

## Scottish Parliament Region: North East Scotland

### Case 200601045: Dundee City Council

#### Summary of Investigation

##### **Category**

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

##### **Overview**

The complainant (Mrs C) complained that Dundee City Council (Council 1) restricted her autistic grandson (Mr A)'s access to education and life skills development by refusing to fund a residential placement for him at college.

##### **Specific complaint and conclusion**

The complaint which has been investigated is that Council 1 failed to provide a service to Mr A to meet his assessed needs (*not upheld*).

##### **Redress and recommendations**

The Ombudsman recommends that Council 1:

- (i) review their practices for informing service users and their families of services that have been recommended and agreed;
- (ii) remind staff of the importance of recording on file service users' agreement with the content of their needs assessments;
- (iii) formally apologise to Mrs C and Mr A for the confusion and protracted correspondence caused by their failure to properly explain the reasons for their decision from the outset; and
- (iv) pay Mrs C the sum of £150.00 in recognition of the time and trouble that she went to to pursue this complaint.

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

## **Main Investigation Report**

### **Introduction**

1. The complainant (Mrs C) was responsible for raising her grandson (Mr A), who lived with her at her home in Dundee. Mr A has Asperger Syndrome - a form of autism - and moderate learning difficulties, which meant that he required one-to-one support with his education, as well as support with general life skills. Upon leaving school, Mr A wished to further his education. Dundee College (College 1) was unable to meet the needs of students with autism, and the nearest alternative was identified as being Elmwood College in Fife (College 2).

2. Mrs C was due to get married and intended to move to Fife with her husband. She felt unable to continue to care for Mr A. Mr A's needs were assessed by Dundee City Council (Council 1)'s Child Services department and a residential placement at College 2 was identified as being suitable for him. When Adult Services took over Mr A's care, upon his turning 18-years-old, they chose not to fund the residential placement at College 2. A residential place was offered to him in a supported housing facility in Dundee. Mr A would be able to attend College 2 on a daily basis, but would be required to travel there from Dundee. Mrs C did not feel that the accommodation offered to Mr A was conducive to his ongoing life skills development. She did not consider it to fulfil Mr A's needs as assessed by Council 1, and believed that it would be a backward step in his development. She complained to Council 1 through her MSP (the MSP). Dissatisfied with Council 1's position, she brought the matter to this office in July 2006.

3. The complaint from Mrs C which I have investigated is that Council 1 failed to provide a service to Mr A to meet his assessed needs.

### **Investigation**

4. In order to investigate this complaint, I have reviewed all of the complaint correspondence between Mrs C, the MSP, a number of interested bodies and Council 1. I have also identified relevant legislation (Annex 2), interviewed Mrs C by telephone and corresponded and met with members of Council 1. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mrs C and Council 1 were given an opportunity to comment on a draft of this report.

**Complaint: Council 1 failed to provide a service to Mr A to meet his assessed needs**

5. During his final year at school, Mr A attended College 2 one day per week. He enjoyed the classes there and his family and care professionals felt that the course was ideally suited to his ongoing personal development. The Life Skills course that Mr A attended was tailored to meet his individual needs and aimed to enable him to live independently and find employment. Upon leaving school, Mr A intended to continue the Life Skills course on a full time basis.

6. Mrs C was engaged to be married but had delayed the wedding and a planned move to Fife so that she could care for Mr A. She felt that she was no longer able to care full time for Mr A, as his behaviour had become difficult to manage and she believed that it was important for him to spend more time in the company of individuals closer to his own age. College 2 offered residential places to their students, allowing them to study full time and receive support from college staff whilst gaining experience of living independently. Mr A and his family felt that the residential placement at College 2 would be ideal in terms of meeting his care needs and developing the skills that would allow him to live more independently in the future.

7. Council 1's Social Work, Child Services, department assessed Mr A's needs while he was still at school in 2005. A letter written by the Senior Social Worker to Mrs C, dated 21 March 2005, stated that it was agreed by Education and Social Work, Child Services that a residential placement at College 2 would be ideal to facilitate Mr A's progression towards adulthood. The letter noted that College 1 was unable to provide placements for disabled students, therefore, College 2 was identified as the nearest appropriate resource to meet Mr A's assessed needs. The letter went on to explain that Child Services support and funding would cease upon Mr A turning 18-years-old. The Senior Social Worker expressed concern that, despite the financial support that would be available to Mr A as an adult, there would be a shortfall in funding for a place at College 2. The amount of the shortfall was unknown at that time, however, the Senior Social Worker explained that, due to limited funds, Social Work, Adult Services, had already indicated that funding was not available for young adults to attend College 2 and would not be made available to meet any shortfall in fees, expenses and care costs.

