



13 December 2017

Agenda Item: 9

REPORT OF THE MONITORING OFFICER

LOCAL GOVERNMENT OMBUDSMAN DECISIONS APRIL – OCTOBER 2017

Purpose of the Report

1. The purpose of this report is to inform the Committee about the Local Government Ombudsman's (LGO) decisions relating to the Council in the period April - October 2017.

Information and Advice

2. The Committee considered the LGO's annual letter at its November meeting and asked to see LGO decisions regularly and promptly after the decision notice has been received. This report therefore gives details of all the decisions received so far this financial year. There are a significant number of decisions reported in this 7 month period, however in future reports will be brought to each Committee meeting (where LGO decision have been received that month) and there will therefore be fewer decisions for the Committee to consider. It is proposed once this reporting cycle has become established, to submit all the decisions where an investigation has occurred to give the Committee a complete view of all decisions whether upheld or not.
3. The Local Government Ombudsman (LGO) provides a free, independent and impartial service to members of the public. It looks at complaints about Councils and other organisations. It only looks at complaints when they have first been considered by the Council and the complainant remains dissatisfied. The LGO cannot question a Council's decision or action solely on the basis that someone does not agree with it. However, if the LGO finds that something has gone wrong, such as poor service, service failure, delay or bad advice and that a person has suffered as a result, the LGO aims to get the Council to put it right by recommending a suitable remedy.
4. The LGO publishes its decisions on its website (www.lgo.org.uk/). The decisions are anonymous but the website can be searched by Council name or subject area.
5. A total of 49 decisions relating to the action of this Council have been made by the LGO in this period. 24 cases were closed after initial enquiries, as no further action was deemed to be appropriate. 25 cases were the subject of an investigation by the LGO, and of these maladministration was found in 12 cases, all of which are attached to this report as appendix A. 5 of the cases relate to Adult Social Care, 3 to children's services, 3 to school admissions appeals and 1 concerns aspects of both adults and children's social care.

6. One of the complaints relating to Adult Social Care (16 009251) was the subject of a Public Report; this means that the LGO issues a press release about the case. The complaint related to the visiting rights of a family member whose relative was in a Care Home. As this complaint went to public report it has already been considered by Adult Social Care and Public Health Committee in September.
7. In two other cases Adult Social Care agreed to conduct re-assessments of the financial circumstances of service users, and in a third although fault was found the LGO recognised the Council had already remedied the fault. The final case concerned the care provided, to a service user by a Care Home (on behalf of the Council). A safeguarding investigation found that this was inadequate, and some of the fees paid by the service user were refunded.
8. In the 3 cases related to school admissions appeals, there was fault in that the clerks notes of the appeals (all held on the same day relating to the same school) did not show how the Panel reached its decision, and therefore the Council agreed to offer fresh appeals in all three cases.
9. There were no other themes highlighted within the complaints; the issues were related to the individual circumstances of each case.

Other Options Considered

10. No other options considered

Reason/s for Recommendation/s

11. The report has been prepared at members request to enable timely consideration of LGO outcomes.

Statutory and Policy Implications

12. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Data Protection and Information Governance

The decisions attached are anonymised and are publically available on the LGO's website.

Financial Implications

Five of the complaints that were upheld contained recommendations which included financial redress. This amounted to a total of £8,451 and was made up of:

- 2 payments each of £100 for time and trouble
- 6 payments (totalling £2,300) for distress/uncertainty/loss of opportunity

- 2 payments to remedy injustice (£800 in total (£500 of which is likely to be offset against money owed to the Council) .
- 1 payment of £5101 as a refund of a proportion of care fees.

Implications for Service Users

All of the complaints were made to the LGO by service users, who have the right to approach the LGO once they have been through the Council's own complaint process.

RECOMMENDATION/S

That members consider:-

1. whether there are any actions they require in relation to the issues contained within the report.
2. If they are content with the proposal in relation to reporting these decisions in future.

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Monitoring Officer and Corporate Director Resources

For any enquiries about this report please contact:

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Constitutional Comments (SMG 29/11/2017)

13. Governance & Ethics Committee is the appropriate body to consider the content of this report. If the Committee resolves that any actions are required it must be satisfied that such actions are within the Committee's terms of reference.

Financial Comments (SES 29/11/17)

14. The financial implications are set out in the report. The payments detailed in the report were met from existing budgetary provisions.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None

Electoral Division(s) and Member(s) Affected

- All