

Summary of Bristol City Council's 22 Upheld Cases

- [Bristol City Council \(21 010 585\)](#)
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Neighbourhood Enforcement - 24-Mar-2022

Ombudsman summary: Mr X complained the Council was taking too long to investigate complaints about unlawful houses in multiple occupation (HMOs) in its area. We found fault because there was unreasonable delay in enforcement investigations. The Council has agreed to a remedy, to resolve the injustice caused by the fault we found.

Bristol's response, actions & learning points: Bristol has agreed to apologise to Mr X for the frustration and disappointment caused by the delays in investigating breaches of planning control. Apology provided.

We have agreed to monitor and review our plan to deal with our backlog of enforcement cases and to ensure adequate resources, within three months from the date of the final decision. The backlog was due to Covid-19 and resourcing. This was in place prior to the Ombudsman final decision, but not when the complaint was dealt with at stages one and two of the complaint's procedure.

The council will also report findings and progress in reducing the backlog of cases to the council's Growth and Regeneration committee. The committee may decide whether it needs to continue to check progress in reducing the case backlog. The council will confirm that this has happened within 3 months from the date of the Ombudsman's final decision. Also reported to scrutiny committee.

- [Bristol City Council \(21 007 446\)](#)
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Special Educational Needs 04-Mar-2022

Ombudsman summary: Ms B complained about delays in the Education, Health, and Care (EHC) process. She complained the Council failed to issue her son, C's, final EHC plan within the statutory timeframe. We found fault with the Council. The Council agreed actions to remedy the injustice to Ms B.

Bristol's response, actions & learning points: National issue regarding delays in issuing EHCP's on time due to lack of educational psychologists.

Bristol paid Ms B £300 to recognise the frustration, time, and trouble it caused her.

Bristol updated the Ombudsman with the council's progress in relation to reducing the number of live EHC assessment cases that are over the 20-week statutory timescale. Update provided

Bristol sent a copy of the final decision to the relevant scrutiny committee so there is democratic oversight of the extent of the problems affecting children and families waiting for EHC assessments in Bristol. Sent.

Bristol has developed and implemented a mechanism to assist when recording chased outstanding information from professionals for EHC assessments. SEND Assessment Manager agreed to meet with the Social Care EHCP Hub and Education Psychology Lead on a weekly basis and the Health Representative regularly so that EHCNA requests are reviewed.

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- [Bristol City Council \(21 004 999\)](#)
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Leisure and Culture 03-Feb-2022

Ombudsman summary: The Ombudsman found fault by the Council on Mrs Q's complaint of it failing to act against a neighbouring allotment tenant after upholding her complaint and failing to respond to her correspondence. It failed to keep proper records, could not show it did what it said it would do, delayed responding to her formal complaint, and delayed making her a payment. The agreed action remedies the injustice caused.

Bristol's response, actions & learning points: a) Bristol agrees to send Mrs Q a written apology for its failure to send evidence of annual inspections. Bristol will also provide evidence of site visits carried out by officers, photographs taken, officer contact with the tenant and notices served. Bristol will deal with formal complaints promptly with evidence of the actions it said it would take and pay the £250 it agreed promptly.

b) Bristol will also make a payment of £350 to Mrs Q for the injustice the identified failures caused her.

- [Bristol City Council \(21 000 406\)](#)
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Planning Enforcement applications 14-Jan-2022

Ombudsman summary: Mr F complained the Council failed to properly consider the impact his neighbour's proposed development had on his amenity. He also said it failed to consult enough neighbours and consider land stability as set out in its Policies. We found no fault in how the Council considered and handled the planning application. It reached a decision it was entitled to make, and we cannot therefore criticise the merits of its decision. However, it was at fault for causing delays in its complaints handling. It has apologised to Mr F, which was enough to remedy any injustice this caused.

Bristol's response, actions & learning points: The Ombudsman considered the apology offered for the delay in the complaint handling, offered at Stage 2, was a sufficient remedy.

- [Bristol City Council \(21 001 783\)](#)
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Anti-social Behaviour 04-Jan-2022

Ombudsman summary: The Ombudsman found fault by the Council on Mr H's complaint of it failing to take enforcement action against dwellers of 2 caravans parked on the road near his home. There was a failure to keep records of visits and of officer assessments when deciding the encampment was 'Low Impact' under its policy. The

Council also failed to communicate with Mr H since April 2021 when a manager retired. The agreed action remedies the injustice caused.

