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To: Corporate Policy & Overview Scrutiny Committee
– 22 September 2011

Subject: KCC Annual Complaints, Comments and Compliments Report 2010/11

Classification: Unrestricted

Summary: This report provides information about, 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 and the Business Strategy & Support Annual Complaints, Comments and Compliments Report.

STATUS FOR INFORMATION & ASSURANCE

1. INTRODUCTION

1.1 This is the Council's third annual report on complaints, comments and compliments. It 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
- As Corporate POSC deals with Business Strategy & Support (BSS) activity, a detailed annual report of BSS complaints, comments and compliments is included in Appendix 1.

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. We are **One Council** putting people at the heart of everything we do. KCC champions public service within Kent and our values (as shown below) and behaviours demonstrate staff commitment to serving the people of Kent. Our work is guided by our values - they are not just words, they underpin the decisions we take and are critical to how we approach what we do and the way we do it.

Value	Explanation	Kent Competence link
Open	Acting with integrity, honesty and transparency, willing to learn and treating people fairly and with respect	Truth & Judgement, Character & Courage. Conversation & Compassion
Invite contribution & challenge	Working collaboratively to find new solutions that put the interests and wellbeing of Kent people first, putting the citizen in control	Empowerment & Enterprise, People & Partnership
Accountable	Taking personal and professional responsibility for our actions, performance and money.	Radicalism & Urgency, Tools & Professionalism Outcomes & Delivery

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.

1.5 The Council restructured its Directorates on 1 April 2011. Directorate information in this report has been changed and presented to reflect this restructure and to allow comparisons in future years.

2. THE LOCAL GOVERNMENT OMBUDSMAN LETTER & ANNUAL REVIEW 2010/11

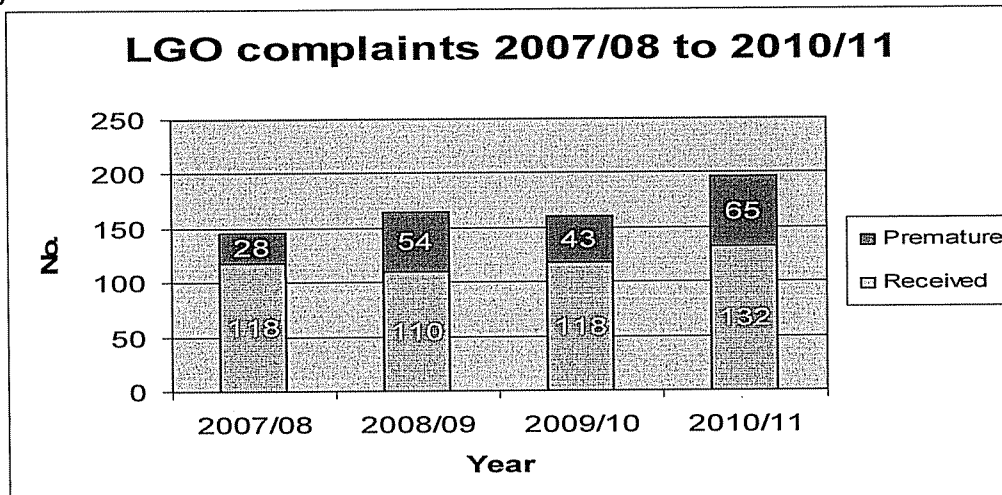
2.1 Each year, the Local Government Ombudsman issues an annual review in which she sets out the number of complaints he has dealt with concerning the county council and summarises the outcome in each case. The purpose of the Letter and Annual Review is to:

- 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 3 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 3, 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) 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 complicated by the fact that Kent has retained the 11+ examinations and this 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) seem to have disproportionately more complaints than other county and unitary authorities.

2.6 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 maternity leave. Work increased during this period but budget pressures and the need to save meant this vacancy was not filled and bearing this in mind this could be viewed as an improvement.

2.7 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.

2.8 As part of the new officer arrangements for performance management two new teams have recently been created called the Performance Assurance Team (PAT) and the Delivery Assurance Team (DAT). Both teams meet monthly and included within their Terms of Reference is the requirement to regularly review performance information and programme management reports (Quarterly Performance Report - QPR). The teams will provide a strengthened internal control mechanism to ensure that member priorities are being delivered and that appropriate standards are being delivered within core services.

PAT and DAT will be reviewing all complaints learning as one organization. Corporate Directors or Directors and Managers will be asked to explain about complaint trends and what action has been taken to improve. This will help the new KCC values of openness, challenge and accountability to be put into practice. The QPR then goes to Cabinet and all the POSCs. This will increase Member's ability to have oversight of all the complaints and see what is being learnt and how officers are doing. POSC will receive this information quarterly as well as an annual report.

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 3.

2.11 On 29 June 2011, KCC was found guilty of maladministration causing injustice. The Ombudsman found maladministration by the Council because it had:

- provided the School's Governors with a clerk and an appeal panel who proved incapable of fulfilling the requirements of the statutory School Admission Appeals Code 2009
- contravened the Code by sending decision letters from its Legal and Democratic Services Section with the facsimile signature of the panel clerk, and
- substituted standard decision letters chosen by its Legal and Democratic Services section for those agreed by the panel.

A copy of the report issued by the Ombudsman can be found at:

<http://www.lgo.org.uk/complaint-outcomes/education/education-archive-2011-12/kent-county-council-amp-tunbridge-wells-girls-gram/>

2.12 KCC are due to provide their comments on what actions KCC has taken to address this report by the end of September 2011. The Local Authority (LA) has no power to prevent an own admission authority school from setting its own arrangements as long as they are lawful. The LA very publicly condemned schools for ranking pupils on score in their admissions criteria as it is not in line with the arrangements used by Kent grammar schools. The LA even made a formal challenge to the Adjudicator last year because of these very issues that are caused. The LA lost this challenge, the Adjudicator allowed the schools to set their arrangements using our selection process despite there being no contingency when scores cannot be relied upon.

