

## Ombudsman Cases

Omb Ref	Directorate	Service Area	Date of Final Decision	Outcome	Summary of Final Decision	Actions	Completed or Ongoing
21 011 043	Adult Social Care and Integration	Adults	16/06/2022	Upheld: maladministration and injustice.	Mr X complained about the Council's handling of his parents' home care package and his complaints. There was fault in how the Council failed to review Mr X's parents' care plans and did not follow the correct safeguarding process when investigating some concerns about Mr X's parents. The Council has already made some service improvements, and we have made further recommendations for it to address the personal injustice caused to Mr X.	<p>Within one month of the date of the final decision statement (by the 15th July), the Council will:</p> <ul style="list-style-type: none"> <li>• carry out the financial reconciliation of Mr X's parents' care account to decide if there is a further refund due. The Council should communicate this to Mr X and explain how it had arrived at its decision;</li> <li>• pay Mr X £200 to recognise the distress, frustration and unnecessary time and trouble he experienced in chasing the Council for answers to his complaints; and</li> <li>• pay Mr X £300 to recognise the avoidable uncertainty the Council's faults around care planning and safeguarding caused him.</li> </ul>	Completed
22002711	Place	Community Safety	22/06/2022	Closed after initial enquiries - out of jurisdiction.	We will not investigate this complaint about the Council's prosecution of Mr X for noise nuisance. We cannot consider matters which have been or are subject to court proceedings. We will not exercise discretion to	N.A	N.A

					consider matters which Mr X was aware of more than 12 months before he complained to us. There is no evidence to suggest that Mr X could not have complained to us sooner.		
22 003 459	Place	Planning & Environment	24/06/2022	Closed after initial enquiries - no further action.	We will not investigate Mr X's complaint about the Council's involvement in his neighbour Mr Y's development which damaged his tree, resulting in its loss. There is not enough evidence of Council fault causing Mr X's claimed injustice to warrant us investigating. Mr X's complaint is a claim of property damage and loss, which is a legal liability issue for the courts to determine. It is reasonable for Mr X to take the matter to court and pursue the compensation he seeks.	N.A	N.A
21 018 087	Place	Highways & Transport	29/06/2022	Not upheld: no further action.	Mr X complained the Council failed to make a report public at least five clear days before a committee meeting. Mr X complained this prevented the committee meeting from examining the report and resulted in blue-badge holders being prevented from accessing the city centre. The Ombudsman discontinued our investigation of this complaint as further investigation of the Council would not achieve a worthwhile outcome for Mr X.	N.A	N.A
22004677	Place	Planning & Environment	12/07/2022	Closed after initial enquiries - out of jurisdiction.	We cannot investigate this complaint that the Council's scheme to tackle climate change is a waste of public money. This is because the alleged injustice	N.A	N.A

					affects all or most people in the Council's area.		
22004249	Place	Highways & Transport	14/07/2022	Closed after initial enquiries - out of jurisdiction.	We will not investigate this complaint about the Council's response to the complainant's reports of defects in the surface of his road. This is because the complaint does not meet the tests in our Assessment Code on how we decide which complaints to investigate. There is insufficient evidence of fault in the Council's response to the concerns raised about the road, and it is reasonable to expect the complainant to pursue a court remedy if he thinks the Council is responsible for damage to his vehicle or should conduct further repairs.	N.A	N.A
22 005 245	Place	Highways & Transport	22/07/2022	Closed after initial enquiries - out of jurisdiction.	We will not investigate Mrs B's complaint that the Council has failed to maintain the road outside her home. This is because it is reasonable for Mrs B to apply for a court order which requires the Council to repair the road.	N.A	N.A

