

Cabinet Meeting on Wednesday 20 April 2022

Formal Report by the Local Government and Social Care Ombudsman



Mark Sutton, Cabinet Member for Children and Young People said,

“Protecting children and young people is a priority for this council, so we take the investigation of any complaint very seriously.

If the Council declines to deal with a complaint in this area, which is past its submission deadline, then the authority has to demonstrate that it took certain factors into consideration before reaching its decision.

We note that the Ombudsman has criticised us not for failing to take those factors into consideration, but for failing to reference that we had when writing to the complainant. We have updated our processes accordingly.”

Report Summary:

The Local Government and Social Care Ombudsman (LGSCO) provides independent and impartially investigated complaints about councils and other bodies within its jurisdiction.

The appended Formal Report by the Local Government and Social Care Ombudsman (LGSCO) is in relation to the failure to fully consider a complaint about Childrens social care.

Due to the complaint being late the Council’s decision was not to investigate the complaint but did provide a full response to the questions raised by the complainant. The complainant escalated their complaint to the LGSCO who recommended that the Council re-considered their decision to investigate. The Council disagreed with the recommendation as it was felt that there was nothing more to add due to the age of the complaint.

The LGSCO disagreed and this has resulted in the Formal Report with a recommendation to reconsider the complainant’s request for the complaint to be considered under the statutory children’s complaints regulations. The Council is happy to accept this recommendation.

The finding on the investigation is *upheld, maladministration and injustice*. The LGSCO has found the complainant suffered injustice as a result of fault and therefore has issued a formal public interest report and requires the report to be considered at Cabinet

Recommendations

I recommend that Cabinet:

- a. Considers the Formal Report from the Local Government and Social Care Ombudsman (LGSCO) in relation to the decision making of accepting a complaint for investigation.
- b. Considers the recommendations made as part of the investigation report and the finding of “upheld, maladministration and injustice”



Local Members Interest
N/A

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Recommendations of the Cabinet Member for Children and Young People

I recommend that Cabinet:

- a. Considers the Formal Report from the Local Government and Social Care Ombudsman (LGSCO) in relation to the decision making of accepting a complaint for investigation.
- b. Considers the recommendations made as part of the investigation report and the finding of “upheld, maladministration and injustice”

Report of the Director for Corporate Services

Reasons for Recommendations:

1. The appended Formal Report by the Local Government and Social Care Ombudsman (LGSCO) is in relation to the failure to fully consider a complaint about Children’s social care.
2. Within the formal report of the LGSCO it can be seen the complainant contacted the Council about the care and support she received 10 years ago as a looked after child and a care leaver.
3. When the complaint was assessed, the Council took into consideration Paragraph 3.3.1 “Getting the Best from Complaints” statutory guidance which states that “Local authorities do not need to consider complaints made more than one year ago after the grounds to make representations arose” and made the decision to refuse the complaint. The reasoning for this decision was that whilst there would be records to access, an investigating officer would not have the opportunity to speak with individuals who were involved at the time and therefore a thorough and full investigation could not take place due to the passage of time.
4. Whilst the Council refused to respond to the concerns as a complaint, it did provide a full response to the questions raised by the complainant

along with the reasoning around not being eligible for a Care Leavers Grant.

5. The draft decision from the LGSCO recommended that the Council reconsiders the complainant's request for her complaint about children's social care to be investigated within one month of their final decision. The Council disagreed with this recommendation as it was felt that we had nothing to add to the response and therefore it would be better for the LGSCO to investigate the complaints raised as they had already taken 2 months to consider the original complaint.
6. The LGSCO disagreed and this has resulted in the appended formal report in which it is recommended that we reconsider the complainant's request for a complaint about children social care to be investigated. The Council is happy to accept this recommendation.
7. The LGSCO investigates complaints about "maladministration" and "service failure". The finding of the Report issued is upheld, maladministration and injustice and therefore needs to be considered at a high decision-making level such as a Cabinet meeting.

List of Background Documents/Appendices:

Appendix 1 - Formal Report by the Local Government and Social Care Ombudsman. Investigation into a complaint about Staffordshire County Council (reference number: 20 012 417).

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