

Report of all 12 Upheld LGO complaints in 2017/2018 Appendix 1

Garfield Horner

October 30th 2018

1. Bristol City Council (LGO REF: 15009502)

Statement: Upheld

Housing – Homelessness

June 2017

Summary: The complainant, whom we shall call Mr B, complained the Council failed to respond properly to his housing needs since he became homeless in 2015. He considers he is inappropriately housed and that his banding does not properly reflect his needs. He also complains the Council failed to deal with his complaints properly

The Ombudsman's final decision: There was fault by the Council in the way it dealt with Mr B's application for housing. That led to injustice for Mr B, which the Council has agreed to remedy.

Details of the case: <https://www.lgo.org.uk/decisions/housing/homelessness/15-009-502#point1>

Action Taken

To be confirmed

2. Bristol City Council (LGO REF: 17001038)

Statement: Upheld

Council Tax

July 2017

Summary: The complainant, whom shall be referred to as Mrs B, complains the Council did not update its records when she told it a property was sold. She also complains the Council wrongly passed on her old address to the bailiffs.

Mrs B has said that the bailiffs have removed some of the costs but the Council still says she owes money and she has had to pay premium rate phone charges to sort out the debt with the bailiffs.

The Ombudsman's final decision: There was fault by the Council when managing Mrs B's council tax account. The Council has remedied the injustice by apologising to Mrs B and refunding her costs of £212.62, including the cost of calling the bailiffs premium rate phone lines.

Details of the case: <https://www.lgo.org.uk/decisions/benefits-and-tax/council-tax/17-001-038#point1>

Action Taken

The LGO found that the Council had taken satisfactory action to remedy the complaint meaning there was no outstanding injustice. **No changes made**

3. Bristol City Council (LGO REF: 16011521)

Statement: Upheld

Planning and Development

September 2017

Summary: The complainant, whom we shall call Mrs B, complains that the Council wrongly advised her she needed planning permission to convert a house into a house in multiple-occupation (HMO). The Council later accepted this advice was incorrect. As a result, Mrs B incurred unnecessary costs and lost rental income.

The Ombudsman's final decision: Uphold Mrs B's complaint. The Council incorrectly advised her that she needed planning permission and, when validating her application, failed to advise her planning permission was not required. This was fault and caused Mrs B financial loss.

Details of the case: <https://www.lgo.org.uk/decisions/planning/planning-advice/16-011-521#point1>

Action Taken

Financial remedy only – no learning

4. Bristol City Council (LGO REF: 16018564)

Statement: Upheld

Assessment and Care Plan

September 2017

Summary: Mr X complains the Council has:

- Incorrectly billed him for care provided by his previous care provider;
- Charged him for his current care package when he was told he would not be charged;
- Failed to properly consider his request for adaptations namely an induction cooker which Mr X says he needs for safety as he is in danger of leaving the cooker on and thermostats for his radiators; and
- Failed to support him to get the help he needs from the NHS.

The Ombudsman's final decision: There is no fault in the way the Council charged Mr X for care services. Its complaint response to Mr X was unclear about the ongoing cost of his care package. The Council failed to properly consider his risk of leaving the cooker on. The Council is not required to provide thermostatic radiator valves. It has assessed Mr X's needs and is not at fault for not pursuing a joint assessment with health. The Council has agreed to apologise to Mr X and assess whether he requires support in relation to the risk of leaving the cooker on.

Details of the case: <https://www.lgo.org.uk/decisions/adult-care-services/assessment-and-care-plan/16-018-564>

Action_Taken

Remedial action related to individual circumstances – no changes made

5.Bristol City Council (LGO REF: 17003500)

Statement: Upheld

Environmental Services & Public Protection & Regulation

September 2017

Summary: Ms X says the Council is failing to comply with its bin collection policy as crews start the fortnightly black bin collection for her road before 7:00am. Ms X says early starts wake her up and may lead to missed collections if people put their bins out just before 7:00am. Ms X wants the Council to comply with its own rules and start collections at 7:00am.

The Ombudsman's final decision: Despite giving Ms X assurances, the Council did not ensure bin collections started at 7:00am, in line with its policy. To address the annoyance this caused Ms X, the Council apologised and agreed to check the start of bin collections until the end of the year. The Council also agreed to review, with its contractor as necessary, complaints handling for its waste collection service.

Details of the case: <https://www.lgo.org.uk/decisions/environment-and-regulation/refuse-and-recycling/17-003-500#point4>

Action_Taken

Since the time of the complaint, communication and engagement with the contractor has improved allowing for a more proactive response from all parties in regards to complaints and their administration.

The contractor were made aware of this particular instance and have since ensured that the waste collection service 'start time' is adhered to in all cases and at all times (except where Council permission has been granted to start earlier for safety reasons).

Further to this, the commencement times for all services provided by our contractor and improved complaint management requirements are now embedded and detailed within a new contract document created since this complaint and subsequent ruling.

Since September 2017, there has been no further avoidable contact or complaint from the complainant in regards to the scope and scale of waste collection services she receives.

6.Bristol City Council (LGO REF: 16017270)

Statement: Upheld

Adult Care

October 2017

Summary: Mr N, is the executor of the estate of his late uncle ("Mr X"). Mr N complains that the Council, when acting as Mr X's financial Deputy, did not do so in his best interests. He says the Council failed to maintain payments on two life insurance policies set up by his uncle before he lost capacity. As a result the estate had to fund the funeral costs which should have been covered by the policies.

The Ombudsman's final decision: The Council was at fault when it failed to maintain payments on life insurance policies when it was appointed as a Deputy by the Court of Protection. The Council has agreed to apologise, reimburse the estate of the deceased complainant and review its procedures.

