

**16 December 2021**

**Agenda Item: 5**

## **REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE AND EMPLOYEES**

### **LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS OCTOBER TO NOVEMBER 2021**

#### **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 up to 18<sup>th</sup> November 2021.

#### **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 11<sup>th</sup> November.
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/](http://www.lgo.org.uk/)). The decisions are anonymous, but the website can be searched by Council name or subject area.
5. A total of eight 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 where fault has been found.
6. Following initial enquires into three cases the LGSCO decided not to continue with any further investigation for the reasons set out in Appendix A.
7. Full investigations were undertaken into five complaints. Appendix A provides a summary of the outcome of each 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. (Reference and page numbers refer to the information in Appendix B).

8. After full investigation no fault was found in two cases; one related to a Traffic Regulation Order relating for parking restrictions outside the complainant's property, and the other concerned the work carried out in Adult Social Care in assessing a service user's needs helping him to find an alternative care provider.
9. The three cases where fault was found also related to adult social care services. The first concerned the communication with a daughter who provided care for her mother and centred on communication and clarity about financial contributions and responsibilities. The Council has made a small payment, to recognise distress, waived 4 weeks financial contributions, and has agreed to review its guidance. The Direct Payment agreement had already been updated, and the internal guidance about Direct Payments is currently being reviewed.
10. The second complaint concerned the reduction in a package of overnight care jointly funded by the Council and Nottinghamshire Clinical Commissioning Group. No fault was found in relation to that decision, but fault was found in relation to the handling of the complaint. The two organisations did not work together to provide a joint response, and the final response from each organisation took too long. A payment has been made (an apology had already been given), and a joint protocol is in place.
11. The final case related to a safeguarding investigation and was made by the person who was the subject of the investigation. The LGSCO found the process took too long, and that the Council should have approached one other organisation for information. A payment and apology have been made and the information is being sought and consideration will be given as to whether this affects the outcome of the investigation.

## **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 publicly available on the Ombudsman's website.

## **Financial Implications**

14. The details of the financial payments are set out in Appendix A. £800 and the fee waiver all come from Adult Social Care budget.

## **Implications for Service Users**

15. 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:**

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 (SES 19/11/2021)**

The financial implications are set out in paragraph 14 of the report.

The details of the financial payments are set out in Appendix A. £800 and the fee waiver all come from Adult 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.

- LGSCO decision statements for complaints not investigated, and those where no fault found.

### **Electoral Division(s) and Member(s) Affected**

- All