

Decision Maker: EXECUTIVE

Date: 11th July 2018

Decision Type: Non-Urgent Executive Non-Key

Title: LGSCO PUBLIC REPORT

Contact Officer: Stephen John : Director: Adult Social Care
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Ward: Borough-wide

1. Reason for report

- 1.1 The issuing of a Public Report by the Local Government and Social Care Ombudsman following the upholding of a complaint about the Local Authority's provision of Adult Social Care.
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2. RECOMMENDATION

- 2.1 The Executive is asked to agree the acceptance of the report and the proposed compensation payment.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
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Corporate Policy

1. Policy Status: Not Applicable
 2. BBB Priority Not Applicable:
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Financial

1. Cost of proposal: £2,865 in compensation
 2. Ongoing costs Not Applicable:
 3. Budget head/performance centre: Not Applicable
 4. Total current budget for this head: £Not Applicable
 5. Source of funding: ASC Budget 2018-2019
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Personnel

1. Number of staff (current and additional): Not Applicable
 2. If from existing staff resources, number of staff hours: Not Applicable
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Legal

1. Legal Requirement: Statutory Requirement
 2. Call-in: Applicable: Executive decision.
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Procurement

1. Summary of Procurement Implications: Not Applicable
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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 Local Authority has been the subject of a complaint to the Local Government and Social Care Ombudsman ('the Ombudsman') which has led to an adverse finding of maladministration causing injustice. The Ombudsman decided to issue a public report (attached at Appendix A) which was dated 28th February 2018, but subsequently published only on 30th May 2018 due to the rules surrounding purdah.
- 3.2 Section 31(2) of the Local Government Act 1974 requires the Local Authority to consider the report and inform the Ombudsman within three months of the action that it has taken or proposes to take in respect of the findings in the report.
- 3.3 To remedy the injustice caused, the Ombudsman recommended that, within three months of their final decision, the Local Authority should:
- a) Pay £2,865 to reflect the time, trouble and distress it caused to the service user and his mother; and apologise for the fault identified in the report;

To improve services for others in the future, the Ombudsman also recommended that the Local Authority should:

- a) Ensure care and support is reviewed at least on an annual basis;
 - b) Ensure that money paid periodically for a fixed period of care is paid at specific times and in specific amounts;
 - c) Review its use of 'holding accounts' so emergency money sent to individuals is immediately accessible; and,
 - d) Train Officers to ensure parts of complaints are not missed from responses.
- 3.4 These recommendations have either already been implemented or are being implemented, and the Ombudsman's report specifically welcomed the fact that the Local Authority was doing so.
- 3.5 The Ombudsman has acknowledged this update and now awaits the final update by the end of July 2018 with the outcome of the Council's Executive.
- 3.6 The Local Authority is required to bring the report to the public's attention by means of public notices in two separate local publications, following which members of the public will be able to collect copies from Civic Centre reception for three weeks thereafter. The first of those appeared in the Bromley Times on Thursday 7th June 2018, the second in the News Shopper on 13th June 2018.

4. FINANCIAL IMPLICATIONS

- 4.1 A compensation payment of £2,865.

5. LEGAL IMPLICATIONS

- 5.1 The Local Authority is not obliged to accept the Ombudsman's findings but if it does not do so he will inevitably issue a second report. The Director of Corporate Services considers that the Ombudsman's report should be accepted in this case.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children, and Policy, Personnel and Procurement Implications.
Background Documents: (Access via Contact Officer)	LGO Public Report - Case Ref. 16005445 https://www.lgo.org.uk/information-centre/news/2018/may/council-cuts-london-family-s-support-for-disabled-son-without-reassessment