

By: Chief Executive

To: Governance and Audit Committee – 29 June 2007

Subject: OMBUDSMAN COMPLAINTS

Accountable Officer: Head of Democratic Services

Classification: Unrestricted

Summary and Recommendations: To report:-

(a) the latest position on complaints to the Local Government Ombudsman against the County Council;

(b) the Local Government Ombudsman's Annual Letter to the County Council for 2006/07.

## FOR INFORMATION

### 1. New Local Government Ombudsman Complaints since 1 October 2006

(1) In the six months from 1 October 2006 to 31 March 2007, 51 more complaints about the County Council were made to the Local Government Ombudsman. This excludes the 13 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 51 new complaints and brief details of them on a Directorate by Directorate basis are set out in Tables A and B below respectively:-

Table A

Total new complaints 1/10/06 - 31/3/07	51
<i>of which:-</i>	
Under investigation	0
Not to be investigated (ie no evidence of maladministration)	37
Settled locally	4
Ombudsman's decision awaited	10

## Table B

<b>Adult Social Services</b>		<b>5</b>
<b>Chief Executives</b>		<b>3</b>
<i>of which:-</i>		
Insurance	2	
Property	1	
<b>Children, Families and Education</b>		<b>20</b>
<i>of which:-</i>		
Primary school reorganisation	5	
Special Educational Needs	5	
Internal School Matters <i>(outside Ombudsman's jurisdiction)</i>	4	
Children's Social Services	3	
Other	3	
<b>Communities</b>		<b>0</b>
<b>Environment and Regeneration</b>		<b>23</b>
<i>of which:-</i>		
Planning Applications <i>(NB 5 complaints all relate to the same         development and 3 to another)</i>	13	
Kent Highway Services	8	
Environment and Waste	2	

## **2. Current Position on Cases Under Investigation**

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

(a) **Complaint 05/A/04531 - Special Educational Needs**  
*(first reported to Members in December 2005)*

This complaint from solicitors acting on behalf of a child with special educational needs alleged that the County Council failed to provide the child with proper education; failed to provide the support specified in the child's Statement of Special Educational Needs; failed to hold an Annual Review of the child's Statement of Special Educational Needs or respond to a request for statutory re-assessment; and failed to respond to correspondence from the solicitors acting for the child or deal with their complaints.

The solicitors also made a separate but related complaint against Essex County Council which 'looks after' the child and which placed him in a placement in Kent for a period.

Following his investigation the Ombudsman issued a report on this complaint last December. The Ombudsman found that there had been maladministration causing injustice by both Kent and Essex County Councils. Maladministration was found against KCC on the basis that it had failed to meet its duty to ensure that the child's Statement of Special Educational Needs was implemented while he was placed in Kent. The Ombudsman recommended that KCC pay compensation of £5,000; review the way in which it deals with special education provision, particularly for Looked After Children; and review arrangements for carrying out annual reviews to ensure that they are not missed.

The Cabinet Member for Children and Families accepted the Ombudsman's recommendations and the compensation was paid to the complainant. The Ombudsman then declared himself satisfied with the Council's response.

A report on the general lessons to be learned from the case is included elsewhere on the Committee's agenda.

(b) **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 last July. The Ombudsman has followed-up by letter on a number of issues and his decision on the complaint is still awaited.

### **3. Local Government Ombudsman Annual Letter 2006/07**

(1) Each year the Local Government Ombudsman produces an individual Annual Letter for every Council. The County Council's Annual Letter for 2006/07 is attached as Appendix 1 to this report.

(2) The purpose of the Annual Letter 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, and generally provide complaint-based information which the Ombudsman hopes Councils will find useful in assessing and reviewing their performance.

(3) The Annual Letter reflects the generally good working relationship which exists between the County Council and the Ombudsman's office.

### **4. Complaints Statistics**

(1) Appendix 2 attached contains detailed statistics relating to complaints made to the Ombudsman against the County Council over the last three years. It also compares the annual percentage change in the number of complaints made against the County Council with the total number made for England as a whole (although the England total for 2006/07 is not yet available).

(2) Appendix 2 shows that after a large and steady increase in the number of complaints against the County Council over the previous four years, the number fell back slightly in 2006/07. The restructuring of the County Council's Directorates from 1 April 2006

makes direct comparison difficult but, even so, it is clear that the fall in the overall number of complaints is largely due to a significant fall in the number of Education complaints. This may reflect that the effect of better signposting to the Ombudsman for unsuccessful school admission appellants has now worked its way through the system.

## **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

Stuart Ballard  
**Head of Democratic Services**  
Ext 4002

*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.*