

## Appendix 2 Decisions in 2021/22 (detailed investigations carried out)

Service Area	Decisions Upheld (10)	Monetary Settlement
<b>1 - Complaint Report issued: Upheld; Maladministration and injustice</b>		
Regulatory Services 1 Report	<p>Mr D complained about how the Council dealt with his Community Trigger request. He says it conspired with his landlord and failed to take account of all the information or include him in the review. Mr D also complained that the Council changed the date on an email so that it appeared he sent it later, and it failed to respond to his complaint.</p> <p>Mr D says the Council's shortcomings have caused him upset and distress and he feels discriminated against. He says he has had to move home because the Council failed to take any action to tackle the ASB behaviour he was experiencing</p> <p>The Council reviewed the actions taken to date, alongside its partners. However, it did not consider if there was anything it could do to tackle the ASB under its powers, either individually or working with other agencies.</p> <p>Overall, there is fault by the Council. It did not consider the aim of the Community Trigger review and the opportunity it presents to proactively consider what action it could take; it did not consider whether it should invite Mr D to the Panel meeting; and the Council's records of Mr D's email are not accurate</p> <p>To remedy the injustice identified in this report, the Council has agreed to:</p> <ul style="list-style-type: none"> <li>• apologise to Mr D for the frustration and uncertainty it has caused him;</li> <li>• seek to review the Community Trigger Policy and procedures with its partners, to ensure that it reflects a pro-active approach in constructive consultation with partner agencies, looking at what more might be done by any of the partners to tackle the problem; and</li> <li>• ensure that the relevant officers and Members receive training on how to effectively complete a Community Trigger review so that this fault does not recur.</li> </ul> <p>The Council published public notices regarding the report and considered the report at full Council The remedy actions for this case are still underway and are due to be sent to the Ombudsman by the end of September.</p>	
<b>8 - Complaints Upheld: Maladministration and injustice</b>		
Adult Social Care 3 complaints upheld	1. X complained about the way the Council managed their relative, Y's, care. There was no fault in the way the Council assessed Y's capacity or prepared Y for a move to supported living. The Council was at fault as Y received poor care at his Council-commissioned residential placement which caused Y and X distress. The Council investigated and upheld there was poor care but has not	£700

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	<p>offered an appropriate remedy. The Council has agreed to apologise to X and Y and make a financial remedy to acknowledge the poor care and distress caused</p> <ul style="list-style-type: none"> <li>• Agreed action: Write to X and Y to apologise to them for the poor care Y received at care home B;</li> </ul> <p>67. Within two months of the final decision, the Council will: (by 5 September 2021</p> <ul style="list-style-type: none"> <li>• Pay Y £500 to acknowledge the distress caused to Y by the poor care.</li> <li>• Pay X £200 to acknowledge the distress they were caused and time and trouble they have gone to bringing their complaint.</li> </ul> <p>2. Mr C complained his wife did not receive a financial remedy when he complained she had to stay with her mother for three days because the care provider, commissioned by the Council, stopped her care support with immediate effect. We upheld Mr C's complaint, following which the Council agreed to provide the financial remedy we recommended for Mrs C</p> <p>To remedy the injustice identified in this report, the Council has agreed to:</p> <ul style="list-style-type: none"> <li>• within four weeks of the decision, the Council should pay Mr C's wife £200 to remedy the injustice she experienced.</li> </ul> <p>3. Mr D complains the Council's adult social care team failed to help him deal with his council tax benefits or to get food during the first coronavirus lockdown in 2020. The Council did not send Mr D a copy of his care and support assessment, but this did not cause him any injustice. We have found no fault in the other parts of Mr D's complaint.</p> <p>There was fault by the Council, but this did not cause significant injustice to Mr D.</p>	£200
<p>Children &amp; Education Services 3 complaints upheld</p>	<p>1. Ms X complains about the Council's decision-making in relation to a child protection investigation that she says was not justified. Based on the evidence seen to date, the Council is at fault. Ms X, complains that the Council's wrongly decided to conduct a child protection investigation and to place her children on a child protection plan on grounds of neglect. She thinks the decisions were made in an attempt to delay her appeal to a tribunal about her daughter's Education, Health and Care Plan (EHCP) and to influence her in her dispute with the Council over her housing needs. She says her complaints about this were not properly investigated</p> <p>We recommend the Council apologise to Mrs X and pays her a financial remedy</p> <ul style="list-style-type: none"> <li>• pay Ms X £500 to remedy distress caused and for her time and trouble in bringing the complaint; and</li> <li>• apologise Ms X.</li> </ul> <p>Letter of apology was sent to the LGO as remedy evidence, Ms X refused payment of £500. We are awaiting further updates from the Ombudsman regarding this case.</p>	

