

15 November 2019

Adverse Findings Notice of the Local Government and Social Care Ombudsman

Foxley Lodge Care Ltd failed to act on Ombudsman's recommendations

The Local Government and Social Care Ombudsman investigates complaints about councils and adult social care providers. If we find fault that has caused injustice, we make recommendations for the council or care provider to put things right.

We are totally independent. Our recommendations are usually implemented. However, in this case, the adult social care provider, Foxley Lodge Care Ltd, ('the Provider') has refused to comply with our recommendations following our investigation about services it provided.

We have required Foxley Lodge Care Ltd to publish this notice under Section 34I of the Local Government Act 1974 to hold it accountable for not implementing our recommendations.

The Ombudsman's findings of fault

We investigated a complaint about the residential services provided to the complainant at Sonia Lodge.

We found Foxley Lodge Care Ltd:

- Increased the complainant's fees contrary to the agreed contract.
- Demanded a lump sum payment (of more than £3,200) because it had not applied annual increases previously.
- Said the complainant would have to leave the home if she did not pay the increased fees.

This meant the complainant's son was caused anxiety and stress about the possibility of his mother having to move when she was settled. He also spent a lot of time trying to resolve the issue with Foxley Lodge Care Ltd because it would not respond to his complaint.

The Ombudsman's recommendations

We recommended Foxley Lodge Care Ltd:

- a) Stop asking the complainant for a backdated increase.
- b) Withdraw its threat to give notice if the complainant does not pay the backdated increase.
- c) Review its contract and ensure it complies with the Competition and Markets Authority (CMA) guidance, particularly around how much it may increase the fees, and by what measure.
- d) Review its complaints handling and ensure complaints are responded to properly and in accordance with the regulations and the CMA guidance.

The Provider's response

Foxley Lodge Care Ltd has not responded to our decision.

We are not satisfied with the actions of Foxley Lodge Care Ltd, which leaves the injustice not put right for the complainant.

We will share this notice with the Care Quality Commission – the regulator for health and social care in England.

A copy of this notice will be published on our website at www.lgo.org.uk/decisions