

**29 November 2023**

**Agenda Item: 4**

## **REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE AND EMPLOYEES**

### **LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS SEPTEMBER 2023 TO OCTOBER 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 therefore any decisions after 14<sup>th</sup> September 2023.

#### **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 16<sup>th</sup> October 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 nine 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. Full investigations were undertaken into two complaints. 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.

7. There was fault found in one of the two cases. This case was in Childrens. The complaint was about the way the Council delayed in assessing Ms X's son's needs and issuing his Education, Health and Care plan. It also failed to secure all of the provision in her son's Education, Health and Care plan due to the way it considered her request for a personal budget and was unhappy with the level of communication she received from the Education Other than at School Service. The Council was at fault which caused injustice to Ms X and her child as her child missed out on some provision and Ms X had to wait longer to challenge her child's final Education, Health and Care plan. The shortage of Educational Psychologists was a main factor in the delays. The Council was found at fault overall and as a result has apologised to Ms X, offered a distress payment and is agreeing a payment to recognise the lost provision after starting a package of EOTAS. £900 will be the total financial remedy. The EHC assessment team now have clear guidance on responding to requests for personal budgets. When a request for a personal budget is made, to ensure that responses and decisions are made promptly, Service Managers within the EHC assessment team now have the authority to approve requests that fall under a set threshold.
8. The local authority has also made a significant financial investment to support the timely issuing of EHCPs and holistic oversight of these plans through Annual Reviews. 12 additional members of staff have been secured in this area to improve service delivery and communication with parents and carers. In addition to this, 5 SEND education Pathway officers will be in place in January 2024. When a request for an EHC Needs Assessment is made, these officers will engage with young people, parents, carers and education settings to ensure that children and young people receive the right support at the right time. For children and young people who do experience a delay in their EHC Needs Assessment, parents and carers are contacted at regular intervals to explain the delay and the actions that the local authority is taking to reduce them.

### **Other Options Considered**

9. The other option considered was not bringing regular reports to the Committee detailing the decisions made by the Local Government and Social Care Ombudsman. This option was rejected as by not having oversight of this report the Committee would not receive assurances that the learnings from Ombudsman cases were leading to improvements in services.

### **Reasons for Recommendation/s**

10. To enable members to scrutinise complaints dealt with by the Council that went to the Ombudsman and to inform them of the service improvements being made for the benefit of residents as well as colleagues.

### **Statutory and Policy Implications**

11. 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**

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

## **Financial Implications**

13. The details of any financial payments are set out in Appendix A. £900 will come from Childrens services.

## **Implications for Service Users**

14. 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 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:**

Richard Elston Team Manager – Complaints and Information Team

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

15. 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 07/11/2023)**

16. The financial implications are set out in paragraph 13 of the report.

17. The details of the financial payments are set out in Appendix A.

## **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