

## OVERVIEW PANEL

**Day:** Monday  
**Date:** 9 September 2019  
**Time:** 2.00 pm  
**Place:** Tameside One, Market Square, Ashton-Under-Lyne, OL6 6BH

Item No.	AGENDA	Page No
1.	<b>APOLOGIES FOR ABSENCE</b> To receive any apologies for the meeting from Members of the Panel.	
2.	<b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest from Members of the Panel.	
3.	<b>MINUTES</b> To consider the minutes of the meeting of the Overview Panel meeting held on 29 July 2019 for approval and signing by the Chair.	1 - 2
4.	<b>SCRUTINY UPDATE</b> To consider the attached report of the Director of Governance and Pensions.	3 - 14
5.	<b>LGO OVERVIEW REPORT</b> To consider the attached report of the Director of Governance and Pensions.	15 - 50
6.	<b>URGENT ITEMS</b> To consider any additional items the Chair is of the opinion shall be dealt with as a matter of urgency.	

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## OVERVIEW PANEL

29 July 2019

**Present:** Councillors Ricci (Chair), Cooper, Fairfoull, Glover, J. Homer, Kitchen and Warrington

**In Attendance:** Steven Pleasant Chief Executive  
Sandra Stewart Director of Governance and Pensions  
Simon Brunet Head of Policy, Performance and Intelligence

**Apologies for Absence:** Councillors J. Fitzpatrick, Ryan, T. Smith and Welsh

### 1. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 2. MINUTES

The Minutes of the meeting of the Overview (Audit) Panel held on 12 November 2018 were agreed as a correct and signed as a correct record.

### 3. SCRUTINY UPDATE

Consideration was given to a report of the Director of Governance and Pensions summarising work that had been undertaken by the Council's two Scrutiny Panels for the period to July 2019, which was outlined as follows:

The Integrated Care and Wellbeing Scrutiny Panel had agreed an Annual Work Programme and confirmed that the Children's Working Group will remain in place for 2019/20 with the Terms of Reference appended to the submitted report. The Scrutiny Panel had considered the Quality of Tameside Care Homes report. Members of the Scrutiny Panel had received an update on new statutory scrutiny guidance, published on 7 May 2019.

Councillor Bill Fairfoull, Deputy Executive Leader (Children and Families); and Richard Hancock, Director of Children's Services, had presented reports on Children's Services improvement and outcomes from the recent Ofsted inspection; and an overview of current arrangements for the recruitment and retention of foster carers in Tameside. The Scrutiny Panel had reviewed options to submit a formal response to the national consultation on support for victims of domestic abuse in safe accommodation.

The Place and External Relations Scrutiny Panel had agreed an Annual Work Programme. The Chair had drafted a formal response to the Greater Manchester Clean Air consultation having received a report from the Regulatory Services Manager, including discussion points and areas of concern highlighted by Members. The Scrutiny Panel had received an update on statutory scrutiny guidance, published on 7 May 2019. The Scrutiny Panel had receives an update on the Housing Strategy and improving quality and standards within the private rented sector.

The Panel were informed that Members of the Scrutiny Panels were sent monthly emails to raise awareness to a variety of materials to support their scrutiny role and ensure they had the opportunity to contribute and share any open consultations and engagement exercises. The emails also contained links to Greater Manchester Priorities and the work of the Combined Authority Scrutiny Panels. The most recent circulations were appended to the report and considered by the Panel.

## **RESOLVED**

**That the content of the report be noted.**

### **4. SCRUTINY WORK PROGRAMMES**

Consideration was given to a report of the Director of Governance and Pensions detailing the work programmes of the Council's Scrutiny Panels to cover the municipal year 2019/20.

It was reported that the work programmes of the Council's scrutiny panels had been developed to reflect priority issues across the Council, Strategic Commission and external partners. The programme supported the approach to improve the flexibility, responsiveness and reporting methods of the panels and had been designed as a two year working document.

Scrutiny activity would continue to be undertaken outside of the six formal meetings and both panels would monitor and evaluate outcomes from previous reviews undertaken and the implementation of past recommendations. In order to further develop scrutiny activity, plans were in place to ensure panel members were able to contribute and respond to a range of engagement and consultation activity taking place within the Council and across partners.

Tables detailing a list of topics for the Integrated Care and Wellbeing Scrutiny Panel and Place and External Relations Scrutiny Panel to choose from were included in the report in addition to information on monitoring past recommendations and cross panel activity. The list of topics had been agreed at the June 2019 Scrutiny Panel meetings and were a combination of service and performance updates, input to formal consultations and areas for in-depth review.

Members of the Panel suggested that the Place and External Relations Scrutiny Panel could incorporate a review into empty properties within the Borough and how they might be brought back into use, in particular to help homeless people. Reference was made to the ongoing peer reviews within Services and how they have clearly defined links with work set out in the Scrutiny work programmes.

## **RESOLVED:**

**That the Scrutiny Work Programmes and planned activities be noted.**

### **5. QUALITY OF TAMESIDE CARE HOMES**

Consideration was given to a report of the Chair of the Integrated Care and Wellbeing Scrutiny Panel / Executive Member for Health, Social Care and Population Health detailing recommendations from the Scrutiny review into the Quality of Tameside Care Homes and providing the response from the Executive Member.

Members noted the impact of the Quality Improvement Team in providing direct support to independent providers across the health and social care sector in Tameside, with the overarching need to improve the quality of service provision. The team's primary focus was to be placed on current homes rated 'Inadequate' and 'Requires Improvement', with the drive to raise standards and to improve ratings to 'Good' and 'Outstanding'. The number of care homes rated 'Good' in Tameside has improved from 42% to 69%. There remains one home rated Inadequate and the Quality Improvement Team continue to support the provider to make service improvements.

## **RESOLVED**

**That the Overview Panel support the recommendations of the Chair of the Integrated Care and Wellbeing Scrutiny Panel and the responses from the Executive Member for Health, Social Care and Population Health.**

**CHAIR**

# Agenda Item 4.

<b>Report To:</b>	<b>OVERVIEW PANEL</b>
<b>Date:</b>	9 September 2019
<b>Reporting Officer:</b>	Sandra Stewart, Director – Governance and Pensions Sarah Dobson, Assistant Director – Policy, Performance and Communications
<b>Subject:</b>	<b>SCRUTINY UPDATE</b>
<b>Report Summary:</b>	To receive for information, a summary of the work undertaken by the Council's two Scrutiny Panels for July to September 2019.
<b>Recommendations:</b>	That Overview Panel are asked to note the content of the report and summary of scrutiny activity. All related documents can be viewed within the appendices.
<b>Links to Corporate Plan:</b>	Scrutiny work programmes are linked to the Council's corporate priorities. Scrutiny activity seeks to support effective decision making and priorities across Tameside.
<b>Policy Implications:</b>	The work programmes comprise activity that seeks to check the effective implementation of the Strategic Commission's policies and if appropriate make recommendations to the Executive with regards to development, performance monitoring, outcomes and value for money.
<b>Financial Implications: (Authorised by the Borough Treasurer)</b>	There are no direct financial implications as a result of this report. Any costs incurred by the Scrutiny Panels must be met from existing budgets.
<b>Legal Implications: (Authorised by the Borough Solicitor)</b>	Overview and scrutiny committees were established in English and Welsh local authorities by the Local Government Act 2000. They were intended as a counterweight to the new executive structures created by that Act (elected mayors or leaders and cabinets). Their role was to develop and review policy and make recommendations to the council. Today, the legislative provisions for overview and scrutiny committees for England can be found in the Localism Act 2011. Those for Wales are in the Local Government (Wales) Measure 2011, and those for Northern Ireland are in the Local Government Act (Northern Ireland) 2014. There are no legislative provisions for overview and scrutiny in Scotland, though many Scottish local authorities do operate scrutiny committees alongside executive structures. Local authorities also manage processes of 'external scrutiny', where their committees look at issues which lie outside the council's responsibilities. In England, specific powers exist to scrutinise health bodies, crime and disorder partnerships, and Police and Crime Commissioners. Combined authorities are also required to establish overview and scrutiny committees.
<b>Risk Management:</b>	Regular updates to Overview Panel provide assurance that scrutiny is progressing with an effective work programme, supporting good decision making and service improvement.
<b>Access to Information:</b>	The background papers relating to this report can be inspected by contacting Paul Radcliffe, Policy and Strategy Lead by:

 Telephone:0161 342 2199

 e-mail: [paul.radcliffe@tameside.gov.uk](mailto:paul.radcliffe@tameside.gov.uk)

## 1.0 INTRODUCTION

- 1.1 The Scrutiny Update provides a platform for appropriate insight, activity, outcomes and proposals to be relayed. This method of reporting supports the improved responsiveness of scrutiny work and also prevents any delay in the communication of key messages.
- 1.2 The report, by nature, aims to provide members with a general summary of scrutiny activity and proposals. It remains that all reports produced by scrutiny panels as a result of in-depth review will be tabled separately and at the earliest opportunity.

## 2.0 SCRUTINY ACTIVITY

- 2.1 Scrutiny in practice remains mindful of the suitability and appropriateness of timings with regards to the impact and value of planned activity. This includes the selection and order of topics and updates to be received during the year. The annual work programmes and priorities were agreed at the June meetings and this coincides with consultation activity for which a valued response and input can be achieved. The tables below provide a summary and chronology of scrutiny activity.

**Figure 1: Breakdown of activity at the formal Scrutiny Panel meetings**

<b>INTEGRATED CARE AND WELLBEING</b>	
<b>25 July 2019</b>	<b>12 September 2019 (*Planned)</b>
<ul style="list-style-type: none"> <li>• Councillor Bill Fairfoull, Deputy Executive Leader (Children and Families); and Richard Hancock, Director of Children’s Services:               <ul style="list-style-type: none"> <li>- Children’s Services improvement and outcomes from the recent Ofsted inspection.</li> <li>- Overview of current arrangements for the recruitment and retention of foster carers in Tameside, to inform future activity.</li> </ul> </li> <li>• Working group established to progress activity on Foster Carer Recruitment and Retention.</li> <li>• The Panel reviewed options to submit a formal response to the national consultation currently open on Domestic Abuse Services, to be submitted by 2 August 2019.</li> </ul>	<ul style="list-style-type: none"> <li>• Trish Cavanagh - Chief Operating Officer, Tameside and Glossop Integrated Care NHS Foundation Trust, to provide information and data specific to the Urgent Treatment Centre.</li> <li>• Sarah Dobson - Assistant Director, Policy, Performance and Communications to present the Corporate Plan and agreed scorecard.</li> <li>• Tom Wilkinson – Assistant Director, Finance to provide a budget update.</li> <li>• To receive information on the arrangements in place for Tameside to become a Co-operative Council.</li> </ul>

<b>PLACE AND EXTERNAL RELATIONS</b>	
<b>30 July 2019</b>	<b>10 September (*Planned)</b>
<ul style="list-style-type: none"> <li>• Nicola Turner, Interim Head of Development and Investment; and John Hughes, Housing Growth Lead presented an update on the Housing Strategy and improving quality and standards within the private rented sector and empty properties, to inform future activity.</li> <li>• Working group established to progress activity on Improving Quality and Standards in the Private Rented Sector, to include empty properties</li> <li>• The Panel reviewed options to submit a formal response to the national consultation on a New Rent Standard from 2020, to be submitted by 30 July 2019.</li> </ul>	<ul style="list-style-type: none"> <li>• Sarah Dobson - Assistant Director, Policy, Performance and Communications to present the Corporate Plan and agreed scorecard.</li> <li>• Tom Wilkinson – Assistant Director, Finance to provide a budget update.</li> <li>• To receive information on the arrangements in place for Tameside to become a Co-operative Council.</li> </ul>

\*Papers for Overview Panel published in advance of the September meetings.

