

SPSO decision report

Case: 201503727, Falkirk Council
Sector: local government
Subject: continuing care
Outcome: upheld, recommendations

Summary

Ms C's mother was admitted to a care home and the council provided Ms C's family with a breakdown of the charges for the care home and invoiced the family accordingly. Following an admission to hospital, Ms C's mother returned to the care home, however, Ms C's family received no further invoices for the care home fees until the council wrote to them in the following year explaining that, following a recent review, it had been identified that, due to an administrative error, no invoices had been raised for the care home fees. Due to the amount of fees outstanding, a charging order was placed on Ms C's mother's property. Ms C complained to us that the council had acted unreasonably by failing to ensure that invoices for the care home fees were issued at the correct time.

Our investigation found that the council had made an administrative error in failing to invoice Ms C's family for the care home fees at the correct time – Ms C's mother's file was misfiled which led to her being omitted from the manual list of clients requiring yearly financial reassessment. Therefore, we upheld Ms C's complaint. The council have recently introduced a system-generated automatic financial reassessment process which should prevent a similar situation occurring again in future.

We also had some concerns about the way in which the council had handled Ms C's complaint. The council had referred Ms C's complaint to a charging review panel on more than one occasion. This led to delays in responding to Ms C's complaint. Ms C's correspondence was not fully answered and the council's final response to Ms C's complaint failed to inform her of her right to submit her complaint to our office as the final stage in the complaints procedure. In light of this, we made recommendations to the council.

Recommendations

We recommended that the council:

- review their handling of complaints which are referred to a charging review panel to ensure that they are handled in line with the model complaints handling procedure for local authorities and legislative requirements; and
- provide Ms C with a full response to the four points she sought clarification on in her original complaint letter.