

Appendix A – Summary of upheld decisions by the Local Government and Social Care Ombudsman (LGSCO) during 2022-23

Reference	Service area	Decision date	Decision	Complaint description and finding	Response and Remedy	Compensation
22003888	Benefits	08/07/2022	Upheld	LGSCO did not investigate this complaint about applications of council tax support. This is because the Council has now considered the applications and recalculated the support so further investigation would not lead to a different outcome.	Upheld: no further action, organisation already remedied.	
21014556	SEND	18/08/2022	Upheld	Mrs X complained about how the Council handled its provision of Speech and Language Therapy for her son, Y, and its delay in updating his Education, Health and Care Plan (EHCP). Fault was found for delay in issuing a final EHCP.	Provide a written apology to Mrs X. Issue a final EHCP for Y. Following issue of the final EHCP, consider whether any further remedy is due to Mrs X. Identify the reasons for the delay in issuing the final EHCP, take action to prevent recurrence.	£300

21017018	Adult Care Services	18/09/2022	Upheld Public Report	<p>Ms X complained the Council has delayed in providing a disabled facilities grant (DFG) for a stairlift at her property. As a result Ms X has been unable to access the first floor of her property independently for over a year.</p>	<p>immediately end the DFG Minor works waiting list and process applications for those on the list in line with the statutory timeframes; • complete its review of the DFG policy, taking account of new non-statutory guidance "Disabled Facilities Grant (DFG) delivery: Guidance for local authorities in England". The Council should ensure any future policies do not include any local priority systems that extends waiting times beyond the statutory timescales. It should also ensure any future policies are approved by Cabinet, and receive legal and financial officer clearance • review its arrangements with local housing associations to ensure that works can be undertaken in a cost effective and timely manner.</p>	£3,550
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21005198	Environmental Services	29/09/2022	Upheld	<p>Ms E complained the Council has failed to maintain the hedges near to her house. She also complained the Council failed to properly resolve the parking issues which means people are constantly parking in front of her house. We find the Council did not maintain the hedges as often as it agreed to do. It was also at fault for its record keeping. The Council has agreed to our recommendations to reflect the injustice caused by fault.</p>	<p>Send apology to Ms E and ask for evidence of any additional costs she has incurred in maintaining the hedges since July 2020. When it receives this information, it should consider reimbursing Ms E's reasonable additional costs. Change its procedures to ensure it keeps records for more than 30 days of when it maintains hedges on land it is responsible for.</p>	£150
22003644	Environmental Services	01/11/2022	Upheld	<p>Mr B complained the Council had refused to remove drug related litter from the private road where he lives. He said this meant the management association for the road had to arrange and pay for the disposal of the litter. That increased the charge all the residents paid for the upkeep of the road. There was fault by the Council in its communication with Mr B but no further action is necessary.</p>	Upheld:Fault, No Injustice.	

22003967	Benefits	14/12/2022	Upheld	We will not investigate this complaint about the Council wrongly pursuing Mrs Y for housing benefit overpayments. That is because further investigation will not lead to a different outcome.	Upheld: no further action, organisation already remedied.	
21018966	Adult Care Services	03/02/2023	Upheld	There was no fault with how the Council assessed Mrs Y's care needs. It delayed sending a copy of the assessment to Mrs Y's son, Mr X but this did not cause a significant injustice. We have completed our investigation.	Upheld; Fault, No Injustice	
22005799	Adult Care Services	06/02/2023	Upheld	Ms X complains the Council took too long to find a new permanent placement for her brother, Mr Y, after he left his supported living accommodation in March 2020, resulting in him spending a year with her, another year in a respite placement and spending money storing his possessions. The time taken to find a permanent placement was affected by some modest delay. The Council needs to apologise and pay financial redress.	Write to Ms X apologising for the faults identified and pays the amount suggested to reflect her brother's additional storage costs.	£450

22010340	Council Tax	07/03/2023	Upheld	<p>The Council recovered a large debt by direct debit without telling Mr X that a payment plan could be arranged. A Council officer also made inappropriate comments to Mr X and his wife in a Fraud investigation related interview. The Council's apology, payment and offer to arrange a retrospective payment plan remedies the injustice from the Council's actions.</p>	<p>The Council should apologise to Mr X for the inappropriate comments. (This part of the remedy had already been completed) The Council are to remind staff to use professional language when discussing potentially sensitive issues.</p>	£250
22005041	Adult Care Services	21/03/2023	Upheld	<p>Mrs X complained the Council did not ensure suitable home care was in place for her husband Mr X and forced her to arrange some of Mr X's care herself using direct payments. Mrs X also said the Council did not assess her own care needs when she asked it to. There was fault by the Council, and by Care Provider 6, which it commissioned to deliver care for Mr X on its behalf. This caused avoidable distress for Mr and Mrs X and put Mr X at risk of harm.</p>	<p>Send written apology and issue reminders to relevant Council staff, that:</p> <ul style="list-style-type: none"> i. where the Council has decided an individual has eligible care and support needs, it has a statutory duty to ensure the care and support set out in their care and support plan is provided; and ii. statutory guidance and Council policy says the Council should not force people to use direct payments to arrange care themselves <p>b) place a copy of final decision on file so relevant Council staff who would be responsible for arranging any future relationship with Care Provider 6 are aware of its failure. Share a copy of our final decision with Care Provider 6.</p>	£1,350

22011508	Home to School transport	21/03/2023	Upheld	<p>There was fault in the way the Council considered an application for free home to school transport made on SEN/disability grounds. The Council failed to follow the law or its own policy to carry out an individual assessment of need including how behaviour, SEN or sensory needs may impact on Y's ability to walk. The fault casts doubt on the decision reached. The Council will retake the decision, apologise, make a distress payment and carry out service improvements.</p>	<p>The Council will review the application and make a fresh decision. The Council will ensure all relevant staff and panel members have refresher training on how to assess applications made on the grounds of SEN and mobility needs. The Council will ensure all decision letters set out the rationale by reference to the representations and evidence gathered about the child's SEN/mobility/disability needs.</p>	£250
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