

IASC/24/14

Scrutiny Committee
21st November 2024

Findings from the Ombudsman's Report into the Case of Mr C. Report of the Directors for Integrated Adult Social Care and Children and Young People's Futures

Please note that the following recommendations are subject to consideration and determination by the Committee before taking effect.

1) Recommendation

That the Committee be asked to:

1. To receive and comment upon the report in relation to the case
2. To note the action plan and that future updates will go to the Adult and Health Scrutiny Committee.

2) Background / Introduction

This report provides information on the [public interest report](#) issued by the Local Government and Social Care Ombudsman on the 8th August into a complaint about Devon County Council (Reference Number: 23 001 435). There is a requirement such reports are brought to a relevant Council Committee for public scrutiny. The report found fault causing injustice and made a number of recommendations. According to our Constitution, issues of maladministration are reviewed by the Standards Committee, and this matter was referred to them. On 14th October, the Standards Committee recommended that the report be brought to a future Integrated Adult Social Care Scrutiny Committee.

Summary of the Complaint: The complaint was brought by Ms B on behalf of her son, Mr. C, who was transitioning from children's social care to adult services upon turning 18. Mr C is a young adult with autism and ADHD. The primary concerns included:

- Inadequate and delayed transition planning leading to Mr. C's relocation to a supported living placement 30 miles away from his family and educational setting.
- Resultant isolation, missed education, and increased anxiety for Mr. C.
- Distress experienced by Ms B due to reduced contact and involvement in decision-making regarding her son's care.

Key Issues Identified by the services:

- **Timeliness of Adult Social Care Involvement:** Concerns arose regarding whether adult social care services were engaged early enough so that assessments and decision-making processes were conducted promptly to facilitate a smooth transition.

- **Coordination and Communication:** Notable gaps in collaboration between children's, adult, and transport services led to delays and inefficiencies in planning and implementing Mr. C's transition.
- **Perception of Transition Processes:** A binary perception within the Council that responsibilities are either adults or children's and in cases such as these there is a shared responsibility.
- **Legal Responsibilities:** Complexities arose in aligning responsibilities under various legislative frameworks, including the Care Act 2014, Care Leavers Act, and Children's Act, particularly concerning accommodation and support provisions. This was particularly apparent around transport to Mr C's educational facility.
- **Sufficient Housing** – There is a lack of sufficient housing stock for working age adults and young people between 16 and 18 years. This includes housing for care leavers with specific more complex behaviours. This can delay timely transition as alternatives are sourced.

3) Chronological Overview of Events

The chronology overview of events are set out as below:

- **2020 - 2022:**
 - **Engagement in Planning Meetings:** Adult social services were involved in Mr. C's Education, Health, and Care Plan (EHCP) reviews from 2020 onward, indicating early engagement at a planning level.
 - **Placement in Wales:** Mr. C resided in a placement in Wales, complicating in-person visits and assessments due to distance and COVID-19 restrictions.
- **Early 2022:**
 - **Impact of COVID-19 Pandemic:** The Council was navigating post-lockdown adjustments, with ongoing restrictions affecting movement, visitation, and the capacity for face-to-face interactions. Remote working was prevalent, influencing the efficiency and effectiveness of coordination between services.
 - **Decision on Case Leadership:** Given the circumstances, adult and children's team managers agreed that children's services would lead Mr. C's case, with adult services becoming involved as needed, particularly as plans developed for his return to Devon.
- **August 2022:**
 - **Transition to Children's Home (CH1):** Mr. C was moved to CH1 closer to his family, with the intention of transitioning to an adjoining supportive living adult service when feasible. This option was later declined by the provider.

