

[Bristol City Council \(19 008 584\)](#)

Statement - Upheld – Adult Care charging - 23-Mar-2020

Ombudsman summary: Mr C's daughter, Mrs D, says the Council failed to invoice him for adult social care services by email, as requested, for over a year. It then presented a bill for nearly £9,000 which he could not pay. She says this caused her and Mr C stress and means he cannot afford necessary repairs on his home. The Council was at fault for its failure to send invoices by email. But this fault caused limited injustice. Mrs D knew what the services cost and how long Mr C had received them without receiving invoices by email. The Council has agreed to pay Mr C £100 and to accept a reasonable repayment plan.

Bristol's learning, remedy and service improvement plan: we were at fault for our failure to invoice for adult social care services by email, as requested, for over a year. We paid £100 and agreed a reasonable repayment plan. The cause of this was a glitch which meant that the change in address for the Power of Attorney was not picked up by the system, so the invoices did not go to them. We have investigated and this appears to have been a one off. However, the service is mindful of ensuring that people who have Power of Attorney receive appropriate information

[Bristol City Council \(19 002 308\)](#)

Statement - upheld - Noise complaint - 13-Mar-2020

Ombudsman summary: The Ombudsman upholds Mr X's complaint about the Council's handling of his noise nuisance complaint. The Council's communication and record keeping was poor. The Council was not at fault for deciding the noise was not a statutory nuisance. The Council will apologise to Mr X and carry out service improvements.

Bristol's learning, remedy and service improvement plan: we did not uphold this complaint during our internal process and investigations. We apologised and offered reassurance that we would provide training and guidance to staff.

Officers have been reminded to

- store case-specific files so they can be accessed by any member of the team. The Council will remind officers of
- review noise nuisance cases every four weeks.
- communicate the outcome of each review to the complainant in each case.
- communicate its decision in writing.
- respond to complaints at stage two within the deadline

A number of changes have been implemented to the management of noise cases by the Neighbourhood Enforcement Team. Dates are set by case officers on the case management system for regular case reviews which also generate auto reminders. Contact is made with the reporter at review stage and a plan detailing how the case will be progressed and how

contact can be made with the case officer is provided. Case allocation has been adapted to avoid officers working across multiple case management systems and this has enhanced understanding of these systems resulting in improvements in officers' ability to interrogate records and improved record keeping. The council has a new system for managing complaints which triggers reminders of response deadlines for the officers dealing with complaints and their managers. Response performance is monitored closely

[Bristol City Council \(18 011 958\)](#)

Statement - upheld – Service unspecified - 05-Mar-2020

Ombudsman summary: Mr B complains that he did not receive proper support from the Council through the Bristol (Syrian Refugee) Resettlement Scheme. The Council was at fault because it initially placed him in a property which was too small, did not explain deductions from a deposit, did not deal with a grant application, did not properly consider a request for a s17 child in need of assessment and did not deal with his complaint properly. Mr B's daughter missed out on a grant payment and it is unclear whether Mr B's son requires help. The Council has agreed to apologise to Mr B, pay Mr B's daughter £304.80 and complete a s17 assessment regarding Mr B's son.

Bristol's learning, remedy and service improvement plan: Syrian Resettlement Programme

Faults

- we placed family into housing which was too small
- we did not arrange a meeting to explain deductions from deposit
- we did not deal with complaint properly
- we did not deal with a grant application properly
- we did not respond to a request for a s17 needs assessment

Remedies

- we apologised
- we paid the daughter £304.80 in respect of the failed grant application
- we completed a s17 needs assessment for the son (no needs identified).

We have changed our housing offer around housing allocations and deposits and we refer people for assessments and grant applications at their request even if it is our professional assessment that they do not meet the criteria for a service. And we changed our complaints process so that it's clearer that we translate. We actively promote this to the service users.

[Bristol City Council \(19 006 858\)](#)

Statement - upheld Housing Benefit and Council Tax benefit - 04-Mar-2020

Ombudsman summary: There was fault by the Council. It did not review Mrs B's care plan or advise her, or her family that she was not entitled to housing benefit (HB) to pay the rent of her

flat while she was in residential care. The Council's shortcomings meant Mrs B incurred a debt she may have otherwise avoided. The Council has made improvements to how it handles these situations. It agreed to refund the amount of overpaid HB to Mrs B's estate.

