

Appendix 1 - Outcome of complaints to the LGSCO by committee

Committee	Total number of final decisions	Outcomes of final decisions				Total Compensation Awarded
		Rejected	No Fault	Fault but no Injustice	Fault with Injustice	
Adults & Health	5	3	1	0	1	£71,479.54
Children & Families	21	13	0	1	7	£23,550
Corporate Policy	0	0	0	0	0	£0
Economy & Growth	1	0	0	0	1	£500
Environment & Communities	23	21	2	0	0	£0
Highways & Transport	7	7	0	0	0	£0

Appendix 2 - Summary of Recommended Actions from Ombudsman Decision Notices where Fault was found (as per Appendix 1)

Adults and Health Committee

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
Adult Social Care	<p>The Ombudsmen’s final decision 11 September 2024</p> <p>Summary: Mrs K complained the Council and the Integrated Care Board (ICB) stopped paying for Miss D’s housing costs when the property changed to supported housing. She said this resulted in Miss D depleting her savings because she had to pay rent and incurring legal charges as she had to seek specialist legal advice. We found fault in the way the Council and the ICB decided to stop paying for Miss D’s housing costs as her accommodation should have been provided without charge in line with the terms of the Mental Health Act 1983. The legal fees she owes could have been avoided were it not for the faults. The Council and the ICB have agreed to</p>	<p>Recommendations The Council and the ICB have agreed to our recommendations and within two months of our final decision they will take the following action to remedy the injustice caused by the faults:</p> <ul style="list-style-type: none"> • Agree a lead agency and arrange for £59,149.86 to be repaid to Miss D via her Deputy Mrs K which totals the amount she paid for rent between February 2019 to April 2024. They should also apologise in writing for the impact the faults had on Miss D’s finances and the time Mrs K spent pursuing this complaint. • Calculate the interest owed to Miss D based on the sum of £59,149.86 in line with the average retail price index starting from February 2019 when Miss D started paying rent to the date when the Council and the ICB repay 	<p>Actions Due 11 Nov 2024</p> <p>Based on the figures provided by the Ombudsman, the interest has been calculated to a value of £3,186.68.</p> <p>CEC believe that the ombudsman’s calculations are incorrect and will be appealing the exact amount, so the value of this compensation may be subject to change.</p> <p>Payment pending. 50% of this payment will be recouped from the NHS.</p>

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	<p>our recommendations and will repay Miss D over £59,000 she paid for rent plus interest and pay her avoidable legal fees. They will also improve their processes and determine if others have been affected in a similar way.</p>	<p>the sum owed to Miss D following our final decision.</p> <ul style="list-style-type: none"> • Liaise with Mrs K and arrange to pay the avoidable expenses Miss D incurred which totals £9,143. • Review Miss D's care and support arrangements fully involving Miss D and an independent advocate if necessary and ensure the costs for her accommodation such as rent and service charges are included as part of her section 117 aftercare services rather than funded via housing benefit. This should continue until the Council and the ICB are satisfied she is well enough and can be discharged from section 117 aftercare. Any discharge meeting should be carried out in line with the MHA 1983 and the code of practice. • Write to Mrs K to confirm the outcome of their review so she can manage Miss D's financial affairs in line with her Deputy responsibilities. <p>Within six months of our final decision the Council and the ICB will:</p> <ul style="list-style-type: none"> • complete a review and determine whether any other residents of the 21 identified remained entitled to section 	

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		<p>117 aftercare accommodation but were told to claim housing benefit. They will decide whether these residents have been caused injustice and are out of pocket due to having to pay rent, council tax and service charges. They will refund them accordingly providing a written explanation and apology as necessary with information of how to complain if they want to. They should ensure these residents are funded under the terms of section 117 of the MHA 1983 until the authorities are satisfied the person is well enough and can be discharged from section 117 aftercare. Any discharge meeting should be carried out in line with the MHA 1983 and the MHA code of practice.</p> <ul style="list-style-type: none"> • confirm the outcome of their review of other residents to the Ombudsmen once they have determined if others were affected in a similar way. They will confirm any action taken or planned to put things right. • ensure all staff whose responsibilities may include administering, commissioning, assessing for or providing section 117 aftercare have knowledge of the relevant law, 	<p>Actions Due 11 March 2025.</p>

