

By: Mike Hill, Cabinet Member for Customer & Communities
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Performance & Health Reform
Katherine Kerswell – Managing Director

To: Governance and Audit Committee – 14 September 2011

Subject: OMBUDSMAN COMPLAINTS

Classification: Unrestricted

Summary and Recommendations: To report the Local Government Ombudsman Letter & Annual Review 2010/11 and the latest position on complaints about Kent County Council escalated to the Ombudsman in 1 April – 30 June 2011.

STATUS FOR ASSURANCE

1. Local Government Ombudsman Letter & Annual Review 2010/11

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

- help councils learn from the outcome of complaints to the Ombudsman
- underpin effective working relationships between councils and the Ombudsman's office
- identify opportunities for the Ombudsman and his staff to provide assistance that a council may wish to seek in bringing about improvements to its internal complaint handling
- provide complaint-based information which the Ombudsman hopes councils will find useful in assessing and reviewing their performance.

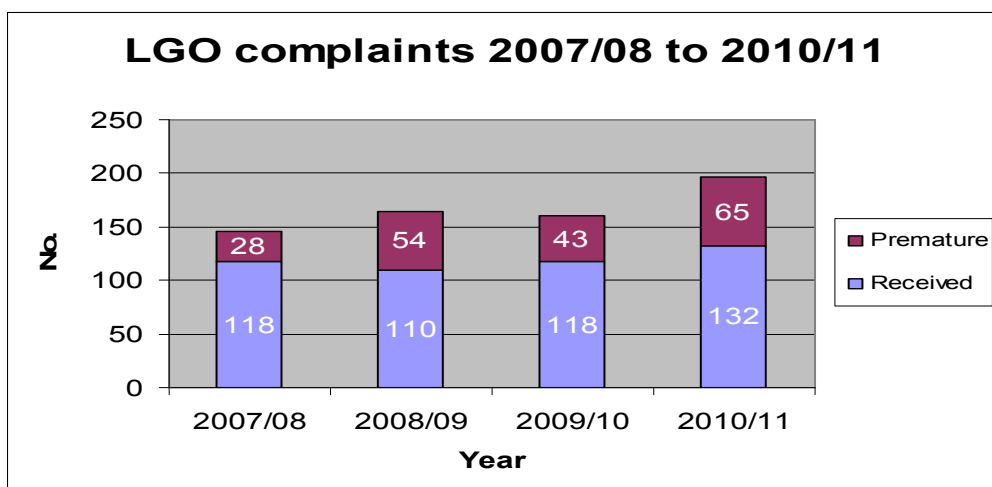
1.2 The Ombudsman's letter to the Managing Director plus the Annual Review for 2010/2011 is attached as **Appendix A** to this report.

2. Ombudsman Complaints Statistics

2.1 This year, the Council has had difficulty reconciling its statistics with those provided by the Ombudsman. This was due to changes in the Ombudsman's reporting process – some subject areas and detailed categories have been updated and new decision groups introduced. This resulted in Adult Care Service complaints being missed off the Ombudsman's provisional statistics, which also included six complaints about schools, not KCC.

2.2 The Ombudsman also provides KCC's response times to first enquiries over the past three years and compares KCC's performance in this respect with other councils.

2.3 The figures tabled in **Appendix B** shows that the Ombudsman received 194 complaints about KCC in 2010/11 (including 44 where advice was given to the complainant and 21 that were deemed premature). The correct total was actually 197, as the Ombudsman's statistics exclude 1 Adult Care Services complaint (the total forwarded to KCC was 38 not 37 as shown on the Appendix B table) and 2 Education & Children's Services complaints (the total forwarded to KCC was 71 not 69). This is an increase on previous years - 161 complaints about KCC in 2009/10 (including 43 that were deemed premature) and 164 complaints (54 premature) in 2008/09.



2.4 Of the 132 complaints that the Ombudsman investigated in 2010/11, 56 of them (42%) related to education matters and virtually all of these were about school admission appeals, a process that is not unique to Kent but is not an issue that majority of other councils have to contend with. This is one reason why Kent and Buckinghamshire CC (which also has a similar appeals process) seem to have disproportionately more complaints than other county and unitary authorities.

2.5 The Ombudsman's only criticism of KCC in this year's letter refers to a failure to provide the LGO with an initial response to enquiries within the LGO's target time of 28 days. KCC's average response time of 31.5 days in 2010/2011 was the same as it was for the previous year. However, bearing in mind that from June to October (when majority of Ombudsman complaints are received) the then Access to Information Team was reduced from 3 FTE to 2 FTE due to the uncovered maternity leave of one team member, this could be viewed as an improvement.

