

**By:** Amanda Beer – Corporate Director - People and Communications  
**To:** Governance and Audit Committee  
**Date:** 8<sup>th</sup> October 2020  
**Subject:** KCC Annual Customer Feedback Report 2019/20  
**Classification:** Unrestricted

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

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

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## **1. Introduction**

- 1.1 This is the Council's tenth annual report on compliments, comments and complaints. This report reflects the changes requested by Governance and Audit Committee last year. This includes more qualitative information and how we have applied lessons learned from cases that have been upheld.
- 1.2 For the purposes of this report customer feedback only relates to those comments, compliments and complaints received from members of the public and our external customers. It does not include internal feedback between departments or contractors.

## **2. Progress in refining practices within KCC**

- 2.1 This year we are able to benchmark performance from the previous year using the customer feedback system, as it marks two full years of having all cases collated in one place. We have seen a rise in volumes of feedback as predicted, in part due to the methodical recording of cases, but also because customers are more aware of their right to raise issues with the Council for investigation.
- 2.2 We are seeing an increase in customers raising their concerns directly with us using our online form representing a good upwards trend in online participation.
- 2.3 This year training has been developed for staff in Children, Education and Young People's Directorate. The focus of the training is to equip staff with the tools to confidently respond to customers, this included covering basic customer service skills, example responses and tips for dealing with difficult customers. In addition, an E-learning has been developed and launched for Highways, Transportation and Waste Staff.

- 2.4 Customer Feedback processes were subject to an internal audit this year. The audit found that ‘Internal Control, Governance and management of risk are sound overall. The arrangements to secure governance, risk management and internal controls are largely suitably designed and applied effectively.’ And that there were ‘good’ prospects for improvement as; ‘There are strong building blocks in place for future improvement with clear leadership, direction of travel and capacity. External factors, where relevant, support achievement of objectives’.
- 2.5 The Customer Feedback Forum has been reinstated and meets quarterly to discuss best practice, performance and system developments.

### 3. Overview of Customer Feedback Received

- 3.1 A compliment is an expression of thanks or congratulations or any other positive remark. (Internal compliments are excluded from this process).
- 3.2 A comment is a general statement about policies, practices or a service as a whole, which has an impact on everyone and not just one individual. A comment can be positive or negative in nature. Comments may question policies and practices, make suggestions for new services or for improving existing services.
- 3.3 A complaint is an expression of dissatisfaction, whether justified or not and however made, about the standard or the delivery of a service, the actions or lack of action by the Council or its staff which affects an individual service user or group of users. This is consistent with the definitions used by other local authorities.
- 3.4 The following table gives an overview of the feedback received by KCC as a whole compared with the previous year. The increase in volumes compared to the last year can largely be attributed in part to more rigorous reporting and customers more aware of their right to complain.
- 3.5 There is still more we can be doing to record compliments however services admit that these do not take precedent and often go unrecorded. We will work over the next year to find ways to make it easier to record.

**Table 1** – Feedback received by KCC compared with previous year

Year	Complaints (Stage one)	Comments	Compliments	Local Government and Social Care Ombudsman complaints
2019/2020	5,867	480	1,324	218
2018/2019	4,451	542	1,416	179
Difference in volume	1,416	-62	-92	33
% increase/decrease	32% Increase	11% decrease	6% decrease	22% increase

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

### 3.6 Cases received at stages 1 (local resolution)

**Table 2 - Cases received at stages 1 (local resolution)**

Stage 1	Adults Social Care and Health*	Children Young People and Education	Growth Environment and Transport	Strategic and Corporate Services	Total
<b>2019/2020</b>	<b>1,092</b>	<b>1,044</b>	<b>3,611</b>	<b>119</b>	<b>5,867</b>
2018/2019	777	862	2,658	154	4,451
Difference in volume	315	183	953	-35	1,416
% increase/decrease	41% increase	21% increase	36% increase	23% decrease	32% increase

3.7 We have seen an increase across the majority of the Directorates, this year there has been a number of policy changes.

3.8 Adult Social Care and Health received an increase in complaints regarding delays in processing Blue Badge applications. Changes in the eligibility criteria to take into account hidden disabilities, generated a rise in applications requiring additional assessment.

3.9 Growth Environment and Transport had an increase in complaints across the Directorate. Additional complaints have been received relating to the Highways Travel Saver Pass, although there has been no single contributing factor.

3.10 Overall we have seen a 32% increase in the number of complaints received at stage one.

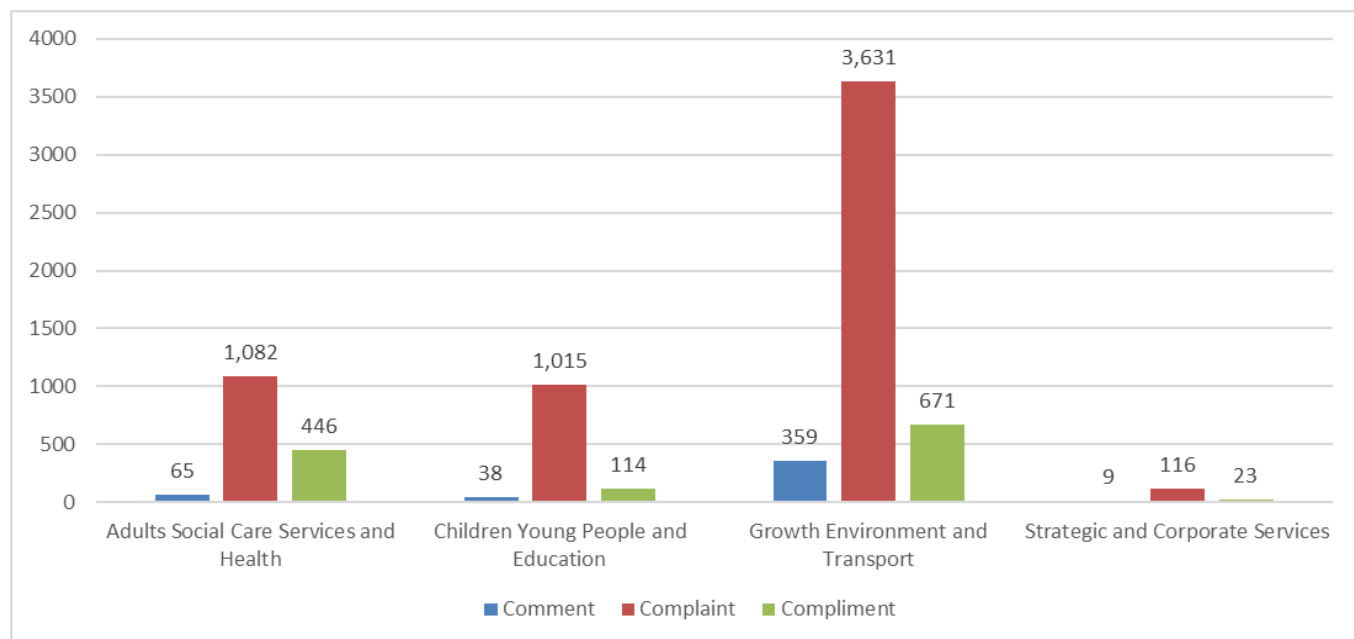
**Table 3 – Feedback received at Stage 2 compared with the previous year**

