

21 June 2006



**The Commission for
Local Administration in England**

Mr P Gilroy OBE
Chief Executive
Kent County Council
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Tony Redmond
Local Government Ombudsman

Peter MacMahon
Deputy Ombudsman

Our ref: TR/EDR
(Please quote our reference when contacting us)

**If telephoning please contact: Frank Edwards' Personal Assistant,
Candya Farmer, on 020 7217 4693. Or e-mail: c.farmer@lgo.org.uk**

Dear Mr Gilroy

Annual Letter 2005/2006

I am writing to give you my reflections on the complaints received against your authority and dealt with by my office over the last year. I hope that in reviewing your own performance you will find this letter a useful addition to other information you hold highlighting how people experience or perceive your services.

This year we will publish all our annual letters on our website (www.lgo.org.uk) and share them with the Audit Commission. There is widespread support from authorities for us to do this. We will wait for four weeks after this letter before doing so, to give you an opportunity to consider the letter first. If a letter is found to contain any factual inaccuracy we will reissue it.

In addition to the narrative below there are two attachments which form an integral part of this letter: statistical data covering a three year period and a note to help the interpretation of the statistics.

Complaints received

Last year, we received 155 complaints against your Council, an increase from the previous year's total of 104. There was a significant increase in the number of education complaints (from 52 to 90). Social services complaints also rose. The numbers of complaints within other categories remained stable.

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The increase in the number of education complaints received was 73%, compared with a national average increase of 23%. The increase can be accounted for by the Council's welcome decision that Admissions Appeal Panels' decision letters should signpost disappointed appellants for school places directly to my office without any attempt at a further, internal review by the Council. This change meant that we could address complainants' concerns and reach decisions on their complaints within a shorter time of their unsuccessful appeal. I understand that the change has also led to a considerable reduction in the time which the Council's officers used to spend on correspondence with disappointed appellants.

Parental interest in applications and appeals for admission to secondary schools remains high in the context of many parents' preference that their children should receive selective education. Competition for places at some schools can be intense. There is also related parental interest in applying and appealing for free transport from the home to the child's school. These factors also explain the level of complaints to my office about education.

Decisions on complaints

Last year I made decisions on 144 complaints against the Council. In 42 cases I concluded that there was insufficient evidence of maladministration to warrant pursuing a complaint. In 37 cases I concluded that there were grounds to exercise my discretion not to pursue a complaint. I found that 13 complaints lay outside my jurisdiction. I referred 23 complaints back to your Council as 'premature' because it had not had a reasonable chance to consider them through its own complaints procedure. This represents 16% of all decisions on complaints and is less than the national average of 27%.

I have not found it necessary to recommend significant further action by the Council in response to premature complaints which complainants resubmitted to us after the Council had considered them in its complaints procedure.

When we complete an investigation we must issue a report. In no case did I find fault which required me to issue a report. But there is a significant proportion of investigations that do not reach this stage. This is because we settle the complaint during the course of our investigation. We call these decisions 'local settlements'.

Local settlements

Last year I accepted your Council's offer to settle 29 complaints, compared with 28 in the previous year. The number of settlements represented 27% of all decisions on complaints against your Council (excluding those which were outside jurisdiction or dealt with as premature), compared with the national average of 26%. I give below details of some of the complaints I settled.

Education admissions

The Council helpfully offered to settle 18 complaints (the same number as in the previous year). In 13 cases (compared with 15 in the previous year) it agreed to arrange a fresh appeal hearing by a Panel with a different Clerk and Members and abide by the outcome. The evidence suggests that a number of reheard appeals were successful, resulting in the admission of those complainants' children to a preferred school. The Council's approach is very creditable, as it is for an independent Panel to give an admission appeal the careful consideration it requires and to make a decision.

In two cases, the Council, having refused the complainants' children admission to selective schools, admitted the children to alternative selective schools which were acceptable to them. In neither case did there appear to be fault by the Council in its original decision.

In two cases, the Council offered to admit the complainant's child to an infant class in a preferred school. In one case, there had been an error in the Council's computerised measurement of the home to school distance, and the Appeal Panel had failed to identify that failure as the reason why the child had wrongly been refused admission. In the other case, the Council had not arranged for a Panel to consider evidence as to whether the child should be treated as an 'excepted pupil'. A place, which the parents accepted, then arose at the school.

