

SLOUGH BOROUGH COUNCIL

REPORT TO: Audit & Corporate Governance Committee **DATE:** 9 December 2019

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WARD(S): All

PART I **FOR INFORMATION**

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

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 30 July 2019.

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

No need to conduct an EIA assessment arises 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 30 July 2019.

No.	Nature of complaint	Council Function Involved	Findings, recommendations and outcome
1.	Highways	The complainant complained that that there was a loose manhole cover outside his property and that the noise from vehicles driving over it was making it difficult for him to sleep. He also complained that that there was a lack of 30 mph speed limit signs and broken glass on the highway.	The Council's engineer met with the complainant and arranged for contractors to inspect the manhole cover. It found no problems with the it and there were no other complaints with regard to it. The Complainant disagreed. The

			<p>Ombudsman found no evidence of fault to merit any investigation by him. The Council explained to the Complainant that there were statutory restrictions on the number and type of road signs it could install but it responded to his requests and signs are now in place. The Ombudsman found there is not enough evidence of fault or personal injustice to the complainant to merit his further involvement as investigation was unlikely to achieve anything more for the complainant. The complainant complained the small amount of glass on the highway might injure people wearing flip flops. The Council agreed to arrange for it to be removed with a brush and pan. The Ombudsman found his involvement was unlikely to achieve any more and so any further investigation was not appropriate.</p>
2.	Children's Services	The Complainant complained about the way the Council had supported her and her daughter. Particularly she complained that the Council delayed carrying out DBS checks	The ombudsman found there was evidence of delay in carrying out DBS Checks. He found that the assessment of need of 1:1 care

		<p>of potential carers and informing her of the outcomes, wrongly reduced her daughter's support from 2:1 to 1:1, failed to offer additional support when her daughter was discharged from hospital, delayed in carrying out a carer's assessment, failed to offer or provide any respite for her and her husband and failed to respond appropriately to her complaints or to escalate them through the Children's Trust's processes.</p>	<p>was a professional judgment and there was no evidence of fault in the Trust reaching that judgement. The Trust reviewed the respite assessment and concluded it was sufficient. The Ombudsman found there was no evidence the complainant requested additional support when her daughter was discharged from hospital or specified what additional support she needed. The Trust accepted that there was a delay in commencing the Carer's assessment and the Ombudsman found this amounted to fault but did not consider that this caused the complainant significant injustice. The Ombudsman found that the complainant was offered 11 nights a year respite at a hospice and a charity offered two hours respite every fortnight but that these offers were not taken up. The Ombudsman also found that there was fault in the Trust's refusal to escalate the complainant's complaint to Stage 2 but that no significant injustice</p>
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			<p>was caused to the complainant as she was able to complain to the ombudsman. The Council and the Trust agreed an action with the Ombudsman, namely to provide training and to review the way the Trust implements its complaints procedures to ensure it considers complaints in accordance with the statutory complaints procedure and to provide evidence to the Ombudsman of this training within three months.</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.