8. A Care Manager at Council 1 (Manager 1) wrote to Mrs C on 30 March 2005, advising that a funding request had been completed and

submitted for Mr A to attend College 2 on a residential basis, with the recommendation being that this was the most appropriate place to enable him to grow and develop.

9. Mr A turned 18-years-old in May 2005 and subsequently became the responsibility of Council 1's Social Work, Adult Services department. Mrs C and Mr A initially underwent a Future Needs Assessment with Adult Services, and Mrs C stated their preference that Mr A should attend College 2 on a residential basis. Council 1 told me that Mrs C was informed at this stage that any services would be agreed following completion of Mr A's needs assessment. Having considered Mr A's assessed needs, Adult Services declined to fund a residential place for him at College 2. Instead, Council 1 offered Mr A accommodation in Dundee at a supported residential facility referred to as Rankine Street. As a resident of Rankine Street, Mr A would be encouraged to live as independently as possible. Support would be provided to secure the necessary benefits to cover personal living costs. Further support would then be available, based on Mr A's assessed needs, to assist with every day tasks. Mr A would attend College 2 on a daily basis to complete his education.

10. Mrs C was dissatisfied with Council 1's refusal to fund a residential placement, at College 2, for Mr A. She complained to Council 1 via the MSP. The MSP wrote to Council 1's Director of Social Work (the Director) on 22 April 2005. She noted that all of the professionals involved in Mr A's care were in agreement that College 2 would be the best place to meet his needs and expressed her disappointment that the decision to deny Mr A a residential placement was based on funding alone. The MSP questioned the issue of funding and stressed that, given Mrs C's intended relocation to Fife, if a residential place at College 2 was not forthcoming, accommodation would have to be found and funded for Mr A in Dundee. She noted that there would also be costs associated with housing Mr A in Dundee and this should be considered alongside the benefit to Mr A of having an in-house residential placement at College 2, which would be in close proximity to Mrs C's new location.

11. The Director responded to the MSP's letter on 13 May 2005. In his response, he expressed Council 1's concern that they were unable to meet the needs of Mr A and others in similar situations, through College 1. He noted that Council 1 had introduced an autistic-specific planning group to address shortcomings in the provision of local services to Dundee residents with autism, however, conceded that improvements to College 1's services would not be in

place in time to meet Mr A's needs. The Director commented that, as a result of this, Council 1 would 'respond with interim arrangements'. The MSP was dissatisfied with the Director's response. She suggested that Council 1 were discriminating against Mr A because of his disability by denying him further educational development due to the lack of services available locally. She felt that, as these services were available elsewhere, Council 1 should make arrangements accordingly.

12. In a letter to the MSP, dated 20 June 2006, the Director highlighted that Council 1 considered it important that individuals with autism should be supported within their own local communities. Should Mr A be educated in Fife, he would later have to be reintegrated into his community in Dundee and accommodation found for him there. The MSP had suggested in an earlier letter that, as Mrs C was relocating to Fife and Mr A wished to be educated there, after the initial cost of funding the course at College 2, Mr A's care costs would likely become the responsibility of Fife Council (Council 2). The Director pointed out that, as Mr A was at that time resident in Dundee, Council 1 had a responsibility to support him. The Director's understanding at the time of corresponding with the MSP was that Mrs C intended to relocate to Fife and cease caring for Mr A. Mr A's normal place of residence would remain as Dundee and Council 1 would, therefore, proceed on that basis.

13. The MSP remained dissatisfied with Council 1's position. She felt that Council 1 were not acting in Mr A's best interests and noted that, given that there would be costs associated with the Rankine Street accommodation, the greater benefits to Mr A of the residential placement at College 2 should justify any additional expense that Council 1 would incur to send him there. Providing the residential place would also ensure that Mr A was not disadvantaged whilst Council 1 worked with College 1 to provide similar services within Dundee.