Stage 2	Adults Social Care and Health*	Children Young People and Education	Growth Environment and Transport	Strategic and Corporate Services	Total
<b>2019/2020</b>	<b>2</b>	<b>158</b>	<b>86</b>	<b>9</b>	<b>255</b>
2018/2019		107	65	7	166
Difference in volume	2	51	21	2	89
% increase/decrease		48% increase	32% increase	29% increase	32% increase

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

3.11 We are seeing a like for like increase in the volume of those complaints received at stage one and two, with both seeing a 32% increase on the previous year.

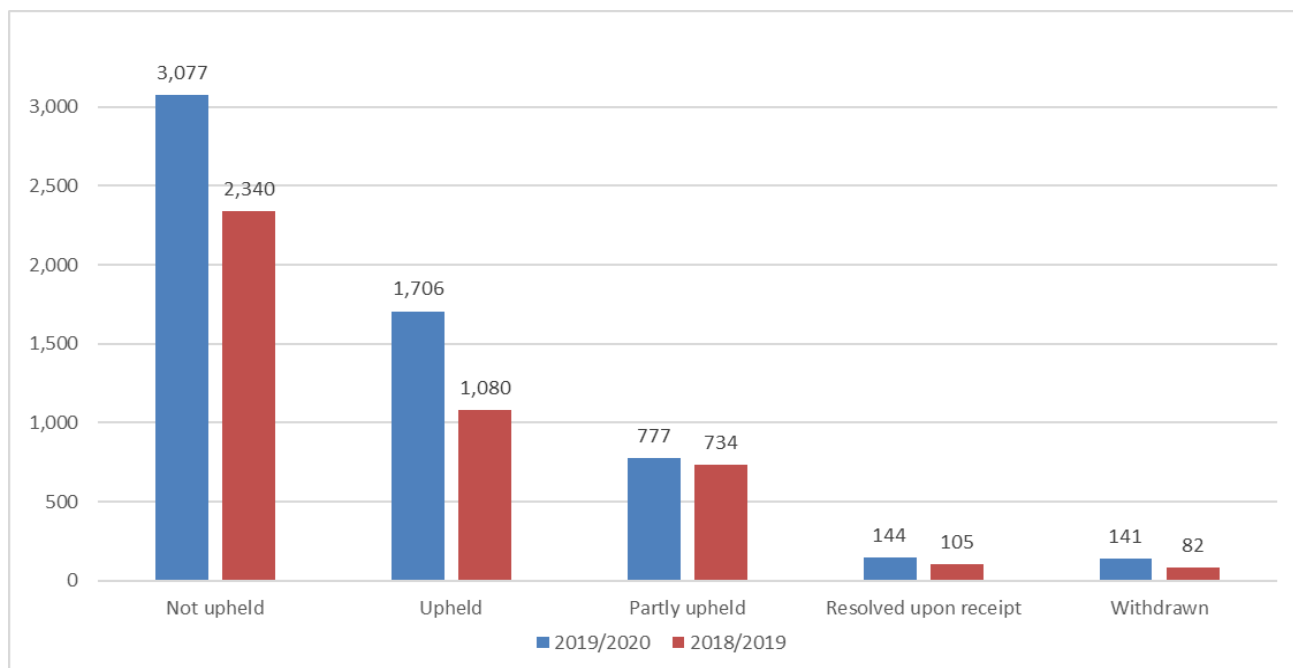
### 3.12 Cases closed by Directorate at Stage 1



**Table 4 - Cases closed by Directorate at Stage 1**

	Comment	Complaint	Compliment	Total
Adults Social Care Services and Health	65	1,082	446	1,593
Children Young People and Education	38	1,015	114	1,167
Growth Environment and Transport	359	3,631	671	4,661
Strategic and Corporate Services	9	116	23	148
<b>Total for 2019/20</b>	<b>471</b>	<b>5,844</b>	<b>1,254</b>	<b>7,569</b>
Totals for 2018/19	554	4,341	1,481	6,376
% increase/ decrease	15% decrease	35% increase	18% decrease	19% increase in feedback closed

### 3.13 Case outcomes at Stage 1\*



\*Number of cases closed will not equal the number received

**Table 5 – Stage one - cases not upheld, upheld, partly upheld and resolved upon receipt**

Year	Not upheld	Upheld	Partly upheld	Resolved upon receipt
<b>2019/2020</b>	<b>3,077</b>	<b>1,706</b>	<b>777</b>	<b>144</b>
%	54%	30%	14%	2%
2018/2019	2340	1080	734	105
%	55%	25%	17%	3%

3.14 Of those upheld vs not upheld cases we are seeing 30% upheld this year compared with 25% the previous year at stage one.

