



# Doncaster Council

## EXECUTIVE FUNCTIONS DECISION RECORD

The following decision was taken on Tuesday, 18th September, 2018 by Cabinet.

Date notified to all Members: Monday, 24th September, 2018

The end of the call in period is 5.00 p.m. on Wednesday, 3rd October, 2018 and therefore, the decisions can be implemented on Thursday, 4th October, 2018.

Present:

Chair - Mayor Ros Jones (Mayor of Doncaster with responsibility for Budget and Policy Framework)

Vice-Chair - Councillor Glyn Jones (Deputy Mayor, Portfolio Holder for Housing and Equalities)

### Cabinet Member for:

|                             |  |
|-----------------------------|--|
| Councillor Nigel Ball       | Portfolio Holder for Public Health, Leisure and Culture        |
| Councillor Rachael Blake    | Portfolio Holder for Adult Social Care                         |
| Councillor Nuala Fennelly   | Portfolio Holder for Children, Young People and Schools        |
| Councillor Bill Mordue      | Portfolio Holder for Business, Skills and Economic Development |
| Councillor Jane Nightingale | Portfolio Holder for Customer and Corporate Services.          |

Apologies:-

Apologies for absence were received from Councillor Joe Blackham and Councillor Chris McGuinness.

## PUBLIC MEETING – SCHEDULE OF DECISIONS

### Public Questions and Statements

There were no public questions or statements made at the meeting.

Decision records from the meeting held on 4th September, 2018 (previously circulated), were noted.

## DECISION 1

### 1. AGENDA ITEM NUMBER AND TITLE

6. Maladministration Report from the Local Government Ombudsman.

## **2. DECISION TAKEN**

Cabinet:

- (1) noted the contents of the report;
- (2) accepted the findings and remedies recommended by the Local Government Ombudsman and endorsed the actions already taken, and proposed to be taken by Officers, as set out in the report;
- (3) agreed that the report be adopted as the Cabinet's formal response as required under Section 5A of the Local Government and Housing Act 1989, and distributed to all Members of the authority by the Monitoring Officer; and
- (4) agreed that the report (and the comments made by Cabinet in respect of this matter) be adopted as the Council's formal response under Section 31 of the Local Government Act 1974, and the Ombudsman be notified of the action the Council has taken by the Director of People.

## **3. REASON FOR DECISION**

On 25th July 2018, the Local Government Ombudsman (LGO) published a finding of maladministration causing injustice against the Council concerning Children's Services, following a complaint from the complainant ("Miss X") about the Council's failure to meet her disabled son's needs by taking too long to re-house her family from a property that was unsuitable, and which the Council declined to adapt, and by then delaying carrying out adaptations to their current property.

As a remedy to the complaint, the Ombudsman had made a number of recommendations in relation to the failure. All reports of maladministration issued by the Local Government Ombudsman have to be considered by Cabinet, and are circulated to all Councillors. The Monitoring Officer is legally required to prepare a report to the Executive where there had been a finding of maladministration by the Local Government Ombudsman.

Scott Fawcus, Monitoring Officer, summarised the Ombudsman's report in relation to the complaint, investigation, findings, and recommendations of the action that the Council should take.

The Director of People outlined the steps taken by the Council to address the Ombudsman's findings and recommendations. The Council fully accepted the LGO's conclusions and recommendations that the Council had fallen short of the expected standards of care to the family. Senior Council Officers had met with the family and had personally apologised. The family's current needs had been determined, and issues resolved, regarding the size of the extension, and the Council had arranged for the drive to be measured and a hard surface to be included as part of the extension works. The Council had also carried out works to widen doors and corridors to facilitate a wheelchair. The Council had agreed a series of holidays for the family that had been booked, including a week's respite for Miss X and her partner, and had continued to have regular weekly calls and visits with the family to keep them fully informed, through a named contact.

In relation to the current status, it was reported that the Council had made a

personal apology to the family, and a formal letter from the Director of People had been issued and copied to the LGO. Internal widening works have been completed. Building works had commenced on the extension, and works on widening the driveway had been included in the schedule of works. The Council had booked two holidays for the family to a value of £1,500, paid for by the Council, and they were currently liaising with the family regarding confirmation of the respite week for Miss X and her partner. Communication with the family was ongoing and the Director of People reported that he had spoken with Miss X who had agreed to work with the Council, and other similar families, to help the Council improve how it meets its duties to disabled children and their families.

