

## Appendix A:

### Upheld Ombudsman Complaints:

| <b>TEAM</b> | <b>LGO RECOMMENDATION</b>  |
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| Housing     | The Council was at fault for the delays Miss X experienced with her housing application. Miss X suffered distress and uncertainty. The Council has agreed to apologise and pay Miss X to remedy her injustice.   |
| Housing     | In accordance with paragraph 52 of the Housing Ombudsman Scheme, there was maladministration by the landlord in its handling of the resident's succession to her late mother's tenancy.<br>In accordance with paragraph 52 of the Housing Ombudsman Scheme, there was maladministration by the landlord in its handling of the associated complaint.   |
| Housing     | Mr B complained the Council failed to act on antisocial behaviour and noise nuisance from his neighbour and delayed responding to his complaint. There is no evidence the Council properly investigated concerns Mr B raised in 2022 or that it considered the community trigger process and told Mr B about it. The Council delayed responding to the complaint. An apology, payment to Mr B, investigation of Mr B's concerns and training for officers is satisfactory remedy.  |
| Housing     | Ms X is a Council tenant. She complains the Council failed to consider whether her family's living conditions meant she was homeless. Ms X complains the Council failed to respond to her requests to move to alternative accommodation due to significant disrepair and infestation issues. We have found the Council at fault.<br>This caused Ms X distress and frustration. She missed out on the Council treating her requests to move as a homelessness application and a transfer request under its housing allocations scheme. To remedy this, the Council has agreed to apologise to Ms X, make her a payment and process her move request now. It has also agreed to make several service improvements. |
| Adults      | The Council was at fault for delaying in putting in place a package of care and for failing to consider whether Mr X had the appropriate support through the care assessment. This meant Mr X had to wait longer than necessary to receive a package of care and cannot be sure the Council adequately considered his needs. The Council agreed to apologise to Mr X, make a payment to Mr X and review his care plan.   |
| Adults      | Mr D complained the Council wrongly kept his visitation restrictions in place for a care home where his friend lives. He said this caused him distress. We found the Council at fault as its policy did not set clear standards for when Mr D's restrictions would be reviewed and how he would be informed. However, as it found his behaviour continued to breach its policy, the outcome would have been the same. Mr D did therefore not experience an injustice as a result of the Council's fault. The Council should review its policy to prevent any potential future injustice to other visitors with restricted access.  |
| Adults      | Miss X complained about the outcome of a reassessment of her care and support needs. On the evidence seen so far, we have found the Council to be at fault because it did not properly consider her need for care at night, did not involve her properly in the assessment and fettered its discretion. She suffered avoidable distress, uncertainty and possible risk of harm. To   |

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|           | remedy this injustice, the Council has agreed to apologise, make a payment to her, carry out a reassessment and take action to improve its practices.   |
| Adults    | The Council failed to ensure the appropriate funding was approved for Mrs X when she was discharged from hospital. It ordered the recommended equipment for her but could not explain why some of it was not delivered. The Council's response to Ms B's complaint was inadequate. The Council agrees to apologise to Mrs X, reimburse the amount of funding it failed to secure for her, and pay a sum which recognises the distress caused.   |
| Adults    | Miss X complains about the Council's handling of care and support to her grandmother. The Council has accepted some fault and agreed to our proposed recommendations. We do not consider further investigation is justified for the other complaints as there is insufficient evidence of fault and investigation would not lead to a different outcome.  |
| Adults    | Mrs X complained the Council failed to ensure a care package was in place for her husband, Mr X's hospital discharge. She also complained about the Council's delay in responding to her requests for direct payments and respite care and failing to correctly reassess Mr X's finances. We find fault by the Council. This caused significant stress and uncertainty to Mr and Mrs X. To address the injustice caused by fault, the Council has agreed to apologise, make a symbolic payment and remind staff of the relevant guidance.   |
| Adults    | There was fault by the Council. It did not communicate properly with Ms K when it decided not to continue with holiday payments for her disabled grandson. The Council also did not take into account that it had agreed to continue with these payments. The Council has apologised to Ms K. It has also agreed to backdate the discretionary payments, but end these in 2022. This is an appropriate way to settle this complaint.  |
| Resources | Mr X complained the Council's offer to settle his complaint does not fully recognise the distress and financial hardship he experienced as a result of its failure to action a housing benefit appeal. A higher payment is appropriate in this case.  |
| Resources | Mr X complains the Council unfairly added enforcement agent fees for council tax arrears when it knew he had changed address. The Council has agreed to remove the agent's visit charges.   |
| Resources | Mr X complained the Council failed to tell bailiffs that he had cleared his council tax liability. This resulted in an unnecessary call and visit by bailiffs. We found there was fault by the Council that warrants and apology and a payment to Mr X.   |
| Resources | Mr X complains that the Council is unfairly refusing to allow his to pay his Council Tax bill for 2021/22 over a longer period of time. The Council is at fault as it delayed in issuing Mr X's Council Tax bill which denied him the opportunity to pay his Council Tax over a longer period of time and with lower instalments. It is also at fault for failing to give proper consideration to offering an affordable payment plan to Mr X in accordance with Government guidance. The Council has agreed to apologise to Mr X and make a payment of £150 to acknowledge the distress caused to him. It has also agreed to arrange an affordable repayment plan with Mr X. |
| Resources | Mr B complains the Council has not dealt properly with collection of Council Tax for a property he owns. The Council took unnecessary enforcement action. Mr B was charged additional fees. The Council has agreed to repay Mr B £310.  |
| SCRER     | Ms X complains the Council failed to take sufficient action to deal with flytipping, anti-social behaviour and drainage issues on an alleyway. The Council is at fault as it delayed in establishing its responsibility for the   |