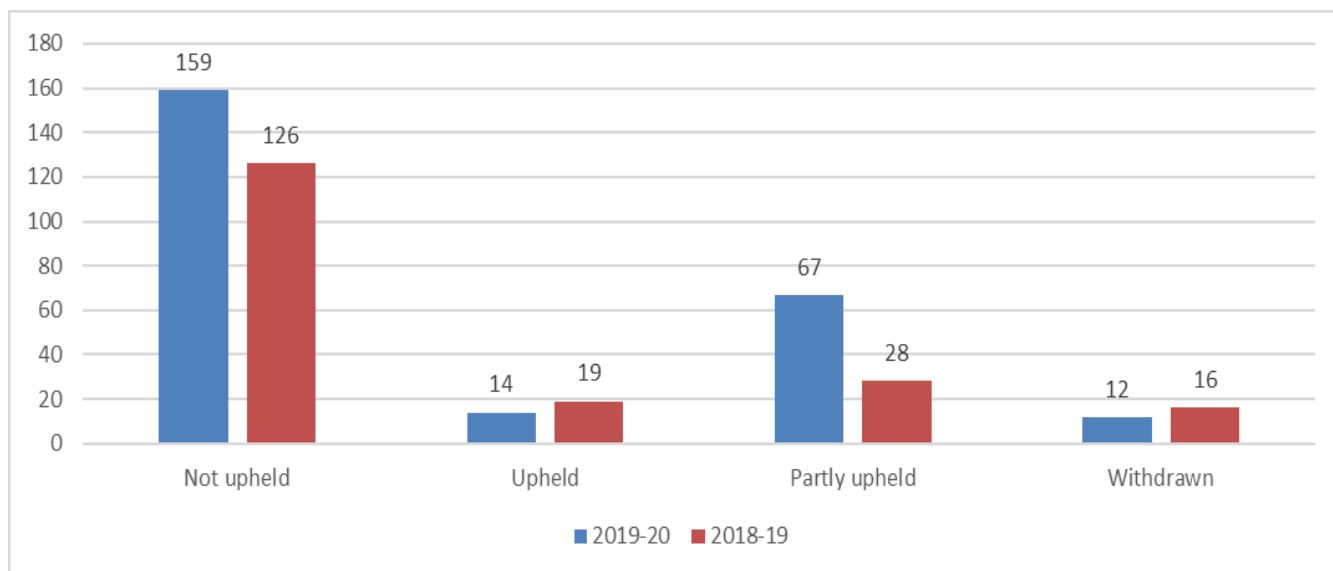
3.15 An example of a not upheld case.

A customer disagrees with a decision the Council has made, an example of this could be eligibility for a Blue Badge.

In these circumstances we would complete a thorough investigation to ensure that we have followed the correct published process and applied the relevant policies, as well as ensuring no special circumstances apply. Each case is always considered on its own merit. In situations where there is deemed to be no fault on behalf of the Council in the way a decision was made, we will inform customers of the steps taken and what their options are if they remain unhappy at this stage.

3.16 We also had 141 complaints withdrawn this year. As the number is high, a review was conducted and training was given to the services to ensure that this is used appropriately. There are cases where this was being used when a complaint was successfully resolved with a phone call. We expect this number to reduce in the next year.

3.17 Case outcomes at Stage 2\*



\*Number of cases closed will not equal the number received

**Table 6 – Stage two – Not upheld, upheld, partly upheld, resolved upon receipt**

Year	Not upheld	Upheld	Partly upheld	Resolved upon receipt
<b>2019/2020</b>	<b>159</b>	<b>14</b>	<b>67</b>	<b>12</b>
%	63%	6%	26%	5%
2018/2019	126	19	28	16
%	67%	10%	15%	8%

3.18 Of those upheld vs not upheld cases we are seeing 6% upheld this year compared with 10% the previous year at stage two. However, there is an increase in the number of those partly upheld, this is where there are some areas of fault identified on the Council in the complaints raised but not in all the issues raised.

3.19 The below tracks the other types of feedback received by the Council including Member and MP enquiries and general comments compared with the previous year.

**Table 7 – Volumes received for other types of feedback.**

	<b>Member/MP enquiry</b>	<b>Enquiry (includes Ask a Kent Librarian)</b>	<b>Informal Concerns</b>	<b>Representation</b>
<b>2019/20</b>	<b>1,035</b>	<b>14,424</b>	<b>234</b>	<b>3</b>
2018/19	1,371	14,734	105	10
Difference	-336	-310	129	-7

3.20 The decrease in Member/MP enquiries is due to errors in the recording of enquiries. 482 enquiries have been identified where the source is from an MP or a Council Member. Additional training has been provided to staff to ensure that Member Enquiries are recorded correctly going forward.

3.21 A representation is a procedure for cases where a complainant wishes to complain about something which is eligible for progression through the statutory Children Act complaints procedure, however there is something else in progress which prevents them from having it accepted i.e. Section 47 child protection enquiries, legal proceedings, a Child and Family Assessment, Tribunal, disciplinary etc.



**Table 8 - Reasons for complaints this year**

**Full breakdown for 2019/20\***

Year	Breakdown	Communications or Information	Equalities & regulatory	Not for KCC	Policy & procedure	Service failure	Service quality	Staff conduct cause	Value for money or disputed charges	Total
19-20	Total	826	81	63	929	2,158	1,263	520	270	6,110
	% of total complaints	14%	1%	1%	15%	35%	21%	9%	4%	
18-19	Total	594	75	26	737	1660	731	448	203	4474
	% of total complaints	13%	2%	1%	16%	37%	16%	10%	4%	

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

3.21 Complaint reasons continue to follow a similar theme to the previous year.

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

Complaint reason	Adults Social Care Services & Health	Children Young People & Education	Growth Environment & Transport	Strategic & Corporate Services	Total	%
Communication or Information	118	32	79	10	225	13%
Equalities & regulatory	4	8	5	1	18	1%
Issues with service	10	5	1	0	14	1%
Policy & Procedure	20	22	42	0	78	4%
Service Failure	179	48	723	15	961	56%
Service quality	20	17	207	8	241	14%
Staff Conduct	13	18	59	0	93	5%
Value for Money or disputed charges	57	4	14	0	74	4%
Total	421	154	1133	39	1747	
%	24%	9%	65%	2%		

\*table only includes upheld complaints and not those partially upheld

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

### 3.22 Example of upheld complaint

We received a number of complaints relating to potholes on the public highway. When a pothole is reported, we provide information about the expected timescales within which we aim to complete repairs. In some cases, these works may take additional time due to issues beyond our control such as weather conditions or the need to prioritise emergency repairs.