### **Consultation and Engagement**

- 2.2 Scrutiny will remain suitably informed of open consultations at a local, regional and national level. Past responses include:
- Over the Counter Medicines – 14 September 2018
  - Greater Manchester Clean Air Conversation – 30 June 2019
- 2.3 The Scrutiny Panels have recently submitted formal responses to the following national consultations. Efforts were made to ensure input and insight was sought from relevant services and partners to inform the submissions.
- New Rent Standard from 2020 – 30 July 2019, **APPENDIX 1.**
  - Domestic Abuse Services – 2 August 2019, **APPENDIX 2.**

### **Keeping Scrutiny Members Informed**

- 2.4 All Scrutiny Panel members receive a monthly, with the purpose of raising awareness to a variety of materials to support their role, provide access to scrutiny resources and provide the ongoing opportunity for councillors to contribute and share any open consultations and engagement exercises. This will continue to include a wide variety of topic areas for consideration.
- 2.5 The update email also includes links to Greater Manchester Priorities and the work of the Combined Authority Scrutiny Panels. This email provides a further opportunity to inform members how the work of scrutiny is shared and reported within the Council. The most recent update was sent in July 2019, **APPENDIX 3.**

## **3.0 RECOMMENDATIONS**

- 3.1 As set out on the front of the report.

**Councillor Mike Glover**

Tameside One  
Market Place  
Ashton-under-Lyne  
OL6 6BH

Email: mike.glover@tameside.gov.uk  
Phone: 0161 342 2199  
Ask for: Paul Radcliffe  
Date: 30 July 2019

**New Rent Standard from 2020**

[consultation@rsh.gov.uk](mailto:consultation@rsh.gov.uk)

To whom it may concern,

**New Rent Standard from 2020**

I write on behalf of Tameside Council's Place and External Relations Scrutiny Panel. The Panel seeks to submit a formal response to the consultation on a new Rent Standard from 2020, which closes on 30 July 2019. This letter therefore aims to provide a summary of collective points and to express any areas of issue and concern. I would be extremely grateful if on receiving this letter you are able to take the appropriate action to ensure the collective response is suitably recorded and submitted to the consultation.

Consideration must be given to the cumulative impact of system and payment changes brought about by Universal Credit and the ongoing pressures faced by some of our most vulnerable residents. I have taken time to discuss proposals for the new rent standard with Jigsaw Homes Group, as the borough's largest Registered Social Landlord, with key points included below.

Tameside, as a place, continues to face significant challenges with an ongoing need to address social, economic and health inequalities. Unemployment in Tameside remains higher than the national average, with a higher proportion of residents claiming out of work benefits. This is further compounded by almost 50% of the population living within the 30% most deprived areas nationally and parts identified within the top 5% for deprivation.

Research and intelligence shows that the percentage of people living in relative poverty, after housing costs, is higher in the North West than the national average. Tameside's low income households and single parents continue to be adversely affected by the impacts of welfare reform and Universal Credit.

The Welfare Reform and Work Act 2016 has worked to ease the financial burden of rent increase and has notably contributed to the sustainability of plans to deliver a more affordable housing sector across Tameside. The Panel acknowledge that a change to the rent standard is required in order to provide the sector with greater certainty and confidence in future revenues in order to invest in the existing housing stock and to plan for further development opportunities.

The Panel would like concerns to be raised with regards to future housing costs as a significant factor and pressure for Tameside residents living in relative poverty. There is also a further need to understand the impact on residents who will remain economically and socially inactive.

I have listed some of the main points below, which are to be viewed under the collective of Tameside's Place and External Relations Scrutiny Panel.

- Residents in receipt of a housing component within their Universal Credit payment face being at a greater financial risk in the immediate period following the new rent standard being applied from April 2020.
- Universal Credit requires individual claimants to provide notification of a rent increase in order for the housing component to be adjusted in line with the increase of 1% + CPI. The notification of increase can only be made once the increase has been applied in April 2020, with any late notifications resulting in an under payment for housing costs in the period to follow.
- Inconsistencies are apparent for residents who continue to receive Housing Benefit compared with Universal Credit. The Housing Benefit system is seemingly able to provide a bulk upload for rent increases for all claimants once notification is received from the landlords.
- To avoid a shortfall in the housing element of Universal Credit in April 2020, the system requires the ability to receive a bulk upload for rent increases. There is a noticeable need to avoid and remove the adverse financial impact on claimants who may not provide immediate notification of the rent increase.
- Should such a system not be in place as part of Universal Credit by April 2020, support needs to be provided to social landlords to communicate key messages as to the action required by claimants as soon as the rent increase is applied.
- With a previously more restrictive approach to investment and development, the new rent standard provides Registered Social Landlords with a greater level of certainty for income growth and more ambitious forwarded planning to maintain existing properties, identify future development opportunities and to provide additional support to residents within their communities.

If further clarity is needed on any of the above points, please do not hesitate to contact me.

Yours faithfully,

**Councillor Mike Glover**  
**Chair – Place and External Relations Scrutiny Panel**

**APPENDIX 2****Chair of the Integrated Care and Wellbeing  
Scrutiny Panel****Councillor Teresa Smith**

Tameside One  
Market Place  
Ashton-under-Lyne  
OL6 6BH

Email: Teresa.smith@tameside.gov.uk  
Phone: 0161 342 2199  
Ask for Paul Radcliffe  
Date: 2 August 2019

**Domestic Abuse Services**

[DomesticAbuse.ReviewAudit@tameside.gov.uk](mailto:DomesticAbuse.ReviewAudit@tameside.gov.uk)

To whom it may concern,

**Future Delivery of Support to Victims and their Children in Accommodation-Based Domestic Abuse Services.**

I write on behalf of Tameside Council's Integrated Care and Wellbeing Scrutiny Panel. The Panel seeks to submit a formal response to the consultation on the Future Delivery of Support to Victims and their Children in Accommodation-Based Domestic Abuse Services, which closes on 2 August 2019. This letter therefore aims to provide a summary of collective points and to express any areas of issue and concern. I would be extremely grateful if on receiving this letter you are able to take the appropriate action to ensure the response is suitably recorded and submitted to the consultation.

Domestic abuse is a complex issue and requires system-wide direction and leadership to address a range of contributing factors which include social, economic and health inequalities. In Tameside domestic violence and abuse remains a significant problem when we compare ourselves against national performance and statistical neighbours.

Recent data has shown a rise in the number of Tameside residents in need of support, which includes a 12 month increase of 17% in referrals to locally commissioned support services. Pressures have been identified in the number of high and medium level cases reported to the Police, as well as the amount of referrals to Children's Services. During 2018/19, Tameside Children's Services received more than 2700 referrals with a link to domestic abuse.

At a local level there have been unprecedented pressures with regards to year-on-year budget reductions and the impact on resource planning. Despite this, key stakeholders remain engaged and arrangements are in place to deliver a shared vision to pool budgets and jointly commission services.

The impacts of domestic abuse can be far reaching, with an ongoing need to support and nurture communities. The Council has recently refreshed its corporate priorities, with a commitment from elected members, senior leaders and partners to deliver improvements across the life course of residents.

A sector-led peer review was undertaken in Tameside during July 2019, which comprised interviews with over 30 partners and stakeholders, as well as a review of current strategic and

operational documentation. Findings from the review will feed into the strategic planning for the assessment of need and to consider the equity of access to domestic abuse support services, part of which includes the demand for accommodation.

I have listed some of the main points below, which are to be viewed under the collective of Tameside's Integrated Care and Wellbeing Scrutiny Panel

- In addition to the commissioning of support services, the guidance must consider and prioritise health determinants and the support that is made available to the perpetrators of domestic abuse.
- In the event that additional responsibility and accountability is placed on local authorities, there is a need for this to be accurately reflected in the future allocation of funding and resource for domestic abuse provision.
- To review a correlation that appears to exist between domestic abuse prevalence within an area and the number of residents failing to complete treatments for mental health, alcohol and substance misuse. When compared to statistical neighbours Tameside has a higher level of domestic abuse; higher number of dependent drinkers and lowest completions for alcohol and drug treatments.
- To be truly effective a partnership must monitor and address the role of treatment within the recovery process, with a long-term ambition to reduce reoffending and the demand for crisis interventions and accommodation.
- Without effective and influential leaders domestic abuse partnerships could not achieve the required influence. Council's may need to review current governance arrangements to ensure domestic abuse receives the required levels of leadership from elected members, senior managers and stakeholders.
- All partnerships need to maintain strategic and performance oversight for the commissioning of support and accommodation for domestic abuse. Early intervention and prevention must remain a priority in the way that support is co-designed and delivered.
- There remains a clear and obvious role for future guidance to emphasise and harness the ability of individuals and the wider community in identifying and reporting the early signs of domestic abuse.

If further clarity is needed on any of the above points, please do not hesitate to contact me.

Yours faithfully,

**Councillor Teresa Smith**  
**Chair – Integrated Care and Wellbeing Scrutiny Panel**

## July 2019

Welcome to the July 2019 Scrutiny Update.

The regular updates aim to keep you informed of upcoming activity, including engagement and consultation with regards to local, regional and national decision making. All of the open consultations listed below are available for you to access and complete, with the opportunity to raise greater community awareness and participation where possible. For further information and to have your say please follow the relevant links below.

I hope this is something you will continue to find useful and please let me know if you require any further information.

### Scrutiny Activity and Reports

#### Activity

At the June meetings each panel agreed the topics to be considered during the first part of the municipal year, as detailed below.

#### **Place and External Relations Scrutiny Panel**

- Housing Strategy – Improving Quality and Standards in the Private Rented Sector

#### **Integrated Care and Wellbeing Scrutiny Panel**

- Recruitment and Retention of Foster Carers in Tameside.
  - **Children’s Working Group**
- Children and Young People’s Mental Health and Wellbeing

#### Reports

For the interest of all scrutiny members, please see **reports attached** that were presented at a meeting of the Council’s Overview Panel on 29 July 2019. They include the work programmes, Quality of Care Homes review and the Scrutiny Update report with details of recent activity and formal responses of both scrutiny panels.

### Open Consultations

**[Tameside Museums and Galleries – Planning for the Future \(Local\)](#)** - Tameside Museums and Galleries are creating a new Forward Plan, which sets out the vision for the borough’s museums and galleries for the next five years. In order for us to make sure our museums and galleries meet the needs of our Tameside communities, we would be grateful if you could spare a few minutes to answer a short survey on the future of Tameside Museums and Galleries. Closing date: **5 August 2019**.

**[Consultation on Proposed PSPO for Moorland \(Local\)](#)** – In an effort to prevent a repeat of last summer’s moorland fires, Tameside Council is proposing to introduce a public space protection order (PSPO). This consultation is for people to provide feedback on the proposals. Closing date: **5 August 2019**.

**[Local Studies and Archives Forward Plan \(Local\)](#)** - Tameside Local Studies and Archives Centre is creating a new Forward Plan, which sets out the vision for the borough’s Local Studies

and Archives Centre for the next five years. We would be grateful if you could spare a few minutes to answer a short survey on the future of Tameside Local Studies and Archives Centre. Closing date: **12 August 2019**.

### **National Engagement and Consultations**

There are currently a number of pieces of work being led by government departments and agencies that you may wish to take part in. For further information and to have your say please follow the relevant links below:

[Support for victims of domestic abuse in safe accommodation](#) - This paper seeks views on the government's proposals for a new approach to support victims of domestic abuse and their children in accommodation-based services in England. They are consulting on a new delivery model for accommodation-based support. This includes the introduction of a statutory duty on local authorities to provide support that meets the diverse needs of victims of domestic abuse and their children, ensuring they have access to provision that is right for them. Closing date: **2 August 2019**.

[Digital-first Primary Care: policy consultation on patient registration, funding and contracting rules](#) – The NHS Long Term Plan commits that every patient will have the right to be offered digital-first primary care. This consultation is seeking views on proposals to change how the system works to make it easier for surgeries to improve their digital services and allow more people to access digital GP services. Closing date: **23 August 2019**.

[Tenancy deposit reform: a call for evidence](#) – The Ministry of Housing, Communities and Local Government is seeking to understand the barriers tenants face providing a second deposit when moving from one tenancy to the next. It looks at what can be done to speed up the return of deposits to tenants at the end of the tenancy. Closing date: **5 September 2019**.

[Adding folic acid to flour](#) – The Department of Health & Social Care is seeking views on a proposal to make it mandatory for flour millers to add folic acid to flour. Mandatory fortification of flour is expected to help raise people's levels of a vitamin called folate. Raising folate levels in people who could become pregnant would help reduce the number of babies born with birth defects of the brain, spine or spinal cord. This change would be implemented across the UK. Closing date: **9 September 2019**.

