

21 April 2022**Agenda Item: 4****REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE
AND EMPLOYEES****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS
FEBRUARY 2022 TO MARCH 2022****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

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 on 10th February 2022.
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 four 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.
6. Following initial enquiries into two 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 the 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.

8. One complaint where fault was found (Appendix B) was in Children's social care regarding the failure to follow the correct process when carrying out a review of the user's education, health and care plan. The Council has apologised to both the parents and the child separately and agreed small payments to recognise the distress and the loss of provision. The Council is also in the process of reviewing its Preparing for Adulthood transition policy and re-engaging staff on the process on when an amendment process should be sent to parents/guardians and a young person following an annual review, as well as a reminder to relevant staff of the requirement to invite social care representative to annual review meetings and the importance. In addition, within Children's there has been established a dedicated Post 16 statutory assessment team with a clear focus on preparation for adulthood. This aligns closely with the all age approach to disability programme being developed across the Council as a whole to facilitate a seamless approach to disability support. We will be reporting back to the Ombudsman in the coming months.
9. The other complaint where fault was found was a corporate complaint regarding an application for a blue badge. The service user wanted to make an application however due to being unable to use online facilities he wanted the council to make it easy for him. The day after the council changed its procedure and enabled the service user to make his application over the telephone. The Council has already remedied Mr B's fault as it offered him a telephone application and it apologised to Mr B. The Council also changed its Blue Badge procedure, and this was commended by the Ombudsman as was the fact the Council had already apologised. No further remedy was required.

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. The details of the financial payments are set out in Appendix A. £700 all come from Children's Social Care budget

Implications for Service Users

13. 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 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))

14. 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 29/03/2022)

15. The financial implications are set out in paragraph 12 of the report.
16. The details of the financial payments are set out in Appendix A. £700 all come from Children's Social Care budget

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