21 016 917	Place	Parking	29/07/2022	Upheld: fault & injustice— no further action, Organisation already remedied.	Miss X complained the Council failed to consider the impact on her guest house business when it introduced its digital parking permits. Miss X also says the system is not flexible or suitable for guesthouse businesses when requesting or amending online permits. She says this has caused her frustration, confusion, and anxiety as well as monetary loss. We find fault with the Council for failing to properly explain its concessions and failing to consult trade organisations about implementing digital parking. This caused an injustice to Miss X, however, we are satisfied the Council has now remedied any injustice caused. We do not find fault with the Council for the implementation or flexibility of the online digital system.	N.A	N.A
21 016 898	Customer and Commuinties	Council tax	16/08/2022	Upheld: fault & injustice	Ms X complained about how the Council handled her council tax account. Specifically, she complained the Council failed to award her a single person discount and council tax support and delayed in updating her council tax account. The Council was delayed in updating Ms X's account. However, it has apologised and offered to set up a payment plan which is appropriate to remedy the injustice caused. The Council was not at fault in how it awarded Ms X single person discount and council tax support	N.A	N.A

22 000880	Place	Waste	16/08/2022	Closed after initial enquiries - out of jurisdiction.	Ms X complains the Council failed to collect waste from a block of flats maintained by a company she works for. We will discontinue our investigation into Ms X's complaint as we cannot say that Ms X is a suitable representative and she has stopped responding to our correspondence	N.A	N.A	
21 011789	Children and Education	Transitions	16/08/2022	upheld fault and injustice	Mr and Mrs X complained the Council poorly managed their child, Y's, transition from children's services to adult services as a care leaver. They say this caused them and Y distress and affected Y's health. They also say the Council handled their complaint poorly. The Council is at fault. There were faults during the transition planning process and with complaints handling. The Council has agreed to apologise to Mr and Mrs X and Y, make remedy payments in recognition of the uncertainty and distress caused and act to improve its services.	<p>Within one month of the final decision, the Council will:</p> <ul style="list-style-type: none"> <li>-Write to Mr and Mrs X and Y to apologise for the faults identified in Y's transition planning and the poor handling of her complaint.</li> <li>-pay Mr and Mrs X £300 and pay Y £300 in recognition of the frustration, distress and uncertainty caused.</li> <li>-remind relevant officers that complaints about the Council's actions before a young person turns 18 fall under the children's statutory complaints procedure, regardless of the young person's age when the complaint is raised.</li> </ul> <p>This needs to be done by the 16th of September 2022.</p> <p>Within three months of the final decision the Council will</p> <ul style="list-style-type: none"> <li>-review its procedures for transition planning with young people approaching 18, in particular how it ensures plans for post-18 accommodation are in place well before the young</li> </ul>	Completed	Ongoing

						person's 18th birthday. This needs to be completed by the 17th of November 2022	
22 006 033	Place	Waste	18/08/2022	closed after initial enquiries NFA	We will not investigate Mrs X's complaint about the Council missing some of her bin collections. The matters complained of did not cause Mrs X such a significant personal injustice to warrant an investigation.	N.A	na
22 006 027	Place	Licensing	08/08/2022	Closed after initial enquiries - no further action.	We will not investigate this complaint about the Council's decision to revoke the complainant's taxi licence. This is because the complainant appealed to the magistrates and because there is insufficient evidence of fault by the Council.	N.A	na
22 006 407	Children and Education	Education	12/09/2022	Closed after initial enquiries - no further action	We will not investigate this complaint about the Council's failure to issue final Education Health and Care Plans for Mrs X's son following reviews of the Plan in 2019-20 and 2020-21. The fault in the form of delay by the Council is unlikely to have caused sufficient injustice to warrant investigation by us.	N.A	na
22 007 797	Adult Social Care and Integration	Adults	27/09/2022	Closed after initial enquiries - no further action	We will not investigate Ms C's complaint about lack of care and support from the Council. This is because it is unlikely we would find enough evidence of fault with the actions taken by the Council to warrant an ombudsman investigation.	na	na