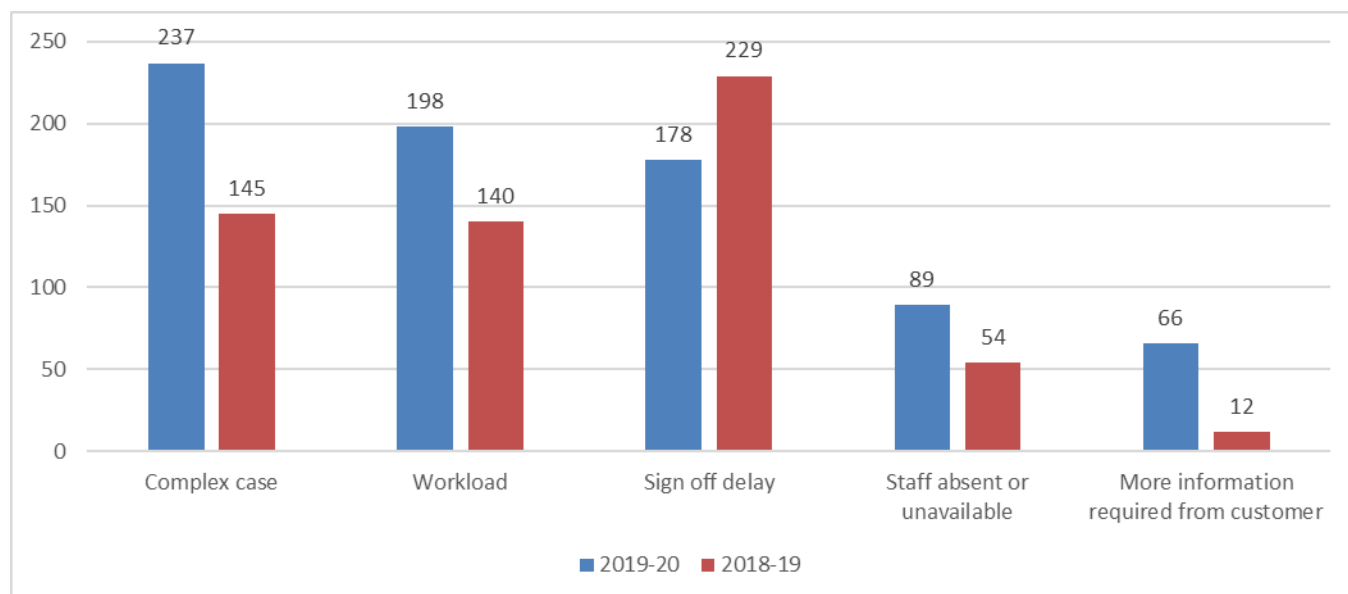
Where we have failed to complete the repair within the timescale provided, we will record the complaint as upheld with Service Failure as the reason.

- 3.23 Adult Social Care and Health upheld 127 complaints relating to service failure following delays in processing Blue Badge applications. A significant number of applications were received following a change to the criteria, which impacted on the number of complaints upheld as we were unable to meet published timescales. This compares with 18 in the previous financial year. Additional resources have been put in place to deal with applications requiring specialist assessment. We have since seen a reduction in the number of complaints received for this service.
- 3.24 The Corporate Director of Childrens, Young People and Education (CYPE) commissioned training for all staff involved in responding to complaints to help them to respond to customers confidently, manage customer expectations and to be empathetic in our responses. This training was delivered by the Kent Communications Delivery Officer and the Complaints Manager for CYPE. Over 200 people attended the sessions and more are planned for 2020/21.
- 3.25 There are increases in upheld service failure complaints across the Growth Environment and Transport Directorate. The largest significant increase is within the Public Transport team 129 complaints were upheld due to service failure compared to 20 for the previous financial year. This followed a policy change that allowed customers to pay for their Travel Saver Pass over 8 months
- 3.26 Strategic and Corporate Services (SCS) had a 23% drop in complaints received for 2019/2020. Service Failure remains the most significant cause for complaints. SCS services are usually internally facing, complaints and compliments between services are not reported as part of this report.

## 4. Compliance with standards

4.1 KCC is committed to acknowledging any complaints received within 3 working days and to provide the customer with a response within 20 working days. As a whole KCC **responded to 85%** of complaints within corporate timescales which compares to 84% the previous year.

**Table 10** - Delay reasons



**Table 11** - Top five overall delay reasons

	Complex case	Workload	Sign off delay	Staff absent or unavailable	More information required from customer
<b>2019/20</b>	<b>237</b>	<b>198</b>	<b>178</b>	<b>89</b>	<b>66</b>
2018/19	145	140	229	54	12
% of total complaints rec'd	4%	3%	3%	1%	1%

4.2 The above table shows the overall delay reason cited alongside the percentage of complaints that represents the number of total complaints received. Complex reason is the most cited reason. In Adult Social Care, The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 gives provision for customers and the complaints team to set the timescales for responding, this can be up to 6 months for the most complex of cases, this means that complaints will often not meet the 20 working day KCC standard. This is because an agreement with the customer has been formed to allow for more time to investigate and respond.

- 4.3 In addition, Mental Health complaints have an agreed 30 working day response time due to many requiring a joint response from Kent and Medway Partnership Trust. This is reviewed regularly.
- 4.4 More work is being carried out to ensure that these timescales are recorded appropriately, so that they can be reported within this report as exceptions to the 20 working day rule.

**Table 12 - Top three delay reasons by directorate**

**Adults Social Care and Health**

	<b>Complex case</b>	<b>Sign off delay</b>	<b>Workload</b>
<b>2019/20</b>	<b>141</b>	<b>101</b>	<b>82</b>
2018/19	52	128	36
% of total complaints rec'd by Directorate	13%	9%	7%

**Children Young People and Education**

	<b>Complex case</b>	<b>Sign off delay</b>	<b>Workload</b>
<b>2019/20</b>	<b>53</b>	<b>63</b>	<b>56</b>
2018/19	52	59	61
% of total complaints rec'd by Directorate	5%	6%	5%

**Growth Environment and Transport**

	<b>Staff absent or unavailable</b>	<b>Workload</b>	<b>Complex case</b>
<b>2019/20</b>	<b>74</b>	<b>58</b>	<b>33</b>
2018/19	25	39	37
% of total complaints rec'd by Directorate	2%	2%	1%

**Strategic and Corporate Services**

	<b>Complex case</b>	<b>Joint response delay</b>	<b>Workload</b>
<b>2019/20</b>	<b>10</b>	<b>4</b>	<b>2</b>
2018/19	4	0	4
% of total complaints rec'd by Directorate	4%	2%	1%

## 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 via our online form, phone, email and through Social Media.
- 5.2 The breakdown below indicates by percentage which channel customers have chosen to communicate feedback (compliments, comments & complaints) during 2019/2020 & 2018/2019.

