

Adult Social Care and Communities Scrutiny Committee

25 January 2022

Report from the Executive Director of Adult Social Care and Public Health

Local Government Social Care Ombudsman Public Interest Report

Introduction

This report pertains to a Public Interest Report issued by the Local Government Social Care Ombudsman (LGSCO) with respect to Gloucestershire County Council's adult social care practice and decision making with Miss X and her former partner and Carer, Mr L, over an extended period between 2018 and 2019.

The LGSCO's report contained some difficult messages for the Council. It is clear that, on this occasion, the Council failed to meet the standards that individuals that receive adult social care services expect of us and we missed opportunities to put things right at an earlier stage. The LGSCO's investigation concluded that the Council failed Miss X in a number of ways, including:

- Failing to ensure that her eligible care needs were met at home, causing avoidable, undue significant distress, inconvenience and frustration.
- Failing to carry out a carer's assessment, resulting in undue significant stress and frustration for her carer, and uncertainty for Miss X in how her needs would be met.
- Failing to properly consider professional advice from Miss X's dietician and GP when producing her care plan.
- Failing to assess Miss X's night-time needs, causing her unnecessary distress.
- Failing to communicate effectively with Miss X or her advocate, causing uncertainty and contributing to distrust between her and the Council.

The resultant LGSCO investigation findings of 'fault' and related recommendations can be found in the report on the link below:

<https://www.lgo.org.uk/decisions/adult-care-services/domiciliary-care/19-014-556>

The LGSCO requires local authorities to respond in a specific way to Public Interest Reports. This includes presenting the LGSCO's findings to Cabinet and sending the report to all GCC elected members. The LGSCO's report and GCC's subsequent actions were presented to Cabinet on 10 November 2021 and the Cabinet report can be found on the link below:

<https://glostext.gloucestershire.gov.uk/ieListDocuments.aspx?CId=117&MId=10152>

As well as meeting all of the LGSCO's recommendations, GCC also wanted to seek further assurances that this situation would not arise again. So, we commissioned a Principle Social Worker from a neighbouring authority to conduct a review of systems and processes pertaining to the LGSCO complaint. The information below provides an update on all actions taken by adult social care in relation to this matter.

Chronology of key events

- 12.08.2021: GCC informed of LGSCO intention to issue a Public Interest report and comments would be required on the draft LGSCO report (of 16.07.2021) by 24.08.2021. All findings and recommendations in the draft LGSCO report were accepted by GCC.
- Sept 2021: Confirmed between the GCC adult Principle Social Worker (PSW) and the adult PSW for South Gloucestershire Council, that the latter would undertake an independent PSW (IPSW) 'critical friend' review of key elements of GCC adult social care process and practice relevant to the LGSCO's findings. It was agreed that whilst the critical friend review brief would acknowledge the context of the LGSCO's findings, it would not entail the PSW re-investigating our practice/ decisions with Miss X and Mr L as the LGSCO's draft report findings and recommendations regarding this were already accepted in full. Instead, the review would focus broadly on core elements of our engagement and assessment and support planning practice with 'cared for' persons and their carer's.

- Late Sept to mid-Oct 2021: IPSW 'critical friend' review activities undertaken
These were:
 - Focus groups with ASC Ops staff of all levels (excluding admin) and the Gloucestershire Carers hub.
 - IPSW review of relevant samples of our Making the Difference assessments, support plans, carers assessments and support plans (randomly selected by the performance team but within review criteria parameters agreed with the IPSW).
 - IPSW review of various supplementary documents, including Customer Journey outline, Team Structure chart, Casefile Audit document, Deallocation checklist.
 - Telephone consultations/ questionnaires conducted (by the GCC PSW and Assistant Head of Adult Social Care Operations) with the same cohort of randomly selected cared for persons and their Carer's for the IPSWs assessment and support plan review.

- 22.10.22: Final, LGSCO report received. As anticipated, this found the same faults and made the same recommendations as the earlier draft LGSCO report.

- 22.10.21: IPSW critical friend review report (*attached Appendix 1*) received by the GCC PSW and promptly reviewed between the PSW, the Assistant Head of ASC Operations, the Head of ASC Operations, and the Executive Director for Adult Social Care and Public Health. All of the IPSWs key findings and related ten recommendations were accepted. It was noted that the IPSW's findings were largely favourable and complimentary to GCC ASC process and practice at the time of review in late 2021. This supports our pre-existing internal view that identified the faults with our care and interaction with Miss X and Mr L in 2018/19 are highly unlikely to re-occur, given subsequent implementation of service changes across the ASC operations teams. These include the 'Make the difference' (MTD) framework and aligned 3 conversation model (MTD/3C) of Care Act assessment and support planning. This was well embedded at the point of the IPSW review late 2021. The MTD/3C approach

is found to mitigate against Care Act non-compliance in delivering personalised, strengths based and community capital focused outcomes, as reflected in the IPSW report.

- 28.10.2021: Initial action plan was devised by the GCC PSW, incorporating the 14 actions aligned to the IPSW's ten recommendations. This was distributed to all ASC Operations managers (*Independent PSW review ASC Operation Action Plan - latest revision 06/12/2021 attached – Appendix 2*).
- 09.12.2021: Meeting between the IPSW and the GCC PSW, Assistant Head of ASC Operations, Head of ASC Operations and Executive Director for ASC and PH. To de-brief on the critical friend review process, confirm all key findings and recommendations accepted by GCC and thank the IPSW and her DASS for their time and support.

Update on progress of Independent PSW review ASC Operations Action Plan

As of 5 January 2022, six of the 14 total actions on this plan have been completed and the remaining eight are all in progress with the latest timeframes for completion of these being March 2022.

The next significant action at the time of writing will occur on 10 January – 'a Make the Difference review workshop' involving all ASC Operations service managers, the PSW and the Assistant head and Head of Operations. This event will inform a subsequent 're-launch' of our MTD/ 3C framework across the ASC Operations teams, recognising that there is inconsistency in full adherence to this across the teams. In addition, this workshop will seek to identify ways to address some of the evident IT systems and process issues that hindering performance efficiency in various ways.

Conclusion

It is clear that our practice fell short of what we expect of ourselves on this occasion. We have apologised profusely to Miss X and Mr L. However, we think the work to

comply with the recommendations from the LGSCO and the report from the Independent Principle Social Worker has been a rigorous test of our systems and processes and this has provided assurance that this lapse in practice will not happen again.