

1 May 2019**Agenda Item: 5****REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE
AND EMPLOYEES****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS
FEBRUARY - MARCH 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 22 March 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 13 March 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 8 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 4 complaints, the LGSCO decided not to continue with any further investigation. The Ombudsman concluded that the matters were either outside their jurisdiction, the responsibility of a body other than the Council or that no meaningful remedy would be possible. In a further case (Ref 18 015 668 on page 17 of Annex A), the Ombudsman was asked to consider investigation of a matter that had been the subject of a previous referral to him. However, after reading the papers he decided to take no further action as there were no additional issues beyond those raised when he first considered them in March 2017, at which time he found no fault with the Council's actions.

6. Three complaints were fully investigated and of these no fault was found in 2 cases. In the final investigation some service failures were found. (ref: 18 001 869 at page 4 of Annex A). In this case the Council was found at fault for failing to allocate a primary school place to the complainant's eldest child which had implications for where the other children in the family were educated and the secondary schools they would later move to. The department accepted that it was at fault and offered two new school places as a remedy. Following this, the Ombudsman was satisfied that no further action was necessary.

Statutory and Policy Implications

7. 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

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

Financial Implications

9. There were no direct financial implications arising from the decisions referred to in this report.

Implications for Service Users

10. 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 27/03/19)

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