

**Meeting of the Full Council
Meeting to be held 22 October 2015**

Report submitted by: The Director of Governance, Finance and Public Services

Part A

Electoral Division affected:
None

Finding of the Local Government Ombudsman – August 2015

(Appendix A refers)

Contact for further information:

Ian Young, 01772 533531, Director of Governance, Finance and Public Services
ian.young@lancashire.gov.uk

Executive Summary

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

The Cabinet Member for Children, Young People and Schools has recommended to Full Council that the actions set out in this report be notified to the Local Government Ombudsman as the action taken in response to their report.

Recommendation

Full Council is recommended to agree that the Local Government Ombudsman should be notified that the actions set out in this report have been taken in response to the report by the Local Government Ombudsman received by the authority on 5 August 2015.

Background and Advice

On the 5 August 2015 the Local Government Ombudsman published a report which found fault causing injustice by Lancashire County Council. A copy of the report is attached at Appendix A.

The report at paragraph 83 includes three recommendations as to how the County Council could best remedy the injustice caused. The actions taken in response to these recommendations are set out below.

Within two months of the final report, the County Council should:

1. Apologise to the complainant for failing to involve the complainant in its 'child in need' assessments and for the additional time it took to consider the complaint at all three Stages of the statutory complaints procedure.

Action: A letter of apology was sent to the complainant by the Chief Executive on 13 September 2015.

2. Pay the complainant £200 for the frustration caused by not being able to contribute to the complainant's child's 'child in need' assessments.
3. Increase its offer to the complainant for the additional time and trouble spent pursuing the complaint over that allowed by the statutory complaints guidance from £250 to £300 due to the delays at Stage 3.

Action: A total payment of £500 has been made to and has been accepted by the complainant.

The report at paragraph 84 also includes five recommendations to prevent injustice to other members of the public. The actions taken in response to these recommendations are set out below.

Within three months of the final report the County Council should:

1. Ensure it involves both parents in its child in need assessments unless there are specific and recorded safeguarding reasons not to. Also, ensure it shares copies of those assessments to parents where it is safe to do so, in a timely manner, redacted where necessary.

Action: All staff have been briefed and a booklet for children, young people and families regarding the assessment process has been produced.

2. Improve its policy for homeless 16 and 17 year olds to include reference to bed and breakfast accommodation not being suitable even in an emergency. It should then ensure its children's services' staff are aware of this condition.

Action: All staff are aware and bed and breakfast will only be used in an emergency when there is nothing else is available. The County Council's Scheme of Delegation has been updated to ensure that senior managers only can approve bed and breakfast for homeless 16/17 year olds and care leavers. A review of the Homeless Protocol for 16/17 year olds is being undertaken.

3. Ensure it does not place homeless 16 and 17 year olds in bed and breakfast accommodation (including the use of unsupported hotels) even in an emergency. If the Council decides to act in breach of the statutory guidance, the decision to do so should continue to be made by the Head of Service. The Head of Service's decision, and the reasons for it, should be recorded on the child's file.

Action: Staff are aware and this will be included in the review of the Homeless Protocol for 16/17 year olds.

4. Ensure it records important decisions on the child's case file when considering providing accommodation to 16 and 17 year olds covering such areas as:
 - whether a section 20 duty arises.
 - whether it is obliged to conduct a new Initial Assessment of the child's needs now they are homeless.
 - how it has explained the implications of becoming a 'looked after child' to the young person.
 - any refusal by the young person to become a 'looked after child' and how it explained that assistance may be available to them from the housing department.
 - any contact with the Council's housing department after a young person who requires accommodation refuses to become a 'looked after child'.

Action: Staff are aware and this will be included in the refreshed guidance for staff.

5. Carry out a review of whether it is meeting its sufficiency duty regarding the provision of accommodation to its 'looked after children'.

Action: A Project Board with our housing partners to address sufficiency, scope need and develop provision to meet demand. The sufficiency element will take longer to review with our housing partners. Demand/need and current provision is being scoped over a 12 month project linked to NEET.

It is the 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 Authority and within three months of receipt of the report, the authority notifies the Local Government Ombudsman of the action taken that it has taken or proposes to take.

The Cabinet Member has recommended to Full Council that the actions detailed above should be notified to the Local Government Ombudsman as the action taken in response to the report.

Consultations

N/A.

Implications:

This item has the following implications, as indicated:

Risk management

If the authority fails to comply with the legislation, the Local Government Ombudsman has power to require the authority to publish a statement detailing why they have 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 County Council.

List of Background Papers

Paper	Date	Contact/Directorate/Tel
-------	------	-------------------------

N/A.

Reason for inclusion in Part II, if appropriate

N/A.