

In 2017/18 the Local Government and Social care Ombudsman (LGSCO) set out the concerns it had with the council as follows:-

- A number of cases we have investigated about your Council have been affected by delays in your Council responding to our enquiries. It is essential for my investigators to get the information they need to progress investigations in a timely way. This is vital if we are not to see complainants' confidence in the complaints process erode. To that end I was pleased when you told me of the recent changes your council has made to your complaints handling procedures. The extra resources and new methods of working you have put in place will hopefully lead to the desired improvements.

In the Annual Letter 2018/19 the LGSCO has explained that the council's handling of their enquiries has experienced similar issues. The council has been:-

- Slow to implement the recommendations we made in some cases.
- There have also been cases where it has taken too long to respond to our enquiries
- Responses have not addressed matters fully.

The LGSCO explains that such delays erode the confidence of complainants that their concerns are being taken seriously. Asking the council to take the necessary steps to address their concerns and review the council's complaint handling.

Please note that the statistics provided by the LSGCO does not align with that of the council's, this is common across the country because the LGSCO does not count complaints in financial year, their numbers include enquiries from people they signpost back to the council who may never then contact us and their classification may not match the council's departments.

- The council received 52 'Decisions' in the 2018/19 financial year. However some of these decisions happen before they come to the council.
- There were 36 detailed investigations in 2018/19 i.e. those that required a detailed response from the council. There were 22 decisions upheld in the same period (noting that some investigations may have commenced in the previous year and some may have not yet had a response) which is a 61% upheld rate as opposed to the 71% given by the council with 31 detailed investigations.
- The LGSCO received 106 enquiries about the council in 2018/19, an increase from 94 in 2017/18.

## Children, Schools and Families

Children, Schools and Families (CSF) received 5 decisions in 2018/19

- 4 / 80% of the number received for CSF were upheld
- In each case upheld a financial remedy was recommended totalling £2,500
- 1 decision was reported to Ofsted
- 2 cases were late a 60% in time response rate

	Ref.	Team	In time	Decision	Remedy	Remedy in time	Compensation
1	17 009 698	SEN	No	Upheld: Maladministration and Injustice	Apologise to for the failure to ensure child received speech and language therapy in accordance with his statement; Send a memo to officers dealing with EHCPs reminding them of the need to ensure they follow timescales set down in Government guidance. Officers should be reminded where the timescales cannot be met they should tell the parent the reasons for that and keep them up to date with progress.	No – apology was not sent in time.	£750 to reflect the lost provision and time and trouble
2	17 007 200	SEN	No	Upheld: Maladministration and Injustice	Apologise for the delays and further failings identified in the way it communicated with them and the impact this had on them; Remind SEN staff of the requirement to inform and consult young people and parents when considering ceasing an EHCP.	No – apology and reminder not issued in time and Ombudsman not sent info.	£200 each (£400) to recognise the unnecessary anxiety and distress caused

3	18 005 479	Social Care	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
4	17 016 619	Social Care: Child Protection	Yes	Fault leading to personal injustice.	Apologise for its failure to tell CAFCASS about the MARAC, its failure to ask for a written report from the GP in advance of the first child protection conference, its failure to seek consent for a student's presence in a meeting, sending minutes of core group meetings late and its failure to thoroughly investigate her complaints. Review its complaints handling to ensure: <ul style="list-style-type: none"> <li>• it thoroughly investigates all aspects of the complaint;</li> <li>• properly explains its reasons for concluding whether each part of a complaint is upheld or not; and</li> <li>• shows it has considered whether a remedy (other than an apology) is needed and explains this in its decision letter to complainants.</li> </ul>	Yes	Pay £350 for the avoidable distress caused by these failings and the additional time and trouble of making a complaint to the Ombudsman.
5	18 000 574	Split with social care children's and adults – Transitions	Yes	Upheld: maladministration and injustice.	Take action to improve its procedures around transition planning. The Council will remind its senior managers and officers of the requirements of the Care Act. The Council could do so either through staff training, or producing a clear process map/procedure for its officers to follow when planning for the transition of a service user into adult social care. The Council will provide evidence to the Ombudsman of the actions it has taken.	Yes	£500 in recognition of the family's avoidable distress and time and trouble; £500 in recognition of the distress caused by the missed term time Provision.

## Community and Housing

Community and Housing received 12 decisions in 2018/19.

