



Northern Ireland

**Public Services**

Ombudsman

# **Investigation of a complaint against the Northern Health & Social Care Trust**

**Report Reference: 202003167**

The Northern Ireland Public Services Ombudsman

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## **The Role of the Ombudsman**

The Northern Ireland Public Services Ombudsman (NIPSO) provides a free, independent and impartial service for investigating complaints about public service providers in Northern Ireland.

The role of the Ombudsman is set out in the Public Services Ombudsman Act (Northern Ireland) 2016 (the 2016 Act). The Ombudsman can normally only accept a complaint after the complaints process of the public service provider has been exhausted.

The Ombudsman may investigate complaints about maladministration on the part of listed authorities, and on the merits of a decision taken by health and social care bodies, general health care providers and independent providers of health and social care. The purpose of an investigation is to ascertain if the matters alleged in the complaint properly warrant investigation and are in substance true.

Maladministration is not defined in the legislation, but is generally taken to include decisions made following improper consideration, action or inaction; delay; failure to follow procedures or the law; misleading or inaccurate statements; bias; or inadequate record keeping.

The Ombudsman must also consider whether maladministration has resulted in an injustice. Injustice is also not defined in legislation but can include upset, inconvenience, or frustration. A remedy may be recommended where injustice is found as a consequence of the failings identified in a report.

## **Reporting in the Public Interest**

This report is published pursuant to section 44 of the 2016 Act which allows the Ombudsman to publish an investigation report when it is in the public interest to do so.

The Ombudsman has taken into account the interests of the person aggrieved and other persons prior to publishing this report.



**Case Reference:** 202003167

**Listed Authority:** Northern Health and Social Care Trust

## **SUMMARY**

This complaint was about the actions of the Northern Health and Social Care Trust (the Trust). The complainant's son (the Child) lives with Angelman syndrome<sup>1</sup> which is a rare genetic condition. The complainant employed a Personal Assistant (PA) for the Child under the Trust's Direct Payments<sup>2</sup> (DP) Scheme. The PA took a period of maternity leave in March 2020, just prior to the government declaring the Covid-19 pandemic.

The PA returned to work in August 2020 following her period of maternity leave and in January 2021 the complainant wished to employ a second PA to provide care to her son. The complainant struggled to employ a second PA and in March 2021, the Trust denied her request to employ a family member, stating that the Child did not meet the 'exceptional circumstances' criterion in the relevant guidance. This complaint is about the Trust's decision. It is also about support and communication Social Workers provided to the complainant and her family during the period between 13 March 2020 and 11 October 2021.

The investigation established the Trust provided the complainant and the Child appropriate communication and support during the period 13 March 2020 to 11 October 2021. However, it found the Trust failed to record the rationale for its decision that the Child's circumstances did not amount to 'exceptional' under relevant guidance. Furthermore, the investigation did not find evidence to suggest the Trust applied updated guidance, published in August 2020, which permitted the Trust 'flexibility' when considering DP requests.

Given the failures identified, I recommended that the Trust apologise to the complainant for causing her and her family anxiety and uncertainty and for the loss

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<sup>1</sup> A genetic disorder that causes developmental and neurological disabilities. It causes delayed development, intellectual disability, problems with speech and balance and seizures.

<sup>2</sup> If a service user or carer has been assessed as needing social services/care, it may be possible to get Direct Payments instead of services provided by the Trust. Direct Payments is a payment made by the Health and Social Care Trust to enable individuals to arrange their support in a way that suits them best.

of opportunity to employ a second PA from March 2021. I also recommended the Trust conduct a review of its decision not to permit the complainant to employ her son under the DP Scheme between March and October 2021.

## THE COMPLAINT

1. This complaint is about the Northern Health and Social Care Trust's (the Trust) management of Direct Payments<sup>3</sup> (DP) in respect of the complainant's son (the Child). The complainant also raised concerns about communication and support the Trust's Social Worker provided to both the complainant and the Child during the Covid-19 pandemic from March 2020. The complainant is the Child's main carer.

