them within the legal timeframes described in this report;

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- review its Care Act assessment processes to ensure case managers document consideration of Article 8 rights when making decisions about care placements which separate couples;
- ensure relevant case managers receive training on the Human Rights Act 1998 and how it may apply to their role;
- review all cases from January 2019 to date where Deprivation of Liberty Safeguards assessments have not been completed at all or not been completed within the prescribed timescales and consider whether any injustice has arisen because of the delay. If so, the Council should take action to remedy any injustice in line with the principles set out in our published Guidance on Remedies. We can advise the Council on individual cases if needed. Before starting the review, the Council should provide us with an action plan of how it intends to conduct the review. The action plan should set out numbers, methodology and scope and should be agreed with us before the Council starts the review;
- provide us with a written summary of the cases it has reviewed and what, if any action, it took as a result of the reviews.

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

<https://www.lgo.org.uk/decisions/adult-care-services/assessment-and-care-plan/19-015-406>

Lessons Learned – the report was heard at the Adult Social Care Cabinet Committee on the 29th September 2021. (Item 20) For more information about the service's response to the report please visit

<https://democracy.kent.gov.uk/ieListDocuments.aspx?CId=896&MId=8815&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
2021/22	55	0	3	96	7	20	0	1	0	182
2020/21	56	0	4	79	5	9	1	1	1	156
2019/20	66	0	8	112	3	23	0	4	2	218

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 complaint decisions

	<u>Detailed investigation carried out</u>		Advice given	Closed after initial enquiries	Incomplete / Invalid	Referred back for local resolution	Total
	Upheld	Not upheld					
2021/22	65	30	0	75	2	10	182
2020/21	40	14	0	49	9	40	152
2019/20	39	27	2	69	14	61	212

11.4 The number of complaints heard at Ombudsman level 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

	Upheld	Not upheld	Closed: out of jurisdiction/ no further action or withdrawn	Premature	Total
Children Social Work Services	12	3	25	2	42
Kent Test/ School Admission appeals	1	4	5	0	10
Home to School Transport/ Free School Meals	3	4	4	1	12
Special Educational Needs	20	1	4	6	31
The Education People	0	0	1	0	1
Community Learning and Skills	0	0	0	0	0
Total	36	12	39	9	96

Children Social Care - Not upheld example – 21 001 676**Complaint**

Ms B complains that the Council has failed to take action to support her relationship with her daughter, C, and has failed to act in C's best interests as a result of which she is currently living with her father.

Outcome:

Summary: Ms B complained that the Council failed to take action to support her relationship with her daughter, C, failed to act in C's best interests as a result of which she is currently living with her father. The Ombudsman found no fault on the Council's part

Children Social Care - Upheld example – 21 010 429**Complaint**

The complainant, who I refer to as Mrs X, says that when carrying out an EHC assessment for her daughter, referred to as A, the Council failed to:

- Comply with statutory timescales for preparing Educational Psychology (EP) advice;
- Consider her request to replace an EP assessment with the less formal consultation;
- Provide in a timely manner a funding agreement for A's Communication Support Worker (CSW) and involved Health in the funding discussions;
- Arrange support from the CSW within required timescales; and
- Have a regular and meaningful communication with Mrs X.

Mrs X considers the Council's failings resulted in the lack of sufficient support for A at the critical stage of her development.

Mrs X complains about the way the Council handled her complaint.

Outcome

Mrs X complained about delays with assessments and issuing a final Education Health and Care Plan (EHCP) for her daughter. She said the delays had detrimental effect on her daughter's progress especially in view of her age and the nature of her special educational needs. We find the Council at fault for the delay in completing the EHCP and delivering special educational provisions to Mrs X's daughter. We also find fault in the way the Council communicated with Mrs X and how it handled the complaint. The Council accepted our recommendations.

Education - Not upheld example – 21 002 304

Complaint:

Mrs X complains about an unsuccessful school appeal for her daughter, Y. She says the appeal panel overlooked evidence of Y's academic ability. She is also unhappy the appeal was decided on written submissions only and she did not have an opportunity to present her case. She would like the panel to reconsider its decision.

Outcome

We did not uphold Mrs X's complaint about an unsuccessful school appeal for her daughter. There was no fault in the Council's decision to hold appeals based on written submissions and the appeal panel took account of the evidence Mrs X provided.

Education - Upheld example – 21 004 769

Complaint

Mrs X asked the Council to provide her daughter (Y) with transport to the secondary school she will attend from September 2021 (School Z). Y has special educational needs set out in an Education Health and Care (EHC) Plan. The Council originally refused Mrs X's request because School Z is not the closest school to her home.

Outcome

We will not investigate this complaint about the Council's decision not to provide Mrs X's daughter with free transport to school. This is because the Council has now agreed to Mrs X's request and an investigation could not achieve anything more.

Table 20 - Growth, Environment and Transport

	Upheld	Not upheld	Closed: out of jurisdiction/no further action or withdrawn	Premature	Total
Environment, Planning and Enforcement	3	0	5	0	8
Highways, Transportation and Waste	4	1	15	0	20
Total	7	1	20	0	28

Not Upheld example – 21 001 678**Complaint:**

The complainant, I shall refer to as Mr X, represents a group of HGV drivers. Mr X complained the Council failed to properly consider the impact on and concerns of HGV drivers when it introduced an Experimental Traffic Regulation Order (the Order) in January 2021. This created parking controls limiting the use of lay-bys and other associated parking areas. Mr X says this led to a lack of approved parking areas resulting in drivers receiving fines.

Mr X wanted the Council to revoke the Order and return to the parking controls previously in place in 2020. The Order expired in June 2021.

