

KCC Annual Customer Feedback Report 2023/24

By: Amanda Beer – Deputy Chief Executive
To: Governance and Audit Committee
Date: 5th September 2024
Subject: KCC Annual Customer Feedback Report 2023/24
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 Ombudsman.

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

1. Introduction

- 1.1 This is the Council's annual report on compliments, comments and complaints.
- 1.2 Overall complaints volumes are down slightly this year, there were a number of key changes this year that resulted in complaints in a number of areas. These included SEND and Unaccompanied Asylum Seekers (UASC).
- 1.3 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 The council uses a customer feedback system enabling us to breakdown data easily, understand trends and react to evolving issues.
- 2.2 This year all the directorate complaints teams were centralised into one team under Marketing and Resident Experience (MRX) within the Deputy Chief Executive's Department (DECD). The focus of the newly centralised team this year has been on clearing backlogs of complaints particularly in SEN and Highways. Whilst not all complaints are handled by the centralised team, the vast majority of the Council's high volume feedback services are. Going forward, the team's focus will be on supporting directorates in improving timeliness, consistency and providing robust responses to our residents and service users.

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.

Table 1 – Feedback received by KCC compared with previous year

Year	Complaints (Stage 1)	Comment	Compliments	Local Government and Social Care Ombudsman complaints
2023/24	5537	1797	1324	304
2022/23	5580	273	1162	229
Difference	43	1524	162	75
% difference	-1%	+558%	+14%	+33%

- 3.5 This year saw a slight decrease in volumes of cases received on the previous year but broadly complaint numbers are similar to the previous year. The increase in comments can be attributed to more robust logging of these types of feedback, the most common were those received via GovMetrics on our website and those relating to the Booking System for Household Recycling and Waste Centres (HWRC)
- 3.6 There is an expectation that as the Council makes further decisions regarding service provision that there will be a steady increase in feedback being received in relation to those decisions. For example, in this year we have seen an increase in feedback in relation to proposals made to change HWRCs, the closure of Blackburn Lodge on the Isle of Sheppey and for various road schemes.
- 3.7 There has also been significant backlog in responding to complaints in SEN and Highways & Transportation, which is impacting on both volumes and timescales. This in turn causes increase in volumes as customers chase responses to their previous enquires or escalate these when they fall out of timescale. Over the course of 2023/24 a concerted effort was made to reduce these backlogs, with support from the newly centralised team.

Table 2 - Complaints received at stage 1 (local resolution)

Stage 1	Adults Social Care and Health	Children, Young People and Education	Growth, Environment & Transport	Chief Executive and Deputy Chief Executive Departments	Total
2023/24	992	1164	3157	224	5537
2022/23	958	1240	3231	151	5580
Difference	34	-76	-74	73	-94
% difference	4%	-6%	-2%	48%	-2%

- 3.8 Adult Social Care and Health (ASCH), saw an increase of 4% from the previous year. There is an ongoing backlog in the Blue Badges service and the closure of Blackburn Lodge generated complaints from families and the community. ASCH saw increases across the board all of which contributed to the general rise in this directorate.
- 3.9 Children, Young People and Education (CYPE) saw a decrease in complaints overall. This follows years of increases in volumes. As work is ongoing to improve service provision in SEN, the expectation that these complaints will start to fall in respect to contact and communications, but may increase in respect to outcomes, as parents and carers dispute Council decisions. Work is currently ongoing to reduce the backlog of complaints awaiting responses in this area.
- 3.10 Within Chief Executive's (CED) and Deputy Chief Executive's Departments (DECD), there was an increase in the number of complaints received for these departments.
- 3.11 The majority of complaints in CED & DECD were logged regarding Finance and the Contact Centre.
- 3.12 Where customers complain regarding the Contact Centre, calls are listened to, where fault is found training is carried out with staff members. The number of complaints is low in comparison to the hundreds of thousands of calls responded to on an annual basis.
- 3.13 We also received 51 cases that were logged and responded to but were not for KCC, these included household waste collections and other complaints which are the responsibility of third parties such as District and Borough Councils or NHS.
- 3.14 Overall, we have seen a 2% decrease in the number of complaints received at stage one. A breakdown of complaints received by division/service can be found in Appendix A.

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

Stage 2	Adult Social Care and Health	Children, Young People and Education	Growth, Environment and Transport	Chief Executive and Deputy Chief Executive Departments	Total
2023/24	41	167	231	19	458
2022/23	14	220	160	30	424
Difference	27	-53	71	-11	34
% difference	193%	-24%	44%	-37%	8%

3.15 ASCH have started to log additional issues raised following stage 1 informally as stage 2. Usually a 2-stage process with the Local Government Ombudsman acting as the second stage is employed for ASCH complaints, however there are times when it is appropriate to respond to additional queries raised following our stage 1 response. We therefore log these as an escalation but not in a formal stage 2 format.

3.16 We have seen a significant increase in complaints escalating to stage 2 within GET, this is largely due to the clearing of the backlog of cases over the year. In addition, work has been undertaken to identifying cases which might be perceived as ongoing complaint issues and escalating these appropriately through the complaints process.