### Background

2. The Child lives with Angelman's syndrome<sup>4</sup> which is a rare genetic condition and means he requires personal assistance. The complainant employed a Personal Assistant (PA) under the Trust's DP Scheme. On 13 March 2020 the Child's PA started a period of maternity leave. The complainant sourced a new PA to take over the Child's care. However, the UK Government declared the Covid-19 pandemic on 23 March 2020 and the placement did not proceed due to increased risk to the Child. The complainant said she preferred that family members administer support to the Child to reduce his risk of contracting Covid-19.
3. The PA resumed her role in August 2020 following a period of maternity leave. In January 2021 the complainant wished to employ a second PA under the DP Scheme however found it challenging to find a PA suitable to care for the Child. Following publication of the updated Department of Health (DoH) Guidance in August 2020, the complainant submitted a request to the Trust in March 2021 to employ her son (the Child's brother) under the DP Scheme. The Trust rejected this request as it did not consider the Child met its criteria for 'exceptional' circumstances at that time. Following further updated DoH guidance in October 2021, the Trust permitted the complainant to employ her partner (the Child's stepfather) under the DP Scheme for a period of eight weeks.

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<sup>3</sup> If a service user or carer has been assessed as needing social services/care, it may be possible to get Direct Payments instead of services provided by the Trust. Direct Payments is a payment made by the Health and Social Care Trust to enable individuals to arrange their support in a way that suits them best.

<sup>4</sup> A genetic disorder that causes developmental and neurological disabilities. It causes delayed development, intellectual disability, problems with speech and balance and seizures.

## **Issues of complaint**

4. I accepted the following issues of complaint for investigation:

**Issue 1: Whether the Trust's engagement and support provided to the complainant between 13 March 2020 and 11 October 2021 was appropriate and in accordance with guidance and relevant standards.**

**Issue 2: Whether the Trust acted in accordance with guidance and relevant standards in its consideration of the Direct Payments request.**

## **INVESTIGATION METHODOLOGY**

5. In order to investigate this complaint, the Investigating Officer obtained from the Trust all relevant documentation together with its comments on the issues the complainant raised. This documentation included information relating to the Trust's complaints process.

### **Independent Professional Advice Sought**

6. After further consideration of the issues, I obtained independent professional advice from the following independent professional advisor (ISWA):

- A qualified Social Worker with over 34 years' experience including experience in Direct Payments (ISWA).

I enclose the clinical advice received at Appendix two to this report.

7. The information and advice which informed the findings and conclusions are included within the body of this report. The ISWA provided 'advice'. However, how I weighed this advice, within the context of this particular complaint, is a matter for my discretion.

### **Relevant Standards and Guidance**

8. In order to investigate complaints, I must establish a clear understanding of the standards, both of general application and those specific to the circumstances of the case. I also refer to relevant regulatory, professional, and statutory guidance.

The general standards are the Ombudsman's Principles<sup>5</sup>:

- The Principles of Good Administration

9. The specific standards and guidance referred to are those which applied at the time the events occurred. These governed the exercise of the administrative functions and professional judgement of those individuals whose actions are the subject of this complaint.

The specific standards and guidance relevant to this complaint are:

- Northern Ireland Social Care Council Standards of Conduct and Practice for Social Workers November 2015 (Social Work Standards);
- Northern Health and Social Care Trust Direct Payments Staff Guidance 4 June 2015 (NHSCT DP Guidance);
- Department of Health, Social Services and Public Safety A Guide to Receiving Direct Payments November 2008 (DoH DP Guidance);
- Department of Health Coronavirus (Covid-19): Northern Ireland Guidance for People Receiving Direct Payments 4 August 2020 (DoH August 2020 DP Guidance); and
- Department of Health Coronavirus (Covid-19): Northern Ireland Guidance for People Receiving Direct Payments 5 October 2021 (DoH October 2021 Guidance).

10. I did not include all information obtained in the course of the investigation in this report. However, I am satisfied I took into account everything I considered relevant and important in reaching my findings.

