

The Ombudsman's final decision

Summary: The Ombudsman will not investigate Mr A's complaint that his mother's, Mrs B's, care provider has not provided a full explanation why she was given notice on her placement. This is because the Ombudsman could not add to the care provider's response and it would be reasonable for Mr A to ask the Information Commissioner's Office (ICO) to consider his request for information if the care provider refuses.

The complaint

1. The complainant who I shall call Mr A says he and his mother, Mrs B, were distressed by her care provider's actions when it said it could not manage her needs and suggested she should move to a different care home. Mr A says he wants to know the reasons why it could not manage Mrs B's needs and an apology for the way he has been treated.

The Ombudsman's role and powers

2. We investigate complaints about adult social care providers. 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:
 - the injustice is not significant enough to justify our involvement, or
 - it is unlikely we could add to any previous investigation by the care provider, or
 - it is unlikely further investigation will lead to a different outcome.

(Local Government Act 1974, sections 34B(8) and (9))

3. The Information Commissioner's Office considers complaints about freedom of information. Its decision notices may be appealed to the First Tier Tribunal (Information Rights). So where we receive complaints about freedom of information, we normally consider it reasonable to expect the person to refer the matter to the Information Commissioner.

How I considered this complaint

4. I considered the information Mr A provided. I sent Mr A a copy of my draft decision for comment.

What I found

5. Mr A is unhappy with the way Mrs B's care provider said it could not manage her needs and wants a detailed explanation about how the decision was made.
6. The care provider says Mrs B was admitted on a trial basis and, after careful assessment decided it could not meet her needs especially in relation to safety. It said two members of the senior management team spoke with Mr and Mrs A and explained this. It disputes it was unprofessional and says it did not give Mrs B notice to quit but asked Mr and Mrs A to begin exploring alternative homes which could meet her needs, especially in relation to safety.
7. The Ombudsman would not be critical of the care provider's actions regarding this point. It is for a care provider to assess needs and determine whether it can meet the needs identified in the assessment. In this case it has explained it could not meet Mrs B's needs especially in relation to safety.
8. Mr A can make a Subject Access Request to the care provider on behalf of Mrs B and ask it to provide a copy of the assessment detailing the reasons why it could not meet her needs. If the care provider refuses he can ask the Information Commissioner's Office (ICO) to consider his request and it would be reasonable for him to do this.

Final decision

9. The Ombudsman will not investigate this complaint. This is because he could not add to the care provider's response and it would be reasonable for Mr A to ask the Information Commissioner's Office (ICO) to consider his request for information if the care provider refuses.

Investigator's decision on behalf of the Ombudsman