

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

To: Governance and Audit Committee

Date: 8th November 2017

Subject: KCC Annual Customer Feedback Report 2016/17

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.

FOR ASSURANCE

1. Introduction

- 1.1 This is the Council's seventh annual report on compliments, comments and complaints.
- 1.2 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.

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 2016, a system has now been procured and is currently being implemented across the whole of the organisation. The system will help to bring consistency in the way feedback is handled and responded to.
- 2.2 As part of the system implementation, training will be updated and rolled out to all staff, with some specific investigator training for those who handle complaints regularly as part of their role.
- 2.3 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.
- 2.4 The KCC Customer Feedback Policy has been updated; a copy of the policy and the Equalities Impact Assessment is attached in Appendix C and D.

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. The increase in volumes across the board compared to the last year can be attributed in part to more rigorous reporting and the inclusion of new services that previously did not submit returns.

Table 1 – Feedback received by KCC compared with previous year

Year	Complaints	Comments	Compliments	Local Government Ombudsman complaints
2015/2016	3,070	1,490	2,079	185
2016/2017	3,424	1,569	2,714	190
Difference in volume	+354	+79	+635	5
% increase/ Decrease	+11%	+5%	+31%	Negligible

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 92%** and **responded to 86%** of complaints within corporate timescales. This compares to last year's responses which were reported to be 95% and 84% 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 (table 2) & 2016/17 (table 3).

Table 2: Channels used in 2015/16

	Phone	Letter	Email	Comment card/ Face to Face	Online	Other
Complaint	35%	15%	38%	3%	9%	Negligible
Compliment	13%	17%	50%	12%	5%	3%
Comment	10%	20%	54%	13%	2%	2%

Table 3: Channels used in 2016/17

	Phone	Letter	Email	Comment card/ Face to Face	Online	Other
Complaint	39%	12%	34%	2%	13%	Negligible
Compliment	10%	15%	47%	21%	4%	3%
Comment	6%	16%	57%	17%	4%	Negligible

- 5.3 The above tables show that email continues to be 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 2016/17, £184,178 was paid in compensation, settlements, changes to the amount we charge and waived charges as a result of complaints to the organisation this includes;
- £116,064 has been paid or waived as part of local resolution in adult and children's services

- £33,394 has been paid out by Strategic and Corporate services including Legal Services, Insurance and Property & Infrastructure.
- £414 has been paid out for Libraries, Registrations and Archives
- £6,477 has been paid out for Education and Young People Services including Community Learning and Skills
- £27,829 additional payments following Local Government Ombudsman Decisions found against KCC.

6.2 It is important to note that monies paid out during the 2016/17 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 an increase of £79,180 from 2015/16 when £104,998 was paid out in settlements or through waived charges.

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

Complaints recorded in 2016/17

7.1 During 2016/17 the Monitoring Officer has responded to 4 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	2016/17	
13	22	10	3	No Action. Dismissed by the Monitoring Officer
0	0	0	1	Action taken by party

8. The Local Government Ombudsman complaints review 2016/17

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 he 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 2016/17 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 **2016/17** KCC received a total of **190** complaints and enquiries, which includes **62** in which the customer was directed back to the Council to seek initial resolution. This is an increase of 5 complaints on 2015/16 figures, when the Council received 185 complaints and enquiries, including 74 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 received a Maladministration Report this year. The details of the report are examined in section 11 of this paper.
- 9.5 The Ombudsman's report noted that the national average that the Ombudsman upheld is 54% of complaints they investigated, this is up nationally from 51% last year. Kent County Council's average is **63%**; this is an increase on 55% in 2015/16.
- 9.6 The increase nationally could be a result of the Ombudsman selecting cases to investigate that it believes will result in an upheld decision. We are seeing an increase in volumes of cases that are classified - Closed: out of jurisdiction/no further action or withdrawn.

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

The following table examines the number of complaints received by the Ombudsman over the last three years against the LGO's service categories.

	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
2014/15	60	0	8	96	14	25	1	1	205
2015/16	62	0	5	98	7	10	2	0	185
2016/17	62	0	4	89	12	14	1	1	184*

* This figure excludes 6 complaints received by the LGO that have not been classified against a service.

