Appendix 3 Decisions in 2019/20 (detailed investigations carried out)

Service Area	Decisions Upheld (11)	Monetary Settlement
6 Complaints Upheld: Maladministration and injustice		
Adult Social Care 2 complaints upheld	• Mr A complained about the residential care provided to his late mother, Mrs B. - The Ombudsman found the Home did not properly assess or monitor Mrs B's weight loss, causing distress in the form of uncertainty. The Home then delayed in responding to Mr A's complaint causing avoidable time and trouble. The Council agreed to apologise and pay £250 to Mr A for the uncertainty caused by the fault identified and apologise and pay a further £100 to Mr A for the avoidable time and trouble he experienced as a result of significant delay in the Home's handling of his complaint. The Council also agreed to provide a copy of the Home's guidance or policy document regarding the reporting of accidents or injuries sustained by service-users and ensure the Home issues guidance to its staff about the importance of completing 'MUST' assessments and seeking appropriate and timely medical intervention for service users at risk of malnutrition • The Council failed to respond to Mrs C's concerns about the outcome of a safeguarding investigation into the care her late mother received at a care home. - The Council agreed to provide Mrs C with a written apology for its failure to respond to her concerns and pay her £500 and pay her a further £250 for the time and trouble she has been put to pursuing the complaint with the Council and the Ombudsman. The Council have also agreed to ensure actions allocated at a Multi-agency Safeguarding Meeting have completion time scales applied to them. Referrals to professional bodies need to be confirmed in writing with the appropriate reference number logged as part of the safeguarding process.	£350 £750
Building Control 1 complaint upheld	• Mr D complained the Council failed to record properly and in a timely way 'Competent Person Scheme' notifications and he had spent unnecessary time and trouble in trying to resolve the matter. - The Ombudsman found some fault by the Council but considered the agreed actions of an apology and monitoring notifications for a set period to identify any common themes requiring action would provide a suitable remedy	
Green Space 1 complaint upheld	• Mrs E complained the Council failed to ensure land it allowed a contractor to use during road improvements was promptly returned to its previous condition through landscaping on completion. The Council did not promptly reply to her contact and failed to prepare and provide a copy of a work plan it agreed to do during a meeting in May 2019.	£100

Service Area	Decisions Upheld (11)	Monetary Settlement
	- The Council agreed to a) Send Mrs E a written apology for its failure to respond promptly, or at all, to her contact and for the failure to send the work plan promptly after the meeting in May 2019; b) Pay her £100 for the injustice the failures caused her; c) Act to ensure contacts are responded to promptly and where this is not possible, or the level of contact becomes too much and a drain on resources, the Council will set out reasonable and realistic levels of contact for that individual on that topic; and d) Ensure actions it agrees to take are taken and, if there is any delay likely, it will warn and explain this to the individual, and give considered time estimates for completion of the action.	
School Transport 2 complaints upheld	• Mr & Mrs F complained on behalf of her adult son, Mr G, that the Council wrongly refused to help with the cost of transport to the specialist college named in Mr G's Education Health and Care Plan (EHCP) - The Ombudsman found the Council's decision making was flawed because it assumed that Mrs F and other family members were available to transport Mr G to college. The Council agreed to: apologise to Mr and Mrs F for the faults identified, pay £200 for the avoidable time and trouble caused by the handling of the case; retake its decision and repay transport costs as well as an additional £500 for the distress caused. • Mr & Mrs H complained on behalf of their adult son, Mr I, that the Council wrongly refused their application for post-19 transport assistance. Mr &Mrs H also complained the Council also failed to complete Mr I's final EHCP. - The Ombudsman found fault and the Council agreed to a) apologise to Mr I for failing to issue the final EHCP; b) issue an amended draft EHCP; c) re-take its decision to provide transport assistance for Mr I; and d) apologise to Mr and Mrs H for the avoidable time and trouble they have experienced pursuing this complaint and pay them £150 in recognition of this and reimburse Mr and Mrs H for the costs they incurred as a result of transporting Mr I to and from college since September 2018. The Council ahead of the Ombudsman's final decision amended its Post 19 home to college travel assistance statement.	£1,654.18 £795
3 Complaints Upheld: Maladministration, No injustice		
Highways 1 complaint upheld	• Mr J complained about the time taken by the Council to consider his application to register a right of way and says it misled the Planning Inspectorate when he appealed about it. He was also unhappy it allocated his complaint to one of the officers he was complaining about.	

