

Appendix 2 Decisions in 2023/24 (detailed investigations carried out)

Service Area	Decisions Upheld (3)	Monetary Settlement
1 - Complaint Report issued: Upheld: Fault & Injustice.		
Adult Social Care 1 complaint Upheld	<p>Ms B is represented by a law centre advocate. Ms B complains that the Council:</p> <ul style="list-style-type: none"> • Failed to arrange her care September 2021 to February 2022, when an informal carer was hospitalised. • Did not ensure that the care provided met her needs and did not investigate her complaints about poor care including that the carer took a video call while she was undressed. • Took too long to complete a needs assessment, and its assessment was inaccurate. • Did not properly complete a financial assessment as it did not include all of Ms B's disability related expenditure (DRE). • Failed to make reasonable adjustments for Ms B's disability when it made its financial assessment; and • Wrongly invoiced Ms B for over £1,000. <p>Ms B says that the Council's shortcomings left her distressed, and her care needs unmet. She had to rely on family and friends for care, who tried their best to help her but could not always commit to this.</p> <p>...The Council struggled to find a provider for Ms B's care, that it was proactive in trying to arrange care, and referred the problem to its commissioning manager. However, the Council's delay in arranging care was a service failure.</p> <p>When we have evidence of fault causing injustice, we will seek a remedy for that injustice which aims to put the complainant back in the position they would have been in if nothing had gone wrong.</p> <p>To remedy the injustice identified in this report, the Council has agreed to:</p> <ul style="list-style-type: none"> • Apologise to Ms B for the faults identified. • Make a symbolic payment to Ms B of £500 in respect of the loss of service when it delayed in arranging her care and assessing her needs. • Make a symbolic payment to Ms B of £250 in respect of the distress, frustration and uncertainty she has suffered. • Offer Ms B a fresh care needs assessment and if she accepts, a fresh financial assessment. • Waive collection of the outstanding invoice in recognition that there is a genuine dispute over the end date of the care, and that in any case Ms B was invoiced far in excess of the care she received, and the Council took too long to put this right. 	£750

Service Area	Decisions Upheld (3)	Monetary Settlement
1 - Complaint Report issued: Upheld: Fault & Injustice.		
	<ul style="list-style-type: none"> • Confirm to Ms B in writing that it has waived the outstanding amount and that it will not make any further demands for payment. • Review why it took so long to adjust the account when care ended and make improvements to how it handles this; and • Share this decision with relevant staff, including those that are the telephone contact with the public. <p>The remedy actions for this case were sent to the Ombudsman in June. The remedies were completed and satisfied on 23 June 2023. The Ombudsman were satisfied with the Council's response in accordance with section 31(2) of the Local Government Act 1974.</p>	
2 - Complaint Report issued: Upheld: No Further Action, Organisation already remedied.		
<p>Adult Social Care</p> <p>1 complaint upheld</p>	<p>The Council has abused Mr B and his mother, Mrs C, who lives in a Council run extra care and housing accommodation. Mr B says the Council ignores their concerns and does not care. The family are constantly worried and have tried all avenues to try and improve Mrs C's care support. Mr B wants a public apology and substantial compensation.</p> <p>The evidence supports the Council has not ignored concerns and has thoroughly investigated and responded. There is no evidence to support abuse of Mrs C, or her family. Any concerns of abuse or neglect should be reported to safeguarding. While the family worry the Council is both the safeguarding authority and service provider, there is nothing to support the Council has not properly undertaken its safeguarding duties.</p> <p>Final Decision We will not investigate Mr B's complaint because we are satisfied the Council has thoroughly investigated and responded. The Council has accepted any failures in service, apologised, and taken action to improve service and communication.</p>	

Service Area	Decisions Upheld (3)	Monetary Settlement
1 - Complaint Report issued: Upheld: Fault & Injustice.		
Highways & Transport 1 complaint upheld.	<p>Mr X complained the Council issued him a Penalty Charge Notice (PCN) when his car had broken down. He says he appealed this, but also paid the fine of £35 as he did not want to risk having to pay an increased fine of £70. He says the Council then did not respond to his further contact, and he has been left £35 out of pocket. He says the matter has caused stress and inconvenience. He wants the Council to refund him the £35 he paid and pay him a further financial remedy to recognise his stress and inconvenience.</p> <p>Agreed Action The Council agreed to issue a response to Mr X's challenge which gives him the right to make formal representations and, if necessary, appeal to an independent adjudicator. The Council has now issued this letter.</p> <p>Final Decision We will not investigate Mr X's complaint because the Council has now issued a response to his informal challenge. I am satisfied with the action it has taken, and it is reasonable for Mr X to make formal representations and, if necessary, appeal to the Traffic Penalty Tribunal.</p>	
Total		£750