[Restraint in mainstream settings and alternative provision](#) – the Department for Education recently published guidance on reducing the need for restraint and restrictive intervention in special schools. They would like to gather views on whether there is a need for guidance in mainstream schools, post-16 settings and alternative provision. It is open to professionals working in education settings, parents, young people, local authority staff and more. Closing date: **17 October 2019**.

All live and past consultations are available for viewing at the [Big Conversation](#) pages on the Council website.

### **Regional Scrutiny**

The Council appoints representatives to each of the Greater Manchester Combined Authority (GMCA) Scrutiny Panels and also scrutiny arrangements for Pennine Care. The links below provide you with access to the most recent meeting papers for each of the panels.

[Corporate Issues & Reform Overview & Scrutiny](#)

[Economy, Business Growth & Skills Overview & Scrutiny](#)

[Housing, Planning & Environment Overview & Scrutiny](#)

[Joint Scrutiny Panel for Pennine Care \(Mental Health\) Trust](#)

## **Scrutiny Resources**

In addition to the past training events, I will look to share any available material with you. This will include any material to support you in your role during the course of the year.

Recent publications:

- [Health Scrutiny and Integrated Care Systems](#)
- [The Good Scrutiny Guide](#)
- [Dealing with complaints at scrutiny](#)
- [Governance, Culture and Collaboration](#)
- [Scrutiny Frontiers 2019](#)
- [Making the most of our museums: a handbook for Councillors](#)
- [Understanding local housing markets](#)
- [One year on: the LGA green paper for adult social care and wellbeing](#)

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<b>Report To:</b>	<b>OVERVIEW</b>
<b>Date:</b>	9 September 2019
<b>Executive Member/Reporting Officer:</b>	Councillor Oliver Ryan, Executive Member (Finance & Economic Growth) Sandra Stewart - Director - Governance & Pensions Julie Speakman – Head of Executive Support
<b>Subject:</b>	Local Government and Social Care Ombudsman (LGSCO) Annual Report for Complaints monitoring
<b>Report Summary:</b>	This report provides a summary of Local Government and Social Care Ombudsman (LGSCO) complaints received by them about Tameside MBC. This information can be valuable in assessing the Council's performance in handling complaints
<b>Recommendations:</b>	The Panel is asked to note the content of the update. The Panel is asked to agree to receive quarterly update reports going forward. The Panel is asked to note the learning and improvements and to support through future reviews through the scrutiny work programme.
<b>Links to Corporate Plan:</b>	Putting people at the forefront of services is a key element of the Council's Corporate Plan. An effective and robust complaints handling procedure is a necessary step to achieving this.
<b>Policy Implications:</b>	An effective complaint function means that residents who do not receive the best quality service can notify the Council for the purposes of redress and the improvement of services in the future. It is important for the Council to take notice of findings and guidance on complaint handling to aid best practice. As a leader for the Customer Service Excellence standard it is also important to use this as an improvement tool to inform our custom and practice for service delivery.
<b>Financial Implications:</b> <b>(Authorised by Section 151 Officer)</b>	There are no direct financial implications as a result of this report.
<b>Legal Implications:</b> <b>(Authorised by the Borough Solicitor)</b>	The Ombudsman's jurisdiction is covered by the Local Government Act 1974 which defines the main statutory functions for the Ombudsman as: <ul style="list-style-type: none"><li>• to investigate complaints against councils and some other authorities</li><li>• to investigate complaints about adult social care providers from people who arrange or fund their adult social care (Health Act 2009).</li></ul> The Ombudsmen's jurisdiction under Part III of the Act covers all local authorities (excluding town and parish councils); police and crime bodies; and school admission appeal panels.

The LGO corporate strategy is based upon twin pillars of remedying injustice and improving local public services.

The Ombudsman is confident that the continued publication of decisions, focus reports on key themes and the data in the annual review letter is helping the sector to learn from its mistakes and support better services for citizens. Recently, Councils have been urged to scrutinise data on complaints to improve services.

It is important that the Council takes even greater measures to ensure that it is able to evidence that it learns from complaints and uses this learning to improve and maintain the quality of the services it commissions and provides.

**Risk Management:**

Failure to understand complaints received by the Council and analyse volumes and themes overall will lead to a risk of poor service delivery.

**Access to Information:**

The background papers relating to this report can be inspected by contacting the report writer Julie Speakman Head of Executive Support.

 Telephone: 0161 342 2142

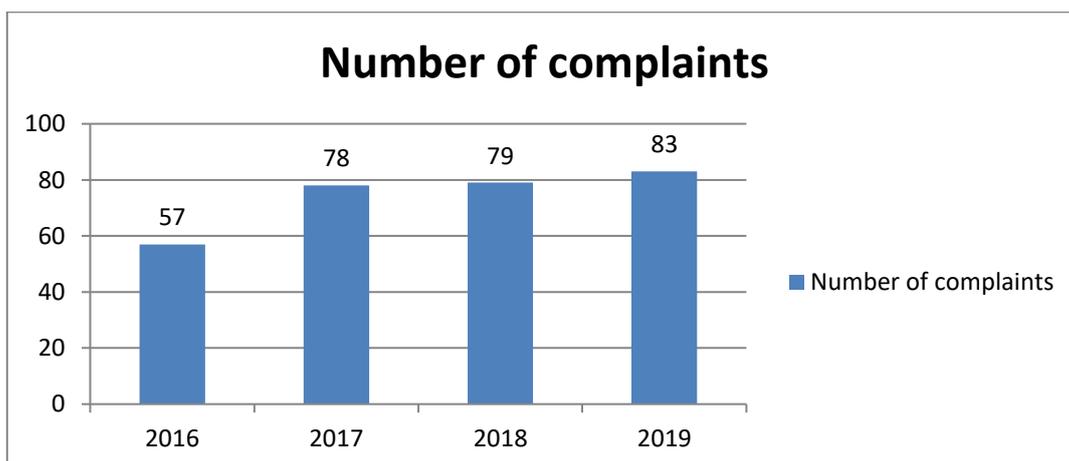
 email: [julie.speakman@tameside.gov.uk](mailto:julie.speakman@tameside.gov.uk)

## 1. INTRODUCTION

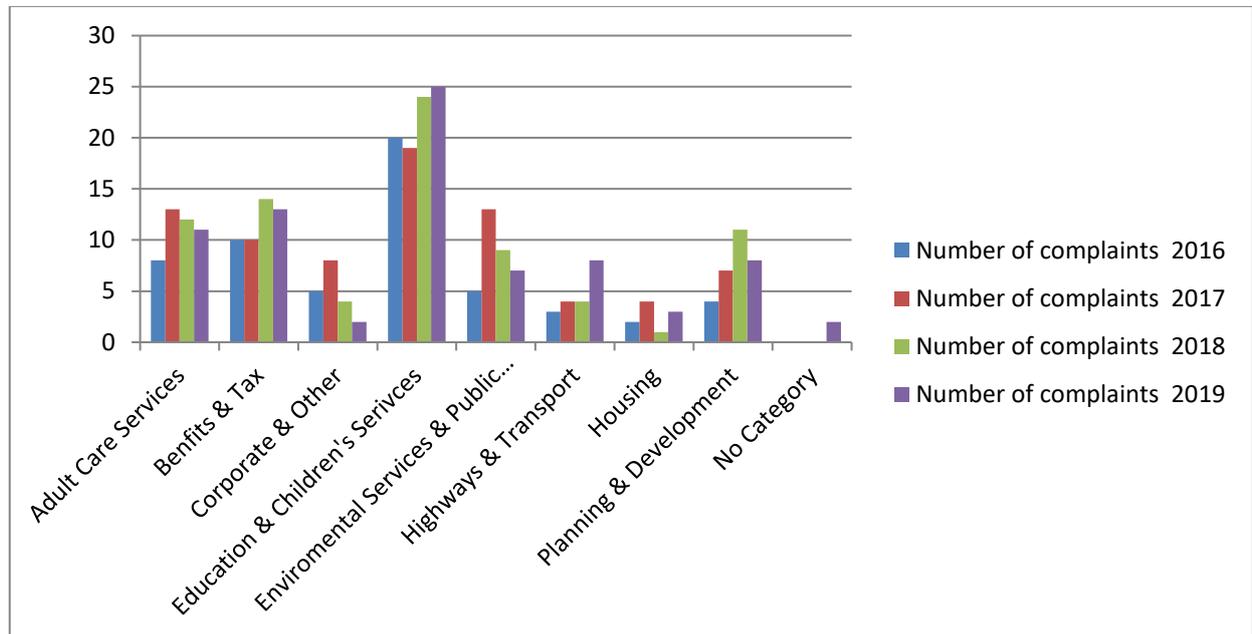
- 1.1 The Local Government and Social Care Ombudsman (LGSCO) is the final stage for complaints about councils and some other authorities and organisations, including education admissions appeal panels and adult social care providers (such as care homes and home care providers).
- 1.2 Every July the Ombudsman publishes information on the complaints and enquiries received about individual local authorities and the decisions made during that financial year. This information can be valuable in helping local authorities assess their performance in handling complaints. Under a refreshed routine the annual report was reported to Overview, the first time in September 2018, this report provides the most recent report received in July 2019 for the year ending 31 March 2019.
- 1.3 The volume of complaints received does not necessarily, in itself, indicate the quality of a council's performance. High volumes of complaints can be a sign of an open, learning organisation, as well as sometimes being an early warning of wider problems. Low complaint volumes, rather than always being an indicator that all is well, can be a worrying indicator that the authority is not alert to user feedback and that service users do not believe that complaining will have an effect.
- 1.4 The annual report is published on the LGSCO website and for the first time this includes data relating to compliance and recommendation made. For further general information, please refer to the Local Government and Social Care Ombudsman website at: <https://www.lgo.org.uk>. A copy of the annual report can be found at Appendix A.

## 2. KEY POINTS

- 2.1 During the period 1 April 2018 to 31 March 2019 the authority received 83 enquiries from the LGSCO which has shown a slight increase on the previous years. The chart below shows the number of complaints received to the ombudsman from 2016 to the reporting period.



2.2 The number of complaints received for the reporting period were made up across a number of service areas and the chart below shows comparison of numbers to previous years:-



2.2 Of the complaints received the table below summaries the LGSCO findings over their 6 reporting categories.

	Closed after initial enquiry	Advice given	Incomplete/invalid	No upheld	Referred back for local resolution	Upheld
Adults Services	2	0	0	0	4	5
Benefits & Tax	5	0	1	0	5	0
Corporate Other	1	0	1	0	0	0
Education & Children's Services	6	0	1	5	10	3
Environmental Services & Public Protection/Regulation	2	0	0	0	6	2
Highways & Transport	2	0	0	1	5	0
Housing	0	0	0	1	3	0
Planning & Development	3	0	0	1	4	1
No Category	0	1	2	0	0	0
<b>Total</b>	<b>21</b>	<b>1</b>	<b>5</b>	<b>8</b>	<b>37</b>	<b>11</b>

### 3. UPHELD DECISIONS

3.1 There were 11 upheld decisions based on a total of 19 detailed investigations during the reporting period which equates to 58% compared to an average of 61% in similar authorities. Please see Appendix B for reference

3.2 In relation to compliance the LGSCO was satisfied the council had successfully implemented the reported recommendations in 100% of cases (8) this compares to an average of 99% in similar authorities. Although it is important to note that for 2 of these

cases albeit complied with and remedies applied, the actions were not completed within the agreed timescales and this was noted at the time for learning for future. Since these cases, the process for review and noting remedies and timescales has been strengthened.

- 3.3 In 18% (2 cases) of the upheld cases the LGSCO found that the council had provided a satisfactory remedy before the complaint reached the ombudsman, this compares to an average of 14% in similar authorities. Please see Appendix C for reference.

#### **4. LGSCO RECOMMENDATIONS**

- 4.1 The LGSCO made recommendations for service improvements on 5 complaints during this reportable period. When the LGSCO find fault they carefully look at the root cause and propose recommendations for improvements to systems and processes so that the issues do not reoccur.
- 4.2 The categories of complaints and the recommendations were made in the areas/themes noted below:-
- Adult Care Services – Direct Payments
  - Adult Care Services – Safeguarding
  - Adult Care Services – Charging
  - Education – School Admissions
  - Children’s Care Services – Child Protection

Further information on these recommendations can be found at Appendix D.

