

The investigation of a complaint
By Ms C
against Newport City Council

A report by the
Public Services Ombudsman for Wales
Case: 201700724

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Introduction

This report is issued under section 16 of the Public Services Ombudsman (Wales) Act 2005.

In accordance with the provisions of the Act, the report has been anonymised so that, as far as possible, any details which might cause individuals to be identified have been amended or omitted. The report therefore refers to the complainant as Ms C.

Summary

Ms C complained that from September 2013 her relative, Ms D, who has learning difficulties, was not provided with adequate care by Newport City Council (“the Council”) and it left her without support. In particular, it did not assess her capacity to oversee her financial affairs or arrange for an appointee to do so.

The Ombudsman found that a formal capacity assessment was not carried out by the Council for a period of almost four years, despite it identifying on five separate occasions that Ms D was vulnerable and did not understand basic money calculations. The Council left Ms D to handle her own financial affairs and at risk of exploitation. Further to this, the Ombudsman found that when the Council was made aware of Ms D being potentially exploited financially, it did not make a safeguarding referral or investigate the concerns that had been raised seriously enough. However, the Ombudsman found that overall the general support offered to Ms D by the Council was reasonable.

The Ombudsman said that Ms D should have been safeguarded financially by the Council and it was a significant injustice that she was not. The Council accepted the findings in the report and acknowledged its role in the failings of the case.

The Council agreed to take the following actions:

Within one month:

- a) Write appropriate letters of apology for the failings identified in this report.
- b) Make a payment to Ms D of an agreed amount for the identified failing of not adequately assessing her need for financial safeguards between September 2013 and April 2017.
- c) Make a payment of £500 to Ms C in recognition of the distress caused by its failure as outlined in (b) and ignoring her correspondence.

Within three months:

- d) Ensure that arrangements are in place so consideration is given to financial management during its annual review of cases, and determine how it will review concerns it receives in relation to financial issues and capacity.
- e) Discuss the contents of this report with the Community Adult Learning Disability Team to identify learning areas.
- f) Ensure arrangements are in place so relevant staff are reminded of the need to take accurate notes and evidence the rationale for decisions in relation to capacity.

Within six months:

- g) Demonstrate that all relevant Social Workers have either recently undergone or will undergo refresher training in relation to the Mental Capacity Act and how to undertake and record capacity assessments.

The Complaint

1. Ms C complained that from September 2013 Newport City Council (“the Council”) failed to provide Ms D, a close family member, who has learning difficulties, with adequate care and left her without support. In particular, it did not assess her capacity to oversee her financial affairs or arrange for an ‘appointee’¹ to do so.

Investigation

2. I obtained comments and copies of relevant documents from the Council and considered those in conjunction with the evidence provided by Ms C. I obtained advice from one of my Professional Advisers, Paula Hendry (“the Adviser”). She is a registered Social Worker with extensive experience in mental capacity/mental health work. I am satisfied that she is appropriately qualified and experienced to provide me with advice on the matters subject to this complaint. I have taken her advice, which I have summarised below, into account in reaching my conclusions.

3. I have not included every detail investigated in this report but I am satisfied that nothing of significance has been overlooked.

4. Both Ms C and the Council were given the opportunity to see and comment on a draft of this report before the final version was issued.

Relevant legislation

5. I took into account the following legislation and guidance:

- Mental Capacity Act 2005 (“MCA”)
- Code of Practice to the Mental Capacity Act 2005 (“Code of Practice”)
- Social Services and Well-being (Wales) Act 2014

¹ An appointee is someone appointed by the Department for Work and Pensions to help manage a person’s benefits if that person does not have capacity to manage them themselves.

6. The MCA is designed to protect and empower people who may lack the mental capacity to make their own decisions about their care and treatment. The MCA also covers day to day decisions like what to buy for the weekly shop.

7. The Code of Practice provides guidance to anyone who is working with adults who may lack capacity to make particular decisions. It describes their responsibilities when acting or making decisions on behalf of individuals who lack capacity to make these decisions for themselves.

