

**9 June 2022****Agenda Item: 6****REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE  
AND EMPLOYEES****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS  
APRIL 2022 TO MAY 2022****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

**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 21<sup>st</sup> April 2022.
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 ten 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. Following initial enquiries into seven cases, the LGSCO decided not to continue with any further investigation for the reasons given in Appendix A
7. Full investigations were undertaken into three complaints. Appendix A provides a summary of the outcomes of the investigations. 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.

8. There was one complaint where fault was found (Appendix B). This was an Adults complaint regarding how the Council decided her mother deprived herself of assets before her death. Mrs X also complained the Council took two years from her mother's death to chase her, and her sister, for her mother's care home fees. The Ombudsman does not find fault with the Council's decision that Mrs X's mother deprived herself of assets. But, the Ombudsman does find fault with the Council's clarity and transparency over its decision and delays causing Mrs X frustration and uncertainty. The Council agreed to the Ombudsman's recommendation to apologise to Mrs X and reduce the outstanding balance owed by £400. The Council has already provided training to its staff.

## **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 the financial payments are set out in Appendix A. £400 will come from Adults Social Care 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**

- 1) That members note the findings of the Local Government and Social Care Ombudsman.

**Marjorie Toward**

**Monitoring Officer and Service Director – Customers, Governance and Employees**

**For any enquiries about this report please contact:**

Richard Elston Team Manager – Complaints and Information Team

**Constitutional Comments (HD (Standing))**

13. 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 13/05/2022)**

14. The financial implications are set out in paragraph 11 of the report.
15. The details of the financial payments are set out in Appendix A. £400 is funded from the Adults Social Care budgetary provision.

#### **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