

Appendix 1

The report summarises the findings made in respect of the Council by the Local Government and Social Care Ombudsman (LGSCO) in 2018/2019. No public reports have been made.

Significant issues in the report are:

The LGSCO has upheld 12 complaints out of a total of 124 cases in 2018/2019 compared with 12 out of 129 in 2017/2018.

The Council dealt with 9,148 Stage 1 and Stage 2 complaints in 2018/2019, which means the escalation rate is 1.35% of the total number of cases, and 0.13% against the upheld number of cases.

The link below taken from the LGSCO website shows that the Council's upheld rate of 67% is higher than the UK authority average of 55%. However, of the upheld cases the Council has provided satisfactory remedies in 25% of cases compared with the national average of 11%.

<https://www.lgo.org.uk/your-councils-performance/bristol-city-council/statistics>

Summary of upheld cases:-

Housing x 1 case

Benefits & Tax x 2 cases

Planning & Development x 1 case

Education & Children's Services x 2 cases

Adult Care Services x 4 cases

Environmental Services & Public Protection x 1 case

Corporate & Other Services x 1 case

NB The case leading to a public report has not been included here as it has already been reported to Full Council.

Upheld cases summary

1. Bristol City Council (18 000 762) - Charging 30-Nov-2018

Summary: There was fault by the Council. It did not give the complainant clear information or advice about how it would charge for her care. This meant the family could not make informed decisions about how to pay for care and were unaware that the Council would backdate an increase in charges. The Council also took too long to deal with her son's complaint about this. The Council has agreed to refund the backdated charges, pay the complainant's son £200 for his time and trouble in pursuing matters, share this decision with relevant staff, and identify the lessons learned to prevent this recurring.

Action points and Learning

[Action plan to improve services in relation to Care Home charges 18000762.docx](#)

2. Bristol City Council (18 007 898) - Other 16-Nov-2018

Summary: The executors of the late Mr D complained that the Council failed to terminate his council tenancy when he moved to residential care and so charged him both rent and care fees. The Council has acknowledged that it should have done this and that its communications with the executors were lacking. The Council has agreed to pay the additional fees incurred by the estate in corresponding with it on this issue. The Council has also reviewed its processes.

Action points and Learning

Executors complained of failure to terminate tenancy when the Service User moved to residential care and charged him rent and care fees. Paid additional fees incurred by estate and reviewed processes.

Remedy response sent to Ombudsman: "Following this complaint the following steps have been taken to improve the Council's processes to make sure that deputyship is dealt with in good time, where there is an accruing rent liability.

- Additional resources have been agreed for the Council's Financial Protection Team to increase the staffing level by two officers. This will increase the supports to front facing staff to progress these cases and ensure a more timely response to cases where people lack capacity in respect to their finances and where there is no one willing, suitable or able to manage their property or affairs. This will give the team capacity to deal with more cases. The post has been recruited to and the post holders will start in the New Year.
- Whilst these posts are being recruited to additional resources have been diverted to increase the number of cases that can be considered at the council Financial Protection Panel. This will ensure increased capacity to consider emergency applications through this fast tracked process.
- A Practice note has been issued to remind staff of the need to prioritise these cases.
- There is an ongoing review by the Financial Protection Team focusing on identifying similar cases to ensure that we are responding in a timely manner and to that we continue to make improvements to the way we resolve these cases."

3. Bristol City Council (18 003 104) - Refuse and recycling 14-Nov-2018

Summary: Mr F complains the Council ignored his reports of littering near his home and delayed dealing with his complaint. The Ombudsman has found fault causing injustice to Mr F. The Council will apologise, make a payment to Mr F and clarify how it will keep the area litter free.

Action points and Learning

Collective responsibility needs to be taken where more than one department or party is involved. Co-ordination between departments took place to ensure that the area was and is kept litter free and the agreement with the 3rd Party is being monitored and will be enforced if necessary.

4. Bristol City Council (18 002 590) - Other 25-Oct-2018

Summary: Mrs X complains about the Council's response to her reports of noise nuisance and says they were not acknowledged or resolved until after she made a formal complaint. We found there was fault by the Council, as the investigating officer did not contact Mrs X to update her on his investigation and did not offer her access to its Noise App sooner. This put Mrs X to the time and trouble of having to complain and left her to live with the nuisance for longer than she might otherwise have done. The Ombudsman recommended the Council should remedy this by apologising to Mrs X, paying her a financial remedy and revising its policy to prevent this happening in future. It agreed to do so.

Action points and Learning

The Neighbourhood Enforcement Team (NET), which deals with noise complaints, has now changed its case allocation process to enable officers with specialism in noise nuisance to concentrate more on this area of enforcement. Guidelines on the use of the Noise App have been produced. Improved monitoring of response times to complainants has also been introduced and is a key performance management indicator to NET officers.

5. Bristol City Council (17 017 860) - Council tax 31-Jul-2018

Summary: It was fault for the Council to allocate Ms X's payments from a 2014 Liability Order, received through an Attachment of Earnings, to Ms X's older debts, and then to seek recovery of further Council Tax debts using the same Liability Order in 2016. That fault did not result in financial disadvantage to Ms X. However, it was fault that the Council did not tell Ms X of what it intended to do with the Attachment of Earnings payments in 2014, and the 2014 Liability Order in 2016. This caused avoidable injustice to Ms X needing a remedy. It was fault for the Council to recall all of Ms X's debts from the recovery agent in 2018. The Council has acted to remedy the injustice this caused Ms X.

