

## REPORT OF THE MONITORING OFFICER

### AUDIT AND GOVERNANCE COMMITTEE – 20<sup>th</sup> September 2023

### LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN

#### 1. Purpose of the report

- i. This report brings to the Committee's attention an update on the final requirements of the Local Government and Social Care Ombudsman (LGSCO) following an investigation into a complaint by Mr C and Ms B. The investigation acknowledged the findings of the Local Authority investigation.
- ii. The report is being brought to the Committee to comply with the Committee Terms of Reference.

*To consider any payments in excess of £2,000 or provide other benefits in cases of maladministration by the authority within scope of Section 92 of the Local Government Act 2000.*

#### 2. Recommendations

- i. The Committee is asked to receive and consider the report, and acknowledge the actions already taken and plans to address the LGSCO's recommendations.
- ii. That the Committee note the requirement for the Council to make compensation payments totalling £3,000 to Mr. D and Ms B.

#### 3. Background Information

- i. The LGSCO investigator completed their review into the matter on 14<sup>th</sup> June 2023. The complaint centred on the restriction's the Council placed on Mr C and Ms B around the time of their son's birth. Mr C was prevented from seeing Ms B for a month before the birth and was not allowed to attend the birth itself. Ms B and Mr C say this caused distress to both of them.
- ii. Ms B and Mr C also complained that the Council delayed investigating their complaint.
- iii. The complaint was registered by the Council in the financial year 2020-21.
- iv. The LGSCO acknowledged that before Ms B and Mr C approached them, the Council had investigated their complaint under the formal Children Act 1989

complaints procedure. This included an independent investigation at stage 2 and a review panel at stage 3.

- v. The LGSCO acknowledged that as part of that complaint investigation the Council accepted that it had not followed proper procedure and had prevented Mr C from attending the birth of his child, which it did not have the power to do.
- vi. The Council also accepted that there had been unacceptable delays in processing the complaint. The delays in complaint handling for this case were at:
  - Stage 2 – relating to a delay in the appointment of an investigating team. The Council now has different contract arrangements in place with a provider for external investigators, which should limit the possibility of delays occurring in future investigations.
  - Stage 3 – a delay in the panel being arranged due to the availability of attendees.

#### **4. The Council agreed to:**

- Apologise to Ms B and Mr C
  - Review a selection of open cases to ensure appropriate pre-birth plans were in place.
  - Share the outcomes of the complaint investigation with social care managers.
  - Make a payment of £3,000 to Ms B and Mr C to recognise their injustice, including from the delayed complaint investigation.
- i. The LGSCO determined that as the Council has already accepted fault in the areas Ms B and Mr C complain about, it would not be proportionate to reinvestigate their complaint and agreed the remedies offered were suitable and appropriate.
  - ii. As a result, there were no additional requirements made of the Council. The LGSCO have now published their decision which can be found by following the link.  
<https://www.lgo.org.uk/decisions/children-s-care-services/child-protection/22-016-487>

#### **5. Outcome**

- i. In addition to the redress outlined above, the council has now apologised to Mr C and Ms B.
- ii. The Quality Assurance team have and continue to periodically review a selection of open cases to ensure appropriate pre-birth plans were in place

and taken action to raise awareness and promote training in relation to the Children Social Care pre-birth pathway.

- iii. The outcomes of the complaint investigation have been shared with social care managers to ensure learning is embedded.
- iv. Made a payment of £3,000 to Ms B and Mr C to recognise their injustice, including from the delayed complaint investigation.

## **6. Appendices**

- i. None

## **7. Officer Contact:**

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