

23 January 2024

## **Adverse Findings Notice about Wayside Care Limited**

### **What we found**

The Local Government and Social Care Ombudsman investigated a complaint about charging for residential care.

We found Wayside Nursing Home, owned by Wayside Care Limited, failed to:

- have a contract in line with the Competition and Markets Authority (CMA) guidelines as it charged for 28 days after a resident had died, rather than up to 3 days;
- have a procedure to make staff aware of what to do if a person becomes eligible for NHS fast track funding.

This meant the deceased estate suffered financial loss and his representatives spent time and trouble pursuing the matter. The faults could also affect other people bound by contract terms not in line with the CMA.

### **The Ombudsman's recommendations**

We recommended Wayside Care Limited:

- a) apologise to the complainant;
- b) refund the estate for care costs paid from three days after the complainant's father's death;
- c) review the contract to bring it in line with CMA Guidance on payments after a person has died; and to say what happens when NHS funding is in place. Then review all current contracts so they are compliant;
- d) introduce a policy to make staff and family aware of the NHS fast-track policy and what they need to do.

## **Wayside Care Limited's response**

The provider agreed to our recommendations but has failed to provide sufficient evidence that it:-

- does not owe the complainant a refund,
- has a contract that is CMA compliant,
- has reviewed all current contracts so they are CMA compliant,
- has introduced a NHS fast-track policy.

We are not satisfied with what Wayside Care Limited has done.

We will share this notice with the Care Quality Commission – the regulator for health and social care in England. They can use it in future inspections of Wayside Care Limited. This page from the Care Quality Commission website links to their inspection reports for Wayside Care Limited.

A copy of this notice will be published on our website at [www.lgo.org.uk/decisions](http://www.lgo.org.uk/decisions)