

**Appendix 2 Decisions in 2022/23 (detailed investigations carried out)**

Service Area	Decisions Upheld (17)	Monetary Settlement
<b>1 - Complaint Report issued: Upheld; Fault and injustice</b>		
Regulatory Services 1 Report	<p>Mr A 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 A 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 A says the Council's shortcomings have caused him upset and distress and he felt 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 A to the Panel meeting; and the Council's records of Mr A'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 A 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 reoccur.</li> <li>• The Council published public notices regarding the report and considered the report at full Council.</li> </ul> <p>The remedy actions for this case were sent to the Ombudsman in September. The remedies were completed and satisfied on 29 September 2023. The Ombudsman were satisfied with the Council's response in accordance with section 31(2) of the Local Government Act 1974.</p>	

Service Area	Decisions Upheld (17)	Monetary Settlement
<b>14 - Complaints Upheld: Fault and Injustice</b>		
Adult Social Care 4 complaints upheld	<p>1. Mr and Mrs B complained about a delay in their son Mr C's diabetes being diagnosed, and about a care provider destroying Mr C's care records. We found fault by the care provider in destroying Mr C's records and in how it responded to the complaint. We did not find fault with the care provider about the timeframe of Mr C's diabetes diagnosis, or by the Council and NHS Trust also involved in Mr C's care.</p> <p>The care provider, in liaison with the Council, has agreed to take action to improve its services, and to pay a financial remedy to Mr and Mrs B</p> <p>Agreed action:</p> <ul style="list-style-type: none"> <li>• Write to Mr and Mrs B to apologise for the impact on them of the faults identified in relation to destruction of care records and poor complaint handling.</li> <li>• Explain what action it has and will take to learn from the failings highlighted in this decision, to improve its services and to prevent a recurrence of these problems.</li> <li>• Pay Mr and Mrs B £350 to recognise the prolonged inconvenience, distress, and frustration they have experienced.</li> <li>• Pay £250 to a charity for people living with diabetes.</li> </ul> <p>2. Ms D complained there was a lack of continuity in the homecare support provided to meet her partner's care needs. This meant he was not supported with the equipment he needed for his medical condition. Ms D said as a result her partner's life could have been at risk and because she was the only person who could use the equipment, her return to work was delayed. There were failings in the care provider's communication with Ms D and in the Council's failure to provide a copy of the revised care plan. They will apologise to Ms D and pay her £200 to recognise her distress and inconvenience.</p> <p>Agreed action:</p> <ul style="list-style-type: none"> <li>• There was fault by Allied Healthcare and the Council which caused injustice to Ms D. They will apologise to Ms D and pay her £200 (£100 each) to recognise her distress and inconvenience.</li> </ul>	<p>£600</p> <p>£200</p>



Service Area	Decisions Upheld (17)	Monetary Settlement
<p>Children &amp; Education Services 1 complaint upheld.</p>	<p>1. Mr H complained the Council did not tell him about a child protection investigation concerning his son. The Council accepts it acted with fault and has offered Mr H a suitable remedy.</p> <p>Agreed action:</p> <ul style="list-style-type: none"> <li>• In response to my investigation, the Council offered to apologise to Mr H and pay him £500 to recognise the distress its actions caused.</li> <li>• I consider the Council's offer to be a suitable remedy. The Council agreed to complete those actions within four weeks of the final decision.</li> </ul>	<p>£500</p>
<p>Planning 2 complaints upheld.</p>	<p>1. Mrs I complained the Council failed to consider a planning application or take her objections into account. She says the Council failed to provide measurements or respond effectively to her complaint. The Council says it has completed all the processes correctly. We find no fault in the Council's consideration of the planning application or Mrs I's objection. We find fault with the Council for failing to upload the revised plans and in failing to distinguish between the planning enforcement and complaint process. However, this did not cause Mrs P a significant injustice.</p> <p>2. Mr J complained about the Council's activities within its crematorium's yard. He said it had failed to obtain relevant planning permissions and caused a noise disturbance to its neighbours. We found the Council failed to ensure its activities within the yard did not cause neighbours a noise disturbance, and it failed to assess if it caused a statutory nuisance. We cannot criticise the merits of the Council's decision that no material changes or intensification of use took place, only a court can do so. The Council should apologise to Mr J, make payment to acknowledge the distress it caused, and assess whether a statutory noise nuisance exists.</p> <p>Agreed action:</p> <ul style="list-style-type: none"> <li>• apologise in writing to Mr J, and pay him £500 for the distress and uncertainty he experienced as a result of the Council's failure to ensure its activities in its crematorium yard did not cause him a statutory noise nuisance, or an unacceptable adverse impact; and</li> <li>• pay Mr J a further £300 to acknowledge the significant time and trouble he faced to bringing his concerns to the crematorium management, Council's and the Ombudsman's attention.</li> <li>• Within three months of the final decision the Council should also: remind its staff, and crematorium management, to consider the impact intensification of use within a council site may have on neighbours, and whether noise or other assessments should be completed before the changes takes place; and assess whether its crematorium is causing Mr J a statutory noise nuisance, or arrange for such assessment to be completed, and notify Mr J of</li> </ul>	<p>£800</p>