- **October - December 2022:**
 - **Completion of Adult Social Care Assessment:**
 - Recording evidences the transition assessment was completed by early November 2022, but was not immediately shared with Mr. C or his family.
 - Delays occurred in presenting the assessment to the Adult Social Care decision making forum, in part due to challenges in obtaining detailed financial information regarding CH1's costs. The recommendation to the panel was that Mr. C remain at CH1 until a suitable placement was identified.
 - The Panel reviewed the case on 30th November 2022 and declined the placement, instead providing recommendations which included options for the Care Leavers service to fund an alternative, two potential options for emergency placements, and ways to seek other solutions.
 - One of the options recommended was that Mr. C present himself as homeless to the appropriate District Council. However, senior managers intervened, and this decision was subsequently halted.
- **November - January 2023:**
 - **Uncertainty and Breakdown of Placement at CH1:**
 - The Ombudsman found that the uncertainty regarding Mr. C's ability to remain at CH1 led to increased anxiety and behavioural issues, which contributed to the breakdown of the placement. In January, the provider gave notice, requiring Mr. C to leave.
 - **Council's Focus on Securing Accommodation:**
 - In response to the provider's notice from CH1, the Council prioritised securing alternative accommodation for Mr. C. However, the only available option was a placement located a considerable distance from his educational setting.
- **February 2023:**
 - **Relocation to Supported Living Placement:**
 - Mr. C was moved to a supported living arrangement 30 miles away from his family and educational setting. Following this, the Council attempted to address the situation by working with the education provider to maintain Mr. C's educational placement and later sought transport solutions. However, the Council was unclear about its statutory

responsibilities to transport young people with an EHCP specifying an educational facility, leading to further delays and disruptions in Mr. C's education.

- **External Factors:**

- The COVID-19 pandemic significantly affected service delivery, with restrictions and remote working conditions posing additional challenges to effective planning and coordination. During the summer of 2022, the Council's challenged financial position at the time was understood, and messages about the position were communicated internally and publicly in the summer and autumn of 2022.

Points of Failure:

- **Delayed Decision-Making and Implementation:**

- The postponement in completing and sharing the Care Act assessment, coupled with the then late decision-making regarding Mr. C's long-term placement, resulted in insufficient time to implement an effective transition plan.
- The Ombudsman found that the uncertainty surrounding Mr. C's future at CH1 exacerbated his anxiety, leading to behavioural issues that contributed to the breakdown of his placement, necessitating an urgent search for alternative accommodation.

- **Inadequate Coordination Between Services:**

- Despite early involvement in planning meetings, adult and children's services lacked robust and ongoing collaboration, leading to fragmented and reactive responses rather than proactive planning.

- **Challenges in Securing Suitable Accommodation and Transport:**

- The Council's primary focus in January 2023 was on securing any available accommodation. This led to Mr. C's placement in a setting far from his educational provider, which, compounded by confusion over statutory responsibilities, delayed the provision of necessary transport and further impacted Mr. C's education.

- **Understanding Legal Responsibilities:**

- The process of aligning responsibilities under various legislative frameworks, such as the Care Act 2014, the Care Leavers Act, and the Children's Act, proved to be complex. Insufficient understanding and coordination were particularly evident in areas concerning accommodation and support provision, as well as transportation to educational facilities. These challenges in understanding legal obligations and clearly communicating them directly influenced the perceptions and experiences of the transition process.

-

- **Perception of Transition Processes:**

- A prevalent perception within the Council dictates that transitions occur precisely on the young person's 18th birthday and that responsibilities are binary, that is either adults or children's. Transition points can be more nuanced and in cases such as these the responsibility isn't one or the other directorate but a shared responsibility.

4) Findings and Analysis

Impact of Delays and Timing on Transition Planning for Mr. C:

The transition planning process for Mr. C encountered several issues that affected its timeliness and effectiveness. The adult social care assessment was recorded as completed in early November 2022. There were delays in sharing the assessment with Mr. C and his family, and further delays occurred in presenting the care plan to the forum, which was done at the end of November. These delays were partly due to challenges in obtaining a cost breakdown from the provider. The decisions made close to Mr. C's 18th birthday allowed limited time for detailed planning and smooth implementation. If these decisions had been initiated earlier, there would have been more time to address logistical challenges, secure appropriate placements, and arrange necessary support services. These earlier actions could have reduced the complexity of Mr. C's transition.