Bristol's learning, remedy and service improvement plan:

See case 19 005 844 (below) for remedies as identical remedy applied

[Bristol City Council \(19 005 844\)](#)

Statement - upheld Assessment and care plan - 04-Mar-2020

Ombudsman summary: There was fault by the Council. It did not review Mrs B's care plan or advise her, or her family that she was not entitled to housing benefit (HB) to pay the rent of her flat while she was in residential care. The Council's shortcomings mean Mrs B incurred a debt she may have otherwise avoided. The Council has made improvements to how it handles these situations. It agreed to refund the amount of overpaid HB to Mrs B's estate.

Bristol's learning, remedy and service improvement plan:

Faults

The Care plan was not reviewed. The service user and family were not advised that she was not entitled to Housing Benefit to pay the rent of her flat while she was in residential care

Learning and improvement

Transfers between teams are handled better, information about tenancies are better recorded, and social workers are aware there are benefit issues when people are living away from a home but have not ended their tenancy. Case transfer guidance was introduced in within Adult Care and Support subsequent to the date that this complaint issue was developed, including clear guidance that SW hand over pertinent information around things like tenancies. We have apologised and we have written off the debt and refunded the amount of overpaid HB

[Bristol City Council \(19 007 854\)](#)

Statement – upheld - Allocations - 24-Feb-2020

Ombudsman summary: Ms X complained the Council failed to deal properly with her application for housing. There was no delay in the time taken for the Council to award Ms X housing priority and no fault in the way the Council carried out a suitability review of the property it offered her.

But there was fault when the Council failed to consider medical evidence Ms X submitted, but this did not cause her an injustice. Ms X also complained the Council breached data protection legislation but I will not investigate this. This is because matters about data breaches are best left to the Information Commissioner's Office.

Bristol's learning, remedy and service improvement plan:

There was no learning associated with this case, the evidence in question was in the normal work queue, and was dealt with within normal time scales. We did not agree with the Investigators assessment that we had failed to consider the medical evidence, as this was considered and relevant priority awarded, however it was not considered worth challenging the decision further as there were no remedies required.

[Bristol City Council \(19 015 501\)](#)

Statement - upheld - Licensing - 12-Feb-2020

Ombudsman summary: Mr X complains that the Council did not apply the proper discounts before charging him for a property licence. The Ombudsman will not investigate this complaint because the Council has agreed to take appropriate action to remedy any injustice to Mr X.

Bristol's learning, remedy and service improvement plan:

There was no learning from this case. The complainant had not provided the right documents, when these were presented the issue was rectified.

[Bristol City Council \(19 000 112\)](#)

Statement - upheld – Noise - 11-Feb-2020

Ombudsman summary: Ms X complains about the Council's investigation of her reports of noise nuisance from a nearby pub. There was fault by the Council because it disregarded noise from people leaving the pub when it served a noise abatement notice and there was unreasonable delay in its investigations. The Council agreed to remedy the injustice to Ms X by extending its nuisance investigation and making a payment to reflect the distress she suffered.

Bristol's learning, remedy and service improvement plan:

Payment was issued to the complainant, and future monitoring of the issue was scheduled, however this was overtaken by the Covid-19 situation which led to the premises in question being closed for some time.

[Bristol City Council \(19 003 940\)](#)

Statement - upheld - Noise - 27-Jan-2020

Ombudsman summary: Mrs X complains the Council gave her misleading information about what constituted unacceptable noise from works at a neighbouring property. The Council gave incorrect information about working time guidelines and then then wrongly advised it would issue a fixed penalty notice. The Council has reviewed the noise recordings and established no statutory nuisance existed. An appropriate remedy for the injustice caused is agreed.

Bristol's learning, remedy and service improvement plan:

Issue was caused by an inexperienced officer providing advice relating to commercial construction limitations with regard to DIY noise which was incorrect. The service has subsequently reviewed which officers should be allocated this type of case.

[Bristol City Council \(19 004 573\)](#)

Statement - upheld - Refuse and Recycling - 08-Jan-2020

Ombudsman summary: Mr X complains about repeated missed communal bin collections from his block of flats since he moved in around three years ago. The Ombudsman found fault in the Council's repeated failure to prevent missed collections at Mr X's block of flats. This caused him a significant injustice as he had to go to the time and trouble of making several reports and complaints. The Council agreed with our recommendation it should remedy this by apologising to Mr X, monitoring collections going forward and reflecting on how it recognises repeat missed collections.