14. On 2 December 2005, Mr A's advocacy worker (the Advocate) wrote to the Director, reiterating the concerns raised by Mrs C and the MSP and asking for answers to specific questions regarding Council 1's approach to Mr A's education. The Director replied to the Advocate's letter on 13 December 2005. He explained that the recommendation for the residential placement at College 1 had been made by Child Services, in conjunction with a Council 1 Care Manager. The Director stressed that this had been a recommendation only and that the placement was never an agreed outcome. He said that Adult Services have to consider applications individually and agree funding based on priority of

need as well as the amount of available funding. Adult Services considered that Mr A did not require a residential placement at College 2, as College 2 was within travelling distance of Dundee and would only be able to offer a temporary accommodation solution for as long as Mr A was studying. The Director noted that Mrs C intended to cease caring for Mr A and that alternative long-term accommodation solutions were, therefore, being explored. Rankine Street was deemed to be suitable based on Mr A's assessed needs, however, other alternatives would be considered if Rankine Street was deemed to be unacceptable.

15. Substantial correspondence was exchanged between the MSP and the Director. The MSP expressed Mrs C's opinion that Rankine Street was unsuitable for Mr A and that it would not meet his needs. Having visited Rankine Street, Mrs C found that it catered for individuals that were severely mentally handicapped and aged between 27-years-old to 40-years-old. As Mr A was 18-years-old and had a relatively mild form of autism, he and Mrs C did not feel that Rankine Street would provide a comfortable, stimulating environment and that the progress that he had made with his life skills could be undone.

16. I have been provided with a copy of a letter, sent from another of Council 1's Care Managers (Manager 2), to Mrs C on 31 March 2006. In it, reference is made to a telephone conversation between the two parties on 2 February 2006. Manager 2 recounted that she had advised Mrs C that Mr A was being considered as a priority on the waiting list for accommodation at Rankine Street. Mrs C reportedly advised Manager 2 at that point that she would not consider Rankine Street as an option for Mr A, and that the residential placement at College 2 remained her favoured option. Mrs C also enquired as to what alternative options were available to Mr A. Manager 2 confirmed, in her letter, that Council 1's Social Work department would continue to seek out suitable accommodation for Mr A that would compliment his needs into the future.

17. Mrs C and the MSP felt that they had reached a stalemate in their correspondence with Council 1. Consequently, the MSP wrote to Council 1's Chief Executive (the Chief Executive) on 10 April 2006 to ask him to review the basis for the decision that had been made. Specifically, the MSP reiterated her opinion that the residential placement at College 2 should not have been refused based solely on the cost of provision. The Chief Executive replied to the MSP's letter on 21 April 2006. In his response, he clarified that the

residential placement at College 2 was not refused due to a lack of available funding, but was based on Mr A's needs assessment, which did not identify a need for a residential placement. The Chief Executive acknowledged Mrs C's concerns about the Rankine Street accommodation, but disagreed with her view that Mr A's needs could not be met there. He stated that the residents at Rankine Street were on the mild/moderate range of learning disability and that services were tailored to meet the individual needs of each resident. He noted that the placement identified for Mr A at Rankine Street was now no longer available, but confirmed Council 1's view that another, similar, placement would be suitable for Mr A. The MSP brought Mrs C's complaint to the Ombudsman on 16 June 2006, following the Chief Executive's response.

18. Mr A continued to live with Mrs C and attended College 2 on a daily basis. For the first six weeks of his full-time course, a charity paid for a minibus to take Mr A and six other students between Dundee and College 2. Following that, for a period of 35 weeks, the students shared private transport, for which Mr A paid a share of the transport costs from the bursary that he received from College 2. From September 2006, Council 1 provided a minibus service. Mr A again paid a contribution toward the cost of this. Council 1 also funded a staffing support package at College 2 to provide Mr A with additional assistance in light of difficulties that he experienced shortly after joining the full-time course.

19. When investigating this complaint, I spoke to Mrs C. She told me that she could not relocate to Fife as long as Mr A was resident in Dundee and travelling to College 2 on a daily basis. This, she explained, was extremely stressful and had a detrimental impact on her relationship with her partner. She told me that she was unhappy with the inconsistent response from Council 1, who initially advised her that Mr A's application for a residential placement at College 2 was declined based on funding, but subsequently said that it was declined due to the lack of an assessed need for the residential placement. The documentation that I have seen shows that Mrs C and the MSP requested copies of Mr A's needs assessment on a number of occasions, but that this was not forthcoming due to consent issues.

