

# Report

on an investigation into  
complaint no 11 010 725 against  
London Borough of Lambeth

16 August 2012

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The Local Government Act 1974, section 30(3) generally requires me to report without naming or identifying the complainant or other individuals. The names used in this report are therefore not the real names.

## Key to names used

Ms West, the complainant

## **Report summary**

### **Subject**

Ms West is a single parent who has two children who have autism. The Council accepted there were failings in its care support for her before she asked it to accommodate her children in 2009. There were further failings after the children returned to her care in 2010. The Council did not write care plans for her children or update its core assessments. This meant the Council did not provide all the daily care Ms West's children needed for a period of more than a year. The Council also failed to provide the respite care required for more than 15 months after it could have been expected to do so. The Council also failed to deal with the complaint in a timely way and failed to provide a remedy for the faults its own processes identified.

The effect of the Council's failures was serious. Ms West was caused additional work in caring for her children alone by the loss of daily care and respite care to which she was entitled. She was also caused distress and justifiable outrage by the Council's failure to act even after its previous failings and when a need for remedy had been identified by its own complaints process. This was compounded by the delay in the Council's complaints process. She was also caused unnecessary time and trouble by having to bring her complaint to me when the complaints process had identified failings that remained without remedy.

### **Finding**

Maladministration causing injustice.

### **Recommended remedy**

I consider the Council should:

1. apologise to Ms West
2. write care plans for Ms West's children and carry out fresh core assessments if any change is proposed in future
3. review its policies and procedures
4. consider any other service users similarly affected by any failure of the Council to write care plans or to update core assessments, and
5. pay Ms West £19,469.88.



## Introduction

1. Ms West complains that the London Borough of Lambeth:
  1. failed to carry out a core assessment of her second child between 2000 and 2006
  2. failed to carry out a core assessment of her third child between 2000 and 2009
  3. failed to provide care support for the family, leading to her requesting the Council to place her second and third children in care
  4. failed to carry out core assessments of her second and third children within statutory time limits when they were in care
  5. failed to carry out the actions recommended by care plans for the children drawn up in June 2009 and August 2009
  6. initially refused to appoint a new social worker when requested to do so, then delayed unreasonably in doing so
  7. failed to implement the recommendations of a Stage 2 investigation
  8. failed to assist her with a housing transfer request
  9. falsely alleged that she held a social worker hostage on 8 May 2009
  10. failed to provide the care package it agreed in September 2010 and failed to provide respite care, and
  11. failed to support the family's needs.
2. Ms West complains that the Council's failures caused injustice to her family by bringing about the separation of the children from their mother, that it caused her distress and left her without support.
3. As part of his investigation my investigator has:
  - considered Ms West's written complaint and the evidence sent to support it
  - made written enquiries of the Council and considered its responses
  - interviewed Ms West by telephone
  
  - carried out a file inspection at the Council's offices

- interviewed a social worker, Officer A and a social work manager, Officer B, and
- spoken to Ms West's solicitors on the telephone.

## **Legal and administrative background**

4. The Ombudsman investigates complaints of maladministration causing injustice. When I find maladministration causing injustice, I can ask the Council to take action to remedy that injustice.
5. The Ombudsman does not normally investigate matters of which a complainant had notice more than 12 months before the complaint was made. However, I have discretion to consider such historic matters where there are convincing reasons to do so. In this case, I have not considered matters prior to 2009 as Ms West's solicitors first complained to the Council at the end of that year. I see no reason why she could not have brought her complaint earlier.
6. Councils are required to complete a core assessment within 35 days of the date it is started. Councils must also write a care plan following the completion of a core assessment. Any review of the care package must be based on assessed needs and the care plan must be updated.

## **Investigation**

### *Background*

7. Ms West is a single parent who has three children. Her first child reached the age of 18 in 2009. Her second and third children, a boy and a girl respectively, are younger, and both of them have a diagnosis of Autistic Spectrum Disorder (ASD) and Statements of Special Educational Needs that reflect their learning difficulties.
8. The family lived in a three-bedroomed property until March 2010, when they moved to a four-bedroomed property.
9. Complaints 1 to 9 and Complaint 11 were subject to a Stage 2 Report issued on 11 August 2010. Complaint 10 was considered separately by the Council and a Stage 3 Panel sat on 21 October 2011.

