

By: Chief Executive
To: Governance and Audit Committee – 2nd December 2008
Subject: OMBUDSMAN COMPLAINTS
Accountable Officer: Corporate Access to Information Coordinator
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 1st April 2008

(1) In the six months from 1st April 2008 to 30th September 2008, 83 new complaints about the County Council were made to the Local Government Ombudsman. This excludes the 14 additional complaints which were classified by the Ombudsman as “premature” (i.e. the Ombudsman considered that the Council had not yet had sufficient opportunity to consider them first) 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 83 new complaints and brief details of them on a Directorate by Directorate basis are set out in Tables A and B respectively:-

Table A

Total new complaints 1/4/08 – 30/9/08	83
<i>of which:-</i>	
KCC investigating/collating information	1
Ombudsman’s decision awaited	13
Complaint closed - local settlement	14
Complaint closed - Ombudsman’s discretion	19
Complaint closed - outside Ombudsman’s jurisdiction	7
Complaint closed - no evidence of maladministration	29

Table B

Adult Social Services	2
Chief Executives	4
<i>of which:-</i>	
Commercial Services	1
Finance	1
Legal	1
Personnel	1

Children, Families and Education **69**

of which:-

Secondary School admission appeals	34
Infant/Primary School admission appeals	15
School Transport	2
Special Educational Needs	2
Internal School Matters	1
Children's Social Services	6
Other	9

Communities **1**

of which:-

Trading Standards	1
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Environment and Regeneration **7**

of which:-

Kent Highway Services	6
Planning Applications	1

2. Current position on existing cases received last year (up to 31st March 2008) and still under investigation by the Ombudsman

We are still awaiting Ombudsman decisions on 11 complaints from the previous financial year (2007-2008). The latest position on these cases is as follows:-

Complaint 07/A/03721 – Special Educational Needs

A summary of this complaint as the Ombudsman understands it is that the Council

- (i) Delayed unreasonably in assessing complainant's stepson and issuing a Statement of Special Educational Needs
- (ii) Unreasonably asked complainants to visit several schools within the county which were not suitable for their step-son's needs.
- (iii) Unreasonably refused to consider a residential placement until just before the SENDist hearing was about to take place and
- (iv) Failed to provide suitable education while stepson was excluded from his mainstream school

The Ombudsman's proposals for settlement, which the Council is contesting, is that the Council pay £39,395 compensation to the stepson for the education he missed for half a term and £5,300 compensation to the complainant to cover some of his legal fees. The Council has agreed to pay £6,868 for the loss of day provision, £750 for legal fees and £1000 to complainant for time and trouble in pursuing complaint. The complainant has now escalated his complaint (now about both the Ombudsman and the Council) to his MP.

Complaints 07/A/15602, 16249, 16250, 16251 & 16435 – Failure to keep adequate records re the highway status of Longfield Place

A summary of these complaints from residents as the Ombudsman understands it is that there is an administrative fault in the Council's failure to keep adequate records of the highway status of Longfield Place, Maidstone and in its inconsistent or inaccurate advice to Maidstone Borough Council and others about that matter. This has resulted in development of land opposite the complainants residences which a ransom strip that they purchased was supposed to prevent. The Ombudsman has not made any comment since he visited on 19th & 23rd June to inspect records and conduct interviews with key officers in Legal and Kent Highway Services.

Complaint 07/A/12559 – Refusal to address traffic issues

A summary of this complaint as the Ombudsman understands it is that the Council has failed to consider properly alternative measures to address the problem of speeding traffic on Church Road, Eastchurch. The Council has provided the information requested by the Ombudsman to the Ombudsman and is awaiting the outcome of the Ombudsman's investigations.

Complaint 07/A/14391 – Refusal to address traffic issues

A summary of this complaint as the Ombudsman understands it is that the Council has failed to take adequate steps to address the issue of speeding cars on Charing Hill. The Council has provided the information requested by the Ombudsman to the Ombudsman and is awaiting the outcome of the Ombudsman's investigations.

Complaints 07/A/16114 & 16081 – Removal of specialist services without notice/consultation.

A summary of this joint complaint as the Ombudsman understands it is that the Council is at fault in that

(a) it removed specialist services provided by organisation KIDS to the complainants' children in January 2007 without reasonable notice or consultation and

(b) it has failed to make adequate or appropriate alternative provision since January 2007.

The Ombudsman's proposals for settlement, which the Council has accepted, is that the Council pay £250 compensation to each parent for the lack of consultation and notice, and £250 to one of the complainants in recognition of the potential breach of confidentiality as a result in delays in updating Council records of complainant's new address. (The Council had already formally apologised for this). The Council is waiting for confirmation from the Ombudsman that payment can be made.

Complaint 07/A/07845 – Unfair action re trees & hedges

A summary of this complaint as the Ombudsman understands it is that the Council has taken unnecessary and unfair action against complainant in respect of trees and a hedge on her property. The Council has provided the information requested by the Ombudsman to the Ombudsman and is awaiting the outcome of the Ombudsman's investigations.

3. Further Information

Further information about any of the complaints or other matters mentioned in this report can be obtained from the Corporate Access to Information Coordinator

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