

By: Chief Executive

To: Governance and Audit Committee – 30th June 2008

Subject: OMBUDSMAN COMPLAINTS

Accountable Officer: Corporate Access to Information Coordinator

Classification: Unrestricted

Summary and Recommendations: To report:-
 (a) the latest position on complaints to the Local Government Ombudsman against the County Council;

FOR INFORMATION

1. New Local Government Ombudsman Complaints since 1st October 2007

(1) In the six months from 1 October 2007 to 31 March 2008, 46 more complaints about the County Council were made to the Local Government Ombudsman. This excludes the 12 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 46 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 1/10/07 - 31/3/08	46
<i>of which:-</i>	
Under investigation (5 relating to same issue)	7
Not to be investigated (ie no evidence of maladministration)	26
Settled locally	2
Ombudsman’s decision awaited	11

Table B

Adult Social Services	8
Chief Executives	3
<i>of which:-</i>	
Property	1
Personnel	1
Finance	1
Children, Families and Education	22
<i>of which:-</i>	
Grammar School admission appeals	1
Primary School admission appeals	1
School Transport	3
Special Educational Needs	1
Internal School Matters <i>(outside Ombudsman's jurisdiction)</i>	5
Children's Social Services	8
Other	3
Communities	0
Environment and Regeneration	13
<i>of which:-</i>	
Planning Applications <i>(NB 5 complaints all relate to the same development and 3 to another)</i>	1
Kent Highway Services	11
Environment and Waste	1

2. Current Position on Cases under Investigation

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

(a) Complaint 07/A/04467 - Special Educational Needs

A summary of this complaint as the Ombudsman understands it is that the Council failed to provide complainant with suitable education and support as set out in his Statement of Special Educational Needs from May 2005 to January 2006.

The Ombudsman's proposals for settlement, which the Council is currently deliberating is that the Council pay £1,750 compensation for the eight-hours a week shortfall in education provision for three months.

(b) 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 Mr & Mrs Small to visit several schools within the county which were not suitable for 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

Following a lengthy investigation, the Ombudsman's proposals for settlement, which the Council is currently 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.

(c) **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 instructed the Council that an inspection of records and interviews with key officers will take place on 19th & 23rd June 2008.

3. Local Government Ombudsman Annual Letter 2007/08

(1) Each year the Local Government Ombudsman produces an individual Annual Letter for every Council. The County Council had not yet received the Annual Letter for 2007/08 at the time of drafting this report, so the provisional complaint statistics (with which the Council concurs) are attached as Appendix 1 to this report. Further comment and analysis will be provided to the next meeting.

4. Further Information

(1) 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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