

By: Mike Hill, Cabinet Member for Communities, Customer Services and Improvement
Amanda Honey – Corporate Director of Customer and Communities

To: Customer and Communities, Policy & Overview
Scrutiny Committee \

Date: 15 September 2011

Subject: Customer & Communities Annual Complaints, Comments and Compliments Report 2010/11

Classification: Unrestricted

Summary and Recommendations This report provides information about complaints against the Council considered by the Local Government Ombudsman; comments on the Council's performance on complaints, comments and compliments under our own performance management (including a detailed report on the Customer and Communities, complaints, comments and compliments); and reports on developments in the Councils complaint handling for 1 April 2010 – 31 March 2011.

FOR INFORMATION

1. Introduction

1.1 This reports sets out:

- The Local Government Ombudsman Letter & Annual Review 2010/11
- Developments in KCC Complaints Management
- A summary of the complaints, comments and compliments received by the Council
- Further improvements for 2011/12
- Customer & Communities Annual Complaints, Comments and Compliments Report.

1.2 Kent County Council aims to delivery high quality services where the customer is at the heart of everything it does. We welcome all customer feedback and aim to deal with customers' concerns in a fair and consistent way.

1.3 The Council wants to listen to its customers' views and values their contributions. We learn from good practice as well as any mistakes and build upon past experiences to help improve our future service.

1.4 Complaints, comments and compliments tell the Council what services look like from the consumers' points of view and what their preferences are. These forms of representations, together with feedback from surveys, focus groups and engagement activities, help the Council to assess the quality, effectiveness and relevance of services. The information collected is used to inform and shape future decisions.

2. The Local Government Ombudsman Letter & Annual Review 2010/11

2.1 Each year, the Local Government Ombudsman issues an annual review in which he sets out the number of complaints he has dealt with concerning the county council and summarises the outcome in each case. The purpose of the Letter and Annual Review is to:

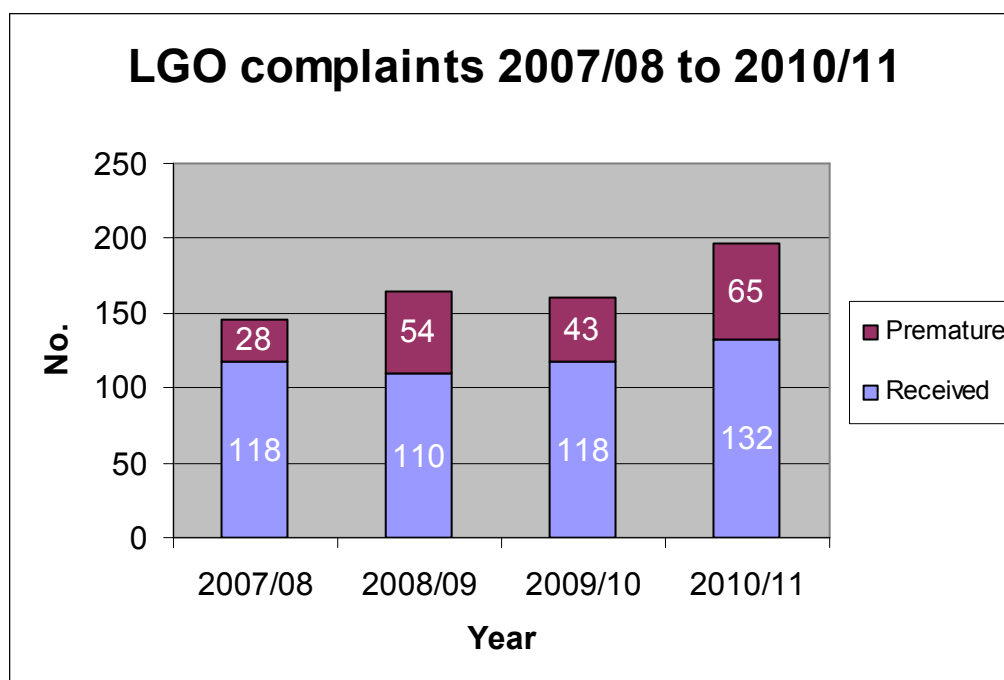
- Help Councils learn from the outcome of complaints to the Ombudsman
- Underpin effective working relationships between Councils and the Ombudsman's office
- Identify opportunities for the Ombudsman and his staff to provide assistance that a Council may wish to seek in bringing about improvements to its internal complaint handling
- Generally provide complaint-based information which the Ombudsman hopes Councils will find useful in assessing and reviewing their performance.