2.6 It is critical that as an organisation we learn the lessons from complaints, in particular those which go to the LGO. A recent case in Adult Social care highlighted the need for KCC to learn the lessons across the organisation, as the LGO identified similar issues to those raised in a complaint about Children's Services in 2009. Steps are being taken to ensure that lessons are cascaded with managers throughout the organisation and that reports are made to DMT and CMT as appropriate.

2.7 Of the 111 decision notices issued, there were no reports of maladministration.

2.8 With regard to the 28 local settlements, the Council was asked to pay a total of £8,865.65 in compensation to resolve 14 of these complaints. Details of these complaints are outlined in **Appendix C**.

2.9 To conclude on a positive note, 83 of the 111 complaints that the Ombudsman issued a decision on, could not have been avoided. KCC had done nothing wrong; the complainant was simply unhappy with perhaps a decision or policy that went against them.

3. Developments in the Local Government Ombudsman service

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

(a) The Health Act 2009 extended the LGO's powers to investigate complaints about privately arranged and funded adult social care, where the provider is registered with the Care Quality Commission. These powers come into effect from 1 October 2010. The greater use of direct payments and personalised budgets mean that it is particularly important for the LGO to be able to deal with such complaints irrespective of whether a council has arranged the care. Anyone who arranges and pays for their own social care now has the right to an independent and impartial examination of any complaints and concerns they may have about their care provider. In the six months to April 2011 KCC received 89 complaints under the new adult social care powers.

(b) The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for the LGO to deal with complaints about schools by pupils or their parents. The Education Bill currently before Parliament proposes to rescind this jurisdiction from July 2012. The LGO received 64 complaints about schools by the end of March 2011. These covered a broad range of issues including how schools had dealt with allegations of bullying, the provision of additional support for those children with special educational needs, how schools had dealt with medical issues, complaints about staff conduct, the way in which policies on school uniforms had been applied, exclusions from school, school trips, and the barring of parents from school premises.

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

4. New Local Government Ombudsman Complaints 1 April 2011- 30 June 2011

4.1 As at 5 August 2011, there were 8 cases outstanding from previous financial years, where the LGO has yet to make a decision. See **Appendix D – Table 1**.

4.2 As at 5 August, a decision had been made on 10 cases received in the previous financial year. These decisions included payments totalling £15,463 in compensation to two complainants. See Appendix D – Table 2. Please note that these statistics will be reflected in next year’s annual review.

4.3 From 1 April – 30 June 2011, KCC had received 35 new complaints from the LGO. This excludes 6 complaints which were classified by the LGO as “premature”, i.e. the LGO considered that the Council had not yet had sufficient opportunity to consider them first and asked that KCC put these through its internal complaints procedure first. (Appendix D - Table 3)

5. Maladministration

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

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

A copy of the report issued by the Ombudsman can be found at <http://www.lgo.org.uk/complaint-outcomes/education/education-archive-2011-12/kent-county-council-amp-tunbridge-wells-girls-gram/>

KCC are due to provide their comments on what actions KCC has taken to address this report by the end of September 2011.

6. Lessons Learnt from Complaints

As reported to Governance & Audit In June Corporate Management Team has approved in principle of having a centralised complaints team. This will improve how we handle complaints and ensure lessons are learnt across KCC. In future complaints information will form part of the quarterly performance management report that goes to the Performance Assurance Team (PAT). PAT will analyse complaint information asking Corporate Directors or Directors and Managers to explain about trends and what action has been taken to make the system work more effectively.

Families & Social Care is experiencing an increase in the number of cases being referred to the LGO, as a result of peoples’ dissatisfaction with the handling of their complaint.

A recent LGO investigation has highlighted the need to ensure that findings, recommendations and resolutions from the Ombudsman are cascaded

throughout KCC, as appropriate, to ensure lessons are learned and therefore prevent recurrences of similar themes. A review of current procedures is being undertaken to ensure that recommendations and service improvements are made across the Authority.

7. Conclusion

7.1 The letter and Annual Review reflects the generally good working relationship that exists between the Council and the Ombudsman's office. Positive action is being taken to respond to lessons learnt through complaints monitoring – through service development, training and through improvements to the complaints process itself.

8. Recommendations

8.1 Members are asked to note the contents of this report

Caroline Dodge
Information Resilience & Transparency
Manager
Ext 1652

Janice Hill
Performance & Improvement
Manager
Ext 1981

Local Government
OMBUDSMAN

24 June 2011

Ms K Kerswell
 Managing Director
 Kent County Council
 County Hall
 Maidstone ME14 1XQ

Dear Ms Kerswell

Annual Review Letter

I am writing with our annual summary of statistics on the complaints made to me about your authority for the year ending 31 March 2011. I hope the information set out in the enclosed tables will be useful to you.