**Table 13** - Channels used to communicate compliments, comments, informal concerns and complaints

	Phone	Letter	Email	Comment card/ Face to Face	Online	Contact via Corporate Director, Member or MP	Other
<b>2019/2020</b>	<b>23%</b>	<b>5%</b>	<b>28%</b>	<b>5%</b>	<b>39%</b>	<b>&gt;1%</b>	<b>&gt;1%</b>
Volume	1,819	379	2,177	381	3,008	17	0
2018/2019	22%	9%	30%	12%	26%	1%	>1%
Volume	1,418	596	1,893	747	1,688	57	1

- 5.3 The above table shows that there has been a continual increase in the submitting of compliments, comments and complaints via our online systems. There has been an increase again in residents opting to use digital channels to contact us, the increase in those calling by phone is negligible but we will continue to monitor this to ensure that it is not a continuing trend. 67% of feedback received is now arriving digitally either by email, through social media or via the online form.

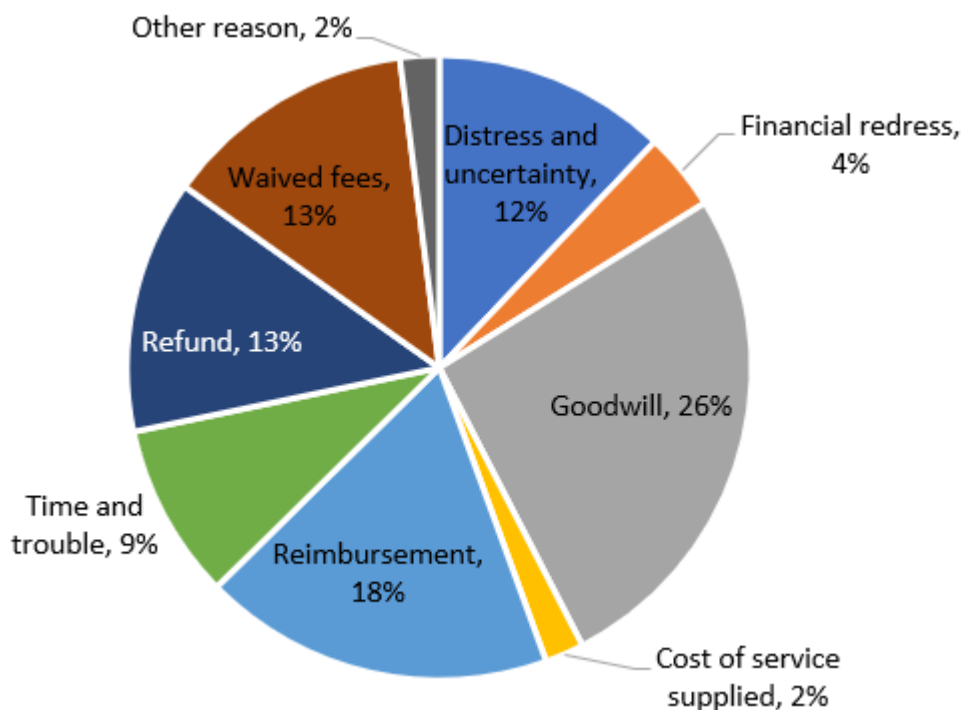
## 6. Compensation across all complaints received by KCC

- 6.1 In 2019/20, £81,952.79 was paid in compensation, settlements, changes to the amount we charge and waived charges as a result of complaints to the organisation this includes;
- £28,288.09 has been paid or waived as part of local resolution in Adult Social Care and Health.
  - £509.67 has been paid out by Strategic and Corporate services including Legal Services, Insurance and Property & Infrastructure.

- £1,340.56 has been paid out for Growth, Environment and Transport
- £5,415.27 has been paid out for Children, Young People and Education Directorate including Community Learning and Skills and Children Social Work Services
- £46,399.20 additional payments following Local Government and Social Care Ombudsman Decisions found against KCC.

6.2 This is an increase of £45,950.79 from 2018/19 when £36,002 was paid out in settlements or through waived charges. This increase largely related to Ombudsman rulings relating to Special Educational Needs where the penalties applied are significantly higher than other services. In addition, there were increases in Adult Social Care payments due to waived fees.

**Table 14** - Compensation complaint reason chart



6.3 It is important to note that monies paid out during the 2019/20 financial year may relate to complaints recorded in previous years. This is due to the time that elapses between the date the complaint was lodged and achieving resolution. This is particularly true of Ombudsman complaints.

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

### Complaints recorded in 2019/20

- 7.1 During 2019/20 the Monitoring Officer has responded to 8 complaints of alleged misconduct of the breach of the Elected Member Code of Conduct.

**Table 15**

Number of Complaints			Outcome
2019/2020	2018/2019	2017/2018	
8	12	10	No Action or resolved upon receipt. Dismissed by the Monitoring Officer
0	0	0	Action taken by party

