

Appendix III – Decisions in 2018/19 (detailed investigations carried out)

Decisions upheld

Directorate/Division	Decisions Upheld (10)	Monetary Settlement
People (4 upheld complaints)		
Adult Social Care 1 complaint upheld	<ul style="list-style-type: none"> • Mr A complained about the Council's handling of a disabled facilities grant (DFG) for bathroom and access adaptations. There were delays in carrying out the adaptations and this is fault. The Council also failed to keep records of progress meetings with the Housing Association that was carrying out the improvement work. - The Council agreed to apologise to Mr A and pay him £500 to acknowledge the distress and inconvenience caused to him by the delays. Officers were reminded of the need to keep records of progress meetings regarding DFG's, including those held with Housing Associations or landlords that are carrying out works as part of a DFG. 	£500
Children's Services 1 complaint upheld	<ul style="list-style-type: none"> • Mr B complained of failings in social care affecting his grandchild and daughter. The Council responded to his complaint in writing. But it did not use the statutory procedure laid out for dealing with complaints by or on behalf of children. It did not offer him a second stage investigation when he was dissatisfied with its first response because some of the matters were not suitable for the procedure because they were matters being considered by a court. - The Ombudsman found the Council was at fault The Council should have considered those matters that have not been before a court via the statutory children's complaints procedure. The Council agreed to carry out a second stage investigation immediately using the statutory procedure laid out in Getting the Best from Complaints, 2006. 	
Education – School Transport 1 complaint upheld	<ul style="list-style-type: none"> • Mrs C complained the Council wrongly considered her application and appeals for home to school travel assistance for her daughter, D. - The Council has accepted it was at fault as it did not action a decision to uphold her appeal. It had already apologised to Mrs C and offered a remedy. The Ombudsman considered the proposed remedy was proportionate and a suitable response to the fault identified. The Council made a back payment of £388.12, offered a personal transport budget of £54.10 per month from April 2018 excluding August. Paid a compensation payment of £150 to Mrs C for the stress caused and the delay in securing the financial repayment of mileage costs incurred. 	£150
Housing 1 complaint upheld	<ul style="list-style-type: none"> • Miss E complained the Council gave incorrect advice to her former tenant Mr F, which worsened and prolonged tensions with Mr F at her property. 	

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	<ul style="list-style-type: none"> - The Ombudsman found there is no evidence allowing a finding the Council's tenancy advice to Mr F affected the situation in this way. The Council had delayed in dealing with Miss E's complaint, and made an error in its stage one complaint reply. But the Council has apologised for the delay, and corrected the error at stage two of their complaint 	
People Total		£650
Place (6 upheld complaints)		
Abandoned Vehicles 1 complaint upheld	<ul style="list-style-type: none"> • Mr G complained the Council failed to remove an abandoned van from in front of his house in a timely manner. - The Ombudsman found it was not fault by the Council to decide a van left in Mr X's street was not abandoned. Officers took their professional judgement decision in line with the Council's policy and procedures. But the Council's communication of its decision, policies and processes to Mr G involved fault, causing him injustice and requiring a remedy. The Council apologised to Mr G and also reviewed its website pages on abandoned vehicles and made appropriate amendments so they accurately reflect the content and application of the policy and process. 	
Planning 1 complaint upheld	<ul style="list-style-type: none"> • Mr H complained the Council gave an inaccurate description of a development when it sent him a consultation, did not respond to his letters seeking clarification and did not properly assess the impact on his solar panels. - The Ombudsman found there was fault when the Council publicised the planning application with a factually wrong description. However, there is no evidence it caused any significant injustice to Mr H. Further, there was no fault in how the Council handled Mr H's letters of representation or in its conclusion the effect of the development on his solar panels was not a material planning consideration. 	