#### **5. LGSCO DECISIONS REPORTED**

- 5.1 As an open and accountable ombudsman service the LGSCO are committed to having transparent decision making processes. The LGSCO publish all of their decisions. Real names are not used. In certain cases where it is not in the complainant's interest or anonymity may be compromised, they can decide not to publish a decision. Decisions are published three months after the date of completion.
- 5.2 This year the LGSO published one public report about the Council detailing failings in how a commissioned care provider communicated with a family in the days leading up to their relative’s death. While the investigation found problems around communication, record keeping and local safeguarding practices, the LGSCO reported they were grateful for the particularly constructive and proactive way the Council responded to the findings, and the clear commitment it showed to learn from the complaint.
- 5.2 All decisions and recommendations are published by the LGSCO for the council and these can be found at Appendix E or by visiting <https://www.lgo.org.uk/decisions>.

#### **6. SUPPORT FOR DEALING WITH COMPLAINTS**

- 6.1 The council recognises the importance of dealing with complaints in a timely and effective manner is crucial. To support officers in the organisation to do this, the LGSCO was engaged in 2018 to deliver their Effective Complaint Handling training course. This was delivered over three themes:-
- a) Adult Social Care
  - b) Children’s Social Care
  - c) General complaints

- 6.2 There were over 50 key line managers that attended the training for their specialist areas and the LGSCO returned in June 2019 to deliver another round of this training to further groups of managers/staff. The feedback from the training has been very positive. Elements of this training and learning is also being built into the councils own organisational and development training programme to further enhance staff learning in this area.
- 6.3 A new corporate complaints case management system has recently been procured and plans are being finalised for the implementation the beginning of 2020. This work will be underpinned with new staffing resources that have been secured as part of a review of the functions that the Executive Support service delivers. These key areas of work will help to ensure that dealing with complaints is paramount to improved service delivery and enhanced customer journey experience.

## 7. LEARNING

- 7.1 As part of the annual data that the LGSCO share with local authorities, there is also a plethora of information that is shared through learning workshops with Information Link Officers that are held across the country and more so a library of material held on the ombudsman's website.
- 7.2 A section of the website that is useful to note is that relating focus reports that have been developed by the ombudsman. Focus reports highlight common or systemic issues the ombudsman sees that are brought to life with case studies from complaints. The focus report share learning from complaints to help other councils and care providers make improvements, contribute to public policy debates and give elected members tools to scrutinise local services and help to inform their future programme of work. The reports can be found by visiting <https://www.lgo.org.uk/information-centre/reports/focus-reports>.
- 7.3 The LGSCO website also provides a library of documents to support elected members in asking questions relating to complaints raised by the public which can be a rich source of information. This information can identify issues that are affecting local people and therefore play an essential role in supporting the scrutiny of public services.
- 7.4 An example of a range of questions and approaches that the LGSCO pose to elected members to consider under the theme of "under pressure" are below as taken from the ombudsman's website. These are particularly aimed at leaders and scrutiny committees and may help to inform the future work programme of Scrutiny Panels.
- How is the council planning for the impact on service users of change programmes?
  - How is the council ensuring that changes to eligibility criteria are lawful, based on need, and properly communicated?
  - How is the council properly managing any organisations acting on its behalf and embedding clear lines of accountability for dealing with complaints and concerns?
  - How is the council ensuring service redesigns avoid a loss of corporate memory and retain continuity for vulnerable service users?
  - How is the council using its own complaint information to anticipate problem areas for service users or training needs of its own staff?
  - How is the council demonstrating it learns from Ombudsman investigations?
- Scrutiny Committees could:
- review complaints information in the wake of councils reviewing and changing eligibility policies. Assess whether the revised policies, and their application, are making permanent improvements
  - review the situation after six or twelve months to see whether any change programmes are achieving the desired outcomes without adverse impacts to service users

**8. RECOMMENDATIONS**

8.1 As set out on the front of the report.

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24 July 2019

*By email*

Steven Pleasant  
Chief Executive  
Tameside Metropolitan Borough Council

Dear Mr Pleasant

### **Annual Review letter 2019**

I write to you with our annual summary of statistics on the complaints made to the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2019. The enclosed tables present the number of complaints and enquiries received about your authority, the decisions we made, and your authority's compliance with recommendations during the period. I hope this information will prove helpful in assessing your authority's performance in handling complaints.

### **Complaint statistics**

As ever, I would stress that the number of complaints, taken alone, is not necessarily a reliable indicator of an authority's performance. The volume of complaints should be considered alongside the uphold rate (how often we found fault when we investigated a complaint), and alongside statistics that indicate your authority's willingness to accept fault and put things right when they go wrong. We also provide a figure for the number of cases where your authority provided a satisfactory remedy before the complaint reached us, and new statistics about your authority's compliance with recommendations we have made; both of which offer a more comprehensive and insightful view of your authority's approach to complaint handling.

The new statistics on compliance are the result of a series of changes we have made to how we make and monitor our recommendations to remedy the fault we find. Our recommendations are specific and often include a time-frame for completion, allowing us to follow up with authorities and seek evidence that recommendations have been implemented. These changes mean we can provide these new statistics about your authority's compliance with our recommendations.

I want to emphasise the statistics in this letter reflect the data we hold and may not necessarily align with the data your authority holds. For example, our numbers include

enquiries from people we signpost back to your authority, some of whom may never contact you.

In line with usual practice, we are publishing our annual data for all authorities on our website, alongside our annual review of local government complaints. For the first time, this includes data on authorities' compliance with our recommendations. This collated data further aids the scrutiny of local services and we encourage you to share learning from the report, which highlights key cases we have investigated during the year.

This year we published one public report about your Council detailing failings in how a commissioned care provider communicated with a family in the days leading up to their relative's death. While the investigation found problems around communication, record keeping and local safeguarding practices, we were grateful for the particularly constructive and proactive way the Council responded to the findings, and the clear commitment it showed to learn from the complaint.

I am pleased to note the Council provided satisfactory evidence of compliance with our recommendations in eight cases last year. However, we were disappointed that in two of these cases, remedies were not completed within the agreed timescales. While I appreciate the pressures local authorities are under, delays in implementing remedies will naturally add to complainants' injustice and prevents my office from conducting its work in an efficient manner. I would ask the Council to reflect on the way it implements our remedies, with a view to reducing any avoidable delay in the process.

### **New interactive data map**

In recent years we have been taking steps to move away from a simplistic focus on complaint volumes and instead focus on the lessons learned and the wider improvements we can achieve through our recommendations to improve services for the many. Our ambition is outlined in our [corporate strategy 2018-21](#) and commits us to publishing the outcomes of our investigations and the occasions our recommendations result in improvements for local services.

The result of this work is the launch of an interactive map of council performance on our website later this month. [Your Council's Performance](#) shows annual performance data for all councils in England, with links to our published decision statements, public interest reports, annual letters and information about service improvements that have been agreed by each council. It also highlights those instances where your authority offered a suitable remedy to resolve a complaint before the matter came to us, and your authority's compliance with the recommendations we have made to remedy complaints.

The intention of this new tool is to place a focus on your authority's compliance with investigations. It is a useful snapshot of the service improvement recommendations your authority has agreed to. It also highlights the wider outcomes of our investigations to the public, advocacy and advice organisations, and others who have a role in holding local councils to account.

I hope you, and colleagues, find the map a useful addition to the data we publish. We are the first UK public sector ombudsman scheme to provide compliance data in such a way and believe the launch of this innovative work will lead to improved scrutiny of councils as well as

providing increased recognition to the improvements councils have agreed to make following our interventions.

### **Complaint handling training**

We have a well-established and successful training programme supporting local authorities and independent care providers to help improve local complaint handling. In 2018-19 we delivered 71 courses, training more than 900 people, including our first 'open courses' in Effective Complaint Handling for local authorities. Due to their popularity we are running six more open courses for local authorities in 2019-20, in York, Manchester, Coventry and London. To find out more visit [www.lgo.org.uk/training](http://www.lgo.org.uk/training).

We were pleased to deliver three complaint handling courses to your staff during the year, including adult social care and children's social care courses. I welcome your Council's investment in good complaint handling training and trust the courses were useful to you.

Finally, I am conscious of the resource pressures that many authorities are working within, and which are often the context for the problems that we investigate. In response to that situation we have published a significant piece of research this year looking at some of the common issues we are finding as a result of change and budget constraints. Called, [Under Pressure](#), this report provides a contribution to the debate about how local government can navigate the unprecedented changes affecting the sector. I commend this to you, along with our revised guidance on [Good Administrative Practice](#). I hope that together these are a timely reminder of the value of getting the basics right at a time of great change.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'M King', with a stylized flourish at the end.

Michael King  
Local Government and Social Care Ombudsman  
Chair, Commission for Local Administration in England

**Local Authority Report:** Tameside Metropolitan Borough Council  
**For the Period Ending:** 31/03/2019

For further information on how to interpret our statistics, please visit our [website](#)

## Complaints and enquiries received

Adult Care Services	Benefits and Tax	Corporate and Other Services	Education and Children's Services	Environment Services	Highways and Transport	Housing	Planning and Development	Other	Total
10	13	2	25	10	8	3	8	3	82

## Decisions made

Incomplete or Invalid	Advice Given	Referred back for Local Resolution	Closed After Initial Enquiries	Detailed Investigations			Total
				Not Upheld	Upheld	Uphold Rate (%)	
5	1	37	21	8	11	58	83

**Note:** The uphold rate shows how often we found evidence of fault. It is expressed as a percentage of the total number of detailed investigations we completed.

## Satisfactory remedy provided by authority

Upheld cases where the authority had provided a satisfactory remedy before the complaint reached the Ombudsman	% of upheld cases
2	18

**Note:** These are the cases in which we decided that, while the authority did get things wrong, it offered a satisfactory way to resolve it before the complaint came to us.

## Compliance with Ombudsman recommendations

Complaints where compliance with the recommended remedy was recorded during the year*	Complaints where the authority complied with our recommendations on-time	Complaints where the authority complied with our recommendations late	Complaints where the authority has not complied with our recommendations	
8	6	2	0	Number
	100%		-	Compliance rate**
<p><b>Notes:</b></p> <p>* This is the number of complaints where we have recorded a response (or failure to respond) to our recommendation for a remedy during the reporting year. This includes complaints that may have been decided in the preceding year but where the data for compliance falls within the current reporting year.</p> <p>** The compliance rate is based on the number of complaints where the authority has provided evidence of their compliance with our recommendations to remedy a fault. This includes instances where an authority has accepted and implemented our recommendation but provided late evidence of that.</p>				

