

14 August 2022

Agenda Item: 4

REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE AND EMPLOYEES

LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS JUNE 2022 TO AUGUST 2022

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

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 21st July 2022.
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/). The decisions are anonymous, but the website can be searched by Council name or subject area.
5. A total of seven 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 two cases, the LGSCO decided not to continue with any further investigation for the reasons given in Appendix A
7. Full investigations were undertaken into five complaints. Appendix A provides a summary of the outcomes of the investigations. 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.

8. There were four complaints where fault was found. The first one is a Childrens complaint about how the Council communicated with Mr X at the start and the end of the protection enquiries. This is fault. The Council has agreed to apologise to Mr X and make a financial remedy for the distress. The Ombudsman noted that service improvements have already been made in how meetings are recorded and information provided to service users
9. The second one is in Adults Social Care. The complaint is about the delay in Mr Ys financial assessment and failing to provide information to aid his decision about his care. Due to this fault the Council has agreed to remove a charge from September 2020 to November 2020, apologise to Mr Y and his son and made a small financial remedy to recognise the time and trouble caused. A review of procedures was already underway prior to this decision. A form has been devised for staff setting out our expectations of recording certain elements of work, and Adult Care Financial Services are part of this. It has been shared with all Ageing Well team members.
10. The third complaint is Adults. There was no fault in how the Council decided the amount they could afford to pay for care however the Council had no specific formal communication plan in place with the care home as to when or what situations the care home was to contact Mr X regarding his parents, Mr and Mrs P. Mr P had a fall and despite Mr X not having power of attorney he was their next of kin and should have been advised about the fall. The Ombudsman decided there was no injustice and Mr X's concerns were addressed in the complaint response. The Council has however issued a clear communication to the care home around guidance for when to contact family members. In addition to the recommended action to ensure that this care home provider is clear on having good communication plans in place with relatives, the Council routinely shares information and good practice ideas through a regular provider bulletin with the 286 independent sector residential care homes that we work with. A link to the LGO report and a reminder of what good communication looks like will be sent to all providers through this. Additionally, the quality audits that the Department's Quality and Market Management Team do include:
 11.
 - a review of general communications with relatives. This includes the expectation that any incident/accident should always be communicated in a timely manner and that it is good practice for care homes to include relatives in the reviews of care plans, unless there are specific reasons why this is not appropriate.
 - use of relatives' meetings/news letters
12. The fourth complaint is Childrens. The complaint is about the Council not providing all the special educational provision as set out in Dr X's son's EHC plan. The Council was at fault for failing to provide all the provisions. As a result, the Council has apologised for the injustice caused, made a number of payments to recognise distress, loss of SEN provision and recognise the ten months where no hydrotherapy was provided but should have been. The EHCP has been under review and learnings are being taken from cases like this. There is a much closer link between the EHC co-ordinators and users, and communications are more robust where possible issues could occur.

Statutory and Policy Implications

13. 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

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

Financial Implications

15. The details of the financial payments are set out in Appendix A. £1539.46 will come from Adults Social Care budget and £4700 from Childrens Social Care budget

Implications for Service Users

16. 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

17. 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))

18. 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

19. The decisions detailed in the report and the appendix have resulted in financial remedies totalling £6,239.46. Of these costs, £1,539.46 (a £100 payment and the cancellation of charges totalling £1,439.46) will be met from within the budget for adult social care and payments totalling £4,700 will be met from the Children's Social Care budget

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