Bristol's response, actions & learning points: Bristol sent Mr H a written apology for its failure to keep records of visits and assessment decisions and promised it would communicate properly. Apology provided.

Bristol would review its current practice of officer visits and assessment decisions so that proper records are made and retained. The current practice of officer visits and assessment decisions has been reviewed and a form has been produced that will be used to properly record assessment visits to vehicle dwelling sites, allowing for relevant information to be recorded, retained, and shared.

Bristol would also review why there was no communication with Mr H when the manager left, to avoid any repetition of this failure in the future.

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- [Bristol City Council \(21 000 033\)](#)
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Anti-social Behaviour 17-Dec-2021

Ombudsman summary: Mr A complains the Council failed to act when he raised concerns over his neighbours fly tipping. This caused a continuing build-up of waste around his house. The Ombudsman finds fault with the Council for delaying acting without clear rationale. The Council has agreed to pay Mr A a financial remedy and consider service improvements.

Bristol's response, actions & learning points: Bristol has written to Mr A and apologised for the fault identified.

Bristol has paid Mr A £200 in recognition of the distress caused to him by the Council's delay in taking action. Bristol has also paid Mr A £300 in recognition of the time and trouble caused to him by pursuing the issue and bringing it to the Ombudsman.

The Council would consider how it monitors continuing reports of such issues, and whether it should be applying the community trigger

to reports similar to those of Mr A. If the Council finds that it should be applying the community trigger to such reports, the Council would provide further training and guidance to staff handling such issues.

- [Bristol City Council \(21 012 001\)](#)
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Parking and other penalties 13-Dec-2021

Ombudsman summary: We will not investigate Mr X's complaint about the Council's handling of a penalty charge notice. This is because the Council has provided a suitable remedy for the complaint and Mr X had the right to take the matter to court.

Bristol's response, actions & learning points: Bristol is unclear why, given the response from the Ombudsman on this case, that this has appeared on the Upheld cases list. Bristol has no opportunity to respond to the LGO with this comment.

- [Bristol City Council \(21 002 533\)](#)
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Homelessness 06-Dec-2021

Ombudsman summary: The Council's failure to provide proper assistance when Mr X approached as homeless in 2018 was fault. As a result, Mr X slept in his van for 21 months. The Council should apologise, pay Mr X £8,100, and take action to improve its services.

Bristol's response, actions & learning points: Bristol has apologised to Mr X in writing and paid Mr X £300 for each month he spent homeless unnecessarily, for a total of £6,300. A further payment of £200 a month for the delay in accessing permanent housing for a total of £1,800.

Bristol will remind relevant staff that an application to the housing register can also be a homeless application. Bristol will identify a suitable mechanism for staff to notify the appropriate team when this happens.

Bristol will ensure customer service and other public-facing staff are properly trained to identify and deal with cases of homelessness or risk of homelessness.

- [Bristol City Council \(21 001 155\)](#)
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Other 30-Nov-2021

Ombudsman summary: Mrs P complains the Council did not offer suitable support to her during a foster care placement. She also says the Council treated her unfairly and was responsible for sharing inaccurate information with her foster care agency. We found the Council failed to provide suitable support to Mrs P during the foster placement. The Council failed to share information and concerns with Mrs P and provide her with the means to support the young person staying with her and to make decisions in the young person's best interests. Also, the Council failed to properly record key incidents about the foster placement with Mrs P and was responsible for reporting inaccurate information to her agency. These faults caused Mrs P to feel excluded and not part of the parental team responsible for the young person. We have therefore recommended a number of remedies.

Bristol's response, actions & learning points: The Council apologised and paid £1,500 to acknowledge the serious distress caused by the failings, and for the time and trouble caused. It shared the LGSCO findings with the independent fostering agency. It then undertook a thorough review of the complainant's case focussing on each individual element of fault identified by the LGSCO and implemented service improvements. It then wrote to the complainant with a detailed account of the review process and the service improvements implemented.

- [Bristol City Council \(21 006 701\)](#)

Refuse and recycling 28-Sep-2021

Ombudsman summary: We will not investigate this complaint about the Council's failure to collect all items in a bulky waste collection. The Council has arranged for the outstanding waste to be collected and has arranged for a refund of the original fee. This is a

satisfactory remedy to the complaint. And it is unlikely that further investigation will lead to a different outcome.

