

Local Government and Social Care Ombudsman Investigation Decisions in 2016/17 for Coventry City Council

Decisions in 2016/17 (detailed investigations carried out)

Complaints upheld

Service area	Summary	Financial remedy <i>plus</i> reimbursements
People Directorate (10 complaints upheld)		
Adult social care (7 complaints upheld)		
	<ul style="list-style-type: none"> • Mrs A complained the Council did not communicate clearly enough about removing her belongings from her home. She missed the opportunity to attend the house clearance. - The LGO found the Council was at fault in how it communicated with Mrs A about the clearance of her home. The Council agreed to apologise to Mrs A for not arranging a sign language interpreter for the meeting when discussion took place regarding the house clearance and for not inviting her to be present when her home was cleared. 	
	<ul style="list-style-type: none"> • Mr B complained the Council tried to overcharge for cost of Mrs X's care. The records from call monitoring system did not match the time carers spent with Mrs B. - The Council accepted the home care agency was not using the electronic call monitoring system properly and put in steps to reduce the risk of this occurring in the future. Credited Mr X with the £207.15 overcharged care costs and paid him £50 to recognise the time and trouble it put him to during the complaint. 	£50 plus £207 in overcharged care costs
	<ul style="list-style-type: none"> • Ms C complained for her mother Mrs C that the Council failed to deal with and respond to concerns raised in 2014 about the home care Mrs C received from a care provider. - The LGO found there was some fault by the Council in the way it monitored the care provider following Mrs C complaint. But there was no injustice to Mrs C as she longer receives care from the care provider. The Council agreed to revisit the concerns raised and monitor the care provider which is the outcome Mrs C was seeking. 	
	<ul style="list-style-type: none"> • Mr D on behalf of his mother Mrs D, had asked the Council to assess her finances because her capital had fallen below the threshold. Mr D complained the Council delayed completing a review, refused to pay the top up for her current residence, did not consider the impact of a move on Mrs D and failed to deal with his complaint in a timely and effective way. The Council apologised for the 5 month delay and said Mr D had not been given sufficient information about top ups. It agreed therefore to pay the top up until the allocated social worker can find another suitable placement for Mrs D. - The LGO found the Council was a fault in the way it dealt with Mr D's request for an assessment therefore upheld Mr D complaint however the Council had already taken suitable action to put the injustice it caused right. 	

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	<ul style="list-style-type: none"> • The council was in dispute with a neighbouring council with regard to the late Mr E's residency, as a result his nursing home fees had not been paid. - As detailed in the regulations, the LGO recommended that the Council should accept responsibility for funding Mr E's placement as the "lead authority"; pay the outstanding debt to the nursing home and take steps to resolve the dispute with the other council and if it cannot do so refer the matter to the Secretary of State. The Council agreed to do this. 	<i>Payment of outstanding debts to the nursing home</i>
	<ul style="list-style-type: none"> • Mrs F complained about the care and support provided to her and her mother Mrs G, by the Council, Coventry & Warwickshire Partnership NHS Trust (the Trust) and NHS Coventry & Rugby Clinical Commissioning Group (the CCG). In particular Mrs F complained that there was not a suitable care package for Mrs G from August 2014; there was no assessment of Mrs G's needs in April 2015; there was no carers assessment for Mrs F; there was a frequent change of social workers; at a meeting Mrs F had with the Council the chair of the meeting was rude to her and the Council and the Trust refused to investigate Mrs F's complaint jointly. (Note: this was recorded as two complaints by the LGO.) - The LGO found no fault by the Council or CCG in reviewing and providing Mrs G's care plan, however the LGO found fault by the Council as it failed to ensure Mrs G had adequate night time care 2 nights in February 2015. Fault was found as the Council delayed arranging a care needs assessment between June and October 2015; delayed completing a carer's assessment for Mrs F and failed to complete a joint investigation with the Trust. The Council agreed to acknowledge these faults and apologise to Mrs F for the distress and inconvenience they caused her and her family. The Council paid Mrs F £250 in recognition of the distress and inconvenience caused by the fault in not completing a carer's assessment. Council also had to explain to Mrs F and the LGO what learning it has taken in respect of the fault with the carer's assessment and explain what actions have been or will be taken to improve the service. The Council and the Trust paid £125 each in recognition of the distress and inconvenience caused to Mrs F as they did not complete a joint investigation. No fault was found regarding the changes in social workers or in relation to comments made during a complaints meeting. 	£250 £125
Children's social care (3 complaints upheld)		
	<ul style="list-style-type: none"> • Ms H complained about the Council's investigation into allegations of abuse made by her children against their father. The Council did not tell Ms H she could pursue the matter to the next stage of the statutory complaints procedure as the complaint included matters relating to both the police and the Council. - The LGO found the Council was at fault the Council should have advised Ms H she could pursue those parts of her complaint that related to the Council's actions under the complaints procedure. The Council agreed to consider the complaint under the statutory procedure at Stage 2. 	

