

**Open Report on behalf of Glen Garrod  
Executive Director of Adult Care and Community Wellbeing**

Report to:	<b>Adult Care and Community Wellbeing Scrutiny Committee</b>
Date:	<b>14 February 2018</b>
Subject:	<b>Report by the Local Government and Social Care Ombudsman</b>

**Summary:**

This Report attaches a report which will be considered by the Executive at its meeting on 6 March 2018. The report to Executive sets out the Report and outcome of an investigation by the Local Government Ombudsman into allegations of maladministration in the exercise of Adult Care functions.

The Executive at its meeting will formally receive the Ombudsman's Report on behalf of the Council and consider the recommendations of the Ombudsman and the actions taken and proposed to be taken by the Council under the Local Government Act 1974.

This Report seeks the views of the Committee prior to Executive consideration of the report.

**Actions Required:**

- (1) To consider the attached report and to determine whether the Committee supports the recommendations to the Executive set out in the report.
- (2) To agree any additional comments to be passed to the Executive in relation to this item.

### 1. Background

- 1.1 The Local Government Ombudsman has power under the Local Government Act 1974 to investigate and issue Reports concerning allegations of maladministration or service failure.
- 1.2 The Ombudsman has issued the Report attached at Appendix A to the attached Executive Report following an allegation of maladministration by the Council in the exercise of its adult social care functions. The Ombudsman has concluded that the Council was guilty of maladministration and that this caused injustice to the complainant. The Ombudsman has issued a public report and included recommendations that he considers would be necessary to remedy the injustice in this particular case and more widely.

- 1.3 The Report is issued under section 31 of the 1974 Act. As a result the Report must be made public by the Council and placed before the Council so that it can consider the report and notify the Ombudsman of any action taken or proposed to be taken by the Council in response.
- 1.4 At its meeting on 15<sup>th</sup> December 2017 the full Council approved an amendment to the Constitution under which responding to an Ombudsman's report would be an executive function where the finding of maladministration was in respect of an executive function. The findings of the Ombudsman in this case relate to an executive function. Accordingly the Executive has the authority to determine the response to the Ombudsman's findings, the functions in question falling within the Executive's area of responsibility.

## 2. Conclusion

Following consideration of the attached report, the Committee is requested to consider whether it supports the recommendations in the report and whether it wishes to make any additional comments to the Executive. The Committee's views will be reported to the Executive .

## 3. Consultation

The Adult Care and Community Wellbeing Scrutiny Committee is being consulted on a proposed decision by the Executive. The comments of the Committee will be reported to the Executive.

## 4. Appendices

These are listed below and attached at the back of the report	
Appendix 1	Executive Report

## 5. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Carolyn Nice, Assistant Director AFLTC who can be contacted on 01522 553762 or carolyn.nice@lincolnshire.gov.uk.