

APPENDIX A

DECISIONS NOT TO INVESTIGATE FURTHER

DATE	LGO REF/ANNEX PAGE No.	PROCEDURE	COMPLAINT SUMMARY	REASON FOR DECISION
09.01.20	19 013 235 P. 35	Corporate	The customer considers his specific health needs means he is entitled do a Blue Car Badge which has been refused.	Insufficient evidence of fault by the Council.

FULL INVESTIGATIONS

DATE	LGO REF ANNEX PAGE No	PROCEDURE	COMPLAINT SUMMARY	DECISION	RECOMMENDATION	FINANCIAL REMEDY
06.11.19	18 015 558 Pgs 1-13	ASCH& PP	The Council reduced his adult son's, personal budget without full assessment and consideration of his needs. Complainant believes decisions taken to reduce son's personal budget were financially motivated. Consequently, parents had to top-up his budget to enable him to continue receiving support from a specific care provider.	Fault found i) Failure to review service user's care for three years ii) Personal budget was reduced by Council because the cost of service was above set rates iii) Service user had to top up personal budget from state benefits causing hardship iv) Parents had to top up payments for long standing care service. Council should have ensured personal budget was sufficient to cover service. v) The suggested change of care provider seemed financially motivated as service user was told his budget may reduce further in the future without knowing what his needs may be. vi) Service user and parent were both found to be eligible for respite care funds but have not received the payments from	Corporate Director for Adult Social Care to write and apologise to service user and parents for failures. Review service user's assessment and produce care and support plan to detail how needs will be met. Financial remedies for stress and loss of respite services to service user and to his mother Complete a new financial assessment to include all disability related expenditure Review care's assessment and produce	£1000 each to service user and parents. £2,050.62 reimbursement of top up fees. Total 4,050.62

				<p>the Council. This has impacted on them both.</p> <p>vii) Concern raised about social care support literature in circulation which is out of date.</p>	<p>a support plan setting out how needs will be met. By 5th February 2020 the Council should:</p> <ul style="list-style-type: none"> • consider if other service users may have been affected by arbitrary upper limits on hourly rates, and take any necessary action to address this; • amend its procedure to ensure the Council does not set arbitrary limits of hourly rates; and • take steps to actively publicise its current literature to address concerns about the previous literature it has issued 	
10.12.19	19 006 744 P.14	Corporate	Complaint about the process followed by the independent school admission appeal panel. The panel upheld an earlier decision by the Council not to give a place for a child at a nearby primary school.	<p>Fault found in one part of the complaint. This was that the appeal panel did not provide satisfactory reasons for its decision, causing uncertainty. The investigator suggested the outcome of the appeal might otherwise have been different.</p>	<p>To remedy the injustice identified at paragraph 40 the Council has agreed that within 20 working days of a decision on this complaint it will arrange for the complainant to have a fresh appeal. This will be heard by a different panel and different appeal clerk.</p> <p>The Council will also contact the other unsuccessful appellant and offer them a fresh appeal.</p>	
20.12.20	19 006 727 P.21	Joint Adult Social Care	The care and treatment provided to a service user with mental health	No fault	No recommendations	

		and Health Service Complaint	problems by Nottinghamshire County Council, Bassetlaw Clinical Commissioning Group and Nottinghamshire Healthcare NHS Foundation Trust.			
07.01.20	19 000 339 P.29	ASCH&PP	<p>The Council unreasonably sought repayment of the direct payment. Complainant used the amount to pay husband to provide her care.</p> <p>Council also refused to meet complainant to discuss her concerns about how it had calculated the amount she needed to repay.</p>	<p>Fault Department only undertook one annual review and did not raise concerns about the service user's spending between 2012 and 2016. Policy and statutory guidance state annual reviews should take place. This meant the complainant did not have an opportunity to amend the way she managed her direct payments.</p>	<p>The Council should amend its calculation of the amount to be repaid to reflect the Council's acceptance that the complainant's husband provides 25 hours care per week which can be funded.</p> <p>The Council should write to the complainant to confirm the remaining amount to be recovered;</p> <ul style="list-style-type: none"> • write to the complainant to confirm it is no longer intending to pursue recovery of the £21,768.26 it considers she has misused the account for; and • apologise for the faults identified in this statement. 	<p>The department agreed not to pursue recovery of £21,768.26 and the additional debt of £30,575.41. A waiver was applied for the full amount totalling £52, 343.67</p>
17.01.20	18011349 P.37	ASCH&PP	<p>The Council's review of the service user's care and support plan</p> <p>The amount it is asking him to pay.</p>	<p>Fault Lack of contemporaneous record following the assessment to explain why some aspects of support package were being removed and increase others.</p>	<p>The Council should:</p> <ul style="list-style-type: none"> • offer the service user a further review of his care and support plan • Seek agreement with the complainant what his support needs are. 	

			How the Council has sought to obtain information about the complainant's disability related expenditure.	<p>Fault Assessor did not explain to service user what the review would cover before it began.</p> <p>Records did not show the department tried to reach an agreement with the service user about the level of support he needed, leading to a misunderstanding.</p> <p>There was no evidence found that the service user was advised to complete a financial form so the Council could consider his disability related expenditure.</p> <p>No fault in Council's decision to charge the service user for his support or refuse to offer a further waiver to his contribution.</p>	<ul style="list-style-type: none"> the Council should accept any information the complainant sends it in support of his request for DRE. If it agrees to allow increased DRE, I recommend it backdate this increased amount to January 2019 (except for any expenditure that began after that date). 	
20.01.20		ASCH&PP	The way the Council completed spouse's financial assessment. The complainant considered they had paid too much towards the cost of their care.	No fault	No recommendations	