

	ITEM NO.
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REPORT OF
THE STRATEGIC DIRECTOR

TO STANDARDS COMMITTEE

TITLE:

LOCAL GOVERNMENT OMBUDSMAN DECISION REFERENCE NO: 19 002 111

RECOMMENDATION:

For the Standards Committee to note the contents of this report and the remedy actions set out by the Local Government and Social Care Ombudsman.

The Standards Committee is asked to note the actions of Officers and the Lead Member Adult Social Care to ensure that service care is improved and that lessons are learned by the Council following on from this case.

EXECUTIVE SUMMARY:

The individual contacted the LGSO to complain that the Council has not reviewed or updated their care and support plan since 2013. They also complained that the Council has not implemented autism specific training for its staff, despite it being statutorily required, and about the Council's handling of her complaint.

The LGSO concluded that fault was found with regard to the Council's actions, and this caused injustice to the individual. To remedy this fault the LGSO recommended a number of actions (set out below), which the Council has accepted in full.

The LGSO confirmed that the Council must consider the LGSO findings and confirm within three months the action it has taken or proposes to take.

The LGSO confirmed that the Council should consider the LGSO findings at its full Council, Cabinet or other appropriately delegated committee of elected members and required evidence of this. (**Local Government Act 1974, section 31(2), as amended**)

To remedy the injustice caused, the LGSO recommended that the Council should immediately:

- Arrange to review and update the complainants care and support plan and pay the complainant £1200. The Council has accepted these recommendations.

The Council also agreed to undertake a number of service improvements, which are set out in the actions section below

The LGSO noted that the Council had undertaken a review of the provision of adult mental health social work, which it has delegated to Greater Manchester Mental Health Trust and that briefings have been provided, or in the process of being provided to its Chief Executive, Cabinet, and the Boards of the two delegated bodies.

BACKGROUND DOCUMENTS: (Available for public inspection)

The decision from the Local Government and Social Care Ombudsman sets out the nature of the complaint in full, the evidence considered and findings of the LGSO.

The LGSO issued a public report about these findings, which was published by the Council in the press and in a number of agreed locations.

KEY DECISION: YES

DETAILS:

This is a service which the Council are responsible for but which is provided by the Salford Care Organisation (SCO) and Greater Manchester Mental Health Trust.(GMMHT) The Ombudsman upheld the Claimants complaint and issued a public report as believes it is in the public interest to highlight these findings. In addition to this the LGSO believes the fault in this specific situation has caused injustice to the individual

This action will require the Council, Salford Care Organisation and Greater Manchester Mental Health Trust to place two public notice announcements in local newspapers / newspaper websites within two weeks of the report being published, also that each organisation should make copies of the report available free of charge at one or more of its offices.

In line with the recommendations of the LGSO the Council is responsible for ensuring that the SCO and GMMHT concludes the following service improvement plan actions:

- There will be an audit of all adult social care service users in its area, to ensure they have appropriate and up-to-date care and support plans in line with the Care Act 2014;

- They will arrange training for all relevant staff to ensure they understand their responsibilities in assessing and creating care plans in line with the Care Act 2014; and
- Arrange training for all relevant staff in autism awareness in line with statutory guidance for Local Authorities and NHS organisations to support implementation of the Adult Autism Strategy 2015

The LGSO has confirmed that the Council is required to provide an update within three months about the action it has taken or proposes to take.

The Council and the SCO have taken steps to review the complaints process and are working towards developing and adopting a standard complaints procedure across the Council.

The Lead Member has added the review of complaints to her Lead Member Briefing Meetings.

The complainant has received a full apology.

KEY COUNCIL POLICIES:

The actions expected following the draft decision of the LGSO are in accordance with the Council's key statutory duties for meeting the assessed social care needs and outcomes for adults with care and support needs, who are known to Mental Health Services in Salford.

EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:-

The service improvement actions required are in line with the statutory duties of the Council which have been delegated to both Salford Care Organisation (for Adult Social Care) and Greater Manchester Mental Health Trust (for Adult Mental Health Social Care). Therefore an equality impact assessment is not required.

ASSESSMENT OF RISK:

There is a risk of reputational damage because of the service failings which needs to be tackled by robust service improvements. .

SOURCE OF FUNDING:

Salford Care Organisation and Greater Manchester Mental Health trust are commissioned to deliver the actions identified above as part of their core statutory

functions. Therefore additional funding is not requested to support the identified actions, which are line with the statutory services of each organisation.

LEGAL IMPLICATIONS:

Failure to deliver services puts the council at risk of challenge. The LGSO decision makes clear that the decision making in respect of this matter does not demonstrate compliance with the statutory functions as set out in the Care Act 2014 and the Statutory guidance for Local Authorities and NHS organisations to support implementation of the Adult Autism Strategy 2015.

The actions set out above will ensure legal compliance with these statutory frameworks.

FINANCIAL IMPLICATIONS Supplied by (Mark Albiston)

Once the LGSO decision has been made public through the issuing of a public report and the Council, Salford Care Organisation and Greater Manchester Mental Health Trust have issued the first of two public notice announcements. There is the potential for the Council, Salford Care Organisation and Greater Manchester Mental Health Trust to face additional requests for financial recompense in responses to decision making that the LGSO has found to be unlawful. This could be in the form of individuals seeking recompense directly or local solicitors making contact to seek damages for the individual complainant and other residents in Salford.

It expected that the Salford Care Organisation and Greater Manchester Mental Health Trust would be liable for meeting these costs from their baseline budgets, as determined by their respective delegated functions. However in such situations the Council would also be indirectly affected due to the current 50/50 risk share agreements on the ASC overspend between commissioners and the Salford Care Organisation.

OTHER DIRECTORATES CONSULTED:

The decision does not affect other Directorates within the Council

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WARD(S) TO WHICH REPORT RELATE(S): All Wards
