

**18 December 2018****Agenda Item: 5****REPORT OF THE MONITORING OFFICER****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS  
OCTOBER- NOVEMBER 2018****Purpose of the Report**

1. The purpose of this report is to inform the Committee about the Local Government & Social Care Ombudsman's (LGSCO) decisions relating to the Council in the period 10<sup>th</sup> October - 26<sup>th</sup> November 2018.

**Information**

2. 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 on November 6<sup>th</sup> 2018.
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 8 decisions relating to the actions of this Council have been made by the Ombudsman in this period (attached at annex A). Following initial enquires in 6 cases, the LGSCO decided not to continue with any further investigation. The reasons given were that one complaint was out of timescale, one showed no evidence of injustice to the complainant, and the evidence supplied for the remaining 4 complaints showed that it would be unlikely the Council would be found at fault.
6. In two complaint investigations concerning the Adult Social Care and Health department fault (maladministration) was found resulting in some recommendations which were accepted by the Council.

7. The first complaint was partially upheld. The investigation did not find fault with the department's decision to end a financial contribution waiver for care provided to the complainant. The fault found related to an assessment carried out in 2016 which was incomplete. The recommendations which have all been actioned included an apology, the offer of a new care assessment, a new financial assessment and a financial remedy of £200 for the delay and uncertainty.
8. The second complaint concerned the quality of the home care service the complainant's late father received and the impact this had on the complainant's son during a four month period. Fault was found with the quality of service offered by the care provider and a failure to carry out spot checks which had been agreed with the service user's son. As the Council arranged for the care, the LGSCO made recommendations which have been accepted and actioned by the department. These include a written apology to the complainant and a reduction of £500 against the outstanding care charges. The Council's Quality Marketing Management Team are in the process of reminding all home care providers to ensure they carry out spot checks and will be monitoring this during routine quality monitoring activity they undertake.

## **Statutory and Policy Implications**

9. 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**

10. The decisions attached are anonymised and will be publically available on the Ombudsman's website,

## **Financial Implications**

11. Two recommendations to the Council included financial remedies; a £200 payment and a £500 reduction to an invoice for care charges. These costs were funded from departmental budgetary provision.

## **Implications for Service Users**

12. 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**

That members consider:-

1. Whether there are any actions they require in relation to the issues contained within the report.

**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 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 30/11/18)**

The financial implications are set out in paragraph 11 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