Bristol's learning, remedy and service improvement plan:

The Council has agreed to liaise with the Bristol Waste Company to review its missed collections policy. This is with a view to creating an internal reporting mechanism to highlight when a certain number of missed collections are reported within a specific period at the same location. The number of missed collections to trigger this and the time period will be a matter for discussion between the council and the Bristol Waste Company. BWC's internal reporting mechanism is dependent on the introduction of a new back office reporting system which is still in development. To counter this in the short term the property in question was monitored to ensure no further miss collections occurred.

[Bristol City Council \(19 004 898\)](#)

Statement – upheld - Homelessness - 16-Dec-2019

Ombudsman summary: Mr X complains the Council told his prospective landlord he intended to claim housing benefit, causing the withdrawal of an offer of a tenancy and embarrassment. He also says it mishandled his request for a review of his housing priority band. The Ombudsman found no fault in the Council's approach. It did not communicate directly with his landlord and it considered Mr X's evidence why it should increase his housing band but disagreed it should. There was fault in how the Council explained its rule on not investigating complaints older than 12 months. While this caused Mr X no significant injustice, the Council agreed to the Ombudsman's recommendation to provide a better explanation to others in future.

Bristol's learning, remedy and service improvement plan:

The Council has agreed to add guidance to its complaints policy stating officers applying the 12 month rule should include an explanation of any evidence taken into account when refusing to investigate a complaint for that reason.

[Bristol City Council \(18 019 206\)](#)

Statement - upheld – Anti-social Behaviour - 12-Dec-2019

Ombudsman summary: The Council delayed acting to remove caravan and vehicle dwellers from a road where Mr C has a business. The Council failed to act to resolve concerns of anti-social behaviour, fly tipping and defecating in the street. The Council delayed dealing with Mr C's complaint and did not address all his issues. The Council failed to keep Mr C informed. Mr C worries about his livelihood due to the impact on his business from customers unable to park or not wanting to pass the vehicles and witness upsetting behaviour. The Council will apologise, pay Mr C £750, ensure to keep him updated, and deal with any future reports without delay.

Bristol's learning, remedy and service improvement plan:

The council has introduced an on line reporting system for members of the public to report concerns relating to vehicle dwelling encampments and a page on the council's website provides information about the council's policy and procedures for managing vehicle dwelling encampments with a GIS map which provides up to date information about the council's enforcement activity. The development of the map has enabled the council to maintain real time detailed records of encampments and enforcement activity. The establishment of a lead enforcement role for a Senior Enforcement Officer has improved response times and consistency of operations and communications.

[Bristol City Council \(18 002 671\)](#)

Statement - upheld - Disabled facilities grants - 09-Sep-2019

Ombudsman summary: The complainant says the Council took from 2015 to consider, commission and manage grant aided adaptations to her home. The complainant says this is too long and as a result she has lived with excessive pain when using her kitchen and bathroom. The Council says it offered a financial remedy for faults and is progressing with the renewed application received in 2017. It says some delay has been due to adjustments to proposals to reflect the complainant's wishes and because of her prolonged absences from home. The Ombudsman finds the Council acted with fault and recommends a remedy.

Bristol's learning, remedy and service improvement plan:

Financial remedy issued to complainant. Major delay occurred as the Service cancelled the works following a request to do so by the complainant to the contractor. The service failed to confirm the cancellation of works with the complainant. The Service is reviewing its procedure around client requests to discontinue works by confirming this in writing to the customer, to ensure this cannot happen again.

[Bristol City Council \(18 019 085\)](#)

Statement - upheld – unspecified category - 09-Aug-2019

Ombudsman summary: Mr B complains the Council has not resolved the problems of litter near to where he lives following a previous complaint to the Ombudsman. He says the Council did not respond to his report of continued littering and then did not respond to his complaint. There was delay in responding to the last investigation decision and fault in how the Council responded to Mr B when he reported continuing problems. There is no fault in the action the Council has now taken to address the problems.

Bristol's learning, remedy and service improvement plan:

Apology offered no further action

[Bristol City Council \(18 011 707\)](#)

Statement - upheld - Refuse and Recycling - 08-Aug-2019

Ombudsman summary: Ms X complained about the Council's failure to address her concerns about the impact of local businesses in her area, waste collection and street cleaning issues and problems with a neighbour. The Ombudsman finds the Council was at fault for delay in responding to her concerns, not addressing them fully during the complaints procedure, and failing to keep in contact with her about what the Council was doing. The Council has agreed to apologise to Ms X, explain how the concerns can be addressed now and pay her £250 to acknowledge the injustice caused to her by its fault.

