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The investigation of a complaint
against
Carmarthenshire County Council

A report by the
Public Services Ombudsman for Wales
Case: 202505350

The complaint we investigated

1. Mrs B complained about the care and support provided to her family by Carmarthenshire County Council ("the Council"), specifically whether:
 - a) Care plans produced between 2023 and 2024 were drawn up in line with appropriate practice and whether they should have been reviewed or amended when it became apparent that they could not be delivered.
 - b) Mrs B and her family were supported and communicated with appropriately during the period June 2023 to November 2024.

What we found

2. Care plans were not drawn up in line with appropriate practice and they were not reviewed or amended when it became apparent that they could not be delivered. This is a failing by the Council and an injustice to Mrs B and her family. This part of Mrs B's complaint was **upheld**.
3. Mrs B and her family were not supported and communicated with appropriately. They did not receive information they were entitled to. Mrs B did not receive a timely assessment of her needs as a carer. These are failings by the Council and an injustice to Mrs B and her family. This part of Mrs B's complaint was **upheld**.

How we investigated the complaint

4. I obtained comments and copies of relevant documents from the Council and considered those in conjunction with the evidence provided by Mrs B. I also obtained professional advice from one of the Ombudsman's professional advisers, Rachel Gavin, a social worker with experience of care planning for children.
5. Both Mrs B and the Council were given the opportunity to see and comment on a draft of this report before the final version was issued.

The law and guidance we have considered

6. The Social Services and Well-being (Wales) Act 2014 (“the Act”). This requires that care planning be undertaken through ongoing participation and partnership working with families in order to prevent needs escalating. Under the Act carers are legally entitled to a “needs assessment” if they appear to have needs for support or are likely to do so in the future. When it appears to a local authority that a carer may have support needs, the local authority has a duty to offer a carer’s needs assessment.

7. Section 145 of the Act states that local authorities must act in accordance with the Code of Practice (“the Code”). Part 4 of the Code requires that care and support plans be kept under ongoing review and consider whether identified needs continue to exist, outcomes are being achieved, the plan remains appropriate and if changes to support arrangements are required. It also states that relatives may be employed as personal assistants if the Council is satisfied that this is the best way of delivering assessed outcomes.

What happened?

8. Mrs B and Mr C have 2 sons, R and S. In March **2023** Mrs B approached the Council seeking support for R and S who both have a diagnosis of autism. As a result, an assessment of R’s and S’s needs was undertaken. This recorded a number of challenges that the family were facing. These included Mrs B and Mr C being unable to work as they were full time carers for R and S and having a limited support network, which was exacerbated by R and S being unable to tolerate social settings. The family were described as being “desperate for support”. In correspondence with the Council following the assessment, Mrs B enquired about support for R and S to attend a farm that specialised in supporting autistic children.

9. A social worker from the Council (“the Social Worker”) visited the family. After that visit Mrs B contacted the Social Worker with questions about direct payments and funding for R and S to attend the farm. Following this assessment care and support plans (“CSPs”) for R and S were produced. These recorded that “without support there is every

chance of a breakdown". Six hours of direct payments each week to support R and S in accessing the local community were detailed in the CSPs. An outcome of the support plans was for both R and S to have support and for the family to have respite.

10. A review of the CSPs was conducted by the Social Worker in October. This recorded that Mrs B needed support and guidance to advertise for a personal assistant, which would be funded by direct payments. The Social Worker discussed Mrs B's case with his manager ("the Senior Social Worker"). It was recorded that a personal assistant that Mrs B had hoped to employ, was no longer available and that "this is a family in dire need of support and due to the location they live are really going to struggle to get a personal assistant".

11. In June **2024** the Social Worker discussed R's and S's cases with the Senior Social Worker. The difficulties encountered in recruiting a personal assistant were discussed. It was recorded that Mrs B had enquired about taking on the role of personal assistant. It was felt that this was inappropriate, as it would not allow Mrs B to have respite from her caring responsibilities. Mrs B's health was recorded to be a concern as she was exhausted from caring for R and S. It was decided to try and identify a personal assistant close to Mrs B's home.

12. In June the Council issued a Stage 1 complaint response to Mrs B, who had raised a number of concerns about the support being provided for R and S. The Council said that it would not be appropriate for Mrs B to take on the role of personal assistant. Mrs B requested a letter setting out the legislation used to make this decision. In response the Council referred to the Act and the need identified in the CSPs for Mrs B to have respite from her role as a carer.

13. The Social Worker discussed R's and S's case with the Senior Social Worker again in July. It was noted that Mrs B and Mr C had requested assessments of their needs as carers be carried out, which the Social Worker had started. A personal assistant was yet to be appointed. The position had been advertised and 1 person had expressed an interest but it was recorded that they were likely put off applying for the position due to the need for pre-employment checks, which may take some time.

