

Knowsley Metropolitan Borough Council (24 013 803)

Category : [Adult care services](#) > [Assessment and care plan](#)

Decision : **Closed after initial enquiries**

Decision date : **20 Dec 2024**

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The Ombudsman's final decision:

Summary: We will not investigate Mr X's complaint about the Council's decisions or its assessments about Ms Y's care and support needs. The matter is being considered by the Court of Protection and the law will not allow us to consider a complaint where court action has already started.

The complaint

1. Mr X complained the Council delayed adaptive works to his mother, Mrs Y's home, after she was admitted to hospital in 2022.
2. Mr X says this delayed Mrs Y's return home, causing frustration and distress.
3. Mr X complained the Council are not providing an appropriate care package for his mother, Mrs Y

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The Ombudsman's role and powers

4. We cannot investigate a complaint if someone has started court action about the matter. (Local Government Act 1974, section 26(6)(c), as amended)
5. We may decide not to start or continue with an investigation if we think the issues could reasonably be, or have been mentioned as part of the legal proceedings regarding a closely related matter. (Local Government Act 1974, sections 24A(6) and 34B(8), as amended, section 34(B))

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How I considered this complaint

6. I considered information provided by the complainant and the Council.
7. I considered the Ombudsman's Assessment Code.

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My assessment

8. Ms Y was admitted to hospital in 2022, she was deemed to lack capacity and was moved into supported living on discharge.
9. The Council closed Mrs Y's case in September 2022. Mr X asked for reallocation in November 2022.
10. A care assessment was carried out in February 2023 which identified major adaptations were needed to Mrs Ys home for her to return.
11. The Council made an application in May 2023 to the Court of Protection for it to decide how Mrs Y's living, care and support needs should be met. We cannot investigate complaints about issues that are being, or could be,

considered as part of court action that has been started. Therefore we cannot investigate complaint.

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Final decision

12. We cannot investigate Mr X's complaint because it is matter for which court action has started.

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Investigator's decision on behalf of the Ombudsman

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