### *Complaints 1 to 3*

10. Ms West says she made requests for Children's Services to assess her second child in August 2000 and April 2001.
11. The head teacher of the second child's school wrote to the Council on 16 June 2006 to request that she be assessed by Children's Services. A Council file note

of 6 November 2006 recorded that Ms West had telephoned on 31 October 2006 to request assistance with caring for her second child. It also recorded that she had been distressed during the conversation.

12. The Council carried out an initial assessment of the second child's needs on 7 December 2006. It completed a core assessment for her on 27 February 2007. This recommended a request for a housing transfer be made to the Housing Department. It is unclear whether this housing transfer request was passed on. There was no recommendation that the Council should provide care.
13. In February 2009 Ms West telephoned the Council to request care support, but there was apparently no response to this call.
14. On 8 May 2009 an anonymous telephone call was received by Children's Services that suggested Ms West's situation was urgent. The Council arranged a home visit for the same day. The events that followed that day are recorded under Complaint 9.

#### *Complaint 4*

15. The Council carried out initial assessments for both children once they were taken into care.
16. A Council is legally required to complete a core assessment within 35 working days of the start date. In this case, the 35 days was reached on 27 June 2009.
17. A note on the Council's file dated 28 August 2009 recorded that the core assessments were overdue. A note on the Council's file dated 21 December 2009 referred to the overdue core assessments and the absence of any assessment of either parent. By this time, Ms West had contacted a firm of solicitors, who made a Stage 1 complaint on 18 November 2009.
18. The Council wrote to Ms West's solicitors on 9 February 2010 to confirm that the core assessments would be completed by 5 March 2010.
19. On 31 March 2010 the solicitors issued a letter before action, telling the Council that legal action would be taken if the core assessments were not completed by 14 April 2010. The Council completed the core assessments on 12 April 2010. These core assessments confirmed that the children each received 28 hours of care per week in term time.

### *Complaint 5*

20. A Looked-after Child (LAC) review meeting was held on 1 June 2009 in respect of the children. The Council wrote a care plan. It made several recommendations to be implemented within the next six weeks. These included:
- holding a planning meeting to discuss residency options for the children;
  - referring Ms West and her adult son for autism training;
  - referring Ms West to a parents' support group;
  - referring her adult son to a young carer's support group;
  - considering music tuition for the second and third children; and
  - an assessment of needs.
21. The Council held another LAC review meeting on 27 August 2009. This repeated the recommendations of the earlier review meeting with new deadlines. None of the earlier recommendations had been carried out. Ms West says the Council only carried out the referral of the second child for music tuition, in December 2009.

### *Complaint 6*

22. Ms West sent an email to the Council on 5 October 2009 to request a new social worker. The Council apparently declined the request at a meeting on held on 19 October 2009. The Council assigned a new social worker, Officer A, to the case on 19 November 2009.

### *Complaint 7*

23. Following the solicitors' complaint on 18 November 2009, the Council sent them a Stage 2 Report on 11 August 2010. It upheld the matters alleged by the solicitors in complaints 1 to 6. It was unable to state a precise sum by way of compensation for the faults it identified. Instead, it requested that the solicitors provide the Council with a breakdown of the sum they considered appropriate for it to consider.
24. The Council accepted the findings of the investigation on 19 August 2010 and offered compensation of £1,750.
25. The solicitors replied on 9 September 2010 that the replacement of household furniture, the purchase of garden play equipment, a replacement car and a family holiday would cost not less than £5,000. They also referred to remedies recommended by the Ombudsman in other cases. The Council replied on



28 September 2010. The reply confirmed that the Council would be willing to pay compensation of £2,469.88, but that the purchase of a car, a family holiday and garden play equipment was not acceptable.

