

The investigation of a complaint against
Bridgend County Borough Council

A report by the
Public Services Ombudsman for Wales
Case: 201906202

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Introduction

This report is issued under s23 of the Public Services Ombudsman (Wales) Act 2019 (“the Act”).

In accordance with the provisions of the Act, the report has been anonymised so that, as far as possible, any details which might cause individuals to be identified have been amended or omitted. The report therefore refers to the complainant as Ms F.

Summary

Ms F complained on behalf of herself and a young person, Ms G. Ms G confirmed to the Ombudsman that she supported the complaint. Ms F complained that Bridgend County Borough Council had not properly managed the arrangement by which Ms G was living with her by clarifying her status as a Foster Carer or putting anything in place to maintain that arrangement, such as the “When I am Ready” (WIR) Scheme (this supports young people leaving local authority care). She complained that the Council had not given Ms G enough support and assistance after she left its care. She also complained that she was dissatisfied with its complaint handling.

The Ombudsman considered that the Council had not clarified Ms F’s status as a Foster Carer and that it had not been reasonable for the Council to say that Ms G’s placement with Ms F was a private one because it had been party to it. He found that the support given to maintain the arrangement by which Ms G was living with Ms F had been inadequate, after Ms G’s 18th birthday, because of Ms G’s ongoing vulnerability, her care leaver status and the practice principles that local authorities must take into account when engaging with young people who are leaving care and making any decision about them. He said that the family had struggled financially as a result and that that financial strain had placed avoidable pressure on Ms G’s relationship with Ms F. He upheld Ms F’s complaint. He determined that the Council should have made a WIR arrangement for Ms F and Ms G. He noted that the Council’s Pathway planning (planning for a young person’s departure from care and transition to adulthood) and related documentation had been flawed. He found that the support and assistance given to Ms G after she left the Council’s care, in terms of her living arrangement, had been inadequate. He said that the Council’s failure to plan effectively for Ms G’s departure from care meant that she had been denied the opportunity of having an appropriately resourced transitional living arrangement that could have improved her life chances. He also noted that Ms F had suffered financial hardship which could have been avoided. He upheld Ms F’s complaint. He found that the Council, when responding to Ms F’s complaint, had not adhered to the guidance about handling complaints related to Social Services. He said that the investigation of Ms F’s complaint, which had been completed on the

Council's behalf, had not been balanced and gave the impression of partiality. He upheld Ms F's complaint. He also considered that the Council had failed to show that it had paid due regard to Ms F's and Ms G's right to respect for their private and family life, home and correspondence (Article 8 of the Human Rights Act 1998) when addressing Ms G's care needs and responding to Ms F's complaint.

The Ombudsman recommended that the Council should write to Ms F and Ms G to apologise for the failings identified. He also asked it to pay Ms F and Ms G £8,500 each in recognition of the impact that those failings had had on them. He recommended that it should review and revise its Pathway planning documentation in light of his findings and his Professional Adviser's comments. He asked it to provide Pathway planning training, which addressed its responsibilities under the statutory framework, human rights considerations and their implications for practice when working with young people who are leaving, or have recently left, its care, for relevant staff. He recommended, in terms of complaint handling, that it should conduct a review of its approach to commissioning Independent Investigators and quality control in the scrutinising of commissioned reports. The Council agreed to implement these recommendations.

Complaint

1. Ms F complained on behalf of herself and a young person, Ms G, that Bridgend County Borough Council (“the Council”) had not properly managed the arrangement by which Ms G was living with her by clarifying her status as a Foster Carer or putting anything in place to maintain that arrangement, such as the “When I am Ready” (WIR) Scheme (this supports young people leaving local authority care). She also complained that the Council had not given Ms G enough support and assistance after she left its care. Ms G confirmed to me that she supported the complaint. Ms F also said that she was dissatisfied with the Council’s complaint handling.

Investigation

2. My Investigation Officer obtained comments and copies of relevant documents from the Council. She interviewed Council employees, a former Council employee and Ms F by telephone. Her attempts to interview Ms G virtually and by telephone were unsuccessful. My Investigation Officer also obtained advice from one of my Professional Advisers. My Adviser, Mr Tony Young, is an experienced Social Worker. I considered the material acquired in conjunction with the evidence provided by Ms F. I have not included every detail investigated in this report, but I am satisfied that nothing of significance has been overlooked.

3. I gave Ms F, Ms G, the Council, those who were interviewed and those who undertook work on behalf of the Council when it investigated Ms F’s complaint, an opportunity to comment on a draft of this report (“the draft report”) before the final version was issued.

Relevant legislation, guidance and policies

4. The Human Rights Act 1998 (“the Human Rights Act”) incorporates the rights in the European Convention on Human Rights, which are set out in a series of “Articles”, into British law. The Human Rights Act places public authorities, such as the Council, under a duty to respect these rights in everything that they do. Article 8 protects a person’s right to respect for their private and family life, home and correspondence. This right is a qualified right and can be restricted, if necessary. However, public

authorities must ensure, so as not to breach this right, that any restrictions that they place on it are proportionate. In addition, public authorities must sometimes take action to ensure that this right is fulfilled. Such action might include, for example, providing additional resources to enable an individual to continue living at home. Private life, for the purposes of the Human Rights Act, is broadly defined and includes, in addition to privacy, an individual's ability to live their life as they choose. Family life is also broadly defined and includes, for example, the relationship between a Foster Carer and a fostered child.

5. It is not my role to make definitive findings about whether a public authority has, by its actions or inaction, breached an individual's human rights. However, I will identify where human rights are engaged and comment on a public authority's regard for them.

6. The Children Act 1989 ("the Children Act") defines "looked after" young people as those who are cared for, or accommodated by, a local authority, such as the Council, for more than 24 hours. Young people may be looked after under a voluntary agreement with their parents or by way of a court order. A court can only make a care order ("Care Order"), in accordance with the Children Act, if it is satisfied that the young person concerned is suffering, or is likely to suffer significant harm, and that that harm, or the likelihood of it, is attributable to the care given, or likely to be given, to them. A Care Order gives a local authority parental responsibility for a young person.

7. The Social Services and Well-being (Wales) Act 2014 ("the Social Services Act") requires local authorities to complete needs assessments, in respect of looked after young people, with a view to determining their current and future support requirements. Such assessments are sometimes known as Pathway Needs Assessments. The Social Services Act requires local authorities, after completing such assessments, to prepare pathway plans ("Pathway Plans") for young people, which set out the advice and support that they intend to provide for them while they are looking after them and later. It also gives them "post-18 living arrangement" duties in relation to some previously looked after young people. Such an arrangement enables care leavers aged 18 and over to continue living with their former Foster Carers.

