

## Appendix B – Summary of Upheld Complaints

This appendix summarises the main themes and the findings of complaints upheld by the Local Government and Social Care Ombudsman

Themes arising:

- Delays - the Council was found at fault on several occasions for the time taken to reach its decisions and assessments, with compensation awarded.
- Customer Service - the Council has been found at fault in a number of cases for its communication with service users, even when its decisions have been upheld.
- Complaint Handling. Several cases relating to earlier incidents received findings of fault for complaints handling, generally over time taken to respond to formal complaints. In later cases, the theme dissipates, suggesting the process has improved.
- Two notable cases involved an element of failure to communicate between different teams within the Council, resulting in contradictory or poor service to the client.

Note: Reference number beginning ‘18’ indicates complaint referred to LGO in 2018-19. ‘19’ indicates 2019-20, and so on.

### Upheld Complaints:

Reference	Department	Findings	Remedy
18011106	Planning - Enforcement	Complaint handling: <ul style="list-style-type: none"><li>- Fault found for delays in responses to the complaint and to the Ombudsman.</li></ul> Planning Decision: <ul style="list-style-type: none"><li>- Fault found for record keeping in Enforcement</li><li>- Fault found for lack of clarity over how the Planning Committee had considered the complainant’s objection to the design of the</li></ul>	<ul style="list-style-type: none"><li>- £500 compensation</li><li>- Review record systems to ensure adequate record keeping.</li></ul>

		<p>relevant development*</p> <p>(*Note: LGO does not consider the legitimacy of any final Planning decision itself as this is the remit of the Planning Inspectorate. LGO considers procedural issues in reaching the final Planning decision.)</p>	
18012568	Housing	<p>Housing provision:</p> <ul style="list-style-type: none"> <li>- Council found to be at fault for two-month delay in completing review and medical assessment regarding suitability of temporary accommodation (note: Council's original TA assessment found to be reasonable on the basis of the complainant's medical evidence provided at the time).</li> </ul>	<ul style="list-style-type: none"> <li>- Apologise to complainant for delay</li> <li>- £500 compensation</li> </ul>
19001754	Highways & Transport – Traffic Management Orders	<p>Complaint Handling</p> <ul style="list-style-type: none"> <li>- Council found to be at fault for delays in complaint responses</li> </ul>	N/A – no injustice identified as complainant was informed of their right to appeal through Court over the substance of their complaint but chose not to do so.
19004042	Housing	<p>Complaint Handling</p> <ul style="list-style-type: none"> <li>- Fault found for failure to signpost to stage two of the Complaints process in the stage one response.</li> <li>- Fault found for delay in escalating complaint – LGO judged that while no escalation was specifically requested, it was clear the complainant was not satisfied.</li> <li>- Fault found for final stage response failing to indicate which parts of the complaint were upheld, partially upheld, or not upheld.</li> </ul> <p>Homelessness application</p> <ul style="list-style-type: none"> <li>- Council found to be at fault for incorrectly</li> </ul>	N/A – the Council had already paid compensation of £3,000 and apologised. Service improvements were also noted. The Ombudsman was satisfied with this remedy.

		<p>assessing that complainant was living in private rented accommodation. LGO acknowledged there was conflicting information in complainant's application but judged that the Council should have sought further clarification.</p> <ul style="list-style-type: none"> <li>- Fault found for failing to respond to a subsequent email advising the complainant was not in private rented housing.</li> </ul>	
19004316	Adult Social Care	<p>Carer's Assessment</p> <ul style="list-style-type: none"> <li>- Fault found for failure to conduct a carer's assessment to provide support for service user's carer (note: does not appear a carer's assessment was specifically requested, but the LGO's judgment was that the Council had sufficient information to have realised of its own accord that one was necessary).</li> </ul> <p>The complaint also concerned the service user's care assessment; the LGO found no fault on this aspect of the complaint.</p>	<ul style="list-style-type: none"> <li>- Apologise to carer</li> <li>- £350 compensation</li> <li>- Review existing cases and train staff regarding carer's assessments</li> </ul>
19005886	Housing	<p>Empty Homes Service:</p> <ul style="list-style-type: none"> <li>- Fault found relating to establishing whether property was empty; investigator judged not enough done to ascertain whether the property was capable of occupation. Argues a voluntary inspection could have been arranged with the owner or LBE could have compelled an inspection.</li> <li>- Fault found for failure to involve Council Tax department</li> </ul> <p>Complaint handling:</p> <ul style="list-style-type: none"> <li>- Fault identified for considering two complaints as</li> </ul>	<ul style="list-style-type: none"> <li>- Apologise to complainant</li> <li>- £750 total compensation</li> <li>- Complete investigation of the relevant property</li> <li>- Review empty homes approach</li> <li>- Review liaison between Empty Homes team and other teams</li> </ul>