The statistics include the number of enquiries and complaints received by our Advice Team, the number that the Advice Team forwarded to my office and decisions made on complaints about your council. Not all complaints are decided in the same year that they are received. This means that the number of complaints received and the number decided will be different.

The statistics also show the time taken by your authority to respond to written enquiries and the average response times by type of authority. I have decided to add a commentary to the attached statistics in view of the number and range of complaints against your Council that my office dealt with in the year which have predominantly been about Adult Care Services, Children's Services, and Education. I also wanted to provide you with some information on the schools complaints service which commenced in Kent in September 2010.

Enquiries and complaints received

Our Advice Team received 194 enquiries about your Council in 2010/11. We dealt with 44 of these enquiries through the provision of advice. A further 21 were passed back to the Council with a request that they were considered further because the corporate complaints procedure had yet to be exhausted, and it seemed that the complainants would not be disadvantaged by doing so. They were told they could resubmit their complaint to the Ombudsman if they were dissatisfied with the outcome of their complaint after it had been considered further by the Council. The remaining 129 enquiries were treated as complaints and so were forwarded to an investigation team.

Complaint outcomes

Of the 111 decisions I made in the year, nine were outside my jurisdiction. In 47 cases I found no fault, and in 24 cases I exercised my discretion not to pursue the complaint, often because I felt the claimed injustice was insufficient to justify an investigation. Although I issued no reports against your Council in the year, I did agree 29 local settlements.

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Anne Seex
 Local Government
 Ombudsman
 Nigel Ellis
 Deputy Ombudsman

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2010/11, 27.1% of all complaints the Ombudsmen decided and which were in our jurisdiction were local settlements. The comparative figure for your authority just exceeded this at 28.8%. All except one of the local settlements we secured for Kent complainants this year related to complaints about three services: Adult Care Services, Children's Services, and Education. The majority of the settlements about Education related to fault in admissions arrangements to schools or in the hearing of appeals in respect of non-admission to a particular school. I will say more about this later.

Local settlements may be obtained in many different ways. Sometimes the payment of compensation is appropriate. In 2010/11 your Council paid compensation of £8,625 in total. But often there is more to a local settlement than just the payment of money. Here are some examples of the settlements obtained during the year.

Adult care services

We settled one complaint about the extent to which Council had responded appropriately to the complainant's concerns about the safety and wellbeing of her elderly mother who was known to its Psychiatric Services. A number of failings were identified in the way in which the Council had responded to the concerns, and the conclusion was reached that it had failed in its responsibilities to the complainant's mother. It set in train a number of actions to improve its procedures in future.

In another complaint I asked the Council to provide £1,900 in compensation for its failure to provide community care services to a complainant who had been assessed as eligible to receive such services.

I also dealt with a complaint where the complainant did not receive the level of customer service which he was entitled to expect following the death of his stepfather when he attempted to obtain some clarification on the outstanding care home fees that were owed. The Council accepted that he should not have had to deal with so many of its officers over what ought to have been a simple matter. Although the Council responded promptly to most of the contact from the complainant, it was slow to recognise his legitimate concern that he may have been invoiced for money he had already paid. The Council should have recognised that the complainant was entitled to an apology and an explanation of what had gone wrong. The Council agreed to reduce the outstanding debt by £150 and to send an apology.

Education

I settled two complaints last year in respect of the Council's failure to provide suitable education for children of statutory school age. One had been excluded from school and should have been receiving suitable full time education from the sixth day of his exclusion. Although the child received some home tuition and arrangements were put in place to enable exams to be taken, my Investigator concluded that this was far from adequate. The second case involved a child who relied on a motorised wheelchair for mobility. As he had got older he had outgrown his wheelchair but the larger one he was provided with was unsuitable for his home until such time as adaptations had been undertaken. He effectively became housebound for a six month period during which time no education was provided.

Thirty five separate complaints about school admissions raised questions about the quality and independence of the appeal process when the Council provides and services Independent Appeal Panels - both for itself and for schools that are admission authorities. In some appeals the Clerk's notes were inadequate. I found a number of instances where an appeal panel had decided to send a particular standard decision letter only for Council officers to send a different one. Some decision letters did not include major points documented in the clerks' notes. The practice of Council officers finalising and sending appeal decision letters with the clerks' facsimile signatures breaches the statutory Code.

One of the school admission complaints involved a selection test that had been disrupted and the invigilators making mistakes about timing. The Council said it would not arrange for the children affected to sit an alternative test. It said that the parents could appeal to an Independent Appeal Panel. Primary schools can ask for a panel of head teachers to review the cases of children who are expected to pass but do not. Children who pass but achieve a lower score than expected cannot be referred to the panel of head teachers. As a result, a child who passes but has underperformed because of disruption and/or mistakes by the Council's invigilators could miss out on a 'super selective' place (i.e. one of the places that some schools reserve for a specified number of children scoring the highest marks who would not otherwise get a place, for example because of the distance between their home and school).

