

Appendix 2

Local Government and Social Care Ombudsman and Housing Ombudsman Service (Resolution and Learning) 2022-23

Service Area	Local Government and Social Care Ombudsman Upheld Complaints	Resolution – Remedy and /Learning
Children & Families Service (Statutory Scheme)	The complaint was regarding the alleged lack of support provided to the customer when they were caring for their younger siblings	<ul style="list-style-type: none"> Upheld - Fault and Injustice. <p>No further action was required from the Council. The Ombudsman was satisfied that the agreed remedy offered as part of the investigation was suitable.</p>
Children & Families Service (Statutory Scheme)	<p>The Complainant and their child complained the Council's investigation into how it cared for the child when they were a Looked After Child and how it communicated with the parent was not sufficiently comprehensive.</p> <p>The complainant and their child said the Council's failings while the child was a Looked After Child caused them both significant distress and made them lose trust in the Council.</p>	<ul style="list-style-type: none"> Upheld - Fault No Injustice <p>The Council was at fault for not considering the complaint using the children's statutory complaints procedure, but this did not cause them an injustice because the Council's investigation was thorough and identified significant failings which it has appropriately remedied. The Council agreed to remind staff of the correct process for considering complaints that come under the remit of the children's statutory complaints procedure.</p> <p>Remedy</p> <ul style="list-style-type: none"> Staff reminder that mediation is not an alternative route to the statutory complaints scheme.
Children & Families Service (Statutory Scheme)	The complainant said the Council failed in its support for them and their children who were in care. They complained about frequent changes of the children's social workers and the condition of the contact centre	<ul style="list-style-type: none"> Upheld – Fault and Injustice <p>The Ombudsman found fault with the Council for</p>

Appendix 2

Local Government and Social Care Ombudsman and Housing Ombudsman Service (Resolution and Learning) 2022-23

	<p>where they met with their children. They also complained about the way that children services communicated with them</p> <p>The complainant said the Council's alleged failings had affected:</p> <ul style="list-style-type: none"> • their health as they worried their children had been reluctant to express their concerns to social workers in view of their frequent changes; • the quality of their meetings with the children. 	<p>refusing to consider the complaint through its children's statutory complaint procedure. This caused the complainant injustice. The Council agreed to apologise and consider the complaint under its children's statutory complaint procedure. The Council also agreed to provide its staff dealing with the children's services complaints with a learning bulletin highlighting the complainant's experience.</p> <p>Remedy</p> <ul style="list-style-type: none"> • Apology • Consider the complaint at stage 1 of the statutory scheme • Send a learning bulletin to staff
<p>Children & Families Service (Corporate Scheme)</p>	<p>The customer complained the Council failed to provide a suitable alternative education for their child when they were out of school from April 2021. As a result, the child missed out on education. They also did not receive support for their special educational needs (SEN) as set out in their Education, Health and Support (EHC) plan in that period.</p> <p>The customer also complained about delays in the Council's re-assessment of their child's special educational needs following the annual review of their EHC plan in March 2021, and about a lack of appropriate joint commissioning arrangements with health authorities. They said their child received home tuition, pending a mental health assessment and input, and that delays in providing health advice for their EHC plan was delaying their reintegration to school</p>	<ul style="list-style-type: none"> • Upheld – Fault and Injustice <p>The Council was at fault for a delay in deciding whether to reassess the child's special educational needs, a delay in carrying out that reassessment and a failure to either provide full-time alternative education whilst the child was out of school or record the reasons part-time provision was a suitable education for them.</p> <p>The Council made a payment to the child's parents to remedy the uncertainty about whether the alternative education was suitable, and the frustration caused by the delays. The Council worked with relevant health bodies to prevent recurrence of the delays.</p> <p>The Trust was found at fault for a delay in providing the advice the Council requested for the reassessment, and a failure to properly record the</p>

Appendix 2

Local Government and Social Care Ombudsman and Housing Ombudsman Service (Resolution and Learning) 2022-23