Outcome

The complainant, Mr X, complained the Council failed to properly consult with HGV drivers and consider the likely impact on them of parking controls imposed under an Experimental Traffic Regulation Order. The Council said it followed the correct procedure, gained the necessary approval from the Secretary of State for Transport, and remedied a case where a penalty charge notice had been issued in error. We found the Council acted without fault.

Upheld example – 21 008 142**Complaint:**

Mr X complains there were failings in the way the Council responded to and dealt with his reports of flooding at his property during heavy rainfall due to a blocked road drain near to his home. Mr X says he was reporting urgent flooding at this property but was told there would be a five or seven day wait for a response to his concerns. Mr X says the Council's delays in dealing with the issue resulted in flooding to his driveway, garden and outbuilding and caused him inconvenience and time and trouble in pursuing the matter.

Mr X wants the Council to clear out the drain, install a gulley near his property and repair damage to the road caused by the flood water.

Outcome

Mr X complains about the way the Council responded to and dealt with his reports of flooding at his property caused by a blocked drain near to his home. We found no evidence of fault in the way the Council responded to Mr X's concerns about the blocked drain. We found fault as the Council delayed in responding to Mr X's request for the Council to install a road gulley near to his property. The Council has already apologised to Mr X for the delay which is a suitable remedy in this case. So, we have completed our investigation.

Table 21 - Strategic and Corporate Services

Upheld	Not upheld	Closed: out of jurisdiction/no further action or withdrawn	Premature	Total
0	0	2	1	3

Table 22 - Adult Social Care and Health

Upheld	Not upheld	Closed: out of jurisdiction/no further action or withdrawn	Premature	Total
22	16	14	3	55

Not Upheld example – 21 006 335

Complaint:

The complainant, whom I shall refer to as Mr D, complained the Council's social worker:

- failed to provide enough care support and progress his case for supported accommodation;
- failed to communicate properly and keep him informed about changes in his case; and
- wrongly involved his mother in his case which caused a conflict of interest and sharing of personal information.

As a result, Mr D said he experienced distress and uncertainty.

Outcome

Mr D complained the Council's Social Worker communicated poorly with him and failed to progress his housing application. As a result, he said he experienced distress and uncertainty. We found no fault in how the Council handled Mr D's care support, nor his application for supported accommodation. It reached decisions it was entitled to make, so we cannot criticise the merits of its decisions.

Upheld example – 21 008 339

Complaint:

Mr Y complains on behalf of his father, Mr X, that the Council decided not to disregard Mr X's property from its financial assessment when calculating his care costs. As a result Mr Y says his mother believed she could lose her home and he was uncertain whether Mr X's care costs had been calculated correctly.

Outcome

The Council was at fault for the way it decided not to disregard Mr X's property when calculating his care costs. This means Mr X's family cannot be sure his care costs are correct and whether entering into a deferred payment agreement with the Council is necessary. To remedy the injustice caused the Council has agreed to apologise and re-consider whether Mr X qualifies for a property disregard.

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

Action taken	Stage 1
Arrange staff training or guidance	215
Change or review communications	149
Discuss at team meeting	253
Explanation	352
Formal apology	498
Provided service requested	364

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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KCC Annual Customer Feedback Report 2021/22

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*
2021/22	1049	42	91	96
2020/21	867	51	77	78
2019/20	1,044	43	113	75

The below table compares the number of complaints received in 2021/22 with those received in 2019/20 and 2020/21

Service	2019/20	2020/21	2021/22
Specialist Children Service/Children’s Social Work Services	592	698	825
Community Learning & Skills (was Adult Education)	77	24	46
Education Services	351	143	176
The Education People	24	2	2
Total Complaints	1044	867	1049

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Growth, Environment and Transport

All Feedback Reported

	Complaints (Stage one)	Comments	Compliments	Resolved Local Government and Social Care Ombudsman enquiries & complaints*
2021/22	3238	226	703	28
2020/21	3585	252	750	15
2019/20	3611	361	664	20

The below table compares the number of complaints received in 2021/22 with those received in 2019/20 and 2020/21

Service	2019/20	2020/21	2021/22
Environment, Planning and Enforcement	133	242	172
Economic Development	5	1	4
Highways and Transportation and Waste Management	3147	3106	2791
Libraries, Registrations and Archives	326	236	271
Total Complaints	3611	3585	3238

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Adult Social Care and Health

All Feedback Reported

	Complaints (Stage One)	Comments	Compliments	Resolved Local Government and Social Care Ombudsman enquiries & complaints*
2021/22	744	0	375	55
2020/21	754	252	512	53
2019/20	1092	65	518	46

The below table compares the number of complaints received in 2021/22 with those received in 2019/20 and 2020/21

Service	2019/20	2020/21	2021/22
Adult Social Care and Health	1092	754	744
Total Complaints	1092	754	744

KCC Annual Customer Feedback Report 2021/22

Strategic and Corporate Services

All Feedback Recorded

	Complaints (Stage One)	Comments	Compliments	Resolved Local Government and Social Care Ombudsman enquiries & complaints*
2021/22	179	17	39	3
2020/21	169	52	24	4
2019/20	119	10	22	6

The below table compares the number of complaints received in 2021/22 with those received in 2019/20 and 2020/21

Service	2019/20	2020/21	2021/22
Finance	30	28	39
FOI	4	3	13
Gateways and Contact Point	28	33	64
Insurance	2	1	0
Infrastructure, Property and Total Facilities Management	10	28	16
Public Health	-	59	34
Other	45	17	13
Total Complaints	119	169	179

Appendix B

Ombudsman Letter – see attachment