Liaison with the Local Government Ombudsman

My investigators made initial enquiries on 83 complaints this year. On average it took 31.5 days for the Council to reply. These times fall short of my requested timescale of 28 days.

Whilst my Investigators have noted some reluctance to agree to proposed settlements, they have also noted examples where the Council has been pro-active in proposing them on cases under investigation. I also note that two of your Officers attended a seminar I held in our London Office in December, which I hope they found useful.

Communicating decisions

We want our work to be transparent and our decisions to be clear and comprehensible. During the past year we changed the way we communicate our decisions and reasons. We now provide a stand-alone statement of reasons for every decision we make to both the citizen who has complained and to the council. These statements replace our former practice of communicating decisions by letter to citizens that are copied to councils. We hope this change has been beneficial and welcome comments on this or any other aspect of our work.

In April 2011 we introduced a new IT system for case management and revised the brief descriptions of our decisions. My next annual letter will use the different decision descriptions that are intended to give a more precise representation of complaint outcomes and also add further transparency to our work.

Extended powers

During 2010/11 our powers were extended to deal with complaints in two significant areas. In October 2010 all complaints about injustice connected to adult social care services came under our jurisdiction. The greater use of direct payments and personalised budgets mean that it is particularly important for us to be able to deal with such complaints irrespective of whether a council has arranged the care. Anyone who arranges and pays for their own social care now has the right to an independent and impartial examination of any complaints and concerns they may have about their care provider.

In the six months to April 2011 we received 89 complaints under our new adult social care powers. Between 2009/10 and 2010/11 complaints about care arranged or funded by councils doubled from 657 to 1,351.

The Apprenticeships, Skills, Children & Learning Act 2009 introduced powers for us to deal with complaints about schools by pupils or their parents. This was to be introduced in phases and currently applies in 14 council areas. By the end of 2010/11 we had received 169 complaints about schools in those areas and 183 about schools in other areas where we had no power to investigate. The Education Bill currently before Parliament proposes to rescind our new jurisdiction from July 2012.

As you are aware, schools in Kent have been subject our new powers since September 2010. I would like to thank Kent County Council for its support during this period in facilitating the delivery of training across the county to Head Teachers, Governors and Clerks about the new legislation, and more recently in supporting schools to develop accessible and fair complaints handling procedures. We have delivered eight courses in total to over 200 delegates with an overwhelmingly positive response.

I had received 64 complaints about schools in your area by the end of March 2011. These covered a broad range of issues including how schools had dealt with allegations of bullying, the provision of additional support for those children with special educational needs, how schools had dealt with medical issues, complaints about staff conduct, the way in which policies on school uniforms had been applied, exclusions from school, school trips, and the barring of parents from school premises.

Of the 57 complaints decided in your area:

- In 16 cases we initiated an investigation;
- In 39 cases the complaint was referred back to the school for it to consider using its own complaint procedure as it had not yet had the opportunity to do so before the complaint was made to me; and
- In 2 cases we were unable to consider the complaint as it was either not made by a qualifying person or was about a matter I am prevented from considering by law.

In terms of the 16 of cases where we initiated an investigation:

- A satisfactory resolution was reached between the parties in eight cases following the Ombudsman's involvement and so the investigation was discontinued.
- We secured a remedy and / or agreement for action to prevent similar problems recurring in six of the cases.
- In two we found that there was no fault in the actions of the school or there was no substance to the complaint.

Decisions in the 14 areas can be broken down as follows:

- In 47% of cases we initiated an investigation.
- In 48% of cases the complaint was referred back to the school for it to consider using its own procedures as it had not had the opportunity to do so.
- In 5% of cases we were unable to consider the complaint as it was not within our jurisdiction.

In terms of the 47% of cases where we initiated an investigation:

- A satisfactory resolution was reached between the parties in 25% of cases following the Ombudsman's involvement (and the investigation was discontinued).
- We secured a remedy and/or agreement for action to prevent similar problems recurring in 13% of the cases.

- In 9% we found that there was no fault in the actions of the school or there was no substance to the complaint.

Our new powers coincided with the introduction of Treasury controls on expenditure by government departments and sponsored bodies designed to reduce the public spending deficit. This has constrained our ability to inform care service users, pupils and their parents of their new rights.

Assisting councils to improve

For many years we have made our experience and expertise available to councils by offering training in complaint handling. We regard supporting good complaint handling in councils as an important part of our work. We provided a one day training course on Effective Complaint Handling for officers in your authority on 11 March 2011. I hope this course was timely in the context of the roll-out of your new complaint handling arrangements in April 2011.

