

## **Local Government Ombudsman Annual Review 2018**

### **Upheld Complaints against the Council**

Five decisions were upheld following investigation by the Local Government Ombudsman during the reporting period 1<sup>st</sup> April 2017 to 31<sup>st</sup> March 2018.

#### **Complaint reference: 16004652**

Complaint that the Trust and Council:

- a) refused to change a care co-ordinator;
- b) Failed to tell complainant that they had discharged complainant from the Care Programme Approach (CPA) in 2012 and said on a care plan of 2013 that complainant was on a formal CPA;
- c) Only offered support through a personal budget for which the complainant could not afford the charge
- d) Held a multi-disciplinary team meeting to discuss the case in May 2016 without informing or involving the complainant or complainant's carer;
- e) Failed to provide contacts or appointments from the Community Mental Health Team;
- f) Blocked access to primary mental health services, including the Healthy Minds scheme.

#### **Agreed Action:**

The Council is at fault for not carrying out a financial assessment correctly and not providing clear and accurate information about it. The Council and the Trust are at fault for poor communication. There is no fault with other matters complained about.

**Remedy: Apology, financial redress, avoidable distress/time and trouble, procedure and policy change review.**

**Action COMPLETED – Further issues have subsequently arisen, complaint is ongoing.**

#### **Complaint reference: 16014154**

Complaint that the Council did not properly investigate concerns of financial and emotional abuse within the family.

#### **Agreed Action:**

There is evidence of fault in how the Council initially investigated the complainant's concerns about possible financial and emotional abuse. The faults do not call into question the Council's decision that the complainant's concerns were not substantiated as the Council had properly investigated. The faults were found to have caused upset and frustration X which the Council agreed to remedy as recommended.

**Remedy: Apology**

**Action COMPLETED**

#### **Complaint reference: 16004997**

Complaint about the way in which the Council acted on a flawed assessment of a family which led to a Child Protection Plan. In particular about the actions of

Inspire, an agency commissioned by the Council to support the family and the Council failed to follow up recommendations after the complaint was upheld.

**Agreed Action:**

The Council has already acknowledged there were faults in the way it acted. In addition, however, its response to the complaint did not recognise fully the distress caused by the actions of the agency working on its behalf. The Council offered a payment to the family in acknowledgement of the distress caused and to consider the way in which its review of its actions can be properly presented.

**Remedy: Financial redress**

**Action COMPLETED**

**Complaint reference: 160017655**

The complaint was that the Council failed to properly consider the impact of a neighbour's residential development on amenity.

**Agreed Action:**

There was no evidence that the Council failed to consider the impact of amenity when it approved a neighbour's planning application. It made the decision after completing a site visit and considering relevant policies. It should have explained its reasons more thoroughly in the delegated report, but this did not cause enough significant injustice to warrant a recommendation by the Ombudsman.

**Remedy: None**

**Complaint reference: 17006530**

The complaint was about the way in which an independent admission appeals panel considered an appeal for a reception place at School A. This was on the basis that:

- a) The panel failed to take account of fault in the online admissions process which meant the Admissions Team did not receive Common Application Form on time; and
- b) The panel also failed to properly consider the exceptional circumstances affecting the family which made it necessary for the child to attend the school.

**Agreed action**

The Council was at fault insofar as the independent admission appeals panel did not clearly state at the decision-making stage its reasons for refusing the appeal for a reception place. Injustice did not arise from this fault, as it was clear the panel did understand the issues and applied the relevant test of reasonableness.

**Remedy: Staff training.**

**Action COMPLETED**