2.2 The Ombudsman's letter to the Managing Director plus the Annual Review for 2010/2011 is attached as Appendix A to this report.

2.3 This year, the Council has had difficulty reconciling its statistics with those provided by the Ombudsman. This was due to changes in the Ombudsman's reporting process – some subject areas and detailed categories have been updated and new decision groups introduced. This resulted in Adult Care Service complaints being missed off the Ombudsman's provisional statistics, which also included six complaints about schools, not KCC. The Ombudsman also provides KCC's response times to first enquiries over the past three years and compares KCC's performance in this respect with other councils.

2.4 The figures tabled in Appendix A Table 1 shows that the Ombudsman received 194 complaints about KCC in 2010/11 (including 44 where advice was given to the complainant and 21 that were deemed premature). The correct total was actually 197 as the Ombudsman's statistics exclude 1 Adult Care Services complaint (the total forwarded to KCC was 38 not 37 as shown on the Appendix B table) and 2 Education & Children's Services complaints

(the total forwarded to KCC was 71 not 69). This is an increase on previous years



2.5 Of the 132 complaints that the Ombudsman investigated in 2010/11, 56 of them (42%) related to education matters and virtually all of these were about school admission appeals, a process that is not unique to Kent but is not an issue that majority of other councils have to contend with. This is one reason why Kent & Buckinghamshire CC (who also has a similar appeals process) seems to have disproportionately more complaints than other county and unitary authorities.

2.6 In 2010/11, there were 3 complaints to the Ombudsman regarding services provided by the Customer and Communities Directorate. Community Learning & Skills, Trading Standards and Libraries each received 1 complaint. There was no evidence of maladministration in the Community and Learning Skills and Trading Standards complaint. The Libraries complaint was outside of the LGO's jurisdiction.

2.7 The Ombudsman's once again criticised KCC in this year's letter for failure to provide the LGO with an initial response to enquiries within the LGO's target time of 28 days. KCC's average response time of 31.5 days in 2010/2011 was the same as it was for the previous year. However, bearing in mind that from June to October when the majority of Ombudsman complaints are received, the then Access to Information Team was reduced from 3 FTE to 2 FTE due to the uncovered maternity leave of one team member, this could be viewed as an improvement.

2.8 It is critical that as an organisation we learn the lessons from complaints, in particular those which go to the LGO, a recent case in Adult Social care highlighted the need for KCC to learn the lessons across the organisation, as the LGO identified similar issues to those raised in a complaint about Children's services in 2009. Steps are being taken to ensure that lessons are cascaded with managers throughout the organisation and that reports are made to DMT and CMT as appropriate.

2.9 Of the 111 decisions issued, there were no reports of maladministration.

2.10 With regard to the 28 local settlements, Kent County Council was asked to pay a total of £8,865.65 in compensation to resolve 14 of these complaints. Details of these complaints are outlined in Appendix A.

2.11 To conclude on a positive note, 83 of the 111 complaints that the Ombudsman issued a decision on, couldn't have been avoided. KCC had done nothing wrong; the complainant was simply unhappy with perhaps a decision or policy that went against them.

3 DEVELOPMENTS IN KCC COMPLAINTS, COMMENTS & COMPLIMENTS MANAGEMENT

3.1 An annual report for each Directorate is a standing item on Policy Overview and Scrutiny Committees.

3.2 KCC, in general, has a devolved approach to complaints, comments and compliments management. Individual Directorates and business units are responsible for developing, operating and monitoring their own processes, but they must comply with the KCC Complaints, Comments and Compliments Policy and KCC standards. Corporate Management Team has approved in principle of having a centralised complaints team. KCC is looking at how to make the KCC complaints handling approach more responsive to customer needs. This will include:

- One contact telephone number, address and email
- Information for the public held in one place
- One KCC team:
 - With specialist staff to deal with statutory complaints
 - Meet best practice standards and any foreseeable future requirements that may be made nationally
 - To provide training for staff on complaints handling at various levels
 - Provide all the information and guidance etc. associated with complaints
 - Log and track complaints received by the Leader and Directors
 - Log and track complaints from the Local Government Ombudsman
 - In-depth knowledge of services and be able to facilitate access and ensure complaints are given the right level of priority.

- The effective handling of alerts for Safeguarding Vulnerable Adults (SVA)
- Advocacy and independent Adult arrangements
- Work with the Contact Centre to log complaints.