Previous Ombudsman investigation

8. My office recently investigated a similar complaint about Newport City Council.² My investigation identified failure by the Council to carry out a capacity assessment in relation to a vulnerable adult and suspected financial abuse. The complaint was upheld.

The background events

9. Ms D is an adult with mild learning difficulties and a history of mental health issues. She lives in sheltered accommodation and is independent in many activities; however, she needs support with finances and correspondence. Ms C provides support if required.

2011

10. A care plan was in place and it was noted that Ms D needed support to pay her bills, manage correspondence and make purchases. This was to be provided by the family aide service. It was noted that Ms D had in the past been known to steal, get into debt by not paying her bills and be befriended by men who took advantage of her vulnerability. Mr K, a professional associate, was Ms D's appointee to help manage her finances.

² Case reference number 201607368

2012

11. The family aide service was put in place and was reviewed by the Community Adult Learning Disability Team (“CALDT”) in March when it was noted to be working well. Social work input ceased. Mr K continued to deal with Ms D’s finances and there was no evidence to suggest that Ms D’s needs were not being met by the combination of family support, the family aide service and Mr K in his role as appointee.

2013

12. In September, Mr K contacted the CALDT and informed it that he would now be relinquishing his role as appointee. CALDT requested further information from him regarding Ms D’s finances. The CALDT confirmed that the matter would be referred to the Council’s appointee team. There is no record of Mr K responding to the Council with the requested information. However, on 3 October the CALDT telephoned Mr K and informed him that there was a waiting list for appointeeship.

13. On 14 October, a Social Worker (“the First Social Worker”) carried out a care plan review. He noted that Ms D’s family aide worker was retiring in December and a replacement would need to be found. He also noted that Ms D would not be able to manage direct payments³ for this service as she would struggle with the process. The review incorrectly said that Ms D’s mother was now her appointee. However there was no formal record of this. When Ms D was asked about the benefits she received, it was noted that she did not know anything about them. Ms D said that she now managed her own bills.

14. The CALDT referred Ms D’s case to the Appointee Team on 26 November. In a letter to the local benefit office, the First Social Worker wrote that Ms D did not ‘have the capacity to manage her finances’ and her savings had fallen by a significant sum.

³ Direct payments are cash payments instead of care services; allowing the person who is entitled to community care services to arrange their own services.

15. On 28 November, the Appointee Team responded to the referral by pointing out that the form was incomplete and that a capacity assessment was not attached. Without this, it noted, Ms D's case would not be looked at.

16. In December, a new support worker from a new care service was allocated to Ms D.

2014

17. In May, Ms D informed CALDT that her support worker had not turned up over the last two weeks. The CALDT contacted the support company and it confirmed that Ms D had cancelled the support it had been providing. Around this time the First Social Worker left and Ms D's case became managed via the duty system.⁴

18. In September, Ms D told CALDT that Ms C had taken thousands of pounds from her and would not return it.

2015

19. On 8 January, a neighbour on Ms D's behalf told CALDT that Ms D had explained she was fed up with local men asking her for money. Support staff were contacted who confirmed that Ms D had not reported any allegations about this. The CALDT spoke to Ms D. She confirmed that a local man had been asking her for money, but said she had refused. Ms D made further allegations, about local men asking her for money, to CALDT on 16 and 23 January. There is no record of any further action being taken by CALDT following these allegations.

20. On 7 February, Ms C wrote to the CALDT, believing the Council to be Ms D's appointee, to inform it that Ms D's savings were now significantly lower. There is no record of the CALDT responding to this letter.

⁴ A front line team acting as a single point of contact for queries, concerns, referrals and advice.

21. On 28 March, Mr K wrote a letter of complaint to the Council on behalf of Ms D regarding her benefits stopping, that she was not receiving any appointeeship services, and she could not manage her finances. The Council's Customer Service team began making enquiries with the CALDT. The Council responded on 4 August that Ms D had indicated she was satisfied her financial affairs were being addressed properly.

