

23 June 2021

Agenda Item: 6

REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE AND EMPLOYEES

LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS MARCH - MAY 2021

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 up to 31st May 2021.

Information

2. Members of this Committee have previously 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 31st March 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. The Ombudsman requires the Council to provide evidence that it has carried out any recommended action.
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 eleven decisions relating to the actions of this Council have been made by the Ombudsman in this period. The LGSCO may decide to end his investigation into a complaint after making initial enquiries, and the decision sets out the reason for this. Some cases however proceed to a full investigation. Appendix A to this report summarises the decisions made in each case for ease of reference, and Appendix B contains the Ombudsman's full decision statement in each case (Members have previously asked to see these).
6. The Council has three complaints procedures: the adults and children's social care procedures are statutory, and all other matters are dealt with by the corporate procedure. All procedures

have timescales and the adults and corporate procedures have two stages. The children's process has 3 stages which are defined in the legislation, the final one of which is a review of the complaint and stage two investigation by a Panel of three independent people.

7. Following initial enquires into six complaints the LGSCO decided not to continue with any further investigation the details of the cases and the reasons for the decision are set out in Appendix A.
8. Full investigations were undertaken in five 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).
9. One case related to the children's social care complaints process and no fault was found. The other four cases concerned Adult Social Care services; in one case no fault was found, in two cases fault was found in relation to communication, apologies recommended in both cases, and a modest financial payment in one. The other case concerned the assessment and care provided to a woman in her fifties with a learning disability and some physical health issues which affect her mobility and coordination. Fault was found in relation to the failure to review her needs regularly, and not properly considering her wishes and feelings. It was also found that the Council sought to pursue the option of the service user living with her sister, the complainant on a permanent basis, when she had made it clear she was not able or willing to provide a permanent home. Appendix A give the details of the remedies the Council has accepted.

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 financial remedies from the Adult Social Care Budget totalled £2650.

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

- 1) That members consider whether there are any actions they require in relation to the issues contained within the report.
- 2) That members consider how they wish to receive these decisions in future.

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 (RWK 02/06/2021)

The decisions detailed in the report and the appendix have resulted in financial remedies totalling £2,650. These costs will be met from within the budget for adult 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