Bristol's response, actions & learning points: No action required.

- [Bristol City Council \(20 009 531\)](#)
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Trees 30-Jul-2021

Ombudsman summary: The Council had failed to respond to Mr X's complaint about its decision to approve works to a protected tree. We found the Council suitably put matters right when it then apologised and replied to the complaint.

Bristol's response, actions & learning points: The Ombudsman was happy that the already issued apology was a sufficient remedy for the failure to respond to the stage one complaint.

- [Bristol City Council \(19 019 323\)](#)
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Parking and other penalties 29-Jul-2021

Ombudsman summary: Mr D complains about the Council's changes to its residents parking schemes in late 2019 and the way it dealt with his complaint. We have found no fault causing injustice in relation to the changes to the parking scheme, but Mr D was caused time and trouble by fault in complaint handling. The Council has agreed to make a payment to him to acknowledge this injustice.

Bristol's response, actions & learning points: Bristol agreed to pay Mr D £200 to acknowledge the time and trouble he was put to in pursuing his complaint.

- [Bristol City Council \(20 012 222\)](#)
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COVID-19 28-Jul-2021

Ombudsman summary: Ms X complained about the way the Council dealt with her request for a Disabled Facilities Grant. We find the Council was at fault for delay in arranging the Occupational Therapy assessment. There were also faults in its communication with Ms X. The Council has agreed to apologise to Ms X for frustration caused. It is already writing an action plan to address Disabled Facilities Grant wait times.

Bristol's response, actions & learning points: Bristol has agreed to apologise to Ms X for delays in arranging the OT assessment and for avoidable frustration and uncertainty caused by its communication with her during this period.

Bristol would remind relevant staff to record decision making and contacts on case records. The service briefed officers of the importance of keeping a record of all decisions taken and contacts with customers.

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- [Bristol City Council \(20 006 585\)](#)
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Other 09-Jul-2021

Ombudsman summary: Ms X complains on behalf of Ms Y that the Council failed to provide Ms Y with adequate care and support and to secure and store her possessions while she lived in two care placements. We have found no evidence of fault by the Council in the care and support Ms Y received. We found fault as the Council failed to ensure Ms Y's belongings were adequately stored. The Council has accepted it was at fault. It has already agreed to apologise to Ms Y, offered a compensation payment to Ms Y and a payment in recognition of the distress caused. So, we have completed our investigation.

Bristol's response, actions & learning points: The ombudsman did not uphold part a) of the complaint and noted that in relation to part b), the Council had already accepted it was at fault prior to LGSCO involvement. And had apologised and offered compensation which was increased by £250 during the LGSCO investigation. Bristol paid £1,248 in total.

- [Bristol City Council \(20 002 795\)](#)
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Homelessness 24-Jun-2021

Ombudsman summary: The Council is at fault as it delayed in offering interim accommodation to Mr X which meant he lived in unsuitable accommodation for longer than necessary. The Council will remedy this injustice by making a payment of £250 to Mr X to acknowledge he lived in unsuitable accommodation for longer than necessary. We will not investigate Mr X's complaints about being offered supported accommodation to relieve his homelessness as he had the right to seek a review of the suitability of that accommodation. We also cannot investigate Mr X's complaints of racial harassment in the supported accommodation as the accommodation providers are outside our jurisdiction.

Bristol's response, actions & learning points: Bristol issued guidance to the Homelessness Prevention team on Homelessness thresholds in July 2021. Bristol paid £250 Mr A as instructed.

- [Bristol City Council \(20 004 874\)](#)
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Noise 15-Jun-2021

Ombudsman summary: There was fault in the Council's communication when responding to complaints about late night noise and arranging the installation of a noise monitor and the use of a Noise App. The Council also failed to respond to an official complaint within its timescales, for which it has apologised. The pub complained about has now closed so no further monitoring or financial remedy is appropriate in this case.

Bristol's response, actions & learning points: The Council has reviewed its policy to confirm how the Noise App will be used in future investigations and within two months of the date of this decision.