20. Mrs C eventually received a copy of a needs assessment for Mr A, dated 5 April 2007. She told me that the assessment contained a number of factual inaccuracies. These included details of Mr A's relationship with family members, the ages of his siblings, medication that Mr A had taken in the past and details relating to his transport arrangements to College 2 and advocacy

staff involved in his care. Generally, the points that Mrs C raised referred to information presented as factual, which at the time of the assessment was no longer current. Mrs C said that the needs assessment was also unsigned by Mr A. She considered this to be indicative of the assessment being completed retrospectively and without Mr A's involvement. Council 1 had advised Mrs C that the needs assessment had been completed by Manager 2, with Mr A's input. However, Mrs C asserted that Mr A had at no time met with Manager 2. Mrs C did not accept Council 1's position that Mr A's needs assessment had concluded that a residential placement at College 2 was unnecessary, as she did not feel that accurate information was available to reach such a decision.

21. During the course of my investigation into Mrs C's complaint, I was able to review the needs assessment from April 2007. This assessment was undated and unsigned by either Mr A or Manager 2. Council 1 provided me with two further needs assessments for Mr A. The first was dated April 2006 but was headed 'as at March 2005'. This assessment was signed by Manager 2, but not by Mr A. The Second assessment provided by Council 1 was dated 23 February 2007 and was headed 'as at February 2007'. Again, this assessment was signed by Manager 2, but not by Mr A.

22. Apart from a small number of minor changes, the contents of the three needs assessments that I have seen are largely identical.

23. I asked Council 1 how Mr A's needs assessment was used to inform the decision that Rankine Street was more suitable than College 2 for meeting Mr A's needs. They explained that their Social Work department operates an eligibility criterion for services. Following a needs assessment by a Care Manager, an individual's needs are considered in terms of risk and eligibility for any services that available resources allow. In Mr A's case, his needs were assessed during 2005 and reviewed with him in April 2006. As a result of this, the following needs were identified for Mr A:

- ongoing education with one-to-one in-college support;
- accommodation – own house;
- enabler service (assistance to develop day-to-day home and social skills); and
- respite service – to support Mr A's family and to provide him with time away from them.



Council 1 further explained that Rankine Street was offered to Mr A as an accommodation option due to a vacancy arising there. Alternative accommodation was not due to become available until around August 2007 and Rankine Street was considered the only suitable facility to be available at that time. Council 1 did not consider College 2 to be suitable for Mr A's needs, as accommodation there was directly linked to course attendance. As such, Mr A would lose his accommodation upon completing his course and alternative housing may not be available for him in Dundee, leaving him homeless. Council 1 recognised this to be a significant risk, given Mrs C's intention to relocate to Fife. They, therefore, aimed to find a long-term home for Mr A.

24. Council 1 told me that, in acknowledgement of Mr A and his family's reluctance to accept a placement at Rankine Street, alternative accommodation options were considered. No alternative accommodation was available until November 2007, at which time Mr A was offered a placement in a brand new development. Around the same time, Council 1 also became aware that Mr A may choose to relocate to Fife long-term and they consequently opened discussions with Council 2 as to how this would be coordinated.

25. In January 2005, the Scottish Government published a booklet called Partnership Matters. Partnership Matters acts as guidance for various agencies involved in supporting young people with additional needs to attend further education and to encourage partnership working between agencies. The guidance sets out the obligations and expectations of local authorities when dealing with situations such as Mr A's. The document highlights the general duty on local authorities to ensure their areas have adequate educational provisions, as required by the Education (Scotland) Act 1980, section 1 (1) of which states:

'... it shall be the duty of every education authority to secure that there is made for their area adequate and efficient provision of school education and further education'.

26. With regard to the Education (Additional Support for Learning) (Scotland) Act 2004, which was due to commence shortly after Partnership Matters was published, Partnership Matters noted that:

'Education authorities will have to seek information and advice from key agencies, including further education colleges, which are likely to provide support to the young person when they leave school. This will be used by education authorities and other agencies to better plan and prepare the

young person for post-school life. Authorities will then have to inform the other agencies of when the young person is about to actually leave school to ensure that a continuum of support is provided'.

