

OFFICIAL

Appendix 4

Local Government and Social Care Ombudsman and Housing Ombudsman Service (Resolution and Learning) 2023-24

Service Area	Local Government and Social Care Ombudsman Upheld Complaints	Resolution – Remedy and /Learning
<p>Children & Families Service (Statutory Scheme)</p>	<p>The customer complained that the Council:</p> <p>Failed to take into account the support her eldest son needed to access activities and her own need for respite when refusing to award direct payments for short breaks; and delayed making a decision.</p> <p>The Customer said that the Council’s failures had a significant impact on her emotional well-being, she struggled to cope and had to undergo counselling.</p>	<p>Upheld: Fault and Injustice.</p> <p>The LGSCO found that there was delay reaching the decision and although the Council’s panel awarded direct payments for the customer’s eldest son, it told her it had not.</p> <p>An apology, payment to the customer, putting in place the additional respite for the customer’s eldest son and procedural changes were a satisfactory remedy.</p> <p>Remedies</p> <ul style="list-style-type: none"> • Apology • Compensation (£1,000) • Allocate the complainant a social worker • Staff reminder – ensure child and family assessments and referrals to the panel are made promptly and that parents are kept up-to-date with what is happening. • Support hours reduced over a 3 month period • Refer both children to a panel to decide on respite hours
<p>Children & Families Service (Corporate Scheme)</p>	<p>The Customer complained that the Council:</p> <p>Did not provided any education or provision set out in the Education, Health and Care Plan (EHCP) for her son, Child X, since the family moved to the area. The customer said that Child X had missed out on education and provision and</p>	<p>Upheld: Fault and Injustice.</p> <p>The LGSCO found there was fault in the way the Council did not provide any education or provision from the plan. Child X did not receive any education or EHCP provision for two academic terms, and the customer suffered distress dealing with this matter.</p>

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	<p>this had affected the mental health of her and her family.</p>	<p>Remedies</p> <ul style="list-style-type: none"> • Apology • Compensation (£7,300) • Issue guidance to staff
<p>Children & Families Service (Corporate Scheme)</p>	<p>The Customer complained that the Council:</p> <p>Did not provided any education or provision set out in the Education, Health and Care Plan (EHCP) for her son, Child Y, since the family moved to the area. The customer said that Child Y had missed out on education and provision and this had affected the mental health of her and her family.</p> <p><i>Please note this is the same family as above, each child was considered as a separate complaint by the Ombudsman therefore there are two findings.</i></p>	<p>Upheld: Fault and Injustice.</p> <p>The LGSCO found there was fault that the Council did not ensure Child Y received any education or provision specified in his plan for one academic term and the Council did not complete the complaint process fully. The customer was put to time and trouble to complain and was distressed by the process.</p> <p>Remedies</p> <ul style="list-style-type: none"> • Apology • Compensation (£4,200) • Reminder to staff regarding complaint handling
<p>Revenues & Benefits</p>	<p>The Customer complained that the Council:</p> <p>Sent her an invoice for her mother's care after she had died. The customer said she was estranged from her mother and did not know she had died. She said she had previously contacted a different department in the Council and told it she had no contact with her mother. She said the Council's actions caused her significant distress. She wanted a financial remedy.</p>	<p>Upheld: No further action organisation already remedied.</p> <p>The LGSCO declined to investigate the complaint as the Council had already apologised and made service improvements.</p>

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<p>Adult Social Care</p>	<p>The Customer complained that there was neglect and a lack of quality of care towards their relative from a commissioned provider.</p>	<p>Upheld: Fault and Injustice.</p> <p>The LGSCO found fault with the Council in the quality of care provided by Moorview Care Limited to the customer's late brother. The Council's fault caused the customer injustice.</p> <p>Remedies</p> <ul style="list-style-type: none"> • Apology • Compensation £500 • Care provider action plan • Provide summary of improvements the care provider has made <p>N.B. The Council were unable to complete all remedies because the care provider is no longer a Council approved provider – the LGSCO were accepting of this and closed the case.</p>
<p>Service Area</p>	<p>Housing Ombudsman Service Upheld Complaints</p>	<p>Resolution – Remedy and /Learning</p>
<p>Housing (HOS)</p>	<p>The resident complained about the landlords (the Council's):</p> <p>Handling of asbestos during adaptation works. Handling of issues with a lift switch.</p>	<p>Upheld – Service Failure, No Maladministration</p> <p>The HOS found service failure with regards to the landlord's handling of the resident's concerns about asbestos whilst works were ongoing at the resident's property.</p> <p>The Council did not communicate effectively with the resident about air test results. The sub-contractor evacuated the property, but the resident and her family remained inside. This caused distress and worry for the resident. The Council acknowledged</p>

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		<p>that it could have communicated more effectively with the resident when the works were being carried out.</p> <p>The HOS found no maladministration with regards to the Council's handling of the positioning of a switch to operate a lift that was installed.</p> <p>The HOS found service failure with regards to the landlord's handling of the complaint as the stage one response was late.</p> <p>Remedies</p> <ul style="list-style-type: none"> • Apology • Compensation (£250) • Further appointment arranged for lift switch to be relocated • Explain to resident the results of the air test • Goodwill gesture payment (£100)
<p>Housing (HOS)</p>	<p>The resident complained about the landlords (the Council's):</p> <p>Handling of the resident's request for adaptations.</p>	<p>Upheld: Severe Maladministration</p> <p>The HOS found there was severe maladministration in the Council's handling of adaptations to build a wet room extension and subsequent delay which caused significant detriment to the resident and her daughter.</p> <p>The HOS found there was maladministration in the landlord's record keeping and complaint handling.</p> <p>There were gaps and omissions in the landlord's records. The landlord's stage 1 and stage 2 complaint responses were not provided within timescales under the Housing Ombudsman's Code.</p>

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		<p>Remedies</p> <ul style="list-style-type: none"> • Compensation (£1,400) • Apology • Complete outstanding works and make sure a communication plan is in place to keep the resident informed. • Complete a learning review on the faults found with this complaint and bring into operation any improvements.
<p>Housing (HOS)</p>	<p>The resident complained about the landlords (the Council's):</p> <p>Handling of reports of an ongoing leak in the property, damp and mould, disintegration of plasterboard walls and damage to the residents property.</p> <p><i>Please note, the Council have submitted an appeal regarding this determination due to the inaccuracies in the interpretation of evidence, or disregard of evidence submitted by the Council to the HOS. The appeal was submitted in April 2024, however they have not yet provided us with the outcome of the appeal.</i></p>	<p>Upheld: Maladministration and Service Failure</p> <p>The HOS found there was maladministration by the Council in its handling of the reports of a leak. (Appeal Submitted)</p> <p>The HOS found there was service failure by the landlord in its handling of the resident's request for reimbursement of damaged items as the Council did not appropriately signpost the resident to his contents insurance policy. (Appeal Submitted)</p> <p>Remedies (on Hold pending appeal)</p> <ul style="list-style-type: none"> • Apology • Compensation (£600) • Complete a risk and decant assessment • Complete a report on damaged fixtures and fittings • Review of practices in relation to vulnerable residents • Introduce a repairs policy • Produce a further report following the review detailing the learning and reporting on other residents that may have experienced similar issues . • Check to see if changes in practice have been embedded.