8. The Welsh Government set up the WIR Scheme to prepare local authorities for their “post-18 living arrangement” duties under the Social Services Act. Its WIR “Good Practice Guide” (“the WIR Guidance”), which was issued during March 2016, states that a WIR arrangement may be made where:

- The young person was looked after immediately before their 18th birthday and was living with Foster Carers in a placement arranged by the local authority.
- The carers were acting as approved Foster Carers for the young person immediately before their 18th birthday.
- The young person and the Foster Carers both wish to enter a WIR arrangement, and the arrangement has been set out in the young person’s Pathway Plan.
- The local authority is satisfied that such an arrangement is not inconsistent with the young person’s well-being.

The WIR Scheme aims to lessen the impact of those factors, such as the absence of a supportive family base, that might make it more difficult for care leavers to make a successful transition to independent living.

9. The Council’s “WIR Scheme Policy” (“the WIR Policy”), which was prepared during April 2016, indicates that a WIR arrangement can usually be made if the criteria contained within the WIR Guidance are met. It notes that the Council would also explore the WIR arrangement option if a young person under 18 wanted to remain in a stable setting post-18 but:

- The foster placement was in danger of breaking down before the young person’s 18th birthday.
- Not with their current carers.

10. Supported Lodgings are not formally defined and there is no regulatory framework for them. The Council’s “Supported Lodgings Policy” (“the SL Policy”), which was introduced during June **2019**, states that:

- Any family member or person of significance to a specific young person already in their care or not, if there was a pre-existing private arrangement in place, could not be assessed to become a Supported Lodgings Provider, due to the Council being responsible for placing young people following the planning and matching process.
- An employee within its Children’s Services Section could not be assessed to become a Supported Lodgings Provider because that could “lead to a conflict of interest”.

Supported Lodgings aim to provide a supported household environment, which enables young people to develop the practical and emotional skills that they will need to make a successful transition from care to independence. The level of support provided for young people in Supported Lodgings tends to be less than that given to them under the WIR Scheme.

11. “Part 6 Code of Practice (Looked After and Accommodated Children” (“the Code”), issued under the Social Services Act, requires local authorities to ensure that each care leaver is provided with “appropriate leaving care support”. It notes that Personal Advisers, as distinct from Social Workers, will be involved in supporting care leavers. It states that local authorities must take the following principles, which are framed as questions, into account when engaging with young people who are leaving care and making any decision about them:

- Is this good enough for my own child?
- Does this provide a second chance if things don’t go as expected?
- Is this tailored to the child’s individual needs, particularly if they are more vulnerable than other children?

12. The Social Services Complaints Procedure (“the Procedure”) has 2 stages. Stage 1 is the local resolution stage; Stage 2 is the formal investigation stage. A local authority must appoint an Independent Investigator and involve an Independent Person when considering a complaint in accordance with Stage 2 of the Procedure. The complaint handling guidance, namely “A guide to handling complaints and representations by local authority social services” (“the Complaint Guidance”), which was issued by the Welsh Government during August 2014, states that, at Stage 1:

- The local authority must offer to discuss (either face-to-face or by telephone) the complaint or representation with the complainant in an attempt to resolve matters (Paragraph 67).
- If the complainant remains dissatisfied at the end of Stage 1, the local authority’s Complaints Officer (“the Complaints Officer”) will provide advice and support (Paragraph 71).

It states that, at Stage 2, the Independent Investigator will:

- Investigate the complaint by undertaking a fact-finding exercise which is impartial, open and transparent and proportionate to the seriousness of the complaint.
- Work with the Complaints Officer to ensure that all parties are kept fully involved and informed.
- Set out a plan for the investigation including the completion of the investigation report (“the Stage 2 Report”).
- Interview those concerned and find out the facts.
- Provide a record of the interview to those interviewed and to the Complaints Officer.
- Prepare the Stage 2 Report for the local authority to consider (Paragraph 78).

It also states that the Independent Investigator should ensure that the people involved in the process feel that they have been listened to and understood (Paragraph 79).

Relevant background

Social care

13. On 11 September **2012** Ms G became looked after by the Council, by way of a voluntary agreement, because of concerns about the ability of her mother, Ms H, to care for her.

14. Between September **2013** and January **2014** Ms G lived with Ms F, who was, at the time, the long-term partner of Ms G's father, Mr G. Mr G and Ms F have a son, J, who lives with Ms F. The Council obtained a Care Order, in respect of Ms G, because of concerns about Ms H's caring ability, on 10 November.

15. On 28 September **2015**, shortly after Ms G's 15th birthday, the Council placed Ms G with Ms H. Ms G's legal status remained the same. Ms G regularly absconded from her placement with Ms H and was deemed to be at risk.

16. During January **2016** Mr G and Ms F separated.

17. A Social Worker ("the First Social Worker") completed a "Child/Young Person's Plan" in respect of Ms G on 14 June **2017**; she indicated, by way of a tick box, that the document was a Pathway Plan. This document was subsequently updated.

18. On 6 April **2018** Ms G was placed with Ms K, on an emergency basis, following the breakdown of her placement with Ms H. Ms K was a Foster Carer, a Supported Lodgings Provider and a WIR Scheme Provider. The Council has reported that Ms G's placement with Ms K was changed from a foster placement to Supported Lodgings on, or around, 24 April.

19. Before her placement with Ms H broke down Ms G had not seen Ms F for “a few years”. However, she had had indirect contact with her through telephone calls and social media. During April 2018 Ms G began to see Ms F again. Ms F was employed by the Council’s Children’s Services Section.

20. The First Social Worker noted, in a report for a placement review meeting on 26 April (“the April Review”), that Ms G wanted to “move in” with Ms F after she became 18. She indicated that the Council would not object to that but stated that it would want their relationship “to develop first”. She recorded that Ms G would have overnight contact with Ms F once a week for 10 weeks.

21. On 6 July another Social Worker (“the Second Social Worker”) began working with Ms G because the First Social Worker no longer worked for the relevant Social Work Team. Another Personal Adviser (“the Second Adviser”) started working with Ms G on 19 July because Ms G’s former Personal Adviser (“the First Adviser”) had stopped working for the Council.

22. An Independent Reviewing Officer (“the IRO”) noted, in a report for a placement review meeting on 26 July (“the July Review”), that the Council did not consider it necessary to assess Ms F as a Supported Lodgings Provider or a Foster Carer for Ms G because Ms G could live with Ms F when she became 18, which was “only 3 months away”, if they both agreed to that.