3.3 This year work has continued to ensure that staff are empowered to act decisively to resolve complaints at source and that we capture complaint information to improve the customer experience. Improved reporting is helping the authority to take action earlier and make the changes that can make a difference. There is a link with good communication and the number of complaints received and it is important in the current climate that we continue to make information available for everyone on why decisions are made and on the services we provide.

3.4 Cross boundary complaints, which involve both health and social care organisations, are now dealt with via a single, co-ordinated response. The joint protocol, endorsing and promoting these obligations was developed by the Complaints Managers in Kent and Medway. It is pleasing to report that these protocols are working well.

4. Equalities Monitoring

4.1 As from 1 April 2009, when complaints are acknowledged a Complaints Equalities Monitoring Form (EMF) has been included with the acknowledgement letter. Due to the limited number of responses and the complaints we receive regarding the form itself a review was undertaken and we are no longer collecting diversity information in this way. We already hold Equality & Diversity data for our service users and we will use this knowledge to provide information on making a complaint in a more focused way.

5. Number of complaints

5.1 A **complaint** is an expression of dissatisfaction, whether justified or not and however made, about the standard of or the delivery of service, the actions or lack of action by the Council or its staff which affects an individual service user or group of users. This is consistent with the definitions used by other local authorities.

5.2 The emphasis in the complaints procedure is to ensure that staff are equipped and empowered to act decisively to resolve complaints at a local level. The aim is that we work harder to resolve issues at the first point of contact – ‘do it once and do it well’! It is important that we record what went wrong so we can ensure that the experiences of others is improved, that we can show that we listen and learn and to help shape and improve our services for the future.

5.3 In 2010/11, **4,346** complaints were recorded compared with **3,901** for 2009/10, an increase of **(11%)** complaints.

5.4 The trend across all services is for the number of recorded complaints to have increased. Once again we saw a large number of complaints

regarding potholes after the bad weather and this accounts for the majority of the increase in complaints recorded.

5.5 In terms of factors within our control, we have promoted how to make a complaint and have implemented changes to improve our recording of complaints, comments and compliments. This has contributed to an increasing trend in our recorded complaints data and the corresponding increase in comments and compliments.

5.6 It is important to be able to identify where there is an increase in the number of complaints received for a particular service, and investigate trends. This information is taken seriously and service unit managers have reviewed it with their teams, alongside more formal satisfaction survey information.

COMPLAINTS*					10/11	09/10	08/09
	Q1	Q2	Q3	Q4	Total		
Arts Development	0	0	0	0	0	3	2
Community Engagement Managers	0	0	1	6	7	***	***
Contact Centre	27	11	10	10	58	***	***
Community Learning & Skills	32	49	38	32	151	118	60
Community Safety	2	0	0	0	2	8	9
Emergency planning	0	0	0	0	0	0	0
Drug & Alcohol Action Team	1	2	0	1	4	11	10
Gateways	0	0	0	3	3	2	1
Media Centre	1	3	30	0	34	12*	***
Kent Volunteers	0	0	0	0	0	0	0
Kent Scientific Services	4	5	5	8	22	31	28
Libraries & Archives	45	25	23	23	116	542	600
Registration & Coroners	0	6	3	8	17	10	8
Sport, Leisure & Olympics	0	5	0	0	5	0	4
Supporting Independence Programme	1	0	2	1	4	2	6
Supporting People	8	12	5	7	32	19*	***
Trading Standards	5	3	2	1	11	22	9
Youth Offending Service	2	2	2	2	8	2	3
Youth Service	5	12	18	8	43	2	3
TOTAL					517	784	744

*All figures have been reformatted to provide a comparison with previous years for the new Directorate.

5.7 There has been a reduction overall in the number of complaints recorded for Customer and Communities Directorate for 2010/11, **517** compared with **784** in 2009/10.

5.8 Reduction in complaints

5.9 The Library service has seen a reduction in complaints. The number of customer comments overall has reduced from 2009/10 to 2010/11, not just the

number of criticisms. In 2009/10 we received 1, 616 customers complaints/comments/ /compliments, in 2010/11 we received 605. Managers have been reminded to ensure that comment cards are clearly visible within the Libraries.

5.10 Increase in Complaints

5.11 Community Learning & Skills has seen a small increase in complaints this year. This related to fee increases, courses not being provided and concessions.

5.12 There has been an increase in complaints regarding Youth Services following a review of how complaint information was recorded. Complaints relate to the availability of youth services and problems with the Togogo web site which have now been resolved. The number of complaints received is still low compared with numbers receiving the service.

