

By: Amanda Beer – Corporate Director for Engagement Organisation Design and Development

To: Governance and Audit Committee

Date: 6th October 2016

Subject: KCC Annual Customer Feedback Report 2015/16

Classification: Unrestricted

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

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

1. Introduction

- 1.1 This is the Council's seventh annual report on compliments, comments and complaints. This report is presented in a new format as requested by the Governance and Audit committee following the previous report presented in October 2015.
- 1.2 The new format of the report will present an overview of the customer feedback received by each of the Directorates but will focus on complaints investigated by the Local Government Ombudsman with some examples of the outcomes.
- 1.3 Customer feedback only relates to those comments, compliments and complaints received from members of the public and our customers. It does not include internal feedback.
- 1.4 A draft of this report has been discussed at all Directorate Management Teams and with the Corporate Management Team; this version incorporates the comments made at those discussions.

2. Progress in refining practices within KCC

- 2.1 Following the decision to tender for a corporate system to log and track all customer feedback in September 2015, the Customer Experience and Assurance Manager has revisited key contacts from within each Directorate to validate the specification and enable staff to input into a specification.

- 2.2 A Customer Feedback Forum has been set up and meets bi-monthly to discuss best practice and share learning from complaints. This forum has representation from those key services across each of the directorates that receive the most customer feedback annually.
- 2.3 Bespoke training has also been piloted. The training was designed and delivered to services within the Growth, Environment and Transport Directorate. It has helped staff to explore how to respond to Customer Feedback and carry out an investigation into complaints received from the public. This has been successful, with services taking part in the training seeing a reduction in complaints volumes and escalations.

3. Overview of Customer Feedback Received

- 3.1 A compliment is an expression of thanks or congratulations or any other positive remark. (Internal compliments are excluded from this process).
- 3.2 A comment is a general statement about policies, practices or a service as a whole, which 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.
- 3.3 A complaint is an expression of dissatisfaction, whether justified or not and however made, about the standard or the delivery of a service, the actions or lack of action by the Council or its staff which affects an individual service user or group of users. This is consistent with the definitions used by other local authorities.
- 3.4 The following table gives an overview of the feedback received by KCC as a whole compared with the previous year.

Year	Complaints	Comments	Compliments	Local Government Ombudsman complaints
2014/2015	2,944	1,561	2,345	205
2015/2016	3,070	1,490	2,079	185
Difference in volume	+126	-71	-266	-20
% increase/ Decrease	4%	-5%	-11%	-10%

Appendix A offers a breakdown of customer feedback received by Directorate and service.

4. Compliance with standards

- 4.1 KCC is committed to acknowledge any complaints received within 3 working days and to provide the customer with a response within 20 working days. As a whole KCC **acknowledged 95%** and **responded to 84%** of complaints within corporate timescales. This compares to last year's responses which were reported to be 91% and 86% respectively.

5. Customer communications channels

- 5.1 Information on 'How to complain' is available on our website and on our Complaints, Comments and Compliments leaflets. The public can provide feedback to the Council through a number of different ways including phone, email and through Social Media.
- 5.2 The breakdown below indicates by percentage which channel customers have chosen to communicate feedback (Compliments, comments & complaints) during 2015/16.

	Phone	Letter	Email	Comment/ Face to Face	Online	Other
Complaint	35%	15%	38%	3%	9%	Negligible
Compliment	12%	18%	50%	2%	5%	3%
Comment	10%	20%	54%	13%	2%	2%

- 5.3 The above table shows that email is currently the preferred method of communication for our customers wishing to give us feedback across the board, however when making a complaint customers also show preference for telephone. This may be due the immediacy of being able to speak to someone directly and receive reassurance it will be looked into.

6. Compensation across all complaints received by KCC

- 6.1 In 2015/16, £104,998 was paid in compensation, settlements, changes to the amount we charge and waived charges as a result of complaints to the organisation this includes;
- £82,712 has been paid or waived as part of local resolution in adult services
 - £8,900 has been paid or waived as part of local resolution in children's services
 - £1,347 has been paid out by other services including Libraries, Registrations and Archives, Insurance and Property & Infrastructure.
 - £12,039 additional payments following Local Government Ombudsman Decisions found against KCC.

- 6.2 It is important to note that monies paid out during the 2015/16 financial year may relate to complaints recorded in previous years. This is due to the time that elapses between the date the complaint was lodged and achieving resolution.
- 6.3 This is a decrease of £14,505 from 2014/15 when £119,503 was paid out in settlements or through waived charges.

