

## SPSO decision report

**Case:** 201604595, East Dunbartonshire Council  
**Sector:** local government  
**Subject:** home helps, concessions, grants, charges for services  
**Decision:** upheld, recommendations

### Summary

Ms C complained that the council wrongly advised her about the financial contribution they would make towards her mother (Mrs A)'s care home fees. This money represented Mrs A's entitlement to free personal and nursing care. Free personal care is available for everyone aged 65 and over in Scotland who have been assessed by the local authority as needing it. Free nursing care is available for people of any age who have been assessed as requiring nursing care services. The council over-calculated her entitlement but, while council staff realised this within a few months, they did not notify Ms C or the care home of the reduced payment level for more than two years after Mrs A was first entitled to the payments. Ms C was unhappy that she was only then made aware that a large debt had accumulated and had not had the ability to budget or plan for this. The council accepted their initial miscalculation and offered to cover the additional costs until the point they had picked up the error. Ms C didn't consider this was fair or reasonable as the debt had continued to increase for a further 18 months before the council made anyone aware of the error.

The council told us that they were putting new processes in place to ensure that changes to the contribution amount would be notified to relevant parties, and that the error in this case was a result of a manual input error which could no longer occur as the process had been automated. Our investigation found that the council's initial calculation was incorrect and that Mrs A was only ever entitled to the lower contribution amount. However, we considered that it was poor customer service and unacceptable not to advise Ms C of the correction as soon as reasonably possible. We, therefore, upheld the complaint.

### Recommendations

What we asked the organisation to do in this case:

- Make an additional contribution payment for Mrs A to the care home. The payment should represent the difference between the incorrect and the correct contribution figure for the period from the date they identified the error to the date Miss C was notified. The payment should be made by the date indicated by us. If payment is not made by that date, interest should be paid at the standard interest rate applied by the courts from that date to the date of payment.

What we said should change to put things right in future:

- Relevant parties should be given prompt notification of unscheduled changes.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.