

21 July 2022**Agenda Item: 4****REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE
AND EMPLOYEES****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS
MAY 2022 TO JUNE 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 which was held on 9th June 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 ten 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 seven cases, the LGSCO decided not to continue with any further investigation for the reasons given in Appendix A
7. Full investigations were undertaken into three complaints. Appendix A provides a summary of the outcomes of the investigations. 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. There were three complaints where fault was found. The first one is a Childrens complaint about the lack of support provided by the Council in respect of her son who has complex learning difficulties. The Council upheld Mrs Y's complaint and offered a remedy at the first stage of the statutory children's complaints procedure. When Mrs Y asked the Council to progress her complaint to the second stage of the complaints procedure the Council refused. This is fault. The Council has agreed to progress the complaint, apologise to Mrs Y and remind the relevant staff about the regulations and guidance. A clear communication has been delivered from management to the department emphasising a complainant's right to escalate their complaint and we must abide by their request regardless of whether we uphold their original complaint
9. The second one is in Adults Social Care. The complaint is about the Council's decision to assess that Mr C's mother, Mrs C, gave money and transferred a property to avoid paying care charges. Fault was found in the Council's decision where it concerns one transfer of money made by Mrs C several years ago. No fault was found in its consideration around later transfers made by Mrs C, including that of her home. The fault has created uncertainty about the outcome of the Council's assessment. A letter of apology and a reconsideration of the total assets and the cost of care is being arranged. The inclusion of the relevant assets has been reviewed with the outcome of a reduced notional capital amount. Mrs C has been informed of this and the fact that the amount of capital still means that the full cost of care needs to be paid. The Council's Adult Care Financial Services team (ACFS) has put in place improvements. It has developed further staff guidance and trained all it's staff on these which includes the need to ask full questions and verify facts. There have been no further complaints relating to deprivation of asset decisions since this was done. Further improvements in terms of information and communication will come from the current review underway on ACFS services and processes, which is currently at the diagnostic stage
10. The third complaint is Childrens. The complaint is about the Council not providing a suitable alternative education for the daughter when she was out of school. Although the Council was not aware initially that she was out of school, it was at fault for not checking the support in her Education Health and Support plan was in place, enabling her to return to school, and delays in identifying a new school when it became clear this was needed. As a result, she missed out on education from March 2020 to July 2021. A review of its processes and a financial remedy is to be made, one for the delay in the handling of the complaint and one to recognise the additional time Y was out of school and without a suitable education as a result of the Council's failings. This complaint relates to failures originating from December 2019. Since then, the service area has introduced a number of key improvements to minimise the likelihood that such failures could happen again. Firstly, an electronic EHC hub has been introduced which records the documentation relating to Annual Reviews. In addition, the hub which is essentially an electronic portal, stores securely all relevant documentation. Secondly, the service has created a role of 'Annual Review Service Organiser'. This role undertakes monitoring of Annual Reviews. Thirdly, the attendance of children and young people with EHCPs is now monitored more closely

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. The details of the financial payments are set out in Appendix A. £3600 will come from Children's Social Care budget and £300 from the Complaints Team

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

15. That members note the findings of the Local Government and Social Care Ombudsman and welcome the lessons learned and actions taken in response to the findings

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))

16. 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 27/06/2022)

17. The financial implications are set out in paragraph 13 of the report.

18. The details of the financial payments are set out in Appendix A. £3600 will come from the Children's Social Care budget and £300 from the Complaints Team.

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