KCC Annual Customer Feedback Report 2023/24

3.17 Cases closed by Directorate at Stage 1

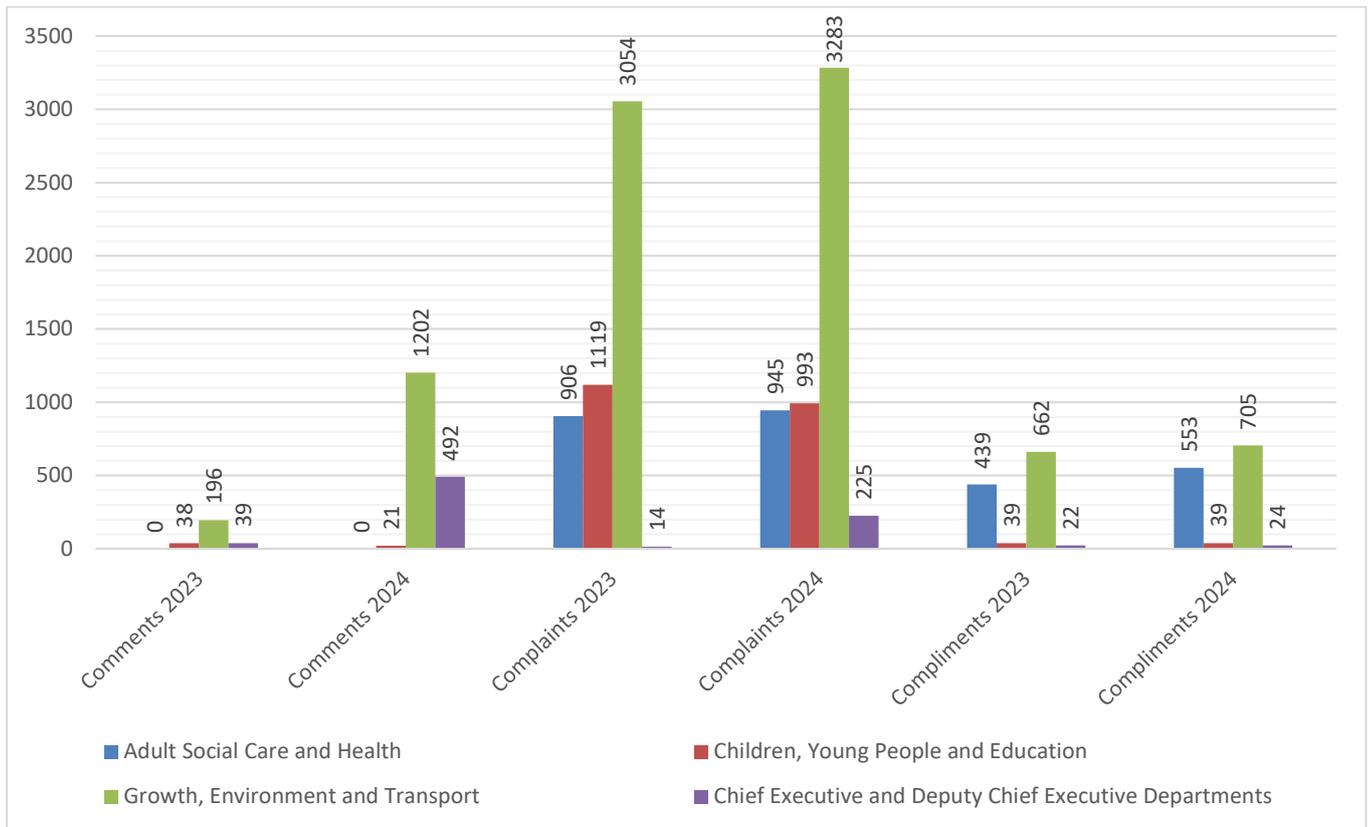
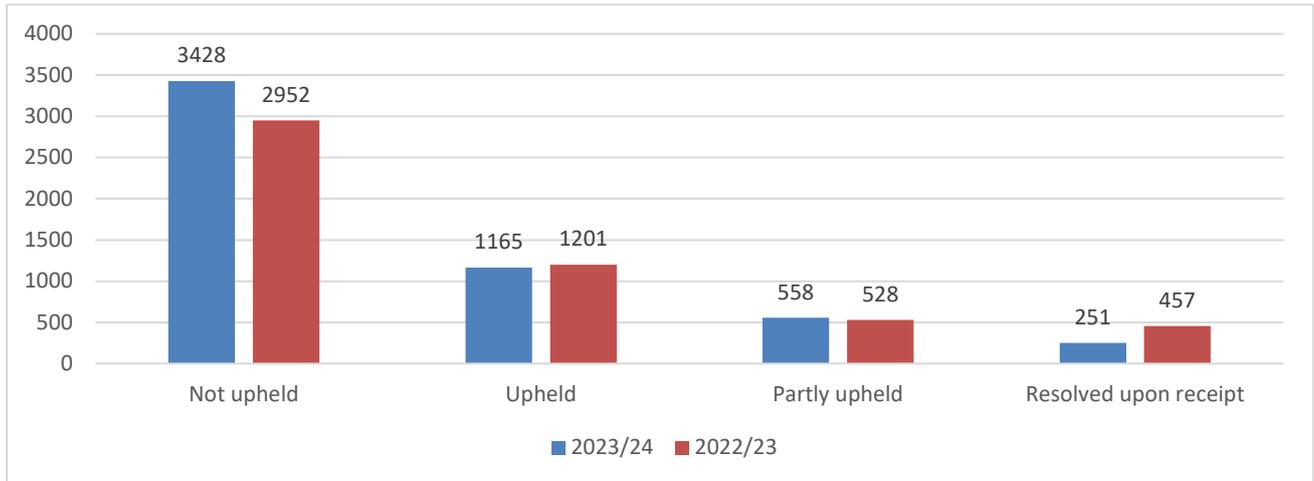


Table 4 - Cases closed by Directorate at Stage 1

	Comment	Complaint	Compliment	Total
Adult Social Care and Health	0*	945	553	1498
Children, Young People and Education	21	993	39	1053
Growth, Environment and Transport	1202	3283	705	5190
Chief Executive and Deputy Chief Executive Departments	492	225	24	741
Total for 2023/24	1715	5446	1321	8482
Total for 2022/23	273	5248	1162	6662
Difference	1442	219	159	1820
% Difference	528%	4%	14%	27%

