

18 December 2018**Agenda Item: 4****REPORT OF THE MONITORING OFFICER****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN ANNUAL REVIEW
LETTER****Purpose of the Report**

1. The purpose of this report is to inform the Committee about the Local Government and Social Care Ombudsman's (LGSCO) Annual Letter, and decisions made by the LGO, relating to the Council, in the year ending 31 March 2018.

Information and Advice

2. The Local Government and Social Care Ombudsman (LGSCO) provides a free, independent and impartial service to members of the public. It looks at complaints about councils and other organisations. It will consider complaints when they have first been investigated 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 LGSCO 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 LGSCO aims to get the Council to put it right by recommending a suitable remedy.
3. 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.
4. The LGSCO's letter is attached to this report as Appendix A. This details the number of complaints received for the year ending 31/03/18. In addition, the table shows the decisions made during the same period and the outcome of those complaints which involved detailed investigations.
5. As members will see, the LGO made decisions on 106 complaints and enquiries relating to Nottinghamshire County Council for the year ending March 2018. Detailed investigations were carried out in 45 cases, as the rest were closed after initial enquiries, or referred back to the Council for local resolution (cases where the complainant has not been through the Council's process). Those that were closed after initial enquiries included cases where the LGO is satisfied that the Council has already taken appropriate action or that the issues raised do not merit further investigation.
6. There was an uphold rate of 56%, with a total of 25 complaints upheld and 20 were not upheld. Although this is an increase from the previous year where 27 detailed investigations

were carried out with an uphold rate of 41% (11 complaints), it is equivalent to the year 2015-2016 and just below the national average of 57%.

7. The Ombudsman's letter refers to one public report which was issued during the year. This was presented by the relevant Service Director to Adult Social Care and Public Health Committee on 11 September 2017. Members will see that the Ombudsman confirmed that he was satisfied that the Council had accepted and actioned all the recommendations concerning this complaint.
8. Of the 25 complaints which were upheld 12 concerned adult social care services, 11 related to education and children's services and 2 were corporate complaints. In 6 of these cases the Ombudsman discontinued any involvement as the investigator was satisfied the Council had already taken action to remedy the fault or there was no injustice to the complainant. No particular themes were identified to show any widespread concerns. Four upheld complaints concerned the school appeals process and a lack of clarity in the clerk's notes to show how the panel decision had been reached in each case. However, three complaints related to one hearing so did not indicate a widespread issue. Action was taken to address this by reminding panel members of the importance of careful recording the reasons for their decision.
9. The LGSCO recommendations have all been accepted and implemented by the Council. These have included further letters of apology, offers of new care assessments, new financial assessments and new school admission appeals. In 9 cases financial remedies were offered. These include payments of between £100-£500 for time and trouble, distress, uncertainty and inconvenience and failures of service by independent providers. Larger financial remedies were offered in individual case including £1000 involving a data breach, a waiver of £5500 towards fees for care home failures and £3000 to a complainant as back payment during the period she was caring for a grandchild. Additional recommendations have also included reviewing individual procedures where fault has been found.
10. As the Committee has previously reviewed the final decision letters from the Ombudsman, they have not been included with this report. It is worth noting however that once the final decision letters have been issued, the Ombudsman does request evidence from the Council to show that all recommendations have been completed.

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 are publically available on the LGO's website.

Financial Implications

13. The financial remedies recommended by the Ombudsman for the relevant upheld complaints totalled £12,880. These costs were funded from departmental budgetary provision.

Implications for Service Users

14. All of the complaints were made to the LGO by service users, who have the right to approach the LGO 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

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For any enquiries about this report please contact:

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Constitutional Comments [HD 29/11/18]

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 30/11/18)

The financial implications are set out in paragraph 12 of 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

