

Portfolio/ Partner	Complaint
Place - Leasehold/Repairs 201910086	Ms X complained about the response to her reports of leaks in her property; her concerns about major works and service charges; and complaints handling.
Resources - Finance (Revenue and Benefits) - 20 013 929	Mr X complained that the Council ended his council tax direct debit without telling him and, a year later, asked him to pay outstanding amount in addition to his current council tax.

<p>People - ASC (Social Care Accounts Service)</p> <p>20 007 508</p>	<p>Mrs B complained on behalf of son and daughter (Ms C and Mr D) who are adults with additional needs who require care and support. Mrs B complained that the Council has not properly assessed Ms C and Mr D's finances and says it should waive charges for Ms C and Mr D on a discretionary basis.</p>
<p>People - ASC Strategic Commissioning and Partnership</p> <p>20 003 507</p>	<p>Mr X complained that care home, where the Council placed his mother, failed to look after her properly during the first COVID-19 lockdown before her death in May 2020.</p>
<p>People - ASC (Social Care Accounts Service)</p> <p>20 009 292</p>	<p>Mr X complained about how the Council calculated and decided when his late father, Mr F's, capital had dropped below the capital limit threshold and failed to reimburse Mr F's estate for overpaid care fees.</p>
<p>People - ASC Access and Prevention</p> <p>20 000 997</p>	<p>Mr G complained a care company providing care on behalf of the Council, neglected his grandmother, Mrs C, for 14 months. He says the Council failed to notice the neglect, failed to investigate his safeguarding concerns then tried to cover up its own and the care company's failures. He also complained about an inadequate complaint response.</p>

Resources - Customer Services 20 009 725	Miss B complained that the Council failed to properly consider her health conditions and the impact on her ability to walk, when refusing her application for a blue badge.
Place - Housing & Neighbourhood Services - 20 014 150	Mr X complained the Council failed to give his family appropriate housing priority following noise and anti-social behaviour issues.
Place - Council Housing Repairs 201 903 587	Miss X complained about the landlord's response to multiple repair issues she reported and the landlord's complaint handling.

Place -Environmental Health 21011833	Mrs X complained the Council failed to provide a pest control service that she had paid for, and that it gave her incorrect information about when a refund would be paid, which resulted in Mrs X going overdrawn.
People - SEND 20 004 535	Mr C and Mrs M (the father and Grandmother of X), complained that the Council was at fault because: a) It withdrew funding for X's placement at a boarding school X attended which was paid for by the Council, b) It mishandled the review of X's education, health and care plan (EHCP), and c) It failed to provide X with a suitable education in 2020.
People - ASC (Social Care Accounts Service) ref 21 000 646	Mrs X complains on behalf of her mother, Mrs Y, about the Council's decision that she deprived herself of assets to avoid paying towards her care costs.

Place - Waste Management ref 21 004 877	Mrs X complained that the Council wrongly decided that a car on her private property was abandoned and removed it.
People ASC - ref 21 001 107	Ms C, complained to us on behalf of her (late) father, Mr F. Ms C complained there was an unreasonable delay by the Council in carrying out her father's needs assessment.
People - ASC 20 013 706	Mr X complained the Council failed to ensure it had effective monitoring processes in place in relation to his daughter, Miss D's, supported living placement; and delayed in responding to his complaint. He also complained that Miss D found the staff on site unapproachable and said she had not been protected adequately from being intimidated by other residents. As a result, Mr X says Miss D has no trust in the support provided in the placement, is distressed by the state of disrepair and no longer wants to live there.
Place - Transport Planning/Environmental Health 20 011 499	Mr D complained the Council has failed to take appropriate action when he raised concerns about noise and air pollution from idling buses near to where he lives. He says he cannot sit outside on his balcony or open his windows because of the fumes and noise from the buses.

Resources - Customer Services 21 009 356	Mr F complained about the Council's decision to refuse his application for a blue badge. He says as a result he does not have the support he needs, causing him significant distress.
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Date of Ombudsman Decision	Ombudsman Finding/Investigation Outcome
13/04/2021	HO found service failure by the Council in its response to the resident's reports of leaks in her property and to to the resident's concerns about major works and service charges. HO also found maladministration by the Council in it's complaint handling.
29/04/2021	LGSCO found that Council made a mistake and failed to transfer the direct debit to Mr X's sole account. However, while there was an error by the Council, LGSCO decided not to start an investigation because the Council had offered a fair remedy. It had explained what went wrong, apologised, spoken to the officer, offered to spread the payments over two years and invited Mr X to apply for discretionary relief if paying the arrears will cause hardship.

