

<b>Contains Confidential or Exempt Information</b>	<b>NO</b>
<b>Title</b>	Report by the Local Government and Social Care Ombudsman – Complaint reference 21 013 463
<b>Responsible Officer(s)</b>	Carolyn Fair – Acting Strategic Director for Children’s Services
<b>Author(s)</b>	Sam Bailey, Head of Democratic Services
<b>Portfolio(s)</b>	Cllr Kamaljit Kaur Nagpal, Cabinet Member for A Fairer Start
<b>For Consideration By</b>	Cabinet
<b>Date to be Considered</b>	29 March 2023
<b>Implementation Date if Not Called In</b>	None – report is to note
<b>Affected Wards</b>	This information is confidential
<b>Keywords/Index</b>	LGO, complaint, social care

**Purpose of Report:**

The Local Government Ombudsman has completed a complaint investigation which found in favour of the complainant. Occasionally the LGO asks the Council to formally report its findings on a complaint that has been upheld to members, and has done so in this case.

**1. Recommendations**

That Cabinet:

1. Notes the findings of the Local Government and Social Care Ombudsman (LGO), attached as Appendix 1 to this report.
2. Notes that the Council accepts the recommendations and has issued an apology to the complainant and paid her £500 as suggested by the LGO as a remedy.
3. Notes that the other recommendations that the LGO has made have either been completed or are underway.

**2. Reason for Decision and Options Considered**

- 2.1 The LGO completed its investigation into a complaint made against the Council in June 2021. The full details of the complaint and LGO's findings can be found in appendix 1 to this report.
- 2.2 The Council has accepted the LGO's findings and recommendations and has actioned, or in the process of actioning all of the recommendations.
- 2.3 The LGO asked the Council to report its findings to an appropriate body of Council as it found that the complainant had suffered injustice as a result of maladministration. The Council is required to comply with this request by Section 31 (2) of the Local Government Act 1974.
- 2.4 The Council is also required to place two public notices in local newspapers or local newspaper websites notifying the public of the existence of a report of injustice as a result of maladministration made by the LGO. This requirement has also been completed.
- 2.5 The complainant has received a formal apology and been paid the £500 remedy.
- 2.6 The Council has also agreed to obtain the missing information referred to in the report, and investigate the stage two complaint without further delay.
- 2.7 A review of information sharing arrangements with the National Fostering Agency and other Fostering Agencies is currently underway. This exercise should improve information sharing and prevent a repeat of this issue in the future.

### **3. Key Implications**

#### **4. Financial**

The Children's Services department has funded the £500 compensation paid to remedy the complaint from their budget. This is a small amount compared to the department's overall budget and is unlikely to have a material impact on the department's budgetary position at the end of the financial year.

#### **5. Legal**

The Council is required to consider this report under Section 31 (2) of the Local Government Act 1974.

#### **6. Value For Money**

It is considered value for money to pay a remedy and accept the recommendations of the LGO as they act as a remedy for injustice, and also a learning opportunity in order for the Council to improve its processes. This will improve services for residents and therefore improve value for money overall.

## **7. Sustainability Impact Appraisal**

Not applicable.

## **8. Risk Management**

Not applicable.

## **9. Community Safety**

None.

## **10. Links to the 3 Key Priorities for the Borough**

Ensuring that the council acts openly, transparently and learns from any upheld complaints assists the authority in delivering all three of the administration's key priorities for the Borough which are:

- fighting inequality
- tackling the climate crisis
- creating good jobs.

## **11. Equalities, Human Rights and Community Cohesion**

An Equalities Analysis Assessment is not required for this report as it is only for noting. Equalities issues will have been considered thoroughly as part of the investigation process for the complaint both within the Council's complaints department and by the LGO.

## **12. Staffing/Workforce and Accommodation implications:**

Accepting the recommendations will have a small impact on training within the workforce. However this will help the Council to improve its procedures.

## **13. Property and Assets**

None.

## **14. Any other implications:**

None.

## **15. Consultation**

None.

## **16. Timetable for Implementation**

The LGO has asked that an apology is made, compensation paid and a report made to Councillors within 3 months of the issue of the report. This deadline has been met through this report being considered by Cabinet.

**17. Appendices**

Appendix 1 – LGO Report on Complaint Reference 21 013 463

**18. Background Information**

None

## Consultation

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent to consultee</b>	<b>Date response received</b>	<b>Comments appear in paragraph:</b>
<b>Internal</b>				
Helen Harris	Director of Legal and Democratic Services	23.01.2023	23.01.2023	
Heather Dickie	Complaints Manager – Adults and Children’s Services	23.01.2023	23.01.2023	
Cllr Kamaljit Kaur Nagpal	Cabinet Member for Healthy Lives	23.01.2023	23.01.2023	Throughout
Carolyn Fair	Acting Strategic Director for Children’s Services	13.01.2023	13.01.2023	Throughout
Emily Hill	Interim Strategic Director, Corporate Resources	15.03.2023	17.03.2023	
<b>External</b>				
None				

## Report History

<b>Decision type:</b>	<b>Urgency item?</b>
For information	Yes
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