**Local Government Ombudsman – Review of Adult Social Care Complaints 2013**

<http://www.lgo.org.uk/publications/advice-and-guidance#special>

This review is the first that the LGO has published since its remit was extended to cover self-funders, as well as local authority funded individuals in residential settings. The majority of complaints that the Ombudsman received were in relation to assessment and care planning, with 442 such complaints being received in 2013.

A case study describes an instance in which Peter, an individual with autism, epilepsy and moderate learning disabilities, had his NHS funding withdrawn. Following this, the local authority failed to comply with its duty to establish an aftercare plan. Concerns were raised by care professionals about the insufficiency of the care package for Peter, but the Council failed to take into account all of the relevant evidence, and as a consequence, Peter was left without access to respite care. The Ombudsman forced the LA to carry out a reassessment, apologise for the manner in which the original assessment was carried out, and provide Peter and his mother – who appears to be his sole carer – with a financial remedy.

Similarly, a lady named Rebecca, had a care package that provided her with support for showering, preparing meals and collecting her pension. However, following a review, the council reduced the amount of time that she received support for by way of decreasing the time she received for showering as it was felt it could take less time if she did fewer tasks herself. Rebecca rightfully considered such a move as being detrimental to her privacy and dignity and it was later found by the Ombudsman that the section in the assessment on ‘risk to the service-user’ was not completed. The Ombudsman later ruled that the council had failed to consider the risk to Rebecca if her care package was cut, in addition to neglecting the importance of her dignity. The LA was subsequently recommended to review her care plan, carry out a proper risk-assessment, apologise, and provide a financial remedy.

These two examples demonstrate that although oversight of LA commissioning is distinctly lacking, the LGO provides a useful means of redress for both providers and service-users, and can therefore be used to ensure that LAs carry out their statutory duties. Furthermore, both examples reinforce the point that local authority budget cuts cannot be used as a pretext upon which to arbitrarily cut support for those who need it. Instead, a proper risk-assessment process has to be carried out and commissioners have to be able to prove that the fees that they are paying are sufficient to fund the care needed to cover the eligible needs that an individual has.