

**14 June 2023****Agenda Item: 6****REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE  
AND EMPLOYEES****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS  
MARCH 2023 TO MAY 2023****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 was completed and therefore any decisions after 27<sup>th</sup> March 2023.

**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 3<sup>rd</sup> May 2023.
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 seven 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. Full investigations were undertaken into two complaints. Appendix A provides a summary of the outcomes of the 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.

7. There was fault found in both cases. The first case is in Adults. The complaint is about the Council not paying Ms Y's son correctly to allow him to commission his own care, as well as delaying the care and not backdating any payments that were due. The Council was found at fault and as a result has apologised to Ms Y and her son, adjusted the direct payments, and personal budget, as well as payment for frustration. The social worker involved in the case was absent due to sickness. On their return after several months, it was noticed the commissioning hours were wrong and the incorrect rate had been applied. The increase that should have applied hadn't been implemented, this was a human error and one that was recognised as soon as the previous social worker returned, apologised for and rectified as soon as they realised. There were further delays in the provider paying the PA and also due to Ms Y being unable to use the payment card which did have the correct amount on. The money was there to be used. £1304 shortfall is to be reimbursed alongside 2 x £100 payment for distress. A clear reminder of the process and guidance has also been communicated to all staff in the most recent Practice newsletter as an extra action.
8. The second complaint is in Childrens. The complaint is about the way the Council handled Mrs X's daughter's Education, Health and Care Plan. Fault found with the Council for delay, failing to communicate with Mrs X and failing to secure the provision specified, for example Speech and Language therapy. Mrs X also had to pay privately for an occupational therapy report which was needed for the annual review which wasn't sourced by the Council within timescales. The EHCP was also issued late. The Council will apologise to Mrs X. Service improvements and financial remedies totalling £4500 are to be made.

### **Other Options Considered**

9. The other option considered was not bringing regular reports to the Committee detailing the decisions made by the Local Government and Social Care Ombudsman. This option was rejected as by not having oversight of this report the Committee would not receive assurances that the learnings from Ombudsman cases were leading to improvements in services.

### **Reasons for Recommendation/s**

10. To enable members to scrutinise complaints dealt with by the Council that went to the Ombudsman and to inform them of the service improvements being made for the benefit of residents as well as colleagues.

### **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 any financial payments are set out in Appendix A. £1504 will come from Adults Social services and £4500 will come from Childrens services.

## **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**

- 1) 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:**

Richard Elston Team Manager – Complaints and Information Team

## **Constitutional Comments (HD (Standing))**

15. 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 23/05/2023)**

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

17. The details of the financial payments are set out in Appendix A.

## **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

