

- [Bristol City Council \(20 007 915\)](#)
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## **Upheld complaint about Refuse and Recycling 30-Mar-2021**

### **Ombudsman summary:**

In January 2020 the Council agreed to apologise to Mr X for failing to resolve his issues with refuse collections, monitor the collections at his property for at least two months and review its missed collections policy. The Ombudsman upheld the complaint and found fault causing injustice. The Council has agreed to write to Mr X to apologise for failing to carry out the action it agreed

### **Bristol's comments, learning actions, service improvement and/or remedial actions:**

Bristol admits to failure to provide evidence of compliance with recommendations.

#### Remedies and action taken

BCC has written to Mr X to apologise for failing to carry out the action it agreed in its final decision in January and March 2020

BCC has paid Mr X £100 to recognise the frustration and uncertainty caused by its failure to comply with the agreed action following our final decisions in January and March 2020

BCC has reviewed its revised arrangements for monitoring complaints and ensuring compliance with any future recommendations. The Customer Relations Manager has provided a ten-point improvement plan in relation to this as follows:

1) New IT system which improves case management 2) Extra resources 3) Daily casework meetings 4) Weekly casework meetings 5) Formal 1-1's, 6) Monthly senior management casework meetings 7) Weekly casework summary reports 8) New performance targets 9) Closer casework monitoring by the Customer Relations Manager 10) Greater focus on Ombudsman findings and recommendations

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BCC has also worked with Bristol Waste Company to ensure its waste collections monitoring arrangements are more robust to ensure it can provide evidence of monitoring in future cases. A new system was introduced called Alloy within Bristol Waste. Also, following this complaint there has been new Internal processes implemented post Alloy.

**Reporting** - A rolling monthly report of all missed collections is produced within Alloy and distributed to the Refuse and Recycling Services Managers and the Operations Manager. This enables Bristol Waste Company to identify potential issues in a proactive way.

**Monitoring** - For sites where issues may have been identified, the Service Managers now create a 'Monitoring Inspection Job' for individual Supervisors to complete and upload directly to all details which is evidenced on the Alloy system. This will enable BWC and BCC to provide evidence of monitoring in future cases.

Where a multiple missed complaint has been received, the Complaint Team at Bristol Waste Company now advises the Supervisor and Service Manager to investigate the site, monitor the collections and provide evidence; this evidence can now be collated within Alloy by the Service Manager raising the 'Monitoring Inspection Job' for the Supervisor or crew. The BWC Complaints Team also advises residents of reporting procedures if no reports of missed collections can be found.

Missed collections can now also be reported online and recorded on the Waste Management system.

## **Complaints**

Within i-casework (BCC complaints system), complaints of a multiple missed collections nature are not closed without receiving confirmation from the Supervisor of an investigation outcome and agreed actions to resolve the situation.

## **Upheld complaint about Noise 30-Mar-2021**

### **Ombudsman summary:**

In March 2020 the Council agreed to apologise to Mr Y for the injustice caused by the council's noise nuisance complaint and remind officers of the need to store case-specific files, so any member of the team can access them. It also agreed to review noise nuisance cases every four weeks and ensure the deadlines for responding to Stage Two complaints are met. The Ombudsman upheld the complaint and found fault causing injustice. The Council has agreed to write to both Mr Y to apologise for failing to carry out the action it agreed.

### **Bristol's comments, learning actions, service improvement and/or remedial actions:**

BCC has written to Mr Y to apologise for failing to carry out the action it agreed in its final decision in January and March 2020

BCC has paid Mr Y £100 to recognise the frustration and uncertainty caused by its failure to comply with the agreed action following our final decisions in January and March 2020

BCC has reviewed its revised arrangements for monitoring complaints and ensuring compliance with any future recommendations. The Customer Relations Manager has provided a ten-point improvement plan in relation to this as follows:

1) New IT system which improves case management 2) Extra resources 3) Daily casework meetings 4) Weekly casework meetings 5) Formal 1-1's, 6) Monthly senior management casework meetings 7) Weekly casework summary reports 8) New performance targets 9) Closer casework monitoring by the Customer Relations Manager 10) Greater focus on Ombudsman findings and recommendations

Also, on the 29th April & 3<sup>rd</sup> of November 2020 the Neighbourhood Enforcement (NET) Team Leader met with officers dealing with noise cases to run through procedures to identify the linked processes that needed further written processes to ensure each officer followed the same process.

