

By: Chief Executive
To: Governance and Audit Committee – 30 June 2006
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 2005/06.

FOR INFORMATION

1. New Local Government Ombudsman Complaints since 1 October 2005

(1) In the six months from 1 October 2005 to 31 March 2006, 43 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 43 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 1/10/05 - 31/3/06	43
<i>of which:-</i>	
Under investigation	0
Not to be investigated (ie no evidence of maladministration)	31
Settled locally (<i>see + in Table B below</i>)	10
Ombudsman’s decision awaited (<i>see # in Table B below</i>)	2

Table B

(a) Education and Libraries

05/A/09530	School Transport, West Kent
05/A/08901	Education Appeal, East Kent
05/A/06887	Education Award
05/A/09666 +	Education Admission, West Kent
05/A/10253 +	School Transport, West Kent
05/A/09002	Internal School Matter
05/A/11390 +	School Transport, East Kent
05/A/10748	Internal School Matter
05/A/10833	Internal School Matter
05/A/12749	School Transport, Mid Kent
05/A/13402 +	School Transport, West Kent
05/A/12427	Internal School Matter
05/A/07730	Special Educational Needs, East Kent
05/A/14002	Education Admission, Mid Kent
05/A/14950 +	School Transport, East Kent
05/A/14949	Adult Education
05/A/15960	Exclusion
05/A/15589 +	School Transport, Mid Kent
05/A/11943 #	Special Educational Needs, East Kent
05/A/15325 +	School Transport, Mid Kent
05/A/17445	Internal School Matter
05/A/15616	Exclusion

(b) Social Services

05/A/07876	Care of Child
05/A/10639	Adoption Service
05/A/11212	Cessation of use of Volunteer
05/A/08293 +	Adoption Service
05/A/06053	Services for child with disabilities
05/A/12551	Contact with grandsons
05/A/07416	Blue badge
05/A/12977	Personnel Issue
05/A/09857 +	Employment placement for young adult with disabilities
05/A/16340	Child Protection

(c) Strategic Planning

Environment and Economy

05/A/10467	Boxley Warren - Prohibition of Vehicles
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Planning

05/A/11599	Consultation on Planning Application
05/A/14713	Planning Enforcement
05/A/06670	Objection to Planning Application

Transport Operations

05/A/06870 Claim for Compensation
05/A/10847 Road resurfacing
05/A/08435 Claim for Compensation
05/A/14289 + Delay in finalising invoice
05/A/06292 # Dispute about access to highway

(d) Miscellaneous

05/A/14232 Allegations of corruption and conspiracy
05/A/07870 Failure to control local planning authorities

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 have 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.

The Ombudsman's Investigator inspected the files (all currently held by Essex County Council) in March and interviewed relevant officers of the County Council in April. The Ombudsman's decision on the complaint is awaited.

(b) **Complaint 05/A/01938 - Care for a Young Adult with Disabilities, West Kent**
(first reported to Members in December 2005)

This complaint alleged that the County Council had failed to provide adequate care for the complainant's daughter since she turned eighteen, or to assess her needs or those of her carer properly.

The Ombudsman's Investigator inspected the files and interviewed relevant officers in September. The Ombudsman then proposed, and the Council agreed, a local settlement under which the Council formally apologised to the complainant about two particular aspects of the complaint.

3. Local Government Ombudsman Annual Letter 2005/06

(1) Each year the Local Government Ombudsman produces an individual Annual Letter for every Council. The County Council's Annual Letter for 2005/06 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 2005/06 is not yet available).

(2) Appendix 2 shows that there has been a large and steady increase in the number of Education complaints over the last three years, but no particular pattern to changes in the number of complaints relating to other directorates. The increase in Education complaints - and in the number of local settlements - arose from implementation of the co-ordinated school admissions scheme, coupled with better signposting to the Ombudsman for all unsuccessful appellants. It is also worth stating that it is the County Council's practice always to advise complainants of their right to pursue their complaint with the Ombudsman if the County Council has been unable to resolve it to their satisfaction.

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.

COMPLAINTS AGAINST KCC RECEIVED BY LOCAL GOVERNMENT OMBUDSMAN OVER LAST 3 YEARS
(EXCLUDES PREMATURE COMPLAINTS)

Year		Corporate Services	Education & Libraries	Social Services	Strategic Planning	Misc	Total	Percentage Change from Previous Year	
								Kent	England
03/04	Total Complaints Made	8	39	13	13	0	73	+23.7%	+8.4%
	Settled Locally (not investigated)	0	10	1	0	0	11		
	Formally investigated	0	2	2	0	0	4		
	Maladministration Found	0	0	0	0	0	0		
04/05	Total Complaints Made	6	50	21	10	0	87	+19.2%	-1.5%
	Settled Locally (not investigated)	0	24	1	1	0	26		
	Formally investigated	0	6	1	0	0	7		
	Maladministration Found	0	0	0	0	0	0		
05/06	Total Complaints Made	2	86	18	17	2	125	+43.6%	-
	Settled Locally (not investigated)	0	25	3	1	0	29		
	Formally investigated	0	1	1	0	0	2		
	Maladministration Found	0	0	0	0	0	0		
AS AT 20/06/06	Decision on whether to investigate awaited	1	1	0	1	0	3		
	Investigation in progress	0	1	0	0	0	1		