

REPORT TO:	GENERAL PURPOSES AND AUDIT COMMITTEE 20 September 2017
AGENDA ITEM:	14
SUBJECT:	Local Government Ombudsman
LEAD OFFICER:	Barbara Peacock, Executive Director of People
CABINET MEMBER	Cllr Alisa Fleming Cabinet Member for Children, Young People & Learning
WARDS:	All
CORPORATE PRIORITY/POLICY CONTEXT:	
FINANCIAL SUMMARY: This case has resulted in a financial cost to the Council of £12,250 which has been funded from existing social care budgets.	
FORWARD PLAN KEY DECISION REFERENCE NO: N/A	

1. RECOMMENDATIONS

- 1.1 The Committee is asked to note the Council's response to the Local Government Ombudsman report.

2. EXECUTIVE SUMMARY

- 2.1 A complaint came in to the Council from a service user which escalated to the Local Government Ombudsman (LGO). After the investigation was completed, The LGO asked the Council to view the draft decisions and recommendations. The Council accepted the report with no disagreement to the recommendations that were advised by the LGO. The Council expressed the view that it accepts the investigation findings and recommendations and the service team have formulated a timetable of actions in line with these recommendations and these have been completed (or are in progress) in line with the time scales given. (See appendix 1)

3. DETAIL

3.1 Findings of the Ombudsman

3.1.1 In July 2017 the Local Government Ombudsman published a report detailing significant failings around the support provided to a young person (DM) with disabilities and special educational needs over a number of years (commencing from 2011). The report clearly outlined the areas of failing and made clear recommendations as to how these problems can be avoided in the future. The new leadership of the services involved have taken the issues that have been identified very seriously and have implemented the recommendations as directed by the LGO with respect to DM and his Grandmother Ms P who are the subject of the LGO report. The service has also taken action to learn from this case and ensure that measures are put in place to avoid similar issues from arising in the future.

3.1.2 The key findings and recommendations by the LGO are detailed in Appendix 1.

3.2 Actions taken by the Council

3.2.1 The actions the Council have taken are as follows:

- Apologised to DM and his Grandmother for its failure to start transition planning from 2011 (school Year 9) and for the resultant delays in providing suitable assessments and plans for DM's move into adult life
- Apologised to Ms P for the related failure to properly assess her carer's needs within the transition process;
- Apologised to Ms P and DM for failing to provide suitable alternative respite provision from February 2015 and for the considerable adverse impacts this has had on DM and Ms P;
- Apologised for failing to ensure the annual discretionary holiday payment was paid in a timely way, causing Ms P additional and unnecessary anxiety;
- Apologised for failing to complete the Transfer process under the 2014 Special Educational Needs (SEN) Regulations within the statutory timescales;
- Paid Ms P and DM each £5,000 in recognition of the harm caused to each of them by the lack of suitable respite for two years;
- Paid Ms P a further £1,250 to recognise the distress caused to her from having to pursue these matters over two years without a suitable resolution and for the impact of the delay of the Transfer process.
- Issued DM's Final Education, Health and Care Plan (EHCP), providing DM and Ms P with certainty about its provisions.

3.2.2 The above actions were completed within one month of the report being published.

3.2.3 The following recommendations made by the LGO are currently being worked on:

- Completion of the Transition Assessment for DM and preparation of a Transition Plan. This is in progress. The Transition Assessment will take full account of DM's wishes, feelings and aspirations) and with her full involvement and co-operation.
- A further £1,000 discretionary annual holiday payment has been made to allow Ms P to plan holidays with her family.
- It was recommended by the LGO that the Council urgently reviewed its Transition to Adulthood policies and procedures. A task and finish group has been set up to complete this piece of work it will be completed by December 2017. The Council will provide the LGO updates at two monthly intervals until it is completed. The review will look at embedding the requirement for transition work to start in the school Year 9 for all children with assessed care needs. It will also link fully into the statutory SEN Education Health and Care (EHC) plan process set out in the 2014 Regulations, where social care forms a defined element of the plan

3.3 Lessons Learnt, Improvement and Prevention

3.3.1 The All Age Disability Service apologises unreservedly for the poor experience provided to DM and his Grandmother and is committed to ensure that situations like this do not arise again.

3.3.2 There are a number of lessons learnt from this case and we are ensuring that these mistakes are avoided in the future as follows:-

- We have joined up the SEND service, the Children with Disabilities social care service, the transitions service and the 25 to 65 disabilities service under the All Age Disability Service. This provides a seamless journey and fewer handoffs for children with disabilities moving into adulthood. We have also increased managerial capacity to improve quality.
- We are developing a new Transitions Policy that sets out to service users what they can expect. It will also provide Council staff with clear timelines and procedures to follow. The policy will require officers to evidence the basis for deciding when they consider it is 'of benefit' to the young person to start the Transition Assessment. Robust monitoring processes and management oversight will ensure that the delays experienced in this case do not happen in future.
- Training and lessons learned sessions are being held with staff and managers to ensure that poor performance and service delivery is improved significantly.
- Quality assurance and data monitoring is more robust. Managers have been trained and held to account in terms of improving front line practice alongside driving service improvement
- The new senior management of the service is committed to improving the customer experience and now have robust oversight of all complaints and or concerns raised by clients and are working much more closely with the Complaints Manager and team

3.3.3 See Improvement Action Timetable – Wider Learning (appendix 2) which details key service quality monitoring, training and improvement actions. All teams are expected to adhere to these new guidelines.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

4.1 The financial recommendations made by the LGO were:

- pays Ms P and DM, each £5,000 in recognition of the harm caused to each of them by the lack of suitable respite for two years;
- pays Ms P a further £1,250 to recognise the distress caused to her from having to pursue these matters over two years without a suitable resolution and for the impact of the delay of the Transfer process
- A further £1,000 discretionary annual holiday payment has been made to allow Ms P to plan holidays with her family.

4.2 These payments have been made and funded from the 0 to 25 Disability Services Budget.

Approved by Lisa Taylor – Director of Finance, Investment and Risk.

5. COMMENTS OF THE SOLICITOR TO THE COUNCIL

5.1 The Solicitor to the Council comments that by presenting the Local Government Ombudsman’s findings to this meeting of GPAC, the Council has fulfilled its obligations under section 31(2) of the Local Government Act 1974.

Approved by: Roy Nunes, Interim Head of Social Care and Education law on behalf of the Director of Law and Monitoring Officer

6. HUMAN RESOURCES IMPACT

6.1 None

CONTACT OFFICER: Pratima Solanki, Director of Adult Social Care and All-Age Disability

BACKGROUND PAPERS: None

APPENDICES: Appendix 1- Actions timetable – DM case
Appendix 2- Actions timetable- Wider Learning