

Meeting of the Full Council
Meeting to be held on Thursday, 22 February 2018

Report submitted by: Director of Adult Services

Part A

Electoral Division affected:
None;

Finding of the Local Government Ombudsman - 7 November 2017
(Appendix 'A' refers)

Contact for further information:
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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.

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 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 and Advice

On 7 November 2017 the Local Government Ombudsman (LGO) 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 at paragraph 80 onwards includes recommendations as to how the County Council could best remedy the injustice caused. The actions already taken in response and further actions proposed are set out below.

1. Apologise to the complainant for the faults identified.

A letter of apology was sent to the complainant by the Cabinet Member for Adult Services on 28 November 2017 to the mother of the young man 'Y'. This fully acknowledged the distress caused and accepted the findings of the LGO report.

2. Pay the complainant £2,500 for 'Y's mother to use for his benefit, to support his educational, social, language and behavioural needs and a further £500 to acknowledge the distress and time and trouble she has been put to by the council's faults, for the lost opportunity to appeal to the Tribunal in 2016 and for the delay in her right to appeal in 2017.

A payment of £3,000 in total has been made to the mother of 'Y'.

3. Ensure we find 'Y' suitable long term accommodation as soon as possible.

United Response, a Care Quality Commission (CQC) registered and well established national and regional care provider specialising in supporting adults with learning disabilities, has been selected to be the new care provider for 'Y'. They have now recruited all staff to work as carers with 'Y'. The appropriate training is now being provided to the new carers and the appropriate health and social care professionals are currently involved in a handover to United Response. In the meantime 'Y' continues to be supported by the County Council's own Short Breaks service, and his family and 'Y' continue to access a wide range of activities in the community.

The council is aware that the LGO set a timescale in their final report published in November 2017 for the move to be completed within three months. However the council has an overriding concern that the transition to the new service should be completed sensitively and effectively.

It is therefore proposed that the target date for 'Y's move will be in March 2018 and the exact date will be set at the next multidisciplinary team meeting which is being held on 19 February 2018. The council proposes to keep the LGO up to date with the timescales on this case until the move is fully completed but this will take longer than initially expected.

4. Assess what additional provision 'Y' needs in the interim to make the Short Breaks Service suitable to meet his needs and put this in place.

Professionals and agencies continue to work closely with existing services and the family to ensure that the Short Break Service is able to respond to 'Y's needs effectively

5. Review 'Y's Education Health and Care Plan. This should include a review of his educational and care needs and how best these should be met. It should then give 'Y's mother a formal decision on whether we intend to amend or cease Y's plan to enable her to have a right of appeal to the Tribunal (a right for people with Special Educational Needs).

An annual review was held on the 11 January 2018. The outcome of the Annual Review is to cease the Education Health and Care plan. The letter to cease has now been sent.

'Y's mother will then have the right of appeal to the Tribunal on behalf of her son.

Advice

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 Council and, within three months of receipt of the report, the Council notifies the Local Government 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 Ombudsman has power to require the Council 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 if the Local Government Ombudsman decides that their recommendations have not been followed.

List of Background Papers

Paper	Date	Contact/Directorate/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A