26. The solicitors also provided details of two cases previously decided by the Ombudsman for me to consider. They felt that these cases showed that the financial element of the remedy offered by the Council in settlement of complaints 1 to 6 was inadequate.
27. In its response to my enquiries, the Council referred to its letter of 28 September 2010 to the solicitors. In this letter, the Council confirmed that it had considered the recommendations of the Stage 2 Report of 11 August 2010, but that it had declined to pay for garden equipment as it did not consider there were grounds to vary its usual policy not to do so. It also confirmed that it would not pay for a car as the family's car had been sold to pay off rent arrears. It further confirmed that it had encouraged Ms West to apply for assistance with funding for a holiday, but that she had not taken up the offer.

#### *Complaint 8*

28. The Council began choice-based lettings on 30 April 2008. Under the policy for choice-based lettings, children of opposite sexes may be expected to share a bedroom until one of them reaches ten years of age. Children of the same sex may be expected to share a bedroom until one of them reaches 18 years of age. In Ms West's case, the need for a larger property would have been established in June 2009. The Council's policy also provides for a priority referral to Group F to be considered where the Medical Adviser recommends this, or where doing so would facilitate a child leaving care.
29. A housing association offered Ms West a four-bedroomed property on 17 March 2010. She moved house during the weekend of 20-21 March 2010. She says her first child had to sell his car to pay off housing arrears of £1,100 owed to the Council that it refused to write off. She also says the family left behind furniture owing to the need to move quickly.
30. The Council's response to my investigator's enquiries confirmed that Ms West had made no contact with it after 2008, when choice-based lettings began in its area. It confirmed that it had advised her to contact her landlord as she did not meet the points threshold for three-bedroomed housing.

#### *Complaint 9*

31. The events that occurred during the home visit on 8 May 2009 are disputed. The Council's view is that a social worker was detained by Ms West against his will. She denies this. However, it was mutually agreed at the time that the second and third children would be taken into care the same day.

32. The Council also confirmed in response to my investigator's enquiries that the social worker who had visited Ms West on 8 May 2009 had had a period of stress-related sickness after the events of that day. The Council's view remains that he had been held by Ms West against his will.

#### *Complaint 10*

33. Ms West asked on 12 February 2010 for her children to be returned home and the Council arranged this.

34. The Council completed core assessments for the children on 12 April 2010. These core assessments confirmed that the children each received 28 hours of care per week in term time to support Ms West in caring for them. 28 hours of care were provided per week for each child.

35. The Council reviewed the care package on 25 June 2010. However, it did not update the core assessments or write any care plans for the children. The Council stopped providing care in late July 2010 as it was agreed this would not be needed during the school holidays. Ms West was unhappy with the carers and wanted more specialised carers to be provided.

36. The Stage 2 Report of 19 July 2011 confirmed that Ms West had asked for respite care before September 2010. But it confirmed that she had been told that the care plan would end after the 2010 school holidays, and it said the training needs for the care workers were not straightforward. Ms West again asked for respite care on 14 September 2010. A representative of an agency appointed by the Council offered on 29 September 2010 to provide 28 hours per week of care for each of the two youngest children. The solicitors wrote on 5 October 2010 to confirm that Ms West was happy with this offer. The Council says that she informed it that she would not require 28 hours of care per child per week. When my investigator interviewed him, Officer B said that the agency's reference to 28 hours per child had been unhelpful.

37. The solicitors wrote to the Council on 14 October 2010 and 22 October 2010 to ask why the agreed package had not been provided. The solicitors made a Stage 1 complaint about the non-implementation of the care package on 27 October 2010. The solicitors made a Stage 2 complaint to the Council on 15 November 2010.

38. Ms West emailed the Council on 8 November 2010 to say that she preferred not to have any interim daily care before the agency care started. She said this was because she wanted to avoid the "chop and change" of carers.