6. Reasons for complaints

6.1 The main grounds for complaints during 2010/11 tend to fall under one of the following themes (not in order of prevalence):

- Administrative errors and operational mistakes
- Availability of services (including accessibility and eligibility)
- Disagreement with decisions or policies made
- Dissatisfaction with services or products offered or received
- Impact of services on local residents and businesses
- Physical location, buildings and facilities
- Poor communication or information
- Prices, charges and fees associated with services
- Quality of the experience (directly delivered services)
- Relating to a third party supplier or contracted service provider
- Staff conduct and behaviour with service users
- Timings or delays involved in delivering services or responding

7. Compliance with standards

7.1 New corporate standards for complaints handling were introduced from April 2009 as follows: 3 working days to acknowledge a complaint (reduced from 5 days) and 20 working days to give a formal response (reduced from 25 - 28 days).

7.2 The majority of KCC Units achieved 100% compliance to these standards for sending out acknowledgements and responses to complainants.

7.3 The percentage of Customer and Communities Directorate complaints meeting KCC response standards is shown in the table below. The majority of our Units achieved 100% compliance to these standards for sending out acknowledgements and responses to complainants.

Unit	Acknowledged			Responded To		
	11/10	09/10	08/09	11/10	09/10	08/09
Arts Development	100%	100%	100%	100%	100%	100%
Community Engagement Managers	100%	N/A	N/A	100%	N/A	N/A
Community Learning & Skills	97%	94%	N/A	92%	96%	N/A
Community Safety	100%	100%	100%	100%	100%	100%
Coroners Service	100%	100%	N/A	100%	100%	N/A
Emergency Planning	N/A	N/A	N/A	N/A	N/A	N/A
Gateways	100%	N/A	N/A	N/A	N/A	N/A
KDAAT	100%	100%	100%	75%	100%	100%
Kent Scientific Services	100%	97%	100%	100%	94%	100%
Libraries & Archives	89%	84%	N/A	92%	97%	68%
Media Centre	100%	N/A	N/A	100%	N/A	N/A
Registration Service	88%	60%	100%	65%	90%	75%

7.4 The acknowledgement compliance rate for the Directorate as a whole improved in 2010/11. This is largely due to the improvements in Supporting People, Trading Standards, Libraries and Registration. Compliance with the response standard for the Directorate has stayed at 96%.

Sport, Leisure & Olympics	100%	n/a	100%	100%	n/a	100%
Supporting Independence	100%	100%	100%	100%	100%	100%
Supporting People	97%	79%	N/A	94%	95%	N/A
Trading Standards	91%	82%	N/A	91%	82%	100%
Youth Offending Service	100%	50%	100%	88%	100%	100%
Youth Service	100%	100%	100%	100%	100%	98%
TOTALS	98%	87.0	96%	96%	96%	74%

8. Comments

8.1 A **comment** is a general statement about policies, practices or a service as a whole, which have 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.

8.2 This year KCC received **1,991** comments compared with **2,986** last year. The council actively encourages our customers to give us opinions about any of our services and we are making it easier to make a comment about a council service. Kent.gov.uk has a number of options for people to have their say on the services we provide. These include email links for council tax, highways, complaints, social care and have your say.

8.3 As seen in 8.8, Customer and Communities Directorate received 1,263 comments compared with 1,692 last year. This reduction is due to the overall reduction received by Libraries as explained in 5.9. Youth Service received an increase and the largest number of comments this year. The Feedback from comments cards during the EuroCamp are being used as part of service design for the next, global event.

8.4 Comments received by Libraries were about book selection asking for us to order specific titles and about certain genres, the Library computer system, ebooks, merchandise, mobile library stops, lending times, activities in the library and subscriptions to magazines and periodicals.

8.5 The Media Centre receives comments regarding the website and publications.

8.6 The majority of comments to Registration and Coroners were about fees which are perceived as being high when compared to other local authorities. KCC policy is for full cost recovery whereas many authorities subsidise the cost or do not account for all costs within the registration budget (eg premises) which means that some costs are hidden and so are not reflected in the fees charged.

8.7 Comment received in Customer & Communities Directorate.

9. Compliments

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

9.2 Compliments across the council increased by 43%. We recorded **5,321** compliments from April 2010 to March 2011 compared to the same time period in the previous year when **3,722** compliments were recorded. There has been a significant increase in recorded compliments for the Youth Service.

