

### Appendix 3 – Cases Upheld and remedy required.

Directorate	Description/Decision	Remedy / Learning action
<p><b>Adult Care Services</b></p> <p>Case Ref: 18013457</p>	<p>Mr X complained the Council failed to properly carry out an assessment under the Mental Health Act 1983 which led to his detention under section 2 of the Act.</p> <p>Mr X said he was discriminated against and wrongfully detained.</p> <p>The Council has already accepted there was fault in areas of the assessment process and made recommendations to prevent the same issues occurring again.</p>	<p>Learning for the Approved Mental Health Professional Service from this experience saw refresher training provided on working with people who have autism.</p>
<p>Case Ref: 19000886</p>	<p>The Council failed to manage expectations when making transition arrangements for adult social care support following the end of a residential college placement.</p> <p>The Council proposed a move in date when arrangements were ongoing. This caused Mr C and his parents (Mr &amp; Mrs B) some anxiety as well as Mr &amp; Mrs B the time and trouble of trying to get answers and pursuing a complaint.</p>	<p>Paid Mr C £200 to recognise the anxiety and distress caused by the delay.</p> <p>Paid Mr &amp; Mrs B £200 to recognise the upset caused trying to support Mr C through his anxiety, and the time and trouble involved in complaining.</p> <p>Learning related to managing service users expectations, being clear and realistic when providing timescales and to provide timely updates if arrangements to change.</p>
<p>Case Ref: 19003783</p>	<p>Mr X complained about the Council's failure to notify him of a change in benefit entitlement when acting as his wife's appointee and related matters. This led to an overpayment of other benefits.</p> <p>During the course of the Ombudsman's investigation, the Council accepted it was at fault and offered to make a payment to Mr X and correct any financial injustice caused.</p> <p>The Council also agreed to apologise to Mr and Mrs X.</p>	<p>Paid Mr X £200 in recognition of the time and trouble he has spent dealing with this matter. Payment for financial injustice caused by loss of benefits also made.</p> <p>Learning shared with Service in relation to proper consideration of issues and prompt responses when considering complaints at initial stages.</p>

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Case Ref: 19007133	<p>Mr B complained about the Council overcharging Mr C for care services.</p> <p>On the basis of the evidence provided the Ombudsman found the Council was at fault for the errors but were satisfied it had taken appropriate action to put matters right.</p>	<p>As the Ombudsman was satisfied the Council has taken sufficient and appropriate action to put right the injustice arising from the fault the case was recorded as: Upheld - maladministration &amp; injustice but no further action required as case already remedied.</p> <p>In learning from the complaint a number of system reports were reviewed to identify any other cases where overcharging may have occurred due to the circumstances which caused this particular error.</p>
Case Ref: 19008217	<p>Mr and Mrs X complained the Council reduced their relative's care package without fully reviewing her care and support plan. They said this left her without appropriate support for over five weeks which increased the risk of harm. They also complained the Council did not involve them in decisions about her care.</p> <p>The Council was at fault, but this did not cause Ms Y an injustice. The Council did not complete a full review of her care and support needs before reducing her care package.</p> <p>The Council accepted it was at fault and reinstated the original package. It also accepted that future reviews should fully review the care and support plan and agreed to involve Mr and Mrs X in future decision-making.</p>	<p>The Ombudsman's comments advised "The Council was at fault, but this fault did not cause Ms Y an injustice. He noted the Council has acted appropriately to improve its service. The decision was recorded as: Upheld - maladministration and injustice but no further action required.</p> <p>Learning from the complaint was ensuring future reviews fully review care and support plans and involve appropriate representatives where appropriate.</p>

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<p>Education &amp; Children's Services</p> <p>Case Ref. 17015692</p>	<p>Mr Q complained about the Council's actions following the outcome of his Children Services complaint. The investigations found fault with the Council's actions.</p> <p>Mr Q said the Council's services had not improved, did not provide a personal remedy, and did not provide a sincere apology. Mr Q also complained the Council did not investigate a second complaint.</p>	<p>The Ombudsman found some fault with the Council. He recommend the Council provide Mr Q with a sincere and meaningful apology and pay a financial remedy.</p> <p>In learning from the complaint a review of the action log that monitors complaint actions was undertaken to set SMART targets against the actions to help ensure the Council achieves the recommendations made at the stage two and three investigations of the Children's complaint procedure.</p>
<p>Case Ref. 18006341</p>	<p>Miss X complains that the Council has failed to safeguard her daughter. She disagreed with the findings of an independent investigation into her complaint. She said this had caused stress, distress, and cost time and trouble.</p> <p>The Ombudsman upheld Miss X's complaint. He found that, on the whole, the Council has remedied the injustice caused by the faults.</p>	<p>As agreed as part of the final decision the Council apologised to Miss X for the injustice caused by failing to have monthly meetings to update her on her daughter's progress.</p> <p>In line with the final decision actions Miss X was offered a payment to recognise the distress the faults had caused and her time and trouble although this was not accepted by the complainant.</p> <p>Learning is to ensure that any meeting required as part of case management are progressed in line with agreed timescales.</p>
<p>Case Ref. 18012950</p>	<p>Mr Y complained the Council failed to tell him, in a timely manner, whether he could have contact with his niece and nephew who lived in the Council's area.</p> <p>The Council was at fault for the time it took to share its view with him and for the distress caused.</p>	<p>The Council apologised and offered a financial settlement which was not taken forward by the complainant.</p> <p>Learning from the complaint saw the Council's Complaints Procedure updated to show complainants are to receive as full a response as possible, within agreed timescales, even if the response may be being handled as a separate piece of work.</p>