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This continues to be a work in progress but now only three officers within NET deal with noise cases which has developed specialist knowledge and consistency in record keeping and response.

All three officers have a full understanding of the case management systems used for noise cases and regular case reviews mean that they check quality of record keeping and response

Officers set auto-reminders on the case management system to trigger regular reviews and outcomes of reviews, so that they are communicated to the reporter. Standard letters have been revised to ensure reporters are clear as to when and why a case will be closed

The new complaints case management system (i-casework) has been rolled out to all officers dealing with complaints within the NET (Stage One complaints) and the Customer Relations Team (for escalated Stage Two complaints), which provides dashboard monitoring, transparency of cases, daily email notifications of upcoming and overdue response deadlines and detailed reporting functionality. Performance of casework is now reviewed by managers at all levels.

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[Bristol City Council \(20 004 449\)](#)

### **Upheld complaint about the Benefits and Tax system during COVID 19 – March 2021**

#### **Ombudsman summary:**

Mr X complains about the Council's handling of grant schemes and his complaints result in the loss of trust and financial difficulties. We find fault by the Council and recommend it provides Mr X an apology, payment for distress and payment for time and trouble.

#### **Bristol's comments, learning actions, service improvement and/or remedial actions:**

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Bristol admits the council was at fault in its decision to award Mr X a Retail, Hospitality and Leisure grant and fault in its handling of Mr X's complaints.

Mr X is provided with a written apology for the identified failings plus £100 for time and trouble and £300 for distress and uncertainty.

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- [Bristol City Council \(20 000 786\)](#)
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### **Upheld complaint about Traffic management February - 2021**

#### **Ombudsman summary:**

Mr and Mrs A complained to the council about the installation of an unsafe pedestrian refuge island near their home. The Ombudsman has found some evidence of fault by the Council. He has upheld the complaint and completed the investigation because the Council accepts the recommended actions.

#### **Bristol's comments, learning actions, service improvement and/or remedial actions:**

There was a slight change to the road layout which resulted in issues for the complainant using their driveway.

There was then an unreasonable delay in changing the road layout to relieve the issue and the service did not remain in contact with the complainants adequately during the delay.

The service agreed to amend the scheme and pay £250 to the complainant. The complainant has so far refused the financial remedy.

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- [Bristol City Council \(20 003 011\)](#)
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## **Upheld complaint about Benefits and Tax system during COVID-19 Jan 2021**

### **Ombudsman summary:**

Mrs C complains the Council misled her and her husband into thinking their business would receive funding from the Small Business Grant Fund designed to support businesses impacted by COVID-19. We uphold the complaint finding the couple received poor customer service and advice when applying for such support. This caused raised expectations and put them to unnecessary time and trouble. The Council accepts these findings and at the end of this statement we explain what action it has agreed to remedy this injustice.

### **Bristol's comments, learning actions, service improvement and/or remedial actions:**

The Council has agreed that in future, when writing any schemes that provide for grants for businesses impacted by COVID-19, that it will ensure applicants are given a right of review or appeal if they disagree with a decision.

Bristol council agrees that the complainants were misled about whether or not they were eligible for a Covid Grant.

There was no fault in declining the grant, but there was fault in the design of the scheme as it stated that there was no appeal mechanism.

There was also fault in the advice the complainant was given by the Contact Centre and there was a failure to properly explain the reasons for declining the original grant application until the Stage Two complaint response.

The investigator also raised concern that the terms of the scheme stated that there was no appeal mechanism.

The complainant was written to with an apology and £250.

Bristol has committed to ensure that any future schemes carry an appeal mechanism

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- [Bristol City Council \(20 001 861\)](#)
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### **Upheld complaint about Housing allocations Jan 2021**

#### **Ombudsman summary:**

Miss X complained about the way the Council assessed her priority band for the Bristol Home Choice scheme. We found no fault in the way it made that decision. However, its handling of her complaint was poor and it has agreed to apologise for that.