23. On 3 August the Second Social Worker completed a viability assessment (“the Viability Assessment”) pertaining to Ms F’s ability to care for Ms G. She noted that Mr G and Ms K “fully” supported Ms G residing with Ms F on a full-time basis. She recommended that Ms G should live with Ms F “to promote her well-being and in accordance with her wishes and feelings as a young adult”. She also recommended that the Council should give Ms F payments equivalent to Child Benefit (£20.80 per week). She indicated that “temporary approval” of Ms F as a Foster Carer for Ms G would be sought given that the outcome of the Viability Assessment had been positive. On 21/23 August Ms G began living with Ms F on a full-time

basis. The Council gave Ms F £83.20 in accordance with the Second Social Worker's recommendation; that payment covered the 4-week period between 21 August and 18 September.

24. The Second Social Worker recorded, on 31 August, that she had advised Ms F that she would not be assessed as a Foster Carer because of the time that it would take. Ms F was also advised that it was her and Ms G's choice for Ms G to stay with her and that the Council had not placed Ms G in Ms F's home.

25. On 3 September the Second Adviser attended an appointment at the Council's Housing Department with Ms G. Ms G's name was added to the general housing waiting list.

26. The Second Adviser took Ms G to an appointment with a Supported Accommodation Provider ("the Accommodation Provider") on 12 September. Ms G's name was added to the waiting list for supported accommodation.

27. The IRO recorded, in a report for a placement review meeting on 18 September ("the September Review"), that Ms F had told those at the review that she had been struggling financially for the last 4 weeks. She also noted that Ms F was requesting a WIR arrangement. The September Review took place on Ms G's 18th birthday.

28. The Second Adviser helped Ms G to make a claim for Universal Credit (UC). Between 2 October and 12 November the Council gave Ms G bridging payments, which amounted to £175, pending her receipt of UC. It also gave Ms G £50 for 2 weekly bus passes to enable her to travel to and from her training base. Ms G began to receive UC on 15 November.

29. On 27 November the Second Adviser recorded that Ms F had asked her about the housing element of Ms G's UC. She noted that she had advised Ms F that, if she was classifying Ms G as a tenant, she would need to register with Rent Smart Wales (the authority responsible for

ensuring that landlords comply with relevant housing law) and draw up a tenancy agreement because the Department for Work and Pensions (“the DWP”) would require such an agreement as proof of Ms G’s rent.

30. The Second Adviser recorded, on 8 and 11 January **2019**, that she had advised Ms G that she could not claim Housing Benefit unless Ms F gave her a tenancy agreement.

31. On 15 January Ms G did not move into supported accommodation, managed by the Accommodation Provider, as arranged. Ms G’s name was removed from the waiting list for supported accommodation as a result.

32. The Second Adviser completed a Pathway Needs Assessment, in respect of Ms G, on 31 May.

33. The DWP wrote to Ms G on 2 October. It told her that it could not help her with her housing costs because she was a care leaver “living with a foster parent”.

34. On 25 November the Second Adviser wrote to Ms G. She asked Ms G to contact her if she wanted support with a possible Housing Benefit claim. She also noted that evidence of housing costs, such as a tenancy agreement, was required to claim Housing Benefit.

35. Records made by the Second Adviser show that she contacted Ms G about various matters, such as Job Centre appointments, by way of telephone calls and texts, on 15 occasions between 21 September 2018 and 25 November 2019. They also indicate that Ms G missed 4 appointments with the Second Adviser during that period.

36. On 18 June **2020** Ms G returned to Ms H’s care following an argument with Ms F.

Complaint history

37. On 10 October **2018** Ms F complained to me. She said that the Council had placed Ms G in her care and complained that it had not given her the financial assistance that she needed for the purposes of that placement. She contended that the Council should have approved her as a

temporary Foster Carer and paid her accordingly. I proposed settling that complaint. The Head of Children's Social Care ("the Service Head") acknowledged, when agreeing to my settlement proposal on 12 December, that Ms F had not been approved as a temporary Foster Carer for Ms G, before 18 September, because of "an administrative oversight". She also:

- Said that retrospective approval of Ms F as a temporary Foster Carer for Ms G, for the period between 20 August and 18 September 2018, had "been processed".
- Stated that arrangements for a backdated fostering allowance payment of £750.77 to Ms F would be made.
- Indicated that Ms G's circumstances would be assessed at her next Pathway review meeting.

Ms F's complaint to me was settled, on that basis, on 18 December. After further contact from me, the Council provided a copy of the Pathway Needs Assessment, completed by the Second Adviser on 31 May 2019, as evidence of the assessment that it had undertaken for the purposes of this settlement.

38. On 20 May **2019** Ms F complained to the Council that since it had settled her previous complaint and agreed to treat her as a Foster Carer for Ms G, it had failed to assess them for the WIR Scheme or Supported Lodgings. I received a complaint from Ms F, about this assessment issue, on 26 July. On 13 August I wrote to the Council and asked it to formally respond to Ms F's complaint.

39. A Social Work Team Manager ("the Team Manager") wrote to Ms F in response to her complaint on 29 August; that response was very brief. The Team Manager noted that the WIR Policy stated that a young person needed to be in a foster placement and settled for at least 6 months prior to reaching 18 to qualify for the WIR Scheme and that Ms G was no longer looked after as she was now an adult. She indicated that a young person, in Ms G's position, could access support in relation to financial matters from their Personal Adviser. She did not refer to Stage 2 of the Procedure.

40. On 9 September Ms F complained to me again. She complained that the Council had failed to offer her and Ms G a WIR arrangement. She also indicated that she was dissatisfied because the Council had not offered her the opportunity to become a Supported Lodgings Provider for Ms G, if a WIR arrangement was not possible. I declined to investigate the complaint then because the Council had not yet considered it in accordance with Stage 2 of the Procedure. I asked the Council to consider Ms F's complaint in accordance with Stage 2 of the Procedure and it agreed to do that.

41. The Independent Investigator appointed by the Council ("the Independent Investigator") indicated, in her Stage 2 Report, that an Independent Person ("the Independent Person") had been appointed. She noted that she had interviewed one member of staff, namely a Senior Social Work Manager ("the Senior Manager"), and that she had reviewed the case file and other written material for the purposes of the investigation. She did not refer to having had any involvement with Ms F, Ms G or any other staff member involved in the case. She found that:

- The original agreement with Ms F was that she would receive an amount equivalent to Child Benefit.
- There were other places where Ms G could live, so she would not be homeless; Ms G had turned down supported housing but remained on the general housing waiting list.
- Ms G could also return to live with Ms H as this had been considered appropriate when she was much younger (and therefore more vulnerable than she was now).
- Ms F had said in a Pathway review that she was happy to have Ms G living with her so was unlikely to force her to leave without a viable alternative being available.

She did not uphold any element of Ms F's complaint. She noted that she could not make a finding in relation to the "financial hardship" caused by the Council's alleged failings because she was not aware of Ms F's financial circumstances. In a separate document, the Independent

Person noted that at the outset, she and the Independent Investigator had met Ms F to agree the complaints, but there was no reference to any involvement with Ms G.

