

APPENDIX 1 - Report of all Upheld Local Government Ombudsman (LGO) complaints in 2016/2017

Bristol City Council (LGO REF: 15 013 665)

Statement: Upheld

Special Educational needs

11-Apr-2016

Summary: The Ombudsman found fault on Ms K's complaint that the Council failed for 14 months to provide her son with the speech and language therapy set out in his statement of special educational needs. The Council offered to pay the value of the one hour a fortnight therapy he lost of £1,560 for his future education, £250 to Ms K for the benefit of her son in recognition of the impact of the loss, £200 to her for the distress caused, a written apology, and to take steps to ensure the failure is not repeated. This offer remedies the avoidable injustice caused.

Details: <http://www.lgo.org.uk/decisions/education/special-educational-needs/15-013-665>

Bristol City Council (15 014 965)

Statement Upheld

Safeguarding

03-May-2016

Summary: The Council failed to adequately assess, plan, monitor and review Mrs E's care during her stay at the Care Centre. The Council's records are poor. On balance, I conclude that Mrs E did not receive the care she was entitled to expect. I recommend the Council apologise to Mrs E's son, Mr E. This was done.

<http://www.lgo.org.uk/decisions/adult-care-services/safeguarding/15-014-965>

Bristol City Council (15 010 103)

Statement: Upheld

Special Educational Needs

17-May-2016

Summary: The Council delayed slightly in dealing with the recommendations of an annual review of Y's Statement of Special Educational Needs in December 2013. The Council took appropriate action to ensure that the provision detailed in Y's statement was in place following an appeal to Special Educational Needs Tribunal.

<http://www.lgo.org.uk/decisions/education/special-educational-needs/15-010-103>

Bristol City Council (15 019 669)

Statement: Upheld

Refuse and Recycling

08-Jun-2016

Summary: The Council was at fault for failing to collect waste from Mr X's property. Its explanation and apology are suitable remedies. The Council has apologised to Mr X in response to his complaint about the way a member of staff spoke to him.

<http://www.lgo.org.uk/decisions/environment-and-regulation/refuse-and-recycling/15-019-669>

Bristol City Council (15 010 706)

Statement: Upheld

Safeguarding

21-Jun-2016

Summary: The Council is at fault as it delayed in determining Mr Y's application for direct payments. As a result Miss X has suffered some uncertainty as she cannot know if the outcome for Mr Y would have been different. The Council agreed to remedy this injustice. There is no evidence of fault in how the Council investigated Miss X's complaints about the standard of care to Mr Y.

<http://www.lgo.org.uk/decisions/adult-care-services/safeguarding/15-010-706>

Bristol City Council (15 020 350)

Statement: Upheld

Traffic Management

11-Jul-2016

Summary: Mr X complains the Council failed to recognise his unique situation as a member of the armed forces in dealing with his parking permit application. The Council recognises the proof of address that members of the armed forces provide and considered Mr X's request for visitor permits in line with its policy. This is not fault. The Council is at fault for the delay in issuing Mr X's parking permit. The Council has already provided a suitable remedy.

<http://www.lgo.org.uk/decisions/transport-and-highways/traffic-management/15-020-350>

Bristol City Council (15 009 639)

Statement: Upheld

Noise Pollution

26-Jul-2016

Summary: Mr B says the Council mishandled his reports about noise nuisance and delayed replying to his complaint. The Ombudsman has found evidence of fault, upheld the complaint and completed the investigation because the Council agrees to apologise and learn from its errors. This was done.

<http://www.lgo.org.uk/decisions/environment-and-regulation/noise/15-009-639>

Bristol City Council (15 019 668)

Statement: Upheld

Other

27-Jul-2016

Summary: The Council has resolved Mr B's complaint by agreeing to make a payment to him to cover rent arrears incurred by his former tenant and by apologising for its failure to respond to his complaint.

<http://www.lgo.org.uk/decisions/housing/other/15-019-668>

Bristol City Council (16 000 415)

Statement: Upheld

Housing Allocations

01-Aug-2016

Summary: The Ombudsman found fault on Ms B's complaint that the Council failed to include her sister on her application for housing. The Council to fail to include her sister. It delayed dealing with her application and complaints. The Council apologised to Ms B and agreed to pay her £200 for the time she was put pursuing her complaint. It confirmed Ms B would not have successfully bid for advertised properties from the date she was told her sister had to apply separately to the date of a policy change.

<http://www.lgo.org.uk/decisions/housing/allocations/16-000-415>

Bristol City Council (16 001 607)

Statement: Upheld

Other

10-Aug-2016

Summary: The Council failed to properly explain play area design choices when deciding on installing a play area. This lead to confusion but that did not affect the final decision on the design. An apology was given.