*ASCH log informal concerns and feedback of this nature under other categories

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

Stage 1	Not upheld	Upheld	Partly upheld	Resolved upon receipt
2023/24	3428	1165	558	251
%	63%	21%	10%	5%
2022/23	2952	1201	528	457
%	56%	23%	10%	9%

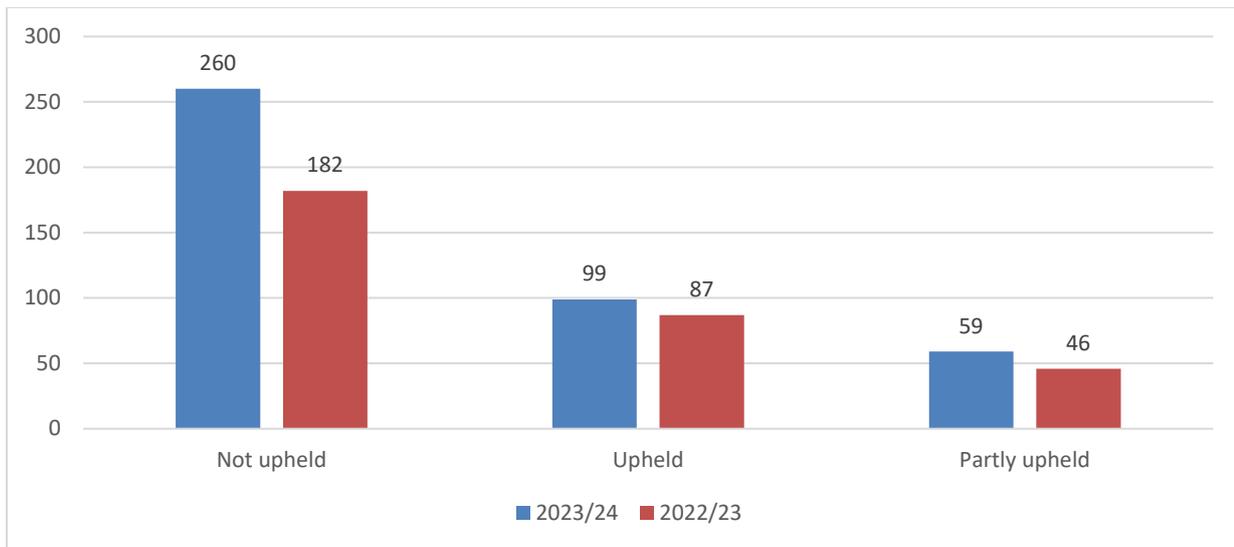
3.18 The number of cases upheld versus not upheld remains steady. 43 cases were withdrawn.

3.19 An example of a not upheld and partially upheld case.

A not upheld example may include where a resident complains about KCC policy, but that policy had been through consultation, comments had been considered at committee meetings and a key decision had been made to implement the policy.

Partially upheld cases will be where some elements of the complaint were not upheld, as in the example above but other elements, for example if they had cause to complain about staff behaviour and this was found to be upheld, then this would cause the overall complaint to be partially upheld.

3.20 Case outcomes at Stage 2*



*Number of cases closed will not equal the number received

Table 6 – Stage two – Not upheld, upheld, partly upheld.

Stage 2	Not upheld	Upheld	Partly upheld
2023/24	260	99	59
%	56%	21%	13%
2022/23	182	87	46
%	59%	28%	15%

3.21 There is a marked increase in the number of complaints upheld at stage 2, however 61 of these were already upheld or partially upheld at stage 1 which demonstrates that in the majority of cases customers are exercising their right to escalate to stage 2. This may be because they were unhappy with the proposed remedies offered at stage 1 or because they wanted to take their complaint further, either to stage 2 or Ombudsman. 15 cases were overturned and the remainder bypassed stage one where conversations had already been going on.

3.22 Table 7 below tracks the other types of feedback received by the Council including Member and MP enquiries and informal concerns compared with the previous year. Enquiries include Ask a Kent Librarian service requests which account for a significant proportion of the volumes received below.

Table 7 – Volumes received for other types of feedback.

	Member/MP enquiry	Enquiry (includes Ask a Kent Librarian)	Informal Concerns	Representation	SEN Enquiries
2023/24	2619	16158	286	0	779
2022/23	2634	14708	247	0	n/a
Difference	-15	1450	39	0	779

3.23 The number of MP and Member enquiries has remained steady. Originally the new SEN enquiries hub was launched using the feedback system to log queries, but this has now been moved to an alternative method.

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

Table 8 - Reasons for complaints this year

Primary cause	2023		2024	
	Total	%	Total	%
Quality of service	2131	40%	2764	50%
Communications	794	15%	797	14%
Policy and Procedure	1067	20%	746	13%
Service not provided	718	13%	601	11%
Staff Conduct	197	4%	252	5%
Equalities and regulatory	205	4%	199	4%
Not for KCC	62	1%	126	2%
Value for money	32	1%	28	1%
Comment/Enquiry use only	0	0%	26	0%
Blank	0	0%	7	0%
Issues with service	171	3%	3	0%
Impact of major incident	5	0%	1	0%
Service failure	3	0%	0	0%
Total	5385		5550	

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

3.21 The biggest topic was 'quality of service' which accounted for 50% of cases, of which 45% of cases under this category were upheld. This is demonstrated in table 9 below.