2.13 Families & Social Care is experiencing an increase in the number of cases being referred to the LGO, as a result of peoples' dissatisfaction with the handling of their complaint. A recent LGO investigation has highlighted the need to ensure that findings, recommendations and resolutions from the Ombudsman are cascaded throughout KCC, as appropriate, to ensure lessons are learned and therefore prevent recurrences of similar themes. A review of current procedures is being undertaken to ensure that recommendations and service improvements are made across the Authority.

3. DEVELOPMENTS IN THE LOCAL GOVERNMENT OMBUDSMAN SERVICE

3.1 During 2010/11 the LGO powers were extended to deal with complaints in two significant areas.

- 1) The Health Act 2009 extended the Local Government Ombudsman's powers to investigate complaints about privately arranged and funded adult social care, where the provider is registered with the Care Quality Commission. These powers come into effect from 1 October 2010. The greater use of direct payments and personalised budgets mean that it is particularly important for the LGO 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 KCC received 89 complaints under the new adult social care powers.

- 2) The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for the LGO to deal with complaints about schools by pupils or their parents. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

The LGO received 64 complaints about schools 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.

3.2 LGO. Further information is available at <http://www.lgo.org.uk/working-for-us/self-funders/>

4 DEVELOPMENTS IN KCC COMPLAINTS, COMMENTS & COMPLIMENTS MANAGEMENT

4.1 An annual report for each Directorate is a standing item on Policy Overview and Scrutiny Committees. As Corporate POSC deals with Business Strategy & Support (BSS) activity, a detailed annual report of BSS complaints, comments and compliments is included in Appendix 1. A comparison of complaint numbers across KCC for 2008/09, 2009/10 and 2010/11 is included in Appendix 2, Table 1 for information.

4.2 KCC, in general, has a devolved approach to complaints, comments and compliments management. The most important stage is for the manager or officer to try to resolve the complaint straight away at first contact. 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. In line with Bold Steps for Kent and the design principles agreed by Members we are moving to a one council approach for complaints. This will ensure high standards are adopted across the whole council, that we can ensure proper organisational learning and changes to improve services to the public, improve our information to Members and be cost efficient. We are looking at how to

make the KCC complaints handling approach more responsive to customer needs. This will include:

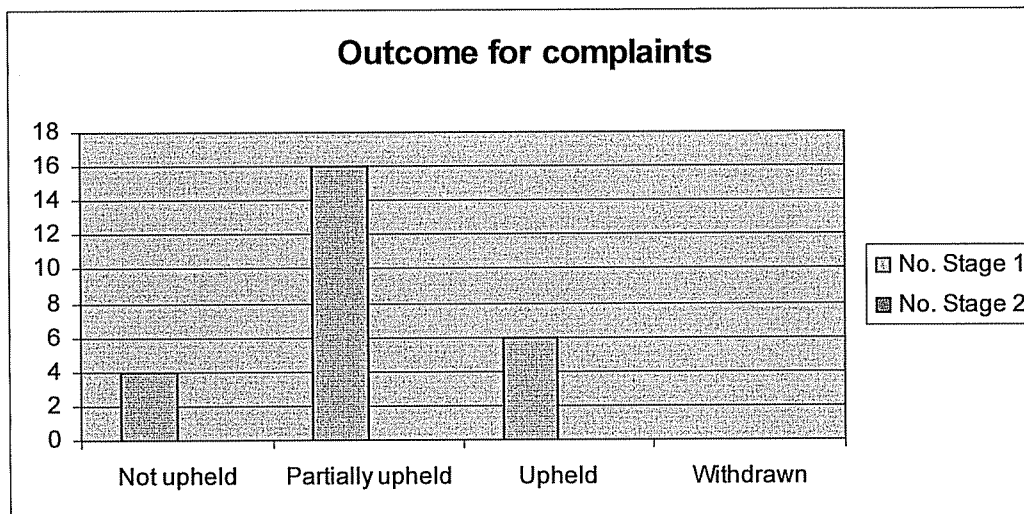
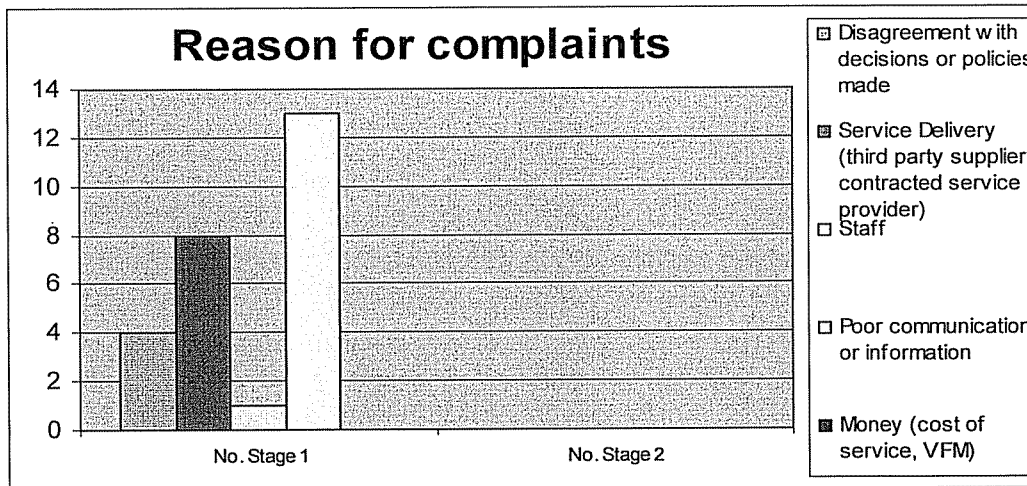
- One contact telephone number, address and email
- Information for the public held in one place
- One KCC team:
 - With specialist staff to deal with statutory complaints
 - Meet best practice standards and any foreseeable future requirements that may be made nationally
 - To provide training for staff 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.

