

**Case number 200701327: Renfrewshire Council**

**Summary of Investigation**

***Category***

Local government: Care in the community/siting of social work facilities.

***Overview***

The complainant (Ms C) relocated from Renfrewshire to North Lanarkshire in October 2006. She complained that Renfrewshire Council (Council 1) failed to follow their own stated procedures when transferring her social work case file to North Lanarkshire Council (Council 2). Ms C felt that Council 1 delayed the transfer process unnecessarily and failed to provide complete information to Council 2, disrupting her transition into her new area.

***Specific complaints and conclusions***

The complaints which have been investigated are that Council 1 failed to carry out Ms C's social work case transfer in:

- (a) accordance with their own procedures (*upheld*); and
- (b) a timely manner (*upheld*).

***Redress and recommendations***

The Ombudsman recommends that Council 1:

- (i) introduce procedures to ensure that any requests for action on a service user's case file are proactively pursued to completion; and
- (ii) formally apologise to Ms C for the anxiety and disruption caused by their handling of her social work case transfer.

Council 1 have accepted the recommendations and will act on them accordingly.

## Main Investigation Report

### Introduction

1. The complainant (Ms C) relocated from Renfrewshire to North Lanarkshire in October 2006. She had a form of dystonia, a neurological condition that causes muscle spasms. Ms C required assistance at home to carry out day-to-day tasks, as well as assistance with her personal care. This was arranged through Renfrewshire Council (Council 1)'s social work department. Ms C said that, despite providing ample warning of her move to North Lanarkshire, Council 1 failed to make the necessary arrangements for the transfer of her social work case file, resulting in delays to the implementation of her care services in North Lanarkshire.

2. Ms C complained to Council 1 in November 2006. Dissatisfied with their response to her concerns, she brought her complaint to the Ombudsman in July 2007.

3. The complaints from Ms C that I have investigated are that Council 1 failed to carry out Ms C's social work case transfer in:

- (a) accordance with their own procedures; and
- (b) a timely manner.

### Investigation

4. In order to investigate this complaint I have reviewed Ms C's social work file and correspondence between Ms C, Council 1 and various relevant parties. I have also considered additional evidence submitted by Ms C and Council 1. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Ms C and Council 1 were given the opportunity to comment on a draft of this report.

**(a) Council 1 failed to carry out Ms C's social work case transfer in accordance with their own procedures; and (b) Council 1 failed to carry out Ms C's social work case transfer in a timely manner**

5. Due to a number of reasons, including problems accessing her educational arrangements, Ms C decided to relocate from Renfrewshire to North Lanarkshire. She said that this would also allow her to be closer to her family, who would be able to assist with any areas of her care not covered by her social work care package, as was occasionally required, due to the nature of her disability. Whilst living in Renfrewshire, Council 1 assessed Ms C as

requiring 20 hours per week of personal and home care. She was assessed as being eligible for a further 27 hours of care from the Independent Living Fund, however, asked for this to be deferred due to the financial contributions that she would be required to make.

6. Ms C telephoned her designated social worker (Officer 1) at Council 1, on 19 April 2006, to discuss a number of issues. During their conversation, Ms C intimated that she intended to relocate at some point in the future, but at that time was unable to confirm any specific details as to where she would be moving to, or when.

7. On 17 May 2006, Officer 1 visited Ms C at her home, accompanied by an occupational therapist. I have not been provided with any meeting notes for this visit, however, Council 1 told me that Ms C confirmed that she would be moving sometime in the following few months, and that she intended to put her current property on the market at the end of that month.

8. Ms C contacted Officer 1 again on 13 June 2006 and advised that she had submitted an offer for a house in South Ayrshire. At that time, Ms C was in a relationship and she and her partner had decided to buy the house together. In correspondence with Council 1, Ms C explained that her partner was also disabled, and that their priority was to find a home that was suitable to meet both of their needs. They looked at properties, both in South Ayrshire and North Lanarkshire, as their respective families would be able to provide support in either location. Ultimately, Ms C and her partner separated and she did not proceed with this move.

