



The Commission for  
Local Administration in England

**The Local Government Ombudsman's  
Annual Letter  
Kent County Council  
for the year ended  
31 March 2007**

**The Local Government Ombudsman (LGO) investigates complaints by members of the public who consider that they have been caused injustice through administrative fault by local authorities and certain other bodies. 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 2006/07 - Introduction**

The aim of the annual letter is to provide a summary of information on the complaints about your authority that we have received and try to draw any lessons learned about the authority's performance and complaint-handling arrangements. These might then be fed back into 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.

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**

In 2006/07 I received 148 complaints against your Council. This represents a slight reduction on the 155 complaints I received the previous year.

While education concerns continued to produce the largest number of complaints the reduction in their number, compared with 2005/06 is significant. The number of complaints about social services issues also fell.

Complaints about planning and building control issues rose as did complaints about transport and highways. The former number was affected by some linked complaints about the same issues. In both cases a number of complaints which I referred back to the Council as 'premature' (see below) were resubmitted. I am not aware of any particular service delivery problem behind these rises in complaint numbers.

## **Decisions on complaints**

During the year we made decisions on 142 complaints against your authority. We found no maladministration in 33 complaints and we exercised discretion to close a further 40 without requiring any action by the Council. We found that 25 were outside jurisdiction.

## **Reports and local settlements**

We use the term 'local settlement' to describe the outcome of a complaint where, during the course of our investigation, the Council takes, or agrees to take, some action which we consider is a satisfactory response to the complaint and the investigation does not need to be completed. These form a significant proportion of the complaints we determine. When we complete an investigation, we must issue a report.

I issued one report against your Council, which also concerned a complaint against a second County. The complaint concerned a young person with learning, behavioural and emotional difficulties and a statement of special educational needs. He had been looked after by the other County who placed him in Kent. I found that Kent had initially provided no education, and then provided only part time tuition which did not accord with the statement of special educational needs. I concluded that your Council had had insufficient regard to the proper procedures for someone with a statement of special educational needs and that the young person had been deprived of education, affecting his academic progress and also his social and emotional welfare. I recommended that your Council should look again at its arrangements for carrying out annual reviews of statements of special educational needs, consider issues highlighted by the complaint as part of a review of the adequacy of its special school provision and report to me on the outcome of these reviews. I also recommended that the Council pay £5,000 to be held in trust for the young person. I am pleased that the Council accepted my findings and agreed to implement my recommendations in full. I have asked the Council to let me know the outcome of its review of its special school provision.

My office settled 17 complaints.

One complaint concerned adult social services. The Council had provided inaccurate and misleading information to the complainant over a period of about eight years. The information related to the files the Council held on him and whether or not they had been sent to another local authority. Your Council agreed to pay the complainant £2,000 to recognise his avoidable time and trouble and to help him pursue any further requests for information. A second complaint was about services for children and families. A review panel was not provided with a core assessment, even though the original complaint had been about the adequacy of that assessment. The Council agreed to pay £250 to acknowledge the fault and has reviewed its procedures.

Three complaints concerned highways matters. The Council settled one by arranging a meeting with the complainant to discuss his claim that developers had caused subsidence to the road. The Council settled a second by installing two street lamps. A third case was about misleading advice the Council gave to the effect that a resident could build a crossover across private land. The Council agreed to pay £345 compensation to reflect the complainant's time and trouble and legal costs. We considered a fourth complaint about rights of way. We did not conclude that there had been fault by the Council but I am pleased that the Council nevertheless revised its procedures for the diversion and extinguishment of public footpaths.

Six complaints concerned appeals heard by appeal panels against the refusal by your Council of admission to schools for which it is the admissions authority. We had concerns that some panel members may have had regard to a range of irrelevant considerations. In five cases the Council arranged rehearings of appeals by panels consisting of different members and with a different Clerk. In a sixth case the Council agreed to pay £75 to an appellant where it was too late to arrange an effective rehearing. The Council has agreed to provide, as part of its training for panellists, material about the relevance of issues which may face a panel. I note that the number of settlements of cases involving appeal panels has reduced compared with 2005/06. This and the reduction in education complaints to my office reflect, I believe, the Council's continued improvement of its procedures in relation to community and voluntary controlled schools.

Six complaints concerned free home to school transport. The Council has a non-statutory Panel of its Members to consider appeals against officers' decisions to refuse such transport. The Council settled some complaints by offering to reconsider parents' applications or to arrange consideration of appeals by the Panel. In three cases there were concerns about the way appeals had been dealt with. The Council arranged rehearings of the appeals and in two cases paid compensation of £100. More generally, the Council has reviewed its published information about home to school transport.

The Council's action to settle complaints included the payment of compensation totalling £7,870.

