

6 November 2019**Agenda Item: 4****REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE
AND EMPLOYEES****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS
AUGUST-SEPTEMBER 2019****Purpose of the Report**

1. The purpose of this report is 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 19 September 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 11 September 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 into 5 complaints, investigations were closed. The reasons given were that in 2 cases, it was unlikely that fault would be found, one complainant didn't have consent or standing to pursue the complaint on service user's behalf and 2 complaints were outside the Ombudsman's jurisdiction.
6. Full investigations were carried out into 2 complaints where no fault was found with the Council.

7. One concerned an increase to a service user's financial contribution for adult care services. The investigator found the Council has correctly assessed the charges in accordance with the law and national guidance and considered whether to allow a waiver based on the service user's income and expenditure. (Annex A, page 12).
8. No fault was found in a further complaint about a Blue Car Badge application. (Annex A, p.23)
9. An element of fault was found in 2 cases. The first concerned an adult social care complaint which was jointly investigated by the Social Care and Health Service Ombudsmen. The complaint related to the NHS Trust and Council's handling of two discharges for a man who had undergone an operation. No fault was found in relation to the Council's action however some fault was found against the NHS trust. There was however joint fault found in the way the complaint was managed, as there was no evidence that either organisation had given proper consideration to a joint investigation at the start of the complaints process. The Council accepted fault and the recommendation which has been implemented. (Annex A, pgs 1-9).
10. The second complaint found fault causing distress to a service user, as the Council had shared some inaccurate, personal information with the NHS. It should be noted that during the Council's complaint process, this concern had been upheld following investigation and the department had already taken action to remedy the injustice prior to the Ombudsman's investigation. (Annex A, p16)

Statutory and Policy Implications

11. 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

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

Financial Implications

13. There are no financial implications.

Implications for Service Users

14. 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 (SES 27/09/19)

There are no specific financial implications arising directly from this 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