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	<p>2. Coventry City Council delayed in its handling of a complaint about its proposed plans for adaptations under a Disabled Facilities Grant. The Council will apologise and make a payment of £200 to recognise the injustice this caused</p> <ul style="list-style-type: none"> <li>• The Council will formally apologise to Mr B for the delay in its handling of the complaint.</li> <li>• To further recognise the identified injustice these failings caused it will make Mr B a payment of £200.</li> </ul> <p>The Council must ensure that in future it considers complaints as provided for in its published complaints procedure and that this is done in a timely manner. It should provide me with details of how it will ensure this within one month of the final decision on the complaint.</p> <p>3. The Council failed to plan for and properly manage Y's transition to adulthood. The Council also failed to issue a legally compliant Education, Health and Care plan naming the next placement by the statutory deadline. This caused unnecessary uncertainty, distress and prevented Y moving on to the next phase of education with her peers.</p> <p>To remedy the injustice identified in this report, the Council has agreed to:</p> <ul style="list-style-type: none"> <li>• The Council will apologise to Ms X for the faults identified.</li> <li>• The Council will pay Ms X £300 to acknowledge the impact on her of the uncertainty, and the extra time and trouble she has been put to organising alternative services and pursuing the complaint.</li> <li>• Review whether joint commissioning arrangements are in place to ensure joint funding is considered and agreed in ample time to meet the statutory deadline for phase transfers and all relevant services invited to annual reviews.</li> </ul>	<p>£200</p> <p>£300</p>
<p>Planning 1 complaint upheld</p>	<p>The Council properly considered a planning application to build a new leisure facility close to Mrs B's home. However, it should have made clear to all parties that it was considering the application afresh at the final committee meeting. This was fault, but the impact on Mrs B was limited because the Council considered all the aspects.</p> <p>The Council has agreed</p> <ul style="list-style-type: none"> <li>• to review its procedures so it is clear how to proceed when an application is deferred and then heard afresh.</li> <li>• within three months of the date of this decision, show the Ombudsman it has reviewed its procedures, so it is clear how to proceed when an application is deferred and then heard afresh.</li> </ul>	

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Benefits & Tax 2 Complaints upheld	<p>1. Mr X complains about a housing benefit overpayment. He says the Council reduced the overpayment in 2017 and he had repaid the overpayment. He also complains the dates on the Council's invoices are wrong. We find fault with the Council for the delay in taking recovery action and for providing Mr X with incorrect information.</p> <p>To remedy the injustice identified in this report, the Council has agreed to:</p> <ul style="list-style-type: none"> <li>• Apologise to Mr X for the confusion caused by the incorrect information sent to him</li> </ul> <p>2. There was fault in the way the Council handled Mr X's enquiries about costs relating to a charging order on his property and delay in providing him with a final settlement figure. But we found no evidence that the Council had reneged on an agreement to write off the costs when Mr X cleared his Council Tax arrears.</p> <p>To remedy the injustice identified in this report, the Council has agreed to:</p> <ul style="list-style-type: none"> <li>• The Council has agreed to offset £100 against the £264 costs Mr X owes. It will write to Mr X within one month of this decision to confirm the revised balance due.</li> <li>• The Council has already apologised in writing to Mr X for the distress caused by the way it handled his case, so I did not recommend a further apology.</li> <li>• The Council is processing a refund of £100 for overpaid Council Tax. The Council will send us evidence that the cheque has been issued within one month.</li> </ul>	
<b>1 Complaints Upheld: not investigated – injustice remedied during complaint processes</b>		
Waste Services 1 complaint upheld	<p>Ms X says the Council is not ensuring its refuse collection operatives return a recycling bin to the correct location during the assisted collection service. There is fault by the Council. The Council agreed to monitor the service from Ms X's home for a three month period to ensure the service works properly</p> <p>The Council already monitors the collection of refuse from Ms X's home because of reports of missed collections. It should now extend its monitoring to include the return of the recycling bin to the correct location within the curtilage of Ms X's property. The monitoring should be done for a three month period to ensure the matter is finally addressed</p>	
<b>Total</b>		<b>£1,400</b>

Service Area	Decisions Not Upheld (4)
Adult Social Care 1 Complaint	Mr A complains the Council has commissioned a service that does not provide suitable autism support. Mr A complains this means he cannot access specialist support for his autism. The Ombudsman does not find fault with the Council for how it commissioned services. This is because there is no fault in how the Council made the decision to commission services.
Highways 1 Complaint	Mr X complains about an installed vehicle access crossing at his property. He is unhappy with the width and position of the crossing. We find no fault with how the Council built his vehicle access crossing.
Housing 1 Complaint	Mr G complained the Council wrongly offered unsuitable shared accommodation in response to his homeless application. He also said he did not receive some of its correspondence. As a result, Mr G said he experienced distress due to sleeping rough and staying with friends. We found no fault by the Council. This was because it received no evidence of Mr G's medical needs for self-contained accommodation, and it followed the relevant law and guidance
Parking Services 1 Complaint	Mrs Z complained about the Council's decision to introduce two parking schemes in a neighbourhood where she owns a house. She says the Council used out of date parking surveys to approve the schemes. Further, she says the Council did not allow her to speak at a public meeting on the issue of the schemes. Based on the evidence we have seen, we have not found any evidence of fault by the Council about these issues