

## Summary of 29 Upheld cases April 1<sup>st</sup>, 2022 – March 31<sup>st</sup>, 2023

[Bristol City Council \(21 004 220\)](#) click for details of case.

### **Direct payments - 04-Apr-2022**

**Ombudsman summary:** We found fault with the Council for the way it communicated with B about his personal contribution debt. There was also some fault with the way the Council communicated with B during its complaint process. This caused B distress. The Council agreed actions to remedy the injustice it caused B.

**Bristol Complaints Manager summary:** Service user complained about management of Direct Payments and communication during Care Act assessment. Fault found with how BCC communicated about personal contribution debt and with communication during complaint process. Paid £500 for distress, time, and trouble.

**Service improvement recommendation:** Met with SU to answer questions about complaint and desired outcomes.

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- [Bristol City Council \(21 005 378\)](#) click for details of case.

### **Other 11-Apr-2022**

**Ombudsman summary:** Mr F complains that the Council failed to include advice about residents parking within planning decisions on a property he is developing. We found there was fault by the Council, but this did not cause injustice to Mr F

**Bristol Complaints Manager summary:** Complainant unhappy that an informative note relating to a car-free development was not placed on planning permission initially. It was subsequently added, which impacted the value of the property they were developing.

The Ombudsman concluded there was fault as the informative was not attached (this is not a legal requirement), although no injustice as it was the complainant's responsibility to make checks prior to purchase of the property.

**Service improvement recommendation:** None

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- [Bristol City Council \(21 007 917\)](#) – click for details of case.

## Enforcement 20-Apr-2022

**Ombudsman summary:** Mr B complained that a supermarket near his house was taking deliveries outside of the hours specified by a planning condition. There was fault by the Council. It has not communicated a clear decision-making process or plan to Mr B so that he knows what action he might expect the Council to take to resolve this. Also, it took too long to serve a breach of condition notice and to decide whether to take further action. This caused Mr B injustice and the Council has agreed to take action to remedy this.

**Bristol Complaints Manager summary:** Regarding supermarket delivery times breaching planning conditions and that three large developments were taking place in a small area at the same time, and the impact on residents due to noise.

BCC took too long to serve a breach of condition notice and decide whether to take further action. BCC also failed to provide a timeline nor provide a plan how they will resolve the situation.

**Service improvement recommendation:** BCC apologised for this and formulated a plan as to how it will resolve outstanding enforcement matters, with expected timescales where possible so that there is no avoidable delay and communicated this to the complainant.

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- [Bristol City Council \(21 013 440\)](#) – click for details of case.
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## Upheld Other 20-Apr-2022

**Ombudsman summary:** Miss X complains the Council failed to make a formal record of, or disclose, its reasons for refusing some applications for Community Infrastructure Levy and Section 106 funds. We have found fault with the Council's actions. The Council has agreed to apologise to Miss X and amend its procedures to remedy the injustice caused.

**Bristol Complaints Manager summary:** Not formally recording or disclosing the reasons for refusing some applications for the community infrastructure levy and section 106 funds at stage one Area Committee meetings.

BCC failed to document these decisions as it believed it did not need to. Ombudsman said they should be recorded, and this caused an injustice to the complainant.

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BCC wrote to apologise to the complainant and changed the procedure followed by Area Committee, to ensure the reasons for rejecting outline proposals at stage one meetings are recorded and published on the website.

**Service improvement recommendation:** The Council was at fault for not properly documenting or disclosing its decision-making when rejecting some applications for community funding. The Council has agreed to change its procedures, so its decision-making is clearly recorded and available to the public.

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- [Bristol City Council \(21 010 445\)](#) – click for details of case.
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### **Traffic management 28-Apr-2022**

**Ombudsman summary:** Mr X complained about how the Council dealt with parking issues near his home. We found that, while the Council properly processed changes to local parking restrictions, it failed to communicate clearly with Mr X. The Council's apologies to Mr X had already addressed the frustration caused by its poor communication.

**Bristol Complaints Manager summary:** Requests to amend an RPS/TRO and increase parking spaces in the area and communication regarding this.