		<p>separate matters – LGO judged they were on the same matter.</p> <ul style="list-style-type: none"> <li>- Fault found for failing to identify the matter as a formal complaint at an earlier stage.</li> </ul> <p>(Note: no fault found in relation to Building Control, Environmental Services or Planning Enforcement).</p>	
19006598	Housing	<p>(Note: this followed a previous complaint in which the Council was found at fault for delay in reviewing accommodation suitability).</p> <ul style="list-style-type: none"> <li>- LGO judged that the Council corporately should have realised that a Care Act assessment was required given complainant needs identified in the housing assessment.</li> <li>- Fault found for the time spent in unsuitable temporary accommodation (note: there were special requirements for the family).</li> <li>- Fault found for failing to have a TA procurement policy</li> <li>- Council held at fault for failing to carry out repairs via management company</li> <li>- Fault found for refusal to accept a second complaint; LGO judged that the second complaint was separate as it related to delays in finding suitable accommodation as opposed to delays in assessing accommodation suitability.</li> </ul>	<ul style="list-style-type: none"> <li>- Apologise to complainant</li> <li>- Complete Care Act assessment</li> <li>- Complete repairs</li> <li>- Provide equipment following OT assessment</li> <li>- Provide guidance to complaints team regarding what constitutes a new complaint</li> <li>- £250 per month compensation for time spent in unsuitable accommodation (approx. £6,000 total)</li> <li>- Write procurement policy for securing accessible properties</li> </ul>
19007040	Planning & Development	<p>Service issues:</p> <ul style="list-style-type: none"> <li>- Fault found for time taken to resolve a disagreement over planning issues, including time taken to respond to complainant. No fault found with decision process or appropriate</li> </ul>	<ul style="list-style-type: none"> <li>- Apologise to complainant</li> <li>- £350 compensation</li> </ul>

		consideration.	
19012486	Adult Social Care	<ul style="list-style-type: none"> <li>- Fault found for failure to produce a care and support plan for several years.</li> <li>- Fault found for failure to document updates to personal budget and respite funding awarded.</li> </ul>	<ul style="list-style-type: none"> <li>- Apologise to complainant</li> <li>- £500 compensation</li> <li>- Review complainant's needs and produce care and support plan</li> <li>- Identifies any other service user with an out-of-date plan and produce an update schedule</li> <li>- Identifies any action needed to ensure all eligible care needs have a care and support plan updated when changes are made.</li> </ul>
19013455	Adult Social Care	Fault found for Council not having properly explained its decision rationale to service user in regard to financial assessment (note: the Council did have an evidenced rationale, and the investigator found no fault with the decisions themselves – issue was not fully explaining these to service user)	N/A – no injustice identified as the Council's decisions were upheld.
19013915	Highways and Transport	Fault found for incorrect information given to complainant regarding removal of his vehicle (though decision to remove vehicles was permitted and lawful).	<ul style="list-style-type: none"> <li>- Council to work with contractors to review operating procedures.</li> <li>- No compensation as charges were already written off by the Council.</li> </ul>
19015050	Housing (Homelessness)	Fault found for the handling of homelessness application, in particular delays in communicating decisions to complainant which caused the complainant to be unable to exercise appeal rights; lack of communication between Council departments.	<ul style="list-style-type: none"> <li>- Re-assess housing need and provide if a duty is owed</li> <li>- Apologise to complainant</li> <li>- £150 compensation</li> <li>- Remind staff to retain copies of letters and to send letters promptly to service users</li> </ul>

19016329	Housing (Homelessness)	<p>Council accepted fault for failures and delays in its homelessness process, for having incorrectly determined it did not owe a duty or priority need to complainant, and for mishandling a domestic violence report.</p> <p>(Note: Council had previously accepted this via its own Complaints process. Aspects of the internal complaint that were not upheld, were also not upheld by the Ombudsman)</p>	<ul style="list-style-type: none"> <li>- £2100 compensation in addition to that already paid previously by the Council</li> </ul>
19017189	Adult Social Care	Fault found in regard to care assessment, as the investigator determined that the care assessment had probably contained inaccurate information	<ul style="list-style-type: none"> <li>- Apologise to the complainant</li> <li>- £150 compensation</li> </ul>
20000703	Corporate & Other Services	Complaint not investigated – classified as upheld because Council agreed to remedy during the complaint process.	<ul style="list-style-type: none"> <li>- £100 compensation offered by Council</li> </ul>
20006459	Adult Social Care	Complaint not investigated – classified as upheld because Council agreed to remedy during the complaint process.	<ul style="list-style-type: none"> <li>- Invoice for costs waived by Council</li> </ul>
20007993	Planning	Complaint not investigated – classified as upheld because Council agreed to remedy during the complaint process.	<ul style="list-style-type: none"> <li>- Council made the planning decision the complainant wished and apologised.</li> </ul>