

PRIVATE AND CONFIDENTIAL

Mr C Bury

[C \[REDACTED\]](#)

Your Ref:

Our Ref: IAT- 1 [REDACTED]

Please ask for: Stephen Vickers

Direct Line / Extension: 01432 2604 [REDACTED]

E-mail: S [REDACTED].V [REDACTED]@herefordshire.gov.uk

6th June 2018

Dear Mr Bury,

RE: FORMAL COMPLAINT – IAT- 161 [REDACTED]

Following your correspondence dated April 30th 2018, I am writing to address the concerns you have raised which I understand to be as follows:

- You allege Mr C [REDACTED] N [REDACTED], Social Worker has made vexatious and injurious allegation to your G.P. stating you have a mental health issue.
- S [REDACTED] M [REDACTED], Senior Practitioner has shared false information relating to you within your brother's DoLS form. You advised you have never given consent for Herefordshire Council to share your health or social care information with other parties.

In investigating your complaint, I have researched Adult Social Care records and have met with the relevant professionals involved. In the response below, I have aimed to address each point raised in your complaint written in bold text, the replies are in plain text below.

You allege Mr C [REDACTED] N [REDACTED], Social Worker has made vexatious and injurious allegation to your G.P. stating you have a mental health issue.

Social care records evidence that on 13th March 2018 during a conversation with A [REDACTED] C [REDACTED], you confirmed that you had commenced your planned hunger strike protest the previous day. During that telephone call Mr C [REDACTED] advised you he was concerned about your health and wellbeing. The notes indicate that you informed him that that you planned to be in contact with your social worker and your mother's social worker as you believed that you would need care in your own right as you would become weaker. You were advised that Mr C [REDACTED] thought this would need to happen sooner rather than later and that he would also speak to both social workers to make them aware.

Mr C [REDACTED] and Mr N [REDACTED] were concerned about your wellbeing due to the hunger strike protest to the extent that it warranted Mr N [REDACTED] contacting your GP to express his concerns under the advice of management and in so doing was exercising his duty of care. Our records evidence that on 16th March 2018 Mr C [REDACTED] N [REDACTED] made contact with [REDACTED] Medical Centre and spoke with Dr H [REDACTED]. He explained the circumstances at that time in respect of the apparent hunger strike and potential impact on your wellbeing. Dr H [REDACTED] informed Mr N [REDACTED] that he intended to send you a letter inviting you to an appointment aimed at assessing any presenting mental health needs.

At that time, Mr N [REDACTED] was the allocated worker for your mother and we understood that you were your mother's main carer. As a duty of care towards your mother, in the event that the hunger strike began to impact upon you adversely and/or we identified apparent concerns about your mental or physical wellbeing, there was a possibility that your ability to continue to provide care for your mother would have been affected; potentially leading to loss of care for your mother. As such, the contact that Mr N [REDACTED] made with the surgery was intended to safeguard your mother by preventing a potential loss of care and ultimately, to seek support for you as her main carer, thus safeguard your mental as well as physical wellbeing.

I would like to reassure you that the contact that we made with your GP was therefore aimed at supporting and safeguarding both yourself and your mother and was not a result of any malicious intention to discredit your mental or physical wellbeing .

Outcome: After considering the available evidence, this aspect of your complaint is not upheld.

S [REDACTED] M [REDACTED], Senior Practitioner has shared false information relating to you within your brother's DoLS form. You advised you have never given consent for Herefordshire Council to share your health or social care information with other parties.

Social care records indicate that on 25th January 2018 Mr S [REDACTED] M [REDACTED] contacted you in his role as an Independent Best Interest Assessor who was completing an assessment on behalf of Herefordshire Council. Mr M [REDACTED] recalls that in his telephone call with you he explained his role and the reasons for the assessment taking place. He explained that he was contacting you to ascertain your views of your brother's placement and any other relevant issues to inform the assessment. Best Interest Assessors must adhere to a strict process and record findings on the Deprivation of Liberty Safeguards Form 3 which is a statutory form. In fulfilling this role, it is essential that the best interest assessor provides an independent and objective view of whether or not there is genuine justification for deprivation of liberty, taking into account of all the relevant views and factors.

In line with section 4 (7) of the Act this involves seeking out the views of a range of people connected to the relevant person to find out whether they believe that depriving the relevant person of their liberty is, or would be, in the person's best interests to protect them from harm or enable them to follow the care plan proposed. The best interest assessor should, as far as practical and possible, seek the views of anyone interested in the person's welfare (for example, family carers, other close relatives, or an advocate working with the person).

In the event that the relevant party does not wish to take part in the assessment they can opt out and should inform the Best Interest Assessor that they do not wish to take part. Similarly, should the interested party share information that they do not wish to be used to inform the process, then they should make this known to the Assessor.

Having reviewed the Deprivation of Liberty Safeguards Form 3 it is evident that Mr M [REDACTED] collated salient information from yourself and others involved in your brother's care. Contained within the form are the views of others who have a connection and interest in your brother's welfare. When a Best interest Assessor speaks with an individual who has an

interest in the person's welfare, they must report a factual summary of the views. The opinions of others must be recorded as an accurate account as described by them. In the event that you deem their opinion to be inaccurate, it is not possible to amend this information as it is their point of view and must be recorded as reported to the Best interest Assessor at the time.

In the event you consider the information you have shared with the Best Interest Assessor has been inaccurately recorded then this could be revised. If you wish amendments to be made then please advise us of the specific inaccuracies in order that the details can be changed.

Outcome: After considering the written and verbal evidence this aspect of your complaint is not upheld.

Yours Sincerely

[REDACTED]

C J [REDACTED]
Adult Safeguarding Lead

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