

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 - 8 May 2019

(Appendix 'A' refers)

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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 8 May 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 at paragraph 77 onwards includes recommendations as to how the county council should remedy the injustice caused. The actions already taken in response are set out below.

- **Provide a written apology**

A letter of apology was sent from the council by the Acting Director of Children's Social Care, on 5 June 2019.

- **Pay £300 in recognition of the avoidable distress and £250 for time and trouble**

A payment of £550 in total was offered in the above letter and paid to the complainant in June.

- **Inform staff in children's services of our view that the Council does not need a child's consent to investigate a parent's complaint and ensure staff follow the statutory children's complaints procedure in future.**

A [notice](#) was issued to all children's social care staff by the Acting Director of Children's Social Care, on 21 June. Staff were made aware of the Ombudsman's view that the council does not need a child's consent to investigate a parent's complaint. This is a legal requirement set out in the Department for Education Statutory guidance: 'Getting the Best from Complaints'.

The statement continued:

"There were some other practice issues that arose from this investigation for practitioners and managers to take note of. We need to ensure we complete visits in line with agreed statutory timescales or timescales set out in a court order. In this case the LGSCO determined that the absence of statutory visits resulted in the family having to manage without support and further, that had support been provided it may have prevented the child becoming looked after. If children are open to our service and there are contact arrangements in place, or needed for a child we should support these to be developed and/or check how well these are working to ensure they have a positive impact for that child.

Communication, contact and sharing information with families is important, particularly if there are changes to the allocated social worker. These changes can impact on the consistency of support for children and families and is a risk when the main worker for a child and family changes, so we should ensure families are aware of any changes and check that the right support is still in place."

A link was provided for all staff and managers to the statutory complaints procedure on the county council's intranet:

It is considered that the council has learnt valuable lessons from this complaint. It should be stressed that the best interests of the child are always considered carefully for each individual complaint.

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 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 county council if the Local Government and Social Care Ombudsman decides that their recommendations have not been followed.

List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A