14. In September R's and S's cases were discussed by Council officers. It was recorded that a personal assistant had still not been appointed, despite companies from outside the local authority area being approached. Mrs B had again asked about becoming the personal assistant. If she took on the role of personal assistant she would be able to apply for benefits, which would assist the family who were struggling financially. It was recorded that the Social Worker would make a request that Mrs B become the personal assistant.

15. The Social Worker made a request that Mrs B be appointed as the personal assistant. He detailed the difficulties the family were experiencing and the efforts that had been made to try and appoint a personal assistant. The request was not agreed as it did "not meet the needs for a break within the care and support plan". R and S's CSPs were reviewed in September and the Social Worker recorded "I have explored all options in regard to supporting the family... but there are no suitable options". In October notes of a discussion between the Social Worker and the Senior Social Worker recorded that Mrs B and her family were leaving the area "this is due to many reasons... not being able to get support for the boys and respite for them".

16. Following contact from Mrs B, the Council issued a further Stage 1 response on 8 January **2025**. It said that a personal assistant was unable to be appointed due to the rural area where the family lived. It also reiterated its reasons why it believed it would not be appropriate to appoint Mrs B as personal assistant to R and S. Mrs B requested that her complaint be escalated to Stage 2.

17. A Stage 2 response was issued to Mrs B on 18 September. This found that CSPs were not shared with her in a timely manner and that Mrs B had not been provided with a letter explaining the legal reasons why she could not be appointed as personal assistant. It also found that Mrs B had to chase Council officers for updates. Mrs B's complaint about transport to the farm was partially upheld and her complaints about flexibility in addressing the families' circumstances, the decision not to allow her to be a personal assistant and a lack of support were not upheld.

What Mrs B said

18. Mrs B said that the decision not to allow her to become the personal assistant was based on a care plan she had neither seen nor agreed to. She said that she had asked for the CSPs to be amended in order to better meet the needs of her family, but that this did not happen. She said that a lot of discussions took place regarding her sons' support needs but that these did not translate into changes in the CSP's. As such she and her family were left without appropriate support for 18 months, which had a significant financial and emotional impact. She said that the lack of support meant that the family had to leave the area.

What the Council said

19. The Council said that Mrs B was given appropriate information about the CSP process and that she was actively involved in the production of CSPs for R and S. It said that the CSPs were produced in partnership with Mrs B and that the family's desired outcomes were central to the production of the plans. It said that the Council supported family members to become personal assistants, but that it was not deemed suitable in this case for reasons that were explained to Mrs B. It said the decision was based on the specific needs of R and S and their parents as detailed in the CSPs.

What our Adviser said

20. The Adviser was asked to consider whether, without the benefit of hindsight, the actions taken had been appropriate in the situation complained about. The Ombudsman determines whether the actions were appropriate by making reference to relevant national standards or regulatory, professional or statutory guidance which applied at the time of the events complained about.

21. Mrs B's case was assigned to a trainee social worker rather than a qualified social worker. The Adviser said that the records show that they were working with appropriate oversight and were not making decisions independently. The Adviser said that there was no requirement under the Act to inform someone that their case had been allocated to a trainee social worker. However, as the principles of the Act emphasise the importance of working in partnership and transparency in communication,

the Adviser said there should be documented evidence of Mrs B being informed of the Social Worker's status as a trainee and of who retained management and decision-making responsibility.

22. The Adviser said that there was good evidence of Mrs B being involved in the initial assessment of R's and S's needs. The assessment recorded information provided by Mrs B, including details of R's and S's needs, diagnoses, their behavioural and sensory difficulties, educational arrangements, family circumstances and support needs. Some of the outcomes resulting from these assessments - such as attendance at the farm - reflect matters raised by Mrs B.

23. There was less evidence of Mrs B's involvement in the care planning process. CSPs for R and S were produced which detailed support arrangements. However, the Adviser was unable to identify any evidence demonstrating copies of revised plans being provided to Mrs B, records of discussions about these plans including any agreements or disagreements about them or signed approval of amendments.

24. The Adviser said that Mrs B's lack of ongoing involvement in the care planning process likely contributed to confusion about agreed outcomes, perceptions of being excluded from decision-making and a deterioration in trust. She said that care plans and any revisions to these plans should be routinely shared with families, records should be kept showing when plans have been discussed, when copies have been issued, any agreements or disagreements and reasons why signatures are absent. When care plans are reviewed these should contain a clear audit trail demonstrating ongoing family involvement.

