

DERBYSHIRE COUNTY COUNCIL**Governance, Ethics and Standards Committee****22nd October 2020****Report of the Executive Director Adult Social Care and Health****1. Purpose of the Report**

To update the Governance, Ethics and Standards Committee regarding progress of the work outlined within the report submitted to the Committee on 9th January 2020. The report submitted earlier this year detailed the Local Government Ombudsman's findings following an investigation into the death of Mrs C at the Grange Care Home in Eckington.

2. Background

At the previous meeting of the Governance, Ethics and Standards Committee on 9th January 2020, the Committee considered the report of the Local Government Ombudsman which made a finding of fault against the Council following Mrs C's death whilst in the care of Derbyshire County Council. It was resolved that Adult Care and Social Health would bring back a further report to the Committee regarding progress in respect of actions taken and lessons learned. In addition to updating the Governance, Ethics and Standards Committee, Adult Care and Social Health have been required to provide a report to the Scrutiny- People Committee. The first report to the Scrutiny Committee was provided in February 2020 and a further report was provided in September 2020. A copy of the report presented to the Committee in September is attached at Appendix A. This report details the progress made against the six workstreams which were identified as being critical and the Scrutiny Committee noted the report.

Since the last report to the Governance, Ethics and Standards Committee in January 2020, the Local Government Ombudsman has written to the Council and confirmed that he is satisfied with the Council's response and welcomes the action taken following his report. The complaint is now closed. A copy of the letter from the LGO is attached at Appendix B.

3. Legal and Human Rights Considerations

The Local Government Ombudsman's powers are defined by the Local Government Act 1974 as amended by the Local Government and Public Involvement in Health Act 2007. The Ombudsman may investigate complaints of maladministration causing injustice.

The Ombudsman cannot question whether a council's decisions are right or wrong simply because the complainant disagrees with them. He must consider whether there was fault in the way the decision was reached (Local Government Act 1974, section 34(3)).

In accordance with the Council's Constitution, it is detailed within the terms of reference for the Governance, Ethics and Standards Committee that the Committee has responsibility to receive regular reports regarding Local Government Ombudsman referrals. In addition, the Committee resolved at the previous meeting that it would be appropriate for it to receive an update on progress.

4. Other Considerations

In preparing this report the relevance of the following factors have also been considered: prevention of crime and disorder, equality and diversity, environmental, health, property and transport considerations.

5. Officer Recommendation

That the Standards Committee notes action which has been taken by the Council following its report to the Governance, Ethics and Standards Committee on 9th January 2020 and the response of the Local Government Ombudsman.

Helen Jones
Executive Director Adult Social Care and Health