Service Area	Decisions Upheld (17)	Monetary Settlement
	<p>the outcome of its findings. If a statutory nuisance exists, it should use the best practicable means to remove or mitigate the impact and propose a suitable remedy for the distress this caused Mr J since 2019.</p>	
<p>Waste Services 4 Complaints upheld</p>	<p>1. Miss K complained about the Council's general waste collection service and poor communication. The Council was at fault for repeated missed bin collections, failing to carry out recollections and for poor complaints handling. This caused Miss K avoidable frustration and meant she had to go to undue time and trouble reporting missed collections and pursuing her complaint. The Council will apologise and pay Miss K £100. It will also monitor her bin collections for twelve weeks and consider what actions it should take to improve its recollection service.</p> <p>Agreed action:</p> <ul style="list-style-type: none"> <li>• apologise to Miss K and pay her £100 in recognition of the avoidable time and trouble she went to and frustration she experienced because of the faults identified in this decision; and</li> <li>• visit Miss K's property to identify if there is a reason for the missed collections.</li> <li>• The Council will also monitor Miss K's general refuse collections for a period of twelve weeks. The Council's waste collection staff are currently on indefinite strike. It will therefore carry out the monitoring within one month of the end of the strike.</li> <li>• By 31 December 2022 the Council will send the Ombudsman details of the actions it will take to ensure it carries out recollections within one working day of a valid missed bin report.</li> </ul> <p>2. Mrs L complained the Council repeatedly missed her assisted refuse collections. The Council failed to properly deliver this agreed service or resolve the issues when Mrs L reported this several times over a prolonged period. This caused Mrs L avoidable distress, time, and trouble, for which the Council agreed to apologise and pay a financial remedy. It will also ensure it collects Mrs L's bins as agreed and review its relevant policies and procedures.</p> <p>Agreed action:</p> <ul style="list-style-type: none"> <li>• apologise to Mrs L for the faults identified above, from an appropriate senior Council officer.</li> <li>• ensure a relevant service manager: <ul style="list-style-type: none"> <li>i. visits Mrs L's property to assess the agreed collection point and understand the issues involved;</li> <li>ii. provides Mrs L with details of an appropriate member of staff she can contact directly to report any future issues with missed collections; and</li> <li>iii. ensures refuse workers and supervisors are fully informed of the specific circumstances of Mrs L's property and the arrangements for her assisted collection.</li> </ul> </li> <li>• monitor Mrs L's bin collection for a period of three months to check it is being collected, and report its findings to Mrs L;</li> <li>• pay Mrs L £300 to recognise the avoidable distress caused by its failure to deliver her assisted collection service; and</li> </ul>	<p>£100</p> <p>£450</p>

Service Area	Decisions Upheld (17)	Monetary Settlement
	<ul style="list-style-type: none"> <li>• pay Mrs L £150 to recognise the avoidable time and trouble she spent pursuing the complaint.</li> <li>• assisted collections to ensure: <ul style="list-style-type: none"> <li>i. refuse workers are properly alerted to new collections; and</li> <li>ii. arrangements remain clear to refuse workers throughout the duration of the assisted collection. <ul style="list-style-type: none"> <li>• missed bin collection reports to ensure: <ul style="list-style-type: none"> <li>i. these are properly recorded, responded to, and monitored for repeated issues;</li> <li>ii. refuse workers and supervisors are alerted to repeated issues; and</li> <li>iii. follow-up actions are recorded. <ul style="list-style-type: none"> <li>• complaints for refuse and recycling to ensure: <ul style="list-style-type: none"> <li>i. complainants receive considered responses and are told how to escalate their complaint, both within the Council’s complaints procedure and to the Ombudsman;</li> <li>ii. complaints are monitored for repeated issues; and</li> <li>iii. promised actions are followed up on.</li> </ul> </li> </ul> </li> </ul> </li> </ul> </li> </ul> </li> </ul> <p>3. Mr M complained the Council failed to collect his household refuse for 16 weeks causing distress and unnecessary trips to a tip to dispose of his refuse. We found fault by the Council as it failed to collect Mr M’s household refuse and have recommended a suitable remedy in this case. So, we have completed our investigation.</p> <p>Agreed action:</p> <ul style="list-style-type: none"> <li>• The Council will apologise to Mr M again and pay him £100 in recognition of the frustration and unnecessary time and trouble Mr M has been put to. And for the repeated failure to make regular household refuse collections. Final decision 4</li> <li>• The Council should provide us with evidence it has complied with the above actions within one month of my final decision.</li> </ul> <p>4. The Council was at fault, because it repeatedly failed to collect the complainant’s bins under an assisted waste collection service. The Council was also at fault because it failed to respond when it received a formal complaint about the matter. The Council has agreed to offer a small financial remedy to each complainant to reflect the injustice these faults caused them.</p> <p>Agreed action:</p> <p>Within one month of the date of my final decision, the Council has agreed to:</p> <ul style="list-style-type: none"> <li>• offer to pay Ms N £100, to reflect that its fault repeatedly left her with uncollected waste; and</li> </ul>	£100