During 2010/2011 we surveyed a number of councils that had taken up the training and some that had not. Responses from councils where we had provided training were encouraging:

- 90% said it had helped them to improve their complaint handling
- 68% gave examples of how the knowledge and skills gained from the training had been applied in practice
- 55% said that complaints were resolved at an earlier stage than previously
- almost 50% said that citizens who complained were more satisfied.

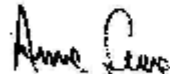
These findings will inform how we develop and provide training in the future. For example, the survey identified that councils are interested in short complaint handling modules and e-learning.

Details of training opportunities are on our web site at www.lgo.org.uk/training-councils/

More details of our work over the year will be included in the 2010/11 Annual Report. This will be published on our website at the same time as the annual review letters for all councils (14 July).

If it would be helpful to your Council I should be pleased to arrange for me or a senior manager to meet and explain our work in greater detail.

Yours sincerely



Anne Seex
Local Government Ombudsman

Local authority report - Kent CC

for the period ending - 31/03/2011

For further information on interpretation of statistics click on this link to go to www.lgo.org.uk/CouncilsPerformance

LGO Advice Team

Enquiries and complaints received	Adult Care Services	Benefits & Tax	Corporate & Other Services	Education & Childrens Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/informal premature complaints	4	0	0	10	1	5	0	1	0	21
Advice given	9	1	1	28	0	3	1	1	0	44
Forwarded in investigative team (resubmitted)	2	0	0	3	0	0	0	0	1	6
Forwarded to investigative team (new)	35	0	3	66	3	12	0	4	0	123
Total	50	1	4	107	4	20	1	6	1	194

Investigative Team

Decisions	Reports: maladministration and injustice	Local settlements (no report)	Reports: Maladministration no injustice	Reports: no Maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010 / 2011	0	28	0	0	47	20	9	106

Adult social care decisions made from 1 Oct 2010*

	Not to initiate an investigation	To discontinue investigation, injustice remedied	To discontinue investigation, other	Total
2010 - 2011	3	1	1	5

*These decisions are not included in the main decisions table above. They use the new decision reasons from 1/10/10.

Response times	First enquiries	
	No of first Enquiries	Avg no of days to respond
01/04/2010 / 31/03/2011	79	31.6
2009 / 2010	75	31.6
2008 / 2009	69	38.1

Provisional comparative response times 01/04/2010 to 31/03/2011

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District councils	65	23	12
Unitary authorities	59	28	13
Metropolitan authorities	64	19	17
County councils	66	17	17
London boroughs	64	30	6
National parks authorities	75	25	0

Response times adult social care 1/10/10 - 31/3/11	First enquiries	
	No of first Enquiries	Avg no of days to respond
2010/2011	4	30.0

Local authority report - Kent CC

for the period ending - 31/03/2011

For further information on interpretation of statistics click on this link to go to www.lgo.org.uk/OurData/Performance

LGO Advice Team

Enquiries and complaints received	Adult Care Services	Benefits & Pensions	Corporates & Other Services	Education & Children's Services	Environmental Services & Public Protection & Regulation	Highways & Transport	Housing	Other	Planning & Development	Total
Formal/Informal premature complaint	4	0	0	10	1	5	0	1	0	21
Advice given	9	1	1	28	0	3	1	1	0	44
Referred to independent dispute resolution (mediated)	LGO'S list of complaints totals 2	0	0	LGO'S list of complaints totals 3	0	0	0	0	1	6
Referred to investigative team (not)	38 not 99! SEE NOTE A	0	3	71 not 69! SEE NOTE B	3	12	0	4	0	123
Total	50	1	4	107	4	20	1	6	1	194

Investigative Team

Decisions	Reports: maladministration and injustice	Local resolutions (no report)	Reports: maladministration no injustice	Reports: no maladministration	No Maladministration (no report)	Ombudsman's discretion (no report)	Outside jurisdiction	Total
2010/2011	0	28	0	0	47	LGO quibbled 22 such decisions 23*	0	105

A 8 complaints included in the LGO'S figures did not reach KCC until after 1/4/11 and will be counted in KCC'S 2011/2012 statistics. 4 complaints have yet to be received by KCC. $38 - 8 - 4 = 26$ which is the number received by KCC!

B 5 complaints included in the LGO'S figures did not reach KCC until after 1/4/11 and will be counted in KCC'S 2011/2012 statistics. KCC received 69 complaints but this includes 4 that were Kent CC counted in the LGO'S 2009/10 statistics + excludes 1 repeated complaint. $71 - 5 - 1 + 4 = 69$ which is number received by KCC!

On their provisional statistics which concur with KCC'S.

Columns totals add up to 104 not 106!

