

REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE AND EMPLOYEES

LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS DECEMBER 2020

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, and up to 31st December 2020.

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 on 6th January 2021.
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 five 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 enquires about two cases the LGSCO decided not to continue with any further investigation because in one case the complainant has recourse to go to court for the outcome he is seeking, and in the second because the complaint was out of time.
7. Full investigations were undertaken in respect of three complaints. Appendix A provides a summary of the outcome of each 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. (Reference and page numbers refer to the information in Appendix B).

8. All three cases related to Adult Social Care Services. In one case some “relatively minor” faults were identified and a payment of £100 recommended, although no fault was found in relation to the main substance of the complaint which concerned the review of the package of support.
9. In the other two cases no fault was found. It is particularly pleasing to note the good practice noted in one case (20 000657 page 9) in the way the assessment was completed, and the complaint handled. In the other case (19 021240 p 13) the investigator notes the thorough review process. Although the Council acknowledged that historically care packages had been more generous, the Council was entitled to have regard to the budget implications of individual packages. In this case there was no evidence of this being the overriding consideration, and that the documentary evidence showed the complainants needs were properly considered, and his family was appropriately involved in the assessment.

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

12. The total from ASCH budget is £100.

Implications for Service Users

13. All 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:

Jo Kirkby Team Manager – Complaints and Information Team

Constitutional Comments (HD (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 05/01/2021)

The financial implications are set out in paragraph 12 of the report. A total of £100 will be funded from existing ASCH 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