27. Section 3.1.2 of Partnership Matters lists the core principles relevant to the provision of further education for young people with additional support needs. It lists:

- a) The learner must be fully involved in discussions about an appropriate education placement and the decision making process.
- b) The needs and aspirations of the individual must be at the centre of any decision taken regarding an appropriate education placement.
- c) Statutory agencies – Further education colleges, local authorities and NHS boards – must work together to ensure the most effective and appropriate learning opportunities are offered to students.
- d) Further education colleges are primarily responsible for the provision of education making adjustments where these are necessary to meet the learning needs of the individual.
- e) Local authorities and health boards are responsible for the provision of personal and health care where an assessment has identified a need for such support.
- f) Providers of post-16 education should demonstrate a commitment to inclusiveness recognising the diversity of student placement.
- g) Where colleges identify a need for support by other agencies, for example, social work and health, they will liaise with the appropriate agency to discuss how best support can be provided and will liaise with the student and the appropriate agency to discuss how best support can be provided.
- h) The learner's needs will only be discussed between agencies with the learner's explicit consent.

28. Section 3.1.15 of Partnership Matters states:

'As part of the single shared assessment it is good practice for mobility and arrangements for a student to access further education facilities to be considered. Where this assessment identifies an individual as being in need of assistance with transport in order to access further education provision, they will be under a duty to provide specialist transport services to and from the further education provider. There is no duty on local authorities to provide transport simply because a student lives far from the college'.

29. I met with Council 1 on 12 December 2007 to discuss Mrs C's complaint. I asked them about the relationship between Social Work, Child and Adult Services. Council 1 accepted that, in Mr A's case, the communication between the two departments and Mr A's family was poor. They explained that they were reviewing their approach to the transition of young people with additional support needs between school and further education. Council 1 provided me with copies of minutes from meetings that had been held to form a forum made up of members of various relevant bodies. The forum's purpose is to ensure that Council 1's Education and Social Work departments communicate effectively with Tayside NHS Board, further education colleges and other appropriate agencies and work together to provide a seamless transition between school and further education. Council 1 explained to me that their new approach started considering individuals' future options from age 14-years-old. They also explained that a Transition Worker is specifically tasked with liaising between Child and Adult Services to maintain consistency of approach.

30. During my discussion with Council 1, I conveyed Mrs C's concerns that their reasons for refusing Mr A's residential placement at College 2 had changed from lack of funding to lack of assessed need. This is supported by the correspondence that I have seen in the complaint file. Council 1 conceded that the reasons for refusing the residential placement could have been communicated more clearly but confirmed their position that the placement was not deemed to be the best option for Mr A, following his needs assessment.

31. Mrs C and the MSP had advised, during the course of this complaint, that Mr A's long term plan was to live in Fife and that they had questioned Council 1's reluctance to facilitate the transfer of Mr A's social work responsibilities over to Council 2. They acknowledged that Council 1 would not fund a residential placement for Mr A at College 2 but felt that, rather than proposing what, they felt, were unsuitable accommodation options in Dundee, if Mr A became a Fife resident following a residential placement at College 2, then he would be able to secure accommodation locally, with Council 2's support. Council 1 provided me with minutes from meetings that they held to discuss Mr A's case in 2007. These record that discussions were held regarding the possibility of Mr A being considered a resident of Fife. A representative of Council 2 (the Representative) noted during a meeting in April 2007 that Council 2 could not become involved in any discussions about Mr A's future, at that point, as they had not been approached with a formal indication from Council 1 that Mr A wished to relocate to their area. The Representative added

that if Mr A became a resident of Fife, he would be entitled to apply for housing through Council 2's Social Work department, however, a placement could not be guaranteed due to waiting lists. It was noted in the meeting's minutes that Council 2 would be willing to discuss a possible relocation by Mr A to their area, but that this could only happen following a formal approach from Council 1. Council 1 had not, at that time, approached Council 2 to discuss Mr A's transfer.