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Reference	Authority	Category	Received
17020472	Tameside Metropolitan Borough Council	Planning & Development	03 Apr 2018
18000078	Tameside Metropolitan Borough Council	Highways & Transport	04 Apr 2018
18000105	Tameside Metropolitan Borough Council	Education & Childrens Services	04 Apr 2018
18000301	Tameside Metropolitan Borough Council	Benefits & Tax	06 Apr 2018
18000509	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	11 Apr 2018
18000662	Tameside Metropolitan Borough Council	Null	13 Apr 2018
17018348	Tameside Metropolitan Borough Council	Planning & Development	16 Apr 2018
18000813	Tameside Metropolitan Borough Council	Housing	16 Apr 2018
17019887	Tameside Metropolitan Borough Council	Highways & Transport	27 Apr 2018
18001694	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	02 May 2018
18001759	Tameside Metropolitan Borough Council	Highways & Transport	03 May 2018
18001883	Tameside Metropolitan Borough Council	Education & Childrens Services	08 May 2018
18001970	Tameside Metropolitan Borough Council	Planning & Development	09 May 2018
18002066	Tameside Metropolitan Borough Council	Benefits & Tax	10 May 2018
18002132	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	11 May 2018
18003055	Tameside Metropolitan Borough Council	Benefits & Tax	29 May 2018
18003266	Tameside Metropolitan Borough Council	Planning & Development	31 May 2018
18004111	Tameside Metropolitan Borough Council	Highways & Transport	15 Jun 2018
18004131	Tameside Metropolitan Borough Council	Housing	18 Jun 2018
18004182	Tameside Metropolitan Borough Council	Housing	18 Jun 2018
18004449	Tameside Metropolitan Borough Council	Corporate & Other Services	21 Jun 2018
18004785	Tameside Metropolitan Borough Council	Education & Childrens Services	28 Jun 2018
18005101	Tameside Metropolitan Borough Council	Education & Childrens Services	04 Jul 2018
18005124	Tameside Metropolitan Borough Council	Adult Care Services	04 Jul 2018
18005157	Tameside Metropolitan Borough Council	Adult Care Services	04 Jul 2018
18005304	Tameside Metropolitan Borough Council	Benefits & Tax	06 Jul 2018
18005352	Tameside Metropolitan Borough Council	Education & Childrens Services	09 Jul 2018
18000260	Tameside Metropolitan Borough Council	Adult Care Services	10 Jul 2018
18006023	Tameside Metropolitan Borough Council	Education & Childrens Services	18 Jul 2018
18006396	Tameside Metropolitan Borough Council	Benefits & Tax	25 Jul 2018
18006492	Tameside Metropolitan Borough Council	Education & Childrens Services	25 Jul 2018
18006848	Tameside Metropolitan Borough Council	Education & Childrens Services	31 Jul 2018
18006926	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	01 Aug 2018
18006949	Tameside Metropolitan Borough Council	Benefits & Tax	02 Aug 2018
18007041	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	03 Aug 2018
18007349	Tameside Metropolitan Borough Council	Education & Childrens Services	08 Aug 2018
18007568	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	14 Aug 2018
18007685	Tameside Metropolitan Borough Council	Education & Childrens Services	16 Aug 2018
18007964	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	21 Aug 2018
18006350	Tameside Metropolitan Borough Council	Planning & Development	22 Aug 2018
18008148	Tameside Metropolitan Borough Council	Education & Childrens Services	23 Aug 2018

18008266	Tameside Metropolitan Borough Council	Null	28 Aug 2018
18008397	Tameside Metropolitan Borough Council	Education & Childrens Services	29 Aug 2018
17014772	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	03 Sep 2018
17015618	Tameside Metropolitan Borough Council	Planning & Development	04 Sep 2018
18008847	Tameside Metropolitan Borough Council	Benefits & Tax	06 Sep 2018
18004541	Tameside Metropolitan Borough Council	Education & Childrens Services	10 Sep 2018
18007392	Tameside Metropolitan Borough Council	Adult Care Services	10 Sep 2018
18006901	Tameside Metropolitan Borough Council	Education & Childrens Services	14 Sep 2018
18009336	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	17 Sep 2018
18009819	Tameside Metropolitan Borough Council	Education & Childrens Services	25 Sep 2018
18009399	Tameside Metropolitan Borough Council	Education & Childrens Services	27 Sep 2018
18010149	Tameside Metropolitan Borough Council	Education & Childrens Services	01 Oct 2018
18010957	Tameside Metropolitan Borough Council	Highways & Transport	17 Oct 2018
18011449	Tameside Metropolitan Borough Council	Adult Care Services	24 Oct 2018
18011557	Tameside Metropolitan Borough Council	Null	26 Oct 2018
18011700	Tameside Metropolitan Borough Council	Adult Care Services	31 Oct 2018
18012005	Tameside Metropolitan Borough Council	Education & Childrens Services	02 Nov 2018
18012006	Tameside Metropolitan Borough Council	Education & Childrens Services	02 Nov 2018
18009621	Tameside Metropolitan Borough Council	Adult Care Services	09 Nov 2018
18003119	Tameside Metropolitan Borough Council	Planning & Development	21 Nov 2018
18013449	Tameside Metropolitan Borough Council	Benefits & Tax	30 Nov 2018
18000187	Tameside Metropolitan Borough Council	Benefits & Tax	03 Dec 2018
18013695	Tameside Metropolitan Borough Council	Highways & Transport	05 Dec 2018
18013328	Tameside Metropolitan Borough Council	Adult Care Services	03 Jan 2019
18014960	Tameside Metropolitan Borough Council	Corporate & Other Services	04 Jan 2019
18015444	Tameside Metropolitan Borough Council	Highways & Transport	11 Jan 2019
18015555	Tameside Metropolitan Borough Council	Highways & Transport	15 Jan 2019
18015954	Tameside Metropolitan Borough Council	Education & Childrens Services	22 Jan 2019
18015971	Tameside Metropolitan Borough Council	Benefits & Tax	22 Jan 2019
18016023	Tameside Metropolitan Borough Council	Planning & Development	22 Jan 2019
18016570	Tameside Metropolitan Borough Council	Education & Childrens Services	31 Jan 2019
18016681	Tameside Metropolitan Borough Council	Education & Childrens Services	01 Feb 2019
18015904	Tameside Metropolitan Borough Council	Adult Care Services	07 Feb 2019
18016891	Tameside Metropolitan Borough Council	Benefits & Tax	08 Feb 2019
18017799	Tameside Metropolitan Borough Council	Adult Care Services	20 Feb 2019
18017961	Tameside Metropolitan Borough Council	Benefits & Tax	25 Feb 2019
18018279	Tameside Metropolitan Borough Council	Education & Childrens Services	28 Feb 2019
18018724	Tameside Metropolitan Borough Council	Education & Childrens Services	07 Mar 2019
18018880	Tameside Metropolitan Borough Council	Benefits & Tax	11 Mar 2019
18018900	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	12 Mar 2019
18018995	Tameside Metropolitan Borough Council	Education & Childrens Services	13 Mar 2019

Reference	Authority	Category	Decided	Decision	Decision Reason	Remedy	Service improvement recommendations
18000078	Tameside Metropolitan Borough Council	Highways & Transport	04 Apr 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18000105	Tameside Metropolitan Borough Council	Education & Childrens Services	04 Apr 2018	Premature Decision - advice given	Referred back for local resolution	Null	
17019390	Tameside Metropolitan Borough Council	Planning & Development	05 Apr 2018	26(6)(b) appeal to Minister	Closed after initial enquiries	Null	
18000301	Tameside Metropolitan Borough Council	Benefits & Tax	06 Apr 2018	Insufficient information to proceed and PA advised	Incomplete/Invalid	Null	
18000509	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	11 Apr 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18000662	Tameside Metropolitan Borough Council	Null	13 Apr 2018	Insufficient information to proceed and PA advised	Incomplete/Invalid	Null	
18000813	Tameside Metropolitan Borough Council	Housing	16 Apr 2018	Premature Decision - advice given	Referred back for local resolution	Null	
17020472	Tameside Metropolitan Borough Council	Planning & Development	18 Apr 2018	Premature Decision - referred to BinJ	Referred back for local resolution	Null	
17020072	Tameside Metropolitan Borough Council	Adult Care Services	30 Apr 2018	Injustice remedied during BinJ complaint processes	Upheld	Null	
17014700	Tameside Metropolitan Borough Council	Planning & Development	01 May 2018	Not warranted by alleged injustice	Closed after initial enquiries	Null	
18001759	Tameside Metropolitan Borough Council	Highways & Transport	03 May 2018	Premature Decision - advice given	Referred back for local resolution	Null	
17018348	Tameside Metropolitan Borough Council	Planning & Development	04 May 2018	Premature Decision - referred to BinJ	Referred back for local resolution	Null	
18001883	Tameside Metropolitan Borough Council	Education & Childrens Services	08 May 2018	Premature Decision - advice given	Referred back for local resolution	Null	
17011594	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	18 May 2018	mal no inj	Upheld	Null	
17012757	Tameside Metropolitan Borough Council	Adult Care Services	23 May 2018	mal & inj S30(1)	Upheld	Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review, Training and guidance	The Council has also agreed to undertake a number of service improvements. It is introducing a revised Safeguarding Adults Policy, and will provide updated training to relevant staff. It will also refresh staff understanding of how to handle safeguarding concerns. It will signpost care staff to the Care Quality Commission (CQC) guidance on seeking medical advice. As part of future contracts, it will require care homes to agree with residents' families the level of notification they would like about changes in their condition, and record this in the resident's care plan. It has undertaken training for adult social care staff on handling complaints. It will share this report with staff at Oakwood Care Centre, Oakwood Care Centre has also undertaken a number of service improvements. It has introduced a new 'Unexpected Death Policy and Procedure', and staff will be required to sign to confirm they have read it. It will discuss the contents of this report at its next team meeting. It has introduced new care plans, which clearly indicate whether resuscitation should be attempted. The manager and deputy manager are now 'safeguarding adult' managers. It will shortly review its notification process.
18003055	Tameside Metropolitan Borough Council	Benefits & Tax	29 May 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18001694	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	30 May 2018	Not warranted by alleged mal/service failure	Closed after initial enquiries	Null	
18003266	Tameside Metropolitan Borough Council	Planning & Development	31 May 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18001970	Tameside Metropolitan Borough Council	Planning & Development	08 Jun 2018	Premature Decision - advised	Referred back for local resolution	Null	
18002066	Tameside Metropolitan Borough Council	Benefits & Tax	12 Jun 2018	Sch 5.1 court proceedings	Closed after initial enquiries	Null	
18002132	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	15 Jun 2018	Premature Decision - referred to BinJ	Referred back for local resolution	Null	
17010063	Tameside Metropolitan Borough Council	Housing	18 Jun 2018	no mal	Not Upheld	Null	
18004131	Tameside Metropolitan Borough Council	Housing	18 Jun 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18004182	Tameside Metropolitan Borough Council	Housing	18 Jun 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18005101	Tameside Metropolitan Borough Council	Education & Childrens Services	04 Jul 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18006023	Tameside Metropolitan Borough Council	Education & Childrens Services	18 Jul 2018	Premature Decision - referred to BinJ	Referred back for local resolution	Null	
18004111	Tameside Metropolitan Borough Council	Highways & Transport	24 Jul 2018	26(6)(c) Court remedy	Closed after initial enquiries	Null	
18006396	Tameside Metropolitan Borough Council	Benefits & Tax	25 Jul 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18004449	Tameside Metropolitan Borough Council	Corporate & Other Services	26 Jul 2018	26(6)(a) tribunal ICO FOIA only	Closed after initial enquiries	Null	
17006787	Tameside Metropolitan Borough Council	Education & Childrens Services	30 Jul 2018	mal & inj	Upheld	Financial redress: Avoidable	
18005157	Tameside Metropolitan Borough Council	Adult Care Services	01 Aug 2018	Premature Decision - referred to BinJ	Referred back for local resolution	Null	
18006926	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	01 Aug 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18006949	Tameside Metropolitan Borough Council	Benefits & Tax	02 Aug 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18007041	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	03 Aug 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18005304	Tameside Metropolitan Borough Council	Benefits & Tax	04 Aug 2018	Premature Decision - referred to BinJ	Referred back for local resolution	Null	
17019887	Tameside Metropolitan Borough Council	Highways & Transport	07 Aug 2018	no mal	Not Upheld	Null	
18007349	Tameside Metropolitan Borough Council	Education & Childrens Services	08 Aug 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18006492	Tameside Metropolitan Borough Council	Education & Childrens Services	14 Aug 2018	Not warranted by alleged mal/service failure	Closed after initial enquiries	Null	
18005124	Tameside Metropolitan Borough Council	Adult Care Services	16 Aug 2018	Not warranted by alleged injustice	Closed after initial enquiries	Null	
16015034	Tameside Metropolitan Borough Council	Adult Care Services	20 Aug 2018	mal & inj	Upheld	Financial redress: Avoidable distress/time and trouble, Financial Redress: Quantifiable Loss, New	The Council has identified others affected by the previous charging policy and repays any charges it has levied to others which were not in line with the law and guidance in force before 1 April 2015. Within three months of my final decision, the Council will ensure all those affected are repaid and inform me of the
17016974	Tameside Metropolitan Borough Council	Planning & Development	23 Aug 2018	no mal	Not Upheld	Null	
18004785	Tameside Metropolitan Borough Council	Education & Childrens Services	24 Aug 2018	no mal	Not Upheld	Null	
18008266	Tameside Metropolitan Borough Council	Null	28 Aug 2018	Insufficient information to proceed and PA advised	Incomplete/Invalid	Null	
18008397	Tameside Metropolitan Borough Council	Education & Childrens Services	29 Aug 2018	Insufficient information to proceed and PA advised	Incomplete/Invalid	Null	
18007568	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	30 Aug 2018	Premature Decision - referred to BinJ	Referred back for local resolution	Null	
18006848	Tameside Metropolitan Borough Council	Education & Childrens Services	13 Sep 2018	Premature Decision - referred to BinJ	Referred back for local resolution	Null	
17015618	Tameside Metropolitan Borough Council	Planning & Development	17 Sep 2018	Not warranted by alleged injustice	Closed after initial enquiries	Null	
18009336	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	17 Sep 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18007964	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	28 Sep 2018	26(6)(c) Court remedy	Closed after initial enquiries	Null	
18006901	Tameside Metropolitan Borough Council	Education & Childrens Services	02 Oct 2018	Not warranted by alleged mal/service failure	Closed after initial enquiries	Null	
18008148	Tameside Metropolitan Borough Council	Education & Childrens Services	04 Oct 2018	Premature Decision - referred to BinJ	Referred back for local resolution	Null	
18010957	Tameside Metropolitan Borough Council	Highways & Transport	17 Oct 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18007392	Tameside Metropolitan Borough Council	Adult Care Services	18 Oct 2018	Premature Decision - referred to BinJ	Referred back for local resolution	Null	
18004541	Tameside Metropolitan Borough Council	Education & Childrens Services	19 Oct 2018	Sch 5.1 court proceedings	Closed after initial enquiries	Null	
18008847	Tameside Metropolitan Borough Council	Benefits & Tax	23 Oct 2018	Not warranted by alleged mal/service failure	Closed after initial enquiries	Null	