Decisions made

The following table examines the number of complaints received by the Ombudsman over the last three years and decision category given by the LGO.

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					
2014/15	32	34	3	55	6	75	205
2015/16	34	28	1	44	3	74	185
2016/17	42	25	2	46	13	62	190

11. Maladministration Report

11.1 The council received a Maladministration report in 2015/16. The below examines the summary details of the complaint and the actions the Council took to remedy the injustice caused.

Summary

Complaint from a woman that the council refused to consider her need to work when assessing her son's care needs. She complains the council failed to consider awarding direct payments to provide for care of her son while she is at work. The woman also complains the council delayed responding to her complaint.

The complaint

The woman complains that the council:

- refused to consider her need to work when assessing her son's care needs;
- fettered its discretion when considering what direct payments can be used for;
- discriminated against a working carer;
- failed to understand the impact of her caring relationship with her other child;
- failed to consider Government legislation and guidance; and
- delayed considering her complaint.

Finding

The Ombudsman found fault causing injustice.

Recommendations

To remedy the injustice caused, the council should:

- pay the woman £1,000 to reflect the time and trouble she had to go to pursuing her complaint, the added stress she was under during the period and the uncertainty about whether the council would have provided additional support if it had considered her case properly;
- revise its direct payments policy;
- review the sufficiency of childcare and range of short breaks available for older disabled children; and
- provide training for officers and managers carrying out social care assessments and dealing with direct payments.

11.2 The council agreed to carry out these recommendations.

11.3 The Ombudsman has confirmed that it is satisfied with the Council's response to its report. The full report can be accessed on the Ombudsman's website

12. Ombudsman Complaints – Themes and Outcomes

12.1 The following section examines some cases that were investigated by the Ombudsman. The complaint and the subsequent decisions are taken from the Local Government Ombudsman’s website where all decisions (in which the complainant cannot be identified) are published.

12.2 Education and Young People Services

	Kent Test/Grammar School appeal	School Admissions appeal	Home to School Transport/Free School Meals	Special Educational Needs	Total
Upheld	0	1	2	9	12
Not upheld	1	2	1	3	7
Closed: out of jurisdiction/no further action or withdrawn	1	11	1	0	13
Premature	0	0	1	0	1

12.3 Not upheld example – Special Educational Needs (15 019 779)

Complaint

The complainant, whom I shall call Mrs X, complains that the Council failed to support her son, Y at school between September 2014 and December 2015. She also says the Council failed to make alternative educational provision after Y was excluded from school in December 2015.

Decision & Outcome

The Council acted without fault by meeting its duties under the SEN Code 2001 and in seeking to arrange home tuition for Mrs X’s son, Y while finding a new school place after he was permanently excluded.

12.4 Upheld example – School Transport (15 017 301)

Complaint

The complainants, who I shall refer to as Mr and Mrs X, complain that Kent County Council’s Transport Appeal Committee failed to consider their evidence properly.

Decision

The Council's Transport Appeal Committee failed to consider properly the information the complainants provided about their difficulties in getting their son to and from his special school on the bus provided by the Council.

Outcome

The Council has now agreed to pay for the complainants' mileage costs. The Ombudsman is satisfied this resolves the complaint.

12.5 Growth, Environment and Transport

	Household Waste Recycling Centres	Highways & Transport	Planning	Total
Upheld	0	2	0	2
Not upheld	1	0	0	1
Closed: out of jurisdiction/no further action	4	9	1	14
Premature	0	3	0	3

12.6 Not Upheld example – Refuse and recycling (16 002 537)

Complaint

Mr A complains Kent County Council (the Council) refused to let him use his car at a recycling centre

Decision & Outcome

There is no injustice to Mr A as he has a second car which he could use to access a recycling centre. So I have stopped investigating his complaint.

12.7 Upheld example – Highways repair and maintenance (14 019 349)

Complaint

Mr H, complained that the Council has failed to carry out effective highway drainage repairs and improvements to the highway outside his home. Consequently, during periods of prolonged heavy rain, his garden and home are flooded. In addition Mr H complained about the Council's failure to respond to his complaints about the matter.