42. On 16 December the Corporate Director for Social Services and Well-being (“the Corporate Director”) wrote to Ms F in response to her complaint. She did not uphold any element of Ms F’s complaint. She stated that she accepted the Independent Investigator’s findings and said that:

- Ms G did not meet the criteria for a WIR arrangement.
- Ms F did not meet the requirements of the WIR Scheme because she was not an approved Foster Carer.
- The Council’s Supported Lodgings did not accept friends or relatives as Supported Lodgings Providers.
- The Council’s Supported Lodgings did not accept certain Council employees as Supported Lodgings Providers due to a conflict of interest.
- Ms F had been advised to draw up a tenancy agreement and to register with Rent Smart Wales so that she could claim housing costs in respect of Ms G.
- Ms G had been advised that her Personal Adviser would help her to appeal the decision taken in relation to her Housing Benefit claim.

43. On 27 January **2020** Ms F complained to me again.

Ms F’s and Ms G’s evidence

44. Ms F complained both on Ms G’s and her own behalf that the Council had not put anything in place to maintain the arrangement by which Ms G was living with her. She said that the Council had had 5 months to do that because it had been aware of Ms G’s long-term plan to live with her, when

she turned 18, during April 2018. She stated that the Council had shown “total disregard” for Ms G’s well-being and wishes. She reported that she had supported Ms G “emotionally, practically and financially for 18 months” without any support from the Council. She stated that she and her family had experienced financial hardship as a result. She also said that she had taken medication and time off work because of the stress caused by that situation. She reported that she had never been advised to register with Rent Smart Wales and that Ms G had not been given any advice about her Housing Benefit claim. She said that the Council had not offered a “policy statement”, which showed that a Council employee was not eligible to be assessed as a Supported Lodgings Provider.

45. She complained that the Council had not confirmed and clarified her status as a Foster Carer. She said that she had been a temporary Foster Carer for Ms G and noted that she had received backdated fostering allowance payments from the Council. She stated that the Council had terminated her fostering application without any consultation with her.

46. She complained that the Council had not made a WIR arrangement for her and Ms G. She said that the Council had “totally ignored” her wish, and that of Ms G, to enter such an arrangement. She stated that she was a former Foster Carer and that Ms G had been placed with her before her 18th birthday. She contended that she and Ms G met the eligibility criteria for a WIR arrangement because of this.

47. She complained that the Council had not given Ms G enough support and assistance after she left its care.

48. She said, when commenting on the draft report, that she gave Ms G the “utmost support” when she was living with her. She also stated that she believed that Ms G would still be living with her, if the failings identified had not occurred.

49. In respect of the complaint handling, Ms F said that she was unhappy with the outcome of the Stage 2 investigation, that the decision-making in relation to her finances was incorrect as her financial circumstances had never been assessed and that there was a conflict of interest as the complaint had been considered by someone, namely the Senior Manager, who had line management responsibility for her.

Ms G's evidence

50. Ms G said that the Council had only allowed her to live with Ms F when she refused to return to Ms K's care. She stated that she had told the Council, during April 2018, that she had wanted to live with Ms F and her brother, J. She reported that the Council had not listened to her even though Ms F had said that she could live with her. She said that the Second Adviser had never given her any advice about how to claim Housing Benefit or about any other help that she could get. She stated that she had known that Ms F did not get any money for her to live with her and that Ms F had been struggling financially. She said that she had felt "guilty" about that. She stated that she agreed "with everything" in the draft report.

The Council's evidence

51. The First Social Worker reported that the Council had not really known Ms F as a person who was in Ms G's life at the time of the April Review. She said that her concern, at that point, had been building up Ms G's contact with Ms F to make sure that it was successful and positive for Ms G. She also noted that the Council had had to consider J in terms of "the dynamics".

52. The Second Social Worker said that the plan, when she had become Ms G's Social Worker, had been for Ms G to live with Ms F when she became 18. She explained that she had completed the Viability Assessment because the Council had needed to formalise the arrangement by which Ms G was staying with Ms F. She said that she had understood, when she completed the Viability Assessment, that Ms F could afford to have Ms G living with her. She stated that she had recommended that Ms G should live with Ms F because she had known that Ms G "would be safe" with Ms F, and Ms G was "voting with her feet" and refusing to stay with Ms K. She said that she had thought, at one stage, that the temporary approval of Ms F as a Foster Carer for Ms G was a possibility. However, she reported that the Fostering Team had subsequently advised her that this was not the case due to the assessment timescale involved. She said that she had not formally transferred the Viability Assessment to the Fostering Team for further assessment as a result. She reported that she had not physically placed Ms G at Ms F's, and observed that Ms G had "just" been "there".

53. The Second Adviser reported that when a young person becomes 18, the service that she provided was not statutory and that the young person could “dip in and out” of it if they wished. She stated that Housing Benefit had been the route by which Ms F and Ms G could have obtained more money. She reported that she had tried to support Ms G as much as she possibly could. She said that she had considered Ms G’s right to respect for her private life, her family life, her home and her correspondence, when advising and supporting her.

54. The Council did not have a Supported Lodgings Policy in place until June 2019, but said that the SL Policy introduced then replaced “custom and practice”. It stated that Supported Lodgings were intended for individuals who were not related or connected to the young person who they provided accommodation for. It said that it did consider whether Ms F was eligible for Supported Lodgings but decided that she was not because of the custom and practice at that time.

55. When commenting on the draft report it stated that it would be reviewing its SL Policy and that it was currently reviewing its WIR Policy. It also reported that it would update the SL Policy and the WIR Policy, as required.

56. It said that the process of approving a Foster Carer normally took 12 weeks. It reported that there had been “insufficient time” to complete that process in respect of Ms F. It said that temporary approval had been granted to enable Ms F to receive fostering allowance payments until Ms G turned 18. It stated that Ms F was not a fully approved Foster Carer. It also reported that it had not written to Ms F to clarify her status as a Foster Carer.

57. It said, when commenting on the draft report, that the Second Social Worker had told Ms F on 31 August 2018 that she would not be assessed as a Foster Carer. It also stated that when it had agreed to “temporarily approve” Ms F as a Foster Carer, Ms G was already 18 and fostering approval to care for her was no longer required.

58. When commenting on the draft report it reported that it had introduced a new “Pathway Planning Document” (“the Pathway Document”) on 7 December 2020. It also supplied a copy of the Pathway Document. It noted that the Pathway Document included additional sections related to finance, accommodation, support, training and employment, which were missing from the Pathway Plan that was in use at the time of the matters complained about. It stated that arrangements were “being made” to train staff “on the completion of” the Pathway Document. It also said that it would, as a local authority, continue to support Ms G.