32. Minutes from a meeting held in September 2007 noted that Mr A's needs had been assessed 'several times' during his contact with Adult Services, but that the need for a residential placement at college had not been identified. As such, funding would not be made available for this. It was, however, identified that Mr A required both education (provided by College 2) and supported accommodation. Rankine Street was proposed for the latter. It was noted that, as Mrs C did not find this facility to be suitable, an alternative property had been proposed. The minutes note that Council 1 confirmed at the meeting that they viewed Mr A as a resident of Dundee. They, therefore, considered themselves responsible for supporting him within the city. Council 1 would not consider making arrangements for accommodation or services in another local authority area. Should Mr A choose to relocate to Fife, Council 1 would co-operate by sharing his assessment information. However, Mr A could only access support services in Fife once he was a resident of that area. Council 1 explained that local authorities operate on definitions of 'normal residency'. Mr A was considered to be normally resident in Dundee until such time as he formally transferred to Fife. Until such a transfer took place, Council 1 would actively seek suitable long-term accommodation for Mr A within Dundee. Council 1 noted that, although a wide range of supported accommodation was available within Dundee, residents rarely chose to vacate their properties and vacant accommodation did not become available quickly. Should Mr A receive a residential placement at College 2, he would remain a resident of Dundee. Upon completion of his course, there may not be accommodation available for him in Dundee and he could be homeless. With no assessed need for a residential placement at College 2, Council 1 sought to avoid this by sourcing accommodation for him within the city.

### *Conclusion*

33. Under the terms of the Education (Scotland) Act 1980, Council 1 were required to ensure that Mr A had access to further education. There was no duty on them to provide a residential placement, or to provide the educational arrangements preferred by the student. Any decision relating to the provision of

further education, or any other service arranged through the Social Work department, should be made with reference to the service user's properly assessed needs. Council 1 were able to demonstrate that they had assessed Mr A's needs and that these concluded that he should be provided with personal support, his own accommodation and help to access education. I accept Council 1's position that they were responsible for these services as long as Mr A remained a resident of Dundee and I, therefore, consider it reasonable for them to base their proposals on his long-term situation. As such, I am satisfied that Council 1's reasons for refusing to fund the residential placement at College 2 were reasonable and that they reached this decision having reviewed accurate information about Mr A's needs. I also consider their ultimate conclusion that Mr A could access his desired educational course, by travelling between Dundee and Fife, to be reasonable. I was concerned, however, by the manner in which their decision was communicated to Mrs C and Mr A and by certain aspects of their assessment of Mr A's needs.

34. I accept that Child Services' recommendation for a residential placement at College 2 did not constitute an agreed outcome. Having reviewed the correspondence in the complaint file, this does not appear to have been explained to Mrs C, however, and letters were worded in such a way as to suggest that this was Council 1's preferred option for Mr A's educational and residential future.

35. Once Mr A's needs were reassessed by Adult Services, the decision was made to offer a residential placement within Dundee. Correspondence from Council 1 in response to early complaints about this decision, from Mrs C and the MSP, clearly intimate that the residential placement at College 2 was refused due to lack of funding. As previously mentioned, I consider the reasons ultimately given by Council 1 for refusing the placement to be reasonable. I do, however, acknowledge Mrs C's suggestion that Council 1 changed their reasons for this during the course of her complaint. Whilst there is no evidence to suggest that this was the case, taking the correspondence from Council 1 at face value, without advance knowledge of the full explanation, I can understand how she may have reached this conclusion. Had a full and clear explanation been provided from the outset, a great deal of time-consuming correspondence, uncertainty and anxiety may have been avoided.

36. Mr A's needs were assessed by Child Services, who concluded that a residential placement at College 2 was the most appropriate option for him.

Adult Services took over his care and concluded differently. In the meantime, Mrs C's and Mr A's hopes were raised by Child Services advising them of their proposals. I consider that the communication with Mrs C and Mr A during this period could have been managed more carefully. I am concerned that the information provided by Council 1 related to recommendations that had been put to Adult Services, rather than decisions that had been formally approved. I appreciate that correspondence sent by Child Services would have been to keep Mrs C informed of progress while a formal decision was pending, however, Mrs C's and Mr A's expectations could have been managed better at this point.

37. I was encouraged to learn that Council 1 have taken proactive steps to improve their service and to provide a more holistic approach toward the transition of children with additional needs, between school and further education. The introduction of their forum of Child & Adult Services and other interested parties will, I am sure, improve communication between departments, interested parties and service users. The new approach complements the aspirations of the Partnership Matters guidance and I commend Council 1 for the further work that they have done with College 1 to improve educational services within Dundee.

