

**Local Government and Social Care Ombudsman information
Summary of investigations and Public report details
for Annual Complaints Report 2021/22**

20 005 077 - Summary: The Council was not at fault for not involving Mr X in the decision to move his mother into residential care. The Council was not at fault for how it investigated safeguarding concerns about Mrs Y's care, however the Council was at fault for recording its opinion of Mr X's mental state on the safeguarding records. The Council has already provided an appropriate remedy for any injustice caused.

20 006 272 - Summary: Mr X complained about poor quality care and the Council's care needs assessment process. He also complained about being charged for the care package that he was told would be free. We have not found fault with the standard of care provided or assessment process. However, the Council has accepted it did not deal with Mr X's complaint about his financial assessment properly and has agreed to refund the full cost of the care package. We consider this to be an appropriate remedy for the injustice caused to Mr X by this fault.

19 021 062 - Summary: Mrs X complained on behalf of her father, Mr Y, about the Council's safeguarding enquiry into Mr Y's care at Madeira Lodge Care Home. The Ombudsman found no evidence of fault with the Council's enquiry, or the outcome reached.

20 007 167 - Summary: Mr B complains the Council is ignoring his requests for a new care manager. We have found no fault by the Council.

20 006 985 - Summary: the complainant, Mr X, complained the Council failed to properly assess his mental health needs within the time set by the Council's guidance or properly consider his complaint. The Council accepted some fault and apologised. We found the Council at fault and recommended an apology, payment of £200 and sharing the decision with staff to improve services.

20 006 870 - Summary: Mrs B complained that the Council, when considering her application for a blue badge, failed to properly consider the impact of her son's disability on his behaviour when outdoors. We cannot find fault with the action the Council took.

20 004 752 - Summary: Mr X complained about the Council's decision to deregister him as a Shared Lives host. Mr X said the panel process which led to his de-registration was unfair and flawed. The Council was at fault. It failed to administer the panel and appeal process in line with relevant policy and the Ombudsman's Principles of Good Administrative Practice. It caused Mr X uncertainty about whether the outcome could have been different. The Council agreed to review and ask a fresh panel to consider Mr X's case.

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20 005 371 - Summary: Mr B complained the care provider commissioned by the Council failed to provide his father with satisfactory care, failed to contact other relatives when his father's mobility declined and failed to properly investigate his complaint. There were missed opportunities to discuss Mr B's father's deteriorating mobility with family members and the complaint investigation failed to identify that. An apology and payment to Mr B is satisfactory remedy

20 008 202 - Summary: The Council made all attempts to assist Mr X with the provision of care. There is no fault by the Council.

20 009 032 - Summary: Mr X complained the Council has unfairly charged him a contribution towards the cost of his care between June 2018 and June 2020. He also complained the Council incorrectly re-assessed his eligible care needs and left him without the support he needs. The Council was not at fault in charging Mr X a contribution towards the cost of his care and support. Nor is there any evidence of fault in the Council's decision in 2020 that Mr X is not eligible for care and support.

20 008 384 - Summary: Mr X complained on his own, and on Ms Y's behalf about the way the Council has dealt with matters relating to her supported living placement. The Ombudsman has discontinued the investigation into the complaint. This is because, while issues about Ms Y's capacity are being considered by the Court, we are unable to find Mr X has her consent or authority to bring her complaint to us and we cannot achieve a worthwhile outcome for Mr X.

20 007 615 - Summary: Mr X complains that the Council should have disregarded half of his mother's savings when assessing how much she should contribute to her care costs, because of her financial control over his father. Mr X says half of the savings belongs to his father, and the Council is depriving his father of money that is rightfully his. The Ombudsman does not find the Council at fault.

20 008 289 - Summary: Mrs X complained about the way the Council provided information about Mr Y's care costs, and delays in the financial assessment. This meant Mrs X did not understand Mr Y would be charged for his respite stay and she was caused significant stress by an unexpected bill. We find the Council was at fault in the way it communicated with Mrs X, and in its failure to advise them of the cost of the care Mr Y received. We recommend the Council waive 50% of the cost of Mr Y's respite stay and ensure it communicates properly in future. It should also take action to ensure it completes financial assessments before arranging care services where possible.

20 009 349 - Summary: Mr B complained that the Council delayed in making suitable care arrangements for his mother, Mrs C when she was discharged from hospital. We find no fault with the Council's actions.

