

**22 February 2023****Agenda Item: 5****REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE  
AND EMPLOYEES****LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS  
DECEMBER 2022 TO JANUARY 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 any decisions after 6<sup>th</sup> December 2022.

**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 4<sup>th</sup> January 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/](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 four 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 three cases, the LGSCO decided not to continue with any further investigation for the reasons given in Appendix A
7. Full investigations were undertaken into one complaint. 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. However, in this case there was no fault found.

8. The Committee requested further consideration of one of the cases included in the report to the 4 January 2023 meeting (detailed at Appendix B). This one is in relation to the Place Department. The complaint is about the payments Mrs M received to transport her daughter, G, to school. The Council has made an additional payment so Mrs M receives the equivalent of its new and improved 'disabled travel assistance payment' from its introduction. This is £2942.05.
9. The fault by the Council in the view of the Ombudsman was the introduction of DTAP, an improved transport offer for disabled children, without taking adequate steps to ensure all those who were eligible, and would be better off, transferred from previous transport allowances. It would appear the Ombudsman has not understood the difference between the DTAP and Grant. The Grant is simply a calculation of mileage x 22.6p paid in arrears for the number of days attendance. The DTAP is only available to eligible pupils who also have an EHCP. This enables them to make their own home to school travel arrangements and provides families more flexibility with their travel arrangements.
10. The amount of money a family would receive for mileage would be based on the distance between the family home and the young person's school and would be paid at 45p a mile based on two return journeys each day. If a young person has been assessed as requiring an escort to support them when they travel the DTAP would also include a payment for the escort. This includes the purchase of travel related goods and services, The DTAP is a signed legal contract between the Parent / Carer and NCC with strict rules on how/what and when the money can be used.
11. In investigating complaints, the LGSCO's remit is to assess whether the Council has followed its agreed policies and procedures. The Council remains concerned that the findings in this case do not give due consideration to:
  - the terms and conditions of the DTAP scheme and the legal contract involved;
  - the Council's proposal that the remaining, but subsequently spent, balance of £612.38 on Mrs M's account at the point when her daughter left college should be reclaimed;
  - the Council's audit procedures.

## **Statutory and Policy Implications**

12. 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**

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

## **Financial Implications**

14. There are no financial payments to report on this occasion.

## **Implications for Service Users**

15. 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 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))**

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 08/11/2022)**

16. The financial implications are set out in paragraph 14 of the report.

17. The details of the financial payments are set out in Appendix A. None to report on this occasion

## **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