59. In respect of the complaint handling, the Council said that the Senior Manager did not have any line management responsibility for Ms F. The Senior Manager subsequently explained that she had had direct line management responsibility for a Manager immediately above Ms F’s line Manager. She also said that she did not consider that there had been a conflict of interest, when she considered Ms G’s request to live with Ms F, because:

- She was not, as a Senior Manager, fully involved in, or aware of, any application or request until it had been processed.
- She had not become involved until Ms F’s complaint first came through during October 2018.
- She had been “faced with” this request “in retrospect”.
- She had, in terms of line management, been “2 places removed” from Ms F.
- Ms F’s complaint involved a Social Work Team (“the Social Work Team”) for which she had no direct line management responsibility.

The Council said that it was unable to respond to why the Stage 2 Report indicated that Ms G and Ms F were not interviewed during the Stage 2 investigation as it was carried out by the Independent Investigator.

60. It said, when commenting on the draft report, that it had noted my observations regarding its response to Ms F's complaint on 29 August 2019. It also indicated that its new Complaints Officer was currently undertaking work related to its management of complaints about Social Services. It reported that the Team Manager had written to Ms G, "having discussed matters with her beforehand", in response to a complaint that she had made on 21 October 2019. It also noted that the Team Manager had advised Ms G of her right to pursue that complaint via Stage 2 of the Procedure and said that Ms G had not done that. It stated that Ms G's consent would have been required, if Ms F was seeking to pursue Ms G's complaint on Ms G's behalf. It said that it considered that it had been "entirely reasonable" for the Senior Manager to be interviewed as part of the complaint process. It indicated that the Independent Investigator had obtained information that was relevant to Ms G's eligibility for the WIR Scheme from relevant Team Managers, via its former Complaints Officer, during the Stage 2 investigation.

61. When commenting on the draft report the Independent Investigator reported that she had interviewed Ms F to clarify her complaint and that Ms F had subsequently agreed the details of her complaint by email. She noted that she had had email contact with Ms F during the Stage 2 investigation. She said that she had not felt that it was "pertinent" to ask Ms F about her financial circumstances because they were not relevant to the decision-making. She indicated that the Council's former Complaints Officer had told her that Ms F could not complain on behalf of Ms G and that Ms G would need to submit her own complaint, which would be dealt with as a separate matter. She stated that she did not interview Ms G because Ms G's complaint was not part of her remit. She also said that she had felt that it was "unnecessary" for her to interview Ms G's Caseworkers because she had understood that that would be done when Ms G's complaint was investigated.

62. The Independent Person said, when commenting on the draft report, that she and the Independent Investigator had discussed the need to speak to Ms G with the Council's former Complaints Officer. She stated that it was agreed that it was not necessary to do that because the details of Ms F's complaint were precise. She reported that she and the Independent Investigator had agreed that they would be able to obtain the information required for "a thorough response" from the Senior Manager.

63. When commenting on the draft report the Council noted that its Complaints Officer could not dictate who the Independent Investigators should speak to during their investigations. It said that it always scrutinised Stage 2 Reports, that it would continue to do so and that it would challenge Independent Investigators and Independent Persons when appropriate. It also stated that it was committed to quality control and that it endeavoured to commission experienced and capable Independent Investigators to undertake Stage 2 investigations.

Professional advice

64. My Adviser said that “fundamental planning and documentation deficits” lay at the root of this matter. He said that the quality and impact of social work practice in relation to Ms G was “significantly” undermined by those deficits.

65. He stated that a Pathway Needs Assessment should have been completed before Ms G’s Pathway Plan. He noted that a Pathway Needs Assessment was “the principal instrument for defining need”. He said that he could find no evidence that a Pathway Needs Assessment was completed before 31 May 2019. He also stated that that Pathway Needs Assessment, which was completed approximately 8 months after Ms G’s 18th birthday, was “clearly too little and much too late”.

66. He said that Ms G should have had a Pathway Plan by, or very shortly after, her 16th birthday, in line with statutory guidance. He observed that the Council had identified some of Ms G’s “Child/Young Person’s Plans” as Pathway Plans. However, he said that the information contained within those documents was inadequate for Pathway planning purposes. He indicated that that inadequacy was related, albeit in part, to the fact that a general-purpose template, which was intended to serve a number of different purposes, had been used for these “Child/Young Person’s Plans”. He noted that conflating Care Plans, Pathway Plans and Review Reports in this way was problematic in terms of ensuring satisfactory clarity in relation to each.

67. He said that he would have expected a Pathway Plan to have set out, in detail, the considerations and desired outcomes in relation to Ms G's transition and the contributions required, in terms of achieving those outcomes, from the professionals and Ms G herself. He observed that those considerations would have included all matters of finance, accommodation, support, training and employment. He stated that he had not been able to find "a singular (sic) document ... that would make up a clear and unambiguous Pathway Plan" for Ms G. He said that the absence of such a Pathway Plan had made it almost impossible to identify an authoritative source against which Ms G, or any other person, could test its viability or, more importantly, what had been specifically agreed in tangible content terms to enable Ms G's transition to independence.

68. He said that various professionals and Ms F had been confused about the exact nature of the plan for Ms G as a result. He noted that changes both in Ms G's Social Worker and her Personal Adviser, at key points in her journey to transition, might have contributed to that confusion. However, he indicated that a "strong" Pathway Plan could, in terms of providing a basis for consistency, have reduced the impact of those personnel changes. He noted that a Pathway Plan should be treated as a "living" document, which could respond to the many changes and setbacks that often characterised the lives of young people in transition. He also stated that it should enable flexible responses and incorporate built-in contingencies, insofar as that was reasonably practicable.

69. He stated that Ms G's expressed wish to live with Ms F, as noted during the April Review, "provided a missed opportunity for the Council to build an effective contingency plan". He said that this was the point at which the Council should have started to identify the best means of achieving Ms G's placement with Ms F. He indicated that short-term fostering, a WIR arrangement or Supported Lodgings might have provided such means. He said that the Council had failed, at the April Review, to identify specific steps to pursue the possibility of placing Ms G with Ms F and to test out the viability of such a placement. He said that it had been too early to settle on Ms K as the long-term placement for Ms G, at the time of the April Review, because Ms G had only been in placement with her for 20 days and had a pattern of going missing and placing herself at risk. He noted that that pattern had re-emerged by the July Review. He

said that that pattern of instability and the likelihood of an alternative placement with Ms F should have prompted the Council to consider, and plan for, a placement with Ms F “in earnest”. He stated that the July Review had provided “a final chance to put a realistic plan on track”.

70. He noted that IROs act as a “safeguard” for looked after young people in terms of identifying what matters to them and any weaknesses in their support arrangements. He said that the IRO had not challenged the clarity and effectiveness of the planning for Ms G “at an appropriate level of detail”.