Directorate/Division	Decisions Upheld (10)	Monetary Settlement
Waste Services	<ul style="list-style-type: none"> • Mr I complained about problems with his assisted refuse collection. The Council was failing to leave two empty plastic bags for his recycling waste when the Council collected the recycling, despite the Council saying it would rectify this. 	£100
Waste Services (Assisted Collection) 3 complaints upheld	<ul style="list-style-type: none"> - The Ombudsman found the Council was at fault for not leaving refuse bags and for not acting properly on Mr I's complaint. It is now completing the refuse collection properly. The Council agreed with the Ombudsman's recommendation that it should pay Mr I £100 and review its complaint-handling. 	
Waste Services 1 complaint upheld	<ul style="list-style-type: none"> • Mrs J complained about problems with her assisted refuse collection. The Council was at fault for repeatedly failing to collect the refuse. 	£150
	<ul style="list-style-type: none"> - The Ombudsman found the Council had made changes to ensure it collects Mrs J's refuse properly. He recommended, and the Council agreed to apologise to Mrs J and pay her £150 to recognise the injustice. 	
	<ul style="list-style-type: none"> • Mr K complained the Council repeatedly failed to provide his assisted refuse collection and to leave empty green bags for the next refuse collection. 	£150
	<ul style="list-style-type: none"> - The Ombudsman found the Council had made changes to ensure it collects Mr K's refuse properly. He recommended, and the Council agreed to apologise to Mr K and pay her £150 to recognise the injustice. 	
	<ul style="list-style-type: none"> • Mr L complained about missed refuse collections. 	£150
Place Total	<ul style="list-style-type: none"> - The Ombudsman found the Council was at fault for not collecting Mr L's refuse and for poor complaint-handling. This caused Mr L avoidable frustration and inconvenience. He recommended, the Council agreed to apologise, pay Mr L £150, monitor future refuse collections and review how it handled the complaint. The Council produced a briefing note for staff to identify what went wrong on this complaint and the lessons learned. 	£550

Decisions not upheld

Directorate/Division Decisions Not Upheld (8)	
People Not Upheld (5 complaints)	
Adult Social Care	<ul style="list-style-type: none"> There is no evidence that the Council failed to consider properly Mrs M's request for financial assistance with her support dog.
Education (3)	<ul style="list-style-type: none"> Ms N complained the Council failed to properly consider using its discretion to accept a late application for funding for extended hours of childcare. The Council considered Ms N's circumstances but decided not to use its discretion. This was a decision the Council was entitled to take. The Ombudsman found the Council was not at fault. Mrs O complained about a school admission appeal. She said the Panel did not properly consider her case. The Ombudsman found no evidence of fault in the way the appeal was conducted. Miss P withdraw her complaint as her child was offered a place at her preferred school.
Libraries	<ul style="list-style-type: none"> Mr Q complained about the way the Council investigated an incident at one of its libraries and not being reissued his library card following a previous ban. The Ombudsman found no evidence of fault by the Council.
Place Not Upheld (3 complaints)	
Council Tax	<ul style="list-style-type: none"> Mr R complained about recovery action taken by the Council over a council tax debt. The Council is not at fault. It received information Mr R had moved into a property and was entitled to pursue him for council tax at the property. The Council removed Mr R's liability as soon as he contacted the Council to clarify the situation.
Legal	<ul style="list-style-type: none"> Mr S and Mr T complained the Council has deliberately misled the Ombudsman in the investigations of their previous complaints. The Ombudsman decided he would not investigate the matter further as it would be a disproportionate use of resources to pursue this matter given the limited public interest grounds.
Planning	<ul style="list-style-type: none"> Mr U complained about the Council's Local Plan for development in its area, adopted in December 2017. He considers the Council used inaccurate data on local housing need and mistaken interpretations of the National Planning Policy Framework when creating the plan. The adoption and assessment of Local Plans is a statutory process involving scrutiny by the Planning Inspectorate, acting on behalf of the national government minister. The Ombudsman will not investigate as he cannot go behind the Planning Inspector's decision to approve the Local Plan as compliant with the law and national planning policy and guidance.