

**The Vale of Glamorgan Council – Adult Social Services
Case Reference 201501394 – Report issued in December 2015**

Mr A complained that his mother's estate had been reduced by £55,000 because the Council's Social Services Department had not carried out a financial assessment to determine her contribution towards her nursing home fees when she moved into a nursing home in 2007, despite initially saying that it had. Additionally, the Council had not correctly applied the Welsh Government's Charges for Residential Accommodation guidance which would have led to capital from his mother's insurance investment bonds being disregarded. His mother therefore paid for her care.

In June 2011, although the Council had carried out a financial assessment which reduced his mother's contributions towards her nursing home fees, it was unwilling to carry out a reassessment back to 2007. Mr A also complained about the Council's handling of his complaint.

The Council in settling this case accepted a financial assessment should have been carried out in 2007. It determined that its liability for nursing home costs equated to £45,301.81. As Mr A's mother would not have been entitled to certain benefits the Council agreed to repay the Department of Works and Pension £14,031.89 from this sum with the balance of £31,269.92 being repaid to Mr A and the family.

In recognition of the distress, time and trouble and mistakes in decision-making the Council said that it would pay Mr A and the family £500. As part of the settlement the Council agreed it would publicise the issues in this case, produce a public information leaflet and share the points of learning both individually and collectively with staff within the Council.

Cyngor Bro Morgannwg – Gwasanaethau Cymdeithasol i Oedolion

Cwynodd Mr A fod ystâd ei fam wedi cael ei lleihau o £55,000 oherwydd nad oedd Adran Gwasanaethau Cymdeithasol y Cyngor wedi cyflawni asesiad ariannol i benderfynu ei chyfraniad at ffioedd ei chartref nyrsio pan symudodd i gartref nyrsio yn 2007, er iddo ddweud i ddechrau ei fod wedi gwneud hynny. Nid oedd y Cyngor ychwaith wedi cymhwyso canllawiau Llywodraeth Cymru ar Daliadau Cartrefi Preswyl yn gywir a fyddai wedi arwain at ddiystyru bondiau buddsoddiad yswiriant ei fam. Roedd ei fam felly wedi talu am ei gofal.

Ym Mehefin 2011, er bod y Cyngor wedi cyflawni asesiad ariannol oedd wedi lleihau cyfraniadau ei fam tuag at ffioedd ei chartref nyrsio, roedd yn anfodlon cyflawni ailasesiad yn ôl i 2007. Cwynodd Mr A hefyd am y ffordd y deliodd y Cyngor â'i gŵyn.

Wrth setlo'r achos, derbyniodd y Cyngor y dylai fod wedi cyflawni asesiad ariannol yn 2007. Penderfynodd fod ei atebolrwydd o ran costau'r cartref nyrsio yn £45,301.81 i gyd. Oherwydd na fyddai mam Mr A wedi gallu hawlio rhai budd-daliadau, cytunodd y Cyngor i ad-dalu £14,031.89 o'r swm hwn i'r Adran Gwaith a Phensiynau gyda'r £31,269.92 oedd yn weddill i'w ad-dalu gan Mr A a'r teulu.

I gydnabod y trallod, yr amser a'r drafferth, a'r camgymeriadau yn ei benderfyniadau, dywedodd y Cyngor y byddai'n talu £500 i Mr A a'r teulu. Fel rhan o'r setliad, cytunodd y Cyngor y byddai'n rhoi cyhoeddusrwydd i faterion yr achos, yn cynhyrchu taflen wybodaeth i'r cyhoedd ac yn rhannu'r pwyntiau dysgu'n unigol a chyfunol â staff yn y Cyngor.