#### **Bristol's comments, learning actions, service improvement and/or remedial actions:**

The council has accepted there was fault in the way it handled Miss X's Stage One complaint.

There was a significant delay in responding. When it did reply in July 2020, it did not apologise for the delay, it only dealt with the repair issues because it had not identified that another service would need to investigate and respond to other parts of the complaint.

Bristol apologised for the frustration caused and the officers involved have been spoken to.

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- [Bristol City Council \(18 017 789\)](#)
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### **Upheld complaint about Planning applications Jan 2021**

#### **Ombudsman summary:**

Ms D complained that the Council failed to fully consider her objections to a planning application. She also says it failed to reply

to her complaint. The Ombudsman has not found fault in respect of the planning application but there were serious service failings in its complaint handling. The Ombudsman has completed the investigation and upheld the complaint. The Council has agreed to the recommended actions.

**Bristol's comments, learning actions, service improvement and/or remedial actions:**

The Council failed to handle Ms D's complaint correctly. There is an absence of evidence from the Council as to what action, if any, it took from the end of 2018 onwards regarding Ms D's complaints. The Ombudsman is satisfied from Ms D's evidence that she did complain to the Council and pursued the case into 2019. And even after contact from the Ombudsman in February 2019, the Council failed to consider and reply to the complaint.

Ms D was paid £250 for her time and trouble in acknowledgment of the degree of fault with complaint handling and Ms D was sent a letter of apology.

BCC measures set out as to how its complaints handling will be improved including ensuring complaints are responded to.

The Customer Relations Manager provided a ten-point improvement plan in relation to this as follows: 1) New IT system which improved case management 2) Extra resources 3) Daily casework meetings 4) Weekly casework meetings 5) Formal 1-1's, 6) Monthly senior management casework meetings 7) Weekly i-casework summary reports 8) New performance targets 9) Closer casework monitoring by the Customer Relations Manager 10) Focus on Ombudsman findings and recommendations

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- [Bristol City Council \(20 003 080\)](#)
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**Upheld complaint about Refuse and recycling Dec 2020**

**Ombudsman summary:**

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Mr X complained the Council had failed to regularly collect recycling from his block of flats over the last 3 years. We found the Council was at fault for failing to ensure regular recycling collections from Mr X's block of flats and in how it dealt with his complaints. This caused Mr X the inconvenience of making alternative arrangements to dispose of his own recycling and avoidable time and trouble pursuing his complaints. The Council has agreed to apologise to Mr X, monitor ongoing collections and remind staff about the need to investigate complaints thoroughly.

**Bristol's comments, learning actions, service improvement and/or remedial actions:**

Bristol has reminded its staff handling complaints about recurring missed collections, and that they should establish the underlying cause and identify appropriate remedial actions.

And that these should be communicated to complainants and ensure issues are resolved before closing complaints. This should include staff at the Council and Bristol Waste Company.

Also, reminders to council staff handling complaints of its responsibly to consider complaints where someone is dissatisfied with the response of a commissioned service provider, as stated in section 9 of its Complaints and Compliments Policy.

BCC wrote to Mr X to apologise for the avoidable time, trouble and frustration caused by its failure to properly investigate the issues he reported sooner

Bristol Waste has agreed to monitor collections from Mr X's flat for eight weeks

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- [Bristol City Council \(20 001 663\)](#)
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**Upheld complaint about Housing benefit and Council Tax benefit Nov 2020**

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### **Ombudsman summary:**

The Council wrongly told Miss X it owed her a large amount of money. The Council caused injustice as Miss X borrowed money from family and friends in expectation of the payment before the Council told her it had made a mistake.

Miss X struggled to pay back the loans. To put this right the Council will pay Miss X £150 in recognition of the trouble and distress it caused her.

### **Bristol's comments, learning actions, service improvement and/or remedial actions:**

The Council accepts it was at fault for the wrong information it gave Miss X. The Council has not addressed the extent of the injustice this caused as Miss X acted to her detriment because of what the Council told her. It understands why in the run up to Christmas and in a new home Miss X borrowed money in expectation of a large payment from the Council. Miss X then had difficulties paying back the loans.

