

# People Scrutiny Commission



26 September 2022

**Report of:** Tim O’Gara, Director - Legal and Democratic Services

**Title:** Decision of Local Government and Social Care Ombudsman  
(Complaint reference 21 007 446)

**Ward:** N/A

**Presenting Report:** Ian Hird, Scrutiny Advisor

## **Recommendation:**

That the People Scrutiny Commission note the decision report of the Local Government and Social Care Ombudsman as set out at Appendix A.

## **The Significant Issues in the Report**

As set out in the report.



## **1. Policy**

N/A

## **2. Consultation**

N/A

## **3. Context**

a. On 4 March 2022, the Local Government and Social Care Ombudsman issued a final decision report regarding a complaint against Bristol City Council in relation to delays in the Education, Health and Care (EHC) plan process. The full report is set out at Appendix A.

b. One of the actions requested by the Ombudsman (para. 57) was that the Council agree, within 3 months of the decision, to ‘send a copy of the final decision to the relevant scrutiny committee so there is democratic oversight of the extent of the problems affecting children and families waiting for EHC assessments in Bristol.’

c. As the Ombudsman’s report was issued/published on 4 March, it was not practicable to formally report the decision to the 7 March meeting of the People Scrutiny Commission. To avoid undue delay in meeting the Ombudsman’s request as per para. 57, the Chair of the Overview and Scrutiny Management Board (OSMB) and the Chair of the People Scrutiny Commission agreed that it would be appropriate for the Ombudsman’s decision report to be submitted initially to the 27 July OSMB meeting.

d. As part of OSMB’s consideration of this matter at their 27 July meeting, it was noted that performance against the 20 week target for issuing EHC plans had been an area of concern for both OSMB and the People Scrutiny Commission for a significant period of time and it was suggested that it would be appropriate for the People Scrutiny Commission, mindful of the case highlighted in the Ombudsman’s report, to also receive assurance that longer term outstanding cases were being addressed / resolved.

## **4. Proposal**

The People Scrutiny Commission is asked to note the decision report of the Local Government and Social Care Ombudsman as set out at Appendix A. A separate report on this agenda sets out the latest update position on performance in relation to Education, Health and Care plans.

## **5. Other Options Considered**

N/A

## **6. Risk Assessment**

N/A

## **7. Public Sector Equality Duties**

N/A

## **8. Legal and Resource Implications**

N/A

### **Appendices:**

Appendix A - Local Government and Social Care Ombudsman's final decision in relation to complaint ref. 21 007 446

Appendix B – Minute extract – Overview & Scrutiny Management Board – 27 July 2022