

30 November 2022

Agenda Item: 5

REPORT OF THE SERVICE DIRECTOR FOR CUSTOMERS, GOVERNANCE AND EMPLOYEES

LOCAL GOVERNMENT & SOCIAL CARE OMBUDSMAN DECISIONS AUGUST 2022 TO OCTOBER 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 completed 22nd August 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 28th September 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 eight 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 five complaints, although one is an update of a previous Ombudsman decision. 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 five complaints where fault was found. The first complaint is from Adults Social Care department, about how the Council dealt with Mr J's discharge, managed his care and didn't consider the needs of his wife as a carer. The Council has agreed to apologise to Mr X and make a financial remedy for the distress. The Council has also reviewed its procedure and all staff are aware of the need to involve the family in considering the needs of the carer as well as the need to regularly review the needs of the service user and update care plans.
9. The second complaint is also in Adults Social Care. This complaint was on the last report as fault found however the Ombudsman revised its final decision with an extra point. The more recent note from the Ombudsman stated that the Council was at fault when it failed to provide Mr X with affordable options for his parents, Mr and Mrs P's, care placements. As a result, Mr X was denied the option to choose between a care home with no top up fee and a more affordable one. It should repay, or write off, the top ups Mr X has paid or owes and make service improvements. This is in the process of being completed and a clear communication has been sent to staff of the importance to offer alternative options.
10. The third complaint is in Children and families department. The complaint is about the Council not ensuring Ms X has access to a childcare provider, a nursery, a free place and been transparent with invoices. Ms X says that she has spent time seeking clarity and suffered distress due to spending large sums on childcare she expected to be free. The Ombudsman concluded that the Council was at fault because it did not meet its statutory duties to ensure Ms X had access to a free place and transparent invoicing at the nursery. This is a public report to be published on the Ombudsman website 16th November. I refer you to Appendix B which is a report detailing what occurred and the steps being taken for the Council to consider. The Council has to confirm to the Ombudsman that they have reviewed this case and the steps being taken. The Council has also agreed to reimburse half of the nursery costs and pay Ms X 2 x £100 payments for distress and inconvenience.
11. The fourth complaint is in Adults Social Care. The complaint is about the Council not ensuring Mr X had adequate care support and left him in unsuitable accommodation. No fault was found in the Council's decision making on Mr X's care. But fault was found in the Council's delay in securing Mr X new accommodation. As a result, the Council is making a payment of £300 to Mr X to recognise this and the Housing with Care and Support Team have revised their Operational guidance and the requirements for accurate note taking. It is worth noting that the Council sourced several options and, after a lot of work by the Council sourcing these, Mr X actually agreed to the first option after declining all the others the Council were willing to offer and this does best suit his needs. He is happy there according to the recent case note.
12. The fifth one is in Children and Families department. The complaint is about delays in the assessment process for Miss X's daughter, Y's, Education, Health, and Care (EHC) plan. Also, there was insufficient content in the plan nor was alternative provision provided. This caused distress and some financial hardship for Miss X. To remedy the fault, the Council has agreed

to apologise to Y and Miss X for the delay in the EHC process and failing to review the alternative education provision and pay Miss X £1625 for not ensuring Y received appropriate education for two academic terms and the delay in the EHC process.

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. £800 will come from Adults Social Care budget and £1825 from Childrens Social Care budget with more once the refund amount is finalised with the nursery for the third complaint above.

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))

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)

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

19. The details of the financial payments are set out in Appendix A. £800 will come from Adults Social Care budget and £1,825 from Childrens Social Care budget with more once the refund amount is finalised with the nursery for the third complaint above.

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