Bristol council has agreed that within one month of the Ombudsman final decision (made 9 November 2020) it would pay Miss X £150 for the distress and trouble it caused by providing wrong information to her.

A payment of £150 was sent on 10 December 2020. The remedy was confirmed to the Ombudsman on 16 December 2020.

The learning was that while housing benefit is for rent, an underpayment may not be, and this has been fed back to the Contact Centre.

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- [Bristol City Council \(19 016 938\)](#)

### **Upheld complaint about street furniture and lighting Nov 2020**

#### **Ombudsman summary:**

Mr B complained about the Council's response to enquiries he made about replacing a collapsed road sign. We uphold the complaint, finding failings in the information given to Mr B by the Council through its 'Fix My Street' online reporting tool.

It was also at fault for its complaint responses. This caused Mr B injustice as he experienced unnecessary time, trouble and frustration.

The Council accepts these findings.

**Bristol's comments, learning actions, service improvement and/or remedial actions:**

Bristol provided Mr B with an apology for the time, trouble and frustration in following up a routine enquiry about a missing road sign.

Mr B was paid Mr B £100 in recognition of his time and trouble

The Council says it can now provide an audit trail for action taken on any reported defect as it has integrated this information into its Highways software

It has an improved ability to follow up with its contractor where it finds signs that have not been replaced or fixed

It has agreed that this complaint has highlighted a need to ensure better communication is necessary to those reporting missing signs, letting them know timescales for replacement signs and giving them more information when updating the 'Fix My Street' site

Bristol also undertakes to ensure staff provide more information

Bristol also undertakes significant recruitment dealing with street sign requests and has changed how it managed those requests.

- [Bristol City Council \(19 007 723\)](#)
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## **Upheld complaint about an assessment and care plan Nov 2020**

### **Ombudsman summary:**

Mr B complains on behalf of his son, Mr C, in connection with support he receives to meet his care needs. We uphold the complaint finding fault in a series of best interest decisions taken by the Council and in its actions following those decisions. There was also poor complaint handling by the Council. These faults caused injustice for Mr B and Mr C as a loss of service, distress, time and trouble. The Council accepts these findings and at the end of this statement we set out what action it has agreed to take to remedy this injustice.

### **Bristol's comments, learning actions, service improvement and/or remedial actions:**

Bristol has apologised to the service user and his father.

Bristol has paid £750 to the complainant in recognition of:

- distress (£250)
- time and trouble in pursuing a service for his son (£250)
- time and trouble pursuing his complaint (£250)

Bristol has prepared a briefing for all relevant staff who carry out MCA or best interest decisions to remind them of:

- the decision specific nature of MCA decisions
  - clearly recording the reasons for best interest decisions
  - ensuring effective follow up of best interest decisions; to ensure outcomes are specific, measurable, achievable, relevant and with a clear timescale. (see attached)
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Bristol has written to the Ombudsman to advise when the above action was completed, including an explanation of what measures were taken to avoid a repeat of the circumstance where this complaint became bogged down in disagreement about which service area had responsibility to respond

The council has also prepared a briefing for all relevant staff who carry out Mental Capacity Assessments or best interest decision making to remind them:

- of the decision specific nature of MCA decisions;
- of clearly recording the reasons for best interest decisions;
- of ensuring effective follow up of best interest decisions; to ensure outcomes are specific, measurable, achievable, relevant and with a clear timescale.

The Council has also explained what measures it has taken to avoid a repeat where a complaint response became heavily delayed in a disagreement about which service area has responsibility to respond.

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- [Bristol City Council \(19 009 255\)](#)
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## **Upheld complaint Benefits and Tax - Oct 2020**

### **Ombudsman summary:**

Mr X complained about the council's decision that he was not entitled to small business rate relief. The Council is at fault as it did not consider Mr X's utility bills as evidence that he was occupying a business unit at the time he submitted the bills.

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This fault did not cause injustice to Mr X as the Council has now considered the bills and it would not have made a different decision if it had considered the bills earlier.

However, the Council delayed in responding to Mr X's complaint at Stage Two of its complaints procedure which will have caused frustration to Mr X.

