

2nd May 2018**Agenda Item: 5****REPORT OF THE MONITORING OFFICER****LOCAL GOVERNMENT OMBUDSMAN DECISIONS FEBRUARY AND
MARCH 2018****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 February - March 2018.

Information

2. The Committee has 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 since the last report to this Committee in March.
3. The 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 9 decisions relating to the action of this Council have been made by the LGO in this period (attached at annex A). Two cases were deemed to be out of the LGO's jurisdiction: one because it related to matters decided in court, the other as it concerned matters which occurred 2012. In a further case the LGO decided that the complaint did not merit any further action as further investigation by either the LGO or the Council would not be relevant.
6. In 2 of the remaining cases the LGO found that there was no evidence of fault on the Council's part. In one case although fault was found in a Care Home, the Council's only involvement had been to carry out a safeguarding investigation.
7. In the last 4 cases, some fault was found. One case related to children's social care, and concerns the support that the Council is giving a grandmother caring for her grandson. The complaint turned on whether or not the child was a "looked after child" when he entered his

grandmother's care. The Council has agreed to make some back dated payments and review the support it currently offers.

8. The final 3 cases all related to Adult Social Care. The first case concerned an assessment which ended a small personal budget. The LGO found that the process of the assessment was flawed but that the decision to end support was not. The Council has agreed to apologise to the complainant and pay her £150 to reflect distress, to offer a re-assessment of the complainant's needs, and to review the effectiveness of staff training and process guidance. These actions are in hand.
9. A further case (reference 16 017 384) is a complex case where the complainant is the mother of an adult son who is autistic with severe learning difficulties. The complaint had many strands to it including both the actions of the Council and those of the Care Home. The LGO found fault in two parts of the complaint, although concluded that there was no evidence to suggest that the fault led to significant injustice to the complainant. The Council has put a risk assessment in place and is reviewing its procedures.
10. The final case concerned a decision relating to deprivation of assets with the intention of avoiding care charges. The Council has agreed to carry out a further financial assessment, and include a fresh decision on deprivation of assets, specifically to look at the issue of motivation. It has also written to her offer a further apology for not keeping her informed in a timely way of the progress of her complaint.
11. There were no themes highlighted within the complaints; the issues were individual to circumstances of each case.

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

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

Financial Implications

14. Payments where required were made from existing budgetary provision.

Implications for Service Users

15. 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.

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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

The financial implications are set out in 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