4.3 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.

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.

5. MONITORING

5.1 We have made improvements and streamlined how we capture complaints, comments and compliments information this year. Complaints, comments and compliments are now recorded in a way that automatically updates the information for quarterly returns and produces graphs. This saves time and enables Managers to easily see how they are performing and what the trends are. Examples are shown below:



5.2 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 a review was undertaken and we are no longer collecting diversity monitoring information in this way.

6. NUMBER OF COMPLAINTS, COMMENTS AND COMPLIMENTS

6.1 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.

6.2 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.

6.3 In 2010/11, **4,373** complaints were recorded compared with **3,859** for 2009/10, an increase of **(13%)** complaints.

6.4 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 type of complaint accounts for the majority of the increase.

6.5 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 compliments and complaints data and a corresponding improvement in the time taken to answer a complaint.

6.6 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.

6.7 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.

6.8 This year we received **2,080** comments compared with **2,292** last year. The number of customer comments received by Libraries has reduced from 2009/10 to 2010/11. In 2009/10 Libraries received 1,616 customer comments/complaints/compliments, in 2010/11 we received 605. Managers have been reminded to ensure that comment cards are clearly visible within the Libraries. 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.

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

6.10 Compliments across the council increased by 48 %. We recorded **5,513** compliments from April 2010 to March 2011 compared to the same time period in the previous year when **3,695** compliments were recorded.

6.11 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.

A breakdown of complaints and comments by Directorate can be found in Appendix 2.

7. REASONS FOR COMPLAINTS

7.1 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.

8. COMPLIANCE WITH STANDARDS

8.1 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).

8.2 The percentage of complaints meeting KCC response standards is shown in Table 6, Appendix 2. The majority of our Units achieved 100% compliance to these standards for sending out acknowledgements and responses to complainants.

8.3 Families & Social Care - Adult Social Care

8.4 There is only one statutory timescale for adult social care complaints within the new complaints process and this is the acknowledgement of the complaint, which must be provided to the complainant within three working days of receipt. The period for responding to the complaint is agreed with the complainant on a case by case basis depending on the nature and complexity of the complaint and the desired outcome. This can be anything from 5 to 65 days.

8.5 The average response time for statutory complaints regarding Adult Social Care for the County is 16 working days. The legislation allows for the timescales to be agreed with the complainant, however a previous decision made by Adult Social Services SMT, resulted in the target of producing a written response within 10 working days for the less complex cases that do not require off-line investigation or work with health colleagues.

8.6 The current legislation allows the revision of timescales, if the complainant is in agreement the Customer Care Teams liaise with the complainant if the need arises. This requires communication from the operational staff investigating the complaint.

8.7 **465** (88%) were acknowledged within the statutory timescale and **382** (73%) were responded to within the timescale agreed with the complainant.

8.8 Families & Social Care - Children's Social Services

8.9 The Local Authority must consider and try to resolve Stage One complaints within 10 working days of the start date for Children's Social Services complaints. This can be extended by a further 10 working days where the complaint is considered to be complex.

8.10 Timescales have been extended for particularly difficult or complex cases, for example when more than one agency or service is involved or when complaints are

bound up with other processes such as court proceedings and safeguarding procedures. Performance against timescales has deteriorated very slightly since the previous year when 80% of statutory complaints were completed within 20 working days. Performance against statutory timescales remains better than performance for non-statutory complaints and enquiries.

- 94% of stage 1 acknowledgements were sent out within three working days
- 53% of stage 1 responses met the 10 day timescale
- 30% of responses with a 10-day deadline were completed within 20 days
- 72% of stage 1 responses were extended and met the 20 day timescale
- Overall 79% of stage 1 complaints were completed within 20 working days.

8.11 The Local Authority should consider Stage Two complaints within 25 working days of the start date (the date upon which a written record of the complaints to be investigated has been agreed) but this can be extended to 65 working days where this is not possible. Investigating Officers and Action for Children report a continuation in the trend of increased complexity in the subject of complaints making a 25 day target unachievable. In most cases investigators have been able to work within the 65 day timescale, that is when staff have been available for interview and files are available and in good order. One complaint was completed within 25 working days and only one other Stage Two complaint was completed within 65 working days.

9. METHODS OF COMMUNICATION

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

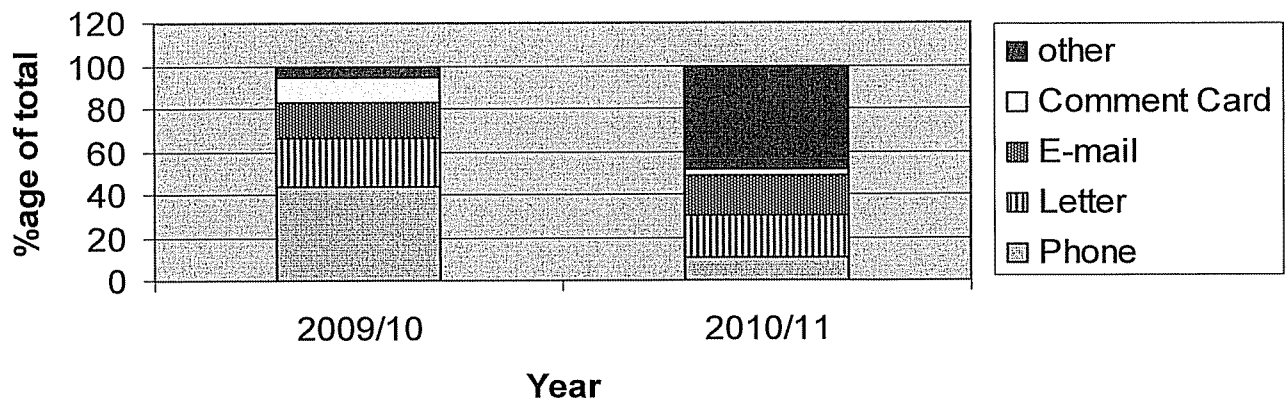
The public can give feedback in the following ways:

- 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

9.2 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 are perhaps more likely to be able to resolve the situation there and then with the complainant.