Following their requests BCC failed to communicate with the complainant, however there was no fault with how the TRO was processed for the RPS.

**Service improvement recommendation:** The apology already provided by BCC was a suitable remedy for the communication errors.

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- [Bristol City Council \(21 011 798\)](#) – click for details of case.
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### **Noise 09-May-2022**

**Ombudsman summary:** Ms X complains about the way the Council dealt with her complaints of noise nuisance from a neighbouring property causing distress. We found fault in the way the Council responded to Ms X's complaints as it failed to send her case closed letters. But this did not cause Ms X a significant injustice. There is no evidence of fault by the Council in its noise nuisance investigation and in deciding there was no ongoing statutory nuisance. So, we are completing our investigation.

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**Bristol Complaints Manager summary:** Handling of noise nuisance from a neighbour.

BCC failed to issue a 'case closure letter', although there was no fault in how the investigation took place regarding the noise.

BCC to remind officers to follow its noise policy and issue case closed letters.

**Service improvement recommendation:** The Council should remind officers of the need to follow its noise policy and issue case closed letters when appropriate.

[Bristol City Council \(21 000 088\)](#) – click for details of case.

### **Safeguarding 10-May-2022**

**Ombudsman summary:** Ms C, who was a Shared Lives Carer, complained about the way in which the Council responded to allegations made against her. The Council failed to effectively communicate with Ms C and there was a delay in completing the safeguarding enquiry. The Council has agreed to apologise and pay a financial remedy for the distress this caused Ms C

**Bristol Complaints Manager summary:** Shared Lives Carer complained about how BCC responded to allegations made against her. BCC failed to effectively communicate with complainant and delayed in completing safeguarding enquiry. Apology and paid £750 for distress caused. Findings discussed with relevant managers.

**Service improvement recommendations:** The Council has agreed to share the lessons learned with its adult safeguarding team.

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- [Bristol City Council \(22 001 575\)](#) – click for details of case.
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### **Homelessness 24-May-2022**

**Ombudsman summary:** We will not investigate Mr X's complaint about the way the Council dealt with his homelessness and associated issues as any fault does not lead to an injustice greater than that remedied by their apologies and offer of a £500 payment for time and trouble.

**Bristol Complaints Manager summary:** BCC did not consider the complainant's physical disability when dealing with his homelessness and

finding him interim emergency accommodation, lack of communication and discrimination.

Whilst this happened during the Covid Pandemic and resources were extremely stretched, errors were made due to this. A room was double-booked by a hotel after check-in and the complainant was moved rooms to a non-adapted room, there was noticeably short notice given to change accommodation several times and communication was poor.

No discrimination was identified.

The Ombudsman did not investigate the complaint as they felt the £500 offered in the complaint response was in line with what they would offer for the identified failings.

**Service improvement recommendations:** None

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- [Bristol City Council \(21 009 584\)](#) – click for details of case.
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### **Homelessness 26-Jun-2022**

**Ombudsman summary:** Mr X complained that despite assuring him his possessions would be kept safe the Council failed to protect his property when he had to leave his emergency accommodation to travel to a funeral abroad. The Council's lack of clarity regarding the storage of Mr X's personal belongings and how he could prevent them being disposed of amounts to fault. This fault has caused Mr X an injustice.

**Bristol Complaints Manager summary:** The Council disposed of the belongings of a tenant in temporary accommodation, while he was abroad attending a funeral. He had been given the impression by a Council Officer that the items would be stored for him until his return.

The Council's lack of clarity regarding the storage of Mr X's personal belongings and how he could prevent them being disposed of amounts to fault. This fault has caused Mr X an injustice.

Council apologised and paid £200 as required by the LGO in recognition of the frustration and difficulties caused by the lack of clarity. However, while the council's interpretation of the information given to the complainant by the Council Officer was different from the Ombudsman's, a goodwill payment of £200 was already offered at stage 1 and again at stage 2.

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**Service improvement recommendations:** The Ombudsman did not recommend anything other than what the Council had already offered.

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- [Bristol City Council \(21 017 107\)](#) – click for details of case.