07/06/2021	LGSCO did not find fault in the way the Council assessed Ms C and Mr D's finances and its decision to charge them a contribution towards the cost of their care but did find fault in the Council's delay in deciding whether Ms C and Mr D could use their direct payment to pay family members to provide care.
29/06/2021	The LGSCO found that the care home's records of the care provided for Mrs Y were inadequate, which leaves doubt over whether it was meeting all her needs properly.
01/07/2021	The LGSCO found fault in the way the Council gave Mr X conflicting and confusing information about how it calculated the date Mr F's capital dropped below the threshold due to errors in its spreadsheet tool. It then delayed arranging reimbursement of overpaid care fees by six months.
17/08/2021	The LGSCO found the Council was at fault for the poor care provided by the care company, for failing to formally investigate a safeguarding concern and for a failure to deal promptly with Mr G's complaint. The LGSCO found no evidence of a cover up but did find evidence the Council had considered Mrs C's interests and accepted that a formal safeguarding investigation would not have altered the outcome.

25/08/2021	The LGSCO found fault in the way the Council considered Miss B's application. The LGSCO found the decision reached by the Council did not follow from the evidence provided and it is difficult for Miss B to understand the reasons for it and left her confused and uncertain about what else she can provide to support her application.
28/09/2021	LGSCO found fault in how the Council dealt with Mr X's request for priority from 2020. The Council recognised there had been some delay in granting the priority and also accepted the grounds for originally refusing the priority were flawed.
29/10/2021	HO found fault with with respect to the landlord's response to the multiple repair issues at the property and with respect to the landlord's complaint handling.

02/11/2021	<p>LGSCO decided not to investigate further after Mrs X advised that the Council had since taken action to resolve matters (apologised for not providing the service and for failing to communicate with her properly about this; and also offered Mrs X a payment of £50 in recognition of what went wrong and made a commitment to ensure correct information is given in future). Mrs X satisfied with the action the Council has taken and therefore no grounds for further LGSCO involvement.</p>
10/11/2021	<p>LGSCO found the Council was at fault. It failed to provide X with an education for three months in early 2020; allowed delays in an EHCP review and its communication with the family was poor.</p>
25/11/2021	<p>Ombudsman found fault in that the Council did not demonstrate it had addressed all the grounds for review as set out by Mr and Mrs X. Decision letters did not provide “full written reasons” for its decision as specified in its terms of reference.</p>

10/12/2021	The LGSCO found fault with the Council's failure to use Mrs X's tax disc to ascertain that she was the owner of the vehicle and the Council's failure to contact the police which caused Mrs X the injustice of having her car taken away without notice.
04/01/2022	The LGSCO found there was fault with the way the Council eventually carried out the needs assessment.
17/02/2022	The LGSCO found the Council has already accepted there was a need to improve monitoring and has taken appropriate steps to address this. The Council took too long to respond to Mr X's complaint and has already apologised for this which is suitable to remedy the frustration this caused Mr X.
03/03/2022	The LGSCO found the Council was at fault. In addition to some communication failures, the Council failed to consider its duties under the Environmental Protection Act 1990 regarding noise from idling buses near to where Mr D lives.

10/03/2022

The LGSCO found there was fault by the Council but was satisfied with the actions the Council has since taken to remedy the injustice caused. (Following contact from the LGSCO the Council reviewed Mr F's case and issued him with a blue badge.)

Agreed Remedy/Service Improvements

Council ordered to pay the resident compensation of £650 for distress and inconvenience as a result of its repairs failures; its major works and service charges failures; and its complaint handling failures.

Council also ordered to:

- take steps to progress inspection by an independent surveyor and to update the resident about the timeframe; write to the resident within four weeks of the inspection, to provide a final position on the major roof works, information on next steps and how the issue can be taken further, where applicable;
- review the repairs record keeping failures identified and confirm measures now in place/being taken to ensure a wide range of records are kept, in line with HO's spotlight report on repairs; and
- review the complaint handling issues identified and explain how it will ensure it responds to complaints and contacts from this Service in line with its complaints policy, the Complaint Handling Code and the Housing Ombudsman Scheme.

Council recommended to review the level of information provided to residents in

No further action required - Council already offered a fair remedy.

The Council agreed (within one month) to apologise to Mrs B in writing for the fault and pay her £300 in recognition of her time and trouble in pursuing matters. Council agreed to complete any necessary reviews of the needs assessments and care plans of Ms C and Mr D and give a decision on whether they can use all or some of their direct payments to pay family members.