Decision

The Council was not at fault in failing to carry out drainage repairs and to clear ditches near to Mr H's home. But, it did cause him a degree of injustice through fault

in failing to respond properly to his complaints, and thus in not explaining matters properly

Outcome

The landowner, and not the Council, is responsible for keeping the roadside ditch clear on the opposite side of the road. The landowner agreed to do this at the Council's request. When officers realised the landowner had not done so, they arranged for works to remedy matters. I do not consider that the Council was at fault in relation to this issue. Moreover it agreed that in future it would monitor the ditches, consider whether there was a case for using its land drainage powers, and pursue matters with the landlord if necessary.

The Council has agreed that it did not communicate well with Mr H. I consider that this lack of communication amounted to fault. In my view the Highway Authority should have treated Mr H's letter in late February 2014 as a complaint. If it had done so, officers would have responded to Mr H through the Council's complaints procedure. I consider it likely that the Council would then have made available to Mr H much of the information about its priorities and responsibilities it has now provided. This would have saved him time and trouble in pursuing matters.

Mr H has told me he does not want an apology from the Council in relation to its poor responses to him. So, I am not asking officers to make one. I have not asked the Council to take any other measures.

12.8 Strategic and Corporate Services

	Financial	HR	FOI	Total
Upheld	0	0	0	0
Not upheld	1	0	0	1
Closed: out of jurisdiction/no further action	0	1	1	2
Premature	0	0	0	0

Strategic Services received notice of three complaints, none were upheld.

12.9 Social Care, Health & Wellbeing

	Adults	Childrens	Total
Upheld	18	10	28
Not upheld	9	7	16
Closed: out of jurisdiction/no further action or withdrawn	11	10	21
Premature	9	10	19

12.10 Adult Social Services complaints

Complaint theme	Volume
Provision of care	31
Financial	9
Provision of care /Financial	3
Safeguarding	2
Complaint handling	1
Council conduct	1

12.11 Not Upheld example – Residential Care (16 005 584)

Complaint

Ms A complains about the Council's actions in placing her in a care home where the majority of residents have dementia and its delay in moving her into an alternative home. As a result Ms A receives no mental stimulation and her current room is too small to easily accommodate her wheelchair.

Decisions

There is no evidence of fault by the Council and as it is currently looking into alternative accommodation for Ms A the Ombudsman will not pursue the complaint any further.

12.12 Upheld example – Domiciliary Care (15 018 466)

Complaint

Mr B complains about the Council's support. He says the Council are not meeting his needs and do not understand his Autism and learning difficulties. He also feels the Council is not fulfilling its role in safeguarding him as he is a vulnerable person and he is often attacked when he leaves his house.

Decisions

The Council has started the correct safeguarding process and has assessed his needs and provided a care package. However there is limited fault as the Council has not pursued Mr B's assessment for an Autistic Spectrum Condition and learning difficulties sufficiently. Therefore it is not entirely clear what Mr B's needs are.

Outcome

The Council agreed to:

- Hold a safeguarding strategy meeting or conference within 2 months of the date of the final decision and invite the necessary agencies which are involved in the diagnosis of Mr B.
- Re-assess Mr B and review his care plan once a diagnosis has been given.

12.13 Children Social Service Complaints

Complaint theme	Volume
Council conduct	12
Provision of care	6
Inaccurate records	5
Safeguarding	5
Complaint handling	3
Service failure	3
Provision of care/financial	2
Financial	1

12.14 Not Upheld example – Carer (16 004 991)

Complaint

The complainant, whom I shall refer to as Mrs F, complains on her own behalf and on behalf of her daughter, whom I shall refer to as Miss G. Miss G has a diagnosis of autism.

Mrs F complains:

- The Council failed to consider her needs as a carer or carry out a carer's assessment when her daughter's behaviour became problematic in or about February 2015 and in particular when she stopped attending school in or about June 2015.
- When the Council decided Miss G did not meet its criteria for short breaks for disabled children, it failed to consider the needs of the whole family, or Mrs F's needs as a carer, given she now had three disabled children to care for.
- The Council delayed in putting social care support in place for Miss G when her behaviour deteriorated from in or about February 2015 onwards. By the time provision was in place, it was too late to prevent Miss G's school placement breaking down or her isolation from peers.