KCC Annual Customer Feedback Report 2023/24

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	%
Communications or Information	80	152	41	12	285	23%
Equalities & regulatory	4	15	20	2	41	3%
Policy and procedure	58	20	32	0	110	9%
Quality of service	79	281	188	17	565	45%
Service not provided	1	4	8	0	13	1%
Staff Conduct cause	4	23	51	9	87	7%
Value for money	0	1	1	0	2	0%
Issues with service	20	89	51	1	161	13%
Total	246	585	392	41	1264	
%	19%	46%	31%	3%		

*table only includes upheld complaints and not those partially upheld

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

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 61%** of complaints within corporate timescales which compares to **75%** the previous year. The KPI for complaints responses is 85%.
- 4.2 This year services struggled with meeting deadlines for handling complaints within timescales. Staff have been reminded of the importance of keeping customers up to date and of meeting timescales. Performance has been challenging, particularly in a number of key areas of the organisation where there are already existing pressures, such as SEN, and where there were gaps in staffing, for example Highways & Transportation. There has also been significant change in customer habits/behaviours.
- 4.3 This year, of those 39% that were not answered in timescale, were as a result of either staff availability or workload. This reason significantly increases in those services where there is already pressure, for example SEN. As the backlog begins to decrease we expect that these services will be able to respond in a more timely manner.

Table 10 - Delay reasons

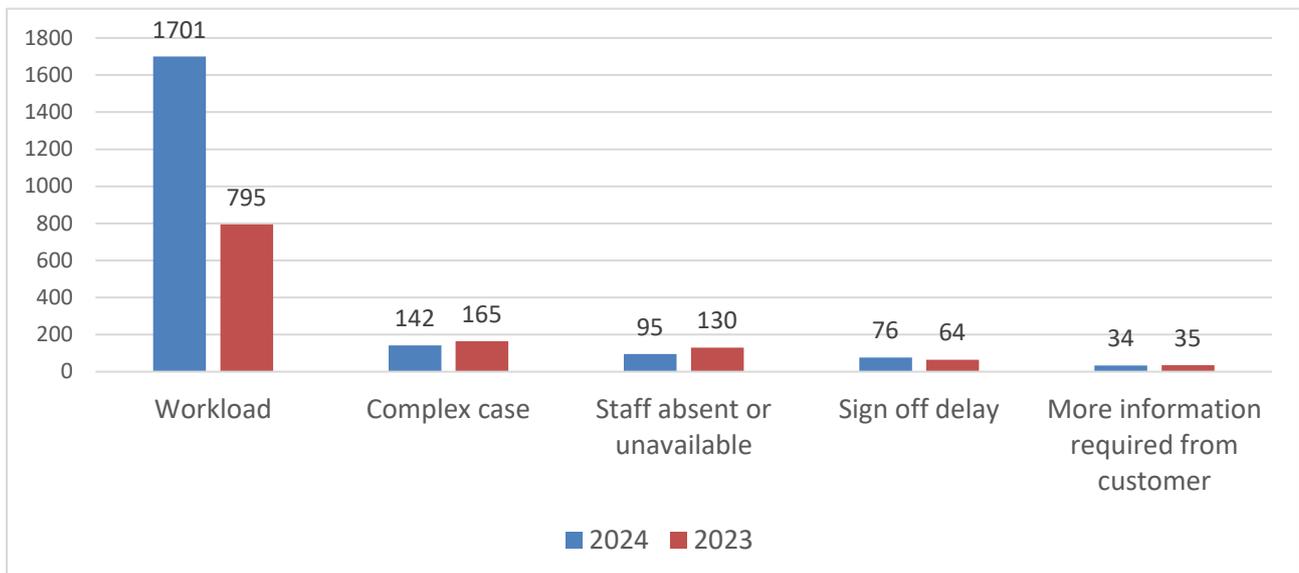


Table 11 - Top five overall delay reasons

	Workload	Complex case	Sign off delay	Staff absent or unavailable	More information required from customer
2023/24	1701	142	76	95	34
2022/23	795	165	64	130	35
% of total complaints closed	31%	3%	1%	2%	<1%

- 4.4 The above table (table 11) shows the overall delay reason cited alongside the percentage of complaints that represents the number of total complaints closed. Workload is the most cited reason.
- 4.5 In Adult Social Care (table 12), while workload is the primary reason for delay against KCC timescales, the second highest reason is complex case. The team continues to work with the service to reduce the number of complaint responses that are delayed.
- 4.6 The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 makes 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, and 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.
- 4.7 In addition, any joint working complaints with health, have an agreed 30 working day response time.
- 4.8 Within CYPE this year, there has been a significant increase in workload cited as a reason for those delays. This is particularly evident in areas already under significant pressure such as SEN, where 85% of cases closed were recorded as late due to workload. In May, the Council received an Ombudsman Public report which detailed the Council’s backlog in SEN complaints. An action plan was put in place to reduce the backlog. This work is ongoing.
- 4.9 In GET, there was a significant increase in workload being cited as the reason for delay. The team responsible for managing responses were significantly impacted by staff absences and vacancies and therefore performance was lower than expected. This has since been resolved and a concerted effort was made to clear the backlog.

Table 12 - Top three delay reasons by directorate

Adults Social Care and Health

	Complex case	Workload	Sign off delay
2023/24	108	215	27
2022/23	88	54	28
% of total complaints closed by Directorate	11%	23%	3%

*Top 3 reasons remain unchanged

Children Young People and Education

	Workload	Sign off delay	Complex case
2023/24	577	28	9
2022/23	467	31	25
% of total complaints closed by Directorate	59%	3%	1%

*Top 3 reasons remain unchanged

Growth Environment and Transport

	Workload	Staff absent or unavailable	Complex Case
2023/24	880	80	20
2022/23	271	107	50
% of total complaints closed by Directorate	27%	2%	>1%

*Top 3 reasons remain unchanged

Strategic and Corporate Services

	Workload	Staff absent or unavailable	Complex Case
2023/24	26	6	5
2022/23	5	n/a	2
% of total complaints rec'd by Directorate	12%	3%	2%

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 channels 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).

