

**12 June 2019****Agenda Item: 7****REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE  
AND EMPLOYEES****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS  
MARCH-APRIL 2019****Purpose of the Report**

1. The purpose of this report is to inform the Committee about Local Government & Social Care Ombudsman's (LGSCO) decisions relating to the Council since the last report to Committee up to 13 May 2019.

**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 1<sup>st</sup> May 2019.
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 9 decisions relating to the actions of this Council have been made by the Ombudsman in this period (attached at annex A). Following initial enquires into 5 complaints, the LGSCO decided not to continue with any further investigation. The Ombudsman concluded that the matters were either outside their jurisdiction, the responsibility of a body other than the Council, out of timescale or that no meaningful remedy would be possible.

6. Four social care complaints were fully investigated. In one adult social care case the Council was found not to be at fault in the way it had assessed a service user's social care needs or the decisions made regarding the level of support offered. (Annex A, page 14).
7. In a second adult social care case, the service was found at fault for not providing enough information to a family member concerning the change from funding a parent's care privately to getting direct payments from the Council. The recommendations were accepted and are in the process of being implemented which included the recommendation for staff guidance to be reviewed, updated and re-issued to all staff. (Annex A, page 32).
8. Two further decisions found fault in children's social care complaints. The first case related to a complaint which had been investigated by the Ombudsman in 2018 concerning the department's responsibilities to a grandparent with a special guardianship order. (Annex A, page 1). In the subsequent investigation the Council was found at fault for not satisfactorily resolving part of the complaint regarding its financial responsibilities and the assessment of the special guardianship allowance. The Ombudsman has noted that there were complex issues involved which hindered the department's progress in this particular case. The investigator has been regularly updated and confirmed he is satisfied with the department's recent progress to implement the specific recommendations. These include a financial remedy in this case and a review of the Council's current policy and procedures for special guardianship payments.
9. The second children's social care investigation found fault concerning the process followed and communication with a couple who had put themselves forward to care for a family member's child. During the course of the complaints process the department had accepted there had been some communication failures and offered the complainants an apology and financial remedy. This was increased by the Ombudsman following investigation to a further £1000 payment for the distress caused. (Annex A, page 25).

## **Statutory and Policy Implications**

10. 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**

11. The decisions attached are anonymised and will be publicly available on the Ombudsman's website.

## **Financial Implications**

In the 3 cases where fault was found the following financial remedies were accepted:

Complaint reference:18 009 200 page 1 - £300 plus back payment and ongoing support - totals not yet known but will be met from children's social care budget

Complaint reference:18 012 802 page25 - £2000 in total to be met from children's social care budget

Complaint reference:18 012 814 page 32 - £100 time and trouble payment – second calculation to establish if an overpayment took place is yet to be determined but will be met from adult social care and health budget.

### **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 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 (RWK 03/06/2019)**

The LGSCO decisions reported in the report have resulted in financial remedies totalling £2,400. Further payments may be due in 2 cases following calculations to determine if back/over payments are due and whether ongoing support costs are to funded. All costs will be met from within the existing budget allocations for adult and children's social care.

### **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