39. The Council confirmed in its response to my investigator's enquiries that the agency provided daily care from January 2011. My investigator has not seen records of the precise number of hours provided for each child at all times from that date onwards. However, the cost of care per child per hour was £15.96 in

January 2012 according to a record on the Council's files. The Council also confirmed in its response to my investigator's enquiries that the care provided amounted to 19 hours per week for each child from January 2011 to July 2011. It also confirmed that daily care amounted to 24 hours per week for the third child and 14 hours 45 minutes per week for the second child from September 2011 onwards.

40. The Council confirmed in its response to my investigator's enquiries that Ms West was happy with the current number of hours provided per week. She confirmed to my investigator by telephone that she was not happy with the current number of hours provided.
41. On 21 December 2010 a resources panel considered the case. The record of the meeting showed that the respite package under discussion was to run from Friday pm to Sunday am once per month. I have seen no evidence that any decision was recorded in a care plan. When my investigator interviewed them, Officers A and B both said that the Council had made no commitment to respite care running for two nights.
42. The records seen by my investigator indicated that the Council considered residential and foster placements. It identified the cost of a residential placement as at least £2,500 per week per child. The cost of a foster placement was identified as £174 per day per child with retainers of £180 and £159 per week per child.
43. Both Officers A and B confirmed that Ms West had rejected one respite placement as unsuitable in November 2011. Officer B also confirmed that he had reached the same view as Ms West that that placement would have been unsuitable for the children.
44. Officer B confirmed that it usually took about six months to find a respite placement. He also confirmed that there is a shortage of such placements available in London and that the children's needs were complex.
45. The Stage 2 Report of 19 July 2011 confirmed that Ms West asked for respite care before September 2010 and that there had been delays by the social worker. But it confirmed that the Council had told her that the care plan would end after the 2010 school holidays, and it said the training needs for the care workers were not straightforward. Among other matters, it recommended that monthly respite care be set up. The Stage 3 panel of 21 October 2011 also found that there had been poor social work practice, that there had been no monthly respite care, and that there had been a lack of effort to identify foster carers. It considered that greater effort to identify placements was needed.
46. The cost of daily care at £16 per hour for the difference between 28 hours per week per child and the amount provided in term time between January 2011 and 21 March 2012 would have amounted to £10,044.

47. The current care provided amounts to 14 hours per week for the second child and 24 hours per week for the third child.
48. The cost of respite care placements at £174 per day per child for one day per month per child for the period October 2010 to December 2010 (allowing for three months lead-in time as suggested by the Council) and two days per month per child from January 2011 to December 2011 would have amounted to £9,396.
49. A first respite care placement was made on 21 January 2012.
50. My investigator has seen no evidence that a care plan was written by the Council for either child at any time after the core assessments were completed in April 2010 when they returned to Ms West's care. The Council has accepted that this was not done and confirmed that it will write the care plans as a matter of urgency.

#### *Complaint 11*

51. This is a summary of the other complaints.

#### *Complaint handling*

52. Ms West contacted a firm of solicitors on 30 October 2009. The solicitors made a Stage 1 complaint to the Council on 18 November 2009.
53. The Council made its response to the Stage 1 complaint on 2 December 2009. The solicitors were dissatisfied with the level of detail in the response and requested the complaint be forwarded to Stage 2 on 10 December 2009.
54. On 23 December 2009, the Council requested to make a second Stage 1 response. This was refused by the solicitors. The Council made a response that it considered to be a Stage 1 response on 8 January 2010. The solicitors considered it to be a Stage 2 response. They requested copies of the second child's full file and said they were not satisfied with the Council's response on 1 February 2010. The solicitors wrote again the following day to request copies of the second child's notes and of a report to which the Council had referred in its recent response. The solicitors also raised the issue of overcrowding in the family home and reminded the Council about the overdue core assessments. The Council replied on 9 February 2010, confirming that the documents requested would be sent and that the core assessments would be completed by 5 March 2010.
55. The solicitors asked for the complaint to be forwarded to Stage 3 on 23 March 2010. The Council replied on 29 March 2010 that the complaint had been escalated to Stage 2. This was not accepted by the solicitors.
56. The solicitors sent the Council a copy of a report by an independent educational psychologist on 21 May 2010 and a statement of the complaint on 21 June 2010.