9.3 These compliments have provided a valuable source of learning and can be a good indicator of best practice or areas where we are getting things right across the Council.

9.4 Customer and Communities Directorate received 3,164 Compliments in 2010/11 compared with 1,220 in 2009/10, an increase of 159%. Large numbers of compliments are received for the ongoing work of supporting

COMMENTS	2010/11	2009/10	2008/09
Arts Development	1	2	0
CEMs	32	***	***
Community Learning & Skills	22	38	16
Community Safety	0	4	7
Emergency planning	3	0	0
Drop & Alcohol Action Team	0	0	0
COMPLIMENTS	20010/11	2009/10	2008/09
Gateways	41	***	***
Arts Development	53	42	21
Media Centre	314	N/A	N/A
Community Engagement Managers	33		
Kent Volunteers	0	0	0
Kent Scientific Services	0	1	1
Libraries & Archives	366	1615	372
Registration & Coroners	81	0	0
Sport, Leisure & Olympics	0	7	0
Supporting Independence Programme	0	0	0
Supporting People	9	0	***
Trading Standards	6	15	18
Youth Offending Service	0	0	0
Youth Service	388	0	106
TOTAL	1,263	1,692	520

young people through the Try Angle Awards, events and EuroCamp.

Customers also praised aspects of the Library service, including the activities held in our libraries, access to computers, our family history resources, selection of books and our online resources

9.5 The number of compliments received by the Library service is less than usual. As discussed earlier in the report the reduced number of comment

Community Learning & Skills	36	12	20
Community Safety	111	63	107
Emergency planning	22	0	0
Drug & Alcohol Action Team	1	12	2
Gateways	50	19	N/A
Media Centre	40	6	N/A
Kent Volunteers	0	0	0
Kent Scientific Services	8	14	10
Libraries & Archives	187	644	605
Registration & Coroners	248	265	180
Sport, Leisure & Olympics	23	32	37
Supporting Independence Programme	48	16	120
Supporting People	14	30	***
Trading Standards	26	53	40
Youth Offending Service	6	0	0
Youth Service	2258	12	190
TOTAL	3164	1220	1332

cards received by Libraries has had an overall effect on compliments received.

9.6 Registration & Coroners Service received a large number of compliments for the high quality of the registration of events in particular marriage ceremonies. For many people getting married is one of the most important events in their lives and we provide a high quality service and the compliments reflect this

10. Methods of communication

10.1 Information on how to complain is available on our website and various 'Have your Say' and Complaints, Comments and Compliments leaflets.

The public can give feedback in the following ways:

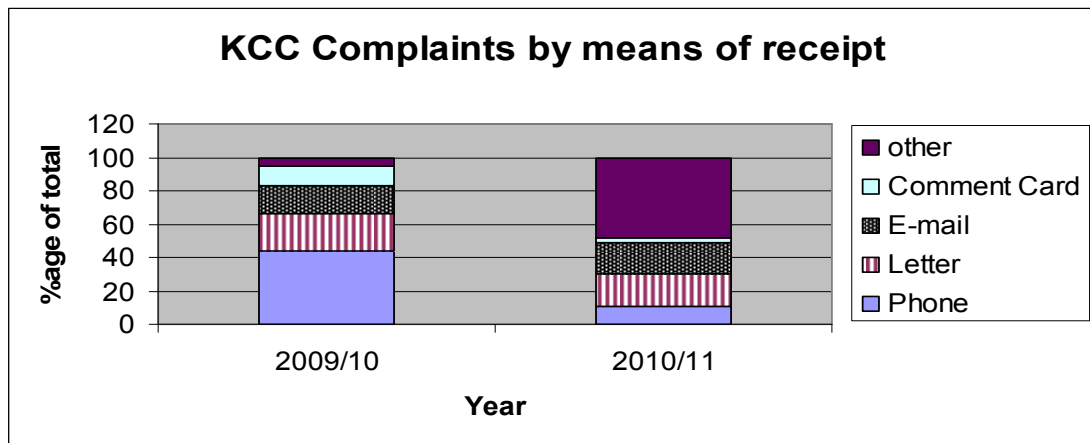
- Talk to the manager where they receive the service
- Complete the 'Have your Say' feedback form on our website, www.kent.gov.uk This is available in Contact us, Have your say, How to get involved and the Complaints sections
- E-mail: haveyoursay@kent.gov.uk or corporate.complaints@kent.gov.uk
- Telephone: 08458 247247
- Contact their local County Councillor
- Write to us.

