

APPENDIX 2

ICB Complaints PHSO Cases 2024-2025

Shown below are some of the complaints upheld/partially upheld by the Ombudsman during the period 01 April 2024 to 31 March 2025.

a) Case ref 6908, re AACC Service

Summary of complaint	A CHC client has advised that she has been without a care package since September 2022. The client feels that the ICB makes decisions based on cost. Due to the lack of a care package, she feels her life expectancy has been considerably shortened.
Summary of outcome and	A response was provided by the ICB to advise that all attempts have been made to put a care provider in place but due to either lack of capacity or not having staff with the necessary experience available, these have not been successful. An offer was also made to provide a self-contained flat within the grounds of a care home or a placement in a care home, and both were declined by the complainant. Welfare checks have been in place weekly during the time in question and the ICB has also ensured that the safeguarding team at the local authority and the district nurse team were aware of the client's situation. The letter also confirmed that a specialised provider is to be given the opportunity to provide the package of care in her home.

Ombudsman involvement	<p>On 1 October 2024, the PHSO caseworker shared their provisional investigation findings and report with the ICB; the complaint was partly upheld. The ICB was offered the opportunity to comment on the draft report and feedback was provided to the case worker on 30 October 2024. On 6 November 2024, the PHSO caseworker raised 2 further queries for clarification by the CHC Team. This was responded to on 7 November 2024.</p> <p>On 18 December 2024, the PHSO case worker responded to the ICB's feedback which confirmed the PHSO considers the ICB has not provided any information or evidence that would change the provision views decision. This was also supported by an independent advisor. The PHSO considers the ICB was not proactive during the period of July 2019 to July 2021 in sourcing care provision. The PHSO considers the ICB invested its search in one agency rather than considering a creative approach and asking other agencies to provide part of the care package. On 31 December 2024, the ICB informed the PHSO that other than the CHC Team feeling that they have clearly evidenced the efforts they went to address the fact that many different providers refused to work with this lady, the ICB had no other feedback regarding the PHSO's comments.</p> <p>On 8 January 2025, the PHSO issued the final report including recommendations for implementation by the ICB. Financial redress</p>
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	was made to the complainant in accordance with the PHSO's request and the ICB's completed action plan was shared with the PHSO on 27 February 2025. At the request of the PHSO, the action plan was also shared with the CQC, NHS England and complainant on 7 March 2025.
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b) Case ref 7750, re mental health commissioning

Summary of complaint	<p>The LGSCO requested information to support their enquiries into this case, they requested records and supporting/documentary evidence of the patient's section 117 aftercare agreement. Their client has complained to the LGSCO that his section 117 aftercare was withdrawn without his knowledge, and he believes this has affected his mental wellbeing.</p> <p>File note: This complaint was not formally investigated by the ICB, following its escalation by the complainant, it was brought to the attention of the Complaints Team by the LGO in June 2024.</p>
Summary of outcome and	The Complaints team provided information to the LGSCO to support their enquiries as requested.
Ombudsman involvement	<p>Following investigation, the LGSCO concluded in December 2025 that the Trust, the Council and the ICB did not follow the relevant guidance when discharging the patient from Section 117 aftercare. This caused uncertainty to the patient over whether he should have received additional mental health support in the period that followed, and whether this may have prevented his health from deteriorating. The LGSCO recommended the Trust, Council and ICB take steps to provide a remedy. The ICB confirmed on 19 December 2024 agreement with the provisional findings and recommendations.</p> <p>The LGSCO's final report was received on 15 January 2025 which found fault by the Trust, the Council and the ICB in not following the relevant guidance when discharging the patient from Section 117 aftercare, leading to uncertainty for him. Recommendations were made by LGSCO for implementation within one month and three months.</p>