

11 November 2021**Agenda Item: 4****REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE
AND EMPLOYEES****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS
SEPTEMBER - OCTOBER 2021****Purpose of the Report**

1. To inform the Committee about Local Government & Social Care Ombudsman's (LGSCO) decisions relating to the Council since the last report to Committee up to 14th October 2021

Information

2. Members have asked to see the outcome of Ombudsman investigations regularly and promptly after the decision notice has been received. This report therefore gives details of all the decisions received since the last report to this Committee.
3. The LGSCO 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 LGSCO cannot question a Council's decision or action solely on the basis that someone does not agree with it. However, if the Ombudsman finds that something has gone wrong, such as poor service, a service failure, delay or bad advice and that a person has suffered as a result, the LGSCO aims to get the Council to put it right by recommending a suitable remedy.
4. The LGSCO 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 eight decisions relating to the actions of this Council have been made by the Ombudsman in this period. Appendix A to this report summarises the decisions made in each case for ease of reference and Appendix B provides the full details of each decision where fault has been found.
6. Following initial enquiries into six cases the LGSCO decided not to continue with any further investigation for the reasons given in Appendix A.
7. Full investigations were undertaken into two complaints. Appendix A provides a summary of the outcome of each investigation. Where fault was found, the table shows the reasons for

the failures and the recommendations made. If a financial remedy was made the total amount paid or reimbursed is listed separately. (Reference and page numbers refer to the information in Appendix B).

8. The first case relates to a man who was placed in an out of county care home and received significant injuries there. The home carried out an independent investigation which was overseen by a neighbouring Council who was responsible for both the safeguarding investigation and the quality of care in the home concerned. Although the home have offered a meaningful apology, the recommendation is that we offer another and also that we remind staff to follow up on safeguarding enquires carried out by other Councils so we can support the families of service users placed by us.
9. The second investigation related to the alternative support offered to families who could not use the short breaks provision because of the COVID 19 pandemic. The Council operated a scheme that offered families the chance to use Short Breaks funding they received but could not use, to buy equipment for their children instead. There were certain stipulations attached. The Council refused to accept the complainants claim for equipment. The Ombudsman has found that the Council's communication about all aspects of the offer was not clear and has recommended that we allow part of the claim. Although we do not accept the communication was not clear we have agreed to the recommendation.

Statutory and Policy Implications

10. 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

11. The decisions attached are anonymised and will be publicly available on the Ombudsman's website.

Financial Implications

12. A parent will not be asked to repay an amount back into her daughter's short break fund. The precise amount has yet to be determined, as she has been asked to provide an appropriate receipt.

Implications for Service Users

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

RECOMMENDATION/S

That members consider whether there are any actions they require in relation to the issues contained within the report.

Marjorie Toward

Monitoring Officer and Service Director – Customers, Governance and Employees

For any enquiries about this report please contact:

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Constitutional Comments (HD (Standing))

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 (RWK 20/10/2021)

Any financial payments arising from the decisions detailed in the report and the appendix will be met from within the budget for Children's and Families.

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