22 007 040	Customer and Communities	Council tax	28/09/2022	Closed after initial enquiries - no further action	We will not investigate this complaint about enforcement action the Council took for council tax arrears. This is because there is insufficient evidence of fault by the Council.	n.a	n.a
22 008 225	Place	Highways & Transport	04/10/2022	Closed after initial enquiries - out of jurisdiction.	We will not investigate this complaint about highway maintenance. This is because the court is better placed to consider the complaint and it is reasonable to expect Mr Y to use his right to approach the court about the matter.	n.a	n.a
21 016 897	Adult Social Care and Integration / Children and Education	Adults	30/09/2022	Upheld:Fault and Injustice.	Ms X complained about the Council's handling of her disabled son, Mr F's care between 2020 and 2022 following a safeguarding investigation. There was fault identified by a safeguarding investigation around the care Mr F received at a care home commissioned by the Council. There was then poor communication and delay in putting funding in place when Mr F moved into a temporary care home. The Council agreed to apologise and pay Ms X a total of £600 to remedy the distress and uncertainty caused by the faults. There was no fault in the Council issuing Ms X with an invoice for outstanding care fee contributions or with how it managed Mr F's move to a permanent supported living placement.	By 28/10/2022: 1) apologise to Ms X for the uncertainty and distress caused to her and Mr F because of the poor record keeping and missed opportunities to identify medical concerns as identified in the safeguarding investigation at care home 1. 2) It agreed to pay Ms X a total of £600 to remedy the injustice caused to both her and Mr F. 3) apologise to Ms X for the distress and uncertainty caused to her by its poor communication and the delay in commissioning and funding Mr F's placement at care home 2	Completed
22 008 647	Place	Highways & Transport	07/10/2022	Closed after initial enquiries - no further action.	We will not investigate this complaint about street numbering. This is because any fault has not caused him a significant personal injustice.	n.a	N/A

22006774	Place	Housing	10/10/2022	Closed after initial enquiries - out of jurisdiction.	We will not investigate this complaint about the Council as a registered social housing provider because we have no jurisdiction to investigate.	n.a	N/A
22 001 187	Adult Social Care and Integration	Adults	17/10/2022	Upheld:Fault and Injustice.	Mrs F complained about the Council's decision to apply a top up on her mother's care charge contributions. She also complained about the advice and support she received. We found fault in the way the Council applied its top up charge and the support it provided Mrs F with finding suitable care homes for her mother. The Council agreed to apologise to Mrs F, remove its top up charges, and make payment to acknowledge the injustice this caused her.	<p>By 17<sup>th</sup> November 2022 :</p> <p>1.apologise in writing to Mrs F and pay her £150 to acknowledge the distress and uncertainty she experienced as a result of the Council handling of Mrs X's care charge contributions and its social workers limited support for her requests.2. pay Mrs F £100 to acknowledge the unnecessary time and trouble she had to bring her concerns to the Council's attention.</p> <p>3. provide Mrs F with an amended invoice for Mrs X's care charge contributions for the 12-week property disregard period in late 2021 and early 2022, which removes the Council's top up charge.</p> <p>Within 3 months :</p> <p>4. review its existing policy to ensure a consistent approach on top up charges. This includes where an individual has been assessed to be able to afford a more expensive care home, has refused the Council's offer of a care home and agreed to meet such charges in writing. The Council has no duty to source care arrangements for</p>	Ongoing



						<p>service users who are self-funders of their care.</p> <p>5. provide training to its staff to ensure timely accurate advice and guidance is provided to residential care users, or their representatives, regarding top up charges. And, where applicable, requests for support with finding suitable care homes are actioned without delay.</p>	
22 006 869	Place	Waste	24/10/2022	Upheld: Fault and Injustice.	Mr L complains in relation to a number of missed garden waste collections by the Council. He also says the Council's customer service and complaints process has been poor. We found fault by the Council, which had already fully acknowledged its failings and the unsatisfactory service provided. This caused Mr L an injustice and the Council has agreed to our recommendations to remedy this.	<p>By 24<sup>th</sup> November 2022:</p> <p>1) Provide a fresh apology to Mr L for the fault and injustice identified.</p> <p>2) Pay Mr L £100 to acknowledge the frustration and uncertainty he has suffered as a result of the fault identified.</p>	Ongoing
22 009 413	Place	Housing	28/10/2022	Closed after initial enquiries: out of jurisdiction	We cannot investigate issues relating to the Council's actions as landlord as such matters are outside our jurisdiction.	N/A	N/A