71. He noted that the Council had facilitated Ms G’s placement with Ms F, albeit minimally, and that it was therefore party to it. He said that that living arrangement was not private because of Ms G’s legal and looked after status. He observed that viewing it as private meant that the support required to meet Ms G’s transitional and subsequent needs was largely left to chance. He said that the Council’s approach to that living arrangement “fell very far short of the expectations” set out in the Code.

72. He said that it had been unreasonable for the Council to determine that it was not necessary for it to assess Ms F as a Supported Lodgings Provider or a Foster Carer for Ms G. He stated that it had been “both appropriate and possible” to do so, even if it ultimately concluded that one or other of these options was not viable.

73. He said that the Council’s contention that it could not complete a fostering assessment and obtain the approval required, in respect of Ms F, within the relevant timescale was spurious. He stated that, even if custom and practice timescales for such work presented “a substantial obstacle”, the Council could have fast tracked such an assessment and the related approval process in this instance. He also indicated that it would have been appropriate for it to have done this given that it had already failed to act early enough to secure Ms G’s best interests. He also observed that, at the time of the April Review, the Council had had 20 workable weeks to complete the assessment and approval work required.

74. He said that he considered, based on the Pathway Needs Assessment completed on 31 May 2019 and his understanding of Ms G's circumstances, that a WIR arrangement would have been "highly appropriate" for Ms G in terms of meeting her needs. He noted that the WIR Scheme was a largely permissive scheme and pointed out that there was nothing in the WIR Guidance that prevented Councils from exceeding it, or from making exceptions. He also considered that the WIR Policy appeared to specifically allow for such exceptions. He observed that Ms G was looked after, that her placement with Ms K was in danger of breaking down before her 18th birthday and that she was still very vulnerable. He said that it would have been "reasonable and right" for the Council to have considered, by exercising its discretion in accordance with the WIR Policy, that Ms G and Ms F were eligible for a WIR arrangement.

75. He said that there was a clear case for ensuring that a WIR arrangement, or something akin to it, was in place to support Ms G in transition. He contended that such an arrangement would have been appropriate because it would have:

- Enabled defined support to be provided under properly managed arrangements.
- Enabled the Council to satisfy itself that a vulnerable young person was appropriately safeguarded insofar as it was able.
- Met Ms G's wishes and needs, as shown by the Viability Assessment.
- Enabled Ms F to manage her affairs and the additional costs of supporting Ms G on a transparent, realistic and fair basis.

He said that the Council did not take sufficient steps to maintain the arrangement by which Ms G was living with Ms F. He noted that there was some evidence that the absence of sufficient financial support from the Council placed avoidable strain on the relationship between Ms G and Ms F.

76. He said that the absence of a clear and unambiguous Pathway Plan made it difficult to determine whether the Council gave Ms G sufficient and appropriate support and assistance after she left care. He stated that the support given to Ms G was, to the extent that it was based on “weak planning and insufficient consideration of accommodation and financial options”, inadequate. He said that the systemic deficiencies in the planning that were at the root of this case significantly contributed to faulty decision-making. Had it been otherwise, it was likely that a much clearer, fuller and more timely range of information would have facilitated more effective consideration of eligibility and appropriateness, whether for a WIR arrangement or some variant of it, and that this might have resulted in more suitable arrangements.

77. He said that given that the whole WIR Scheme was predicated on continuity of placement with a Foster Carer, it was possible to argue, somewhat narrowly, that because Ms F was only temporarily approved as a Foster Carer and that Ms G was placed with her for a relatively short period, this non-substantive position of Ms F as a ‘Foster Carer’ ruled out eligibility for the WIR Scheme. However, he stated that this would strain credibility and was in any event highly arguable given the provision in the WIR Policy (and the WIR Guidance) that enables the Council to respond flexibly in determining eligibility to meet need.

78. He stated that there was good evidence of “close and supportive activity” by the Second Adviser, which showed effective engagement with Ms G. He said that, on balance, Ms G received sufficient and appropriate support and assistance from the Second Adviser after she left care. He also stated that that support was comparable to the support and assistance that other care leavers in similar circumstances might be expected to receive.

Analysis and conclusions

79. I have taken my Adviser’s advice into account when analysing Ms F’s complaint and reaching my conclusions.

80. Ms F complained that the Council had not properly managed the arrangement by which Ms G was living with her by clarifying her status as a Foster Carer or putting anything in place to maintain the arrangement, such as the WIR Scheme. I **uphold** this complaint.

81. Ms F made it clear that she was struggling financially from the outset and that she was willing to have Ms G in her home, but financial support would be needed for her. Ms F raised concerns with the Council that it had not approved her as a Foster Carer (as initially indicated by the Second Social Worker) and told the Council that both she and Ms G would like to enter a WIR arrangement.

82. The records show that the Council did tell Ms F that she would not be assessed as a Foster Carer, even though she was originally told that she would be. However, after Ms F's first complaint to me, it retrospectively approved her as a temporary Foster Carer for Ms G and gave her backdated fostering allowance payments, following an acknowledgement from the Service Head that the failure to approve Ms F as a temporary Foster Carer had been an "administrative oversight". The consequent lack of clarity around Ms F's status as a Foster Carer caused confusion and potentially delayed Ms G's claim for Housing Benefit, which was refused because she was considered to be a care leaver "living with a foster parent". The Council's decision not to assess Ms F as a Foster Carer due to its concern over time constraints left her in a position whereby she would need to register as a landlord to receive Ms G's Housing Benefit (if Ms G's Housing Benefit application was approved). Given the implications that this would have on Ms G's transition from being a looked after young person, this decision is one which is very difficult to reconcile with the principle behind the WIR Scheme. This is to lessen the impact of those factors that might make it more difficult for care leavers to make a successful transition to independent living.

83. The Council has said that Ms G had had alternatives available to her, including supported housing and returning to Ms H (who it said had looked after her when she was younger and therefore more vulnerable). These comments fail to recognise the wishes of Ms G, or the potentially adverse impact of returning her to Ms H's home, when there was a supportive adult willing to provide some structure to help her transition from care.

84. Ms G was in a placement with Ms K which was in danger of breaking down when Ms F provided an opportunity for the Council to effectively assist Ms G in her transition to independence and put a realistic Pathway Plan on track. The Council did not have an appropriate Pathway Plan in place and there had not been appropriate scrutiny of the planning for Ms G by the IRO to ensure that Ms G would be safeguarded.

85. It was not reasonable to say that Ms G's placement with Ms F was a private one because the Council had been party to it, although minimally. This included arranging a Viability Assessment and agreeing to provide payment in lieu of Child Benefit. Treating it as a private arrangement because there was "not enough time" to formalise it meant that Ms G's transition to independence was left to chance and the goodwill of Ms F, whom the Council recognised was unlikely to force Ms G to leave. Unfortunately, the lack of support meant that the family struggled financially. This financial strain caused Ms G to feel guilty and placed avoidable pressure on her relationship with Ms F. It is unsurprising that the placement ultimately broke down.