20 011 177 - Summary: There was no fault in the way the Council conducted the financial assessment or arranged a care package, although there was poor

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communication about the process. However, the care visits by the Council's commissioned care provider did not meet Mrs X's needs. The Council agrees to waive the charges as the records show care was not regularly given. The Council acknowledges it could have offered a copy of the care and support plan before the financial assessment was completed and has reminded staff to do so from now on.

20 008 020 - Summary: Mr X complained the Council charged him for a period of reablement care it should not have charged him for after he was discharged from hospital. The Council accepted it did not make it clear to Mr X which care he would need to pay for and agreed to refund the care charges he disputed. We were satisfied this remedied the injustice to Mr X so we completed our investigation.

20 013 000 - Summary: Mrs B says the Council delayed assessing her needs and then failed to assess her needs properly which meant she missed out on financial support for a period in a care home. There is no fault in the Council's assessment process and no evidence of unreasonable delay.

20 012 990 - Summary: Mr & Mrs X complain the Council has failed to meet their son's needs during the COVID-19 pandemic, leaving them to meet almost all his needs and their son paying for care he has not received. They also complain the Council failed to respond to their correspondence, putting them to significant time and trouble pursuing their concerns. The Council accepts it failed to respond to correspondence, wrongly advised them to continue paying for day services which were not supporting Mr Y, and failed to explain the reasons for its decisions. This caused avoidable distress and put them to considerable time and trouble in pursuing their concerns. The Council also failed to review Mr Y's needs, leaving doubt over whether there was more it could have done to meet them. The Council needs to review Mr Y's needs, apologise to the family and pay financial redress.

20 003 077 - Summary: Mr X complained about the Council's decision not to proceed with a safeguarding investigation about historical and ongoing abuse and related matters, including disability discrimination and failure to provide support for his autism. We do not find fault with how the Council considered the safeguarding request and we are satisfied with the Council's approach to Mr X's care and support needs.

20 013 409 - Summary: Mrs X complained the Council did not properly support her and her family when her late husband was discharged from hospital. There was no fault by the Council.

21 001 220 - Summary: Mrs X complained the Council reduced the support provided to her son, Mr Y, on his care plan without involving him in 2019. There was fault in how the Council reduced Mr Y's care and support without notice and delays in arranging his direct payments in late 2020. It agreed to apologise to Mr Y and Mrs X, and pay them both financial remedies. It also agreed to review the training it provides to social workers about direct payments.

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21 001 093 - Summary: There was fault in Mrs Z's care in a care home. Staff did not act in line with COVID-19 guidance and record keeping and communication was not in line with accepted standards. The Council will apologise and take action described in this statement.

21 000 166 - Summary: There is no fault by the Council. The Council has offered to carry out a financial assessment to decide if Mr X's financial contributions towards a well being charge can be reduced. Mr X has refused the financial assessment, so the Council can take no further action.

21 002 456 - Summary: Miss X complained about the way the Council responded to her concerns when she was unable to get the support it had said she needed. This caused a delay in the help she needed to sort out the problem. We find the Council was at fault and recommend it apologise, pay Miss X £300 and agree a communication plan with her.

21 005 008 - Summary: Mr C complained the Council failed to consider all his medical information before refusing his Blue Badge application. We find fault with the way the Council considered Mr C's application and the decision letter it issued. The Council has agreed to our recommendations to address Mr C's injustice.

21 004 508 - Summary: Mr X complains the Council failed to meet his son's care and support needs when it prevented him from accessing more than one day service because of COVID-19, which had an adverse impact on his well-being. The Council failed to assess all the risks and failed to consider what other support it could provide to meet the son's needs. This leaves doubt over whether more could have been done, for which the Council needs to apologise and pay financial redress.

21 006 721 - Summary: Mrs B says the care home commissioned by the Council neglected and abused her mother and, in investigating those concerns, the Council failed to properly consider the evidence. The Council failed to consider all parts of the referral but there is no fault affecting its decision that there was insufficient evidence of neglect in this case. A reminder to officers is satisfactory remedy.

21 005 950 - Summary: Ms C complains the Council failed to calculate charges properly and inappropriately pursued for arrears. As well as making some procedural changes the Council has agreed to apologise to Ms C and pay her £250 for how it dealt with backdating charges. The Council is also at fault for failing to properly consider payments made by Ms C towards housing and council tax in financial assessments for care at home. It has agreed to reconsider Ms D's current financial assessment and review procedures.