22. On 29 April, the CALDT carried out an integrated assessment of Ms D's needs. Ms D told the social worker ("the Second Social Worker") that Ms C had lent Mr K a few hundred pounds of her money but Mr K had not returned it and that Ms C accessed her home while she was out and had also taken some money. It was noted that Ms D did not wish to have an appointee but her understanding of appointeeship was limited. It was noted that she was 'a high risk case' for financial abuse, had no understanding of her benefits and would not know what to do if her benefits were not paid into her account. It was also noted that she could count and read money but when asked to do some calculations about change, she got them wrong. Ms D's understanding of paying bills was limited and it was noted that if someone were to take her money she would not know what to do about it and might not realise it was gone. Ms D was also told that she had spent a significant sum in one month but could not account for it and did not appear able to comprehend that it was gone.

23. On 6 May, the Second Social Worker noted that Ms D was 'extremely vulnerable' with regard to her finances. However, the Second Social Worker added that she did not feel the Council needed to apply for appointeeship as Ms D was able to demonstrate some understanding of what she should do with her money. The plan was to put support in place for Ms D in relation to finances, paying bills and shopping. The Second Social Worker noted she had obtained written instructions from Ms D asking the Council not to discuss anything with Ms C or Mr K.

24. A home visit was undertaken on 1 June by the Second Social Worker to fill out a VA1 form (an Adult Protection Referral) in relation to the hundreds of pounds that Ms D said Mr K had not paid

back and in relation to the missing monies in excess of £1,000. Following a strategy meeting it was decided that the money Ms D said Mr K had not paid back was a civil matter, and the missing significant sum would be looked into further. The matter was closed on 22 September with no further action taken.

25. On 10 June, the Second Social Worker completed her integrated assessment declaring that she was reluctant to state that Ms D needed an appointee at this time as, with appropriate financial and budget support, she might face only the general risks of financial abuse.

26. On 11 June, the Second Social Worker requested additional support from the Council's Supporting People team in relation to Ms D's budgeting needs. The plan was to review Ms D's case quarterly and after one year establish if she needed an appointee.

27. On 25 June, the Second Social Worker contacted the external support team repeating the request for assistance for Ms D with her finances. She added that money was the major issue and that the CALDT 'might go for appointeeship'.

28. The Second Social Worker visited Ms D's home in August. Ms D's general spending was discussed and it was noted that she had spent a lot of money in a short period of time. Ms D expressed her enjoyment in buying clothes and other items from a local charity shop.

29. From August through to December, Ms D began to disengage with her support workers and as a result the decision was made by the Second Social Worker on 18 December to stop Ms D's support services. The Second Social Worker also withdrew her services due to Ms D's non-engagement.

2016

30. Following a request by Ms D for support, the Second Social Worker visited her and a referral for support was made on 6 January. The referral form explained that Ms D continued to need support for finances and benefits and that, whilst she knew she was on benefits, she

did not understand the meaning of them. The Second Social Worker added that Ms D's understanding of paying bills was limited and that she was vulnerable to financial abuse. She provided an example where Ms D misunderstood what change would be required if she paid with a £20 note. She added that if someone were to take her money, she would not know what to do or in fact might not realise it had gone.

31. Support services were reinstated and Ms D began to engage from February. However, by July she had stopped engaging and the service was withdrawn again.

32. On 24 July, Ms C wrote to the Council with concerns about Ms D becoming isolated. She offered to cover the costs for the family aide service to support Ms D once a week. The Council did not respond to this letter. Ms C wrote again on 4 September with an official complaint. She explained that thousands of pounds had disappeared from Ms D's bank account and referenced a person by name ("First Friend") who might have been taking money from Ms D. Ms C said that Mr K had made contact with the police regarding the missing money. However, the police later closed the case without taking any action.

33. On 12 September, a Senior Practitioner ("the First Senior Practitioner") within the Adult Safeguarding Team requested a Social Worker to visit Ms D to establish capacity and consent to the safeguarding process. The First Senior Practitioner noted she had asked for this a week earlier but had received no response, and was now concerned that Ms D might have been at additional risk for another week, having allegedly had thousands of pounds taken from her.