		<p>initial request and its response, for which it apologised.</p> <p>Remedy</p> <ul style="list-style-type: none"> • Apology • Compensation (£1,000) • Review processes and approaches • Complete joint protocol with local health trust and implement.
Children & Families Service (Corporate Scheme)	<p>A parent complained about a passenger assistant and their actions in front of the complainant's child. The parent was unhappy with the Council's investigation and asked the Council to provide a Personal Transport Budget. The Council did so.</p>	<ul style="list-style-type: none"> • Upheld - No Further Action <p>The Ombudsman did not investigate this complaint about the home to school transport arrangements for the complainant's child. This was because the complaint did not meet the tests in the Assessment Code on how the Ombudsman decides which complaints to investigate.</p> <p>The Ombudsman was satisfied with the Council's investigation of the complainant's concerns and had taken the appropriate action. The Council had already agreed to the complainant's request for a Personal Transport Budget. The Ombudsman stated that further investigation would be unlikely to add anything to the Council's response or achieve a different outcome.</p>
Revenues & Benefits	<p>The customer complained that the Council wrongly made them liable for business rates. When they disputed this it did not resolve the dispute and instead pursued them via court action and bailiffs to recover the amounts. It credited payments to an account with a nil balance so that other accounts fell further into arrears.</p>	<ul style="list-style-type: none"> • Upheld – Fault No Injustice <p>The Ombudsman said "The Council took too long to adjust one account, but this did not cause the complainant significant injustice as there was no recovery on that account at the time. Overall, I can see that the situation was confusing and the customer faced many obstacles in getting the</p>

Appendix 2

Local Government and Social Care Ombudsman and Housing Ombudsman Service (Resolution and Learning) 2022-23

	<p>The complainant said that as a result of the Council's shortcomings, they had to pay large amounts to bailiffs and their fees when this action was unnecessary. This means that they suffered financial crisis, debt and depression.</p>	<p>accounts resolved. However, these were largely out of the Council's control. It was not wrong to pursue recovery when it had little contact from the customer, and it was not wrong to demand payment for its costs when the court action was correctly taken on the information it had at the time. There was some fault when the Council took too long to amend the land account, but this did not cause significant injustice as there was no further recovery action on this.</p> <p>No further action was required.</p>
Revenues & Benefits	<p>The customer complained the Council wrongly collected money for their Council tax debt despite having an Individual Voluntary Arrangement (IVA) agreement not to take it. The customer said they had incurred additional stress and debt as a result of the Council's actions and should be financially compensated</p>	<ul style="list-style-type: none"> • Upheld – No further action, satisfactory remedy provided by the organisation. <p>The Ombudsman decided not to investigate this complaint as the money had been returned and there was no unremedied injustice for them to investigate.</p>
Revenues & Benefits	<p>The complainant complained that the Council failed to take an application for Discretionary Housing Payment. The Complainant said they had to take out a loan to pay for the deposit and rent in advance in order to move to another property.</p>	<ul style="list-style-type: none"> • Upheld – Fault and Injustice <p>The Council was at fault for incorrectly telling the complainant that they could not make a claim for Discretionary Housing Payment, despite having already considered their application. As a result, the complainant believed the Council had not considered their application for DHP and spent time and trouble pursuing this with the Council. To remedy the injustice caused, the Council agreed to apologise to the complainant and make a payment to them for the time and trouble they experienced.</p> <p>Remedy:</p> <ul style="list-style-type: none"> • Apology

Appendix 2

Local Government and Social Care Ombudsman and Housing Ombudsman Service (Resolution and Learning) 2022-23

		<ul style="list-style-type: none"> • Compensation (£100)
Revenues & Benefits	<p>The complainant complained on behalf of their adult child. They managed their child's finances as their child was unable to do so.</p> <p>The complainant said the Council started charging their child a contribution towards the cost of their care in 2018. They said the Council failed to invite them to the financial assessment, failed to inform them of the charges and then failed to monitor the payments. This led to a large bill accruing without their child knowing.</p>	<ul style="list-style-type: none"> • Upheld: Fault and Injustice. <p>There was poor communication and lack of transparency in the Council's financial assessment of the complainant's child. The Council failed to review their child's direct payments on a yearly basis. The Council agreed to apologise, pay a financial remedy and review the financial assessment and direct payments.</p> <ul style="list-style-type: none"> • Remedy • Apology • Compensation (£300) • Revised financial assessment • Review of Direct Payments • Reminder to staff about correct procedure.
Adult Social Care	<p>The complainant complained neither they nor their spouse, were told they would be charged for their care when the spouse was discharged from hospital. The Complainant stated as soon as they found out there was a charge, they cancelled the care. The Complainant wanted the Council to cancel the remaining invoice of £106.01 because they would not have agreed to paying for care if they knew it was chargeable.</p>	<ul style="list-style-type: none"> • Upheld – No further action <p>The Ombudsman declined to investigate the complaint as the Council had already agreed to waiver the charge and provided a suitable remedy.</p>
Adult Social Care	<p>The complainant complains the Council delayed carrying out a financial assessment on their parent which led to a large backdated bill for contributions towards care charges. The complainant said that they were paying the weekly contribution for current charges but the large, backdated bill would cause them financial distress.</p>	<ul style="list-style-type: none"> • Upheld- Fault and Injustice <p>There was fault by the Council. The Council arranged home care for the complainants parent, but did not send them invoices for over 18 months due to a system failure. This meant that they received a large, backdated invoice. The Council's</p>