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	Govmetric	Other
2023/24	10%	2%	27%	2%	42%	<1%	16%	1%
Volume	868	183	2452	171	3758	10	1465	36
2022/23	13%	2%	33%	2%	50%	<1%	n/a	<1%
Volume	969	133	2396	119	3598	10	n/a	13

- 5.3 There is a significant proportion of complaints are now being submitted via digital methods. 69% of feedback received is arriving digitally either by email or via the online form.

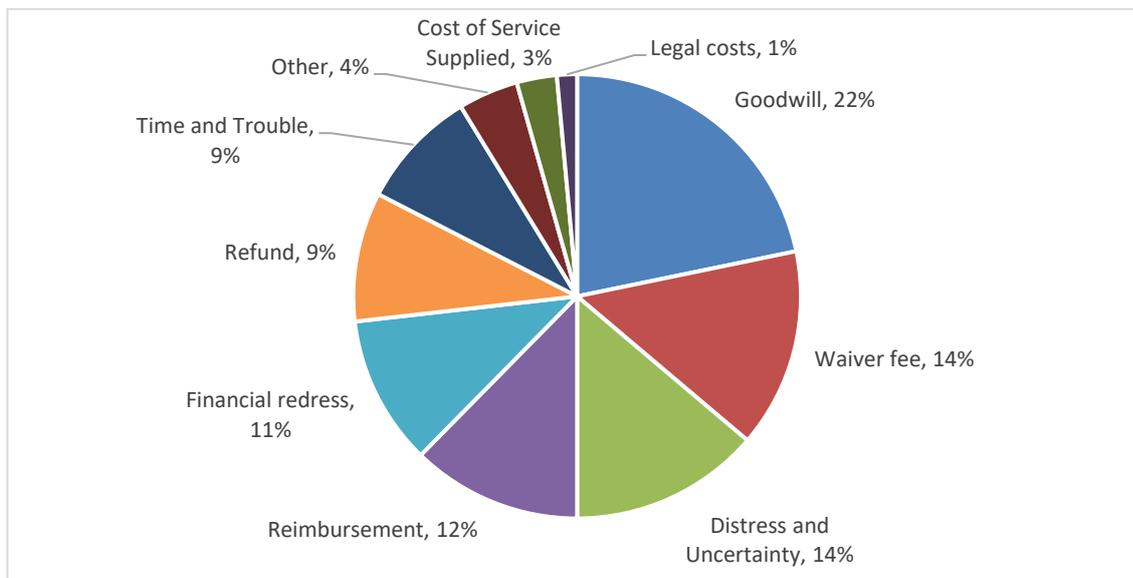
6. Compensation across all complaints received by KCC

- 6.1 In 2023/24 £200,746.07 was paid in compensation, settlements, changes to the amount we charge and waived charges as a result of complaints to the organisation this includes;
- £81,676.89 has been paid or waived as part of local resolution in Adult Social Care and Health. This figure also includes the adjustments to the cost of care provided. The service has adapted their processes to ensure that this information is consistently calculated and recorded as part of the complaint outcome.
 - £980.47 has been paid out for Growth, Environment and Transport.
 - £117,088.71 has been paid out for Children, Young People and Education Directorate including Community Learning and Skills and Children Social Work Services
 - £1,000 has been paid out for Strategic and Corporate Services.
 - £108,499.24 of the payments above were made following Local Government and Social Care Ombudsman Decisions found against KCC.

6.2 This is an increase of £22,031.41 from 2022/23 when £178,714.66 was paid out in settlements or through waived charges.

6.3 There was a complaint in which there was a substantial reimbursement that was awarded in this financial year, however this is not reflected in this year's figures as the case was finally closed in the financial year 2024/25. The total sum awarded will be reflected in next year's totals.

Table 14 - Compensation complaint reason chart



Reason	Volume	%
Goodwill	30	22%
Waiver fee	20	14%
Distress and Uncertainty	19	14%
Reimbursement	17	12%
Financial redress	15	11%
Refund	13	9%
Time and Trouble	12	9%
Other	6	4%
Cost of Service Supplied	4	3%
Legal costs	2	1%
Total	138	

6.4 It is important to note that monies paid out during the 2023/24 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 2023/24

- 7.1 During 2023/24 the Monitoring Officer has responded to 1 complaints of alleged misconduct of the breach of the Elected Member Code of Conduct.

Table 15

Number of Complaints				
2023/24	2022/23	2021/22	2020/21	Outcome
0	2	9	8	No Action or resolved upon receipt. Dismissed by the Monitoring Officer
1	0	0	0	Action taken by party

8. The Local Government and Social Care Ombudsman complaints review 2023/24

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 publicly 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 Chief Executive to encourage more democratic scrutiny of local complaint handling and local accountability of public services.
- 8.4 Decision statements made are published on the Ombudsman's website six weeks 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 Last year the Ombudsman has noted that the way in which they choose which complaints they will investigate has changed, leading to a higher number of complaints being upheld vs not upheld. The below is the Ombudsman's explanation of the change.
- 9.3 "Over the past two years, we have reviewed our processes to ensure we do the most we can with the resources we have. One outcome is that we are more selective about the complaints we look at in detail, prioritising where it is in the public interest to investigate. While providing a more sustainable way for us to work, it has meant that changes in uphold rates this year are not solely down to the nature of the cases coming to us. We are less likely to carry out investigations on 'borderline' issues, so we are naturally finding a higher proportion of fault overall.
- 9.4 During 2023/24 KCC received a total of **304** decisions from the Ombudsman this included 91 referred back for local resolution. The full letter and Ombudsman statistics can be found in Appendix B.
- 9.5 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.
- 9.6 The Ombudsman's report noted that the national average upheld is **84%** of complaints they investigated; this is the same as last year.
- 9.7 The average upheld rate for other County Councils has increased from 80% to 85%. Kent County Council's average is **81%**; this was a decrease from last year's 87% upheld.
- 9.8 In **3%** of upheld cases the Council had provided a satisfactory remedy before the complaint reached the Ombudsman. This compares to an average of 7% in similar authorities.
- 9.9 The Ombudsman found the highest proportion of complaints upheld nationally to be in Education and Children's services, of 304 cases received by the LGSCO for Kent, 186 were about Education and Children Services. Nationally 92% of complaints regarding SEN provision and EHC plans are upheld.
- 9.10 The Ombudsman highlighted that the Council needs to improve its timeliness in its responses to both our customers and the Ombudsman itself. There was one instance

in which the Council did not carry out agreed actions, which meant that the Council complied with the Ombudsman's recommendations in 98% of cases.