- 9 of 12 decisions / 75% of the number received for CH were upheld
- £1600 in compensation was paid in 4 cases
- 5 cases were late meaning only 42% were in time

	Ref.	Team	In time	Decision	Remedy	Remedy in time	Compensation
6	17005795	Adult Social Care: SAR	No	Upheld: maladministration and injustice.	Council should, within four weeks of the decision, provide an apology for the above faults and distress these caused	Yes	N/A
7	16019305	Housing: DFG	No	Fault leading to injustice	Apologise for the time taken to complete the work to her home; offer to resolve the issue of access to the garden tap; within the next eight weeks reviews the way it deals with DFGs with a view to ensuring: its processes do not delay the receipt of applications; it deals with applications and works more promptly; there is clear sign off for the agreed works and what they are expected to deliver.	Yes	Pays £750 for the trouble she has been caused
8	17015623	Housing: Housing application	Yes	Not upheld: No maladministration	N/A		N/A
9	18001124	Adult Social Care: Reablement	Yes	Upheld: maladministration and injustice.	a) review all service users who have received reablement or intermediary care through a commissioned service from 1 January 2017 to identify whether they have been incorrectly invoiced for care.	Yes	The Council should pay Mr X £100 for avoidable time and distress caused for

					<p>b) ensure relevant staff are aware of the statutory guidance on charging for reablement and intermediate care.</p> <p>The Council should provide the Ombudsman with proof that it has carried out our recommendations and the actions specified.</p>		incorrectly invoicing him for his care.
10	17 007 480	Adult Social Care: Mental health	Yes	Upheld: maladministration and injustice.	<p>Produce guidance on reasonable adjustments for adult social care staff involved in needs assessments and reviews. And that this include guidance about capturing information about reasonable adjustments and making/recording decisions about what reasonable adjustments the Council will make;</p> <ul style="list-style-type: none"> <li>• after it publishes this guidance, that it provides some training for staff in its implementation.</li> </ul> <p>I also recommended it reminded complaints officers that they need to keep ownership of any responses they ask its contractors to provide. In response to my draft decision, the Council advised it has now established greater liaison with the Trust. It also says it is has provided training to all staff who respond to complaints.</p> <p>This included keeping track of the investigation and deadlines. It was also revising templates to include signposting to the Local Government and Social Care Ombudsman.</p>	No – officers did not produce guidance in time.	N/A

11	18 008 986	Adult Social Care: Commissioning	N/A	Not upheld: no further action	This is a contractual dispute and one which the Care Provider can escalate under its contractual agreement with the Council. The Ombudsman does not investigate disputes about contractual obligations between Care Providers and Councils. 8. The complaint is now discontinued and will be closed.	N/A	N/A
12	17 019 042	Split with social care children's and adults – Transitions	No	Upheld: maladministration and injustice.	The Council has agreed to, within a month of my final decision, apologise to Ms J for not responding to her December 2017 complaint [children to action]	No – CSF did not apologise in time.	N/A
13	17020074	Adult Social Care: Invoicing	Yes	Upheld: maladministration and injustice.	I uphold part a of the complaint because I find the Council has not sent a corrected invoice for Mr Y's care. This is fault. I do not uphold parts b to g of the complaint. This is because there is no evidence of fault in the Council's actions.	No – corrected invoices not sent in time.	N/A
14	18007788	Adult Social Care: Funding arrangements	No	Upheld: maladministration and injustice.	Apologise to Mrs B and ensure that financial information is provided to service-users in a more timely manner so all parties are aware of the implications of the options available.	Yes – but late notification to Ombudsman, information not shared in time.	Pay her £250 in recognition of the uncertainty and distress caused.
15	17 008 006	Adult Social Care: Financial Assessment	Yes	Upheld: maladministration and injustice.	Apologise to Ms C for the distress and the time and trouble caused by the faults identified. It should also backdate the increase in Ms C's personal budget and carry out an assessment to establish if Ms C's day time care support, including general housework and cleaning	Yes	N/A

					duties, can be completed within ten hours of 'active' support.		
16	18 007 593	Housing: Homelessness	No	Upheld: maladministration and injustice.	Apologise for the delay in sending its decision letter; <ul style="list-style-type: none"> <li>its failure to offer interim accommodation while it made enquiries and a decision on his homelessness application; and</li> <li>its failure to explain Mr X could apply to its housing register and that it could assist with a deposit.</li> </ul> The Council will review its processes to ensure that it gives all relevant information to those who are homelessness or threatened with homelessness, including information about applying to its housing register and information about financial support it can offer those seeking private rented accommodation; and review its processes to ensure that where there is some doubt about vulnerability which means further enquiries are needed, it should consider offering interim accommodation.	Yes	The Council will pay Mr X £350 for failing to provide interim accommodation for just over a month while it made enquiries about the application. In addition, it should pay Mr X £150 for the uncertainty caused by the failure to provide adequate advice about his housing situation.
17	18 008 986	Adult Social Care: Commissioning	N/A	Not upheld: no further action	This is a contractual dispute and one which the Care Provider can escalate under its contractual agreement with the Council. The Ombudsman does not investigate disputes about contractual obligations between Care Providers and Councils.	N/A	N/A

## Corporate Services

Corporate Services (CS) received 16 decisions in 2018/19.

