

26th September 2018**Agenda Item: 4****REPORT OF THE MONITORING OFFICER****LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN DECISIONS MAY
– AUGUST 2018 AND PUBLIC REPORT****Purpose of the Report**

1. To inform the Committee about the Local Government and Social Care Ombudsman's (LGSCO) decisions relating to the Council in the period May - August 2018.
2. To formally consider the findings and recommendations of a public report of the LGSCO as required, and to approve that a formal response be sent back to the LGSCO explaining what steps the Council has taken or will take to comply with the recommendations in that report.

Information

3. 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 in June.
4. 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 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.
5. 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.
6. A total of 11 decisions relating to the actions of this Council have been made by the LGSCO in this period (attached at annex A). No fault (maladministration) was found in 5 cases; one of these cases related to a Highways matter, 1 to children's social care and 3 to adult social care. In 2 further cases the LGSCO decided the Council had already remedied the fault.
7. The cases in which no fault was found include some complex adult and children's social care matters including both adult and child safeguarding matters.

8. During the period the LGSCO has issued a public report which related to matters raised by two complainants about school admissions in 2016. The report is the first document in the appendix attached (Pages 2-8). The LGSCO issued a press release when the report was published on 23rd August and the Council did receive a couple of enquiries from the press at that time, the Council has also been required to publicise the report in the local press and make it available for inspection.
9. The issues in the public report are complex and are not easily capable of being summarised so members are advised to read the report in full. The LGSCO recommended an apology and a monetary payment to each complainant family, which the Council accepted and has already made the apology and relevant monetary payments to the complainants in these cases.
10. In one of the three remaining cases relating to adult social care (pages 40-42 of the appendix), the fault found was with the way the Council reached its decision regarding a blue badge application and the LGSCO recognised that the Council had reconsidered the application and issued a blue badge.
11. In one further case (pages 29 - 41 of the appendix) there was fault by the Council in failing to provide alternative education when a child was unable to attend school with health needs. There was also fault in the way the Council carried out statutory assessment for an education, health and care plan. The LGSCO made recommendations for an apology, financial payment and a review of procedures. The department had already developed an improvement plan for this area of work.
12. The final case (page 51- 59) was a complex case involving both health and adult social care and the Council was found to be at fault for not taking proper account of all the available evidence before making a decision about a service user and where she should live.
13. The Council has accepted all the actions recommended by the LGSCO in every case.

Statutory and Policy Implications

14. 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

15. The decisions attached are anonymised and will be publically available on the LGSCO's website.

Financial Implications

16. Any financial payments required will be made from existing departmental budgets.

Implications for Service Users

17. All of the complaints were made to the LGSCO 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:-

1. Consider whether there are any actions they require in relation to the issues contained within the report, and
2. Approves that a formal response be sent to the LGSCO confirming that the Council accepts the findings in the public report and that the Council has already complied with the recommendations by making an apology and relevant payments to the affected complainants, and delegates authority to the Service Director for Education, Learning and Skills in consultation with the Chairman, to finalise the content of such letter.

Marjorie Toward

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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 14/09/18)

The financial implications are set out in paragraph 16 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