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**REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN**

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**Responsible Cabinet Members**

**Responsible Cabinet Member - Councillor Bill Dixon, Leader  
Councillor Stephen Harker – Deputy Leader, Efficiency and Resources Portfolio  
Councillor Sue Richmond – Adult Social Care Portfolio  
Councillor Cyndi Hughes - Children and Young People Portfolio  
Councilor Andy Scott, Housing, Health and Partnerships Portfolio**

**Responsible Directors**

**Paul Wildsmith, Director Neighbourhood Services and Resources  
Suzanne Joyner, Director of Children and Adults Services**

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**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 and Social Care Ombudsman (LGSCO) and the Housing Ombudsman (HO) since the preparation of the previous report to Cabinet on 6 June 2017.

**Summary**

2. This report sets out in abbreviated form the decisions reached by the LGSCO and the HO since the last report to Cabinet and outlines actions taken as a result.

**Recommendation**

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

**Reasons**

4. The recommendation is supported by the following reasons :-
  - (a) It is important that Members are aware of the outcome of complaints made to the LGSCO and the HO 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 LGSCO and HO is treated as confidential to preserve anonymity of complainants.

Lee Downey, Extension 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.
Impact on Looked After Children and Care Leavers	Complaints from Looked After Children and Care Leavers are considered by the LGSCO and recommendations are made where appropriate to improve services.

## MAIN REPORT

### Background

5. Cabinet has previously resolved that they would consider reports on the outcome of cases referred to the LGSCO and HO during the Municipal Year on a bi-annual basis.
6. 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.
7. In June 2017 the Local Government Ombudsman (LGO) changed its name to help people understand they can look at complaints about all areas of adult social care – including privately arranged or funded care.
8. The LGSCO 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. The LGSCO's office has confirmed that this is the picture nationally. Notwithstanding this the council has seen a reduction in maladministration injustice cases over the same period last year.

### Information

9. Between 1 April 2017 and 30 September 2017, 18 cases were the subject of decision by the LGSCO.
10. Between 1 April 2017 and 30 September 2017, 0 cases were the subject of decision by the HO
11. The outcome of cases on which the LGSCO reached a view is as follows:

<b>LGSCO Finding</b>	<b>No. of Cases</b>
Closed after initial enquiries: no further action	7
Closed after initial enquiries: out of jurisdiction	1
Not upheld: No further action	1
Not upheld: No maladministration	4
Upheld: Maladministration Injustice	4
Upheld: Maladministration, No Injustice	1

### **Closed after initial enquiries: no further action**

12. The first of these was for Revenues and Benefits and concerned the way the Council issues business rates bills. The LGSCO would not investigate the

complaint as the account the complaint referred to was correct and there was insufficient remaining injustice to warrant their involvement.

13. The second was for Children's Social Care and concerned the way in which the Council handled concerns about the welfare of children. The LGSCO concluded an investigation would not add to the Council's own investigation and would not provide a different or better remedy to the identified fault.
14. The third was for Highways and concerned changes the Council made to a bus stop in June 2016. The LGSCO decided not to investigate the complaint as it was a late complaint and there was insufficient evidence of fault by the Council.
15. The fourth was for Development Management and concerned the grant of planning permission. The LGSCO concluded an investigation would be unlikely to find fault in the Council's actions or add anything to the investigation already undertaken by the Council.
16. The fifth was for Adult Services Financial Assessments and concerned the Council's decision to undertake a light touch financial assessment. The LGSCO decided not to investigate because the Council had undertaken a re-assessment to remedy any injustice and it was unlikely they could add to the Council's response or make a different finding.
17. The sixth was also for Adult Services Financial Assessments and concerned an invoice for care. The LGSCO concluded they would not find the Council to be at fault and would not achieve the outcome the complainant was seeking.
18. The seventh of these was for Development Management and concerned the way the Council dealt with signs on a road near a golf club. The LGSCO would not investigate this complaint as it was unlikely they would find fault by the Council had caused the complainant significant personal injustice.