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Case Ref. 18014964	<p>Mr X's complained about the lack of nursery provision for his son Y when he was a looked after child.</p> <p>The Council failed to take action to arrange transport to Y's existing nursery or to identify an alternative nursery for him to attend. It also did not complete a Personal Education Plan (PEP). As a result, Y lost an opportunity to receive early education, including support with his speech and building relationships with his peers.</p>	<p>An apology was issued to Mr X and Y for the failure to secure nursery provision for Y between January and April 2016. A payment of £250 was made to Mr X in recognition of the time and trouble taken to resolve his complaint. A further £100 in recognition of Y's lost provision and the failure to complete a PEP was also made on the basis Mr X could use this for Y's educational benefit to ensure he catches up, as far as possible, on provision he missed.</p> <p>In Learning from the complaint PEP Guidance for staff was revised and all relevant staff alerted to the revision.</p>
Case Ref. 18016439	<p>Ms X, whose son, Z, has an Education, Health and Care Plan, complained the Council failed to carry out two of his annual reviews and failed to provide him with a suitable education. Ms X said this caused Z a disadvantage because he was unable to reach his educational potential.</p> <p>The Council was at fault when it did not carry out annual reviews in 2017 and 2018. This caused Ms X an injustice because her opportunity to appeal to the Tribunal was delayed.</p>	<p>The Council apologised to Ms X and Z, and made Ms X a financial payment, and refunded the costs associated with Z's exams.</p> <p>In learning from the complaint an audit of records was carried out on 5% of young people with EHC Plans, to check they have received an annual review in the last 12 months. The report produced following the Audit was presented to the Special Educational Needs &amp; Disability (SEND) Partnership Improvement Board. The report updated on improvement actions already taken and provided further recommendations to improve the annual review process, which were accepted by the Board.</p>

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Case Ref. 18017710	<p>Mrs X complained the Council failed to investigate concerns her husband raised about his ex-partner's care of their son, Z and then stopped providing Z with support in 2014.</p> <p>Mrs X also complained the Council refused to exercise its discretion and consider her complaint because it was late.</p> <p>There was no fault in the way the Council considered Mr X's concerns or ceased its involvement with Z in 2014.</p> <p>However, the Council acted with fault in the way it decided not to accept Mrs X's complaint in 2018. This did not cause Mrs X a significant injustice because the Ombudsman has now considered her complaints.</p>	<p>The Ombudsman completed his investigation without requiring any recommended actions.</p> <p>However the learning from the complaint was shared with the Complaints Team to ensure when responding to complaints outside the 12 month timeline that any response covers how the discretion to investigate has been considered.</p>
Case Ref. 19008065	<p>Summary: Ms X complained the Council has not adequately met her children, D and E's special educational needs. The Council failed to plan ahead for their transition to adulthood or consider how D and E would be supported to continue to access training or education until their 18th birthdays.</p> <p>It also failed to properly implement the recommendations from its investigation of her complaint.</p> <p>It has agreed to pay Ms X £500 for uncertainty arising from the identified faults, complete the actions it promised to and review its practice to avoid reoccurrence of these faults.</p>	<p>Apology issued to Ms X for wrongly telling her it would end D and E's EHC plan, and for its delay and failure to carry out the actions set out in its final complaint response. Response included an offer to help Ms X liaise with her new council if she wishes, to assist in that council's ability to assess D and E's needs.</p> <p>In learning from the complaint a check of all currently home educated children with EHC plans aged 13 or over to ensure it is appropriately planning ahead for their transition to adulthood has taken place.</p> <p>The Complaints Team now ensure final complaint responses are on behalf of the whole organisation and commit to actions identified as part of the complaint investigation.</p>