### **Planning applications 30-Jun-2022**

**Ombudsman summary:** Miss X complains the Council incorrectly advised her to submit a non-material amendment (NMA) application for changes to existing planning permission which it then rejected, after it deemed the changes as material, incurring a £234.00 fee. There was no fault in the initial advice the case officer gave Miss X. However, there was fault with the Council's on-line guidance which did not clearly manage an applicant's expectations around pre-application advice. The Council agreed to conduct a review of its on-line guidance around NMA applications.

**Bristol Complaints Manager summary:** Incorrectly advised the complainant to submit a non-material amendment (NMA) application for changes to an existing planning permission, which BCC then rejected, as BCC deemed the changes as material.

There was no fault in the original advice but there was fault with BCC's on-line guidance as it did not clearly manage an applicant's expectations around pre-application advice.

BCC updated their website regarding NMA applications to make it clear what information applicants should provide so the officer can provide more informed advice, and that the advice is not binding.

**Service improvement recommendations:** The Council agreed to review its online guidance around pre-application advice for non-material amendment planning applications so it clearly explains what information applicants should provide so the case officer can provide informed advice. The guidance should also manage an applicant's expectations that any advice is not binding.

- [Bristol City Council \(21 016 740\)](#) – click for details of case.

### **Other 09-Aug-2022**

**Ombudsman summary:** Miss B was a victim of domestic abuse. She secured a property with a housing association through the Council's allocations scheme. She complained the Council did not prevent a relative of her perpetrator moving into her road. She also complained the Council did not support her to leave this property and move into a new one. Miss B said this caused her and her family considerable distress and her children had to

change schools. We found fault with the Council's complaint response. The Council offered Miss B a suitable remedy for the injustice caused.

**Bristol Complaints Manager summary:** Complainants' daughter was a victim of domestic abuse and a family member of the perpetrator moved in nearby via the home choice Scheme.

There was no fault by the Council in respect of the original complaint. However, there was failure with respect to the handling of the complaint on the part of the service, to adequately respond to the original complaint.

The complaint handling failure had already been acknowledged in the Council's complaint process and the Ombudsman was satisfied that the apology and agreed financial remedy for time and trouble in pursuing the complaint was sufficient.

**Service improvement recommendations:** None

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- [Bristol City Council \(22 005 130\)](#) – click for details of case.
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### **Enforcement 15-Aug-2022**

**Ombudsman summary:** We will not investigate this complaint about the Council's delay in responding to a report of a breach of planning control and subsequent complaint. There is no evidence of fault in the decision not to take enforcement action. The Council's apology for the delays is a suitable remedy for this part of the complaint.

**Bristol Complaints Manager summary:** The Council had delayed in responding to a complaint about a breach of planning control, and when they eventually did respond they did not take appropriate action.

There was no evidence of fault on the part of the decision taken regarding enforcement action, but there was fault in the delay in responding to the initial report.

The delay had already been acknowledged during the Council's complaint process and the Ombudsman considered that the apology already offered was a sufficient remedy for the delay.

**Service improvement recommendations:** None

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- [Bristol City Council \(20 007 596\)](#) – click for details of case.
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### **Other 21-Aug-2022**

**Ombudsman summary:** Mr X complained the Council was using an incorrect backdated date on its planning portal for publication of documents. The Council has introduced an automated process which prevents the upload date from being manually overridden in response to Mr X's complaint. We consider this resolved the underlying issue in Mr X's complaint but recommend the Council apologise to Mr X for the delays in handling his complaint and resolving the underlying issue.

**Bristol Complaints Manager summary:** The Council was using an incorrect backdated date on its planning portal for publication of documents.

The Council has introduced an automated process which prevents the upload date from being manually overridden in response to Mr X's complaint. On the evidence seen, we consider this resolved the underlying issue in Mr X's complaint but recommend the Council apologise to Mr X for the delays in handling his complaint and resolving the underlying issue.

The complaint was partly upheld at stage 1 and the Service instructed Officers on how to avoid the issue. It was not upheld at stage 2, which was a complaint about decision making at the planning meeting, as the backdating of documents issue had already been dealt with at stage 1. An apology was sent to the complainant as required by the LGO on 9 September 2022 regarding the backdating issue. However, the complainant noticed the same thing was still happening, and the LGO contacted us on 14 Oct 2022. We investigated with the service and wrote to the LGO on 27 Oct 2022 with an explanation as to why the issue was continuing, when it had in fact been resolved. No further correspondence received.