Appendix 2

Local Government and Social Care Ombudsman and Housing Ombudsman Service (Resolution and Learning) 2022-23

	<p>They also complained that the Council asked their parent to sign a document about paying for care and support when there was a power of attorney in place and it was aware that they had 'substantial difficulty understanding the process'.</p>	<p>apology, waiving part of the bill and an affordable payment plan remedied the injustice. The Council also reviewed its procedures to ensure the fault does not recur.</p> <p>Remedies</p> <ul style="list-style-type: none"> • Issuing of revised invoice (£1,000 deducted) • Apology • Arrange New Payment plan • Review of procedures
Adult Social Care	<p>The complainant complained that the Council had failed to deal properly with the charges for their parent's care, resulting in them receiving a bill for over £4,000 which they could not afford to pay.</p>	<ul style="list-style-type: none"> • Upheld – Fault and Injustice <p>The Council accepted it took too long to collect the charges. When it did, the charges were higher than it had said they would be, adding to the complainants confusion. The Council agreed to waive £2000 of the outstanding charges.</p> <p>Remedies</p> <ul style="list-style-type: none"> • Waive £2,000 of the outstanding charge. • Take action to prevent delays in collecting charges
Housing (Not Repairs)	<p>The complainant complained that the Council:</p> <ol style="list-style-type: none"> failed properly to address their reports of inadequate service and support from their supported accommodation provider failed properly to address their complaints of disrepair, anti-social behaviour, and noise nuisance in their supported accommodation. wrongly stopped paying their housing benefit refused to consider their complaint at stage two of its complaint process. 	<ul style="list-style-type: none"> • Upheld – Fault and Injustice <p>The Council was at fault for failing to deal with the complaints of noise nuisance and anti-social behaviour in the supported accommodation. It was also at fault for failing to respond to the complaint at stage two of its process. The Council was not at fault in how it dealt with issues of disrepair and the quality of support provided or for ending his housing benefit. The Council has agreed to apologise, pay £150, and act to improve its services.</p>

Appendix 2

Local Government and Social Care Ombudsman and Housing Ombudsman Service (Resolution and Learning) 2022-23

	As a result, the customer experienced avoidable distress and went to significant time and trouble trying to resolve issues in their accommodation.	<p>Remedy</p> <ul style="list-style-type: none"> • Apology • Compensation (£150) • Reminders to staff about escalation of complaints
Housing (Not Repairs)	The complainant complained the Council failed to consider all factors they submitted in their appeal against the Council's decision to end its main housing duty after it made an offer of accommodation. The Complainant says the matter negatively affected their mental health.	<ul style="list-style-type: none"> • Upheld – Fault and Injustice <p>The Council was at fault for failing to the complainant of their right to appeal to the county court on a point of law. The Council wrote to the complainant and apologised for the error and reissue the review letter informing them of their right to appeal to the county court.</p> <p>Remedy</p> <ul style="list-style-type: none"> • Apology • Reissue original decision letter including appeal rights • Update decision letter templates • Undertake a review of all homeless duty appeal decision letters to check if they were informed of the right to appeal to court.
Public Health and Public Protection	The Complainant complains about the way the Council investigated their complaints of noise nuisance at night from a nearby business on an industrial site. The Complainant said the Council: <ul style="list-style-type: none"> • Failed to keep them informed about its actions in response to noise problems caused by the operation of the business. • Failed to take any action against the business for noise nuisance for two years. 	<ul style="list-style-type: none"> • Upheld – Fault No injustice <p>The Ombudsman found fault because the Council failed to keep the complainant updated of its actions for several months. The Council apologised to the complainant which is suitable action for it to take. We also found fault as the Council did not act as it planned to do for some time. But this fault did not cause the complainant an injustice as he had moved away from the area.</p>

