

By: Chief Executive
To: Governance and Audit Committee – 4 December 2007
Subject: OMBUDSMAN COMPLAINTS
Accountable Officer: Head of Democratic Services
Classification: Unrestricted

Summary and Recommendations: To report the latest position on complaints to the Local Government Ombudsman against the County Council.

FOR INFORMATION

1. New Local Government Ombudsman Complaints since 1 April 2007

(1) In the six months from 1 April to 30 September 2007, 88 more complaints about the County Council were made to the Local Government Ombudsman. This excludes the 10 additional complaints which were classified by the Ombudsman as “premature” (ie the Council had not yet had an opportunity to consider them) and which will not therefore be included in the annual statistics on complaints published by the Ombudsman. The latest position in the Ombudsman’s consideration of these 88 new complaints and brief details of the services to which they related are set out in Tables A and B below respectively:-

Table A

Total new complaints 1/04/07 - 30/09/07	88
<i>of which:-</i>	
Under investigation	2
Not to be investigated (ie no evidence of maladministration)	54
Settled locally	13
Ombudsman’s decision awaited	19

Table B

Adult Social Services	6
Chief Executives (<i>Commercial Services</i>)	1
Children, Families and Education	65
<i>of which:-</i>	
Grammar school admission appeals	38
Primary school admission appeals	12
Primary school reorganisation	1
School transport	1
Special Educational Needs	4
Internal School Matters (<i>outside Ombudsman's jurisdiction</i>)	1
Children's Social Services	6
Other	2
Communities (<i>both Trading Standards</i>)	2
Environment and Regeneration	14
<i>of which:-</i>	
Planning Applications (<i>NB All 5 complaints related to the same development</i>)	5
Kent Highway Services	7
Environment and Waste	2

2. Current Position on Cases Under Investigation

(1) Three complaints have been under formal investigation by the Ombudsman since the time of my previous report last June. The latest position on the three complaints is as follows:-

(a) **Complaint 05/A/11943 - Special Educational Needs**
(*first reported to Members in June 2006*)

This complaint alleged that the County Council had delayed in dealing with the complainant's request for a re-assessment of her daughter's Statement of Special Educational Needs.

The Ombudsman's Investigator inspected the files and interviewed relevant officers in July 2006. The Ombudsman has followed-up by letter on a number of issues and his decision on the complaint is still awaited.

(b) **Complaint 06/A/18563 – Support for Autistic Child**
(*new complaint*)

This complaint is that the County Council failed to provide a full time placement for the complainants' autistic son and had delayed in considering their complaint about the Council's failure.

The Ombudsman's Investigator inspected the files and interviewed relevant officers in October. The Ombudsman's decision on whether to pursue the investigation is awaited.

(c) **Complaint 07/A/00971 – Claim under Land Compensation Act 1973**
(*new complaint*)

This complaint alleged that the County Council misled the complainants to believe that they would be entitled to compensation under the terms of the Land Compensation Act, but that the Council delayed unreasonably in adopting the road concerned, thus avoiding having to make the compensation payment.

The Ombudsman's Investigator inspected the files and interviewed relevant officers in September. The Ombudsman's decision on whether to pursue the investigation is awaited.

3. **Annual Review and Annual Report of the Commission for Local Administration 2006/07**

(1) In addition to the Annual Letter issued to individual Councils (our Annual Letter for 2006/07 was reported to the Committee in June), the Commission for Local Administration (the Local Government Ombudsmen) also publishes an Annual Review and an Annual Report each year. Between them, the Annual Review and Annual Report for 2006/07 contain a large selection of useful statistics which, together with our own figures on complaints, has been used to compile the next section.

4. **Comparative Complaints Statistics**

(1) The Commission's Annual Review and Annual Report reveal that, during 2006/07, the Commission received 18,320 complaints, a very slight decrease on the previous year (18,626). The Ombudsmen determined 18,102 complaints during 2006/07 as against 18,321 in the previous year. This included 116 about the County Council (as against 121 in the previous year). The outcomes of the Ombudsmen's consideration of these complaints were as follows:-

	2006/07	2006/07	2005/06	2005/06
	England	Kent	England	Kent
Local settlement	22.6%	14.7%	25.9%	26.9%
No maladministration (with or without investigation)	56.2%	50.0%	48.6%	38.9%
Ombudsman's discretion not to pursue complaint	20.1%	34.5%	24.3%	34.3%
Maladministration	1.0%	1.0%	1.2%	0.0%

(*Premature complaints and those outside jurisdiction excluded*)

(2) The main subject of complaints nationally in 2006/07 continued to be housing (including Housing Benefit) (27%) and planning and building control (24%).

(3) Appendix 1 attached compares Kent's record on Ombudsman complaints with those of other south-eastern counties over the last three years.

5. **Further Information**

(1) Further information about any of the complaints or other matters mentioned in this report can be obtained from the Head of Democratic Services or the Corporate Access to Information Co-ordinator.

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Background Documents: Correspondence on individual case files, which is all exempt under paragraph 2 of Part I of Schedule 12A of the Local Government Act 1972 because it contains details of the identity of individual complainants.

OMBUDSMAN COMPLAINTS
(Excludes Premature Complaints)

COUNTY	POPULATION	2004/05			2005/06			2006/07		
		<i>Complaints determined</i>	<i>Per 100,000 Population</i>	<i>Maladmin</i>	<i>Complaints determined</i>	<i>Per 100,000 Population</i>	<i>Maladmin</i>	<i>Complaints determined</i>	<i>Per 100,000 Population</i>	<i>Maladmin</i>
Kent CC	1.3m	100	7.7	0	121	9.3	0	116	8.9	1
East Sussex CC	0.5m	34	6.8	0	48	9.6	0	45	9.0	0
Essex CC	1.3m	60	4.6	0	84	6.5	2	83	6.4	3
Hampshire CC	1.2m	34	2.8	0	63	5.3	0	45	3.8	0
Surrey CC	1m	49	4.9	0	61	6.1	2	64	6.4	1
West Sussex CC	0.75m	41	5.5	0	44	5.9	0	30	4.0	0