

**Meeting of the Full Council
Meeting to be held on Thursday, 18 July 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 - 27 March 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 and Advice

On 27 March 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'.

This report is a follow up to an earlier report on Mr B's original complaint that the council had failed to provide help and support for his niece and nephew (V and W) for whom he and his wife hold a Special Guardianship Order. He said that after the

Special Guardianship Order was granted, the council failed to assess their needs or provide additional support.

The previous decision taken in August 2017, identified 15 points of remedy for the council to put in place. A formal letter of apology was sent to Mr B in November 2017 confirming the local authority's position in relation to the Ombudsman's recommendations.

A communication plan was introduced and a single point of contact for the council was assigned. However, the council did not adhere to this plan for a period of many months. Mr B approached the Ombudsman again to complain the council was not communicating with him properly in relation to the remedy for the original complaint and that not all the recommendations had been implemented. The assigned single point of contact left the council around the end of February 2018.

The Ombudsman, after over a year of deliberation, has decided in Mr B's favour in this latest report. A new letter of apology was sent to the complainant by the Acting Director of Children's Social Care on 3 May 2019.

The report at paragraph 57 onwards includes recommendations as to how the county council should remedy the injustice caused. The actions already taken in response are set out below.

- **Changes its procedures to ensure it keep complainants informed of the progress of implementing outcomes form their complaints and reviews those procedures for effectiveness.**

Action plans are now produced for complicated complaint recommendations and complainants are issued with communication plans when necessary to keep people informed of council actions.

- **Conduct a training needs analysis and schedules identified training.**

This recommendation has been progressed and completed.

- **Pay any backdate respite for V (Mr B's niece), that has not been taken.**
This has now been calculated and paid.

- **Pays £300 for the distress caused by the council's delay in deciding to conduct a new assessment on the family, the delay setting up the assessment and the delay identifying what support it would provide to the family as a result. It should also apologise for the lack of explanation on how the amount the family would be paid was calculated and take steps to provide an explanation immediately.**

This payment has now been made.

- **Pays £100 for the time and trouble caused by asking for receipts for expenditure for 2014.**

This payment has now been made.

- **Backdates (to October 2016) the allowances owed and considers what financial support the council should provide now W is the only child in the household given the October 2016 and February 2018 reports on the family. It is asked to backdate to when V left home.**

This has now been calculated and paid.

- **Consider, with the council where the family currently live (the home council), what support Mr and Mrs B will need to provide respite and accommodation for V over the holidays if this is to be the arrangement going forward.**

V has also been consulted in relation to this recommendation. She moved in with a shared lives carer in 2018 and therefore respite and accommodation is not required over the holidays.

- **Apologise for its failure to provide V with support prior to her turning eighteen, which caused Mr and Mrs B distress.**

A Personal Assistant was allocated under leaving care services as V was a qualifying care leaver. A specific written apology was made by the Acting Director of Children's Social Care.

- **Write to Mr and Mrs B jointly with the home council setting out how the family will be supported through issuing an amended Special Guardianship Order support plan.**

Unfortunately the council has been unable to implement this decision as Mr B has withdrawn his consent to information sharing between Lancashire and the home council. Therefore Lancashire and the home council have not been able to **jointly** work together to produce an amended Special Guardianship Support plan.

A single document has however been produced and we await permission to work collaboratively with the home council to produce one document. We have kept the Ombudsman informed and updated on this issue.

- **Identifies an appropriate respite placement and pays the family £250 each month until it does.**

Respite provision had been identified in January 2019 and it was agreed that the home council would be the responsible local authority to progress this provision. Lancashire County Council has backdated the respite provision and repaid the amount as instructed.

- **Calculate the sum to make up for the respite provision missed by W.**

This action was completed in February 2019 when a significant payment was made.

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 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 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 and Social Care Ombudsman decides that their recommendations have not been followed. Several payments have been made to date to address the issues that have been raised in both ombudsman reports.

List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A