Service Area	Decisions Not Upheld (5)
Housing 1 Complaint	<p>The complainant, who I refer to as Mr X, complained about the way the Council handled his case since presenting as homeless. Specifically, he complained:</p> <ul style="list-style-type: none"> a) that the Council placed him in unsuitable interim accommodation. b) that the Council unreasonably stopped funding his accommodation. c) that the Council failed to process his housing register application. d) about the Council's decision on his homelessness application; and, e) that the Council has discriminated against him on the grounds of religion and disability and breached his human rights.

Service Area	Decisions Not Upheld (5)
	<p>I find the Council properly considered Mr X's mental and physical wellbeing, his disability, and his religious beliefs. I find it considered everything it should have when deciding this was suitable for Mr X. I therefore do not find the Council at fault for the way it decided this interim accommodation was suitable for Mr X.</p>
<p>Planning & Development</p> <p>1 Complaint</p>	<p>The complainant (whom I shall refer to as Ms X) complains:</p> <ul style="list-style-type: none"> • the Council did not notify her of a planning application for a telephone mast. The Council says it put up a site notice, but neither she nor her neighbour saw it. • in its decision making, the Council ignored its own planning policy. This said it should not approve applications that have a harmful effect on the locality and residential amenity. <p>Ms X says she did not see the site notice the Council says it put up. But the Council has a copy of it on its website. So, on the balance of probabilities, it is likely the Council posted the notice.</p> <p>Without fault, the Ombudsman cannot criticise the merits of the Council's decision. The Ombudsman did not uphold the complaint.</p>
<p>Corporate & Other Services</p> <p>1 Complaint</p>	<p>The complainant, who I shall call Mr X, complains about the decision of the allotments association to ask him to vacate his allotment plot. Mr X says the effort he put into the plot has been lost and it has made him stressed. He would like the plot to returned to him to use.</p> <p>Mr X says the Committee did not adequately consider whether he could keep half the plot and that he has lost the expensive trees, grape vines and shrubs they planted there.</p> <p>From the information I have, the Committee considered all the information when it made the decision and followed the correct process. The points Mr X raises, are all to do with the merits, i.e. the rights and wrongs of the decision. His view is different to the Committee members on several points, but as the Committee members took this into account, I cannot say the decision-making process was flawed.</p> <p>The Ombudsman did not uphold the complaint and found no evidence of fault.</p>
<p>Education & Children's Services</p> <p>2 Complaints</p>	<ol style="list-style-type: none"> 1. Mr X complained the Council were wrong to decide that Elective Home Education (EHE) would not be suitable for his children's education. He said this decision was flawed, because of inaccurate information that he was not engaging with an ongoing child protection (CP) plan <p>Mr X also complained the Council refused to escalate his complaint to stage two of its corporate complaints' procedures without good reason.</p>

Service Area	Decisions Not Upheld (5)
	<p>On balance I find any fault there may have been here, did not cause Mr X an injustice. The available evidence suggests he would likely have raised his complaint to us in any case, and the Council told him in a reasonable time it had nothing further to add after the stage one response.</p> <p>The Ombudsman found no fault.</p> <p>2. Mr X complained the Council did not properly investigate his complaint about its care of his child when they were in foster care, which it considered through the statutory complaint procedure. Mr X said:</p> <ul style="list-style-type: none"> • the Council did not consider the reason or impact of multiple foster care moves on his child. • the Council's investigation and recommendations were inadequate; and • the Council has not communicated with him about the compensation it said it would discuss. <p>Mr X wanted the Council to provide compensation to him and his child for the distress they were caused.</p> <p>I intend to the end this investigation because Mr X has started legal action against the Council about the same matter he complained to the Ombudsman about. Mr X stated that he wanted the Council to provide financial compensation to Y and himself for the harm caused to them and has raised a claim with the court on the same matter. We cannot investigate a complaint if someone has started court action about the matter. (Local Government Act 1974, section 26(6)(c), as amended)</p>