

Meeting of the Full Council
Meeting to be held on Thursday, 17 October 2019

Report submitted by: Executive Director of Education and Children's Services

Part A

Electoral Division affected:
None;

Report by the Local Government and Social Care Ombudsman on Children's Social Care - 14 August 2019

(Appendix 'A' refers)

Contacts for further information:

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Executive Summary

Following a finding of fault causing injustice after an investigation by the Local Government and Social Care Ombudsman, Full Council is required to consider what action should be taken.

This report sets out the actions that have already been taken in response to the ombudsman's recommendations and Full Council is asked to endorse the further actions that have been put in place in response.

Recommendation

That Full Council:

- (i) Notes the recommendations set out in the Local Government and Social Care Ombudsman's report at Appendix 'A'.
- (ii) Notes the actions already taken and endorses the further steps proposed in response to the report's recommendations as set out below.

Background

On 14 August 2019, the Local Government and Social Care Ombudsman published a public report which found fault causing injustice by Lancashire County Council. A copy of the report is attached at Appendix 'A'.

The report is about a complaint made by Ms B, who looks after her two grandchildren under a fostering arrangement. She complained that the council failed to act in line with a Care Order regarding funding for an extension to her home and a people carrier vehicle. The ombudsman found fault causing injustice.

In response to this finding:

- The Executive Director of Education and Children's Services has written and sent an apology to Ms B;
- An offer of £24,000 has been made to reflect the avoidable distress Ms B and her family suffered, living in overcrowded conditions for 10 years (this is £200 a month);
- An additional offer has been made to pay Ms B £500 to reflect the distress and uncertainty she suffered because of the Council's failure to make a decision in line with the Care Order on funding for a people carrier vehicle;
- The council has additionally offered to reimburse all Ms B's storage costs for the period of December 2016 to January 2019 on the production of invoices for this period by Ms B;
- As the report only considers the situation up to January 2019, the council is also actively considering the current position of Ms B and her family. It is understood that Ms B has identified another property with the cost (of up to £800 a month) being met by the council, until the youngest child (currently 12) turns 18.

The council has also held a meeting with staff previously involved and who still work for Children's Social Care or in the Design and Construction Team to examine the reasons for what went wrong. The council considers that the root cause of the complaint goes back to the original Care Order issued in 2005 and considers that lessons have been learnt from this complaint and the same mistakes could not be repeated again. This is because:

1. Currently a fostering panel would never agree in the first place to place a child/children in overcrowded conditions.
2. An extension would not now be agreed without a survey that the property is fit for purpose and an extension is achievable in the first place. It is improbable that the council would consider such a proposal nowadays, but if it did, a feasibility survey would be carried out first.
3. The council now has permanence panels for looked after children to serve their best interests, these were not established when these placements with Ms B were agreed.
4. Senior managers have more oversight on such matters, which means that there are stronger lines of accountability to call staff to account.
5. There are updated policies and training in Children's Social Care and Corporate Planning to ensure that such issues are addressed as they arise.

Advice

It is a requirement of the Local Government Act 1974 as amended that, where there is a finding of fault causing injustice, the report is laid before the council and, within three months of receipt of the report, the council notifies the Local Government and Social Care Ombudsman of the action that it has taken.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

If the council fails to comply with the legislation, the Local Government and Social Care Ombudsman has power to require the council to publish a statement detailing why it has not complied with the recommendations in the report.

Financial

Should the actions not be put in place there may be further claims payable by the council if the Local Government and Social Care Ombudsman decides that their recommendations have not been followed.

List of Background Papers

Paper	Date	Contact/Directorate/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A