- 2 / 12.5% of the number received for CS were upheld
- No compensation was offered but £545 in enforcement fees were refused to put things back in the position that the complainant would have been had the error not taken place.
- 1 case was late giving a 92% response rate

	Ref.	Team	In time	Decision	Remedy	Remedy in time	Compensation
18	17 011 640	CT & Bailiffs	Yes	Upheld: maladministration and Injustice.	Refund £235 to Mr B's council tax account and to remind staff of its expectation in terms of dealing with arrears over multiple years.	Yes	Refund £235 fees.
19	17 020 183	Web team	Yes	Not upheld: no Maladministration.	N/A	N/A	N/A
20	18 004 327	Council tax	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
21	18 006 522	Housing benefit	N/A	Closed after initial enquiries - out of Jurisdiction.	N/A	N/A	N/A
22	18 006 195	Housing benefit	N/A	Closed after initial enquiries - out of Jurisdiction.	N/A	N/A	N/A
23	18 006 599	Bailiffs	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
24	18 009 131	Split – School admission Appeals/ Education	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
25	18 000 430	Debt Recovery	Yes	Upheld: no further action	The Council has confirmed it will review its processes to ensure future cases do not progress in the same way. The	Yes	Refund the additional compliance £75



					Council has also confirmed it is willing to remove the case from its agents and refund the 2017 compliance and enforcement fees from Mrs C's account.		and enforcement costs £235
26	18 008 905	Concessionary Travel	N/A	closed after initial enquiries - out of jurisdiction	N/A	N/A	N/A
27	18 009 866	Council Tax recovery	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
28	18 006 437	Council Tax liability	Yes	Not upheld: no maladministration	N/A	N/A	N/A
29	18 010 904	Council tax recovery	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
30	18008104	Business rates debt recovery	No	Not upheld: no maladministration	N/A	N/A	N/A
31	18 006 216	Council tax payments	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
32	17 018 955	Council tax recovery	Yes	Not upheld: no maladministration.	N/A	N/A	N/A
33	18 012 382	Council tax recovery	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A

## Environment and Regeneration

Environment and Regeneration (ER) received 19 decisions in 2018/19.

- 7 / 37% of the number received for ER were upheld
- £100 in compensation was offered for time and trouble
- 3 cases were late giving a 84% response rate

	Ref.	Team	In time	Decision	Remedy	Remedy in time	Compensation
34	17006665	Planning	No	Upheld: maladministration and injustice.	Provide a written apology to Mr C for its failure to respond to his 2017 report and complaint within one month of the date of my final decision; Arrange to revisit the development site and check the development as built is in accordance with the approved plans including measuring the depth of the projection within six weeks of the date of my final decision; c) write to Mr C with the outcome of the above visit including any proposed action or reasons for no further action; d) review its procedures to ensure it keeps an adequate record of site visits and decisions relating to planning enforcement investigations and provides a written outcome to complainants within three months of the date of my final decision; and e) review its procedures to ensure complaints are responded to within the Council's published timescales within three months of the date of my final decision.	Yes	N/A
35	17 015 317	Planning	Yes	Upheld: maladministration	Within 3 months the council should review its planning procedures to ensure they are fit	Yes	N/A