Appendix 2

Local Government and Social Care Ombudsman and Housing Ombudsman Service (Resolution and Learning) 2022-23

	The Complainant said the noise prevented him sleeping and caused him distress. So, they eventually had to move away from the area	
Public Health and Public Protection	The Complainant complained about a variety of issues which they say affects the taxi market in the Council's area, as well as members of the taxi association. This included the alleged closure of the taxi licencing office, changes made by the Council with respect to entry into the profession and matters of policy and procedure. They also alleged impropriety in relation to enforcement action against individual taxi drivers, as well as issues such as Council collusion, fraud and competition concerns.	Upheld – Fault, No injustice The Ombudsman did not identify any fault by the Council with respect to its licencing functions. The Ombudsman stated that for many of the complaints raised, the alleged injustice was purely speculative, meaning there was no serious loss, harm or distress for the Ombudsman to remedy. The Ombudsman did identify some minor fault in respect of the Council placing restrictions on the complainant's communications with it. However, this did not cause the complainant an injustice.
Hull Culture and Leisure	<p>The Complainant stated that the Council had put in place a policy that discriminated against disabled people with carers. The complainant stated it was harder for disabled people with carers to book theatre tickets than it was for non-disabled people.</p> <p>The complainant stated that the Council's policy did not have regard for the provisions of the Equality Act 2010 and said the Council failed to address their concerns through its complaints procedure. This caused the complainant unnecessary frustration, inconvenience and distress.</p>	Upheld – Fault No Injustice The Ombudsman did not find the Council at fault for failing to consider the impact on individuals when devising its scheme. The Ombudsman found fault in the Council's response to the complaint. The Council agreed to the following remedies: Remedies <ul style="list-style-type: none">• Apology• Compensation (£200 inc cost of ticket)• Reminders to Staff• Update Public information on website• Carry out equality impact assessments
Housing Repairs (Housing Ombudsman Service)	The complaint was about the conduct of staff during a visit to the resident's property.	Upheld – Maladministration

Appendix 2

Local Government and Social Care Ombudsman and Housing Ombudsman Service (Resolution and Learning) 2022-23

		<p>There was service failure by the landlord in respect of its response to the resident's concerns about the conduct of its staff during a visit to their home.</p> <p>Remedy</p> <ul style="list-style-type: none"> • Compensation (£100) • Apology
Housing Repairs (Housing Ombudsman Service)	<p>The complaint was about the landlord's response to: Repairs to the drive and the behaviour of its staff.</p>	<p>Upheld – Maladministration</p> <p>There was maladministration in respect of the landlord's response to the resident's report of a repair needed to the driveway.</p> <p>Remedy</p> <ul style="list-style-type: none"> • Compensation (£100) • Arrange for an inspection of the driveway to establish if a repair is needed.
Housing Repairs (Housing Ombudsman Service)	<p>The complaint was about the landlord's handling of repairs to the boiler and heating system.</p> <p>The resident explained that the issues were:</p> <ul style="list-style-type: none"> • Unhappy that the landlord's process was to always book a one-off repair. • That landlord was refusing to send out a surveyor. • Believed that the rest of the heating system (last installed in 1997) may be the cause of the problem. 	<p>Upheld – Maladministration</p> <p>There was maladministration by the landlord in respect of the complaint.</p> <p>Remedy</p> <ul style="list-style-type: none"> • Create and implement a plan of action to investigate and resolve the frequency of repairs needed for the hot water and heating system • Compensation (£375)
Housing Repairs (Housing Ombudsman Service)	<p>The complaint was about the landlord's handling of repairs to the property relating to damp and the handling of the complaint.</p>	<p>Upheld: Maladministration & Service Failure</p> <p>There was maladministration by the landlord in respect of its handling of repairs to the</p>

Appendix 2

Local Government and Social Care Ombudsman and Housing Ombudsman Service (Resolution and Learning) 2022-23

		<p>property relating to damp.</p> <p>There was a service failure by the landlord in respect of its complaint handling.</p> <p>Remedy</p> <ul style="list-style-type: none">• Compensation (£1,300)• Arrange inspection to identify outstanding works• Write a report to the resident and complete the outstanding repairs identified.• Review of the case to improve working practices and review procedures for damp and mould
--	--	--