## 8 The Local Government and Social Care Ombudsman complaints review 2019/20

### Overview of Ombudsman

- 8.1 In cases where a customer is unhappy with the responses received about their complaint from the Council they can exercise their right to involve the Local Government and Social Care Ombudsman (LGSCO). The Ombudsman will investigate cases where a customer has exhausted the Council's own complaints policy and feel that their case has not been appropriately heard or resolved.
- 8.2 Each year, in July, the Ombudsman issues an annual review to each local authority. In his letter he sets out the number of complaints about the authority that his office has dealt with and offers a summary of statistics to accompany this.
- 8.3 The annual review statistics are publically available, allowing councils to compare their performance on complaints against their peers; copies of the Annual Review letter as well as any published Ombudsman complaints are issued to the Leader of the Council and 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 2019/20 will have been published on the Ombudsman's 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 Ombudsman and the authority. This is due to the Ombudsman recording complaints that it does not progress to Kent County Council, as it is able to resolve the issue at first point of contact, either through referring the customer to the Council or it is identified as out of jurisdiction.
- 9.2 During 2019/20 KCC received a total of 218 decisions from the Ombudsman this included 61 referred back for local resolution. The full letter and Ombudsman statistics can be found in Appendix B.
- 9.3 We received no public reports in 2019/2020. Public reports are special reports in which the Ombudsman highlights where an injustice has occurred that may have impacted an individual significantly or where there may be evidence of wider impact on the public.
- 9.4 The level of complaints received by KCC for the size of population, volume of services and interaction is low. Each complaint provides an opportunity to learn from our customers and improve our systems and we need to focus on those complaints that are upheld to ensure that lessons are learned.
- 9.5 The Ombudsman's report noted that the national average that the Ombudsman upheld is **61%** of complaints they investigated; this is up nationally from 58% last year.
- 9.6 The average upheld rate for other County Councils increased from 64% to **66%**, Kent County Council's average is **59%**; this was a decrease from last year's 61% upheld
- 9.7 In **10%** of upheld cases the Council had provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to an average of **9%** in similar authorities.
- 9.8 It is also worth noting that the number of KCC cases the Ombudsman investigated and upheld in Adult Social Care and Education and Children's Services is lower than the national average. In Adult Social Care 68% are nationally upheld compared to **67%** in KCC, and Education and Children's Services 72% are nationally upheld, compared with **54%** in Kent.

## 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

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

**Table 16**

	Adult care Services	Benefits and Tax	Corporate and other services	Education and children's services	Environmental services	Highways and transport	Housing	Planning and Development	Other	Total
<b>2019/20</b>	<b>66</b>	<b>0</b>	<b>8</b>	<b>112</b>	<b>3</b>	<b>23</b>	<b>0</b>	<b>4</b>	<b>2</b>	<b>218</b>
2018/19	56	0	11	83	8	17	0	1	3	179

## Decisions made

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

**Table 17 – LGSCO complaints received**

	<u>Detailed investigation carried out</u>		Advice given	Closed after initial enquiries	Incomplete / Invalid	Referred back for local resolution	Total
	Upheld	Not upheld					
<b>2019/20</b>	<b>39</b>	<b>27</b>	<b>2</b>	<b>69</b>	<b>14</b>	<b>61</b>	<b>212</b>
2018/19	36	23	2	59	11	45	176

10.4 Whilst the number of complaints heard by the Ombudsman is not necessarily an indicator of successful complaint handling, it can be noted that the number of complainants exercising their right to escalate to the Ombudsman has reduced in the last 2 years.

## **11 Ombudsman Complaints – Themes and Outcomes**

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

**Table 18 - Children, Young People and Education**

	<b>Upheld</b>	<b>Not upheld</b>	<b>Closed: out of jurisdiction/no further action or withdrawn</b>	<b>Premature</b>	<b>Total</b>
<b>Children Social Work Services</b>	7	6	17	4	<b>34</b>
<b>Kent Test/ School Admission appeals</b>	2	4	3	0	<b>9</b>
<b>Home to School Transport/ Free School Meals</b>	0	5	4	0	<b>9</b>
<b>Special Educational Needs</b>	10	1	5	5	<b>21</b>
<b>The Education People</b>	1	0	0	0	<b>1</b>
<b>Community Learning and Skills</b>	1	0	0	0	<b>1</b>
<b>Total</b>	<b>21</b>	<b>16</b>	<b>29</b>	<b>9</b>	<b>75</b>

**Children Social Care - Not upheld example – 19 000 816**

**The complaint**

Mr X complains the Council failed to investigate or take action on concerns he raised with it about the actions of his ex-wife and her partner towards his children. He says information in the Council's assessments about the situation is wrong and biased against him. He says this means his children are suffering.

**Outcome**

The Council has carried out two child and family assessments of Mr X's children's situation. Both assessments considered the issues that the law requires and followed the process required by the Children Act. They included discussion with other professionals working with the family including the police and previous social workers. They included the social worker meeting with the children alone to get their views.

Mr X continues to be seriously concerned the Council is biased against him and that it only believes Ms Z's evidence. Mr X had the opportunity to engage in the assessments but did not do so. The Council considered what Mr X had said in writing as part of its assessments.

The Council concluded, based on the assessments, it did not have concerns for the children's emotional wellbeing or care. It decided the children's needs are being met and do not meet the threshold for it to act further. There is no administrative fault in how the Council carried out the assessments. We therefore cannot question the Council's decision.

The Council has written to Mr X explaining how he should raise concerns in future but asking him to restrict his contact. It has made clear how he can continue to report safeguarding concerns. The Council has explained what action it will take to restrict future contact if it continues. There was no administrative fault in its correspondence with Mr X about future contact and it correctly followed its persistent complaints policy.

I have completed my investigation. The Council is not at fault.

## **Children Social Care - Upheld example - 18 015 096**

### **The complaint**

Mrs X complained about the Council's decision to de-register her and her husband Mr X, as foster carers. She said the Council had failed to:

- provide them with suitable training and support; and
- consider the recommendations of the Independent Review Mechanism (IRM).

Mrs X and Mr X stated they had suffered stress, illness, lack of sleep, worry, and financial loss following the incident that led to their de-registration.

### **Outcome**

The Ombudsman is not an appeal body. We cannot say whether a Council's decision is right or wrong, only check that it has considered all relevant information in making its decision.

The IRM Panel felt the Council could have provided Mr and Mrs X more training and support with Y and Z when they were struggling with their behaviour. The Council has accepted fault and partially upheld this part of Mr and Mrs X's complaint. The Council has apologised and made several improvements to the Fostering Service as explained below;

In response to my enquiries the Council said it had learnt from Mr and Mrs X's complaint and had:

- reviewed its training offer for foster carers to ensure all carers and staff are aware of the training and support packages available to them;
- commissioned extra training for foster carers who work with children with significant behavioural difficulties;
- created a Placement Stability Team where foster carers can access immediate clinical psychology advice at times of crisis; and
- started monitoring all allegations and complaints monthly to ensure it is working within timescales and to identify any delays.

This remedies the injustice caused.

The Ombudsman's role is not to speculate about what might have happened but to consider what did happen. It is not possible for the Ombudsman to say whether Mr X would have smacked Y if the Council had provided extra support and training.

The IRM Panel recommended Mr and Mrs X should continue to foster. The Council chose to de-register Mr and Mrs X as foster carers. The Council was not bound by the IRM's Panel recommendations and was entitled to make that decision. It has provided reasons for it. The Ombudsman cannot question a Council's decision if taken without fault. The Council was not at fault.

