

Extract from draft minutes of Cabinet 2 October 2019

Report of the Monitoring Officer on an Investigation by the Local Government and Social Care Ombudsman

The Corporate Director for Legal & Democratic (Monitoring Officer) presented a statutory report that he had issued under Section 5A of the Local Government and Housing Act 1989. It followed the publication of the conclusions of the Local Government and Social Care Ombudsman finding that failings by the former Dorset County Council had led to a boy, with autism, being left without proper education for two years. Those failings had been found by the Ombudsman to amount to maladministration resulting in injustice to the complainants; their son and also to be part of wider systemic failings.

The purpose of presenting the report was to ensure that these findings were brought the attention of Cabinet. This reflected the seriousness of the formal findings and was to enable Cabinet to put in place an appropriate action plan. The legislation required the Cabinet to respond to the Monitoring Officer and to send a copy of their response to the 72 councillors who are not members of the Cabinet.

Members were advised that it was unusual for the Ombudsman to go as far as to issue a formal finding of maladministration and injustice in this way. But there was a context to this case of eight earlier investigations where the Ombudsman had found the former County Council to be at fault and the County Council had agreed to act upon a series of recommendations.

The Monitoring Officer reported that there were ten recommendations in total, five relating to the child in question and a further five were of wider application and system related. He further advised that the Chairman of the People Scrutiny Committee had asked that her Committee be given the task of overseeing completion of the action plan and would be scrutinising this report along with receiving a copy of the Cabinet's minute on this item, at their next meeting on 8 October 2019. This was welcomed by Cabinet members.

In addressing the Cabinet meeting, Cllr Ezzard welcomed the report and the approach to resolving the outstanding recommendations.

Members agreed that this was a serious matter and it could not happen again. They were reassured that some actions had been taken or were in the process of being implemented. They further agreed that it was essential that the recommendations be considered against the SEND improvement plan and the Children's Blueprint for Change.

Cabinet supported recommendation 4 of the report that the Health and Wellbeing Board be asked to monitor progress made both in addressing the outstanding actions and in the review of the eight previous investigations.

Decision

- (a) That the action taken since receipt of the Local Government and Social Care Ombudsman's report (18 016 599) be noted and the Ombudsman's ten recommendations, as set out in paragraphs 3.3 and 3.6 of the report to Cabinet of 1 October 2019, be accepted.
- (b) That the actions identified by the Director of People - Children in response to the Ombudsman's recommendations set out in paragraphs 3.3 and 3.4 to 3.6 of the report to Cabinet on 1 October 2019 be approved.
- (c) That the Portfolio Holder for Children, Education and Early Help and the Executive Director for People – Children be asked to commission a review of the agreed actions arising from the eight previous investigations of Dorset County Council undertaken by the Ombudsman as set out in paragraph 4.5 of the report to Cabinet on 1 October 2019.
- (d) That the Portfolio Holder for Children, Education and Early Help be asked to oversee reporting to the People Overview and Scrutiny Committee and the Health and Wellbeing Board on the monitoring of progress made both in addressing the outstanding actions and the review of the eight previous investigations, including a first report to the Board at its meeting on 30 October 2019.

Reason for Decision

In order to ensure that there is a robust plan in place to put right the issues identified by the Ombudsman, including wider systemic failings