- The majority, 37% of complaints were received via the contact centre (5% in 2010/11), followed by 19% (22%) by letter and 19%(17%) by e-mail.

Complaints by means of receipt



- 67% of highways complaints were recorded via the contact centre.
- The majority of Children Families and Education 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%).

9.3 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. COMPENSATION

10.1 Goodwill payments of £71,695 have been paid as part of local resolution.

11. LEARNING THE LESSONS AND SERVICE IMPROVEMENTS

11.1 Complaints provide senior managers with useful information in respect of the way that services are delivered. When complaints are upheld it is necessary for managers to consider whether there is a need for any service improvements to be made with a view to ensuring that similar failings do not recur. The consideration of complaints has resulted in reviews and changes to procedures; guidance and training for staff and improvements being identified and made in relation to service delivery and practice. Detailed below are some specific examples of service improvements which were identified in complaint responses. The examples show how one complaint can make a difference to how we work and how complaints can highlight simple solutions to improve the customer experience.

11.2 Improvements to procedures or business processes

- The procedures for transporting service users with a learning disability to day centres has been revised and improved
- Improved (real time) information on pothole repairs was added to the KCC website to show what was being done and where/when this was taking place. The Contact Centre also received regular updates on the schedules of work

which enabled them to provide the most up to date response to customer queries.

A number of visitors at the Country Parks complained via the comment cards that the queues were too long at the café and prices were too expensive. To help alleviate these issues, the following initiatives have been implemented:

- The menu in the café at Shorne Wood Country Park has been reviewed to ensure prices remain affordable to customers and in doing so a number of the regular suppliers have been changed
- To start to address queue times within the café, some of the items that take longest to prepare have been removed from the menu and children's lunch boxes have been added
- The café has been refurbished with a self service counter in order to serve customers quicker during peak times.

11.3 Improved communications

- The Safeguarding process has been reviewed and changes made to improve the communication with families during a safeguarding investigation. The associated forms used during the safeguarding process have also been revised
- The need to improve communication is highlighted in many complaints, this is addressed during one to one supervision with staff and also the work commissioned by the Good Practice Group
- Complaints have highlighted the need to improve the information provided to explain third party top-ups, client contribution and private top-ups
- Complaints have highlighted that families have not always accepted that information has been supplied. A process is being developed to confirm the receipt of various information provided
- Following complaints the KCC website has also been regularly updated on other current issues such as summer vegetation and street-lighting
- There was a continued focus on communication between the Contact Centre and all KHS teams across the year to ensure the availability of correct information to resolve enquiries at the first point of contact wherever possible. This included giving the Contact Centre improved information for all KHS service areas on a new Intranet system (iWay) which enabled them to provide the most up to date information to answer customer queries and provide more realistic timescales when customers reported issues to KHS
- Although the twin axle policy was introduced some time ago, it has still generated a number of complaints. To provide further information on the policy, the KCC website has been updated and the days and locations at which the height barriers are raised to enable bigger vehicles carrying domestic waste to enter the sites are clearly outlined.

11.4 Improvements to service experience and quality

- The procedures for transporting service users with a learning disability to day centres has been revised and improved
- The complaints and representations received about Cage Green Autistic Centre led to a recognition that the building was no longer fit for purpose. Funding was

made available to improve the quality of specialist provision across the county including recommended investment to the Cage Green unit

- Ongoing complaints about Insurance claims were received so improved information was issued to customers via the Contact Centre and the KCC Website. The online claim form was removed as the process was much better with customers going through the Contact Centre (that way forms were sent out and any faults reported at the same time)
- A number of the complaints and comments made at the Country Parks related to car parking charges. These charges are carefully considered to offer good value for money with all the money collected being used to help towards the cost of running the parks overall. Discount vouchers have been introduced for loyal customers as well as a season ticket for regular visitors which is then valid for use at all of the country parks.

11.5 Improvements to customer feedback processes

- The Local Authority champions local schools for local children and the admissions arrangements reflect that policy, affording a level of priority to children who live closest to a school. Complaints highlighted the problems this can cause some families who live in very rural areas. The Local Authority is therefore exploring whether in future years it may be possible to set priority catchment areas to support rural communities that might otherwise have difficulty securing school places. This will be subject to consultation and any proposed changes will not take effect before 2012
- For every complaint received and logged on the KHS CSM system, the complainant was contacted to enable KHS staff to talk through the complaint and confirm what would happen next. In many cases complaints have been resolved at this stage by providing additional information to the customer
- To improve communication about the KHS winter policy, all customers were advised at first point of contact what the published policy was and then directed to the website to enable them to view this rather than logging the requests as enquiries. KHS staff adopted a very transparent approach with customers letting them know what could and couldn't be implemented under the policy. This led to a significant reduction (around 50%) in the number of enquiries passed to the back office and reduced the situation of customers being given the same message by another member of staff at a later date.

11.6 The KCC Pioneers and Challenger groups will help KCC learn the lessons from complaints. These groups will develop ideas, challenge each other and the organisation as to how and why we do things and then implement those new ideas to improve how we work. This new way of working will really help to convey key messages and change to happen. Most importantly, they will be reporting back to their teams and helping create a new culture and way of working. Pioneers and Challengers will meet together on a regular basis to discuss the key issues we are facing.

12. LEVELS OF COMPLAINTS TO THE STANDARDS COMMITTEE

12.1 Responsibility for dealing with alleged breaches of the Code of Conduct by elected and co-opted Members of the Council passed from Standards for England to the local authority on 8 May 2008.

