

**NORTH YORKSHIRE COUNTY COUNCIL
HEALTH AND ADULT SERVICES EXECUTIVE**

18th May 2018

Actions to Address Recommendations from Ombudsman Public Reports

SUMMARY

1. This report outlines the actions taken to address the recommendations made by the Local Government and Social Care Ombudsman (LGSCO) in three public reports.

BACKGROUND

2. Following the publication of the three public reports by the Local Government and Social Care Ombudsman (LGSCO), action plans have been developed to meet the recommendations identified within the reports, and to collate the evidence required by the LGSCO that the appropriate actions have been taken. The plans were developed by managers and staff from Care and Support, Benefits Assessment and Charging, and Quality and Monitoring. The background and recommendations of the three cases are set out in the report below. The response to case 1 was sent on 18th April, and the responses for Cases 2 and 3 are due by 23rd May.

3. **Case 1**

Mrs X complained on behalf of her mother Mrs Y that the Council's financial assessment was wrong because it should not treat gifted money as deprivation of assets.

Recommendations

The Council should:

- apologise to Mrs X for its failure to complete a financial assessment in 2015 and its failure to evidence why it considers the gifted money to have been done with the intention of avoiding care charges;
- pay Mrs Y £250 to recognise the distress caused;
- complete a financial assessment for Mrs Y based on her circumstances in January 2015 including whether any deprivation of capital has occurred and repay any monies resulting from this reconsideration;
- review Mrs Y's current financial position and look at how Mrs Y's current debt to the care home can be reduced/settled to avoid her placement being put at risk; and
- review its current procedures and guidance for staff on how to deal with cases where deprivation of capital may have occurred.

A response has been sent to the LGSCO confirming the actions taken. At the time of sending the letter, final confirmation of the outcome of the financial assessment had not been made, and discussions were ongoing about the level of debt that the Council will

meet and the options for recovery from the family. A private report with a recommended approach is included elsewhere on this agenda.

4. **Case 2**

Mrs A complained the Council failed to provide enough help when her mother had to move from a residential care home to a nursing home, resulting in her being forced to accept a placement which requires a top-up.

Recommendations

The Council should:

- pay Mrs A £500 for the time and trouble it has put her to.
- write to Mrs A apologising for its failings;
- refund £50 a week of the top-up paid by Mrs A and waive this from future payments, at least until it reviews the placement top-up;
- amend its Individual Placement Agreements to bring them into line with the Statutory Guidance;
- consider what action it needs to take to ensure:
 - assessments address the location of placements when this has been raised as an issue;
 - placements are not made which require a top-up when there is no top-up agreement in place;
 - best interest decisions are made when necessary; and
 - people are given a care and support plan, including a meaningful personal budget, before a placement in residential accommodation is made.

5. **Case 3**

Mrs C complained the Council misinformed her about the charges for her mother's (Mrs D) care in a care home.

Recommendations

The Council should:

- write to Mrs C apologising for its failings;
- refund the estate the top-up for the period 19 August 2015 to 16 June 2016;
- review procedures to ensure:
 - officers document all information given to customers about care charges;
 - the correct placement cost is on record and is communicated to the customer before they move in;
 - delays in financial assessments are minimised;
 - care and support plans include the client contribution in the personal budget;
 - top-up payments are no longer routinely collected by care homes;

- review cases where there is a deferred payment agreement and a top-up to ensure there is also a top-up agreement.
6. A considerable amount of work has been carried out to review the appropriate procedures and guidance, and the information available to the public. It is anticipated that all the actions required to address the LGSCO recommendations will be achieved by 23rd May, although there will still be some work outstanding to implement some actions eg agreeing what and how information can be given in writing before a placement begins, formal sign off of some procedures, and implementation of new Individual Placement Agreements with providers.
7. The LGSCO recommendations and the changes being made have been discussed at sessions for Managers and team meetings. This has been reinforced by written information and a newsletter summarising the changes and links to new procedures will be issued in June.

Budgetary Implications

8. Payments made so far are £21,764 for refund of top-up payments, and £750 for time and trouble payments. Information on the financial implications of Case 1 is included in the private report elsewhere on the agenda.

Next Steps

9. The following actions will take place over the next few weeks to ensure that new arrangements are embedded:
- The responses to the LGSCO on Cases 2 and 3 will be finalised by the relevant Assistant Directors before the deadline of 23rd May.
 - A session has been booked for the Care and Support Managers Forum in July to run through the areas that have changed,
 - A newsletter will be produced for staff outlining the changes and lessons learned.
 - Discussions with providers on implementation of the Individual Placement Agreements

Recommendations

10. It is recommended that the actions taken to address the recommendations from the Local Government and Social Care Ombudsman be noted.

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