The Council apologised to Mr X for the delay in responding to his complaint which is an appropriate and proportionate remedy for the frustration caused to Mr X.

**Bristol's comments, learning actions, service improvement and/or remedial actions:**

Bristol admitted there was a delay in considering evidence provided and in the complaint response. However, once it considered the evidence which did not materially change the decision, it apologised for the delay.

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- [Bristol City Council \(19 010 220\)](#)
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**Upheld complaint about Planning and Development Enforcement Oct 2020**

**Ombudsman summary:**

A resident's association complained that the council failed to properly consider their enforcement reports and failed to consider key factors when reaching a decision not to take enforcement action in respect of a site that is an Asset of Community Value (ACV).

There was fault by the council in respect of the earliest reports the group made. The records kept were poor and it took too long to reach a decision.

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However, we did not find fault in the Council's decision not to take enforcement action. The Council agreed to apologise and review its record keeping and communication for enforcement reports.

**Bristol's comments, learning actions, service improvement and/or remedial actions:**

Mr B complained on behalf of the Residents' Association that the Council had not done enough to take enforcement action to stop unauthorised letting of a former pub to private tenants and the unauthorised conversion of the pub to residential property.

The pub was registered as an Asset of Community Value (ACV). This may be considered by the council when making planning decisions.

Mr B said the council has not acted in accordance with its enforcement policy. It has not taken into account the ACV or that the developer submitted a report that showed that the air quality and noise from the carriage way means the windows would need to be permanently closed and an air conditioning system installed.

The Ombudsman found no fault with the council's decision to issue a HMO licence in this case. However, there was fault in the way the Council considered the original enforcement reports. It took too long to reach a decision in 2018 and there is no record of what action was being taken or what the council's view was at that time.

Bristol has now undertaken to ensure it reviews its procedures so that proper case records are kept for planning enforcement complaints.

These will show the actions the council took in response to an enforcement report, what decisions were taken and why.

It will also ensure that complainants are updated periodically.

Bristol wrote to apologise to Mr X's group on 27 October 2020.

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Bristol also wrote to all planning officers on 27 October 2020 enclosing a copy of the LGO decision and reminding them to make notes of all site visits and ensure these are retained.

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- [Bristol City Council \(20 005 080\)](#)
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### **Upheld complaint about Traffic management Oct 2020**

#### **Ombudsman summary:**

The Ombudsman will not investigate Mr X's complaint about the changes the Council has made to the road layout in the City Centre. This is because the Council has already provided a suitable remedy and it is unlikely further investigation will lead to a different outcome.

#### **Bristol's comments, learning actions, service improvement and/or remedial actions:**

The Council accepts the information on its website was inconsistent and that there was a delay in answering Mr X's call. It has sincerely apologised to Mr X for any distress he experienced. It has also updated the information on its website.

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- [Bristol City Council \(19 012 826\)](#)
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### **Upheld complaint about Housing allocations Oct 2020**

#### **Ombudsman summary:**

Miss C complained about the council's decision that she was not eligible to join its housing register. Miss C says she cannot bid for more affordable accommodation and has spent unnecessary time and trouble in dealing with the issue.

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The Ombudsman has found fault by the Council in the way it applied criteria which were not included in its published scheme. The Ombudsman considers the agreed action of the Council amending its published policy to include the criteria with an apology and payment to Miss C is enough to provide a suitable remedy.

**Bristol's comments, learning actions, service improvement and/or remedial actions:**

Bristol has amended its policy wording to reflect the criteria.

Bristol wrote to Miss C to apologise for her missed opportunity to make a properly informed choice and avoidable time and trouble in making the application review request and complaint

Miss C was paid £200 compensation to reflect this

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- [Bristol City Council \(19 003 437\)](#)
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**Upheld complaint about Adult Care Assessment and Care Plan Oct 2020**

**Ombudsman summary:**

Mr X complains on behalf of Mr Y, that the Council did not move Mr Y to suitable accommodation after it said his needs would be better met elsewhere. Over four years later, and 18 months after he complained, Mr Y has not moved. He says he is unhappy and reliant on staff for everything, including leaving the property. This caused him significant stress and anxiety and he lost independent living skills. The Ombudsman finds the Council at fault in the way it dealt with Mr Y's accommodation and his complaint about this. It delayed and failed to take decisive action to resolve difficulties it

faced in commissioning a suitable service. It has agreed to apologise, pay Mr Y £5,000 and reimburse him £1,200 for decorating a property he never returned to. It has also agreed to arrange suitable accommodation urgently and identify and remedy similar cases. It will take action to prevent similar problems in future.