Following the presentation of the report, Councillor Rachael Blake sought further clarity in relation to the rapid improvement programme, and sought assurance that such an occurrence would not be repeated. Members were informed that the Council had since put in place a rapid improvement plan with clear milestones, which was overseen by the Director of People and Assistant Director for Adult Social Care, and was to be chaired by the Principal Occupational Therapist who had a paediatric background. The Council had also implemented a new Adaptations Policy, which incorporated a new improved Adaptations Panel process. A review of the end to end housing adaptations process had also been undertaken, and some immediate improvements had been made. The relevant Head of Service will receive fortnightly update reports from the Panel of those people on the waiting list. Furthermore, a more streamlined process had been put in place to screen new referrals as they came through, and this would be followed up by the Panel. Risk assessments of cases will be carried out and any identified issues escalated. The decision making panel had been mandated to ensure that adaptations are tracked, and, in the event of any blockages in the system, immediate action will be undertaken, and referred to the relevant Head of Service and Director of People. Additionally, waiting lists had been scrutinised and any families awaiting adaptations contacted, ensuring that any risks were minimised whilst awaiting a suitable property or adaptations.

In relation to lessons learnt, it was reported that the Council is bringing together customer complaints from different sources, and is in the process of preparing an overview report of lessons learnt following the LGO's findings, in order that the Council has a better grip on the wider picture.

Councillor Nigel Ball raised concerns regarding the service provided by the Council to residents, and the information provided to them. He stressed the importance of ensuring that there were clear lines of communication and liaison between Council departments/agencies and the client, and sought assurances that families are provided with a key worker, in order to provide the necessary support and feedback to families in cases such as this. Councillor Ball also spoke of the need to ensure that when the Council undertook a review of its services, clients would be afforded the opportunity to provide feedback on the process, in order that the Council could use such information which would help inform how the Council moved forward with its services.

Officers acknowledged that the Council had failed to meet the family's needs. However, the Council had now implemented service standards as a basis when visiting families, and parents would be provided with a written update. The Council

was also to implement a process whereby the Occupational Therapist (OT) monitored the dispute and would liaise with the family throughout the process. The Panel would carry out a 6 month review of cases put before the Panel to ensure that the process was completed, and the OT would be held to account, thereby providing the Council with additional assurance. The Council was currently setting up regular forums with parents to get feedback from a family perspective. Karen Johnson, Assistant Director for Adult Social Care, welcomed Councillor Ball's comments and agreed that family feedback needs to be sought. It was further reported that the Council's new Integrated Care Management System would provide more visibility around the family experience, interface with the Council and its different departments and agencies, and all would have access to the system.

During further discussion, it was noted that officers had undertaken an analysis of those cases currently on the waiting list, and had contacted families to understand their needs and act appropriately. Cabinet was assured that this would be embedded in the process and checks would be carried out retrospectively, to ensure that no-one fell between different departments.

In response to a question from Councillor Nuala Fennelly, it was reported that works had started and were due to conclude within 30 days, and that Miss X has indicated that she was happy with the additional works being undertaken.

Mayor Ros Jones sought clarity on how officers would ensure that the number and types of dwellings from the information collected by officers would be fed into the Council's housing needs plans. The Council must ensure it is building the right types of houses that would meet most people's needs. It was reported that the Council was to incorporate such information in the Housing Needs Assessments, and officers were starting to look at transition to see what people's needs were going forward. The Council was working in conjunction with St. Leger Homes in terms of the availability and suitability of properties.

To conclude, Cabinet was pleased to note that the Council had now put systems in place that were 'fit for purpose', and assurances had been provided that such an occurrence would not happen in the future.

#### **4. ALTERNATIVES CONSIDERED AND REJECTED**

As this was an Ombudsman's report finding maladministration with injustice, the statutory process for reporting the decision must be followed. The Council did not legally have to follow the Ombudsman's recommendations, but it was considered it was appropriate to do so.

#### **5. DECLARATIONS OF INTEREST AND DISPENSATIONS**

There were no declarations.

#### **6. IF EXEMPT, REASON FOR EXEMPTION**

Not Exempt.

#### **7. DIRECTOR RESPONSIBLE FOR IMPLEMENTATION**

Debbie Hogg, Director of Corporate Resources.

Damian Allen, Director of People, Children and Young People/Adults Health and

Wellbeing Directorates.

Signed.....Chair/Decision Maker