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		<p>guidance and policy, as appropriate to their roles. They will provide training as necessary.</p> <ul style="list-style-type: none"> • remind all their staff involved in this case that the duty to pay for accommodation which is part of section 117 aftercare services is imposed on the Council and the ICB until such time they are satisfied a person can be discharged from section 117 and not simply because the status of a property may change to supported living accommodation. They will remind their staff that those entitled to section 117 aftercare accommodation should not be told to claim housing benefit as set out in their joint policy. 	

Children and Families Committee

<u>Service</u>	<u>Summary and Ombudsman's Final Decision</u>	<u>Agreed Action</u>	<u>Action Taken</u>
SEND	<p>The Ombudsman’s final decision</p> <p>5 July 2024</p> <p>Summary: Ms P complained the Council unfairly made changes to a short breaks plan which had been working well for her son. We found the Council at fault for a delay in carrying out its short breaks plan review, and in failing to follow the statutory complaints process. The Council has agreed to make a symbolic payment to Ms P in acknowledgement of the injustice caused.</p>	<p>The Council has agreed to, within one month:</p> <p>Apologise to Ms P in accordance with our guidance on apologies;</p> <p>Pay £250 to Ms P in acknowledgement of the injustice caused by the faults identified.</p>	<p>Apology Letter dated 5 August 2024 issued.</p> <p>Payment made on 1 August 2024</p>
SEND	<p>The Ombudsman’s final decision</p> <p>1 August 2024</p>	<p>Within one month of my final decision the Council will:</p> <ul style="list-style-type: none"> • apologise to Miss X for the uncertainty and frustration caused by delays in arranging the speech 	<p>Letter of apology dated 13 August 2024 issued.</p>

<u>Service</u>	<u>Summary and Ombudsman's Final Decision</u>	<u>Agreed Action</u>	<u>Action Taken</u>
	<p>Summary: Miss X complained the Council failed to provide all the support it should have done for her son, Y's, special educational needs. There was fault in how the Council took too long to arrange the speech and language therapy in Y's Education Health and Care plan.</p> <p>This caused Miss X avoidable uncertainty and frustration for which the Council should apologise and pay a financial remedy.</p>	<p>and language therapy in Y's November 2023 EHC plan; and</p> <ul style="list-style-type: none"> • pay Miss X £300 to recognise that distress. 	<p>Payment of £300 made on 12 September 2024.</p>
SEND	<p>The Ombudsman's final decision</p> <p>9 August 2024</p> <p>Summary: Ms X complained the Council failed to provide the specialist educational provision in her children, Y and Z's, Education, Health and Care (EHC) Plans when they moved into the</p>	<p>Within one month of this decision the Council will:</p> <ul style="list-style-type: none"> • Write to Ms X and apologise for the distress, frustration and uncertainty caused to her by the Council's faults and pay her £500 to recognise the same. We publish guidance on remedies which sets out our expectations for how organisations should apologise effectively to remedy injustice. The Council 	

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	<p>Council's area. The Council failed to provide the specialist provision in Y and Z's Plans between September and October 2023 and did not have due regard to the Armed Forces Covenant. The Council will pay Ms X £2,500 to recognise the injustice caused to her, Y and Z and will review how it manages the transfer of Service children with EHC Plans.</p>	<p>will consider this guidance in making the apology I have recommended.</p> <ul style="list-style-type: none"> • Pay Ms X £2,000, £1,000 each for Y and for Z for the specialist educational provision they did not receive between September and October 2023. <p>Within three months of this decision the Council will:</p> <ul style="list-style-type: none"> • complete the review of its transfer processes to ensure they are in line with the SEND code of practice in relation to Service children, and have due regard to the Armed Forces Covenant. The Council will produce a timebound action plan to implement any improvements it identifies as necessary as a result of that review; and • remind relevant staff members dealing with transfers of children with EHC Plans that it should accept the EHC Plan as it is, provide a placement and/or the provision in the Plan and then complete the annual review process set out in the SEND code of practice. 	<p>Payment of £2500 made on 30 August 2024.</p> <p>Actions Due 9 Nov 2024</p>

