

**The Local Government Ombudsman's
Annual Letter
Kent County Council
for the year ended
31 March 2008**

The Local Government Ombudsman (LGO) provides a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, the Ombudsmen aim to get it put right by recommending a suitable remedy. The LGO also uses the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual letters.

Annual Letter 2007/08 - Introduction

This annual letter provides a summary of the complaints we have received about Kent County Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the letter will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two attachments 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

Volume

In 2007/08, I received 146 complaints against your Council. This represents a slight reduction on the 148 complaints I received in the previous year.

Character

Education continues to produce the largest number of complaints, rising from 65 to 79. The number of complaints about children and family services issues also increased from ten to 22.

Complaints about transport and highways issues fell from 28 to 23. Complaints about planning and building control fell from 27 to two (although the previous year's figure had been inflated by complaints linked to the same issue). Complaints about adult care dropped slightly from 14 to ten.

Decisions on complaints

During the year, we made decisions on 142 complaints against your authority. We found no maladministration in 49 complaints, and we exercised discretion to close a further 23 without requiring action by the Council. We found that 21 complaints were outside my jurisdiction.

Reports and local settlements

A 'local settlement' is a complaint where, during the course of our investigation, the Council has agreed to take some action which we consider is a satisfactory response to the complaint. The investigation is then discontinued. In 2007/08 the Local Government Ombudsmen determined 27% of complaints by local settlement (excluding 'premature' complaints - where councils have not had a proper chance to deal with them - and those outside our jurisdiction).

None of the complaints we investigated this year justified the issue of a report. My office settled 25 complaints. The Council's action to settle complaints included the payment of compensation totalling £6,550.

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Social services

One complaint related to adult care services. It concerned the way in which the Council handled an increase in domiciliary charges, contrary to Government guidance. The Council agreed to refund the backdated charge to the complainant. In a further complaint about private housing grants, the Council did not tell an applicant of her right to use her own managing agent, rather than the Home Improvement Agency funded by the Council to oversee adaptation works to her home. The Council acknowledged the complainant's loss of opportunity by paying her £500, and undertook to review its arrangements with the Agency.

Three complaints related to children and family services. In one case, the Council paid the complainant £1,000 to acknowledge its failure to allocate a social worker to her for one year while she was in care. In a second case the Council paid the complainant £100 and apologised for its failure to explain the application process for its adult placement scheme. In a third case, the Council delayed in finding a suitable placement for a young adult, and in considering his parents' complaint about that. This complaint was settled by the Council's relatively swift agreement that the young man could move, on appropriate terms, to supported living when a place became available.

Planning and building control

Five complaints related to the continuation of building work on a new school where the Council had been one of the joint applicants for planning permission. The Council might reasonably have been expected to put a stop to the wrongly sited building, but it delayed in doing so. An application for retrospective planning permission to permit the deviation from the original approval was successful. The Council agreed to pay a total of £1,950 to recognise the complainants' distress at its delay in taking appropriate action.

School admissions

13 complaints related to applications and appeals for admission to Community and Voluntary Controlled schools, where the Council is the admissions authority. In four cases, a school (wrongly, as it was not the admissions authority, but the Council was) offered places to applicants. Another school (which was also not the admissions authority) failed properly to maintain its waiting list. In all five cases, the Council, very properly, offered places to the applicants' children and gave advice to the latter school on how to maintain a waiting list.

In an unusual case, a member of the public was able to obtain information about a child's test results for admission to a selective school, by misleading the Council on the telephone. The Council apologised to the child's mother, and has put in place procedures to prevent a recurrence.

Five complaints were settled by the Council offering to arrange rehearings of appeals by Panels consisting of completely different members and with a different Clerk, and agreeing to be bound by the outcome. Two other complaints were settled by the Council agreeing to the admission of the child to the school in question. These were among complaints where Panels took account of wrong, incomplete, or irrelevant information, or Panels did not fully test whether the Council had correctly applied its admissions arrangements. In some instances, the Council's cases opposing appeals for places in infant classes contained guidance which was more restrictive than was appropriate. In other cases, the Council's composite prospectus for transfers to secondary schools contained inadequate guidance on detailed points, a situation which the Council has agreed to reconsider.

In another case, the Council declined my suggestion that it should admit a child to an infant class where the mother said she had relied, in relation to the distance between her home and a school, on an inaccurate distance on a website sponsored by the Council for that purpose. The Council, as an alternative, arranged a rehearing of the mother's appeal, which was successful. I am pleased that by this means the matter was resolved.

