

## APPENDIX A

### DECISIONS NOT TO INVESTIGATE FURTHER

DATE	LGO REF/ANNEX PAGE No.	PROCEDURE	COMPLAINT SUMMARY	REASON FOR DECISION
05.01.2021	20 007 480 page 6	Childrens	Council failed to provide a satisfactory Education Health and Care Plan and failed to ensure complainant is provided with a suitable education.	Matters being considered by a SEND Tribunal
15.02.2021	20 009 408 page 30	Adults	Complainant says Council maliciously and unjustly referred him to Social Work England, alleging exploitation of vulnerable clients.	This is because there is no evidence of fault in the way that the Council made its decision to refer him to SWE
18.02.2021	20 010 286 page 32	Corporate	Council wrongly said a section of complainant's garden is part of the adopted highway.	Only the courts can decide the extent of the highway
23.02.2021	20 006 509 page 34	Adults	Councils decision to recover outstanding fees for the care it commissioned. Complainant said the care home failed to provide appropriate care, resulting in a safeguarding investigation. Request to waive the outstanding care fees, not just those following the safeguarding referral.	Investigation discontinued – Council will waive outstanding care fees - £2,580.30 Contract with care provider suspended.
23.02.2021	20 010 177 page 36	Adults	Late complaint about the Council charging late mother, for respite care she received in 2017.	Complainant could have come to the Ombudsman sooner if she was concerned about the charges. There is no good reason to disapply the law and investigate this late complaint

### FULL INVESTIGATIONS

DATE	LGO REF ANNEX PAGE No	PROCEDURE	COMPLAINT SUMMARY	DECISION	RECOMMENDATION	FINANCIAL REMEDY
05.01.2021	19 018 645 page 1	Corporate	Council did not use reasonable care when determining complainants tax status, and did not provide reasons for its determination after a written request.	No fault in decision making process leading to determination. In relation to request for reasons - given the lapse of time, number of	None.	

				parties involved and lack of evidence cannot say whether Council was at fault.		
11.01.2021	19 016 112 page 8	Adults	Complaint about the Council's decision to reduce care package. Complainant says Council changed her care package four times in one year and has significantly reduced the care hours she receives. She also complains the Council contacted her doctor about her mental health without consent.	Fault for not completing a care assessment properly (June 2019) and for not meeting all of Miss X's eligible needs. No fault in October 2019 assessment. Fault found for contacting doctor without consent, but this did not cause a significant injustice.	Apology and payment for distress and anxiety.	£500
15.01.2021	20 000 236 page 15	Corporate	Council did not take action to prevent an Academy School closing a footpath used by parents to access an Infant School.	Some fault - the Council did not properly consider the impact of the closure on users of the path when it decided not to take legal action against the Academy. Also, its initial reply to complaint was misleading.	Apology Seek assurances from the Academy about future plans and notice required of any changes to opening times of gates.	
21.01.2021	19 015 363 page 21	Adults	Council delayed assessing complainant's father's care needs, delayed assessing his mental capacity to decide where to live, and delayed making a decision in his best interests.	Complaints upheld - this is a public report.	<ul style="list-style-type: none"> <li>• Apologise to complainant and family members.</li> <li>• The Council has told the Care Provider it will take over responsibility for the outstanding care fees, so it should stop pursuing family. The Council will pay the outstanding care fees.</li> <li>• Review the reasons for the delays in this case and implement any identified improvements to service.</li> <li>• Give relevant staff training on applying the Human Rights Act 1998 to adult social care cases.</li> </ul>	Payment to service users wife for distress caused by the pursuance of the care fees over the last year, and the distress caused by not having a clear plan for care and support from April to October at a time of carer crisis. £500  Pay complainant

						<p>£250 for time and trouble pursuing the complaint and supporting her parents</p> <p>Figure for the outstanding care fees waived is £23,117.71</p>
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