**Service improvement recommendations:** The Council has introduced an automated process which prevents the upload date from being manually overridden in response to Mr X's complaint.

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- [Bristol City Council \(21 018 896\)](#) – click for details of case.
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### **Special Educational Needs 23-Aug-2022**

**Ombudsman summary:** The Council's delay completing an annual review of B's Education, Health, and Care Plan and failure to issue an amended Plan within statutory timescales was a fault. The Council was also at fault for failing



to ensure the education provision in B's Plan was in place. As a result, B started post-sixteen education without an up-to-date Plan and missed six months of Speech and Language Therapy. To remedy this injustice, the Council has agreed to apologise, pay £1,750, and act to improve its services.

**Bristol Complaints Manager summary:** The Council's delay completing an annual review of Education, Health, and Care Plan and failure to issue an amended Plan within statutory timescales and failing to ensure the education provision the Plan was in place.

The Council was a fault re; the above and as a result, the child started post-sixteen education without an up-to-date Plan and missed six months of Speech and Language Therapy.

The LGO ordered that the Council apologise in writing, pay £250 in recognition of avoidable time and trouble and £1,500 in recognition of the loss of educational provision and delay completing the annual review. The complaint was partly upheld at stage 1 and stage 2, and apologies provided in writing then. The LGO found fault with the Council for not actively monitoring schools to provide what they are supposed to, hence the service improvement. A SOP has now been drafted for staff.

**Service improvement recommendations:** The Council has agreed to identify and implement a mechanism to ensure the Council checks SEN provision is in place following a phase transfer and/or issuing a new or amended EHC Plan.

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- [Bristol City Council \(21 015 811\)](#) – click for details of case.
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## **Special Educational Needs 29-Aug-2022**

**Ombudsman summary:** The Council delayed issuing a final education, health and care plan and failed to consider providing alternative education provision when Mr B's daughter stopped attending school. As a result, Mr B's daughter missed education and special educational needs provision. An apology, payment to Mr B and review of the process to manage completion of education, health and care plans is satisfactory remedy.

**Bristol Complaints Manager summary:** Delay in issuing EHCP and failure to consider alternative education provision when the child stopped attending school.

BCC failed to issue the EHCP within the 20-week timescale and failed to provide education for several months.

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BCC apologised for this, paid £3300 to reflect the lost Educational needs provision and education, paid £500 to reflect the impact on the complainant and their partner and reviewed its procedure to ensure there is a process in place to identify when an EHCP is approaching the 20-week date, to ensure timescales are not breached (upon review it was deemed the process to identify was working).

**Service improvement recommendations:** Within two months of my decision the Council should review its procedure to ensure there is a process in place to identify when production of an EHCP is approaching the 20-week date to ensure timescales are not breached.

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- [Bristol City Council \(20 013 922\)](#) – click for details of case.
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### **Planning applications 01-Sep-2022**

**Ombudsman summary:** There was no fault by the Council in how it handled planning matters on a large development next to Mr B's house. It carefully considered all the planning matters and reached a conclusion based on this. The Council failed to respond to Mr B's complaint to it about this. The Council has apologised, offered to pay Mr B £100, and has identified how it can prevent this from happening again.

**Bristol Complaints Manager summary:** Council had failed to carefully consider a number of points in recommending acceptance of a major planning application.

There was no fault in the way the Council had considered the planning application, but there was fault in the complaint handling. The service had failed to respond to the complaint in a timely manner and despite several follow ups from the complainant had only responded when chased by the Customer Relations Team following contact from the Ombudsman.

The complaint handling failure had already been addressed by the Council at Stage 2 and the Ombudsman was satisfied that the apology and agreed financial remedy for time and trouble in pursuing the complaint was sufficient.

**Service improvement recommendations:** None

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- [Bristol City Council \(22 007 442\)](#) – click for details of case.
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### **Covid-19 03-Oct-2022**

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**Ombudsman summary:** We shall not investigate this complaint about Mr X's business rates. This is mainly because the Council has now agreed a suitable remedy for the injustice caused by its failure to consider its discretion on the business rates debt.

