

The Ombudsman's final decision

Summary: Mr X complained for his mother the Council had failed to give her the '12 week property disregard' when she entered a care home. The Ombudsman should not investigate this complaint. This is because there is not enough evidence of fault by the Council which has caused injustice to Mrs Y.

The complaint

1. Mr X complains for his mother, Mrs Y, the Council failed to apply the '12 week property disregard' when she entered a care home.

The Ombudsman's role and powers

2. We investigate complaints about 'maladministration' and 'service failure'. In this statement, I have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. I refer to this as 'injustice'. We provide a free service, but must use public money carefully. We may decide not to start or continue with an investigation if we believe:
 - it is unlikely we would find fault, or
 - the fault has not caused injustice to the person who complained, or
 - it is unlikely we could add to any previous investigation by the Council, or
 - it is unlikely further investigation will lead to a different outcome, or
 - we cannot achieve the outcome someone wants. (*Local Government Act 1974, section 24A (6), as amended*)

How I considered this complaint

3. I have considered the information put in by Mr X with his complaint. I have also considered the Council's response to it.
4. Mr X had an opportunity to comment on my draft decision.

What I found

5. Mr X complained a Council Social Worker told him the Council would cover Mrs Y's care charges, when she moved from a nursing home to a care home, under the '12 week property disregard'. He said the Council should honour the Social Worker's statement.

-
6. The Council said it had funded Mrs Y's care when she first entered a nursing home after her discharge from hospital. It said it applied the '*12 week property disregard*' at this point, in line with the Care Act.
 7. The Council said it could only apply a property disregard once, and it was not applicable to Mrs Y's move to the care home after her stay in the nursing home.
 8. The Council said the Social Worker Mr X spoke about was not its employee. It said another body employed her and Mr X should direct any queries about her comments or actions to her employer.
 9. The Council provided evidence it had sent Mr X's complaint about the Social Worker to her employer and told Mr X about this.

Analysis

10. From the evidence I have seen there is no fault in the Council's actions. It is right the property disregard only applies when a person first enters a care home. The Council funded Mrs Y stay in the nursing home and she received the '*12 week property disregard*' at this point.
11. The Ombudsman cannot hold the Council responsible for the actions of an employee in another body. The Council has acted properly in sending Mr X's complaint to that body. There is no requirement for it to do more.

Final decision

12. The Ombudsman should not investigate this complaint. This is because there is not enough evidence of fault by the Council causing injustice to Mrs Y. It is unlikely further investigation will lead to a different result.

Investigator's decision on behalf of the Ombudsman