				and injustice.	for purpose in terms of notifying neighbours and ensuring it considers all representations before determining a planning application. It should also look at what information is retained on planning files.		
36	17 008 767	Traffic & Highways	No	Upheld: maladministration and injustice.	The Council has confirmed it has changed its policy. It now carries out a parking stress calculation for every application it receives for a dropped kerb.	No – payment was not made in time.	To put matters right for Mr X within one month of my final decision the Council will apologise to Mr X and pay him £100 for his unnecessary time and trouble.
37	17 007 931	Greenspaces	Yes	No fault	There was no fault by the Allotment Association, acting on behalf of the Council, when it decided not to allow Mr B to be put on the waiting list for a vacant plot.	N/A	N/A
38	18 006 342	Waste	N/A	Closed after initial enquiries - no further action.	My view is that the Ombudsman should not investigate this complaint. This is because the injustice is not significant enough to justify the cost of the Ombudsman's involvement.	N/A	N/A
39	18 003 676	Traffic & Highways	Yes	Not upheld: No maladministration.	I have completed my investigation into this complaint as I am unable to find fault causing injustice in the actions of the Council towards Mr B.	N/A	N/A
40	18 005 039	Waste	Yes	Upheld: maladministration and injustice.	Write and apologise to Mrs X. Ensure Mrs X is kept updated about relevant developments – such as the introduction of a parking management scheme. Write to the Ombudsman in three months with details of any missed collections during the time the Assured Collection Service is in place.	No – updates not provided in time. Link officer wrote apology to ensure it was in time.	N/A

41	18 000 396	Planning	Yes	Upheld: maladministration and injustice.	I recommended that the Council should provide complaint handling training to the teams involved and it should feedback to the Ombudsman how it intended to do this. In response to the draft decision, the Council provided evidence to the Ombudsman of its intended complaint handling training for managers. Therefore, I have removed this recommendation because it has been actioned. In addition to the above and in recognition for the fault identified above the Council has agreed, within four weeks of my final decision, to apologise to Mr X for failing to respond to his correspondence and complaints and the time, trouble and frustration this caused him.	Yes	N/A
42	18 005 685	Waste	Yes	Upheld: maladministration and injustice.	Apologise to Mr X for the missed collections, the failure to provide sufficient information about making reports about missed collections, and the failure to ensure its operator returned to collect waste within 24 hours of the report in May 2018. The Council will, within three months of the date of the final decision, review its information on reporting missed collections to make it clear to service users that it does not accept reports before 4 p.m. It should also clarify the time period in which it accepts reports about missed collections. It should also remind staff to check whether an apparently late report actually relates to a failure to return to collect waste after an earlier report.	Yes	N/A
43	18 011 481	Cleansing: Litter	N/A	Closed after initial enquiries - out of jurisdiction.	N/A	N/A	N/A

44	18 012 678	Traffic & Highways: Vehicle crossover	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
45	17 010 314	Planning: Community Hall	No	Not upheld: no maladministration.	N/A	N/A	N/A
46	18 011 932	Parking & CCTV	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
47	18 014 298	Cleansing	N/A	Closed after initial enquiries - out of jurisdiction.	N/A	N/A	N/A
48	18 009 395	Greenspaces	Yes	Upheld: maladministration and injustice.	Decide how it will remove the bamboo plant and communicate its decision to Ms B by letter within one month of the date of this final decision. In its letter, it will outline the reasons for its decision and provide Ms B with a timetable of any work to be undertaken. Similarly, it will provide her with updates if there are any delays. Apologise to Ms B in writing for the faults identified in this statement, within one month of the date of this final decision. Despite Ms B's request, I have not stipulated what action or treatment the Council should undertake. This is because it is not in the Ombudsman's remit to dictate what decision a council may take; rather, we focus on whether a council took a decision and if so, whether there was any fault in the process that led to its decision. If there was, we can make recommendations to remedy these faults to ensure the process is carried out correctly, but we cannot say what the final decision should be as we are not an appeal body.	Yes	N/A

					<p>The Council has also agreed to make the following service improvements within two months of the date of this final decision:</p> <ul style="list-style-type: none"> <li>• Send a copy of the Ombudsman's final decision statement to the Greenspaces Manager and Councillor C so they can learn from the faults that have been identified.</li> <li>• Remind those officers that deal with complaints of the need to tell complainants: <ul style="list-style-type: none"> <li>- Whether the Council will handle their complaint as a member enquiry or a stage one complaint, if this is relevant.</li> <li>- How they can escalate their complaint at stage one if the matter was dealt with as a complaint and they are unhappy with the outcome.</li> <li>- Whether the Council will escalate their complaint to stage one or two if the matter was dealt with as a member enquiry and they are unhappy with the outcome.</li> <li>- If there are any delays when providing a complaint response.</li> </ul> </li> </ul>		
49	18 014 233	Waste	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A
50	18 014 781	Parking & CCTV	N/A	Closed after initial enquiries - out of jurisdiction.	N/A	N/A	N/A
51	18 007 585	Parking & CCTV	N/A	Not upheld: no further action	N/A	N/A	N/A
52	18 016 926	Parking & CCTV	N/A	Closed after initial enquiries - no further action.	N/A	N/A	N/A