- [Bristol City Council \(20 006 019\)](#)
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Disabled Facilities Grants 27-May-2021

Ombudsman summary: Mr C complains about delay and other matters in connection with a request the Council provide adaptations to his home. We uphold the complaint finding significant delay in the Council agreeing to and providing the adaptations Mr C needs. This has caused injustice to Mr C resulting from a loss of provision, distress and some unnecessary frustration, time, and trouble. The Council accepts these findings and at the end of this statement we set out the action it has agreed to remedy that injustice and provide wider improvements to its home adaptations service.

Bristol's response, actions & learning points: Bristol has apologised to Mr C and accepted the findings of this investigation:

- paid Mr C £2700 for the delay in completing the adaptations to his home
 - paid Mr C an additional £300 to recognise his distress, time and trouble making a payment of £3000 in total.
 - reviewed the current Accessible Homes policy to include reference to aspirational timescales to carry out occupational therapy assessments and works subsequent to 'registering' those works as agreed in principle
 - introduced a procedure for keeping in regular contact with all those awaiting occupational therapy assessments, which would be at least at two monthly intervals.
 - produced an action plan that reviews outstanding case numbers and times taken to assess cases until these have reduced significantly against measurable targets
 - arranged a briefing for relevant Members on the findings of this investigation.
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- [Bristol City Council \(20 007 011\)](http://www.bristol.gov.uk)
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COVID-19 25-May-2021

Ombudsman summary: Mr X complains the Council failed to deal properly with him when he became homeless and failed to meet his eligible care needs. The Council has apologised for the lack of communication from its Housing Team. However, it has not addressed the failure to deal properly with Mr X's care needs, including a failure to meet them for several days. It needs to apologise, pay financial redress, and improve its working practices.

Bristol's response, actions & learning points: Bristol wrote to Mr X apologising for failings and paid him £400 for the avoidable distress it caused him. Bristol also refunded £477 in expenses and updated his care and support plan, so it addressed his need for night-time support with continence.

Bristol also produced an action plan for ensuring officers:

1. clearly addressed disputed issues when assessing people's needs
2. always produce a care and support plan and share this with the person.

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- [Bristol City Council \(20 007 008\)](#)
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- [Bristol City Council \(20 002 712\)](#)

Planning applications 14-May-2021

Ombudsman summary: Mr X complained on behalf of a company. Mr X said the Council failed to properly publicise or consider a planning application for development on land next to the company's property. There was some fault in the way the Council made its decision that it should act to remedy.

Bristol's response, actions & learning points: Bristol has acknowledged and apologised for its failure to properly publicise the application and considered the impact it would have on the complainant's property.

Bristol has also approached the developer to seek to negotiate and pay for changes, such as obscuring clear glazed windows on the elevation nearest the new houses. The service attempted contact but did not receive a response from the developer.

Bristol would complete its review of processes and share its findings with any changes it makes to work practices and policy with the Ombudsman. The service has briefed officers advising of the need for a site notice to be displayed and a press notice published where there is a construction/vacant site nearby.

- [Bristol City Council \(20 006 362\)](#)

Enforcement 07-Apr-2021

Ombudsman summary: Mr X complains the Council failed to properly respond to a planning enforcement report he made. There was fault by the Council. The Council should reconsider Mr X's report and explain its decision properly. It should also make a payment to recognise the time and trouble Mr X was put to in bringing a complaint.

Bristol's response, actions & learning points: The Council would write to Mr X to properly explain its view on his planning enforcement report regarding his neighbour's fence. It would take account of the visibility and access issues he raised. It would confirm if it considers permitted development rules apply and whether there is a breach of

planning control. If there is a breach, and the Council considers it should not take action, it would explain why.

The Council would pay Mr X £100 to reflect the avoidable time and trouble he was put to raising his complaint.

- [Bristol City Council \(20 006 835\)](#)

Anti-social Behaviour 06-Apr-2021

Ombudsman summary: The Council sent correspondence to a third party about anti-social behaviour that contained information about Ms B's actions which the Council worded as fact rather than officer opinion. This was fault; the Council should have been clear it was officer opinion based on evidence but not a fact. This has upset Ms B. The Council will apologise, rectify its records and the correspondence to the third party, and remind relevant officers to be careful with the language used in records and correspondence.

Bristol's response, actions & learning points: The recommendation not to state opinion as fact in letters was shared with the service and has been included specifically in the council's Effective Complaints Handling training course, currently being rolled out across all Council services.