9. On 9 August 2006, Ms C confirmed to Officer 1 that she would be moving to North Lanarkshire and that she had sold her Renfrewshire property. She indicated that she would be moving on 20 October 2006, however, was not yet able to confirm where she would be living, as she had not secured accommodation in North Lanarkshire. She reportedly discussed the possibility of temporarily living with her mother until she found permanent accommodation. Officer 1 completed a telephone note on this date recounting his conversation with Ms C and noting that she had requested that he set in motion the transfer of her social work case file to North Lanarkshire.

10. Officer 1 made a further note on 10 August 2006, stating that he had discussed Ms C's case with his senior social worker (Officer 2). It is noted that

they agreed that Officer 1 would pursue the matter during the week beginning 21 August 2006, upon his return from annual leave.

11. The next recorded contact in Council 1's files is a telephone call from Ms C to Officer 1 on 6 September 2006. Officer 1's telephone note of the conversation records that Ms C advised him that she had completed the purchase of a property and that she would be moving on 20 October 2006. Ms C told me that, during this conversation, she also advised Officer 1 that property had already been vacated and that the sellers had agreed to allow access for any risk assessments or adaptive works that Ms C may have required prior to her relocation.

12. In her complaint to the Ombudsman, Ms C said that Council 1 did not notify North Lanarkshire Council (Council 2) of her intended move to their area at this point. She told me that Council 1 did not contact Council 2 until October 2006, shortly before she moved, and that, once contact was made, Council 1 failed to follow the correct case transfer procedures. She said that this resulted in delays to the implementation of her care package in North Lanarkshire, and a lack of adequate, accurate information upon which Council 2 could base their assessment of her ongoing needs. She said that this contributed to Council 2's decision to decrease the level of care allocated to her from 20 hours per week to three hours per week and that she also lost her Independent Living Fund entitlement.

13. When investigating Ms C's complaint, I asked Council 1 how long it should take to complete a social work case transfer, under normal circumstances. They told me that the time taken to transfer a case varies depending on the circumstances of each individual case and can be anywhere between one week and three months. This is partly dependent on the readiness of the receiving authority to start providing care.

14. I asked Council 1 to explain their case transfer procedures to me. They provided me with the following guidance, which they recommend all staff should follow:

- The Area Manager/Principal Officer of the team transferring the case should write to the Area Manager/Service Manager/Principal Officer of the team receiving the case, giving relevant information and reasons for transfer. Copy of letter should be kept in file.

- A case transfer meeting should be arranged between senior social workers in transferring and receiving teams.
- Meeting held to formally hand over original case file. Copies of any information held on [Council 1's computer system] should be included in the paper file.
- Transfer letter and copies of relevant information, report, correspondence should be retained within the original team and archived under normal procedures.
- [Council 1's computer system] should be updated with appropriate information regarding involvements, especially key worker, and any open referrals, assessments, services, reviews or provisions. The paper file tab should also be updated.

15. Council 1 provided me with a copy of a letter from Officer 2 to his counterpart at Council 2, dated 4 October 2006. I understand, however, that this was sent to Council 2 on 6 October 2006 and was received by them on 11 October 2006. The letter gave a brief explanation of Ms C's circumstances, the reasons for her relocation and the level of care that she received from Council 1. In the letter, Officer 2 asked that Council 2 contact him to arrange a case transfer meeting.

16. Council 2 contacted Council 1 on 11 October 2006 and advised that their senior social worker was about to go on annual leave, and would then be on jury duty. As such, he would not be available for a meeting. Officer 2 was advised to contact Council 2's home support team leader, who could attend in the senior social worker's place. Upon trying to contact the home support team leader, Council 1 were advised that she was unavailable, but were asked to send Ms C's needs assessment and a transfer summary to Council 2.

17. Council 1 sent the needs assessment and transfer summary on 12 October 2006. Council 2 telephoned Council 1 to chase this on 13 October 2006 and the documents were sent again that day, via fax. A telephone note made by Council 1 following the conversation with Council 2 recorded that Council 2 were seeking to gain access to Ms C's new property in order to carry out a risk assessment. It is further recorded that Council 2 confirmed receipt of the documents and that Council 1 contacted Ms C to advise her that Council 2 would be contacting her on 16 October 2006 to make

arrangements for the risk assessment. Ms C advised me, however, that she was not contacted in this regard.