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SEND	<p>The Ombudsman's final decision</p> <p>5 September 2024</p> <p>Summary: Mrs X complained the Council did not provide information she requested about applying for a personal budget to secure the specialist educational provision set out in the Education, Health and Care Plans of her two children. The Council failed to provide Mrs X the information she requested which caused her avoidable frustration. The Council will apologise and now provide her with the personal budget information she requested.</p>	<p>28. Within one month of the final decision the Council will:</p> <p>a) write to Mrs X and apologise for the avoidable frustration she has been caused by the Council's faults; and</p> <p>b) contact Mrs X and provide the information she has requested about personal budgets; and</p> <p>c) remind Council officers responding to complaints to ensure it provides a full complaint response when it becomes aware it has omitted to respond to a point of complaint initially.</p>	<p>Letter of apology dated 3 October 2024 issued.</p> <p>Email sent to Mrs X with information about personal budgets dated 3 October 2024.</p> <p>Email reminder issued to key staff and teams involved in responding to complaints on 8 October 2024.</p>
SEND	<p>The Ombudsman's final decision</p> <p>28 June 2024</p> <p>Summary: Mrs X complained the Council did not review her child's education, health and care plan within the statutory timescales, failed to provide the provision in the plan and failed to provide alternative education when her child was out of school. We found fault by the Council causing Mrs X and her child an</p>	<p>Within one month of my final decision the Council will:</p> <ul style="list-style-type: none"> • Apologise to Mrs X and Y for the distress and lack of education caused by the fault I have found; and • Pay Mrs X £8000, made up of: <ul style="list-style-type: none"> a) £7500 for the benefit of Y's education. This payment is in recognition of the education Y missed out on between September 2021 and April 2023. The payment has been worked out £1500 per term during this period. 	<p>Letter of apology issued 16 July 2024</p> <p>Payment of £8000 made on 25 July 2024</p>

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	<p>injustice. The Council agreed to apologise and make a payment in recognition of the injustice caused. We could not investigate all parts of Mrs X's complaint. This is because they are outside of the Ombudsman's jurisdiction.</p>	<p>b) £300 to recognise the frustration, distress and uncertainty caused by the delays in issuing Y's EHC plan.</p> <p>c) £200 to recognise the frustration caused to Mrs X in having to pursue this matter.</p> <p>In arriving at the recommended payment, I have had regard to:</p> <ul style="list-style-type: none"> • Our guidance on remedies which suggests a financial remedy of between £900 to £2400 per term to acknowledge the impact of that loss; • that Y received four hours of 1:1 tuition per week between 18 October 2021-24 November 2021 and that Y attended School 2 intermittently between January 2022 and December 2022. • the impact on Y of missing education and provision in her EHC plan; and • the remedy must cover both her missed education and the provision in her EHC plan. 	
<u>Children with Disabilities</u>	The Ombudsman's final decision	To remedy the injustice caused by the above faults and, within four weeks from	

