

11 September 2019

Agenda Item: 4

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

**LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS  
JUNE-AUGUST 2019**

**Purpose of the Report**

1. The purpose of this report is 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 12 August 2019.

**Information**

2. The Committee has asked to see LGSCO decisions 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 24 July 2019.
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 14 decisions relating to the actions of this Council have been made by the Ombudsman in this period (attached at annex A). Following initial enquires into 7 complaints, the LGSCO decided not to continue with any further investigation. In 5 cases the Ombudsman concluded that the matters were outside their jurisdiction. In one adult social care case, no consent had been given by the service user for her son to act on her behalf and one corporate complaint was refused as it dated back beyond the 12-month timescale.

6. Investigations were carried out into four complaints where no fault was found with the Council.
7. One concerned a children's social care complaint about the Council's handling of safeguarding referrals and the Child in Need process. (Annex A, page 8).
8. An adult social care complaint was jointly investigated by the Social Care and Health Service Ombudsmen. The concerns raised were against a care home, a GP practice and the Council. The complaint against the Council concerned the adequacy of two safeguarding investigations which were undertaken on two separate occasions following contact from a service user's daughter about the home's response to her father's ill health (Annex A page 16). No fault was found with the Council's action or the safeguarding investigations. Fault was found in relation to the GP and the care home. One recommendation involves further action by the Council to work with the home which is currently underway.
9. No fault was found in a further complaint about the Council's handling of a Blue Car Badge application. (Annex A, page 28).
10. A further adult social care complaint was investigated where no fault was found in the Council's decision to place a service user's mother in residential care and charge her for the care. (Annex A page 58).
11. Three Ombudsman investigations found fault against the Council. The first is detailed on page 32 (Annex A). The complaint involved a delay in the allocation of an occupational therapist to assess the complainant's children for adaptations to the family home and the delays in applying for a disabled facility grant. Fault was found during the Ombudsman investigation which resulted in several recommendations. These included further assessment of the family, a financial remedy of £500 in recognition of the distress caused by the delay, £6,600 for the children in recognition of their unsuitable living accommodation due to the Council's delay. Two further recommendations include staff training and a Council review of its resources, targets and procedures. All recommendations were accepted by the department.
12. The second complaint where fault was found is an adult social care complaint as detailed on page 39 of Annex A. The Council was at fault for not providing the service user with the holiday care as set out in her support plan. The department accepted and implemented the investigator's recommendations which were a letter of apology with a financial remedy of £200 in recognition of the time and trouble and the loss of service.
13. The third complaint is an adult social care complaint which was jointly investigated by the social care and health service Ombudsmen. The Council was found at fault for delay and failing to adequately respond to the service users change in needs and her request to increase social care support hours. The investigation found the delay and uncertainty caused unnecessary distress to the service user. The department accepted the recommendations which include a letter of apology and financial remedy of £250 for distress, time and trouble and a review of the Council's practice and procedures. (Page 46).

## **Statutory and Policy Implications**

14. 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**

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

## **Financial Implications**

16. Case ref: 18 016 793 remedy of £7,100 has been paid from the CFCS budget.  
Case ref: 18 008 760 and 18 016 787 payments of £200 and £250 respectively have been paid from the ASCH budget.

## **Implications for Service Users**

17. 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 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:**

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## **Constitutional Comments SLB (Standing Comment)**

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 21/08/19)**

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

## **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