38. The issue of whether Mr A should be granted a residential placement at College 2 remained a matter of contention between early 2005 and late 2007. A resolution to the complaint appears to have been delayed, at least partly, by a lack of information as to what would happen should Mr A relocate to Fife after graduation. The MSP made enquiries as early as March 2005 in this respect, and, as the complaint progressed, it became more apparent that this was Mr A and Mrs C's intention. Minutes from the meeting held in April 2007 note that no formal approach had been made to Council 2 by that time. It would be Mrs C and Mr A's responsibility to approach Council 2 in this regard, however, Council 1 may have considered being more proactive in pursuing this route of enquiry, given Mrs C and Mr A's reluctance to accept the provisions available within Dundee. Again, however, I recognise Council 1's obligation to act on the basis that Mr A was a long-term resident of Dundee, until such time as this was not the case. I also acknowledge the efforts made by Council 1 to find alternative Dundee accommodation when Rankine Street was deemed to be unsuitable.

39. I am unable to confirm whether Mr A was present for all three of the needs assessments that I was able to review. I was concerned to note that, although Mr A's personal circumstances had changed in some instances, the information was not updated to reflect this. I do not believe this had any impact on the issue that I have been asked to investigate. However, given Mrs C's assertion that Mr A was not present for his needs assessments, her dissatisfaction with the outcome of the assessments and Council 1's reliance on the assessment information when making decisions about Mr A's future, I consider it important that Mr A's signed approval was sought following each assessment. This was not done in any of the three cases, but should be standard practice for any social work needs assessment.

40. It is not for me to consider the merits of a long-term property within Dundee over a residential placement at College 2 for Mr A. I have, however, considered whether Council 1 had access to relevant information when making a decision in this regard and whether they adopted a reasonable approach to Mr A's educational and accommodation needs. I found Council 1's communication and explanation of their decision to have been very poor and consider their correspondence with Mrs C and the MSP to have resulted in protracted correspondence and confusion. The decision that they reached was, however, reasonable. Mr A's needs were assessed, but a residential placement at College 2, whilst considered desirable, was not specifically highlighted as a requirement. As such, I do not consider the Council to have failed to provide Mr A with a service that was required to meet his assessed needs. Accordingly, I do not uphold this complaint.

#### *Recommendations*

41. It is recognised that Council 1 have taken steps to improve their service since the time of Mrs C's complaint. Mrs C's complaint did, however, raise issues of communication and record-keeping that Council 1 should consider when reviewing the procedures and performance of their new social work multi-disciplinary forum.

42. The Ombudsman recommends that Council 1:

- (i) review their practices for informing service users and their families of services that have been recommended and agreed;
- (ii) remind staff of the importance of recording on file service users' agreement with the content of their needs assessments; and

- (iii) formally apologise to Mrs C and Mr A for the confusion and protracted correspondence caused by their failure to properly explain the reasons for their decision from the outset.

43. Council 1's failure to properly explain their reasons for refusing to fund a residential placement at College 2 for Mr A unnecessarily prolonged the complaints process and led to stress and uncertainty for Mrs C, who felt obliged to delay her wedding until the matter was resolved. In recognition of this, the Ombudsman also recommends that Council 1 pay Mrs C the sum of £150.00 in recognition of the time and trouble that she went to to pursue this complaint.

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



**Explanation of abbreviations used**

Mrs C	The complainant
Mr A	Mrs C's grandson
College 1	Dundee College
College 2	Elmwood College
Council 1	Dundee City Council
The MSP	Mrs C's local MSP
Manager 1	A Care Manager at Council 1
Manager 2	A Care Manager at Council 1
The Director	Council 1's Director of Social Work
Council 2	Fife Council
The Advocate	Mr A's advocacy worker
The Chief Executive	Council 1's Chief Executive
The Representative	A representative of Council 2

**List of legislation and policies considered**

The Education (Scotland) Act 1980

Partnership Matters

A guide to local authorities, NHS Boards and voluntary organisations on supporting students with additional needs in further education.

The Education (Additional Support for Learning) (Scotland) Act 2004