9.11 The Ombudsman also recognised the Council's efforts in working with the LGSCO to improve the current position.

10. Public Report

10.1 The Council received one public report in 2023/24. The details of the report were presented to CYPE Cabinet Committee in 2023.

10.2 Report summary

Education – special educational needs Mrs X complained the Council failed to ensure her son, Y, received the Speech and Language Therapy (SALT) set out in his Education, Health and Care plan (EHCP). She also complained the Council has delayed the EHCP process and that communications were poor.

10.3 Recommendations

The Council must report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (Local Government Act 1974, section 31(2), as amended)

In addition to the requirement set out above, to remedy the injustice caused the Council should:

- apologise to Mrs X and Y for failing to issue a decision following the annual review in June 2021, not issuing the EHCP in the statutory timescales, not ensuring the SALT provision specified in the plan was provided, not responding to the complaint and its poor communication;
- pay Mrs X £300 to acknowledge the time and trouble she has spent pursuing this complaint and for the Council's failure to formally respond to it;
- pay £200 to acknowledge the frustration and distress caused due to the Council's faults;
- pay £1,300 for not providing SALT sessions over 13 months which would have been in place had the EHCP been issued within an appropriate timescale. This money should be used for Y's benefit;
- pay £100 a month, for every month the SALT was not set up from January 2023 until the SALT provision is in place. This money should be used for Y's benefit; and
- evidence SALT provision has started and is being delivered in line with the requirements of the EHCP.

In addition, the Council should write to each of the 170 people it has identified to apologise for its delay responding to their stage one and two complaints. The apology should:

- explain they have been identified following an investigation by us;
- set out the steps the Council has already taken to reduce its stage one and two complaint backlog.

It should also explain that, in line with our recommendation, the Council will consider what further steps it should take to prevent a future backlog; and

- include that, once they receive the stage two response, they have the right to complain to us if they remain dissatisfied with the Council's response to the substantive matter they complained about. It should say that if we choose to investigate the main issue they complain about, we can also consider the Council's complaint handling.

Final report

To improve services, the Council should within three months of the date of this report:

- review its EHCP annual review procedure to ensure it follows statutory timescales set out in the Special Educational Needs and Disabilities (SEND) regulations. Ensure decisions about maintaining, amending or discontinuing plans are communicated clearly and promptly to the young person and their family to enable appeal rights to be engaged;
- develop an action plan to show how it intends to address ongoing delays with EHCP annual reviews and complaints about them.

This report should be taken to the relevant committee for democratic scrutiny; and

- update us on the backlog for stage one and two responses and its timeliness. The Council has accepted these recommendations.

11. Local authority report – Kent County Council

11.1 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

11.2 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
<u>2023/24</u>	75	0	6	186	10	22	1	1	3	304
<u>2022/23</u>	67	1	4	146	5	19	0	0	1	243
2021/22	55	0	3	96	7	20	0	1	0	182

Decisions made

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

11.4 There has been a significant increase in the number of cases needing the Council's input and response in the last year. Even those closed after initial enquiries can represent a significant workload for both the Customer Feedback team and the services it supports.

Table 17 – LGSCO complaint decisions

	<u>Detailed investigation carried out</u>		Advice given	Closed after initial enquiries	Incomplete / Invalid	Referred back for local resolution	Total
	Upheld	Not upheld					
2023/24	76	18	2	101	16	91	304
2022/23	53	8	7	91	8	62	229
2021/22	65	30	0	75	2	10	182

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 Ombudsman’s website where all decisions (in which the complainant cannot be identified) are published.

Table 18 - Children, Young People and Education

	Upheld	Not upheld	Closed: out of jurisdiction/ no further action or withdrawn	Premature	Total
Children Social Work Services	11	1	23	2	37
Kent Test/ School Admission appeals	3	1	8	0	12
Home to School Transport/ Free School Meals	0	1	3	0	4
Special Educational Needs	41	2	13	41	97
The Education People	0	0	0	0	0
Community Learning and Skills	0	0	1	0	1
Closed by LGSCO – not sent to KCC	0	0	3	27	30
Total	56	5	51	70	182

Children Social Care - Upheld example – 22 015 191

Complaint

Miss X complained about the Council’s actions and decision in relation to her daughter, F’s care in 2020 when she was discharged from a mental health hospital.

Outcome

The Council has upheld Miss X’s complaints after investigating them under the statutory children’s complaints procedure. It agreed to pay Miss X and F £250 each to acknowledge the distress and uncertainty caused by poor placement planning upon F’s discharge. It agreed to pay Miss X a further £500 to acknowledge the significant delays in completing stage 2 of the complaints procedure.

Children Social Care – Not upheld example – 22 013 930

Complaint

Miss X complained the Council has failed to properly consider an application she made for a blue badge for her son. She said without a blue badge, it limits the opportunities he has to access the community. The Ombudsman does not find fault in the Council's actions.