18011557	Tameside Metropolitan Borough Council	Null	26 Oct 2018	Signpost - go to advice agency	Advice given	Null	
18011700	Tameside Metropolitan Borough Council	Adult Care Services	31 Oct 2018	Premature Decision - advice given	Referred back for local resolution	Null	
18011449	Tameside Metropolitan Borough Council	Adult Care Services	05 Nov 2018	Premature Decision - referred to BinJ	Referred back for local resolution	Null	
18006352	Tameside Metropolitan Borough Council	Education & Childrens Services	10 Nov 2018	mal & inj	Upheld	Apology, Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review	Within three months of the date of decision, the Council is to consider lessons learned from this complaint and whether there is more it could do to mitigate the possibility of the fault identified in this case (ie a lack of school appeal panel members leading to a delay in hearing appeals) arising in future.
18009399	Tameside Metropolitan Borough Council	Education & Childrens Services	10 Nov 2018	No worthwhile outcome achievable by investigation	Closed after initial enquiries	Null	
18000260	Tameside Metropolitan Borough Council	Adult Care Services	22 Nov 2018	mal & inj	Upheld	Apology, Financial redress: Avoidable distress/time and trouble, Procedure or policy change/review, Training and guidance	The Council will issue a written briefing to all its Adult Social Care staff stating disputes about care home fees should be directed to the Billing Team. This Team should place any debt relating to a dispute on hold whilst it investigates the concerns that were raised. If after an investigation the dispute cannot be resolved, the person raising it should be informed of their right to make a complaint about the matter. The Council will discuss the outcome of this complaint and the Ombudsman's final decision in an Adult Social Care team manager's meeting for learning purposes. The points raised should focus on the need to keep complainants updated of any delays, when and how discretion should be exercised if a complaint is late, and the need to carry out a full investigation if discretion is exercised.
17012483	Tameside Metropolitan Borough Council	Adult Care Services	30 Nov 2018	Not warranted by alleged mal/service failure	Closed after initial enquiries	Null	
18006350	Tameside Metropolitan Borough Council	Planning & Development	09 Jan 2019	mal & inj - no further action, BinJ already remedied	Upheld	Null	
18007685	Tameside Metropolitan Borough Council	Education & Childrens Services	15 Jan 2019	no mal	Not Upheld	Null	
18013695	Tameside Metropolitan Borough Council	Highways & Transport	18 Jan 2019	Other Agency better placed	Closed after initial enquiries	Null	
18013449	Tameside Metropolitan Borough Council	Benefits & Tax	22 Jan 2019	No worthwhile outcome achievable by investigation	Closed after initial enquiries	Null	
18000187	Tameside Metropolitan Borough Council	Benefits & Tax	25 Jan 2019	26(6)(c) Court remedy	Closed after initial enquiries	Null	
18015555	Tameside Metropolitan Borough Council	Highways & Transport	28 Jan 2019	Premature Decision - referred to BinJ	Referred back for local resolution	Null	
18010149	Tameside Metropolitan Borough Council	Education & Childrens Services	31 Jan 2019	mal & inj	Upheld	New appeal/review or reconsidered decision, Other Remedy	The Council has also agreed that its Children's Services Senior Leadership Team will discuss the findings of the Ombudsman's investigation at its next meeting, ensuring a senior manager from the Complaints Team is in attendance. Those present will establish why the handling of the complaint and the HCPC referral was delayed, and consider whether any measures should be put in place to prevent these faults from recurring. Within two weeks of the meeting, the Council will provide the Ombudsman with a record or minutes of the discussion and confirm whether it will take any action, providing reasons if it decides not to.
18016681	Tameside Metropolitan Borough Council	Education & Childrens Services	01 Feb 2019	Premature Decision - advice given	Referred back for local resolution	Null	
18014960	Tameside Metropolitan Borough Council	Corporate & Other Services	04 Feb 2019	Insufficient information to proceed and PA advised	Incomplete/Invalid	Null	
18009621	Tameside Metropolitan Borough Council	Adult Care Services	06 Feb 2019	Remedy agreed during investigation (no finding on mal: no public interest)	Upheld	New appeal/review or reconsidered decision	
18012005	Tameside Metropolitan Borough Council	Education & Childrens Services	07 Feb 2019	no mal	Not Upheld	Null	
18012006	Tameside Metropolitan Borough Council	Education & Childrens Services	07 Feb 2019	no mal	Not Upheld	Null	
18009819	Tameside Metropolitan Borough Council	Education & Childrens Services	12 Feb 2019	Other reason not to continue with investigation	Not Upheld	Null	
18015444	Tameside Metropolitan Borough Council	Highways & Transport	14 Feb 2019	Premature Decision - referred to BinJ	Referred back for local resolution	Null	
18017961	Tameside Metropolitan Borough Council	Benefits & Tax	25 Feb 2019	Premature Decision - advice given	Referred back for local resolution	Null	
18015971	Tameside Metropolitan Borough Council	Benefits & Tax	26 Feb 2019	26(6)(a) tribunal Other	Closed after initial enquiries	Null	
18015954	Tameside Metropolitan Borough Council	Education & Childrens Services	01 Mar 2019	Not warranted by alleged injustice	Closed after initial enquiries	Null	
17014772	Tameside Metropolitan Borough Council	Environmental Services & Public Protection & Regulation	04 Mar 2019	mal & inj	Upheld	Apology, Financial redress: Avoidable distress/time and trouble	
18018995	Tameside Metropolitan Borough Council	Education & Childrens Services	13 Mar 2019	Premature Decision - advice given	Referred back for local resolution	Null	
18016570	Tameside Metropolitan Borough Council	Education & Childrens Services	19 Mar 2019	Sch 5.1 court proceedings	Closed after initial enquiries	Null	
18018279	Tameside Metropolitan Borough Council	Education & Childrens Services	19 Mar 2019	Premature Decision - referred to BinJ	Referred back for local resolution	Null	

Reference	Authority	Category	Decided	Remedy	Remedy Target Date	Remedy Achieved Date	Satisfaction with Compliance
17004887	Tameside Metropolitan Borough Council	Education & Childrens Services	14-Mar-18	Apology Add or Correct Records	16-Apr-18	13-Apr-18	Remedy complete and satisfied
17006787	Tameside Metropolitan Borough Council	Education & Childrens Services	30-Jul-18	Financial redress: Avoidable distress/time and trouble Provide services	30-Aug-18	22-Aug-18	Remedy not complete but satisfied
17012757	Tameside Metropolitan Borough Council	Adult Care Services	23-May-18	Financial redress: Avoidable distress/time and trouble Procedure or policy change/review Training and guidance	15-Aug-18	11-Sep-18	Remedy completed late
17009848	Tameside Metropolitan Borough Council	Highways & Transport	04-Jan-18	Apology Financial redress: Loss of service Training and guidance Procedure or policy change/review	04-Apr-18	12-Sep-18	Remedy completed late
16015034	Tameside Metropolitan Borough Council	Adult Care Services	20-Aug-18	Financial redress: Avoidable distress/time and trouble Financial Redress: Quantifiable Loss New appeal/review or reconsidered decision Provide services	20-Nov-18	17-Oct-18	Remedy complete and satisfied
18000260	Tameside Metropolitan Borough Council	Adult Care Services	22-Nov-18	Apology Financial redress: Avoidable distress/time and trouble Procedure or policy change/review Training and guidance	22-Jan-19	22-Jan-19	Remedy complete and satisfied
18010149	Tameside Metropolitan Borough Council	Education & Childrens Services	31-Jan-19	New appeal/review or reconsidered decision Other Remedy	29-Mar-19	22-Feb-19	Remedy complete and satisfied
18005352	Tameside Metropolitan Borough Council	Education & Childrens Services	13-Dec-18	Apology Financial redress: Avoidable distress/time and trouble Procedure or policy change/review	06-Mar-19	26-Feb-19	Remedy not complete but satisfied

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## UPHELD DECISIONS

Statement Upheld Drainage 04-Mar-2019

Summary: Miss X complained the Council failed to adequately respond to her concerns about ongoing flood protection after a culvert collapsed and flooded her garden in 2017. The Council was at fault. It failed to respond to all of Miss X's concerns which caused her frustration and uncertainty. It was also at fault for the delay and handling of Miss X's complaint which caused her further frustration and uncertainty. The Council agreed to pay Miss X £150 in recognition of these faults.

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- **Tameside Metropolitan Borough Council (18 009 621)**

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Statement Upheld Charging 06-Feb-2019

Summary: Mr B complains the Council has failed to deal properly with the financial assessment for his father's contribution towards his care home fees. The Council is currently reviewing its handling of Mr B's complaint and in doing this will consider new information he has provided. We will discontinue our investigation so the Council can complete its review and consider the new information.

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- **Tameside Metropolitan Borough Council (18 010 149)**

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Statement Upheld Child protection 31-Jan-2019

Summary: Miss B complains about the way the Council dealt with a safeguarding matter concerning her children. The Ombudsman has investigated whether the Council properly considered the findings and recommendations of the independent statutory investigation into her complaint. We have found it has carried out the recommendations that were made and the payment it offered Miss B was appropriate and in line with the Ombudsman's Guidance. However, it was at fault for the length of time it took to deal with Miss B's complaint. We have also found it was at fault for taking too long to deal with the concerns raised by the investigating officer about a social worker. We recommend the Council considers these delays and decides whether to put measures in place to prevent them from reoccurring. We also recommend it writes to Miss B and invites her to submit any medical evidence which supports her case that its faults caused her and her children harm. If Miss B does this, it should consider whether to make a further payment to her. The Council has agreed to carry out these recommendations.

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- **Tameside Metropolitan Borough Council (18 006 350)**

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Statement Upheld Planning applications 09-Jan-2019

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Summary: Ms B complains the Council has not taken enforcement action against her neighbour's loft extension. Ms B says her neighbour's extension has stopped her from using her gardens, reduced the value of her property and had a harmful impact on her mental health. The Ombudsman has not found fault with how the Council decided the extension was permitted development. The Council delayed in responding to Ms B's complaint and has apologised, this is a suitable remedy for the injustice caused.

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- **Tameside Metropolitan Borough Council (18 000 260)**

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Statement Upheld Charging 22-Nov-2018

Summary: Mrs X complains on behalf of her late grandmother, Mrs Y about the level of care she was provided whilst resident at Sunnyside Care Home between 2015 and 2016. She also complains about the way the Council dealt with Mrs Y's outstanding care fees and her complaint about these matters. The Ombudsman has found the Council was at fault when the Care Home failed to give notice ending Mrs Y's placement after she was admitted to hospital, and this resulted in excess charges being incurred and the Council pursuing the debt in November 2017. It was also at fault for the way it handled Mrs X's dispute about the outstanding bill, and the way it dealt with her complaint. She incurred unnecessary time and trouble in making the complaint and the Council's actions caused both her and her family distress. To remedy this injustice, the Council has agreed to apologise and make a small payment to Mrs X.

