

## Summary of Ombudsman Investigations Where Fault Was Found 2021/22

### Report issued: maladministration and injustice

Service Area	Case Description	Recommended Action
Adult Care Services	Council failed to properly advise of a change in way assessed finances, resulting in service user becoming responsible for full care costs.	<p>Provide copy of charging policy</p> <p>Explain when approach to treatment of property within policy changed, who authorised the change and whether any assessment of the impact was done</p> <p>Review the decision not to apply property disregard to this case</p> <p>Apply the reviewed decision from when charges and deferred payment agreement (DPA) were explained</p> <p>Confirm whether DPA was finalised and how will operate</p> <p>Waive costs incurred in DPA process</p> <p>Financial remedy for distress and time and trouble</p> <p>Identify and review other similar cases</p>

### Upheld: maladministration and injustice

Service Area	Case Description	Recommended Action
Education & Childrens Services	Failed to properly plan for daughter's transition from children to adult care services, failed to issue amended Education, Health and Care Plan (EHCP) in line with statutory timescales.	<p>Apology</p> <p>Financial remedy for distress, uncertainty and time and trouble.</p> <p>Carry out annual review of EHCP without delay.</p> <p>Provide evidence of webinars/staff training.</p>
Adult Care Services	Council not allowing unsupervised contact with adult daughter. Council said would apply to Court of Protection, but did not.	<p>Apology</p> <p>Confirm contact arrangements and options if disagrees.</p> <p>Review contact arrangements - if unhappy, Council to approach Court of Protection to resolve this.</p>
Education & Childrens Services	Failed to consider and make reasonable endeavours to arrange special education when alternative provider was available during COVID-19 pandemic. Failed to review personal budget to meet increased costs and meet other costs incurred.	<p>Apology</p> <p>Financial remedy for: extra costs incurred; future educational benefit to recognise out-of-school provision missed; travel allowance for journeys made; and time and trouble in having to complain.</p> <p>Identify and review other similar cases.</p>
Adult Care Services	Council took an unreasonable time to try to come to a decision whether in best interests for mother to move back to her own home.	<p>Apology</p> <p>Financial remedy</p> <p>Share lessons learned with social care and finance teams</p>
Education & Childrens Services	Failed to act when child's school terminated placement. Procedural errors and delay in finalising amended EHCP. Errors in complaints handling	<p>Apology</p> <p>Financial remedy for uncertainty and distress</p> <p>Review contract procedures</p> <p>Review EHCP procedures to ensure plans are amended without delay</p>

Adult Care Services	Billing for care after a delay in conducting financial assessment. Failed to specify what costs would be involved prior to the financial assessment.	Apology Waive care fees Review practices regarding notice period for cancellation of care Ensure people are given an indication of what their care may cost as soon as possible
Adult Care Services	Council's responsiveness to a failing care home - no fault found Council transferred mother to another care home at short notice and at night (due to risk posed in current home) - fault found	Financial remedy for uncertainty suffered during transfer to new home
Adult Care Services	Failed to provide clear information about care contributions or follow up significant conversations in writing.	Apology Financial remedy for confusion caused Share final decision with relevant staff
Adult Care Services	Failed to inform service user that support worker was off work and to arrange alternative support	Council already apologised and carried out training/development work and processes and systems had been changed LGSCO recommended a financial remedy for distress suffered because of failure to inform when worker was absent and resultant loss of support

**Upheld: maladministration no injustice**

Service Area	Case Description	Recommended Action
Education & Childrens Services	Failed to properly consider application and appeal for school place for son.	School offered place after unsuccessful appeal, so fault did not cause injustice.
Education & Childrens Services	Council should not have approved a disabled facilities grant for adaptations to home - no fault found. Fault in complaints handling - delayed response	Fault regarding complaint handling did not cause significant injustice
Education & Childrens Services	Way council dealt with as foster carer - no fault Delay starting statutory stage 2 investigation - fault found	Delay did not cause significant injustice

**Upheld: maladministration and injustice: satisfactory remedy already provided by council**

Service Area	Case Description	Recommended Action
Adult Care Services	Delay in receiving overpayment for later mother's care charges.	Council has already refunded monies owed to estate and there is no unremedied injustice warranting an Ombudsman investigation.
Adult Care Services	Failed to tell complainant about 12-week property disregard mother was entitled to.	Council had upheld and apologised, agreed to cover costs for first 12 weeks and made a financial remedy for time and trouble. An audit had been carried out on all current cases going back 12 months; we were satisfied correct advice/information had been provided. Extra staff training has been carried out and handbooks are in place.