
REVIEW OF OUTCOME OF COMPLAINTS MADE TO OMBUDSMAN

Responsible Cabinet Members

Councillor Stephen Harker – Leader, Efficiency and Resources Portfolio
Councillor Chris McEwan – Deputy Leader, Economy and Regeneration Portfolio
Councillor Sue Richmond – Adult Social Care Portfolio
Councillor Cyndi Hughes - Children and Young People Portfolio
Councillor Andy Scott - Housing, Health and Partnerships Portfolio
Councillor Nick Wallis - Leisure and Local Environment Portfolio

Responsible Directors

Paul Wildsmith, Managing Director
Suzanne Joyner, Director of Children and Adults Services
Ian Williams, Director of Economic Growth and Neighbourhood Services

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 5 December 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
Managing Director

Background Papers

Note: Correspondence with the LGSCO and HO is treated as confidential to preserve anonymity of complainants.

Lee Downey,
Complaints and Information Governance Manager
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	There is no impact on Looked After Children or Care Leavers as a result of this report.

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.

Information

7. Between 1 October 2017 and 31 March 2018, 7 cases were the subject of decision by the LGSCO.
8. Between 1 October 2017 and 31 March 2018, 1 case was the subject of decision by the HO.
9. The outcome of cases on which the LGSCO reached a view is as follows:

LGSCO Findings	No. of Cases
Closed after initial enquiries: no further action	4
Not upheld: No maladministration	2
Upheld: Maladministration Injustice	1

10. The outcome of cases on which the LGSCO reached a view is as follows:

HO Findings	No. of Cases
No maladministration	1

Local Government and Social Care Ombudsman (LGSCO)

Closed after initial enquiries: no further action

11. The first of these was for the Ongoing Assessment & Intervention Team. The LGSCO decided they would not investigate a complaint about the way the Council assessed an individual's needs or its decision to involve Occupational Therapists and Independent Advocates to ensure the individual's needs were being met. This was because the LGSCO felt it unlikely they would find enough evidence of fault to warrant an investigation and could not provide the outcome sought.
12. The second of these was for Development Management and concerned the way the Council considered heritage assets before approving a planning application. The LGSCO concluded further consideration of the complaint is unlikely to find fault by the Council.

13. The third of these was for Arboriculture and concerned the Council's failure to take sufficient action over a large tree which the complainant said was affecting a property. The LGSCO would not investigate the complaint because there is insufficient evidence of fault on the Council's part.
14. The fourth of these was also for the Ongoing Assessment & Intervention Team and concerned an individual's dissatisfaction with an allegation of inappropriate behaviour being made against them by a care worker in 2015 and the Council's refusal to help the individual get the police records amended. The LGSCO would not investigate because the complaint was late and because they could not achieve the outcome the complainant wanted.

Not upheld: No maladministration

16. The first of these was for Adult Services Financial Assessments and concerned the Council's decision in relation to a financial assessment. The LGSCO found there was no evidence of fault in the way the Council had calculated the contribution towards the cost of care, or taken into account disability related expenses.
17. The second of these was for Licensing and concerned the Council's administration of hackney carriage licensing. The LGSCO concluded some parts of the complaint relate to the Council's actions over 10 years ago and so fall outside the Ombudsman's jurisdiction. They also found there was no evidence of fault in respect of the Council's administration of hackney carriage licensing within the last 12 months.

Upheld: Maladministration Injustice

18. This complaint was for Safeguarding Adults. The LGSCO found there were faults in the way the Council dealt with safeguarding concerns raised by an individual regarding their late father. The Council agreed to apologise and pay the complainant £500 to acknowledge the uncertainty and distress caused. The Council also agreed to review the way it dealt with the safeguarding enquiry, to identify staff training requirements relating to mental capacity assessments and best interest decisions and to ensure any actions identified through the safeguarding process are properly followed up and the outcome recorded.

Housing Ombudsman (HO)

No maladministration

19. This complaint was for Housing Management and concerned the way the Council dealt with a personal representative of the estate of a former Council tenant. The HO were satisfied the Council acted reasonably in their dealings with the individual's personal representative, however, concluded the Council should have accepted a complaint about the removal of an item from the property.

Conclusion

20. During the second half of 2017/18 the Council received 1 Upheld: Maladministration injustice decision, the same number received for this period during 2016/17.
21. There were no themes running through those complaints upheld by the LGSCO during the second half of 2017/18 and no particular Directorate was affected. The LGSCO's findings do not indicate there is a problem which the Council needs to address.

Outcome of Consultation

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