34. On 14 September, a different Senior Practitioner ("the Second Senior Practitioner") within the Adult & Community Services team contacted Ms D to discuss the issues raised by Ms C. Ms D said she had not given any money to anyone and she had only known the First Friend for a short period of time. The Second Senior Practitioner noted that she did not have concerns regarding Ms D's capacity as she responded appropriately and understood what was asked of her.

35. In November, a new Social Worker (“the Third Social Worker”) was allocated to Ms D. The Third Social Worker visited Ms D with a support worker. Mr K was there with a family friend. He confirmed that Ms C had taken over the management of Ms D’s finances for the past six weeks as her account had reduced from a five figure sum to almost zero. The Third Social Worker planned to return to undertake an assessment. The Third Social Worker completed a ‘Duty to Report’⁵ referral form and sent it to the Safeguarding Team.

36. Following enquiries by the Third Social Worker, it transpired that no action had been taken by the Council, in 2013 or subsequently, regarding appointeeship. The Appointee Team said that, as there was currently a long waiting list for its services, alternative ways of managing Ms D’s finances would need to be looked into for the immediate future.

37. The Third Social Worker visited Ms D again on 2 December to discuss her finances. Ms D said that she did not want Mr K to have control over her finances. Ms D denied giving her money away and suggested Ms C and Mr K had been taking money from her account. At the end of the visit, the Third Social Worker noted that she thought Ms D had the capacity to manage her day to day living and financial affairs. She would, however, still need some support regarding her finances.

38. On 12 December, Ms C wrote to the Third Social Worker and provided details of how she had been helping Ms D financially over the last few months. Ms C indicated that bills had gone unpaid and she had found an application form for a credit card. Ms C said this demonstrated that Ms D did not have the capacity to look after her finances. The Third Social Worker acknowledged the letter on 14 December and said she would in touch in due course. Ms C said she did not hear from her again.

39. On 19 December, Ms C contacted the CALDT requesting to speak to the Third Social Worker urgently, as Ms D had received a letter from the Department for Work and Pensions (DWP) suggesting her benefits would cease on 3 January **2017**. The Third Social Worker discussed this with the DWP and Ms D.

⁵ This is a statutory duty under the Social Services and Well-being (Wales) Act 2014

2017

40. On 9 and 14 January, Ms C wrote to senior officers in the Council. In both letters Ms C outlined her concerns about Ms D and the lack of action from both the Council regarding appointeeship and the police regarding the missing money. Ms C said that she did not receive a response to either of these letters.

41. On 24 January, the Third Social Worker visited Ms D at home accompanied by Ms D's Advocate. Support services had yet to start. Ms D told the Third Social Worker that she no longer wanted Ms C managing her finances. However, Ms D also said she wanted Ms C to pay her bills. The Third Social Worker noted that between October 2015 and October 2016, a significant sum of money had been withdrawn from Ms D's bank account. Ms D said that she did not withdraw that amount of money. The Third Social Worker noted that there was no evidence in Ms D's home of her having bought expensive items but that it was extremely cluttered.

42. Support services began again for Ms D at the end of January. However, Ms D disengaged once more and these were stopped on 17 February.

43. Following a visit from a DWP officer to Ms D's home with Ms C and Mr K in attendance, Mr K was appointed as Ms D's appointee again in April.

44. On 4 July, a POVA (Protection of Vulnerable Adults) strategy meeting took place to discuss the referral form submitted by the Third Social Worker in November 2016. It was noted that the Third Social Worker felt that Ms D had capacity to manage her day to day living and her financial affairs. Conversely, it was noted in the meeting by the First Contact Team Manager that due to her learning disability Ms D would struggle to manage her finances. At the end of the meeting, a care and support plan was agreed upon that included, amongst other things, the need for a formal capacity assessment in respect of Ms D's financial affairs.