### **Your Council's complaints procedure and handling of complaints**

My office referred 26 'premature complaints' to your authority for consideration, as we did not think you had had sufficient opportunity to deal with them through your own procedures. At 18% of all decisions this is well below the national average.

During this period 16 premature complaints were resubmitted to me. I did not pursue 12 of these; the other 4 have not yet been decided.

The Council has a well established complaints procedure. The Council usually signposts complainants to the second and third stages of its own procedure, and then to my office. The low number of cases we refer back to the Council as premature and the action I take on those cases that are re-submitted to me indicates that the Council's own procedure is working effectively.

## **Training in complaint handling**

As part of our role to provide advice in good administrative practice, we offer training courses for all levels of local authority staff in complaints handling and investigation. The feedback from courses that have been delivered over the past two and a half years is very positive.

The range of courses is expanding in response to demand and 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. We have also successfully piloted a course on reviewing complaints for social services review panel members. We can run open courses for groups of staff from 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 have enclosed some information on the full range of courses available together with contact details for enquiries and any further bookings.

## **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 29.5 days. This is an increase compared with the previous year and is now just outside my target of 28 days. I should be grateful if the Council could 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, as well as occasional visits. This contact saves the time of both our offices and assists complainants.

Two of my investigators recently held a useful meeting with officers of your Council, at which they reviewed in detail the handling of applications for admission to schools, appeals against the refusal of admission, and complaints about those issues. These discussions have become a welcome annual forum for an informal exchange of views and guidance.

In March 2007, the social services complaints officer, other social services managers and members of social services review panels took part in training provided by this office on reviewing complaints. This followed your Council's recruitment of new panel members. The presentation was well received, prompting many relevant questions.

## **LGO developments**

I thought it would be helpful to update you on a project we are implementing to improve the first contact that people have with us as part of our customer focus initiative. We are developing a new Access and Advice Service that will provide a gateway to our services for all complainants and enquirers. It will be mainly telephone-based but will also deal with email, text and letter correspondence. As the project progresses we will keep you informed about developments and expected timescales.

Changes brought about by the Local Government Bill are also expected to impact on the way that we work and again we will keep you informed as relevant.

We have just issued a special report that draws on our experience of dealing with complaints about planning applications for phone masts considered under the prior approval system, which can be highly controversial. We recommend simple measures that councils can adopt to minimise the problems that can occur.

A further special report will be published in July focusing on the difficulties that can be encountered when complaints are received by local authorities about services delivered through a partnership. *Local partnerships and citizen redress* sets out our advice and guidance on how these problems can be overcome by adopting good governance arrangements that include an effective complaints protocol.

## **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**  
**10<sup>th</sup> Floor, Millbank Tower**  
**Millbank**  
**London SW1P 4QP**

**June 2007**

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

<b>Complaints received by subject area</b>	<b>Adult care services</b>	<b>Children and family services</b>	<b>Education</b>	<b>Other</b>	<b>Planning &amp; building control</b>	<b>Social Services - other</b>	<b>Transport and highways</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	14	10	65	4	27	0	28	<b>148</b>
<b>2005 / 2006</b>	14	15	90	10	8	3	15	<b>155</b>
<b>2004 / 2005</b>	5	15	52	8	6	3	14	<b>103</b>

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

<b>Decisions</b>	<b>MI reps</b>	<b>LS</b>	<b>M reps</b>	<b>NM reps</b>	<b>No mal</b>	<b>Omb disc</b>	<b>Outside jurisdiction</b>	<b>Premature complaints</b>	<b>Total excl premature</b>	<b>Total</b>
<b>01/04/2006 - 31/03/2007</b>	1	17	0	0	33	40	25	26	116	<b>142</b>
<b>2005 / 2006</b>	0	29	0	0	42	37	13	23	121	<b>144</b>
<b>2004 / 2005</b>	0	28	0	0	17	36	18	17	99	<b>116</b>

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

<b>Response times</b>	<b>FIRST ENQUIRIES</b>	
	<b>No. of First Enquiries</b>	<b>Avg no. of days to respond</b>
<b>01/04/2006 - 31/03/2007</b>	62	29.5
<b>2005 / 2006</b>	86	23.5
<b>2004 / 2005</b>	51	22.3

**Average local authority response times 01/04/2006 to 31/03/2007**

<b>Types of authority</b>	<b>&lt;= 28 days %</b>	<b>29 - 35 days %</b>	<b>&gt;= 36 days %</b>
District Councils	48.9	23.4	27.7
Unitary Authorities	30.4	37.0	32.6
Metropolitan Authorities	38.9	41.7	19.4
County Councils	47.1	32.3	20.6
London Boroughs	39.4	33.3	27.3
National Park Authorities	66.7	33.3	0.0