12.2 At its meeting on 22 May 2008, the Standards Committee agreed to set up two Sub Committees; one to make an initial assessment of a complaint that a Member has breached the Code of Conduct and one to review any decision by the Assessment Sub Committee to take no action, if so requested by the complainant.

12.3 The Assessment and Review Sub Committees are charged with deciding whether, on the basis of the information presented, a Member has breached the Code of Conduct and whether the matter merits investigation. Specifically, either Sub Committee can reach one of the following three decisions:

- (a) Refer the allegation to the Monitoring Officer of the Authority for investigation or some other action such as mediation or training
- (b) In exceptional cases, refer the allegation to the Standards Board for England
- (c) Decide that no action should be taken in respect of the allegation

Decision	2008/09	2009/10	2010/11
No action	4	1	1
Monitoring Officer for other action	2	1	0
Monitoring Officer for formal investigation (*)	0	2	0
Standards for England	0	0	0
Not Determined	0	0	1

(*) Neither of the two cases referred to the Monitoring Officer for formal investigation have resulted in the subject Member being found to be in breach of the Code of Conduct.

12.4 If the Localism Bill is enacted, local authorities will not need to have a Code of Conduct or a Standards Committee.

13. TRAINING FOR STAFF

13.1 It was recognised that the quality of written responses to complaints needed significant improvement and a specific letter writing course has been commissioned for Adult Services managers. This has been made mandatory training for all senior practitioner team leaders in Older People & Physical Disability division and for other managers who have been identified as needing support in this area.

This training is part of a rolling programme which also includes training which is delivered by the LGO and "complaints made easy" an interactive board game which is delivered by customer care to all front line operational staff.

The LGO delivered the following training:

- 3 investigating complaints sessions (41 staff attended) These have been commissioned to run for 2011-2012 (60 places over a total of four training sessions)
- 8 courses (200 delegates) to Head Teachers, Governors and Clerks about the The Apprenticeships, Skills, Children & Learning Act 2009 new legislation.

Managing complaints workshops were delivered to front line staff at Household Waste Recycling Centres (HWRC's) to improve staff awareness of the complaint process

overall and to enhance their customer service skills to prevent complaints from occurring in the first place. A guide was also produced for staff to use as a reference for details of complaint timescales and procedures.

14. CONCLUSION

14.1 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.

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

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

14.4 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.

15. RECOMMENDATIONS

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

Janice Hill
Performance & Improvement Manager
Ext 1981

Background Documents

Adult Social Services and Public Health Annual Complaints Report, ASS & PH Policy Overview & Scrutiny Committee, 20 September 2011
E & E Annual Complaints, E & E Policy Overview Committee, 27 September 2011
Annual Complaints Report 2010/11, Customer & Communities Policy Overview Committee, 15 September 2011
Education Learning & Skills Annual Complaints Report, ELS Policy Overview
Regeneration and Economic Complaints Report 2010/11, Regeneration & Economic Development Policy Overview & Scrutiny Committee 23 September 2011

Other useful information:

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

- Children Act 1989 Representations Procedure (England) Regulations 2006
- The Local Authority Social Services and National Health Service Complaints (England) Regulations were published in February 2009 and came into force with

effect from 1 April 2009. This procedure introduced a single approach to dealing with complaints for both the National Health Service and Adult Social Care.

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

BUSINESS STRATEGY & SUPPORT ANNUAL COMPLAINTS, COMMENTS AND COMPLIMENTS REPORT

1. The number of complaints, comments and compliments recorded

1.1 In 2010/11, **477** complaints were recorded compared with **241** for 2009/10. This increase can be partly accounted for by a large increase (105%) in complaints regarding the time it takes to deal with insurance claims for potholes. These complaints account for 87% of the complaints received in BSS.

1.3 We recorded **72** comments and **228** compliments regarding the services we provided. The comments were received by the Business Solutions and Policy unit and the Financial Strategy Group and the largest number of compliments is recorded by Law & Governance.

Further information is provided below and in Tables 1, 2 and 3.

2. Complaints, comments and compliments by business unit

2.1 Insurance Section

416 complaints, 0 comments, 11 compliments

Complaints have increased by 105% in 2010/11 (203 in 2009/10). Throughout the whole of 2010 severe delays were being experienced in the processing of an unprecedented number of third party claims which accounted for the majority of complaints. KHS had secured additional resources to work through the backlog of claims but due to the numbers involved this took much longer than expected. Complaints were also received about decisions taken to reject claims. Complaints about the rejection of claims have increased which is attributed to the impact the state of the economy is having upon personal financial circumstances. The 2010/11 winter again generated a high volume of claims but improved procedures meant that these were cleared more quickly.

There were 30 compliments for the handling of insurance claims.

2.2 Financial Strategy Group

4 complaints, 31 comments, 0 compliments

There were 4 complaints regarding Council Tax as follows:

- (1) What council tax pays for apart from refuse collection, the police, and road gritting and maintenance
- (2) Cost of attendance at award ceremonies, senior officer pay, and the condition of the surface of a specific road
- (3) Use of "credit cards" and query on Ashford Ring Road
- (4) Issues arising from a Daily Telegraph article about spending on foreign travel, and staff health insurance / staff mortgage subsidies.

KCC actively encourages our customers to give us opinions about any of our services. This year we received 31 comments which mostly requested information. Of these, 26 came by the KCC council tax queries email box. They cover a wide range of issues including the financing of schools, pothole repairs, and pension contributions; the process of council tax valuation; the level of council tax for different areas / parishes; liability for road drainage and unadopted roads; and issues raised by press coverage or surveys.

The Financial Strategy Group also receive contacts not included in the above:

- 113 contacts on issues which are the responsibility of other public bodies, mostly relating to council tax or business rate billing which arises from people moving into or out of properties (District Council function);
- 4 queries from members of the public which were sent to elected Members or chief officers.

2.3 Law & Governance

0 complaints, 0 comments, 115 compliments

No complaints were recorded in 2010/11.