Compensation paid on cases decided from 1st April 2010 to 31st March 2011

Our Ref	KCC Unit	Description	Financial settlement / compensation	Omb Decision	LGO subject area	LGO detailed category
10/074	KHS	Problem with trees in Ferndale Road & Central Avenue, Gravesend causing damage to constituent's property.	£50.00	LS	Planning & Development	Trees
09/168	CSD	Unhappy with son's home to school transport arrangements and the lack of help received from previous complaints	£100.00	LS	Education & Children's Services	Education Council: Transport
10/255	KASS	Failure to deal with outstanding care home fees following death of stepfather.	£150.00	DI - IR	Adult Care Services	Council: charging
10/097	KASS	Inadequate explanation or apology for errors (now corrected) with late mother's Kent Care account	£200.00	LS	Adult Care Services	Adult Care Services
10/169	KASS	Failure to deal with her current housing situation efficiently.	£250.00	LS	Adult Care Services	Housing
07/163	CSS	Unreasonable delay by KCC in responding to complaint	£250.00	LS	Education & Children's Services	Children & family services
10/105	CSS	Failure to complete and set up a support plan before residency order was obtained	£250.00	LS	Education & Children's Services	Children's Services: Education of LAC
10/113	KASS	KCC failed to provide her mother and her with enough information needed to make a truly well informed decision re care home placement	£500.00	LS	Adult Care Services	Adult Care Services
10/038	CSS	CSS Failed to provide adequate responses to their original complaint and did not make them aware of the appeals process	£500.00	LS	Education & Children's Services	Children's Services: Child Protection

Our Ref	KCC Unit	Description	Financial settlement / compensation	Omb Decision	LGO subject area	LGO detailed category
09/348	Ed	Fault in the way KCC did not and will not offer an OT service	£675.00	LS	Education & Children's Services	Education Council: SEN
10/230	Ed	Failure to provide son with adequate full time education after exclusion from school.	£750.00	LS	Education & Children's Services	Education
09/299	KASS	Unsatisfactory handling of complaint by KASS	£1,000.00	LS	Adult Care Services	Adult Care Services
10/136	KASS	Not receiving services that she has been assessed as eligible for.	£1,990.65	LS	Adult Care Services	Adult Care Services
09/286	Ed	Failure to provide education for son while he was no longer able to leave his home	£2,200.00	LS	Education & Children's Services	Education Council: SEN
		TOTAL	£8,865.65			

Summary of complaints received from LGO prior to 31 March 2011: still outstanding

Table 1

Date Received	Our Ref	KCC Unit	Description
05/05/2010	10/023	CSS	Social Services have failed to give adequate support since leaving foster care in 2007
07/07/2010	09/341	CSS	Occupational Therapy Services have not provided relevant information to Sevenoaks District Council causing funding to be delayed
06/09/2010	10/001	KASS	Failure to properly investigate circumstances of loan made by complainant's late mother to care worker or accept responsibility for outstanding debt.
15/09/2010	10/148	CSD	Actions of Interim Director of Commercial Services (changing son's home-to-school transport so he shares with another child who used to bully him) have put family in fear of physical violence from the child's mother who is also the new taxi driver.
06/12/2010	10/216	KASS	Unacceptable delay in carrying out assessment and care/support plan, reneged on a decision to provide a direct payment and refusal to provide a direct payment for respite care.
28/02/2011	10/330	CSS	Refusal to accommodate client under Section 20 of the Children Act 1989 on basis that he is not a child in need so no obligation to provide accommodation or support.
14/03/2011	10/223	CSS & Ed	Failure to act in accordance with the established policies when responding to a Child Protection Referral, advised a school inappropriately and failed to inform the school of the outcome of its initial enquiries.
25/03/2011	10/319	SEN	Delay in amending SEN statement for son following an Annual Review meeting and recent support offered in addition should have been offered earlier

Summary of complaints received from LGO prior to 31 March 2011: decisions now made

Table 2

Date Received	Our Ref	KCC Unit	Description	Financial settlement / compensation	Omb Decision	LGO main service area	LGO detailed category	Date of Decision	LGO's YE
05/10/2010	10/170	KASS	Council reneged on agreement which set out a support plan to fund daughter's support, failure to pay for care since July 2010.	£13,185.00	DI - IR	Adult Care Services	Adult Care Services	24/05/2011	31/03/2012
15/10/2010	10/183	KASS	Daughter's needs not assessed sufficiently, night time care removed and false accusations of injuries to carers.		OD	Adult Care Services	Adult Care Services	28/04/2011	31/03/2012
01/11/2010	10/191	KASS	Unhappy with the care provided to sister and changes to her care without consideration of dementia related needs or consultation with her.		DI	Adult Care Services	Adult Care Services	07/07/2011	31/03/2012
05/11/2010	10/030 - repeat	KASS	Standard of food and accommodation provided for the amount paid is not satisfactory and charge for care not wanted.		LS	Adult Care Services	Adult Care Services	19/04/2011	31/03/2012
16/12/2010	10/229	KASS	Failure to consider son's needs fully and withdrawal of care	£1,878.00	DI - IR	Adult Care Services	Adult Care Services	08/07/2011	31/03/2012