Ms C's evidence

45. Ms C said that the Council's Social Services teams did not act in Ms D's best interests. Ms C said that both she and Mr K communicated their concerns on numerous occasions but were ignored.

46. Ms C said that she was led to believe that appointeeship had been taken on by the Council when it had not.

47. Ms C said that between September 2013 and August 2016 Ms D's bank account reduced from a five figure sum to almost zero. Ms C said this money had been given away by Ms D to so-called 'friends'.

48. Ms C said that the Council did not contact her when Ms D disengaged from her support services and so she and her family could not assist her.

The Council's evidence

49. The Council obtained signed instructions from Ms D in May 2015 asking it not to discuss anything with Ms C or Mr K. The Council added that both Ms C and Mr K were not entitled to any information relating to Ms D, whether through formal complaints or any other means.

50. The Council said that at no time did it inform Mr K or Ms C that the Council was an appointee. Its records demonstrated that appointeeship was not required after Mr K relinquished the role in September 2013.

51. The Council said that the Third Social Worker did not undertake a capacity assessment on 2 December as capacity was presumed on behalf of Ms D.

52. The Council maintained that, based on information held by Social Services, neither Ms C nor Mr K were suitable people to hold the position of Appointee and their appointment would not be supported by Social Services.

53. Based on the content of the letters received from Ms C and Mr K, the Council believed there was an attempt to undermine Ms D's capacity.

54. The Council said that it did not consider the Ombudsman referencing a previous report as a potential benchmark to be appropriate, particularly as it believed the two cases were very different and did not offer a basis for comparison.

Professional Advice

55. The Adviser noted that when Mr K relinquished his appointeeship, the CALDT confirmed that Ms D's case would be referred to the Appointee Team. She also noted that in order for the appointeeship to be put in place, the Appointee Team said it would need a formally recorded capacity assessment. Given the concerns raised by the First Social Worker during her visit to Ms D on 14 October 2013, the Adviser said it would have been appropriate to have completed a capacity assessment at this time. The Adviser added that the Code of Practice states that a capacity assessment is indicated when 'the person's behaviour or circumstances cause doubt as to whether they have capacity to make a decision'.⁶ The Adviser said that at that time, Ms D's behaviour in the sense of her limited understanding of finances, and of her own benefits, would reasonably have cast doubt upon her ability to make financial decisions.

56. The Adviser added that at this point, the First Social Worker had appeared to have formed a view about Ms D's capacity but this was not completely clear from the notes as there is no recorded capacity assessment. The assessment as to whether Ms D could manage her finances or not was an important one, particularly given what was known already about her potential vulnerability.

⁶ Section 4, paragraph 4.35

57. The Adviser said that following the Appointee Team requesting more information for the referral form, the capacity assessment was never addressed again and there is no rationale shown on Ms D's notes to explain why that was.

58. The Adviser noted that, between September 2014 and January 2015, concerns were raised by Ms D that people (including Ms C) were borrowing money, that her benefits had not been paid and that a local man was asking her for money. The Adviser said that at this point a review of the file would have shown that the earlier plan to refer to the Appointee Team had not been followed through and this could and should have been revisited. This should then have involved a capacity assessment as the information available would again have cast doubt upon Ms D's ability to manage her finances and to protect herself from abuse. The Adviser added that clarifying the specific concerns was essential in deciding whether these met the threshold for a safeguarding referral.

59. The Adviser noted the integrated assessment in April 2015; however, the Adviser said that it was not clear, based on the comments of the Second Social Worker, whether it was intended as a capacity assessment. The Adviser added that it was not recorded as such and the Second Social Worker had not dealt with or evaluated the evidence which was present to support her opinion that Ms D had capacity. The Adviser concluded that the concerns, in relation to Ms D not being able to explain how a significant sum of money had been withdrawn from her account and not being able to calculate change correctly, indicated that a capacity assessment was needed at this time.

60. The Adviser said it appeared that the Third Social Worker had undertaken a capacity assessment on 2 December. She concluded that Ms D had capacity to manage her financial affairs. The Adviser said that this was not fully recorded and the rationale for reaching this conclusion was unclear.