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- **Tameside Metropolitan Borough Council (18 005 352)**

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Statement Upheld School admissions 10-Nov-2018

Summary: Mrs B complains about delay by the Council in an appeal for a secondary school place for her child. The Ombudsman finds there was fault, and that as a result Mrs B was caused injustice. The Council has agreed to the Ombudsman's recommendation that it apologise to Mrs B and makes her a payment in acknowledgment of the injustice caused.

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- **Tameside Metropolitan Borough Council (16 015 034)**

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Statement Upheld Direct payments 20-Aug-2018

Summary: There was fault in the way the Council dealt with Mr Y's disability related expenses, financial assessments and direct payment audits as described in detail in this statement. To remedy the injustice, the Council will backdate allowances/disregards, write off debts, make a payment to Mr Z, Mr Y's father, for his avoidable time and trouble and take other action described in the statement.

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- **Tameside Metropolitan Borough Council (17 006 787)**

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Statement Upheld Child protection 30-Jul-2018

Summary: Miss X complains the Council has failed to ensure she has contact with her two daughters and she has not seen them in two years. The Ombudsman finds the Council at fault and recommends it pays Miss X £750 for uncertainty and invites her to an assessment regarding contact.

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- **Tameside Metropolitan Borough Council (17 011 594)**

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Statement Upheld Licensing 18-May-2018

Summary: Mrs X complained about how the Council investigated her concerns about a taxi company that it licenses. The Council was not at fault in how it investigated the incident and it was entitled to decide to issue a warning to the driver. However, the Council was at fault for not keeping proper records of its investigation. This fault did not cause Mrs X an injustice.

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- **Tameside Metropolitan Borough Council (17 020 072)**

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Statement Upheld Assessment and care plan 30-Apr-2018

Summary: The Ombudsman will not investigate Mr and Mrs A's complaint about the Council's actions when determining their son's, Mr B's, contribution towards his care package. This is because the Council has apologised for its failings and cancelled an initial invoice because of its delay in completing Mr B's financial assessment. There is no unremedied injustice for the Ombudsman to investigate.

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## SATISFACTORY REMEDY DECISIONS

Statement Upheld Planning applications 09-Jan-2019

Summary: Ms B complains the Council has not taken enforcement action against her neighbour's loft extension. Ms B says her neighbour's extension has stopped her from using her gardens, reduced the value of her property and had a harmful impact on her mental health. The Ombudsman has not found fault with how the Council decided the extension was permitted development. The Council delayed in responding to Ms B's complaint and has apologised, this is a suitable remedy for the injustice caused.

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- **Tameside Metropolitan Borough Council (17 020 072)**

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Statement Upheld Assessment and care plan 30-Apr-2018

Summary: The Ombudsman will not investigate Mr and Mrs A's complaint about the Council's actions when determining their son's, Mr B's, contribution towards his care package. This is because the Council has apologised for its failings and cancelled an initial invoice because of its delay in completing Mr B's financial assessment. There is no unremedied injustice for the Ombudsman to investigate.

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## Recommended Service Improvements

- Case Ref: **16 015 034** Category: Adult care services Sub Category: Direct payments

The Council has identified others affected by the previous charging policy and repays any charges it has levied to others which were not in line with the law and guidance in force before 1 April 2015. Within three months of my final decision, the Council will ensure all those affected are repaid and inform me of the amounts refunded in each case.

- Case Ref: **17 012 757** Category: Adult care services Sub Category: Safeguarding

The Council has also agreed to undertake a number of service improvements. It is introducing a revised Safeguarding Adults Policy, and will provide updated training to relevant staff. It will also refresh staff understanding of how to handle safeguarding concerns. It will signpost care staff to the Care Quality Commission (CQC) guidance on seeking medical advice. As part of future contracts, it will require care homes to agree with residents' families the level of notification they would like about changes in their condition, and record this in the resident's care plan. It has undertaken training for adult social care staff on handling complaints. It will share this report with staff at Oakwood Care Centre.

Oakwood Care Centre has also undertaken a number of service improvements. It has introduced a new 'Unexpected Death Policy and Procedure', and staff will be required to sign to confirm they have read it. It will discuss the contents of this report at its next team meeting. It has introduced new care plans, which clearly indicate whether resuscitation should be attempted. The manager and deputy manager are now 'safeguarding adult' managers. It will shortly review its notification process.

- Case Ref: **18 000 260** Category: Adult care services Sub Category: Charging

The Council will issue a written briefing to all its Adult Social Care staff stating disputes about care home fees should be directed to the Billing Team. This Team should place any debt relating to a dispute on hold whilst it investigates the concerns that were raised. If after an investigation the dispute cannot be resolved, the person raising it should be informed of their right to make a complaint about the matter.

The Council will discuss the outcome of this complaint and the Ombudsman's final decision in an Adult Social Care team manager's meeting for learning purposes. The points raised should focus on the need to keep complainants updated of any delays, when and how discretion should be exercised if a complaint is late, and the need to carry out a full investigation if discretion is exercised.

- Case Ref: **18 005 352** Category: Education Sub Category: School admissions

Within three months of the date of decision, the Council is to consider lessons learned from this complaint and whether there is more it could do to mitigate the possibility of the fault identified in this case (ie a lack of school appeal panel members leading to a delay in hearing appeals) arising in future.

- Case Ref: **18 010 149** Category: Children's care services Sub Category: Child protection

The Council has also agreed that its Children's Services Senior Leadership Team will discuss the findings of the Ombudsman's investigation at its next meeting, ensuring a senior manager from the Complaints Team is in attendance. Those present will establish why the handling of the complaint and

the HCPC referral was delayed, and consider whether any measures should be put in place to prevent these faults from reoccurring. Within two weeks of the meeting, the Council will provide the Ombudsman with a record or minutes of the discussion and confirm whether it will take any action, providing reasons if it decides not to.

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Public Report

Local Government &  
Social Care  
**OMBUDSMAN**

**Report by the Local Government and Social Care  
Ombudsman**

**Investigation into a complaint against  
Tameside Metropolitan Borough Council  
(reference number: 17 012 757)**

**23 May 2018**

Local Government and Social Care Ombudsman  
[www.lgo.org.uk](http://www.lgo.org.uk)

## The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

### Key to names used

Mrs C	The complainant
Ms J	Her granddaughter and representative
Mrs H	Mrs C's daughter, and Ms J's mother

## Report summary

### Adult care services

Ms J complains about the actions of a care home, Oakwood Care Centre, at the time of the death of her grandmother, Mrs C, whose placement there had been commissioned by the Council. She also complains about the Council's handling of her concerns after Mrs C's death.

### Finding

Fault found, causing injustice, and recommendations made.

### Recommendations

The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

To remedy the injustice caused, we recommend that the Council should pay Ms J £1500. The Council has accepted this recommendation.

The Council has also agreed to undertake a number of service improvements.

- It is introducing a revised Safeguarding Adults Policy, and will provide updated training to relevant staff. It will also refresh staff understanding of how to handle safeguarding concerns.
- It will signpost care staff to the Care Quality Commission (CQC) guidance on seeking medical advice.
- As part of future contracts, it will require care homes to agree with residents' families the level of notification they would like about changes in their condition, and record this in the resident's care plan.
- It has undertaken training for adult social care staff on handling complaints.
- It will share this report with staff at Oakwood Care Centre.

Separately, Oakwood has also undertaken a number of service improvements, which we will discuss at the end of this report.

## **The complaint**

1. The complainant, Ms J, represents her late grandmother, Mrs C. Mrs C passed away in Oakwood Care Centre in April 2016, and Ms J complains about the way her death was handled by the care home.
2. Specifically, Ms J says that:
  - Oakwood did not inform the family Mrs C's condition was deteriorating, and did not make serious efforts to inform them she had died. This meant the news was broken to them by the police;
  - Oakwood showed a lack of urgency in seeking medical advice while Mrs C was deteriorating, and failed to ask a visiting GP to examine her;
  - carers performed cardio-pulmonary resuscitation (CPR) on Mrs C, despite the existence of 'do not attempt CPR' instruction;
  - Mrs C's end-of-life care plan was not followed, which meant that carers moved her downstairs to the lounge just before she died, rather than making her comfortable in bed;
  - the family raised safeguarding concerns with Oakwood immediately after Mrs C's death, relating to observations they had made at the care home over several months, but they were treated as a normal complaint;
  - Oakwood has lost important records; and
  - the Council's complaint handling was generally poor.

## **Legal and administrative powers**

3. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
4. We investigate complaints about councils and certain other bodies. Where an individual, organisation or private company is providing services on behalf of a council, we can investigate complaints about the actions of these providers. (*Local Government Act 1974, section 25(7), as amended*)
5. We cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (*Local Government Act 1974, sections 26B and 34D, as amended*)
6. When a council commissions another organisation to provide services on its behalf it remains responsible for those services and for the actions of the organisation providing them. So, although we found fault with the actions of Oakwood Care Centre, we have made recommendations to the Council.

## **How we considered this complaint**

7. We have produced this report following the examination of relevant files and documents.

8. We also shared a draft copy of the report with Ms J, the Council and Oakwood Care Centre for their comments.

## Findings

9. Mrs C entered Oakwood in March 2012, and became a permanent resident in June 2012. Her placement there was commissioned by the Council, and so the care home constituted a contracted service.
10. On 26 January 2015, a 'do not attempt CPR' instruction was agreed with Mrs C's GP. In June 2015, the Council undertook an assessment of her care needs, which involved Mrs C's daughter (Ms J's mother), Mrs H, who is a nurse. The assessment determined Mrs C's needs were being met at that time, and a reassessment was scheduled in a year's time.
11. On 17 April 2016, Mrs C's family visited her at Oakwood. She was well at this point.
12. But on 18 April, Mrs C's condition began to deteriorate rapidly. She stopped eating and drinking, began to vomit frequently and was suffering diarrhoea.
13. In the evening of 19 April, a carer called the out-of-hours GP for advice. The carer advised Mrs C had a 'do not attempt CPR' instruction and an end-of-life care plan in place. The GP asked the carer to wait for a call back with further advice.
14. The GP called back and said, due to Mrs C's 'do not attempt CPR' instruction, there was little they could do, but told Oakwood to call again if Mrs C became "restless" and they would visit.
15. At this point, the carers recorded that Mrs C had vomited in bed and her breathing had become rapid. They decided to move her downstairs to the lounge so they could monitor her.
16. At approximately 12.35am on 20 April, Mrs C stopped breathing. Oakwood called an ambulance. When the ambulance arrived, the paramedics confirmed she had died.
17. Oakwood called Mrs H on her mobile to inform her of the situation. Mrs H missed this call. It is disputed whether this call was shortly before, or shortly after, Mrs C died.
18. The police attended Oakwood to take statements shortly after Mrs C died. The police then broke the news of her death to Mrs H.
19. Mrs H wrote a letter of complaint to Oakwood on 24 May, and informed the Council she had done so. The manager of the care home responded initially on 10 June, and then more formally on 25 July.
20. Ms J complained to the Council in March 2017. She included a list of safeguarding concerns in her letter.
21. The Council responded at Stage 1 on 21 July. It explained there were various records missing from Oakwood, and the care staff involved had since left post. It upheld some of Ms J's complaint, and explained it undertaken Safe and Wellbeing checks on the residents at the care home.
22. Ms J requested a Stage 2 response in August. The Council responded on 20 October. It upheld further elements of the complaint, and confirmed Oakwood's record-keeping had now been referred to the Care Quality Commission (CQC).