**Bristol Complaints Manager summary:** The Council's decision to apply business rates from 1 March 2020, as it does not consider the fact that the complainant was unable to claim any relief in the form of Covid hospitality grants, and because of the delay in the disposal of the premises due to planning application issues.

We shall not investigate this complaint about Mr X's business rates. This is mainly because the Council has now agreed a suitable remedy for the injustice caused by its failure to consider its discretion on the business rates debt.

The complaint was not upheld at stage 1 or 2, as it was in line with Council policy. However, we were contacted by the LGO and asked to review the decision in the exercise of discretion, which we had not applied previously. LGO noted: 'Therefore it seems inaccurate of the Council's stage 1 response to say the Council was 'unable to' write off the business rates as the debt has been correctly incurred. It also seems incorrect for the stage 2 response to say '...the Council has no discretion to 'write off' a tax correctly incurred...' The fact the debt was correctly incurred does not affect the Council's section 49 discretion'.

We reviewed the decision, and applied discretion, with the same result, that the amount was payable. This satisfied the LGO's requirement to review, not necessarily change, the decision.

**Service improvement recommendations:** Note to ensure we correctly word such responses in future.

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- [Bristol City Council \(21 016 567\)](#) – click for details of case.
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## **Safeguarding 10-Oct-2022**

**Ombudsman summary:** Miss X complained about a lack of care and support provided by the Council and its care provider to vulnerable occupants of supported living accommodation on the street where she lives. There was no fault in the assessment process or in the care and support provided. However, the Council did accept there was a delay finding suitable new accommodation for one of its service users. It agreed to provide Ms X a personal remedy for the impact of the delay.

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**Bristol Complaints Manager summary:** Lack of care and support provided by BCC and care provider to vulnerable occupants of supported living accommodation on the street where complainant lives. No fault in assessment process or in care and support provided. Delay finding suitable new accommodation for one of its service users. Paid £200 for distress and uncertainty caused.

**Service improvement recommendations:** None

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- [Bristol City Council \(21 014 834\)](#) – click for details of case.

### **Special educational needs 26-Oct-2022**

**Ombudsman summary:** Mr X complained the Council delayed conducting an EHCP (education, health, and care plan) assessment for his daughter Y. He complains this caused distress and delayed his appeal rights. The Council is at fault for failing to keep to statutory deadlines and delaying the completion of Y's EHC Plan assessment. This caused an injustice to Mr X and Y. The Council has agreed to provide Mr X with an apology and a £800 financial award to be used for Y's educational benefit.

**Bristol Complaints Manager summary:** The Council delayed conducting an EHCP assessment.

The Council was at fault for failing to complete the EHCP within legal timescales.

Apologise to the complainant and provide an £800 financial award to be used for the child's educational benefit.

**Service improvement recommendations:** None

- [Bristol City Council \(22 008 395\)](#) – click for details of case.
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### **Looked after children 15-Nov-2022**

**Ombudsman summary:** We uphold Mr X's complaint that the Council has failed to reply to his complaint within its Children Act statutory complaints' procedure. The Council has agreed to make a payment for the injustice caused by this and to now complete the procedure.

**Bristol Complaints Manager summary:** Complainant, on behalf of care leaver, complained that BCC failed to sort out citizenship application before he became eighteen. BCC failed to investigate through complaints procedure.

Complaint was subsequently investigated through complaints procedure. Young person paid £150 for delay in replying to complaint.

**Service improvement recommendations:** None

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- [Bristol City Council \(22 002 385\)](#) – click for details of case.
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### **Housing allocations 18-Nov-2022**

**Ombudsman summary:** Mrs X complained the Council failed to give her housing application the correct priority and failed to make reasonable adjustments for disabilities that family members had. We found the Council's decisions on housing priority were in accordance with its policy, however, because the Council was not proactive in seeking suitable temporary accommodation for the family, they had to remain in their existing property until they were evicted. We recommended a remedy for the additional distress the Council's fault caused.

