

## Appendix 2 Decisions in 2020/21 (detailed investigations carried out)

Service Area	Decisions Upheld (10)	Monetary Settlement
<b>1 - Complaint Report issued: Upheld; Maladministration and injustice</b>		
School Transport 1 report	<ul style="list-style-type: none"> <li>• Mr A complained that the Council refused his application for home to school transport for his daughter.</li> <li>- The Ombudsman found the Council was at fault because its appeal process did not comply with statutory guidance and it had not provided any cogent reasons for departing from that guidance. As a result, Mr A had been denied the opportunity to attend the panel hearing and make verbal representations for the panel to consider. The Council agreed to apologise to Mr A; change the school transport appeal procedure to ensure it meets the requirements of statutory guidance; and offer Mr A a fresh appeal with a new panel, including the opportunity to attend the panel meeting and make verbal representations. At the draft report stage the Council accepted the Ombudsman's findings and carried out the recommendations to remedy the injustice caused to Mr A. The Ombudsman welcomed this, but considered a public report should be issued to ensure any other council whose appeal process does not meet the requirements of statutory guidance is put on notice of the need to review its procedures to ensure they either: provide at least the same opportunity for parents to present their case; or cogent reasons for departing from the guidance. The Council published public notices regarding the report and considered the report at full Council.</li> </ul>	
<b>8 - Complaints Upheld: Maladministration and injustice</b>		
Adult Social Care 4 complaints upheld	<ul style="list-style-type: none"> <li>• Mrs B complained about the way the Council assessed her late mother when facilitating her discharge from hospital. Mrs B said her mother was deprived of the opportunity to remain at her extra care housing tenancy and they were wrongly encouraged to continue paying for this tenancy after the Council had decided it was no longer suitable.</li> <li>- The Ombudsman found fault by the Council but considered the agreed actions of an apology and improved record keeping and communication are enough to provide a suitable remedy.</li> <li>• Mr C complained about the Council's decision not to carry out a further financial assessment to recalculate his mother's (Mrs D) contributions towards the cost of her residential care when her circumstances changed. Mr C said the Council's refusal to reassess Mrs C's care contributions has left her estate at a financial disadvantage.</li> <li>- The Ombudsman found fault with the way the Council decided not to complete a fresh financial assessment when the administrator of a woman's estate provided</li> </ul>	

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	<p>information demonstrating her circumstances had changed. This left the woman's estate at a potential financial disadvantage. The Council agreed to complete a further financial assessment to recalculate the complainant's contributions to her care charges and reimburse her estate if appropriate.</p> <ul style="list-style-type: none"> <li>• Ms E complained the Council failed to involve her in a safeguarding enquiry concerning her relative Mr F.</li> <li>- The Ombudsman found fault by the Council as it did not discuss the concerns with Ms E. The Council agreed to apologise to Ms E and review the way it conducted the investigation to identify any lessons to be learned.</li> <li>• Mrs G complained the Council did not deal properly with her father, Mr H's, about his care placement.</li> <li>- The Ombudsman found fault by the Council because it delayed telling Mrs G that Mr H could not return to his residential home, its communication afterwards was poor, it didn't record a decision properly and it didn't fully respond to her complaint. The Council agreed to apologise to Mrs G and pay Mrs G £250 for the distress caused. The Council had already reviewed its working practices in relation to Mrs G's complaint and agreed to provide evidence to the Ombudsman about the outcomes of work underway to address working practices relating to communication.</li> </ul>	£250
Children Services 1 complaint upheld	<ul style="list-style-type: none"> <li>• Mr I complained about the actions of the Council in respect of child protection procedures concerning his daughter J.</li> <li>- The Ombudsman found some fault in the section 47 investigation leading to the initial child protection conference (ICPC). They also found the Council should have considered Mr I's complaint through all three stages of the statutory procedure. The Council agreed to pay Mr I £350 and took steps to improve its procedures. Council reviewed its procedures and reminded relevant staff of the need to ensure all parties fully involved in a section 47 investigation are fully informed, within the required timescales, of the reasons for proceeding to an ICPC. It agreed to improve its complaints procedure to ensure all qualifying complaints about children's services complete the three-stage procedure in accordance with the guidance.</li> </ul>	£350
Waste Services - Assisted Collection	<ul style="list-style-type: none"> <li>• Ms K complained the Council had failed to provide a consistent assisted waste collection service.</li> </ul>	



Service Area	Decisions Upheld (10)	Monetary Settlement
<b>1 Complaints Upheld: not investigated – injustice remedied during complaint processes</b>		
Parking Services 1 complaint upheld	<ul style="list-style-type: none"> <li>Ms N complained the Council sent bailiffs to her home for an unpaid penalty charge notice which she was not aware of having moved address. Ms N said the Council delayed in resolving the matter and in dealing with her complaints. She said the Council should apologise and there should be an investigation to discover what went wrong. Ms N said the Council caused her stress, time and trouble, and expense.</li> <li>The Ombudsman decided not investigate Ms N's complaint that the Council delayed in resolving a debt recovery case arising from an unpaid penalty charge notice. He was satisfied with the action taken by the Council to remedy the complaint which included an apology and £100 compensation.</li> </ul>	
<b>Total</b>		<b>£1300</b>

Service Area	Decisions Not Upheld (3)
Adult Social Care 1 Complaint	<ul style="list-style-type: none"> <li>The complainant complained about the Council's decision to prevent him from using his direct payments to employ his wife as a carer. The Council explained it was conducting a fraud investigation in respect of how the complainant had used his direct payments. It was not appropriate for the Ombudsman to investigate this matter further and so he used his general discretion to discontinue the investigation.</li> </ul>
Greenspace 1 Complaint	<ul style="list-style-type: none"> <li>Mrs O complained that the Council failed to take residents' views into account when allowing the use of a local park by a funfair. The Ombudsman has found no fault in the way the Council considered this matter.</li> </ul>
Waste Services 1 Complaint	<ul style="list-style-type: none"> <li>Mr P complained that the Council had not taken sufficient action to stop unacceptable behaviour from refuse crews which caused distress to him and his family. The Ombudsman found the Council had taken sufficient action to investigate and address unacceptable behaviour by refuse crews.</li> </ul>