

3 May 2023

Agenda Item: 4

REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE AND EMPLOYEES

LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS FEBRUARY 2023 TO MARCH 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 24th February 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 22nd March 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/). The decisions are anonymous, but the website can be searched by Council name or subject area.
5. A total of six 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 care and treatment of Miss C's Mother by the Care Home, Nottingham County Council (the Council) and the Dementia Outreach Service (Dementia Outreach) She is also unhappy about how the Council decided to move her mother to a new care home. Fault was found by the Ombudsman in how the Council moved Mrs D in terms of the risk assessment and not liaising with the GP and Dementia Outreach. As a result the Council has apologised to Miss C, agreed to pay £100 and remind staff of the importance of written risk assessments and the procedure to follow. A clear reminder of the process and guidance has also been communicated to all staff in the most recent Practice newsletter.
8. The second complaint is in Childrens. The complaint is about an Education, Health and Care Plan (EHCP). Ms X complained the Council delayed issuing Child A's EHC plan and ignored advice from medical professionals. Fault was found as the the Council delayed securing OT provision for Child A as set out in the plan of April 2022. Child A received no OT support between April and September 2022 and not the full OT support set out in the plan between September and December 2022. To remedy the injustice the Council Ms X £300 for the frustration and time and trouble caused by the delay in issuing Child A's final EHC Plan; and pay Ms X a symbolic payment of £2400 to acknowledge the loss of provision caused by the delay in issuing the plan between October 2021 and April 2022 and Child A's loss of education and provision between April 2022 and December 2022 once the plan was issued. The Council also has to provide evidence of actions it is taking to increase educational psychology capacity and reduce waiting times; and provide evidence of actions it is taking to increase capacity for specialist school places.

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 publicly available on the Ombudsman's website.

Financial Implications

11. The details of any financial payments are set out in Appendix A. £2,700 will come from Childrens and £100 will come from Adults.

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

13. 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:

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Constitutional Comments (HD (Standing))

14. 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 11/04/2023)

15. The financial implications are set out in paragraph 11 of the report.

16. The details of the financial payments are set out in Appendix A. £2,700 will come from Childrens and £100 will come from Adults.

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