61. The Adviser noted the POVA meeting on 4 July and said that comments within the meeting appeared to be contradictory. The Adviser said that the care and support plan indicated that the Council's position at the meeting was that there was considerable doubt about Ms D's capacity. However, the Adviser said that nothing had changed in her situation and the issues raised during the meeting had been known about previously. The Adviser suggested that, if the Council had decided that Ms D was likely not to have capacity, this should have been assessed previously.

62. The Adviser said that she did not have any concerns about Ms D not having an allocated Social Worker at various points. Ms D was able to ask for support if needed and there was a designated neighbour who could raise concerns. The Adviser said that Ms D engaged with support and support staff could contact the Council if there were concerns. The Adviser concluded that the arrangement for her case to be managed, at times, via the duty system was acceptable.

63. The Adviser concluded that if appointeeship had been successfully pursued, this would have meant that the Council would have retained control of Ms D's finances even during those periods when she would not engage with other services. This would have meant that she was safeguarded financially even when she chose not to engage with other support.

Analysis and conclusions

64. In reaching my conclusions I have taken into account the helpful advice which I have set out in detail above and which I accept in full.

65. I agree with my Adviser that the Council did not follow up adequately Ms D's referral in November 2013 to its Appointee Team when Mr K relinquished his appointeeship. There is no detailed rationale as to why this happened and why a capacity assessment was not carried out when it was suggested that it was essential. It leaves the impression that it was simply overlooked. There is no record of any senior management oversight taking place at this time. This is concerning as not only did this leave Ms D dealing with her own

finances, but it suggests that no serious consideration was given to Ms D's known vulnerability and concerns that she had been financially exploited in the past.

66. I am very concerned that the Council did not carry out a formal capacity assessment at any point from September 2013 in respect of Ms D's financial affairs. I acknowledge that capacity is to be assumed, yet Ms D's situation did not change between this date and the POVA meeting in July 2017 when it was decided that a formal capacity assessment was required. During this time, it was recorded on five separate occasions by the three Social Workers that Ms D was not only vulnerable but had difficulty in explaining what benefits she received, how her money had been spent and working out basic money calculations. On each of these occasions, a capacity assessment should, at least, have been considered. On each occasion, this did not happen.

67. My Adviser identified two specific occasions when a capacity assessment might have been carried out but she could not be certain whether this had been done from the records. As I said above, capacity is to be assumed unless it can be established that the person does not have capacity. I am of the view, having read Ms D's case notes from November 2013 and December 2016, that on each occasion there was insufficient evidence to establish that Ms D had capacity and no detailed rationale was given to explain the decisions reached. In particular, the First Social Worker wrote to the DWP in 2013 and said that Ms D did not have capacity to manage her financial affairs, yet did not take further action or escalate the matter.

68. These failings are serious and suggest that Council staff within the CALDT were not sufficiently aware of the requirements of the MCA and the Code of Practice. Ms D was left to manage her own finances in a haphazard way that resulted in her depleting her bank account balance by thousands of pounds over an extended period of time. I acknowledge that, during this period, Ms D was receiving support and it was the Council's intention that support staff would assist Ms D with her financial affairs. It is my view that this did not happen. With Ms D repeatedly not engaging with support staff and Social Services, she was at times left to

manage on her own despite concerns being raised about local men asking her for money and accusing Ms C and Mr K of taking and not returning large sums of money. This was unacceptable. I agree with my Adviser that if appointeeship had been followed through after Mr K had relinquished his role, the Council would have retained control of Ms D's finances, especially during those periods when she chose not to engage with support staff. Ms D would and should have been safeguarded financially by the Council, and it is a significant injustice that she was not.