Education - Not upheld example – 23 003 616

Complaint:

Mr X complains:

- a. about the Council's decision to refuse to carry out an education, health and care needs assessment for his son and the conduct of officers who dealt with the matter. Mr X says the actions of the Council caused significant distress to him and his family.
- b. that the Council delayed in carrying out the needs assessment following the Tribunal order and in issuing the education, health and care plan. As a result, Mr X's son's special education needs were not met for longer than necessary.

Outcome

The Council did not issue Y's final EHC plan within the statutory timescale. But, on balance, I do not consider the Council is at fault for the delay.

The delays were caused by the need to rearrange the educational psychology assessment on two occasions. This was because Mr X could not attend the assessment arranged for December 2022 and Y could not be at school for the assessment scheduled for January 2023. The educational psychologist then could not carry out the assessment until late February but, on balance, I do not consider this is fault. It is inevitable that the assessment would take some time to rearrange due to the educational psychologist's work commitments.

The educational psychologist took a month to send their report to the Council. On balance, I consider the time taken to produce the report was not excessive and does not amount to fault. The Council then issued the draft EHC plan and the final EHC plan within appropriate timescales.

1. Education - Upheld example – 23 001 283

Complaint

Mrs X complains the Council did not issue her son, Y’s, Education, Health and Care plan (EHCP) within the required timescales. Mrs X complains Y was unable to receive a suitable education until his EHCP was issued at the end of June 2023.

Mrs X says this has caused distress and frustration for her and Y. She says that he has lost out on provision he should have received if the plan had been issued on time.

Outcome

To remedy the injustice caused by the faults I have identified, the Council has agreed to take the following action within four weeks of the date of my final decision:

- apologise to Mrs X for the delay in finalising Y’s EHCP, the delayed appeal rights and the lost opportunity for Y to access the educational provision set out in his EHCP;
- pay Mrs X £250 to acknowledge the distress and frustration caused by the wait for the EHCP to be issued;
- pay Mrs X £900 to acknowledge Y’s lost opportunity to access specialist educational provision set out in his plan, whilst it was delayed.

Table 19 - Growth, Environment and Transport

	Upheld	Not upheld	Closed: out of jurisdiction/no further action or withdrawn	Premature	Total
Environment & Waste	0	2	5	3	10
Growth and Communities (inc LRA)	0	0	0	1	1
Highways & Transportation	0	2	18	1	21
Total	0	4	23	5	32

Not Upheld example – 22 009 127

Complaint:

1. Mr X and Mrs X complained they suffered inconvenience because the Council did not consider their access needs to a field, before, and then during a road closure.

2. Because of this Mr and Mrs X suffered significant inconvenience and added stress.

Outcome

The Council have a power to restrict or fully close a road. The legislation allows this where there are road works. The regulations explain what the Council should do when it approves a TTRO. The Council correctly followed the procedure.

The Council carried out consultation with those affected by the road closures as part of the initial planning process for the road works. This included the landowner of the field Mr X rents and there is no evidence the Council were aware of any specific access needs that Mr or Mrs X would have.

There is no legal requirement for the Council to ensure access after it became aware of Mr X’s situation. However, we would expect to see the Council make efforts to try and resolve these issues. The Council continued to liaise with Mr X with the intention of trying to help with access.

This liaison included a site visit, it involved others outside the Council and recognised the need for access by animal welfare practitioners. This contact carried on after the Council had dealt with Mr X’s complaint. This is the evidence we would expect to see and there was no fault in this.

There were no complaints heard at Ombudsman stage regarding GET that were Upheld at this time.

Table 20 – Chief Executive and Deputy Chief Executive Departments

Upheld	Not upheld	Closed: out of jurisdiction/no further action or withdrawn	Premature	Total
0	2	3	1	6

Not Upheld example – 22 012 436

Complaint:

The complainant, who I shall refer to as Miss X, complains the Council has refused her request for reasonable adjustments to enable her to access an adult education course.

Outcome:

Miss X complains the Council was discriminatory in failing to make adjustments she considered reasonable to enable her to study an adult education course. We

discontinued our investigation because we do not have jurisdiction to investigate the matter Miss X complains of.

Table 21 - Adult Social Care and Health

Upheld	Not upheld	Closed: out of jurisdiction/no further action or withdrawn	Premature	Total
20	7	23	15	65

Not Upheld example – 23 010 048

Complaint:

The Council, and the care home providing services on behalf of the Council, wrongly accused Mr Z of mismanaging his father’s finances and wrongly reported him to the police.

Mrs Z, complaining on behalf of her husband Mr Z, says the situation caused distress and had a negative impact on their health.

Outcome

There is no fault as the Council correctly began a safeguarding investigation when concerns about finances were raised and correctly involved the police.

Upheld example – 23 001 147

Complaint:

The complainant, who I shall call Mr X, complains the Council has charged him for care from 24 October to 13 November 2022, which should have been free as reablement care.

Mr X says this has caused him to pay for care which he feels should have been free and he would like this refunded.

Outcome

The Council accepts that all the OT equipment was not delivered to Mr X. This was fault, as the Council’s reablement protocol refers to the provision of equipment. The equipment was originally ordered by the hospital OT and they could have also followed this up. This had an impact on Mr X, but from what I can see would not have been the sole reason the period of reablement was not successful. Mr X is now living at a new address, with a different care package, and so this part of the complaint cannot be remedied by delivering the missing equipment.

Mr X's representative's main point is that the Council brought the reablement care to an end prematurely. The argument is that the Council should have allowed the full 6 weeks before deciding what happened next. This would have meant that Mr X did not have to pay for care from 24 October to 13 November 2022, as reablement care is free.

Having looked at the care notes I can see why the Council carried out the review on 11 October. The care agency had told them that Mr X's calls were taking longer than the time assigned. Mrs X was also struggling to care for Mr X when the carers were not present and was asking for help. Mr X had fallen twice and had agreed to go into respite/residential care. I cannot see any evidence of fault in making a decision before the end of the 6 weeks that Mr X required ongoing care. Mr X agreed to go into respite/residential care.

