

## Local Government and Social Care Ombudsman Decisions

• **Upheld - Assessment and care plan** 18 May 2022 (20 007 857)

Summary: Ms C complains the Council has wrongly pursued her for arrears in home support charges and withdrawn her support. The Council is at fault for failing to communicate and assess charges properly and the way in which it reassessed Ms C's care needs. The Council has agreed to apologise to Ms C, complete a reassessment of her care needs including a support plan, and update invoices. It has also agreed to provide staff reminders, and if necessary training, about the completion of support plans.

• **Upheld - Assessment and care plan** 7 Dec 2022 (21 018 229)

Summary: Mr X complained the Council delayed the assessment of his need for care and support. We have found fault by the Council causing injustice. The Council has agreed to remedy this by apologising to Mr X and Mrs Y.

• **Upheld - Assessment and care plan** 6 Dec 2022 (22 006 334)

Summary: Mrs Y complained the Council failed to take appropriate action when she reported an increase in her aunt, Mrs X's social care needs and said the Council failed to respond to her. We find fault by the Council. This caused significant stress to Mrs Y and Mrs X. We make several recommendations to address the injustice caused by fault.

• **Upheld - Assessment and care plan** 9 Jun 2022 (21 011 094)

Summary: The Council failed to properly assess the impact of reducing Mr X's care package. This put his health and wellbeing at risk and led to a loss of care provision for almost a year. It also caused him distress, uncertainty and time and trouble. The Council has agreed to pay Mr X £1,600 to acknowledge the avoidable injustice caused by these faults and has committed to making our recommended service improvements.

• **Not upheld - Assessment and care plan** 25 Nov 2022 (22 005 618)

Summary: Miss X complained on behalf of her friend and neighbour, Mrs Y. Miss X complained Mrs Y had been badly treated by social care. Miss X is concerned the Council failed to support or safeguard Mrs Y or take account of her wishes. Miss X says this affected Mrs Y and her own emotional wellbeing. The Council was not at fault.

• **Not upheld - Assessment and care plan** 26 Sep 2022 (22 000 349)

Summary: Mr P complained that the Council failed to properly consider information provided for his mother's financial assessment. We do not find the Council at fault. It considered all the relevant information it received and made a decision on the evidence.

• **Upheld - Charging** 13 Jan 2023 (22 008 271)

Summary: Mr C complains Council charges were consistently wrong. This caused Mr C time and trouble. It also increased his pre-existing anxiety. The Council failed to bill Mr C correctly and take action to correct its mistakes expediently. To remedy the complaint the Council has agreed to apologise to Mr C, pay him £200 and created a process for Mr C to follow to ensure bills are correct. It has also agreed to review

how it responds to concerns, communicates with Mr C, and reminds the care agency about the importance of recording missed care calls.

• **Upheld - Charging** 14 Nov 2022 (22 005 871)

Summary: Mrs X complains about the Council's handling of her son's financial assessment, which she says resulted in a delay in setting up his direct payments and his aunt no longer being willing to take on the role of his personal assistant. The Council accepts it mishandled the financial assessment. It has apologised and agreed to backdate the direct payments. The Council failed to take account of its duties under the Equality Act 2010 by sending him a financial assessment which did not take account of his personal financial circumstances or his need for support with the process. The Council needs to apologise for the avoidable confusion and distress caused. It also needs to take action to ensure it takes proper account of its duties under the Equality Act when doing financial assessments.

• **Not upheld - Direct payments** 30 Mar 2023 (22 010 647)

Summary: Mrs X complained the Council did not agree to pay for an increase in fees to the support agency that meets her son's care needs. She said this was unfair and caused distress and uncertainty as they are at risk of losing the current service. We have not found the Council at fault for how it made its decision not to increase its direct payments for Mrs X's son.

• **Upheld - Direct payments** 20 Dec 2022 (22 001 783)

Summary: Mrs X complained about the Council's failure to advise her of the restrictions of its direct payments scheme. This led to a misuse of public funds that she cannot afford to repay. We have found some fault because the Council did not respond to Mrs X's proposal to employ her family to provide care. We have made recommendations to the Council to reflect the limited injustice that arose from this fault. Otherwise, we were satisfied Mrs X was given sufficient information to understand public funds could only be spent on assessed support needs.

• **Upheld - Residential care** 16 Jan 2023 (22 002 630)

Summary: Mrs X complains the Council's care provider, Harbledown Lodge: failed to care for her late mother properly, resulting in a decline in her condition; failed to respond properly to concerns about her care; and gave notice rather than address their concerns, causing unnecessary distress. The care provider did not fail to care for Mrs X's mother. However, it caused unnecessary distress by giving notice in the way that it did. The Council needs to apologise for the distress caused to Mrs X.

• **Upheld - Residential care** 3 Jan 2023 (22 007 810)

Summary: Mrs X complained about how a Care Provider acting on the Council's behalf cared for her late father, Mr Y. The Care Provider has accepted its laundry service was not adequate. This caused Mrs X distress. It has apologised to Mrs X and put suitable improvements in place to prevent the fault occurring again. The Council was not at fault in the other matters Mrs X complained about.

• **Upheld - Residential care** 14 Dec 2022 (21 017 835)

Summary: The Care Provider acting on behalf of the Council failed to protect Mrs D's property and properly consider the decision not to allow her in communal areas of the care home. It also failed to follow medical advice in the last week of Mrs D's life

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and contact family members when Mrs D was administered end of life medication. As well as the actions already taken to address issues about missing items; the Council has agreed to apologise to the complainants, pay £500 to acknowledge the time, trouble, and uncertainty the Care Provider's actions have caused. It has also agreed through its contract monitoring to ensure the Care Provider reminds staff about risk assessing, following medical instructions, updating family, recording, and considering human rights when making decisions.

- **Upheld - Residential care** 24 Nov 2022 (22 010 870)

Summary: We will not investigate Mrs B's complaint about the Council's failure to inform her of her late father's, Mr C's, death. This is because the Council has acknowledged the fault, implemented additional processes to minimise the risk of a similar occurrence happening again in the future, and further investigation by us could not add to this.

- **Upheld - Residential care** 13 Sep 2022 (20 006 384)

Summary: We cannot investigate Ms B's complaint about the Council detaining her mother, Mrs D, against her will. This is because the Court of Protection has determined where Mrs D should live and only a court can make this decision.

- **Upheld - Domiciliary care** 11 Sep 2022 (21 016 787)

Summary: Mr X complains the Council's care provider, Expertise Homecare (Ashford), failed to meet his late mother's needs, putting her at risk of harm. His mother did not always receive person centred care and was put at risk of harm by some of her care workers. This caused avoidable distress to her and Mr X. The Council needs to apologise to Mr X for the distress caused to him.