The Council was at fault for failing to provide Mr and Mrs X the training and support needed as foster carers. However, it was not at fault in its decision to de-register them. The Council has already remedied the injustice caused, therefore, I have completed my investigation.

### **Education - Not upheld example – 19 004 268**

#### **The complaint**

The complainant, whom I refer to as Mrs X, complains the admissions appeals panel did not properly consider her son's appeal for a grammar school place. Mrs X says:

- The school was not oversubscribed.
- Her son would be able to cope with the pace and level of work at a grammar school based on his previous test scores.
- The panel did not consider her son had an older sibling at the school.

#### **Outcome**

The role of the Ombudsman is to consider procedural fault. We do not question the professional judgement of the appeal panel, unless it is flawed by procedural fault. This means I cannot replace the panel's views about whether Y is at the required standard for grammar school or should be offered a place at school Z, with my own views. Provided the panel made its decision in a way which is procedurally sound, I cannot criticise the judgment it eventually reached.

Mrs X says the panel did not properly consider her appeal. I do not find fault in how the panel considered the appeal. The Clerk's notes show the panel considered the points Mrs X presented as part of the appeal and decided Y was not of the required standard for admission to a grammar school. While I acknowledge Mrs X disagrees with the panel's decision, it was a decision it was entitled to make.

From the evidence I have seen, school Z did not fill all its school places. The Code says grammar schools may leave places unfilled if there are insufficient eligible applicants. As the panel concluded Y was not a grammar school pupil, the panel did not need to consider whether admitting Y to school Z would cause prejudice to school Z.

Mrs X says the Council did not refer to her other child attending school Z in its decision letter and this was part of the admissions criteria. The Clerk's notes show the panel considered this as it is listed under a key point of the appellant's case. However, in response to my enquiry about this point, the Council said the panel did not refer to the sibling link in its decision letter as a sibling link did not make any difference in the outcome of the appeal. I find this reasonable as the panel found Y not to be a grammar school pupil.

I have completed my investigation and found no fault in how the admissions appeal panel considered the appeal.

## **Education - Upheld example – 18 010 476**

### **The complaint**

Mr X complained about:

- a. the delays by the Council in transferring his child, C, from a Statement of Special Educational Needs (Statement) to an Education Health and Care Plan (EHC Plan) and then further delay in the annual review; and
- b. the Council's failure to act on professional advice about C's need for a communication support worker and the consequent failure to include such support in C's EHC Plan.

Mr X says as a result of the Council's failures C has been unable to achieve their full academic potential and has felt isolated at school. He says he and his wife have had to put more work into the process than they should have had to and been put under a lot of pressure.

### **Outcome**

The Council has agreed that within one month of this decision it will pay Mr and Mrs X £200 to acknowledge the frustration caused by its delays in transferring C from a Statement to an EHC Plan and in deciding to maintain C's EHC Plan after the first annual review.

I have now completed my investigation because the Council's action will remedy the injustice caused by its fault

**Table 19 - Growth, Environment and Transport**

	<b>Upheld</b>	<b>Not upheld</b>	<b>Closed: out of jurisdiction/no further action or withdrawn</b>	<b>Premature</b>	<b>Total</b>
<b>Environment, Planning and Enforcement</b>	1	0	0	2	<b>3</b>
<b>Highways, Transportation and Waste</b>	1	3	13	0	<b>17</b>
<b>Total</b>	<b>2</b>	<b>3</b>	<b>13</b>	<b>2</b>	<b>20</b>

**Not Upheld example – 19 004 288**

**The complaint**

Mr X and Ms Y say flood water from the highway has run onto their property for last four years. They complain about works the Council carried out to the highway and the entrance to their driveway to alleviate the flooding. They complain that;

- The Council installed kerb stones to the west side of their driveway which narrowed the entrance. This causes access issues.
- Their son's car is low to the ground gets grounded because of the works. They complain the contractors did not take account of this, although they were made aware in advance.
- The Council spread spoil from the works on a grass verge in front of their property which made it unsightly.

**Outcome**

The Council has carried out works to address the issues Mr X and Ms Y complained of. This has addressed any injustice caused. As a result I discontinued my investigation and closed my file. The Council has taken action to address the concerns Mr X and Ms Y made. As a result, I discontinued my investigation.

**Upheld example – 18 019 033**

**The complaint**

The complainant, whom I shall refer to as Mr B, complains on behalf of his daughter and son-in-law (Mr and Mrs D) that the Council wrongly completed works to an established beech hedge at their property. Mr B also complains about the Council's response to his subsequent complaint which he says included unfounded allegations about his conduct. Mr B further complains about additional works to the hedge

following a partial collapse resulting from the first works and the Council's response to his report about this.

Mr B says because of the Council's fault, the remaining hedge was unsightly with large gaps and possibly damaged in places. Mr B says this meant the property was exposed to traffic noise, pollution and light nuisance and suffered from a significant reduction in its privacy. The hedge was also top heavy in places and represented a continuing safety hazard which required further works. Mr B says he and his family have been caused unnecessary costs, distress and time and trouble.

### Outcome

In addition to the Council's offer of further hedge trimming works as set out above it will:

- write to Mr and Mrs D to apologise for the fault identified above within one month of my final decision;
- pay Mr and Mrs D £200 for their distress, time and trouble and temporary loss of amenity within one month of my final decision;
- pay Mr B £50 for his time and trouble within one month of my final decision;
- review its system to ensure information is properly shared and recorded between relevant officers and teams to avoid a recurrence of the fault identified and provide evidence of this review to the Ombudsman within three months of my final decision; and
- remind relevant officers of the need to ensure there is a proper record of substantive telephone calls and inspections and provide evidence of this action to the Ombudsman within one month of my final decision.

**Table 20 - Strategic and Corporate Services**

Upheld	Not upheld	Closed: out of jurisdiction/no further action or withdrawn	Premature	Total
0	0	5	1	6

**Table 21 - Adult Social Care and Health**

Upheld	Not upheld	Closed: out of jurisdiction/no further action or withdrawn	Premature	Total
16	8	18	4	46

**Not Upheld example – 18 010 806**



## **The complaint**

The complainant (whom I refer to as Ms D) says the Council has incorrectly decided not to install a wet room in her home and says she needs to have a through floor lift installed.