Bristol's learning, remedy and service improvement plan:

Financial remedy issued

[Bristol City Council \(18 015 583\)](#)

Statement - upheld - Child protection - 08-Aug-2019

Ombudsman summary: Ms F complained the Council did not accept the findings and recommendations of the Children's Stage 3 complaint review panel. Ms F felt the Council did not listen to her and disbelieved her experience of domestic abuse. The Ombudsman found the Council's management of the complaint was fundamentally flawed. To remedy the injustice caused, the Council has agreed to consider the complaint again at stage 2, and if asked, stage 3 of the statutory complaint procedure.

Bristol's learning, remedy and service improvement plan:

The Complaint has been investigated at Stage 2 by an independent Investigating Officer and learning has been disseminated as an outcome of this. Ms F has requested that the complaint be

considered at Stage 3. Due to Covid-19, the Stage 3 review panel was postponed as the complainant did not want the Panel to be a virtual meeting. However a Stage 3 Panel is now being progressed. The Council will await the outcome of the Stage 3 Panel and will then respond to the Complainant. No officers involved in the first complaint have been involved in the re investigation.

Remedies

Apology for handling of complaint, paid £250 for the delay and reinvestigated at stage 2 of procedure

[Bristol City Council \(18 013 368\)](#)

Statement - upheld – Charges - 11-Jul-2019

Ombudsman summary: There was fault by the Council. There was delay in allocating a social worker when a hospital discharged an elderly lady into temporary residential care. The Council has apologised for the delay and agreed to continue to charge the resident as a short stay resident.

Bristol's learning, remedy and service improvement plan:

There was a delay in allocating a social worker when a hospital discharged the mother into temporary residential care. Bristol has apologised to the complainant for the delay in allocating a social worker

[Bristol City Council \(18 011 917\)](#) **Tim Potter (Local Tax**

Statement - upheld - Council Tax - 17-Jun-2019

Ombudsman summary: The complainant says the Council failed to properly consider her disability and need for reasonable adjustments in communicating with her. The complainant says the Council wrongly issued a court summons adding costs to her council tax account. The Council says it followed proper procedures and therefore will not refund the court costs. The Ombudsman finds the Council at fault and the Council accepts the recommended remedy.

Bristol's learning, remedy and service improvement plan:

The Council will within four weeks review its practice of inviting people to confirm if they have any form of disability that may need reasonable adjustments for them to engage with a service

A refresher on making reasonable adjustments was part of the team discussion as part of our ongoing evolution of debt recovery, to ensure we have a citizen centric approach to debt. The following subjects were covered, which all relate to this issue both directly and indirectly. These subjects continue to be included in monthly meetings

- Promote an increased take up of welfare benefits, council tax reduction, disabled band reductions, discounts and exemptions from council tax

- Supporting those who need it (via reasonable adjustments, alternative format documentation, communication via sign language & language translators and increasing referrals to third sector and specialist advice agencies. Engaging with debt advice agency support and adopting a more holistic view of debt, means that an individual's repayments to all creditors are more likely to be sustainable.
- aligning our approach to debt where ever possible with the Health & Wellbeing priority theme of the One City Plan

[Bristol City Council \(18 007 493\)](#)

Statement - upheld - Council Tax - 10-May-2019

Ombudsman summary: Mr B says the Council was at fault for maladministration of council tax charges on his late wife's house, for making unjustified charges for summonses to his daughter and wife and for a failure to provide information on council tax rules and charges. The Council has refunded court costs. It provided sufficient evidence of such costs to the court. However, it wrongly closed Mrs B's council tax account. This was fault for which it has already apologised

Bristol's learning, remedy and service improvement plan:

Issue was already resolved by BCC complaints process.

[Bristol City Council \(18 005 149\)](#)

Statement - upheld - Parking and other penalties - 26-Apr-2019

Ombudsman summary: Mr and Mrs B complain about the conduct of an enforcement agent acting on behalf of the Council. The Ombudsman finds the enforcement agent was at fault in acting in an aggressive and intimidating manner and in forcibly entering Mr and Mrs B's property and failing to leave when requested to do so. The Ombudsman has recommended a remedy for the injustice suffered by Mr and Mrs B.

Bristol's learning, remedy and service improvement plan:

Financial remedy and apology issued. Officers to issue guidance to enforcement agents (acting on behalf of the council) that they should not force entry into a property (including pushing past people and putting their foot in the door). Regular contract meetings are held with the Enforcement Agent Company. Enforcement Agents actions are covered by legislation and they were reminded of this – action was taken by the Enforcement Agent company directly with the operative involved in this case.

Complaints made to the EA are subject to regular contract meetings and urgent cases are dealt with ASAP.