10.2 It is important to ensure that all channels remain open and effective so customers can choose how they contact us. It should be noted, however, that

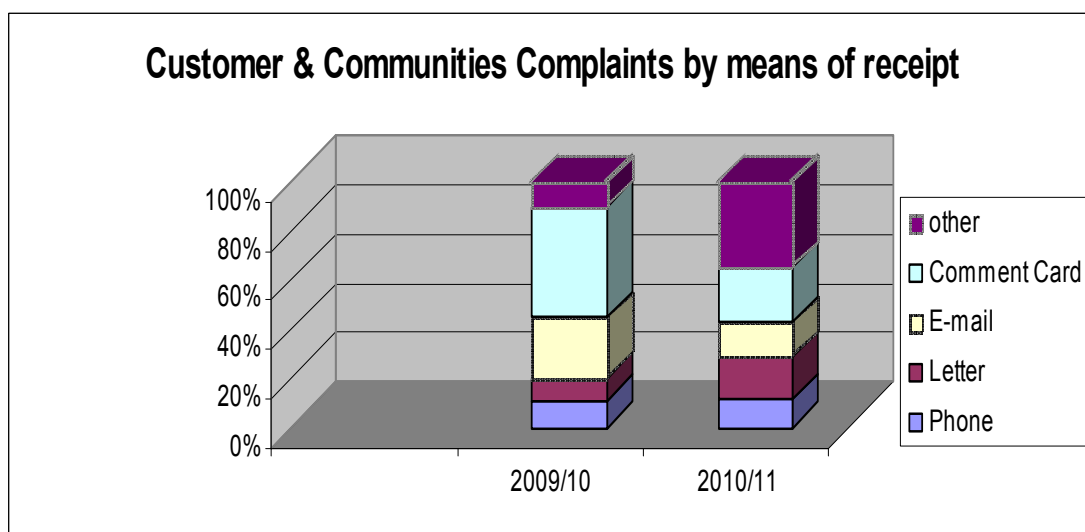
it can be more difficult for staff to record comments, compliments and complaints given face-to-face but staff are perhaps more likely to be able to resolve the situation there and then with the complainant.

- The majority, 37% of KCC complaints were received via the contact centre (5% in 2010/11), followed by 19% (22%) by letter and 19%(17%) by e-mail
- 67% of highways complaints were recorded via the contact centre.
- The majority of Children Families and Education complaints, 37% and 51% of Kent Social Services complaints were received by letter
- Just over 1% of complaints recorded are received face to face (0.3%) and using the on-line complaints form (1.1%).

10.3 In 2011/12 we are looking at ways to improve how to complain 'on-line' and how we can capture information from face-to face complaints to make improvements without creating a bureaucratic process.



10.4 Customer & Communities complaints by means of receipt



10.5 The majority of complaints in Customer & Communities were received face to face or on-line this year 34.8% compared to 10% in 2009/10.

10.6 A high proportion of CMY complaints are received by Community Learning & Skills (29.2%) and Libraries (22.4%) this is to be expected given the very high number of customers they deal with every year and is not taken to be an indication of a generally poor service relative to others.

10.7 The second highest method of contact was comment card accounting for nearly a 22.4% compared with (24.4% 2009/10) of all complaints received. More than one in ten (11.1%) prefer to contact by phone while 9.5% prefer a letter. As discussed above there has been a reduction in comment cards received this year by Libraries and management action has been taken to address this issue.

10.8 Compliments are again dominated by Library comment cards, but people are far less inclined to give compliments over the phone (1.4%) and prefer the written channels of email (17%) and letter (15%). A higher proportion of compliments are given face to face (4.1%) compared to complaints. Similarly comments are most often received via library comment cards (60%) while email (17%) and online (13%) are used for much of the rest.

11. Conclusion

11.1 The letter and Annual Review reflects the generally good working relationship which exists between the County Council and the Ombudsman's office. Positive action is being taken to respond to lessons learnt through complaints monitoring – through service development, training and through improvements to the complaints process itself.

11.2 Several customer focused improvements have been implemented across the Council in 2010/11 and these are making a difference to the customer experience.

11.3 We have looked into the growing number of complaints and have taken action to prevent further complaints in these areas.

11.4 We are committed to listening to what residents have to say but need to do this in the most cost effective way. A centralised team to deal with complaints will be more responsive to customer needs by providing easier access and will be more efficient and cost less.