69. There is also the issue of Ms D's vulnerability and potential exploitation between September 2014 and January 2015. My Adviser said that the concerns raised at this time were not sufficiently investigated or followed up by the Council. I agree that this period was significant in terms of the allegations raised by Ms D and the concerns raised directly to the CALDT. It is unacceptable that the Council failed to take any meaningful action and to consider whether a safeguarding referral was appropriate. Ms D's case notes indicate that staff did not consider these allegations seriously or escalate them to senior staff for further discussion. There was no detailed rationale given as to why these matters were not addressed, why a VA1 form was not filled out and why the threshold was not met for a safeguarding referral. The Council, once again, left Ms D on her own when she may have needed its help. It is my view that this represents a serious failing. The consequence of this failing was that Ms D was left exposed to exploitation for a significant period of time.

70. I am in agreement with my Adviser that the general support offered to Ms D by the Council during the whole period was appropriate, both when a Social Worker was allocated and when one was not. Despite Ms D's tendency to disengage from her support services, they were restarted quickly when she asked for support.

71. In relation to injustice, Ms C and Mr K have provided copies of Ms D's bank statements to illustrate the amount that was spent. It cannot be said with any certainty what Ms D spent her money on, and whether she was coerced into giving money away. Nevertheless, as outlined above, the Council failed to ensure the financial safeguarding of Ms D. Therefore I will be making a financial recommendation in favour of Ms D.

72. In summary, I **uphold** the complaint in relation to oversight and management of Ms D's financial affairs. I **do not uphold** the complaint that Ms D was left without support.

73. Finally, whilst Ms C's and Mr K's correspondence with the Council did not form part of the scope of my investigation (paragraph 1), I do not agree with the Council that the letters of concern and complaint submitted by both of them were attempts to undermine Ms D's capacity. Rightly or wrongly, Ms C and Mr K both assumed for a time that the Council had taken over appointeeship and that Ms D's finances were being managed appropriately. It is my view that at the heart of their concerns was Ms D's welfare, and so it was unacceptable that the Council ignored their correspondence on a number of occasions and misrepresented their motives.

Recommendations

74. I **recommend** that the Council should:

Within **one** month:

- a) Write letters of apology from the Chief Executive to Ms C, Ms D and Mr K for the failings identified in this report
- b) Make a payment to Ms D of an agreed amount for the identified failing of not adequately assessing her need for financial safeguards between September 2013 and April 2017
- c) Make a payment of £500 to Ms C in recognition of the distress caused by its failure as outlined in (b) and ignoring her correspondence.

Within **three** months:

- d) Ensure that arrangements are in place so consideration is given to financial management during its annual review of cases, and determine how it will review concerns it receives in relation to financial issues and capacity

- e) Discuss the contents of this report with the CALDT to identify learning areas
- f) Ensure arrangements are in place so relevant staff are reminded of the need to take accurate notes and evidence the rationale for decisions in relation to capacity.

Within six months:

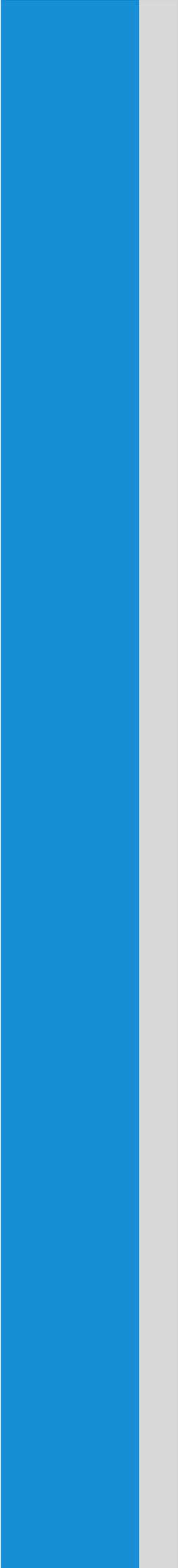
- g) Demonstrate that all relevant Social Workers have either recently undergone or will undergo refresher training in relation to the MCA and how to undertake and record capacity assessments.

75. I am pleased to note that in commenting on the draft of this report Newport City Council has agreed to implement these recommendations.



Nick Bennett
Ombudsman

17 August 2018



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