25. The Adviser said that the Act requires that support plans should provide support that is realistic, deliverable and capable of meeting assessed needs. She considered that whilst the CSPs produced regarding R and S identified many of their needs appropriately, they did not sufficiently address the barriers to meeting these. These included the rural location the family lived in, travel difficulties, recruitment of personal assistants and inability to access funded services. She said that support plans for rural families should include explicit consideration of transport needs, travel time, workforce availability and geographical barriers. She said that plans should also clearly distinguish between support that is

agreed, exploratory and subject to availability as this would help prevent misunderstandings. The Adviser said that if it becomes apparent that the planned support cannot be realistically accessed, plans should be amended and alternative arrangements considered.

26. In respect of appointing personal assistants, the Adviser said that once the difficulties in recruitment became apparent, consideration should have been given as to whether the CSPs required amendment. This was because the inability to recruit personal assistants meant that, in practice, elements of the CSPs could not be delivered. The Adviser said that the evidence indicated that the Council was aware of the prolonged and significant difficulties in appointing personal assistants. Whilst attempts were made to overcome these, there is insufficient evidence to show that the CSPs were amended as a result.

27. The Adviser said that Mrs B was provided with some information regarding the role of personal assistant but this was lacking in sufficient detail. The Adviser was not able to identify from the records, that Mrs B had received any information regarding the functions and expectations of a personal assistant, the rate of pay, how these had been calculated and whether they could be varied. She said that the Act requires that individuals should receive information and advice sufficient to enable them to participate meaningfully in decisions about care and support.

28. Regarding Mrs B's request to be appointed personal assistant, the Adviser said that there was no legislation or guidance that prohibited Mrs B taking on the role. In reaching a decision on whether it was appropriate, the Council should consider whether it represented the best means of achieving the outcomes identified in the CSPs. The Adviser said that the Council's reasoning for declining Mrs B's request was reasonable. This was because it was consistent with the outcomes of the CSPs, which included providing respite to Mrs B.

29. Whilst the decision itself was not unreasonable, the Adviser said that the circumstances of the case meant that there may have been scope to consider a more flexible approach. She said that the records identified exceptional pressure on the family including financial hardship, risk of housing instability and the inability of Mrs B to access employment because of her caring responsibilities. In situations such as these the

view of the Adviser was that a broader consideration of wellbeing outcomes and alternative arrangements is required. This does not mean that the Council's decision was wrong, but that this was an occasion where the wider circumstances of the family's wellbeing should have been considered.

30. The Adviser said that when decisions regarding relatives acting as personal assistants are made this should include documented balancing of all wellbeing considerations. These should include respite outcomes, financial wellbeing, family stability, impact on employment and practical availability of alternative support.

31. Mrs B and Mr C had substantial caring responsibilities and the Adviser said that the impact of this was identified early and repeatedly. The evidence documents concerns about lack of support networks, parental exhaustion, impact on wellbeing, financial pressures, housing instability and inability to take on employment. Despite this, the Adviser said that there was no evidence that a formal assessment of Mrs B and Mr C's needs as carers had been offered. She said that this should have been offered from an early stage. When the support packages for R and S were not functioning as intended there should again have been consideration of Mrs B and Mr C's needs as carers.

32. The Adviser said that whilst the focus would have remained on meeting R's and S's needs, a carers assessment could have explored support available to Mrs B and Mr C. This could have reduced the caring pressures on them and improved the wellbeing of the family. The Adviser said that not conducting a carers assessment may have led to Mrs B and Mr C experiencing a deterioration in their wellbeing, increased financial pressure and reduced opportunities to access employment.

The reasons for what we found

33. In reaching my conclusions I have considered the advice that I have received from the Adviser, which I accept. However, the conclusions reached are my own.

34. I have not included every detail investigated in this report but I am satisfied that nothing of significance has been overlooked.

- a) **Whether Care plans produced between 2023 and 2024 were drawn up in line with appropriate practice and whether they should have been reviewed or amended when it became apparent that they could not be delivered.**

35. Whilst the initial assessment of R's and S's needs was appropriate, the subsequent CSPs were not drawn up in line with appropriate practice. The Stage 2 response issued by the Council found that CSPs for R and S were not shared with Mrs B and Mr C in a timely manner. The Adviser has also said that Mrs B was not appropriately involved in the development of these CSPs. This is contrary to the principles of the Act.

36. The CSPs appropriately identified R's and S's needs but lacked consideration of how these could be realistically met, given the circumstances of the family. Whilst some of the circumstances of this case are unique, issues that would face many rural families such as transport needs, travel time, workforce availability and geographical barriers were not considered. This is particularly concerning given the proportion of the local authority area that is rural.

