

Summary of LGO complaints with findings of maladministration and injustice - Cases closed 2017/18

LGO case ref. and Complainant Name	B&NES Service	Subject	LGO recommended remedy	B&NES actions
17 000 306 Mr X	Adult Social Care	Safeguarding investigation	<ol style="list-style-type: none"> 1. Apologise 2. Take responsibility for the full cost of stay for the full duration at the current placement, minus any client contribution; 3. Arrange a re-assessment of needs, including a risk assessment about the possibility of moving to a suitable available placement. If the assessment decides the client cannot be moved then the Council will have to fund the current placement in full minus any client contribution for the full duration of the stay. If the client can be moved, the Council must fund the current placement until the move takes place, minus any client contribution. If the client can be moved but family prefers she stay where she is then the family will have to agree to fund the top-up. The Council must be satisfied the family are willing and able to do so for the full duration of the stay. 4. Refund all top-ups paid for the current placement; 5. If the Council does not already have one, produce an information leaflet for residents and their families. This should cover the process of choosing care placements, usual cost rates, and out of borough care placements. 	Case closed July 2017 and no subsequent follow ups by LGO
16 019 162 Mrs W on behalf of Mr and Mrs V	Adult Social Care	Care Home Fees	<ol style="list-style-type: none"> 1. Apologise for failing to appropriately explain residential care fees with them or handle their complaint correctly. 2. Write off the outstanding £834.86 invoice. 3. Issue a guidance note to social workers about the importance of explaining care fees to service users before decisions are made and keeping accurate case notes to evidence this. 	Letter from Senior Commissioning Manager. Case closed Oct 2017.

LGO case ref. and Complainant Name	B&NES Service	Subject	LGO recommended remedy	B&NES actions
16 015 966 Mr X	Environmental Public Protection	Trading Standards - Trusted Trader Scheme	<ol style="list-style-type: none"> 1. A formal written apology. 2. I commend the action the Council has already taken to improve the mediation service it offers under the BWC scheme. The Council has also confirmed that in 2016 it reviewed the administration of the BWC scheme and appointed a new officer with responsibility for delivery of the scheme, leading to procedural improvements. The Council has undertaken to ensure all self-assessment review forms will be signed off by the officer. I therefore made no further recommendation in respect of the fault in record keeping identified by my investigation. 	Apology declined by complainant as he did not accept the outcome of LGO's investigation. LGO informed Aug 2017
16 001 307 Ms A & Mr B	Property & Project Delivery	House repairs after CDSM scheme works	<ol style="list-style-type: none"> 1. Apologise; 2. Pay £250 in recognition of the time and inconvenience in trying to obtain documents; 3. Within two months, the Council provides or through its insurers and their contractors provides a copy of the paperwork promised in March 2017; or 4. If its insurers fail to provide the paperwork to consider making a complaint to the Financial Services Ombudsman or help present a complaint to the Financial Services Ombudsman sharing with that Ombudsman any information the Council may have to assist in the investigation of the complaint against the insurers. 	Follow-up work and letters to the complainant. All actions completed and LGO informed July 2018.

LGO case ref. and Complainant Name	B&NES Service	Subject	LGO recommended remedy	B&NES actions
17 003 150 Mrs X	Development Management	Planning Application	<ol style="list-style-type: none"> 1. apologise for its part in the fault and pay £150 to recognise its role in causing distress and upset to Mr and Mrs X; 2. pay £780 for Mrs X's legal fees for advice provided by her first solicitor; and 3. to waive fees for pre-application advice and processing a full planning application for Mrs X's proposal. 	Follow-up work and letters to the complainant. LGO informed and case closed April 2018
17 004 847 Miss W	Adult Social Care	Adoption	<ol style="list-style-type: none"> 1. apologise for failing to include in a letter to her family information referred to by the stage three panel; 2. end a revised letter to the complainant's mother and brother to include the necessary information; and 3. remind those considering complaints at stage three to record, when they recommend a review of a policy, what they expect that review to address. 	Letters from Adult Social Care. LGO informed and case closed June 2018
16 017 960 Mrs X	Adult Social Care	Child Access	Final decision: "I find fault with the Council's decision not to carry out a formal mental capacity assessment before Mr Y went to stay with his father unsupervised. The Council has already suitably remedied the distress that Mrs X suffered after she found out that her son had stayed with his father. I have not investigated the suitability or the quality of care provided at Care Home 2 because Mr Y has not provided us with his consent to that part of the complaint"	Council's own remedies were already considered sufficient. Case closed Jan 2018
17 008 868 Ms W	Children Social Care	Sharing personal confidential information	<ol style="list-style-type: none"> 1. Apologise for the avoidable distress caused; 2. Consider reflecting in its protocol on information sharing and advice to Directors considering Complaints Panel recommendations the lessons learned from this complaint. 	Follow-up work and letter to the complainant. LGO informed and case closed Mar 2018

LGO case ref. and Complainant Name	B&NES Service	Subject	LGO recommended remedy	B&NES actions
17 006 449 Mr & Mrs X	Education Inclusion Service	Education / EHCP	<ol style="list-style-type: none"> 1. apologise to Mr and Mrs X for failing to ensure there was a plan for providing alternative education for Y from April 2014 when the HERS tuition stopped, and the distress this caused; 2. pay Mr and Mrs X £1,500 to recognise the lack of education for Y during the three terms between April 2014 and April 2015, to be used for the benefit of Y's education; 3. reimburse the cost of the on-line provision for four terms from when it started in April 2015 until the end of the summer term 2016 before Y started at the Centre in September; 4. pay them £200 to recognise their time and trouble in pursuing the complaint. 5. The Council has explained that over the past two years it has put in place a range of strategies, including a fortnightly meeting between HERS, the Special Educational Needs and Disability service, the Children Missing Education Service and other agencies to oversee all cases where a pupil is vulnerable and not engaging with education. This is a welcome development, as is the commissioning of the on-line learning pilot. I recommended that within three months of the final decision on this complaint the Council should send the Ombudsman further details of these new procedures and an update on the on-line learning pilot. It has agreed to do so. 	Follow-up work and letter to the complainant. LGO informed and case closed July 2018