**Bristol's comments, learning actions, service improvement and/or remedial actions:**

Bristol has apologised to the service user, his family and the complainant in writing, setting out the faults identified and actions taken/to be taken, to prevent similar faults in future and remedy the injustice caused.

BCC has paid the service user £5,000 for the stress, anxiety and harm this experience caused him and reimbursed him with £1200 for the unnecessary redecoration of his flat.

BCC has paid the complainant £250 for the time and trouble he spent dealing with this complaint.

BCC has taken steps towards arranging a suitable placement for the service user

BCC has reviewed cases which had been waiting over one year for a placement, ensuring these were prioritised and progressed swiftly with due consideration of human rights

BCC has ensured staff recognise when human rights are engaged and ensure they are addressed

BCC has reviewed assessment practice across the Council to ensure consistency and Care Act compliance

BCC has ensured staff responsible for responding to complaints, are adequately trained and able to identify where cases should be referred to more senior officers.

BCC has ensured there is an effective mechanism for following up where complaints about poor practice have been received and to check that improvements are made and sustained.

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The Council has agreed to review assessment practice across the Council to ensure it is consistent and Care Act compliant.

The Council has agreed to ensure staff recognise when human rights are engaged and that they are addressed.

The Council has agreed to review any cases which have been waiting over one year for a placement, ensuring these are prioritised and progressed swiftly with due consideration of human rights.

The Council has agreed to ensure staff responsible for responding to complaints, are adequately trained and able to identify where cases should be referred to more senior officers.

The Council has agreed to ensure it has an effective mechanism for following up where complaints about poor practice have been received and to check that improvements are made and sustained

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- [Bristol City Council \(19 014 084\)](#)

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### **Upheld complaint about Education and Children's Services - Sep 2020**

#### **Ombudsman summary:**

The Council was at fault when it delayed consulting on a potential post-16 educational placement for the complainant's son. The Council was also at fault for a general delay in planning his transition to post-16 education. It cannot be said, on the evidence, this made a substantive difference to his situation, but the delays caused frustration to the complainant, and the Council has agreed to offer a financial remedy for this. The Council has also agreed to ensure its post-16 transition planning processes are adequate to adhere to the Code of Practice.

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**Bristol's comments, learning actions, service improvement and/or remedial actions:**

The Council has agreed to offer a financial remedy for this. Payment was made in October 2020.

The Council has agreed to ensure it begins planning for a child's transition to post-16 education in Year 9 as required by the Code of Practice.

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- [Bristol City Council \(19 013 952\)](#)
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**Upheld complaint about Adult Care Services Aug 2020**

**Ombudsman summary:**

Mrs X complained about the Council's handling of her application for disabled adaptations. In particular, she says the Council agreed to a downstairs extension then changed its mind. The Council was at fault for telling Mrs X the extension was approved before completing its assessment. It has already apologised for this. There was no fault in the way it reached a later decision to approve a through floor lift and ground floor toilet.

**Bristol's comments, learning actions, service improvement and/or remedial actions:**

The Council had already apologised for telling Mrs X the extension was approved before completing the assessment and the Ombudsman considered to be an appropriate remedy.

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- [Bristol City Council \(19 013 945\)](#)
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**Upheld complaint about Adult Care Services July 2020**

**Ombudsman summary:**

Mr X complained on behalf of his father, Mr Y, about a safeguarding enquiry carried out by the Council. The Ombudsman found there was some fault in the Council's initial safeguarding enquiry and record keeping. There was no fault in the outcome of the enquiry.

**Bristol's comments, learning actions, service improvement and/or remedial actions:**

Mr X did not suffer significant injustice as a result because the Council carried out further investigation when it learned Mr X had more evidence. It took suitable steps and the outcome did not change.