Details of the case: <https://www.lgo.org.uk/decisions/adult-care-services/other/16-017-270#point1>

Action Taken

Remedial action related to individual circumstances – no changes made

7. Bristol City Council (LGO REF: 16019146)

Statement: Upheld

Council Tax

October 2017

Summary: The complainant, whom we shall call Mr C, complains the Council failed to correctly administer his council tax accounts, leading to unwarranted legal action and associated costs.

The Ombudsman's final decision: The Council was at fault in issuing a summons for council tax to a landlord, when it knew the property was occupied by tenants. The Council's complaint handling was also poor.

Details of the case: <https://www.lgo.org.uk/decisions/benefits-and-tax/council-tax/16-019-146#point1>

Action Taken

Bristol City Council uses a Local property Gazetteer address look up its online change of circumstances notifications. An old address that was subsequently split into flats was still available. A process has been introduced to maintain/amend address look up data.

Two complaints related to properties with the same owner in different areas of the city. Both were handled by different officers in a slightly different way. We now co-ordinate complaints and have developed a more consistent approach to complaint response.

8. Bristol City Council (LGO REF: 17000717)

Statement: Upheld

Council Tax

November 2017

Summary: The complainant, whom we shall refer to as Ms X, complains that the Council:

- did not respond to her request for an officer in the Council Tax team to telephone her to discuss a payment arrangement for Council Tax arrears after her income reduced significantly in September 2016;
- obtained a Liability Order in the Magistrates Court, and passed her account to its civil enforcement agents who visited her on 29 December 2016, before it responded to her request for an affordable payment arrangement.

The Ombudsman's final decision: the Council was at fault when it failed to reply to an email before it applied to the Magistrates Court for a Liability Order for Council Tax arrears. But the Council would still have proceeded with that application so the fault did not cause injustice. I found no evidence of fault in the way it handled later recovery and enforcement action.

Details of the case: <https://www.lgo.org.uk/decisions/benefits-and-tax/council-tax/17-000-717>

Action Taken

No fault identified by the LGO in the enforcement process. No changes made

9. Bristol City Council (LGO REF: 17002929)

Statement: Upheld

Adult Care

November 2017

Summary: The complainant, whom I shall refer to as Ms B, complained the Council:

- failed to tell her it had only awarded a temporary package of care; and
- Unreasonably reduced the care package.

The Ombudsman's final decision: the Council misled Ms B about a care package, changed the package without carrying out a reassessment and delayed considering her complaint. An apology, payment of £100 and reminder to officers is satisfactory remedy for the injustice caused.

Details of the case: <https://www.lgo.org.uk/decisions/adult-care-services/assessment-and-care-plan/17-002-929#point1>

Action Taken

Remedial action related to individual circumstances – no changes made

10. Bristol City Council (LGO REF: 17007972)

Statement: Upheld

Council Tax

February 2018

Summary: The complainant, whom we shall refer to as Mr A, complains the Council failed to respond properly to his appeal for a student exemption. As a result, the Council added further costs and he was forced to pay the outstanding council tax for other occupants when he was not liable.

The Ombudsman's final decision: The complainant's claim for a student exemption on his council tax is an appealable matter. However, there was fault by the Council in issuing a summons. The Council agreed to my recommendation to remove costs of £103.

Details of the case: <https://www.lgo.org.uk/decisions/benefits-and-tax/council-tax/17-007-972#point1>

Action Taken

Payments made that were intended for a different council tax account were not identified before costs were incurred. We reviewed our automated payment allocation rules and accounts are now reconciled at every possible opportunity to minimise payment allocation problems.

11. Bristol City Council (LGO REF: 17005710)

Statement: Upheld

Adult Care

March 2018

Summary: The complainant, whom we shall refer to as Mr B, complains the Council has failed to support his daughter's move to a residential care home.

The Ombudsman's final decision: The Council was wrong to raise expectations about the possibility of Ms C moving to a care home when it had not assessed her as needing residential care. The Council has agreed to apologise. It will also review Ms C's needs and discuss all the options for alternative accommodation with her and ensure she is enabled to make decisions for herself.

Details of the case: <https://www.lgo.org.uk/decisions/adult-care-services/other/17-005-710#point1>

Action Taken

Remedial action related to individual circumstances – no changes made

12. Bristol City Council (LGO REF: 17012714)

Statement: Upheld

Children's Services

March 2018

Summary: The complainant, whom we have called 'Mrs B', complains the Council unreasonably refused to pay her nursery money owing for subsidised childcare she provided during the spring term of the 2016-17 academic year. Mrs B recognises the Council received wrong information preventing it from making the correct payment at the time. But says this could be due to a fault in the software childcare providers must use to claim funds from the Council. Mrs B also points out she did not receive a payment summary sent in March 2017 which might have alerted her to the underpayment. Mrs B points out that when she noticed the error the following term, the Council paid all sums due for that term. She queries why it cannot therefore also backdate a payment for the spring term.

Mrs B also complains of fault in how the Council has dealt with her complaint. She says there was delay, a lack of signposting and a failure to understand the substantive matters raised by her complaint.

The Ombudsman's final decision: Mrs B complained the Council would not backdate a payment to her nursery it would have received in February 2017 but for an error in information received by the Council on which it bases payments. The Ombudsman found no good reason for the Council's refusal and so we found fault in its response. The Council has agreed to pay the nursery as it requested to remedy the injustice this caused.

Details of the case: <https://www.lgo.org.uk/decisions/children-s-care-services/other/17-012-714#point1>

Action Taken

To be confirmed