

SLOUGH BOROUGH COUNCIL

REPORT TO: Audit & Corporate Governance Committee **DATE:** 20 September 2018

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PART 1 **FOR INFORMATION**

LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN – COMPLAINTS, FINDINGS AND RECOMMENDATIONS

1 Purpose of Report

The purpose of this report is to update members of the Committee on complaints to the Local Authority and Social Care Ombudsman and his findings and recommendations since the last report to the Committee on this subject on 8 March 2018.

2 Recommendation(s)/Proposed Action

The Committee is requested to note the contents of this report and the Council's actions consequent upon the Ombudsman's findings and recommendations.

3. The Slough Joint Wellbeing Strategy, the JSNA and the Five Year Plan

The delivery of all these strategic priorities is dependent on the highest possible standards of openness, honesty and accountability. The Council's learning and actions in response to these findings and recommendations will serve to enhance the delivery of these priorities.

4 Other Implications

(a) Financial

There are no direct financial implications arising from this report save as appear below in paragraph 5.4.

(b) Human Rights Act and Other Legal Implications

The law relating to the Local Government and Social Care Ombudsman is contained in the Local Government Act 1974 as amended.

(c) Equalities Impact Assessment

There is no identified need for an EIA arising from the subject matter of this Report.

5 Supporting Information

5.1 Under the Local Government Act 1974 the Local Government and Social Care Ombudsman can investigate any alleged or apparent:

- maladministration in connection with the Council's administrative functions
- failure in a service which it was the Council's function to provide
- failure to provide a service which it was the Council's function to provide
- failure in a service provided by the Council under its public health functions; or
- Failure to provide a service under the Council's public health functions.

5.2 The Ombudsman can prepare a report following his or her investigation which may include recommendations of actions for the Council to take to remedy the maladministration including a recommendation to pay monetary compensation to the complainant. The Ombudsman does not have formal legal powers to enforce compliance by the Council with his recommendations. Failure by the Council to comply with the recommendations could, however, result in the issue by the Ombudsman of a formal public interest report about the complaint, naming the Council. This report must be made available to the public and advertised in the local press covering the Council's area. If the Council do not agree to carry out the recommendations in the report the Ombudsman will issue a further report. After this, if the Council still do not take satisfactory action they must publish a statement in a local newspaper explaining why they have refused to follow the Ombudsman's recommendations.

5.3 Under the Monitoring Officer Protocol in Part 5.6 of the Council's constitution Directors must consult the Monitoring Officer prior to making any compensation payments for alleged maladministration found against the Council and Directors and Members must report any breach of statutory duty or material breach of Council policy/procedures and other vices or constitutional concerns to the Monitoring Officer as soon as reasonably practicable.

5.4 The following table summarises the complaints, findings, recommendations and outcomes in relation to complaints made to him concerning the Council since the last report to the Committee on this subject on 8 March 2018.

No.	Nature of complaint	Council Function Involved	Findings, recommendations and outcome
1	Complaint related to a child with Special Education Needs. The complaint was that a care package was removed without notice and not restored for two years, that transport provision was lost, that a social worker was not appointed, that an EHC Plan (Education, Health & Social Care Plan) was initially not issued and then a poor EHC Plan	Children's Services	The Local Government and Social Care Ombudsman has, exceptionally, withdrawn his previous decision and is reconsidering the complaint and a new decision is still awaited.

	<p>was issued.</p> <p>This complaint was adjudicated previously by the Local Authority and Social Care Ombudsman and reported to the Committee at its meeting on 8 March 2018. The decision recommended that the Council apologise and pay the complainant £1,350 for loss of contact and socialisation and should the Council fail to restore speech therapy sessions then the Council should pay the Complainant £100 per month until sessions were restored.</p> <p>The Complainant, however, requested the Ombudsman to reconsider his decision and, exceptionally, the Ombudsman agreed to do so on 28 March 2018. He has withdrawn his previous decision and is reinvestigating the matter and will issue a new decision in due course.</p> <p>It is expected that the revised decision will be available for report to the Committee when the next activity report in this area is presented to the Committee.</p>		
2	<p>The Complainant related to the manner in which the Council dealt with the request of the Complainant to have his care moved to another Council and to live in extra care housing. The Complaint was that the Council failed to confirm whether he was ordinarily</p>	Adult Social Care	<p>The decision of the Ombudsman was that the Council was not at fault for its assessments of the care needs and the care it provided but it failed to provide suitable advice and information causing</p>

	<p>resident this delaying the move to the other Council, changed its decision that he was entitled to extra care housing, failed to respond to correspondence about the move and failed to follow the correct process when it could not reach agreement with the other council about the move.</p>		<p>avoidable uncertainty and time and trouble pursuing the complaint. The Council agreed to a remedy of apologising to each of the Complainant and his daughter and paying them compensation of £150 each and to carry out its planned review of the Complainant's case and to discuss with him and his daughter their choices going forward.</p>
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6 **Conclusion**

The Committee is requested to note the Contents of this Report.

7 **Background Papers**

The Local Government and Social Care Ombudsman's decision notices.