

Executive

29 November 2018

Report of the Monitoring Officer and the Corporate Director of Children, Education & Communities

Portfolio of the Executive Member for Economic Development and Community Engagement and the Executive Member for Education, Children and Young People

Maladministration Finding

Summary

1. This report complies with the statutory duty to report to Members a finding of the Local Government and Social Care Ombudsman that the Council has been guilty of maladministration.

Recommendations

2. Members are asked to:

Receive the report and note and approve the steps already taken in response to the case.

Reason: In accordance with legal requirements

Background

3. The Local Government and Social Care Ombudsman has issued a report which finds that the Council committed maladministration for not providing appropriate supervision for the parents of a child in its care in hospital and for not responding to their complaint quickly enough. The Ombudsman's full report appears at Annex A.
4. The Executive is now legally required to consider the report and formally report back to the Ombudsman on the action it has taken. In this case, however, Officers have already indicated that the recommendations contained in paragraphs 90 to 92 of the report are accepted. The Ombudsman agrees that the Council's response constitutes a suitable remedy for the complaint.

5. It is very unusual for the Council to receive a formal report from the Ombudsman which needs to be reported in this way. Indeed it is some years since the last such report had to be presented. Members will though be concerned about the circumstances of this cases. It should be stated very clearly that Officers have fully accepted that the Council was at fault in this case. There are though specific and unusual circumstances which contributed to subsequent events.
6. In this case a child (identified as Z in the Ombudsman's report) suffered injuries which led to care proceedings being commenced. The cause of those injuries has never been established. Z required hospital care outside the City. Tragically Z died from a cause unrelated to the injuries. It was the view of those involved in managing Z's case that contact with parents needed to be supervised. Making provision for supervised contact can sometimes be challenging. The challenges are exacerbated where contact needs to take place in a hospital outside the area. It is unrealistic to expect that hospital staff will take on that responsibility. Nevertheless Officers accept that more could and should have been done to review supervision arrangements.
7. Z's parents made a complaint which, in accordance with the statutory complaints procedure, required independent investigation. The complaint took far longer to bring to a conclusion than it should. Indeed the statutory timescale had been exceeded by the time the independent investigator reported and further significant delay occurred thereafter. Undoubtedly the complexity of the case played its part but Officers accept that the complaint was not progressed as it should have been. Members will though be aware that the Council produces an annual complaints monitoring report which, for the last two years, has been subject to scrutiny by the Corporate and Scrutiny Management Committee. The report contains performance information on complaints handling. Members can therefore take some comfort that the picture in this case is not representative of the general position and that arrangements are in place to monitor future performance.
8. The Interim Corporate Director has written to the parents to formally apologise and confirm that the Ombudsman's recommendations are accepted. She has also indicated that an internal case review is to be undertaken to inform a review of policies and procedures and has invited the parents to play a part should they wish to do so.

9. Specialist Implications

Legal – these are contained within the body of the report

There are no specific other implications associated with the report which should be specifically reported.

10. Consultation

None

11. Options

11.1 The Executive must receive the report. The Executive can support the actions already taken by Officers to remedy the complaint. If the Executive wished to do otherwise then the Ombudsman would be likely to consider using his powers to issue a second report drawing attention to the Council's failure to satisfactory remedy a complaint.

Contact Details

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Report
Approved

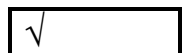


Date

14/11/2018

Wards Affected:

All



For further information please contact the authors of the report

Background Papers:

None

Annex A

Report of the Local Government and Social Care Ombudsman