Adult Services will be putting in place mechanisms to enable managers to better monitor assessment completion times for people likely to transfer into Adult Services from Children's Services. Additionally, the financial challenges faced by the organisation may have influenced the decisions and approach of the forum members involved in the transition process.

Challenges in Service Coordination and Communication During Transition:

Coordination and communication between services also presented challenges. Although both children's and adult services participated in EHC and child-in-care meetings, their coordination near the point of transition was fragmented. This lack of consistent communication and collaboration led to isolated approaches and delayed responses. Establishing clear communication channels and collaborative frameworks including clear roles and responsibilities earlier in the process could have provided a more unified approach, better aligning efforts to meet Mr. C's needs.

Adapting Coordination Strategies Amid Pandemic Challenges:

The broader context, particularly the pandemic, added to the challenges of coordination. There was a decision between children's and adult managers in January 2022 that children's would lead the transition and call upon adult services when required. While the pandemic introduced difficulties, employing adaptive strategies and maintaining regular communication could have addressed some of the issues encountered. For instance, using remote collaboration tools and conducting regular interdepartmental meetings might have maintained planning efforts despite external constraints.

Transition Processes:

The approach to transition processes within the directorate could have been improved. The need to align responsibilities under the Care Act 2014, Care Leavers Act, Children's Act, and SEND required clear coordination and communication. However, these responsibilities were not fully addressed before Mr. C's transition, leading to an incomplete understanding of his situation. A more thorough understanding and planning for the dual responsibilities in accommodation and care support might have addressed these gaps and ensured that statutory obligations were met more effectively.

The response to the breakdown of Mr. C's placement, and the challenges related to securing new accommodation, further complicated the transition. The uncertainty about Mr. C's ability to remain at CH1 increased his anxiety, which contributed to the breakdown of the placement. The provider's decision to give notice was influenced by the behavioural challenges that arose from this anxiety. While the Council's subsequent actions to secure alternative accommodation were necessary, they resulted in Mr. C being placed far from his family and educational setting.

After securing alternative accommodation, the Council attempted to work with the education provider to maintain Mr. C's educational placement. When these efforts were not successful, they sought to arrange transport, but delays and confusion regarding statutory responsibilities relating to transport and escalation points, particularly concerning the EHCP, affected these efforts. This situation further impacted Mr. C's education during the transition.

5) Action Plan

In addition to public scrutiny of the report, the Ombudsman also requires the Devon County Council to report to him within three months on the measures taken to address the recommendations in the report.

Devon County Council accepts in full the recommendations of the Ombudsman and is committed to learning from what has happened to ensure sustainable improvements to its processes. Actions taken in response to the issues identified in the Ombudsman report are as follows:

1. **Apologise to Mr. C:** The Council will apologise to Mr. C, acknowledging the report's findings. **Letters of apology have been sent to both Mr C and Ms B.**
2. **Compensate Mr. C and Ms B:** The Council will pay £1,000 to Mr. C for distress, risk, and educational impact. The Council will pay £250 to Ms B for her distress. **Payment to both parties has been made.**
3. **Arrange Support Meeting:** The Council will meet with Ms B, Mr. C, and his education provider to arrange any necessary additional support. **Arrangement for the meeting has been made.**
4. **Triage Transition Cases:** The Council will introduce a policy to triage young people aged 16+ in adult social care, ensuring timely action or escalation. **This work is underway, completion will be before the 8th November to remain within timescales.**