The Council as commissioner of the service remains responsible for the services provided on its behalf and for the actions of the organisation providing them. The Council agreed (within four weeks) to write to Mr X and his father apologising for the failings at the care home and the distress this caused. LGSCO noted the Council and CQC are already working with care home to improve its working practices and so no need to make other recommendations.

The Council agreed to provide evidence it had reimbursed Mr F's estate £1832,49 in overpaid care fees from March 2020 and pay Mr X £150 to recognise the frustration and time and trouble caused by the delay.

The Council had already refunded £418 care fees and apologised and LGSCO concluded no further remedy was required.

The Council agreed (within 1 month) to invite Miss B to submit a new application along with any other evidence she wishes to provide; and on receipt of the information determine the application (within 1 further month) using an assessor with knowledge of her condition.

The Council offered/agreed (within 2 weeks) to reinstate and backdate Mr X's priority to enable Mr X one further offer of suitable accommodation; and also to arrange for a senior officer to monitor the application.

The Council was ordered to pay Miss X £750 compensation offered in its investigation stage response (if not done so already), as well as an additional £750 in relation to the failures identified with its response to the repair issues, plus a further £250 for the failures identified with its complaints handling. The Council further ordered to confirm to both the resident and HO in writing the outcome of the full stock survey it has completed following the September 2021 agreement to do so. The Council to confirm expected timescales for any recommended works as part of this report.

The Council also recommended to take note of the Ombudsman's spotlight report on water ingress issues for further guidance on how it might consider such issues in future; and review the complaints handling failures identified on this case, in conjunction with its self assessment of its complaints handling following the introduction of the Ombudsman's complaints handling code with training to be provided to relevant staff where appropriate.

No further action required - Mrs X satisfied with the action the Council has taken.

The Council agreed (within 2 weeks) to apologise in writing to Mr C and Mrs M and pay each of them £300 for the distress caused by delays, poor communication and failure to complete the EHCP in compliance with the statutory deadline.

The Council also agreed (within 2 weeks) to apologise in writing to X and pay him £1800 for lost education and £500 for distress and a loss of therapeutic provision.

The Council agreed (within 2 months) to write to the Ombudsman and explain how it will prevent similar failures in future. In particular: a) How it will tighten up EHCP review procedures; b) How it will ensure that children remain in education; and c) How it will improve communication with members of the public.

Council agreed (within one month) to provide an apology to Mrs X and Mrs Y. Council further agreed (within 3 months) to carry out a further review of the financial assessment to consider all the points raised by Mrs X, including the explanation for Mrs Y's motivation at the time she gifted her capital.

The Council agreed (within one month) to pay Mrs X £200 to acknowledge the distress caused in addition to the £95 it offered to pay to cover her costs. The Council further agreed (within two months) to review its policy on abandoned vehicles.

The Council agreed (within 4 weeks) to issue a further apology for the additional fault identified.

The Council also agreed (within 8 weeks) to review the way it plans, records and monitors (refresher) training of those responsible for carrying out needs assessments (care managers, social workers etc) to ensure it complies with the (refresher) training and skills requirements of the Care Act.

The Council agreed (within 3 months) to provide the LGSCO evidence that the outstanding work to the communal room has been completed and evidence it has raised the issue of unacceptable delays with the Landlord.

The Council agreed (by 31 March 2022) to:

- apologise to Mr D;
- pay Mr D £150 for the frustration caused to him;
- contact Mr D and start an investigation under the Environmental Protection Act 1990 into whether the noise from the idling bus engines represents a statutory nuisance; and
- update Mr D on the result of its discussions with Organisation A and the bus companies.

No further action required - LGSCO satisfied with actions taken.

Remedy implementation detail and learning outcomes

04/05/2021 - Letter sent to Ms X and shared with HO outlining how the £650 payment will be offset against service charge arrears

12/05/2021 - Independent survey carried out with Ms X present.

17/08/2021 - Independent Inspection report shared with Ms X and HO.

23/08/2021 - Senior Manager meeting held to discuss 'Lessons Learnt'.

21/12/2021 - Briefing note (with attachments) shared with HO to evidence the lessons learnt exercise/discussions undertaken as result of the complaint (meeting with senior managers held 23/08/21), alongside a copy of a further recent response sent to Ms Spina.

No further action required.

14/06/2021 - Complaint review response sent confirming agreement due to exceptional circumstances to pay family members using direct payments, subject to appropriate safeguards being in place.

17/06/2021 - Letter of apology sent to Mrs B confirming £300 agreed payment raised and processed.