<u>Service</u>	<u>Summary and Ombudsman's Final Decision</u>	<u>Agreed Action</u>	<u>Action Taken</u>
	<p>2 July 2024</p> <p>Summary: Mrs X complained about the way in which the Council completed the children's statutory complaints procedure in response to her complaint it failed to provide her family with appropriate support. We have found fault with the way in which some parts of the procedure were completed, causing injustice. The faults are: the recommended payment to recognise the impact of the Council's failings on the family did not properly reflect the extent of this injustice in line with our published remedies guidance; and the Council did not properly implement some of the other recommendations. To remedy the injustice the Council has agreed to: apologise to Mrs X; make a payment to properly reflect the impact of the failings; make a payment to recognise the distress caused by the failure to properly implement some of the recommendations; carry out a new statutory carer's assessment; hold a meeting with Mrs X to discuss the family's support needs and develop an action plan for options for assessing and providing support for the family; and</p>	<p>the date of our final decision, the Council has agreed to:</p> <p>a) apologise to Mrs X for its failure to properly implement the recommendations to address Z's support needs and hold a meeting with her and carry out an updated carer's assessment. This apology should be in line with our guidance on Making an effective apology;</p> <p>b) pay Mrs X £2,750, to be used for her and Y and Z's benefit, in recognition of the impact on the family of the failings found by the statutory complaints procedure;</p> <p>c) carry out an updated statutory carer's assessment for Mrs Y;</p> <p>d) pay Mrs X £550 to reflect the additional upset and uncertainty caused by the Council's failure to properly implement all the IO and panel's recommendations</p> <p>This is a symbolic amount based on our guidance on remedies;</p> <p>Total Payment = £3300</p> <p>e) arrange a meeting with Mrs X, attended by senior managers in the Children's Social Care, SEN and</p>	<p>Apology Letter dated 24 July 2024 issued.</p> <p>Carer's Assessment completed and finalised 11 September 2024 and a copy sent to LGSCO.</p> <p>Payment of £3300 made on 5 August 2024.</p>

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	complete the outstanding service improvement recommendation.	<p>Adult Social Care (ASC) teams to discuss her concerns and the family's support needs;</p> <p>f) develop a clear action plan, involving Children's Social Care, SEN and ASC, for assessing and providing support for Y, Z, and Mrs X stating who is responsible for taking the actions and by when. The action plan should be sent to Mrs X;</p> <p>g) report back to us on the outcome of the meeting and with a copy of the action plan; and</p> <p>h) report back on the action it has taken to implement recommendation at 29 (d) and ensure minutes of CSS meetings are sent to all participants in a timely way and in accordance with local protocols.</p>	<p>Meeting held on 20 August 2024.</p> <p>Copy of minutes with agreed actions from meeting held on 20 August 2024 sent to LGSCO.</p> <p>Email sent to LGSCO 10 September 2024: "Business Support colleagues in Children's Services have a policy to send out Strategy Meeting minutes within 10 working days. In relation to Child in Need meeting minutes they work to send them out within 48</p>

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			hours of them receiving them."
SEND	<p>The Ombudsman's final decision 30 May 2024</p> <p>Summary: The Council delayed finalising Ms X's child, Z's, Education, Health and Care (EHC) Plan in 2023, failed to make sufficient efforts to find Z a placement in a specialist school and relied on a mainstream school which said it could not meet Z's needs to provide their education. As a result, Z has not received all the education in their EHC Plan for four terms and this continues to date. To recognise the period of missed education and the uncertainty caused, the Council has agreed to apologise, pay Ms X £7,200, and pay her £2,000 for each additional term this academic year that Z continues not to receive the education in their Plan. To prevent reoccurrence of fault the Council has also agreed to carry out service improvements.</p>	<p>Within one month of the date of the final decision, the Council has agreed to:</p> <p>a) Apologise to Ms X for the injustice caused by the faults in this case;</p> <p>b) Carry out an annual review of Z's EHC Plan which can consider their current provision and needs (this EHC Plan should then be finalised within twelve weeks of the annual review meeting, informing Ms X of her appeal rights if she disagrees with the content of the Plan);</p> <p>c) Pay Ms X £3,000 to reflect the two terms Z did not receive all the education and SEN provision in their EHC Plan, or have any alternative provision put in place, between January and July 2023. This figure reflects that some education was received during this time, albeit at a school which could not properly meet Z's needs;</p> <p>d) Pay Ms X £4,000 to reflect the two terms Z did not receive any of the specialist school education set out in their EHC Plan between September 2023 and approximately mid-April 2024. This amount per term is increased to reflect the fact no education was received at all, only equine therapy, and the cumulative impact of a second academic year of missed education;</p>	<p>Letter of apology dated 14 June 2024 issued.</p> <p>Evidence submitted to Ombudsman to show that an annual review was completed on 19 March 2024.</p> <p>Payment of £7200 made 19 June 2024.</p>