11. I shared a draft copy of this report with the complainant and the Trust for comment on factual accuracy and the reasonableness of the findings and recommendations.

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<sup>5</sup> These principles were established through the collective experience of the public services ombudsmen affiliated to the Ombudsman Association.



## **THE INVESTIGATION**

**Issue 1: Whether the Trust's engagement and support provided to the complainant between 13 March 2020 and 11 October 2021 was appropriate and in accordance with guidance and relevant standards.**

### **Detail of Complaint**

12. The complainant said the Trust and its Social Workers (SW) failed to maintain contact and provide support to the Child and his family during the period 13 March 2020 to 11 October 2021. The complainant said this is because she was already in receipt of DP for the Child's care when the Trust advised the Child to 'shield'. The complainant said the Trust/Social Workers should have communicated to her the next steps for the Child's care.

### **Evidence Considered**

#### **Legislation/Policies/Guidance**

13. I considered the following policies/guidance:

- Social Work Standards.

#### **Trust's response to investigation enquiries**

14. The Trust stated it was aware of the complainant's difficulties in arranging private carers and offered its own support plus additional support. This included: ongoing DP monies; attendance for the Child at the Trust's Summer Scheme; referral for the Child to attend the 'Cedar Foundation<sup>6</sup>'; agreement for the complainant to use the DP monies for bi-weekly Zoom<sup>7</sup> sessions at Music Yard<sup>8</sup>, purchase of a swing and to purchase a service from SENSE<sup>9</sup>; availability of Social Worker for advice, guidance and support; and an agreement to allow the complainant to employ her partner under DP as the Child's carer.

15. The Trust stated the Social Work team do not issue 'shielding' letters and if another agency issued such a letter, the team were not made aware.

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<sup>6</sup> Charity who supports people living with disability, autism and brain injury.

<sup>7</sup> A software program which allows video communications.

<sup>8</sup> The Music Yard offers music tuition in Northern Ireland.

<sup>9</sup> SENSE work to help those with complex disabilities.

*'Therefore, there are no specific records on file addressing this subject and no advice provided'.*

**Relevant Trust records**

16. The Trust's Social Work records include the following communication with the complainant:

3 April 2020	Telephone Call Social Worker looked into the possibility of accumulated DP hours being used to fund music sessions and informed the complainant this had been agreed. Social Worker also agreed to complete paperwork for an increase in DP from August 2020 onwards.
10 August 2020	Care Supervision Record. Child was offered a summer support for the Child as no summer scheme this year due to Covid-19. Complainant declined this offer.
2 September 2020	Telephone Call. Complainant has surplus of DP and requested to use this money to purchase a swing for the Child.
8 September 2020	Telephone Call. Further discussion about the surplus. DP approved to be used for a purchase of a swing.
9 September 2020	Telephone Call. Discussion regarding the DP.
21 January 2021	Telephone Call. Child exposed to Covid 19 and isolated for 10 days with complainant.
12 March 2021	Family Support Review
27 April 2021	Home Visit
4 May 2021	Telephone Call. SW advised having spoken to her manager, the Child's brother could not be employed via DP to provide support as he lived in the same household as the carer.
16 June 2021	Telephone Call
18 June 2021	Family Support Review with two managers

**Relevant Independent Professional Advice**

17. The ISWA advised *'there are no absolute requirements in terms of the level of contact that a social worker might have with their clients. It will be dependent upon the needs of the particular person concerned'*. As the period of

investigation was during the Covid-19 pandemic, *'good sense would dictate that any home visits should be kept to a minimum and only made where absolutely necessary'*.

18. The ISWA advised the Social Work team made several telephone calls to the complainant during 2020. She *'assumed'* the complainant knew how to contact relevant Trust personnel if she needed anything. The Trust continued to contact the complainant and conduct reviews in 2021, *'which was timely given the imminence of the child's transition to adult services'*.
19. In relation to support/advice, the ISWA advised she did not *'think that the social worker personally provided any inappropriate advice. On several matters, she was entirely guided by her managers'*.
20. Overall in consideration of the Social Work team's contact with the complainant throughout the period 13 March 2020 and 11 October 2021, the ISWA advised *'I do not have any concerns about the pattern of contact, assuming that the complainant knew who to contact if she had any difficulties'*.