Mr X's representative also argues a point of law. The legislation they refer to is the Care and Support (Charging and Assessment of Resources) Regulations 2014. Part 2 refers to the power of the Council to charge for care and support. In section 3 it says 'a local authority must not make a charge for intermediate care and reablement support services for the first 6 weeks of the specified period or, if the specified period is less than 6 weeks, for that period'.

The guidance says the Council can provide reablement support free of charge for less than 6 weeks. There is no guidance to say whether the specified period can change after a re-assessment.

In this complaint, the Council's decision to reassess the care needs before the end of the 6 weeks was without fault, given the concerns of the carers and Mr X's wife. Mr X continued to receive care at home but this no longer had the goal of reablement. Mr X was then required to pay a financial contribution towards the cost of the care.

The Council's reablement care protocols are clear. They say 'Enablement is a time limited assessment service which is provided free for up to 6 weeks; the duration being determined according to individual need. The service aims to support individuals to reach agreed goals.....'.

In response to my enquiries, the Council said 'Enablement protocols for the service say that a period of reablement can be as long as six weeks but can also end sooner, and is considered to have ended once a person's ongoing needs have been identified, and/or they are felt to have achieved the goals agreed at the start of the intervention.

I can find no evidence of fault in the Council's decision to end the reablement care and charge for the care at home until Mr X went into respite/residential care. The Council reassessed Mr X and determined that he was no longer suitable for reablement care before the end of the 6 week period. Once the Council decided that Mr X was no longer suitable for reablement care, then it follows the Council could charge Mr X for his care as the reablement care had ended.

Within one month of the date of the decision on this complaint the Council should:

- Apologise to Mr X. We publish guidance on remedies which sets out our expectations for how organisations should apologise effectively to remedy injustice. The organisation should consider this guidance in making the apology I have recommended in my findings.

The Council should provide us with evidence it has complied with the above actions.

13. LESSONS LEARNED

13.1 Where the Ombudsman has made a decision against the Council, steps are taken by officers in 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.

13.2 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
Formal apology	790
Explanation	431
Provided service requested	314
Arrange staff training or guidance	281
Financial remedy	154
Discuss at team meeting	132

13.3 Other actions taken include changing or reviewing communications, changing or reviewing a service, offering advice, reviewing contract or partner arrangements and changing or reviewing policies or procedures.

14. RECOMMENDATIONS

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

Report Author:

Pascale Blackburn-Clarke
 Customer Experience and Engagement Manager
 03000 417025
 Pascale.blackburn-clarke@kent.gov.uk

Relevant Corporate Director:

Amanda Beer, Deputy Chief Executive
 03000 415835
 Amanda.beer@kent.gov.uk

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*
2023/24	1164	21	40	186
2022/23	1240	38	39	121
2021/22	1049	42	91	96

The below table compares the number of complaints received in 2023/24 with those received in 2021/22 and 2022/23.

Service	2021/22	2022/23	2023/24
Integrated Children's Services <i>(Was Specialist Children Service/Children's Social Work Services)</i>	825	991	397
Education (includes Community Learning & Skills) <i>(Was Education Services)</i>	222	236	145
SEN & Disabled Children's Services	n/a	n/a	608
Corporate Directors Office (includes The Education People)	2	13	15
Total Complaints	1049	1240	1164

KCC Annual Customer Feedback Report 2023/24

Growth, Environment and Transport

All Feedback Reported

	Complaints (Stage one)	Comments	Compliments	Resolved Local Government and Social Care Ombudsman enquiries & complaints*
2023/24	3157	1233	702	33
2022/23	3231	196	662	26
2021/22	3238	226	703	28

The below table compares the number of complaints received in 2023/24 with those received in 2021/22 and 2022/23.

Service	2021/22	2022/23	2023/24
Environment (<i>was Environment, Planning and Enforcement</i>)	172	145	73
Growth & Communities (<i>was Economic Development</i>)	4	4	96
Highways and Transportation	2791	2822	2565
Waste	n/a	n/a	235
Libraries, Registrations and Archives	271	260	187
GET Corporate Directors Office	n/a	n/a	1
Total Complaints	3238	3231	3157

KCC Annual Customer Feedback Report 2023/24

Adult Social Care and Health

All Feedback Reported

	Complaints (Stage One)	Comments	Compliments	Resolved Local Government and Social Care Ombudsman enquiries & complaints*
2023/24	992	0	553	75
2022/23	958	0	375	48
2021/22	744	0	375	55

The below table compares the number of complaints received in 2023/24 with those received in 2021/22 and 2022/23.

Service	2021/22	2022/23	2023/24
Adult Social Care and Health	744	958	992
Total Complaints	744	958	992

KCC Annual Customer Feedback Report 2023/24

Strategic and Corporate Services

All Feedback Recorded

	Complaints (Stage One)	Comments	Compliments	Resolved Local Government and Social Care Ombudsman enquiries & complaints*
2023/24	173	514	23	7
2022/23	151	39	22	4
2021/22	179	17	39	3

The below table compares the number of complaints received in 2023/24 with those received in 2021/22 and 2022/23.

Service	2021/22	2022/23	2023/24
Finance (includes Insurance)	39	26	47
Governance, Law and Democracy (<i>was FOI</i>)	13	15	31
Marketing and Resident Experience	64	41	36
Strategy, Policy, Relationships and Corporate Assurance	-	34	3
Infrastructure	16	11	32
Strategic Commissioning (includes Public Health)	34	1	6
Other including HR	13	10	18
Total Complaints	179	138	173

Appendix B

Ombudsman Letter