Service Area	Decisions Upheld (11)	Monetary Settlement
	- The Ombudsman found there was no fault in the Council's handling of Mr J's application to register a right of way or in its contact with the Planning Inspectorate. There was fault in how it allocated his complaint inappropriately to an officer he had complaint about, but this did not cause Mr J a significant injustice. Customer Service have now improved the process to ensure the same fault does not happen again.	
Housing 1 complaint upheld	• Mr K complained that the Council failed to provide adequate assistance to him when he said he was homeless and did not assist him when he found private rented accommodation. Mr K also complained the Council placed him in unsuitable emergency accommodation. - The Ombudsman found the Council took sufficient action to assist Mr K in relieving his homelessness however was at fault as it placed Mr K in a room which had not been cleaned when it provided emergency accommodation. But this did not cause significant injustice to Mr K and there was no evidence to show the emergency accommodation overall was unsuitable. The Council now have visiting officers in place who now regularly go out and inspect properties and check on those who are in temporary accommodation.	
Waste Services 1 complaint upheld	• Mr L complained there have been repeated failures by the Council to collect his household waste and recycling. He said the problems started when the collection day changed. He said the Council did not respond properly to his complaint. - The Ombudsman found there was fault in the Council's consideration of Mr L's complaint, but no further action was necessary. There had not been significant, repeated problems with collections since the Council responded to Mr L's complaint. The Stage 2 response had not responded to all the questions Mr L raised. The Council does not have to respond to every query someone raises but if it is not going to do so it should explain why it considers it does not have to.	
2 Complaints Upheld: not investigated – injustice remedied during complaint processes		
Waste Services 2 complaints upheld	• Mrs M complained her household waste has not been collected on three occasions. Each time, she had to report the missed collection to the Council, and it had been unable to explain why the problem kept happening.	

Service Area	Decisions Upheld (11)	Monetary Settlement
Waste Services	- The Ombudsman considered the Council's apology, along with the proposed monitoring of the collections, was a reasonable way to address the level of injustice caused from the complaint. The Ombudsman did not investigate Mrs M's complaint. This was because the Council had already proposed action which was a reasonable way to address the matter. • Mr N complained that the refuse crew urinate on the road near his home. - The Ombudsman did not start an investigation because the Council had provided a fair response. The Council had responded to each report from Mr N by taking direct action in relation to the members of staff. It has spoken to crew members as a group and individually. It has stated that the behaviour is unacceptable and reminded the crews of this on a daily basis and by repeating the message via the intercom while crews were out on the job. The Council had visited the site and given the crews information about the location of toilets.	
Total		**££3,649.18**

Service Area	Decisions Not Upheld (11)
Adult Social Care 3 Complaints	• The Ombudsmen found no fault with how Coventry City Council assessed Mr O's care and support needs. • Mrs P complained about the Council's decision to move her sister-in-law, Ms Q, to another care home just before she died. Mrs P complained the Council did not involve Ms Q's family in the decision. The Ombudsman found no fault in the Council's actions because Ms Q had to be moved urgently as her health rapidly deteriorated and she required registered nursing care. The Council would have made the same decision if it had involved Ms Q's family because it was in her best interests as the care home she was in could no longer meet her needs. • Ms R complained that the Council refused to complete the adaptations she has needed since March 2016. The Ombudsman found no fault in the Council's actions.
Children's Services 2 Complaints	• Miss S complained the Council failed to take any action after a social worker held her wrists. She said the case records did not reflect what happened and the Council's complaint process failed to consider her views. The Ombudsman found the Council was not at fault. • Mr T and Mrs U complained the Council failed to provide support to them as Special Guardians. The Council carried out an independent investigation into their complaints and agreed to the recommendations made. The Ombudsman found no evidence of fault in the way the Council dealt with the independent investigation.
Council Tax 1 Complaint	• The Ombudsman found there was no evidence of fault in how enforcement agents, working on behalf of the Council, made the decision to enter Mr V's property to attempt to recover a debt owed by a member of his family.
Highways 1 Complaint	• Mr W complained the Council delayed agreeing highway works associated with his housing development. The Ombudsman found although it took longer than both parties would have liked to reach a section 278 agreement, there is no evidence this is due to fault by the Council. There was some uncertainty in the process, but this actually reduced the time taken to reach an agreement so did not cause Mr W a significant injustice.
Housing Enforcement 1 Complaint	• Ms X complained about the Council's lack of enforcement action about disrepair and vermin at her private rented property. Ms X said the Council's lack of action meant she was faced with eviction and had to pay for repairs herself. The Ombudsman found no fault in the way the Council investigated the issues Ms X had reported.
Planning 1 Complaint	• Mr Y complained about the Council's decision to approve a development near his home. Mr Y said the Council caused him to become seriously ill and he would like the building to be demolished. The Ombudsman cannot quash planning permissions or determine liability for an injury to health:

Service Area	Decisions Not Upheld (11)
	only the courts can provide these remedies. The Ombudsman did not investigate further because it was unlikely to find fault or reach a different or a meaningful outcome for Mr Y.
School Transport 1 Complaint	• Mrs Z complained the Council delayed in issuing an amendment to her child's Education Health and Care Plan. The Ombudsman has found no evidence of fault in the way the Council considered these matters. The Ombudsman could not investigate Mrs Z's complaints about the school named in the Plan or her concerns about advice given over responsibility for school transport for her child. Mrs Z had appealed to a tribunal about these matters. The law prevents the Ombudsman from investigating in such circumstances.
Waste Services 1 Complaint	• Mr AB complained that he paid £60 for the Council's bulky collection service and it failed to collect his items. Mr AB said this resulted in him losing money. The Ombudsman found the Council was not at fault