### **Analysis and Findings**

21. The complainant said the Trust did not maintain contact or provide appropriate support to her or the Child between 13 March 2020 and 11 October 2021. She believed this was because she was already in receipt of DP at the time the Child received a 'shielding' letter. I note the Child's GP Practice issued this letter; the Trust was not involved in this process.
22. The Trust provided this Office with records of its communication with the complainant during the period outlined above. A summary of these records is contained within paragraph 16. I note the ISWA advised *'there are no absolute requirements in terms of the level of contact that a social worker might have with their clients. It will be dependent upon the needs of the particular person concerned'*.
23. The Social Work Standards require Social Workers to *'communicate in an appropriate, open, accurate and straightforward way'*. They also require Social

Workers to support *'service users and carers to connect with appropriate resources and support to meet identified outcomes'*. I note from the records the Trust made several telephone calls to the complainant during 2020 (the height of the pandemic), to provide updates and discuss various services. In addition to the communication summarised in paragraph 16 of this report, the records also evidence that the complainant and the SWs maintained regular email contact throughout the relevant period. The ISWA advised *'I do not have any concerns about the pattern of contact, assuming that the complainant knew who to contact if she had any difficulties or questions'*. I accept this advice. I am also satisfied the complainant had the SWs' contact details should she require additional communication.

24. I note the records document the SW obtained advice from her manager about how best to support the complainant in relation to DP. This included the decision not to allow the Child's brother to receive DP. The ISWA advised she did not consider the *'social worker personally provided any inappropriate advice. On several matters, she was entirely guided by her managers'*. I accept this advice.
25. I acknowledge the challenges the Covid-19 pandemic posed. I also acknowledge the various difficulties both the Trust and the complainant encountered in transitioning the home visits to telephone calls. Despite these obstacles, after careful consideration, I accept the ISWA's advice that she does not *'have any concerns about the Trust's actions'*. Based on the evidence available, I am satisfied the Social Work team acted in accordance with the Social Work Standards outlined above. I consider it ensured the complainant and her family received appropriate support and communication throughout the period 13 March 2020 and 11 October 2021. I do not uphold this element of the complaint.

## **Issue 2: Whether the Trust acted in accordance with guidance and relevant standards in its consideration of the Direct Payments request.**

### **Detail of Complaint**

26. The complainant said in March 2021, the Trust did not recognise the exception allowed in the DP guidance and refused to allow the Child's brother to act as a paid carer under the Scheme. However, in October 2021, following further DoH guidance, the Trust allowed the complainant's partner (the Child's stepfather) to fulfil the role of carer. It did so as a short-term temporary arrangement in the 'exceptional circumstances' that existed.

### **Evidence Considered**

#### **Legislation/Policies/Guidance**

27. I considered the following policies and guidance:

- NHSCT DP Guidance;
- DoH DP Guidance;
- DoH August 2020 DP Guidance; and
- DoH October 2021 DP Guidance.

#### **Trust's response to investigation enquiries**

28. The Trust stated the guidance it relied on from the Department of Health up until 23 August 2021<sup>10</sup> stated: *'Direct Payments are not intended to replace existing support networks within families and communities. For this reason only in exceptional circumstances can Direct Payments buy a service from: -*

- *A spouse or partner*
- *Anyone who lives in the same household's recipient (unless that person who now has specifically recruited to be or live in employee).'*

29. The Trust stated the guidance did not define 'exceptional circumstances' and it relied on its professional judgement. When it made its decision on whether a person's circumstances met the 'exceptional' criteria, it considered such areas as: the family

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<sup>10</sup> The DoH wrote to the Trusts on 23 August 2021 attaching updated guidance that was coming into force in October 2021.

situation, the family's request to consider exceptional circumstances, presenting needs of the child, and other factors such as Child Protection.

