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Local Government Ombudsman
DX 702110
COVENTRY 6

Your ref 08 019 214/JM/DC/lam

Our ref:

July 2011

For the attention of Dr.Jane Martin

Dear Dr.Martin,

RE: COMPLAINT AGAINST THE LONDON BOROUGH OF BROMLEY

With reference to the above and further to the publication of your report in respect of complaint no 08 019 214. and the recommendations contained therein.

This complaint was considered at a meeting of the Council's Executive on the 27th July 2011 (I append a copy of the report for your information).

At that meeting it was agreed that the financial remedies proposed would be made by the Council although it was felt that The Council accepts the findings of the Ombudsman that it failed to review the care provided to Mr A whilst he was resident in a care home in Kent and that given the home had received an adverse report from the Commission for Social Care Inspection (CSCI) that failure to review the care promptly was a serious failing.

The Council also accepts that when Mr B complained about these matters it did not manage that complaint in a satisfactory manner.

The Council has already offered to waive outstanding care home fees in recognition of these shortcomings, described by the Ombudsman as maladministration.

However the Council does not accept that there is any material evidence that Mr A received poor or inadequate care during the period in question and it is clear that the Commission for Social Care Inspection at no time indicated that any individual's care in the particular home was such that residents should be moved. Indeed the evidence shows that following the CSCI inspection the home responded appropriately and improved its ratings considerably to 2 star "good".

The Council rejects any suggestion that Mr B's deteriorating health condition is in any way connected to the Council's delay in reviewing his care. Mr A suffers from a progressive neurological condition and his subsequent move from that care home was at the point when the managers of the care home determined that his needs had increased beyond a level that they could provide – even one rated as 2 star. He was moved to an alternative home registered for dementia care, which was more able to manage his needs and his deteriorating behavioural. Mr A has subsequently moved to a specialist nursing home for people with dementia as his condition has further deteriorated.

The Council has though made changes to its procedures to ensure that such delays in undertaking reviews do not recur. This includes introducing a requirement for additional reviews, beyond the usual annual review should take place where a Bromley funded residents is placed in a home that is rated as zero or one star.

It has also reviewed the operation of its complaints procedures to ensure that complaints are responded to in a timely manner and complainants kept fully informed of the progress in investigating their complaints.

The Council recognises that to protract this matter further is neither helpful to the complainant nor efficient use of resources and will arrange for payments of £1000 to be made to Mr A and to Mr B.

Yours faithfully

Doug .Patterson-Chief Executive