21 006 335 - Summary: Mr D complained the Council's Social Worker communicated poorly with him and failed to progress his housing application. As a result, he said he experienced distress and uncertainty. We found no fault in how the Council handled

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Mr D's care support, nor his application for supported accommodation. It reached decisions it was entitled to make, so we cannot criticise the merits of its decisions.

21 006 450 - Summary: Mr X complained the Council did not consider his opinion or the information he provided about his health problems when he requested a stairlift as an adaptation to his home. The Council's decision-making was flawed and took too long. The Council agreed to apologise to Mr X for the uncertainty and frustration caused to him and reconsider his request.

21 007 457 - Summary: Mr X complained about the Council's refusal to issue a blue parking badge to him. He said that, as a result, it is more difficult for him to access the community and he undertakes fewer journeys. We found there was no fault with regards to the Council's actions.

21 007 673 - Summary: Ms X complains on behalf of Mr and Mrs Y about its significantly increased charge for Mr Y's care. She said it caused them extreme emotional distress as they no longer have enough money for food and bills. We find the Council was not at fault.

21 004 314 - Summary: Ms X complained about poor care provided to her late father, Mr Y, and poor communication by a Council-commissioned care home. The Council was not at fault.

21 008 339 - Summary: The Council was at fault for the way it decided not to disregard Mr X's property when calculating his care costs. This means Mr X's family cannot be sure his care costs are correct and whether entering into a deferred payment agreement with the Council is necessary. To remedy the injustice caused the Council has agreed to apologise and re-consider whether Mr X qualifies for a property disregard.

21 009 999 - Summary: We will not investigate this complaint about the Council placing limits on Mr X's contact with its services, allegedly without valid reason. This is because the Council has already provided a suitable remedy and there is nothing further we could achieve.

21 011 541 - Summary: We will not investigate this complaint about the Council issuing incorrect invoices for care services. This is because the Council has already taken suitable action to remedy the complaint. Mr X has raised further concerns about invoices issued after the Council responded to his complaint, however the Council has not had an opportunity to respond to this complaint.

21 015 909 - Summary: We will not investigate this complaint about the Council's failure to properly consider Mrs B's late aunt's, Mrs C's, finances. This is because there is no unremedied injustice warranting an Ombudsman investigation.

21 016 297 - Summary: Mrs X complained about poor communications from the Care Provider the Council commissioned. She also said the Care Provider had failed

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to return some of her husband's possessions. We will not investigate Mrs X's complaint. This is because the Council arranged for the Care Provider to contact Mrs X directly to resolve any outstanding issues. This remedies the remaining injustice to Mrs X and it is unlikely an investigation could achieve anything more.

**Local Government and Social Care Ombudsman Enquiries
Public Report
for Annual Complaints Report 2021/22**

Complaint summary

Mr C complained there was fault in Kent County Council's (the Council's) decision to place his late partner, Ms D in a care home. He complained about:

- inadequate arrangements in a best interests' meeting and a lack of consultation before placing Ms D in the care home;
- the appointment of an Independent Mental Capacity Advocate;
- a standard authorisation to deprive Ms D of her liberty; and
- the failure to apply to court. Mr C said the Council's actions caused him and Ms D distress as it meant they could not live together.

Finding

Fault found causing injustice and recommendations made.

Recommendations

The Council should apologise to Mr C and pay him £500 to reflect his avoidable distress. It should also, within timescales set out later in this report:

- ensure all current and future requests for standard authorisations are completed within prescribed timescales, including low and medium risk cases currently held as pending;
- provide us with written evidence showing it has monitored all requests for standard authorisations post-dating our final report and completed them within the legal timeframes described in this report;
- review its Care Act assessment processes to ensure case managers document consideration of Article 8 rights when making decisions about care placements which separate couples;
- ensure relevant case managers receive training on the Human Rights Act 1998 and how it may apply to their role;
- review all cases from January 2019 to date where Deprivation of Liberty Safeguards assessments have not been completed at all or not been completed within the prescribed timescales and consider whether any injustice has arisen because of the delay. If so, the Council should take action to remedy any injustice in line with the principles set out in our published Guidance on Remedies. We can advise the Council on individual cases if needed. Before starting the review, the Council should provide us with an action plan of how it intends to conduct the review. The action plan should set out numbers, methodology and scope and should be agreed with us before the Council starts the review;
- provide us with a written summary of the cases it has reviewed and what, if any action, it took as a result of the reviews.

The full report – Can be accessed at the following link - <https://www.lgo.org.uk/decisions/adult-care-services/assessment-and-care-plan/19-015-406>