30. For this case the Trust understood the following:
- The Child lived with his mother, stepfather and brother at home, and had contact with his father;
  - The complainant had difficulties employing a PA due to maternity leave which is *'essentially an employer/employee issue, which can arise for families using Direct Payments and would not be viewed as an exceptional circumstance'*;
  - The presenting need for the Child was his challenging behaviours, *'he does not for example, have clinical health care needs such as tube feeding'*; and
  - There have never been any Child Protection concerns for the Child.
31. The Trust stated at the time of the complainant's *'request that her son be paid via Direct Payments, the Department had not issued the updated guidance dated 23 August 2021<sup>11</sup> stating that: 'it has now been agreed that the test for exceptional circumstances is considered to have been met by the fact that the pandemic is ongoing'*.
32. The complainant requested the Trust reappraise its decision not to allow her to employ her son under DP during the previous year. The Trust stated it sought guidance from the Department via telephone call on or around 1 February 2022. During this telephone call, the Department indicated the Trust was correct in applying whatever guidance was in place at the time. Therefore, *'the exceptional circumstances being met by the pandemic would only come into play following the August 2021 letter'*. The Trust stated it did not retain a record of this telephone call.

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<sup>11</sup> Came into force October 2021.

### **Relevant Trust records**

33. The Trust provided this Office with the complaint file and Social Work Records relevant to this investigation. The Social Work records document the Child lives with Angelman syndrome and the challenges present in providing support to the Child.
34. The records document the complainant received DP to employ a PA to provide care and support to the Child. In March 2020, the PA went on maternity leave and the complainant did not hire another PA. In August 2020 the PA returned from maternity leave and in January 2021 the records document the complainant's intention to hire a second PA under the DP Scheme. This is because the complainant's current PA was due to go on maternity leave for a second time in June 2021 and could only work daytime hours. In March 2021, the complainant submitted a request to the Trust to employ her son under the DP Scheme, who by then provided one to one support to the Child. The Trust rejected this request on 4 May 2021. In its final response on 11 January 2022 the Trust wrote to the complainant outlining the Child's needs did not fall within the criteria for 'exceptional circumstances'. For that reason, it could not allow a family member of the same household to be employed under DP.
35. On 5 October 2021, the DoH published new guidance which stated Covid-19 was categorised as 'exceptional circumstances'. Under a temporary arrangement, a family member living in the same household as the carer was able to be employed under DP. On 11 October 2021, the Trust wrote to the complainant allowing her to employ partner (the Child's stepfather) under DP to provide the Child with support and care. This arrangement was subject for review in eight weeks.

### **Analysis and Findings**

36. The complainant said the Trust did not permit her to employ her son (the Child's brother) under DP in March 2021. The records document this was because the brother lived in the same household as the Child and his main carer (the complainant), and the Child's circumstances did not amount to 'exceptional' at that time.

37. I refer to the DoH DP Guidance which states *'only in exceptional circumstances can you use Direct Payments to buy a service from: [...] anyone who lives in the same household as you'*. I also refer to the NHSCT DP Guidance which states, *'in exceptional circumstances family members can be employed with the agreement of the Health and Social Care Trust'*. I note neither the NHSCT nor the DoH DP Guidance provide a clear definition of the 'exceptional circumstances' criteria.
38. In the absence of a definition, the Trust stated it relied on its professional judgement when it determined it could not consider the Child's case under 'exceptional circumstances'. In this case, I would have expected it to document the rationale for its decision that 'exceptional circumstances' did not apply. I also would have expected it to share its explanation with the complainant. However, the records do not evidence the Trust did so. I consider that sharing its rationale with the complainant would have helped to alleviate her uncertainty about the Trust's decision.
39. The Trust provided further information about its rationale in its response to investigation enquiries. It explained it based its decision on four considerations (outlined in paragraph 30 of this report). I note that one of its considerations was *'the presenting needs for [the Child] are his challenging behaviours. He does not, for example, have clinical health care needs such as tube feeding'*. During this Office's investigation, the complainant informed the Investigating Officer that she was unaware of this criterion. She also said she was *'deeply offended'* the Trust summarised the Child's medical diagnosis as *'challenging behaviours'*.
40. The Trust did not further explain why it considered the Child's needs presented less of a rationale to grant support under 'exceptional circumstances' when compared with a child with clinical needs. Therefore, I remain unclear as to why the Trust used this criterion in its decision making.
41. In response to the Covid-19 pandemic, the DoH issued further guidance, published on 4 August 2020 (DoH August 2020 DP Guidance). This guidance