**Bristol Complaints Manager summary:** BCC failed to give the housing application the correct priority and failed to make reasonable adjustments for disabilities that family members had when they were under threat of eviction.

BCC's decision regarding housing priority was correct, however, BCC was not proactive in seeking suitable temporary accommodation for the family, who had to remain in the property until the day they were evicted.

BCC paid £800 for time and trouble pursuing the matter and distress caused to the family.

**Service improvement recommendations:** None

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- [Bristol City Council \(22 002 192\)](#) – click for details of case.
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### **Special Educational Needs 19-Dec-2022**

**Ombudsman summary:** Ms X complained that the Council failed to provide her daughter, C, with alternative education for a period of two years when she was only attending school part-time. We found the Council was at fault in failing to ensure the school increased C's educational provision from

September 2020. As a result, she lost out on education. The Council also delayed in issuing C's final education, health, and care plan so Ms X lost the opportunity to appeal sooner. It also delayed in responding to her complaint causing uncertainty and frustration. The Council has agreed to apologise to Ms X and make a payment to her in recognition of the injustice caused.

**Bristol Complaints Manager summary:** BCC did not provide alternative education for a child for two years when they were only attending school for two days per week. Parent had to tutor child themselves.

BCC was at fault for failing to ensure the school was providing a suitable education, a delay in issuing a final EHCP, and a delay in responding to the complaint.

BCC paid £300 for the lost provision for one/two months, £100 for the delay in issuing the EHCP, £100 for the uncertainty and frustration for the delay responding to the complaint and issued an apology for the identified failings.

**Service improvement recommendations:** None

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- [Bristol City Council \(21 013 000\)](#) – click for details of case.
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### **Special Educational Needs 19-Jan-2023**

**Ombudsman summary:** We found no fault on Ms J's complaint about the Council failing to: ensure her daughter received provision set out in her Education, health, and care plan for two years; ensure her reintegration back into the classroom; make alternative education provision. There was fault in the first stage handling of her complaint. The agreed action remedies the injustice this caused.

**Bristol Complaints Manager summary:** BCC failed to ensure education was provided to the complainant's daughter, as set out in the EHCP.

BCC was not at fault for the substantive matter, but the Ombudsman identified there were failings in handling of the stage one complaint as the response did not contain information on how to escalate the complaint or what the outcome was.

BCC wrote to apologise with a reminder given to the officer involved who updated systems/processes to ensure this does not repeat.

**Service improvement recommendations:** Reminder given to the officer involved who updated systems/processes to ensure this does not repeat itself.

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[Bristol City Council \(22 013 354\)](#) – click for details of case.

### **Enforcement 31-Jan-2023**

**Ombudsman summary:** We will not investigate this complaint about failures in the way the Council dealt with the complainant's high hedge application. The Council has apologised and is considering a fresh application. We consider further investigation is unlikely to lead to a different outcome. Also, we cannot achieve the outcome the complainant is seeking.

**Bristol Complaints Manager summary:** The way BCC dealt with a high hedge complaint.

BCC should not have processed the original complaint as the neighbours had not provided enough evidence that they exhausted attempts to resolve the matter through mediation.

BCC apologised and closed the complaint without issuing a decision. A new complaint was logged by the neighbour and a site inspection will be conducted.

**Service improvement recommendations:** None

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- [Bristol City Council \(22 009 587\)](#) – click for details of case.
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### **Special Educational Needs 03-Feb-2023**

**Ombudsman summary:** Mrs X complained the Council has failed to progress her son's Education, Health, and Care Plan assessment in a timely manner. She also complained the Council has not kept her informed. There were delays in the assessment. The Council will apologise and make a payment to recognise the distress and frustration caused to Mrs X and her family.

**Bristol Complaints Manager summary:** Delay in issuing EHCP and communication was poor.

There was a delay in issuing the EHCP, although the child did not miss any provision as a support plan was in place prior to issuing the EHCP which covered the provision.

BCC apologised for the delay and paid £200 to recognise the worry and frustration caused due to the delay.

