

Summary of Upheld LGSCO complaints with findings of maladministration and/or injustice - Cases closed 2019/20

LGO Case Ref.	B&NES Service	Subject	LGO Finding	LGSCO Summary and Agreed Remedy	B&NES Complied?
18 013 798 Ms B	Revenues	Council Tax	Upheld: Mal & Inj	<p>Summary: Ms B complains about the way the Council has dealt with her council tax accounts. The Ombudsman finds the tone of some of the Council's correspondence with Ms B was inappropriate. It also failed to keep a record of a telephone conversation. The Council has agreed to apologise to Ms B and issue a reminder to staff about keeping a record of telephone conversations. The Ombudsman has found no evidence to support the remainder of Ms B's complaints.</p> <p>Remedies:</p> <ul style="list-style-type: none"> • Send a written apology to Ms B for the tone of its correspondence; and • Issue a reminder to staff about the importance of making contemporaneous notes of telephone conversations and retaining these on the relevant file. 	All actions completed and agreed as closed with the LGSCO, July 2019.
18 002 879 Mrs L	Adult Social Care	Nursing Home Care and Safeguarding	Upheld: Mal & Inj	<p>Summary: Mrs L complains Cranhill Nursing Home failed to care properly for her late husband Mr L. She also complains there was fault in the Council's safeguarding investigation into Mr L's care and the events leading up to his death. The Ombudsmen have partly upheld Mrs L's complaints and made recommendations. The Ombudsmen have not found a link between poor care and Mr L's death.</p> <p>Remedy: The Home and Council should write to Mrs L to acknowledge the faults identified in this decision and to offer a meaningful apology.</p>	Council remedy completed and confirmed as accepted by LGSCO, August 2019

LGO Case Ref.	B&NES Service	Subject	LGO Finding	LGSCO Summary and Agreed Remedy	B&NES Complied?
19 000 003 Ms X	Adult Social Care	Social care assessment by Virgin Care	Upheld: Mal & Inj	<p>Summary: Ms X complains the Council has failed to address the shortfall in her personal budget, first raised in August 2018, leaving her without enough money to pay her Personal Assistants properly. The Council has failed to do this as the assessment it is carrying out will only address the way to meet Ms X's needs in the future. The Council needs to apologise, pay financial redress and increase Ms X's personal budget so it is enough to meet the legitimate commitments arising from her existing personal budget.</p> <p>Remedies:</p> <ul style="list-style-type: none"> • Write to Ms X apologising for the distress it has caused and the time and trouble she has been put to in pursuing her complaint and pays her £400; • Increase Ms X's personal budget so she can pay her Personal Assistants what they are owed, backdates this to when her personal budget ceased being enough to cover the costs (i.e. increased pension and national insurance costs, and holiday pay) and continues to pay this until it has agreed a new care and support plan with her. 	Council remedies completed and confirmed as accepted by LGSCO, November 2019

LGO Case Ref.	B&NES Service	Subject	LGO Finding	LGSCO Summary and Agreed Remedy	B&NES Complied?
19 002 929 Ms X	Highways	London Road Highways scheme	Upheld: Mal & Inj	<p>Summary: Ms X complains about unnecessary vehicle restrictions for loading bays near her house and poor highway signage. She says these restrict her ability to maintain her property as contractors cannot park in peak periods and the signage encourages cyclists to cycle in the wrong direction on the path. She also complains about poor communication. There was no fault in how the Council made its decision to maintain the current restrictions on afternoon loading times, and the signage is in line with highway regulations. There were some delays in responding to her concerns. The Council has already apologised for this and agreed to review its procedures. This is an appropriate remedy for this part of the complaint.</p> <p>Remedy: No further action, Council already remedied prior to customer's LGSCO escalation.</p>	No action required.
18 014 676 Miss B	Housing	Housing Allocation	Upheld: Mal & Inj	<p>Summary: Miss B complains about the Council's involvement in her housing situation when she came out of hospital. She says the property she felt forced to move to is unsuitable for her and, as it is one bedroom, her teenage son cannot live or stay with her. There was fault by the Council in not formally considering whether Miss B was homeless in June 2018. This is unlikely to have affected Miss B's housing situation but the Council should apologise.</p> <p>Remedy: Apologise to Miss B for failing to formally assess her as homeless in June 2018.</p>	Council remedy completed and confirmed as accepted by LGSCO, November 2019

LGO Case Ref.	B&NES Service	Subject	LGO Finding	LGSCO Summary and Agreed Remedy	B&NES Complied?
18 018 009 Ms X	Education Inclusion, Children & Young People	Child ill health access to education	Upheld: Mal & Inj	<p>Summary: There was fault by the Council in failing to provide education to a child who, due to anxiety and depression, could only attend school intermittently. There was also fault in the Council's commissioning arrangements for alternative education and its advice to schools. This caused the complainants distress, loss of education and unnecessary legal fees. The complaint is upheld</p> <p>Remedies:</p> <ul style="list-style-type: none"> • Apologise to Ms X and Y for the faults identified • Pay Ms X £1000 for the distress, time, trouble and inconvenience she has been put to pursuing suitable education for Y and the complaint • Refund Ms X the legal costs she incurred to secure alternative education for Y under s.19 Education Act • Pay Y £5000 to acknowledge the impact of the loss of education from November 2017 to September 2018 and for the distress caused by the Council's failure to heed the medical advice and work in partnership to support Y's mental health. The money should be held in a savings account in Y's name but managed on his behalf by his parent(s). • prepare a policy for children missing education intermittently • review its commissioning arrangements to ensure there are appropriate services in place to meet the needs of such pupils • share a copy of the policy with schools and council officers providing practical guidance of the process to be followed • provide a report to the Ombudsman setting out the actions the Council has taken to prevent a recurrence of the faults identified and sharing a copy of the policy. 	Council remedies completed and confirmed as accepted by LGSCO, May 2020