was in addition to its 2015 DP Guidance. This guidance states '*Health and Social Care Trusts should adopt a flexible approach to how Direct Payments are utilised during this period*'. The records do not evidence if the Trust considered this guidance when it made its decision regarding exceptional circumstances. It is also unclear if the Trust considered extending the 'flexible approach' allowed for in the updated guidance to the complainant. I again would have expected the Trust to have documented its rationale to explain its reasons why it did not adopt the permitted flexibility for the complainant. However, the records do not evidence the Trust did so.

42. On 5 October 2021, the DoH updated its guidance (DoH October 2021 DP Guidance). This stated '*given the exceptional circumstances arising from the COVID-19 pandemic*' a family member living in the same household as the carer can be employed under DP as a temporary arrangement. I note the difference between the DoH August 2020 and DoH October 2021 DP guidance is the incorporation of the Covid-19 pandemic as an 'exceptional circumstance'.
43. In the Trust's response to my Office's enquires, it stated it relied on DoH October 2021 DP Guidance when it made its decision to allow the complainant to employ her partner under DP in October 2021. The Trust wrote to the complainant on 11 October 2021 to advise under '*a short term, temporary and time specific variance*', the complainant can employ the Child's stepfather under DP. The letter stated this is because the complainant had difficulty recruiting maternity cover for her PA. However, it further stated that this situation '*may not be Covid pandemic related*'. I consider this statement suggests the Trust permitted payment to a family member because of the complainant's difficulty to recruit a PA for the Child, rather than because of the Covid-19 pandemic.
44. The records do not document any change in the complainant's circumstances from March to October 2021. They evidence that the complainant's reason for employing a family member under the DP Scheme did not change (difficulty to recruit a PA). As the Trust considered this reason may not relate to the Covid-19 pandemic, I am unclear as to why it permitted the complainant to employ a

family member as a PA under the updated guidance in October 2021, but not in March 2021.

45. The Third Principle of Good Administration (being open and accountable) requires public bodies to state *'its criteria for decision making'*. It also requires bodies *'to ensure that information, and any advice provided, is clear, accurate and complete'*. I would have expected the Trust to be transparent and open in its criteria for consideration of 'exceptional circumstances'. I consider the absence of such records maladministration.
46. I also refer to the Fourth Principle of Good Administration (acting fairly and proportionately), which requires the Trust to ensure its decisions are appropriate in the circumstances and fair to the individuals concerned. Based on the evidence available, I cannot be satisfied the Trust met this principle when it made its decision in March 2021. I consider this maladministration.
47. I consider the maladministration identified caused the complainant and her family to sustain the injustice of a loss of opportunity to employ a second PA during this period. I recognise the difficulty the Trust's decision had on the family during an already uncertain time due to the pandemic. I consider it caused the complainant and her family to sustain the injustice of uncertainty and anxiety. This is because the family did not know the Trust's rationale for 'exceptional circumstances', and reasons why the Trust considered the Child's complex medical needs did not meet this criterion. I uphold this element of the complaint.

## **CONCLUSION**

48. I received a complaint about the Trust's decision not to permit the complainant to employ her son under the Direct Payments (DP) Scheme as a Personal Assistant in March 2021. The role was to assist the Child who has complex medical needs. The complainant also raised concerns about the Trust's engagement with the complainant during the Covid-19 pandemic. I upheld elements of the complaint for the reasons outlined in this report.