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	<ul style="list-style-type: none"> • Mr I complained the Council did not follow the Disabled Facilities Grant guidance when it turned down his application. - The LGO found the Council did not clearly explain the process, it had correctly consider matters and it had confirmed it would reassess the case if Mr I provides the necessary supporting evidence. Without evidence of fault which had caused Mr I injustice, the LGO did not pursue the complaint any further. 	
	<ul style="list-style-type: none"> • Mr J complained of the failings of Children's services which led to him having restricted contact with his children. The stage two investigation report recommended the Council apologise to Mr J and compensate him for the distress he faced and in addition the officer made a number of procedural recommendations. Mr J complained to the LGO because he was dissatisfied with the compensation the Council offered and it did not tell him how it implement the recommendations. - The LGO found there was fault and injustice by the Council and found the Council's offer of £750 in compensation and agreement to place the complainant's comments in the case file was sufficient personal remedy for the injustice. The LGO did find fault as the Council had not kept Mr J informed of its implementation of the recommendations as the implementation did not lend itself to individual reporting the type envisaged by Mr J. The Council confirmed it was redesigning the whole scope of children's service and the redesign includes the recommendations in the stage two report. The LGO did not consider this failing caused Mr J significant personal injustice to warrant further pursuit of the point by the LGO. 	£750
Place Directorate (5 complaints upheld)		
Council Tax (1 complaint upheld)		
	<ul style="list-style-type: none"> • Mr K complained about the Council's handling of his council tax account. A manager did not respond to one of his emails and the Council obtained a liability order without issuing a summons to court beforehand. - The LGO found fault by the Council but closed the complaint because the Council had provided an adequate remedy for the injustice to Mr K. The Council had apologised, cancelled the cost of the summons and the cost of a further summons. 	
Noise (1 complaint upheld)		
	<ul style="list-style-type: none"> • Mr L complained that the Council failed to investigate his repeated complaints about noise nuisance from a neighbouring flat. It did not reply to his emails and he had to contact a Councillor and make a complaint before action was taken to investigate his complaint. - The LGO upheld part of Mr L's complaint, the Council had already apologised to Mr L for the poor service he received. The Council agreed to review its arrangements for storing information, such as 	

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	<p>diary records and to consider introducing service standards for responding to calls and emails from members of the public who report incidents to the noise team.</p>	
Open space (2 complaints upheld)		
	<ul style="list-style-type: none"> • Mrs M and Mrs N both complained on behalf of a local community group with an interest in trees about the way in which the Council decided to remove a hedgerow bordering a cemetery. - The LGO partially upheld the complaint but did not consider that the fault identified caused significant injustice to the complainants or the group they represented. 	
Parking (1 complaint upheld)		
	<ul style="list-style-type: none"> • Mr O complained the Council sent the Penalty Charge Notice (PCN) and all the related correspondence regarding a penalty charge for driving in a bus lane to the wrong address. The Council's bailiff came across his car by chance when issuing the Notice of Enforcement and clamped it. Mr O had to pay £407 to have the clamp removed, or the car would have been towed away. - The LGO found fault that the Council's enforcement agents were in breach of the Traffic Management Act 2004 operating guidance when they clamped the car when they were aware that the address on the paperwork was wrong. They should have referred the matter back to the Council and as Mr O did not receive any correspondence relating to the penalty charge. The Council should have taken the matter back to the Enforcement Notice stage and then have restarted the recovery process from that point. The LGO suggested the Council reimburse Mr O the difference between the penalty charge amount £60 and the £407 he paid. The Council accepted this remedy. 	£347

Complaints not upheld

Service area	Summary
People Directorate – complaints not upheld (1 complaint)	
Adult Social Care	<ul style="list-style-type: none"> The LGO found no fault on Mrs P's complaint made on behalf of her late sister about the care she received when a new care provider took over her care.
Place Directorate – complaints not upheld (9 complaint)	
Benefits	<ul style="list-style-type: none"> There was no fault by the Council in the complaint which alleged the Council wrongly suspended the complainant's housing benefit claim in 2015 and did not pay him any housing benefit for almost a year.
Environmental services	<ul style="list-style-type: none"> The LGO found there was no evidence of fault in how the Council investigated a complaint of fumes entering a property from a neighbour's gas fire.
Highways	<ul style="list-style-type: none"> The LGO found there was no fault in the way the Council considered an application for a dropped kerb.
Housing	<ul style="list-style-type: none"> The LGO found no fault on Mr Q's complaint that the Council failed to investigate his reports of hazards in his privately rented property. It also found no fault on his complaint about the Council's failure to pay housing benefit.
Legal	<ul style="list-style-type: none"> Mr & Mrs R said the Council unreasonably refused to investigate their complaint about the alleged actions of the Coroner for Coventry, the LGO found there was no fault by the Council. The body to consider the substantive issue and the Coroners decision on the complaint should be the Judicial Conduct Investigations Office.
Parking	<ul style="list-style-type: none"> The LGO found no fault in the Council's response to Mrs S's complaints about anti-social behaviour, littering and people waiting in a lay-by opposite her home. The LGO recorded this as 2 complaints. The LGO ended her involvement with Mr T's complaints about parking problems to allow the Council to investigate Mr T's wider complaint fully and respond to Mr T direct.
Planning	<ul style="list-style-type: none"> The LGO found no fault in the advice offered by the Council to complainant, therefore ended her investigation.