

# **Report of the Strategic Director, Health & Wellbeing to the meeting of Governance and Audit Committee to be held on Thursday 26 January 2023**

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## **Subject:**

**Public Interest Report into Adult Social Care by the Local Government and Social Care Ombudsman (LGSCO) of 1 December 2022, ref 21 001 973.**

## **Summary statement:**

**After an investigation into a complaint lodged by a Bradford resident into the service he received from Bradford Council adult social care in 2019, the LGSCO undertook a detailed investigation and found fault causing injustice with recommendations made. The LGSCO have published this as a public interest report, with a request that the report is presented to a committee of elected members.**

## **EQUALITY & DIVERSITY:**

This report highlights specific learning for the council with regard to people with disabilities and way that staff are trained and business processes configured to offer an inclusive and responsive service to their needs. In this instance, the council's services for people with autism in 2019 were not fit for purpose and this led to an unacceptable delay in providing a service for a man and his family. A full action plan has been completed and this detail has been provided back to the LGSCO at their request.

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Iain MacBeath  
Strategic Director, Health & Wellbeing

### **Portfolio:**

**Healthy People and Places**

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### **Overview & Scrutiny Area:**

**Health Overview & Scrutiny**



## **1. SUMMARY**

- The Local Government and Social Care Ombudsman (LGSCO) undertook an investigation after a complaint was received by them from a Bradford resident. The resident has autism and had requested an assessment under the Care Act. This was not undertaken in a timely manner and there were business process failures in dealing with the case.
- At the LGSCO's instruction, a full copy of the report is attached as an appendix to this report. My full response to the LGSCO as statutory director of adult social services is also attached.
- The council has complied with every LGSCO recommendation including making a full apology to Mr Y and Mrs Z and providing compensation payments of £2,000 to each party. An action plan developed to respond to the issues raised was completed in July 2022. Many of the issues had been resolved before that time.
- The LGSCO asked that the council manually check its records to ensure these unacceptable delays did not happen to others and this assurance was provided.

## **2. BACKGROUND**

- Mr Y complained that the Council took four months to complete an assessment of his care and support needs. It then took a further 16 months to provide the services needed, but these still did not adequately meet the assessed care needs. The council could not decide which team should assess Mr Y because he had autistic spectrum disorder and no learning disability or mental health condition. He had already spent two years trying to get a full assessment. It also took five months to do an inadequate carer's assessment for Mrs Z.
- The LGSCO found fault causing injustice and made recommendations. These recommendations are set out in full in their report, attached. These included compensation to the couple, finalising the care assessment and carer's assessment and seeking appropriate support for Mr Y. The LGSCO also made recommendations to ensure the same did not happen again.
- A response from the council to the LGSCO public interest report was sent on 23 December 2022, well before the deadline of mid-March 2023. This is because the recommendations had largely been acted upon after receipt of their draft report in July 2022. That detailed response is also attached for member's information. This includes confirmation that the rules around public interest reports had been complied with and an apology and compensation has been sent to the complainants. The council has reviewed the care and support being provided and continues to work with the family to source the right support.
- The council has also undertaken a comprehensive training programme for its staff who assess and plan alongside people with autism under the Care Act. We have also provided advanced training for a number of specialist colleagues.

- The council has also manually inspected records to ensure that no other people with autism have experienced similar delays and unacceptable service levels. Section 7 of the response goes into the detail of the exercise undertaken and cases reopened to check that people are satisfied with their assessment and level of service.

### **3. REPORT ISSUES**

- As part of the LGSCO process for publishing a public interest report, the council must undertake a number of actions to satisfy the Ombudsman:
  - The report was published by the LGSCO on their website on 1 December 2022 and a press release issued to our local newspapers.
  - After the publication of the report, the council must issue notices in at least two local newspapers with two weeks of the LGSCO publicising the report, which was done in the Telegraph & Argus and Keighley News in week beginning 12 December.
  - The council must make paper copies of the LGSCO report available in at least one of its central offices – these are available at reception at City Hall.
  - The council must arrange for the appropriate committee of elected members to receive and comment on the report within three months of publication.
  - The council must write back to the LGSCO to confirm these actions have been undertaken.

### **4. FINANCIAL & RESOURCE APPRAISAL**

- The payment of compensation and cost of additional training for staff have been met within existing council budgets. No other financial implications.

### **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

No remaining risk management and governance issues.

### **6. LEGAL APPRAISAL**

- Under Section 31(2) of the 1974 Local Government Act, the Council must formally consider the LGSCO's report. The report must be considered at its Executive or appropriate public committee that has been delegated to deal with such matters. This was deemed to be Governance and Audit Committee under City of Bradford and Metropolitan District Council's constitution.

### **7. OTHER IMPLICATIONS**

#### **7.1 SUSTAINABILITY IMPLICATIONS**

- No implications.

#### **7.2 GREENHOUSE GAS EMISSIONS IMPACTS**

- No implications.

### **7.3 COMMUNITY SAFETY IMPLICATIONS**

- No implications.

### **7.4 HUMAN RIGHTS ACT**

- There are clearly Human Rights Act issues in not meeting our statutory obligations for this family in a timely way. The council has taken steps to ensure that no other people have been affected in the same way and that steps have been taken to mitigate the chance of this happening again.

### **7.5 TRADE UNION**

- No implications.

### **7.6 WARD IMPLICATIONS**

- No implications.

### **7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS (for reports to Area Committees only)**

- No implications.

### **7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE**

- No implications.

### **7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESMENT**

No implications.

## **8. NOT FOR PUBLICATION DOCUMENTS**

- None.

## **9. OPTIONS**

- No options, for information and comments.

## **10. RECOMMENDATIONS**

- That Members formally receive this report and comment on its contents and the response from the council.

## **11. APPENDICES**

- Report by the Local Government and Social Care Ombudsman, Investigation into a complaint about City of Bradford Metropolitan District Council (reference number: 21 001 973) 15 November 2022.
- Letter from the Strategic Director Health & Wellbeing to the LGSCO dated 23 December 2022 with a detailed response confirming acceptance and compliance with recommendations in their report.

## **12. BACKGROUND DOCUMENTS**

- None.