12. Recommendations

12.1 Members are asked to note the contents of this report.

Janice Hill
Performance & Improvement Manager
Ext 1981

24 June 2011

Local Government
OMBUDSMAN

Ms K Kerswell
Managing Director
Kent County Council
County Hall
Maidstone ME14 1XQ

Dear Ms Kerswell

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority. I have decided to add a commentary to the attached statistics in view of the number and range of complaints against your Council that my office dealt with in the year which have predominantly been about Adult Care Services, Children's Services, and Education. I also wanted to provide you with some information on the schools complaints service which commenced in Kent in September 2010.

Enquiries and complaints received

Our Advice Team received 194 enquiries about your Council in 2010/11. We dealt with 44 of these enquiries through the provision of advice. A further 21 were passed back to the Council with a request that they were considered further because the corporate complaints procedure had yet to be exhausted, and it seemed that the complainants would not be disadvantaged by doing so. They were told they could resubmit their complaint to the Ombudsman if they were dissatisfied with the outcome of their complaint after it had been considered further by the Council. The remaining 129 enquiries were treated as complaints and so were forwarded to an investigation team.

Complaint outcomes

Of the 111 decisions I made in the year, nine were outside my jurisdiction. In 47 cases I found no fault, and in 24 cases I exercised my discretion not to pursue the complaint, often because I felt the claimed injustice was insufficient to justify an investigation. Although I issued no reports against your Council in the year, I did agree 29 local settlements.

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2010/11, 27.1% of all complaints the Ombudsmen decided and which were in our jurisdiction were local settlements. The comparative figure for your authority just exceeded this at 28.8%. All except

one of the local settlements we secured for Kent complainants this year related to complaints about three services: Adult Care Services, Children's Services, and Education. The majority of the settlements about Education related to fault in admissions arrangements to schools or in the hearing of appeals in respect of non-admission to a particular school. I will say more about this later.

Local settlements may be obtained in many different ways. Sometimes the payment of compensation is appropriate. In 2010/11 your Council paid compensation of £8,625 in total. But often there is more to a local settlement than just the payment of money. Here are some examples of the settlements obtained during the year.

Adult care services

We settled one complaint about the extent to which Council had responded appropriately to the complainant's concerns about the safety and wellbeing of her elderly mother who was known to its Psychiatric Services. A number of failings were identified in the way in which the Council had responded to the concerns, and the conclusion was reached that it had failed in its responsibilities to the complainant's mother. It set in train a number of actions to improve its procedures in future.

In another complaint I asked the Council to provide £1,900 in compensation for its failure to provide community care services to a complainant who had been assessed as eligible to receive such services.

I also dealt with a complaint where the complainant did not receive the level of customer service which he was entitled to expect following the death of his stepfather when he attempted to obtain some clarification on the outstanding care home fees that were owed. The Council accepted that he should not have had to deal with so many of its officers over what ought to have been a simple matter. Although the Council responded promptly to most of the contact from the complainant, it was slow to recognise his legitimate concern that he may have been invoiced for money he had already paid. The Council should have recognised that the complainant was entitled to an apology and an explanation of what had gone wrong. The Council agreed to reduce the outstanding debt by £150 and to send an apology.

Education

I settled two complaints last year in respect of the Council's failure to provide suitable education for children of statutory school age. One had been excluded from school and should have been receiving suitable full time education from the sixth day of his exclusion. Although the child received some home tuition and arrangements were put in place to enable exams to be taken, my Investigator concluded that this was far from adequate. The second case involved a child who relied on a motorised wheelchair for mobility. As he had got older he had outgrown his wheelchair but the larger one he was provided with was unsuitable for his home until such time as adaptations had been undertaken. He effectively became housebound for a six month period during which time no education was provided.

Thirty five separate complaints about school admissions raised questions about the quality and independence of the appeal process when the Council provides and services Independent Appeal Panels - both for itself and for schools that are admission authorities. In some appeals the Clerk's notes were inadequate. I found a number of instances where an appeal panel had decided to send a particular standard decision letter only for Council officers to send a different one. Some decision letters did not include major points documented in the clerks' notes. The practice of Council officers finalising and sending appeal decision letters with the clerks' facsimile signatures breaches the statutory Code.

One of the school admission complaints involved a selection test that had been disrupted and the invigilators making mistakes about timing. The Council said it would not arrange for the children affected to sit an alternative test. It said that the parents could appeal to an Independent Appeal

Panel. Primary schools can ask for a panel of head teachers to review the cases of children who are expected to pass but do not. Children who pass but achieve a lower score than expected cannot be referred to the panel of head teachers. As a result, a child who passes but has underperformed because of disruption and/or mistakes by the Council's invigilators could miss out on a 'super selective' place (i.e. one of the places that some schools reserve for a specified number of children scoring the highest marks who would not otherwise get a place, for example because of the distance between their home and school).