Date Received	Our Ref	KCC Unit	Description	Financial settlement / compensation	Omb Decision	LGO main service area	LGO detailed category	Date of Decision	LGO's YE
			due to complaint.						
19/01/2011	10/254	SEN&R	Failed to ensure that provision has been made for her daughter's SEN.		NM - WR	Education	Education	02/06/2011	31/03/2012
25/01/2011	10/260	KASS	Complainant disputes that he owes KCC money as a result of overpayment, the care provided was inadequate and is not satisfied with the way KCC have handled the complaint.		DI	Adult Care Services	Adult Care Services	20/06/2011	31/03/2012
28/01/2011	10/264	KASS	Inappropriate action taken in relation to the care of mother.		OR	Adult Care Services	Adult Care Services	12/04/2011	31/03/2012
09/03/2011	10/331	TS	Failure of Trading Standards to take action against Kent companies involved in a scam involving sales of Limoges Porcelain		NM - WR	Environmental Services & Public Protection	Consumer Affairs	04/05/2011	31/03/2012
24/03/2011	10/318	KHS	Failure to consider the complainants request for the introduction of traffic calming measures in Speldhurst.		NM - WR	Transport & Highways	Transport & Highways	09/06/2011	31/03/2012
			TOTAL	£15,463.00					

Summary of complaints received from LGO since 1st April 2011 to 30th June 2011

Table 3

Date Received	Our Ref	KCC Unit	Description	Date of first reply	Number of calendar days (should be 28 or less)
04/04/2011	11/004	OPPD	Failure to provide complainant with a satisfactory explanation for variations in the amounts charged for mother's domiciliary care between March 2010 to present.	13/05/2011	39
04/04/2011	11/003	FP	Complainant considers the Council was at fault in refusing to accept liability for the damage caused to vehicle.	14/04/2011	10
05/04/2011	11/006	SEN&R	Failure to finalise the proposed SEN statement within the required timescale which has resulted in the complainant's daughter remaining at a school unnecessarily.	18/05/2011	43
05/04/2011	11/007	SEN&R	Complainant did not fully receive the provisions of SEN statement between September 2008 - May 2009. Failure by the Council to provide education suitable for her son's needs following removal from school for stress-related illness.	31/05/2011	56
11/04/2011	10/243	SSP	Unsatisfied with way in which information was handled by the Council when investigating complainant's concerns about bullying incidents at school	N/A	
12/04/2011	11/016	OPPD	Failure by the Council to notify complainant immediately about the incident involving her daughter that promoted a safeguarding investigation.	02/06/2011	51
21/04/2011	11/019	SEN&R	Complainant alleged that the Council failed to put in place suitable full time education for his child, given that his placement within school has now irretrievably broken down.	N/A	

Date Received	Our Ref	KCC Unit	Description	Date of first reply	Number of calendar days (should be 28 or less)
28/04/2011	11/022	SCS	Complainant unhappy with the actions taken by the Council's Social Services in respect of her three children. The Council has lost important records that there is inaccurate information on the family life.	N/A	
03/05/2011	10/293	SEN&R	Failure by Council to deal with complainants daughter's educational needs since she was withdrawn from school in November 2009.	30/06/2011	58
03/05/2011	11/021	SSP	Council failed to offer complainant's daughter a school place between October 2010 - December 2010 and when offered a place at a school it was a different school than told	20/05/2011	17
04/05/2011	11/070	SSP	Council has failed to process an application for a school place for daughter.	N/A	
11/05/2011	10/311	SEN&R	Unreasonable delay in meeting the special educational needs of her son. In particular, provision has not been made for son's speech and language therapy.	10/06/2011	30
12/05/2011	11/043	OPPD	The Council is at fault for refusing to pay for residential care for complainant's mother on her discharge from hospital in December 2010.	02/06/2011	21
20/05/2011	11/071	OPPD	Complainant being kept prisoner in the care home where he lived and was no allowed out. Complainant treated with no respect by staff and money had been stolen.	N/A	
23/05/2011	11/058	OPPD	Failure by social worker to refer complainant's late father to NHS for continuing health care assessment and social worker's communication was poor and did not respond to a number of messages.	22/06/2011	30
24/05/2011	11/060	OPPD	Failed to offer a choice of residential care placement on discharge from hospital because of a policy which stipulated that non-residential placements had to be made into block purchased beds	22/06/2011	29

