

Meeting or Decision Maker:	General Purposes Committee
Date:	12 September 2023
Classification:	General Release Appendix A - Not for Publication
Title:	Approval of compensation payment following a Local Government and Social Care Ombudsman (LGSCO) Investigation
Fairer Westminster Summary:	Contributes to our commitment to providing excellent public health and social care services
Financial Summary:	A compensation payment of £2,000 is required to the complainant
Report of:	Bernie Flaherty: Bi-Borough Executive Director of Adults

1. Executive Summary

- 1.1 Following a complaint from a service user through the Council's statutory complaints process and to the LGSCO, a compensation payment of £2000 is required to the complainant. As the level of compensation awarded is in excess of £2,000 a report is required to come to the General Purposes Committee.
- 1.2 The complaint concerns delays in Adult Services completing an assessment and then carrying out adaptations to the user's bathroom.

2. Recommendations

- 1.3 That the Committee approves and notes the payment of the compensation made to comply with the LGSCO's order.

3. Reasons for Decision

- 1.4 Compensation payments awarded which exceed £2,000 need to come before the General Purposes Committee to comply with the Council's Good Practice Guide for Effective Complaint Handling and under Part F (Section 4) of Westminster City Council's Financial Regulations.

4. Background, including Policy Context

- 1.5 The service user submitted a complaint to the Council on 6 September 2022 covering the following issues:
- A 17-month delay in assessing her needs and installing a tap
 - She was unable to wash her hands unaided during this time
- 1.6 A stage 1 response was issued on 26 September 2022. It was accepted that there had been some delays and an apology was offered.
- 1.7 The complainant expressed dissatisfaction with the response and so the matter was reviewed by the service. A further response was sent on 8 February 2023 offering £500 compensation.
- 1.8 Adult Social Care have a 1 stage complaints process, so the complainant escalated her complaint to the LGSCO.

5. Investigation by the LGSCO:

- 1.9 We received an initial final decision from the LGSCO on 3 March 2023 stating that they were satisfied with the Council's remedy of £500 and an apology and no further action was needed.
- 1.10 The case was re-opened by the LGSCO on 13 March 2023 as new information had come to light.
- 1.11 A final decision was received on 26 June 2023 stating that the Council was at fault for long delays in assessing Miss X's need for replacement taps and installing them. This meant Miss X was without appropriate taps for over a year and had considerable difficulty in washing her hands. The Council was ordered to apologise, pay her £2,000 and review its processes.

The compensation was broken down as follows:

£1,800 to remedy the injustice caused to her as a result of the delays in replacing the kitchen taps. This is based on £150 per month for eleven months, plus a further £150 for the uncertainty about whether the Council could have obtained the taps earlier if it had been more proactive in late 2022. A further £200 to remedy the additional time and trouble she was put to in pursuing the matter. This makes a total payment of £2,000.

6. Post complaint follow-up work

- 6.1 There was a supply issue with Medequip which we have addressed. We have now changed contracts to NRS with an improved timeline and process regarding special orders. We acknowledge learning areas identified and are addressing these.
- 6.2 Our assessment was that there was no delay in her assessment or intervention to support with alternatives, and this was challenged but rejected by the LGSCO. We

accept the delay in the installation due to the contractor and supply issues. More could have been done to vary the solution and supplier.

- 6.3 A written apology was issued to Miss X on 28/7/23 as per the LGSCO's recommendations.
- 6.4 A working group has been assembled, led by the Professional Lead OT for WCC to address learning from this case and implement improvements to processes regarding referral and assessment pathways as well as special order and minor adaptations.

7. Financial Implications

The compensation awarded will be paid from the Occupational Therapy Assessment contract (W21300).

8. Legal Implications

The LGSCO recommended the Local Authority make an offer of £2,000 compensation. The report sets out the action taken following the recommendations of the LGSCO.

If you have any queries about this Report or wish to inspect any of the Background Papers please contact:

Zoe Evans, Corporate Complaints Manager zevans@westminster.gov.uk

APPENDICES:

Appendix A - LGSCO report and determination issued on 26 June 2023 (Confidential)

BACKGROUND PAPERS:

Stage 1 response dated 26 September 2022

Stage 1 follow up response dated 8 February 2023