

Report No.
Please obtain
a report
number

London Borough of Bromley

PART ONE - PUBLIC

Decision Maker: EXECUTIVE

Date: Wednesday 24 May 2017

Decision Type: Non-Urgent Executive Non-Key

Title: LOCAL GOVERNMENT OMBUDSMAN PUBLIC REPORT

Contact Officer: Stephen John, Director: Adult Social Care (ECHS)
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Chief Officer: Mark Bowen, Director of Resources, Ade Adetosoye Deputy Chief Executive,
Executive Director of Education, Care, Health and Social Care.

Ward: (All Wards);

1. Reason for report

1.1 This report provides an overview of the findings against the Council, which has been the subject of a complaint to the Local Government Ombudsman (LGO). Section 31(2) of the Local Government Act 1970, requires the Council to consider the LGO report and inform the Ombudsman of the action that it has taken or proposes to take in respect of the findings in the report.

2. **RECOMMENDATION(S)**

2.1 Executive is requested to:

- (a) Consider the report and accept the findings and the action taken to resolve the complaint,
- (b) endorse the compensation payment of £6,032.10.

Impact on Vulnerable Adults and Children

1. Summary of Impact: None arising directly from this report.
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Corporate Policy

1. Policy Status: Existing Policy
 2. BBB Priority: Excellent Council
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Financial

1. Cost of proposal: Further Details
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: N/A
 4. Total current budget for this head: N/A
 5. Source of funding: Care services
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Personnel

1. Number of staff (current and additional): N/A
 2. If from existing staff resources, number of staff hours: N/A
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Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Not Applicable:
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Procurement

1. Summary of Procurement Implications: None arising from this report
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Not Applicable
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? Not Applicable
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

- 3.1 The Council has been the subject of a complaint to the Local Government Ombudsman ('the Ombudsman') which has led to an adverse finding of fault causing injustice.
- 3.2 The Ombudsman decided to issue a public report (attached) which was dated 14th February 2017 and subsequently published 2nd March 2017. The parents of a young person complained the Council failed to ensure their son continued to receive a support package following his 18th birthday when he transitioned to adult social care. In September 2015 the Council Carried out an assessment to determine whether the young person was eligible to continue the services he was receiving. The assessment recommended respite of 72 days per year; however, the decision was delayed until February 2016. The family had no respite between 15 October 2015 and 5 April 2016 and minimal support in the subsequent months. This placed significant and unnecessary additional stress and anxiety on the family.
- 3.3 Section 31(2) of the Local Government Act 1974 requires the Council to consider the report and inform the Ombudsman of the action that it has taken or proposes to take in respect of the findings in the report. In this particular case, the remedial steps have already been agreed in principle with the Ombudsman under delegated powers and implemented, due to the nature of the complaint and the timescale involved.

4. IMPACT ON VULNERABLE ADULTS AND CHILDREN

- 4.1 This report has no impact on vulnerable adults and children. However, the Council has reinforced how officers follow procedures

5. POLICY IMPLICATIONS

- 5.1 The Ombudsman has recommended a review of the transition policy and procedures to ensure the transition process runs smoothly and there are no gaps in provision of care and support.

6 FINANCIAL IMPLICATIONS

- 6.1 The Ombudsman has recommended the following; the Council should pay a sum equivalent to the cost of missed respite and support, between October 2015 and April 2016, this comes to £5,032.10. In addition to this, an award of a £1,000 to his parents is made, for the distress and inconvenience caused by the service failure. The compensation totals £6,032.10. This was funded from the Care Services budget for 2016/2017.

7 PERSONNEL IMPLICATIONS

- 7.1 Not applicable

8 LEGAL IMPLICATIONS

- 8.1 Although the remedies recommended have been accepted and implemented under delegated powers the Council is still obliged to consider the report under the provisions of Section 31 (2) Local Government Act 1972. In addition the Monitoring Officer by virtue of Section 5A 3 (b) of the Local Government and Housing Act 1989 is obliged to report on the matter to the Executive and this report discharges that obligation.

9 PROCUREMENT IMPLICATIONS

Not applicable

Non-Applicable Sections:	7. PERSONNEL IMPLICATIONS 9. PROCUREMENT IMPLICATIONS
Background Documents(Access via Contact Officer)	http://collateral.vuelio.uk.com/RemoteStorage/LGO/Releases/1163/LB%20BROMLEY%20-%20TRANSITION%20-%20EMB.pdf