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|       | alleyway. This caused avoidable time and trouble to Ms X which the Council has agreed to remedy by apologising and making a payment of £150 to her.   |
| SCRER | Mr X complained the Council destroyed his car which he had left in a car park. The Council was at fault. It did not comply with the notice period in line with guidance before it decided to destroy his car. Furthermore, the Council's notice letter it sent to Mr X lacked information. The Council has agreed it will apologise to Mr X and pay him £300 to acknowledge the frustration and uncertainty caused by the matter. The Council will remind staff to wait for a notice period to lapse before it disposes of a vehicle it has seized. The Council will also revise its notice letter.   |
| CFE   | Ms X complained the Council did not properly consider her request for a personal budget to provide education for her son, Mr Y and failed to implement the provision set out in his Education, Health and Care plan between November 2021 and July 2022. There was no fault in the Council's decision not to provide a personal budget for direct payments. However, the Council failed to provide most of the special educational provision for Mr Y. The Council agreed to pay Mr Y £2800 to recognise the education he missed, reimburse the costs Ms X accrued in arranging some of Mr Y's provision and pay her £500 to recognise the time and trouble caused to her by the Council's fault. |
| CFE   | Miss X complained the Council failed to provide Occupational Therapy (OT) provision in line with her son, F's, Education, Health and Care (EHC) Plan between December 2021 and May 2022. The Council failed to deliver F's OT provision during this period which was fault. It agreed to pay Miss X £1000 to recognise the impact the loss of OT provision had on F. It also agreed to refund her the cost of the private OT assessment she commissioned during the EHC assessment process and carry out service improvements.  |
| CFE   | The complainant's (Mr Y) representative (Advice Centre) said the Council failed by refusing to investigate Mr Y's out-of-time complaint at stage two of its children's complaint procedure. We found fault in the way the Council dealt with Mr Y's complaint. This caused him injustice. The Council agreed to apologise, consider Mr Y's complaint at stage two and provide staff training.   |
| CFE   | There was delay and fault in the way an EHC needs assessment was carried out and a delay in putting s.19 education in place. This caused unnecessary distress, time and trouble, some loss of education and uncertainty. The Council will apologise, make a remedy payment, and carry out service improvements.   |
| CFE   | The Council was at fault for its poor communication with Mr and Mrs X during the process of de-registering them as foster carers. It also failed to signpost them to a fostering support service and unnecessarily delayed in coming to its final decision on deregistration. However, the Council was not at fault for not referring Mr and Mrs X's appeal to the Independent Review Mechanism (IRM) as Mr X did not request this when given the opportunity. In recognition of the injustice caused by these faults, the Council has agreed to pay Mr and Mrs X £200 and said it will provide evidence of service improvements it has carried out.  |
| CFE   | Ms Y complains the Council failed to consider whether her family's housing conditions meant any of her children were 'in need' (under Section 17 of the Children Act 1989). We found fault by the Council, which meant Ms Y missed out on the Council carrying out Child in Need assessments for her children. To remedy this, the Council has agreed to: apologise to Ms Y,  |

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|     | make her a payment, and carry out the assessment for her youngest child. The Council has also agreed to make several service improvements.  |
| CFE | We find the Council at fault for its failings to follow the Annual Review and Education Health and Care (EHC) needs reassessment timescales for the complainant's (Mrs X) son (Y), its failings within Y's key stage transfer and the way it handled Mrs X's complaints. These faults caused Y and Mrs X injustice. The Council agreed to issue Y's final Education Health and Care Plan (EHCP), apologise, make payments to recognise negative impact of the Council's failings on Y's education and make payments for Mrs X for distress and time and trouble spent on chasing up the Council's responses. The Council also agreed some service improvements. |