

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

**LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS  
JANUARY 2023 TO FEBRUARY 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 30<sup>th</sup> January 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 22<sup>nd</sup> February 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 two 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 both cases. The first case is in Childrens. The complaint is regarding a Education, Health and Care plan for a child and the Council's failure to ensure delivery of all special educational provisions (SEP) included in the EHCP following the family's move to the area. There was fault found due to the failure to follow the right EHCP review process and delay in removing the child (Y) from the school roll. The Council has agreed to apologise and pay £3397 to recognise the distress, the loss of provision and refund for counselling sessions and equipment for the child.
8. The second complaint is in Adults. The complaint is about the assessment and decisions to move or not move Mr C's mother to a care home. The Council is not at fault for Mrs D's initial move to a care home. The Council was found to be at fault however for failing to properly consider whether it was in her best interests to remain at the care home. To remedy the complaint the Council has agreed to pay Mr C £300 in recognition of the uncertainty its actions have caused him. Training will also be undertaken to remind staff about how and when to complete best interest decisions. It is worth noting Mr C is challenging the Ombudsman's final decision regarding the recommended financial remedy however the Council should not be affected as a final decision has been issued and both parties have had time to comment on their findings.

## **Statutory and Policy Implications**

9. 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**

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

## **Financial Implications**

11. The details of any financial payments are set out in Appendix A. £3397 will come from Childrens and £300 will come from Adults

## **Implications for Service Users**

12. 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**

13. 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))**

14. 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)**

15. The financial implications are set out in paragraph 11 of the report.

16. 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