27/08/2021 - LGSCO updated on progress around the review of Ms C and Mr D's needs assessment.

12/10/2021 - LGSCO satisfied Council have taken reasonable steps to carry out the agreed actions and ended their involvement accepting it had not been possible to fully implement the remedy on this occasion.

29/07/2021 - Apology letters sent to Mr X and his father

28/07/2021 - Evidence shared with LGSCO that reimbursement of £1832.49 was made on 24/06/2021. Copy of letter of apology dated 19/07/2021 also shared confirming agreed £150 payment raised and processed.

No further action required.

27/08/2021 - Contact made with Miss B inviting her to submit new application and supporting evidence.

01/09/2021 - Miss B re-applied and during the application process it was confirmed that she had been awarded Personal Independent Payments for daily living/mobility needs (awarded 17/09/2021). Due to the change in circumstances a re-assessment was no longer required and a Blue Badge was issued 27/09/2021 (valid until 17/02/2024).

08/10/2021 - System updated with reinstated priority award for one further offer of suitable property.

13/10/2021 - Priority Rehousing Award letter issued following unsuccessful attempt to contact Mr X to conduct award interview. Service continuing to try to make contact and monitor Mr X's priority award as agreed.

10/11/2021 - Stock survey completed

26/11/2021 - Letter sent to Miss X detailing repairs identified and suggesting 07/12/2021 start date for works.

30/11/2021 - Payments made to complainant's bank account.

No further action required.

29/11/2021 - Apology letters sent to Mr C, Mrs M and X.

08/12/2021 - Payments totalling £2,900 paid.

07/01/2022 - Response sent to LGSCO outlining changes made to prevent similar failures in future. Changes include:

- review of the system which is used to ensure we have accurate records of annual reviews which are due, which have taken place and those in process. This information is now reviewed by the management group within SENDSARS on a fortnightly process to ensure processes are managed within statutory timescales.
- introduction of a tracking system which highlights children and young people who may be struggling in placements which are at the point of breakdown or have broken down. This is reviewed on a fortnightly basis to ensure there is continuous action and scrutiny on these cases.
- improved accessibility to services such as home tutoring or online learning to children and young people who may find themselves out of placement, whilst other options are explored.
- increased capacity across core members of staff, who are our families first point of contact and built in a communication expectation into the practice standards for SENDSARS, which is discussed in all supervisions and appraisals.

20/12/2021 Apology letters sent.

23/02/2022 - Review outcome letter sent

14/01/2022 Payment raised

21/02/2022 Updated Policy shared with LGSCO. Policy now includes police notifications and also the provision of 15 day advanced notice prior to removal of abandoned vehicles on private land.

31/01/2022 - Apology letter sent.

04/03/2022 - 'Care Act' training information shared with LGSCO.

10/01/2022 - Delays in carrying out works at the placement were raised with Landlord.

10/02/2022 Further meeting held where Landlord confirmed that works now completed

22/02/2022 - LGSCO informed of above and sent photos to evidence sofa/flooring replacement.

22/03/2022 - Apology/update letter sent to Mr D - letter also confirms EPS will be contacting him direct regarding EPS investigation and seeks clarification on payment method.

31/03/2022 - Cheque for £150 raised.

27/04/2022 - Confirmation sent to LGSCO that EPS have allocated case and case officer in regular contact with Mr D - noise monitoring equipment to be installed 03/05/2022.

No further action required.

Ombudsman compliance
outcome

16/02/2022 - HO confirmed
compliance with orders.

Not applicable

12/10/2021 - LGSCO issued compliance outcome of "Remedy not complete but satisfied".

29/07/2021 - LGSCO issued compliance outcome of '*Remedy complete late*'

29/07/2021 - LGSCO issued '*Remedy complete and satisfied*' outcome.

Not applicable

14/10/2021 - LGSCO issued
'Remedy complete and
satisfied' outcome.

26/10/2021 - LGSCO issued
'Remedy complete and
satisfied' outcome.

30/11/2021 - HO confirmed
compliance with orders.

Not applicable

17/01/2022 - LGSCO issued
'Remedy complete and
satisfied' outcome.

01/03/2022 - LGSCO issued
'Remedy complete and
satisfied' outcome.

22/02/2022 - LGSCO issued
'Remedy complete and
satisfied' outcome.

07/03/2022 - LGSCO issued
'Remedy complete and
satisfied' outcome.

16/05/2022 - LGSCO issued
'Remedy complete and
satisfied' outcome.

28/04/2022 - LGSCO issued
compliance outcome of
'Remedy complete late'

Not applicable