<http://www.lgo.org.uk/decisions/other-categories/other/16-001-607>

Bristol City Council (16 002 324)

Statement: Upheld

Private Housing

25-Aug-2016

Summary: Ms A complains the Council's offer of £500 compensation for the problems she experienced in getting her external wall insulation installed is inadequate given the delay, poor service and stress caused to her. There was fault by the Council which caused Ms A injustice but as the Council's offer to reduce Ms A's bill by £500 is a fair and satisfactory way of resolving the complaint the Ombudsman will not pursue it any further.

<http://www.lgo.org.uk/decisions/housing/private-housing/16-002-324>

Bristol City Council (15 016 063)

Statement: Upheld

Council Tax

30-Aug-2016

Summary: Ms A complains about the Council's confused handling of her council tax account which has led to her being charged enforcement costs. While Ms A's own delay in responding to Council queries has contributed to the confusion, there has been fault by the Council which it has now agreed to remedy by removing all enforcement costs charged to Ms A since June 2015.

<http://www.lgo.org.uk/decisions/benefits-and-tax/council-tax/15-016-063>

Bristol City Council (16 003 626)

Statement:

Upheld

Homelessness

16-Sep-2016

Summary: When dealing with a homelessness application and offering temporary accommodation the Council acted without fault except for a lack of clarity over storage costs and it failed to consider a complaint without delay. An apology was given.

<http://www.lgo.org.uk/decisions/housing/homelessness/16-003-626>

Bristol City Council (16 000 833)

Statement Upheld

Council Tax

26-Sep-2016

Summary: The Council failed to refund the correct amount to Mrs X when she won a council tax appeal. It failed to identify it had made an error despite Mrs X questioning the matter repeatedly after the appeal for some years. The Council agreed to make the appropriate refund and to pay Mrs X an extra £500 to recognise the time trouble and distress the matter caused.

<http://www.lgo.org.uk/decisions/benefits-and-tax/council-tax/16-000-833>

Bristol City Council (16 001 863)

Statement: Upheld

Council Tax

19-Oct-2016

Summary: When managing a council tax account the Council acted without fault in passing the debt to enforcement agents. It acted with fault, however, in failing to bring back the debt from enforcement agents once they reported new information about a tenancy and arranging for payment.

<http://www.lgo.org.uk/decisions/benefits-and-tax/council-tax/16-001-863>

Bristol City Council (16 001 936)

Statement: Upheld

Child Protection

11-Jan-2017

Summary: There was fault in the way the Council investigated allegations of historic abuse. There was no fault in the Council's decision not to interview the Guardian in its investigation of the complaint. The Council has agreed a remedy.

<http://www.lgo.org.uk/decisions/children-s-care-services/child-protection/16-001-936>

Bristol City Council (16 002 222)

Statement: Upheld

Traffic Management

20-Jan-2017

Summary: There is no fault in how the Council has dealt with a parking scheme on the street where Miss X lives or its decision to refuse Miss X's request for further restrictions. There is fault in how it has handled Miss X's complaint.

<http://www.lgo.org.uk/decisions/transport-and-highways/traffic-management/16-002-222>

Bristol City Council (16 004 861)

Statement: Upheld

Assessment and Care plan

06-Feb-2017

Summary: There was fault by the Council in not taking action when the other local authority failed to reply substantively to requests for an assessment of Mr X's social care needs. The Council should pay Mr X £125 in recognition of the uncertainty that the fault caused and Mrs B £1,180.66 to remedy the loss of respite provision.

<http://www.lgo.org.uk/decisions/adult-care-services/assessment-and-care-plan/16-004-861>

Bristol City Council (16 009 358)

Statement: Upheld

Refuse and Recycling

09-Mar-2017

Summary: The Council did not provide a reasonable garden waste collection service and did not investigate why this happened or take action to stop it happening again. The complainant has not had a reasonable service for a year. The Council will apologise to the complainant, provide the service free for a year and pay her £150 for the trouble it has put her to. It will also make a proper plan to provide a reasonable service to the complainant in future.

<http://www.lgo.org.uk/decisions/environment-and-regulation/refuse-and-recycling/16-009-358>

Bristol City Council (16 010 886)

Statement: Upheld

Licensing

10-Mar-2017

Summary: When the Council introduced a discretionary property licensing scheme it did not have a bespoke appeal procedure until a month after the scheme went live. Therefore the complainant's

late application appeal had several routes open to it causing confusion. However, the Council has reviewed and upheld the appeal remedying the complaint.

<http://www.lgo.org.uk/decisions/environment-and-regulation/licensing/16-010-886>

Bristol City Council (16 008 734)

Statement: Upheld

Council Tax

21-Mar-2017

Summary: The Council is at fault for not fully explaining when it will transfer credits from one council tax account to another. The Council has now agreed to provide that explanation. In other respects, the Council has dealt properly with the council tax accounts for the property Mr X lives in.

<http://www.lgo.org.uk/decisions/benefits-and-tax/council-tax/16-008-734>