

## APPENDIX A

### DECISIONS NOT TO INVESTIGATE FURTHER

DATE	LGO REF	PROCEDURE	COMPLAINT SUMMARY	REASON FOR DECISION
13.02.24	23014383	Corporate	Mrs X, complains the Council has not properly assessed her reports of noise nuisance. In particular she complains the Council has not assessed her reports from inside her home	The Ombudsman will not investigate this complaint because the Council will carry out an assessment of the noise from inside the property
15.02.24	23017957	Corporate	Mr B complains his car was damaged after hitting a pothole which the Council had failed to repair. Mr B says the Council has wrongly refused his compensation claim and has failed to show it undertook adequate inspections of this section of road before the incident	The Ombudsman will not investigate Mr B's complaint that his car was damaged after hitting a pothole which the Council had failed to repair. This is because it is reasonable for Mr B to pursue his compensation claim by taking the Council to court
26.01.24	23016374	Corporate	Miss X complains the Council has failed to accept liability for the cost of repairs to her car caused by the pothole on a Council road	The Ombudsman will not investigate as it is reasonable to expect Miss X to go to court to determine any Council liability
08.02.24	23015233	Corporate	Miss X complained about discrepancies in her late father's (Mr Y's) finances, including payments she believes were wrongly made to his care home. She also complained about a lack of any contract between the home and Mr Y, nor with his family about top-up fees.	The Ombudsman decided not to investigate as there is not good reason for the delay in taking the matter to them earlier.
07.02.24	23014986	Corporate	A Sexual Assault and Referral Centre (SARC) complained the Council did not alert the Police when a domestic abuse survivor (Mx Y) missed their pre-arranged appointments with a Social Worker. They said that social work staff need to be alert to risks for domestic abuse survivors	The Ombudsman cannot investigate complaints made by public bodies

05.02.24	23014658	Corporate	Mr X complains the Council has failed to carry out improvements to a designated cycle path. He says the path is too narrow and dangerous for cyclists and he feels discriminated against.	The Ombudsman will not investigate Mr X's complaint because there is no requirement for the Council to widen or otherwise improve the path and if Mr X believes the Council has failed to properly maintain it, it would be reasonable for him to apply to the court for an Order requiring it to carry out repairs
12.03.24	23016689	Adults	The complainant (Mr X) complains about alleged criminal acts by the Council in respect of the care and safeguarding of his mother (Mrs K). In addition, Mr X's complaint concerns events in 2020 when Mrs K was moved into a care home at the beginning of the Covid-19 pandemic. He alleges the Council coerced Mrs K into a care home and failed to follow relevant policies at that time. He also complains in respect of a safeguarding inquiry in 2023 in respect of plans by Mrs K's family to move her out of her care home.	The Ombudsman will not investigate this complaint because they are not the appropriate body to consider matters relating to criminal acts or acts of negligence. Further, part of the complaint is late and we are unlikely to find fault in relation to safeguarding.
08.02.24	23014231	Adults	Mr X complains about how the Council's Local Authority Designated Officer (LADO) dealt with concerns raised about him	The Ombudsman will not investigate Mr X's complaint because the complaint is made late and I see no good reason to exercise discretion and consider it now.

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

**FULL INVESTIGATIONS WHERE FAULT FOUND**

DATE	LGO REF	PROCEDURE	COMPLAINT SUMMARY	DECISION	RECOMMENDATION	FINANCIAL REMEDY	STATUS OF AGREED ACTION
26.02.24	23011077	Corporate	Mrs X complained the Council failed to properly assess her child's Education, Health, and Care needs within statutory timescales. There were delays which caused avoidable distress for Mrs X and her child.	Fault found in how the Council should have completed its assessment and decided whether to issue an EHC Plan within 16 weeks. 37 weeks after Mrs X asked for an EHC assessment, this was still not complete whereas legislation states it should be within 16 weeks	The Council agreed to pay a financial remedy to Mrs X and also provide an update to the Ombudsman about the progress it has made in clearing its backlog for Education, Health, and Care needs assessments.	£600	Payment made and action will be completed as there is a department action plan and update will be sent
07.02.24	23008744	Corporate	Mr X complained the Council failed to complete his daughter's education, health and care needs assessment within the statutory deadline	Fault found as service failure due to not being able to have the assessment completed by an EP causing delays of EHCP to be completed	The Council to apologise and pay Mr X £100 for each month from the 16-week deadline (30 August 2023) up to the point it issues an appealable decision, for example a decision to refuse to issue an EHC plan; and	£700	Completed the EHCP and financial remedy for the delays

					if the Council decides to issue an EHC plan, the remedy of £100 per month should continue from the 20-week deadline until a final plan is issued		
22.02.24	23013775	Corporate	Ms X complains about the Council's delay in carrying out an annual review and reassessment of her child's Education Health and Care Plan causing distress and uncertainty	Fault as there is service failure in not completing the reassessment within the required timescales. The shortage of EPs is the reason	To provide a financial remedy to recognise the distress for the delays in the EHC reassessment Ms X asked for	£350	Action completed
22.02.24		Corporate	Ms X complains about the Council's delay in carrying out an annual review and reassessment of her child's Education Health and Care Plan causing distress and uncertainty	Fault as there is service failure in not completing the reassessment within the required timescales. The shortage of EPs is the reason	To provide a financial remedy to recognise the distress for the delays in the EHC reassessment Ms X asked for	£350 (same case as above just different child)	Action completed
22.02.24	23010519	Corporate	Miss X complained the Council failed to carry out an Education, Health and Care needs assessment and to issue an Education, Health	Fault found as service failure due to not being able to have the assessment completed by an EP causing	Ombudsman recognises the increase in demand for EHCPs and fact staff are completing more plans with same resource however due to service failure to recognise the	£575	Action completed

			and Care Plan for her son, Y, in line with statutory timescales	delays of EHCP to be completed	distress, a financial remedy to be paid		
28.02.24	23011093	Corporate	Mrs X complained the Council delayed completing her child Y's Education, Health and Care (EHC) needs assessment and issuing Y's final EHC Plan	The Council was at fault as Y's plan was issued after 33 weeks, which is 13 weeks longer than the statutory timescales allow for.	the Council has agreed to apologise and pay Mrs X £325 to acknowledge the frustration and uncertainty she experienced due to the delay in completing Y's EHC Plan	£325	Action completed
08.03.24	23009620	Corporate	Ms complains that the Council failed to ensure her son received his occupational therapy sessions following a previous Ombudsman investigation which completed in February 2023; and failed to communicate with her effectively. Ms B says her son has also missed out on occupational therapy sessions	Fault found as the Council failed to ensure Ms B's son received all his occupational therapy sessions and delayed responding to some of her correspondence	An apology, payment to Ms B and a meeting to discuss the issues is satisfactory remedy	£900	Apology and payment completed, meeting will be arranged at mutually convenient date