115 compliments were recorded on the Legal Services comment cards and give feedback on the service received. This information is used to improve services.

2.4 Personnel & Development

29 complaints, 0 comments, 35 compliments

Employee Services Centre -18 Complaints.

There was a reduction in the number of complaints regarding recruitment processes with 18 being recorded compared with 27 in 2009/10. The majority of the complaints related to applicants not being short-listed or managers not providing feedback in a timely manner. Two of these related to the recruitment process itself and one related to a system error.

To improve the service the team chase the outcome of vacancies following the short-listing and interview stages of recruitment to ensure that all candidates are contacted with an outcome. The Team has a continuous approach to improving customer service, coaching managers with regard to the process and encouraging the attendance on the Recruitment & Selection course to ensure a consistent message is communicated. Recruiting Managers now need to contact applicants post interview within 2 days or contact the recruitment team who will follow this through with immediate effect.

Schools Personnel Services - 7 complaints.

These complaints related to the delay/issue of contacts and renewal letters, delays in invoicing and delays negotiating a compromise agreement

Further training on current processes has been undertaken by the team.

Learning and Development - 4 complaints.

These complaints were regarding course content.

2.5 Property Group

23 complaints, 0 comments, 4 compliments

There has been a rise in complaints from 6 to 23 (283%) this year.

The number of complaints for the Estate and Asset Management Group within the Property Group have remained the same. The majority of complaints recorded were regarding Oakwood House. Complaints included issues about lack of hot water, standard of food, service and cleanliness and all were resolved satisfactorily. Complaints were also received regarding land for sale and how KCC has dealt with asbestos in Schools.

Oakwood House Business is undergoing a major review and changes to ensure improvement to all services.

2.6 Business Solutions & Policy

5 complaints, 41 comments, 61 compliments

There were 4 complaints regarding the collecting of equalities and diversity Information. Following a review and a change in legislation we no longer collect equality and diversity information. There was 1 complaint regarding the non availability of information in paper format. Following complaints received by other directorates we have improved how we communicate the availability of information.

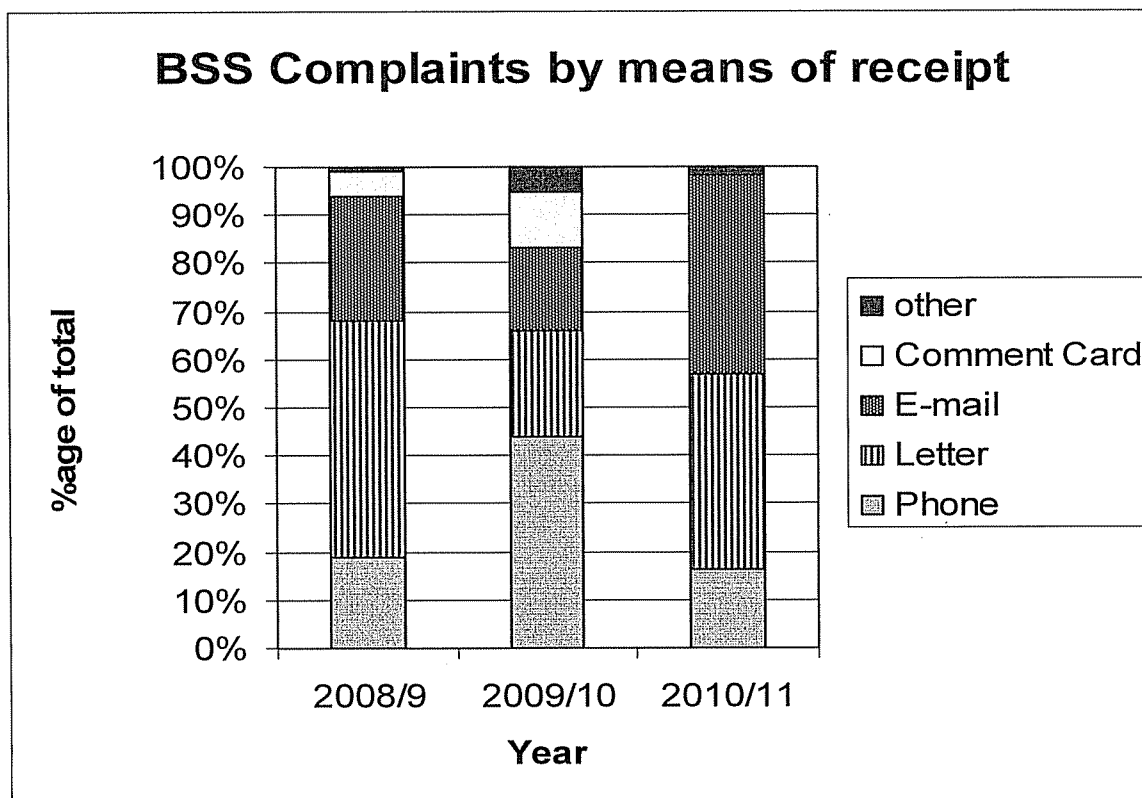
The 41 comments related to events, information and services received and there were 61 compliments mostly regarding events management/delivery within the Kent Partnership Team.

2.7 Strategic Procurement

0 complaint, 0 comments, 2 compliments

3. **Methods of communication**

3.1 There has been a shift in how complaints are received. This year 41% of complaints were received by email, and 41% by letter with only 16% by phone compared with 44% in 2009/10. Only 2% of complaints are received using the on-line complaint system.



4 Valuing Diversity

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. Vexatious and Repetitious Complainants

5.1 There were no complaints recorded as a Vexatious and Repetitious complaint within the Business Strategy & Support for the period 1 April 2010 – 31 March 2011.

6. Compliance with standards

6.1 The corporate standards for complaints handling is as follows: 3 working days to acknowledge a complaint and 20 working days to give a formal response.

