

Standards Committee

17 September 2021

Report by the Local Government and Social Care Ombudsman

Report by Executive Director of Place Services and Director of Communities

Electoral division: Not applicable

Summary

The Local Government and Social Care Ombudsman (LGSCO) has published a report of an investigation into a complaint against the County Council. The Ombudsman considers a set criterion when deciding whether to issue a public interest report. The Ombudsman has cited the reasons for publishing this report as '*recurrent faults, significant fault, injustice or remedy and systemic problems and/or wider lessons*'.

The Council has accepted the Ombudsman's findings and the remedies set out within the report.

Recommendations

- (1) The Committee is asked to consider the Ombudsman's findings and to note the report and the actions taken by the Council following the Ombudsman's final decision.
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Proposal

1 Background and context

1.1 On 24 June 2021, the LGSCO published their findings into a complaint against the County Council as a Public Interest Report (PIR). The LGSCO consider six criteria when issuing a PIR following a complaints investigation, deciding whether the findings against the Council represent any of the following trends:

- Recurrent faults (for example, the organisation keeps making similar mistakes).
- Significant fault, injustice or remedy (by scale or the number of people affected).
- Non-compliance with an Ombudsman's recommendation (it has not agreed or has not carried out our recommendations).
- A high volume of complaints about one subject.
- A significant topical issue.

- Systemic problems and/or wider lessons (for example, problems with how the organisation does things that if not put right are likely to affect others, and this is an opportunity for others to learn).

In this case the reasons for issuing the report were '*recurrent faults, significant fault, injustice or remedy and systemic problems and/or wider lessons*'.

- 1.2 The full PIR is attached for information, but in summary:
- 1.3 Mrs. X complained the Council refused to assess her adopted son, Y, for direct payments or respite care. Mrs. X also complained Y was out of full-time education since February 2020. Mrs. X says the Council failed to respond to requests for escalation of her complaint. She says this situation has placed an added stress on the rest of the family and caused a financial burden in the absence of a council assessment and support.
- 1.4 The LGSCO found the Council at fault for failing to find a suitable school placement for Y as it had committed to do within Y's ECHP.
- 1.5 The LGSCO found the Council at fault for failing to assess Y under its Section 17 duty, causing an avoidable delay of nearly 23 weeks.
- 1.6 The LGSCO found the Council's inaction meant that there was no respite in place for Mr. and Mrs. X and that this placed '*added financial strain and distress*' on them.
- 1.7 The LGSCO found fault with the Council's management of Mrs. X's initial complaint. The stage one complaint response was issued outside of the Council's published timescales; was not progressed at stage two of the Corporate complaints procedure; and was not considered under the *statutory* complaints procedure as it ought to have been.
- 1.8 The Council accepted all of the LGSCO's findings and has met the requirements the LGSCO makes of a Council following the issue of a PIR. The conclusion of this meeting will conclude the requirements on the Council in response to the LGSCO issuing a Public Interest Report.
- 1.9 The Council has agreed to comply with all of the remedies set out by the LGSCO in section 128-130 of the issued report.

2 Current Background

- 2.1 The LGSCO published the report on their website on 20 July 2021.
- 2.2 The Council has, as required, placed two public notice announcements in local newspapers/newspaper websites (w/c 26 July 2021). It has also, as required, informed the LGSCO about the public notices.
- 2.3 The Council is required to make copies of the report available to the public (free of charge) at one or more of the offices for three weeks following the public announcements. In this case, the Council made copies available at all the County's libraries, as reception areas remain closed to the public.
- 2.4 The report must be considered either in full Council, Cabinet or other committee. At West Sussex County Council, this is a role for the Standards Committee.

- 2.5 The Council must inform the LGSCO what action it has taken, or intends to take as a result of the report; the LGSCO informed the Council on 23 July 2021 that he was satisfied the Council had complied with the remedies set out in section 128 of the final report.

3 Consultation, engagement and advice

- 3.1 Not applicable.

4 Finance

- 4.1 The Council accepts the findings and the recommendations set out in the LGSCO report; the Council has complied with the remedies set out in section 128 of the LGSCO's report and is on course to comply with the remedies set out in sections 129 and 130. There are no significant resource implications.

5 Risk implications and mitigations

Risk	Mitigating Action (in place or planned)
None arise.	

6 Policy alignment and compliance

- 7.1 There will be equality impact considerations and Human Rights considerations in relation to the original decision and the subsequent consideration of the LGSCO's recommendation.
- 7.2 The individual young person is now receiving a service which the LGSCO determined was improperly denied. Going forward, other young people with the same needs will now be recognised as eligible for a service.
- 7.3 Going forward, the audit of educational provision means the Council will be better placed to meet the needs of children and young people with special educational needs or disabilities.

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Appendices

LGSCO's Public Interest Report (PIR)

Background papers – None.