Special educational needs

One complaint concerned the Council's delay over two years in specifying hydrotherapy in a child's statement of special educational needs. The Council agreed to pay £2,000 to recognise the delay and £1,000 to recognise the complainant's time and trouble. The Council also agreed to discuss with the health authority ways of avoiding difficulties in delivering the hydrotherapy.

Your Council's complaints procedure and handling of complaints

During the past year, my office referred 22 'premature complaints' to your Council for consideration, as we did not believe that it had had a full opportunity to deal with them through its own procedures. At 16% of all decisions, this was well below the national average. We do not, however, treat complaints about school admissions and some other educational complaints as premature, because complainants have usually exercised a right of appeal before coming to me.

During that period, four premature complaints were resubmitted to me. I pursued none of these complaints.

Liaison with the Local Government Ombudsman

The Council replies reasonably promptly to my first enquiries about complaints. Last year, the Council's average time for responding to first enquiries was 29.4 days, almost exactly the same average time as the previous year. This remains just outside my target of 28 days, I should be grateful if the Council would do what it can to reduce the time taken to respond to my first enquiries.

We appreciate the regular contact between our offices by telephone, email and fax. This contact saves the time of both our offices and assists complainants.

I note that on occasion the Council, in responding to our enquiries, does not consider as fully as it might whether the Council or an Appeal Panel has been at fault and if so how it might resolve matters. I would encourage the Council to be more proactive in dealing with my enquiries and in identifying settlements where appropriate.

Training in complaint handling

Part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. This year we carried out a detailed evaluation of the training with councils that have been trained over the past three years. The results are very positive.

The range of courses is expanding in response to demand. In addition to the generic Good Complaint Handling (identifying and processing complaints) and Effective Complaint Handling (investigation and resolution) we now offer these courses specifically for social services staff and a course on reviewing complaints for social care review panel members. We can run open courses for groups of staff from different smaller authorities and also customise courses to meet your Council's specific requirements.

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

I note that in the past year we have run six courses in all for the Council. I hope the Council found these useful. I have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

We run, from time to time, seminars for Council staff who liaise directly with my office. I am pleased that the Council's link officer was able to join the seminar last October.

LGO developments

We launched the LGO Advice Team in April, providing a first contact service for all enquirers and new complainants. Demand for the service has been high. Our team of advisers, trained to provide comprehensive information and advice, has dealt with many thousands of calls since the service started.

The team handles complaints submitted by telephone, email or text, as well as in writing. This new power to accept complaints other than in writing was one of the provisions of the Local Government and Public Involvement in Health Act, which also came into force in April. Our experience of implementing other provisions in the Act, such as complaints about service failure and apparent maladministration, is being kept under review and will be subject to further discussion. Any feedback from your Council would be welcome.

Last year we published two special reports providing advice and guidance on 'applications for prior approval of telecommunications masts' and 'citizen redress in local partnerships'. Again I would appreciate your feedback on these, particularly on any complaints protocols put in place as part of the overall governance arrangements for partnerships your Council has set up.

Conclusions and 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.

Tony Redmond
Local Government Ombudsman
10th floor, Millbank Tower
Millbank
London SW1P 4QP

June 2008

Enc: Statistical data
Note on interpretation of statistics
Leaflet on training courses (with posted copy only)

Complaints received by subject area	Adult care services	Children and family services	Education	Other	Planning & building control	Public finance	Social Services - other	Transport and highways	Total
01/04/2007 - 31/03/2008	11	22	79	8	2	1	0	23	146
2006 / 2007	14	10	65	4	27	0	0	28	148
2005 / 2006	14	15	90	10	8	0	3	15	155

Note: these figures will include complaints that were made prematurely to the Ombudsman and which we referred back to the authority for consideration.

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Premature complaints	Total excl premature	Total
01/04/2007 - 31/03/2008	0	25	0	0	49	23	21	22	118	140
2006 / 2007	1	17	0	0	33	40	25	26	116	142
2005 / 2006	0	29	0	0	42	37	13	23	121	144

See attached notes for an explanation of the headings in this table.

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
01/04/2007 - 31/03/2008	78	29.4
2006 / 2007	62	29.5
2005 / 2006	86	23.5

Average local authority response times 01/04/2007 to 31/03/2008

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	56.4	24.6	19.1
Unitary Authorities	41.3	50.0	8.7
Metropolitan Authorities	58.3	30.6	11.1
County Councils	47.1	38.2	14.7
London Boroughs	45.5	27.3	27.3
National Park Authorities	71.4	28.6	0.0