Decision

Mrs F complains that the Council had failed to assess her needs as a carer or provide care services to her disabled daughter. There is no evidence of fault by the Council that has caused a significant injustice to Mrs F or Miss G.

12.15 Upheld example – Complaint Handling (15 009 119)

Complaint

Mrs X's complaint follows a stage two investigation by the Council into the accuracy of a children's services assessment it conducted of her family in 2015. Mrs X complains the Council has:

- Taken too long to complete the stage two investigation
- Failed to act on its findings

Decision & Outcome

The Council took too long to start a stage 2 investigation into Mrs X's complaint and is at fault. The Council has accepted the stage 2 findings and offered to apologise to Mrs X and to pay her £350. This is an appropriate remedy.

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

13. LESSONS LEARNED

13.1 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.

14. RECOMMENDATIONS

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

15. RECOMMENDATIONS

Appendix A – Directorate overview of Customer Feedback Received
Appendix B - Local Government Ombudsman Annual Letter
Appendix C – Revised Customer Feedback Policy
Appendix D - Equalities Impact Assessment

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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*
2016/17	260	326	474	32
2015/16	171	199	54	32
2014/15	147	15	75	33

*Excluding premature

The below table compares the number of complaints received in 2016/17 with those received in 2015/16 and 2013/14 by service.

Service	2013/2014	2014/2015	2015/2016	2015/2016
Community Learning & Skills (was Adult Education)	103	76	70	86
Education Services	24	67	101	167
Grads Kent	1	4	0	7
Total Complaints	128	147	171	260

Growth, Environment and Transport

All Feedback Reported

	Complaints	Comments	Compliments	Resolved Local Government Ombudsman enquiries & complaints*
2016/17	1764	509	1326	17
2015/16	1450	485	1112	15
2014/15	1603	600	1266	22

*Excluding premature

The below table compares the number of complaints received in 2016/17 with those received in 2014/15 and 2013/14 by service.

Service	2013/2014	2014/2015	2015/2016	2016/2017
Community Safety	30	9	6	3
Country parks	23	49	49	8
Libraries, Registrations and Archives	205	199	203^	270
Highways and Transportation and Waste Management	1280	1314	875	1,437
Environment (eg Heritage, Environment & Coast, Kent AONB, Planning) *			292	33
Public Right of Way	7	1	5	7
Kent Scientific Services	14	8	13	3
Kent Sport	6	3	1	0
Trading Standards	5	20	6	3
Total Complaints	1570	1603	1450	1764

(* 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*
2016/17	919	640	542	65
2015/16	924	702	606	49
2014/15	776	849	835	48

*Excluding premature

The below table compares the number of complaints received in 2016/17 with those received in 2015/16 and 2013/14 by service.

Service	2013/2014	2014/2015	2015/2016	2016/2017
Adult Social Services	387	537	662	649
KSAS	30	9	11	*
Specialist Children's Services	327	228	245	269
Public Health & Kent Drugs and Alcohol Team & Supporting People	5	2	6	1
Total Complaints	749	776	924	919

*Now reported within Adult Social Services figures

Strategic and Corporate Services

All Feedback Recorded

	Complaints	Comments	Compliments	Resolved Local Government Ombudsman enquiries & complaints*
2016/17	481	74	362	3
2015/16	525	100	300	2
2014/15	418	97	169	4

*Excluding premature

The below table compares the number of complaints received in 2016/17 with those received in 2015/16 and 2013/14 by service.

Service	2013/2014	2014/2015	2015/2016	2016/17
Communications and Engagement	3	3	0	0
Finance and Procurement	54	373	60	71
FOI			21	134
Gateways and Contact Point	54	9	49	56
Insurance *			295	144
Infrastructure, Property, Total Facilities Management, Business Services Centre, Schools Personnel Service	24	33	100	75
Legal	5	0	0	1
Total Complaints	140	418	525	481