

Summary of LGO decisions in relation to upheld complaints 2018-2019

Education and Children's Services

The first complaint alleged that the Council failed to provide a copy of a support plan to the care provider concerning a child who was transitioning from children to adult services at the time. There was also fault in that the support worker failed to advise about an appointment in respect of a claim for personal independent payment (PIP). This caused distress and inconvenience as the young adult did not receive payment for several weeks.

In recognition of the failure to provide the young adult's support plan, the Ombudsman confirmed that this had not caused any significant injustice. While the Council acknowledged failings, the support worker who failed to notify the young adult of his assessment appointment with DWP worked for a Swindon based homeless charity and therefore, was not employed by Swindon Borough Council. However, when a Council commissions another organisation to provide services on its behalf, it remains responsible for those services and the actions of the organisation providing them. To remedy this complaint, the Council paid the recommended sum of £500 in recognition of the distress and inconvenience caused to the young adult.

The second complaint determined that the Council had failed in the way in which it had dealt with a complaint. The LGO concluded that the Council was at fault for the delay in responding to the complaint and the lack of information provided about the complaints process. Based on the information the LGO had seen, including the Council's website, the LGO felt it was unclear how a complainant may access the statutory complaints process to complain about the adoption services. The LGO's view was that the Council was at fault for the lack of clarity about the process and was unable to confirm if the delays were the result of any flaws in the procedure itself. The LGO confirmed that the complainant had suffered an injustice and frustration due to the delay in the Council dealing with their complaint and that they had to put time and effort into pursuing their complaint, including escalating this to the Ombudsman.

The Council agreed to remedy the injustice caused including an apology, payment and a review of its complaint handling. An apology was provided to the complainant in writing and a recommended payment of £250 was provided to the complainant within one month of the LGO's final decision. The Council has carried out a review of its complaint handling in regards to this case and the LGO was sent an update regarding the outcome of its complaint handling review and the complaints process regarding adoption services. Since then, the LGO has written to the Council and confirmed that they are satisfied that we have carried out the agreed actions and have ended their involvement. However, at present, the Council is still currently reviewing the information provided to users about the complaints about adoption services and will provide the proposed amendments accordingly.

[UPDATE FOR CABINET: As of the 15th August 2019, a temporary process was developed to ensure that any complaints relating to this service are passed to the

correct responding authority on the customer's behalf. The updated corporate policy, which includes this information will be brought to Cabinet in November 2019 for agreement as part of the overall Customer Feedback Policy review.]

The third complaint received via the Ombudsman alleged that the Council failed in the way it managed the complaints process and failed to respond. The LGO advised that the Council was at fault for the delay in dealing with the complainant's concerns within her stage 1 complaint.

The Council agreed to complete the LGO's recommended action and dealt with the complaint at Stage 2 of the *Children Act 1989* complaints procedure including the complainant's concerns that were more recent. An independent investigation is still on-going, although the LGO has confirmed that they are satisfied and that they will close their investigation.

Adult Care Services

The Council was alleged to have failed in addressing the complainant's concerns about how it supported her. The Council was also alleged to have failed in responding to the complainant's request for a review of the Council's response. The Council had already completed a single stage investigation into the complaint, which by law is all the Council is required to do. The Council signposted the complainant to the Ombudsman following their response, if the complainant was unhappy. The Council took eighteen weeks to respond to the stage 1 complaint, which was thirteen weeks longer than it should. Although, the Council confirmed that this was a complex investigation but did not keep the complainant informed of the timescales and was therefore at fault.

Furthermore, the Council acknowledged the complainant's request for a stage 2 investigation but did not take any further action. Therefore, the Council is at fault for not keeping to its own policy of speaking to the complaints team if a complainant was unhappy with the response to the stage 1 complaint.

The Council agreed to complete a further review of the complaint to address the complainant's outstanding concerns. As part of this review, the Council met with the complainant's advocate where the outstanding concerns were resolved and an apology was given to the complainant, who unfortunately had chosen not to be present at the meeting. The Council has since provided the Ombudsman with the outcome of their review and the LGO confirmed that they were satisfied with the agreed actions.

Environmental Services & Public Protection & Regulation

The first complaint alleged that the Council had missed several recycling collections from the complainant's property. Following this, the complainant did not receive a response to their complaint and was unhappy that the Council had sent emails on three occasions stating his recycling had been collected when it had not. The LGO advised that the complainant had escalated their complaint to stage 2 but did not receive a response, which resulted in the complainant referring their complaint to the Ombudsman.

The LGO did not investigate this complaint as the Council had recently responded to the Complainant's concerns and had taken action to address the issue. The Council agreed to monitor the complainant's waste collections and apologised for the delay in responding to his complaint. The complainant confirmed that the Council's actions and response had addressed the issue. The Council also highlighted that issues with its IT systems resulted in the emails referred to in the complaint above, which it intends to deal with accordingly. The LGO confirmed that the Council's actions provided a suitable remedy for the complaint and that the complainant was satisfied with the outcome.

The second complaint determined that there were repeated failures by the Council in responding to a complaint. In addition, the Council had not allocated a complaint to the correct officer, failed to respond on more than one occasion and failed to escalate the complaint to the next stage, correctly. The LGO advised that they found a Council officer had responded at one point but did not deal with the actual complaint.

A senior officer within the Council provided the complainant with an apology and explained what went wrong. The Council also agreed to use this complaint as an example of problems with the system. In addition, the Council gave the complainant discount on their next garden waste subscription.

The LGO concluded that this complaint was not handled well by the Council as it should not have taken 10 months to deal with a relatively straightforward issue. However, The LGO did not investigate this complaint because the Council had provided a fair remedy and it was unlikely that an investigation would lead to a different outcome. Furthermore, the complainant confirmed that they were happy with the outcome.

Benefits & Tax

The complaint alleged that the Council failed to ensure a Direct Earnings Attachment (DEA) was cancelled after it found the complainant was already repaying the overpayment through their Universal Credit (UC). The LGO advised that whilst the Council had refunded the complainant the full sum of money deducted from her wages, it was at fault for failing to send any further DEA cancellation notices when the employer said they had not received the first. As a result, this may have prevented further inconvenience and financial distress suffered by the complainant. The Council apologised to the complainant and paid the recommended sum of £200 as compensation for the fault and inconvenience caused by failing to ensure her employer cancelled the DEA. The Council also agreed to reconsider the financial aspect of the complaint if the complainant provided evidence to support the financial loss they had described in their complaints.