86. I consider that the support given to maintain the arrangement by which Ms G was living with Ms F was inadequate, after Ms G's 18th birthday, because of Ms G's ongoing vulnerability, her care leaver status and the Code principles. The significance of this failing is exacerbated by the fact that the Council did not identify it or take appropriate action to address it, in terms of maintaining this arrangement after Ms G's 18th birthday, despite Ms F's earlier and related complaints to me.

87. I cannot make a finding that the Council breached Ms F's and Ms G's right to respect for their private and family life (Article 8 of the Human Rights Act) because of this failing. I am of the view though, that that right was engaged and note Ms G's wish to live with her brother, J, who also lived with Ms F. I consider that the Council has failed to evidence that it paid due regard to this right when addressing Ms G's care needs and responding to Ms F's complaints.

88. This failing is serious and caused both Ms F and Ms G significant hardship and injustice. I am also concerned that it has been linked to the approach that the Council is taking in relation to Pathway planning and

about the potentially systemic nature of this failing. However, I recognise, given the introduction of the Pathway Document before the draft report was issued and the plan for related training, that the Council is already taking action to improve its Pathway planning.

89. Ms F also complained that the Council had not given Ms G enough support and assistance after she left its care. I **uphold** this complaint.

90. I recognise that the nature and level of support provided to Ms G by the Second Adviser was sufficient and appropriate. However, the support and assistance in terms of Ms G's living arrangement, which is the primary concern of Ms F's complaint, was inadequate.

91. Both Ms G and Ms F expressed their wish to enter a WIR arrangement to support Ms G leaving care. Neither this, nor assessing Ms F as a Supported Lodgings Provider, was considered. At the time Ms G moved into Ms F's home the Council did not have a Supported Lodgings Policy in place. I note that the SL Policy was introduced in June 2019, 10 months after the arrangement began, and shortly after Ms F complained she had not been assessed as a Supported Lodgings Provider.

92. The SL Policy would have excluded Ms F from being eligible for such an assessment because of her relationship with Ms G and her employment by the Council's Children's Services Section. However, it remains that this was not in place at the time of the events, although the Council said that its custom and practice was in line with the SL Policy that was later introduced. Given that there was no guidance or policy in place to support its practice, I would have expected it to have given full and proper consideration to whether Supported Lodgings would have been appropriate when Ms G moved in with Ms F. The Council considered this when responding to Ms F's complaint, but I did not see any evidence of such an assessment at the time Ms G moved into Ms F's home.

93. The records do not reflect any consideration of whether Ms G was suitable for the WIR Scheme. This meant that Ms F and Ms G were not given any formal financial support from the Council to facilitate Ms G's transition to independence from being a looked after young person.

94. The Council did assess Ms G's needs after my intervention, but it missed another opportunity to consider whether a WIR arrangement or an alternative was appropriate. The Council has retrospectively stated that Ms G did not meet the criteria for the WIR Scheme because she was not in foster care before leaving care and Ms F was not an approved Foster Carer. The Council gave an equivalent of 4 weeks' Child Benefit to Ms F, but to suggest that this was the extent of the arrangement is disingenuous because the Second Social Worker also indicated, when recommending that payment, that "temporary approval" of Ms F as a Foster Carer for Ms G would be sought. This never happened.

95. The Council said that the reason Ms F was not assessed as a Foster Carer was because it did not have sufficient time to complete an assessment. My Adviser said that it was within the Council's ability to expedite this process. I agree that Ms G, who was clearly vulnerable to risk, should not have missed out on the WIR Scheme which would have helped her transition to independence, because of the Council's timescales to complete an assessment of Ms F as a Foster Carer. That should not be the factor which drives such an important decision, and the Council has provided no information to suggest that Ms F would not have been an appropriate person to provide foster care to Ms G. Indeed, it retrospectively approved Ms F as a temporary Foster Carer in response to one of her previous complaints to me.

96. Even if Ms G had remained with Ms K (both a Foster Carer and a Supported Lodgings Provider), the WIR Policy, which sets out the Council's own criteria, says that the Council would explore a WIR arrangement if the placement was in danger of breaking down and the young person wanted to remain in a stable setting but not with their current carers. Therefore, the Council could have explored a WIR arrangement when Ms F showed interest in supporting Ms G. Instead, the Council supported a move to Ms F's home as a temporary foster placement but then denied it was a foster placement when the time came to support Ms G's transition to independence.

97. I am satisfied, based on the evidence before me, that a WIR arrangement would have met Ms G's transitional needs and, based on the advice I have received, that it would have been both reasonable and right to

apply the WIR Scheme. I am also of the view that Ms F and Ms G met the criteria outlined in the WIR Guidance, except for the Pathway Plan criterion, for such an arrangement. I consider that it would be unreasonable to deny their eligibility because that sole criterion was not met because of the Council's failure to prepare a timely Pathway Needs Assessment and a Pathway Plan that was fit for purpose. This was maladministration on the part of the Council, and it is this maladministration and failure which caused the subsequent disadvantage and injustice to both Ms F and Ms G.

98. It is my role to consider the impact that the Council's failure to properly undertake the Pathway Needs Assessment and Pathway Plan had on Ms F and Ms G. It is appropriate for me to exercise my own judgement on this matter in the absence of appropriate assessments and planning at the time. Having done so, I have taken into account the advice of my Adviser and I consider that the Council should have made a WIR arrangement for Ms F and Ms G. I have taken into account, when reaching that view, Ms G's particular circumstances, the Council's clear acceptance, during December 2018, that Ms F was acting as a Foster Carer for Ms G immediately before Ms G's 18th birthday and the permissive nature of the WIR Guidance.

99. The Council's failure to plan effectively for Ms G's departure from care meant that she was denied the opportunity of having an appropriately resourced transitional living arrangement that could have improved her life chances. This is an injustice to Ms G.

100. There is no question that Ms F supported Ms G while she was in her care and the Council's failure resulted in financial hardship for Ms F that could have been avoided. If properly managed as outlined, Ms F would have received £185 per week to support Ms G. The Council's contribution would have been determined taking into account Housing Benefit and any contribution the young person would have made. It is not now possible for Ms F to claim the Housing Benefit portion or a contribution from Ms G. Therefore, I consider that the Council is responsible for this financial loss, which Ms F experienced when Ms G was living with her after her 18th birthday.