6.2 The percentage of complaints meeting the KCC response standards are detailed in Table 6. Due to the volume and complex nature of insurance complaints we have not been able to meet these timescales.

Compliance with Standards

Complaints acknowledged within 3 working days	2010/11		2009/10		2008/09	
		%		%		%
Financial Strategy Group	3	75	2	100	8	100
Insurance	1	<1	203	100	20	100
Law & Governance	0	0	10	77	8	100
Personnel (Employee Services & Schools Personnel)	29	100	18	100	10	100
Property Group	22	96	6	100	13	100
Business Solutions & Policy	5	100	2	100		N/A
Strategic Procurement	0	0	1	100	N/A	

Responses to complaints within 20 working days	2010/11		2009/10		2008/09	
		%		%		%
Financial Strategy Group	4	100	2	100	8	100
Insurance	20	5	203	100	20	100
Law & Governance	0	0	8	63	8	100
Personnel (Employee Services & Schools Personnel)	27	90	18	100	10	100
Property Group	23	100	6	100	13	100
Business Solutions & Policy	5	100	2	100		N/A
Strategic Procurement		N/A	1	100	N/A	

7. Compensation

7.1 No compensation has been paid to complainants within Business Strategy & Support during 2010/11 under the KCC complaint procedure. Local settlements were made by the LGO. See 8.1 below.

8. Local Government Ombudsman Complaints

8.1 The Ombudsman decided 46 complaints for Business Strategy & Support in 2010/11:

8.2 Finance

4 complaints were received relating to insurance claims which were outside the LGO jurisdiction.

8.3 Commercial Services

2 complaints were received regarding transport for a children. 1 was outside the LGO jurisdiction the other was a local settlement of £100.

8.4 Democratic Services

40 complaints were received about administration and appeals regarding the allocation of School places. The following decisions were made by the LGO:

- 8 Local settlements
- 27 No maladministration
- 4 Ombudsman Discretion
- 1 Outside LGO jurisdiction

Table 1 - Number of Complaints

	2010/11	2009/10	2008/09
Business Units			
Financial Strategy Group	4	2	8
Insurance	416	203	20
Law & Governance	0	0	8
Personnel (Employee Services & Schools Personnel Service)	29	27	10
Property Group	23	6	13
Business Solutions & Policy	5	2	0
Strategic Procurement	0	1	N/A
TOTAL	477	241	59

Table 2 – Number of Comments

Business Units	2010/11	2009/10
Financial Strategy Group	31	62
Insurance	0	0
Law & Governance	0	54
Personnel (Employee Services & Schools Personnel Service)	0	0
Property Group	0	0
Business Solutions & Policy	41	0
Strategic Procurement	0	0
TOTAL	72	116

Table 3 - Number of Compliments

Business Units	2010/11	2009/10
Financial Strategy Group	0	0
Insurance	11	30
Law & Governance	115	97
Personnel (Employee Services & Schools Personnel Service)	35	2
Property Group	4	4
Business Solutions & Policy	61	6
Strategic Procurement	2	0
TOTAL	228	237

BUSINESS STRATEGY & SUPPORT	477	This represents an overall increase of 98% on the previous year when 241 complaints were recorded. This increase can be partly accounted for by a large increase in complaints regarding the time it takes to deal with insurance claims for potholes and a small increase in Property Group Complaints.
CUSTOMER & COMMUNITIES	627	This represents a 36% decrease compared with the previous year when 1,044 complaints were recorded. There has been a reduction in the number of comment cards received by the Library service and action has been taken to promote comment cards. Community Learning & Skills has seen a small increase in complaints this year. This related to fee increases, courses not being provided and concessions. 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.
EDUCATION, LEARNING & SKILLS	88	This represents a drop of 49% compared with the previous year when 173 complaints were recorded. The higher figures in previous years appear to be mainly because a number of issues were handled as statutory appeals and complaints about schools were recorded as complaints. It appears most likely that the number of complaints about the Local Authority's education services remained stable in 2010/11. The largest number of concerns expressed via complaints and comments/enquiries were about resources and investment in schools and services. Most were related to the central Government decision to withdraw funding for Building Schools for the Future.
ENTERPRISE & ENVIRONMENT	2,248	This represents an overall increase of 35% from the previous year when 1,667 complaints were recorded. As our two frontline services, Kent Highway Services (KHS) and Environment & Waste (E&W) received the majority of the complaints with KHS receiving 1,959 complaints (83%) in 2010/11 and E&W receiving 313 complaints (13%). 1,066 of KHS complaints (54%) were received between April and September 2010 and several of these concerned potholes – either related to the number of potholes on Kent roads that had not been repaired followed the extraordinary weather conditions (which lasted from December 2009 to February 2010) or linked into the quality of the resurfacing works carried out. In some cases customers were unaware of the actions that had been taken to move this forward. Of the 646 complaints received in Q3, 269 (42%) were received in December 2010 during the severe weather and related to the winter service. The majority of these complaints were about the perceived lack of action around clearing ice and snow from pavements and side roads. The key issues highlighted through the Household Waste Recycling Centres (HWRCs) complaints received related to height barriers, walking waste onto the sites, disagreement with the twin axle policy, staff behaviour and site opening/closing times. Although the twin axle policy was introduced more than 18 months ago, it has still generated a number of complaints. Whilst some of these have been received from members of the public who are potentially