### **Outcome**

Ms D wants the Council to install a flush floor shower room and disagrees with its decision. I have not found evidence of fault by the Council in its assessments during 2018 and 2019. The evidence shows me that Officers followed the correct process. Two OT assessments have both concluded that Ms D cannot safely or easily access the first floor of her home and this needs to be resolved before her bathroom can be adapted. The Council also made further checks with Ms D's GP and had a technician assess the property to ensure it had fully considered matters. It remains the case that unless Ms D agrees to a through floor lift the Council will not adapt her bathroom. That is a decision the Council is entitled to make even though Ms D disagrees with it. The Ombudsman cannot question the validity of a decision in the absence of any procedural fault: that applies to this case.

I have completed the investigation and not upheld the complaint.

## **Upheld example – 18 017 980**

### **The complaint**

Mr X complained about the way the Council reviewed his care package. He says it removed the contingency from his direct payments without reviewing his care package. It also told Mr X it was stopping the direct payments for his gym membership before it reviewed his care package. Mr X says this has impacted on his well-being. Mr X says the review was carried out in an unprofessional manner. In addition, he complains the Council refused to increase Mrs X's care package when her needs changed and she required more support.

### **Outcome**

Within one month of the final decision on this complaint, the Council has agreed to apologise to Mr X for the frustration and uncertainty caused by the lack of clarity and poor record keeping around the Panel's decision making.

Within two months of the final decision on this complaint, the Council has agreed to provide evidence to the Ombudsman of the revised Panel procedures ensuring it records:

- who was on the Panel;
- how it reached its decision to approve or decline each request; and
- how the applicant was to be informed of this.

## 12 LESSONS LEARNED

- 12.1 Where the Ombudsman has made a decision against the Council, steps are taken by officers' 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.
- 12.2 With regards to lessons learned across the Council, the following table shows a list of actions that have been recorded where they exceed 100 complaints.

**Table 22** - Top remedy actions

Action taken	Stage 1
Arrange staff training or guidance	163
Change or review communications	143
Discuss at team meeting	169
Explanation	294
Formal apology	251
Provided service requested	143

- 12.3 Other actions taken include changing or reviewing services, a financial remedy and changing or reviewing policies or procedures.
- 12.4 We are seeing a greater emphasis on sharing the learning within Directorates with more training now available either on Delta or through bespoke sessions such as those delivered for CYPE.
- 12.5 **Example of lessons learned**

### **Complaint – Upheld. Apology and explanation**

One common area for complaints is issues with the public highway. For example, the Council may need to take emergency action to close a stretch of road for the purpose of completing urgent repairs.

The effect of these closures is likely to have a significant impact on road users and residents in the affected area. In some cases, this can cause long periods of disruption, which often generates additional complaints.

The Council explores all available options to mitigate the effect of the closure but welcomes feedback from those affected. We investigate all complaints, to help us identify areas for improvement. Where we find fault, we will look to ensure that we provide an appropriate remedy, in some cases that is a formal apology and an explanation for our actions.

## **13 RECOMMENDATIONS**

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

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## Appendix A – Directorate overview of Customer Feedback Received

### Children, Young People and Education

#### All Feedback Reported

	Complaints (Stage One)	Comments	Compliments	Resolved Local Government and Social Care Ombudsman enquiries & complaints*
<b>2019/20</b>	<b>1,044</b>	<b>43</b>	<b>113</b>	<b>75</b>
2018/19	862	32	94	65
2017/18	666**	1101	190	53

\*Excluding premature

The below table compares the number of complaints received in 2019/20 with those received in 2017/18 and 2018/19

Service	2017/18	2018/19	2019/20
Specialist Children Service/Children's Social Work Services	368	490	<b>592</b>
Community Learning & Skills (was Adult Education)	80	94	<b>77</b>
Education Services	218	259	<b>351</b>
The Education People	-	19	<b>24</b>
Total Complaints	666	862	<b>1,044</b>

## Growth, Environment and Transport

### All Feedback Reported

	Complaints (Stage one)	Comments	Compliments	Resolved Local Government and Social Care Ombudsman enquiries & complaints*
2019/20	3,611	361	664	20
2018/19	2658	486	828	16
2017/18	2054	509	1188	13

\*Excluding premature

The below table compares the number of complaints received in 2018/19 with those received in 2016/17 and 2017/18

Service	2017/18	2018/19	2019/20
Environment, Planning and Enforcement	76	79	133
Economic Development	4	3	5
Highways and Transportation and Waste Management	1705	2059	3,147
Libraries, Registrations and Archives	269	517	326
<b>Total Complaints</b>	2053	2658	<b>3,611</b>

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

## Adult Social Care and Health

**All Feedback Reported**

	<b>Complaints (Stage One)</b>	<b>Comments</b>	<b>Compliments</b>	<b>Resolved Local Government and Social Care Ombudsman enquiries &amp; complaints*</b>
<b>2019/20</b>	<b>1,092</b>	<b>65</b>	<b>518</b>	<b>46</b>
2018/19	777	15	480	29
2017/18	625	118	357	36

\*Excluding premature

The below table compares the number of complaints received in 2019/20 with those received in 2017/18 and 2018/19

<b>Service</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
Adult Social Care and Health	625	777	<b>1,092</b>
<b>Total Complaints</b>	625	777	<b>1,092</b>

## Strategic and Corporate Services

### All Feedback Recorded

	Complaints (Stage One)	Comments	Compliments	Resolved Local Government and Social Care Ombudsman enquiries & complaints*
2019/20	119	10	22	6
2018/19	154	6	11	4
2017/18	283	23	182	3

\*Excluding premature

The below table compares the number of complaints received in 2018/19 with those received in 2016/17 and 2017/18

Service	2017/18	2018/19	2019/20
Finance	28	52	30
FOI	57	7	4
Gateways and Contact Point	53	55	28
Insurance *	62	5	2
Infrastructure, Property and Total Facilities Management	38	23	10
Other	45	12	45
<b>Total Complaints</b>	<b>283</b>	<b>154</b>	<b>119</b>

\* There is a marked decrease in Insurance complaints as these now follow a different appeal process due to the scope of the Local Government and Social Care Ombudsman

## **Appendix B**

### **Ombudsman Letter**