<u>Service</u>	<u>Summary and Ombudsman's Final Decision</u>	<u>Agreed Action</u>	<u>Action Taken</u>
		<p>e) Pay Ms X £2,000 for each further term in the 2023/24 academic year where Z does not receive the education in their EHC Plan; and</p> <p>f) Pay Ms X £200 to recognise the frustration and uncertainty she was caused due to the Council's delay in finalising Z's EHC Plan.</p> <p>Within three months of the date of the final decision, the Council has agreed to:</p> <p>a) Set out to the Ombudsman what steps the Council is taking as part of its SEND sufficiency planning to increase its number of specialist school placements, including expected timeframes for this;</p> <p>b) Outline what steps the Council is currently taking as part of its SEND improvement strategy to improve its timeliness in carrying out annual reviews and finalising EHC Plans and when it expects it will begin to see improvements in this area;</p> <p>c) Remind SEND staff that EHC Plans must be finalized within twelve weeks of annual review meetings; and</p> <p>d) Remind SEND staff that where a school has told the Council it can no longer meet a child or young person's needs, it cannot rely on that school to continue providing the education in a person's EHC</p>	<p>Payment of £2000 in respect of the Summer Term 2024 made 29 July 2024.</p> <p>Sent to LGSCO on 22 August 2024.</p> <p>Sent to LGSCO on 22 August 2024.</p>

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		Plan. Instead a suitable alternative education placement must be found for them.	Reminder email sent to all SEND staff on 22 July 2024.
School Admissions	<p>The Ombudsman's final decision</p> <p>30 September 2024</p> <p>Summary: Ms X complained the Council failed to provide suitable fulltime alternative provision for her son Y when he was unable to attend school from September 2023 until July 2024. The Council delayed in responding to Ms X's concerns which caused her frustration. The Council was not at fault in its actions around Y's attendance and education. The Council should apologise to Ms X for the avoidable frustration she was caused.</p>	<p>Within one month of this decision the Council will:</p> <p>a) write to Ms X and apologise for the frustration caused to her by its initial delay in responding to her concerns about Y's attendance.</p> <p>b) remind relevant staff to respond to parent's concerns within three to five working days;</p> <p>c) remind relevant staff to avoid drift and delay in considering whether a child should receive a section 19 education.</p>	<p>Actions Due 30 October 2024</p> <p>Letter of apology issued dated 29 October 2024.</p>

Economy and Growth Committee

Service	Summary and Ombudsman's Final Decision	Agreed Action	Action Taken
Housing	<p>The Ombudsman's final decision</p> <p>26 April 2024</p> <p>Summary: Mr and Mrs X complained the Council signed off installation works of a specialist electrical bath for their child without getting an electrical safety certificate from the contractors. Mr and Mrs X also complained the Council installed the incorrect bath. We found fault with the Council failing to get the correct electrical safety certificate and for delays in making this safe. The Council agreed to apologise to Mr and Mrs X and pay them £500 for the avoidable distress and inconvenience caused. We did not find fault with the Council's installation of the bath or later changing this to a wet-room.</p>	<p>Within one month of the Ombudsman's final decision the Council should:</p> <ul style="list-style-type: none">• Apologise to Mr and Mrs X and pay them £500 for the delays in acting on concerns about the safety of the electrical installation.	<p>Letter of apology issued 24 May 2024 and payment made on 14 May 2024.</p>