Date Received	Our Ref	KCC Unit	Description	Date of first reply	Number of calendar days (should be 28 or less)
25/05/2011	11/065	OPPD	Complainant feels she should have had continuing healthcare (CHC) funding throughout the four years her mother was placed in nursing home	28/06/2011	34
25/05/2011	11/068	OPPD	Complainant's wife not allowed to live with him, despite given the impression that she would be joining him.	N/A	
25/05/2011	11/062	SSP	The Council has failed to provide a suitable full time education for complainant's son since March 2010.	04/07/2011	40
25/05/2011	11/061	SSP & GL	Administrative fault in the way the Council administered complainant's application for the admission of her daughter to the Dover Grammar School for Girls for September 2011 and in the way the Admissions Appeal Panel considered her appeal.	27/06/2011	33
01/06/2011	11/069	OPPD	Complainant wrongly excluded from the Safeguarding Vulnerable Adults Group and complaint remains unresolved.	N/A	
06/06/2011	11/074	SSP & GL	Administrative fault in the way the Council considered complainant's application for the admission of her son to the Harvey Grammar School for September 2011 and the way the Appeal Panel considered the appeal against the Council's refusal.		
07/06/2011	11/077	SCS	Unsatisfied with the decision taken on complaints, which have not been upheld, or which have already been partially upheld. The Council has failed to offer an appropriate remedy for the injustice caused to him and his family.	10/06/2011	3
07/06/2011	11/075	OPPD	The Council has failed to deal properly with matters relating to the cost of father's placement at the North Lodge Residential Home	29/06/2011	22

Date Received	Our Ref	KCC Unit	Description	Date of first reply	Number of calendar days (should be 28 or less)
08/06/2011	11/078	CS	Council has failed to deal properly with her application to renew her daughter's disabled parking badge.	N/A	
08/06/2011	11/079	OPPD	Complainant is unable to get funding for her mother's care and as a result her mother is not receiving the care and support she is entitled to whilst the authorities are fighting amongst themselves.	N/A	
09/06/2011	11/076	SSP & GL	Administrative fault in the way the Council considered complainants application for the admission of son to Bridge & Patricbourne Primary School and in the way the Appeal Panel considered the appeal against the Council's refusal.		
10/06/2011	10/329	FSC	The Council has failed to ensure that his aunt received proper care, placed in an inappropriate care home, did not investigate concerns regarding her welfare, did not liaise with health colleagues and has not provided an apology for its failings.	16/06/2011	6
13/06/2011	11/088	SSP & GL	Administrative fault in the way that the Council considered complainants application for the admission of their son to the Harvey Grammar School and in the way the Admissions Appeal Panel considered the appeal against the Council's refusal.	12/07/2011	29
13/06/2011	11/089	SSP & GL	Administrative fault in the way that the Council considered complainants application for the admission of his daughter to Dover Grammar School for Girls School and in the way the Admissions Appeal Panel considered the appeal against the Council's refusal	12/07/2011	29
14/06/2011	11/090	OPPD	Both Kent County Council and East Sussex County Council have failed to deal properly with the applications for funding for assistance with the care home fees for her father-in-law since capital fell below the upper threshold.	30/06/2011	16

Date Received	Our Ref	KCC Unit	Description	Date of first reply	Number of calendar days (should be 28 or less)
15/06/2011	11/091	OPPD	As a result of the complainant's complaint about a very bad service and the lack of safety of my son, the Council has ceased son's transport.	N/A	
15/06/2011	11/092	SCS	Lack of response to several enquiries to social worker who failed to turn up to appointments with complainant.	N/A	
20/06/2011	11/096	GL	Administrative fault in the way that an education admissions appeal panel considered against the Council's refusal to admit complainant's daughter to the school for September 2011.	18/07/2011	28
27/06/2011	11/104	OPPD	Complainant unhappy with the care provided to brother who had been provided with an adjustable bed which was later found to be unhygienic. The complainant requested recompense for the costs incurred, however this has taken over 4 years to resolve.	N/A	
27/06/2011	11/025	SSP	The Council refused to remove an application for a school place and refused to provide complainant with details of which school his daughter had been offered. Complainant wishes to exercise his parental rights in respect of his daughter's education.	25/07/2011	28
27/06/2011	11/102	SSP & GL	Administrative fault in the way that the Council considered complainant's application for admission of their daughter to Dover Grammar School and in the way the Appeal Panel considered the appeal against the Council's refusal.	20/07/2011	23
30/06/2011	11/105	SSP & GL	Administrative fault in the way the Council processed complainant's application for admission of his daughter and the way the Admission Appeal Panel considered against the Council's refusal.		

