

## **REPORT OF THE LEADER OF THE COUNCIL**

### **LOCAL GOVERNMENT OMBUDSMAN ANNUAL REVIEW LETTER 2015**

#### **Purpose of the Report**

1. The purpose of this report is to inform Policy Committee about the Local Government Ombudsman's (LGO) Annual Letter, and decisions made by the LGO, relating to the Council, in the year ending 31 March 2015.

#### **Information and Advice**

2. The Local Government Ombudsman (LGO) 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 LGO cannot question a Council's decision or action solely on the basis that someone does not agree with it. However, if the LGO finds that something has gone wrong, such as poor service, service failure, delay or bad advice and that a person has suffered as a result, the LGO aims to get the Council to put it right by recommending a suitable remedy.
3. The LGO 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.
4. The LGO's letter is attached to this report as Appendix A. As members will see from the attached information 94 complaints and enquiries were received by the LGO relating to Nottinghamshire County Council for the year ending March 2015 with decisions made on 101. This discrepancy is because investigations can take some time and cross over different years.
5. Of the complaints and enquiries received by the LGO, 40 detailed investigations were undertaken. Of these, 28 complaints were not upheld and 12 complaints were upheld by the LGO during the year. Of the 12 upheld, 3 related to school admissions and appeals, 4 to adult social care and 5 to children families and cultural services (in this latter category 3 were education issues and 2 about social care).

#### **Adult social care**

6. In adult social care the four complaints upheld related to:
  - a. Residential care costs where the Council did not properly inform the complainant of the cost that would be incurred whilst in residential care

- b. The failure to properly record issues in a service user's assessment
  - c. Incorrect billing at a care home
  - d. A safeguarding issue and delays between two meetings.
7. These complaints were all one off incidents where the issues were raised with staff so they could improve practice.

### **Children Families and Cultural Service**

8. Of the five complaints upheld, three complaints were on education related issues:
- a. One related to the support provided to the family of a child with autism where an apology was given and staff advised on changing practice.
  - b. The home to school transport policy wrongly limited appeal rights and the policy has now been amended.
  - c. The Council should have offered more information about transport when a place at an alternative school was offered. The fact sheet that is sent with offer letters has been revised.
9. In addition, two complaints related to children's social care:
- a. A refusal to treat a matter as a complaint which was eventually resolved.
  - b. Issues about classification of care where the council was found to be in error but there was no injustice.

### **School Admissions and Appeals**

10. Three complaints were upheld with regard to school admissions and appeal cases , these related to:
- a. An inconsistency between the record of the appeal hearing and the post-appeal decision letter - the Council therefore agreed to a fresh appeal.
  - b. An Infant Class size appeal - the LGO said that a child should have been recognised as an "excepted" pupil (and therefore not considered in the limit to the numbers), and so the Council gave the child a place at the school.
  - c. Issues regarding information in an admissions letter on siblings - the letter has now been amended.

### **LGO support for councillors**

11. The LGO's letter also gives information about how the Ombudsman works with elected members, and a workbook it has produced for Councillors that explains how they can support local people with their complaints. This can be found via the following link:-

[http://www.local.gov.uk/documents/10180/6869714/publications+-+L15-118+ID.+280+Handling+complaints+for+service+improvement\\_13.pdf/c0ed3a43-a857-48cc-b77a-b7d09fc48a06](http://www.local.gov.uk/documents/10180/6869714/publications+-+L15-118+ID.+280+Handling+complaints+for+service+improvement_13.pdf/c0ed3a43-a857-48cc-b77a-b7d09fc48a06)

## **Statutory and Policy Implications**

12. This report has been compiled after consideration of implications in respect of crime and disorder, finance, human resources, human rights, the public sector equality duty, safeguarding of children and adults at risk, service users, sustainability and the environment and ways of working and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION/S**

1) Policy Committee is asked to note the contents of this report.

**Councillor Alan Rhodes**  
**Leader of the Council**

**For any enquiries about this report please contact:** Jo Kirkby, Team Manager  
Complaints and Information telephone 0115 97772821

### **Constitutional Comments (SLB 25/08/2015)**

Policy Committee is the appropriate body to consider the content of this report.

### **Financial Comments (NDR 26/08/2015)**

There are no financial implications arising directly from the 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