

Summary of LGO decisions in relation to upheld complaints 2017-2018

Adult Care Services

The first of two Adult Care Services complaints made to the LGO related to the Council's records of information about charging and funding given to the family of a man moving into residential care which were not detailed enough. This means that there was doubt about the information given. On balance the family may have wrongly been caused a raised expectation that their father would not have to pay towards his care in a nursing home. The Council failed to provide appropriate advice and information about charges for the father's residential care and wrongly told the family their relative would receive Continuing Healthcare (CHC) funding from the NHS.

It is very important that service users and their families are given clear, full and appropriate information about care costs and the ways in which these might be met. The records did not show such information was given in this case, and that was fault. As a result the family had a raised expectation that they would not be expected to contribute towards the cost of their father's residential care placement. In considering this, the LGO considered the relevance of a subsequent telephone call where a social worker discussed with the family the 12 week property disregard, applicable to the means-test for contributions towards the cost of permanent residential care. On this evidence the LGO concluded that any raised expectation was limited to a four week period.

In recognition of the raised expectation identified, the LGO recommended that within four weeks of the date of the decision on this complaint the Council provides a written apology to the complainant. The LGO also recommended that the Council reviews procedures to ensure that it routinely provides service users and their families with appropriate information about charges and funding possibilities where admission to residential care is proposed, and that it records that this information has been given.

The second complaint determined that the Council's failure to use a worker with appropriate experience and training in autism when completing a care assessment was fault. It carried out a new assessment using a worker with the appropriate training. Part of the complaint was also about general autism training for the Council's social work staff. The Council provided details of courses that have been available to its workers and the LGO was satisfied that the Council has developed an autism strategy as required by the Autism Act 2015. The Council agreed to remedy the complaint by carrying out a new care needs assessment.

Education and Children's Services

The complaint alleged that the Council failed to promptly and appropriately address the issue of a breach of data protection and failed to promptly advise the complainant of the correct process for seeking amendments to documents or having their own comments noted. There was a failure to produce a balanced, evidence based assessment for a Special Guardianship report, and the complaints process

was protracted with the Council failing to comply with the recommendations made during that process.

The Council did provide some apologies during the complaints process but the written apologies provided did not clearly and comprehensively set out the accepted faults with an acknowledgement of the impact of those faults. Neither did the apologies provided clearly set out what steps the Council would take or had taken to ensure, so far as possible, the failings identified did not recur. To remedy this the Council was recommended to write again to the complainant with an apology which fully addressed the matters concerned. While the Council acknowledged failings which had led to some protraction of the complaints procedure, in recognition of the time and trouble taken by the complainant, over and above what might reasonably have been expected, the Council has paid the recommended sum of £150.