Action points and Learning

There are inherent difficulties in differentiating between payments received from the liable party and payments from their Employer (via deductions from earnings orders) and the appropriate allocation of the payments, as well as any subsequent re-allocation of payments once identified as

from the Employer, between the debts involved. This made it difficult for the Complainant to be clear about her arrears position and what had been paid via deductions versus what remained due. In future, the officer setting up a Deductions from Earnings order will retain ownership of the case until the order is settled or ceases, to assist in the resolution of payment allocations, as they arrive.

6. Bristol City Council (17 014 187) - Assessment and care plan 27-Jul-2018

Summary: The Council delayed completing an assessment of adult social care needs, and wrongly recorded Miss B's thoughts and wishes. A reassessment overturned the original decision that she was ineligible. This meant over a year delay to receive a support package. Meanwhile, Miss B could not move into a property and remained living in an abusive home environment. The Council should refund Miss B the costs of the property she could not live in, and pay £1500 to acknowledge the impact on her mental health.

Action points and Learning

Mrs B was reimbursed the costs of the property and paid £1500 to acknowledge the impact on her mental health.

We took steps to resolve the issues, and have reduced waiting times as a result, but we accept that it is still delayed in some cases. The Council has improved its recruitment and retention of social work staff meaning that there are no longer Social Work vacancies which has reduced waiting times.

7. Bristol City Council (17 012 184) - Assessment and care plan 19-Jul-2018

Summary: Ms X complained the Council has not properly assessed or reviewed her care needs for three years, and it did not investigate her complaints about abuse by two care agencies. The Council was not at fault in how it responded to Ms X's concerns about the care providers. The Council was at fault as it did not carry out care reviews when it should have, however this did not cause Ms X a significant personal injustice. The Council was also at fault when it gave Ms X incorrect information about when it should carry out reviews, which caused confusion for Ms X. The Council has agreed to apologise to Ms X, create a plan for reducing its backlog of outstanding care reviews and write to those affected.

Action points and Learning

Failure to properly assess or review care needs for three years and did not investigate the Service Users complaints about abuse by two care agencies. This did not cause significant personal injustice. Gave Service User incorrect information about when it should carry out reviews which caused confusion. This had major implications for adult social care which was found to be in breach of the Care Act by not holding reviews within 12 months.

An action plan was written with targets and timescales for working through the backlog of overdue care reviews by 30 August 2020. A letter was sent to all people with overdue care reviews setting out:

- that their care review was overdue
- estimated timescales for their review, should they not contact the Council in the meantime

- how they could request a review sooner if they believed their care package did not meet their current needs
- how to complain if they believed the delay in reviewing their needs caused them an injustice.”
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8. Bristol City Council (18 000 139) - Other 06-Jul-2018

Summary: Mr B complains about the inadequate amount of compensation the Council has offered to settle his complaint which concerned events at his placement care home. The offer of £700 made by the Council is a reasonable one and we will not pursue the complaint any further.

Action points and Learning

This concerned events at placement care home which left the Service User distressed and angry. Much of complaint upheld before going to LGSCO. Dispute over the amount of financial remedy, the Ombudsman agreed with our offer of £700.

Learning not applicable in this case

9. Bristol City Council (17 013 579) - Enforcement 27-Jun-2018

Summary: Mr X complains the Council was wrong to allow a neighbour to present a revised planning application when it found breaches of planning control. The Ombudsman has found there was no fault when the Council invited the revised planning application or when it later approved it. However, it failed to properly update Mr X while it investigated his concerns. This caused him an injustice it should remedy by apologising to him and reminding officers of their responsibilities.

Action points and Learning

A written apology was sent to the complainant and the Planning Enforcement Team leader wrote to team members reminding them to provide regular updates to complainants at key stages of cases, and that this was a response to a case investigated by the LGO.

10. Bristol City Council (17 020 268) - Other 25-Apr-2018

Summary: The Ombudsman should not investigate Mr J's complaint about difficulty and delay in obtaining small business rate relief, because there is nothing he can add to what the Council has already done.

Action points and Learning

Although there were no technical or legislative errors in the processing of this case two ancillary issues were identified

1. Comments on the conduct of an officer in the Citizen Services team, - this was dealt with by an internal email sent to the team by the manager reminding them of required standards of service and the comments were referred to the Councils complaints team for investigation
2. Comments regarding inconsistent approach.

This was highlighted to relevant Manager and refresher training and a clarification on authorised parties was requested.

11. Bristol City Council (18 005 923) – Corporate and other services

Summary

This related to a Data protection breach in the Allotment service, where personal details were shared. The Council had admitted fault and apologised before the LGSO was involved.

Action points and Learning

1. Refresher training was given to the relevant officer
2. Procedure was changed so that site representatives were blind copied into emails and representatives gave consent before the Council could share contact details relating to their role.

Garfield Horner and Nancy Rollason

17th October 2019