		trying to dispose of their domestic waste, there have also been a number of complaints from traders who have tried to dispose of their trade waste incorrectly.
FAMILIES & SOCIAL CARE Adult Social Services	527	<p>This represents an overall 21% increase from the previous year when 436 complaints were recorded. Of these, 459 were logged as statutory complaints and 68 as non-statutory complaints.</p> <p>Analysis of statutory complaints for 2010/11 shows the following increase against 2009/10 data:</p> <ul style="list-style-type: none"> 31% regarding Older People's services (290) 50% regarding Learning Disability (78) 66% regarding Physical Disability (55) <p>Some people complain about more than one issue covering more than one Business Unit. These issues are recorded separately and therefore the total of issues adds up to more than the total number of complaints. (Appendix 2, Table 1)</p> <p>Analysis of the statutory complaints indicates that 48% of the complaints received were attributed to poor communication and behaviour of staff. This is a consistent pattern each year. A separate piece of work has been commissioned by the Adult Social Care County Good Practice group which will detail the complaints made about behaviour of KCC staff and poor communication and make recommendations for improvement.</p>
FAMILIES & SOCIAL CARE Children's Social Services	406	<p>This represents an increase of 36% compared with the previous year when 298 complaints were recorded. 139 of these complaints received fell outside the statutory legislation and followed the corporate, two-stage complaints procedure introduced in 2009.</p> <p>Once again disputed decisions are the most common subject of complaints. The second largest number of complaints received about attitude and behaviour of staff. It is common for complainants to personalise their disagreement with decisions made or to focus their distress about the situation they find themselves in onto the worker with whom they have most contact. Many of the complaints are in connection with cases in care proceedings or child protection.</p> <p>A number of complaints were received from or about homeless young people and were critical about the application of the protocols put in place to comply with the Southwark Judgement in Kent. Some complaints on this subject have more recently been subject to investigation by the Local Government Ombudsman</p> <p>KCC has a contract with Action for Children to fulfil the statutory requirement for an Independent Person to be involved in Stage Two investigations. Action for Children continues to report that complaints have become more complex and time-consuming. As local staff work harder to address complaints at an early stage, those that do escalate tend to be complaints which are more complex and difficult to resolve.</p>

Table 5 - Comparison of complaints numbers for, 2008/09, 2009/10 and 2010/11

BUSINESS STRATEGY AND SUPPORT

Service	2008/09	2009/10	2010/11
Business Solutions & Policy	0	2	5
Finance	8	2	4
Insurance	20	203	416
Personnel (Employee Services & Schools Personnel Services)	10	27	29
Property	13	6	23
Strategic Procurement	N/A	1	0
TOTAL	51	241	477

FAMILIES & SOCIAL CARE - ADULT SOCIAL SERVICES

Service	2008/09	2009/10	2010/11
Support Services	97	130	23
Learning Disability:	94	111	104
Mental Health	6	4	26
Older People:	207	375	351
OT and Sensory Loss:	48	16	
Phys Disability:	22	54	44
Specialist Services:			
Adults	27	1	
Homecare	3		
Older People	18		
Social Economy/ Kent Supported Employment	2	1	
Telecare	1	2	
Telehealth		1	
Training and Development		1	
Voluntary Escorts	1	1	
Other			49
Total	526	697	597

(Some people complain about more than one issue, therefore the total adds up to more than the total number of complaints)

FAMILIES & SOCIAL CARE - CHILDREN SOCIAL SERVICES

Service	2008/09	2009/10	2010/11
Children & Families non-statutory	73	98	121
Children & Families statutory	193	200	406
TOTAL	266	298	527

CUSTOMER AND COMMUNITIES

Service	2008/09	2009/10	2010/11
Arts Development	2	3	0
CEMs	-	13	7
Community Learning & Skills *	31	118	151
Community Safety	9	8	2
Emergency Planning	0	0	0
KDAAT	10	11	4
Gateways	-	38	61
Communication & Media Centre	N/A	12	34
Kent Scientific Services	28	31	22
Key Training	29	0	-
Libraries & Archives	600	542	116
Registration (& Coroners)	8	11	17
Sport, Leisure & Olympics	4	-	5
SIP *	6	2	4
Supporting People	0	19	32
Trading Standards	9	22	11
Turner Contemporary	4	7	-
Youth Offending Service	3	2	8
Youth Service	56	87	43
Country Parks	-	109	102
Countryside Access	8	9	8
TOTAL	807	1,044	627

* New unit for Kent Adult Education and Key Training

** Transferred from Chief Executives Dept 2008/09

EDUCATION, LEARNING & SKILLS

Education	231	215	88
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ENVIRONMENT AND ECONOMY

Service	2008/09	2009/10	2010/11
Environment & Waste	223	262	210
Kent Highway Services	195	1,259	1,959
Strategy & Planning	3	2	-
Commercial Services	67	144	75
Regeneration & Economy	0	0	4
TOTAL	488	1,667	2,248

Table 6 Acknowledgement and Response Times against standards

	COMPLAINTS	COMPLIMENTS	COMMENTS	% answered within our standards	
				ACKNOWLEDGEMENT	RESPONSE
COMMUNITIES					
2008/09	807	1,719	520	96%	74% *
2009/10	1,044	2,270	1,692	87%	96%
2010/11	627	4,077	1,382	98%	96%
EDUCATION					
2008/09	231	0	180	Not available	
2009/10	173	15	146	Not available	
2010/11	88	5	178	78%	84%
ENTERPRISE AND ENVIRONMENT					
2008/09	488	554	-	96%	97%
2009/10	1,667	605	-	95%	98%
2010/11	2,248	551	16	98%	91%
FAMILIES & SOCIAL CARE - CHILDRENS SOCIAL SERVICES					
2008/09	266	71	98	Not available	
2009/10	298	66	126	Not available	
2010/11	406	54	166	94%	79%
FAMILIES & SOCIAL CARE - ADULT SOCIAL SERVICES					
2008/09	359	463	198	91%	85%
2009/10	436	502	213	89%	90%
2010/11	527	598	266	88%	73%
BUSINESS STRATEGY & SUPPORT					
2008/09	51	139	67	96%	100%
2009/10	241	237	116	98%	96%
2010/11	477	228	72	78% **	83% **

* The low compliance level found in Libraries has been investigated by senior managers and was traced to inconsistencies in how the complaints are recorded and reported by some front line members of staff. ** time taken to deal with Insurance claims

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
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County 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