
REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN

Responsible Cabinet Member - Councillor Bill Dixon, Leader

**Responsible Director - Paul Wildsmith,
Director of Neighbourhood Services and Resources**

SUMMARY REPORT

Purpose of the Report

1. To provide Members with an update of the outcome of cases which have been determined by the Local Government Ombudsman (LGO) since the preparation of the previous report to Cabinet on 12 July 2016.

Summary

2. This report sets out in abbreviated form the decisions reached by the LGO since the last report to Cabinet and outlines actions taken as a result.
3. The LGO has recently condensed the number of categories they use when determining complaints, to align their findings more closely with those of local authorities. The Council's experience to date has been that some decisions that would not have previously been categorised as maladministration injustice now are.

Recommendation

4. It is recommended that the contents of the report be noted.

Reasons

5. The recommendation is supported by the following reasons :-
 - (a) It is important that Members are aware of the outcome of complaints made to the LGO in respect of the Council's activities.
 - (b) The contents of this report do not suggest that further action, other than detailed in the report, is required.

**Paul Wildsmith
Director of Neighbourhood Services and Resources**

Background Papers

Note: Correspondence with the LGO is treated as confidential to preserve anonymity of complainants.

Lee Downey Ex 5451

S17 Crime and Disorder	This report is for information to members and requires no decision. Therefore there are no issues in relation to Crime and Disorder.
Health and Well Being	This report is for information to members and requires no decision. Therefore there are no issues in relation to Health and Well Being.
Carbon Impact	This report is for information to members and requires no decision. Therefore there are no issues in relation to Carbon Impact.
Diversity	This report is for information to members and requires no decision. Therefore there are no issues in relation to Diversity.
Wards Affected	This report affects all wards equally.
Groups Affected	This report is for information to members and requires no decision. Therefore there is no impact on any particular group.
Budget and Policy Framework	This report does not recommend any changes to the Budget or Policy Framework.
Key Decision	This is not a Key Decision.
Urgent Decision	This is not an Urgent Decision.
One Darlington: Perfectly Placed	This report contributes to all the delivery themes.
Efficiency	Efficiency issues are highlighted through complaints.

MAIN REPORT

Background

6. Cabinet has previously resolved that they would consider reports on the outcome of cases referred to the LGO during the Municipal Year on a bi-annual basis.
7. The opportunity is normally taken to analyse the areas of the Council's functions where complaints have arisen. It is appropriate to do that in order to establish whether there is any pattern to complaints received or whether there is a particular Directorate affected or a type of complaint which is prevalent. If there were a significant number of cases in any one particular area, that might indicate a problem which the Council would seek to address.

Information

8. Between 1 April 2016 and 30 September 2016, 8 cases were the subject of decision by the LGO.
9. The outcome of cases on which the LGO reached a view is as follows :-

Finding	No. of Cases
Closed after initial enquiries: out of jurisdiction	2
Not upheld: No maladministration	1
Upheld: Maladministration injustice	5

Closed after initial enquiries: out of jurisdiction

10. The first of these complaints was about the Council's determination of council tax support. The LGO would not investigate as the complainant had a right of appeal to a tribunal.
11. The second of these complaints was about the Council's recruitment and selection process. The LGO would not investigate as such matters are excluded from the Ombudsman's jurisdiction under the Local Government Act 1974.

Not upheld: No maladministration

12. This complaint was for Adult Social Care, Physical and Sensory Impairment. The LGO found the Council was not at fault for not meeting the complainant's care needs as she declined offers of care.

Upheld: Maladministration injustice

13. The first of these complaints was for Adult Social Care, Life Stages Service 0 - 25 Team. The LGO found the Council failed to give the complainant monthly updates about his daughter's well being as ordered by the Court of Protection. The LGO concluded the Council had properly investigated this matter but had not offered a suitable remedy for the injustice its actions caused. The Council agreed

to pay the complainant £250. The LGO found the Council did not act with fault concerning an incident involving the complainant when he attended Central House.

14. The second of these was for Adult Social Care, Mental Health Adults. The LGO found the Council delayed in reviewing the complainant's needs despite promising that it would do this on time. That the Council's communication was poor and these shortcomings caused the complainant distress and frustration, as well as causing her to miss out on support she was entitled to. The Council apologised to the complainant, backdated the increase to her direct payment and reviewed its supervision arrangements. The Council also agreed to pay the complainant £150 in recognition of the impact on her.
15. The third of these complaints was for Adult Social Care, Ongoing & Complex Care. The complainant was dissatisfied with the Council's handling of his mother in law's care arrangements; specifically the manner in which she was discharged from hospital and the outcome of her financial assessment. The LGO found the Council accepted there was some fault in the way it dealt with the discharge from hospital and the subsequent care review and had provided a reasonable remedy. The LGO did not find any evidence of flaws in the way the Council had reached its financial assessment decisions.
16. The fourth of these complaints was for Finance Adults/Housing, Financial Assessments. The LGO found the Council correctly charged the complainant for evening care visits, but lost his letters querying a confusing amount in a care plan and failed to respond for more than four months, instead notifying him of its intention to take court action. The Council agreed to apologise for issuing two letters and pay the complainant £250 for the distress and the time and trouble it caused him in pursuing the matter.
17. The fifth of these complaints was for Adult Social Care, Life Stages Service 26+ Team. The complainant was dissatisfied that the Council concluded it was not in his sister's best interest for him to make a complaint on her behalf. The LGO found the Council had corrected its fault over the failure to provide an explanation for its decision and no evidence of fault in the way it made its decision.

Analysis

18. During the first half of 2016/17 the Council received a total of 5 Upheld: Maladministration injustice decisions relating to Adult Social Care Services (*N.B. one related to financial assessments*).
19. In one case the LGO concluded the Council had identified the fault and apologised but felt the Council had not done enough to remedy the matter.
20. In a further two cases the LGO concluded the Council had identified the fault and provided an appropriate remedy.
21. It is likely the above cases would not have been recorded as maladministration injustice prior to the introduction of the changes referred to in paragraph 3.

22. There were no themes running through the remaining two Upheld: Maladministration injustice decisions.

Outcome of Consultation

23. The issues contained within this report do not require formal consultation.