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

Complaints recorded in 2015/16

- 7.1 During 2015/16 the Monitoring Officer has responded to 10 complaints of alleged misconduct of the breach of the Elected Member Code of Conduct. All of the complaints were dismissed.

Number of Complaints			Outcome
2013/14	2014/15	2015/16	
13	22	10	No Action. Dismissed by the Monitoring Officer

8. The Local Government Ombudsman complaints review 2015/16

Overview of Ombudsman

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

- 8.4 Decision statements made in 2015/16 will have been published on the Local Government Ombudsman website three months after the date of the final decision. The information published will not name the complainant or any individual involved with the complaint. Cases in which the complainant, despite redaction of names, can be easily identified are not published.

9. KCC Performance – Ombudsman complaints

- 9.1 It should be noted that there will be discrepancies between the volume recorded by the Local Government Ombudsman and the authority. This is due to the Local Government Ombudsman recording complaints that it does not progress to Kent County Council, as it is able to resolve the issue at first point of contact, either through referral to the Council or it is identified as out of jurisdiction.
- 9.2 During 2015/16 KCC received a total of **185** complaints and enquiries, which includes **74** in which the customer was directed back to the Council to seek initial resolution. This is a decrease of 10% on 2014/15, when the Council received 205 complaints and enquiries, including 75 in which the customer was directed back to the Council to seek initial resolution.
- 9.3 The level of complaints received by KCC for the size of population, volume of services and interaction is low but each complaint is an opportunity to learn from our customers and improve our systems. We need to focus on those complaints that are upheld to ensure that lessons are learned.
- 9.4 The authority did not receive any Maladministration Reports in this year, which is seen as a positive for the authority.
- 9.5 The Ombudsman's report noted that the national average that the Ombudsman upheld is **51%** of complaints they investigated, this is up nationally from 46% last year. Kent County Council's average is **55%**, this is an increase on 48.5% in 2014/15.

10. Local authority report – Kent County Council

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

Complaints and enquiries received

Year	Adult care services	Benefits and tax	Corporate and other services	Education and children's services	Environmental services	Highways and transport	Housing	Planning and development	Total
2013/14	47	1	6	102	10	23	1	4	194
2014/15	60	0	8	96	14	25	1	1	205
2015/16	62	0	5	98	7	10	2	0	185

Decisions made

Local authority	<u>Detailed Investigation Carried out</u>		Advice given	Closed after initial Enquiries	incomplete/Invalid	Referred back for local resolution	Total
	Upheld	Not upheld					
2013/14	36	41	1	57	12	44	191
2014/15	32	34	3	55	6	75	205
2015/16	34	28	1	44	3	74	185

11. Ombudsman Complaints – Themes and Outcomes

11.1 The following section examines some cases that were investigated by the Ombudsman. The Complaint and their Decisions are taken from the Local Government Ombudsman's website where all decisions (in which the complainant cannot be identified) are published.

11.2 Education and Young People Services

	Kent Test/Grammar School appeal	School Admissions appeal	Home to School Transport	Special Educational Needs	Total
Upheld	1	1	1	3	6
Not upheld	1	7	2	2	12
Closed: out of jurisdiction/no further action or withdrawn	3	6	3	3	15

11.3 Not upheld example – Home to School Transport

Complaint

The complainant, whom I will refer to as Mr X, complains the Council did not give his son (Y) a place at his preferred school (school J).

He says the Council gave no proper information to explain how a parent should provide evidence to support an application made on special grounds. He says because of this the Council did not give his application for Y a high enough priority.

He says the appeal panel did not consider this independently or fairly.

He says the Council still has not considered the evidence he has now given and so Y is lower on the school's waiting list than he should be.

Decision & Outcome

I have seen no evidence of fault by the Council when it did not give Mrs X's application category 4 in January 2015.

I have seen no fault in the way the panel considered the appeal. It decided the Council had properly applied the admission arrangements. It decided the Council's decision not to offer a place to Y was not one no reasonable authority could have made. It reached a decision properly and the Ombudsman has no right to question its decision.

The Council has now considered the evidence provided by a Mr X for category 4 and decided not to award it. Again this is a decision for the Council and the Ombudsman has no right to question it.

11.4 Upheld example – Special Educational Needs

Complaint

The complainant, whom I shall refer to as Mrs X, complains:

- The school previously attended by her son, whom I shall refer to as Y, failed to provide education in-line with his statement of special educational needs;
- The Council failed to appropriately respond to concerns about the provision at her son's school; and
- The Council failed to provide full-time education for her son following his exclusion from school.