Liaison with the Local Government Ombudsman

My investigators made initial enquiries on 83 complaints this year. On average it took 31.5 days for the Council to reply. These times fall short of my requested timescale of 28 days.

Whilst my Investigators have noted some reluctance to agree to proposed settlements, they have also noted examples where the Council has been pro-active in proposing them on cases under investigation. I also note that two of your Officers attended a seminar I held in our London Office in December, which I hope they found useful.

Communicating decisions

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas. In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. Anyone who arranges and pays for their own social care now has the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 89 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

As you are aware, schools in Kent have been subject our new powers since September 2010. I would like to thank Kent County Council for its support during this period in facilitating the delivery of training across the county to Head Teachers, Governors and Clerks about the new legislation,

and more recently in supporting schools to develop accessible and fair complaints handling procedures. We have delivered eight courses in total to over 200 delegates with an overwhelmingly positive response.

I had received 64 complaints about schools in your area by the end of March 2011. These covered a broad range of issues including how schools had dealt with allegations of bullying, the provision of additional support for those children with special educational needs, how schools had dealt with medical issues, complaints about staff conduct, the way in which policies on school uniforms had been applied, exclusions from school, school trips, and the barring of parents from school premises.

Of the 57 complaints decided in your area:

- In 16 cases we initiated an investigation;
- In 39 cases the complaint was referred back to the school for it to consider using its own complaint procedure as it had not yet had the opportunity to do so before the complaint was made to me; and
- In 2 cases we were unable to consider the complaint as it was either not made by a qualifying person or was about a matter I am prevented from considering by law.

In terms of the 16 of cases where we initiated an investigation:

- A satisfactory resolution was reached between the parties in eight cases following the Ombudsman's involvement and so the investigation was discontinued.
- We secured a remedy and / or agreement for action to prevent similar problems recurring in six of the cases.
- In two we found that there was no fault in the actions of the school or there was no substance to the complaint.

Decisions in the 14 areas can be broken down as follows:

- In 47% of cases we initiated an investigation.
- In 48% of cases the complaint was referred back to the school for it to consider using its own procedures as it had not had the opportunity to do so.
- In 5% of cases we were unable to consider the complaint as it was not within our jurisdiction.

In terms of the 47% of cases where we initiated an investigation:

- A satisfactory resolution was reached between the parties in 25% of cases following the Ombudsman's involvement (and the investigation was discontinued).
- We secured a remedy and/or agreement for action to prevent similar problems recurring in 13% of the cases.
- In 9% we found that there was no fault in the actions of the school or there was no substance to the complaint.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. We provided a one day training course on Effective Complaint Handling for officers in your authority on 11 March 2011. I hope this course was timely in the context of the roll-out of your new complaint handling arrangements in April 2011.

During 2010/2011 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

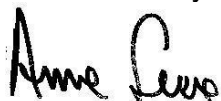
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your Council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely



Anne Seex
Local Government Ombudsman

Local authority report - Kent CC for the period ending - 31/03/2011

For further information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	4	0	0	10	1	5	0	1	0	21
Advice given	9	1	1	28	0	3	1	1	0	44
Forwarded in investigative team (resubmitted)	2	0	0	3	0	0	0	0	1	6
Forwarded to investigative team (new)	35	0	3	66	3	12	0	4	0	123
Total	50	1	4	107	4	20	1	6	1	194

Investigative Team

Decisions	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	0	28	0	0	47	20	9	106

Adult social care decisions made from 1 Oct 2010*

	Not to initiate an investigation	To discontinue investigation, injustice remedied	To discontinue investigation, other	Total
2010 - 2011	3	1	1	5

*These decisions are not included in the main decisions table above. They use the new decision reasons from 1/10/10.

Provisional comparative response times 01/04/2010 to 31/03/20 11

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	79	31.6
2009 / 2010	75	31.6
2008 / 2009	69	38.1

Types of authority	<= 28 days	29 - 35 days	> = 36 days
District councils	65	23	12
Unit ary authorities	59	28	13
Metropdi tan authorities	64	19	17
Count y councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0

Response times adult social care 1/10/10 - 31/3/11	First enquiries	
	No of first Enquiries	Avg no of days to respond
2010/2011	4	30.0