

REPORT OF THE MONITORING OFFICER

LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS JANUARY –FEBUARY 2019

Purpose of the Report

1. The purpose of this report is to inform the Committee about the Local Government & Social Care Ombudsman's (LGSCO) decisions relating to the Council in the period 05 January – 14 February 2019.

Information

2. The Committee has asked to see LGSCO decisions 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 on 30 January 2019.
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 9 decisions relating to the actions of this Council have been made by the Ombudsman in this period (attached at annex A). Following initial enquires in into 4 complaints, the LGSCO decided not to continue with any further investigation. The reason is that in each case, the initial information gathered by the complaints team demonstrated to the Ombudsman that a further investigation was unlikely to reveal the Council was at fault.
6. Four corporate complaints were fully investigated and of these no fault was found in 2 cases. During two investigations some service failures were found. (Annex A pages1 and 25). In the first, the Council was found at fault for failing to offer the mother of a school child an opportunity to make verbal representations during the school transport appeal process. The department accepted the findings and recommendation and have invited the complainant to attend a new appeal meeting. In the second complaint fault was found in the process followed to deal with a blue car badge application. To avoid further delay to the customer, the recommendations

were been accepted and further contact has been made with the complainant to process the application. It is worth noting that this was an isolated case and the second complaint investigated by the Ombudsman regarding a blue car badge application found no fault in the process. (Annex A p16)

7. One adult social care complaint was fully investigated (Annex A p.19). This concerned the failure of an independent care provider to make proper contingency plans during adverse weather conditions which resulted in missed calls to the service user. As the commissioner of the care, the recommendations were made to the Council. These include a letter of apology and a financial remedy of £1000 to the family for the distress caused which have been actioned by the department. It should be noted that the particular care provider involved in this complaint no longer operates in the Nottinghamshire area, having exited the local market in May 2018. In addition, all home based care services were recommissioned last year, with new contracts starting on 1st July 2018.

Statutory and Policy Implications

8. 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

9. The decisions attached are anonymised and will be publically available on the Ombudsman's website,

Financial Implications

10. One recommendation included a financial remedy of £1000 which has been paid from the ASCH&PP budget.

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

That members consider:-

1. 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 SLB (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 18/02/2019]

The financial implications are set out in paragraph 10 of 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