Decision & Outcome

The Council acted without fault when it responded to concerns about the special educational provision at the school of the complainant's son. However the Council

did not make an offer of full time education after the child's exclusion. The Council agrees to pay £400 in recognition of missed education.

11.5 Growth, Environment and Transport

	Household Waste Recycling Centres	Highways & Transport	Planning	Total
Upheld	0	1	0	1
Not upheld	1	2	1	4
Closed: out of jurisdiction/no further action	3	7	0	10

11.6 Not Upheld example – Household Waste Recycling Centre

Complaint

The complainant, whom I shall refer to as Mr C, complains the Council rejected his application for vehicle vouchers to use its household waste and recycling sites. Mr C says due to the Council's fault he cannot dispose of some old furniture, a fridge and other electrical items currently in his garden.

Decision & Outcome

The Council's decision is in accordance with its policy and I have seen no evidence of fault in its consideration of Mr C's application. I have completed my investigation and do not uphold Mr C's complaint as I have found no evidence of fault by the Council.

Note: All of the complaints relating to the Household Waste Recycling Centre related to the policy which restricts vehicular access to the sites by height or commercial vehicles.

11.7 Upheld example – Highways & Transportation

Complaint

Mr B complained that Kent County Council (the Council) removed bollards from outside his property without justification and due to pressure from other residents. Mr B says the Council installed the bollards to assist with access to his property as he is disabled.

Decision & Outcome

The Council has agreed, within two months, to carry out a complete review of the parking and access problems outside Mr B's property, taking into account his needs as a disabled person along with the needs of the other residents in the street. The

Council should keep adequate records of the review, including the information obtained and considered and the reasons for its final decision.

The Council has also agreed to pay Mr B £150 for his time and trouble in pursuing the complaint.

11.8 Strategic and Corporate Services

	Property	Staff	Total
Upheld	0	0	0
Not upheld	0	0	0
Closed: out of jurisdiction/no further action	1	1	2

Strategic Services received notice of two complaints both of which were closed due to being out of jurisdiction.

11.9 Social Care, Health & Wellbeing

	Adults	Childrens	Total
Upheld	18	9	27
Not upheld	8	4	12
Closed: out of jurisdiction/no further action or withdrawn	6	4	10

11.10 Adult Social Services complaints

Complaint theme	Volume
Provision of care/Assessments	17
Financial	9
Equipment	3
Safeguarding	1
Premature Complaints	2

11.11 Not Upheld example – Adult Social Care

Complaint

An advice agency complains on behalf of Miss X about the payment of residential care fees for her late mother Mrs X. In particular Miss X says the Council should pay for a period of four weeks' care for her late mother when its first assessment deemed her ineligible for assistance.

Decisions

There is no evidence of fault in the way the Council undertook its first assessment of Mrs A's eligible needs. There is no reason why the Council should reimburse the

fees for that period of residential care which the family arranged privately. The Council saw evidence from the care home records that Mrs A had deteriorated before her reassessment and funded her care accordingly. I do not uphold the complaint.

11.12 Upheld example – Adult Social Care

Complaint

The complainants, who I will call Mr & Mrs D, complain on behalf of their mother, Mrs E. Mr & Mrs D say the Council failed to give adequate support following Mrs E's fall at home, meaning Mrs E incurred the cost of extra care to keep her safe.

Decisions

The Council failed to support Mrs E following a fall at home resulting in her paying for extra care support. The Council will refund Mrs E, and will provide guidance to its staff to improve future practice.

11.13 Children Social Service Complaints

Complaint theme	Volume
Safeguarding	5
Provision of care	6
Procedure & records management	3
Financial	2
Premature Complaint	1

11.14 Not Upheld example – Children Social Care

Complaint

The complainant, whom I shall refer to as Mrs B, complains about the care and treatment of her son, whom I shall refer to as J, by the East Kent Hospital Trust (the Hospital) in December 2012.

In particular, Mrs B complains about the Hospital's decision to make a child protection referral to Kent County Council (the Council) regarding J. Mrs B says the Hospital failed to explain why it made the referral.

She also complains that the Hospital carried out skeletal and eye examinations on J without administering sedatives. She says the examinations distressed J and caused bruising, which may have affected the Council's child protection investigations.

Mrs B says the Council subsequently carried out a prolonged and unnecessary child protection investigation into her children. She says the child protection investigations

were unnecessary as the Hospital's examinations found no evidence of non-accidental injury to J.