57. On 9 July 2010 the Stage 2 investigators asked for a copy of the educational psychologist's report. The solicitors considered the Council should have been able to supply this. The Stage 2 investigators sent a list of questions to the solicitors on 19 July 2010 and the solicitors sent replies to these questions on 28 July 2010.
58. The Stage 2 Report was sent to the solicitors on 11 August 2010. It said the delay in its completion was due to the solicitors having made lengthy submissions at a late stage.

#### *Complaint handling (Complaint 10)*

59. The solicitors made a Stage 1 complaint about the non-implementation of the care package (Complaint 10) on 27 October 2010. The solicitors made a Stage 2 complaint to the Council on 15 November 2010.
60. The Council confirmed that a Stage 1 response to Complaint 10 was made on 17 November 2010. The solicitors confirmed that they agreed to postpone the Stage 2 investigation as the Council offered to settle the complaint. However, no resolution was reached, and my investigator discontinued his previous investigation (ref: 10 014 676) into these complaints on 10 January 2011. This was because there was a risk that it would come into conflict with the ongoing Council process of attempting to resolve Complaint 10.
61. The Council's response to the Stage 2 investigation of Complaint 10 was provided to the solicitors on 19 July 2011. The solicitors complained that this was inadequate, and a Stage 3 panel was arranged for 21 October 2011. The solicitors then brought Complaint 10 to me and requested all 11 complaints be investigated.

## **Conclusion**

#### *Complaints 1 to 7*

62. Complaints 1 to 6 were upheld by the Stage 2 Report of August 2010, and some of the matters alleged are historic in nature. So I have not considered them separately, but focused instead on the remedy recommended and on Complaint 7, which was that the Council failed to implement that recommended remedy. The Report did not recommend a sum, nor did it list the items it considered the Council should fund. Instead it recorded a list of items Ms West had provided and invited the submission by the solicitors of a sum for the Council's consideration. It felt she should be financially compensated for the delays in dealing with the needs of her children. In response, the Council initially offered £1,750, though it later increased this offer to £2,469.88. The solicitors wanted the Council to pay for the purchase of a car, a family holiday and garden play equipment, and requested £5,000 for this purpose. The Council considered it was not appropriate to pay for these last three items. The allegation that the Council failed to

implement the recommendations of the Stage 2 Report of August 2010 formed Complaint 7.

63. The evidence seen by my investigator suggests that the Council considered the solicitors' submission and took the view that it was prepared to fund some of the items, but not others. It also revised the amount it was prepared to offer in light of the solicitors' response to its original decision. I am therefore led to the view that the Council did what was asked of it by the Stage 2 Report of August 2010 by considering the case put forward.
64. The solicitors also felt that the Ombudsman had recommended higher financial remedies in other similar cases and that the sum offered by the Council was unreasonable. I have considered the cases to which the solicitors referred. One of them involved a remedy of £12,000 for the quantifiable value of direct payments missed. The other involved a remedy of £20,000 for the failure of a council to consider a residential placement for a child for four years where there had been a serious effect on family life as the child had repeatedly assaulted his sister. Although I have regard to previous cases, every complaint brought to me is considered on its own merits, and I have seen no evidence that would suggest that the injustice caused to Ms West's family by the Council's actions in the matters complained of in Complaints 1 to 6 was similar to either of these cases. I do not therefore consider that there are grounds to consider the Council's offer as unreasonable.

#### *Complaint 8*

65. The Council confirmed in its response to my investigator's enquiries that Ms West had not been in contact with regard to her housing needs since 2008, when choice-based lettings began. Without any evidence to the contrary that she pursued this matter after 2008, I therefore consider that this complaint is historic in nature, and I have not therefore exercised my discretion to consider it.