## Analysis

23. There are several different aspects to the complaint, which we will address in turn.

### Communication with family

24. Ms J says that she and other family members visited Mrs C at Oakwood on 17 April. The carers did not inform them of any concerns about Mrs C's condition at this point, and made no attempt to contact the family again until the failed call to Mrs H's mobile, by which point Ms J says Mrs C had already died. The police informed the family of Mrs C's death, which was the first they knew about her deterioration.
25. Oakwood's day diary records Mrs C was visited by family members on 16 April. It also says that Mrs C had "visitors" (whom it does not identify) on 17 April. It is not clear whether there is confusion about the date on which Ms J visited, or that different family members visited on each day.
26. However, it is clear from the day diary Mrs C had not yet showed any signs of deterioration on 16 or 17 April. We have reviewed the diary from 19 March, and there is no significant difference in the description of Mrs C's condition each day until 18 April. There does not appear to have been any reason for the carers to have raised concerns with the family during their visit(s).
27. Mrs C's rapid deterioration began on the morning of 18 April. It is recorded in the diary that she vomited twice during the day, and three times overnight, although she apparently still ate and drank well through the day.
28. The night diary for 18/19 April also records that Mrs C's vomit was "black-brown".
29. On the morning of 19 April, the diary describes Mrs C as "confused and un-cooperative". She apparently ate and drank well during the early part of the day, but did not look or feel well. In the afternoon and evening, it was recorded Mrs C had remained in bed, had not eaten or drunk and was suffering diarrhoea and vomiting.
30. There is an element of professional judgement for care staff in deciding when to notify family members a person has become unwell. We would not criticise carers for failing to advise of every small change in a person's condition.
31. But Mrs C's frequent vomiting through the day and night of 18/19 April, and the fact that it was apparently 'black-brown', should have been indicators to the carers that she was seriously unwell. We consider the family should have been notified of this by the morning of 19 April at the latest, which would have given them a reasonable opportunity to attend the care home, and see Mrs C before she died.
32. There is a dispute about the exact timing of the call to Mrs H's mobile, and on the evidence available, we cannot say whether it was shortly before or after Mrs C's death. But either way, we do not consider it to have been appropriate to wait this long to attempt to contact the family.
33. It is unfortunate Mrs H missed this call, which was due to her phone being muted. The night diary records, after Mrs C died, the police attended Oakwood to take statements. It appears this is why the death notification came from them, rather than the care home.
34. We cannot say it was wrong for Oakwood to have failed to continue in its efforts to contact them after the police arrived. But even accepting this, the family should

have been notified of Mrs C's deterioration much earlier. Had this happened, they would have had the opportunity to be at Oakwood with Mrs C when she passed away, and the police would not have needed to notify them.

35. The Council has acknowledged the family should have been notified sooner of Mrs C's deterioration. It apologised in its Stage 2 response for the failure to do so.
36. While we welcome the Council's apology, the family was denied an opportunity to say goodbye to Mrs C, and it is clear this has caused them significant distress.

#### **Lack of urgency in seeking medical advice**

37. Ms J says Oakwood waited until 10pm on 19 April before contacting the out-of-hours GP. She also says that a GP from Mrs C's surgery visited Oakwood coincidentally during the day of 19 April, but the carers did not ask him to examine Mrs C or give him any indication that she was not well.
38. As a result of the lack of medical assistance, no cause of death could be established, which meant a post-mortem had to be conducted, despite the family's express wish for this to be avoided.
39. The day diary notes the out-of-hours GP said they would call back "within the hour (9pm)", indicating the carer had called at approximately 8pm. The GP called back at 10.45pm. Ms J believes the carers did not call until approximately 10pm, but it appears possible this is due to confusion over the fact that the GP called Oakwood back.
40. In either case, there is no record Oakwood sought medical advice before 8pm on the evening of 19 April. This is despite noting early on 18 April that Mrs C appeared unwell, and despite the events of the night of 18/19 April, where Mrs C vomited several times and it was described as 'black-brown'.
41. Ms J says that, during the day of 19 April, a GP from Mrs C's surgery visited Oakwood to see another resident. The GP was not notified of Mrs C's deterioration.
42. The Council says there is nothing in Oakwood's records to indicate a GP visited on 19 April, but agreed it would have been a good opportunity to gain some medical advice about Mrs C if this had happened.
43. Ms J has provided us with a copy of Mrs C's medical notes from the GP's surgery. There are two entries from a GP on 20 April. First:
- "So sorry to hear that [Mrs C] passed away. I saw her yesterday in the lounge having her lunch, when I was visiting Oakwood. I was not informed of any concerns, but she did not look unwell."*
44. And, later:
- "I spoke to [name] from the Coroner's office ... I explained to [name] that family do not wish to proceed with a post mortem; however, [name] informs me that, as there is no established cause of death, this may be unavoidable."*
45. It is therefore accurate a GP visited Oakwood on 19 April. It is concerning the home could not confirm this.
46. Mrs C's 'do not attempt CPR' instruction and care plan cannot be located by Oakwood, and so we cannot say exactly what medical intervention would have been appropriate at this point. It may be the most which could have been done for her would be to help make her comfortable.

47. Even accepting this, though, we agree that Oakwood should have sought medical advice sooner than it did. Apart from Mrs C's own wellbeing, there was a possible health risk to other residents and to staff, given the apparent lack of explanation for her sudden symptoms.
48. Oakwood also missed an obvious opportunity to have Mrs C examined by the GP. This is especially so, when considering he actually saw her during his visit.
49. Ms J says the failure to seek medical advice directly contributed to the fact a post-mortem was required.
50. When a death is reported to a Coroner, the role of the Coroner is to:
- decide whether the cause of death is clear;
  - request a post-mortem to find out how the person died if the cause of death is not clear; and
  - hold an inquest after the post-mortem if the cause of death is still unknown, or if the person possibly died a violent or unnatural death, or died in prison or police custody.
51. It is evident Mrs C underwent a post-mortem because her cause of death was not clear. But it would be speculative to say that earlier medical advice, or an examination by the GP during his visit, would have prevented the need for a post-mortem. It is possible her symptoms might have remained unexplained, even after examination by a doctor, and the post-mortem would still have been necessary.
52. We appreciate the need for a post-mortem caused additional distress to Ms J and the family, and we do not seek to minimise this. But on the evidence available, we cannot say it was because of fault by Oakwood.
53. But, even putting this to one side, there is significant fault in the care home's failure to seek medical advice earlier.
54. The Council has told us, since Mrs C's passing, it has undertaken work to improve communication between care homes and GPs. It says there is now greater integration between the Council and local NHS Trust, and it has introduced technology to care homes, including Mrs C's, to allow staff to contact hospitals via Skype (internet video calling) to gain advice.
55. These are positive steps. However, in this case, the issue appears to relate more to how care home staff assessed the need to seek medical advice, not that they experienced obstacles in obtaining it. This is highlighted by the failure to consult the GP during his visit.
56. For this reason, the Council should demonstrate what guidelines there are for care staff to follow in determining whether to seek medical advice, and that there are safeguards in place to ensure that the guidelines are being followed.

#### **Attempt at CPR**

57. When Ms J originally complained to the Council, Oakwood's night records could not be located. At that time, the Council said there was no evidence CPR had been performed.
58. However, the night diary has now been located. There is an entry which is hand-written, but appears to read:

*"[Mrs C] was sat in a wheelchair [at time of death]. Paramedic asked for her DNR. It was dated February 2015. She said it was out of date so start CPR. In the*

*meantime [illegible] paramedics turned up and said it was OK to stop CPR, as they have changed and no longer last 72hrs and that they [sic] are no on going DNRs."*

- e9. This entry is confusing and contradictory. The staff employed by Oakwood at the time of Mrs C's death are no longer in post, and so it is not possible to clarify it with them.
- e0. But we are satisfied it demonstrates that CPR was attempted on Mrs C after the 999 call was made.
- e1. It is difficult to understand the reason for this. It is clear the carer told the 999 call operator there was a 'do not attempt CPR' instruction in place. It also appears the out-of-hours GP was given this information.
- e2. The diary entry indicates it was a paramedic who told the carers to attempt CPR. But it also suggests this was before the arrival of paramedics, who then told the carers to stop.
- e3. It may be there were two sets of paramedics, one arriving earlier than others. Or it may be because Oakwood received a call from the paramedics while en route. The poor quality of the entry means this is unclear.
- e4. There also appears to have been some confusion over the validity of Mrs C's 'do not attempt CPR' instruction. Without being able to examine the document, we cannot determine the reasons for this.
- e5. We have also reviewed the paramedics' report. It gives no indication CPR was attempted, nor does it shed any light on why the care home was instructed to do so.
- e6. The only thing which we can say with some certainty is the staff attempted CPR because of an instruction from a paramedic.
- e7. In isolation, we would not criticise the staff for this. They had made it clear when summoning the paramedics there was a 'do not attempt CPR' instruction in place, but it appears they then received an instruction to start CPR anyway. While we cannot determine why the paramedic gave this instruction, we would not consider it appropriate for staff to question the paramedic's judgement, especially in a life-or-death situation.
- e8. It may be the paramedic made an error of judgement. If so, this would fall outside of our jurisdiction. Alternatively, it may be the details of the 'do not attempt CPR' instruction were communicated wrongly to the paramedic. If so, this may be the care home's fault, but since it cannot now be located, we are not able to draw a conclusion on this.
- e9. The poor record-keeping by Oakwood forms a separate element of this complaint, which we will address at a later point in this report. But with regard specifically to the fact that CPR was attempted, the evidence indicates the staff were following the advice of a paramedic, and, in isolation, we do not consider this to be fault.

#### **Failure to follow care plan**

- 70. Ms J says Oakwood failed to follow Mrs C's end-of-life care plan, by moving her downstairs from her bedroom to the lounge, where she died.
- 71. We can see from the night diary staff decided to take Mrs C downstairs at approximately 11pm on 19 April, "in her best interests [and] to keep an eye on her". The diary then indicates Mrs C passed away in a wheelchair.

72. As stated, we do not have a copy of the care plan, so we cannot independently verify whether the decision to move Mrs C contravened the plan. But we accept it appears to have meant she died in less comfortable circumstances than if she had been allowed to remain in her bed.
73. Putting the specifics of the care plan to one side though, we are concerned about the staff's reasoning for moving Mrs C.
74. The staff wrote it was in Mrs C's "best interests" for her to move downstairs, but entirely failed to elaborate on this. There is certainly no obvious reason why it would be in Mrs C's best interests to move from her bed, to a wheelchair in the lounge, when she was obviously very unwell.
75. There is also no indication of how staff moved Mrs C downstairs, which in itself was potentially risky, given her condition.
76. The staff recorded they moved Mrs C to the lounge so they could monitor her. It is not clear why she could not be successfully monitored in her room, unless it was to allow staff to undertake other duties at the same time.
77. We appreciate that care home staff may have conflicting responsibilities at any one time. But we note that, during the conversation with the GP, Mrs C's 'do not attempt CPR' instruction, and the limitations this placed on medical intervention, were discussed. This suggests strongly the staff considered that Mrs C was likely to be approaching death.
78. Given this fact, we consider it would have been more appropriate for at least one member of staff to be dedicated to remaining at Mrs C's side. This would mean that she would not have had to be moved downstairs.
79. Although we cannot say whether the movement downstairs directly contravened the care plan, we still consider this to be fault, for the reasons given. Again, the fact that Mrs C was not comfortable when she died has caused distress to her family.

#### **Treatment of safeguarding concerns**

80. Ms J complains the safeguarding concerns she raised with the Council were treated as a normal complaint.
81. Ms J wrote a letter to the Council on 7 March 2017. In addition to the points of complaint which we have investigated here, she provided a list of issues with Mrs C's treatment at Oakwood before her death. She wrote that the family had raised these issues with the care home at the time, and they had wished to move her to a different home, but had decided against it because she was too frail.
82. The Council responded to Ms J's concerns under its normal complaint procedure. At Stage 2, it acknowledged this should not have happened, and a safeguarding concern should have been raised instead. But it says its investigation of the issues (as a complaint) followed the same lines as a proper safeguarding investigation, and there was therefore no substantive difference in the outcome.
83. The Stage 2 response also says the Council had now raised the safeguarding concerns with the CQC.
84. We cannot investigate Oakwood's handling of any safeguarding concerns which were raised before Mrs C's death. This is because it has been more than 12 months since these events.
85. Much of Ms J's letter dealt with the family's complaints, as we have investigated here, and it may be this led to the whole letter being treated as a complaint. But