

## Case Study – Darren

### Background

Darren is 44 years old; he has a severe learning disability and autism. In its assessments and support plan, the council notes Darren “is unable to communicate his wishes and needs and relies on others to interpret these by their knowledge of him and observing his body language and changes in behaviour” and “It is important for Darren to have his own space and to be able to remove himself from noise and sensory stimulation that he is sensitive to”.

Darren had lived in a residential care home since 1999. When this closed unexpectedly in 2015, Darren was moved to supported living. The short notice of closure did not provide for any detailed planning. The council did not undertake a best interests meeting at the time of Darren’s move, because Darren’s family did not object to the move, and there was no available alternative accommodation.

Following the move, Darren displays increased levels of distress. Darren’s brother Barry belatedly discovers that Darren has been prescribed anxiety medication by his GP; he is cross that he wasn’t consulted, and thinks the meds are giving Darren trouble sleeping. Barry and Darren’s sister Tracey look for alternative accommodation and identify a residential home specialising in autism care. This home is familiar to Darren as he previously attended it for day care. Barry and Tracey feel this home will meet Darren’s needs, and offer a suitable long term option which would improve Darren’s mental health.

Barry and Tracey also have some concerns about the care at his current placement, which the Council asked the support living provider to address. The Council agreed to consider all alternative accommodation options for Darren, including the care home identified by Barry and Tracey. The council sent a ‘pen picture’ of Darren to two proposed providers (Barry/ Tracey’s preferred option, and a supported living provider) enquiring how both proposed to meet his needs. The Council received information from both providers. It visits the Barry/ Tracey’s preferred option with them, and this home subsequently offers Darren a place.

The information relating to the supported living facility shows it provides care for people with a range of learning disabilities; it has one resident who makes noise but who has a sound-proofed room. The Council considers that the “supported living option provides the most detailed and person-centred approach”; it further says the client mix at the supported living facility is compatible with Darren’s needs. Barry and Tracey visit this provider and another supported living provider, but still prefer the specialist care home. Whilst the dispute as to the best place for Darren continues, he remains in his current supported living placement. It is three years since Darren moved in.

Barry complains to the Ombudsman. You are creating a response on behalf of the Ombudmans; consider:

1. Following Darren’s move at short notice, what actions would you have expected the Council to take?
2. How would you have expected the Council to evidence compliance with the Mental Capacity Act 2005?
3. What concerns do you have around Darren’s medication for anxiety?
4. How would you expect the Council to consider the options before it, including the information from the providers which received the ‘pen picture’? How would you expect the Council to consider best value?
5. What remedy do you suggest for the delay in securing a suitable placement for Darren?

Outcome:

- The Council should have assessed Darren’s needs and held a best interests (BI) meeting following the move. It should have held a formal planning meeting with professionals and Darren’s family to consider the longer-term options. The subsequent dispute should also have triggered a further BI meeting
- The Council failed to consider the long-term suitability of the placement; it assumed that because residents Darren was familiar with moved with him, the placement would be suitable. This was a very different placement from the one Darren had been settled in. The Council had no solid basis to evidence it was or is a suitable placement for Darren
- The Council did not respond to Darren’s anxiety; this should have warned it the placement may not be suitable. Darren’s medication may have provided symptomatic relief, but the Council failed to give any consideration to the cause. It should have reassessed him at this time

- The Council did not properly take into account the views of Darren’s family, and it did not consider all options equally. There was no proper consideration by the Council of whether supported living is suitable for Darren, beyond noting that the supported living provider gave a longer response to its enquires. The response from the residential placement contains less detail about day to day care but demonstrates it provides specialised care for autism only. To favour one placement at this time is premature
- “The Council said it had to be ‘mindful of considering best value options whilst ensuring sustainability to meet eligible need. Best value is not meant to be about always finding the cheapest option. The Council cannot dismiss the option of residential care because it is more expensive”
- The Council failed to establish a way forward, resulting in unacceptable delay. The Council should:
  - Within four weeks of the LGO decision, arrange a best interests meeting to make a decision (taking into account OT assessments of the options, and the views of Darren’s family)
  - Pay Darren £3,000, made up of £1,000 for each year he has been in accommodation not confirmed as suitable for his needs
  - provide a written apology to Barry for the faults identified and pay him £250 for his time and trouble pursuing the complaint