#### *Complaint 9*

66. The events of 8 May 2009 are disputed. As the social worker who visited Ms West on 8 May 2009 had a period of stress-related sickness subsequent to the events of that day, it seems more than likely that he found them distressing. Such matters are usually a question of one person's word against that of another. In this case, I have seen no evidence that would confirm whether he was held hostage by Ms West, so I cannot form a definite view.

#### *Complaint 10*

67. The core assessments carried out by the Council in April 2010 reported that Ms West's second and third children would be likely to continue to have care needs. At this point, the Council was providing 28 hours of care per week for each child. I have seen no evidence that these needs were recorded in a care

plan for either child. It was accepted by both parties that the care package would not be needed during the summer holidays in 2010. Officer A also confirmed that she had advised Ms West to maintain the care package until the end of the school term in July 2010. However, I have seen no evidence to suggest that Ms West no longer wished to have care assistance after the summer holidays in September 2010.

68. On the contrary, Ms West requested care assistance, including respite care, both before September 2010, and again on 14 September 2010. Given that she had previously been unable to care alone for her children, and that the core assessments had confirmed that there might be ongoing care needs, the Council arranged for an agency worker to visit on 29 September 2010. It was at this point that 28 hours care per child per week was first mentioned by the agency worker. Although the Council's view was that there was no agreement to 28 hours per week per child, I have seen no evidence that a new core assessment was carried out or that a care plan was written for either child that would indicate a lesser number of hours was to be provided. In the absence of any evidence to the contrary, Ms West would have been entitled to assume that the previous care package of 28 hours per week per child would have been provided.
69. Clearly, the children's needs were complex and it is also the case that Ms West declined an offer of interim daily care on 8 November 2010. I do not therefore consider the delay in providing daily care was excessive.
70. However, the Council provided considerably fewer than the number of hours previously provided without carrying out any new assessment or writing any care plan. The evidence I have seen therefore suggests that this shortfall was nine hours per week per child from January 2011 to July 2011 and four hours per week for the third child and 9 hours 15 minutes per week for the second child from September 2011 to March 2012. I therefore consider that the failure of the Council to carry out a new assessment or to write a care plan and the consequent shortfall of hours of care of 18 hours per week for 27 weeks in school term time from January 2011 to July 2011 and 13 hours 15 minutes per week for 25 weeks in school term time from September 2011 to March 2012 was maladministration. I shall address the injustice caused by this failure and the failure identified in paragraph 68 under Complaint 11.

#### *Respite care*

71. The Stage 2 Report of 19 July 2011 confirmed that Ms West had requested respite care before September 2010. The core assessments of April 2010 also suggested that there were likely to be ongoing care needs. However, respite care was not discussed with Ms West until 23 November 2010, and both the Stage 2 Report and the Stage 3 panel accepted that there had been delay. The Stage 3 panel also took the view that there had been inadequate efforts to identify foster carers. It noted that the Council first sought a placement in August 2011 and then

again in October 2011. The evidence seen by my investigator suggests that the first monthly respite care was not identified until November 2011 and no provision was made until January 2012. Officer B confirmed that there were difficulties in finding carers in London and that the children's needs were complex. However, he also confirmed that six months would have been a normal timescale. Even allowing for the time that would have been needed to find and match carers, this period of 21 months from April 2010, when the core assessment was written, to January 2012 was excessive, some 15 months longer than would have been expected. Although Officer B also confirmed that respite care could be an afternoon or one or more overnight periods, the evidence on the Council's files suggested that a weekend placement from Friday to Sunday was being sought. Ms West confirmed to my investigator that she accepted that the first couple of placements might be shorter than from Friday to Sunday to allow her children time to adjust. It would seem reasonable that the first three placements might have been for one night only. I therefore consider delay by the Council led to the loss of three monthly episodes of weekend respite care from Friday to Saturday and 12 monthly episodes of weekend respite care from Friday to Sunday for each child.