49. The investigation found the Social Workers provided appropriate support and communication to the complainant during the period 13 March 2020 to 11 October 2021.
50. However, I identified maladministration in the process the Trust followed when it made its decision not to permit the complainant to employ her son under the Scheme in March 2021. I am concerned the Trust did not document its rationale for its decision that the Child did not meet the 'exceptional circumstances' criterion.
51. I understand the issues in the complaint are of great concern for the complainant. I recognise the loss of opportunity, anxiety, and uncertainty the complainant and her family sustained because of the maladministration identified.

### **Recommendations**

52. I recommend the Trust provides to the complainant a written apology in accordance with NIPSO's 'Guidance on issuing an apology' (July 2019), for the injustice caused as a result of the maladministration identified (within **one month** of the date of this report).
53. It is not my role to question the merits of a discretionary decision unless my investigation identifies maladministration in the process of making that decision. The absence of a rationale for the Trust's decision under the 'exceptional circumstances' criterion prevents me from establishing if it applied the DoH guidance appropriately. I also found that the complainant's or the Child's circumstances did not change prior to the Trust's decision to permit payment in October 2021. Therefore, I cannot be satisfied that had the maladministration not occurred, the Trust would have made the same discretionary decision in March 2021. This causes me to question the discretionary decision that the Child's situation did not fall under 'exceptional circumstances' at that time.
54. Based on this, I recommend the Trust reviews its decision not to allow the complainant to employ her son (the Child's brother) under the Direct Payments Scheme for the period 1 March 2021 to 10 October 2021 (within **one month** of

the date of this report). Depending on the outcome of this review, the Trust should consider making payment to the complainant for any monies due and/or its decision to recover payment for any Direct Payments made throughout this period. The Trust should advise my Office of the outcome of this review.

55. I further recommend the Trust shares the findings of this report with the staff involved, discussing it as part of their next appraisal.

56. I recommend the Trust devise its own transparent and accessible set of criteria for the granting of Direct Payments to a family member on the grounds of 'exceptional circumstances'. The Trust should provide me with a copy of this within **three months** from the date of this report.

**Margaret Kelly**  
**Ombudsman**

**December 2023**

## **Appendix 1**

### **PRINCIPLES OF GOOD ADMINISTRATION**

**Good administration by public service providers means:**

#### **1. Getting it right**

- Acting in accordance with the law and relevant guidance, with regard for the rights of those concerned.
- Acting in accordance with the public body's policy and guidance (published or internal).
- Taking proper account of established good practice.
- Providing effective services, using appropriately trained and competent staff.
- Taking reasonable decisions, based on all relevant considerations.

#### **2. Being customer focused**

- Ensuring people can access services easily.
- Informing customers what they can expect and what the public body expects of them.
- Keeping to its commitments, including any published service standards.
- Dealing with people helpfully, promptly and sensitively, bearing in mind their individual circumstances
- Responding to customers' needs flexibly, including, where appropriate, co-ordinating a response with other service providers.

#### **3. Being open and accountable**

- Being open and clear about policies and procedures and ensuring that information, and any advice provided, is clear, accurate and complete.
- Stating its criteria for decision making and giving reasons for decisions
- Handling information properly and appropriately.
- Keeping proper and appropriate records.
- Taking responsibility for its actions.

#### **4. Acting fairly and proportionately**

- Treating people impartially, with respect and courtesy.
- Treating people without unlawful discrimination or prejudice, and ensuring no conflict of interests.
- Dealing with people and issues objectively and consistently.
- Ensuring that decisions and actions are proportionate, appropriate and fair.

#### **5. Putting things right**

- Acknowledging mistakes and apologising where appropriate.
- Putting mistakes right quickly and effectively.
- Providing clear and timely information on how and when to appeal or complain.
- Operating an effective complaints procedure, which includes offering a fair and appropriate remedy when a complaint is upheld.

#### **6. Seeking continuous improvement**

- Reviewing policies and procedures regularly to ensure they are effective.
- Asking for feedback and using it to improve services and performance.
- Ensuring that the public body learns lessons from complaints and uses these to improve services and performance.