I warmly welcome all these constructive actions.

In the course of my consideration of these complaints I identified a number of issues:

- A Panel being inquorate at its decision making stage because a panellist had been taken ill during the hearings. (This affected eight complaints, which the Council offered to settle by arranging rehearings of the affected appeals.)
- The apparent loss of parental material for an appeal hearing.
- The signature of Appeal Panels' decision letters by a person other than the Clerk to the Panel. This practice is not consistent with the statutory Code of Practice on Admissions Appeals and can give rise to avoidable inaccuracy in the transmission of a decision from a Panel to an appellant.

- The reluctance of some Panels to consider properly whether the Council has correctly applied its admissions arrangements to the particular appellant child and, if not, whether the child would have been admitted but for the Council's error. If the answer to the second part of the question is in the affirmative, a Panel must uphold the appeal, but some Panels appear reluctant to reach such a conclusion.

Two of my investigators held a valuable meeting with officers of your Council, at which they reviewed the recent changes in the handling of school admissions complaints and discussed in greater detail many of the points set out in this letter. I hope that these annual meetings will continue to be a useful forum for an informal mutual exchange of views and guidance.

Education transport

The Council has a procedure for non-statutory appeals to a Panel of Members against a refusal of home to school transport. Appellants may be supported by their local Member in presenting their case to the Panel. In three cases the Council agreed to arrange either a hearing or a rehearing of a complainant's appeal. In one case the Council agreed, in a welcome development of its established procedure, to provide (if necessary) an alternate if an appellant's local Member were not available to provide support at an appeal. There were some errors in the clerking of appeals, which I am sure the Council will also wish to address.

Special educational needs

The Council offered to settle three complaints of delay by the Council in dealing with the assessment of special educational needs by making payments totalling £5,300 and reviewing the operation of its procedures. I am glad that the Council has taken steps to address this issue.

Social services

In one case, the Council failed to deal appropriately with a mother's complaint following the homicide of her son. There was delay in providing the mother with counselling and in responding to her complaint. By the time the Council had replied, the response was out of date. The Council made a payment of £1,000, apologised for its faults and agreed to review its procedures for dealing with such incidents.

The Council's action to settle complaints included the payment of compensation totalling £6,951 (compared with £9,573 in the previous year).

Your council's complaints procedure and handling of complaints

The Council has a well-established complaints procedure, which contains three stages. The first two stages are based in the service department against which the complaint is made. A complaint at the third stage is made to the Council's Head of Democratic Services acting on your behalf independently of the service complained of. Decision letters at the third stage of the procedure are concise and clear.

The Council usually signposts complainants to the second and third stages of its procedure, and then to my office.

Training in complaint handling

Our training in complaint handling is proving very popular with authorities and we continue to receive very positive feedback from participants. Over the last year we have delivered more than 100 courses from the range of three courses that we now offer as part of our role in promoting good administrative practice.

Effective Complaint Handling was the first course we developed, aimed at staff who deal with complaints as a significant part of their job. Since then we have introduced courses in complaint handling for front line staff and in handling social services complaints.

All courses are presented by an experienced investigator so participants benefit from their knowledge and expertise of complaint handling.

I have enclosed some information on the range of courses available together with contact details for enquiries and bookings.

Liaison with LGO

The Council replies promptly to my first enquiries about complaints. Last year the Council's average time for responding to first enquiries was 23.5 days (22.3 days in the previous year), which is within my target of 28 days. I wish to record my appreciation and to encourage the Council to maintain its high standard.

We appreciate the regular contact between our offices by telephone, fax and email, as well as occasional visits. These conversations include discussions of issues such as whether your Council has considered a complaint, any outcome and possible remedies. Such contacts save both our offices, as well as complainants, time and effort.

Conclusions/general observations

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your Council's services. I would again very much welcome any comments you may have on the form and content of the letter.

I would again be happy to consider requests for myself or a senior colleague to visit the Council to present and discuss the letter with councillors or staff. We will do our best to meet the requests within the limits of the resources available to us.

I am also arranging for a copy of this letter and its attachments to be sent to you electronically so that you can distribute it easily within the Council and post it on your website should you decide to do this.

Yours sincerely

A handwritten signature in black ink that reads "Tony Redmond". The signature is written in a cursive style with a large, looped initial 'T'.

Tony Redmond