5. **Ensure Escalation Procedure:** The Council will implement or reinforce a procedure for escalating concerns if adult services aren't involved in transition planning. **This work is underway, completion will be before the 8th November to remain within timescales.**
6. **Brief Staff:** The Council will brief relevant staff on the investigation findings and new measures. **This work is underway, completion will be before the 8th November to remain within timescales.**
7. **Improve Team Communication:** The Council will enhance communication between adult care transition teams and SEN services, with clear contact and escalation points. **This work is underway, completion will be before the 8th November to remain within timescales.**

In addition, there are other related actions:

8. **Revised Transition Model:** The council has updated its transition model. Previously, the Preparing for Adulthood (PFA) team managed young people until just before their 17.5th birthday, after which they were transferred to a community health and social care team. Now, individuals remain on the TASC team's caseload until sometime during their 18th year, at which point they transition to a community health and social care team.
9. **Assessment Monitoring:** Assessments completed by the dedicated TASC team and Specialist Placement Team, will ensure continuity through the young person's 18th year. Processes have been adjusted to more effectively track the completion of Care Act assessments and identify individuals whose assessments were not completed by their 17th year, allowing for targeted follow-up.
10. **Formalised Escalation Procedures:** The Council has formalised and communicated escalation routes for transitioning from children's to adult services, ensuring smoother transitions and accountability.
11. **Learning and Improvement Initiatives:** In response to this case, the Council will conduct learning sessions for relevant adult and children's services, addressing practice issues encountered and publicising these to minimise future occurrences.
12. **Creation of 16-18 Year Old Forum:** A new forum for 16-18-year-olds is being established to discuss individuals on either children's or adults' caseloads who meet specific criteria, such as self-harming behaviour, property or personal harm, or out-of-county placements, to better anticipate accommodation challenges post-18.
13. **Housing Solutions for Care Leavers:** The Council is working to repurpose elements of its own property and collaborating with district councils to provide suitable accommodation for care leavers. Additionally, efforts are being made to identify housing needs for adults of working age who require their own homes where care can be delivered, ensuring the most appropriate and least restrictive care models.

6) Consultations / Representations / Technical Data

There was no staff or public consultation associated with this report.

7) Strategic Plan

The linkage to the Council's Strategic Plan 2021 – 2025 are

- Be ambitious for children and young people.
- Improve health and wellbeing, including any public health impacts

8) Financial and Legal Considerations

There are no financial or legal considerations as part of this paper.

9) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

There are no environmental impact considerations as part of this paper.

10) Equality Considerations

There are no new equality considerations as part of this paper.

However, the Council must ensure all young people have access to necessary support during transitions, regardless of their background or disability status. This includes:

- Implementing inclusive practices that address the diverse needs of SEND young people.
- Providing additional support for those from marginalised communities to ensure equitable access to services.

11) Risk Management Considerations

The risks identified are as outlined in section 4 and relate to:

1. Impact of Delays on Transition Planning
2. Challenges in Service Coordination and Communication
3. Adapting Coordination Strategies During Crises
4. Ineffective Transition Processes

The action points described in section 5 are designed to mitigate the issues arising from the report.

12) Summary / Conclusions / Reasons for Recommendations

This report underscores the importance of timely, coordinated, and flexible transition planning tailored to individual needs. While acknowledging the challenges posed by other factors, the report highlights areas where proactive and collaborative approaches could have mitigated adverse outcomes. The directorates acknowledge the findings and insights and are committed to addressing the identified issues comprehensively and will implement the improvements.

Name

Tandra Fostered (Director of Adult Social Care)

Stuart Collins (Director of Children and Young People's Futures)

Electoral Divisions: All

Cabinet Member for : Councillor Phil Bullivant and Councillor Andrew Leadbetter

Local Government Act 1972: List of background papers

- **Full Ombudsman Report:** [Attach the Ombudsman's full report for reference.]
- **Staff Briefing:** PowerPoint presentation used in briefing staff

Contact for enquiries:

Name: Gary Patch

Telephone: 01392 381662

Address: County Hall, Topsham Road, Exeter, EX2 4QD