

SLOUGH BOROUGH COUNCIL

REPORT TO: Audit & Corporate Governance Committee

DATE: 8 March 2018

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WARD(S): All

PART 1 **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 16 March 2017.

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 16 March 2017.

No.	Nature of complaint	Council Function Involved	Findings, recommendations and outcome
1	Dissatisfaction with the Council's decision in relation to allocation of housing under Part 6 of the Housing Act 1996	Housing	Decision by the Ombudsman that the complaint did not merit investigation
2	Dissatisfaction with the Council's decision in relation to allocation of housing under Part 6 of the Housing Act 1996	Housing	Decision by the Ombudsman that the complaint did not merit investigation
3	Dissatisfaction with the Council's decision in relation to the Council's duties to homeless	Housing	Decision by the Ombudsman that the complaint did not merit

	person or persons threatened with homelessness under Part 7 of the Housing Act 1996		investigation
4	Council delayed by seven months giving the Complainant access to her goods which the Council had put into storage under their duty to protect the loss of a homeless person's goods under Section 211 of the Housing Act, once she had found permanent housing and to collect a dining table to place into storage and caused damage to some shelves whilst in storage causing her hardship.	Housing	Findings by the Ombudsman that the delay in getting access was not the Council's fault but the failure to collect the dining table to place in to storage and the damage to the shelves whilst in storage was the Council's fault. The Ombudsman recommended that the Council do within six weeks of the decision (14.02.18) apologise to the complainant and pay her a contribution of £200 towards replacing the dining table and shelves. The Council will comply with these recommendations.
5	Complaint related to moving houses The Complainant complained that the time allowed by the Council for her to move into her new property (4 weeks) was too short, the payment received for moving was inadequate and that the property allocated required substantial decorative improvements.	Housing	The Ombudsman found maladministration on the grounds that the Council let the property without ensuring that it met its policies. He made recommendations for an apology by the Council, payment of £150 compensation, a refund of two weeks' rent and further staff training to ensure familiarity with policies. The Council complied

			with the recommendations.
6	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 was issued.	Education	Findings by the Ombudsman that he would not investigate the complaint relating to the poor EHC Plan and the loss of transport for reasons given. Findings by him that the other matters of complaint were the Council's fault and caused injustice to the complainant. Recommendations made that the Council apologise and pay to the complainant within one month of the decision (18.01.18) £1,350 for loss of contact and socialisation and should the Council fail to restore speech therapy sessions from mid January then £100.00 per month would be payable until the sessions are restored. The Council have complied with these recommendations.
7	Complaint relates to the period 2009 to 2016, following the Complainant's escape from a long period of childhood domestic slavery where the Ombudsman exercised his discretion to investigate a complaint outside the normal 12 month period for making	Children's Services	The Ombudsman found that the Council had already apologised and that although the Council did not originate the original distress it had compounded it by it not assisting the Complainant to trace her mother

	<p>complaints. The Council had already investigated the complaint and accepted it had failed in a number of ways and had apologised to the complainant and offered the complainant £500. The Council had accepted that what went wrong related to failure to deal adequately with the Complainant's housing situation, failure to advise her adequately about the extent of her care leaver's grant and failure to tell her about what happened to the person who enslaved her or to help her trace her mother.</p>		<p>between 2009 and 2013 and causing avoidable uncertainty about her housing situation. He closed the case on the basis of agreed action whereby the Council would pay the Complainant £1000 for the injustice found. The Council have carried out the agreed action.</p>
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6 **Conclusion**

The Committee is requested to note that decisions relating to allocation of housing and discharge of its duties to homeless applicants now appear to be being made on a sounder basis leading to the Ombudsman deciding not to investigate complaints but that learning from the investigations in the areas of the protection of the goods of homeless persons, the compliance of properties with policies and the other function areas identified was required.

7 **Background Papers**

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