37. When it became apparent that the CSPs were undeliverable, they should have been reviewed with a view to agreeing support that could be provided. Records show that in October 2023 the Council had acknowledged the difficulties Mrs B was going to face in employing a personal assistant. At this point consideration should have been given as to whether the CSPs were deliverable. By June 2024 a personal assistant still had not been appointed and concerns were recorded about the impact of her caring responsibilities on Mrs B's health. Whilst the Council did undertake action to try and overcome the difficulties in appointing a personal assistant, it does not appear that any consideration was given to altering the CSPs. In September the comments of the Social Worker in conducting a review of the CSPs makes clear that some of the outcomes of the CSPs were, despite the efforts of all involved, not realistic or deliverable as required by the Act.

38. CSPs were not drawn up in line with appropriate practice and they were not reviewed or amended when it became apparent that they could not be delivered. This is a failing by the Council and an injustice to Mrs B and her family. The records I have seen make frequent reference to the extremely difficult circumstances being faced by the family. If these failings had not occurred then Mrs B and her family may have been able to access appropriate support. Accordingly I **uphold** this part of Mrs B's complaint.

b) Whether Mrs B and her family were supported and communicated with appropriately during the period June 2023 to November 2024.

39. Whilst not legally required, the Adviser has said that in order to comply with the principles of the Act, Mrs B should have been informed that the Social Worker was a trainee. She should also have been provided with details of who retained management and decision-making responsibility for her case. The Stage 2 response provided by the Council has upheld Mrs B's complaint regarding communication with officers. If Mrs B had been provided with these details then these difficulties might have been avoided.

40. The Council's reasoning for not appointing Mrs B to the role of personal assistant is that it would not have met the outcomes of the CSPs. Whilst this is a decision the Council is entitled to make, it was based on CSPs that had been drawn up without appropriate input from Mrs B. They had also not been amended when it became apparent that some elements were undeliverable. It is impossible to say what the decision may have been had these failings not occurred. This uncertainty is an injustice to Mrs B.

41. Mrs B did not receive sufficiently detailed information regarding the role of a personal assistant. Direct payments for a personal assistant were included in the first CSPs produced. At this point Mrs B should have been provided with information regarding the role of a personal assistant to allow her to participate in decisions about how to best meet R's and S's needs.

42. Despite requesting it on several occasions, Mrs B also did not receive a letter explaining the legal basis on which the Council considered she should not be appointed personal assistant. The Code permits the employment of family members as personal assistants in some cases. As such, it was reasonable for Mrs B to request this information. In not providing it the Council did not communicate appropriately with Mrs B and did not comply with the requirements of the Act.

43. I have seen no evidence that carers assessments were offered to Mrs B and Mr C until they requested them in July 2024. This is despite the Council being aware from the outset of the significant strain that their caring responsibilities were having on them. Had these assessments taken place earlier, opportunities to reduce the pressure of being carers may have been identified, which would have been beneficial to both Mrs B and Mr C's wellbeing and that of the family as whole. These assessments could also have formed part of the considerations as to whether Mrs B should be appointed personal assistant.

44. Mrs B and her family were not supported and communicated with appropriately. They did not receive information they were entitled to. Mrs B and Mr C also did not receive timely assessments of their needs as carers. These are failings by the Council and an injustice to Mrs B and her family. Accordingly I **uphold** this part of Mrs B's complaint.

What the Council should do to put things right

45. I **recommend** that within **1 month** of the date of this report the Council should:

- a) Apologise to Mrs B for the failures identified in this report and offer her payments of £250 in recognition the uncertainty she will face regarding the potential for her to have been appointed as personal assistant, and a further £250 in recognition of the time and trouble she has experienced in bringing this complaint, making total financial redress of £500.
- b) Provide Mrs B with a copy of the care plans produced during the time period covered by the investigation.

46. I **recommend** that within **3 months** of the date of this report the Council should:

- c) Ensure relevant officers are aware of the requirements of the Act in relation to the production of CSPs, in particular the need for these to be shared, discussions and information provided recorded and an audit trail relating to reviews documented.
- d) Develop a process to trigger an automatic review of CSPs where recruitment difficulties continue for a prolonged period or when agreed support cannot be implemented.
- e) Share this report with the relevant Head of Service so that the way the Council addresses the needs of rural families in the production and monitoring of CSPs can be considered and discussed. Feedback should be provided to this office of any actions proposed as a result.
- f) Implement measures to ensure that, when relevant, sufficiently detailed and current information is provided to individuals regarding direct payments and personal assistant arrangements.
- g) Ensure relevant officers are aware of the need to offer carers assessments in a timely manner when caring responsibilities are identified.

47. I am pleased to note that in commenting on the draft of this report **the Council** has agreed to implement these recommendations.

Michelle Aspey
Swyddog Ymchwilio/Investigation Officer

7 September 2026

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