Service Area	Decisions Upheld (17)	Monetary Settlement
	<ul style="list-style-type: none"> <li>offer to pay Mrs O £150, to reflect the frustration, inconvenience and time and trouble she has endured attempted to resolve the fault.</li> </ul>	£250
<p>Housing 3 Complaints upheld</p>	<p>1. The Council took too long to determine Mr P's housing application and missed an opportunity to explain to him that he needed to re-apply. This caused Mr P uncertainty and distress. The Council has agreed to take the action I have recommended to remedy this.</p> <p>Agreed action: Within one month of the date of this decision, the Council will show the Ombudsman it has:</p> <ul style="list-style-type: none"> <li>apologised to Mr P for the distress and uncertainty its delay caused him; and</li> <li>paid him £200 in recognition of the impact on him.</li> </ul> <p>2. We will not investigate this complaint about the Council's failure to issue Mr Q with a decision letter about his homelessness. This is because the Council has accepted it was at fault and has agreed to take action, we have recommended to remedy the injustice caused to Mr Q.</p> <p>Agreed action: The Council has agreed to take the following action to remedy the injustice Mr Q was caused:</p> <ul style="list-style-type: none"> <li>Reopen Mr Q's homeless application.</li> <li>Pay Mr Q £200 to acknowledge the uncertainty he has been caused.</li> </ul> <p>The Council has gone further and taken the following action to improve its services:</p> <ul style="list-style-type: none"> <li>Remind staff of the need to issue decision letters when appropriate.</li> <li>Review similar cases to ensure they were dealt with properly.</li> <li>Offer for Mr Q to meet a senior officer to discuss what happened.</li> </ul> <p>3. Mr R complained the Council have failed to keep him updated regarding his homelessness application and continue to delay any action. He said this has caused him significant distress. We find fault by the Council. To address the injustice caused by fault, the Council has agreed to apologise, make a symbolic payment and remind staff of its duties.</p> <p>Agreed action: To address the injustice caused by fault, within one month of my final decision, the Council has agreed to:</p>	<p>£200</p> <p>£200</p> <p>£200</p>

Service Area	Decisions Upheld (17)	Monetary Settlement
	<ul style="list-style-type: none"> <li>• Apologise to Mr R for the delays in dealing with his application and for not explaining how it would meet his reasonable adjustments.</li> <li>• Pay Mr R £200 to acknowledge the distress caused by the faults identified in this statement.</li> </ul> <p>Within two months of my final decision, the Council has agreed to:</p> <ul style="list-style-type: none"> <li>• Remind relevant staff of the proactive duty to make reasonable adjustments under the Equality Act and ensure this is communicated to applicants.</li> <li>• The Council should provide us with evidence it has complied with the above actions.</li> </ul>	
<b>2 Complaints Upheld: not investigated – injustice remedied during complaint processes</b>		
Bereavement 1 Upheld	1. We will not investigate this complaint about the circumstances surrounding the burial of the complainant's mother. This is because the Council has provided an appropriate response for some errors that occurred and because there is insufficient evidence of fault for the other issues.	
Waste Services 1 Upheld	1. Mr S complained about the Council's failure to provide a regular assisted bin collection service. This caused distress and inconvenience to Mr S. We found the Council was at fault. During our investigation, the Council apologised to Mr S and put measures in place to ensure regular collections take place. We consider this to be an appropriate outcome and so no further action by the Ombudsman is needed.	
<b>Total</b>		<b>£15,920.69</b>

Service Area	Decisions Not Upheld (3)	Monetary Settlement
Adult Social Care 1 Complaint	Mr T complained that the Council has failed to properly consider the guidance when he re-applied for a blue badge. Despite there being no change to his medical condition, Mr T said the Council declined his application and failed to provide a reason. The Ombudsman does not find fault in the Council's actions.	
Highways 1 Complaint	Ms U complained about the Council's decision to make changes that would increase traffic on her road. She says this will increase pollution and noise and cause flooding. The Ombudsman does not find fault in how the Council reached its decision.	
Planning Enforcement 1 Complaint	Mr V complained the Council failed to take planning enforcement action against the change of use of his neighbour's land. We ended our investigation as it was unlikely to result in a finding of fault, a remedy for Mr V or any other meaningful outcome.	



Service Area

Decisions Not Upheld (3)