Mrs B says the Council failed to tell her the outcome of the child protection investigation, and failed to send her letters or documents following the meetings she attended. Mrs B said the documents she has received contain factual inaccuracies.

Decision

I have decided not to uphold these complaints. This is because I have found no fault in the Hospital's decision to make the child protection referral to the Council, or in how it undertook the examinations for shaken baby syndrome.

I have also found no fault in how the Council investigated the child protection concerns, or in its decision to offer services to the family under section 17 of the Children Act 1989.

Because I have found no fault, I cannot question the merits of the Hospital's or Council's decisions, or comment on the injustice Mrs B and her family say they have suffered as a result of the child protection investigation.

11.15 Upheld example – Children Social Care

Complaint

Miss B complains that the Council failed to support her when she was homeless with a young baby.

Decision and Outcome

The Council was wrong to place Miss B in Bed and Breakfast accommodation because this is unsuitable for a young person. The Council did not explain to Miss B's representative how he could make a complaint to it. However, the Council did advise Miss B of her rights as a young homeless person.

The Council has agreed to my recommendation that it:

1. Apologise to Miss B for placing her in B&B when this is not suitable
2. Review its service so it takes into account government guidance that it should not place young people in B&B.
3. Review how it helps young people decide whether to accept housing help from it or from the housing authority, so that it ensures that it offers an advocate.
4. Remind staff that a complaint may be made on behalf of a young person with his or her authority.

11.16 Detailed reports examining Social Care customer feedback are presented to both the Adults and Children Social Care and Health Committees.

12. LESSONS LEARNED

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

13. RECOMMENDATIONS

13.1 The Governance and Audit Committee is asked to note the contents of this report for assurance.

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Appendix A – Directorate overview of Customer Feedback Received

Education and Young People's Services

All Feedback Reported

	Complaints	Comments	Compliments	Local Government Ombudsman enquiries & complaints
2015/16	171	199	54	32
2014/15	147	15	75	33

The below table compares the number of complaints received in 2015/16 with those received in 2015/15 and 2013/14 by service.

Service	2013/2014	2014/2015	2015/2016
Community Learning & Skills (was Adult Education)	103	76	70
Education Services	24	67	101
Grads Kent	1	4	0
Total Complaints	128	147	171

Growth, Environment and Transport

All Feedback Reported

	Complaints	Comments	Compliments	Resolved Local Government Ombudsman enquiries & complaints
2015/16	1450	485	1112	15
2014/15	1603	600	1266	22

The below table compares the number of complaints received in 2015/16 with those received in 2015/15 and 2013/14 by service.

Service	2013/2014	2014/2015	2015/2016
Community Safety	30	9	6
Country parks	23	49	49
Libraries, Registrations and Archives	205	199	203^
Highways and Transportation and Waste Management	1280	1314	875
Environment (eg Heritage, Environment & Coast, Kent AONB, Planning) *			292
Public Right of Way	7	1	5
Kent Scientific Services	14	8	13
Kent Sport	6	3	1
Trading Standards	5	20	6
Total Complaints	1570	1603	1450

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

Social Care, Health and Wellbeing

All Feedback Reported

	Complaints	Comments	Compliments	Resolved Local Government Ombudsman enquiries & complaints
2015/16	924	702	606	48
2014/15	776	849	835	49

The below table compares the number of complaints received in 2015/16 with those received in 2015/15 and 2013/14 by service.

Service	2013/2014	2014/2015	2015/2016
Adult Social Services	387	537	662
KSAS	30	9	11
Specialist Children's Services	327	228	245
Public Health & Kent Drugs and Alcohol Team & Supporting People	5	2	6
Total Complaints	749	776	924

Strategic and Corporate Services

All Feedback Recorded

	Complaints	Comments	Compliments	Resolved Local Government Ombudsman enquiries & complaints
2015/16	525	100	300	2
2014/15	418	97	169	4

The below table compares the number of complaints received in 2015/16 with those received in 2015/15 and 2013/14 by service.

Service	2013/2014	2014/2015	2015/2016
Business Service Centre *			17
Communications and Engagement	3	3	0
Finance and Procurement	54	373	60
FOI ***			21
Gateways and Contact Point	54	9	49
Insurance *			295
Total Facilities Management			40
Legal	5	0	0
Property and Infrastructure **	11	13	35
Schools Personnel Service	13	20	8
Total Complaints	140	418	525

(* Data not previously collected) (** Property and ICT figures combined to reflect new service heading) (***) Figures only captured for Q4)