

## APPENDIX A

### DECISIONS NOT TO INVESTIGATE FURTHER

| DATE     | LGO REF  | PROCEDURE  | COMPLAINT SUMMARY  | REASON FOR DECISION  |
|----------|----------|------------|--|--|
| 08.11.22 | 22005371 | Adults     | Complaint about financial assessment for Mr X's Mother when considering cost of care   | No investigation as case was outside timescales of 12 months since last Council response so Ombudsman declined to investigate  |
| 29.11.22 | 22009751 | Corporate  | Complaint about the appeal of a school admission place given to child.   | Cannot investigate Miss X's complaint about an unsuccessful appeal for a school place. This is because there is not enough evidence of fault and so cannot question the merits of the panel's decision.  |
| 15.11.22 | 22008760 | Children's | Complaint about that the Council failed to take account of evidence showing its involvement with his family is unjustified when completing family assessment   | We will not investigate this complaint about the production and content of a child and family assessment because we would achieve nothing significant by doing so  |
| 29.11.22 | 22010856 | Children's | Complaint about the fact that the Council took her nephews and niece into care and has failed to communicate properly with the family throughout its involvement with the children   | Ombudsman decided investigation would achieve nothing significant.   |
| 29.11.22 | 22010356 | Children's | Mr X said the Council did not listen to his information and made his child subject to a child protection plan without having fully considered all the evidence. He said the child has been forcibly removed against the child's wishes | Cannot investigate something that was formed in court proceedings or could have been.  |
| 26.11.22 | 22009327 | Corporate  | Mr X lives in a property with a Council-owned tree outside. He complains the Council is refusing to act in response to Mr X's complaints about droppings, from birds in the tree, falling on his car                                   | There is not enough evidence of fault in the Council's decision-making process, nor sufficient personal injustice caused to Mr X or his family, to warrant an investigation  |
| 08.11.22 | 22009564 | Children's | Complaint about living arrangements of his children. Mr X is also concerned the Council has told his former partner she can access his medical records. Mr X wants the Council to tell her she does not have the right to do this      | Ombudsman cannot investigate or get involved in matters that could be decided through the courts. Mr X has a right to go to court about the living arrangements of his children and his level of contact. It is reasonable for Mr X to use the legal remedy available to him |
| 28.10.22 | 22009269 | Corporate  | Complaint about the fact that the Council accessed private information about her from social media and shared it with others without her permission.   | The Ombudsman won't investigate because matters concerning data breaches are better considered by the Information Commissioner   |

**THERE WERE NO FULL INVESTIGATIONS WHERE NO FAULT FOUND**

## FULL INVESTIGATIONS WHERE FAULT FOUND

| DATE     | LGO REF ANNEX PAGE NO | PROCEDURE | COMPLAINT SUMMARY  | DECISION  | RECOMMENDATION  | FINANCIAL REMEDY | STATUS OF AGREED ACTION                                     |
|----------|-----------------------|-----------|--|---|---|------------------|---|
| 09.11.22 | 21017566              | Adults    | Complaint by Mrs X about Mr Y's needs assessments and mental capacity assessment. Also, the care packages and charges for care.  | The Council was at fault in the mental capacity assessment and care and support plan. The LGSCO recommended the Council review its training in these areas and ensure Mr Y did not pay for two care workers. The Council has agreed to this                                   | The Council agreed to the Ombudsman's recommendation to review its training around mental capacity and ensure all workers who may need to complete mental capacity assessments:<br>-Review its care and support planning training and ensure all care and support plans are based on evidence and an accurate needs assessment.<br>-Sample twenty care and support plans with at least five by social worker A, and check for accuracy and evidence.<br>-Ensure Mr Y was not charged for two workers at any of his care calls | Not applicable   | To be completed by early February 2023                      |
| 11.11.22 | 21004069              | Place     | Complaint about the payments Mrs M received to provide school transport for her daughter, especially the 'parental mileage allowance' she received which had not increased since 2012; and she was not told she could claim a 'direct travel assistance payment' introduced in 2017 which she believes is considerably higher. | The Ombudsman decided the fault by the Council was the introduction of DTAP, an improved transport offer for disabled children, without taking adequate steps to ensure all those who were eligible, and would be better off, transferred from previous transport allowances. | The Ombudsman has calculated payments Mrs M would have received if she had received DTAP from its introduction (rather than the 'parental mileage allowance'). The Council has agreed to pay Mrs M the balance.   | £2492.05         | Payment sent for instruction and awaiting approval 05.12.22 |

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|----------|-----------------------|-----------|---|---|---|------------------|---|
| 03.11.22 | 21006244              | Adults    | Miss B complains that the County Council has failed to ensure that her adapted kitchen met her needs and would be accessible by her; and communicate with her properly about this                             | There was no fault in how the County Council worked with the housing authority to get Miss B's kitchen adapted. It is not clear however, that the County Council properly considered its power to intervene when problems with the work were not corrected for many months. | The Ombudsman has not recommended the Council take action to remedy this, because, given the circumstances, it is unlikely it would have decided to intervene and no injustice caused.  | Not applicable   | Not applicable  |
| 09.11.22 | 21015106              | Place     | Complaint about the Council failing to determine definitive map modification applications in a timely way which may adversely affect the available evidence and has caused Mr C unnecessary time and trouble. | The Ombudsman found fault by the Council in failing to meet deadlines set   | The Council is to arrange for the Chair of the Committee to discuss with Mr C how the system could be further improved particularly in providing resources to facilitate discussions with landowners to deal with their concerns and to include this as part of its wider review.<br>Also the Council must complete a review of the changes to its DMMO service to assess the impact of its additional resource and system improvements to ensure this action is effective in helping the Council to reduce the backlog and report the findings of the above review to councillors and seek approval for any additional changes identified as necessary to further reduce the backlog within three calendar months of completing the review; provide an update to councillors on its progress in reducing the DMMO backlog every 6 months for the next two years. | Not applicable   | Meeting has been arranged for December with the Chair and Mr C. Other actions are ongoing and will be completed by the 3 month deadline |