101. I am concerned that the Council's use of the generic template for a number of different planning documents and the failure to appropriately assess Ms G (a vulnerable young person in its care) suggests that systemic failures were at the heart of this case which may have affected other young people in the Council's care. The Council had a corporate parenting responsibility for Ms G. By failing to assess Ms G's needs and to prepare an appropriate plan to meet them, it failed to have regard to the Code's requirement for it to consider, as a corporate parent, whether the arrangements were "good enough for my own child?" and appropriately tailored to the individual needs of Ms G, who was more vulnerable than other young people. These were serious failings with potentially long-term implications for Ms G, and I will be sharing this report with the Children's Commissioner for Wales, the Welsh Government's Minister for Health and Social Services and the Care Inspectorate Wales. However, I note that the Council confirmed, when responding to the draft report, that it would continue to support Ms G and I welcome that confirmation.

102. Ms F complained about the way her complaint was handled. I **uphold** this complaint.

103. The Council did not take control of Ms F's complaint without some input from me. The response on 29 August 2019 appeared to be a Stage 1 complaint response, although it was not identified as such and there appears, from the response, to have been no attempt by the Council to discuss the complaint with Ms F (paragraph 67 of the Complaint Guidance). Additionally, there was no indication that there was a Stage 2 in the Procedure in the response. If the Council intended to treat this as a non-Social Services (or corporate) complaint, it is unclear why, as the substance clearly relates to the actions of the Council in respect of a looked after young person leaving care. The response is very blunt and there also appears to be no constructive advice to Ms F about the steps that she could take to assist herself. Further there is no effort by the Council to show any empathy or acknowledgement of the difficulties Ms F and Ms G were experiencing.

104. Following my intervention, the Council agreed to undertake a Stage 2 investigation. The Stage 2 Report that I have considered is of some concern as it does not adhere to the Complaint Guidance. Whilst a

separate document indicates that the Independent Investigator and Independent Person met Ms F at the outset to agree the complaint, there is no indication in the Stage 2 Report that the relevant parties to the complaint were interviewed (paragraph 78 of the Complaint Guidance). The Stage 2 Report also indicates that the Senior Manager, who had been involved in the decision-making complained about, was the only person who had been interviewed. Ms G and those involved in her casework were not interviewed and there is no indication, in the Stage 2 Report, that any clarification was sought from Ms F during the investigation, beyond agreeing the complaint. Indeed, the Independent Investigator noted that she was unable to make a finding in respect of the financial difficulties experienced by Ms F because she had no knowledge of Ms F's circumstances, a matter which might have been rectified by engaging with Ms F after the complaint was agreed. There does not appear to have been an attempt to ensure the people involved in the process felt that they had been listened to and understood (Paragraph 79 of the Complaint Guidance).

105. I am concerned that, in considering the Stage 2 Report and, before issuing the Stage 2 response, the Council did not question the lack of involvement of the young person concerned (Ms G) or the decision to only interview the Senior Manager who had been responsible for the decision-making. It is particularly concerning that the findings of the report make numerous references to other places Ms G could reside, yet no attempt was made to ascertain Ms G's wishes, which had been communicated to casework staff. My concerns are compounded by the Council's response to my Investigation Officer when asked why the Stage 2 Report indicated that Ms F and Ms G were not interviewed during the investigation. The Council said it was unable to answer as the investigation was carried out by an Independent Investigator. The Independent Investigator and Independent Person were both commissioned by the Council. The failure to involve Ms G, or her Caseworkers, resulted in an investigation which was not balanced and gave the impression of partiality. I would expect the Council to be concerned about this and the quality control arrangements for scrutinising Stage 2 Reports before providing complaint responses.

106. I have considered the comments made by the Council, in response to the draft report, about its handling of Ms F's complaint. However, I remain of the view that its management of that complaint and its responses to it fell short of the Complaint Guidance requirements. I am, nonetheless, pleased to note that it is already undertaking work related to its management of complaints about Social Services and that it is, in terms of Stage 2 investigations, committed to quality control.

Recommendations

107. In assessing the level of injustice in this case, I note that it is particularly difficult for me to return Ms F or Ms G to the position they would have been in had the maladministration not occurred. I do not have the benefit of reviewing the assessments as they would have been. I note that it is not now possible to fully undertake those assessments retrospectively. Whilst I cannot quantify the financial loss they incurred during the time Ms G stayed with Ms F, I am satisfied that, had the assessments been properly undertaken, Ms F and Ms G would have been able to utilise the WIR Scheme to help Ms G transition from care. During the period Ms G stayed with Ms F (following her 18th birthday), the total eligible amount would have been £16,835. Whilst this is not a direct quantifiable loss suffered by Ms F, and neither is there a way to quantify the loss of opportunity suffered by Ms G, I consider that both Ms F and Ms G would have benefitted from this money, had Ms G been properly assessed, and that it might have supported the arrangement to continue. I therefore consider that any financial redress should be shared between Ms F and Ms G equally.

108. The loss to Ms G goes well beyond the financial loss and the long-term impact on her is much greater. The placement broke down and Ms G was not able to benefit from the support that the WIR Scheme gives vulnerable young adults to leave care. We will never know whether a WIR arrangement would ultimately have been successful but with the appropriate support, supervision and regular reviews as part of the Pathway planning process, there remains the possibility that this support might have remained in place for Ms G until she was 21. The uncertainty of never knowing whether she could have had a more successful and supported transition to independence is an injustice to Ms G.

109. I **recommend** that, within **4 weeks** of the date of this report, the Council should:

- (a) **Apology** - Write to Ms F and Ms G to apologise for the failings identified
- (b) **Financial redress (for Ms F)** - Pay Ms F £8,500 in recognition of the impact that the failings had on her
- (c) **Financial redress (for Ms G)** - Pay Ms G £8,500 in recognition of the impact that the failings had on her.

110. I **recommend** that, within **12 weeks** of the date of this report, the Council should:

- (d) **Pathway planning documentation** - Review and revise its Pathway planning documentation, as necessary, in light of my Adviser's comments and my findings.
- (e) **Pathway planning training** - Provide Pathway planning training, which addresses its responsibilities under the statutory framework, human rights considerations and their implications for practice when working with young people who are leaving, or have recently left, its care, for Social Workers, Personal Advisers and IROs.
- (f) **Complaint handling** - Conduct a review of its approach to commissioning Independent Investigators and quality control in the scrutinising of commissioned reports.

111. I am pleased to note that in commenting on the draft report the Council has agreed to implement these recommendations and that it will continue to provide support to Ms G.

A handwritten signature in black ink, appearing to read 'Nick Bennett', with a large, stylized initial 'N'.

Nick Bennett
Ombwdsmon/Ombudsman

31 August 2021

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
CF35 5LJ

Tel: 01656 641150

Fax: 01656 641199

Email: ask@ombudsman-wales.org.uk

Follow us on Twitter: [@OmbudsmanWales](https://twitter.com/OmbudsmanWales)