#### *Complaint 11*

72. Given the analysis in paragraphs 67, 68 and 70 above, I consider the Council failed to meet Ms West's needs in the forms indicated in the previous paragraphs. She was the single parent of two children whose needs were considerable. There had already been previous failures by the Council and matters had reached a crisis point in May 2009, when she asked the Council to accommodate them. I have seen no evidence that this was a decision she had taken lightly. When the Council returned the children to her care, the core assessments carried out by the Council stated they needed 28 hours of care per week. Yet, despite this context, no care plans were written and the hours of care were reduced without any reassessment. Nor was any respite care found for 21 months, 15 months longer than the Council would have expected. These failures continued beyond a Stage 2 Report and Stage 3 panel findings that should have alerted the Council to the seriousness of the situation. The Council also continued to assert to my investigator that Ms West was happy with the hours of care provided when she was not. She told my investigator that the Council interpreted what she said "to suit itself". Given that it had not written care plans, nor carried out new core assessments, the Council has been unable to support its assertions. The effects of the Council's maladministration were serious. Ms West received considerably less assistance on a daily basis and in the form of respite care than she could have expected. Although the Council's view was that she was happy with the care provided, this was not the case. She described herself as "worn out" by the daily effort of caring for her children, a daily effort from which she had no monthly weekend respite for 15 months longer than was reasonable. I consider this was injustice in the form of loss of provision to which she was entitled. I also consider she was caused injustice in the form of distress. Ms West said she found the



Council's delay "unbelievable" and that dealing with it had "taken over the whole of my life". I consider the Council's failures therefore also caused her justifiable outrage that her family's needs had continued to be ignored even after previous failings by the Council.

### *Complaint handling*

73. The solicitors made the Stage 1 complaint regarding the care package on 27 October 2010, yet it took until 21 October 2011, when the Stage 3 panel sat, for the complaint to complete the Council's process. Although the complaint was not straightforward because of its links to the previous complaint, 12 months was clearly excessive. Much of this delay occurred between Stages 1 and 2 of the process, which took six months. I consider that, even allowing for the complexity of the case, the avoidable delay amounted to at least six months. As already referred to in paragraph 72, the failings identified also continued for some time after the end of the process when some of them had been identified by the Stage 2 Report, leading the solicitors to approach me. The delay in the complaints process and the failure to provide remedy for identified failings was further maladministration by the Council. I consider this can only have added to Ms West's distress and sense of outrage, expressed to my investigator. I also consider she was caused unnecessary time and trouble by the Council's failings in complaint handling and having to bring her complaint to me.

## **Finding**

74. For the reasons set out above I find that there has been maladministration causing injustice.

## **Recommended remedy**

75. I consider the Council should:

- a. implement the remedy it offered in respect of complaints 1 to 6 (the financial element of that remedy is included below)
- b. apologise to Ms West for its failure to write care plans for her children, for the lost daily care provision for more than a year, for the lost respite care for 15 months and for the failings in its complaints process
- c. write care plans for Ms West's children and carry out fresh core assessments if any change is proposed in future
- d. review its policies and procedures to ensure:
  - care plans are consistently written following core assessments that identify care needs and core assessments are updated when needs change

- training is provided for staff involved to ensure they fully understand the requirements and expectations of effective care planning
  - arrangements for the supervision of staff are reviewed to ensure they are robust and fit for purpose, and
  - to confirm to me within six months of the date of this report when it has done this.
- e. Consider any other service users similarly affected by any failure of the Council to write care plans or to update core assessments.
- f. Pay Ms West £19,469.88. This should include a payment of £2,469.88 for the failings identified by the Council in complaints 1 to 6. It should also include £4,000 for the effect in unnecessary additional work she was caused by the loss of daily care provision for more than a year and £8,000 for the loss of respite provision for 15 months. It should also include £2,000 for the distress and £2,000 for the justifiable outrage the Council's failures caused in view of the reasonable expectation that previous failings would not be repeated and the fact that the Council provided no remedy for the subsequent identified failings despite having a number of opportunities to do so as it considered the complaint via its own procedures. It should also include £1,000 for her time and trouble in having to bring her complaint to me when the complaints process had identified failings that remained without remedy.

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**16 August 2012**