

**30 September 2021****Agenda Item: 5****REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE  
AND EMPLOYEES****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN'S ANNUAL REVIEW  
LETTER 2021****Purpose of the Report**

1. To inform the Committee about Local Government & Social Care Ombudsman's (LGSCO) Annual Review letter.

**Information**

2. 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.
3. The LGSCO publishes its decisions on its website ([www.lgo.org.uk/](http://www.lgo.org.uk/)). The decisions are anonymous, but the website can be searched by Council name or subject area. A copy of the LGSCO's annual letter is uploaded onto their website and the Council's performance data can be found as part of an interactive map <https://www.lgo.org.uk/your-councils-performance>
4. The LGSCO's Annual letter is attached at Annex A. The Ombudsman received 65 complaints in relation to this Council during the year and made decisions on 66 cases. At the end of March, the Ombudsman took the decision to temporarily stop their casework to allow authorities to concentrate efforts on frontline services during the first wave of the pandemic. Casework resumed after 3 months, but this accounts for the lower numbers of complaints and decisions this year compared to last. Last year the LGSCO received 102 complaints and made decisions in 104 cases.
5. Full investigations were undertaken in 29 complaints, 26 were closed after initial enquiries were made of the Council, 9 cases were referred back to the Council as the complainants had either not complained to us previously, or had not completed our process, and 2 were found to be invalid complaints.

6. The LGSCO upheld 54% of the 29 complaints that they investigated (compared to an average of 71% in similar authorities). He is satisfied that we successfully implemented 100% of recommendations made. The uphold rate for other CIPFA statistically significant Councils is set out in the table below. It is pleasing to note that this Council had the lowest uphold rate of all the statistically significant Councils.

<b>Council</b>	<b>Received</b>	<b>Full investigations</b>	<b>Closed after initial enquiries</b>	<b>Uphold rate</b>
Cumbria	46	21	14	67%
Derbyshire	81	19	20	68%
Essex	134	60	58	72%
Kent	156	54	49	74%
Lancashire	124	33	43	67%
Leicestershire	52	19	22	68%
Lincolnshire	52	17	16	71%
Norfolk	86	41	21	66%
Northamptonshire	61	14	23	65%
Somerset	36	17	8	76%
Staffordshire	100	44	27	84%
Suffolk	95	30	41	67%
Warwickshire	50	13	9	67%
Worcestershire	32	9	7	89%

7. The letter refers specifically to the Public Report (already reported to this Committee in March) about the failure to promptly assess the needs of a man placed in a care home by his family due to carer stress. The Council delayed completing a care and support assessment, delayed assessing his mental capacity, and delayed making a best interests decision about where he should live. The Council also failed to take account of the man's Human Rights, specifically his right to enjoy his existing home peacefully.
8. The Ombudsman notes that the Council took prompt action after the draft decision it has:
- Taken responsibility for the outstanding care fees
  - Apologised to the family and made payments to acknowledge distress time and trouble
  - Improved Mental capacity Act documentation and guidance
  - Produced and implemented an action plan for improvement including case reviews, briefings training and improved resources for staff.

## **Statutory and Policy Implications**

9. 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**

10. The decisions referred to in this report are anonymised and will be publicly available on the Ombudsman's website.

## **Implications for Service Users**

11. All of 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**

1. 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:**

Jo Kirkby, Team Manager – Complaints and Information Team

## **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 20/09/2021)**

There are no specific financial implications arising directly from the report.

## **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