

SPSO decision report

Case: 202001347, North Lanarkshire Council
Sector: Local Government
Subject: Care charges for homecare and residential care
Decision: resolved, no recommendations

Summary

C complained on behalf of their late grandparent (A).

A was admitted to hospital. The next month they were moved to an NHS continuing care bed in a care home. Shortly after, A's child and Power of Attorney (POA) received a call from a social worker to inform them that A would be transferred to a different care home the next day. C spoke to the social worker the same day and this was confirmed. The move was stated to have been due to the need to free up beds in light of the developing pandemic. C asserted that both they and A's POA were told that A would be moved to another NHS bed. Subsequently, A's family received a fee note from the new care home. C complained that A's move had been unreasonable and that A's family had not been informed of any potential costs.

The council said that A's move was reasonable in light of a clear directive from the Scottish Government to free hospital beds. They said that the social worker had informed A's family that the move would be to a private nursing home.

C complained to us. We took initial independent advice from an appropriately qualified adviser. We found that the council's response regarding the move appeared reasonable, but that its response regarding fees was unreasonable. The adviser highlighted the information they would expect a family to be given prior to such a move.

We opened an investigation into the case and notified the council of this decision. In response, the council changed their position.

While it noted the circumstances of the developing pandemic, the council accepted that its communication with A's family had been inadequate. They proposed resolving the complaint by acknowledging their failure and by paying the care home fees.

C accepted this resolution. As it was considered that there was no systemic learning to be found (due to specific nature of the failure) the complaint was closed on this basis.