#### **Closed after initial enquiries: out of jurisdiction**

19. This complaint was for Revenues and Benefits and concerned an individual's Council Tax. The LGSCO would not investigate the complaint as the complainant had a right of appeal to a tribunal.

#### **Not upheld: No further action**

20. This complaint was for Development Management and concerned the Council's decision to approve a planning application supported by an inaccurate report. The LGSCO ended their investigation because the planning approval was superseded by a second application.

#### **Not upheld: No maladministration**

22. The first of these was for Adult Services Financial Assessments and concerned the Council's decision in relation to a financial assessment. The LGSCO concluded there is no fault in the way the Council completed the financial assessment or its decision the complainant was liable for the full cost of care home fees.

23. The second was for Development Management and concerned the Council's alleged failure to properly consider a planning application to demolish an existing electricity substation and build a replacement in a new location. The LGSCO did not uphold the complaint as there was no fault by the Council.
24. The third of these complaints was for the Multi Agency Safeguarding Hub (MASH) and concerned the Council's alleged failure to carry out two recommendations made by a Stage 3 Children's Social Care Complaint Panel. The LGSCO concluded there was no fault in the way the Council carried out the recommendations.
25. The fourth was for Adult Services and concerned the time it took the Council to find an individual a suitable property and tell them they would have to contribute financially to care home costs. The LGSCO did not find any fault in the way the Council carried out the financial assessment or found new accommodation.

### **Upheld: Maladministration Injustice**

26. The first of these was for Adult Services and concerned a Court order making the Council corporate appointee. The LGSCO found Council was at fault for misunderstanding the implications of the Court order making it corporate appointee for an individual who received care which it arranged. The LGSCO did not find this misunderstanding would have led the Council to make different decisions about the individual's care needs, however, they did find there was poor communications surrounding the Council's decisions following the Court order. The LGSCO concluded the Council's actions caused injustice to the complainants in the form of distress and unnecessary time and trouble. The Council agreed to remedy this by providing each complainant an apology and making a payment of £250.
27. The second of these was for Children's Social Care and concerned the Council's use of inaccurate information about an individual. The Council upheld the complaint, however, the complainant remained dissatisfied with the remedy offered. The LGSCO concluded the remedy offered was reasonable.
28. The third of these was for School and Pupil Support and concerned the Council providing incorrect information to a parent about collection and drop-off arrangements for non-statutory school transport and leaving a child in the village rather than returning her to her home address, without giving her parents appropriate advance notice. The Council had already apologised, refunded the sum paid for the bus service and reviewed its procedures to ensure that its records are correctly and promptly updated when school routes are changed. Following the LGSCO's investigation the Council agreed to pay the complainant £250 and ensure the transport provider was reminded about its responsibilities for the safety of children in its care, in particular where plans appear to have changed.
29. The fourth of these was for the MASH and concerned the way the Council worked with a family during a child protection enquiry. The LGSCO noted the Council had admitted there was fault in the way it worked with the family during the enquiry and upheld most of the complaint about it. The LGSCO concluded, while that was the case the injustice arising from this fault was significant and had not been properly

recognised by the Council. The Council agreed to apologise for this, make immediate arrangements for counselling and other support services to be put in place and make a payment to acknowledge the time the child spent away from home without a sound legal basis.

### **Upheld: Maladministration, No Injustice**

30. This complaint was for Development Management and concerned the handling of a planning application for an artificial turf pitch with associated floodlighting and fencing. The Council wrongly assessed the application as minor development, something the Council identified during its investigation. The LGSCO concluded there was fault by the Council but it did not cause an injustice requiring a remedy.

### **Analysis**

31. During the first half of 2017/18 the Council received a total of 4 Upheld: Maladministration injustice decisions, a decrease from 5 for the same period in 2016/17.
32. There were no themes running through those complaints upheld by the LGO during the first half of 2017/18.

### **Outcome of Consultation**

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