18. On 17 October 2006, social work staff at Council 2 again telephoned Council 1. From the corresponding telephone note in Council 1's files it is apparent that a general discussion was held regarding the reasons for Ms C's relocation. Council 2 questioned the needs assessment that had been provided, as it was over 12 months old. They were assured that the document was the most recent version and that it represented an accurate assessment of Ms C's needs at that time. Ms C was due to relocate on Friday, 20 October 2006. Council 1's telephone note records that Council 2 advised at that time that they would not be able to commence Ms C's care package from Monday, 23 October 2006, and that the package, when it did commence, would not be as flexible as the one provided by Council 1. Council 2 would provide a more task-orientated package.

19. Following her move to North Lanarkshire, Ms C was provided with a temporary care package, providing the equivalent number of hours care that she had utilised in Renfrewshire. This care package commenced on 31 October 2006, having been put in place as a temporary measure while Council 2 assessed Ms C's long-term needs. The care package, whilst providing the equivalent number of hours service provision, did not provide the same care tasks as Ms C had utilised in Renfrewshire. Ms C subsequently encountered a number of problems with her care package as provided by Council 2 (I comment in detail on these problems in a separate report: case 200700656). She attributed many of the issues that she experienced to Council 1's failure to arrange a formal case transfer meeting with Council 2, and the transfer of incomplete information, which meant that Council 2 did not have full details of her care history when making decisions about her ongoing care. Ms C noted that her social work case file was not handed over to Council 2 until their staff visited Council 1 on 21 November 2006 and picked it up.

20. Ms C had obtained a copy of her social work case file from Council 1 when pursuing a separate complaint. When attempting to resolve issues with her care package with Council 2, she again requested a copy of her up-to-date social work case file. Upon receipt of this, she said that documents that had been included in her Council 1 file were not present in the Council 2 copy, leading her to conclude that Council 1 had not transferred all of her background documentation during the case transfer.

21. Ms C raised her concerns in a formal complaint to Council 1 on 16 November 2006. She complained that Council 1 had unnecessarily delayed the notification of her relocation to Council 2, that they had subsequently failed to follow their own case transfer procedures, and that incomplete information had been passed over to Council 2. She also complained to Council 2 about the handling of her case transfer. Her complaint to Council 2 was eventually heard by their Social Work (Complaints Review) Sub Committee (the Committee) on 22 March 2007.

22. In response to Ms C's complaint, Council 1 said that notification to Council 2 of her move was delayed until they were absolutely certain that she was actually moving. This was due to Ms C having previously indicated a move to South Ayrshire, and a lack of confirmed moving date or new address during earlier conversations. They stated that the changing information from Ms C had caused confusion and that once her intentions were confirmed, the case transfer was dealt with fully in accordance with their procedures. In order to facilitate the transfer of Ms C's case, there was a considerable amount of contact between the two authorities by email, fax and telephone.

23. Council 1 stated in a letter to Ms C, dated 10 October 2007 that they were satisfied that a case transfer meeting had taken place between their staff and staff of Council 2. They said that the meeting by staff of both councils on 21 November 2006 was the formal case transfer meeting. They also confirmed that all information that they held on file for Ms C was passed over to Council 2 in her social work case file on 21 November 2006.

24. Council 2 did not have a formal procedure for the transfer of social work case files between authorities, however, their normal practice for such situations closely matched Council 1's procedure. The Committee that considered Ms C's complaint against Council 2 found that no formal case transfer meeting was held. However, they were satisfied that Council 2 had been provided with all of the information that they required to take over Ms C's care.

25. Case transfer meetings are used as an opportunity for staff of both authorities to discuss the service user's assessed needs, the care that they have been receiving to date and to confirm the date of transfer.

*(a) Conclusion*

26. Council 1's procedure for the transfer of social work case files between authorities sets out the tasks that should be completed by their staff to facilitate the relocation of a service user. I am satisfied that the first step, the written notification to the receiving authority, was carried out in accordance with their procedures.

27. Ms C believed that certain documents were missing from her social work file when it was transferred to Council 2. I am unable to establish whether or not this was the case, however, I note that Council 2 confirmed that they received all of the information that they required to successfully take over the provision of her care. I am, therefore, satisfied that the latter parts of Council 1's procedure were completed and that their records were appropriately updated upon transferring Ms C's care to Council 2.