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## **Service improvement recommendations: None**

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- [Bristol City Council \(22 009 018\)](#) – click for details of case.
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### **Special Educational Needs 10-Feb-2023**

**Ombudsman summary:** Ms M complains about delay issuing her son B's Education, Health, and Care (EHC) Plan. She complains the Council said the plan would specify special educational provision for B, but the final Plan said his needs could be met in a mainstream school with additional support. The Council has offered a suitable remedy for the impact of the delay. The Ombudsman cannot resolve Ms M's complaint about the content of the Plan.

**Bristol Complaints Manager summary:** Delay issuing EHCP.

BCC was at fault for the delay issuing the EHCP.

BCC paid £700 for the lost provision and £100 for the time/trouble caused.

**Service improvement recommendations: None**

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- [Bristol City Council \(21 015 107\)](#) – click for details of case.
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### **Special Educational Needs 02-Mar-2023**

**Ombudsman summary:** Miss X complains the Council did not fully secure the provision detailed in her child's Education, Health, and Care Plan. The Council accepts it was at fault for failing to secure the provision. The fault has caused an injustice to Miss X and her child. The Council has agreed to our recommendations to remedy the injustice.

**Bristol Complaints Manager summary:** The Council did not fully secure the provision detailed in her child's Education, Health, and Care Plan since it was finalised in 2019.

The Council accepts it was at fault for failing to secure the provision. The fault has caused an injustice to Miss S and her child.

Apologise for the identified fault and injustice caused; Pay £200 to be used on the health and wellbeing of her son; and £150 to reflect the avoidable time and trouble complaining and her avoidable distress. This complaint was



upheld at stage 2 and the service were actively trying to secure missing provision, given limited providers and availability. We also did not oppose the Tribunal application and were fully supportive of the complainants' request for Education Otherwise Than at School (EOTAS).

**Service improvement recommendations:** None

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- [Bristol City Council \(22 008 123\)](#) – click for details of case.
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### **Special Educations Needs 17-Mar-2023**

**Ombudsman summary:** Ms X complained about the Council's failure to provide her son, Child Y, with suitable education for over a year, including support for his special educational needs. She also complained about delay and how the Council managed the case. We have found the Council to be at fault. To remedy the injustice, the Council has agreed to apologise, make a payment to Ms X, and review its practices.

**Bristol Complaints Manager summary:** BCC did not provide suitable education for over a year, including support with the child's special educational needs. There was also a delay in how BCC managed the case.

BCC failed to provide adequate alternative provision between May 2021 & May 2022, and May 2022 & September 2022, failed to ensure one section of the support listed in the EHCP was provided, there was poor communication and case handling, delays in the EHCP process and put the parent to time and trouble having to complain.

BCC apologised in writing to parent and child, paid £1000 for distress, and £3000 for failure to provide education, including SEN support between May 2021 & September 2022.

BCC also reflected and reviewed its policies and sent a short report setting out the councils plans to ensure similar problems do not reoccur - those being, communication with parents, delays around the EHCNA process, placement panel decision making, and oversight and responsibilities for children unable to attend school.

**Service improvement recommendations:** The Council has agreed to reflect on the issues raised in this decision statement and identify any areas of service improvement, particularly around communication with parents and delay in the EHCP process. It should also review its policies and procedures to ensure the Council retains oversight and responsibility for its duties to children unable to attend school. The Council should prepare a short report

setting out what the Council intends to do to ensure similar problems not reoccur. This report should be sent to the Ombudsman.

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- [Bristol City Council \(22 016 420\)](#) – click for details of case.

### **Special Educational Needs 22-Mar-2023**

**Ombudsman summary:** We will not investigate Miss X's complaint about delays in the Education, Health, and Care needs assessment process. She says the Council delayed in issuing her child's final EHC plan. This is because an investigation would not lead to a different outcome as the Council has already provided an appropriate remedy.

**Bristol Complaints Manager summary:** Delays in the Education, Health, and Care needs assessment process and issuing a final EHC plan.

Complaint not investigated, because an investigation would not lead to a different outcome as the Council has already provided an appropriate remedy.

This complaint was upheld at Stage 2. We agreed to pay travel costs during the period of the assessment and consult delay, as the child was in school, and needs were being met.

**Service improvement recommendations:** None