28. I was concerned by the length of time taken to transfer Ms C's social work file over to Council 2. This did not take place until 21 November 2006, 32 days after her relocation to North Lanarkshire. Council 1's case transfer procedures do not specify any timescales for completing each task, or the order that they should be completed. Furthermore, there is no national good practice guidance available to guide councils on this aspect of community care services. I understand that the Scottish Government is currently consulting on the matter, however, common sense would dictate that the case transfer meeting should be held at the earliest possible time so that the type of information to be exchanged during this meeting is made available to the receiving authority.

29. Having notified Council 1 of her intention to move as early as 19 April 2006, Ms C confirmed the details of her relocation on 6 September 2006. It was not until a full month later, on 6 October 2006 that Council 1 made contact with Council 2 to advise of her imminent relocation on 20 October 2006. Whilst I acknowledge Council 1's reasons for delaying contact with Council 2, I do not find them acceptable. Prior to confirming the details of her move on 6 September 2006, Ms C had advised Officer 1 on 9 August 2006 that she intended to move to North Lanarkshire, rather than South Ayrshire. At this time, Ms C formally requested her social work case file be transferred over to Council 2. The following day, Officer 1 made a note stating that he would follow-up on this following his return to the office on 21 August 2006. I have been provided with no evidence to suggest that this was done. Furthermore, there is no indication within Council 1's files to suggest



that any new information instigated their letter to Council 2 on 6 October 2006. Ms C confirmed that she had secured a property on 6 September 2006. Council 1 said that they took no action at that time due to uncertainty as to whether the move would go ahead, however, the letter of 6 October 2006 would appear to have been written without further confirmation from Ms C. I am also concerned that, having made the decision not to progress Ms C's case transfer, Council 1 did not advise her of their decision. I consider that Council 1 could have been more proactive in establishing Ms C's intentions following Officer 1's return from annual leave and, failing that, Ms C's confirmation that she had secured a property should have provided sufficient cause to initiate the transfer of her social work case file over to Council 2.

30. As a result of Council 1's delay to contacting Council 2, Council 2 were given very short notice of Ms C's intended move and staff annual leave and other commitments meant that they were unable to meet with Council 1 for a formal transfer meeting. Instead, the information that would normally be exchanged at such a meeting was passed between Council 1 and Council 2 in a series of emails and telephone calls. Again, I am mindful of Council 2's comment that they received all of the information that they required to take over Ms C's care. Given the short notice that Council 2 were given of Ms C's arrival, I consider it appropriate that the formal case transfer meeting was overlooked in favour of transferring the required information across quickly. However, had Council 1 been more proactive in confirming Ms C's move, there should have been ample time to arrange a formal case transfer meeting.

31. Ms C complained that the lack of a formal case transfer meeting directly contributed to problems that she subsequently encountered with her care package as provided by Council 2. There is insufficient evidence available for me to reach such a conclusion, however, I consider that unnecessary delays to the commencement of Ms C's social work case transfer led to a delay to Council 2 providing her with an appropriate care package. The case transfer itself, whilst providing information that Council 2 found to be adequate, was an abridged version of the formal procedure that Council 1 wishes its own staff to adhere to. Whilst I cannot confirm the direct impact that this had, I do consider the problems that Ms C encountered to have been avoidable and that Council 1 unnecessarily put themselves in a position that required them to make last-minute, ad hoc, arrangements. As such, I uphold this complaint.

(a) *Recommendations*

32. The Ombudsman recommends that Council 1:

- (i) introduce procedures to ensure that any requests for action on a service user's case file are proactively pursued to completion; and
- (ii) formally apologise to Ms C for the anxiety and disruption caused by their handling of her social work case transfer.

(b) *Conclusion*

33. For the reasons stated above, I uphold this complaint.

(b) *Recommendation*

34. The Ombudsman has no further recommendations to make.

35. Council 1 have accepted the Recommendations and will act on them accordingly. The Ombudsman asks that the Council notify her when the recommendations have been implemented.

**Explanation of abbreviations used**

Ms C	The complainant
Council 1	Renfrewshire Council
Officer 1	Ms C's allocated social worker at Council 1
Officer 2	A senior social worker at Council 1
Council 2	North Lanarkshire Council
The Committee	Council 2's Social Work (Complaints Review) Sub Committee